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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, June 10, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that dwelleth in the secret place of the most high shall abide under the shadow of the Almighty.—Psalm 91: 1.

Draw near to us, our Father, as we in our prayer endeavor to draw near to Thee. Take away from our hearts all petty desires and remove far from us all selfish endeavors that in deed and in truth we may dwell in the secret place of the Most High and ever abide under the shadow of the Almighty.

Make us clean in mind, wholesome in spirit, firm in faith, strong to do the right as we see what is right for us to do and ready to serve Thee and our country with all our might.

Thus may we be worthy of the position we hold and eager to lead our people in the paths of peace. To the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes; and

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets Nos. 79–A, 153, 158, 209, and 231, and for other purposes.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 6072. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 557. An act to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 31) entitled "An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes," agreed to conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Nelson, Mr. Kennedy, Mr. Mondale, Mr. Cranston, Mr. Hughes, Mr. Stevenson, Mr. Randolph, Mr. Schweiker, Mr. Javits, Mr. Prouty, Mr. Dominick, and Mr. Taft to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 101. An act to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes; and

S. 1462. An act to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142 and 359, and for other purposes.

PERSONAL EXPLANATION

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, on Monday, June 7, I was absent from the House due to business in my district on behalf of my constituents. Had I been present, I would have voted as follows:

On rollcall 120, the vote to suspend the rules and pass the bill H.R. 8011, to amend the Wagner-O'Day Act, I would have voted "yea." I am pleased that this bill passed by a vote of 309 to 0.

On rollcall 121, the vote to suspend the rules and pass the bill H.R. 1161, to permit the American domestic wine industry to display and promote its products overseas, I would have voted "yea." I am pleased that this bill passed by a vote of 298 to 13.

On rollcall 122, the vote on the bill H.R. 7960, to authorize appropriations for the National Science Foundation, I would have voted "yea." I am pleased that this bill passed by a vote of 319 to 8.

PERSONAL EXPLANATION

Mrs. ABZUG. Mr. Speaker, on rollcall No. 120 I was unavoidably detained on official business in New York. Had I been present I would have voted for passage of the bill.

SUGAR ACT AMENDMENTS OF 1971

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 471 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 471

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, and all points of order against section 7 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Agriculture, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Nebraska (Mr. Martin), pending which I yield myself such time as I may consume.

CALL OF THE HOUSE

Mr. DIGGS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 128]

Anderson, Tenn.
Ashley
Badillo
Baring
Barrett
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Byrnes, Wis.
Carney
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Collier
Conyers
Cotter
Coughlin
Culver
Denholm
Dent
Dingell
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Flowers
Frey
Gallagher
Gettys
Gibbons
Gray
Griffiths
Grover
Gude
Halpern
Hansen, Idaho
Hays
Hébert
Heckler, Mass.
Hosmer
Jarman
King
Kluczynski
Landrum
Leggett
Lent
McCormack
McCulloch
McEwen
Mailliard
Passman
Pepper
Peyser
Railsback
Rees
Rooney, Pa.
Runnels
Scheuer
Slack
Springer
Stafford
Stephens
Symington
Talcott
Teague, Tex.
Thompson, N.J.
Tiernan
Veysey
Ware
Watts
Wydler
Zablocki

The SPEAKER. On this rollcall 357 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SUGAR ACT AMENDMENTS OF 1971

Mr. DELANEY. Mr. Speaker, House Resolution 471 provides a closed rule with 3 hours of general debate for consideration of H.R. 8866, Sugar Act Amendments of 1971. All points of order are waived against section 7 of the bill for failure to comply with clause 4 of rule XXI, because it is an appropriation in a legislative bill.

The purpose of H.R. 8866 is to extend the Sugar Act, with some modifications, to December 31, 1974.

The bill would extend the act for 3 years. This program, first established in 1934, is intended to maintain a competitive domestic sugar industry to produce a substantial portion of our sugar requirements; to assure to U.S. consumers a plentiful supply of sugar at reasonable prices; to permit friendly foreign governments to participate equitably in supplying the U.S. sugar market for the dual purpose of encouraging exports of U.S. commodities and assuring ourselves of dependable supplies of sugar.

This program has worked well for a number of years. It is serving the American public. It has given an adequate supply of sugar and has helped a number of foreign countries.

This is one of the few continuing programs we have which does not cost the taxpayers any money.

Mr. Speaker, I urge the adoption of House Resolution 471 in order that H.R. 8866 may be considered.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from New Jersey for a question.

Mr. HOWARD. My question is that the Sugar Act here is being extended, with some modifications.

Mr. DELANEY. That is right.

Mr. HOWARD. Presumably, some modifications were made by the committee that wrote the bill. However, other Members of the House may desire to provide some modifications to this Sugar Act extension in relation to South Africa.

Could the gentleman tell me why the Rules Committee accepted the fact that only the modifications that came out of the committee that brought the bill to the floor are permitted and that other Members of Congress will not be permitted to attempt to offer amendments to further modify the extension of the act?

Mr. DELANEY. If we opened up this bill to amendment it would be a hodgepodge. This system has worked well, fairly well, over a number of years. It is anticipated now that we have to prepare for the next 3 years. If we do not make agreements at the present time for future shipments of sugar, we just will not have any in the years to come.

So, we are extending this for a period of 4 years. There is no way to apportion this with exact justice. The Committee on Agriculture has held long hearings and everyone had an opportunity to testify before the committee. In their judgment they did as good a job as they possibly could under all of the circumstances.

Mr. HOWARD. Mr. Speaker, if the gentleman will yield further, I understand the gentleman is not speaking for the whole Rules Committee but is it the feeling of the Rules Committee that the rest of the Members of this House cannot be trusted to offer amendments designed to improve the bill but which would make a hodgepodge of it?

Mr. DELANEY. I decline to yield further to the gentleman from New Jersey.

Mr. DIGGS. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Michigan.

Mr. DIGGS. I thank the gentleman for yielding.

Mr. Speaker, at the conclusion or close of the debate on the rule there will be a motion to vote down the previous question offered by the gentleman from New York (Mr. Dow), a member of the Committee on Agriculture.

The purpose of that motion would be to allow a limited rule specifically aimed at eliminating the quota contained in this bill for the continuation of the sugar subsidy for South Africa.

Mr. Speaker, when this matter was pending before the Rules Committee yesterday the question was raised as to whether or not the House should have an opportunity to get at this one specific issue, to determine whether we are going to continue this subsidy to a developed country, contrary to all of our criteria worth some $5 million which does not sift down to the majority black population in that country and which has very serious implications in terms of U.S. foreign policy in the U.N. and elsewhere about which I have considerable knowledge as chairman of the House Subcommittee on Africa, whether or not we should limit our own domestic production for the benefit of a developed nation such as South Africa or whether or not we should do damage to our image not only in the U.N. but in other forums around the world where we are trying to implement pronouncements that we have made about helping the underdeveloped nations of the world.

So, there will be a motion made to vote down the previous question in order that we can get at this one issue. That motion will be offered by the gentleman from New York (Mr. Dow).

Mr. Speaker, I want to make it perfectly clear that it will only be aimed at South Africa. It will not disturb the rest of the bill, because I agree if we opened it up completely without this kind of limitation there could be some dire consequences.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from New York.

Mr. DOW. I know that the distinguished chairman of the Africa Subcommittee has recently made one of several trips to Africa. I would like to ask the gentleman if it is not correct in his travels through Africa and the sub-Sahara countries generally that there is a feeling that the United States criticizes South Africa in words but we do not back up our words with any deeds. Is that not the fact?

Mr. DIGGS. The gentleman is eminently correct. I have been in over 37 African countries, and the first question that is always asked at a press conference is when are we going to implement our pronouncements in the United Nations, and stop being inconsistent, by providing this kind of subsidy to South Africa, which is one of the most racist countries in the world.

Mr. BINGHAM. Mr. Speaker, if the gentleman will yield further, as far as the gentleman knows has the House of Representatives previously had an opportunity to vote in such a way as to show what it thinks about the apartheid system in South Africa?

Mr. DIGGS. No. This is the first time that this matter has come up. I think it emphasizes its importance. It may account for the fact that there was an eight-to-six vote in the Committee on Rules to provide a limited rule on this specific issue; that when there was a vote to open it up all the way there was only one vote for that, but when it was specifically limited to the South African question it was a vote of six to eight.

Mr. BINGHAM. The gentleman from Michigan I believe has himself suffered some of the evils of the apartheid system, if I am not mistaken. I wonder if the gentleman would care to comment upon the treatment of American citizens in South Africa?

Mr. DIGGS. It is interesting to note,

in response to the inquiry of the gentleman from New York, that in the preamble to the Foreign Assistance Act it specifies that this kind of assistance should not be given to nations who discriminate against American citizens. I have been refused twice a visa to that country. We also have ample evidence of many other cases of discrimination against American citizens in that country.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I hope the Members of the House will be entirely clear on the procedure that we are engaged in today. Many of us believe that this House should have an opportunity to vote on whether the United States should continue to subsidize apartheid in South Africa. Therefore, we believe the motion for the previous question should be voted down so the House can have an opportunity to amend the closed rule only in this one respect.

Now, there are many of us who are opposed to closed rules in principle, and I am one of those. I would like to see this whole rule opened up. But because we feel this one issue is so important, we have agreed to concentrate on giving this House an opportunity to vote to stop the sugar subsidy to South Africa.

Mr. DELANEY. Mr. Speaker, if the gentleman will yield, the subsidy is not to the South African Government. There is undisputed testimony that the growers put all their sugar in one combine, and the money goes to that combine. The nation itself really does not get the allocation of this money.

There are 4,398 black growers, 2,194 white growers, and 1,877 Indian growers. They all get their proportionate share. The South African Government does not receive 1 penny. It all goes to the growers of the sugar who are in the combine.

Mr. BINGHAM. If I may continue—and I respect the views of the distinguished gentleman from New York—I would say that I think this is a fine distinction that 20 million Americans who have dark skins are not going to understand. As far as they are concerned, this is a subsidy to South Africa.

The SPEAKER. The time of the gentleman has expired.

Mr. DELANEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. DOW).

Mr. DOW. Mr. Speaker, I oppose in its present form the resolution to consider the Sugar Act of 1971, because the resolution represents a closed rule.

A closed rule is not the preferred way to forge any legislation, for it is a denial and negation of legislative action. This criticism is all the more valid when this closed rule forecloses debate on one of the most highly suspect bills that this body will entertain over a long period of time.

Consider the general aspect of the sugar industry. Consider the consortium of sugar producers, sugar processors, large sugar buyers, and the great candy and bottling companies. Consider, too, the 34 foreign nations battling for quotas which are allotted by the United States as favors. Now these several sugar interests, particularly the domestic ones, have formed a tidy grouping which divides up the sugar plum pie, worth at least $1½ billion, by agreements among themselves.

These agreements were mentioned time and again in the deliberations of the Agriculture Committee as the basis for proceeding amicably with the writing of the sugar bill. But hardly anywhere did we in the committee hear from or about the consumer. One consumer witness appeared, and his treatment at the hands of the committee was cavalier. That is the best I can say for it, and the record will bear me out.

So the consortium has its bill which divvies up the sugar plum pie. And the operation is festooned, too, with lobbyists. Read the list, and the compensation they received, which appeared in the Congressional Quarterly on May 21 of this year at page 1133.

Considering this picture of richness shared among friends, do you want to be foreclosed from legislating the issues involved? Do you want to go home to your constituents and say, "They did it the way they wanted, and we did not have a chance to do anything about it"?

Well, Mr. Speaker, I have three amendments I would like to offer, which barely touch the fringes of the central problem. But at least they deal with some of the obvious shortcomings in the Sugar Act of 1971. Yet this resolution containing a closed rule slams the door on my few amendments, and others that I know the Members will want to offer.

In the parliamentary situation as it is now, where we are confronted by a closed rule, adopted by a vote of 8 to 6 in the Rules Committee, I will jettison two of my amendments, in order to salvage one. I will vote against the previous question, and I hope it will be voted down, with the sole purpose of securing passage of only one amendment to the sugar bill. Let us concentrate on this.

It will be an amendment to strike from the bill the sugar quota for South Africa, and to allocate that quota, consisting of 60,003 short tons, worth $5 million, proportionately as the bill provides to the remaining 33 nations.

Now the established and formalized criteria for granting sugar quotas take cognizance of the "present stage of and need for economic development" in the beneficiary nation. South Africa is rated as a "developed" nation by the standard set by the Agency for International Development. More importantly, it is known that the Government of South Africa practices an abominable apartheid racial policy. "We want to keep South Africa white," said Prime Minister Verwoerd in 1963, speaking in a land that is five-sixths black. And that government is doing just what he said. The South African Terrorism Act of 1937, according to a United Nations report, contains "probably the broadest definition of a crime ever created by any statute." The Group Areas Act classifies people by skin color and denies them rights and privileges accordingly. In South Africa we have brutish subjugation of one race by another, which is an affront to every free man everywhere.

I do not recommend that the United States discontinue relations with South Africa or cease to trade with that country. And I do not favor a policy of retaliation against them because of the numerous documented cases of exclusion practiced against black American citizens and U.S. Congressmen.

I recommend an amendment to the Sugar Act to strike the South African sugar quota because that quota is a bonanza and a mark of our special favor which is not warranted, considering South African racial discriminations. I do not believe that we should bestow regards upon a nation that blatantly offends transcendent principles of human relations.

In order to secure passage of my one amendment to the sugar bill, Mr. Speaker, I will not ask that the closed rule be overridden wholly, but only that the rule in the resolution before us be amended to assign a zero sugar quota to South Africa. In order to accomplish this one purpose, I ask all of you of like mind, to vote down the previous question on the resolution, so that my amendment can be offered.

Let me ask, What do you owe to South Africa that you must uphold that government and its practices that contradict and insult the principles of equality for which we labor and constantly struggle in our own Nation?

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman.

Mr. HOWARD. Mr. Speaker, I have two quick questions, one is as to these sugar quotas having to go to underdeveloped countries and the other to countries that are friendly to the United States and its citizens. I would like to ask the first question.

Is South Africa considered an underdeveloped country?

Mr. DOW. No; the Agency for International Development, I will say to the gentleman, classifies South Africa as a developed country.

Mr. HOWARD. So, therefore, it does not qualify under those terms.

And as to the application of American citizens, is there not ample evidence South Africa is much less than friendly to certain American citizens including one or more Members of this body?

Mr. DOW. That is a matter of fact and a matter of record.

I, myself, do not believe in retaliation, but at the same time I do not think we should provide a bonanza to a country with this kind of racial policy.

The SPEAKER. The Chair recognizes the gentleman from Nebraska, (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, House Resolution 471 provides for a closed rule, and 3 hours of debate on H.R. 8866, the Sugar Act Amendments of 1971. It also waives points of order against portions of section 7 because of failure to comply with the provisions of clause 4 of rule XXI of the House.

The Sugar Act, which was first passed by the Congress in 1934 and has been continued since that date, is probably one of the best acts that the Congress of the United States has ever passed. In my judgment, it is as near perfect a piece of legislation as it is humanly possible to obtain, for the simple reason that it protects the consumer in the purchase of sugar, to assure him a fair price which he will have to pay for sugar; it protects the producer, assuring the producer of a fair return on his investment and an adequate wage for his labor; and it protects the processor and the large industrial purchaser of sugar, in that the price is stabilized and he can plan his operations and his business accordingly. As a consequence, we have a proposal to extend this act for 3 years, until December 31, 1974.

The only points of disagreement in regard to this legislation, at least as we were aware of in our hearings in the Committee on Rules, was in regard to the quotas allocated to various foreign countries. There did not seem to be any disagreement with the purposes of the act, or the domestic side of the act. The fact is that domestic production of sugar accounts for 62 percent of the sugar used in this country. This comes from sugar beets and from cane sugar, with 38 percent coming from 33 foreign countries.

The main disagreements seemed to be which countries should receive these quotas.

The Committee on Agriculture of the House spent several weeks in open hearings on this entire matter. All those within the industry plus the consumers, the foreign governments, and anyone interested—were invited to testify, and they did come and testify over a period of several weeks. Each witness was given ample opportunity to present his views and his ideas to the committee.

After the hearings were completed the committee went into executive session for many, many days. They started in by writing a committee print, and certain sections were immediately agreed upon within the committee. Then they went from that point into other sections which were not in agreement. They discussed them, voted on them, and proceeded to write additional committee prints. This took a matter of several weeks. Every member of the committee was given ample opportunity to speak and to vote on the amendments and the bill itself as it was developed.

Today, we have the fruits of the labor of the Committee on Agriculture to extend the Sugar Act of 1948, as amended.

The committee is to be commended, particularly the chairman and the ranking member and all members of the committee, for the excellent piece of legislation which they have before us in the House today.

I would like to point out to the House, Mr. Speaker, the criteria which the committee used in allocating the quotas to the various foreign countries. Again, we did not have any disagreement with this criteria in our hearings nor before the Committee on Rules. There are five points. I would like to read them. They appear on page 5 of the report:

> 1. Friendly Government to the United States, including nondiscrimination against U.S. citizens in the quota country and indemnification for property owned by U.S. citizens in cases of expropriation.
>
> 2. Dependability as a source of sugar supply as reflected by the country's history in supplying the U.S. Market, its maintenance of sugar inventories and its potential for supplying additional sugar upon call during critical periods of short supply.
>
> 3. Reciprocal trade as reflected by purchases of U.S. products and services, as contrasted with sales to the U.S., and also by Government treatment of imports from the U.S.
>
> 4. Need of the country for a premium priced market in the United States including (a) reference to the extent it shares in other premium priced markets, such as the United Kingdom, (b) its relative dependence on sugar as a source of foreign exchange, and (c) present stage of and need for economic development.
>
> 5. Extent to which the benefits of participation in this market are shared by factories and larger land owners with farmers and workers together with other socio-economic policies in the quota countries.

The SPEAKER. The gentleman from Nebraska has consumed 5 minutes.

Mr. MARTIN. Mr. Speaker, I yield myself 1 additional minute.

I believe it is generally agreed that these five points, the criteria for awarding quotas to foreign nations, are fair and equitable.

This committee has had many years of experience in this field. The gentlemen on this committee are knowledgeable. They know what they are doing. They in their judgment, after many weeks of hearings and many hours of discussion in executive session, have come up with a bill which allocates this quota, 38 percent of the total consumption in the United States, to 33 foreign nations.

It is natural there will be some disagreement when we are dealing with as many as 33 nations. That is only human Mr. Speaker, I am willing to trust the judgment of the Committee on Agriculture, because of the knowledge and background the members have in this area.

I support the rule, Mr. Speaker, and I support the legislation.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. MARTIN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. BELCHER) the ranking minority member of the Committee on Agriculture.

Mr. BELCHER. Mr. Speaker and Members of the House, the South African Government is not in the sugar business. There are 4,398 black people in the sugar business, and 2,194 white people in the sugar business. Since 1965, 709 black people have gone into the sugar business and only 50 white people have gone into the sugar business. They have a cooperative over there that belongs to the white people and the black people, too.

Someone said awhile ago that 20 million black people in the United States would not understand why we give a quota of sugar to the South African Government. We did not give it to the South African Government. We gave it to the growers among the South African people.

I do not believe 20 million black people in the United States would want to take away the money from 4,398 black people who live in South Africa. If they want to take care of their own people, why would 20 million people in the United States want to handicap 4,398 black people in South Africa?

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from New York.

Mr. DOW. I must say I fear the gentleman is clouding the issue by using these terms, "The Government of South Africa," the "people," and "black people" and "white people" of South Africa, in reference to who gets the benefits from this bill. Let me mention the bill itself which does not refer to any of those terms, but refers to "countries." Among the countries it mentions "South Africa," and that is all.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MARTIN. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. DOW. Among the countries it mentions South Africa, but does not say whether it is the Government or so many black people or white people. I would suggest to the gentleman, let us stick to the wording in the bill.

Mr. BELCHER. Does the gentleman know how many black people in South Africa get benefits out of this sugar bill?

Mr. DOW. I would say many less than should be getting them.

Mr. REID of New York. Would the gentleman yield to me?

Mr. BELCHER. Yes. I yield to the gentleman.

Mr. REID of New York. I believe I can answer the question of the distinguished ranking minority member.

There are 15 white-owned corporations that produce 92 percent of the sugar. Bantus are responsible for only 2.3 percent of the sugar produced, in terms of ownership and management. The average field worker's wage, including food, rations, and housing, amounts to only 86 cents per day.

So the point the gentleman is making, which is suggestive of the fact that there are blacks who participate in a significant number and do well economically, is not correct. The facts I think show the reverse.

Mr. BELCHER. That is propaganda. They get $1.60 and then they have 45 cents a day which they receive above that in other ways. That compares favorably with the sugarcane people's wages in any other country.

Mr. TEAGUE of California. Will the gentleman yield?

Mr. BELCHER. Yes. I am glad to yield to the gentleman.

Mr. TEAGUE of California. Mr. Speaker, I would like to direct a question to the gentleman from New York. Without for a moment questioning his facts, because I have no reason to think they are not correct, how would we be doing the black people of South Africa any service if we took away from them what they have now?

Mr. REID of New York. If the gentleman will yield to me, first, as the gentleman knows, I have been refused a visa to enter South Africa unless I made no public statements but I have had a chance to talk to some of the black people who live there, including the winner of the Nobel Prize. I feel very strongly that the system of indenture is repugnant to basic principles and that the black South Africans are totally against apartheid.

Mr. BELCHER. I can answer the gentleman from California when he asked the gentleman from New York why he wanted to take away the benefits from the people of South Africa. They cannot vote in any of the districts in America. That is why.

Mr. DIGGS. Will the gentleman yield to me?

Mr. BELCHER. Yes. I yield to the gentleman.

Mr. DIGGS. They cannot vote in any district in South Africa, either. That is one of the terrible things about this entire monstrosity.

Mr. BELCHER. If you keep them down and poverty stricken all their lives, they will never get the vote in South Africa.

Mr. DIGGS. If the gentleman will yield further, does he know anything about the wage disparities and conditions in South Africa? They do not need any help from us with respect to keeping them in poverty. They are being kept in poverty, kept in disease and in hunger, and in every other form of degradation that anyone can think of right now.

Mr. BELCHER. If you are their friends, they do not need any enemies.

Mr. MARTIN. Mr. Speaker, I yield such time as he may use to the gentleman from Illinois (Mr. Anderson).

(Mr. ANDERSON of Illinois asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in opposition to House Resolution 471 which provides for 3 hours of general debate on the Sugar Act Amendments under a closed rule. I voted against a closed rule in the Rules Committee yesterday because I was impressed by the testimony of the gentleman from Massachusetts (Mr. Morse), the gentleman from New York (Mr. Dow), and others in opposition to the inclusion of South Africa under the sugar quota system. The very valid point was raised that South Africa clearly does not qualify for such special treatment under the criteria established by the House Agriculture Committee which require that these quotas be extended only to those countries which have very special present needs and are still in the process of developing economically. South Africa does not qualify under these criteria. It is classified by our own Agency for International Development as a developed rather than developing country.

But even more importantly, it seems to me, granting a sugar quota to South Africa is in clear contravention to the 1967 congressional statement of policy which sets certain criteria for increased economic cooperation and trade with other nations. One of these criteria is a nation's nondiscriminatory racial policy. And yet, if ever there was a clear example of de jure racial discrimination, it is South Africa's policy of apartheid which perpetuates the rule of a 4-million white minority population at the expense of the rights and freedom of a 17-million nonwhite majority population.

Not only are the nonwhites denied their basic rights, but those whites who disagree with the apartheid policy are also discriminated against by the state. I am sure many of you read in this morning's paper that the South African Government has temporarily lifted a 9-year house arrest against a 66-year-old white woman, Mrs. Helen Joseph, to permit her to enter the hospital for surgery. Since she came to South Africa in 1930, Mrs. Joseph has been an outspoken critic of the country's race laws, and in 1962, without a trial, she has been confined to her quarters, in the words of the newspaper account, "so restricted that she must stay alone in her home at night and at weekends, must report daily to a police station and can only talk to other people one at a time." She has had to give up a job she held for 15 years as a secretary to a medical aid society because its offices were in the same building as a union. She is not even allowed to have her pet dog with her. The article concludes:

> It is a savage irony . . . that it took a severe illness for her to be able to enjoy the warmth of human companionship during evenings and weekends for the first time in nine years.

Mr. Speaker, I think this gives you some idea of the extent of discrimination in that country, not only against nonwhites, but those whites who have the courage of their convictions when it comes to questions of racial equality.

I fail to see why we should give preferential quota treatment to a country which is developed economically, but is underdeveloped when it comes to the treatment of the vast majority of citizens who happen to be nonwhite. I therefore urge defeat of this rule so that we can open up the bill and delete the quota and prorations for South Africa.

Pertinent items from the June 10, 1971, Washington Post follow:

South Africa's Top Party Dividing

(By Stanley Uys)

Cape Town, South Africa.—The Nationalist Party, which has ruled South Africa monolithically for 23 years, has begun to tear itself apart. Its leaders disagree over specific issues and over basic policy. Prime Minister B. J. Vorster is unable to do anything about it: the situation is largely out of his control.

The simplest explanation is that the whites are losing faith in apartheid. The Nationalist Party postponed adjusting its policies to changing times until it became unavoidable, and then it could not be contained.

A power vacuum is forming. The 17 million nonwhites are not aspirants for this power yet; nor, indeed, are the opposition half of the 4 million whites, although they believe their time is fast approaching.

This is still an Afrikaner (white South Africans) struggle. Polarities of "right" and "left" (relative terms purely) are forming, with Afrikaner nationalists ranging themselves in varying states of self-confidence and uncertainty, aggression and alarm.

A leading commentator in a government newspaper has said that Afrikaners have not been in such a state of ferment since Sharpeville in 1960, where 67 Africans were shot dead at a demonstration for freedom.

Discussion groups are springing up within Afrikaner ranks, especially in academic circles, questioning the very precepts on which apartheid is founded.

S. P. Cilliers, professor of sociology at Stellenbosch, mother of the Afrikaner universities, has suggested that the solution of South Africa's race problem should be sought not in the government's policy of designating every single African (nonwhite) in the country as a citizen of one or other of the eight African "nation-states" it is setting up within South Africa's borders, or in accepting a common society in which all citizens, whatever their race, will be equal eventually, but in both.

Professor Cilliers estimates that the nation-states, or Bantustans, will support about half the African population (though they comprise only 13 per cent of the total area of the republic). He proposes that the other half should share a common society with the whites, coloreds (those of mixed descent) and Asians. This half of the Africans, it might be noted, would outnumber all other race groups together; it shows how far Afrikaner intellectual thinking is probing.

The ferment in Afrikanerdom has progressed so far that the government has found it necessary to try to woo the deviationists back and to put spies on to them as well. Supporters of the opposition have suffered from this kind of treatment over the years; now it is the turn of Afrikaners.

Indications so far are that the right wing is winning the power struggle in Afrikanerdom.

The word "apartheid," quietly buried some years ago and replaced by "separate development," "separate freedoms" and "multinational development," is being defiantly resurrected.

At several critical points, a hard line has been taken. Under pressure to relax the industrial color bar, the censorship laws and symbolic legislation like the Immorality Act (which prohibits sexual relations across the color line) the Vorster government returned an emphatic "No."

The most telling evidence though is that, in behind-the-scenes rivalry for the premiership, left-wing or "verligte" Afrikaners (verligte meaning enlightened, as against fundamentalist) have found they have no chance of getting their man elected.

The prospect faces South Africa, therefore, that "verkrampte"-led Afrikaners could take over the government.

The Nationalist Party has such a big majority in Parliament—118 of the 166 seats in the House of Assembly—that even if a small left wing were to rip away, the right wing conceivably could still form a government. Such a government, of course, would come even more violently into collision with the new economic and political forces in the country, and it would have to employ ever tougher measures to give itself the minimum stability needed to govern.

The left wing is too thin on the ground to carry weight at the polls. They number some politicians, academics, newspaper editors, churchmen and Afrikaner businessmen.

The point, however, is approaching in which the left and right wings' concept will no longer be reconcilable within the Nationalist Party.

There is an alternative remedy: for the left wing to enter a coalition with the Opposition United Party, splitting Afrikanerdom and creating a new government based principally on white, not Afrikaner, unity.

This idea is being lobbied energetically, especially by businessmen who have taken fright at the deterioration in the economic situation. But the economic situation will have to get a lot worse before coalition becomes a practical proposition.

The crisis in Afrikanerdom began three years ago when a right-wing revolt started in the government led by Dr. Albert Hertzog. The revolt was limited to four members of parliament and then crushed at the elections last year, but its psychological impact was immense. It showed that the Nationalist Party was mortal.

This unleashed pent-up grievances among Afrikaners.

All this led to the election reverses suffered by Vorster's government in the parliamentary and provincial council general elections last year. From that point on the Vorster government has known nothing but trouble.

Many Afrikaners have started to outgrow the Nationalist Party. They have had their republic for 10 years now (a dream come true), they have lost some of their obessive fears of being swamped by the Africans, and they have become more affluent and selfassured.

Now, suddenly, whites have been getting glimpses of the bitterness that has accumulated in the closed world of their segregated townships—bitterness that reveals itself, for example, in localized, instant explosions, as over bus fares, or train accidents (which occur with disturbing frequency on the congested nonwhite runs).

South Africa Frees Mrs. Joseph After 9 Years of House Arrest

(By Peter Gregson)

Johannesburg, South Africa.—Grey-haired Helen Joseph is enjoying fulltime human campanionship for the first time in nearly nine years—from a hospital bed.

But even there she is careful to receive only one visitor at a time to avoid contravening a restriction order that has dominated her life since October 13, 1962.

On that day, the 66-year-old British-born Mrs. Joseph was the first person in South Africa to be served with a five-year, banning-and-house-arrest order.

It was imposed without trial under South Africa's stringent Suppression of Communism Act, intended to defend the country from communism and sabotage. She has never been charged in a court of law.

Mrs. Joseph's banning order was imposed by John Worster, then minister of justice and now prime minister, for allegedly furthering the aims of communism.

Five years of loneliness and isolation later, the order was automatically renewed—condemning her to an existence so restricted that she must stay alone in her home at night and at weekends, must report daily to a police station and can only talk to other people one at a time.

Recently the house arrest was temporarily set aside to allow Mrs. Joseph to go into a hospital, where a few days later she underwent major surgery for breast cancer.

The bespectacled Mrs. Joseph, a sociologist, is one of the few people in South Africa still subject to house arrest order.

The restriction order also prevents anything she says or has written from being quoted in any publication sold in South Africa, and bars her from participating in the preparation of news materials—stopping her from being interviewed even by the foreign press.

She cannot communicate with any other banned person and is barred from entering the premises of any newspaper, factory, educational institute or union offices.

This means she had to give up a job she held for 15 years as secretary to a medical aid society, because its offices were in the same building as a union. Mrs. Joseph now works for a bookshop.

She must also stay alone—apart from her pet dog and cat—in her tiny bungalow home in the modest northern Johannesburg suburb of Northwood between 6:30 p.m. and 6:30 a.m. on weekdays.

These hours are extended at weekends from 2:30 p.m. on Saturday to 6:30 a.m. on Monday, apart from a two-hour period on Sunday to attend church—a concession only granted after her sixth year of house arrest.

The weekend limits are also extended on public holidays.

Friends say she lives in constant dread of breaking the stringent rules. For being late home in the evening she faces six months imprisonment and was once jailed for four days for failing to make her daily report to the police.

She keeps a suitcase permanently packed in case she breaks her curfew and is taken to the cells.

A few months ago Mrs. Joseph was harassed by a series of anonymous threatening telephone calls and last month a small explosive device was found fixed to her front gate.

Even though she is forced to stay alone, she still cannot be sure of privacy for the police can enter her home at any time.

Mrs. Joseph came to South Africa in 1930 and soon became known as an outspoken critic of the country's race laws.

She was a founder member of the now-outlawed South African Congress of Democrats and was among those accused and acquitted in a marathon five-and-a-half-year treason trial which began in the late 1950s.

Her face is now lined with age and worry. Friends say that recently the strain of her illness and nearly nine years of house arrest have started to tell on her.

Now in a bed in a public ward in Johannesburg's General Hospital, she can talk to nurses, doctors and other patients. It is a savage irony her friends say, that it took a severe illness for her to be able to enjoy the warmth of human companionship during evenings and weekends for the first time in nine years.

Mr. MARTIN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Findley).

(By unanimous consent, Mr. Findley was allowed to speak out of order.)

HISTORIC TRADE ANNOUNCEMENT

Mr. FINDLEY. Mr. Speaker, just before noon today President Nixon made an announcement on international trade that must rank as one of the most progressive, promising steps of the entire postwar era.

He announced that grains, most other farm products, and a wide variety of manufactured goods can be sold under general license to the People's Republic of China, and further than he is rescinding the unfortunate, unproductive, unwise restriction on the sale of certain grains to Communist bloc countries under which half of such shipments must be made in U.S. vessels. Finally, he has lifted the requirement of specific licenses on certain agricultural shipments to Communist bloc countries.

These restrictions, and especially the one on cargo preference have had the effect of denying American farmers the opportunity to compete for worldwide grain business averaging about one billion bushels a year.

To me, the President's announcement is the greatest advance for the economic well-being of the farmer in at least 10 years, and also represents a great initiative toward peaceful relations. It will help to open communication with the world's most populous nation and will end the double standard, under which U.S. policy has given the Soviet Union a favored position over Communist China.

Here is the text of the President's announcement:

The White House,
June 10, 1971.

The President announced today the first broad steps in the termination of U.S. controls on a large list of non-strategic U.S. exports to the People's Republic of China. In the future, a range of U.S. products listed on the attached sheet may be freely sold to China under open general export licenses without the need to obtain Department of Commerce permission for each specific transaction.

The items to be released from trade controls have been recommended by the NSC Under Secretaries Committee chaired by the Department of State. They include: most farm, fish and forestry products; tobacco; fertilizers; coal; selected chemicals; rubber; textiles; certain metals; agricultural, industrial and office equipment; household appliances; electrical apparatus in general industrial or commercial use; certain electronic and communications equipment; certain automotive equipment and consumer goods.

The President has also decided to terminate the need to obtain Department of Commerce permission for the export of wheat, flour and other grains, to China, Eastern Europe and the Soviet Union, suspending the 50% U.S. shipping requirement for these items.

Items not on the open general license list may be considered for specific licensing consistent with the requirements of U.S. national security. The Department of Commerce and other agencies will continue to review our export controls.

The President has also decided to permit all imports to enter from China under a general license, while retaining standby authority for future controls if necessary. Imports from the People's Republic of China will be subject to the tariff rates generally applicable to goods from most Communist countries. They will also be subject to the normal conditions governing our imports from all sources such as cotton textile controls and anti-dumping and countervailing duty legislation.

GENERAL LICENSE LIST FOR PEOPLES REPUBLIC OF CHINA

Food and live animals, including grains.

Beverages and tobacco.

Hides and skins.

Animal and vegetable oils and fats; oil seeds, nuts, and kernels, and flour and meal thereof.

Crude natural rubber and certain synthetic rubbers.

Wood, lumber, and cork.

Pulp and waste paper.

Most textile fibers.

Manufactured fertilizers, except those closely related to explosives; crude fertilizers and crude minerals such as sulfur, iron pyrites, and natural asphalt.

Crude animal and vegetable materials.

Coal and coke, except gilsonite.

Selected organic and inorganic chemicals, including certain defoliants, herbicides, pesticides and insecticides.

Most dyeing, tanning and coloring materials, printing inks and paint.

Medicinal and pharmaceutical products, with minimal exceptions.

Essential oils and perfume materials; toilet and polishing preparations and cleansing preparations.

Miscellaneous chemical materials and products in general use.

Leather, leather manufactures and dressed fur skins.

Rubber manufactures, except military type tires, aircraft tires and tubes and other specialized commodities.

Wood and cork manufactures and paper and paperboard and manufactures thereof.

Textile yarn, fabrics and related products, except used or reject or reject fabric bearing design of U.S. flag or commodities made of strategic-type synthetics.

Common metals, ferrous and nonferrous including steel, iron, tungsten, lead, zinc, tin, titanium, chromium and manganese. Forms include ores, concentrates, nonferrous scrap, ingots, castings, bars, plate, shapes, wire and pipe.

Metal manufactures such as septic tanks, gas cylinders, containers, cables, fencing.

Certain agricultural and dairy machines, internal combustion engines, water turbines and engines, wheel tractors, and tillers and parts and accessories.

Certain office machines such as typewriters, checkwriters, calculators, accounting machines, duplicators, and parts and accessories.

Computers, certain low-grade analog and digital types.

Manually operated metal polishing and buffing machines, and portable pipe bending machines, and part; certain foundry equipment.

Machinery for textile, pulp and paper, printing, food processing and glassworking industries.

Certain construction and maintenance equipment, such as road rollers, ditchers, trenchers, snow plows, plaster and concrete mixers, concrete and bituminous pavers, finishers, and spreaders, and parts and accessories.

Certain types of air conditioners and refrigerating equipment and compressors therefor; furnaces; furnace burners; stokers; bakery ovens; cooking and food warming equipment, and parts and accessories.

General purpose pumps, such as beverage, fuel, household water, service station, measuring and dispensing pumps for fuels.

Filters, purifiers, and softeners for water treatment, sewage disposal, and commercial and industrial engines, and parts.

Certain lifting, loading, and handling machines and equipment, such as industrial lift trucks and tractors, jacks, lifts, elevators and moving stairways, winches, and parts.

Weighing machines and scales, and automatic merchandising machines, and parts.

Sprayers and dusters for agricultural, industrial or commercial uses, and parts.

General industrial types of metallic and nonmetallic manufactures, such as cement and fabricated building materials, valves and regulators, and measuring and checking instruments.

Certain types of general industrial and commercial machines and mechanical appliances, such as power operated nonelectric hand tools, machines for working wood, ceramics and stone; and packing, wrapping, filling, and sealing machines.

Electrical apparatus in general industrial or commercial use, such as generators, transformers, circuit breakers, storage batteries, telephone and telegraph equipment, test equipment, and hand tools.

Certain electronic tubes, resistors, capacitors, transistors, and other electronic parts.

Home-type radio and television receivers, refrigerators, freezers, water heaters, washing machines, parts and accessories.

Medical and dental apparatus.

Automobiles and other road vehicles: passenger cars, rear axle drive; motor cycles, motor bikes and scooters; invalid carriages and certain trailers, and parts therefor.

Sanitary plumbing, and heating and lighting fixtures and fittings.

Consumer-type optical goods, certain laboratory instruments, surveying, and engineering instruments, certain photographic materials.

Watches, clocks, and parts.

Recording and reproducing equipment for voice and music only, dictating machines, phonographs, record players, musical instruments, and parts.

Consumer goods such as furniture, clothing, footwear, works of art, jewelry, silverware, printed matter, children's goods, office supplies, sporting goods.

Coins, not gold and not legal tender.

President Nixon's wise decision will be applauded by American farmers and the public generally. He alone has had the courage to take the initiative where no former President in the last two decades has dared. This step will measurably strengthen the fabric of peace.

As a foreign policy initiative, the President's decision has tremendous potential impact. No longer will the United States show favoritism toward Moscow and ignore Peking. Trade with each country is now virtually on the same basis, as it should be. By our actions, we recognize the world power status of the Peoples Republic of China and demonstrate our willingness to deal with them on a realistic basis.

As a trade policy initiative, President Nixon's decision is even more promising. The cargo preference restriction, which requires that 50 percent of grain being shipped to a Communist country go in U.S. vessels, has long precluded American farmers from selling wheat and corn to these countries. The reason is that American shipping charges are three times those of most other nations. As a result, the 50-percent requirement meant 50 percent of nothing—50 percent of nothing for labor, 50 percent of nothing for farmers, 50 percent of nothing for businessmen, and 50 percent of nothing to help balance our foreign payments.

President Nixon's decision changes all of this. Now our farmers will be able to sell grain abroad. Only last week the Soviet Union purchased 135 million bushels of wheat from Canada and paid the whopping price of $230 million. Perhaps now the American farmer will have a chance at such sales.

Also, placing grain under general license to China, Eastern Europe, and the Soviet Union opens up vast opportunities for trade. All of these nations import large quantities of grain each year. The long and complex procedures required in the past to get a special license to ship grain have been more than most Communist nations are willing to put up with. Thus, Canadian farmers and those of other nations benefit, while the American farmer, the most efficient producer in the world, suffers reduced sales.

President Nixon has now changed all of this. He has given America's foreign image a new shrine, and he has given American farmers, labor, and businessmen new opportunities. He deserves the highest praise of us all.

Mr. Speaker, I am placing here the text of two letters I have sent recently to the President on this subject, together with excerpts from a speech I made before the Chicago Agricultural Economists Club on April 22, 1969:

APRIL 29, 1971.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Salute to Agriculture which you have planned for May 6–7 is a timely recognition of the vital contribution to the nation's welfare by American farmers. My purpose in writing is to suggest four steps you can take which would have a direct and potentially dramatic effect upon the ability of American farmers to sell their products in world markets. For years, United States agricultural exports to Eastern Europe and the Soviet Union have languished because of outdated attitudes and policies. In my judgment, it is time to eliminate the self-imposed and self-defeating restrictions on valuable cash markets for our agricultural products. These restrictions prevent the American farmer from competing effectively in world cash markets for grain and other agricultural products, while gaining no advantage for other United States interests.

It would be especially appropriate for you to announce at the events planned to honor American agriculture that you have ordered the following changes:

1. Rescind the cargo preference restriction which requires that 50 per cent of all wheat and most feed grain shipments to Eastern Europe and the Soviet Union must go in United States vessels. Because our costs in U.S. shipping are so much higher than those of other nations, this requirement is self-defeating. It adds so much to the cost of buying grain in the U.S.—about 25 per cent—that Eastern European nations almost always buy elsewhere. To illustrate, Canadian farmers last year sold over $90 million worth of wheat to Eastern Europe and the U.S.S.R. The American farmer suffered the consequences of reduced sales. The 50 per cent requirement is a hardship on farmers and provides no advantage to U.S. shipping interests.

2. Eliminate the requirement that shipment of grain to certain Eastern European countries and the Soviet Union must be partly unloaded at a non-communist port. This requirement serves no purpose whatsoever, adds to shipping costs, and prohibits Eastern European and Soviet buyers from making efficient full-load bids. The result, again, is that American farmers lose sales in the world market.

3. Increase the number of agricultural products under general license to Eastern Europe and the Soviet Union. The requirement that wheat and feed grains, but not soybeans, must have specific licenses for export makes little sense. It only adds delay, uncertainty, and expense to the other burdens which an importing country faces when buying American agricultural products.

4. Apply to the Peoples Republic of China only those restrictions on trade which are applied to the Soviet Union. The U.S.S.R. has done nothing to merit special or preferred treatment. Your recent decision to permit trade with the Peoples Republic is the most important step to ease tensions with Peking taken by our country in over a quarter century. I urge you to follow it up by placing the largest number of agricultural and other products possible under general license for export to China. In addition, I hope that you will decide not to impose cargo preference and part cargo restrictions on trade between the two countries. To apply these restrictions now to China would work at cross purposes with the wise initiatives which you have undertaken with respect to the Peoples Republic, and would jeopardize the good will which you have been building.

The four steps suggested above hold great promise for expanded world markets for

American agricultural products. Given the opportunity to compete in all markets on an equal basis with farmers from other countries, the American farmer will acquit himself well. To the extent that he is able to sell more of his products abroad, he will have to rely less upon government support at home.

In addition, the four steps suggested are sound politically in that they will strengthen the fabric of peace and add to international stability and prosperity.

Sincerely yours,

PAUL FINDLEY,
Member of Congress.

MAY 26, 1971.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: One of the principal reasons your commendable initiatives in regard to trade with the Peoples Republic of China have been so well received is the promise they hold for enlarged markets for American farmers.

China represents a splendid potential market especially for American wheat, as the varieties we produce are more suited to Chinese needs than the Canadian varieties.

Chinese planners will quickly find it economically desirable to purchase the lower priced U.S. wheat rather than the more expensive Canadian-Manitoba wheat.

China has every reason to become a permanent importer of U.S. wheat on a substantial scale, provided of course we give them the opportunity.

I write to you with a sense of urgency, because I am informed that you may be close to a decision on which items to place under general license for export to China. It is my further understanding that one of the principal alternatives now before you would exclude all grain, including wheat, from general license authority.

In my view, exclusion of grain from general license would be a mistake of very grave proportions.

In terms of our national security interests, it would risk derisive reaction by China. Peking might well respond that the exclusion of food grain shows the U.S. trade initiative to be empty.

It would also hurt market prospects for America's farmers. You of course are well aware of the cost-price squeeze bearing so heavily on farmers and the market difficulties they face in Europe.

Finally, it would have grave political implications for all Republicans in 1972. The reversals our party suffered in the 1970 Congressional elections were the greatest in wheat-producing areas.

I realize the dilemma you face in regard to grain trade with Communist nations. The cargo preference restriction established by President Kennedy in 1963, in connection with the wheat sales to the Soviet Union, still remains in effect. Under this restriction, half of grain shipments to Communist countries must go in U.S. vessels. Its purpose was primarily to placate U.S. labor and shipping interests, but labor surely now realizes that it gains no advantage. Because shipping costs in U.S. vessels are much higher than those of other countries, the cargo preference restriction has had the effect of barring U.S. grain from Soviet and Eastern European markets. Many other farm commodities, like soybean meal, are exempt from cargo preference, and sell well in these same countries. This is a hardship on farmers and provides no real advantage to U.S. maritime interests, including labor. If it is applied to grain shipments to China, it will just as effectively bar grain trade with that country.

The cargo preference restriction is the only major obstacle to including grain for general license to China. This restriction hurts American farmers, American labor, and American business. The time to remove it is now.

Taken together, the termination of this out-dated restriction and the general licensing of grain to China will represent a major advance in relations with that country, will open expanded farm product markets in Eastern Europe and the Soviet Union, as well as China, and will give Republican prospects in 1972 a richly deserved boost.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

FARM EXPORT OPPORTUNITIES IN COMMUNIST COUNTRIES

(By Representative PAUL FINDLEY)

The time has come for the United States to shake off some outmoded, self-defeating restrictions on agricultural trade with Communist countries. Many of them arise from false assumptions about the role of China in the Korean war, others from mistaken theories about the impact of trade on the behavior of Eastern European countries.

Review and modification are timely because of both political and economic factors.

Our political interests would be served by initiatives to exploit the deep and relatively permanent split between China and the Soviet Union, and persistent pressures within Eastern Europe for greater external and internal independence.

Our economic interests would be served because increased agricultural cash markets overseas will help to meet income problems of American farmers, and our worsening problems in national trade and payments balances.

Here is what I propose:

1. Lift the total embargo on U.S. trade with China. Treat trade with China the same as trade with the Soviet Union. This requires an end to the totally irrational double standard now followed.
2. Rescind the requirement that 50 per cent of certain grain cargoes to Eastern Europe must be carried in U.S. vessels.
3. Rescind the requirement which prohibits full-cargo grain shipment to Eastern Europe.
4. Rescind the requirement of specific license for agricultural exports to Communist countries, except of course for commodities in short supply.
5. Request permission to establish a trade mission in Canton, China, site of the semi-annual trade fair.
6. Permit the President to extend most-favored-nation tariff privileges to Czechoslovakia and also to other countries when they have become members of GATT (General Agreements on Trade and Tariffs).
7. Establish agricultural attaches in each embassy in Eastern Europe.

Most of these changes can be accomplished by Executive Order. Only the one authorizing the extension of MFN tariff privileges requires legislation.

Overnight President Nixon could clear away serious obstacles to the expansion of our agricultural trade and at the same time improve our position relative to the Soviet Union in the field of world power politics, all without firing a shot, pointing a gun or even building new arms. Political improvement would occur almost instantly, even though actual trade expansion might be months or even years in developing.

Even when trade expansion develops, no strategic disadvantages can be anticipated. My recommendations would impair in no way whatever the system of controls on the export of strategic goods. This would remain in full force. Nor would the new policies in any sense subsidize unfriendly regimes, because they deal entirely with trade, not aid.

The restrictions which I suggest be terminated have not caused Communist countries to do without. Rather, by imposing costly hindrances on U.S. commercial enterprise, they have caused American farmers to do without.

Most of these policies developed before it became clear that the Korean war was almost entirely a Soviet enterprise, with the Chinese role comparatively modest. The war was both started and stopped by the Soviets—not China—yet we trade with the Soviets and refuse to trade with China.

In Eastern Europe the development of trade will help to make the Soviet satellite nations less dependent on Moscow, and bring them more into the habits of the private marketplace.

It would be a mistake, of course, to assume that these new policies will soon lead to substantial markets. It would also be a mistake to expect too much in the way of political returns from these initiatives. At the same time, I firmly believe that U.S. moves showing we want to normalize relations with China and Eastern Europe will do more than anything else to make Soviet behavior more reasonable.

LIFT THE CHINA EMBARGO

Presently the United States prohibits all trade with China. This embargo was not initiated because the Communists took control of the mainland. It was initiated because of Chinese intervention in the Korean war.

The Communists proclaimed their republic October 1, 1949 and U.S. trade with China was normal, although small, until December, 1950, when Chinese troops crossed the Yalu river. Although the Korean armistice was signed in June, 1953—almost sixteen years ago—the embargo continues, because the national emergency proclaimed shortly after the war started has continued in effect.

This is difficult to justify.

Although the United Nations labeled China the aggressor in the Korean war, it is now a clearly established historical fact that it was North Korea, aided and encouraged by Russia that was the aggressor. North Korea was heavily supplied by Moscow. As a practical fact, the Korean war was both started and stopped by the Soviet Union. Chinese troops entered only as U.N. forces approached the China border.

Yet we trade with Russia, and refuse to trade with China.

Moreover, fifteen other nations fought alongside the United States in the Korean war, among them France, Britain, Canada and Australia. Each suffered considerable losses, yet each now carries on substantial trade with China. Is everyone out of step but us?

Political considerations alone make desirable a review of our trade embargo against China. China is no longer a satellite of Moscow, if it ever was. Doubtless Moscow and Peking have certain doctrinal solidarity and other common interests, but they have deep, abiding differences.

Foremost among the differences are border disputes. The vast common border between the two states is the longest in the world, and tension is certain to mount as China asserts its historical claims on territory.

In formulating our policies, we would be wise to recall the advice of Klauswitz, "Support the weaker of your two adversaries. Accept the risk of abetting a potential future menace in order to check the present one."

Lifting the embargo would serve to end the curious, irrational double standard we now apply in dealing with China and the Soviet Union. In dealing with the Soviet Union we have sought to build bridges, political contacts and trade, believing this in the long run will help to modify Soviet behavior and make Moscow a more responsible member of the world community. In dealing with China, our policy has been just the opposite. While we seek to expand contacts with Russia, we reject them with China. While we seek to enlarge Soviet participation in world affairs, we oppose such by China.

Attempting to justify this double standard is especially difficult in light of the fact that Chinese forces were long ago withdrawn from Korea, in striking contrast to the Soviet armies still present in Poland, Hungary, East Germany, and Czechoslovakia.

It just isn't true that the Soviets, like the Dodge boys, are always presumed to wear the white hats.

Our action lifting the trade embargo may not yield early results. It takes two to trade. Given the mutual suspicion and distrust which have marked recent U.S.-China history, relations will not improve overnight.

In fact, our action lifting the embargo should be accompanied by a statement listing several other important new policies.

The United States should declare that:

1. We will have no part in any effort to gang up with Russia against China.

2. We have no military designs on the mainland, and will not support any such adventures.

3. We stand ready to exchange diplomats, tourists, businessmen and cultural groups whenever China is ready.

New policies certainly make good sense from the standpoint of American farmers. Although recent wheat shipments to China have declined, the overall trend shows great potential. In the period, 1960–67, Canada shipped 454 million bushels of wheat to China. Australia shipped 532 million bushels, Argentina 159 million, France 78 million.

Of this market totalling over a billion bushels, American farmers provided not a single one.

Ironically, in 1961 when the Canadians first started shipping wheat to China, the minister for agriculture in the Canadian conservative government offered, in a private meeting with President Kennedy, to split the China order with the United States. President Kennedy refused.

TRADE HANDICAPS IN EASTERN EUROPE

Agricultural trade with Communist states in Eastern Europe involve still different problems and handicaps. No embargo exists with Poland, Bulgaria, Yugoslavia, Romania, Czechoslovakia, Hungary or the Soviet Union. Two of these countries as members of GATT, have most-favored-nation treatment which puts their tariff schedule on par with all free-world countries.

Nevertheless, our trade languishes.

Although our total trade with the East is very small, most of it is composed of agricultural products. Improving this trade is hindered by four principal factors: One is tariff discrimination against all of these countries except Poland and Yugoslavia. Lifting this discrimination requires legislation.

The other three limiting factors can all be removed by Presidential Order. Each of them adds unfair competitive costs to U.S. shippers. One is the requirement that 50 percent of certain shipments must go in U.S. vessels. This applies to all wheat and feed grain shipments to the Soviet Union, and to all wheat shipments to Eastern Europe except Poland, Romania, and Yugoslavia. This adds about 25 percent to the cost of shipment and effectively blocks U.S. farmers from most deals. This requirement is therefore no help to the U.S. merchant fleet and clearly hurts the farmer. If our merchant fleet merits subsidy, the subsidy should be provided directly.

Another requirement provides that certain shipments must be partly unloaded at non-Communist ports. This applies to all feed grain shipments to Eastern Europe except Poland, Romania, and Yugoslavia.

How foolish this can get is illustrated by the fact that a shipment of corn to Czechoslovakia cannot meet the part-cargo requirement by stopping off at Poland, even though a full-cargo shipment to Poland is permitted. This too impairs the competitive position of the U.S. shipper, because it prohibits efficient full-load bids.

The final restrictive provision requires a specific license for each shipment to most of these countries. The legality of this requirement may be questioned, but it is being enforced and of course adds to the cost of doing business.

In many instances these countries manufacture few items the United States is interested in. But the most serious restriction is that goods imported from these countries, with the exceptions of Poland and Yugoslavia, are at present required to pay higher duties than those levied on similar goods from other countries. This is the result of congressional action providing for the withdrawal of equal tariff treatment or the so-called most-favored-nation treatment. This provision was first enacted in the Trade Agreements Extension Act of 1951 as a result of the Korean war.

Since the Korean war has been over for sixteen years it would make good sense to allow the President the authority to extend the benefits of equal tariff treatment to those Eastern European countries, with the exception of East Germany, not now receiving it.

Accordingly, I will soon introduce the East-West Trade Bill of 1969, which will authorize the President to extend this tariff treatment to any country which is or becomes a member of GATT but which does not now receive MFN.

Before we can realistically expect to increase agricultural exports we must extend MFN to these countries. This is so because in order for these countries to buy agricultural products from us they must earn U.S. dollars. These dollars, in the absence of long-term credit arrangements, can be secured in only one way: through selling their exports.

What are the prospects for agricultural trade in these countries?

Let's take the example of wheat. In 1967 our neighbor Canada, a strong friend which has supported us in many ways, sold 228.7 million bushels of wheat to Communist countries. Canada sold 5.13 million bushels to Albania, 6.18 to Czechoslovakia, 5.0 to East Germany, 18.5 to Poland, 110.6 to Russia and 82.5 to China.

Although the United States is the world's largest wheat exporter, Eastern Europe has not been an important U.S. market. For instance, during the second half of the 1950's, U.S. exports to Eastern Europe accounted for only 2.5 per cent of U.S. wheat exports. In the 1960's it is still less than 5 per cent.

The Soviet Union has been the principal wheat supplier in Eastern Europe, but because Russian agricultural output is unpredictable and often tied with political strings, Eastern European countries look for alternative sources. And they have been looking to the West. Unfortunately, the United States has been left out. While U.S. wheat shipments account for 1 per cent of Eastern Europe's imports, Canada supplied 16 per cent and France 35 per cent.

Eastern Europe, like China, is a net importer of wheat. In fact, the countries of the East generally account for 10 per cent of the world wheat import total. We have been closed out of this market. When one considers that we are closed out of the China market too, we compete in only 75 per cent of the total world wheat market, whereas Russia, France, Canada, Australia, Argentina and the other major wheat producers compete in 100 per cent of the market.

What is the trend for the future? Although increases in yield are expected, Eastern Europe will continue to be a wheat deficit area. For instance, in 1970 it is estimated that five countries of Eastern Europe will have a wheat deficit of 3,835,000 metric tons.

What is the situation for other agricultural commodities? It is promising. In the period since World War II, the Eastern European countries have been importers of bread grains, soybeans, soybean meal, ground grains and grain sorghums with protein supplements such as soy and fish meal. Thus, they might well absorb some of the bulge which is likely to result as the United States is squeezed in the highly protectionist-oriented Common Market.

On balance, it appears there will be a growing market for about three major American agricultural products which we produce in abundance—cotton, feed grains, and soybeans.

In looking at the potential trade aspects of Eastern European countries one must not, of course, overlook the fact that these are Communist countries, dominated and run by a single party system in firm control of all aspects of human and business activity. They are firmly tied ideologically to the Marxian Socialist principle.

However, it must also be observed that at the present time each of these countires are insisting on making their own interpretation and application of these principles and some of their economic activities are straying far from basic doctrines. There have developed capitalistic incentives and indeed capitalist methods. In trade and economic matters, there seems to be a major move in all countries to play an in-between role, thus taking advantage of both Eastern and Western trade and economic contracts.

As I see it, the United States should deal imaginatively, but realistically with the several different competing centers of Communist power. Trade can be a most important method to normalize relations with Eastern Europe, realizing, of course, that there are severe limits on the extent to which the United States can reduce Soviet influence there. United States policies towards these Communist countries have been based more on what we would like to see happen, rather than reality. In the long run the natural desire for national self-assertion will rise regardless of United States policies. The Russian invasion of Czechoslovakia can no more prevent this than Pope Leo X could prevent the Reformation.

The United States commitment to peace, democratic government, and orderly change is a long term affair. While it does not preclude our readiness to participate in defensive alliances, or to take appropriate measures against acts of aggression, our national policy is basically committed to the building of a peaceful world. The long term interests of the U.S. would, therefore, be best served by reducing tensions wherever possible and by establishment of normal and durable commercial, technical, scientific, and cultural relations with Eastern Europe, the Soviet Union, and China when they show a reciprocal interest in the pursuit of normal relations. In other words we should be prepared to go as far as they are. In this manner hopefully the nations of the East will see that we have no political or territorial designs on them.

In that regard we need not preach to them of the advantages of national independence and self determination. They already know the advantages. What we should seek is to shape our policies in such a manner as to permit reasonably extensive, profitable and durable relations with individual Communist nations. This requires that we stop viewing the world in terms of an irreconcilable and permanently deadly struggle between all that calls itself Communist and all that does not. We must recognize instead that trade can be among one of the most promising forms for improvement.

The potent movement toward self determination, national identity and political diversity within the Communist camp is a development of real significance to the world. It is gradually changing the political content of Communism, impelling the leaders of these countries, especially in Eastern Europe, to give a higher priority to domestic economic and social problems rather than to ideological crusades and territorial expansion. There can be little doubt that a steady, unimpeded mutually profitable exchange of goods between the East and West helps to support this clearly discernible trend towards the more pragmatic, efficiency-minded and consumer-oriented Communist societies of Eastern Europe.

What I propose is trade, not aid.

I do so with a word of caution. If, as I recommend, we lift our embargo on China trade, let the President extend tariff equality to Eastern Europe, start actively promoting our agricultural products in the Communist world, and terminate present requirements on part-cargo, specific licensing and U.S. vessels—even so, I would not anticipate dramatic new advances in trade volume, or in peaceful behavior by Communist authorities. Such advances will take time.

Nor should we drop our military guard, or lessen our diplomatic vigilance. Zealous and fanatical elements—Communist and non-Communist alike—may well for some time seek to impose arbitrarily their political and economic system on us. In the Communist world especially, political and military power is won and kept by intrigue. No one can accurately forecast what tomorrow will bring.

But, while vigilance and preparedness is rational, so is communication. And one of the best and most persuasive means of communication is agricultural commerce.

Mr. MARTIN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REID).

Mr. REID of New York. I appreciate very much the gentleman's yielding.

Mr. Speaker, I take the floor to say very simply that I believe the Members of this House should have an opportunity to vote up or down a question that constitutes the endorsement and support of the apartheid policies of South Africa. Apartheid, in my judgment, is repugnant and contrary to human rights and the basic principles of this country.

Historically, Mr. Speaker, Members might be interested to know that prior to 1962 South Africa exported no sugar to the United States. South Africa was assigned a sugar quota by the United States only when she withdrew from the British Commonwealth to avoid anti-apartheid pressures. South Africa then became a Republic and thereby lost her Imperial Preference Trading status. At the time South Africa needed new sugar markets, we stepped forward to provide a quota which, in my judgment, subsidizes apartheid and holds thousands of workers in South Africa in indentured servitude.

I believe it is time to stop our actions which support this imposed, indentured labor and provide a $5 million annual subsidy to the sugar growers of South Africa. I think it is time for the Members of this House to stand up and be counted on the question of U.S. support for apartheid.

Mr. Speaker, I would hope that the vote will be strongly against the previous question so that the gentleman from New York (Mr. Dow) can offer an amendment to strike the quota applicable to South Africa. While I feel that there should be an open rule on the entire bill, our immediate goal is to strike the sugar quota for South Africa, and we are, therefore, seeking a limited closed rule that would permit an amendment to do that.

Finally, Mr. Speaker, I might point out the fact that allocating a sugar quota to South Africa violates three of the Agriculture Committee's own criteria applicable to foreign quotas: criterion No. 1, dealing with discrimination against U.S. citizens by the quota country; criterion No. 4, dealing with the economic development of the recipient country and its economic need for a quota; and criterion No. 5, dealing with the sharing of benefits among landowners and workers and the socioeconomic policies of the recipient country.

I would like to elaborate for a moment on the first criterion, since I consider it the most important. It reads in its entirety:

> Friendly Government to the United States, including non-discrimination against U.S. citizens in the quota country and indemnification for property owned by U.S. citizens in cases of expropriation.

The record of South African discrimination against U.S. citizens is quite clear: I personally was the victim of such discrimination by South Africa which refused to grant me a visa to visit that country in 1969 unless I made no public statements. Similar restrictions were placed upon our colleague (Mr. DIGGS). Arthur Ashe, a leading American tennis player, has been denied a visa to visit South Africa. Crew members of the aircraft carrier *Franklin D. Roosevelt* that docked in South Africa in 1967 would have been subject to apartheid had individual shore leave been granted, as was originally scheduled. Can these actions be described as anything but discrimination against U.S. citizens?

For this reason and others, South Africa should not have a sugar quota and I urge that Members vote against the previous question so that we can offer an amendment to eliminate the South African quota.

Mr. MARTIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHMITZ).

Mr. SCHMITZ. Mr. Speaker, I was going to ask a question of several of the previous speakers regarding their opposition to South Africa's policy of apartheid, but I did not get a chance to ask the question. So, I will ask it right now.

All of them are opposed to South Africa's quota on the ground of internal policies of that nation. I wonder how many of those who are indignant about the internal policies of South Africa would exhibit similar indignation regarding today's announced relaxation of trade with Red China. Are they not opposed to its internal policies?

I wonder if they are going to get a special order today to go into this and thus be consistent in their ire about not helping countries with internal policies with which they disagree.

Will the same people who now want to knock South Africa out of participating in this program come back this year or next year with a move to knock out Australia, because Australia has a racially restrictive immigration policy?

In the past we knocked out Rhodesia's quota. Will it be Australia's next year?

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentleman from New York.

Mr. DOW. It just happens that the business before us today is the sugar quota, the bonanza, which South Africa is receiving.

The question of China and some of these other countries is not before us today. I think we have to keep handling each case based upon its merits.

Mr. SCHMITZ. What about Australia?

Mr. DOW. That is not before us today.

Mr. SCHMITZ. Yes, Australia does have a quota here; it is on page 3. They have basically a whites-only immigration policy. Do you want to knock them out also?

Mr. DOW. In response to the inquiry of the gentleman from California, let me say that there are all degrees of evil in this world. I suspect that China contains some evil, and Australia contains some evil, but certainly South Africa with its apartheid is clearly conducting an outrageous policy.

The SPEAKER. The time of the gentleman from California has expired.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, this is a fair bill. It has been very carefully thought through, and the committee should be upheld.

Now, may I respectfully suggest to those who are disturbed about what is happening in South Africa that there are other places in the world to be disturbed about, too. Some of them are very near—even in our own hemisphere. There hostile acts toward the United States are occurring with too much frequency. There have been no hostile acts from the Republic of South Africa. They want very much to be our friends. Furthermore, the President of the United States has the power under this bill to suspend quotas wherever conditions justify. This action can be taken wherever there is a need without making a shambles out of this bill.

I realize that South Africa is the target of the present efforts to amend the rule. Let me remind you that if you vote down the rule you will make a shambles out of this bill. You will also create chaos instead or an orderly program. What you propose to do will not help the housewife.

The price of sugar will be just as high to the housewife, whether or not South Africa has a sugar quota.

What you seem to be overlooking is the fact that there are five other African nations that will have quotas raised in this bill or which are in this bill for the first time. I think the committee has taken unusually good care of Africa.

If you vote to take the South African quota away, this will not help the people—you say you want to help the black natives of South Africa. They are the people who are employed in the sugar industry; they are the people who need work. Take away the sugar quota and where will they turn? By destroying their jobs you will be creating greater problems for them and solving nothing. If you do this thing today you are going to be taking the food out of their mouths.

The industrial owners, the gold and diamond mine owners, will not get hurt. It is the worker who is going to get hurt. Those who claim that they want to be helpful to the workers will actually be taking away their livelihood. Let us take one further look at the nation you are proposing to take a slap at; one of the few countries where communism is not making any progress.

Do you want to help set the stage to encourage the spread of communism? This you will do if you further disrupt the conditions under which people live in South Africa.

The House should sustain the action of the committee, and should vote for the rule which has been offered. It is the only fair and reasonable thing to do if you want to preserve order and to help provide an opportunity for the South Africans to work out their own problems in an orderly way.

The **SPEAKER.** The time of the gentleman from Florida has expired.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MADDEN), a member of the committee.

Mr. MADDEN. Mr. Speaker, yesterday the Rules Committee held hearings on the rule for the so-called Sugar Act legislation, H.R. 8866. The Agriculture Committee submitted its recommendations on the amount of sugar allotment to be extended to various sugar-producing countries throughout the globe. I fully realize that the Agriculture Committee had a very difficult task in allotting the amount of our purchases to selective nations in the sugar-producing field. A number of Members of Congress appeared and testified in opposition to the sugar quota which the Agriculture Committee allotted to South Africa. In fact, the committee increased the percentage allotted South Africa from 1.06 percent to 1.44 percent.

From the testimony before the Rules Committee, I could not understand why an increase should be extended to South Africa when, judging from the testimony, South Africa should be canceled off the list of sugar-producing nations completely by the Congress. History reveals that South Africa, for centuries under the control of the British Government, has been one of the richest colonies and most wealth-producing enslaved nation of all the countries over the globe and has kept the British royalty, its government and its people living in elegance and wealth for generations.

Unfortunately, the Agriculture Committee saw fit to extend a sugar quota that will possibly bring into the South African economy approximately $5 million annually.

The South African Government should be completely barred from participating in the sugar purchase quota of our country for several reasons. One of the most important is that the regime is built upon a system that recognizes and participates in racial discrimination of minorities known as the apartheid policy that has been rejected by all free, liberty-loving nations throughout the world.

In 1970, the Sugar Act lists two pages of criteria which are applicable to foreign quotas. Granting a quota to South Africa violates criterion No. 1, dealing with discrimination against U.S. citizens by the quota country; it violates criterion No. 4, dealing with the economic development of the recipient country and its economic need for a quota; criterion No. 5, dealing with the sharing of benefits among landowners and workers and the socioeconomic policies of the recipient country.

If the Congress follows the above set out criteria on sugar quota recipients, South Africa could not qualify for any consideration in the sugar quota category.

The economic discrimination by the hierarchy in the South African Government against the great majority of its citizens on racial and religious grounds should be the No. 1 reason why South Africa be stricken from the list of sugar quota recipients by this Congress.

For centuries the South African Government has been reaping fabulous income from diamond, gold, and mineral deposits.

The low-income sugar growers in the South African Republic will benefit almost negligibly in any part of this so-called sugar subsidy but the dictatorial hierarchy in control of the South African Government will constitute almost a total of the sugar subsidy recipients. American labor today is competing with the enslaved labor system which continues to exist in South Africa. Millions are living in poverty under a government regime which has not seen fit to inaugurate a modern system of free economy to all citizens and keep pace with the progress of other free nations throughout the globe.

Yesterday I offered a substitute motion in the rules to strike South Africa from the sugar subsidy and was defeated by a vote of 8 to 6. I do hope that today the Congress will take official notice of the injustice created in this pending bill by including South Africa for an annual sugar quota.

South Africa has refused entrance visas to numerous Americans because of their skin color or known opposition to apartheid. It also violates the spirit of a provision in the Foreign Assistance Act aimed at denying aid to governments that violate basic freedoms and practice racial or religious discrimination.

But nothing at all can be said for an annual gift by the American taxpayers of nearly $5 million to the practitioners of apartheid and racial discrimination in South Africa. Members of Congress should be given an opportunity to vote on this important issue and defeat this closed rule which gives 33 members of the Agriculture complete control of our national sugar subsidies.

Mr. DELANEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, we seem to be quibbling over our position on the internal policies of a variety of countries. I think it is a bit unfortunate that we use the Sugar Act which I think, frankly, by all the evidence and all the testimony has done an excellent job in stabilizing the sugar supply for the American people and the American housewife at reasonable prices.

I would hope that this bill that shortly will be called up would pass, because it is in the best interests of our country.

Let me get to the issue right now. I understand there is going to be an attempt to vote down the previous question. I would urge you to vote for the previous question. There has been no justification that I have heard on this floor or what I heard in committee, and I might say every witness who desired to appear did appear before the Committee on Agriculture on every conceivable kind of issue in connection with sugar foreign policy and other things and no one was cut off. I think we had about 2 months of hearings.

I hold no candle for South Africa's racial policies. I hold no candle, for example, for the military dictatorship in force in the Government of Brazil. I hold no candle for what Peru and Ecuador are doing in connection with the seizure of our fishing boats.

I am not particularly happy with the Dominican Republic and some of the things that have occurred there. I am certainly not happy, and I am sure many of you feel the same over the anti-American attitude that is developing in the Philippines.

If we are going to get down to the point of quibbling about the internal policies of various countries that we are going to depend upon for our sugar supply, then this matter had better be referred to the Committee on Foreign Affairs, and let us make a foreign affairs debate out of it.

This legislation is in the interest of America. It is in the interest of stabilizing the supply of sugar for the American people. This bill was not originated to help any foreign country. Do not kid yourselves—this is a self-interest bill. And when we start quibbling about the things that I have heard here during the last 45 minutes, all we are getting ready to do, in my opinion, is to destroy the Sugar Act which is in the best interest of this country, and I think that would be simply deplorable.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. POAGE. Mr. Speaker, I wish to commend the gentleman for stating the real purpose of the Sugar Act.

If the real purpose of the Sugar Act is for the protection of American interests, then we must have a stable supply of sugar.

We have given to black Africa an additional sugar quota amounting to more sugar than the total amount given to South Africa in this bill—this is new sugar.

The total that they get is almost 50,000 tons more than is given South Africa.

Those countries are not dependable suppliers, and that is through no fault of their own. Largely because of the development of South Africa that country is a dependable supplier. If we are, in fact, interested in protecting America, we should not use this program as an instrument for imposing our ideas of social organization on somebody else, but if we are trying to protect the interest of the American housewives, we will keep some of these countries in this bill which are really dependable suppliers.

Mr. SISK. Mr. Speaker, I thank the gentleman very much for his comments.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to my colleague from California.

Mr. TEAGUE of California. I should like to point out to the Members that the sugar quota of Malawi went from zero to 15,000 tons. These are all black African countries.

The quota of Uganda was increased from zero to 15,000 tons.

We increased the quota of Swaziland from 7,500 to 30,000 tons.

There was an increase in the quota of the Malagasy Republic from 9,600 to 15,000 tons.

Mauritius was increased from 18,600 to 30,000 tons.

We have leaned over backward in the subcommittee of the Committee on Agriculture to take care of our black African neighbors of South Africa.

Mr. SISK. I thank the gentleman. Let me say to my friends on both sides of the aisle that I think we have a very important issue here today. There are many amendments that individual Members would like to offer. I would certainly have written this bill differently had I been writing it. I would have given to some countries an increase and I would have cut some. I have already indicated my dissatisfaction with the internal policies of certain countries. But, my friends, that is not the issue here today. If we are going to pass a sugar bill that will stabilize the sugar industry for American consumers we should adopt this rule and get on with the debate.

The SPEAKER. The time of the gentleman from California has expired.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Washington (Mr. Pelly) for a unanimous consent request.

(Mr. PELLY asked and was given permission to extend his remarks at this point in the Record.)

Mr. PELLY. Mr. Speaker, I oppose H.R. 8866, to amend and extend the provisions of the Sugar Act of 1948. In this bill we had an outstanding opportunity to correct a problem that has been facing American fishermen for the last 17 years, but the same permissive language was allowed to remain, and the result is that nothing will be accomplished in the question of the 200-mile sovereignty claimed by some Latin American countries. This language is one more capitulation to the Department of State, and under the closed rule the bill cannot be amended.

I testified before the Committee on Agriculture, and I appreciate the chairman's kindness in hearing my case. The committee did come up with an amendment which provided for a $20-a-ton fine on the sugar quota of any country illegally seizing a U.S. fishing vessel, but unfortunately the imposition of the fine is discretionary with the President. This is where the problem lies, Mr. Speaker. When discretion is given to the executive branch, as in other similar laws, the State Department sees to it that no action unfavorable to any foreign nation is taken.

Recent history well documents what I am saying. The Hickenlooper amendment to the Foreign Assistance Act says the President shall suspend assistance to any country which has nationalized or expropriated or seized ownership or control of property owned by any U.S. citizen. No suspension of aid has been carried out.

Then there is the Pelly amendment to the Fishermen's Protective Act which provides that illegal fines of U.S. fishing boats on the high seas shall be deducted from foreign assistance allocations. No such deductions have ever been made.

Also, there is the Belcher amendment to the Sugar Act, patterned after the Hickenlooper amendment, to cancel the sugar quota of any country expropriating U.S. property without proper compensation, and this too has been ignored. And, the Kuchel amendment to cut off foreign assistance to any country seizing U.S. vessels has been ignored by State.

The action taken by some Latin American countries has been an affront to the United States. They have even used U.S. vessels on loan to them to seize American fishermen. Furthermore, the Ecuadorian Navy receives 70 percent of any fine levied against Americans caught fishing in their claimed waters.

Mr. Speaker, it seems to me if our own State Department refuses to institute action under a law passed by Congress, then the Congress must make these laws mandatory. We must provide mandatory language in the law so that we will have a strong enough deterrent to bring all nations to the negotiating table. All else has failed.

I urge defeat of the Sugar Act until it includes mandatory language regarding these illegal seizures.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Barrett) for a unanimous-consent request.

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record.)

Mr. BARRETT. Mr. Speaker, Philadelphia has been an important cane sugar refining center for decades. Today, it is the home of two large cane sugar refineries, one operated by Amstar Corp. and the other by the National Sugar Refining Co.

These refineries play an important role in meeting the needs of sugar consumers in and around Philadelphia and the Northeastern section of our country. They refine and distribute approximately 2 billion pounds of sugar a year, about three-fourths of which goes to food processors who use sugar as an ingredient in their products. Thus, in addition to providing the refined sugars that are familiar to the retail shopper, the refiners are called upon to provide a number of different types of refined sugar, in both liquid and dry form, for the food processors. Included among the large sugar-using food processors are the bakers, the bottlers, the canners, the confectioners, and the dairy manufacturers.

The refiners' role as distributors of sugar has become more complex in recent years, because of the divergent needs of the food processors. In order to meet these needs, the refiners import sugar from 30 different nations throughout the world. This enables them, in effect, to tap the world's sugar supply, and thereby readily respond to any sudden increase in the demand for sugar.

The advent of the food processors as the big sugar consumers has intensified the need for insuring that our Nation has ample supplies of sugar under all possible conditions. The food processors depend upon the refiners—and in the West, upon the beet processors—to provide the sugar they need on a day-to-day basis. Any interruption in the delivery of sugar from the refineries to the processing plants could be disastrous for the processors. The operation of their plants are dependent upon a constant supply of sugar.

The sugar program, which H.R. 8866 will improve, is designed to insure that an adequate supply of sugar is available to consumers at all times, at fair prices.

I urge my colleagues to vote for H.R. 8866.

Mr. DELANEY. Mr. Speaker, I yield to the gentleman from Montana (Mr. Melcher), whatever time he may require.

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the Record.)

Mr. MELCHER. Mr. Speaker, I support and advocate renewal of the Sugar Act. I do so because it is a reasonable time-tested method of protecting the interests of both producers and consumers here in America. The consumer retail prices of sugar have risen less than 30 percent in 23 years and has been more stable than the average of all food items, which rose 42 percent during the period.

American farmers who raise either sugar beets or sugarcane need the Sugar Act to assure them a market, but it is not a guarantee of profits, as evidenced by the decline in number of farmers and increased production of remaining farmers trying to get big enough to live on very small margins.

The Department of Agriculture reported 75,000 sugar farmers in 1939 as compared to less than 29,000 in 1969. But the production from the 75,000 farms over 30 years ago was only 4 million tons as compared to 6 million tons in 1969 from less than half as many farms. Average production per farm almost quadrupled, and it had to for the 29,000 growers left if they were to stay in business.

Not all of the sugar processing plants have stayed in business, either. At the start of this year three plants ceased operation because of losses, one of them in my home area at Hardin, Mont. So it is a business with narrow margins for both our American growers and processors.

I believe the proposed bill will give a little stronger price structure in the next 3 years to minimize the economic dangers for the domestic sugar industry. But the Sugar Act is also a successful part of our Nation's foreign trade policy, particularly for over a score of Latin American and African nations.

It is this aspect of the act that I would favor altering to delete the quota for South Africa.

We have been told of the advantageous trade policy and friendship we have with South Africa—a favorable trade balance of over one-third billion dollars a year, our friendly relationship, allies during World War II, assistance during the Berlin airlift, and allies in the Korean war. We are aware of the dynamic and beautiful country that is South Africa.

Unfortunately we are also aware of a Government policy that tolerates racial attitudes repugnant to most of the world, insulting to the black people of the world, particularly obnoxious to 12 Members of this House and to the 20 million black Americans, but also obnoxious to all Americans.

The 60,000-ton share in the American market that is allowed for South Africa is a small percentage on their total annual production of 1,500,000 tons.

There are 148,000 farmers and workers in their sugar industry and 135,000 of them are black. It is argued that they have no control over their governments' policy and these people will be hurt by the loss of American quota. They are one of the world's largest sugar producers, and we buy only 4 percent of their annual production. Denying them the quota will not be a big blow to the SASA, the sugar association that operates South Africa's modern and efficient sugar mills, warehousing, and shipping. But deny them the quota we should. Ours is a preferential sugar market sought by many countries. We pay 2 cents a pound more than South Africa's next best foreign market. We are not obligated to give any country a sugar quota, and we should not legislate a quota for a foreign country if there is a serious American objection to that country's actions.

A serious objection does exist in my judgment in the case of South Africa. Because of their racial policies, which repel my sense of decency and insults the black people of America and the world, I voice my objection and urge the House to do likewise by amending the act and deleting the South African quota. Because their government is ruled by white English-speaking people like myself, I feel shamed by their oppression of their black countrymen.

It is all very well to argue that we should not legislate foreign policy in agricultural legislation and, therefore, should not delete South Africa from this bill. Leaving South Africa in the bill is just as certainly legislating foreign policy in an agricultural bill as taking the quota out would be. We cannot escape taking an action which is significant in the foreign policy field, one way or the other.

Under the circumstances, our action should be the right one—not the wrong one.

Mr. GONZALEZ. Mr. Speaker, will the gentleman from the Rules Committee yield for a question?

The SPEAKER. The gentleman from New York has control of the time.

Mr. DELANEY. Mr. Speaker, I yield myself 1 additional minute for the purpose of the question.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Texas.

Mr. GONZALEZ. My question has nothing to do with the substance of the bill; it has to do only with procedure. Why does the rule provide that the bill come under a closed rule? I have been very hesitant to vote for closed rules. In fact, I do not recall having voted for one, even for bills from the Committee on Ways and Means, because I feel very keenly about the habit of not providing the membership with an opportunity to add to or detract from a bill as it comes before us. Why does this bill come under a closed rule?

Mr. DELANEY. First, there are two types of bills generally that come under a closed rule. There are bills from the Committee on Ways and Means to raise a certain amount of money. If we were to open the bill for amendment, the purpose for which the bill was intended might be defeated.

In regard to this matter, I do not say that all of the amounts contained in the bill were inserted with exact justice. It was a matter of "put on and take off" in the Committee on Agriculture. They struggled for many, many weeks, giving everyone an opportunity to be heard in the Committee on Agriculture where the allocation should be.

The SPEAKER. The time of the gentleman has expired.

Mr. MARTIN. Mr. Speaker, I yield myself 1 minute.

I would like to call the attention of the Members of the House to the situation which confronts us at the present time. I understand that a motion will be made at the proper time to vote down the previous question. I urge a vote of "yea" on the previous question, because if the previous question should be defeated, then, under the rules of the House, the Speaker would have the option to recognize whomever he feels is the leading opponent of the proposed legislation. We would have no assurance at all as to whether it would be, then, a completely open rule or what kind of rule would be adopted.

This legislation and this act has worked in the interest of consumers, and I want to tell the Members of the House that if this act is discontinued, come the end of this year the housewives in your districts throughout the United States will have to pay a great deal more for sugar than they do at the present time. The record is clear that the cost of sugar has increased very, very little compared to the increase in the cost-of-living in the United States.

Mr. Speaker, I urge a vote of aye for the previous question.

Mr. DENNIS. Mr. Speaker, I oppose the rule on this bill, because it is a closed rule.

The closed rule—under which no amendments to the bill can be offered on the floor—is a denial and a denigration of the whole legislative and parliamentary process.

The people at home elect a man as their Representative and send him to Washington; they little think that, under the closed rule procedure when it is invoked, he will, in fact, be substantially helpless and unable to truly represent them.

It flies in the face of every principle of representative government that 435 elected Members of this House should be denied the opportunity to work their will on legislation, through the device of the closed rule adopted in committee by a handful of the membership; a decision exceedingly difficult to reverse, from a practical parliamentary point of view, by action on the floor.

The completely closed rule has little valid excuse even in complicated legislation. Some major amendments could almost always be readily made in order.

In legislation such as we confront here no possible legitimate excuse for a closed rule is at all apparent.

I submit that no one can really defend this procedure. It is simply a case where, by custom and tradition, we become accustomed to, and consequently acquiescent in, a procedure which each one of us would otherwise instinctively and indignantly reject.

The closed rule, in point of fact, is a legislative outrage; and it will take a far more pressing case than an ordinary measure of this kind to persuade me to lend it even reluctant support.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 213, nays 166, not voting 54, as follows:

[Roll No. 129]

YEAS—213

Abbitt
Abernethy
Alexander
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Bergland
Betts
Bevill
Blackburn
Blanton
Blatnik
Boggs
Bow
Bray
Brinkley
Brooks
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Collier
Collins, Tex.
Colmer
Cotter
Crane
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Devine
Dickinson
Dorn
Dowdy
Downing
Edmondson
Evins, Tenn.
Fisher
Flynt
Foley
Ford, Gerald R.
Fountain
Fuqua
Galifianakis
Garmatz
Gettys
Goldwater
Goodling
Griffin
Gross
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanna
Hansen, Wash.
Harsha
Hébert
Henderson

Hillis
Hogan
Holifield
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
Kuykendall
Kyl
Landgrebe
Latta
Leggett
Lennon
Lent
Lloyd
Long, La.
Lujan
McCloskey
McClure
McCollister
McEwen
McFall
McKay
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Mink
Minshall
Mizell
Mollohan
Montgomery
Myers
Natcher
Nelsen
Nichols
O'Konski
Patman
Patten
Perkins
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rostenkowski
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Stubblefield
Stuckey
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wyman
Young, Fla.
Young, Tex.
Zion
Zwach

NAYS—166

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bennett
Biester
Bingham
Boland
Brademas
Brasco
Broomfield
Brown, Mich.
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Chisholm
Clay
Cleveland
Collins, Ill.
Conable
Conte
Corman
Daniels, N.J.
Davis, Wis.
Dellums
Dennis
Derwinski
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Ford, William D.
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hungate
Jacobs
Kastenmeier
Keating
Kemp
Koch
Kyros
Link
Long, Md.
McClory
McDade
McDonald, Mich.
McKevitt
McKinney
Macdonald, Mass.
Madden
Mayne
Meeds
Melcher
Metcalfe
Mikva
Minish
Mitchell
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Pelly
Pike
Podell
Price, Ill.
Pucinski
Railsback
Randall
Rangel
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Smith, Iowa
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Terry
Thompson, N.J.
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Whalley
Wilson, Charles H.
Wolff
Wylie
Yates
Yatron

NOT VOTING—54

Anderson, Tenn.
Biaggi
Bolling
Brown, Ohio
Carney
Celler
Clark
Clausen, Don H.
Conyers
Coughlin
Culver
Denholm
Dent
Edwards, Ala.
Edwards, La.
Flowers
Forsythe
Frey
Giaimo
Griffiths
Grover
Hansen, Idaho
Hastings
Hays
Heckler, Mass.
Hosmer
Jonas
King
Kluczynski
Landrum
McCormack
McCulloch
Mailliard
Morse
Passman
Pepper
Peyser
Rees
Rooney, Pa.
Runnels
Smith, N.Y.
Springer
Stafford
Stephens
Symington
Talcott
Teague, Tex.
Tiernan
Veysey
Ware
Watts
Wiggins
Wydler
Zablocki

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Veysey for, with Mr. Celler against.

Mr. Edwards of Alabama for, with Mr. Biaggi against.

Mr. Edwards of Louisiana for, with Mr. Dent against.

Mr. Passman for, with Mr. Morse against.

Mr. Stephens for, with Mrs. Heckler of Massachusetts against.

Mr. Watts for, with Mr. Stafford against.

Mr. Pepper for, with Mr. Kluczynski against.

Mr. Flowers for, with Mr. Carney against.

Mr. Teague of Texas for, with Mr. Rees against.

Until further notice:

Mr. Hays with Mr. Springer.

Mr. Landrum with Mr. Jonas.

Mr. Giaimo with Mr. Forsythe.

Mrs. Griffiths with Mr. King.

Mr. Conyers with Mr. Symington.

Mr. Anderson of Tennessee with Mr. Hansen of Idaho.

Mr. Zablocki with Mr. Mailliard.

Mr. Tiernan with Mr. Smith of New York.

Mr. Clark with Mr. Ware.

Mr. Rooney of Pennsylvania with Mr. Coughlin.

Mr. Culver with Mr. Brown of Ohio.

Mr. Denholm with Mr. Frey.

Mr. Runnels with Mr. Talcott.

Mr. McCormack with Mr. Peyser.

Mr. Hosmer with Mr. Wydler.

Mr. Don H. Clausen with Mr. Grover.

Mr. Wiggins with Mr. Hastings.

Messrs. HANLEY, MONAGAN, and KEATING changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8866, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. POAGE) will be recognized for 1½ hours and the gentleman from Oklahoma (Mr. BELCHER) will be recognized for 1½ hours.

The Chair now recognizes the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, the Sugar Act does not come to you every year, as some of you are inclined to think from your recollections. It has been 5 years since this was last before you and if this bill passes it will be 3 years before it will come before us again.

Mr. Chairman, we have had a sugar program since 1935 when we passed the Jones-Costigan Act. Prior to that time, of course, we admitted sugar under a tariff, which simply increased the price of sugar to domestic consumers and gave us no assured supply of sugar. In those earlier years the price of sugar fluctuated tremendously from 1 or 2 cents a pound up to 45 or 50 cents a pound and possibly $1 per pound during World War I. This fluctuation was something which the housewife lived with although she did not like it. In those earlier days the housewife provided the largest market for sugar. Today industrial users take about 75 percent of the sugar.

Industrial users cannot live with the kind of fluctuation which took place prior to the time of our sugar program, and no housewife likes to do it, either. As a matter of fact, the present sugar program has stabilized the price of sugar and stabilized it at a level where the housewife and industrial users are buying their supplies of sugar at a smaller increase than has taken place in any major food commodity now sold in the grocery store. Actually, sugar is bringing about twice at retail what it brought 40 years ago. Almost everything else is bringing four or five times what it brought at that time.

So, whether you understand the sugar program or not—and I am sure most of us do not, and certainly I find it most difficult to understand—whether we understand it or not, it is like the bumblebee—the aerodynamic engineers say that the bumblebee cannot fly, but we find him in the air. There are those who say that the Sugar Act cannot work, but it has stabilized the price of sugar in the United States at reasonable levels for something like 35 years.

Most of the great nations of the world have adopted something comparable to the American program. At least Britain has its sugar program which is very comparable to ours; France has theirs, and now the Common Market. Even the Soviet Union has a sugar program.

In fact, about 92 percent of the world's production is sold under some kind of controlled program comparable to that which we have. The so-called world market—that which is sold internationally without any program—accounts for only about 8 percent of the sugar produced in the world.

When people look at this "World Market" and think if we could just get sugar as cheaply as it sells for on the world market—which is at this time about half of the American price in the marketplace—they would be making a great saving. However, they fail to realize that the American market accounts for substantially more than the so-called world market and if we destroyed the American market that would affect the world market.

Mr. Chairman, without our American sugar program the price of sugar would unquestionably skyrocket in the United States a way up over where it presently is. It is about 11 cents now. But it would probably sell for 30 or 35 cents for a year or two and then it would probably drop to 2 or 3 cents and stay there a year or two and then move back up. That fluctuation is hurtful to everyone. It is hurtful to the producers of beets and to the producers of sugarcane, but more than that, it is hurtful to every consumer in the United States. Even though I still prefer a sugar bowl on the table we are not consuming sugar directly as we once did. Even so we are all interested in maintaining a degree of price stability for many of our major products on the retail market.

Mr. Chairman, the sugar program has maintained that degree of price stability. How? It has maintained it by feeding into the market predetermined amounts of sugar which in the estimation of the Secretary of Agriculture will just about keep the market stable. Neither the Secretary of Agriculture nor the President nor anyone else can guarantee the exact status of sugar, but we make those estimates every quarter and as a result of those estimates the Secretary of Agriculture has been able to feed into the market just about the amount of sugar which will maintain a generally stable market. In that way he has stabilized the market for the consumers and the price of cane and beets for the producers of this country.

Also, remember that of the 11 million-plus tons of sugar which we consume in the United States about 7 million tons are produced in the United States by cane or beet growers.

Under this bill, as under previous bills, domestic producers are allocated 62 percent of the total production—almost two-thirds of it goes to domestic producers—and that means that the people of the United States have a much greater interest in the production and sale of sugar than do the foreigners about whom you hear so much. The foreigners do not provide but about 37 percent of the total amount of sugar, and that is divided among about 40 countries.

Now, that 62-plus percent which is produced in the United States is divided under the terms of this bill and under the terms of the previous bill so that we have a definite amount of it which is allocated to the beet-sugar producers in the United States—and they are farmers who go all the way from Maine to California and this assures them a reasonable return for their beets—and a certain amount of it is allocated to the cane producers of the continental United States and that means Florida and Louisiana. Of course, those States are the only ones who are producing cane at the present time.

The State of Hawaii is allocated about 1 million tons. That is, about one-seventh of the total sugar produced in the United States comes from the State of Hawaii. Almost the same amount is allocated to Puerto Rico, but Puerto Rico has not been able to meet its quotas in recent years, and probably will not in the future. But where they had a deficit of some 800,000 tons, we only transferred 300,000 tons of it to the mainland cane areas.

The bill then provides an addition to the allocation of sugar to these domestic areas, from the growth—and there is a substantial growth in consumption from year to year. It provides that from the growth during the next 3 years that there shall be 100,000 tons of the production reserved for cane growers in new areas. That means outside of Louisiana and Florida. For practical purposes it means Texas, Arizona, and California. If anybody else can grow it, why, they are just as much entitled to it as those States. But we think that is the practical meaning of that provision.

The bill also provides the allocation of 100,000 tons for the beet growers in continental United States. Right now anybody in the United States who wants to grow beets can do so because we actually are not getting as many beets produced as the present allocations would allow, so there is no actual limitation of production of beets at the present time other than the economic limitations which exist in the purchasing of beets, and those economic factors would still remain.

But there would be new acreage available in the beet areas under the terms of this bill for anybody who can get a processing plant to build in their area.

Now, I am not going to tell you that all the big beet-processing companies are going to run out and try to build a plant in your back yard, because I do not think they will. On the contrary, I think probably some of the existing processing plants are going to close in the next few years. Probably if we raise the price they might stay open but, stabilizing prices as we have, we are giving to the consumers a price that is low enough that it is causing some of the beet processors to go out of business.

But the door is open under the terms of this bill for an expansion both of cane and of beet production in the continental United States.

The next part of the bill relates to the foreign producers. There are about 40 countries which share in the American sugar quotas abroad. And you should bear in mind that when the sugar program was originated some 97 percent of all of our foreign supplies came from Cuba.

The Philippines were then a part of the United States. We are now not getting any sugar from Cuba, but Cuba still has a quota. Some of you may wonder about that. Under the existing law the Cuban quota is 1.5 million tons. This bill reduces that to 750,000 tons.

The President has the power under the present law and under this bill to suspend the quotas of any country where he feels it is in the interest of the United States. He has consistently suspended the Cuban quotas since the Communist takeover there, and we of course anticipate that it will be suspended in the future.

Now this bill does allocate 750,000 tons of what has been Cuban quota to the various foreign countries on a percentage basis as a permanent quota. This does not have any effect whatever on the actual amount of sugar those foreign countries get. They have been getting this from the Cuban quota, but they received it as a temporary quota issued year by year by the State Department.

We felt that by giving them a larger permanent quota from the 750,000 tons now a part of the Cuban quota that they would be in the better position to finance the construction of needed processing and shipping facilities in those foreign countries. Hence we have made half of the existing Cuban quota permanent rather than a temporary quota for the foreign countries. That has changed to some extent the quota of each and every foreign country.

Another factor that has changed the actual amount that these foreign countries were getting, at least the amount of most of the foreign countries, was the allocation of the Puerto Rican deficit. I pointed out that Puerto Rico lacked nearly 800,000 tons of meeting her quota, and that amount is allocated to the foreign countries. Some of you might immediately raise the question, "Why do you not allocate that to the American producers?" We had that presented to us and it is a logical and reasonable question. The reason we did not allocate that to the American producer is that we must have the full amount of sugar needed if the program is going to work. If you need 800,000 tons of sugar brought into the country from Puerto Rico to supply the amounts that the Secretary estimated will be needed during that year, and you find some portion or all of that amount is not going to be supplied, then you must allocate that deficit to countries which actually have sugar on hand. We do not in the United States produce sugar in excess of what we can sell—or if we do, it is just an insignificant amount. But most of these countries from which we are receiving quota sugar have a vast amount of sugar on hand, and we have to allocate the deficit to somebody who has the sugar on hand and can help out at once—in that quarter of the year. That is why we allocate the domestic deficit to foreigners rather than to American producers—because the American producer could not produce it until next year, and to do that he would have to make changes in all of his production plans. On the other hand foreigners or at least many of the foreign countries have sugar in storage and can ship at once, thus maintaining the uninterrupted flow of sugar as it is needed to maintain our needed supply.

That raises the question which I want to discuss right now in connection with the item which was so completely discussed a few moments ago. Why do we give a quota to certain nations—specifically, South Africa? Basically this program will not work unless you have your quotas assigned in large part, at least, to nations which can supply and will supply the amount of sugar which you allocate to them.

I recognize there are two conflicting purposes to be achieved by the sugar program, both of which are actually used by all of us whether we recognize it or not. We try to take care of the United States, and I think that is the fundamental purpose of the sugar bill. We seek to make this as helpful as we can to our neighbors, and I think it is proper that we should, so far as we can do so without hurting our own national interests.

Your committee has given to black countries around South Africa 105,000 tons of sugar. Keep that in mind—105,000 tons of sugar—to five black neighbors of South Africa. We give South Africa itself 60,000 tons—not much more than half of what we give her black neighbors. But here is the difference—the allocation to the neighbors was made primarily, at least in very large part, for the purpose of helping those countries and for the purpose of moving these developing countries as far as we can in the course of their development. Your committee has surely not been hostile to giving quotas to the black countries because we voted 105,000 tons to those neighboring countries of South Africa, and we just kept the South African quota where it has been for a great many years, at 60,000 tons.

I do not believe that anyone can fairly say that we showed any bias against the native States of Africa when we gave them that much more sugar than we gave South Africa. But we gave that quota to them primarily to help those black countries. We gave 60,000 tons to South Africa primarily to help the United States. We did not give anything to South Africa to develop that great country. It has a great economy which, as some have said, is, in some respects, even more prosperous than the United States. We were not passing anything out to South Africa in the way of charity. But of all the countries in the world, South Africa probably has indicated a greater determination to provide the United States with all the sugar that we sought to receive from them than any other country in the world.

I say that because, when that country was afflicted with a terrible drought a few years ago, they still shipped to the United States every ton of sugar that the bill provided for. They shipped so much from South Africa that they later had to go into the market to buy sugar to supply their own needs at home. But they took care of the United States, and their opportunities to trade with the United States, regardless of what happened to the price of sugar in South Africa. I doubt that you can point to another illustration of a nation doing that sort of thing.

To me, that indicates that we have a dependable source of supply there. Since that great drought they have built at Durban some of the most modern and efficient processing and shipping facilities in the world today, so that we have an assured supply of sugar there, certainly far different from the supply in the surrounding black countries, which is largely a hope rather than a reality.

So I think the Members should understand that the committee did not simply act capriciously nor did we act because we were either for or against the domestic policies of South Africa or of any other country. Some of the countries of Africa have restrictions against white people. We consider all of these matters to come under the head of "their business." As was very well explained here within the last hour's debate, this committee does not believe that its function is to determine what kind of domestic government or what the rules may be in regard to domestic affairs in the countries from which we are receiving sugar. We are buying sugar from some of the most powerful dictatorships in the world today. We say we do not want dictatorships. No, I do not want them here. But I do not think it is my affair if somebody else has that form of government, if that is what they want. We are buying sugar from princes and potentates. We are buying sugar from the humble and the great. We are buying sugar where it seems to be in the interest of the United States to buy it, and I think that is a sound rule and it is one which the committee has followed and, I hope, continues to follow.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. POAGE. Yes, I yield to the gentleman from New York.

Mr. DOW. Mr. Chairman, the total tonnage of sugar involved in this bill and in the American supply is greater than 11 million tons. The South African contribution is 60,000 tons out of 11 million tons. So I would ask you whether the South African percentage, which is less than 1 percent, is crucial to the existence of the American economy.

Mr. POAGE. Of course, it is nit-picking, but that is not the percentage. It is not 11 million tons. We only get about 4 million tons from foreign sources, and it is a percentage of 4 million rather than a percentage of 11 million. So the gentleman has it nearly three times out of whack.

Mr. DOW. Mr. Chairman, I was speaking of our entire sugar economy, which I think is greater than 11 million tons.

Mr. POAGE. The sugar economy depends almost two-thirds upon domestic sugar. When we speak about the one-third which come from abroad, the South African quota is 60,000 tons out of 4 million tons, rather than out of 11 million tons.

Mr. DOW. But it is less than 1 percent of the sugar consumed in the American economy.

Mr. POAGE. I understand the point the gentleman is making. Since this is not a great quantity percentagewise of the total amount of sugar consumed, we ought not to be bothering about it. I would be willing to go along with the gentleman if he would be willing to go along with his own philosophy. The South African quota is not a big quota.

It seems to me, following that line of reasoning, it is utterly ridiculous to get up here and make a great fight about it. What difference does it make? One percent, as the gentleman says, is all it is. The gentleman is disturbing this House about 1 percent, a minor affair.

To the gentleman it is a matter of principle, and the gentleman feels it is important. I feel it is important that we maintain some degree of responsibility to American consumers, whether it comes from a nation producing 1 percent, one-tenth of 1 percent, or 10 percent.

If we followed that philosophy we would eliminate any consideration of most of the countries of the world, because there are not very many countries that are great suppliers. There are about five that have fairly large quotas, and that is all. If the gentleman suggests the rest of them are not important, then we do not need even to consider about 35 of the 40 countries that are getting sugar quotas.

It seems very clear to me, if the gentleman will just apply his philosophy to his own reasoning, he would never offer an amendment in regard to the South African quota to take up the time of this House, because it is such a minor item as he points out.

For the information of the Members of the House, I should like to have the Members understand just what has been done as to these quotas. They will not suit every Member and I am sure that every Member would write some of them differently. I would. I do not like some of the items but I believe we have come as close as we can to pleasing everyone as it will be possible to do. I, therefore, support the entire allocation.

We have added sugar to the quota of the Argentine, in the amount of 4,000 tons. As the gentleman from New York says, it is not a tremendous amount, but it is right important to those people.

We have added to the quota of the Bahamas, which are probably, next to Mexico, the closest source of supply to the United States, 23,000 tons.

For Bolivia we have added 9,700 tons.

For British Honduras, just across the Gulf of Mexico from us, we have added 18,000 tons.

For Colombia we have added 11,000 tons.

For Honduras we have added 9,700 tons.

For the Malagasy Republic we have added 5,300 tons.

For Malawi we have added 15,000 tons—which is entirely new.

For Mauritius the addition is 11,000 tons.

For Panama it is 20,000 tons.

For Paraguay it is 15,000 tons.

For Swaziland, a black republic adjoining South Africa, it is 22,600 tons.

For Uganda, another black republic, it is 15,000 tons.

For Venezuela it is 7,000 tons.

When you add to anyone's quota you must take away from someone else.

We have taken from a number of countries in proportion to the amount that they were supplying. Basically these are the five large suppliers; that is, the Philippine Islands, Mexico, the Dominican Republic, Brazil, and Peru. We have taken from those countries at the same ratio, which means about 9 percent from each of the countries.

We have canceled the quota of the French West Indies, which was 62,000 tons. The reason for doing this was that the French West Indies have been made a part of the Common Market as a part of the Republic of France. They are a department in France just exactly like the States of Hawaii and Alaska are parts of the United States. They vote on delegates to the French Parliament. They have a quota in the Common Market which they supply, and they supplied the quota to the United States only after they had supplied the Common Market quota. We felt under those circumstances there was no justification for continuing that quota, and that has been eliminated.

Most of the other quotas have been changed in a very minor way as a result of the shift of the Cuban quota and of the Puerto Rican deficit. Those have resulted in minor shifts, but with no major shift anywhere.

In addition to the quota system, our sugar program also contains a tax program and a subsidy payment to domestic producers. All sugar sells on the market at substantially the same price in competition with all other sugar, but the domestic producer receives a payment in proportion to the amount of sugar he produces. This payment is financed out of the sugar tax which both foreign and domestic producers pay. But the tax is substantially more than the total amount of the payments. Over the life of the program, the Treasury of the United States has received something like $600 million more than it has paid out.

Therefore, this program is remarkable in that it costs the Government nothing and actually pays a profit into the Treasury. The bill makes no change in the tax or the payment provisions; they continue just as they have in the past. They have worked well and we believe they will continue to work.

Indeed the entire bill is substantially what we have been providing for a good many years. It will do, as we believe, what it has been doing—maintain a stable price and a fair price for sugar. We hope it will be adopted.

Mr. BELCHER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Puerto Rico, the Resident Commissioner (Mr. Córdova).

Mr. CÓRDOVA. Mr. Chairman, I rise in support of the bill. The sugar industry, while no longer the dominant factor in the economy of Puerto Rico, is still a very important factor. Our sugar production has declined substantially in recent years, but our government is committed to an extraordinary effort to help our growers bring back production through improved methods, and to this end is providing over $100 million, over a 5-year period, to assist the growers in mechanizing their operations and otherwise improving their practices. The success of this joint effort of the farmer and the government requires assurance of a market at a reasonable price. The bill before you today provides our farmers with the necessary assurances in this respect. The consumer will not be hurt. The sugar program which has been in force for over 35 years, and which the bill before you would extend with slight modifications, has protected the consumer as well as the farmer, to the extent that the price of sugar in our country has been maintained at a stable level, below that of such countries as Japan, Italy, Belgium, the Netherlands, and Sweden.

I ask for your support, in the conviction that this piece of legislation will redound to the benefit, not only of Puerto Rico, but of all our domestic beet and cane growers, as well as the consumer.

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Iowa (Mr. Mayne).

Mr. MAYNE. Mr. Chairman, I thank the gentleman from Oklahoma, the distinguished ranking member of the Committee on Agriculture, for the time which he has yielded to me.

I also wish to commend the distinguished chairman of the committee, the gentleman from Texas (Mr. Poage), and our good friend from Puerto Rico (Mr. Córdova), on the fine presentations they have made.

Under the committee bill the tiny countries of British Honduras—population 120,000—and the Bahamas—population 195,000 are awarded tremendous increases in their quotas while eight of their much larger Central American and Caribbean neighbors are required to take substantial cuts. The favoritism shown these two countries represents a striking departure from the criteria which the committee was to apply in assignment of foreign quotas. Their increases are so disproportionate when compared with their neighbors as to raise serious doubts that they could have been reached on any reasonably nondiscriminatory basis.

It has long been recognized that one of the great pitfalls in the Sugar Act lies in its provision for assignment of sugar quotas to individual foreign countries by the Congress. The distinguished chairman of the Agriculture Committee, the Honorable W. R. Poage, is to be commended for establishing ground rules this year which he hoped would promote fairness in determining foreign eligibility for quota increases or decreases. On March 4, 1971, he wrote to all registered foreign lobbyists and agents prescribing five criteria which presumably were to be applied uniformly to all countries in the allocation process. These criteria were implicit in the mandate given the subcommittee appointed to recommend specific foreign allocations. With some 39 countries involved, it is easy to understand how some of these criteria could be discounted or overlooked as the subcommittee struggled with so many applications. This, however, does not relieve this Member of his responsibility to inform the members of the committee and the House when he believes there has been an unreasonable and unwise abandonment of the criteria. This seems to me to be the case with British Honduras and the Bahamas, both of which are eligible for participation in the British Commonwealth's preferential sugar market. The sugar factories in each are owned by private foreign companies, British in the case of British Honduras; American in the case of the Bahamas.

The remarkable extent to which the committee bill unfairly favors these two countries over their neighbors is evident from the following table:

Country	Population (1)	Old basic quota (1965 act) (2)	Old total quota and prorations (3)	New total quota and prorations (4)	Increase or decrease (5)	Per capita income (6)
Bahamas	195,000	(T)10,000	(T)10,000	(T)33,173	(T)23,173	$1,500
British Honduras	120,000	6,850	14,539	33,173	18,634	400
British West Indies	3,800,000	94,032	199,579	189,926	−9,653	505
Costa Rica	1,695,000	27,711	67,728	64,607	−3,121	466
Dominican Republic	4,174,000	235,390	575,312	519,909	−55,403	305
El Salvador	3,390,000	17,125	41,852	39,924	−1,928	283
Guatemala	5,014,000	23,352	57,074	54,445	−2,629	314
Haiti	4,768,000	13,077	31,962	30,489	−1,473	80
Honduras	2,495,000	2,802	6,850	16,612	9,762	246
Mexico	48,313,438	240,684	588,249	531,603	−56,646	572
Nicaragua	1,915,000	27,711	67,728	64,607	−3,121	387
Panama	1,417,000	17,437	42,616	62,947	20,331	624

British Honduras, which had a basic quota of only 6,850 tons under the 1965 act, will now be guaranteed a new total quota and prorations of 33,173 tons, a fivefold increase. When prorations were added, it of course actually shipped 14,539 tons to the United States in 1971, but even this figure is being upped by 18,634 tons per year. The increase for the Bahamas is even more generous. Its total 1971 quota and prorations figure of 10,000 tons is jumped a whopping 23,173 to 33,173 tons.

In contrast, the following countries with much larger populations will be cut substantially below their 1971 total quota and prorations as follows:

British West Indies	−9,653
Costa Rica	−3,121
Dominican Republic	−55,403
El Salvador	−1,928
Guatemala	−2,629
Haiti	−1,473
Mexico	−56,646
Nicaragua	−3,121

Why should the sugar interests in British Honduras and the Bahamas be accorded this very special treatment? I have yet to hear any reasonable justification for it after hearing the testimony of their lobbyists and being present when the subcommittee's allocations were presented to and considered by the full committee.

First as to British Honduras, it is a British colony whose sugar industry has for many years enjoyed the protective subsidies of the British Commonwealth's preferential sugar agreement. It has only two sugar factories which are entirely British owned by Belize Sugar Industries, Ltd., the mother company being Tate & Lyle of England.

Mr. Arthur L. Quinn, a registered agent and spokesman for Belize Sugar Industries, Ltd., testified that the total 1970 sugar production of his company—and of all British Honduras—was 77,193 short tons. This was disposed of as follows: 15,758 to the United States at $136.75 per ton—6.8 cents per pound—this amounts to $2,154,906; 23,692 to the United Kingdom at $99.26 per ton under the preferential Commonwealth agreement—5 cents per pound; 27,194 to Canada at $80.38 under an international sugar agreement—4 cents per pound; 2,800 consumed locally; 7,687 surplus.

The world price in 1970 was only $75 per ton or 3.8 cents per pound.

It is evident this country very substantially "shares in other premium markets such as the United Kingdom," which was one of the factors prescribed by Chairman **POAGE** as diminishing the need for a premium priced market in the United States—the fourth criterion.

Mr. Quinn contended that the company actually incurred losses of $48,000 on its 1970 sales to the United Kingdom. If this is true, which seems highly unlikely, then the company must have incurred even greater losses on larger sales to Canada at a much lower price. Obviously this British company operating in a British colony would not have been able to furnish sugar to the United Kingdom at $99.26 per ton and to Canada at $80.38 if it were not receiving more than $2,150,000 from the American consumer at the artificial quota price of $136.75 per ton. The company's large profits from American consumers enabled it to give the United Kingdom and Canada a much better deal. This means that the American housewife is in effect being forced to subsidize sugar prices throughout the British Commonwealth system which still means throughout the world.

The American largess to be paid Belize Sugar Industries, Ltd., in British Honduras, will now increase greatly if the committee bill becomes law. Projecting the 1970 figure of 15,758 tons supplied by Mr. Quinn to the new annual figure of 33,173, the total American payments will jump from $2,154,906 to $4,536,407, an increase of $2,381,501.

British Honduras also fails to qualify for preferential treatment over its neighbors upon a comparison of present stages of and need for economic development—criterion 4(c). Its per capita income of $400 is greater than that of the Dominican Republic, $305; El Salvador, $283; Guatemala, $314; Haiti, $80; Honduras, $246; and Nicaragua, $387.

Nor has a case been made that British Honduras is entitled to special consideration over its neighbors by reason of greater sharing by factories and larger landowners with farmers and workers—criterion No. 5.

The two sugar factories are owned outright by British stockholders with no local participation; 60 percent of the sugarcane is grown by 2,300 independent cane farmers. While Mr. Quinn testified that negotiations are underway between the British Honduras Government and the company to transfer the latter's cane lands to nationals, the fact remains that 40 percent of the country's sugar cane continues to be grown by the company on its own land.

The more than threefold increase which the committee bill gives to the Bahamas is similarly indefensible. Here the entire increase of 23,173 tons—approximately $3,168,000—will go to a U.S. corporation which has found the production of sugar in the Bahamas highly unprofitable. Owens-Illinois, Inc., of Toledo, Ohio, is the sole owner of the only sugar mill and all sugar-producing land in the Bahamas.

Sugar production did not commence in the Bahamas until 1969. The company lost $6,700,000 in 1969 and $3,000,000 in 1970. It is not harvesting in the 1970–71 season but preserving the growing cane for possible harvesting next year.

The company's representative testified:

> Having lost $6,700,000 in 1969 and $3,000,000 in 1970, we thought it would be economic folly to harvest the 1971 crop without assurance of a substantially increased market for sugar in the United States since out of pocket cost of harvesting and milling would exceed indicated return from any raw sugar sold on the world market.

Now, the 23,173 tons boost for the Bahamas was defended in the committee on the grounds of friendship and proximity to the United States. However, the Bahamas are neither friendlier nor closer to us than Mexico, which is being told that it must take a cut of 56,646 tons.

The table set forth above shows that many other good friends of the United States are being cut or given much smaller increases.

A case was also perhaps made that the increased quota to the Bahamas will greatly enhance the chance Owens-Illinois, Inc., has of finding a buyer on suitable terms.

It is no doubt true that adding more than $3 million per year to the company's revenues from sales to American consumers will strengthen the company's financial position substantially.

But this Congress has of late been exhibiting a certain reluctance to bail even American corporations out of unprofitable financial situations.

The large Bahaman increase clearly does not meet the second criterion set forth by Chairman **POAGE**, to wit: dependability as a source of supply as reflected by the country's history in supplying the U.S. market.

Sugar production did not even commence in the Bahamas until 1969, lasted only 2 years and was suspended in 1971. The fact that annual production has never exceeded 13,600 tons gives little assurance that the Bahamas can meet its new quota and prorations of 33,173 tons.

Nor does the Bahamas qualify for a greatly increased quota when its present stage of and need for economic development is compared with that of its neighbors, under criterion No. 4.

Did you know the Bahamas have the largest per capita income of any country in the Caribbean or in Central America—$1,500 per capita? There is in fact no country anywhere in all Latin America which even approaches that figure.

The closest one to it on the foregoing table is $624 per capita for Panama and the others range way down to $80 per capita. So it certainly cannot be said the Bahamas has a greater need for economic development than the others, or that its present state of economic development lags behind theirs.

I supported in committee an amendment which would have decreased the British Honduras' proposed increase by 9,762 tons, but would still give it an increase of 8,872 tons.

I also appeared before the Committee on Rules yesterday and asked for an open rule or for a modified rule which would make it possible for me to offer such an amendment again here and a similar one to reduce the Bahamas increase by a similar amount. This would have left the Bahamas with an increase of 13,411 tons, still much larger than any of its neighbors except Panama. Unfortunately, the action of the Committee on Rules in voting a closed rule and the acceptance of such a rule by the House makes it impossible for me to offer such an amendment today. I regret that the Members will therefore not have an opportunity to vote to reduce the overgenerous and ill-advised increases in quotas for these two countries to more reasonable amounts. Under the circumstances I believe I have no choice but to urge my colleagues to join me in voting "no" on final passage.

The committee bill will continue and aggravate a system which forces American consumers to pay high subsidies to foreign sugar producers under a quota system. It is unfair to the American housewife by requiring her to buy foreign sugar at a premium almost double the world market price, thereby subsidizing sugar prices not only in the British Commonwealth but throughout the world. The system is unfair to the American producer in that it gives the same price he receives to foreign competitors whose labor and other costs are vastly lower. Congressman **PAUL FINDLEY**, a member of the committee, testified the injustice in the present pricing system is apparent when one recognizes that no foreign producer faces cost items as high as those which confront U.S. producers, yet each gets the advantage of a price based on U.S. costs.

For example, wages as little as $1.50 or $2 a day are still commonplace among foreign suppliers; $4 a day is big money. Contrast these with almost $35 a day paid to workers in Hawaii and $1.85 an hour in the sugar beet areas of the United States. Despite these wage differentials, foreign suppliers get almost the same price in the U.S. market as domestic producers.

The American consumer deserves a better price on sugar supplied by foreign countries. I agree with Mr. **FINDLEY**'s statement that—

Under the present arrangement the American people get hooked, and bad.

The committee bill is also unfair to foreign producers in that it increases the inequities of the present foreign quota system, the most conspicuous examples of which are the amazing increases now given British Honduras and the Bahamas. The bill in its present form should be defeated.

Mr. BELCHER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, during the past year, the beet sugar industry of the United States observed its 100th anniversary, recalling that the first successful beet sugar factory in this Nation began operations in 1870 in a small California town bordering San Francisco Bay.

Thirty-two years earlier, however, our own Michigan pioneers had made the effort to start sugar production at White Pigeon. That was in 1838. Unfortunately, the enthusiasm of the entrepreneurs who undertook that enterprise was not matched by the necessary technical skills to assure success. Thus it evolved that the White Pigeon plant failed and our first successful sugar operations in Michigan did not prove out until 1898 when a beet sugar plant was successful in my native Bay City.

Today, Michigan is a major contributor to our Nation's sugar production, producing annually in the range of 350 million pounds of beet sugar from about 90,000 acres of our fine farmland.

As a spokesman for our Michigan sugar industry, I strongly endorse passage of the sugar legislation now under consideration by this body. The Sugar Act of 1948, as amended on several prior occasions, has served the producers and the consumers of Michigan well. Indeed, so it has all American sugar producers and consumers. It has been a tremendously effective and desirable instrument of national policy and certainly there is nothing in its long record to suggest it now receive other than our most determined support.

There are a number of more or less technical adjustments to our national sugar program embodied in the current legislation. These bear the general support of all segments of our domestic sugar industry and have been brought to our attention by the Committee on Agriculture only after extended, though wise and dedicated, study and effort on the part of the gentleman who comprise that committee.

The full record considered, I think the legislation now before us deserves our endorsement and approval. Further, I wish to join those of my colleagues who have earlier today expressed supporting views similar to mine and to commend each of them for the stand they have taken.

In a word, Mr. Chairman, I urge all of my esteemed colleagues to approve H.R. 8866 and thus to assure the further extension of a wholly beneficial program which has served, and will continue to serve, our national interest in a most effective fashion.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I rise in support of the extension of the Sugar Act.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. Mr. Chairman, I wish to associate myself with those who have today urged passage of H.R. 8866.

Many fine sugar beets are grown and processed in western Kansas. We have seen firsthand the economic benefits accruing from the growing and processing of sugar.

The bill before us today continues a program that has proven itself over the past 37 years and has worked to the benefit of consumers as well as producers. I wish to briefly address myself to those consumer benefits.

Certainly, one of the outstanding features of our sugar program is the price stability it has brought to the domestic market. Industrial users of sugar who support the major provisions of this bill need not carry excessive stocks of sugar as a hedge against sudden large price increases. Nor do they fear the value of the stocks on hand will drop suddenly. Thus, they can budget ahead for raw material with confidence. The retail consumer who buys sugar in grocery packages also is secure in the knowledge that sugar will be available when she needs it, and at a minor cost to her budget.

By any fair standard of measurement, the price of sugar is reasonable. If one were to divide the countries of the world into two groups, it might be done on the basis of those who were net importers of sugar and those who were net exporters of sugar. A comparison of retail sugar prices in the United States are about equal to the average for the other net importing countries, which often are highly developed nations. The average price of sugar in net exporting countries, as might be expected, is a little lower.

To take a few representative sugar prices from developed nations, compiled by the International Sugar Council in London for the year 1968, the United States price was 12.2 cents per pound. That of Japan was 16.1 cents; Italy 17.1; the United Kingdom, 8.5; Netherlands, 15.6; Canada, 8.9; Belgium, 15.5; and Australia, 11.7.

Although inflation has affected the sugar industry, as it has all other segments of the American economy, the price of sugar has not changed as rapidly as most other items purchased by the average citizen. For example, in 1969, the index of the retail price of all foods was 125 percent of the 1957–59 average, while the retail price of sugar at 12.4 cents per pound was only 111 percent of the 1957–1959 average price of 11.2 cents per pound. In comparison to the price of all foods and of disposable income, sugar is cheaper today than it was when the sugar program was started in 1937. Deflated for changes in the price of all foods, sugar averaged 4.67 cents per pound during the base period 1935–1939, and 4.23 cents per pound in 1970. Deflated for changes in personal income, sugar averaged 4.67 cents per pound during the base period and 1.8 cents per pound in 1970.

In relation to the rest of the American economy, the price of sugar has posted an admirable performance, and our Sugar Act has been the tool with which we accomplished this. Passage of H.R. 8866 will allow us to maintain this record for American consumers.

Likewise, an assured market at a price that will enable the farmer to sell his product at a profit is highly desirable. The sugar program has worked for the benefit of the producer and the consumer and that is why we have the program. When something is working for the purpose intended, then it should be continued. That is why I urge the passage of H.R. 8866.

Mr. BELCHER. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN pro tempore (Mr. HUNGATE). The gentleman from Oklahoma is recognized.

Mr. BELCHER. Mr. Chairman, it is very seldom the Committee on Agriculture comes before the House that they do not want to spend some of the taxpayers' money. This is a different bill. This bill paid $658 million into the Treasury of the United States since it was enacted in 1934. It keeps the price of the sugar to the housewife and the industrial users down. It makes it possible for the growers in this country to make a profit. I believe this is the only bill I have ever supported that does all these three things.

I am for the sugar bill. I have been for it for the last 20 years. I think it is the best legislation I have ever had the opportunity to bring before the House.

The gentleman from Iowa (Mr. MAYNE) and two others voted against the bill in the committee. Thirty Members voted for it. The gentleman went before the Rules Committee and tried to get an open rule, which would have ruined the entire bill. He spoke 14 minutes today. I guess he wants to kill the entire bill.

There are 25 countries involved in the foreign quota. There are 11,200,000 tons involved. The gentleman complained about 18,000 tons and 20,000 tons for two small countries, and he was willing to scuttle the entire bill in order to get back at those two little countries. I do not know what he has against those two countries.

I am on the subcommittee that brought out the suggestion of these foreign quotas I looked them over very carefully. I did not go along with all of them. I thought some of them might have been raised a little more than they were and some of them ought to have been cut more than they were. But when you have a bill to consider that is as involved as this bill is, you have to spend a great deal of time on it. I spent 3 months with the State Department, the administration, and the Department of Agriculture getting an agreement on the bill with 30 Members of the House. I was willing to go along on some of these little things that I did not like.

The gentleman from Iowa has the privilege of voting any way he wants to on any bill. If he wants to kill the entire sugar bill because he wants to get back at two little countries, that is his business, and I do not quarrel with him. I have never told anybody in this House how he or she ought to vote on any single bill. I am not going to tell him how to vote on this single bill.

But these little countries must be very important to the gentleman if he wants to sacrifice the price of sugar to all of his constituents. I am for the sugar bill. I hope it passes.

Mr. POAGE. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. Dow).

The CHAIRMAN pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. DOW. I thank the gentleman from Texas.

Mr. Chairman, the attendance today is a good example of the futility of a closed rule. There are no more Members present today than there might be at the ordinary time for special orders. Yet we are considering one of the major bills of the session, a bill involving $1.5 billion. There are a great many serious questions about the proper usage of that money. Yet here we are, a handful, a corporal's guard, sitting around in a major debate on a sugar bill that will operate for 3 years in the field of this great product, the sugar economy of the United States.

I oppose the amendment to section 408 of the Sugar Act of 1948 which grants the President discretion to withhold a portion of, as well as the entire quota, of a nation seizing ownership or control of property of U.S. citizens without adequate settlement. This objectionable amendment further carries a provision that largely embodies the "Grace Amendment" which was intended to fortify W. R. Grace & Co. in a claim against Peru going back to 1969.

I have been accused of being a "bleeding heart" because I am concerned about the status of the Bantu in South Africa, but I submit that the gentlemen who wrote this bill are "bleeding hearts" also, every one of them. It is true they are not concerned about the Bantu or the condition of labor in South Africa. They are not concerned about the migrant workers, because they rejected a provision on that score, but their hearts are bleeding for W. R. Grace & Co. and these economic royalists who are trying to grind down the people in the remote parts of the underdeveloped world.

Now, this new provision to which I object establishes a new account in the U.S. Treasury to pay claims of U.S. citizens arising out of similar seizure or control of property of U.S. citizens done without adequate settlement. The Treasury account would be financed by a $20 per-ton impost upon the nation involved, at the discretion of the President.

This entire amendment with its new provision deserves special attention because it highlights so sharply the wide gulf of misunderstanding that has been generated in the United States vis-a-vis the underdeveloped nations of the world.

The prevailing attitude in our country today is blind to the problems of the underdeveloped nations. To put it bluntly, those nations, owing to grim necessities of their own, are obliged to play the economic game in a new way. And, saddest of all, we are largely unaware that the game today is different. For we are continuing to play the old game that suited us in years gone by.

In this period of history, the underdeveloped nations, many of them only recently freed from colonial domination, are uniformly and universally seeking to assert their national integrity and independence. They want to pull themselves up by their bootstraps in the world economy. They are wracked by the violence of their own efforts to overthrow economic royalists, both foreign and domestic.

In the conduct of their evolution and revolution, these many underdeveloped nations are resorting to devices of expropriation and possibly property seizure under terms of compensation that offend our ingrained sense of property rights.

On second thought, however, if we were to examine closely the game that those nations have to play, we would see, by and large, that each one has very few chips on the table. Each nation has but one or two products available with which to exert the leverage that will help it rise. For example, the Equadorians have little besides their bananas and coffee. The Bolivians have tin; the Chileans, copper; the Colombians, coffee; and the Peruvians offer fishmeal. Their tactic must be to reassert their control over these unique and vital products by sovereign acts. Unfortunately, their methods do not always accord with property concepts as constituted under our system.

Meanwhile the United States continues the property game under the old rules which were conceived in a Victorian century. It seems to me that we will have to learn that we cannot enforce upon little sovereignties in our own hemisphere and around the world the same property rights by which we hold to account a defaulter on Locust Street in our hometown.

This is the overriding consideration for our international relations in this immediate period. It is the lesson we did not understand in Vietnam. If, after losing 45,000 dead, we still do not understand the new world from the Vietnam experience, then indeed the future of our own nation is in serious jeopardy. For we will be at loggerheads with more and more of the emergent peoples struggling to reassert their authority over affairs in their respective lands.

For this tremendous reason I submit that the efforts to impose niggling, parsonic penalties, like $20 a ton on sugar, against those nationalities who are struggling to get up in the world is worse than petty. It is blind, to say the least, also self-deluding, and downright dangerous as a future policy for this nation.

I would have offered an amendment to limit producer payments, just as we do for staple grains.

Anyone who attended the recent hearings on the Sugar Act of 1971 could properly form the impression that the entire sugar business of the United States, which comes to about $1.8 billion, is wrapped up in a tidy package that gives all of those involved—producers, processors, manufacturers, and importers—an equitable share, but may not wholly serve the interests of the consuming public. In fact, a reading of the extravagant fees paid to sugar lobbyists, which is listed on p. 1133 of the May 21, 1971 issue of the Congressional Quarterly, raises questions such as, how much more do we not know about sugar.

The voice of the consumer is barely heard in the "Land of Sugar". In the recent hearings before the House Committee on Agriculture, among those who testified, there was but one consumer witness. Any reading of the testimony will show that his reception at the hands of the Committee was the least cordial of any throughout the length of the hearings. Accordingly, it seems quite in order to limit the take of the sugar consortium, just as a matter of sensible business and good principle, to something less than their gross demands. This is the justification for the amendment that I would offer, if permitted, so as to limit producer payments.

Mr. POAGE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to call attention to the statement made by the gentleman from New York (Mr. Dow), that there was only one consumer witness who appeared before the committee. We were in session for about 3 months and invited any and every person who wanted to be heard to be heard. Not one was turned away. We heard every witness, consumer or otherwise, who offered to be heard. We heard the gentleman from New York and we heard every consumer he asked us to hear. If someone was not heard, it was his fault and not that of the committee. I am disappointed that the gentleman should feel impelled to imply that the committee denied anyone an opportunity to appear

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Oklahoma.

Mr. BELCHER. We had a man before the committee on two different occasions who represented 75 percent of the sugar purchased in the whole United States. He was a representative of the consumers.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. POAGE. Yes. I yield to the gentleman from New York.

Mr. DOW. He is what I would call an intermediate consumer. I am talking about people like you and me that put sugar in our coffee. We are the ones I am worrying about.

Mr. POAGE. The point I am making is the committee gave everyone, like you and me, an opportunity to be heard, and if they were not heard, it was their fault and not that of the committee. I note that the gentleman is at a loss to name one witness who asked an opporutnity to testify and who was refused that opportunity.

Mr. Chairman, I now yield 5 minutes to the gentlewoman from Hawaii (Mrs. Mink).

Mrs. MINK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 8866 which will extend the Sugar Act for 3 years. I regret that the extension could not be for a longer period because the scope of this legislation is such that it arouses debates on extraneous points which do not deal with the essentials nor with the basic necessity of a system of quotas, as a protection to the American consumer as well as the sugar industry itself. First of all we do not produce enough sugar within our own country to meet the demand. We are therefore required to buy from foreign producers. If we were to buy freely from the world market, the importation of low-cost sugar would price out all of the domestic sugar grown in the United States with the consequent result of many growers being forced to farm some other more economic commodity instead of sugar. This would then eventually reduce our own domestic production to a point where we would be largely dependent upon foreign sugar production, without protection of either source nor price to be paid by our consumers. Many economists who have studied this picture argue that the final result would be an increase in the price of sugar to the American housewife.

The points therefore which should be made are that sugar is an essential food, that we do not produce enough to supply our domestic needs, that we must buy a certain percentage in the foreign market, and that the price paid to foreign growers must be the same as that paid for our own domestically produced sugar. Because of the latter point, who gets to sell their sugar to the U.S. consumer at twice the world market price becomes a matter of so-called patronage, friendly relations, and diplomatic policy. Without any doubt, this part of the quota system can never escape debate and disagreement for each of us has his own notion as to how this market should or could be best divided among our foreign friends and political allies. A discussion of the Sugar Act therefore must always contain heated and lively debate concerning foreign policy, unless the Congress is willing to relinquish this responsibility to the State Department.

I note this point only because I hope Members who are in disagreement with the individual foreign quotas which this bill has allotted, do not insist in their disagreement that the entire legislation must die because certain countries received quotas which they do not personally approve of. Rather I hope that they will direct their attention to the overall need for this act, and support it as an essential program for the protection of both consumer as well as the producers.

The other major objection which has been repeated over and over again refers to the compliance payments made under this act. One witness charged in a recent hearing on this legislation that this act costs the consumers over $500 million a year. Attacks are constantly being directed against the large producers who receive in excess of a quarter million dollars each of these payments. Twenty of these largest producers are located in my congressional district.

Let me say that if ever any limitation on compliance payments are made without repealing the tax which supports these payments, there is no question in my mind but that the sugar companies will either be: First, forced out of business, or, second, the current efficiencies and high-wage structure of our sugar workers will be drastically cut back by forcing the companies to split up into smaller entities, which would be less economic, carved to the size required by whatever limitation was placed upon the payments to be made. It would serve no purpose in terms of dollars saved, instead it would be destructive and would result in Government's dictating the size of the business enterprise without regard to the consequences for the workers, for the industry, and for the consuming public.

Furthermore, we are not even talking about subsidies, although you hear that word bandied about quite frequently in discussions about these sugar payments. These payments are made out of a processing tax which is paid by the industry. In 1969, payments to these producers amounted to $90.2 million, while the processing tax collected was $113.5 million. The sugar program is in effect paying into the Treasury millions of dollars each year. Instead of costing the taxpayers money, it has produced revenues in excess of $600 million in the 35 years of its existence.

So let us at least set the record straight when we refer to sugar payments. There is no cost to the American taxpayer. If you want to cut out the payments, then you must also repeal the excise tax. But when you do this, you have cut out the mechanism by which the industry is regulated, under which wages of workers are kept fair and reasonable, and by which labor standards are enforced and limits on production are applied. In addition, if you only limit the payments, what you have destroyed is the internal equity of the formula for distribution and companies such as those in Hawaii will be penalized simply for their size and forced to break up into smaller uneconomic entities if they want to continue in business.

Therefore, if it is in the national interest to safeguard the domestic production of sugar, and if it is in the national interest to assure the country of an adequate supply of sugar at reasonable cost to the consumer, then it is imperative that the Sugar Act be extended because it embodies these very concepts. I urge my colleagues to consider these arguments carefully and to support the 3-year extension of the program as it is sought in H.R. 8866.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. Caffery).

Mr. CAFFERY. Mr. Chairman, it is with pleasure I rise in support of this bill. I wish to take the opportunity to congratulate the distinguished gentleman from Texas (Mr. Poage), the chairman of the Agriculture Committee, and all that committee, on the splendid work they have done in bringing before this body a Sugar Act which meets so well the needs and requirements of our sugarcane and sugar beet farmers, as well as the consumers.

Because no piece of legislation is more vital to my district in southern Louisiana, I have followed the work of the Agriculture Committee for many weeks. I know the task they faced and the long hours and hard work that were required of this diligent committee; and, Chairman Poage, I know I speak for all our colleagues in saying that your achievement in this sugar bill exemplifies this body at its deliberative best.

I am grateful for this opportunity to bring to your attention the desires, the needs, and the strengths and contributions of the sugarcane farmers of the State of Louisiana. Sugarcane was introduced to Louisiana 25 years before this Nation proclaimed its Declaration of Independence. The Louisiana sugar industry has now completed its 176th consecutive crop, and in doing so the Louisiana sugar farmers have once again made a sizable and positive contribution to the economic and nutritional well-being of this country. The stamp of sugarcane is and has been imprinted across south Louisiana for two centuries, and it is impossible to think of the south Louisiana economy, culture, and landscape without sugarcane coming to mind.

My district begins in the east at New Orleans, and one can drive west for almost 200 miles to Lafayette and never be far out of sight of sugarcane fields. Sugarcane has been the economic backbone of my district for well over a century, and, even though today oil and gas and fishing industries have diversified and strengthened our economy, the well-being of our sugarcane farmers remains crucial to the economic well-being of the area.

To my constituents, the Sugar Act we are considering is not a cold and sterile collection of print and paper. It is their lifeblood. This bill affects not just the farmer and processor in south Louisiana. Every retail merchant, every gas station owner, every employee, and every insurance salesman looks to the cane-harvesting season with the same mixture of anticipation, dread, and hope that characterizes each fisherman as he hauls in his net.

A good harvest means jobs, purchasing power, a house mortgage that will not be foreclosed, and purchasing power and tax moneys for schools and roads. A poor harvest means tightening the belt, a son unable to go to college, or a father unemployed. My district produces more sugar than any single region in America. And so reliant are we upon this industry that its ebbs and flows affect the lives of all my people. So you see, the interest of my people is more than casual and academic.

I do not want to burden you with facts and figures or consumption estimates and import quotas. The bill and the report present these features in far greater clarity and cogency than time would afford me to do. I would like to congratulate the committee for the splendid job it has done in documenting this important legislation.

I would, however, bring to all of you

the message that, like the weather to the farmer, the U.S. Sugar Act is a life-giving instrument to my constituents and express my hope that you will give this legislation your unanimously favorable vote.

There is probably no group of individuals in America more aware of or attuned to the importance of agriculture in the total fabric of American life than the distinguished members of the Agriculture Committee. Long before the public in general became aware of it, this committee recognized that our agriculture policies are central to the success of the society as a whole. It is only now dawning on America which has been apparent to this committee for some time. That is, that we must take a broad all-encompassing view of the role of agriculture in our society. For it affects our environment, our economy, and our cultural life, and it will be a vital part of the heritage we pass on to future generations.

This bill is of tremendous importance to this Nation, not only because it provides for a stable sugar market, but also because it permits our farmers to stay on the land and encourages the continued revitalization of rural America. Welfare costs and agriculture may not seem related but it has now become apparent that the exodus from our farms has clogged our cities with millions of individuals unsuited to city life and unable to adjust to the demanding pace. Drug abuse is an increasing concern to all in this Nation but I submit that to remove people from contact with nature and the fields and streams, is to risk that they will seek relief from stress of life in other ways.

I support this bill because I deeply feel there is a desperate need to rekindle the spark of hope in rural America and to prevent the exodus of farming people from farmlands. The enormous transportation tangle and the pollution crisis are reaching giant proportions all across the country. But I submit that had our vast farm areas not emptied forth rural people into crowded cities, we would not be facing this problem.

The soul-searing experience of poverty that is at this moment warping the minds of millions of our urban young people could surely be ameliorated by better balance between urban and rural population. A poor boy and a rich boy have little to separate them in the woods, or in the fields, or on a river, or on a lake. But in the city this is not the case. The rich and the poor lead vastly different lives, and the ever-growing cost of crime might be stark testimony to the bitterness that can grow from such a difference.

In short, what I am saying is that it makes little sense to save 200 million American consumers a fraction of a penny on a pound of sugar, with policies that end up costing billions and billions in welfare costs, pollution costs, transportation costs, drug abuse and crime costs, and a serious deterioration of the spiritual fabric of our society.

I respectfully urge you to keep these considerations in mind when the vote on this bill is taken.

I believe the above observations continue to hold firmly true concerning the need for balance between sugar produced domestically and sugar imported from abroad. My position on sugar legislation is the same as it is in all of agriculture and that is: We must protect American farmers. I am not an isolationist and I full well recognize the need for a happy balance of trade with our foreign friends. But I say not at the sacrifice of our own people. I strongly question whether it will benefit us to maintain happy diplomatic relations with foreign countries if our own farmers are going broke.

I am pleased to note that the General Accounting Office in September of 1969 recommended that our balance-of-payments situation could be improved by better utilizing our domestic sugar producing capability. That report stated and I quote:

> In view of the significant benefits which would accrue to the domestic sugar industry and the beneficial effect on the U.S. balance-of-payments position through a reduction in the outflow of dollars, we recommend that the Congress in its extension of the legislation—which expires on December 31, 1971—consider modification of the deficit allocation provisions of the Sugar Act of 1948, as amended, to enable the Secretary of Agriculture to allocate continuing, long-term deficits of a domestic area to other domestic areas rather than to foreign countries.

In commenting on the GAO report Secretary Hardin stated:

> We agree with your premise that in recent years the domestic areas such as a group have been permitted to market a smaller proportion of the national sugar requirements than the Congress expected at the time it enacted the 1965 amendments to the Sugar Act . . . When sugar legislation is next considered by the Congress, it is the view of this Department that consideration should be given to enabling the domestic areas to market a substantially larger proportion of national requirements than is possible at present.

In conclusion, Mr. Chairman, might I only observe that the sugar industry in Louisiana and all over this country plays a key role in a vital and productive rural America. The Sugar Act has helped it to do so and there can be no question but that all our people have benefited.

I urge all Members of this body to join me in voting to extend the act, and in closing I would like to compliment the distinguished gentleman from Texas (Mr. POAGE) and the Agriculture Committee for its vital role in a truly outstanding job of keeping American agriculture foremost in the world.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Chairman, I rise to express my very deep concern over the manner in which Puerto Rico is treated under the legislation presently before us.

One of the key provisions of this bill calls for the reduction of the Puerto Rican quota by 235,000 short tons during the first 2 years of the extension and by 140,000 short tons during the third and final year of the extension. Thus, the present quota of 1,140,000 tons will be reduced to 885,000 tons for 1972 and 1973 and 1,000,000 tons for 1974.

As many of our colleagues already know, sugar production in Puerto Rico has sharply declined in recent years. In 1968, for example, 637,000 tons were produced. In 1969 this figure dropped to 477,000 tons and in 1970 it was at 455,000 tons. The Association of Sugar Producers of Puerto Rico claims that this situation is due in great part to the lag in research on the island with regard to crop varieties, agronomic practices, and production techniques; the inability of the island's sugar industry to mechanize; and the greater distance from markets and higher marketing costs than other producing areas. In the past 10 years the number of operating raw sugar factories has decreased by almost half and, in the same period, the number of sugarcane growers has fallen by almost 10,000.

Because of the major decline in sugar production on the island, Puerto Rico has been unable to meet the present quota for a number of years. I am informed that, as a consequence, the proposed reduction under H.R. 8866 is considered to be acceptable to the Commonwealth of Puerto Rico and that there is an understanding that the quota will revert back to its present level if the $100 million program launched by the Commonwealth 2 years ago to rehabilitate the sugar industry is successful. In a letter circulated to Members of Congress yesterday, my distinguished colleague, the Resident Commissioner of Puerto Rico, expresses his consent to the reduction and urges support for the bill. While I certainly understand Mr. CÓRDOVA's good intentions, I fail completely to understand his rationale. Where is the incentive to increase productivity if the quota has been reduced? What assurances are there that the present Puerto Rican quot will, in fact, be reinstated in 4 or 5 years? Who believes that Louisiana and Florida, which are receiving quota increases at Puerto Rico's expense, will willingly accede to a future reduction in the new quota? If Puerto Rico is having production difficulties under the present quota, should not the Federal Government concentrate its efforts in assisting Puerto Rico to increase sugar productivity, rather than simply cutting the quota?

Mr. Chairman, H.R. 8866 is unacceptable in numerous other respects—the continuation of a quota for the racist Government of South Africa, the grossly inflated prices paid to foreign producers, the lack of any subsidy limit—and I shall not address myself to these issues as a number of other colleagues have announced their intentions to do so. However, the manner in which Puerto Rico is treated by this measure is deplorable, and I feel I must speak out on it. The Puerto Rican sugar industry at this crucial period deserves all possible support and encouragement, and I believe we would be doing it a great disservice if we were to lower the present quota. It is perfectly obvious that the increases being granted to Louisiana and Florida are at the expense of Puerto Rico, all of whom must also compete with foreign areas which supply from 37 to 45 percent of U.S. sugar requirements. I believe this ill-conceived plan will not only seriously damage the morale of Puerto Rican growers but it is fraught with potential disaster in the future absence of any specific assurances that a more favorable quota will be reinstituted in the future.

Mr. POAGE. Mr. Chairman, I yield 10 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, as one who has observed at first hand and marveled at the successful operation of the Sugar Act in the State of Hawaii, I rise in support of H.R. 8866, the Sugar Act Amendments of 1971.

At the outset, I would like to commend the distinguished chairman of the Agriculture Committee (Mr. POAGE), who, for the first time since ascending to the chairmanship, presided over the difficult and protracted task of forging a new sugar bill. Great demands on his leadership and patience were made during the hearings and the executive sessions which followed, and throughout the proceedings he responded in a most creditable manner. The bill we are now considering is in large part the result of his outstanding legislative craftsmanship. I must commend, too, the ranking minority member of the committee, the gentleman from Oklahoma (Mr. BELCHER) for his untiring effort to write an acceptable sugar bill and for his willingness to compromise to attain that objective.

Mr. Chairman, it is indeed gratifying to see an act of Congress, as we do in the case of the Sugar Act, which while fulfilling its original legislative purpose, continues to confer daily benefits upon all Americans. In this regard the Sugar Act has been good for the sugar producer, the sugarworker, the consumer, and most importantly, for the taxpayer. It has been good for the producer because it has stabilized the industry and provided him with a fair return for his product. It has been good for the sugarworker because under its provisions he has been paid better than in other agricultural industries. In Hawaii, for example, the lowest paid fieldworker earns about $36 a day, including fringe benefits. The act has been good for the consumer because it has given him a steady reliable supply of sugar at a reasonable price, and it has been good for the taxpayer because the sugar program has not cost him a penny. In fact, he has profited from the act to the tune of $600 million since its enactment. This is the amount paid by the sugar industry into the Federal Treasury over and above the cost of the program, including compliance payments to producers.

The sugar program, now in its 37th year, has succeeded to a remarkable degree in achieving all its objectives.

Without a doubt, the American consumer has been the greatest beneficiary of the Sugar Act which, unless H.R. 8866 is enacted, will expire on December 31 of this year. Seasonal variations and sometimes unexplained fluctuations in the price of other food items may cause the consumer considerable concern. But he knows that he can always count on an ample supply of sugar at prices which are not only reasonable but also remarkably stable, month after month.

The favored position of the American consumer is highlighted when an international comparison is made in terms of purchasing power—that is, the length of time a person must work to purchase 1 pound of sugar at retail. In the United States it takes the average wage earner only 2.4 minutes of work to earn enough money for a pound of sugar. Comparable figures for other countries, on an ascending cost scale, are: Sweden, 4.1 minutes; Great Britain, 4.9; Germany, 6.9; France, 8.9; Italy, 14; and Japan, 16.9 minutes.

Moreover, the stability of the price of sugar in the United States can be graphically shown when it is compared with our per capita disposable income. Using the years from 1935 to 1939 as the base period—100—the relative price of sugar in 1969 was a little above 200. By contrast, per capita disposable income had risen to almost 600. In other words, the relative price of sugar in 1969 was only one-third of what it was during the pre-World War II period.

Mr. Chairman, the bill, of course, is not perfect. I myself am displeased over the rejection of an amendment which I offered in committee to set a minimum wage of $2 an hour for all sugar workers in the United States. I offered this amendment because at the hearings on the extension of the Sugar Act held by the Agriculture Committee, I heard shocking testimony presented by certain witnesses who described, principally from firsthand experiences, an almost unbelievable degree of exploitation, deprivation, poverty, and shameful mistreatment of field workers on some of the sugar plantations here in our own United States. The testimony was shocking because the witnesses were describing the conditions which I as a boy witnessed on the sugar plantations in Hawaii more than 40 years ago, but which were eradicated about three decades ago.

The story told by the witnesses was painfully remeniscent of my own experience: Sugar workers being kept in a continuously losing race against mounting debts, between low wages and high company store prices; having to live in company-owned shacks, complete with leaky roofs, holes in the walls, and an ever-increasing resident rat population; suffering the injustices, large and small, perpetrated or sanctioned by the plantation bosses.

The tragedy of the testimony was that it dealt with the current plight of men, women and children on Louisiana sugar plantations and in northern sugar beet areas. The conditions I had found insufferable 40 years ago are those under which thousands upon thousands of Americans are living today.

These conditions ought not to be permitted to exist today, Mr. Chairman. The Hawaiian sugar plantations have proven by example that under the present Sugar Act, they can provide decent wages and working conditions, conducive to human dignity.

In addition to the highest agricultural wages in the world, Hawaiian sugar workers get fringe benefits of approximately $1.25 an hour in value in the form of paid vacations, paid holidays, pensions, health insurance, unemployment compensation and workmen's compensation. These benefits are conspicuously missing from the compensation picture of mainland sugar fieldworkers.

I must emphasize that these conditions which have made Hawaii a comparative paradise for sugar workers were obtained within the framework of existing and past sugar legislation. Hawaii was not given any extra or special benefits. Our workers prospered under the very same legislation which benefits the mainland sector of the industry.

If Hawaiian plantations can provide justice and equity for their workers, I can perceive no valid reason why the mainland sugar industry should be allowed to maintain conditions of exploitation. While supporting the 1971 Sugar Act, therefore, I call upon my colleagues who represent districts where the sugar interests have permitted such conditions to exist to urge their constituents to follow Hawaii's example and give their fieldworkers and others their fair share of the benefits.

Mr. Chairman, I was also displeased over the fact that the quota for the Philippines was decreased rather than increased. One of the main standards according to which foreign sugar quotas were considered and adjusted was the question of whether or not the government of the quota country was friendly to the United States. Following this standard, I strongly opposed amendments aimed at the reduction of the Philippine quota. I was successful to the degree that the quota for the Republic of the Philippines has been retained at 1,126,020 tons. But its deficit allotment, that is, its share of the reallotment of the quotas of other countries or domestic areas which are unable to meet their quotas, has been reduced by some 10 percent under the new bill.

Although I have no intention of upsetting the applecart, I do hope that the Senate will take appropriate action, not merely to restore the status quo but to increase the Philippine sugar quota.

There are at least four compelling reasons for treating the Philippines as a favored foreign sugar quota country. First, citizens of the Philippines have always been our good friends. Ever since Admiral Dewey destroyed the Spanish fleet in Manila Bay in 1898, Filipinos and Americans fought side by side on Bataan and Corregidor in the early dark days of World War II. And after a period of American tutelage on July 4, 1946, the Philippines were granted full independence. In effect, therefore, the United States helped to give birth to a new nation.

Second, the current economic situation in the Philippines is such that that country urgently needs our help. In view of our close ties with that country, an increased sugar quota would help considerably to boost its ecoenomy and strengthen its position as an independent nation.

Third, a number of sugar plantations in the Philippines are owned and operated by American interests. By curtailing Philippine participation in meeting U.S. sugar requirements, we would actually be hurting Americans. Surely, there is every justification to favor foreign sugar interests which represent heavy investments of American capital.

Finally, Mr. Chairman, because of devastating typhoons the Republic of the Philippines on occasion has experienced difficulty in meeting its quota. Unfortunately the Sugar Act does not make allowances for acts of God, but shortages caused by such damage certainly ought not to penalize the foreign sugar quota country involved. It is noteworthy, in this respect, that the Philippines will reap a bumper sugar crop this year and should be able and willing to deliver its full share and more.

Despite its shortcomings, Mr. Chairman, the bill before us is a good bill. It continues for another 3 years the most successful agricultural program ever devised by Congress—one which has proven of benefit to all concerned.

I urge my colleagues to vote for a good thing—support the Sugar Act Amendments of 1971.

Thank you very much.

The CHAIRMAN. Time of the gentleman from Hawaii has expired.

Mr. BELCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, I want to commend my colleague, the gentleman from Iowa (Mr. MAYNE) for the superb and constructive statement that he made on the floor of the House here this afternoon.

During the time that this bill has been before our committee, I have deliberated with the gentleman at length and in depth, and though I disagree in the conclusion that he has drawn on this bill, I know that the sole motivation for his opposition is based on adherence to the principle in which he believes. It is that kind of adherence which causes the great admiration that I have for my colleague, the gentleman from Iowa.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, during the committee's lengthy deliberations on this legislation, I offered an amendment to section 206 of the Sugar Act to include beet sugar molasses, which is in special demand for the manufacture of citric acid, yeast, and pharmaceutical products, among those products imported into this country which the Secretary may limit if he determines they interfere with the objectives of the act.

This addition to section 206, which was adopted by the committee, is designed to help check the excessive flow of beet sugar molasses into this country and provide relief for our growers and processors, especially those in Ohio and Michigan who have experienced serious disruptions of the domestic market.

In some cases, several European and Mediterranean countries have been subsidizing their own producers, thereby enabling them to undercut the U.S. market price by as much as 30 percent in recent years. Although a countervailing duty order was recently issued against France, the practice still persists in other countries and continues to be a problem to our own beet molasses growers.

More importantly, however, there is indication that these excessive imports can, in part, be attributed to triangular trading with Cuba by countries otherwise friendly to the United States. The purchase of cheap cane molasses from Cuba by certain foreign concerns has enabled them to substitute the Cuban cane molasses for domestic uses, thereby releasing the local beet molasses for exportation into this country where there is a special demand by several large corporate buyers. This triangular trading with Cuba subverts our trade embargo on Cuba and helps relieve Cuba's economic pressures at the expense of our own producers in this country.

This change in the present law provided for in H.R. 8866 will create the means by which we can more effectively respond to excessive imports of beet sugar molasses and secure more equitable market conditions in which our own producers can compete.

Mr. BELCHER. Mr. Chairman, I have no further requests for time.

Mr. POAGE. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. ABERNETHY).

Mr. ABERNETHY. Mr. Chairman, I just want to take a few seconds in concluding the debate on this most important bill, I wish to congratulate and pay my respect to my chairman, the gentleman from Texas (Mr. POAGE) and the ranking minority member, the gentleman from Oklahoma (Mr. BELCHER) for the fine work they have done and the excellent leadership they have provided in bringing this legislation to this point.

Mr. Chairman, these two gentlemen have proven themselves to be influential and distinguished leaders in this body. This is one of the most complicated pieces of legislation considered every few years by this House. And my chairman, Mr. POAGE, and the ranking minority leader, Mr. BELCHER, are entitled to the appreciation of this House and that of the Nation's sugar consumers for their great effort.

Our committee has worked for 10 weeks and put in long hours in hearing witnesses and counseling among ourselves on this measure. I want to commend the members of the committee for the fine support they have given our chairman and Mr. BELCHER throughout these long weeks of labor and effort.

Mr. Chairman, I was honored that my chairman designated me to serve as chairman of the subcommittee to assemble the first draft of the legislation. I am indebted to each of the subcommittee members for their diligence and dedicated effort. We assembled a draft that was accepted by the full committee with very little change. We were aided by our very able staff which I desire to compliment and thank.

Mr. Chairman, it has been a pleasure to work with the members of the committee and with the staff in bringing this bill to the floor of the House. It is a good bill. It is good for consumers and for sugar producers. And it is also good for our trade policy and friends abroad.

I commend the legislation to your consideration and urge your support.

Mr. ROSTENKOWSKI. Mr. Chairman, H.R. 8866 is as important to the sugar consumer as it is to the sugar industry.

The major purpose of the sugar program is to insure that consumers have adequate supplies of sugar at fair prices, at all times.

The program has met that goal. Consumers do indeed enjoy ample supplies of sugar at reasonable prices. We have two cane sugar refineries in Chicago. One is operated by Amstar Corp., and the other by Sucrest Corp. Both of these refineries help supply the huge food processing industry that is centered in and around Chicago.

Over the years, a smaller proportion of our sugar has been distributed through retail stores. Today, the food processing industry is the big user of sugar—it buys 75 percent of the sugar distributed in the United States.

These food processors, or sugar users as they are normally referred to, are the bakers, canners, confectioners, dairy manufacturers, bottlers, and many others. Sugar is an important ingredient in many of the products they produce.

The sugar users are eager to get sugar at reasonable prices, and they couple that desire with a demand that they have all of the sugar they need at all times. They operate thousands of plants that are dependent upon a constant supply of sugar. Their sugar needs must be met on a day-to-day basis. Any interruption in the delivery of sugar could be disastrous to the sugar users.

The assurance of supply brought about by the sugar program has enabled the sugar users to minimize the need of carrying costly inventories of sugar, all to the ultimate benefit of the consumers of their products. Under the sugar program, they have had ample supplies of sugar at fair prices.

Years before the adoption of the program, the wholesale price of sugar tended to be above the index of all food prices at wholesale. Since the program began operating, however, the price of sugar has been under the index of all foods.

H.R. 8866 contains a number of changes that are designed to strengthen the program, many of which were recommended by the sugar users.

I urge my colleagues to vote for H.R. 8866.

Mr. VEYSEY. Mr. Chairman, we have recently heard much blind criticism of one of the most effective and most equitable programs this Congress has ever devised. I am speaking of the Sugar Act, a program which has protected and truly enhanced this country's sugar industry at both the producer and processor level, while guaranteeing the American consumer a stable supply of sugar at a most reasonable cost.

At the same time, this program has actually cost the Government no cash outlay—returning more dollars to the Treasury than it has paid out.

In addition to stabilizing the sugar industry and market, the sugar program has provided widespread benefits to the thousands of Americans who earn their living in sugar production.

These benefits are unparalleled in the myriad of other farm programs we have implemented.

In 1968, the most recent year for which complete figures are available, there were 168,000 farm workers employed in the sugar industry. That same year, there were another 43,500 workers employed sugar prices. Because of the Sugar Act, these people were all guaranteed at least the minimum wage, and that provision has been rigidly enforced. The act, among other benefits, safeguards against the exploitation of child labor.

Today's American housewife has no concern over sugar shortages, or high sugar prices. Because of the Sugar Act, she has come to take such things as plentiful supplies and stable prices for granted. Such is not the case in other countries of the world, where sugar hoarding and sugar shortages are often the rule.

Were these concrete facts commonly known, I am certain that the critics of this legislation would vanish.

Further, I am pleased that the proposed extension of the Sugar Act allows California, at long last, to produce sugar from cane as well as beets—thus gaining the advantage of year-round use of the expensive equipment used in processing and refining sugar.

I urge my colleagues to support the extension of the sugar program, as it is before us today.

Mr. BYRNE of Pennsylvania. Mr. Chairman, the sugar program is, among other things, designed to promote the foreign trade of the United States.

We in Philadelphia are well aware of the importance of foreign trade to our Nation's economy. Our port is the third busiest in the world, and the leading importing port in the United States. Around 17 percent of the Nation's import tonnage moves through it.

The handling of these imports and the exports, which are also substantial, creates direct employment for thousands of workers.

Sugar is one of the more important products moving into the port of Philadelphia. The tonnage of sugar involved places it third among imported commodities, behind petroleum and iron ore.

Last year, over 1 million tons of sugar moved into the port. It came from Hawaii and Puerto Rico, and from 16 different foreign nations. Around 100 ships were required to move this valuable cargo.

The sugar is received by two large cane sugar refineries that are located in Philadelphia. They produce and distribute a host of refined sugars for food processors and retail shoppers.

Sugar imports stimulate the need for labor in many fields. Employment is not limited to refinery labor and others directly involved in supporting the refinery operation, such as longshoremen, weighers, and teamsters.

Other businesses, indigenous to a thriving port, are required to supply and service the many sugar ships.

Under our sugar program, we pay the foreign nations a fair price for their sugar, and they, in return, are required to gear their production and maintain ample stocks in order to meet our sugar needs. They must ship here, even at times when they could get more by selling to some other nation.

And there is a bonus involved. The sugar producing nations depend upon the United States for a multitude of industrial and agricultural products. The dollars they earn by selling sugar to us, help them buy our products. Their purchases stimulate still more labor here among people employed in export-oriented industry.

U.S. exports to these nations totaled over $7.7 billion in 1969. We had a favorable balance of trade with them of $1.2 billion, which helped our balance-of-payments situation.

The sugar program is indeed promoting our foreign trade, in addition to insuring that consumers have ample supplies of sugar at reasonable prices under all conditions.

I urge my colleagues to vote for H.R. 8866.

Mr. GARMATZ. Mr. Chairman, sugar is one of the most important products brought into the port of Baltimore. It ranks fourth in important tonnage, behind iron ore, residual fuel oil, and gypsum.

In 1970, over 50 ships brought 714,000 tons of sugar to the port, which were destined for Amstar Corp.'s huge cane sugar refinery.

The refinery employs around 1,000 people, and its annual payroll is $7.5 million. A 1969 study indicated that the refinery generated another $14.6 million in indirect employment income.

Sugar imports generate employment in many fields. It is not limited to refinery labor, and others employed by allied industry—longshoremen, railroad workers, and teamsters. The refinery meets the needs of sugar consumers in and around Baltimore, and in other parts of Maryland and neighboring States.

Many businesses are, for example, needed to supply and service the ships involved. The refinery produces and distributes over 1 billion pounds of sugar a year. Around 75 percent of the sugar produced is distributed to food processors. They use sugar as an ingredient in their products.

I urge the passage of this bill.

Mr. McCLURE. Mr. Chairman, I rise in support of H.R. 8866, a bill to amend and extend the Sugar Act.

The sugar industry is extremely important to Idaho. My State now ranks second only to California as a producer of sugar beets. The economic livelihood of thousands of independent sugar-beet growers and that of many hundreds of sugar company employees is directly related to the passage of this legislation before us today.

But I would remind my colleagues that it is not just the sugar-beet farmers and the workers employed by the sugar companies who benefit from a viable sugar industry.

Rather, the beet sugar industry is one of the Nation's annually renewable resources. Soil and water and sunshine are the basic ingredients of the agricultural formula, and in the annual miracle of sugar-beet crop production they combine to provide a good source of income to western and midwestern farm communities and States.

The Department of Agriculture reports that money received by Idaho sugar beet growers for their 1969 crop—the latest year for which figures are available—amounted to some $56.9 million. These dollars spread outward from the farm into the farming communities and from there they move on to touch neighboring areas. The same is true of the money generated by the sale of sugar and sugar-beet byproducts.

A study was made recently at North Dakota University to determine the impact of a beet sugar processing facility of medium size on a rural area. The study suggested that the money paid to beet growers for their product would amount to about $6.5 million. This farm income, the study declared would be turned over seven times in the factory community. In addition to grower payments there would be an employee payroll of about $1 million and a transportation value of about $2.5 million. Then there would be factory purchases of fuel for power, paper for containers, and purchases of limerock and other raw materials used in manufacturing the sugar and purchases of other goods and services to operate the farms and factory.

The study concluded that in all, a single, medium-sized factory, utilizing $6.5 million worth of beets would return more than $27 million annually into an area.

You can easily see, therefore, what this industry, which now operates four factories in Idaho and processes some $56.9 million worth of sugar beets means to the citizens of the Gem State. It is, in economic terms, returning more than a quarter of a billion dollars to the communities and cities of Idaho and is in reality the generator of economic well-being for many of the State's citizens who are not even directly connected with the sugar industry.

Mr. Chairman, sugar beets have been a source of such income for Idaho citizens since 1903 when the first sugar-beet processing facility was constructed at Idaho Falls. This plant has been modernized and enlarged and continues to operate today. The State now serves as the home of the largest single processing plant in the Nation, if not the world, at Nampa plus processing plants at Mini-Cassia and Twin Falls.

But sugar beets are not just an industry, they are a way of life in Idaho. Farmers use the crop as the basis for their cropping programs and since sugar beets are normally planted in a 4-year rotation, the crop can be said to put approximately 800,000 acres to profitable use.

Beet sugar processing takes place during the fall and winter months, a period when farm, construction and other activities are at a seasonal low. The factory thus provides jobs at a time when they are most needed.

Mr. Chairman, the citizens of Idaho are proud of the State's position as the second largest sugar beet producing State in the Nation. Passage of this legislation will assure that Idaho's vital sugar-beet industry will be in the forefront of meeting its supply obligations to assure that Americans have ample supplies of this vital food.

Mr. O'NEILL. Mr. Chairman, I rise in strong support of H.R. 8866, as reported by the Committee on Agriculture.

For years, I have tried to impress upon my colleagues in the House the importance of the sugar program—its importance not only to the sugar industry, but its importance to the sugar consumer, and to others who benefit from the program.

In addition to meeting the needs of consumers, the Nation's sugar industry plays an important role in the economic well-being of many of our States from coast to coast and border to border. It provides employment for farmers and farm labor in the sugarcane and sugar beet fields, and for labor in the sugar factories and refineries. It also provides employment for thousands of others in allied industries.

I am, of course, more familiar with the cane sugar refining segment of the industry. In my district, in Boston, we have two huge cane sugar refineries that meet the sugar needs of most of the consumers in New England. One is operated by Amstar Corp., and the other by the Revere Sugar Refinery. They provide direct employment for over 1,000 workers, and maintain an annual payroll of over $9 million.

In addition to the employment provided by the refineries, the operation generates still more labor for thousands of others, including longshoremen, teamsters, and railroad workers.

The labor and industry generated by the refining industry in Boston is also generated in the other great refining centers, including the ports of New York, Philadelphia, and Baltimore.

Last year, around one-half million tons of raw sugar moved into the port of Boston. In tonnage, sugar ranked as a leading import.

The ships that brought that sugar to Boston came from as near as Mexico, and as far as the Philippines. All told, that sugar came from 16 different nations around the globe.

For those nations, all of which are developing, these sugar sales are most important. They depend upon sugar and a handful of other products for most of their foreign exchange.

We are all well aware of the problems of the developing nations. They are desperately attempting to improve their lot by getting a fair price for their products, and by getting access to markets in developing nations.

We are committed to helping them attain these goals.

The sugar program is in step with that commitment. We pay them a fair price for their sugar, and we guarantee them access to a large part of our sugar market.

In return for this the foreign nations participating in the program are required to gear their production and maintain stocks in order to meet our needs. They are obligated to meet their commitment to provide us with sugar, even at times when they could get more by shipping to some other nation.

There is, of course, another consideration. This trade with these nations is not a one-way street.

The dollars these developing nations earn by selling sugar to the refiners enable them to buy the products of American agriculture and industry, thereby generating still more industry and labor here.

In 1969, U.S. exports to the nations participating in the sugar program totaled over $7.7 billion. We had a favorable balance of trade with these nations of $1.2 billion, which helped our balance-of-payments position.

Thus, the program is indeed meeting its goal of promoting the export trade of the United States.

It is also meeting its most important goal; namely, that of insuring that American consumers have adequate supplies of sugar at fair prices, under all conditions.

It is hard to find a bargain these days, but sugar has certainly got to qualify as one. Over the years, the price of sugar has gone up less than the price of most other foods and most other things the consumer buys.

And despite a lot of malarky about the so-called world price for sugar, American consumers pay less for their sugar than consumers in most of the other developed nations of the world.

There are nations that do buy their sugar on the world market. And consumers in some of them, perhaps two or three, do pay less than we do.

The sugar needs of those nations are, however, small compared to ours. Our sugar needs are, for example, 10 times as great as those of Canada.

What is more important, however, is that our program guarantees that we will have an uninterrupted supply of sugar. Nations that buy on the world market flirt with the possibility of sugar shortages or no sugar at all.

The need for an uninterrupted supply of sugar in the United States has intensified in recent years. The rapid development of the food processing industry has brought about a dramatic change in the distribution of sugar.

This change has made the sugar program as important to the sugar consumer as to the sugar producer.

Today, the food processors—the bakers, the bottlers, the canners, the confectioners, the dairy manufacturers, and others—are the big buyers of sugar.

These people are, in effect, the sugar consumers. They buy over 75 percent of the sugar sold in the United States.

To the food processors sugar is an important product ingredient. I doubt if any other single product is as important an ingredient as sugar is in so many different foods and beverages.

The food processors operate thousands of plants throughout the Nation, all of which are dependent upon an uninterrupted supply of sugar.

It comes as no surprise, therefore, that the industrial sugar users group does endorse H.R. 8866. This group represents most of the sugar-using food processors.

The user group clearly outlined the importance of the sugar program to it in its testimony before the Committee on Agriculture.

They are eager to buy sugar at a fair price, and are particularly concerned that they have access to adequate supplies of sugar under all conditions.

They indicated that a sound domestic industry and properly reimbursed foreign sugar suppliers were indispensable to insuring that they have the sugar when they need it.

So, as difficult as it may be for some people to understand, the sugar program has operated in the best interest of the sugar consumer, and the Nation in general.

On that record, I urge my colleagues to join me in voting for H.R. 8866.

I would like to also comment on the cutoff date of January 1, 1969. In my opinion many countries have records of expropriations going years back. I mention one that has come to my attention. This is a case of two natural citizens upon the Government of Bolivia.

On March 6, 1951, claimants jointly purchased 16,703 hectares — 45,098 acres—of land in Bolivia for approximately $45,000. On or about November 18, 1961, the National Agrarian Reform Council of the Bolivian Government by Supreme Resolution No. 109552 expropriated 8,725 hectares of claimants' land, along with buildings, agricultural equipment, livestock, vehicles, machinery, and related personalty.

A claim in the amount of $918,805 plus interest from the date of expropriation, was filed through the U.S. Department of State upon the Bolivian Government in December 1963. The Bolivian Government has made no meaningful gesture or proposal to compensate the claimants for the loss they have incurred. The Sugar Amendment Act of 1971 makes provision for relief for such expropriations subsequent to January 1, 1969. In the interest of justice and to further the intent of Congress, this date should be changed to January 1, 1961, and further any quota to Bolivia should be withheld pending a settlement herein.

This land is located in the Department of Santa Cruz, Province of Andres-Ibanez, Canton Catoca, and is known as Rincon de Suaces. After the purchase, the claimants, along with their employees and agents, continually worked the land until it was expropriated. Acreage was cleared, fences were strung around the property perimeter—3,000 meters—a road 40 kilometers—25 miles—long was built and a water well was dug. A house, a barn, a schoolhouse, and a tile factory were all constructed by the claimants. At the time of expropriation, the farm was producing a good quality crop of coffee, sugarcane, soybeans, and developing a forestry industry. During the 1951–62 period, the claimants expended considerable sums for these improvements as well as for the purchase of agricultural equipment, livestock, vehicles, and machinery. Claimants ask $352,000 as compensation for this property.

The expropriated land was of excellent soil quality, insurpassable for agriculture. Included in the affected area is all the cultivated land, all the cleared land, all lumber-producing land, and all the land with improvements, such as buildings, wells, fences, and so forth. The claimants have been left with unimproved land with a low soil quality and with a very low market value. During 1963, the claimants had several experts examine the expropriated area and appraise its value. The estimates placed the land value at between $61 and $68.75 per hectare. Based on the $61 estimate, the claimants ask $532,225 for the 8,725 hectares expropriated.

I believe the sugar legislation in the future should take into concern cases as the one I just mentioned, and I intend to bring it to the concern of the committee in the future.

Mr. FULTON of Pennsylvania. Mr. Chairman, I am opposed to House Resolution 471, providing for the consideration of H.R. 8866, the Sugar Act Amendments of 1971. This is a closed rule, waiving points of order against the bill, providing for 3 hours of debate. I am speaking on behalf of the point of view of Congressman WOLFF, of New York, and myself.

A number of witnesses appeared before the House Rules Committee yesterday to request an open rule or modified rule permitting various amendments. Mr. WOLFF, on behalf of both of us, requested a rule to permit an amendment to section 4(4) of the bill to add a new subsection (v) requiring each country sharing in the U.S. sugar market to donate to the United Nations Relief and Works Agency for Palestinian refugees a portion of the sugar needed by UNRWA after 1971. Each country should help fill UNRWA's needs by providing a percentage share of the UNRWA requirement equal to the per centum of the U.S. sugar market assigned to that country. The text of our proposed amendment follows:

> Page 8, after line 9 insert the following:
>
> (v) by adding at the end of paragraph (6) the following: "If any foreign country fails to give assurance to the Secretary on or before December 31, 1971, that such country will supply as a donation the percentage share as hereinafter provided of the quantity of sugar needed for Palestinian refugees as established and announced annually for years after 1971 by the United Nations Relief and Work Agency, the quota for such country for such years shall not be established. The percentage shares of the quantity of sugar needed for Palestinian refugees to be supplied by the Republic of the Philippines and Ireland are respectively 27.36 per centum and 0.13 per centum; and each of the countries listed in paragraphs (A) and (B) of subsection 202(c)(3) will supply a percentage share of the remainder of the quantity of sugar needed for Palestinian refugees equal to the per centum stated for such country in paragraph (A) or (B) of subsection 202(c)(3). The quota for any country for which such assurance is not given shall be prorated to other foreign countries in the same manner as deficits are prorated under section 204 of this Act. The Secretary shall issue such rules and regulations as may be necessary to carry out the provisions of this paragraph."

Mr. Chairman, this language was not presented to the Agriculture Committee for inclusion in the committee bill, because we became aware of UNRWA's need in this area only last week. On June 4, we and our colleagues on the Near East Subcommittee of the Foreign Affairs Committee met informally with Sir John Shaw Rennie, Commissioner General of UNRWA, and Mr. Jan van Wijik, the UNRWA Liaison Officer at the United Nations in New York. Sir John Rennie informed us that UNRWA, which works with approximately 1.5 million refugees, now faces a financial crisis. The estimated deficit for next year is between $6 and $7 million.

The Commissioner General suggested that one way of alleviating UNRWA's financial plight would be to secure donations of basic commodities needed for use in the refugee camps. However, most basic commodities—including rice, wheat, and flour—are already donated by the United States and Western European countries. Sugar is the only international commodity which UNRWA must buy on the world market.

It is estimated that, for use in the next year, UNRWA will need 7,000 tons of sugar. If purchased on the world market at the world price of roughly 4 cents per pound, that sugar would cost approximately $560,000. Therefore, if that 7,000 tons of sugar were donated for the work with Palestinian refugees, UNRWA's deficit would be reduced by a substantial amount.

Under the terms of the humanitarian amendment we would have offered if the Rules Committee had agreed to a modified rule, a country would donate to the agency a portion of UNRWA's projected sugar needs proportionate to the U.S. sugar quota assigned to that country. The Republic of the Philippines, for example, currently receives 27.36 percent of the U.S. quota; that country will export 1,314,018 tons of sugar to the U.S. next year, at a total purchase price of approximately $610 million. If the Philippines donated 27.36 percent of UNRWA's projected need of 7,000 tons for next year, or 1,915 tons, that would constitute a donation of approximately $153,216, based on a world market price of 4 cents per pound. The Philippines, which holds the largest share of the U.S. sugar quota, can certainly afford to make this contribution, especially in view of the fact that the cost would be less than 1 percent of the Philippine profit from its U.S. quota. And this is the country from which the largest contribution to UNRWA would be expected.

In our judgment, this amendment would provide substantial financial relief for the Palestinian refugee program without imposing undue hardship on any of the countries from which the U.S. buys sugar. We are working in many directions to achieve peace in the Middle East, but any ultimate resolution of the problem will require some solution to the plight of the Arab refugees. This amendment supported by members of the Near East Subcommittee would be one small contribution toward helping to meet their very great needs.

We bring this proposed amendment to the attention of the Congress at this point because the close rule on this sugar legislation adopted by the House today, has prevented amendments being in order. This proposal should receive careful attention by both the Senate and the House.

Mr. ANDERSON of California. Mr. Chairman, I rise in opposition to H.R. 8866, the Sugar Act Amendments of 1971.

This act is extremely well named—unless you consider the consumer, the farm laborer, and the taxpayer. For the foreign sugar plantations, and for domestic sugar corporations, this act is not only sugar, it is gravy.

CONSUMER PAYS HIGHER PRICES

The purpose of the Sugar Act is to "assure to U.S. consumers a plentiful supply of sugar at reasonable prices." However, the American housewife is forced to buy sugar at a higher rate than shoppers in other nations. In August 1970, the American housewife paid over 13 cents for a pound of sugar. This is compared to the Norwegian housewife who paid only 7 cents a pound; the English housewife who paid only 8 cents a pound; and the housewife in Mexico who paid only 5 cents for a pound of sugar. Even the Agriculture Committee recognized this fact when it stated:

> The U.S. quota system under most circumstances does make prices to consumers higher than would prevail if it were possible to purchase all our supplies at current world market price levels.

As a result of the Sugar Act, the Consumers Association of the District of Columbia estimated that—

> The cost to Americans of the higher price of sugar probably range between $200 million and over a half billion dollars a year.

Mr. Chairman, in no way does the Sugar Act benefit the consumer. Quite to the contrary. Because of the Sugar Act, every person in the United States pays approximately $3 more for his annual supply of sugar than he would at world market prices. And where does the additional $3 a person end up? Generally, it ends up in the pockets of the foreign sugar barons who hire expensive lobbyists to come to Washington and seek permission to export their sugar to the United States.

WINDFALL FOR FOREIGN SUGAR PRODUCERS

The Sugar Act allows foreign sugar corporations to export about 4.8 million tons of sugar to the United States. Because of the guaranteed high price, foreign sugar producers battle to receive a large quota. A large quota will result in a larger share of the $288 million pie that is in excess of what the foreign corporations would receive at world market prices.

The bill before us now, H.R. 8866, allows Ecuador, a country which has constantly violated international law by seizing our tuna boats, to ship 79,852 tons of sugar to the United States. In 1970, this represented earnings to Ecuadorian sugar interests of $8.9 million from sales in the United States.

Mr. Chairman, my desire is not to enact oppressive legislation, nor is it to prohibit the importation of Ecuadorian sugar.

My aim is to insure the safety and security of U.S. fishermen on the high seas.

However, I want it made perfectly clear to countries which illegally seize and harass our fishermen that we will not tolerate such action.

The Sugar Act could have done this, but it has not done so. In the past, there have been amendments to the Sugar Act which would allow the cancellation of the sugar quota of any country expropriating U.S. property without proper compensation—yet, this has been ignored.

I believe that the Sugar Act should be amended to require the cancellation of a quota to any country which seizes U.S. fishing vessels in international waters.

Our only recourse, since our own State Department refuses to institute action, is for Congress to take action to end the tuna war. But, because the Sugar Act may not be amended, Ecuador can continue to seize our vessels and collect fines totaling over $1.3 million in this year alone and, at the same time, profit by sales of sugar to the United States.

BURDEN ON THE U.S. TAXPAYER

Mr. Chairman, not only does the consumer pay higher prices for sugar, but the American taxpayer is asked to support the domestic sugar industry with payments of about $91 million annually.

These payments go to sugar producers who, unlike other farmers, are not limited by law to a maximum payment of $55,000 a year. In 1970, 64 firms received $16.2 million and, in fact, three sugar producers received well over $1 million each.

I strongly endorsed moves to limit farm payments to $10,000 in other segments of agriculture and I feel that the same should apply to sugar producers. However, because the Sugar Act cannot be amended, the taxpayer will continue to foot the bill to the tune of over $90 million a year.

FARM LABORER DOES NOT SHARE IN BENEFITS

In order to receive a sugar payment, a producer must not hire children under 14 years of age, and he must pay wages which are determined by the Secretary of Agriculture to be "fair and reasonable."

However, the sugar worker, like other farm workers, is in the deepest and direst poverty.

Wages are set after the Secretary of Agriculture has held hearings around the country. Because the sugar workers are not organized and because they are not represented, it is commonplace for hearings to take place without anyone presenting the field workers' case at all.

Wage hearings have been held in the winter months and have generally resulted in input only from sugar producers with very little participation from farm workers.

The average sugar worker's annual income in Louisiana is $2,634, which is $500 below the $3,120 which would be earned by a worker working a 40-hour week, 52 weeks a year, at $1.50 an hour.

According to a study of conditions in Louisiana, the sugarcane worker is not reaping the benefits that other workers are receiving.

According to the Statistical Abstract:

> The median income in the State of Louisiana in 1967 was $7,182 . . . Even when compared to other agriculture workers, a segment of the labor force which is notoriously underpaid, cane workers come out poorly. As of April, 1969 the average annual income of a family headed by a farm worker who was provided with a house was $3,552, almost $1,000 more than the figure for cane workers.

Mr. Chairman, in conclusion, I oppose this measure as a waste of tax dollars, as a foreign giveaway, and as providing added costs to the consumer.

If we were allowed to amend H.R. 8866, I feel that we could have made some constructive amendments. But, since this is not possible, I feel that we should junk the program and save the taxpayer $90 million and the consumer the millions of dollars in added costs.

Mr. LINK. Mr. Chairman, I support H.R. 8866, to extend the Sugar Act for 3 years.

Our traditional sugar policy benefits the consumers of America in making available a constant supply of sugar from domestic and foreign producers at a reasonable price. It is sound to keep a proper balance between domestic and foreign suppliers, and I believe we have maintained an equitable balance in this bill.

Coming from the State of North Dakota, which now supplies about 3 percent of the Nation's beet sugar and which is ideally suited to grow more, I am gratified that the bill maintains the basic 62 percent domestic-38 percent foreign ratio and the more favorable 65 percent-35 percent foreign ratio for the yearly growth in U.S. sugar requirements.

The latter feature offers encouragement to sugar-beet farmers in my region who are willing and able to produce additional sugar beets. It will make more feasible the construction of a new refinery in the Red River Valley of North Dakota and Minnesota.

Having participated in months of hearings on this legislation, I have observed the diligence and dedication of our committee chairman, the Honorable Mr. POAGE. I congratulate my distinguished colleague for his able leadership in shepherding this important legislation, which I hope the House will approve today.

Mr. ROGERS. Mr. Chairman, I rise in support of H.R. 8866, a bill to extend the Sugar Act, with modifications, for 3 years to December 31, 1974.

This legislation has a long history of providing adequate supplies of sugar to the people of the United States at reasonable prices which dates back to 1934. This act has also provided for the maintenance of a substantial domestic sugar industry with an increasing capacity of over 50 percent of our present domestic needs, a domestic capability which has been valuable in balancing the effects of wide fluctuations in world sugar production. This domestic production capacity also provides for a continuing supply of sugar in the face of the discontinuance of certain foreign sources, as in the case of Cuba.

In the nearly 37 years since the enactment of the first sugar legislation, we have maintained a stable control on sugar supplies and prices. The sugar tax and conditional payment system have enabled the United States to maintain a strong domestic sugar industry while offering added incentives to small volume sugar farmers. Simultaneously under the provisions of this law, collections have exceeded disbursements by over $600 million since the program began in 1934.

In my own district in Florida, we have a very strong cane sugar industry. Sugar production in Florida has averaged over 600,000 tons per year over the last 4 years. While maintaining this capacity, collections under the sugar tax have exceeded disbursements under the conditional payment plan by over $1.25 million since 1967.

This act also has many controls which may be used by the Secretary of Agriculture to insure that the provisions of the law are carried out. In a period when respect for American property rights are at a very low level in certain areas of the world, I am encouraged by a particular provision of this proposed legislation. Under the provisions of section 408 of H.R. 8866, the President is authorized to levy and collect an impost of $20 per ton on sugar imported from a nation which has unlawfully nationalized, expropriated, seized, or otherwise affected control of American-owned property. This impost would be used to repay claims of individuals arising from the aforementioned actions.

This legislation has filled a great public need in the years it has been in effect, and will continue to do so, provided it is extended. If the United States is to remain a strong international power we must maintain certain capabilities domestically. Sugar production is one of these national needs.

Under the provisions of this legislation mainland cane production quotas in Florida and Louisiana would be expanded by 300,000 tons annually. This increase would result from the cancellation of the Virgin Islands quota of 15,000 tons where sugar production has been discontinued, and a cutback of 285,000 tons in the first 2 years in the quota for Puerto Rico where production has declined, and an additional cutback of 140,000 tons in the third year of the extension. The bill would also provide a quota of as much as 100,000 tons for a new continental cane sugar area or areas beginning in 1973.

I am particularly pleased with the action of the committee in this regard because stringent acreage restrictions in Florida that have been in existence in the mainland cane sugar area each year under the Sugar Act Amendments of 1965 principally because yields per acre have tended to improve.

Continuation of this act and the continued expansion of our domestic sugar production capacity as provided in H.R. 8866 should have a favorable effect on our balance-of-payments position, and continue to provide substantial employment and income for many Americans.

I urge the passage of H.R. 8866 to continue a program which has a long and successful history of accomplishing the purposes for which it was intended.

Mr. BROOMFIELD. Mr. Chairman, the debate over the amendment to suspend the South African sugar quota is but a symptom of all that is wrong with the Sugar Act itself. By guaranteeing a share of the rich U.S. market to certain preferred foreign sugar producers the Sugar Act has become, in effect, an unregulated foreign-aid program with an annual value ranging between $250 and $350 million. Unlike the typical assistance program, however, this one is financed, not by the American taxpayer but by the American consumer and distributed, not according to social and economic needs but unjust and indiscriminate whimsy.

All too often the Sugar Act has been a tool of foreign policy, penalizing those countries which may drift from the official U.S. line and setting up the House Agriculture Committee as an extension of the State Department. The merits of the South African case aside, my point is simply that the American consumer should not be a pawn in an international game of chess and an agricultural assistance program not primarily a tool of foreign policy. Without reservation I oppose the extension of the Sugar Act.

The ostensible purpose of this legislation is to guarantee U.S. producers their fair share of the American market for sugar. By restricting foreign imports to 34 percent domestic growers are protected from their lower priced foreign competition. In turn, those nations granted a quota are assured huge profits from their sales in the high-priced American market.

Translating this system into plain language, it means simply that the American consumer pays 30 cents more for a 10-pound bag of sugar than does a typical buyer in the world market; that he, in fact, subsidizes foreign sugar growers, so that they can continue to sell their goods cheaply everywhere else.

In the meantime, that same American consumer pays an excise tax on refined sugar, which is eventually returned to domestic growers in the form of Government subsidies. Unlike the usual farm subsidies, however, those given to sugar growers are not conditional on land diversion or any other adjustment of resources; all you have to do to qualify is grow sugar.

In a controlled market in which high prices are virtually guaranteed by a quota system, these further subsidies are impossible to justify. Domestic sugar growers are treated to incredible profits in the American market and, on top of that, subsidized to the tune of $90 million by an already cheated American consumer. This is inexcusable.

I should not have to mention that this money can be put to far better use. Indeed, $90 million is equivalent to the funding of the Peace Corps, twice as much as we spend on environment control, four times what we spend on the Foreign Agricultural Service, and eight times what the Federal Government has budgeted for juvenile delinquency control.

I recommend a complete revision of the Sugar Act provisions. Specifically:

First. A reduction to 6 cents a pound of the target price of raw sugar, New York, from its present level of 7 cents. This deduction would be welcome relief to U.S. consumers, amounting to over $200 million annually.

Second. Preferably the elimination of the direct subsidy payment to domestic producers, but, at least, its reduction to $55,000 per grower annually.

Third. A competitive bidding system for foreign sugar suppliers. Under this procedure, the Secretary of Agriculture through the Commodity Credit Corporation would be authorized to purchase all foreign sugar requirements through contracts established by competitive sealed bidding. At least once a year, he would issue a general invitation to all foreign sugar producers to submit bids as to quantity, price and delivery and would accept those determined to be best. Contracts could be for more than 1 year if deemed advisable.

The Secretary would make purchases under these contracts as domestic market conditions require. He would pay the price specified in the contract, sell the sugar into domestic channels at the going U.S. market price, and deposit the difference in the general fund of the U.S. Treasury. All this would be done, of course, without in any way changing the protection U.S. producers now receive.

More important, it would end all discrimination against foreign sugar producers and it would take Congress out of the business of allocating high-priced concessions to certain favored sugar-producing nations. In other words, it would put foreign policy back where it belongs.

In the absence of an increased tariff on foreign sugar—which would add $53 million to the U.S. Treasury while still guaranteeing domestic producers their share of the U.S. market—these reforms seem to me as sound as they are necessary. For too long the Congress has been told that the Sugar Act is too complicated to be understood and too tricky to be tampered with. For too long American consumers have been bilked by these artificial restraints and unnecessary subsidies. The reform should begin here and now. I cast my vote against this bill.

Mr. VANIK. Mr. Chairman, the American consumers of sugar, the housewife, and the food industries as well, are paying far more for their sugar than is necessary. The sugar quota system artificially raises prices by over 3 cents a pound. The quota system is a hidden tax.

The sugar quota system, which restricts imports from foreign countries and subsidizes the American farmer and processor, has been in existence since 1934, with revisions in 1937 and, more recently, 1948.

The Sugar Act was originally designed to do several things. First, it was designed to insure a stable sugar price in a varying world market at reasonable cost to the consumer. Second, it was designed to allow the United States to aid certain favored nations by allocating them a quota of our sugar needs, along with the subsidy given to quota nations. Finally, the act was supposed to better "national security" and "defense and strategic" considerations by subsidizing American farmers, by insuring that they get a large share in the sugar production needs of the United States.

For these reasons, the sugar program has established an elaborate and nearly incomprehensible system whereby only certain countries are allowed to trade in sugar with the United States, and then only in fixed quantities of raw sugar. In addition, U.S. producers are given "conditional payments" to subsidize them. These payments averaged, between 1948–68, 0.66 cents on every pound of sugar produced in the United States.

This system which tries to touch so many fields in a normally simple economic matter of supply and demand is paid for at great cost by the American consumer. The American consumer pays more for his sugar than any consumer in any other nation in the Western Hemisphere.

It is said that our buying of sugar supplies and the subsidy we give each nation we buy from aids underdeveloped sugar-producing nations. However, aid to sugar-producing nations by subsidizing their sugar production is an uncertain and wasteful method of trying to help such countries. Our subsidy, for instance, sometimes goes to the government of the country and sometimes to the private industry. Most of the time it is a combination of the two, but there is no certainty that this subsidy money will be used for industrial development projects. In all too many cases it is pure profit for a special few. Since we cannot control, or even know where our subsidy goes, such a subsidy cannot be considered as effective foreign aid.

Also, some of the countries we allocate quotas to are not countries normally subject to foreign aid. Australia, Ireland, or South Africa can hardly be considered underdeveloped nations needing foreign aid.

It is also argued that the present system maintains a stable price when the world market goes up and down with surpluses and scarcities in sugar. What is the purpose of a stable price, however, when our price is so much higher than the rest of the Western Hemisphere nations? Canada, for instance, buys its sugar from the world market, and the latest available figure, 1969, shows a Canadian retail value of 8.8 American cents a pound, while the U.S. figure is 12.2 cents a pound. In fact, since 1962, the Canadian retail value has exceeded the U.S. retail value only once. Is a high stable sugar cost worth the 3.3 cents difference between our system and a possible world market price?

A reasonable system would be to determine foreign sugar sources by competitive bidding. No longer would politically favored persons in favored nations hold a monopoly on foreign production of sugar for the United States, at a high price. No longer would expensive lobbyists have to be employed in Congress by such nations to try to maintain or increase their quota. No longer would the United States have to pay for sugar at a much higher price than the going world rate.

The determination of our foreign sugar supplies should not be used as a spoils system for specially favored producers at home or abroad. This system sets the stage for corrupt political actions at the expense of the American consumer.

I oppose the Sugar Act amendments now before the House and I strongly urge my colleagues to do the same.

Mrs. ABZUG. Mr. Chairman, I would like to voice my fervent opposition to H.R. 8866 which can only serve to further South Africa's apartheid policy. At a time when our own Government is endeavoring to fulfill its commitment to black America, the enactment of a measure to import 60,000 tons of sugar yearly at double the world market price can only be disastrous.

We cannot expect black Americans to have faith in a government that grants economic aid to South Africa, a nation whose economy thrives on the oppression of its black population. Moreover, H.R. 8866 violates the Foreign Assistance Act which stipulates that aid shall not be granted to any nation practicing racial or religious discrimination.

To turn to the more pragmatic economic question, one wonders how we can justify the purchase of a commodity at double the world market value since South Africa, who is rich in diamonds and gold, does not qualify as a nation in need of $5 million for development. I trust U.S. dollars could be better spent in younger, less fortunate and fertile areas of the third world.

It is unfortunate that the urging of the UAW, the black caucus, the Board of Christian Education, the National Council of Churches, as well as thousands of concerned citizens, were not listened to. The passage of H.R. 8866 can only reaffirm charges of U.S. hypocrisy, destroy domestic efforts with our own black community, and most important, wastes millions of dollars in aid. H.R. 8866 demonstrates our Nation's intent to allow the continuing apartheid policy of oppression in South Africa.

Mr. LEGGETT. Mr. Chairman, the extension of the Sugar Act of 1948 which we are considering today is a proven mechanism for assuring the continued health of our vital sugar industry at home while providing for controlled importation on a fair basis from foreign sugar producers.

To a remarkable degree this act has succeeded in achieving an adequate supply of sugar at reasonable prices; has maintained the domestic sugar industry; and has promoted the export trade of the United States.

During the 35 years in which the present law has been in force, abundant supplies of sugar have been available to consumers at fair and reasonable prices. A vigorous sugar industry has developed within our national borders, while at the same time insuring large imports in the spirit of free trade. At a time when protectionism is again raising its head in Congress, the Sugar Act stands almost alone as a monument to orderly world trade which keeps domestic prices down, keeps the domestic industry healthy, and insures an adequate U.S. market for foreign producers whose economies depend on the U.S. sugar market.

There have been social gains, too, notably in the improvement of wages and working conditions of farm laborers.

Finally, the sugar program has put more than half a billion dollars into the U.S. Treasury.

Sugar is a basic commodity of the food industry, and an adequate supply must be insured without flooding the market, causing the surpluses and severe price fluctuations which would result from an uncontrolled supply. Under this act, the Secretary of Agriculture in the fourth quarter of each year estimates the consumption of sugar in the United States for the year ahead. Once the consumption estimate is determined, the total amount of sugar it represents is allocated among domestic and foreign sources of supply by a formula prescribed in the act. This orderly operation of a quota system implies the existence of controls to prevent any area from usurping more than its share of the market. Control over foreign supplies is relatively simple in that they are regulated by weight at the point of entry. The point of entry inspection also serves to prevent importation of sugar from nonquota countries.

In the case of domestic production other stabilization procedures are used. If it appears that production in any domestic area will so far exceed its quota that disorderly marketing is likely to result, or that all sellers will not have an equal opportunity to market their fair share of production, the Secretary of Agriculture may impose marketing allotments and apportion the area quota among individual companies within that section.

Although critics of the sugar industry contrast the world market with the domestic market and blame the differential on the Sugar Act, it must be understood that the "free market" prices bear no relation to true economic values and are generally the result of "dumping" which often pegs prices below production costs.

This bill has applied several general criteria to each nation coming within the quota importation. The committee recognizes that these criteria are subjective in nature, but they do reflect the general standards which are necessary and which I support.

First, the government must be friendly to the United States and not impose discrimination against U.S. citizens. In cases of expropriation of U.S.-owned properties, indemnification must be provided.

Second, the country must be a dependable source of sugar supply as reflected by the country's history in supplying the U.S. market, its maintenance of sugar inventories, and its potential for supplying additional sugar upon call during critical periods of short supply.

Third, there must be reciprocal trade as reflected by purchases of U.S. products and services, as contrasted with sales to the United States and also by government treatment of imports from the United States.

Fourth, the quota must reflect the need of the country for a premium priced market in the United States including reference to the extent it shares in other premium priced markets, its relative dependence on sugar as a source of foreign exchange, and its present stage of and need for economic development.

Mr. RARICK. Mr. Chairman, I rise in support of H.R. 8866, to extend the Sugar Act of 1948 for another 3 years. I do so because, as a member of the Agriculture Committee and having listened attentively to the witnesses at the hearings, I am convinced that the merits of the bill far outdistance the shortcomings and drawbacks.

The announced purposes of the Sugar Act are to protect the consumer by making available a ready supply of sugar at a stable price and to preserve the sugar-producing potential in the continental United States by protecting American sugar farmers from foreign sugar imports with which they could not compete. That the law has been successful in the past, despite criticism and antagonism from the uninformed, is self-evident to the housewife and sugar users who know from personal experience that the price of sugar has increased less than any other food products. That the sugar bill is a matter of national defense should be obvious to those who have lived through a declared war and remember the days of sugar rationing. By preserving the American sugar-growing industry, we preserve a necessity of life and a proven tremendous morale booster in times of trial.

Much has been said today about foreign quotas, but I am primarily interested in mainland cane-growing quotas, the provision for new expansion, and the maintenance of a dependable secondary source of sugar from foreign imports.

Our mainland cane-sugar areas, the States of Louisiana and Florida, are given an additional quota of 300,000 tons, plus an allowance of 100,000 tons for new acreage. This is not a great amount, but it is what the mainland growers asked for and what they assured the commitee that they could fulfill. I would much rather that our cane and sugar beet farmers in the United States had been given the entire sugar production based on our domestic needs; but such feelings would be folly for our needs could not be met, which then would make it necessary to import sugar to meet our needs.

As for the foreign sugar quotas, I feel confident that every informed Member is aware that the foreign recipients and their quotas were designated at the pleasure and suggestion of the State Department and the President and his administration. Sweetness can be used as a diplomatic tool to influence friends and also discourage antagonists.

I do feel that it is unfortunate at a time when we are considering a bill to stabilize food prices, a few should inject into the debates the domestic policies of one of our more friendly nations and play politics by trying to swap off the South African sugar quota for bloc votes in their congressional district.

On several occasions, we heard comments that the South African Government was guilty of apartheid. I can only say, "So what?" If the people of that country feel that separate development of their races is essential to law and order in their country, then that is their business—not ours.

After all, those of us in the United States can claim little expertise or rational maturity under our hypocritical system of full equality. All any foreign nation would need do is to read our newspapers or follow our communication releases to understand that our system is intolerable and growing worse.

Statements were made here today attacking the terrorism law as if something were wrong with a civilized people who are defending their law-abiding citizens from terrorism, murder, and violence. It may well be that today's antagonists of South Africa may tomorrow realize that they will be forced to support an antiterrorism law in the United States.

After all, saving the country is the first and primary duty of any responsible government.

Comments were also made today that Members of this body, American citizens, had been denied visa to visit the Republic of South Africa. I feel that the remarks were misleading. South Africa did not discriminate by denying visas to American citizens. But, she did not give preferential treatment to any Members of this body simply because they were U.S. Congressmen by allowing them to enter South Africa and take an activist role in interfering with the domestic affairs and laws of that nation.

I think that the record both at the State Department and in the news reports indicates quite clearly that the supposedly aggrieved Members were offered visas to visit South Africa provided they acted as would be expected of any other American citizen visiting in any other foreign country and would not address public meetings or attempt to hold quasi-hearings for the purpose of furthering their political career using the government of their host country.

Certainly the South African request, in offering to grant visas, did not seem out of line or unreasonable. I know of no other country in Europe, Africa, or Asia that would grant unrestricted visas to any American politician to visit their land for the preannounced purpose of creating confusion, division, and distrust. In fact, all Americans who understand the need to maintain friendly relations between countries were aggrieved by the uncalled-for efforts of a few to turn public opinion in South Africa against the American people merely to satisfy their own personal political goals and desire for publicity.

The South Africans have been our allies in every war. The majority of the Caucasians are descendants of the Western European culture and of the same stock as many of us in the United States. They are a Christian nation, a bulwark against communism and aggression, and have always proved to be a friend of the American people.

The black Africans who live in South Africa enjoy the highest standard of living and modern conveniences of any blacks on the African continent. The South Africans report that they have no law which prevents any South African from leaving the country; rather, they have laws to try to prevent the many disenchanted blacks from other revolutionary societies and emerging states and nations from overcrowding their country. If the plight of the South African black even approached the status of degradation and desperation that now has been suggested here today, certainly it would not be necessary for the South Africans to try to keep millions of new blacks from immigrating into their country.

Finally, the remarks of the chairman of the African Subcommittee that he had twice been denied visas to South Africa raises the question as to whether or not he was including the incident which occurred last fall. At that time, we understand the chairman had been visiting on a taxpayers' junket in Madagascar, where he found little comfort for his hatred for the whites in South Africa. The Madagascar blacks trade with South Africa, and the two countries exchange diplomats and are working together as Africans to solve any problems and differences that may exist. The African Subcommittee chairman was forced to fly to Johannesburg for plane connections, where he had a delay en route. The U.S. Ambassador to South Africa had prearranged with the South African Government to invite him to the U.S. Embassy for entertainment. This necessarily meant traveling in South African by prearranged courtesy of the South African Government. The offer was declined by the chairman. It seems that many times those who shriek discrimination, prejudice, and racism are guilty of having made the bed in which they lie and are only interested in aggravating problems rather than moving forward with solutions. After all is said and done, what does apartheid have to do with the ability of South Africa to be a dependable source of sugar for the American people. People—not countries—produce sugar.

I intend to cast my people's vote in favor of the sugar bill and urge other Members to do the same.

Mr. BERGLAND. Mr. Chairman, with the bill to extend the Sugar Act for 3 years, H.R. 8866, under consideration on the floor today I wish to submit for the record my wholehearted support for the final version of this bill as it relates to our own Nation's sugar industry. My enthusiasm stems from the benefits this bill incorporates for this industry. Additional acreage for the domestic sugar grower—provided for under the bill—will boost economically many areas of our Nation which are feeling the impact of our faltering economy.

Although foreign sugar quotas were rearranged to increase the allotments to small, emerging nations with a sugar producing potential, the ratio between quotas for domestic and foreign producers will remain the same. Domestic producers will provide 7,055,000 tons, or about 62 percent, of our annual consumption of 11.2 million tons.

While the ratio between quotas for domestic and foreign producers will remain the same, the sugar consumption rate is increasing and consequently additional acreage will be added to that already in production within our own United States.

The 3-year extension of the Sugar Act includes about 60,000 additional acres for sugar beet production during the first year of the program because, as previously stated, of a growing market. An additional 45,000 to 60,000 acre annual increase can be expected during the final 2 years of the program.

While working on the legislation in the Agriculture Committee, my top priority was to guarantee substantial increases in sugar beet acreage for the United States. Now that these increases have been approved, beet growers and processors have the assurances they need to plan and finance the expansion of their industry. It is now up to our growers, processors, and communities to take the initiative, and to insure that the industry grows to its fullest potential. I am hopeful that such will be the case in my own seventh District in Minnesota in the Red River Valley area.

Through the new quotas to friendly governments and the encouragements to the industry in America, H.R. 8866 fulfills two of the major purposes of the sugar program since its establishment in 1934.

Mr. Chairman, it also fulfills the third purpose: "to assure to U.S. consumers a plentiful supply of sugar at reasonable prices." Sugar has been, and remains, one of the consumers greatest bargains. While the consumer price index for food has jumped 38.4 points in the last 15 years, the cost of sugar has risen only 2½ cents per pound. There has been much criticism, of late, on our sugar program and the price of sugar on the world market. The fact remains that the price paid by the American consumer is well below the world average. Furthermore, because of this program, we can always count on an adequate supply of sugar on the grocers' shelves.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 8866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sugar Act Amendments of 1971".

Sec. 2. Section 101 of the Sugar Act of 1948, as amended, is amended—

(1) by adding a new subsection (p) as follows:

"(p) The term 'mainland cane sugar area' means the States of Florida and Louisiana."; and

(2) by striking out subsection (j) the words "the Virgin Islands,".

Sec. 3. Section 201 of the Sugar Act of 1948, as amended, is amended:

(1) by striking out the first sentence and substituting the following: "The Secretary shall determine for each calendar year, beginning with the calendar year 1972, the amount of sugar needed to meet the require-

ments of consumers in the continental United States. Such determination shall be made during October of the year preceding the calendar year for which the determination is being made, and at such other times thereafter as may be required to attain the price objective pursuant to the formula set forth herein.";

(2) by striking out of the second sentence "September 30" and substituting "August 31";

(3) by changing the period at the end of the second sentence to a colon and adding the following: "*Provided*, That notwithstanding the foregoing, beginning with the month of January 1972, the price objective shall be a price for raw sugar which would maintain the same ratio between such price and the average of the parity index (1967=100) and the wholesale price index (1967=100) as the ratio that existed between (i) the simple average of the monthly price objective calculated for the period September 1, 1970, through August 31, 1971, under section 201 of the Act in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971, and (ii) the simple average of such two indexes for the same period."; and

(4) by adding at the end of the section a sentence as follows: "The term 'wholesale price index' as used herein shall mean such index as determined monthly by the United States Department of Labor."

SEC. 4. Section 202 of the Sugar Act of 1948, as amended, is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) For domestic sugar-producing areas, by apportioning among such areas seven million fifty-five thousand short tons, raw value, as follows:

"Area:	*Short tons, raw value*
Domestic beet sugar	3,406,000
Mainland cane sugar	1,539,000
Hawaii	1,110,000
Puerto Rico	1,000,000
Total	7,055,000

"(2) To or from the sum of four million nine hundred and forty-five thousand short tons, raw value, of the quotas for the domestic beet sugar and mainland cane sugar areas there shall be added or deducted, as the case may be, an amount equal to 65 per centum of the amount by which the Secretary's determination of requirements of consumers in the continental United States pursuant to section 201 for the calendar year is greater than or less than eleven million two hundred thousand short tons, raw value. Such amount shall be apportioned between the domestic beet sugar area and the mainland cane sugar area on the basis of the quotas for such areas established under paragraph (1) of this subsection in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971.

"(3) Notwithstanding the foregoing provisions of this subsection—

"(A) For the calendar years 1972 and 1973 the quota for Puerto Rico shall be eight hundred and fifty-five thousand short tons, raw value, subject to the provisions of subparagraph (B) of this paragraph (3).

"(B) Whenever the production of sugar in Hawaii or Puerto Rico in any year results in there being available for marketing in the continental United States in any year sugar in excess of the quota for such area for such year established under paragraph (1) of this subsection, the quota for the immediately following year established for such area under paragraph (1) of this subsection shall be increased to the extent of such excess production: *Provided,* That in no event shall the quota for Hawaii or Puerto Rico, as so increased, exceed the quota which would have been established for such area at the same level needed to meet the requirements of consumers under the provisions of section 202(a) of the Sugar Act of 1948, as amended, in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1962: *Provided further,* That sugar which is produced in Hawaii or Puerto Rico in any year and which is prevented from being marketed or brought into the continental United States in that year for reasons beyond the control of the producer or the shipper of such sugar shall, within the limitations of the foregoing proviso and section 207, and in addition to the quota which would otherwise be established under section 202, be permitted to be marketed or brought into the continental United States in the next calendar year, except that such amount of sugar which is permitted to be marketed under this proviso shall be reduced by an amount equal to the amount of such sugar which has been sold to any other nation instead of being held for marketing in the continental United States."

"(4) Beginning with 1973 or as soon thereafter as the quota or quotas can be used, there shall be established for any new continental cane sugar producing area or areas a quota or quotas of not to exceed a total for all such areas of one hundred thousand short tons, raw value, subject to the requirements of section 302 of this Act."

(2) Subsection (b) is amended to read as follows:

"(b) For the Republic of the Philippines in the amount of one million one hundred twenty-six thousand and twenty short tons, raw value."

(3) Subsection (c) is amended:

(i) by striking out paragraph (2);

(ii) by amending paragraph (3) to read as follows:

"(3) For individual foreign countries other than the Republic of the Philippines and Ireland, by prorating the amount of sugar determined under paragraph (1) of this subsection, less the amount required to establish a quota as provided in paragraph (4) of this subsection for Ireland, among foreign countries on the following basis:

"(A) For countries in the Western Hemisphere:

"Country:	*Per centum*
Cuba	23.74
Mexico	11.38
Brazil	11.13
Dominican Republic	11.13
Peru	8.87
West Indies	4.07
Ecuador	1.71
Argentina	1.61
Colombia	1.56
Costa Rica	1.38
Nicaragua	1.38
Panama	1.35
Guatemala	1.17
El Salvador	0.85
Venezuela	0.78
Bahamas	0.71
British Honduras	0.71
Haiti	0.65
Bolivia	0.36
Honduras	0.36
Paraguay	0.32

"(B) For countries outside the Western Hemisphere:

"Country:	*Per centum*
Australia	4.92
Republic of China	2.05
India	1.97
South Africa	1.44
Fiji	1.07
Mauritius	0.72
Swaziland	0.72
Thailand	0.45
Malagasy Republic	0.36
Malawi	0.36
Rhodesia	0.36
Uganda	0.36

"(C) Notwithstanding the provisions of paragraphs (A) and (B), for the calendar year 1972 the proration for Panama shall be 0.88 per centum and for Malawi shall be zero per centum and the prorations for the other countries named in paragraphs (A) and (B) shall be increased proportionately."; and

(iii) by amending paragraph (4) to read as follows:

"(4) For Ireland, in the amount of five thousand three hundred and fifty-one short tons, raw value, of sugar."

(4) Subsection (d) is amended as follows:

(i) by amending paragraph (1) (A) to read as follows:

"(1)(A) During the current period of suspension of diplomatic relations between the United States and Cuba, the quota provided for Cuba under subsection (c) shall be withheld and a quantity of sugar equal to such quota shall be prorated to other foreign countries named in paragraph (3) of subsection (c) on the basis of the percentages stated therein.":

(ii) by striking out the words "the Bahama Islands, Bolivia, Honduras, and" in paragraph (3);

(iii) by striking out the word "August" and substituting the word "June" in paragraph (4); and

(iv) by striking out "1965" each time it appears in paragraph (6) and inserting in lieu thereof "1971".

(5) Subsection (e) is amended by inserting after the words "subsection (d)(1) of this section," the words "or subsection 408(c) of this Act,".

(6) Subsection (f) is amended to read as follows:

"(f) Whenever any quota is required to be reduced pursuant to subsection (e) or because of a reduction in the requirements of consumers under section 201 of this Act, and the amount of sugar imported from any country or marketed from any area at the time of such reduction exceeds the reduced quota, the amount of such excess shall, notwithstanding any other provision of this section, be charged to the quota established for such country or domestic area for the next succeeding calendar year. Sugar from any country which at the time of reduction in quota has not been imported but is covered by authorizations for importation issued by the Secretary not more than five days prior to the scheduled date of departure shown on the authorization shall be permitted to be entered and charged to the quota established for such country for the next succeeding calendar year."

(7) Subsection (g) is amended to read as follows:

"(g)(1) The Secretary is authorized to limit, on a quarterly basis only, the importation of sugar within the quota for any foreign country during the first quarter of 1972 if he determines that such limitation is necessary to achieve the objectives of the Act.

"(2) The Secretary shall not be authorized during the last three quarters of 1972 and the full year 1973, or in any year thereafter except as provided herein, to limit the importation of sugar within the quota for any foreign country through the use of limitations applied on other than a calendar year basis.

"(3) In order to attain on an annual average basis the price objective determined pursuant to the formula specified in section 201 of this Act, the Secretary shall make adjustments in the determination of requirements of consumers in accordance with the following provisions: (i) the determination of requirements of consumers shall not be adjusted whenever the simple average of the prices of raw sugar for seven consecutive market days is less than 4 per centum above or below the average price objective so determined for the preceding two calendar months; (ii) the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective whenever the simple average of prices of raw sugar for seven consecutive market days is 4 per centum or more above or below the average price objective so determined for the preceding two calendar months; and (iii) the determination of requirements of consumers for the current year shall not be reduced after November 30 of such year, but any required reduction shall instead be made in such determination for the following year. If in the twelve-month period ending October 31 of any year after 1972 the average price of raw sugar is less than 99 per centum of the price objective determined pursuant to the formula set forth in section 201 (except in the twelve-month period ending October 31, 1973—97 per centum) then, with respect to each subsequent quota year, the Secretary is authorized after November 30 of the preceding year to limit, on a quarterly basis only, the importation of sugar within the quota of any foreign country during the first or second quarter, or both, of such year if he determines that such limitation is necessary to achieve the objectives of the Act.

"(4) The Secretary shall not be authorized to issue any regulation under this Act restricting the importation, shipment, or storage of sugar to one or more particular geographical areas."

Sec. 5. Sections 204, 205, 206, 207, 209, and 211 of the Sugar Act of 1948, as amended, are amended as follows:

(I) Section 204 is amended as follows:

(1) Subsection (a) is amended as follows:

(i) by changing the first sentence to read as follows: "The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and as often thereafter as the facts are ascertainable by him, but in any event not less frequently than each sixty days after the beginning of the quota year, determine whether, in view of the current inventories of sugar, the estimated production from the acreage of sugarcane or sugar beets planted, the normal marketings within a calendar year of new-crop sugar, and other pertinent factors, any area or country will not market the quota for such area or country.";

(ii) by changing the first word of the second sentence from "If" to "Whenever" and by striking out the words "will be unable to" and substituting the words "will not";

(iii) by amending the first proviso in the second sentence to read as follows: ": *Provided,* That any deficit resulting from the inability of a country which is a member of the Central American Common Market to fill its quota or its share of any deficit determined under the foregoing provisions of this subsection shall first be allocated to the other member countries on the basis of the quotas determined pursuant to section 202 for such countries:";

(iv) by striking out of the third, fifth, sixth, and eighth sentences the words "will be unable to" and substituting the words "will not";

(v) by striking out the third and fourth sentences from the end of the subsection and substituting the following: "In determining and allocating deficits the Secretary shall act to provide at all times throughout the calendar year the full distribution of the amount of sugar which he has determined to be needed under section 201 of this Act to meet the requirements of consumers.";

(vi) by striking out "quotas then in effect" wherever it appears in the subsection and inserting in lieu thereof "quotas determined pursuant to section 202";

(vii) by striking out "47.22" wherever it appears therein and substituting "37.6"; and

(2) by adding a new subsection (c) as follows:

"(c) Notwithstanding the foregoing provisions of this section and section 211(c), if the Secretary determines that Hawaii or Puerto Rico will be unable to fill its quota established under section 203 for marketing for local consumption on a day-to-day basis, he shall allocate an amount of sugar not in excess of such deficit to the domestic beet sugar area or the mainland cane sugar area to be filled by direct consumption or raw sugar, as he determines to be required for local consumption."

(II) Section 205 is amended by amending the third sentence of subsection (a) to read as follows: "The Secretary is authorized in making such allotments, whenever there is involved any allotment that pertains to a new or substantially enlarged existing sugar beet processing facility serving a locality or localities which have received an acreage allotment under section 302(b)(3), to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for reasonably efficient operation of any such new or substantially enlarged sugar beet processing facility during each the first three years of its operation."

(III) Section 206 is amended by amending subsections (a) and (b) to read as follows:

"(a) If the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico of any sugar containing product or mixture or beet sugar molasses will substantially interfere with the attainment of the objectives of this Act, he may limit the quantity of such product, mixture, or beet sugar molasses to be imported or brought in from any country or area to a quantity which he determines will not so interfere: *Provided,* That the quantity to be imported or brought in from any country or area in any calendar year shall not be reduced below the average of the quantities of such product, mixture, or beet sugar molasses annually imported or brought in during such three-year period as he may select for which reliable data of the importation or bringing in of such product, mixture, or beet sugar molasses are available.

"(b) In the event the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico, of any sugar-containing product or mixture or beet sugar molasses will substantially interfere with the attainment of the objectives of this Act and there are no reliable data available of such importation or bringing in of such product, mixture, or beet sugar molasses for three consecutive years, he may limit the quantity of such product, mixture, or beet sugar molasses to be imported or brought in annually from any country or area to a quantity which the Secretary determines will not substantially interfere with the attainment of the objectives of the Act: *Provided,* That, in the case of a sugar-containing product or mixture, such quantity from any one country or area shall not be less than a quantity containing one hundred short tons, raw value of sugar or liquid sugar."

(IV) Section 207 is amended:

(1) by deleting "such" in subsection (a) and inserting in lieu thereof "the preceding"; and

(2) by changing subsection (b) to read as follows: "(b) The quota for Puerto Rico established under section 202 for any calendar year may be filled by direct-consumption sugar not to exceed an amount equal to 1.5 per centum of the first eleven million short tons, raw value, of the Secretary's determination for the preceding year issued pursuant to section 201, plus 0.5 per centum of any amount of such determination above eleven million short tons, raw value: *Provided,* That one hundred and twenty-six thousand and thirty-three short tons, raw value, of such direct-consumption sugar shall be principally of crystalline structure."; and

(3) by striking out subsection (c).

(V) Section 209(a) is amended by striking out the words "the Virgin Islands," and inserting in lieu thereof the words "any areas".

(VI) Section 211 is amended by striking out of subsection (a) the words "continental United States" and inserting in lieu thereof the words "United States, including Puerto Rico,".

(VII) Section 212 is amended by striking out "sugar or liquid" and substituting "direct consumption sugar or liquid", in clauses (1) and (2).

Sec. 6. Title III of the Sugar Act of 1948, as amended, is amended as follows:

(I) Section 302 is amended:

(1) by adding at the end of paragraph (2) of subsection (b) the following: "The personal sugar beet production history of a farm operator who dies, or becomes incapacitated, shall accrue to the legal representative of his estate or to a member of his immediate family if such legal representative or family member continues within three years of such death or incapacity the customary sugar beet operations of the deceased or incapacitated operator. If in any year during this period sugar beets were not planted by such legal representative or member of the family, production history shall be credited to such year equal to the acreage last planted by the deceased or incapacitated farm operator.";

(2) by amending paragraph (3) of subsection (b) to read as follows: "(3) In order to make acreage available for growth and expansion of the beet sugar industry, the Secretary, in addition to protecting the interests of new and small producers by regulations generally similar to those heretofore promulgated by him pursuant to this Act, shall allocate each year as needed from the national sugar beet requirements established by him, during the extension of this Act, the acreage required to yield not more than 100,000 short tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugar beet processing facilities. Priority shall be given to processing facilities located or to be located in or adjacent to growing areas where processing facilities were closed during 1970 or thereafter. Allocations shall be for a period of three years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value, of sugar each year. The acreage so allocated shall be distributed on a fair and reasonable basis to new and old sugar beet farms to the extent that it can be utilized without regard to any other acreage allocations to States determined by the Secretary. At the time the Secretary allocates acreage for a new or substantially enlarged existing sugar beet processing facility for any year, which determination shall be made as far in advance of such year as practicable, such allocation shall thereby be committed to be in effect for the year in which production of sugar beets is scheduled to commence or to be substantially increased in the locality or localities determined by the Secretary to receive such acreage allocation for such year, such determination by the Secretary shall be final, and such commitment of acreage allocation shall be irrevocable upon issuance of such determination of the Secretary by publication in the Federal Register; except that if the Secretary finds in any case that the construction of new or the substantial enlargement of existing sugar beet processing facilities and the contracting for processing of sugar beets has not proceeded in substantial accordance with the representations made to him as a basis for his determination of acreage allocation, he shall revoke such determination in accordance with and upon publication in the Federal Register of such findings. In determining acreage allocations for a locality or localities serving new or substantially enlarged existing sugar beet facilities and whenever proposals are made to construct new or to substantially enlarge existing sugar beet processing facilities in two or more

localities (where sugar beet production is scheduled to commence or to be substantially increased in the same year), the Secretary shall base his determination and selection upon the firmness of capital commitment, the proven suitability of the area for growing sugar beets and the relative qualifications of localities and proposals under such criteria. If proportionate shares are in effect in either of the two years immediately following the year for which such initial acreage allocation is made in any locality, the Secretary shall adjust the initial allocation in the same proporton as the State's acreage is adjusted from its acreage of the year in which such initial allocation was made";

(3) by amending paragraph (4) of subsection (b) to read as follows: "(4) The allocation of the national sugar beet acreage requirement to States for sugar beet production, as well as the acreage allocation for new or substantially enlarged existing sugar beet processing facilities, shall be determined by the Secretary after investigation and notice and opportunity for an informal public hearing.";

(4) by deleting from paragraph (5) of subsection (b) "in any local producing area";

(5) by adding at the end of subsection (b) a new paragraph as follows:

"(10) The Secretary shall credit to the farm of any producer (or to the producer in a personal history State) who has lost a market for sugar beets as a result of (i) the closing of a sugar beet factory in any crop year after 1970; (ii) the complete discontinuance of contracting by a processor after 1970 in a State; or (iii) the discontinuance of contracting by a processor after 1970 in a substantial portion of a State in which the processor contracted a total of at least four thousand acres of the 1970 crop of sugar beets, an acreage history (or production history) for each of the next three years equal to the average acreage planted on the farm (or by the producer) in the last three years of such factory's operation or processor's contracting, and any unused proportionate share shall not be transferred to other farms (or producers)."; and

(6) by amending subsection (c) to read as follows:

"(c) In order to enable any new cane sugar producing area to fill the quota to be established for such area under section 202 (a)(4), the Secretary shall allocate an acreage which he determines is necessary to enable the area to meet its quota and provide a normal carryover inventory. Such acreage shall be fairly and equitably distributed to farms on the basis of land, labor, and equipment available for the production of sugarcane, and the soil and other physical factors affecting the production of sugarcane. The acreage allocation for any year shall be made as far in advance of such year as practicable, and the commitment of such acreage to the area shall be irrevocable upon issuance of such determination by publication thereof in the Federal Register; *Provided*, That if the Secretary finds in any case that construction of sugarcane facilities and the contracting for processing of sugarcane has not proceeded in substantial accordance with the representation made to him as a basis for his determination of distribution of acreage, he shall revoke such determination in accordance with and upon publication in the Federal Register of such findings. In making his determination for the establishment of a quota and the allocation of the acreage required in connection with such quota, the Secretary shall base such determination upon the firmness of capital commitment and the suitability of the area for growing sugarcane and, where two or more areas are involved, the relative qualification of such areas under such criteria. If proportionate shares are in effect in such area in the two years immediately following the year for which the sugarcane acreage allocation is committed for any area, the total acreage of proportionate shares established for farms in such area in each such two years, shall not be less than the larger of the acreage committed to such area or the acreage which the Secretary determines to be required to enable the area to fill its quota and provide for a normal carryover inventory."

(II) Section 303 is amended by striking out the words "which cause such damage to all or a substantial part of the crop of sugar beets or sugarcane in the same factory district (as established by the Secretary), county, parish, municipality, or local producing areas,".

(III) Section 307 is amended to read as follows: "This title shall apply to the continental United States, Hawaii, and Puerto Rico."

SEC. 7. Title IV of the Sugar Act of 1948, as amended, is amended as follows:

(I) Section 404 is amended by changing the period at the end of the first sentence to a comma and adding the following: "and, except as provided in sections 205 and 306 of this Act, to review in accordance with 5 U.S.C., chapter 7, any regulation issued pursuant to this Act."

(II) Section 408 is amended by amending subsection (c) to read as follows:

"(c) In any case in which a nation or a political subdivision thereof has hereafter (1) nationalized, expropriated, or otherwise seized the ownership or control of the property or business enterprise owned or controlled by United States citizens or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens or (2) imposed upon or enforced against such property or business enterprise so owned or controlled, discriminatory taxes or other exactions, or restrictive maintenance or operational conditions (including limiting or reducing participation in production, export, or sale of sugar to the United States under quota allocation pursuant to this Act) not imposed or enforced with respect to the property or business enterprise of a like nature owned or operated by its own nationals or the nationals of any government other than the Government of the United States or (3) imposed upon or enforced against such property or business enterprise so owned or controlled, discriminatory taxes or other exactions, or restrictive maintenance or operational conditions (including limiting or reducing partcipation in production, export, or sale of sugar to the United States under quota allocation pursuant to this Act), or has taken other actions, which have the effect of nationalizing, expropriating or otherwise seizing ownership or control of such property or business enterprise or (4) violated the provisions of any bilateral or multilateral international agreement to which the United States is a party, designed to protect such property or business enterprise so owned or controlled, and has failed within six months following the taking of action in any of the above categories to take appropriate and adequate steps to remedy such situation and to discharge its obligations under international law toward such citizen or entity, including the prompt payment to the owner or owners of such property or business enterprise so nationalized, expropriated or otherwise seized or to provide relief from such taxes, exactions, conditions or breaches of such international agreements, as the case may be, or to arrange, with the agreement of the parties concerned, for submitting the question in dispute to arbitration or conciliation in accordance with procedures under which final and binding decision or settlement will be reached and full payment or arrangements with the owners for such payment made within twelve months following such submission, the President may withhold or suspend all or any part of any quota, proration of quota, or authorization to import sugar under this Act of such nation, and either in addition or as an alternative, the President may, under such terms and conditions as he may prescribe, cause to be levied and collected at the port of entry an impost on any or all sugar sought to be imported into the United States under the quota of such nation established pursuant to this Act in an amount not to exceed $20 per ton, such moneys to be covered into the Treasury of the United States into a special trust fund, and he shall use such fund to make payment of claims arising subsequent to January 1, 1969, as a result of such nationalization, expropriation, or other type seizure or action set forth herein, except that if such nation participates in the quota for the West Indies, the President may suspend a portion of the quota, or proration of the quota, for the West Indies which is not in excess of the quantity shipped from that nation during the preceding year, until he is satisfied that appropriate steps are being taken, and either in addition or as an alternative, he may cause to be levied and collected an impost on any or all sugar sought to be imported into the United States under the quota of such nation for the payment of claims as provided herein. Any quantity so withheld or suspended shall be allocated under section 202(d)(1)(B) of this Act."

(III) Section 412 of the Sugar Act of 1948, as amended, is amended to read as follows:

"SEC. 412. The powers vested in the Secretary under this Act shall terminate on December 31, 1974, or March 31 of the year of termination of the sugar excise tax imposed under section 4501(a) of the Internal Revenue Code as amended, whichever is the earlier date, except that the Secretary shall have power to make payments under title III under programs applicable to the crop year in which the date of termination occurs and previous crop years."

SEC. 8. Section 4501(b) of the Internal Revenue Code of 1954 is amended as follows:

(1) by striking out of the first sentence the words "June 30, 1972" and inserting in lieu thereof the phrase "June 30, 1975, or June 30 of the year immediately following the effective date of any law limiting payments under title III of the Sugar Act of 1948, as amended, whichever is the earlier date"; and

(2) by striking out of the second sentence the phrase "June 30, 1972, or with respect to sugar or articles composed in chief value of sugar held in customs custody or control on such date" and inserting in lieu thereof the phrase "June 30, 1975, or June 30 of the year immediately following the effective date of any law limiting payments under title III of the Sugar Act of 1948, as amended, whichever is the earlier date, or with respect to sugar or articles composed in chief value of sugar held in customs custody or control on such earlier date.".

SEC. 9. Except as herein provided, the provisions of this Act shall be effective January 1, 1972. The amendments made by sections 3 and 4 of this Act, and the amendment made to section 204 by section 5 of this Act, shall be effective upon the date of enactment of this Act for purposes of actions relating to the 1972 and subsequent quota years.

The CHAIRMAN. No amendments are in order to the bill except amendments offered by direction of the Committee on Agriculture.

Are there any committee amendments?

Mr. POAGE. Mr. Chairman, there are no such amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8866), to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, pursuant to House Resolution 471, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GOODLING. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the bill H.R. 8866 to the Committee on Agriculture.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MAYNE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 229, nays 128, not voting 76, as follows:

[Roll No. 130]

YEAS—229

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Blanton
Blatnik
Boggs
Bow
Brasco
Brinkley
Brooks
Brotzman
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Collier
Collins, Tex.
Colmer
Corman
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Donohue
Dorn
Dowdy
Downing
Dwyer
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Fountain
Frenzel
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Gubser
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harvey
Hathaway
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Howard
Hull
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
Kemp
Kuykendall
Kyl
Landgrebe
Latta
Leggett
Lennon
Link
Lloyd
Long, La.
Lujan
McClure
McDade
McFall
McKay
McKevitt
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Meeds
Metcalfe
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Neill
Patman
Perkins
Pickle
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Roy
Ruth
Sandman
Satterfield
Scherle
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Calif.
Thone
Udall
Ullman
Vander Jagt
Vigorito
Waggonner
Waldie
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wyman
Yatron
Young, Fla.
Young, Tex.
Zion
Zwach

NAYS—128

Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Ashley
Aspin
Badillo
Biester
Bingham
Boland
Brademas
Bray
Broomfield
Brown, Mich.
Broyhill, N.C.
Buchanan
Byron
Chisholm
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conte
Cotter
Coughlin
Crane
Davis, Wis.
Dellenback
Dellums
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Dow
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Findley
Ford, William D.
Fraser
Frelinghuysen
Fulton, Pa.
Gibbons
Goodling
Green, Pa.
Gross
Gude
Haley
Hall
Halpern
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Hungate
Hutchinson
Ichord
Jacobs
Kastenmeier
Keating
Koch
Kyros
Long, Md.
McClory
McCloskey
McDonald, Mich.
McKinney
Macdonald, Mass.
Madden
Mayne
Mazzoli
Michel
Mikva
Minish
Mitchell
Moorhead
Mosher
Nedzi
O'Hara
O'Konski
Patten
Pelly
Pettis
Pike
Pryor, Ark.
Pucinski
Quillen
Railsback
Randall
Rangel
Reid, N.Y.
Reuss
Riegle
Roe
Rosenthal
Rousselot
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schmitz
Schneebeli
Seiberling
Shipley
Snyder
Spence
Stanton, J. William
Stokes
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Van Deerlin
Vanik
Whalen
Whalley
Wiggins
Wilson, Bob
Wylie
Yates

NOT VOTING—76

Abzug
Anderson, Tenn.
Ashbrook
Bell
Biaggi
Blackburn
Bolling
Brown, Ohio
Camp
Carney
Celler
Clancy
Clark
Clausen, Don H.
Conable
Conyers
Culver
Daniel, Va.
Denholm
Dent
Edmondson
Edwards, Ala.
Edwards, La.
Fish
Flowers
Forsythe
Frey
Fulton, Tenn.
Goldwater
Griffin
Griffiths
Grover
Harsha
Hansen, Idaho
Hastings
Hays
Heckler, Mass.
Horton
Hosmer
Hunt
Jonas
King
Kluczynski
Landrum
Lent
McCollister
McCormack
McCulloch
McEwen
Mailliard
Melcher
Morse
Passman
Pepper
Peyser
Rees
Robison, N.Y.
Rooney, Pa.
Roybal
Runnels
Saylor
Smith, N.Y.
Springer
Stafford
Stephens
Stuckey
Talcott
Teague, Tex.
Terry
Tiernan
Veysey
Wampler
Ware
Watts
Wydler
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Harsha for, with Mr. Fulton of Tennessee against.

Mr. Veysey for, with Mr. Biaggi against.

Mr. Melcher for, with Mr. Forsythe against.

Mr. Kluczynski for, with Mr. Wydler against.

Mr. Griffin for, with Mrs. Heckler of Massachusetts against.

Mr. Teague of Texas for, with Mr. Robinson of New York against.

Mr. Edwards of Louisiana for, with Mr. Conable against.

Mr. Pepper for, with Mr. Conyers against.

Mr. Passman for, with Mr. Rees against.

Mr. Flowers for, with Mr. Grover against.

Mr. Stephens for, with Mr. Horton against.

Mr. Stuckey for, with Mrs. Abzug against.

Mr. Daniel of Virginia for, with Mr. Saylor against.

Mr. Edwards of Alabama for, with Mr. Hosmer against.

Mr. Hunt for, with Mr. Terry against.

Mr. Watts for, with Mr. King against.

Mr. Edmondson for, with Mr. McEwen against.

Mr. Camp for, with Mr. Lent against.

Mr. Landrum for, with Mr. Peyser against.

Mr. Wampler for, with Mr. Hastings against.

Mr. Frey for, with Mr. Fish against.

Until further notice:

Mr. Anderson of Tennessee with Mr. Hansen of Idaho.

Mr. Hays with Mr. Ashbrook.

Mrs. Griffiths with Mr. Stafford.

Mr. Zablocki with Mr. Morse.

Mr. Tiernan with Mr. Mailliard.

Mr. Celler with Mr. Smith of New York.

Mr. Dent with Mr. Ware.

Mr. Roybal with Mr. Goldwater.

Mr. Clark with Mr. Springer.

Mr. Carney with Mr. Bell.

Mr. Rooney of Pennsylvania with Mr. Brown of Ohio.

Mr. Culver with Mr. Blackburn.

Mr. McCormack with Mr. Jonas.

Mr. Denholm with Mr. Clancy.

Mr. Runnels with Mr. Talcott.

Mr. Clausen with Mr. McCollister.

Mr. ADAMS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 8866.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the rest of the week, if any, and the program for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Massachusetts.

Mr. O'NEILL. This concludes the program for this week.

The program for the week of June 14 is as follows:

Monday we will have the customary Flag Day ceremonies.

Monday is also District day, and four bills are scheduled for consideration, as follows:

H.R. 8794, medical services for totally disabled firemen and policemen.

H.R. 2591, amendments to acts affecting public utilities;

H.R. 2592, vacation work permits for minors; and

H.R. 8589, amendment to Healing Arts Practice Act.

The program for Tuesday and the balance of the week is as follows:

Tuesday is Private Calendar day.

Scheduled for consideration are:

H.R. 8687, the military procurement authorization bill, under an open rule with 4 hours of debate;

H.R. 6483, Marine Corps generals appointments, under an open rule with 1 hour of debate;

H.R. 8629, the Health Manpower Training Act, subject to a rule being granted;

H.R. 8630, the Nurse Training Act, subject to a rule being granted; and

H.R. 7736, health professions student loan and scholarship expansion, subject to a rule being granted.

Conference reports may be brought up at any time. It is anticipated that on Tuesday next the conference report on S. 575, the accelerated public works bill, will be brought up.

May I also make note of the fact that next week it is anticipated, unless the work is completed by Thursday night, we will work on Friday.

Mr. GERALD R. FORD. Mr. Speaker, I should like to ask the gentleman for reaffirmation of what he has said. The conference report on the accelerated public works bill will be programed at the outset on Tuesday?

Mr. O'NEILL. That is correct.

Mr. GERALD R. FORD. There is a high likelihood or great probability we will have a session on Friday in order to complete the business on the whip notice?

Mr. O'NEILL. The gentleman is correct.

Mr. GERALD R. FORD. May I ask one other question? Although H.R. 1 is not programed for next week, is it likely it will be on the agenda the following week?

Mr. O'NEILL. It is possible it will be on the agenda the following week. I understand it is being called before the Rules Committee on Tuesday of next week, and the rule should be granted at that time, and it would be possible to have it come up the following week.

Mr. GERALD R. FORD. That would be the week of June 21?

Mr. O'NEILL. The week of June 21, yes.

Mr. GERALD R. FORD. I thank the distinguished majority whip.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Let me address a question to the distinguished majority whip. What are the prospects for rules on the last three bills scheduled for next week?

Mr. O'NEILL. I would say they are excellent from what I understand from the chairman of the Committee on Interstate and Foreign Commerce. He said that the bills were reported with only one dissent on one of the bills.

Mr. GROSS. I mean, what are the prospects for rules on these bills, to make them in order next week?

Mr. O'NEILL. We do not anticipate any problem whatsoever.

Mr. GERALD R. FORD. It is my understanding that the Rules Committee is going to meet on those three proposals on Wednesday in order to clear the docket for consideration on Thursday and Friday.

Mr. O'NEILL. That is right. They are scheduled for consideration by the Rules Committee on Wednesday next.

ADJOURNMENT TO MONDAY, JUNE 14, 1971

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE CLOSING OF ANOTHER MAJOR TEXTILE MILL

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. NICHOLS. Mr. Speaker, once again my district has been hit by the closing of a major textile mill. The closing of Beaunit Mills, in the city of Childersburg, just 10 miles from my home, will leave almost 1,000 persons out of work. An $8 million payroll will also be eliminated. This is the third textile mill in my district to close within the past year; the first two, located in Roanoke, left over 1,200 persons unemployed.

Mr. Speaker, in spite of statements to the contrary by the distinguished chairman of the House Ways and Means Committee, I am still hopeful that the 92d Congress can approve a trade bill to limit imports from low-wage countries such as Japan. Officials of Beaunit listed the increase in imports as one of the main reasons for closing the facility which was the last rayon production plant to be built in this country. Imports were also blamed for the two closings in Roanoke.

I am well aware that I am not the only Member in this distinguished body who has had hundreds of constituents lose their livelihood because a trade bill has not been passed. Earlier this week, I sent a copy of an article written by Bill Moyers, former Press Secretary to President Johnson, to the distinguished chairman of the District of Columbia Committee. The article dealt with the numerous problems being faced by a small South Carolina town and its only industry—a textile mill.

Mr. Speaker, I submit three newspaper clippings dealing with the closing of the Beaunit Mills. The first two, from the June 2, 1971, edition of the Talladega Daily Home, show the effects of the closing on Childersburg and all of Talladega County. The third article appeared in the June 3, 1971, edition of the Sylacauga News and is an interview with J. Craig Smith, chairman of the board of Avondale Mills, who explains, from a textile point of view, why the industry is faltering. The reason is simple—the lack of a trade bill. The responsibility for passage of such legislation depends on the 92d Congress.

The material follows:

Closing of the Beaunit Mills

Childersburg.—Beaunit Fibers at Childersburg, employing 936 people and with a multimillion dollar payroll will cease operation in late August and the property will be put up for sale, the company said Tuesday.

The official announcement of the closing was made in New York Tuesday afternoon by Paul Luckett, executive vice president of operations for the corporation.

The rumor of the plant's closing hit the county Monday but could not be confirmed that day at the local level.

Luckett said the decision to close the facility in late August was made "after six years of unprofitable operations, with no turnaround in sight."

A source said a survey made by the corporation showed that if Beaunit continued its plant in Childersburg another year, the plant would lose between $2 and 2½ million dollars.

Luckett said a low volume of production, severe import competition, and declining demand for rayon tire cord were strong considerations in closing the plant.

Unemployment Rises After Shutdown of Beaunit Mills

According to the latest figures available at the state employment service, 23,350 people are employed in the county now. This figure includes the Beaunit work force. An additional 1,290 were listed as unemployed; thus placing the rate of unemployment at 4.8 per cent based on the total available civilian work force.

Many of those listed as unemployed based on the February figures are in the ranks of those known as the chronic unemployed.

The highest rate of unemployment in the county during recent months was in June of 1970 when 2,070 people were listed as unemployed, a rate of 7.7 per cent.

With the shutdown of Beaunit, the rate of unemployment could rise to about 8 per cent; approaching the 10-year unemployment high for the county in November 1960 when unemployment was 10.2 per cent of the total civilian work force.

Avondale Executive Says Textile Imports Climb

Avondale Mills' Chairman of the Board J. Craig Smith, in an exclusive interview with the News this week concerning the closing of Beaunit Mills in Childersburg said that some 50 textile mills located in the Southeast had closed during the past 18 months. He cited the foreign import problem as responsible for the closing of not only these mills, but approximately 70 more in the New England states.

Following is the text of a prepared statement by Smith concerning the continuing import problem:

"The closing of the Beaunit Mill brings the import problem even closer to home than the closing of the Handley Manufacturing Company at Roanoke. Even Americans who have no interest in preserving American jobs may be acting against their own interest in opposing a reasonable restraint on textile imports.

"The American textile industry is the most highly competitive major industry left in the United States. In the case of cotton textiles, our prices are actually less than they were in the government based period of 1947–49. Imports came in last year at the rate of 4½ billion square yards, and so far this year are running 30% ahead of last year. What the American people need to be concerned about is what will happen to textile prices when the American industry is brought to its knees and when a small group will meet in Osaka and both divide the American market and fix their own prices. If the present trend of imports is allowed to continue unabated, this is not only a possibility, but a probability."

GRADUATION AND COMMISSIONING EXERCISES AT THE U.S. NAVAL ACADEMY

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, yesterday, it was my distinct privilege to be among those attending the graduation and commissioning exercises at the U.S. Naval Academy at Annapolis. My one regret was that each and every American who is concerned with the direction of the military in this country could not have been present in the Navy-Marine Corps Memorial Stadium to hear the words of Adm. Elmo R. Zumwalt, chief of naval operations, as he spoke to the 859 graduates of the class of 1971.

The 735 new Navy ensigns, the 117 new Marine Corps second lieutenants, and the seven midshipmen graduates from foreign navies heard Admiral Zumwalt place the role of the military professional in proper perspective, in terms of world conditions, in terms of changing attitudes and priorities in our own society, and in terms of the interpersonal relationships between men of our own Navy which must be forged to keep the morale and the effectiveness of our naval force in step with demands of the times, and with the changing nature and higher sophistication of American men who volunteer for naval service.

Zumwalt, the youngest man yet to serve as Chief of Naval Operations, harkened back to his own graduation from Annapolis 29 years ago and gave new life to the words spoken by then Chief of Naval Operations, Adm. Ernest J. King, at the 1942 graduation ceremony. He eloquently pointed out through Admiral King's forward-looking thoughts in his World War II address, how the changes forged in the Navy, in the world and in our own society in the 29 years since his own commencement, would be equalled or surpassed in the 29 years between now and the turn of the 21st century. Admiral Zumwalt sought from the 1971 graduates judgment, intelligent leadership and understanding as the keystones of the kind of Navy we would need to be effective in the new century. While not minimizing the importance of either discipline or tradition, he indicated that neither would carry the day in the modern Navy without effective, discerning, and intelligent leadership and high morale.

As the father of a midshipman and as a Congressman who has followed the progress of each one of my appointees to the Naval Academy, I am closely familiar with the Academy's program and administration. I can say with assurance, Mr. Speaker, that Admiral Zumwalt was not sowing seeds on barren ground as he set the course for the military that must serve the future of a changing America.

A consistent formula of excellence in scholarship and character development, together with understanding of the individuality and creativity of each midshipman, with rational and consistent application of military discipline, and with a tempered metamorphosis of Academy tradition to meet the tone of present-day society—these factors have marked the outstanding program and administration of U.S. Naval Academy Superintendent, Vice Adm. James Calvert, and of the commandant of midshipmen, Rear Adm. Robert Coogan, who moves on to another assignment shortly.

Both Vice Admiral Calvert and Rear Admiral Coogan have, in my judgment, succeeded in turning out Naval Academy graduates who are equal to the task of carrying out the charge and the challenge delivered by Admiral Zumwalt to the class of 1971.

From watching the progress to my two constituent-appointees who graduated yesterday, Wallace J. Wagemaker and Daniel G. Hickey, and from observing the conduct of other midshipmen during my frequent visits to the Academy, I am confident that Admiral Zumwalt's words will take seed in the minds and in the performance of the 859 young men who became commissioned officers yesterday.

I include at this point in the RECORD the full text of Admiral Zumwalt's graduation address:

REMARKS BY ADM. E. R. ZUMWALT, JR.

It is a very great pleasure for me to be here on this occasion—it is a day long awaited by you, and one which will live long among your many memories of Annapolis—I know that you are impatient to take your places alongside the officers of our Navy and Marine Corps—and that you are ready to do so.

Today, you join a long line of predecessors who have made their mark, and I believe you do so at a watershed year in our nation's history.

In 1971, we see a new century lying only 29 years in the future. Members of this class will lead our Navy and Marine Corps into that 21st century, many as flag and general officers bearing great responsibility for its shape, course and state of progress.

In 1971, we also perceive a fundamental shift of attitudes and priorities in our national life—these changes in emphasis within our society will have profound influence on you, the Navy and the Marine Corps which one of you may someday head in the early years of that coming century.

But, you are well-able to respond to these influences, for you have been an integral part of the developing stream of American life during the last two decades. You will meet the challenges ahead by applying judgments forged from your earlier experiences and tempered in the demanding environment of this great institution.

In addition you are fortunate to bring to the Navy perspectives uniquely your own and in many respects considerably different from those of generations past. Your rise to maturity has paralleled the growth of mass communications and educational technology in America and thus, you are able to see the road ahead with more broadly balanced perceptions than any previous generation.

We expect you to make a real impact on the Navy and the nation as you move on to that new century.

What are your statistical prospects during these next three decades?

The class profile can be forecast with reasonable confidence. We already know the basic career choices you have selected.

Eight-hundred-fifty nine of you graduate today. One-hundred-seventeen have chosen the Marine Corps and seven are to be commissioned in other allied navies. For the remainder, we can predict the following:

By 1974, 729 will have been promoted to lieutenant; by 1979, 421 will achieve the rank of lieutenant commander. In that year, your choice of career channels will have become final, and there will be among you 147 surface warfare officers, 87 naval aviators and flight officers, 93 submarine officers, 35 engineering duty specialists, 17 civil engineering officers, and 29 supply corps officers.

Of those who remain in the line, 325 will have completed post-graduate training.

By 1985, 250 of you will have reached the grade of commander, and between 1991 and 1992, 148 of those will become captains. Well before the new century dawns, many of you will be wearing the stars of flag rank.

These projections consider only due course selection and promotion.

The Navy promotion system now has the capacity to move ahead as many as 15% of the truly outstanding officers of this class at an even faster pace. Such officers, if selected at the first opportunity at each point, can reach the grade of Captain in their 15th year and be considered for flag rank by their 20th year of commissioned service—in 1991, in time to lead our Navy through the final decade of the 20th century.

But, while your statistical future can be predicted with some confidence, a similar projection of the course of political and world events and their influences during your prospective career span must carry in it gross uncertainties.

The increasing complexity of international security affairs makes political prediction beyond a very few years exceedingly difficult, yet such thought and speculative study must be undertaken. You and your companions in our other services must combine the vital ingredients of military, socio-economic, and scientific thought from which future strategy will be forged.

In the face of such uncertainty then, what principles can we recommend to keep you on the track so confidently indicated by those statistical projections of your next 29 years?

Perhaps we can find some insight by looking backward over the past 29 years at the experience of another Naval Academy class that also took up its commissions during a watershed year in our nation's history.

The Class of 1943 occupied your present positions 29 years ago this week, in June of 1942.

The speaker that day was also the Chief of Naval Operations, Admiral Ernest J. King. He spoke at a time when the greatest naval war in history had engulfed the world, and our own Navy was still struggling to overcome the defeat suffered on the "day which will live in infamy"—December 7, 1941. VADM Calvert, your Superintendent, and I were both members of Admiral King's audience.

His message was characteristic both of the man and the times—Admiral King was not given to fancy rhetoric—his advice was incisive and to the point. He offered us Churchill's promise of a future marked by "blood, toil, sweat and tears"—he cautioned against a "narrow-minded jealousy" of the other armed services which could serve only to delay the victory—he said that "machines are as nothing without the men who man them and give them life" and that "men are as nothing without morale."

He defined true military discipline as the "intelligent obedience of each for the effectiveness of all"—most significantly, he pointed out that "traditions, of themselves, are no more than testimonials to the successes of our predecessors" and that it was not enough for us merely to boast of tradition, but that we must "make some traditions ourselves."

His advice on that day, uttered as America embarked on a new era of involvement in a world whose economic and political fabric had been ripped to tatters, included the promise that after victory, "we Americans—under the leadership of the President—will take steps to see to it that the ability of any person or of any people to enslave others, physically or mentally or spiritually, shall be forever destroyed."

With these words, Admiral King enlisted the Class of 1943 in what has proven for many to be a lifelong crusade in pursuit of those goals.

Six-hundred-sixteen members of that class left this academy 29 years ago—142 of them remain on active duty today—20 presently hold flag or general officer rank, while 55 have given their lives in action against our nation's enemies in the three wars which have come to us during these years.

As we reflect on the words of that wartime graduation address, I believe we once again must credit Admiral King with his deserved reputation for accuracy—he was right on all counts.

Our nation, our Navy and our class did find a demanding, war-torn world of "blood, toil, tears and sweat" beyond these academy grounds.

You also will find a world in conflict outside these walls—the essential nature of that present conflict has already touched you. It is a conflict generated by the swiftly-moving currents of social, economic, scientific, technological and political change which now characterizes not only our American society, but that of the world beyond our shores and the Navy we expect to protect those shores.

In 1942, Admiral King had no difficulty in pointing out to us who our enemies were or where they could be found. Nor did we doubt that we would find and vanquish them.

It is not so easy for you today. Many of the challenges you must immediately confront will come from within yourselves—and for each of you the challengers will wear a different face or uniform.

There will be many influences acting to push you aside from the course you have chosen. Some among you may be overcome by these forces—one faction may be defeated by technological or scientific challenges—another may be unable to cope with the demands of leading men confused and perplexed by economic or social pressures—for others, the challenge may take the form of nagging self-doubt as to the significance of a naval career in a nation which in your eyes may seem to downgrade and demean the whole idea of military service.

But, just as the powerful forces of 1942 were overcome, so also can the complex challenges of military service in the final third of this century be defeated—and by applying the same principles.

For example, Admiral King's caution against narrow-minded inter-service rivalry is one which you, too, should heed.

We are all professional men, and as professionals we should stand together and take what comes like men whatever the color of our uniforms. We share a common goal, and we should not publicly pursue contradictory roads to that goal. If we wish the image of military service to again become the honorable and respected profession we believe it to be, we must not give aid and comfort to those who would prefer to see it characterized otherwise.

Further, within the Navy 29 years after Admiral King warned us against "unionism" dividing the services, we still have the problem of "union rules" arbitrarily dividing the destroyer men from the amphibious sailors; the "tailhook" carrier fliers from the land-based aviators; and the "brownshoe" from the "blackshoe."

I have always felt that what has hurt us the most is approaching our problems from what I call a "platform orientation." When we do this, we tend to become weaker at the interface areas where the platforms supporting a common mission must tie together. The same situation applies in research and development efforts—areas such as hydrofoils or mine warfare which are not represented by a strong constitency within the general line end up much further behind than they should be.

The better approach is to define our strategic or tactical problems without regard to "platform orientation," then get on with the solution using systems or approaches optimized against the problem rather than those systems having the most influential advocates.

We have begun moving in this direction today, but it will not be until well along in your watch that we will succeed.

Whatever fantastic developments in hardware may come on line during your career span, you will also do well to recall Admiral King's injunction to your predecessors at a time when exotic new machinery and systems were just beginning to proliferate in our Navy. He said, as you recall, that "machines are as nothing without men to give them life" and that "men are as nothing without morale."

If any one idea might be thought of as controlling to both your success and that of our Navy in these coming years, this would be it.

Men and their morale must concern you at every step of your service career, during your every waking hour.

You will be dealing with a new type of American Bluejacket—an informed, articulate man whose presence in uniform will be voluntary in every respect.

Your concern for his morale must go beyond that historic concern for physical needs—adequate food, sleep and quarters—which has always marked the good leader.

He will also need to know more about the "why?" rather than the "how?" of his duties—and you will provide it or you and the Navy will lose a man.

You will need to talk to your men frankly and from a position of informed competence on matters which once were accepted as fact without discussion.

Where once, youthful opinions were generally confined in scope to matters of relatively minor social import, young people today have ranged far and wide, and hold few matters to be so sacred as to be beyond inquiry.

In the absence of a full and fair hearing and informed responses by those who lead, what alternatives are available to our young Navy people? Certainly, the most obvious one is for them to leave the Navy and seek answers elsewhere.

But, in meeting the needs of your people, the over-riding demands of discipline must also be met.

Here again, we find Admiral King's definition of discipline as "the intelligent obedience of each for the effectiveness of all" serving us as a reliable beacon.

"Intelligent obedience" is the precise opposite of "blind obedience," that characteristic of which professional military men are so readily accused these days.

There is no inconsistency between effective discipline and high morale. In fact, one cannot exist without the other—those who express concern that increasing attention to the well-being and morale of Navymen through our continuing "people-programs" may lead to a breakdown of discipline need only be reminded of Admiral King's view—that is, the essential aspect of true discipline is willingly given obedience based on informed intelligence.

There has been considerable hand-wringing on the part of a few—both within and outside of the services—about the implications of some of the Navy's personnel initiatives in the past year. Such anxiety seems to be premised on an assumption that "changes" are "relaxations" and, ergo, unquestionably will lead to a mass breakdown in discipline.

When I hear this I am reminded of a similar question raised 150 years ago when it was first proposed to change a long-accepted Navy practice.

When the suggestion was first raised in December 1820, a Congressman claimed that to abolish this practice would "altogether destroy the efficiency of the Navy"—the resolution was defeated.

Later in 1845 the issue was again brought up, and Secretary of the Navy John Mason testified that: (it) "cannot be dispensed with . . . without injury to the discipline of the service, (and) endangering the safety of our ships. . . ."—Again this tradition was retained.

What was this revered custom whose abolition could be effected only at the risk of destroying the Navy?

It was the cruel practice of lashing seamen to a grating and flogging them in front of the assembled crew!

Flogging was finally abolished in our Navy in 1850—and I note that when it was the Navy managed to survive quite well in its absence.

Unquestionably, these men were sincere in their beliefs that it was necessary to beat our Bluejacket into insensibility in order to maintain "discipline." But mere sincerity is no substitute for intelligent appraisal of problems.

I would say to you that the Navy's problem today is not one of "discipline" but one of enlightened leadership. What is needed are men with vision, imagination and, above all, understanding of what is going on in the world around them.

Navy leaders of today must have the ability to perceive and understand that, just as our world is different from that of 29 years ago, so will it differ 29 years hence.

The time is long since past when we can wrap ourselves in the comfortable memories of life in a simpler age, hoping that traditional solutions alone will work against modern problems.

Today we must be able to cope with sociological problems, which may or may not be of our making, that were inconceivable to many of us in 1942.

How many of us in 1942 dreamed that one day we would be faced with a child's argument that his use of marijuana is no different from his parents' use of alcohol?

Who among us could have predicted our need to answer the problem of ridding our services of the terrible consequences of drug addiction by thousands of our soldiers, sailors, marines and airmen?

Who, in 1942 gave a second thought to the problems, dreams and aspirations of those black and brown faces and hands that served our meals and cleaned our wardrooms?

Where was Vietnam in 1942? A part of an exotic place called Indo-China and certainly no place for a sailor.

I would suggest to those who have uneasy feelings about the state of discipline because of an extra inch of sideburns or a beer machine in the barracks that they review the record of our young naval and air force aviators who have flown as many as 300 individual missions into the heaviest anti-aircraft fire in the history of warfare. I would also remind them that 29 years ago combat aviators were being sent back to the United States after 25 missions because it was believed that this was the maximum number of missions a man could tolerate.

I would point out the 48 Medal of Honor winners from our magnificent Marine Corps and the 10 from our Navy, which includes 3 from the Brown Water Navy which I had the honor of commanding for 20 months before assuming this assignment.

Those who, in or out of the service, would take upon themselves the responsibility for determining the status of discipline of the services because of "uneasy feelings" about changes would do well to examine first what those changes are; secondly, having done so, relate them to the changing society around us, and finally, check the facts against their preconceived notions.

The time is long since past when we can retire to the coziness of the wardroom or the Officers' Club secure in the knowledge that what goes on ashore or outside the base is no concern of ours.

Today there are scores of forces at work in our country that have a direct bearing on our Navy's future and even its very existence. It is time for us to withdraw our heads from the sand and look around at the society of which we are a part, despite the trend of rejection by that society now visible.

For example, Yale, Harvard, indeed, all of the Ivy League schools have eliminated our Naval ROTC units from their culture—some of our finest flag officers of today came from that source. The real tragedy of this is that our Navy, and indeed, our Armed Services, must be representative of our whole society. Thus it is not just the Navy that is the loser, but American society itself, when any segment of that society is excluded from service.

The Navy has reached a point where we can no longer drift with the tides and winds of change totally oblivious to the demands of our youth, the needs of our civilian society, and the dignity of our personnel. The ancient, ill-defined shibboleth of "do not as I do, but do as I say" is no longer good enough.

Each of our services is beset with the problems of society because they are a part of society. Each of our service commanders recognizes these problems and each is attempting to solve them in his own way.

For example, those of you who will enter the Marine Corps today will join an elite, trim fighting organization that has, rightly so for its unique mission, chosen the way of the spartan. I salute you for your decision, just as I commend to you the leadership of your outstanding Commandant, General Chapman, for I am convinced that the path he has chosen for the Corps is the right one—just as he has stated that he believes the course we have chosen is the proper one for Navy—one which will continue to produce courageous, patriotic, young Navymen.

To those who would attempt to drive a wedge between the Navy and the Marine Corps, through differing interpretation of our policies I would point out that many have attempted to accomplish this before and each has failed.

"Traditions of themselves," as Admiral King so correctly advised us, "are no more than testimonials to the success of our predecessors"—we must always be ready to "make some traditions ourselves" and substitute them for others which no longer serve as effective channel markers to guide us for the future.

One final reference to the wisdom and foresight of that much admired voice from the past is important to consider.

He promised us that the American people would take up their fair share of the burdens in the post-war world to "see to it that the ability . . . of any people to enslave others physically or mentally or spiritually," would be forestalled.

Once more, his projection was correct.

Since that time our nation has repeatedly stood as a bulwark to prevent "one people from enslaving others." Never before in history has a nation given so much to its neighbors while asking so little in return—for the gift of freedom is priceless, although a price must be paid for it.

Americans may be proud of their accomplishments during this past quarter century—through their sacrifices, millions of people in remote lands still have the chance to remain free.

But now, as we move into the final third of this century, that post-war era has ended, and in the words of President Nixon, "new approaches are in order."

You will be privileged to serve in a Navy and Marine Corps which are daily growing more responsive to the demands of these new approaches. Your very presence will help transform their goals into reality.

As a part of those new approaches ahead as America adjusts her role in the world, we of the United States Navy will rely more and more on the support and assistance of our allied navies in defending against threats common to us all.

Accordingly, it is fitting to see among this class seven Midshipmen soon to be commissioned by our allied navies. In your experiences here together as members of the Class of 1971, you have formed personal friendships which will remain with you through the decades ahead. Your friendships can do much to foster increasing cooperation among all free world navies.

I wish to offer these seven young men my personal congratulations for their accomplishments here at Annapolis, and to wish them long and successful careers.

Finally, when the excitement and romance of June Week, graduation, and your forthcoming well-earned leave has subsided, I would ask you to recall one thought which, more than any other, must characterize your service as officers of the United States Navy and Marine Corps.

It is that you are personally accountable for your every act, official or unofficial, which may bring either credit or discredit to the uniform we share.

You owe the American people and yourself nothing less—the minimum passing grade in this subject is 4.0—if you should find this burden excessive, then your choice is clear.

Those who would command ships or men should hold indelibly in their consciousness these words from out of the past:

"Accountability is not for the intentions but for the deed. The Captain of a ship, like the Captain of a state, is given honor and privileges and trust beyond other men. But let him set the wrong course, let him touch ground, let him bring disaster to his ship or to his men, and he must answer for what he has done. No matter what, he cannot escape . . ."

It is in the absolute nature of this challenge that the true rewards and satisfactions of a naval career can be found.

The path which has brought me to this platform on this occasion now lies open before you—it is a path as individual and personal as that which has led to your own presence here today—each step along the way can be as challenging and full of potential for personal reward and satisfaction as you choose to make it.

You are ready now to embark on that journey.

To the entire Class of 1971, and to their parents and friends, I offer my sincere congratulations.

On behalf of the officers and men of the United States Navy both past and present, I welcome you aboard.

God bless you all and good luck.

In developing his thoughts yesterday, Admiral Zumwalt called forth statistics to predict approximately the kinds of choices and progress that individual graduates of the class of 1971 would make as their careers develop.

As a body, Mr. Speaker, the Congress knows the members of the class of 1971 as individual young men, as constituents or as congressional appointees to the Naval Academy 4 years ago. At some point in his career, each of those graduates who is entering the Navy or Marine Corps will cross paths with the Congress again. Some may come to us for help in resolving personal problems or decisions. Others will command volunteers from our constituencies on the high seas. One or two may address us in joint session as returning astronauts. Some will be up here testifying for the Navy in budget or other legislative hearings.

Led by David C. Leestma, the top 1971 Annapolis graduate who never received a grade less than A in his 4-year career, each member of this class is deserving of recognition as he begins to chart his course behind the beacon set by Admiral Zumwalt's remarks yesterday morning.

Mr. Speaker, I include at this point in the RECORD, the full listing of Naval Academy graduates of the class of 1971:

U.S. NAVAL ACADEMY GRADUATION EXERCISES AND COMMISSIONING CEREMONIES, CLASS OF 1971, WEDNESDAY, JUNE 9, 1971, 10:30 A.M.—1845–1971

CLASS OF 1971 GRADUATING WITH DISTINCTION

Diplomas will be delivered first to those midshipmen graduating with distinction in order of merit, and then to all others by companies. The names of midshipmen graduating with distinction are listed below in order of merit. All midshipmen receive the degree of Bachelor of Science, including those named following the company listings who received designated Bachelor of Science degrees as indicated:

David Cornell Leestma, James Michael Elfelt, Richard Berry Baxter, Kurt Ervin Holmquist, Lawrence Francis Clark, Joseph

Howard Johns, Michael John Kehoe, James Alan Rehkopf, Roger Stanton Saylor, James Bruce Gallemore, Thomas Leo Mendenhall, Robert Charles Wagoner, Randall Douglas Wagner, David John Odland, and Alfred Rector Hupp, Jr.

Stephen Arthur Wohler, Bradley Dale Scroggins, John Stanley Kotz, Steven Craig Spancake, Paul Walter Kolody, Glenn James Barrowman, James McLaughlin Searing, Bruce Patrick McClure, Larry Charles Johnson, Thomas James Flanagan, Russell Howard Erickson, David Elliott Radcliffe, William Renwick Nevitt, Jr., Theodore Allen Hermeling, Jr., and William Lloyd Hatcher, III.

Robert Lawrence Elsbernd, Thomas Francis Musso, Forester William Isen, Jr., Paul Duffield Swetland, Joseph Michael Schultz, Raymond Spencer Waters, Jr., David Charles Robertson, Ernest Lewis Morris, Jr., Rolland Edward Weibley, Jr., Richard Gayton Wheldon, Louis John Oswald, III, James Bryant Waddell, Martin James Speer, and Peter Francis de Vos.

Brian John Horais, David Lee Wenner, Gregory Allen Engel, Robert William Stuart, Charles Robert Bongard, John Michael Tapajcik, Daniel Lee Whitford, John James Paulson, James Christian Funke, Michael Howard Beelby, Brian Dwane Hurst, Steven Kenneth Joens, John Francis Alburger, James William Rightmire, Jr., and William Thomas Stevens.

George Edwin Schall, Jr., James Wiley Benefiel, Timothy L. Vaughan, Paul Reed Smith, Joe Christopher Midgett, James Wallace Metzger, Stephen Douglas Sitler, Richard Francis Walsh, Robert Joseph Donlan, Mark Daniel Hovermale, David Edward Polzien, Michael Edward Feeley, Raymond Joseph Hogan, Charles Maceo Collier, and Mann Aner Shoffner, III.

James William Loiselle, John Paul Jarabak, Jr., Anthony James Rehwaldt, Ronald Dean Schroder, Stephan Robert Bruce, Ralph Paine Earhart, Roger Allen Franssen, William Arthur Emslie, Bradley Scott Foster, Kenneth John Taplett, Theodore Davis Ruddock, III, Stanley Robert Szemborski, Jerome Lee Geil, and Robert Arthur Capra.

BACHELOR OF SCIENCE

First Company

John Lindsey Balcom, Robert Earl Byrd, John Philip Enderle, George William Flinn, Grant LeRoy Graeber, Timothy John Keating, Jackson Geoffrey Kimball, Fred Corwin Klein, Scott Wesley McKenzie, Michael Leggett Orrison, David Alan Pearl, Daniel John Rowe, Clay Orr Stiles, and Vincent Novela Zabala, Jr.

Second Company

Bienvenido Peneyra Alano, Jr., Jackie Moran Crowther, Richard Harold Enderly, Robert Michael Gallagher, John Lester Howard, Carl Dean Inskeep, David William Luengen, Bruce Adrian McCroskey, William Lex McKinney, Bowen Francis Rose, Jr., Leon Arthur Schierer, James McLaughlin Searing, **Lewis Allen Shatzer, Jr.**, Lawrence Frederick Simoneaux, Douglas Arthuh Smartt, and **Terry Allan Stephan.**

Third Company

David Peterson Alleman, Joseph Douglas Anthony, Drew Wentz Beasley, Terry Allen Brake, Bradley Dayton Closson, Charles Maceo Collier, Thomas Jeffrey Dodson, Theodore Arthur Fischer, II, Reid Alan Jecmen, Carl Elof Josefson, Jr., Michael John Kehoe, Fredrick Williams Keith, Michael David Marks, Frank Montgomery McAfee, Jr., David James Nichols, Michael Patrick O'Rourke, Edward James Parks, Alan Charles Ptak, George Louis Skirm, III, Leo Joseph Tredway, Jr., Joseph Steven Uberman, David Allen Whitman, and John Alan Williams.

Fourth Company

James Joseph Carlin, Jr., Kenneth Laverne Farner, Jr., Edward Michael Flanagan, John Terrence Foust, Kevin Patrick Green, Jodie Ralph Harris, Jr., William Bruce Hemphill, Harry Don Jenkins, John Alexander Jensen, Michaed Reedy King, Boleslaw Anthony Kovacinski, Alan Bruce Schaffter, Martin James Speer, Robert William Stuart, and Jack Dehaze Winkelman.

Fifth Company

Chris Bennett, Robert Clydesdale, III, Carroll Maynard Drake, Michael Richard Hagy, Charles William Hammond, Jr., Michael Roy Hecomovich, John Thomas Hughes, II, John Griffith Hume, Jr., Leo Orest Hura, Alfred Gordon Hutchins, Jr., Frank Terry Kremian, Roger Armand Morin, Robert Keith Pearce, Jr., Wayne Albert Peters, John Francis Porter, John Joseph Repicky, Jr., Perry Reece Taylor, Jr., John William Tennant, and Thomas Edwin Vickery.

Sixth Company

Thomas Durward Adams, Jr., John Francis Alburger, James Andrew Bolcar, David Charles Cradduck, Michael Edward Feeley, James Christian Funke, James Kip Gatchell, Mark Daniel Hovermale, James Donald Hower, Edward Henry Krueger, III, David Thomas Martin, William George Nielsen, John Arthur Schultz, Robert Raymond Schultz, James Warren Vivoli, James Bryant Waddell, and Edward Joseph Welsh, III.

Seventh Company

David Casey Barton, Richard Allen Burman, Gerald Leo Byrnes, Douglas George Conklin, Michael Paul Lehman, David Benjamin Miller, Michael Preston Morell, William Frederick Nold, Robert James Strobbe, Robert Elwood Walter, James Tatum Ward, and Richard Frederick Ziska.

Eighth company

John Paul Bender, Charles John Cadden, John Kevin Dolan, James Garfield Gonzales, Thomas Michael Jamison, James Raymond Maris, Richard Massa, Stanley Walter McKee, Scott Anthony Monson, George Harold Moore, Stephen Pelstring, Howard Streeter Russell, David Kent Storey, Frederick Doerr Wilson, and Michael Kenneth Wilson.

Ninth company

Gary Wayne Blair, Donald Stokes Brewer, Richard Edward Colquitt, Jr., Thomas Richard Dalton, Michael Gilbert Hambleton, Willard Caldwell Hay, Jr., Charles Hall Hiles, Jr., Victor John Linnenbom, Jr., Perry James Martini, Jr., Thomas Fitzgerald O'Brien, Richard Dennis Weidman, and William Elton Yocum, Jr.

Tenth company

Charles Patrick Annis, David Robert Bloomer, Daniel David Bogdewic, Terry Lee Davis, James Wallace Garrow, Edward Richard Hebert, Jeffrey Robert Lammers, Robert Wilcox Meek, Ted Ernest Rogers, Robert Howard Settle, Mario John Summa, Brett Norris Waterman, and Jack Jerry Wong, Jr.

Eleventh company

William Bruce Brown, William Aubrey Butler, Richard Madison Crouch, Timothy George Dobrovolny, Jack William Frost, John Michael McNallen, Frederick Dan Nelson, Bruce Earl Nichols, Charles Aloysius Quinlan, III, John Francis Sattler, John William Seil, Harold Leo Sheffield, Loren Richard Shim, Robert Lynn Walton, and Cassin Young, II.

Twelfth company

David Theodore Bolduc, Charles Robert Bongard, Charles Everett Boyer, III, Donald Bruce Disney, Jr., Michael Patrick Hayden, Lambert Cornelius Heikes, John Thomas Held, David Charles Maskaluk, William Edward Otto, Phillip Kendall Parker, Richard Glen Plank, Jr., Joseph Michael Schultz, Theodore Edward Snoots, Russell Floyd Stahlak, Thomas Lee Travis, and Eugene Joseph Williams, Jr.

Thirteenth company

Eric Wayne Baittinger, David Alan Capizzi, Thomas Edward Crabtree, Jr., Robert Christopher Custer, Thomas Benton Fulton, Joseph Ferdinand Herger, Thomas Herring, III. Michael Thames James, Stephen Hugh Newnam, Richard James Rankin, Edward Jennings Sanderson, Jr., Richard Edward Schuknecht, Paul Heldmann Voss, and Terry Thomas Weiss.

Fourteenth company

Leonyx Gene Baker, Richard Sumner Burgess, Joseph Anthony Callahan, II, Dennis Alan Desmond, John Edward Kellogg, David Thomas Laws, Micajah Wilson Newman, William Edward Organek, Stephen Todd Raphael, George Leslie Rodgers, Charles William Setzler, Jr., Robert Donald St. Germain, William Robert Williams, Roger Alan Young, and Michael Thomas Zurfluh.

Fifteenth company

Sam Bingham Crimaldi, John Blair Gilmer, Jr., Roger Keith Hope, Mark Howard Lepick, John Joseph Linnehan, II, Geoffrey Lloyd McMullin, Philip Joseph Paul, III, David Pierce Polatty, III, David Edward Polzien, Samuel Jack Porter, Richard Freeman Travis, Donald Grant Williams, Jr., and Ronald Francis Wnek.

Sixteenth company

Jeffrey Horace Albright, Robert Stephen Ayers, Tommy Lyle Beckham, Michael Steven Bluestein, John Edward Calia, Alfred Francis Clarkson, Jr., David Paul Cocolin, Richard Haley Ector, William Saunders Felts, Jr., Wilson John Fritchman, Harold Lawrence Furrevig, Jeffrey Evans Lewis, Mark Searcy Macklin, Paul Gerard McIntire, John Holloway Minnich, III, Raymond Michael Murray, William Jeffrey Steelman, John Paul Timmins, and David Allan Woerner.

Seventeenth company

Robert Earl Annis, William Burke Collins, Michael Scott Donnelly, Peter Howard DuRocher, Thomas Raymond Dussman, Jr., Thomas James Flanagan, Donald Francis Gray, Jr., Christopher John Gregor, Randy Lee Hartshorn, Peter John Ibert, Phillip Joseph Keuhlen, Paul Walter Kolody, Paul Bucher Long, William Paul Matz, James Sheldon Mendelson, Daniel Scott Naedel, Michael Conithon Palmer, David Ross Rainey, Danny Lee Rickard, and Henry Milton Shaw, Jr.

Eighteenth company

Keith Paul Bersticker, William Bayne Brasel, Robert Arthur Chimenti, Mark Garland Cooksey, Michael Gordon Duncan, Patrick James Dunford, Ralph Paine Earhart, Michael Joseph Lenihan Greene, Jr., Thomas Arnn Hayman, Robert Joseph Larkin, Thomas Neal Ledvina, Hugh William Marcy, Robert Edward Nelson, Gerald Allen Padgett, Robert Dean Plyler, Thomas Francis Radich, James Alan Rehkopf, and Woody Michael Rubino.

Nineteenth company

Frederick Broughton Beacham, Jr., David Wellington Chew, MacKenzie Curtis Clark, William Henry Donges, Arthur Louis DuScheid, III, Gregory Allen Engel, Vincent John Esposito, III, Vernon Carl Graham, Peter Edward Hermann, Leslie Ray Nixon, Gary Arthur Reese. Javier Rojas, Thomas Patrick Schlax, Ronald Dean Schroder, and John Presley Shelton, Jr.

Twentieth company

Peter Nelson Ard, Glenn James Barrowman, Sanford Kendall Bernard, James Brantley Bryant, Stephen Joseph Carro, Ross Stephen Dessert, Gregory Baird Dies, Jerome Lee Geil, Leander Leon Hingle, Jr., Brian Dwane Hurst, Robert William Jacobs, Robert Cameron Loyd, Lewis Gerhard Mason, Monty Guwain Mathews, Glenn Harold Montgomery, James Thomas Clifton Moore, II, Patrick Charles Mullins, Joseph Cosimo Santillo, William Earl Soule, James Arthur Storey, III, Richard Carter Wheeler, and Carroll Gregory Wright.

Twenty-first company

Ralph Mart Alford, Jr., Gary Douglas Appenfelder, Harry William Bashore, III, Michael Ralph Compton, Steven Mark Grames, Stephen Edward Hickman, Mark Herbert Howe, Alfred Rector Hupp, Jr., Michael Edward Jastrab, Paul John Longinotti, Jr., Field McConnell, Lawrence Frederick Nolan, Joseph William Wargo, and William Thomas Wimett.

Twenty-second company

Richard Erben Alvarez, John Michael Barrett, Jr., James Webster Gokey, Gregory Paul Harper, Thomas Lewis Hoffman, John Stanley Kotz, David Edward Kunselman, John Robert Lambert, Fred Joseph Mallgrave, III, Michael Ennis McCuddin, Arlington Robert Miller, Jr., Henry Boberg Palmer, William Talbot Penniman, III, Mann Aner Shoffner, III, Mark Edward Spanbauer, Steven Craig Spancake, Daniel Dawson Stewart, Thomas Lee Sydnor, Averill Edward Tilden, and Patrick Roger Watts.

Twenty-third company

Thomas Henry Abernathy, Carl Oscar Bauer, Johal Rebel Boteler, Jack Lawrence Conrad, Patrick Michael Doyle, John Patrick Feeney, Michael John Hallahan, William Robert Large, III, Douglas Alan Murphy, David John Odland, Charles Alan Perkins, Alfred Leighton Perry, III Donald Edward Rockwell, III, John Francis Rosinski, John Harrington Schuyler, and William Thomas Stevens.

Twenty-fourth company

Patrick Francis Alexander, Marcelo Arcil, Charles Edmund Banellis, Arthur King Bennett, III, Stephen Benedict Butkus, Thomas Michael Carnahan, Robert Joseph Donlan, Eugene Norbert Dubay, Charles Joseph Dunleavy, Richard Sills Fletcher, Thomas Robert Galloway, Theodore Allen Hermeling, Jr., John August Holm, II, Richard Charles Hormel, David Allen Larson, Joe Christopher Midgett, Stephen Rhinehart Myek, Ralph Daniel Nelson, John David Nevins, Jr., Stephen Roy Newberger, John James Paulson, George Warren Perkins, Jr., John Phillip Sagi, Jeffrey Townsend Smith, Wallace Edward Winslow, Jr.

Twenty-fifth company

Robert John Beckman, Eric James Benson, Cyrus Hugh Butt, IV, Michael Frank Cohen, Patrick James Fletcher, Raymond Joseph Hogan, David Blais Howe, Dennis Michael Junge, John George Kohut, Edward Fulton Mathus, Neal Douglas Noland, Jr., James Kenneth Opsal, John Aloysious Quinn, IV, Karl Thomas Schwelm, Bradley Dale Scroggins, Michael John Swords, Richard Francis Walsh, Carl Johann Wiedemann, II, John Raymond Wilhelm, Jr. and John Alexander Withrow.

Twenty-sixth company

Fred Reinhardt Becker, Jr., Thomas Norman Dale, Stephen Franklin Dmetruk, Scott Nicholas Gessis, Timothy Troy Gilman, Jeffrey Frank Hemler, Michael Joseph Hichak, Edward Wise Kaiser, Jr., Patrick Robert Kelly, Abraham Joel Lassman, Frank William Montesano, Elwood Henry Plourde, David Charles Payer, Michael Edward Skinner, Leonard Gregory Smith, III, Michael Robert Stephens, and Edward Lawrence Sullivan.

Twenty-seventh company

Robert Joseph Agnor, John Charles Brandes, James Michael Brick, Daniel Earl Brown, Ferree Ross Burkhead, William Josph Cocos, Mark Stewart Gardner, Brenton Clair Greene, Donald Louis Gunther, Daniel Joseph Haley, Michael John Hoert, Kenneth John Hook, Bruce Richard Linder, Paul Jeffrey Loustaunau, John Francis Martin, III, Ernest Lewis Morris, Jr., Dale Alan Peterson, Timothy Earl Poole, Dana Alan Roberts, and Rex William Settlemoir.

Twenty-eighth company

Leland Dale Atkinson, Walter Hurt Barton, James Wiley Benefiel, Richard Browne Bottenberg, Ralph Gordon Burnette, Jr., Doug Woon Cho, Fred Gordon Cole, James Andrew Davis, Joseph Clay Dean, Joseph Franklin Edgerton, Robert Lawrence Elsbernd, Richard James Ferrell, Parker Channing Freeman, Scott Allen Fry, Louis Meyer Hirah, John Philip Holland, Jr., Wayne Michael Jones, Thomas Patrick O'Brien, Jr., Stephen Ransley Purdy, Michael William Senior, Stephen Douglas Sitler, Timothy Lee Vaughan, Phillip Edward Williams, and Richard Gene Zajicek.

Twenty-ninth company

John Francis Alexander, III, Ralph Emory Archsozel, Eugene Thomas Benson, Robert Donald Cabana, Philip Stephen Dunlap, John Gregory Elsberry, Alfred Eugene Ericson, Jr., Frank Charles Garcia, Jeffrey Leigh Hull, Forester William Isen, Jr., George Nicholas Kolle, Jr., Victor Tecumseh Linck, William Herman Marle, John Royal North, Gerald Wayne Pickett, Kenneth Michael Sieminski, David Michael Stahlhut, Dennis Edward Viglienzone, Gerald Chester Werner, and Stephen Arthur Wohler.

Thirtieth company

Edward Charles Beck, III, Patrick Donald Brady, John Kenneth Condon, Harold Heuszel Cummings, Jr., William Michael Ecker, Charles Peace Harris, William Ray Hilton, Benjamin A. Holland, Donald John Mikkelsen, Charles Raymond Miller, John Lowell Morris, Keith Edmund Nadolski, Herbert Mack Nave, Mitchell Lee Rowland, Douglas Edward Sameit, Russell James Shaw, and John Michael Tapajcik.

Thirty-first company

Duane Walter Brown, Charles Thomas Francis Carroll, Thomas Hill Carson, III, Joseph Earl Enright, Michael Gattrell Gaffney, David Fields Hash, James Peter Heil, Eric Marshall Hughes, Alfred James Jacobs, Richard William Loerch, John Thomas Meister, Thomas Leo Mendenhall, Donald Joseph Radomski, David Charles Robertson, Thomas Alan Secorsky, and Guy Burl Snodgrass.

Thirty-second company

John Marshall Cherry, Charles Townsend Cochran, Warren Bruce Cole, Jerald Lee Erickson, John Slater Etcher, Brian David Finegold, Thomas Henry Goski, Donald Kip Hakanson, William Michael Hall, Ronald Edward Hewett, John Paul Jarbak, Jr., John Richard Knight, Jr., Kenneth Allen Marka, Richard Theodore Morawski, Jr., John Robert Price, David Elliott Radcliffe, Michael Miller Rand, John Kevin Smith, James Murray Theis, Lynden Robert Toliver, Christopher Edward Weaver, James Alan Wish, Reginald Wallace Woolard, II, and Peter Anton Zaudtke.

Thirty-third company

Peter Arnold Baker, Gery Curtis Bakken, John Morrill Boniface, Steven Allen Brown, William Brian Carter, Jon Lawrence Cichucki, John William Closs, Vincent Paul Conroy, Jr., Daniel Lee Curry, Melvin William DeMars, Jr., Harry Michael Dereniuk, Barry Paul Griffin, David James Hackett, Paul Edward Madurski, Stephen Richard Martin, Edward McKinley Oxford, Michael Eugene Riordan, Bruce Eric Rychener, William Leroy Shutt, Paul Lewis Simpson, Michael Charles Ward, Rolland Edward Weibley, Jr., and Frederick Wray.

Thirty-fourth company

Mark Thomas Beck, Don Hobert Beckham, Thomas Edward Bjerke, Richard Mark Cheliras, Lawrence Francis Clark, Frank Merwin Gallagher, Jr., James Allen Gosma, Thomas Joel Hammons, III, James Randolph Harper, Charles Lewis Keating, Daniel Ward Lyons, Milutin Marich, Daniel Dick McConnell, Joseph Michael O'Connor, Kevin John O'Connor, Louis John Oswald, III, Peter Paul Schneider, Jr., Richard Markley Smith, James William Stratton, Michael Paul Vining, and Forrest Richard Whittaker.

Thirty-fifth company

Luis Rafael Alvarez, Sankey Lee Blanton, III, David Edward Charvat, Wayne Jay Hallenbeck, Jr., William Nelson Heflin, Jr., Stephen Craig Jennings, Franklin Wayne Jordan, Kenneth Sterling Jordan, Mark Edward Mauriello, William Renwick Nevitt, Jr., Troy Kenton Pyles, Edward Joseph Reeve, Brian David Robertson, Scott Wood Stahler, Hugh Joseph Strain, George Arthur Vassos, III, Louis Carl Vest, and William Edward Zapf, Jr.

Thirty-sixth company

James Devens Barron, Jr., Robert Craig Brubaker, Lee Edgar Burgess, Michael Fredrik Del Balzo, James Bruce Gallemore, Clive Graham, Jr., Garry Holmstrom, Mark Michael Horgan, Steven Kenneth Joens, Michael William Longworth, Robert Warren Lucy, Richard Peter Naple, Ronald Emmett Spratt, and David Craig Welling.

BACHELOR OF SCIENCE IN AEROSPACE ENGINEERING

Thomas Gerald Acton, Edward Arnold Ammons, Simeon Haile Austin, John Charles Ball, Daniel Surface Barrett, Richard Berry Baxter, Michael Howard Beelby, Richard Dale Blake, Barry Eugene Boswell, Errett Jay Bozarth, Michael McGee Brown, Stephen Roy Brown, Stephan Robert Bruce, John Scott Burd, Charles Frank Burlingame III, Arthur Karl Colling, Jr., James Patrick Collins, Richard James Connelly, Frank Lee Culbertson, Jr., Bradley Lee Daley, Jr., Donnie Buster Davis, Ronald Milton DeLoof, Peter Andrew Flannery, Roger Allen Franssen, Robert Wayne Fritz, and Frank Carl Fuchs.

Thomas Mark Gross, Walter Perry Havenstein, Bruce Hermanson, William Carroll Hoover, Brian John Horais, Thomas Woodward Hutson III, Jan David Janiec, Allan William Kemp, Gary Lang Koger, David Cornell Leestma, Bruce Stuart Lemkin, Paul Willard Lindgren, James William Loiselle, Michael James Lynch, Michael Reed Martin, Andrew Francis Mazzara, Michael Patrick McBride, Bruce Patrick McClure, Lawrence Lee McDonald, Craig Lee McFarlane, Peter John Mellin, Michael James Miernicki, David Eugene Miller, Raymond Thomas Miller, Jan Sherwood Milligan, and John Therrell Morris.

Gregg Patrick Mulvany, Thomas Francis Musso, Donal Alan Olsen, Jr., Valentin Poleshaj, James Edwin Queen, Kenneth Alan Richardson, Michael Gray Rohrbaugh, John Ike Sauls, Jr., Warren Robert Schultz, John Everett Scott, William McMichael Shepherd, James Joseph Sheppard, Paul Reed Smith, James Leon Smoogen, Paul Douglas Steinke, Richard Warner Taylor, Terry Lee Tonkin, Randall Douglas Wagner, David Lee Wenner, Richard Gayton Wheldon, H. Leland Whitfield III, Tom Dee Wiles, Francis Mitchell Wnek, Robert Lawrence Wolnewitz II, James Robert Yeakey, and Thomas Hop Yee.

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Granville Dexter Pullen, James Douglas Reasoner, Jr., Anthony James Rehwaldt, Michael Bennett Stewart, William Werner Strom, Stanley Robert Szemborski, Raymond Spencer Waters, Jr., and Charles Edward Wood, Jr.

BACHELOR OF SCIENCE IN MARINE ENGINEERING

Karl James Athow, John Charles Bickford, Robert Arthur Capra, Stephen Allen Cheney, Richard Wayner Cooper, II, Mark William Hess, Edward Corbett Hines, III, Kenneth

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BACHELOR OF SCIENCE IN MECHANICAL ENGINEERING

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Bradley Scott Foster, Michael John French, Stephen Long Gemmell, Grant John Gorton, II, Gerald Francis Harris, Gregory Garver Heath, Robert Paul Hendershot, James Hergenroeder, Larry Charles Johnson, Edward William Kelly, David Anthony Knott, Thomas Alquin Laboon, Jr., Kin Kah Law, David Lawhon Lee, Gary Walter Lohman, John Harvey Long, Aljurnel Eldon Lowe, James Jefferies Lynn, III, John Christian McMacken, Donald Peter Miller, Robert Lee Morris, and Kevin Cashel Nicolin.

Michael Thomas Nordin, Keith Everett Novin, Stephen Andrew Riggs, James William Rightmire, Jr., Theodore Davis Ruddock, III, George Michael Samons, Roger Stanton Saylor, Mark Charles Scharfe, Albert Arthur Schaufelberger, III, Peter Jay Selde, Robert George Speer, Robert Harold Stuhlman, Patrick Hampton Sullivan, James Edward Toomey, Henry John Turowski, Jr., David Michael Vander Els, Terry Paul Virus, John Wendell Vivian, Wallace James Wagemaker, Allan David Wall, Daniel Lee Whitford, and Alfred James Whittle, III.

BACHELOR OF SCIENCE IN NAVAL ARCHITECTURE

Douglas Lieuallen Bayne, George Clough Bullard, Jr., Gregory Thomas Hedderly, Daniel George Hickey, John Hampton Hubbard, Peter Richard Jouannet, Stanton Van Mahoney, Jr., Frederick Howard Myers, Joseph Douglas Norton, Robert Redmond Stillwell, Paul Duffield Swetland, Thomas John Ternes, David Lee Vandover, Frank Thomas Walker, Jr., and Daniel Roy Welch.

BACHELOR OF SCIENCE IN OCEAN ENGINEERING

Edwin Harry Bouton, Jr., Duane Lee Brunelli, Michael James Collier, Steven Michael DiAntonio, Douglas Dean Gavrich, Charles Henry Griffiths, Jr., Steven Dorsey Hudson, William Trigg Long, John Lawrence Massie, Stephen Ernest Penner, Michael Robert Scherr, Arthur Francis Slater, and Ludwig Arthur Sorrentino.

BACHELOR OF SCIENCE IN SYSTEMS ENGINEERING

David Allen Chaney, Alan Stanley Cohlmeyer, Jeffrey Durnell Conners, James Michael Elfelt, Russell Howard Erickson, John Mark Foley, Finley Bowman Foster, Osmund Rittenhouse Fretz, III, Harry Emerson Fuqua, II, William Lloyd Hatcher, III, Scott Allen Hornung, Charles Enos Janes, Joseph Howard Johns, Neil Tillman Kinnear, III, Charles William May, John Clifton Muncie, Charles Stephen Pesce, Ronald Arthur Route, George Edwin Schall, Jr., Norman William Steffen, Scott Christoffer Steward, Robert Charles Wagoner, and Gary Ivan Washarn.

TRIBUTE TO FEDERAL JUDGE R. EWING THOMASON

(Mr. WHITE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITE. Mr. Speaker, last week the former President of the United States, Lyndon B. Johnson, made a special trip to my home city, El Paso, Tex., to pay tribute to a distinguished former Member of the House of Representatives, a predecessor of mine, on his 92d birthday. Federal Judge R. Ewing Thomason has been a friend of Lyndon B. Johnson for more than a half century. The ex-President's father, as a member of the Texas House of Representatives, helped to elect Ewing Thomason as speaker of the Texas House in 1920. He served with great distinction as speaker, and received the unanimous endorsement of house members when he ran, unsuccessfully, for Governor of Texas.

Returning to El Paso, Judge Thomason served two terms as mayor of our city from 1927 to 1931, a period that was marked with great industrial and civic progress.

On March 4, 1931, he began a period of 16½ years as Representative of the 16th District of Texas, which I now have the honor to represent. I also have the honor of serving on a committee where Ewing Thomason gained great distinction, the Armed Services Committee, then known as the Military Affairs Committee.

He served on that committee during the crucial days that preceded World War II, and was a tower of strength in the mammoth task of preparing this Nation for the mightiest effort ever made by its Armed Forces. It will be remembered that in the summer of 1941, only a few months before the attack on Pearl Harbor, this House, by a single vote, renewed the Selective Service Act, which enabled us to raise the vast military forces we later put into the conflict. The legislative battles of that year are being renewed in 1971, and I think this is a most appropriate time to remember the efforts of men like Ewing Thomason in supporting the adequate defense of our country.

He continued his valuable service on the committee during World War II, and became its ranking Democratic member. He was the author of the Thomason Act under which hundreds of capable officers were commissioned in the armed services, and his influence was felt in every way in the crucial decisions of that period.

After the victory was won, he was called by President Truman to another position, that of Federal judge of the western district of Texas. Here he served actively for 17 years and presided over hundreds of cases, including some history making trials. He then accepted the position of senior judge, which he still holds at the age of 92. Over a period of 54 years, he has served with distinction in State, city, and Federal positions—and in the legislative, executive, and judicial branches of Government.

His home city has honored him in many ways. A street and a major hospital bear his name, and he was admitted to the Hall of Honor of the El Paso County Historical Society. A birthday visit from our former President was one more mark of the affection held for Judge Thomason among all who know him. I am sure the members of this House join me in wishing many happy days ahead for my distinguished predecessor from the 16th District of Texas, the Honorable R. Ewing Thomason.

LYNDON BAINES JOHNSON PRESIDENTIAL LIBRARY

(Mr. PICKLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, shortly after the dedication of the Lyndon Baines Johnson Presidential Library and School of Public Affairs, highlights of this memorable day were mentioned on the floor by myself, Speaker CARL ALBERT, Majority Whip HALE BOGGS, and Minority Leader GERALD FORD.

Today I would like to present a summary montage of the dedication as seen through the eyes of some of the Nation's press.

I understand that the other body today plans a similar discussion, keying on the actual transcript of the dedication program. Former Vice President HUBERT HUMPHREY and Senator BARRY GOLDWATER are slated to head the discussion.

I therefore have asked permission to revise and extend my remarks at this point, including extraneous matter, and to offer my summary for inclusion in the RECORD. I shall also ask for 5 legislative days so that the other Members might contribute to this historic event.

[From the Sunday Star, May 23, 1971]

LBJ LIBRARY DEDICATED—"STORY OF OUR TIMES"

Among a display of "letters to the president" are letters to Johnson from Nixon and from the late President Dwight D. Eisenhower.

Eisenhower, then living in retirement at Gettysburg, wrote Johnson, then vice president, on May 5, 1962, a letter that sums up what presidential libraries are all about.

After expressing appreciation for Johnson's appearance at dedication of the Eisenhower library in Abilene, Kans., Eisenhower wrote:

"I hope you will agree with me that in the series of presidential libraries that have so far been erected, those who have played a part in building them have made a lasting contribution to the understanding by the people of the United States of the working of government, its complexities and responsibilities."

[From the Houston Chronicle, Texas Magazine, May 16, 1971]

CONGRESS INTERVENES

It had been the tradition until 1955 that all papers accumulated by a president during his term of office were his to do with as he wished.

This resulted in many of the collections being lost or destroyed.

"Some were lost in fires," said Harry Middleton, director of the LBJ Library. "Some were stashed away in attics and never seen again. Some were scattered in public and private collections."

Out of the first 35 presidents' papers, substantial collections exist for only 26. They include Washington, John Adams, Jefferson, Madison, John Quincy Adams, Jackson, Van Buren, Polk, Buchanan, Lincoln, Johnson, Hayes, Garfield, Cleveland, Benjamin Harrison, McKinley, Theodore Roosevelt, Taft, Wilson, Coolidge, Hoover, Franklin D. Roosevelt, Truman, Eisenhower, Kennedy and Johnson.

The presidents whose papers have been destroyed or largely dispersed are Monroe, William Henry Harrison, Tyler, Taylor, Fillmore, Pierce, Grant, Arthur and Harding.

During his administration, President Truman expressed concern that there was no systematic way for a president to make his papers available to scholars.

"He was also concerned that the heirs of presidents were taken advantage of by dealers trying to get their papers," Middleton explained.

In 1955, after Truman had left the White House, Congress passed the Presidential Libraries Act. It authorized the General Services Administration to accept and operate any presidential library that might be offered as a gift to the U.S. Government and to preserve the presidential papers and other historical materials within.

[From the Houston Post, May 21, 1971]

THE JOHNSON LIBRARY

Twentieth-century Americans stand in the Library of Congress and read the draft of the Declaration of Independence with words crossed out and changed by Thomas Jefferson. At the Alamo they read a letter from a boy who had just drawn the black bean of death in the ill-fated Mier Expedition. In such moments, 1776 or 1842 comes alive again.

It is harder now to realize that letters, papers, pictures, documents of 1930 to 1970 are the 20th century's claim to immortality, to the thoughts and imagination of future generations. With the opening of the Lyndon Baines Johnson Library Saturday, the largest collection ever accumulated and left by any President enters the open storehouse of history.

A thank-you note is oddly impressive when it is from Ho Chi Minh expressing appreciation of Apollo 8 photographs from the moon. A tender note from a woman to her husband is significant when it encourages him to run for the presidency of his country. A get-well card with a dollar attached from a woman saying, "You may not remember what you've done for us, but we remember you," says something to historians.

Like the Lincoln and Jefferson Memorials in Washington, the LBJ Library is architecturally designed to show what a President worked to achieve through government. Visitors will read there: "When our fundamental American rights were given to us by the founding fathers, they reflected the concerns of a people who sought freedom in their time. But in our time a broadened concept of freedom required that every American have the right to a healthy body, a full education, a decent home and the opportunity to develop to the best of his talents."

[From the Dallas Times Herald, May 23, 1971]

THE LBJ LIBRARY

The dedication Saturday of the Lyndon Baines Johnson Library on the University of Texas campus at Austin was a significant event not only for Lyndon Johnson himself, but for the people of Texas and, in fact, for the people of the nation.

For in this imposing and beautiful structure, built at a cost of $18 million, has been assembled the most complete historical record of the times and accomplishments of any president of this nation.

There are other presidential libraries but none that comes close to matching this magnificent edifice or the documented story it tells of one of the most significant time spans in the history of the nation and the world.

And important above all is the fact that this intense lesson in history is available to all who elect to peruse it by visiting the library.

There they will find presented in graphic detail the acknowledged far-reaching and monumental domestic accomplishments of Lyndon Johnson as president—the advancement in civil rights, in housing, in space, in conservation; in, briefly, the welfare of the nation's citizens. They will also find there the Lyndon Johnson record in foreign affairs. To be sure, this record is now controversial, but let us not forget that history has not yet rendered its verdict on the record. When it does, we believe it will find that Lyndon Johnson's actions were far more often right than wrong in the best interest of this nation.

Be that as it may, all the records are here, and as The Times Herald's Frank Langston has written in the LBJ Library supplement in this paper Friday.

"When had mankind ever before had access to such records? When had such records ever been assembled during the lifetime of many of the men who had helped to shape history during one of the most critical periods the world has ever known?"

And we will simply add, when indeed?

[From the Kansas City Times, May 21, 1971]

THE NEW PRESIDENTIAL LIBRARY

Residents of this metropolitan area can appreciate the significance of the Lyndon B. Johnson library which will be dedicated tomorrow on the campus of the University of Texas. It has now been almost 14 years since the Harry S. Truman library was opened in Independence, and that vast storehouse of knowledge has become a mecca for historians, travelers and the one-hour Sunday students of history.

Already more than 2 million visitors have passed through the heavy glass doors to inspect some of the priceless documents of the Truman years as well as other official papers that trace the highpoints of the America presidency. Every President from George Washington to Richard M. Nixon is represented.

The Johnson library has an added advantage because of its affiliation with the University of Texas. An adjoining building will house the Lyndon B. Johnson School of Public Affairs, which means that the library will become a working part of a major educational institution. Sentimental reasons figured in establishing the Truman library in Independence, the Eisenhower library in Abilene and the Hoover library in West Branch, Ia. Each of those communities had played a major role in the early life of a President. However, the absence of a university setting has reduced the potential use and contribution of those three institutions and that is regrettable.

Saturday should be a memorable day in Austin, Tex., with President Nixon and Vice-President Agnew leading the official delegation. It was a similar day of eminence in Independence on July 6, 1957, when Eleanor Roosevelt, Herbert Hoover, Earl Warren and Lyndon Johnson, then majority leader of the Senate, joined one of the most distinguished audiences ever assembled in the Middle West to help Harry and Bess Truman dedicate their library.

Although it has been pointed out that the growing number of presidential libraries is dispersing the official White House record outside Washington, there is one major advantage in this trend. For those people who are unable to visit the national shrines in distant parts of the United States, the libraries are offering a more convenient capsule of American history. The Truman library has served that function the last 14 years. In the future the Johnson library should do the same for the Southwest.

[From the Texas Times, April-May, 1971]

UNLIMITED, CONTINUOUS RESOURCES

STATESMANSHIP

"No other account of statesmanship has been recorded in greater depth or breadth," said Dr. Harry Ransom, chancellor emeritus of The University of Texas System.

"From natural resources to educational planning, from programs in health and civil rights to complex foreign affairs, the Library's original materials reflect not only topical subjects but also permanent concerns of humanity.

"The most important single quality of the Library is that its spirit is informed by President Johnson's spirit. His time is reflected here not as the era of a Texan or of one citizen who held the highest office in the United States. It is revealed as a period in which men and women came to realize more poignantly their roles as human beings."

[From the Texas Times, April–May 1971]

PRESIDENTIAL LIBRARIES ACT PASSED IN 1955—AUTHORIZES FEDERAL GOVERNMENT TO ACCEPT, OPERATE ALL SUCH FACILITIES

Presidential libraries now in existence and operated by the Federal Government include the Herbert Hoover Presidential Library in West Branch, Iowa; the Franklin D. Roosevelt Library in Hyde Park, N.Y.; the Harry S. Truman Library in Independence, Mo.; the Dwight D. Eisenhower Library in Abilene, Kan.; the John F. Kennedy Library (authorized but not constructed) in Cambridge, Mass., and the Lyndon B. Johnson Library in Austin, Texas.

A NECESSITY

A Presidential library is considered almost a necessity now due to the great growth in volume of Presidential papers. Franklin D. Roosevelt's papers totalled 20 million, while Lyndon Johnson's totals 31 million.

Besides the Presidential papers, a Presidential library houses the gifts, memorabilia and rare historical objects acquired by a President.

"In my opinion there should be a melding of both library and museum, a melding from which they would both profit and both become more alive, more vividly used as an instrument to record and remember history," Mrs. Lyndon B. Johnson has said.

President Johnson's collection began in 1937 when he announced his intention to run for Congress. It has grown steadily through the intervening years.

ASKED IN 1965

In 1965, The University of Texas asked him to place his papers on the Austin campus in a building the University would provide. In addition, the University offered to create a School of Public Affairs and name it for the 36th President.

President Johnson felt it would be important and wise to place his Library on a campus of learning, where use of the papers would be part of the intellectual atmosphere. In addition to use of the papers by researchers, the Library's museum will be open to all citizens.

The Lyndon B. Johnson Library is the first Presidential library to be located on a university campus. For years to come, scholars from across the United States will come to The University of Texas at Austin to study the papers, and visitors to see the museum.

MUST BE, AND WHY

Franklin D. Roosevelt summarized what Presidential libraries must be and why they must be:

"To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a nation must believe in three things: It must believe in the past. It must believe in the future. It must, above all, believe in the capacity of its own people so to learn from the past that they can gain in judgment in creating their own future."

Mr. Speaker, Sunday, May 23, 1971, will also be remembered as the official dedication of the new Lyndon Baines Johnson School of Public Affairs. This

innovative educational institution will serve as a unique training ground for public leaders. At this juncture, Mr. Speaker, I wish to insert newspaper analysis of the L. B. J. school:

[From the Texas Times, April-May 1971]

The Johnson Library and School

EAST CAMPUS AREA

The site chosen for the Lyndon Baines Johnson Library is situated on the east side of the University campus and is on a direct axis with the Main Building. The LBJ Library is part of a new group of buildings called the East Campus. One of those buildings, Sid W. Richardson Hall, designed by the same architects and built at the same time as the LBJ Library, blends architecturally with the Library. One of the three units of Richardson Hall, dedicated last January, houses the Lyndon Baines Johnson School of Public Affairs.

In designing the Johnson Library, the architects felt that the building should express through monumentality the importance of the historical rarities to be protected and preserved—that the building should evidence from without and within that it is truly a treasury of important documents.

[From the Houston Chronicle, Texas Magazine, May 16, 1971]

Library for Lyndon

(By Martin Dreyer)

A man who was involved in the project said: "You'll find the LBJ Library exciting."

A library exciting? In a lifetime of visiting libraries we'd never thought of any of them as exciting. They were somber, cavernous places, with wall-to-wall tomes, scholarly places where you stepped softly and spoke in hushed whispers.

But the Lyndon Baines Johnson Library? Maybe exciting is the word for it.

It's where visitors will see, hear and sense many of the problems and achievements of the presidency told in exhibits, films, colorful gifts from heads of state and the public, re-creations of the White House and a vast collection of papers and documents.

The building, an eight-level structure of travertine marble rising handsomely from a promontory-like plaza, will be the national repository of the public papers, documents, audio and visual records encompassing the entire range of Johnson's public career. In the 34-year span he was National Youth Administration administrator for Texas, U.S. congressman, U.S. senator, majority leader of the Senate, vice-president and president.

His long career has produced the most extensive collection of research material on a single president. Scholarly interest centers on the estimated 31 million pages of manuscript materials. Most of them are his own papers but they include personal papers of his associates and contemporaries.

These papers must be processed and screened, a tedious job, and it will probably be three years before a significant volume of them can be opened to research scholars, said Harry Middleton, the library's director.

Besides the archives, the library houses a museum with exhibits drawn from a collection of more than 30,000 items. The exhibits bring to life, through multi-media, the sights and sounds, the events and programs of the Johnson years.

Tour of the library begins with the biographical display of Lyndon Johnson. Shown through a panel of pictures, the exhibit traces him from boyhood to the present.

Among objects and documents is the small card on which the then new President wrote out his first statement to the American people while returning to Washington after the assassination of John F. Kennedy.

The visitor gets a look at "The Great Society" programs through another display of motion picture films and photos. He reviews the intentions and accomplishments in areas of poverty, civil rights, health, education, consumer affairs, space exploration and ecology in the '60s.

Other panels show techniques used in the effort to eradicate poverty and ecological threats and to bring justice to the black, brown and red man.

Life in the White House—want to get a feeling of how it was? There are re-creations of the East Room and the private family living room plus personal objects used by the Johnsons. Also, the wedding gowns and bridesmaids dresses worn when daughters Lynda and Luci were married.

Near this display are letters and gifts sent to President and Mrs. Johnson from kings, queens, emperors, prime ministers and other heads of state.

A travertine stairway rises to "The Great Hall." There the visitor sees through glass five floors housing the papers collected during the Johnson career. The documents are stored in red buckram boxes adorned with the gold presidential seal.

At the top of the stairs a large five-panel photographic mural etched in magnesium shows Johnson as a congressman (with President Franklin D. Roosevelt), as a senator (with President Truman), as Senate majority leader (with President Eisenhower), as vice-president (with President Kennedy) and as president.

Exhibit cases in the Great Hall hold memos, notes, letters and documents that give visitors glimpses of the dramatic and mundane duties of the president. There's everything from the six-day crisis in the Middle East to the crowning of an apple blossom queen.

Chiseled on the north wall is the seal of the president.

Also, on this level, is a temporary exhibition gallery, where exhibitions will be changed periodically, and two large glass rooms housing 10 TV consoles that present the Johnson Administration programs in conservation, space, housing, civil rights, health, education and international affairs.

Political cartoons, selected from a collection of about 3000, bring laughs as well as grim memories of issues that jolted a nation. The Ralph Becker collection of items from past political campaigns—George Washington to Richard Nixon—illustrate the fanfare of American political life. These include songs, buttons, hats, placards, literature and other paraphernalia.

In the "Political Campaigns Through The Years" exhibit, tape recordings re-enact the campaigns of Roosevelt, Truman, Eisenhower and Kennedy. The "Era of LBJ" display recalls the 1964 convention in Atlantic City, the 1965 inauguration and issues from the '30s to the '60s.

On the top floor is a scale reproduction of Johnson's Oval Office in the White House. It's seven-eighths the original size and has all the original furnishings. Johnson plans to use it as his office when he's in the building. In any event, his voice will always be there. Visitors can activate it by pushing a button.

On this eighth level, reading rooms, microfilm rooms and carrels will be available to scholars, writers and researchers. There they will dig into the 31 million presidential papers and documents, sifting through the facts, policies, figures and decisions of four decades of the 20th century.

[From the Texas Times, April-May, 1971]

The Johnson Library and School

A tour through the Lyndon Baines Johnson Library on the campus of The University of Texas at Austin will be as close to a conversation with the former President of the United States as the planners can make it.

From the time the observer of American history enters the great museum, he will see, hear and sense tumultuous problems and achievements of the Sixties and the Presidency told in exhibits, films, re-creations of portions of the White House, gifts from heads of state, bridal gowns worn by daughters of a President, papers and documents and personal gifts to the President.

Featured are objects and documents, including the small card on which the then new President of the United States wrote out his first statement to the American people in 1963 while returning to Washington after the assassination of John F. Kennedy.

Through another panel display of motion picture films and photographs, the visitor will experience "The Great Society" programs. The intentions and accomplishments in areas of poverty, civil rights, health, education, consumer affairs, space exploration and ecology in the Sixties will be explained.

Other panels depict accomplishments in the struggle to eradicate poverty and ecological threats, to bring justice to the black, brown and red man, and to show techniques used to assault those problems.

IN WHITE HOUSE

In the "Life in the White House" re-creation, located adjacent to the staircase leading to the second floor, the visitor can see the wedding gowns, and bridesmaids' dresses of Lynda and Luci's weddings. Re-creations of the East Room and the private family living room plus personal objects used by the Johnson's will depict their life in the historic structure.

Near the display are the letters and gifts sent to President and Mrs. Johnson from kings, queens, emperors, prime ministers and other heads of state. Foreign affairs during the Johnson Administration will be depicted in oblong photographs in an interlocking three-dimensional panel design.

Leaving the displays on the ground floor, the visitor will ascend a travertine stairway to "The Great Hall." For the first time in a Presidential library, the collection of Presidential papers has been arranged as an integral feature of the architecture. The visitor will see through glass walls five floors of library stacks housing the papers collected during the public career of Lyndon Johnson. The documents are stored in red buckram boxes adorned with the gold Presidential seal.

The exhibit cases in the Great Hall hold the memos, notes, letters of the episodes in the administration of Lyndon Johnson, and documents, giving the visitor glimpses of the varied, dramatic and mundane duties of the President from the six-day crisis in the Middle East in 1967 to the greeting of a Mardi Gras queen.

In the "Political Campaigns Through The Years" exhibit, short tape recordings will bring to life again the campaigns of Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower and John F. Kennedy. The 1964 convention in Atlantic City, the 1965 inauguration and the issues of the Thirties, Forties, Fifties and Sixties will be recalled in the "Era of LBJ" display.

As the visitor exits the building, the last exhibit, "The President and the People," will show gifts to the President, ranging from quilts, carvings, humorous and touching letters, to a crocheted American flag.

[From the Houston Chronicle, Texas Magazine, May 16, 1971]

Speaking of Lyndon

The famous and the obscure, the close advisers and the outspoken opponents of Lyndon Johnson were interviewed on tape for the library collection.

It adds up to one of the most complete oral history collections of friends and foes alike of a president of the United States.

The Oral History is directed by Dr. Joe B. Frantz, UT history professor. He worked more than a year from an office in Washington with a staff of interviewers and assistants.

A total of 933 tapes record the interviews of 555 persons. The average interview lasted 60 to 90 minutes and produced 30 to 50 pages of transcription.

Dr. Frantz explained that abundant documentary evidence already existed on President Johnson's career and the programs with which he was associated, "but it helped fill out the record to talk to persons who were involved in some of those programs to see why certain decisions were made and the alternatives that were considered."

Those interviewed ranged from former White House assistant Jack Valenti to Georgia Gov. Lester Maddox, from the late Sen. Everett Dirksen to the young intern who was on duty at a Washington area hospital in 1955 when Johnson was admitted with a heart attack.

Dr. Frantz said only a half dozen persons refused to be interviewed.

"The great majority of the interviewees were candid, and although some of Lyndon Johnson's opponents may have been a little guarded in their statements, others laid it on the line to the fullest."

[From the Texas Times, April–May 1971]

ORAL HISTORY—OF FRIENDS AND FOES ALIKE

One of the most complete oral history collections of friends and foes alike of a President of the United States will be included in the Lyndon Baines Johnson Library when it is dedicated May 22 on the campus of The University of Texas at Austin.

When a 34-year public career is climaxed with the Presidency, each fragment in the design takes on a national historical significance.

That long period witnessed the Depression, World War II, the Korean War, major social legislation, the civil rights movement, the emergence of nuclear capabilities and space exploration, advances in technology, urbanization and hundreds of significant changes in the nation's life.

WORKED FROM WASHINGTON OFFICE

Directing the Oral History Project is Dr. Joe B. Frantz, UT Austin history professor who worked for more than a year from an office in Washington with a staff of interviewers and assistants.

A total of 933 tapes record the interviews of 555 persons, filling in information that cannot be obtained from written documents. An average interview lasted 60 to 90 minutes and produced 30 to 50 pages of transcription.

Dr. Frantz started with an original list of 1,600 interview possibilities in 1968, but "names were added and dropped along the way."

He explained that abundant documentary evidence already exists on President Johnson's career and the programs with which the President had some association, "but it helps fill out the record to talk to persons who were involved in some of those programs to see why certain decisions were made and the alternatives that were considered."

The UT Austin professor said some of the interviews are "heavily analytical" while others are "simply narrative" and are intended to reveal "the times of Lyndon Johnson as much as the life." He indicated the interviews were generally planned to be "more issue-oriented than personality-oriented."

Among those interviewed by Dr. Franz and his staff were the famous and the obscure, the close advisers and the outspoken opponents.

The list ranges from former White House assistant Jack Valenti to Georgia Governor Lester Maddox, from the late Senator Everett Dirksen to the young intern who was on duty at a Washington-area hospital in 1955 when Lyndon Johnson was admitted after suffering a heart attack.

'OBVIOUS' PERSONS TO INTERVIEW

Dr. Frantz points out that among the "obvious" persons one would expect to be interviewed for such an oral history are members of the President's cabinet and long-time political associates on the Texas and national scene.

Dr. Frantz said only a half-dozen persons refused to be interviewed.

Dr. Frantz hopes eventually to interview President Richard Nixon for the project, "but that interview probably won't take place until after he leaves office."

AMPLE PRECEDENCE FOR COLLECTION

Dr. Frantz said there is ample precedence for collecting oral histories of former U.S. presidents, but that the Texas project "is the most ambitious to date."

He said Columbia University, as part of its extensive oral history effort that covers many subjects, has done some tape recordings about Presidents Herbert Hoover and Franklin D. Roosevelt.

Oral histories are currently under way under auspices of the National Archives on Presidents Harry S Truman, Dwight D. Eisenhower and John F. Kennedy.

[From Christian Science Monitor, May 25, 1971]

WHITE HOUSE—IN TEXAS?

(By Courtney R. Sheldon)

Others in the select audience, like Roy Wilkins, an illustrious leader of the blacks, said Mr. Johnson was the one President of these times with whom he could truly communicate.

OVAL OFFICE REPLICA

Now that the Lyndon Baines Johnson Library is ruled by government archivists, it will attract more detached visitors—millions of children and the handfuls of scholars that happily frequent such repositories.

Who knows what the scholars may find that contemporary society hasn't heard of? But this magnificent library building will be a thing of beauty for many and an absolutely captivating exhibit of Johnsonian-Texan Americana for the young of the West. For this alone, the LBJ library will be a noble contribution to American life.

Can youngsters touring Washington see the White House oval room where the big wheels of politics spin and every day is for history?

No—but now they can go to Texas to learn about the presidency. In far-off Austin they can look in on a fascinating seven-eighths replica of the oval office as it was in Mr. Johnson's term of office. Mr. Johnson may still use it occasionally.

Mr. Johnson's recorded voice will give tourists a briefing as they drink in the details of a room that already looks period dated. Dominating the wall is a black-caped Franklin D. Roosevelt, a Johnson hero, whom even the mothers and fathers of today's young children know only through history.

VIEWS ON EXHIBITS VARY

The voice of Mrs. Johnson, who played a large role in planning the library, describes life in the White House while the library visitor stands astounded at the three-dimensional blowups of White House rooms.

One cannot help wishing that modern science had developed electronic recording techniques in time for Washington and Lincoln.

The Johnson library format will surely be a model for presidential libraries to come and they will not easily top it.

On the whole, the public exhibits, which will change from time to time, can be counted on to represent objectively the Johnson era, according to library officials.

It is modern, monolithic in design, and unrelieved by ornaments or windows, designed by its architects to be strong and challenging.

Not to be overlooked is that the university also established in conjunction with the library a Lyndon Baines Johnson School of Public Affairs to train students for public service.

As Mrs. Johnson explains it in the forthcoming issue of the Reader's Digest, her husband knew that "the majority of the schools that trained people for public service were concentrated in only a few areas" and he wanted a Texas school to give them a chance to get into the mainstream of American thought and action.

Mr. and Mrs. Johnson have contributed $2,000,000 toward both the school and the library, both built with nonpublic funds. The Johnsons have put their money where their heart is.

[From New York Times, May 23, 1971]

A SUCCESS AS ARCHITECTURE AND AS MONUMENT—A TEXAS-BIG LIBRARY HOUSES IMPRESSIVE EXHIBIT OF ERA

(By Ada Louise Huxtable)

In the random way that democracy scatters art and monuments among its leaders, Mr. Johnson has a winner.

It has produced a substantial work of architecture. The age of Lincoln and Jefferson memorials is over. It will be Presidential libraries from now on.

Inside, under a coffered ceiling formed by the exposed girders is a Great Hall, 85 feet square and 55 feet high.

This superb space focuses on a full-height glass wall at one end, behind which four of the five floors of archives are clearly visible, as rows of red buckram-covered boxes with gold Presidential seals. The effect is of a glowing, brilliant abstraction. Documents are turned into high esthetic drama.

The building is as handsome as $18-million, superbly matched Italian cream travertine, a large design talent and breathtakingly fine construction and detailing can make it. Sophisticated techniques use film, photography and TV. This is the art, as well as the history of our time.

What seems, in published descriptions of the building to be overblown and vulgar, is not.

[From the Houston Chronicle, Texas Magazine, May 16, 1971]

LIBRARY FACTS

Location: On high eastern portion of University of Texas campus in Austin, situated on a 30-acre site. The library sits on a promontory-like plaza adjoining the Sid Richardson Hall and LBJ School of Public Affairs.

Dedication: 11:30 a.m. Saturday, May 22, 1971, on library grounds.

Hours: 9 a.m. to 5 p.m. daily, starting May 23. No admission charge.

Architecture: Modern, monolithic in design, unrelieved by ornaments or windows. Travertine marble, exterior and interior.

FLOOR PLAN

First floor: Main entrance to library exhibition hall, measuring 200 feet by 90 feet. Open to visitors. A broad staircase leads to another exhibition hall on the second floor.

Second floor: This exhibition hall also open to visitors. On half of this level the ceiling rises to the seventh floor, permitting visitors to glimpse through glass panels the library stacks on each of the floors above.

Third-seventh floors: Library and archives stacks.

Eighth floor: Offices for library administrators and working librarians, reading rooms, research areas, microfilm reading room. Also, the replica of the Oval Office in the White House which will serve as an exhibit and as an office for former President Johnson when he is in the building. An open courtyard is centrally located on this floor.

Basement: LBJ Library space for service facilities, including storage, mechanical, maintenance and work areas, plus audio-visual equipment. Also, a 1000-seat auditorium, 250-seat lecture hall, reception-lobby area and exhibition gallery.

LIBRARY EXHIBITS

First floor

Biography of Lyndon Johnson
The Great Society Programs
Life in the White House
Letters to the President
Gifts From Heads of State
The President and the People
International Affairs

Second floor

The Great Hall
Magnesium Wall Mural of Career of LBJ Archives
The Presidential Seal
Johnson Administration Programs
Becker Collection of Political Campaign Memorabilia
Political Campaigns Through the Years
Days in the Life of a President

Eighth floor

Replica of Oval Office in White House

[From the Texas Times, April–May, 1971]

LBJ SCHOOL OF PUBLIC AFFAIRS

"BROADEN VISION"

Dean Gronouski explains that the Johnson Library "will draw to the campus for varying periods persons who might not come just to a teaching institution."

"While scholars engage in research in the Presidential Library," the dean continued, "some part-time faculty appointment may be arranged for them in the School of Public Affairs." He said that by drawing visiting scholars into the school's orbit "we can broaden the vision of our students."

While Dean Gronouski looks forward to the "spillover" of visiting scholars into the LBJ School, he says the LBJ Library also will offer important resources for the development of case studies that can be used in the seminars of the School of Public Affairs.

WILL "MINE" LIBRARY

"Because our students regularly work on public affairs problems, they will 'mine' the LBJ Library for the historic background on development of government programs," he explained.

Other ties expected to be fostered between the Johnson Library and the Johnson School of Public Affairs include the cosponsorship of several future lectures and conferences, Dean Gronouski said.

According to Dean Gronouski, the "research potential of the LBJ Library coupled with the possibility of having some association with students and faculty of the Johnson School undoubtedly will attract a community of scholars—not only from academe but from public life, the news world and other areas."

[From the Houston Chronicle, Texas Magazine, May 17, 1971]

FOR DOERS ONLY—THE LBJ SCHOOL OF PUBLIC AFFAIRS

Dean John A. Gronouski stretches back, feet on desk, and in a relaxed but jet-energy voice tells about the school he heads and its plans to turn out doers who will help solve the problems of society.

"It's the only one of its type," he says. "Our concept is to train for roles of leadership in public policy—to develop the ability to grapple with a wide range of problems. We feel such training can best be accomplished by having students tackle real problems from the real world and try to come up with solutions."

The Lyndon B. Johnson School of Public Affairs, occupying a third of the 935-foot-long Sid W. Richardson Hall, is on the University of Texas campus adjacent to the LBJ Library. The school is to be dedicated at the same time as the library.

There are 16 hand-picked students in this graduate professional school which opened for business last September. The two-year course leads to a Master of Public Affairs degree.

It takes special talents to crash the LBJ SPA, which one waggish instructor called: "A healthy place to work and study." The 16 students were chosen from more than 250 applicants, on the basis of scholastic record, work experience, motivation and the way they handle themselves.

Four are girls, mini-styled and maxi-brained.

Dr. Gronouski says he expects to have 60 students next year and that by the fifth year enrollment will reach its maximum of 200 students, with about 30 to 35 staff members. He hopes the school will be authorized to offer work in a four-year doctoral program.

The stocky, quick-moving dean is a natural to head a school not interested in turning out specialists, but concerned that its students "develop multiple skills that can be used to attack problems in a variety of areas of the public sector." He, himself, is a doer, a problem solver, a man of multiple skills.

Among his accomplishments: Ambassador to Poland, 1965–68; Postmaster General of the United States, 1963–65; Wisconsin Commissioner of Taxation, 1960-63. He got his PhD. in economics from the University of Wisconsin, was professor of economics at the University of Maine and Wayne State University. He survived 24 combat missions as a first lieutenant in the Army Air Corps.

Now 52, he demonstrated a new skill, that of heading a unique school whose first year is "experimental" but whose concept "is set in granite."

"Historically, universities have been developed as elitist institutions," he says. "We should have ivory towers and I certainly don't disparage philosophers and thinkers. But universities must turn out more problem solvers than in the past, the orientation must be toward participation in our society."

He points out that the basic objectives of the LBJ School are to train students how to delineate and get at problems, to provide them with a "tool box" of skills that can be applied to analyzing and solving problems, and to give them a thorough grounding on the broad conceptual framework within which the processes of government are carried out.

The curriculum has been designed "like a three-legged stool—with a number of crossbars." The "legs" include problem research seminars, a study of quantitative tools and a reading-discussion program.

The school started off with two research seminars but when enrollment is at full mast it hopes to have as many as 20 seminars in action concurrently. The present two are a Water Resources Seminar, specifically zeroed in on the question of San Antonio's water problem, and a Latin American Seminar, specifically looking at the Agency for International Development program in Guatemala.

Dean Gronouski, who is ably backed up by Associate Dean Alexander Clark, sits in on some of the sessions.

[From the Houston Chronicle, Texas Magazine, May 17, 1971]

THE LIBRARY IS AN ASSET

Plans are for each research seminar to focus on a specific problem. In trying to come up with a solution, each research group "will become aware of the things than can make or break a policy."

The second "leg" of the curriculum—a study of quantitative tools—is geared to give streamlined instruction in such subjects as computer science, mathematics, statistics, econometrics, linear programming, environmental mapping and monitoring. The students gain a working knowledge of these tools, which are of big value to today's administrators.

Gronouski takes the visitor to one of the rooms where teletypes are connected with a computer system on the campus. Ida Powell, 26-year-old Houstonian, is operating one of the machines. She is one of the brighter students, a restless young woman with flashing eyes.

In learning to utilize the computer as a tool of problem solving, she says she plans to tackle the problem of congressional redistricting.

"I'm interested in community development," she says. "In Houston I worked on the original community task force that developed the model-city proposal."

She taps questions on the machine and gets rattling answers in computer code. The dean grins.

"I don't understand it either," he tells the visitor.

The third "leg" is a reading-discussion program, dealing with such subjects as policy process in American government, and freedom, power and responsibility. Speed-reading courses are included and the videotaping of oral presentations.

Although it's a graduate school, Gronouski expects later "to experiment with undergraduates, to get them in the programs."

The school, which has its own spacious library, figures to profit from the adjacent LBJ Library.

"It will help us attract staff members that we wouldn't ordinarily get," says the dean. "You know, scholars working on various research projects who will be willing to teach at our school part-time. Also, public affairs people who are doing research. We'll bring them over to meet and talk to the students."

He gazes out a window at the looming structure of travertine marble.

"There's a great wealth of research material," he says. "And we really plan to mine it."

[From the Texas Times, April-May, 1971]

DEAN

Dr. John A. Gronouski, former Postmaster General of the U.S. and Ambassador to Poland, became dean of the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin on Sept. 15, 1969.

He also holds appointment as a professor of economics.

The LBJ School of Public Affairs, which opened in 1970, offers graduate-level training for students planning careers in public policy-making.

Dr. Gronouski, born Oct. 26, 1919, in Dunbar, Wis., earned his B.A. degree at the University of Wisconsin in 1942, having first attended Wisconsin State College.

He entered the Army Air Corps in April 1943 as a private. He became a navigator, flying 24 combat missions over Europe. He was discharged as a first lieutenant.

Dr. Gronouski returned to the University of Wisconsin, earning an M.A. in 1947. Prior to receiving a Ph.D. from Wisconsin in 1955, he taught at the University of Maine (1948–50) and served as a research associate for the Federation of Tax Administrators (1952–56).

The author of numerous articles and studies, Dr. Gronouski joined the faculty of Wayne State University in Detroit in 1957, teaching public finance, state and local finance, and money and banking.

In 1959 he won a Civil Service appointment as research director of Wisconsin's Department of Taxation. In October 1959 he became executive director of the Revenue Survey Commission and in January 1960 was named State Commissioner of Taxation, a position he held until 1963.

The late President John F. Kennedy nominated Dr. Gronouski as Postmaster General on Sept. 9, 1963.

He was reappointed by President Johnson as Postmaster General and was sworn in during February 1965.

In August 1965, President Johnson announced that he was naming Dr. Gronouski Ambassador to Poland. Dr. Gronouski relinquished the ambassadorship in 1968.

In his role as Ambassador, Dr. Gronouski was the United States' representative in the "Warsaw talks" held periodically with the Chinese ambassador in Warsaw. He also was deeply involved in efforts of the U.S. government through the Polish government to induce North Vietnam to engage in peace negotiations.

Dr. Gronouski holds honorary doctorates from Alliance College and Fairleigh Dickinson University and is the recipient of a distinguished alumnus award from Wisconsin State College. He serves as a trustee of the John F. Kennedy Library. He also is a member of the Polish Institute of Arts and Sciences, is honorary co-chairman of the committee for the endowed chair in Polish studies at the University of Chicago, and is a member of the board of trustees of the National Urban League.

Dr. Gronouski is married to the former Mary Louise Metz, and they have two daughters, Stacy and Julie.

[From the Texas Times, April–May, 1971]

Associate Dean

Dr. Alexander L. Clark, a sociologist who also has training in law, is the associate dean of the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin.

The associate deanship appointment was effective Sept. 1, 1970.

From 1966 until his present assignment, Dr. Clark was on leave from UT Austin, serving most of that time in the Division of Behavioral Sciences of the National Academy of Sciences. He was executive secretary of the division in 1969–70.

Also while with the National Academy of Sciences, Dr. Clark was executive secretary of an advisory committee to the Department of Housing and Urban Development and the Department of the Interior. In addition, he was executive secretary of a committee concerned with the policy issues and innovations in the biomedical sciences and census enumeration.

Dr. Clark developed and organized advisory activities for the Office of Education, the Office of Economic Opportunity, the Arms Control and Disarmament Agency, the Corporation for Public Broadcasting, the Department of Transportation, the Department of Labor and the Department of Defense.

Dr. Clark also has a professorship in the UT Austin Sociology Department. He was on that departmental faculty from 1960 to 1966, holding an associate professorship when he went on leave.

A Harvard Law School Fellow in 1966–67, Dr. Clark was educated at San Diego State College (B.A., 1955) and Stanford University (M.A., 1956, and Ph.D., 1960). He had a Woodrow Wilson Fellowship in 1955–56. He taught at the University of Washington during the 1959–60 academic year.

His present interests include governmental social science and social policy, and science policy.

Dr. Clark is married and has four children.

Mr. Speaker, the official dedication ceremonies were, themselves, an event to remember. I would also like to insert newspaper commentaries concerning the events:

[From the Wichita Falls Times, May 19, 1971]

On Dedication of LBJ Library

With the formal dedication Saturday of the LBJ Library in the building complex of the University of Texas in Austin also housing the Lyndon B. Johnson School of Public Affairs for graduate research in the field of political science, Texas will become the mecca for scholars present and future who will want to examine the uniqueness of the man whose political career leading to the nation's highest office has had no contemporary counterpart, if ever in the nation's history.

Texans who know LBJ best and admirers from far places whose paths crossed his during the course of long years at the very nerve center of the federal government are looking forward to Saturday's reunion at the big invitational event in the state's capital city.

It will be a happy occasion of long-time friends getting together again, and Austin will be filled with dignitaries intent on a different purpose from any that might have brought them to Lyndon Johnson, or him to them, during the more than three decades that saddled him with congressional as well as White House duties. There will be no political issues to pare down to a decision, no political favors to seek, no political points to score—only a relaxed atmosphere to enjoy honoring a Texan they respect as "Mr. President."

It is the kind of a party at Austin Saturday that Texans have been hoping might be staged for LBJ ever since he left the White House, and it has been the farsightedness and generosity of their host and center of attraction which is making it possible.

For all that the LBJ Library means to academic achievement, for all that Saturday's events mean to Lyndon B. Johnson and Lady Bird and their family, for all that it means to those who participate, there is still a further meaning.

Texas now has two centers built around its two most distinguished political leaders and citizens, the Sam Rayburn Library at Bonham and the Lyndon B. Johnson School of Public Affairs and Library at Austin.

The public career of "Mr. Speaker" had qualities which set it apart forever in American political history. That of Lyndon B. Johnson has not been equalled, and is not likely to be, for its different facets. To add to the uniqueness is the fact that much of their life in politics overlapped and bolstered each other's.

At Bonham before, and now at Austin, are enduring monuments of usefulness to two men who have been monumental in their political statesmanship to Texas and the nation.

[From the Washington Post, May 23, 1971]

3,000 Unite To Dedicate LBJ Library—Nixon Stresses Bipartisanship

(By Carroll Kilpatrick)

Austin, Tex., May 22.—The biggest bipartisan political assemblage since the 1969 presidential inauguration converged on this Texas capital city today to participate in the dedication of the Lyndon Baines Johnson Library and School of Public Affairs.

The vast turnout to honor the Johnsons included, besides President and Mrs. Nixon and David and Julie Eisenhower, Vice President and Mrs. Agnew, Democratic Sens. Hubert H. Humphrey, who flew here on the Vice President's plane, Edmund S. Muskie, most of the old Johnson Cabinet and White House staff, Secretary of State and Mrs. William P. Rogers, Secretary and Mrs. John B. Connally and scores of members of Congress.

President Johnson, who once thought of calling his administration the "can do" administration, said in his speech that the documents contain million of words, but "the two that best express my philosophy are the words 'Man can.' "

When the President spoke he said that "Mrs. Nixon and I are honored to be here deep in the heart of Texas. The heart of America at this moment today is in the heart of Texas."

[From Dallas Times Herald, May 23, 1971]

VIPs Flock to Library Rites—Notables of All Walks of Life Pay LBJ Homage

(By Ernest Stromberger)

President Nixon's address highlighted the ceremony, which marked the transfer of the $18.6 million library complex—the largest and most costly presidential library in the nation—from the University of Texas to the federal government.

Paying a tribute to Johnson as "a vigorous leader of his party," Nixon added that Johnson's partnership went beyond being a party advocate.

"It has been my privilege to know many partisans of principle," Nixon said.

"And I think today especially of those times during the Eisenhower administration, when I was vice president and Lyndon Johnson was majority leader of the Senate, I knew, and President Eisenhower knew, that wherever the great issues of national security were concerned, he would always be a partisan of principle and not a partisan of party—that is Lyndon Baines Johnson."

Recalling the words of U.S. Sen. Albert Beveridge of Indiana in 1898 that "a partisan merely for the sake of a party name is a ghost of the past among living events, but he who is the partisan of principle is a prince of citizenship," Nixon said:

"It is in that same spirit that we are gathered here today to dedicate this library, and in doing so to pay tribute to President Johnson—and to dedicate ourselves to the proposition, as Sen. Albert Beveridge so eloquently put it so long ago, that "the partisan of principle is a prince of citizenship."

[From New York Times, May 23, 1971]

Nixon Hails Johnson Library at Dedication

(By Martin Waldron)

Mr. Johnson, his graying hair riffing in the 25-mile-an-hour wind, took pains to dispel any idea that he or his staff had winnowed out any of the former President's papers before donating them to the library.

"It Is All Here"

"It is all here: the story of our time—with the bark off," Mr. Johnson said. "There is no record of a mistake, nothing critical, ugly or unpleasant that is not included in the files here. We have papers from my 40 years of public service in one place, for friends and foe to judge, to approve or disapprove."

[From the Washington Post, May 23, 1971]

Political Eras Come Together

(By David S. Broder)

Austin, Tex., May 22.—It was fathers' and sons'—and grandsons'—day today, as the generations mixed and old allies mingled with old antagonists at the ceremonies and barbecue dedicating Lyndon B. Johnson's presidential library.

The conflict and the continuity of American politics over two generations and five presidencies were all brought together in the crowd of 3,000 men and women who joined Mr. Johnson and President Nixon, those longtime opponents who linked arms for today's pageant.

But mostly it was a day to tell your children about, a kaleidoscope of scenes and faces evocative of the extraordinary career of the 36th President, from his roots in the early New Deal to his present role as the overriding presence in this vastly important political realm called Texas.

The early New Dealers were here, "Tommy the Cork" Corcoran, Jim Rowe, David Ginsburg and the others who took the gangly young congressman from Austin into the White House inner circle.

The Johnson Cabinet members were here—reminiscing over the heady days when Great Society legislation was being passed as fast as they could devise it, chatting with each other and moving on, as one of them said, before the memories revived of how they had waged bureaucratic war on each other.

And so it went for the two hours of mingling and mixing. Old friends. Old enemies. A remarkable gallery of "the great and near great" of American politics, as the Austin paper headlined this morning.

[From the Washington Sunday Star, May 23, 1971]

JOHNSON'S BARBECUE—A PAST MASTER "PRESSES THE FLESH"

(By Isabelle Shelton)

After giving Vice President Agnew and Secretary of State Rogers a post-dedication tour of the library, Johnson swooped up a few close friends—House Speaker Carl Albert, Majority Leader Hale Boggs and his wife Lindy, columnist William S. White and his wife—and also Kissinger—for a quick sampling of the barbecue under the yellow-and-white striped VIP tent.

[From the Austin (Texas) American-Statesman, May 23, 1971]

FAMOUS, FAITHFUL PARADE, PREEN, RENEW FRIENDSHIPS

(By Carolyn Bengtson)

Saturday, the famous and the faithful came for the dedication of Lyndon B. Johnson's Library.

"I never thought I'd come to Austin, Texas, and know half the people I saw," said Sen. Philip Hart of Michigan.

Barry Goldwater was another of the senators on hand, and he was in happy good humor. "No," he smiled, after the dedication, "I didn't have any thought about how that library might have been mine. I quit thinking about that a long time ago. I'm glad it's Lyndon's, and I'm happy to be here.

"I like that man very much, you know. He and I know how to fight and we know how to get along."

Also among those at the dedication was Preston Bruce, who has been chief doorman at the White House for the last four presidents. "I'm proud, very proud, I'm here," he said.

Another there was Ralph E. Becker, who gave the huge collection of political buttons to the LBJ Library. Becker was a political appointee of President Eisenhower and now serves as a trustee for the Kennedy Center. A real collector, he's given more than 80,000 items to the Smithsonian.

He had no hesitation about donating his button collection to LBJ's Library. "Oh, I'm a Republican," he said, "but I worked with President Johnson, and then Lady Bird—well, nobody's left more to our heritage than Lady Bird."

People-watchers were delighted to spy Vice-President Spiro Agnew, Gregory and Veronique Peck, Henry Kissinger, Averill Harriman, Gen. Omar Bradley, Supreme Court Justice Tom Clark and many other well-known faces.

[From the Washington Post, May 24, 1971]

LBJ'S DAY IN AUSTIN

(By Dorothy McCardle)

If D. W. Griffith wanted to film "The Middle-Age of a Nation," he might have done it at the dedication of the Lyndon B. Johnson Library in Austin, Tex., Saturday.

There were the political stars from the New Deal to the Great Society to the Nixon administration—as well as the presidential candidates who are waiting in the wings. They were joined by show business stars, business tycoons and leaders of the academic world.

Following the dedication ceremony everyone gathered under four massive tents for a traditional bit of Americana—a barbecue. After the barbecue many went on to two smaller parties, while others climbed into planes to return to the many parts of America from which they came.

The couple who made the greatest effort to get to the LBJ Library dedication day missed everything but the Krim party.

Former Secretary of Defense and Mrs. Robert S. McNamara arrived after 25 hours in the air on their way home from Africa.

McNamara, now president of the International Bank for Reconstruction and Development, had been in Ghana at a dinner in his honor Friday night.

Two weeks ago, McNamara wrote LBJ that he could not make the dedication. Johnson was reported to be very upset by this news and sent back word that he counted on McNamara coming.

At the Krim party, McNamara, exhausted from the hectic traveling, said: "I did not want to be the one member of the Johnson Cabinet not to come."

[From the Austin American-Statesman, May 23, 1971]

JOHNSON LIBRARY DEDICATED

Dr. Harry Ransom, chancellor emeritus of the University of Texas System, told the assembled guests the Johnsons themselves have made personal contributions to the library and school totaling approximately $2 million. He valued the working resources of the library between $50 and $60 million.

"By name, Lyndon Baines Johnson is honored here as an American who has given his life to his state, his country, and his fellow men," Ransom said.

He said the library and school should be dedicated to the beliefs: "That this Republic and its history must survive; that their survival is worth our devotion; that our devotion requires not mindless allegiance but loyalty enlightened by knowledge; that this loyalty challenges open minds to defend responsible freedoms; that the future will call upon courage and courage gain strength in a feeling of identity with all peoples."

Rev. Billy Graham delivered the invocation, and Rev. George Davis of the National City Christian Church, Washington, D.C., delivered the benediction.

Former UT Board of Regents chairman Frank C. Erwin, Jr., of Austin presided over the ceremonies.

Other dignitaries on the speakers' platform were Vice-President Spiro T. Agnew, U.S. House speaker Carl Albert, Secretary of State William P. Rogers, Secretary of the Treasury John Connally, Governor Preston Smith, Lt. Gov. Ben Barnes, Texas House Speaker Gus Mutscher, General Services Administration head Robert Kunzig, Archivist of the U.S. James B. Rhoades, library director Harry Middleton, LBJ School Dean Dr. John Gronouski, UT System Chancellor Dr. Charles LeMaistre, and UT Austin President Ad Interim Dr. Bryce Jordan.

L. B. J. GATHERING: WET GUESTS, A BARBEQUE AND LIBRARY CRITICS

(By Dorothy McCardle)

The laughter, the security, even the weather—but most of all the assemblage of some 3,000 invited guests—made for a day which no one present would forget and for which everybody had his own pet name.

Dr. Henry Kissinger, special assistant to the President for national security affairs, summed it up this way:

"It has been a joyous day. Mr. Johnson has really brought us all together."

Lyndon Johnson and his family directed their hospitality to the waiting crowd. They led the way to four enormous tents set up with tables and chairs. But it took them a long and winding way to get to the tent where they were to sit down and have lunch with some of their oldest friends from Washington.

HANDSHAKES AND AUTOGRAPHS

They were stopped constantly to shake hands and sign autographs, and the former President kept promising people like Clarence Mitchell Jr., director of the Washington office of the NAACP, that he would do more than sign his name to the day's program.

"I'm going to send you an autographed copy of my book when it comes out," said LBJ about the story of his White House years to be published in the fall.

Johnson seemed ruddy and relaxed. He has had a haircut, making his hair a lot shorter than it was a week ago. He looked husky in his tan suit with a yellow-striped shirt, brown tie and brown handkerchief.

He finally sat down under a yellow-striped tent, with Lady Bird Johnson sitting across from him and House Majority Leader Hale Boggs and Speaker Carl Albert flanking him. Kissinger sat beside Lady Bird.

Mary Margaret Valenti, wife of former White House special assistant Jack Valenti, came up to speak to the former President. So did Robin Duke, wife of Angier Biddle Duke, former U.S. ambassador to Spain and former U.S. chief of protocol. Rep. Robert Casey of Houston joined them.

Suddenly, Mrs. Johnson glanced at the table behind her, spotted two members of the Supreme Court, and went back in her neighborly way to sit between Justices Hugo L. Black and Thurgood Marshall.

LITTLE TIME TO EAT

The Johnsons were so busy "visiting" with all the friends who came by that they had no time to do more than nibble their platters heaped with fried chicken, brisket, barbecued ribs, sausage, beans, potato salad, sliced pickles and onions. This feast had been prepared on the grounds by Martin Jetton, the barbecue king of Texas.

"It bothers me architecturally," said Harriman. "It's too big. I don't see any purpose in wasting all this space."

Sen. Hubert H. Humphrey disagreed emphatically. "I think it's magnificent."

Simone Poulain, former assistant to Mrs. Johnson at the White House, confided to Humphrey that she had overheard someone say that the crowd "seemed like the government in exile."

"Oh, no," said Humphrey. "This is a government in preparation. You've heard of recycling, haven't you?"

[From the New York Times, May 24, 1971]

AND THE FOOD WAS PLENTIFUL

(By Raymond A. Sokolov)

AUSTIN, Texas, May 23.—Richard Nixon accepted the Lyndon Baines Johnson Library "for America," but he did not accept the University of Texas' invitation to a mammoth barbecue held after the dedication ceremony on campus here yesterday. Instead he had some of the chicken and ribs fixed up as a sort of carry-out order and ate them on Air Force One enroute to Key Biscayne, Fla.

According to some reports, the airborne barbecue wasn't nearly as succulent as the victuals served fresh to more than 4,000 lesser guests on the ground. In any case, that crowd had quite a lunch. It was definitely Texas-size and bore the L.B.J. brand. The caterers, the Walter Jetton Company of Fort Worth, prepared many large barbecues in the past for Lyndon Johnson and is just as much a relic of his Administration as the papers in the Library.

The Jetton (pronounced like Baton) shopping list ran as follows: 1,800 pounds of sliced barbecue beef brisket, 1,500 pounds of barbecue ribs, 800 pounds of Polish sausage, 600 barbecue chickens, one half ton each of Ranch Beans, Country Potato Salad and Texas Cole Slaw, 2,000 sweet onions, 8,064 sourdough biscuits with butter, 60 gallons of dill pickle spears, 150 gallons of iced tea, 50 gallons of coffee and 4,500 fried apple pies.

As for Lady Bird Johnson, the barbecue made her think of "my favorite barbecues down under the live oaks on the banks of the Pedernales. When I think of them, I see a long montage of old friends, a lifetime of home."

[From the Christian Science Monitor, May 24, 1971]

LBJ Back on Political Map for a Day

(By Courtney R. Sheldon)

LBJ, the vanished Texan, behaves in the high tradition of ex-presidents in a nuclear age. In foreign policy, peace, and war issues, the fraternity of former presidents rallies round the current lonely occupant of the oval office in the White House.

The great divide of domestic politics and personalities between present and past presidents also can be finessed.

Hs is not, however, ever completely out of mind in the White House. The Nixon administration keeps him—and former President Truman—briefed on national security and foreign policy matters and there are courtesy consultations.

Speaking in front of the magnificent, monumental library, Mr. Nixon reminisced, "The easy questions are not the ones that come to the President: those are decided at other levels."

A proud and unchanged LBJ told the friends he selected for the occasion, "A president sees things from a unique perspective. No one can share his responsibility. No one can share the scope of his duties or the burden of his decisions."

Mr. Johnson surely speaks for all former presidents in these times.

[From the Nashville Banner, May 24, 1971]

In Stalwart Americanism LBJ Stands Tall

In words of tribute—a message from the heart—spoken Saturday to an esteemed predecessor, President Nixon was expressing his own sentiment, and the nation's, to Lyndon Baines Johnson. Appropriately, they were flowers to the living, for services rendered, within present memory.

He was helping dedicate a library that is the centerpiece of the stately new 8-story complex on the Texas University campus—the official assembly place of records, papers, and memorabilia from a remarkable career of 40 years in the service of his country.

Only in America could there have been such inter-party sharing of such occasion.

No one could better comprehend the dimensions and weight of the responsibilities borne by a President who was—prior to that, a member of the House of Representatives, a U.S. Senator, a Vice-President. For Mr. Nixon has occupied each of these offices; was a colleague of LBJ in Congress, and assumed the Presidential burdens as his instant successor.

Their mutual respect has been evident—on the part of each a non-partisan attitude that stems, with their common experience, from a realization of national interest vastly surpassing considerations of either narrow partisanship or personal vanity. They are of that caliber, Americans who put their country first.

The people of the United States never have been unanimous in political conviction: for it is a land of freedom, whose very concept of that begins with the right of political self-determination. They did not all support the candidacy of Lyndon B. Johnson, nor agree with his decisions and course of action respecting either domestic or foreign affairs. But by and large there was substantial and vastly majority agreement with the unassailable fact of his solid Americanism, his courage of conviction, integrity of purpose, and dedication of heart and mind and hand to the national security and welfare, and for world peace, as he saw these to be.

The same qualities are resident in Richard Nixon—and for the success of his tenure, and for the chance to follow through in America's behalf, with the prerogatives that are his by assignment as a public trust, Mr. Johnson repeatedly has admonished both sides of the national political firmament. His advice has been effective for fairness and standards of decent attitude on those within his own party, save those on the far left—the chronic needlers, and particularly those nursing ambition's far-fetched bee in their own undersized bonnets.

These were the ones for the most part who initiated on their own Democratic side of the fence, their own 1968 Dump-Johnson drive—the campaign of harassment, on the Senate floor, and with scuttling drives against foreign policy—that eventuated in Mr. Johnson's televised announcement on Mar. 31, that he would not be a candidate for another term as President.

By and large they are the same ones who for the same basic reasons—policy-scuttling purposes, and lack of sympathy with security operations matched only by their own ambitions—are striving to drive Mr. Nixon out of office. They did not represent the American constituency in those days of crucial decision in 1968, and they do not now.

As the elder statesman of his party, Lyndon Johnson stands tall. From the perspective that is clearer in the passing years, his is a remarkable stature in the eyes and affections of his country—a great and good American; a stalwart figure in its history, so much of which in his own generation he helped write.

As President Nixon so aptly put it, in the crucial issues that have confronted his country, Lyndon Baines Johnson has been above partisanship, and is partisan only to principle. His example in that particular is the most distinguished attribute to acknowledge in any library, to enshrine in the heart, or to leave as a legacy to American generations unborn.

[From the Washington Daily News, May 24, 1971]

LBJ Got Things Done

(By Ernest B. Furgurson)

Austin, Tex.—Long before the dedication of the L.B.J. library here, they were calling it "Lyndon's mausoleum" and referring to the event itself as his resurrection. Then the scale of the ceremonies and the accompanying barbecue encouraged just that many more wisecracks about the man who has replaced Herbert Hoover as the favorite butt of American political disparagement.

That began because of his 10-gallon-personality of course but it grew and continues because so many widely quoted wits place him in one context only—that of the man who escalated the Vietnamese war. It is time, now that he has been quietly retired at the ranch for more than two years, to recover from the monomania that equated him with the war and nothing else—time to consider his record in early perspective.

When John Kennedy was killed, I was stationed in Moscow. Not only the American community there, but many other foreigners and Russians too, knew John Kennedy better than they had any other American president, and they were crushed and fearful. They knew virtually nothing about his successor, except that he was from Texas and that was where Mr. Kennedy had been slain. The conspiracy theories of the assassination found uncommon receptivity there.

Because I was the only person there who had covered Mr. Johnson in the Senate and as a vice-presidential candidate—who knew him—friend after friend came to me to ask what kind of President he would be, what we could expect now.

I knew him in the Senate as the man who got things done, most often by compromise. I knew him as a candidate who spoke out on the issues, but whose main function was to hold the South behind the Democratic ticket. I also knew that John Kennedy had asked Congress for broad civil-rights legislation but had been reluctant to press too hard for its passage lest he jeopardize action on his other "New Frontier" bills.

My feeling was that the first test of whether Lyndon Johnson as president intended to play politics or lead the nation would be whether he committed himself to passage of that civil-rights package or contented himself with a congressionally watered-down alternative. I told my friends in Moscow they might judge him the same way.

He exceeded all my expectations, and perhaps even his own.

He threw his full weight behind the civil-rights bill of 1964 and it turned out even stronger than Mr. Kennedy had proposed it the year before. In one sweep, it was the most far-reaching civil-rights legislation since Reconstruction. It covered voting, public accommodations, education, federal projects, employment and many other areas. It could not have been passed without the total commitment of the man in the White House.

Inspired by that success and the election results of 1964, he involved himself even more emotionally in the effort to guarantee voting rights. Standing in the House chamber in 1965 before a special joint session of Congress, he used the words of the anthem of the civil-rights movement, "We shall overcome," to summon the legislators to act. Five months later, he was at the Capitol again to sign the milestone bill beside a statute of Abraham Lincoln in the Rotunda.

Many years earlier, the black historian, W.E.B. DuBois, had written that "Despite everything, the Fifteenth Amendment and that alone struck the death knell of slavery." But the Fifteenth Amendment did not begin taking nationwide effect until it was put into specific law in August, 1965, with a stroke of Lyndon Johnson's pen on the voting rights bill.

Since then, the number of black Americans registered to vote has multiplied manifold, especially in the South. The number holding elected office has climbed even faster. Some day those figures will be in proportion to the black percentage of our population, and the Fifteenth Amendment will be a reality instead of a promise.

When it is, one of the Americans most responsible will be a Texan, a man who grew up in a latitude south of every state capital in Dixie and who dragged through Congress the greatest flood of social legislation in our history. Antipoverty war, Medicare, aid to education, the Great Society—the list of accomplishments in the Johnson years runs on. Walter Lippmann, who could never be accused of a bias toward Mr. Johnson, wrote that "he's done what President Kennedy could not have done had he lived."

And the single field in which his impress was greatest was civil rights, wherein he proved that it is a great mistake to judge a man by his accent.

[From the Los Angeles Herald-Examiner, May 23, 1971]

LBJ—Getting Plaudits He Deserves

(By Robert E. Thompson)

New York.—Everyone who ever has been in Lyndon Johnson's private presence probably has groped for words to describe him. The adjectives usually are the same: intelligent, tough, expansive, arrogant, domineering, compassionate, folksy, loquacious, perceptive.

But I can think of no better brief description to fit this remarkable man than one that was uttered in private recently by a wise and venerable American diplomat who has served every President since Franklin D. Roosevelt.

Sitting across a luncheon table in a foreign capital discussing his personal fondness for Dwight Eisenhowever and Harry Truman, his respect for John Kennedy and Richard Nixon, and his disenchantment with FDR, the diplomat suddenly said: "But Lyndon Johnson is the most overwhelming man I've ever met."

Almost anyone who ever has spent any time with Johnson, alone or in a small group, can agree with those words. He is a man in whom everything is magnified—his physical bearing, his personal characteristics, his conversational manner, his kindness and his anger. Lyndon Johnson, quite simply, is not a man to do things in small ways.

It should come as no surprise, therefore, that the LBJ Library which was dedicated this weekend in Austin, Tex., is the most impressive and costly of all the presidential libraries in this nation. It is an institution to match the man.

Lyndon Johnson, who first went to Washington from Texas during the Hoover administration and then watched at close hand the presidencies of Roosevelt, Truman, Eisenhower and Kennedy, has for years been concerned about his own destiny and his own place in history.

As if to leave nothing to chance, he started during his presidency to restore his birthplace on the LBJ ranch and his boyhood home in Johnson City as public monuments. He and Mrs. Johnson also began in those years to chart plans for the LBJ Library and the LBJ School of Public Affairs on the University of Texas campus.

It may be too early to know how history will judge Lyndon Johnson. But whatever the judgment, the physical memorials to his fantastic years of service to his state and nation now are intact in that rugged, rolling corner of. America that is his home country.

There still are many in this land who regard Lyndon Johnson as the devil incarnate because he escalated our involvement in Vietnam, because he sent in troops to quell rebellion in the Dominican Republic, or because he successfully fostered a monumental package of social and economic reforms that made the federal government a bold participant in educational, ecological, racial and urban matters.

In ordering bombers and troops into Vietnam, Johnson sought to follow through on basic commitments made by Eisenhower and Kennedy and to turn back the tide of Communist aggression. He, like those who advised him, including the military high command, sincerely believed their objective of a solution to the Vietnamese problem could be accomplished in a short time. At the time he made his fateful decision, the whole psychology of the cold war dictated that America not stand on the sidelines, Neville Chamberlain style, and watch an ally go down the drain.

On the domestic front, he won a 20-year battle for federal aid to education and medical care for the aged. He created new parks and recreational areas for the people. He sharply accelerated the government's efforts to clean up air and water pollution. He fathered important programs to help rehabilitate our cities.

As Senator and then as President, Johnson compiled the finest civil rights record of any public servant this nation has ever known. He was the only President to make a really serious effort to give Mexican-Americans a voice in their government.

As ex-President, he has conducted himself impeccably. He has not sought to undercut his successor, despite their partisan differences. Instead, last week he jumped into the battle on Nixon's side to prevent the Senate from arbitrarily voting a reduction in American forces committed to NATO.

This was an old role to which Johnson reverted. During the years of the Eisenhower Presidency, when he was Senate Majority Leader, Johnson repeatedly put partisanship aside to save the President's programs in areas of foreign policy and national defense.

Lyndon Johnson is an overwhelming man. One might see in him traces of Andrew Jackson's frontier flamboyance, Harry Truman's rural folksiness, FDR's autocratic manner or Abraham Lincoln's backwoods humor. But for the most part he is a vividly unique and highly individualistic human being, quite unlike any other man who ever sat in the White House.

While many of his contemporaries are determined to focus only upon his mistakes, historians of the future must give full measure also to his remarkable achievements. In the meantime, no fair American should begrudge Lyndon Johnson the plaudits that have been heaped upon him this weekend by thousands of friends and associates.

[From the San Antonio Express, May 22, 1971]

VIP Day in Austin an Appropriate Accolade for the Johnson Years

This is VIP Day in Austin.

Dignitaries by the score will be there to help dedicate the Lyndon B. Johnson Library at the University of Texas. The library will house papers from a 38-year public service career that covered this country's most exciting and, in many ways, most significant years of history.

The Johnson papers will help historians tell this country's story in the years to come and they will be the source for tracing the main historic patterns.

Dignitaries will be on hand for more reasons than that, however. Congressman-Senator-Vice President, President Johnson is a man who dealt on unusually-intimate personal terms with people in government. Indeed, as Senate majority leader, some of his critics complained that his kind of leadership discouraged debate. Yet, his kind of leadership touched persons and that so many have accepted invitations to Austin suggests the contacts were lasting.

The Johnsons, Lyndon and Lady Bird, have a keen sense of history. That is why the collection in the new library is so large. They have a keen appreciation for scholarly research. That is why the library has been planned to be so complete. They have an everlasting pride in their home state. That is why the library is located in Austin, and why Mr. Johnson has planned to be personally involved in teaching there, himself.

The library will become a memorial, quite naturally, but it is first a working research facility that covers a great American era. The VIP crowd acknowledges that along with a deserved accolade for the Johnsons.

[From the Nashville Banner, May 22, 1971]

Library Unique On Warm Side

(By Jack Knox)

Notes from Austin, Tex., "LBJ Country."

The Lyndon Baines Johnson Library, all eight floors of it, is everything the news stories have proclaimed and photographers have pictured.

In size, in the scope of its contents, in elegance and arrangement, with its electronic audio-visual supplements, it is a library unmatched in the United States—or in the world, we are told.

Along with John Morgan, chief photographer of The Nashville Banner, my wife and I were permitted to preview the interior while staff members and technicians rushed the work of having everything completed and in order in time for the dedication ceremonies and subsequent opening to the public.

But to see and hear and appreciate all of it would require days rather than hours. For it contains the minutely detailed record of the man and his time, four decades of Lyndon Johnson's public life, politics, major episodes and turning points in American and world history. And too, it is flavored with memorabilia of sentiment such as: A telegram to his daughter Luci denoting with good humor his excitement over the birth of young Patrick Lyndon Nugent . . . a letter to him from "Bird" as she reassures him that he, too, is a brave man, as brave as the 35 who preceded him. These, and other tangible items, tend to show the warm side of this man in his family and public life.

One impression expressed by my wife sticks in my mind. "When we visited the Truman Library several years ago," she said, "I had the feeling it was all history. Here, I have the same feeling of history but I also have the feeling that Lyndon Johnson's public life is unfinished. That it ends here with a comma rather than with a period. And I wonder."

Chatting with people in Austin and out in the "hill country," mention of the Library is a good springboard for talk on the subject of LBJ.

"I don't know for sure the way to address him now," said a lanky Texan in the hotel coffee shop, "but 'President Johnson' sounds mighty good to me. Nope. I'm not one of those old-line Johnson people, and I bucked hard against a whole lot of his 'Great Society' push. But in the couple of years since he came home from Washington my thinkin' has mellowed considerable. Same with a good many of us, and I'd say Ol' Lyndon's popularity would top-out plenty high if it was measured."

The driver of a pickup truck at a market on the edge of town said: "They tell me this dedication is attractin' the biggest gatherin' of political wheels since the Democrat Convention in Houston in '28. I listened to that one on the radio with an earphone and that was the first time I ever heard a radio.

"So you're a cartoonist, eh? You ought to draw that Democrat donkey bendin' an ear to Ol' Lyndon. He can tell 'em a thing or two about politics and gover'ment. And you better believe it, too!"

Is Lyndon Johnson's retirement really permanent? His friends with whom I've talked hedge the question. Most of them say they wouldn't have believed he could have relaxed and retired for this long—two years and four months. But his political opponents are fearful. What could the pressures of public opinion do? What if the Democrats take their convention to Houston in '72? "Johnson-watchers" hereabouts are keeping their eyes peeled.

Stopping in Johnson City, Tex., for gasoline, directions, and a bit of conversation, a man in the filing station said to me, "This is Lyndon Johnson's boyhood home, you know. I sort of grew up with him around here. And lookin' back to when we was boys, I reckon I had as much chance to be President as he did. That's the beauty-part about this country of ours, a man can grow big if he's got the stuff in him."

As folks see him these days, "Lyndon Johnson's got the stuff. He's plenty of a man, And that library is proof of it!"

Mr. MAHON. Mr. Speaker, the distinguished gentleman from Texas (Mr. Pickle) and a Member of the other body are placing in the Congressional Record today references to the dedication of the Lyndon Baines Johnson Library and School of Public Affairs in Austin, Tex., on May 22, last. Having been present for the occasion, I would like to urge my colleagues who were not present to read the proceedings of this memorable event.

The speeches that were made—and I include the opening and closing prayers—were magnificent and heart warming and I wish every American could have heard them. I am pleased that many who did not hear them will have an opportunity to read them in the RECORD.

The library and school are strategically located on the campus of a great university and they will mean much to Texas and the Nation in the coming years.

Warmest congratulations and best wishes to Lyndon and Lady Bird Johnson and may their hopes and dreams for the library and school be fully realized. And I think they will.

Mr. DE LA GARZA. Mr. Speaker, with many Texans doing honor to their most famous citizens and with others from over the land—my wife and I attended the L.B.J. Library dedication—a very impressive, yet informal, affair. The whole event was an expression of America and all it signifies.

There was the President of the United States, the Vice President, the Speaker of the House of Representatives, members of the Nixon cabinet, mingling with members of the Johnson cabinet, with friends from everywhere joining the former President and his lovely lady to do them the honor they so justly earned on this great day of their lives.

These were the forerunners of the students, analysts, authors, philosophers—of the thousands in the future who will pour into the L. B. J. Library to pore over the L. B. J. papers to write their version of the history he has made.

Mr. PATMAN. Mr. Speaker, for many years that I do like to remember, starting when I was a desk-mate of Sam Johnson, and when his boy, Lyndon, was as tall as a full-grown man at the age of 12, I have known that L. B. J. had a certain definite genius for persuasive communication.

The Johnsons, like the Patmans, were accustomed to spending a large part of their Sundays in church, and it follows that in his youth, the 36th President of the United States was told, with Bible authority, how the evils of this world were compounded at the Tower of Babel when communication among human beings sank to its all-time nadir. It would follow that one of the most noble pursuits of mankind is the meaningful exchange of knowledge among people and among nations.

One evening some years ago while I was at home in my Washington apartment working on a statement for a committee meeting, there was a telephone call followed by almost instant commotion in the building corridors, and I was privileged to welcome President Johnson and his lovely, charming wife, both accompanied by their favorite hound, for whom the building superintendent had graciously waived strict house rules against the presence of pets. At this meeting, I concurred enthusiastically with the President's plan for an L. B. J. Library at Austin and I agreed to donate my own accumulation of papers and documents in esse and in futuro as a part of this wonderful undertaking. I am happy at this time to confirm my intent, and to assure President Johnson that the Patman papers in their entirety will be added to the remarkable collection already assembled. With this explanatory background it was of course a great and special honor to witness and participate in the dedication of the L. B. J. Library on the 22d of May, 1971, an event of tremendous significance to Texas, to America and to all the world. This library is our commitment to an ultimate in excellence in the exchange of thoughts among men of good will. It was a particularly proud moment to be an American, a Texan, and a lifelong friend of the Lyndon Johnson family. Truly I consider this television ceremony, carrying the words of Presidents Johnson and Nixon, the finest 30 minutes in the history of Texas.

Mr. BROOKS. Mr. Speaker, history will undoubtedly prove that Lyndon Baines Johnson's administration, guided by compassion and human understanding, contributed more to the economic and social progress of this Nation than any other Presidential administration in the history of our country. It is indeed fitting that the record of his administration be preserved for scholars throughout the ages to study this most significant period of our national development.

Located on the campus of the University of Texas, the Lyndon Baines Johnson Library stands as a magnificent reaffirmation of man's urge for civilized development. In conjunction with the library, the Lyndon Baines Johnson School of Public Affairs will dedicate its efforts to the training of young men and women for the public service of our Nation. All Americans should take great pride in the Presidential library system and its contribution to our understanding of America's progress as a free Nation.

The Lyndon Baines Johnson Presidential Library will stand through the ages as a living memorial to all Americans who are concerned with the quality of human life and the uplifting of the human spirit.

GENERAL LEAVE TO EXTEND

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FIFTIETH ANNIVERSARY OF THE GENERAL ACCOUNTING OFFICE

(Mr. MAHON asked and was given permission to address the House for 1 minute.)

Mr. MAHON. Mr. Speaker, today, June 10, marks the 50th anniversary of the creation by Congress of the U.S. General Accounting Office and the Office of the Comptroller General who heads it. I wish to salute the Comptroller General, his associates, and all of the dedicated employees of this indispensable arm of the Congress.

The General Accounting Office is not only an indispensable agency of the Congress but in my judgment is also one of the finest in Government. If we did not have the GAO we would have to immediately create one. It helps Congress fulfill the high duty of monitoring the administration of appropriations to operate the Government and thus helps Congress in its continuing responsibility for seeing that executive departments and agencies keep faith with the laws and undertake to secure a dollar in value for each dollar expended.

The Committee on Appropriations is but one of the various congressional committees making extensive use of GAO facilities. Probably not a week passes that somewhere in a room of the Committee on Appropriations either a member or the staff is not making some use of one of the several hundred GAO audit and analytical reports submitted each year to the Congress. These reports, reflecting the results of GAO monitoring of the use of appropriations, are of high value to the indispensable duty of Congress to exercise continuous oversight of the administration of appropriated funds. The GAO, as the independent eyes and ears of Congress, so to speak, importantly helps discharge this role.

Created by Congress as an independent, nonpartisan, nonpolitical agency, I know of no one—in or out of Congress—who thinks the Comptroller General pulls his punches. The GAO calls the shots as it sees them—in the current vernacular, they tell it like it is. They have a reputation for unimpeachable integrity.

Mr. Speaker, it was Emerson who observed that institutions are but the lengthened shadows of men. The General Accounting Office has been headed by men of outstanding ability and devotion to the public interest. From Elmer Staats, the present Comptroller General, on back through my experience in the Congress, Comptrollers General have been men of great devotion to duty, dedicated to zealously maintaining one of the key aims of the Congress of 50 years ago, which was to equip itself with an independent facility to serve as a nonpartisan and reliable source of assistance in carrying out its constitutional responsibility for the use of the public moneys.

Mr. Speaker, as the Federal Government proliferates and Federal expenditures continue to mount, the need for the GAO increases; the burdens upon it increase yearly. It has many important duties and responsibilities beyond its audit and reporting responsibilities.

Mr. Speaker, I thought it appropriate to take this time to express deep appreciation to this institution for its half century of good and faithful service, for the high quality of its work, for its unimpeachable integrity, and for the leadership provided by the Comptroller General, including the distinguished incumbent whose job is perhaps the most difficult of all who have served in that capacity.

CONGRESSMAN STRATTON URGES THAT THE PRESIDENT TAKE THE B-70 OUT OF THE AIR MUSEUM AND USE IT TO TEST THE ENVIRONMENTAL EFFECTS OF THE SST

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I have just returned from the International Air Show in Paris, where I saw both the Soviet TU-144 and the French Concorde, the two operational foreign SST's.

What struck me most was that both airplanes, especially the Soviet TU-144, have borrowed very, very heavily from the B-70, America's prototype for a new manned bomber that was built by us and then rejected in the 1960's. The one remaining copy of that B-70 sits today in the Air Museum at Wright-Patterson Air Force Base in Dayton, Ohio.

Mr. Speaker, since both the Soviet and the French SST's are now obviously in existence and are going to be operating in the future, whatever we in the Congress may or may not do in the years ahead, and since the major popular argument against an American SST has been the environmental issue, it does seem highly desirable that we proceed as rapidly as possible to find our own answers to all the perplexing environmental questions that have been raised in connection with SST operations in the upper atmosphere. In fact this was one of the things the two prototype SST's were going to be able to do for us, before Congress shot the whole project down.

But now that it is so obvious that our ill-starred supersonic bomber of the 1960's is the working model for this first generation of foreign SST's, I believe we have a unique opportunity to get the answers to all these environmental questions, without waiting any further, simply by making use of our own original American supersonic aircraft.

I am informed that there are no insurmountable problems involved in getting the B-70 out of the air museum and getting it flying again. After all, the Federal taxpayers did spend about $1.5 billion developing 2 prototype B-70's. The first one crashed through no fault of its own. So here is a marvelous chance for the taxpayers to get some of their original investment back by using the remaining aircraft for high altitude environmental research in supersonic flight.

Even a superficial examination of the TU-144 and its engines shows a marked similarity to the B-70. The statistics are even more remarkable. The B-70 is 192 feet in length, the TU-144 180 feet. The B-70's wingspan is 105 feet, the TU-144's is 81 feet. The B-70 cruises at 2,000 m.p.h.; the TU-144 at 1,550 m.p.h. The service ceiling of the B-70 is 75,000 feet; the ceiling of the TU-144 has not been made public, but the Concorde, which is comparable, is 65,000 feet. And the maximum range of all three planes is around 4,000 miles.

Surely it would be the easiest thing in the world to put the B-70 flying back and forth in the lower troposphere, where the SST's will be regularly operating, and find out once and for all whether the nitric oxide chain reaction which some of the scientists have claimed would result from SST operations, would actually occur and would actually destroy the protective layer of ozone in the upper atmosphere that shelters us from excessive exposure to the ultraviolet rays of the sun.

So, Mr. Speaker, I have today written a letter to President Nixon bringing these facts to his attention, and urging him, both as President and as Commander in Chief, to release the B-70 from the Air Museum, and turn it over to the FAA and the Environmental Protection Agency to serve as a high altitude flying laboratory to settle once and for all the various environmental questions raised with regard to the SST, especially the matter of the skin cancer threat.

If the environmental problems prove to be insurmountable, then we will know that it will not be safe for us to proceed any further with any American SST development, whether public or private; and we can also make this information available to the rest of the world for appropriate response in connection with their own SST operations.

On the other hand, if the skin cancer and other environmental hazards that have been suggested prove not to be valid on the basis of the data picked up by this flying laboratory, then we will be in a much better position, when the economic situation permits, to resume the American effort to build a second generation SST that will prove far more efficient and very possibly may be able to take over from these early generation foreign models the predominant American leadership in supersonic jet transport aircraft which we presently hold in the subsonic field.

MALCOLM X COLLEGE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, education has long been regarded as the most potent of all liberating forces. The great majority of people have felt that with education, rational solutions to universal conflicts and problems could be found.

One of the outstanding educational institutions in Chicago, the Malcolm X College, at 1900 West Van Buren Street, has made available to the young people of our city the opportunity to secure this education.

For too long education has been the privilege of the well-born elite, but increasingly, with institutions of the caliber and capacity of Malcolm X College, economic barriers have been removed and the opportunity for higher education has been made available to all young people on an expanding basis.

Recently, the college moved to a new $21 million facility, and both as the Congressman for the Seventh District of Illinois where Malcolm X College is located, and as a former teacher in the Chicago public schools, I am tremendously proud of the fine contribution this institution is making toward providing opportunities for educational advancement in the inner city.

I extend my warmest congratulations to Dr. Charles G. Hurst, Jr., president of Malcolm X College, to the faculty, and to the students on occupying their new facility, and my best wishes for continuing growth and advancement, not only in education but in service to the people of the community as well.

Mr. Speaker, recently radio station WLS in Chicago broadcast an editorial comment on Malcolm X College, and I call this editorial to the attention of my colleagues:

> CONGRATULATIONS, MALCOLM X COLLEGE
>
> Students and faculty members at Malcolm X College have moved into a new building as streamlined as their new-day approach to education. And we at WLS congratulate them.
>
> Their beautiful structure on the city's west side is well-deserved after many months of working to carry on as a unique learning institution despite limited facilities.
>
> But even with that 21-million dollar building, the most outstanding thing about Malcolm X College is the expressed concern for the individual student. And the experience that comes in being educated at a school that so embraces the apparently-elusive principles of freedom, justice, and equality.
>
> The school is moving ahead in spite of criticism and misunderstanding. We believe Malcolm X Community College has a campus and a program of which the entire city can be proud.

CHILDHOOD LEAD POISONING—19 MAJOR HEALTH ORGANIZATIONS SUPPORT FUNDING OF LEAD-BASED PAINT POISONING PREVENTION ACT

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, authorizes a total of $30 million to fight childhood lead poisoning for fiscal year 1972. In very few instances could $30 million—the cost of just two F-14 jet fighters—be so well spent. Childhood lead poisoning is more prevalent today than was polio prior to the development of the Salk vaccine.

Nineteen major national organizations have organized to form the Coalition for Health Funding to press for funding the act, as well as other health legislation. The coalition includes:

American Academy of Pediatrics;
American Association of Colleges of Osteopathic Medicine;
American Association of Colleges of Pharmacy;
American Association of Dental Schools;
American Dental Association;
American Heart Association, Inc.;
American Nurses Association;
American Optometric Association;
American Public Health Association;
Association of American Medical Colleges;
Association of Schools and Colleges of Optometry;
Association of Schools of the Allied Health Professions;

Association of State and Territorial Health Officers;

Association of University Programs in Hospital Administration;

National Committee Against Mental Illness;

National Council of Community Mental Health Centers;

National Tuberculosis and Respiratory Disease Association; and

Planned Parenthood—World Population.

All of these organizations have, through the Coalition for Health Funding which they comprise, joined to support funding the Lead-Based Paint Prevention Act. Specifically, the Coalition urges funding of the grants programs authorized under the act which are to be implemented by the Department of Health, Education, and Welfare. That funding, is, needless to say, urgently needed.

PROGRESS TOWARD A MENTALLY HEALTHY AMERICA

The SPEAKER pro tempore (Mr. BOGGS). Under a previous order of the House the gentleman from Kansas (Mr. ROY) is recognized for 5 minutes.

Mr. ROY. Mr. Speaker, in the field of mental health, no name stands more proudly than that of Menninger. Beginning with the late Dr. Charles F. Menninger, this family has provided national leadership in the fight for effective and dignified treatment for those with mental disorders.

Dr. Charles and his sons, Dr. Karl and Dr. Will, founded the world-renowned Menninger Clinic and Foundation in Topeka, Kans. With these institutions, they pioneered in treating mental and physical disorders in a community-clinic setting.

The foundation is a nonprofit organization for psychiatic treatment, training and research, and for the prevention of mental illness. It helps give psychiatric training in the Topeka Veterans' Administration Hospital, the Topeka State Hospital, and others. It conducts research and runs a department for children, an industrial mental-health program, and a marriage counseling training program.

Dr. Karl serves today as chairman of the Board of Trustees of the Menninger Foundation. He is a giant in the psychiatric profession. His writings, teaching, and research activities have provided much of the impetus in recent decades for the improvement of hospital facilities for psychiatric care and for greater individual and personal attention toward mental patients.

Today, at 78, he continues his activities on behalf of enlightened psychiatry with the enthusiasm of a recent recruit to the struggle and the wisdom of the experienced leader that he is.

The late Dr. Will Menninger was perhaps best known for his service as chief consultant on psychiatry to the Surgeon General of the U.S. Army during World War II, for which he was presented the Distinguished Service Medal.

His special interests were in the fields of industrial and preventive psychiatry. He served the Menninger Foundation for many years as its general secretary.

Today a third generation of Menningers is continuing the work that has meant so much to this country. For doctors seeking training, for all concerned citizens seeking guidance, and above all, for the ill seeking health, the Menninger name remains the brightest beacon lighting this Nation's path toward mental health.

As a physician, I have been aware of the contributions of the Menningers for many years. They have made Topeka one of the most psychiatric-minded communities in America.

As a Congressman, I have become aware of the esteem in which the family is held in all parts of the country. I have also become aware of the interest of Congress in the field of mental health. In fact, this month we celebrate the 25th anniversary of the National Mental Health Act.

Since 1946, Congress has taken other important steps which have advanced the cause of the mentally ill. Much remains to be done. As a physician, I hope to help develop Federal programs which will insure that the enlighted psychiatric techniques of the Menningers receive the widest possible dissemination.

Recognizing the interest of this body in the fight against mental illness, I wish to bring to the attention of my colleagues the William C. Menninger memorial lecture delivered by Mr. Mike Gorman at the recent annual meeting of the Menninger Foundation.

Mr. Gorman, executive director of the National Committee Against Mental Illness, needs no introduction to most Members of Congress. For more than a quarter of a century, he has labored to bring the plight of the mentally ill to public attention. He began as a reporter for the Daily Oklahoman in Oklahoma City in 1945, and 3 years later was the first newspaperman in the country to receive the coveted Lasker Foundation Award for "public information leading to public action."

He has lectured widely and written numerous books and articles. He has worked with both the executive and legislative branches of our national government to initiate Federal action on behalf of mental health. He had major influence on the landmark Community Mental Health Centers Act of 1963.

Mr. Gorman's remarks, entitled "Psychiatry: From Isolation to Involvement," are an excellent presentation of the progress in the field of psychiatry since World War II. They should be required reading for anyone interested in the ideals of the Menningers, that is, for all of us.

Since 1919, when the Menninger Clinic was founded, America has come a long way in its recognition and treatment of the mentally ill. We still have a long way to go. With the help of men like the Menningers and Mike Gorman, we may yet reach a goal men have plodded toward for centuries—a healthy society, in both mind and body.

The item follows:

PSYCHIATRY: FROM ISOLATION TO INVOLVEMENT

I feel very comfortable and nostalgic in returning once again to Topeka and to the Menninger Foundation, which I have canonized in my theological tracts as the Vatican of American psychiatry.

When I began touring the mental hospitals of Oklahoma in 1945, I couldn't believe—as I found out later—that the barbarous, inhumane treatment of patients in these cumbrous institutions was in any way representative of conditions in the rest of the country. In an attempt to gain some perspective and balance, I made a number of trips to Topeka. I spent many hours touring the Topeka State Hospital and the Winter Veterans Administration Hospital, but I spent many more hours communing with, and learning from, Drs. Will and Karl Menninger.

I remember a conversation late one evening in the fall of 1947. The three of us had just finished a day of going through Topeka State; I made the observation that it was painfully similar to the concentration camps for mental patients in Oklahoma. Dr. Will nodded his assent, then began to reminisce about his experiences as Chief of the Physchiatric Division of the Army Medical Corps in World War II.

"When I took over", he said, "the Army thought of psychiatry largely in terms of the disposal of psychotics."

In his characteristically pragmatic way, Dr. Will had gotten to the heart of the matter. Until we altered this sentiment deeply rooted in the American people and in their elected representatives, we would make very little progress.

Here in Kansas, you began the first rethinking of what a public mental institution should be. When Drs. Will, Karl and I went to visit Governor Frank Carlson in 1948 our mission was to convince him that, with the aid of the Menninger Clinic, you could transform a custodial snake pit into a genuine psychiatric hospital where patients could be intensively treated and returned to their communities. Governor Carlson bought the concept, and the rest is history.

There was a second consequential dividend accruing from my Topeka experience. The Winter VA Hospital, then a ramshackle collection of wooden Army barracks, was gradually evolving into a first-rate hospital which would prove that you could maintain a high standard of psychiatric care in a publicly supported institution if your treatment goals were clear and if your funds were adequate.

However, the past dies hard. Those of us who went up and down this land walking through the dark wards of these institutions were frequently bitterly attacked for what we wrote. We were unduly alarming families of mental patients, we were casting aspersions upon the medical profession, we were creating false hopes which never could be realized, and so the bill of particulars ran.

It was a long, hard, fiercely-contested battle. The large mental hospitals—monasteries of the mad—dominated the psychiatric landscape in a most oppressive manner. Many superintendents—self-anointed Keepers of the Keys—rattled them in defiance at those few progressive spirits trying to smuggle a breath of the community beyond the feudal walls. An English psychiatrist, after visiting some of our intimate hospitals in the 10,000-bed range, described them as "like Victorian castles washed out by the sea and deposited on remote sandbanks."

Because they were not intensive treatment facilities—because their overseers were arrogantly indifferent to the social welfare reforms sweeping across other parts of the body politic after World War II—the seemingly inevitable yearly increase in the resident census of these institutions continued, and even accelerated. In the period from 1945 to 1955 alone, 130,000 additional mental patients were jammed into the already overcrowded wards of our state hospitals.

New York State in 1954 had five mental

hospitals in the 10,000 bed range and one—Pilgrim State—with more than 15,000 beds. Yet, in that very same year, the late Governor Thomas Dewey proposed—and succeeded in passing—a $300,000,000 bond issue to add more beds to the existing psychiatric real estate.

I became increasingly convinced that the only way to break the hold of a strongly entrenched custodial philosophy was through a direct political effort. Therefore, our time and attention was increasingly devoted to the State Governors, either as individuals or through their regional and national conferences, and to the state legislators. This strategem was rather successful; we saw the growth of separate state departments of mental health, increased funding for the hospitals, and the addition of mental illness to the agenda of important national concerns. This effort culminated in the invitation extended to Dr. Will, Dr. Jack Ewalt and myself to address the National Governors' Conference in Honolulu in 1961. We were given two hours for our presentation—two hours more than mental illness had been allotted at all previous conferences. Because of his many appearances before state legislatures, Dr. Will was particularly well received at the Honolulu conference.

Despite these rather heartening developments, psychiatry was neither a very potent nor united force in these early struggles I have depicted. There was still an elitist line of demarcation between private and public psychiatry. This polarization was most apparent in the kind of care a mental patient received; if he was quite effluent, he could seek out an analyst in one of the larger cities and pay and talk, and talk and pay, for ten years; if he came from the working class, his one and only recourse was the publicly-operated hospital. Intermediate levels of care were few and far between.

Departments of Psychiatry in the medical schools were skeletons in search of flesh. In the period immediately after World War II, the chairman was frequently a part-time teacher; the few faculty appointments were restricted to busy people with heavy private practices. In the 1950's, the momentum picked up; Departments of Psychiatry with full-time faculties burgeoned forth all across the country.

The National Institute of Mental Health was created by the Congress in 1946, but it did not begin to function as a separate entity of the Public Service until 1949. In its early years, inadequate funding severely restricted its impact upon the national scene.

It is not hard to find the bridge which began to span the gap between the era of isolation and the era of involvement. It was the report of the Joint Commission on Mental Illness and Health. The fact that it was Congressionally-sponsored indicated, in no uncertain terms, that the plight of the mentally ill had now come into heightened national focus. Furthermore, the American Psychiatric Association, the American Medical Association, and a host of additional leading professional and lay organizations were brought together for the first time to take a cold, anthropological look at how we were handling the mentally disturbed in this country.

As the final report released in 1961 notes:

> "Our proposal is the first one in American history that attempts to encompass the total problem of public support of mental health services and to make minimum standards of adequate care financially possible."

In a deeply significant way, which was to become much clearer in subsequent years, the Joint Commission report came to be regarded as a watershed document which held out the possibility of obliterating the invidious economic distinctions which had prevented millions of Americans from seeking and receiving psychiatric care. It also created the conceptual base for a liaison between entrenched psychiatric solo practice and the emerging drive toward a greater level of public responsibility for the mentally ill.

In shaping the landmark community mental health center legislation adopted by the Congress in 1963 and expanded in 1965, American psychiatry moved on to the center stage of the body politic. Many of its Orthodox shamans testified at the Congresional hearings on the legislation, and the 1965 conference on community mental health which the American Psychatric Association sponsored played a crucial role in the passage of authorizations for the staffing of the centers.

For a number of years, some of us had been trying to persuade the health insurance carriers to include adequate coverage of mental illness in their policies. Only a handful of psychiatrists joined us in this rather lonely hair shirt crusade. However, when the United Auto Workers decided in 1964 to bargain for comprehensive out-patient psychiatric coverage for all of its members, psychiatry moved dramatically and forcefully into the picture. Under the leadership of Dr. Daniel Blain, leaders in the profession worked closely with the UAW in achieving in unprecedented psychiatric benefit. The same successful pattern was repeated a few years later with the United Steelworkers of America, nailing down the proposition that the worker had the same rites of passage to good psychiatric care in the community as did his white collar counterpart blessed, or cursed, by affluence.

On the Congressional front, psychiatry became much more visible and credible. For example, it concerned itself increasingly with the budgets of the National Institute of Mental Health and sent some of its Board-certified Cardinals to Capitol Hill in support of increased monies for research, training, and the mental health centers program.

As compared to the situation just a couple of decades ago, when hospital superintendents kneeled as docile mendicants before state legislative committees and when an oppressive pall of silence and apathy hung heavily over the shadow world of mental illness, we witness today an exciting ferment of activity and personal participation characterizing the psychiatric landscape.

The community mental health center movement, with its open door policy and its store front clinics, has been a major catalyst in forcing psychiatry to probe its role in society. During the past few years, there has been a vigorous debate as to how far the psychiatrist should project himself into the buffetings and abrasions of his clients in the community. Does he take a position on poverty, racism, rent gouging by slum landlords, rigid and hostile welfare agency procedures, and the like. The psychiatrist trained twenty or thirty years ago utters the conditioned reflex caveat that such a degree of involvement dilutes the clinical effectiveness of the practitioner. The young Turks reply that you can't just treat the patient in antiseptic isolation; you must pull an oar in eviscerating the vectors which generate emotional illness and alienation.

As old certainties go by the boards, vexatious new issues create understandable anxieties in the profession. The rise of the militant consumer is a case in point. In a few of our urban mental health centers the patients, and/or their designated representatives, demand an increasing status in policy making. The eventual outcome of this struggle is not yet clear, but it is obvious that the hagiocracy of psychiatrists as Gods and dispensers of all wisdom is fading toward the grand climacteric.

As the elderly barfly observed rather wearily in Saroyan's "Time of Your Life": "There is no foundation all along the line."

As community psychiatry expands and becomes a port of entry for thousands upon thousands of patients formerly dispatched to state institutions, the ancient bastions of the mad are running out of permanent boarders. Since 1955, there has been a truly impressive 40% reduction in patients in our state mental hospitals—from a high of 558,000 in that year to only 338,000 last year. Several states are closing hospitals; this trend will accelerate in the years ahead.

The unsettling loss of formerly impregnable psychiatric real estate is the ego-shattering counterpart of a paradox with regard to the image of the psychiatrist. Largely through the stimulus of financial infusions from the National Institute of Mental Health, thousands of additional psychiatrists are trained. As a consequence, vigorous Departments of Psychiatry vie for the top banana spot in our medical schools. In some of these medical incubators, the psychiatrist has even replaced the lordly surgeon as the impossible ego model for the neophyte. Symbolic of this heightened stature is the recent birth of an American Association of Chairmen of Departments of Psychiatry.

On the other hand, new types of mental health personnel are taking over many of the functions formerly assigned to psychiatrists. In the field of community psychiatry alone, we now have community mental health workers, neighborhood aides, child-care advocates, and the career spigot is far from dry. Many of the centers are actually run by the disciples of "ancillary" professions. On this tremulous terrain, the psychiatrist finds it difficult to maintain his equilibrium.

These various happenings gestate powerful pressures for a revamping of the traditional psychiatric residency curriculum. Many of the young doctors now moving into the psychiatric pipeline express a distinct aversion to solo practice. They demand a freshly minted preceptorship with more emphasis on social psychology, group dynamics and mass behavior. The response to this concern has been languid, with only a few graduate courses in community psychiatry attempting to fill the void.

Amid all this turbulence, there is one fixed star: The surge toward reform and personal involvement already challenges at every level the comfortable patterns and protocols of yesteryear. The annual meetings of the American Psychiatric Association are no longer sedate affairs wherein old-timers socialized and a handful of brave souls honored the ritual of reading papers to largely indifferent audiences. We now have opposing slates for top positions in the APA, opinion polls of the membership, and resolutions on everything from homosexuality and the alienation of youth to the current agony in Southeast Asia.

In all fairness, the APA has come a long way. Over the past several years, it has shed its Establishment cape and wrestled with the knotty problems of delivery of health care, endemic poverty, racism, and the identity crisis of the psychiatrist as he encounters the disturbed in heart and mind or their own barren turf.

With the sweet smell of some success, comes an aroma of impatience. As psychiatry gets more and more involved, the demands of its new found constituency increase—do something about drug addiction, alcoholism, crime, sexual incompatibility and for God's sake, stop the War;

Here the moment of truth is reached. If you are in Mr. John Gardner's game of breaking up old institutions, you have to cultivate some cool and pay heed to the rigors of selectivity. As he presented it in a recent speech describing the purposes of Common Cause:

> "We could take positions on scores of issues and it wouldn't necessarily help anyone or anything . . . We can take on only a few fights at a time."

In the present era of intensified involvement in mankind's many discomforts, psychiatry cannot play the Wise Elder on all issues. Its technical competence is not all that dazzling and its practitioners, largely because of undue professional pressures, have little time to gain the necessary expertise. In "Psychiatry and Public Policy", an address to the 1965 American Psychiatric Association Convention, I put it in these terms, and I think it bears repeating:

"Psychiatry must face up to the fact that it cannot begin to meet the demands for psychological and social help from the poor, the underachieving in our schools, the frustrated among our blue collar workers, the claustrophobic residents in our crowded cities, and so on almost ad infinitum."

On the basis of a realistic assessment of what it can uniquely provide, it must pick and choose its targets. Once indifferent and unsure about the booming, buzzing world beyond its parochial pad, it must not succumb today to frenetic urgings from within and without the profession that it box the compass to prove its relevance. Much of the inflated rhetoric in the professional journals, wherein the clinicians point with alarm and the new breed points with hope, is superficial froth because psychiatry has not yet devoted the time and the sweat to the metaphysical question of what it is and where it wants to go.

In conclusion, I offer this word of consolation as the brickbats fly overhead. All of us in the mental health field can look back with a great deal of satisfaction to progress over the past quarter of a century. In that brief span of time, we have telescoped more improvements in the condition of the mentally ill than in the previous two centuries.

The age of banishment and public indifference is over. Having pierced the custodial walls and unchained the mental patients, our task in the years ahead is to shape a society in which a decent respect and compassion for all our brethern will pervade the land.

It will not be easy. Dr. Will, whose labors in the vineyard of public education were without peer in his own profession, traversed all of the rocks and hard places in one succinct observation which I have quoted endlessly and shamelessly over the years:

"Further progress in the difficult field of mental illness will come only when millions know enough, care enough and are willing to work together hard enough to make it come."

TAX RELIEF FOR HOMEOWNERS

The SPEAKER pro tempore. Under a previous orders of the House, the gentleman from Texas (Mr. Price) is recognized for 30 minutes.

Mr. PRICE of Texas. Mr. Speaker, this afternoon I am introducing the Home Owners' Tax Relief Act of 1971. Joining with me in sponsoring this proposal are my distinguished colleagues: Joseph Addabbo, of New York; Walter Baring, of Nevada; Mario Biaggi, of New York; Ben Blackburn, of Georgia; Frank Brasco, of New York; William Broomfield, of Michigan; James A. Burke, of Massachusetts; Shirley Chisholm, of New York; Edward Derwinski, of Illinois; John Dowdy, of Texas; Thaddeus Dulski, of New York; Mendel Davis, of South Carolina; O. C. Fisher, of Texas; Edward Garmatz, of Maryland; Barry Goldwater, Jr., of California; George Goodling, of Pennsylvania; Ella Grasso, of Connecticut; Seymour Halpern, of New York; Orval Hansen, of Idaho; James Hastings, of New York; Wayne Hays, of Ohio; Louise Day Hicks, of Massachusetts; John Hunt, of New Jersey; Carleton King, of New York; Paul McCloskey, of California; Romano Mazzoli, of Kentucky; John Moss, of California; Alvin O'Konski, of Wisconsin; Bertram Podell, of New York; Robert Roe, of New Jersey; John Rousselot, of California; Fernand St Germain, of Rhode Island; and Sam Steiger, of Arizona.

At the outset, I would like to acknowledge my debt of gratitude for the capable drafting assistance provided me by two very able practicing lawyers in the State of Florida, Michael W. Fisher of Jacksonville and H. Vernon Davids of Orlando. That I represent the 18th Congressional District of Texas rather than any Congressional District in Florida made no difference to these outstanding young men; their dedication to reforming the Federal tax framework of this Nation was not bounded by geographical considerations. Their interest lies in promoting tax justice, and for that they deserve to be commended by the Members of this House and the homeowners of this Nation.

Mr. Speaker, my proposal addresses itself to the tax problems of our Nation's homeowners because I believe that they are overburdened by the combined weight of local, State, and Federal taxes. Thus, in an effort to ease their burdens, I am proposing that the Internal Revenue Code be altered in certain areas as it applies to those who own and reside in their own homes.

For the benefit of my colleagues, I am inserting at this point in the record a summary of the principal provisions of the Home Owners' Tax Relief Act of 1971. Inasmuch as my proposal is a complex and far-reaching one, I think a review of this summary will facilitate a better understanding of the act's details.

Principal Provisions of the Home Owners' Tax Relief Act of 1971

SEC. 2

Enables a home owner to depreciate the investment in his home in the same manner as residential property held for rental purposes can be depreciated. A deduction limitation of $1,500 is imposed to reduce incentives for wealthy taxpayers to purchase expensive homes for tax write-off purposes.

SEC. 3

Provides that if the taxpayer elects to depreciate his home, his tax bases will be decreased accordingly. This makes a homeowner's tax status parallel with owners of residential rental property.

SEC. 4

Provides that the taxpayer who owns shares in a cooperative housing corporation will have similar depreciation tax relief as proposed for the individual home owner.

SEC. 5

Enables the taxpayer to deduct up to $1,000 for his home repairs and maintenance. This deduction is limited to exclude amounts spent for domestic servants and management of property.

SEC. 6

Enables a taxpayer to deduct as a capital loss, his economic loss on the sale of his home to the extent it does not exceed $5,000. While this section helps alleviate any economic losses suffered by an individual who must buy and sell his home within a short period of time, the $5,000 limitation minimizes potential abuses.

SEC. 8

Authorizes the taxpayer to utilize the standard deduction as well as the proposed deductions for some ownership including, within certain limits, real estate taxes and home finance interest charges. At the present time these are deductible only if the standard deduction is not taken. In operation, this section gives the home owner parallel tax status with the investor in residential rental property.

SECS. 7 AND 9

Changes present law giving taxpayers 65 or older choice of either electing non-recognition of gain under Sec. 121 or 1034, but not both. This eliminates the possibility of regressive taxation occurring in some situations where both sections are applicable. These sections also raise the non-recognition limitation for the sale of a home by persons 65 and over from $20,000 to $40,000. This increase represents a much needed adjustment to offset the effects of inflation, particularly in the building industry, that has occurred since Sec. 121 was enacted in 1964.

SEC. 10

Provides a taxpayer 65 or older with a $1,000 deduction if he has a life interest in a retirement home which represents an investment of at least $5,000. Under present regulations a life interest in a retirement home does not constitute a "principal residence" as defined in Section 1034 and used in this Act. This section is included because an elderly taxpayer who avails himself of the facilities of a retirement community should not be denied tax relief merely because he does not hold legal title to his residence.

Mr. Speaker, in my judgment, the Home Owners' Tax Relief Act of 1971 has much to recommend it. Individual homeownership is of singular importance to this society as we know it, for those who own their own homes tend to have a greater interest in local affairs and community life than do renters and transients. Thus, in a public policy sense, structuring Federal tax policy to favor homeownership is quite consistent with the public interest.

When speaking of the concept of homeownership, it must never be forgotten that individual homeownership represents an unparalleled opportunity for the average American to make a substantial investment for the future. In purchasing a home, an individual takes part of the income he allocates for living expenses and invests it in his residence. Moreover, as financial security is a goal for which most Americans direct much of their energy, and since the problems of financial security beset such a significant portion of the Nation's elderly, creating a new Federal tax policy, one that encourages an individual to invest in a home, is a highly desirable goal of legislative action.

Despite the positive aspects of homeownership, I would point out that as a practical matter homeownership is becoming less attractive to individuals and to families. For one thing, the rate of local and State taxation has soared in recent years, and homeowners are bearing what in many States is a disproportionate share of the increases. For another thing, living patterns and life styles of the American family have changed quite dramatically in recent years; according to recent statistics, the average family moves once every 3 years. This cannot help to adversely affect the attitudes of potential home buyers, particularly when one considers the economic fact that if a person purchases a home that he is forced by circumstances to sell after a year or two, it is more probable than not that the homeowner will lose money on the deal. Thus legislating a new Federal tax policy that would ease the tax burdens of homeowners and would diminish the negative aspects of homeownership for mobile individuals and families would also be a desirable public policy goal.

Finally, it is a matter of dismal fact that the economy is not functioning as fully as it is capable of doing. Enacting this act would provide new strength to the economy because to the extent individuals see owning a home as an advantage rather than a detriment and focus their purchasing power accordingly, to that extent the home construction, repair, and maintenance industries will be strengthened. And when one takes stock of the fact that the home construction, repair, and maintenance industries traffic in such goods and services as lumber, concrete, plaster, paint, tile, plumbing, heating, electrical, steel, and other related items, the multiplier effect and the economic impact of an upswing in home purchases becomes obvious.

In sum, Mr. Speaker, the Home Owners' Tax Relief Act of 1971 promotes fairness in Federal tax policy, is consistent with American traditions of private property ownership, and is an economic booster. Any tax revenue losses occasioned by the act, losses which could potentially exceed $5 billion, would be partially offset by the new revenues accruing from the expected increases in the home construction, maintenance, and repair industries.

I urge my colleagues to give this proposal their careful attention and their full support. In my judgment, the interests of tax justice and the needs of our Nation's homeowners demand nothing less.

STILL NO PROGRESS ON THE PRISONER-OF-WAR QUESTION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, on December 7, 1970, almost 6 months ago today, I placed in the CONGRESSIONAL RECORD the names of the 1,531 Americans missing in action in Vietnam. In the intervening period the United States has continued to withdraw troops from Vietnam, and the scope of the war has lessened substantially to the point where frequently more Americans are killed by accidents irrelated to combat there than by hostile action.

However, there is still no progress on the prisoner-of-war question. Although President Nixon has brought home over 75,000 soldiers in the last 6 months, the enemy has not sent home one of our men they hold prisoner.

Today, it is my sad duty to update the list of missing in action and add the names of 50 additional men who may now be held prisoner by the North Vietnamese, Vietcong, and the Pathet Lao. Regrettably, during the last 6 months, it has been learned that 20 of those previously listed as missing have now been confirmed as killed in action. Their names also follow my remarks today, and they will be listed in the next Vietnam Roll of Honor which I shall place in the CONGRESSIONAL RECORD within the next several weeks.

It has now been 7 years and 76 days since the first American was captured by the enemy. During all of that time, Hanoi has absolutely refused to honor the Geneva Convention on Prisoners-of-War, as have the Vietcong and the Pathet Lao. No inspection of prison camps is permitted, sick and wounded are not repatriated, and little mail gets through.

Thus, for each name listed below, anguish and uncertainty begins for the family and friends. Whether he is sick or well, whether he is in prison or lost in a steaming jungle, even whether he is dead or alive—each of these questions daily haunts the lives of his loved ones.

President Nixon has made an irreversible decision to bring U.S. troops out of Vietnam. The only question remaining is the timing of the withdrawal. His primary consideration as he brings men home from Vietnam is the safety of those who remain behind, especially those who are held captive by the enemy. The President has stated that so long as one American remains in enemy hands, he will not order all American troops to return from Southeast Asia. In this decision, he undoubtedly has the support of the American people.

I believe that the other side has misjudged the effect of their attempts to make American prisoners of war political pawns in the war for public opinion. Instead of building U.S. domestic sentiment for immediate withdrawal, Hanoi's policy serves to maintain American public sentiment in support of the war. In my view, more humane policies would hasten U.S. withdrawal, not prolong it. In fact, President Nixon has publicly stated just that.

Earlier this year, I personally delivered to the North Vietnamese Embassy in Paris a letter stating how I thought the POW issue was prolonging the war in Vietnam. I have withheld the content of the message until now hoping Hanoi would respond.

Regretfully, the Communist representatives at the Paris peace talks have not seen fit to respond, and indeed, I cannot be sure my message was even read.

My efforts to secure personal interviews with them during my stay in Paris were fruitless. Prior to leaving Washington, I sent a telegram to North Vietnamese delegate Xuan Thuy which stated:

> Would like to visit you in Paris February 22 or morning February 23 to discuss certain aspects of war in Southeast Asia. Hope you can meet with me.

I received no response prior to my departure; however, upon my return to Washington I found the following telegram at my office:

> Sorry cannot dispose time meet with you concerning POW issue. Please ask Mr. Nixon—DRV Delegation.

The North Vietnamese must have deduced that I wanted to talk about American prisoners held captive since I did not mention it in my wire.

Nevertheless, once in Paris I made several efforts to see the North Vietnamese delegation. An interview appointment was suggested by them only after the Hanoi embassy had first determined that I would have returned to the United States prior to the suggested date. I learned that this was a tactic often used by them to avoid meeting with Americans.

The best I could do was to go alone to the North Vietnamese Embassy in Paris, rap on the door and hand my letter through a small heavily barred opening in the main door.

In my view, this was most unfortunate for all parties to the conflict, because the argument I wished to advance was one which, to my knowledge, had not previously been presented to them.

Hanoi seems to be laboring under the misapprehension that their crude, unjust policies toward POW's work to their advantage, building resentment in the United States against further involvement in the war. Actually, it is working just the opposite. It is the one issue on which almost all Americans unite; we cannot complete our withdrawal from Vietnam until the safe return of all prisoners is assured.

Here is the text of my appeal to Xuan Thuy:

> Minister XUAN THUY,
> *Chief of Delegation of the Democratic Republic of Vietnam, Avenue General Leclerc, Choisy-Le-Roi, Paris, France.*
>
> DEAR MINISTER THUY: Regardless of their varied opinions on the war in Southeast Asia, virtually all Americans are agreed upon one thing—United States military personnel held captive in Southeast Asia are not proper subjects in the political bargaining for a settlement of the war. Evidence of this fact is abundant. While no one would argue that over 80 per cent of Americans agree on anything, including the conduct of the Vietnam war, a survey after the raid of Sontay of next-of-kin of prisoners-of-war showed that fully 81 per cent approved of the attempt, while only 10 per cent disapproved.
>
> Nothing has so served to maintain American public sentiment in support of the war as the lack of progress on the prisoner-of-war issue. There is a growing, gnawing doubt and pessimism on the part of most Americans, a doubt which serves only to harden public attitude toward those who are daily accused of violating international law and of mistreating prisoners-of-war. This growing doubt is the single most important factor which tends to build support in my country for a hard-line policy in Vietnam.
>
> Difficult as it is for Americans to contemplate anything but total victory in any military effort of which they are a part, it is utterly impossible for them to consider abandoning their military men to the vicissitudes and uncertainties of a drawn-out settlement—military or political. Never before, not during either of the World Wars nor during the Korean conflict, have prisoners been exchanged on any basis other than for their opposite numbers held captive. To inject a political element into what for Americans is an emotional, moral and compassionate subject is to infuse the Southeast Asian war with a surrealism which works against any settlement—not in favor of one.
>
> With all respect, I would like to suggest the Democratic Republic of Vietnam and the representatives of the National Liberation Front consider adoption of a policy of flexi-

bility on the prisoner-of-war issue and attempt to determine what the reaction of world opinion might be to such a policy.

One very limited step which I would like to suggest for your consideration is the following: North Vietnam has submitted a list of those missing Americans who are no longer alive. It would be an act of great human compassion if your government would provide to the families of these dead men information of a strictly personal nature. It would mean a great deal to them if you could provide them with any personal belongings of their loved ones, information about their remains, and possibly the location of their burial. Surely such information can have no military or political significance to your government. Yet to these loved ones, many of whom still cling to the agonizing hope that their soldier is yet alive, this step would be an act of mercy which would permit them to begin rebuilding their lives.

A second small step which you might consider would involve providing more specific information on the status of certain men whose fate is presently uncertain. For example, some photographs of prisoners have been released by your government from which identification is impossible. While the number is not large, the immense agony caused to families of missing men is best illustrated by a recent occurrence. Recently your government released a film clip containing the pictures of over 60 prisoners-of-war. It has not been possible positively to identify at least 20 of the Americans pictured, yet 800 separate American families have "identified" one of the 20 photographs as being of their loved one. Your assistance in helping to identify these men would be an act of humanity which all the world would applaud.

In other cases, we know, and your government has confirmed, a pilot has gone down over North Vietnamese territory, and his fate has been established. Left unclear has been the status of the co-pilot of the same aircraft. The uncertainty caused the family of the co-pilot is only heightened by the fact that the pilot has been found and is classified as either captured or dead.

In cases such as the above, I would gladly cooperate in providing photographs of identified prisoners, or the names of missing co-pilots, in order to facilitate identification.

I would hope that this second small step might be considered by your government, and I am sure that the rewards at the bar of world opinion would be substantial.

From your own point of view, such an initiative would also enable you to judge the relative desirability of adopting a position of flexibility on the prisoner-of-war issue. I would hope that such a policy would be possible, and that further initiatives could follow leading to an eventual exchange of all prisoners held by both sides.

Thank you for giving this matter your serious consideration.

Sincerely yours,

PAUL FINDLEY,
Member of Congress.

Unfortunately, there has still been no response to my letter, although the fate of hundreds of Americans hangs in the balance. Each of these men truly ranks with the other heroes of our history. Each has been called upon to sacrifice mightily for his country. Each deserves every recognition and honor we can bestow upon him. And each must have our prayers.

List of those classified missing in action from September 19, 1970, to May 15, 1971:

David Franklin Allwine, James Henry Ayres, Charles Albert Beals, Jack Meyring Butcher, Joseph Lyons Chestnut, Donald Martin Cramer, Barton Sheldon Creed, David Arthur Davidson, Dennis Irvin Day, Richard Clair Dority, Thomas Allen Duckett.

Fred Allen Gassman, David Landrell Ginn, Norbert Anthony Gotner, Jame Arthur Harwood, Luis Gallegos Holguin, Charles Lee Hoskins, Lewis Howard, Jr., Clive Garth Jeffs, Larry Gene Kier, Perry Castellion Kitchens.

Jeffrey Charles Lemon, Carroll Baxter Lilly, Harold Benton Lineberger, Patrick Joseph Magee, Arlie Robert Mangus, Jerry Dean Martin, Wyatt Miller, Jr., Calvin Andrew Norris, Thomas Richard Okerlund, Stanley Edward Olmstead, Dennis William Omelia.

William August Ott, Carl Anthony Palen, James Robert Pantall, Michael Duane Parsons, Ralph Nathan Pattillo, Bernard H. Plassmeyer, Ferris Ansel Rhodes, Jr., Ronald James Schultz, Donald Emerson Shay, Jr.

John Daniel Shewmake, Sr., Walter Harris Sigafoos, Jr., Owen George Skinner, James L. Smith, Robert L. Standerwick, Sr., Douglas Frank Strait, Charles Wayne Stratton, John Curtis Stringer II, Peter Joe Wilson, David Walter Woods.

List of those previously classified as missing which have, since September, 1970, been reported as dead:

Clyde Douglas Alloway, Mark Albert Babson, Jr., James Albert Bailey, James Douglas Birchim, Victor Patrick Buckley, Clyde William Campbell, Carl Russell Churchill, Raphael Lorenzo Collazo, Lawrence Yerges Conway, John Alanson Dixon.

Dallas Alan Driver, Jimmy Ray Garbett, Michael Lee Klingner, Raymond Gregory Moore, Charles C. Pfordt, Jr., Lynn Kesler Powell, James Terry Savage, James Lawrence Suydam, James Henry Turner.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Edwin Austin Abbey was one of America's foremost illustrators and mural printers.

Studied at Pennsylvania Academy, joined staff of illustrators, Harper's Weekly, 1871, resigning in 1874 to freelance. Concentrating on faithful recreation of 17th and 18th century modes and manners in pen and water color, he developed a charming, original style. Commissioned to sketch in England in 1878, he remained there save for brief visits to America. His best work is found in selections from the poetry of Robert Herrick, 1882, Goldsmith's "She Stoops to Conquer," 1886; "Old Songs" 1889, as muralist, he won fame for designs in the Boston public library and the Pennsylvania State Capitol.

THE NATION DISCUSSES KANSAS ATOMIC WASTE PLANT

The SPEAKER pro tempore. Under a previous order to the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 10 minutes.

Mr. SKUBITZ. Mr. Speaker, the June 7 issue of the Nation features an in-depth article on the proposed Kansas atomic waste dump. Entitled "The AEC Has Something for Kansas," the piece was written by Randy Brown, investigative and special assignments reporter for the Wichita Eagle, a major Kansas daily newspaper.

Mr. Brown has compressed into a relatively brief and eminently readable article a tremendous amount of factual material about the background and current status of the Atomic Energy Commission's endeavor to find a place to bury vast amounts of rapidly accumulating deadly atomic-waste materials. The article is a first-class piece of well-balanced journalism and reflects credit on Mr. Brown, and particularly upon the Nation, for bringing such information to its educated and informed readers.

In my judgment, my colleagues in the Congress will find the article interesting and informative, bringing into perspective the conflict between the welfare of a citizenry and their land, on one hand, and, on the other, the power of a Government agency under pressure to deal with a Frankenstein that grew out of its zeal to spread the peaceful uses of the atom. I ask, therefore, Mr. Speaker, that the text of the Nation's article be reprinted in the CONGRESSIONAL RECORD.

NUCLEAR GARBAGE DUMP—THE AEC HAS SOMETHING FOR KANSAS

(By Randy Brown)

WICHITA.—The United States Atomic Energy Commission both promotes and regulates the use of commercial nuclear energy, which is akin to putting General Motors in charge of automobile safety standards. In the words of one Kansas Sierra Club official, "it's a helluva way to run a railroad."

Right now, despite myriad protests and unanswered questions, the commission is chargin ahead with plans to run its railroad—composed of heavily shielded freight cars (as yet unbuilt and undesigned) loaded with commercial atomic waste material—right into the heart of Kansas. The nuclear debris (some of it "high-level," or extremely radioactive) is to be buried 1,000 feet underground, in an abandoned salt mine at the edge of the town of Lyons. There, the AEC is trying to convince everyone, it will repose peacefully until it breaks down to a "safe" level at various dates, stretching, for the most persistent particles, almost 500,000 years into the future. Unless something happens to divert this plan, Kansas will become, starting about 1975, the nation's commercial graveyard, and the AEC's trains will descend on the state from reactor sites all across the United States.

Apart from those provided by the AEC, there are no federal guidelines for the proper disposal of atomic waste, which will pour out of commercial generators at a geometrically increasing rate for the remainder of the 20th century. Nor has Congress provided legal remedy for those who wish to prevent their state or community from becoming an atomic garbage dump. The AEC itself is without established criteria for public participation in decisions concerning the disposal of nuclear waste. All this leaves Kansas with a near-total dependence upon the noblesse oblige of the AEC, and therefore the commission has demonstrated a lot of noblesse and very little oblige.

Since June 1970, when the commission announced that Kansas had been "awarded" a "National Nuclear Park," the AEC has been assuring everyone that the safety and integrity of the project, which eventually will cost U.S. taxpayers $25 million, was virtually beyond question, that all proper studies had been made, that Lyons was the best possible site for nuclear waste disposal, that Kansas would be doing a vital service for the rest of the nation, and that any bugs in the plan could be engineered out as the project proceeded.

But also since the announcement, a growing body of independent scientific and political opinion has cast varying degrees of doubt on almost every AEC contention and has added a number of questions and considerations to the discussion. From early this year, some critics have been calling for suspension of the project, until further studies can prove beyond doubt the safety of the site and the suitability of AEC methods. The AEC, while admitting that it has not conducted at least two safety studies considered vital by independent scientists, and reluctantly agreeing to conduct them, is agreeing to no such moratorium and continues to ask urgently for $3.5 million for the purchase of land and to complete designs for storage. Why the AEC wants to buy a site that may yet prove unsafe and unsuitable is an open question, but one good guess can be made by combining statements from project critics—one from the staff of Rep. Joe Skubitz (R., Kan.), and another from Dr. William Hambleton, director of the Kansas Geological Survey. A Skubitz aide says, "AEC is in a bind. . . . They've got to get rid of [a great deal of already accumulated waste] and the salt mine at Lyons is the only place they've studied." Hambleton adds, "The power tactics of the AEC do not fill us with confidence. . . . One wonders whether the AEC can ever be stopped once it gains momentum."

If the AEC is indeed in a bind, and it gives every indication of being so (Milton Shaw, director of reactor development for the commission, has been quoted as saying, presumably only half in jest: "We're not in a panic situation. If this doesn't go, we'll throw up our hands and probably cut our throats"), it is really no wonder; the problem of nuclear waste is accelerating. By the end of 1971, twenty-nine nuclear power plants will be operating in the United States; by the year 2000, the AEC estimates, there will be nearly 1,000, producing 3,000 metric tons of waste to be buried at Lyons annually. Already, the AEC is holding 80 million gallons of both commercial and military high-level liquid waste in temporary "repositories" near Idaho Falls, Ida., Richland, Wash., and Aiken, S.C. Sen. Frank Church (D., Ida.), has demanded that the Idaho Falls wastes be removed because of the possibility that the storage area, which is directly above the Snake River aquifer, will pollute that water supply. There also has been a hassle in the state of Washington.

The AEC has been eyeing Kansas as the solution to its commercial waste problems for almost fifteen years, although it still hasn't decided what to do with military waste. In 1961, an initial foray into the state came to grief when the late U.S. Sen. Andrew Schoeppel brought the rest of the Kansas Congressional delegation into his fold and effectively blocked the project. Information gathered by the Kansas Sierra Club indicates that the AEC, now trying for a second time to enter the state, sought to evade a repetition of the political problem by issuing a memorandum to the effect that AEC employees were to keep quiet about Lyons.

At any rate, the commission, under the guise of demonstrating a method for disposing of radioactive wastes in salt, has been around the Lyons area since 1965. The AEC's plans are relatively simple. After the waste reaches Kansas by rail, it will be lowered into the mine, which will have been enlarged with a series of tunnels and chambers. The atomic debris, shielded with steel, will be buried in pits carved into the chambers, after which the chambers will be back-filled with crushed salt. The AEC wants to purchase 200 acres of surface land and acquire subsurface rights to another 1,000 acres, thus acquiring a 1-square-mile underground vault with a capacity of 1.28 million cubic feet of waste, 280,000 cubic feet of which will be the high-level variety. The AEC concedes that, within three years of burial, the steel containers will disintegrate from the tremendous internal heat of the debris and the eroding action of the salt, but it insists that the salt will permanently seal off the radioactive particles from the environment.

One Kansas geologist is said to be convinced that salt "is not the stuff" in which to bury atomic wastes; he is therefore very anxious that the AEC carry out additional testing before it goes further with site acquisition and design. That view is in the minority; most scientists, both inside Kansas and out, feel that, under ideal conditions, salt may be the safest medium to use because of its relative inertia and high melting point. But whether the safety of salt has been proved by actual test and whether the Lyons mine satisfies the necessary "ideal" conditions are subjects still open to serious question.

Hambleton, who has worked with the AEC and its independent contractors in studies for the project and who is considered Kansas's most informed scientist on the geological conditions in the area, has well-substantiated reservations. He asserts that the AEC has not made sufficient studies of the heat flow problem associated with radioactive material, nor properly examined the effect radiation will have on the structure of the salt. Problems with heat flow and radiation damage to salt are not likely, but the results would be so catastrophic, if they did occur, that the possibilities must be studied.

Once freed from the containers, and under the right set of circumstances, the radioactive material could conceivably generate temperatures up to 800 degrees centigrade in the mine, causing salt in and around the mine to flow, Hambleton contends. The AEC has estimated that temperatures could not go above 350 degrees centigrade, but such an assumption is based on an "oversimplification," he charges.

The commission based its conclusions on a half-salt, half-shale composition of the area; actually, the subsurface strata consist of alternating beds of salt and shale. Since heat flow is greater in sites of alternate layers, temperatures in the mine could reach 800 degrees. At that point, Hambleton said, the salt would flow and consolidate to a much greater degree than the AEC expects. As a result, overlying rocks could shift and sink, producing fractures through which surface and ground waters could reach the salt. The salt would then dissolve and expose the radioactive wastes to the Kansas environment.

In a report to the Congressional Joint Committee on Atomic Energy, Hambleton expressed a further concern: the large amounts of energy stored in the salt could be released by structural changes caused by radiation, and that could set off a series of underground explosions and cause a heat chain reaction, raising temperatures far above the original AEC estimate and resulting in the destruction of the storage area and the exposure of the wastes.

Waste retrieval, in the event something goes wrong, and transportation of the radioactive material over long distances are two other problems the AEC hopes to "engineer out" as the disposal scheme proceeds. Says Hambelton: "We judge that plans for safe transportation of these radioactive materials are completely inadequate and that no contingency plans for retrieval of waste exists at all."

AEC says it will carefully chart the location of all containers and that waste material will not move from the area in which it is buried even when the canisters disintegrate. Hambleton demurs, saying the wastes will indeed migrate because of salt flow and the natural movement of radioactive particles. The AEC admits that it has only "postulated" a retrieval method, but says it would go in with a full-scale mining operation if that should prove necessary.

Although some of AEC's own people have raised doubts about the safety of moving high-level radioactive waste halfway across the country, AEC points to its transportation record and says it will design freight cars to haul the waste without mishap. Cylinders containing the material are to be imbedded in 100-ton ceramic blocks, a proposal that causes critics of the project to wonder whether Kansas railroad beds are strong enough to support such weight.

All the project's problems are compounded by the extreme radioactivity and longevity of the high-level waste. One of the cylinders, for example, contains material emitting 10 billion rads of radioactivity, enough to kill everyone in the United States. Three really troublesome isotopes would be buried in Kansas: strontium-90, cesium-137 and plutonium. Sesium-137 emits gamma radiation, which can easily penetrate thick shields, and, like stronium-90, will remain dangerous in human terms for about 600 years. Plutonium, which is dangerous only if actually ingested into the body, will be lethal for half a million years.

Obviously, safety standards for such a project can tolerate no possibility of mistakes. The AEC has a fine safety record, with no loss of life or serious injury, but the record is hardly perfect. There have been fifteen known cases of liquid-waste tank failure, eleven in Washington and four in South Carolina.

Hambleton's criticisms are perhaps the most impressive because of his expert knowledge about Kansas and the Lyons area, but he is hardly alone. Gov. Robert Docking has belatedly joined the general call for a delay. (In late 1970 he had said: "There is nothing Kansas can do now to stop the Atomic Energy Commission from placing a nuclear waste repository at Lyons.") The U.S. Department of the Interior has declined to endorse the project until further studies are made. Forty-six state Representatives and eight state Senators co-sponsored a resolution backing the moratorium. And on May 8, a U.S. Environmental Protection Agency report, released by the entire Kansas Congressional delegation, strongly backed project critics. EPA pointed out the need for "further review of the environmental and safety implications of the project," and added that the AEC should give more consideration to the long-term ability of salt to hold wastes and prevent them from contaminating the environment. The EPA report also emphasized that plans should be developed for recovery of the wastes. On May 22 the EPA returned to the subject, saying "it is not possible for us to assess fully the environmental impact" on the basis of information supplied by the AEC.

More critics enter the fray when the specific questions—why Lyons? why Kansas?—are raised. The AEC says it chose Lyons because it is located in the largest area of salt deposits in the country; it has the lowest population density of all sites considered; it is located in an area of low seismic activity.

The "population density" argument is particularly fascinating. If population is of any concern, one has grounds to question the safety of the AEC's plans. In fact, Representative Skubitz says, the AEC has indicated to him that it hesitates to dump the wastes near Detroit because of the high population there, and, presumably, the possibility of an accident. A site near Hanover, Wash., was termed perfectly safe by an AEC official in 1965; apparently it is no longer considered so. Skubitz points out that extensive salt beds exist all through Michigan, Ohio, Pennsylvania and New York; all these areas are much closer to the vast majority of the reactors which create the wastes.

From the perspective of geological history, the Lyons area is indeed stable, but whether it is significantly more stable than the East Coast is another moot point, for Kansas is certainly not free of seismic disturbances. The Department of the Interior states that "since earthquakes have occurred at many times in the Kansas-Nebraska region, they can be expected to occur in the future." Skubitz comments: "We experienced an earthquake in Kansas less than 100 miles from the Lyons site as late as 1968."

But it is the implication that Kansas has been "awarded" the project and that the state will be performing a vital service by accepting it that really galls Skubitz and many other Kansans. "Most misleading of all," says Skubitz, "is the suggestion that if Kansas agrees to become the nation's atomic dump by permitting the construction of a tax-exempt federal facility, it would be doing the nation a 'vital' service. The fact is that Kansas would be performing a 'vital' service only for privately owned nuclear power plants of such companies as Consolidated Edison of New York, Detroit Edison of Michigan and Commonwealth Edison of Illinois. There are no nuclear power plants in Kansas today."

The suspicion is growing that, since opposition in Idaho and Washington has already stalled AEC disposal plans for those states, Kansas is the AEC's last hope. Rather than having been "awarded" anything, a lot of people feel that the state will have "lost" in competition with its forty-nine brothers.

Though it finally agreed in March to conduct the heat flow and salt radiation studies so passionately requested the AEC has handled the clamor in a style Hambleton calls "lateral arabesque. . . . Each time the AEC is faced with a decisive question, the question is delicately sidestepped. . . . The AEC will yield just as much as it has to in order to gain its objectives and will attempt to override all opposition with the sheer weight of its total resources. . . . In our contacts with the scientists and engineers at Oak Ridge National Laboratory, we have been impressed with their forthrightness, candor and technical competence. However, whenever our questions were referred to a higher echelon in the AEC, we were met with silence, delay or evasion. . . . We have had cause to question . . . the credibility of the AEC."

At first, Hambleton was willing to let the AEC proceed with site acquisition, since he assumed that, being a reasonable scientist asking reasonable questions, his concerns would be shared. But questions from the state geological survey have been greeted with "arrogance," he said, and the AEC treated the survey's initial concerns "as of little consequence." Now Hambleton wants to block the portion of the proposed appropriation that would go for land purchase.

Skubitz has spent the better part of a year trying to get some straight answers—with little success. In a letter to AEC Chairman Dr. Glenn T. Seaborg, he accused the AEC of "bureaucratic doubletalk, the Orwellian jargon that war is peace," and added: "It is obvious why the AEC has become increasingly suspect and why Kansas citizens must become increasingly wary of AEC machinations." Skubitz is fond of saying that "the AEC is trying to play God" and that commission bureaucrats feel Kansans are "country bumpkins."

Governor Docking also is piqued. "I do not want this repository in Kansas until a majority of Kansas scientists and citizens are satisfied it will be safe. At this time, I am not satisfied it will be safe—and neither are a majority of Kansas citizens and scientists. . . . I resent the high-handedness of some AEC officials in the 'steamroller' approach to moving ahead with plans for the repository at Lyons."

Lyons, a farm city of about 5,000 persons located in the center of the state, is officially prepared to place absolute trust in the AEC. The commission has told the city fathers that the project will bring new jobs and new industry into Lyons. But aside from the 200 persons who will be required to run the disposal plant once it gets into high gear about 1980, one wonders what there is about several thousand tons of high-level atomic waste material, lying 1,000 feet underground at the end of a dusty lane called 5th Street, that will attract new industry. A study aided by the Boeing Company has produced no answer to this question. However, the Mayor, the leading banker and the Lyons *Daily News* stand solidly behind the AEC, and the criticism that is building undoubtedly galls them. One Lyons citizen said he was told by a member of the Chamber of Commerce not to attend a forum on the project in Wichita. The large capacity for trust displayed by the citizens of Lyons is said to be inspired by the sure and certain knowledge that the federal government wouldn't put something in their town that wasn't safe, practical or necessary to the American way of life. Residents are quoted in the state and national press as saying they know the AEC is O.K. because they went to church with AEC scientists for several years, the atomic energy "is something that kept me from having to storm the beaches of Japan"; that Lyons "just couldn't get a cleaner industry," and that "it's about the grandest thing that could happen to a place." Mayor Robert Briscoe sums it up: "It all boils down to who you put your faith in. . . . We put ours in AEC."

But you don't have to spend much time in Lyons to discover that the local citizens are neither "country bumpkins" about the project nor owned by the Chamber of Commerce, and that their placid acquiescence has been considerably overplayed. A teen-age girl says that the AEC should conduct more studies and that the project scares her. A middle-aged service station operator believes most people in the area really are opposed. An elderly woman comments that she's for it, but that public ardor has cooled considerably of late, probably as a response to the statewide cry for more studies, and more investigation. One of the most vexing problems posed by the "Lyons Nuclear Park" is the long-term nature of the danger; the response of some Lyons middle-aged folk is curious: "Well, we won't be around if anything goes wrong, anyway."

Some Kansans now are preparing efforts designed to insure that nothing goes wrong at any time. Skubitz already has testified before the House Public Works Committee, which held hearings during May on the $3.5 million appropriation for land purchase and project design. The House Appropriations Committee should report to the floor of the House some time in July on the request. The AEC meanwhile has asked the Joint Committee on Atomic Energy to increase the commission budget by $1 million for the additional safety studies. One project critic calls the AEC's safety studies' request a "sop" to speed approval of the $3.5 million.

If the AEC does obtain its money, the Kansas Sierra Club is planning to file an injunction halting the project. Ron Baxter, club chairman, feels such an injunction could be obtained "easily," and the club wants it to stick until AEC comes up with an environmental statement that meets the approval of the President's Environmental Council and until additional studies are reviewed and O.K.d by *independent* scientific sources. And Governor Docking has already asked the Kansas Attorney General to prepare some kind of injunctive relief to enforce the moratorium.

Even though salt flow and radiation studies are still incomplete (if done properly, they may require one to two years), the AEC remains adamant. Dr. Seaborg is full of assurances that no atomic waste will be put into the Lyons salt mine until all safety questions are answered, but the AEC continues to insist that money for the land purchase and project design be appropriated (and the project, thus, in effect begun) so that "safety studies are not delayed."

Kansans, into whose backyard will be placed commercial nuclear wastes ten to thirty times as radioactive as military wastes now being produced, are not convinced that the project must get started before all possible precautions are taken. On the other hand, there is little or no "scare" opposition to the mere concept of such a project in Kansas. Kansans want to believe that all is well; they are not worried by the "mushroom cloud" myth; if AEC plans are proved safe and sane, most reluctance will disappear.

Although the AEC seems to be opening up a little in response to criticism being heaped on it, answers and solutions have not been the commission's primary consideration. It admits that it sees the disposal of nuclear waste as secondary to the development of commercial nuclear power. Sen. Frank Church has calculated that the commission has spent billions on the development of atomic energy in the last twenty-five years and only $50 million in research on waste disposal. Now the AEC has promised to stop the Lyons project if it determins that the plans are unsafe. Will it? What if an independent scientific review disputes AEC's findings or draws from them conclusions different from those of the commission? Will the AEC then halt the project? Can the AEC, or any government agency, be an effective watchdog over its own conduct? Kansas is not reassured.

PANAMA CANAL MODERNIZATION: COMPTROLLER GENERAL'S COMMENTS PLACE RESPONSIBILITY ON THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. Flood) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, the vital question of providing increased transit facilities across the American Isthmus has been before the Congress periodically since 1939. Cognizant committees in both House and Senate now have under consideration identical measures to provide for the major modernization of the Panama Canal: S. 734, introduced by Senator Strom Thurmond; and H.R. 712, introduced by me. These bills would authorize the resumption of construction on the suspended 1939 Third Locks project for the existing Panama Canal as modified and operationally improved as a result of experience during World War II. Work on this project, it should be noted, was deferred in May 1942 because of more urgent war needs for personnel, materials, and shipping.

A total of more than $171,000,000 has been expended toward the major modernization of the Panama Canal as follows: $95,000,000 on the enlargement of Gaillard Cut and other channel improvements completed on August 15, 1970; and $76,357,405 on the Third Locks project, chiefly on lock site excavations near Gatun and Miraflores for a set of additional larger locks for larger vessels. These two lock site excavations were substantially completed and can be utilized for the major increase of capacity and operational improvement of the existing Panama Canal with every assurance of success. The modernization plan provided in the bills is the operationally based, time tested and strongly supported Terminal Lake-Third Locks proposal developed in the Panama Canal organization during World War II and approved by President Franklin D. Roosevelt as a postwar project.

In line with normal legislative procedure the above-mentioned bills were referred to various agencies of Government for comment. So far I have received a copy of the comments by the Comptroller General of the United States, which correctly places the responsibility in the premises squarely where it belongs—on the Congress.

Because the Comptroller General's letter failed to present essential facts that cannot be ignored, I discussed it at considerable length in a reply to the chairman of the House Committee on Merchant Marine and Fisheries and distributed copies of both letters to all Members of the Congress.

As the contents of the indicated letters should be of interest to responsible agencies in the executive branch of our Government and users of the Panama Canal, I shall quote them as parts of my remarks along with the full text of H.R. 712 to which they refer and commend them for consideration by the Congress, its jurisdictional committees, and others who may have related responsibilities.

Mr. Speaker, here I would emphasize that after many years of study of the canal problem, including numerous consultations with various experienced independent canal and defense experts, I consider that the plan contemplated in the indicated bills offers the best solution of the interoceanic canal problem when it is evaluated from all angles—the Terminal Lake-Third Locks proposal. Not only does this plan enable the maximum utilization of all work so far accomplished on the Panama Canal it is also best from every significant point of view—operational, maintenance, economic, diplomatic, and ecological. Accordingly, I urge prompt hearings on the indicated bills.

For those seeking additional background information, attention is invited to my addresses in the present Congress as follows:

"Panama Sea Level Project: Danger of Poisonous Pacific Sea Snakes Infesting the Atlantic," Congressional Record, January 21, 1971: "Panama Canal Basic Issues: Sovereignty and Modernization," Congressional Record, April 5, 1971; and "Transcendent Panama Canal Issue: U.S. Sovereignty or U.S.S.R. Control," Congressional Record, May 3, 1971. In addition, a volume of my addresses on "Isthmian Canal Policy Questions" published as House Document No. 474, 89th Congress, contains much authentic information.

A reading of the above-listed addresses and volume will emphasize that the Panama Canal is not a matter with which to trifle but a major policy question that can be wisely resolved only through a reasoned line of thought and the realities involved. The great Isthmian challenges are: First, the maintenance of undiluted U.S. sovereignty over the U.S.-owned Canal Zone territory, and, second, the major modernization of the existing Panama Canal under current treaty provisions. All other canal questions, however important, are irrelevant and should not be allowed to confuse the two great issues.

In these general connections, it should not be overlooked that the establishment in 1959 of Soviet power in Cuba was the first major step for a final takeover of the Panama Canal. Since the Cuban missile crisis of 1962 the growth of Soviet naval power has been astounding. For the first time in its history, the U.S.S.R. is currently using its deployed naval strength in areas not contiguous to the Soviet Union. Its war vessels are now operating on a sustained basis in the Mediterranean and the Indian Ocean, and periodically in the Caribbean and Gulf of Mexico. It is in Soviet interest to open the Suez Canal and to gain control over the Panama Canal, as such events would have the same effect as greatly increasing the number of vessels in Soviet fleets that are now prowling in strategic waters of the world. Until the Soviet challenge is removed it is in Western interest to keep the Suez Canal closed. Under any conditions, it is imperative that the United States retain its complete sovereignty and jurisdiction over the Canal Zone and Panama Canal.

The present pro-Communist-infiltrated revolutionary Government of Panama, trying to keep itself in power and aiming to drive the United States from the isthmus, is making unwarranted and unrealistic demands for the surrender by the United States of the Canal Zone, the installations therein, and the canal itself. This would inevitably lead to a complete Communist takeover of the Panama Canal as well as of Panama and endanger the security of the entire Western Hemisphere. Such a tragic eventuality would be wholly precluded by the enactment of the pending legislation to which reference has been made.

The indicated letters and bill follow:

May 26, 1971.

Hon. Edward A. Garmatz,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives.

Dear Mr. Chairman: The May 4, 1971, letter of the Comptroller General of the United States comments on H.R. 712, 92nd Congress, a bill that would authorize the major increase of capacity and operational improvement of the existing Panama Canal, which is identical with S. 734 introduced by Senator Strom Thurmond. These measures provide for the elimination of the bottleneck locks at Pedro Miguel, raising the present summit lake water level (82′–87′) to its optimum height (about 92′), construction of an additional channel of larger locks, consolidation of all Pacific Locks south of Miraflores near Aguadulce, and creation of a summit level terminal lake at the Pacific end of the canal, thus making the Pacific lock site layout correspond to that at Gatun on the Atlantic side.

The Comptroller General's letter correctly summarizes decisive elements in the recommendations of the December 1, 1970, report of the Atlantic-Pacific Interoceanic Canal Study Commission under Public Law 88-609 headed by Robert B. Anderson as follows:

(a) That the "existing" Panama Canal be "modernized" to provide its "maximum potential capacity"; but

(b) That "no additional locks" be constructed.

The recommendation in the cited Anderson report for "modernizing" the existing canal is definitely misleading as it consists only of routine programs of repairs and minor alterations for the *existing* canal and its structures as may be required for efficient maintenance and operation. The recommended "modernizing" would not be the long-needed major canal modernization but merely treatments of individual symptoms; and after their completion the canal would still be essentially what it was in 1914!

The recommendation in the 1970 report "that no additional locks should be constructed" conforms to the 1944 warning by former Governor Glen E. Edgerton of the Panama Canal to the Secretary of War that advocates of a sea level canal "would oppose *unjustifiably*" any major change in the *existing* canal. This was a most significant warning by the well informed governor who recommended the proposal for the elimination of the Pedro Miguel Locks to the Secretary of War for comprehensive investigation ("Report on Proposals for the Elimination of Pedro Miguel Locks for the Panama Canal", par. 70, quoted in *Congressional Record,* Vol. 102, Pt. 8 (June 21, 1956), pp. 10756–66).

In this light, the two cited recommendations of the 1970 report for "modernizing the existing canal" and "opposing" the construction of additional locks are mutually contradictory as well as misleading. In consequence, the Comptroller General is in error in this connection and your committee should be so advised.

The Comptroller General's statement that the "action that should be taken with respect to the existing canal involves matters of national policy for determination by the Congress" is highly pertinent and serves to place responsibiilty squarely where it belongs—on the Congress.

The history of the 1939 Third Locks Project, as stated in the Comptroller General's comments on H.R. 712, is accurate as far as they go. There are, however, some factual omissions with serious budgetary, economic and financial implications as follows:

1. Expenditures so far made toward the major modernization of the existing canal include the following:

Third Locks Project, suspended in May, 1942	$76,357,405
Enlargement of Gaillard Cut and other channel improvements, completed on August 5, 1970	95,000,000
Total	$171,357,405

2. The "expansion or new construction" as provided in H.R. 712, which would authorize completion of an additional channel of larger locks for larger vessels, can be accomplished under existing treaty provisions without any indemnity to Panama whatever (Debate on Hull-Alfaro Treaty of 1936, *Congressional Record,* Vol. 84, Pt. 9 (July 24, 1939), p. 9834).

3. The total investment of the taxpayers of the United States in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000. Recoveries during the same period were $1,359,931,421, making a total net investment on the latter date of more than $5,000,000,000. The total net investment as of June 30, 1971, should be considerably greater.

4. The canal modernization plan provided in H.R. 712 will enable the maximum utilization of all work so far accomplished on the Panama Canal since 1914 without the danger of disastrous slides, without treaty involve-

ment, and with every assurance of success, which facts cannot be disregarded.

5. The *initial* cost estimate for the sea level project (Route 10) recommended in the December 1, 1970, report is $2,880,000,000, but this figure does not include provisions for (a) acquiring the necessary right of way and (b) an inevitable huge indemnity to Panama, which items were altogether ignored by the Anderson study group.

6. The sea-level proposal recommended in the 1970 report primarily for the alleged vulnerability of the existing canal and national defense hinges upon the cession to Panama by the United States of its sovereignty over the Canal Zone and Panama Canal with the total loss to the United States of all the extensive and valuable installations and structures in the Zone territory, the canal itself, and the Canal Zone.

7. As to such cessions the Comptroller General failed to make any reference to Article IV, Section 3, Clause 2 of the U.S. Constitution, which vests the power to dispose of territory and other property of the United States in the Congress; that is to say, in the House and Senate. The Anderson panel report also ignores this Constitutional provision.

8. Any sea-level project, either in Panama or Canal Zone, would require a new treaty or treaties with Panama and thus open up a Pandora's box of problems, including diplomatic involvements with Great Britain and other great maritime nations as well as with Colombia (Hay-Pauncefote Treaty of 1901 and the Thomson-Urrutia Treaty of 1914–22).

It is generally agreed by independent experienced and competent canal experts that the plan contemplated in H.R. 712 will provide the best operational canal practicable of achievement at least cost. The great costs involved in any sea-level undertaking would necessarily divert funds from urgent national defense and other programs of the United States as well as lead to a large increase in tolls.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., May 4, 1971.

Hon. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your letter dated March 4, 1971, requesting our comments on H.R. 712, a bill "To provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes."

This bill would (1) direct the Governor of the Canal Zone, under the supervision of the Secretary of the Army, to proceed with the work necessary to increase the capacity and improve the operations of the Panama Canal in accordance with a modified version of the Third Locks project initially authorized by the act of August 11, 1939 (53 Stat. 1409) at a cost not to exceed $850 million, and (2) establish a five-member advisory and inspection board to oversee the planning and construction of the project.

The Third Locks project initially authorized by the act of August 11, 1939, contemplated the construction of a third lane of locks near each of the existing three lock sites at a cost not to exceed $277 million which was authorized to be appropriated. Construction was started in July 1940 and by May 1942 most of the lock excavation at the Miraflores and Gatun sites had been completed. However, at that time work was suspended due to World War II priority demands for labor and material, and the work has never been resumed.

The Atlantic-Pacific Interoceanic Canal Study Commission was established pursuant to Public Law 88–609, as amended. In its final report to the President dated December 1, 1970, the Commission recommended that the existing canal be modernized to provide its maximum potential transit capacity, but that no additional locks should be constructed.

The question concerning the action that should be taken with respect to the existing canal involves matters of national policy for determination by the Congress. We have no recommendations to make regarding the proposed legislation.

Sincerely yours,

R. F. KELLER,
Assistant Comptroller General of the United States.

H.R. 712

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

SEC. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the Third Locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel Locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000, which is hereby authorized to be appropriated for this purpose.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company," respectively, for the purposes of this Act.

(c) In carrying out the purposes of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

SEC. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer of the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The Secretary and other personnel of the Board shall serve at the pleasure of the Board.

SEC. 4. (a) The Board is authorized and directed to study and review all plans and designs for the Third Locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the Third Locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the Third Locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the Third Locks project and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

SEC. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations there in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

SEC. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. There are hereby authorized to be appropriated to the Board each fiscal year such sums as may be necessary to carry out its functions and activities under this Act.

SEC. 13. Any provision of the Act of August 11, 1939 (54 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

FDA AND THE VITAMIN C RECALL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. ROSENTHAL) is recognized for 10 minutes.

Mr. ROSENTHAL. Mr. Speaker, we have been hearing and reading much lately about the amazing properties of vitamin C for curing colds and other ills. There have been runs on stores selling vitamin C tablets, and books and articles are coming out almost as fast as orange blossoms.

The Food and Drug Administration on May 27, 1971, issued a news release nationwide advising that some vitamin C tablets on the market contain undeclared sodium ascorbate rather than ascorbic acid, and excessive use may be hazardous for some persons. But there was one gaping hole in the announcement—the agency failed to tell which vitamin C tablets were misbranded.

That is tantamount to the movie reviewer for the local newspaper telling his readers that a new film in town is poorly acted, poorly written, poorly directed, and a waste of their time and money, but refusing to tell them the title.

The FDA had available the following day a list of at least 13 brands of vitamin C tablets being recalled voluntarily by manufacturers because they contained sodium ascorbate instead of ascorbic acid. But did the agency include this with the news release or send it out later? No. Reporters and others who wanted to know names of the misbranded products had to call the FDA and ask to have the list sent to them.

This is a somewhat unusual practice, even for the industry oriented FDA. A more normal standard procedure is to specifically identify potentially hazardous products by brand name and manufacturer simultaneous with issuance of the warning.

Makers of these vitamin C tablets did not state on the product labels whether they were substituting sodium ascorbate for ascorbic acid.

I have been told by FDA people that some substitution has been going on for some time and the agency was unaware of it until a Seattle consumer began complaining that her vitamin C tablets did not taste right. Lab tests revealed the substitution, and further investigation showed it was widespread.

In normal vitamin C intake, the FDA reports, the substitution would not cause harm, but it could be dangerous for those taking vitamin C in large amounts and for those who must limit their sodium intake.

Anyone in doubt, should turn to the most common and safest form of vitamin C—an orange.

The first FDA Weekly Recall report published after the May 27 vitamin C warning named only seven of the 13 brands recalled, although all were known by the Washington office by at least May 28, when the list of 13 became available. That weekly report was issued on June 2.

According to the June 2 FDA Report, these vitamin C recalls began as early as April 14, more than 6 weeks before the public notice. One of the misbranded products appeared on the May 19 FDA Weekly report, 2 weeks after the manufacturer began calling it back; that incident, apparently, occured before the FDA considered the mislabeling problem great enough to issue a public notice.

The latest weekly FDA report, published yesterday, listed several additional vitamin C recalls, but four of the original 13 brands on the May 28 list still have not appeared on the weekly reports.

One problem in this particular consumer protection procedure is that industry is not always required to report its recalls to the FDA and very rarely, if ever, does industry report recalls to consumers.

Incidents such as this one involving misbranded vitamin C tablets perform a disservice to both the consumer and industry. FDA's failure to immediately identify the offending brands in its original news release was doubly misleading—it concealed from consumers the identity of the offending products and it cast shadows of doubt on manufacturers who were doing an honest and accurate job of labeling their products.

In the interest of informing all consumers of this potential hazard and protecting honest businesses, I am inserting in the RECORD the original FDA news release; the list of 13 original recalls supplied to me by the FDA, including the four that are yet to appear on a weekly recall report, plus those portions of the Weekly Recall reports pertaining to vitamin C tablets.

I would not have to do this if the FDA was adequately responsive to the public welfare. The proper procedure would have been for an immediate public notice by the agency, naming names and giving consumers all the necessary information

The news release follows:

HEALTH, EDUCATION, AND WELFARE,
Rockville, Md., May 27, 1971.

The FDA advised today that the excessive use of some Vitamin C Tablets on the market may be hazardous for some individuals because they contain undeclared Sodium Ascorbate rather than Ascorbic Acid.

Sodium Ascorbate has nearly the same vitamin activity as Ascorbic Acid. However, use of the tablets containing Sodium Ascorbate by individuals who for medical reasons must restrict their sodium intake may result in high levels of sodium being ingested unknowingly.

Although the claims are unproven, high levels of Vitamin C have recently been advocated for treatment of the common cold and other health problems.

FDA is taking action to assure that Vitamin C products are properly formulated and labeled and that any improperly labeled products presently on the market are recalled.

VITAMIN C RECALLS

A press release re substitution of sodium ascorbate for ascorbic acid issued May 27, 1971.

Recalls to date are as follows:

Don Hall Labs, Portland, Oregon (mfr) Howe Products, Seattle, Wash. (recaller).

Pacific Pharmaceutical, Saugus, Calif. DBA Windsor Drug Co., Inc., Los Angeles, Calif. Vitamin C Chewable Ascorbic Acid 250 mg. Tablets.

Drug Aids, North Hollywood, Calif. Chewable Vitamin C Tablets, 100 mg. and 250 mg.

Bolar Pharmaceuticals, Brooklyn, N.Y., Ascorbic Acid 100 mg. and 250 mg.

Life Laboratories, Inc., North Hollywood, Calif. Vitamin C Chewable Tablets, 100 mg.

Universal Drug Co., Minneapolis, Minn., Vitamin C Chewable 250 mg. Tablets.

Raymond Pharmaceutical Inc., Pasadena, Calif., Mfr. for Pantechnics, Lts., Glendale, Calif., Pansorb C Chewable Wafer, 250 mg.

First Texas Pharmaceuticals, Dallas, Texas, Vitamin C Chewable, 100 and 250 mg.

Hilcoa, Labs, San Francisco, Calif., Currant 300 Vitamin C Comples.

Robinson Labs, San Francisco, Calif., Ascorbic Acid Chewable Orange Flavored, 100 mg.

Robinson Labs, San Francisco, Calif., Ascorbic Acid Chewable Flavored Vitamin C, 250 mg.

United Pharmaceutical, Oakland, Calif., Vitamin C (brand new Ceevite).

West Coast Labs, Inc., Los Angeles, Calif., Dist. by Daylin Products, Los Angeles, Calif.

FDA WEEKLY RECALL REPORT THURSDAY, MAY 13, 1971, THROUGH WEDNESDAY, MAY 19, 1971

No.	Name, form, and label	Product type	Lot number	Quantity	Manufacturer, packer or distributor	Responsible for handling recall	Reason	Recall type	Depth	Product distribution
15	Vitamin C chewable (ascorbic acid) 250 mg. tabs lbld Windsor Drug Co., Los Angeles, Calif., Sav-On Drug Co., Los Angeles, Calif., Fed-Co, Professional Pharmacy Division of Fed-Co, Los Angeles, Calif.	OTC	82271	70,120 tabs. dist. 4/9/71 to 4/20/71. Est. 50,000 tabs. remain on mkt.	Pacific Pharm Corp. Saugus, Calif.	Same	Mislabeled [1]	Voluntary (phone 5/4/71).	Retail	Southern California.
	Vitamin C Ascorbic Acid 250 mg. USP, chewable orange flavor, 100 tabs. (Dist. Brulon Pharmacal Co., Minneapolis, Minn.)	OTC	15220	313/100 tab. btls. from total of 626/100 tab. btls. dist. since 2/24/71. Est. rate of use 250/100 tab. blts./mo.	(Mfr.) Danbury Pharmacal Inc., Danbury, Conn.	(Recalling firm) Universal Drug Co., Inc., Mpls., Minn. DBA The Drug Specialties Co., and Brulon Pharmacal Co.	Misbranded [2]	Voluntary (letter 5/6/71).	Retail	Minn., Wis., N. Dak.
	Vitamin C Ascorbic Acid 100 mg., bulk tabs, lbld for repackaging only. (Mfrd. by Bolar Pharmaceutical Co., Copiague, N.Y.)	OTC	011052, 10094, 011101, 011102, 011098, 011101, 100903, 011099, 100903, 011099.	During 11/70 thru 5/71 firm mfd. and dist. 1 million/100 mg. tab. and 2,478,000/250 mg. tabs.[3]	(Mfr.) Bolar Pharmaceutical Co., Inc., Copiague, N.Y.	do	Misbranded [4]	Voluntary (phone 5/10/71; letters 5/12/71).	Wholesale	N.Y. and N.J.
	Same as above (bulk tabs 250 mg. Bolar label)	OTC	011052, 10094, 011101, 011102, 011098, 011101, 100903, 011099, 100903, 011099.	do	do	do	do	do	do	Do.
	Same as above (1,000's ascorbic acid tabs., 250 mg.—mfd. for Sherry Pharmaceutical Co., Bayshore, N.Y.)	OTC	011052, 10094, 011101, 011102, 011098, 011101, 100903, 011099, 100903, 011099.	do	do	do	do	do	do	Do.
11	Ascorbic acid tabs. USP, 100 mg., Vitamin C chewable orange flavored, 100 and 1,000 tab. btls. (Robinson Lab., Inc., San Francisco, Calif.)	OTC	All	Products marketed bet. 1952 and May 21, 1971. 250 mg.; 96,300 tabs. 100 mg.; 66,500 tabls. dist. since 3/1/71. Est. rate of use 250 mg; 45,000 tabs/mo. 100 mg.; 33,000 tabls/mo.	(Mfr.) West Coast Labs., Gardena, Calif.	(Recalling firm) Robinson Labs., San Francisco, Calif.	do	Voluntary (letters 5/21/71).	do	Calif., Utah, Ill., Colo., Alaska, Ohio.
	Ascorbic acid tabs. USP, 250 mg. chewable flavored Vitamin C, 100 and 1,000 tab. btls.	OTC	All	do	do	do	do	do	do	Do
9	Currant 300 Vitamin C complex, 130 wafers. Hilcoa Corp., San Jose, Calif. Sea-Mann Exclusive—Base.	OTC	All	Product dist. starting spring 1969 to 5/22/71. Very small stocks est. to remain on mkt. 10,980/130 wafer btls. dist. in last 6 months. Est. rate of use 1,800/130 wafer btls.	(Mfr.) Hilcoa Lab. San Jose, Calif.	(Recalling firm) Hilcoa Corp., San Jose, Calif.	Misbranded [2]	Voluntary (letters 5/25/71).	Retail	Calif., Colo., Tex., Mo., and Ill.
10	Ceevite Ascorbic acid, Vitamin C, 250 mg, flavored. (Dist. by United Pharmaceuticals Inc., Oakland, Calif.—150 tab btls.).	OTC	All	Product dist. bet. 1968 to 5/12/71. 200,000 tabs. sold during last 6 months. Est. rate of use 50,000 tabs./mo.	(Mfr.) Strong Cobb Arner, Inc., Cleveland, Ohio.	(Recalling firm) United Pharmaceuticals, Oakland, Calif.	do.[3]	Voluntary (letter and phone 5/25/71).	do	Calif.
21	Vitamin C (Ascorbic acid) 100 mg. (Howe Products, Inc., Seattle, Wash.).	OTC	58564, 58363, 58362, 57864, 57865.	754,200/100 mg. tabs were repacked. 82 doz. 250's; 48 doz. 100's; 44 doz. 250's; 102 doz. 100's and 70 11/12 doz. 100's dist. bet. 1/25/71 and 2/17/71. Est. rate of use 2,000,000 tabs./mo.	(Mfr.) Don Hall Labs., Portland, Oreg.	(Recalling firm) Howe Products, Inc. Seattle, Wash.	do	Voluntary (phone 4/14/71; letter 4/16/71).	do	Washington, Oregon and Kansas.

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[1] Mislabeled labeling declares ascorbic acid 250 mg. Firm's formulation shows ingredients 125 mg., ascorbic acid and 125 mg. plus 10 percent excess sodium ascorbate.

[2] The bulk drug is labeled to contain sodium ascorbate and ascorbic acid and not USP. The repackaged drug is labeled ascorbic acid 250 mg. USP misbranding the product.

[3] All 1,000,000/100 mg. bulk tabs. are intact at Interstate Drug Exchange, Plainview, N.Y. Also at IDE, are 1,060,000 tabs./250 mg. The remainder, 225,000 were shipped to Paramount Drugs, Northvale, N.J., plus 225,000 tabs shipped to L.T. York, Brookfield, Mo. Firm has 470 btls. on hand.

[4] Analysis revealed firm substituting approx. 50 percent to 100 percent sodium ascorbate in its production of some batches of ascorbic acid tabs.

Note: Compiled and edited by the Office of Public Information, Food and Drug Administration, DHEW, Washington, D.C.

THURSDAY, JUNE 3, 1971 THROUGH WEDNESDAY, JUNE 9, 1971

No.	Name, form, and label	Product type	Lot number	Quantity	Manufacturer, packer, or distributor	Responsible for handling recall	Reason	Recall type	Depth	Product distribution
1	Orange flavored Vit. C, 100 mg. (Dist. Longs Drug Stores, Walnut Creek, Calif.)	OTC	All	2,111,000/100 mg. tabs. dist. in last 5 months.	(Mfr.) Stayner Corp., Berkeley, Calif.	(Recalling firm) Howe Products, Inc., Seattle, Wash.	Misbranded [1]	Voluntary (5/25/71).	Retail	Calif., and Hawaii.
	Same as above—250 mg.	OTC	All	3,288,100/250 mg. tabs. dist. in last 5 months.	do	do	do	do	do	Do.
4	Candy-Cee Chewable Vitamin C tabs. 100 mg. in 100 tab. btls. (Dist. Daylin Products, Los Angeles, Calif.).	OTC	410471	100 doz./100 mg. tab. btls. shipped since 4/71. No est. available of amt. on mkt.	(Mfr.) West Coast Labs., Gardena, Calif.	do	do	Voluntary (letter 5/27/71).	do	National.
5	Orange Flavored Vitamin C ascorbic acid in 100 and 250 tab. btls. (Stayner, Corp., Berkeley, Calif.).	OTC	All	911, 650/100 mg. tabs. and 186,050/250 mg. tabs. dist. in last 5 months.	(Mfr.) Stayner Corp., Berkeley, Calif.	do	Misbranded [1]	Voluntary (phone and letters 5/26/71).	do	Calif. and Hawaii.
6	'C-Rola-300' chewable Vitamin C wafers—300 mg., in 50 and 100 wafer btls. (Anabolic, Inc., Glendale, Calif.).	OTC	All	2,985,550 wafers dist. from Sept. 1967 through May 10, 1971. Est. 300/50's and 600/100's remain on mkt. Est. rate of use 254/50's and 600/100's per mo.	(Mfr.) Anabolic, Inc., Glendale, Calif.	(Recalling firm) Anabolic Foods, Inc., Glendale, Calif.	do [1]	Voluntary (letter 5/10/71).	do	National.
7	Payless Vitamin C, ascrobic acid, flavored, chewable 100 mg. tabs. (Dist. Skaggs Payless Drugs Stores, Oakland, Calif.).	OTC	All	1,177,000 tabs. dist. during last 5 months.	(Mfr.) Stayner Corp., Berkeley, Calif.	do	do [1]	Voluntary (5/25/71).	do	California.
	Same as above 250 mg.	OTC	All	72,365,000/250 mg. tabs. dist. in last 5 months.	do	do	do [1]	do	do	Do.
8	Orange flavored Vitamin C, 100 mg. in 100, 250 and 365 tab. btls. (Thrifty Drug Stores, Inc., Los Angeles, Calif.)	OTC	All	7,488/100 tab. btls.; 4,752/250 tab. btls.; 6,000/365 tab. btls. dist. in last 5 months.	(Mfr.) Stayner Corp., Berkeley, Calif.	do	do [1]	do	do	Do.

[1] Labels do not declare presence of sodium ascorbate in product.

[2] Formulation is combination of ascorbic acid and sodium ascorbate. Labeling declares ascorbic acid as source of Vitamin C.

Note: Compiled and edited by the Office of Public Information, Food and Drug Administration, DHEW, Washington, D.C.

TREATMENT RECEIVED IN SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. PODELL) is recognized for 30 mintues.

Mr. PODELL. Mr. Speaker, I am sure many of my colleagues would be astounded to hear of the treatment I received while on a recent visit to the Soviet Union. While there I became well versed in the plight of the Soviet Jew and, while there, I also received a dose of the Russian form of "hospitality."

The trip, from beginning to end, was a constant nightmare of harassment and intimidation. I was a virtual prisoner during the entire stay in the U.S.S.R. I document my trip in two parts, with today's section dealing with problems getting a visa:

MAYBE TOMORROW, CONGRESSMAN

My experience with Russian obstinance and incompetence began long before my departure date. The obnoxious Russian bureaucracy even manages to flourish in this country.

The following is a short diary of the problems encountered in just getting a visa and travel arrangements completed before my departure date:

Thursday, April 29, 1971: The American Express (Washington office) was contacted and informed of Representative Bertram L. Podell's travel plans to Moscow to begin on Friday, May 21, 1971 and to depart Moscow on May 29, 1971, with two days during this period to be earmarked for Leningrad. I was told by American Express that I had to send a check in the amount of $25.00 as a deposit before they could then contact Intourist Agency (the Moscow Clearing House for Russian visas). The necessary check in the amount of $25.00 was forwarded. On this same date, travel arrangements were made with PAN AM AIRLINES for their Flight 44—departing JFK (International Airport, New York) at 10:45 p.m. for Moscow on Friday, May 21, 1971. Confirmation for this flight was obtained on this same date.

Monday, May 10, 1971: American Express phoned the office today and reported: "No word yet from Intourist Agency about your trip but current reports show Moscow completely sold out for May 25, 1971 through June 1, 1971 with no foreign reservation being accepted; however, Intourist may be trying to squeeze you in or they (Intourist) may approve only the May 22, 1971 through May 24, 1971 part of the trip. If May 25, 1971 through May 28, 1971 is disapproved in Moscow, Leningrad is open for reservation. If you prefer you could leave the U.S.A. on Monday, May 17 or Thursday, May 20th."

Wednesday, May 12, 1971: Our Soviet desk officers at State Department were called today to help facilitate the issuance of the visa.

Thursday, May 13, 1971: The Soviet desk at the State Department called today and said: "My visa was incomplete as additional photos were needed." The additional photos were hand carried to the Russian Consulate. A call was made to American Express to see what progress was being made on Intourist Agency's confirmation of the voucher numbers. None as yet. A call was again made to the Soviet Desk at our State Department to see if they had any cables from our Embassy in Moscow; again, the answer was "Not as yet"—Maybe Tomorrow, Congressman. This later phrase seemed to set the tenor throughout this whole period.

Friday, May 14, 1971: American Express called and said they had a cable from Intourist Agency in Moscow and that my voucher number was confirmed. The State Department called with the identical news received from our Embassy in Moscow.

Wednesday, May 19, 1971: The State Department called and read the following cable: "The Nationale Hotel has confirmed a deluxe room commencing May 22 through May 25, then on your arrival in Leningrad, a deluxe hotel room at the Astoria Hotel was confirmed for May 26, May 27 and a departure date on May 28 for Moscow—again stay at the Hotel Nationale in Moscow on May 28 and depart Moscow on May 29." At this stage, my office was informed that all was in order and that the actions taken by the Intourist Agency were done with such rare intelligence and such action was most unusual—this information was given by both our own State Department people and the American Express Agency here in Washington. BUT—the visa still was not signed. At approximately 7:00 p.m. this evening the State Department called with the long awaited news: "The visa is ready and can be picked up in the morning between 9:00 a.m. and noon."

Thursday, May 20, 1971: My assistant, Peggy Murphy, arrived at the Consular Section's office at 10 past 9—she was "whisked" into a dreary little office and was told that the visa couldn't be released until they were signed by Mr. Vadim Kavalerov (Director of the Consular Section for the Union of Soviet Socialist Republics), however, Mr. Kavalerov was expected momentarily. The approaching noon hour was arriving—so Miss Murphy asked another assistant to Mr. Kavalerov, if

Mr. Kavalerov would be in later that afternoon. She was assured that he would be. So she came back to the office and told me what had happened. Being very perplexed, we called the State Department and let them know what had taken place. The State Department (our Soviet desk officers) said a call would then be placed to Mr. Kavalerov and we would be called right back. At 10 to one this afternoon, the State Department called and said that while Mr. Kavalerov was away from his office, his first assistant, Mr. Bordin would be there and that Miss Murphy should come back to the Consular office. Miss Murphy arrived at the Consular office at approximately 1:30 p.m.—she was again whisked into the very dreary little waiting room. A Soviet assistant was there again to greet her—every so often he would come out to her and say they were trying to locate Mr. Kavalerov—and that he was expected very soon. During this particular "seance" he asked her very "clandestinely" if she was a member of the Jewish faith. She said she wasn't. She asked the assistant if she could use one of their phones to call and tell me that she was still at the Consular's office and that she was waiting for Mr. Kavalerov to return to sign the visa. He said "oh yes" but could she wait another 15 minutes as all their phones were busy. Since the Consular office is located in a strictly residential area in the upper northwest area of the District of Columbia, there were no drug stores or other public places around for her to go outside and use a public telephone—in short, she would have to have taken a cab or a bus to the Woodner Apt. Hotel (a good mile away from the Consular office) to have access to a public phone. She made two more attempts with Mr. Costioff to use the phone, without success. She was then called to the phone and to her surprise, it was Mr. Scanlon (one of the Soviet desk officers at the State Department we had been working with) to say that apparently orders came from Moscow to hold up the signing of the visa and to leave—this was now 10 to five. I was again told that it was still possible that the visa would be signed the following day (Friday, May 21)—the day that I was to depart. I couldn't believe it; but decided to stay overnight in Washington as it now became a real challenge. What Harassment!

Friday, May 21, 1971: At approximately 9:30 this morning I had a call put in to Secretary of State Bill Rogers, only to be told that he was at the White House. I then asked to speak with Under Secretary of State for Political Affairs, U. Alexis Johnson (former Ambassador to the U.S.S.R.). Alexis Johnson came to the phone—I told him of the shabby treatment I was receiving and would he please call Ambassador Dobryin (Soviet Ambassador to the U.S.A.)—he said he would immediately, and did—finally, at 3:00 this afternoon I was convinced that we would never get the visa—so I decided to take the 4:00 shuttle back to New York. At 5:40 this evening, Miss Murphy received a call from the State Department and was told that the visa was signed and that she would have to pick them up by six o'clock as the office closed then. After Miss Murphy received the signed visa she met with another assistant of mine, Miss Hoffman, then took the visa and cabbed it to National Airport—caught an 8:00 o'clock shuttle to New York where I met her at JFK airport with the visa. The miracle did happen—and I left on schedule on Pan Am's fight No. 44 to Moscow, arriving in Moscow on May 22, 1971, at 5:05 p.m.

Mr. Speaker, next week I shall talk of the treatment I received during my visit to the Soviet Union.

DEFENSE AUTHORIZATION BILL—PART IV

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. Aspin) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, this is another in a series of articles and testimony concerning the defense authorization bill. The testimony was given by Mr. Sanford Gottlieb in open hearings before the Armed Services Committee.

Mr. Gottlieb is currently an executive director of SANE and expresses the concern that many Americans have today. He addresses the question of American interests and commitments. Since 1947, we have assumed no less than 47 military commitments—and that number does not include Israel or Ethiopia. He further points out that these military commitments are supported primarily by general purpose forces. As much as $60 billion of the administration budget request for fiscal year 1972 is for general purpose and related forces, including Vietnam.

Mr. Speaker, my amendment to hold the fiscal year 1972 authorization to the current year's level does not identify where particular cuts should be made. But, Mr. Gottlieb has clearly pointed out that the foreign policy assumptions which underly the lion's share of the administration's budget request are subject to serious question:

Written Statement of Sanford Gottleib, Executive Director of SANE

We very much appreciate the willingness of the Committee to hear public witnesses for the first time in open session during consideration of a military authorization bill. This is a most welcome step since the military budget in recent years has consumed about half of the controllable funds upon which Congress is asked to vote. This large slice of the federal pie exercises a major influence not only upon the foreign policy of the United States, but also upon the conditions of life for its citizens.

Since 1946 the United States has spent more than $1 trillion for military programs. We have invested in the most powerful military establishment in history. We have done so in the name of national security. As we understand it, the concept of national security can be divided into a primary function of preserving the safety of the American people (usually called deterrence in the nuclear age) and a secondary function of defending American interests elsewhere in the world.

We believe the Congress in general and the Armed Services Committees in particular have a near-impossible task of making judgments about military program requested by the Executive Branch. This is manifest where deterrence is concerned; it is much more obvious where American interests abroad are concerned. It is to these interests that we would like to address most of this testimony.

In his first State of the World Message President Nixon said, and he repeated again this year: "Our interests must shape our commitments, rather than the other way around."

Yet these interests are rarely defined at any level of government, and there has been no effort to separate *vital* interests from secondary interests. The United States has publicly assumed military commitments to 47 countries since 1947, often without defining our vital interests, the nature of the threat to these interests, or the possible consequences of American military involvement in these countries.

The 47 nations which have received public military commitments from the United States are:

Inter-American Treaty of Reciprocal Assistance (Rio Treaty 1947): 1. Argentina. 2. Bolivia. 3. Brazil. 4. Chile. 5. Colombia. 6. Costa Rica. 7. Dominican Republic. 8. Ecuador. 9. El Salvador. 10. Guatemala. 11. Haiti, 12. Honduras. 13. Mexico, 14. Nicaragua, 15. Panama, 16. Paraguay, 17. Peru, 18. Trinidad and Tobago, 19. Uruguay, and 20. Venezuela.

North Atlantic Treaty (NATO, 1949): 21. Belguim, 22. Canada, 23. Denmark, 24. Federal Republic of Germany, 25. France, 26. Greece, 27. Iceland, 28. Italy, 29. Luxembourg, 30. the Netherlands, 31. Norway, 32. Portugal, 33. Turkey, 34. United Kingdom.

Mutual Defense Treaty between the United States and the Republic of the Philippines (1951)—35.

Security Treaty between Australia, New Zealand and the United States (ANZUS, 1951)—36 and 37.

Southeast Asia Collective Defense Treaty (SEATO 1954)—(38) Pakistan, and (39) Thailand were added to the prior commitments made under other treaties with Australia, France, New Zealand, the Philippines and the United Kingdom. In addition, by a protocol signed on the same date as the SEATO Treaty, the states of (40) Cambodia, (41) Laos and (42) South Vietnam were designed for the purposes of Article IV of the Treaty.

Mutual Defense Treaty between the United States and the Republic of China (1954)—43.

Declaration Respecting the Baghdad Pact Between the United States of America and Iran, Pakistan, Turkey and the United Kingdom (1958)—(44) Iran was added to the prior commitments made under other treaties with Pakistan, Turkey and the United Kingdom.

Agreement of Cooperation Between the Government of the United States of America and the Government of Liberia (1959)—45.

Treaty of Mutual Cooperation and Security Between the United States and Japan (1960)—46.

Joint Declaration by Spain and the United States of America Concerning the Renewal of the Defense Agreement of September 26, 1953 (1963) and Joint Communique of March 26, 1969—47.

This information comes from the study, "Collective Defense Treaties," prepared by the House Committee on Foreign Affairs and published April 21, 1969. The fact that the Committee on Foreign Affairs no longer has any copies available is perhaps evidence that there has been intense interest in the question of national commitments. We hope so. May I suggest that the Armed Services Committee secure copies of this study from the Government Printing Office and make them available to the members. It is a most illuminating document.

The agreements listed in this document do not include the more informal commitments such as the one to Israel, or the secret commitments such as the one to train and assist a 40,000-man Ethiopian army, as revealed by the Senate Subcommittee on Security Agreements Abroad.

These military commitments by the United States are supported primarily by general purpose forces. The Administration's request for Fiscal Year 1972 for general purpose and related forces, including Vietnam, is $59.5 billion out of a total of $76 billion. The sum requested represents not only the lion's share of the military budget, but also an increase of $1.3 billion over the Fiscal 1971 level.

Why this increase? What is the nature of the threat to our national security which warrants this enormous sum?

In his 1971 State of the World Message President Nixon said: "In the last 20 years, the nature of the Communist challenge has been transformed. The Stalinist bloc has fragmented into competing centers of doctrine and power. One of the deepest conflicts in the world today is between Communist China and the Soviet Union. The most prevalent Communist threats now are not massive military invasions, but a more subtle mix of military, psychological and political pressures."

If the most prevalent Communist threats now are a more subtle mix of military, psychological and political pressures, how and where do these pressures affect the vital interests and national security of the United States? And how are such pressures resisted by an increase in American conventional forces? Before the taxpayers are asked to spend more money for general purpose forces, it would seem to us that these questions must be addressed.

We are unaware that there is any generally accepted theory of how the conventional military forces of a superpower can be used successfully to resist a subtle mix of military, psychological and political pressures, especially when that superpower has at least 48 allies on all continents. The war in Indo-China has shown, at terrible cost, the limitations of American military power when used in a guerrilla war against a highly motivated foe. What is the effectiveness of this military power when its use is merely threatened to counter a subtle mix of pressures?

Let us be specific. Pakistan received an American military commitment as a party to the SEATO Treaty in 1954. Did that commitment prevent the Pakistanis from engaging in a war against India during this period, with both sides using American-made tanks? If the current tensions between East and West Pakistan lead to the political as well as geographic division of that unhappy country, will the American commitment enhance the security of either new state? Will the United States find itself being asked to make a 48th public commitment—to both Pakistans? If the Chinese apply a subtle mix of military, psychological and political pressure to West Pakistan, how will we carry out our commitment?

A careful reading of the Administration's statements indicates that American military forces may be used to deal with political agitation, insurgency and guerrilla warfare throughout the world. If this is so, we have learned nothing from Indo-China and the Nixon Doctrine is simply a cover for continued American military intervention in the internal affairs of other countries. Quite apart from the rights and wrongs of such intervention, we should have learned by now that it often spells disaster for all parties concerned, including those whose homeland is far away.

Mr. Chairman, we know that the questions we have raised are bothersome. Our purpose in raising them is to encourage a discussion of the premises on which this country supports its military programs. As we have said before to this Committee, we do not have the answers but we intend to continue asking the questions until there is a meaningful dialogue on national security.

To move a step forward toward such a dialogue permit me to suggest a few basic criteria to help define a nation's vital interests:

1. Geographic proximity. Clearly, all nations are concerned about potentially hostile military activities near their borders. Where the United States is concerned this criterion would apply to Canada, Mexico, Central America and the Caribbean, and the waters surrounding Alaska and Hawaii.

2. Major trading partners. Nations are concerned with the security of other nations with which they conduct a substantial share of their trade or upon which they are primarily dependent for basic raw materials. Where the United States is concerned, this criterion applies mainly to Western Europe and Japan and the sea lanes to these regions. By the same criterion, Latin America and the Middle East are secondary interests.

Once we have cited these two basic and clear-cut criteria, we enter an area of fuzziness. Take, for example, the criterion of national affinity. Nations are likely to consider that they have a special interest in other areas populated by the same ethnic group or sharing the same culture or historical experience. However, this criterion raises more questions than it answers. Does the presence of millions of overseas Chinese throughout Southeast Asia give China a vital interest in that area? If Americans think that the United States has a vital interest in Western Europe because a majority of its population is descended from the peoples of that region, what is our interest in Southern and Eastern Europe from whose peoples about 40 million Americans are descended? And what of Western Africa from whose peoples about 11% of our population is descended?

Then, there may be special cases which amount to moral rather than vital interests. Israel could be considered in this category, as a country created under unique circumstances by the United Nations to provide a homeland for the survivors of genocide, in a region surrounded by hostile neighbors. It might help the discussion of the conflict in the Middle East if there were general acceptance within the United States of such a moral commitment, rather than the implication by some that we have a vital interest and by others that we have no interest in that area.

Mr. Chairman, it is clearly difficult to define a nation's vital interests. But surely this task must be undertaken if the United States is to measure whether its security is really endangered in a given region of the world. Unless vital interests are clearly at stake, there should be no military commitments except in very special circumstances.

If such rigorous standards were applied, we might be able drastically to reduce our military commitments, our military expenditures, and our tendency to make other peoples' squabble our own.

WILL MASLOW'S REPLY TO ARON VERGELIS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on May 21 of this year, a statement by Mr. Aron Vergelis appeared in the New York Times. In that statement Mr. Vergelis defended Soviet policy toward the Jews. He said there was no discrimination against Jews in the Soviet Union and denied that they were prohibited to emigrate.

I responded to Mr. Vergelis directly on May 27 and a copy of my letter to him appears in the CONGRESSIONAL RECORD of that date.

In today's New York Times there appears a letter by Will Maslow, executive director of the American Jewish Congress, which is in my judgment the definitive response to the fabrications contained in Mr. Vergelis' article. I append for our colleagues information Will Maslow's letter:

FATE OF JEWS IN THE SOVIET UNION

To the Editor:

Aron Vergelis, whose article appeared on the Op-Ed page May 21, is a well-known apologist for the Soviet Union. Indeed, by virtue of his position as editor of Sovietish Heimland, he is a functionary of the Soviet state. His statement must be understood in terms of the allegiance he has sworn to the rulers of Soviet Russia.

Mr. Vergelis has no similar allegiance to the truth. He insists that Jewish religion and culture are flourishing in the U.S.S.R. But the facts are these:

Some 160,000 Jewish students attended an estimated 11,000 classes in the Soviet Union's Jewish schools in 1937; today there is not a single classroom in the Soviet Union where Jewish culture and history are taught.

In 1956 there were 450 synagogues in the U.S.S.R.; in 1969 the number of synagogues has declined to 55. In all of the Soviet Union there are only three functioning rabbis, two of them more than 75 years old. There are only three Yeshiva students in the Soviet Union—two of them old men.

The last Hebrew Bible was printed in the Soviet Union in 1917. There were 117 Yiddish books published in the U.S.S.R. in 1947 and 1948. During 1960–68 only eight Yiddish books were published.

There were 16 Jewish theatres and two academies of Jewish dramatic art in 1953. Today there are only a few semi-professional companies scattered in Vilnius, Biro-Bidjan and Kishnev.

Not only is there a determined effort to destroy Jewish religious and cultural life in the U.S.S.R. but discrimination against Jews in almost all aspects of Soviet life is notorious.

There were 47 Jewish members of the Supreme Soviet in 1937. There are only four today. In 1939, 10.8 per cent of the Central Committee of the Soviet Communist party were Jewish. Today there is only one Jewish member.

Jews are denied access to Soviet military academies and to training schools for diplomats and suffer from a quota system in the elite Soviet universities.

Finally, Soviet Jews have been subject over the past quarter-century to a campaign of vicious anti-Semitism, starting with the arrest of Jewish cultural leaders in 1948, the infamous "Doctor's Plot" of Stalin's last days and, most recently, the use of Nazi-style stereotypes in a thinly-disguised campaign of "anti-Zionism" that everyone in the Soviet Union—Jew and non-Jew alike—knows means anti-Semitism.

It is as a result of this burden of discrimination and deprivation that some 80,000 Soviet Jewish families have had the courage to risk their jobs, their homes, their education—even their very lives—by applying for emigration. We have every reason to believe that hundreds of thousands more Jews would apply for emigration if they did not have to put themselves and their families in peril for doing so.

But there is no reason to take anyone's word for it—ours or Mr. Vergelis'. Just let the U.S.S.R. announce that all Jews who wish to emigrate may do so. If Soviet Jews are content to remain in the U.S.S.R., there will be no rush to the emigration offices and Mr. Vergelis' position will be vindicated.

Unfortunately, there is little likelihood that the men in the Kremlin are willing to run the risk of making such an announcement. For they know—as Mr. Vergelis knows in his heart—that the U.S.S.R. is a great prison for Jewry; that Jewish cultural and religious life is being starved and suffocated by the Soviet state, and that the U.S.S.R. has become the world's greatest purveyor of anti-Semitism.

This is why world Jewry has mobilized in support of Soviet Jewry's struggle to be free. And all of Aron Vergelis' pathetic excuses and explanation cannot hide this truth.

WILL MASLOW,
Executive Director, American Jewish Congress.

NEW YORK, *May 24, 1971.*

MATERNITY AND INFANT CARE PROJECTS WHICH MUST BE SAVED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in 1963, a significant new comprehensive medical care program was authorized under title V of the Social Security Act. The maternity and infant care projects were initiated to provide high-quality infant and maternity care to low-income, high-risk patients. As the appropriation for these special projects and the children and youth projects will be up for review shortly by this body, I would like to bring to the attention of my distinguished colleagues the great contribution these programs are making in the reduction of infant and maternal mortality throughout the Nation.

As a result of the President's Panel on Mental Retardation, data became available in 1962 that indicated that thousands of low-income women, especially those in our inner city ghetto areas, were giving birth to premature and low birth weight babies at two and one-half times the expected rate, and that these low birth weight babies were likely to have brain damage. Statistics also indicated that infant mortality rates in our major cities were much higher than the national rate and that the mortality rate among black infants were twice that of whites. Infant mortality is an excellent measure of social progress and social pathology. It is indicative of the serious discrepancies that exist in the amount and quality of care provided to poor mothers and children compared to their middle-class counterparts. The maternal and infant care projects were established in response to these inequities to help major cities cope with the problems they were experiencing in providing adequate care for low-income pregnant women and their infants.

Maternity and infant care programs became a reality in the spring of 1964 and today there are 55 projects in operation in 35 different States. These projects are providing comprehensive health services to women including prenatal care, hospital inpatient care, delivery and postpartum care to about 125,000 women a year. Care of the newborn infant during the first year of life is also provided, further improving the quality of life.

If we examine infant mortality rates over the past 35 years, we see that in general the rates have decreased steadily. In the decade between 1950 and 1960, however, there was a significant trend toward higher infant mortality rates in most major cities. This was due to the great urbanization process going on in this country, bringing millions of low income people into the hearts of our major cities. During the period between 1960 and 1965, only three of the 21 larger cities had a significant annual reduction in their infant mortality rates. In 1966, there was a sudden change, and the national rate decreased 4 percent over the previous year. This has continued, and now the trend toward higher infant mortality rates has been dramatically reversed. Large cities are experiencing greater reductions in infant mortality rates than the Nation as a whole. Although the dramatic change in infant mortality has not been established in a cause and effect relationship with the maternal and infant care projects, the projects have been identified as one new contributing factor. If all the States are classified into four groups in accordance with the number of maternity and infant care projects in these States, it will be seen that the States which have the largest number of projects and which projects have had the longest period of operation have the largest annual reduction in infant mortality since 1965. Data has now become available which indicates that infant mortality rates of infants born under these projects are significantly lower than infant mortality rates of the cities as a whole.

For example, the neonatal mortality rate—infant deaths in the first few months of life—in New York City in 1966 was 18.6 per thousand live births; for the 4,214 infants born under the maternal and infant care project in that year was only 16.1, a difference of greater than 13 percent. In Puerto Rico, the districts in the northeast region which have a maternal and infant care project in operation has an infant mortality rate of 23.8 in 1967, having experienced a sharp reduction over the previous 2 years. Two other districts in the same region which do not have such a program in operation, have an infant mortality rate that has shown little change in 3 years.

Individual institutions also seem to be favorably affected by maternity and infant care projects. For example, the University of Arkansas Medical Center experienced a 40-percent reduction in the stillborn and neonatal mortality rates in the 3-year period in which its project was in operation.

The maternal and infant care projects are successfully demonstrating that mortality in excess of the national rate is preventable. Community efforts on behalf of low-income mothers and infants do improve material and infant mortality rates. The United States can expect to see an even more dramatic reduction in its infant mortality rate achieved when the right of every pregnant woman and her infant to good medical care becomes a reality, and when the delivery of quality medical care to pregnant women and their infants of every income level becomes a national priority.

The American Academy of Pediatrics and the Coalition for Health Funding recommend that the maternal and infant care and children and youth special projects receive an appropriation of $130 million for fiscal year 1972. These recommendations bear consideration due to the impact of these special programs toward improving the quality of life among low-income families. I urge our colleagues to bear these comments in mind and support an increased appropriation for these meaningful programs and to become cosponsors of H.R. 8799 which now has 49 sponsors.

HUNGER IN THE UNITED STATES

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, once again I would like to address my remarks before this body to the matter of national priorities, especially in view of the fact that in a short time a number of bills, proposing the appropriation of billions of dollars for various Government agencies and programs, will be appearing before the House.

There are many contradictions in our society today. We are the wealthiest nation in the world, yet we are poor in jobs for both skilled and unskilled; we offer money for development to the so-called underdeveloped nations, but fail to develop the regions and people of our own Nation that are confined in the chains of poverty; we preach democracy but practice discrimination; we talk of peace but continue fighting in Indochina; we possess a rare engineering and technical genius as a nation, but we have been unable to find solutions to urban crowding and the pollution of our environment, to the high rate of infant mortality, to the high death rate in automobiles.

There is yet another contradiction that I would bring to your attention today, and that is the matter of massive malnutrition, hunger, starvation on the part of thousands of Americans in a nation where overfeeding and dieting are the fads of the affluent. Specifically, I am here to urge full and immediate publication of the findings of the national nutrition survey.

We usually tend to think that hunger and starvation are visited upon children and adults in other countries. Well, both happen to young and old right here in the United States as Hunger USA vividly recorded and as numerous congressional hearings documented. We now know clearly that vitamin and calories deficiencies affect the physical and mental growth of our citizens, their capacity and interest in work and achievement, their opportunity to live a full and fruitful life. And, we know the poor are the chief victims of this malnutrition.

But what are we doing about it? Much less than we should. That is the reason I am proposing legislation here today.

In 1967, the Congress mandated a comprehensive survey of the incidence and location of serious hunger and malnutrition and the health problems incident thereto in the United States.

Between 1968 and 1970, a study of biochemical data was made in 10 States—South Carolina, Louisiana, Texas, Kentucky, West Virginia, California, New York, Massachusetts, Michigan, and Washington—to determine the hemoglobin level, the levels of vitamin A and C, the serum albumin level, the incidence of protein malnutrition, calorie-protein malnutrition in a sampling of people in those States.

The irony is that that report in full has not been published. A preliminary, but incomplete, report was sent to each Congressman 2 months ago, but the final report has not been issued, although data collection is completed. Is this partial report all that can be expected? And how long will we have to wait?

Do we have the money and the heart to spend $5 million on such a study and come up with no real answers, no final data that can be used to make suggestions, seek solutions, take immediate action? After all, we are not dealing with some highly abstruse, scientific, technical matter. We are dealing with hungry children, under- and unnourished children whose whole lives are being affected right now by the lack of proper nutrient at a critical stage in their development, to say nothing of women of childbearing age who do not receive a proper diet, men whose work productivity is decreased by this same food deficiency.

Because I think this a most important and worthwhile effort to help eliminate malnutrition in this rich country, I am today introducing legislation expressing the sense of the House that the Secretary of the Department of Health, Education, and Welfare should, not later than 60 days after the date on which the resolution is agreed upon, submit to the Congress the results of the national nutrition survey.

As early as January of 1969, Arnold E. Schaefer, chief of the nutrition program of the Department of Health, Education, and Welfare, estimated the extent of the starvation picture in this country and said that 16 to 17 percent of the persons examined were "real risks" and needed medical attention.

Margaret Mead, the famed sociologist has made this pertinent comment on the subject of hunger in the United States:

> Feeding the hungry yields precedence only to protection from the direst emergencies; flood, earthquake, radioactive and biological warfare. We cannot expect the citizenry of a country to respond to alarm signals about dying lakes and bays and deteriorating atmosphere—contamination and destruction for the world in which future generations must make their homes—if they are insensitive to the needs of hungry children today.

I hope that this body will fully and quickly endorse the resolution that I am introducing today. Along with Congressman JOHN SEIBERLING, I plan to reduce this bill in the coming weeks. I welcome your support. The question finally is: Are we to predestine the poor to a life of ill health and stunted ambition and ability while we talk about the importance of self-reliance and individual achievements? Or are we willing to publish and review the facts pertained in this national nutrition survey, and then act upon the same?

ALL THE NECESSARY DISQUALIFICATIONS

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, the following column by Art Buchwald, which appeared in the June 10 Washington Post, contains more truth than poetry. I commend this column to the attention of the Members of this body, as we go into hearings on H.R. 34, "The Conversion Research and Education Act of 1971":

ALL THE NECESSARY DISQUALIFICATIONS

(By Art Buchwald)

VICE PRESIDENT OF DEVELOPMENT,
Glucksville Dynamics,
Glucksville, Calif.

DEAR SIR: I am writing in regard to employment with your firm. I have a B.S. from USC and Ph.D. in physics from the California Institute of Technology.

In my previous position I was in charge of research and development for the Harrington Chemical Company. We did work in thermonuclear energy, laser beam refraction, hydrogen molecule development and heavy water computer data.

Several of our research discoveries have been adapted for commercial use, and one particular breakthrough in linear hydraulics is now being used by every oil company in the country.

Because of a cutback in defense orders, the Harrington Company decided to shut down its research and development department. It is for this reason I am available for immediate employment.

Hoping to hear from you in the near future, I remain,

Sincerely yours,

EDWARD KASE.

DEAR MR. KASE: We regret to inform you that we have no positions available for someone of your excellent qualifications. The truth of the matter is that we find you are "overqualified" for any position we might offer you in our organization. Thank you for thinking of us, and if anything comes up in the future, we will be getting in touch with you.

Yours truly,

MERRIMAN HASELBLAD,
Administrative Vice President.

PERSONNEL DIRECTOR,
Jessel International Systems,
Crewcut, Mich.

DEAR SIR: I am applying for a position with your company in any responsible capacity. I have had a college education and have fiddled around in research and development. Occasionally we have come up with some money-making ideas. I would be willing to start off at a minimal salary to prove my value to your firm.

Sincerely yours,

EDWARD KASE.

DEAR MR. KASE: Thank you for your letter of the 15th. Unfortunately we have no positions at the moment for someone with a college education. Frankly it is the feeling of everyone here that you are "overqualified," and your experience indicates you would be much happier with a company that could make full use of your talents.

It was kind of you to think of us.

HARDY LANSDOWNE,
Personnel Department.

TO WHOM IT MAY CONCERN,
Geis & Waterman, Inc.,
Ziegfried, Ill.

DERE SER: I'd like a job with your outfit. I can do anything you want me to. You name it Kase will do it. I ain't got no education and no experience, but I'm strong and I got moxy an I get along great with peeple. I'm ready to start any time because I need the bread. Let me known when you want me.

Cheers,

EDWARD KASE.

DEAR MR. KASE: You are just the person we have been looking for. We need a truck driver and your qualifications are perfect for us. You can begin working in our Westminister plant on Monday. Welcome aboard.

CARSON PETERS,
Personnel.

DEAUTHORIZATION PROCEDURE FOR OUTDATED CORPS PROJECTS

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, in my service on the Public Works Committee it has come to my attention that at this time there is no regularized procedure for annual review of public works projects which have been authorized but not constructed. Furthermore, there is no procedure other than legislation for deauthorization of projects which are no longer justified.

To remedy this situation I have introduced H.R. 8976, which would require that at least once each year the Chief of Engineers shall review all authorized public works projects, and shall submit a list of projects which are no longer justified to Congress. Projects on the list will automatically become deauthorized 60 days after submission of the list unless within that time either the House or Senate Committee on Public Works adopts a resolution stating that such project shall continue to be an authorized project.

The goal of this legislation is to provide a regular, statutory procedure for annual review of all pending, authorized projects to determine whether they continue to be justified. This review would include consideration of environmental factors as well as economic factors. Furthermore, this bill provides a regular procedure for automatic deauthorization of projects which are found to be no longer justified.

The major benefit from this bill, in addition to providing annual review of continued justification, is that it will clear a lot of deadwood from among projects which have been authorized for many years, often decades, but which have never been constructed. Now, even though everyone agrees that many of these projects are unwise, uneconomical and unjustified, they continue to be on the books as authorized. Paperwork has to be continually done by the Corps of Engineers, and the threat of the project hangs over the affected area like a Sword of Damocles. The property owners involved are never sure whether or not the project will be built, with the result that property values are depressed, regular maintenance often goes undone, and planning in the area is impossible. All of this needless effort and concern is expended because there is no regular procedure for deauthorization.

While it might be desirable for the Congress to give all these projects a thorough review, or to provide for deauthorization of all projects after a specified period of time, I think my proposal may be more realistic.

A BILL DEALING WITH SECONDARY BOYCOTTS, RECOGNITION PICKETING, AND JURISDICTIONAL STRIKES

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, I have introduced, for appropriate reference, a bill dealing with secondary boycotts, recognition picketing, and jurisdictional strikes.

Mr. Speaker, in this year 1971 we are at the end of an interesting 12-year cycle. Twelve years ago, in 1959, Congress amended our basic labor-management laws with passage of the Landrum-Griffin Act. Twelve years prior to Landrum-Griffin, Congress in 1947 made very substantial labor law changes with passage of the Taft-Hartley Act. The Taft-Hartley Act in turn came 12 years after enactment of the 1935 National Labor Relations Act, commonly known as the Wagner Act. I do not suggest, Mr. Speaker, that there is any magic in the practice of tackling this important subject every 12 years. I do suggest, however, that as the calendar in 1971 brings the 12-year cycle to the fore once again, Congress and the American people may find as many conditions in need of correction as there were when earlier 12-year milestones were marked by the legislative action I have referred to.

Certainly as we review the history of labor-management relations, and of labor-management laws, few areas have commanded as much attention as those three areas covered by the bill I offer today—secondary boycotts, recognition picketing, and jurisdictional strikes. These three activities seem to me to have at least one significant point in common. Each one tends to injure innocent third parties—parties who are not directly involved in a labor dispute, and who seem to have no ready means of protecting themselves in the circumstances. For example, a secondary boycott can be coercion applied to a neutral who himself is not involved in a labor dispute, but who may be doing business with someone else who is engaged in a labor dispute. Recognition picketing, another form of coercion, is aimed at forcing an employer and his employees to accept a union those employees have not freely chosen. Jurisdictional strikes, born of squabbles between unions as to which union should do certain work, place the person who wants the work done in a helpless predicament; his operations are invariably forced to a halt by this kind of interunion dispute over which he has no practical control.

In all three of these important areas, Mr. Speaker, the law needs to be clarified. With respect to the boycott and picketing provisions, much of the correction is called for by the manner in which the National Labor Relations Board has administered those portions of the law. Regrettably, the Labor Board over the years has shown itself to be quite out of sympathy with the congressional purpose as set forth in the 1947 Taft-Hartley law and the 1959 Landrum-Griffin Act. And here, Mr. Speaker, I will not undertake any exhaustive analysis of the cases that bear upon these amendments. These can be more fully developed by public hearings which I trust will be scheduled soon. Suffice to say that from my point of view the NLRB has persisted in carving out loopholes in the congressional ban on boycotts and has been especially ingenious in devising evasions of the congressional ban on recognition picketing.

To illustrate, it seems fairly clear that Congress intended to ban all secondary boycotts. Yet, in the case of *NLRB* v. *Servette* (377 U.S. 46) we find the Board and the courts interpreting the law to permit secondary pressure when it is applied, not to "employees" but to management personnel. In another case, NLRB against Fruit and Vegetable Packers Local 760, the Supreme Court permitted secondary pressure on a neutral employer who operated a retail store—on the unrealistic theory that the boycott was not coercive of him, but instead was aimed at telling his customers that one of the products he sold was the subject of a labor dispute somewhere else. Another aspect of the Servette case corrected by this bill is the holding that a person who sells a product made by someone else can somehow be held to be the producer of that product. Over the years a number of landmark cases, among them *Plauche Electric, Inc.* (135 NLRB 250), have left the whole subject of common situs picketing in what seems to me a thoroughly confused state.

This amendment, Mr. Speaker, in five carefully devised limitations, will make certain that neutral employers will not be boycotted at a common job situs by picketing which is directed at the activities of another employer who is involved in a labor dispute. And finally, in the boycott area, Mr. Speaker, this bill will reverse a practice under which the NLRB and the courts—see *National Woodwork* and *Houston Insulation Contractors* (386 U.S. 612 and 386 U.S. 664)—have sanctioned secondary boycotting where the union contends it is merely "preserving work" for employees in a particular bargaining unit. This "preservation of work" theory has had a serious impact on the construction industry, and on costs within that industry, because it has sharply curtailed the use of prefabricated building materials.

Moving now to recognition picketing, Mr. Speaker, the bill I offer deals with two major loopholes in the law created by National Labor Relations Board decisions. The Landrum-Griffin Act made it an unfair labor practice to picket for recognition instead of resorting to the elections procedures set out in the statute. In a series of cases beginning with C. A. Blinne Construction Co. (135 NLRB 1153), the Board has failed to adhere to the law's requirement that an election petition be filed within 30 days after a union begins picketing at a nonunion plant. The second major picketing loophole, highlighted by the *Everett Construction Co.* case (136 NLRB 321), permits picketing where workers are not organized. The Board apparently justifies this kind of coersion on those employees and their employers by the novel ruling that the pickets are not really seeking union recognition but are only publicizing the fact that the plant is not unionized. Certainly, Mr. Speaker, these are conditions which call for corrective legislation.

The third area of this bill, Mr. Speaker, deals with jurisdictional strikes. In 1961, the Supreme Court in the so-called *C.B.S.* case (364 U.S. 473) ruled that unions could continue a jurisdictional dispute until the National Labor Relations Board conducted a hearing to determine which of the striking unions, as a matter of tradition and practice within the industry, should be permitted to do the work involved. Obviously, this brings no realistic relief in a situation where operations are shut down and the employer is faced with two unions—each contending its members should have been permitted to do the work involved.

My bill, Mr. Speaker, does not change that portion of the law which now declares that a jurisdictional strike is an unfair labor practice. It would, however, permit the same injunctive relief for that unfair labor practice as is provided now for secondary boycotts and recognition picketing. Further, it would relieve the NLRB of the time-consuming burden of determining which union should do the disputed work. Instead, it would restrict the NLRB to the more normal procedure of deciding whether the strike violated a Board order or certification. And the unions involved could protect their representation interests by using the law's established elections procedures.

Mr. Speaker, as I indicated at the opening of my remarks, all the amendments in this bill are especially designed to bring meaningful protection to innocent third parties. Public interest and the cause of industrial peace will be well served by their prompt enactment into law.

PRESIDENT CAN LIMIT EXCESSIVE TEXTILE IMPORTS

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, President Nixon can limit excessive textile imports. The President was granted this power under the national security clause of the Trade Extension Act of 1962. I urge President Nixon to invoke import quotas now. The President should invoke these quotas on a category-by-category basis and include manmade fibers and woolen and filament yarn.

The time has come for the President to act forthrightly and forcefully in the interest of fair trade in textiles. The President has been patient in seeking voluntary government-to-government agreements with Japan. I commend the President for this. The Japanese have delayed any meaningful agreement while frantically stepping up the level of exports to the United States. These textile exports from Japan have now reached flood proportions.

The President, as a candidate in 1968, realized the threat of excessive textile imports and promised relief for the hard-pressed textile industry and its 2½ million employees. The import situation then was a threat to the industry and its employees which prompted President Nixon to give this assurance. As a consequence in a very close election President Nixon carried key textile States, including Virginia, North Carolina, and South Carolina.

The situation today is much worse and is deteriorating rapidly. Almost daily we receive announcements of the closing down of yet another textile mill. Figures from the Department of Labor on textile mill employment in the Southeast showed a loss of 21,400 workers for the year. In April alone, North Carolina lost 600 workers, Georgia lost 900, and my own State of South Carolina lost 500. Between March and April, the workweek was shortened for the average textile employee and the gross average weekly earnings for the individual worker were down.

Mr. Speaker, the deteriorating textile situation, due to unfair textile imports, particularly from Japan, comes at the time when our Nation has reached the highest unemployment level in 9 years. The President does have the power to limit textile imports and he should act now to save the great textile industry of this country. It is vital for the President to act in the interest also of our national defense, for in this area textiles rank next to steel in importance. Our men all over the world are dependent on textiles as much as on guns. I urge the President to act now to alleviate the crushing problem of textile imports into this country.

COMMONSENSE AND BEMENT BRIDGE—A COMMENTARY ON OUR TIMES FROM BRADFORD, N.H.

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, in this day when multibillion-dollar programs are often critized as being inadequate, my weekly trips to my district often serve to lend perspective to my legislative duties. This was recently brought home to me by an article in New Hampshire Profiles describing how one New Hampshire town dealt with the problem of an old covered bridge which was in a state of disrepair.

As a background for this story, remember that late last year the Committee on Public Works, on which I serve, reported out the Federal-Aid Highway Act of 1970, which was subsequently enacted into law. A significant provision of this act was a new bridge replacement and reconstruction program, with authorizations of $250 million for the first 2 years. The reason for this new program, under which the Federal Government will pay 70 percent of the cost of reconstruction or replacement, is the recognition that across the country there are many thousands of major bridges which are obsolete and/or structurally deficient.

Recently, the town of Bradford, N.H., was faced with the need to replace or reconstruct a local bridge. As it happens that was a covered bridge which had been built in 1854 for $500. After a thorough examination of the alternatives, the least expensive way out for the town was found to be reconstruction, which cost $20,000.

The tale of Bement Bridge provides a timely and perceptive commentary on the wisdom of our multimillion- or billion-dollar programs. It suggests that many of our modern, extremely costly programs might not pass the test of commonsense—as indeed, the "modern structure of steel and concrete, complete with a sidewalk" did not pass the test of commonsense in Bradford, N.H.

I regret that it is not possible for the pictures with this article to appear in the Record, and also that it is not possible for all of the readers of this to come with me to see Bradford and the foothills of the White Mountains. It is a beautiful time of year in New Hampshire.

The story of Bement Bridge follows:

Commonsense and Bement Bridge

(By Stephen T. Whitney)

Oldtime Yankees are an obstinate lot. Or, at least, they enjoy making the world think so. They are fond of reminding those who will listen that life is not as good as it used to be (was it ever?) and bemoaning that men no longer build things as well as they used to. They are right, of course, but before they give up entirely, they should visit Bradford, New Hampshire.

At the edge of the village where the main highway sweeps across the sunny meadows bordering the Warner River, a country road crosses the river through a small covered bridge. It was not long ago that a traveler approaching the bridge was greeted by a sign whose simple legend mocked man's more sophisticated accomplishments:

Bement Bridge
Built 1854
Cost $500

Now there is a new sign. It includes a postscript in its greeting:

Rebuilt 1968–1969 Cost $20,000

Behind the sign, the bridge stands erect and proud, pleased with its tidy appearance.

It is quite likely that an old-timer would find support for his contentions in the sign's proclamations. He could point convincingly that the expense of the bridge's restoration was forty times greater than its original cost 115 years earlier and in so doing, imply that frugality was no longer fashionable. His conclusions would be hasty. Maybe *we* do not build things the way *they* used to but *we* can restore them. And Bradford's citizens are frugal.

Three late winters ago, the prospects for Bement Bridge were not lively. While attending to routine town business, Bradford's three selectmen passed through the bridge on their way to the Center. They noticed the little bridge had developed an appreciable cant during the winter and stopped for an impromptu inspection. Wading through settling snowdrifts to inspect its underpinings, the selectmen were dismayed to find that the ravages of time and the elements had taken their toll of the main timbers. The little bridge was having trouble supporting its own weight to say nothing of the burden of passing traffic.

By nightfall, two ominous yellow and black signs barred the approaches to the Bridge with the terse statement "Bridge Closed."

The next few days were busy ones for the selectmen. Everyone in Bradford wanted to know about the bridge's malaise and what the selectmen proposed to do about it. For some it was a matter of concern for an old neighbor. For others it was a matter of convenience. There was an adequate detour adding less than a mile to one's travels. But it was a *detour*.

From the beginning, it was apparent that repairs to Bement Bridge were beyond the budget and the resources of the Road Agent. In their quandary, the selectmen turned to the State's Bridge Division for help. Inspectors made an immediate survey and their report was not encouraging. The bridge had deteriorated far beyond the extent originally envisioned by the selectmen. Indicating that the bridge could not be repaired practically, their report suggested that the old covered bridge be replaced with a modern structure of steel and concrete, complete with a sidewalk. With the selectmen's consent, the Division's engineers prepared plans and estimates for such a bridge. The cost—$85,000.

Even with the help of State funds, the town's share of the expense would have placed a severe strain on the local budget. Within the town, reaction to the State's recommendation was predictable. Those inconvenienced by the closing of Bement Bridge supported the expenditure although reluctantly. Others, not affected by the circumstances, rallied to the position that the detour, which was not an extreme inconvience, should be made permanent and the bridge discontinued. Neither position was flexible.

There were citizens in Bradford who supported neither extreme. To many of these people, Bement Bridge was more than a matter of convenience or economy, it was the matter of a *covered* bridge.

The selectmen took the problem to the Bridge Division again, this time to look into the cost of repairing the existing bridge and to learn if the State would aid the town in the undertaking should it prove feasible. Although a wooden bridge made little sense to a modern highway engineer, it had the support of those concerned with the economic values of New Hampshire's heritage. It made a big difference to the people of Bradford. The Bridge Division prepared estimates for the restoration of Bement Bridge and agreed that the State would share the expense. The cost—$20,000.

The new proposal was the rallying point on which all of Bradford could agree. The town's share of the expense for saving Bement Bridge would be $7,000. At a special town meeting held in May, the townspeople approved unanimously the funds for the project, half of which would be drawn from current funds and half provided by borrowing.

Having moved so quickly on the restoration of Bement Bridge, the people of Bradford were not prepared for any delay in the work. But summer slipped by and so did the golden days of autumn. All the while, Bement Bridge stood as a forlorn reminder of a sad winter's day. But it was not the lack of money or interest that delayed the work. The State had only one crew to care for its covered bridges and there was work in the North Country to be completed before the work in Bradford could be started. It was a bleak day in late fall when the men and their equipment arrived in town.

Work on the bridge had scarcely been started before snow fell. To many, it seemed the men spent much of their time removing the snow that had fallen the day before and little on the actual work. Yet, by early spring, there were encouraging signs. Deep drifts of snow still banked the old stone abutments but above them the bridge's frame stood straight and true. Many of the old timbers were still in place. Where old timbers had been replaced, new ones had been carefully cut and shaped to take their place.

Later when spring flowers blossomed in the gentle warmth of the sun the people of Bradford once again could pass through Bement Bridge. A lot of water has passed under the bridge since it was first opened in 1854. One reflects on the possibility that some of Bradford's citizens of that bygone era were opposed to the expense of building the bridge. Even then, things were not what they used to be.

NATIONAL INSTITUTE OF BUILDING SCIENCES

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, today I am pleased to reintroduce, with 20 cosponsors, my bill to establish a National Institute of Building Sciences; identical legislation was introduced with my original bill on May 13 by Senator JAVITS in the other body.

This legislation would establish a nongovernmental but Government-related institution designed to promote and develop cost-saving building techniques in the housing and construction industry.

For the first time, an authoritative technical institute would be available to coordinate the efforts of the many agencies, institutions, professional and trade groups now engaged in developing code standards and testing and evaluating new materials and methods.

Organized with the advice and assistance of the National Academy of Sciences-National Academy of Engineering Research Council, the NIBS Board of Directors will be broadly representative of various regions of the country and segments of the building community—industry, labor, all levels of government, technical experts, professional societies, and consumer interests.

The institute will carry on a specific and continuing program of cooperation—including the development of inservice training programs for building officials—with the States and political subdivisions designed to encourage changes in existing State and local laws that impede rather than facilitate modern construction techniques.

Initial Federal funding for the institute is proposed to be on a declining scale: $5 million for the first 2 years; $3 million for the next 2 years; and finally, $2 million, after which it will become self-sustaining through contracts, subscriptions, donations, and fees.

This concept has been endorsed by the President's Committee on Housing, American Institute of Architects, the Housing Producers Council, the American National Standards Institute, the Building Research Advisory Board, and the Advisory Commission on Intergovernmental Relations.

Hearings were held on a similar bill in the Senate last year; I am hopeful that my Committee on Banking and Currency will seriously consider this improved language designed to achieve a more rational building system in the United States in this session of Congress.

Several Members have agreed to cosponsor this legislation, and I include their names in the RECORD: Messrs. ADDABBO, BINGHAM, BROWN of Michigan, CONYERS, DENT, DIGGS, FRASER, KOCH, HECHLER of West Virginia, LEGGETT, MATSUNAGA, MIKVA, PEPPER, PODELL, QUIE, REES, RODINO, ROSENTHAL, RYAN, and MRS. SULLIVAN.

Text of the bill follows:

H.R. 9058

A bill to amend the House and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following new title:

"TITLE X—NATIONAL INSTITUTE OF BUILDING SCIENCES

"SHORT TITLE

"SEC. 1001. This title may be cited as the 'Building Sciences Act of 1971'.

"FINDINGS AND DECLARATION OF POLICY

"SEC. 1002. (a) The Congress finds: (1) that the lack of an authoritative national source to make findings and to advise both the public and private sectors of the economy with respect to the use of building science and technology in achieving nationally acceptable standards and other technical provision for use in Federal, State, and local housing and building regulations is an obstacle to efforts by and imposes severe burdens upon all those who procure, design, construct, use, operate, maintain, and retire physical facilities, and frequently results in the failure to take full advantage of new and useful developments in technology which could improve our living environment; (2) that the establishment of model building codes or of a single national building code will not completely resolve the problem because of the difficulty at all levels of government in updating their housing and building regulations to reflect new developments in technology, as well as the irregularities and inconsistencies which arise in applying such requirements to particular localities or special local conditions; (3) that the lack of uniform housing and building regulatory provisions increases the cost of construction and thereby reduces the amount of housing and other community facilities which can be provided; and (4) that the existence of a single authoritative nationally recognized institution to provide for the evaluation of new technology for the purpose of updating housing and building regulatory provisions could facilitate introduction of such innovations and their acceptance at the Federal, State, and local levels.

"(b) The Congress further finds, however, that while no authoritative source of technical findings is needed, various private organizations and institutions, private industry, labor, and Federal and other governmental agencies and entities are presently engaged in building research, technology development, testing and evaluation, standards and model code development and promulgation, and information dissemination. These existing activities should be encouraged and these capabilities effectively utilized wherever possible and appropriate to the purposes of this Act.

"(c) The Congress declares that an authoritative no-governmenal instruments needs to be created to address the problems and issues described in subsection (a), that the creation of such an instrument should be initiated by the Government, with the advice and assistance of the National Academy of Sciences-National Academy of Engineering-National Research Council (hereinafter referred to as the 'Academies-Research Council') and with the greatest practicable participation of representatives of the various sectors of the building community, including labor and management, technical experts in building science and technology, and the various levels of government.

"ESTABLISHMENT OF INSTITUTE

"SEC. 1003. (a) There is authorized to be established, for the purposes described in section 1002, an appropriate nonprofit, nongovernmental instrument to be known as the 'National Institute of Building Sciences' (hereinafter referred to as the 'institute'), which shall not be an agency or establishment of the United States Government. The institute shall be subject to the provisions of this title and, to the extent consistent with this title, to a charter of the Congress if such a charter is requested and issued or to the District of Columbia Nonprofit Corporation Act if that is deemed preferable.

"(b) The Academies-Research Council shall advise and assist in (1) the establishment of the institute and its operation during its first five years of existence; (2) the development of an organizational framework to encourage and provide for the maximum participation feasible of public and private scientific, technical, and financial organizations, in situations, and agencies now engaged in activities pertinent to the development, promulgation, and maintenance of performance criteria, standards, and other technical provisions for building codes and other regulations; and (3) the promulgation of appropriate organizational rules and procedures including those for the selection and operation of a technical staff, such rules and procedures to be based upon the primary object of promoting the public interest and insuring that the widest possible variety of interests and experience essential to the functions of the institute are represented in the institute's operations. Recommendations of the Academies-Research Council shall be based upon consultations with and recommendations from various private organizations and institutions, laobr, private industry, governmental agencies and entities operating in the field, and the Consultative Council as provided for under section 1004(h).

"(c) Nothing in this title shall be construed as expressing the intent of the Congress that the Academies-Research Council itself be required to assume any function or operation vested in the institute by or under this title, nor is its continuing advice and assistance precluded should the institute and the Academies-Research Council wish to provide therefor beyond the initial five years of operation.

"ADMINISTRATION OF THE INSTITUTE

"SEC. 1004. (a) The institute shall have a board of directors (hereinafter referred to as the 'board') consisting of not less than fifteen nor more than twenty-one members, appointed during its first five years of operation by the President of the United States, by and with the advice and consent of the Senate, and thereafter as provided for by its charter. In selecting persons to serve on the initial board, the President shall appoint members from lists of highly qualified persons recommended to him by the Academies-Research Council. The board shall be reasonably representative of the various regions of the country of the various segments of the building community including private industry and labor, of all levels of government, of consumer interests, and of the various types of experience which are appropriate to the functions and responsibilities of the institute.

"(b) The members of the initial board shall serve as incorporators and shall take whatever actions are necessary to establish the institute as provided for under section 1002(a).

"(c) The term of office of each member of the initial and succeeding Boards shall be three years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. No member shall be eligible to serve in excess of three consecutive terms of three years each. Notwithstanding the preceding provisions of this subsection, a member whose term has expired may serve until his successor has qualified.

"(d) Any vacancy in the initial and succeeding boards shall not affect its power, but shall be filled in the manner in which the original appointments were made, or, after the first five years of operation, as provided for by the organizational rules and procedures of the institute.

"(e) The President shall designate one of the members appointed to the initial board as Chairman; thereafter, the members of the initial and succeeding boards shall annually elect one of their number as Chairman. The members of the board shall also elect one or more of their number as Vice Chairman. Terms of the Chairman and Vice Chairman shall be for one year and no individual shall serve as Chairman or Vice Chairman for more than two consecutive terms.

"(f) The members of the initial or succeeding boards shall not, by reason of such membership, be deemed to be employees of the United States Government. They shall, while attending meetings of the board or while engaged in duties related to such meetings or in other activities of the board pursuant to this title, be entitled to receive compensation at the rate of $100 per day including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized by law (section 5703 of title 5, United States Code) for persons in the Government service employed intermittently.

"(g) The institute shall have a president and such other executive officers and employees as may be appointed by the board at rates of compensation fixed by the board. No such executive officer or employee may receive any salary or other compensation from any source other than the institute during the period of his employment by the institute.

"(h) The institute shall establish, with the advice and assistance of the Academies-Research Council, a consultative council, membership in which shall be available to a representative of all appropriate private trade, professional, and labor organizations, private and public standards, code, and testing bodies, public regulatory agencies, and consumer groups, so as to insure a direct line of communication between such groups and the institute and a vehicle for representative hearings on matters before the institute.

"NONPROFIT AND NONPOLITICAL NATURE OF THE INSTITUTE

"SEC. 1005. (a) The institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the institute shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

"(c) The institute shall not contribute to or otherwise support any political party or candidate for elective public office.

"FUNCTIONS OF THE INSTITUTE

"SEC. 1006. (a) The institute shall exercise its functions and responsibilities in four general areas relating to building regulation, as follows:

"(1) Development, promulgation, and maintenance of nationally recognized performance criteria, standards, and other technical provisions for maintenance of life, safety, health, and public welfare suitable for adoption by building regulating jurisdictions and agencies, including test methods and other evaluative techniques relating to building systems, subsystems, components, products, and materials.

"(2) Evaluation and prequalification of existing and new building technology in accordance with paragraph (1).

"(3) Conduct of needed investigations in direct support of paragraphs (1) and (2).

"(4) Assembly, storage, and dissemination of technical data and other information directly related to paragraphs (1), (2), and (3).

"(b) The institute in exercising its functions and responsibilities described in subsection (a) shall assign and delegate, to the maximum extent possible, responsibility for conducting each of the needed activities described in subsection (a) to one or more of the private organizations, institutions, agencies, and Federal and governmental entities with a capacity to exercise or contribute to the exercise of such responsibility, monitor the performance achieved through assignment and delegation, and, when deemed necessary, reassign and delegate such responsibility.

"(c) The institute in exercising its functions and responsibilities under subsections (a) and (b) shall (1) give particular attention to the development of methods for encouraging all sectors of the economy to cooperate with the institute and to accept and use its technical findings, and to accept and use the nationally recognized performance criteria, standards, and other technical provisions developed for use in Federal, State, and local building codes and other regulations which result from the program of the institute; (2) to seek to assure that its actions are coordinated with related requirements which are imposed in connection with community and environmental development generally; and (3) consult with the Department of Justice and other agencies of Government to the extent necessary to insure that the national interest is protected and promoted in the exercise of its functions and responsibilities.

"FINANCING OF THE INSTITUTE'S ACTIVITIES

"SEC. 1007. (a) The institute is authorized to accept contracts and grants from Federal, State, and local governmental agencies and other entities, and grants and donations from private organizations, institutions, and individuals.

"(b) The institute may, in accordance with rates and schedules established with guidance provided by the Academies-Research Council under section 1003(b), establish fees and other charges for services provided by the institute or under its authorization.

"(c) Amounts received by the institute under this section shall be in addition to any amounts which may be appropriated to provide its initial operating capital under section 1009.

"COOPERATION BY FEDERAL GOVERNMENT AGENCIES AND STATE AND LOCAL AGENCIES

"SEC. 1008. (a) Every department, agency, and establishment of the Federal Government, in carrying out any building or construction, or any building- or construction-related program, which involves direct expenditures, and in developing technical requirements for any such building or construction, shall be required to accept the technical findings of the institute, or any nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the institute, which may be applicable.

"(b) All projects and programs involving Federal assistance in the form of loans, grants, guarantees, insurance, or technical aid, or in any other form, shall, as a condition of the assistance, accept, use, and comply with any of the technical findings of the institute, or any nationally recognized performance criteria, standards, and other technical provisions for building codes and other regulations brought about by the institute, which may be applicable to the purposes for which the assistance is to be used.

"(c) Every department, agency, and establishment of the Federal Government having responsibility for building or construction, or for building- or construction-related programs, is authorized and encouraged to request authorization and appropriations for grants to the institute for its general support, and is authorized to contract with and accept contracts from the institute for specific services where deemed appropriate by the responsible Federal official involved.

"(d) The institute shall establish and carry on a specific and continuing program of cooperation with the States and their political subdivisions designed to encourage their acceptance and its technical findings and of nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the institute. Such program shall include (1) efforts to encourage changes in existing State and local law to utilize or embody such findings and regulatory provisions; and (2) assistance to States in the development of inservice training programs for building officials and in the establishment of fully staffed and qualified State technical agencies to advise local officials on questions of technical interpretation.

"APPROPRIATIONS FOR INITIAL CAPITAL

"SEC. 1009. There is authorized to be appropriated to the institute, over the first five fiscal years which end after the date of the enactment of this title, the sum of $5,000,000 for each of the first two such fiscal years, the sum of $3,000,000 for each of the next two such fiscal years, and the sum of $2,000,000 for the last such fiscal year (with each appropriation to be available until expended or until six years shall have passed), to be used to provide the institute with initial capital adequate for the exercise of its functions and responsibilities during such years (and to assist the Academies-Research Council with funds under contract which the Board may deem necessary to allow the Council to provide the necessary advice and assistance in organizing and establishing the institute); and thereafter the institute shall be financially self-sustaining through the means described in section 1007.

"REPORT TO CONGRESS

"SEC. 1010. The institute shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress within sixty days of its receipt. The report shall include a comprehensive and detailed report of the institute's operations, activities, financial condition, and accomplishments under this Act and may include such recommendations as the institute deems appropriate. Each such report shall include a separate report from the Academies-Research Council."

HUNGER—A FORGOTTEN PROBLEM

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today I am introducing a resolution to require the Department of Health, Education, and Welfare to release the complete results of the national nutrition survey.

An identical resolution has been introduced in the Senate by Senator Ernest Hollings of South Carolina who deserves much of the credit for focusing national attention on the scandal of hunger in America.

The saga behind the National Nutrition Survey is one that is repeated all too often in official Washington. It is the story of how the leaders of Government react to many of the major social crises of the day—in this case the revelation in 1967 that there was widespread hunger and malnutrition, and even starvation, in the United States.

First comes the appointment of a commission or study group to look into the problem, then the outlay of millions of dollars to carry out the study, and finally repression or rejection of the final results when they prove to be too embarrassing to the administration in power.

This pattern has been repeated time and again in the past several years. There was the Kerner Commission on race riots whose dire warnings about the creation of two separate societies, one black and one white, were simply not believed by the Johnson administration; then the National Commission on the Causes and Prevention of Violence led by Dr. Milton Eisenhower whose findings were largely ignored; and the Scranton Commission on Campus Violence which has been denounced and rejected by members of the administration which commissioned it.

Most recently, there was the famous Garwin report—a study of the SST prepared for the President's Science Advisory Committee which the administration refused to release when it turned out to be critical of the SST.

The National Nutrition Survey was authorized by the Congress in the summer of 1967 when the issue of hunger in America finally surfaced. The initial reaction was one of shock and disbelief. Government agencies responded with emergency grants to feed the poor and critical analyses of their own food programs, citizens inquiry groups were organized to investigate hunger, and the Surgeon General of the United States testified before a Senate subcommittee that:

> We do not know the extent of malnutrition anywhere in the United States. I cannot say what the extent is because we just don't know.
>
> It hasn't been anybody's job to find out. We can do it all over the world, but not in the United States.

The Congress responded to this appalling testimony by passing an amendment requiring the Secretary of Health, Education, and Welfare to make a comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto and report these findings within 6 months to the Congress.

The national nutrition survey was launched in 1968. Ten States were chosen for the survey—Texas, Louisiana, New York, Kentucky, Michigan, California, Washington, South Carolina, West Virginia, and Massachusetts.

Doctors and health officials from the Federal Government and the States were brought together to conduct the survey.

Seventy thousand people in the 10 States received thorough medical examinations and the data was put on 3 million punchcards.

Five million dollars was spent.

Eighty percent of the information on the individual exams has been audited, and is complete.

Yet today, those cards, containing the only comprehensive data on the incidence of hunger and malnutrition and related health problems of the poor in America, are stored in boxes in the Center for Disease Control in Atlanta, Ga.—unavailable to the Congress and to the public.

Dr. Arnold Schaefer, the project director and Public Health Service staff member for 15 years, has said that the survey results can be projected to show that there are 15 million hard-core hungry and malnourished people in the United States.

The survey also proves that two out of five persons below the poverty level have serious medical problems caused by malnutrition.

Put these statistics alongside the recent scientific findings about the damaging effects of malnutrition on the intelligence, not only of living children but of those not yet born and not even conceived, and you begin to see that this is not only an immense tragedy but a self-perpetuating crisis. Unless the vicious circle is broken with outside help, these victims will be unable to sustain themselves and will be the source of an unending burden on the rest of the Nation.

The survey results are shocking. And they say a lot about the shortcomings of our society. Perhaps for that very reason many people choose not to believe them.

The administration has, in fact, been critical of the national nutrition survey and has questioned its scientific validity. Yet the Food and Nutrition Board of the National Academy of Sciences reports that the data is valid.

For whatever reason, this administration is obviously uncomfortable with the results of the survey and refuses to release the completed data. Instead, they have furnished a totally inadequate interim report, and have called for a new nutrition study to last through 1973.

And so the cycle begins again.

Four years ago the Congress authorized the national nutrition survey in response to the national scandal of hunger in America. Now we have collected the necessary data on which to formulate badly needed programs to correct this scandal.

If we wait 2 more years, until the administration has completed yet another survey, the problem will, of course, only have worsened.

We are a long way from fulfilling the promises of the 1960's to end poverty and hunger in America. But this survey gives us the necessary information to make good on some of those promises.

The Congress must demand that the survey be released, and then get on with the business of assuring adequate nutrition for all Americans.

The text of the resolution follows:

H. Res. 476

Whereas, the Congress of the United States in 1967 issued a mandate to the Secretary of Health, Education and Welfare to make a comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States; and

Whereas, the Nutrition Program of the United States Public Health Service was designated by the Secretary to plan, develop and carry out the mandate; and

Whereas, Dr. Arnold E. Schaefer, Chief of the Nutrition Program, National Center for Chronic Disease Control, Bureau of Disease Prevention and Environmental Control, Public Health Service, Department of Health, Education and Welfare, was placed in charge of the National Nutrition Survey; and

Whereas, Dr. Schaefer and his team of experts, using methodology devised in 33 international surveys since 1956, did conduct the National Nutrition Survey in the states of Texas, Louisiana, New York, Kentucky, Michigan, Massachusetts, California, Washington, West Virginia, and South Carolina; and

Whereas, the National Nutrition Survey has been completed with the examination of more than seventy thousand persons at a cost in excess of $5 million, and has produced data approved as valid by the Food and Nutrition Board of the National Academy of Sciences; and

Whereas, official results have been produced on only two states, Texas and Louisiana, in April, 1970, but no other results have been forthcoming, despite the fact that the raw data is available to be fed into computers for results; and

Whereas, the Department of Health, Education and Welfare has announced plans to undertake a contining "probability survey" without reporting on or implementing any findings of the National Nutrition Survey, but has yet to examine the first patient; therefore be it

Resolved, that it is the sense of the House of Representatives that the Secretary of Health, Education and Welfare should, not later than 60 days after the date on which this resolution is agreed to, submit to the Congress the results of the comprehensive survey, required by Section 14 of the Partnership for Health Amendments Act of 1967, of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States, together with his findings and recommendations with respect thereto.

VOCATIONAL REHABILITATION AMENDMENTS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I have recently introduced H.R. 8395, "The Rehabilitation Act of 1971," which amends and updates the Vocational Rehabilitation Act. Twenty-three members of the House Committee on Education and Labor have joined me in sponsoring this legislation. The sponsors include Members of both parties, which is indicative of the bipartisan support vocational rehabilitation has always had and will have this year, I am sure. It is my hope that hearings will be conducted soon, and that action on the legislation will be completed this year. It is important that it be accomplished this year, as authorizations of appropriations for all titles of the Vocational Rehabilitation Act expire June 30, 1972.

During 1970, the State-Federal program of vocational rehabilitation, which operates under the Vocational Rehabilitation Act, celebrated its 50th anniversary, and ceremonies were held nationally and in all of the States. During the life of the program, over 2,800,000 physically and mentally handicapped people have been assisted in rehabilitating themselves, and many of these individuals occupy prominent positions in American life today. In almost every audience which includes handicapped individuals, when rehabilitation is discussed, people rise to state how much it meant to have the resources of a rehabilitation agency available at a crucial time in their lives.

In 1968, a National Citizens' Advisory Committee on Vocational Rehabilitation, appointed at the request of the House Appropriations Committee, made its report to Congress and to the Nation. I should like to show with my colleague two quotations from the report. The Advisory Committee stated:

> We are convinced that the rehabilitation movement in the United States represents one of the great achievements of our culture. It stands as a monument to the humanitarian instincts of the American citizen, and, at the same time, provides practical ways for disabled persons to achieve satisfying, productive lives.

Again, referring specifically to a study of the State-Federal vocational rehabilitation program, the Advisory Committee continued:

> We liked what we saw when we looked at the public vocational rehabilitation program. There can be no doubt of the program's success. From the time of its inception in 1920—the program has been the literal salvation of millions of disabled Americans. Evidence of its success is seen in the constantly increasing numbers of the disabled who are rehabilitated each year, in the economic gain resulting from the investment of the American dollar, and in the extent to which other governmental programs have adopted rehabilitation ideas, techniques and methods.

The committee also listed four major components of the rehabilitation program which are important to its development: direct services to individuals, research and demonstration, training of personnel, and the construction of rehabilitation facilities. These components reinforce each other and assure a steady progress in both the numbers of people served and in the effectiveness of the services which are provided. All four components are provided for in the Vocational Rehabilitation Act.

A few of the facts about the present status of the program are appropriate at this point. The State-Federal rehabilitation program serves all classes of handicapped people. In fiscal 1970, it expended a total of $557,706,000 in rehabilitating 266,975 handicapped individuals. The total number of people receiving services during that year was 875,911. The average cost of each rehabilitated case was slightly more than $2,000, which includes all administrative expense and all expenditures for individuals who were served during the year, whether or not the services resulted in rehabilitation. The program also has the highest cost-effectiveness ratio of any federally supported program with similar objectives.

Fortunately, the vocational rehabilitation program has been characterized by its pioneering spirit and by the flexibility of its operation. Having the authority under the Vocational Rehabilitation Act to serve any class of handicapped individuals who needs services and to provide almost any services that may be needed by an individual, if such services will result in his rehabilitation, State agencies have been able to move promptly and effectively into new areas of service. Persons rehabilitated in 1970, in addition to the orthopedically handicapped whose disabilities are more obvious, included substantial numbers of the mentally ill, the mentally retarded, public offenders, narcotic addicts, and alcoholics.

Rehabilitation programs have also tried to bring their services to handicapped individuals in a variety of settings. These agencies are working closely with the public schools, mental hospitals, residential schools for the retarded, correctional institutions, and many other organizations in efforts to bring rehabilitation emphasis into their programs. Their influence has been felt not only in the number of persons referred by these agencies who have received rehabilitation services but also in the adoption by the various agencies of the rehabilitation philosophy, which has vitally affected their entire operations.

Vocational rehabilitation agencies could not have succeeded in their efforts without the wholehearted cooperation of voluntary agencies organized to help handicapped people. State allotments under the Vocational Rehabilitation Act have been used liberally by the States to establish and equip rehabilitation facilities, most of which are operated by voluntary agencies. The State vocational rehabilitation agencies, then, purchase services from the community-based facilities. Research and demonstration grants are made by the Secretary under the Vocational Rehabilitation Act of both public and voluntary agencies, and the voluntary agencies are often the pioneers in new developments.

It often has been stated that the vocational rehabilitation movement has developed the best blend of public and voluntary organization services and the most effective working relationships of any program in the field of human services.

Notable, too, has been the fine relationships between the States and the Federal Government in the administration of this program. The Federal administration has been understanding of principles that must underlie effective State-Federal relationships, and the States have readily accepted administrative and technical leadership from Federal personnel. Both the States and the Federal Government point to this program as an example of a good State-Federal relationship.

While commending the efforts of the vocational rehabilitation agencies, the National Citizens' Committee on Vocational Rehabilitation, as well as many other bodies, have carefully pointed out its inadequacies. A relatively small percentage of the people who could be substantially helped by rehabilitation services actually receive such services. In some instances, this is because of a lack of understanding of what rehabilitation is and what these agencies can do. In the main, it is because of an inadequacy of resources. In H.R. 8395 an effort has been made to identify weaknesses and to suggest program that will overcome such inadequacies. At the conclusion of this statement, I shall insert a brief section-by-section analysis of the bill. At this point, I would like to discuss briefly the principal features and objectives of H.R. 8395.

First, it extends appropriation authority for all titles of the Vocational Rehabilitation Act for 3 years.

Second, it establishes a program of grants to the States to assist them in initiating or expanding services to classes of handicapped individuals which have unusual difficult problems in connection with their rehabilitation. Expected to profit from this title are alcoholics, drug addicts, migratory workers, public offenders, and others.

Third, the bill sets up special programs for the deaf and for the blind which will round out comprehensive services to these two groups of severely handicapped individuals.

Fourth, it authorizes the establishment of special centers for the low-achieving deaf.

Fifth, it establishes in the Department of Health, Education, and Welfare a National Information and Resource Center for handicapped individuals.

Sixth, it authorizes the establishment of a National Commission on Transportation and Housing for the handicapped which would operate along the lines of the very successful National Commission on Architectural Barriers.

Mr. Speaker, I am proud to have been associated with vocational rehabilitation legislation in the past. This program has never let us down. I know the Kentucky program intimately and have witnessed its profound impact on the lives of handicapped people in my own district. I firmly believe that an expanded program is now in order, and that any additional responsibilities given to the State-Federal program of rehabilitation under this legislation will be met diligently. I am sure we will not be disappointed with the results.

The analysis of the bill follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 8395

SECTION 1. This section contains the title of the act, a brief statement of purpose, and a table of contents.

SEC. 2. This section contains a statement of findings and purpose. The present act lacks a clear and comprehensive statement of this kind. The statement is written so as to relate to the various programs provided for in the bill.

SEC. 3. This section contains provisions for advanced funding to prevent a situation in which a program has to operate on the basis of continuing resolutions, when an appropriation bill is not passed by June 30. Advanced funding will make possible better planning and more effective use of funds appropriated. The advanced funding language in the bill is similar to that found in the manpower legislation sent to Congress by the Administration.

SEC. 4. This section permits agencies financed under the act to enter into joint funding relationships with other agencies receiving Federal funds. In such a project, one of the agencies could be given responsibility for administering the funds of all the agencies involved in financing the project. A single Federal share could prevail for all the funds going into the project. This provision will permit effective joint funding and administration of programs. The language in the present Vocational Rehabilitation Act having to do with joint funding has been found to be inadequate.

SEC. 5. This section permits a state to submit a consolidated state plan to cover all or part of the titles of this act and the Developmental Disabilities Services and Construction Act of 1970. Since this latter Act is administered by the Rehabilitation Services Administration and is closely related to rehabilitation programs in the States, it is felt that this program should be included among those with respect to which it is possible to include in a consolidated plan.

The provisions governing such consolidated plans are those generally in effect for State plans at this time. A single average Federal share for the programs covered by the consolidated State plan may be established by the Secretary on request of the Governor of the State. Not to exceed 10% of the appropriations for any one program may be transferred to another program.

SEC. 6. There is nothing new in the definitions in this part of the bill.

TITLE I. VOCATIONAL REHABILITATION SERVICES

The provisions of this title pertain to two grant-in-aid programs, the basic State-Federal vocational rehabilitation program financed at the present time under section 2, and a new grant-in-aid program for initiation and expansion of rehabilitation programs, which includes some of the provisions of the present section 4 with additional programs added.

SEC. 100. This section contains a declaration of purpose. The section is new, present legislation having no comprehensive statement of purpose for the State-Federal vocational rehabilitation program.

SEC. 101. This section contains the authorizations for appropriations for the basic State-Federal vocational rehabilitation program and for the new initiation and expansion program. Appropriation authority is for three years, ending June 30, 1975.

SEC. 102. This section contains the allotment formula for the basic State-Federal vocational rehabilitation program. Allotments will continue to be made based upon population and per capita income (allotment percentage) squared. A minimum allotment to a State will be $2 million per annum or an amount specified in the annual appropriation bill. This method of adjusting minimum allotments is similar to that provided for in section 3 and section 15 of the present Vocational Rehabilitation Act. Private funds may be used as State funds to match Federal funds for construction and establishment of a rehabilitation facility, subject to regulations of the Secretary. This is a continuation of the so-called Laird amendment language.

SEC. 103. This section sets up a program of grants to the States to assist them in developing and carrying out special programs to initiate or expand services to classes of handicapped individuals which have unusually difficult problems in connection with their rehabilitation and responsibility for whose treatment, education, and rehabilitation is shared by the State vocational rehabilitation agency with other agencies. The classes of handicapped individuals referred to include alcoholics, drug addicts, migratory workers, and public offenders. This section also incorporates the expansion grant authority in section 4 of the present Act.

Funds will be allotted to States on the basis of population alone. States will develop projects which will be submitted to the Secretary of Health, Education, and Welfare for approval. If a State does not use all of its allotment, the unused part of the allotment can be reallotted to another State. A 90 per centum Federal share will prevail in this program. Any one project developed under the program would be limited to three years.

This program is designed to enable the States to make a massive attack upon some of the most important problems of our day in connection with handicapping conditions. The vocational rehabilitation agencies have demonstrated an ability to work effectively with the classes of handicapped invididuals mentioned in this section, but the lack of resources has prevented their movement in a substantial way.

SEC. 104. This section contains State plan provisions governing the State-Federal grant-in-aid program. There are two principal changes from existing plan provisions.

(1) Administration of the vocational rehabilitation program by a local service agency, under State supervision, is permitted. This replaces the provision found in existing law which has not been used. It would put the vocational rehabilitation agency in position to cooperate with other agencies which move toward local administration. When a program is administered locally, there must be a local advisory committee which will advise the local organization on program development and related matters, evaluate the effectiveness of local programs, and submit its findings and recommendations to the State agency supervising the administration of the program.

(2) The list of State agencies with which the State vocational rehabilitation agency must have cooperative arrangements is updated to include public assistance and social service agencies, manpower agencies, programs for the deaf and the blind, and others.

SEC. 105. This section includes the definitions governing the Federal grant-in-aid rehabilitation programs. The changes are as follows:

(1) In the definition of rehabilitation services, the term "advocacy" is added as a service. This means advocacy in the sense that the agency will be responsible for serving the handicapped individual or for seeing that he gets the service he needs. It also implies the identification of gaps in the service structure and the alerting of the community and the State with respect to the need for new programs and for expanded programs.

(2) The definition of rehabilitation services is also amended to include "follow along and other post-employment services necessary" to assist handicapped people to maintain their employment. This is to emphasize the fact that some handicapped people must not be "closed" when employed but must be given post-employment services for an indefinite period of time.

(3) The definition of the handicapped individual is revised to include the words "including a behavioral disorder". These words are already in the regulations. Having them in the law will emphasize the congressional intent that persons suffering serious behavioral disorders but who may not possess medically diagnosable physical or mental impairments are to be served. It also states separately the criteria for determining that an individual is handicapped in order to recognize, as the regulations do, that various factors (medical, psychological, vocational, educational, cultural, social, environmental) may, combined with disability, affect a handicap to employment.

(4) The Secretary is given authority to designate by regulations certain classes of individuals who meet the first two criteria used to identify the handicapped individual, that is, (1) he is under a disability, and (2) has an employment handicap. The application of the third criteria, that the person can reasonably be expected to benefit from vocational rehabilitation services, is a professional responsibility based upon an evaluation of the individual's rehabilitation potential and will be applied by vocational rehabilitation agency personnel.

(5) The terms "local service agency" and "local advisory committees" are defined.

TITLE II, EVALUATION OF REHABILITATION POTENTIAL

This title is the same as Section 15 of the present Vocational Rehabilitation Act, "Evaluation of Rehabilitation Potential", with two exceptions.

(1) Section 202(a) clearly mandates allotments to States be made on the basis of amounts authorized in law, and

(2) In a State with more than one agency administering the vocational rehabilitation program, the State may apportion its allotment between the agencies. This permits participation in the program by State agencies providing vocational rehabilitation to the blind.

TITLE III—SENSORY DISABILITIES

This title has two parts, Part A, which has to do with services to the blind, and Part B, which has to do with services to the deaf. Implicit in this title is the fact that blind and visually handicapped people and deaf and hearing impaired people have unusually difficult problems in adjusting to their disabilities and achieving independence and self-support. It is an acknowledgment that vocational rehabilitation services, routinely applied, may not be adequate in serving these two groups of severely handicapped individuals. Further, it is recognized that the deaf and blind require a broader range of services provided under a broader range of conditions than do most groups of handicapped individuals. This title is expected to make it possible for the agencies rehabilitating these two groups of disabled individuals to do literally anything and everything that is required in order to help them achieve the maximum degree of independence and self-support.

PART A—SERVICES FOR THE BLIND

SEC. 300. This section contains a statement of purpose.

SEC. 301. This section authorizes appropriations for services to the blind.

SEC. 302. This section provides for allotments to the states based on population and per capita income (allotment percentage) with minimum allotments of $50,000 per annum to a state. It also provides that a state may apportion its allotment between agencies, when more than one agency is involved in the administration of its programs for the blind. There is also a reallotment provision to be used, if one state is unable to use all of its allotment. Ten per cent of the appropriations may be retained by the Secretary to pay 90% of the cost of projects of national significance which will contribute to or demonstrate new and improved methods for the rehabilitation of the blind.

SEC. 303. This section contains the state plan requirements. They are similar to those found in the Developmental Disabilities Services and Construction Act.

SEC. 305. Definitions. A few of the definitions are significant.

(1) A blind or visually handicapped person

is defined to mean a person who is blind or visually handicapped according to the state law and may include individuals who, in addition to their visual impairments, have other disabilities.

(2) The definition of services to the blind and visually handicapped is written so as to include any service that may be required to help such an individual adjust to his blindness and live an independent, and, so far as possible, a productive life. It will encourage serving blind older people and children usually considered too young for vocational rehabilitation services.

(3) The definition of services includes the establishment and maintaining of a register of the blind and the establishment and maintaining of centers for collecting and distributing materials necessary in serving the blind.

(4) The definitions are carefully written to permit the agencies to do anything that visually handicapped persons need to have done that is not available from other agencies, while assuring a non-duplication of effort. It will be noted that there is a special section dealing with non-duplication.

PART B—SERVICES FOR THE DEAF

Sec. 310. This section contains a statement of purpose.

Sec. 311. This section authorizes appropriations for services to the deaf.

Sec. 312. This section contains allotment provisions. Appropriations are to be allotted upon the basis of population and per capita income (allotment percentage), with a $50,000 annual minimum allocation. This section also includes a reallotment provision. Ten per cent of the appropriation may be retained by the Secretary of HEW for projects of national significance that will assist in meeting the needs of the deaf or demonstrating new or improved techniques for serving such persons.

Sec. 313. This section includes state plan provisions. They are similar to those in the Developmental Disabilities Services and Construction Act.

Sec. 315. There are several important definitions.

(1) The terms "deaf" and "deafness" are to be defined in regulations of the Secretary and may include individuals who, in addition to being deaf, have other disabilities.

(2) The term "services to deaf" is defined broadly to include any services that may be needed by the individual to enable him to become more independent and productive.

(3) The definition of "services" includes authority to establish and maintain a register of the deaf.

(4) There is a provision to prevent any duplication of services with those provided by any other agency.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

In the present Vocational Rehabilitation Act, the responsibilities of the federal government are scattered throughout the legislation. In this title, all of the federal responsibilities have been brought together and some additional responsibilities included.

Sec. 400. This section contains a declaration of purpose and listing of programs which are the responsibility of the Secretary.

Sec. 401. This section contains authorizations for appropriations for the programs listed in the previous section. It also includes authorization of appropriations of not to exceed $1 million to be used by the Secretary for the evaluation of the programs authorized by the act.

Sec. 402. This section includes the authority needed by the Secretary to administer the act. Only two changes have been made from existing legislation.

(1) In subsection (c), the authority of the Secretary is broadened to authorize him to make grants as well as to enter into contracts to "conduct research studies, investigations, demonstrations and evaluations" related to programs authorized by this act. In the new part, this authority is broadened to include making grants or contracts having to do with architectural, transportation, and other environmental and attitudinal barriers to the rehabilitation of handicapped individuals.

(2) Under subsection (e) (1), the Secretary is authorized to provide technical assistance in the area of architectural barriers as well as in other areas in which he already has specific authority.

Sec. 403. This section incorporates Section 8 of the Vocational Rehabilitation Act having to do with increasing employment opportunities for the handicapped.

Sec. 404. National Information and Resource Center for the Handicapped.

This section is identical with S. 4202 which passed the Senate in 1970. It was generally referred to as the Dole bill. This bill has been reintroduced in 1971 as S. 41. It is included in this bill in order that it may be seen in connection with other responsibilities the Secretary has in administering rehabilitation legislation.

Sec. 405. Grants for Construction of Rehabilitation Facilities.

This section incorporates without important change section 12 of the present Vocational Rehabilitation Act having to do with rehabilitation facilities.

Sec. 406. Rehabilitation Facility Improvement.

This section includes the provisions of section 13 of the present Vocational Rehabilitation Act. There are no important changes.

Sec. 407. Special Projects.

This section includes the authority the Secretary currently has under section 4 of the Vocational Rehabilitation Act to pay the part of the cost of projects for demonstration, research, training, traineeships and projects for the establishment of special facilities and services which, in his judgment, hold promise of making a substantial contribution to the solution of rehabilitation problems common to all of the States. In this bill, we have taken the expansion grants authority from this section and included it in the title II program for initiation and expansion of rehabilitation services. This section also contains, somewhat broadened, the authority of the Secretary to undertake projects which experiment with new services or patterns of services, including new careers for handicapped individuals and new careers for other individuals who will serve handicapped people. The authority for undertaking new careers programs is currently found in section 4.

Sec. 408. National Center for Deaf-Blind Youth and Adults.

In section 408, we have language identical with that found in section 16 of the present Act.

Sec. 409. Comprehensive Rehabilitation Centers for Deaf Youths and Adults.

This is a new section. It authorizes the establishment by the Secretary of comprehensive rehabilitation centers for deaf youths and adults with particular emphasis upon the low (under) achieving deaf. It also permits research in the nature and prevention of problems of the low achieving deaf and the rehabilitation of these individuals, and the development of a program of public understanding of the problems of the low achieving deaf. The Secretary would have the authority to enter into an agreement with public or other nonprofit organizations to establish and operate such centers.

This bill is quite similar to H.R. 5610 introduced by Mr. Mills in the present session of Congress. The Mills bill would provide for the establishment of only one such center, while this legislation would authorize "centers". Otherwise, we think the objectives are very much the same.

Sec. 410. National Commission on Transportation and Housing for the Handicapped.

This section authorizes the Secretary of Health, Education, and Welfare to establish a National Commission on Transportation and Housing for the Handicapped. The commission is to have not to exceed 15 members, with the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of the Treasury (or their designees) serving as ex-officio members.

The purpose of the commission shall be to consider how and to what extent transportation barriers impede the mobility of the handicapped; how travel expenses in connection with transportation to and from work for handicapped people can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation; what the housing needs of the handicapped people are and determine what is being done, especially by public and other nonprofit agencies and groups having interest in and the capacity to deal with the elimination of barriers from public transportation systems; how to prevent the incorporation of needless barriers in new or expanded transportation systems; how to make housing available and accessible to the handicapped and to meet sheltered housing needs; and prepare plans and proposals for further action as may be necessary along the lines indicated.

This commission is modeled to a considerable extent after the National Commission on Architectural Barriers, whose work made a tremendous impact in that field. The housing and transportation problems of handicapped people are acute and must be dealt with. The commission is given the usual authority to appoint advisory and technical experts and consultants.

TITLE V—MISCELLANEOUS

As indicated at the beginning of this document, this bill as written would replace the present Vocational Rehabilitation Act. Section 500 and section 501 are intended to bridge the gap between the old law and the new one.

The Rehabilitation Act of 1971—What You Need To Know About It

1. Question: Why is rehabilitation legislation being considered this year?

Answer: Appropriation authority for all titles of the present Vocational Rehabilitation Act expires June 30, 1972, and should be renewed this year. In addition, new legislation is needed to close existing gaps in services to handicapped people. The proposed legislation is designed to do both.

2. Question: What form does the legislation take?

Answer: The bill is written as a replacement for the present Vocational Rehabilitation Act. The provisions not being changed are in plain type. The new sections and changes in the old sections are in italics. It will be noted that there has been a rearrangement of sections. The bill as written would be the entire Vocational Rehabilitation Act as amended by the changes and additions being made in this legislation.

3. Question: What appropriations are being recommended for the basic state-federal vocational rehabilitation program?

Answer: For 1973, $800 million; for 1974, $950 million; for 1975, $1,200 million. The authorization in the present law for 1972 is $700 million. There will no longer be a separate section for "Innovation". There is no change in the allotment formula.

DEFINITIONS

4. Question: Have any changes been made in the definition of the handicapped individuals to be served by the state vocational rehabilitation agencies under this title?

Answer: Yes. The handicapped individual is defined to include an individual who is under a "behavioral disorder", a term already found in the regulations. This is to make clear the intent of Congress that state vocational rehabilitation agencies are to serve seriously maladjusted individuals who can profit from rehabilitation services but whose disabilities may not be readily identifiable by the usual medical or psychological examination. This will simplify the acceptance of public offenders, drop-outs from manpower programs and others, when these individuals are able to profit from rehabilitation services.

The bill also authorizes the Secretary of HEW to designate by regulations certain classes of handicapped individuals who are under a disability and have a substantial handicap to employment. In all cases, the determination as to whether the individual may reasonably be expected to benefit from vocational rehabilitation services will remain a professional decision to be made on the basis of an evaluation of rehabilitation potential.

5. Question: Is there any change in the definition of rehabilitation services that may be provided?

Answer: The only change is one that adds "follow along and other post employment services necessary" to the list of services, which is already comprehensive. This change will emphasize the fact that many seriously disabled individuals will require certain services long after they become remuneratively employed.

FUNDING

6. Question: Are there any changes in funding arrangements for the state-federal vocational rehabilitation program?

Answer: An important change is one that authorizes advanced funding applicable to all titles of the bill. Advanced funding will prevent a situation developing in which an appropriation has not been passed by Congress before the beginning of the fiscal year for which the appropriation is made. An appropriation for 2 years would be made once, after which appropriations would be made one year at a time.

7. Question: What about minimum allotments under the bill?

Answer: The language pertaining to minimum allotments is changed to provide a minimum allotment of $2 million per annum, an increase from $1 million per annum, or an amount indicated in the annual appropriation bill. This latter provision will make it unnecessary to get an amendment to the law in order to increase the minimum as the programs grow.

8. Question: Are any provisions made for joint funding of vocational rehabilitation and other programs with related goals?

Answer: Yes. State vocational rehabilitation agencies are authorized to enter into joint funding arrangements with other agencies to finance projects which will be administered by only one of the agencies involved. It will be possible to have a common federal share (average) for all funds involved in the joint effort, if this is requested. This provision should encourage cooperative efforts of social welfare, manpower, educational and rehabilitation agencies if legislation governing these other programs have similar provisions.

STATE AND LOCAL ADMINISTRATION

9. Question: Does the bill contain any changes in administrative arrangements?

Answer: There would be no changes at the federal level, the authority to administer the act remaining with the Secretary of HEW. At the state level, two changes are significant. The wording of present authority of the state agency to supervise the administration of vocational rehabilitation by a local unit of government is revised. The bill provides that vocational rehabilitation may be administered under the supervision of the state vocational rehabilitation agency by a "local service agency" which is defined as a unit of general local government (or combination of units) which has an agreement with the state vocational rehabilitation agency. It would be permissive for the local unit of government to utilize another public or voluntary agency in providing services, if such an arrangement is specified in the agreement between the state vocational rehabilitation agency and the local service agency. This provision will permit the state vocational rehabilitation agencies to cooperate with other agencies in local administration of their programs without mandating local administration.

In cases where the state agency does supervise administration of the program by a local service agency, there must be a broadly based local advisory committee, which will perform the functions usually provided by such an advisory committee and make reports to the state vocational rehabilitation agency on its findings.

10. Question: Are there other changes in administrative arrangements?

Answer: The state is authorized to submit a combined state plan which could include more than one title of the Rehabilitation Act of 1971 and the Developmental Disabilities Services and Construction Act. The reason for this permissive arrangement will be clearer as new programs are discussed.

The bill also updates the list of organizations with which the state vocational rehabilitation agency must have cooperative arrangements to include welfare and social service agencies, manpower agencies, and others.

INITIATION AND EXPANSION GRANTS

11. Question: What provisions does the bill have to encourage initiation and expansion of vocational rehabilitation services in the states?

Answer: One of the most important new provisions establishes a program of grants to the states to initiate or expand services. This section incorporates the expansion grant concept in Section 4(a)(2) of the present act and broadens it. Some of its features are as follows:

(a) The purpose of the section is to bring about a big expansion of services to certain classes of individuals who have unusual and difficult problems in connection with their rehabilitation and responsibility for whose training, education, and rehabilitation is shared by the state vocational rehabilitation agency with other agencies. Such classes include but are not limited to alcoholics, drug addicts, migratory farm workers, and public offenders. Rehabilitation has demonstrated competency to make an important contribution to the solution of problems of such handicapped individuals but has not had the resources to make a major impact. This legislation will make possible full cooperation of the rehabilitation agencies with correctional institutions, prevention and treatment programs for alcoholics and drug addicts and the various programs serving migratory farm workers. Properly funded, this section can result in a major breakthrough in the rehabilitation of many currently neglected handicapped individuals.

(b) Initiation and expansion programs will operate under a state plan. Grants may be made to state agencies or to other private nonprofit agencies. The federal government will pay 90% of the cost of projects developed under the proposal. Unused funds may be reallotted. Appropriation authorizations are $50 million for 1973; $60 million for 1974; $75 million for 1975.

(c) The duration of any one project is limited to three years. It is assumed that the financing of the project will be absorbed into the basic grant program at the end of that time, if it has been found to be successful.

VOCATIONAL EVALUATION AND WORK ADJUSTMENT

12. Question: Are there any changes proposed for Section 15 of the current Vocational Rehabilitation Act, Vocational Evaluation and Work Adjustment Services?

Answer: As readers know, Section 15 of the Vocational Rehabilitation Act, passed in 1968, has not been funded. This section is retained in the Vocational Rehabilitation Act of 1971 with no important changes except one designed to mandate the funding of the program and another which permits Divisions for the Blind to participate in the program.

SERVICES FOR THE BLIND

13. Question: The bill contains a section called "Services for the Blind". What does this section propose?

Answer: Everyone knows that the rehabilitation of the blind is a difficult undertaking, especially the blind who have visual impairments compounded by age or cultural factors. The new section addresses itself to these special problems. Some significant features are as follows:

(a) The purpose of the section is to enable agencies for the blind to provide any service to a blind individual, not available from other sources, to enable him to attain maximum ability to be independent and self-supporting, including services not ordinarily considered vocational rehabilitation services. Of particular concern are older blind people who may need assistance in preparing for and securing part-time employment in workshops or elsewhere to supplement their retirement incomes, often inadequate to support them.

(b) Grants will be made to states on the basis of population and per capita income. Appropriation authority will be $15 million for 1973; $25 million for 1974; $40 million for 1975. Unused funds may be reallocated.

(c) The Secretary will be authorized to retain 10% of the appropriation for research, demonstration and training purposes.

(d) The program will be administered by the state agency administering vocational rehabilitation services for the blind or by this agency and other agencies as the state may determine. A non-duplicating service clause is included.

(e) The term "blind" or "visually handicapped" is defined as meaning a person who is blind or visually handicapped under the state law. Services are defined in the broadest possible way and include the authority to maintain a register of the blind.

THE DEAF

14. Question: The bill contains a section entitled "Services to the Deaf". What does this section propose?

Answer: The deaf and hearing impaired constitutes another group of handicapped individuals with unusually difficult problems, many of them related to the lack of communication skills. This section is designed to give authority and resources to state vocational rehabilitation agencies to deal comprehensively and competently with this group of handicapped people. As in the section on Services to the Blind, any service that makes a contribution to helping the individual achieve the ability to live independently and productively could be provided, including services that ordinarily would not be considered vocational rehabilitation services. Special emphasis will be put upon helping older people meet their needs, and in helping younger people with hearing loss maintain what hearing they have and improve their hearing by the use of mechanical and other means.

(a) As already indicated, services are defined in the most comprehensive way, concentrating on those services that contribute to the ability to communicate and including the authority to maintain a register of the deaf.

(b) Grants will be made to the states on the basis of population and per capita income. Authorizations are $15 million for 1973; $25 million for 1974; and $40 million for 1975. Unused funds may be reallotted.

(c) The Secretary is authorized to retain 10% of the appropriation for research, demonstration and training.

(d) The program will be administered by the state agency administering vocational rehabilitation or by that agency and other agencies having responsibility for services to the deaf in a state. A nonduplicating service clause is included.

SPECIAL FEDERAL RESPONSIBILITIES

15. Question: Why is a special part of the bill entitled "Special Federal Responsibilities"?

Answer: All of the special responsibilities of the Secretary of Health, Education, and Welfare found in the current act, and some additional responsibilities, are brought together in this part of the bill. As related to the Secretary's general administrative responsibilities, the following items are important.

(a) The Secretary is authorized to conduct research, studies, investigations, demonstrations, and evaluation of programs under the present act. These existing provisions are included without major change, except that architectural, transportation, and other environmental and attitudinal barriers are included in the listing of problems appropriate for the Secretary to attack. The Secretary is also authorized to make grants as well as to enter into contracts to perform his functions.

(b) The authority of the Secretary to provide technical assistance and short term training and instruction in technical matters related to the provision of vocational rehabilitation services is retained with the added authority to make grants as well as to enter into contracts to perform these functions.

NATIONAL INFORMATION AND RESOURCE CENTER

16. Question: The bill contains a section entitled "National Information and Resource Center for the Handicapped". What is the purpose of this section?

Answer: This bill is almost identical with the bill introduced in the 91st Congress by Senator Robert Dole and passed by the Senate. Senator Dole's bill has been introduced in this session as S. 41. As the title of this section implies, its purpose is to concentrate in one place the collecting of data of all kinds relevant to problems and needs of handicapped people and to facilitate the dissemination of such information. The program is to be administered by the Secretary of Health, Education, and Welfare.

REHABILITATION FACILITIES

17. Question: What provisions does the bill contain having to do with rehabilitation facilities?

Answer: The provisions in the present Vocational Rehabilitation Act defining and supporting rehabilitation facilities are incorporated in the bill without significant change. Also incorporated are the current rehabilitation facilities improvement grants provisions, including the training services program.

Appropriation authority for rehabilitation facilities (construction and rehabilitation facility improvement) is $20 million for 1973; $30 million for 1974; and $50 million for 1975. The National Policy and Performance Council is continued without change.

SPECIAL PROJECTS

18. Question: Are any important changes made in the special projects (research, demonstration and training) provisions of the current act?

Answer: The changes are minimal. The expansion grant provision, Subsection 4(a) (2), has been removed from this section placed in the initiation and expansion grant title. The new careers programs remain as an identifiable provision. There is no change in the method of making grants. Appropriation authority is proposed as follows: $75 million for 1973; $90 million for 1974; and $100 million for 1975.

NATIONAL CENTER FOR DEAF-BLIND YOUTH AND ADULTS

19. Question: Is any change being proposed in the section of the current act authorizing a National Center for Deaf-Blind Youth and Adults?

Answer: No changes are being recommended. This center is now under construction on Long Island Sound, with the Brooklyn Industrial Home for the Blind the contractor to develop this center. The center will be supported as a demonstration, research, training, and service center for the deaf-blind.

COMPREHENSIVE REHABILITATION CENTER FOR DEAF YOUTH AND ADULTS

20. Question: The bill has a section entitled "Comprehensive Rehabilitation Centers for Deaf Youth and Adults". What is the purpose of this section?

Answer: The federal government now supports a college for the deaf (Gallaudet) and a technical school for the deaf (Rochester). Many of the deaf are not able to profit from the educational opportunities provided in these institutions, and there are no institutions specifically charged with responsibility for assisting in the rehabilitation of the "low-achieving" deaf. Schools for the deaf make a contribution, but many of the low-achieving deaf do not graduate from these schools. General rehabilitation agencies, utilizing rehabilitation centers or other facilities, serve a considerable number of deaf people, but the low-achieving deaf, in the absence of facilities designed specifically for their use, present unusually difficult problems.

This section of the bill would provide federal support to establish and operate demonstration rehabilitation centers for the low-achieving deaf. It is assumed that they would be established on a regional or area basis and their findings made available to schools for the deaf and general rehabilitation facilities throughout the country, so these institutions can improve their services to the low-achieving deaf. The bill is similar to HR 5610 which has been introduced by Mr. Mills of Arkansas, the principal difference appearing to be that his bill would provide for the establishment of only one center, while this bill would make additional centers permissible.

NATIONAL COMMISSION ON TRANSPORTATION AND HOUSING NEEDS

21. Question: Why do we need a National Commission on Transportation and Housing Needs of handicapped people?

Answer: Increasingly, it is being understood that environmental barriers prevent many handicapped individuals from achieving independence and self-support. A recent National Commission on Architectural Barriers made a great contribution to public awareness of architectural barriers which prevent people from living normal lives. The proposed commission would make a similar contribution in areas of public transportation and housing. It would also address itself to the financial problems of handicapped people going to and from work, who cannot use public transportation. Operating under the Secretary of HEW, the commission will involve many other agencies of the federal government, including the Department of Housing and Urban Development and the Department of Transportation, both of which have resources to make a valuable contribution to the solution of these problems.

EMERGENCY SCHOOL AID ACT

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I would like to urge the prompt consideration and passage of the Emergency School Aid Act. It has been more than a year since this important measure was transmitted to the 91st Congress by the President and more than 6 months since the House passed a version of the bill, only to see it die in the Senate.

The Emergency School Aid Act would provide $1.5 billion in much-needed support for schools across the Nation which are reducing or eliminating racial isolation. We have entered a new phase of the school desegregation effort. On April 20 the U.S. Supreme Court, in Swann against Charlotte-Mecklenburg, ruled that school districts which were previously segregated by law must use every practical means at their disposal to accomplish desegregation at the earliest possible date. One significant effect of this decision is that school districts, facing increased expenditures from tightly restricted budgets, are requesting assistance from the Federal Government.

In addition to those school districts required by law to desegregate, there are many more who are seeking to eliminate racial isolation where it has not been determined to be contrary to the law. Among these districts are the Nation's large urban school systems, many of which face serious financial crises if additional support is not forthcoming.

Many of our school districts are facing the threat of curtailment of services and the loss of valuable faculty at the time when the Nation is calling upon them to make good on the promise of equality of educational opportunity. If we are to seriously expect performance from the schools in this important area, then we must be willing to authorize the funds necessary to meet some of the additional costs which result.

The policy of our Nation is clear on the subject of equal access to public educational institutions. The President has shown his commitment to this goal by proposing the Emergency School Aid Act. I urge the House to act on it at the earliest possible moment.

Mr. Speaker, I insert at this point this morning's timely editorial from the Washington Post:

MORE ON AN AGING EMERGENCY

It was March of 1970 when Mr. Nixon first proposed a two-year, $1.5 billion program of federal assistance to desegregating schools. A couple of months later the President sent his actual legislation to the Hill. It passed the House in the hectic last days of the session and died in the Senate. Then the Senate, this spring, revived and improved the measure, which it passed by an unequivocal vote of seventy-four to eight. Now it is the House—more precisely, Chairman Roman Pucinski's Subcommittee on Education—that is holding up the works by failing to act.

A great deal has happened recently that makes it more urgent than ever that this legislation, in some form, be enacted and put into effect. First, there was the Supreme Court's April decision in the case of *Swann versus the Charlotte-Mecklenburg (N.C.)*

Board of Education. In that and a number of related cases simultaneously decided, the court unanimously upheld the authority of federal courts to impose far reaching school desegregation plans on districts found guilty of deliberate, officially-inspired segregation in the past. These were the so-called "busing" decisions. Second, there has been, since *Swann*, evidence of an unexpected resolve on the part of the Nixon administration to put its weight behind the high court's ruling: in Austin, Texas and Nashville, Tennessee it has come forward with desegregation plans that go well beyond the minimum requirements of a narrow reading of the court in *Swann*. Austin and Nashville both would be obliged under these schemes to engage in extensive busing. So, it must be supposed, would other big city school systems that are likely to be affected by the Swann decision and the administration's revised approach.

That is where the legislation currently stalled in the House comes in. At a time when numerous recalcitrant school systems are finally getting the message and getting around to acting on it, that is to say, laying plans for large scale desegregation, the incentive funds provided in this measure would be of enormous benefit to them. Such funds could and would be used for everything from studies of curriculum changes to teacher training courses and the outright purchase of buses—Austin, it is estimated, might have to acquire over one hundred more buses to put its proposed desegregation plan into effect. In the wake of Senate passage of the bill in April, it was hoped that speedy House action would make it possible to start dispensing money in time to give these districts some idea of what help was coming and some solid guidance in their plans. Now it seems doubtful that funds will be available even by the time schools reopen in the early fall.

Apparently the delay in the House subcommittee proceeds from the view of Chairman Pucinski and others that the revised Senate bill is inferior to the measure they reported last winter and that it paves the way for some sort of massive and undesirable rearrangement of school systems in the North, or at least some massive and undesirable pressure on such systems to integrate totally. There is doubt in many quarters that this reading of the Senate bill is an accurate one. But even if it is, there is nothing that says Mr. Pucinski and his colleagues must report out a bill identical to that which passed the Senate. Why shouldn't they report out the measure they see fit and take their chances on the floor and/or in conference? The point is that *some legislation*, subject to the usual pull and haul of the conference process, should be reported and acted on in the House while it is still timely. This opportunity has been too long in coming to be squandered now.

WHIPPING BOYS

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, I have just received the contents of the commencement address of Governor Warren E. Hearnes recently delivered at the commencement exercises of Central Missouri State College located in Warrensburg, Mo., which is within the congressional district it has been our honor and privilege to represent for many years.

After reading the contents of those remarks I concluded that the Governor of my State had selected a theme which he treated with originality and which he applied to contemporary significance.

In his address, Governor Hearnes, challenged the graduates to confront the major issues of today not only with the passion of rightful idealism but also with the cool application of reason. He most appropriately calls a mal-assigned target a whipping boy and proceeds to cite contemporary examples which show far too many persons would prefer to use a whipping boy rather than apply logic in order to reach the true cause of a problem.

Warren E. Hearnes has served ably as Governor of Missouri. He has both legislative and executive experience that spans a period of 25 years. His remarks were worth hearing and it is my opinion that they are worth sharing with my colleagues. It is a distinct pleasure to be able to read into the RECORD at this time the remarks of Governor Hearnes:

COMMENCEMENT ADDRESS BY GOV. WARREN E. HEARNES

In ancient times there was a school of thought among royalty that a young prince either could not be officially recognized as having done wrong, or at least that he was set apart from and above the standards of discipline applied to other people his age.

Accordingly, it became the practice for a young prince or nobleman to be educated with a companion. Whenever the prince misbehaved, the companion received the punishment. And in that kind of relationship, the companion was known as a "whipping boy".

The custom of using whipping boys supposedly was erased long ago, but I contend that the basic principle is alive and well and being employed in America today. In truth, there has been a transformation over the years and today we must look at social issues rather than royalty in order to find traces of the whipping boy syndrome.

As it is practiced now, society at large focuses its attention on selected targets connected with major social issues. The result is that we pay too little attention to underlying problems which must be resolved.

At this time of commencement, when you begin your lives apart from the college campus, it is imperative that you have a clear vision of some of the whipping boys which exist in modern America. It is imperative for the reason that you can come to grips with public attitudes about controversial issues only if you understand those attitudes.

There is an example which is highly appropriate in light of the fact that tonight's occasion inaugurates the Harry S. Truman Lecture Series on this campus. In 1949, President Truman proposed a national health insurance plan for the United States. He was standing firm in his conviction that the full range of medical facilities in our Nation should be available to all citizens.

The attention of the country became focused on the spectre of socialized medicine and his proposal was defeated. National Health insurance seemed to be in conflict with our cherished belief in an independent medical profession. We must recognize, however, that the intervening twenty-two years have not brought the development of a health care delivery system reaching all the people. We also must recognize, by examining the issue rather than the whipping boy, that it is indeed possible to have health insurance for everyone without having socialized medicine.

That fact is now recognized by a Republican President and the leaders of a Democratic Congress, and with proposals coming from both major political parties it is just a matter of time until some form of agreement is reached.

In this instance, people of differering political and philosophical beliefs are setting aside the ogre of a particular whipping boy in order to concentrate on rational discussion about a serious problem. By avoiding the emotionally charged companion target and focusing instead on the basic issue, men of good will are finding that there is common ground for a solution. I believe this example should serve as an object lesson for each of us.

Sometimes we lash out at selected targets because we accept widespread public impressions as being factual when they are not. For instance, frequent references to segregated schools in the South have caused many people to feel that they have no segregation problems in their own backyards. We have, as a society, used the South during the past several years as our whipping boy for racial problems.

Since my personal observations disagreed with that North-South theory, I went to the trouble just a few months ago of comparing enrollment figures for the public schools of St. Louis City with those of Jackson, Mississippi. The results were even more unusual than I had expected.

Of the 172 public schools in St. Louis City, seven were composed 100 percent of white students and 76 schools were 100 percent non-white. In other words, nearly half the schools in St. Louis were completely segregated. In Jackson, Mississippi, however, there were no all-white schools and only one that was 100 percent non-white. There was just one fully segregated school out of 55 in the city.

Another way to measure a school system is to look at the number of schools where there is a considerable degree of racial balance—where the majority race in a particular school is from 50 percent to 70 percent of the total student population. Both cities had the same number of schools in that category, but in St. Louis it was 22 schools out of a total of 172 and in Jackson it was 22 of 55.

I did not have those statistics compiled in order to praise one school system or criticize another, but to prove a point to my own satisfaction—the point being that there are matters of serious concern which go untended because our attention is diverted toward the wrong targets.

If we allow ourselves to become the victims of that process, our behavior is not much superior to the angry charging of a red cape in a bullfight. For this, truly, is the essence of the problem. A society of rational human beings strikes out blindly at major issues because someone waves a red flag in front of us. It might be an appeal to emotions of discrimination, prejudice or rigid political philosophy, with the result that we react from a foundation of anger rather than reason.

You should know, because you have been on the receiving end. Public support for higher education is not quite as strong now as it was just a few years ago, and not because education has become less important but because the public is reacting to the small groups of lawbreakers on college campuses.

You also have felt the brunt of public opposition to a reduced voting age, and it arises not from any carefully considered view that you as an individual lack the intelligence or maturity to cast a vote. You and I know the real reason. The opposition is largely a reaction to reports of campus riots, disruptive protest movements and the illegal use of drugs. All college students are suffering under the brand of guilt of association.

College students are not the only ones whose legitimate needs have been sidetracked by incidents which arouse public anger. I spoke a few moments ago of racial balance in public schools, a topic which has fanned so much emotion that it detracts from the primary goal of operating good school systems.

American society has adopted a goal of integration, where each person can be judged by his own actions and not the color of his skin. From that simple precept, however, partisans on both sides have frequently moved toward hardened and unrealistic positions. Some people seem to feel that busing students from one school to another would miraculously solve all our problems, while others feel that busing should never be employed under any circumstances.

For a long period, the United States Supreme Court has functioned as the whipping boy for that particular issue. It was pretty easy for everyone to criticize the court and not bother to take a very close look at the practical facts of life.

It therefore must have come as a surprise to the critics when the Supreme Court, now composed of a new mix of both conservatives and liberals, recently issued a unanimous verdict concerning the busing of students to achieve racial balance. The point which intrigued me, however, was the net effect of that decision and also the theory which was clearly outlined in the opinion.

The Court stated that the practice of busing for racial balance is neither inherently good nor inherently evil. It approved busing for that purpose in a specific case where buses had been used to perpetuate segregation, and where an integrated system would not result in longer bus rides for small children. The decision stressed that each local school situation has its own complexities and no blanket policy could reasonably be applied.

In other words, the Court merely got back to our original position as a society; back to the position that the government should act to strike down legal segregation but that the issue of discrimination is a human problem not subject to simplistic solutions through government.

I cannot help but think that our national preoccupation with criticizing the Supreme Court has caused us to lose valuable time in curbing discrimination. After years of emotionalism, we have come full circle to the position that government can be used to stop illegal actions but that brotherhood is our own responsibility.

All this talk of whipping boys and false targets has been for the purpose of leading up to one basic thought. I want to place in your minds tonight the question of whether you are really as different from older generations as you like to think.

Will you leave the academic life and yet retain the willingness to make decisions using reason rather than emotion? Will you carefully consider the constant flow of emotionally charged public issues such as racism, poverty and war, reacting according to proven facts—or will you begin to mouth preconceived notions and start to lash out at the whipping boys which obscure the real issues?

You enter adult society now as educated young men and women, undoubtedly with the hope that you can somehow help to make this world a better place in which to live. And I say to you that you will fail unless you manage to keep your emotions under control and rely instead upon the discipline of an educated mind.

Forget the old adage of fighting fire with fire, because the last thing we need in America today is an increase in the amount of anger, tension and frustration. You do have an obligation to use your education as a force for improvement, but that does not mean you should engage in a shouting contest. Your responsibility is to bring a calm and rational perspective into the arena of major social issues.

Take that one issue of a reduced voting age as an example. If you buy the argument that all 18 year olds are immature radicals who cannot be trusted with the vote, you are wrong. If you engage in a bitter debate with those who advance that line of reasoning, you are wrong. And if you contend that all 18 year olds are brilliant and mature decision makers, you are wrong. Given the present set of social conditions in the United States, you as young college graduates simply cannot afford to fall into the trap of irrational behavior.

If there is one need which stands out above all others in our country at this time, it is the need for reason and common sense in dealing with social issues. This nation now suffers from the intensity of heat which generates very little light. From all sides we are bombarded with emotional accusations about Vietnam, poverty, prejudice and pollution.

The greatest service which your generation can provide is to curb the use of blind emotionalism in shaping public policy. You can help us get back to the path where people of good will and divergent viewpoints can work together, thoroughly examining their problems in a common search for effective solutions.

Your generation will, indeed, build a better world if the divisiveness in our country can be healed. You will inherit a sick society if it cannot. For that reason I hope there is a generation gap, one which will enable you to turn away from "whipping boy" patterns and come to grips with the real needs of this nation.

BOTH A MORAL AND LEGAL OBLIGATION

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, on May 20, 1971, the House considered the conference report on H.R. 8190, the second supplemental appropriation bill for fiscal year 1971. On that day there was a rollcall vote on the item of $155,800,000 for necessary expenses to terminate the civil supersonic aircraft program and for refunds of amounts contributed by our airlines toward research and development of the SST.

On rollcall No. 105, when the yeas and nays were ordered, I voted "No" because the $155 million item contained $58.5 million without any previous authorization bill as a refund to our airlines who had made their respective contributions. It is my understanding 11 different airlines had made deposits which should certainly be refunded.

Now, after the passage of 3 weeks I believe it is time to look back and carefully consider what happened as a result of rollcall No. 105 on which 117 answered "yea" and 157 answered "nay" and accordingly the item of $155,800,000 was not agreed to.

As I understand the facts, the figure of $155 million contained $85 million of termination costs to be divided between Boeing and General Electric. It is my further understanding that it contained an item of $12 million for administrative costs to the Government to close out this program. There are subcontractors all over the country who have had a part in the program in the various stages of development. All their work will have to be inventoried. The exact amount they are entitled to will have to be carefully assessed. This will entail substantial costs to the Defense Contract Audit Agency. Thus, when $12 million administrative cost is added to the $85 million to Boeing and General Electric the total becomes $97,300,000.

The record of the House on May 20 will show that after the House defeated the motion to concur with the Senate, on the $155 million, the House thereafter promptly agreed to the $97,300,000. It is my purpose at this time, from the vantage point of 3 weeks later, to consider the merits of refunding the $58 million due our airlines which was denied to them on May 20. By a simple arithmetical computation one can see that if the House defeated an appropriation of $155 million but later approved $97 million supplemental appropriation, it was the $58 million due the airlines which was eliminated by the yea-and-nay vote in the House.

Now, Mr. Speaker, I followed the debate of May 20 very carefully. I know that the original House bill for the second supplemental which was sent over to the Senate contained only the $85 million in termination costs without any provision for administrative costs of the Government audit agencies and without any refund to the airlines. The Senate added $12 million administrative costs and $58.5 million refund for our airlines. It was that action by the Senate that caused the issue to be joined and left the two Houses in disagreement.

Well, clearly, $12 million is a lot of money for accounting and bookkeeping. But if there is to be a seasonably good job done it may take all of that because there are not only primary contractors, but also many subcontractors scattered all over the country. Part of this money is needed for the purpose of negotiation. There are many factors when a contract is terminated. Certainly alleged costs cannot be negotiated unless the funds are available to carry out the negotiations.

The debate on the floor on May 20 was conducted on a high level. It was most interesting. The question was raised whether to reimburse the airlines, by refunding their deposits in an appropriations bill. A point of order was suggested because there had been no previous authorization bill. That seemed to me to be a valid contention. Then, also the argument was raised as to whether or not these claims should be previously adjudicated in a court of claims. These were undoubtedly some of the reasons which caused the House to omit the $58.5 million for the airlines when the supplemental bill was first sent over to the Senate.

In my judgment, these refunds should be considered separately, rather than intermingled with payment termination costs to General Electric and Boeing. That is why on rollcall No. 105 I voted "no." Let me hasten to add, there is no doubt that all of our airlines can make a perfect case for a refund first, because they were induced to make the contribution and second, because they had actually entered into a contract which the Government, by its cancellation of the SST, caused the breach. It is quite probable that the payment of interest may be justified to our airlines. I say this because in my opinion, there is not only a moral obligation to refund these amounts contributed by airlines, but there is also a legal obligation.

Certainly the second supplemental appropriation bill was not the only remedy available to the airlines. Their contributions could be construed to be a downpayment on aircraft they intended to purchase. It was made in good faith. Their money is still on deposit. We, the Congress, voted to terminate the SST. The airlines are entitled to their refunds. The only question was whether the Congress should hurriedly decide the amount that is due the airlines based upon some kind of an estimate at the end of a long legislative day, on May 20 or whether the claim should have been more carefully heard and considered by our Appropriations Committee and with an accurate showing of the amounts advanced by each airline.

Mr. Speaker, it is my honor and privilege to represent a district which serves as the bedroom for many thousands of airline employees who work for Trans World Airlines in the Kansas City area. TWA is my hometown airline. I know that they, in good faith, put up $11,500,000. The Secretary of Transportation should be required to reimburse TWA for this amount invested in good faith. There are other airlines equally entitled to reimbursement.

Some airlines that are not our flag carriers have invested small amounts. All of them are entitled to the return of their money.

Now, Mr. Speaker, the reason that I have taken the time today to reconsider our action of Thursday, May 20, 3 weeks ago, is to review the circumstances surrounding these contributions and to provide background information pertaining to these deposits by our U.S. airlines.

First, it should be recalled President Johnson established an Advisory Committee to consider the pros and cons of the U.S. Government participation in the development of one or more prototype aircraft. That Committee recommended to the President that he seek appropriations to construct two prototype aircraft. The same Advisory Committee also urged that airlines be required to participate as a condition precedent to additional Federal financing.

It should be recalled that Alan S. Boyd, now president of the Illinois Central Railroad, was then Secretary of Transportation back in 1967 when the airlines were called in to discuss deposits of substantial amounts toward the development of the prototype aircraft. The record will show that the representatives of approximately 16 U.S. airlines were called together in the city of Washington on February 6, 1967. The meeting was held to outline the reasons why they provide at least $1 million as a deposit for each aircraft on which an airline held a delivery position.

I am reliably advised by information received from some of those who were present that the atmosphere of that meeting was that the Government planned to go forward with the SST if the airlines made their deposits. That was the tone of the meeting. It was made clear that the deposits would be at the risk of the airlines but would be forfeited only in the event Boeing could not succeed in building a plane that would be economically viable and capable of safe operation at design speed.

The Secretary of Transportation who in February of 1967 was Alan S. Boyd, in a recent letter to a Member of the other body, reported that the tone of the meeting certainly carried the assumption by all concerned that the only risk connected with the deposits was in connection with failure that might be related to the aircraft itself. In that meeting there was no discussion and no assumption that there would be a sacrifice of the deposits due to a failure of continuing Federal participation. That kind of sacrifice was never contemplated in 1967. It was not considered or agreed to then. It is therefore impossible now to at this late date, read into that understanding of 1967 any new condition of forfeiture not contained or considered at the meeting over 4 years ago.

Of course, none of us who are Members of Congress were present at that February meeting in 1967, but I have been told by reliable persons who were present that there was considerable urging by Mr. Boyd who was Secretary of Transportation at that time for our U.S. carriers to make a prompt deposit. I am not saying the administration of that day resorted to its quite common arm-twisting practices, but I do know that it was made very plain to our carriers that they had to make a deposit of a substantial amount for each aircraft on which each airline expected to reserve a delivery position. That figure was finally set at $1 million per aircraft.

Well, the foregoing provides some measure of background information pertaining to the history of the deposits by our U.S. airlines to further the development program of the SST aircraft. If it is decided that there should first be an authorization bill prior to a separate appropriations bill, then well and good. If it is believed there should be a detailed audit of the claims of each airline based upon return of the principal deposit with accrued interest, then there should be no objection by any interested party. Whatever course is considered to be the most appropriate one, certainly the procedure which is the most expeditious should be followed.

The economic health of some of our airlines is not as robust as it was in former years. Morally and legally they are entitled to a refund of their deposits. It is the clear obligation of the Congress, now that the issues have been clearly outlined and all background information has been provided, to proceed expeditiously.

WERE EAGLES POISONED DELIBERATELY?

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, in preparing for a program on the bald eagle next Monday evening, I recently visited the Patuxent Wildlife Research Center, which is located in Maryland near Fort Meade, and watched the autopsy of one of the 22 eagles tragically poisoned in Jackson Canyon, in Wyoming.

Some of these eagles were golden eagles and some were bald eagles, the latter being a major symbol of our Nation.

The Patuxent Wildlife Research Center found that thallium sulfate was the cause of the deaths. There have been reports stemming from Senate hearings that the circumstances of the deaths indicate that ranchers put the thallium in bait for coyotes, which prey on sheep.

But from the conversations members of my staff and I have had with persons familiar with this poisoning, the evidence appears to be strong the poisoning of the eagles was deliberate.

We were told:

First. That the canyon is not a very suitable grazing area for sheep and that the poisoned meat did not appear to be laid out on the likely routes a coyote might take to reach sheep.

Second. That, instead, the poison was placed along the canyon in such a way that eagles might be attracted to it.

Third. That it was placed at a time when bald eagles were nesting in the area and during the briefer period when golden eagles were migrating through.

And fourth. That the myth persists in some parts of the West that the golden eagle, whose speedy flight might take it from the canyon to ranching areas, kills useful animals.

There are other aspects to this case.

There are Federal penalties for deliberately killing an eagle—but this deliberateness is hard to prove, even perhaps in a case such as this.

Also, the canyon is not Federal property, but even if it had been, there appears to be no strong Federal law barring the setting out of poisons on federally owned lands.

This appears to be a shocking gap in the law.

Another aspect of this case is thallium itself. It is a poison which kills slowly and horribly. Small amounts can be absorbed through the skin. Even if this is not fatal, chronic health problems may result.

Thallium's use has declined greatly, but seven manufacturers still have Federal licenses to transport it across State lines. Considering the horrors of this poison and its deadly and chronic effects, serious consideration should be given to legislation banning the manufacture of this poison.

The Interior Department told a Senate hearing that it has asked the Environmental Protection Agency to bar the interstate transport of this poison for purposes of animal control, but this may not be sufficient. Apparently, the poison used in Wyoming was labeled for use in manufacturing.

Perhaps very soon there may be an arrest in Wyoming in this case. Wyoming law forbids the use of poison in meat for the killing of other animals. I am sponsoring a program on the bald eagle at 8 p.m. in the caucus room of the Cannon Building—and I am hopeful that an arrest may be made by then.

But that should not be allowed to be the end of this case—or of our search for ways to protect the eagle and other wildlife.

FIFTIETH ANNIVERSARY OF GAO

(Mr. BOW asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOW. Mr. Speaker, 50 years ago this week the Congress enacted the Budget and Accounting Act, 1921. The act established the General Accounting Office and created the position of Comptroller General of the United States to head that Office.

History, in my opinion, has demonstrated the wisdom and foresight of that action. With "tax, tax, tax and spend, spend, spend" seemingly having become the accepted way of life, I think it singularly appropriate that the House take this occasion to pay tribute to this agency and its head that are dedicated to "telling it as it is" regarding Federal expenditures.

The General Accounting Office was created as an independent, reliable, nonpolitical agency through which the Congress could exercise its constitutional control over revenues and expenditures. In its early days and, to a degree, up to World War II, Federal programs and appropriations to carry them out generally were on an annual basis except for large construction. During that period the Office gained respect for its independence and integrity in the audit of transactions and rendition of legal rulings.

The need for change in the General Accounting Office's methods of discharging its responsibilities, beginning to become apparent in the waning depression years, became urgent during World War II. It became necessary to increase the staff to 15,000 people to deal with the tremendous burden of wartime transactions. As the pace and scope of Federal Government activities have accelerated during the quarter century since then, the General Accounting Office has had to meet the increasing demands on it by corresponding expansion and changes.

The requisite changes have included the imposition by statute of several additional key responsibilities. The most recent of these was the provision, in the Legislative Reorganization Act of 1970, for General Accounting Office assistance to the Congress in the development of information systems and by performing specialized analytical services. In the main, however, the changes have been accomplished by the General Accounting Office upgrading and broadening the range and capabilities of its staff and by the introduction of more professional and sophisticated techniques. Over 60 percent of the General Accounting Office staff are full professionals. The quality and extent of services to the Congress have been improved although the number of personnel has dropped to about 5,000 from the wartime peak.

We now are spending about $102 billion a year on meeting human needs and improving our environment. We have programs intended to provide income security and to correct or alleviate agricultural, educational, housing, health, nutrition, and other social and economic problems and conditions. The price will go up to about $110 billion next year. In each of these areas numerous broad gage programs are under way or proposed. Most of them involve a variety of methods and approaches. The points of attack on known or speculative problems and conditions have multiplied by almost geometrical progression.

Many of the real problems are multiple faceted. Many of the programs and points of attack overlap and, in some cases, are at variance with or counterproductive to other programs and proposed cures. The whole structure shows signs of becoming so unwieldy as to inhibit solution of the urgent problems involved. Strong, prompt action to correct this tendency seems indicated lest it collapse of its own weight. Also, the point of diminishing return may be near in these efforts as well as in their size and cost to the Federal Government. This is the environment in which the Comptroller General and the General Accounting Office now operate in their efforts to strain mismanagement and financial extravagance from this tide.

The Comptroller General and the General Accounting Office serve the Congress by searching continually for means of achieving greater effectiveness in the execution of authorized programs and increased economy and efficiency in the management of program execution.

The General Accounting Office audits and reviews the manner in which Federal programs are carried out and provides direct assistance to the Congress in a number of ways. It prescribes principles and standards for accounting in Federal agencies and settles claims by and against the United States. The Comptroller General gives legal advice to the Congress, its committees and members. He also renders legal opinions to heads of departments and agencies and other officials that are binding on them with respect to the legality of expenditures.

The General Accounting Office's basic audit and review work, except for that performed under the Government Corporation Control Act, is, with few exceptions, directed primarily toward ascertaining first, how effectively programs are accomplishing the objectives contemplated by the authorizing laws, and second, how economically and efficiently they have been managed relative to those accomplishments.

The concept of this approach is simple; its application is tremendously complex and difficult. Consider, for example, how to evaluate a single ecological program such as alleviation of pollution in inland waterways. Or one of the inner-city type such as housing or education. In the defense area, think of a major weapon system research and development, procurement, production, deployment, and maintenance. What were the bases on which management decisions were made between alternative courses of action at each successive stage? How valid were they? How well and economically were those decisions executed? With what results? Could the job have been done better and for less cost on the basis of information available at the time action decisions were made?

Identification and evaluation of all of these problems and many more must be planned for in advance and accomplished by seeking out and appraising all pertinent factual information. Trails often are obscure and situations confused or obfuscated. Second-guessing or inconclusive observations will not do. The General Accounting Office must dig up and, in effect, recreate the environment in which decisions were made and actions taken in order to be able to judge those decisions and actions. Use of sophisticated and esoteric decisionmaking techniques often is required in order to evaluate decisions made and actions taken on the basis of such techniques or in situations susceptible of their application. The General Accounting Office does these things as a matter of course under its general statutory responsibilities.

Over and above its regular audit and review work, the General Accounting Office provides invaluable direct assistance to the Congress. About one-fifth of its 2,900-member professional staff is engaged each year in providing such assistance. Some are assigned to congressional committees to augment committee staffs. Special reviews, investigations or surveys are made at the specific request of congressional committees or Members; the Comptroller General or his representatives are called upon frequently to testify before committees.

In addition, the General Accounting Office furnishes reports on several hundred legislative bills during each session of the Congress at the request of various committees. It also analyzes all bills introduced in the Congress as to whether information developed in the course of the General Accounting Office's accounting, auditing, investigative or legal work may be useful to committees in their consideration of the bills. If so, General Accounting Office provides such information.

As the General Accounting Office moves into its second half century I am honored to express to the present Comptroller General and his staff my grateful appreciation and, I believe, that of the entire House, for their continuing dedicated service to the Congress and the Nation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows to:

Mr. Veysey (at the request of Mr. Gerald R. Ford), from June 10, 1971, through June 19, 1971, on account of official business.

Mr. Peyser (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Andrews of North Dakota (at the request of Mr. Gerald R. Ford), for June 14 and 15, on account of official business.

Mr. Pelly (at the request of Mr. Gerald R. Ford), for June 14 through 18, on account of congressional business in district.

Mr. Pepper (at the request of Mr. Boggs), for today, on account of official business.

Mr. Edwards of Alabama (at the request of Mr. Gerald R. Ford), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Schmitz) and to revise and extend their remarks and include extraneous matter:)

Mr. Price of Texas, for 30 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Skubitz, for 10 minutes, today.

(The following Members (at the request of Mr. Jones of Tennessee) to revise and extend their remarks and include extraneous matter:)

Mr. Flood, for 20 minutes, today.

Mr. Rosenthal, for 10 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Podell, for 30 minutes, today.

Mr. Aspin, for 20 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Aspinall, and to include extraneous matter.

(The following Members (at the request of Mr. Schmitz) and to include extraneous matter:)

Mr. Hastings.

Mr. Duncan in two instances.

Mr. Horton.

Mr. Price of Texas.

Mr. Fish in two instances.

Mr. Martin in three instances.

Mr. Widnall.

Mr. Bob Wilson in three instances.

Mr. Schmitz in two instances.

Mr. Findley in two instances.

Mr. Byrnes of Wisconsin in two instances.

Mr. Schwengel in five instances.

Mr. Erlenborn.

Mr. Lloyd.

Mr. Wyman in two instances.

Mr. Miller of Ohio.

Mr. McCollister in three instances.

Mr. Ware.

Mr. Goldwater in two instances.

Mrs. Reid of Illinois.

Mr. Broyhill of Virginia.

Mr. Derwinski.

Mr. Reid of New York in two instances.

Mr. Rousselot.

Mr. Anderson of Illinois in two instances.

(The following Members (at the request of Mr. Jones of Tennessee) and to include extraneous matter:)

Mr. Scheuer in five instances.

Mrs. Abzug.

Mr. Eckhardt in three instances.

Mr. Fulton of Tennessee in two instances.

Mr. Andrews of Alabama in two instances.

Mr. Moorhead.

Mr. Ryan in three instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Dingell in three instances.

Mr. Rodino in two instances.

Mr. Bevill.

Mr. Pickle in five instances.

Mr. William D. Ford.

Mr. Hungate in two instances.

Mr. Vanik in two instances.

Mr. Mahon.

Mr. Mills of Arkansas in two instances.

Mr. Fraser.

Mr. Jacobs.

Mr. Hagan in three instances.

Mr. Waldie in five instances.

Mr. Hawkins in two instances.

Mrs. Sullivan in three instances.

Mr. Barrett.

Mr. Annunzio in three instances.

Mr. Meeds.

Mr. Downing in two instances.

Mr. Mann.

Mr. Long of Maryland.

Mr. Mathis of Georgia in three instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 101. An act to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1462. An act to provide for the distribution of the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142 and 353, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes; and

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets No. 79–A, 153, 158, 209, and 231, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 557. An act to amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, June 14, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

821. A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for fiscal year 1972 for Peace Corps activities of the Action agency (H. Doc. No. 92–122); to the Committee on Appropriations and ordered to be printed.

822. A letter from the adjutant general, United Spanish War Veterans, transmitting the proceedings of the 72d National Encampment, United Spanish War Veterans, September 6–10, 1970, pursuant to Public Law 249, 77th Congress (H. Doc. No. 92–123); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

823. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for the period July 1970–February 1971, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

824. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community to provide for an organized approach to the problems of economic development in the District of Columbia; to the Committee on the District of Columbia.

825. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

826. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the Social Security Administration's activities and experience in the implementation of the black lung benefits program, pursuant to section 426(b) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 936(b)); to the Committee on Education and Labor.

827. A letter from the Secretary of the Treasury, transmitting a report on foreign credits by the U.S. Government as of June 30, 1970, pursuant to section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

828. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a report on food production and population growth in less developed countries, pursuant to title XI of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

829. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe.

and for other purposes; to the Committee on Interior and Insular Affairs.

830. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians; to the Committee on Interior and Insular Affairs.

831. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 271, *The Cherokee Nation, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

832. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 336, *The Eastern Shawnee Tribe of Oklahoma and the Absentee Shawnee Tribe of Oklahoma, et al., Plaintiffs*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

833. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report on the racial and ethnic impact of the program of homeownership for lower income families operated under title I of the Housing and Urban Development Act of 1968, commonly known as section 235, pursuant to Public Law 85–315; to the Committee on the Judiciary.

834. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

RECEIVED FROM THE COMPTROLLER GENERAL

835. A letter from the Comptroller General of the United States, transmitting a report on problems and suggestions for improvements in determining Army major equipment needs; to the Committee on Government Operations.

836. A letter from the Comptroller General of the United States, transmitting a report on potential savings by replacing Government-owned sedans each year by the General Services Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON of California: Committee on Interior and Insular Affairs. H.R. 8787. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; (Rept. No. 92–270). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 9036. A bill to provide a Federal income tax deduction for expenditures for purchase and installation of air pollution control devices on used vehicles and to provide for certification of such devices by the Administrator of the Environmental Protection Agency; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mr. Broomfield, Mr. Burke of Massachusetts, Mr. Edwards of California, Mr. Harrington, Mr. Mazzoli, Mr. Moorhead, Mr. Rees, Mr. Rosenthal, and Mr. Tiernan):

H.R. 9037. A bill relating to the National Environmental Policy Act of 1969 and the environmental impact of the proposed trans-Alaska oil pipeline; to the Committee on Interior and Insular Affairs.

By Mr. BETTS:

H.R. 9038. A bill to amend the National Labor Relations Act to achieve certain reforms, and for other purposes; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 9039. A bill to authorize the Administrator of General Services Administration to contract for the construction of certain parking facilities on federally owned property; to the Committee on Public Works.

By Mr. CONABLE (for himself and Mr. Carey of New York):

H.R. 9040. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the Federal estate tax for certain debt obligations of domestic corporations in cases where the interest on such obligations would be treated as income from foreign sources for purpose of the interest equalization tax; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 9041. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL:

H.R. 9042. A bill to provide a penalty for the theft of certain explosives, to provide increased penalties for certain crimes relating to explosives, and for other purposes; to the Committee on the Judiciary.

H.R. 9043. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. EDMONDSON (for himself, Mr. Gray, Mr. Patman, Mr. Pryor of Arkansas, and Mr. Wright):

H.R. 9044. A bill to amend the act of December 22, 1944, relating to the sale of electric power from reservoir projects under the jurisdiction of the Secretary of the Army; to the Committee on Public Works.

By Mr. HENDERSON (for himself, Mr. Addabbo, Mr. Begich, Mr. Bennett, Mr. Brasco, Mr. Burke of Florida, Mr. Burton, Mr. Chappell, Mr. Davis of South Carolina, Mr. Downing, Mr. Edwards of Alabama, Mr. Edwards of Louisiana, Mr. Fascell, Mr. Forsythe, Mr. Fuqua, Mr. Hagan, Mr. Haley, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, and Mr. Hathaway):

H.R. 9045. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

By Mr. HENDERSON (for himself, Mrs. Hicks of Massachusetts, Mr. Hicks of Washington, Mr. Howard, Mr. Jones of North Carolina, Mr. Lennon, Mr. McCloskey, Mr. McMillan, Mr. Macdonald of Massachusetts, Mr. Matsunaga, Mrs. Mink, Mr. O'Neill, Mr. Pepper, Mr. Podell, Mr. Rogers, Mr. Sikes, Mr. Steele, Mr. Teague of California, Mr. Young of Florida, Mr. Whitehurst, and Mr. Wolff):

H.R. 9046. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

By Mrs. HICKS of Massachusetts:

H.R. 9047. A bill making appropriations to carry out the lead-based-paint-poisoning prevention program for the fiscal years of 1971 and 1972; to the Committee on Appropriations.

H.R. 9048. A bill requesting the President and the Secretary of State to urge the Government of the U.S.S.R. to release Ruth Aleksandrovich, a Soviet Jew, and other similarly situated persons, from imprisonment reportedly resulting from their desire to emigrate from the U.S.S.R. to Israel, and to urge the Government of the U.S.S.R. to allow all persons desiring to leave that country to do so; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Aspin, Mr. Badillo, Mr. Brademas, Mr. Brasco, Mr. Burton, Mr. Carey of New York, Mrs. Chisholm, Mr. Clay, Mr. Dulski, Mr. Edwards of California, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mr. Howard, Mr. Jacobs, Mr. Leggett, Mr. Mitchell, Mr. Morgan, Mr. O'Neill, Mr. Pepper, Mr. Podell, and Mr. Price of Illinois):

H.R. 9049. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Scheuer, Mrs. Sullivan, Mr. Tiernan, Mr. Vanik, Mr. Wolff, Mr. Mikva, and Mr. Biaggi):

H.R. 9050. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. LLOYD:

H.R. 9051. A bill to amend the National Labor Relations Act to strengthen and reform certain provisions thereof; to the Committee on Education and Labor.

By Mr. LONG of Louisiana:

H.R. 9052. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes; to the Committee on Ways and Means.

By Mr. McKAY (for himself and Mr. Lloyd):

H.R. 9053. A bill to establish the Arches National Park and the Capitol Reef National Park, to revise the boundaries of the Canyonlands National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MILLS of Arkansas:

H.R. 9054. A bill to amend title 5, United States Code, to permit military service performed by an individual after 1956 to be credited under the civil service retirement program, even though such individual is eligible for social security benefits, if such individual has elected to have such service excluded in the computation of such benefits; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.R. 9055. A bill to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State Fish inspection programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 9056. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor; to the Committee on the Judiciary.

By Mr. MONAGAN (for himself, Mrs. Reid of Illinois, and Mr. Dent):

H.R. 9057. A bill to establish drug abuse control organizations in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. MOORHEAD (for himself, Mr. Addabbo, Mr. Bingham, Mr. Brown of Michigan, Mr. Conyers, Mr. Dent, Mr. Diggs, Mr. Fraser, Mr. Koch, Mr.

Hechler of West Virginia, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. Pepper, Mr. Podell, Mr. Quie, Mr. Rees, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, and Mrs. Sullivan):

H.R. 9058. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings; to the Committee on Banking and Currency.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 9059. A bill to require community mental health centers and hospitals and other medical facilities of the Public Health Service to provide needed treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself and Mr. Murphy of Illinois):

H.R. 9060. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. THOMPSON of Georgia:

H.R. 9061. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 9062. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 9063. A bill to provide assistance to local school districts to maintain and establish levels of quality education in inner city schools; to the Committee on Education and Labor.

By Mr. BOB WILSON:

H.R. 9064. A bill to authorize educational assistance to wives and children, and home loan benefits to wives of civilian employees of the United States who are missing or interned or captured by a hostile force in Vietnam; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Illinois:

H.R. 9065. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5 million to $10 million; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. Carter, Mr. Fountain, Mr. Lennon, Mr. Henderson, Mr. Preyer of North Carolina, Mr. Abbitt, Mr. Daniel of Virginia, Mr. Wampler, Mr. Stubblefield, Mr. Watts, Mr. Hull, Mr. McMillan, and Mr. Miller of Ohio):

H.R. 9066. A bill to provide that tobacco graders shall be retained in a pay status for 10 months in a calendar year, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LANDRUM:

H.R. 9067. A bill to amend the Tariff Schedules of the United States to increase the rate of duty on certain tops, rovings, and yarns containing over 20 percent by weight of animal hair and on certain woven, knitted, or nonwoven fabrics chiefly used for paddings or interlinings in wearing apparel; to the Committee on Ways and Means.

By Mr. McKEVITT:

H.R. 9068. A bill to amend title II of the Social Security Act to provide automatic cost-of-living increases in benefits, in the earnings base, and in tax rates, to increase widow's and widower's benefits, to provide spouse's benefits at age 55, to provide benefits without regard to age for widows and widowers who are disabled, to make other improvements in benefit eligibility and benefit computation, liberalization of the earnings test, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 9069. A bill to provide for the adoption of the perpetual calendar; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself and Mr. Barrett):

H.R. 9070. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. PRICE of Texas (for himself, Mr. Addabbo, Mr. Baring, Mr. Biaggi. Mr. Blackburn, Mr. Brasco, Mr. Broomfield, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Derwinski, Mr. Dowdy, Mr. Dulski, Mr. Davis of South Carolina, Mr. Fisher, Mr. Garmatz, Mr. Goldwater, Mr. Goodling, Mrs. Grasso, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hastings, Mr. Hays, Mrs. Hicks of Massachusetts, Mr. King, and Mr. McCloskey):

H.R. 9071. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for homeowners; to the Committee on Ways and Means.

By Mr. PRICE of Texas (for himself, Mr. Hunt, Mr. Mazzoli, Mr. Moss, Mr. O'Konski, Mr. Podell, Mr. Roe, Mr. Rousselot, Mr. St Germain, and Mr. Steiger of Arizona):

H.R. 9072. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for homeowners; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 9073. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 9074. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WALDIE:

H.R. 9075. A bill to discourage cruel experimentation on animals by elementary and secondary school children; to the Committee on Science and Astronautics.

By Mr. BETTS:

H.J. Res. 698. Joint resolution. Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. BRINKLEY:

H.J. Res. 699. Joint resolution proposing an amendment to the Constitution of the United States relating to the tenure in office of Supreme Court Judges; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.J. Res. 700. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LANDGREBE:

H.J. Res. 701. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. TAYLOR:

H.J. Res. 702. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. Carter, Mr. Don H. Clausen, Mr. Córdova, Mr. Drinan, Mr. Preyer of North Carolina, and Mr. Whitehurst):

H. Con. Res. 332. Concurrent resolution that the Congress hereby creates an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Con. Res. 333. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. ASPIN:

H. Res. 473. Resolution expressing the sense of the House with respect to disclosure of the results of the national nutrition survey; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H. Res. 474. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. ROUSH:

H. Res. 475. Resolution expressing the sense of the House with respect to disclosure of the results of the national nutrition survey; to the Committee on Interstate and Foreign Commerce.

By Mr. SEIBERLING:

H. Res. 476. Resolution relative to releasing the national nutrition survey; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

211. By the SPEAKER: Memorial of the Legislature of the Territory of Guam, relative to the establishment of the Guam National Seashore as a national park; to the Committee on Interior and Insular Affairs.

212. Also, memorial of the Legislature of the State of South Carolina, relative to the dumping of sewage in Lake Hartwell, S.C., by the Army Corps of Engineers; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 9076. A bill for the relief of Kyong Ok; to the Committee on the Judiciary.

By Mr. McKEVITT:

H.R. 9077. A bill for the relief of Rabbi Hersz Lapides; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 9078. A bill for the relief of John Balaz; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 9079. A bill for the relief of Dorothy G. McCarty; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

81. The SPEAKER presented a petition of the Town Council, Herndon, Va., relative to Federal-State revenue sharing, which was referred to the Committee on Ways and Means.

SENATE—*Thursday, June 10, 1971*

The Senate met at 8:30 a.m. and was called to order by Hon. Quentin N. Burdick, a Senator from the State of North Dakota.

Chaplain, Maj. Gen. Francis L. Sampson, Chief of Chaplains, Department of the Army, Washington, D.C., offered the following prayer:

At the beginning of another day's deliberations in this honored forum, O God, we pause to invoke Thy blessing upon each Member of this Chamber whose voice is the voice of our Nation.

Guide these dedicated statesmen in their quest for solutions to the problems that confront them today. Give them courage to seek Thy wisdom. Grant them ability to understand the needs of our land. Help them to view international policies through the eyes of those whose lives they alter. Give to them an awareness of the rights and wrongs of every issue which they consider. Add to their good intentions good judgment, to their political expediency courage to defy it when right demands, and to their words for peace the will to achieve it.

Grant that in seeking to minister to a troubled and turbulent world, their minds and hearts may be tempered with that calm and steadfast spirit which finds its refuge and strength in Thee.

In the great adventure of building a better nation, by their sincerity, integrity, and wisdom, give them the skill to coordinate practical commonsense with lofty idealism, so that their decisions shall heal the wounds and bridge the gulfs of these embittered days.

Bless every citizen of our great Republic. Be with the members of our Armed Forces wherever they serve the cause of freedom, especially those who are prisoners of war or missing in action. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 10, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Quentin N. Burdick, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 9, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES AND NATO; TROOP REDUCTIONS—IV

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may insert in the Record set number IV of the commentaries, columns, letters to the editor, and editorials relative to the U.S. troop position in Europe in relation to NATO.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Newsweek, May 24, 1971]

Foreign Policy: Mansfield's Rebellion

From the earliest days of the Republic, the United States Senate and the President have been locked in a constitutional wrestling match over control of foreign policy. In recent years, the undeclared Presidential war in Indochina has intensified that struggle, and last week it flared into the open again in all its historic virulence. Spearheaded by Majority Leader Mike Mansfield, the Senate launched its sternest challenge yet to the authority of Richard Nixon. And when the President grasped the dimensions of the challenge, he handed the Senate what amounted to a demand for unconditional surrender.

The immediate issue was a measure introduced by Mansfield that would compel Mr. Nixon to cut U.S. troop strength in Europe in half. Although a vote on the proposal was deferred until this week, the mere suggestion was a blow to the Administration, which felt it undermined the credibility of Washington's commitment to European defense. But the crisis went far beyond that. Mansfield's maneuver was only the first onslaught in a Senatorial spring offensive designed to break the White House monopoly in the field of foreign affairs. Clearly aware of this aim, Mr. Nixon unlimbered every political weapon in his arsenal to thwart the proposal. But there was a strong possibility that, even if the President prevailed, he would do so only at the cost of further aggravating his already strained relations with Congress.

Last week's confrontation was a long time abuilding. The steady postwar trend toward excluding Congress from a direct role in the formulation of foreign policy has long disturbed both supporters and opponents of the war in Vietnam. Just how sensitive Congressional toes had become was illustrated early in the week, when Mississippi's powerful Sen. John Stennis, an ardent backer of the Vietnam war, introduced a remarkable bill that would prohibit the President from committing U.S. troops to future wars without Congressional consent, except for emergency periods of no more than 30 days.

Though Stennis was in no hurry to bring his proposal to a vote, other Administration critics were rushing ahead with plans to short-circuit Mr. Nixon's foreign policies. The vehicle chosen by most of them was the normally impregnable bill to extend the draft for another two years. One senator, Alaska's Mike Gravel, vowed to conduct a filibuster that would prolong the debate past June 30, when the current draft authorization expires. "We in the Senate," Gravel declared in a letter to his colleagues, "have a chance to put an end to the draft, and thereby also *put an end to the war*." Many doves hoped to accomplish the same purpose by tacking amendments onto the draft bill. Senators George McGovern and Mark Hatfield revived their year-old measure to set a date for an end to the war. Other amendments sought to limit the draft extension to one year and to prohibit the assignment of draftees to Vietnam.

Stir: But of all the senators trying to hold the draft bill hostage, Mansfield kicked up the biggest stir. Sensation is hardly the style of the mild-mannered man from Montana. But over the years, Mansfield's quiet appeals for a reduction of U.S. military expenditures in Europe have repeatedly come to naught, and in the wake of the recent European monetary crisis, which was caused principally by America's balance-of-payments problems, his patience finally cracked. In what was surely the most extreme legislative proposal of his career, he presented an amendment that would require the U.S. to withdraw half of its 300,000-man European garrison by the end of the year.

The Administration's reaction to this proposal was little short of horror. "It couldn't have come at a worse time," complained a European specialist at the State Department. "Many Europeans already blame us for the monetary crisis. If we begin to reduce our forces unilaterally, it will look like abandonment, and we just can't afford that." Administration spokesmen also argued that Mansfield's formula would eliminate any hope of achieving a more useful goal: a negotiated reduction of forces in Central Europe by both the U.S. and the Soviet Union. "In order to do this," said a White House aide, "we must have some assets to discuss. We cannot strip ourselves of the counters we need for effective bargaining."

Recovering from its initial astonishment, the White House promptly launched an all-out counterattack. Mr. Nixon convened an extraordinary assemblage of men who have helped to shape U.S. foreign policy since the days of FDR. In response to his call, former Secretary of State Dean Acheson, former Under Secretaries Nicholas Katzenbach and George W. Ball, John McCloy, Lucius Clay, Henry Cabot Lodge, Cyrus Vance and a host of active and retired generals all assembled at the White House. "All of us had our fighting gloves on," reported Dean Acheson, who later called the Mansfield amendment "asinine." The participants unanimously opposed withdrawal from Europe, and Mr. Nixon, citing the defense policies of five successive Presidents from both parties, announced a troop slash would be "an error of historic dimensions."

Mr. Nixon's mind was also made up on the question of tactics. Although several Republican senators had offered to present compromise amendments in an effort to undercut Mansfield, the President was unwilling to give an inch. Indeed, he privately told aides that he would veto the draft bill if the Mansfield amendment were part of it. "There must be no compromise—not even talk of one," he said to foreign-policy alumni. "We have to meet this one head-on." Accordingly, the statesmen began to discuss how each of them could lobby most effectively to defeat Mansfield. Acheson offered to draw up a brief statement of support for the President, and to get it signed by every eminent American statesman he could lay his hands on. And Democratic elder statesman Averell Harriman, who did not attend the meeting, was enlisted to put pressure on two of his party's key leaders, Edmund Muskie and Hubert Humphrey.

Elation: But the President's most unlikely "ally" of the week was Soviet leader Leonid Brezhnev. In a speech in the Georgian capital of Tbilisi, Brezhnev reversed his government's earlier stand and offered to negotiate a mutual reduction of forces in Central Europe. Although Brezhnev's motives were not clear, Administration officials were elated by his offer. "It's almost as though we had prearranged it," gloated one White House staffer. And, another added, "It underlines so well what we have been saying—that now is not the time to unilaterally dismantle our forces."

Mansfield himself professed to be undaunted by Brezhnev's bombshell. And late in the week, his Senate head count showed 41 or 42 "solid" votes in favor of the amendment. At that point, Mansfield was still planning to go for broke. "I'm not prepared to compromise," he declared. But clearly, the Brezhnev speech and President Nixon's vigorous counteroffensive had taken some of the wind out of his sails. And Congressional sources said that, if necessary, the Majority Leader might be receptive to changes in his amendment, to attract greater support through a more flexible approach. One alternative was said to be a plan under which 25 per cent of the U.S. troops would leave Europe by the end of the year, and another 25 per cent six months later, unless the NATO allies agreed to absorb half of the present cost of the American garrison in Europe.

Whatever Mansfield decides, this week's vote promised to be close, and it was the Administration that had the most to lose. If the White House is beaten, it could be the worst foreign-policy setback sustained by any President since Woodrow Wilson. But even in the event that Mr. Nixon wins this round, he will, sooner or later, face other Congressional efforts to end the war and the draft and to legislate a stronger role for the Senate in the conduct of foreign policy.

"If the executive branch undertakes to thwart the current effort to restore constitutional balance by all the considerable means at its disposal," Sen. J. William Fulbright warned late last week, "it is entirely possible that Congress will be driven to employ some of the unused means at its disposal, and that, as a result, the pendulum will swing too far, carrying us toward the kind of overbearing Congressional role which resulted in the rejection of the League of Nations in 1919."

In essence, what Fulbright was saying was that the Mansfield amendment, injudicious as it might appear to foreign-policy experts, constituted a warning shot across the Administration's bow—and in the long run the reply could not merely be the cry of "no compromise."

[From the Boston (Mass.) Globe, May 24, 1971]

Politically Potent Common Market Feared

Behind the insistence of the Eastern Establishment that American troops stay in Europe is the fear of a strong and politically unified Common Market that would interfere with the free flow of American corporate capital and its multinational ambitions.

If the original purpose of NATO was to facilitate American interests in the ultimate European settlement with the Soviet Union, the new purpose has shifted to account for developments within Western Europe more than outside it.

Although both the US and USSR will enter into joint troop cut negotiations, the timing and scope of these cuts is all important and does not change the irony that a very important communality of interest exists between NATO and the Warsaw Pact. This isn't the positive fact that military establishments are expensive to maintain, but the negative fact that both America and the USSR fear the Common Market.

Moscow has traditionally opposed the Common Market and worries about the attempts of Warsaw Pact countries to form closer business relationships with prosperous Western Europe. The USSR keeps its troops in Eastern Europe for the same reason the US does in the west; to maintain hegemony over the area. Over time it has become clear that the troops are needed less to counter an external threat than to prevent developments that would realign power relationships within the respective blocs.

Of course, the appearance of external threat is required in order to justify the military establishment. Thus, Russian troops are needed to crush the Czechs physically while American troops are needed to block the movement for European political unification. The US and USSR have cooperated in an unholy alliance.

"In effect," writes Theodore Geiger of the National Planning Assn., "the role of the US in European unification is today, and for the foreseeable future, the reverse of what it was in the 1940s and '50s. Whereas in the early postwar period the movement toward European union would not have gotten underway without strong American leadership and support, so now even the much reduced US presence in Europe and more qualified commitment to its defense constitute hindrances to that goal."

While the United States is finding it difficult to control the outcome of events, it needs to be understood that there is a big difference between economic integration that facilitates multinational corporate growth, and political unification that would harm American interests. The United States has no desire to see, for example, the establishment of a common European currency or anything else that would involve the strengthening of supranational government in Europe.

Negotiations leading to the enlargement of the Common Market are now proceeding at a very fast clip for a number of reasons. These include the desire that Britain help to balance out growing German power in Europe, and the implicit understanding that Britain's role in the Common Market will merely increase the sum total of economic integration rather than sustain a movement for unification.

Geiger, whose organization represents a whole complex of giant corporations and labor unions in Britain and the US, believes that the geographical expansion of the Common Market "would reinforce the factors inhibiting the granting of crucial military and economic powers to supranational authorities."

There is no way that the United States can avoid the business and financial complications of a widening circle of countries operating inside a tariff wall except to get its corporations inside the wall and make arrangements, as with Britain, to guarantee certain markets. These complications, however, are seen as net benefits compared with the losses that might stem from a politically unified Europe.

As long as the Common Market gets bigger and avoids making the important political determinations, the American Eastern Establishment can continue working toward its goal of an Atlantic Free Trade area where the giant multinational corporations can operate unhindered.

As far as the Eastern Establishment is concerned, NATO must continue to exist until the final form of the Common Market/Atlantic Comunity guarantees freedom of action to the multinational corporations.

[From Christian Science Monitor, May 24, 1971]

Troop Withdrawal

Robert R. Bowie, formerly of the U.S. State Department, and Lyndon B. Johnson, formerly president of the United States, have both opposed Senator Mansfield's proposal to reduce our troops in Europe by 150,000 men. Mr. Bowie's objections and Senator Mansfield's case were both printed in the Monitor, May 14 and 15.

The Nixon Doctrine of July, 1969, is designed to replace U.S. forces in foreign lands, and is served by the Mansfield proposal. Senator Mansfield is putting the Nixon Doctrine into action.

In an interview with U.S. News & World Report editors last January, Secretary of State Rogers was reported as saying: "Our general posture today is one of a lowered profile and a reduced presence of the United States, consistent with security considerations. . . . It means putting more emphasis on regional cooperation, making other nations realize that they have to take the lead in carrying out the responsibilities in their area."

There are more U.S. military personnel and dependents in Western Europe (over half a million) than there are citizens in Nevada, or Vermont, or Wyoming, or Alaska. Do we need nearly a quarter-million troops in West Germany 25 years after peace was declared? Do we need 20,000 military personnel in Great Britain, 10,000 in Italy, 9,000 in Spain, 7,000 in Turkey, or 3,000 in Greece?

Whether there are 220,000 troops in West Germany or 75,000 the continued U.S. commitment to NATO will be maintained. At present West Germany has accumulated more billions of dollars than we have gold. Europe can topple the dollar any time it chooses. The U.S. deficit for the fiscal year ending next month's promises to be in excess of $15 billion, adding further fuel to inflation.

Senator Mansfield's proposal is sensible and greatly needed. President Eisenhower, a military man, termed one of the greatest dangers to this nation's well-being as the "military-industrial complex." We see it operating in the current efforts to discredit Senator Mansfield.

Warren Himmelberger.

Wellesley Hills, Mass.

A suggestion: The United States compete in magnanimity instead of in excessive weaponry—to keep our place as a leading nation. Compete with initiatives and offers to reduce troop levels in Europe and around the world. (Military competition and quibbling has not worked in this century, or only after interminably drawn out sessions and extended suffering.)

On this small globe in "this global village," war as an accepted and recognized method of settling international disputes must go, and the sooner the better. (It is more totally wrong and insane now than in preceding years and centuries.) Let us urge our government to respond affirmatively to Brezhnev's offers of reductions and relaxation of international tensions.

In brief: Let us support Senator Mansfield vs. President Nixon and the old cold-war warriors.

Belmont, Mass. N. M. Millette.

[From the North Orange County (Calif.) Daily News Tribune, May 24, 1971]

SEN. MANSFIELD AMENDMENT WAS ILL TIMED, ILL CONCEIVED

WASHINGTON.—Congress is unwittingly warning the American people not to allow it to grasp too large a role in the conduct of foreign policy.

In principle it is altogether right that Congress should be exercising an important voice in foreign affairs.

But the reckless way it is going about the business of trying to do so can hardly fail to create a massive public demand on Congress to STOP, LOOK and LISTEN.

In recent months there has hardly been a single aspect of foreign policy which Congress, when it has acted to intervene, hasn't bungled.

The latest instance was the Mansfield amendment to slash in half the U.S. forces assigned to NATO. This would have been perilous folly. Only after great effort was it deflected by a face-saving compromise which does no immediate harm.

If this is the way Congress proposes to seize the conduct of foreign affairs from the President, there will have to be a massive public crusade to save the country from Congress.

Congress should play a significant role in foreign policy but it will throw away its opportunity to do so if it continues to show such ineptness.

Take the Mansfield amendment.

The NATO nations have long been urging the Soviet Union to negotiate a mutual reduction of Warsaw Pact and NATO forces in Europe. At times, Moscow has appeared interested but has held back until very recently. Now at the very moment when Party Leader Leonid Brezhnev announced that the Soviets are ready to move for a mutual cutback, Mansfield and other like-minded senators proposed to give to the Russians a 50 per cent cut in U.S. NATO forces without getting anything in return.

Defeated, yes—but the very initiative was ill-timed, ill-conceived and harmful.

Is this the way Congress proposes to conduct foreign policy?

The NATO governments had already worked out an agreed policy for the prospective talks with Moscow. The Mansfield amendment would have torn up that agreement. And to legislate a unilateral cut in U.S. forces in Europe would undermine NATO and destroy the confidence of the NATO countries in the steadfastness of American support. It would also have destroyed all prospects of reaching a workable solution for West Berlin, and the failure to get such a solution would nullify the worthy efforts of West Germany to improve relations with Russia and Poland.

Is this the way Congress proposes to conduct foreign policy?

Have no doubt about it, the Soviets want to destroy NATO. They have tried to make the dissolution of NATO a precondition of nearly every international negotiation they have participated in with the United States in recent years. They have even tried to make it a condition of the limited nuclear test ban.

The Soviets want to get the United States out of Europe, and the Senate maneuvers to slash U.S. NATO forces without any counterbalancing reduction of Soviets forces was about to begin that process before wiser counsel prevailed at the last minute.

It can fairly be argued that the United States is bearing too one-sided a burden in the cost of keeping up NATO's defenses and that the NATO nations should be doing more. But for Congress to propose a one-sided action breaching agreed NATO policy is simply irresponsible.

Is this the way Congress proposes to conduct foreign policy?

Is this the way the Senate expects to win public confidence in its efforts to strengthen its voice in foreign affairs?

If so, the nation will suffer.

There is a right balance in the role of the President and the role of the Congress in these matters and it can only be achieved with great care and responsibility.

[From U.S. News & World Report, May 24, 1971]

FROM THE CAPITALS OF THE WORLD

Forces in Congress are out to reduce U.S. troops in Europe. Senate Majority Leader Mike Mansfield put in an amendment to "cut by half" the 300,000 U.S. military men there, says they could then be "twice as effective."

Here, from our bureaus in the major countries, is the European reaction.

BONN.—The chances that any of America's Allies would take up the slack of a deep reduction of U.S. troop strength in Europe are seen here as zero.

The European attitude follows these lines: "Washington has always said American troops are in Europe to provide security for the U.S., not just to protect Western Europe. If the Americans decide that there is no security threat, why should we act as though there is?"

NATO nations are likely to welcome any excuse to cut defense spending.

Only possible exception is West Germany. But even here pressures to economize are great. Also, even if the West Germans were willing to beef up their forces, already nearly half a million strong, that would bother NATO Allies as well as potential enemies on the other side of the Iron Curtain.

Too much military power under German control is a nightmare everywhere.

Most West Germans oppose U.S. troop cuts. The reasons, from one official:

"If the Americans make big reductions, that is a signal to the Russians that Washington no longer cares much about Europe, that the Kremlin can count on getting its own way on this continent by political pressure, not arms.

"Anybody who thinks, as some U.S. Senators seem to think, that Belgian or Dutch divisions impress the Russians as much as American divisions is in dire need of political education at the kindergarten level."

ROME.—There are no great fears among thoughtful Italians over the prospect of deep cuts in the strength of U.S. forces in Europe. Here's why:

Italians look to the U.S. nuclear deterrent for protection against Russia. They value U.S. troops in Europe as symbols of U.S. commitment, as "hostages" guaranteeing U.S. involvement in the event of a Soviet attack. What really matters to Italians is the presence, not the size, of U.S. forces.

Total U.S. withdrawal would cause real alarm here, could force policy changes. Short of that, troop cuts by the U.S. would worry few Italians.

LONDON.—*No great changes in European defenses* are foreseen by the British even if the U.S. does go ahead and cut troop strengths by as much as half. *Prime Minister Heath* recently told Parliament that Britain could not be expected to further increase its contribution to Europe's defenses. *"The point is bluntly this,"* he said, *"Britain's contributions to NATO*, expressed as a proportion of the gross national product, is greater than that of any of the other major NATO powers . . . This must be recognized by our allies."

This financial year Britain will spend *5.5 per cent* of the total value of its goods and services on defense. *Ninety per cent* of this goes to NATO.

What Britain really will do if and when the U.S. reduces forces in Europe depends on whether the country is *inside or outside of the Common Market*. If Britain is in, then Britain would be likely to work out *a common strategy with France*, probably involving nuclear forces, a low level of conventional forces.

Whatever the U.S. does, no one in Britain talks of NATO collapse, of deals with the Kremlin. For Britain it's *a perfect time for "wait and see!"*

PARIS.—French view is that *only token U.S. forces are required in Europe* to back up the U.S. pledge to defend the Continent. But there is *bitterness* about current U.S. financial policies. A writer in the Paris daily "Le Monde" asks: *"Just how much confidence* can you put *in a nuclear umbrella* brandished by a Government which, without intervening, allows the currencies of the countries it protects militarily to be *flooded by dollars?"*

Chinese Communists are doing well with their new "friendship diplomacy."

Southeast Asia particularly seems eager to let *bygones be bygones*. Even anti-Communist countries which spent years squelching Communist-led uprisings now are trying to make friends with Chinese Reds who backed the rebels.

Look over the list of *recent visitors to the Chinese mainland*.

Thirty Filipino businessmen turned up in Peking, where they had a warm welcome and a chat with Chou En-lai. The Chinese Communist Premier stated his aims. Economic relations, he said, inevitably lead to *diplomatic relations*.

A 19-member Malaysian trade mission, the first since 1956, spent 10 days of May enjoying Chinese Red hospitality and promoting Malaysian rubber sales.

Listen to the leaders of Southeast Asia *speaking publicly at home*.

Thailand's Foreign Minister Thanat Khoman not only has preached the idea of seeking better relations with Red China, but has announced that he has *a friendly answer from Peking* through a third party. Talks may begin soon.

Indonesia's Foreign Minister Adam Malik also is promoting friendship with Mao's men. Best way to start that, he says, is for Indonesia to *trade directly with Communist China* rather than letting its exports go there through middlemen. Such suggestions are *a worry for the merchants of Singapore and Hong Kong*.

As *President Tito,* now 79, works at *preparing Yugoslavia* for his going . . .

Keep in mind *what the Yugoslavs have right now,* despite all their troubles.

As in no other Communist country, they can see "Dr. Zhivago" on film, read Solzhenitsyn's novels or "Khrushchev Remembers," buy many Western goods.

As in no other East European country, the Yugoslavs took the lesson of the Soviet invasion of Czechoslovakia to build up their defenses against Russia.

Tito has promised "a lot of changes" in "a few months." *So it is no wonder* that the U.S., Russia and all Europe keep *a close watch on Yugoslavia*.

[From National Observer, May 24, 1971]

CAPITOL HILL HAS AN EXPERT SHORTAGE

(By Jude Wanniski)

When the turbulence in the international money market reached its peak some weeks ago as the West German government temporarily stopped exchanging marks for dollars, Capitol Hill reporters approached Senate Majority Leader Mike Mansfield and asked for a comment.

"I have no comment," he said tersely. "I'm afraid I don't know much about the international monetary system."

The newsmen drifted over to Senate Minority Leader Hugh Scott, who was holding his daily press briefing a few feet from Mr. Mansfield. They asked him for a comment. He also shrugged, mumbling an apology that he didn't know too much about the problem.

These honest admissions by the two Senate leaders are typical of the entire Congress. Of the 535 members, perhaps a dozen have a grasp of the workings of international economics. Indeed, one of the reasons that Chairman Wilbur Mills of the House Ways and Means Committee is held in such high esteem by his colleagues and the press corps is that he seems to have mastered this mystifying subject.

Almost overnight, however, Congress has become dimly aware that there are big and disturbing problems in this area, and that increasingly in the decade ahead its attention will be forced to these problems. In simplest terms, the United States has used up the cushion it enjoyed by virtue of being the only industrial power left unscathed by World War II. This reality has been suspected for some time, but it is now being freely admitted.

Treasury Secretary John Connally, the only Democrat in the Nixon Cabinet, has been breaking this bad news every chance he has. He told a Senate trade subcommittee last week: "Our trading position shows that we will have to work harder just to maintain our position. . . . The simple fact is that in many areas others are outproducing us, outthinking us, outworking us, and outtrading us."

George Schultz, director of President Nixon's Office of Management and Budget, told the same subcommittee: "We have got to change the U.S. image from that of Santa Claus to that of the old hard-bargaining Yankee trader."

It is one thing to recognize the problem, another to correct it. Reflecting the character of the American people, Congress has an instinct for direct action. The balance-of-payments deficit—the excess of dollars flowing out of the country over those flowing in—is soaring, so pull U.S. troops out of Europe. U.S. industry is getting murdered on textiles, shoes, steel, consumer electronics, so slap on import quotas.

As Secretary Connally points out, though, the problems are more fundamental and direct action is not the answer: "Productivity, in its broadest sense, is truly 'the name of the game' in the hard, competitive world of international trade."

Yet on this score the Administration is stymied. Almost anything the Federal Government could do to assist increased productivity of American industry instantly brings forth the wrath of AFL–CIO president George Meany, consumer advocate Ralph Nader, and the Democratic Congress. The Administration would like to propose legislation to discourage union featherbedding practices and encourage more efficient union work rules, but it dare not. Not only would labor scourge Richard Nixon, but Congress would likely turn the legislation in the other direction, the White House believes.

When Mr. Nixon announced an easing of tax depreciation rules for industry to give it a more competitive footing with overseas industry, the liberal Democrats predictably denounced the move as a giveaway to Big Business. Some top Administration economists yearn for an easing of antitrust laws, convinced that American industry would benefit by mergers. But stiff antitrust enforcement is an article of faith among Democrats. There are also dreams in the White House of a complete overhaul of the nation's tax laws—a modernizing that would give American industry new life. But again, Congress has a tradition of turning tax reforms around, stripping away long-term benefits to business and handing out quick bonuses to the people who vote. Direct action.

As it is, the plans Mr. Nixon sent to Congress are being turned around. Instead of revenue-sharing, which the President says would immediately attack unemployment by putting cash into the hands of local governments, the Democrats are pushing 35-year-old ideas that they say will also attack unemployment: public-service jobs and accelerated public works. Such projects are so cumbersome to operate, argues the Administration, that it would be years before funds trickled through the red tape down to the country.

The pulling and hauling between Congress and the President, Democrats and Republicans, goes on at a time when the Capital freely admits it has big troubles in the world's economy; so it is no wonder Europeans doubt the United States will ever get things under control. The outlook is not that bad. In fact, as the war in Southeast Asia continues to wind down, members of Congress can begin firing a few hundred Vietnam experts and hire some people who understand international economics.

[From the Boston Globe, May 25, 1971]

Our Own House Is on Fire

Washington.—We think a tremendous shift of public attention is now going on in America that may be the dominant feature of the 1970s. There are fascinating signs of it everywhere. Right in the midst of spraying the fire hose on Europe and Asia we have suddenly noticed sparks shooting up in our own neighborhood; hey, whose house is that?—hey, help—it's our house!

If you take that as your key you will find a grim connection between some of the oddest kinds of incongruities in American news: the Senate turmoil over the number of US troops in Europe, say, and the ghetto riot up in Brownsville, N.Y., over state relief cuts; the sickening discovery that a lot of our conscript sons in Vietnam are becoming heroin addicts and the accelerating determination to end the adventure and get back to home affairs; the deep-seated reluctance of most Americans to get mixed up in the Middle East, along with the shock of seeing law-and-order Democrats in sedate Philadelphia nominate a pistol-whipping cop for mayor.

Is the connection far-fetched? Well, we must ameliorate our problems at home or go in for repression; one or the other, there isn't much time to choose. A nation that has gradually got over-extended abroad is suddenly becoming aware of brutal problems at home—racial, social, economic. They won't wait.

Take hunger. It is easier to visualize it in personal terms. "About a month and a half ago," Sen. Mondale (D-Minn.) told the McGovern Committee, "I went to a small elementary area school in our small ghetto in St. Paul. They had a splendid cafeteria and a very balanced meal, a warm meal, salad, and about every fifth child could not afford it. One child, whom I will never forget as long as I live, was about 6 or 7 years old. She had a filthy dress on, and she sat at this table amidst the other children eating their good meal, eating a chocolate cookie. She had a little dirty bag that she brought, that her mother had sent, and two other chocolate cookies. And I asked the principal, how can this happen? And he said, 'We still don't have the money to pay for lunches when the families can't afford it.' I assume there are million like her in the country, that sit amidst their friends at lunch who have a decent meal, and they don't. It's a disgrace."

That hungry kid with three cookies at school represents America. The U.S. has 6 percent of the world's population and about half the world's resources but an income distribution, as noted in the Esterlys' "Freedom From Dependence" (Public Affairs Press, Washington, $6), that awards 77 percent of total income to the top half of the population, and only 23 percent to the lower half.

The fact is, America is stingy. As Swedish economist Gunnar Myrdal notes: "America of all rich countries (is) the one which has the highest rate of unemployment, the worst and biggest slums, and which is least generous in giving economic security to its old people, its children, its sick people and its invalids."

President Nixon, to his great credit, has introduced family assistance welfare legislation and Rep. Wilbur Mills has picked up the ball. There's a lot that's wrong with the Nixon proposal and the Senate may kill it as it did last year, but it does accept one revolutionary concept, the right of the disadvantaged poor to basic income maintenance. Pretty communistic, eh?

Here's how one man put it: "Every man has the right to life and to the means which are necessary for the proper development of life; these are primarily food, clothing, shelter, rest, medical care and finally the necessary social services." I may not have rendered this smoothly, it's a translation from the Latin, "Pacem in Terris," by Pope John XXIII.

Senate Majority Leader Mike Mansfield is a kindly, courteous man. Time and again he has argued the urgency of problems at home and declared that, 26 years after the war ended, the U.S. does need half a million persons in Europe including dependents, with 7000 tactical nuclear weapons or even 128 generals. Nobody paid much attention.

Then suddenly, the mouse roared. Mansfield gave the White House a terrible scare. He crisply demanded that we pull out half our troops in Europe, at once, now. He caused a tremendous commotion and he left no doubt of the shifting American interest from problems abroad to at home.

This is not isolationism. It is merely that what happens in NATO and what happens in Brownsville are connected. The United States cannot be the staunch defender of the free world if its foundations crumble at home. Europeans might as well know that the pendulum is swinging, and that the long-suffering Congress, in sour revulsion after six years of executive deception and arrogance over Vietnam, is in the mood to assert itself. Mr. Nixon would be wise to adjust policies less the pendulum swing too far.

[From the Washington Post, May 25, 1971]

Dean Acheson on "The Right Way To Defeat Mike Mansfield"

Apropos of your leader this morning (May 19—The Right Way to Defeat Mike Mansfield), the President might be reminded of a saying about citizens of a certain European country—that with them as friends one did not need enemies. You say that, while it is important to defeat the Mansfield amendment sharply, it is wrong for the President to fall upon it combatively as an assault upon his prerogatives, his responsibilities, and his policies. You urge that the part of statemanship is to accept a Senate instruction to the President to negotiate with our allies and opponents some sort of a reduction of forces somewhere. In other words, don't fight; and, even if you lick 'em, join 'em. "It is well known," as Mr. Vishinsky used to say when stating something not known at all, that editorial writers are guided by revelation and fortified by infallibility. But even with these aids to native intelligence, you seem to have gone pretty far astray. You seem to regard the President and the ancient mariners who rallied to his support to have been merely miffed on a matter of "presidential prerogatives and personal authority." The Supreme Court, however (and indeed the Senate Committee on Foreign Relations) has viewed the issue involved here as of the deepest constitutional moment.

"The President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it." The Court quotes the Senate Committee on Foreign Relations as reporting to the Senate on March 7, 1800: " 'The President is the constitutional representative of the United States with regard to foreign nations. He manages our concerns with foreign nations and must necessarily be most competent to determine when, how, and upon what subjects negotiations may be urged with the greatest prospect of success. For his conduct he is responsible to the Constitution. The committee consider this responsibility the surest pledge for the faithful discharge of his duty. They think the interference of the Senate in the direction of foreign negotiations calculated to diminish that responsibility and thereby to impair the best security for the national safety.' " (United States v. Curtiss-Wright Corp., 299 U.S. 304, 315 et seq.) What a committee that was!

This is exactly what Senator Mansfield was attempting to do—to determine policy and to speak for the United States. The President had both the right and the duty to face up to a constitutional confrontation and return the Senate to its "proper interest in foreign policy" and not to accept your mistaken notion of it.

Moreover, though it may be a surprise to you, your suggestion regarding the substance of wise foreign policy is not new. I breach no confidence in letting you know that President Nixon and several of his predecessors have heard of it before in various forms. Indeed, dusty and long-forgotten files of your own newspaper for November 1951 report that President Truman in Washington and the next day the Secretary of State at the General Assembly in Paris made a proposal for the reduction and control of armed forces and armaments. The proposal was joined in by Great Britain and France. Of course, you can't be expected to remember Andrei Vishinsky's reception of this proposal. From the rostrum of the United Nations he told the world that he hadn't slept all night for laughing at the President's speech. One can always trust the Russians for the *mot juste*.

There are other drawbacks, too, to this bright idea of yours—and your predecessors. Do you mean a mutual reduction of forces or a mutual withdrawal of forces from Europe? If the former, do you mean reduction without inspection, which is what the Russians mean? If the latter, how are our allies to be reconciled to a Russian withdrawal of three hundred miles and an American withdrawal of three thousand miles? I suppose, too, that the senators for withdrawal would also be for no return without their consent. As my grandchildren might say, "Big deal."

DEAN ACHESON.

WASHINGTON.

[From the Evening Bulletin, May 25, 1971]

MANSFIELD MAY BE VINDICATED

(By Clayton Fritchey)

WASHINGTON.—Despite the defeat of the Mansfield amendment calling for the reduction of U.S. military forces in Europe, the country is going to clip valuable coupons from it. First, it is only a temporary setback, for eventually the idea will prevail. Second, it will hasten overdue reforms of the whole structure of European defense.

Sen. Mansfield (D-Mont.), the majority leader, proposed cutting America's European forces from 300,000 to 150,000. The Administration charged that this would fatally weaken NATO, but that was not, and is not the intent of Mansfield and his supporters. Their main object is not to reduce strength of the NATO forces, but simply to reduce the excessive and unfair American contribution to it. The other NATO countries could easily make up the deficiency, or even enlarge NATO if they thought it desirable.

Mansfield has said on more than one occasion that there is no reason why "over 250 million people of Western Europe, with tremendous industrial resources and long military experience, are unable to organize an effective military coalition to defend themselves against 200 million Russians—who are contending at the same time with 700 million Chinese."

MANSFIELD'S ARGUMENT

And Kurt Kiessinger, the former chancellor of Germany, has asked, "Is it not a disgrace that 200 million Americans must protect 250–300 million Europeans?" He urged the NATO countries of Europe to "unite their power so that they can play a completely new and completely different role in the world."

But why should they if the United States is willing to continue paying most of the cost for their defense, as it has for over 20 years? Sen. George Aiken (R-Vt.), the senior Republican in the Senate, said in backing Mansfield, "I thought the 'Nixon Doctrine' envisaged predicating our actions more on the willingness of others to take responsibility themselves, and less on a unilateral assumption of responsibility on our part."

The Mansfield amendment lost not on its merits, but careless legislative strategy. As Sen. Margaret Chase Smith (R-Me.) said, the majority leader could not have been "more wrong" in his timing. He brought it up without warning, without broad consultation with key senators, and without time to develop and publicize the persuasive arguments for its adoption.

Mansfield also exposed himself to a White House blitzkrieg, which included lining up former President Johnson and Truman against the amendment. The public, however, was not told that another former President, Gen. Eisenhower, had called for reduction of American NATO forces even before Mansfield. The Administration argued that any action at this time would be "hasty" and "precipitant." Mr. Eisenhower, the first commander of NATO, disposed of that old stall when he said on October 26, 1963:

"Though for eight years in the White House, I believed, and announced to my associates, that a reduction of American strength in Europe should be initiated as soon as European economies were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops."

ANOTHER 8 YEARS PASS

Yet, after still another eight years, the Senate is again being warned against acting hastily, although prosperity long ago returned to Europe. Germany, with a small defense budget, is thriving so mightily that its mark is now stronger than the U.S. dollar. Nevertheless, the German defense minister, Helmut Schmidt, now says, "The idea that the United States will extend its nuclear umbrella to Europe in a showdown has very little credibility unless it is backed up by the Americans having a substantial on-scene commitment."

[From the Philadelphia (Pa.) Evening Bulletin, May 25, 1971]

PRESIDENT'S CLEARCUT VICTORY DID NOT HURT SENATOR MANSFIELD

(By Robert Roth)

WASHINGTON.—It does not often happen in politics—or anywhere else—that one side in a controversy can win without defeating the other. Yet something very like that occurred last week in the confrontation between President Nixon and Senate Majority Leader Mansfield on the issue of troop withdrawal from Europe.

It is not to be disputed that Mr. Nixon scored an impressive victory.

The proposal of Senator Mike Mansfield (D-Mont.) that the President be required to bring home half of the 300,000 American troops assigned to North Atlantic Treaty Alliance duty in Europe was defeated by a lopsided Senate vote.

A SUCCESS

There are some here who seek to belittle the President's triumph, who say that the Mansfield proposal never really had a chance to prevail, that the Administration used over-kill tactics and that in doing so it alienated some and allied itself with others in a manner that will come back to haunt it later.

But that is carping. It does not alter the fact that the President did what he set out to do, that he kept his foreign policy prerogatives at least temporarily intact and that he registered a success at a time when—if the public opinion poll popularity ratings are to be believed—he badly needed it.

This does not mean, however, that Mansfield suffered a defeat proportionate to the Nixon victory or, indeed, that Mansfield lost at all. The evidence is strong that the senator from Montana achieved all he wanted or expected to achieve.

Mansfield knew—the Senate has no better vote counter than he—that he couldn't swing a Senate majority to his side on this issue at this time.

He knew that even if he did, he would lose in the House, and that if by some remote chance he won there the President would nullify everything with a veto.

What Mansfield wanted was to make an Administration which had blithely ignored him pay some attention. He wanted to force it to take a public position on an issue it seemed determined to ignore. He wanted to bring home to the public the fact that the United States was spending $1 billion a year in Europe to maintain an army to defend those who are able but unwilling to spend proportionately for their own defense at a time when they are prospering and the United States is reeling under the impact of a huge balance of payments deficit.

ORIGINAL PROPOSAL

This Mansfield accomplished, and then some. He forced the Administration to work as it has never worked before to achieve a legislative result, to call to its aid as allies a whole generation of Democratic foreign policy makers whom the President had on many occasions castigated and repudiated.

Mansfield clearly established, through the vote on various amendments to his original proposal, that a majority of the Senate wants the U.S. military establishment in Europe curtailed and differs only as to when, how and how much.

He made it certain that if the Administration does not act in a reasonable time the Senate will intervene again, and he made it probable that on a second test the Administration will not win easily, if it can win at all.

It is noteworthy that in the process Mansfield gained significantly in stature. The Senate has long regarded Mansfield with affection and respect, more so than any majority leader in modern history.

NO LIGHTNING ROD

It admired him for his fairness, for his respect for senatorial dignity and prerogative for his keen insight, his imperturbability, his ability to fight hard without raising his voice, his grace in accepting defeat and his persistence in fighting on even so.

He lost none of this in the recent controversy, but he gained a national prominence he had not previously commanded. This was something he had never sought. Alone among the many senators who might justly harbor presidential ambitions, Mansfield has carefully avoided putting himself in a position where lightning might strike.

He has always scrupulously avoided the fact as well as the appearance of being a candidate for any honors other than those he now holds.

The troop controversy did not change that. It did not make him a contender for Democratic presidential nomination, and it will not. But it made the Democratic rank and file, and the country as a whole, more conscious of Mike Mansfield than they ever were before. It gave him a voice that will not easily be ignored when the time for nominations rolls around.

[From the Philadelphia (Pa.) Evening Bulletin, May 25, 1971]

Mr. Mansfield Makes a Point

Now that the dust of battle has settled, it is worth noting that in the congressional effort to reduce by half the U.S. forces in Europe, fully 58 senators showed by their votes that they are not at all satisfied with things as they are.

Not all of these senators, of course, supported Senate Majority Leader Mike Mansfield in his rejected call for the withdrawal of 150,000 Americans now assigned to NATO units in Europe. Many persons, outside of Congress as well as in, had reservations about the Mansfield Amendment while remaining convinced that a sizeable cut could and should be made in this country's NATO commitment.

But in addition to the 36 senators who did vote for Mr. Mansfield's proposal there were 22 more who cast votes in support of other measures designed to register opposition to the present level of U.S. troop strength in Europe.

It is clear, too, that the Senate was not willing even to appear to tie President Nixon's hands by limiting his options in any negotiations with the Soviet Union toward mutual troop reductions in NATO and the Warsaw Pact.

Thus the headcount on Mr. Mansfield's cutback proposal did not accurately reflect widely shared misgivings in the Senate over the size of the U.S. force— 310,000 men—still stationed in Europe. There is certainly a majority of the Senate anxious to have President Nixon review this country's NATO troop strength.

By insisting that the size of the American army in Europe is not fixed or immutable, Mr. Mansfield is challenging a lingering, postwar dogma that NATO would fold up without four American divisions to hold it together.

The alliance must have deeper roots than that. With Britain, as well as Ireland, Denmark and Norway as members, the European Common Market will have a larger population than the United States or Russia and the second richest economy in the world.

And with a growing, historic union of the European democracies to defend, the NATO allies can surely afford a bigger share of the manpower and other costs involved in keeping strong militarily.

Our European allies, then, would do well to look closely beyond the 36–61 rollcall by which the Mansfield Amendment was rejected. They will thus realize that the days of what has been so aptly described as this country's role as NATO's "patient patron" are ending. The United States is determined to lower its profile—responsibly but surely—in Europe as well as in the rest of the world.

[From Chester, Pa.]

Mike Is Right; Let Europe Give Men and Money

(By Holmes Alexander)

WASHINGTON.—"Oh, my achin' back. Aleck, don't let 'em do it to us. We never had it so good."

The cry of anguish, circa 1950, came from an old Air Force buddy who, after a short hitch in civilian competition, had got his commission restored and was back in the happy rut of being a peacetime navigator.

During the mid-1940s he'd guided formations of B–24s which had dumped this very city Stuttgart, into its own streets.

I went through there in a jeep just after V-E day, and one mental picture of that devastation was worth a thousand words like LeMay's famous phrase, "Bomb 'em back to the stone age." Rubble, rubble, toil and trouble.

But by the time of this second visit to Stuttgart, the German "miracle" was beginning. Marshall Plan money, and American garrison troops to soothe European nerves, meant prosperity-cumpeace, despite rumbles on the Berlin autobahn and in a place called Korea which Secretary of State Acheson had forgotten to mention in a National Press Club speech when he outlined the U.S. sphere of responsibility.

My old buddy and his pretty wife were living it up in a spanking new apartment that set him back only a small fraction of his major's pay, plus the bonus for flying status, overseas assignments and allowance for dependents.

But the ugly serpent of a rumor had wiggled into this Eden. Senators like Taft, Hickenlooper, Jenner and Knowland had been persuaded against their will, if it all, to go along with this Atlantic Alliance (NATO).

Taft, in particular, disliked the idea of stationing troops abroad in peacetime. Some of the other Republican senators thought we hadn't heard the last of Red China, and that the next showdown was going to be in Asia not Europe.

Acheson, who presented the Truman administration's NATO plan to the Foreign Relations Committee, harped on the emergency, temporary, share-the-expense aspect of the scheme.

The liberal press taunted all who opposed it as "isolationists." If there had been foresight that NATO would be with us 25 years later and that the European allies never would pick up their proper tab, Acheson might well have been howling at the moon.

Thousands of American servicemen, like my buddy, were knee-deep in four-leaf clover. Their wives, who weren't used to much back home, had been bargain-shopping all over the beat-up Reich.

You never saw so many antiques and objets d'art in private collections as found their way into those quarters where the married officers lived. The post-Hitler poverty population sold everything, from warm bodies to cold marbles, for the Yankee dollar.

You went into your old pals' rooms and you saw linens and china that graced only the tables of millionaires back home. You saw walls hung with steel engravings, with medieval fencing weapons, with High Church ornaments.

Now and then, you would see oil portraits of the man-of-the-house, his mate and their children, done by the impoverished hands of unknown masters who had survived the allied victory tide.

Bliss was it in that day to be American, and to be in uniform was very heaven. We were the conquerors, and this was never overlooked. Germans snapped to attention, and didn't talk back to those who occupied and protected their country of the Hun from the country of the Tartar.

These times have passed. The current way of saying so comes in three words: "Mike is right."

You will hear it all over town, sometimes aloud, sometimes muted.

Like all prophets worthy of audition and of memory, Senator MIKE MANSFIELD (Democrat, Mont.), the Majority Leader, is ahead of his time, and he's a pain in the neck to the stand-patters.

Although his amendment was beaten 61–36 he will have a try again.

The Mansfield amendment which calls for us to bring back from West Europe some 150,000 troops and some 235,000 dependents simply means that the days of Conqueror have expired.

That doesn't mean that we are the ex-Conquerors in Europe, for we have not been defeated.

It doesn't mean that we have surrendered any territory, but only that we are giving it back to the original settlers.

Europe is prosperous enough and populous enough to supply the money and men that we must now withdraw.

MANSFIELD will suffer the prophet's usual abuse. He will be accused of saying much that he didn't say and of saying it at the wrong time.

MIKE knows as well as the next man, and knows much better than most, that we still have a war to fight against world communism.

But we will be stronger, militarily and financially, if we do it his way. And the Europeans, after much bawling, will muscle up and become our allies in more than name.

[From the Chico (Calif.) Enterprise Record, May 26, 1971]

Time for U.S. Troop Cuts in Europe

You can say what you like about Senate Majority Leader Mike Mansfield—and a lot of unkind things have been said about him during the past fortnight—but the veteran Montana Democrat is correct in his desire to reduce the American troop commitment in Western Europe.

Mansfield's Senate colleagues voted him down last week after being put under great pressure from the White House and from an unusual Democratic-Republican "coalition" of present and former congressional and diplomatic officials (as well as former Presidents Johnson and Truman).

The put-down of Sen. Mansfield was so sharp that little consideration was given to the fact that he and Sen. Gaylord Nelson of Wisconsin had offered a program of slow and gradual reductions that would have taken until 1974 to reduce the troop commitments by half.

We have not been a big booster of Sen. Mansfield over the years. But on this matter, we feel he is on the right track. America's huge and expensive consignment of more than 300,000 troops to Western Europe should have been brought home long, long ago. Yet here we are—26 years after the end of World War II and 23 years after the Soviet blockade of Berlin—still providing the backbone of defense for a bundle of nations who won't bear the burden or the cost of defending themselves.

The American troop commitment was understandable in the early days after the war. The European nations were bankrupt and in a shambles—and former ally Communist Russia was showing signs of wanting to take over the whole continent.

The Russian blockade of Berlin in 1948 was an obvious first step in a move to sweep all of Germany into her grasp. Under that threat, the free nations of Europe joined with Canada and the U.S. in setting up the North Atlantic Treaty Organization (NATO). The original NATO treaty was signed by 12 nations. Three other nations joined later to stretch NATO from Iceland all the way to Turkey as a line of defense against Soviet expansion. The U.S., naturally, provided most of the military muscle and money.

Over the years, the European nations—with our steady assistance—recovered and grew to prosperity. Significantly, however, none of them offered to bear a much greater load of their own defense. Rather, they sat back and raked in money we were spending on our troop establishments there (see today's editorial cartoon). France, as a matter of fact, ultimately withdrew her forces out of NATO—and kicked U.S. and NATO forces off French soil (but still is counting on us to defend her against Russia in case of attack).

In the bargain, not even our old friends the British have helped much. As a matter of fact, England has even discontinued her draft—while young Americans still are being conscripted to help British interests not only in Europe but in other parts of the world.

West Germany always cries the loudest when talk comes up about reducing U.S. troop commitments in Europe. More U.S. troops are stationed in Germany than elsewhere—and Germany is getting a lion's share of the defense money spent by the U.S. But while we have troops stationed in Germany to protect her from Communist Russia, German officials are busily negotiating friendship and trade treaties in Moscow!

Many arguments were brought against Mansfield's proposals. They included the old "help our friendly allies" pitch and the pitch about upsetting possible "mutual withdrawal negotiations" being mentioned by Russia.

But the basic facts cannot be altered by those arguments. In Europe we are stuck with the same sort of sucker deal that plagued us in Korea. The Korean War "officially" was a United Nations war—but Americans did 90 per cent of the fighting and dying there while other U.N. members sat back comfortably, and some even traded with the enemy. Now in Europe we are manning and financing the defense of nations who won't man or finance their own defense.

Ironically many of those hollering loudest in Congress for us to keep troops in Europe (to defend people who won't defend themselves) are at the same time hollering loudest for us to withdraw all troops from Vietnam (where the South Vietnamese not only are helping with their own defense but are suffering casualties now at four and five times the U.S. rate). As such, it is difficult to find consistency in those who holler the loudest, eh?

At any rate, we believe it is about time for Europeans to begin assuming primary responsibility for their own defense. We believe it is about time to stop the "dollar drain" prompted by our expensive military establishment in Europe—this drain is a chief factor in the sorry U.S. balance of payments deficit threatening the dollar.

In short, Senate Majority Leader Mike Mansfield may have been "a little ahead of time" in asking for the reduction of U.S. troops in Europe, as some of his critics are saying. But we think 25 years of defending nations who won't defend themselves is just about long enough. Especially when we are drafting young men to do the job—and are ruining our economy in the bargain.

[From the Philadelphia (Pa.) Inquirer, May 26, 1971]

TROOPS IN EUROPE ARE TOP-HEAVY

(By James McCartney)

WASHINGTON—Generals are a dime a dozen, combat troops a rarity.

The U.S. military force in Europe has been accused on the Senate floor of being "inflated and musclebound," laden with "fat".

One military expert has computed that the 300,000-man U.S. force contains only 80,000 troops who would ever confront the enemy in battle.

And it has more generals and admirals on a continent at peace than have ever been used to command nearly twice as many troops actually fighting a war in southeast Asia.

These are some of the arguments advanced in the Senate last week in the debate over Sen. Mike Mansfield's losing attempt to slash the number of troops in Europe in half, to 150,000.

They are arguments that are bound to recur as Mansfield and others continue a campaign to trim back the number of troops—for they were not refuted by administration defenders.

Take the case of the generals and admirals.

There are 128 generals or admirals in Europe today for a force of 300,000. That is about one for every 2300 men.

In Vietnam, where there has been a war, there were only 91 generals or admirals at the peak of the U.S. effort.

They handled 542,000 troops—about one for 6000.

That, says Sen. Mansfield, is what he means by "fat."

Says Sen. Frank Church (D., Idaho):

"All of us know that the force we have in Europe is a fantastically featherbedded, sedentary force. . . .

"There are majors serving tea to colonels. The colony of women and children we maintain, together with the men in uniform, is larger than the population in any one of three American states."

Church was referring to 227,000 U.S. dependents in Europe.

Says Sen. John Pastore (D., R.I.):

"We have men there picking up butts and painting flag poles and they should be home with their families doing their jobs in America.

"We are overcommitted."

There was little argument in the debate over the contention that the essential role of U.S. commitment to defend Western Europe against potential Communist attack.

Sen. Mansfield relied heavily on the advice and computations of a retired Army officer, former Lt. Col. Edward L. King, who for years worked on logistics planning for the European theater.

King computed that a maximum of about 80,000 of the 300,000 U.S. military personnel in Europe can actually be considered combat personnel.

The rest, he said, are assigned to administrative and supply duties. Says King: "We're structured to waste our people. The system is built to make jobs for people.

"The American people are spending a lot of money—billions, in fact—that produce nothing for national defense."

Even in a 16,000-man combat division, says King, only about 7,000 soldiers "are assigned the mission of firing at the enemy."

The remaining 9,000, he says "are assigned to administrative command and logistic support positions within the division."

King, who was a Regular Army officer, finds this shocking—and says that many of his colleagues in the military in Europe agreed.

King says the U.S. European contingent breaks down like this:

Army, about 180,000 of which only about 35,000 may be properly classified as combat troops.

Air Force, 40,000 of which about 25,000 are combat.

Navy (the Sixth Fleet in the Mediterranean), 20,000 of which about 10,000 are combat.

The number of combat troops in this breakdown comes to only 70,000, but King says he used the 80,000 figure to give the Pentagon the "benefit of the doubt" in identifying combat troops.

King is particularly upset about the organization of the Army.

"There is no valid military reason," he says, "why the Army must organize itself so that it needs over 100,000 men to command and supply a combat force of 80,000 soldiers—of which less than half fire at the enemy.

He says the U.S. Army in West Germany has grown "top heavy" for three reasons:

Bureaucratic inertia.

Military preference for soft career living.

Civilian abdication of control over military policy.

[From the Washington Daily News, May 26, 1971]

MAYBE THE REDS WILL STOP TRYING TO SPLIT THE ALLIES

(By Stan Carter)

WASHINGTON, May 25—A Soviet move to break the East-West deadlock over Berlin may be in preparation. If it comes, it will be another warming breeze in the spring diplomatic thaw—and may mean that the Russians have embarked on a new, more conciliatory policy toward the West.

A hint that the Kremlin was planning a new Berlin move came from Moscow last week, but it was generally overlooked in the flurry of other diplomatic developments.

It was in a communique issued after a visit to Moscow by East Germany's new Communist Party leader, Erich Honecker, and Premier Willi Stoph. The Germans met with Soviet Communist Party chief Leonid Brezhnev and Premier Alexei Kosygin.

The communique said the Russian and German Communist leaders had discussed the Big Four negotiations on Berlin and "are unanimous that an understanding on this question would meet the interests of all parties to the negotiations and would remove the grounds for disputes and conflicts in this region."

But it also said: "In the discussion of international problems, the GDR (German Democratic Republic) representative states that the peace program adopted by the 24th (Soviet) Party Congress was met with general approval in the GDR and was regarded as an expression of the two countries' common aims and interests."

This language was far short of a hearty East German cheer for the still-secret foreign policy decisions made at the Soviet Communist Party Congress last March. It was read by analysts here as meaning that the German Communists were, in fact, quite unhappy over the Soviet views on how to proceed in the Berlin talks.

These talks between the Soviet Union, the United States, Britain, and France—the Big Four allies of World War II—have been going on since March 26 of last year without having produced any results so far.

The Western aim has been to negotiate a four-power umbrella agreement recognizing continued Big Four responsibility over the isolated city, with East and West Germany then working out practical details on access. This was fiercely resisted by Walter Ulbricht, East Germany's hard-line, long-term Communist Party boss who has just been replaced by Honecker.

It is, of course, entirely possible that the analysts are reading too much between the lines of the Soviet-East German communique, but the hope here is that it signals a Soviet policy change on the Berlin talks. Despite their lack of progress so far, a Soviet decision to recognize four-power responsibility over Berlin could bring a quick agreement at the Big Four talks, removing one of the biggest obstacles to East-West agreements on other issues.

The stalemate over Berlin has been a source of major East-West tension since the very beginning of the Cold War.

Right now it is holding up the West German ratification of treaties between Bonn and both the Soviet Union and Poland, which are part of West German Chancellor Willy Brandt's "Ostpolitik"—or Eastern policy. Under the two pacts, Bonn would formally accept the borders imposed on Germany after World War II. Thus they would in effect formalize and ratify the postwar division of Europe—something the Kremlin appears to desire very much.

WARY OF MOVING ON OTHER ISSUES

Further, the West Germans have been wary of Brezhnev's recent proposal for negotiations on reduction of forces by both Nato and the Communist Warsaw Pact so long as the Berlin issue remains unresolved.

Along with other Nato allies, the United States has opposed convening of an all-European security conference—another idea the Communists have been pushing for the past few years to formalize the postwar division of the continent.

But the United States is on record as endorsing the more limited proposal for East-West talks on mutual and balanced force reductions in central Europe. Secretary of State William P. Rogers will seek to line up the other Nato allies at next month's ministerial meeting in Lisbon to seize the opportunity offered by Brezhnev's recent invitation to "taste the wine" of negotiations.

There is some concern here—which is undoubtedly shared by Moscow—that the Nato meeting will not be unanimous because of Bonn's worry about Berlin. This may be an incentive for the Russians to put pressure on their East German allies to accept a Berlin settlement.

A MORE EVEN-HANDED POLICY?

Although it is admittedly a hopeful assessment, some Washington officials believe that the "struggle for peace" program stated by Brezhnev in his March 30 speech to the Moscow Communist Congress may signal abandonment of the Soviet policy of the past few years of simultaneous attempts to reduce tension with Western Europe and keep tension high with the United States.

According to this theory, the Russians may have given up hope of splitting the United States from its allies and to have embarked on a new course of seeking U.S. as well as West European acquiescence in continuation of the European status quo.

This would explain at least partly why Brezhnev issued his invitation to begin negotiations on mutual reductions of troops and defeat Senate Democratic Leader Mike Mansfield's proposal for a unilateral slash in American forces in Europe—which might have tipped the European power balance in favor of the Communists without their giving anything.

The Soviet agreement to a new formula to break the impasse in the U.S.-Russian strategic arms limitation talks may be another indication of a more conciliatory policy.

[From News of Congress, May 26, 1971]

Senators Push Military Curbs and Ban on Future Undeclared War

A sharp series of Senate challenges on military matters have been facing the Nixon Administration. These are mostly keyed in to the Senate's debate over a House-passed bill for a two-year extension of the draft.

One issue was the move by Majority Leader Mike Mansfield (D. Mont.) to cut in half the 300,000 U.S. troops and dependents still stationed in Europe, many in West Germany. These cost the U.S. $14 billion a year.

Mansfield suggested the European can now—with the German mark stronger than the dollar—afford to pay for more of their own defense. A vote on his proposal was slated just after LABOR's press time. It was vehemently opposed by the Nixon Administration, which also enlisted wide bipartisan opposition.

Defeat of the Mansfield motion, submitted as an amendment to a bill extending the draft, was pictured by Administration leaders as opening the way for negotiations with the Soviet Union on "mutual reduction" of their troops in Europe.

[From Wauchola, Fla.]

Richard's Almanac

(By Richard Allen)

Sane judgment seems to have prevailed in the U.S. Senate recently as by an almost 2-1 margin. Mike Mansfield's madcap scheme of halving U.S. troop strength in Europe was defeated.

Mansfield, as is well known, originally tied his star to Teddy Kennedy's wagon, which declined considerably after the Massachusetts senator left that girl in the car—underwater. So apparently Mansfield has decided to recoup his lost fortunes tagging himself onto what is known as "controversial" legislation. This gets his name back before the public.

Fortunately for the nation, Mansfield's scheme, which smacks of senility at best, was not endorsed by the Senate.

In making his plea for heavy cutbacks of U.S. ground and air strength in Europe, Mansfield chose—as so many of our "leaders" have chosen in recent years—to give the benefits of the doubt to the good intentions of the Soviet Union's military machine.

Mansfield argued that a cutback of American strength in Europe would make the Russians see that our aims were peaceful. This good feeling on the part of the Soviet dictators would then irresistibly impel them to withdraw Russian units from the East German border.

And they all lived happily ever after.

In the first place, the Russian lust for control of highly industrialized West Germany is no secret. Does Mansfield think that because the U.S. tells the Soviets in effect "go ahead and take West Germany," that the Russians will lose their hunger—their need—for the factories of West Germany?

Furthermore, Mansfield has stated, the present Soviet strong man has indicated he might withdraw Russian units from East Germany and the Czech border if the U.S. will only lighten its own troop strength first. This seems like a dandy gentleman's agreement at first sight. But suppose tensions rise along the Iron Curtain one of these days? Won't Russia then feel compelled to move its "withdrawn" units back into position along the West German and Czech borders? And won't the U.S. feel compelled to meet any threat of Soviet or Satellite force in Europe by building its troop strength back up?

Yes.

But unfortunately for us, we will find under these circumstances that Russia is located on the mainland of Europe and the U.S. is not. (Even Mike Mansfield should know that.)

Russia will be able to concentrate enormous military weight against West Europe simply by using the highways and railroads that it controls, while we, poor fools, will have to ship thousands of men and machines via two-week ocean voyage. It shouldn't be too difficult to understand that by the time Russian armies reach invasion strength along the Iron Curtain. American forces in numbers large enough to resist will have hardly begun to arrive in German seaports.

Thus, the free world loses while the Soviets gain the enormous industrial power of Western Europe; other governments throughout the world see that the U.S. is unable to live up to its most solemn treaty agreements, and the Soviet propaganda and revolution machine is turned loose to convert Africa and South America to its way of thinking.

At this stage, America will be almost completely isolated and in bad, bad trouble. The situation will worsen the day the pressure on this country grows to such an extent that men of Mansfield's ilk will decide that the only way to "survive" is to once more trust the good intentions of the Soviets. On that day the U.S. will surrender to the Soviets.

The Soviets are convinced that the American people do not want another "Vietnam." They believe that most of the fight was taken out of the American people by the no-win endless war that they've been fighting for almost a decade.

Their task now is to get American troops out of Europe, so that when their allies (East Germans, Czechs, etc.) decide to provoke and invade Western Europe, the American people will think it is the pathway to another Vietnam and that they don't have to get involved because "none of our boys are over there."

On both counts, men like Mansfield have aided the Russians in this strategy.

In the first place, they ensured that Vietnam would indeed become a bloody, no-win war by tying the hands of presidents and military men. Now, in the final phase of "Operation Surrender" they are hastening to call for withdrawal of Americans from Europe.

The Russians know that if they attempt to annihilate half-a-million American soldiers in conquering West Europe it will mean nuclear war.

They don't want nuclear war because they want West German industry to be alive and well when they seize it. More smashed cities and barren grounds is certainly something the Soviets don't need. Their aim is to seize an economy—not a desert.

So as long as American troop levels remain high enough to actively resist (not repulse) a Soviet-Satellite invasion, the Russians will have to keep hands off West Germany or face nuclear war.

But the Soviets also know that as soon as American troop strength falls below such a level as to make resistance ridiculous, there might be no resistance. Bloodshed could be kept at a minimum. The American people would probably accept this rather than work up enough courage to face total war. After all, don't the American people now accept the brutal treatment of a few hundred POWs without taking strong action?

The Russians know what their plan is and they also know what they can and cannot get away with. The West Germans know this too, the NATO planners also know. Why doesn't Senator Mansfield know?

Or is he really willing to sell out his country—indeed the whole world—for a few days' headlines?

Or is he really, as asked before, in his second childhood?

[From the Boston Globe, May 27, 1971]

Mansfield Plan: Let West Europe Care For Itself

(By David P. Calleo)

Washington.—Sen. Mansfield's proposal has been treated as an aberration by the normally balanced and solid politician. But with hindsight, it is Mr. Mansfield who is likely to appear the statesman and his opponents irresponsible. For there is an excellent case to be made for a substantial reduction in American forces in Europe.

The United States is seriously overextended throughout the world. The signs of domestic strain are rather obvious, the pressures for a reduction of military spending compelling. To avoid a disastrous collapse of our whole world position, our foreign policy must develop a sense of priority and measure. We must stop trying to do things for others that they can much better do for themselves.

We should, therefore, devolve our swollen responsibilities for security wherever other countries are rich and stable enough to assume them. There is no serious reason why the major nations of Western Europe cannot take over from us the primary responsibility for their own defense, especially conventional defense. It would not be the end of the alliance, but its rejuvenation. Britain, France and Germany have nearly 1,400,000 men under arms. If they believe these forces inadequate, they have ample resources to raise more.

Under the circumstances, to argue that we should wait for "balanced and mutual force reductions" is to miss the point entirely. What is needed is an unbalanced and unilateral reduction of America's excessive share in Western Europe's ground defense. Above all, there is needed a fundamental reform of NATO's structure to place the primary responsibility for organizing European defense upon the European states themselves.

It is quite understandable that many European politicians prefer us to continue the heavy outlay for their defense. But even if they were willing to pay much more of the real cost, why should we? Why should American youth be turned into condottiere for a prosperous Western Europe?

Ironically, the heaviest cost falls upon Europe's future. It is in Europe's best interest, and our own, that the European states build among themselves a solid military coalition before negotiations for a definitive European settlement.

By doggedly insisting that the Europeans should rely primarily on us, instead of each other, we are subsidizing European disunity and adventurism. Indeed, our dollar deficit, caused in considerable degree by NATO's costs over the years, now threatens the whole structure of that economic community which is Europe's best hope for the future.

It should be painfully obvious that nostalgia for great accomplishments in the past is a poor substitute for a foreign policy. Senator Mansfield, at least, has acted with imagination, courage and common sense. It is a pity these qualities have become so rare elsewhere in the American Government.

[From the Boston Globe, May 27, 1971]

MANSFIELD PLAN: WRONG MOMENT FOR TROOP CUTS

(By Stanley Hoffmann)

Sen. Mansfield's amendment calling for a drastic reduction of American forces in Western Europe had only one merit: that of raising an important issue. But he did it in the wrong way and at the wrong moment.

It was the wrong moment, for reasons which the Administration, and its supporters have provided. A sudden forcible reduction would have shaken West Germany's confidence in the United States, at a moment when Chancellor Brandt, in order to pursue his Ostpolitik from a basis of strength, and to discourage Soviet hopes of weakening Bonn's ties to its Western allies, absolutely needs their support.

West Germany's refusal to impose exchange controls, wanted by France and by the EEC Commission, during the recent monetary crisis, was largely due to Bonn's desire not to weaken the dollar. The Mansfield amendment would have been a ghastly reward for a German policy that quite deliberately subordinated monetary concerns to foreign policy priorities. Nor would a unilateral reduction have provided the Soviets with incentives toward negotiations on mutual troop reductions.

It was also the wrong way, for two reasons—of procedure and of substance. US troops in Europe are part of an alliance. Even though other members of that alliance have shaken it through unilateral actions, the leader of NATO could not act in the same way without thoroughly destroying confidence and inciting the Europeans to irresponsible moves of their own.

One argument for the amendment was that only a firm move by the US could push the wealthy Europeans into increasing their own contribution to NATO. But a sudden US decision taken without consultation, at a moment when West European governments are all battling inflation and trying to devote their resources to indispensable domestic reforms, would have had the opposite effect. It might have precipitated, if not a rush to neutralism and accommodation with Russia, at least a dangerous loosening of NATO.

More serious is the substantive reason. Forces—in Europe as in Vietnam—ought to be at the service of a policy. What is needed, in the Atlantic alliance is a political conception. The mistake made by Sen. Mansfield was to propose acting on the military level without any political design, or even any clear idea of the political process his action would have set in motion.

The mistake made by many of the elder statesmen who rallied to the defense of the Administration was to give the impression that the present level of US forces in Europe was a necessary and adequate substitute for a political concept, or that the concepts of 1949 were still appropriate. The real issue is not the troop levels: it is the network of political relations between the US and the West Europeans on the one hand, the Atlantic allies and the Soviet Union on the other.

The basic principles that should underlie American policy are simple. Concerning East-West relations, a political detente would allow for a limited amount of Western relaxation about force levels (limited, because of the closeness of the Soviet Union, and of the need to have enough conventional forces to avoid, in case of local incidents, the dreadful alternative "humilitation or escalation to the nuclear level.")

Such a detente cannot occur unless the Ostpolitik succeeds, in other words unless there is a formal reconciliation between the Federal Republic and the Soviet Union and Poland. Such a reconciliation would make it impossible for Moscow to use the myth of German revanchism as the cement of its East European Empire, and to fear that Bonn's inroads into Eastern Europe aim deliberately at undermining Communist regimes and Russia's hold.

Reconciliation now hinges on a Berlin agreement. Unilateral troop withdrawals by Western powers would be diplomatically absurd in its absence. Should such an agreement be reached, and a political detente follow, Bonn would then gradually discover that the security of Western Europe could be assured by a smaller number of American troops in Germany—just as it finally discovered that its refusal to recognize the status quo in Central Europe did not increase the chances of eventual reunification.

The point is that it is up to Bonn to discover the obvious; for Bonn's allies to force Bonn's hands, in either instance, would have been counter-productive.

Moreover, a political detente would be enhanced by mutual force reductions. Unilateral cuts should be postponed until every effort has been made to arrive at such reductions. But since mutual reductions by themselves cannot produce a political detente—which requires political settlements—the negotiation toward balanced cuts should not be part of the European security conference which the Soviets have sought for so long. Such a conference should follow a Berlin settlement and the ratification of the Bonn-Moscow and Bonn-Warsaw agreements of 1970, whereas military negotiations could begin at once.

Concerning relations within the Atlantic alliance, the time is indeed coming for a fundamental reorganization. Our goal ought to be to transform a highly uneven alliance of one giant with 14 weaker powers (one of whom bolted the alliance's military structure five years ago), into a balanced association between the US and Canada on one side, a West European defense organization on the other.

Such an organization cannot be built very rapidly: enlarging the Common Market has to come first. Creating a West European defense system will meet very serious obstacles of its own—both in the nuclear field, because of Bonn's exclusion from it and of Britain's ties to the US in it, and in the conventional field, because Bonn's allies fear West German preponderance. But in the long run, only such an organization will make it possible for the US to withdraw a large part of its troops without endangering the physical and psychological security of Western Europe.

To be sure, the West Europeans may never move toward a defense organization of their own without some jolt—some indication that the US will not keep all its troops in Europe forever. But the present rebate in the Senate must have been jolting enough (whereas the Administration's mobilization of the cold warriors against Mansfield overshot the mark in the direction of an "immobilism" which is, in the long run, untenable and opposed to the interests of both the US and Western Europe).

As for the indication, it could be given by the US government to its allies, quietly and without pressure, in order to provoke the gradual emergence of a European defense entity, with which the US could agree on a calendar of progressive withdrawals. This is what the "Nixon Doctrine" supposedly aims at; and while Vietnamization in Vietnam is probably doomed, given the weakness of South Vietnam, the "Europeanization" of NATO is likely to succeed, given the solidarity, prosperity and self-confidence of Western Europe.

A gradual devolution through agreement—this should be our goal, instead of either frozen obsolescence or unilateral disengagement regardless of consequences.

[From the Washington Post, May 28, 1971]

EUROPE'S NEEDS FOR U.S.

Anatore Sub, in one of his recent reports, claims that Western Europe has come of age and desires nothing as much as to throw off American tutelage. But though the whole security system of the nineteen fifties has become quite obsolete by now and even West Germany shows greater independence than before, none of our NATO allies actually wants to go it alone.

This never became clearer than during the last week. When the Mansfield plan of withdrawing half of our armed forces from West Germany was discussed in the Senate, the German, Dutch, Belgian and Italian press waxed hysterical and predicted the direst consequences. The main German newspapers published long articles warning that the destruction of the entire NATO was in sight, and even French publications, uttered some misgivings. The defeat of the Mansfield amendment was greeted in the West German press as a victory over the "sinister" forces of American neo-isolationism, the most dreaded shibboleth among Bonn politicians.

One leading writer who usually expresses the ideas of the Brandt-Scheel government said: "Western European security still clings to American power. The Atlantic is still the Mediterranean of our century. Traffic on this ocean is now booming in both directions. . . . But one should never forget that without America's decisions at Yalta and Potsdam the world history of this century could have been completely different." The article was titled: "Europe Needs America More Than Ever."

HENRY WALTER BRANN.
TAKOMA PARK.

[From the Commonweal, May 28, 1971]

INTERNATIONAL ROUNDUP

For the moment international politics seem to have come unstuck. The most spectacular instance was of course the Great Ping-Pong Revolution in relations between

Washington and Peking. On the other side of the world, Europe was badly shaken up by the latest currency crisis, and whether the end result is to weaken or strengthen the Common Market, all one can say for the moment is that European unity has suddenly been given top billing on the diplomatic marquee. The shift in France's attitude at Brussels which led to agreements on such items as British tea and sugar may have marked an historic breakthrough even greater than that involving Chinese ping pong balls. At the same time, America's position toward Europe has not only been put on the agenda by our continuing monetary troubles but also by Senator Mansfield's insistence that *this time* he was finally going to bring the question of withdrawing half of the 300,000 U.S. troops in Europe to a vote. One other event, now buried by the headlines of succeeding weeks, posed in new terms the long-term relationship between industrialized and developing nations, namely last April's bargaining over oil prices between Western consumers and Middle Eastern and African producers.

The China episode suggested that international relations may be as much the province of drama critics and sportswriters as geo-strategists and weapons experts. Perhaps the most astounding—really, almost frightening—aspect of the turn-around was the apparent enthusiasm of U.S. public opinion. Overnight, it seemed, the nation whose aggressive designs supposedly necessitated all the bloodshed of Vietnam was "just folks." When Mr. Nixon worries about a post-Vietnam reaction of public opinion (for which his own statements too often appear to provide a stimulus), he ought to recall what a little leadership could do in the China instance. Apart from that, however, his Administration deserves credit for its careful groundwork; it surely realizes that a new era in U.S.-China relations will not be built on a burst of good feeling alone, but on a reasonable estimate of the interests of both nations in issues like Taiwan, Southeast Asian security, and nuclear weapons policy. Perhaps at last we are recognizing that China is not a demon nor a problem to be "solved" but a great nation to be lived with.

On the European question, Senator Mansfield's troop-withdrawal proposal became entangled with numerous other issues such as the tug of war between Senate and President in foreign policy making. U.S. troops in Europe hardly seem like the most likely candidates for withdrawal by year's end. Except as an economy measure—and in that line better ones come easily to mind—the Mansfield resolution seems less a practical step than a prod for further Washington consideration of its relations with an independent and restive continent no longer fearful of a Soviet invasion. Foggy Bottom might start with an honest estimation of the long-term cost of supporting fascism in Greece.

[From the Washington Post, May 28, 1971]

Western Heritage Versus Kremlin Imperative—The Kind of Europe the Troops Will Leave Behind

(By Stephen S. Rosenfeld)

Negotiating military reductions in Europe sounds fine but there's a big hitch. By making the division of the continent safer and cheaper at least for the great powers, negotiations may confirm that division and provide a more permanent basis for its continuance. This would please Moscow but dismay Washington. In fact, the two capitals hold very divergent views of the kind of Europe they would like to see come to be—views which in the flurry of the news and the fineness of the issue's details have not been paid proper heed.

Mr. Brezhnev, in his major foreign policy statement of March 30, presented the authoritative Soviet case. He made clear that for his government "Europe" simply does not exist as a political entity or concept. The unit of value and relevance to Moscow is the "world socialist system" (in our language, the Soviet bloc), most of which—outside Russia—just happens to lie in East Europe. It is this "system" whose security and welfare preoccupied Mr. Brezhnev. For him "Europe" is a term of art, a word used for the sake of diplomatic convenience in dealings with the West.

By stark contrast, Mr. Nixon holds the traditional Western view of Europe as a unit with a common history and culture and a natural and necessary association with the United States. His Europe includes West and East, though, granted, the border starts to blur somewhere east of Warsaw, Prague and Budapest. Even the sharpest domestic critics of the administration's European policy accept the essentials, the sentimental underpinnings, of his view. "Europe" means something to us all.

Divergent policies follow. Moscow wants to strengthen the "world socialist system." Often we speak of this as a desire to confirm the status quo, a formulation that slips too lightly over the fact that the particular status quo in question is the one created recently by the Red Army. Mr. Nixon—and everybody else with a Western heart—would like to restore the traditional status quo: Europe. In his state of the world message of Feb. 25, he peered ahead to the "reconciliation" of Europe whose "cruel and unnatural division," he said, "is no longer accepted as inevitable and permanent."

To Moscow, of course, the division of Europe is not in the slightest "cruel and unnatural"; it is "inevitable and permanent." The Western heritage dictates one view, the Kremlin imperative the other. And the difference is expressed by much more than Moscow's perennial efforts to engineer universal acceptance of the division of Europe, particularly of Germany.

There is Mr. Brezhnev's boast of success in integrating East Europe economically, politically and militarily into the Soviet Union—even while Mr. Nixon notes, with accuracy and some anxiety but with justifiable pride, that "our closest (European) friends are now developing a collective identity and collective policies separate from us." It is that very success in integration, by the way, which permitted Mr. Brezhnev the grand gesture of offering to dismantle NATO and the Warsaw Pact: Washington would be left with no formal ties with West Europe, and Moscow would still have its bilateral treaties with East Europe. One can note that enlargement of the Common Market, with its likely inward focus, will probably facilitate Moscow's absorption of its allies.

There is, too, Mr. Brezhnev's sweeping paranoic reassertion of what has come to be known as the Brezhnev doctrine—by which the Kremlin took to itself a duty to invade Czechoslovakia in 1968 "in defense of socialism." This doctrine is no less pernicious for being consistent with Moscow's notion of a "world socialist system."

No American President could formally license Moscow to invade its neighbors at will, and Mr. Nixon has not. He acknowledged in his message the "special circumstances" of Soviet power which fray East Europe's "historic ties to Western Europe and to the United States" but he insisted that "every nation in Europe has the sovereign right to conduct independent policies." His visits to Rumania and Yugoslavia have further amplified his conviction that "a detente that does not apply equally to Eastern and Western Europe will be inherently unstable."

Even this rapid survey ought to show that the forthcoming East-West negotiations will involve far more than the murderously difficult technical exercise of matching the "mutual and balanced force reductions" sought by NATO with the "reduction of armed forces and armaments" asked by Mr. Brezhnev. For at least in the eyes of the leaders of the two alliances, the point will be not only to reduce the costs and risks of the existing military confrontation but to advance their respective conceptions of the Europe they wish the departing troops to leave behind.

In the heat of his campaign against Senator Mansfield, Mr. Nixon did not manage, or much try, to define his overriding political dimension of his European troop policy—a dimension quite foreign, it seems, to many of the elder statesmen whom he chose to marshal to put down Mr. Mansfield. That dimension is there, nonetheless, and as his own state of the world message shows in convincing measure, nobody in town understands it better than the President.

Mansfield on Right Track

(By Thomas A. Lane)

WASHINGTON.—President Nixon rounded up ex-Presidents, ex-Secretaries of State and ex-Secretaries of Defense to defeat the Mansfield proposal for reducing U.S. troop strength in Europe. They had all been supporters of policy which for fifteen years had wasted U.S. resources in superfluous and fruitless contributions to NATO troop strength.

The heart of NATO is in the Treaty proclamation that "an attack on one is an attack on all." The force structure, with its allied command and its national contingents, is a supporting element which must be attuned to the requirements of the time. When the proposal to furnish an American contingent was first discussed in Congress, the Truman administration gave assurances that the commitment was temporary. U.S. troops would be replaced by European contingents when our allies had recovered sufficiently from the distress of World War II to shoulder the responsibility.

By 1957, our allies were prospering and the balance of payments had turned sharply against the dollar. But powerful U.S. diplomatic, military and commercial interests had become attached to the status quo. Moreover, our allies did not want to put their money into defense if they could persuade the United States to bear the burden. For President Eisenhower, it was easier to continue the status quo than to face the protests, at home and abroad, which a proposal to withdraw U.S. troops would provoke.

Through the years, the U.S. troops were maintained in Europe, a heavy burden to American taxpayers and an obstacle to European unity. It was said that the troops gave credibility to our nuclear deterrent—as though our treaty commitment could not otherwise be trusted. In truth, our allies avoided the costs of replacing U.S. units while American bankers prospered from our dollar expenditures in Europe.

Maintaining U.S. troops in Europe is a foolish waste of defense resources. European forces of comparable quality could be provided at half the cost, or less. Instead of wasting our defense dollars on tasks which our allies could and should perform, the United States should be building its strategic nuclear forces to recover parity with the U.S.S.R.

Our present policy is bad both for the United States and for our allies. The security of Europe in the seventies is going to depend not upon the deployment of U.S. infantrymen on the continent but upon the efficacy of our strategic strength in precluding Soviet blackmail.

In his statement of the Nixon doctrine the President said: "we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense." NATO is given an unaccountable exemption from the Nixon doctrine. Our allies have the manpower and the resources to replace U.S. tactical forces in Europe and should be required to do so.

The Nixon administration speaks of negotiating a mutual withdrawal of U.S. and Soviet troops from positions in Europe. Who can still believe it after 25 years of such talk! Lenoid Brezhnev is holding out the bait of mutual withdrawal as a ploy to keep U.S. troops in Europe. Soviet strategy is well served by U.S. defense expenditures to maintain conventional forces in Europe because those expenditures effectively preclude U.S. response to the Soviet drive for decisive strategic superiority.

The continuing presence of U.S. troops in Europe since 1957 has weakened the NATO alliance. It has reduced the consciousness of danger in our allies by fostering a sense of U.S. protection. It has diminished their incentive to unite in the common defense. It has fathered illusions of detente and of Soviet cooperation reflected in such measures as Chancellor Brandt's turn toward Moscow.

The Mansfield proposal was too drastic but it was on the right track. We should begin now to phase our tactical forces out of Europe at a rate which allows allied replacement. If our allies do not replace these U.S. units with their own, we have indeed been in Europe too long.

Dollar Crisis, Move by Mansfield Linked

(By Frank Getlein)

Washington.—President Nixon has made something of a career, as well as a small fortune—as fortunes in book-writing go—out of facing the crises of his life and subsequently dramatizing them in confessional literature and on the tube.

Right now, he is faced with two new ones. They will be good raw material for the next volume of his memoirs, "Six More Crises and How they Grew," but the President's performance in handling them unfortunately reveals him as a linear, one-at-a-time, isolationist crisis-handler, the last thing in the world called for by the times.

The first is the dollar crisis. Travelers in Middle Europe are finding their travelers' checks unexpectedly discounted and sometimes simply refused. These home voices from abroad however, are the least of the troubles of the dollar crisis. The dollar has taken a nose-dive in terms of the German mark and several other, less powerful European currencies. The problem: how to save the dollar. The solution so far; don't bother, let it seek its own level in relation to hard currencies like the mark.

New crisis No. 2 is the proposal of Sen. Mike Mansfield, the majority leader, to cut in half the number of American troops in Europe by the end of the year. The White House response to this dread threat of reduction in military expenditure was in the classic Nixonian moment-of-crisis tradition. Instead of his dog Checkers who presumably has gone to the Happier Hunting Ground, President Nixon brought on the ghosts of policies past. In an old-grad reunion of the architects of NATO, the White House presented the wisdom of the aged. The Where-Are-They-Now show included Dean Acheson, Truman's secretary of state, once regarded by Nixon as of questionable loyalty to the United States; his fellow Democrat and former undersecretary, George Ball; John McCloy, our one-time ambassador to the Krupp cannon works and high commissioner of occupied Germany, and a handful of old NATO soldiers who give no sign of fading away.

Their verdict, to no one's particular surprise, was that what they had wrought in the noontime of their lives was for eternity and should be changed not a jot or tittle by such young whipper-snappers as Mansfield.

If ever two crises were intimately linked together, they are these. The real question is not what to do about day-to-day exchange-rate jiggling between the mark and the dollar, but how the mark got so hard and the dollar so soft.

The answer is clear. It happened in great part as a result of our smashing defeat of the Germans in World War II, thus forcing them to rebuild their industry from scratch, thus getting newer and better systems than our old ones. This process was enormously helped along by the Marshall Plan, but the final push was certainly accomplished by the use of American troops to protect Germany from what once was considered an impending threat of Russian attack.

Since Germans in arms give most Europeans the willies—as in Kaiser Willie, rather than as Willy Brandt—the Americans took over the German defense, pumping dollars into Germany and leaving the defeated Nazis free to accentuate the positive in industry while the conquering freedom forces poured their money down the rat hole of military expenditures.

The mark got hard not only in contrast to the dollar getting soft, but as the direct and inevitable result of that process. The most dollar-softening part of our economy is the money we spend on arms, especially arms for the defense of the former enemy from the former ally.

The Russians took a different view of their Germans. They kept them. All we got was Wernher von Braun, who has done nothing but increase the flow of dollars into dollar-softening activities like space.

In view of all this, the Mansfield amendment to the draft extension bill is the most sensible thought anyone has had about either the dollar crisis or the crisis of the American military presence in Europe.

The two things are not separate crises, except on the nonstop Checkers show that the President has been producing and starring in since even before Checkers. They are inseparably linked and will stay that way regardless of the Golden Age Club's outings at the White House or Secretary of the Treasury John Connally's cool.

Due to considerations of domestic politics and foreign relations, the Mansfield amendment has little chance of becoming law at this time. Even if it is passed, the President can veto it and make his draft quotas out of deferred college graduates.

But the amendment points the way to some serious and long overdue rethinking of the high cost of our 20-year, largely accidental history as a military-imperial power.

[From the Washington Post, May 29, 1971]

The ABC's of FBS and SALT and MBFR and CES (or ESC)

(By Chalmers M. Roberts)

This is the story of FBS and its relationship to SALT and to MBFR and how they all relate to ESC which some call CES.

It is all as complex as the abbreviations make it sound. But it is a vital, live subject because it is about the new Soviet and American initiatives to reduce the troop and arms levels of the two most powerful alliances in the world today, NATO and the Warsaw Pact.

One has to begin at the beginning and that means with SALT, the strategic arms limitation talks between the United States and the Soviet Union which have just wound up their fourth round. One of the conundrums of the months of SALT talks has been how FBS, as it is known, fits in.

FBS is an American acronym for forward-based systems, meaning those U.S. aircraft based outside the United States capable of carrying nuclear weapons to Soviet soil. But that is only the quick definition.

What Moscow is talking about is several hundred U.S. planes, their crews, maintenance and support facilities, based in Western Europe, principally in West Germany, and several hundred more aboard Navy carriers with the Sixth Fleet in the Mediterranean. But that is not all; the Soviets at SALT have included U.S. carriers in the Pacific whose planes can reach Siberia.

The Soviet logic about FBS is impeccable, as American officials concede: any American nuclear weapon that can reach Soviet soil is "strategic" and the SALT talks were designed to "curb" strategic weapons; therefore they must be included in any overall agreement.

The FBS issue provided the sticking point in the SALT negotiations until Moscow last December suggested skirting it by proposing a limited agreement confined to the control of only one phase of strategic arms, the rival anti-missile (ABM) systems. But President Nixon refused to accept this "ABMs only" proposal, insisting on "some mix" of offensive weapons control in any agreement.

This deadlock was broken with the May 20 Moscow-Washington agreement to negotiate concurrently both an ABM agreement and an agreement "on certain measures with respect to the limitation of strategic offensive weapons." This latter agreement most likely will be a pledge by both super-powers that, as of the date agreed, neither will build any more land-based missile launchers.

This would mean a halt to construction of the giant SS-9 Soviet missiles which have aroused so much concern in Washington. But it also would mean both nations would be free to continue construction of sea-based missiles and of bombers and to "modernize" existing missiles. This latter means there would be no halt to emplacement of multiple warheads (MIRVs) by either nation.

The agreement, aside from its intrinsic worth which is clearly considerable, enabled Moscow and Washington to put aside the FBS issue as far as SALT is currently concerned. The net effect was to transfer the FBS problem to MBFR, or at least to transfer part of the problem.

MBFR is a NATO acronym for "mutual balanced force reductions," a carefully selected term designed to imply that cuts in armed strength in Europe should be "mutual" (i.e., by both NATO and Warsaw Pact members), "balanced" (i.e., in a way that does not upset the balance of power now existing, but reduces the balance to a lower level) and cover "force."

"Force" is used instead of "troops" because in the American and allied view a one-man for one-man cut would be an unfair advantage to the East since U.S. troops would travel thousands of miles to come home whereas Russian troops would move back only a few hundred miles into the Soviet Union. "Force" thus means a combination of men and machines, that is, of integrated units of power. A matching move back of such "force" on each side would be more likely to maintain a balance of power, it is argued, though such "matching" is highly complex because of the differing "force" structures in the two alliances.

The American FBS are a part of that "force" on the allied side. These aircraft however, are often dual purpose in capability, that is they can carry conventional as well as nuclear bombs or missiles. Furthermore, there are such aircraft flown by other NATO nations which can be nuclear armed although they cannot be so armed except by American permission.

It should be noted here that former Defense Secretary Robert S. McNamara on Sept. 23, 1966 disclosed that the United States then had 7,000 tactical nuclear weapons in Western Europe. Most but not all of them are thought to be in West Germany.

That figure, probably somewhat higher today, includes weapons designed for use from projectiles against battlefield targets, as well as nuclear land mines which could be used to impede movement of troops Yields of these weapons are in the kiloton and sub-kiloton range. The Hiroshima bomb was a 20-kiloton affair. ("Strategic" weapons are monsters in the megaton range.)

There has never been a Soviet disclosure of how many tactical nuclear weapons there are in the Russian arsenal or where they are located. The authoritative London-based Institute for Strategic Studies estimated in its current "military balance" survey that the figure for comparable Soviet warheads is "probably about 3,500, delivered by roughly comparable aircraft and missile systems." Short-range missiles are what is meant in this context. Some of the delivery systems, but not the warheads, are in the hands of non-Soviet Warsaw Pact forces, ISS added.

On the NATO side, then, the FBS issue concerns only part of the American nuclear arsenal, as far as MBFR is affected. American officials say that in moving the FBS issue from SALT to MBFR probably the bulk of American land-based systems would be covered.

However, the American-NATO contention has always been that the FBS are in Western Europe not only as a counter to comparable Soviet aircraft systems but as a counter to Moscow's intermediate and medium range nuclear missiles targeted on Western Europe. ISS lists their total at 630 such Soviet missiles plus another 70 targeted against China.

When American Ambassador Jacob Beam met on May 17 with Soviet Foreign Minister Andrei Gromyko to seek clarification of Communist Party leader Leonid Brezhnev's call for "negotiations" on "reduction of armed forces and armaments in Central Europe," he is now said to have been told two things: that Brezhnev was not including nuclear weapons based within the Soviet Union and that FBS could be discussed within the context of such negotiations.

The form and context of such a negotiation is currently far from clear or settled. Brezhnev spoke of "Central Europe" without defining that area. Washington officials believe that at least the initial East-West negotiations would concern only "force" in West Germany, East Germany, Poland and Czechoslovakia.

(That limited area would exclude such NATO nuclear "force" as the 18 French intermediate range missiles (IRBMs) being deployed in silos, the 36 French Mirage bombers or Britain's 50 Vulcan bombers, all theoretically capable of hitting the Soviet Union. These also are excluded from SALT, as in the burgeoning Chinese nuclear "force" of uncertain quantity, which may explain why Brezhnev also has renewed the Soviet call for a conference of all five nuclear powers.)

If the limited area of Central Europe should turn out to be what is covered in the forthcoming East-West negotiations, whether they are called MBFR talks or by some other less tongue-twisting acronym, then parts of the FBS problem in SALT quite obviously remain outside. This includes FBS elsewhere than in West Germany and especially the Sixth Fleet in the Mediterranean.

Most of the talk about MBFR has suggested the idea of NATO-Warsaw Pact discussions. But the French, still a member of the North Atlantic Treaty and with two divisions in West Germany though not a participant in the integrated military command, and Romania, the stray in the Warsaw Pact, publicly oppose bloc-to-bloc negotiations.

Quite clearly Washington and Moscow alone cannot conduct such negotiations, as they do at SALT, because so many allies are affected. The probability is that the NATO ministerial meeting in Lisbon on June 3–4 will call for initial discussions by many NATO members with Moscow and his allies, possibly led or directed by NATO Secretary General Manlio Broslo. The idea would be to find a mutually acceptable forum. That forum most likely would be a group from each alliance.

There are infinite complications in trying to find snatching reductions of "force" in Central Europe, once that term is defined. But at least some principles are clearer than before. By emission from his latest statements, Brezhnev seems to have accepted the Western demand that not just American and Soviet troops but also troops of the rival allies be covered as well as their weapons systems.

But much remains to be disclosed Brezhnev said on May 14 that Western "representatives ask: whose armed forces—foreign or national, what armaments—nuclear or conventional, are to be reduced? They ask whether the Soviet proposals concern all this taken together?" Brezhnev provided no answer but resorted to an unusual bit of humor, for him, by way of the Soviet Georgian love of drink (he was speaking in the Georgian capital of Tbilisi.")

Said Brezhnev: "Don't these curious people resemble a person who tried to judge the flavor of wine without imbibing it? If anything is not clear to somebody we are ready to make it clear. But you have to muster the resolve to try the proposal you are interested in according to its taste. Translated into diplomatic language this means—to start negotiations."

Secretary of State William P. Rogers on May 16, asked about Brezhnev's proposal that the West uncork the wine, replied: "He said we shouldn't ask about the wine, we should drink it first, and we would like to know first is it wine, and is it sweet wine or is it sour. We want to be sure, in other words, that this has some potential for success."

Nonetheless, Rogers and his colleagues at the NATO meeting in Lisbon are likely to judge Brezhnev's wine in an affirmative way even without tasting in advance. One reason is that when Beam met Gromyko on May 17 he found the Soviet foreign minister willing to separate MBFR from ESC. ESC stands for the Soviet-sponsored and Warsaw Pact-backed call for a European Security Conference.

The West as an alliance has never bought the ESC idea though a number of NATO members have endorsed it at least in principle as have European neutrals who also have been invited, including the Finns who have been actively promoting such a meeting, hopefully in Helsinki. Up to the Beam-Gromyko meeting the Communists had always in one way or another tied the idea of force reductions to the ESC.

Warsaw Pact descriptions of ESC have had a heavy accent on trade and scientific exchanges which the Americans find too much of a one-way street for the other side. Indeed, U.S. officials resort to talking about a CES, or Conference on European Security, in part to make it clear that not only Europeans would have to be involved and in part to accent progress on "security" as the main topic of any such gathering. For a long time Moscow indicated that Washington and Ottawa, the two non-European NATO members, could sit in but the Kremlin finally got around to saying both could be full participants. However, this issue is currently moot since Gromyko has divorced MBFR from ESC/CES. But many questions remain, including those described about FBS and its relationship to SALT and FBS.

The Nixon administration beat back Sen. Mike Mansfield's efforts to slash unilaterally the American force level in Europe. But it knows the senator will keep the pressure on. And it knows that even once an MBFR conference is arranged, which could be done before the end of this year, it probably will be a long, long time before an agreement which could mean U.S. troop reductions.

One of the rewards thus far of SALT, which began 18 months ago, has been the insight the many discussions have provided for each side in the other's thinking and approach. It has taken this to produce the new agreement on how to frame an initial SALT pact. Much the same can be expected from protracted MBFR talks, that is, long and intricate discussions until each understands the other and thus a frame for agreement can be evolved.

But that means a race with time: can domestic pressures here at home for cutbacks be held off long enough to reach such a frame for agreement which puts in their proper places all the acronyms and the problems they represent?

CONGRESS AND FOREIGN POLICY

This Memorial Day weekend is a particularly appropriate time to consider the national mechanism which decides when young Americans shall be sent abroad to fight—and perhaps to die—for their country. That mechanism has been dominated by the President in recent decades but a new mood of greater foreign policy assertiveness is now evident in Congress.

It is not necessary to approve every Congressional initiative in order to applaud the new spirit. This newspaper, for example, strongly opposed Senator Mansfield's untimely—and wisely aborted—attempt to impose a sharp cutback in the American troop commitment to Europe. But it is clearly the right and duty of Congress under the Constitution to debate and pass judgment on such critical issues, thereby compelling Presidents continually to examine and justify their actions.

This is not a question of depriving the President of legitimate authority, as some Administration spokesmen have contended. Rather it is an attempt to restore the concurrent, and sometimes conflicting powers of Congress which are essential to the effective functioning of the American system of checks and balances.

In recent years, Congress has tried to restore balance to the war-making process through such relatively mild measures as the "sense of the Senate" resolution calling on the President not to undertake commitments to war without Congressional sanction, repeal of the Tonkin Gulf resolution and passage of resolutions barring the use of American ground forces in Thailand, Laos and Cambodia. President Nixon has ignored these warning signals by expansion of the war into Laos this year, by widespread use of American air power in Cambodia and Laos and, to a more limited extent so far, again over North Vietnam.

Current legislative proposals fall into two categories: bills designed to speed complete American military withdrawal from Vietnam, and measures designed to prevent future overseas military adventures without express Congressional approval.

Senator Javits has addressed the broader issue in a bill which would forbid the President to initiate hostilities in the absence of a Congressional declaration of war except to (1) repel a sudden attack against American territory; (2) repel an attack against United States forces on the high seas or lawfully stationed on foreign territory; (3) protect American lives and property abroad; (4) comply with a treaty or similar commitment, provided it was approved by Congress.

These exceptions allow ample opportunity for prompt reaction in emergencies, limited by the further stipulation that "military hostilities, in the absence of a declaration of war, shall not be sustained beyond thirty days from the date of their initiation except as provided in legislation enacted by the Congress."

This provision serves the dual purpose of forcing the President to consider in advance possible Congressional response to his actions and of enabling—indeed, compelling—Congress at an early stage to face up to its responsibilities in the war-making process. The broad support this moderate approach commands was indicated when a similar proposal was introduced by Senator John C. Stennis, chairman of the Armed Services Committee, who has been a strong supporter of the Vietnam policies of Presidents Johnson and Nixon.

Congress is more divided over the most appropriate means to hasten the end of the Vietnam conflict. The Hatfield-McGovern amendment, calling for withdrawal of all American forces from Vietnam by the end of this year, was defeated last year by the relatively close vote of 55–39. Although the persisting ambiguity of President Nixon's policy has led increasing number of Congressmen to move toward a specified pullout date, prospects for a negotiated settlement would be better served by less drastic Congressional action at this time.

No action of Congress could—or should—fully restrain Presidential initiatives in the use of American military diplomatic maneuvers. But this Memorial Day weekend is a good time to remember that in an era when rash Executive deployment of this country's vast military power could precipitate a universal holocaust it is more essential than ever that Congress act vigorously to restore its own crucial constitutional role in the war-making process.

[From the New York Times, May 30, 1971]

GI's IN EUROPE: ESSENTIAL OR SURPLUS?

To the EDITOR: The proposal of Senator Mike Mansfield for a large-scale troop reduction in Western Europe, depending on how you looked at it, was roundly beaten by almost two-thirds of the Senate, or earned, on its first time around, the unquestionably daring support of more than one-third of the Senate.

The proposal, this time, was kept mostly in the context of saving U.S. dollars as one part of the response to the recent monetary crisis. Yet it is—and next year it probably will be debated as—an overdue adjustment to the changes that have taken place on the European scene since 1949.

The critical question is and has been since 1949, "What is the likelihood of a conventional military attack by the Soviet Union on Western Europe?" In 1949 there was a reasonably high likelihood that given a military vacuum in Western Europe, the Russians might attack.

Despite the refusal of recognition by the President and his octogenarian foreign policy squad (but it was bipartisan), the times have changed. Soviet relations with Western Europe are good. Even now, these nations pose no serious threat to Russia; indeed, they would serve much better as prosperous trading partners than as devastated colonies.

But these points presuppose the existence of a military vacuum, and so such vacuum would result from the Mansfield proposal. The reduction of the number of American troops there by half would not at all mean the reducton of American military might in Europe by half.

The only strategy served by troop presence is a conventional defense from a conventional attack, and by all estimates the American presence there now is absurdly inadequate to meet a concerted attack. So, after all, what difference if there are only half of us there tomorrow?

The true defense of Europe, through deterrence of a Soviet attack, is not the quantitative presence we maintain, but the commitment, in the terms of the NATO alliance, of unhesitating assistance to the attacked. As long as the commitment is there, the presence really need not be. Let us hope that the absence of a monetary crisis next year will lift the facade which this year prevented discussion of this proposal on its merits.

JOHN F. POST.

Washington, May 24, 1971.

To THE EDITOR: The thrust of the argument in favor of unilaterally reducing American troop strength in Europe is that this would end an old policy. Apparently, not only do candy bars and mouthwash now have to be new, but so does foreign policy.

No matter that the policy has been demonstrably successfully in its central purpose—the deterrence of Soviet aggession in Western Europe—it still must be scrapped for the sin of reaching age 22.

The American commitment to Europe through its primary vehicle, NATO, has assisted Europe economically, politically, militarily and psychologically. Should all be jeopardized because Europeans may not have shown sufficient gratitude—as if this could be measured—or, what is worse, because a good thing has aged?

ALAN R. GOLDMAN.

Framingham, Mass., May 20, 1971

To THE EDITOR: The strong editorial stand of The Times in favor of President Nixon's determination to keep an American "presence" in Europe shocked me. I spent some time in U.S. Army Counterintelligence after the end of World War II and have been in fairly close touch with the "Communist threat" ever since. It seems useless at this late stage to rehearse the arguments in favor of Senator Mansfield's courageous attempt to recognize certain realities—above all the reality of an economically powerful Europe richly endowed with American nuclear warheads.

In fact, it seems hopeless to argue any position, when, on the same day, C.B.S. shows films of American G.I.'s tensely peering through telescopes and binoculars at the daily, routine antics of the East German border guards; whereas the real concerns of American military life in Franconia, Hesse and Bavaria seem to be PX prices, race relations, and the mugging of German taxicab drivers.

Perhaps the Mansfield move was ill-timed. On the other hand, President Nixon has shown little willingness to pursue the Soviet invitation to discuss troop withdrawals, even though our powerful Mediterranean forces are not involved.

Can't The Times admit that the world, too, has changed since the days of John Foster Dulles?

MARIO S. DE PILLIS.

Amherst, Mass., May 19, 1971

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire the floor?

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Georgia (Mr. TALMADGE) for not to exceed 15 minutes.

A SOUND ECONOMIC BALANCE BETWEEN RURAL AND URBAN AMERICA

Mr. TALMADGE. Mr. President, I want to speak to you today about togetherness.

It was not very long ago, shortly before the days of confrontation and civil disobedience, that togetherness was fashionable in America.

Somehow we seem to have lost our respect for that sort of thing, but I believe it is something that we as human beings had better start thinking about once again.

Because today, the emphasis is on apartness.

We are supposed to have a generation gap which separates us from our young people. We have separated ourselves from our neighbors in so-called secure buildings, protected by private police. And even our women have supposedly become alienated from us men.

You know, it amazes me that what with all the wonderful things that are going on around us every day that we should wake each morning as if each day were Monday.

Confrontation as a political way of life often seems to succeed. But the wins posted by the crazies of this country are only skirmishes. There are responsible ways to get things done in America, and they have nothing to do with the primitivism we see screaming on our streets.

I think our people have had enough of this sort of thing. The politics of confrontation is also the politics of alienation. And no matter what the alleged scholars of radicalism may say about the value of violence, the pragmatic American public will prove them wrong.

But my purpose here today is to talk about another kind of apartness which is not quite so strident.

The Washington Post newspaper has a little humor column on its editorial page to brighten up what is otherwise very heavy material.

The other day in this column there was a reference to restrictions which the Department of Agriculture has placed on the distribution of food stamps.

The column said:

> New Agriculture Department rules will cut thousands out of food stamps. They can use the money saved to pay nonfarming farmers.

I do not want to discuss the food stamp problem here, but this little item makes an important point.

Our big city press has finally reached that place where it does not report anything at all about American agriculture unless it is to kick the farmer around.

I think it would be bad enough if the urban majority was merely indifferent to the people who put the food on our tables. But the farmer is now someone to be laughed at, a man who steals from the public trough, a country bumpkin who merits no respect.

We hear about farmers who do not farm. We hear exaggerated stories about crop support programs.

In the fashion of these times, the farmer is no longer pictured as a hay shaker or hick. Instead he is a slick character who owns 20 combines and gets a million dollars a year in subsidies.

But then it is easy to attack the farmers. There are not many of them left. As a matter of fact, if current trends continue, there will not be any of them left at all in 20 years. Our farmers are a silent minority who can never threaten the circulation of the Washington Post.

It is very well for the press to write about farm subsidies as if they were giveaways. It makes excellent fodder to feed the people in the big cities who think Federal money ought to be used for other purposes.

This whole attitude is no longer funny to me, and the logic of it is specious.

The basic needs of America's urban poor are food and shelter. And though our farmers cannot do much about the shelter, other than to grow the forests to build it, our farm programs, and the farmers' intense effort have created a situation where Americans have more food available to them, and pay a lower percentage of their income for it, than any people in the world.

Despite this, our hog farmers often do not receive as much for their pork as it costs to raise the pigs. Most of our midwestern farmers are operating on a net profit margin of 5 percent or less. They could do better if they sold out and put the money in the savings and loan.

City housewives complain about rising food prices. Well, they should not turn their displeasure on the farmers, because farmers do not see any of that additional money.

I have formed a new subcommittee on rural development. And it was not for nothing.

Rural America is poor. More than half of the poverty in the United States is out there, but our rural areas have only three out of 10 of the people.

Two-thirds of our substandard housing is in rural America.

Rural Americans are deficient in education, health, housing, and other services, and largely because their incomes are too low.

If a farmer's wife gets pregnant, he had better know how to deliver the baby, because decent health care often is not available nearby.

And what kind of an investment does it take to get into this "high paying" business in the first place?

A farm big enough to produce enough income to enable a farm family to live decently could cost $240,000. That says nothing of $10,000 tractors and $20,000 combines needed to run it.

You talk about the gamblers in Las Vegas? The biggest gamblers in the world are our farmers.

In the past we have had heavy surpluses of commodities. But our population here, and particularly abroad, is growing. There will soon be no more surpluses.

In just a few years, we will need everything our farmers can produce when the population time bomb begins to go off.

The people who live in our big cities are now in the majority. But they must understand that every day they are dependent on a healthy agricultural economy in America.

They must understand that the food which goes on their tables each day, does not get there simply through the efforts of the A. & P. It takes a lot of 14-hour days by a lot of farmers to get it there.

Now, in this country, we have a psychological hangup about the small farmer. You talk about subsidies, and people will say, "All right. Let us help the little man. But why should we subsidize the huge farm operators?"

We have forced a condition of agricultural bigness in this country.

In order to make a living, the farmer has not only improved his technology to grow two stalks of corn where one once grew, but he has purchased additional land where he could because only the large volume operations could make it.

On May 3, our rural development subcommittee went to Iowa, where it heard from a farm auctioneer and salesman named Harold Ruden.

Mr. Ruden testified that he would have to sell out 1,000 farm families in Plymouth County, Iowa, so that there would be enough land for those remaining to make a decent living. Mr. Ruden dispassionately dispatched one-fifth of the farms in the county with that remark. Most of those people are his friends, but Harold Ruden is also a practical man.

Big agriculture, or agribusiness is not something that is as bad for the people in the cities as it is for those displaced from rural America.

Few people understand that the biggest technical revolution that has occurred in this country is not in computers or space, but in the production of food and fiber. That is why food prices have been so little affected by inflation over the past 20 years.

Yet there are no medals nor any live television coverage given to this.

The adverse effects on the cities as a result of bigger and fewer farms has been the migration of rural people to the cities, adding to the population burdens in the Chicagos and Detroits.

My appeal today is not simply a cry for better treatment for American agriculture. It is a plea for what I earlier called togetherness.

It is a plea for understanding between city and country people so that we do not have urban America on the one hand and rural America on the other, with both taking political potshots at one another.

This is one Nation, and there is nothing to be gained by the urban-rural political civil war that is now being waged.

We are all dependent upon one another. The Chicago housewife is just as dependent on agriculture as the farmer is on the machinery which that woman's husband manufactures.

We on the Senate Committee on Agriculture are calling for an economic and social balance between rural and urban America.

But first, I believe we need a balance in our attitudes about one another.

It was announced in the Wall Street Journal last year that farm parity with city incomes was the lowest that it has been in more than 30 years.

No one cared.

Equally, I am sure there has been little concern in the rural communities of America about some of the troubles of our cities.

In Milwaukee, Mayor Henry Maier once complained that the State of Wisconsin would not appropriate enough money to support vocational schools throughout the State. As a result, he said, young people were flocking into the city from rural areas to get vocational training at city expense.

At the same time, on the other hand, rural school districts in the same State were complaining that they were spending money to educate children who would move to cities like Milwaukee once they became taxpayers.

As Richard Hausler, executive director of the Area Development Institute says:

> It is too bad that rural and urban people did not get together 20 years ago to consider the inevitable impacts of the chemical, mechanical and management revolution then clearly underway in agriculture. Together they could have discerned the inevitable impact on rural and urban areas alike.

Mr. Hausler concludes:

> Perhaps they could have avoided some of the problems for which we are all now paying, because rural and urban problems were shaped in isolation from one another.

The heartland of our Nation is emptying out of people and economic promise. I believe this is wrong. We must have a sound economic balance between urban and rural America. We must do some important things to give people a chance to stay in their small towns if they wish.

But all of this must begin with a reasoned, mutual understanding of our needs and our troubles.

First, we must have a little togetherness.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for not to exceed 12 minutes.

Mr. BELLMON. Mr. President, I want to commend my distinguished colleague, the Senator from Georgia, for his insight in assessing the problem of rural America and his recognition that the problem is of all America. As long as our Nation thinks in terms of rural versus urban or urban versus rural interests, the problems will go unsolved and more will be created. The able Senator from Georgia, in his capacity as chairman of the Agriculture and Forestry Committee provides extraordinary leadership to agriculture and he has rendered a great service to all America this morning by calling the attention of the Senate and the country to a problem which threatens our national well-being.

Mr. President, I see that the Senator is about to leave the Chamber. Before he leaves, I would like to ask him a question about a statement he made in his speech.

I notice that on page 2 he says:

> Most of our mid-western farmers are operating on a net profit margin of five percent or less. They could do better if they sold out and put the money in the savings and loan.

I wonder if the Senator means they get 5 percent on their investment and nothing for their labor.

Mr. TALMADGE. That is entirely correct, and frequently they get much less than that. I know many farmers who are operating on a deficit, without any gross profit at all.

As the Senator knows, in Oklahoma and in the State of Georgia and many other parts of the Nation, year after year, farmers have been operating at a loss. They have been borrowing more and more on their land, and they finally get to the point where they can no longer make it. Eventually they find some fellow who is willing to buy their land, and they sell out and move. That is going on all over America today.

Mr. BELLMON. So the farmers not only get no reasonable return on their investment, but they get nothing for their land, and in these times, when they are faced with the requirement of expanding and getting more efficient, they have no source of income to buy the new tools or expand their operations?

Mr. TALMADGE. The Senator is entirely correct. As a matter of fact, farm debt at the present time is the highest in the history of America. And, as the Senator so well knows, being one of the abler members of our Committee on Agriculture and Forestry, farm parity today is at the lowest level in more than 30 years, lower than since the depths of the great depression.

Mr. BELLMON. I wish all Americans had the understanding of the farm problem which the distinguished Senator from Georgia has. I am sure we could do much better in finding a solution to this problem.

I would also like to ask the distinguished Senator another question about a statement in his speech, where he refers to the adverse effect on the cities as a result of bigger and fewer farms, which has brought about a migration of rural people to the cities. I wonder whether the Senator agrees that the real solution to a lot of our urban problems is found, not in our cities, but out in the rural areas, where a lot of these problems originate.

Mr. TALMADGE. The Senator is correct. That is the fountainhead of the problem. Particularly since World War II, and even prior thereto, because of mechanization of agriculture, low profit margins and increased productivity of farmers, fewer and fewer people have been required to produce food and fiber, not only for our country but for a good part of the world as well. Millions of people have been forced off the land. As a general rule, those with the least education, with the least technical skills, move first. They have moved and migrated to our urban areas, seeking a better way of life, seeking job opportunities, and frequently seeking high welfare benefits.

Many of these people, once they got to the cities, found that they were ill-equipped to compete in an urban environment; and there, in many instances, they lost the stability of their lives, of their families, and of their friends. They wound up on unemployment rolls in many instances. Some of them turned to crime and similar undesirable situations.

It is my opinion that the great problems we find in urban America today, particularly in our ghettos, plagued by crime and narcotics and disease and poor housing and welfare and pollution, have their origin in the mass migration of people from rural America to urban America.

When 75 percent of the people in America live on 2 percent of our land, it is an impossible situation. We have begun to attack this problem about 25 years too late. Many other countries have done a much better job than we have in this regard—Great Britain, for example, and some of the Scandinavian countries.

I was tremendously impressed by what I saw in Israel. The population of that country has increased from about 600,000 to about 2,800,000 in 22 years. Many of the people came from backward countries and were illiterate. They had no skills, no talents, no jobs. They were trained and resettled by the Government of Israel in less densely populated areas. I have visited some of them. I have seen some of their industries and their farms. I think they would be models for our own country.

Mr. BELLMON. I certainly hope that the work which the distinguished Senator from Georgia and the Committee on Agriculture—particularly the Subcommittee on Rural Development—are doing would help bring about some such result here.

I feel, as the Senator has said, that perhaps the answer to urban renewal is in rural renewal. We certainly have been very deficient in attacking this problem in the past, and I hope we can do better in the future.

The Washington Post column, which my colleague referred to, reminds me of a song popular many years ago. In the lyrics the singer bemoans the fact that "every time I come to town, the boys keep kicking my dog around." The final verse of the song tells what happened when the hound had finally had enough kicking around:

> He seen his duty there and then and he lit into them gentlemen and he shore messed up the courthouse square with rags and meat and hide and hair.

Agricultural interests in this country have been getting the same sort of kicking around as that fellow's dog from big bootwearers in our cities, who seem to take agricultural abundance for granted and who delight in defaming agriculture. This game has gone on much too long and the able Senator from Georgia has wisely put the Senate on notice that this sport must be ended. The alternatives are not pleasant—an aroused agriculture can make "May Day" look like a family reunion. A further weakened agriculture which cannot finance modern production methods will cause city sophisticates to turn into roaming savages seeking food wherever it can be found.

The Secretary of Agriculture, Mr. Hardin, stated earlier this year that far too many farm people still have far too little income, and the fact that farm incomes remain low relative to incomes of nonfarmers is the number one problem of agriculture. The fact that agriculture has been given a black eye by an unknowing consumer oriented press is a problem of almost equal importance since it has produced a feeling of frustration, apartness, and mutual contempt. Farmers who rank near the bottom on the Nation's income scale are taking the brunt of the consuming public's blame for higher food prices in the grocery stores. In light of the latest farm statistics published by our Government, that blame is seriously misdirected.

Mr. President, our "old faithful" farmers are producing the highest quality food more cheaply than ever before. In the last 10 years they have advanced their efficiency twice as fast as the rest of the economy. The American public can buy its food with only 16.7 percent of the family income, the lowest percentage in history and the lowest of any country in the world.

But the public has continued to expect bigger and better supplies of low cost food without understanding the basic facts of agricultural production and economics. The misunderstanding has helped create the myth that big, rich farmers are getting richer at the expense of the consumer. The myth is being advanced as fact by big city publishers capitalizing on popular public opinion. And in turn, such sentiment has influenced the making of the same kind of short-sighted Government policies that have brought on an energy crisis in this country.

A badly conceived national energy policy has caused production rates to decline at a time when the Nation's energy demands are greater than ever before. As a result many areas of the country and many industries face major power shortages, and nationwide our ready supplies of oil and gas are dangerously low.

We will face, as well, a food crisis in this country, unless our Government and our people fully understand that a strong agricultural economy is as vital to our Nation's health and welfare as is a strong industrial economy. Farm and factory are interdependent elements of American life. If we continually shortchange one element, the system of interdependency will eventually crumble. Yet, we continue to risk such deterioration by giving agriculture the short end of the economic stick.

Mr. President, it is true that farming operations are getting bigger, but not because more land is being put into production. The burden of feeding our Nation is falling on fewer and fewer shoulders, because small farmers cannot survive economically and are giving up their land to take jobs elsewhere, hoping to earn wages they can live on. The 4 million farms in the United States in 1960 dropped to about 3 million in 1970. At that rate of decline, we will not have any farms left at all in 30 years.

The 5 million plus people forced off the land during the decade of the 1960's have added greatly to the congestion and the misery in the cities. Surveys have shown that these farm families would prefer to live on the land if they could make a living there. An imbalance of rural-urban economics is producing a dangerous imbalance of rural-urban population with an explosive potential.

The return to a wheat farmer on a loaf of bread selling for 25 cents in the grocery store is 3½ cents. A fruitgrower gets about 7 cents on the store's 20-cent pound of apples. The dairyman receives 29 cents on a 58-cent half gallon of milk, and the potato grower gets 20 cents on 10 pounds of potatoes retailing for 82 cents.

On the average, the farmer's share of the American food dollar is 38 cents.

Though farm prices are up 25 percent from 1960 levels, they still lag behind the average 35 percent increase for all other goods and services which, like the rest of us, the farmer must buy with a lower average income. The average farm household today lives on $2,000 less income than the average nonfarm household.

Add to the low rate of return, the high capital investment requirements, and the high risk factor in farming, and the exodus from country to town is easily understood. The farm population has declined by more than 5 million in just the last 10 years. The bad public relations which agriculture suffers is another factor that is drawing rural people, especially the farm youth, toward the bright lights of the city.

Mr. President, rural urban separation and rural urban migration has gone on far too long for the good of either city or country. The ability of the country to feed city dwellers and the ability of cities to provide a reasonable quality of life has reached the point where in the interest of mutual survival a reconciliation is essential. Let us look at what is happening to food production in this country.

The 1971 carryover of grain sorghum is expected to be only one-half of last July's supply of 246 million bushels. The wheat carryover in July this year is estimated to be 700 million bushels. Last year it was 885 million. Corn carryover is down from a billion to 700 million bushels. These reductions amount to a 30 percent reduction in grain reserves in 1 year. Three more years like last year and this country's grainery will be empty. Why is our food bank balance in deficit? There are many factors. The corn blight, drought, and heavy exports have played a role. But so has poor farm economics which reduces a farmers ability to cope with the multitude of hazards he must overcome and the loss of rural population which places an even greater burden of production on those who remain. For the first time in history our ability only to feed ourselves, and the citizens of other nations, who depend on our agricultural exports to feed their people, is in doubt.

Just as our Nation has been slow to insure a steady supply of energy to the Nation by providing the economic incentives to encourage greater production, so it has lagged in fostering a healthy economic and social climate for agriculture.

For the first time in our history, our Nation feels an energy pinch. We see this in the summer brown outs which are common. How long will it be before the shortsighted division which exists between urban and rural citizens manifests itself in meatless Mondays? Will the same shortsighted kicking around turn this "One Nation" into "Two Nations"—one rural, poor and well fed and another urban, rich and hungry? For the good of both, we cannot permit such a national cleavage. The distinguished chairman of the agriculture committee has wisely and eloquently alerted the Senate to the need for timely action.

Agriculture is no stray dog come to town to be kicked around by all the boys loafing at the drug store.

Agriculture is as much a part of the national scene as General Motors, U.S. Steel, IBM, Harvard, Stanford, the Bank of America, the New York Times, or NBC.

A healthy nation must have a healthy agriculture. To be healthy, agriculture needs to sit at the first table and receive an occasional pat on the back. It cannot go on much longer living on table scraps and unfeeling kicks in the ribs.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado (Mr. DOMINICK) is recognized for not to exceed 5 minutes.

Mr. DOMINICK. I understood that it was 15 minutes.

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. DOMINICK. I was told last night that it was 15 minutes. Am I incorrect in that?

Mr. BYRD of West Virginia. Mr. President, the request that came to me was for 5 minutes for the able Senator from Colorado. I am sorry if I misunderstood or I was not informed correctly.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. DOMINICK. If I have only 5 minutes——

Mr. CURTIS. I want to give the Senator some time.

Mr. DOMINICK. I thank the Senator from Nebraska.

Mr. CURTIS. Mr. President, I have a special order for 15 minutes. I ask unanimous consent that 5 minutes of that time be transferred to the distinguished Senator from Colorado (Mr. DOMINICK).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMINICK. I appreciate that very much.

THE REAL COMMUNIST CHINA

Mr. DOMINICK. Mr. President, which is the real Communist China?

The smiling welcome of Chou En-lai to an American table tennis team visiting mainland China in mid-April? Or anti-American slogans shouted in the streets of dozens of Chinese cities on May Day, only 2 weeks later?

A hint by Mao-Tse-tung to journalist Edgar Snow last December that he favored a visit by President Nixon to mainland China? Or an editorial in the Peking Review of April 16, 1971, vilifying President Nixon as an "archcriminal," "archmurderer," and "chief butcher"?

Suggestions from Peking that it wants to negotiate its differences with the United States? Or its insistence in every Chinese Communist propaganda organ that "U.S. imperialism is the common enemy?"

Interpretations by various so-called experts in this country that the People's Republic of China is ready and willing to enter the United Nations? Or Peking's own declaration that it will reject a seat in the U.N. unless the Republic of China is expelled?

During our consideration of these factors, keep in mind the record of Mao's China which, first, has brutally subjugated the Chinese people for 22 years; second, has been and still is branded by the U.N. as the "aggressor" in the Korean war; third, has been accused of "genocide" in Tibet by the International Commission of Jurists in Geneva; fourth, continues to supply most of the small arms and ammunition to North Vietnam which is now invading free countries; and fifth, has fostered and encouraged insurrection, subversion and "wars of national liberation" in Asia, Africa, Europe, and even the United States.

On New Year's Day, 1971, the three official publications of the Communist regime in mainland China—the People's Daily, the Liberation Army Daily, and Red Flag—editorially enunciated Communist China's foreign policy for this year:

> We will persistently fulfill our proletarian internationalist obligations, firmly support the revolutionary struggles of the people of all countries and learn from them, and together with them we will fight to the finish to defeat the U.S. aggressors and all their running dogs . . .

By radio, displayed slogans, and editorial propaganda, hardly a day has gone since the first of this year that this theme has not been repeated.

It surprises no one. It shocks no one. It amounts, simply, to the reaffirmation of Peking's basic outlook on the world that it has adhered to since Mao Tse-tung came to power by revolutionary conquest in 1949.

In April, while many columnists and some Members of the Senate were asking for a total turn-around in our Nation's China policy; abandoning 14 million people in the Republic of China on Taiwan; and advocating a confusing assortment of one, two, and even three China policies; Peking gave a lavish reception to Le Duan of North Vietnam and pledged new assistance in the war of aggression against Southeast Asia.

In April, while the people of Washington, D.C., prepared offsetting action to organized efforts to stop the Government of the United States from functioning, the People's Daily of Peking saluted "a new revolutionary storm—surging up vigorously among the American people."

And on May Day, the Communist Chinese again used their favorite theme:

> Peoples of the world unite to crush American aggressors and their runnings dogs.

Are Communist China's real attitudes and objectives disclosed by Chou En-lai's cordial smiles for a few days in mid-April or by the following anti-American slogans which the faithful were instructed to shout as their slogan in support of the quoted theme:

1. Support the Indochinese people against American aggression.
2. Support the heroic Korean people against American aggression.
3. Resolutely oppose American imperialistic support for Israeli aggression against Arab countries.
4. Support Cuba against American aggression.

> 5. Support the American people against the American government's aggressive policy.

Is all this offset by playing ping-pong with Mao's specialists in the sport? The question answers itself and some commentators and news media have spoken out forcefully as well.

The respected Scripps Howard newspapers said on April 28:

> We ought not to forget that the Red Chinese have been substantial contributors to the Communist attempt to take over South Vietnam, that the Red Chinese have been involved in ambitious schemes for mischief everywhere in the world (Indonesia, for example) and that their total policy the last 25 years has been arrogantly anti-American.
>
> Every friendly gesture by this country has been labeled a "fraud" and Mao Tse-tung's central theme, widely proclaimed, has been that "political power grows out of the barrel of a gun."
>
> If the Reds have indeed decided on a change of course, the United States and the whole world should take advantage of this. But we need to be sure, as we go along, that there is a "thaw" in Red China as well as here.

The noted NBC news correspondent, John Chancellor, reminded us in his April 20 commentary on NBC Radio that—

> China still holds American prisoners, not many, but people held in a detention which flaunts international law . . . China is a a country drenched in anti-American propaganda . . . How do you make friends with such a country? Very carefully.

Which is the real Communist China? The "winsome" China which wines and dines visiting athletes and journalists? Or the brutal China of the cultural revolution which tortures its citizens and lets their bodies float down the rivers to the South China Sea? Hundreds of dead bodies found floating in the bay of Hong Kong tell us far more than ping-pong does about the real nature of the Chinese Communist Government.

Peking itself admits that 10 million Chinese have died in the "communization" of China. Other estimates range as high as 50 million. This, Mr. President, is "genocide" and has been so labeled by by the International Commission of Jurists in Geneva.

Mr. President, no student of the history of Communist rule in mainland China—1949–71—can look at the record of persecution and purges and honestly conclude that this regime in Peking represents the will and interests of the people it rules. This is rule by force, not mandate. This is government by bayonet, not the ballot box. This is dictatorship by degree—not the result of a peoples' self-liberation.

If Communist China truly represents the people of the mainland, why have so many Chinese perished opposing the Communist regime?

If Communist China is the expressed wish of the Chinese masses, why have hundreds of thousands sacrificed all of their possessions—many of them their lives—attempting the flight for freedom?

If Mao's "thoughts" reflect the aspirations of the citizens of that troubled land, why did so many join in civil war against Mao's cultural revolution?

No—Mr. President—the regime in control of Communist China today is not representative of the Chinese people. It is, in fact, an imposter, imposing its own authority over a victimized population because, and only because, it has the guns and power to do so.

This record does not reflect well on its right to enter the U.N. But added to it, the rule of terror over their own people should be noted. The record of aggression and affronts already cited strongly suggest that Communist China has no intention, let alone desire, to keep the peace or contribute to world stability.

Time and again, Peking's propagandists have belittled the United Nations as a "tool" of U.S. imperialism, declaring that—

> The fundamental question for the present is one of freeing the United Nations from the control of the United States and its collaborators, reorganizing it completely and rectifying all the mistakes it has committed.

The U.N.'s mission to bring peace to a war-weary world is ridiculed by Communist China, which persists in its policy of international revolution and wars of so-called "national liberation."

Mao Tse-tung, and those who publicly espouse his views, want nothing more nor less than chaos and upheaval to engulf anti-Communist, anti-totalitarian societies everywhere.

Many have said that the admission of Communist China to the U.N. is inevitable. These predictions are not new and as yet have been universally wrong when the proper information is laid before the member countries.

Following the Panmunjom Agreement of 1953, it was "inevitable" that Peking would enter the U.N. a year later. But following the refusal by Communist China and Communist North Korea to release American prisoners of war, U.N. members voted 43 to 11 with 11 abstentions to oppose admission of Peking.

It was "inevitable" in 1958 that Communist China would be admitted to the U.N., but the vote in 1959, following the collapse of Mao's "great leap forward" and invasion of Tibet, was 44 to 28 against with nine abstentions.

After an extensive propaganda campaign in 1965, it was "inevitable" once again, but 1966 brought the horrifying excesses of the Great Proletarian Cultural Revolution, and the vote that fall was 57 to 46 against admission, with 17 abstentions.

Nothing is inevitable insofar as admission to the U.N. is concerned, and it is not a universal organization. In fact, in contradiction of the concept of universality, article 4 of the U.N. Charter provides for expulsion from United Nations membership.

Nations such as West Germany have not been admitted—thanks to the opposition of Soviet Russia—so obviously universality is not the rule, nor are Spain or Switzerland members.

Article II of the U.N. Charter prohibits any member or applicant from using the threat of force against the "territorial integrity or political independence of any state" which are sufficient grounds for excluding a regime like Mao's which has invaded neighbors such as Korea, India, Tibet; sought to overthrow the Government of Indonesia; has been branded by the U.N. as an aggressor; and has been labeled by jurists as genocidal. In addition, Communist China has made it clear it will not participate in any nuclear disarmament discussion inside or outside the U.N. It denounced the Partial Test Ban Treaty of 1963, it refused to consider signing the Nuclear Nonproliferation Treaty of 1961, and in 1971, it rejected the nuclear seabed treaty. Surely nothing in those actions implies any respect for the problems of welfare of any kind including nuclear holocaust.

Despite the fact that Communist China is not and under its present leadership should not be a member of the U.N., this does not necessarily stop communications. After all, we communicate quite well with nonmembers West Germany, Spain, and Switzerland. We have had more than 130 diplomatic meetings with Communist China through Warsaw since 1955. Peking abruptly cancelled the last scheduled meeting approximately 1 year ago—not the United States—and despite our best efforts, there has been no firm indication of when Peking will allow the talks to resume.

Some argue that acceptance of Communist China will lead to a softening of that regime's hardline approach to peace and stability. But do we have any evidence to support this theory? To the contrary, every overture made by the United States since 1949 has been snubbed or rejected until 1 month ago.

The last four American presidents offered to exchange journalists, trade and tourism in an effort to open the doors to Communist China, but to no avail. The first break in the Bamboo Curtain has been Peking's entertainment of an American ping-pong team. Since then a few carefully selected scientists, journalists and politicians have been allowed to visit the mainland to see carefully selected sights. All these are good steps but hardly offset the fact that Peking has never even suggested that it will rescind its intransigent position simply because the West seeks friendship and mutual understanding.

Premier Chou En-lai spelled out Peking's positions on the U.N. seat now held by the Republic of China in an interview with Filipino journalists. As reported in the Washington Star of May 16, Chou said:

> It is impossible to sit in the U.N. unless the question of Taiwan is settled. We oppose the seating of two Chinas . . . We are even more opposed to one China and one Taiwan.

That does not leave the United States much room for diplomatic maneuvering, and we are certainly not going to abandon an old ally despite some urging to the contrary.

Throughout the history of the United Nations, the Republic of China has been a most honorable and responsible member of that body, upholding the Charter at every turn, fulfilling its obligations on every occasion including payment of all its dues and assessments.

Mr. President, I think the record is overwhelming—there are no legal, moral, or even practical reasons why the present Government of Communist China should be admitted to the United Nations.

Despite recent headlines that the President's Commission for the Observance of the 25th Anniversary of the U.N., headed by Henry Cabot Lodge, had recommended that Communist China be brought into the U.N., that is not what the Commission reported. Here is what the Commission report said:

> The Commission recommends that under no circumstances should the United States agree to the expulsion of the Republic of China on Taiwan from the U.N. but that the U.S. seek agreement as early as practicable whereby the People's Republic of China *might accept the principles of the U.N. charter* (emphasis added) and be represented in the organization.

This recommendation of the Commission places the responsibility for admission exactly where it belongs—with Communist China. If the Peking Government wants to become a member of the United Nations, it must and should accept the principles of the U.N. Charter, including the renunciation of the use of force against its neighbors, and that it has flatly refused to do.

I cannot see how progress toward lasting world peace would be enhanced by downgrading the standards of the U.N. Charter by admission of a government which has publicly denied the U.N. Charter and continues to sponsor worldwide revolution. What is needed is patient insistence that Communist China upgrade its behavior to the level of standards prescribed in the U.N. Charter. If Peking wishes the benefits of membership in the community of nations, it can take the necessary steps to meet those standards.

Dr. Walter Judd recently said:

> The United States must not make the fatal mistake of:
>
> "Abandoning 750 million Chinese people on the mainland to Mao's cruel tyranny;
>
> "Consigning the Republic of China to the same fate;
>
> "Throwing our other Asian allies, however, reluctantly, into acceptance of Communist China on *its* terms;
>
> "Discrediting the U.S. around the world as a nation unwilling or unable to keep its pledged word; and
>
> "Turning the U.N. into an agency which our enemies can increasingly use to prevent—not make—real peace in the world.

Mr. President, given Communist China of today, Mao's China, the United States, and the United Nations have no other honorable choice but to adhere to a policy of nonadmission until such time as Peking stops playing games and begins to prove by deed as well as word that it really wants to be a responsible member of the international community of nations.

I commend President Nixon and previous Presidents who have attempted to open lines of communications with mainland China, but in our own self-interests we should not deceive ourselves into believing that a wolf is a sheep or a dragon a butterfly simply because of ping-pong exchanges.

I ask unanimous consent to have printed in the RECORD a selection of editorial material dealing with our relations with mainland China.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, May 7, 1971]

EXPECTATIONS REGARDING CHINA

Marshall Green, the assistant secretary of state for Asian affairs, warned the other day that we should expect mainland China to continue pursuing some policies that could prove troublesome if not downright dangerous to various American friends and interests. His implicit point, of course, is a perfectly sensible one: any thaw in Sino-American relations that might develop in the foreseeable future would be most unlikely to affect fundamental national policies in either country, and these policies in many cases are in conflict.

There is nothing startling in this appraisal, only a realistic recognition of the way things work. One can certainly hope for a continuing expansion of contacts between the United States and China, for an improvement in knowledge and understanding, for a lessening of suspicion and fear. But even under the best of circumstances there are limits to what can be accomplished. In the end, the two countries will continue to go their own ways, and at times their courses could come very close to collision.

Our experience with the Soviet Union makes the point. We have had formal diplomatic relations since 1933. Long before that, newsmen, scholars, traders were going back and forth. All these formal and informal contacts have had negligible influence on basic policies and goals.

The Russians remain formidable and dangerous antagonists—indeed, they have grown more dangerous as time has gone on—and they more often than not see the furtherance of their interests coming from the erosion of ours. We can talk with the Russians, we can negotiate with them, but very seldom can we rightly expect a coincidence of views or interests.

So with the Chinese, China sees itself as the legitimately dominant force in Asia, and a great world power besides. It wants international recognition of that role and it will seek it with deeds and symbols alike. It will go on building and testing nuclear weapons and the systems for delivering them. It will try to expand its political influence in neighboring countries and elsewhere in the world either by dealing with governments in power or by supporting insurrections. It will do whatever the perceived interests of Chinese nationalism and the flexible doctrines of Maoist communism suggests is best for China.

A few smiles from Chou En-lai or tours by newsmen won't change this nor should we expect it to. While everyone would like less tense and more trusting relations with the Chinese, wishing won't make it so. Improved relations might do a lot to reduce the risks of conflict by misjudgment or misunderstanding, but that is about all we should anticipate.

[From the Boston (Mass.) Herald Traveler]

THROUGH A GLASS, ROSILY

Reading the correspondence from mainland China by a reputed journalistic expert on the Far East gives one the sense of "deja vu." For even the uncritical (and unperceptive) dispatches describe a state and a society that was foreseen years ago.

Red China's monolithic society is based not on the inane and simplistic injunctions in the "Quotations from Chairman Mao," but on the sinister assumptions and operative motives contained in George Orwell's "1984."

Time was when the visions of Big Brothers and the totalitarian society were terrifying to a pluralistic, democratic problem-plagued nation. But today Mao Tse-tung, the Emperor of the Blue Ants, has imposed on 720 million people a system which, to judge from some current reports, is less than repugnant to many persons.

Repugnance, one might suppose, is in the eye of the beholder. Since few Americans have traveled inside Maoist China, they must rely on what others relate—measured, one should hope, on what knowledge and information is available elsewhere.

When an Associated Press correspondent files a dispatch from Canton, China that begins: "The orange sun set in a purplish mist over the Pearl River estuary yesterday," one can either wait for the organ peals to begin or turn the page.

But it seems incumbent to add a few words of explanation to certain lightly dismissed or euphemistically phrased observations. One example should suffice: "The road has been anything but smooth since Mao proclaimed the People's Republic in 1949. Over the years he has felt it necessary to purge the party and the people of what he regarded as unhealthy elements . . ."

"Purge" is a nice term for slaughter, especially when by Peking's own estimates the number of counter-revolutionaries eliminated from the Maoist utopia number no fewer than 10 million. Other clumsy citations could be explored, but the point remains that if increased contact with Communist China is in the cards, American observers ought to keep a firm grip on their perspective. Ping pong games, or commercial transactions should not be allowed to create false optimism; improved relations, if possible, should not be a signal for instant historical revisionism. The People's Republic of China should be taken for what it is, with neither undue grimace nor undue gloss.

[From the Washington Daily News, April 28, 1971]

THE CHINA "THAW"

Under the auspices of President Nixon, a new U.S. policy toward Red China appears to be evolving.

It is illustrated by the report of a special 50-member commission named by the President. This commission, headed by Henry Cabot Lodge, now envoy to the Vatican, was assigned to make recommendations about the United Nations.

But its foremost proposal is to support the ultimate admission to the United Nations of all "firmly established" governments—no matter how they got there. First of all, this includes Red China, but also North Korea, North Vietnam and East Germany.

The Lodge group took note of "awkward and discordant" possibilities in letting Red China join the United Nations and seemed to favor a play-it-by-ear policy; no instant initiative on the part of the United States along this line.

It also strongly insisted that Nationalist China, whose government in effect is in exile on Taiwan, should remain a U.N. member, even tho both Red China and the Nationalists now say they will not sit in the United Nations with the other.

Red China probably is headed for eventual membership in any event, whether the United States supports the admission or not. A majority in the United Nations voted favorably only last year—but the vote fell short of the necessary two-thirds.

But U.S. support for this move should hinge on something more than Red China's wish to get in, if it does wish membership, or on the majority view on this issue. Our support be based on conclusive evidence that the recent Ping-Pong diplomacy is more than a propaganda gesture.

We ought not forget that the Red Chinese have been substantial contributors to the Communist attempt to take over South Vietnam, that the Red Chinese have been involved in ambitious schemes for mischief elsewhere in the world (Indoensia, for example and that their total policy the last 25 years has been arrogantly anti-American.

Every friendly gesture by this country has been labeled a "fraud" and Mao Tse-tung's central thesis, widely proclaimed, has been that "political power grows out of the barrel of a gun."

If the Reds have indeed decided on a change of course the United States and the whole world should take advantage of this. But we need to be sure, as we go along, that there is a "thaw" in Red China as well as here.

[From the Rocky Mountain News, May 1, 1971]

"Old Smoothy" Chou Exploits Ping-Pong Tourney: Judd

(By Alan Cunningham)

One of America's most determined old China hands, Dr. Walter H. Judd, warned a Denver audience Friday that Americans mustn't be fooled by the seeming thaw in relations between this country and the People's Republic of China.

Judd, a one time medical missionary and 20-year congressman from Minnesota, termed Chinese Premier Chou En-lai an "old smoothy" and said Chou was exploiting a table tennis tourney with hopes of achieving a military victory over the United States in Vietnam.

His remarks on the China question came at the tail end of a speech at the 1971 Law Day luncheon attended by about 200 persons in the Cosmopolitan Hotel. Judd expanded on his passionate views about China at a press conference afterward.

The 72-year-old Republican, who served in the House of Representatives from 1942 through 1962, contended that Red China hopes, through its new ploy of "Ping-Pong diplomacy," to "beguile the gullible" in this country—particularly anti war activists—into thinking Peking honestly wants peace.

In truth, he said, Chou and other Chinese leaders merely are substituting "honey for vinegar" in hope they can turn Americans against President Nixon and bring about an end to the war which serves Chinese interests more than our own.

"UNMITIGATED DISASTER"

He predicted that the result, if Chou succeeded, would be "unmitigated disaster" for the U.S.

Judd has been a staunch supporter of the Chiang Kai-shek regime in Taiwan since the Communists took over mainland China in 1949. In remarks that showed a goodly measure of emotional strain, Judd made it clear he hasn't swerved from his opposition to the idea of letting Peking join the United Nations.

Facing a group of young television newsmen, several of whom challenged his views severely, Judd refused to concede that the current thaw in U.S.-Chinese relations would necessarily lead to admission of Red China into the U.N. body in the near future.

The tone of his comments on this topic varied considerably from that during the main part of his speech, during which he declared that the older generation has to blame itself largely for the current wave of anarchistic attitudes among young people.

He said those who had lived through the Depression of the 1930s had succeeded in saving their children from hunger, but hadn't passed along the message that this country's system of government, with all its flaws, is far superior to any other in the world.

The result, he said, is that at a time when Americans have much to be grateful for, the nation is beset with anxiety, conflicts and confusion.

FREEDOM WITHOUT WORRY

Never having known anything but affluence, Judd continued, young people choose to seek the things they don't have, things often characterized in terms of wanting merely to be left alone, to "do one's own thing and to be free."

Judd said these ideals are distorted by a feeling among the young that they live in a sort of "never-never land" where they can pursue freedom without having to worry about responsibility. Thus, their respect for the need to maintain an ordered society through law has broken down.

He advocated that parents, teachers and others try to communicate the idea that America is "the greatest experiment in self-government man has seen—but it's incomplete, and young people are going to write the next chapter."

Weaving his remarks into the Law Day theme—"Channel Change Through Law and Reason"—Judd told his audience that he believes men cannot have peace without order. Likewise, he went on, there can be no lasting order without justice, no justice without the machinery of law—and no effective machinery without people to make it work.

Earlier in the Friday program, the Denver Bar Association's Liberty Bell Award was presented to Lt. Walter K. L. Chin of the Littleton Police Department. In presenting it, Denver Dist. Court Judge Sherman Finesilver cited Chin for his work with young people in Littleton, particularly through Sequette, an organization which sponsors a clinic and program for drug users.

[From the Spokane (Wash.) Spokesman-Review, Apr. 19, 1971]

China's Motive

Among the various motives ascribed to the government of Red China for its sudden hospitality to the touring U.S. table tennis team and three American newsmen, at least one is clearly credible—Peking's desire to win favorable public opinion in the United States, Japan and other key countries for admission to the United Nations as the sole legitimate Chinese regime.

In his remarks last week President Nixon was careful to avoid speculation or discussion on that point, but he noted that any further U.S. steps to improve relations with Peking would depend on reciprocal moves.

"We have taken several steps," he said. "They have taken one."

Japanese leaders, who regard their country as a special target on the question of U.N. admission, have indicated they view the Chinese move as a change of tactics designed to step up psychological pressure on countries wavering over how to vote in the forthcoming autumn U.N. session.

The Chinese invitation and warm reception given to the selected group of Americans has drawn widespread attention and raised a flurry of speculation on the possibility of U.S.-Chinese trade development as a result of President Nixon's subsequent announcement.

The impact of the Chinese overture derives, however, from its contrast as a minor departure from Peking's otherwise intransigent position. Alone it is not enough to suggest that China is motivated to resume a constructive role in the international community of nations.

If it is, in fact, the first of a number of reciprocal and meaningful steps in this direction, it is a hopeful sign. Further developments will be awaited with considerable interest.

Summary: China's sudden gesture of hospitality will have been meaningful only if it is the forerunner of other constructive steps.

[From the New York Times, Feb. 10, 1971]

The Dalai Lama Speaks

(By Tenzing Gyatso)

Upper Dharamsala, India.—According to every principle of international law and custom, whether historical, geographical, cultural or linguistical, we Tibetans are an independent nation distinct from China.

Since the Chinese have little respect or scruples for such international principles, they attacked Tibet with the avowed aim of "driving out the imperialist aggressive forces."

When world opinion condemned this naked and shameless aggression, China loudly protested, with a halo of righteous indignation, that Tibet was "an integral part of Chinese territory," and as such, "an entirely domestic problem."

With the forced signing of the infamous 17-Point Agreement military operations were suspended and a program of consolidation and "democratic reforms" was vigorously carried out to meet their objective of colonizing the country.

Recent reports now tell us of massive indoctrination at compulsory meetings, radio broadcasts, distribution of leaflets, and complete control over the educational apparatus.

Yet, the Chinese everywhere meet determined resistance from both underground guerrillas and the peasants. The very Tibetan cadres, so meticulously and painstakingly trained in China, are said to be at the forefront of the freedom struggle. As a result, the Chinese have launched a veritable reign of terror. Tibetans of all classes are beaten, humiliated, tortured or killed on such flimsy trumped-up charges as: harboring subversive designs against the regime, possessing religious objects or collaborating and helping "reactionary elements."

In short, Tibet is now experiencing a far more dangerous type of colonialism than the world has ever seen. All the resources of the land are being exploited while the Tibetans are starved and worked to death to feed the occupation army and the Chinese populace.

With such conditions existing in Tibet today, we, who are in exile, solemnly remind ourselves each year on the anniversary of the March Uprising, determinedly to achieve the sacred task of liberating our countrymen from the brutal yoke of Chinese oppression. All over the world, the twin evils of colonialism and imperialism have been condemned and resisted in the past. We too take up our share of the burden and struggle against this new form of exploitation.

Besides this all-important task, we are faced with the problem of preserving our unique culture. We have taken a number of appropriate steps in this direction. Much progress has been achieved due to generosity of the Government of India and international voluntary agencies. We are forever indebted to them.

Simultaneously, we do not delude ourselves that Tibet will remain the same as before. Such thoughts are wishful thinking and in complete contrast to the approach we have adopted in the event Tibet achieves her freedom. It is in this connection that a draft constitution was promulgated on March 10, 1963, taking into full consideration both the doctrines enumerated by Lord Buddha and the system of democracy based upon justice and equality. This constitution was warmly received by the representatives of my people in exile.

Finally, while preparing for a new and young Tibet, the opinion of the forward-looking younger generation will be an influential factor. Many young boys and girls are working or receiving an education so as to serve Tibet better. A national consciousness is slowly developing and asserting itself among the younger generation. This is a healthy sign for it indicates that the younger generation is not satisfied with the present state of affairs. It also means that they face the challenge with constructive efforts for a free and independent Tibet. In the ultimate analysis, it is they who will have to continue the struggle and preserve our identity and culture.

Our cause is a just one and I take this opportunity to appeal to all those nations who cherish freedom, to give us their firm and strong support. The Chinese should well remember that no imperialist power has succeeded in keeping another nation under colonial subjection forever.

In conclusion, I wish to offer my prayers to invoke the blessings of the Triple Gems for peace and happiness to all sentient beings.

His Holiness, Tenzing Gyatso, the 14th Dalai Lama of Tibet, lives in exile at Upper Dharamsala, East Punjab, India.

PROGRAM, JOHN CHANCELLOR, NBC NEWS, REPORTS, NBC NETWORK (RADIO), DATE, APRIL 20, 1971

JOHN CHANCELLOR. Sinophilism is a word in the dictionary which means an attraction to things Chinese. It also is a word which might appeal to Vice President Agnew, who has a passion for long words. Sinophilism is his kind of word.

And as a matter of fact, the Vice President is against Sinophilism, we are told. And he has raised some interesting points.

I'll have a report on this in a minute.

For the past few days, the Nixon Administration has been practically eating with chopsticks and wearing its hair in a queue.

China has been on everybody's mind, including United Airlines, which yesterday applied for US Government permission to fly to Peking, Shanghai and Canton.

The President's overtures to China and the Chinese response have met with widespread public approval and a sort of Sinophilia can be detected in Washington. That's a word meaning a liking for things Chinese.

But at Williamsburg, where the Republican governors are meeting, other views have been expressed. Vice President Agnew early yesterday morning asked nine reporters to his room and talked for about three hours on various topics, including China. And he said the same things to some governors the next morning.

Both meetings were private, but perhaps the word private-public is more accurate, since no politician uses forums like these, governors and reporters, without knowing that word is going to get around.

The word which got around is that Mr. Agnew is not happy with the policy of easing relations with China and that he argued against the policy at a meeting of the National Security Council.

He also feels that the press coverage of the table tennis team in China was a propaganda disadvantage to our side. And that the trip was, in truth a propaganda triumph for the other side.

Whether or not that is true, Agnew has raised some worthwhile questions. The Chinese are, in fact, still the main supplier of food and small arms to the North Vietnamese.

It is an illustration of the crazy world in which we live, that Mr. Nixon can keep troops on patrol in Vietnam, where they are shot at with Chinese guns and ammunition, and at the same time talk about the normalization of relations with the people who make and supply the weapons and the bullets.

China still holds American prisoners, not many, but people held in a detention which flaunts international law.

China is a dangerous nuclear power. Not fully developed but potentially alarming.

China is a country drenched in anti-American propaganda.

There is speculation among the reporters at Williamsburg that Agnew surfaced these thoughts because the Administration doesn't want to offend the old China lobby people. But that shouldn't obscure the fact that China is an unpredictable, thermo-nuclear, dangerous country.

How do you make friends with such a country? Very carefully.

John Chancellor, NBC News, New York.

[From the Indianapolis (Ind.) News, May 12, 1971]

VIOLATES CHARTER: PEKING DOESN'T QUALIFY FOR U.N.

(By Senator PETER DOMINICK, Republican of Colorado)

The visit of the American table tennis players to Red China marked the first time ordinary Americans have gone on an unofficial goodwill tour since the Communists came to power more than 20 years ago. It is not a meaningless event, but I doubt whether it constitutes any real thaw in the Arctic freeze of our relationship.

Despite the ping-pong diplomacy, it is well to remember that the Chinese leadership has not changed. The same men who smile at our ping-pong players are those who subjected Tibet to the most dangerous type of colonialism the world has even seen, the same ones who operate such a cruel and hated dictatorship that more Chinese attempted to escape in one recent month than all the East Germans who attempted to scale or penetrate the Berlin Wall in 10 years, and the same men who continue to declare their resolute adherence not to peaceful means of settling disputes, but to the use of revolutionary force.

Only two months ago His Holiness, Tenzing Gyatso, the 14th Dalai Lama of Tibet, now living in exile in India, reported in the New York Times that "the Chinese have launched a veritable reign of terror. Tibetans of all classes are beaten, humiliated, tortured or killed in such flimsy trumped-up charges as harboring subversive designs against the regime, possessing objects or collaborating and helping 'reactionary elements.' "

It is difficult if not impossible to relate these activities with the words in the United Nations Charter which member nations adopt on admission: "Faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, of nations large and small."

Yet, despite overwhelming evidence that Red China has no intention of changing its international conduct, many in our country overlook the difference between the Chinese people and their oppressive government, ignore the fact that all trade must be carried out through a Communist government trade organization, thus strengthening that government's cruel hold over its own people, and forget the principles of the U.N. Charter which the Red Chinese have never even given lip service.

In the coming months as the admission of Red China to the U.N. is debated it is well to keep in mind that the U.N. Charter does not advocate universal membership. Rather it has specific qualifications for admission—and Red China does not meet them. It has shown a consistent and total disregard for fundamental human rights, it has disregarded the dignity of persons, and it has obliterated the rights of individuals. Freedom has been stifled; intolerance substituted for tolerance.

In the words of the China expert, Dr. Walter H. Judd of the Committee of One Million: "If, in fact, there has been some recent 'mellowing' and 'evolution' inside Communist China, has it been caused by their successes? Or by their failures? If economic and other pressures from within and without are compelling Mao and his gang of military dictators to moderate their policies, doesn't common sense dictate that we maintain those pressures rather than reduce them?"

When a Chinese government, freely chosen by its 800 million people, agrees by actions and words that it will abide by the terms of the U.N. Charter and international law, then it would help world peace to have China as a member. Until then it is not in our national interest or the interest of 800 million subjugated Chinese to strengthen their platform for violent revolution.

If we will just wait, the Chinese people will provide the answer for us. As the Chinese say: "There is a day to cast your nets, and a day to dry your nets."

[From the Chicago Tribune, May 18, 1971]

GO SLOW ON CHINA, JUDD CAUTIONS

(By Willard Edwards)

WASHINGTON.—"Let's not play at being clever with Red China," pleaded the man to whom Congress looked for 20 years as its top authority on relations with that nation.

"When we try to be devious, we lose our shirts. Remember when Franklin Roosevelt said he knew how to handle Stalin? That cost us Eastern Europe."

The speaker was Dr. Walter Judd, a medical missionary in China in the '20s and '30s, a key Republican member of the House Foreign Affairs Committee thereafter for two decades until his retirement. When he spoke on China, leaders of both parties stopped to listen. Many still do.

Judd, in the remarks quoted above, was addressing himself to one of the theories advanced in support of warming up relations with mainland China.

This particular argument has some appeal for those who have no liking for Communism in any form. By diplomatic recognition of Red China and admitting it to the United Nations, the reasoning goes, the U.S. will be promoting a confrontation between China and Russia, the two great world Communist powers, thereby inspiring a rivalry beneficial to the rest of the world.

The trouble with this theory, Judd said, is that the quarrel between Russia and China is not based on nationalism which so often stimulates conflict between nations. It is, rather, a dispute between two factions of world Communism, each seeking international leadership, but never forgetting the common enemy—"American imperialism."

He recalled that Maxim Litvinoff, the Soviet foreign minister, talked President Roosevelt into recognition of the Soviet Union in 1933 by depicting the huge Russian market that would revitalize American industry and pull the country out of the depression. Thirty years later, industry was still waiting for Russian trade.

"Now it's 1933 all over again," Judd said, "and, unless we are alert, we are going to make exactly the same mistake. Litvinoff was smiling then, and Chou En-lai is smiling now. We had better study that lesson before we rush into any embrace with Communist China."

Judd is chairman of the Committee of One Million Against the Admission of Communist China, which has such congressional sponsors as Sen. Hugh Scott (R., Pa.), Sen. Peter H. Dominick (R., Colo.), Sen. Ernest F. Hollings (D., S.C.) and Rep. Thomas E. Morgan (D., Pa.), chairman of the House Foreign Affairs Committee.

These leaders, some of them leaning to the liberal position on other issues, have long adopted a practical approach to the problem of admitting Red China into the international arena.

They deplored the initial euphoria over "Ping-Pong diplomacy" which spread in official and congressional circles, leading Secretary of State William P. Rogers to enthuse at a cocktail party that he might go down in history as the secretary of state in office when Communist China and the U.S. were brought together.

Some reality was restored when May Day editorials in the Communist Chinese ideological and military journals continued to blast "U.S. imperialism and its running dogs." Cordiality to visiting table tennis players, it was evident, had not altered an official policy which attributes all evils of the world to this nation.

A phenomenon was noted. TV commentators, not noted for their admiration of Vice President Agnew, conceded that he had made sense in describing the press coverage of the table tennis team in China as a propaganda victory for the other side. Editorialists all over the country suddenly recalled that Red China was still the main supplier of food and small arms to the North Vietnamese.

[From the Boston Herald Traveler, May 8, 1971]

THE TEST OF GOOD BEHAVIOR

(By John Chamberlain)

Amid all the ping-pong euphoria of recent days, one wonders how many people have actually read the few sentences that the Henry Cabot Lodge Commission on the UN devoted to the problem of bringing Red China to the "Glass House" by Manhattan's East River.

What the report says is that the UN "can best do its jobs . . . if its membership includes all the governments in the world, provided they subscribe to the principles of the UN Charter."

Somehow, the Lodge commission qualification for UN membership got lost in all the hubbub about a reported "change" in U.S.-China policy. The clack of ping-pong rackets has addled our brains, and we have lost the art of reading whole sentences.

But, as Senator Peter Dominick will soon be pointing out in a major policy speech, what the 50-member Lodge commission said about subscription to the charter is a mere repetition in substance of what the Committee of One Million Against the Admission of Communist China to the United Nations has been saying for years. Even the late Alfred Kohlberg, the self-confessed one-man "Free China Lobby," would have surrendered to Peking's good behavior.

Mao Tse-tung, Chou En-Lai and their mates must decide to accept the Geneva Convention about war prisoners, forswear their ambitions to seize Taiwan by force, call off their genocidal reign of terror in Tibet, cease their conniving in northeastern Thailand, and promise—in the Charter's words—to have faith in the equal rights of "nations large and small" (including South Vietnam, Laos and Cambodia).

If that were done, then the U.S. would certainly withdraw its objections to a UN seat for Peking alongside the one held by Taiwan. (Whether Taiwan would go along is, of course, another story, complicated by the question of who would dispose of "China's" seat in the Security Council.)

In the savage politics of the UN, which actually includes many nations that pay mere lip service to the charter, Red China could very likely get a hypocritical acceptance by a scant majority. But this would depend for its validity on the U.S. turning hypocrite on its own by deciding not to press for consideration of Red Chinese admission as "an important question" requiring a two-thirds approval.

We have always held out for the "important question" qualification. And now that Nixon has decided that Red China's good behavior is more important than ever it would look crass if he instructed the U.S. Ambassador to the UN, George Bush, to deal with the matter of Peking membership as if it were something on a par with that of the inoffensive Andaman Islanders. Surely no President of the U.S. would dare to be that cynical.

Aside from UN expectancies, there has been a subtle and damaging change in the Far Eastern balance of forces. The Orientals are looking coolly at the U.S. will to prevail, and are finding it wanting.

Thanat Khoman, the canny Thai foreign minister, thinks we are "psychologically tired," and so he is wooing Red China to his own. The Japanese are about to double their military force. Nixon may hope to get some action on the SALT talks out of Russia by playing to Peking, and he may hope to "spring" our war prisoners from Hanoi jails by getting Chou to intervene.

But if our diplomacy succeeds in building the strength of the Red Chinese at the expense of all the nations on the Asian periphery, Japan will certainly need its own atomic missiles to counter those which Peking is developing. And, in the event of war between Red China and Soviet Russia, Japan might have to move again in Manchuria to protect her western flank from possible domination by a powerful continental monolith.

The post-World War II era is coming to a close, and we'll be fishing henceforward in very troubled waters. The only sure guideline for our policy, whatever it becomes, is that it must not seem weak to the rest of the world. If we don't exact real ponderable quids for our quos, the jackals and the hyenas will gather, and there will be a mighty feasting on the U.S. corpse.

LETTER TO THE EDITOR OF THE NEW YORK TIMES, APRIL 19, 1971

Ever since the revolution against the Manchus establishing the first Chinese Republic in 1911 three generations of my family have been deeply involved in the attempt to transform China politically, educationally and economically into the kind of modern nation in which one of the truly great peoples of history could have the four freedoms that friends of China wish for all the peoples of the world—freedom of speech and expression, freedom of worship, freedom from want and freedom from fear.

That task has been difficult because China has never known internal peace for 100 years due to the attempts to exploit its resources and people by foreign powers from the time the British opened the Opium wars. Easy critics of the "failures" of those who have attempted to lead China into the modern world have never taken into account the burden deliberately caused by nations who saw profit for themselves in cheap natural resources and cheap labor in China's turmoil. The first U.S. republic was fortunate that similar attempts to take advantage of its initial weakness by the British and the French and the Spanish did not succeed as was the unlucky fate of China.

I have friends and relatives in Mainland China and Overseas China as well as in Taiwan. I, by marriage, and my sisters by birth are U.S. citizens as, of course, are our children. I can appreciate all points of view of all loyalties of Chinese and as against exploiters and China's hereditary real enemies we are all in heart Chinese together, whether Nationalist, Mainlander or Overseas. But as a practical matter in a world where Chinese hearts have to make choices, my own attitude has always revolved around the only hard certainties among idealogical fantasies.

(1) The United States alone among great powers has ever been genuinely and generously friendly to the hopes of those who want to make China a modern and peaceful nation; the United States alone, unlike Russia or Japan, does not covet or hope for exploitation of the resources of China which they have once enjoyed and which, having once possessed, have never given up hope of regaining even under a more subtle form.

(2) The Communist Government on Mainland China has never, despite fluctuations, lost the orientation and support of its Russian origin when the Western powers, mistakenly refusing to back the first revolution against the Manchus, forced its leaders to take Communist Russian help.

(3) The U.S. economic and military interest in the Pacific (inescapable in the one world of dwindling natural resources and distributed technology in which we now live) is far more securely related to Chinese power than to the power of either Russia or Japan which will never give up their original hopes to make China their pawn to unify Asia under themselves—and also will never forget the U.S. frustration of their megalomaniac dreams.

(4) By the glad adoption of U.S. methods of free enterprise the Nationalist Government on Formosa as compared to Mainland China has had phenomenal economic success in raising the living standards of all its people and even by American standards their comparative freedom. It has proved by deadly comparison that for the good of the long-suffering and deserving Chinese people everywhere the best possible orientation is toward the U.S. and Western style of Taiwan and Overseas China rather than toward the Soviet pattern of economic dictatorship with no development and no freedom. Now I do not miss the significance that all loans to Taiwan have been repaid on the nail, that the Nationalist Government's dues to the United Nations are current (as Soviet Russia's are not) and that in the last ten years Taiwan production for export has increased *ten* fold.

(5) I am a journalist and a businesswoman. I know the simplicity that trade accounts must ultimately balance. The U.S. businessman's illusion that there must be a significant profitable market for free enterprise business in a China of Communist economics is a delusion. It is the same story which the same businessmen pressed upon President Roosevelt to recognize Soviet Russia. With the help of the enthusiastic first Ambassador to Soviet Russia, William Bullitt, businessmen argued that the U.S. could be gotten out of its then depression by selling to an inexhaustible Russian market. Significantly, Ambassador Bullitt returned from his administration of that hoped-for experiment the most violently disillusioned anti-Communist of all time. We supposedly learned then that the one-buyer-one-seller economy of a Communist country in which trade is primarily a political weapon will never yield a business profit to a competitive free enterprise counterpart.

Certainly no trade can be carried on with a Communist under-developed country with nothing equivalent to export except on the basis of loans and credit supplied by U.S. taxpayers' money (whether or not under illusory masks of multinational agencies beyond the control of Congress for which the U.S. supplies the money) and which are more often than not defaulted or lost in depreciating soft currencies. The only beneficiaries of "trade" with the Peiping state-trading-monopoly supported by credits at the expense of the U.S. economy and individual taxpayers will be the first clever operators who in deals sanctioned by Peiping for political purposes like the Canadian wheat trade for recognition will ride on a few initial transactions based on such credits at everybody else's expense.

All trade of Communist China is managed for political objectives.

Total trade—export and import—has been limited to $4 billion or less with little or no growth each year.

Canada having already received the long-term wheat market in a trade for political recognition there is little likelihood, contrary to what most U.S. businessmen hope, of any significant U.S. exports to Communist China unless the U.S. in a similar political trade will agree (as I don't believe Congress will agree) to export *on credit* to Communist China technologically sophisticated equipment such as airplanes, computers and scientific instruments which can also be used as instruments of war.

As to imports from Communist China, can the U.S. take what Peiping has to export, i.e., textiles, hog bristles, peanuts, soyabeans—or heroin?

I know all generalizations about ways out of China's hundred years of agony are doubtful. No one has lived through more disillusionment with promises broken and hope deferred than my generation of Chinese. But I bite the bullet of heart-breaking real choices and look to the future. I am sure that the best interests of my own and my children's country, the United States, and all the people of my brillant, hardworking and deserving Chinese race whether in Taiwan, Overseas China or on the Mainland, are linked to the United States. That link is to both the unambitious political generosity of the United States and the American free enterprise economic way of life. The link has to be effected not through academic theories but through living men and women with capacity and willingness to direct events. Unavoidably that compels me to hope and work for final peace and prosperity both for all Chinese and all Americans through the orientation toward the U.S. of the great majority of U.S. educated-or-trained Chinese who are now participating in the direction of Taiwan and Overseas China.

I do not say these are the exclusively dominant force in their communities, but I know their influence is growing and they have many temporarily submerged but willing colleagues on the Mainland when time will pass certain shadows.

Nor do I pretend that Nationalist China any more than any other nation but ourselves is the pure uninhibited democracy we have quixotically and unsuccessfully for a generation tried to thrust upon a rest of a world which cannot comprehend the beauty of it as it is reported to them. But we can only live with the world as it is. And the best hope as I see it for the great Chinese people and ourselves to live together in a long future is through Chinese men and women who understand and try to live by our political and economic language.

One priceless advantage of this approach is that there are as counterparts many knowledgeable, highly educated and trained Chinese and other Asian Americans among loyal United States citizens who could be most helpful in liaison in governmental and economic dealings with all Asians. This asset is now being incomprehensibly wasted. But perhaps it was truly said, "The only dynamic of democracy is catastrophe."

This statement of my views is in response to your request.

Sincerely,

MRS. ANNA CHENNAULT.

[From the New York Times, May 5, 1971]

CHINA POLICY: THE BALANCE SHEET

(By James Burnham)

From the time of Mao's conquest of the mainland in 1949 until the Great Proletarian Ping-Pong Revolution of 1971, this country has held to a two-part policy on China: (a) political and economic boycott of the Communist regime in Peking, and (b) recognition and support of the Nationalist regime in Taipei. Now that we are preparing to think along with Mao, it is easy to predict how this interlude in Chinese-American relations is going to be embalmed in the accepted mythology.

"Sound scholarship" (as Max Frankel has recently named it) will soon be agreed that the old policy was a paranoid disorder foisted on the country by the terror tactics of the China Lobby and locked in by bureaucratic sclerosis. It will be clearly irrelevant, not to speak of unmannerly, to note that this policy was consistently pursued by five Presidents so otherwise diverse as Harry Truman, Democrat; Dwight Eisenhower, Republican; John Kennedy, Democrat; Lyndon Johnson, Democrat of Texas, and, for a while at any rate, Richard Nixon, Republican, and by five no-less-random Secretaries of State.

No policy is good forever. I shall not argue here whether the time is indeed ripe for a turn, or exactly what the most desirable turn would be. But before the books are closed, I would like to check four or five of the profit items that ought to be entered when assessing the old policy's net balance.

Our policy saved the inhabitants of Taiwan, both native Taiwanese and refugees from the mainland, from conquest by Mao. Chiang Kai-shek's regime on Taiwan has not been a model of Jeffersonian democracy, but under it there has been no mass slaughter, and a negligible amount of terror as regimes go nowadays. It has carried out the world's most successful reform of peasant agriculture. In economic growth and standard of living, Taiwan ranks next to Japan in Asia. If we had not had our "hard" past policy, there can be no doubt that Mao would have taken over Taiwan in 1950.

If it had not been for our policy, the road would have been open for the Chinese Communist drive to gain ascendancy over the communities of overseas Chinese, located in the strategic port-cities of the world. Our political resistance to Mao, and our support that enabled an alternate Chinese center to continue in existence, gave these communities a chance to reorganize themselves after the trauma of the revolutionary war, and to achieve, in many cases, a sufficient autonomy to keep aloof from Mao's regime. Witness, conspicuously, our own fellow citizens of Chinese stock.

Without our policy, South Korea would probably have been conquered by the Communists in 1950. In the absence of the Soviet delegate, the Communist Chinese delegate in the U.N. Security Council would have cast the veto against U.N. support of South Korea. It is doubtful that we would have acted without U.N. sanction.

The widespread ostracism of the Chinese Communist Government fostered by our policy, and our reciprocal support of the Taipei Government, braked Chinese Communist penetration of Africa, especially in West Africa. It did so in part directly, and further by giving the Nationalist Chinese the opportunity to develop productive political, commercial and technical relations with many of the new African nations.

Our policy had the effect of shielding defeated and prostrate Japan from Chinese (and also from Soviet) influence. It provided a strategic, political and economic framework within which Japan's dazzling recovery unfolded in harmony with our interests, outside the Camp of Socialism and Peace.

I believe also—though this is harder to demonstrate—that without our hard line toward Peking and the more general global policy of which it was an expression, the Communists of Indonesia, closely linked with Peking, would have won out in that country. That would have meant the collapse of our entire position and interest in the western Pacific.

True enough, these and any other claimed credits must be set against the debits to get the final balance. What would have been gained (and lost) if we had adopted from the start a contrary policy, toward Mao's Government, of recognition and preferred detente? Hypotheses contrary to fact are notoriously slippery. The experiences of those nations that did adopt such a policy in those years, however, does not indicate a sumptuous harvest.

It may be charged that my listing of pluses for the old policy rests on an implicit assumption; that a Communist regime is a bad thing, for those locally concerned and for the United States. To that charge I plead guilty. I'm afraid I do believe a Communist regime is a bad thing, a bit worse, even, than Greek colonels.

(James Burnham is an editor of the conservative magazine National Review.)

[From the Baltimore Sun, May 6, 1971]

ANALYSIS: CHINA THAW EUPHORIA WEARS OFF

(By Peter J. Kumpa)

WASHINGTON.—It has been nearly a month since ping-pong diplomacy began a thaw in the long-frozen relations between the United States and the People's Republic of China.

The initial euphoria is winding down. A tardy rationality is creeping in. Hopefully, Americans are getting over their habitual immaturity of mistaking a symbol, a road sign of change, for hard reality.

PEKING NOT CONVERTED

The opening of contacts between the most populous country and the largest economic power is not a magic omen that portends true friendship or cooperation in the future. Peking has not experienced a Damascus-road conversion from its deep and long-held principles of dusted-over Maoist Leninism.

The Communist rulers of China still believe virtually all of the evils of the world arise from imperialism. To them, the United States is still the leading imperialist power.

To expect them to give a helping hand to Washington's problems in Indochina or in the Middle East is total self-deception.

Listen to the words of Peking's combined May Day editorial from the party paper, *People's Daily*, the ideological journal, *Red Flag*, and the military organ, *The Liberation Army Daily*. They are saying nothing more but nothing less than has been said unbrokenly for years:

"Throughout the world, the new high tide in the struggle against United States imperialism and its running dogs continues to surge forward. The international united front against United States imperialism is constantly expanding."

"BRILLIANT VICTORIES"

After congratulating Indochinese Communists for their "brilliant victories" against the United States and saluting "national liberation movements" and "revolutionary mass movements in all continents," the Peking theorists add:

"The Chinese people are marching forward shoulder to shoulder with the revolutionary people the world over in the struggle against imperialism, revisionism and reaction."

The marching ends, naturally enough, when Peking's leaders decide that Chinese national interests supersede ideology. The Russians have acted the same way for decades.

Not a small tear is shed in China for Bengalis in East Pakistan seeking revolution. The Pakistani government of generals is too important a friend. Peking has preached anticolonialism for nearly 22 years for others to act on, although it has tolerated the British colony of Hong Kong and the Portuguese enclave of Macao.

These pieces of old-fashioned imperialism torn from China's belly are allowed to live on incongruously because they mean cash in the Communist pocket.

Peking has agreed to a thaw with the United States because there are national interests that could benefit. Both it and Washington are wary of the Soviet Union.

It is to China's advantage to have friends in the harsh world outside rather than be surrounded by enemies. And American policymakers believe it is better to have the Chinese Communist leadership exposed than to misjudge outside reality.

ROCKY ROAD AHEAD

Long-term mutual advantages can flow from such a realistic relationship.

The road is certain to be rocky. The passing of milestones does not mean that spring automatically follows winter.

The admission of Mainland China to the United Nations, for example, will not solve the problems of that tired world-organization. It will add to the problems.

The opening of trade will not mean a golden era in commerce with a market of about 800 million customers. China is poor and no great trading nation. Nor is it likely to become one for years and years.

China's best trading partner, Japan, for example, had nearly as much trade last year with Taiwan, which has a population of 14 million. Japan's trade totals were $870 million for the mainland compared to $817 million for Taiwan.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Nebraska (Mr. Curtis) is now recognized for 10 minutes.

(The remarks of Mr. Curtis when he introduced S. 2037 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Connecticut is recognized for 10 minutes.

(The remarks of Mr. Weicker when he introduced S. 2038 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DISTRICT OF COLUMBIA COUNCIL

The legislative clerk read the nominations of Margaret A. Haywood, Joseph P. Yeldel., and Henry K. Willard, of the District of Columbia, to be members of the District of Columbia Council.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1972

The PRESIDING OFFICER. Under the previous order, and the hour of 9:30 a.m. having arrived, the Chair lays before the Senate H.R. 7016, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 7016) making appropriations for the Office of Education and Related Agencies for the fiscal year ending June 30, 1972, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the time for consideration of the bill is controlled: 1 hour on the bill, 20 minutes on each amendment, and 10 minutes on each amendment to an amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MAGNUSON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the consideration of H.R. 7016.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text for the purpose of amendment, provided that no point of order shall have been considered to have been waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, in line 4, strike out "($1,500,000,000)" and insert in lieu thereof "($1,650,000,000)" and at the end of line 4, strike out "($85,000,000)" and insert in lieu thereof "($95,000,000)";

In line 5, strike out "($143,393,000)" and insert in lieu thereof "($155,000,000),";

At the beginning of line 10, strike out "($20,000,000)" and insert in lieu thereof the following: "($90,000,000), and the Follow Through program, as authorized under section 222(a)(2) of the Economic Opportunity Act of 1964 ($60,060,000),";

At the end of line 12, strike out $1,822,218,000" and insert in lieu thereof "$2,146,885,000."

In line 18, strike out "$607,580,000" and insert in lieu thereof "$677,620,000,";

In line 22, after the word "amended," insert the following new language: "$60,000,000 shall be for section 303(1)(C) for making payments as authorized in section 5(c)(3) of title I of the Act of September 30, 1950,";

And at the end of line 24, strike out "$15,000,000" and insert in lieu thereof "$25,040,000,";

On page 3, in line 15, strike out "VOCATIONAL AND ADULT EDUCATION" and insert in lieu thereof "EDUCATION FOR THE HANDICAPPED";

At the end of line 19, strike out "$115,000,000" and insert in lieu thereof "$116,500,000";

And in line 24, strike out "($21,250,000)" and insert in lieu thereof "($30,000,000)".

On page 4, at the end of line 2, strike out "($55,000,000)" and insert in lieu thereof "($90,000,000),";

In line 4, strike out "$558,042,000" and insert in lieu thereof "$602,412,000,";

In line 10, after "1963" strike out "Act." and insert in lieu thereof the following new language:

"Act: Provided, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971."

In line 15, strike the word "and";

At the beginning of line 16, insert "part A of title VI, and title XI";

At the beginning of line 18, strike out "title" and insert in lieu thereof "titles I and";

And in line 25, strike out "$1,215,451,000" and insert in lieu thereof "$1,529,704,000,".

On page 5, in line 1, strike out "$1,024,400,000" and insert in lieu thereof "$1,205,371,000";

In line 2, after the word "programs" insert the following new language: "and $25,000,000 shall be for instructional equipment under part A of title VI of the Higher Education Act:";

In line 5, after "1973:" insert the following new language: "$80,000,000 for grants for construction of undergraduate facilities under title I of the Higher Education Act of 1963,";

At the beginning of line 8, strike out "$165,300,000" and insert in lieu thereof "$230,700,000";

In line 9, after the word "grants" strike out the word "and";

In line 10, after the word "programs," insert the following new language: "and amounts reallotted for grants for instructional equipment:";

In line 23, strike out "($38,428,000)" and insert in lieu thereof "($54,709,000)";

And at the end of line 23, strike out

"($2,281,000)" and insert in lieu thereof "($3,000,000)".

On page 6, at the end of line 4, strike out "$72,109,000" and insert in lieu thereof "$100,009,000,";

In line 5, strike out "$8,000,000" and insert in lieu thereof "$11,000,000,";

In line 8, strike out "$11,000,000" and insert in lieu thereof "$15,000,000";

At the end of line 16, strike out "$105,000,000" and insert in lieu thereof "$115,038,000."

And at the end of line 22, strike out "$3,000,000" and insert in lieu thereof "$4,000,000,".

On page 7, at the end of line 4, strike out "$47,700,000" and insert in lieu thereof "$51,645,000."

On page 8, at the end of line 7, strike out "$4,119,000" and insert the following new language:

"$7,619,000, of which $3,500,000 shall be for construction and shall remain available until expended."

In line 12, strike out "$17,460,000" and insert in lieu thereof "$17,482,000,";

In line 18, strike out "$11,525,000" and insert in lieu thereof "$13,286,000,";

In line 19, strike out "$4,394,000" and insert in lieu thereof "$5,194,000";

And at the end of line 24, strike out "$45,543,000" and insert in lieu thereof "$47,277,000,".

Mr. MAGNUSON. Mr. President, I have a short statement, and the Senator from New Hampshire (Mr. Cotton) undoubtedly does also. Other Senators may want to ask some questions about this bill later, and of course some amendments may possibly be presented.

I understand from the leadership that they requested an hour's limitation of debate, and it was agreed to, but I hope, if we need more time for this important measure, we will be able to get it.

Mr. BYRD of West Virginia. Mr. President, will the distinguished manager of the bill yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. I think I can speak for the majority leader in assuring the distinguished Senator from Washington that if additional time is needed, there will be an attempt to get it, and I do not think there will be any difficulty.

Mr. MAGNUSON. I thank the Senator. Unfortunately, I was not present on the Senate floor yesterday when the unanimous-consent agreement was entered into. The Senator from New Hampshire and I were holding hearings on the Labor Department portion of the Labor-HEW appropriation bill.

But I did not want any implication that the Senate was going to blithely dispose of a bill of this magnitude and importance with only an hour's debate, if more time was needed.

It may be somewhat of a lefthanded tribute, however, to the subcommittee and the Committee on Appropriations, that the rest of the Senate seems satisfied with the figures in the bill and the critical decisions on countless programs that are reflected in this bill.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. It was a lefthanded tribute and a righthanded tribute, both hands brimful and overflowing with tributes.

Mr. COTTON. Mr. President, will the Senator yield for 1 minute on another matter?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, as I understand the rules, staff members of Senators or committees cannot be present on the Senate floor during a rollcall.

Mr. BYRD of West Virginia. Without unanimous consent.

Mr. COTTON. I have only one staff member of the committee. I also have with me an assistant from my office. He would have to get up and leave, and I might want help from him during the rollcall. I ask unanimous consent that one member of my personal staff, and the only one who will be in the Chamber, be permitted to remain in the Chamber during the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the Senate Appropriations Committee, on Tuesday, reported the Office of Education bill for fiscal 1972, and this important money bill is now before us today.

After many hours and literally weeks of deliberation by the subcommittee, we think we have reported a good bill. It provides, we think, adequately for the needs of education to be supported by the Federal Government. It is not all that some of us would like, but we think, overall, after listening to all the testimony, we have a good bill that is within our capabilities in providing the Federal contribution to education. In many ways we think it is a better bill than that sent to us by the administration—that is, the budget—and a more responsive bill than that which we received from the House of Representatives.

I use the word "responsive" selectively, because there were certain special items. The overall bill from the House of Representatives was a good bill, too, but there were certain pressing items in which priorities were involved, where we think we now have a more responsive bill than we received from the House. But we will find out a little more about that when we go to conference, as to whether we did the right thing or not.

The amount of the bill passed by the House was $4,800,088,000.

The amount of the bill as reported to the Senate was $5,604,918,000.

The amount of comparable appropriations in 1971 was $4,583,206,500.

I must say in all fairness the budget estimates were much higher in this important field than last year. The budget estimates for 1972 were $5,153,186,000. This bill is over the appropriations for 1971 by $1,021,711,000, and over the estimates for 1972 by $451,732,000, and over the amount passed by the House of Representatives by $804,830,000. This bill is 9 percent over the budget requests and would provide an increase of 22 percent over the comparable expenditures for fiscal 1971.

These figures do not, however, tell the whole story as to why the committee feels so strongly about the bill. It is what the Senate bill provides in the way of meeting the educational needs of the disadvantaged, underprivileged, and educationally deprived and the average American family—the middle income students—that makes it appropriate.

At this point, I might add that Chairman Ellender and the full committee must have felt that it was an adequate bill. For the first time, at least in my memory on the Appropriations Committee, not a single change was made in the full committee from the subcommittee recommendation. It is for that reason that there is a strong feeling by the entire committee, majority and minority alike, that this bill should not be loaded up with floor amendments, although we do not expect to bar anyone from presenting amendments that Senators may think are necessary or desirable.

The subcommittee members, who will serve as Senate conferees, are familiar with the increases in the bill over the budget and over the House figures, and we think that we can sincerely defend them in conference; but anyone who has served as a conferee on an appropriation bill, especially an appropriation bill for the Department of Health, Education, and Welfare, will realize what a tough job is ahead of us. So we hope the Senate will give us overwhelming support, so that our position in conference will be strengthened.

This year's education budget is more confused and difficult to unravel than any I have seen.

The budget requests for the most part were based on unauthorized proposals. These are still unauthorized and include proposals not altogether related to education, such as revenue sharing. The House and the Senate Appropriation Committee had only one option if we are to provide a timely—and I underline the word "timely"—appropriation, and that was to act on programs with existing authorizations. This at best makes an apples and oranges comparison.

But I think the Senate and the education community will understand the motivation that prompted the action taken by the committee on the bill that is before the Senate today for consideration.

Mr. President, it is for this reason that the remainder of my brief remarks will be addressed to how we went about providing for what we thought were the basic needs in meeting this Nation's requirements in education with Federal support—which, by the way, has now declined to less than 7 percent of the total amount of what we as a country spend on education.

Mr. President, at this point and in order to facilitate the study by Members of the Senate, their staffs and others, I ask unanimous consent to have printed in the Record a table that shows in detail the progress of this bill up to date.

There being no objection, the table was ordered to be printed in the Record, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972

TITLE I—OFFICE OF EDUCATION

Appropriation/activity	1971 comparable appropriation	1972 budget estimate	House allowance	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with— Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
ELEMENTARY AND SECONDARY EDUCATION							
1. Aid to school districts:							
(a) Educationally deprived children (ESEA I)	$1, 500, 000, 000	$1, 500, 000, 000	$1, 500, 000, 000	$1, 650, 000, 000	+$150, 000, 000	+$150, 000, 000	+$150, 000, 000
(b) Supplementary services (ESEA III):							
(1) State plan programs	123, 712, 820	123, 716, 432	123, 716, 432	133, 700, 000	+9, 987, 180	+9, 983, 568	+9, 983, 568
(2) Special programs and projects	19, 680, 180	19, 676, 568	19, 676, 568	21, 300, 000	+1, 619, 820	+1, 623, 432	1, 623, 432
Subtotal	143, 393, 000	143, 393, 000	143, 393, 000	155, 000, 000	+11, 607, 000	+11, 607, 000	+11, 607, 000
(c) Library resources (ESEA II)	80, 000, 000	80, 000, 000	85, 000, 000	95, 000, 000	+15, 000, 000	+15, 000, 000	+10, 000, 000
(d) Equipment and minor remodeling (NDEA III)	50, 000, 000		20, 000, 000	90, 000, 000	+40, 000, 000	+90, 000, 000	+70, 000, 000
Subtotal	1, 773, 393, 000	1, 723, 393, 000	1, 748, 393, 000	1, 990, 000, 000	+216, 607, 000	+266, 607, 000	+241, 607, 000
2. Dropout prevention (ESEA, sec. 807)	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000			
3. Bilingual education (ESEA VII)	25, 000, 000	25, 000, 000	27, 000, 000	50, 000, 000	+25, 000, 000	+25, 000, 000	+23, 000, 000
4. Strengthening State departments of education (ESEA V-A)	29, 750, 000	33, 000, 000	33, 000, 000	33, 000, 000	+3, 250, 000		
5. Follow Through: (Economic Opportunity Act 1964, sec. 222):							
(a) Operations	67, 981, 000	58, 700, 000		58, 700, 000	−9, 281, 000		+58, 700, 000
(b) Program direction	1, 019, 000	1, 360, 000		1, 360, 000	+341, 000		+1, 360, 000
Subtotal	69, 000, 000	[2] 60, 060, 000	(1)	[2] 60, 060, 000	−8, 940, 000		+60, 060, 000
6. Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	8, 825, 000	3, 825, 000	3, 825, 000	3, 825, 000	−5, 000, 000		
Total	1, 915, 968, 000	1, 885, 278, 000	1, 822, 218, 000	2, 146, 885, 000	+230, 917, 000	+291, 607, 000	+324, 667, 000
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS							
1. Maintenance and operations (Public Law 874)	536, 068, 000	425, 000, 000	592, 580, 000	652, 580, 000	+116, 512, 000	+227, 580, 000	+60, 000, 000
2. Construction: (Public Law 815)							
(a) Program	13, 900, 000	14, 300, 000	14, 300, 000	24, 300, 000	+10, 400, 000	+10, 000, 000	+10, 000, 000
(Obligations)	(27, 424, 000)	(24, 300, 000)	(24, 300, 000)	(34, 300, 000)	(+6, 876, 000)	(+10, 000, 000)	+(10, 000, 000)
(b) Administration	707, 000	[5] 740, 000	700, 000	[5] 740, 000	+33, 000		+40, 000
Subtotal	14, 607, 000	14, 040, 000	15, 000, 000	25, 040, 000	+10, 433, 000	+10, 000, 000	+10, 040, 000
Total	550, 675, 000	440, 040, 000	607, 580, 000	677, 620, 000	+126, 945, 000	+237, 580, 000	+70, 040, 000
EMERGENCY SCHOOL ASSISTANCE							
1. Special education personnel and programs	57, 500, 000				−57, 500, 000		
2. Community participation programs	7, 500, 000				−7, 500, 000		
3. Equipment and minor remodeling	7, 900, 000				−7, 900, 000		
4. Federal administration and technical assistance	1, 953, 000				−1, 953, 000		
Total	[3] 74, 853, 000	(4)		(4)	−74, 853, 000		
EDUCATION FOR THE HANDICAPPED							
1. State grant programs (EHA, pt. B)	34, 000, 000	35, 000, 000	37, 500, 000	37, 500, 000	+3, 500, 000	+2, 500, 000	
2. Early childhood projects (EHA, pt. C, sec. 623)	7, 000, 000	7, 500, 000	7, 500, 000	7, 500, 000	+500, 000		
3. Teacher education and recruitment:							
(a) Teacher education (EHA, pt. D)	32, 600, 000	34, 645, 000	34, 645, 000	34, 645, 000	+2, 045, 000		
(b) Recruitment and information (EHA, sec. 633)	500, 000	500, 000	500, 000	500, 000			
Subtotal	33, 100, 000	35, 145, 000	35, 145, 000	35, 145, 000	+2, 045, 000		
4. Research and innovation:							
(a) Research and demonstration (EHA, pt. E)	15, 300, 000	15, 755, 000	15, 755, 000	15, 755, 000	+455, 000		
(b) Regional resource centers (EHA, pt. C, sec. 621)	3, 550, 000	3, 550, 000	3, 550, 000	3, 550, 000			
(c) Deaf-blind centers (EHA, pt. C, sec. 622)	4, 500, 000	5, 000, 000	7, 500, 000	7, 500, 000	+3, 000, 000	+2, 500, 000	
(d) Media services and captioned films (EHA, pt. F)	6, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000			
(e) Specific learning disabilities (EHA, pt. G)	1, 000, 000	1, 500, 000	1, 500, 000	3, 000, 000	+2, 000, 000	+1, 500, 000	+1, 500, 000
Subtotal	30, 350, 000	31, 805, 000	34, 305, 000	35, 805, 000	+5, 455, 000	+4, 000, 000	+1, 500, 000
5. Planning and evaluation (Gen. Ed. Prov. Act. sec. 402)	550, 000	550, 000	550, 000	550, 000			
Total	105, 000, 000	110, 000, 000	115, 000, 000	116, 500, 000	+11, 500, 000	+6, 500, 000	+1, 500, 000
VOCATIONAL AND ADULT EDUCATION							
1. Grants to States for vocational education:							
(a) Basic vocational education programs (VEA, pt. B)	315, 632, 400	377, 012, 000	377, 012, 000	337, 012, 000	+61, 379, 600		
(b) Programs for students with special needs (VEA, sec. 102(b))	20, 000, 000		20, 000, 000	20, 000, 000		+20, 000, 000	
(c) Consumer and homemaking education (VEA, pt. F)	21, 250, 000		21, 250, 000	30, 000, 000	+8, 750, 000	+30, 000, 000	+8, 750, 000
(d) Work-study (VEA, pt. H)	5, 500, 000		6, 000, 000	6, 000, 000	+500, 000	+6, 000, 000	
(e) Cooperative education (VEA, pt. G)	18, 500, 000		19, 500, 000	19, 500, 000	+1, 000, 000	+19, 500, 000	
(f) State advisory councils (VEA, pt. A, sec. 104)	2, 380, 000		2, 380, 000	3, 000, 000	+620, 000	+3, 000, 000	+620, 000
Subtotal	383, 262, 400	377, 012, 000	446, 142, 000	455, 512, 000	+72, 249, 600	+78, 500, 000	+9, 370, 000
2. Vocational research:							
(a) Grants to States for innovation (VEA, pt. D)	16, 000, 000		16, 000, 000	16, 000, 000		+16, 000, 000	
(b) Curriculum development (VEA, pt. I)	4, 000, 000		4, 000, 000	4, 000, 000		+4, 000, 000	
(c) Research:							
(1) Grants to States (VEA, pt. C)	35, 033, 600		18, 000, 000	18, 000, 000	−17, 033, 600	+18, 000, 000	
(2) Special projects (CRA)		36, 000, 000	18, 000, 000	18, 000, 000	+18, 000, 000	−18, 000, 000	
Subtotal, research	35, 033, 600	36, 000, 000	36, 000, 000	36, 000, 000	+966, 400		
Subtotal	55, 033, 600	36, 000, 000	56, 000, 000	56, 000, 000	+966, 400	+20, 000, 000	

Footnotes at end of table.

Appropriation/activity	1971 comparable appropriation	1972 budget estimate	House allowance	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with— Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
VOCATIONAL AND ADULT EDUCATION—Continued							
3. Adult education: (Adult Education Act):							
(a) Grants to States	$45,000,000	$45,000,000	$45,000,000	$80,000,000	+$35,000,000	+$35,000,000	+$35,000,000
(b) Special projects and teacher education	10,000,000	10,000,000	10,000,000	10,000,000	-----	-----	-----
Subtotal	55,000,000	55,000,000	55,000,000	90,000,000	+35,000,000	+35,000,000	+35,000,000
4. Planning and evaluation (General Education Provisions Act)	900,000	900,000	900,000	900,000	-----	-----	-----
Total	494,196,000	468,912,000	558,042,000	602,412,000	+108,216,000	+133,500,000	+44,370,000
HIGHER EDUCATION							
1. Student assistance:							
(a) Grants and work-study programs (HEA 1965, title IV)	327,700,000	971,300,000	528,000,000	708,800,000	+381,100,000	−262,500,000	+180,800,000
(b) Subsidized insured loans (HEA 1965, title IV):							
(1) Interest on basic NDEA-type loans		65,000,000	-----	-----	-----	−65,000,000	-----
(Amount of new loans subsidized)		(800,000,000)	(-----)	(-----)	-----	−(800,000,000)	(-----)
(2) Interest on special NDEA-type cost-of-education loans		20,000,000	-----	-----	-----	−20,000,000	-----
(Amount of new loans subsidized)		(250,000,000)	(-----)	(-----)	-----	(250,000,000)	(-----)
(3) Purchases of loan paper (including advances)		400,000,000	-----	-----	-----	−400,000,000	-----
(4) Proceeds of sales of loan paper	(-----)	(−400,000,000)	(-----)	(-----)	(-----)	(−400,000,000)	(-----)
(5) Interest on subsidized loans	143,200,000	160,000,000	196,600,000	196,600,000	+53,400,000	+36,600,000	-----
(Amount of new loans subsidized)	(1,000,000,000)	(-----)	(1,160,000,000)	(1,160,000,000)	(+160,000,000)	(+160,000,000)	(-----)
(6) Reserve fund advances	(2,000,000)	(2,234,000)	(2,234,000)	(2,234,000)	(+234,000)	(-----)	(-----)
(7) Program administration	4,600,000	[6] 6,971,000	6,800,000	[6] 6,971,000	+2,371,000	-----	+171,000
(c) Direct loans (NDEA II)	243,000,000	5,000,000	293,000,000	293,000,000	+50,000,000	+288,000,000	-----
Subtotal	718,500,000	1,628,271,000	1,024,400,000	1,205,371,000	+486,871,000	−422,900,000	+180,971,000
2. Special programs for the disadvantaged: (HEA 1965, title IV):							
(1) Talent search	5,000,000	5,000,000	5,000,000	5,000,000	-----	-----	-----
(2) Upward Bound	30,061,000	[7] 30,169,000	30,100,000	[7] 35,169,000	+5,108,000	+5,000,000	+5,069,000
(Administration)	(1,535,000)	(1,669,000)	(1,669,000)	(1,669,000)	(+134,000)	-----	-----
(3) Special services in college	15,000,000	15,000,000	15,000,000	15,000,000	-----	-----	-----
Subtotal	50,061,000	50,169,000	50,100,000	55,169,000	+5,108,000	+5,000,000	+5,069,000
3. Institutional assistance:							
(a) Strengthening developing institutions (HEA III)	33,850,000	[9] 53,850,000	38,850,000	[9] 53,850,000	+20,000,000	-----	+15,000,000
(b) Construction:							
(1) Subsidized loans	21,000,000	29,010,000	29,010,000	29,010,000	+8,010,000	-----	-----
(HEFA III):							
(Obligations)	(21,894,000)	(39,993,000)	(39,993,000)	(39,993,000)	(+18,009,000)	(-----)	(-----)
(Amount of new loans subsidized)	(600,000,000)	(620,000,000)	(620,000,000)	(620,000,000)	(+20,000,000)	(-----)	(-----)
(2) Grants (HEFAI AND II)	43,000,000	-----	-----	80,000,000	+37,000,000	+80,000,000	+80,000,000
(3) State administration and planning (HEFA I)	6,000,000	3,000,000	3,000,000	3,000,000	+3,000,000	-----	-----
(4) Federal administration	2,496,000	[8] 2,530,000	2,397,000	[8] 2,530,000	+34,000	-----	+133,000
(c) Language training and area studies (NDEA VI. Fulbright-Hays Act)	8,000,000	15,300,000	15,300,000	15,300,000	+7,300,000	-----	-----
(d) University community services (HEA I)	9,500,000	9,500,000	9,500,000	9,500,000	-----	-----	-----
(e) Aid to land-grant colleges (Bankhead-Jones Act)	10,080,000	-----	5,040,000	12,120,000	+2,040,000	+12,120,000	+7,080,000
(f) Undergraduate instructional equipment (HEA VI)	7,000,000	-----	-----	25,000,000	+18,000,000	+25,000,000	+25,000,000
(g) Law school experience program	-----	-----	-----	1,000,000	+1,000,000	+1,000,000	+1,000,000
Subtotal, institutional assistance	140,926,000	113,190,000	103,097,000	231,310,000	+90,384,000	+118,120,000	+128,213,000
4. College personnel development:							
(a) College teacher fellowships (NDEA IV)	47,350,000	26,910,000	26,910,000	26,910,000	−20,440,000	-----	-----
(b) Training programs (EPDA, pt. E)	10,000,000	10,044,000	10,044,000	10,044,000	+44,000	-----	-----
Subtotal	57,350,000	36,954,000	36,954,000	36,954,000	−20,396,000	-----	-----
5. Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	900,000	900,000	900,000	900,000	-----	-----	-----
Total, higher education	967,737,000	1,829,484,000	1,215,451,000	1,529,704,000	+561,967,000	−299,780,000	+314,253,000
EDUCATION PROFESSIONS DEVELOPMENT							
1. Personnel training and development (EPDA, pts. B, D, and F, sec. 504)	67,900,000	59,700,000	59,700,000	59,700,000	−8,200,000	-----	-----
2. Special programs serving schools in low-income areas:							
(a) Teacher Corps (EPDA, pt. B–1)	30,800,000	37,435,000	37,435,000	37,435,000	+6,635,000	-----	-----
(b) Career opportunities and urban/rural school programs (EPDA, pt. D)	35,100,000	36,665,000	36,665,000	36,665,000	+1,565,000	-----	-----
Subtotal	65,900,000	74,100,000	74,100,000	74,100,000	+8,200,000	-----	-----
3. Planning and evaluation (Gen. Ed. Act, sec. 402; EPDA, sec. 503)	2,000,000	2,000,000	2,000,000	2,000,000	-----	-----	-----
Total	135,800,000	135,800,000	135,800,000	135,800,000	-----	-----	-----
LIBRARIES AND EDUCATIONAL COMMUNICATIONS							
1. Public libraries:							
(a) Services (LSCA I, III)	40,709,000	18,000,000	40,709,000	57,709,000	+17,000,000	+39,709,000	+17,000,000
(b) Construction (LSCA II)	7,092,500	-----	8,000,000	11,000,000	+3,907,500	+11,000,000	+3,000,000
Subtotal	47,801,500	18,000,000	48,709,000	68,709,000	+20,907,500	+50,709,000	+20,000,000
2. College library resources (HEA II–A)	9,900,000	5,000,000	10,000,000	12,000,000	+2,100,000	+7,000,000	+2,000,000
3. Librarian training (HEA II–B)	3,900,000	2,000,000	2,000,000	4,000,000	+100,000	+2,000,000	+2,000,000
4. Educational broadcasting facilities (title III, pt. IV, Communications Act of 1934)	11,000,000	4,000,000	11,000,000	15,000,000	+4,000,000	+11,000,000	+4,000,000
5. Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	400,000	400,000	400,000	400,000	-----	-----	-----
Total	73,001,500	29,400,000	72,109,000	100,019,000	+27,107,500	+70,709,000	+28,000,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

TITLE I—OFFICE OF EDUCATION—Continued

Appropriation/activity (1)	1971 comparable appropriation (2)	1972 budget estimate (3)	House allowance (4)	New budget (obligational) authority recommended by Senate committee (5)	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971 (6)	Budget estimates, 1972 (7)	House bill (8)
RESEARCH AND DEVELOPMENT							
(Cooperative Research Act, Except as Indicated)							
1. Educational research and development:							
(a) Educational research	$11,959,000	$7,500,000	$7,000,000	$7,000,000	−$4,959,000	−$500,000	
(b) Development	3,041,000	9,000,000	9,000,000	9,000,000	+5,959,000		
Sesame Street	(2,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	+(3,000,000)		
(c) Institutional support (laboratories and centers)	33,406,000	34,000,000	33,000,000	33,000,000	−406,000	−1,000,000	
(d) Libraries and educational technology	2,171,000	3,000,000	2,750,000	2,750,000	+579,000	−250,000	
(e) Nutrition and health	2,000,000	500,000	2,000,000	2,000,000		+1,500,000	
(f) Drug abuse education (Drug Abuse Education Act of 1970)	6,000,000	6,024,000	8,000,000	15,024,000	+9,024,000	+9,000,000	+$7,024,000
(g) Environmental education (Environmental Education Act)	2,000,000	2,014,000	2,000,000	5,014,000	+3,014,000	+3,000,000	+3,014,000
Subtotal	60,577,000	[10] 62,038,000	63,750,000	[10] 73,788,000	+13,211,000	+11,750,000	+10,038,000
2. Experimental schools	12,000,000	15,000,000	15,000,000	15,000,000	+3,000,000		
3. National achievement study	4,500,000	6,000,000	5,500,000	5,500,000	+1,000,000	−500,000	
4. Demonstrations	2,250,000	2,250,000	2,250,000	2,250,000			
5. Evaluations	4,000,000	4,000,000	3,750,000	3,750,000	−250,000	−250,000	
6. Dissemination (Gen. Ed. Prov. Act, sec. 412)	8,500,000	8,500,000	8,000,000	8,000,000	−500,000	−500,000	
7. Training	3,250,000	4,000,000	3,500,000	3,500,000	+250,000	−500,000	
8. Statistics	3,000,000	3,250,000	3,250,000	3,250,000	+250,000		
Total	98,077,000	105,038,000	105,000,000	115,038,000	+16,961,000	+10,000,000	+10,038,000
EDUCATIONAL ACTIVITIES OVERSEAS							
Special foreign currency program (Public Law 480)	3,000,000	3,000,000	3,000,000	4,000,000	+1,000,000	+10,000,000	+1,000,000
SALARIES AND EXPENSES							
Salaries and expenses	46,048,000	[11] 51,645,000	47,700,000	[11] 51,645,000	+5,597,000		+3,945,000
STUDENT LOAN INSURANCE FUND							
Student loan insurance fund (HEA IV-B)	18,000,000				−18,000,000		
HIGHER EDUCATION FACILITIES LOAN FUND (HEFA III)							
1. Loans to higher education institutions							
(Obligations)	(35,000,000)				(−35,000,000)		
2. Participation sales insufficiencies	2,952,900	2,961,000	2,961,000	2,961,000	+9,000		
(Obligations)	(30,150,000)	(33,003,000)	(33,003,000)	(33,003,000)	(+2,853,000)		
Total	2,952,000	2,961,000	2,961,000	2,961,000	+9,000		
Total, Office of Education	4,485,307,500	5,031,558,000	4,684,861,000	5,482,674,000	+997,366,500	+451,116,000	+797,813,000
RELATED AGENCY							
Corporation for Public Broadcasting	23,000,000	35,000,000	35,000,000	35,000,000	+12,000,000		
SPECIAL INSTITUTIONS							
American Printing House for the Blind	1,517,000	1,580,000	1,580,000	1,580,000	+63,000		
National Technical Institute:							
1. Academic program	3,608,000	4,119,000	4,119,000	[13] 4,119,000	+511,000		
2. Construction	[12] 12,836,000	[13] 3,500,000		3,500,000	−18,336,000		+3,500,000
Subtotal	25,444,000	7,619,000	4,119,000	7,619,000	−17,825,000		+3,500,000
Model Secondary School for the Deaf:							
1. Academic program	2,212,000	2,524,000	2,502,000	2,524,000	+312,000		+22,000
2. Construction	250,000	14,958,000	14,958,000	14,958,000	+14,708,000		
Subtotal	2,462,000	[14] 17,482,000	17,460,000	[14] 17,482,000	+15,020,000		+22,000
Gallaudet College:							
1. Academic program	5,879,000	7,476,000	7,131,000	8,092,000	+2,213,000	+$616,000	+961,000
2. Construction	1,400,000	5,194,000	4,394,000	5,194,000	+3,794,000		+800,000
Subtotal	7,279,000	[15] 12,670,000	11,525,000	[15] 13,286,000	+6,007,000	+616,000	+1,761,000
Howard University:							
1. Academic program	24,912,000	31,158,000	30,321,000	31,158,000	+6,246,000		+837,000
2. Construction	1,000,000	2,490,000	2,490,000	2,490,000	+1,490,000		
3. Freedmen's Hospital	12,285,000	13,629,000	12,732,000	13,629,000	+1,344,000		+897,000
Subtotal	38,197,000	[16] 47,277,000	45,543,000	[16] 47,277,000	+9,080,000		+1,734,000
Total, special institutions	74,899,000	86,628,000	80,227,000	87,244,000	+12,345,000	+616,000	+7,017,000
SUMMARY							
Office of Education	4,485,307,500	5,031,558,000	4,684,861,000	5,482,674,000	+997,366,500	+451,116,000	+797,813,000
Special institutions	74,899,000	86,628,000	80,227,000	87,244,000	+12,345,000	+616,000	+7,017,000
Total, HEW	4,560,206,500	5,118,186,000	4,765,088,000	5,569,918,000	+1,009,711,500	+451,732,000	+804,830,000
Corporation for Public Broadcasting	23,000,000	35,000,000	35,000,000	35,000,000	+12,000,000		
Total, HEW and related agencies	4,583,206,500	5,153,186,000	4,800,088,000	5,604,918,000	+1,021,711,500	+451,732,000	+804,830,000

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[1] Not considered by House.

[2] Includes proposed budget amendment of $60,000 for increased pay which was not considered by House (H. Doc. 92-93).

[3] Excludes $425,000,000 proposed for separate transmittal.

[4] Excludes $1,000,000,000 proposed for separate transmittal.

[5] Includes proposed budget amendment of $40,000 for increased pay which was not considered by House (H. Doc. 92-93).

[6] Includes proposed budget amendment of $171,000 for increased pay which was not considered by House (H. Doc. 92-93).

[7] Includes proposed budget amendment of $69,000 for increased pay which was not considered by House (H. Doc. 92-93).

[8] Includes budget amendment of $133,000 (H. Doc. 92-93).

[9] Includes proposed budget amendment of $15,000,000 for strengthening developing institutions under title III of the Higher Education Act not considered by the House.

[10] Includes proposed budget amendment of $38,000 for increased pay which was not considered by House (H. Doc. 92-93).

[11] Includes proposed budget amendment of $2,666,000 for increased pay which was not considered by House (H. Doc. 92-93).

[12] Includes supplemental of $5,700,000.

[13] Includes budget amendment of $3,500,000.

[14] Includes budget amendment of $22,000 for increased pay which was not considered by the House (H. Doc. 92-93).

[15] Includes the following budget amendments not considered by the House: $1,278,000 for Kendall School for the Deaf, and $132,000 for increased pay costs (H. Doc. 92-93).

[16] Includes budget amendment of $1,734,000 for increased pay which was not considered by House (H. Doc. 92-93).

Mr. MAGNUSON. I shall not repeat all of these figures, but only touch on what the committee did to emphasize its realization of the financial crisis in American education.

ESEA

For one large item in the bill, which is under title I, Elementary and Secondary Education, we provided a 10-percent increase to assist educationally deprived children, boosted supplementary services to assist the Office of Education in striving for innovation and change, and we encouraged States to spend more on guidance, counseling, and testing so fewer students will drop out of school and society.

We increased the amount for instructional equipment and minor remodeling in both the elementary and secondary schools as well as the higher education institutions.

Most of these funds involve matching funds and matching grants, and usually they are oversubscribed. The local educational agencies, despite the fact that they have their fiscal problems, strongly support these efforts and raise the money, and we have more applications than we have money in any bill we have contemplated. This NDEA program truly provides the basic tools, the audiovisual equipment, that makes it possible for teachers in the classrooms of America to improve the quality of their programs. It should also be remembered that this program assists both public and private schools, and in many respects fills a void that can help to meet critical needs where no other Federal support is available.

These items received strong bipartisan support in the committee and face a tough fight in conference.

Bilingual education also received strong support in the committee; and, finally, in the overall elementary and secondary education category, we provided the budget request for Follow Through—which was not included by the House—and a program that has proved to be most successful.

LIBRARIES

The committee also provided an increase of $34 million for nearly all the library programs in the bill, including elementary and secondary education, higher education, and public libraries. Together with the House allowances, these recommendations would provide almost $75 million more for these library programs—the most substantial percentage increase over the budget requests that we have recommended.

I do not know why, but when the administration looks for a place to cut the budget—this is not only true with this administration; it seems true with all of them—they always pick on libraries, and we cannot agree with this policy.

VOCATIONAL AND ADULT EDUCATION

In the very important field of vocational and adult education, the committee provided two changes. We increased the consumer and homemaking category funds and adult education programs. The bill provides a more adequate amount for adult education so that no State would receive less than it did last year under the newly expanded authority in the basic law.

We also recommend a new program for adult education to be implemented at Gallaudet College, which will provide a better opportunity for all American adults with hearing difficulties. Compared to 1971, this will allow a 22-percent increase for vocational education, and we recommend retaining the special earmarking for individual programs.

HIGHER EDUCATION

In the field of higher education, the committee had some difficult problems—the most difficult being a solution to proper funding for student assistance. We allowed the department appeal in this case and redirected the use of the forward funded appropriation.

Mr. President, I ask unanimous consent to have printed at this point in the Record an excerpt from the committee report, to explain the recommended solution to this ever-growing need, and how this would help resolve the critical problems facing hundreds of thousands of students and colleges during the 1971–72 academic year.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

STUDENT ASSISTANCE

The Committee is recommending $1,205,371,000 for college student assistance programs, an increase of $180,971,000 over the House allowance, $486,871,000 over the amount available in 1971, and a decrease of $422,900,000 from the budget estimate. The latter decrease is, as already indicated, more apparent than real. The President's 1972 budget estimate—submitted in January—was based upon new legislation. The Committee recommendation and House allowance are based upon extension of existing authorities. In its letter of appeal to the Senate following House action, the Department of Health, Education, and Welfare indicated that it no longer expected its higher education proposals to be enacted in time for implementation this fall and, therefore, was revising its request to take this into account. The Committee recommendation is $50,000,000 above this appeal amount—the total increase being in the National Defense Student Loan Program.

In addition to providing this increase, the Committee recommendation also redistributes between academic years the total amount recommended by the Department of Health, Education, and Welfare for educational opportunity grants and college work study. (The 1972 estimate provides support for two academic years.) The Committee made this redistribution because the Administration's estimate—although generous in total—placed almost all its proposed increase in student support in academic year 1972–73. Academic year 1971–72, which begins this coming fall, represents a virtual standstill in Federal support, while college enrollments and their need for funds are expanding significantly. The committee has heard from colleges all across the country who are caught in this financial squeeze. Particularly important to the colleges is the need for additional work-study funds as high unemployment among the regular labor force threatens to eliminate many normal sources of employment for students.

As a response to this demonstrated student assistance crisis, the Committee is recommending $436,400,000 for college work-study programs, $293,000,000 for National Defense student loans, $270,700,000 for educational opportunity grants, and $196,600,000 for subsidized student loans.

The following tables compare the committee recommendation with the House allowance and the level proposed in the Department of Health, Education, and Welfare's appeal and shows how this total would be distributed by academic year.

	Academic year	
	1971–72	1972–73
Work study:		
House allowance	$197,400,000	$244,600,000
HEW appeal	197,400,000	320,000,000
Committee recommendation	281,000,000	236,400,000

Under the Committee recommendation, approximately 645,000 students will receive work-study earnings in this coming academic year compared with 430,000 students in the current academic year. Even with these additional funds, colleges will be about $25 million short of meeting their request levels of over $305 million. It is the Committee's understanding however that with the redistribution of funds contained in its recommendation that nearly all eligible students who received work-study support in the academic year 1970–71 and who seek renewals for academic year 1971–72 will receive them.

Each of the estimates shown in the above table for academic year 1971–72 include $81,000,000 to be made available from the 1971 appropriation. Beginning with the fiscal year 1972 budget, the funding cycle for this program will be standardized so that it will not be necessary to fund a single academic year from the appropriations of two different fiscal years. As the table indicates, the Committee recommendation, which in total stays within the Department of Health, Education, and Welfare's appeal estimate—shows a decrease for academic year 1972–73. The Committee expects that a supplemental appropriation will be requested for Congressional approval later this year to remedy this situation.

The Committee has agreed with the House and budget estimate in providing $1,700,000 for the Cooperative Education program, which is $100,000 over the 1971 amount.

	Academic year	
	1971–72	1972–73
Educational opportunity grants:		
House allowance	$167,700,000	$165,300,000
HEW appeal	167,700,000	270,701,000
Committee recommendation	207,700,000	230,700,000

The Committee recommendation provides for 347,000 educational opportunity grants in academic year 1971–1972, including 180,000 for new awards, an increase of 67,000 new awards over the House Allowance and the revised Department of Health, Education, and Welfare estimate. The latter estimates would have maintained the amount of new support at last year's level despite the fact that college requests for these funds total over $250 million for the coming academic year.

Each of the estimates shown in the above table for academic year 1971–72 include $167,700,000 to be made available from the 1971 appropriation. The committee recommendation would permit the Office of Education to shift $40 million of the amount it had proposed to use in academic year 1972–73 to academic year 1971–72 to help make up some of the unmet requirements identified for the coming school year.

	Academic year, 1971-72
National defense student loans:	
House allowance	$293,000,000
HEW appeal	243,000,000
Committee recommendation	293,000,000

Under the committee recommendation, almost 650,000 students will receive National Defense student loans, an increase of nearly 90,000 students over last year. Despite this increase, the committee recommendation still falls short by about $52 million the requests of colleges and universities.

This program—unlike the college work-study and educational opportunity grants program—is not forward funded; that is, the appropriation is used by the colleges in the same year in which the funds are appropriated. Support for academic year 1972-73 will be provided in the 1973 appropriation bill.

For interest payments on Federally subsidized student loans, the Committee concurs in the House allowance and budget estimate of $196,000,000. This will support 1,247,000 new student loans in academic year 1971-72 totaling $1,160,000,000. This is an increase over 1970-71 of 165,000 in the number of students who will benefit and an increase of $160,000,000 in the level of lending. Loans under this program average $1,000 and help supplement the assistance available under the other student aid programs. In some cases, it enables a student to attend a higher cost institution; in other cases, it supports students from higher income families who receive minimal support under the other federal programs. The Committee also is approving $6,971,000 for computer services and other costs associated with administration of this program. Included in this estimate and the committee recommendation is a budget amendment of $171,000 for increased pay costs which was not considered by the House.

MIDDLE INCOME FAMILIES

The Committee is of the opinion that middle income families are fast becoming the forgotten Americans. Nowhere is this trend more evident than in the student aid programs—both existing and proposed. Regulations have been adopted under the educational opportunity grants and college work-study programs which are redirecting student aid funds among institutions within a state on the basis of family income levels. In addition, the Administration is proposing a vastly expanded student assistance program which would target funds on the basis of family income schedules so that much of the flexibility still in the hands of college student aid officers will be gone. To help fund this expansion, the Administration proposes to eliminate present loan subsidy benefits going to a large number of students from middle income families—all in the name of equity.

This Committee has been a strong supporter of programs for the disadvantaged and has included substantial increases for such programs in this bill. Nevertheless, it is concerned that the pendulum is swinging too far in this direction, and hopes that the Department of Health, Education, and Welfare will take steps to prevent this from happening.

Mr. MAGNUSON. In addition to providing student assistance in the way of work-study, educational opportunity grants, and student loans, a modest increase was allowed for Upward Bound, a program to assist capable students leaving high school without financial resources to continue their education.

We also accepted a late amendment sent to the Senate from the administration to provide an additional $15 million to strengthen developing institutions. This increase will assist mostly the black colleges and universities located primarily in the Southern States which have dire fiscal problems.

I note an article in this morning's Washington Post which indicates that even with the amount we put in and the increase we made, the President and the Secretary of HEW are going to ask for $100 million more to assist these schools. Aid to each institution, they say, would amount to 10 percent of the total Federal grants and subsidize loans to help needy students.

This matter, of course, will have to come up for authorization to the Senate subcommittee for which the distinguished Senator from Rhode Island (Mr. PELL) is chairman, and I am sure they will find the Committee on Appropriations sympathetic with whatever they do.

We also provided construction funds for 2- and 4-year colleges and universities to assist them in a construction crisis that becomes more critical each year.

Finally, under higher education, the committee disagreed with phasing out the aid to land-grant colleges and provided the full amount of the authorization. Although the administration was quite concerned about the problem of the land-grant college program, we suggested that it is the law—the Bankhead-Jones Act has been in existence for many years—and there should not be any attempt to kill that law or to kill the effectiveness of the law by merely drying up the funds. If the policy of the land-grant college aid under the law is not right, or if the whole direction and policy of aid to land-grant colleges is not right, the President should ask for the repeal of the law, rather than try to repeal the law, in effect, by fiscal drought.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. Yes.

Mr. PASTORE. I want to compliment the chairman of the committee for his complete understanding of the land-grant college problem. As a matter of fact, I had a heart to heart talk in my office with the president of the University of Rhode Island on this critical situation. Unless we did, just what we have done I am afraid it might have been catastrophic.

Conditions are becoming increasingly difficult in these institutions of higher learning. They have their faults and failings; but when we weigh their virtues against the faults, the virtues are tremendously on the plus side. They do afford an opportunity for education to the rank and file of our people. One can go to a commencement exercise in our State University in Rhode Island and get a splendid understanding and appreciation of the various elements of our population that are there represented. There are those who are possibly less affluent as against those who are a little more affluent, but there it is. It is a representative body—all equal in their opportunity for education. It has always impressed me. I am happy that the committee understood this and took the action it did. I congratulate the Senator.

Mr. COTTON. Mr. President, will the Senator yield on the same point?

Mr. MAGNUSON. I yield.

Mr. COTTON. The RECORD should show that, so far as I know, the entire subcommittee—and I think the full committee—were in complete accord on the matter of money for land-grant colleges. I know that the Senator from New Hampshire is equally interested in this matter with the chairman of the committee and the distinguished Senator from Rhode Island. This money goes to the colleges that are furnishing education for groups in many of our States that need funds. In a small degree, at least, it makes education available to those who need it most.

So far as I am concerned, even though the administration should seek to repeal the Bankhead-Jones Act, I would be opposed to it. This money, as budgets have grown through the years, is a comparatively small sum; but it is a traditional amount of money which, ever since the foundation of the land-grant colleges, has gone to them to help those students in the States who perhaps could not go to the Ivy League colleges or some of the big name colleges and get a good education.

It so happens that at the moment I am not too popular with my own State university because of a sharp philosophical difference I had recently in the press with its trustees. But I do not intend to let it suffer to the extent of a single cent because of that.

I pay tribute to the chairman, who stood strong on this point.

Mr. PASTORE. In line with what the Senator from New Hampshire has said, these are growing colleges with growing needs. For instance, when I was Governor of the State of Rhode Island 21 years ago, the student body at the University of Rhode Island was 2,000. Today it is 10,000. That gives one an idea of what we are up against and of the strain on the local taxpayer.

What better place could we put our money? It is a paying investment in the education of our youth who tomorrow will take a very important role in the civic and political life of our community. We get our investment back in more highly educated people—capable of earning higher incomes—and, therefore, higher contributors to our income tax account.

It takes an educated people to stay solvent—and only an educated people can stay free.

Mr. MAGNUSON. Mr. President, I invite the attention of the Senator from Rhode Island (Mr. PELL)—while we are discussing aid to land-grant colleges—to the fact that he and I worked for a long time to bring about the same kind of program in what we call the sea-grant colleges. It has been successful. They have established their own priorities in different spots but we have been able to establish only six, is that not right—or the money for six?

Mr. PELL. Yes.

Mr. MAGNUSON. It is the same principle as is involved here.

Mr. PELL. Exactly the same principle. One hundred years from now we hope the sea-grant program will have been as effective as was the Land-Grant College Act enacted in 1862. I would add that without the leadership and help of the Senator from Washington (Mr. MAGNUSON), the Sea-Grant College Act would not have gotten off the ground. Even now, its financing needs to be pepped up a bit. As the chairman of the Subcommittee on Health, Education, and Welfare Appropriations knows, I am always urging him to be more generous than he is able to be. To be specific, as of now there are no colleges yet designated as sea-grant colleges, but we do have some programs working.

Mr. MAGNUSON. What I am pointing out is that, budgetwise, the administration is trying to phase out the aid to land-grant colleges. There is a proposal now, I understand, floating around downtown, to cut back the six sea-grant programs to four or three. It is the same method they are using here on land-grant colleges. They at least are consistent, but we oppose that. I want to call that to the attention of the Senator from Rhode Island.

Mr. PELL. When we nurture a small program that is moving ahead successfully and then stifle it, it is something like a baby, it can die more easily than when it has matured. Going back into the history of the land-grant colleges, which were born during the middle of the Civil War; had they been stifled in their growth for a couple of years at their beginnings, this country would not be so preeminent today as it is in agriculture, nor would we possess the great State universities which grew under the act.

The distinguished Senator from Washington and I, as well as others, want this country to become as pre-eminent in aqua-culture as it is in agriculture.

Mr. MAGNUSON. I thank the Senator from Rhode Island for his remarks.

RESEARCH AND DEVELOPMENT

Mr. President, appropriations for research and development needs mentioning for at least two reasons: the increase recommended for drug abuse education and the increase for environmental education programs.

We look sympathetically and are moving ahead to beef up the drug abuse education program where it might do some good, with different techniques, different procedures, different counseling, and all the other things necessary, particularly in the elementary and secondary schools. One might think it strange that I would mention the elementary schools in a drug program, but there are drug abuse education programs in some of the elementary schools, as well as the secondary schools, and there should be more of them.

Drug-related crime costs all of us an estimated $8 billion every year in theft, criminal justice proceedings, and related expense. And that is 14 times as much as we spend to fight air and water pollution, nearly eight times our national budget for health research, almost four times our annual investment in elementary and secondary education.

The second item is an increase for environmental education, which needs no explanation of its importance in today's evergrowing adverse pattern.

Mr. President, I purposely did not dwell on figures because of the long string of zeroes involved which seem to float across the mind like soap bubbles. But they are all enumerated in the bill and they are in the report as well. That does not mean that we did not give them serious consideration and attention. We had long and tedious hearings and spent a great deal of time looking closely at every line item.

Mr. President, we think that this is a bill we can all live with and within our capabilities. We paid a great deal of attention to the most important items and tried to give more money to them so that they might proceed more expeditiously with the programs which are so important to this Nation.

One important point. The total budget now before Congress for 1972 is over $230 billion. We are talking today about a piece of that budget that the taxpayers of this country are striving so hard to provide. We are talking about education in this Nation, which is our most valuable asset, and for this key priority we are suggesting slightly more than $5 billion.

Not since 1939 has any education money bill been enacted any earlier in the year than today. It was 32 years ago that the President signed an education appropriations bill on May 10, 1939. Not since 1957 has any education appropriations bill been enacted into law as early at the month of June.

If we can get to conference with the House early next week, and complete our work without undue delay, it will be possible for this measure to become law well in advance of the 1971–72 school year. This will allow teachers and principals, college and university officials, and hundreds of thousands of students to better plan their programs for next year. Early action should also help the Commissioner of Education and all those within the Department with responsibilities for these programs to do a better job, and for the full potential of all these programs to be achieved.

This has been one of our goals on the subcommittee, one shared by many other Members of the Senate and the Congress, and I believe we can do it. Allow me to pay special tribute to those of my colleagues who were most active in helping to bring about this early action.

The Senator from South Carolina (Mr. HOLLINGS), the Senator from New Mexico (Mr. MONTOYA), the Senator from New Hampshire (Mr. COTTON), and the Senator from Illinois (Mr. PERCY)—who all helped to chair a number of our hearings. The other members of our subcommittee all cooperated wholeheartedly to expedite these matters, and of course I owe a very special thanks to my dear friend and colleague, Mr. COTTON, who labored so long—sitting through many hours of deliberations with countless officials as we reviewed these many complex and sometimes confusing programs.

Mr. ELLENDER. Mr. President, it is not my purpose to go into any details about the bill, but to point out the fact that the House of Representatives sent us this bill in April. I am very happy that the Senate is now considering it. It is just about 6 or 7 weeks since it arrived from the House. We are making great progress in the Committee on Appropriations. I am hopeful that the education bill, which is very important, will be on the President's desk long before June 30.

It will give the schools and colleges that receive these funds an opportunity to plan their work and their programs for next year.

The subcommittee has worked diligently on the bill. I am hopeful that the amounts added will be confirmed by the Senate. I express the hope that no amendments will be offered to increase the amounts provided in the bill.

It is my considered judgment that the subcommittee went as far as it could. Of course, it was ratified by the full committee. As the Senator from Washington has pointed out, the bill is $804 million-plus over the House bill, and a little over $450 million over and above the estimate for 1972.

My theory is that if we add more to the bill, we may be confronted with a Presidential veto and delay in the bill. I hope no serious effort will be made to increase the amounts provided in the bill.

Mr. President, at this point I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, let me again express the hope that the House of Representatives will send us, as soon as possible, other bills for consideration. On June 7, we received the legislative bill from the House. The hearings in our committee have been completed and next week we shall report it to the Senate. It should be on the President's desk before June 30.

The chairman and members of the Committee on Appropriations of the House of Representatives are to be commended for the progress made in that committee on the hearings and mark-ups of the appropriation bills and I am very hopeful that the House will be sending us some additional appropriation bills in the very near future.

I desire to report that the subcommittees of the whole Senate Committee on Appropriations have completed hearings on the Agriculture appropriation bill, on the District of Columbia appropriation bill, on the Interior appropriation bill, on the legislative appropriation bill, and on Treasury and Post Office appropriation bills.

Hearing will be completed on Tuesday, June 15 on the Defense appropriation bill and 1 additional day is required on the Public Works appropriation bill. So I am very hopeful that the House will send us these bills and that by June 30 we may be able to have from five to six of these bills on the President's desk.

I feel confident that the work that is being done and the cooperation that I, as chairman of the Appropriations Committee, am receiving from the members of the Appropriations Committee, will make it possible for us to have our schedule up to snuff by July 31 of this year.

I do not think there is any possibility of our completing the work on the Defense appropriation bill by June 30. We would be ready to go to work if the House bill were here. But we are delayed because the authorization will has not been enacted.

Hearings are underway in the Senate Subcommittees on the foreign aid appropriation bill, the HUD-space science appropriation bill, the Labor-HEW appropriation bill, the military construction appropriation bill, and the transportation appropriation bill and are scheduled to begin next week on the State-Justice-Commerce and the Judiciary appropriation bill. I feel confident that with all of the subcommittees of the Appropriations Committee working as hard as they are, we should be able to have a fine record by June 30 and an excellent one by July 31st.

Mr. MAGNUSON. Mr. President, will the Senator yield me 1 minute of his time?

Mr. COTTON. Mr. President, I yield 1 minute to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I want to again suggest that without the help of the Senator from New Hampshire (Mr. COTTON), we would not have been able to make this progress. I am deeply grateful to him and to all the members of the subcommittee. There are so many committees meeting at the same time that it usually falls upon the Senator from New Hampshire and me to hear most of the testimony. The other members of the committee have other subcommittees, but they have been very diligent in their attendance also.

I must say there is no partisanship in this bill. Education belongs neither to the Democratic or Republican Party.

I want to compliment, as I am sure the Senator from New Hampshire will, the members of the staff of the subcommittee—Harley Dirks, Bill Kennedy, Proctor Jones, and Gloria Butland, and the others who have all been working on these big appropriation bills, including the pending one.

Mr. COTTON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. COTTON. Mr. President, I thank the distinguished Senator from Washington (Mr. MAGNUSON), the chairman of our subcommittee, for his remarks. I certainly join him in expressing the appreciation of the other members of the subcommittee who attended as many sessions as they could, and especially the other members of both the majority and minority staffs assigned to our subcommittee for their careful, friendly, and helpful work that they have always given in the consideration of this bill.

The chairman of the subcommittee is perfectly correct. There is no party line drawn when we take our coats off in the committee room and start to work. We may have some disagreements about the amounts. But every member of the staff is just as helpful to members of one party as he is to the other. That is particularly true of Mr. Dirks. I want to especially thank him for his helpfulness.

Mr. President, I have served as ranking minority member practically without interruption on this subcommittee for more than 10 years. It is one of the most difficult tasks. I think, of course, that everyone thinks his job is the most difficult. However, this is one of the most difficult tasks because we are not only dealing with this whole subject of education that we have in the pending bill. Later we will come in, which will be as soon as possible, with a bill that pertains to health and welfare. We will be dealing with the most sensitive subjects and the most sensitive points, points of more concern to the American people than, I think, almost any other subject we have to consider.

Mr. President, one thing that I notice every year when we have to deal with this bill and also with respect to the whole budget, there is always disagreement on the figures.

There is a certain disagreement today, not between the members of the committee, but the Department does—and I think with justification—take exception to the report of the committee which indicates that the bill presented today exceeds the President's budget by approximately $452 million.

It has been brought to the attention of the members of the committee on this side of the aisle, quite importantly, that the claim of the Department is that this bill exceeds the President's budget by $904 million, nearly $1 billion. As a matter of fact it does. But it does it in this sense, that there are big authorization bills that have not yet passed. So the committee could not take those into consideration. If those authorization bills that are called for by the President are passed, we will be compelled to face the fact that later this year we will have to consider the President's request for an additional $1,747,000,000 for education. Of that request, $1 billion will be for emergency school assistance, and $747 million for student assistance.

Our committee saw fit to add to the bill as it came from the House various amounts. Actually some of those amounts have to do with student aid, which is a part of the President's request that is coming up, although it is a different part and covers different subjects. So let it be understood for the purposes of keeping the record straight that the items requested by the President that are not included in the pending bill because they have not yet been authorized are as follows: educational opportunity grants and work study amounting to $347 million; student loan fund amounting to $400 million. That makes the total of $747 million that may, and probably will, be authorized in response to the President's request and have to be dealt with in addition to the pending bill. Second, I want the record to show that the items added by the Senate committee and brought in here today not requested in the President's budget are as follows:

Elementary and secondary education, $290 million; impacted area funds, including $60 million for public housing, $238 million; higher education construction grants, $80 million; vocational education, $127 million; other items in the higher education field, $88 million; libraries, $64 million; research, $10 million; and other items amounting to $7 million. That is almost $904 million, in addition to what the President requested and the Department presented our subcommittee in their appeal of the House action.

If it were compared with the President's original budget, which included amounts that had not yet been authorized and we could not consider, then the report of the committee shows that this bill exceeds the budget by $452 million.

That is the situation. I want the record to show exactly what the situation is. Please understand me. The committee was unanimous. I support this bill. There are some items in it that, if we got into controversy, I am not entirely satisfied with, as I am sure there are items other Members are not satisfied with. But there is no dispute that the committee is unanimous—the majority, the minority, the chairman, and the ranking minority member—in recommending that the bill be passed and in expressing the hope that the Senate will see fit to pass the bill in the amount it now contains. We are perfectly willing, as far as I am concerned, to lay aside any arguments about whether we exceed the budget by $452 million or by $904 million because, as I have carefully shown, those statements can be substantiated according to how one views the bill.

I want it clearly understood that I am not a party to the memorandum laid on the desk of every Senator, representing, I suppose, the attitude of the department. It is all right, except that I do not quite accept the language that states "the committee report implies the Senate bill is $452 million over the President's budget request. This is false and misleading." The committee report is not false. It may be misleading to the extent of how you view the bill, but it certainly is not false.

The point is that the fact remains that this bill in its aggregate is more than $1 billion over last year's budget. When one considers all the items it is $1 billion over the recommendations of the administration. It leaves to be dealt with other recommendations of the administration that, if authorized, at the request of the President, will mean that before the end of this fiscal year in dealing with appropriations for fiscal 1972, we will have to face up to the President's request for $1.747 million more.

That being the case, Mr. President, I think we have ample grounds to appeal to the Senate not to increase this bill today. We are always walking on eggs when we deal with these appropriations. There is not a single member of the committee who would not like a larger sum for some worthy cause, some necessary cause in education. There is no cause in this country, with the possible exception of health and welfare, that is more essential than education.

For instance, we have included in the bill, as I have mentioned before, the amount of $60 million of impacted area funds in category C for public housing. This is really in lieu of taxes where public housing is located. That amount is not nearly enough in any way to satisfy Senators who represent great metropolitan areas and cities that are faced with tremendous fiscal crises, or mayors who are anxious for this help.

This $60 million is almost a pittance when divided among the cities of this Union.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. COTTON. Mr. President, on the other hand there are Senators in this Chamber who feel that when we start devoting impacted area funds to public housing we are starting down a road that can lead us into billions of dollars.

There are those two points of view. I think I am justified in saying that it is my understanding that in committee we agreed that if this figure were left alone and no one raised it or tried to cut it out we could stand behind this amount when we went to conference. Frankly, I am going to say that Senators have come to me who want to increase this amount; and Senators have come to me on this side of the aisle who want to offer an amendment to cut out this amount.

We have discussed this and those Senators that I know that have any idea of offering an amendment to cut out these funds have agreed that they will not do so unless the attempt is made to increase the amount. That is a practical situation.

Mr. President, here is a bill in which we have given every cent we could possibly give in the various phases of education that runs, according to one set of books, nearly one-half a billion dollars over the President's request, and if one chooses another set of books, a billion dollars over the President's request and certainly more than $1 billion over what we had last year. That is an ample bill.

We are always faced, as I said, with a situation where we are walking on eggs because it is not that we move in fear of the President or the other body. I know that every Senator votes his conviction, fights for his conviction, and fights for his own State. I join the chairman in stating I am not asking Senators not to offer amendments. There are Senators who have to offer amendments because of the needs of their people.

It is not that we are kowtowing to the Executive or the House, but we have to try to arrive at a figure, and I am being very frank and practical, perhaps unwisely so, but we have to try to arrive at a balanced figure——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. COTTON. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the bill be extended for 30 minutes, with the time equally divided as in the order previously agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COTTON. I shall take 5 more minutes.

We tried to reach a balance. That does not mean we do not consider seriously and anxiously the educational needs, but when we get to the point where we are marking up the bill and getting into the billions of dollars, we try to reach a figure that, on the one hand, will give us a little to go and come on when we are bargaining, if I may use the word, with the House conferees. We have a little leeway, so we can yield here and there in order to get a reasonable bill. On the other hand, we try not to run the risk, if we can help it, that we have such a big bill that we will get a Presidential veto and have to go up and down that street as we did a year and a half ago.

I think this bill is a fair bill and a liberal bill, more liberal than I would be able to support were it not in the cause of education. This bill contains vital, necessary features that have to do with education for the handicapped, for the backward, for the disadvantaged, as well as programs that will give us more teachers, more equipment and devices to promote education. Hopefully we can pass it soon enough, if we do not get into a hassle with the House or with the Executive, so that the educational officials of the school districts of this Nation will know this year for the first time in some years what they can expect and what they can depend on and what they can plan on, in time to make their plans for next year. I pay tribute and honor to my chairman, the distinguished Senator from Washington for this.

Incidentally, that means a saving of money. I cannot think of any one thing that is more wasteful than having money improperly spent or not efficiently spent because we did not know, until the last minute, or even later than the last minute, how much we were going to have.

One of the features in this bill which exceeds the budget is the fact that we have moved ahead for the present fiscal year, the remainder of 1971 going through to July, some of the funds which otherwise would have been devoted to fiscal 1972, and that necessitated being a little more liberal.

In conclusion, let me say that I am sure nobody will be quite satisfied with everything in the bill, or everything that is out of it. I think it represents a bill that we can stand behind in conference with the House, a bill we can stand behind when it meets with the approval or disapproval of the Executive.

Recognizing the fact that some Senators must offer amendments out of a feeling of duty to their constituents, I still appeal to the Senate as my chairman on the other side of the aisle did, to please not start blowing this bill up on the floor of the Senate.

Mr. PERCY. Mr. President——

Mr. MAGNUSON. Mr. President, I yield to the Senator from Illinois. I have only 15 minutes. Is that correct?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. MAGNUSON. I yield such time to the Senator from Illinois as he needs.

Mr. PERCY. I thank my colleague. I would like to say, first, how eminently pleased I am with the bill. I think a perfectly magnificent job has been done by the chairman of the committee, the distinguished Senator from Washington (Mr. MAGNUSON) and our ranking Republican, the distinguished Senator from New Hampshire (Mr. COTTON).

As a member of the subcommittee, I regret that I was not able to participate in all the hearings simply because of other committees meeting simultaneously. But in those hearings that I did participate in I was impressed with the thoroughness of the statements and questions, particularly with respect to the administration's recommended figures.

If the bill is looked upon as too liberal or progressive a bill, I think it can be fully justified in the interest of national priorities. The Brookings Institution has been studying this whole question to see what can be done to reassert our national priorities, to take another good look at American society to determine what kind of Nation we want to be. The Urban Coalition has established a new proposed budget to see what things we can do to strengthen this country. And it might interest the Senate to know that the counterbudget proposals are substantially higher than the Senate committee's. The League of Women Voters, in their meetings and seminars, have been holding discussions on national priorities. I believe they all will applaud what the Appropriations Committee of the Senate is attempting to do in this bill.

There are certain specific sections of this appropriation bill that I would like to comment on.

The first is bilingual education funds. Last year, in the bilingual education program, 30 projects went completely unfunded and 22 projects were substantially under-funded, all of which the Department has passed on and found to be exceptionally worthy, for want of adequate funds.

The House allowed some increase in funds, but hardly enough to overcome the impact of inflation. It will more than likely leave the office short again in attempting to fund deserving programs.

So the $50 million in funds recommended by the subcommittee and the full Appropriations Committee for this program are important and urgently required.

Let us look for instance at the figures for my own State of Illinois where we have 68,917 students with Spanish surnames in public schools. In Illinois we received only $5 per child last year. This is in contrast with $20 per child in California and $11.50 per child in Texas. I think the only conclusion to be drawn from these figures is that Illinois has been given short shrift. There is not only a problem of inadequate funds, but also of misallocation of the funds.

I am very pleased indeed that Commissioner Marland has indicated his willingness to take another look at this item in terms of the needs. I found our discussions in the hearings along this line both promising and helpful. I trust he is going to further help the Illinois program by permitting the Office of Education to secure these additional Federal funds so desperately needed in this area.

Second, in the area of impacted aid for Federal housing, I applaud the subcommittee and the full Appropriations Committee for its vision in recognizing this need. The Senate committee has done a magnificent job on this matter.

Its response in funding $60 million against a larger authorization for fiscal 1972 for students living in public housing—category C—is responsible for a new program. I say this having nevertheless fought in the subcommittee for $75 million.

When we step up and say we are going to appropriate the sum of $60 million and provide an additional $10 million for construction, I think we are responding to the high priority which must be placed on this program.

Certainly, when we recognize that in categories (a) and (b) where there has never been any question about the Federal responsibility, we must accept, as the logical extension of that assistance, the aid we attempt to give via category (c) programs. We build public housing in areas where we have torn down commercial structures which have been taxed for commercial purposes, and put in their place public housing units in order to accommodate the hundreds of thousands of people who flow into urban areas from economically depressed areas of the country where they cannot find employment. These people move to the cities and assume residency in public housing, thereby imposing a back-breaking burden on the public school systems. It causes the public school systems to want to reject the immigration of these people in the low-income categories. There is built up a resistance to public housing, so much so that the end result of our failure to provide these funds is not only lower quality education for all the children in the community but a continuation of the crises of too little housing. We help break that resistance by providing this assistance, and I think the committee is to be greatly commended for its recognition of the scope of this problem.

Third, I would like to commend the committee for its action with respect to the attention it gives in its report to higher education assistance for middle-income families. Mr. President, they are the forgotten families in America. We are asking the Commissioner of Education to take a good, hard look at the problem of lower middle-income families, particularly, and the problems they face in educating their children in colleges and universities.

People are beginning to think that it almost pays to be poor in this country today. The poor qualify for a wide range of educational grants; but if a family with an income of $8,000 to $12,000 a year has one or two or three children of college age today, it simply cannot afford to permit them all the advantages of a college education. I have the pledge of Commissioner Marland that the Office of Education will give this matter serious thought.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MAGNUSON. We do not, of course, want to reverse the intent of these programs. We want all these low-income people to be there, too.

Mr. PERCY. Absolutely.

Mr. MAGNUSON. But we do not want middle-income families to become the underprivileged. As the Senator says, in some cases, if you were of the lower middle-income group, and you had children you wanted to educate, it has been found that it almost paid you to be poor. We do not want to curtail the programs that have helped the poor to secure higher education, but we must pay special attention that a trend that restricts these opportunities to just the poor and the rich is not established. The forgotten American is the son or daughter of middle-income families, strapped with inflation and the constantly increasing costs of higher education that we must consider, as the Senator has so well stated. We tried to do that in writing this bill.

Mr. PERCY. I think this is a step toward the goal that President Nixon has established, that no child in this country should be deprived of the advantage of a higher education simply because of lack of adequate finances. The efforts of this subcommittee represent an important step toward recognizing these other areas we must begin to move in.

Fourth, in the area of support for community colleges, the committee has seen fit to introduce an item of $80 million for construction grants, an amount that I fully supported. I can assure the committee that from the standpoint of the State of Illinois, where we rank third in the Nation in the number of such schools and where the quality of education is high, we desperately need construction funds. These funds represent a life-saving area for many of these schools. I have received an enormous amount of mail and have held dozens of conferences, and I know how important these funds are to these community colleges.

I shall not comment in detail on vocational and adult education. It is extremely important, as well as other areas that the committee has worked on, including educational deprived children, supplementary services, and library resources. I worked very hard together with my esteemed colleagues in subcommittee hearings and markup to ascertain the areas and magnitude of greatest need, and the recommendations presently before the Senate in this bill are responsible and fully supportable.

I think the proposed figures in the entire bill are for the most part appropriate and right under present circumstances. Once again, I commend my distinguished colleagues for what I consider to be a brilliant piece of work, based on many months of hearings; I would also like to say that the schedule we are maintaining this year under the leadership of our chairman, Mr. ELLENDER, and ranking minority member, Mr. YOUNG, in having these appropriation bills before the Senate at this early date in order to permit a vote on them before the end of the fiscal year, has taken a great deal of diligent, hard work, with steady hearings being held in morning and afternoon sessions. But this effort has already paid off, I think.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, the Senator from New Hampshire and I thank the Senator from Illinois.

How much time remains on the bill?

The PRESIDING OFFICER. The Senator from Washington has 5½ minutes. The Senator from New Hampshire has 19 minutes.

Mr. MAGNUSON. The unanimous-consent agreement allows how much time on any amendment to the bill?

The PRESIDING OFFICER. Twenty minutes, to be equally divided.

Mr. MAGNUSON. To each side?

The PRESIDING OFFICER. Twenty minutes to be equally divided, 10 minutes to a side.

Mr. MAGNUSON. Ten minutes to a side?

The PRESIDING OFFICER. Yes.

Mr. MAGNUSON. Mr. President, without taking this out of my time, the Senator from Rhode Island and the Senator from Virginia have an amendment that I think would require and merit a longer discussion than 10 minutes on a side, and I ask unanimous consent that for their amendment only, 20 minutes to a side be allowed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MAGNUSON. We will reserve what little time we have left on the bill, and let the bill now be open for amendment.

Mr. COTTON. Mr. President, without charging this time, may I ask again how much time we have on the bill?

The PRESIDING OFFICER. The Senator from Washington has 5½ minutes; the Senator from New Hampshire has 19 minutes. The unanimous-consent request that was just granted is that on the amendment to be proposed by the Senator from Rhode Island, each side have 20 minutes.

The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, this amendment is jointly offered by the Senator from Virginia (Mr. SPONG) and myself.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Strike all on page 3, line 2 after "1950" down through and including line 14 and insert at the end thereof a period.

Mr. PELL. Mr. President, I open by congratulating the Senator from Washington and the Senator from New Hampshire on the excellent job they have done on this appropriation bill. I know full well where their hearts and the hearts of their colleagues lie when it comes to funding human investment programs. I realize that they do the best they can, but the role of those of us who are members of the authorizing committee is always to try to stretch their good will a bit farther.

In this regard, I would be remiss if I did not express general disappointment with the fact that human investment programs in education and in health usually get funded at around 40 or 50 percent of their authorized ceiling, while bricks and mortar and gun programs for defense and space usually seem to be funded at the 90-percent level.

I would hope that as a Nation we can

change those priorities, and fund the social and human investment programs at more near the 100-percent or 90-percent level that we would like to see.

I particularly congratulate the committee on the raising of the salaries and expenses item for the Office of Education. I think this will presage a more efficient and effective operation of that office.

As to the specific amendment we have submitted; the present law, Public Law 874, provides that the if fully funded funds will be equally divided between category A and category B students; and that if there is not enough money to go around, the funding will be reduced on an equal prorated basis.

It is my view, and one shared by others that the House of Representatives took it upon itself to change that law in the appropriating process. They did so by providing that category B students will be funded at only 73 percent and category A students at 90 percent. I would maintain, although this is open to argument, that this concept, when introduced in the House of Representatives, was subject to a point of order, but it is my understanding that no one raised that point of order. It is not subject to a point of order here, because it is already in the bill as it has come over from the House of Representatives.

But our amendment, the amendment of the junior Senator from Virginia and myself, would provide simply an elision, a removal of the amendment to the law that has been added by the House; and if this body accepts our amendment, it will simply mean that the funding would be in accordance with Public Law 874 as written.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. May I ask the Senator a question, on my time? As I understand—he would know, and the Senator from Virginia would know—the law contemplated a 50–50 division. Is that correct?

Mr. PELL. The law as presently written, as I understand it, contemplates that initially the category B students are funded at 50 percent and the category A students, at 100 percent. With a provision for equal pro rata reduction if the program is not fully funded. But the pending bill changes this reduction formula.

Mr. MAGNUSON. Last year, under similar language, we increased the B students to about 73 percent and allowed 90 percent on A students, except where the enrollment under the A category reached more than 25 percent, and then it became 100 percent. That was in two instances. The Senator from Nebraska and the Senator from North Dakota are familiar with that.

This year, under the House formula, it would be 73 percent for B students and 90 percent for A students but 100 percent where the enrollment is more than 25 percent.

Mr. PELL. That is correct, for category A students.

Mr. MAGNUSON. When I first talked with the Senator from Rhode Island and the Senator from Virginia, I had it looked up. A point of order was made in the House.

Mr. PELL. I stand corrected.

Mr. MAGNUSON. I did not know it, either.

Mr. O'HARA made a point of order, and the Chair said:

> The Chair feels the decision of the committee is valid; that these provisos are in fact limitations couched in negative language on the funds in the bill. The Chair therefore overrules the point of order.

For the RECORD, that appears on page 10096 of the RECORD of April 7, 1971.

So we took the House language, and a point of order was made.

There can be many arguments as to how this money is to be divided. This is the most attractive money in the education bill. Every school district that is affected wants this money, because no strings are attached to it. They can exercise their own priorities on it, and expend these funds for any educational purpose.

Last year, we had the same argument on it. I have often said that we probably should revise this impacted aid law, which would be in the Senator's committee, because we go through this every year. I can understand that we should have 100 percent for those school districts, particularly if they are outlying districts where there are airfields and Federal installations of that kind, where enrollments exceed 25 percent. We have often thought that 90 percent with respect to the rest of the A students was satisfactory. With respect to the B students, I have often thought that if we are going to give impacted aid, 50 percent is not enough. The budget recommended only 42 percent for the B students.

Then, also adding to the whole picture, we put in money for the public housing impacted aid, category C students.

Now we are back where we started. We want to comply with the law, but the House received a ruling that this is limitation language. The ruling said "couched in negative language." That is a new phrase. But that is what it is.

I am not wedded to any particular formula. We have been trying to help the people in the areas where there obviously is a hardship. As a matter of fact, impacted aid has come home to plague me. I helped establish the precedent for impacted aid. They were building a dam called Grand Coulee. The land was nothing but sagebrush, with no income at all to the school district and we obtained the first impacted aid money for the children of the workers building the public dam. Then the distinguished Senator from Maine had some problems in her State, and pretty soon we got into the matter of impacted aid, until we have come to the point in some cases where I do not think it is quite right, and there are inequities.

Technically, in the case of a person working in a courthouse, a Federal judge who had three children and paid taxes on his home in the community, the school district would put those three children in category B.

Mr. PELL. That is particularly true in Virginia and Maryland.

Mr. MAGNUSON. Yes.

I am not wedded to any formula. The Senate can do what it wishes. But this language was ruled in order.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. SPONG. First, I want to commend the Senator from Washington and the Senator from New Hampshire, because I think they have done an excellent job in bringing this bill to the floor as early as they have.

The point in this matter is that the Senate has taken a position in 2 of the 3 last years that neither the Senate Appropriations Committee nor the House Appropriations Committee should change the law. However, that is what has taken place in this bill.

Of course, we cannot argue about the point of order in the House. The fact is that the law intended that category A and category B be reduced proportionately. Category A students already receive $1 for every 50 cents that category B students get; and if any reduction takes place or if the appropriation is less than the authorization, the categories are to share the reduction proportionately.

We have agreed on this floor that if the law was to be changed, the entire impacted area law should be amended by the legislative committee, by the Education Subcommittee, and should not be done as part of the appropriation process.

So I have joined the Senator from Rhode Island in this amendment. It merely means that between category A and category B, the money that is appropriated and will be available shall be distributed according to the law as written, and the law states that the funds shall be allocated in the proportion that each, and here we are speaking of category A and B, bear to the total funds made available.

Mr. MAGNUSON. Would the Senator tell the Senate just how that division would be different percentagewise?

Mr. SPONG. It would be different to this extent. At the present time, category A is funded 100 percent; category B, 50 percent. Under the law, they are already getting twice as much per pupil for A students. Under the pending bill, 90 percent of the entitlement is being appropriated to the A students, and 73 percent of the entitlement is being appropriated to the B students. So what is proposed under this appropriation bill is contrary to the basic legislation. The statute requires that the money be reduced proportionately. We are not doing that. We are changing the law that has been in effect ever since the impacted aid fund started.

What we are urging here today is the procedure that was followed in 2 of the last 3 years. We did not do it last year, because at the last minute we were anxious to get this bill passed. But each time, we agreed that the only way this law should be changed is by the legislative committee and not as part of the appropriating process. What we are doing here is sanctioning a rewriting of the impacted aid law by the appropriation process.

Mr. MAGNUSON. I understand the legislative argument, but what I cannot find out, as we have said in the bill—this is what the Senators are interested in doing—that there will be 90 percent for A, and 100 percent if it is over 25 percent for A, and 73 percent for B. How would this amendment change that? How much would A get and how much would B get?

Mr. SPONG. I cannot give the Senator a specific figure, for it turns on the school enrollment, and action by the Commissioner of Education.

Mr. MAGNUSON. I can add them up——

Mr. SPONG. The effect of this amendment——

Mr. MAGNUSON. Equal entitlement of about 78 percent for A and B, so the Senator is cutting A, is that not right?

Mr. SPONG. That is right. The effect would be a proportionate reduction.

Mr. MAGNUSON. Of the A category?

Mr. SPONG. It would be of A and B altogether——

Mr. MAGNUSON. Then the Senator would "up" B from 73 percent to 78 percent?

Mr. SPONG. It would mean, if this amendment is adopted, that the funds appropriated would be allocated on a percentage basis.

Mr. MAGNUSON. I understand that. What I am trying to get at are the figures. The way the bill is now, it is 90 percent for A, and 100 percent when it goes over 25 percent, and 73 percent for B. Now, if the amendment of the Senator from Rhode Island and the Senator from Virginia carries, my figures indicate that it would knock down A and "up" B, so that there would be a 78-percent entitlement for both A and B.

Mr. SPONG. There would be no percentage spelled out——

Mr. MAGNUSON. We are talking about cold, hard dollars here.

Mr. SPONG. The effect of the dollars would be that the same reduction on A would take place, and that is the same percentage in terms of 100 percent that would take place for B. That is what the law calls for.

Mr. MAGNUSON. I want the Senator to know what it means, that category A will be reduced down to 78 percent and B will come up from 73 to 78 percent.

Mr. SPONG. The Senator is quite correct.

Mr. MAGNUSON. That is all I wanted the Senate to know.

Mr. SPONG. There will be less dollars in the A category.

Mr. MAGNUSON. Those that have A students probably will not like that, but those who have the B students will like it. It is as simple as that.

Mr. SPONG. That is quite true.

Mr. MAGNUSON. Who has the most B students?

Mr. PELL. He and I. [Laughter.]

Mr. MAGNUSON. The two Senators, yes. I do not blame you for offering the amendment then. [More laughter.]

Mr. BYRD of West Virginia. Mr. President, will the staff members please be quiet.

The PRESIDING OFFICER (Mr. ALLEN). Will the Senator please be in order.

Mr. YOUNG. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield to the Senator from North Dakota such time as I have remaining. However, the leadership has kindly stated that if we need a little more time, they will provide it, as this is the only important amendment we will have to consider, and it is a complicated one. But I yield to the Senator from North Dakota such time as he may need, and I know that the Senator from New Hampshire will yield him time as well.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, I would agree with my good friend from Virginia (Mr. SPONG) that the whole law needs to be rewritten as there is a lot of inequity in it. The provisions in the committee bill, so far as Virginia schools are concerned, are much better, as the Senator from Washington has pointed out.

Mr. President, I have two employees living in Virginia. They own homes, pay all other taxes as other Virginians do, but the local schools collect impacted funds for the children of my employees there.

We have a situation in North Dakota—it is even worse in Nebraska—where over 25 percent of the children in the schools in Grand Forks live on the Air Force base. The Grand Forks school system operates the school on the base. It has become so costly to them that it is impossible for them to continue.

Mr. MANSFIELD. If the Senator from North Dakota will yield at that point, the same thing is true at the Malmstrom Air Force Base at Great Falls, Mont. It is somewhat in the same position. I recall that the distinguished Senator from North Dakota, now speaking, last year, came in with an amendment which the Senators from North Dakota, Nebraska, and Montana—all six of us—supported, as all of us were faced with a difficult and unusual situation because of the school impact on the children on the air bases in our respective States.

Mr. YOUNG. That is true. The only alternative to the schools in Montana, North Dakota, and Nebraska, and other places who have served notice that they can no longer operate the schools, is that the Federal Government will have to operate them, and do so at far greater expense.

Mr. SPONG. May I say to the Senator from North Dakota and to the Senator from Nebraska, as well as to the Senator from Montana, that the amendment offered by the distinguished Senator from Rhode Island (Mr. PELL) and myself would not affect category C, if that is the special category that the Senator is speaking of.

Mr. YOUNG. Ours is category A that we are concerned about.

Mr. SPONG. But the special one, where the Senator talked in terms of having over 25 percent on military bases——

Mr. MANSFIELD. That is right.

Mr. SPONG. Would be affected by this special situation.

Mr. YOUNG. As I understand the amendment, it would strike out that provision entirely that we just must have.

Mr. HRUSKA. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. This situation was discussed thoroughly last year. It is one of an extreme nature. The situation in Bellevue is somewhat more stringent than in either Montana or North Dakota, inasmuch as 78 percent of the school population in the city of Bellevue are in categories A and B. The mill levy on that village last year was 57 mills. The average in the State is 30 mills for taxation. They have done everything they can and they are faced with the proposition, as the Senator from North Dakota has indicated, that if this money is not forthcoming along the lines and in the amounts we arrived at last year in that formula, they will be compelled to say, "We cannot operate the schools." The Federal Government will then be under obligation to see that the children living on the base will be furnished schools. To do that would be infinitely more expensive and highly less satisfactory, because of the difficulty of getting faculty together, equipment, schoolbooks, and everything else.

We thought we had worked it out. The extreme cases—and they are extreme—involve the actual continued existing functioning of the school system. It is not a matter of any hardship or not being able to adjust. They cannot adjust on this basis, unless the formula which we obtained last year, and which was not the full request but which they were glad to get as a compromise, would give them some sort of adjustment some place, within a small margin. It is my hope that the Senate will reaffirm last year's arrangement and that it will be sustained, so that we will be able to function and so that the same situation will obtain in Montana as well as in North Dakota.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. Mr. President, I invite attention to the contention, first, that the Appropriations Committee is bound to a fixed formula out of the authorization bill. That is fallacious. The authorization legislation that Congress passed, on a myriad of subjects, provides ceilings. Given a few minutes of research, I believe that we could show the distinguished Senators from Virginia and Rhode Island that, in many cases, the proportions are not fixed by law into a definite formula of X percent, but the proportions can be handled, and are handled, in many bills. If it were not so, the Appropriations Committee would have to appropriate very large sums.

The second point is—and I respect and admire and commend the distinguished Senators for looking out for their constituents—we see what the Appropriations Committee, as a practical matter, is up against. We have, on the one hand, the outlying countries outside of Washington where a large number of Federal employees who work in Washington live and are receiving, and justifiably so, their reasonable share of the funds. Fairfax County, Va., is the chief county in the Nation which receives more money than any other county in the entire Nation, because of some members of my staff and of the staffs of other Senators and people in the agencies downtown who work here and live out there.

On the other extreme, we have these situations in the State of Nebraska, the State of North Dakota, and in Montana, where we are just simply putting the schools out of business. What they get is a mere pittance.

No one can tell me that it is not the privilege and the duty of the Senate, on the recommendations of its Appropriations Committee, to strike some kind of a golden mean or a happy medium to try to give reasonable justice to the counties with huge populations because so many people residing there work for the Government, but they do not live on base.

On the other hand, these school districts in North Dakota, Nebraska, and Montana would not only be absolutely subjected to hardship but some of them would be put out of business.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

Mr. President, let me point out that if this Congress treated everyone alike and voted 90 percent for everybody, A and B—that would not do much good for the districts in North Dakota, Nebraska, and Montana.

Does the Senator know what we would have to appropriate? We would have to appropriate $620 million, which is much more than half a billion, for these impacted area programs. It just is not commonsense. The administration did not want to give B students more than 42 percent. We wanted to be just to the B students; and the subcommittee, followed by the full committee, increased it to 73 percent.

We think we came out with a fair proposition.

So, first, there is, I submit, no rule or no law that deprives the Appropriations Committee of the right, unless a State-by-State formula is written into the law, of dealing with these funds, and we have been doing it every year. Second, I think we are fair to the counties that get a big piece of the pie. We saw to it that those counties and States in the country where they have peculiar situations existing would not be frozen out and given just a fraction of what they need to take care of their population.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 1 minute.

Mr. President, I honor both the Senator from Virginia and the Senator from Rhode Island for their zeal, sincerity, and desire to get this money.

I have always felt that areas could spend these funds as they wanted to meet their own needs. I would like to give it all, but I think that we have dealt fairly with this situation.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I ask unanimous consent that there be printed at this point in the Record a fact sheet pertaining to the Bellevue Public School in Nebraska.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

BELLEVUE PUBLIC SCHOOL

	Actual 1969–70	Percent	Estimated 1970–71	Percent
Average daily attendance:				
3(a) students	4,354	43	4,367	42
3(b) students	3,615	35	3,612	35
Civilian	2,223	22	2,366	23
Total	10,192	100	10,345	100
Total impaction	7,969	78	7,979	77
Relative impaction	6,162	60	6,173	60

ASSESSED VALUATION, 1970–71 ($37,848,116)

The assessed valuation was 35 percent of the real valuation.

Mill levies, 1970–71:	
Bellevue	30.00
Lincoln	53.43
Westside	51.14
Omaha	51.06
State average (approximately)	56.90
Assessed valuation per pupil in ADA, 1969–70:	
Bellevue	[1] $3,545
Lincoln	10,452
Omaha	12,270
Westside	14,150
State average	15,181

[1] Local ability—All civilian and half of 3(b), $9,071.

BUDGET INFORMATION

	Actual 1969–70	Percent	Estimated 1970–71	Percent
Current expenditures:				
Professional staff salaries	$4,264,098	69	$4,653,611	70
Classified staff salaries	624,815	10	678,806	10
Salary related items	273,867	4	346,795	5
Utilities	125,385	2	128,200	2
All other expenditures	892,886	15	855,299	13
Total	6,181,151	100	6,662,711	100

Mr. HRUSKA. It will be seen from these figures that 43 percent of these students are in category A and that 35 percent are in category B. The civilians constitute only 22 percent. And the category A students, 43 percent, live on base. The civilians, of course, are from around the area.

The assessed evaluation there is $38 million. However, because of a tremendous influx of category A and category B students, all that is available on an evaluation per pupil is $3,545.

In the largest county, Douglas, in which county is located Omaha, and in Lancaster County, in which county is located Lincoln, the present evaluation per pupil runs from $10,000 to $15,000.

I point that out because it is an impossibility to maintain the school under these circumstances unless the formula that pertained in the last year is maintained.

I urge that the amendment be rejected.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Rhode Island and the Senator from Virginia (Mr. Spong).

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COTTON. Mr. President, I move that we reconsider the vote by which the amendment was rejected.

Mr. MAGNUSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COTTON. Mr. President, I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. Does the Senator from New York desire to offer an amendment? If the Senator from New York has an amendment to offer, he can have time in his own right.

Mr. JAVITS. Mr. President, I will not offer an amendment.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, may I ask the Senator from Rhode Island (Mr. Pell) if any exigency is involved. If so, I would yield to him.

Mr. PELL. No.

Mr. JAVITS. Mr. President, the 89th Congress has been dubbed "the education Congress" because of the significant education programs authorized during 1965 and 1966. If we are wise enough to enact the education appropriations budget reported to us Tuesday by the Appropriations Committee, this 92d Congress can also be surnamed "the education Congress." The $5.6 billion package now before us—$1.2 billion more than last year's appropriation—recognizes the new needs in education, added to by rising enrollments and increasing costs, and at last goes far in meeting the pledge made by Congress to the American people in the authorizing statutes of the past two decades.

The Appropriations Committee, and especially the Subcommittee on Labor-HEW which handled this particular bill, deserve much credit for the constructive and thoughtful legislation which they have produced. Senator Magnuson, the distinguished chairman of the subcommittee, and Senator Cotton, the distinguished ranking minority member of the subcommittee, are especially owed a debt of gratitude for this far-reaching measure which they and their colleagues on the subcommittee have crafted.

I should like to discuss several particulars of H.R. 7016, including the expression of some concerns.

BILINGUAL EDUCATION

The committee has recommended $50 million for the bilingual education program authorized by title VII of the Elementary and Secondary Education Act, a merited increase over the $27 million approved by the House.

The U.S. Office of Education has estimated that there are at least 5 million school-age children in need of bilingual education. While these youngsters are predominantly Spanish-speaking—Puerto Rican, Cuban or Mexican in origin—many are American Indians, Eskimos, Orientals, or speakers of French, Portuguese or other tongues. They reside throughout the Nation—significant numbers are found not only in California, Texas, and New York but also in Michigan, New Mexico, Arizona, Colorado, Illinois, Florida, New Jersey, Indiana, Oregon, Washington, Louisiana, New Hampshire, Maine, Vermont, and Massachusetts, for example.

Up to this time only a small proportion of these children have been receiving the assistance required—less than 1 percent from Federal funds. An appropriation of $50 million will not only provide a significantly greater amount of needed aid but also, based on previous experience, will stimulate interest and support where it heretofore has not existed—and will prompt further State and local action in an area of education which has previously been sadly ignored. This is perhaps the best test of the success of a Federal education program—that it has stimulated constructive innovation.

IMPACT AID—CATEGORY C CHILDREN IN PUBLIC HOUSING

As a coauthor with Senator Eagleton of the provision enacted last year to provide payments to school districts for children who reside in public housing—category C children—I am particularly pleased to note that this authorization is being funded for the first time. The $60 million provided will be very helpful to hard-pressed urban school districts by providing some compensation for loss of local tax revenues resulting from public housing projects.

ADULT EDUCATION

Congress last year, through title III of Public Law 91-230 of which title I was the author, expanded by the Adult Education Act the long-established adult education program to include secondary-level education for the some 56 million adults who have not completed high school. I am very pleased to note that the committee has increased this program by $35 million over the House allowance and the budget estimate. This increase will serve the following purposes:

First. Prevent 17 States from suffering a diminution in their share of Federal funds due to a change in the formula;

Second. Permit at least the existing level of basic adult education programs; and

Third. Permit the beginning of the high school equivalency program authorized last year but not yet begun. This is vital for the many Americans who could increase their earnings and their worth to the Nation and our society were they to have this minimum of schooling.

HIGHER EDUCATION

The recommendation of $1.2 billion for student assistance programs brings us considerably closer—although still appreciably short of our goal—to the realization that no young American should be denied a higher education because of lack of financial means. This vision was seen by President Lincoln when he signed the Land Grant College Act, the so-called Morrill Act, more than a century ago during the tragic years of the Civil War; it is a dream which has been reiterated by President Nixon, and one which we shall hopefully achieve.

College enrollments are increasing. College costs are also mounting. Both enrollments and costs are expected to continue to rise. It is clearly necessary that our student aid programs keep pace with this growth. We cannot afford to lag behind, for to do so is to imperil the national future.

I am pleased that the committee chose in its report to take special cognizance of the problems faced by middle-income families. Our colleges must not become institutions only for the very rich who can afford to send their children or the poor who qualify for aid programs. The middle-income family is in danger of being priced out of the opportunity for a higher education in many schools. The Education Subcommittee, of which I am a member, yesterday—Wednesday—completed a long series of hearings on proposals to seek solutions to this and other dilemmas in higher education—such as the need for institutional assistance also cited in the committee's report—and I am hopeful that our deliberations will be successful.

INTERNATIONAL EDUCATION

While I am disappointed that the International Education Act of 1966 still remains unfunded, I do find some solace in the $15.3 million included for foreign language training and area studies under title VI of the National Defense Education Act, more than double the $7.3 million appropriated for this purpose last year.

HANDICAPPED

I am heartened by the $7,619,000 provided for the National Technical Institute for the Deaf, operated by the Rochester Institute of Technology in Rochester, N.Y. These funds, equal to the budget recommendation, will provide for completing the construction of the facility so that deaf students can be afforded an opportunity for postsecondary technical education and vocational training in order to prepare them for successful employment.

I do, however, wish that a greater amount of money had been provided for other programs for the handicapped. However, the $1.5 million over the House allowance and the $6.5 million over the budget estimate will be most helpful in an area where there is much need and where a little money can go a long way. Those who need this assistance are 1,388,866 children who are mentally retarded, 749,941 who are emotionally disturbed, 183,892 who are physically handicapped with crippling conditions, and 1.5 million with severe learning disabilities because of some organic impairment to the central nervous system.

SCHOOL DESEGREGATION

I note with great interest that the committee, pursuant to the action of the Senator from New Jersey (Mr. CASE) as a member of the Committee on Appropriations, very sympathetically dealt with the emergency school assistance program to help bring about an end to racial segregation and, as we can within the law, racial isolation. This is a critical handicap to education.

The committee expressed its sympathy to the objective of the emergency school assistance program and the need for early funding. It also expressed concern that the delay in clearing new authorizing legislation not result in termination of Federal assistance for desegregation of school districts which is being provided in part under title IV of the Civil Rights Act of 1964. The committee report states:

> To assure that this program is continued until replaced by a program no less adequate, the Committee wishes to state its desire that the continuing appropriations resolution when enacted will extend current title IV school desegregation assistance into fiscal 1972.

Finally, in respect to the so-called Whitten amendments, sections 309 and 310 of the bill—it will be remembered that the Whitten amendment proposes to inhibit busing in respect to efforts to desegregate our schools or to deal with the grave problems which segregation, whether de jure or de facto, introduces into the school system.

I am very pleased to state that the Supreme Court having decided in Swann against Charlotte-Mecklenburg Board of Education, on April 20, 1971, that busing is now a permissible although not required element of school desegregation. The most that can be said about the so-called Whitten amendments now is that they are surplusage.

I see no point in engaging in a lengthy controversy over this question which has been decided by the Supreme Court, the highest court in the land.

The Supreme Court said:

> In these circumstances, we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

It seems to me that the Department now must administer the law in accordance with the Constitution, and that the so-called Whitten amendments cannot change, modify, or override that requirement. Therefore, it is unnecessary to argue about it further.

I would like to say to my distinguished colleagues, the ranking minority member and the chairman of the committee, that I would hope that now that this question is nailed down we would stop going through what is now really nothing but a form of words in connection with them. They irritate people and worry minorities. There is no reason for it and it has no substance. I will not waste anyone's time with it. I hope we will stop debating language that even Representative WHITTEN must now understand is surplusage, and leave it out of the bill so that it is not a form of words which irritate people already irritated enough in our society.

Mr. MAGNUSON. No one would be more pleased than the Senator from New Hampshire and I. It actually does not belong there anyway.

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. If it had come over from the House, as it does, of course, I am sure the committee would have acted accordingly. It does not mean anything any more and it just causes implications that do not belong.

Mr. JAVITS. That is correct. It is just an irritation.

Before I conclude, I do not want anything I have said about the Whitten amendment or anything else to derogate from what I consider to have been a single and unique act of high public service by the distinguished Chairman and the distinguished ranking minority Member in their outstanding and long careers; but having the conscience, and I use that word advisedly, they have brought us for the first time a bill which begins to meet the needs—and the needs are great.

Mr. JORDAN of North Carolina. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 2, line 18, strike: $677,620,000 and insert in lieu thereof the figure $772,620,000 and strike out the figure of $592,580,000 and substitute in lieu thereof the figure $687,580,000. On page 3, line 4, strike out the figure 73 and substitute in lieu thereof the figure 90.

Mr. JORDAN of North Carolina. Mr. President, North Carolina is fortunate in having the two largest Marine bases in the United States at Lejeune and Cherry Point. In addition, we have Fort Bragg at Fayetteville.

In those areas there are these three big bases where we have not only a great many families living on the base, and their children would be category A students, but a large number of people who live in the perimeter around these bases. This is a situation which is causing our schools in this particular area a great deal of trouble financially.

For instance, when a soldier is sent overseas or moved from his base his family has to leave the house in which they are living—perhaps a Capehart house or whatever it may be—and they move to the suburbs to a rented house or a trailer. There the children in those families immediately become class B students.

I realize the committee did a magnificent job. The administration asked for 42 percent; did it not?

Mr. MAGNUSON. The Senator is correct.

Mr. JORDAN of North Carolina. And the committee moved it to 73 percent, so there is $60 million the committee put in for class C category, which is fine, we have no objection to that. That does not help us in pupil assignment in those areas.

Mr. MAGNUSON. That is a separate item.

Mr. JORDAN of North Carolina. It is a separate item entirely.

Mr. MAGNUSON. I commend the Senator for thinking about this but the Budget only asked for $440 million. The committee increased it to $677 million.

Mr. JORDAN of North Carolina. I realize that and the committee did a grand job. My amendment would raise the figure to 90 percent, which has been the customary figure over a period of years. The committee did help but it does not get us out of trouble.

Mr. MAGNUSON. I think we did pretty good in going from 42 percent to 73 percent of entitlements for B students. It all points to the fact that we have to do something about the basic law to equalize the situation.

Mr. JORDAN of North Carolina. The law has to be amended to be equalized.

Mr. MAGNUSON. Major legislation on education is pending, but the administration has not sent up anything on this. I am sure the distinguished chairman of the subcommittee, the Senator from Rhode Island, is thinking about this because we do not want to go through this every year in connection with this formula. We have done the best we could. We increased it considerably. I am not privy to many things done at 1600 Pennsylvania Avenue but I understand this is the one item they are thinking seriously about because we increased it so much, and we might again have a veto of this bill.

Mr. JORDAN of North Carolina. They did it once before.

Mr. MAGNUSON. I have gone through vetoes on the last two education appropriation bills.

Mr. JORDAN of North Carolina. Certainly we do not want to encourage that, but, in addition to that, they are withholding some funds that we appropriated in this school year.

Mr. MAGNUSON. They will get 73 percent within the formula, and we are hopeful that, by next year, we can do more to equalize in some way the whole impacted aid program.

I will say to the Senator from North Carolina that it is a very desirable program to the local school district people affected. They come in by the scores, literally hundreds, and want this impacted aid, because so much of the money in the education bill is fixed to certain programs that must be spent mandatorally. This money comes to them free and clear, and they can use it in any way they wish, and they use it well, but they can establish their own priorities. What may be a priority in the Senator's district will not be the same priority in Rhode Island or Washington. Actually, this is a payment in lieu of taxes. By the Federal Government to the local school districts.

Mr. JORDAN of North Carolina. That is exactly what it is. The distinguished chairman of the subcommittee knows that if the Government were to run its own schools on these bases, it would cost it $700 per pupil per year, and this item provides only about $1.50 per pupil. There is a vast difference between the two costs, and they will not fund even that much of it.

Mr. PELL. Mr. President, I realize there are some inequities under the impacted aid program, indeed there has been a good deal of criticism of it, last year, at a hearing on impacted aid, we tried to figure out other formulas, but found that perhaps the present formula is not that bad. One way to get away from some of the inequities is to fully fund, as the Senator from North Carolina suggests, and also we would like to see it funded in accordance with the statutory law. But when one tries to work out alternate formulas, he finds it is not that easy.

Mr. MAGNUSON. It is not easy. A lot of the school people want to have full funding. If that were done, we might as well disband the Appropriations Committee. We might as well stay home. Authorizations are ceilings. I do not want to embarrass the Committee on Labor and Public Welfare, but if one compared their authorizations with our appropriations, they would be surprised.

Mr. PELL. I think we have authorized about twice what the committee has appropriated.

Mr. MAGNUSON. I mean the total.

Mr. PELL. They add up to a huge amount.

Mr. MAGNUSON. Close to $12 billion.

Mr. PELL. But what is actually funded is about one-seventh of the Defense Department appropriation.

Mr. MAGNUSON. I am not making odious comparisons, but obviously we could not do it. We would get vetoed before the bill got down to the White House. They would intercept it. We could not override a veto if we put in full funding.

Mr. PELL. We might override it. We have in the past.

Mr. MAGNUSON. That was because we were reasonable and well within our capabilities. That is what this bill is now, reasonable and within our capabilities.

Mr. JORDAN of North Carolina. Mr. President, I would like to get some help on it, because our schools which are near the three big bases in North Carolina need all the help they can get.

Mr. COTTON. Mr President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator has only 1 additional minute.

Mr. COTTON. Mr. President, I have some time on this amendment. Do I not?

The PRESIDING OFFICER. Is the Senator controlling the time? The Senator from Washington has control of the time.

Mr. MAGNUSON. Well, Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Just a minute, Mr. President. On the amendment is there not a division of time?

The PRESIDING OFFICER. The time is to be divided between the mover of the amendment and the manager of the bill.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that we have 10 minutes to a side, and I yield 20 minutes to my friend from New Hampshire.

Mr. JORDAN of North Carolina. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. JORDAN of North Carolina. Is the Senator from New Hampshire offering an amendment to my amendment?

Mr. COTTON. No; I just want to speak for about 2 minutes on the Senator's amendment.

Mr. JORDAN of North Carolina. Fine, if the Senator is in favor of it.

The PRESIDING OFFICER. The Senator from Washington has requested additional time. Is there objection to the request?

Mr. COTTON. How much time has the Senator yielded?

Mr. MAGNUSON. I yield as much time as the Senator needs.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. COTTON. Mr. President, I did not know it was going to be so difficult for Senators who have worked for months on this bill to get time; and there will not be any more unanimous-consent agreements on a bill that carries $5 billion if the ranking member of the committee has to struggle to get time. The chairman has been very kind to me.

The PRESIDING OFFICER. There was a unanimous-consent agreement.

Mr. COTTON. Well, I was not here and I did not know anything about it. Neither did the chairman of the committee.

Mr. President, I merely want to call attention to the fact that I have great regard and respect for the distinguished Senator from North Carolina, and I realize the situation he has. I admire and respect him for doing what every Senator on this floor does and must do—take care of his constituents. But his amendment is practically the same as the amendment offered by the Senator from Virginia and the Senator from Rhode Island that has just been defeated. They were earnest and sincere in what they were trying to do. If this amendment is adopted we will put into the impacted area funds in this bill almost $690 million, because the whole thing will be funded, and that, of course, is ridiculous.

Also, it would upset the balance. I recognize the schools in North Carolina near those installations are hardship situations, but they are large installations. But for 20 schools, it would simply put them out of business completely.

Mr. President, we did our level best. We raised category B money from 42 percent to 73 percent. We gave all we could on the category A money. There has to be a distinction drawn.

Sincere as he is and justified as he is, if this amendment should be adopted it would tip the whole applecart over and it would mean nobody is going to accept it in the conference, nobody will accept it downtown, and we may lose what we have.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. One more minute, if the Chair pleases.

We are liable to tip it over to the point where we lose these funds.

One additional word. Five times this morning—and I call the attention of the Senator from Rhode Island to this—I have heard the story that we do not do anything for the domestic programs; the money all goes to the military; seven times this much money goes to the military. As a matter of fact, last year for the first time in two decades the domestic programs for the benefit of the people of this country, the human resources programs, exceeded and went ahead of military programs.

So when we are considering this bill, I am not going to be much impressed any more when the proportion is even greater. I happen to think we need to defend this country. Nevertheless, those who always decry the fact that money is going into guns that should be going into hospitals, schools, welfare, and for the disadvantaged—and I respect them for it, and I am just as anxious as they are that those needs are taken care of—cannot argue any more that more money is going into the military than goes into these causes. When someone says seven times that money is going into the military, that, of course, is completely out of proportion. I am sure the Senator from Rhode Island did not intend that to be taken literally.

Mr. PELL. Mr. President, will the Senator yield me 1 minute?

Mr. JORDAN of North Carolina. I yield 1 minute to the Senator from Rhode Island.

Mr. PELL. What I said was that education gets about one-seventh of what defense gets. What I also said, and stand on, is that the appropriations are usually about 95 percent of authorization for defense and usually about 45 to 50 percent of the authorizations for measures dealing with education and health. I think those figures will stand up.

I merely wanted to rise, however, to ask unanimous consent that I could be honored by being made a cosponsor of the amendment of the Senator from North Carolina and to commend the Senator on it and urge its adoption.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JORDAN of North Carolina. Together with the Senator from California (Mr. CRANSTON), whose name is already on it, and several others we have not been able to contact this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JORDAN of North Carolina. Mr. President, I wish to make one further observation. We also have in our State Seymour Johnson Air Base, out of Goldsboro, which is one of the big air bases. Our bases, by and large, are big. In an impacted area where there is a small number of soldiers, and there are only 25 or 30 added students, the schools can somehow get along with and accommodate to that number, but when you have hundreds of thousands of students, it throws a burden on the schools they cannot carry.

The Federal Government is directly responsible for those children being there, and should carry its part of the load.

I urge that my amendment be approved.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute. I think we have thrown a lot of figures around here today, and I hope we are keeping the record straight. When we talk about defense spending versus human resources and education, I point out that, while the proportion the Senator from Rhode Island cited is correct as far as the Federal payment is concerned, the amount provided in this bill represents less than 7 percent of the total amount of money spent on education in this country.

Mr. PELL. At the Federal level.

Mr. MAGNUSON. Yes, but what is the difference? The taxes are all paid out of your pocket, whether in property taxes, sales taxes, income taxes, or otherwise. But that does not prove anything. The education bill for the American people is the highest single bill they pay.

Mr. PELL. And the Federal contribution to it is only 7 percent.

Mr. MAGNUSON. That is correct; yes.

Mr. PELL. I would like to see it more.

Mr. MAGNUSON. The Senator would like to see it more; some others would not.

Mr. PELL. Would not the Senator?

Mr. MAGNUSON. Yes; I feel it must become more, but whether I pay it in Federal taxes or in State and local taxes in my area, it is coming out of my pocket. There may be some argument as to the greater equity of the system by which the Federal Government raises its taxes, by the income tax theory, whereas most school districts depend on property taxes, but ultimately it is all the same. The cost of education is the largest single public expenditure, and rightly so, in this country. We are fast approaching that level in health and welfare also.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JORDAN of North Carolina. I ask unanimous consent to add the name of my colleague, Senator ERVIN, and the name of the Senator from Virginia (Mr. SPONG) as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from North Carolina (Mr. JORDAN).

The amendment was rejected.

Mr. COTTON. I move to reconsider the vote whereby the amendment was rejected.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 6, line 16, strike "$115,038,000" and insert "$125,038,000."

Mr. BYRD of West Virginia. Mr. President, I yield myself such time as I may require.

This amendment would add $10 million to the "Research and development" appropriation for the purpose of demonstrating the importance of career education programs in our Nation's elementary and secondary schools.

I have for some time been concerned that too many of our youths are going on to a 4-year college and an academic training for which they are unsuited, while other young people leave high school with no college aspirations but are totally unprepared to get and hold a job.

What we need in our schools is more emphasis on aptitude testing and a greater effort made to familiarize our young people with the many career choices that are available. I am convinced that if this were done, more youths would find their education relevant, fewer would pursue training for which they are not equipped, and our society would experience less of the antisocial behavior—riots, drug addictions, and the lowering of personal moral standards—which many result from the frustrations of bad life choices.

A person does not have to have a college education to become a useful and productive citizen. Many of the great successes, in the industrial community of this country, have been those persons who started pursuing their natural mechanical or inventive talents at an early age. There are many young people in this country today who are disinterested in attending college, and many others who are not college material. Many of these same young people do, however, possess interests and talents which would indicate their future success in occupations related to those attributes. In cases where the student lacks the mental resources to attend college, a comprehensive testing and counseling service of the type I am proposing would, after a thorough testing and evaluation process, advise the student regarding his areas of ability and interest, and set forth the types of jobs available in those areas.

I want to point out the differences between programs now available and the demonstration or pilot programs which my amendment proposes. Currently, there are no career education programs funded as such. Most schools do have some type of testing program which indicates aptitudes, and whether or not the student is college material, but that is where the program stops. Many schools, responding to the pleas of parents, suggest that all students go to college, because they have no alternative to offer. The demonstration projects I am proposing would start testing as early as junior high school, provide the student with information regarding occupations which he could pursue, including the furthering of his academic education, if that course is indicated. I would hope that this pilot project could lead to a modification of the high school curriculum emphasizing a wider variety of vocational and academic training which will give the graduating student more flexibility in choosing the occupation he ought to pursue to his best advantage.

There are, at the present time, too many young people in college today who have no real interest in furthering their education, and quite often they flounder under the weight of such courses as physics, chemistry, mathematics, and calculus. When this happens, they become frustrated and are all too ready to drop the books, pick up a placard, and join campus demonstration activities, regardless of the real or alleged cause for staging the demonstration. They really should not be in college at all. So, Mr. President, I think my amendment might even contribute to quelling campus unrest in the future, by not sending to the campus many of those who become activists after becoming frustrated with their own inability to compete with other students academically.

I urge the Senate to adopt this amendment as an investment in our young people.

Mr. MAGNUSON. Mr. President, I have just a brief statement.

Basically, what the Senator from West Virginia says is correct. It has been hard to get at such programs. I think we should have some pilot operations such as this. And, of course, basically this is one reason why we have paid a great deal of attention to vocational education in this bill, and increased that appropriation substantially, so that there would be funding for good careers, not necessarily exclusively through liberal arts colleges, or assistance for those who just go to college for the sake of going to college.

I would hope the Senator would agree, because it is a pilot operation, to a figure of about $7 million, and we will take it to conference.

Mr. BYRD of West Virginia. Mr. President, I would be happy to modify my amendment to reduce the figure from $10 million to $7.5 million.

Mr. COTTON. Mr. President, I did not hear the colloquy.

Mr. MAGNUSON. I merely asked the Senator if he was willing to modify his amendment to reduce the amount of his amendment from $10 million to $7.5 million, and he said he was willing to do so.

I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I have great respect for the ability and the dedication of my friend, the Senator from West Virginia. If the chairman of the subcommittee is willing to take the reduced figure of $7.5 million to conference, I am not going to resist that.

But I do want to say for the record that, while I would do my duty when we got to conference, I have very little enthusiasm for this type of amendment. This amendment, if it is reduced to one sentence, would appropriate money for evaluating services to keep the kids out of college who should not go to college.

There are two answers to this amendment. One is that scattered through this education bill we have between $40 million and $50 million for evaluation, for studies, for all kinds of evaluating services and experiments, which I think is an ample amount, and we want to put as many of the dollars and cents in this bill as we can straight into the school districts and into the pockets of those who have to pay the bills for the bread and butter needs of education.

Second, I am becoming a little fed up with the self-anointed experts who proceed to say that little Johnny is not fit to go to college because he ought to spend his life as an automobile mechanic—of course, he would make a good deal more money if he did—but that little Jimmy has talent and a big IQ and he is going to be given a chance for a college education.

One advantage of having served in Congress for a quarter of a century is that it gives one a great deal of practical experience and memory. I understand that we have all these counseling services and they are very necessary in the high schools and even in the grade schools. I think this counseling is one of the vital needs, and we have provided for it amply in this bill. But I have a recollection of being at home, holding office hours when I was first in the House of Representatives. This was before we had really professional counseling in the high schools of this country. A mother came to me in tears because the high school teacher, or the principal or the assistant principal had told her son that he was not fit to go to college and that he had better forget it. I told her that if she wanted her son to go to college and could find the money to send him and help him, she should tell the principal to forget it.

That is one instance that paid off, because that boy, who almost 25 years ago was told by his assistant principal that he was not proper material for college, is now a full professor on the faculty of one of the largest universities in this country.

I do not want to live to see the day when any mortal—I do not care how erudite he may be or how all-wise he may be—can take the power unto himself to say arbitrarily that a boy or a girl—many of whom have come from disadvantaged homes, many of whom have come up the hard way, many of whom have spent their childhoods in orphanages and institutions—cannot go to college.

I know that the intent of the Senator from West Virginia is not to do that. I know that his intent is to get more evaluation, better studies. But I repeat that we have $50 million in this bill for evaluation. If he modifies his amendment, I will join the chairman in not resisting. I will be willing to take it to conference.

But I just want the record to show that I hope instead of $7 million it was a lot less in view of how much is already in this bill for evaluations, research, and studies.

The PRESIDING OFFICER. The amendment has been modified by the Senator from West Virginia.

Who yields time?

Mr. MAGNUSON. Mr. President, I share a great deal of doubt about the kind of approach we can make on this matter. I feel as the Senator from New Hampshire does. I do not know whether this is the right approach.

When I went to school, I had a great counselor—a man with a ruler who hit you over the knuckles now and then when it was necessary. I think that one of the great problems in this country today is that we do not have enough woodsheds.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. MAGNUSON. That is not relevant

to this amendment, but this is the problem. Yet, it is not as simple as that today. I understand that. It is more complex. People are living in concentrated areas. I lived in a small town, where one could do that. If I came home and said to my mother that the teacher had whacked me a little, she said, "You probably deserved a double whacking," and that is as far as I got. But it is not as simple as that any more. I think it is good to support innovations that might help to get at the heart of this problem. I do not know whether I am in favor of the amendment of the Senator from West Virginia, but let us discuss it in conference and see what they think about it.

Mr. BYRD of West Virginia. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, let me make it clear, for the purpose of legislative history, that it is not the intent of the mover of this amendment to furnish the tools whereby any school principal or school official or school administrator may be arbitrary in dealing with the students and telling them that they are unfit to go to college.

Yes, money is scattered throughout the bill for evaluation purposes. But I propose here to put this money in one place, for demonstration or pilot programs, the results to be such that, hopefully, all high schools and junior high schools would want to emulate it.

My desire is to give every elementary and high school student as much information as can be provided to him so that he can make the more intelligent choice as to his future career. Individuals differ. Some can take a paint brush and some paint and make a picture of Mona Lisa. Others can take the same coloring matter and paint brush and paint a signboard along a highway. Still others can take the same materials and produce nothing other than a hodge-podge of color. Some can take dirt and convert it into gold. Others can take gold and it will become dirt in their hands.

I think every individual has some talent. If we can guide him and encourage him and inform him as to how he can best utilize his talents and as to what course of study or training is best suited to him, so that he might enjoy a satisfying career and contribute to the society in which he lives, and be a success in that career, then I think we will have done that student a great service.

For too long now, we have encouraged young people to believe that every student should go to college. I think we are doing the young people a disservice when we proceed further on this line. I, myself, had held that view for a long time. Every young person should go to college, I used to say. I do not believe that any more. I want to see students enter college who truly desire a college education and if they have the ability. I think there are others, however, who should not go to college, but they should preferably perhaps go to a vocational school rather than to a college or university. They have finger dexterity; they possess talent with their hands, and so on. They should be encouraged to develop those talents to the fullest.

It is for this reason that I hope to create by this amendment demonstration programs which will evaluate each student's own peculiar talents and aptitudes and provide information to all students so that they can be in possession of facts which will guide them to pursue the kind of education or training for which they are best suited so that they will in the end perform a service to their community and enjoy a successful and profitable and useful career.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Who yields time?

Mr. BYRD of West Virginia. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is now yielded back.

The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, how is the amendment modified?

The PRESIDING OFFICER. The amendment is modified to make the increase $7 million——

Mr. BYRD of West Virginia. No. The distinguished manager of the bill suggested $7½ million. May I ask the Senator from Washington whether I am correct that it is $7½ million?

Mr. MAGNUSON. It is $7 million. I talked to the Senator about $7.5 million. I will split the difference, and make it $7.25 million.

Mr. BYRD of West Virginia. Mr. President, the manager of the bill is very kind. Let us make it $7 million. I may have misunderstood him in the first place.

The PRESIDING OFFICER. The amendment has been modified to make the increase $7 million.

The question is on agreeing to the amendment of the Senator from West Virginia as modified.

The amendment, as modified, was agreed to.

Mr. BYRD of West Virginia. I thank the distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON). I also thank the ranking minority member, the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. MAGNUSON. I yield to the Senator from North Carolina (Mr. JORDAN), for a unanimous consent request.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Maryland (Mr. MATHIAS) be added to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

Mr. PELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 5, after line 14, insert the following:

"INITIAL FUNDING OF PROGRAMS

"For carrying out titles V–B ($500,000) and V–C ($500,000) and sections 808 ($500,000) and 809 ($500,000) of the Elementary and Secondary Education Act of 1965, title VIII ($500,000) IX ($500,000) and X ($500,000), and the International Education Act of 1966 ($500,000), $4,000,000."

Mr. PELL. Mr. President, let me explain the amendment. It is a modest one. It amounts to a total of $4 million. It was accepted in the last Congress, although it did not survive the hurdle of the conference.

The amendment would provide seed and planning money for a variety of programs which have been authorized for a period of years, from 1966 to 1970, and have never been funded.

The programs include:

HIGHER EDUCATION ACT OF 1965

Title VIII, Networks for Knowledge: authorization, 1971—$15 million.

Title IX, Education for the Public Service: 1971—$13 million.

Title X, Improvement of graduate programs, authorization, 1971—$10 million.

INTERNATIONAL EDUCATION ACT OF 1966

International Education Act of 1966 authorization, 1971—$90 million.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Title V–B, Grants To Strengthen Local Educational Agencies, authorization, 1972—$30 million.

Title V–C, Comprehensive Planning and Evaluation, authorization, 1972—$15 million.

Section 808, School Nutrition and Health Services, authorization, 1972—$16 million.

Much of this information to support this provision came to light at the hearings of the Hunger Committee.

Section 809. Education in Correctional Institutions, authorization—permanent, open-ended.

Mr. President, what I am proposing by this amendment is that the eight programs already authorized and already law should at least be given seed money of $500,000 each. The Department of Health, Education, and Welfare and the Office of Education, could then do some planning so that when the money becomes available we can move in the direction we would like to move. The agency would be prepared fully to implement the programs in accordance with the intent of Congress.

I would therefore very much hope that the manager of the bill and the ranking minority Member would agree to accept the amendment, to at least take it to conference.

Mr. COTTON. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PELL. I yield.

Mr. COTTON. What is the total?

Mr. PELL. $4 million.

Mr. COTTON. $4 million.

Mr. PELL. In total. Total authorizations—about $185 million.

Mr. COTTON. I would be glad to take the amendment to conference, although the distinguished Chairman must speak first on that, but I should like to say to the Senator from Rhode Island that I am in honor bound, and must indicate to him that there were some Senators who wanted to offer amendment to strike out the impacted area funds that are connected to public housing, and some of us prevailed upon them not to do so, that we would do our utmost to insure that we did not start loading the bill down with other amendments, so they agreed to leave the bill alone and let us take it to conference.

If we are going to agree on a chunk here, a chunk there, and a chunk somewhere else on these amendments—praiseworthy and laudable as they are—I must notify the Senate that I gave my word we would not do that. It might mean opening up and dragging out the fight on amendments, because of opposition, so that we would be starting down the road on public housing and impacted areas. Therefore, I must keep my word, but I leave it to the distinguished chairman as to whether to take the amendment to conference.

Mr. MAGNUSON. Mr. President, we accepted a similar amendment last year. I, too, am honorbound in the same way the Senator from New Hampshire just related. I would suggest to the Senator from Rhode Island that we would have only a dim hope that his amendment would survive in conference, for the simple reason that none of these programs he mentioned were considered and were not even set up here. They are not in the bill at all. They are merely authorization items. There is no budget estimate on any of them.

Mr. PELL. I did raise the question on each one of these programs as a witness before the subcommittee.

Mr. MAGNUSON. I understand that, but there were no line items in the bill. That was the only testimony we had. Second, if it should survive with some of the other programs—and I agree that we should get started on one or two of them—they will not spend the money anyway. They will just put it in the deep freeze. Therefore, with all the other matters we had, we did not put them in because we had so many other matters in the bill; but I am willing to take the amendment to conference.

I have been strong on the International Education Act myself which is one of the items the Senator proposes funding. There should be some beginnings. The administration people claim that they are not denying the right to go ahead with some of these items but that some of them will be phased in with some of the other programs. That is what the people downtown keep claiming, that they are consolidating and combining programs.

I want to tell the Senate that the Health, Education, and Welfare Department is quite a place. I will bet that the sign painter down there is the busiest fellow in town. He must work 24 hours a day changing signs on doors, and labels, and programs. That is where these items get mixed up. They will have some kind of consolidation there, so I am perfectly willing to take the amendment to conference, because some of these programs should get going. I think the Senator from New Hampshire agrees with me that they should. Some of them are pretty good.

Mr. COTTON. I think probably all are good programs, but I take a dim view of the fiscal situation we are up against now, when we start with a few dollars and next year come back for more money and then there are a dozen or more programs going. They may all be good but I believe we should watch it rather carefully, at this time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BYRD of Virginia). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Rhode Island (Mr. PELL).

Those who favor the amendment will say "aye." Opposed "no."

The Chair is in doubt.

Mr. PELL. Mr. President, I call for a division.

The PRESIDING OFFICER (Mr. BYRD of Virginia). A division is called for.

On a division, the amendment was agreed to.

Mr. PEARSON. Mr. President, I send to the desk on amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment, as follows:

H.R. 7016

An Act making appropriations for the office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes

On page 5, between lines 7 and 8, insert the following: ", of which $5,000,000 shall be provided for State administration and planning."

Mr. PEARSON. Mr. President, for several years $6 million has been appropriated to support the State commissions which administer the undergraduate academic facilities program and the undergraduate construction program. The additional function of these commissions is academic facilities planning for the country's higher institutions, or institutions of higher education.

The House version set this administrative amount at $3 million, consistent with the administrative recommendation when they recommended that there be no further grants.

Now under consideration, I understand, there is put back in this bill $80 million for academic facilities grants and $25 million for undergraduate construction grants. But the $3 million has not been so modified.

What I seek to do, after talking to the chairman and the ranking minority member, is to provide an additional $2 million to put the amount back to what it was in prior years for administrative costs and take it from the $80 million provided in the bill.

Mr. MAGNUSON. Mr. President, I yield time to the Senator from New Hampshire.

Mr. COTTON. Mr. President, the $80 million is in higher education money for construction of college facilities. I felt that we put in too much for construction. But we agreed on it.

Now, it was my understanding a few minutes ago that the distinguished Senator from Kansas was going to offer an amendment to take $3 million from the $80 million and turn it over to the planning function. I suggested that if he made it $2 million, I would be glad to go to conference with the total of $5 million.

Mr. PEARSON. No. It is $2 million. There was $3 million provided.

Mr. COTTON. And the Senator wants to take the $2 million from the $80 million and add it to the $3 million?

Mr. PEARSON. The Senator is correct.

Mr. MAGNUSON. Mr. President, that carries out the program the way it should be in the opinion of the Senator from Kansas?

Mr. PEARSON. The Senator is correct.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. PEARSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. MAGNUSON. Third reading.

The PRESIDING OFFICER. The bill is open to further amendment.

(At this point Mr. BYRD of West Virginia assumed the Chair.)

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Who yields time?

Mr. COTTON. Who has time?

The PRESIDING OFFICER. The Chair refers to time on the bill.

Mr. BYRD of Virginia. Mr. President, would someone yield me 1 minute on the bill?

Mr. COTTON. Mr. President, I ask unanimous consent that the Senator from Virginia be given 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I would like to utilize 1 minute of that time for a short quorum call.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PELL). Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read, as follows:

The Senator from Virginia (Mr. BYRD) proposes an amendment: "On page 2, line 22, after the word 'amended' strike down through and including '1950,' on line 24."

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER (Mr. PELL). The Senator is recognized for 4 minutes.

Mr. BYRD of Virginia. Mr. President, this amendment would strike from the bill the funding for a new program. It would strike on page 2, line 22, $60 million which would be used for students in public housing.

This is a new program. The amount brought in by the committee for the Office of Education and Related Agencies is $451 million over the estimate submitted by the President. I think it is very undesirable to go into new programs at this time.

The Government will run a tremendous deficit this year. There will be a deficit of at least $25 billion in the Federal funds budget in the current fiscal year and at least another $23 billion next year in the Federal funds budget. It seems to me very unwise to fund this new program in the impacted aid category.

For that reason, I move to strike the $60 million which is in the committee bill.

Mr. ALLOTT. Mr. President, will the Senator yield to me for 5 minutes?

Mr. BYRD of Virginia. I am glad to yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I rise in support of the action of the distinguished Senator from Virginia on this matter. There are several reasons why I believe this provision should not be in the bill. One of them, of course, is that this would be an incursion into a completely new area. The second reason is that the House in conferences has taken a very strong and solid position against this and we feel they would take the same position again. The third reason is that we find ourselves in the position now in the Federal Government where, in order to keep within the expenditures level Congress has placed upon the Government, we have funds withheld by the executive branch that cannot be spent without exceeding the expenditures level that Congress has already placed in the bill.

There is another reason why I believe this provision should not be included in the bill. The biggest objection that anyone has had over the years to the impacted aid funds has sifted down to one thing. It has been true with preceding Presidents and it is true in the present administration. President Johnson fought vigorously not to fund the impacted area funds, and Congress, because of the great number of places that have been affected by military installations has funded those particular funds.

The objection that has been raised is that the basic law needs very much to be revised. Year after year the statement has been made in the Senate that the law should be revised and some members of the Committee on Labor and Public Welfare have agreed that it should be revised, but no hearings have ever been held and there has been no revision of this law which needs to be revised.

For example, it is a known fact that one of the inequities that develops out of this law is that one of the richest counties in the United States receives the most money from the impacted area law. There are many of us who support the impacted area law, including particularly my good friend from Nebraska (Mr. HRUSKA), whom I see in the Chamber. I do support it.

I urge again, however, that the committee look into the basic structure of the law, the authorization, and bring it into some reasonable grounds of equity.

For that reason I wholly support the amendment of the distinguished Senator from Virginia (Mr. BYRD). I think to enter into this category C on these funds before we attempt to alter and bring the basic law up to date would be a very serious mistake.

Mr. MAGNUSON. Mr. President, I yield 5 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, first I ask for the yeas and nays on the amendment of the Senator from Virginia.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, this is the almost annual debate that occurs on the question of impacted aid. Every Senator is familiar with the basic concept of impacted aid and has heard the debate heretofore.

As the Senator from Colorado pointed out, all recent administrations, both Democratic and Republican, have had some criticism of aid to impacted areas. Suggestions have been made, ranging all the way from total cancellation to modernization, restructuring, and redesign.

Last year Congress did take one significant step in terms of modernizing impacted aid. It authorized inclusion of group C children—meaning children who reside in public housing—in the impacted areas aid program, public housing not being on the tax rolls of the community or school district where it is located. From its inception, categories A and B aid has been related to the fact that there is a Federal presence which limits the taxable base, but which imposes educational burdens.

Likewise, category C takes into account the nontaxability of real property and the recognition that students living within such property impose educational burdens on the school district.

I think of the various categories of impacted aid, category C is one of the most meritorious and one related to identifiable public need in terms of economics.

As mentioned by the Senator from Colorado, the frequent example given as to the unworkability of category A and B aid is Montgomery County, Md., a very affluent county and one in which I happen to reside. As a result, the school district where my son attends school receives Federal impacted aid for my presence in that county, although my salary is $42,500 a year.

One does not face these incongruities in category C aid because everyone residing in public housing is at the poverty level or near the poverty level and there is proven, identifiable economic need.

The giant school districts of this country that have a large number of students residing in public housing have abundant need for the kind of help coming from the $60-million appropriation recommended by the committee—$60 million is not a huge figure compared to many of the amounts appropriated by Congress. Just a day or so ago the Senator from Colorado offered an amendment which I think had a price tag of $1.7 billion or thereabouts.

So this is but a small fraction of the figure involved in the amendment of a few days ago, which was adopted overwhelmingly by the Senate. I do not think it is asking too much to insist that the school districts of this country which have a large preponderance of public housing be given some help.

A table has been distributed to the desk of each Senator showing what this amendment would mean in terms of dollars to each of the States of the Union. Among the States with large public housing concentrations are Alabama, California, Connecticut, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Virginia, and many others. They would be recipients insofar as benefits under this appropriation are concerned.

I sincerely hope the amendment of the Senator from Virginia is rejected.

I thank the Senator from Washington for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I do not know who wants to speak on the amendment, but as one in control of the time, I am willing to yield back such time as I may have left after I make a brief statement.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. How much time is allotted to this amendment?

The PRESIDING OFFICER. Twenty minutes; 10 minutes to a side.

Mr. COTTON. Mr. President, as a matter of fact, the Senator from New Jersey and the Senator from New York are on their way here. The Senator from Illinois wants time. This is a fight we had hoped to avoid, but it is a very important amendment.

With the permission of the chairman, I ask unanimous consent that we have 30 minutes on each side. I change that to 40 minutes.

Mr. MANSFIELD. Mr. President, would the Senator reduce that somewhat, to, say, 15 minutes to a side?

Mr. COTTON. We already have 20 minutes.

Mr. MANSFIELD. In addition to that.

Mr. COTTON. That would make it 35 minutes altogether.

Mr. MANSFIELD. No; I withdraw the request. Thirty minutes is fine.

The PRESIDING OFFICER. The request is 30 minutes, 15 minutes to each side.

Mr. COTTON. That means 35 minutes, because we had 20 minutes, or was it 10 minutes each?

The PRESIDING OFFICER. Is there objection to the request for an additional 15 minutes to a side? Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute.

The committee has labored with this problem for a long, long time. There is always a division in the committee regarding the so-called category C students.

The committee finally decided, this year, that it was worthwhile.

I do not think some of the members were quite convinced one way or the other, but we voted it into the bill. I guess I am optimistic, but I thought perhaps we would not have an amendment to this section on the floor. I think the committee fully thought there would be.

I merely want to say that, as far as I am concerned, I am going to vote against the Senator's amendment, but I am very appreciative that it has been brought up so the Senate can cast a vote on it and so we can get to conference, because the House would never touch it, and we will have some kind of record on it now.

I yield to the Senator from Illinois such time as he may want.

Mr. PERCY. I thank my distinguished colleague.

Mr. President, I vigorously oppose the Byrd amendment. I think it would be a major step backward if the amendment were adopted. The funds are highly justifiable. If impacted aid is justifiable for categories A and B, it is easily justifiable for category C programs.

Category A funds are for programs involving students whose parents live and work on Federal property. Category B funds are for those who either live on Federal property or whose parents work on Federal property.

Public housing brings in students not normally residing in those areas. Residents of public housing often pay little in taxes. Residents of public housing are often a tax drag in other respects, such as welfare, public health, and so forth.

Consider the State of Illinois as an illustration of the necessity of appropriating these funds. Illinois has 61,209 public housing units under management, second only to New York. Illinois has 100,388 students in public schools who live in public housing units.

Mr. President, I would ask you to visualize for a moment where these families and students live. They are heavily concentrated in the city of Chicago and in such areas as East St. Louis. These cities, as we all know, are already taxed to the limit. They have available to them only property taxes, and what taxes they can get back from the State of Illinois, for instance, and the State legislature.

They have nowhere to turn to raise these moneys, but these children and their families have been pouring into urban areas such as Chicago for years because of the lack of economic opportunity for them in other parts of the country. They have come from Georgia, they have come from Mississippi, they have come from Alabama, and a number of other States. Over 100,000 children today in the school systems of Chicago are living in public housing, whose families are not contributing through their taxation or through taxation on that property. There is no taxation of public housing, and they are not contributing financially therefore to the school system.

As they have come to the city of Chicago they have left that city with the problem of raising the money or lowering the quality of education. I have spoken with the superintendent of public instruction for the State of Illinois, who is a Democrat, who came here to Congress to tell the congressional delegation from Illinois that we in Illinois face a crisis in our school. In the past 4 years, the State has doubled its support for education. Yet the funds are still inadequate to keep our school system going.

In East St. Louis the schools are threatening to come to a complete halt, as Mayor Williams recently pointed out to me.

In the great city of Chicago we have crowded schools, with far more students in the classrooms than there should be, and without the kind of equipment and material that should be available to those children. Mayor Daley and Dr. Redman have dramatized the plight of Chicago schools any number of times.

Not to provide an adequate education for these children, not to create the atmosphere to yield the greatest receptivity for their minds so they can learn, and equip themselves to live in a free society, so they can be the kinds of citizens they should be in the future, is simply to create welfare cases in the future. If we do not train and educate children from deprived families today in our public school system, they are going to be on our hands for the next 20 or 30 years. My remarks are not limited to urban schools exclusively. A major proportion of public housing is built in rural areas to serve rural people.

There is no place, other than the Federal Government, that this supplementary money can come from. It simply cannot come from the cities today. It cannot come in meaningful amounts from the State legislatures today. I repeat that in Illinois the legislature, in just 3 or 4 years, has doubled its contribution to common school education.

Federal public housing in urban areas across the country has caused a great strain. Dr. Redman, head of our school system in Chicago, and others have said that this item is the most important single area in which Congress can help education in America, and particularly in our urban areas where we have public housing. This position has the support, I feel sure, of Dr. Bakalis, superintendent of public instruction for Illinois.

There is a tremendous reluctance now to have public housing placed in many communities. There are court suits. We have been directed by the Federal courts to scatter public housing around, but the communities do not want it. Why do they not want it? Because every time public housing comes in, it creates a greater strain on law enforcement agencies, on welfare agencies, on public health facilities and it creates its greatest strain on the school system in the community.

The only way we will have communities accepting public housing low-income families, rather than concentrating them in the ghettos, which we barbarically have done in Chicago, New York, and other cities, is to encourage the communities to be receptive.

We cannot have the courts order that choice in community after community. They must be receptive, and the only way they will be receptive is if the newcomers bring along with them the assurance of adequate funds to provide for the education of their children. If it is right that we provide the public housing—and there is virtually no question about that; Congress crossed that bridge a long time ago; we are not debating that any longer; it is just a question of where the public housing goes—but we continue to say, "We are not going to provide the funds to educate the children of the lower income families who will inhabit that public housing," our sense of priorities is askew and our inconsistencies in policy threaten to smother what life we have. What do we really think is important? Do we really think an SST is more imtant than quality education for our young people? The Congress has finally said "No." So let us use that money where the priority is higher.

What is more important than providing education, and helping those most desperately in need of it, who, through cultural deprivation lack the advantages and options of life for middle income and higher income Americans?

For that reason, I cannot express too strongly the depth of my feeling on this matter. It is a matter of highest priority which is reflected in this bill. We have taken on a new area here in the Senate of the United States and the Appropriations Committee because it is right, it is proper, and we should do it.

For that reason, I vigorously oppose, with all of the feeling, emotion, and, I hope, rationality that I can bring to bear on this problem, the amendment offered by Senator BYRD.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I ask unanimous consent that my previous request for the yeas and nays and the order pursuant thereto be vacated.

The PRESIDING OFFICER (Mr. MONTOYA). Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

Mr. COTTON. Mr. President, how much time remains?

The PRESIDING OFFICER. The manager of the bill, the Senator from Washington——

Mr. COTTON. He has given me his time while he is out.

The PRESIDING OFFICER (continuing). Has 10 minutes.

Mr. COTTON. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Missouri (Mr. EAGLETON) and I sponsored the amendment which, for the first time, is being funded by this bill, and establishes—and I actually, with him, handled it in the conference between ourselves and the other body—a category C for students under impacted aid.

Mr. President, this is a situation to which I can testify as a witness directly. I live and have lived all my life in the largest city in the country, and I also represent and live in the State which has the greatest suburban problems in the country.

The real question of ghetto living today is no longer a matter of keeping them in the ghetto because they cannot get out for some discriminatory or similar reason, or because the area is segregated, or a fence is built around it; it is an economic question, and a question of local receptivity.

I have listened to the Senator from Illinois with the greatest of interest, because, though he is not a slum child himself, as I am, he did touch the most sensitive chord, and that is that it is good for the suburbs to have these children come out, it is good for the education of their children, good for their morale, and good for their motivation, but they cannot be asked to pay the cost of it, or to suffer the danger of a depreciation in their own standards.

By this bill we have found a way—recognizing that this is as much an impaction as a Federal base or a station in the armed services—without interfering with the traditional relationship between class A locations and class B locations, and various persons—and I was a member of the Appropriations Committee—have been convinced in that regard. We have found a way in which to do justice and give a fair share to these slum children who live in public housing and simply have to get unstuck from these hardcore central areas.

Mr. President, this is not only an act of great humanity, but an act of great statesmanship, in opening up the only real route by which we are going to be able to deal effectively with ghetto and big city problems.

It is a modest appropriation. It is very significant, but the motion seeks to strike only the application of $60 million for this purpose, rather than the overall amount.

In short, we are dealing with the question of a fair share and of priority, and I urgently plead with the Senate, as a direct witness in this case—I was one of them, and represent hundreds of thousands of them—to let this matter stand as the committee, at long last, after so much labor, has at last concluded it should be.

I hope very much the amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. I yield myself 5 minutes.

Mr. President, I feel this amendment should be adopted for several reasons. The committee proposal gets away entirely from the principle of impacted aid. The funding of this extension of the program of impacted aid, a program which is already under attack, into an entirely new field, will tend to destroy the program.

I think the impacted aid program is a sound one, a fair one, and an appropriate one. I support the impacted aid program. But this is a new purpose. This is a new program, never before funded in the appropriation bill. Never before has the Senate approved appropriations or Congress approved appropriations for the purpose of extending the impacted aid law to students residing in federally constructed public housing.

So it is a new program. It is a program which has never been funded before.

It is proposed that we do this at a time, Mr. President, when the Appropriations Committee has brought in a proposal $451 million over the President's budget request for the Office of Education and related activities.

The total amount of this appropriations bill on which the Senate will soon be called upon to vote is $5.6 billion. So Congress is planning to spend a tremendous amount of money on education, as it should. I favor expenditures for education, but I do not approve of starting the funding of a new program at this particular time. As I have mentioned before, I think it would tend to destroy the impacted aid program, which is a fair, just, and appropriate one.

Second, I think this is an inopportune time, a wrong time, to be going into $60 million of additional spending, and I think also that we need to take into account the very serious financial condition of the Federal Government.

We have heard many debates. Hearings have been going on in the House of Representatives and before the Ways and Means Committee, and Governors and mayors have come here wanting revenue sharing.

I like the concept of revenue sharing. But no one, none of these people have come in here and talked about revenue sharing, has said just where the revenue is that they want to share. Because the fact is, Mr. President, that for this fiscal year, which will end at the end of this month, the Federal Government will have a Federal funds deficit of $25 billion, and for the new fiscal year which begins July 1, the Federal Government will have a Federal funds deficit of at least $23 billion.

It will be a lot more than that, in my opinion, but it will be at least that much. So we will have back-to-back deficits totalling almost $50 billion.

Somewhere along the line, Mr. President, this Congress—this Senate—has got to be willing to say no to some of these requests for appropriations. I think the time is now to say no to this $60 million—$60 million for a new program which never before has been funded.

I want to say that I am glad there is a House of Representatives, because I am convinced that the House of Representatives will kill this proposal even if the Senate does not. I hope that it does kill it. I hope that first the Senate will kill the $60 million of new funding. But if it does not, I hope the House will kill it, and I believe the House will kill it. I submit that the House of Representatives is in closer tune with the public than is the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. I yield myself 2 additional minutes.

I realize that it is much easier to stand on the floor of the Senate and argue in favor of making appropriations than it is to stand here and urge that appropriations be rejected. But this deficit financing of the Federal Government is the major cause of the inflation which is hurting this country so badly; it is eating up every housewife's grocery dollar; it is eating heavily into every wage earner's paycheck.

This inflation is not going to be curbed until the Senate and the House of Representatives and the President, working together, are willing to say "No" to some of these tremendous spending programs.

I say again that this is a new program; it has not been funded previously; and I feel that the $60 million should be knocked out of this bill by the Senate today.

Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, the Senate Appropriations Committee request for the Office of Education includes increased funds for two programs of particular interest to me. The Senate bill includes a number of positive items not included in either the administration's request or the House version of the bill. For example, I am extremely pleased that the Senate Appropriations Committee is recommending $50 million for bilingual education. It is quite obvious that increased bilingual educational assistance is imperative if equal educational opportunities are to be afforded our schoolchildren. The children affected by the program are unable to keep up with their studies because they have not been raised in a home where English was the primary language. This social, cultural, and educational problem is most acute in my State of Texas and other areas in the Southwest where Spanish is a predominant language. These children have realized the strength of their Spanish-speaking culture and should be given assistance rather than penalized simply because they were not raised in a cultural environment similar to the majority of students. It is for this reason that I strongly support the bilingual education section of this bill.

Furthermore, I am pleased that the bill included increases in impacted aid funds. The committee has rightly recognized the need for strong support for local school districts whose tax base is reduced because of the fact that many Federal installations and Federal workers are located within the area. This aid is especially needed at this time because of the tight financial squeeze which our State and local political subdivisions are now encountering.

It is my understanding that the administration objects to all of the more than $227 million increase in impact aid. The administration has indicated their dissatisfaction with the impact aid program and has hinted that reform legislation will be proposed. I welcome any attempt to improve existing legislation. However, until reform is realized, I believe the impact aid program should be strengthened.

The bill also includes funds which recognize the need for increased research assistance to help localities formulate drug abuse and environmental education programs. Yet the Nixon administration in its fiscal year 1972 budget for the Office of Education included a number of far-reaching program reforms and realistic funding increases. For instance, I support the efforts of the administration to consolidate all existing vocational education programs in the hope that simplification of a confusing grant-in-aid procedure would be realized. I regret the bill does not include the mechanisms needed to achieve this reform.

In its entirety this bill is approximately $900 million in excess of the administration's revised budget request. Furthermore, should the legislation included in the original budget request be eventually enacted, another $1.7 billion will have to be appropriated.

Mr. President, I will support the bill because of the many positive items included in it that I have already mentioned. Yet, at the same time, it is my hope that the conference committee will cut down the appropriations for certain items in it to a figure acceptable to the President.

I am especially pleased that this measure has reached the Senate floor before the beginning of the fiscal year. Its passage and enactment by the President will enable educators throughout the Nation to know exactly what is available to them throughout the entire school year. It will be worthwhile to all concerned if we could enact the bill in the near future. It is for this reason that I am making this plea for congressional spending restraint in an effort to avoid a presidential veto in the light of continued inflationary pressures in the economy.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, do I have 6 minutes remaining?

The PRESIDING OFFICER. Yes.

Mr. COTTON. I yield 2 minutes to the Senator from New Jersey.

Mr. CASE. Mr. President, I think that everything that needs to be said or could be said usefully has been said. I will not take more than 2 minutes.

I think it would be tragic to take this action: $60 million is one-fifth of the amount which was authorized last year by permanent legislation, a very sound and useful program. If anyone wanted to cut impacted aid on the ground that it is not the best way to take care of the educational needs of the country, he would not go to this part of that program. He would go to the other and older parts. I recognize that insofar as the present appropriation bill is concerned that is a political impossibility. Moreover, it would be a wrongful act because the school districts of the country are counting on the money that is in this bill.

I am not opposed to the principle of reconsideration of the whole impacted aid program. In fact, I would urge that this be done, but that it be done not ex post facto in any year. I think it should be done in a legislative committee; I have supported the suggestions of several presidents that very serious consideration be given to that.

On the other hand, I am opposed to any effort to cut out this most useful effort to help the cities where help is most urgently needed.

This is not going to be inflationary. This money will have to be spent. It is a question of whether we will force our municipalities to put further strain on their limited financial resources, or whether we will help to alleviate their problem in this small, but important way.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. JAVITS. Is that not the central point, that we are pleading for a fair share, 10 percent, of $67 million?

Mr. CASE. Of course.

Mr. JAVITS. There is no effort to cut the $67 million.

There is no challenge to the impacted aid program by us or by the mover of this amendment.

Therefore, before we become very indignant about the large deficit and the large appropriations, let us look at this matter in proportion. Ten percent is sought for the great cities of the country and their children.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. May I have 1 additional minute?

Mr. COTTON. Only 1 minute remains, but go ahead.

Mr. JAVITS. I have finished my point. I think we are looking for a fair share.

Mr. CASE. I could not have said it as well myself. Therefore, I am glad that whatever time the Senator from New York stole from me, he did steal. [Laughter.]

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. COTTON. There is remaining time, is there not?

Mr. President, is there any time remaining?

The PRESIDING OFFICER. The Senator from Virginia has 10 minutes.

Mr. BYRD of Virginia. Would the Senator from New Hampshire like all my time?

Mr. COTTON. Mr. President, do I not have 1 minute?

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes remaining.

Mr. COTTON. Three minutes? Something is wrong. I was told 5 minutes ago that I have 6 minutes remaining, and they have spoken for 10 minutes since then. [Laughter.] I will take 1 minute.

I certainly agree that the whole makeup of impacted area funds must be reviewed and that we must straighten this matter out; because, as I have said many times before today, we have at stake the State of the distinguished Senator who offers this amendment. His State has a large share of the impacted area funds. Other sections are being squeezed down. It was the feeling of the committee that in view of this situation, we would give this amount. Many on the committee wanted more than the $60 million. We compromised on it; we all agreed on it.

That was the agreement of the committee.

In view of the fact that this impacted area matter is so confused, I hope we will change the fundamental law and lay it down in clear terms. But in view of what is going in other directions, I feel that the cities are entitled to this amount; and, as a member of the committee, I shall have to vote against the amendment of the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. If the Senator from New Hampshire would like additional time, I would be glad to yield it to him.

Mr. COTTON. I thank the Senator, but I do not need it.

Mr. PERCY. Mr. President, will the Senator yield me 2 minutes?

Mr. BYRD of Virginia. I yield.

Mr. PERCY. I particularly appreciate this, because it will enable me to clarify a mistake I made when I came to the Chamber.

I received an urgent, hasty message that the distinguished Senator from West Virginia (Mr. Byrd) had offered an amendment on the floor; and I was dismayed to think that my good friend, the Senator from West Virginia would do this since Charleston has just started a new important public housing project.

When I came to the Chamber, I addressed my comments directly to him, only to discover that my information was wrong and that it was my dear, esteemed colleague, the Senator from Virginia, whose undertaking, nonetheless, equally dismays me. I am as concerned as he is about our Federal deficit. I am a fiscal conservative when it comes to having balanced budgets. I have never had an unbalanced budget in my personal or business life. The only one I have ever dealt with is the ever-increasing Federal deficit.

I abhor deficits. But I think the only way to overcome deficit spending is to sort out our priorities.

I respectfully suggest that if I were in Virginia today, I would take this amount out of the appropriations that we authorized to subsidize tobacco farmers. I would take it from the tobacco producers, who are producing a product that we spend millions of dollars to try to discourage people from using—Senator Moss has said this many times—and I would give it to the schoolchildren from low-income families of Virginia who might well become future public charges unless they can get an adequate and a decent education. I know that Virginia tries to do the best job it can. But these funds would help the State of Virginia meet a need that it has for its children who come from public housing projects. Virginia would get $5 million, if the full $300 million had been funded that had been authorized by the Senate Committee on Labor and Public Welfare. That figure was cut to $60 million. It is a conservative figure that we are now voting upon.

Mr. BYRD of Virginia. Mr. President, I sympathize with the distinguished Senator from Illinois (Mr. Percy) being confused in regard to the two Byrds in the Senate. That brings to mind what President Truman once said when there was only one Byrd in the Senate. He said that was one too many Byrds in the Senate. So I guess there are too many Byrds in the Senate right now.

Mr. President, let me emphasize that this program which is being funded at $60 million is a new program. It has never before been funded.

I submit that this is not the time to go into new programs. The pending bill is already $451 million over the recommendation submitted by the President.

At the end of this fiscal year, which will end on June 30, this country will run a deficit of $25 billion.

In the fiscal year which will begin on July 1, I predict a deficit of more than $23 billion.

Thus, in a 2-year period, there will be a back-to-back deficit of approximately $50 billion. It could run more than that. In fact, I think it will run more than that, but being somewhat conservative, I will be conservative in my figure and say that the deficit will run approximately $50 billion for the 2-year period.

I do not believe there is any question in the world about that. The administration's figures also show it to be at $48 billion.

Let us take the 6-year period. During that 6-year period, for the last 3 years of President Johnson's administration, the total Federal funds deficit was $49 billion.

For the first 3 years of President Nixon's administration, the total Federal funds deficit will be $62 billion.

Thus, in that 6-year period, this Nation will run an accumulated total Federal funds deficit of $111 billion.

Yet we wonder why the value of the dollar is decreasing. We wonder why inflation is increasing. It is inevitable, Mr. President. Sooner or later Congress, the Senate and the House—and the President, all working together—and that is the only way it can be done—must get the financial situation of this country under control and must put its financial house in order.

I think we can start doing that today by knocking out this new $60 million program.

Mr. President, let me repeat the deficit financing figures I just spoke of for emphasis, because I think it is very important that they be fully understood.

During the 6-year period, the last 3 years of the Johnson administration and the first 3 years of the Nixon administration, the total accumulated Federal funds deficit will be $111 billion.

That is a major reason for the inflation the Nation is facing, a major reason that every housewife who goes to the grocery market these days finds her grocery money buying less and less. It is a major reason that every wage earner is having his check heavily eaten into by inflation.

I submit that inflation is a hidden tax. It hits hardest at those on fixed incomes, those in the lower or middle economic sectors.

Accordingly, I think the best way to help the average citizen of this country is to get inflation under control. We will not do that by going into expensive, new programs such as this one for $60 million.

I say again that there are many reasons why my amendment to knock out the funding of this new program should be agreed to. One of the foremost reasons is that it is an entirely new program. It is one that is calculated, in time, to destroy the entire concept of the Federal impacted aid program, which I think is a desirable and a sound program.

Mr. CURTIS Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. I appreciate what the distinguished Senator from Virginia has just said.

I believe that there is a further reason why we should not go into this impacted aid for pupils whose families reside in public housing, because the situation is quite different from that on military installations which are conducted for the benefit of all the people of the United States. Oftentimes these military installations are established in an area which places a burden on the local people which should be regarded as an expense of the military installation.

However, in connection with public housing, that is something that the city or the municipality seeks and asks for and already carries a Federal subsidy for. It is not something that is forced upon the community or that a community is asked to take on the part of the Federal Government.

Therefore, I think we are making a very big mistake in making this departure to extend impacted aid to that particular category.

In addition, I concur with what the distinguished Senator has said about our financial situation, and I support his amendment.

Mr. BYRD of Virginia. I thank the distinguished Senator from Nebraska and I concur in the views he has expressed.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the amendment of the Senator from Virginia (Mr. BYRD).

The amendment was rejected.

Mr. MAGNUSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

Mr. BUCKLEY. Mr. President, at a time when budgetary deficits are running at an alltime high, when governments at all levels are confronted with severe fiscal crises, when tax rates are approaching their uppermost limit, we are being asked to add better than three-quarters of a billion dollars over and above the amount already approved by the House. If this is any indication of what will happen on other appropriations bills, we are setting the stage for fiscal disaster.

There is a good deal of talk these days about a coming taxpayers' revolt. And no wonder. According to figures recently released by the Bureau of the Census, gains in median family income last year were completely wiped out—and then some—by inflation. Whereas median family income in 1970 rose by 4.7 percent, consumer price increases advanced by 5.9 percent. The day is not far off when those who must foot the bill for governmental excesses will finally say, "enough." The time has come for belt-tightening, and the place to begin is in the Congress.

Everyone, of course, says he is in favor of fiscal responsibility; but most want it to begin with someone else's project rather than their own. This is especially true with regard to funds for education, where the reigning sentiment seems to be that increased appropriations are always necessary and desirable. I should be the last to deny that educational needs are great at the present hour; but they will also be great next year, and the next year, and the year after that. But until Congress decides that the Office of Education ought to become the school board for the entire country—and I trust that day will never come—the capacity of the Federal Government to fulfill most educational needs is very limited indeed. One may be stoutly in favor of educational progress, as I am, without succumbing to the myth that such progress can be bought by the Federal Government with mere greenbacks.

There are many in Congress who incline toward the belief that more money automatically means better education. The taxpayers, however, are taking a somewhat different view of the matter, as witness the defeat of school bond issue after school bond issue in all parts of the country during the past few years. The taxpayers—who are, after all, parents of schoolchildren—are by no means opposed to educational progress. They are simply denying that more money means better education. They seem to be saying that they have, for the time being at least, spent enough on education, that the time has come to take stock, to see whether they are really getting their money's worth, to see whether some of the fat cannot be trimmed. Unless my guess is wrong, they are going to discover that a lot of fat can in fact be trimmed; and school administrators, for their part, are going to discover that schoolchildren can get along perfectly well without some of the frills which only recently were being touted as "absolutely essential."

Mr. President, it is time for Congress to listen to the taxpayer and take heed. The day of reckoning may not be far off, and when it comes, we may discover that we lack money not only for education but for other pressing needs as well.

Mr. President, I will vote for the appropriation bill because of the need to move the basic legislation to conference, but I will be cheering for the House conferees.

Mr. BOGGS. Mr. President, I wish to express my strong support for the inclusion in the Senate amendments to the bill of $5,014,000 to carry out the Environmental Education Act.

This act—Public Law 91-516—was signed by the President last October. It represents a milestone in our efforts to encourage the teaching of knowledge about the environment in which we all live. The $5,014,000 in the bill will go a long way toward initiating a number of grant projects throughout our Nation.

This act will stimulate development in our schools, libraries, museums, and numerous other places of learning of environment-related education programs.

One thing that has impressed me greatly about this program is the tremendous response it has received from across the Nation. With relatively little publicity and a fiscal year 1971 appropriation of $2 million made available in the supplemental bill, the new Office of Environmental Education has received

2,000 applications for grants under the program. The total cost of these applications, if all were to be approved, would exceed $70 million. Quite obviously, a public need and a public enthusiasm exists for this program.

I might point out that four applications have been received from the State of Delaware. The application by the State department of public instruction would finance a program for statewide planning for environmental education to assist every school district in the State. The Newark and the Marshallton-McKean School Districts have also submitted applications to initiate imaginative programs in their areas; these proposals complement the State proposal. The University of Delaware seeks a grant to incorporate environmental education into its extension work.

I applaud each of these applicants and I am hopeful that other potential Delaware applicants will submit programs for fiscal year 1972.

The $2 million appropriated in the current fiscal year should initiate approximately 75 programs. With the obvious great demand for such programs, I am hopeful that a fiscal 1972 appropriation of $5,014,000 will enable the Office of Environmental Education to expand its number of grants significantly in 1972.

It is estimated that for each $1 million added to the sums appropriated, the Office of Environmental Education will be able to initiate approximately 40 new programs.

I regret that the bill does not appropriate the full $15 million authorized, but I believe that an appropriation of $5,014,000 represents a dramatic improvement over the 1971 funding level.

This will be money well invested toward expanding public awareness of the many environmental problems our Nation confronts.

Mr. MONTOYA. Mr. President, as a member of the Labor-HEW Subcommittee I take great pride in this bill. I think it represents sound action and responsible funding for the many programs affected. I should like to take this opportunity to offer my congratulations to the chairman. A great deal of hard work and thoughtful consideration went into the drafting of this bill. His continuing interest in the field of education produces a consistently responsible Senate posture on Education Appropriations.

I would like very briefly, Mr. President, to point out one of the most positive features of this particular bill. We have for a long time had a commitment to bilingual education in this country. This program is designed to meet the special needs of youngsters who come from environments in which English is not the primary language. Although originally emphasizing programs for Spanish-speaking youngsters, bilingual education is now offered to children of Chinese, Indian, Eskimo, Portuguese, Japanese, and a variety of other heritages.

The authorization for bilingual education for fiscal year 1972 is $100 million. The House approved only $27 million. It was the feeling of the Senate Committee that funding at 50 percent of the authorization was warranted and needed.

Because of funding limitations, this proven program has been unable to expand. Existing programs and geographical coverage have been held static. There are 131 projects currently in operation in many States. This increase to $50 million would greatly increase this number. It would dramatically expand the number of children who could participate in bilingual programs they badly need.

There have been no questions raised as to the effectiveness of this program. It has been tested and proven successful. It is, therefore, unthinkable to continue to underfund it.

As I indicated to the committee, there is ample evidence of the need for this program and the effectiveness it has enjoyed where it is employed. Statistics indicate that 50 percent of the Spanish-speaking students in California drop out by the eighth grade; 87 percent of Puerto Ricans over 25 years of age in New York City have not completed high school; the average number of school years completed by Mexican-Americans in the Southwest is 7.1 years. The median school years completed for the Anglo child in the Southwest is 12.1 years, and for the nonwhite child, 9.0. It is perfectly clear that the educational system designed primarily for the Anglo middle-class child is not adequate to meet the needs of students from other cultural heritages.

I submit, Mr. President, that we are depriving, robbing, the non-English-speaking youngster of educational benefits considered the natural right of the Anglo middle-class child.

In my opinion, one of the most significant and relevant programs ever added to the Elementary and Secondary Education Act is this title VII provision for bilingual education. It represents our recognition that students from varying cultural heritages and community language habits are different than the average Anglo youngster.

Mr. President, I strongly urge passage of this appropriation bill. It represents a responsible funding position for the Senate. I am hopeful that conferees will fight hard for the increases we have made which are badly needed in each instance. I take particular pride in the Senate position that we increase bilingual education funding to a much more realistic level. Fifty million dollars, although still not ideal, is a reasonable and responsible step in the proper direction.

Mr. NELSON. Mr. President, in action on Tuesday, June 8, the Senate Appropriations Committee added $3.014 million to the $2 million requested by the administration and already appropriated by the House to fund the first full year of the Environmental Education Act.

This makes a total of $5.014 million for environmental education and should provide funding for at least 100 projects throughout the country.

The enthusiastic response from all parts of the country to the provisions of the Environmental Education Act with over 600 requests for more than $50 million indicates that well over $5.014 million could be effectively utilized by the U.S. Office of Education for this important program.

The increasing public awareness of the environmental problems facing the country makes it obvious that an effective nationwide effort in environmental education is long overdue, and the Senate Appropriations Committee is to be commended for taking the step of increasing the appropriation over the inadequate initial $2 million figure.

Mr. WILLIAMS. Mr. President, we are considering the education appropriations bill of 1972. As chairman of the Labor and Public Welfare Committee, the authorizing committee for these appropriations, I wish to commend the Appropriations Committee for the bill that they are reporting to the floor, and the recommendations that they have made for fiscal 1972 appropirations. In the time that I have had to review these recommendations, I have been impressed with the responsible and praiseworthy work that they have completed on the funds for education, and the thorough and sensitive report that they have made to the Senate.

In the testimony that I made to that committee in its consideration of the 1972 education funds, I recommended to that committee that they resist conjoining funding of separately authorized programs, that they consider funding those programs for which the administration has omitted funding, and that they fund all education programs to the fullest extent possible. I wish to thank the distinguished chairman of the Education Appropriations Subcommittee, the senior Senator from Washington (Mr. MAGNUSON), and the distinguished chairman of the full Committee, the senior Senator from Louisiana (Mr. ELLENDER), for considering these recommendations. In reviewing the report. I find that all of these recommendations have been accomplished to the degree possible, and that the recommended level of funding for all education programs represent funding levels for which the committee and the Senate can be proud.

I especially would like to call to the attention of the Senate the funding recommendations for student assistance programs in higher education. I believe that in this area that the committee has made a series of decisions which will speak to the need of our students in higher education, and will greatly help many in the next 2 school years.

The Senate should note the committee's statements about these programs. The decreases that appear on paper represent the committee's rejection of budget requests for unauthorized programs, and, in fact, the committee has increased all student assistance programs substantially. They have seen fit to add $50 million to NDSL loans, over the House recommendation, an additional $104 million for the college work/study program for 1971–72 over the House recommendation, and have shifted $40 million from the 1972–73 appropriations for the educational opportunity grant program which should substantially increase the number of students that can be supported in the coming academic year.

I would like to commend the committee for all of these decisions, and for redistributing funds from the administration's budget request so that students in the coming academic year can rely on work/study and EOG grants to continue their college education with no interruption caused by lack of funds. I would also like to note the committee's recommendation for supplemental appropriations at the end of the funding cycle in case of deficits in the work/study programs. I believe that the committee has dealt with these programs very sensitively and I wish to commend them for these recommendations.

I also note that the committee has recomemnded increased funding levels for the drug abuse education program, and the environmental education program, over the House recommendations in order to meet the demand for these programs at the State and local level. They have added $7 million more for drug abuse education and $3 million more for environmental education. I support these increases without reservation, and believe that the committee has made a wise recommendation in these two areas of pressing national concern.

Finally, I would like to commend the committee for adding funds to the House recommendations under tile III, ESEA, for library resources in order to promote the right to read programs, for increasing funds for Upward Bound, for continuing appropriations to the Follow Through program, thus rejecting the House's decision that the authorizing legislation for this important program has expired, and for the putting funds into the law school clinical training program, which to date has remained unfunded.

I believe that the committee has made a series of decisions, as represented in this appropriations bill, that are to be commended. As chairman of the authorizing committee responsible for these programs, I wish to commend the committee for these recommendations. I believe that this bill represents an important step toward full funding of all educational programs.

Mr. ALLEN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

> On page 5, line 1, strike $1,205,371,000 and insert $1,230,371,000.

Mr. ALLEN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. ALLEN. Mr. President, I offer this amendment, because of the tremendous reduction that has taken place in the support received by Alabama college in the college work-study program.

I have a number of letters from institutions of higher learning in the State of Alabama. This situation though does not just apply to the State of Alabama. It applies also to colleges throughout the country. However, it particularly applies to the colleges in the Southeastern section of our country where reductions have been made in the amounts to be received by institutions of higher learning to finance the work-study program in those schools.

Mr. President, I have a letter dated May 14, 1971, from Dr. David Mathews, president of the University of Alabama, in which he says:

> As you know, the University is heavily dependent on work-study funds as a means of providing financial assistance to deserving students. Moreover, these funds are of critical importance to us in providing essential staff support for the various academic departments and administrative offices at the University.
>
> On Monday, May 10, we received word that our work-study allotment for the period July 1, 1971 through December 31, 1971 would be only forty-one per cent (41%) of the amount for the same period of the preceding year. We subsequently learned that the state allocation had been reduced to 50.31% of last year's figure and that similar cutbacks have been announced for every state in the union.
>
> There is no way for me to convey to you fully the importance of this vital program and the seriousness of the cutback which has been announced. It has been mentioned that a supplemental appropriation might be necessary to remedy this situation, but in any event, we would be most grateful for any help you could provide in restoring funds to this vital program.

Mr. President, I ask unanimous consent that the letter from David Mathews, president of the University of Alabama under date of May 14, 1971; a letter dated May 12, 1971, from Troy State University, Troy, Ala., signed by Donald J. Gibson, dean of student affairs; a letter from Southern Union State Junior College under date of May 12, 1971, and signed by Ray Jones, president; a letter under date of May 24, 1971, from Jefferson State Junior College, together with the addendum thereto, including a newspaper article; and a letter from Robert A. Dennis, president of the Alabama Association of Student Financial Aid Administrators, from the University of Alabama, under date of May 10, 1971, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF ALABAMA,
University, Ala., May 14, 1971.

Senator JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: I am writing in regard to a recent action taken by the Office of Education which will have a most serious effect on the University and most other institutions receiving federal funds under the College Work-Study Program.

As you know, the University is heavily dependent on work-study funds as a means of providing financial assistance to deserving students. Moreover, these funds are of critical importance to us in providing essential staff support for the various academic departments and administrative offices at the University.

On Monday, May 10, we received word that our work-study allotment for the period July 1, 1971 through December 31, 1971 would be only forty-one percent (41%) of the amount for the same period of the preceding year. We subsequently learned that the state allocation had been reduced to 50.31% of last year's figure and that similar cutbacks have been announced for every state in the union.

There is no way for me to convey to you fully the importance of this vital program and the seriousness of the cutback which has been announced. It has been mentioned that a supplemental appropriation might be necessary to remedy this situation, but in any event, we would be most grateful for any help you could provide in restoring funds to this vital program.

Thanking you for your attention in this matter, and hoping that you will call upon me if we can provide additional information, I am

Most cordially,
DAVID MATHEWS,
President.

TROY STATE UNIVERSITY,
Troy, Ala., May 12, 1971.

Senator JIM ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: Troy State University would like to present its case concerning the anticipated reduction of student aid funds for the fiscal year 1972. We feel that through the recent allocation of Federal Funds for the student aid programs, the state of Alabama and Troy State University has been dealt a severe injustice. For example, the state of Alabama was allocated Federal funds for the College Work Study Program on a state percentage of 50.31% while it is our understanding that some states, such as Georgia, received in excess of 100%. As a result of this action, Troy State University will experience a severe reduction in its student aid programs for the fiscal year 1972. The following tables shows the aid programs involved, the amount of federal dollars actually received during fiscal year 1971, the anticipated allocation for 1972, and the amount of reduction for each program both in dollar amounts and percentage amounts:

Program	Fiscal year 1971 (actual allocation)	Fiscal year 1972 (anticipated allocations)	Amount of reduction	Percentage of reduction
EOG	$159,100	$142,734	$16,366	10.3
NDSL	249,374	188,232	61,142	24.6
CWSP	257,560	154,536	103,024	40.0
Total	666,034	485,502	180,532	27.1

As you can see, the Financial Aid Programs at Troy State University will be greatly impaired if this funding level for fiscal year 1972 remains. This problem becomes more evident with the fact that Troy State University anticipates approximately a 10% increase in the number of students for the 1972 fiscal year. Troy State University experienced approximately a 10% increase in enrollment during the 1971 fiscal year, which is one of the largest increases experienced by any institution of higher learning in the State.

This reduction in Federal funds will result in few—if—any financial awards to 1971 freshman and necessitate reducing the number currently enrolled and receiving financial aid. Thousands of Alabama's young people educational plans are seriously threatened unless more funds are received.

Your assistance in obtaining at least 100% funding for Troy State and other Alabama Colleges is urgently needed.

Sincerely,
DONALD J. GIBSON,
Dean of Student Affairs.

SOUTHERN UNION STATE JUNIOR COLLEGE,
Wadley, Ala., May 12, 1971.

Hon. JAMES B. ALLEN,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: We here at Southern Union, especially personnel in the Student Financial Aid Department, are in a state of shock because of the low level of funding for student financial aid, particularly the College Work-Study Program.

As a result of the low level funding many students, some who already have commitments made to them, will not be able to come to Southern Union this fall. Approximately fifty (50) off-campus jobs which our Financial Aid Office has established during the past five year period will be at stake. Many of the jobs, although established to aid students, have become almost a necessity to the college community. Particularly every hospital, public office and recreational department within the college community will be affected by the low level funding. This is especially true for one agency, the LaFayette Fire Department, which employs nine (9) students to provide twenty-four hour fire protection to the city. Other than losing the protection, a $35,000 dormitory built especially for the students will be vacated. Also, the Chambers County Sheriff's Department employs ten (10) students who are used to monitor radios connecting three law enforcement agencies. The above are only two of the off-campus agencies which will be affected, many other off-campus agencies, thirteen (13) of them, and the on-campus program will be cut or abolished entirely.

I understand that the State of Alabama will receive only 53.5% of last year's funding. According to our Financial Aid Office, we will receive 62% NDSL funding, 51% EOG funding, and only 41% CWSP funding based on Regional Office recommendations for the 1972 fiscal year.

Senator, as you can see, our situation here is serious. Please check into this unbelievable funding as soon as possible and determine what can be done at this late date.

Sincerely yours,

RAY JONES,
President.

REDUCTION IN GRANT FOR STUDENT FINANCIAL AID IN ALABAMA

As you can tell by the attached fact sheet we are receiving a forty-one percent decrease in the Federal College Work Study Appropriation for the next six months as compared to the previous six months.

This is especially disconcerting insomuch as the Jefferson State Financial Aid Office had approximately 100 qualified applicants who were unassisted because of insufficient funds. With the reduction in funds for the next six months our unassisted students will double. This will be true for all institutions of higher education in Alabama.

We need to have the facts that substantiate this decision to reduce Student Financial Aid Funds for Alabama. At Jefferson State, it seems that we need an increase rather than a decrease.

To Whom It May Concern:

These facts represent the student financial aid grants that have been appropriated for July 1, 1971, through December 31, 1971. Award letter day May 13, 1971:

Federal college work-study program:

July 1, 1971–December 31, 1971	$28,898
January 1, 1971–June 30, 1971	53,604
Percentage decrease	41%

This amount represents 44% of our request.

Number of students currently on Work-Study Program, 175 at 15 hrs. per week.

Number of students the decreased funds will permit to work, 85 at 10 hrs. per week.

Educational opportunity grants:

Amount for 1970–71	28,506
Amount for 1971–72	24,350
Percentage decrease	15%

It is interesting to observe that the following Southern states received these percentages of their requests:

Georgia, 100% funding received.
Florida, 80% funding received.
Tennessee, 60% funding received.
Mississippi, 42% funding received.
Alabama, 41% funding received.

Areas to be affected by shortage of Work-Study Funds:

1. Off campus work agreements possibly terminated.
2. Cuts in half number of students working on campus.
3. Reduces number to 10 hours per week that each student may work.
4. Eliminates full-time jobs for summer Work-Study Program.
5. Affects students on athletic and debate teams who would have been on Work-Study Program.
6. Reduces number of students who work during registration.
7. Area budgets must provide more money for highly skilled students who possibly won't qualify for "Federal Work-Study Program" or plan for professional clerical assistance.
8. Will possibly eliminate the Work-Study tutors.

Reactions and criticisms may be voiced through your Congressman and Representatives in Washington. Express your dismay over the reduction in the Work-Study Program which is the most beneficial financial aid program, both to the student, the school, and the community.

It is difficult to understand the low percent that Alabama has been funded for its Student Aid Program for 1971–72.

[From the Birmingham News, May 2, 1971]

FROM FEDERAL GOVERNMENT: 1,000 JEFFCO STUDENTS WAITING FOR COLLEGE FUNDS

(By Barbara Thomas)

Some 1,000 Jefferson County students who must have financial aid to go to college will not be able to enroll this fall unless more money is available soon from Congress.

Harold Helms, president-elect of the Alabama Association of Student Financial Aid Administrators, said Thursday 986 students from colleges in this area have applied for financial aid for next September, most of them under the college work study program. These 986 have made applications for aid at Birmingham Southern, Samford, Jefferson State, Miles, University of Montevallo, Daniel Payne, University of Alabama in Birmingham, Lawson State, and Booker T. Washington Business College.

Helms told a gathering of college financial aid officers meeting at Samford that Alabama's request for federal funds under the work study program is about half of what it was the same time last year.

Alabama's request totaled some $7.7 million, but the state colleges were funded for only some $4.2 million.

Helms and other officers of the association recently went to Washington and met with the Alabama congressional delegation and U.S. Commissioner of Education Sidney Marland, to find out why Alabama received only 41 percent of the funds requested.

Helms said the amount of money a state gets in student financial aid is based on the number of post secondary students, the number of high school students, and the number of students under 18 from low income families.

Under the college work study program, students from low income families may work up to 15 hours a week for the universities while in school and are paid a minimum wage of $1.60 an hour. The U.S. Office of Education picks up 80 percent of the bill, while the participating universities pay the other 20 per cent.

However, since Alabama's appropriation was so low for is aware of the problems fac-applied and turned down for financial aid probably won't get to go to college.

Helms said he is optimistic about the results of the Washington trip and the discussions with the congressional delegation. He said he is hopeful more money will be available soon to boost the work study program.

Helms said financial aid advisors will get information to students as soon as possible. Phone calls and visits to the directors offices will only slow down the processing of applications, he said.

Helms said the Alabama congressional delegation and the U.S. Office of Education is aware of the problems facing the students needing the money for school.

"They're really behind us and pushing for us," he said of the congressmen.

Auburn University officials said last week they have decided to cut back on the summer program in student aid to save money for students needing aid this fall.

Spokesmen for several other Alabama colleges have also expressed concern over the less-than-adequate funding of the financial aid program for students across the state.

The U.S. House of Representatives has recently funded the national defense student loan program, another financial aid program, to the tune of $293 million. This measure is still before the Senate.

Under this program, low-income students may borrow up to $1,000 per academic year or $2,500 a year for graduate students with no interest due until nine months after graduation.

THE UNIVERSITY OF ALABAMA,
University, Ala., May 10, 1971.

Senator JOHN SPARKMAN,
Senator JIM ALLEN,
Congressman WALTER FLOWERS.

DEAR SIRS: I appreciate, very much, your kind attention today when I talked to you about the critical situation we are facing all over Alabama with inadequate funds for our Work-Study Job Program for the period July 1, 1971 through December 31, 1971. My colleagues, throughout the entire State, will be grateful to you in helping us get reasonable funding for this program, but most of all thousands of students will appreciate your help because without it they will not be able to enroll at their particular institution this fall.

As I told you over the telephone, the institutions in Alabama were only allocated 53.5 percent of the funds we received for the same six months period of last year (July 1–December 31). In addition to cutting the program almost in half, the minimum wage we are having to pay this year is $1.60 per hour compared to $1.45 per hour last year. As you can easily see, this means that more than half the students on Work-Study will not be able to attend school this fall unless something is done almost immediately, or unless they can borrow funds somewhere.

Whatever you feel I can do to assist you in any way in solving this critical problem, please let me know. I shall be happy to come to Washington or do whatever you think is best. (I do plan to be in Washington late Saturday and attend the National Association of Student Financial Aid Administrator Meeting at the Mayflower Hotel which runs through Tuesday.) I believe you have my office telephone number, but if you need me at any time, my secretary will know where to get in touch with me.

Many thanks for your concern and helpfulness, and with kindest regards, I am

Most cordially yours,

ROBERT A. DENNIS,
Alabama Association of Student Financial aid administrators.

Mr. ALLEN. Mr. President, Dr. David Mathews was in the city this morning. He stated that already as a result of this reduction, 750 young men and women at the University of Alabama were cut from this work-study program and that it is anticipated that more than 1,000 will be cut from the program starting with the school year beginning in September.

Mr. President, the amendment seeks to

add the sum of $25 million for the college work-study program. Without this assistance thousands of young men and women throughout the country will not be allowed to attend college during the next school year.

This situation has particularly hit the State of Alabama where many of our young people do not have sufficient means to attend college. This program has been of great benefit to them and has allowed them to work at useful, meaningful work, and to obtain financial assistance for their college expenses.

One of the items that I asked unanimous consent to have printed in the RECORD is an item from the Birmingham News of May 21, 1971. That article is headed, "1,000 Jeffco Students Waiting for College Funds."

It seems likely that they will wait for a long time unless we can get this amount increased.

I do wish to commend the committee for the amendments which it added to the bill.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the committee report, starting on page 10 under the heading "Student Assistance" and going down through the second paragraph on page 120.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STUDENT ASSISTANCE

The Committee is recommending $1,205,371,000 for college student assistance programs, an increase of $180,971,000 over the House allowance, $486,871,000 over the amount available in 1971, and a decrease of $422,900,000 from the budget estimate. The latter decrease is, as already indicated, more apparent than real. The President's 1972 budget estimate—submitted in January—was based upon new legislation. The Committee recommendation and House allowance are based upon extension of existing authorities. In its letter of appeal to the Senate following House action, the Department of Health, Education, and Welfare indicated that it no longer expected its higher education proposals to be enacted in time for implementation this fall and, therefore, was revising its request to take this into account. The Committee recommendation is $50,000,000 above this appeal amount—the total increase being in the National Defense Student Loan Program.

In addition to providing this increase, the Committee recommendation also redistributes between academic years the total amount recommended by the Department of Health, Education, and Welfare for educational opportunity grants and college work study. (The 1972 estimate provides support for two academic years.) The Committee made this redistribution because the Administration's estimate—although generous in total—placed almost all its proposed increase in student support in academic year 1972–73. Academic year 1971–72, which begins this coming fall, represents a virtual standstill in Federal support, which college enrollments and their need for funds are expanding significantly. The commttee has heard from colleges all across the country who are caught in ths financial squeeze. Particularly important to the colleges is the need for additional work-study funds as high unemployment among the regular labor force threatens to eliminate many normal sources of employment for students.

As a response to this demonstrated student assistance crisis, the Committee is recommending $436,400,000 for college work-study programs, $293,000,000 for National Defense student loans, $270,700,000 for educational opportunity grants, and $196,600,000 for subsidized student loans.

The following tables compare the committee recommendation with the House allowance and the level proposed in the Department of Health, Education, and Welfare's appeal and shows how this total would be distributed by academic year.

	Academic year	
	1971–72	1972–73
Work study:		
House allowance	$197.400,000	$244,600,000
HEW appeal	197,400,000	320,000,000
Committee recommendation	281,000,000	236,400,000

Under the Committee recommendation, approximately 645,000 students will receive work-study earnings in this coming academic year compared with 430,000 students in the current academic year. Even with these additional funds, colleges will be about $25 million short of meeting their request levels of over $305 million. It is the Committee's understanding however that with the redistribution of funds contained in its recommendation that nearly all eligible students who received work-study support in the academic year 1970–71 and who seek renewals for academic year 1971–72 will receive them.

Each of the estimates shown in the above table for academic year 1971–72 include $81,000,000 to be made available from the 1971 appropriations. Beginning with the fiscal year 1972 budget, the funding cycle for this program will be standardized so that it will not be necessary to fund a single academic year from the appropriations of two different fiscal years. As the table indicates, the Committee recommendation, which in total stays within the Department of Health, Education, and Welfare's appeal estimate—shows a decrease for academic year 1972–73. The Committee expects that a supplemental appropriation will be requested for Congressional approval later this year to remedy this situation.

The Committee has agreed with the House and budget estimate in providing $1,700,000 for the Cooperative Education program, which is $100,000 over the 1971 amount.

	Academic year	
	1971–72	1972–73
Educational oooortunity grants:		
House allowance	$167,700.000	$165,300,000
HEW appeal	167,700.000	270,701,000
Committee recommendation	207,700,000	230,700,000

The Committee recommendation provides for 347,000 educational opportunity grants, in academic year 1971–1972 including 180,000 for new awards, an increase of 67,000 new awards over the House Allowance and the revised Department of Health, Education, and Welfare estimate. The latter estimates would have maintained the amount of new support at last year's level despite the fact that college requests for these funds total over $250 million for the coming academic year.

Each of the estimates shown in the above table for academic year 1971–72 include $167,700,000 to be made available from the 1971 appropriation. The committee recommendation would permit the Office of Education to shift $40 million of the amount it had proposed to use in academic year 1972–73 to academic year 1971–72 to help make up some of the unmet requirements identified for the coming school year.

Mr. ALLEN. Mr. President, I should like to read from that report:

> Under the Committee recommendation, approximately 645,000 students will receive work-study earnings in this coming academic year compared with 430,000 students in the current academic year. Even with these additional funds, colleges will be about $25 million short of meeting their request levels of over $305 million. It is the Committee's understanding however that with the redistribution of funds contained in its recommendation that nearly all eligible students who received work-study support in the academic year 1970–71 and who seek renewals for academic year 1971–72 will receive them.

It is certainly the hope of the junior Senator from Alabama that this laudable purpose will be accomplished but with no reduction in funds. The amount spent on this program in the State of Alabama was reduced almost 50 percent. So even if the program is added to, as the Senate committee seeks to do, it will still leave us short by many millions of dollars in this total program.

Mr. President, this amendment, while it seeks to amend item No. 1, the line item appropriation of over $1 billion, it is only an increase of $25 million. It is certainly the belief of the junior Senator from Alabama that this is a modest increase, that it will not even bring the college students in the State of Alabama up to the level they enjoyed during the last school year.

Already several thousands have been cut from the rolls of those receiving assistance and going to college. The committee has done an excellent job with its recommendations and additions. Much of this money, however, is coming out of the committee recommendation for the fiscal year starting on July 1, 1972, rather than for new money to be provided for the fiscal year starting July 1, 1971, so actually there is a borrowing from, not the coming fiscal year, but the next fiscal year thereafter.

Therefore, this $25 million increase sought by the amendment that has just been stated will be a modest increase.

I am pleased that beginning with the fiscal year starting July 1, 1971, the committee is standardizing the funding cycle of this program so that it will not be necessary to fund a single academic year from the appropriations of two different fiscal years.

Mr. President, I shall ask for the yeas and nays on the amendment.

Mr. MAGNUSON. Mr. President, I commend the Senator from Alabama in his effort in connection with the college work-study program and the problems connected with it. It has been difficult for the committee to adjust the figures because we are dealing with a summer program and then a regular program and, then, the shift in the emphasis to work-study rather than other types of assistance has been somewhat new down in the department and we wanted to be sure, because we have the problem of the July 1 appropriation for 1 year. We wanted to see that the program, in this shift, would have a continuation of the students so that there would be just as many as there were last year in the summer and the regular program.

But we wanted the program to accommodate 645,000 rather than, as the Senator from Alabama pointed out, 430,000. I know there has been some talk about $25 million to meet this objective we are talking about but we understand that with our redistribution of funds we will meet these levels and that nearly all eligible students who receive work-study support in 1970–71 and seek renewals, will receive them.

I hope the Senator from Alabama will bear with us. After we get through this one shift and get it on an equal basis, and still accommodate approximately 210,000 more students, we will have it moving so that we can get the regular appropriation and increase the amount year by year as we move along. This is what we are trying to do.

Mr. ALLEN. I thank the distinguished Senator from Washington.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. We have increased this amount already by $123 million over fiscal year 1971. Also, every State university should bear in mind that we fought and shall fight to restore the Bankhead-Jones Act funds, so that with $123 million now and whatever the President is going to ask for—as I stated in my opening statement, he is going to ask for more for education—and the fact we restored the Bankhead-Jones funds, I hope the Senator from Alabama will give us help.

Mr. ALLEN. The State of Alabama, under the appropriation as recommended by the committee for the coming fiscal year, would exceed the amount it received for the present fiscal year. Is that correct?

Mr. COTTON. Yes.

Mr. ALLEN. Under the formula provided for the distribution of these funds, the State of Alabama might reasonably anticipate to receive in fiscal year 1972 more than it received in fiscal year 1971 for the use of all college students under the college work-study program?

Mr. COTTON. The State of Alabama is bound to receive its proportionate share of the additional $123 million we put in for 1972 over the 1971 figure, plus the Bankhead-Jones funds which we have put in, also.

Mr. ALLEN. Alabama would get more funds in fiscal year 1972 than in fiscal year 1971, in the judgment of the Senator?

Mr. COTTON. The answer is yes.

Mr. ALLEN. I thank the distinguished Senator.

Mr. COTTON. Otherwise, if they were getting less we would accept the Senator's amendment; but we hope the Senator will not pursue his amendment.

Mr. ALLEN. The Senator from New Hampshire would be in favor of putting back into money projected for 1973 amounts that were more or less borrowed from that fund for use in the coming fiscal year. Is that correct?

Mr. COTTON. That is correct. I understand the Senator's university has reference to the last 6 months of 1971, and they found it was a smaller amount, but they put that money back in and increased 1972 by $123 million more.

Mr. ALLEN. And stand ready to bring the 1973 fiscal year up at least to the 1972 fiscal year level?

Mr. COTTON. I do not know that I want to commit myself for a whole year ahead. We are talking about 1972 now.

Mr. ALLEN. But the report speaks of 1973.

Mr. COTTON. Certainly, this work-study program is one of the finest programs in the bill. As far as I know, every member of the committee wants to increase it and, barring some cataclysmic deficit that throws our economy out of gear, every one of us would be in favor of increasing it.

Mr. ALLEN. I thank the Senator from New Hampshire and the Senator from Washington.

Mr. COTTON. I congratulate the Senator's State for having sent to the Senate the Senator who was responsible for the Bankhead-Jones Act.

Mr. ALLEN. I thank the Senator. We are proud of the great men who have served in this body from the State of Alabama.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. HART. Mr. President, once again those persons interested in quality education have reason to be thankful for the leadership of Senator MAGNUSON, chairman of the Senate Appropriations Subcommittee on Health, Education, and Welfare and to the members of that subcommittee for responding to the financial crisis in our schools.

The bill before us increases the budget for the Office of Education by $450 million over administration requests and by $797 million over the House-approved figure.

Recitation of a bit of recent history will help put those figures in perspective.

This spring the House voted 187 to 191 against the Hathaway amendment which would have added about $730 million to the Office of Education funding bill.

In testifying before the Senate HEW Appropriations Subcommittee, a number of Senators suggested that the subcommittee consider increasing the education money bill by as much as $700 million with the hope, based on the close vote on the Hathaway amendment, that the House might accept an increase of that magnitude.

While Senators testified on a number of individual programs, no overall amendment was offered, principally because of confidence that the subcommittee would respond to the needs of education.

Our confidence was not misplaced, and as I will explain shortly, the breakdown of the subcommittee-recommended increase shows that it falls within the magnitude which the House might well accept.

Before turning to the mathematics of the House and Senate versions of the bill, I would like to comment specifically on increases in three programs on which I testified.

First. The subcommittee agreed that just to stay even with increasing costs, funds for title I of the Elementary and Secondary Education Act should be increased by $150 million, an addition of 10 percent.

Second. The subcommittee agreed that it was time to fund impact aid for school districts affected by public housing projects. $60 million was added for this purpose. It seems to me that this impact aid program was better claim on the Federal dollar than those programs which funnel money to the more affluent school districts.

Third. The subcommittee agreed that the equal opportunity grant and work-study programs for needy college students should be expanded rather than contracted. Consequently, an addition of $180 million is recommended for these programs.

Needless to say, I am particularly grateful to Senator MAGNUSON and the subcommittee for responding to those of us who expressed particular interest in those programs.

Now let me turn to a comparison of the committee-recommended bill and the House version of the education money bill.

Included within the Senate increases of $797,813,000 over the House allowances are items—

First, not considered by the House;

Second, items essentially of a supplemental nature; and

Third, adjustments for pay increases submitted as budget amendments not considered by the House.

In the first category is an amount of $6,060,000 for the Follow Through program. The House committee regarded that program as being unauthorized and hence did not fund it. The Senate committee relied upon the contingent extension authority of section 404 of the General Education Provisions Act—Public Law 91–230—as automatically extending the Follow Through program. The Department of Health, Education, and Welfare concurs in this interpretation.

Also in this category was $15.3 million provided for title III of the Higher Education Act, the developing institutions support program which came up as a budget amendment too late for House action.

The second category includes $180 million for college work study and educational opportunity grants. Money for both of these programs already has been made available for the academic year 1971–72. Since funding for these purposes was sought but not given in the supplemental appropriations request for fiscal year 1971 and were voted upon in the Senate during floor consideration of the fiscal year 1971 supplemental measure, it is reasonable to hold that the $180 million should not be, except as a vehicular convenience, considered a part of the fiscal year 1972 Office of Education funding charge.

Pay increases included in the Senate amendment which were not considered by the House total $3,177,000.

Thus, some $268,437 of the Senate increases based upon new budgetary determinations or on reprograming budget estimates from fiscal year 1972–73 to fiscal year 1971–72, if subtracted from the difference between the House and Senate versions of H.R. 7016, leaves a difference of only $529,376,000.

That clearly falls well within the outer limit of the Hathaway amendment, and, to repeat, it is my hope that the House will accept the Senate package without compromise.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Indiana.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BAYH

Mr. President, I want to commend the distinguished Senator from Washington (Mr. Magnuson) and the members of the Appropriations Committee for reporting a good sound appropriations bill for the Office of Education and related agencies.

While I would have preferred even more attention to some areas which need additional money, to provide for some of the basic needs of our children, I am fully cognizant of the realities which the distinguished Senator from Washington (Mr. Magnuson) had to face in light of the economic quagmire which this Administration has created for the American people.

As many of my colleagues know, I have special interest in adequate funding of Title III of the Elementary and Secondary Education Act. Last year I proposed and the Senate passed an amendment adding $10 million to Title III for a total appropriation of $150.3 million. The conferees dropped $7 million out of the $10. This year, the Appropriations Committee has recommended $155 million, an $11 million increase over last years budget.

I supported an increase of $15 million in order to allow an expansion of three additional programs per state. The present increase will barely provide two new programs per state. That is progress at a snail's pace. I hope that the Senate conferees will not allow any further erosion.

I also want to commend the Committee for proposing a healthy increase in the bilingual education program. Few educational programs have ever captured the imagination and developed such strong support from people in all walks of life as has the Bilingual Education Act. It is a good thing that this has happened because it is an answer to the failure of our schools to meet the basic goal of education today. Former Commissioner of Education Harrold Howe defines this goal as that of "helping every youngster—whatever his home background, whatever his home language, whatever his ability—become all he has it in him to become."

There is no longer any argument raised against the concept that children who come to school with a limited knowledge of the English language are unfairly handicapped in learning. Children whose mother tongue is not English are confronted in the primary grades by a language they don't fully comprehend. This language barrier and the related cultural shock makes these students functionally illiterate in two languages, poor readers in both English and in their own native tongue.

Early reports of some of the programs that have been funded under the Bilingual Education Act show that Spanish-speaking students who were first taught to read in Spanish, then to speak and read English, were at the completion of the program reading in English at a more advanced level than the control group of English speaking contemporaries. Similar results were verified in an experiment involving mathematic comprehension.

Bilingual education programs have been recognized by experts throughout the country as one remedy to the staggering dropout rate among Mexican-American children which reaches 70% before highschool graduation.

The benefits from good bilingual-bicultural programs are not limited to children with limited English speaking abilities. Many programs provide bilingual education for both the English and the non-English speaking child, and as a result, open whole new experiences that can benefit all of them throughout their life. Children, regardless of their home language experience, increase their economic and social mobility as a result of bilingual education programs, and through them obtain a much desired ability to function in more than one culture.

Bilingual programs in some areas containing a high concentration of children whose mother tongue is other than English have resulted in a merger of the students, parents and the whole community in a bilingual-bicultural setting that goes beyond the school.

It is small wonder, therefore, that the demand for bilingual programs has been so great—well beyond the level authorized in the legislation. However, we have never provided enough money in the past to permit the benefits a bilingual education to be expanded to other geographic areas of the country. I know several proposals from my state have been turned down because of lack of funds. I know that there are not enough programs in New York, the Midwest, Florida, and all of these areas will be competing with each other and with the Southwest, which has the greatest need for additional programs.

The $50 million recommended by the Appropriations Committee will insure that additional programs will be instituted in a wider geographic area. I hope that the conferees will hold the line on the full $50 million appropriation for this important program.

Mr. KENNEDY. Mr. President, I rise to speak in support of the appropriations bill reported by the Committee on Appropriations which, in almost every area, seeks to move the Nation forward in meeting the expectations and needs of the Nation's educational system.

Although in a few areas such as impact aid, aid to the disadvantaged, and special assistance to the handicapped, I would have desired even greater increases over the House measure, I believe the committee should be commended for its preparation of the bill before us.

I am particularly pleased with the committee action in the areas where I suggested specific amendments during my testimony before the committee last month; for in nearly every instance, the committee has seen fit to incorporate my suggestions into the present bill.

Thus, the resulting increase over the House bill, totaling $804 million, demonstrates a commitment by the Senate to bring appropriations significantly closer to the level of Federal support authorized by Congress.

Unfortunately, the record shows that the current levels of Federal appropriations for education programs is too low, as compared with the level of authorizations for those programs. In 1965, Federal education programs were funded at 95 percent of their authorizations. In 1970, the administration requested appropriations at 35 percent of authorized levels—and the Congress approved funding for education programs at 45 percent of the authorized levels.

I am hopeful that with the bill under consideration today, we can begin to move education program funding back to the levels required for maintaining quality education throughout our Nation's schools.

When I made my proposals to the Committee on Appropriations it was my intention to insure that adequate funding would be attained. For, in every area of education our principal concern must be to produce the proper support for our most vital national activity—the education of our children.

Mr. President, as indicated by the recommendations I made to the Committee on Appropriations, there are specific areas where increased funding must be provided:

First. In order to continue programs for improving the educational achievement of disadvantaged children I am pleased with the committee's recommendation of $1.6 billion for this area. At least 10 million disadvantaged youngsters benefited from this program last year. While there still remain to be many thousands of youngsters who are not reached by these programs, I am pleased to see that we are moving toward adequacy in this area.

Second. In the programs under title III of the ESEA, while I recommended that the committee provide an increase of $15 million over the budget estimate, it is satisfying to see that the committee agreed with the need for at least $10 million more than the House. These new funds will permit the new and innovative programs operating under this authority to continue.

Third. For planning and evaluation programs, I am concerned that we are not aiming to provide resources for those activities with the full measure of support they deserve. While critics maintain there are needs in areas other than this one, there is sufficient evidence that planning and evaluation programs are vitally needed for many education projects.

I am hopeful that we can see needed improvements in these programs in the next appropriation measure.

Fourth. Bilingual education programs are extremely important to the thousands of young people whose primary language is other than English. In Massachusetts, for example, the superintendent of schools for the city of New Bedford reports that the number of non-English-speaking students in that city's schools has increased from less than 100 in 1960 to 850 in 1970. It is expected that the increase will continue in such a manner that over 1,200 such students will be enrolled by 1980. The committee action in approving $50 million for bilingual education programs is therefore a hopeful sign in the effort to produce the very vital training needed in this area.

Fifth. For library programs under title II of the ESEA, it is especially pleasing to see that the committee has recommended $95 million for projects that support improvements in the libraries serving our schools and their children.

Mr. President, again I want to emphasize that I am very pleased with the committee and the leadership provided by the appropriations chairman in developing program support for these fundamental activities. Education is the one program through which we can expect to fully realize the full development of our Nation's most valuable resource—productive minds in our leaders of tomorrow. Unless we in the Congress maintain a full commitment to that goal, we cannot expect to maintain the quality of public education.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Wyoming (Mr. McGee), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from Rhode Island (Mr. Pell), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Bayh), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Connecticut (Mr. Ribicoff), and the Senator from California (Mr. Tunney) are absent on official business. I also announce that the Senator from South Dakota (Mr. McGovern) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from Connecticut (Mr. Ribicoff), and the Senator from California (Mr. Tunney) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Fannin) and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Utah (Mr. Bennett), the Senator from Delaware (Mr Boggs), the Senator from Wyoming (Mr. Hansen) the Senator from Iowa (Mr. Miller), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Maryland (Mr. Mathias) is detained on official business.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from Idaho (Mr. Jordan), the Senator from Maryland (Mr. Mathias), the Senator from Iowa (Mr. Miller), and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 95 Leg.]

YEAS—77

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Gambrell
Goldwater
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
McClellan
McIntyre
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—0

NOT VOTING—23

Bayh
Bennett
Boggs
Brooke
Cannon
Fannin
Fulbright
Hansen
Hartke
Jordan, Idaho
Long
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Mundt
Pell
Ribicoff
Stevens
Stevenson
Tunney

So the bill (H.R. 7016) was passed.

Mr. PELL. Mr. President, three of us entered the Chamber as the vote was being announced. Speaking for myself, I would have voted "yea" on final passage. I should like it noted for the Record that I would have voted that way.

Mr. MATHIAS. I would have voted "yea."

Mr. STEVENSON. I would have voted "yea."

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Gambrell) appointed Mr. Magnuson, Mr. Stennis, Mr. Bible, Mr. Byrd of West Virginia, Mr. Proxmire, Mr. Montoya, Mr. Hollings, Mr. Ellender, Mr. Cotton, Mr. Case, Mr. Fong, Mr. Boggs, Mr. Percy, Mr. Brooke, and Mr. Young conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Gambrell) laid before the Senate a message from the President of the United States submitting the nomination of Joseph O. Parker, of Virginia, to be a member of the U.S. Tariff Commission, which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 617) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION PLACED ON CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that House Joint Resolution 617, to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission, be placed on the calendar. This matter has been considered by the Senate previously. I do this with the concurrence of all parties concerned.

The joint resolution was read twice by its title, and ordered placed on the calendar.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, pending the laying before the Senate of the unfinished business, I ask unanimous consent that the distinguished Senator from Louisiana, the President pro tempore of this body (Mr. Ellender) be allowed to proceed briefly.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLDEN ANNIVERSARY OF THE GENERAL ACCOUNTING OFFICE

Mr. ELLENDER. Mr. President, 50 years ago, on June 10, 1921, the General Accounting Office was created by the Budget and Accounting Act as a nonpolitical, independent arm of the Congress to examine into the manner in which Federal Government agencies discharge their financial responsibilities with regard to public funds appropriated or otherwise made available to them by the Congress.

During my 34 years in the Senate, I have noted from time to time the distinguished service that the GAO has rendered to this body, its committees, subcommittees, and individual members. In its generally quiet, unobtrusive, but effective manner the GAO has assisted us and our predecessors as we diligently applied our efforts to carry out the provisions of article 1 of the Constitution of the United States which states:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law * * *.

It is this provision that placed control over the public purse in the hands of Congress. This provision, as explained by Alexander Hamilton, the first Secretary of the Treasury, was "to secure these important ends—that the purpose, the limit, and the fund of every expenditure should be ascertained by a previous law." In this manner, it was hoped by the Founding Fathers that control of the public purse would be retained by the public's representatives under the American system of government.

It is to these ends that the GAO has applied its efforts throughout its 50 years as "a watchdog of the Congress." As we all know too well, it has not been a simple task for us here to maintain the necessary controls over the moneys we appropriate from year to year to operate the Federal Government. John Stuart Mill, the eminent British philosopher of the 19th century, rated the function of administrative control by a legislative body even more significant than lawmaking. He said:

> The proper office of a representative assembly is to watch and control the Government, to throw off publicity on its acts, to compel a full exposition and justification of all of them which anyone considers questionable, to censure them if found condemnable and, if the men who compose the Government abuse their trust, or fulfill it in a manner which conflicts with the deliberate sense of the Nation, to expel them from office and either expressly or virtually appoint their successors.

In the Federal Government of the United States we, here, must never lose sight of the fact that it is in the Congress, as distinguished from the executive and judiciary branches, that assumes administrative oversight as a continuing function. We can all take pride in the accomplishments of the GAO, a creature of this legislature, during its 50 years of service and its continuing efforts to assist this body in understanding and controlling activities in the executive branch.

In fiscal year 1921 when the GAO was created, Federal expenditures amounted to about $5½ billion; in 1937, when I was first seated here in the Senate, the Federal outlays amounted to about $8½ billion. This year it is estimated that the Federal Government will spend approximately $213 billion—almost a fortyfold increase during the 50-year history of the GAO. With this burgeoning of Federal expenditures, the Congress now faces an even more formidable executive administrative establishment. The civil and military bureaucracy now has information resources and capabilities for operating complex programs almost beyond the physical capabilities and comprehension of this distinguished body.

Therefore, we may express our gratitude that we have available to us such an able body as the GAO—and its capable staff of accountants, lawyers, mathematicians, statisticians, economists, and other professionals—to assist in the review and appraisal of approved and proposed Government programs. Throughout its long history, the GAO has supplied many facts on Government programs that would otherwise not have reached the Congress. No other source, as far as I know, provides this type of analytic, objective information to the Senate and House of Representatives. The GAO's task of auditing and reporting on activities, programs, and the use of public moneys by the executive agencies is, in reality, an indispensable informational aid to Congress and, consequently, of great significance to the success of our representative Government.

During my 34 years in the Senate it has been a distinctive pleasure for me to have been associated with four of the five Comptrollers General who have guided the GAO during its 50 years of service to the Congress. John R. McCarl, the first Comptroller General, completed his 15-year statutorily limited period of service in 1936 before I became a member of this distinguished body. However, his four successors—Fred H. Brown, Lindsey C. Warren, Joseph Campbell, and the present incumbent, Elmer B. Staats—all have been responsive to our needs.

As most of you are aware, I have always had a deep concern for the controls exercised over the expenditure of our Federal funds and the surveillance of projects for which the funds are spent. Now that I am chairman of the Senate Appropriations Committee, I am ever more mindful of the need for the scrutiny of the expenditures of our Government. I have always been particularly concerned with the expenditures made for carrying out our economic and military assistance to other countries of the world. I recall the visits I made to many European countries and to our military commands in Europe in November 1951 in order to become acquainted with the magnitude of expenditures being made for U.S. economic assistance for Western European nations, as well as expenditures being made by the Armed Forces of the United States then located in Europe. On January 17, 1952, I rose in this Chamber to describe my observations and to express my concern for the weaknesses in controls over those expenditures. After I had made my presentation, one of my very able colleagues, Senator Kilgore from West Virginia, suggested that as a result of my concern it might be advisable to have the GAO establish an office in Europe to act as a deterrent to misspending and careless handling of money.

It was with a great deal of personal pleasure that I learned shortly thereafter on April 3, 1952, that the then Comptroller General, Lindsey C. Warren, advised the chairman of the Independent Offices Subcommittee of the Senate Committee on Appropriations that because of congressional interest he was proceeding with plans to establish a branch office in Europe that year. It was with the same sense of responsiveness that Comp. Gen. Joseph Campbell opened a branch office of the GAO in Tokyo in July of 1956 in order to maintain a surveillance of expenditures being made for foreign assistance and the maintenance of U.S. military and civilian activities in the Far East, responding to congressional concern for controls over expenditures for those purposes.

In like manner, the present Comptroller General, Elmer B. Staats, opened suboffices in Saigon, Manila, and New Delhi in 1966 and 1967 in order to give greater onsite coverage to expenditures being made in foreign areas and for which we of the Senate have become increasingly concerned.

Over the years since 1952, the GAO has provided the Senate, its committees and subcommittees, and independent members with numerous reports on its inquiries into U.S. expenditures overseas. From 1965 through 1970, alone, more than 80 reports were made by the GAO to the Congress, its committees and members, or the executive agencies concerning problems in the administration of U.S. economic and military assistance. And these represent only a small portion of the hundreds of reports made to the Congress each year by the dedicated and hard-working staffs of the GAO. Particularly important to us and the taxpayers we represent is the current series of studies underway concerning military testing and development programs as we seek to bring this spending under more effective control in the interest of better national security.

As the GAO continues to move forward under the able leadership of Comptroller General Staats, continuing its tradition of always adapting to the ever-changing social, economic, and technological facets of our society and, therefore, to the changing interests of the Congress, I believe we can feel confident that it will continue to ably assist all of us in making those very necessary objective analyses and evaluations of ongoing and proposed legislative programs. The GAO's analyses of these programs, their alternatives, their long-term costs and benefits, and the interrelationships of programs, will assist all of us in continuing to legislate responsibly.

The GAO in its 50 years of service to the Congress has established not only a record for which it can be proud but also has charted a responsible course for the future. Thus, on its golden anniversary, let us all extend our thanks and a resounding vote of appreciation to Comptroller General Staats and to all members of his fine organization for a job well done.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ALLOTT. Mr. President, I appreciate the courtesy of the President pro tempore of the Senate yielding to me to join him in these remarks of felicitations. I think it is characteristic of him—

that it would occur to him—to do this upon the 50th anniversary of the GAO.

The GAO, of course, is the one arm of the Government which is the arm of Congress. It belongs to Congress. It is the one that makes us able to perform much of our work more efficiently, to be sure that the intentions of our legislation are carried through.

I have had many opportunities, as has almost every other Senator, to observe the work of the GAO. I join the distinguished Senator from Louisiana in congratulating the GAO and every member of the staff, because it is they who do the work, particularly under the very able leadership of Elmer Staats, who is now the Comptroller of that body.

I think it is great that we have such a group of dedicated people. My only concern at the moment is that Congress will not overload them with duties, a concern which I know my good friend from Louisiana shares.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROTH). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the rolle.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. ROTH). Under the previous order the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Oregon (Mr. HATFIELD) numbered 143.

The text of the amendment is as follows:

At the end of the bill add the following new section:

SEC. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

(b) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American armed forces during their withdrawal from Indochina,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American armed forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(c) If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

(1) the date in subsection (a) shall be extended for sixty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the name of the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HATFIELD. Mr. President, today we begin debate on what I believe is the most important decision that the Congress will confront this year.

We will decide whether an undeclared, unnamed, and unwanted war will be prolonged, or will be brought to a close.

We will decide whether the Americans held prisoner by that war will be given an opportunity for release, or not.

We will decide if American planes, bombs, and guns will continue to kill Asians, or not.

We will decide whether our Constitution, and what it says about the authority to wage war, is actually relevant and applicable today, or not.

We will decide whether to listen to the overwhelming voice of the people, who have asked us to end the war, or not.

And we will decide whether American boys will continue to perish, and to lose limbs, sight, and sanity in Indochina, or whether that will stop—will really end, once and for all.

This matter is unlike the others that come before this body. It is literally a matter of life and death—for Americans and for Asians. And we—every Member of this body, by the mere power of his voice—have the weighty responsibility to say a "yea" or "nay" that will actually involve life or death for fellow Americans and fellow human beings living in Indochina.

It would be more comfortable to believe that we are only debating mere questions of policy. But that is not the whole truth.

I want the first words spoken in the debate to make it clear—we are called upon to make a decision that involves the lives and deaths of other people.

Everybody is tired of the war. We all know that.

Senators are tired of thinking about it, and speaking about it. The press is tired of writing about it. People are tired of reading it—tired of seeing it on TV. We all just wish it would go away.

But being tired about a war, and wanting to forget about it, will not stop it; in fact, it will make it easy for it to quietly go on. It becomes an innocuous, tolerable, "page 12" war that kills only 30 Americans every week, that wounds only about 300 other Americans each week, that costs only $10 to 12 billion a year, that requires only 100,000 or 50,000 or 40,000 American troops—and never stops.

We have all become desensitized by this war; our conscience has become numb. We blink at the TV pictures of Asian villagers who are maimed and burned by our bombs, and are relieved to see a mouthwash commercial flash on the screen after a few seconds. We would all rather worry about whether our breath is fresh than whether innocent people are dying in Asia as a result of our policies.

Every Thursday, we hear again the weekly body count from Vietnam; it does not really sink in. We do not ask why those Americans and Vietnamese have died, for what purpose these lives have been lost. Most people are actually more interested in the ball scores that follow on the newscasts a moment later.

Why is there this insensitivity? It is not because Americans do not care, or because Americans like the war—it is because they have heard and seen enough, and they want it to end. Yet, they feel helpless—the war just drags on—despite the announcements about troop withdrawals and the reduced casualties—still they see the war continuing. They are unable to stop it, so they want to forget about it.

But we cannot. Every week new young Americans are sent out to Indochina. About a quarter of a million Americans are there this very day, risking their life and limb. We must not forget them, and those who will follow.

Members of the Senate may wish that we did not have to talk about Vietnam again. The press may wish that they could write about something else—something more unique. But we all know better. We know the truth. We know we cannot afford to forget about this war.

Senators now know that there will be a vote next Wednesday afternoon on this amendment. They may like to think they can enjoy the luxury of a long weekend, and get away from it all for a while. But regardless of how my colleagues feel about this war, every one of them must realize that they will be called upon to make a crucial decision on behalf of the people of this Nation—and they have a responsibility to let their opinions be known—to engage in debate, to deal with the substance of the amendment before the Senate, and its implications for the people of our country and Indochina. We cannot get away from this war.

I trust that all the sponsors, the opponents, and those not committed, will be here and be ready to discuss this issue with each other, and for the American people. We must not allow ourselves to hide behind simple slogans and platitudes. Those who support this amendment will expose and express that which they believe to be the truth as best they know how—the substance, the merits, and the consequences of the course we advocate. And we hope to be met with sincere questioning and energetic opposition, so that we all can face this decision as thoughtfully, seriously, and prayerfully as is possible.

The debate we begin today will be more than another normal exchange of opinion.

The sponsors intend for their debate to reawaken the American conscience; we want to call forth the sensitivity of Americans—sensitivity to the sacredness of all life. We want to recover the best in America—her constitutional ideals, her humane and generous spirit, and her noble dreams and visions that have inspired all mankind. For we believe that by reawakening the best that is in us as a people, we will see how tragically we have lost touch with ourselves because of our policy in Vietnam, and how that unfortunate chapter of our past must be brought to a decisive close so we can reestablish faith in ourselves.

This is the spirit in which we begin the debate on the amendment which now lies before the U.S. Senate.

Let us begin the debate this year by remembering where it ended last year. On September 1, 1970, the Senate defeated a similar proposal offered by Senator McGOVERN and myself, by a vote of 55–39.

What did the opposition say then?

We were told that those who supported our amendment were not the only ones who were for peace, that all Senators were for peace, but disagreed over the means to achieve it.

Of course, we agreed.

But what has happened since that time? Has the policy the Senate chose to follow brought us any closer to peace?

Three-quarters of a year has gone by since that time.

During that time, 2,811 Americans have died in Indochina; 11,250 Americans have been wounded; 16,578 South Vietnamese soldiers have died, and about 100,000 North Vietnamese soldiers, according to the Pentagon, have died. Thousands of tons of bombs have been dropped by our planes. Thousands of civilians in Indochina have been killed or wounded. And we are no closer to peace.

So I submit, the policy we have followed has not brought us peace, as many thought and hoped it would last year.

During the debate before the vote on September 1, 1970, many Senators expressed their sincere concern that the passage of the amendment would harm chances for a negotiated settlement of the war.

Again, let us look at the record of history. During the past three quarters of a year, no progress whatsoever has been made at Paris toward a negotiated settlement of the war. Positions have become frozen, and it seems clear to all observers that the President's policy of Vietnamization, including his October 7 proposal, will not result in a negotiated end to the war.

Any reasonable observer would conclude that if after 116 meetings of negotiating terms have yielded no progress nothing will come from Paris talks as long as we refuse to set a date for our withdrawal.

The only way to enable successful negotiations, particularly on the prisoner of war issue, is to declare a date for our military withdrawal from Indochina. I believe that the last 9 months have made it even clearer to those desiring a settlement to this war that the setting of a date, rather than present policy, offers the most realistic hope for achieving that end.

Another central event has taken place since the Congress last considered legislation requiring a deadline for withdrawal from Vietnam.

The President of the United States has signed the repeal to the Gulf of Tonkin Resolution. I do not understand what constitutional basis there is for our involvement in Indochina since that time.

Congress passed the National Commitments Resolution June 25, 1969. The final version of that resolution stated:

> Resolved, that (1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States, on foreign territory . . . and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both houses of Congress specifically providing for such commitment.

There is, of course, no treaty, no statute, and no concurrent resolution committing us to military involvement in Vietnam.

What legal, constitutional basis does the President have for our involvement?

Howard K. Smith asked the President that question during their interview on July 1 last year. The President replied:

> The President of the United States has the constitutional right—not only the right but the responsibility—to protect American forces when they are engaged in military actions.

When Mr. Smith pursued this question, asking the legal basis of our involvement once the Gulf of Tonkin Resolution was repealed, the President stated again:

> The legal justification is the one I have given and that is the right of the President of the United States under the Constitution to protect the lives of American men. That is the legal justification.

Now, I agree wholeheartedly that the President has the legal constitutional authority for protecting our troops. And, he certainly has the constitutional authority to withdraw them.

But, the issue is that the President's policy includes far more than that. He is pursuing "Vietnamization" and wants to give the South Vietnamese "a fair chance to defend themselves."

His policy, then, is committed to the military support of the Thieu-Ky government. What might this entail?

It will include the continued use of heavy bombing throughout Vietnam, Laos, and Cambodia.

It could include the renewed bombing of North Vietnam.

And, it will mean continued U.S. military operations and combat support and firepower for ARVN operations throughout South Vietnam.

Now we may agree or disagree with the policy of Vietnamization. But regardless of our preferences, I do not believe the President has the legal, constitutional authority for pursuing the objectives and goals of that policy.

There is a decisive difference between protecting our troops and withdrawing them from Vietnam, and on the other hand pursuing Vietnamization. If withdrawal is our only objective, that can be accomplished in a matter of months. And, our troops can best be protected by setting a date for completing our withdrawal and seeking a cease-fire. There is no question about the President's constitutional authority to take these steps.

But, the President has made clear that we are committed for at least some time into the future to supporting the South Vietnamese Government by our military involvement. His authority to do so surely does not come from his constitutional power as Commander in Chief to protect our troops in battle. He has cited no other legal justification for those policy goals. In my judgment there is none.

The clear intent of the Constitution, in article I, section 8, is to keep the powers of war decisively in the hands of the Congress and thereby, the people.

It was for this reason that appropriations for armies are the only appropriations specifically limited to 2 years by the Constitution.

The Founding Fathers consistently stressed the congressional responsibility for warmaking powers.

James Madison saw the dangers of excessive Executive power in foreign affairs when he said in a letter to Thomas Jefferson on May 13, 1789:

> The management of foreign relations appears to be the most susceptible of abuse of all the trusts committed to a government because they can be concealed or disclosed in such parts and at such times as will best suit particular views; and because the body of the people are less capable of judging, and are more under the influence of prejudices, on that branch of their affairs, than of any other. Perhaps, it is a universal truth that the loss of liberty at home is to be charged against danger, real or pretended, from abroad.

The President's powers as Commander in Chief, outlined in article 2, section 2, are to be Commander over those armies raised by Congress and sent into wars which are declared by Congress.

As Alexander Hamilton said, the Commander in Chief's power:

> Amounted to nothing more than the Supreme Command and direction of the military force, as the first General and Admiral . . .

The power and authority for determining the purposes for which he exercises this control over the troops clearly rests with the Congress, the representatives of the people.

If we set aside all other considerations, I believe that the constitutional aspects of this program alone compel the adoption of this amendment.

Even if we were to win some victory in Vietnam, if the cost is the integrity of constitutional government then that price alone is far too high.

The responsibility to redeem the viability of the Constitution rests at this point solely with the Congress. In that respect, this bill is far more a challenge to the Congress than to the President.

Then, let us consider the way in which

public opinion has changed since last year's vote. The opinion of the American people has swung even more decisively in favor of withdrawal by the end of this year since that time. This has been illustrated in polls, by local referendums, and by the delegations of numerous State legislatures.

Finally, let us consider the way in which this amendment has been modified since last year's vote. All Americans are deeply concerned about our prisoners of war. Despite our views on the war, no Senator, I believe, is in favor of a settlement that would leave our prisoners forever in North Vietnam.

During last year's debate this point was frequently raised, and I answered by pointing out that the North Vietnamese have repeatedly said that negotiations on the release of prisoners would begin immediately after we set a date for withdrawal. Therefore, this course of action presented the best possibility for the release of our prisoners.

Since then, however, the President has said that we will keep troops in South Vietnam as long as the North Vietnamese have Americans as prisoners.

This has perplexed many Americans.

Therefore, we felt compelled to put forth an alternative—a clear concise alternative—on the prisoner issue as clearly as possible.

Our amendment provides the vehicle for determining if the North Vietnamese are speaking in good faith. They have said they will negotiate on the release of prisoners, and that this would be solved very simply and easily. Our amendment clearly puts the North Vietnamese to the test.

After the amendment is passed and becomes law, the North Vietnamese and their allies have 60 days in which to make the necessary arrangement for the release of all our prisoners by December 31, 1971, the date for our withdrawal.

If they fail to commit themselves to the procedures for the prisoner release in 2 months' time, then two things happen. First of all, our withdrawal date is automatically extended 60 days. Second, and more important, the Congress, by joint resolution, may authorize further actions recommended by the President to secure the release of our prisoners. What would such actions be? The most obvious, of course, would be suspending altogether the deadline for withdrawal if there are no procedures set for returning the prisoners. This could be done by a simple joint resolution of the Congress upon the recommendation of the President.

Thus, the withdrawal of our troops would not be implemented without the certain knowledge that all our prisoners of war would be returned to us by the time that withdrawal was completed.

Many Members of this body are in favor of withdrawal by a time certain provided that we obtain the release of prisoners. Our amendment provides the surest formula, in our judgment, for setting the steps in motion that will achieve that goal.

Let us be candid. The President has made many attempts to obtain the release of our prisoners of war. None of them has met with any success. Neither envoys flying to foreign capitals nor commandos raiding POW sites in North Vietnam have resulted in the return of a single American prisoner of war. Further, during the time of this administration's term of office, about 400 Americans have been added to the rolls of those listed by the administration as being prisoners of war or missing in action.

It is time to adopt a different course of action.

Let us test the intentions of our adversaries.

The best that can happen under our proposal, the amendment we are now putting forth—and what we firmly believe is most likely to happen—is that the North Vietnamese will make the arrangements for returning our prisoners by the end of the year, and begin releasing numbers of them almost at once. That is what we stand to gain.

But if the North Vietnamese have not spoken in good faith, and if they do not convince us that all prisoners will be released by the date of withdrawal, then we have the option of revoking our deadline and acting upon the President's recommendations for securing their release. This is the option that the Congress could follow. Thus, we stand to lose nothing.

So, if we are concerned about our prisoners, and are willing to end our involvement in the war as long as we secure their release, then let us put our adversaries to the test. Let us see if we can finally have our prisoners come home. Certainly, we owe this much to their wives and their families. Certainly, we can take the one step which could reunite them with their families by Christmas. And if, for some reason, our alternative fails to achieve its goal, we have lost nothing.

So I ask my colleagues if they know of any better way, of any more likely hope, for having our prisoners home by Christmas. I believe there is none.

Every Member in this body has made statements, visited groups, supported resolutions, and signed letters, all expressing his concern over our prisoners of war. Only the most callous American would not share that concern. But I suggest that if such feeling is foremost in our minds, it demands that we take the concrete action which would bring those prisoners home.

Mr. President, America is listening. She will be listening to the words spoken in the days ahead on this issue. Above all, Americans want to hear words that they can believe about this war. They have said that they want the war to end; that they want all troops home by the year's end. We must respond. If we disagree, we must explain to them why that is so. We must give them the reasons why more bombs must drop, why more boys must be drafted, why more Americans must be killed, wounded, or addicted to drugs. We must give good reasons why all this must continue to go on.

I do not believe such reasons exist. And neither do the American people.

If we are truly listening to them, we know that our part in this war without an end or a purpose must be brought to a decisive, swift, and certain conclusion.

COMMONSENSE FROM THE RELATIVES OF OUR POW'S

Mr. CHURCH. Mr. President, under the most strenuous circumstances, relatives of American prisoners of war in Indochina have spoken in commonsense terms about the plight of their loved ones. For example, on June 3, I placed in the RECORD an article in which Mrs. Louis F. Jones, of Fairfax County, Va., wife of an Air Force pilot missing in Laos, opposed President Nixon's concept of maintaining an American residual military force in Indochina until our POW's are released.

> To us this means an interminable war.

Mrs. Jones was quoted as saying—

> It means the prisoners would be held as long as we have forces in Vietnam. It means the men may never be seen again.

On June 10, in the Evening Star, an article discloses the formation of an organization of relatives of POW's designed to bring about an end to our military involvement in Indochina. Again, Mrs. Jones asserts her point: that, based on historical experience, prisoners of war are released after the fighting has ended, not before, as Nixon administration spokesmen would have us believe.

Mrs. Jones is quoted as saying:

> History has shown that prisoners are not released until war is ended.

Later in the article, Mrs. Jones and another wife of a POW, Mrs. James Hughes, make a sound point that among relatives of POW's—

> There is a strong feeling that any existing programs to save these men are hopelessly doomed as long as our forces remain active.

Quite logically, therefore, Mrs. Jones and her allies are urging adoption of the McGovern-Hatfield amendment that would prohibit expenditure of funds after December 31, 1971, to support the deployment of U.S. Armed Forces in or over Indochina.

The Senate Chamber has been the scene of numerous avowals of concern for American POW's. I suggest that we bear in mind the views of the anguished relatives of the POW's when we vote on the McGovern-Hatfield amendment on next Wednesday, June 16.

Mr. President, I ask unanimous consent that this article from the Evening Star be published at this point in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, June 10, 1971]

POW WIVES FORM LOBBY

(By Shirley Elder)

Radicalization is an instant process.

For Mitch Jones, it came the minute President Nixon said he would keep at least a small force of American troops in Vietnam so long as the Communists hold any U.S. prisoners of war.

Mrs. Jones quit her job, sent out hundreds of letters to enlist support and became a fulltime, unpaid, apparently tireless lobbyist for peace.

If Nixon's policy is allowed to prevail, Mrs. Jones said, the war will go on for years and the prisoner problem will be solved; they'll all be dead.

Mrs. Jones is the wife of Lt. Col. Louis F. Jones, a career Air Force officer shot down over Laos on Nov. 29, 1967. She has heard nothing of him since. He is now 45 and a 22-year veteran of the military.

BROTHER LOST IN KOREA

It is the second time Mrs. Jones has faced the frustration of not knowing the fate of someone in the family. During the Korean war, her brother, Lt. Frank N. Mitchell, a Medal of Honor winner, was reported missing.

Years passed and finally he was listed as dead. But there never was an official accounting of men missing in action. Lt. Mitchell's body never was found.

Mrs. Jones now is at the center of a quietly determined band of men and women, mostly women, wives, mothers, sisters of men captured or lost in Indochina.

"History has shown," Mrs. Jones said, "that prisoners are not released until war is ended."

WANT WITHDRAWAL THIS YEAR

Mrs. Jones and her allies are not endorsing any particular legislation but they want a total withdrawal of American troops from Vietnam this year.

As a start, they are asking congressmen to vote for the McGovern-Hatfield amendment in the Senate and the Nedzi-Whalen amendment in the House.

Both of these amendments would halt the flow of money to support U.S. actions in Vietnam on Dec. 31. Under prodding from Mrs. Jones, the amendments also call for the release of POWs and an accounting of those listed as missing in action.

POW families were unseen and unheard until nearly two years ago when the Defense Department moved to lift the secrecy surrounding the situation in Vietnam.

IMMEDIATE IMPACT

The impact was immediate. Sympathy and concern poured in from all corners of the world. POW wives held press conferences, were greeted at the White House and toured the Capitol. There were rallies and receptions. Thousands cheered.

Solemn statements of support were heard in Congress, mostly by the more conservative members, the ones who wanted to win the war and who mocked as soft-on-communism those who wanted out.

"We were used," Mrs. Jones said, looking back on those days. One of the others described it this way: "We were fair game to everyone."

Then Nixon made his policy declaration—that a residual force would remain in Vietnam as a bargaining tool for the release of POWs. Mrs. Jones and dozens of other POW wives turned away from the White House and toward Congress.

In mid-May, Mrs. Jones quit her job as a planning engineer in Fairfax County and, with Mrs. James L. Hughes of Santa Fe, N. Mex., wrote a letter to all members of the National League of Families of men captured or wounded in Indochina.

Mrs. Hughes' husband has been a prisoner five years. She knows he is alive, or was. His photo was circulated by the Communists. It showed him thin and worn, prodded to march through the streets of Hanoi at bayonet point.

He was still alive in December, 1969, when the two women, Jones and Hughes, visited Laos seeking POW information. The Communists reported that Hughes was alive and well in North Vietnam. They would give no information on Jones.

The two women have talked to many legislators and found agreement that the only way to win release of the prisoners is to withdraw U.S. troops. "There is strong feeling," they said, "that any existing programs to save these men are hopelessly doomed as long as our forces remain active."

The two urged lobbying and letter-writing to "make your voices heard in Washington . . . Too long have these men and their families been used to promote, to further, to prolong" the war.

More than 350 answered with letters of interest and promises to help. Money came in. Newcomers to lobbying were offered transportation to Washington and money to cover household costs at home. A new group was formed: "Families for Immediate Release."

Their total impact will be hard to measure. When the Senate and House vote on end-the-war amendments within the next two weeks, they will be responding to many pressures from all sides.

But as one war critic said admiringly yesterday, "These ladies are dynamite. There's not a politician alive who will refuse to listen to them."

Mr. BURDICK. Mr. President, I have joined in sponsoring the revised Vietnam Disengagement Act introduced as an amendment to H.R. 6531, the Military Selective Service Act. Last year I supported the McGovern-Hatfield proposal for reasons which today may well be even more compelling.

First, I want to acknowledge the very significant troop reductions already effected or planned. They are a good beginning to a final conclusion of U.S. military involvement in a part of the world where our presence serves no useful purpose. The setting of a withdrawal date, I believe, is in keeping with and a natural extension of this policy of troop reduction. U.S. policy is, ostensibly, to get out of Vietnam. The setting of a withdrawal date is only a firmer, more forthright expression of that goal.

The war has now been felt by all of us, in the death or maiming of a loved one, the disrupted life plans of those called to serve, in the enormous cost of maintaining our commitment, and in the unemployment and education problems of returning Vietnam veterans. All of these contribute to the broadening dissension felt across the Nation today. This feeling, and its many related problems, will only intensify as the war drags on.

Underlying the intense dissatisfaction with U.S. policy in Indochina is the lack of any clear national purpose for our commitment. The effects of the war would not open such deep wounds if there were any conviction that our actions there were in our national interest. After so many years of shifting justifications for our military presence in Vietnam we have, I believe, reached a consensus that we must get out. The remaining questions are how and when. I say just as soon as possible, taking into account the safety of our withdrawing forces and American men held prisoner of war.

The McGovern-Hatfield amendment does provide the President the tactical flexibility to insure the safety of our forces while disengaging.

Of critical concern has been the safe release of American prisoners of war. Today's amendment would require that enemy forces arrange for the release and repatriation of American prisoners by December 31, 1971. These arrangements must be made within 60 days of enactment of this amendment or the December 31 withdrawal deadline is extended for up to 60 days during which period the Congress and the President would consider further action needed to secure the release of American prisoners of war. Thus, a withdrawal date would have been set, but conditioned on the safe return of our prisoners. I would believe it to be in the adversary's best interest to make timely arrangements for the repatriation of our men.

Mr. President, I firmly believe we cannot afford to prolong our military presence in Indochina and lend my full support to this amendment.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 557. An act to amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes; and

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, and for other purposes; and

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets numbered 79–A, 153, 158, 209, and 231, and for other purposes.

The PRESIDENT pro tempore signed the above enrolled bills today.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Roth). The Chair, on behalf of the Vice President, pursuant to the provisions of section 123(a), Public Law 91–605, appoints the following Senators as members of the Commission on Highway Beautification: the Senator from Indiana (Mr. Bayh); the Senator from Alaska (Mr. Gravel); the Senator from New York (Mr. Buckley) and the Senator from Connecticut (Mr. Weicker).

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I yield 30 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. First, Mr. President, let me commend the distinguished senior Senator from Oregon. I know of the sincerity and intense feeling the Senator has in reference to the proposal he sponsors with the junior Senator from South Dakota. I know of the Senator's long, consistent opposition to the war in Southeast Asia. I disagree with the amendment offered by the Senator from Oregon, but I do not doubt his integrity or question his motives or question his patriotism. I think perhaps we have the same objective, and that is an early end to the war in Southeast Asia.

THE CASE AGAINST THE "END THE WAR" AMENDMENT

It is with a sense of "haven't we been through this before?" that I have noted the resurrection of the so-called amendment to end the war in Congress. Last year it seemed that the fate of this dubious exercise had been settled for good, but it has now been revived and we are called upon to deal with it again.

UNPRECEDENTED LOBBYING EFFORT

I am sure most Members of the House and Senate recall the events subsequent to the May 12, 1970, appearance of several Senators on network television. By playing upon the sympathies and anxieties of a war-weary American people they used that television production to solocit more than half a million dollars and thereby financed an unprecedented barrage of publicity and vigorous lobbying activities aimed at changing the minds of fellow Members of Congress.

The money they raised went for newspaper advertisements across the country, television and radio spot commercials on some 60 stations, and a sizable volume of publications directed at stimulating public pressure on Members of Congress to support the so-called amendment to end the war.

This television production and the activities which followed it raised a number of still unresolved questions regarding whether or not this is proper for Members of Congress. But evidently the amendments sponsors and proponents have not been troubled by these questions, for press accounts indicate they have planned to spend upward of $100,000 on another media blitz to stimulate lobbying activities against their colleagues this year.

On September 1, 1970, the Senate administered a resounding defeat to the end the war amendment.

Again, let me make it perfectly clear that I can understand the reasons for the difference of opinion. I referred to the amendment then, in all seriousness and refer to it now as an amendment, not to end the war, but an amendment to lose the peace. I think most of us felt that the Senate's action last September may have laid to rest the so-called end-the-war legislation, but evidently such expectations were overly optimistic, so here we are again discussing what we discussed at great length last year.

In any event, the feeling of repetition hangs heavy over the revival of the end-the-war legislation. I am gratified, as I am certain that the Senator from Oregon is, that we have agreed to fully dispose, one way or the other, of the so-called amendment to end the war by voting on it next week.

I think perhaps as we look at the so-called end-the-war amendment, it is appropriate to discuss some of the history of the amendment, or, I might say, amendments, in the 91st Congress and look at some of the results of American policy in Southeast Asia since these proposals were first put forth.

THE EVER-CHANGING AMENDMENT

I specifically spoke of end-the-war amendments, plural. This point should not be lost on the American people, for it casts an interesting light on the whole end-the-war campaign.

If there has been one overriding characteristic displayed by "the" amendment to end the war it has been a rather pronounced tendency to change. In the course of the 21 months since the proposal was first introduced, it has changed in regard to dates, numbers, terms, conditions, and intent. As a matter of fact, the Senate was presented with not one, but six, separate versions of the end-the-war amendment before it finally came to a vote in the 91st Congress. These different amendments displayed substantial variation, and it was difficult for the Senate, much less the public, to tell from one day to the next exactly which proposal was being referred to by sponsors and supporters.

To clarify the record, I would like to take a moment to sketch the meanderings and metamorphoses of "the" end-the-war amendment.

SIX VERSIONS IN THE 91ST CONGRESS

The whole process started with the pioneer version, a bill introduced by a former Senator from New York on October 7, 1969. It was followed on October 8, 1969, with a second version by the junior Senator from South Dakota and others. Then, on April 30, 1970, the third version was introduced by the junior Senator from South Dakota and the senior Senator from Oregon. That version was followed by the fourth edition on May 5, 1970, introduced by the junior Senator from South Dakota and others. The fifth version was never printed as an amendment; however, it did appear in the RECORD during the week of August 16, 1970, with an indication that it would perhaps be the final version. The sixth and the last version was introduced on August 26, 1970, by the junior Senator from South Dakota and the senior Senator from Oregon.

TWO VERSIONS IN THE 92D CONGRESS

We now have a new year and a new Congress, but "the" amendment is still with us—and still up to its old tricks.

On January 27, 1971, a bill, S. 376, bearing a close resemblance to the 91st Congress last end the war proposal was introduced by the junior Senator from South Dakota and others. It has lain dormant since its introduction, but on June 4, it assumed a new incarnation in the form of amendment No. 143 to H.R. 6531, the act to amend the Military Selective Service Act. This amendment differs from S. 376 in several respects, but it has been christened with the same old bottle as "the" end-the-war amendment.

So now we have the seventh and eighth in an indeterminate series of "the" amendment—with who knows how many more to come.

I ask unanimous consent that all eight versions of the so-called amendment to end the war be printed in the RECORD at the conclusion of my remarks. It is somewhat difficult to follow all the changes, and it would be well to have the eight versions presented in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

A QUESTION OF PROPRIETY

Mr. DOLE. Mr. President, the principal question posed by this incessant shifting and juggling of the amendments is the propriety of raising money to promote one distinct and clearly specified proposal and then using that money to promote something entirely different.

Certainly those who donated money—in response to the May 12, 1970, NBC television solicitation, many newspaper advertisements, and numerous spot commercials on radio and television did so in the belief that there was a plan to end the war. As events proceeded, however, many contributors must have discovered that the plan they thought they were supporting was not the one being considered by the Congress.

The original intent and representation was to end the war June 30, 1971, by ending our fighting on December 31, 1970, and withdrawing our troops 6 months later—or so read the plan of the fund raising amendment, the one discussed on May 12. At that time, on the basis of that amendment, the sponsors raised more than $500,000.

But by the time the Senate voted on "the" amendment, it had been changed twice and provided for a troop level of 280,000 on April 30, 1971, and total withdrawal by December 31, 1971. To this observer, these changes are substantial and raise pertinent questions.

Why was the plan changed to provide for 280,000 troops on April 30, 1971, and to postpone withdrawal of all forces until December 31, 1971?

If the amendment's sponsors did not intend to press for an end of the war by June 30, 1971, why did they draft their amendment to promise that date and raise half a million dollars on the strength of that date?

If they did not mean June 30, 1971, did they mean December 31, 1971? Or do they now mean December 31, 1971, or March 1, 1972, or 1973, or 1974, or 1975?

THE PRESIDENT'S RECORD

The questionable value of "the" amendment to end the war and the tactics of its sponsors come into still clearer focus when the deadlines and requirements of these pieces of legislation are compared to the accomplishments of President Nixon over a comparable period. So I think it important to focus on the changes that have occurred in the so-called amendment to end the war, and at the same time review the record of President Nixon.

At the time the first two versions of the end-the-war legislation were introduced, the President had been in office slightly more than 8 months. In this brief period he had already reversed the grim patterns of troop level escalation and combat casualty increases which were inherited from the previous administration. Troop strength was below 500,000—down from a peak of 543,400, and combat fatalities were on their way down from more than 14,500 in 1968 to 9,414 in 1969.

Between the introduction of the first two proposals and the introduction of the third version, approximately 100,000 more troops were withdrawn.

Between the televised solicitation of the American people on behalf of the fourth version of the end-the-war proposal and the Senate defeat of the sixth version, nearly 40,000 more troops came home.

Between the defeat of the sixth version in the 91st Congress and the appearance of the seventh and now the eighth in the 92d Congress, another 80,000 men have been withdrawn.

So, by rough calculations, while the sponsors and supporters of this so-called end-the-war legislation have been soliciting the public, inciting pressure on their colleagues in Congress and otherwise engaged in their causes, President Nixon, who bears the real responsibility for the protection of our fighting forces and for the future of peace, has made substantial progress toward ending the war by reducing the troop level by more than 220,000 men.

Altogether, in the first 2½ years of his Presidency Richard Nixon has brought more than 292,000 American fighting men home from Indochina and has reduced the casualty level by more than two-thirds.

As a dramatic example of the President's success, figures announced this morning reveal that battle deaths for the past week were the lowest in 5½ years. That is still too many. Do not misunderstand me; one is too many. But this is a far cry, 19 deaths last week is far different, from the high of 562 in one week of 1968. Not since October 1965, have fewer than 19 Americans died in a week of combat. Of course, one American death is too many. But I believe that some Thursday in the very near future we will hear the long-awaited news—no American battle deaths.

The facts show that President Nixon is doing something about the war: he is ending it. And no advocate of so-called end-the-war legislation can match his record in terms of real progress, responsible programs, or credible fulfillment of his promises.

And let me say again to my friend, the distinguished senior Senator from Oregon, I know of his commitment, I know of his sincerity, and I know of the commitment and sincerity of other sponsors of the amendment. But those laws notwithstanding, only one man in America, regardless of party and regardless of time in history, only one man, the President, has the ultimate responsibility.

CREDIBILITY COMPARED

Credibility has become a prominent catchword in Washington, and it is important to recognize that President Nixon's credibility on ending the war and winning the peace is unimpeachable.

Just look at the record. He took office in January 1969, with more than half a million Americans fighting a war commenced and expanded by two previous administrations. In June, September, and December of that year he announced troop withdrawals of 25,000, 35,000, and 50,000 men. The on-time completion of this phase of withdrawals was in large measure due to the successful United States-South Vietnamese operations into sanctuary areas in Cambodia. In April 1970 a further withdrawal of 150,000 men was announced and by the first of this month the total of U.S. forces had been cut to less than half the alltime high reached in early 1969.

For every two Americans in South Vietnam when Richard Nixon became President, there are now fewer than one; and by December 1 of this year troop strength will be only one-third what it was when the President took office.

President Nixon has not equivocated over dates or numbers; he has made clear, reasonable commitments, and he has kept each and every one of them, either on time or ahead of time. When the President speaks of numbers and dates, there is no question of those numbers or those dates.

The President's record offers a marked contrast to that of the so-called end the war legislation. It started out having all American forces out of Vietnam on December 1, 1970. Later, it said December 31. Then it said June 30, 1971. Then it said we would have 280,000 men in Vietnam on April 30, 1971 and all of them would be out by December 31, 1971. Now it says have everyone out by December 31, 1971—or 60 days later if our prisoners are not released—or if Congress authorizes further action—or who knows what additions or changes the sponsors might make tomorrow?

CHANGES RAISE QUESTIONS

I cannot believe the end-the-war amendment, the lose-the-peace amendment, could have been introduced with the expectation that it would ever become law. Any responsible observer of national affairs knows that the Senate and House would never pass it, and certainly no President, Democrat or Republican, would ever sign it. But, since it has been advocated so vigorously and at such expense and with such intense efforts to lobby and pressure Members of Congress, the American people are entitled to know why it was introduced and why it has been subjected to such fundamental continuing, and substantial alteration.

Yes, with total sincerity, many in this Chamber and many in the other body, and many Americans, who are searching for peace, say, "We have tried everything else, let us try fixing a date."

But I would point out the difficulty we have ourselves, the difficulty the sponsors have, in trying to agree, trying to determine what is an acceptable date and what is a date that can be met.

When the amendments' alterations and modifications are set up beside programs and accomplishments of the President, they raise the question of whether they do not actually constitute an endorsement of the President's policies and an effort on the part of their well-intentioned sponsors to associate themselves with the President's success.

If so, then these changes are to be applauded and welcomed.

Perhaps answers to these questions will not be forthcoming, but they are questions many Americans are asking—especially in the light of President Nixon's progress in ending the war.

A NEW PLAY ON EMOTIONS

This year's chapter of the "selling of the amendments" has revealed a new element in the publicity for these proposals. Since the President's withdrawal program and his schedule for future withdrawals have taken that issue away from the amendment's sponsors, the emphasis has changed to another source of emotion and anguish with the American people in efforts to promote the latest proposal. This year there is emphasis on the public's concern for the 1,500 men who are being held prisoners of war or are missing in action in Southeast Asia. In light of the success the President is having in securing the withdrawal of our forces, the proponents of the amendment have moved to another issue and are now saying that a definite date for complete withdrawal is the only way to insure the release of our captured men.

They would have us abandon the last remaining element of flexibility in our disengagement policy—the open-ended feature of our withdrawal timetable—in the belief that such action would facilitate the release of our prisoners. They urge us to make this concession unilaterally, without any assurances from the North Vietnamese that any action would be taken on the prisoner issue.

It is a very delicate question, and I have said from the outset, having been rather closely associated with those engaged in efforts to release American prisoners, those engaged in efforts to determine who are the missing in action, those engaged in efforts to have the North Vietnamese and the Vietcong subscribe to the Geneva accords, and with wives, mothers, children, and families who search for hope and find no hope, that I would guess a wife or mother or child might say, "Yes, let us fix a date. We have tried letters, we have tried trips to Paris, we have tried resolutions in Congress, all without success."

I certainly would not fault the wife, the mother, or the family of any prisoner for anything they might say, because in many cases their husbands and sons have been missing, not for 1 or 2 years, but for 5, 6, or 7 years.

But I believe that to urge a deadline is wrong. It evidences a fundamental error in judgment, and it discloses a distorted sense of perspective in regard to the war and the North Vietnamese.

We find, in the same breath, the President is being berated for actions which amount to matching or exceeding the very requirements of earlier end-the-war legislation, and is being attacked because he cannot surmount a difficulty over which he cannot reasonably be expected to have any control—the adamant recalcitrance of the North Vietnamese insofar as American prisoners and Americans missing in action are concerned.

The North Vietnamese have refused to agree to a cease-fire; they have refused to join in an Indochina peace conference, they have refused to agree to a political settlement involving the NLF; and they refuse to agree to any proposal for prisoner release. Failure to negotiate the release of our prisoners and missing men is not due to any shortcomings or spared effort by the United States on the diplomatic front, whether under President Johnson or President Nixon. Publicly and privately, directly and through intermediaries, the United States has left no avenue unexplored in attempts to provide for the release of all prisoners—or at least for the internment in a neutral country.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DOLE. If the Senator would not mind I should like to complete my statement first.

NORTH VIETNAMESE OBSTRUCTION

The difficulty is simple, and the obstacle is clear. The North Vietnamese have repeatedly refused to agree to any arrangement whereby a date for termination of U.S. operations will be met by a concurrent agreement to release our prisoners. They say only that in the event of a deadline set by the United States, they will discuss prisoners. But the experiences of the French with regard to their men who were captured and missing, and the experiences of the Johnson administration in relation to the understanding accompanying the bombing halt have shown that a promise by the North Vietnamese to discuss a subject means nothing.

Discussion to the North Vietnamese means only more stalling, more propaganda and more delay. Only when they are firmly and clearly committed to specific actions can there be any expectation that they will proceed on a substantive basis on any subject. They have not evidenced any willingness to commit themselves on the release of our prisoners, and until they do make a commitment, the President will not and should not and cannot be taken in by their offers to discuss the fate of our men.

Remarks of North Vietnam's chief Paris negotiator, Xuan Thuy, quoted in yesterday's Washington Post, removed the last doubt as to North Vietnam's intentions regarding our prisoners. Thuy reiterated the North Vietnamese position that release of any U.S. prisoners would not come before complete cessation of all military and economic assistance to South Vietnam.

Mr. President, I believe it would be appropriate to include in the RECORD a thorough analysis of what the North Vietnamese position on prisoners actually entails, and I ask unanimous consent that this study of authoritative sources be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2.)

Mr. DOLE. But in the face of a clear record of North Vietnamese refusal to make the slightest move toward agreeing on release of prisoners, the end-the-war advocates continue to persist in urging the President to relinquish whatever leverage and influence he still possesses on behalf of our captured and missing men through the indefinite presence of our Armed Forces in South Vietnam.

PERILOUS COURSE

This stance is fraught with peril. It endangers the chances for negotiating release of our prisoners, and by singular emphasis on prisoners it also jeopardizes the fate of more than 1,000 missing men, at least 90 of whom are known to have been captives. Since the enemy disclaims any knowledge of these 1,000 missing men, an agreement restricted only to acknowledged POW's would seal the fates of any who might be held secretly.

Let me emphasize this: The North Vietnamese acknowledge the retention of only 339 American prisoners of war. We stress and we indicate and we insist that there are some 1,500 Americans missing in action and prisoners of war. The so-called amendment to end the war talks about the prisoners of war. Whose figures would be used to count them? Our figures? The North Vietnamese figures? If we would set a deadline of December 31, 1971, what would we expect—339 American prisoners of war returned or 1,500?

I think that this year's end the war amendment has little chance of adoption. Nonetheless, the publicity and the lobbying campaign have been launched. We have had young lawyers and others in our offices, insisting that we set a deadline, that we agree to a deadline.

I do not quarrel with those who say that the American people want the war to end on December 31, 1971. We want it to end today, last week, last year.

I would remind those who quote those figures that some 77 percent of the American people support the President's program of Vietnamization; some 65 percent of the American people say, Do not withdraw on any fixed date if it should mean a Communist takeover; and the people, by a margin of 8-to-1, say, Do not abandon our American prisoners of war.

Although this year's end-the-war amendment has slim chances for passage, the intense publicity and lobbying campaign which has been launched in its behalf still poses the risk that some members of the American public will be distracted from the record of progress the Nixon administration has compiled in ending our country's involvement in the Indochina conflict. This publicity campaign also raises a substantial danger that the North Vietnamese and others will mistake the attitude of the American people and come to think we really do not care about the nearly 1,500 missing and captive men in North Vietnam, South Vietnam, Laos, and Cambodia.

I, for one, would not want to be a party to any activity which might jeopardize the present safety and future chances for release of so many brave Americans.

REVEALING LISTS OF SUPPORTERS

I have seen some of the publicity of the groups and organizations supporting this legislation. Their rosters read like a Who's Who of has-beens, would-be's, professional second-guessers, and apologists for the policies which lead us into this tragic conflict in the first place. Their rolls tell far more about the "Lose the Peace" amendment than all their TV commercials, press releases and publicity stunts put together. If these people wish to salve their consciences for errors committed while they were entrusted with the responsibility of leading this Nation, they should do so in private commiseration with each other. If these people are seeking to relive the glories of past high office, they should repair to their scrapbooks and press clippings. If these people are attempting to construct the foundations of future careers in public life, they would do well to choose other building blocks than the fate of American prisoners in faroff lands and the emotions of a people who are sick of war and yearning peace.

Mr. President, in many respects, this is an important amendment. At stake is whether Congress or the President shall negotiate the peace in Southeast Asia. At stake is whether Congress or the President shall negotiate the fate of American prisoners of war.

I think the President's course is leading us out of Southeast Asia, and I have said, without any special authority or information, that it appears to me the end of the war in South Vietnam is much nearer than many people may think. Of course we all hope that is true. I know of no pro-war Senator or Representative. We are all anti-war. We all want the war to end.

Mr. President, I oppose the amendment of the senior Senator from Oregon and the junior Senator from South Dakota and other respected Members of this body because, first of all, I believe that the President has the constitutional power, the constitutional responsibility, the constitutional duty to end the war, as he is doing. Second, when I observe what has happened just since September of last year—when the Senate, by a vote of 55 to 39, rejected the so-called end-the-war amendment—the success President Nixon has had in winding down the war, the efforts he has made for peace and the fact that he has kept his word on every troop withdrawal and every commitment, it would seem to me that this proposed action by Congress would indicate that we do not have faith in President Nixon. I think we should have faith in him.

I have said, not in a partisan sense, that if I were to list the greatest single achievement of this administration, it would be President Nixon's success in winding down the war in Southeast Asia, and I believe that; and I say that as one who supported President Kennedy when the first combat troops were sent to Southeast Asia. I say that as one who supported President Johnson and voted for the Gulf of Tonkin resolution. Perhaps I was mistaken. Perhaps I did not understand the problem.

But the course of the war has changed. The course of the war has changed dramatically. We are looking beyond Vietnam. Look at the success President Nixon has had—yes, in South Vietnam—but also in the Mid-East and, hopefully, in the SALT talks, and the announcement today of some trade with mainland China. I think all these things tend to shore up the President's credibility, if it in fact needs shoring up.

But I say, with all respect to my colleagues and the cosponsors of the pending amendment, that it should be rejected. I hope that the Senate will reject the so-called end-the-war amendment and hope, instead, that we might have a substitute amendment commending President Nixon for the efforts he has made, thus uniting behind him in our efforts to end the conflict in Southeast Asia.

But let me emphasize most sincerely that I would hope this debate does not focus on our helpless prisoners of war or Americans missing in action. There is great emotional appeal to saying that we must fix a date and that if we do not fix a date it means that our men will not return. I know how some of the wives and mothers feel. I know that they are looking for hope. I also know that some have given up. I would trust, in our sincere efforts to resolve the amendment before us, that we recognize the feelings of these wives and mothers.

Mr. President, the Senate has more important issues to consider than this so-called end-the-war amendment. Many of the President's domestic and international programs are awaiting action, important appropriations bills are pending, and other work of Congress demands our attention.

I urge that the Senate quickly and decisively reject this proposal and move on the completion of action on extension of the draft and other pressing business which awaits us.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a series of articles dealing with a peace proposal by President Thieu of South Vietnam, July 11, 1969; a peace proposal by President Thieu of South Vietnam in 1970; a chronology of elections in the Republic of Vietnam since 1965; information on the new land reform program in Vietnam; various and sundry articles with reference to Laos, Cambodia, and Indochina; a story published in the June 4, 1971, Washington Post by Bart Barnes and Martin Weil concerning lawyers who are leading the antiwar effort.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

I—AUGUST 7, 1969

S. 3000

A bill to amend the Foreign Assistance Act of 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Disengagement Act of 1969".

SEC. 2. (a) Congress finds that the broad foreign policy interests of the United States require that the American military presence in Vietnam be removed at the earliest possible time, and that such action will promate the social and political well-being of the people of South Vietnam; that the prosecution of the war in Vietnam with American troops must be ended, not merely reduced; that the loss of American lives in Vietnam can be halted only by establishing a clear timetable for terminating American combat operations and withdrawing American troop commitments in the near future; and that the responsibility for ending the American involvement in Vietnam is not the President's alone, but must be shared by the Congress under its constitutional authority to "raise and support armies" and to "declare war."

(b) It is the purpose of this Act—

(1) to reassert the responsibility of Congress, under its constitutional authority to "raise and support armies" and "declare war," to share with the President the task of extricating this Nation from the Vietnam war; and to involve Congress in setting a clear and unequivocal timetable for the withdrawal of American troops from Vietnam;

(2) to express the clear intent of Congress that all American military personnel be withdrawn from Vietnam on or before December 1, 1970; so that the retention even of noncombat military training personnel in Vietnam after that date would not be permitted without the enactment by Congress of further legislation specifically approving such retention; and

(3) to give clear notice to the Government of South Vietnam that following December 1, 1970, it must assume the burden of fighting; and to permit the withdrawal of American military personnel and the assumption of their combat functions in an orderly fashion on a schedule set by the President with a required termination date of December 1, 1970.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620A. PRESENCE IN VIETNAM.—No part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970, to maintain military personnel of the United States in Vietnam."

II—AUGUST 8, 1969

S. CON. RES. 39

A concurrent resolution relating to withdrawal of United States forces from Vietnam.

Whereas the war in Vietnam has resulted in the loss of more than forty thousand American lives, in some two hundred and fifty thousand American casualties, in the depletion of American resources to the extent of over $100,000,000,000, and in inestimable destruction of Vietnamese life and property; and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human, and spiritual resources upon urgent domestic needs; and

Whereas spokesmen for the present administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal; and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support; and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it; and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that all United States forces should now be withdrawn to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangement for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

III—APRIL 30, 1970

AMENDMENT NO. 605

On page , line , insert the following:

"SEC. . (a) Unless there has been a declaration of war by the Congress with respect to any conflict in Vietnam, no part of any funds appropriated pursuant to this Act or any other law shall be expended in connection with such conflict after December 31, 1970, for any purpose other than to pay costs relating to the withdrawal of all United States forces, to the termination of United States military operations in that country, to the arrangement for exchange of prisoners of war with the Government of North Vietnam, to the provision of food and other nonmilitary supplies and services for the welfare of the Vietnamese people, and to arrangements for asylum in friendly countries for Vietnamese who might be physically endangered by the withdrawal of United States forces.

"(b) Unless there has been a declaration of war by the Congress with respect to any conflict in Laos, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish, after December 31, 1970, to Laos or to personnel of Laos any defense article or any military assistance or advice.

"(c) Unless there has been a declaration of war by the Congress with respect to any conflict in Cambodia, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish to Cambodia or personnel of Cambodia any defense article or any military assistance or advice.

"(d) For purposes of this section, the term 'defense article' shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961."

IV—MAY 5, 1970

AMENDMENT NO. 609

On page —, line —, insert the following:

"SEC. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: *Provided,* That funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylums for Vietnamese who might be physically endangered by the withdrawal of United States forces: *And provided further,* That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

"(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

"(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

"(d) For the purposes of this section, the term 'defense article' shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961."

V—WEEK OF AUG. 16, 1970

AMENDMENT NO. 609—NEW LANGUAGE

Sec. (a) No part of any funds appropriated pursuant to this Act or any other law shall be used after December 31, 1971, to maintain or introduce any military personnel of the United States in or over Indochina, unless the Congress (after examination of the recommendations to be submitted under subsection (c) of this section) shall by joint resolution specifically otherwise provide.

(b) Nothing in this section shall preclude the otherwise authorized use of funds in connection with Indochina for provision of assistance in amounts and for purposes specifically authorized by the Congress, for the release of prisoners, and for the arrangement of asylum for Indochinese who might be physically endangered by the withdrawal of United States forces.

(c) Within sixty days after the date of enactment of this Act, the President shall submit to the Congress his recommendations of United States policy in Indochina, including his assessments of both the military and political consequences of the withdrawal required pursuant to subsection (a) of this section, his recommendations on steps to secure the release of United States prisoners of war, and his evaluation of the ability of United States forces to conduct a safe and orderly withdrawal from Indochina by December 31, 1971. It is the sense of Congress that such recommendations (and such supplementary recommendations as the President may elect to submit at a later time) should be examined in the Senate by the Committees on Armed Services and Foreign Relations and in the House by the Committees on Armed Services and Foreign Affairs and that such committees should report their recommendations to the Senate and House respectively.

(d) For purposes of this section, the term "Indochina" shall mean North and South Vietnam, Laos, and Cambodia.

VI—August 26, 1970

AMENDMENT NO. 862

At the end of the bill add a new section as follows:

"Sec. —. (a) In accordance with public statements of policy by the President, no funds authorized by this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty thousand armed forces of the United States after April 30, 1971.

"(b) After April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives:

"(1) the orderly termination of military operations there and the safe and systematic withdrawal of remaining Armed Forces by December 31, 1971;

"(2) to secure the release of prisoners of war;

"(3) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and

"(4) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives.

Provided, however, That if the President, while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American Armed Forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph b(1) for a period of not to exceed sixty days and shall inform the Congress forthwith of his findings; and within ten days following application of the suspension the President may submit recommendations, including (if necessary) a new date applicable to subsection (b)(1) for congressional approval."

VII—January 27, 1971

S. 376

A bill to amend the Foreign Assistance Act of 1961, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Vietnam Disengagement Act of 1971.

Sec. 2. Congress finds and declares that under the Constitution of the United States the President and the Congres share responsibility for establishing, defining the authority for, and concluding foreign military commitments; that the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners, and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States Armed Forces from Vietnam.

Sec. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 620. (a) In accordance with public statements of policy by the President, no funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty-four thousand Armed Forces of the United States in Vietnam after May 1, 1971.

"(b) After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended in connection with activities of American Armed Forces in and over Vietnam only to accomplish the following objectives:

"(1) to bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American Armed Forces by December 31, 1971;

"(2) to insure the release of prisoners of war;

"(3) to arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and

"(4) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

VIII—June 4, 1971

H.R. 6531

Amendment intended to be proposed by Mr. **McGovern** (for himself, Mr. **Hatfield**, Mr. **Cranston**, Mr. **Hughes**, Mr. **Bayh**, Mr. **Brooke**, Mr. **Burdick**, Mr. **Case**, Mr. **Church**, Mr. **Eagleton**, Mr. **Gravel**, Mr. **Harris**, Mr. **Hart**, Mr. **Hartke**, Mr. **Humphrey**, Mr. **Mansfield**, Mr. **Inouye**, Mr. **Javits**, Mr. **Kennedy**, Mr. **Mathias**, Mr. **Mondale**, Mr. **Moss**, Mr. **Muskie**, Mr. **Nelson**, Mr. **Pastore**, Mr. **Pell**, Mr. **Proxmire**, Mr. **Ribicoff**, Mr. **Stevenson**, Mr. **Tunney**, and Mr. **Williams**) to H.R. 6531, an Act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, viz: At the end of the bill add the following new section:

Sec. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

(b) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American armed forces during their withdrawal from Indochina,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American armed forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(c) If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

(1) the date in subsection (a) shall be extended for sixty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

Exhibit 2

The Communist Position on Prisoner Releases

Point 9 of the NLF's "10 Point" proposal of May 8, 1969 implicitly linked the release of prisoners of war with the payment of war reparations by the U.S. Point 9 stated:

"To resolve the aftermath of the war:

"A. The parties will negotiate the release of soldiers captured in the war.

"B. The United States Government must bear full responsibility for the losses and devastations it has caused to the Vietnamese people in both zones." [i.e. North and South Vietnam]

Point 1 of the PRG's "8 Point" elaboration of September 17, 1970 linked prisoner releases with the setting of a fixed date for the withdrawal of all U.S. and other foreign troops. The full text of Point 1 is as follows:

"The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of 'Vietnamization' of the war, totally withdraw from South Vietnam troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U.S. camp, without posing any condition whatsoever, and dismantle all U.S. military bases in South Vietnam. In case the U.S. Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the U.S. camp by June 30, 1971, the People's Liberation Armed Forces will refrain from attacking the withdrawing troops of the United States and those of the other foreign countries in the U.S. camp, and the parties will engage at once in discussions on:

"The question of ensuring safety for the total withdrawal from South Vietnam of U.S. troops and those of the other foreign countries in the U.S. camp.

"The question of releasing captured militarymen."

Following the September 17, 1970 Paris meeting at which the "8 Points" were presented by PRG chief delegate Mme. Binh, PRG spokesman Duong Dinh Thao elaborated on the prisoner of war question. The following are the pertinent excerpts from Thao's press conference (using the North Vietnamese VNA transcript):

Bernard Redmont (NBC):

"I would like to ask about the problem of the captured military men. Does this mean that, when the U.S. Government announces that it will totally withdraw U.S. troops from South Vietnam, discussions on the release of prisoners of war will be held immediately? And also, does it mean that the captured military men will be set free immediately at the end of the discussions and not at the end of the war?"

Answer:

"First of all, it must be clearly stated that the Americans must announce that they will pull all U.S. troops out before 30 June 1971. Then, the parties will immediately begin to discuss the problem of the release of militarymen captured during the war. And, if the U.S. Government fosters good will, really desires to put an end to the war, and actually carries out the withdrawal of all U.S.

and foreign troops from South Vietnam; and if it also displays a serious attitude in the discussions, then we are convinced that the release of the militarymen captured during the war will be carried out rapidly.

"We yearn for an early end to the war so as to be able to put an end to the suffering and mourning of the Vietnamese people and also of the American people. At the same time, this will enable captured American youths and militarymen to rejoin their families in a not too distant future."

Subsequently, Communist delegates and spokesmen in Paris have consistently adhered to the line that a prisoner of war release would only be "discussed"—not automatically resolved—should the U.S. set a withdrawal deadline. The one apparent exception was an article by Mme. Binh in Le Monde of April 15, 1971 in which she claimed that President Nixon had "only to fix a reasonable deadline for the total withdrawal for GI's and American prisoners to be rapidly and safely returned." However, in the Paris session held the day this article appeared (April 15), Mme. Binh and her North Vietnamese counterpart, Xuan Thuy, took a somewhat different official line. The following are excerpts from the transcript of this meeting:

Mme Binh:

"In order to settle the question of captured military personnel, it is necessary to settle the problem of the cessation of the war—a problem in which the crucial question is the repatriation of American troops. As long as the war goes on, not only will the question of captured military personnel not be able to be settled but also the list of the captured will only grow longer indefinitely.

"The Vietnamese people who feel no animosity toward the American people and who have no interest in the prolongation of the captivity of captured American military personnel, still desire to see the war come to an end as soon as possible in order that this question be rapidly settled. In this spirit, the Provisional Revolutionary Government of the Republic of South Vietnam stated that it would enter immediately into discussions on the question of the release of captured military personnel if the Government of the United States agreed to withdraw all of its troops before June 30th, 1971. . . . It is thus clear that if the American Government had truly wanted to correctly settle the questions of captured military personnel, this question would long since have been discussed and settled in an appropriate manner. . . .

"Rapidly withdrawing American troops according to a determined deadline, renouncing the maintenance of the Thieu/Ky/Khiem clique, letting the South Vietnamese population determine freely its own political future—these are urgent demands not only on the part of the Vietnamese people but also on the part of the American people and public opinion the world over. It is up to the Nixon Administration to respond to these legitimate demands so that these negotiations can truly progress, the war comes to an end as soon as possible and American troops in Vietnam, including captured American military personnel, go back rapidly and in complete safety to their homes."

Xuan Thuy:

"In our prepared statement today, we called on the United States party to give a response to the three points which we mentioned in our speech today with the aim of rapidly arriving at a peaceful settlement of the Vietnamese question. If you give a response rapidly and positively to these three points, then a rapid return home will be possible for captured military personnel and for the personnel now participating in the war. [Xuan Thuy's three points called for the U.S. to: (1) set a withdrawal deadline; (2) cease bombing North Vietnam and 'violating its sovereignty and security;' and (3) respond to the PRG proposal to replace the present South Vietnamese Government with one which will engage 'in serious talks' with the PRG.]"

The Hanoi daily Nhan Dan of April 19, 1971 stated:

"It is thus obvious that whether or not captured American military men will be released depends entirely on the U.S. A prolongation of the war will only delay the settling of this question."

It thus emerges from the above Communist statements that more than a troop withdrawal deadline is required in order to free the prisoners of war. While the Communists are ready to "discuss" the prisoner question if the U.S. sets a deadline, they indicate that the war will have to end—presumably on their terms—before the prisoners will be actually freed. This would involve not only a deadline, but also the establishment of "provisional coalition government" and probably also the cessation of all U.S. military aid to South Vietnam and the payment of war reparations. In any case, the Communist side can be expected to extract the highest possible price for a prisoner release.

There has been some confusion in the interpretation and reporting of statements attributed to Communist spokesmen and delegation members in Paris. The following excerpts from the North Vietnamese (VNA) transcript of questions and answers at North Vietnamese spokesman Nguyen Than Le's "tea party" of April 21, 1971 might serve to clear up some of these misunderstandings:

Redmont (Westinghouse Broadcasting Corporation):

"I paid much interest to an article carried in the International Tribune today which quotes U.S. Senator Hartke as saying that in his meeting with Mr. Nguyen Minh Vy [North Vietnamese delegate], the latter said that after the United States announced it would withdraw all U.S. troops . . . and the prisoners of war would be released three weeks later. Will you give your opinion on this?"

Answer:

"When Mr. Hartke came to Paris he suggested that a cease-fire be observed. . . . Mr. Nguyen Minh Vy answered that, with regard to the question of cease-fire, Minister Nguyen Thi Binh made a three point statement on 10 December 1970. . . . With regard to captured military personnel, if the United States agrees to the proposal of the PRGRSV that it announce the withdrawal of all U.S. troops and those of the other foreign countries in the U.S. camp before 30 June 1971, the parties will discuss immediately the release of American prisoners of war.

"I would like to add that with regard to the question of American prisoners of war, I think that if the United States puts forward a deadline for the total withdrawal of its troops and ends the war of aggression, I believe . . . that . . . there will be no difficulties just as . . . towards the French in the past."

Goldsmith (AP):

"Why does your side think that no further precision can be given. . . . U.S. opinion is concerned about your refusal to announce a fixed date for the release of prisoners of war. This fact gives the Americans a pretext for refusing to set a deadline for the total withdrawal of U.S. troops."

Answer:

"In my opinion, the problem of captured militarymen is not too difficult to solve. . . . we formerly had this experience with the French and the problem was settled satisfactorily. We have said: Should the Americans advance a deadline for the total withdrawal of U.S. troops, then the parties would enter into discussions, that is, serious and true discussions on the release of captured militarymen."

NOTE.—In answering questions, Nguyen Thanh Le three times referred to the precedent established by the release of French prisoners of war. Prior to the question and answer period, Le stated:

"At the Geneva Conference in 1954, the question of releasing captured militarymen was not difficult to settle. After a basic agreement on the ending of the war and on a cease-fire, the question of releasing captured military men was settled. On 20 July 1954 the Geneva agreements were signed. A few days after, the parties discussed the releasing of captured militarymen. At the end of July 1954, the release started, and it ended in August 1954."

This appears to be an additional indication that the Communists do not intend to release American prisoners until the war has ended on their terms.

EXHIBIT 3

PEACE PROPOSAL BY PRESIDENT THIEU OF SOUTH VIETNAM—JULY 11, 1969

1. All political forces, including the organization called the NFLSV, which is holding weapons to oppose us, can participate in the elections, provided that they renounce violence and pledge to recognize the election results.

2. To insure that the elections are correctly held, an electoral committee, in which various political forces, including the organization called the NFLSV, are represented, can be set up. The electoral committee will insure that equal opportunity is provided for every candidate in the electoral campaign.

The electoral committee will be entitled to observe the polling and the counting of ballots in order to see that the voters enjoy full freedom to vote and that the counting of ballots is completely genuine.

3. An international organization will be set up to observe the elections and to insure that the elections are duly held for everyone.

4. We are ready to discuss with the other side the schedule and procedures for holding elections.

5. There will be no reprisals or discrimination in the post-electoral period.

6. The Republic of Vietnam Government pledges to respect the election results, no matter how they turn out. We challenge the other side to pledge likewise.

PEACE PROPOSAL BY PRESIDENT THIEU OF SOUTH VIETNAM

(Broadcast in Saigon, October 8, 1970, 0646 GMT)

In order to quickly end a war that has caused much suffering and destruction to our beloved country and to all of Indochina, we advance the following proposals. They have been discussed with the U.S. Administration and have been agreed to by the Cambodian and Laotian Governments. The proposals:

Establishment of a cease-fire in place throughout Indochina. To achieve this objective, we propose that discussions be started immediately dealing with the creation of an effective organ to supervise the cease-fire and prevent any side from taking advantage of it to strengthen its forces by introducing combat troops from the outside. The cease-fire would stop all provocative actions throughout Indochina and must bring about the restoration of peace.

Convocation of an expanded conference with the participation of the Cambodian and Laotian Governments. The conference would aim at finding a solution to end the war throughout Indochina. For years the war in Vietnam and the situation in Cambodia and Laos have been closely linked. We are convinced that the various military aspects of the war must be discussed and settled throughout Indochina on the basis of the fundamental provisions of the 1954 and 1962 Geneva Accords.

Approval of a timetable by both sides for the withdrawal of all outside forces. The timetable would fall within the framework of an overall solution and would be based on our previous proposals.

The immediate and unconditional release of the POW's of both sides on a mutual basis.

Concerning a political solution for South Vietnam, the Government of the Republic of Vietnam confirms its 25 March 1969 proposal on the holding of private talks with the other side to discuss all problems in a spirit of national reconciliation.

Moreover, on July 11, 1969, the Government of the Republic of Vietnam advanced a very conciliatory proposal which is also the most democratic solution consistent with the principles of self-determination of the people of South Vietnam. This proposal deals with the organization of free elections with adequate guarantees. Today we confirm this proposal.

We have also proposed the establishment of an electoral committee including the other side's representatives to insure equal opportunities for all candidates during their electoral campaigns and to supervise the elections so everyone may enjoy complete freedom.

We have also proposed the establishment of an international organization to insure that the elections are organized under equal conditions for everyone. We are still ready to discuss with the other side the procedures on the organization of these free elections. Moreover, we are still ready to discuss with the other side problems related to North and South Vietnam and the reunification of the country by peaceful and democratic means.

Two years ago when the Paris negotiations began, there were many hopes and expectations among the Vietnamese people and people throughout the world. We unilaterally deescalated the war and believed that serious and useful talks would soon take place in order to quickly achieve peace in Vietnam and stability for the entire Southeast Asian area.

The Government of the Republic of Vietnam has for a long time displayed its goodwill and been ready to talk with the other side without imposing any prerequisites. We hope the other side will stop calling for unreasonable conditions that would force us to surrender. The other side must understand that we will never accept these conditions.

The Government of the Republic of Vietnam hopes the other side will soon begin serious discussions on the points proposed in this statement in order to quickly restore peace."

Chronology of Elections in the Republic of Vietnam Since 1965

May 30, 1965—Province Level Elections. These elections were conducted throughout South Viet Nam for provincial and municipal councils. Government of Viet Nam officials and ARVN personnel were prohibited from running. Throughout South Viet Nam, 1,000 candidates contested 471 seats. Of the 4.7 million registered voters, 3.5 million, or 74% cast ballots. To make voting easier for those who read with difficulty, each candidate chose an identifying symbol to emblazon on his campaign posters. The major organized labor confederation elected 13 of its 16 candidates. In the central provinces, candidates associated with Buddhist organizations made strong showings. Foreign press observers termed the elections the most honest Viet Nam had ever had up to that time.

September 11, 1966—Nationwide election for a 117-member Constituent Assembly brought out some 4.3 million voters, representing 80.8 per cent of the registered electorate and over 55 per cent of the estimated population of voting age, despite a major Viet Cong effort to disrupt the elections.

September 27, 1966—The Constituent Assembly convened and prepared a democratic Constitution which was promulgated on April 1, 1967. Constitution provides for a modified presidential system, a bicameral legislature, an independent judiciary, a basic bill of rights for citizens.

March-June 1967—The first round of village and hamlet elections held. These elections were bitterly opposed by the Communists, who killed six and kidnapped 18 candidates, killed 15 and kidnapped 38 voters, in 555 terrorist incidents. Despite Viet Cong attempts to frustrate the elections, 2,511,543 voters (77.6 percent of those registered) elected officials in 984 villages and 4,600 hamlets.

September 3, 1967—Election of President Nguyen Van Thieu, Vice President Nguyen Cao Ky, and 60 members of the Upper House of the National Assembly. There were 8,824 polling stations in the 50 provinces and municipalities of Vietnam. Out of the 5,853,251 registered voters, 83.3% went to the polls. There were 11 candidates for the Presidency and 480 candidates for the 60 Senate seats. The Thieu-Ky slate received 34.8% of the vote, twice as much as the next closest slate which received 17.2%. Eighty percent of the votes went to candidates who advocated no compromise with the Viet Cong. In addition to 116 official observers, more than 600 foreign correspondents, cameramen, and TV crews, representing the world's major news services overwhelmingly concluded that the Government of South Viet Nam had made every attempt to hold an honest election, that voting officials had demonstrated a high level of efficiency, and that the elections themselves were free and fair by any reasonable standards.

October 22, 1967—Election of a 137-member Lower House with representation based on population and including deputies from minority groups. Seventy three percent of the registered voters of South Vietnam selected 135 men and two women for the Lower House membership widely representative of both national and local political interests. The major religious groups were widely represented with about 65 Buddhists, some 35 Catholics, and the remainder split among the various other religious groups: Hoa Hao, Cao Dai, Confucianists, and others.

October 31, 1967—Inauguration of President Nguyen Van Thieu and Vice President Nguyen Cao Ky. Several of the defeated Presidential candidates take positions in the national government.

March 1969—Village and hamlet elections took place in more than 3,600 communities throughout South Vietnam on four successive Sundays in March. Over one million men and women, representing nearly 90% of the eligible electorate, went to the polls and elected 7,741 leaders—village council members, hamlet chiefs, and deputy hamlet chiefs. These March elections, together with rural elections held in 1967 and 1968, brought elected councils to 1,693 of South Vietnam's 2,130 villages and elected chiefs to 7,867 of its 10,755 hamlets.

June 1969—Almost 90% of the eligible voters turned out to choose 1,121 hamlet chiefs and 1,092 village council members in rural elections held on the first four Sundays in June. It was the second phase of the Government's program to hold countrywide rural elections before the end of 1969. Combined with previous election results, these June elections brought fully-elected councils to 1,891 of Vietnam's 2,130 villages and locally-elected chiefs to 8,776 of its 10,775 hamlets.

July 11, 1969—President Thieu proposed elections in which "all political parties and groups, including the 'NLF' . . . can participate . . . if they renounce violence and pledge themselves to accept the results of the elections." To provide special guarantees to ensure fairness, he proposed the establishment of an electoral commission with NLF participation, and an international supervisory body—in his six-point proposal for a political settlement of the war in Vietnam.

March, April and May 1970—Village Council elections. By early 1970 council elections had been held in more than 2,000 of the 2,300 villages of South Vietnam. In March 1970 the three-year terms of the councils elected in March 1967 expired and by May 1970 more than 900 second round elections had been conducted. Elections will continue over the next three years as the three-year terms of the councils expire. Voting percentages averaged about 85 percent of the registered voters, versus 78 percent for 1967. There was a major turnover in village council membership, averaging around 50 percent. A significant percentage of those elected were local officials, Regional and Popular Force and Revolutionary Development personnel.

June 28, 1970—Province/Municipal elections. Elections were held for city councils in the cities of Saigon, Vung Tau, Dalat, Cam Ranh, Hue and Danang and provincial councils in each of the 44 provinces. Seventy-three percent of those eligible cast ballots. Increasing interest was demonstrated in these elections by political parties and religious associations, but most candidates ran without publicizing party affiliations.

August 30, 1970—Upper House Elections. Sixteen slates of ten men each contested for the thirty seats up for re-election in South Vietnam's Senate. The leading ticket in the balloting was the Buddhist slate. (The opposition Buddhists had boycotted the 1967 elections.) The second winning slate was an Independent Opposition slate and the third leading slate was a ticket generally in support of the present South Vietnamese administration and its policies. More than 65% of the eligible voters of the country participated in the voting. Representatives of the 13 losing slates described the elections as the most honest they had ever experienced.

August 1971—Lower House elections scheduled.

October 1971—Presidential and Vice Presidential elections scheduled.

August 1974—Upper House elections for one-half of the Senate.

The above record of competitive and increasingly progressive political development in the Republic of Vietnam stands in sharpest contrast with the totally restrictive Stalinist pattern imposed as a monopoly of the Lao Dong (Communist) Party in North Vietnam.

New Land Reform Program—Vietnam

LAND-TO-THE-TILLER BILL

On March 26, 1970, President Thieu promulgated into law a new and revolutionary land reform bill passed by the Vietnamese National Assembly. The program goes far beyond any previous land reform measures and is designed to provide ownership to all farmers who cultivate the land. The Law:

1. Eliminates tenancy.
2. Expropriates land not directly cultivated by the owner and distributes it free to tenant farmers.
3. Limits land ownership to 15 hectares (37 acres) per farmer provided he directly farms the land himself.
4. Redistributes any excess lands free to families of war dead, veterans, retired civil servants, and farm laborers.
5. Compensates the former owner 20% in cash and 80% in monetary bonds bearing 10% interest redeemable in equal installments over an 8-year period.

IMPACT OF NEW PROGRAM

This new "land-to-the-tiller" program will further broaden the base of land ownership and contribute significantly to social stability in the countryside. The program could benefit as many as 500,000 tenant-farmers by transferring ownership to them of over 2¼ million acres of riceland. Thereafter, a fair compensation will be paid to some

50,000 land owners by the government. It is a program relatively easy to administer since it transfers private lands to those already tilling it, and does not involve the government in taking title and redistributing the land. With U.S. technical assistance even those simplified administrative requirements are being streamlined by the use of aerial photography and computer technology to speed up the land identification and title issuance processes.

ESTIMATED COST

The total plaster cost will be borne by the Vietnamese Government. Total domestic currency plaster costs have been estimated at the equivalent of over $400 million during the several years required to complete the program.

U.S. PARTICIPATION

The U.S. Government strongly supports this new initiative of the Vietnamese Government and has responded affirmatively to a request for financial assistance to help cushion the inflationary impact on the economy of the large expenditure of plasters by the Vietnamese Government. It has been demonstrated over the past few years that any such significant increases in government expenditures result in increased demand for imports. To assist the Vietnamese in meeting this new requirement, the Agency for International Development has earmarked $40 million since FY 1969 and plans to seek additional funds as needed.

PROGRESS TO DATE

As of May 1, 1971, the government has issued titles for 537,728 acres which have been approved for distribution to 173,942 new landowners.

PULL-OUT POLL MISLEADING

The recent highly publicized and widely misinterpreted national opinion poll—showing that 73 percent of all Americans wanted a Congressional vote to bring home all U.S. troops from Vietnam before the end of this year—turns out to be false in its implications and grossly misleading.

The belief that the American people want out of Vietnam by December 31, 1971, regardless of consequences, is a myth. This is clearly shown in the attached report of a national survey taken May 1–2.

Here are some of the results of that survey:

1. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

2. Support for the proposed Congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a communist take-over.

3. *Well over half* the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist take-over of South Vietnam.

4. *By almost seven to one,* Americans oppose any year-end withdrawal that threatens the lives or safety of American prisoners of war.

5. The earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support *almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist take-over.*

DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

Princeton, New Jersey: The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but not if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year if it meant a Communist take over of South Vietnam, 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 if it threatened the lives or safety of the United States POW's held by North Vietnam.

11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nation wide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes	72
No	18
No opinion	10

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes	68
No	20
No opinion	12

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes	29
No	55
No opinion	16

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes	11
No	75
No opinion	14

EDUCATION PROGRAM—VIETNAM

Situation in 1954: Elitist, French-oriented system, based on memorization. Available to small percentage of children (elementary—20%; secondary—3.1%; higher—a fraction of 1%; virtually no technical education).

Original U.S. effort: Conventional program—curriculum revision, textbook generation, teacher training, planning for future construction.

Accelerated effort:

Primary: Attempt to provide universal, free education. Has reached 2.3 million—85% of age group; 12,000 classrooms built; 20 million texts; 26,000 teachers trained; 5 normal schools built. Enrollment has increased four times and number of classes, five times. Private schools have matched public pace.

Secondary: Attempt to broaden curriculum to meet vocational as well as academic needs. Enrollment has increased 12 times (from 53,000 to 632,000); 906 classrooms; faculties of pedagogy have produced over 3,400 teachers, and 1,000 a year now. Quality of instruction has improved; multi-purpose high school concept adopted.

Vocational: Ten vocational agricultural schools built, with 4,000 students, 12 agricultural training centers for Montagnards (2,800 trainees since 1967). Over 1,100 out-of-school age students last year. National Agriculture Center, 420 students, at higher education level.

Higher: From one institution (Saigon, with 2,900 students) to seven (Saigon, Hue, Can Tho—public—and Dalat, Van Hanh, Hoa Hao, and Minh Duc—private *—total enrollment 48,000). Emphasis on medical and dental (AMA and ADA contracts), engineering (University of Missouri) and agriculture (University of Florida). * Hoa Hao and Minh Duc (Catholic) opened in November 1970.

Current Emphasis: Administrative reform of entire educational system. Continuous 12 grade primary-secondary curriculum. Delegation of administrative responsibility to local communities. Creation of Institute of Pedagogy to coordinate all teacher education.

Outlook: Generally favorable since GVN has shown willingness and ability to operate its expanded system. Shifting of responsibility to local communities for further expansion of systems and increasing proportion of operating costs.

PUBLIC HEALTH ASSISTANCE PROGRAM—VIETNAM

The Public Health Assistance Program was one of the early undertakings of our mission to Vietnam. The program's original design was conventional AID. Principal emphasis was placed on the basic problems of developing Vietnamese health manpower and improving the preventive medicine program. U.S. advisory efforts and material assistance were concentrated on education and training activities and such public health projects as malaria control.

The character of the program changed markedly after 1963, in consonance with the rapidly increasing level of U.S. involvement in Vietnam. A major impetus for change was the growing U.S. concern for civilians injured as a result of war actions. AID supplied large numbers of professional and technical health personnel to augment severely limited Vietnamese staffs. The U.S. Government actively promoted participation in this major health assistance effort by other Free World governments and international and voluntary agencies. Non-U.S. sources have responded with generous inputs of assistance in the health sector, estimated at $43 million through December 1969. As many as 1200 U.S./Free World physicians, nurses, medical technicians, and health administrators have reinforced the understrength Ministry of Health staff.

A total of fifty-nine health assistance teams (see Attachment #1) now support directly all of the Ministry of Health's provincial and prefectural health services. These teams participate primarily in treating surgical patients, including civilian war casualties. The 41 AID-sponsored teams are supplemented by services of American volunteer physicians, about 800 of them have applied their extensive training and experience in the treatment of the Vietnamese, during tours of two months or more.

AID also sponsors special projects to help make the Vietnamese more nearly self-sufficient in the health field. In October 1969, the National Center for Plastic and Reconstructive Surgery, which had been operating since the summer of 1968 at a temporary site, was re-established in a new facility which is equal to any in the world. The Center, operating temporarily under direction of an AID contractor, now provides the most modern surgical treatment to more than 100 badly deformed children each month. Development of the Vietnamese staff for the Center, which is the key element of the project, is already well advanced. Surgeons, nurses, and administrative personnel are being trained on-the-job by the AID contractor.

Vietnam's National Rehabilitation Institute, also supported primarily by an AID grantee, is making excellent progress. When AID assistance began in mid-1966, the Institute operated a single center in Saigon which was able to manufacture and fit less than 50 artificial limbs and braces monthly. Now the Institute operates four centers, all established in modern facilities (three constructed with AID funding and the other subsidized by Canada) which give its program truly national scope. Working in affiliation with the Vietnamese military rehabilitation center at Cong Hoa Hospital, the Institute offers a comprehensive service of physical and psychological rehabilitation, plus vocational re-training and job placement services. Monthly fabrication, fitting, and training in the use of artificial limbs and braces had risen to 850 by the end of 1970. It should be understood, however, that Vietnam has a formidable backlog of patients requiring rehabilitation, and actions are in process to further expand these services.

The effort to reinforce Vietnamese health service capabilities could not be effective without complementary support in improving treatment facilities and the availability of adequate medical supplies and equipment. The annual input of U.S. Government materials to the Ministry of Health's logistical system has been about $14 million. A significant portion of this input is funded by the Department of Defense. Because of significant increases (up to 15 percent per annum) in the number of patients being treated in Ministry hospitals and dispensaries, demand for medical supplies continues to escalate.

The AID-supported program to improve and expand Ministry treatment facilities already has produced twenty-nine modern surgical suites, eight new provincial hospitals, major renovation of eleven province hospitals, and almost 500 district and village dispensaries. During its final phase, now in progress, this emergency program will yield major renovation of two national hospitals, and additional dispensaries.

Meanwhile, the Ministry of Health is completing construction of a new national hospital at Gia Dinh, to be used as a center for clinical instruction of physicians and dentists at the graduate level. The ministry also is starting construction of a new national hospital at Hue, to replace the rehabilitated facility which was 70 percent destroyed in the communist 1968 TET offensive. Construction already is in progress on a new 170-bed facility (cost estimated at $2.5 million) at the Da Nang Regional Hospital Center. This project is being financed primarily by the German Government, under an agreement with the Ministry. Discussions between the Ministry and other Free World governments to arrange bilateral assistance for construction of two new national hospitals in Saigon are now in the final stages.

The most significant step toward improving self-sufficiency in the health field has been taken by the Vietnamese Government. Recognizing the severe restrictions imposed by their limited pool of health manpower (see Attachment #2), the Ministries of Health and Defense, acting in concert, moved boldly to rationalize and improve the effectiveness with which these scarce resources are used. Under a program for joint civilian-military utilization and operation of treatment facilities, 26 provinces are now receiving significantly improved hospital services, and the program is now being extended to district health centers in those provinces. When fully implemented, the joint undertaking will virtually double the professional and technical personnel available to attack the overall health problems in these provincial populations. Note particularly the increase in physicians (from 58 to 183). This increase in Vietnamese capabilities diminishes the requirement for U.S. and Free World augmentation personnel. We firmly believe that this program can become a model for increasing the effectiveness with which scarce health manpower is used in other countries during their early stages of development.

While helping to meet the immediate treatment needs of the populace, AID has continued its long-term effort to help Vietnam remedy its health manpower deficiencies. Our support to the University of Saigon's faculties of Medicine and Dentistry has stimulated significant increases in physician and dentist graduates (see Attachment #3). AID assistance also enabled the Ministry of Health to add seven schools for training of nursing personnel and more than double the annual number of graduates. More importantly, the U.S. assistance effort is fostering important advances in the quality of education, especially through creating expanded opportunities for well-supervised clinical practice by advanced students. AID has provided a modern basic sciences facility to support this unique medical and dental education project, and currently is subsidizing the designing of a new 500-bed teaching hospital which will complete the facilities development program for Saigon University's Health Sciences Center.

At the same time, more attention is being devoted to prevention of diseases which reduce productivity and impair the quality of Vietnamese life. In this connection, the Ministry of Health recently inaugurated the program of its National Institute of Public Health. With external support derived principally from the World Health Organization (the U.S. Government provided a major subsidy), the Institute will become the base of training, research, and technical support needed for decisive national campaigns against communicable diseases. Pending development of the Institute's program, AID is actively promoting and supporting the Ministry's on-going, long-term and special projects (for example, the two-year National Plague Campaign (1969–1970), for control of the country's most significant disease problems.

UNITED STATES AND FREE WORLD HEALTH ASSISTANCE TEAMS DECEMBER 1970

Designation	Number of teams	Total personnel
MILPHAP teams	27	215
Free world teams	18	265
Republic of Korea	[1] 12	98
Republic of China	[1] 1	10
U.S. Catholic Conference	[1] 1	10
Total	59	598

[1] Under contract with AID.

Note: Authorized personnel ceiling of 61 United States and free world health assistance teams.

HEALTH RESOURCES IN VIETNAM AND THE JOINT MILITARY CIVILIAN HEALTH PROGRAM

	MOH	Armed Forces
Population served	14,000,000	[1] 3,000,000
Facilities	3,364	511
Hospitals	62	57
Dispensaries	3,302	454
Beds	23,437	16,886
Hospitals	17,308	13,286
Dispensaries	6,129	3,800
Manpower	16,651	[2] 18,405
Administrative staff	5,174	----------
Technical staff	[3] 11,477	(4)
Joint military-civilian health program: Total, 348 facilities; manpower, 8,538; beds, 10,000:		
Province level (hospitals)	25	25
Manpower	[5] 1,174	[6] 1,525
Beds	4,855	1,269
District level	[7] 149	[8] 149
Manpower	2,342	2,895
Beds	2,980	1,000

[1] 1,000,000 soldiers; 2,000,000 dependents.
[2] 24,000 authorized in future.
[3] 386 M.D's.
[4] 964 M.D.'s.
[5] 58 M.D.'s.
[6] 125 M.D.'s.
[7] Maternity, infirmary, and dispensaries.
[8] Subsector dispensaries.

VIETNAM HEALTH ASSISTANCE PROGRAM

I *FY 71 U.S. Program:*

$17.9 million

$6.4 million medical supply funded by U.S. Department of Defense

USAID Provincial health assistance teams

MILPHAP	27
Korean	12
Chinese	1
U.S. Civilian	1
Total	41

800 Volunteer Physicians since 1966

II *Education and Training:*

Category:	*Graduates* *1965*	*1970*
Physicians	85	194
Dentists	16	24
Nursing Personnel	275	633

A and E project for design, University of Saigon Teaching Hospital

III *National Institute of Public Health*—Advisory support by WHO ($1 million U.S.G. fund support). First classes started in December 1969.

IV *National Center for Plastic and Reconstructive Surgery*—Opened in permanent facility October 1969. Over 100 badly deformed children per month being successfully treated.

V *National Rehabilitation Institute*—With help of World Rehabilitation Fund, modernized Saigon Center and opened three (Canadian support). Manufacture and fitting branches—Can Tho, Da Nang, and Qui Nhon of artificial limbs and braces up from 50/month in 1966 to 850/month at end of 1970.

Civilian Casualties in Vietnam

Years of warfare have dealt heavy losses to the Vietnamese people. There have been thousands of casualties among civilians caught in fighting between the two sides. Regrettably, US forces have caused part of the civilian casualties in battlefield encounters with the enemy. However, it is the policy of the US Command in Viet-Nam to conduct its military operations so as to avoid, to the greatest possible extent, injury to noncombatants.

NUMBER OF CIVILIAN CASUALTIES EXAGGERATED

One of the most distasteful aspects of the tragedy of civilian casualties in Viet-Nam has been the effort by some observers to exaggerate the number of civilians killed as a result of US military action. The actual statistics we have are sad enough, but some articles appearing in the press and other publications on this subject adduce figures and draw conclusions which are not substantiated by facts. A common ploy is to compare the number (supposedly 25,000 to 40,000) of civilians killed by the enemy since the beginning of the war with the very unfavorable number (supposedly 300,000 or more) killed by US and South Vietnamese military operations.

Articles citing 40,000 or so casualties inflicted by the enemy often neglect to point out that this many deaths can be accounted for solely by assassinations and terrorism. Deaths caused by enemy military activities, but not cited, are much more numerous. The North Vietnamese and Viet Cong follow a policy of calculated terrorism—selective as well as indiscriminate—which has taken a high toll of civilian victims. The number of noncombatants deliberately assassinated under this communist strategy of terror was 31,105 for the years 1966–1970. In the same period, an additional 38,994 persons were abducted by the communists. Earlier, between 1957 and 1965, at least 9,500 assassinations and 36,500 kidnappings took place.

COMBAT DEATHS DIFFICULT TO VERIFY

The record of terrorism, drawn from police reports, is reasonably exact, but it is virtually impossible to obtain complete or reliable statistics on deaths from combat causes in a developing country at war. The number of civilian deaths from the fighting in Viet-Nam is not known and will probably never be ascertained. However, records of hospital admissions are available, and these provide statistics on civilians injured as a result of the war. Following are figures for hospital admissions for 1967–1970 recorded by the Vietnamese Ministry of Health and by US military hospitals:

	Vietnamese Government hospitals		U.S. military hospitals, civilian war casualties
	All causes	Civilian war casualties	
1967	473, 140	46, 783	1, 951
1968	456, 972	76, 702	7, 790
1969	505, 772	59, 223	8, 544
1970	574, 814	46, 247	4, 635

As will be seen from these statistics, the ratio of war-related admissions to other admissions has declined. This decline has occurred as the war moved away from the populated areas and as hospital facilities expanded.

DEATH STATISTICS CANNOT BE DERIVED FROM INJURY FIGURES

Neither the United States Government nor the Vietnamese Government attempts to construct the number of civilian war deaths from available data on the injured. There have been various efforts by some members of American news media and other observers to extrapolate death statistics from such sources as numbers of hospital admissions. We regard this method as spurious, and we do not engage in similar mathematical abstractions.

The more reckless allegations about civilian casualties in Viet-Nam charge that the United States is attempting genocide in that country. Yet it has been estimated that the population of South Viet-Nam has increased by about 2 million since 1965 and that of North Viet-Nam by hundreds of thousands. Many people have been killed in Viet-Nam, but wild accusations of genocide cannot stand up under scrutiny.

It is simply not possible to apportion exact responsibility between the two sides for civilians injured through either enemy or friendly military action, although some members of the news media have tried it. The Vietnamese Ministry of Health attempts to record the nature of wounds by major categories of those treated, but these statistics do not include all casualties. In general, increasing experience has made it possible to identify wounds as inflicted by the enemy (mines and mortars), by either side (guns and grenades), and by US-South Vietnamese forces (bombing and artillery). The Ministry's statistics follow:

CIVILIAN CASUALTIES BY ORIGIN

	Mine and mortar	Gun and grenade	Shelling and bombing	Total
1967	15, 253	9, 785	18, 511	43, 849
1968	31, 244	15, 107	28, 052	74, 403
1969	24, 648	11, 814	16, 183	52, 645
1970	22, 049	7, 650	8, 607	38, 306

No absolute conclusions can be drawn from this breakdown, but the period 1967 through 1970 indicates a clear increase in the percentage of wounds inflicted by the enemy, a moderate drop in those caused by either side, and a major decline in those resulting from US-South Vietnamese operations. Generally it is correct to assume that in a military action the number of wounded exceeds the number of those killed.

RUTHLESS ENEMY TACTICS CAUSE CIVILIAN DEATHS

Another side to the question of civilian casualties, which is not accurately reflected in the statistics, is the readiness of the Viet Cong and North Vietnamese to exploit civilians without regard to their safety. Apart from purely terroristic actions, there have been reports of the enemy using civilians during their attacks on South Vietnamese or US forces. For example, during the Tet offensive of 1968, the Viet Cong forced 95 women and children to be human shields as they attacked Bac Lieu in the Delta on February 10, 1968. Also, during the Tet offensive, the enemy repeatedly used hospitals, schools and places of worship as strong points from which to mount attacks. On March 5 1968 the Viet Cong attacked a hospital run by an American woman doctor on the outskirts of Kontum City, destroyed its operating room, killed and wounded several patients and abducted a German nurse.

Over the years, the Viet Cong and North Vietnamese have exacted a steadily increasing toll of civilians, often women and children, with Chinese Communist and Soviet rockets. Rocket fire is often deliberately directed against populated areas as a terror weapon. Even when the enemy uses rockets against military targets, he does so with complete indifference to the lives of civilians who may be in the vicinity. A more subtle enemy technique is to infiltrate or to take over a village and then provoke Vietnamese Government forces to attack the village while the Viet Cong disappear into the jungle. Casualties from this type of operation have decreased sharply as the South Vietnamese Government has extended its security over more and more of its territory.

U.S. EFFORTS TO ALLEVIATE SUFFERING

Still another aspect to this question is the failure of those who exaggerate the numbers of civilian casualties to consider the positive efforts of the US Government to relieve the suffering of the Vietnamese people, particularly those directly caught up in the fighting. These efforts, quietly and effectively seconded by the large majority of our military personnel there, are outlined in two other papers in our *Public Information Series*, P-4441 and P-4442, on "The Americans and the People of South Viet-Nam" as well as in our *Current Foreign Policy* paper, "U.S. Assistance Program in Viet-Nam."

[From the Washington Post, May 15, 1970]

VIETCONG WOULD LIQUIDATE 3 MILLION IF IT WON, U.S. EXPERT CONTENDS

(By Robert G. Kaiser)

SAIGON, MAY 14.—One of the U.S. government's leading experts on the Vietcong has written a paper predicting that "if the Communists win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated."

The author of the paper is Douglas Pike, who has written two books on the Vietnamese Communists and is now a United States Information Service officer in Tokyo. He wrote "The Viet Cong Strategy of Terror," a 125-page monograph earlier this year. The U.S. mission here plans to release it soon.

Pike's work seems to be a rejoinder to those who have mocked suggestions that the Communists would wipe out thousands of their opponents if they took over South Vietnam. Pike says that if the Communists win the war here decisively ("and the key word is decisively," he writes), the result will be "a night of the long knives" to wipe out all conceivable dissidents—perhaps 3 million persons.

Pike contends the massacre would go on in secret, after all foreigners had been expelled from Vietnam. "The world would call it peace," Pike writes.

He cites a list of 15 categories of citizens who would be murdered, saying such a list of categories is often found in captured documents. Pike notes a statement by Col. Tran Van Dac, one of the highest-ranking Communists ever to defect to the Saigon regime, that "there are 3 million South Vietnamese on the blood debt list."

Pike's predictions are the most dramatic aspect of his paper. Most of it is devoted to an analysis of the Vietcong's present and past uses of terror. A major section analyzes the 1968 massacres at Hue.

"It would not be worthwhile nor is it the purpose of this monograph to produce a word picture of Vietnamese Communists as fiendish fanatics with blood dripping from their hands," Pike writes. Rather, he says, he wants to describe how the Vietcong use and justify terror as a crucial part of their war strategy.

Current Vietcong doctrine, Pike contends, calls for terror for three purposes: to diminish the allies' forces, to maintain or boost Communist morale, and to scare and disorient the populace. He says the enemy seems to be moving more and more toward a terrorist strategy as part of a new kind of protracted war. (Official government terrorist statistics show a sharp increase in kidnappings, assassinations and other terrorism in recent months.)

In central Vietnam, Pike writes, Vietcong units are given terrorist quotas to fulfill. As an example, he cites intelligence information that special Vietcong squads in parts of two provinces were told to "annihilate" 277 persons during the first half of 1969.

In the most detailed analysis of the killings at Hue yet published, Pike writes that "despite contrary appearances, virtually no Communist killing was due to rage, frustration or panic during the Communist withdrawal" from Hue, which the Vietcong held for 24 days in February 1968.

"Such explanations are often heard," Pike continues, "but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind."

According to Pike's analysis of the Hue massacres, the Communists changed their minds twice after seizing the city on Jan. 31. At first, Pike writes—he claims, captured documents show this—the Vietcong expected to hold Hue for just seven days.

During that first phase, Pike says, the Vietcong purposefully executed "key individuals whose elimination would greatly weaken the government's administrative apparatus . . ."

After they held on more than seven days, Pike's theory continues, the Communists decided they would be able to stay in Hue indefinitely. Prisoners, ralliers and intercepted messages at the time confirm this, according to Pike.

In this euphoric mood, he writes, the Communists set out to reconstruct Hue society, eliminating not just specific individuals, but whole categories of citizens whose existence would hinder creation of a new revolutionary society. Perhaps 2,000 of the estimated 5,800 persons killed at Hue were slain during this second phase, Pike suggests.

Eventually, Pike continues, the battle turned against the Communists in Hue and they realized they would have to abandon the city. This realization led to phase three, Pike writes: "elimination of witnesses." The entire underground Vietcong structure in Hue had probably revealed itself by this time, and now had to protect itself by eliminating many who could later turn them in to government authorities, Pike theorizes.

For this reason, citizens taken from their homes merely for political indoctrination had to be killed when the Communists decided to flee Hue, Pike suggests.

[From the Washington Post, Dec. 7, 1969]

Hue Slayings Seen Pattern if Foe Wins

Hong Kong, December 6.—The massacre in Hue during the 24 days Communist troops occupied the city in February, 1968, was a three-phase operation, according to a U.S. authority on the Vietcong.

Douglas Pike, a Foreign Service officer whose book, "Vietcong," is generally regarded as the definite text on the guerrillas' organization, spent a week in Hue last month researching the mass slayings and concluded that as many as 5,800 Hue citizens may have been executed.

Pike, now stationed with the U.S. Information Service in Tokyo, is preparing a report on his findings. During a visit here, he said the massacre in Vietnam's old imperial capital "was quite impersonal."

AGAINST GROUPS

"It was not a blacklist of individuals but a blacklist of titles and positions in the old society," he said. "It was directed not against people, but against 'social units'—religious organizations, political parties and social movements like women's and youth associations."

Pike said that Phase I of the Communist campaigns against Hue's civilians occurred during the first few days of the occupation, when the Vietcong did not expect to stay but wished to make an example and "break the enemy's administrative structure."

"Civilian cadres," Pike said, "accompanied by firing squads executed key individuals to weaken governmental administration following communist withdrawal. This was the blacklist period, the time of the drum-head court.

"Cadres with clipboards bearing lists of names and addresses summoned various 'enemies of the revolution' to kangaroo courts. Public trials usually lasted about 10 minutes, and there were no known not-guilty verdicts. Punishment, invariably execution, was meted out immediately."

"RECONSTRUCTION"

Phase II was the period of * * * occurred during the few days the Communist cadres believed they were permanently in Hue.

In order to "build a new social order, it was necessary to purge the old order." The "social negatives" were eliminated. Anyone who might stand in the way of the Communists' consolidating their hold and imposing their own rules was killed.

Phase III, however, was the worst. During the last week of their stay, the Communists knew they would be forced to withdraw. They were determined to leave no witnesses who might testify against them or identify the 150 clandestine Communist cadres who had "surfaced" to rule Hue.

"Most victims were killed in batches during this period. At the sand dune grave they were tied together in groups of 10 and cut down with submachine guns."

By Pike's count, 5,800 of Hue's civilians are dead or missing, while 1,800 were hospitalized. Of approximately 75,000 persons in the city during the Communists' rule, 7,600 became casualties. Allowing wide latitude for casualties in the battle for the city, at least 5 per cent and possibly closer to 10 per cent of the population were deliberately slain, he estimates.

He believes the Hue massacres were different from other Vietcong terrorism, "not only in degree but in kind." It was not the quick terror used to build Vietcong morale or to frighten the populace but the slow, intensifying terror intended to create the basis of a new government.

To Pike the lesson of Hue is clear: "If the Communists win decisively, all foreigners would be expelled from the South, particularly hundreds of newsmen. A curtain of ignorance would descend. Then the night of the long knives would begin."

[From the Washington Daily News
Nov. 25, 1969]

A Defector's View: "It Would Be A Bloodbath"

(By Don Tate)

Saigon, November 24.—A former North Vietnamese army colonel who defected after 21 years of Communist Party membership said here today a communist takeover of the south would result in a bloodbath.

He is Lt. Col. Le Xuyen Chuyen. He joined a suicide youth group in North Vietnam when he was 15, was decorated by Hanoi as a war hero, helped write the sapper manual for the North Vietnamest army, was slated for command of a division at the time of his defection.

Asked in an interview if the possibility of a bloodbath in the event of a communist takeover had not been exaggerated. Lt. Chuyen said:

"It could not be exaggerated. It will happen."

Wouldn't unfavorable world opinion deter it?

Lt. Chuyen laughed. "Who would be around to report it? It happened in North Vietnam and nobody cared. You Americans wouldn't be here to see it. Once out, you would never come back. It would just happen. World opinion? It does not even grasp what is going on here right now."

He said that while any American atrocity always gets a big headline, the calculated, day-to-day murder of civilians by communist terrorists is virtually ignored.

Lt. Chuyen estimated some five million people in the south are on what he called the communists' "blood debt" lists. For every 100 on the list 10 to 15 would pay with their lives, another 40 would be imprisoned and the rest would undergo "thought reform," he predicted.

Included on the lists are a million Catholic refugees who fled North Vietnam, some two million South Vietnamese troops, government officials down to the hamlet level and paramilitary groups, more than 100,000 North Vietnamese and Viet Cong defectors, some 100,000 South Vietnamese working for the Americans and numerous elements of the "bourgeois" class.

Captured communist documents define "enemies of the people" as including "anybody who grumbles about the revolution; anybody with suspicious past activities or who acts suspiciously; individuals who display a backward ideology or dishonest concepts, exploiters (anyone benefitting from the labor of others); tyrants (anyone working for the government); anybody whose relatives are working for the enemy in any way; members of religions who still remain deeply superstitious," etc.

One document states what will happen when the communists take over: "Even after the Fatherland is completely liberated the fight will continue, fierce and complicated. Then the real tasks of eliminating reactionaries, informants, American henchmen, religionists, etc., will begin."

Reds Brag of Slayings

Saigon, November 25.—The Reds who invaded the old imperial capital of Hue during their bloody 1968 Tet offensive killed nearly 2,900 anti-communist citizens, according to captured enemy documents made public yesterday.

The Allies put the figure closer to 3,000. So far 2,737 bodies have been found in sand dunes and creek beds in and around Hue.

The Red document called the massacre a complete success and said: "Hue was the place where reactionary spirit had existed for over 10 years. However, it only took us a short time to drain it to its roots."

[From the Washington Post, Dec. 7, 1969]

Hue: Deliberate Slaughter; 1968 Killings by Vietcong Are Detailed

(By Don Oberdorfer)

Hue, South Vietnam.—Four armed Vietcong led by a local youth came into the house and asked if any young men were there. The old man and old woman said no, but the invaders called out the names of those they sought, and began to search.

A South Vietnamese army captain, two lieutenants, two sergeants and a civil sergeant from the local treasury office surrendered without a fight in their hiding place in a side room after their names were called. Their arms were bound behind their backs and they were marched away—"They're only going to a meeting," the Vietcong said.

A week or so later, after the Communist forces had been driven from the city, the old woman found them lying in a common grave under the spreading arms of a fruit tree in the playground of the local high school.

"I recognized them very easily from their faces and their clothing," she recalled. "Two of them had a wire twisted around their necks. They all had their arms tied behind their backs. They had been shot in the head."

She had begun to weep when she started to tell the story, breaking down again toward the end. The two sergeants, ages 22 and 23, were her sons. The civil servant was her son-in-law. The officers were close relatives.

The young men have come to rest in the long, narrow front yard where they frolicked as children. Most of the yard from the house to the street is taken up with six circular burial mounds, Vietnamese fashion, each with its own headstone bearing the name of the one who lies beneath.

The slaughter in Hue ranks among the most extensive mass execution of the decade and is by far the bloodiest to come to light in the second Indochina war. Though its broad dimension has been often cited as an object lesson about the Vietcong role by presidents and political leaders, the details have remained elusive.

In an effort to learn more about who was killed and why, I spent five days in Hue accompanied by Paul Vogle, an American who taught English at Hue University for five years and speaks fluent Vietnamese. We interviewed families and friends of more than two dozen victims from the Giahoi area of the city, a quiet residential section which suffered a large share of the killing. We also interviewed officials and old friends and acquaintances as well as a Vietcong leader of the attack who subsequently was captured.

Nearly all the killings we studied fall into one or both of two broad categories:

The deliberate and planned execution of government military men, policemen, civil service and elected functionaries and those suspected of working for or collaborating with the Americans.

The execution, sometimes on the spot, of those who ran from questioning, or who spoke harshly of the occupation force or who otherwise displayed what was described by the Vietcong as "a bad attitude."

DOTTED WITH GRAVES

Almost two years after the occupation and the killings many women of Hue has puffy eyes from weeping, and the streets and lanes and parks and front yards of the city are dotted with graves from the recent past.

According to local officials, more than 2,700 bodies or skeletons have been found in circumstances which indicate they were executed by the Communists during or shortly after the 25-day occupation of the city in the 1968 Tet (Lunar New Year) offensive. More than half of the corpses were found in mass burial sites in the countryside this spring and fall, well over a year after death occurred.

DISCRIMINATE KILLING

Our study indicated that in the Giahoi area the killings tended to be discriminate. The Vietcong shot or clubbed to death or buried alive those they meant to kill for political or disciplinary purposes. That does not justify the bloodletting. But it does help to explain it.

Except as noted above, we found no suggestions of random killing in Giahoi. In the predominantely Catholic area of Phucam, however, the Vietcong are reported to have abducted en masse and later killed 398 persons, including virtually every ablebodied man over 15 years of age who had taken refuge in the large cathedral there.

We obtained no first-hand reports of this whosesale abduction. But the captured Vietcong leader told us that the Communist party was "particularly anxious to get those people at Phucam. . . The Catholics were considered particular enemies of ours."

The former Vietcong leader, a bright-eyed native of the Hue area whose name is Ho Ty, was arrested by the government police on Sept. 4 this year. At the time of his arrest, he was party secretary for a section of Hue city.

Before the 1968 Tet attack, Ty said, he had been among those assigned to do the advance planning. He said his part of the job was to quickly build a Vietcong apparatus in his area to take the reins of government in a general uprising. He said the killings were planned and executed by a separate group in charge of security.

Ty reported that part of the plan from higher headquarters was to destroy the government machinery of Hue and the people who made it work. This is corroborated by Vietcong documents bearing dates before the attack but captured by U.S. forces much later. The documents describe the main purposes of the Hue attack as the overthrow of the government administration from the province level to the lowest echelon and the establishment of a revolutionary regime in its place.

VIETCONG ELIMINATED 2,750

A Vietcong after-action report, captured in April 1968 and recently released by U.S. authorities in Saigon, states that in Hue "We eliminated 1,892 administrative personnel, 38 policemen, 790 tyrants, six captains, two first lieutenants, 20 second lieutenants and many noncommissioned officers." The list adds up to 2,750, which is roughly the number of bodies discovered so far.

The best accounts of what happened, though, are not from prisoners, documents or radio broadcasts but from the people of Hue, many of whom wept while recalling the fate of their loved ones. Some of them—like the old woman who lost her two sons and her son-in-law—asked that their names not be published because they are still afraid for their lives.

Giahoi is a pleasant residential area which extends from a single major commercial street to fertile farmland on the outskirts. It is located in the northeast part of Hue city in the Second Administrative District. The total population of the district, of which Giahoi is the largest component, is estimated at 78,000. The bodies of 618 Giahoi residents are reported to have been found since Tet in a total of 48 common graves.

Some residents of the second district were killed by Allied bombings and shelling during the fighting in the area, and by the stray bullets which are so common in the Vietnam war. No more than 50 to 60 of the district residents whose bodies were later dug up are estimated by the district officials to have been killed by accidents of war.

Certainly Le Van Rot, the proprietor of one of Hue's most celebrated Vietnamese soup shops, was not the victim of accidental death. About 9 a.m. on Feb. 5 two men speakink the Hue dialect in the accents of North Vietnam came to the soup shop. They told him to come with them to the Giahoi high school, which was being used as a headquarters by the Vietcong until in control of the area.

DEATH OF A SOUP MERCHANT

Rot readily identified himself and went along, and he and the men returned together that afternoon. After leaving the proprietor at his shop, the Vietcong began calling out his neighbors by name for questioning.

A short time later they returned and accused Rot in loud voices of operating the soup shop as a cover for spying. They bound his arms with wire and directed him to walk out with them. When he resisted they put a bullet in his head. His friends say the soup merchant was not a spy. He was the government block chief in his area and one of the most prominent citizens.

Word of the soup-seller's killing quickly spread new fear through the neighborhood, which was already frightened by sounds of shooting, rumors of assassinations and the sight of corpses in handcarts being wheeled down the street in the direction of the high school.

Civil servants, military personnel, police and anyone working for the Americans had been told to report to the house of a former mandarin around the corner from the high school grounds. After Rot was killed, at least one Vietnamese assistant to the Americans decided to report to the house near the schoolyard. The Vietcong there merely told him to go home and return again the next day. The second time, he was questioned about his job. (He told them he was only an English teacher but actually he fills a more important post.)

Young men whom he recognized as Hue students were standing around the check-in house. All were armed. On another occasion he recognized a coolie whom he had known for years among the armed Vietcong. Finally the functionary decided to flee the area, and was able to do so successfully.

Duong Chanh Vinh, who lived a few doors from the high school, had hidden out in his house with his wife and his 7-year-old daughter for more than a week. Vinh was a former district chief of another area of Hue and knew he was being sought.

On Feb. 7 he told his family he had decided to report because all might otherwise be killed if he were found hiding. He walked out of his house across his yard to the gate, where two Vietcong quickly spotted him, held him and bound his arms.

They began to tug on him to go, and he resisted. They shot him down in the lane outside his house. His wife and daughter fled, but afterward his daughter's body was found in the house, possibly the victim of a rocket which hit the structure and caused much damage. Today father and daughter are buried in separate circular graves inside the front gate in the yard of the house.

An old man who protested the arrest of his daughter was trussed up and marched off, and his son-in-law, who protested threats against the family, was also bound up. When the Vietcong soldiers began to slap the son-in-law, the old man declared, "If that's the kind of revolution you proclaim, nobody wants it." The soldiers shot both father and son-in-law on the spot, but let the daughter free.

Stephen Miller, an American civilian in information and propaganda work, was found hiding in the closet of a house where he had taken refuge across the Perfume River from Giahoi. He was taken into a field behind a nearby Catholic school and brutally killed.

Three West German doctors who were professors at the Hue University Medical School under a technical assistance program and the wife of one of them were marched away in the first hours of the Tet offensive and found in a shallow grave in a potato field south of the city two months later. The only known explanation for their deaths is a captured Vietcong order that all Americans, West Germans, and Filipinos were to be detained.

Bodies have been found in the city and in the countryside, some fell preserved and some utterly unidentifiable. One group of 250 skulls and many bones was found with the aid of Vietcong defectors in a stream bed so deep in the jungle that a landing zone for the helicopters had to be blasted out with explosives.

THE STRAWBERRY PATCH

Perhaps the most poignant mass grave sites in the Giahoi area are near the big fruit tree in the high school playground, where 23 permanent burial circles and 19 small grassy mounds mark the locations of the dead, and in the rice earth of the Giahoi Community Cemetery at the Strawberry Patch where the bodies of civil servants, businessmen and community leaders were found in hastily dug mass graves amid the permanent burial circles. Four Vietcong soldiers killed in battle are also buried in the community cemetery, but people have deliberately strewn garbage and trash atop the unmarked mounds where they lie.

Near the end of our stay in Hue, we called on Trinh Cong Son, a slender young man who is perhaps South Vietnam's most celebrated song writer of the present day and a hero to the youth of the country. Son is native of Hue and was there during the Tet fighting and afterwards, when bodies from the battle were being buried and bodies from the Vietcong executions were being unearthed.

We asked him what he had seen and heard, and he wrote for us in Vietnamese in his own hand a ballad he had written in March of last year to express his feelings. Translated into English, it read:

When I went up a high hill of an afternoon
I sang on top of corpses
I saw, I saw, I saw beside a garden hedge
A mother hugging her child's corpse.

Mothers clap for joy over your children's corpses
Mothers clap in cheer for peace
Everyone clap to add another beat
Everyone clap to welcome hardship

When I went to the Strawberry Patch
I sang on top of corpses.
I saw, I saw, I saw on the road
An old father hugging the corpse of his cold child
When I went to the Strawberry Patch of an afternoon
I saw, I saw, I saw holes and trenches
Full of corpses of my brothers and sisters.

Mothers clap for joy over war
Sisters clap in cheer for peace
Everyone clap for more vengeance
Everyone clap instead of repenting.

Lam Son 719—Laos

PURPOSE OF THE OPERATION

Since the overthrow of Cambodia's Prince Sihanouk and the Cambodia sanctuary operations of 1970, the North Vietnamese forces operating in Vietnam, Cambodia and Southern Laos lost their Cambodian supply routes and have been totally dependent on the Ho Chi Minh Trail in Laos.

The South Vietnamese forces entered southern Laos early in February to disrupt the dry season operation of the Trail and the southward flow of enemy supplies.

In disrupting Hanoi's major supply network during the dry season the operations were designed to reduce the enemy's offensive capacity, protect American and Allied lives in South Vietnam, Laos and Cambodia and assure the continuation of the American troop withdrawals.

The operations were seen as limited in time and space and as in part dependent upon enemy reaction to the incursion.

NORTH VIETNAM'S REACTION

As anticipated, the North Vietnamese forces did not choose to evade the South Vietnamese forces as they had done in Cambodia.

After some delay, Hanoi reacted to the threat to their jugular by reinforcing strongly with some of their best divisions in order to protect their trail system and to attempt to inflict a major defeat on the South Vietnamese.

In massing troops for intensive main force fighting unmatched since Tet 1969, the North Vietnamese proved vulnerable to concentrated Vietnamese fire power and U.S. air power, including over 600 B–52 strikes.

SOUTH VIETNAMESE PERFORMANCE

The weight of the evidence is that South Vietnamese forces fought very well in the six weeks of sustained combat in unfamiliar terrain in the middle of the enemy's heartline.

Many of the Vietnamese units fought without respite for 40 days, or more than twice as long as any U.S. units in the history of the war.

In the intense fighting the South Vietnamese bore some heavy losses now estimated at 1,400 killed and 4,600 wounded. But only 4 of the 22 ARVN battalions involved were temporarily put out of combat and those battalions have been refitted.

IMPACT OF THE OPERATIONS

The North Vietnamese paid a very high price for massing their forces in the face of Allied fire and air superiority. Conservative estimates place the losses at over 13,000 killed and many more wounded, with the equivalent of 13 of the enemy's best combat battalions rendered ineffective.

The loss of three major means of supply during this past year (Sihanoukville, purchases in Cambodia, and pacified areas in South Vietnam) means that the North Vietnamese had to move far more supplies south on the Trail this year just to keep even.

The available evidence indicates that North Vietnam's supply movement was well behind last year's pace even before the Lam Son operation began. Lam Son further compounded Hanoi's problem.

South Vietnamese forces physically blocked various branches of the Trail at the height of the dry season. South Vietnamese forces and U.S. air power captured or destroyed some 4,900 individual weapons, 1,900 crew served weapons, 100 tanks, 4,600 trucks (300 in the Lam Son area; 4,300 elsewhere in Laos during the same period), many artillery pieces and thousands of tons of ammunition and other supplies and equipment.

The direct North Vietnamese losses to Allied forces were compounded by the vast quantity of supplies, ammunition and manpower diverted and lost in Lam Son 719 instead of continuing down the trail.

The North Vietnamese resiliency in restoring the logistics flow has been degraded by diversion, consumption and harassment. An estimated 3,500 trained enemy rear service personnel vital to the Trail operation were killed.

Viewed in conjunction with simultaneous ARVN operations in Cambodia, these two operations have precluded major enemy offensive operations during the current dry season and will delay and reduce any offensive the North Vietnamese might have planned over the next dry season.

LAM SON AND VIETNAMIZATION

ARVN has demonstrated the ability to mount a complex multidivision operation in difficult and unfamiliar terrain, with adverse weather and against a well entrenched enemy close to his home bases.

Lam Son 719 and the concurrent South Vietnamese oepration in Cambodia have engaged the North Vietnamese and kept his forces distant from the populated areas of Vietnam, Laos and Cambodia.

Lam Son has underlined the significant progress made in Vietnamization since three years ago when ARVN units were defending against enemy offensives close to South Vietnam's own population centers.

ARVN were able to deal with the enemy threat in sanctuary areas without the support of U.S. ground combat forces or advisers, while keeping their own territory pacified as well.

The enemy units engaged in Lam Son (the North Vietnamese 304th, 308th, 320th and 324B divisions) were elite divisions which during the 1968 Tet offensive seized Hue, entered the Danang defenses and attacked the coastal population in Vietnam.

The enemy units engaged in the Toan Thang operation north of Route 7 in Cambodia include the elite 1st, 5th, 7th and 9th divisions, which at this time in 1968 were operating inside the city limits of Saigon.

With the exception of a major action being taken by ARVN forces against Communist strongholds in the U Minh Forest in the Delta and an action around Firebase 6 in the highlands, the months of February, March and April have been extraordinarily calm throughout South Vietnam though these are dry season months normally featuring enemy "high point" attacks.

Because of the recent cross-border operations, South Vietnam should be able to hold its national elections this fall without fearing disruptive major offensives, and the pacification and development momentum should be maintained.

The operation has achieved its primary objective of carrying the fight to the enemy's sanctuaries and disrupting his principal lines of communication. Future South Vietnamese commando raids with quickstrike forces will keep up the pressure and greatly complicate the North Vietnamese defense of their vital trail system.

The operations have been very costly to the North Vietnamese and should buy the South Vietnamese additional time in which to strengthen their armed forces while permitting the continued withdrawal of U.S. combat forces on a *responsible* basis.

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Chapter 7. p.p. 90–100: A description of the "first wave of terror" which the Communist Viet Minh launched in February 1953 to exact support from the population and to eliminate any opposition in the areas which they controlled.

Chapter 12, p.p. 139–159: Description of the Communist methods of indoctrination developed during the period 1953–1955 in preparing the population for the later campaigns to "liquidate" certain broad classes of peasants during the land reform.

Chapters 13–15, p.p. 163–208: Explains in detail the 1954–1956 land reform campaign describing the coercive methods used by the regime to force certain segments of the rural population to denounce and to kill large numbers of other peasants. Makes very clear that the entire rural population, both rich and poor, suffered extensively during this campaign of terror.

Chapter 16, p. p. 20–220: Explanation of the Communist regime's attempt to soft-pedal some of their harsher methods after the completion of land reform in 1956. Contains statements by important Communist leaders admitting the details of the regime's terroristic campaign in the country.

Chapter 17, p. p. 221–239: Briefly describes peasant revolts which occurred during 1956–1958 in protest against Communist land reform and the North Vietnamese army's major moves to crush these rebellions. Also outlines the regime's efforts to bring the North Vietnamese intellectuals to heel during 1956–1958.

3. Joseph Buttinger: *Vietnam: A Dragon Embattled;* Frederick A. Praeger: 1967.

Vol. II. p. p. 911–916: Short description of the trials, assassinations and imprisonments which took place during the land reform program of 1954–1956. Also includes a description of the Nghe An peasant rebellion in 1956 and of the measures used by the Communist regime to suppress it.

4. Bernard B. Fall: *The Two Vietnams, A Political and Military Analysis:* Frederick A. Praeger, Publishers, New York, 1967, 2nd Revised Ed.

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Problems for the Communist "Liberation" Forces

Statement by Cuu Long, (North Vietnamese general Tran Do) the top political general of all Communist forces in South Vietnam. (Excerpts)

Broadcast in Hanoi by "Liberation Radio"—April 27, 1971 13:30 GMT.

"The *combat* of our armed forces and people has *now* become increasingly *critical, difficult and fierce*. The demands of the resistance have become increasingly numerous. . . ."

"Many wounded comrades who were asked to engage in combat although unable to move forward to assault, stayed in their bunkers to fight the enemy. . . ."

"Some comrades have known in advance that they would be sacrificed . . . choosing a glorious way to sacrifice themselves."

"Some comrades . . . were unluckily captured by the enemy. . . ."

"*Many units have to fight in extremely difficult conditions* with *a shortage of everything. . . .*"

"Many surgical units . . . have been taking care of the sick and wounded combatants along with fighting and *trying to find food* for these combatants. . . ."

"Cities and areas temporarily under the enemy's control. . . ."

"In the present, fierce life-or-death fighting . . . our armed forces have actively struggled against *rightist phenomena* that have at different times *appeared* in different forms *in every unit, locality and individual.* The rightist ideology is the ideology of the small bourgeois."

"It can *easily* cause us to lose our spirit of self-reliance and self-strengthening, to evaluate the enemy incorrectly . . . to fear length and hardships, to *fail* to resolutely fulfill our tasks."

"Therefore, more than ever, it is presently necessary to further strengthen political education and ideological leadership . . . to constantly develop the positive factors and to *hamper negative factors in time.*"

"The problem is that all *leading echelons* must understand the role and position of political education and ideological leadership."

"It is necessary to overcome rightist, passive thinking. . . ."

"The ideological development of *our army* always undergoes a *struggle between two opposing factors* positiveness and passiveness. . . . The passive, backward aspect is decadent and must be overcome."

"The passive, backward aspects always slows down and hampers the development and progress. . . ."

"A number of people in various places and at various times have carried out acts that are not truly revolutionary. They still *fear* difficulties and hardships and are afraid of sacrifices."

"We cannot be subjective or simple. We cannot look only at one direction, at one aspect. It is necessary to consider the 'positive' aspect. . . ."

"It is necessary to be *vigilant* so as to detect the phenomena of the passive aspect—no matter how small. . . ."

"We happen to see more concrete phenomena of the passive aspect in certain places. . . ."

"The struggle between the positive thinking and the passive thinking is *a protracted and fierce struggle* between revolutionary heroism and individualism, between progress and backwardness, between good and the bad, between the right and the wrong."

"The deep vestiges of the old regime and the old society and the reactionary bad thinking of the U.S. imperialists and the rotten social regime in the south are *still influencing our people.* As a result, *noteworthy passive points still exist in our cadres' and combatants'* consciousness and thinking."

"Counterrevolutionary, negative and nonprogressive thoughts and acts have been revealed in several places."

"The revolution can guide us in the struggle to *weed out* negative thoughts, vices and bad habits."

"If we do not make subjective efforts and improve ourselves . . . *we* cannot make progress and *may become disorganized.*"

"Revolutionary thoughts do not always develop easily and favorably. . . . If political education and ideological leadership are loose and self-improvement and self-training are neglected in the face of trials and complicated problems, *negative events will have an opportunity to develop and progress.*"

"The *present fierce and hard fight* is also *a great trial* with regard to the conflict between positive and negative thoughts. In a normal situation, thoughts can be manifested clearly or can develop favorably. But, during a fierce war, the *struggles between life and death* and between happiness and suffering will take place *every day and every hour*"

"In particular when the *situation is tense and urgent,* it is all the more necessary to make the masses thoroughly understand all tasks."

New Land Reform Program—Vietnam

LAND-TO-THE-TILLER BILL

On March 26, 1970, President Thieu promulgated into law a new and revolutionary land reform bill passed by the Vietnamese National Assembly. The program goes far beyond any previous land reform measures and is designed to provide ownership to all farmers who cultivate the land. The Law:

1. Eliminates tenancy.
2. Expropriates land not directly cultivated by the owner and distributes it free to tenant farmers.
3. Limits land ownership to 15 hectares (37 acres) per farmer provided he directly farms the land himself.
4. Redistributes any excess lands free to families of war dead, veterans, retired civil servants, and farm laborers.
5. Compensates the former owner 20% in cash and 80% in monetary bonds bearing 10% interest redeemable in equal installments over an 8-year period.

IMPACT OF NEW PROGRAM

This new "land-to-the-tiller" program will further broaden the base of land ownership and contribute significantly to social stability in the countryside. The program could benefit as many as 500,000 tenant-farmers by transferring ownership to them of over 2¼ million acres of riceland. Thereafter, a fair compensation will be paid to some 50,000 land owners by the government. It is a program relatively easy to administer since it transfers private lands to those already tilling it, and does not involve the government in taking title and redistributing the land. With U.S. technical assistance even these simplified administrative requirements are being streamlined by the use of aerial photography and computer technology to speed up the land identification and title issuance processes.

ESTIMATED COST

The total plaster cost will be borne by the Vietnamese Government. Total domestic currency plaster costs have been estimated at the equivalent of over $400 million during the several years required to complete the program.

U.S. PARTICIPATION

The U.S. Government strongly supports this new initiative of the Vietnamese Government and has responded affirmatively to a request for financial assistance to help cushion the inflational impact on the economy of the large expenditure of piasters by the Vietnamese Government. It has been demonstrated over the past few years that any such significant increases in government expenditures result in increased demand for imports. To assist the Vietnamese in meeting this new requirement, the Agency for International Development has earmarked $40 million since FY 1969 and plans to seek additional funds as needed.

PROGRESS TO DATE

As of May 1, 1971, the government has issued title for 537,728 acres which have been approved for distribution to 173,942 new landowners.

Top Lawyers Plan Antiwar Lobby Effort

(By Bart Barnes and Martin Weil)

Lawyers from around the nation have announced plans to rally at the Capitol and lobby in Congress next week in support of legislation to bring all troops home from Vietnam by year's end.

The list of attorneys who say they either will sponsor or participate in at least some of the scheduled activities includes some of the major figures in Washington and the nation's legal establishment.

Former Defense Secretary Clark M. Clifford said he expected to address an evening meeting of the lawyers. Among those listed as sponsors of antiwar activities are Edward Burling, Jr., of Covington & Burling, Paul A. Porter, of Arnold & Porter, and Lloyd N. Cutler, of Wilmer, Cutler & Pickering.

Cyrus R. Vance, former deputy Secretary of Defense and Johnson administration troubleshooter, was also listed as a sponsor by a spokesman for the sponsoring group, the National Convocation of Lawyers to End the War.

Stuart J. Land, a senior partner at Arnold & Porter and an organizer of the two days of forthcoming activities, said he expects about 2,500 lawyers at the Capitol rally Tuesday.

He said he expected 1,500 from Washington who he believed would be representative of the Washington bar.

The lawyers are to gather at 10 a.m. Monday at the Washington Hilton and to move from there for lobbying appointments.

At 8 o'clock that night they will meet in the main ballroom of the Hilton for a convocation. Among the scheduled speakers are Lt. John Kerry, a former Navy officer and Vietnam veteran who has become a spokesman for antiwar veterans. Kerry was arrested last week during an antiwar protest in Massachusetts.

At the convocation, the lawyers also will hear from Sen. Edward Kennedy (D-Mass.), Sen. Mark Hatfield (R-Ore.), Sen. Philip Hart (D-Mich), and former Labor Secretary Willard Wirtz.

Also scheduled to speak will be John Gardner, former Secretary of Health, Education and Welfare and now head of Common Cause, a liberal-oriented lobbying group.

Next week's rally and lobbying effort is the second major effort by a group of lawyers to speak out against the war at the Capitol.

On May 20 of last year following the incursion into Cambodia, 1,000 New York lawyars, including some from that city's most prestigious firms, came here to lobby against the war.

They were led by Francis T. P. Plimpton, president of the New York City Bar Association and the senior partner of a Park Avenue law firm. Plimpton is listed as a sponsor of next week's event.

That same day a number of Washington lawyers, including Clifford and Burling, met at the New York Avenue Presbyterian Church to organize Washington Lawyers Against the War.

Specifically, the lawyers meeting here next week will lobby for passage of amendments pending in both the House and Senate to cut off funds for military operations in Vietnam by Dec. 31. They said they chose early June for their convocation because a vote in Congress is expected by the end of the month.

It was Land who negotiated the permit for Tuesday's rally on the west steps of the Capitol from 12:30 p.m. to 2 p.m.

He said he believed antiwar sentiment in the nation is such that "establishment lawyers" might be able to persuade previously reluctant congressmen to vote to cut off funds for the war.

Paul C. Warnke, Clifford's law partner and a former assistant secretary of Defense for international affairs, said the issue is "particularly that kind of problem on which the legal profession ought to take a stand."

Among the other lawyers here sponsoring next week's rally and lobbying are:

Myer Feldman, an adviser to former Presidents Kennedy and Johnson.

Former Internal Revenue Service Commissioner Mortimer M. Caplin.

Edmund D. Campbell of the firm of Douglas, O'Bear & Campbell and a former member of the Arlington County Board.

Herbert J. Miller, Jr., former head of the D.C. Crime Commission and a Republican candidate for Maryland lieutenant governor last year.

Lee Loevinger, a former Federal Communication Commissioner and assistant attorney general under Robert F. Kennedy.

E. Barrett Prettyman, Jr., former assistant to Robert F. Kennedy when Kennedy was attorney general.

Nationally, the sponsors include former Attorney General Ramsey Clark, former U.N. Ambassador Arthur Goldberg, former Ambassador to France R. Sargent Shriver, former Sens. Charles E. Goodell of New York and Joseph S. Clark of Pennsylvania, Basil Patterson who ran unsuccesfully for lieutenant governor of New York last year; former Federal Communications Commissioner Newton Minnow; former Congressman Richard Ottinger, who ran unsuccessfully for Senate in New York last year, and Paul O'Dwyer who ran unsuccessfully for Senate in New York in 1968.

The lawyers said they hoped to have representatives from 40 states here next week for the convocation and lobbying.

Discussing reasons for the lawyers' activities, Cutler said, "a lot of our interest as lawyers is related to reminding the Congress of its responsibility and the need to reassert its responsibility for the conduct of the war."

Clifford said he is "enthusiastic" about the major aim of the lawyers' activities—setting a date for U.S. departure. "I believe termination by a certain date is the correct approach," he said.

In an interview, Miller, president of the D.C. Bar Association, said he believed he would be busy with association duties Tuesday, but he also expressed his opposition to the war.

Mr. DOMINICK. Mr. President, will the distinguished Senator from Kansas yield to me?

The PRESIDING OFFICER (Mr. ROTH). The time of the Senator from Kansas has expired.

Mr. HATFIELD. Mr. President, I will yield the Senator 15 minutes, or whatever time he needs.

Mr. DOMINICK. Mr. President, I want to congratulate the Senator from Kansas on what I think is a powerful and moving speech.

Having participated with him and with the Senator from Oregon in our efforts to try to dramatize throughout the country the plight of our prisoners of war, I know how deeply both feel about this particular subject.

The thing that is curious and interesting to me—I think it fits into the pattern of the approach of the North Vietnamese—is their refusal the other day to accept back even the 13 North Vietnamese prisoners who were willing to go back. They would not even accept their own people back into their own country. Meanwhile, out of the 567 who were about to be released through the International Red Cross, all but 13 said they did not want to go back.

I think that is quite a dramatic indication of the attitude, the approach, and the failure of the North Vietnamese Government to consider human wants and human needs in this prisoner of war and those missing in action situation.

I wish to add my compliments to the Senator from Kansas (Mr. DOLE) for what I think is a very powerful and important speech.

Mr. DOLE. I thank the Senator from Colorado. I share his concern. The attempt to return the North Vietnamese held prisoners in the south should have been or could have been the crack in the door insofar as prisoner exchange was concerned.

I am still optimistic, however, and still believe that there is hope—and maybe hope for peace before December 31.

I do not know. I can only continue to be optimistic.

Did the Senator from Oregon say that he yielded me 15 minutes?

Mr. HATFIELD. Yes, or whatever additional time the Senator needs.

Mr. DOLE. I thank the Senator from Oregon very much.

Mr. President, from time to time, questions are asked—proper questions and ones that should be answered—and one question I am asked, and certainly it is asked of the Senator from Oregon and everyone else here as they travel about the country, is: "Why does not the President set a public final date for U.S. withdrawal?"

That is a fair question and one that deserves a response.

It should be obvious by now that we are getting out of Vietnam. The President has explicitly stated his objective of getting us out, and he has kept or exceeded all his promises. He has recently accelerated the rate of U.S. withdrawal. We are leaving in a way that will give the South Vietnamese a reasonable chance to defend themselves, but setting a final date in advance, unilaterally, would be removing the strongest incentive for the North Vietnamese and the NLF to negotiate.

The President attaches great importance to the possibility of a negotiated settlement. It would be the quickest way to end the war and to end the killing, not just U.S. involvement.

Another question I am asked—and it is a fair question and follows the first question—is: "Well, if the President does not set a date, does this mean that a residual force will be kept there indefinitely?"

I say that the answer to that is no. The President has pledged total withdrawal. The quickest way to achieve that course is through a negotiated settlement. But in the absence of any progress in Paris, we are withdrawing at a rate which will give the South Vietnamese a reasonable chance to defend themselves after we have left. As we continue to withdraw, at a point in the near future, the troop level will reach a number too small to be militarily significant and will be useful only for bargaining purposes, to get the prisoners out and help to get a settlement.

Another question asked me personally is: "Who cares about 'negotiating' when innocent people are being killed each day?"

Mr. President, let me make it very clear that our side does not have an interest in continuing the killing. That is why the President, last October, suggested an immediate cease-fire, but the North Vietnamese and the NLF rejected it. We could have stopped the war on both sides last October. A simple yes on the part of the North Vietnamese and the NLF would have done that. So you see, they are the ones who wish to continue the fighting. We would like nothing more than an immediate and total end to all killing in all of Indochina, not only for its own sake but also because it would be a step toward a negotiated settlement.

Another question I have been asked, especially by the wives and mothers and families of American prisoners of war and those missing in action, is: "We may be withdrawing our ground forces but our air operations are intensifying, are they not?"

That is a charge made quite frequently, but it is not true.

Air operations reached their peak in 1968 and have decreased each year under the Nixon administration. The total number of sorties in all of Indochina in 1970 were 47 percent fewer than the figure of 1968.

The number of sorties in the first 2 months of 1971 were 48-percent fewer than the in the first 2 months of 1969.

These figures include B–52 and other tactical air and interdiction operations.

More than 80 percent of the bombing being conducted is directed at the Ho Chi Minh Trail, in virtually unpopulated areas.

Another question that should be answered is: "Will not our air involvement in the Indochina war continue indefinitely even after our ground troops are out?"

That is a fair question.

When we finally get out of Southeast Asia, the answer is, again, "No."

Vietnamization includes ultimately turning this responsibility over to the South Vietnamese.

The proportion of air operations being flown by the South Vietnamese is steadily increasing.

An agreed on cease-fire—if it could be agreed on—would end U.S. bombing immediately.

Another question could be raised, "Even if U.S. troops are leaving, are not Vietnamese killing Vietnamese at an increasing rate?"

Statements to this effect are made from time to time, and I say they are not true. The level of fighting has declined in Vietnam. The number of South Vietnamese military casualties was lower in 1969 and in 1970 than in 1968.

It is important to remember the estimated 57,000 South Vietnamese civilians who have been killed by enemy military action, terrorism and assassination. Often we fail to report this.

And now the $64 question:

"Will not the other side release our prisoners if we set a terminal date?"

Who knows?

I do not know. The Senator from Oregon does not know.

We would hope so, but the NLF position as stated in its eight points on September 17, 1970, and subsequently, is merely that they will "discuss" the POW issue if we set a total unilateral unconditional withdrawal date. They say, "Withdraw the troops. Dismantle your bases. End the Vietnamization assistance program." They have quite specifically refused to pledge to release all prisoners of war.

After the U.S. bombing has ended and the United States has pledged a withdrawal of a number of troops and actually withdrew 50 percent of the troops, and so forth, we have little assurance that the Communists will not come up with some new demand before they would release American prisoners.

Let me emphasize again, whose figures do we accept? Do we accept the North Vietnamese figure of 339 prisoners when what they tell us differs with the actual count, or do we insist on the 1,600 we think they have, who are identified as prisoners of war or missing in action? We are talking about the lives of some 1,200 Americans.

The North Vietnamese have for example, mixed the prisoner-of-war question with the imposition of a coalition government, and the removal of the Government of Vietnam, and the payment of reparations. Where will they stop? What will be the next demand? If we fix a date of withdrawal, will they then demand reparations, a new Government in South Vietnam, and cessation of economic assistance? I think perhaps they would.

The POW question of course is a very important issue. But there are other issues in South Vietnam. Our basic objective is to withdraw from South Vietnam in a way that would give the South Vietnamese a reasonable chance to defend themselves. And in the absence of a negotiated peace, this is not something to be left to the good-will of the North Vietnamese.

Some say, "Why is the United States harping on the POW issue? Why do we concern ourselves in the Senate? Why do we concern ourselves in America? Why do we make trips to Paris when there have been hundreds of thousands of letters?"

They ask why we keep harping on the POW issue. I say that we do so, as every Member of the Senate, I am certain, would agree, because it is the humanitarian issue which need not await the political settlement of the issues in Paris. It is a serious issue, which is included as one of the NLF eight points in 1970.

If we recall, in 1953 the prisoner exchange was a prelude to an armistice. We all know that the Geneva Convention requires impartial inspection, specific identification of prisoners, regular correspondence with families, and early repatriation of the seriously sick and wounded. The North Vietnamese have cynically ignored these provisions.

Mr. President, our side has many hundreds and thousands of prisoners that we are willing to exchange. They are treated according to the Geneva Convention, as verified by the inspectors of the International Red Cross.

The South Vietnamese have unilaterally released many sick and wounded.

In October, the President proposed the immediate release of all prisoners on both sides, without exception and without condition and the United States and South Vietnam proposed the temporary internment of all prisoners in some neutral country, such as Sweden, until the settlement of the war.

These are valid questions. They deserve answers. I think a set date has a certain magic about it. As I have tried to emphasize, every American is war-weary from the President on down. As I have said before, setting a date and hoping for the end of the war is not a question to be left to the intentions on the part of the North Vietnamese. Setting a date for the unilateral, final, and total withdrawal of the allied forces would undercut the allied hopes for a just peace and end all chances for peace. What the North Vietnamese have no hope of achieving on the battlefield, they would secure through political considerations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield 5 additional minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 additional minutes.

Mr. DOLE. Mr. President, I would emphasize the President's proposal of October 7, 1970, which was supported by South Vietnamese President Thieu. The President proposed a 5-point program for a just peace throughout Indochina. It included: an immediate inplace cease-fire with international supervision; second, the establishment of an Indochina Peace Conference; third, negotiations of an agreed timetable for complete and reciprocal withdrawal of all U.S. and North Vietnamese forces from South Vietnam. If we want a timetable, let us have negotiations on an agreed timetable for the complete—not partial—withdrawal of U.S. forces from Vietnam on the basis of North Vietnamese reciprocity and international verification. The fourth point was a fair political settlement reflecting the will of the South Vietnamese people and all political forces in South Vietnam; and finally, but very importantly, the immediate and unconditional release of all prisoners of war by all sides.

In addition, we supported the South Vietnamese proposals of July 11, 1969, calling for free elections in which all people and all parties in Vietnam, including the NLF, can participate, and for a mixed electoral commission on which all parties, including the NLF, can be represented to work out the modulities and verification procedures for such elections.

In addition, we have undertaken other major steps for peace. Each of these steps was urged by those on the Communist side as being desirable to bring about peace. What have we done?

In 1968, in late October, we stopped the bombing. That was a first step by America. There was no response.

Second, what did we do? We agreed on the participation of the NLF in the Paris Talks. Again there was no response.

Third, we agreed on the principle of troop withdrawal. Still there was no response.

Then we had the actual troop withdrawals. As I stated earlier, 265,000 had been withdrawn by May 1 of this year, and another 100,000 men will be withdrawn by December 1, of this year. We are about 40 percent ahead of the schedule in our most recent withdrawals.

Then we agreed to a series of deescalation steps which substantially cut back the B-52 activity and the U.S. tactical air activity in Southeast Asia. Still there was no response.

They said that we needed another senior negotiator. So, we appointed David Bruce. We have met 116 times, as the senior Senator from Oregon pointed out, and still no response.

They have rejected, Hanoi and the NLF, all of these moves for peace.

They have refused even to consider the Allied proposals for peace that were offered for the agenda of the Paris peace talks.

They have continued to reject all notions of reciprocity, verifiably open elections or international verification.

Despite their promises, they have refused to negotiate with the government of Vietnam.

They demand that the United States commit itself unilaterally and unconditionally to their demands.

They say "Before we will even discuss prisoners you must withdraw every man."

Mr. President, as reported in the Washington Post on yesterday, they say now that we must shut off all economic assistance to South Vietnam.

What will they demand next? Yes, they have talked about an overthrow of the Saigon leaders and aboue war reparations.

Mr. President, I ask unanimous consent at this point in the Record to have printed an article by Chalmers Roberts, published in the Washington Post yesterday and entitled "North Viets Demand Aid End,"

There being no objection, the article was ordered to be printed in the Record, as follows:

N. Viets Demand Aid End—Thuy Outlines Requisite for POW Talks

(By Chalmers M. Roberts)

Paris.—The top North Vietnamese representative at the Paris peace talks said today that the prisoner of war issue, properly coupled with a total American withdrawal, could be settled while the Thieu-Ky regime is still in power in Saigon, but he indicated that Hanoi will not agree if the United States intends to continue to arm and support the South Vietnamese forces.

These points emerged during a 90-minute interview with Xuan Thuy, chief of the North Vietnamese delegation, at his suburban Paris headquarters, Choisy-le-roi. The veteran diplomat answered a series of questions with a minimum of the political polemics so familiar at the weekly meetings in the Paris forum.

The questions and answers went this way:

Q. You have said the United States should fix a "reasonable" date for complete and unconditional withdrawal of "all" American forces. Would you clarify the word "all?"

A. "When I use the word 'all' I mean the totality of U.S. forces in Vietnam. It includes all kinds of arms—ground, air, naval forces—on the territory, air space, water of Vietnam including U.S. military personnel, American military advisers . . . We don't have any objections if U.S. planes are based in foreign countries provided they are not used against Vietnam. The 7th Fleet may be located on the high seas provided it does not violate Vietnamese territorial waters or is used against Vietnam."

The reference to planes based in foreign countries was in response to a query about the U.S. Air Force in Thailand. When he was reminded that his spokesman Nguyen Thanh Le, who was present at today's interview, had mentioned last week American use of both Japan and Okinawa, Xuan Thuy said that was because they had been used in the war against Vietnam.

HANOI OFFICIAL HINTS POW'S MAY BE HELD UNTIL SAIGON AID HALTS

His response also included a statement that it is "the scheme of the Nixon administration to seize not only South Vietnam but also to control Laos and Cambodia for the implementation of U.S. policy in these countries and also for encircling the Democratic Republic of (North) Vietnam and also to hold in the American grasp the whole area of Southeast Asia," and some related statements which were not new.

Q. Does the word "all" include both any form of a so-called residual force and a military training and assistance group?

A. "These military personnel are included in the word 'all.' "

Q. Does the word also include the forces of South Korea, Thailand, Australia and New Zealand now in South Vietnam?

A. "Yes."

Q. When you say that if a "reasonable" date is set for total withdrawal and then the question of American prisoners could be "rapidly" and "easily" settled, are you speaking of those held only in North Vietnam or also in the South, in Laos and in Cambodia?

Xuan Thuy replied, in short, that he was speaking of those held in both North and South Vietnam since the Provisional Revolutionary Government of South Vietnam (the Vietcong), which he said had first proposed that the U.S. set a withdrawal date, was speaking only of the south. He had added the North. As to Laos, Prince Souphanouvone, leader of the rebel Pathet Lao movement, has said that those captured will be released when all bombing of Laos is stopped. As to Cambodia, that comes under the competence of Prince Sihanouk.

Q. If President Nixon set a withdrawal date to your satisfaction, would the prisoners be immediately released, released only after the end of withdrawal or concurrently at the same pace with withdrawal?

A. Here Xuan Thuy threw up his hands. "I cannot answer for the time being for this is the key to settlement. As long as Nixon does not set a date we cannot go into details of a settlement. The question of prisoners relates to the aftermath.

Q. What would you consider a "reasonable" date for withdrawal, given the logistic problem—six months, nine months, one year from the date of an announcement?

A. "A reasonable date was proposed" by the provisional Revolutionary Government which, he noted, on Sept. 17, 1970, had proposed withdrawal by June 30, 1971. "But Nixon did not agree. Let him propose a date. He should set it." When asked if the Vietcong timetable of just over nine months was reasonable, he replied that "I don't mention any period of time now. Now I'm not willing to mention any time." He recalled that Mr. Nixon had proposed withdrawal in 12 months but Xuan Thuy did not mention that that was a call for North Vietnamese withdrawal from the South as well.

Q. You have repeatedly referred to "two crucial questions" involved in settling the Vietnam problem, the military and the political questions, and have said they are "inseparable." (Xuan Thuy made this statement again at the June 3 Paris meeting.) The political question has been posed as removing the Thieu-Ky regime from office and the formation of a coalition government. Is this political issue also a condition for prisoner release?

A. "The question of the release of prisoners is related only to the military question. This shows our flexibility. It should have been linked to the political question."

Q. But what does "inseparable" mean then?

A. "If we speak of the whole question of Vietnam, of the settlement of the war, of ending U.S. aggression, then the military and political questions should be linked. But if a reasonable date is set the question of prisoners may be settled."

Q. Why do you say "may" and not "will?"

A. "Yes, you can put it down 'will be settled.' From now on it is 'will'."

Q. You know Mr. Nixon has said you have offered only to discuss prisoner release.

A. "Nixon is unwilling to withdraw. Therefore he tries to use one pretext and another. Nixon's allegation about discussing and not settling is because he is unwilling to settle. He wants to split hairs."

Q. Still, given a satisfactory withdrawal date, the prisoner issue will be settled even if Thieu and Ky are still in power in Saigon and there is no political settlement?

A. "Right. Moreover, this has been laid down in point one of the PRG program of September, 1970."

Q. How automatic would prisoner release be once a satisfactory withdrawal date is set?

A. "Let Nixon set the date and we will discuss that."

Q. Since you have said withdrawal and prisoner release could be accomplished while Thieu and Ky are still in power, what about military and economic aid from the U.S. to their regime afterwards?

A. "That is the point of linking political. . . . It should also settle the question of the Saigon administration because suppose the U.S. withdraws but it maintains the Saigon administration and continues to give it military aid and that administration continues to repress the people of the South. We would return to the period prior to the introduction of the American expeditionary force. It is what we call neo-colonialism and the U.S. would remain involved in Vietnam."

Q. Then as a condition for prisoner release there must be no such continuing military and economic aid?

Xuan Thuy avoided a direct answer. After the question had been put three times in various forms, he said that "I think you should read again the PRG's eight points. It is clearer than my explanation." When the interviewer said the eight points were not all that clear, he took another tack.

"Have you ever asked Nixon these questions?" he said. "Nixon has troops there and he wants to control the Saigon administration. So you can get clear answers from him on what are his intentions. I understand he doesn't want a total withdrawal and wants to maintain the Saigon administration."

Q. The impression you have left by your answers is that you are not willing to make a clear differentiation between the military and political questions, though the military one is primary. Is that correct?

A. "Quite right" because "a radical, thorough settlement" of Vietnam is necessary. "If the U.S. withdraws all its forces but maintained an advisory mission and continued to give military equipment aid to the Saigon administration, then the people of the South will continue to oppose the Saigon administration and then the U.S. would have to step up military aid. But Thieu-Ky would not be stable and the U.S. would have to send troops and we would return to the previous situation."

In concluding, Xuan Thuy said that "our desire is a total U.S. withdrawal and a change from the Thieu-Ky regime so the people of South Vietnam can form their own government of their own choice. Then the people of the South will accept American aid on the basis of mutual agreement."

The North, too, he added when asked, would be prepared to establish relations with all countries, including the U.S. and to accept aid on the same basis.

Mr. DOLE. I would say in conclusion that I think our objectives in South Vietnam are much the same as they were in 1960, 1961, 1962, 1963, and 1964. The objectives are clear.

We will negotiate for a cease-fire. We will participate in an Indochina peace conference immediately. We will negotiate an agreed timetable at any time they will negotiate. We will search for a political settlement that meets the aspirations of all South Vietnamese people. We seek a settlement that reflects the will of the South Vietnamese people and abides by the outcome of any political election. A fair political solution should reflect the existing relationship of political forces.

We hope and pray for the immediate release of all American prisoners—not those on their list, but those on our list, which includes 1,023 missing in action, and 465 prisoners as of June 3, 1971.

We seek no bases in Vietnam. We insist on no military ties. We agree on neutrality if that is what the South Vietnamese people freely choose.

We are prepared to accept any government in South Vietnam which results from the exercise of free choice by the South Vietnamese people themselves.

We have no objection to reunification. Notwithstanding the efforts, day after day, by three administrations, the Kennedy administration, the Johnson administration, and now the Nixon administration the war still continues, but we are searching for peace in Southeast Asia.

And I say in all sincerity the President is working toward peace with bipartisan support. The President has made great gains toward peace in the past 30 months.

I say it is not the time now, in view of the progress made by this President, to take away from him the right to negotiate a final settlement and to bring about an honorable end to the war in Vietnam.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I have listened with great interest and close attention to the two speeches made this afternoon, first by the distinguished senior Senator from Oregon (Mr. HATFIELD), one of the original sponsors of the amendment now under discussion, and second by the distinguished Senator from Kansas (Mr. DOLE), who dealt at some length with the situation as seen from his point of view. May I say that I found both speeches interesting. I found both of them full of facts and I found them both to be free from partisan politics.

As far as the Senator from Montana is concerned, he does not believe he should go by the polls, no matter what they indicate, no matter what they say about the President's popularity or lack of popularity, no matter what they say about Vietnam and the attitude of the people, because polls should be of secondary consideration as far as we are concerned, and our consciences should be our guides.

I commend President Nixon for what he has done in many respects in the field of foreign policy since he took office less than 2½ years ago. If I differ with him—and I do on occasion—I do so most respectfully and with a full recognition of the awesome responsibilities which are his in the conduct of this Nation's relationships with the other countries around the globe. I give the President full credit for bringing about a continued withdrawal from South Vietnam, from Thailand, from Okinawa, from the Philippines, and from Japan. I wish it was a faster and more accelerated withdrawal because I think we have been in Vietnam and Southeast Asia too long already, have paid too much and suffered too many casualties. But this was a situation which President Nixon inherited and, therefore, he cannot be charged with the beginning of this tragic adventure which marks this countrys' situation in that part of the world today.

I would say for the record that at the time President Nixon came into office there were 3.5 million troops under arms and today that number has been lowered to less than 2.7 million men. In other words, over 800,000 military personnel have, in effect, been lopped off the rolls since this administration came into office less than 2½ years ago. I give them credit for it.

Now, the President has put into effect the Nixon doctrine based on the Guam declaration in Southeast Asia, as I have tried to indicate, through his withdrawals. Except for Vietnam, he does the nation in a lower profile there as far as this Nation is concerned, in contrast to other parts of the world, notably Western Europe, where the profile is still very much in view. The trend is in the right direction in Southeast Asia. Less than 250,000 men remain in Vietnam at the present time—Vietnam, Laos, and maybe there are a few in Cambodia. I do not know. This figure is exclusive of the approximately 40,000 to 45,000 in Thailand.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield 5 additional minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for an additional 5 minutes.

Mr. MANSFIELD. Nor am I too much interested in what this amendment is called: Set the date, end the war, or, as I believe the distinguished Senator from Kansas referred to it, I am sure jokingly, the "lose the peace amendment." It is an amendment which seeks to set a date. If I had my "druthers" I would like to see that date the day after the elections in South Vietnam this coming September. But that is a little too soon and that has no possibility or probability.

Therefore, I fall back on the next best date, which is the date announced by the distinguished Senator from Oregon, and it has enough leeway in it beyond December 31, 1971, to give great consideration to the prisoner of war issue.

Now I think that the prisoner of war issue should be mentioned in this debate. I think that the casualties should be mentioned in this debate.

I was rather disturbed in listening to the radio this morning to hear the announcement to the effect that "Only 19 Americans were killed last week, the lowest in the past 5 years." Only 19 Americans were killed; "only 19," that is what was said. Well, an American is an American, whether the number is 1, or 19, or 50, or 100, or almost 55,000. The latest figures I have, and they are dated May 29, 1971, issued by the Department of Defense, show that up to that time 299,633 Americans have been wounded since January 1, 1961, in Southeast Asia; 45,231 have been killed in combat; 9,564 have been killed from or have died from other causes.

The grand total of casualties to May 29, 1971, less than 2 weeks ago, was 354,428 Americans. I repeat—354,428 Americans. And the end is not yet in sight.

That is why I think it is important at this time to set a termination date, not only to cut the casualties, not only to cut the costs, not only to try to stop drug addiction, corruption, fragging, but also to do what we can to prevent an increase in the number of U.S. prisoners of war held by North Vietnam and the Vietcong, because the longer this war continues, the more U.S. prisoners there are going to be, the more casualties there will be, the more the cost will increase, the greater the drug addiction will become, and very possibly the number of fraggings will continue increasing.

The distinguished Senator from Kansas has said that there is a discrepancy between the number of U.S. prisoners held in North Vietnam and the number announced by Hanoi itself. If I remember correctly, the figure enumerated by the distinguished Senator was that we think the figure is somewhere between 1,600 and 1,700, whereas Hanoi says the number is somewhat under 400. So there is a wide divergence of opinion. But it appears to me that, as long as the question of the POW's figures so significantly in this debate, and in the course of the negotiations, and in the press of the country, we ought to give it a little more consideration than has been the case up to this time.

The fate of the POW's is of concern to this administration and to this Senate—there is no question about that—and neither of us wants to make of it a political issue. We want to do what we can, either singly or together, to bring about the release of these prisoners of war, or at the very least, to see that in the interim, they have their mail privileges restored, that they are given humane treatment, and that their names are released.

Mr. President, may I say in all candor that the distinguished Senator from Kansas (Mr. DOLE) has been one of the leaders in looking after the interests of the POW's, and has done so ever since he has been a Member of the Senate, to my personal knowledge. But the administration has said that we will maintain forces in Vietnam until all POW's are released. Hanoi has said that they will not even begin to discuss the fate of the prisoners until a termination date has been set, and then, according to reports issued from Paris by the North Vietnamese delegation, they have indicated that this matter could be settled promptly.

As a matter of fact, on April 21 of this year, the Associated Press reported the following from Paris, and I quote:

> The chief spokesman of North Vietnam's delegation at the Paris Peace talks said today "there will be no problem" about rapid repatriation of all American prisoners held by Hanoi after the announcement—

After the announcement—

> of a deadline for total withdrawal of all American forces from South Vietnam.

If a termination date were set, or even announced, in line with the AP dispatch from Paris last April, and negotiations in earnest began, there would be no useful reason, in my opinion, for the North Vietnamese to keep the U.S. POW's there.

As a matter of fact—and I think this is correct—immediately upon the conclusion of the Geneva Accords in 1954, ending the Indochina war in which the French were engaged at that time with the Viet Minh, the forces of Ho Chi Minh, if my memory serves me correctly, the North Vietnamese released all the French prisoners of war they had at that time.

I make that statement advisedly because I have read in the newspapers in recent weeks that there are rumors to the effect that there are still French POW's in North Vietnam, working with the forces of Hanoi. Whether or not that is true, I do not know. The rumor has never been verified, to the best of my knowledge, and, speaking personally, I would be prone to take it with a grain of salt, though I would like to see the information, if possible, looked into closely.

If a termination date is not set, then we are confronted with the paradoxical situation which results—and this is repetitive on my part—in more and more U.S. casualties, perhaps more and more U.S. prisoners of war, and very likely more and more of a determination on the part of Hanoi and the Vietcong to hang onto those U.S. POW's if for no other reason than to hold them hostage—and that is a most pertinent reason.

Mr. DOLE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Mr. President, I yield 5 additional minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, does the Senator from Kansas want me to yield to him?

Mr. DOLE. Yes.

Mr. MANSFIELD. I yield.

Mr. DOLE. My reference to the POW's and the MIA's is not to get them all intertwined in the argument, but, since the point has been raised, the fact should be mentioned that they say they hold 339 prisoners and we say there are at least 1,488 POW's and MIA's in Indochina. In other words, there may be some in countries other than North Vietnam.

I think the Senator was wondering, and I think we should discuss somewhat, how do we determine the right number as between the 339 on the one hand and the nearly 1,500 on the other?

I will tell the Senator why I raise the question. I have been asked by the wife of a man who is missing in action—not a known POW, not on the list released by North Vietnam—"What happens, if we fix the date, to my husband, who is not an acknowledged POW, who is listed by

America as missing in action? What happens to him?" That is why I raised the question.

What about the more than 1,000 Americans who are known POW's? If we fix the deadline, what will be the fate of those men? I think the Senator from Montana shares that concern. Perhaps it should be discussed so we may shed some light on it.

Mr. MANSFIELD. I would certainly agree with the distinguished Senator from Kansas. That we should discuss it because when I talked about the POW's, I also was talking about the missing in action. Collectively the figure 1,600 or 1,700 comprises that total, and what I was saying about the POW's applies just as strongly to the missing in action. I would like to see further information given.

Of course, we have to accept the very probable fact that some of the missing in action are dead. It is unfortunate, but that is very likely the way it will turn out.

But they should be considered together, and it is my belief that a terminal date for ending the war could lead to the release of the POW's and the identification, wherever possible, of what the Senator from Kansas refers to as the MIA's—the missing in action.

A continuation of the war, with increased casualties and an increase in the number of U.S. prisoners of war—which is very likely as the war continues, the raids are carried on, and the fighting, while declining, still exists—would only make a bad situation worse.

As it is now, it appears to me that both sides of the coin are the same as far as the POW's are concerned. The present approach makes hostages of the POW's, with the result that the possibility of their release fades into the distance, even as the casualties and the costs increase as time goes on.

If we agree to a termination date, and the prisoners are not released, we still retain all our options, and thereby lose nothing in the attempt.

In other words, I think that the risk is worth the price, and if we mean what we say about bringing about the earliest possible release of the POW's and the identification, wherever possible, of those missing in action, this is a risk in the right direction, it is a risk we should take, and it is a risk which would, I think, be beneficial in looking after the best interests of the POW's.

But this is not the only thesis laid down by the President when the question of a terminal date is discussed. He has also said, I believe on more than one occassion going back several months, that we should not withdraw or should not consider withdrawing until South Vietnam—I paraphrase freely—"has at least a chance" to survive.

Well, I do not know what more we can do to help the South Vietnamese. To the best of my personal knowledge—and I stress the word "personal"—we have been helping them since 1954, when we sent out the first advisory group. We have sent general after general after general, adviser after adviser after adviser. We have had programs coming out of their ears and ours, and always the rosy reports turn out to be untrue, false, and we start all over again.

I believe that the Army of South Vietnam is the seventh largest army in the world today. I am not certain about that figure; I could stand corrected, but that is my recollection. It is larger than North Vietnam's. It is better equipped, better trained—at least technically by us—better supplied, paid, and advised—by Americans, over a period from 1955 down to the present. The years 1955, 1965, 1971—that is 16 years. If they are not ready now to look after their interests, their country, and their future, in my opinion they never will be.

The President has faced up to his responsibilities. He is withdrawing troops at a more accelerated rate than he announced some weeks ago, at which time he indicated to the American people that there would be a monthly rate of withdrawal of somewhere around 14,200 up to December 1 of this year. I believe that the facts will indicate that rate of withdrawal has been stepped up, so that now it numbers somewhere between 17,000 and 19,000 a month. In other words, he is withdrawing U.S. troops from Vietnam at a considerably faster rate than he announced in his report to the people.

It may be that the President's position is the right one. Maybe that is what will have to be done to bring about the release of the prisoners of war and the identification of the missing in action. He is exercising his responsibility. I do not doubt that what he is doing he thinks he is doing in the best interest of the Nation. I do not question his sincerity or his desire to get out of Vietnam in an appropriate way at an appropriate time.

But we also have a responsibility, and we have to make up our own minds and do what we think is best in behalf of the people whom we represent and the Nation as a whole. But I would hope that we would support the Hatfield-McGovern amendment, because it does seek to bring about a definite date which will end hostilities and which hopefully will bring about the return of the prisoners of war and the identification of those Americans missing in action.

May I say that in my opinion, I think the President of the United States has a date in mind, and I can understand why he would not be in a position to announce it, because he must have some definitive time at which he intends to bring this war to a close and to withdraw—I hope on a lock, stock, and barrel basis, not with a residual force left behind.

But by the Senate taking an affirmative action and Senators facing up to their responsibilities individually and collectively, I think we can help reinforce the date. I think we can help bring about a more rapid pursuit of the road to peace, and in that way bring about, that much sooner, the return of the POW's, a reduction in casualties, a reduction in costs, a reduction in fragging, a reduction in drug addiction, a reduction in troops, and a return of our men to this country, where the costs will be great in rehabilitating them. This war—has cost us not only so much in manpower—which is the primary and first consideration, but it has cost us in excess of $125 billion as well. That is money which we could have better used here to face up to the problems which confront us at home, and of which every Senator is aware.

There is room for honest difference of opinion as far as this particular issue is concerned, and I doubt no one's sincerity. I question no one's candor. I can only express my own feelings, and I think the time is long past due—long past due—when this tragedy which is Vietnam and Southeast Asia, should be brought to an end, and brought to an end conclusively, and conclusively faced in terms of termination date.

I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator from Oregon yield to me? I yield whatever time he has yielded to the Senator from Kansas. Would the Senator make an estimate of that time?

Mr. HATFIELD. I yielded approximately 15 minutes. I yield myself 15 minutes.

Mr. STENNIS. Mr. President, who has the floor?

Mr. HATFIELD. I have the floor.

Mr. STENNIS. Mr. President, the Senator from Oregon has yielded 15 minutes on behalf of the Senator from Mississippi to the Senator from Kansas. I want to keep the account straight. I yield 15 minutes now to the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Mississippi.

Mr. President, first, I should like to express my very deep appreciation for the colloquy and statements in which we have engaged today, particularly to the Senator from Montana (Mr. MANSFIELD) for his very erudite and accurate factual presentation. I have heard the Senator from Montana many times in this Chamber, and I never cease to be deeply impressed by the sincerity and the accuracy with which he speaks.

I am also grateful today to the Senator from Kansas (Mr. DOLE) for his participation, because I think that by these discussions and debates we are going to face up to our responsibility, make more understandable what our amendment is all about, and make it more understood so far as the general public is concerned, as well as for the Members on the floor of the Senate and those who will read the RECORD.

I believe that the statements made today by the Senator from Kansas well demonstrate the kind of parallel tracks some of us are on with respect to our interpretation and our understanding of the war policies over three administrations.

I regret very much that the Senator from Kansas has seen fit today to try to imply that there is a personal question here as it involves the support of the President. I can only interpret some of these comments to indicate that this is really a question of whether we support Mr. Nixon or do not support Mr. Nixon. I do not want to see the war made that kind of personal issue.

Even though three Presidents of the United States have been the primary motivating factors in the establishment and the implementation of our war policy, it still is not in keeping with the pluralistic democratic society, or to the concept of three branches of Government, and the separation of powers to imply that we, in order to be loyal Americans, must unite behind the President. That is some sort of a carryover of the tribal instinct: Somehow, right or wrong, we must fall in behind the leader. We must march over the cliff if he says, "March over the cliff."

The Senator from Kansas has indicated that he has supported the requests made by various Presidents as a Member of the House of Representatives, that he has publicly supported them as well and has defended and advocated these policies.

To indicate the kind of parallel tracks we are on, I would merely recite the fact that, beginning in 1964, so far as the public record is concerned, I have taken no position as opposed to the war policies. Throughout the period of time that I served as a governor, I refused to endorse the war policy as a resolution presented to the National Governor's Conference, when the vote in 1965 and 1966 was 49 to 1. Consequently, we do have very deep seated and very important differences as we interpret and understand this war.

I reject this kind of attitude, this kind of idea, that says that, in order to demonstrate patriotism, there has to be a monolithic type of thinking or attitude toward controversial policy. The Founding Fathers rejected it. Abraham Lincoln reviewed that particular part of our Constitution when he recalled the fact that we had come from Europe as a people to get away from the concept of government where one man made the decisions of war and peace. Mr. Lincoln said that, as he understood history, this was the most oppressive of all kingly oppressions; and therefore our Founding Fathers were determined that the power of war and peace would be placed in the hands of the people—namely, through their elected representatives.

So I hope that this debate does not move on the basis of whether we are pro or anti-Republican or administration or Mr. Nixon.

I am proud of the fact that I was invited to make the nominating speech for Mr. Nixon in 1960 and to second his nomination in 1968. I consider myself a friend of the President. That does not mean I have to agree with him. That does not mean that my sense of loyalty or my feeling of affection is in any way diminished because I happen to disagree with him.

Mr. President, I am not here today to attack the President of the United States, and neither are those who support this amendment. At the height of my public criticisms of the former administration, headed by a Democratic President, I never at one time made a personal attack upon the President of the United States. In fact, many times I was asked whether I believed that he was insincere, in view of the fact that I differed with him so deeply. I said absolutely not; I believed that he was very sincere—sincerely wrong, but sincere. [Laughter.]

Second, I do not say today that I rise to oppose this policy under the President of the United States, Mr. Nixon with any question as to his integrity, his sincerity, or his pure and high motivations.

So I do not want to see this debate made upon the basis of our personal friendship or personal loyalty or personal support of the President. I want to see it made purely on the basis of the congressional responsibility as given by the Constitution of the United States and either our inability or our lack of concern about upholding those constitutional duties and responsibilities.

The Senator from Kansas has made a very eloquent defense on behalf of the national administration. I have read the Senator's comments in its defense, as the chairman of my party, which he has made on the campaign trail. I have read his comments in defense of this administration on many issues, and he does a superb job. Therefore, I do not criticize him for that at all. I commend him for the eloquence with which he speaks in defense of the administration, both as the chairman of my party and as my friend and colleague in the Senate.

But he has raised certain questions about the character of our amendment as related to its changing characteristic, as to the number of drafts and redrafts our amendment has gone through. He said he thought that we had disposed of this amendment last year, on September 1, 1970. Mr. President, we have not disposed of the war since 1970, either. The amendment is as pertinent today, if not more so, as it was in September 1970.

I wish we did not have to raise this amendment again. The only reason we have to do so is that the war still goes on and on and on and on. So, if there is any question why we raise the amendment again this year, it is basically, simply and fundamentally because we still have the war. The fact is, we have to be flexible in moving with the changing conditions of the war and changing circumstances. But if the Senator from Kansas has carefully read any one of the drafts of the amendment, he would know that we have not changed one iota in our basic thrust or our objective.

We have one objective. To set a date certain.

What the date is, is less important than the fact of setting a date.

We have never veered from that objective of setting a date certain.

Why have we been so committed to that one objective through all the drafts? They have only been changed because of changing conditions and the time factor as we have dealt with this question on the floor of the Senate. Further we have wanted to separate that which is the withdrawal responsibility and power in the Constitution of the President as Commander in Chief from the other factors that have been injected into this whole matter of Vietnamization by the administration, and that is, the political considerations and the political commitments.

It goes beyond the question of Commander in Chief of the armed services when the President says that we will stay there as long as is necessary in order to create a viable, reasonable, government or a reasonable time for a government to defend itself—that is, the Thieu-Ky regime.

There is nothing under the most liberal interpretation of the constitutional power of the President enabling him to establish that kind of political policy or international commitment without some review and acceptance or rejection by Congress.

The Senator from Kansas has been consistent. I go back to August 31, 1970, in the CONGRESSIONAL RECORD of the debate at that time on the amendment; and what the Senator said at that time he has said today on the question of the prisoners of war.

The only point is, Mr. President, we have not had one single prisoner of war returned since that debate a year ago. The Senator from Kansas asks us to go along with the same policy that existed in 1970, yet we have seen no move of one prisoner of war from North Vietnamese control to us back home.

I am sure that the Senator from Kansas did not use the words "harping on the prisoner-of-war issue" as meaning at all that we should not engage in this discussion on that question, because the President himself has made it part of his Vietnamization policy. He has said, that "it is possible for him to withdraw troops more quickly if it were a question, and a question only, of withdrawal, but I will not have American troops totally withdrawn until we have a return of our prisoners of war."

So the prisoners of war is fundamentally a part of the policy now followed by this administration.

Let me also say that we did not have any breakthrough on the question of prisoners of war when we had over 800,000 Americans, as we counted them, from Thailand—marines and naval forces—at the height of our involvement in the war in Vietnam.

What is there in administration policy that would give us any hope for the return of our prisoners?

What is it that we must blindly accept or follow along, without question or challenge, in this kind of policy we have been following, that should give us any indication it will result in any more than it has in the last year since we debated this amendment on September 1, 1970?

I say to you, Mr. President, that it is not a question of harping on the prisoner-of-war issue. It is a question of deep concern that the Senator from Kansas has, that the Senator from Montana has. As I view Senators in this Chamber—the Senator from Iowa, the Senator from Mississippi, the Senator from Massachusetts—all of us—100 Senators—feel this deep concern and we want desperately to move this issue off the stalemated position that now exists.

The Senator from Kansas also said today that the North Vietnamese have said they will not discuss the prisoner-of-war question until all our troops are removed. That is simply not the record, Mr. President. It is not the record of history. That is not what they have said. And it is certainly not the record of history with the French.

Let us go back and learn from history a little bit of understanding about the problem.

The French had lost many soldiers under the prisoner of war-MIA classification, around 65,000, I believe. The Chamber of Deputies rose up in their rightful role in Paris and made it very clear, beyond any question of doubt, that

France would withdraw from Vietnam. They got their prisoners of war back.

But I point out, in this amendment we are not taking any chances. We are not committing ourselves to a total withdrawal and ignoring the prisoner-of-war question, or putting ourselves in a position where we have no ace in the hand.

We have stated clearly in the amendment that 60 days following its enactment, if arrangements have not been made for the return of our prisoners of war, the deadline for total withdrawal will be extended another 60 days automatically and beyond that, if it be the will of the Congress, we can follow the recommendation of the President for securing their release.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. HATFIELD. I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. HATFIELD. I feel here again, Mr. President, that we have not anything to lose but everything to gain. By contrast, we have won nothing under the present policy.

It is about time we went on the offense. We are now on the defense and have been on the defense. I say, it is time to put our adversary to the test.

Set the date. Set the deadline for total withdrawal and if the prisoner-of-war question is not resolved during that period of 60 days, then the North Vietnamese will have proven to be false and misleading in all their statements relating to this question up to this point. And we will not be locked into any policy that jeopardizes our prisoners.

We have no other way to prove their intentions, up to this time, under the present policy.

Now, Mr. President, I admire the Senator from Kansas for stating again the record of the administration in reversing the war policy of the previous administration. He has made it clear that the administration has reversed the sending of troops into Vietnam and has reduced the number and casualties. He has given us the litany, which we have heard many times, concerning this whole matter of administration progress in winding down the war, and what everyone agrees with has been very important progress in the right direction.

He also indicated to my colleagues, by quoting statistics about the reduction of sorties flown, that that is further evidence of winding down the war.

Let us not be misled. This war has had geometric expansion which has complicated the political settlement of the war by extending it into Cambodia and accelerating it into Laos.

Let me remind the Senate, for the record, that since 1965, 5.6 million tons of bombs have been dropped on Indochina; 2.5 million tons of bombs in this administration alone. Thus, consequently, even though we can say that the number of sorties has decreased, the intensity, in many instances, has increased. The geometric expansion has been obvious. Today Cambodia is politically, militarily, and economically dependent upon the United States. Therefore, that complicates the final political settlement that must eventually come.

Thus, I would indicate one last point, and that is that the Senator from Kansas has made a great point of the kind of lobbying tactics and lobbying techniques used by those of us involved in the promotion of and an understanding of the pending amendment. I really do not know whether I should comment on that, but I would say, if I were back-judging a forensics contest, that this would be a good example of diverting attention from the real issue.

Let me say that there is certainly nothing sinister or conspiratorial about setting forth a proposal in every way possible to get a public understanding of it as well as public support. There is nothing new in that. I have received letters from my colleagues asking me to support worthy causes, to make contributions, to support the right-to-work law, say, or something that has been signed by distinguished colleagues. I see nothing wrong or anything new about that.

Taking out advertisements in newspapers is another way we can communicate with the public. The idea of utilizing television or radio is another way of communicating.

One of the great problems America has today is to maintain a sense of relevance and relationship between the citizen and his government.

I say it is more than our just talking. It is doing the listening. And if we have ceased to reach out and establish understanding, that is our responsibility.

There are going to be many radio ads about this amendment. Some of us perhaps have heard these ads. Very frankly, they are geared from a strategic point of view to trying to penetrate what I have indicated is the general apathy of the American public and the general weariness of the public to hear talk about the war.

Let me say that on June 10, 1971, in the Washington Post—and I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GLOBAL POW ADS PLANNED—WHITE HOUSE JOINS MOVE FOR CAMPAIGN

(By Don Oberdorfer)

With the backing of the White House, a New York advertising agency is preparing a worldwide campaign to convince North Vietnam to permit impartial inspection of its prisoner-of-war camps.

The ad campaign is being drawn up by SSC&B, Inc., the world's seventh largest advertising agency, on behalf of the Advertising Council, a nonprofit private organization that promotes public service causes. The Advertising Council was asked to undertake the drive by the White House and by the official sponsors, the American Red Cross and the National League of Families of American Prisoners of War/Missing In Action in Southeast Asia.

North Vietnam and the Vietcong have refused to permit International Red Cross inspection of their prisoner camps on grounds that those being held are not prisoners of war but war criminals. North Vietnam is a signatory of the Geneva Convention on prisoners of war, but with a specific reservation on the war criminal issue.

According to a plan for the ad campaign presented yesterday to representatives of the American Red Cross and the National League of Families, the objective is to focus world attention on the lack of inspection of Communist camps in Indochina as an "initial phase" of working toward release of the prisoners.

Roy T. Weber, campaigns director of the Advertising Council, said the POW drive will probably begin nationwide about mid-July.

He said it would employ an estimated $25 million in free newspaper, periodical, radio, television and other advertising donated by the media. Weber said a commercial campaign of this size would make the POW drive one of America's major national advertisers.

Because North Vietnam is believed to be attentive to public opinion abroad, part of the appeal to Americans will be for funds to support paid advertising overseas. Weber said it has not been decided exactly what else Americans would be asked to do to obtain inspection of the POWs in Communist hands.

The Advertising Council—which supports such campaigns as Jobs for Veterans and Smokey the Bear—was asked by the POW families in January to mount a major campaign on the prisoner issue. When the ad group did not act, presidential aide Herbert G. Klein wired on April 14 at the request of the POW families expressing White House support for a campaign on the prisoner cause. The 25-member executive committee of the Advertising Council approved the request May 5.

At least two New York advertising executives have objected to the council's acceptance of the prisoner campaign, Shep Kurnit, chairman of DKG, Inc., asked the Advertising Council by letter to "reassess its position" on grounds that the campaign is political in nature. Frederick Papert, president of the PKL Companies, Inc., has circulated a letter raising questions about the campaign and saying that "no one thinks the prisoners themselves would gain anything from it."

Alfred J. Seaman, president of SSC&B, said his firm had volunteered to take on the prisoner campaign without fee knowing it would be "a hot potato." Seaman said, "If I were a prisoner of war in North Vietnam, behind barricades where nobody is allowed to see what is going on, I'd be pretty bitter if the American people and the advertising business couldn't lend a hand."

According to a campaign strategy outline presented to representatives of the Red Cross and the POW families yesterday, the ad agency believes that "impartial inspection could virtually assure more humane treatment, a census, adequate food, improved medical standards, improved living conditions and regular mail delivery."

The advertising "strategy" would be "to make Hanoi understand that the people of the world feel deeply that the North Vietnamese should permit impartial inspection" and to focus world attention so "anguish and indignation" may be felt.

The strategy calls for special attention to ads in certain news media which the agency believes to be "followed closely" by North Vietnamese leaders, including The Washington Post, The New York Times, Time Magazine and the CBS Evening News with Walter Cronkite.

Mr. HATFIELD. Mr. President, there is a very interesting article concerning global POW ads being planned. The article states in part:

> With the backing of the White House, a New York advertising agency is preparing a worldwide campaign to convince North Vietnam to permit impartial inspection of its prisoner of war camps.

I think this is excellent. But what is wrong with this administration or people concerned with the general public, with administration support, advertising through commercial media at commercial rates? Advertising communicates with respect to great issues that we have in common. There is nothing wrong with this.

I think those who raise this question must be fairly weak in their arguments against the amendment if they feel they have to go out on the periphery of this question and discuss questions about a Senator's right or propriety to engage in mass public distribution of information exchange.

I would much rather go on the television and ask the citizens of this country who are disenchanted with this war to send in their dollars and help make it possible to end this war, rather than to carry on demonstrations, irresponsible and the other kind as well.

I say it is a far better alternative to give the people of this Nation a sense that they can participate in relation to those in the establishment who hold the same point of view, rather than to fill the streets and create a disruption and do other things that cut off good support and does the very cause of peace damage as they commit acts of irresponsibility and even violence in their hypocrisy to protest violence.

Let us stay on the issue. The issue is whether Congress will face up to its constitutional responsibility or not, whether this administration will set a priority as to what the Vietnamization components really are—return of prisoners of war and commitment to the Thieu-Ky regime.

Let us separate them and see where we must play our part of the responsibility.

How many times have I heard my colleagues talking about the great imbalance between the legislative and executive and how there has been this grave trend to centralize power in the hands of one man, the power of one man to engage the country in a great war and ask the country to go along without asking anything more than general statements about a secret plan that the President has for stopping the war.

We have heard a lot about polls today. I am not interested in putting our case upon polls. I use polls in support of or analyzing a point of view or issue.

I think it is very interesting to note that if this administration, as the Senator from Kansas indicated today, is interested in knowing the sentiment of the people—and I believe it is—they will recognize that there are some very grave problems that we must face as a nation, not just as a Republican Party or Republican administration.

Let me quote a couple of statements to illustrate my point. When the people begin to lose faith in their Government or the administration that represents their Government, we all suffer.

It is not a matter in which the Democrats can take joy that it is the Republican Party which is in power. It is not a matter in which the Republicans can take joy because the Democrats are in power. We all lose when the people lose faith in their basic institutions and Government policies.

It was the President himself who said before the Republican National Convention in 1968, when he was campaigning in Hampton, N.H., on March 4, 1968:

> If in November this war is not over, I say that the American people will be justified in electing new leadership, and I pledge to you that new leadership will end the war and win the peace in the Pacific.

On August 1, 1968, in a statement before the platform committee in Miami, he said:

> The war must be ended. It must be ended honorably, consistent with America's limited aims and with the long-term requirements of peace in Asia.

In a statement made on November 3, 1969, the President, speaking to the American people, said:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Mr. President, let me quote another Gallup poll of February 19, 1971. The question was asked:

> Do you think the Nixon Administration is or is not telling the public all they should know about the Vietnam war?

Sixty-nine percent of the American public replied, "No."

We face a great question here. It is not a question of partisan politics, but a question of credibility between this administration and the citizens of this country that is growing because of this war in which I think we, the Congress, bear part of the responsibility. I am not here today, nor was I last year, in a position of trying to challenge the President of the United States. Frankly, we are trying to challenge our colleagues in Congress to have the courage to stand up and uphold their responsibility under the Constitution. That is where the challenge is. We urge them not to continue to abdicate their responsibility under the Constitution, wringing their hands, wailing about this horrible war before the television cameras.

I think it is time for all men and women to stand up in Congress and make their position known by taking the responsibility given to them by the Constitution.

We should call on the President as the individual charged with the responsibility for the return of our prisoners to let us know if any political commitment is made to the Thieu-Ky regime. We should demand the right to review, approve, or reject it.

That is what we are proposing in this amendment.

Mr. President, I feel compelled to say again that it is not a challenge to the administration per se. It is a challenge to ourselves, and that transcends all political partisan politics or anything else. Certainly I think the American people should have a little restoration of confidence in their Government.

The representatives of the people in the Senate and the House of Representatives should not be ducking the issue, but should be willing to stand up and be counted.

Mr. President, at this time, I have had the request of two Senators to speak on this subject. The Senator from Iowa (Mr. HUGHES) has asked for time, which I am happy to yield to him. The Senator from Massachusetts (Mr. KENNEDY) has also asked for some time.

I would say that, with those two presentations, I have no plans for today and will undertake to resume the debate again on tomorrow.

Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, will the Senator withhold that request?

Mr. HATFIELD. I withhold my request.

Mr. STENNIS. Mr. President, I expect to seek the floor after the Senator from Massachusetts completes his remarks.

QUORUM CALL

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HATFIELD. Mr. President, I yield 30 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, before making some comments on the amendment which is before us, in the course of the discussion yesterday comment was made by the chairman of the Republican National Committee about a statement I made earlier in the week.

I would like to indicate, as I did yesterday, that I stand by the speech I made in its entirety. I thought it best expressed my feelings about our involvement in Southeast Asia.

I have a press release issued by the assistant minority leader dated April 8, 1971, which states:

> U.S. Senator Robert P. Griffin (R-Mich.) had the following comment on President Nixon's report to the Nation Wednesday, April 7, 1971, on American troop withdrawals from Vietnam:
>
> "It was a sincere, credible and courageous speech, infusing new strength and character into the American spirit.
>
> "In a practical sense, he did set a date certain for ending U.S. involvement: Election Day 1972."

I am reminded of the Washington Post article quoting the minority leader when he was asked about the President's statement:

> But Scott said he believed it would be before the end of 1972, adding that if the war drags on beyond that point, "another man may be standing on the platform" when the next President is inaugurated in January, 1973.

The question this raises to me, as it must be raised in the mind of every young person in this country whose draft number is up and who is being sent to Southeast Asia is why does the ending have to be on election day, as the assistant minority leader said—on election day, 1972?

Why do we have to wait another year? What is so magical about election day, 1972? These are the words used by the Republican leadership several weeks ago.

If I express reservations and concerns about the wisdom, propriety, and the political expediency of a policy which I feel is directed toward 1972, I can use the words of the spokesmen for the Republican Party.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator without losing my right to the floor.

Mr. SCOTT. I understand the Senator made some statement yesterday that he was not notified his name would be used when the Senator from Kansas spoke. I learned only by inadvertence that my name was to be mentioned here and that I was to be quoted, but I have been told my name has been mentioned. Would not the Senator agree?

Mr. KENNEDY. On this question, the Senator's office was notified at my request by my legislative assistant about an hour ago when this material was made available to me.

Mr. SCOTT. I appreciate that. I have not received any such material. I was notified just a few minutes ago that the Senator would be speaking and had referred to my name. But I take no umbrage, as my friend knows.

But in any statements made expressing a desire to see the end of the war, and I have made many such statements over the years and the Senator knows I supported both previous Presidents in their position as Commander in Chief, does the Senator not agree. I have never impugned nor attributed any motivation as to the time in which the war was ended?

I have said if it was not ended there would be another man in the White House. I agree with that. There might be another man in the White House I think I said, but I have not impugned any motivation.

I have said continually I would like to see the deescalation increased. I would like to see more people withdrawn more rapidly.

Remarks not made by me but by another Senator were to the effect that the motivation of no President should be impunged and it should not be implied that any President would end the war in order to be reelected.

Would not the Senator agree that the reelection of President Nixon would be enhanced if he could end the war today rather than waiting until election day?

Mr. KENNEDY. I personally believe it would; I am not sure he does.

Mr. SCOTT. The President said on several occasions publicly and has said to me publicly and privately that politically the easiest thing for him to do would be to take office and immediately after taking office to arbitrarily order the war brought to an end, with all the cost in bloodshed to a lot of Asian people, which he firmly believes would result from that.

But I do know of my own knowledge that the President himself feels that had that been a temptation to which he yielded it would have increased the bloodshed, but the people who died would have been more Asians and less Americans, perhaps; but it would have been a violation of the commitments made by his predecessors to initiate such an arbitrary end to the war.

I am glad the Senator agrees that it is his opinion as it is mine that it would be politically more productive to bring the war to an end right now.

Mr. KENNEDY. I did not say it may be "politically" more productive.

First of all, does the Senator have a member of his staff named Mr. Hetherington?

Mr. SCOTT. I have a member of my staff named Mr. Hetherington.

Mr. KENNEDY. Is he the Senator's press secretary?

Mr. SCOTT. He is my press secretary.

Mr. KENNEDY. If the Senator were to clarify the record with him, he would find he was the one that my legislative aide communicated with in terms of courtesy.

Mr. SCOTT. Yes.

Mr. KENNEDY. I think the Senator was fair in his observations that I was not notified yesterday in a similar incident.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield for a question.

Mr. SCOTT. One of my staff members advises me that Mr. Hetherington was notified 25 minutes ago. I want the RECORD to show I was notified 5 minutes ago, because I had someone in my office.

Mr. KENNEDY. I wish I had had that much notice yesterday.

I am aware of the President's statement right after the election, when he went on television and said that, "It would be a politically expedient matter if we withdrew from Vietnam." I would have certainly supported that policy and that effort if the President had taken it. I feel, most sincerely, that if the President had taken those steps and followed that advice and guidance, the American people would have overwhelmingly supported that action, and that it would have been an extraordinary act of statesmanship. However, he has not.

As I indicated in my comments at the lawyers committee, the President came to office pledging to end the slaughter, and today 14,000 more Americans are dead. The President invokes his Quaker heritage, and today we have American bombing of innocent people. One may conclude that the whole American prisoners-of-war issue was used as a pawn in terms of policy. I stand by those statements.

Mr. SCOTT. Mr. President, will the Senator yield just to answer——

Mr. KENNEDY. When I finish my thought.

Mr. SCOTT. It will be very brief.

Mr. KENNEDY. I will be glad to yield for a question when I finish this thought.

I stand by the statements that were made in that speech, and I will read those statements so they will appear in the RECORD:

> At last, the ultimate and cynical reality of our policy is beginning to dawn on the American people. The only possible excuse for continuing the discredited policy of Vietnamizing the war, now and in the months ahead, seems to be the President's intention to play his last great card for peace at a time closer to November, 1972, when the chances will be greater that the action will benefit the coming presidential election campaign.

Then I continue:

> Surely an American President ought to be willing to go the extra mile in seeking ways to negotiate the release of the prisoners, instead of seeking new arguments to delay the resolution of the issue.

This time and this date in 1972 have been mentioned in a press release by the assistant minority leader. It says, "In a practical sense, he did set a day certain for ending our involvement: election day 1972." It was the assistant minority leader who set the day in 1972. He did not say some other time, in August or September or October. He said election day. It was not even just a day in November.

The minority leader made similar statements.

Mr. SCOTT. Mr. President, will the Senator yield now?

Mr. KENNEDY. I yield.

Mr. SCOTT. Does the Senator criticize the President of the United States for invoking his Quaker heritage?

Mr. KENNEDY. I am sorry.

Mr. SCOTT. Does the Senator criticize the President of the United States for invoking his Quaker heritage?

Mr. KENNEDY. As I understand, the Quakers themselves have been regretful that he has. All I was doing was making a comment about it.

Mr. SCOTT. My colleague from Pennsylvania and I probably represent as many Quakers as does any other Senator, and I have no objection to their invoking their Quaker heritage in coming to see me and to urge an end to the war and urge peace among all nations. I do not think that the yearly meeting of the Friends of Pennsylvania or New York were correct, themselves, in being critical of the President for invoking his Quaker heritage, because that is what they do, and they have the right to do it.

Mr. KENNEDY. Will the Senator explain why the President invoked his Quaker heritage——

Mr. SCOTT. Because the Senator said it.

Mr. KENNEDY. The President invoked it last week. I am asking the minority leader if he has some idea as to why the President would invoke it.

Mr. SCOTT. Yes. I think the President invoked his Quaker heritage because he wanted to point out that, as a part of their religion, they are devoted to peaceful pursuits, are devoted to love of peace, and are devoted to efforts to bring about peaceful relations among the peoples of many nations, and that he had been taught that at his mother's knee, that he believed it, that he was dedicated to peace, that he has made no wars, that he has initiated no wars, that he has started no wars, and that he is dedicated to finishing a dreadful and unpopular war.

Mr. KENNEDY. Does the Senator imply that those of us of other religions are any less dedicated to that?

Mr. SCOTT. No, but I wonder why the Senator brought that up.

Mr. KENNEDY. I simply wondered why the President mentioned it. Does the President think that?

Mr. SCOTT. No.

Mr. KENNEDY. Does the Senator think that the President invoked his Quaker heritage because he is more devoted to peace than Catholics or Protestants or those of the Jewish and other faiths?

Mr. SCOTT. No, and I am sorry the Senator would create such an implication——

Mr. KENNEDY. Well, the Senator did.

Mr. SCOTT. Arising entirely from his own mind, because it was the Senator from Massachusetts who spoke here and spoke yesterday——

Mr. KENNEDY. It was the President who raised the issue.

Mr. SCOTT. The Senator raised his Quaker heritage.

Mr. KENNEDY. It was the President who raised his Quaker heritage.

Mr. SCOTT. The President said he was a Quaker. The Senator from Massachusetts has said he invoked his Quaker heritage.

Mr. KENNEDY. What does the Senator think? If one says he is a Quaker, does not that invoke the fact that he is a Quaker?

Mr. SCOTT. I think it is perfectly all right for a President to mention that he is a Quaker and to be proud of it.

Mr. KENNEDY. Does the Senator think he was trying to raise the issue that, because he was a Quaker, he was suggesting to the American people that he was somewhat more devoted to peace than other people?

Mr. SCOTT. No, except it is well known to the American people that the Quakers, by their nature, and by their reason for coming to this country, were fleeing from oppression and were seeking a more peaceful surrounding, and that their religion is marked by an especial dedication to peace—not that other religions are not, at all. That certainly was not a discriminatory statement by anyone else, but the Senator from Massachusetts has twice been critical of the President of the United States for invoking his Quaker heritage.

Mr. KENNEDY. Does the Senator then say that Quakers are more peace loving than either Catholics or Protestants or Jews?

Mr. SCOTT. I do not suppose that the members of any religion would admit that they are less peace loving than Quakers, but I do not fault the President of the United States for taking pride in being a Quaker and in his Quaker heritage.

Mr. KENNEDY. I do not think anyone would——

Mr. SCOTT. The Senator from Pennsylvania and the Senator from Massachusetts takes pride in their religious heritage. There is no question about that. In my own family we take pride in our Catholic and in our Protestant heritage, for example.

Mr. KENNEDY. Does the Senator agree with me that the reason the President raised the issue of being a Quaker was for the purpose of suggesting to the American people that perhaps Quakers are more peace loving than others?

Mr. SCOTT. I think the reason for the Senator from Massachusetts raising the issue——

Mr. KENNEDY. I was just asking a question.

Mr. SCOTT. I am trying to answer—was for the purpose of seeking to point out some disparity between being a Quaker and continuing a war, which, by the way, he inherited from two predecessors.

The Senator yesterday made the statement that President Nixon was again prevented by the Kennedy amendment—which I supported, as the Senator knows—from again escalating the war in Indochina.

Could I inquire as to why the Senator from Massachusetts is so evidently under a misapprehension that the President is either escalating, or again escalating, the war in Indochina when the number of troops there is down from some 543,000 to 281,000 in the coming October? I assume the Senator can subtract.

Mr. KENNEDY. The assumption, I think, is well placed. I think, quite clearly, the intrusion into Cambodia and the intrusion into Laos are escalations of the war. The fact is that there are today hundreds of thousands of war victims in Cambodia, many who have been killed, because of the escalation of the war there due to the military intrusion of this administration. The fact is a similar situation exists in Laos due to the escalation of the air war.

The Senator can use whatever mathematics he wants to use, but we can show that, in terms of the numbers of refugees and the numbers of civilian casualties, that there has been an escalation.

As far as the mathematics are concerned, if the Senator can add as well as I think he can, I think it is not unreasonable to suggest that there has been an escalation.

Mr. SCOTT. Does not the Senator agree that about half of the American forces in Southeast Asia are now out of there?

Mr. KENNEDY. That is correct.

Mr. SCOTT. That is all I wanted to bring out.

Mr. KENNEDY. If that is all the Senator was getting at, we could have agreed on that a long time ago.

I am reminded of the Quaker testimony to the Refugee Subcommittee. They gave some of the most effective testimony we heard:

> In our recent White Paper entitled "Indochina: 1971," we called on the President to set a date in 1971 for a total U.S. military withdrawal from Indochina.

So I would hope that the President would consider it. I think that was a very courageous comment for this organization to make, and I would hope that it had some effect. That was testimony on behalf of the American Friends Service Committee, on April 21.

Mr. President, I know I speak for millions of Americans in expressing deep dismay over the unending rhetoric of progress which has been used by our national leadership in describing the Indochina war.

It is rhetoric which has grossly misled our Nation's people on the tempo of the war, and disguised the continuing violence and widening character of the conflict.

It is rhetoric which has conveniently ignored an expanding American involvement and even new commitments.

It is a rhetoric which has consistently exploited the helpless plight of American prisoners, so as to beat the war drums in Southeast Asia.

It is a rhetoric which has tragically evaded genuine concern—let alone some responsibility—for the devastating impact the conflict has had on the civilian population and countryside of the entire area.

It is this latter point, which I wish to emphasize in my comments today. For the Indochina war not only continues to tear at America's national life and spirit—it is also heightening the agony of a rapidly growing number of civilians in Vietnam, Laos and Cambodia.

We are confronted today with a very serious regional crisis of people—millions of people—refugees, civilian casualties, war victims of all kinds. Each day of war produces more of the same. In fact, nothing more accurately documents the continuing intensity and spread of the conflict, and the level of military operations, than the number of civilians killed or wounded or made refugees. By this measure we see that the war is scarcely winding down for the peoples directly involved. And more than our Government cares to admit, American military activities—especially the unrestricted air war—are contributing heavily to the growing human toll.

SOUTH VIETNAM

In South Vietnam the problem of refugees and civilian casualties continues to fester. Despite official statements to the contrary, there is much to suggest that the basic situation has changed very little in recent years. In fact, adding heavily to a cumulative total of nearly 6,000,000—over the past several months, the monthy flow of refugees has often been higher than at any time since the Tet Offensive in 1968. The numbers include at least 40,000 Montagnards forcibly moved from their villages along the Laotian-Cambodian border; at least 16,000 refugees as a result of yet another sweep through My Lai; at least 40,000 refugees from military operations in the U Minh forest at the southern tip of South Vietnam; and tens of thousands more scattered throughout the country.

The recent movement of Montagnards a especially tragic, for it illustrates the old bankrupt policy of forced relocation for our strategic reasons, rather than the interests of the people involved. Such forced relocations have occurred to countless villages and hamlets in South Vietnam—and in Laos as well. It has always been done in the name of bringing "security to the people."

The scenario for such operations is drawn graphically in a memorandum submitted recently to the Subcommittee on Refugees, which I serve as chairman. Written by an American refugee official in central Vietnam, the memorandum says:

> Each year the farce of "taking security to the hamlets" is blandly outlined in the official pacification and development plans—and each year no such thing happens. Instead, the Hamlet Evaluation System (HES) shows a certain number of hamlets evaluated as "insecure." Some general then says Darlac Province will have no more low rated hamlets. The province chief, knowing his forces are not about to take security to the hamlets

> decides to bring them in under an "artillery umbrella," usually along one of the main roads in the province.
>
> At this point all Ministry of Social Welfare regulations are violated and a group of hamlets are moved in, presumably at "their own volition." But with no planning either for the move or adequate provisions for their health or welfare.

Dr. Gerald Hickey, an American anthropologist with nearly two decades of experience in Vietnam, calls these forced relocations "one of the unlearned lessons of the Vietnam war." In a memorandum for the record he concludes, as many others have, that the "gains in population and resource control resulting from such relocation projects are, for the most part, outweighed by the social and economic disruptions that affect the whole of Vietnamese society. The ever-growing number of shoddy settlements of Montagnards who have forcibly, or even willingly, been relocated is a stark reminder of this disruption."

As if the mounting numbers of refugees and forced relocation schemes were not enough cause for concern, civilian casualties in Vietnam have continued at a high level. In 1970, hospital admissions alone accounted for nearly 51,000 civilian casualties. This official figure is misleading, however, because it omits civilian casualties treated elsewhere, those not treated at all, and those who are killed outright or die before reaching treatment facilities. If these additional numbers are added to hospital admissions, civilian casualties during 1970 probably number at least 125,000, including some 25,000 to 35,000 deaths. The cumulative total of civilian casualties since 1965 numbers some 1,050,000, including at least 325,000 deaths.

Inevitably, tens of thousands of the civilian casualties who survive are physically disabled. Again, not all of them are reflected in official statistics. But as of late 1969, some 79,600 civilian amputees and paraplegics were registered with the Vietnamese Government, as well as some 25,600 civilians who have become blind or deaf from war causes. Additionally, the official registration lists some 258,000 orphans and some 131,000 war widows.

After more than a decade of war, the tragic human problem resulting from the conflict can no longer be isolated and neatly categorized for action as "refugee problems," "civilian casualties problems," "war victim problems," "orphan problems"—and there are many more. For taken together, all of these problems constitute a massive and long-term social welfare and rehabilitation problem—involving literally millions of people, and affecting the total population of South Vietnam. Sadly, the record offers little ground to believe that the shocking dimensions and depth of this situation are really recognized by either Washington or Saigon.

LAOS

A situation similar to that in Vietnam is fast developing in Laos. In mid-1968 the pendulum of the seesaw pattern of warfare swung wildly—and a marked escalation of the conflict began from which Laos and its people still have not recovered. A war which was characterized by officials in our Government as a "relatively modest and low-profile conflict" has suddenly become a calamity of vast proportions.

The official American view of the escalation was explained by the President on March 6, 1970. He suggested that the escalation resulted from a sudden aggressive move by North Vietnamese forces into the Plain of Jars region from Sam Neua Province. But the record—including testimony before the Subcommittee on Refugees as early as May of 1970—indicates a more complicated scenario, involving American as well as North Vietnamese actions.

Since early 1969 Laos has become the principal target of a no-holds-barred air war over Indochina. And we are now beginning to understand more fully than ever before—as recent hearings before the Subcommittee on Refugees document—the devastating impact the air war and the conflict generally has had on the civilian population.

Out of a population of less than 3 million, at least 700,000 Laotians have become refugees. More than 300,000 are currently on relief rolls. Tens of thousands have fled from battle zones in recent weeks and months.

Comprehensive data is not available on the number of civilian casualties in recent years, mainly because the problem has been conveniently ignored by our Government, and questions raised by Members of Congress and others have gone unanswered. Since the heavy air war over Laos began in early 1969, however, conservative estimates put the number of civilian casualties at over 30,000, including as many as 10,000 deaths.

One of the greatest tragedies of the Indochina war is the sad plight of the hill tribes in Laos, especially the Meo. Nearly the entire Meo population are refugees—either as civilians fleeing from battle, or as paramilitary forces taking refuge from defeat. The cost to the Meo for their service to our interest has been nothing short of the decimation of their tribe. An internal memorandum of our Government says, in part:

> We must recognize that inasmuch as a great measure of the effectiveness of a military force lies in its fighting heart and its numbers, as well as leadership and equipment, the Meos and Lao Teung are no longer the military asset they were in the past—particularly when weighed against the cost of their support in dollars and in all the psychological, social, and humanitarian problems that develop from the manner in which they are employed.
>
> In other words, they have been used to the hilt and as many of them are expressing—they have had it!
>
> This situation requires a reassessment of our policies regarding the Meo and other hill tribes to the extent that humanitarian/economic factors may predominate over military considerations in charting our future courses of action regarding these peoples. We could, in effect, give them a fond thanks for their services and cast them adrift to shift for themselves, faced with the spector of starvation and/or being absorbed (with increasingly bitter memories of our abandonment) into communist dominated areas. This of course would not be humanitarian or strategically sound considering the U.S. objective in Laos. . . .

This memorandum—and it is only one of many made available to the Subcommittee on Refugees—illustrates the cynicism which too often has characterized our Government's policies and actions toward the civilian population of Indochina. Meanwhile, as the civilian toll rapidly mounts in Laos, the military situation deteriorates rapidly—despite the massive air war and billions of dollars being spent to support it.

CAMBODIA

In Cambodia, the bubble of official optimism has burst. Less than a year ago, we were being told by our national leadership that the Cambodian invasion was "the finest hour" of this administration—that it was a great military victory, serving to lighten America's military burden in Indochina by assisting the process of Vietnamization. But what do we find today?

After only a year, instead of shortening the war, the invasion has helped to spread the war into new areas. American planes have flown an increasing number of bombing sorties over Cambodia. Our military aid to Cambodia is on the increase. Foreign troops wander at will throughout the countryside. And throughout it all, the government in Phnom Penh controls less territory than ever before.

Inevitably, the familiar pattern of Vietnam and Laos—in the destruction of the countryside, the generation of refugees, and the occurrence of civilian casualties—is being repeated today in Cambodia. As recent testimony before the Subcommittee on Refugees indicates, our Government is failing to recognize this situation and the potential it holds if the war in Cambodia continues. But Phnom Penh's Commissioner General for War Victims estimates that some 700,000 persons have fled the countryside into Phnom Penh and a number of other cities controlled by government forces. He also estimates that civilian casualties total some 15,000, including 6,500 deaths. Most independent observers feel, however, that the number in both categories is significantly higher.

The record is clear on where we stand in Indochina. In our use of the modern technology of war—of heavy bombing and extensive artillery support, of trying to do from the air what we could not do from the ground—over the years we were destroying the very land and people we had set out to save.

The United States has dropped nearly three times the tonnage of bombs over Indochina that we dropped during World War II. Of the nearly 6 million tons of bombs used over Indochina, nearly half have fallen during the last 2 years—a tonnage equal to the explosive force of more than 100 Hiroshima-type atomic bombs.

In a speech in Boston over 3 years ago, I said:

> The kind of war we are fighting in Vietnam will not gain our long-range objectives: the pattern of destruction we are creating can only make a workable political future more difficult.

I felt that "if the current policies relating to the nature of the war were not changed, and the assumptions underlying civilian programs not revised, then the prospects for Vietnam * * * were dim."

Just how dim, we can see only now.

The record is clear on where America stands in Indochina. Each day brings new violence. Each day escalates the human costs for all involved. There are more refugees. There are more casualties, both military and civilian. There are more prisoners of war and more missing in action. And with each additional loss, Americans are reminded that our Nation cannot allow the spectre of a highly dubious bloodbath of the future to blind us from the bloodbath that is going on today—every day—in Vietnam and our country is part of it. It will continue as long as the war continues, and so long as efforts to end that war are avoided and delayed for whatever excuse.

Few will disagree that the North Vietnamese and their allies are also contributing to this "bloodbath." But the question for most Americans today is, How much longer will we tolerate policies by our Government which make easy the killing and maiming and dislocation of millions? How much longer will we fuel and finance what our military planners call "saturation bombing," "protective reaction," "close air support," and other strategics and labels—devoid of much moral restraint and responsibility—devoid of much apparent concern for the plight of civilians who continue to bear the brunt of this endless war? And how much longer will we permit our national leadership to continue its policy of violence—of a no-holds-barred air war—of incursions and sanctuary operations which take the conflict, with its inevitable human toll, into new areas?

Since 1965, the impact of the Indochina war on the civilian population has been a primary concern of the Subcommittee on Refugees. We have conducted field studies and hearings. We have issued reports of findings and recommendations.

We have offered our help and suggestions to officials in the executive branch and others. Over and over again, we have tried to make the case that the people and war victims in Indochina must be a matter of vital concern to our government.

Regrettably, whatever priority our government has attached to this issue has too often been measured by the degree of congressional and public pressure than by an active moral and political concern at the highest levels of our national leadership.

Our national interest does not lie in the continuation of the Indochina war. It does not lie in the further destruction of the countryside in Vietnam or Laos or Cambodia. It does not lie in the generation of more war refugees and civilian casualties. It does not lie in the serious crisis of people spreading from one country to another.

Rather, our national interest lies in the very urgently needed effort by our Government to stop the violence and extricate ourselves from the war through appropriate decisions at the highest levels of our Government. It lies, as well, in a far greater effort to meet the vast human needs generated by the conflict.

The pending amendment reflects the overwhelming view of the American people. The amendment deserves the active support of us all.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. HATFIELD. Mr. President, I am grateful to the Senator from Massachusetts for his presentation today on this subject, particularly as it highlighted the problem of civilian deaths.

I should like to ask the Senator, since the subcommittee of which he is chairman has been the basic source of numbers and estimates on civilian casualties, why a Senate committee had to go out and dig up this kind of information itself. Was this information not available from other sources, without the committee having to go forth to develop these statistics and figures?

Mr. KENNEDY. The Senator is correct in this observation We had an extremely difficult time collecting information, both in terms of numbers of refugees and of civilian casualties, as well as finding out what realistically needed to be done for the refugees.

This has been going on since the mid-1960's, when we started to investigate these problems. Still, as recently as a month ago, we had statements by Ambassador William H. Sullivan that there was not a refugee problem in Cambodia, that there had been no requests by the Cambodian Government for refugee aid, and that therefore we could not assist the Cambodians. Yet, when we want to drop bombs or provide artillery support there, I wonder how much attention has been paid to what the Cambodians ask for. When we asked Ambassador Sullivan whether we can exert some influence within their Government to provide some housing and medical attention to the people, they say that they do not want to interfere in the internal matters of the country.

Mr. HATFIELD. Did the Senator and his committee staff have to go out to develop these estimates and figures because he received the same response from the Pentagon that I received, when I asked the question as to what kind of civilian casualty records they had, and the Pentagon replied that they kept no record of estimates on the civilian casualties?

Mr. KENNEDY. We had the same response; and the figures that were made available to us, of course, are quite incomplete.

I will say that when we visited Vietnam in January of 1968, for example, we checked at various hospitals and found that official statistics on hospital admissions were understated by 10 to 30 percent and more.

This was in South Vietnam. So the Senator is correct about the fact that we have in a matter of hours collected information on the number of machineguns captured in Cambodia, and hand grenades, and so forth, about 24 hours after a military operation. But we cannot find out the number of civilians wounded in these countries.

Mr. HATFIELD. Does not the Senator agree, too, that this results in something more than just a problem of "people logistics," but highlights the moral insensitivity of the very policy we are asked to follow?

Mr. KENNEDY. I would agree with that. If the Senator will let me comment on that point and refer to a staff report of September 1970, pages 77 and 78. We were interested in the reports of bombing accidents in Laos. We were interested in what rules and regulations were being used, whether there were any violations, and whether there were any penalties against those involved in such violations. So we asked the Defense Department for a response on various accidental bombings. I shall make page 77 of this report available to the Senator, and he will see the number of communities and little villages which were accidentally bombed.

Here is one, for example, which was given to us by the Defense Department:

> 14 January 1968. Accidental bombing of Ban Nalan Wapikhamthong Province, resulted in a reported 54 persons killed and 31 wounded. Compensation of 1,507,000 kip was paid, and other claims have not been processed by the Lao Ministry of Defense.

At 500 kips to the dollar that comes to less than $60 and that is what we compensated for those who were killed, let alone the wounded. Those people were lucky because they were able to get some compensation—if we want to call that lucky. This is only a partial list of accidental bombings, which goes to January 1969. It is incomplete, as the subcommittee's report and Representative McCloskey have pointed out.

Mr. President, the American people do not realize that we are paying only 50-some dollars in terms of compensation for the loss of life there.

Of course, it is difficult, under any circumstances to place any dollar value on a human life. We all agree with that. Certainly these are really tragic situations.

Mr. HATFIELD. Does not the Senator agree, too, that the major number of civilian casualties are created or occur as a result of our bombing policies?

Mr. KENNEDY. The Senator mentioned that. In that connection, Mr. President, I ask unanimous consent to have printed in the Record a summary of the findings of an official U.S. Survey of Laos refugees, July 1970.

There being no objection, the summary was ordered to be printed in the Record, as follows:

I. Findings of an Official U.S. Survey of Laos Refugees, July, 1970 (Mueng Hiem Refugees in Ban Xuan Area)

In the past week our three interviewers have talked with refugees, most of whom are now living in the Ban Xuan area in Site 272. The majority are from Mueng Hiem in Luang Prabang Province and Muang Son (Sam Neua). Some are Xieng Khouang, Lao from Muang Khem (around Ban Ban) who are now living at Ban That, near Phon Hong. And a few are Meo whose original homes were southwest of Mueng Sen in North Vietnam, the point that protrudes into Laos just off Route 7; after leaving North Vietnam they had moved to Muang Meh (site 46) and then to their current home at Ban Than Penp (TF 7693). The same factors that limited the report on the Plain of Jars refugees—lack of time, and weather conditions, the interviewers' lack of experience—hampered this operation too. Nevertheless, it gives some notion of what the people interviewed have experienced and are thinking about. Some findings:

1. Type of people interviewed:

The male-female ratio was 60% vs 40%.

70% of the people interviewed had never attended school.

73% were ordinary villagers, not holding any position in the village hierarchy.

18% were Mai Beng.

92 of the 97 were married, and 88 of the 92 had children.

79% of those with offspring said their children were still with them, and of the children who had left home, 15% are now with the Pathet Lao and 6% with the RLG.

2. The largest group, 22%, left their homes in 1967, 19% in 1969, 19% in 1966. Since leaving their homes, 41% have moved twice, 28% three times, and 13% only once.

3. 50% of the people said they left their homes because they did not like the Pathet Lao, 28% because they feared bombing, and 22% because they wanted to be away from the war and when the government troops came they went with them.

4. 79% said the areas in which their original homes are located were controlled by the Lao-Viet while they were there. The interviewees from Sam Neua had been with the communists since 1953, for they were caught up in the resistance movement against the French.

5. The interviewers could get only 22 people to respond favorably about their experiences with the Pathet Lao. Of the 81 who answered the question "What did you like best about living under the Pathet Lao?", 59 (73%) said they did not like anything. The lack of favorable comment on the Lao-Viet may be attributed in part to fear of reprisal. However, the fact that the same interviewers got many favorable reactions from the PDJ refugees about their experience with the Lao-Viet suggests that the 97 people interviewed this time do have some genuine feelings of dislike for the communists. A partial explanation may be found in the terrorism employed by the Vietnamese troops when first introduced into Laos in large numbers in 1963. Another factor, of course, is that most of the people spoken with are now settled and seem reasonably happy with their new homes. (54% said the land they are now on is as good as, or better than, the land at their original homes. A few of those from Sam Neua spoke wistfully about the profits from growing opium "back home". But they conceded that the land around site 272 is better than their holdings for highland rice.)

Of the many undesirable aspects of life under the Pathet Lao mentioned, the highest number (48 of 133) items centered around forced porterage. Following that was taxation (33). The other 52 negative responses fell into six catagories.

6. 25% of the respondents said they first saw bombs dropped near their villages in 1964 and a higher percentage (37%) had heard of bombs being dropped on other villages in that year. 6% said they had seen bombs dropped frequently (48 out of 70). 60% said they hid in the woods during bombing attacks.

7. 25% (24 of 97) had seen people killed by bombing, although only one had witnessed the death of over seven people. The majority of those who had seen people killed (58%) had seen two or more deaths (29% had seen two and an equal number had seen three).

8. 69% said there were PL troops in the area being bombed, although only 18% had seen enemy troops killed by air attacks. A slightly higher percentage, (24%), had heard of enemy casualties being caused by bombing.

9. 82 people said the bombing made life very difficult for them—80% of this group saying they could not eke out more than a bare subsistence living after the attacks started. A point of some interest here is that only 7% said they feared death from the bombing.

10. 57% of the respondents said they had seen T-28's bombing and 40% mentioned having seen jets. 49 of 92 (53%) said they thought the bombing was done by Americans; 30% listed the RLG as the responsible party; and 17% said they did not know who was doing it.

11. Although 25% of the respondents said they had left their home due to fear of bombing, 23% said they would return home if it were stopped. But 90% of all respondents said they would not return to their homes even if the planes stopped bombing, as long as the PL were still there. Reasons given were fear of continued war, dislike of the communists, and satisfaction with their present situation.

II. FINDINGS OF AN OFFICIAL U.S.[1] SURVEY OF LAOS REFUGEES, JULY 1970 (REFUGEES FROM XIENG KHOUANG PROVINCE)

In the past two weeks our interviewers have talked with refugees from Xieng Khouang Province, located in twenty settlements, from the Phoung Hong area in Thadeua District. Most of them came to the Vientiane Plains with the group evacuated from the Plain of Jars in February of this year (1970). They came from 96 villages, located in 17 townships.

Bad weather and the usual travel impediments hampered the interviewers' movements and limited the scope of their findings. The lack of time and paucity of the interviewers' experience (only one of the four had ever been involved in such an experience) were also limiting factors. Nonetheless, the relatively large number of people queried should give some degree of validity to the findings, at least enough to indicate general trends of thinking.

This group of people is atypical when compared to other refugees in Laos—the length of time they spent with the Pathet Lao separates them from the mass of refugees here. A separate report is being prepared on the people who have sought refuge from their homes in Saravane, Sam Neua, and Luang Prabang. (People representing the latter two provinces now at Ban Na San—Site 272.) A cable will be prepared for the Ambassador on the 272 people.

Some findings:

1. Respondents' Background:

96 percent of the respondents admitted to having lived with a Pathet Lao administered government, 63 percent of them from 1964 until they sought refuge with the RLG in 1969.

77 percent said their children are living with them; 20 percent indicated that their offspring are now with the Pathet Lao; and the remaining 3 percent told the interviewers their children are away from home serving in the RLG.

Most of the people the interviewer talked with left their homes in 1969 (this was true of 93 percent). Including the move which took them to their current location, 48 percent said they had moved a total of three times after leaving their home; 37 percent twice.

Nearly 50 percent said someone had arranged for their children to be taken to school—76 percent of this group said the PL had provided this service. There was an exact correlation between the location of the schooling and the parent's reaction to it—if in the village, all concerned said it was desirable; if away from the home, the people said they did not think it to be a good thing.

2. Aspects of Life under the PL:

Finding what they liked and disliked about their experiences with the communists proved to be difficult—the refugees were quite naturally reluctant to speak with strangers about their feelings toward the communists. However, the interviewers did manage to get 210 responses (more than one response was allowed) to the question, "What did you like best about the PL?" Of this number, 22 percent saw "unity" as a positive aspect of their life with the PL. ("Unity" in this sense means cooperative farming, communal arrangements for looking after children, etc.) 16 percent of the responses indicated "morality" (sintham) as a feature of life under the PL. (Note: No doubt one reason this was mentioned is the stealing of the refugees' cattle and water buffalo by the II troops prior to their evacuation from the Plains of Jars. Nine percent said they liked the PL system of education.

Forced porterage was the least desirable aspect of life under the PL (41 percent of 363 response). Next was taxation (36 percent). (Ref: McKeithen report provides a detailed account of life under the PL in Xieng Khouang.)

3. Bombing:

97 percent of the people said they had seen a bombing attack—32 percent as early as 1964. 49 percent said they could not count the number of times they had seen bombs dropped, and 43 percent said they had seen planes bomb "frequently".

68 percent of 168 response tabulated indicated that the respondents had seen someone injured by bombing, and 61 percent had seen a person killed. Given the period involved for most of the respondents (1964–1969) the number of people seen killed by bombiing was extremely low—32 percent had seen only one person's death caused by a bomb. The only exception to this was one refugee from Mouang Soui who reported having seen 112 people killed during a bombing raid. (Unfortunately, the interviewer who talked with this man is now sick and had to be taken to a hospital in Bangkok, so it is impossible to get any more details about this case.) The other responses indicate a generally low casualty rate.[2]

This appears to be true for the enemy as well. Only 18 percent of the respondents said they had actually seen Lao-Viet troops killed by bombing, and 25 percent indicated they had heard rumors of deaths caused by bombing. The one outstanding exception reported was a T-28 strike on a cave near Sieng Khouangville used by the PL as a communications center. The air attack was reported as having done away with the commo installation as well as some eighty PL troops who were in the cave at the time. Other cases reported in which relatively large numbers of enemy were killed by bombing, included 20 PL meeting their end at Phou Com Phet, 30 at Phou Kha Boh, and 20 at Phou Tuong.

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[1] For many of the questions, the number of responses is less than the total number of people interviewed, i.e. 150 may have answered one question, 180 another, etc. The primary reason for this is that I asked the interviewers not to carry the questionnaire with them while conducting the interview. They were instructed to wait until they could find a place away from the people interviewed to mark down the responses. This was done in an effort to keep the climate of the interview as relaxed and free form as possible. I also warned the interviewers about guessing when it came time to tabulate their findings, thinking it better to skip the question then have a partially recalled answer marked down. The length of the questionnaire, the driving rains under which many of the interviews took place and the generally inexact nature surrounding the whole process resulted in many blank answer sheets. Moreover, the ratio of responses to number of respondents tabulated for each question should give us a reasonable accurate picture of the respondents' opinions.

[2] USAID refugee relief officer Edwin McKeithen reported one case involving refugees being killed by an air attack. In took place in June, 1969, as villagers from Khang Khay were being led through the Site 119 valley to Nong Pet by PL sympathizers. The group of approximately 4,000 was caught in the open by four T-28's and fired upon repeatedly. The casualties, according to McKeithen, numbered over forty. After the attack, SGU troops intercepted roughly 300 of the people and USAID moved them to site 240, in transit to Lat Saen. But before they could be moved, LS 240 fell and nearly half the people were recaptured by the enemy, presumably to resume their march to Nong Het.

That the bombing raised havoc with the lives of the people while they were in the Plain of Jars area is not to be denied. 75 percent of 190 respondents said their homes had been damaged by bombing. 76 percent said the attacks took place in 1969. 99 percent of 212 respondents said the bombing made life difficult for them. 63 percent of this group told our interviewers that they were prevented from earning more than a bare subsistence living during the most intense periods of bombing. 37 percent reported building a shelter in the woods after they first saw a bombing raid.

Even after being exposed to such trials, 74 percent of the respondents said they understood the air attacks were caused by the PL waging war. But, 23 percent told the interviewers that the bombing is directed not only at the PL but also the people—13 percent said it was aimed at the people only. 71 percent of 238 responses indicated the U.S. is responsible for the bombing; only 17 percent laid the onus on the RLG. The 38 percent who had seen T–28s dropping bombs said they had seen jets doing the same thing. Their familiarity with planes was considerable; F–105s were noted in some conversations, as were "sky raiders" and P–4–hs(? ? ?). The PL propaganda machine has been reasonably effective, although it would seem to be aimed at a highly receptive audience.

4. Refugees' Future Aspirations:

With regard to their aspirations for the future, the responses gathered by our interviewers did not yield a very clear picture. 49 percent of the people whose answers were tabulated on this point (111 of 226) said that fear of bombing was the reason for their seeking refuge away from their homes. 29 percent listed dislike of the Pathet Lao, as the reason for leaving. 15 percent said the RLG coming in and either allowing or encouraging them to move was a primary factor in making them refugees.

The bombing is clearly the most compelling reason for moving. 57 percent of all 213 respondents said they would return to their villages if the air attacks were stopped. However, nearly 96 percent said they would not go back if the PL were still in control of their homes.

There are several possible reason for this latter response. One might be that the people really cannot imagine having PL in the vicinity of their homes without resultant bombing. Another might be a fear of having alienated the PL by coming to RLG side, thus leaving themselves open to retribution. But probably the most intense is a simple desire to be away from the war and from all the suffering and hardships it brings.

My personal impression is that it was a combination of three factors that moved most of the refugees. The destruction of their home villages by bombing certainly instilled the type of fear that would make a person want to move. However, 31 percent of the people had lived with bombing since 1964. Though it was not as intense as in 1969, it still represented a threat to their homes and lives. Being forced to serve as a porter irritated a high percentage of the people. On the other hand, while living under the RLG brings with it some mistreatment, it is nevertheless a way of life which generally does not impose many restrictions. In my opinion, it was all these factors, coupled with the opportunity offered by the RLG's sweep over the Plain of Jars in late 1969, that brought the people to the Vientiane government's side.

Mr. KENNEDY. Mr. President, we had great difficulty in obtaining this survey. We heard it had been made. We made a request for it. It was not made available to us for 8 months. Finally, Representative McCLOSKEY was given a summation of it, which was put into his briefing book, and then he was able to get the complete document in Vientiane. He told us about it and then, on that very day, the Department of State made it available to us.

Mr. President, the survey shows that in 96 villages in Laos, 97 percent of the people said they had seen a bombing attack; 61 percent said that they had seen a person killed; 67 percent said that their homes had been damaged; and 23 percent said that they thought the bombing was directed at civilians.

Now, Mr. President, you and I know that the Vietcong, and certainly the Pathet Lao, do not come with clean hands when it comes to the destruction of human life—terrorist activities, assassinations, and other kinds of violence. But when we start to talk about the creation of refugees, particularly in Laos, as shown in the Government's report, the number of refugees increases by the same geometric progression as the bombing does, as it did in 1969. It is virtually identical.

After the escalation of the bombing in 1969, the one study that was made by the Government, shows that the refugees are created—and it states this clearly—as a result of our air activity. I think that is something which has been much disputed, but the facts are clear.

Mr. HATFIELD. I thank the Senator for his comments because I believe he would agree with me that when we consider we have a ratio of firepower to our adversary of about 500-to-1, and when we consider the number of troops and bombs we have dropped on various parts of Indochina, it works out to be about 160 pounds for every man, woman, and child there. When we also consider the fact that we have in one operation at Lam Son 719—the invasion into Laos—151,837 air sorties, just in that one operation, it is apparent that the refugees and the casualties that result from bombings have a distinct relationship to the overall military policy that we follow.

I am sure the Senator would also agree that when we consider we had only about 40,000 troops in Vietnam in February 1965, when we started the bombing of North Vietnam; even when we are told that the troops will be withdrawn by a certain date, whatever that might be, that does not say that we will stop the bombing or that civilian casualties will cease, because as the Senator from Massachusetts knows, we have very important air power in Thailand—as well as the 7th Fleet—that is used in action over Vietnam or Laos or Cambodia. So it does not take thousands and thousands of ground troops to maintain a bombing policy.

The Senator has commented today on the matter of refugees and casualties and the other comments he has made. They certainly focus attention upon the moral implications of this war.

I cannot conceive why the Pentagon would say it is so unimportant that they have no record of civilian casualties. Yet they expect us to accept without question the policy that has had this kind of result, and especially since we have signed international treaties and made commitments to other nations in joint action with them not to bomb villages that are defenseless and not to bomb medical supplies or medical centers or medical facilities.

Yet I am sure the Senator is aware not only of those treaties that we have signed indicating we would not do those things, but he is also aware that we have even talked about having done so. As part of a progress report to the American people on May 3, 1970, the Vice President on the Program "Face The Nation," speaking of the Cambodian operation said,

> The purpose of the strikes in to the sanctuaries is not to go into Cambodia, but to take and reduce these supply depots, the hospital complexes,

I want to underline that—"the hospital complexes"—

> the command network, the communication, etc. . . .

I want to carefully and explicitly quote from article XIX of the Geneva Convention that we signed as a treaty, which reads as follows:

> Geneva Convention for the Amelioration of the conditions of the Wounded and Sick in the Armed Forces (Article 19) states: "Fixed establishments and mobile medical units of the Medical Service may on no circumstances be attacked, but shall at all times be respected and protected by the Parties to the Conflict.

I think here again it shows a moral impoverishment on this whole policy.

Again I express my appreciation to the Senator from Massachusetts for focusing upon this facet of the war today.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 5 additional minutes.

Mr. KENNEDY. Mr. President, I commend the Senator from Oregon and the Senator from Dakota for introducing this amendment.

I would hope that this colloquy and the statements made in my prepared remarks today would remind the Senate that just withdrawing the last American is not going to fulfill our responsibility to the people of Indochina. We have a very basic and fundamental responsibility in seeing that the violence ends and that it ends on the ground and from the air, and that we do not leave a situation where Asians are killing Asians, and that the United States is part of that operation.

I would certainly hope that this dialog would help remind us all of the impact this war is having on the people of Indochina. We have a very serious responsibility to them that can only be achieved through a political settlement of the conflict.

But the level of fighting continues. The flow of refugees continues. The civilian war casualties mount each day. More people are made homeless. Children are losing their arms and their legs, as well as their parents. It is our responsibility to end the war and to help in the reconstruction of that region.

A South Vietnamese child now has to wait about a year for a prosthetic device if he loses an arm or a leg. Yet, we can get the military gear and equipment that is necessary over there in little time. I am all for getting the military equipment there to insure that the lives of American servicemen will not be endangered.

But it seems to me that we have been talking about this for years and years, that this whole aspect of the impact of the war on the civilians has not received anywhere near the priority it should receive.

Mr. President, on another aspect of this matter, I wrote a letter to the Secretary of Defense on May 10, asking him questions about various military terms and asking him to describe the definitions for the various military terms and what impact the Defense Department thought they would have on the civilian population.

I asked him for the intensity of the impact on the civilian population of the American air war in Laos. I asked him to make some kind of study of this question and for photos of various villages we listed, from which we had heard from refugees and volunteer service people about how they had been destroyed. So far, we cannot find out about this.

I also asked about the rules of air war and what kind of protection is given by the various services to the civilians. I have not received a response from the Secretary of Defense.

There were a number of questions. However, the time is getting late, and we still have not heard from him.

I thank the Senator from Oregon for yielding the time. I appreciate the comments he has made. He has provided great leadership on this whole question of our policy in Southeast Asia.

It is a pleasure to be able to join with him today in support of the amendment. He has cosponsored with the Senator from South Dakota.

Mr. HATFIELD. Mr. President, I am grateful for the contribution of the Senator from Masachusetts and for engaging in this colloquy today.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, as the floor manager of the bill that has been under debate all these weeks, I assure my friend, the Senator from Oregon, and others that I have no objection whatsoever to this amendment being offered to the bill. In fact, I welcome discussion of it and continuing our discussion of last year.

I do point out that at the moment while we are handling this subject matter today, we should be entitled to the recommendation, one way or another, of the Foreign Relations Committee on a subject matter of this kind.

It is a matter of great interest. It is of interest on the part of the people and is of interest on the part of the membership in the Senate.

We will have a good debate on it. Many Senators are well informed on it.

At the same time, in a way it is coming in the side door, because it does not have the detailed analysis, the hearings, the recommendations, or a report of some kind.

If there were dissenting opinions, we do not have the dissenting opinions. We do not have the facts to back it up.

These are not casual matters. They are highly important. They are part of our system.

So we have to do the best we can.

This does have something to do with manpower. This is a manpower problem and it is related by subject matter in that way. However, the policy question involved is foreign policy. It is not an attack so much on the conduct of the war, which might under some circumstances be a military matter. This is a question about the policy of the war in Indochina.

Mr. President, I am opposed to this amendment, primarily, not because I am the chairman of this committee or handling this bill on the floor as what we call the floor manager. I was opposed to ever going to Vietnam with military power as early as 1954.

I mention that to show my background of thought on it. I was opposed to ever going in there. However, once we did go in, I have backed it and I do that as a matter of principle.

I have never been able to swing myself around to the proposition of opposing it without believing that opposition helped the other side. I am opposed to this amendment because I believe that in the long run our Nation will be better off in the decades ahead, far better off, and especially so in that part of the world, the Asian part of the world, Pacific Asia, if we hang on, hard as it may be now, and bring this war to an end, an end that is something less than an abject surrender.

I do not believe it has been a failure. I believe that much good has been gained and much value for America's future has been realized because of the loss of these men's lives.

I opposed going in there. However, I do not subscribe to the idea that it has been altogether a failure or that there was nothing gained for our Nation and the free world because of the sacrifice of these boys.

I do not want a single additional one of them to lose his life. At the same time I do not want to throw away whatever value might be gained by those who have already made the supreme sacrifice. I believe this would be a mandate for legislative withdrawal. That is what this would be if this amendment should pass and become law. If it should be agreed to, the influence of it would almost amount to a mandate, and that would be a legislative withdrawal.

I believe there should be legislative action before we commit ourselves to a war. I have said so many times, and I have said so recently in this Chamber. I believe the Commander in Chief does not have unlimited authority and power, but after we are in there and after we said to other nations that we are going to take a position and we got in and we are there, I do not believe in an abject surrender and I do not believe in a legislative withdrawal. We have to hang our policy and power on a different peg if we are going to be successful in the years ahead.

We are all concerned about the prisoners of war. We are vitally concerned. That is a great "ace in the hole," so to speak, for Hanoi. I have been concerned about it, and I know the President is concerned about it. This is one of the worst features about the whole war.

But I notice in this amendment, and I have the greatest respect for and subscribe to all that has been said about the motives of the authors, it is stated:

> SEC. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

As I see it that is a complete withdrawal. Money could not be spent to deploy U.S. Armed Forces in Indochina or to conduct U.S. military operations in Indochina or over Indochina. So here with one stroke of the pen we take away all military assistance we might have and everyone agrees, as I have said, that with an abject withdrawal of that kind, not even giving those local armies or military units air support, the odds against them would be greater.

Personally I believe they could not stand the military pressure without air support, at least. I hope they could, but I do not believe it and I believe that point is a major part of the debate. That is why I am making it, and that it why I am making it early, and let it be answered by anyone who thinks he can.

Let us get back to the amendment. In section (3) it is stated:

> If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements—

What are "arrangements"? I will skip beyond that and continue to read:

> For the release and repatriation, by December 31, 1971, of all such prisoners:
>
> (1) The date in subsection (a) shall be extended for sixty days,

What good would 60 days do? If they are going to have 6 months, approximately, what good would 60 days more do here? I do not see anything to it except that it extends the first 60 days after the date of enactment. So I do not believe that adds anything.

Subsection (2) states if this has not been done the way we want it done with respect to the prisoners of war we have an alternative:

> The Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

Of course, Congress has that authority. The key point is, "such further action as is recommended by the President," which means we throw it right back in the President's lap.

The first part of the amendment takes it away from the President, then we give them 6 months, and not one dollar; but if what we say does not go over we want the President to recommend to us what we do.

I think we are reasoning in a circle and that we meet ourselves coming back. We had better keep the responsibility since we are in there. I blame myself as much as anyone else for our being there because I was a Member of this body when it all happened. But we had better keep the responsibility where it is rather than to withdraw it from the Chief Executive. That is our system of government.

I have faith and I think all of us have faith that the present President of the United States, whatever his name and whatever his party, is doing his best in wrestling with this problem, which is an international problem. It is certainly a total Asian problem. It is a policy not for Vietnam or Indochina but an entire Asian problem.

Our entire Asian problem rises or falls on what is done about ending this war. This entire matter will extend far beyond the time of those of us here now after we end the war, if we have faith. As I have emphasized, I do not think anyone lacks faith in the President's sincerity. If we believe he is trying and wrestling with the problem and making any headway at all we better keep the responsibility where it is and support him and at least provide the money so long as he is winding it down, as he is now, and has a program which is working with some success.

I believe it is admitted in this amendment that this is just a trial run and that we have no idea how this is going to work. We say that after 6 months we will be looking to the President to recommend what we do. Then, there is reference to the arrangements for the release and repatriation of American prisoners of war. That is the whole concept of the problem.

This amendment, I think, is prompted in large part by a desire by the authors that the fixing of a date by the legislative branch would bring about almost immediate highly encouraging results and prospects of almost immediate results with respect to the POW's. But my point is that, in a large sense, the amendment itself turns right around and inserts major language and puts a proviso at the end of it that we admit this may not work, and if it does not, then we are going to turn to the President to make a recommendation, and we are right back where we started.

I do not believe I am too hard a man, but I know there are many things in life where we have to "tough" them out for a while, where we do not have a choice of looking for an easy way. Nations are the same.

There was another way we could have proceeded, and that was a war of aggression, rather than a war not to win, but I think that time has passed. We have to move beyond that. So I think we will have to "tough" it out a while longer.

With respect to the policy question, I think the policy on the war there has boiled down to one that we are not trying to win it. Perhaps that was a mistake, but we have passed that mileboard. It is a question of what is going to be our policy in future decades with respect to all of Southeast Asia, not just Indochina, but the whole Pacific area—the Philippines, Nationalist China, South Korea, Japan. Those countries certainly are our friends. I think Japan ought to be doing far more in trying to maintain the peace and check the Communist trend in the Pacific area. Without their help, I do not believe communism can be held in check indefinitely.

In any event, the whole policy on Cambodia, Laos, Thailand, Indonesia, including South Vietnam, of course, is involved.

I do not think it is a simple matter which presents itself to the President of the United States. I think the problems are involved in our basic policy in this part of the world for years and years to come. If we pull out of there abruptly, or on terms less than some kind of—I will not use the word "victory," but some kind of sustained accomplishment that really has an opportunity to be the hard core of betterment there, we will have wasted our efforts.

I do not want to weigh the life of one American as against a boy anywhere else, but if we come out now, after all this sacrifice and effort, under circumstances where that country is going to be overrun in a few months and be worse off than when we went in there, I think we will regret the day. Furthermore, we will have set a precedent in which the world will see that the United States, once having put its hand to the plow and having made a promise—even though it was a promise that had dubious ancestry—did not carry it out or did not go the second mile after we had gone the first mile, and did not go as far as we reasonably could. In doing that, I think we will have set a precedent that will haunt us for many years to come.

I do not have any complete answer, and no one else does. The President has no quick solution. I admire him for having the political fortitude and the personal fortitude to keep on fighting to find a solution in this matter, and baring himself to adverse public opinion and taking a chance on wearing out the patience of more and more people and taking a chance on having the willing support of more and more Members in this body.

A man who is President of the United States must be rather tough-minded and be willing to make hard decisions and do things that are not popular in order to bring about results for the future of our people. I am not one of his close advisers at all, but I know something about what he is going through.

I do not think any President would willfully send men into battle unless he thought it was best for the country.

It is said that the President said we will get out. I hoped we would get out sooner, under the conditions that have been described. I am sure the President did. But when things got rougher and rougher, he did not back up and he did not ask for quarter. He deserves a lot of credit for that. I think it was a hard decision to go into Cambodia and Laos and do many other things that have not been publicized, but any man at the head of the Government has to take his licks and ruffles. It is hard on him, and it will continue to be hard. Of course, it is hard on the men who have to go.

I think things are getting better gradually. It may be that we are right on the brink of some measure of success that would permit these people to stand on their own feet and govern themselves and defend their territory. From that could grow other Asian nations that could see what had been done, and take hope.

If the people of South Vietnam were a little successful the people would take new hope and strength, and from that a great movement would gradually emerge. There would be no transformation overnight, but from that small beginning—and it will be small; it will not be a giant move when we leave—these people, who have been relatively physically weak and have not had a strong government for modern times to cope with modern problems, could gain some strength. From that could grow a new idea in that part of the world, at least, of self-government, a new idea of personal liberty of a kind, a new idea of a chance to own a little land, too. I think that is the basis of a great deal of the trouble and the reason for the slowness of their land programs and better development. There is that possibility.

It has been said that we have seen the light at the end of the tunnel, and the light did not show up, but perhaps we have made some progress. Maybe we are winding down the war. The casualties are fewer and fewer, and we are thankful for that.

I take the position that, if as a nation and a people, we are willing to "tough" this thing out for a while, we will gain rather than lose, which will happen unless we try somewhat longer for terms and conditions that I have already outlined.

I feel there is a big chance that from all this will come this opportunity for all these people. They are fine people. They have been weak politically and weak economically, for reasons well known. Many others in that area of the world are the same. This is an opportunity for them. Nobody can say just where we are.

But I believe we are on our way to something better, and, not just to support the President of the United States or just to keep this amendment from passing, but because of the policy that is involved, I trust that the amendment will fail, that it will be defeated again, and that we can continue, even though slowly, to make progress along the lines I have indicated.

Mr. President, how much time did I consume?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I have listened carefully to the comments and the presentation made by the Senator from Mississippi, the chairman of our Senate Armed Services Committee.

I am grateful for the relationship that we have here as colleagues on this floor, but more than that, as close personal friends. Often people from outside the

Senate organization cannot understand how men can deeply, vociferously, and intensely differ on issues and still maintain mutual respect and personal friendship. I think, of all the men and the one lady with whom I have served in this body, this is always one of my most reiterated thoughts as it relates to my personal relationship with the Senator from Mississippi.

I feel that he has made a contribution here today in putting into focus and eloquently stating the objections that we have heard time and time again concerning our amendment. I would say to the Senator from Mississippi that he obviously understands it clearly. He has, paragraph by paragraph, gone through that amendment today and has analyzed it accurately and with clarity of understanding. He has stated it precisely the way we intended it. So there is no disagreement here about understanding our objective or understanding the amendment. In fact, I think he probably explained it better than I did. I am grateful to the Senator from Mississippi for that.

As I say, the Senator has raised these arguments that we have heard many times. He said, first that this amendment has come to the floor without the benefit of a report or some recommendation from the Senate Foreign Relations Committee.

Mr. President, this is not a strange or new issue. I know of no issue that has been debated and discussed more intensely or more broadly around this country than this issue of our war in Vietnam. The Foreign Relations Committee has held extensive hearings on not only the basic concept involved in this amendment, but on other proposals as well. So the Committee on Foreign Relations has addressed itself to the issue. It has provided a forum by which men and women of different viewpoints have been able to explain those viewpoints, and have communicated them not only to the Foreign Relations Committee, but also through that committee to Congress.

Second, we have heard here today that we have made gains, that all this sacrifice has been for some purpose, that certainly we have made some gains from losing over 50,000 American lives and spending more than $125 billion of the taxpayers' money.

But I would like to ask the question: What gains? What are the gains? What have we gained?

We have not gained territory on behalf of or with the efforts of the South Vietnamese. We have not gained prestige in the eyes of the world. If anything, we have become a new focus for criticism by the world, including our friends.

What gains have we made? We have seen inflation go unchecked at home. We have seen further imbalance of our international payments. We have seen the cancer of this war tear apart the very internal strength of this Nation, with alienation and estrangement of father against son, child against parent, and student against teacher. I feel that this war has done more to undermine respect for law and order and create the environment for disrespect of law than any other factor.

We have neglected our cities, we have neglected the poor, we have neglected housing needs, we have neglected medical needs, we have neglected education needs. The very week that the President said it was inflationary to have an increased HEW budget, he came back and asked us for more money for an ABM system. Here we have an example of the distortion of priorities in the use of our natural resources. We have put bandaids where surgery was called for on some of these problems at home.

What new power and prestige do we occupy in the eyes of the world? Less than we had when we went to Vietnam. No, this is not like our going to the aid of the allies in World War I, when America was hailed as the savior of Western Europe. This is not like going to the aid of justice and liberty against the forces of fascism in World War II. This is not even like trying to fulfill our obligation under a United Nations action, as in the case of Korea. This war has been an undeclared, illegitimate war from the very beginning. You cannot legitimize that which is illegitimate to begin with, even by Act of Congress.

Therefore, Mr. President, I think we have had nothing but losses. What are the gains? Put the gains up against the losses, and see how it balances out. That is what this Nation deserves: A ledger sheet. What have been the investments and what have been the returns on those investments? I think we would be shocked at seeing the kind of investment we have made in human blood, money, neglect of our homefront, and neglect of other parts of the world which needed our assistance and leadership.

What have we gained?

Mr. President, we have also heard today about the 60 days. We have been asked, what good will 60 days do?

That is a legitimate question. I say that 60 days is a triggering mechanism. We obviously have not attained any result from 116 conferences in Paris. I would remind the Senator from Mississippi again that since last year, on September 1, 1970, when we voted on this amendment, not one prisoner of war has been returned. It is about time we attempt something that will break that deadlock. And that is what the 60 days will do; it will trigger an action to break the deadlock.

And we will not have yielded one thing in providing for that 60 days. We will not have yielded a thing. If it does not work in those 60 days, then we will have put our adversary to the test. We will have proved, without any question of a doubt, his insincerity and his lack of integrity. Since our adversaries have said flatly that they will sit down and negotiate the prisoner-of-war question once we set a date certain, I say it is time that we put them to the test, and that is what the 60 days will do.

We have been told today that our word would be in jeopardy, that if we should crawl out of Vietnam, somehow the world will lose faith and confidence in America. I say the world has lost faith in America by our very presence in Vietnam. I do not think we have to go back to 1960 to look at some of the political policies or prestige policies that were quoted in that campaign, showing how America's prestige had slipped. I would say those would probably be pretty high scores today, if we were to make comparisons.

Not going the second mile? Why, Mr. President, after 50,000 American deaths and $125 billion? What in the world constitutes the second mile?

What promise did we make? I am glad the Senator from Mississippi indicated that there was some kind of a question as to exactly what that promise was. I will tell you what the promise was. It was written in a letter by President Dwight Eisenhower to President Diem. The only evidence that can be produced showing any kind of commitment at all was in that letter, and if you read that letter, the President of the United States, Mr. Dwight Eisenhower, said to President Diem that—

> We stand ready to provide you with economic aid, provided

And he gave contingencies, and those contingencies were embodied in political reform. None of those contingencies was met, and I stress the point about economic aid.

We have no promise. We have no legitimate constitutional basis for which we are presently not only there but also pursuing a military activity in bombing and incursions into neighboring countries. Whatever evidence we had of some constitutional authority was repealed by Congress, and that was the Gulf of Tonkin resolution.

Mr. President, if any nation ever went the second mile and the third mile and the fourth mile and the fifth mile and the sixth mile, and on ad infinitum, I would say it was the United States, as it relates to what we have sacrificed in Vietnam. I do not think the world demands more blood from America in order for this country to be able to gain a certain amount of prestige or to have our word honored or to have us respected.

I would say that we have done more to cause disrespect and question about our word as we have violated treaty after treaty in the pursuit of this war policy—treaties that have called for the protection of unarmed villages, undefended villages; treaties we have signed that relate to the amelioration of the sick and wounded; treaties we have signed that relate to the bombing attacks on medical facilities and medical centers. These things we have violated. This is one of the sacrifices, one of the costs, of this war. I would say that other nations would have more reason to question our word and our honor on that basis than our early withdrawal from Vietnam.

Mr. President, the Senator from Mississippi has said that perhaps if we withdrew now, in a few months the South Vietnam Government would be overrun and the country would be overrun. I want to say that I think we have a right, as a people, to know how long it is going to take for the South Vietnamese Government to be able to stand on its feet, if we have made this kind of political commitment that, again, is not a legitimate commitment, because it has not been made with the approval of Congress. How many more months, how many more lives of Americans, how many more lives of Asians, how many more dollars, do we have to expend in order to have a reasonable time for the South Vietnamese to stand on their own feet?

Until we set a date certain, in my opinion, that South Vietnamese regime, headed by Thieu and Ky, is not going to do other than depend upon military presence for its political base. I have seen nothing, including the latest electoral law that was passed by the Vietnamese Parliament, that indicates to me that this regime has gone out to establish any sort of legitimate popular political base. They are so concerned about opposition and competition that they have to restrict it so that only one candidate can easily run for President. That is how unpopular and how unstable that regime is. Yet, we are asked to continue to pour out lives and money. For a few more months, a few more years? How long?

I should like to point out, too, that I think this is a very interesting question that should be answered: Why is it that the North Vietnamese, without an air force, having been subjected to the most intensive bombing in the history of warfare, have been able to maintain this kind of offensive, militarily speaking, politically speaking, when we consider the fact that the South Vietnamese are about equal in size and strength, in population, but the North Vietnamese are so much inferior in military manpower? The North Vietnamese have approximately 200,000 of their soldiers, according to the Pentagon, in South Vietnam, another 400,000 under arms in North Vietnam. The South Vietnamese have more than a million men under arms, trained and equipped by this country.

Why is it, with respect to the so-called cost for freedom that we like to oversimplify, that the side that supposedly stands for freedom, South Vietnam, is so weak that it cannot even sustain its own political base? Why?

Then we look at the Communist North. Are we being told today that there is something more inspirational about the Communist North than we have seen in the South? I hope not. I know that my colleagues do not intend to say or imply that. But that, in a sense, is exactly the point.

All these years of pouring all this wealth and manpower into South Vietnam somehow has not been able to create enough of a political base or a political cause for the South Vietnamese to stand on their own feet now; whereas, throughout this whole period of time the North Vietnamese and their cause, expressed by the Vietcong, the National Liberation Front, have been able to sustain this kind of war, where their supply lines are long and complicated, through the Ho Chi Minh Trail. It is said that the Russians supply them and the Chinese supply them. But it should be remembered that the supplies that the Russians and the Chinese give them must be brought into the action. And where is the major action? In South Vietnam. I am constantly surprised by the many people before whom I have spoken who have shared these views. They said, "Do you mean the major part of the war is still being waged in South Vietnam?" That is where it is. That is the area of our so-called base and our strength and our stronghold.

I think we ought to ask ourselves this question: Why is the North so powerful and why is the South so weak, after all these expenditures and investments?

Then we are told: Just a few more months, maybe; just a few more years. Maybe a hundred thousand more civilian deaths and another ten thousand American deaths. What is the criterion? How many do we have to slaughter, what do we have to sacrifice, in order to provide the South Vietnamese government with a reasonable chance of being able to defend itself?

The President of the United States has made this very clear. Many Americans have to listen to him. I certainly do not criticize the President of the United States. He has been very consistent. But the point is that the American people have not listened carefully, on the basis that they want to get out, on the basis that they expect to get out, and believe they are. But the President has always put a very interesting addition to the matter of Vietnamization. That is why this administration fights this amendment—because they see that it separates the constitutional questions: This administration has said that:

> We are not going to have our prisoners of war home or we are not going to be completely out of Vietnam until we have had a reasonable period of time for the South Vietnamese to stand on their own feet as a government.

So here is the political commitment. That is the political base upon which this administration is evidently waging this war—maintaining our presence in South Vietnam at any level.

So I feel now that this amendment is not so much a challenge to the President as it is to this body to look at its constitutional responsibilities and to act thereupon.

Again let me emphasize that I believe these have been probably the best compilation and the finest stated facts and arguments, that the Senator from Mississippi has used today, that we face all over this country. He has compiled them beautifully, in putting them together in succinct form, and raising them as arguments against the amendment. I commend him for this, because only through discussion and debate can we really get these points and understand them more clearly. I am grateful to him for that contribution.

Mr. President, I ask unanimous consent that a statement by the Senator from South Dakota (Mr. McGovern), who is recovering from an operation and could not be with us today, be placed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR GEORGE McGOVERN

The Senate today undertakes debate on a proposal which represents the one means of assuring an end to our involvement in the Indochina war.

Last September first a similar proposal was defeated by a vote of 55 to 39. Next Wednesday we will have an opportunity to correct the clear error of that decision.

Last September opponents of this Amendment expressed concern over the safety of withdrawing forces. Since then over 2800 more Americans have died in Indochina, and another 11,250 have been wounded. Today we have reason to believe that the terrible sacrifice could end within hours after the date has been set. And we have another nine months of experience to prove that the tragic toll will continue mounting until we take that step.

Since last year we have discovered a new menace to the young Americans we have sent to Indochina. As many as four a week are dying now from addictive drugs, supplied not by enemy forces but by the very people we are trying to save. An estimated 15 percent have fallen victim to the drug peddlers, to a threat no less deadly than that posed by enemy soldiers.

Since last year we have seen further clear evidence that "Vietnamization" cannot and does not contemplate an end to the war. The continuation of bloody combat in Cambodia and the invasion of Laos illustrate that Vietnamization is instead a formula for endless and expanded conflict and for a permanent American involvement.

Since last year we have seen, through the raid on a vacant prisoner of war camp in North Vietnam and through Administration statements, that there is a desperate lack of hope in Vietnamization for the release of our prisoners of war. The Administration has, in effect, turned the keys to their prisons over to the Thieu-Ky government. The Administration is willing to continue the war so that the Saigon regime can survive until some unknown date instead of setting a withdrawal date which has every chance of bringing our prisoners home. Saigon's demands for further U.S. sacrifice are given a greater priority than the yearning of our prisoners to be returned to their families.

Since last year the Gulf of Tonkin resolution has been repealed, eliminating the only vestige of Congressional authority for the prosecution of this war. Having the clear power to end it, we mock the very foundations of our Republic each day we let it go on.

Since last year the most reputable public opinion polls have told us that nearly three-fourths of the American people believe our armed forces should be withdrawn from Indochina by the end of this year. Can we refuse again their plea, and still point with pride to a form of government which is responsive to the people?

It is impossible to believe that further bloodshed will affect the future of Indochina. Ultimately the people of those ravaged countries must choose their own course. Ultimately they will.

By postponing that event, we can only assure that there will be no future at all for many more young Americans; that others must live out their lives with gravely injured bodies and minds; that still others will languish indefinitely in Indochinese prisons.

Our amendment offers the best chance of achieving realistic goals in Indochina.

It will provide a clear test of the adversary's pledge to free American prisoners. I believe they would all be returned before the end of the year.

It could bring an immediate end to the killing and crippling of young Americans. I believe we could expect a ceasefire almost at once.

And it will serve notice on the governments of Indochina that they must move now to determine their own futures.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. How much time does the Senator desire?

Mr. HUMPHREY. Seven or 8 minutes.

Mr. STENNIS. I yield 10 minutes to the distinguished Senator from Minnesota.

THE LYNDON BAINES JOHNSON LIBRARY AND SCHOOL OF PUBLIC AFFAIRS

Mr. HUMPHREY. Mr. President, the Senator from Arizona (Mr. GOLDWATER) and I join together today in placing in the CONGRESSIONAL RECORD the dedication program of the Lyndon B. Johnson Library and other pertinent information on this impressive collection of Presidential papers.

Having been nominated by our political parties for the high office of President, we bring this information to the Senate with a keen appreciation of the Presidency in our country's political life and a personal understanding of the tremendous demands that are made upon the person who fulfills this responsibility.

Just prior to his election as President, John Kennedy summed up the duties in this way:

> There, on that one desk, on his shoulders, will converge all the hopes and fears of every American, and indeed all the hopes and fears of all who believe in peace and freedom anywhere in the world. Whatever the issues, however critical the problem may be, the President will sit alone at the apex. He will have his advisers, his Cabinet, his own sources of information and ideas. But the responsibility, the burden, the final decision must be his and his alone.
>
> For four years, the reins of the Nation will be in his hands and the burdens of the world will be on his back. For four years, no other decision . . . will be so fateful . . . (for our) country. No other act . . . will entrust so much of (our) future to one man, his party and his honor.

Americans need to know far better than they do what is involved in being President of the United States—the tremendous range of power, the vision, the talent, the skills that are required.

Americans need greater knowledge of the expansion of duties that has taken place in this complex office as our Nation has grown and become a global leader.

They need to understand more fully what Aristotle called the "master art"—politics, the wisdom of Solomon that is required by a Chief Executive in balancing the national interest and welfare against sectional, State, and local interest.

In making available the voluminous papers and documents of his long political career, President Johnson provides scholars and others interested in the study of Government with a unique opportunity for in-depth study.

There are few men who have occupied the office of President that have had as long and as varied a public career as President Johnson: Congressman, Senator, majority leader, Vice President, and President. His public life spans some 34 years of our country's most interesting history.

As his legacy to the Nation is assessed, I believe that President Johnson will be regarded as one of our great leaders—an extraordinary President, with extraordinary accomplishment.

In the domestic area alone he must be regarded as a legislative giant. It is unlikely that any President in the near future will find it possible to match his monumental successes with the Congress.

Legislation that had been pushed for years in the social welfare area finally became a reality during the Johnson years: medicare, aid to elementary and secondary education, model cities, Appalachian regional development, new protection for consumers, housing, manpower training, the antipoverty program with such efforts as community action, Job Corps, Neighborhood Youth Corps, VISTA.

And then there was the landmark progress in civil rights—the greatest step forward this Nation had made since Reconstruction, the passage of the Civil Rights Act of 1964 and voting rights legislation.

To this list must be added immigration reform, air and water pollution control, new Cabinet level Departments of Housing and Urban Development and Transportation, mass transit, the creation of an Administration on Aging, space exploration, library services, land and water conservation, highway beautification.

The Johnson successes were so numerous that it prompted the leader of the Republican Party in the Senate, Everett Dirksen, to exclaim:

> This isn't the Great Society—it's heaven.

In the international field there were such landmarks as the United States-Soviet Civil Air Agreement; the Glassboro summit talks; the United States-Soviet Consular Convention; the agreement with the Soviet Union to discuss limitation of all offensive and defensive weapon systems; the agreements with the Soviet Union and other major nations to the treaty banning proliferation of nuclear weapons and to the banning of these weapons in outer space and prohibiting bases and fortifications on the moon.

The United States joining with Asian nations in establishing the Asian Development Bank and in fostering regional development in Asia; the agreement to prohibit weapons of mass destruction from the seabeds; the food for freedom program; the Kennedy rounds on trade; the International Monetary Conference; his efforts toward peace in Cyprus, the Middle East, and parts of Africa; the aid to India during the famine crisis; the opening of initiatives with China; and the President's dramatic efforts to get peace negotiations underway to end the war in Vietnam.

However, I am inclined to agree with political scientist James MacGregor Burns that students of government will remember Lyndon Johnson for the following reason:

> He was the first President to recognize fully that our basic social ills are so rooted in encrusted attitudes and stubborn social structure that no single solution or dramatic crusade will solve them; the first President to see clearly that only a total attack across the widest front, with every possible weapon, would bring a breakthrough; and the first President to propose basic institutional changes to make a total attack possible.

And as he further observed:

> History has a way of siphoning into oblivion the petty and the irrelevant and of measuring up the real stature of the man.

I have no doubt that history's judgment will deal kindly with the man with whom I served as Vice President.

That judgment will be aided by the vast record of the period that has been assembled on the campus of the University of Texas.

How appropriate, in view of the President's deep interest in education—it was perhaps the cause closest to his heart—that his library should be affiliated with a university and include a school of public affairs. This will insure that the library will not become merely a museum of unused collections of papers, but it will remain a living, active source of study for years to come.

This is a great and a big country and national treasures of this type should be dispersed throughout our land. Therefore, I am also pleased that the library and school of public affairs are located in Texas, rather than Washington, D.C.

I know that the location of President Eisenhower's library in Kansas, President Truman's library in Missouri, President Hoover's library in Iowa, and President Franklin Roosevelt's library in New York has made rich and lasting contributions to those areas.

Now I am pleased to join with Senator GOLDWATER in asking unanimous consent to have printed in the RECORD certain pertinent material on the dedication ceremonies, the library, and the Lyndon B. Johnson School of Public Affairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAM FOR DEDICATION OF LBJ LIBRARY AND SCHOOL OF PUBLIC AFFAIRS, SATURDAY, MAY 22, 1971, 11:30 A.M.

Presiding: The Honorable Frank C. Erwin, Jr., Member and Former Chairman, Board of Regents of The University of Texas System.

Mr. ERWIN. The Invocation will be pronounced by the Reverend Billy Graham. Please rise.

Dr. GRAHAM. God of our fathers, by whose grace this nation was founded, and by whose providence we have survived, we ask You to bless all of us who have gathered here today to dedicate this Library and School honoring Lyndon Baines Johnson. We are grateful that he and his wife chose to give the best years of their lives in public service. We thank Thee that we live in a nation where it is possible for a boy to go from a Texas farm to the highest office that his country could bestow. Grant that from the studies made in this building, we may learn the lessons that only history can teach us, and that future leaders of America may profit from them as they guide our nation in its search for justice and peace. Help us to recognize that the fear of the Lord is the beginning of wisdom. Help us as a people to understand once again our spiritual heritage and the necessity for full dependence on God, as we face the crisis of today and tomorrow, for we ask it in the name of Jesus Christ, our Lord. Amen.

Mr. ERWIN. Thank you, Dr. Graham.

Mr. President, Mrs. Nixon, President Johnson, Mrs. Johnson, Distinguished Guests—

On behalf of the Board of Regents, the Administration, the faculty, and the students of The University of Texas, I am pleased to welcome you most cordially to this significant and historic event.

The addition of this great Library and School of Public Affairs to the campus of The University of Texas at Austin will enrich the educational and cultural opportunities for the entire Nation. As you—and thousands of others who will follow in the years ahead—tour the Johnson Library, I think that you—and they—will have a fresh awareness of the awesome responsibilities of the Presidency and will feel a renewed sense of gratitude to those men who have given this utmost service to their country.

In a gathering as distinguished as this, it is regrettable that time will not permit the individual recognition of all of the outstanding guests who have assembled here this morning. Suffice it to say that rarely in the history of this country has such a brilliant assemblage come together except for the inauguration of a President.

However, I do want to recognize those on the platform who do not have a speaking part on the program.

First, we are delighted to welcome to The University and to Texas the Nation's gracious First Lady, Mrs. Richard Nixon.

Next, our own and beloved Mrs. Lyndon Johnson.

The Vice President of the United States, the Honorable Spiro T. Agnew.

The Speaker of the United States House of Representatives, The Honorable Carl Albert.

The Secretary of State of the United States, The Honorable William P. Rogers.

The Secretary of the Treasury of the United States, The Honorable John B. Connally.

The Governor of Texas, The Honorable Preston Smith.

The Lieutenant Governor of Texas, The Honorable Ben Barnes.

The Speaker of the Texas House of Representatives, The Honorable Gus F. Mutscher.

In the interest of time, will you please hold your applause until all of the other platform dignitaries have been introduced.

The Administrator of the General Services Administration, The Honorable Robert L. Kunzig.

The Archivist of the United States, The Honorable James B. Rhoades.

The Director of the Lyndon Baines Johnson Library which is a unit of the National Archives and Record Service of the General Services Administration, The Honorable Harry Middleton.

The Dean of the Lyndon Baines Johnson School of Public Affairs of The University of Texas at Austin, Dr. John Gronouski.

The Chancellor of The University of Texas System, Dr. Charles LeMaistre.

The President of The University of Texas at Austin, Dr. Bryce Jordan.

Our first speaker is Dr. Harry Huntt Ransom, Chancellor-Emeritus of The University of Texas System, who has from the beginning been closely identified with the plans for the Library and the School that we dedicate today, Dr. Ransom . . .

Dr. RANSOM. Mr. President and Mrs. Nixon, President and Mrs. Johnson, Ladies and Gentlemen:

Today the dedication of this Presidential Library assures long-range interpretation of a period in American history.

Today the Lyndon Baines Johnson School of Public Affairs gathers strength for looking toward tomorrow, and the twenty-first century.

Thus a branch of the United States Archives and a division of a state university join in greeting the future.

This prospect was conceived in proposals made by Chairman W. W. Heath, Chairman Frank C. Erwin, Jr., and their colleagues on successive Boards of Regents from 1965 to 1971.

By name, Lyndon Baines Johnson is honored here as an American who has given his life to his state, his country, and his fellow men. In his name remembrance of the past is combined with informed preparation for the making of history which is still unpredictable.

It is impossible, of course, to put final dollar-marks on a heritage. The conception of the Regents, however, could not have been realized except for the generosity of President and Mrs. Johnson. Two facts not widely known are worth emphasis. The working resources of the Library contributed by the President have been evaluated at between fifty and sixty million dollars. Furthermore, he and Mrs. Johnson have made personal contributions to the Library and the School totaling approximately two million dollars.

The years of President Johnson's public career during the fourth and fifth and sixth and seventh decades of this century have been given a physical record. Insight for deepening knowledge of that period is the main purpose of the Presidential Library. Such insight is not gained solely from artifacts of experience. It calls upon both imagination and a sense of human destiny.

The chief obligation of the School is to assume a wide perspective through systematic study and practical experience. Its profession of sound learning challenges oncoming scholars and younger students bound for public service.

Basic to every assumption about these two programs are certain old and renewable beliefs:

That this Republic and its history must survive

That their survival is worth our devotion

That our devotion requires not mindless allegiance but loyalty enlightened by knowledge.

That this loyalty challenges open minds to defend responsible freedoms

That the future will call upon courage and courage gain strength in a feeling of identity with all peoples.

To dedicate to these ideals the Library and the School is not only to summon up memories. It is also an act of welcome to younger Americans still to come, who will contribute through their inquiry and their living both to this country and to the common good.

Today's dedication is therefore an expression of faith: faith in the promise that on this hill the aspiration of resident scholars and visitors will lead to the benefit of others. With that faith, wisdom can fix the highest purposes of this Library and this School upon steadfast concern for all those who share the hopes of mankind.

Mr. ERWIN. Thank you, Dr. Ransom. We are all proud of the Library and School, as we are proud of the man whose name they bear.

Ladies and Gentlemen: The distinguished 36th President of the United States, The Honorable Lyndon Baines Johnson. President Johnson . . .

President JOHNSON. Mr. President, we are delighted that you, the Vice President, the Members of Congress, and these distinguished guests have come here today.

We are all partners in this hopeful undertaking. The people of Texas built this library. The National Archives will manage the Library. The documents I have saved since the 1930s are being given, along with the documents of many others who served with me. Those documents contain millions and millions of words. But the two that best express my philosophy are the words, "Man can."

I wish President Truman, the father of the Presidential Library System, could be here. He said he didn't want his library to be a tribute to him. He wanted it to serve as a real center for learning about our government.

We are doing that here.

We have a School of Public Affairs offering training for careers in public service which will try to produce thinkers and doers: people who dream of progress and will try to turn those dreams into achievements.

The Library records reflect the Nation for 40 years—from the '30s through the '60s. They picture a sweep of history beginning with the depression and ending with the most prosperous era we have ever known. They record a drive for change and social reform unparalleled in its energy and scope—and a World War unmatched in its destruction. They chronicle the end of colonialism—and the beginning of the Cold War and the Atomic Age which still threaten mankind. They cover the time when liberty was challenged in Europe and Latin America and Asia—and record America's response to those challenges.

It is all here: the story of our time—with the bark off.

A President sees things from a unique perspective. No one can share his responsibility. No one can share the scope of his duties or the burden of his decisions.

In my book, to be published this fall, I explain: "I have not written these chapters to say, 'This is how it was,' but to say, 'This is how I saw it from my vantage point.' "

This Library does not say, "This is how I saw it," but, "This is how the documents show it was."

There is no record of a mistake, nothing critical, ugly, or unpleasant that is not included in the files here. We have papers from my 40 years of public service in one place, for friend and foe to judge, to approve or to disapprove.

I do not know how this period will be regarded in years to come. But that is not the point. This Library will show the facts . . . not just the joy and triumphs, but the sorrow and failures, too.

So, Mr. President, here are 31 million documents, to be preserved for the Nation—for all to review and evaluate—which reflect what man can do and cannot do in one life.

And finally, on behalf of Lady Bird and myself, I want to tell you how much joy you give us for your presence here today. I look out into that sea of faces, and I see men that I have engaged with debate through the years—men and women who have followed us every mile of the long road. And it gives me nothing but the greatest satisfaction—one of the greatest of my life. Thank you very much.

Mr. ERWIN. Ladies and Gentlemen: The President of the United States.

President NIXON. The entire Nation is indebted to you, President Johnson, to the University of Texas, and to all who have had a hand in assembling and establishing this extraordinary treasury of insights into a critical period in our Nation's history. On behalf of the people of the United States, I am privileged to accept it. The American people have reason to be doubly grateful to you today, first for your long lifetime of service, and now for this collection that can take the scholars of future generations behind the scenes of that service.

One of the first rules of statecraft is that we can successfully chart the future only if we can understand the past. And libraries such as this can be among our best keys to that understanding. With its more than 31 million documents, this contains more items by far than any other Presidential library yet established; and through its connection with a great university, it promises both to enrich the university and to be enriched by it.

Often I am asked what it feels like to sit in the President's Oval Office—to know, in President Truman's famous phrase, that "the buck stops here," and to experience the weight of history that hangs over it.

Just a few minutes ago, as President Johnson was showing me through the library, we visited its replica of the Oval Office. As we did so, I reflected once again on the answer to that question.

President Johnson sometimes used to comment, in speaking about the Presidency, that "the problem is not doing what is right; the problem is knowing what is right."

Sitting in the Oval Office the other day, I found myself reflecting on its shape—on the fact that it is built as an oval, without corners, and with walls that might be said to have no sides, or an infinite number of sides—and on the fact that in this there is a certain parallel with the Presidency itself. For the President cannot approach a question from one side or the other; and on each issue that comes to the Oval Office, there normally are an infinite number of sides, and of competing considerations to be resolved or chosen among.

This reflects the fact that the easy questions are not the ones that come to the President; those are decided at other levels. The ones that he must decide are the ones on which there are disagreements, even among members of his own administration who share his own goals, but who have different perspectives or different judgments about how best to achieve those goals. They deal not simply with right versus wrong, but with varying degrees of right and wrong, with various balances of legitimate but competing interests, and with varying judgments about how best to accomplish the right. And so the study of the Presidency is a study of the difficult decision, the close question. But I have found that the more deeply I study the Presidency, the more firm I become in my faith that throughout our history, the basic high principle of those who have been called upon to govern has been one of the great sustaining strengths of America.

I believe this has been true because the office inhabits the man, just as the man inhabits the office. No one holds that office without a profound sense of obligation—to the country, to the world and to the future.

As we look back over all the past Presidencies, we also find something else: that each one has recognized, in his turn, that he is the one who must speak for all of the people. A man of one region must speak for all regions. A man of one party must strive to see how problems look from the other party's point of view. A man who has crusaded for a cause recognizes that he has a responsibility to those of the opposite view, as well as to those with whom he agrees.

One of the most scholarly men ever to sit in the Senate of the United States was Albert Beveridge of Indiana. In a speech in Boston back in 1898, he once discussed partisanship in these terms:

"Partisanship," he said, "should only be a method of patriotism. He who is a partisan merely for the sake of spoils is a buccaneer. He who is a partisan merely for the sake of a party name is a ghost of the past among living events. He who is merely the partisan of an ordinary organization is only a pebble in the sling of a boss. But he who is the partisan of principle is a prince of citizenship."

A partisan of principle—that is what our political system is all about; that is what transforms ordinary disputes into those great debates that illumine for years to come the issues confronting the Nation, in which men of principle test their principles and the Nation achieves a deeper understanding of itself. It also is what holds us together on those great questions on which our unity has kept us free.

Every President has to be a leader of his party—and our party system is essential to our democratic system. But more and more in today's world, the times require that a President, and indeed all of us who help lead the Nation, go beyond party to be partisans of principle. For increasingly we confront great concerns that go beyond partisan differences—concerns that reach to the security of our Nation, to our hopes for peace in the world, to realizing the American dream here at home in our lives and those of our children—and on these we must be partisans of principle.

It has been my privilege, during a quarter-century of public service, to know many partisans of principle. And I think today especially of those times during the Eisenhower Administration, when I was Vice President and Lyndon Johnson was majority leader of the Senate. He was a vigorous leader of his party. But I knew, and President Eisenhower knew, that wherever the great issues of national security were concerned, he would always be a partisan of principle and not a partisan of party.

It is in that same spirit that we are gathered here today to dedicate this library, and in doing so to pay tribute to President Johnson—and to dedicate ourselves to the proposition, as Senator Beveridge so eloquently put it so long ago, that "partisan of principle is a prince of citizenship."

Mr. Erwin. Thank you, President Nixon. We are all deeply honored by your presence here today.

Ladies and Gentlemen: The Benediction will be given by the Reverend George Richard Davis, Minister of the National City Christian Church, Washington, D.C. Please rise and remain standing for the National Anthem.

Dr. Davis. Let your benediction, O God, crown with ultimate significance this inspiring occasion.

Let Your favor rest upon Lyndon Baines Johnson, who will stand strong and tall before the relentless judgment of history, whose good works will glow with increasing splendor.

Let Your benediction rest upon this great University, not as yet frozen in the glacier of pseudo-intellectualism, a center of learning alert to the call of the tomorrows and free with the restlessness of this unlimited land of glory.

O' mighty God, keep this Southwest breathless with excitement, uplifted with the energy flowing from unbounded hope.

Bless, guard and uphold the President of the United States and all who stand in places of authority.

Keep our nation secure from those at home and abroad who peddle only nightmares.

Rather, guide us to live by our magnificent dreams, upheld by our glorious accomplishments, until the brightness of God's day shall break upon this earth. Amen.

(The National Anthem, played by the Longhorn Band.)

Mr. Erwin. Please remain where you are until the Presidential Party and the platform guests have left the area.

(After the Presidential Party and platform guests have departed:)

Please bear with me for three announcements.

A barbecue luncheon and refreshments will be served to all of you immediately following the ceremony, on the grounds in front of you and to your left.

The Library will be open for your inspection beginning at 12:20—twenty minutes from now—and continuing until 7:00 o'clock this evening. Some of you may prefer to tour the Library before you have lunch. The Library will be open to the public beginning at 9 o'clock tomorrow morning.

This evening at 8:00 o'clock in the Library Auditorium, the Austin Symphony Orchestra will present a dedicatory concert. Admission is free, and the public is cordially invited to attend.

We are most grateful to all of you who have joined us on this historic occasion.

This concludes our program.

Fact Sheet

Name: Lyndon Baines Johnson Library and Lyndon Baines Johnson School of Public Affairs.

Location: On high eastern portion of The University of Texas campus, Austin, Texas, situated on a 30-acre site. The Library is situated on a promontory-like plaza adjoining the Sid Richardson Hall and LBJ School of Public Affairs, 2313 Red River Street.

Library administered by: National Archives and Records Services of the General Services Administration, under provisions of the Presidential Libraries Act of 1955.

Library constructed by: The University of Texas at Austin, Texas 78712.

Library and Sid Richardson Hall Architects: Skidmore, Owings and Merrill, partner-in-charge, Gordon Bunshaft.

Brooks, Barr, Graeber and White, partner-in-charge, R. Max Brooks.

Exhibit Designer: Arthur Drexler.

Contractor: T. C. Bateson.

Administrators: Harry Middleton, Director, LBJ Library; Dr. John A. Gronouski, Dean, LBJ School of Public Affairs.

Built and completed: Sept. 1967 to May 22, 1971 (Library). Sept. 1967 to Jan. 1971 (Sid Richardson Hall).

Archives: 31 million papers donated by President Lyndon Johnson and others connected with his public career from 1935–1969 as well as visual, audio and historical resources.

Library Architecture: Modern, monolithic in design, unrelieved by ornaments or windows; strong, challenging, melding of museum and Library, travertine marble, exterior and interior, 8 floors, plus basement, and totally air-conditioned.

The east and west walls have a base thickness of eight feet, curving gently upward to the underside of the eighth floor which overhangs the exterior walls by 15 feet on each side. The north and south walls are set back 15 feet with balconies overlooking the campus city.

Cost: Construction cost of the buildings is $13,897,430. In addition, there is $1,626,545 for equipment and furnishing; $1,783,735 for site work on the entire nine-block area surrounding the Library complex, including parking lot and landscaping; $1,375,240 for supervision, inspection, testing and fees for architects. The complex was constructed under one contract. The buildings were built at a cost of $30.88 per square foot.

Library floor plan: First Floor (or plaza level): Main entrance to LBJ Library exhibition hall, measuring 200 feet by 90 feet. OPEN TO VISITORS. A broad staircase leads to another exhibition hall on the second floor.

Second Floor: LBJ Library exhibition hall, OPEN TO VISITORS. On behalf of this level, the ceiling rises to the 7th floor, permitting visitors to glimpse through glass panels at the Library Stacks on each of the floors above.

Third Floor: LBJ Library and UT Archives stacks.

Fourth Floor: LBJ Library and UT Archives stacks.

Fifth Floor: LBJ Library Archives stacks.

Sixth Floor: LBJ Library Archives stacks.

Seventh Floor: LBJ Library Archives stacks.

Eighth Floor (Open to Public) LBJ Library Administration and study area, including offices for library administrators and working librarians; reading rooms and library stacks, research areas, microfilm reading room.

Also on the Eighth Floor is the replica of the Oval Office in the White House which will serve as an exhibit and also as an office for President Johnson when he is in the building. An open courtyard is centrally located on this floor.

Basement: LBJ Library space for service facilities, including storage, mechanical, maintenance and work areas, plus audio-visual equipment. Also a 1,000-seat auditorium, 250-seat lecture hall, reception-lobby area and exhibition gallery.

Library exhibits: First Floor (Open to Public): Biography of Lyndon Johnson, The Great Society Programs, Life In The White House, Letters To The President, Gifts From Heads of State, The President And The People, and International Affairs.

Second Floor (Open to Public): The Great Hall, Wall Mural of the Career of LBJ, Archives, The Presidential Seal, Johnson Administration Programs, and Days In The Life Of A President.

Becker Collection of Political Campaign Memorabilia, Political Campaigns Through The Years, by Gary Yarington.

Eighth Floor (Open to Public): Replica of Oval Office in the White House.

Library visiting hours: 9 a.m. to 5 p.m. daily, beginning May 23, 1971. No Admission charge.

Library guided tours: Arranged through LBJ Library director's office.

Other Presidential libraries:

(1) Herbert Hoover Library, West Branch, Iowa.

(2) Franklin D. Roosevelt Library, Hyde Park, New York.

(3) Harry S. Truman Library, Independence, Missouri.

(4) Dwight D. Eisenhower Library, Abilene, Kansas.

(5) John F. Kennedy Library, Cambridge, Massachusetts (construction has not yet started).

SID RICHARDSON HALL

Name: Building named for the late Texas Businessman, Sid W. Richardson of Fort Worth, Texas.

Floor plan: Unit 1 (south unit): First Floor—Latin American Collection, including reading and study areas, Second Floor—Latin American Collection, including carrels. Third Floor—Latin American Collection and the Institute of Latin American Studies.

Unit 2 (middle unit): First Floor—Texas Collection, including reading and study areas and seminar rooms. Second Floor—Archives, including private and public historical manuscripts. Third Floor—Texas, Collection, including library stacks and the Texas newspaper collection; also offices for the Texas State Historical Association.

Unit 3 (North unit): First Floor—Offices and classrooms for the Lyndon B. Johnson School of Public Affairs. Second Floor—Offices and library for the Lyndon B. Johnson School of Public Affairs. Third Floor—Offices and library for the Lyndon B. Johnson School of Public Affairs.

Architecture: The exterior is precast concrete with a special surface of exposed aggregate to harmonize with the beige travertine of the LBJ Library. Upper two stories are enclosed with a projecting concrete grid which is both the actual supporting structure and sunshade for the rooms within. Between the two buildings are three 40-foot fountains. A basement area situated under each of the three units of the building, is devoted to mechanical equipment.

Measurements: 935 feet in length, 95 feet in width.

The Lyndon B. Johnson Library and School of Public Affairs: A Visitor's Tour of the LBJ Library

A tour through the Lyndon Baines Johnson Library on The University of Texas at Austin campus will be as close to a conversation with the former President of the United States as the planners can make it.

From the time the observer of American history enters the great museum, he will see, hear, and sense tumultuous problems and achievements of the Sixties and the Presidency told in exhibits, films, re-creations of portions of the White House, gifts from heads of state, bridal gowns worn by daughters of a President, papers and documents and personal gifts to the President.

The Library is located high on the eastern portion of the University campus on Red River Street across the street and northeast of Memorial Stadium.

"Our aim is to make the school children or the visitor understand this country a little better during his visit by focusing on the span of time represented in the life of one President," Harry Middleton, LBJ Library director, said.

The tour of the Library will begin with the biographical display of Lyndon Johnson. Shown through a panel of pictures, the exhibit traces the President from his boyhood to his retirement.

Featured are objects and documents, including the small card on which the then new President of the United States wrote out his first statement to the American people while returning to Washington after the assassination of John F. Kennedy.

Through another panel display of motion picture films and photographs, the visitor will experience "The Great Society" programs. The intentions and accomplishments in areas of poverty, civil rights, health, education, consumer affairs, space exploration and ecology in the Sixties will be explained.

Other panels will depict accomplishments made to eradicate poverty and ecological threats, to bring justice to the black, brown and red man, and to show techniques used to solve these problems.

Each American touring the Library will receive the opportunity to experience life in the White House during the Johnson years. In the "Life in the White House" re-creation, located adjacent to the staircase leading to the second floor, the visitor can see the wedding gowns and bridesmaids dresses of Lynda's and Luci's weddings. Re-creations of the East Room and the private family living room plus personal objects used by the Johnsons will depict their life in the historic structure.

Near the display are the letters and gifts sent to President and Mrs. Johnson from kings, queens, emperors, prime ministers and other heads of state. Foreign affairs during the Johnson Administration will be depicted in oblong photographs in an inter-locking 3-dimensional panel design.

Leaving the displays on the ground floor, the visitor will be led up a travertine stairway to "The Great Hall." For the first time in a Presidential Library, the collection of Presidential papers is an architectural feature. The visitor will see through glass five floors housing the papers collected during the public career of Lyndon Johnson. The documents are stored in red buckram boxes adorned with the gold Presidential seal.

The seal of the President chiseled in the north wall of The Great Hall is another feature of this area.

Located at the top of the stairs, a large five-panel photographic mural etched in metal to give the effect of a low-relief sculpture, shows the former President as a Congressman (with President Franklin D. Roosevelt), as a Senator (with President Truman), as Senate Majority Leader (with President Eisenhower), as Vice President (with President Kennedy), and as President.

The exhibit cases in the Great Hall hold the memos, notes, letters of the episodes in the administration of Lyndon Johnson, and documents, giving the visitor glimpses of the varied, dramatic and mundane duties of the President, from the 6-day crisis in the Middle East in 1967 to the greeting of a Mardi Gras queen.

The 31 million presidential papers and documents are the core of the Library. Scholars, writers and researchers for generations to come will spend days sifting through the facts, policies, figures and decisions of four decades of the Twentieth Century. Manuscripts, book reading rooms, microfilm rooms and carrels will be available to the researcher on the eighth floor of the Library.

On each side of the stairway in the Great Hall, will be two large glass rooms, each housing five television consoles, presenting the Johnson Administration programs in conservation, space, housing, civil rights, health, education and international affairs.

Adjoining the Great Hall is the Temporary Exhibition Gallery, where exhibits will be changed periodically to feature new and different presentations.

Cartoons of the former President and a selection of his personal articles will be shown. The Ralph Becker collection of items from past presidential campaigns—George Washington to Richard Nixon—illustrate the fanfare of American political life. Songs, buttons, hats, placards, literature and other paraphernalia have been painstakingly compiled by Ralph Becker, a Washington lawyer and Republican who assembled the gift for the LBJ Library. Only the Smithsonian Institution has any other artifacts of his collection.

In the "Political Campaigns Through The Years" exhibit, short tape recordings will re-enact the campaigns of Roosevelt, Truman, Eisenhower, and Kennedy. The 1964 convention in Atlantic City, the 1965 Inauguration and the issues of the Thirties, Forties, Fifties and Sixties will be recalled in the "Era of LBJ" display.

Located, also, on the top floor, and a "must" to see on the tour of the Library, will be a scale reproduction of the Oval Room in the White House. In the office like this one, the former President spent five years making decisions as President of the United States. President Johnson plans to use the Oval Room replica as his office occasionally when he is in the Library building.

As the visitor exits the building, the last exhibit, "The President and the People" will show the gifts given to the President, ranging from quilts, carvings, humorous and touching letters, to a crocheted American flag.

The visitor will leave the Library, but with him will be taken the memories, accomplishments, burdens and pressures of being President. He will have toured one of the richest depositories of history for four decades. And it is possible he will have felt as if he had just finished a conversation with the 36th President of the United States.

The Lyndon B. Johnson Library and School of Public Affairs: Presidential Libraries

The importance of preserving the history of the executive branch of government was realized in 1955 when the Presidential Libraries Act was passed by Congress.

The act authorized the General Services Administration to accept and operate any Presidential Library that might be offered as a gift to the United States Government, and to preserve the presidential papers and other historical materials within.

The history of the Presidency is contained in the files of the Presidential office, in the correspondence of the President, in his memoranda, his notes and in the reports made to him.

These files constitute the principal evidence on which to base a study of the office of the President.

Many of the collections of presidential papers have been lost or destroyed. Out of the first 35 presidents' papers, substantial collections exist for only 26.

These collections include Washington, John Adams, Jefferson, Madison, John Quincy Adams, Jackson, Van Buren, Polk, Buchanan, Lincoln, Johnson, Hayes, Garfield, Cleveland, Benjamin, Harrison, McKinley, Theodore Roosevelt, Taft, Wilson, Coolidge, Hoover, Franklin D. Roosevelt, Truman, Eisenhower, Kennedy and Johnson.

The Presidents whose papers have been largely dispersed or destroyed are Monroe, William Henry Harrison, Tyler, Taylor, Fillmore, Pierce, Grant, Arthur and Harding. Some items from these Presidents are scattered in various public and private collections. There is, however, no chance of assembling any continuous record of their activities.

The substantial collections of Presidential papers now in existence have been assembled by purchase by the Federal Government or by donations by friends, relatives or executors.

Presidential libraries now in existence operated by the Federal Government include the Herbert Hoover Presidential Library at West Branch, Iowa; the Franklin D. Roosevelt Library at Hyde Park, New York; the Harry S. Truman Library in Independence, Missouri; the Dwight D. Eisenhower Library in Abilene, Kansas; the John F. Kennedy Library in Cambridge, Massachusetts; and the Lyndon B. Johnson Library in Austin, Texas.

The Presidential Library almost is a necessity now due to the great growth in volume of Presidential papers. Franklin D. Roosevelt's papers totalled 20 million while Lyndon Johnson's totals 31 million.

Besides the Presidential papers, a Presidential Library houses the gifts, memorabilia and rare historical objects acquired by a President.

"In my opinion there should be a melding of both library and museum, a melding from which they would both profit and both become more alive, more vividly used as an instrument to record and remember history," Mrs. Lyndon B. Johnson said.

President Johnson's collection began in 1935 when he announced his intentions to run for Congress. It has grown steadily throughout the intervening years.

In 1965, The University of Texas asked him to place his papers on their campus, in a building they would provide. In addition, the University offered to create a School of Public Affairs and name it after the 36th President.

President Johnson felt it would be important and wise to place his Library on a campus of learning, where use of the papers would be part of the intellectual atmosphere. In addition to use of the papers by researchers, the Library's museum will be open to all citizens.

The Lyndon B. Johnson Library is the first Presidential Library to be located on a University campus. For years to come, scholars from across the United States will come to The University of Texas at Austin campus to study the papers and visitors to see the museum.

Franklin D. Roosevelt summarized what Presidential Libraries must be and why they must be—"To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a nation must believe in three things: It must believe in the past. It must believe in the future. It must, above all, believe in the capacity of its own people so to learn from the past that they can gain in judgment in creating their own future."

The Lyndon B. Johnson Library and School of Public Affairs as the Scholar Sees the Library

For the scholar, the biographer and the literary historian, The University of Texas Library system offers unlimited and continuous resources in a wide scope of information.

The University of Texas Library has more than two million volumes and is the largest and most comprehensive within a radius of 800 miles. It contains incomparable collections in modern English and American literature, gathered under the aegis of the Humanities Research Center.

The University Library is recognized, also, for its Latin American Collection and Texas Collection.

Because of its outstanding resources, the UT Library recently was listed one of the 32 great libraries of Western Europe and North America.

British authority, Anthony Hobson, of Sotheby's, the famous London auction house, places the UT Austin Library in the great libraries group.

"It is on the great 20th Century archive that its lasting reputation will be based," Hobson writes. "Texas' collections are not restricted to the members of the University but are open to all scholars, and future biographers and literary historians are likely to travel to Austin as inevitably as students of Balzac now visit Chantilly."

The other United States Libraries represented in Hobson's "Great Libraries" are Harvard and Yale, the Pierpont Morgan Library in New York and the Henry E. Huntington Library in San Marino, California.

The Lyndon B. Johnson Library is significant since it is the first Presidential Library to begin operation under the U.S. Archives in direct affiliation with a university. Both a wide variety and notable unity for research, writing and public exhibition will be available to interested persons.

Unity will be assured by the Library's continuous record of both major developments and American responses to change.

"No other account of statesmanship has been recorded in greater depth or breadth," said Dr. Harry Ransom, chancellor emeritus of The University of Texas.

"From natural resources to educational planning, from programs in health and civil rights to complex foreign affairs, the Library's original materials reflect not only topical subjects but also permanent concerns of humanity."

"The most important single quality of the Library is that its spirit is informed by President Johnson's spirit. His time is reflected here not as the era of a Texan or of one citizen who held the highest office in the United United. It is revealed as a period in which men and women came to realize more poignantly their roles as human beings."

"The experience of other Presidential Libraries has shown up to five years are required for professional archivists to make the papers available to researchers," Harry Middleton, LBJ Library director, said.

Some of the Presidential papers are under security rules prescribed by the Department of Defense, the Department of State, and the Central Intelligence Agency for a certain number of years.

"President Johnson's deed of gift follows the guidelines established by the National Archives for research into collections such as this," Middleton said. "But every effort is being made to open all papers to the researcher as soon as possible."

As the archivists review the papers, each is screened against the various other requirements set by the National Archives:

No papers will be available which would embarrass any living person.

The confidence of individuals reporting to the President will be honored.

The University of Texas Library system is continuing to collect informational resources on a comprehensive level for scholars and students of world history.

The LBJ Library will help the UT Library system to continue its unique responsibility to the world of scholarship.

The Lyndon B. Johnson Library and School of Public Affairs: LBJ School of Public Affairs

Side by side at The University of Texas are two "namesakes" of former President Lyndon B. Johnson which, though separate entities, will complement each other in attracting a community of scholars.

One is the Lyndon B. Johnson Library, a Federal repository of the Johnson Presidential papers and other Johnson memorabilia, and the other is UT Austin's newest graduate school, the Lyndon B. Johnson School of Public Affairs.

The School of Public Affairs offers a two-year problem-oriented, interdisciplinary course of study leading to the Master of Public Affairs degree. Its dean is Dr. John A. Gronouski, former U.S. Ambassador to Poland and U.S. Postmaster General.

According to Dean Gronouski, the "research potential of the LBJ Library coupled with the possibility of having some association with students and faculty of the Johnson School undoubtedly will attract a community of scholars—not only from academe but from public life, the news world and other areas."

Dean Gronouski explains that the Johnson Library "will draw to the campus for varying periods persons who might not come just to a teaching institution."

"While scholars engage in research in the Presidential Library," the dean continued, "some part-time faculty appointments may be arranged for them in the School of Public Affairs." He said that by drawing visiting scholars into the school's orbit "we can broaden the vision of our students."

While Dean Gronouski looks forward to the "spillover" of visiting scholars into the LBJ School, he says the LBJ Library also will offer important resources for the development of case studies that can be used in the seminars of the School of Public Affairs.

"Because our students regularly work on public affairs problems, they will 'mine' the LBJ Library for the historic background on development of government programs," he explained.

Quite apart from the Presidential Library is the School of Public Affairs' own growing library in Richardson Hall. Distinguishing between the libraries, the dean says the library of the LBJ School is "more of a current public affairs library, primarily of secondary sources," while the Presidential Library contains "almost all primary sources."

"In other words," he noted, "the resources in the Presidential Library are of the kind that will generate the publications that will eventually be added to the shelves of the School of Public Affairs' library."

Other ties expected to be fostered between the Johnson Library and the Johnson School of Public Affairs include the co-sponsorship of several future lectures and conferences, Dean Gronouski said.

The Lyndon B. Johnson Library and School of Public Affairs: Oral History Project

One of the most complete oral history collections of friends and foes alike of a President of the United States will be included in the Lyndon Baines Johnson Library.

"So many people know so many things that have never been put into writing," Dr. Allan Nevins, adviser to the oral history project and considered father of oral history, once said. "There was a time when historic detail was entrusted to paper, but no longer. Today they talk on the phone or discuss it in person."

When a 34-year public career is climaxed with the Presidency, each fragment in the design takes on a national historical significance.

That long period witnessed the Depression, World War II, the Korean War, major social legislation, the civil rights movement, the emergence of nuclear capabilities and space exploration, advances of technology, urbanization, and hundreds of significant changes in the nation's life.

Directing the Oral History is Dr. Joe B. Frantz, UT Austin history professor who worked for more than a year from an office in Washington with a staff of interviewers and assistants.

A total of 933 tapes record the interviews of 555 persons, filling in information that cannot be obtained from written documents. An average interview lasted 60 to 90 minutes and produced 30 to 50 pages of transcription.

Dr. Frantz started with an original list of 1,600 prospective interview possibilities in 1968, but "names were added and dropped along the way."

He explained that abundant documentary evidence already exists on President Johnson's career and the programs with which the President had some association, "but it helps fill out the record to talk to persons who were involved in some of those programs to see why certain decisions were made and the alternatives that were considered."

"Some of the persons interviewed may have never laid eyes on Lyndon Johnson," Dr. Frantz said, "but they may have run some programs in which he was interested."

As an example, Dr. Frantz said he taped nine hours of discussion with Nash Castro who as regional director of the National Parks Service had Washington D.C., as his special district when Resurrection City was erected there in the last year of President Johnson's term of office.

The UT professor said some of the interviews are "heavily analytical" while others are "simply narrative," and are intended to reveal "the times of Lyndon Johnson as much as the life." He indicated the interviews were generally planned to be "more issue-oriented than personality-oriented."

Among those interviewed by Dr. Frantz and his staff were the famous and the obscure, the close advisers and the outspoken opponents.

The list ranges from former White House assistant Jack Valenti to Georgia governor Lester Maddox, from the late Senator Everett Dirksen to the young intern who was on duty at a Washington area hospital in 1955 when Lyndon Johnson was admitted with a heart attack.

Dr. Frantz points out that among the "obvious" persons one would expect to be interviewed for such an oral history are members of the President's cabinet and long-time political associates on the Texas and national scene.

Each interviewed decided the conditions under which his tapes would be released for use, and the restrictions will be observed.

Some persons indicated their papers and transcripts be released immediately, while others requested their tapes not to be made available until some time later.

Dr. Frantz said only a half dozen persons refused to be interviewed.

"The great majority of the interviewees were 'candid', and although some of Lyndon Johnson's opponents may have been a little guarded in their statements, others laid it on the line to the fullest."

Dr. Frantz hopes eventually to interview President Richard Nixon for the project, "but that interview probably won't take place until after he leaves office."

Dr. Frantz said there is ample precedence for collecting oral histories of former United States presidents, but that the Texas project "is the most ambitious to date."

He said Columbia University, as part of its extensive oral history effort that covers many subjects, has done some tape recordings about Presidents Herbert Hoover and Franklin D. Roosevelt. Oral histories are currently under way under auspices of the National Archives of Presidents Harry S. Truman, Dwight D. Eisenhower, and John F. Kennedy.

Lyndon Baines Johnson Library: Architectural Report

Every President of the United States since the nineteen thirties has found that the material documenting his term of office has been of such a quantity and importance that a special building has been necessary to house this material. With the complexity of domestic and international affairs, this documentary material is of such interest to scholars of contemporary politics, economics, and sociology that the immediate availability of this material, and a suitable place in which to study it, becomes increasingly urgent.

The University of Texas has a preeminent position in the field of rare books and manuscripts of 19th and 20th Century English and American Literature with its interacting disciplines of literature, sociology, and physical and political science. Also unique is the collection on Latin America and Texas history. The Regents of the University of Texas, wishing to complement their internationally important Library, sought President Johnson's agreement to house his great documentary collection on the Austin Campus of the University. The University commissioned Skidmore, Owings & Merrill and Brooks, Barr, Graeber & White to design a significant archives and research building for the storage and use of this material.

The site chosen for the Lyndon Baines Johnson Library is situated to the east of the present University campus and is on a direct axis with the Main Building of the University. The Library is to be part of a new group of buildings called the East Campus. One of these buildings, the Sid W. Richardson Hall, designed by the same architects and built at the same time as the Lyndon Baines Johnson Library, composes architecturally with the Library. The Sid W. Richardson Hall was dedicated in January of this year. Occupying this building, devoted mainly to rare book collections, are the Latin American Collection Library and Institute of Latin American Studies, the Eugene C. Barker Texas History Center Library and Texas State Historical Society, and the Lyndon Baines Johnson School of Public Affairs.

A valley of Waller Creek lies between the central buildings of the University and the new East Campus site, so that views between the two groups will be unobstructed and dramatic. The land of the East Campus site forms a half bowl facing the rest of the University. Extensive landscaping supplements the existing very fine old live oaks in a way to enhance the natural beauty of the sloping site. The nineteen acres of this site also give to the University open space lost in the explosive expansion of the main campus and creates an oasis of green for the relaxation and enjoyment of the students and faculty.

A Presidential Library preserves the documentary history of the era in which a President holds office. It contains not only the President's own papers, but also the papers of other important persons and organizations relating to the events of this period.

The Architects in designing the Lyndon Baines Johnson Library felt that the building should express through monumentality the importance of the historical treasures protected and preserved. The building should evidence from without and within that it is truly a treasury of important documents.

The Lyndon Baines Johnson Library stands upon a promontory-like podium projecting forward from the sloping hillside. The appearance of the Library is simple and strong and is an expression of the structural and mechanical systems. Two great parallel walls, 200 feet long, 65 feet high, and ninety feet apart define the main mass of the Library Building. These walls, as well as the podium upon which the building stands, are faced in travertine. The two great walls curve gently inward and upward from a base thickness of eight feet. The tapering shape of these walls delineates the vertical cantilevered thrust of the closely spaced columns within the walls. At three quarters of the height of the walls the surface splays out to receive and distribute the weight of the girders which support the cantilevered top story and span the space between the two great walls. The weight of the girders is transferred to these walls by large steel truncated pyramids, called "pins." These pins are 3 feet high and serve to separate the walls and girders. The space between the girders and walls is of glass defining the meeting of walls and roof structure and continuing visually the flow of space between the exterior and interior.

The girders themselves are massive hollow structural members 5 feet wide and 7 feet high of concrete, spanning 90 feet and cantilevering 16 feet beyond the walls of the building. The girders are connected to each other by thin stiffeners to form a strong pattern visible from below. The two tapering main walls also serve to contain the arteries of mechanical distribution rising from the heart of the mechanical system in the podium. The north and south walls of the building are set back 15 feet from the ends of the two sloping walls. These are faced in travertine as well.

The Lyndon Baines Johnson Library may be approached from the University complex to the west on foot through a campus setting of fountains, lawns, flowers, shrubs, and trees which form a park for the Library and other buildings of the East Campus. The Library may also be approached from the east by car from a parking lot screened by Sid W. Richardson Hall. Both routes bring the visitors onto a terrace-topped podium surrounding the Library. From this terrace are panoramic views of the University. The entrance doors of the Library lead from the terrace into the lobby of the building. Scholars may take elevators to the study rooms at the top of the building and visitors proceed into an exhibit area devoted to displays relating to the official life of the President and to significant events and programs. Here are shown treaties, records of memorable historical events, aspects of the social welfare programs, gifts from Chiefs of State, and records of outstanding social events in the life of the President while in the White House.

From these exhibits a spacious stairway ascends through a 30 foot square opening to the space above. As the visitor goes up the stair, he enters a hall of dramatic proportions and scale, 85 feet square and 55 feet high. This is the Great Hall delineating through audio-visual means the political, social, and economic advances made during the President's life of public service. The south wall of this high ceilinged space is all of glass and is first seen from the top of the stairs. Five levels of archive-filled floors are seen through the glass. These archives are the heart and treasury of the Library. They are contained in red bound boxes placed like books on shelves. This is the most carefully guarded area of the Library where constant checks are made for temperature, humidity, and physical security of the documents. The other walls of the room are of the same travertine as used on the exterior, giving monolithic quality to the architecture. The north wall of the room opposite the archives is separated from the floor by a 9 foot high strip of glass with doors opening onto a balcony overlooking the northern part of the campus. On each side of this room are glassed-in alcoves containing closed television receivers showing material from the extensive film collection. The east and west walls repeat the gently curving structural walls seen from the exterior. The ceiling of this hall is of great richness. The huge girders with connecting stiffeners form a rich and striking pattern of coffers and beams illuminated by light. The coffers and beams may be seen extending beyond the walls of the room through gray glass separating the walls from the ceiling. Under the archives continuing the space of the Great Hall will be a small film auditorium seating 85 people. Beyond this is a space set aside for changing exhibits. This space in turn opens onto a balcony to the south overlooking the University and the City of Austin with the hills beyond. Above the massive girders of the Great Hall is one floor at the top of the building. This is the research portion of the Library with offices for curators of the museum and archive collections and study rooms for scholars and a small open stack library with reading room. This floor has views from protected balconies to the north and south and opens into an interior landscaped court. Here also will be offices for President Johnson and his staff.

Beneath the Library structure and within the podium are the service elements of the Library, as well as an audio-visual studio where recordings may be made and where scholars may listen to tapes and view films pertaining to the field of knowledge of the Library.

Sharing the space within the podium and with separate entrances from the campus park and also by stairway from the Sid W. Richardson Hall for the use of University students are a 1,000 seat auditorium, an exhibition hall, and a 250 seat lecture hall. These elements serve to link the Lyndon Baines Johnson Library to the special University Library collections and the Lyndon Baines Johnson School of Public Affairs in the Sid W. Richardson Hall.

MARCH 16, 1971

Structure: Reinforced concrete frame, clad in travertine, 8th Floor construction; post-tensioned girder (90′ span with 15′ cantilever at side). Roof framing: structural steel with concrete roof plank.

Mechanical: Airconditioning for entire building. Utilities from University of Texas central utility plant (i. e. steam, electricity, chilled water, etc.).

Electrical: Public areas: incandescent lighting. Work, Research & Stack areas: fluorescent lighting.

Elevators: 2 Passenger, 1 Service.

Statistics: Number of Stories: 8 upper levels, 2 podium levels. Dimensions: 200′–0″ long, 100′–0″ wide, 85′–0″ high above podium. Gross Area: 100,000 sq. ft.

Client: The Board of Regents of the University of Texas.

Associated Architects: Skidmore, Owings and Merrill and Brooks, Barr, Graeber and White.

Partners-in-Charge: Gordon Bunshaft (SOM), Design. R. Max Brooks (BBG&W), Project Development.

SOM: Frederick C. Gans, Project Management; Sherwood A. Smith, Design; Leon Moed, Working Drawings; Davis B. Allen, Interiors; and Carroll Donoghue, Landscape.

BBG&W: Charles L. Tilley, Working Drawings, and David Yarborough, Field Coordination.

Exhibit Designer: Arthur Drexler.

Consultants: Paul Weidlinger-W. Clark Craig & Associates, Structural; Gregerson, Gaynor & Sirmen, Inc., Mechanical-Electrical; Edison Price, Inc., Lighting; Bolt, Beranek & Newman, Inc., Acoustics; and Fountains, Inc., Fountain Engineering.

General Constructor: T. C. Bateson Construction Company.

Mr. HUMPHREY. Mr. President, I want to thank the distinguished Senator from Mississippi (Mr. Stennis) who, in his normal life pattern, is always so generous, courteous, and considerate to all his colleagues.

Mr. STENNIS. Well, I owe the Senator a lot.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Burdick) laid before the Senate the following letters, which were referred as indicated:

Report of the Indian Claims Commission

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report on its final determination with respect to Docket No. 336, the Eastern Shawnee Tribe of Oklahoma, et al, v. the United States (with accompanying report); to the Committee on Appropriations.

Proposed District of Columbia Workmen's Compensation Act

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

Report of the Secretary of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report concerning grants approved by the Department which are financed wholly with Federal funds (with accompanying report); to the Committee on Finance.

Proposed Amendment of the Peace Corps Act

A letter from the Director of the Peace Corps submitting a further amendment to the Peace Corps Act (with accompanying papers); to the Committee on Foreign Relations.

Proposed Legislation Concerning Land in Trust for Lake Superior Chippewa Indians

A letter from the Assistant Secretary of the Interior submitting proposed legislation to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Commission on Civil Rights

A letter from the Chairman of the Commission on Civil Rights transmitting, pursuant to law, a report on the racial and ethnic impact of the section 235 program, June 1971 (with accompanying report); to the Committee on the Judiciary.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Burdick):

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Public Works:

"A Concurrent Resolution

"Memorializing Congress to enact legislation to prohibit the Savannah District Army Corps of Engineers from permitting the dumping of sewage in Lake Hartwell in South Carolina

"Whereas, the Savannah District Army Corps of Engineers has received an application from a firm in Anderson, South Carolina to permit it to construct and maintain a discharge line which will discharge treated effluents from a holding pond into Lake Hartwell near where U.S. Highway 76 crosses Six and Twenty Mile Creek; and

"Whereas, the application if granted would permit concern to dump eight thousand gallons of treated sewage a day into the Six and Twenty Mile Creek channel of Lake Hartwell; and

"Whereas, Lake Hartwell has been developed as a residential area and as an outstanding recreational spa attracting many thousands annually to its shores to indulge in such water sports as swimming, water skiing, boating and fishing; and

"Whereas, the dumping of sewage whether treated or not presents a threat to the health and safety of residents in the vicinity and the many users of the facilities of Lake Hartwell. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring: That the Congress of the United States is hereby memorialized to enact such legislation as may be necessary to prohibit the Savannah District Corps of Army Engineers from approving a proposal to permit the dumping of sewage in Lake Hartwell in South Carolina.

"Be it further resolved that copies of this Resolution be forwarded to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives and to each member of Congress from South Carolina.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. BYRD of West Virginia (for Mr. Randolph), from the Committee on Public Works:

Robert W. Fri, of Maryland, to be Deputy Administrator of the Environmental Protection Agency; and

David D. Dominick, of Wyoming, to be an Assistant Administrator of the Environmental Protection Agency.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS:

S. 2037. A bill to amend the Social Security Act to provide for revenue sharing grants to the States to assist them in meeting the costs incurred in operating public assistance programs. Referred to the Committee on Finance.

By Mr. WEICKER:

S. 2038. A bill to provide financial assistance to the National Railroad Passenger Corp. for the purpose of purchasing new, high-speed railroad passenger equipment. Referred to the Committee on Commerce.

By Mr. BUCKLEY:

S. 2039. A bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. Referred to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. Allen, Mr. Bayh, Mr. Bennett, Mr. Cooper, Mr. Dole, Mr. Ervin, Mr. Gravel, Mr. Hollings, Mr. Hruska, Mr. McGee, Mr. Magnuson, Mr. Mansfield, Mr. Metcalf, Mr. Miller, Mr. Moss, Mr. Muskie, Mr. Stevens, and Mr. Thurmond):

S. 2040. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen. Referred to the Committee on Labor and Public Welfare.

By Mr. YOUNG:

S. 2041. A bill for the relief of Ronald F. Soltess. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2042. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes.

Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN:

S. 2043. A bill for the relief of John S. Traylor; and

S. 2044. A bill for the relief of Richard S. Traylor. Referred to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 2045. A bill to amend the Act of December 30, 1969, establishing the Cabinet, Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for two additional years. Referred to the Committee on Government Operations.

S. 2046. A bill to establish methods of payment for national forest timber, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. MATHIAS:

S. 2047. A bill to amend title II of the Social Security Act to provide an increase in the amount of earnings allowed without deduction from benefits, to increase the minimum benefit to $100, to increase widow's and widower's benefits, and to provide for automatic increases in benefits based on increases in the costs-of-living and for appropriate adjustments in the tax rates and wage base to finance the costs of such increases. Referred to the Committee on Finance.

By Mr. SYMINGTON:

S. 2048. A bill for the relief of Jun Juen Chiu Yee (Jun Juen McNeely Yee). Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2049. A bill to consolidate, simplify, and improve laws relative to housing and housing assistance. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SCHWEIKER:

S. 2050. A bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency. Referred to the Joint Committee on Atomic Energy.

By Mr. THURMOND:

S. 2051. A bill to amend title 38 of the United States Code to provide for automatic cost-of-living increases in dependency and indemnity compensation payable thereunder, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. THURMOND (for himself and Mr. HARTKE):

S. 2052. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HRUSKA:

S. 2053. A bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CURTIS:

S. 2037. A bill to amend the Social Security Act to provide for revenue sharing grants to the States to assist them in meeting the costs incurred in operating public assistance programs. Referred to the Committee on Finance.

REVENUE SHARING FOR PUBLIC ASSISTANCE ACT

Mr. CURTIS. Mr. President, I send to the desk a bill for appropriate reference, and I ask unanimous consent that, at the conclusion of my remarks concerning the bill, there be printed in the RECORD the full text of the bill, a section-by-section analysis of the bill, and a comparison of my bill (S. 2037) with H.R. 1.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. CURTIS. Mr. President, the bill I have just introduced more nearly carries out the President's expressed goals with regard to welfare reform than any which has been introduced so far. This bill is designed to return the States the meaningful control over their welfare programs which Congress contemplated when the initial Federal laws were enacted. There is no doubt that the gravest problem facing State administrations today is the ballooning cost of welfare programs. At the heart of this problem is the fact that the States, under current Federal programs, have little effective choice over the range and requirements which dictate the basic costs.

My bill will return the complete administration of these major programs to the States. It will allow the States to spend the money with the wisdom which comes only from the knowledge they possess, without HEW bureaucrats dictating every move. It will give the States incentive to reorganize their programs so that greater benefits can go to the truly needy, and waste and fraud can be eliminated. Finally, it will give the States sufficient Federal funds to overcome the fiscal crisis which threatens not only all welfare recipients, but also the entire economy of this Nation.

How will my bill do this? It is very simple. I have adopted President Nixon's own concept of special revenue sharing as the basic principle of welfare reform. My bill is a special revenue sharing bill for welfare.

I have serious reservations about the idea that the best, or only, solution to welfare reform is to "federalize" all welfare programs. That, in essence, is the solution offered us with great fanfare, by the bill recently reported from the House Committee on Ways and Means. In his remarks to the Republican Governor's Conference in Williamsburg on April 19, President Nixon indicated his own feeling that welfare reform is "related" to revenue sharing, and went on to say:

> I consider welfare reform the most urgent proposal because if the present welfare system is allowed to go on unchecked, it will soon erode the benefits to be gained from revenue sharing.

My question is, "Why not solve our problems two at a time by dealing with welfare reform through the mechanism of revenue sharing?" In urging revenue sharing the President has pointed up the need to reverse the flow of power—to get more of the power of government back into the hands of States and localities.

But the "federalization" of welfare is a solution which goes exactly counter to the very essence of our federal system of government and to the President's fundamental reason for advocating revenue sharing.

My bill is the reasonable alternative. It is developed entirely out of the President's thinking on special revenue sharing. It provides a way for the power to flow back into the States. The approach of the House bill is to concentrate further power in Washington. And let me add that, in my opinion, federalization of welfare would render meaningless any further consideration of the entire concept of revenue sharing.

Though I am not quite sure how so obvious a fact could have escaped them, there are apparently many people who do not fully recognize or understand the extent of the role which the Federal Government has played in escalating the welfare problem to its present crisis. This continual escalation is the primary reason that welfare costs are now on the verge of bankrupting many State governments.

Who has been responsible for this constant escalation? In the final analysis, it has been largely the Federal bureaucracy. In order for a State to receive Federal support for welfare programs, it must conform to the regulations promulgated by the Department of Health Education, and Welfare. Over the years the scope and interpretation of those regulations have become ever broader and more inclusive. Putting it quite bluntly, the States have been robbed of the authority and power to effectively determine the kind of programs which best fit the needs of their people and any semblance of real control over the administration of the programs imposed upon them. Under HEW regulations, the State must do it Washington's way or there will be no money to do it at all. When this happens it often does not mean just the loss of matching funds for welfare payments. It means the State loses its monies for programs of aid to the blind and the aged, for child care, medical and rehabilitation programs

Surely that fact is amply demonstrated by the recently well publicized experience of the State of California. However, lest we dismiss California's experience as "unique" or "politics" let me call to your attention that Arizona, Nevada, Oklahoma, my own State of Nebraska, and in fact virtually every State has encountered less-publicized rebuffs by HEW when they attempted to deviate from the established norm in the interest of providing a service peculiarly suited to their particular needs or to tailor their programs more to the liking of their own voters, taxpayers, or welfare clients.

It goes without saying that no State has the resources or the tax base to "go it alone" and hope to provide programs which bear any resemblance to the programs presently in operation involving some HEW funds. They cannot tell the Federal bureaucrats where to get off. So HEW has, in short, simply blackmailed the States into ever increasing caseloads and widening eligibility requirements. One of the coercive devices used is for HEW to decide that welfare money was paid to a State for a period the State was out of conformity and to so notify certain other U.S. authorities who in turn stop payment of funds for an unrelated program in order to make a recovery. For instance, in one case the State welfare agency was brought to its knees when money for construction of State highways was withheld. Such coercion and unreasonable regulations have been the single most important factor in the financial bankruptcy which now threatens many State treasuries.

I believe a State should have control over the level of State funds required to support welfare programs. Under the present system it has no such control. My bill will give the States that control. But it does not absolve the State of all fiscal responsibility and fund the program entirely from the Federal Treasury. That is no solution. The same taxpayers provide the money, no matter where the money comes from. It is not merely the inability of most States to afford their share that threatens the program. It is the inability of States to tailor those programs to the needs of their own people and thereby to reduce the waste and abuses inherent within the present system and to remove from the welfare rolls thousands who are not truly needy. If this could be done, most States could both reduce their own costs and increase the level of assistance to those in real need. Instead, according to recent reports, the welfare rolls have increased by 29.6 percent in the last year. The widening scope and inclusiveness of Federal guidelines on eligibility are unquestionably responsible for a large part of this increase, and it is little wonder that the States find themselves literally going under with this evermounting caseload.

I fully concur with Governor Reagan when, in transmitting his welfare reform program to the State legislature, he said:

> The idea of simply surrendering our authority and administrative machinery to the same huge federal system that created the crisis in the first place is simply unacceptable to me.

I find it equally unacceptable.

And I am pleased to note that the distinguished chairman of the Senate Finance Committee apparently shares that view. In the May issue of Nation's Business he is quoted as saying he is "fearful of the Government attempting to take over the—welfare—program for the younger people," conceding only that income programs for the aged might well be federally financed since we are "doing most of that already under social security."

The chairman went on to state: "The Federal Government has done many things to increase the cost of—welfare—programs without intending to do so," citing examples such as the hiring of poverty lawyers, paid by the Federal Government to file suits against the Federal Government; the resultant striking down of such limitations as State residency requirements for welfare eligibility; and the proliferation of multiple welfare claims fraudulently filed by the same individuals in different States and using different social security numbers.

I was interested in another response of the Finance Committee chairman when he was asked if the work incentive approach to welfare had been successful. He answered:

> It has not worked because under the Johnson Administration HEW used its best efforts to keep it from working. HEW actually called meetings to show how to keep the work incentive program from succeeding and how to frustrate the intention of Congress. We are still trying to find ways to improve the work incentive programs. The difficulty is that those people in HEW, who seem to stay there no matter who is President, have plans to the contrary.

I commend the chairman for the candidness of that observation and would point out that it is verified by the 1971 report of the Oregon House of Representatives Task Force on Welfare, a most enlightening document which the junior Senator from Oregon recently included in the RECORD. It contains the following observation regarding the objective of moving welfare recipients off the welfare rolls and toward self-sufficiency:

> To our dismay, we discovered that social workers are neither educated nor trained to believe such an objective is desirable. There is an appalling lack of strong policy direction and leadership to stress that public welfare possesses the responsibility to assist recipients in becoming self-sufficient.

The task force went on to recommend that Oregon take strong and positive action immediately to guarantee that all staff members operate with the understanding that the interests of welfare recipients and Oregon taxpayers will be best served by an aggressive policy of moving recipients off of welfare programs.

Such policy should be elementary, but all the evidence indicates that it is not current policy at the State level because it is contrary to HEW policy and if welfare is turned over to the Federal Government it will never be the policy.

President Nixon urged at the Republican Governors' Conference the need for "a system in which young Americans will grow up in a nation which recognizes the dignity of work, the dignity of self-reliance. In the course of reforming the welfare system," he said, "we have to reestablish the recognition of that fact—the dignity of work, any work, which will enable an individual to take care of his responsibilities without going on welfare."

I submit that the "solution" constructed in H.R. 1 plays into the hands of the very people who reject that goal and the need for any system that will achieve it.

Under my bill, States like Oregon can institute such a policy and enforce it without official or unofficial interference from HEW. States who share the HEW philosophy will be free to adhere to it, but they will pay for it. That is guaranteed under provisions which leave each State free to design its own welfare program but which require that it pay a fixed percent, not of its total welfare bill, but of each specific program it operates. If the State programs are broad and all-inclusive it will add proportionately to the State costs or result in compensatory reductions in the level of benefits available.

Another observation of the Oregon task force is pertinent to this discussion. The report states:

> The Task Force believes that the State Public Welfare Division has adopted a liberal interpretation and administration of some federal dictates to the States. We believe that the first allegiance of the Public Welfare Division must be to the State of Oregon and its citizens—not to the U.S. Department of Health, Education and Welfare.

Yet, the experience of too many States under the present program has been that the primary loyalty of their welfare administrators has been to their HEW masters in Washington who, because they help to pay the piper insist on calling all the tunes. I believe that each State has a right to expect that the primary loyalty of its employees is to the government of that State, and not to some Federal bureaucrat who might some day advance their personal cause by promoting them as HEW officials.

But does it not strain anyone's sense of logic and credibility to have it suggested that the solution to this problem is to abolish State programs and State administrators and turn the entire program over to the Federal wisemen? Why does it not seem at least as logical that the present problems might be resolved by giving the States the authority to establish programs consistent with local needs and the financial resources to administer their programs in good faith? Then the State administrator could function as a useful public servant instead of a puppet manipulated by a maze of redtape and his allegiance would, automatically, return to the State government which employs him. This is what my bill would accomplish.

Many other instances could be cited which corroborate the fact that the blame for the ills of the present welfare programs can be laid at the door of the Federal Government and which cry out that "federalization" is not the answer to those ills. There are the self-appointed lobbies for the poor who, knowing the Federal Government controls the welfare program, constantly bombard Congress with their demands for public financing of a guaranteed minimum annual income of $6,500 a year—a thinly disguised proposal for a permanent form of national income redistribution. "Federalization" of welfare will only intensify such agitation.

Or I could cite, as the Senator from Louisiana did, the legal services program of the Office of Economic Opportunity which has used taxpayers dollars to bring suits that have resulted in striking down many reasonable restrictions and eligibility requirements which State officials have sought to impose to keep the welfare program within some kind of realistic bounds. Such suits have resulted in, for example, the Supreme Court decision that length of residence in a State cannot be used to impose a limitation upon eligibility for welfare, despite the clear intention of Congress to allow a residency requirement to be established. And in the course of this undermining of the program, many of the so-called poverty lawyers have openly flouted the canons of judicial ethics which prohibit members of the bar from soliciting clients.

But it seems to me this is evidence enough of Federal culpability in the creation of the welfare mess. It was sufficient, at any rate, that I felt obliged to offer an alternative to the current headlong rush to add insult to injury by federalizing welfare in the guise of a solution to the existing crisis.

I am convinced that the only welfare reform that is really acceptable is a system which puts the burden on each State to establish, administer, and to the extent of its reasonable ability, finance its own welfare programs. The Federal role should be confined to that which is imperative for it; namely, the sharing of sufficient revenue to do the job, inasmuch as it has so preempted the revenue resources of the States as to preclude their ability to finance adequate programs themselves. In short, welfare is a prime candidate for the revenue-sharing approach.

To that end I have introduced a bill which leaves to each State the authority and flexibility to design and administer whatever welfare programs are best suited to the needs of its people.

As pointed out earlier, it also calls upon the State to pay a fixed percentage of the cost of each and any program it establishes. In this way, a measure of guarantee is provided that no State will ask the Federal Government to share in providing for a welfare program or any category of welfare recipient which its own taxpayers are not willing to support.

Above that level the Federal Government will support those programs instituted by the State. Such support will be in the form of block grants allocated under a formula to be determined by the Secretary of Health, Education, and Welfare consistent with the level of Federal support presently received by each State, its per capita income, and its per capita welfare caseload.

While the language of the bill leaves to the Secretary the responsibility for establishing a suitable formula, I am presently working on a formula that suits the purposes of the proposal and would hope to have it ready by the time hearings begin on this legislation. At an appropriate time I plan to reintroduce the measure, incorporating a specific formula.

The bill permits increased Federal participation where local economic or migration patterns add to a State's welfare caseload though the State has made no change in the scope of its programs. And it incorporates, as did the Finance Committee last year in H.R. 17550, language designed to indicate specific congressional intent that the States shall have the right to establish residency requirements and make reasonable investigations to satisfy themselves as to the eligibility of public assistance applicants, and to provide penalties for and recovery of Federal funds from deserting parents.

I share the prevalent feeling of urgency that the present welfare system be reformed. I recognize the financial need facing our State governments. I hear the explanations that the proposed welfare reform and family assistance bill is designed to reduce welfare rolls and put able bodied recipients back to work. But I look at the projected cost and reason rebels. Logic refuses to accept the proposition that the present system will be improved by more than doubling its present cost and greatly adding to the number of people receiving benefits.

The working American will not stand for programs which provide for free, a better quality of care and a higher standard of living for the nonworking poor than he can provide for himself and his family. He will not stand for a program which rewards the able bodied nonworker at the expense of the productive. For all of the protestations to the contrary, I cannot find any "reform" of these tendencies in the bill ordered reported by the Ways and Means Committee.

Welfare, as administered by HEW, has enslaved the States and the American taxpayer. Even worse, it has enslaved them with their own money.

It is time for a new Emancipation Proclamation. It is time for a new Bill of Rights. It is time that we increase assistance to the truly needy by freeing the States from bureaucratic redtape and providing them with adequate resources to achieve that end as efficiently and inexpensively as possible. Nothing in the history of the present welfare program or any other Federal program encourages me to think that "federalization" is the answer. Only an honest, straightforward welfare system can remove the stigma attached to the recipient of welfare about which so many complain. It will not be accomplished by a more complicated and more removed administration which breeds suspicion.

EXHIBIT 1

S. 2037

A bill to amend the Social Security Act to provide for revenue sharing grants to the States to assist them in meeting the costs incurred in operating public assistance programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Revenue Sharing for Public Assistance Act".

GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

SEC. 2. The Social Security Act is amended by adding after title XIX thereof the following new title:

"TITLE XX—REVENUE SHARING GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

"APPROPRIATION

"SEC. 2001. (a) For the purpose of assisting each State in meeting expenses incurred by it in providing public assistance to the residents thereof, there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year beginning July 1, 1972, such sums as may be necessary to effect the provisions of this Act. The sums made available under this section shall be used for making payments to States which have in effect one or more public assistance programs, to assist them in meeting the costs of carrying out their public assistance program or programs; and such sums shall not be used for any other purpose.

"(b) In determining the amount of the appropriation necessary to carry out the provisions of the Act, the Congress may require of the Secretary of Health, Education, and Welfare an annual estimate of the States' need the the Federal share thereof, based on the estimating procedure set out in Section 2003(b)(2) for determining the entitlement of the States.

"ALLOTMENTS TO STATES

"SEC. 2002. (a) For each fiscal year, the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 2001 among the States on the basis of the relative population, financial need, and number of individuals in need of public assistance.

"(b) Any amount so allotted to a State for any fiscal year and reamining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next fiscal year (and for such fiscal year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year.

"PAYMENT TO STATES

"SEC. 2003. (a) From the funds available from the allotment (under section 2002) to any State for any fiscal year, the Secretary shall pay to such State, with respect to expenditures made by such State in carrying out one or more public assistance programs in such State, an amount equal to the Federal share (as defined in subsection (c)) of such expenditures.

"(b) (1) Payments to which a State is entitled under subsection (a) shall be made with respect to calendar quarters.

"(2) Prior to the beginning of each quarter, the Secretary shall estimate the amount to which a State will be entitled under subsection (a) for such quarter, such estimates to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter to carry out public assistance programs in such State, and stating the total amount appropriated or made available by the State and its political subdivisions for such expenditures for such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of recipients of public assistance in the State, and (C) such other investigation as the Secretary may find necessary.

"(3) The Secretary shall then pay to the State, in such installments as he may determine, the amount so estimated, reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

"(4) All Federal agencies, including the Department of Health, Education and Welfare, shall co-operate with the States in providing data and assistance requested by the States, through the Department of Health, Education and Welfare, for purposes of carrying out the provisions of the Act.

"(c) (1) The term 'Federal share' for any State shall be 100 per centum, less the State percentage; and the State percentage for each public assistance program it specifically establishes by law shall be that percentage which bears the same ratio to 45 per centum as the square of the per capita income of such State bears to the square of the per capita income of the continental United States (including Alaska) and Hawaii; except that (A) the Federal share for each public assistance program shall in no case be less than 50 per centum or more than 83 per centum, and (B) the Federal share for Puerto Rico, the Virgin Islands, and Guam shall be 50 per centum.

"(2) The Federal share for any State shall be determined and promulgated in accordance with the provisions of subparagraph (B) of section 1101(a)(8).

"RECORDS, AUDITS, AND REPORTS

"SEC. 2004. (a) In order to assure that payments made to States under this title are used for the purpose for which made, the Secretary is authorized by regulations to require States, as a condition of entitlement to such payments, to—

"(1) make such reports, in such form and containing such information;

"(2) maintain and keep such records and afford such access thereto, for purposes of audit and examination, by the Comptroller General of the United States or his duly authorized representative; and

"(3) otherwise provide to the Secretary such information;

as the Secretary reasonably deems necessary for the proper and efficient administration of this title.

"NOTIFICATION, HEARINGS AND JUDICIAL REVIEW

"SEC. 2005. (a) At the earliest practical opportunity the Secretary shall notify a State of any decision affecting the amount of payments or allotments to be made to it or of any decision adversely affecting the State, together with an opportunity for a hearing.

"(b) Within 60 days after receipt of notification by a State of a decision or action of the Secretary adversely affecting it, the State may request a prompt hearing and the Secretary shall provide such a hearing, take evidence and enter findings of fact, together with his decision thereon.

"(c) Any State which is dissatisfied with a final determination of the Secretary may, within 60 days after it has been notified of such determination, file with the United States court of appeals for the circuit in which such State is located a petition for review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his determination as provided in section 2112 of title 28, United States Code.

"(d) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and, if authorized by the court, may modify his previous action, and shall certify to the court the transcript and record of the further proceedings.

"(e) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"LIMITATION ON DURATION OF APPEALS PROCESS

"SEC. 2006. Notwithstanding the foregoing provisions of this title, no payment shall be made to any State with respect to expenditures made by such State in providing, under any public assistance program of such State, aid or assistance in the form of money payments to or with respect to any individual, unless such program provides that—

"(1) any hearing held before the State agency administering or supervising the administration of such program (or the part of such program which relates to the provision of aid or assistance in the form of money payments) at the request of any individual to determine the matter of whether the aid or assistance (in such form) provided to such individual under such program should be terminated or the amount thereof reduced shall be completed, and such State agency shall make a final decision with respect to the matter, not later than 30 days after the date such individual is notified of the intention of such agency to terminate or reduce the amount of such assistance; and

"(2) if any individual is determined under any such final decision to have received (prior to such decision) as aid or assistance (in such form) under such program any amount to which he was not entitled, such amount shall be repaid by such individual to such State agency, and if such amount is not so repaid it shall be withheld from any future payments to which such individual would otherwise be entitled, as aid or assistance (in such form), under such program.

"PROHIBITION AGAINST FEDERAL INTERFERENCE WITH STATE PUBLIC ASSISTANCE PROGRAMS

"SEC. 2007. Except for the requirement that moneys paid to a State under this title be used by a State for the purpose of carrying out State public assistance programs, nothing in this title shall be construed—

"(a) to authorize the Secretary or any other Federal officer or employee to exercise any supervision or control over any such program; or

"(b) impose any requirement or limitation on the State, as to the operation of any such program, or as to the terms and conditions governing eligibility of individuals to receive aid or assistance under any such program.

"DURATION OF RESIDENCE REQUIREMENTS UNDER PUBLIC ASSISTANCE PROGRAMS

"SEC. 2008. (a) (1) Notwithstanding the foregoing provisions of this title, no payment shall be made to any State with respect to expenditures made by such State in providing public assistance unless such program provides that—

"(A) except as provided in subparagraph (B), public assistance shall not be furnished to any individual unless such individual (i) is a resident of the State, and (ii) has resided in the State continuously for one year immediately preceding his application for such assistance; (or if such public assistance is public assistance paid with respect to a child such public assistance shall not be furnished with respect to any child unless such child (i) is a resident of the State, and (ii) (I) has resided in the State for one year immediately preceding the application for such aid, or (II) was born within one year immediately preceding the application for such aid, and the parent or other relative with whom the child is living has resided in the State for one year immediately preceding the birth of such child)

"(B) public assistance shall be furnished under such program for a period not to exceed one year to any individual (or with respect to a child) who (i) has moved out of such State, (ii) was receiving such assistance under such State program in the month before the month in which he moved out of such State, (iii) continues to meet the eligibility requirements of such program except for residency, and (iv) does not meet the duration of residency requirements (if any) imposed under a program of public assistance of the State in which he is living.

"(2) The provisions of paragraph (1) shall be inapplicable in the case of any State if the State law of such State (or any rule or regulation made pursuant to the State law of such State) provides for the furnishing of such public assistance without regard to any duration of residency requirement or on the basis of a duration of residency requirements different from those specified in paragraph (1).

"AUTHORITY OF STATES TO REQUIRE INVESTIGATION IN DETERMINING ELIGIBILITY FOR PUBLIC ASSISTANCE AND TO REQUIRE INSPECTION OF HOMES OF APPLICANTS OR RECIPIENTS OF PUBLIC ASSISTANCE

"SEC. 2009. (a) (1) Notwithstanding any other provision of law, any State which has in effect a public assistance program may conduct such reasonable investigations as it deems necessary to determine and audit eligibility of applicants for public assistance and shall not rely upon methods which do not involve actual investigations and actual factual determinations.

"(2) The provisions of paragraph (1) shall be inapplicable in the case of any State if the State law of such State (or any rule or regulation made pursuant to the State law of such State) provides for the furnishing of such public assistance without requiring actual investigations and factual determinations with respect to establishing eligibility.

"(b) Notwithstanding any other provision of law, any State which has in effect a public assistance program may require that any applicant for (or any individual receiving) aid or assistance under such program agree, as a condition of eligibility for such aid or assistance, to permit inspection of his home, at reasonable times and with reasonable notice, by any duly authorized person employed by or on behalf of such State in the administration of such program.

"ASSISTANCE OF MOTHER OF CHILD IN IDENTIFYING THE FATHER OF SUCH CHILD

"SEC. 2010. States, in the administration of any public assistance program (or part thereof) which authorizes the provision of aid to families with dependent children, are authorized to seek the assistance of the mother of such a child in identifying the legally responsible father of such child if such mother is an applicant for or recipient of such aid under such program.

"PENALTY FOR CROSSING STATE LINES TO AVOID PARENTAL RESPONSIBILITIES

"SEC. 2011. Whoever, knowingly goes from one place to another in interstate or foreign commerce for the purpose of avoiding any responsibility imposed upon him under the common law or under statutory law of any State pertaining to the obligations of a parent to his child, shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for not more than one year.

"FINANCIAL OBLIGATION OF DESERTING PARENT

"SEC. 2012. (a) Except as provided in subsection (b), any individual who has deserted his spouse, child, or children, with the result that such spouse, child, or children, because of financial need, obtained aid under this title, shall be obligated to the United States in an amount equal to the Federal share of such aid.

"(b) If a court of any State has issued a support order against any individual described in subsection (a), the obligation of such individual under this section shall be limited to the amount specified in such court order less any amounts actually paid by such individual pursuant to such court order. The Attorney General of the United States is authorized, in accordance with procedures applicable to the recovery of obligations due to the United States, to enforce such court order in any appropriate court and to distribute the proceeds to the beneficiaries of such court order after deducting the amount paid as aid under this title. He shall refund to any State that portion of the amount so recovered which constitutes the State's share of such aid.

"(c) If a State court has not issued a support order against an individual described in subsection (a) the Attorney General of the United States is authorized to recover from such individual an amount equal to the Federal share of the aid furnished under this title to the spouse and child or children of such individual.

"(d) If the Attorney General of the United States (or any other officer of the United States) obtains information with respect to address or location of any individual described in subsection (b) such officer is authorized to furnish, upon request, such information to the deserted spouse, guardian, or custodian of the child or children deserted, or their counsel.

"DENIAL OF AID TO FAMILIES WITH DEPENDENT CHILDREN WHERE THERE IS A CONTINUING PARENT-CHILD RELATIONSHIP

"SEC. 2013. (a) If public assistance with respect to dependent children is provided under a public assistance program of any State and if such program so provides, a child shall be deemed not to have been deprived of parental support or care by reason of the continued absence from the home of a parent if there exists a continuing child-parent type relationship between such child and an adult individual who is not the father, mother, grandfather, grandmother, adult brother, adult sister, adult stepbrother, adult stepsister, adult uncle, adult aunt, adult first cousin, adult nephew, or adult niece, of such child. For purposes of determining whether such a relationship exists between a child and such an adult individual, only the following factors may be taken into account: (A) the frequency with which such child and such individual appear together in public, (B) whether such individual is the parent of a half brother or half sister of such child, (C) whether such individual exercises parental control over such child, (D) whether substantial gifts are made by such individual to such child or to members of the family of such child, (E) whether such individual claims such child as a dependent for income tax purposes, (F) whether such individual cares for or arranges for the care of such child when the relative with whom such child is living is ill or absent from home, (G) whether such individual assumes responsibility for such child when a crisis occurs in such child's life, such as illness or detention of such child by public authorities, (H) whether such individual is listed as the parent or guardian of such child in school records which are designed to indicate the parents or guardians of children, (I) whether such individual makes frequent visits to such household, (J) whether such individual gives or uses as his address the address of such household in dealing with his employer, his creditors, postal authorities, other public authorities, or others with whom he may have dealings, relationships, or obligations. Such a relationship between an adult individual and a child may be determined to exist in any case only after an evaluation of the factors referred to in the preceding sentence, as well as any evidence which may refute any inference supported by evidence related to such factors."

"USE OF SOCIAL SECURITY NUMBERS

"SEC. 2014. Notwithstanding any other provisions of the Social Security Act or other law, no payment shall be made to any State with respect to expenditures made by such State in carrying out any public assistance program, unless, as a condition of eligibility for aid or assistance under such program, each applicant for or recipient of such aid or assistance is required to furnish to the State agency administering or supervising the administration to such program his social security account number, and such State agency utilizes such account numbers in the administration of such program.

"DEFINITIONS

"SEC. 2015. (a) For purposes of this title—

"(1) (A) The term 'public assistance program' means a State program including administrative costs thereof, which provides public assistance.

"(B) The term 'public assistance' means any or all of the following:

"(i) old-age assistance;

"(ii) aid to families with dependent children;

"(iii) aid to the blind;

"(iv) aid to the permanently and totally disabled;

"(v) low income family assistance and

"(vi) medical assistance

"(2) The term 'old-age assistance' means any or all of the following;

"(A) money payments to or on behalf of needy individuals who have attained age 65;

"(B) medical care in behalf of or any type of remedial care recognized under State law in behalf of needy individuals who have attained age 65; and

"(C) services to needy individuals who have attained age 65 to help them attain or retain capability for self-care or to prevent or reduce dependency;

except that such term does not include any such payments to or on behalf of, care in behalf of, or services to any individual who is an inmate of a public institution (except as a patient of a medical institution).

"(3) The term 'aid to families with dependent children' means any or all of the following:

"(A) (i) money payments with respect to a dependent child or dependent children;

"(ii) money payments to meet the needs of the relative with whom any dependent child is living;

"(iii) money payments to meet the needs of the spouse of the relative referred to in clause (ii), if such spouse is living with such relative and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity of a parent or is a dependent child under paragraph (4)(B);

"(iv) money payments to meet the needs of any other individual living in the same home as the relative with whom such child is living, if the needs of such individual are taken into account in determining the needs of the family of which such child is a member;

"(v) money payments in behalf of a child receiving foster care in a foster family home or in a child-care institution, if such child is a dependent child under paragraph (4)(C);

"(B) medical care or any type of remedial care recognized under State law to meet the needs of any or all of the individuals referred to in clauses (i) through (v) of subparagraph (A);

"(C) child-welfare services (as defined in paragraph (6) for children receiving aid to families with dependent children; and

"(D) family services (as defined in paragraph (7)) for children, relatives, and other appropriate individuals (living in the same home as a relative and child receiving aid to families with dependent children whose needs are taken into account in determining need of such relative and child for such aid) receiving aid to families with dependent children.

"(4) The term 'dependent child' means any or all of the following:

"(A) a needy child (i) who has been deprived of parental support or care by reason of the death, continued absence from home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their own home, and (ii) who is (I) under the age of 18, or (at the option of the State) (II) under the age of 21 and (as determined by the State in accordance with regulations prescribed by it) a student attending a school, college, or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment;

"(B) a needy child, who meets the requirements of subparagraph (A)(ii), who has been deprived of parental support or care by reason of the unemployment (as determined in accordance with standards prescribed by the State) of his father or other responsible adult as defined in subparagraph (A), and who is living with any of the relatives specified in subparagraph (A) in a place of residence maintained by one or more of such relatives as his (or theirs) own home; and

"(C) a needy child (i) who would meet the the requirements of subparagraph (A) or (B) except for his removal from the home of a relative (specified in subparagraph (a)) as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child, and (I) whose placement and care are the responsibility of a State agency concerned with child welfare, or (II) who has been placed in a foster family home or childcare institution as a result of such determination, and (ii) for whom there is no other available means of support.

"(5) The term 'family services' means services to a family receiving aid to families with dependent children or any member of such a family for the purpose of preserving, rehabiliating, reuniting, or strengthening, the family, and such other services as will assist members of such a family to attain or retain capability for the maximum self-support and personal independence.

"(6) The term 'child-welfare services' means public social services which supplement, or substitute for, parental care and supervision for the purpose of (A) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children, (B) protecting and caring for homeless, dependent, or neglected children, (C) protecting and promoting the welfare of children of working mothers, and (D) otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible or, where needed, the provision of adequate care of children away from their homes in foster family homes or day-care or other child-care facilities.

"(7) The term 'aid to the blind' means any or all of the following:

"(A) money payments to or on behalf of needy individuals who are blind;

"(B) medical care in behalf of or any type of remedial care recognized under State law in behalf of needy individuals who are blind; and

"(C) services to needy individuals who are blind to help them attain or retain capability for self-support or self-care or to prevent or reduce dependency; except that such term does not include any such payments to or on behalf of, care in behalf of, or services to, any individual who is an inmate of a public institution (except as a patient of a medical institution) or any individual who is a patient in an instituton for tuberculosis or mental disease.

"(8) The term 'aid to the permanently and totally disabled' means any or all of the following:

"(A) money payments to or on behalf of needy individuals 18 years old or older who are permanently and totally disabled;

"(B) medical care in behalf of or any type of remedial care recognized under State law in behalf of needy individuals 18 years old or older who are permanently and totally disabled; and

"(C) services to needy individuals who are 18 years old or older to help them attain or retain capability for self-support or self-care or to prevent or reduce dependency;

except that such term does not include any such payments to or on behalf of, care in behalf of, or services to, any individual who is an inmate of a public institution (except as a patient of a medical institution) or any individual who is a patient in an institution for tuberculosis or mental disease.

(9) The term "family assistance" means assistance under a program which contemplates that—

(A) the assets and resources of families will (except to the extent otherwise prescribed by the State) be taken into account in determining eligibility for or amount of payments under the program;

(B) there will be established minimum income levels for families of various sizes;

(C) money payments will be made (periodically) to families whose income is less than the applicable minimum income level so established;

(D) such money payments will be denied to any adult member of a family (other than such a member who is ill, aged, or disabled, is caring for another member of such family who is ill or disabled, or is caring for another member of such family who is a child of preschool age) who refuses without good cause to accept employment or participate in a vocational training or similar training program which is designed to prepare such member to engage in employment;

(E) incentives for members of families to engage in employment will be provided by disregarding a portion of the earnings of such family for purposes of determining eligibility for and the amounts of the money payments payable to such family under the program; and

(F) there will be provided to the families participating in such program (in appropriate cases) (i) placement and employment training services, (ii) child care services when needed to facilitate participation, by adult members of such families, in employment or a vocational training or similar training program, (iii) family planning services, and (iv) other appropriate supportive services.

"(10) The term 'medical assistance' means payment of part or all of the cost of medical or other health care services for any of all of the following:

"(A) individuals who, under a public assistance program, are recipients of—

"(i) old-age assistance;

"(ii) aid to families with dependent children;

"(iii) aid to the blind; or

"(iv) aid to the permanently and totally disabled; and

"(v) low income family assistance

"(B) individuals (other than individuals described in subparagraph (A)) who are—

"(i) under age 21;

"(ii) 65 years of age or older;

"(iii) blind;

"(iv) 18 years of age or older and permanently and totally disabled; or

"(v) relatives specified in paragraph (4) (A)(i) with whom a child is living if such child, except for paragraph (4)(A)(ii), is (or would, if need be) a dependent child (as defined in paragraph (4)); or

"(vi) persons essential to individuals receiving aid or assistance under a public assistance program;

but whose income and resources are insufficient to meet all of the costs of such medical or other health care services; except that such term does not include—

"(D)(i) any such payments with respect to care or services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or

"(ii) any such payments with respect to care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

"(11) States shall have the authority to define an employed person to be one who has worked:

"(A) more than 10 hours in the last week prior to application for aid to families with dependent children under a State public assistance program providing such aid, or

"(B) more than 80 hours in the 30 days prior to application for such aid.

"(b) For purposes of this title, if any State program provides aid or assistance of the type which would meet the definition of 'public assistance' (as defined in such subsection (a)) except for the fact that the scope of the aid or assistance provided under such program or the category of persons to whom such aid or assistance is so provided is not as great as indicated in such definition, such program shall not, because of such fact, be considered not to meet such definition."

TECHNICAL AND CONFRONTING PROVISIONS

SEC. 3. (a) No payment may be made to any State under title I, X, XIV, XVI, or XIX, or under parts A or B of title IV, of the Social Security Act for any period after June 30, 1972.

(b) Section 1101(a)(1) of the Social Security Act is amended by striking out "and XIX," and inserting in lieu thereof, "XIX, and XX".

PROHIBITION AGAINST USE OF FEDERAL FUNDS TO UNDERMINE PUBLIC ASSISTANCE PROGRAMS

SEC. 4. Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"PROHIBITION AGAINST USE OF FEDERAL FUNDS TO UNDERMINE PROGRAMS UNDER THE SOCIAL SECURITY ACT

"SEC. 1122. (a) No Federal funds shall be used (whether directly or indirectly) to pay all or any part of the compensation or expenses of any attorney or other person who, as a part of his federally financed activity whether as an employee in the executive branch or under a grant or contractual arrangement with the executive branch, engages in any activity, for or on behalf of any client or other person or class of persons, the purpose of which is (by litigation or by actions related thereto) to nullify, challenge, or circumvent any provision of the Social Security Act, or any of the purposes or intentions of the Congress in enacting any such title or provision thereof or relating thereto; and it shall be unlawful for any such attorney or other person who engages in any such federally financed activity to accept or receive any Federal funds to defray all or any part of his compensation.

"(b) Any person who authorizes the disbursement of any Federal funds, and any attorney or other person who receives or accepts any such funds, in violation of subsection (a), shall be held accountable for and required to make good to the United States the amount of funds so disbursed or received or accepted."

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS OF S. 2037

Section 2 of the bill, entitled the Revenue Sharing for Public Assistance Act, adds a new title XX to the existing Social Security Act.

The first section (2001) of the new title authorizes appropriations beginning in Fiscal Year 1973 of such sums as may be necessary to carry out the provisions of the Act, and the preparation by the Secretary of HEW of an estimate of the States' need and the Federal share thereof.

Section 2002 authorizes block grants to the States—on the basis of a formula to be devised by the Secretary taking into consideration relative population, financial needs and public assistance caseloads and other pertinent factors—for supporting any public assistance program or programs the individual states may see fit to conduct. Unobligated funds allotted to the State in a given fiscal year remain available for one additional year without reduction in the state's allotment for the subsequent year.

Section 2003 authorizes the Secretary of HEW to determine each state's allotment, based on information provided by the State as to its own appropriations for public assistance, the number of people receiving public assistance and other pertinent data, as prescribed by the Act. Grants are made to the states on a quarterly basis.

It is further provided that each state shall pay a percentage of the cost of each of its programs. The formula by which the state share is to be determined is basically that by which the state share in medical assistance payments is now determined under the Kerr-Mills bill. The "federal share" is defined as 100 percent of the cost of the programs less the State percentage. In no case, however, would the federal share be less than 50% nor more than 83%.

Section 2004 authorizes the Secretary to require certain records, audits, and reports necessary to assure that payments to the States are used for the purpose for which they are made.

Section 2005 provides for appropriate notice by the Secretary to the states of actions affecting payments or allotments or adversely affecting any state program.

Judicial review of the Secretary's decisions, including review by the Supreme Court under certiorari or appropriate certification, is also provided.

Section 2006 provides for a 30-day limitation on the duration of individual appeals from state action reducing or terminating aid under any public assistance program and requires repayment or the withholding from future payments of the amount of any overpayment to any public assistance recipient.

Section 2007 specifically prohibits federal interference with State public assistance programs, except to the extent specially set forth in the Act for assuring that the moneys are actually used for eligible public assistance programs.

Section 2008 through 2014 incorporate provisions agreed upon by the Senate Finance Committee and incorporated in H.R. 17550 in the 91st Congress to express in a positive manner the intent of Congress that the States may place certain requirements and restrictions on the receipt of public assistance.

Section 2008 requires that States impose "duration of residence requirements", unless State law specifically provides otherwise.

Section 2009 requires that States make actual investigation and factual determination of eligibility for public assistance unless State law specifically provides otherwise and authorizes States to require reasonable in-home inspection of applicants or recipients of public assistance.

Section 2010 authorizes States to seek the assistance of the mother of a child receiving public assistance in identifying the father of the child.

Section 2011 imposes a penalty of up to one year in prison for crossing State lines to avoid parental responsibilities.

Section 2012 obligates a deserting parent to repay the Federal share of any financial assistance provided his spouse or children under any public assistance program; and authorizes the Attorney General to enforce this provision and to provide information regarding the address or location of such parent to the deserted spouse, guardian or custodian of the children, or their counsel.

Section 2013 provides for denial of public assistance to families with dependent children where there is a continuing parent-child relationship with a person capable of supporting the family.

Section 2014 requires the States to make use of Social Security members in administering their public assistance programs.

Section 2015 sets forth the definition of the terms "public assistance", "public assistance program", "old-age assistance", "aid to families with dependent children", "dependent child", "family services", "child-welfare services", "aid to the blind", "aid to the permanently and totally disabled", "medical assistance" and "low income family assistance" and specifically spells out that a State program of aid or assistance of the type defined as "public assistance" shall qualify as public assistance even though the scope of the aid or assistance or the category of persons receiving it may be not as great as that indicated in the definition.

Section 3 of the bill provides that no appropriations shall be made in Fiscal Year 1973 or thereafter to any State under such existing titles of the Social Security Act (I, X, XIV, XVI, XIX of parts A or B of IV) through which Federal assistance for welfare is presently provided to the States, and other conforming provisions.

Section 4 of the bill amends Title XI of the Social Security Act to add a prohibition against the use of federal funds to undermine programs under the Act. This is aimed at federally financed Legal Services suits to challenge regulations governing administration of the programs authorized under Title XX and funded, in part, by the federal government.

EXHIBIT 3

CURTIS BILL	H.R. 1
1. Eliminates the uniform guaranteed annual income concept.	1. Provides a guaranteed annual income of $2,400-a-year for a family of four.
2. Dismantles the H.E.W. bureaucracy by returning to the states the responsibility for determining what kind of welfare programs they will have and establishing the rules and regulations under which the programs will be administered.	2. Enlarges the H.E.W. bureaucracy by "federalizing" all welfare programs.
3. Provides mechanism for decreasing welfare caseloads.	3. Nearly doubles the number of people eligible for welfare.
4. Provides mechanism for reducing the cost of welfare while increasing the level of benefits to the truly needy.	4. More than doubles the current expenditures for welfare.
5. Restores the concept of "federalism" by returning the "flow of power" to the states.	5. Undermines the concept of "federalism" at the expense of the states, by concentrating both the administration and financing of all welfare programs in Washington.
6. Strongly states Congressional support for the use of residency requirements investigation to confirm eligibility of applicants, reasonable home inspections, co-operation of mothers in identifying the fathers of children receiving welfare and other similar limitations.	6. Would eliminate residency requirements and other similar limitations opposed by H.E.W.
7. States could impose work requirements and establish job training programs.	7. Requires that the able-bodied work so long as they are paid ¾ of the Federal minimum wage and provides job training and other employment incentive programs through the Labor Department.
8. Permits flexibility for each state to design programs suitable to the needs of its people.	8. Imposes standard, uniform programs and regulations in all areas without regard for differing problems and needs.
9. Permits new low-income family assistance programs at the discretion of the states.	9. Establishes a uniform and costly program of family assistance to the working poor.
10. Carries out the Administration's proposals for special revenue sharing.	10. Is diametrically opposed to the concept of revenue sharing and so costly it endangers passage of any other revenue sharing proposals.

By Mr. WEICKER:

S. 2038. A bill to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing new, high-speed railroad passenger equipment. Referred to the Committee on Commerce.

HIGH-SPEED RAIL PASSENGER EQUIPMENT ACT OF 1971

Mr. WEICKER. Mr. President, from the actions of the Congress, the appearance has been given the American public that a brighter day lies ahead for rail transportation in the United States. Certainly the machinery exists to realize such a day. However, miserly funding for both urban mass transportation and intercity rail transportation holds back the dawn.

Today I will confine my comments to the situation at Amtrak, although what is said here is equally applicable to urban mass transportation. When Amtrak came into being, few people realized that the American public was to get yesterday's trains painted in today's political rhetoric. Now we need rhetoric to make Congress and the administration aware of the appalling deficiencies in rail transportation, but rhetoric is not going to move one human being from Boston to New York, Seattle to Chicago, Washington to Atlanta or Dallas to Los Angeles. New equipment will. Amtrak exists, but it cannot create. Existing is running the same equipment over the same roadbeds in the same time. The result can only be the same as that which drove us to create Amtrak in the first place—the slow atrophication and death of railroad passenger service.

Creating is operating high-speed trains in heavily populated corridors, trains which will compete directly with the airlines and highways giving the United States a triple transportation capability. The new trains should be run like jetliners, not like steam locomotives. They should have the services of modern travel such as meals, central baggage handling, automated reservation systems. A "bubble-gum-and-bailing-wire" mentality is not what the Nation expects in the execution of its new ideas.

I am today introducing legislation to get Amtrack in the business of futuristic railroading rather than contemporary pacifying. The bill is simple. It authorizes a $90 million payment to Amtrak specifically for the purchase of high-speed trains which can utilize today's roadbeds Based on current cost estimates, this amount will purchase 30 trains capable of carrying 240 passengers each.

The need and the opportunity for this kind of train is startlingly obvious.

Today, approximately 40 percent of all domestic air flights are under 350 miles.

Today, there are 2,928 flights per day of less than 350 miles operating in the densely populated corridors centered on Atlanta, Chicago, Dallas, Los Angeles, and New York alone.

Today, underutilized railroad stations exist in the centers of our major cities while overcrowded airports are often up to an hour from the cities they serve.

Today, air and highway traffic congestion are such that it is often faster to ride a conventional train—let alone a high-speed train—between cities, than it is to fly.

Today land costs and public opposition are increasingly limiting our ability to expand airports and highways, while existing rails sit idle.

Today the cost of a one-way plane ticket from New York to Washington is $27 plus bus or taxi fares to and from the airports. Conventional train service costs $13 and eliminates the need for supplemental transportation.

Today airlines lose far more on short routes than on any other portion of their business.

Today the Metroliner between New York and Washington and the Turbotrain between Boston and New York operate at 60 to 65 percent of capacity—far above conventional trains and even above planes operating along the same routes.

The need, then, for high-speed rail service is here, but the high-speed trains are not.

Last year we launched an idea—Amtrak.

Today I propose that we launch a train—a train which will attract passengers because it is comfortable, fast and economical, a train which will reduce highway and airway congestion, and will provide an important first step toward a truly balanced national transportation system.

Thirty high-speed trains running on routes of 200 to 350 miles can make 90 one-way trips per day. Assuming a capacity of 240 passengers and a load factor of only 50 percent, this means 10,800 passengers per day and 3,942,000 per year. At an average fare of $20 per trip, this would mean revenues of $79 million a year for Amtrak—well covering the cost of operating such a service.

These trains can use today's roadbeds a fact not to gloss over. It is estimated that the cost of straightening the track between Boston and New York alone would be $1 billion. With the technology already developed these costs are largely eliminated.

In 1970 we set up Amtrak with a one-time appropriation of $40 million and loan guarantees of up to $100 million—this for a railroad passenger system which was losing $200 million annually. It was said at the time by the proponents of Amtrak that such initial financing could only constitute a holding operation.

I now propose to move rather than hold with an additional authorization and appropriation of $90 million—seemingly a large amount until it is put into perspective. During the coming year we will be asked to spend $3 billion for interstate highways and an additional $1 billion for primary, secondary and urban highways. Traffic and highway safety programs alone will cost $185 million; highway beautification will come to $66.3 million and research and administration for the highway program will add $93 million more. The Interstate Commerce Commission, which only regulates the railroads, will receive $27 million.

Most important, I am proposing a one-shot capital grant, while these other programs will continue indefinitely, spending many billions far into the future.

Also, in calling for a capital grant for Amtrak, I am stating my firm opposition to endless operating subsidies for passenger service—a fate to which the corporation is now predestined. By providing new equipment and allowing Amtrak to provide the kind of service needed to attract public support, we give them the tools to do the job they were created to do—to run a modern, efficient rail passenger network—at a profit.

In effect, what happened on May 1 of this year was that the American people became the board of directors of Amtrak. They do not expect the kind of tired thinking and whining for subsidies that emptied the tracks of American railroads. They expect us to make America move by writing, not repeating the book.

By Mr. BUCKLEY:

S. 2039. A bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. Referred to the Committee on the Judiciary.

CENSURE, SUSPENSION, AND DISBARMENT OF ATTORNEYS

Mr. BUCKLEY. Mr. President, Chief Justice Burger, in his address of May 18 to the American Law Institute, condemned lawyers who engage in courtroom disruptions and behave disrespectfully toward judges as "a menace and a liability, not an asset, toward the administration of justice." The Chief Justice concluded that either the courts or the legal profession should have responsibility for correcting these abuses "with rigorous powers of discipline wherever we place the responsibility."

The Chief Justice has called attention to an aspect of the administration of justice which urgently calls for reform. The tactics to which the Chief Justice refers have troubled me for some time. To deal with the situation I am today introducing a bill which will not only vest in the Federal courts the power to undertake such discipline, but also will impose on the U.S. attorneys of the various Federal district courts the affirmative duty to institute and prosecute disciplinary proceedings against lawyers who misbehave.

The bill is by no means revolutionary or inconsistent with traditional due process and the right of accused persons to diligent and devoted counsel. The procedure is largely adapted from General Rule 5 as it was in effect for many years in the U.S. District Court for the Southern District of New York, somewhat changed to make it more effective. The principal changes are these:

First, disciplinary proceedings would become a matter of statute applicable nationally and uniformly rather than merely of court rules varying between the courts. The Federal courts exist by virtue of legislation enacted by Congress and Federal judges are appointed with the advice and consent of the Senate. It is appropriate that Congress protect these courts and their judges in the performance of their duties.

Second, it would become the duty of the U.S. attorney to institute such proceedings. The bill is so drawn that funds will be available for the purpose. Of course, the U.S. attorney would act only in those cases in which he believed proceedings warranted. Largely, as I understand it, because funds have not been available, there have been no disciplinary proceedings in the Southern District of New York for over 2 years.

Third, the list of offenses for which discipline is authorized has been slightly broadened so as specifically to include incitement to riot and the like. Experience has shown that tactics of disorder in the courtroom and at public meetings are closely related. Obviously any discipline for such conduct is subject to the clear-and-present-danger rule which the Supreme Court has held to be applicable to all limitations on speech.

Fourth, insofar as a disciplinary proceeding resulted in the suspension or disbarment of an attorney, it would be effective in all Federal courts, and not merely the court that entered the order.

This bill would not affect the rights of attorneys to practice in the State courts. The States could use as they see fit findings made in the disciplinary proceedings provided by this bill. Assuming that it becomes law, the bill will show the determination of the Federal Government that disorder in its own courts will not be tolerated; and that attorneys who have been extended the privilege of practicing before such courts will be expected to conform with generally accepted standards of professional behavior.

By Mr. BOGGS (for himself, Mr. Allen, Mr. Bayh, Mr. Bennett, Mr. Cooper, Mr. Dole, Mr. Ervin, Mr. Gravel, Mr. Hollings, Mr. Hruska, Mr. McGee, Mr. Magnuson, Mr. Mansfield, Mr. Metcalf, Mr. Miller, Mr. Moss, Mr. Muskie, Mr. Stevens, and Mr. Thurmond):

S. 2040. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen. Referred to the Committee on Labor and Public Welfare.

VOCATIONAL EDUCATION FUNDS FOR VOLUNTEER FIREMEN TRAINING

Mr. BOGGS. Mr. President, I am introducing today legislation to make volunteer firemen training programs eligible for assistance under the Vocational Education Act of 1963 as amended in 1968.

This bill would give each State the option of apportioning part of its vocational education grant to the training of volunteer firemen.

I am pleased to announce that I am joined in sponsoring this legislation by Senator Allen, Senator Bayh, Senator Bennett, Senator Cooper, Senator Dole, Senator Ervin, Senator Gravel, Senator Hollings, Senator Hruska, Senator McGee, Senator Magnuson, Senator Mansfield, Senator Metcalf, Senator Miller, Senator Moss, Senator Muskie, Senator Stevens, and Senator Thurmond.

Mr. President, there are an estimated 1.8 million volunteer firemen throughout the country, compared to an estimated 200,000 paid firemen. Several States, including my own State of Delaware, which has more than 6,000 volunteer firemen, have devoted considerable sums of money to establish training facilities to enable these volunteers to perfect their skills. This legislation would allow each State to support this training with vocational education funds.

The existence of volunteer companies guarantees many communities protection from fire and accident at little—or no—cost to the taxpayer. We owe our volunteer firemen a huge debt. These men devote large amounts of time to their companies and live with great inconvenience and personal danger in order to serve their communities.

The least we can do is give them every opportunity to receive the best possible training, and for this I believe Federal assistance should be available.

Mr. President, I ask that the text of this short bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 108 of the Vocational Education Act of 1963 is amended by inserting immediately after the word "employment" the first time it appears in such paragraph the following: "(including volunteer firemen)".

By Mr. MOSS:

S. 2042. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

SHOSHONE INDIAN CLAIM APPORTIONMENT

Mr. MOSS. Mr. President, in the 91st Congress, I introduced a bill—S. 3320—with the hope of settling a controversy between the Northwestern Bands of Shoshones of Utah, the Shoshone-Bannocks of Fort Hall and the Wind River Shoshones of Wyoming in regard to the division of the judgment based upon their consolidated claims against the United States. The three groups consolidated their claims before the Indian Claims Commission in dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367. The proper division of this judgment is not yet resolved.

I understand that subsequent to the introduction of my bill, the attorneys representing the three Indian tribes had agreed among themselves on a division of the judgment. Thereupon, the attorneys expressed willingness to present the agreement to their respective tribes. The Northwestern Bands of Shoshone Indians approved the agreement in its entirety, but the Shoshone Bannocks of Ft. Hall, Idaho, while approving the attorneys' agreement, elected to repudiate their 1965 agreement with the Wind River Shoshones for the distribution of the balance. In view of the decision of the Shoshone Bannocks, the Wind River Shoshones failed to take any action. Negotiations have been fruitless since that time.

It is my belief that the equitable interest of the Indians of all three groups should be recognized and fully protected in any attempt at a division of the judgment.

I am, therefore, today introducing a bill to incorporate the terms of the agreement reached by the attorneys for the three tribes, thus allowing for an equitable distribution which has been unnecessarily postponed by unproductive attempts to negotiate.

By Mr. MONTOYA:

S. 2046. A bill to establish methods of payment for national forest timber, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. MONTOYA. Mr. President, for nearly 4 years, Members of Congress, the Forest Service, and representatives of the forest products industry have been discussing payment practices in the sale of national forest timber. As a participant in these discussions and a Senator from a State where several billion board feet of national forest timber were sold during that period, I have become thoroughly familiar with the issues involved. I introduce today legislation which will establish needed policy with respect to the payment bond practice—an important aspect of the overall problem.

The effect of my bill would be to continue the Forest Service's present practice of accepting negotiable securities or surety bonds as guarantees of payment for logs stored prior to the measurement used to determine the volume subject to payment. This practice has been in use for 12 years without any instances of Government loss due to failure to pay for the stored logs. The history of success which it has enjoyed justifies the introduction of legislation to insure its continuance.

One of the foremost allegations of the Forest Service is that the Government is taking a great risk in allowing deferred payment because of the possibility of the purchaser defaulting on his payment. On the basis of 12 years experience, this charge cannot be supported. A surety will limit any timber purchaser to his bonding capacity, and the surety is required to pay promptly in the event of default by the purchaser. In fact, even if the situation necessitated seizure and sale of the purchaser's stored logs, the Government would benefit rather than lose in terms of gained revenue; logs at most mills are much more valuable than they were in the tree; therefore, the timber in question would have enhanced value.

Another argument of the Forest Service is that since the ability of the timber purchaser to get surety bonds and offer them in lieu of cash is determined by the value of the purchaser's assets, deferred payment on national forest logs is discriminatory in regard to small business firms. What the Forest Service seems not to be considering is the difficulty facing the small operator in raising the capital needed to replace payment bonds under the Forest Service plan. It would probably be easier and less costly for the operator to get a bond than a loan—the premium on payment of a bond being lower than the interest on a loan. Furthermore, at a time when the Federal Government is trying to restrict credit, the Forest Service would be forcing the timber industry to obtain additional credit to finance operations.

A big concern of the Government in past years has been the problem of unemployment in rural areas of the United States. Deferred payment, with the inherent situation of log storage, enables timber firms to offer uninterrupted employment to countless men who might otherwise be unemployed. Without the uninterrupted operation made possible by deferred payment—having the capital available to run the mill—one could not expect the survival of a stable community.

The most accurate log scaling is possible in the mill after multisegment logs are cut to standard lengths. Why? Such cutting reveals the extent of defects in the interior of the logs, and this information is needed to obtain the net volume. The Forest Service complains that waiting until the purchaser decides to use the logs places unwarranted pressure upon them and is not only a tedious but more costly procedure to the Forest Service than appraisals done at the time of removal. One should note that this inconvenience is more than compensated financially by the high appraisal placed on the timber being purchased. Competitive bidding on the part of the purchasers also raises the appraised value of the timber. If the Forest Service plan to eliminate deferred payment goes into effect, the purchasers' captial will be tied up and so the extent of overbidding will be reduced and possible revenue to the Government will be lost.

Mr. President, the Forest Service has announced the revocation of payment guarantees in connection with deferred scaling for sales made after July 1, 1971. The forest products industry believes the Forest Service has not adhered to the language of the Senate Appropriations Committee report for the fiscal year 1970 appropriations bill in that there has been no joint study or attempt to resolve the issue and that attempts to discuss the issue with the Forest Service were postponed pending release of the O.I.G. report. Discussions were further postponed pending Forest Service analysis of that report.

In sum, Mr. President, the revocation of payment guarantees with regard to deferred scaling is not warranted until substitute measures are available which give equal assurances of payment and fair treatment to timber purchasers. The present method of guaranteeing payment for national forest timber has been working well. My bill will authorize continuance of this practice. I ask unanimous consent that its text appear in the RECORD following these introductory remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payment for national forest timber shall be made before removal unless the purchaser provides an acceptable surety bond guaranteeing payment within thirty days of removal. In lieu of a surety bond, a purchaser may deposit negotiable securities of the United States accompanied by power of attorney and agreement authorizing sale of such securities if payment is not made as above provided.

If the purchaser stores logs off the sale area before scaling and has provided an acceptable payment guarantee, payment must be made within thirty days of such storage unless the purchaser executes an instrument consenting to seizure and sale of such stored logs by the United States with guarantee of free access to the United States or its assigns to permit effective possession and removal of such logs from the storage site in event of failure of sureties to meet payment demands within thirty days after notification of default in payment by purchaser. Such instrument consenting to seizure and sale shall provide that such action shall be stayed if there is a bona fide dispute over the volume or value of the timber involved and the timber purchaser is pursuing administrative or judicial means to resolve the dispute. Payment for all logs which are in storage off of the sale area on December 31, must be made by not later than June 30, of the following year.

By Mr. MATHIAS:

S. 2047. A bill to amend title II of the Social Security Act to provide an increase in the amount of earnings allowed without deduction from benefits, to increase the minimum benefit to $100, to increase widow's and widower's benefits, and to provide for automatic increases in benefits based on increases in the costs of living and for appropriate adjustments in the tax rates and wage base to finance the costs of such increases. Referred to the Committee on Finance.

Mr. MATHIAS. Mr. President, I was gratified when the Senate this past March passed urgently needed legislation to provide a 10 percent across-the-board increase in social security benefits. The increase, retroactive to the first of the year, represented a major effort, begun in the last Congress, to help social security recipients keep up with the rising cost of living. The measure gave those on social security increased buying power. It was sound legislation in that in addition to increasing benefits, it also raised the revenue to finance the increase. However, while I was pleased by the benefits our senior citizens received from this action, I am disappointed that the job remains unfinished.

Congress will not deal effectively with the social security question until it moves to increase the amount of money which social security recipients can earn without shrinking the size of their monthly benefit checks. Twice in recent months, the Senate has voted to increase the earnings limitation. In its consideration of H.R. 17550 last December and more recently in March, the Senate voted to raise the earnings ceiling to $2,400. Regrettably, the House-Senate conferees did not accept this amount, and the ceiling remains at an unrealistic and unjust $1,680.

Continued failure to act on this question discourages our senior citizens from holding positions which could benefit the Nation. It is shortsighted to turn these experienced men and women out to pasture, give them a monthly allowance which is barely adequate at best, and threaten to take away the money which they have earned or reduce the payment if the recipient makes use of skills he has spent a lifetime developing.

Many of our senior citizens can perform skills that are currently in demand. For example, many hospitals, nursing homes and clinics in the Nation are in dire need of practical nurses, but a practical nurse who is receiving social security benefits would jeopardize those benefits if she filled one of these positions. This is folly. We are denying the Nation the skills, energy, and experience of these citizens. By our inaction, we are spreading the doctrine that work and the constructive investment of one's time and energy is not in vogue in the United States. It is an attitude that is robbing the Nation of a valuable natural resource —its senior citizens. When we increased social security benefits, we should have completed the job and either raised or eliminated the ceiling on the amount a beneficiary can earn. It seems as though we have forgotten that every person receiving social security has contributed to that fund during his younger years. It is not a form of welfare; it is insurance and the Government has an obligation to pay the benefits when the time comes, whether or not the recipient is still working.

I am hopeful that the Senate will once again deal directly with this problem and end the economic discrimination currently practiced against our senior citizens. Toward that end, today I am introducing legislation which would increase the social security earnings limitation from $1,680 to $3,000.

In addition to increasing the income allowable without penalty, this legislation will alter the manner in which benefits are computed once the beneficiary has earned more than the allowable amount. Under present law, benefits are reduced $1 for each $2 earned between $1,680 and $2,880, and $1 for each $1 earned above $2,880. My bill would change this procedure so that the $1 reduction in benefits for each $2 earned would apply to all earnings above $3,000, thereby providing further incentive for beneficiaries who need to and are capable of working to do so.

For example, the average retiree under social security receives $117 per month. If the retiree were able to earn $3,500 a year in outside income, computation of his earnings under the present retirement test formula would allow him to receive a meager $184 of the $1,404 due him in social security annuity for a total income of $3,684. However, if computed according to my proposal, the beneficiary would be able to retain $1,154, a considerably higher sum, for a total of $4,654.

Many of the letters I receive daily attest to the serious inadequacies in other aspects of our social security system. My bill seeks to improve one vital area, that of increased benefits to the elderly. There is no need to elaborate on the devastating impact of continuing inflation of those who must live on fixed retirement incomes. The Director of the 1971 White House Conference on Aging, John B. Martin, has stated:

> Lack of income has become the Number One problem for a substantial number of the 20 million Americans who are age 65 or older.

One out of every four senior citizens live on incomes which fall below the official poverty level.

The legislation I introduce today should help senior citizens cope with this inflationary spiral. First, this bill would provide the cost-of-living provisions adopted by the Senate last December. This would call for an automatic adjustment in benefits according to increases in the cost of living. With this approach, however, Congress would retain the initiative to fix a social security benefit level, but would assure that benefits would rise automatically when the cost of living increased at least 3 percent if the Congress failed to act on an increase.

Other provisions of this bill are also designed to insure that each person under social security receive a more realistic income—an increase in widows' and widowers' benefits to 100 percent of the amount the spouse would have received, and a $100 monthly minimum benefit.

Under present law, a widow receives 82.5 percent of the amount her husband would have received. Currently the average benefit for a widow is $103 monthly. In its report on H.R. 17550 last year, the Finance Committee stated that surveys of social security beneficiaries have shown that, on the average, women receiving aged widows' benefits have less income—other than social security—than most other beneficiaries. I am pleased that both the House and the Senate voted to increase the widows' benefits in the last Congress' consideration of H.R. 17550, and I am hopeful and confident that this provision will be enacted this year.

The other feature of this bill, which raises the monthly minimum to $100, is an essential step in helping senior citizens to cope with continual increases in the cost of living. In December and in March the Senate did vote to increase the monthly minimum to $100. Regrettably, when the conferees met in March, this amount was not accepted, and the minimum was raised from $64 to a mere $70.40. This amount is still grossly inadequate. We must provide a more realistic minimum benefit level, and the least we can afford is $100 per month.

May was observed as Senior Citizen's Month. Every month should be senior citizen's month. I urge that when the Senate considers social security this summer that it adopt my recommendations—which represent the bare essentials—so we can say that we kept our commitment.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2047

A bill to amend title II of the Social Security Act to provide an increase in the amount of earnings allowed without deduction from benefits, to increase the minimum benefit to $100, to increase widow's and widower's benefits, and to provide for automatic increase in benefits based on increases in the costs-of-living and for appropriate adjustments in the tax rates and wage base to finance the costs of such increases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1971".

LIBERALIZATION OF EARNINGS TEST

SEC. 2. (a) Paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$250".

(b) The first sentence of paragraph (3) of section 203(f) is amended to read as follows: "For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $250 multiplied by the number of months in such year."

(c) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$250".

(d) The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1971.

INCREASE IN MINIMUM BENEFIT

SEC. 3. (a) The table in section 215(a) of the Social Security Act is amended by striking out the matter beginning with the line on which appears the following:

"— $16.20 $64.00 — $76 $70.40 $105.50"
or less

and continuing through the line on which appears the following:

"$26.95 27.46 91.90 114 118 101.10 151.70"
"26.95 27.46 91.90 114 118 101.10 151.70"
and by inserting in lieu of the matter strick-
"— $26.94 $90.60 — $113 $100.00 $150.00"
or less
$26.95 27.46 91.90 114 118 101.10 151.70".

(b) The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted and with respect to lump-sum death payments under such title in the case of deaths occurring after the date of enactment of this Act.

INCREASE IN WIDOW'S AND WIDOWER'S BENEFITS

SEC. 4. (a)(1) Section 202(e) of the Social Security Act is amended—

(A) by striking out "82½ percent of the primary insurance amount of such deceased individual" wherever it appears in paragraph (1) and inserting in lieu thereof "the amount of the widow's insurance benefit (as determined under paragraph (2)) of such widow or surviving divorced wife"; and

(B) by striking out subparagraph (C) of paragraph (1) and inserting in lieu thereof the following new subparagraph:

"(C)(i) has filed application for widow's insurance benefits, or (ii) was entitled, on the basis of the wages and self-employment income of such individual, to—

"(I) mother's insurance benefits for the month preceding the month in which she attained age 65, or

"(II) wife's insurance benefits for the month preceding the month in which he died, but only if in such preceding month she had attained the age of 65 or was not entitled to benefits under subsection (a) or section 223,";

(C) by striking out "age 62" in the matter following subparagraph (G) in paragraph (1), and inserting in lieu thereof "age 65".

(2) Paragraph (2) of section 202(e) of such Act is amended to read as follows:

"(2)(A) Except as provided in subsection (q), paragraph (4) of this subsection, and subparagraph (b) of this paragraph, such widow's insurance benefit for each month shall be equal to the primary insurance amounts of such deceased individual.

"(B) If the deceased individual (on the basis of whose wages and self-employment income a widow or surviving divorced wife is entitled to widow's insurance benefits under this subsection) was, at any time, entitled to an old-age insurance benefit, which was reduced by reason of the application of subsection (q), the widow's insurance benefit of such widow or surviving divorced wife for any month shall, if the amount of the widow's insurance benefit of such widow or surviving divorced wife (as determined under subparagraph (A) and after application of subsection (q)) is greater than the amount of the old-age insurance benefit to which such deceased individual would have been entitled (after application of subsection (q)) for such month if such individual were still living, be reduced to an amount equal to the amount of the old-age insurance benefit to which such deceased individual would have been entitled (after application of subsection (q)) for such month if such individual were still living."

(b)(1) Section 202(f) of such Act is amended—

(A) by striking out "82½ percent of the primary insurance amount of his deceased wife" wherever it appears in paragraph (1) and inserting in lieu thereof "the amount of the widower's insurance benefit (as determined under paragraph (3)) of such widower";

(B) by striking out subparagraph (C) of paragraph (1), and inserting in lieu thereof the following new subparagraph:

"(C)(i) has filed application for widower's insurance benefits or (ii) was entitled to husband's insurance benefits, on the basis of the wages and self-employment income of such individual, for the month preceding the month in which she died, but only if in such preceding month he had attained the age of 65 or was not entitled to benefits under subsection (a) or section 223"; and

(C) by striking out "age 62" in the matter following subparagraph (G) in paragraph (1) and inserting in lieu thereof "age 65".

(2) Paragraph (3) of section 202(f) of such Act is amended to read as follows:

"(3)(A) Except as provided in subsection (q), paragraph (4) of this subsection, and subparagraph (B) of this paragraph, such widower's insurance benefit for each month shall be equal to the primary insurance amount of his deceased wife.

"(B) If the deceased wife (on the basis of whose wages and self-employment income a widower is entitled to widower's insurance benefits under this subsection) was, at any time, entitled to an old-age insurance benefit which was reduced by reason of the application of subsection (q), the widower's insurance benefit of such widower for any month shall, if the amount of the widower's insurance benefit of such widower (as determined under subparagraph (A) and after application of subsection (q)) is greater than the amount of the old-age insurance benefit to which such deceased wife would have been entitled (after application of subsection (q)) for such month if such wife were still living, be reduced to an amount equal to the amount of the old-age insurance benefit to which such deceased wife would have been entitled (after application of subsection (q)) for such month if such wife were still living.

(c)(1) The last sentence of section 203(c) of such Act is amended by striking out all that follows the semicolon and inserting in lieu thereof the following: "nor shall any deduction be made under this subsection from any widow's insurance benefit for any month in which the widow or surviving divorced wife is entitled and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or from any widower's insurance benefit for any month in which the widower is entitled and has not attained age 65 (but only if he became so entitled prior to attaining age 62)."

(2) Clause (D) of section 203(f)(1) of such Act is amended to read as follows: "(D) for which such individual is entitled to widow's insurance benefits and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or widower's insurance benefits and has not attained age 65 (but only if he became so entitled prior to attaining age 62), or".

(d) Section 202(k)(3)(A) of such Act is amended by striking out "subsection (q) and" and inserting in lieu thereof "subsection (q), subsection (e)(2) or (f)(3), and".

(e)(1) Section 202(q)(1) of such Act is amended to read as follows:

"(1) If the first months for which an individual is entitled to an old-age, wife's, husband's, widow's, or widower's insurance benefit is a month before the month in which such individual attains retirement age, the amount of such benefit for such month and for any subsequent month shall, subject to the succeeding paragraphs of this subsection, be reduced by—

"(A) 5/9 of 1 percent of such amount if such benefit is an old-age insurance benefit, 25/36 of 1 percent of such amount if such benefit is a wife's or husband's insurance benefit, or 57/120 of 1 percent of such amount if such benefit is a widow's or widower's insurance benefit, multiplied by—

"(B)(i) the number of the months in the reduction period for such benefit (determined under paragraph (6)(A), if such benefit is for a month before the month in which such individual attains retirement age, or

"(ii) if less the number of such months in the adjusted reduction period for such benefit (determined under paragraph (7)), if such benefit is (I) for the month in which such individual attains age 62, or (II) for the month in which such individual attains retirement age;

and in the case of a widow or widower whose first month of entitlement to a widow's or widower's insurance benefit is a month before the month in which such widow or widower attains age 60, such benefit, reduced pursuant to the preceding provisions of this paragraph (and before the application of the second sentence of paragraph (8)), shall be further reduced by—

"(C) 43/240 of 1 percent of the amount of such benefit, multiplied by—

"(D)(4) the number of months in the additional reduction period for such benefit (determined under paragraph (6)(B), if such benefit is for a month before the month in which such individual attains age 62, or

"(ii) if less, the number of months in the additional adjusted reduction period for such benefit (determined under paragraph (7)), if such benefit is for the month in which such individual attains age 62."

(2) Section 202(q)(7) of such Act is amended—

(A) by striking out everything that precedes subparagraph (A) and inserting in lieu thereof the following:

"(7) For purposes of this subsection the 'adjusted reduction period' for an individual's old-age, wife's, husband's, widow's, or widower's insurance benefit is the reduction period prescribed in paragraph (6)(A) for such benefit, and the 'additional adjusted reduction period' for an individual's, widow's, or widower's insurance benefit is the additional reduction period prescribed by paragraph (6)(B) for such benefit, excluding from each such period—"; and

(B) by striking out "attained retirement age" in subparagraph (E) and inserting in lieu thereof "attained age 62, and also for any month before the month in which he attained retirement age,".

(3) Section 202(q)(9) of such Act is amended to read as follows:

"(9) For purposes of this subsection, the term 'retirement age' means age 65."

(f) Section 202(m) of such Act is amended to read as follows:

"Minimum Survivor's Benefit

"(m)(1) In any case in which an individual is entitled to a monthly benefit under this section (other than under subsection (a)) for any month and no other person is (without the application of subsection (j)(1) and section 223(b)) entitled to a monthly benefit under this section or section 223 for such month on the basis of the same wages and self-employment income, such individual's benefit amount for such month, prior to reduction under subsection (k)(3), shall be not less than the first amount appearing in column IV of the table in section 215(a); except as provided in paragraph (2).

"(2) In the case of such an individual who is entitled to a monthly benefit under subsection (e) or (f), such benefit amount, after reduction under subsection (q)(1) and subsection (e)(2)(B) or (f)(3)(B), shall not be less than the amount it would be under paragraph (1) after reduction under subsection (q)(1), if retirement age as specified in paragraph (6)(A)(ii) of subsection (q) were age 62 rather than retirement age (as defined in subsection (q)(9))."

(g) In the case of an individual who is entitled to widow's or widower's insurance benefits for the month of December 1971, the Secretary shall redetermine the amount of such benefits for months after December 1971 under title II of the Social Security Act as if the amendments made by this section had been in effect for the first month of such individual's entitlement to such benefits.

(h) Where—

(1) two or more persons are entitled to monthly benefits under section 202 of the Social Security Act for December 1971 on the basis of the wages and self-employment income of a deceased individual, and one or more of such persons is so entitled under subsection (e) or (f) of such section 202, and

(2) one or more of such persons is entitled on the basis of such wages and self-employment income to monthly benefits under subsection (e) or (f) of such section 202 (as amended by this section) for January 1972, and

(3) the total of benefits to which all persons are entitled under section 202 of such Act on the basis of such wages and self-employment income for January 1972 is reduced by reason of section 203(a) of such Act, as amended by this Act (or would, but for the penultimate sentence of such section 203(a), be so reduced), then the amount of the benefit to which each such person referred to in paragraph (1) is entitled for months after December 1971 shall in no case be less, after the application of this section and such section 203(a), than the amount it would have been without the application of this section.

(i) In the case of any individual who became entitled to a widow's or widower's insurance benefit after attaining age 62 and who is entitled to such benefit for the month of December 1971, the provisions of this section shall not operate to reduce such benefit to less than 82½ percent of the primary insurance amount of the deceased individual on the basis of whose wages and self-employment income such benefit is payable.

(j) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1971.

AUTOMATIC COST-OF-LIVING ADJUSTMENTS IN BENEFITS, TAX RATES, AND WAGE BASE

SEC. 5. (a) (1) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i) (1) For purposes of this subsection—

"(A) the term 'base quarter' means the period of 3 consecutive calendar months ending on June 30, 1971, and the period of 3 consecutive calendar months ending on June 30 of each year thereafter;

"(B) the term 'cost-of-living computation quarter' means any base quarter (beginning no earlier than April 1, 1972) in which the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 percent, such index in the latest of (i) January 1971, or (ii) the base quarter which was most recently a cost-of-living computation quarter, or (iii) the most recent calendar month (after January 31, 1971) in which a general increase (other than an increase under this subsection) in the primary insurance amounts of all individuals entitled to benefits under this title became effective based upon an Act of Congress; and

"(C) the Consumer Price Index for a base quarter shall be the monthly average of such index in such quarter.

"(2) (A) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall, effective for January of the next calendar year, increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 288, and the primary insurance amount of each other individual as specified in subparagraph (B) of this paragraph, by an amount derived by multiplying such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the next higher one-tenth of 1 percent if such percentage is an odd multiple of .05 of 1 percent and to the nearest one-tenth of 1 percent in any other case) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such Index for the base quarter determined after the application of paragraph (1) (B).

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, based on the wages and self-employment income of an individual who became entitled to monthly benefits under section 202, 223, 227, or 228 (without regard to section 202(j) (1) or section 223(b)), or who died, in or before December of such calendar year.

"(C) Notwithstanding the provisions of subparagraphs (A) and (B), the increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall not be effective as provided in such subparagraph (A) if in the calendar year in which such cost-of-living computation quarter occurs a law has been enacted which provides for (i) a general increase in the primary insurance amounts of all individuals entitled to benefits under this title, or (ii) a change in the rate of tax on wages and self-employment income under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance, or (iii) an increase in the amount of earnings of individuals that may be counted for benefits under this title and that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance.

"(D) Except as may be provided in subparagraph (C) if the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before August 15 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been revised previously pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall show the effective date of the primary insurance amounts set forth in column IV of the table immediately prior to its revision.

"(ii) The amounts on each line of column I, and the amounts on each line of column III, except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amount of each line of columns IV and V shall be increased from the amount shown in the table immediately prior to its revision by increasing such amount by the percentage specified in subparagraph (A) of paragraph (2), raising each such increased amount, if not a multiple of $0.10, to the next higher multiple of $0.10.

"(v) Columns III, IV, and V shall be extended. The amount in each additional line of column III shall be determined so that the second figure in the last line of column III is one-twelfth of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised, and the amounts on each additional line of column III shall be the amount on the preceding line increased $5. The amount on each additional line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised over such base for the calendar year in which the table of benefits is revised. The amount in each additional line of column V shall be 175 percent of the amount appearing on the same line in column IV. Any such increased amount that is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10."

(2) Section 203(a) of such Act is amended—

(A) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and inserting after paragraph (3) the following new paragraph:

"(4) when two or more persons are entitled (without the application of section 202(j) (1) and section 223(b)) to monthly benefits under section 202 or 223 for December of the calendar year in which occurs a cost-of-living computation quarter (as defined in section 215(i) (1)) on the basis of the wages and self-employment income of such insured individual, such total of benefits for months following such December shall be reduced to not less than the amount equal to the sum of the amounts derived by increasing the benefit amount determined under this title (including this subsection, but without the application of section 222 (b), section 202(q), and subsections (b), (c), and (d) of this section) as in effect for such December for each such person by the same percentage as the percentage by which such individual's primary insurance amount (including such amount as previously increased) is increased under section 215(i) (2) for such month immediately following, and raising each such increased amount (if not a multiple of $0.10) to the next higher multiple of $0.10."; and

(B) by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in (or deemed to be in) section 215(a)".

(3) (A) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be the amount in column IV of the following table, or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i) (2) (D), determined as follows:

"(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(i) The amount in column IV on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

"(ii) The amount in column IV on the line on which in column II of such table appears his primary insurance amount (as determined under subsection (c)); or

"(iii) The amount in column IV on the line on which in column I of such table appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV which is equal to the primary insurance amount upon which such disability insurance benefit is based, except that, if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based."

(B) Effective January 1, 1973, section 215 (b) (4) of such Act is amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled in or after the effective month of a new table that appears in (or is deemed by subsection (i) (2) (D) to appear in) subsection (a) to benefits under section 202(a) or section 223; or

"(B) who dies in or after such effective month without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f) (2) or (6)."

(C) Effective January 1, 1973, section 215

(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

"(c)(1) For the purposes of column II of the table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the effective month of the latest such table.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(D) Section 215(f)(2) of such Act is amended by striking out "(a) (1) and (3)" and inserting in lieu thereof "(a)(1) (i) and (ii)".

(4) Sections 227 and 228 of such Act are amended by striking out "$48.30" wherever it appears and inserting in lieu thereof "the larger of $48.30 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$24.20" wherever it appears and inserting in lieu thereof "the larger of $24.20 or the amount most recently established in lieu thereof under section 215(i)".

(b)(1) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ADJUSTMENT OF THE TAX AND BENEFIT BASE

"SEC. 230. (a) If the Secretary determines pursuant to subsection (i) of section 215 that an increase in benefits provided by subparagraph (A) of such subsection applies in the case of monthly benefits under sections 202 and 223 for months of a calendar year immediately following a cost-of-living computation quarter he shall also estimate the long-range additional level-cost (without regard to any estimated actuarial surplus which may exist at such time) of such benefits. He shall also determine the increase that is necessary in (1) the amount of earnings that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance and (2) the rate of tax specified in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954, to meet the total of such level cost and the cost (not previously taken into account under this subsection) of increasing the exempt amount pursuant to section 203 (f)(8) for years prior to the year in which such increase in benefits becomes effective where one-half (or approximately one-half) of such total is to be met by the increase specified in clause (1) and the remainder is to be met by the increase specified in clause (2).

"(b) The contribution and benefit base for the calendar year referred to in subsection (a) and all succeeding calendar years, prior to the first calendar year thereafter in which an increase in benefits authorized by subsection (i) of section 215 becomes effective, shall be the sum of the amount of earnings of individuals that may be counted for benefits under this title and that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance with respect to the calendar year immediately preceding the calendar year referred to in subsection (a) and the increase referred to in subsection (a), with such sum, if not a multiple of $300, being rounded to the nearest multiple of $300; except that—

"(1) if prior to such first calendar year a law is enacted which provides that for any calendar year a different amount of earnings may be so counted and may be so taxed, such different amount shall be the contribution and benefit base for the calendar years specified in such law but only until the first calendar year thereafter in which an increase in benefits is authorized by subsection (i) of section 215; and

"(2) the contribution and benefit base for any year after 1972 and prior to the first calendar year in which the first increase in benefits pursuant to section 215(i) becomes effective shall be $9,000 or (if applicable) such other amount as may be specified in a law enacted subsequent to the Social Security Amendments of 1971.

"(c) The Secretary shall allocate the increase specified in clause (2) of subsection (a) of this section among the rates of tax specified in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954 so that—

"(A) the rate of tax under section 3101(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during a calendar year is equal to the rate of tax under section 3111(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during such calendar year;

"(B) the rate of tax under section 1401(a) of such Code with respect to self-employment income (as defined in section 1402(b) of such Code) for any taxable year beginning during a period specified in such section 1401 (a) shall be equal to 150 percent of the rate of tax under section 3101(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during any calendar year occurring in such period.

After such allocation, the Secretary shall round any such tax rate, increased by reason of such allocation, to the nearest one-tenth of 1 percent.

"(d) At the time the Secretary publishes in the Federal Register the table required by section 215(i)(1)(D), he shall also publish in such Register—

"(1) the actuarial assumptions and methodology used in estimating the additional long-range level-cost referred to in subsection (a), and

"(2) the contribution and benefit base resulting pursuant to subsection (b), and

"(3) the amount of the increase in tax rates required pursuant to such subsection (a) and the allocation of such increase determined under subsection (b) (including any rounding authorized by such subsection)."

(c)(1) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(6) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1972 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;".

(2(A) Section 211(b)(1) of such Act is furis amended by striking out "; or" and inserting in lieu thereo "; and".

(3) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new paragraph:

"(F) For any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2) (iii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or in the case of any taxable year beginning in any calendar year after 1972, an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year".

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "the excess over $9,000 in the case of any calendar year after 1971 and before 1973, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(d)(1)(A) Section 1402 (b)(1)(F) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and beginning before 1973" after "1971", and by striking "; or" and inserting in lieu thereof "and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(G) for any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2) Effective with respect to remuneration paid after 1972, section 3121(a)(1) of such Code (relating to definition of wages) is amended (1) by striking out "$9,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and (2) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective."

(3) Effective with respect to remuneration paid after 1972, the second sentence of section 3122 of such Code is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base".

(4) Effective with respect to remuneration paid after 1972, section 3125 of such Code is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base".

(5) Section 6413 (c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1973" after "after the calendar year 1971";

(B) by inserting after "exceed $9,000" the following: "or (F) during any calendar year after 1972, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by inserting before the period at the end thereof the following: "and before 1973, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1972 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year."

(6) Section 6413 (c) (2) (A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $9,000 for any calendar year after 1971" and inserting in lieu thereof "$9,000 for the calendar year 1972, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1972 with respect to which such contribution and benefit base is effective."

(7) Effective with respect to taxable years beginning after 1972, section 6654 (d) (2) (B) (ii) of such Code is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)".

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2049. A bill to consolidate, simplify, and improve laws relative to housing and housing assistance. Referred to the Committee on Banking, Housing and Urban Affairs.

HOUSING CONSOLIDATION AND SIMPLIFICATION ACT OF 1971

Mr. SPARKMAN. Mr. President, I am introducing for myself and Senator TOWER the proposed "Housing Consolidation and Simplification Act of 1971." This proposed legislation was sent to the Congress by Secretary of Housing and Urban Development, George Romney, on behalf of the administration.

The legislation represents a major effort to consolidate and streamline existing housing laws and improve the operation of federally assisted housing programs.

The proposed Housing Consolidation and Simplification Act is a far-reaching measure. It would rewrite our basic housing law—title II—of the National Housing Act into a "Revised National Housing Act," and would sharply revise the low-rent public housing legislation contained in the U.S. Housing Act of 1937. It would establish eight insurance authorities to replace the approximately 50 now in existence, and create four basic programs to cover assisted and unassisted home mortgages and multifamily project mortgages. It would authorize the Secretary of Housing and Urban Development to set ceilings on all FHA mortgages, based on the cost of area prototypes, and to prescribe maximum interest rates for each type of mortgage. The measure would permit the Secretary to set insurance premiums without limitation, and give him greater discretion in using the general and special insurance funds. It would revise existing basic home mortgage requirements, and establish new subsidy formulas for assisting lower income homeowners and residents of multifamily projects.

These are some of the major features of the proposed Consolidation Act. As you can see, it is both a very broad and a very complex bill. It will require very careful consideration if we are to insure that consolidation results in more effective housing programs, and not simply in better written housing law.

A similar consolidation proposal was sent to the Congress last year by Secretary Romney but, because of its complexity and far-reaching implications, the Congress failed to act on it but promised to consider it seriously this year.

This proposed bill is one of three major pieces of housing reform legislation now before the Senate. These are, first, the Community Development Act of 1971, which includes the Urban Community Development Revenue Sharing and the State and Local Planning and Management titles; second, the Housing Consolidation and Simplification Act; and third, the President's Reorganization Act, which provides for the consolidation of all community development functions in a new Department of Community Development. The first two of these bills will be considered by the Banking, Housing and Urban Affairs Committee, and the third one is being considered by the Government Operations Committee.

I cannot recall a year in which we have had so much reform legislation before us at one time. I note this with some concern. I anticipate that there will be controversy over some of the provisions of the legislation which I am introducing today, as well as some of the others. When I view the workload now before us and the many complicated issues involved, I am not altogether sanguine about early action by this body.

However, I believe we must move ahead and enact the laws which are needed to carry out an effective program to house every American. In this connection, our committee plans to hold hearings later on the bill which I am introducing today and all other housing bills pending before the committee.

Mr. President, I ask unanimous consent that a section-by-section summary thereof be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF HOUSING CONSOLIDATION AND SIMPLIFICATION ACT OF 1971

The first section of the bill would provide that upon enactment it would be cited as the "Housing Consolidation and Simplification Act of 1971."

TITLE I—MORTGAGE CREDIT ASSISTANCE

Section 101—Consolidation and revision of mortgage insurance authorities

This section would provide a new "Revised National Housing Act", effective as provided in section 102, which eventually would supersede the National Housing Act. The new Act would: (1) consolidate the numerous authorities scattered throughout the National Housing Act into a minimum number of broad, flexible programs, (2) eliminate obsolete or duplicatory authorities; and (3) improve existing operations and subsidy programs.

Structure of the act

Home mortgages would be insured under two authorities—unassisted (section 401) and assisted (section 402). Multifamily mortgages would also be divided into one unassisted (section 501) and one assisted (section 502) authority. These four authorities would replace a large number of separate existing programs. Three existing programs covering hospitals, group practice facilities, nursing homes and intermediate care facilities would be provided for in one mortgage insurance program for health facilities (section 503). The Title X Land Development Program (section 505) would be retained. One Supplemental Loan Program (section 504) would consolidate three existing programs. The Home Improvement and Mobile Home Loan Program (Title III) would be retained but in simplified form. The various provisions spread throughout the National Housing Act relating to insurance funds, payment of insurance benefits, premiums and similar items would be clarified and consolidated.

TITLE I—GENERAL AUTHORITY

Section 1—Definitions

This section would define "first mortgage", "mortgagee", "mortgagor", "home mortgage", "project mortgage", "maturity date", "condominium", "experimental property", "State", and "Secretary", in substantially the same way these terms are used in the National Housing Act. In addition, the term "advances" would be defined to permit "advances" of insured mortgage proceeds during construction or rehabilitation of projects to cover the cost of materials and building components which are in transit, stored offsite, or otherwise located off-site but which will ultimately become part of the mortgaged property.

Section 2—General insurance authority

Subsection (a) would require that an insured mortgage be made by, and held by, a mortgagee approved by the Secretary as responsible and able to service the mortgage properly.

Subsection (b) would provide general authority for the Secretary to insure and make commitments to insure mortgages and loans. The Secretary could, prior to final endorsement for insurance, amend the amount of any commitment consistent with eligibility limitations for the particular class of mortgage or loan involved in effect at the time of the final endorsement.

Subsection (c) would require that a mortgage transaction eligible for insurance under the Act be determined by the Secretary to be an "insurable risk", except that mortgage transactions involving assistance payments, experimental property, property located in an older and declining area where there is a reasonable prospect for revitalization, or single-family housing for employees of research or development installations could be accepted for insurance by the Secretary as a "special risk".

Section 3—Flexible mortgage amounts

Subsection (a) would limit the amount of any mortgage attributable to dwelling use under the subsidized homeownership and rental programs (sections 402 and 502) to not more than 10 percent above the "prototype cost" established by the Secretary for the area in which the property covered by the mortgage is located. For unsubsidized residential mortgages (sections 401 and 501) the increment would be 100 percent, or such lower percent in any area which the Secretary considers appropriate to prevent a diversion of mortgage credit on reasonable terms from moderate cost housing.

Subsection (b) would direct the Secretary to establish prototype costs at least annually based on his estimate of (1) reasonable land and site improvement costs, and (2) the construction costs of new dwelling units of various sizes and types in the area suitable for occupancy by persons receiving homeownership or rental assistance under sections 402 and 502 of the Act. In determining prototype costs the Secretary would take into account the extra durability required for economical maintenance of assisted housing, the provision of amenities which will provide safe and healthy home life, and good design and architectural standards. The prototype costs would become effective upon publication in the Federal Register.

Subsection (c) would define "construction costs" to mean those cost items which are reflected in the amount of a home or multifamily mortgage insurable under section 402 or 502 of the Act except the costs of land and site improvements.

Section 4—Interest rates

This section would give the Secretary permanent authority to prescribe maximum interest rates for insured mortgages and loans based on his determination of the needs of the mortgage or loan market. These rates could differ for each of the different types of mortgages or loans which would be insured under the various sections of the Act and could further differ to take into account differences between mortgages or loans within each provision.

Section 5—Water and sewer facilities

This section would require that there be public or adequate private community water and sewerage facilities serving newly constructed housing except where it was determined by the Secretary that the establishment of a public or adequate private community system was not economically feasible and the Secretary determined that the absence of such a system would not create a significant environmental hazard. The determination of economic feasibility would be made without regard to whether the establishment of the particular type of system was authorized by law or was subject to approval by one or more local governments or public bodies.

Section 6—Approval of technically suitable materials

This section would require the Secretary to adopt a uniform procedure for the acceptance of materials and products to be used in structures approved for mortgages and loans insured under the Act.

Section 7—Insurance contract incontestability

This section would establish the incontestability of an insurance contract in the hands of approved mortgage from the date of its execution, except for fraud or misrepresentation on the part of such mortgagee.

Section 8—Administration

This section would authorize the Secretary to sue and be sued, make expenditures, issue rules and regulations in carrying out the provisions of the Act, and provide or obtain technical assistance in the planning for and construction of projects assisted under the Act.

TITLE II—INSURANCE FUNDS, PREMIUMS AND CHARGES

Section 201—Insurance funds

Subsection (a) would provide that in addition to those obligations incurred pursuant to the National Housing Act, the General Insurance Fund also be used (except as otherwise provided) to carry out the Secretary's obligations with respect to (1) property improvement and mobile home loans under title III of this Act, (2) home and project mortgages insured under sections 401, 501, 503, and 505, and (3) supplemental project loans insured under section 504.

Subsection (b) would provide that in addition to those insurance obligations incurred pursuant to the National Housing Act, the Special Risk Insurance Fund also be used to carry out the Secretary's obligations with respect to (1) home and project mortgages insured under sections 402 and 502, (2) home and project mortgages insured under sections 401, 501, and 503 where the mortgage involves experimental property or property located in an older and declining area, (3) home mortgages insured under section 401 involving housing for employees of research and development installations, and (4) supplemental project loans insured under section 504 where the original project mortgage is an obligation of the Special Risk Insurance Fund.

Subsection (c) would provide that in addition to those insurance obligations incurred pursuant to the National Housing Act, the Cooperative Management Housing Insurance Fund also be used to carry out the Secretary's obligations with respect to (1) project mortgages insured under section 501 where the mortgagor is a cooperative, and (2) supplemental project loans where the original project mortgage is an obligation of the Cooperative Management Housing Insurance Fund or is uninsured.

Subsection (d) would provide that income received or expenses incurred in connection with the insurance of mortgages or loans be credited or charged to the fund obligated for such insurance.

Subsection (e) would authorize the Secretary to borrow from the Treasury from time to time such amounts as he determined were neecssary to make cash insurance payments, in lieu of payments in debentures.

Subsection (f) would allow moneys in an insurance fund which were not needed for current operations to be invested in obligations of, or guaranteed by, the United States or any agency of the United States, or in debentures which are the obligation of the particular fund.

Subsection (g) would authorize repayable advances from one insurance fund to the other in such amounts as the Secretary determined necessary for the administration of the funds.

Subsection (h) would authorize the appropriation of such sums as needed to cover losses sustained by the General Insurance Fund or the Special Risk Insurance Fund.

Section 202—Insurance premiums and charges

Subsection (a) would authorize the Secretary to establish insurance premiums. The Secretary could require payment of the insurance premium either on an advanced or deferred payment basis, except that payment in advance annually would be required with respect to premiums for a project mortgage or loan or home improvement or mobile home loan.

Subsection (b) would authorize the Secretary, in his discretion, to collect an adjusted premium charge in the event a home or project mortgage were prepaid, but not to exceed the amount of premium that would have been paid if the mortgage were held to maturity.

Subsection (c) would authorize the Secretary to terminate any insurance contract upon request of the mortgagor and the mortgagee, and to require the payment of a termination charge computed in the same manner as an adjusted premium charge.

Subsection (d) would permit payment of premiums and charges under this section to be either in cash or in debentures of the insurance fund to which the premium is to be credited.

Subsection (e) would require the Secretary of Defense or the Secretary of Transportation (in the case of a member of the Coast Guard) to pay the mortgage insurance premiums in the case of a mortgage on a single family dwelling or a one-family unit in a condominium, insured under section 401, during such time as the mortgagor was a serviceman. These payments would continue for a maximum of two years on behalf of a widow of a serviceman who died while on active duty.

Section 203—Processing fees and service charges

Subsection (a) would authorize the Secretary to charge the mortgagee processing, appraisal, inspection and other appropriate charges for the services rendered. Such charges would be payable in cash.

Subsection (b) would authorize the Secretary in the case of mortgages held by him or made payable to him to collect a service charge from the mortgagor in an amount not exceeding the applicable mortgage insurance premium.

TITLE III—INSURANCE FOR PROPERTY IMPROVEMENTS AND MOBILE HOME LOANS

Section 301—Types of loans

Subsection (a) would authorize the Secretary to insure financial institutions against losses in making, advancing credit in connection with, or purchasing property improvement and mobile home loans.

Subsection (b) would make eligible for insurance home improvement loans for the purpose of repairing or improving existing structures or the building of new structures (including the repair or replacement of improvements damaged or destroyed by natural disaster) by the owner or a lessee under a lease expiring not less than six months after the maturity of the loan.

Subsection (c) would make eligible for insurance loans made for the purpose of financing the purchase of a mobile home to be used by the owner as his principal residence.

Section 302—Loan terms

Subsection (a) would require that a home improvement loan (1) involve an amount not in excess of $6,500, except that where the structure to be repaired includes two or more dwelling units the loan could not exceed $15,000 or an average amount of $3,500 per unit, and (2) have a maturity not exceeding seven years and thirty-two days, except where the loan involves the construction of a new structure for use in whole or in part for agricultural purposes.

Subsection (b) would limit a mobile home loan to an amount not in excess of $10,000 (or $15,000 in the case of a mobile home composed of two or more modules) and require that it have a maturity not in excess of twelve years and thirty-two days (or fifteen years and thirty-two days in the case of a mobile home composed of two or more modules).

Section 303—Refinancing

This section would authorize the Secretary to refinance and extend the maturity of any loan insured under the title, provided that the additional amount or term of the loan did not exceed the limitations prescribed in section 302.

Section 304—Prohibitions

This section would require the Secretary to prevent (1) the use of multiple loans which would result in outstanding loans, with respect to the same property, in an amount in excess of the dollar limits prescribed in section 302 for an individual loan, and (2) the insuring of home improvement loans involving new residential structures which have not been completed and occupied for at least six months. The Secretary would be authorized to waive the prohibitions in (2) above.

Section 305—Property standards

Subsection (a) would authorize the Secretary to declare products or repairs which do not improve the basic livability or utility of properties or are especially subject to selling abuses ineligible for financing under this title.

Subsection (b) would direct the Secretary to (1) prescribe minimum property standards for mobile homes and the sites on which they are to be located, and (2) obtain assurances from the borrower that the mobile home will be placed on a site meeting standards prescribed by the Secretary and any local zoning or other local requirements.

Section 306—Contract provisions

Subsection (a) would provide that the insurance obligation of the Secretary with respect to any lender not exceed either (1) 10 percent of the total amount of loans made by the lender (under this title and under section 2 of the National Housing Act after July 1, 1939), or (2) 90 percent of the loss on any individual loan.

Subsection (b) would make any payment for loss incontestable after two years in the absence of fraud or misrepresentation by the lender unless a demand for repurchase of the obligation on behalf of the United States has been made prior to the end of the two-year period.

Section 307—Waiver of requirements

This section would authorize the Secretary to waive compliance with any regulation issued pursuant to this title if the lender has acted in good faith and enforcement would impose an injustice on him, but the waiver could not involve an increase in the amount of the Secretary's obligation.

Section 308—Transfer of insurance

This section would authorize the Secretary to transfer the insurance of any loan to any approved lender which purchases such loan.

TITLE IV—HOME MORTGAGE INSURANCE

Section 401—Basic insurance program

Subsection (a) would authorize the Secretary to insure unsubsidized home mortgages (including open-end advances under the mortgage) covering a one- to four-family residence or a one-family unit in a condominium.

Subsection (b) would provide certain eligibility requirements for mortgages insured under this section:

(1) The principal obligation of the mortgage could not exceed an amount equal to the sum of 100 percent of $20,000 of the appraised value of the property, 90 percent of such value in excess of $20,000, and 80 percent in excess of $30,000; but in the case of property to be rehabilitated the above percentages could, in the discretion of the Secretary, be applied to the sum of the value of the property before rehabilitation plus the estimated cost of the rehabilitation.

(2) The mortgage must require payments which are not in excess of the mortgagor's ability to pay and within such term as the Secretary prescribed.

(3) The mortgagor would have to make a minimum downpayment in cash or its equivalent in an amount equivalent to closing costs, or such higher amount as the Secretary required.

(4) The mortgage must contain such terms with respect to insurance, taxes, repairs, etc., as the Secretary required.

Subsection (c) would authorize the Secretary to establish such requirements as he found necessary to protect the rights of owners of one-family units in a condominium.

Subsection (d) would require that the maximum principal obligation of a mortgage permitted under subsection (b) be reduced to 85 percent of that amount if the mortgage (1) involved a newly constructed dwelling not approved for insurance by the Secretary or Administrator of Veterans' Affairs prior to the beginning of construction, or (2) a mortgagor who was not the occupant of the property except where the mortgagor is in the military service and his failure to occupy the property is due to his service assignment, or the mortgagor and mortgagee agree to reduce the mortgage if the property is not sold to a purchaser who assumes the mortgage and occupies the property before the due date of the eighteenth amortization payment, or the mortgage covers experimental property and the Secretary waives the requirements of this subsection.

Subsection (e) would require that the mortgagor receive a written statement of the Secretary's appraisal of the value of the property prior to completion of the sale or mortgage transaction.

Subsection (f) would require a one-year warranty on new homes approved by the Secretary prior to construction protecting the mortgagor against substantial deviation from approved plans and specifications.

Section 402—Homeownership assistance

Subsection (a) would authorize the Secretary to contract to make periodic assistance payments on behalf of lower income homeowners to mortgagees holding mortgages insured under this section.

Subsection (b) would require that the assistance payments be made only during such time as the original mortgagor occupied the property but payments could be continued if the mortgage were assumed by an eligible homeowner if assistance payments had been made on behalf of the previous owner, or if the mortgage were assigned to the Secretary.

Subsection (c) would provide a formula for determining the amount of the assistance payment. The assistance payment on behalf of any homeowner could not exceed the lesser of (1) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium due under the mortgage remaining unpaid after applying 20 percent of the mortgagor's income, or (2) the difference between the monthly payment for principal, interest, and mortgage insurance premium due under the mortgage and the monthly payment for principal and interest due under a one percent mortgage.

Subsection (d) would authorize the Secretary to reimburse the mortgagee for the additional expense involved in handling a mortgage insured under this section.

Subsection (e) would require the Secretary to provide for recertifications of the mortgagor's income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for purposes of adjusting the amount of assistance payments.

Subsection (f) would require the Secretary to assure that the sales price paid by the purchaser is not inflated or excessive.

Subsection (g) (1) would provide contract authorizations not to exceed (for contracts entered into under this section and under section 235 of the National Housing Act) $75 million per year prior to July 1, 1969, which amount would be increased by $125 million on July 1, 1969, by $150 million on July 1, 1970, by $200 million on July 1, 1971, and by such amounts as may be necessary thereafter. This provision would make clear that these dollar limitations are applicable to contracts outstanding at any one time. (The requirement in existing law that at least 10 percent of the contract funds be reserved with respect to rehabilitated housing would not be retained, in accordance with the principle of statutory flexibility, but it is intended that at least this minimum percentage would be allocated to rehabilitated housing in order to carry out the congressional intent that more emphasis be placed on rehabilitation under the homeownership assistance program).

Subsection (g) (2) would provide that 30 percent of contract funds authorized by appropriation Acts (for use under this section) could be contracted to be made with respect to existing housing, as defined by the Secretary.

Section (h) would authorize the Secretary to insure mortgages under this section (including advances where the property is constructed or rehabilitated pursuant to a self-help program) which met the requirements of section 401 of this Act except as modified. The mortgage must involve a single-family dwelling or a one-family unit in a condominium and have a principal obligation not to exceed the appraised value of the property (or if the property is to be rehabilitated the sum of the value of the property before rehabilitation plus the estimated cost of rehabilitation) plus closing costs and prepaid expenses minus at least $200. The mortgagor would therefore be required to make a downpayment of at least $200 in cash or its equivalent.

Subsection (i) would define "lower income families" to mean those families whose incomes did not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, but the Secretary could establish income ceilings higher or lower than the median if he found a variation to be necessary because of prevailing construction costs, unusually high or low family incomes, or other factors.

Subsection (j) would provide that in determining the income of any family $300 be deducted for each minor member of the family residing in the household and that the earnings of any such minor be excluded from the family's income.

Subsection (k) would direct the Secretary to transfer periodically part of the contract authority to the Secretary of Agriculture for use in rural areas and small towns.

TITLE V—PROJECT MORTGAGE INSURANCE

Section 501—Multifamily housing

Subsection (a) would provide for four categories of multifamily housing; (1) rental projects, (2) cooperative projects, (3) projects in which the individual units are to be sold on a condominium or other basis, and (4) a mobile home court. The mortgage amount with respect to new construction would be based on the "replacement cost" of the project, which would include the Secretary's estimate of the value of the land, the cost of the proposed physical improvements, utilities within the boundaries of the project, architect's fees, builder's and sponsor's profit and risk allowance, taxes and interest during construction, and other miscellaneous charges incident to construction and the initial operation or disposition of the project as the Secretary approved.

Subsections (b) and (c) would authorize the Secretary to insure mortgages financing the construction of new multifamily projects and the rehabilitation, purchase or refinancing of existing multifamily projects. It is intended that this authority with respect to existing projects which are not to be rehabilitated be exercised only to cover the various limited situations involving such properties under the following provisions of the National Housing Act: (1) Section 223 (a) (7)—refinancing of insured mortgages; (2) Section 236(j) (3)—sales of assisted projects by limited distribution mortgagors to nonprofit or cooperative entities; (3) Section 221(j)—conversions of rental projects covered by below-market interest rate loans to cooperative ownership; (4) Section 213 (a) (3)—sales of projects by investor-sponsors to management-type cooperatives; (5) Section 223(b)—refinancing of uninsured mortgages covering projects in urban renewal areas; (6) Sections 220(d) (3) (B) (ii) and 221(d) (3) (iii)—sales of projects rehabilitated by local renewal agencies with funds provided under the urban renewal program; (7) Section 213(i)—sales of projects to management-type cooperatives; (8) Section 235(j) (1)—purchase by nonprofit organization of existing standard single-family units as part of a package with units to be rehabilitated and spun-off to lower income purchasers; and (9) Section 223(a) (1)–(6)—disposition of various projects by governmental agencies.

Subsection (d) would provide that with respect to new construction the amount of the mortgage could not exceed 90 percent of the replacement cost (97 percent in the case of a cooperative mortgagor).

Subsection (e) would provide that in the case of rehabilitation the amount of the mortgage could not exceed 90 percent (97 percent for a cooperative) of the sum of the Secretary's estimate of the cost of rehabilitation and the value of the property before rehabilitation.

Subsection (f) would provide that in the case of the purchase or refinancing of an existing project without rehabilitation, the mortgage amount could not exceed 90 percent of the appraised value of the project (97 percent in the case of a cooperative).

Subsection (g) would further limit the mortgage amount for projects in which the units are to be sold to individual purchasers. The project mortgage could not exceed the sum of the individual mortgage amounts which could be insured for owner-occupants under title IV of that Act.

Subsection (h) would authorize the Secretary to establish the maximum term of the mortgage.

Subsection (i) would require that a project contain at least 5 dwelling units (which, with the Secretary's approval, need not be self-contained living units) or 5 spaces in a mobile home court. The project would be required to be primarily residential but could include non-dwelling facilities adequate to serve the occupants and surrounding neighborhood.

Section 502—Multifamily housing assistance

Subsection (a) would authorize the Secretary to contract to make periodic assistance payments on behalf of project owners to mortgagees holding mortgages meeting the requirements of this section.

Subsection (b) would require that the assistance payments be made by the Secretary only with respect to projects (1) covered by mortgages insured under this section or assigned to the Secretary, or (2) financed under a State or local program if the project is approved for receiving the benefits of this section by the Secretary prior to the beginning of construction or rehabilitation.

Subsection (c) would provide that the assistance payment on behalf of a project owner could not exceed the difference between the monthly payment for principal, interest and mortgage insurance premium (or other comparable charges approved by the Secretary) on a market rate mortgage and the monthly payment for principal and interest that would be due on a mortgage at one percent.

Subsection (d) would authorize the Secretary to reimburse the mortgagee for its additional expenses in handling mortgages insured under this section.

Subsection (e) would require the Secretary to provide for recertification of tenant incomes at intervals of two years (or shorter intervals where the Secretary deems it desirable) and would require the project owner to comply with the Secretary's requirements as to tenant eligibility and rentals.

Subsection (f)(1) would provide for the establishment of a "basic rental" for each unit in an assisted project determined on the basis of operating the project with the benefit of the assistance payments. A tenant would pay the basic rental for his unit or such greater amount, not exceeding the fair market rental for such unit (the rental without subsidy), as represents 25 per centum of his income.

Subsection (f)(2) would authorize the Secretary, with respect to up to 20 percent of the dwelling units in any project, to contract to make assistance payments to a project owner on behalf of tenants whose incomes are too low to afford the basic rentals. These payments with respect to any unit, could not exceed the lesser of the amount required to reduce the rental paid by the tenant to an amount equal to 25 percent of the tenant's income or to 30 percent of the basic rental.

Subsection (g) would require a project owner to pay to the Secretary any rentals charged in excess of the basic rental charges, to be credited to the appropriation available for assistance payments through the next fiscal year.

Subsection (h) would provide contract authorizations not to exceed (for contracts entered into by the Secretary under this section and under section 236 of the NHA) $75 million per year prior to July 1, 1969, which amount would be increased by $125 million on July 1, 1969, $150 million on July 1, 1970, $200 million on July 1, 1971, and by such sums as may be necessary thereafter.

Subsection (i) would authorize the Secretary to insure mortgages under this section which meet the requirements of section 501 except as modified. The difference from section 501 is that nonprofit, cooperative, and builder-seller mortgagors (as defined by the Secretary) would qualify for 100 percent mortgages.

Subsection (j)(1) would define "tenant" and "rental charge" as applicable to cooperatives.

Subsection (j)(2) would define "lower income tenants" to mean those tenants whose incomes do not exceed the median incomes for the area as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary could establish income ceilings higher or lower than the median in any area where a variation was necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

Subsection (k) would provide that $300 be deducted from family income for each minor member of the family residing in the household and that the earnings of such a minor be excluded from family income.

Subsection (l) would authorize the Secretary to enter into agreements with States to administer assistance payments contracted to be paid by the States with respect to projects approved by the Secretary prior to the beginning of construction or rehabilitation and meeting the requirements of this section. Under no circumstances could the Secretary undertake to make assistance payments with respect to such projects other than as disbursing agent for a State.

Section 503—Mortgage insurance for health facilities

Subsection (a) would define various terms used throughout the section. The terms "hospital", "nursing home", "intermediate care facility" and "group practice facility" would be defined in substantially the same manner as under the National Housing Act.

Subsection (b) would authorize the Secretary to insure mortgages which cover a new or rehabilitated project for use as, a hospital, a nursing home, an intermediate care facility, or a group practice facility, or any combination of the foregoing. For new construction the permissible mortgage amount would not be permitted to exceed 90 percent of the estimated replacement cost, including equipment. In the case of rehabilitation, the mortgage could not exceed 90 percent of the cost of rehabilitation plus the appraised value of the property before rehabilitation.

Subsections (c), (d), and (e) of this section would (1) establish the general types of hospitals, nursing homes and intermediate care facilities with respect to which mortgages could be insured, (2) authorize the Secretary, after consultation with the Secretary of Health, Education and Welfare as to medical aspects of these facilities, to prescribe such regulations as are necessary to carry out the insurance program authorized by this section, and (3) provide that hospitals insured pursuant to this section be encouraged to carry out comprehensive health programs for defined populations.

Section 504—Supplemental project loans

Subsection (a) would authorize the Secretary to insure a supplemental loan for a multifamily or health facility project mortgage insured under the National Housing Act or under this Act, or held by the Secretary. A limited number of housing cooperatives which purchased wartime housing covered by an uninsured mortgage for part of the purchase price from the Federal Government, and which qualify for supplemental loan insurance under existing law, would continue to be eligible. Supplemental loans could be made: (1) to cover the operating losses of a project which during the first two years of operation has had costs exceed income; (2) to finance repairs, improvements, and additions to projects, and major equipment for health facilities; and (3) to finance the purchase and resale of cooperative memberships provided that the downpayment of new members is at least proportionately equal to the original downpayment for such memberships.

Subsection (b) would require that a loan covering operating losses not exceed in duration the unexpired term of the original mortgage and be limited in amount to the actual losses incurred by the project, as determined by the Secretary.

Subsection (c) would establish requirements for a loan financing repairs, improvements, additions and equipment. The amount of the loan would be limited to 90 percent (97 percent in the case of a cooperative) of the estimated cost of the eligible items provided that the sum of the loan plus the outstanding balance on the original mortgage does not exceed the maximum mortgage limit prescribed by the section of this Act covering similar projects. The maximum maturity of the loan could not exceed the remaining term of the mortgage except that a supplemental loan with a maturity up to 10 years in excess of the outstanding mortgage term could be made with respect to uninsured cooperatives.

Subsection (d) would establish requirements for a loan to a cooperative to finance the purchase and resale of memberships. The amount of the loan plus the outstanding balance remaining on the mortgage could not exceed the maximum mortgage limit prescribed by the section of this Act covering similar projects. The maturity of the loan could not exceed the remaining term of the mortgage.

Subsection (e) would authorize the Secretary to establish conditions and restrictions including the type of security required on supplemental loans.

Section 505—Mortgage insurance for land development

Subsection (a) would define the terms "land development" and "improvements" in substantially the same manner as they are used in the National Housing Act.

Subsection (b) would establish certain conditions under which a land development mortgage could be insured. The mortgage could cover land to be developed and the improvements to be made, except that facilities intended for public use and in public ownership would be excluded. Any eligible party approved by the Secretary other than a public body could qualify as a mortgagor. The term of the mortgage would be determined by the Secretary.

Subsection (c) would limit the principal obligation of the mortgage to the sum of 80 percent of the estimated value of the land before the development plus 90 percent of the estimated cost of development.

Subsection (d) would require that the improvements comply with applicable State and local governmental requirements as well as minimum standards set by the Secretary and would establish certain other conditions under which a land development project could be undertaken.

Subsection (e) would authorize the Secretary to adopt requirements for land development including encouragement of broad participation by small builders and a proper balance of housing for low and moderate income families.

Subsection (f) would require that public or private water and sewage systems consistent with existing or planned area systems be provided after development of the land.

Subsection (g) would authorize the Secretary to release or subordinate part or parts of the mortgaged property from the lien of the mortgage.

Subsection (h) would authorize the Secretary to adopt requirements to assure, at reasonable intervals of time during development, that the amount of the outstanding mortgage loan did not exceed 80 percent of the before-development value of the remaining land under the lien of the mortgage plus 90 percent of the cost of the development of such land.

Section 506—Cost certification

Subsection (a) would authorize the Secretary to adopt requirements for the certification of costs incurred in the construction or rehabilitation of multifamily housing or health facilities. The amount of the mortgage or loan at the time of final endorsement could not exceed the approved percentage of the estimated value or cost of the land, property or interest prior to construction or rehabilitaion plus the Secretary's approved actual cost of such construction or rehabilitation.

Subsection (b) would require the mortgagor to certify the actual costs of construction or rehabilitation. The Secretary could, in his discretion, require other parties involved in the transaction to certify the actual costs they have incurred with respect to the project or property. The Secretary could exempt from the requirements of this section (1) a mortgage covering a multifamily project designed for occupancy by less than 12 families, or (2) a mortgage of less than $250,000.

Subsection (c) would define various terms used in this section: (1) The term "approved percentage" means the percentage of estimated value, cost or replacement cost of a project or property which the Secretary is authorized to insure under the appropriate section of the Act. (2) The term "actual cost" means the cost to the mortgagor of various improvements. Allowable expenditures could include those for labor, materials, construction contracts, engineers' and architects' fees, off-site public facilities, streets, organizational expenses, legal expenses, taxes and interest during construction, allocations of general overhead, and similar expenses allowed by the Secretary. If the mortgagor is also the builder or has an identity of interest with the builder, contractor or similarly interested party the term "actual cost" could include an allowance for profit and risk determined to be reasonable by the Secretary, except that in the case of a mortgage insured under section 502 or in the case of a project determined by the Secretary to warrant special consideration, the allowance for profit and risk would equal 10 percent of the other items entering into the term "actual cost".

TITLE VI—INSURANCE CLAIMS

Section 601—Home mortgage insurance claim settlement

This section would establish insurance claim settlement provisions governing the home mortgage programs similar to those provided in the National Housing Act.

Section 602—Forebearance of payments

This section would authorize the Secretary to permit a mortgagee to extend the time for curing a default in a home mortgage, to extend the time for commencing foreclosure, or to approve a recasting of the terms of the mortgage.

Section 603—Acquisition of home mortgages to avoid foreclosure

This section would permit the Secretary to accept an assignment of a home mortgage for the purpose of avoiding foreclosure and hardship to the homeowner. Where such assignment occurs, the mortgagee would be entitled to receive full reimbursement for the unpaid mortgage balance, any unpaid mortgage interest, and an allowance for costs incurred as a consequence of the default and assignment of the mortgage.

Section 604—Project mortgage insurance claim settlement

This section would establish mortgage insurance claim settlement provisions applicable to project mortgages similar to those provided in the National Housing Act.

Section 605—Modifications in terms of project mortgages

This section would provide that the Secretary could consent to any extension or modification of a mortgage covering multifamily housing only under and in conformity with regulations prescribed by him. Such regulations must provide that during the period of any such extension or modification the mortgagor will be required to place in trust any income from the project in excess of operating needs; except that the Secretary may consent to an extension or modification of a mortgage without regard to this requirement if he determines that it would not jeopardize the interests of the United States. Criminal penalties would be prescribed for the misuse of project income.

Section 606—Settlement of insurance claims with debentures

This section would establish the terms and conditions under which debentures are to be issued by the Secretary in the settlement of mortgage and loan insurance claims.

TITLE VII—MISCELLANEOUS

Section 701—General authorization for dealing with and disposing of property

This section would provide authority to the Secretary for dealing with and disposing of property acquired in connection with the settlement of insurance claims.

Section 702—Acquisition of title by the Secretary

This section would authorize the Secretary, in connection with a mortgage assigned to him, to acquire possession and title to the property by a voluntary conveyance in extinguishment of the mortgage debt or to institute foreclosure proceedings and prosecute such proceedings to conclusion. It also would authorize the Secretary to bid at a foreclosure sale of a mortgage held by him and to exercise all the rights of a mortgagee under such mortgage.

Section 703—Insurance for mortgages sold or executed in connection with the sale of property by the Secretary

This section would authorize the Secretary to insure mortgages sold by him or executed in connection with the sale of property by him. Such insurance is permitted to be made without being limited to the eligibility insurance premium and settlement provisions of the Act.

Section 704—Expenditures to correct or compensate for structural defects in mortgaged homes and experimental property

Subsection (a) would authorize the Secretary to correct structural defects or to pay the claim of the owner arising from such defects, or to acquire title to the property in which defects exist if the property involves a one- to four-family dwelling that has been approved for mortgage insurance prior to the beginning of construction and the owner requests assistance within 4 years after insurance of the mortgage.

Subsection (b) would authorize similar expenditures with respect to serious structural or other defects in existing single-family dwellings covered by mortgages insured under section 402 or located in an older and declining area if (1) the owner requests assistance within 1 year after the insurance of the mortgage, (2) the defect existed at the time of purchase, and (3) a proper inspection should have uncovered the defect. The Secretary would be authorized to require any seller of such housing to agree to reimburse him for payments made pursuant to this subsection.

Subsection (c) would authorize the Secretary to expend available funds to correct defects or failures (when he determines it necessary to protect the occupants) with respect to experimental property covered by an insured mortgage.

Subsection (d) would empower the Secretary to issue regulations prescribing conditions under which he would make payments under subsections (a), (b), and (c).

Section 705—Penalties

This section would authorize the Secretary to refuse the benefits of participation in any of the mortgage insurance programs prescribed in the Act to anyone who (1) knowingly violates a provision of the Act or of the law governing the Veterans Home Loan Guaranty Program, or (2) who violates a penal statute in connection with property assisted under such provisions, or (3) materially fails to properly carry out a contractual obligation with respect to the completion of construction of work financed with assistance under the Act or under the VA provisions.

OTHER PROVISIONS OF TITLE I

Section 102—Transition between National Housing Act and revised National Housing Act

This section would provide that the Revised National Housing Act be effective, in whole or in part, at such date or dates as the Secretary of Housing and Urban Development prescribed and would require the Secretary to establish procedures for the orderly transfer of mortgage insurance operations from the authority of the National Housing Act to the authority of the Revised National Housing Act in order to assure continuity of efficient program activity and to provide adequate opportunity for necessary administrative and legislative revisions.

Section 103—Experimental dual interest rate system

This section would authorize the Secretary to insure mortgages under such sections as he deemed appropriate of the Revised National Housing Act at whatever interest rate was negotiated by the mortgagor and mortgagee, provided no discounts were collected. This authority would expire on July 1, 1973, and would provide an alternative to the interest rate administratively established by the Secretary.

TITLE II—PUBLIC HOUSING ASSISTANCE PROGRAM

Section 201—Revision to United States Housing Act of 1937

This section would revise the United States Housing Act of 1937, the program of assistance to local public housing agencies in the provision of housing for low-income families. The revised Act would: (1) modify and improve the public housing subsidy structure, (2) authorize a new homeownership program for low-income families served by the program, (3) make necessary modifications to financing and other authorities, and (4) eliminate obsolete provisions.

Section 1—Short title

This section provides that the revised Act may be cited as the United States Housing Act of 1937.

Section 2—Declaration of policy

This section would state that it is the policy of the United States to assist the States and their political subdivisions to remedy unsafe and insanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income. It would also vest in local housing agencies the maximum amount of responsibility in the administration of their housing programs. It would also state that it is the sense of Congress that no tenant should be barred from serving on the board of a public housing agency. This section is substantially the same as the present declaration of policy except for the deletion of obsolete or unnecessary language. In this section and elsewhere, the term "low-income housing" is used in lieu of "low-rent housing" to reflect the provision of homeownership opportunities for low-income families served by the program.

Section 3—Definitions

Section 3(1) would define "low-income housing" to mean decent, safe, and sanitary dwellings within the financial reach of families of low income. Income limits and rents would be fixed by the public housing agency pursuant to State law, except as otherwise provided in the case of leased housing in private accommodations and in the case of public housing agencies which contract to receive operating subsidies under section 9 of the revised Act. The rent fixed by a public housing agency could not exceed one-fourth of the low-income family's income. Income would be defined for this purpose so as to exclude nonrecurring income and income of full-time students and to deduct $300 for each dependent and for each secondary wage earner, 5 percent of gross family income or

10 percent in the case of the elderly, and extraordinary medical expenses. This section is substantially the same as the present definition, including the 1969 and 1970 amendments with respect to maximum rentals in public housing.

Section 3(2) would define the term "low-income families" to mean families who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of housing for their use. It would define "families" so as to include a single person in the case of elderly families and displaced families. It would modify the present definition of "elderly family" so as to permit a single person who is 50 years of age or older to reside in public housing. Under present law a single person would have to be 62 years of age or older. As under present law, a single person who is disabled or handicapped would be eligible for occupancy without regard to the age limit.

Section 3(3) would define the terms "development" and "development cost" as under present law, except for minor changes to facilitate project financing and the deletion of an unnecessary provision concerning the cost of shared facilities.

Section 3(4) would substitute "operation" for the present term "administration" in order to conform to current usage in the public housing program. It would otherwise restate the present definition, including the provision which makes it clear that the cost of tenant programs and services are includable in operation of a project and eligible for subsidy assistance.

Section 3(5) would define "acquisition cost" to mean the amount prudently required to be expended by a public housing agency in acquiring a low-income housing project.

Section 3(6) would define "public housing agency" to mean any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing. This would amend the present provision so as to include public agencies which are authorized to assist in the development or operation of such housing.

Section 3(7) would define "State" to include the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States.

Section 3(8) would define "Secretary" to mean the Secretary of Housing and Urban Development.

Section 3(9) would define "low-income housing project" or "project" to mean any project developed, acquired, or assisted under the Act and to mean the improvement of such housing. This is a new definition which would make it clear that the modernization of an existing project may constitute a separate project for purposes of assistance under the Act.

Section 4—Loans for low-income housing projects

Subsection (a) would authorize the Secretary to make loans to public housing agencies to help finance or refinance the development, acquisition, or operation of low-income housing projects by such agencies. Such loans would provide for an interest rate specified by the Secretary which is not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus one-eighth of one percent. The present requirement that such loans bear interest at a rate not less than the going Federal rate (and the definition of "going Federal rate") is deleted in order to afford greater flexibility.

Subsection (b) would authorize the Secretary to issue and have outstanding at any one time notes and other obligations for purchase by the Secretary of the Treasury in an amount which could not, unless authorized by the President, exceed $1.5 billion.

Section 5—Annual contributions for low-income housing projects

Subsection (a) would authorize the Secretary to make annual contributions to assist in achieving and maintaining the low-income character of their projects and to embody provisions for such contributions in a contract guaranteeing their payment. It would provide that the annual contribution payable under this section may not exceed the debt service payable on obligations issued by the public housing agency to finance the development or acquisition cost of the low-income project involved. The present requirement that annual contributions be fixed in uniform amounts and paid in such amounts over a fixed period of years would be deleted in order to afford greater flexibility in the private financing of public housing projects. The maximum limit based on debt service requirements would replace the present provision which limits annual contributions to an amount equal to the capital cost of the project multiplied by a percentage equal to the going Federal rate plus 2 percentage points. This limit now applies to the aggregate annual amount which can be provided for both debt service and operating subsidy requirements. Under the revised Act there would be a new subsidy structure which would provide for a separation between the authority to make annual contributions based on debt service requirements and the authority to make operating subsidy payments. This subsection would delete the present authorization to pay an additional annual subsidy of up to $120 per dwelling unit occupied by an elderly or handicapped family, a displaced family, a very large family, or a family of unusually low income as the purpose of these subsidies would be included under the broad operating subsidy authorization contained in section 9 of the revised Act.

Subsection (b) would authorize the Secretary to prescribe regulations fixing the maximum contributions to be provided under different circumstances, giving consideration to cost, location, size, rent-paying ability of prospective tenants or other factors bearing upon the need to achieve and maintain low rentals.

Subsection (c) would authorize the Secretary to enter into contracts for annual contributions aggregating not more than $1,199,000,000 per year, which would be increased by $225 million on July 1, 1971, and by $150 million on July 1, 1972. The additional $150 million for fiscal year 1973 would be an increase to the present contract authorization. This subsection would also provide that of the aggregate amount authorized for annual contributions, an amount not to exceed $100 million per year may be used for the modernization of low-income housing projects. All payments of annual contributions shall be made out of any funds available for purposes of the Act, except that funds borrowed from the Treasury for the purpose of making loans may not be used for payments of annual contributions. This subsection does not retain the present provision which requires that 30 percent of the contracts for annual contributions entered into pursuant to authority granted under the 1970 Act or a subsequent enactment shall be for units leased in private accommodations. It does, however, require the Secretary to assure that public housing agencies comply with certain requirements concerning the provision of low-income housing in private accommodations.

Subsection (d) would provide that any contract for loans or annual contributions may cover one or more low-income housing projects and, in the event that a contract covers two or more projects, such projects may for any purposes of the Act be treated collectively as one project.

Subsection (e) would provide that the Secretary may not enter into a contract with a public housing agency for preliminary loans for surveys and planning in respect to a project unless the governing body involved has approved the application of the public housing agency and unless the public housing agency has demonstrated that there is a need for the low-income housing which is not being met by private enterprise. This subsection would also provide that the Secretary may not enter into a contract for loans (other than preliminary loans) or for annual contributions unless the governing body of the locality has entered into an agreement with the public housing agency providing for the local cooperation required by the Secretary pursuant to the Act.

Subsection (f) would authorize the Secretary to consent to the modification, with respect to rate of interest, time of payment of any installment of principal and interest, security, amount of annual contribution or any other term of any contract or agreement to which the Secretary is a party, subject to specific limitations contained in the Act. It would also authorize the Secretary to amend contributions contracts when it would be in the financial interest of the Government, or would be necessary to maintain the low-income character of the project involved. The Secretary's authority to amend contributions contracts to establish the going Federal rate as of the time of the contract amendment would be deleted. Under the revised Act, annual contributions would no longer be based on the going Federal rate.

Section 6—Contract provisions and requirements

Subsection (a) would authorize the Secretary to include in any contract or any other agreement or instrument made pursuant to the Act such covenants, conditions, or provisions as he may deem necessary to insure the low-income character of the project involved, including a condition requiring an open space or playground in connection with a housing project. This subsection would also provide that, except in the case of housing predominantly for the elderly, any such contract shall require that high-rise elevator projects shall not be provided for families with children unless the Secretary determines that there is no practical alternative.

Subsection (b) would provide that the development cost of a low-income housing project (excluding the cost of non-dwelling facilities and the cost of relocation payments and assistance) on which the computation of any annual contributions may be based shall not exceed by more than 10 percent the appropriate prototype cost for the area, except where the Secretary determines that this limitation should not be applied to the project because of special considerations with respect to the cost of land or site improvements. Such estimates of prototype costs shall be determined pursuant to section 3 of the Revised National Housing Act.

Subsection (c) would require that every contract for annual contributions include provisions (1) for the Secretary to require the public housing agency to review and revise its maximum income limits if changed conditions in the locality make such revisions necessary; (2) requiring a public housing agency to determine and certify to the Secretary that occupants of projects were admitted in accordance with approved income limits; and (3) requiring prompt notification of applicants determined to be ineligible for admission of the basis for the determination and an opportunity for an informal hearing. This subsection would delete the present provision concerning the establishment of maximum income limits for continued occupancy in low-income housing.

Subsection (d) would provide that annual contributions may not be made available for a public housing project unless the project is exempt from all real and personal property taxes imposed by the State or its political subdivisions. This subsection would also require public housing agencies to make certain payments in lieu of taxes.

Subsection (e) would require that every contract for annual contributions include a provision that whenever in any year the receipts of a public housing agency in connection with a low-income housing project exceed its expenditures, an amount equal to the excess must be applied to purposes, which, in the determination of the Secretary, will reduce the amount of subsequent annual contributions.

Subsection (f) authorizes the Secretary to provide in any annual contributions contract that upon substantial default by the public housing agency with respect to the covenants and conditions to which the agency is subject, as defined in the contract, the Secretary shall require the agency to convey title or possession of the project to the Secretary. The Secretary would be required to reconvey or redeliver the project to the public housing agency when the Secretary was satisfied that all defaults with respect to the project had been cured. This subsection also provides that with respect to contracts for annual contributions containing the provisions set forth above, the Secretary's obligation to pay annual contributions to cover debt service on the local agency's obligations will continue notwithstanding any other provision of the Act.

Section 7—Congregate housing

This section would require the Secretary to encourage public housing agencies, in providing housing predominantly for displaced, elderly, or handicapped families, to develop housing to meet the special needs of the occupants and, wherever practicable, for use in whole or in part as congregate housing.

Section 8—Low-income housing in private accommodations

Subsection (a) would provide that each public housing agency shall, to the maximum extent consistent with the objectives of the Act, provide housing in the form of low-income housing in private accommodations in accordance with this section, where such housing can be provided at a cost not greater than housing in projects assisted under other provisions of the Act. This subsection would provide that the provisions of this section shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to the locality. The subsection would also define the term "low-income housing in private accommodations" to mean dwelling units leased from a private owner which provide decent, safe, and sanitary dwelling accommodations effectively supplementing other low-income housing assisted under the Act.

Subsection (b) would require each public housing agency from time to time to make known to the public in the community the anticipated need for units to be used as low-income housing in private accommodations, inviting the owners of such dwelling units to make them available for the purposes of this section. It would also provide that not more than 10 percent of the units in any single structure may be leased except to the extent that the public housing agency determines that such limit should not be applied. The public housing agency would be authorized to approve units for use as low-income housing in private accommodations after it has inspected the units and if it finds that the units are suitable for use as low-income housing and the rentals to be charged for such units are within the financial range of families of low income.

Subsection (c) would authorize a public housing agency to enter into contracts with the owners of approved dwelling units, to the extent of contracts for annual contributions entered into by the Secretary with such agency. This subsection would require each contract with an owner to provide that the selection of tenants shall be the function of the owner of the unit; the rental received by the owner shall be negotiated and agreed to by the agency and the owner and the rental paid by the tenant shall be determined in accordance with standards applicable to units in low-income housing projects; and the public housing agency shall have the sole right to give a notice to vacate to a tenant. Each contract between a public housing agency and an owner entered into under this section would be for a term of not less than twelve months nor more than 120 months, and would be renewable by the agency and owner at the expiration of the term. No renewal of the contract term could result in a total term of more than 240 months, or 180 months in the case of an existing structure.

Subsection (d) would provide that the period over which annual contributions will be made to a public housing agency for a project under this section and the aggregate amount of payments shall be determined on the basis of the number of units in the community which are in use or can reasonably be expected to be placed in use as low-income housing in private accommodations.

Subsection (e) would provide that provisions concerning State and local tax exemption of projects and local cooperation, otherwise applicable to low-income housing, are not applicable to low-income housing in private accommodations.

Subsection (f) would authorize a public housing agency to purchase structures containing dwelling units leased under this section for the purpose of reselling the structure to the tenant or tenants of the structure. The present provision of this section concerning the terms and conditions for resale would be amended to provide that such resale may be made under the terms and conditions provided for under the new homeownership provisions of the Act.

Section 9—Annual contributions for operation of low-income housing projects

Subsection (a) would provide a separate authorization for the Secretary to make annual contributions to public housing agencies for the operation of low-income housing projects (including low-income housing in private accommodations). The contribution payable annually under this section could not exceed amounts which the Secretary determines are required (1) to assure the low-income character of the projects involved and (2) to achieve adequate operating services. The Secretary would be authorized to embody the provisions for annual contributions for operating subsidy in a contract guaranteeing their payment.

Subsection (b) would provide that families occupying dwelling units in low-income housing owned or leased by a public housing agency which receives assistance under this section shall be required to pay a rent of not less than one-fifth of the family's income, but not to exceed a fair market rental charge based on the full cost of the housing without subsidy assistance. This rental, however, could not exceed the maximum rental requirement in section 3(1), which provides that a family's rental may not exceed one-fourth of family income and includes a special definition of income for maximum rental purposes.

Subsection (c) would establish criteria for the determination of a family's income for purposes of the rent requirements of this section and the homeownership income contribution requirement in section 10 of the revised Act. In determining family income, an amount would be deducted equal to $300 for each minor member of the family residing in the household, and the earnings of any minor person would not be included in the income of his family.

Subsection (d) would authorize not to exceed $200 million for contracts for annual contributions under this section.

Section 10—Homeownership for low-income families

This section would authorize a new public homeownership program for low-income families.

Subsection (a) would permit low-income families and public housing tenants, or a cooperative or nonprofit association formed by or for the benefit of such families or tenants, to purchase from a public housing agency, newly developed or acquired housing, as well as existing projects now operated as rental housing. Individual homes and dwelling units or entire projects could be purchased.

Subsection (b) would provide for conveyance of the property to the low-income family as soon as it undertakes the obligation to purchase the property by executing a mortgage to the public housing agency. The mortgage would be in a principal amount of not more than the sale price of the property plus closing costs and prepaid expenses; would bear interest at the maximum rate then applicable to mortgages insured under section 402 of the Revised National Housing Act, or the rate on the public housing agency's principal debt on the project, whichever is greater; would provide for a maturity satisfactory to the Secretary, but not for a period exceeding forty years; and would be secured by the property which is purchased. Under the mortgage the purchaser would be required to pay one-fifth of income to "monthly homeownership expense" but in no case could the purchaser's income contribution be less than monthly homeownership expense, excluding payments for principal and interest. The income contribution required of a purchaser which is a qualified entity would be determined by using an aggregate amount based on the contribution that would be required of each family who occupies a dwelling unit in the purchased property. The mortgage would also contain provisions requiring the purchaser to make monthly payments for any services furnished by the public housing agency to the purchaser, and would include other terms and conditions which the Secretary determines are required to carry out the purposes of this section.

Subsection (c) would define the term "monthly homeownership expense" to mean monthly amounts for principal and interest under the amortization provisions of the mortgage or other obligation, amounts for insurance and taxes, and an amount attributable to the cost of utilities as determined by the Secretary on the basis of estimated costs for utilities in the area. The term "sale price" would mean (1) in the case of housing newly developed, acquired, or leased for subsequent resale, the portion of the unpaid balance on the public housing agency's principal debt on the project at the time of sale which is allocable to the dwelling unit or units involved, (2) in the case of rental housing, the appraised value of the property at the time of sale, and (3) in cases where participants in mutual-help projects or homebuyers in homeownership opportunity projects (such as Turnkey III) voluntarily elect to purchase their low-income housing units under the terms of the program established under section 10, the purchase price provided for under their lease with option to purchase type of contracts with the public housing agencies involved.

Subsection (d) would provide that the sale of a project would not affect the Secretary's commitment to pay annual contributions with respect to the project, but contributions could not exceed the maximum contributions authorized under section 5(a).

Subsection (e) would provide that, subject to the approval of the Secretary, any contract previously executed by a public housing agency for the sale or lease of low-income housing to low-income families or public housing tenants may be amended to include any of the terms and conditions provided in section 10.

Section 11—General provisions

Subsection (a) would require the Secretary to prepare annual budget programs as provided for wholly owned Government Corporations by the Government Corporation Control Act and to maintain an integral set of accounts to be audited annually by the General Accounting Office.

Subsection (b) would provide that all receipts and assets of the Secretary under the Act be available until expended.

Subsection (c) would authorize the Federal Reserve Banks to act as depositories, custodians, and fiscal agents for the Secretary.

Section 12—Financing low-income housing projects

Subsection (a) would provide that where the Secretary has guaranteed obligations of a public housing agency by pledging loans, annual contributions or both with respect to such obligations, the full faith and credit of the United States would back this guarantee, which would be incontestable in the hands of a bearer.

Subsection (b) would provide that public housing agency obligations issued in connection with low-income housing projects and the income from such projects shall be exempt from Federal taxes. It would modify the present provision so as to make it clear that this exemption applies whether the obligations are paid by the public housing agency or by the Secretary.

Section 13—Labor standards

This section would require that contracts entered into pursuant to this Act include a provision that (1) all architects, technicians, engineers and draftsmen employed in the development of a low-income housing project, and (2) laborers and mechanics employed in the operation of projects be paid not less than the wages prevailing in the locality, as determined by the Secretary. It would also require that contracts include a provision that laborers and mechanics employed in the development of a low-income housing project be paid not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor, pursuant to the Davis-Bacon Act.

Section 202—Applicability of rental requirement

This section would provide for the deferral of rent increases which may be required of families now living in projects assisted under section 9 of the United States Housing Act of 1937, as amended by section 201 of this Act. The rental increase would become effective in two increments—(1) an increase equal to one half the amount of additional rent at the time the public housing agency makes the first review of the family's income (other than an interim review) which occurs at least one year after the effective date of a contract for annual contributions entered into pursuant to section 9, and (2) the family's rent would be increased to the full amount of the rental charge under section 9 when the public housing agency makes its next review of the family's income. Section 6(c)(2) of the revised Act requires public housing agencies to review family income at intervals of two years.

Section 203—Exemption of certain projects from rental formula

This section would authorize the Secretary of Housing and Urban Development, in lieu of the rental or income contribution provisions of the United States Housing Act of 1937, as amended by section 201 of this Act, to approve (1) the use of special schedules of required payments for participants in mutual help housing projects who contribute labor, land or materials to the development of such projects, or (2) the continued use of special schedules of required payments as approved by the Secretary for homebuyers in occupancy in homeownership opportunity projects under lease-purchase type contracts on the effective date of title II of the Housing Consolidation and Simplification Act of 1971.

Section 204—Repeal of specification requirements in construction contracts

This section would repeal section 815 of the Housing Act of 1954, which requires that every contract for a loan, grant, or contribution under the United States Housing Act of 1937 or title I of the Housing Act of 1949 contain a provision requiring the submission of specifications with respect to such construction prior to the award of the construction contract, and the submission of data with respect to the acquisition of land prior to the authorization to acquire the land.

Section 205—Retroactive repeal of section 10(j)

This section would make the provisions of section 206(c) of the Housing Act of 1961, which repealed section 10(j) of the United States Housing Act of 1937, applicable retroactively. It would authorize the Secretary to agree with a public housing agency to amend outstanding contracts for annual contributions which, in accordance with section 10(j) when it was in effect, required that a proportionate part of the net proceeds of the operation or sale of a project be returned to the Federal Government after the public agency's obligations with respect to the project have been paid.

Section 206—Amendment to National Bank Act

This section would amend section 5136 of the Revised Statutes (12 U.S.C. 24), dealing with investment powers of national banks, to conform those provisions to changes made by section 201 of this Act, which would authorize more flexible financing terms with respect to the obligations of public housing agencies. National banks would be authorized to invest in obligations of public housing agencies secured by a combination pledge of both annual contributions under an annual contributions contract between such public housing agency and the Secretary and a loan under an agreement between such agency and the Secretary. To permit investment in such obligations, the amendment would also delete the present provision of the National Bank Act which limits investment in obligations secured by a pledge of a loan to short-term obligations which do not exceed eighteen months in duration.

Section 207—Amendment to Lanham Act

This section would amend section 606 of the Lanham Act so as to permit the payment of debt service annual contributions with respect to permanent war housing projects which have been transferred to and are now operated by local housing agencies.

Section 208—Effective date of title II

This section would provide that title II of the Housing Consolidation and Simplification Act of 1971 would be effective at such date as prescribed by the Secretary of Housing and Urban Development, but not later than six months after enactment thereof.

TITLE III—MISCELLANEOUS

Section 301—Elimination of "Base" requirement in model cities programs

This section would amend sections 105(c) and 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 so as to delete the provision which limits the model cities supplemental grant to not more than 80 percent of the local share required for projects assisted by Federal grant-in-aid programs undertaken in connection with the model cities program.

Section 302—Labor standards exception

This section would amend section 1 of the Davis-Bacon Act to provide that the labor standards requirements of the Act do not apply to a contract for the repair of a one- to four-family residence acquired by the Secretary of HUD under a contract of mortgage insurance if the aggregate amount of the repair contract does not exceed $5,000.

Section 303—Removal of sublimitation on loans to hospitals under the college housing program

This section would eliminate the dollar amount sublimitation on the aggregate amount of loans which the Secretary is authorized to make under the College Housing Program to hospitals operating nursing schools or approved internship programs.

Section 304—New Community Development Corporation

This section would amend title VII of the Housing and Urban Development Act of 1970 so as to change the name of the Community Development Corporation to the "New Community Development Corporation."

Section 305—Authorization for college housing debt service grants

This section would amend section 401(f)(2) of the Housing Act of 1950 to increase by such sums as may be necessary the aggregate amount of contracts which may be entered into to make annual debt service grants to help finance college housing facilities.

Section 306—Interstate Land Sales Full Disclosure Act

This section would amend the Interstate Land Sales Full Disclosure Act so as to authorize the Secretary to exempt from any provision of the Act any person who holds title to land as a fiduciary if the Secretary finds that enforcement of the Act is not necessary in the public interest or for the protection of purchasers.

Section 307—Flood insurance premium equalization payments

This section would amend the National Flood Insurance Act of 1968 by deleting section 1334(b) which provides for Federal premium equalization payments based on the relationship between chargeable premiums and estimated actuarial premiums. It would permit use of actual loss experience under the emergency program in determining HUD's cost sharing relationship with the insurance industry.

Section 308—Surplus property

This section would amend section 414 of the Housing and Urban Development Act of 1969 dealing with surplus property. Section 414 now permits surplus real property to be transferred by the Administrator of General Services, in his discretion, to the Secretary of HUD for sale or lease by him at its fair value for use in the provision of housing to be occupied by families or individuals of low or moderate income. Property to be used for related public, commercial and industrial facilities may also be transferred. Prior to any sale or lease to a purchaser other than a public body, the Secretary must notify the governing body of the locality where the property is located, and no sale or lease may be made if, within 90 days, the local governing body notifies the Secretary of its objection.

Section 414, as it would be amended by this section, provides that surplus real property may, in the discretion of the Administrator of General Services, be made available at the request of the Secretary of Housing and

Urban Development for disposition in accordance with the plan approved by him for the provision of housing and related facilities or for land development which is in furtherance of a new community or a major development or redevelopment program having community-wide impact. Property to be used for the provision of housing and related facilities would be assigned to the Secretary for sale or lease by him, whereas other property would be disposed of by Administrator of General Services in accordance with the plan and with applicable law governing the disposition of surplus real property. In the case of real property sold or leased by the Secretary for housing for other than low or moderate income occupants, the disposal would be made on the basis of the property's full market value, whereas property to be used in the provision of housing for low or moderate income occupants could, as under present law, be disposed of at its fair value for the proposed use (and subject to the requirements of present law with respect to approval by the local governing body).

Where property is sold at less than market value, the Secretary would be required to obtain such undertakings or impose such restrictions for such period of time as he may consider appropriate to assure that it will be uesd for the purposes and in the manner contemplated by the approved plan. For example, the Secretary may obtain contractual undertakings with respect to rentals or sales prices and may require covenants running with the land to assure continued residential use or continued site plan restrictions. Also, the Secretary could, where certain material changes in use would result in increased value, provide for appropriate recapture of the increase in value of land sold at a reduced price.

Mr. TOWER. Mr. President, today I am pleased to join with Senator SPARKMAN in introducing the administration's Housing Consolidation and Simplification Act of 1971.

Interpretation of the housing statutes during recent years has proven to be a monumental task not only for the most sophisticated and experienced builders, lenders, and sponsors, but also for those in Government service charged with administering the myriad of programs. HUD Secretary Romney, testifying earlier today before the Subcommittee on Housing and Urban Development, Space, and Science of the Senate Appropriations Committee, stated flatly that the multiplicity of housing programs are "almost impossible of sound administration." The pressing necessity for consolidation is apparent.

A new revised housing act, intended to supercede the national housing act, is included within title I of the bill. This new act is intended to: First, consolidate the numerous authorities scattered throughout the National Housing Act into a minimum number of broad, flexible programs; second, eliminate obsolete or duplicatory authorities; and third, improve existing operations and subsidy programs.

Mr. President, pending before this Congress are numerous important items of legislation which purport to reorganize governmental departments or codify existing statutes. I trust that this bill will not lose its identity by being considered as another one of several reorganization plans, for that is not its purpose. Its importance demands immediate attention and consideration, for it is my firm conviction that, by eliminating a substantial portion of the redtape occasioned by the existing maze of regulations and processing procedures within HUD, there will result an increased capacity within our housing programs to encourage the production of a greater volume of housing units for low-, moderate-, and middle-income families. In addition, investment by the private sector in low-cost housing should increase concomitantly with the elimination of duplicative bureaucratic requirements and the establishment of uniform criteria for the subsidized housing programs.

Title II of the bill is captioned "Public Housing Assistance Program." This section would revise the U.S. Housing Act of 1937, the program of assistance to local public housing agencies in the provision of housing for low-income families. The revised act would attempt to: First, modify and improve the public housing subsidy structure; second, authorize a new homeownership program for low-income families served by the program; third, make necessary modifications to financing and other authorities; and fourth, eliminate obsolete provisions.

Title II, as well as title I and the remainder of this bill, contains innovative and far-reaching provisions which will require careful examination prior to Senate action being taken. As regards public housing, however, the importance of continued autonomy as guaranteed to the local housing authorities by statute should be underscored. I trust that during subcommittee consideration of this bill, any questions relative to the extent of that autonomy will be resolved in the best interest of both those who inhabit public housing and those who have assumed the responsibility of managing the public housing facilities scattered throughout this country.

Mr. President, I cannot overstate the importance of legislation being enacted during this session of the Congress which will consolidate the many housing programs administered by the Federal Government. I realize full well that the provisions of this bill which the distinguished chairman of the Senate Banking, Housing and Urban Affairs Committee, and I introduce today will be subject to extensive examination and discussion by the membership of the Housing and Urban Affairs Subcommittee in the near future. We on the subcommittee will benefit from the views of those who appear to testify before us during the open hearings which will be conducted on this legislation. I trust that many of those who appear will share my conviction relative to an immediate consolidation and streamlining of current housing programs in order to insure the future vitality of housing within this Nation.

By Mr. SCHWEIKER:

S. 2050. A bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency. Referred to the Joint Committee on Atomic Energy.

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency.

The legislation which I introduce today would permit individual States to set their own standards for the regulation of radioactive discharges to the environment from nuclear powerplants, as long as the State's standards are more strict than the Federal standards.

The Atomic Energy Act of 1954 currently provides that the Atomic Energy Commission can enter into agreements with State Governors providing for the discontinuance of the regulatory authority of the Commission and the assumption of such authority by the States, with regard to certain types of nuclear materials. The Commission is required to enter into such an agreement with any State if the State has a program for the control of radiation hazards adequate to protect the public health and safety of its citizens and if the Commission finds that the State's program is compatible with the program of the Atomic Energy Commission. In essence, the language in the law which currently requires that the State program be "compatible with" the Commission's program results in a situation where the State regulations are equivalent to the Federal regulations.

My legislation would permit the Atomic Energy Commission to enter into an agreement with a State which would allow the State to regulate radioactive discharges to the environment by licensees of the AEC so long as the State program is no less restrictive than the Federal program. The Atomic Energy Commission would be required to enter into the agreement with the State if the State's standards are tougher than the Federal standards and, of course, if the Commission finds that the State program is adequate to protect the public health and safety of the citizens of the State. In addition, my bill would continue to permit coordination of State and Federal programs for the protection of the public against radiation hazards.

Second, this bill would also authorize the Administrator of the Environmental Protection Agency to make grants to individual States to pay a Federal share of up to one-half of the costs of State programs to set up monitoring systems to evaluate radiation emissions. I believe that the States have a responsibility to determine the amount of radioactive material which is emitted from nuclear powerplants.

EPA would be permitted to make grants not exceeding 50 percent of the total cost of setting up and maintaining state monitoring programs.

It is clear that the States, under the 10th amendment to the Constitution, have the responsibility to protect the health and safety of their citizens. It seems to me that it is entirely appropriate to permit individual States to make their own judgments as to the safety of nuclear powerplants and the effect which radioactive emissions will have on the health and safety of the citizens of a particular State. The State of Minnesota is currently contending in the Federal courts that it has the responsibility and the authority to regulate radioactive releases by nuclear powerplants. Minnesota maintained in the Federal district court that Federal legislation had not preempted the authority of individual States to set standards which are more strict than the Federal standards.

In a decision handed down late last year, the Federal district court held that Congress has clearly preempted the regulatory authority in this area and that the Atomic Energy Commission has exclusive authority to regulate radioactive releases by nuclear powerplants. The case has been appealed, but I believe that it is relatively unlikely that the lower court decision will be reversed. My reading of the applicable legislation is that Congress clearly did intend to preempt the field, and that is precisely why I am introducing this legislation.

A resolution introduced by the Honorable James B. Kelly passed the Pennsylvania House of Representatives today. This bill calls on Congress to enact legislation permitting the States to set tougher standards than those allowed by the AEC. The State legislation had strong bipartisan support and is a good indication of the feeling of the States about this proposal. I am pleased that the Pennsylvania House of Representatives has taken a significant step forward in passing the Kelly resolution and I am happy to respond with my bill.

Most of the power which is produced by nuclear powerplants is used in the particular State where the nuclear power is located. In fact one of the arguments used by the utilities for locating nuclear powerplants near major metropolitan areas is that it is too expensive to transport electricity long distances to make it economical to locate nuclear powerplants in relatively unpopulated areas. Thus, the States have a vital interest in the safety of these plants and the States should be in a position to impose stricter standards as long as minimum Federal standards are met. Atomic Energy Commission standards have general application, but special or unique circumstances within a particular State need recognition and the individual States are in a better position than the Federal Government to make such an evaluation.

I am also concerned about the often criticized lack of responsiveness of Federal authorities to citizens' concerns. Many citizen groups in the Commonwealth of Pennsylvania have contacted me to express their serious concern about nuclear plants in my State. Federal authorities are not as responsive as they should be to these concerns, and I believe that State regulatory authorities, being closer to the citizens, will be in a better position to evaluate and respond to citizen comments about nuclear powerplants. In addition, this legislation would follow the principles laid down by the Nixon administration which indicate the President's desire to return more governing authority to the individual States.

Implicit in this legislation is the authority for individual States to set standards which are so strict as to forbid any radioactive discharges to the environment whatsoever. At the present time there is great controversy over the biologic and genetic effects of low-level dosages of radiation. There is substantial disagreement as to the impact which such radiation emissions have on human and plant life. Much more study and debate is necessary, because I do not believe that satisfactory answers have yet been provided. It is interesting to note in this regard, however, that so-called zero-release reactors can be built. In fact, a zero-release reactor has been operating in Antarctica since 1962. This reactor, the PM-3A, is a small one, with an output of 1.5 megawatts. International treaties prohibiting the release of radiation into the Antarctic environment made it imperative that a zero-release reactor be designed for this area, and it has been operating successfully for 9 years.

As of December 31, 1970, there were 109 nuclear powerplants either operable, being built, or planned in this country. These plants would produce a total of approximatley 87 million kilowatts. By 1990, nuclear power is expected to account for about 40 percent of the generating capacity and about 55 percent of the thermal electric energy requirements of the Nation. This is an increase of more than 80 times the amount of electric power produced by nuclear plants in 1970. About 500 reactors are expected to be operable by 1990.

The Commonwealth of Pennsylvania has 11 nuclear plants either operable or planned. Among these are the small pioneer plant at Shippingport, which produces 90,000 kilowatts of power, and the huge plants planned for Peach Bottom and Limerick, both of which will have twin reactors each producing 1,065,000 kilowatts of power in the mid-1970's.

In view of the tremendous impact which the large number of plants may have on the environment, I believe it is essential that the legislation which I introduce today be enacted. Congress provided a clear precedent for this kind of legislation in section 109 of the Clean Air Act which passed last year. Section 109 provides that—

> Nothing in this title shall prevent a State, political subdivision, intermunicipality or interstate agency from adopting standards and plans to implement an air quality program which will achieve a higher level of ambient air quality than approved by the Secretary.

An exemption for individual States to set more restrictive environmental standards is even more important in the nuclear area than it is with air pollution.

With regard to the second half of my bill, I would like to point out that the Commonwealth of Pennsylvania and the AEC, on November 5, 1970, signed a contract for a cooperative program of environmental radiation monitoring of nuclear powerplants in Pennsylvania. This is a pioneering agreement, the first of its kind. The purpose of the monitoring is to provide the AEC with timely independent information and data for: First, evaluating the normal background levels of radiation which exist naturally in Pennsylvania at those facilities which are under construction; second, determining the adequacy of controls being exercised over radioactive effluents and sources of radiation at operating facilities and concentrations of radioactive materials in the offsite environment resulting from operation of the facilities; and third, determining the potential radiation exposure to the public attributable to facility operations.

I am delighted that the Commonwealth of Pennsylvania and the Atomic Energy Commission have joined hands in setting up this kind of a program, and I believe that other States should also be in a position to set up similar programs with Federal financial assistance.

Mr. President, I believe it is essential that Congress act quickly on this legislation, particularly in view of the great number of nuclear plants which are being planned and in view of the many questions with regard to the safety of these plants which currently remain unanswered. I ask unanimous consent that two articles from the Washington Post describing recent concerns over the safety of nuclear powerplants be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the texts of the Pennsylvania resolution, and my bill, be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2050

A bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection 274b of the Atomic Energy Act of 1954 is amended by inserting "(1)", "(2)", and "(3)", as "(A)", "(B)", and ("C)", respectively, and adding after clause (C) the following new subsection:

"(2) The Commission may enter into an agreement with the Governor of any State providing for the discontinuance of regulatory authority of the Commission, and the assumption thereof by the State, in the regulation of radioactive discharges to the environment by licensees of the U.S. Atomic Energy Commission within the State."

(b) Subsection 274(c) of such Act is amended by striking out clauses "(1)" and "(3)" and redesignating clauses "(2)" and "(4)" as "(1)" and "(2)" respectively.

(c) Subsection 274(d)(2) of such Act is amended by striking out "is compatible with the" and inserting in lieu thereof "is no less restrictive than."

(d) Subsection 274(g) of such Act is amended by striking out "and compatible."

SEC. 2. (a) The Administrator of the Environmental Protection Agency (hereinafter called the Administrator) is authorized to make grants to States to pay the Federal share of the costs of State programs to—

(1) evaluate normal background levels of radiation at nuclear power plant sites under construction;

(2) determine the adequacy of controls over radioactive effluents and sources of radiation at nuclear power plant facilities and concentrations of radioactive materials in the environment resulting from the operation of such facilities; and

(3) determine potential radiation exposure to the public.

(b) Grants under this section to any State shall be made pursuant to criteria established by the Administrator, and no such grant shall exceed 50 per centum of the total cost of the State program for the fiscal year with respect to which the grant is made.

(c) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

(d) There are hereby authorized to be appropriated for the purpose of making grants under this section $——— for the fiscal year ending June 30, 1972, $——— for the fiscal year ending June 30, 1973; and $——— for the fiscal year ending June 30, 1974.

PENNSYLVANIA RESOLUTION

During the past few years more and more electric companies have announced that they plan to erect atomic power plants within the Commonwealth in order to meet the ever-increasing demand for electric power.

Many of our citizens feel that the increased use of atomic energy in the production of electricity will result in higher concentrations of radiation materials in the environment.

This potential radiation exposure to the public is a matter of great concern to all the people of Pennsylvania, yet there is little that can be done about it on the State level because of the provisions of the Atomic Energy Act.

The Federal courts have held that Congress has exercised its constitutionally granted authority to preempt the field of regulation of radioactive discharges from nuclear power plants. Because of these rulings no state may impose limitations on the amount of radioactive discharge from these plants.

The General Assembly feels that the states should be given the right to determine what the standards should be for radioactive discharge within its borders; therefore be it

Resolved, That the General Assembly of the Commonwealth of Pennsylvania memorialize Congress to enact legislation which would authorize the Atomic Energy Commission to enter into agreements with the states wherein the states would be given the power to regulate radioactive discharges to the environment by licensees of the United States Atomic Energy Commission within the State so long as the State regulation is not less restrictive than the one adopted by the Atomic Energy Commission; and be it further

Resolved, That the General Assembly memorialize Congress to include in said Federal legislation the authorization to make grants to the states to pay the Federal share of the costs of establishing programs aimed toward the control of atomic radiation from the nuclear power plants; and be it further

Resolved, That copies of this resolution be forwarded to Senators Hugh Scott and Richard S. Schweiker and the congressional delegation from the Commonwealth.

[From the Washington Post, May 28, 1971]

AEC WEIGHING A-PLANT CURB IN SAFETY TESTS

(By Thomas O'Toole)

The Atomic Energy Commission is considering an order that would curtail the electrical output of 22 nuclear power plants in 12 states because of test failures of an emergency cooling system for atomic reactors.

If the order comes, it is understood it will not be made for at least two weeks and would not be an order for the plants to close down. Instead, the order would require the plants to reduce their power production by 20 per cent, a move that would help to lower the temperature of the nuclear fuel and thereby reduce the chances of the fuel melting through its concrete housing if the reactor ever lost its coolant.

"It's true such an order is under discussion, but I want to emphasize that there is no plan to issue such an order right now," said one source inside the AEC. "It's only one of several possible things we might do if we find we have a design problem in our emergency core cooling system."

The chance that the AEC will find design defects in its emergency cooling system is believed to be slim. If it discovers defective designs, the AEC is convinced it can overcome the defect without seriously disrupting the nuclear power program in the United States.

Nonetheless, the AEC has already told five utilities they can expect delays in getting licenses to build and operate their atomic plants while the question of emergency cooling is re-examined. If the AEC also curtails power output in the 22 atomic plants now operating, it will bring on at least a minor disruption in the power program.

"We've been looking into the question of emergency core cooling for two months and we have very few answers so far," said one member of a senior task force appointed by AEC Chairman Glenn T. Seaborg to study the core-cooling issue.

The review of emergency cooling was triggered by failures of a scaled-down version of the cooling system in tests at the National Reactor Testing Station near Arco, Idaho. The tests involved a small mockup of a reactor pressure vessel containing electrically heated substitutes for nuclear fuel elements.

In six tests, this cooling water that bathed the heated elements was allowed to escape, as it would in a "loss of coolant" accident that might result from a ruptured pipe. Emergency or backup coolant was then pumped into the reactor vessel to keep the nuclear core cool while procedures were begun to shut the core down.

Test engineers discovered that high steam pressures kept almost all of the emergency cooling water out of the pressure vessel. One description of the test suggested that the pressurized steam blew the emergency coolant out through an outlet before the water even reached the hot core.

A second problem occurred when the tests showed that the temperatures of some of the fuel elements in reactor cores might go higher than anticipated during a loss of coolant. This raised concern because the higher a fuel element's temperature goes, the more likely it is to break through its housing and spill radioactive fission products into the pressure vessel.

Hotter fuel rods would also accelerate a chemical reaction between the zirconium rods and the cooling water, releasing hydrogen from the water and generating heat that would put an even greater demand on the emergency cooling system.

The AEC considers the tests inadequate and inconclusive, and has asked Congress' Joint Committee for Atomic Energy for $2 million in supplemental funds to scale up the tests and make them tests of full engineering models of cooling systems.

The request for supplemental funds is the first public sign that the AEC is concerned by the emergency coolant tests.

[From the Washington Post, May 26, 1971]

A-PLANTS FACE DELAYS AFTER FAILURE IN TESTS

(By Thomas O'Toole)

At least five and as many as 56 atomic power plants being built in the United States face construction and operation delays as the result of tests showing possibly defective designs in their nuclear-fueled reactors.

The five plants alone represent an investment of more than $1 billion and an electric power output of more than four million kilowatts, enough to light up a city the size of Chicago. Long delays in these plants could trigger power crises in Florida, New York and Michigan, where they are being built.

Far more serious is the impact long delays might have on 51 more plants being built or about to be built; these account for more than 42 million kilowatts of planned power and an investment of over $10 billion in more than 20 states. Lengthy delays in their construction could trigger a nationwide power shortage.

The delays were caused by six straight failures of laboratory-sized atomic reactors to cool themselves down in emergencies called "loss of coolant" failures. Each time, the emergency procedure for cooling down the hot nuclear cores backfired in tests, causing the simulated reactors to close themselves down.

"These tests were not fair models of real reactors," one Atomic Energy Commission official said. "Nevertheless, we have to be concerned by the failures and the outside possibility that we might have a fundamental problem in design."

The chances of basic design problems are slim, AEC officials said. But if the emergency coolant designs don't work it would affect the nuclear plants being built and the 16 plants already in operation.

If the designs prove defective, plants operating today might have to be closed while the designs were being corrected.

"We have told five utilities they can expect licensing delays on five nuclear power plants," an official of the AEC's regulatory staff said yesterday.

"These five were chosen because they were all at a juncture where some action had to be taken. They had to be told they could not meet their deadlines."

The five utilities are Consolidated Edison Co. and Long Island Lighting Co. in New York, Florida Power & Light Co., and Detroit Edison Co. and Consumers Power Co. in Michigan. The Con Ed, Florida P&L and Consumers Power plants are ready to begin producing electricity; the other two are about to begin construction.

The length of the operation and construction delays is anybody's guess. One AEC official said the five utilities can expect delays of at least one month and probably three months.

The tests that turned up the loss-of-coolant failures were what engineers call "blowdown" tests. They were conducted on semi-scale reactor mockups at the National Reactor Testing Station in Idaho Falls, Idaho.

In the tests, engineers pretended that a water-cooled reactor under pressure had suddenly lost its cooling water at the same time that it suffered a "blowdown," which is a rupture in the piping that carries the coolant through the reactor.

The tests showed that when emergency water was flooded in through the piping to cool down the core, it did not get to the core because pressurized steam built up and wouldn't let it in.

"The tests seemed to indicate," one source said, "that there is a possibility the steam pressure within the vessel could prevent the core cooling water from entering the vessel. It appeared as if the core cooling water was being forced out of a break in the recirculation loop."

Engineers noted that the test results don't prove a design defect, since the tests were carried out on a model vastly different from a full-scale reactor. Only one prime coolant loop is used in the model, whereas four are used on real reactors.

Nonetheless, the test results were viewed as serious in the most conservative AEC circles.

"If you get a loss of coolant and then a loss of emergency coolant in a real accident," one official said, "your reactor core would overheat and probably melt under temperatures in excess of 5,000 degrees.

"The core would probably crumble," he went on, "and although you've got 10 or 12 feet of reinforced concrete under the core it might melt through all that. There would be steam explosions and there is a possibility of the reactor bursting. Nobody knows for sure what would happen."

By Mr. THURMOND:

S. 2051. A bill to amend title 38 of the United States Code to provide for automatic cost-of-living increases in dependency and indemnity compensation payable thereunder, and for other purposes. Referred to the Committee on Veterans' Affairs.

COST OF LIVING INCREASES IN DEPENDENCY AND INDEMNITY COMPENSATIONS

Mr. THURMOND. Mr. President, today I am introducing a bill for myself and Mr. Hartke to provide for automatic cost-of-living increases in dependency and indemnity compensations.

At the present rate that inflation is eroding existing monetary levels, the provisions that Congress has provided for the wife, parents and children of service veterans are insufficient. It is my opinion that Congress should not allow economic circumstances to take away benefits that it has previously found to be necessary. This bill will help remedy the plight of the dependents of our veterans.

Throughout American history, patriotic citizens have risen to our country's defense in times of need. In response to this loyalty, the Nation has always shown concern over the welfare of these veterans and their dependents. When a man is killed or disabled in the service of his country, his family suffers not only the loss of a loved one, but also they lose the family provider. It is only just that the United States help alleviate these losses by aiding those who are dependent upon a veteran.

This bill provides that the Administrator of Veterans' Affairs shall periodically review the Consumer Price Index to determine whether the price index has risen over the previous level. If he determines that it has risen 3 percent or more, then the amount of each dependent's benefits shall be increased.

The United States owes a great debt to its veterans and their dependents. This bill will protect benefits that have already been legislated for veterans and will allow cost-of-living increases to offset inflation.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2051

A bill to amend title 38 of the United States Code to provide for automatic cost-of-living increases in dependency and indemnity compensation payable thereunder, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter I of chapter 13 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 405. Cost-of-living increases in dependency and indemnity compensation

"(a) As soon as possible after the beginning of each calendar month, the Administrator shall detremine the extent by which the price index in the preceding calendar month was higher than the price index in the applicable base period (as those terms are defined in subsection (e)). If he determines that the price index had risen by a percentage (of its level in the base period) equal to 3 per centum or more, the amount of each benefit otherwise payable under this chapter shall be increased by the same percentage plus 1 per centum (adjusted to the nearest one-tenth of 1 per centum), effective with respect to benefits for months after the month in which the determination is made.

"(b) In the case of any individual who first becomes entitled to a benefit in or after the month in which an increase becomes effective under subsection (a), the amount of the benefit payable to or with respect to him on the basis of such entitlement shall be determined by applying such increase (or, if more than one increase has become effective under subsection (a), by applying all such increases successively) to the amount of the benefit which would be payable under the provisions of this chapter.

"(c) Any increase under subsection (a) shall apply with respect to all benefits payable under this chapter during the period in which such increase is effective regardless of the provisions under which such benefits are payable or the manner in which the amounts payable are determined, but shall be applied with respect to the benefit payable to or with respect to any particular individual only after all of the other provisions of this chapter which relate to eligibility for and the amount of such benefit, and all prior increases made in such benefit under this section, have been applied.

"(d) If the amount of the increase in any benefit under subsection (a) is not a multiple of $0.10 it shall be raised to the next higher multiple of $0.10 in the case of a multiple of $0.05 or adjusted to the nearest multiple of $0.10 in any other case.

"(e) For purposes of this section—

"(1) the term 'price index' means the Consumer Price Index (all items, United States city average) published monthly by the Bureau of Labor Statistics; and

"(2) the term 'base period' means—

"(A) the calendar month commencing January 1, 1970, with respect to the first increase under subsection (a), and

"(B) the calendar month immediately preceding the month in which the determination constituting the basis of the most recent increase under subsection (a) was made, with respect to any increase under subsection (a) after the first such increase."

(b) The table of sections at the beginning of chapter 13 of title 38, United States Code, is amended by adding at the end thereof the following:

"405. Cost-of-living increases in dependency and indemnity compensation."

Sec. 2. The amendments made by the first section of this Act shall apply only with respect to increases in benefits under chapter 13 of title 38, United States Code, for months in and after the second month beginning after the date of enactment of this Act on the basis of determinations made (under section 405 of such title, as added by the first section of this Act) in and after the first calendar month beginning after the date of the enactment of this Act.

Sec. 3. Any individual entitled to dependency and indemnity compensation under title 38, United States Code, for the month of December 1969, who did not receive compensation for that month at a rate 24.1 per centum higher than the rate received by her for the month of November 1969, shall be entitled to compensation for months beginning after the month in which this Act is enacted at such higher rate, and shall be entitled, for December 1969, and months thereafter occurring but before the month beginning after the month of such enactment to an amount equal to the difference between the amount of compensation received by her for such months and the amount of compensation which she would have received for such months had the compensation rate for each such month been 24.1 per centum higher than the monthly rate received by her for November 1969.

By Mr. THURMOND (for himself and Mr. Hartke):

S. 2052. A bill to amend title 38 of the United States Code in order to establish a National cemetery system within the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

NATIONAL CEMETERIES ACT OF 1971

Mr. THURMOND. Mr. President, today I am introducing a bill for myself and Mr. Hartke, which would establish a National cemetery system within the Veterans' Administration.

Currently the Federal cemetery function is managed by four Federal agencies: The Department of the Army operates the National cemetery system; the American Battle Monuments Commission operates the overseas cemeteries; the Department of the Interior, through the National Park Service, operates cemeteries in conjunction with military and battlefield parks; and the Veterans' Administration operates various cemeteries.

The bill I am introducing would transfer to the Veterans' Administration those cemeteries currently operated by the Department of the Army—except Arlington National Cemetery and certain post cemeteries. Also subject to transfer would be other service cemeteries except those located at the academies. While experience over many years has shown that the Department of the Army can administer the National cemetery system in an efficient manner, the figures made available reveal that more than 90 percent of interments in national cemeteries are veterans and their dependents, with servicemen dying in active service comprising less than 10 percent. Thus, as it now exists, burial in a national cemetery is more closely related to veterans benefits than to the functions of a service department.

There are two Federal cemetery systems which would not be transferred. Those are the cemeteries of the Department of the Interior and those under the jurisdiction of the American Battle Monuments Commission. These cemeteries are generally closed to future burials and are in the nature of historical parks or shrines.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the Record at the conclusion of my remarks, along with a section-by-section analysis of the bill.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2052

A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Cemeteries Act of 1971".

SEC. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 24.—NATIONAL CEMETERIES AND MEMORIALS

"Sec.
"1000. Establishment of National Cemetery System; composition of such system; appointment of director.
"1001. Advisory committee on cemeteries and memorials.
"1002. Persons eligible for interment in national cemeteries.
"1003. Memorial areas.
"1004. Administration.
"1005. Disposition of inactive cemeteries.
"1006. Acquisition of lands.
"1007. Authority to accept and maintain suitable memorials.
"1008. Penalty for defacing cemeteries.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director.

"(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1971;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument (which is designated by the Administrator as a national cemetery) transferred to the Veterans' Administration by the National Cemeteries Act of 1971, or later acquired or developed.

"§ 1001. Advisory committee on cemeteries and memorials

"There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites and the erection of appropriate memorials. The Committee may make such reports and recommendations as it deems desirable to the Administrator and to Congress.

"§ 1002. Persons eligible for interment in national cemeteries

"(a) Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or on authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child or any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

"(b) Eligibility criteria for interment in national cemeteries shall be applied uniformly with respect to all such cemeteries in the National Cemetery System.

"§ 1003. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers may be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

"§ 1004. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator may provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbariums.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator may by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe and without regard to the laws concerning advertising for competitive bids.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government-owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Nothwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, all, or such portion as he may deem desirable, of the jurisdiction acquired by the United States over the lands involved, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

"(h) The Administrator shall provide for the care, maintenance, and operation of any cemetery or burial plot transferred to the Veterans' Administration by the National Cemeteries Act of 1971 but which is not a part of the National Cemetery System, and may prescribe conditions for interment therein.

"§ 1005. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government.

"(b) The Administrator may also transfer any inactive cemetery or burial plot, or portion thereof, to a State, or political subdivision thereof, which agrees to maintain such cemetery in an appropriate manner, with the understanding that control thereof shall be returned to the Veterans' Administration if the Administrator deems such action to be appropriate.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

"§ 1006. Acquisition of lands

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

"§ 1007. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary.

"§ 1008. Penalty for defacing cemeteries

"(a) Any person who willfully—

"(1) destroys, mutilates, defaces, injures, or removes any monument, gravestone, or other structure, or

"(2) destroys, cuts, breaks, injures, or removes any tree, shrub, or plant, or

"(3) disturbs the peace

within the limits of any cemetery under the jurisdiction of the Veterans' Administration shall be deemed guilty of a misdemeanor punishable by a fine of not less than $25, and not more than $100, or by imprisonment for not less than fifteen days, and not more than sixty days.

"(b) For the purpose of maintaining law and order and protecting persons and property at cemeteries under the jurisdiction of the Veterans' Administration, the superintendent or other individual in charge of any such cemetery, or such person or persons as he shall designate, is authorized to arrest forthwith any person engaged in committing any misdemeanor prohibited by this section, or any crime or offense against the United States committed on the cemetery grounds, and to bring such person before any United States magistrate or judge of any district court of the United States within any State or district where such cemetery is situated, for the purpose of holding such person to answer for such misdemeanor, crime, or other offense and then and there shall make complaint in due form."

(b) The table of chapters of part II, and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits________________ 901"

the following:

"24. National cemeteries and memorials ______________________ 1000".

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Director, National Cemetery System, Veterans' Administration."

SEC. 3. The Administrator shall conduct a comprehensive study of, and submit his recommendations to the Congress concerning:

(1) the criteria which should govern the development and operation of the National Cemetery System;

(2) the relationship of the National Cemetery System to other burial benefits provided by the Federal Government to servicemen and veterans; and

(3) the steps to be taken to conform the existing System to the recommended criteria.

SEC. 4. (a) Chapter 23 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 906. Headstones and markers

"(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Any individual buried in a national cemetery or in a post cemetery.

"(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002(a) (4), (5), and (6) of this title.

"(3) Soldiers of the Union and Confederate Armies of the Civil War.

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery."

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended by inserting immediately after

"905. Persons eligible under prior law."

the following:

"906. Headstones and markers."

SEC. 5. (a) (1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' Home and the Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act.

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

(c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such Department with respect to functions transferred under such subsection (a), or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such Department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 6. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and for other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a–279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An Act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a–281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 295).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan, Colorado", approved March 10, 1950 (24 U.S.C. 281d–f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) (A) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(B) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(C) The first proviso to the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(D) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(E) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department of the fiscal year ending June 30, 1931, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(F) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(G) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(H) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(I) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes", approved April 26, 1934 (48 Stat. 639).

(J) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(K) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(L) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(M) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department, and for other purposes", approved June 11, 1938 (52 Stat. 668).

(N) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(O) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(P) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (55 Stat. 191).

(Q) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(R) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(8) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327–328).

(T) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved March 31, 1945 (59 Stat. 39).

(U) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(V) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(W) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(X) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(Y) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(Z) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(AA) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(BB) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (24 U.S.C. 290). other purposes", approved November 8, 1967 (81 Stat. 429).

(b) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 4(a) of this Act do not apply.

SEC. 7. Section 3505(a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

SEC. 8. (a) The first section and sections 2 and 7 of this Act shall take effect on the date of enactment of this Act.

(b) Sections 4, 5, and 6 of this Act shall take effect July 1, 1972, or on such earlier date as the President may prescribe and publish in the Federal Register.

SECTION-BY-SECTION ANALYSIS

(A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes)

Section 1

This section provides that this Act may be cited as the "National Cemeteries Act of 1971".

Section 2

Subsection (a) amends part II of title 38, United States Code, to add a new chapter 24. The contents of the new chapter are largely patterned after chapter 7 of title 24, United States Code, and chapter 8 of title 36, United States Code. The language of the new chapter has been modernized and simplified to have it conform with the present language of title 38. A more detailed analysis of the new chapter 24 follows:

CHAPTER 24.—NATIONAL CEMETERIES AND MEMORIALS

Sec.
1000. Cemetery functions.
1001. Advisory committee on cemeteries and memorials.
1002. Persons eligible for interment in national cemeteries.
1003. Memorial areas.
1004. Administration.
1005. Disposition of inactive cemeteries.
1006. Acquisition of lands.
1007. Authority to accept and maintain suitable memorials.
1008. Penalty for defacing cemeteries.

§ 1000. Cemetery functions

A National Cemetery System would be established within the Veterans Administration for interment of deceased servicemen and veterans. The new System would be headed by a Director who would be responsible to the Administrator for operation of those cemeteries encompassed within the new System as well as any other placed under the jurisdiction of the Veterans Administration. The new System would consist of national cemeteries transferred from the Department of the Army to the Veterans Administration; cemeteries under the jurisdiction of the Veterans Administration at the time this bill is enacted; and any other cemetery, memorial or monument transferred by this bill or later acquired or developed.

§ 1001. Advisory committee on cemeteries and memorials.

This section would establish an Advisory Committee on Cemeteries and Memorials, whose members would be appointed by the Administrator. The Administrator would advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites and the erection of appropriate memorials. The Committee could make such reports and recommendations to the Administrator and to Congress as it deems desirable.

§ 1002. Persons eligible for interment in national cemeteries

This section designates those persons who, subject to regulations the Administrator shall prescribe and the forfeiture provisions of section 3505 of title 38, shall be eligible for interment in national cemeteries. These include certain servicemen, veterans, reservists, National Guardsmen, Reserve Officers' Training Corps members, United States citizens who served honorably with armed forces allied with the United States in wars engaged in by this country, certain dependents of eligible persons in the aforegoing categories, and other persons or classes of persons as may be designated by the Administrator. The eligibility criteria for interment in national cemeteries would be required to be applied uniformly with respect to all cemeteries in the new System.

The Administrator would be directed to set aside, when available, suitable areas in national cemeteries to honor the memory of those servicemen missing in action, or whose remains have not been identified, those buried at sea and those whose remains have been determined to be nonrecoverable. He would be authorized to prescribe regulations governing the erection of appropriate memorials or markers to honor such individuals or such groups of individuals.

§ 1004. Administration

The Administrator would be authorized to make all rules and regulations necessary to carry out the provisions of chapter 24 of title 38; to designate these cemeteries considered to be National Cemeteries; and to provide all necessary facilities for cemeteries including superintendents' lodges, chapels, crypts, mausoleums and columbariums. Graves in national cemeteries would be required to be marked by appropriate markers and with certain specified information placed thereon. Registers of burials would be kept in each cemetery and also at the main office of the Veterans Administration.

In carrying out his responsibilities under this new chapter of title 38, the Administrator would be authorized to contract, without regard to the laws concerning advertising for competitive bids, for the care and maintenance of these cemeteries.

The Administrator would be authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title and interest of the United States to any Government-owned or Government-controlled approach road providing the State or political subdivision states in writing, prior to such conveyance, its willingness to accept and maintain such road. Upon conveyance, the jurisdiction of the United States over such road would cease and would vest in the State or political subdivision.

When the Administrator deemed it to be desirable, he could relinquish to a State in which any cemetery, monument or memorial under his jurisdiction is located, all or part of the jurisdiction the United States has over such lands, reserving such concurrent or partial jurisdiction as he deemed necessary.

The relinquishment would be accomplished by filing with the Governor of the State involved a notice of such relinquishment of jurisdiction and would take effect upon acceptance by the State.

The Administrator would be directed to care for, maintain and operate any cemetery or burial plot transferred by the bill which would not be a part of the National Cemetery System and would be authorized to prescribe the conditions for interment therein.

§ 1005. Disposition of inactive cemeteries

The Administrator would be authorized to transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. He also would be permitted to transfer any inactive cemetery or burial plot to a State or political subdivision thereof provided the State or subdivision agreed to maintain such cemetery in an appropriate manner. The transfer would be subject to an understanding that the Administrator might reacquire the property if he deemed such action to be appropriate.

Where a cemetery not within the National System has been or is to be discontinued, the Administrator could provide for the removal of remains from that cemetery to any cemetery within the System and for the removal of any veteran's remains from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

§ 1006. Acquisition of lands

The Administrator would be authorized to acquire additional lands for national cemeteries as needed. This could be accomplished by purchase, gift (including donations from States or political subdivisions), condemnation, transfer from other Federal agencies, or otherwise, as he deemed in the best interest of the United States.

§ 1007. Authority to accept and maintain suitable memorials

The Administrator, subject to such restrictions as he may prescribe, would be authorized to accept gifts, devises, or bequests from legitimate societies and organizations or from reputable individuals, for the purpose of beautifying or benefiting national cemeteries. He also would be authorized to make land available for this purpose and to furnish such care and maintenance as he deemed necessary.

§ 1008. Penalty for defacing cemeteries

Penalties would be prescribed for defacing any cemetery under the jurisdiction of the Veterans Administration. The person in charge of such a cemetery, or his designee, would be authorized to arrest persons defacing cemeteries or committing other crimes against the United States on such premises and to bring them before the proper Federal judicial officials. (Public Law 90–578 abolishes the office of United States commissioner and establishes the office of United States magistrate.)

Subsection (b) of section 2 of the bill amends the table of chapters at the beginning of part II of title 38, United States Code, to add the citation "24. National cemeteries and memorials" to reflect the new chapter.

Subsection (c) of section 2 of the bill amends section 5316 of title 5, United States Code, to include the Director, National Cemetery System, Veterans Administration, as Paragraph (131) of level V of the Executive Schedule Pay Rates.

Section 3

This section directs the Administrator to conduct a comprehensive study of, and submission of his recommendations to the Congress concerning the criteria which should govern the development and operation of the National Cemetery System; the relationship between that system to other Federal burial benefits provided servicemen and veterans; and the steps to be taken to conform the existing System to the recommended criteria.

Section 4

Section 4(a) amends chapter 23 of title 38, United States Code, to add a new section 906 on headstones and markers. This transfers the existing authority of the Secretary of the Army under chapter 7 of title 24, United States Code, to provide headstones and markers to the Administrator of Veterans Affairs. The language has been modernized and simplified to make it conform with the present language of title 38.

Subsection (a) of this new section directs the Administrator to furnish appropriate headstones or markers at Government expense where requested, for the unmarked grave of (1) any individual buried in a national cemetery or post cemetery; (2) any individual eligible for burial in a national cemetery, but not buried there (except for graves of United States citizens who served honorably with the armed forces of foreign countries allied with the United States, dependents of certain servicemen and veterans, and those other persons or classes of persons designated by the Administrator as eligible for burial in such cemeteries); and (3) soldiers of the Union and Confederate Armies of the Civil War.

Subsection (b) of this new section authorizes the Administrator to furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service and whose remains have not been recovered or identified or were buried at sea, for placement in a national cemetery area reserved for such purposes or in a private or local cemetery.

Subsection (b) of section 3 of the bill amends the table of sections at the beginning of chapter 23 of title 38 to include a reference to the new section 906.

Section 5

Section 5(a) provides for the transfer from the Secretary of the Army to the Administrator of Veterans Affairs jurisdiction over and responsibility for all national cemeteries. Excepted from this transfer are the cemetery at the United States Soldiers' Home and Arlington National Cemetery. This subsection also provides for the transfer from the Secretaries of the Army, Navy and Air Force to the Administrator of Veterans Affairs, jurisdiction over and responsibility for any cemetery, memorial or monument coming within their respective jurisdiction, which the President determines would be appropriate.

Excepted from this transfer are the cemeteries located at the United States Military Academy at West Point, the United States Naval Academy at Annapolis, and the United States Air Force Academy at Colorado Springs.

Subsection (b) directs the transfer of so much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds available to the Secretaries of the Army, Navy and Air Force, in connection with functions transferred by this bill, as determined by the Director of the Office of Management and Budget, to the Administrator of Veterans Affairs.

Subsection (c) is a savings clause whereby all offenses committed and all penalties and forfeitures incurred under any law amended or repealed by this measure may be prosecuted and punished in the same manner as if these amendments or repeals had not been made.

Subsection (d) provides that all rules, regulations, orders, permits, and other privileges issued or granted by the Secretaries of the Army, Navy and Air Force will remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator, by any court of competent jurisdiction, or by operation of law.

Subsection (e) is a further savings clause under which (1) no suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Departments of the Army, Navy or Air Force with respect to functions transferred by this bill shall abate because of the enactment of this bill; (2) no cause of action by or against any Department or Commission concerning the functions transferred or by or against any officer thereof in his official capacity shall abate because of the enactment of this bill; (3) causes of actions, suits, or other proceedings may be asserted by or against the United States or appropriate officer of the Veterans Administration in any litigation pending at the time this Act takes effect with the court, on its own motion or the motion of any party, being authorized to enter an order giving such effect; and (4) suits commenced prior to the date of the enactment of this bill with respect to any function transferred shall be continued by the Administrator.

Section 6

Section 6(a) provides for the repeal of statutes giving the Secretary of the Army jurisdiction over and responsibility for national cemeteries. At the same time, all rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before the effective date of the transfer of these cemeteries to the new National Cemetery System are preserved under the language of this subsection.

Subsection (b) provides that nothing in the repeal section shall be deemed to affect in any manner the functions, powers, and duties of the Secretary of the Interior with respect to those cemeteries, memorials, or monuments coming within his jurisdiction on the date the new National Cemetery System is created or those of the Secretaries of the Army, Navy or Air Force with respect to those cemeteries, memorials or monuments under their respective jurisdiction to which the transfer provisions of this bill do not apply.

Section 7

Section 7 amends section 3505(a) of title 38, United States Code, to provide that where an individual is convicted of certain crimes which are subversive in nature, he shall forfeit his right to burial in a national cemetery.

Section 8

Section 8(a) provides that section 1, relating to the title of the Act; section 2, creating the new Cemetery System and providing for its administration; and section 7, relating to forfeiture of right to burial, are to take effect on the date of the bill's enactment.

Subsection (b) provides that section 4, concerning headstones and markers; section 5, transferring the various cemeteries to the new System; and section 6, repealing present authority of the Secretary of the Army over the transferred areas, are to take effect on July 1, 1972, or on such earlier date as the President may prescribe and publish in the Federal Register.

By Mr. HRUSKA:

S. 2053. A bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL LABOR RELATIONS ACT JUDICIAL PROCEDURES AMENDMENTS OF 1971

Mr. HRUSKA. Mr. President, I send to the desk a bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes and ask that it be appropriately referred.

Mr. President, America is much aware, and deeply concerned, about the relationships betwen management and labor. These are relationships of great complexity. And the practice of labor-management law is one of the most highly specialized fields in the legal profession.

Knowing this, Mr. President, I want to say to my colleagues on both sides of the aisle who sit on the Committee on Labor and Public Welfare, that I am indeed mindful of the difficult decisions they must make and the conflicting considerations they must balance, as they ponder amendments to our labor-management relations laws. In my nearly 20 years in Congress, I have not had the privilege of sharing in committee deliberations of labor law questions, through service either on the Committee on Education and Labor in the House or the Committee on Labor and Public Welfare in the Senate.

However, I do respect the complexity and difficulty of questions that confront our colleagues who serve on those committees—and I would like to share with them some of the concerns which beset me in the light of hearings in which I was privileged to participate as a member of the Committee on the Judiciary over the past several years.

I refer to the hearings held by the Subcommittee on Separation of Powers chaired by the distinguished senior Senator from North Carolina.

That subcommittee held extensive hearings, beginning in 1968, into the question of whether the National Labor Relations Board exceeded its statutory authority in the discharge of functions assigned to it under the National Labor Relations Act. The subcommittee heard many witnesses on the subject. There were spokesmen for the NLRB itself, spokesmen for organized labor, spokesmen for employers, and spokesmen from the academic community.

I will not attempt here, Mr. President, to restate the findings and conclusions of the subcommittee since the hearings and reports are available to every Senator. In general, however, I want to state that the subcommittee majority did find that the National Labor Relations Board had all too often encroached upon the prerogatives on Congress.

In the light of those hearings by the Subcommittee on Separation of Powers, Mr. President, and of related considerations I offer for appropriate reference a bill encompassing five separate amendments to the National Labor Relations Act. I assume, Mr. President, that because of the statute to which they are directed, these amendments will be referred to the Committee on Labor and Public Welfare. However, each one of them has a special "procedural" or, if you will, a "judiciary" characteristic. Each commends itself, I believe, to the special attention of the lawyer Members of the Senate.

The amendments would, first, restrain the National Labor Relations Board from imposing what are considered to be punitive remedies not authorized by law; second, clarify the matter of strikers' reinstatement rights where they have been guilty of flagrant misconduct; third, treat with the choice of judicial remedies by parties to labor disputes; fourth, eliminate the bizarre judge-shopping practice where unions and employers are vying with one another to have their cases reviewed in an appellate court each thinks might be favorable to him; and fifth, to restate some rational standards for Court review of unfair labor practice cases.

PUNITIVE ORDERS

The first amendment in this bill, Mr. President, would amend section 10(c) of the Labor-Management Relations Act to put a limitation upon punitive orders issued by the National Labor Relations Board. Section 10(c) of the act empowers the NLRB to take such affirmative action "as will effectuate the policies of this Act." From the early days of the Wagner Act, and continuing until very recently, the Board has required that an employer found guilty of unfair labor practices post a notice in the plant or department involved, stating in substance that the NLRB has found that the conduct complained of constitutes an unfair labor practice and that he will not repeat the unlawful acts. In a number of recent cases, however, the Board has expanded on this concept by requiring, in addition to the posted notices, a sort of public confession of guilt by the employer, to be made to all employees—whether located at the plant where the alleged unfair practice was committed or located elsewhere. As will be seen from a review of the cases in this area, the courts generally do not enforce these orders in the form the NLRB first issues them. See *NLRB* v. *Laney and Duke Co.*, 369 F. 2d 859; *J. B. Stevens and Co.* v. *NLRB*, 380 F. 2d 202; *NLRB* v. *Thompson-Ramo-Woolridge, Inc.*, 305 F. 2d 807.

On reflection, Mr. President, it seems clear that the National Labor Relations Board has exceeded its authority in attempting to devise such novel remedies as the imposition of a public confession requirement on someone found to have committed an unfair labor practice. Indeed, such a requirement is repugnant to the basic concepts of our legal system. We can review the whole history of Anglo-Saxon jurisprudence in a fruitless search for precedents sufficient to support this extraordinary undertaking attempted by the Board. Even in the field of criminal law, history is replete with instances of the convicted killer going to the gallows, protesting his innocence, never under any requirement that he admit or profess his guilt.

The amendment I propose, Mr. President, would limit the Board to the issuance of the kinds of orders which clearly relate to the purposes of the statute—reinstatement of employees, the requirement to bargain upon request, and the posting of notices stating that there will be no repetition of the particular unfair labor practices that were committed.

STANDARDS FOR REINSTATEMENT OF STRIKERS

The second amendment in this bill, Mr. President, would prevent the NLRB from ordering the reinstatement of strikers who engage in flagrant misconduct. As long ago as 1939, Mr. President, the Supreme Court in the *Fansteel* case (306 U.S. 240) held that strikers who engaged in violent or coercive misconduct during a strike are not entitled to reinstatement with pay, even though their employer may have committed unfair labor practices in connection with the strike. The principle of the Fansteel case prevailed for more than 30 years until the NLRB and the courts began to modify it in the early 1960's. See *Kohler,* 300 F. 2d 699, 345 F. 2d 748. Here it was decided that the Board should weigh the character of the unfair labor practice against the employee misconduct, and determine on the basis of this comparison whether employees who had engaged in admittedly coercive misconduct should be reinstated with back pay. Since then the Board has undertaken to order reinstatement for strikers who have engaged in a wide range of abusive and violent misconduct during strikes. *See Montgomery Ward and Co.,* 155 NLRB 999; *W. J. Ruscoe Co.,* 166 NLRB 75; *Beaver Bros. Baking Co.,* 171 NLRB 98; and *Trailmobile,* 168 NLRB 31.

While the courts have generally shown no disposition to uphold the NLRB's approval of striker misconduct in cases like these, nevertheless, NLRB holdings in these cases—and particularly in the light of the Kohler case—point to the establishment of a very bad precedent unless Congress legislates some effective and rational rules of the road.

This amendment will do that, Mr. President. It makes clear that violence or threats of violence, including the inflicting of physical harm or damage to property, can neither be condoned nor rewarded by a counterclaim that the other party to the case may have committed an unfair labor practice himself.

ELECTION OF REMEDIES

The next amendment in this bill, Mr. President, deals with the election of remedies. Summing up the situation, there is great confusion and instability today because a party to a dispute may take the same case to the courts, or to the National Labor Relations Board, as well as to arbitration. Now, most of us would agree there is no problem in this—described just that simply. An aggrieved party should certainly take his complaint to a judicial forum that will remedy the condition he complains about. However, in the case of labor disputes, one party can take his complaint—say, to the NLRB—and if he is not satisfied with the results there, he may next go to court, or if he does not like the way the court treats him he may decide to go to an arbitrator. In short, while he tries his luck, first in one forum and then in another, the other party has no idea where he stands or when the process ends. This amendment aims at correcting that condition by permitting a complaining party to seek his own forum for relief, but requiring that he stick to it once he chooses it—unless his complaint is dismissed on purely jurisdictional grounds. A short review is probably in order here, Mr. President, to see how we got into this strange predicament.

The Supreme Court has interpreted section 301 of the Taft-Hartley Law to give the courts jurisdiction of claims involving alleged contract violations. At the same time, these very claims may also involve unfair labor practice charges that fall within the jurisdiction of the National Labor Relations Board. See *Humphrey* v. *Moore,* 375 U.S. 335; *Carey* v. *Westinghouse,* 375 U.S. 261. Additionally, the Supreme Court has said the Labor Board has jurisdiction to interpret collective bargaining agreements while ruling on unfair labor practice charges. See *NLRB* v. *Acme Industrial Co.,* 385 U.S. 432. Finally, under the *Warrior & Gulf* decision (363 U.S. 574) this same type of contract violation claim can be brought before an arbitrator for decision. A prize example of the confusion that needs redress, Mr. President, is the case of *Local 743, IAM* v. *United Aircraft Corp.* (337 F. 2d 5). There the union agreed to arbitrate the case of 36 strikers who were denied reinstatement because of their alleged misconduct during the strike. The agreement to arbitrate provided for a final determination by the arbitrator "without recourse whatsoever to any appeal or review under any State or Federal laws."

Nevertheless, when the union lost the arbitration it filed an unfair labor practice charge with the NLRB involving the same 36 strikers. The General Counsel issued a complaint and when the employer sought to enjoin the proceedings the court of appeals denied him injunctive relief. It held that the Board had jurisdiction despite the prior arbitration agreement and award.

Mr. President, when we see a pattern like this developing, we should find our corrective in a resort to some of the great and proven principles of our legal system. To illustrate, there is a maxim in the law that states in substance that there must come a time when a lawsuit is over, when a case is decided, when the parties are no longer harassed by duplicate litigation of the same points. That is what this amendment accomplishes. It provides that once a party has elected to take his case to arbitration, or to the courts, or to the National Labor Relations Board, he may not thereafter seek a remedy in a different forum—whether he is dissatisfied with the result of the forum he chose or whether he is not. This proposal requires only an election among remedies that are available. And that choice of remedies becomes binding only if the forum before which the moving party proceeds entertains the case on its merits. It does not apply if the action is dismissed on jurisdictional grounds. And obviously it does not intrude in any way on rights of the parties to seek any judicial review they may have under existing law.

The remaining two amendments, Mr. President, are not readily documented by case citations, but they do call for a legislation in the interest of orderly judicial procedure.

FORUM SHOPPING

Section 10(e) of the Labor-Management Relations Act relates to petitions for enforcement of NLRB orders. It gives the Board the right to file these petitions in the circuit where the unfair labor practice occurred, or where the respondent lives, or where he transacts his business. The Board invariably petitions for enforcement of its orders in the circuit where the unfair labor practice occurred, and this is as it should be. However, section 10(f) gives aggrieved parties filing petitions for review the same three options, plus the additional right to file in the District of Columbia Circuit Court of Appeals.

This has led to a most unseemly "race to the courthouse" with many union lawyers urgently seeking to have a case reviewed in the District of Columbia Circuit Court of Appeals—on the apparent assumption that court might be more favorably disposed to their cause than another circuit. At the same time management attorneys have sought to avoid the District of Columbia circuit—presumably, they tell us, for the very reason union attorneys seek it out. An example of this totally unseemly condition, Mr. President, involves a petition for review of an NLRB order in the *Kohler* case (47 LRRM 2662). The Seventh Circuit Court of Appeals was forced to relinquish jurisdiction of this Wisconsin case because the petition had been filed with the seventh circuit at 10:10 a.m., central time, and the union in the case had filed with the District of Columbia Circuit Court of Appeals an hour earlier. The District of Columbia Circuit Court denied a motion to transfer the case back to the seventh circuit, where the subject matter of the controversy had occurred. My amendment, Mr. President, will put a stop to this practice of shopping for what a party may think is a favorable forum. The amendment removes the various venue options and gives exclusive jurisdiction over petitions for review to the circuit in which the unfair labor practice occurred. It also eliminates the right to review in the District of Columbia circuit unless the unfair labor practice occurred in that judicial district.

STANDARDS FOR REVIEW

Finally, Mr. President, the matter of standards for court review has been a subject of great contention for more than 30 years. The 1935 Wagner Act provided that on review by courts of appeals the findings of fact by the National Labor Relations Board would be conclusive "if supported by evidence." When Congress amended the Wagner Act by passing the Taft-Hartley amendments in 1947 it addressed itself to these review standards. It provided that NLRB findings of fact would be conclusive "if supported by substantial evidence on the record considered as a whole."

Obviously, the Congress intended by this amendment to give the courts a far more significant power of review than had been theirs under the narrower review provisions of the Wagner Act.

Beginning with the 1951 case of *Uni-*

versal Camera v. *NLRB*, 340 U.S. 474, the courts have tended to swing back to that very Wagner Act standard Congress set aside with its 1947 amendments. In the review process, the courts have said they must give consideration to the special qualifications of the Labor Board. See *Pacific Intermountain Express*, 228 F. 2d 170. They have also said the Board's interpretations of the act and its application of the act in doubtful situations are entitled to special respect and will not be disturbed even though the preponderance of evidence does not support them. See *NLRB* v. *Denver Building Trades*, 341 U.S. 665; and *NLRB* v. *Interboro Contractors*, 388 F. 2d 495. They have also said they will not draw different inferences than the Board did even if it seems more reasonable and plausible to do so. See *NLRB* v. *H&H Plastics*, 389 F. 2d 678. In *NLRB* v. *Seine*, 374 F. 2d 974, the court flatly stated it was not its job on review to decide whether the conclusions reached by the NLRB were the correct conclusions.

Mr. President, it seems clear to me that Congress from the beginning has intended that justice and fairness prevail in these cases. It is obvious from an examination of the cases that the courts need a clearer signal than the signal given them by the Congress in the 1947 amendments. Those amendments said it was not sufficient merely to have the findings "supported by evidence" as the Wagner Act provided. Congress directed that the standard thenceforth be "substantial evidence on the record considered as a whole." Yet, we find that even this language has failed to move the standards of court review in any material fashion from those standards that prevailed under the Wagner Act. For all practical purposes, it seems that "substantial evidence on the record considered as a whole" amounts to very little more than its predecessor language, "evidence." Therefore, Mr. President, my amendment provides that on review by courts of appeals the findings of the National Labor Relations Board with respect to questions of fact shall be conclusive if they are supported by "the preponderance of evidence."

SUMMARY

Mr. President, passage of the amendments encompassed in this bill will assure those levels of fairness, order, decorum and reasonableness which are the hallmarks of a balanced judicial process. Mr. President, I ask unanimous consent that the text of the bill be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2053

A bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Labor Relations Act Judicial Procedures Amendments of 1971".

ELECTION OF REMEDIES

Sec. 2. Section 10(a) of the National Labor Relations Act (29 U.S.C. 160(a)) is amended by striking out the period at the end and inserting in lieu thereof a colon and the following: "*Provided further*, That if an employer, or a labor organization on its own behalf or on behalf of employees, or employees on their own behalf or on behalf of other employees, submit to arbitration or agree to submit to arbitration a dispute, or institute in any State or Federal court or agency an action, suit, or proceeding, or file a charge with the Board, then such party or any person on whose behalf such action has been undertaken, shall not have any right to institute or maintain a proceeding in a different forum involving the same incident or subject matter, unless a prior proceeding with respect thereto is dismissed or relief therein is denied for lack of jurisdiction: *Provided further*, That nothing herein shall deprive any party to a proceeding before an arbitrator, the Board, or the courts, from exercising any right of judicial review or appeal that he may possess under existing law."

PUNITIVE ORDERS

Sec. 3. The third sentence of section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by—

(1) striking out the word "including" and inserting in lieu thereof the words "limited to"; and

(2) striking out the word "as" after the comma that follows the words "back pay" and inserting in lieu thereof the following: "bargaining collectively upon request with respect to the unit as to which the refusal or failure to bargain occurred, and posting notices stating that respondent will not engage again in the particular unfair labor practice which the Board has found such respondent committed, if such affirmative action".

REINSTATEMENT STANDARDS IN FLAGRANT MISCONDUCT CASES

Sec. 4. Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting before the last sentence thereof the following: "Acts of violence or threats thereof (including harm or damage to person or property) or other conduct constituting cause within the meaning of this section shall not be condoned or excused by reason of any unfair labor practices of any other party."

COURT REVIEW STANDARDS

Sec. 5. Section 10(e) of the National Labor Relations Act (29 U.S.C. 160(e)) is amended by—

(1) striking out "substantial evidence on the record considered as a whole" where these words appear in the fourth and sixth sentences and inserting in lieu thereof in each of such sentences "the preponderance of the evidence".

ELIMINATE FORUM SHOPPING

Sec. 6. Section 10(f) of the National Labor Relations Act (29 U.S.C. 160(f)) is amended to read as follows:

"(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in the circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e) of this section, and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Board; the finding of the Board with respect to questions of fact if supported by the preponderance of evidence shall in like manner be conclusive."

ADDITIONAL COSPONSORS OF BILLS

S. 1828

At the request of Mr. Dominick, the Senator from Maryland (Mr. Beall), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Kansas (Mr. Dole), the Senator from Florida (Mr. Gurney), and the Senator from Wyoming (Mr. Hansen) were added as cosponsors of S. 1828, the Conquest of Cancer Act.

S. 1970

At the request of Mr. Proxmire, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 1970, the Full Employment Amendments of 1971.

SENATE RESOLUTION 134—SUBMISSION OF A RESOLUTION RELATING TO THE IMPOUNDMENT OF FUNDS FOR ENVIRONMENTAL PROTECTION

(Referred to the Committee on Government Operations.)

Mr. HUMPHREY. Mr. President, the administration is withholding approximately $400 million in funds Congress appropriated for programs and projects that enhance our environment and conserve our Nation's resources. These are funds that Congress explicitly directed should be expended during fiscal 1971.

The resolution I introduce today would direct the President to release these badly needed funds. I ask unanimous consent, Mr. President, that the text of the resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 134

Whereas, the Congress has provided funds and directed that they be spent this fiscal year on programs and projects that enhance our environment and conserve our nation's resources, and

Whereas, these funds would create badly needed jobs, and

Whereas, the Administration has impounded: $1,280,000 in salaries and expenses for various soil and water projects; $45,500,000 in agricultural Stabilization and Conservation Service; $56,000,000 in rural water and waste disposal grants; $200,000,000 in basic water and sewer facilities grants; $19,000,000 in the reclamation loan program; $33,000,000 in other current Interior Department programs; $56,000,000 in other permanent Interior Department programs; now, therefore, be it

Resolved, That it is the sense of the Senate that in this time of economic recession and massive unemployment, that the total of $410,780,000 be released as soon as possible so that additional increased employment opportunities may be provided for the over 5 million Americans out of work.

Mr. HUMPHREY. Mr. President, I understand that it is necessary on occasion to withhold certain funds. Such impoundment would seem to be proper when the President, as Commander in Chief, retains funds appropriated for military purposes. The nature of military affairs is such that the President and his advisers should have this flexibility.

It is also proper to withhold funds in apportioning an appropriation over a full fiscal year or for the term of the appropriation. The Anti-Deficiency Acts of 1905 and 1906 direct the President to do this to avoid requests for supplemental appropriations for a program or project authorized and funded by the Congress. Such measured expenditure of funds is an economic move and is in accordance with law, even when it perdures through more than one fiscal year.

However, the withholding situation I am discussing today does not come under either of these categories. The impoundment of this $400 million neither relates to national security nor is it required to prevent overruns or requests for supplemental appropriations.

The expenditure of appropriated funds that Congress directs shall be spent in the general welfare of the Nation, must be expended by a President, unless there exists an emergency situation and there is at least the tacit approval of Congress. Certainly, it cannot be said that this Congress has given any approval to the impounding of these funds. Indeed, the distinguished chairman of the Senate Appropriations Committee, and President pro tempore of the Senate (Mr. Ellender), has mentioned imposing certain spending sanctions on the administration—sanctions on programs that have full administration support.

Mr. President, I do not wish to belabor the constitutional aspects of this issue. I would only mention that the Founding Fathers certainly had no intention of granting such sweeping legislative powers to the President. And selective impoundment is most certainly a legislative tool. It determines, in effect, program and spending policies and priorities.

In his book, the Federalists, the constitutional scholar, Leonard D. White, states that the Founding Fathers strove diligently to insure—

> That public funds would be legally expended, to prevent either misapplication or embezzlement, and to guarantee that the immediate representatives of the people would bear the responsibility for determining how much money should be provided, the sources from which it should be derived, and the purposes to which it should be applied.

This is the Constitutional framework of my strong objections to the impoundment of these vitally needed funds. But the fact that the President is on shaky legal ground in this matter, important as that fact is, affects our daily lives less directly than the environmental and economic effect of the impoundment.

We need the projects for which these funds were appropriated, and we need them now. There is a growing backlog of needed construction for soil and water projects, sewer and waste disposal facilities, and conservation and reclamation projects.

At the same time, we have over 5 million Americans out of work. There are hundreds of thousands more unemployed who are no longer counted because they have given up looking or have exhausted their unemployment compensation insurance.

We must make sure these Americans have the opportunity for meaningful and rewarding employment. Construction of these projects would mean vitally needed jobs.

The administration speaks of the introduction of a "full employment budget" in fiscal 1972. I approve of this form of deficit spending. The economy needs it and needs it badly. However, what is magic about July 1, 1971? The economy and the American worker are hurting right now. There is no economic or moral justification for not injecting this $400 million into the economic bloodstream immediately. I do not think the American people or the Congress should countenance fund withholding policies that continue an "unemployment budget" for the remainder of fiscal 1971.

Mr. President, I restrict myself in the resolution I introduce today solely to funds currently withheld from environmental and conservation programs. They are only a part of more than $12 billion in total appropriated funds that have been impounded by the administration.

I hope that the Appropriations Committee and the full Senate will take speedy action on this resolution.

SENATE RESOLUTION 135—SUBMISSION OF A RESOLUTION RELATING TO RELEASE OF FUNDS FOR MEDICAL TRAINING

(Referred to the Committee on Labor and Public Welfare.)

Mr. HUMPHREY. Mr. President, I offer today a sense-of-the-Senate resolution calling for the release of some $2,322,000 appropriated by the Congress for the training of doctors and other medical professionals in the treatment of neurological diseases and stroke.

It was the intent of Congress that these funds be expended in fiscal 1971, but they have been impounded by the administration.

My resolution also calls for an increase in the fiscal 1972 authorization for these training purposes to $14,300,000.

The training programs coordinated and funded by the National Institute of Neurological Diseases and Stroke have come a long way in the treatment of these diseases. Research has made it possible to provide hope and treatment to many. However, it is not enough to continue looking for better means of treatment. We must also provide our medical professionals with the know-how to apply up-to-date treatment.

It is these funds that the administration is withholding. Many of the training programs supported by the Institute have been severely curtailed, and while the number of doctors and medical schools continues to grow, there is an actual decrease in funds planned for fiscal 1972. I do not see how impounding $2,322,000 for fiscal 1971, and cutting back over $3,000,000 for fiscal 1972 training funds will help us meet the medical challenges represented by these diseases. It cannot be done without more and more trained personnel.

Mr. President, Dr. Paul C. Bucy, Chairman of the National Committee for Research in Neurological Disorders, has written a most revealing and indeed, shocking, letter to me. It outlines the magnitude of this training gap and how it will continue to grow as we slip further behind.

Mr. President, I ask unanimous consent that the letter of Dr. Bucy be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Committee for
Research in Neurological Disorders,
Chicago, Ill., April 14, 1971.

Hon. Hubert Humphrey,
Senate Office Building,
Washington, D.C.

Dear Senator Humphrey: Mrs. Marjorie Guthrie, Executive Secretary of the Committee to Combat Huntington's Disease, has written me recently indicating your interest in obtaining adequate appropriations for the National Institute of Neurological Diseases and Stroke. She has informed me that you propose to present a resolution to Congress and to write a letter to the President in regard to this. As Chairman of the National Committee for Research in Neurological Disorders let me assure you that the National Institute of Neurological Diseases and Stroke is in a serious condition financially. Whereas other Institutes such as the Cancer and the Heart Institutes have received increased funding NINDS has not. Furthermore, in his proposed budget for FY 72 the President has increased funding for the other Institutes but a decrease in the support for NINDS. For those individuals suffering from neurological diseases, this is a serious matter. The Institute in the less than 20 years that it was been in existence has accomplished a great deal, and to find itself handicapped at this time indicates a failure to recognize its accomplishments and its future needs.

NINDS is concerned both with research and training. Financial support for both is lacking, but the situation so far as training is concerned is the most serious. The Administration has failed to realize that the training conducted with support from NINDS is not only for research but is also to prepare teachers and to prepare experts in the field who can utilize the results of research for the relief of disease and can teach medical students and other members of the medical profession regarding the results of this research and how to utilize them.

The Congress appropriated for fiscal year 1971 $105,807,000 for NINDS. For several months a large segment of this appropriation was withheld from the Institute. In a letter from Dr. Roger O. Egeberg, Assistant Secretary of HEW received April 1, it was indicated that part of the funds withheld had been released but this did not include any funds for training, and furthermore, Dr. Egeberg indicated, as Secretary Richardson had done earlier, it was not their intent to support training. The amount released is still $2,322,000 less than the amount appropriated. It is important that these funds be released for training as soon as possible in order that they may be utilized before the conclusion of fiscal year 1971.

The President's budget proposes to reduce the funds for training for fiscal year 1972. This will be disastrous for the programs of NINDS. The actual funds available for training in 1970 were $14,204,000. It was estimated that the funds for 1971 would be $14,300,000. The President has recommended $11,456,000 for 1972, or a reduction in training funds of approximately $3,000,000. The number of medical students in this country has been increased by almost 50%. There are 21 new medical schools being organized or planned. If we are to provide teachers for these added medical students and medical schools it is essential that these training programs be supported. The restriction of funds now and over the past few years has resulted in all training programs now being supported by NINDS suffering a reduction in funds of 15%. Obviously, considering the rising costs which everyone has experienced the past several years, this reduction is even greater. Furthermore, NINDS has estimated that for FY 1972, 62 training programs formerly in operation will have been discontinued. Over the past two years no new training programs have been supported. NINDS informs me that there are approximately 80 new programs which are approved and worthy of support for which there are insufficient funds to provide the needed support.

NINDS further informs me that in FY 1971 46% of the fellowships which were approved could not be supported and that in FY 1972 this will probably be increased to 52%. It should also be noted that in FY 1971 there will be $10,000,000 of approved training programs that they will be unable to support.

Those of us who are members of medical school faculties, as I am, and who find ourselves with the responsibility for teaching medical students and members of the medical profession and for creating more doctors are puzzled as to how this is to be done if we are not provided with the means for doing so. The creation of more doctors, the treatment of patients with neurological disease, and the continuation of research directed toward the understanding and treatment of neurological disease is a concern of the entire country, not of one section, not of one city. It is, therefore, the concern of the Federal Government.

Your help in correcting this situation will be greatly appreciated. If I can supply you with any further information please feel free to call upon me.

Sincerely yours,

Paul C. Bucy, M.D.

Mr. HUMPHREY. Mr. President, we cannot allow this training gap to continue. I urge the Senate and House committees to communicate with the administration on this vital matter. I also urge the committees to increase to $14,300,000 the fiscal 1972 funds authorized for training of doctors and other medical professionals in the proper treatment of neurological diseases and stroke.

Mr. President, I ask unanimous consent that the text of the resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 135

Whereas, the Administration has continued to withhold $2,322,000 appropriated by the Congress for the training of doctors and other medical professionals in skills vitally needed in the treatment of neurological diseases and stroke; and

Whereas, the Administration has proposed to the Congress an authorization for Fiscal 1972 a total of only $11,456,000, for all training within the National Institute of Neurological Diseases and Stroke, and for its extramural training programs; and

Whereas, the number of medical students in the country has increased over the past years by about 50%, and the Administration is reducing projected training funds by $3,000,000; and

Whereas, inflation continues to erode the purchasing power of the dollar in research and training as in other areas of scientific endeavor; and

Whereas, the Administration has continually committed itself to quality medical care for Americans; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Administration immediately release the impounded fiscal 1971 funds of $2,322,000 for training in treatment of neurological diseases and stroke, and that the Congress move, through the appropriate Committees, to increase the fiscal 1972 authorization for these training purposes to $14,300,000.

GATEWAY NATIONAL RECREATION AREA—AMENDMENT

AMENDMENT NO. 158

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. WILLIAMS. Mr. President, I am submitting today a perfecting amendment to S. 1852, the bill to establish a Gateway National Recreation Area. This amendment, which I am hopeful will be taken under advisement by the Senate Interior Committee, proposes only two minor changes in the wording of the legislation. It is concerned mainly with expediting the establishment and development of the area, and would not affect the ultimate composition of the area as envisioned by either the administration bill or S. 1193, the legislation introduced by the four Senators from New Jersey and New York.

This amendment would change the existing language relating to the establishment of the recreation area. Instead of an indefinite date for the inauguration of the area, its establishment would take place no later than 6 months following the date of the enactment of the authorizing legislation. There is a natural bureaucratic tendency for delay which would only be reinforced by the failure to stipulate a deadline. The 6-month period would constitute a reasonable period of time within which to establish the area, particularly since planning for the recreation area has already been underway since 1967.

The development of the area is another aspect of Gateway which should proceed as quickly as possible. The Department of the Interior has already assured me that a top priority should be assigned to developing those lands which are most readily available. We need to insure both that recreation facilities for the benefit of city dwellers as well as any work deemed necessary to halt erosion damage, be begun as quickly as possible. If all development is held up for the entire area pending land acquisitions, for example, the benefits of the Gateway area would be needlessly denied to millions of New Jersey and New York residents. Development of the entire area should not be held up while long negotiations and, on occasion, extended litigation takes place.

Sandy Hook, for example, is already considered surplus property by the Government. It is readily available, and only a minimum amount of development is necessary to convert it into a park.

Since we are talking about a plan that will serve the needs of millions of persons in the most densely populated area of our Nation, the need for urgency in getting parts of this national recreation area established as soon as possible becomes obvious.

INTERNATIONAL SECURITY ASSISTANCE ACT OF 1971—AMENDMENT

AMENDMENT NO. 159

Mr. SAXBE (for himself and Mr. Church) submitted an amendment intended to be proposed by them, jointly, to S. 1657, a bill to consolidate and revise the Foreign Assistance Act of 1961, as amended, and other legislation relating to international security assistance, and for other purposes, which was ordered to be printed and referred to the Committee on Foreign Relations.

AID TO PAKISTAN SUSPENDED

Mr. CHURCH. Mr. President, my distinguished colleague from Ohio (Mr. Saxbe) and myself submit today an amendment to the International Security bill, S. 1657, which would suspend U.S. military and economic aid to Pakistan until food and medical relief, supervised by an international agency such as the United Nations, is instituted on a regular basis throughout East Bengal and the majority of Pakistanti refugees now in India are repatriated.

The people of East Pakistan, larger in number than the whole population of West Pakistan, have been hard-hit by two calamities in less than a year—the cyclone-tidal wave disaster and a savage civil war in which an estimated half million have been killed, and millions more driven from their homes. Food, medical supplies, clothing, and other essentials are desperately needed. A full-scale international relief operation is mandatory.

There are now close to 5 million Bengali refugees in neighboring India, with approximately 40,000 more arriving each day. The economic and social disruption resulting from such a massive influx of people imposes an unbearable burden upon India itself. More dangerous to the outside world, however, is the serious threat the refugees pose to peace between India and Pakistan.

The creation of another refugee problem along the Indian border, like that which plagues the Middle East, would be alarming in its implications for the future.

Under these circumstances, the United States must apply such leverage as it can to alleviate this human tragedy through the implementation of essential international relief and the speedy repatriation of refugees. Such is the purpose of our amendment.

ANNOUNCEMENT OF HEARINGS OF THE SUBCOMMITTEE ON BUSINESS, COMMERCE, AND JUDICIARY OF THE SENATE DISTRICT COMMITTEE

Mr. STEVENSON. Mr. President, as chairman of the Subcommittee on Business, Commerce, and Judiciary of the Senate District Committee, I announce oversight hearings to be held on Wednesday, June 16, 1971, and Thursday, June 17, 1971, at 10 a.m., in room 6226 regarding the District of Columbia Court Reform and Criminal Procedure Act of 1970 and its impact on the correctional system of the District of Columbia.

Any interested person who wants to file a statement or appear as a witness on these matters should notify Mr. Gene Godley, general counsel of the District of Columbia Committee in room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

PEACE CORPS PRAISED AND WELCOMED IN COSTA RICA

Mr. CHURCH. Mr. President, a bitter footnote in the history of our relationship with Latin America was recently recorded when the Peace Corps was asked to leave Bolivia following a barrage of Marxist accusations against the volunteers. Thanks to Costa Rican President Jose Figueres, however, the story has a satisfactory ending.

A front-page article in a leading Costa Rican newspaper, La Nacional, reported the expulsion and then said:

> Upon learning of this situation, President Figueres decided to make an immediate offer that Costa Rica will receive, with much pleasure, those one hundred youths so that they may render their services here in our country.
>
> It is a very correct solution, in our judgment, because our experience in our country is that the Peace Corps, in every case, has done very meritorious work that has won the sympathy and respect of the Costa Rican people.

Following this account, an opposition newspaper agreed to the wisdom of the President's act.

This same story, along with an appraisal of the Peace Corps' continuing success worldwide, is reported by Scripps Howard columnist Virginia Prewett in the Washington Daily News. It concludes with a sentiment that echoes my own. The Peace Corps' "excellent record of acceptance," she writes, "should be a source of national pride for us."

I ask unanimous consent that this national column be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, May 26, 1971]

COSTA RICA OFFERS TO TAKE OUSTED PEACE CORPS UNIT

(By Virginia Prewett)

President Jose Figueres of Costa Rica is making a heartening gesture of friendship toward the idealists of this country who are willing to put book-breaking effort into helping underdeveloped lands.

He has offered to take in Costa Rica de Peace Corps people who have just been asked to leave Bolivia.

President Figueres, a liberal activist with a long record of fighting the totalitarians, has offered to send an airplane of the Costa Rican-owned LACSA line to Bolivia to fetch any of the Peace Corpsmen there who wish to work in Costa Rica or who may be assigned there.

The total group Bolivia has asked to leave numbers 107. Some are at the end of their terms and perhaps half that number would be available for Costa Rica. That country already has 93 Peace Corps personnel at work over the country.

Bolivia's unstable military government asked the corpsmen to leave last weekend as the result of a smear campaign and heavy pressure by Marxist and Maoist groups in its national university and some labor unions.

It is understandable why anti-U.S. extremists make the Peace Corps people a target. As they work with the most humble, least advantaged people overseas, at only token pay, they are a living contradiction of the Black Legend of greed and exploitation that our enemies level against us. The Peace Corps is a living monument to this nation's best self and the extremists work to destroy it without any consideration of how this will penalize the poor and hungry overseas.

In spite of the anti-Americanism being raucously and subtle preached in the underdeveloped world, the Peace Corps is more than holding its own both in recruiting here in the United States and in overseas people served. It is now in 58 nations, near the peak level. After a four-year slump, applications to join soared during the current fiscal year to 21,600, also near the peak level. This year older people and working people as well as young college graduates are applying.

In the current Peace Corps fiscal year, two countries besides Bolivia have asked Corpsmen to leave. Ceylon, which asked them out once before and then asked them back, has asked them out once more. Panama also terminated its agreement to take them. But the Corpsmen had been training Panamanians as replacements for five years. Also, Panama wanted to join a similar program now sponsored by the UN. The Peace Corps does not consider it was kicked out of Panama.

During the same period, Mauritius, Mali, Malta and the Kinshasa part of the Congo invited the Peace Corps in. And now, in a special gesture of solidarity and appreciation, so has Costa Rica.

This excellent record of acceptance must confound the fervid anti-Yankees. It should be a source of national pride for us.

DIAMOND ANNIVERSARY OF THE NAVAL SHIP RESEARCH AND DEVELOPMENT CENTER AT CARDEROCK, MD.

Mr. MATHIAS. Mr. President, on June 10, 1896, Congress authorized the establishment of the experimental model basin at the Washington Navy Yard. The "model tank for experiments" was to be the first facility in this country built specifically to test ship models.

After $100,000 had been appropriated by Congress, a brilliant naval constructor named David Watson Taylor designed and supervised the construction at the navy yard, then for 15 years continued to guide the basin before going on to other naval duties. During those 15 years, more than 1,000 ship designs were tested, and ship planning became such an exact science that serious errors were almost eliminated.

The experimental model basin was the forerunner of the David Taylor Model Basin, now headquarters for the Naval Ship Research and Development Center, which will always include ship testing in the minds of naval architects.

The experimental model basin was housed in a long brick building in the southeast corner of the navy yard. It was equipped with a carriage which towed the models and carried photographic equipment so that engineers could study how eddy and wave-making resistance were generated.

The basin was 14 feet deep, 42 feet wide, and 470 feet long. It was filled with a million gallons of water, taken from city water mains. The water was treated with alum to coagulate any mud. Then it was passed through a simple filter.

A notable achievement in early model basin work was the invention of the bulbous bow, which was adopted by nations all over the world, and still is in use today in a modified form.

When aviation was born, its naval applications caught the imagination of Captain Taylor. He designed his own wind tunnel in 1912, although authorization for the facility did not come until the following year .

In December 1914, the fan was turned over for the first time in EMB's wind tunnel. It was the largest installation of its kind in the world, and at 54 miles an hour, the fastest. The aerodynamics laboratory produced results of great volume and importance. Among the important designs was the NC–4, the first plane to cross the Atlantic Ocean.

From 1913 through 1939, 300 aircraft designs underwent analysis at the aerodynamics laboratory. Of these, 115 became experimental, and all but five of those became operational. One of those studied in 1926 emerged eventually as the first dive bomber.

When the experimental model basin was built, it was the largest and finest installation of its kinds in the world. But bigger ships required bigger models, and greater speeds demanded faster carriage runs. The facilities grew obsolete and the need for a new model basin imperative.

For years, the Navy searched for an appropriate site. At the same time, it tried to convince an economy minded Congress that a new model basin was urgently needed. Designs for the proposed facility were drawn by Cmdr. Harold Saunders, who had worked closely with Taylor, and shared his dedication. When Saunders went to sea, architectural plans were turned over to Commander Morell—CEC—at the Bureau of Yards and Docks.

Early in 1936, Representative Vinson of Georgia introduced H.R. 10135 authorizing $3.5 million "for construction of a model basin on 55 acres, more or less, in the vicinity of Cabin John, Md."

The House Committee on Naval Affairs offered to change the wording of the clause specifying location to "a site at a cost not to exceed $100,000 in the vicinity of Washington, D.C." Vinson concurred, aware that the Cabin John site might not be approved, and the bill passed the House without debate.

The Senate was not as easily convinced. When the bill first came up for debate on March 27, 1936, Senator Borah demanded to know for what the basin was to be used. "What is it, a bathing basin?" he asked.

The bill was tabled, but on April 24 it reappeared. This time, its defenders, Senators Walsh and Tydings, were ready for the opposition. These two gentlemen were eloquent in their pleas for the new basin.

Senator Walsh closed his case with the statement that—

> It is said that the basin at the Washingington Navy Yard was paid for in a few years by reason of the advantages and benefits which came from the scientific experiments that were made there. We are now building many Navy craft and attempting to encourage private shipbuilders. Unless we have a

> basin of this character and kind there can be no assurance that we will have the benefit of the latest and most scientific construction.

The bill passed the Senate without opposition and became law on May 6, 1936.

The search for a site intensified. The prerequisites as listed by Commander Saunders were these: a firm foundation of bedrock; sufficient room for several basins as well as room for expansion; a relatively pure water supply; a location above the highest flood stage of the Potomac. In addition, the site should be within easy traveling distance of the Washington Navy Yard, but free of noise and vibration. The plant should not be in a position to pollute the Potomac and the land should be fairly level.

More than 20 acres were examined and rejected until the perfect site was found in Carderock, Md., not far from the original Cabin John site.

Commander Saunders was named liaison officer for the Bureau of Construction and Repair to supervise construction and development of the new model basin. In June 1939, 1 month ahead of schedule, it was completed.

Shortly after the groundbreaking ceremony, the Secretary of the Navy issued an order naming the facility the David Taylor Model Basin. Dedication ceremonies were held November 4, 1939, attended by Admiral Taylor, by then confined to a wheelchair. He died the following July.

During World War II, the new basin was inundated by work. In addition to testing and designing aircraft, surface ships and submarines, DTMB personnel worked on torpedoes, streamlined housings, sound projectors, and hydrophone struts. They obtained quick practical answers to specific problems encountered in the fleet. There was little time for extensive research into the future.

Although wind tunnels were not included in the first authorization of the David Taylor Model Basin, the addition of such new facilities soon became imperative. On March 17, 1941, Congress realized the urgency and appropriated $500,000 to build a new wind tunnel complex at Carderock. The aerodynamics laboratory moved from the Navy Yard on New Year's Day of 1944. And by 1950, with the addition of more tunnels, it had the finest facilities in the world.

There were four laboratories in 1950: hydromechanics, structures, aerodynamics, and applied physics. In 1952, the applied mathematics laboratory was established to conduct research in mathematics and the application of high-speed computer techniques for management data analysis.

The new laboratory almost immediately proved its worth by completing a congressional study of a veteran's survivors' bill in 4 weeks at a cost of $15,000. By conventional methods, such calculations would have taken months and cost some $200,000.

One of the most impressive projects during this period was the design of the revolutionary research submarine *Albacore*. *Albacore* was the first submarine to be constructed as a true underwater ship rather than a submersible surface craft. The hydromechanics laboratory was largely responsible for this breakthrough.

Engineers at DTMB redesigned the stern of the carrier *Forrestal* and reduced her power requirements. In cooperation with other establishments in Europe, they also undertook a comparative cavitation project on propellers. From these experiments, the laboratory developed the theory of supercavitation, which brought reevaluation of high-speed ships. The research resulted in quieter propellers.

The Korean war brought countless requests for advice on hull form and propeller design. Technicians did research on landing craft for underwater demolition teams and found ways to lift small minesweepers into mother ships.

Structures, meanwhile, was preoccupied with failures—failures of stiffened cylinders, aircraft carrier decks, and ship steels. Solutions to these problems made a lasting contribution to the effectiveness of the Navy's ships.

The fifties were exciting years at the model basin, due in part to the advent of the computer, which seemed invented precisely for this type of research.

Extensive research continued on submarines and the features developed for *Albacore* were adopted for *Skipjack* which became one of the world's fastest submarines. Sound isolating techniques also were developed, curtailing the greatest drawback of submarines—noise.

DTMB technicians worked on surface effect vehicles—and developed the "skimmer," an air cushion vehicle that could travel over land or sea. To accommodate all this activity, new equipment and buildings were added, and by 1960, the David Taylor Model Basin extended far beyond the borders of its Carderock plant.

It held administrative control over a field station in Bayview, Idaho—a deep water facility used for submarine tests—and an important branch of the Underwater Explosions Research Division at the Norfolk Naval Shipyard. It also acquired a mobile noise measuring barge which served as a floating acoustics laboratory.

In 1961, the basin assumed administrative control of the experimental hydromechanics research facilities at Langley Field, Va.

One of the model basin's most impressive buildings was completed in 1961—the massive maneuvering and seakeeping facilities, which covers more than 5 acres. In 1962, these facilities were dedicated to Harold E. Saunders, the man who initially envisioned them and whose ideas had much to do with their final construction.

The largest single R. & D. project undertaken at Carderock in the early sixties was the hydrofoil program. Now, two large hydrofoils are being put through trials at Bremerton, Wash., where the success of their missions has resulted in new plans for hydrofoils in the future.

In 1966, when the Navy was reorganized, consolidation was planned for several Navy laboratories. Since the Marine Engineering Laboratory at Annapolis also worked on problems concerned with ship systems and often shared projects with DTMB, this consolidation was a natural one. On March 31, 1967, the two merged to form the Naval Ship Research and Development Center with a mission "to perform research, development, test and evaluation in naval architecture, marine engineering, ship concepts and related fields of science and engineering."

On November 1, 1967, the former U.S. Navy Mine Defense Laboratory at Panama City, Fla., became the third component in the first "center of excellence." Headquarters were at Carderock.

David Taylor's name was not to be forgotten, however. Another ceremony was held to name the main structure the David Taylor Model Basin, and a plaque was dedicated in his name.

Now, 75 years after the first model basin was established, the Naval Ship Research and Development Center works to support today's fleet as well as serving the Navy's requirements for future generations of ships and aircraft.

The center is celebrating the 75th anniversary of the founding of EMB on June 10, 11, and 12. Its commanding officer is Capt. Randolph W. King, U.S. Navy.

SENATOR MUSKIE'S APPROACH TO THE DRUG PROBLEM

Mr. SPONG. Mr. President, on Monday, June 7, the distinguished junior Senator from Maine, Senator MUSKIE, spoke about the city killer—heroin. He vividly explained that the heroin problem has become an epidemic that threatens the health and the safety, and perhaps even the existence of our cities. He called for a total Federal commitment to combat the drug problem on both a criminal and medical level.

In his address, Senator MUSKIE spoke of the legislation that he has introduced to help combat the drug problem: A bill to centralize, in the Executive Office of the President, all drug programs, and a bill to attack the international trade in drugs with a wide range of measures, including increased law enforcement and crop substitution.

I ask unanimous consent that the speech be printed in the RECORD so that all Senators may have the benefit of Senator MUSKIE's approach to the drug problem.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE CITY KILLER

We meet today as partners in the enterprise of American government.

From city hall and the county building to the state house and the Capitol, each of us and all of us face a common challenge—to make our society work for people.

That is our business—and it is also the business of America. It is our biggest business and our most essential one.

But in 1971, the business of government is in trouble—and so are the customers we call citizens.

After two and a half years of Federal economic failure, millions of workers are without work and prices are climbing out of sight. You can see the signs of economic decline everywhere in America—in the price of beef at the corner grocery store, in a nine-year high unemployment rate of over 6%

for the Nation and 40% for young blacks, in the men and women looking for jobs that are not there on the main streets of your town and mine. Each month, we hear confident predictions which contradict the cold statistics. But the people behind the statistics cannot feed their families with predictions.

And predictions cannot ease the crisis in our cities, our suburbs, and our States. You are living with the crisis everyday. Everyday, you are trying to squeeze resources and services out of an archaic tax structure and an ailing economy. But there is almost nothing left to squeeze. In New York City and New York State, in Detroit and Philadelphia, officials are talking or making mass layoffs of public employees. People are being told to pay more and settle for less. At the same time, the country continues to pour its sons and its treasure into a war no general can win and no reason can make right. Our leaders have not still accepted a simple, vital truth: saving cities in America is more important than destroying villages in Vietnam.

No wonder the discontent of the young and the disadvantaged in the '60s has become the doubt of the vast majority in the '70s.

No wonder so many now believe so little in the integrity, the sense, and the capacity of government in America.

The loss of faith was first felt at the Federal level. But in recent years, the credibility gap has swallowed up our States, our localities, and even our private institutions. Over a year ago, a national magazine summed it up in the despairing question: "Why doesn't anything work anymore?"

No one who wants to serve the public in fact as well as in name can permit that question to remain unanswered. There is no purpose to power in a free society except to respond to the wishes and grievances of people. That is now and it always has been our first duty as partners in government.

And the American Federation of state, county, and municipal employees has led the way. Across the whole spectrum of critical issues, your voice has been heard and your views have been heeded. And in 1971, you are again in the frontlines of the fight for progress.

You have spoken up for peace—for the diversion of our resources from the tasks of death abroad to the tasks of life at home.

You have stood against regressive local tax structures and for tax reform at every level of government.

You have demanded a massive program of public service jobs and the release of the domestic funds now impounded by the Nixon administration.

Your union and your leadership have lived up to Adlai Stevenson's 1952 advice. You have talked sense to the American people—about the desperate need for more state and local revenues, about the urgent need for welfare reform, about the official inaction and insensitivity your President has called "madness." You have talked about all that—and you have also done something about it. You have formed a coalition of public employee organizations to push and prod government in a new direction. And you are working for a labor relations act which will protect your right to bargain for the right policies for our cities and our states.

I agree with you that there is much to do.

I agree with Jerry Wurf that ". . . the life of some cities and our Federal system is at stake."

But I did not come here today simply to agree. Instead, I want to ask you to focus your attention on another critical urban problem. I want to ask you and your union to add another priority to your agenda. I want to ask you to contribute your power and your influence to the struggle against our deadliest urban danger.

I am talking about the evil white powder Stewart Alsop calls the "City Killer"—the power that produces half of our urban crime and most of the fear which stalks our city streets.

I am talking about the epidemic of heroin—the sickness of an addiction which has already infected almost a quarter of a million people in every part of our land.

I am talking about $500 million worth of private property stolen each year in Washington, D.C. alone—thefts whose only purpose is to feed an expensive, murderous, implacable habit.

I am talking about more billions stolen in our other major cities to pay for the dreams and the death in a hypodermic needle.

I am talking about the corrosion of public institutions as well as private lives—about the recent discovery by members of your union that the drug traffic was flourishing in a Maryland State hospital.

And I am talking about countless condemned Americans:

About 1,000 babies born each year in New York City as addicts, helpless heirs to the terrible pain of their mother's habit.

About the thousands of veterans exposed to heroin in Vietnam who are now carrying a horrible curse home to their families and our cities.

About the other despondent and disillusioned people whose health and will and hope have been shattered almost beyond repair.

And their disease could shatter our cities. What good will more resources do for our States and our localities—if they are consumed by the cost of police and courts to combat spreading addiction and spreading crime? And what will we gain from clean streets or rehabilitated housing or better schools—if people are still afraid to live in cities? All the urban tax reform your union can generate would mean nothing if the threat of drugs drives more and more of the middle class to the suburbs.

So any strategy to save our cities must provide an all out attack on the city killer of heroin. The attack will require a complete commitment of Federal funds and Federal power.

But the plain truth is that the heroin epidemic has been treated like most of the urban crisis. It has been noticed and studied and even denounced. But Washington still refuses to put its priorities where its rhetoric is. Washington talks a good game but everywhere the cities are losing.

You can see why in the sad statistics of the current, half-hearted Federal effort.

In 1971, the Federal Government will spend only $62 million enforcing our drug laws. That's less than the price of shutting down the SST.

In 1971, the Federal Government will spend only $7 million on drug education, $20 million on drug research, and $43 million on treatment and rehabilitation. That equals the cost of the Vietnam war for one day in 1968.

Last year, the National Institute of Mental Health treated only 1,100 patients—at the incredible cost of $10,000 each.

Last year, the Community Health Centers Act reached just a few more than 3,000 addicts.

And, while 25% of all addicts are veterans, the Veterans' Administration maintains exactly five drug treatment units with an average of fifteen beds each.

In short, the Federal Government is helping just 2% of the addicts in America. Any system with a record like that is nothing less than an absolute and total failure.

Obviously, we can and must do more by spending more on law enforcement, research, and treatment. But that is not the whole answer or even most of the answer. As long as drugs flow freely into our country—as long as narcotics is a third or fourth priority, heroin will hook people faster than we can educate them, faster than we can catch them, and faster than we can cure them. We will not even begin to defeat addiction until we care as much about his fix as the junkie does.

We must care at home and abroad. We must care in our cities and in the United Nations. The Federal Government must launch a war on heroin as broad as the world that produces it and as defined as the addict who craves it.

That is why I am sponsoring new narcotics legislation in this session of the Senate. The legislation calls for two major reforms. I believe both of them are essential.

We must set up a central Federal agency with overall responsibility for fighting drug abuse.

This agency must have as much money as it needs. It must be directly responsible to the President. And it must devise and implement a coherent national effort to pull all our present programs together and push them to their maximum limits. A single office of drug abuse offers far more hope than a half-hearted Federal effort, fragmented among six cabinet agencies—each of them hobbled by inadequate power and insufficient skills—all of them partly responsible for a problem none of them can resolve.

But domestic control alone will never be enough. We must go beyond the cities where the epidemic strikes to the foreign roots of the crisis—the opium poppy from which heroin is made.

And that is the second imperative. Through our economic aid program, we must work with every nation in the world to control opium production everywhere in the world. The poppy is the only flower that kills—and our aid must be to kill it off.

Together with the Government of Turkey, we are operating a small program to cut the number of Turkish provinces growing opium from twenty-one in 1967 to four by the end of 1971. This administration has done that much—and I am pleased that it has. But it is far from even a half-way measure. Our five million dollars in compensation for Turkish farmers will barely dent the world-wide heroin harvest.

Already, those who profit from the slavery of addiction are moving east from Turkey, once the source of almost 80% of America's heroin. It is no consolation that the heroin which hooks a child in Boston now comes from a different country. We have seen all this before. And we will see it again—as long as our foreign anti-opium programs merely chase the poppy across the globe.

In 1955, the abolition of opium production in Iran simply shifted opium plantations to Afghanistan, Pakistan, and Indo-China. Burma alone now grows over 30% of the world's supply. And our allies Thailand and Laos account for another 20% of the drug that is among our worst enemies.

We must use our foreign aid and our foreign influence to stop this incredible traffic in human torment. We must found and finance an international program of agricultural education, rural development, and crop substitution. We must make it profitable not to grow the poppies which are used to make illegal heroin.

Destroying heroin at its source will be difficult. It will take a long time and it will cost money. But this country spends $75 billion on defense and war. Surely, we can afford a fraction as much to protect our children, our cities, and our safety.

There are no easy answers to heroin—and there is no single answer. Methadone maintenance, ambulatory treatment, and antagonist drugs hold out both promises and problems. But of this I am certain—we must try as much as we can and spend as much as we can afford. And we must look beyond conventional solutions.

Ultimately, our only real chance for a stronger attack on heroin is probably a stronger United Nations. Poppy producing countries could more readily enter a U.N. heroin agreement than yield to the pressure of the United States. And the United Nations could condition continued membership on the willingness to accept regular international monitoring of poppy production. India is one of the world's largest producers—but its control system has reduced the illegal output of heroin to virtually nothing. A United Nations narcotics force with real power could do as much in every part of the globe—and that would make a real difference in every American city.

The poppy fields of Asia seem very far away. But they are as near as the pusher in downtown Washington or the next robbery in Arlington. Their impact on the future and the fate of our cities is equalled only by the impact of the present fiscal crisis. And the battle against heroin is as crucial as the battle for local financial survival.

No one has a greater stake in the outcome than this union.

You are fighting to keep our cities alive—and their life may quite literally depend on whether we can control the drug that has been labelled the city killer.

In the days and months ahead, you will be waging some vital campaigns for urban survival. And I have enlisted for the duration.

I think we will prevail.

I think we will make government in America once again work for people.

And our success will be due in large measure to your union.

I am proud to talk with you and proud to stand with you. And I will always be proud to call myself your partner in the enterprise of government.

IN PRAISE OF THE JUNE 9, 1971, TESTIMONY OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE ELLIOT RICHARDSON BEFORE THE SUBCOMMITTEE ON EDUCATION OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. PROUTY. Mr. President, as the ranking Republican on the Education Subcommittee of the Labor and Public Welfare Committee, I have followed with interest the various analyses of the financial difficulties plaguing our institutions of higher education. I have also studied diligently alternative proposals for alleviating these chronic difficulties.

In my studies I have yet to find an analysis which compares in perception or eloquence to yesterday's testimony by the Secretary of Health, Education, and Welfare, Elliot Richardson, before the Education Subcommittee.

In his testimony Secretary Richardson announced that the administration is now developing a cost-of-education allowance proposal for institutional aid to institutions of higher education. I welcome this announcement, as should all of us who are determined to continue to advance the quality and equality of educational opportunity.

The significance of Secretary Richardson's testimony transcends the announcement of a new administration initiative. Its greater significance is derived from the logic, balance, and eloquence of the Secretary's presentation.

Secretary Richardson outlined for the subcommittee the broad philosophical issues we face in considering the future of American education. He suggested the debate on these issues has just begun.

I suggest that with Secretary Richardson's testimony yesterday the debate gained in momentum and eloquence.

I am sure that Senators will agree with my observations and I ask unanimous consent that the full text of Secretary Richardson's testimony be printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. ELLIOT L. RICHARDSON

Mr. Chairman and Members of the Committee: I am pleased to be here today to present the Administration's views on the various proposals before the Congress for new forms of assistance to institutions of higher education. I refer in particular to the provision in your bill (S. 659), Senator Pell, providing cost-of-instruction grants to institutions for federally-aided students. But my remarks also bear upon other institutional aid proposals such as Senator Mondale's bill and the bills submitted by Mrs. Green, Mr. Quie, and Mr. Perkins in the House.

All of these bills have been introduced largely in response to deepening concern about the financial health of our colleges and universities. Particularly in the past few months since the Administration's higher education program was submitted to Congress there has been considerable publicity about a financial crisis in higher education. The Carnegie Commission has released a study entitled "The New Depression in Higher Education." And the educational associations have communicated their concern to you, and to us, that a new economic situation now effects higher education which demands an immediate and vigorous Federal response.

We believe that in light of these concerns the matter of increased institutional support for higher education does deserve renewed consideration. There are three interrelated issues which I wish to discuss this morning: (1) what are the dimensions of the current financial difficulties? (2) To what extent are the current legislative proposals responsive to these difficulties? (3) What new steps should be taken?

DIMENSIONS OF THE CURRENT DIFFICULTIES

The Department has had several studies underway for some time which provide valuable information for analyzing this issue. A study of 50 four-year public and private colleges has substantially improved our ability to evaluate trends in class size, faculty wages, instructional costs, and significant indices of institutional health. An intensive study of the resource allocation processes of a small number of institutions has provided valuable insights into how different kinds of institutions have responded to recent economic conditions and how they would be likely to respond in the future to various new modes of support. In addition, we have analyzed and profited from studies of higher education finance prepared for the Carnegie Commission and the Association of American Colleges. And we have consulted the work of many individuals.

Yet despite all these studies, it is not possible for us or anyone else to arrive at a clear-cut set of conclusions about the financial health or additional needs of institutions of higher education. We are dealing with a constantly moving target as to which aggregate data are nearly always out of date. More importantly, there are many different indices for determining whether or not higher education institutions are in trouble. Some people base judgments on the fact that some institutions have severe and/or frequent operating deficits; other individuals are concerned with rising tuition charges; still others with a longer-term condition under which institutional costs seem to be rising at a faster rate than revenues.

Such judgments, moreover, are complicated by the fact that there are no clear performance objectives for higher education institutions. We therefore have no clear standard for saying when an institution is unable to perform its vital mission. It will not do to look to the aspirations of the institutions themselves, because by that standard, all institutions with high aspirations are in financial trouble all the time.

Bearing all this in mind, there are, however, some things that can clearly be said and to which most all observers would agree. First, the differences in need among institutions and to some extent categories of institutions are considerable. Private institutions have turned more and more to tuition increases to obtain added revenues, running a much greater risk than public institutions of pricing themselves out of the market. Yet among private institutions there are also great differences which are compounded by the fact that advantages are unevenly distributed: those institutions which have one advantage (such as the ability to raise tuition without losing students) tend also to have others (such as endowments to fall back on). Similar disparities exist within other categories: the Black colleges for example, both public and private, are in worse straits than most other colleges.

We know, too, that different categories of institutions are experiencing distress for different reasons. Community colleges have large capital needs because they are rapidly expanding. Many private institutions are in financial difficulty because they cannot attract students to fill their available spaces. State-supported institutions have been hurt by less generous appropriations from state legislatures. Large research-oriented universities are almost alone in feeling the impact of a declining rate of growth in Federal research funding and shifts in research dollars to newly favored fields.

Third, we know that some causes of the current financial difficulties are temporary while others are chronic. Many of the problems of public institutions, for example, can be attributed to the increased competition for tax resources which occurs during a recession and to other temporary factors such as political reaction to student behavior. On the other hand, private institutions are all affected by the chronic problem that they must compete with subsidized public institutions which more and more resemble them in educational offerings and "quality."

Thus, while most institutions either have or feel they have financial problems, we conclude that what higher education faces at present is not a general "crisis" but a "crunch"—a crunch which affects institutions differently, and has been brought on by the convergence of a number of different economic and political forces. We recognize at the same time that this crunch has created a general sense of crisis on the part of leaders in higher education. And we recognize that some aspects of the present crunch reflect continuing and serious problems which must be addressed in the near future. How, then, should the Federal government respond to this situation?

GENERAL INSTITUTIONAL AID

One mode of response which has been proposed by higher education organizations and is reflected in several bills in Congress is new and unprecedented legislation for general institutional aid. By this I refer to funds which (1) are intended to support the general operating budgets of institutions rather than to accomplish a specific Federal purpose, and (2) are distributed to all or nearly all post-secondary institutions by a formula based on some measurable institutional characteristic such as student enrollment, degrees awarded, or instructional costs.

General formula aid has been suggested as an answer to the "crisis" which many feel higher education is in. Yet it is hard to imagine a mode of financing less suited to alleviating an immediate, short-term crisis than general formula aid. It is much too blunt an instrument for dealing with acute problems of particular institutions, for it would provide support to all institutions regardless of their needs without substantially affecting those which are in the greatest difficulty.

In fact, general formula assistance is addressed to no *particular* problem but to the perceived need for a *general strengthening* of all post-secondary institutions. We believe that general formula aid must therefore be assessed for what it really is—a whole new approach to financing higher education involving a major reallocation of responsibilities for support of institutions with major educational and economic consequences for the institutions themselves.

Three major sets of questions must be answered before this Administration would be prepared either to propose or to accept legislation containing a new program of general institutional aid. The first concerns the Federal role. Throughout over one hundred years of providing support for higher education, the Federal government has always distributed its funds on the basis of the services or functions which higher education institutions perform for our society. The states, in contrast, have provided basic and general support to public institutions. Before Federalizing this responsibility, we must ask what level of government should support what sectors of higher education for what purposes?

A series of questions follow from this one. Do the community and junior colleges, state colleges, and universities perform services which benefit the whole Nation equally? Or should states and localities support some of these institutions and the Federal government others? Should the Federal government support all curricula at all levels or concentrate on curricula which meet high priority national needs; e.g., for skilled manpower in health and scientific research? Is there as strong a national interest in assisting all American citizens of all income levels as there is in equalizing educational opportunities for particular groups?

These are questions which must be answered through the democratic process of discussion and debate. Not only educational institutions but state officials, members of boards of trustees, and many others must be engaged in this debate. A debate has begun, but we have not had a national discussion on this issue on anything like the level or scale of public discussion that has centered on welfare reform, health policy, or strengthening state services through revenue sharing.

If we assume for the sake of discussion that providing general support is an appropriate Federal role, a second set of hard questions must be asked about the consequences of any general formula. For example:

What would be the impact on other forms of Federal assistance to higher education? General formula aid might compete for the funds now provided for aiding students and for support of existing categorical programs. What proportion should go to each? Should general formula aid replace some existing categorical programs?

What would be the impact on state and private support for higher education? General institutional aid might encourage some states and some private givers to reduce their support for higher education. Hence formulas must be designed with this problem in mind.

What would be the impact on the differential costs of public and private institutions? Unless general formula aid were disproportionately channeled toward private institutions or states were induced by a general formula to support private institutions, general aid might have no impact or an adverse impact on the chronic problem of price competition between public and private institutions.

What would be the impact on the independence and flexibility of institutions? Higher education institutions coming under a general formula could well be exchanging a short-run dollar windfall for some serious long-run problems.

A final set of questions must be asked about the relative merits of the particular formulas which have been proposed. Each formula contains not only a method of distributing funds among states and institutions. It also contains built-in inducements for each institution to act in certain ways which might enhance or compromise its capacity for independent and flexible action and its capacity for change. Do we want to encourage *all* institutions to expand enrollments by a formula base on capitation payments, or *all* institutions to stress credentials and select students most able to acquire them by a formula based on degrees awarded? If capitation payments are based on institutional size, what incentives and constraints are being created for certain organizational forms and not others? If payments vary according to levels of education, what assumptions are being made about the length of time students are required to spend in order to earn a degree?

In summary, we are convinced, both by what is known *and* by what is unknown about the results of general formula aid, that it would not be in the best interests of higher education to pass such legislation without a great deal more study and debate.

FOUR GUIDELINES FOR THE IMMEDIATE FUTURE

Our analysis of the nature of the difficulties faced by institutions and the problems besetting general formula aid approaches do, however, help us see and understand how we *can* and *should* help higher education in the immediate future. The foregoing presentation, it seems to me, suggests four guidelines by which we can judge new forms of institutional aid.

First, additional aid should be related to the effort which the institutions themselves are making to fulfill a recognized national purpose. New institutional aid should—at least for the time being—carry through on commitments the Nation has already undertaken, such as equalizing opportunity, stimulating reform and innovation, sponsoring research, and encouraging specific programs which are in the national interest.

Second, additional aid should, to the extent possible, benefit those institutions and categories of institutions which are experiencing the greatest distress.

Third, additional aid should not inadvertently, and perhaps irreversibly, produce major and premature reallocations of responsibility among the supporters of higher education—the Federal government, other levels of government, and private donors.

Fourth, additional aid should not impose upon institutions a uniform Federal bias as to how higher education should be provided—as, for example, through a formula which assumes a certain length of time required for a degree, the validity of degrees, and so on.

In short, Mr. Chairman, we believe that your efforts and ours should be devoted to determining how we can meet the major needs of institutions in the light of our major Federal priorities, and do so in a way that will avoid the many dangers we see in some of the blanket approaches now before Congress. *It follows from this that no single new program will provide the optimum solution. There are many arrows in the Federal quiver and each can carry a specific Federal interest to a specific target of national and institutional needs.*

Over the past month we have reviewed existing Federal authorities for higher education to see if there might be some vehicles, already in place, which might be used. We encourage you to do so also. We encourage you to consider the impact of our proposals for student aid which will free up institutional resources now devoted to this purpose. We hope, too, that you will consider our proposed National Foundation for Higher Education which will, we believe, substantially help institutions to become more productive centers of teaching and learning.

We have also reviewed new forms of institutional aid. This search has led us—as it has led many others—to conclude that a new program of cost-of-education allowances is the most appropriate new initiative, beyond the legislation we have already submitted, which the Federal government could now take. We have a particular proposal to present to you. But since you, Senator PELL, as well as Senator MONDALE, and Chairman PERKINS, of the House Education and Labor Committee have all introduced different versions of the cost-of-education allowance concept, I would like to discuss the central issues involved in designing a cost-of-education program which will fulfill the guidelines I mentioned previously.

THE COST-OF-EDUCATION APPROACH

Our first guideline was that additional aid should be related to the effort which the institutions themselves are making to fulfill a recognized national purpose. Cost-of-education allowances can build upon and extend the Federal commitment to equalizing opportunity for college attendance. It can do so by providing institutions with (a) an incentive to enroll the students who bring with them a cost-of-education allowance and (b) extra resources so that meaningful educational programs can be developed which will serve particular needs of these students.

Whether a given cost-of-education allowance formula *will* serve the Federal objective of equalizing opportunity depends, however, on a number of important features. It depends most of all on the extent to which the student aid program upon which the cost-of-education allowance is based is itself well targeted on the neediest students.

It also depends on how powerful the incentive is to compete for the students. If for instance, the student aid was provided directly to the students, such as the monthly payments to veterans receiving the GI bill subsidies, and the cost-of-education allowances also were given to the students to be turned over by them to institutions of their choice, we would have a true market system. But if the student aid and cost-of-education allowances are allotted to the institutions for distribution, as in the present Office of Education campus-based programs, the incentives are weaker and depend upon how precise and uniform are the Federal criteria for determining eligibility which the financial aid officers must follow.

Finally, it depends, of course, on whether the institutions use the extra resources to improve educational programs for the particular students in question, for the general student body, or for other needs such as faculty salaries which would be only indirectly related to the educational process.

Some have objected to a cost-of-education allowance on the grounds that there is no evidence that institutions *do* make larger educational outlays for low-income students; and that economically disadvantaged students are not necessarily educationally-disadvantaged, and hence require no special treatment. Our response to this, which we would like to have on record, is that low-income students are *more frequently* less prepared for a traditional academic education than other students. Further, we believe that the institutions which are undertaking a major commitment to serve these students *should* have the additional resources necessary to redesign programs suited to the interests of the ever-widening spectrum of students entering colleges and universities. These need not be remedial programs at all, but rather programs more challenging than the ones now in existence.

Our second guideline was that additional aid should, to the extent possible, benefit those institutions which are experiencing the greatest financial distress. In terms of this guideline, a cost-of-education allowance based upon our proposed EOG, Work-Study, and NDSL programs would do a better job of distributing funds to the neediest institutions than for example, the general formula aid bill (H.R. 7248) introduced in the House by Mrs. Green. However, none of the cost-of-education proposals before the Congress precisely target on the neediest institutions. All must be justified primarily in terms of equalizing opportunity.

Whether or not a cost-of-education proposal will meet the third guideline—the avoidance of major reallocations among programs or supporters of higher education—will be affected both by the level of funds contemplated for the proposal and the conditions under which it is granted. For example, S. 659 proposes a "cost-of-instruction" allowance under which the sum of $1200 would be paid to institutions for each recipient of a basic EOG grant *after* a deduction is made for the amount of tuition charged the student.

At an institution now charging less than $1,200—a typical public institution—tuition charges to students could be reduced and the Federal government would make good the loss in tuition revenue in the case of every student eligible for a basic EOG. The other supporters of the institution—typically state and local government—would have to make up the tuition loss only in the case of students not eligible for basic EOGs. If, for example, the institution charged $300 for tuition and more than a quarter of its students were eligible for basic EOGs, the state or local government would find that it had shifted part of its financial burden as well as those of students to the Federal government.

Variants of this situation are common among public institutions but exceedingly rare among private ones. As a result, many public institutions would be encouraged to reduce tuition. Private institutions on the other hand would be neither encouraged nor enabled to take similar steps. The result could well be a wider gap between the charges of public and private institutions. This would be an added competitive disadvantage for the private institutions.

I understand, Mr. Chairman, that an amendment to S. 659 is under consideration which would provide a flat $1,000 per Federally-aided student to colleges and universities without a deduction for tuition. This proposal would not provide an incentive for reduction of tuition charges at public institutions, and would deal even handedly with public and private institutions. The amount of the payment is so large, however, that considerable substitution of Federal for State and private funds would result. Moreover, there would still be a strong tendency for institutions to recruit students barely meeting the eligibility requirements for student aid in preference to those from families paying only a few dollars more in income taxes.

Another example is provided by Senator Mondale's bill (S. 1161) for a cost-of-education allowance. Under the student aid proposal on which his cost-of-education allowance is based, no student would have to pay a large share of any tuition increase unless the institution he attended already charged more than $2,500. Institutions with low charges, especially public ones, could thus shift the burden of their general support to the Federal government *via* increased charges. The cost-of-education allowance in S. 1161 would then operate to give them a positive incentive to make such a shift. It would provide a bonus for transfering burdens to the Federal government.

Our fourth guideline was that additional aid should not undermine the independence and flexibility of the institutions themselves. We recognize that *any* formula grant program carries this threat, but we believe that a cost-of-education allowance is the type of formula least likely to do so. Cost of education allowances provide one known incentive to institutions—an incentive to attract those students who will bring more funds to the campus. It avoids placing the heavy Federal hand on courses, credits, degrees, instructional costs, or other variables basic to the educational process.

THE ADMINISTRATION'S PROPOSAL

To summarize, Mr. Chairman: The problems of general formula aid I have discussed, the criteria for a more promising approach I have mentioned, and the particular hazards of some cost-of-education allowance proposals just examined all suggest to us that a cost-of-education allowance should have the following three features:

(1) It should be based on a student aid program that equalizes opportunity. Only then will it give an incentive to colleges and universities to expand equal opportunity, and that must be its main justification.

(2) It should match the dollars of Federal student aid going to the institution, not the number of students aided. Otherwise, it will create incentives to spread aid thinly over the maximum number of students in order to obtain more cost-of-education allowances.

(3) Both the level of funding for the program and the structure of the student aid program on which it is based should enable us to avoid creating artificial inducements for state and local governments to shift major financial burdens to the Federal government.

We are now developing a cost-of-education allowance proposal having these features and based on our student aid proposals now before you. We will be prepared to send you shortly the detailed language and estimates for such a program.

It is especially important to recognize that no cost-of-education proposal can do everything. No one proposal can simultaneously promote equal opportunities *and* target funds precisely to those institutions which need them most *and* achieve other worthwhile Federal objectives. Efforts to do so would produce a proposal with as many problems as general formula aid. This is an area, Mr. Chairman, where whatever we do, we should do it straightforwardly.

HAPPY 50TH BIRTHDAY TO GAO

Mr. PROXMIRE. Mr. President, today marks a happy event in the life of an important agency of Congress, the General Accounting Office. It is celebrating the 50th anniversary of its establishment.

Fifty years ago the 67th Congress enacted the Budget and Accounting Act of 1921 which the President approved on June 10, 1921. That act established the General Accounting Office and the Office of the Comptroller General in the legislative branch of the Government and made them independent of the executive departments and agencies. The General Accounting Office is a nonpolitical agency whose primary function is to assist the Congress in carrying out its oversight responsibilities. It does this by examining into the manner in which Government departments and agencies, using public funds, discharge their financial, legal, and management responsibilities; reporting its findings on matters in need of attention; and recommending ways in which the programs of departments and agencies can be carried out more effectively, efficiently, and economically.

Over the 50 years of its existence, as Government operations became more complex, we passed legislation which considerably broadened the responsibility and authority of the General Accounting Office. We passed the Government Corporation Control Act of 1945, the Accounting and Auditing Act of 1950, and more recently, the Legislative Reorganization Act of 1970. These are but a few of the more important acts.

In terms of the competence and the diversified education, training, and experience of its present professional staff, and its present internal organization, it is a far cry from the organization it was at inception. It has undergone an evolutionary process which has met the additional responsibilities we have assigned to it and has kept pace with the growing complexity of the operations of our Government and our growing need for objective assistance in the oversight of those operations.

Its present professional staff of some 2,900 is not limited tc accountants, auditors, and lawyers. The staff includes specialists in such diversified fields as business administration, industrial management, engineering, statistics, economics, system analysis, automatic data processing, mathematics, and public administration. The professional staff operates on a worldwide basis—wherever Government departments and agencies are using public funds. It operates out of the Washington headquarters office, 15 regional offices, and 28 suboffices throughout the continental United States, and five offices overseas.

The independence and objectivity of the General Accounting Office are equally as valuable and important to us as its competence. Perhaps the greatest tribute that can be paid to independence and objectivity is to receive criticism from both sides. The Comptroller General and the General Accounting Office have had their share of criticism from both sides. They have been charged with being too harsh by Government departments and agencies, Government contractors, and industry associations. They have also been charged with being too lenient by Members of the Congress—myself included on occasion, the press, and many of our constituents. Its true character, obviously, lies in between—where it belongs.

The most recent responsibility we have added to the General Accounting Office is in the provisions of the Legislative Reorganization Act of 1970. These provisions require the Comptroller General to analyze the results of Government programs and activities, including the making of cost-benefit studies, and to assist committees of the Congress in analyzing cost-benefit studies furnished them by any Federal agency. These provisions attest to our confidence in the Comptroller General and his staff of the General Accounting Office to conduct these analyses and cost-benefit studies with competence, independence, and objectivity.

We, the 92d Congress, are fortunate that the 67th Congress foresaw our need 50 years ago and established the General Accounting Office which has developed into the good, strong, and indispensable arm of the Congress that it is today. It is, therefore, with pride in this agency—our agency—that I extend to the Comptroller General and to his staff of the General Accounting Office my warmest regards on this occasion and my hopes for many more years of continuing effective operation. I am sure my colleagues join me in this expression.

URBAN ETHNIC AFFAIRS WORKSHOP RESOLUTION IN SUPPORT OF ETHNIC STUDIES CENTERS BILL

Mr. SCHWEIKER. Mr. President, this week, Monday through Friday, a most interesting conference is being conducted in Washington, the "Workshop on Ethnic and Working Class Priorities—New Directions for Urban America," sponsored by the Center for Urban Ethnic Affairs.

The director of this center, Monsignor Geno Baroni, was one of the early leaders in civil rights efforts, and has been a leading social and intellectual force in recent days behind a growing realization in our country that by emphasizing the positive aspects and benefits of ethnic awareness and ethnic identity among the many ethnic groups that make up our great country, we can help foster greater understanding among all persons.

This week-long workshop has brought together community leaders, educators, clergy, labor leaders, and local government officials from cities and urban areas around the country, and includes small discussion groups, conferences, and workshops on a large variety of important urban issues. For instance some of the topics under discussion include the following: "The New American Dream," "Issues and Priorities of Urban Ethnic America," "New Dimensions of Ethnic and Cultural Awareness in Urban Life," "New Directions Beyond Polarization," "Ethnic Factors in the Urban Ferment," and others.

I was privileged to be invited to join the participants of the workshops at a luncheon Wednesday, held in the Senate caucus room, as sponsor of S. 23, the "Ethnic Heritage Studies Centers Act of 1971," I feel strongly that we must begin to take positive action now to help encourage and develop this new awareness of positive ethnic understanding by all persons, and I appreciated the many suggestions and recommendations about my bill, and the concept of regional ethnic centers, which participants at the luncheon made. Representative Roman Pucinski, who first introduced this kind of legislation, is working on a similar bill in the House, and I am confident that the full Congress can take action this year in this area.

Mr. President, yesterday the workshop participants unanimously adopted a resolution in support of the legislative efforts I, and Representative Pucinski, are making in our respective bodies of Congress, and I ask that the text of this resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution of the Conference on New Directions for Urban America, June 9, 1971

Whereas the participants of the conference on new directions for urban America concerned with ethnic and working class priorities, having discussed and analyzed all the various aspects of the two bills relating to the establishment and support of ethnic heritage studies, S. 23, introduced by Senator Richard S. Schweiker of Pennsylvania, and H.R. 7988, introduced by representative Roman Pucinski of Illinois, have resolved:

(1) to register our approval and strong support of the basic concept of federal support for ethnic heritage studies which will provide assistance designed to afford opportunities to learn about the nature of each person's own cultural heritage and to study the contributions of the cultural heritage of the ethnic groups of this nation.

(2) as representatives of various urban ethnic groups we resolve that upon return to our communities we shall actively work for the popular support of the above bills.

IS SOME TROOP REDUCTION IN EUROPE PREMATURE?

Mr. SYMINGTON. Mr. President, when the distinguished majority leader brought to the floor recently an amendment to reduce somewhat our troop strength in Europe, there was a great outcry. Many stated that these troops should be reduced but to do so now was untimely and premature.

In many quarters the impression was given that it was all done in sudden fashion and that there should be more time to give it more consideration.

Some 8 years ago when I brought up this subject, I was told that unquestionably it should be done soon, but to do so then was untimely and premature.

In an article in the Kansas City Star of October 4, 1963, under the byline of John R. Cauley, the first paragraph read:

> Senator Stuart Symington (D-Mo.) said today that "major reductions" can and should be made in the military forces the United States maintains in Europe and other parts of the world because of the drain on our Treasury and the realities of the atomic space age.

As inflation continues and the value of our dollar continues to deteriorate, it is certain that this matter will come up again. No doubt, however, when it comes up next year, and the year after, and the year after that, people will say the idea is good in theory but to do it then, so suddenly, would be untimely and premature.

I ask unanimous consent that this article by Mr. Cauley be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Asks a Troop Cut Overseas

(By John R. Cauley)

Washington.—Senator Symington (D-Mo.) said today that "major reductions" can and should be made in the military forces the United States maintains in Europe and other parts of the world because of the drain on our Treasury and the realities of the atomic space age.

The Missouri senator, the first secretary of the Air Force and a high ranking member of the Senate armed services committee, asserted that "it is my conviction that this country has not adequate resources to continue to bank freedom in Europe and the Far East to the extent it has done in recent years.

"We need at least to see the end of this road."

650,000 IN TWO THEATERS

American military forces in Europe total about 400,000 and in the Far East about 250,000.

Instead of having full combat divisions stationed in West Germany, as is now the case, Symington believes that one division flying the American flag, would be adequate because of the growing military strength of France and that country's growing friendship with the Federal Republic.

Symington pointed out that far-reaching changes in the last 10 years in the concept of what is necessary for the defense of the United States and the free world have not been recognized in the location of our forces.

"Both France and West Germany are undergoing an unprecedented period of prosperity, and the development in the last decade of the very long range bomber, the intercontinental ballistic missile and the Polaris submarine have combined to eliminate most of the necessity for a great many of the foreign bases previously considered essential," Symington said.

FAIL TO SEE DANGER

After declaring that the foreign military expenses are the largest single contributor to our balance of payments deficit, Symington said that "there would appear little recognition in Europe of the growing danger of this burden to the United States economy. Perhaps this is the chief reason these now most prosperous European countries continue to refuse to bear their fair share of the defense burden."

Symington said that the administration party justified recently continuation of three United States air bases in Spain on the ground of economic aid.

"It is clear that from the standpoint of military requirements these Spanish bases now have little use," Symington said. "And if more economic aid is justified for Spain, surely this is the wrong way to give it."

Symington suggested that the United States consider the British military concept of a central reserve, located in England, with capacity to be promptly airborne.

Later this month the United States will fly an entire division to Europe with the idea of determining whether such a project could be feasible strategically and perhaps reduce the need for large forces there once this flexibility was achieved.

THE 50TH ANNIVERSARY OF THE GENERAL ACCOUNTING OFFICE

Mr. MATHIAS. Mr. President, I am pleased to join with my colleagues today in paying tribute to the General Accounting Office on the occasion of its 50th anniversary, reflecting a half century of performance and accomplishments which have earned it a reputation as an outstanding professional organization.

The Congress, recognizing the need for independent assessment and oversight of the complex affairs of the executive branch, established the GAO in the legislative branch of the Federal Government in 1921. As the affairs of Government have multiplied in complexity and size, the responsibilities and authority originally vested in the GAO have been expanded by the Congress. The early GAO image of green-visored accountants has long since disappeared. Its staff of dedicated men and women is comprised of professional accountants, lawyers, and graduates of such other disciplines as economics, engineering, marketing, and finance.

The Office, under the able leadership of Comptroller General Elmer B. Staats, has stressed effectiveness in the use of the taxpayer's dollar in the many massive Federal programs. As demands are made on our limited national resources, their responsive allocation and effective use become of paramount importance.

During fiscal year 1970, the Comptroller General reported that $250 million in collections and other measurable savings were attributed to the work of the GAO. In addition, significant financial benefits have been realized which are not easily quantified in financial terms. As a result of problems and deficiencies that were identified by GAO, actions have been taken by the Congress and the executive departments and agencies to correct deficiencies, eliminate waste, and provide for better management systems.

In this day and age when so many diverse matters are being considered by the Congress, it is highly important that objective information is available to the Congress so that full and fair consideration can be given to proposals and to the need for reforms in government. The Congress, in attempting to obtain information and data on which to make legislative decisions, is confronted with either the lack of information or an array of information which needs to be verified and sorted out. The GAO as a nonpolitical, nonpartisan organization of the legislative branch is uniquely qualified to provide this service.

During this past year GAO submitted 524 reports to the Congress as a whole, its committees, and its Members. GAO also assisted the Congress in drafting legislation, supplying information, and assigning staff to work with committees. It responded to 438 requests by committee chairmen for independent advice and information on proposed legislation. Of the approximately 3,000 professional staff members of GAO, almost one-fifth were devoted to supporting the needs of the Congress in meeting its responsibilities of legislative oversight.

Of the 524 reports issued last year, 321 reports were issued in response to requests of committee chairmen or individual Members for audits and investigations covering activities of the various departments and agencies. This valuable service enables Members of the Congress to more effectively discharge their responsibilities.

GAO has issued useful and informative reports covering a broad spectrum of Government activities. Included in these reports were such Federal activities and programs as water pollution control, social welfare, space, agriculture, and many others. Also, GAO has provided Congress with reports on many international activities such as U.S. participation in the United Nations system of organizations, foreign assistance programs, and U.S. balance of payments. In the military area it has reported on the massive procurement activity of the Department of Defense and research and development of major weapons systems.

Passage of the Legislative Reorganization Act of 1970 was a major step toward providing better information on which to base legislative decisions. This act provided needed reforms in the legislative process and called upon the departments and agencies in the executive branch, in cooperation with the Comptroller General as the agent of Congress, to develop, establish, and maintain for all Federal agencies a standardized information and data processing system for budgetary and fiscal data. It is anticipated that the system can make incalculable contributions toward enhancing the ability of the Congress to analyze the fiscal operations of the Government, but care needs to be exercised that such data banks do not encroach on individual privacy.

As these programs have increased in size and complexity, the GAO has risen to the challenge in the surveillance and monitoring of Federal programs and of providing even greater assistance to the Congress. Moreover, the business community and individuals can look to the GAO for even-handed treatment in complaints or grievances against the Federal Government.

The record over the past five decades has been one which the men and women of the General Accounting Office can be justifiably proud and a period in which a great degree of satisfaction can be taken in having provided a valuable service to the Congress, the taxpayer, and the people of the country. I congratulate the GAO on its golden anniversary.

DOES THE UNITED STATES SUPPORT HUMAN RIGHTS FOR ALL MEN?

Mr. PROXMIRE. Mr. President, is the United States committed to human rights? Does the Senate believe in life, liberty, and the pursuit of happiness for all men? Certainly we do not support forced labor or inferior political rights for women or genocide? The laws of this Nation and its 50 States have long outlawed such acts. But does the morality of this Nation end at its borders? Does the Senate support guarantees of human rights for Americans but not for all men?

The human rights conventions provide the United States with an opportunity to reaffirm its support of human rights. They will allow this Nation to reaffirm its ideals and values for all mankind.

Mr. President, I call upon the Senate to ratify the human rights conventions. I call upon the Senate to reaffirm for the world the beliefs upon which this country was founded.

THE LOCKHEED 1011

Mr. TALMADGE. Mr. President, I have addressed the Senate and pointed out that for almost 2 years tremendous public attention has been given the C–5 military cargo plane, and that opponents of Lockheed and the C–5 program either have neatly sidestepped, or ignored, or distorted the principal issues involved.

This week, Fortune magazine released a story in its June, 1971 issue entitled "The Salvage of the Lockheed 1011." Along with the article a Fortune editorial endorsed the pending proposal for a Government guaranteed bank loan to Lockheed.

This article and editorial represent the situation the Lockheed Corp. finds itself in, and puts the matter in a proper prospective.

I commend the Fortune article and the editorial to the attention of the Senate, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

GIVE LOCKHEED A SECOND CHANCE

The Administration's proposal to rescue Lockheed's 1011 TriStar airliner with a government-guaranteed bank loan confronts Congress with an unhappy choice between certainty and uncertainty. The certainty is that if the loan guarantee is voted down, Lockheed will go bankrupt. With the guarantee, Lockheed would have a fighting chance to survive, but might still fail. Under the circumstances, there is a lot to be said for choosing uncertainty.

The guarantee would cover a $250-million loan to be put up by twenty-four banks, which have already loaned the company $400 million. The government-backed portion of the total loan would be the first to be repaid, and if Lockheed should still go bankrupt, the government would have first claim on the company's total assets of $1.3 billion.

The fact that the taxpayers' potential liability is limited does not in itself justify a government bailout for a private company. Nor is it enough to say that government-guaranteed loans have become a familiar aspect of our economic life, through the activities of agencies like the Export-Import Bank and the Federal Housing Administration. The case for the Lockheed guarantee rests on the fact that it is an exceptional measure to deal with an unusual emergency that befell a corporation especially vulnerable to circumstances beyond its control. There may be an element of bad management in Lockheed's predicament, but there is much more to the situation than can be explained away by accusations that the company was ineptly run.

The article on page 66 details the interlocking disasters that overtook Lockheed. Much that may have helped produce these disasters is not yet known. It is already amply clear, however, that the government itself bears some responsibility for the company's present plight. During the early 1960's, for high-minded reasons, the Pentagon adopted a new form of defense contracting that proved to be unworkable. It called for firm commitments years in advance to produce weaponry that had yet to be invented. In trying to anticipate the unforeseeable, the Pentagon wrote contracts so intricate that they lent themselves to misunderstanding and legal disputes. Lockheed was unlucky—or perhaps unwise—enough to win several of those contracts, and is now paying for its success.

Lockheed itself may have been partly to blame for the battering it took in the C–5A contract; the evidence is highly ambiguous. But the misfortune that threatened the life of its prime commercial product, the TriStar seems clearly to have been beyond the company's power to foresee or avert. After the collapse of Rolls-Royce, Lockheed's management performed a heroic job in bringing together banks, airlines—and the British Government—to save the plane. Only one link remains to be put in place—the loan guarantee. In the circumstances, we believe Congress should approve it.

THE COST OF FAILURE

The case is strengthened by a consideration of what it might cost if Lockheed were to give up the TriStar for want of financing. More than 30,000 jobs would be put in immediate jeopardy. In addition to the human anguish of the jobless, there would be real cost to the taxpayers—in terms of income taxes no longer collected, as well as in payments for unemployment compensation, retraining programs, and other government efforts to minimize the impact on individuals and the economy.

A Lockheed bankruptcy would exact its own high price. In a letter to Congressman William S. Moorhead of Pennsylvania, to which Lockheed is giving wide distribution, the Comptroller General of the U.S. has pointed out that the cost to the government of the C–5A program could "increase substantially" if Lockheed went bankrupt. This is so because subcontractors on the C–5A might be able to renegotiate prices they agreed to six years ago, before the onset of inflation. Lockheed's other uncompleted government contracts, which total about $1.9 billion, might also have to be reopened. Essential projects doubtless would be continued, one way or another, but the disruption would be bound to be costly.

In the congressional debate, proposals will surely be made that the loan guarantee be tied to a requirement that Lockheed abandon Rolls-Royce and put U.S.-made engines in the TriStar. Fred Borch, chairman of General Electric, has already made this point, with the obvious aim of getting Lockheed to use the G.E. engine that is going into the McDonnell Douglas DC–10.

The airlines and Lockheed have twice studied the available engines, however, and twice they have chosen Rolls-Royce's RB.211. Their decision may prove wrong or shortsighted, but it should be left to them, not Congress, to decide—especially since a change of engines would increase costs and delay deliveries to such an extent that it is probably no longer a practical alternative. It is also worth noting that use of the Rolls engine might enhance chances of selling the TriStar to foreign airlines, thereby benefiting the U.S. balance of payments

A SORRY SEQUENCE

The Lockheed guarantee should not be regarded as a precedent for further government rescue missions, but it can serve as a useful warning. Unless the system of defense procurement undergoes fundamental change, other defense companies could well fall into difficulties like Lockheed's. In the future, military projects will become fewer but bigger and riskier. The idea that competitive bidding assures the best product at the lowest price is proving to be a delusion. What it actually has done is impel companies to make unrealistically low cost estimates in order to grab off contracts, setting off a sorry sequence of cost overruns, congressional inquiries, and financial trouble for the contractors themselves.

Secretary of Defense Melvin Laird's "fly before you buy" policy represents a big improvement in procurement procedures, but it is only a first step. Congress ought to convert its indignation over past deficiencies in the system into pressure for constructive reform that will assure the nation the best defense for the least money. But meanwhile Congress should give Lockheed one more chance to survive.

WHAT'S RIDING ON THE TRISTAR

LOCKHEED'S MAJOR L–1011 SUBCONTRACTORS AND VALUE OF CONTRACT

[In millions of dollars]

Rolls-Royce, Derby, England, RB.211 engines	900.0
Avco, Nashville, Tenn., wings	575.0
Menasco, Burbank, Calif., Fort Worth, Tex., landing gear	95.2
Collins Radio,* Cedar Rapids, Iowa, automatic flight-control systems	71.8
Hamilton Standard, Windsor Locks, Conn. (Division of United Aircraft), air-conditioning and pressure system	69.0
Sunstrand, Rockford, Ill., servomechanisms for leading-edge slats, auxiliary hydraulic power system	46.6
Murdock Machine & Engineering, Irving, Tex. (Division of CCI Corp.), pylons to support underwing engines	33.8
Northwest Industries, Edmonton, Alberta (Subsidiary of CAE industries), bulkheads and flooring, nose landing-gear doors, air ducts and storage chambers	27.0
Sperry Flight Systems, Phoenix, Ariz. (Division of Sperry Rand), navigation instruments, air data instruments and computer	26.3
Curtiss-Wright, Caldwell, N.J., servomechanisms for trailing-edge flaps	25.2
Health Tecna, Kent, Wash., wing-to-fuselage fairings, crew attendant seats	22.8
Instrument Systems, Huntington, N.Y., entertainment system, cabin interphone system	19.1
LTV Electrosystems, Dallas, Tex., pilot's pitch "feel" and trim systems	16.2
National Water Lift, Kalamazoo, Mich., (Division of Pneumo Dynamics), servomechanisms for ailerons and rudder	13.9
Bertea, Irvine, Calif., servomechanisms for stabilizers	13.6
Kawasaki Aircraft, Gifu, Japan, fuselage doors	13.3
Grimes Manufacturing, Urbana, Ohio, lighting and coffeemakers	13.0
Bristol Aerospace, Winnipeg, Manitoba, (Subsidiary of Rolls-Royce), "S" duct for aft-engine intake	12.6
Air Cruisers, Belmar, N.J., (Division of Garrett Corp.), evacuation slides	11.0
Western Gear, Lynwood, Calif., baggage and cargo handling system	10.4
Fleet Manufacturing, Fort Erie, Ontario, aft-engine and fuselage fairings, Main landing-gear doors	9.0
Lear Siegler, Cleveland, Ohio, generating equipment	8.8
Sierracin, Los Angeles, Calif., windshields	7.8
Weston Hydraulics, Van Nuys, Calif., (Division of Borg-Warner), spoilers, direct lift control	7.4
Goodyear Tire & Rubber, Akron, Ohio, antiskid system	6.9
B.F. Goodrich, Troy, Ohio, wheels, tires, brakes	5.2
1500 other subcontractors, miscellaneous parts and materials	**500.0
Total contracts (billion)	**2.5

* With Lear Siegler, Santa Monica, Calif.

** Fortune's estimate.

LOCKHEED'S BANKS

Bank of America, Los Angeles.

Bankers Trust Co., New York.

Bank of California, Los Angeles.

Chase Manhattan Bank, New York.

Chemical Bank, New York.

Citizens & Southern National Bank, Atlanta.

Continental Illinois, Chicago.

Crocker-Citizens National Bank, San Francisco.

First National Bank of Atlanta.

First National Bank of Boston.

First National Bank of Chicago.

First National City Bank, New York.

Fulton National Bank, Atlanta.

Girard Trust Bank, Philadelphia.

Irving Trust Co., New York.

Manufacturers Hanover Trust Co., New York.

Mellon National Bank & Trust Co., Pittsburgh.

Morgan Guaranty Trust Co., New York.

Pacific National Bank of Washington, Seattle.

Philadelphia National Bank.

Security Pacific National Bank, Los Angeles.

Trust Co. of Georgia, Atlanta.

United California Bank, Los Angeles.

Wells Fargo Bank, Los Angeles.

Total commitment, $400 million.

If Lockheed's big bird fails to fly, more than 30,000 workers in the U.S. alone could lose their jobs, the company's 55,000 stockholders would have little or no equity, and some of the nation's largest banks might have to write off enormous loans. To date, Lockheed has invested $900 million in inventory and $90 million in plant and equipment. It also let some 1,500 subcontracts. In turn, the subcontractors let contracts of their own. Avco, for example, awarded a $27-million contract to Aeronca Inc.; one for $21 million to the Marquardt division of CCI Corp.; and another, for $11,400,000, to Short Brothers & Harland Ltd. of Belfast, Northern Ireland.

The table at left lists companies holding twenty-six of the largest contracts on the L–1011, and the location of plants doing most of the work. The value of the contracts is based on production of 350 airplanes, as envisioned in Lockheed's original L–1011 program. But since Lockheed has firm orders or options for just 178 airplanes, and places orders only as parts are needed, the current value of the contracts is far less than the amounts shown here. For example, Lockheed's initial order with Rolls-Royce was for about $450 million for 550 engines. Sperry Flight Systems puts the value of its contract at $8 million. All of the subcontractors shown here, except Bertea, shared the risk of the TriStar project with Lockheed by deferring a considerable part of their payment until the actual delivery of airplanes to customers. Rolls, for example, had received only about $20 million. If Lockheed should fail, subcontractors would rank as unsecured creditors. Bankers Trust and Bank of America act as agents for the twenty-four banks (above) that have extended Lockheed individual lines of credit totaling $400 million. They put up the last $80 million of this sum after securing liens on Lockheed properties. These banks have agreed to advance an additional $250 million—*if* the government guarantees the loans.

THE SALVAGE OF THE LOCKHEED 1011

(By Harold B. Meyers)

To save his plane—and his company—Dan Haughton had to perform one of the most delicate balancing acts in the annals of modern business. The outcome depended on simultaneous commitments by six airlines, twenty-four banks, and two governments.

In rural Alabama, where the chairman of Lockheed Aircraft Corp. grew up, sherry is for old ladies and cold fish describes a personality trait. But at Grosvenor House in

London on February 2, Daniel J. Haughton was prepared to savor the sherry and cold salmon served at a luncheon given for him by Lord Cole, chairman of Rolls-Royce Ltd. For months Rolls-Royce, which was developing the RB.211 engine for Lockheed's new wide-bodied passenger jet, the L-1011 TriStar, had been concerned—with reason—about the financial stability of its American partner. Now Haughton was able, in his down-home accent and a courtly manner, to assure his host that Lockheed's troubles appeared to be in the past. He had all but nailed down the additional financing that he needed for the TriStar. The road ahead seemed clear. By the way, asked Haughton, how was Rolls-Royce coming with its technical problems on the RB.211? Only then, barely forty-eight hours before it was announced in the House of Commons, did Dan Haughton learn the bad news.

What he heard from Cole and at subsequent meetings with government officials represented an amalgam of bleak realities and dire prospects. Costs on the RB.211 had soared out of sight. Development was behind schedule, the engine was not performing as expected—and, as Haughton knew, Rolls-Royce's contract with Lockheed carried stiff penalties for late delivery and failure to meet specifications. Its board of directors had concluded that Rolls-Royce lacked the resources to carry on the RB.211 on its own and had turned for help to the British Government, which had already contributed $113 million toward the cost of "launching" the engine. But Prime Minister Edward Heath had declined to put more taxpayer money into what he had come to regard as an uneconomic venture.

The British Government's ungiving stance and a provision in Britain's corporate law forced the Rolls board to ask the company's debenture holders to appoint a receiver. The government intended to take over those divisions that were important to national policy and let the receiver sell off others, including the motorcar division (which accounted for only about 5 percent of Rolls-Royce's sale of $720 million in 1969). But the government would *not* take over the RB.211 division or assume its obligations under the contract with Lockheed. If Lockheed wanted Rolls-Royce engines in the TriStar, Haughton would have to negotiate a new contract.

Haughton was stunned by the unexpected recital of disaster. He was well aware of Rolls-Royce's technical problems with the RB.211; Lockheed had its own experts monitoring the project at Rolls's Derby works, and Haughton himself made regular trips to Britain to review progress. But he had had no hint that its troubles with the RB.211 could sink Rolls-Royce, the symbol of all that was best in British industry. At first he couldn't believe it. And in this, as least, he was in complete agreement with those who gave him the news. "To the British," said one government official, "the news of Rolls-Royce was like hearing that Westminister Abbey had become a brothel."

Haughton wasted no energy on denunciations of perfidious Albion. He set to work at once to put engines back into the TriStar, which the British press soon dubbed, sardonically, "the world's biggest glider." In the following weeks, which grew into months, of unceasing effort, Dan Haughton was called upon to perform one of the most intricate balancing acts in the annals of modern business. On every side he was hemmed in by "but," "however," or "on the other hand." He was counting on the TriStar to put Lockheed back into the commercial airframe business, after nine years on the sidelines, and thereby reduce its dependence on government contracts (which represented 90 percent of the company's 1970 sales of $25 billion). Without engines, there would be no TriStar—and, quite possibly, no Lockheed.

Only the British Government could supply the capital needed to continue with the RB.211. The government, however, was unwilling to risk additional public money without assurance, preferably from the U.S. Government, that Lockheed could stay in business. Even if engines—either the RB.211 or a U.S. produdct—could be obtained, Lockheed calculated that it would now need up to another $350 million in outside capital from banks and customers to bring the TriStar into full production. Its banks were unwilling to advance more money without some kind of guarantee from the U.S. Government that would protect their added investment. But such a guarantee would require congressional action—and Congress had grown notably cool to the pleas of defense contractors like Lockheed and, since the Penn Central debacle, even cooler to the idea of government aid for faltering private enterprises.

A lot of figures of speech have been employed to describe the complexity of Haughton's task as he sought to salvage the TriStar and Lockheed. Nine customers and twenty-four banks had to be kept in the game, if the game were to continue, and all—each with its own needs, interests, and responsibilities—had to be convinced that the final deal represented the best possible outcome for them and their stockholders. And all had to reach that decision at the same time, though each preferred to wait until the others—and the U.S. and British governments as well—had acted. A Lockheed executive said the problem was to get a squad of men, each of whom wanted to be the last man in a single file, to go arm-in-arm through the door. "Is there a door that wide?" one of Lockheed's bankers wondered. Secretary of the Treasury John Connally, the Texas Democrat who monitored the negotiations for the Nixon Administration, put it best. "Dan," he told Haughton, "your trouble is you're chasing one possum at a time up the tree. What you've got to do is get all those possums up the tree at the same time."

"DELIVER US FROM CREDITORS"

The stakes were enormous. At the time of Rolls's collapse, more than $1.7 billion had been committed to the project—$990 million by Lockheed, $350 million by its subcontractors, and $400 million by Rolls and its subcontractors. Lockheed's investment came partly from its own resources, but mostly from its customers and banks. The customers that had ordered 178 TriStars (six airlines, two investment groups, and a British holding company) at a cost of about $15 million each—$2,670,000,000 worth—had handed over more than $200 million in advance payments; among the airlines were Eastern, T.W.A., Delta, and Air Canada. Twenty-four banks, led by Bankers Trust and Bank of America, had loaned Lockheed $350 million, the limit then available to it from its existing credit line of $400 million, and the company had put up as collateral a considerable part of the real estate it owned, as well as all the stock of two substantial subsidiaries, Lockheed Shipbuilding & Construction Co. and Lockheed Electronics Co. (In April the banks stretched themselves, after getting more collateral, and gave Lockheed another $50 million, bringing its bank debt up to the full $400 million.)

Thousands of jobs depended on continued production of the TriStar with RB.211 engines. About 31,000 of the jobs were with Lockheed, its subcontractors, and its suppliers in the U.S. and Canada. Some 19,000 of these jobs were in California, which is already suffering acute unemployment, especially in the aerospace industry. The other 12,000 were distributed through many states—3,000 in Tennessee, 700 in Georgia, more than 600 in Connecticut. Rolls-Royce had more than 12,000 workers employed on the RB.211, and about the same number worked for its subcontractors and suppliers.

Some of these Lockheed and Rolls-Royce workers could be shifted to other projects, of course, but most faced dismissal. One of Haughton's first moves was to lay off 6,500 Lockheed workers to conserve cash while he tried to save the TriStar. (Since then Lockheed's layoffs have mounted to 8,500.) At Derby, a red-brick industrial city of 230,000 people in the English Midlands, about 20 percent of the work force is employed at Royce's. as the company is known locally. The British Government kept development work going on the RB.211, at a cost of more than $2,400,000 a week, to give Haughton time to work out a new deal. But soon there were 2,000 "redundancies" in Derby, and the town was seized by panic. Morale at Royce's plunged, and a bitter parody of the Lord's Prayer circulated among proud engineers, who remained confident that, given a chance, the RB.211 would rank with other great Rolls-Royce engines:

. . . Give us this day our receiver
And forbid our redundancies
As we forgive them
That did nationalize us.
But deliver us from creditors
For ours was the Merlin,
the Spey and the Conway
Dart and the Avon. RR men.

LIFE AMONG THE UNK-UNKS

Haughton, fifty-nine, is a lean six-footer with a florid face, thining hair, and a ready smile. One friend describes his manner as one of "red-dirt southern courtliness"—nothing affected, nothing high-flown, and yet unmistakably gentry. His father was a sometime farmer, sometime storekeeper in the Alabama backwoods, and Haughton worked on the family farm and later in a coal mine to earn his way to a degree in accounting at the University of Alabama in 1933. He joined Lockheed in 1939 when it was still a small company. The hard-working young Southerner quickly caught the eye of the Gross brothers, Robert and Courtlandt, who were the dominant figures in the company. In 1961, Haughton was named president. He succeeded Courtlandt Gross as chairman in 1967, and a Haughton protege, A. Carl Kotchian, fifty-six, moved up to the presidency.

Haughton's years as Lockheed chairman have been full of trouble. Lockheed, like others in the aerospace industry, has kept bumping into "unknown-unknowns," or contingencies that couldn't be foreseen (see "For Lockheed, Everything's Coming Up Unk-Unks," FORTUNE, August 1, 1969). In March, 1970, Haughton notified Deputy Secretary of Defense David Packard that Lockheed faced "a critical financial problem" unless the Pentagon promptly settled contract disputes on four of the company's defense projects, or provided interim financing while the disputes dragged on. More than $750 million was at stake in claims involving the C-5A cargo plane, the Army's Cheyenne helicopter, the motor for the SRAM (short-range attack missile), and a group of Navy ships. Except for the ships, all the projects were being carried out under the immensely complex, and now discredited, "total package procurement" concept introduced by former Defense Secretary Robert McNamara in an effort to reduce defense costs. Not only had the concept failed to bring costs under control; it encouraged, through the complexity of the contracts required, just the sort of protracted legal disputes that Lockheed was embroiled in.

On February 1, the day before he ate cold fish in London, Haughton reluctantly accepted a settlement that brought Lockheed's loses on the disputed defense contracts to $480 million (before taxes), all but $190 million of which it had already written off. That gave the company an apparent after-tax loss for 1970 of $80 million, instead of a previously reported profit of about $10 million, and its net worth declined from $331 million to $240 million. (Lockheed's audited figures for 1970 still have not been reported, pending the outcome of Haughton's struggle to save the TriStar.)

It was, clearly, a very tough settlement, and there are those, even in the White House, who now wonder if it wasn't too tough, inasmuch as it left Lockheed in no shape to deal with Rolls-Royce on its own. Says one presidential assistant: "The Defense Department negotiated those guys out of $350 million." This view assumes that if Lockheed had had time and financial resources to fight its case through the courts, it might very well have come out much better than it did in the deal with Packard.

But at least the settlement with the Pentagon had given the company some breathing space. Lockheed had taken its losses and survived, and its most troublesome contract, on the C-5A, was being restructured to limit future liability. That cleared the way for Haughton to obtain the additional capital that he needed for the L-1011 until sales might finally begin to generate a substantial cash flow. On the strength of the Pentagon settlement, he tentatively arranged $250 million in additional financing, $100 million of it from the airlines that were buying the TriStar. All these arrangements fell apart when Rolls-Royce went into receivership. "When something comes as unstuck as this one did, it's not easy—and this one really came unstuck," says Haughton.

TROUBLE ON THE FLYING TEST-BED

In the sixty-five years of its existence, Rolls-Royce Ltd. earned an outstanding reputation for technical excellence and reliability. Under Sir Denning Pearson, now sixty-two, an engineer who was determined to keep the company ahead of its competitors in technology, Rolls-Royce assigned as many as 22,000 employees to research and development. Out of this huge effort grew the RB.211, which after an intensive competition was selected for the TriStar over engines made by General Electric and Pratt & Whitney. (The G.E. power plant went into McDonnell Douglas' wide-bodied jet, the DC-10, and Pratt & Whitney's is in the Boeing 747.) The RB.211 was a bold venture into advanced technology, with 20 percent fewer rotating parts than existing engines have. It has a huge fan and two compressor sections that revolve independently on concentric drive shafts. This "three-shaft" construction gives a pilot more flexibility in controlling power on landing, and makes the RB.211 an unusually quiet engine. Even on take-off, it produces little visible smoke, a great advantage in this ecologically conscious age.

Another innovation in the RB.211, as first proposed, called for the twenty-five blades of its fan to be made of Hyfil, a composite material of carbon fibers bonded with epoxy resins. Using Hyfil instead of the usual titanium, Rolls expected to save 300 pounds per engine, or the equivalent of five passengers on a three-jet airplane. But when early models of the RB.211 were mounted on a VC-10 "flying test-bed," rain and hail eroded the tips of the Hyfil blades. Rolls corrected the tendency toward erosion by inserting metal laminations. But that created stress at the root of the blades, so that they could not withstand the impact of a large bird ingested by the engine at high speed. Fortunately, Rolls had been carrying on concurrent development of the RB.211 with titanium blades, so the failure of Hyfil to perform as expected, though it caused enormous expense, did not doom the project.

When the RB.211 was chosen for the TriStar in 1968, all Britain celebrated. The man who swung the deal, David Huddie, then managing director of Rolls's Aero Engine Division, was knighted by the Queen for his contribution to the nation's balance of trade (see "Rolls-Royce's $2-Billion Hard Sell," FORTUNE, March, 1969), and the British Government agreed to pay 70 percent of the then-estimated cost of developing the RB. 211. The government's contribution was to be repaid out of sales of the engine.

For a long time no one found much cause for concern, though by the end of 1969 the company's debt had risen sharply. Rolls-Royce owed some $150 million to creditors, some of whom had to wait six months or more to be paid. Other debt in the form of bank overdrafts, short-term paper, and debentures totaled $266 million. No one seemed really alarmed, however, until Rolls reported a $115-million loss for the first half of 1970, mostly attributed to rising costs on the R.B.211.

Even then the sense of alarm was relieved by a feeling that Rolls could always turn to the government for help. Edward Heath, who replaced Harold Wilson as Prime Minister in June, had said there would be no more government aid for the lame ducks of private enterprise, but by the autumn that policy appeared to change. During the spring Rolls had obtained a $24-million loan, with the promise of another $24 million in 1971, from the Industrial Reorganization Corporation, a government agency. In return for the aid, Rolls had to put two new members on its board of directors, including Ian Morrow, fifty-eight, an accountant who specialized in restoring ailing companies to health. Under Morrow's prodding, Rolls conducted a new study of the R.B.211, which showed that far more than the IRC money would be needed.

Swallowing its embarrassment, the Heath government agreed to provide $101 million toward the development costs of the R.B.211 (making a total government investment of $238 million), while Rolls-Royce's banks would supply $43 million more. There was a price for this help, however. Sir Denning Pearson was replaced as chairman by Lord Cole, sixty-four, who had recently retired as chairman of Unilever. A four-man committee, headed by Morrow, took over Pearson's chief-executive functions.

The promised $144 million from the banks and government was withheld pending an independent audit of Rolls. But the new management soon concluded that even that $144 million would not be enough. In 1968 the company had estimated that it would take $156 million to develop the engine and put it into production. The examination made after Morrow's appointment pushed the figure to $324 million. And by mid-January, based on the new board's hard-eyed look, the estimated cost of bringing the R.B.211 into production soared to more than $600 million.

WHO GOES BUST FIRST?

On January 22, Lord Cole informed the British Government that Rolls could not go on with the RB.211. The British Cabinet's legal advisers warned that if the government simply tided the company over, or nationalized it in its entirety, it might become responsible for all of Rolls's liabilities, which could not be calculated with any certainty because of what one official calls a "lack of accounting." With no new government commitment, the Rolls board voted on January 26 to seek receivership.

At that very time the British Ministry of Aviation Supply had a representative at Lockheed's headquarters in Burbank trying to determine if Lockheed could avoid bankruptcy. And there is no doubt that British concern over Lockheed's financial ability to continue with the TriStar contributed to the government's decision to exclude the RB.211 division when it selected parts of the company to continue. At the time, recalls one observer: "It was a question which company would go first, Rolls-Royce or Lockheed. Rolls-Royce won by a short hair."

Haughton's trip to London on February 2 had been scheduled for some time. At the end of January he got a call asking if he might come a day early. He couldn't, because he had to meet with his board of directors on February 1 to ask approval for that settlement with the Pentagon. He got the approval, signed the letter of acceptance to Secretary Packard at 2:30 p.m., and boarded a plane to London at 4:00 p.m., confident that, at last, things were starting to break right. "For about fourteen hours I felt good," Haughton recalls.

Once he got the news about the receivership, Haughton swung into a hectic round of travel and meetings. He was frequently joined by Fred J. Leary, a vice president of Bankers Trust, and Ronald G. Ross, a vice president of Bank of America, who represented Lockheed's banks during the intricate negotiations. At every step Haughton reported his progress and problems to Secretary Connally. As it became clear that government participation was essential, Connally's role grew crucial. Whatever package Haughton put together, it was one that Connally would have to approve.

Work of the TriStar continued at Lockheed's Palmdale, California, plant, but at a much slower rate. Three TriStars have by now been flown, powered by development models of the RB.211, and flight tests have continued just about as scheduled. But the stretched-out production schedule meant massive layoffs of employees and deferred deliveries from suppliers. Both steps cut Lockheed's immediate cash requirements sharply.

For a long time Haughton had been holding down on capital expenditures. Instead of the $100 million budgeted for 1970, the company spent only $63 million, and funds available from depreciation took care of all but $7 million of that. For 1971, Haughton slashed capital investment still further, so that cash flow from depreciation exceeded expenditures on capital investment. Some assets were sold, and scheduled salary increases were suspended for 31,000 salaried employees. Top officers took salary cuts. Haughton sliced 25 percent off his own $153,000 salary and President Carl Kotchian's $138,000. With what Haughton calls "a pretty good cash flow" coming in from Lockheed's profitable activities, including the Agena satellite and Poseidon missile programs, he was able to say last month: "I think we have the ability to carry on" while financing for the TriStar is arranged.

THE OPTIMISM OF THREE FERRETS

At first, negotiations over the RB.211 were complicated by the British Government's fear that it had a lemon on its hands. However, in February, three of the most respected aeroengine experts in Britain made still another cost and technical study for Lord Carrington, the Minister of Defense, who had been placed in charge of the negotiations with Lockheed by Prime Minister Heath. The "three ferrets," as Carrington refers to them, concluded that the Rolls board had been overly pessimistic in assessing the RB.211's faults and future. As a result of the report by these experts, the government calculated that another $288 million would be enough to complete development of the engine.

Reassured, Lord Carrington presented the British Government's first concrete offer to Haughton early in March in a meeting at the Ministry of Defense. The price of the engines would rise, under a complicated formula, to an average of about $1,180,000, compared with the old contract price of $840,000. The British Government would put up $144 million toward the development cost, with Lockheed providing the rest of the money needed—another $144 million if the British estimates were correct. Haughton rejected the offer out of hand. It was, he said, not conceivable that Lockheed could add Rolls' problems to its own. In any case, the British estimates of the money needed were double those given him by his own experts.

The next day Lord Carrington sweetened the offer a bit. He invited Haughton to set up a joint venture in which Her Majesty's Government would immediately invest $144 million. If Haughton was right, that was all that would be needed, and Lockheed would have to put up nothing. But if it turned out that more was needed, Lockheed would have to bear the added costs. The price of the engines would be negotiated later to reflect actual costs, and the two partners would divide any future profits. Since, as Haughton said later, "I have as much at risk as I can say grace over now," the offer was still unacceptable, and especially so because it was coupled with a demand for cross warranties. The British Government would agree to produce the RB.211 so long as spare engines were needed, but Lockheed would have to indemnify the British against loss if Lockheed went bankrupt or gave up the TriStar. "I don't have anyone to give me such a guarantee," said Haughton.

From the British standpoint, the demand for guarantees seemed eminently reasonable. How could a responsible government put taxpayer money into an open-ended commitment to the RB.211 without assurance that the TriStar would survive? In subsequent negotiations all the other details of the British offer, including price, were to change completely. But the demand for a guarantee was modified only to the extent that it could be satisfied by a U.S. Government guarantee for the loans that Lockheed was seeking from its banks. That guarantee was also just what Lockheed's bankers needed before making any new loans, regardless of whether the RB.211 or an American engine powered the TriStar. By the middle of March, it became clear to Haughton and all the others involved that some form of government participation had become essential.

THE LAST MODEL OF THE HUPMOBILE

In everything that he did, Haughton had to keep his airline customers satisfied. Fortunately for him, the airlines were not unduly dismayed at the prospect of a possible five-month delay in deliveries of the first TriStars, from this November to April, 1972. T.W.A.'s Chairman Charles C. Tillinghast Jr., hard-pressed for capital, thought his line could stand an even longer delay. "I would say a delay of a year would have as many advantages as disadvantages, maybe more," he said.

The large investments the airlines had already made helped keep them patient while Haughton tried to put together his new TriStar package. A significant fact about the airlines' financial commitment was that most of their money had gone to Lockheed, not Rolls-Royce. The carriers had financed 90 percent of the cost of the engines through British banks, with the assistance of the British Government's Export Credits Guarantee Department (which corresponds to the U.S. Export-Import Bank). In Eastern's case, $71,700,000 of its prepayments on the L–1011 had gone to Lockheed, and only $5,800,000 to Rolls-Royce. T.W.A. had paid Lockheed $90,700,000, and Rolls only $6,800,000.

It was far more important for the airlines that the TriStar survive than that it be powered with the RB.211. Since the engine is so important to the commercial success of an aircraft, it is the customer, not the airframe manufacturer, who has the chief voice in selecting the power plant. In the first weeks after the Rolls-Royce collapse, there appeared to be at least two good reasons for the airlines to prefer a change of engine. The first was political. Were federal assistance to become necessary, Congress could be expected to be more amenable if the chief beneficiaries were all U.S. companies. The second rationale for switching engines was more direct. In buying the L–1011, the airlines were shaping their fleets for the next fifteen to twenty years. They could not afford to stake their futures on an aircraft or an engine that might not stay in production. Explained T.W.A.'s Tillinghast: "The one thing everybody is concerned about is ending up with the last model of the Hupmobile."

Both General Electric and Pratt & Whitney still had available the engines that had been rejected in favor of the RB.211 back in 1968. The L–1011 could still have been adapted to use either engine, though modification of the airframe would be expensive and might delay deliveries by an additional six months. Through February and the early part of March, Lockheed and the airlines ran what was in effect a new competition to supply engines for the TriStar.

Once again the RB.211 won the competition. The airlines concluded that the virtues of the engine outweighed the political uncertainties involved in dealing with a nationalized British company. The RB.211's technical problems seemed to have been overcome. On the Derby test-beds, the engine was coming up toward 42,000 pounds of thrust, just what was wanted, and fuel consumption was within 2 percent of specifications despite the added weight of titanium fan blades. Also in the RB.211's favor was the fact that neither G.E. nor Pratt & Whitney could match the British financing. Nor would different engines be eligible for the federal investment tax credit of 7 percent. The credit had applied to the airlines' original engine purchase, but was repealed in 1969.

While the engine competition was still going on, Dan Haughton met with the chairman of both G.E. and United Aircraft, Pratt & Whitney's parent company. Once the decision to stay with the RB.211 was made, Pratt & Whitney seemed to accept the results of the competition. But G.E. Chairman Fred J. Borch fired off letters to President Nixon and Secretary Connally, protesting that any U.S. guarantee of loans for Lockheed should be made conditional on having a U.S.-made engine in the TriStar. Dan Haughton retorted that the G.E. engine had been given full consideration, but all things considered, the "total cost of a G.E.-powered L–1011 would be greater for Lockheed and for the airlines."

DELTA PUTS THE HEAT ON

Of all Haughton's TriStar customers, Delta came closest to defecting. One of the few trunk lines that made money last year ($44,500,000), Delta would have relatively little trouble in financing a switch to McDonnell Douglas DC–10's. Because many of its routes overlap those of Eastern and two DC–10 customers, United and American, Delta feels competitive pressure to operate the newest equipment. McDonnell Douglas has been more than six weeks ahead of its test schedule on the DC–10, and will be able to start deliveries late this summer. American and United expect to start flying their first DC–10's in September.

On March 18, Delta signed a "letter of intent" to buy five DC–10's for delivery in 1972 and 1973. The airline did not cancel its orders for twenty-four L–1011's, on which it has paid $36 million down, and Delta Chairman Charles Dolson assured Haughton that if he put the TriStar deal back together, Delta would stick with it. But Delta's action, which coincided with the arrival of a Rolls-Royce negotiating team in the U.S., pointed up the danger that the L–1011's customers might begin to turn to the DC–10. That put new pressure, if any more were needed, on Haughton and the British to resolve their negotiations quickly.

One British airline that had not bought the TriStar became a factor in the negotiations. British European Airways, a government-owned company, has many short- and medium-range routes (e.g., London-Paris, Manchester-Copenhagen) that are ideal for airbus operations. Before Rolls went under, industry rumor had it that B.E.A. was leaning toward the L–1011 and would eventually need fifteen or twenty. After the receivership, B.E.A. began to take an ostentatious interest in the proposed European airbus, the A–300B, which will have G.E. engines. U.S. airlines, notably T.W.A., argued that a B.E.A order for the L–1011 was vital in proving Britain's commitment to the RB.211 program. But both the British Government and B.E.A. asserted that national policy has nothing to do with the commercial decisions the airline makes, and a B.E.A. order for the TriStar is still no more than a tantalizing prospect. Haughton hopes the order will come through—perhaps around the end of July—and claims to be pleased that B.E.A. is making such a careful study. He says it will be clear to everyone, if and when B.E.A. signs up, that it is the airline, not just the government, that wants the airplane.

Through all of his, little was heard of another British company, Air Holdings Ltd. That was surprising because Lockheed's original deal with Rolls-Royce had been made palatable, in view of its effect on the U.S. balance of payments, by a $450-million order from Air Holdings. All sales of the TriStar to non-U.S. airlines were to be counted as part of Air Holdings' order, and the company was not expected to take actual delivery of any aircraft. After the Rolls collapse, Frederick Corfield, Minister of Aviation Supply, said in Parliament that the arrangement had been "a bookkeeping transaction—and a somewhat bogus one at that."

WASHINGTON IS THE LAST RESORT

Once the British decided that the RB.211 was worth saving—and the airlines decided it was still the engine they wanted—negotiations over a new contract began to speed up. Near the end of March, after days of intensive bargaining, Lord Carrington and Dan Haughton met at the British Embassy in Washington. About noon on the 25th, they reached a conditional agreement for the nationalized company, Rolls-Royce (1971) Ltd., to produce 555 engines. The British Government pledged itself to pay all further costs of developing the RB.211 (estimated by then at $240 million) and to subsidize production costs if necessary. Lockheed agreed to an increase that will average about $180,000 per engine, bringing the price to about $1,020,000 apiece.

The signing of that agreement signaled the beginning of another frantic round of travel for Dan Haughton. First he had to get his customers to agree to the new engine price, as well as to a $103,000 increase in the price of each airframe, reflecting added costs from the delay in production. The total added cost of $643,000, however, is less than it would have been had there been a change of engines.

Haughton also had to work out a new schedule of deliveries and payments with each airline. He asked them to provide Lockheed with an extra $100 million in prepayments by the end of 1972; Lockheed is to pay interest on this money. For T.W.A., the new arrangement would mean that its first order of thirty-three L–1011's (including spare engines, parts, and ground equipment) would cost $733,400,000 instead of $665,700,000. In 1972, T.W.A. would make an extra $750,000 prepayment on each undelivered aircraft, as its share of that $100 million. However, its original schedule of payments would be stretched out. Under the new proposal, T.W.A. would pay only $39,700,000 in 1971, instead of $90,500,000 as originally scheduled, and payments on its new aircraft would continue through 1975 instead of ending in 1973.

The chief condition in the conditional agreement between Haughton and Lord Carrington called for assurances to the British that "there will be a requirement for their engines upon delivery," i.e., assurance that TriStar production will continue. That condition sent Haughton to John Connally to arrange U.S. Government backing for the additional $250 million in bank loans that he needs. The amount, Haughton says, includes provision for all foreseeable contingencies. On May 6, Connally met with President Nixon at the White House and emerged to announce that the Administration would send the loan-guarantee legislation to Congress. "The health of our aircraft industry is essential to the nation's commerce, employment, technological development and protection," Connally declared. He added: "We do not anticipate any cost to the taxpayer from this loan guarantee."

The legislation, which does not specifically name Lockheed, contains a number of restrictions and safeguards. For example, the Secretary of the Treasury would be given full access to Lockheed's books, with the company to pay the government's out-of-pocket surveillance costs. All the guaranteed $250 million in loans would be repaid ahead of the $400 million in earlier loans advanced by the banks, and before Lockheed can resume the dividends that it last paid in the fourth quarter of 1969. In the event of Lockheed's bankruptcy, the government's claim would have precedence over those of other creditors.

Supporters of the bill, and Dan Haughton in particular, were quick to point out that there are a number of precedents for government loans and guarantees, though hardly of the magnitude proposed. In 1967 the U.S. guaranteed a $75-million loan, since repaid, to Douglas Aircraft, just before that troubled company merged with the much stronger McDonnell. And the Export-Import Bank regularly guarantees private loans, involving millions of dollars, to promote U.S. export trade with other nations.

WILL HAUGHTON PAY THE PRICE?

Dan Haughton seems to have treed his possums for the moment, but Congress could still cut the tree down. Among the powerful foes lined up against him is Representative Wright Patman, whose opposition headed off guarantees for loans to the Penn Central Railroad. Patman is chairman of the House Banking and Currency Committee, and will conduct hearings on the Lockheed bill. Senator William Proxmire, long an impassioned adversary of Lockheed—he led the assault that persuaded the Air Force to purchase only eighty-one C-5A's instead of the 120 it had intended to buy—has pledged a last-ditch fight in the Senate against the guarantee.

Even if Congress approves the rescue plan, Dan Haughton may have to pay for it with his own resignation. Senate Majority Leader Mike Mansfield has already called for a change of top management, and so has California Senator Alan Cranston. If Haughton does have to go, he'll probably do it as he seems to have done everything else for Lockheed during his thirty-two years with the company—with grace and without rancor. To those who ask about his present state of mind, he points to a framed quotation, attributed to Abraham Lincoln, that he keeps in his gold-carpeted Burbank office: "I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

COOK COUNTY HOSPITAL: THE TERRIBLE PLACE

Mr. PERCY. Mr. President, the May 17 issue of Look magazine carried an article on the disturbing conditions at Cook County Hospital in Chicago. Other reports that I have received on County Hospital, Chicago's only public hospital and the largest such facility in the country, confirm the grim conditions depicted in this article and suggest that things may be even worse. To the medically indigent of Chicago, this hospital is in most cases the only place they can go, a problem which is in itself unjustifiable and is intensified by too many patients receiving second-rate medical care at best.

The story of Cook County Hospital emphasizes the need for an improved health care delivery system for Chicago. The problems are not easily solved, however, so many of Chicago's health officials and doctors have discovered. The facilities do not exist; the manpower is not available; and neither the city nor the people themselves can afford the high cost of medical service today. The city, home of some of the world's most outstanding medical schools, has been called a medical wasteland so far as the delivery of health services to its people. Today there are fewer doctors in Chicago than in 1930.

Similar situations, we are rapidly learning, exist across the country thus spurring the search by Congress and by this administration for a better means of financing and delivering health care. I recently introduced with the distinguished Senator from Pennsylvania (Mr. SCOTT) the Health Rights Act, S. 1598, which would, in my opinion, offer the hope of significant improvements in both financing and delivery—specifically in the areas of comprehensive coverage, availability of services, and manpower. Under our plan, every person subscribing to the service would be entitled to the same high quality care. One of the most heartbreaking aspects about Cook County Hospital is that the medically indigent have not been able to get health care commensurate with the medical need. Despite the fact that the hospital's staff is well qualified and devoted, the hospital fails to attract enough young interns and residents to provide a satisfactory doctor-patient ratio. In addition, the utter absence of home health services and outpatient care have left County's wards desperately overcrowded.

The Health Rights Act seeks to provide comprehensive service for inpatient and outpatient care. No family will be required to pay more for health care than he is deemed to be capable of according to a health costs ceiling schedule outlined in the bill. Home health and secondary care are also covered under the inpatient plan.

Overcrowding at Cook County Hospital further indicates that grave lack of community health centers and health maintenance organizations—HMO. A comprehensive health network, making available to individuals in their own local communities the resources of a health team, is desperately needed to ease the burden on large hospitals like County. The need cannot be overstated, for there were several times last year when Cook County Hospital threatened to close its doors to all but emergency cases because it had too many patients and too few on the house staff.

Neighborhood health centers, like the Miles Square project in Chicago, have already proven their worth to the local community. With the emphasis that this administration is giving to the HMO concept, significant advances in providing community health services should be realized. The HMO concept, which the Health Rights Act encourages through a broad program for Federal grants and loans, points out another important aspect of the medical problem—preventive care. The patients at county hospital are usually there because their illnesses have gone unattended or ignored. An easily accessible health center in the community promises to cut down on the number of inpatients at city hospitals.

Finally, health manpower is a growing problem for County Hospital and every other medical facility in the country. We simply are not able to educate and train enough doctors, nurses and technicians to fill the growing need. With a shortage today of 50,000 doctors in this country, we cannot afford to wait any longer to lend Federal support to the medical student population. The Health Rights Act encourages young men and women to enter the health professions by providing a student loan program for those not financially able to obtain their education and training. This will be a special incentive for students from the inner city and rural areas.

Mr. President, I do not suggest that the proposal which Senator SCOTT and I are sponsoring is the only answer to the health crisis. I do believe, however, that it should be thoroughly considered in the course of our debate on the entire health question. I know that the patients and staff at Cook County Hospital urgently need answers, and they must come soon.

I ask unanimous consent that the article, "The Terrible Place," contained in Look magazine be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COOK COUNTY HOSPITAL: THE TERRIBLE PLACE

(By Jack Star)

Cook County Hospital, with 2,000 beds, is one of the largest public charity hospitals in the country. Its new director frankly describes it as a "sea of mediocrity" with a few "islands of excellence." Its angry interns call it "a 19th-century sick house." It is a terrible place.

County is where over half of Chicago's 1.1 million blacks go for medical care, along with a sprinkling of skid-row whites, Puerto Ricans and Mexicans. By the hundreds, they descend on it each day, bypassing along the way many excellent private hospitals. They must travel, on the average, eight miles to get there.

Surprisingly, a minority of the people who come to County are completely indigent; nearly 80 percent are at least partially covered by insurance, Medicare or Medicaid. Theoretically, they are free to choose among 7,000 doctors and 103 hospitals. But doctors don't like to practice in the ghetto, and hospitals don't like to fuss with the red tape of government payments.

Pierre de Vise, a respected researcher for the Illinois Regional Medical Program, says that although private hospitals in the ghetto have six beds per thousand population, nearly twice the national average, the beds are not open to these blacks because few of them have a doctor, and it takes a doctor to admit them.

What stuns De Vise is how much the taxpayers pay for indifferent medical care for the poor. He estimates that public expenditures for health care in Chicago went up fourfold in a decade—from $100 million to over $400 million in 1969 for 700,000 Chicagoans—and now costs $600 per person per year.

And just how indifferent the case is becomes quickly evident once you walk into County's admitting section, where, on a typical Monday, 650 to 800 men and women stream through. Stream is perhaps the wrong word because some patients wait there all day: two hours to be seen; two, three, four or five hours to have an X-ray taken; two hours to have a radiologist read it, and sometimes another two hours to have something done for them. And that can be little, because admissions are rationed.

A pneumonia patient may be sent home with a supply of penicillin pills.

A bewhiskered derelict, just starting to have alcoholic shakes, is allowed to sleep on a stretcher for a few hours and then sent away.

A flushed woman whose blood pressure turns out to be 180/110 is given some phenobarbital tablets and an appointment in the hospital outpatient clinic in two or three weeks (where her doctor will have to wait over three months for an intravenous pyelogram—a special X-ray to check the state of her kidneys.

"This is a dumping ground for the other hospitals," declares an angry emergency-room nurse. "They send us the patients they don't want." Dr. Jeb Boswell, director of adult admitting services, still mutters about a nearby university hospital sending over a "medically interesting patient" with instructions to "please delouse him and send him back." Dr. Boswell says proudly: "I sent him back with a note, 'Delouse him yourself.' "

The referring hospitals are supposed to telephone County for permission to transfer patients; this rule is often breached. Either the hospitals delay in calling until the patient is on his way in an ambulance or patrol wagon, or don't call at all, or send the patient along after refusing him admission. There are horror stories:

"A big South Side hospital sent us a mother, still connected by the umbilical cord to a dead baby, after she had been brought over there by a patrol wagon."

"A hospital yesterday sent us a badly disturbed man who had cut off his tongue; we had told them not to, we had a doctor who could sew up the wound, but there was no psychiatrist here to treat him—they sent him and the tongue anyhow."

"Sometimes, nursing homes send over patients who are near death—sometimes, ice cold."

Dr. David Boyd, senior resident in surgery, says: "These transferred patients die from things that even a high-class Boy Scout could treat—fractures are not splinted and wounds are not dressed. They are transported on their backs and drown in their own fluids. Patients are sent across town from another hospital without resuscitation or the most simple examination, patients with a gunshot wound."

Dr. Boyd shows me what he means. A black youth lies groaning with a bullet wound through the vitals of his abdomen; fecal matter has spilled into the abdominal cavity from his torn colon, and a terrible peritonitis has begun. "What did they do for you at the hospital where the police first took you?" asks Dr. Boyd. "They put a bandage on and gave me some Maalox," the man groans. Dr. Boyd snorts: "Maalox! That's for heartburn!" A month later, the man died. Pierre de Vise estimates that 50 people died unnecessarily last year as the result of such transfers.

The reason County now turns away sick people is that in February, 1970, residents, interns and attending physicians rebelled against the dumping, and shut off admissions. The medical wards were 125 percent full, with lines of beds down the middle aisles, and trailing out into the halls toward the elevators. Medical-ward admissions now are supposedly on an emergency basis only.

"We've cut them from 17,000 a year to 13,000," says Dr. Rolf Gunnar, chairman of the division of medicine. "That's a big improvement," he says, "over the 1950's, when we had 120 patients per ward and no nurses, and the one nurse in the building had to walk around and decide who was going to get medicine."

Actually, conditions are far from right, as you can see on a walk through the eerie underground tunnels that connect the 22 buildings making up the vast medical complex. Building B on the outer reaches dates back to 1909, my guide tells me, showing off two elevators that sometimes break down at the same time. "Then we have to carry food trays up five floors," she says.

Pierre Olivier, R.N., a black man from Haiti, is the head nurse in Building B's Ward 38. He tells me he has two bathtubs for the 46 patients in this ward—a better deal than in the wards that have only one But he complains about a nursing shortage. County is lucky to be able to supply three hours of patient care a day per patient—hospitals are expected to deliver five hours or more. "Right now on the day shift," says Olivier, "I have only another R.N. and three L.P.N.'s [licensed practical nurses] helping. The food gets cold before we get around to feeding all the patients." On the night shifts, the rambling ward is usually staffed by a single R.N., one L.P.N. and two nurse's aides.

"You can't find a nurse when you need one," complains an old black man, "Last night, I got up twice and wandered all around the ward when the man next to me had a terrible nosebleed. Each time, it took 15 to 20 minutes to get help."

Dr. Shirley Roy, an intern assigned to the ward, tells me how she was awakened at 2 a.m. to sew up a patient after the sutures on his peritoneoscopy had come apart. This is an operation to permit a diagnostic instrument to be inserted through an incision in the abdomen. "There was a trail of blood," she says, "all the way from his bed to the bathroom and all the way to the nursing station. He couldn't find a nurse."

Dr. Roy, a very pretty, very bright graduate of the University of Wisconsin Medical School, where she had a full scholarship is the second of 11 children in a Maine family descended from French-Canadians. "I am no radical," she says. "I'm no hippie. I vote Republican, and at Wisconsin I stepped over the bodies of the demonstrators so I could register for classes." She sweeps an angry hand toward a bed: "It doesn't take a young radical to be concerned about a patient like this." In the bed is a very old man with bedsores; he is lying in a puddle of urine. He doesn't know his name. He had had a stroke, and an ambulance brought him from a flophouse on West Madison Street. "He should have physical therapy twice a day." Dr. Roy declares, "but for some reason, the therapists never come here."

County's patients are, on the whole, much sicker than patients in other Chicago hospitals. Over ten percent of those in the medical wards die there. They require intensive care that is just not available. Dr. Roy gestures angrily to a signal panel at the nursing station, gaudily lit up in red and green like a Christmas tree. "It's a fake, a dummy," she says. "It's not connected to anything. There's no call button at any patient's bed." The angry hand goes out again to indicate a sputum specimen lying atop a desk. "This was collected on the 19th and still hasn't gone to the lab," she says. Today is the 22nd.

Looking around Building B, a visitor might not realize that it is in the world's richest country. Sheets are doled out daily, only a few to each ward, because the hospital is short many thousands of items of linen. There are enough pajama tops for the patients but few bottoms, so sick men and women patter around the ward barefoot and half-naked, with a blanket wrapped around them when they seek out the washrooms. One doctor tells me he buys the toilet paper for his ward.

Dr. Roy says she wastes at least a quarter of her time. I walk with her as she pushes a very sick patient on a cart through the block-long tunnel to the main building, where a surgeon must insert a catheter into him. Aided by a medical student, she frequently has to lower the intravenous bottle that is sustaining the patient; it can't clear the steam pipes. The errand costs her and the student 45 minutes. "We have a ward transportation clerk to do things like this," she says, "but he's so busy that if you want something done quickly for a patient, you have to do it yourself."

Returning the patient to his bed, she puts an aspirating tube, a suction device, down his throat to keep him from drowning in his secretions. "You're better off if you do it yourself," she says. "Normally, a nurse would do this." I notice that before she could perform the chore, she had to send the student to two different floors to ferret out the tube—the one in the ward had disappeared.

Shortly, Dr. Roy wheels an EKG machine over to a bed to take a heart tracing. "Now the fun starts," she says, as she and the student begin searching among the dozens of wall outlets in the ward. It seems that the EKG machine requires a three-pronged outlet and there is only one three-pronged adapter in the ward—stuck somewhere in one of the two-hole wall oulets. "My God, suppose we had to plug in some emergency equipment," says a young doctor. "The patient would be dead before we could find a plug." The ungrounded electrical apparatus, he predicts, will someday kill a patient.

For years, on and off, County has been threatened with disaccreditation. This might mean the loss of health-insurance revenue and, undoubtedly, most of the interns and residents. Some say that if County were not the county's hospital, it would never have remained accredited. A major problem has been the turn-of-the-century surgical section, where 15,000 to 16,000 operations are performed every year. The 18 operating rooms have had to do without air conditioning. This is very serious because it means the surgeons have to work with the doors and windows open to outside infection. The surgeons sweat buckets, swallow salt pills and still are uncomfortable. For the patient, it often means a dangerously high body temperature. On warm, humid days, all surgery has to be suspended.

Dr. Frank Kolk, head of the division of surgery, tells me that two years ago, six of the rooms were finally air-conditioned but, for some reason, the cooling system didn't work. Now, he is trying again; four operating rooms have been in the process of reconstruction for over a year. The nurse-supervisor in one operating room looks abashed as I inspect the screened windows, circa 1914, with their fine north view of the Eisenhower Expressway. The screens have holes in them. Two flyswatters are part of the operating room's permanent equipment.

A young surgeon serving his residency complains about the lack of supervision (there are few full-time or part-time teaching doctors all through the hospital). The surgeon sounds ambivalent: He likes the idea of getting to do the quantity of the surgery he is allowed to do, an impossibility for an apprentice surgeon at a place like Mayo Clinic, but he also is genuinely disturbed about makmistakes and about not learning.

The shortage of attending staff physicians, as these teachers are called, is especially distressing because County attracts mainly graduates of foreign medical schools. Only 30 of 134 interns are U.S. graduates, and only a third of the 350 residents. Most come from India, Pakistan, Iran, Syria, the Philippines, Taiwan and Japan. While many foreigners adapt quickly, they have trouble in being understood by the patients and, often, in understanding them. This can be fatal.

There is a dreadful lack of privacy in County's vast wards. The hospital is making a start, for the first time, in putting draw curtains around beds, but most patients are out in the open. I inspect Ward 51, a maternity ward with 45 beds hardly more than 30 inches apart and no screens. A resident is making vaginal examinations and requests that I leave. "Don't the patients mind being examined in front of one another?" I ask. "Not a bit!" retorts the doctor. "They're all in the same boat!" (Yes, they are, I think to myself. Too poor to go anyplace else.) Naturally, no visitors—not even the fathers—are permitted.

In Ward 53, where surgical and problem obstetrical patients are kept, the normal complement of beds is 37, but today, eight beds are set up down the middle aisle, and three patients with intravenous bottles attached are sleeping in the hall. I stop an intern, a young black who recently graduated from Howard University medical school. He says: "Three-quarters of our patients haven't had much, if any, prenatal care. They come in anemic because of poor diet, and since they lose some blood in even normal delivery, their chances of having problems increase."

County delivers 16 percent of all babies in the city (11,010 last year, down from 19,136 in 1963). The babies, naturally, are usually black. The black doctor slaps the rubber tube he is carrying against his white jacket as he says: "Here, we have too few nurses, too few doctors, too few everything. At night, when the residents are not physically present, about 50 percent of the IV's [intravenous feedings] in the maternity ward are not functioning by morning." He slaps the tube again as he gives me another statistic: "We have twice as many premature babies as the average in the city of Chicago—low-weight babies are 20 times more likely to die."

It costs $104 a day for a patient in County—soon it may be $125—and the average stay of 12 days in a medical ward is four or five days longer than in most other hospitals. This means an extra cost to government or insurance companies of as much as $520 a patient. Part of this waste is due to the hospital's gross inefficiency. Here is what the doctors say:

"Half the time, when I call for a patient's X ray, they can't find it."

"This is supposed to be a 24-hour, seven-day-a-week hospital, but you can't get routine X rays on Saturday, Sunday or Monday."

"We waste our time doing lab work ourselves if we want to make sure of getting it. The lab equipment is from before the Flood."

"We're paying $54,000 to lease lab equipment for three years that would cost only $36,000 to buy."

"This is the first place I have been that a patient is discharged from the hospital, and his record doesn't go back to the record room. His record sits on the ward, waiting for some doctor to complete it. It gets lost and ends up in some doctor's office. One time, they went through the interns' and residents' quarters and collected thousands of charts."

One of the shortcomings is the lack of psychiatrists, four for a ward of 85 patients—and all the rest of the hospital. Dr. Shantha Narasimhan, a tiny woman resident from India, tells how a 23-year-old patient, sent to her medical ward after taking an overdose of tranquilizers, waited eight days for a psychiatrist. "Young people can be treated for a depression if they are treated promptly," she says bitterly. It bothers her that her disturbed patient had to be tied down in bed, for all the other patients to see, for most of the eight days while the psychiatrist was coming.

The anger of the young doctors has brought formation of the Residents and Interns Association of Cook County Hospital. The association functions as both a trade union for the doctors and as a lobbying group to press for better hospital conditions.

Dr. Shirley Roy, active in the association, says she and her fellow doctors want changes, lots of them, and soon. She poses a threat: "We have to practice as professionals. Rather than practice far below the standards of accepted medical practice—and I mean *far* below—it would be best to take our talents elsewhere."

Dr. James Haughton, who came from New York City last November to be the hospital's new director, promises changes, lots of them, and soon. He calls his institution a "big sea of mismanagement" with "nobody in charge of anything." He warns that there is little time left to save the place and that his first priority must be to keep County accredited. Otherwise, it must close. The director, a Panama-born black man who comes from a top job with New York's city hospitals, says that County has already made progress in removing the stranglehold of politics by getting its own Governing Commission with control of the $41.4 million a year the hospital spends. Now, the place has to be reorganized. A first victory, he says, was in getting filthy floors scrubbed—some for the first time in years. (". . . there are something like 235 people around who were just supposed to clean floors. . . .")

Dr. Haughton promises that by mid-summer he will have hired more attending physicians to beef up supervision, and will reshape the outpatient clinic so that the main hospital can function as an emergency room and sick people can walk in off the street 12 hours a day and get prompt care at the clinic. His reorganization, he says, will in time correct many of the terrible things that the accrediting agencies can now see. This calls for better record keeping, X rays and laboratories. Good luck, Doctor.

Should County be closed altogether and the 102 other hospitals be made to treat the poor? Dr. Haughton thinks that anybody who advocates that is "unrealistic, because there is a difference in my mind between what's available [in hospital beds] and what's accessible. . . . This is the only place where everybody has access." In other words, this experienced public-health man does not believe private hospitals will take in the poor-sick in any great numbers. He suggests that perhaps County can contract with a few outlying hospitals for service to the poor and that it can also staff several federally financed outpatient clinics.

Pierre de Vise, the critic of the present system, says that with all the money government is already spending for medical care for Chicago's poor ($600 per person a year, as noted earlier), prepaid medical plans like Kaiser-Permanente could be set up to give first-rate complete health care. Kaiser-Permanente charges only $500 for a whole family in California. He believes County should cut its size by about two-thirds, retaining its excellent burn, trauma and pediatric-care units, but become just another community hospital.

"There are outpatient departments in 15 to 20 hospitals," says De Vise. "Make it really illegal for them to refuse to see any patients and transfer them to County. It's illegal now, but it doesn't stick. Emergency care should be paid for by the government for anybody not covered by insurance. Anybody eligible for public housing should be eligible for complete free care, and the Federal Government should pay."

Thinking over De Vise's words as I leave County, I carry away a strong feeling that the patient poor may stop being so patient. After all, even some of the doctors who were so silent for years have finally become angry. The words of a young intern, Dr. Philip Johnson, ring in my ears: "If County closes, where else are the black folks going to go? They are going to go to the hospitals that they have been driving past for 20 years. Those hospitals will either have to admit these people or face black anger."

RADIOACTIVE CONTAMINATION FROM NUCLEAR POWERPLANTS

Mr. GRAVEL. Mr. President, the AEC's proposal to lower permissible radiation doses from nuclear powerplants may be a commendable attempt to diminish, or at least delay, radioactive contamination of the earth. In effect, however, the announcement means that the radioactive problem will just be moved from certain locations to others.

Man cannot get rid of long-lived radioactivity once he has created it; it will always be somewhere. If less radioactivity is released at the powerplants, then more may be released later at the fuel reprocessing plants, or dribbled, dumped, and pumped into the earth somewhere else. The question to be asking, I think is: Where are the wastes going to end up now? Without a clear, new policy on subsequent emissions, the current announcement about powerplants means little.

The Commission's announcement is one which critics have been urging for over a year and a half—but as part of a much larger safety package. The AEC proposal, if adopted, will touch only the tip of the iceberg.

If the AEC announcement were to mean that we will try to confine all long-lived radioactive pollutants at every stage, then at last we could concentrate on the crucial question:

Can man succeed at that effort?

Engineers have a law, called Murphy's law: "if anything can go wrong, it will go wrong." We have only a tiny margin for miscalculation. Every kind of nuclear powerplant produces radioactive garbage in such quantity that we simply have to contain no less than 99.99 percent of it. Otherwise, we will contaminate the planet forever, at least in human timescales.

Just a single pound of radioactive plutonium represents the maximum permissible lifetime body burden, or dose, for 700 million people—and it needs 24,000 years to lose half of its radioactive harmfulness. One large nuclear powerplant produces over 600 pounds of plutonium every year. The AEC hopes to license 1,000 plants within the next 29 years.

The nuclear hazard is obviously on a scale which is incomparable with other pollution problems or with anything like highway hazards. The potential risk compares with nuclear or chemical/biological warfare.

All disagreement between nuclear promoters and nuclear critics begins with a fundamental philosophical or moral difference on the question: What risk is tolerable? It is doubtful that the new announcement about routine emissions reveals any trend toward less recklessness in the AEC.

It is maintaining for instance, a policy which promotes operation of nuclear powerplants years before anyone has fully tested one of the most essential safety systems. I am referring to the emergency core cooling system. If it fails to work after a loss-of-coolant accident, the result could be radioactive contamination for 15 States the size of Maryland. The system has failed to perform according to prediction during some recent mini-scale tests, which may or may not have been intelligent tests. Its first, large-scale testing can not take place until 1975.

Why do we license nuclear powerplants with untested emergency systems? Would we allow airplanes to fly with untested fire-extinguishers for the engines?

Clearly, reduction of routine radioactive emissions, as proposed by the AEC, is merely one safety step among many which are urgently needed.

In this country, for example, we have already put 90 million tons of radioactive mine-tailings along river banks in the West, we continue putting low- and intermediate-level radioactive wastes directly into the ground, and we still contemplate putting 25 million gallons of the most intensely radioactive waste into the bedrock along the Savannah River. In addition, the AEC plans to bury high-level radioactive waste in salt mines, although no safety tests have been made yet using actual radioactive waste.

Future monitoring can provide no protection. By the time we detect a problem, it could well be too late for any remedy.

The AEC still counts too often no obsolete concepts like dilution and try-and-see. Failure of these concepts with mercury, lead, sulfur, and pesticides should be clear warning against applying them to radioactivity.

The U.S. Atomic Energy Commission is not the only nuclear group which has failed to heed the basic insights of ecology. In a few weeks, the European Nuclear Energy Agency—ENEA—plans to make its third dump of radioactive waste into the North Atlantic. The United States is associated with the ENEA, which is part of the Organization for Economic Cooperation and Development—OECD—and which is associated also with Euratom and with the International Atomic Energy Agency—IAEA.

The United States no longer dumps radioactive waste directly into the sea because it is "more economical" to bury it on land, according to the AEC booklet Radioactive Wastes—May 1967.

I would hope the AEC will announce vigorous opposition to the ENEA's ocean dumping policy, and will soon make many additional announcements about the prevention of nuclear pollution at home and abroad.

Mr. President, I ask unanimous consent to have printed in the Record, a memorandum about the ENEA's radioactive dumping in the ocean.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Ocean Disposal of Radioactive Wastes by the European Nuclear Energy Agency: 1967–71

In 1967 five member nations of the ENEA (Belgium, France, the Federal German Republic, the Netherlands and the United Kingdom) dumped 35,800 containers filled with various forms of solid radioactive wastes weighing about 11,000 tons and containing about 8,000 curies of radioactive material into the Atlantic. The following news items, articles and reports provide information on this dumping activity. The items are arranged chronologically. Items from Nucleonics Week have been condensed and paraphrased.

JANUARY 1968

Five European countries have completed a test dumping of radioactive waste in the Atlantic ocean under sponsorship of the European Nuclear Energy Agency. The venture was kept secret until the ENEA issued its 9th annual report in December 1967. The experiment involved 11,000 tons of waste with a total activity of 8,000 curies. It was packed in concrete-lined steel drums. A chartered vessel made five trips from various ports to the East Atlantic, beginning in June 1967 and ending in December 1967. Based on "extremely cautious assumptions" and available technical data, ENEA concluded that an annual discharge of 10,000 curies of packaged material at a depth of 16,000 feet in the Eastern Atlantic "would represent no risk either to man or to marine organism." Nucleonics Week, v. 9, Jan. 11, 1968, pp. 7–8.

MAY 1968

Spain has protested an international test dumping of radioactive waste in the Atlantic, some 130 miles from the Spanish coastline. Spain's Junta de Energia Nuclear at first reacted to the dumpings in low key. Then when some sources reported that a Spanish monitoring vessel had detected contamination in fishing grounds near the dump site, the Junta conceded that it had protested "the extremely hazardous nuclear experiment" to ENEA and had also raised the issue with each of the countries involved. JEN said it had acted on the basis of findings by the monitor ship, but refused to say what levels of activity had been detected. Nucleonics Week, v. 9, May 30, 1968, p. 8.

JULY 1968

There will be no repeat this year of a test dumping of radioactive wastes in the Atlantic. ENEA said the decision resulted from a lack of interest among the participants in last year's experiments and not from any protest by Spain over the disposal program. ENEA said it never received such a protest. Nucleonics Week, v. 9, July 11, 1968, p. 8.

SEPTEMBER 1968

Spain is taking credit for a blocking of a repeat of a test dumping of radioactive waste in the Atlantic. Spanish officials said ENEA had scheduled a second round of dumping for July or August but had cancelled it at the urging of Spain and Portugal. Spain's Junta de Energia Nuclear reported last May that it had detected radioactivity in coastal waters, despite ENEA assurance that the material had been safely packaged and deposited. Protests were lodged with ENEA and the five participating countries, but none have been publicly acknowledged. Nucleonics Week, v. 9, Sept. 19. 1968, p. 6.

OCTOBER 1968

"Solid waste disposal." A report on the solid waste disposal operation of the ENEA, is published in Nuclear Engineering, v. 13, Oct. 1968, pp. 845–848.

SEPTEMBER 1969

Radioactive wastes from seven European countries have been dumped into the eastern Atlantic this summer by the ENEA in a hushed-up repeat of its controversial 1967 disposal operation. This year, ENEA tried to keep the operation secret, but French authorities finally released the news in Cherbourg to calm suspicions of local residents as the wastes were being loaded on to a ship. This dumping totaled 22,600 curies. There has been no evidence of radiation leakage from the 1967 according to ENEA. The agency said such disposal operations are ad hoc affairs and no others were planned at the moment. It expected that by the time enough additional wastes had accumulated to warrant another dumping, other disposal methods, such as vitrification with underground storage, might have been accepted voluntarily or forced by international rules against ocean pollution. Nucleonics Week, v. 10, Sept. 11, 1969, p. 7.

APRIL 1971

Another radioactive waste-dumping in the North Atlantic is being planned for this summer by the ENEA. Member nations have accumulated enough wastes since the last dumping in 1969 to warrant another. They expect no approval problem. Nucleonics week, v. 12, Apr. 15, 1971, p. 8.

THE 50TH ANNIVERSARY OF THE GENERAL ACCOUNTING OFFICE

Mr. PROUTY. Mr. President, this year the U.S. General Accounting Office marks its 50th anniversary. I want to take this opportunity to congratulate Comptroller General Elmer B. Staats and his staff on achieving this milestone and to express my appreciation for the constructive role that GAO has played during its first half century in appraising and reporting on a wide range of Government activities and operations and for providing many other services to the Congress and the Nation. It has often been said that the GAO is the taxpayer's best friend.

Since 1921, when it was created as a nonpolitical, nonpartisan agency by the Congress to act in its behalf, the GAO has sought to bring increasing economy and efficiency to the operations of the Federal Government. In pursuing these goals, it has met with considerable success. The refunds and collections attributable to its audits of Government expenditures, the opportunities for savings it has pointed out, and the improvements it has brought about in the Government's financial management operations have been well documented.

In addition to continuing its quest for economy and efficiency, however, it is another "E"—effectiveness—with which the General Accounting Office has become increasingly concerned in recent years. This significant development is one in which I like to feel I have had some part. As my colleagues will recall, an amendment to the Economic Opportunity Act which I offered on the floor of the Senate in 1967 directed the Comptroller General to undertake a study of the antipoverty programs and activities financed under that act.

The GAO was asked to make an investigation not only of the efficiency with which these programs and activities were being administered but, more importantly, the extent to which they were achieving the objectives that the Congress had set for them. In other words, the GAO was to look at these programs and activities and judge how effective they had been.

This was no small task because the methods of evaluating social problems such as these and the yardsticks to measure their progress or accomplishments were not well developed or understood. The GAO responded to this extremely complex and difficult task with the most factful and in-depth study ever made of antipoverty programs and activities. The results of its review and the recommendations it made for revisions in antipoverty programs and organizations were considered by the Congress during the hearings that led to enactment of the Economic Opportunity Amendments of 1969.

The high regard I have for the GAO study is reflected also in the observations that have been made by a great many other persons including those who had been involved in administering the programs and activities which the GAO was called upon to review.

Donald Rumsfeld, the former Director of the Office of Economic Opportunity and before that a Member of the House, told the House Appropriations Subcommittee in May 1970 that he had relied heavily on GAO's report, which was issued shortly before he became Director, first in appraising and later in restructuring OEO. He said that changes made in response to GAO's report and to other studies of OEO were aimed at program improvements which would lead to solid results in the future.

Also, the board of directors of the National Association for Community Development, for example, whose memberships includes representatives of the agencies and organizations which carry out the antipoverty program, stated that the GAO's report was relatively balanced, containing some justifiable praise as well as criticism of antipoverty efforts, and was a reasonable and honest effort to review the Economic Opportunity Act programs and to assess the tools that were available for evaluating such programs.

Since its review of the effectiveness of the antipoverty programs, the GAO has increased, both on its own initiative and at the specific direction of the Congress, the number of reviews designed to evaluate the effectiveness of Federal programs in achieving the objectives intended by the Congress. These efforts have led to GAO's appraisals of the program results not only of other social action activities financed by the Government, such as housing, education and manpower, but of such areas as consumer protection, health, national resources, and the environment, of matters of national defense, and of various aspects of the Government's international activities.

I am sure that the needs of the Congress for such reviews will continue to grow as the scope of governmental activity broadens and as the complexity of governmental programs increases, and I have no doubt that the GAO will continue to respond to these needs in the same excellent fashion it has displayed in the past.

DAMS HELP PROTECT THE ENVIRONMENT

Mr. SYMINGTON. Mr. President, an editorial in the Kansas City Times last May 26 states:

> No human environment can be acceptable that is ravaged by muddy floodwaters, or where drought-stricken streams . . . reek of pollution.

This editorial lists many civil works projects near Kansas City which would provide the benefits of flood protection and water quality control; also provide the additional benefits of increased water supply and recreation facilities for the rapidly growing Kansas City metropolitan area.

More than 100 people were in the delegation from Mo-Ark Basins Flood Control and Conservation Association which came to Washington for the Appropriations Committees hearings on May 24 so as to request more money for these worthwhile civil works projects.

Among the projects included in their requests are the Harry S. Truman Dam and Reservoir project, which has received a budget request for less than half the Army Corps of Engineers capability for fiscal year 1972; the Smithville Lake project, which will provide much needed water supply to the north Kansas City area and flood protection for the frequently flooded city of Smithville, Mo.; and the Blue River and Little Blue River projects which will provide flood protection to the city of Kansas City and suburban areas and towns and prevent a reoccurrence of the 1951 flood which caused an estimated $1 billion in flood damage.

I ask unanimous consent that the editorial in question be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DAMS CAN GUARD ENVIRONMENT, TOO

There was a fresh sense of hope among the more than 100 area river project boosters as they made their annual pilgrimage to Washington this week to ask congressional committees for funds. Hope that with the anticipated winding down of the war in Vietnam there can be some reordering of spending priorities, that some of the money that has been poured into the Asian vortex now can be applied to domestic needs.

The river people seemed to feel, also, that the "environmental thing" can be lived with after all, that justified projects still can be built within the framework of the many new requirements for checking environmental impact before the bulldozers move in. The Army engineers have stirred this hope by the earnestness of their effort to adapt to the new ground rules, to assure the public that "The Corps Cares" and is not merely an agency of feckless dam builders bent on destroying natural beauty.

In the list of project fund requests by the national and local river development organizations—the Water Resources Congress and the Mo-Ark Basins Flood Control and Conservation association—Truman lake was the key. For this 255-million-dollar Osage river giant near Warsaw, Mo., on which construction has moved at a crawl for nearly seven years, the delegation sought more than twice the 17.4 million dollars in the budget. The commitment having been taken on this project, the sooner it can be completed the sooner will its multiple benefits be returned on the investment, and the lower the final cost.

There were more modest increase requests on such area work as the Kansas City, Kansas, levee raising and several on which a start has been long deferred: Smithville reservoir; Hillsdale dam south of Olathe; the Little Blue and Big Blue plans here, and Clinton lake near Lawrence.

No human environment can be acceptable that is ravaged by muddy floodwaters, or where drought-stricken streams—without reservoir storage to boost their low flows—reek of pollution. The message taken to Washington this week by the river people was that it is time to step up the effort on this particular phas of environmental protection.

REDUCING AEROSPACE UNEMPLOYMENT BY RETRAINING ENGINEERS FOR JOBS IN GOVERNMENT: A LEAGUE OF CITIES/CONFERENCE OF MAYORS PILOT PROJECT

Mr. HUMPHREY. Mr. President, I am pleased to see announced a League of Cities and Conference of Mayors project that will select highly trained, out-of-work professionals of the aerospace industries and reorient them to meet the management needs of local and State government.

As I see it, this project is a unique effort to solve two priority national problems: placing competent talent in government and reducing unemployment in depressed industries.

Initially, there will be a pilot project to recruit a special corps of 400 professionals displaced by the cutbacks in defense spending. This project will be funded by the Department of Labor and Housing and Urban Development. And, if successful, it will be increased in both funding and in impact.

The theory behind this effort is that the sophisticated organization and management systems developed in the aerospace and associated defense industries can offer a technical and operational approach that would enhance the capability of city governments.

In addition to a demand for technical skills of engineering, communications, chemical engineering, and accounting, government will certainly need executives who can bring modern systems analysis to local policymaking and planning.

This project can offer just that kind of assistance.

Recruits for the program will be selected from the following seven target areas: Cape Kennedy, Fla.; Huntsville, Ala.; Suffolk, Long Island; Boston, Mass.; Los Angeles, Calif.; Seattle, Wash.; and Wichita, Kans.

Before final placement decisions are made, those selected will spend 1 month of orientation at either the Massachusetts Institute of Technology or the University of California at Berkeley. At these schools, they will become familiar with the organizational and decision-making characteristics of State and local government. This will not be a retraining session but rather an effort to increase the effectiveness of participants in their new jobs.

In February, I was pleased to join my colleagues, the distinguished Senator from Massachusetts (Mr. BROOKE) and the distinguished Senator from Florida (Mr. CHILES) in support of their Concurrent Resolution 4 providing that model cities money be used to fund these pilot projects.

Mr. President, I want to say that our country needs more such projects. Instead of talking about defense conversion, we should do something about it. We should sponsor additional programs—programs to retrain and reorient not only for government service but for a whole host of society's needs: solid waste engineering, cost control, housing production, and financial management analysis, to name just a few.

Mr. President, I believe that it is in the best interest of our Nation that the administration has chosen to fund these programs. I support this effort, and I wholeheartedly encourage its expansion.

NEW COURSE IN PRINCE GEORGES JUNIOR HIGH: "TEENAGERS' RIGHTS AND RESPONSIBILITIES"

Mr. MATHIAS. Mr. President, in these changing times, one of the major problems faced by all of us, young and old alike, is the question of how to work effectively within a system of government that often seems overwhelming. It is a question that cries desperately for an answer, and in an effort to provide such an answer, my constituents in Prince Georges County are instituting a new program in the junior high schools of that county. The name of the course is "Teenagers' Rights and Responsibilities" (TARR). Its objective is to inform teenagers of their rights and responsibilities in our society and to offer realistic ways of dealing with problems young people face when they go up against the "establishment."

Mr. President, I believe this to be a worthy program which has gotten enthusiastic response in the classrooms in which it has been tested. It deserves our interest and attention. For this reason, I ask that an article by Barnard Law Collier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEARNING TO COPE IN PRINCE GEORGES COUNTY

(By Barnard Law Collier)

Now that high school students have turned to legal and political action to fight for their rights and, what's more, have tasted victory, their little brothers and sisters down in the seventh and eighth grades are ready for a go at it, too.

And why not? Who, after all, are more downtrodden than today's junior high school boys and girls? The temptations and fears of growing up loom all around them, but they are generally treated like innocent infants. Adults are relentlessly on their necks at school, at home, in stores, on the streets. Yet twelve- and thirteen-year-olds can mope around completely wretched with frustration and anger and seldom find anyone in authority who will listen seriously to their grievances, even when legitimate.

Next fall, in four junior high schools in Prince Georges County, Maryland, a new course, "Teen-agers' Rights and Responsibilities" (TARR), will be taught to all eighth-graders. The course is designed to show young teen-agers what realistic alternatives to rage and freaking out are available to them within the so-called system. It also teaches some practical skills a youngster can use to deal with frustrating social problems and frightening legal ones.

The course was essentially developed by a small, intense, Texas-born lawyer named Saul Baernstein, who says he firmly believes that the rules and laws in America are truly responsive to the will of the people—even teen-aged people—when individuals know how to go about it and are willing to make the effort. Baernstein says, with the passionate conviction of a missionary, that anyone who still believes otherwise is as stodgy and old-fashioned in his thinking as the up-against-the-wall-type hippies are now.

"What we are trying to do," he explains, "is equip these students with the skills they need to maneuver within the system and make it work—to give them a knowledge of the rights they have so they can protect themselves when and if they come into conflict with the legal process. We show them how laws are made and can be changed so that they see there are alternatives to confrontation and riots and blowing things up."

The teaching part of the program was put together by the Institute for Behavioral Research in Silver Spring, Maryland, a non-profit corporation that is carrying on more than a dozen educational research projects funded by government grants and foundation money. The institute's founder and executive director is Harold Cohen, a voluble and energetic designer with luxuriant sideburns, who was professor of design at Southern Illinois University until 1964, when he switched careers and roared into the field of behavioral conditioning. His bedrock educational philosophy in this era of frustrated and self-destructive youth is that "people aren't sick; they are just incompetent."

In the TARR project, which Cohen describes as "preventative learning," the lessons are highly structured, with daily tests and reinforcements. The course lasts nine weeks and is organized into four sections: What is a community? Why communities need laws. How laws are made and changed. How disputes are settled.

I was afraid it would be much like my old civics class—tedious and irrelevant. But the course, despite the daily tests (which turn out to offer a lot of leeway in response), is neither preachy nor simple-minded. In fact, it is forthright and comprehensive enough to be a creditable quick course in citizenship and law for a layman of any age.

I paid a visit to a pilot-project class going on in a junior high not far from the IBR offices. That day the class watched a thirty-minute, surprisingly intelligent film called *An Imaginary They*. It was about students, much like the shambling eighth-graders in the classroom, who wanted a school boat ride instead of a dance. They kept bashing their heads against the rules made by the same conspiracy of faceless folks that is against us all, not just adolescents. But with perseverance and an understanding of citizen initiative, of the right to be heard (even by their teachers and principal), of petition, of rules of order, and of the good sense of seeking expert advice (after the principal tells them to stop all the nonsense and *forget* the boat ride, they go to a Community Action Agency counselor for help), the students finally get their boat ride. They did better, perhaps, than the group of anti-freeway adults whose problem at a city council meeting flashed in and out of the main action. The adults were clearly befuddled by the slick pieties of the pro-freeway officials, who insisted that construction of the road could not be stopped whether it wrecked the neighborhood or not.

The class, judging by the answers to the teacher's questions, got the film's message. It's hard to be sure, however, that the students didn't have the message already. A few weeks earlier an incident between a student ballplayer and a teacher aroused anger and youthful indignation. The teacher decided to keep the student after school one afternoon and pointedly asked him what the day of the big game was. When the student named the day, the teacher chose it as the day the punishment would be invoked. The students grumbled about unfairness, and in the TARR class they shucked some of their timidity. They are now working to set up a grievance committee. They are also involved in revising the cafeteria code and have presented their new rules and regulations to the student council.

"What we want the kids to understand," Harold Cohen says, "is that there are standards of fairness and ways to determine what's fair and what's not. We try to use examples right in the school as well as examples from life and the law to show how fairness is judged and how each student can judge for himself when and how he might have been wronged. Then, if he determines he has truly been wronged, we teach him how to deal with the situation in a mature and effective way."

To introduce the initial section—What is a community?—the students are shown the film *Lord of the Flies*, which depicts the decivilization and eventual savagery of a group of British schoolboys marooned on an island during a war. The point is effectively made that there is reason for legitimate authority and that rules are not *all* designed simply to frustrate personal liberty. The last two lessons of the section are enlightening. One of the themes is that "knowing laws and legal processes can help teen-agers with their problems." It deals with what alternatives a teen-ager has if he doesn't like certain rules and laws—having to go to school until he is sixteen years old, for example. The course does not tell the student that his options are wide; but it tells him that he has *some* options, which often surprises him. It also tells him what recourse he has with adults, such as the storekeeper who accuses him of shoplifting when he is just looking around, or with kids his own age, such as the friend who borrows his guitar and breaks some of its expensive strings. The law that applies to each of those potential problems is discussed, with the responsibilities of the student, as well as his rights, emphasized.

Harry Rose, the principal of Nicholas Orem Junior High School in Hyattsville, Maryland, in which the first pilot program was run a year ago (and one of the four schools that will participate in the fall), says that there is no way of measuring accurately the immediate value of the course for the thirty-two students who took it. "But they were able to do a lot of new thinking about their involvement in frustrating problems," he says, "and what I hope is that they can defend themselves now in a more mature way."

Rose is much concerned with young teen-agers being able to defend themselves. "They have to be able to cope with this society's huge frustrations," he says. "I think that teaching them their responsibilities and letting them in on what their rights are can deescalate their terrible agitation about authority."

The course makes good use of the vast involvement of young teen-agers with drugs, from marijuana to LSD to heroin. It seeks to draw them into an understanding of the legal bases of anti-drug laws, the harm versus the benefits of prohibitive legislation, the physical and legal dangers of using certain drugs, and to give them more comprehension of why communities need laws at all. The kids are exposed to a stinging broadside against hypocritical politicians and smugly stupid law enforcement officials in Washington *Post* columnist Nicholas von Hoffman's article "Legalizing Marijuana," and are tested on texts such as Nelson Algren's chilling heroin-addiction story, "The Monkey on the Back."

Again, as a matter of self-protection, the students are taught what rights they have if they do get busted for possession of marijuana—or other drugs—or for any other offense.

"They are taught exactly what the police should do, what they should do, what the judge will do, what a lawyer can do, what the jailers will do," says Baernstein. "The student learns, for example, that he cannot get very far arguing with the arresting officer and that the best place to tell his story is before the judge. He is informed of his right to a lawyer and told that his parents must be called. He learns all the steps and procedures so that he is not panic-stricken. He will know he has some rights."

In the section on how disputes are settled, the students are taught in careful detail about dispute-settling processes outside of court, and in minute detail about what to expect if they end up before a judge. This experience includes a field trip to the local juvenile court to talk to its personnel and to see trial procedures.

The amount of contact young teenagers have or could have with legal matters and law enforcement is steadily increasing, just as it did in the high schools. In the pilot classes alone there was a girl who was upset over a rubber check an employer had given her; a small orphan boy who was overjoyed to find out in class about a particular social agency that could help him; a student whose mother was on "uppers" and "downers" and who wanted to know where he could go for help; a student who found his employer was violating child labor laws. Drug arrests were on all minds.

"These are not special children," Cohen stresses. "These are kids who are normal, from the normal population, who can be taught how they can use the law sucessfully. It is the use of the law to create citizenship."

There are clearly going to be tough problems with the TARR course, the most serious of which will probably be finding sensitive teachers who will not be dictatorial and frustrate the students even more than they already are. IBR is training twelve teachers for the fall and hopes for the best.

There is the equally serious problem of parents, teachers, and school board members who flatly reject the notion that student rights exist at all.

"Time will take care of those people," Cohen says optimistically.

COMMON CAUSE NEEDS A GOOD CONSTITUTIONAL LAWYER

Mr. GOLDWATER. Mr. President, yesterday I read in the Washington Post a full page ad by Common Cause called an Open Letter to Congress. Well, speaking as a Member of Congress, I want to respond to this letter right here and now.

Mr. President, the so-called open letter purports to inform the people of the United States that the war in Vietnam is illegal and that Congress possesses the power to order all American troops out of the area.

Setting themselves up as constitutional authorities, the spokesmen for Common Cause misinformed the American public in the very first sentence of their advertisement by claiming:

> The United States Constitution asserts that the power to determine when and where we go to war rests with Congress, not the President.

The statement goes on to charge that the continued involvement of the United States in Vietnam is illegal because, according to Common Cause, Congress "has explicitly withdrawn its authorizing support" by repealing the Gulf of Tonkin resolution. In addition, Common Cause assures its readers "Congress has the power."

Mr. President, I assume by this they mean Congress "has the power" to direct military strategy and foreign policy over the head of the Nation's Chief Executive.

But, Mr. President, there is nothing at all in American judicial decisions or historical practices which would support the unusual theory held by the self-proclaimed legal scholars at Common Cause. In fact, I charge that their "open letter" is nothing more than a blatant effort to strip the President of his constitutional powers as Commander in Chief of the Armed Forces and as the Nation's primary voice in setting foreign policy. It is a direct challenge to the fundamental and historical role of the President in planning and conducting the military and foreign affairs of the United States.

Mr. President, there is an immense amount of historical precedence contrary to the position stated by Common Cause. Indeed, history demonstrates that past Presidents have acted on their own authority and without any declaration of war to engage U.S. forces in incidents of actual armed conflict or the imminent threat of it on at least 155 different occasions.[1] This practice has occurred under a grant of authority by the framers of the Constitution who quite clearly intended to leave the President certain indispensable emergency powers.

For example, I am certain all of my colleagues will remember the Cuban missile crisis of 1962 in which President John F. Kennedy had to act strongly and swiftly within a matter of a few days in order to force the removal of offensive missiles which were being aimed at 80 million American citizens. President Kennedy did not wait for a special act of Congress or a declaration of war when he deployed 180 naval ships in the Caribbean, sent several thousands of American troops to that area, and ordered a blockade 500 miles long in the waters around Cuba. Nor did President Johnson act under any grant of power from Congress when he sent U.S. Air Force planes to airlift about 600 Belgian paratroopers during two rescue operations in the Republic of the Congo in order to save nearly 2,000 foreign nationals, very few of whom were Americans, from revolutionary mobs threatening their lives.

Mr. President, I previously presented the Senate with a complete rundown of all these armed actions and indicated that they have ranged all over the world and have often involved actual gunfire.

In reviewing these kinds of incidents a few years ago, the late Edward Corwin, who is certainly one of this century's greatest authorities on constitutional history, concluded that—

> The list demonstrates beyond peradventure the power of the President, as Chief Executive and Commander in Chief, to judge whether a situation requires the use of available forces to support American rights abroad and to take action in accordance with that decision.[2]

Mr. President, I would suggest the people at Common Cause might take a refresher course in American history and also take another look at the American Constitution. They might examine the authority held by the President as the sole organ of the Federal Government in the field of international relations, a power which the Supreme Court has held "does not require as a basis for its exercise an act of Congress."[3]

Next, the authors of the "open letter" should consider the wide range of powers that has been granted to the President under the first sentence of article II of the Constitution which reads:

> The executive power shall be vested in a President of the United States of America." Alexander Hamilton argues this clause had vested in the President the right to make policy which "may, in its consequences affect the exercise of the power of the legislature to declare war.[4]

Then, too, Common Cause might have considered section 3 of article II of the Constitution which places upon the President the right to execute the laws of the land, a composite which most certainly includes international laws as well as domestic ones. Again, it is Hamilton who has argued that inasmuch as it is the President who carries out our international obligations, it is left for him to determine the scope of those obligations.[5] In addition, Professor Corwin believed the power of the President to base action directly on his own reading of international law has been expressly recognized by the Supreme Court.[6]

Finally, and perhaps most important of all, Mr. Gardner and his advisors at Common Cause should have examined the President's power as Commander in Chief of the Armed Forces, which is spelled out in article II, section 2, of the Constitution. In the few instances in which the judicial branch has considered this power it has consistently held that Congress cannot interfere with the President's command of the forces and the conduct of campaigns.[7] "That power and duty," the Supreme Court has said, "belongs to the President as Commander in Chief."[8]

Writing in 1929, Professor Willoughby, who has authored a monumental three-volume work on the constitutional law of the United States, concluded:

> There has been no question as to the constitutional power of the President of the United States, in time of war, to send troops outside of the United States when the military exigencies of the war so require. This he can do as commander-in-chief of the Army and Navy, and his discretion in this respect can probably not be controlled or limited by Congress.
>
> As to his constitutional power to send United States forces outside the country in time of peace when this is deemed by him necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States, there would seem to be equally little doubt, although it has been contended by some that the exercise of this discretion can be limited by congressional statute. That Congress has this right to limit or to forbid the sending of United States forces outside of the country in time of peace has been asserted by so eminent an authority as Ex-Secretary Root. It would seem to the author, however, that the President, under his powers as Commander-in-Chief of the Army and Navy, and his general control of the foreign relations of the United States, has this discretionary right constitutionally vested in him, and,

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Footnotes at end of speech.

therefore, not subject to congressional control.[9]

Mr. President, against the extensive line of authorities who believe the President holds broad independent powers to use American forces, the critics at Common Cause have not offered one single citation or precedent which would show the current U.S. involvement in Vietnam is unconstitutional or that Congress has the power to direct the withdrawal of all American forces from an ongoing conflict. The heads of Common Cause have apparently decided this is the reading of the Constitution which will best support their policy of national weakness, so this is the way they are going to interpret it. Without having one Supreme Court decision to back them up, Common Cause has palmed off this manufactured doctrine of the Constitution as if it were a long established principle imbedded in constitutional law.

This is an all too typical tactic of the new isolationists who hope that if a claim is repeated often enough, someone will begin to believe it.

Well, I want to expose this fraudulent attempt right here and now and challenge the newly appointed constitutional authorities at Common Cause to back up their interpretation of the Constitution with clear and convincing proof.

Mr. President, not only is Common Cause wrong in believing Congress can take away from the President his constitutional role over matters of military and foreign policy, but the organization is wrong in holding that Congress has withdrawn all its past approval of our actions in Southeast Asia. The truth is that Congress was wholly involved in the policy decisions made with respect to Vietnam, and I do not refer solely to the Gulf of Tonkin resolution. One place the researchers at Common Cause could look is at the broad policy enunciations by the Congress in such places as the preambles of the foreign assistance laws during the late 1950's and early 1960's. They could look at the negotiation and conclusion of the SEATO Treaty approved by the Senate with only one dissenting vote and which was actually signed by two Senators. And they could look at the way in which Congress has spoken through many authorization and appropriation acts which specifically mention Vietnam.

For example, in 1965, President Johnson asked Congress for a supplemental appropriation of $700 million to support an increase in the number of American troops in South Vietnam. He expressly said he would regard a vote for the appropriation as a vote of approval for the administration's Vietnam policy. And what did Congress do? The House of Representatives approved the appropriation by a vote of 108 to 7 and the Senate approved it by a vote of 88 to 3.[10]

Another example is President Johnson's budget message on the 1967 fiscal year when he asked Congress for an extra $12.3 billion "for the support of military operations in Southeast Asia."[11] What was Congress' answer? It appropriated everything the President had asked for.[12]

Mr. President, there are many more authorization and appropriation bills I could mention in which Congress spoke of Vietnam. Each of these acts, like any other act of Congress, plainly shows a purpose to have American troops fight in Vietnam.[13]

Accordingly, if any additional approval from Congress was needed to support American activities in Vietnam, it has been given time after time.

Mr. President, the only alternative that is offered by the new isolationists is chaos. Under their concept of the Constitution, the American Republic will no longer be able to respond reliably and swiftly to defend the rights and lives of its own citizens. If the isolationist theories of those who would undermine the authority of the President should ever prevail, I have no doubt there will be an almost total paralysis of America's ability to act in world affairs. The policy preached by Common Cause is just one more in a long line of liberal schemes that would reduce the United States to a second- or third-rate Nation, and I must resist this threat to our greatness with all my strength.

FOOTNOTES

[1] See complete list of U.S. military actions abroad set forth at pp. 11917–11923, Congr. Rec. daily ed. of April 26, 1971. In addition to the 153 incidents listed therein, there should be included the action of President Wilson in February of 1917, when he armed American merchant vessels with guns and gunners assigned from the Navy, and the move by President Johnson in June of 1967, during the Arab-Israeli war, when he deployed the U.S. 6th Fleet to 50 miles off the Syrian Coast as a sign to the Soviet Union that Russia "would have to deal with us" if it entered the conflict.

[2] Corwin, "Who has the Power to Make War?," N. Y. Times Magazine, July 31, 1949, p. 41.

[3] *U.S.* v. *Curtis-Wright Corp.*, 299 U.S. 304, 319–320 (1936).

[4] *The Gazette of the United States*, as reported in Corwin, "The President: Office and Powers," Chapter V, 1957.

[5] *Ibid.*

[6] In the *Neagle* case, which Corwin referred to, the Supreme Court held that the power of the President to enforce the laws extends to "the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the government under the Constitution." *In re Neagle*, 135 U.S. 1, 64 (1889).

[7] See *Durand* v. *Hollins*, 4 Blatch 451 (1860); *Ex Parte Milligan*, 71 U.S. 139 (1866); *Swain* v. *U.S.*, 28 Court of Claims 173, 221 (1897); 165 U.S. 553; *Warner, Barnes and Co.* v. *U.S.*, 40 Court of Claims 1, 32 (1904).

[8] *Ex parte Milligan*, 71 U.S. 2, 139 (1866).

[9] W. Willoughby, The Constitutional Law of the United States, Vol. III, p. 1567 (2d ed. 1929).

[10] Pub. Law 89–18, 79 Stat. 109, May 7, 1965; 111 Cong. Rec. 9540; 111 Cong. Rec. 9772.

[11] Weekly Compilation of Presidential Documents, Jan. 30, 1967, p. 94.

[12] Pub. Law 90–8, 81 Stat. 8, April 4, 1967.

[13] Pub. Laws 89–213, 367 and 374; Pub. Laws 90–96, 110, 392, 500 and 580; and Pub. Laws 91–121, 171, and 668.

NEW COMMUNITIES AND URBAN GROWTH POLICY

Mr. HUMPHREY. Mr. President, it is an undeniable fact that our Nation is a growing nation. Current census projections indicate that the population of the United States will increase by some 75 million people by the year 2000. And, a vast majority of these people will settle in metropolitan areas, making these areas more dense than ever before.

As a result of this population growth, urban services and urban problems take on an urgency that will demand rational consideration, quiet thought, and financial commitments if we are ever to solve the problems and provide quality services.

In short, because we are a growing nation, we must implement policies which ease the tensions in our urban areas and promote balanced national growth.

The previous Congress passed two laws that promised new hope for orderly, progressive national growth. The Agricultural Act of 1970, especially title IX, committed Congress to a sound balance between urban and rural America. This title provided for planning assistance, governmental services, informational and technical services for rural areas. It established that Government facilities should locate in areas that are not densely populated. And, it confirmed that rural areas are complements, not contestants, to urban areas for the distribution of resources.

The second law, the Housing and Urban Development Act of 1970, committed the Congress to a development of national urban growth policy and a program of new communities. Title VII of this act declared that if the present patterns of urban development continue, then our Nation will be faced with the "inefficient and wasteful use of land, the destruction of irreplaceable natural and recreational resources, costly and inefficient public facilities, the lessening of employment and business opportunities, further segregation of people by income and race, and a failure to use the economic potential of smaller cities."

Both acts have found that the uneven expansion and development of the United States creates an "imbalance between the national needs and resources, and that the achievement of satisfactory living standards depends upon sound, orderly, and more balanced development of all areas of the Nation."

I have recently read five stimulating articles on the concept of new communities. I believe these articles merit the attention of my colleagues because they vividly illustrate the dimensions new communities will assume as part of our national growth policy.

Mr. President, I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Saturday Review, May 15, 1971]

New Communities: A Special Issue

(By Myron Lieberman)

BUSINESS ON THE URBAN FRONTIER

New communities—large-scale developments planned to provide housing, employment, and a system of integrated facilities and services within self-contained environments—spring from an old idea. For decades new cities have been proposed and built both here and abroad (Brasilia, Canberra, Australia, and Washington, D.C., are examples). Nevertheless, there is a great difference between a new city built to serve a single purpose, such as a national capital, and new communities that are developed as a response to urban pressures. The latter concept is one of the authentic revolutionary ideas of our time.

The practical foundation of this revolution is the fact that our urban difficulties require a more intensified, coordinated attack than is embodied in our present policies. For example, we will never be able to utilize the technology of mass construction in housing if the field continues to be dominated by scores of small builders, each one responsible for a few units a year. Erecting thousands of housing units within a relatively compact area leads to chaos when construction is not integrated with industry, education, transportation, health services, and other life-support systems. Such coordination is part of the logic of new-community development.

The issue here is not simply one of providing much larger amounts of money for existing programs. Billions spent in fragmented approaches will not get the job done. Failure to understand this fact is one of the crucial reasons for the failure of urban renewal, Model Cities, and other dry wells of liberalism. These programs lack the scale essential to significant change. One cannot integrate a few blocks in a large city ghetto, but one can integrate a much larger area, and a much larger community, by exercising appropriate controls over the area. Thus the magnitude of the effort cannot be put simply in terms of dollars but in relation to the variables that must be included in a viable plan for urban development.

Realistic confrontation with the problem of scale is, therefore, one of the significant elements of the new-community movement. No greater mistake can be made than to think of new communities as merely large residential complexes, perhaps with a shopping center and a school. Such developments may be labeled "new communities" by their sponsors, but they are not planned complexes that include and relate all life-support systems.

Significantly, the concept of new-community development as a systematic response to our urban needs and as an integral part of national policy has emerged largely from the business community. Title VII of the Housing and Urban Development Act of 1970, which provides substantial assistance to new-community developers, is clearly one of the landmark pieces of legislation on urban affairs in this generation. Businessmen already are putting their own money into new communities, and the trend is extremely encouraging. If such investments are profitable, or can be made so without excessive public subsidy, enormous leverage for new-community development will become available. In fact, the growing pressure for profitable investment opportunities in environmentally constructive enterprises is likely to bring about an enormous upsurge of entrepreneurial interest in new communities. As it is, David Rockefeller's recent proposal for $10-billion to fund new-community development suggests the financial dimensions this movement may assume in the near future.

There is a danger, however. For better or worse, the social consequences of new communities lie in the hands of their sponsors. On the one hand, entrepreneurs and courageous business leaders intend to foster unity among an extremely broad socio-economic and ethnic population mix. On the other hand, less socially minded developers are constructing new communities for only the affluent or for some other limited segment of the population. Their private success may well turn out to be a public disaster.

We can still act to encourage new-community development toward socially acceptable goals, but the time is short. If we wait until many more new communities are built, or even planned, it could be too late to capitalize on their potential and to avoid their dangers. The editors feel that informed public opinion is vital. It is for this reason that *SR* presents this special issue, in which four experts focus on several important aspects of new-community development.

NEW COMMUNITIES—I: A FRESH SCENE IN THE CLEAN DREAM

(By Wolf Von Eckardt)

Columbia, Maryland, the most advanced of our new communities, is advertised as "the Next America." At first it does not look much different from today's suburbia, only somewhat more sanitized. There is none of the excitement of Cumbernault, the new town near Glasgow, or of the modern charm of Finland's Tapiola or even of Lake Anne Plaza in Reston, Virginia, America's other well-known new town. It is far from the utopian megastructures Paolo Soleri and other architectural visionaries are dreaming of. Columbia only hints at the promise of the growing new-town movement. But at least it points the way.

New towns supposedly will help people leave the slums and ghettos, allowing us to rebuild the rotting inner city and to put workers and jobs together again in real communities that give citizens a sense of belonging. But how do the inhabitants feel about living in these laboratories? Clearly, most of the roughly 13,000 people living in Columbia, located in Howard County between Baltimore and Washington, D.C., or of the 12,000 who live in Reston, seem to be aware that they are participating in an experiment. They also seem anxious for it to succeed. A majority of Columbia residents (51 per cent in 1969, according to a University of Michigan study, but there must be more, now that the town is better known) were attracted by the idea of a fresh start—"the Clean Dream," as an Antioch College professor has called it. They are eager to pioneer. But some people (21 per cent, say the Michigan pollsters) moved to Columbia because it was close to their work. It is not surprising, therefore, to encounter Columbians who are not quite sure what a new town is or stands for. Like many suburbanites everywhere, they complain about the new buildings going up around them, particularly the low-rent housing (9 per cent, say the pollsters, expressed disappointment with the plans and programs of the developer).

It is risky to try to assess life in this four-year-old town. Columbia is only one example of one kind of new community. Like Reston, Jonathan in Minnesota, and other American new towns, it is essentially a "garden city" of the sort invented in England at the start of this century. It's also an essentially private development whose backers are out to prove that if you plan comprehensively and put everything together—housing, industry, recreation, and shopping—you can create a good living environment as profitably as a dull, one-class, one-color, dormitory subdivision. Columbia is being developed by James R. Rouse, and to judge from the price of Rouse Company stock, the theory seems valid. Planned for 110,000 people, the town is to be completed ten years from now.

The first thing one sees when arriving there via U.S. 29, which bisects the town's 14,000 acres, or twenty-one square miles, is one of the city's manmade lakes with small sailboats, ducks, and boys with fishing tackle. Beyond the lake are the first large business buildings that herald Columbia's "downtown." A huge shopping center with a covered mall, which is to serve not just the city but the region around it, is under construction and is scheduled to open this fall. There is also to be an amusement park—Ferris wheels and all. Columbia, says one of its advertisements, is to be the kind of place "where you can get a pastrami on rye at 4 o'clock in the morning."

That doesn't seem very convincing as one drives along the new city's wide and winding blacktop roads lined with a variety of subdivision homes, clusters of townhouses, and occasionally, bulky apartment buildings. Like most other new towns, however, this leisurely, neat, and verdant sprawl has been organized into neighborhoods, each with its elementary school, neighborhood center, swimming pool, other outdoor recreation facilities, and a "convenience store," as it is called, where you can get essential groceries, though not at 4 o'clock in the morning.

Three or four neighborhoods form a "village." The village center includes a middle school, a meeting hall, a variety of shops and stores clustered around a very sociable little plaza with benches, statuary, and a fountain. All this is connected by walkways that never come in contact with the highways, so kids can walk or bicycle to school and people can shop without using their cars. Nevertheless, Columbia's first completed village center, Lake Wilde, has a drive-in bank, and its parking lot is usually full.

Lake Wilde is Columbia's showcase. It has a covered, year-round swimming pool, a good bookstore where a lot of teen-agers hang out and listen to records, one of the best butcher stores in Maryland, and an "Interfaith Center," where Catholics, Jews, and Protestants hold religious services and seminars and which operates a "cooperative ministry." There is also a community center, called Slayton House, which hosts such activities as informal coffee discussions with local politicians, "slimnastic" courses, movies, and amateur theater productions.

Slayton House is also the scene of heated "confrontations" between the Columbia Association and residents who demand to know what they are getting for their dues. The association, with its sizable staff, takes care of the landscaping and other amenities and initiates and runs Columbia's social and recreational programs, while the schools and police and fire protection remain the responsibility of Howard County. The Columbia Association's board of directors is dominated by the developer to make sure the residents do not suddenly change his plans. This precaution is taken—and often much resented by the citizens—in all new towns, even the government-sponsored British communities that eventually become true municipalities with an elected mayor and council. "If citizens were totally involved," said city planner David Godschalk in a recent conference on new-town management, "Columbia, for instance, would probably end up all low-density."

In Columbia, nevertheless, Rouse has promised to relinquish his parental control as the city grows up—and it is growing fast. Two of the seven planned villages have been completed, and a third is nearing completion. Columbia already has a community college and a branch of Antioch. It has a health clinic that is part of an innovative, prepaid family health plan, worked out and operated by Johns Hopkins University. Ground has been broken for a 180-bed hospital. There are a golf course and riding stables.

The regular run of Columbia's mini-buses, which was part of the plan, has been abolished, however. There was not enough demand. Since early this year, the mini-buses provide only rush-hour service from the villages' centers to "downtown," where they link up with commuter buses to Washington and Baltimore, or to Columbia's industrial park.

So far only 15 per cent of Columbia's residents also work in Columbia. In Tapiola, Finland, the figure is about 40 per cent. In most British new towns, industrial jobs now outnumber workers available, though the goal had been to match employment capacity to local population. Therefore, many workers now commute to the new towns. This will happen in Columbia, too, if Rouse reaches his goal of providing 50,000 jobs for a town of 110,000 residents. He probably will. Columbia's two industrial parks are growing even faster than the town itself.

Critics charge that new towns cater to the middle-class dream. They forget that the black and the poor share this ideal. Ghetto dwellers also prefer to see ducks rather than rats when they look out the window. If "Soul City," the new town by and for blacks, ever gets built, it will not look much different from Columbia.

An estimated 15 to 18 per cent of Columbia's population is black. In Reston, the percentage is probably a little lower because some blacks do not relish the thought of moving to Virginia. There are also a few people with below-average incomes in both towns, and there would be a greater number if the federal government had acted more expeditiously on applications for housing subsidies. So far it has given little more than lip service to the idea of socially and economically balanced new communities.

Columbia has just completed the last of 300 subsidized housing units for people of moderate income. Rents range from $99 for a one-bedroom apartment to $151.50 for a four-bedroom townhouse. To avoid being tagged low-income ghettos, these units have been built on five different sites. The houses are as handsomely designed as any in Columbia, and I, for one, could not tell them from the rest. They are sponsored by the Columbia Interfaith Housing Corporation, which grew out of the cooperative ministry.

Reston has put its 198 moderate-income families together into one apartment house complex called Cedar Ridge, which teems with some 700 children. Ten of the Cedar Ridge apartments are rented to families on welfare, but their identities are not known to the others. None of these people have come from the Washington or Baltimore ghettos. Nor are all of them black. They are young teachers, factory workers, and store clerks, many of whom work in the new town and all of whom had lived in the surrounding rural county.

Neither Rouse nor the Gulf Oil Corporation, Reston's owner, claims that their privately built new towns could or would attempt to house substantial numbers of inner-city poor. Columbia and Reston aim only to make sure that everyone who works in these towns will be able to live there, and they realize, as an Interfaith Housing official put it, that "industry usually has more janitors than presidents." Furthermore, there is a sincere will to build economically and socially inclusive rather than exclusive communities. "If Columbia is to be an experiment in building for the Next America," the Interfaith official said, "then it must be workable for all Americans."

So far the new towns seem to be more workable than suburbia for a good many Americans. The people who moved into these communities because they saw in them a new urban frontier are proud of their racial and economic mix. In Reston, a vocal group of early settlers has banded together in a group called Black Focus and keeps urging the developer to make greater efforts to open the town to black people, to show black faces in their promotion pictures, and to hire black salesmen. And these urgings have had some effect. In Columbia, liberals keep saying, residents who probably voted for George Wallace (he got a considerable vote in all of Maryland) live contentedly on the same street with blacks and members of various ethnic groups who were attracted by Columbia's promise of racial and ethnic harmony. This pioneering spirit seems to be contagious. The Michigan University poll found that 56 per cent of the respondents wanted people of different racial backgrounds in the neighborhoods.

But how meaningful is this? The majority of these black neighbors are highly educated members of the middle class, and some of them have complaints. For instance, June Caldwell, a black psychologist who moved to Columbia from Baltimore, told Washington Post reporter Michael Kernan: "I don't know. Columbia seemed like a good idea, but I don't know. I think it all still has that concept of property values. All the American prejudices about low-rent housing are being preserved intact here. If something is stolen, everyone looks at the Interfaith [low-income housing] kids."

The new towns, in short, are by no means free of the stress and distress of our society. In the new towns, too, most people fear change and the depreciation of their property and surroundings. But despite Mrs. Caldwell's doubts, I would say there is somewhat less fear of change in a new town because the change is planned. One knows what will happen. There is order. Columbia and Reston tend to substantiate the contention frequently made by sociologists that most whites of all income groups do not object to racial integration as long as they are sure that the white group remains in the majority. That is surely "racist" of them. But there is hope that planned communities can help overcome this racism by—homeopathically as it were—taking this prejudice into account.

A new town, better than an impersonal city or suburb, is able to work things out in a spirit of community. Unruly youngsters are a current problem in both Columbia and Reston, as they are almost everywhere else. In Reston last summer, the lovely Lake Anne Plaza was badly vandalized one night. Some blamed "a bunch of Georgetown freaks," though there is little doubt that young Restonians were among them. Meetings and soul-searching among concerned citizens still continue. In Columbia, the teen centers—one called the Orange Propeller; the other, the cooperative ministry's coffee house, named It's Open—have been invaded by youngsters from outside the new city who have no place else to go. There also has been trouble with drugs, and that, too, has sparked not so much acrimony as earnest discussion, a spirit of care.

In one of these meetings a while ago, a woman spoke up and told Rouse rather emotionally that he must consider the reputation of his town and throw the freaks out. Applause. Rouse said he sympathized. But he also said he hoped the lady did not mean to suggest that the problems be swept under the rug. There must be a more creative answer. The hippies, he added, "may be saying something that we should hear." He got far more applause than the woman.

According to the Columbia Association, Columbia residents are from forty-three states and fourteen countries, all kinds of people with all kinds of views. Most residents found what they expected to find, according to the Michigan study. About 25 per cent said things were better than they had anticipated; 9 per cent said they were worse. So it would appear that America's most advanced new town has gotten off to a good start—though it still does not attract the poor and the rich, it is creating a new kind of living environment. There are no statistical data yet that would satisfy the sociologists as to how "effective" this environment is in terms of reduced crime or improved educational achievement or whatever. We do know that it gives people another choice of a way to live.

The few new towns in America, however, are just a beginning. In Great Britain, where the movement originated, the new-community builders have gone on from garden cities, like Columbia, to a second and third generation of new towns that are to the first as a jet plane and superjet are to a propeller aircraft. An example of the second generation is Cumbernault, begun in the late 1950s. It is compact and hard with granite cobblestones, is dedicated to keeping cars entirely out of the way of people, and all but does away with neighborhoods and neighborhood centers. Instead, Cumbernault's communal life is focused on one big, bustling town center—a wierd, complex megastructure with shops, apartments, meeting halls, neon lights, and fish n' chips smell—that straddles a super highway. No bourgeois coziness here.

The third generations of British new towns is still in the planning stage. The towns are to be larger—a quarter-million inhabitants or more—but they also return to lower densities, separate neighborhoods, and green and pleasant openness. This is to be brought about by a rapid-transit system that is built into the town much as elevators are built into a high-rise building.

The hope is that they will be cities as Lewis Mumford once put it, that "forgot about the damn motorcars" and that are planned, "on the human scale for lovers and for friends."

NEW COMMUNITIES—II PRIVATE INVESTMENT AND THE PUBLIC WEAL

(By Anthony Downs)

Although many regard new cities as an exciting way to escape the persistent ills of urban life, few new-community advocates have confronted certain unromantic but vital questions about economic feasibility. Will new cities pay for themselves, or must they be subsidized? If subsidies are required, who will pay for them, and who will reap the benefits? Would building new cities really help solve existing urban problems? Or would it merely divert leadership and other scarce resources from decaying older urban areas to glorified, high-income suburbs?

Before examining these questions, some definitions are required. In order to be considered a new city, a community must 1) be initially developed under a single comprehensive plan; 2) contain multiple land uses—at least single-family and multi-family residential, commercial, office space, and recreational; and 3) be planned for a certain minimum population. I believe 15,000 people is a reasonable estimate for the smaller cities and 50,000 for the larger.

Several fundamentally different types of new cities must be distinguished on the basis of their geographic relation to existing settlements and size. Geographically, a new city can be *in-city* (within a heavily built-up area—such as the Welfare Island project in New York City), *peripheral* (on the edge of an existing metropolitan area, such as Foster City near San Francisco), *satellite* (outside of but within commuting distance of a metropolitan center, such as Columbia between Washington and Baltimore), or *autonomous* (beyond commuting range of any existing metropolitan area, such as Lake Havasu City in Arizona). For convenience I will use only two size categories. A *full city* contains a very broad spectrum of land uses, including industrial, and should provide nearly as many jobs within its boundaries as there are workers living there. A *mini-city* contains a much narrower spectrum of land uses, perhaps not including industrial, and relies mainly on surrounding communities to provide its residents with both jobs and key urban services and amenities.

From a strictly economic viewpoint, creating any new city is a special form of land development. The basic principle underlying all land development is to buy land cheaply, enhance its desirability, and sell it more expensively. The profit produced depends upon 1) the spread between the buying and selling prices, 2) the costs incurred enhancing the land's desirability, and 3) the time required to complete the whole process.

The price spread is increased by making the buying prices as low and the selling prices as high as possible. Land prices generally decline with distance from already settled areas; so there is a strong pressure on developers of new cities to build satellite or autonomous projects. This pressure is especially powerful if they seek to create full cities, which require immense tracts of vacant land (6,000 acres or more). On the other hand, selling (or leasing) prices are maximized by the highest-density uses, which are usually found near the centers of large cities. In all new (and existing) cities, the highest land prices are generated by high-rise office buildings, shopping centers, and high-rise apartments, and the lowest by single-family home sites. That is why many new-city developers rapidly sell single-family home sites to housing developers, but retain major commercial, retail, industrial, and high-rise apartment locations. High land values and rents generated by such sites have been the economic salvation of British new cities.

A crucial economic aspect of new cities is their attempt to internalize the economic "spillovers" that occur in all land development. Whenever someone builds a major regional shopping center or other commercial project, the value of all the land around it rises. If the shopping center developer does not own that nearby land, someone else captures the "spillover effects" of his investment. But a new-city developer initially controls enough land to capture almost all such spillovers within the community's boundaries. Furthermore, he deliberately plans all parts of the new city so their spillovers reinforce each other. This stimulates land values to rise even faster. For example, he designs local streets to maximize the convenience of his shopping center and then uses that convenience to convince both residents and retailers to move in. This ability to internalize and set up an "economic reverberation" among spillovers provides the greatest relative advantage of new-city development over traditional subdivision development. But this ability requires both a huge site and an excellent comprehensive plan, which add to development costs.

A new city's comprehensive plan offers environmental and esthetic qualities lacking in typical competitive subdivisions. Therefore, a well-planned new city is able to both offset its more distant location and speed up the process of marketing its land. Traditional land developers enhance land values by installing mains and sewers, creating streets and lakes, providing open space, donating school sites, building structures, or some combination of these. But new-city developers seek to create a completely new, almost self-contained environment through the careful positioning of many land uses under a single plan. In this respect, they are catering to a rising desire among Americans to purchase an entire environment along with their home. Thus, creation of an esthetically, socially, and environmentally attractive comprehensive plan is critical to any new city's success.

The most critical factor of all, however, is speed of development. New cities require huge "front-end" investments of cash to acquire big sites and to install enough facilities and improvements before anyone moves in to convince potential residents that they will actually receive the wonderful environment promised by the developer. If the developer has borrowed this money, it costs him staggering interest payments daily. (In the early stages of building Columbia, the Rouse Company was paying $5,000-a-day interest on money borrowed to buy the land, even before there was any real assurance that a new city could or would be built on it.) Tying up the developer's cash means sacrificing interest it could be earning elsewhere. Therefore, economic success requires speeding up development to shorten the period before sizable revenues start to flow back to the investors. Even if a new city eventually becomes completely occupied and a great human success, it can be an economic disaster for its developers if too much time elapses from start to finish. Locating as close as possible to an existing metropolitan area speeds up development by exposing the new city to a bigger potential market. But this drives up the initial purchase price of the land. Furthermore, creating an entire new city is an extremely complex process, involving three sources of delay not connected with traditional development: assembly of the entire site; development of a good comprehensive plan; and completion of intricate negotiations with a whole set of governmental bodies. These actions provide innumerable occasions for unforeseen delays.

Even in principle, therefore, creating new cities is an extraordinarily risky form of private investment—probably the riskiest of all. That is why the single most important ingredient in any new city is the principal developer himself. Only individuals with a rare combination of vision, persuasiveness, energy, financial acument, inventiveness, promotional flair, and endless persistence have much chance of seeing a new-city investment through to profitable fruition. In light of these demanding conditions, who have tried to create new cities and how successful have they been? Our catalogue includes the following types of developers:

Central governments have created many new cities as a means of opening up underdeveloped areas, counteracting excessive urban centralization, or achieving other national objectives. Economic feasibility has been neither an objective for nor a constraint on such attempts, which include Washington, D.C., Canberra, Brasilia, Oak Ridge, Ciudad Guayana in Venezuela, and Chandrigar in India.

Public corporations have been created expressly to develop new cities in most nations that have adopted explicit new-city policies, such as Great Britain, France, and Sweden. These corporations have pursued economic feasibility, and in some cases have produced discounted rates of return on investment of around 8 per cent. Although this is satisfactory for a public body, it would be unacceptably low for private capital.

Owners of large land parcels have sometimes chosen to create new cities rather than to sell or develop their land piecemeal. Such developers have the tremendous advantage of not having to assemble or make a huge cash investment in a big site. Examples are most common in California, where remnants of Spanish land grants provided the basis for the giant Irvine project. The development of Miami Lakes (with a projected population of 50,000 residents), about ten miles northeast of Miami, by the Graham family is another illustration. Computing the initial land value is extremely difficult in such cases; hence no one really knows what rate of return on investment these new cities have produced.

Developers who create sites through landfills or clearance and drainage of swamps also minimize land-assembly and initial-cost obstacles. Examples are Redwood Shore (municipally owned) and Foster City in the San Francisco Bay area, and many new communities in Florida.

Combinations of individual entrepreneurs in partnership with large lenders or corporate investors—with the former supplying the ideas, skill, and energy, and the latter putting up most of the money—have produced apparent successes in Columbia, Maryland, and Rancho California, but initial financial failures in Reston, Virginia, and Clear Lake City, Texas (both of which have now been reorganized).

This list includes most new-city developers. It strongly implies that creating new cities is a task suitable only to very large organizations—whether public or private—possessing lots of cash and staying power. Most other new-city developers have enjoyed some hard-to-duplicate initial advantages, such as inheritance of a giant estate. Individual entrepreneurs operating on their own are notably scarce in this business. The few who try it have usually become partners with some source of big money, instead of following the mortgage route typical of other developments, in order to meet the large front-end cash requirement.

The size of this requirement is illustrated in part by land acquisition costs of $25-million at Columbia (an average of $1,700 per acre), $13.2-million at Reston ($1,780 per acre), $32-million at Westlake Village, California ($2,700 per acre), and $40-million at Park Forest South, Illinois ($5,000 per acre). Moreover, costs of infrastructure and buildings are much greater. In our recent preliminary analysis of a new community of 75,000 persons proposed for a suburban location near Detroit, we estimated total capital outlay requirements (public and private) would be $663-million over a twenty-year period (in constant dollars)—of which only $7.2-million (1.1 per cent) would be for land acquisition.

Another strong implication of this analysis is that mini-cities are far more likely to prove feasible for private investors than full cities. Mini-cities require smaller initial cash outlays for land and improvements, can be located closer to existing markets, need less complex plans and negotiations with governmental bodies, and take less time to carry out. Yet they can still be large enough (say, from 800 to 3,000 acres) to allow internalization of the most significant economic spillovers and creation of an unusually attractive environment through comprehensive planning. Chicago's privately owned Urban Investment and Development Company has proposed a series of suburban mini-cities, each to be built around a major regional shopping center—the key tenants of which are partners in the venture. Several of the projects proposed by New York's publicly owned Urban Development Corporation are new mini-cities either within or on the edges of existing metropolitan areas.

The 1970 Urban Growth and New Community Development Act seeks to help both public and private new-city developers overcome some key obstacles. The most important forms of assistance it provides are:

Federal guarantees backing debt obligations issued by developers to pay for acquiring land, conducting initial development, and installing utilities. Such guarantees can be made up to $50-million for any one project for 100 per cent of these costs for public developers and about 85 per cent for private developers.

Federal loans to cover the interest payments on money borrowed by developers for financing the specific front-end costs mentioned above, even when no federally guaranteed obligations are involved. No repayments on these federal loans need be made during the first few years of the project.

Public service grants to local government bodies to help them pay for essential public services required in a new city before it has an adequate tax base.

Planning grants to pay up to two-thirds of all planning costs for public developers, or two-thirds of special costs for private developers in excess of normal planning and feasibility studies.

Special supplements added on to thirteen existing federal programs (such as sewer and water aid) when they are used in approved new cities.

In theory, these programs could provide major reductions in the front-end cash requirements of both public and private developers. But Congress has not yet appropriated funds for most of these programs, and budget restraints may hold down the amounts the Department of Housing and Urban Development has requested. HUD has already received hundreds of inquiries about such assistance, but past experience proves that genuinely worthwhile applications amount to only a small fraction of initial inquiries.

These funds would not help new-city developers pay for initial planning costs. Nor do they help either public or private developers assemble large sites, pay for housing and other structures, or market their products. Furthermore, using federal aid poses three added problems for new-city developers: more red tape; required inclusion of new low- and moderate-income housing (which is desirable socially but is a potential drain on profitability); and the need to tie up the site through purchase or options before applying for federal aid, without knowing whether funds will be provided. Consequently, I believe there are still formidable financial obstacles to the successful development of new cities, especially by private enterprise.

If new cities are to represent much of the nation's future urban growth, creating them must be made still more profitable and less risky for private developers. However, Congress may be reluctant to adopt policies that would generate sufficient profits to attract large numbers of top-quality private developers into this field, or to lead to large-scale public development of new cities. Among such policies would have to be the following:

Creation of state (or federal) public development corporations (like New York's Urban Development Corporation) with powers to condemn land, override local zoning and building codes, float their own financing, and actually build utilities and structures.

Provision of special land-assembly powers usable by either public development corporations or private developers. The latter would first have to assemble some large fraction of a proposed new-city site, formulate an acceptable plan, and provide sound financial backing.

Actual appropriation and expenditure of vastly greater funds for all the federal financial aids passed in the 1970 act. Congress and the administration usually allow far less spending than the amounts legally authorized. For example, HUD only requested new-city supplemental grants of $5-million in fiscal 1971, as compared to an authorization of $63.5 million.

Priority allocation of existing federal planning, housing subsidy, sewer and water, and transportation program funds to proposed new cities meeting certain standards.

A possible alternative to larger federal assistance might be provision of a powerful private financing mechanism such as the National Urban Development Bank recently proposed by David Rockefeller. It would make land-development loans to new-city builders with funds from special security issues or pooled bank loans.

The suggestions outlined above assume that both public and private efforts to build new cities should be encouraged simultaneously in order to maximize effective results. In addition, the following more experimental suggestions might be considered.

Designation of certain new-city zones by individual states, within which no new urban development could occur at less than mini-city scale. This would encourage land owners in such zones to aggregate their holdings.

Provision of highly accelerated depreciation write-off for all private structures built in designated new cities.

Construction of one or two experimental new cities built around new federal installations, or existing installations in relatively remote locations, with special incentives for private firms to move there. Emphasis could be upon ecological-system innovation and improvement.

Unless many of these policies are forcefully carried out by key states and the federal government, there is little chance that any new cities will play a really important role in our future urban growth.

Full-sized autonomous new cities offer our best chance to try out alternative urban forms that might reduce key problems (such as designing a city mainly for public transit to cut air pollution and traffic congestion). However, truly radical innovations would be extremely expensive as compared to continuing urban sprawl around existing urban areas. This is partly because new cities must contain *all* new structures, even though more than half the nation's households (and many firms) cannot afford to occupy new quarters without subsidies. Yet these people and activities are needed to make any city work economically. In existing areas, they can occupy older structures; but in autonomous new cities, they must be heavily subsidized because there are no older structures nearby. Moreover, radically designed new cities might be politically threatening to the chief beneficiaries of existing urban forms (such as the giant automobile industry). Therefore, I believe it highly improbable that we will build many such innovative autonomous new cities in the near future, though I support trying one or two.

Satellite and peripheral new cities—particularly mini-cities—could improve the neighborhood texture and quality of life in urban areas without generating enormous costs beyond those associated with normal urban development. They could also provide some planned economic-class mixture (if sufficient subsidies are granted to allow low- and moderate-income households to live in new units) and planned racial integration. In fact, unless both these elements are deliberately built into new cities by public policies, such settlements will become large-scale, well-planned, middle- and upper-income developments—thereby furthering existing spatial economic separation in our metropolitan areas.

But satellite and peripheral new cities would not reduce traffic congestion, air pollution, the solid waste problem, or other problems arising from the sheer size of metropolitan areas. Only a general urban growth policy that forbids or controls expansion of our largest areas could do that. This in turn would require stronger public controls over private land use.

No form of new city will significantly reduce the problems of older existing urban cores unless the "two urban frontiers" of core decay and suburban growth are explicitly linked together for their mutual benefit. This has recently been proposed in the "paired new city" concept of Detroit's Metropolitan Fund. Without some such linkage, there is a strong probability that society will concentrate most future resource investments in suburban areas and continue to let central cities decay physically and go bankrupt fiscally.

Thus, new cities are neither a panacea nor a Band-Aid for existing urban problems. Yet they offer definite opportunities for improving the quality of growth. But any policies supporting them should be part of a balanced program that also recognizes the need to improve older core areas and to upgrade traditional forms of urban growth, which are still likely to dominate the future.

New Communities—III: Piecing the Political Pie

(By Edward J. Logue)

If new communities offer so many potential economic, social, and esthetic advantages at a time when our society desperately needs new hope, why is so little new-community development actually taking place? Some of the opposition is based upon a sincere conviction that these advantages are illusory. I contend, however, that the major obstacles are political.

The pattern of politics in the United States makes it extremely difficult, though not impossible, to realize the full benefits of planning and building new communities. Their development requires an extraordinary degree of policy and administrative integration involving a wide spectrum of activities. This requirement is frustrated by a basic characteristic of American politics: fragmentation of authority and responsibility for public policy-making and for the administration of public services.

For example, although we think of public education as usually governed by locally elected school boards, there is nevertheless a very strong state role in education. Every state has its own department of education that sets local standards which must be observed. A substantial portion of state revenues is made available to support the cost of local education.

Similarly, although public health services are administered on a decentralized basis, each state government has a health department that has the responsibility for setting standards and overseeing the work of local public health departments. There are many other public services where there are both local administration and a very strong state role.

Interestingly enough, however, Hawaii is the only state that has a policy regarding the vitally important matter of land use. Nearly every state has adopted permissive legislation allowing local governments to use land within their borders purely on the basis of local concerns and without regard to the needs of the region or state. As a result, the use of zoning as a tool to welcome development by large property taxpayers and to screen out low and even moderate-income families has become common. The passions that can be aroused when "home rule" zoning is challenged are frightening.

We can expect this trend to continue until the local property tax ceases to be the dominant source of local revenue. If we are to foster new communities and effective state policies for land use as an alternative to metropolitan sprawl (the prevailing national urban growth pattern), we will have to change our traditional methods of raising state and local revenues. On this issue, I can speak from first hand experience. The dominant concern in New York State about new communities is the impact they will have on local tax rates. This is very important because most planned new communities are likely to be located where there already exist some settlement and apparatus of local government.

It is no accident that the new-community movement has been far more vigorous in Europe, where the focus of public policy-making is national and government administration is more centralized. For example, the master plan for land use in metropolitan Stockholm is not just a public relations package or an intellectual exercise. It is politically tenable because the power to make the plan and carry it out is in the same place. Perhaps even more important, through the "planning permission" system, no development can take place without a specific planning authorization. By contrast, the Planning Commission in New York City (and almost every other American city) is comparatively powerless in relation in the myriad agencies responsible for carrying out—or, often as not, thwarting—its recommendations.

Skepticism about planners and a mistrust of governmental planning power are deep-rooted in the United States. Elsewhere, however, planners are seen as the persons who make the consensus happen. In the United States, they are typically irrelevant to the actual workings of the political process.

In an age when problems were largely localized and foreign tyranny was much in mind, a system of multiple authorities, checking and balancing one another, may have served the needs of society. That age is long past. The urban crisis is subject to all the perils of rhetorical exaggeration, but my conviction is that our greatest dangers are from the paralysis of local government.

I do not mean to suggest that the answer to all of our urban problems is greater, more highly centralized power. The experience of the organization that I head, the New York State Urban Development Corporation, illustrates the limitations of that theory. UDC was established by the Governor and the Legislature in 1968 as an independent, public-benefit corporation designed to bring a comprehensive approach to the problems of urban deterioration, economic stagnation, unemployment, shortage of housing, and lack of civic facilities. The corporation can plan and carry out projects to supply housing for low-, moderate- and middle-income families; to redevelop blighted areas through land-use improvement projects; to assist industrial and commercial development in some circumstances; to provide needed educational, cultural, community and other civic facilities; and, through a combination of these activities, to develop new communities. UDC is authorized to issue its own bonds to finance its projects, and this year successfully went to the private-investment market with an initial offering of $250-million.

The powers and exemptions conferred upon UDC make it a versatile agency of government, but only so long as it operates within the parameters of broad public consent. Such consent presents problems of its own. For example, UDC is already viewed apprehensively in some quarters because it has statutory powers to override local zoning regulations and building codes. And yet the political limitations on the exercise of legal authority are abundantly clear to both me and my colleagues at UDC. If we attempt to use our statutory powers arbitrarily or high-handedly—or even, in some cases, wisely—we invite their repeal.

The political challenge is, on the one hand, to demonstrate government's capacity to deliver the services and programs so desperately needed while, on the other hand, participating with the communities that these endeavors are designed to benefit. The older institutions have tended not to deliver, or to deliver at the expense of community input. At the same time, "community control" has frequently meant the appearance rather than the substance of participatory democracy. After a round of confrontations, the result has sometimes added up to a great deal of rhetoric and a lack of concrete accomplishment. The political need of the Seventies is to work out a governmental apparatus that can combine sensitive communication with effective action.

Theoretically, a new community begins with no constituency and no jurisdictional disputes, but that, of course, is unrealistic. Politically and administratively speaking, new communities are not a *tabula rasa*. Somebody, something has almost always been there first, carving out the seemingly empty acres into special jurisdictions for building future roads, sewers, fire stations, schools—and, most important, devising ways to collect taxes to pay for all these services.

Such districts are not necessarily consistent one with another. More likely they are a hodge-podge of different sizes, overlapping functions, and fragmented responsibilities. Each fiefdom demands independent negotiations, comparable to guiding a resolution through the General Assembly of the United Nations. At the same time, each negotiation can be indispensable to the creation of a new community. At Lysander, a new community being launched by UDC on approximately 2,700 acres in the Syracuse metropolitan region, UDC has been working out agreements with the Clay Sanitary District, the Baldwinsville-Seneca Knolls Sanitary District, the Onondaga County Water Authority, the Onondaga County Solid Waste Disposal Authority, the Belgium-Cold Spring Fire District, the Baldwinsville Central School District, the Onondaga County Sheriff's office, and the town of Lysander, not to mention the New York State Department of Transportation, the New York Telephone Company, the Niagara Mohawk Power Corporation, and the Erie-Lackawanna Railroad! As this listing makes clear, the 2,700 acres may be vacant but the public-service jurisdictions were all carved out beforehand.

There is a serious question whether new-community development can ever be achieved on a large scale if it must be brought about only through presently established governmental processes. A few pilot efforts can succeed, but building a significant number of new towns will require a simpler system. Furthermore, any successful large new-town program will have to assure existing entities of local government that the new communities will not be a financial burden on resident taxpayers.

Last year, the New York State Legislature passed regulations requiring the state and authorizing UDC to reimburse the locality for land taken off the local tax rolls prior to development. UDC has recommended that the state assume the responsibility, for example, of paying "impact" money to localities, much as the federal government already does in areas where there are large federal installations. The policy is intended to reduce the costs to local taxpayers for extra services that will benefit a larger group. Obviously, however, this is not a very good time to come up with new ideas for spending state money. Local school districts with rapidly rising costs are understandably concerned about an influx of additional pupils without a corresponding increase in school revenues. The need to support such expanding local services is recognized in the Housing and Urban Development Act of 1970; however, state support is also needed.

Socially, new communities can offer unique opportunities for Americans to live, work, and go to school together in diverse neighborhoods. Such communities constitute one important way to facilitate meaningful ethnic and socioeconomic integration in our increasingly segregated society.

Financial fears in suburban areas over prospective new patterns of housing should not be regarded as justification for restrictive land-use regulations aimed at maintaining islands of advantage amid the seas of social change. These regulations are among the powerful forces at work polarizing our society. Local zoning laws are already under attack in some state legislatures as well as in the courts for going far beyond a legitimate concern for public health and safety. It is entirely possible to distribute housing for lower-income families in various parts of a metropolitan area in such a way that they will enjoy the benefits of fresh air, safe streets, and good schools (plus access to the increasing number of suburban jobs) without changing the "character" of any existing community. However, that goal is easier to state than to carry out.

It is not sufficiently understood that by following a pattern of "fair sharing"—i.e., each suburban community providing its fair share of housing for low-income families—not a single suburb will have its basic nature changed. The statistics of suburban growth and central-city decline in the 1970 Census make that clear. On the other hand, as long as the problems of change are imposed selectively upon certain neighborhoods or particular ethnic and social groups, militant opposition becomes inevitable. This piecemeal approach also leads to rigid political positions that make it all but impossible to implement constructive public policy.

I firmly believe that housing developments that cater exclusively to low-income families are inherently undesirable since they are likely to produce large institutionalized, apartheid pockets. UDC's housing policy has led in most cases to a 70–20–10 formula—70 per cent of all housing units on a site for middle- and moderate-income families, 20 per cent for low-income families, and 10 per cent for the elderly. This housing mix seeks to provide a cross section of age groups and income levels in a diversified community, where, incidentally, the elderly are not isolated from the young.

If we still regard America as the land of opportunity and desire low-income families to move into the economic mainstream rather than slip into welfare status, we must ensure that they come into contact with more prosperous families. This philosophy has been incorporated into our planning not only for projects within cities but also for new communities in Lysander and Amherst, where the new campus of the State University of New York at Buffalo is being built.

It will also be incorporated in the "new town in-town" soon to be constructed on New York City's Welfare Island. Although the precise housing mix is adjusted to local needs, the object is the same. One advantage of developing a diversified new community on largely unoccupied land is that it offers us a second chance, so to speak, to convert the slogans of equal opportunity into practical reality. Those who sincerely seek a quality of life characterized by a full interchange among different economic and ethnic groups can opt for such a style of living—and they can do so without engaging in destructive confrontations with opponents already on the turf. Since all the occupants of the new community are, so to speak, volunteers, no outside force is imposing a change in the character of an already existing community.

By the same token, new communities should not be regarded as one-way conduits for exporting masses to the countryside while the existing cities wither and die. In other words, new towns must not be regarded as a cure-all but as an essential part of a balanced community-development program that restores the health of our cities as well. The new community concept may, in fact, have equal validity as the extension of an already existing urban center or as the creation of a new town in-town. The satellite new community offers a planned alternative to the haphazard growth of areas destined to grow in any event. The new town in-town is one urban response to the false notion that cities have outlived their usefulness, or that they lack the sparsely settled areas required for new-community development.

The city—habitable or otherwise—is essential to communication, commerce, government, and culture in our society. The city, reinvigorated, is the exciting expression of a cosmopolitan civilization. As Governor Rockefeller has asserted: "We cannot preserve the way of life that initially attracted people to the suburbs—unless we also save our cities. If the cities continue to decline, we will have a rapid, unplanned migration that will swamp our suburban communities. Those who sought out a little open space in the suburbs are going to find themselves increasingly hemmed in by those who find the city increasingly unlivable. But as the central city becomes less and less desirable, where else can people go?"

The political point here is that the new-community idea should be viewed in the total context of metropolitan life. The suburbs and their inner city are separated by political boundaries bearing little relation to the common problems of people in both locations. There is no such thing as a separate solution for metropolitan mass transportation or metropolitan-wide air and water pollution; there is also no separate solution for descent housing and good education. The pooling of resources and skills across present political boundaries is as necessary as political cooperation on problems that have no relation to lines drawn on maps.

Again, our localized political system makes it almost impossible to tackle our most general problems. In New York State, for example, a restrictive state constitution makes it exceedingly difficult to take a comprehensive approach to many of the interrelated problems of housing, jobs, public services, and community development. For example, UDC is presently prohibited from carrying out industrial development within a new community except after a finding of blight or "insanitary" conditions. This policy prevails, although there is often the need to cushion the risks before private entrepreneurs are able to exploit all the opportunities for creating new ventures and new jobs.

As this is being written, the New York State Legislature has before it a Community Development Article to remove these and other restrictions contained in Article XVIII of the present state constitution. A new Community Development Article was introduced and passed in the 1970 Legislature but requires a second passage in the 1971 Legislature before it can be submitted to the voters of New York State for approval in the 1971 general election. If this constitutional change has its second passage, there remains the problem of informing the voters about what is involved in the questions tucked away in a corner of the voting machines. It is hoped the electorate will take advantage of the opportunity to undate a housing and community development law passed more than thirty years ago.

Although I find constantly increasing interest in new communities in the United States, there is still much opposition. The organized mayors' groups were originally hostile and remain suspicious. They fear dilution or, worse, diversion of the already limited federal funds now going to cities. Their concern is understandable.

Local governments outside central cities are worried about what they consider intrusion or interference. On the other hand, a number of state governments are just beginning to see the opportunities and to face up to the problems. At the federal level, Congress took a giant step toward the future in late 1970 by adopting the Ashley-Sparkman bill with its new-community provisions; however, whether adequate funding will be provided remains very much in doubt.

Overall, therefore, the political obstacles to new communities include fear, skepticism, fragmentation, and a lack of commitment. As an antidote for all of these elements and to gain a sense of what could be done, I recommend that every state and every metropolitan area send a balanced group of community leaders to visit such new communities as Stevenage (outside London), Vallingby (outside Stockholm), and Tapiola (outside Helsinki). I predict a lot of them would get religion and an old American idea would get a new lease on life.

New Communities—IV: Truths and Consequences for Older Cities

(By Leo A. Molinaro)

One of the most important effects of new-community development in the United States will be its impact upon existing cities—upon the way we conceptualize urban "problems" and "solutions" and upon the value orientation of our urban political leaders, planners, and citizens.

Some people believe that new communities are irrelevant to urban problems (or are even a diversionary threat to their solution) because, unlike densely populated cities, they supposedly are planned and developed in sparsely settled areas. I feel that the approach to improving urban environment is or should be the same in both situations and that recognition of this fact will be one of the key results of new-community development. Obviously, there are enormous differences among, say, New York City, Hartford, and Columbia, Maryland. Nevertheless, crucial insights gained during new-community development, such as that in Columbia, are relevant to urban development generally. Put another way, our ineffectiveness in solving the problems of our central cities can be attributed largely to our failure to profit from insights essential to successful development regardless of location ("successful" being defined in terms of desirable public policy). New communities will greatly facilitate our understanding of these factors and how they can be applied.

The ironic fact of the matter is that we know a lot more than we put to use in the battle to improve the quality of life. Workable, proven ideas are available in a thousand places. What we do not have in sufficient quality or quantity is the commitment to put these ideas to work in combination, over a continuous period, in an arena large enough to enlist the resources needed to make the ideas pay off.

I know of at least a hundred cities that have had studies made of trends in their local economy and other basic life-support systems. Perhaps another hundred cities can be found that have attempted to establish goals. But I have yet to find a city that tries to spell out in clear, operational terms just what life could be like if the city could achieve its objectives and reverse undesirable trends or reinforce desirable ones. We expend our energies on diagnosis and prescription and never get around to describing how the results would look, feel, and act. In short, we have no clear *vision* of the good life to which people can relate effort, sacrifice, costs, and benefits. We seem to have lost our way in our older cities, meeting crisis after crisis, trying to manage conflicts and confrontation and generally stay alive. The result is "policy sprawl"—policy that grows in bits and pieces without any overall vision to follow. In policy sprawl—just as in "suburban sprawl"—the people have less and less sense of community and they feel estranged from local authority.

When developing a new community, however, one must operate with a different set of conditions from those that have produced our urban woes. For one thing, there can be no policy sprawl. The size of the investment involved creates enormous pressures on the developer to consider all the factors relating to superior environment. A new community might fail if it tolerated excessive distance between work and residence, inadequate education at any level, insufficient recreational opportunities, inconvenient shopping or commercial facilities, the absence of air, rail, or highway outlets, unattractive commercial and industrial sites, or lack of water and power. There are literally dozens of other dangers, and the builder must avoid them all or risk losing millions.

First, in planning a new community one must be very clear about the dominant conditions that exist and those that are developing. To be clear about them does not mean to accept them automatically as final. For example, the Israelis could never have made the desert bloom if they had accepted its rainless condition. Second, goals must be formulated simply. Goal statements tend to turn off many hard-headed people, because they usually sound like truisms and cliches and we have come to associate them with people or organizations that are powerless to bring them to reality. On the other hand, a production goal stated by a producer, a distribution goal stated by a distributor, or a health goal stated by a health provider can make us sit up and take notice.

Third, and this is crucial, the consequence of these goals must be anticipated. We must try to detail in advance what their achievement will mean in specific terms of how we live, play, work, rest, communicate, raise our families, worship, organize, politic, and dissent. The questions of relevance and honesty raised so painfully by our high school and college students deal precisely with this point. They want to know not only where they are going but what difference it will make if they get there.

Four principles govern the development of a new community. First, the environment must be conceived in terms of the best that can be made available through manageable effort, at costs that can be computed and compared to other costs, and at performance levels that can be described and measured. A second principle involves scope. If the vision is too small and too safe, it will not create any substantial improvements in the quality of life. Model Cities, urban renewal projects, highway development, and many other commendable programs simply do not have the scope and impact to make the difference. For example, good housing that is too far from places of work is not good housing to the consumer. Therefore, one must place housing, transportation, and employment within a single plan. This integration is clearly beyond the range of existing programs. A third principle dictates that a new environment must incorporate an ever widening number of choices and differences in order to generate that critical mass of life activity that constitutes a growing community. The fourth principle is that there must be a visible benefit for every cost and a visible return on every investment if the new environment is to be maintained by those who live in it. A corollary of this principle is that the social and esthetic components of the new environment should not be in any sense contrary to expectations for economic growth, stability, and profitability. In fact, growth, stability, and profitability are based upon the social and esthetic quality of the new environment.

In sum, then, new environments that are meant to create new choices and opportunities, to provide justice and responsibility, to supply a return to all who have a stake in them, must be planned in a comprehensive and integrated manner. This means the interrelationships between all the basic life-support systems must be discovered, analyzed, and dealt with at the level where they intersect in the lives of people. Plans must be cast in terms of the basic delivery point—the individual and the family.

It is in the description of this new vision that new communities will make their greatest impact on existing cities. At least four consequences can be predicted:

The lingering, debilitating separation between planning and development can be ended. For whatever reasons, good and bad, city planners have been deprived of the discipline of devising projects that actually will be executed. They have been cast in the frustrating role of advisers without authority or without adequate working relationships with the developers and politicians who, after all, build and rebuild the city. Building new communities requires teamwork that makes planners of developers and developers of planners. They must be equally concerned with the disciplines of financing design, politics, marketing, and a growing range of citizen/consumer behavior.

New community development will have a significant impact on how public and private capital formation occurs and how it is allocated. Public expenditures in old cities too often are considered simply as money that has to be spent to fight congestion, crime, poverty, and all the other battles that nobody ever seems to win. Urban renewal projects attempted to change this philosophy by underwriting the recapture of land for the creation of new values, but the social revolution in our inner cities delayed meaningful reform. To the poor, urban renewal improvements seemed to be going only to those who already had plenty of advantages. In new-community planning there will be techniques for distributing benefits to all residents.

Our older cities have lost much of the initiative to control their own destinies. They have become preoccupied with managing conflicts and custodial tasks. Somehow 85 cents of every tax dollar leaves the city for state and federal coffers. Some of this is returned to the city through an intricate set of procedures that place the burden on the city to extricate funds from state and federal agencies. In new-community development, management and administration can be organized around creating and distributing social services and facilities that are planned and run from an entrepreneurial standpoint, aiming at capturing the support and participation of the citizen/consumer.

Those institutions and systems that support life in the old community have grown more apart than together. Competition for scarce dollars, manpower, and leadership has balkanized social services. With a new vision of what community life could become and how this standard might be attained, financed, and managed, there will come a power to evoke new institutional responses or entirely new institutions and agencies. As new communities follow such a vision and generate new responses in health services, education, employment patterns, recreation, citizens of older cities cannot help but demand as much.

New cities, then, offer an important opportunity to develop an effective, humane process for rethinking, replanning, and restructuring our urban goals. Several leading public officials from large metropolitan areas have recognized this chance and are considering working with new communities to discover values that can help meet inner-city needs. For instance, in southeastern Michigan the Metropolitan Fund of Detroit, a nonprofit research corporation, has announced a proposal for "pairing" new-town development with inner-city redevelopment. The objective is to link directly the planning and development of new environments in both areas, pooling costs and benefits. In Memphis, Tennessee, the Shelby County Commission is developing a new community on 5,000 acres that currently is used for the county penal farm. Local officials are looking at new-community development as an opportunity to raise a new vision of urban living.

In Minnesota, a unique coalition of distinguished public officials, business leaders, and urban scholars has detailed an ambitious, far-reaching proposal for an experimental city (the Minnesota Experimental City) that would become a laboratory and workshop for inventing and testing social and technical improvements and making them available to existing cities. A proposal to establish the Minnesota Experimental City Authority has been presented to the State Legislature. Similarly, the work of the New York State Urban Development Corporation combines a concern for new communities with one for existing cities. In fact, their investment portfolio represents a balance of new, expanding, and renewing communities.

At the federal level, Title VII of the Housing Act of 1970 for the first time in our history clearly relates the development of new towns, expanding communities (mainly in suburban areas), and new communities inside an existing city. These relationships are not just academic suppositions or utopian speculations. They are already the basis for important policy decisions. For example, the American City Corporation is under contract to a non-profit corporation of leading citizens in the Greater Hartford area to initiate a planning and development process that 1) will provide models of healthy, workable environments in a new, expanding, and inner-city community; 2) will produce an economically viable set of mechanisms to bring these proposals to reality over a reasonable development period; 3) will find a way to include citizens in the excitement and discipline of planning and development of new choices and new values.

Almost all critics of new communities share a concern that these ventures never will accommodate more than a small fraction of the population and therefore are to be dismissed as a distraction from solving real urban problems. A hundred years ago, cities were dismissed by policymakers in America on the same grounds. Until 1950, the suburbs represented a small fraction of our population and were left to sprawl in their own, unplanned way. Now suburban towns are growing at a faster rate than any inner city in America.

The point is not how many people end up residing in a new community, but how many will be exposed to new communities and alter their vision of what urban living could be like. The inner-city ghettos also contain only a small part of our total population, but they have become the hammer and anvil of the revolution for social justice. Columbia and Reston, Virginia, together do not yet have 50,000 residents—but consider the thousands more that have visited these new communities and the hundreds of thousands more who have read about them. British and Scandinavian new towns do not have large populations either, but they are cornerstones in the urban-growth policies of those nations. Imagine the impact if New York City and Los Angeles set out to build a series of new communities in place of suburban sprawl.

I expect this nation to develop an urban growth policy over the next several years that will permit every major metropolitan area to plan and develop new communities inside the old city, as part of an expanding suburb, and as free standing entities to accommodate new growth in a rational, creative way. That will be a real Model Cities program.

"GO TWA" PROGRAM

Mr. DOLE. Mr. President, it is always heartening to see an example of cooperation and joint effort, whether in civic groups, Government affairs or the private sector.

Recently, an outstanding cooperative effort has been initiated within Trans World Airlines, with the goal of helping the airline regain its economic health after a particularly poor financial showing in 1970. This effort, known as the "Go TWA" program, is all the more remarkable in that it originated with the employees, specifically the pilots, and has spread through all levels of the company.

Recently the people of the Kansas City area organized a tribute to their hometown airline and the job all of its personnel are doing to insure its continued growth and prosperity.

Secretary of Labor James Hodgson spoke at the dinner which was the high point of Kansas City's tribute to TWA, and I ask unanimous consent that Secretary Hodgson's remarks and an article by James J. Fisher from the May 30 issue of Kansas City Star about the "Go TWA" program be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Address by Secretary of Labor
J. D. Hodgson

Good evening, friends of TWA.

I have a confession to make right at the start—I didn't come in on TWA tonight. I tried. But we've got this government airline we're supposed to use from time to time. It runs a little jet plane built by some company whose name I forgot.

I talked to the pilot about this operation. "We're 100 percent," he told me. I told him the people at TWA were *110* percent, but he just gave me a sour look.

I didn't impress him, but I got even. I pasted a "GO TWA" sticker over his altimeter.

Actually, the Air Force doesn't run as good a passenger service as you people do. Instead of an Ambassador Flight, they have what I suppose you might call a Cabinet Officer's Flight. Lunch comes in a shoe box. I guess Cabinet Officers don't rate with Ambassadors. But the Air Force is trying. They've refurnished Air Force ½—They've taken the head out of the aisle and put a door on it. Of course, we don't have movies like you. What is it you say—"one for general audiences, one for mature"? But we can always read an old copy of Aviation Week. That's for general audiences. I haven't found out yet where they keep the mature reading material. I suspect it's somewhere in the pilots' compartment.

But I don't mean this to be a put-down of the Air Force operation. There weren't many frills, but they got me here on time, and as you people know, that's what counts. I'm glad they did because I wouldn't want to have missed this occasion. I'd like to thank you for inviting me.

Of course, your "GO TWA" program is a very exciting idea. I was thinking on the way over that it has tremendous application all over the Nation. Right here on the sports scene, for example. You could stencil "Go Royals" on all the sweatshirts of your baseball team. Well, maybe not the sweatshirts. I understand they're in danger of getting burned up from time to time. But a least you could send Cookie Rojas and Carl Taylor out to do some public relations work with the Umpires' Association. We don't keep completely up to date on these things in Washington. We're too busy trying to figure out why the Senators are in the cellar again.

As you may know, the Administration has a problem of doing some missionary work with Congress. I've been thinking of a "Go Nixon" campaign. If things get tough, we may try to hire some of the people from the Airlines Pilots' Association to run it for us. We'd put a flight crew in every Congressman's office. They'd probably end up by selling them on moving the Capitol to Kansas City—and this would be a big problem for you. What would you do with all those demonstrators? Don't tell me.

I know what you're thinking. You're wondering when I'm going to stop all this foolishness and get down to the nitty gritty. The trouble is I may never do it.

But be of good cheer. I'm about done with the repartee.

You know, there's a sort of game among jaded and cynical air travelers to "put down" the Nation's airlines by attaching derogatory phrases to the airlines' initials. They do this for all the airlines, so I'm sure you won't mind if I mention that the initials "TWA," according to this derogatory practice, were said to stand for "The Worst Airline."

Of course, it was never true—probably not even funny. But nobody in his right mind could say it was true today. For me, TWA stands for "The Wonderful Airline"—and what you are doing here in this altogether remarkable employee and community expression of support is truly a wonderful thing. It may indeed be unique. At least I do not know of anything quite like it. And for me, it is certainly refreshing.

You know, it has been said that we live

in an adversary culture; and I believe it is true. Somehow today we find group pitted against group, people against people, ideas against ideas. I myself have been involved in one very intensely adversary part of this culture—strife between unions and employers. I have become a strong believer in collective bargaining, and I have supported it strenuously. I have also pleaded for innovative, responsible bargaining. But bargaining doesn't mean bludgeoning. People that work in a common enterprise must work together. I have asked for reason and understanding on both sides as we go through the very difficult economic and social adjustments that our Nation is making. And often, it seems to me, I am a voice in the wilderness. I suppose if I were not a natural born optimist I would get discouraged. But I do *not* get discouraged. And one of the things that prevents me from discouragement, I suppose, is an ultimate faith in people—in their spirit when challenged. Usually this faith is justified. But occasionally—often in the darkest moments—it is justified in spades. And that's the way I feel about this great joint effort on the part of unions, employees, and the community. In fact, I'm personally indebted to you for this remarkable effort. It proves I've been right all along about people.

I hear from every side not only about the ingenuity and enthusiasm of the GO TWA campaign but that it is succeeding—that even the doubters are coming around. And, as you think about it, it simply has to succeed because it builds on so many sure foundations.

First, ingenuity and innovation. The whole idea, of course, is the major innovation. I'm not sure who deserves credit for it, but I do know that as in any good thing, there's enough credit to go around for everybody. And I'm sure there's enough credit for everybody associated with the program—pilots, dispatchers, stewardesses, machinists, employees of all sorts, members of the business community, citizens of Kansas City, and I include members of TWA management, who may feel a little surprised at this show of concern but who recognize a good thing when they see it.

It is an *innovative* program, not only in its concept but in execution. I have read over some of the projects you have undertaken, and I must say that not only do you appear to have remembered everything but you have thought of a lot of things that even the most experienced Madison Avenue public relations specialist would have been proud to have dreamed up. Maps, shamrocks, letters, speeches, pilots as PR people—whatever it is, you've got it. And most of what you've got is *enthusiasm* and *morale*.

You are building on something else—*self-help*. And this is infallible. Whatever kind of reputation we have in Washington for helping those who don't help themselves, it's still true that God helps those who do. In the real world very few things really get done unless you do them yourself. Do you remember that old Aesop about the mother lark and her babies and their nest in the field of grain? The baby larks came back all excited one day. "We better move right away," they told their mother. "We overheard the farmer's neighbors saying they were going to help him reap the grain tomorrow." "There's no hurry," the mother said. The next day the babies were back again. "Today we heard the farmer's relatives were coming over to harvest the grain." Still the mother decided to stay. Finally the baby larks came back: "Today we heard the farmer say he was going to do it himself tomorrow." "Now it's time to go," the mother said. "When a man does it himself, it gets done."

And you are doing it yourself. You've found that once you've started something, *then* the help comes. But it takes self starters to make it work—and this is squarely in the American tradition of individual initiative and enterprise. Incidentally, it is a pretty good indication that all those critics who say a large organization stifles initiative, reduces opportunity, grinds down enthusiasm, and all the rest are wrong. We who have worked in large organizations have always known it wasn't so. And now you people are proving it to the world.

I have always recognized that there was a large reservoir of creativity, enthusiasm, and just plain old fashioned goodwill in any good organization. I know that people—in the words of a former associate—can be more creative if we simply let them. I suppose it's a tribute to TWA's management that it has nurtured the kind of climate in which a "GO" effort could take root and flourish. Just from the fact that the GO program is off and running, I know that TWA must be a better place to work. I know that if employees didn't really feel a deep attachment to their jobs and to their company, they couldn't generate this kind of program.

And you can take that from one who knows. Because of my Lockheed experience, I'm something of an expert on jobs. At least that is what people tell me. They say, "Jim, you may not know everything about jobs, but you sure know when to *change* jobs!"

But, of course, there's a better way. I wouldn't advise changing jobs these days. It's much smarter to try to save them. That's what you're doing, and at TWA you have the kinds of jobs that are worth saving.

One of the things I like most about your program is that it builds on *productivity*—and builds on it in the best way that is now available. When the new jets were first introduced, this new equipment itself made for more productivity. But now we may have exploited all that. Sure, there will be new rounds of equipment. But the big problem is to get more productivity out of the equipment we now have. In your business, productivity comes largely from load factors, and from improvements in efficiency that can be made by both management and labor. Now you need to concentrate on these areas—better service to attract more people, more efficient ways of doing things, the elimination of outmoded, inefficient methods and practices. You are working on all of these fields—and from my view as a public official, you're doing the kind of work that may well be an example to the Nation. There are few things we need in our national economy more than increased productivity, because it is on productivity that we must ultimately depend to solve our many economic and even social problems. All of these big tasks we see ahead—cleaning up the environment, improving housing and transportation, taking care of the Nation's health needs, solving our nation's social problems—are all going to cost money, and a lot of money. And the only way we'll be able to do them all is to increase our national productivity. Perhaps you people are showing the way on this. I hope other companies and other industries will be impressed by this cooperative effort the employees of TWA have mounted. They can't help but be. And if they follow your example of a concerted effort to seek out more efficient, more productive, more satisfying ways of doing things, I'm sure our entire Nation can profit by reaping big productivity gains. And this is something we certainly need right now.

As a public official with an interest in labor-management relations, I should mention that another thing I like about your program is the fact that it has union support and participation. I've alluded to this earlier, but it's so important I want to come back to it for a moment.

Maybe there *is* a basic adversary relation between management and labor. That may just be the nature of the beast. But such a relationship does not need to exclude, and should not exclude, a recognition of common interests and a desire to cooperate on large issues for the good of all. Remember there is self-interest in joint effort. Sometimes it may take adversity to bring out this kind of cooperation, but I am heartened nevertheless that it does exist and that it can be put to creative and exciting use in time of trouble.

Sometimes managements take a jaundiced view of unions. And sometimes unions feel the same way about management. They feel like the old horse that one of my labor management relations specialists told me about the other day. This was in the days when ice was sold by icemen who carried their product in old horse-drawn icewagons. This ice man and his horse followed the same routine every day. He drove up and down the streets shouting, "ice . . . ice." One old lady was a regular customer. Every time she heard his shouting, "ice," she'd open the window, stick her head out, and holler, "Give me a dime's worth." And then he'd stop the wagon, chip off a block of ice, and lug it up to her apartment.

Well, one day, he had just called out "ice," and she stuck her head out the window and shouted, "Give me a dime's worth," and while he was carrying the ice upstairs, a man walking down the street heard the horse complaining.

"This is a terrible job," said the horse, "I wish I could find something else to do."

"Why, what's the matter?" the man asked.

"Oh," said the horse, "it's always the same routine. I work from seven to five hauling this ice around and all I get is a bucket of oats."

"Say," said the man, "does he know you can talk"?

"Of course not. Do you think I'd tell him? Do you know what he'd do if he knew I could talk? He'd have me going around yelling "ice . . . ice."

Well, now TWA's management has found out the pilots and stewardesses and dispatchers and the rest of the team can talk. But nobody's going around making them holler "ice." They're all doing it on their own—doing it in speeches to customers, clubs, travel agents, everybody. Only they're not shouting "ice," of course. What they're saying is "GO, GO," and it's a pretty good message for TWA and, when you think of it, a good message for all of us.

I notice in the special bulletin on TWA week issued by John Dickinson on behalf of Downtown, Inc., that I am supposed to speak tonight on the positive relationship established by the GO program and the support of the community for TWA. I see he has his eye on the main chance because he adds that this "will doubtless result in favorable national publicity."

I hope it will. But you're taking a chance. Sometimes we public officials get unfavorable publicity too.

Nevertheless, I cannot let this opportunity go by without commenting on the truly spectacular civic support that the GO program has generated, as evidenced by this meeting here tonight and the whole TWA week in Kansas City. Again, it is an indication of the infectious nature of the real wellspring of goodwill that exists in people everywhere. It is heartwarming to see all of Kansas City rally around to help a troubled company and its concerned employees. I remember that one of your distinguished Missouri citizens, Harry Truman, once said: "If you can't stand the heat, you should get out of the kitchen." And here is a whole city that is proving it can stand the heat by going right into the kitchen and cooking up a dish of helpfulness to nourish the entire community.

The effort is bound to succeed. I say this with some confidence because I believe it will get help from the economy. The economy is already headed upward. The airlines as a whole should profit from this trend You of TWA should profit in particular because of your efforts and the efforts of the community in your behalf. I think we can chalk up another first for TWA. The airline that was the first to introduce all-jet service is now the first to introduce ALL-GO service.

The GO program may not solve all the adversary problems of our times. Nobody expects it to. But it may shed a little light on new ways to approach some of them; and it is certainly a stirring testimonial to a fine company, fine unions, and a very fine community. I'd like to congratulate all of you and thank you for this opportunity to be with you.

AIRLINE'S EMPLOYEES SPUR PROFITS

(By James J. Fisher)

A unique, grassroots program initiated and conducted by employees of Trans World Airlines is adding new fiscal life to the carrier. Variations of the program are being adopted by other airlines which find themselves in fiscal straits in the early 1970s.

Called "Go T. W. A.," the program apparently is already reaping benefits for the airline which had an operating loss of 83.9 million dollars in 1970.

In March alone, the first full month of "Go T. W. A." loads for the airline were up 10 per cent, on-time performance was the best in five years and a whole new mood was prevailing throughout the round-the-world T. W. A. system.

Conceived in the middle of February by the Air Line Pilots association (A. L. P. A.), "Go T. W. A." also is being promoted by members of the International Association of Machinists (mechanics and ramp personnel), the Air Line Stewards and Stewardesses association (hostesses), the Transport Workers union (Meterologists and Flight Dispatchers) and the Airline Employees association (communicators).

"We just couldn't sit and watch the airline go down the drain," said one mechanic at T. W. A.'s Kansas City International airport overhaul base.

Fortune magazine has called the "Go T. W. A." program one of "enlightened self-interest" and praised union and other employees for coming to the aid of management in a period when loads aboard the big jets have been low, outlays for new equipment have been staggering and an economic recession has severely strained not only T. W. A. but most of the rest of the nations scheduled air carriers.

A SPECIAL WEEK HERE

The appreciation of Greater Kansas City, which sees T. W. A. as the largest single private employer, will be manifested this week. "Go T. W. A." week will be marked by displays at various shopping centers, by dinners, proclamations and other events.

"In general we just want to tell T. W. A. people how great we think they are," said Alfred Lighton, president of Woolf Brothers and a prime mover behind "Go T. W. A." week.

John P. Gratz, San Francisco, a Boeing 707 pilot and head of the A. L. P. A. chapter for T. W. A. there, explained how the "Go T. W. A." program started.

"At union expense we had one of the top Wall Street firms do an independent analysis of T. W. A.'s fiscal condition," Gratz said.

"The study wasn't cheap. And it showed us that things weren't good—losses were tremendous, loads were down.

"The question asked around A. L. P. A. was, What could we do? 'Go T. W. A.' was the answer."

Gratz, who isn't reticent, was asked by W. A. Murphy, another T. W. A. pilot and A. L. P. A. official to take over the program. Gratz made a tour around the system.

AN IMMEDIATE REACTION

"The response was fantastic," he said. "All the pilots wanted to do something. They were performing at 100 per cent but knew they could perform at 120 per cent. They just needed a way to go.

"After the pilots started, the program set a whole new mood for the airline. It was infectious. The pilots started it. Before long the hostesses, mechanics, ticket agents, communication people, baggage handlers, ramp personnel . . . well, everybody wanted to get involved.

"Sure, Fortune magazine calls it enlightened self-interest. But this company is all we've got. A pilot just doesn't jump over to Pan Am after 15 years with T. W. A. He's got seniority to worry about. This is it for a pilot.

"The same is true for a mechanic here in Kansas City. He's got a home, a family. He likes Kansas City. He's not about to jump to another airline in another city and tear up his roots.

"So I guess what this means is that the employees themselves have set the mood for the airline. They want it to survive. They want their jobs."

PROFITS ARE THE AIM

Gratz said the "Go T. W. A." program has no other purpose than to make T. W. A. get back to using black ink instead of red.

"Oh, there've been rumors out of New York," he said, "That A. L. P. A. is using the program to organize the hostesses. That we will want this or that. That's not the truth. We want to put this airline in a profit-making position."

A. L. P. A. and the other unions have courteously but firmly disassociated the program from management.

"I'm sure the people up at 605 Third avenue (T. W. A.'s corporate New York headquarters) are delighted," said one pilot. "But if I was them, I'd be consternated that employees could do what management has been unable to do."

The disassociation from management has undoubtedly helped the "Go T. W. A." program. Some mechanics, baggage handlers and hostesses still are bitter about a Madison avenue advertising campaign, in the fall of 1969, which portrayed some T. W. A. employees as buffoons. The campaign centered around a million-dollar bonus T. W. A. employees were to get for good service.

T. W. A., of course, is not alone in its financial woes. Other carriers have been losing money with a soft economy and a vast overcapacity of seats.

Two airlines, Eastern and National, have instituted programs which have either allowed pilots to fly more hours, thus costing the company less by deferring payment for those hours until 1972 (Eastern), or cutting back from 80 to 75 the number of hours pilots fly so that 35 first officers will not be furloughed (National).

Other airlines apparently are exploring similar plans. One major competitor of T. W. A. has asked employees to emulate the "Go T. W. A." program; the employees have not replied formally to the company's offer.

The "Go T. W. A." program covers the airline system-wide and its 20,000 employees. The effects, which are countless, include:

A T. W. A. captain who stepped off his aircraft at an intermediate stop, found passengers shut off from the lounge because of a misunderstanding, and ended up with 16 more paid-up tickets to his final stop.

Increased sales by T. W. A. salesmen who have found the four stripes on a captain's sleeve and a pretty hostess going along opens doors rapidly on sales calls.

A dramatic increase—to 97 percent—in the ontime performance at many T. W. A. stations.

Wide public acceptance of the program.

"Someone asked me why we didn't drop our whole advertising program in favor of the 'Go T. W. A.' program," said one captain. "I replied that we were the second salesmen and, although I keep my mouth shut, the most effective."

On a recent weekend the airline did not have one mechanical breakdown. It was the first time in years. In addition, repetitive squawks, the small items that pilots ask to be repaired and have not been repaired, are down drastically.

"I don't think we can say enough about all T. W. A. employees," said Robert Reid, T. W. A. program chairman in Kansas City. "They are doing one whale of a job."

THE PARIS AIR SHOW

Mr. GOLDWATER. Mr. President, earlier today I sent President Nixon my personal report on the Paris Air Show which I attended as his official representative. It explains in rather general terms the reaction of Europe's industrial and engineering leaders to the decision of the United States to abandon its plans to produce a supersonic transport plane. Because of the important bearing which I believe the developments in Paris may have on the future of American aviation and indeed on the future of the United States as a leading commercial power, I ask unanimous consent that the contents of my report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT TO THE PRESIDENT ON THE PARIS AIR SHOW

(By Senator BARRY GOLDWATER)

DEAR MR. PRESIDENT: I have just recently returned from Europe where I had the honor to serve as your representative at the Paris Air Show. I was greatly flattered at being asked to take on this assignment and I only wish that I could bring back to you a report glowing with news that presages genuine benefits to the United States.

Frankly, what I saw and heard in Paris concerned me deeply.

I am afraid my forty-two years' experience in American aviation did not prepare me for what I think is the real problem growing out of the cancellation of plans to build a United States supersonic transport.

I found that leaders of European industry, aviation and engineering are now convinced that America no longer looks to the future but only wants to stay where it is and become an isolated country with a minimum military force. I believe these groups have overcome their initial shock and disbelief that the United States would voluntarily give up her important lead in aviation technology. They are moving now with enormous speed to take advantage of the vacuum left by a nation that once prided itself on the ability to produce a better technological "mousetrap" than any other nation on earth. I am not exaggerating when I tell you that I believe that a wild scramble for supremacy in many areas of technological development has already begun.

Perhaps I should remind you that I am not unknown in Europe and I count many friends in industrial and commercial organizations. As your representative at Paris I had the privilege of meeting with many of these old friends and of obtaining from them the deep down honest reaction of Europe's leaders. And I must say that everywhere I went I found people who are now convinced that America no longer wants the superiority in aviation that she has held for the last 35 or 40 years. Everyone I talked with told me of more activity aimed at taking over where America has left off. I found that while the SST held first place in the interest of those attending the Paris Air Show, the efforts to prevent Lockheed Aircraft Corporation from going bankrupt were also being discussed. Of course, the involvement here of the British Rolls Royce Company has emphasized European concern.

I am sure you can understand the attitude of European industrialists who learned their technology from us and absorbed, at the same time, the American spirit of competition. They view the SST decision with almost total disbelief. If the Lockheed Corporation goes down the drain for lack of Congressional concern it will merely compound Europe's impression that the United States is rapidly becoming a has-been world power.

This, Mr. President, is the important message that I received during my sojourn in Europe. It is indeed a strange experience for an official representative of an American President to be attending an international air show where the world's attention is focused on a new, progressive air transport product which we do not possess. Perhaps it was the first time in many years that American air enthusiasts had to take a back seat to three other nations—including our Cold War adversary, the Soviet Union—on the development of a commercial aircraft demanding a high level of technological achievement.

It is worthy of note, I believe that the American exhibitors at the Paris show were visibly discouraged. Visitors at the show were flocking to see the exhibits of other nations. The United States had nothing new to offer and consequently attracted very little interest.

I found it very difficult to explain why a Senate and House made up of American officials refused to back your ongoing view of the future. The same people who found it easy to understand the reaction of the liberal doves to the War in Vietnam found their attitude on the SST, on withdrawal of troops from Europe and on the Lockheed proposal quite beyond their comprehension.

I began my assignment at Paris feeling slightly embarrassed that our nation had no entries in the newest aviation development. But this feeling quickly gave way to concern and even fright as I discovered how firmly Europe is now convinced that America is abdicating and is striving to divest itself of practically all interests that are not confined to the social engineering problems of our inter-cities and our ghettos.

I only wish that I had been able to take a majority of the American people to Paris with me, for I am convinced that they do not understand the key role which aviation, commercial and military, plays in the affairs of the world. I am sure they do not understand that if we give up our lead in aviation technogy and in research and development in other areas we will within a decade become a second or a third rate power.

I hope to be able to discuss this whole problem with you personally in the near future. In the meantime I shall leave off this discussion to present a short aerodynamics analysis of propulsion, lift, accomodation, instrumentation and other factors which I observed in the SST's developed in Europe.

There really is not much that I can tell you which you do not know about the Russian 144 and the British-French Concorde, so I am enclosing attached to this paper a brief breakdown on the status of the two plus our own SST had we gone ahead with it.

I was extremely impressed with the obvious excellence of the French workmanship in the factory at Toulouse and also with their testing techniques at the same place. We Americans like to keep our head in a sack thinking that nobody else in the world has the know-how we have and, frankly, it was surprising to see the great advancements they have made in the development and manufacturing of aeronautic components.

In my flight in the Concorde, during which we did not reach Mach 2 because the afterburners failed to light, I was extremely impressed by the quietness. Even though this ship is instrumented for test, they did have a few seats in it and I am sure that the interior was not as completely soundproofed as the production models will be. Nevertheless, I did not hear the engines start.

On takeoff, climb and cruise the cabin was exceedingly quiet; in fact, it is as quiet as any of ours with the possible exception of the 747. The test instrumentation is highly sophisticated while what I saw in the Russian 144 appeared to be very old and extremely unsophisticated but, frankly, no one knows what they had hiding under the floor.

The 144 has a decibelic noise level that would be quite above what we call acceptable but because they are using fan engines, I am sure they will be able to quiet them as we have been able to quiet the proposed ones for our own SST. The major difference in the two airplanes is to be found in the propulsion system with the Concorde relying on afterburners which have a built-in noise which can never be quieted. The Russians are using the fanjet and while still noisy, as they develop more of a by-passability these engines will quiet down.

I did not hear the Concorde on takeoff so it is impossible to compare it to the 144 which, as I said, was extremely noisy.

Aerodynamically, both airplanes are rather similar and while the cabins are both smaller than I think American passengers would readily accept, nevertheless, they can be quite comfortable. By the way, a survey made by the British-French combine shows that the average air traveler in Europe would accept a thirty per cent increase in fare for SST flights across the ocean.

Back to the airplane, both cockpits are very small with the instrumentation in the French one much more sophisticated than that of the Russians but, again, we do not know what they might be holding in reserve for their own eyes.

To sum it all up, Mr. President, I think that one of these airplanes and probably both of them will be in Trans-Atlantic service by 1975 whether or not they make money on them. This is going to be a strain on our competitive airline situation and it is a situation that I think we must address ourselves to as soon as possible.

SST COMPARISON SUMMARY

	Boeing 2707-300	Concorde	TU-144
Maximum gross weight	750,000 pounds	385,000 pounds	330,000 pounds.
Material	Titanium	Aluminum	Aluminum.
Length	289 feet	193 feet	188½ feet.
Height	55 feet	38 feet	34½ feet.
Engines	4–GE4/J6G	4–Bristol-Siddley Olympus 593	4–Kuznetzov. NK-144.
Thrust (augmented) per engine	67,800#	38,300#	38,500#.
Passengers	298	128	120.
Range	4,000 St. Mi	4,000 St. Mi	4,000 St. Mi.
Cruise speed	Mach. 2.7 (1,786 miles per hour)	Mach 2.05 (1,350 miles per hour)	Mach 2.35 (1,550 miles per hour).
Average cruise altitude	63,000 feet	56,000 feet	59 000 feet.
Landing approach speed	177 miles per hour	185 miles per hour	182 miles per hour.
Landing distance	8,250 feet	8,200 feet	(1).
Takeoff distance	10,540 feet	10,900 feet	(1).
Payload	60,200 pounds	28,000 pounds	26 000 pounds.
1st flight	1972	Mar. 2, 1969	Dec. 31, 1968.
1st supersonic flight		October 1969	June 1969.
1st airline service	1978	1974	1974.
Sales reservations, United States		38	(1).
Sales reservations, foreign		74 before 1978	(1).
Sales price	$37,000,000	$24,000,000	(1).
Direct operating cost, cents per seat mile	1.60	1.60	1.60.

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[1] Unknown.

BUSH RIVER BAPTIST CHURCH'S BICENTENNIAL ANNIVERSARY

Mr. THURMOND. Mr. President, on Sunday morning, May 23, 1971, Mrs. Thurmond and I were privileged to attend worship services at the Bush River Baptist Church in Newberry, S.C.

This was no ordinary worship service for the Bush River Church, pastored by Rev. Thomas Daum. On this particular occasion, the congregation was celebrating the church's bicentennial anniversary, commemorating the many years of spiritual ministry and Christian influence that it has provided for its community. The guest speaker for the service was Rev. Lamar King, pastor of the First Baptist Church of Wagener, S.C.

Mr. President, I ask unanimous consent that a poem entitled, "The Welcome to the Bush River Services," composed and read by Mrs. John Earl Smith, Sr., and the sermon by Reverend King entitled, "What is the Church?" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WELCOME TO THE BUSH RIVER SERVICES

(Composed and read by Mrs. John Earl Smith, Sr.)

Welcome friends, neighbors, members and guests.
To you, with warm hearts we extend our best.
To celebrate our church bi-centennial so rare
A tribute to the vision and dedication beyond compare.

We salute those who laid the church foundation in trust.
Who were righteously righteous and justly just;
The generations who have carried the torch so bright
That men may rise on stepping stones aright.
We're grateful for those who built this house to His glory.
For those who continue to tell His wonderful story;
For those who have preserved our heritage through strife
For progress based on sacrifices and adventures in life.
We greet you with a challenge fourfold
To keep the faith of our fathers of old,
To build dykes of courage to curb fear
To serve the church and worship God so dear.

WHAT IS THE CHURCH?

HEBREWS 11:1–12

(Sermon by Rev. Lamar King)

In a series of lectures entitled *What is the Living Church?*, J. S. Whale asks, "If the churches were blotted out and their buildings turned into theatres, what, if anything, would plain men miss?"

It is a very disturbing question and one which most of us would not answer without some serious and soul-searching thought. It is a question we need to think about often, and perhaps on the occasion of the 200th anniversary of Bush River Baptist Church, it would be well for us to spend a few moments asking "What is it that has been here for 200 years?" Just what is the church?

Let us not be like the Arab who awakened one night and was hungry. So he turned on the light and picked up a box of dates and began eating them. He opened the first date and it had a worm in it, so he threw it away. He opened a second and it, too, had a worm so he threw it away. The third was wormy too, so he turned out the light and ate the fourth.

Let us not turn out any light which would help us see the church as it really is. Rather, let us pray that God's Spirit will illumine our minds and hearts in such a way that seeing the church as it is and as it should be, we might be moved to reconcile the differences.

In trying to say what the church is, we need first of all to admit what the church is not. The church is not what it should be. It never has been. By this I mean that God's holy church is and never has been perfectly divine because our Lord has given it to very imperfect humans. Early in 1967 there was a student demonstration on the campus of a college in the Northwest. It was organized to protest the building of a new chapel which the students considered a waste of money. The administration went ahead with its construction, but there was something very significant in this protest against the construction of a house of worship. It was a sign of a growing disregard for the church, especially in its institutional life.

As a young minister I have become keenly aware of and I listen very carefully to the criticism that is being directed toward the church from all angles of life today. Last summer as a part of my reading schedule, I deliberately chose some books that were sharply critical of the church. I wanted to hear what the critics of the church are saying. I, for one, have never been too defensive about the church. I know that the church stands in need of criticism. It is an institution made up of very imperfect human beings who bring into it the shortcomings of their own faulty lives and who stand in need of continuous correction. We are very naive as Christians if we are unwilling to admit that the church has her faults. After all, our Lord established the church not as a rest home for saints but as a hospital for sinners. We are in the church because we are imperfect humans who need God's forgiveness and his graceful freedom and life.

No good churchman is satisfied with the church. Perhaps those who love it most are among its severest critics. We are awake to its failures, ambitious for its progress, and we desire with all our hearts for it to be cleansed of its sin so it can become the effective, clean body through which Christ in us can witness to the world. We are critical of it because we love it. The church stands in need of criticism.

The church, for example, has often succumbed to the temptation and corruption of power. Today it has become so organized and formalized, with so many offices and committees, boards and commissions, with their endless meetings, that a lot of people just do not feel physically strong enough to be members of it. Somebody wrote a bit of poetry to express it:

Mary had a little lamb, it would have been a sheep.
But it joined the local Baptist church, and died for lack of sleep!

Furthermore, the church has let its faith become so codified and creeded until the Holy Spirit is sometimes frozen out. We have time and again ignored the possibility that Christ can give a man freedom and abundant life. We have represented the church to the world in such a way that many of our youth today are saying, "If that is the church, then I don't want to be a part of it." For many youth, the church is one big "Don't.' A seminary professor of mine summed it up like this, "The sum total of the religion of many Christians is this—Don't drink, don't dance, don't smoke, don't chew, and don't go with the girls who do."

We lock our churches up tight through the week to keep people out, and when we do unlock them on Sunday for worship, we make it clear to the world that if a man wants to be a part of us, he'd better get himself straightened out first. If a church member today associated with the kind of people Jesus spent his life ministering to, he would become the talk of the town, the chief subject of conversation in the local gossip club.

The church has been arrogant in its judgments even to usurping the place of God himself. At times the church has condoned and even managed to bless monstrous evils in the world such as human slavery and war. The church has refused to take initiative in breaking down barriers and partitions that separate and divide God's children. In many places the church continues not only to allow but encourage separation of races and social classes and refuses to speak the good news of freedom and love that is the only solution to the moral problems of our age.

I suppose the church has to admit that its greatest failure is its failure to be true and energetic about its mission to evangelize the world. Over half the world still does not know Christ as Saviour, and in most of the communities where we live the fellowship of the redeemed is still outnumbered by the community outside the church. Unparalleled opportunities for evangelism and ministry present themselves but the church often seems spiritually inadequate to respond to the challenge. We are unable to report as did the church of old, "And the word of God increased, and the number of disciples multiplied greatly . . ." (Acts 6:9). Even our preaching mysteriously lacks the authority of heaven and the relevancy to our times which brings about deep conviction, repentance, faith, and obedience. Young and old pour out of our preaching services without any evidence of having met God. And this is serious failure, for worship ought to transform our lives as God reveals himself in irresistible power. The church is, indeed, a very human institution and stands in need of constructive criticism.

And yet, in our honesty about her failure, we also need to be honest about the church's accomplishments. The church is not just human. She is also divine. The church, in spite of her shortcomings, remains the body of Christ representing God himself before man. It is a miracle of itself that the church has withstood a great wave of criticism leveled against it. No company, no business, no profession would permit the statements about their failures that we make freely about the church. It is a tremendous witness to the divine and imperishable life of the church that it has survived and does yet endure the hostility of its enemies and the self-criticism of its friends. Any other business would go bankrupt with that technique.

The church is definitely not what it should be, but having said that, let us look at what the church is and can be.

Suppose for a moment that a man from Mars were to land in your yard and stick his atomic disintegrator into your ribs and bark, "Take me to your church." What would you do? You could take him to some location and show him a building. But we know that a building is not the church and we would not want the Martian to become as confused as earthlings are at this point. You could take him to the church office and give him a bulletin announcing the meetings of the church or a church calendar for the month. But then the church is not religious activity.

It would be better to take him to a map on the office wall and show him the whole community. This map would make it clear that the church is people who are usually scattered throughout the community. Perhaps you could look at your watch. If it is eight A.M., explain that most of the church is eating breakfast and if it is ten A.M., point out that most of the church is pretty busy and quite scattered in factories and offices and supermarkets and astride tractors. If it is Saturday afternoon, take him to the ball game or to the lake or to the golf course. Show him people as they live, as they work, as they play, as they worship and tell him, "This is the church."

There is real significance in insisting that the church is people. It is all those people who have faith in Jesus Christ and who know that he can give abundant life. It is people in their total being—body and spirit—twenty-four hours a day, seven days of the week, in every aspect of human experience, scattered into every place.

The author of I Peter, building upon a passage in Exodus, states the heart of the matter: "For you are a chosen race, a royal priesthood, a holy nation, God's own people . . ."

The church, then, is people; God's people. In the New Testament more than eighty analogies are used to describe these people who are the church. To me the most beautiful and perhaps the analogy which comes closest to describing the church is the analogy of the church as the pilgrim people of God. The picture of the patriarchs as itinerant tent-dwellers should be appealing in these days when camping has become a form of recreation no longer restricted to Boy Scouts. In the summer vacation a family sets out with absolute freedom for the wide open spaces. After driving all day they stop at night fall by the shores of some beautiful lake where it takes the children about fifteen minutes to set up camp. In the morning, after another fifteen minutes, to load the car, they are off again. The advantage is they travel light and are never tied down to a particular location. They can enjoy some scenic surroundings for a few days and, when the urge takes them they can move on with a minimum of inconvenience.

Now the writer of Hebrews was very certain that this picture of the itinerant tent-dweller is an accurate picture of the Christian life. He reminds his readers that as Christians, they are living for two worlds. Their life on this earth as God's church is most significant, but it is also very impermanent; for they are always moving on toward the Ultimate End to which God is leading them.

Visser't Hooft says, "To build a church is not to build up a human institution which is wholly at home in the world and uses the methods of this world. It is rather to organize a band of pilgrims who are on the way to a new and better country and who must not adapt themselves to their temporary surroundings." The danger confronting the church in any age is that it will lose sight of its essential nature as the pilgrim people of God and will stagnate in such a way as to make it impossible for God's Holy Spirit to have a creative and dynamic ministry through them.

I recently read a story about two men who were sent by our Government to a foreign country to study the needs of farming people and to recommend to our Secretary of State just how much foreign aid would be required. One man went to that country and spent his first year building a house. He planned it carefully, constructed it solidly, decorated and furnished it tastefully and surrounded it with a garden of great beauty. The other man rented a small modest flat and spent the first year traveling throughout the country, getting to know the people, their needs and their possibilities. After one year, both men were unexpectedly called home. The first man had no report to give the Secretary other than that he was just getting ready to begin his work. The second man had a wealth of experience stored within his memory of needs and possibilities, and he was well equipped to render a greater service in the future.

Somehow this story makes me think of the church today. I feel so often that the church resembles that first man. Digging its roots into the soil of the world's life as a fixed immovable community, the church too often attaches ultimate importance to false values. The church too often seeks its reason for existence in the things which are secondary and unimportant. The church too often pours all its energy into building houses that it will someday vacate.

Like the first man in foreign service, the church so often spends so much of its time getting ready for service which we never have time to do. The guidance of the Holy Spirit goes unheeded, and enriching adventurous experiences which God has in store for his people are left undone because we are too blind, too in love with our perishable securities, too busy nailing boards and digging in the ground.

Dear people, the symbol of the church in the New Testament is not a house; it is a tent. A tent is a temporary dwelling. You who enjoy camping know of the freedom it affords one to move on at a moment's notice and live in new surroundings. The first house of worship ever constructed by God's people was a tent, a tabernacle, and its flimsy, mobile character symbolized God's dealings with his people, his plan to uproot them periodically and lead them onward to new revelations of Himself.

That figure is meant to characterize the church, not a fixed community of complacent people who are getting ready for service, but a community on the move, ready always for bold experiments and courageous advance and ministry. I certainly do not mean to imply that the church should have no buildings. Buildings are essential to the life and work of any local church; and I am always grateful to visit a church with a lovely building for worship. I, myself, am getting ready to lead my people into a building program, and I want whatever we build to be the nicest and prettiest that we need and can afford. But I do hope I have made it clear that, for the church, buildings are not an end in themselves. Buildings are a means to the end of serving the Lord. Buildings are fine, but churches can operate quite efficiently without any building as did the earliest church. The church must never be confined to a building, for if it is, it is no church at all. The church is the pilgrim people of God. For two hundred years the Bush River Baptist Church building has stood in this approximate same location. But in truth, the Bush River Baptist Church has never been here. It has always been out there in the community, in the state, in the nation and the world in the form of the men and women, boys and girls who serve as the church in the world. The church is people on the go. It should never be defined in terms of what it is now, but always in terms of the End toward which God is leading it.

I wonder what the people of this community would miss if Bush River Baptist Church ceased to be a church and became instead a social club? This question is relevant for any church anywhere. What are we doing as the church in our committees? I fear that our churches across this land are coming very close to losing their identity as the pilgrim people of God. We have so indiscriminately accepted people into our membership, we have so watered down the demands of the Gospel, we have succumbed to the world's standard of value in such a way that it is sometimes hard to tell that we are God's pilgrim people with a message of hope and redemption and salvation.

As the church, we must reckon with the possibility that the church can cease to be the church and become an empty shell. The New Testament leaves no doubt that a church by its pride, its blindness, its willful neglect of its mission can turn into a conspiracy against God.

John in his Revelation tells us of a Church at Ephesus which had many commendable qualities. It was not narrow minded, and its people were for the most part moral, upright citizens. It was a church which had bravely withstood persecutions. It had learned to distinguish between true and false teachers and it had carefully preserved Christian truth. Yet John had a stern warning from the Lord for the church. It was a church in danger for, as John said, it had lost its first love. The church at Ephesus had found something it loved more than Christ. Perhaps it was its building or its fellowship or its pastor or its organization. The Ephesian church had attached too much importance to things that were unimportant. It still had a program, a very successful program, but obviously the program had become more important than Christ. The church had found a second love.

Christ rejected the church at Ephesus as He rejects any church whatever its belief and its structure that ceases to shine for Him. Here is one of the great paradoxes of the New Testament conception of the church: that while the church, as such, cannot fail, yet only God knows who belongs to it and who does not. No member of the church, no part of the church, no office within the church can take it for granted that it is the true church. To any community of Christians which loses its reason for existence, the Lord of the church will say, as He said to the Ephesian church, that unless it should repent, its lampstand will be removed from its place, the presence of Christ will depart from it.

It might be quite a revelation for some of us to read the Gospels with the single purpose of noting how much of Jesus' ministry was inside the temple structure, and how much of it was entirely outside. It was His custom to go to the synagogue for worship on the Sabbath day, but the gospel was proclaimed, the Word became flesh, as He moved along the highways, or walked in the fields, or stopped by the fishing boats or visited in the homes where people lived. And the same was true of the New Testament church. It came into being by the river, or in a house or at the crossroads. It was a pilgrim church, a movement of people among people, and its members were the church where they lived and worked and played.

And to be the church today involves getting over the idea that God's church can never be marked or defined by walls of a sanctuary. It must be anywhere and everywhere. To be the church is to be the disturbing, reforming, protesting presence in the world for the sake of those whom God loves. To go to church is a simple matter. To be the church is something else. The church can never be the church within the walls of any building, no matter how magnificent or plain, but it can only be the church through involvement in the world after the pattern of Jesus who went where people were and where the need was.

What is the Church? The church is God's own pilgrim people, and our chief function, as the church, is to be witnesses for Christ, to give hands and feet to the great idea that came out of Galilee, to put a bit of Christian goodness into every human relationship, to lift men and women out of the dirt of this world's sin and set them on a path with Christ. This is our task, and we must never despise it. When those early Christians went out into the Roman world they did not have bulging briefcases full of programs and plans for changing the world. All they had was their lives, their witness, and their unwavering loyalty to Jesus Christ. Before they were called Christians, they were called "Followers of the Way." That is what Jesus had called them. "I am the Way," he said. "Follow me!" God had made his purpose clear for every life, not in a system or a philosophy to figure out nor in an ethical code, but in a person. Christ was the way and they followed Him.

Stanley Jones tells of a missionary who was lost in the African jungle. Finally he found a small clearing and asked one of the natives there to help him find his way out. After following the native for quite a while the worried missionary asked, "Are you quite sure this is the way? I don't see any path." The native replied, "In this place there is no path. I am the path."

So it is in this overcomplicated world. In this place there is no path, no beaten road. Many of the problems we face today are new and you can't find any neat answers in the books men are writing. We must walk today with Him who is the way. The air is full of voices and the world is full of leaders. But none of them except as they are moving in His direction, are leading us anywhere worth getting to. I know for myself that I would be hopelessly confused and lost were it not for Christ. I do not have the intellectual equipment to follow the meanderings of the philosophers, but I can without reservation, commit myself to Him who is the way. I am God's pilgrim, moving as he leads me. And in the words of another I can say

I would rather walk in the dark with Him
Than walk alone in the light.
I would rather walk by faith in Him
Than walk alone by sight.

ANTIWAR LAWYERS MISSING THE POINT

Mr. DOLE. Mr. President, once again Washington is witnessing an influx of people giving voice to their opposition to the war in Southeast Asia. This latest group consists largely of lawyers and law students—in contrast to previous aggregations of mostly laymen. Since they are students of the law and generally regarded to be scrupulous heeders of fact, it is somewhat incongruous that, while their lobbying activities are directed at the Congress, they persist—as have others before them—in denouncing President Nixon and his administration for failing to end the war at a pace which is fast enough to suit them.

They seem to forget that this President and this administration were not responsible for America committing its forces in Vietnam or for escalating that involvement to more than half a million men. These individuals appear to ignore the fact of this administration's fundamental reversal of the courage of American involvement in this war. They ignore the withdrawal of more than half the troops who were involved when President Nixon took office and the reduction of combat fatalities by two-thirds.

This lawyers convocation, as they style themselves, would be more accurate and in point to direct their ire, as well as their energies, at the Members of Congress who authorized the war and repeatedly sanctioned its escalation.

CONGRESSIONAL RESPONSIBILITY

On August 7, 1964, Congress passed the joint resolution, granting the President authority to take all necessary steps, including the use of armed force in pursuing his policy in Southeast Asia. Popularly known as the Gulf of Tonkin resolution, this blank check grant of power was subsequently reiterated by the authorization and appropriation of funds to support our forces in Southeast Asia.

The Gulf of Tonkin resolution was relied upon by the previous administration as a virtual declaration of war and was used as the fundamental authority for sending more than half a million American fighting men to Vietnam.

VIRTUALLY UNANIMOUS SUPPORT

The Gulf of Tonkin resolution passed the House of Representatives and the Senate with but two opposing votes. Every Member of today's Senate and House, who was serving in either body in 1964, voted for its passage or was recorded in favor of passage. And the junior Senator from Kansas voted aye as a Member of the House at that time.

So I would suggest that when sections of the public, whether lawyers or laymen, Democrats, Republicans, or independents, set out to protest the Vietnam war, they should be fully aware of the reach and scope of the responsibility for the war. It was virtually the entire 87th Congress which passed that resolution, and it is those individuals—particularly those who are now serving in the 92d Congress—who bear the responsibility for the consequences.

President Nixon is making substantial progress in remedying the consequences of previous Congress' actions and previous administrations' policies. It would behoove these lawyer-lobbyists and other protesters to consider the facts and observe the records of the President's accomplishments.

Mr. President, I ask unanimous consent that excerpts from the Congressional Record showing the votes on the Gulf of Tonkin resolution be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

[House Vote August 7, 1964]

The Speaker. All time has expired.

The question is on the motion of the gentleman from Pennsylvania (Mr. Morgan) that the House suspend the rules and pass House Joint Resolution 1145 with an amendment.

Mr. Morgan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 416, nays 0, answered "present" 1, not voting 14, as follows:

[Roll No. 210]

YEAS—416

Abbitt, Abele, Abernethy, Adair, Addabbo, Albert, Alger, Anderson, Andrews, Ala., Andrews, N. Dak., Arends, Ashbrook, Ashley, Ashmore, Aspinall, Auchincloss, Avery, Ayres.

Baker, Baldwin, Barrett, Barry, Bass, Bates, Battin, Becker, Beermann, Belcher, Bell, Bennett, Fla., Berry, Betts, Blatnik, Boggs, Boland, Bolling, Bolton, Frances P., Bolton, Oliver P., Bonner, Bow, Brademas, Bray, Brock, Bromwell, Brooks, Broomfield, Brotzman, Brown, Calif., Brown, Ohio, Broyhill, N.C., Broyhill, Va., Bruce, Buckley, Burke, Burkhalter, Burleson, Burton, Calif., Burton, Utah, Byrne, Pa., Byrnes, Wis.

Cahill, Cameron, Carey, Casey, Cederberg, Celler, Chamberlain, Chelf, Chenoweth, Clancy, Clark, Clausen, Don H., Clawson, Del., Cleveland, Cohelan, Collier, Colmer, Conte, Cooley, Corbett, Corman, Cramer, Cunningham, Curtin, Curtis.

Daddario, Dague, Daniels, Davis, Ga., Davis, Tenn., Dawson, Delaney, Dent, Denton.

Derounian, Derwinski, Devine, Diggs, Dingell, Dole, Donohue, Dorn, Dowdy, Downing, Dulski, Duncan, Dwyer.

Edmondson, Edwards, Elliott, Ellsworth, Everett, Evins, Tenn.

Fallon, Farbstein, Fascell, Feighan, Findley, Finnegan, Fino, Fisher, Flood, Flynt, Fogarty, Ford, Foreman, Forrester, Fountain, Fraser, Frelinghuysen, Friedel, Fulton, Pa., Fulton, Tenn., Fuqua.

Gallagher, Garmatz, Gary, Gathings, Giaimo, Gibbons, Gilbert, Gill, Glenn, Gonzalez, Goodell, Goodling, Grabowski, Grant, Gray, Green, Oreg., Green, Pa., Griffin, Griffiths, Gross, Grover, Gubser, Gurney.

Hagen, Calif., Haley, Hall, Halleck, Halpern, Hanna, Hansen, Harding, Hardy, Harris, Harrison, Harsha, Harvey, Ind., Harvey, Mich., Hawkins, Hays, Healey, Hébert, Hechler, W. Va., Henderson, Herlong, Hoeven, Hoffman, Holifield, Holland, Horan, Horton, Hosmer, Huddleston, Hull, Hutchinson.

Ichord, Jarman, Jennings, Jensen.

Joelson, Johansen, Johnson, Calif., Johnson, Pa., Johnson, Wis., Jonas, Jones, Ala.

Karsten, Karth, Kastenmeier, Keith, Kelly, Keogh, Kilburn, Kilgore, King, Calif., King, N.Y., Kirwan, Kluczynski, Knox, Kornegay, Kunkel, Kyl.

Laird, Landrum, Langen, Latta, Leggett, Lesinski, Libonati, Lindsay, Lipscomb, Lloyd, Long, La.

McClory, McCulloch, McDade, McDowell, McFall, McIntire, McLoskey, McMillan, Macdonald, MacGregor, Madden, Mahon, Mailliard, Marsh, Martin, Calif., Martin, Mass., Martin, Nebr., Mathias, Matsunaga, Matthews, May, Meader, Michel, Miller, Calif., Miller, N.Y., Milliken, Mills, Minish, Minshall, Monagan, Montoya, Moore, Moorhead, Morgan, Morris, Morrison, Morse, Morton, Mosher, Moss, Multer, Murphy, Ill., Murphy, N.Y., Murray.

Natcher, Nedzi, Nelsen, Nix, O'Brien, N.Y., O'Hara, Ill., O'Hara, Mich., O'Konski, Olsen, Mont., Olson, Minn., O'Neill, Osmers, Ostertag.

Patman, Patten, Pelly, Pepper, Perkins, Philbin, Pickle.

Pike, Pilcher, Pillion, Pirnie, Poage, Poff, Price, Pucinski, Purcell, Quie, Quillen.

Rains, Randall, Reid, Ill., Reid, N.Y., Reifel, Reuss, Rhodes, Ariz., Rhodes, Pa., Rich, Riehlman, Rivers, Alaska, Rivers, S.C., Roberts, Ala., Roberts, Tex., Robison, Rodino, Rogers, Colo., Rogers, Fla., Rogers, Tex., Rooney, N.Y. Rooney, Pa., Roosevelt, Rosenthal, Rostenkowski, Roudebush, Roush, Roybal, Rumsfeld, Ryan, Mich., Ryan, N.Y.

St. George, St Germain, St. Onge, Saylor, Schadeberg, Schenck, Schneebeli, Schweiker, Schwengel, Scott, Secrest, Selden, Senner, Sheppard, Shipley, Short, Shriver, Sibal, Sickles, Sikes, Sisk, Skubitz, Slack, Smith, Calif., Smith, Iowa, Smith, Va., Snyder, Springer, Staebler, Stafford, Staggers, Steed, Stephens, Stinson, Stratton, Stubblefield, Sullivan.

Taft, Talcott, Taylor, Teague, Calif., Teague, Tex., Thomas, Thompson, La., Thompson, N.J., Thompson, Tex., Thomson, Wis., Toll, Tollefson, Trimble, Tuck, Tupper, Tuten.

Udall, Ullman, Utt.

Van Deerlin, Van Pelt, Vinson.

Waggonner, Wallhauser, Watson, Watts, Weaver, Weltner, Westland, Whalley, Wharton, White, Whitener, Whitten, Wickersham, Widnall, Williams, Willis, Wilson, Bob, Wilson, Charles H., Wilson, Ind., Winstead, Wright, Wydler, Wyman, Young, Younger, Zablocki.

NAYS—0

ANSWERED "PRESENT"—1

Powell.

NOT VOTING—14

Baring, Beckworth, Bennett, Mich., Hagan, Ga., Jones, Mo., Kee, Lankford, Lennon, Long, Md., Norblad, Passman, Pool, Siler, Vanik.

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

"Mr. Beckworth and Mr. Baring for, with Mr. Siler against."

Until further notice:

"Mr. Passman with Mrs. Kee.

"Mr. Lennon with Mr. Lankford.

"Mr. Hagan of Georgia with Mr. Long of Maryland.

"Mr. Pool with Mr. Vanik."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

[Senate Vote August 7, 1964]

Mr. Fulbright. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 1145, as a substitute for the Senate joint resolution.

The Presiding Officer. The Chair lays before the Senate a joint resolution coming over from the House, which will be stated by title.

The joint resolution (H.J. Res. 1145) was read twice by its title.

The Presiding Officer. Is there objection to the present consideration of the House joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The Presiding Officer. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, and was read the third time.

Mr. Fulbright. Mr. President, I suggest the absence of a quorum.

The Presiding Officer. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Fulbright. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The Presiding Officer. Without objection, it is so ordered.

Mr. Fulbright. Mr. President, I ask for the yeas and nays on the House joint resolution.

The yeas and nays were ordered.

The Presiding Officer. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. Humphrey. I announce that the Senator from South Carolina (Mr. Johnston) and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I also announce that the Senator from New Mexico (Mr. Anderson) and the Senator from Massachusetts (Mr. Kennedy) are absent because of illness.

I further announce that the Senator from Nevada (Mr. Cannon), the Senator from Pennsylvania (Mr. Clark), the Senator from Oklahoma (Mr. Edmondson), the Senator from Missouri (Mr. Symington), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), the Senator from Oklahoma (Mr. Edmondson), the Senator from South Carolina (Mr. Johnston), the Senator from Massachusetts (Mr. Kennedy), the Senator from Missouri (Mr. Symington), the Senator from Georgia (Mr. Talmadge), the Senator from Texas (Mr. Yarborough) and the Senator from Pennsylvania (Mr. Clark) would each vote "yea."

Mr. Kuchel. I announce that the Senator from Pennsylvania (Mr. Scott) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 88, nays 2, as follows:

[No. 520 Leg.]

YEAS—88

Aiken, Allott, Bartlett, Bayh, Beall, Bennett, Bible, Boggs, Brewster, Burdick, Byrd, Va., Byrd, W. Va., Carlson, Case, Church, Cooper, Cotton, Curtis, Dirksen, Dodd, Dominick, Douglas, Eastland, Ellender.

Ervin, Fong, Fulbright, Goldwater, Gore, Hart, Hartke, Hayden, Hickenlooper, Hill, Holland, Hruska, Humphrey.

Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Keating, Kuchel, Lausche, Long, Mo.

Long, La., Magnuson, Mansfield, McCarthy, McClellan, McGee, McGovern, McIntyre, McNamara, Meechem, Metcalf, Miller, Monroney, Morton, Moss, Mundt, Muskie, Nelson, Neuberger, Pastore, Pearson, Pell.

Prouty, Proxmire, Randolph, Ribicoff, Robertson, Russell, Salinger, Saltonstall, Simpson, Smathers, Smith, Sparkman, Stennis, Thurmond, Tower, Walters, Williams, N.J., Williams, Del., Young, N. Dak., Young, Ohio.

NAYS—2

Gruening.
Morse.

NOT VOTING—10

Anderson, Cannon, Clark, Edmondson, Johnston, Kennedy, Scott, Symington, Talmadge, Yarborough.

So the joint resolution (H.J. Res. 1145) was passed as follows:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations jointed with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

BAR GROUP CHAIRMAN COMMENTS ON "MAY DAY" PROCEDURES

Mr. KENNEDY. Mr. President, Mr. Peter H. Wolf, chairman of the Young Lawyers Section of the District of Columbia Bar Association, has written a compelling and incisive commentary on the "May Day" arrest and detention procedures in the current issue of the Young Lawyer, the section's publication. Since I believe it will be of interest and assistance to the Members of Congress, I ask unanimous consent that it be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

The Young Lawyer

(By Peter H. Wolf)

The demonstrators have come and gone. They may be back. Since this particular Chairman of the Young Lawyers Section will shortly also have come and gone, I shall use my last opportunity to write a Chairman's Column for the expression of purely personal views about the legal life of the District of Columbia during the hectic week of May 3, 1971.

On that Monday it is clear that sweep arrests of thousands of people were made by police. Field arrest procedures for such situations had been carefully recommended by the Cutler Commission as a result of the April 1968 riots (largely based on procedures devised by the Justice Department before the riots but not yet implemented) and adopted by the police. They were apparently abandoned, either by prior design or after negligible effort at their use. Thus were people arrested without retrievable information as to identity, arresting officer, and time, place, and reason for arrest. Subsequent successful prosecution thereby became impossible for many, if not most of the demonstrators. The result was the preventive and remedial detention of both innocent people and people who should have been prosecuted. The police at first refused to accept collateral, but then, faced with having to bring to court unprosecutable cases, reversed themselves and began to release people provided they admitted guilt by forfeiture of $10 collateral. For those who refused, court papers were in many cases—in plain English—fabricated.

I am aware that people will say we don't *know* these things to be true and we can't criticize until we do. I can only respond that a court of law found them to be true in a hearing where the Executive Branch of government had ample (under the circumstances) opportunity to respond. See the testimony and the Opinions and Orders of Greene, C.J., *Koenick* v. *Wilson*, Superior Court No. CA 4553–71 (May 4 and 5, 1971) and *Doe* v. *Wilson*, No. SP 50–71 (May 4, 1971). These orders were sustained in substance by the D.C. Court of Appeals, No. 5827 (May 5, 1971). The Bar Association, at the direction of President Miller, has launched an investigation. Perhaps additional and clarifying facts will be found.

For the moment, I do not quarrel with the fact that the situation was serious, that arrests had to be made, that the emergency detention circumstances prevented presentment of some arrested persons in court as much as 40 hours or more, that emergency detention facilities were inadequate. Nor do I quarrel with arrest procedures subsequent to May 3 when field identification procedures were used. But I find the arrest of massive numbers of people on May 3, with known inability on the part of the Government to follow up with successful prosecution, a legal outrage. I saw one official admit the intentional abandonment of field arrest procedures on television that night. He said he would let the American people be the judge of that decision. I am judging it—as a citizen in a democracy with cherished liberties, and as a lawyer. I condemn it.

I do not know the complicity of the national administration with that decision. I do know the decision has been praised by high officials in that administration and by the President himself. I do not know what would have happened to rush hour traffic if field arrest procedures had been followed that Monday. I do know that I find it difficult to believe that arrest procedures satisfactory to the April 1968 disorders, with their widespread arson and looting, could not have worked for disrupters bent on creating a traffic jam. I also know that I object when the guilty are not subjected to the processes of law and I object even more strongly when the innocent are wantonly detained.

Eric Sevaried recently paraphrased Carl Sandburg and spoke of repression that creeps up upon a people "on little cat feet." Official repression of Monday, May 3, 1971 was, if anything, by blunderbuss. But lawyers who remain silent in the face of it, or condone it, or say it was justified are, knowingly or unwittingly, uniquely culpable for permitting that feline fog to sweep farther over us all.

TRADE WITH EASTERN EUROPE

Mr. PEARSON. Mr. President, American feed grains and wheat have long been on the list of approved commodities for sale to Eastern European countries. But despite the fact that farm products may be shipped to these destinations under the Export Control Act, our farmers have been unable to enter the lucrative Eastern European Market.

Canada, Australia, France, and other free-world nations have sold more than 750 million bushels of wheat to Eastern Europe since 1964. But American farmers have moved less than 3 million bushels to destinations subject to cargo preference requirements. We have been frozen out of the market because Department of Commerce regulations have required that 50 percent of all American grain to Eastern Europe be transported by the U.S. merchant fleet. These regulations have priced American farmers out of the market, because American shipping is not competitive with other free world carriers.

This year Eastern Europe will have a grain deficit of more than 6 million metric tons. The American farmer has a right to compete for this market. I was deeply gratified to learn, Mr. President, that this year, for the first time since 1963, the American farmer will in fact have an opportunity to sell wheat and feed grains to Eastern European destinations.

The President's decision to eliminate cargo preference requirements on shipments of grain to Eastern Europe is a statesmanlike initiative which will expand export opportunities for American agriculture and U.S. grain merchants. This initiative will promote the President's overall program of improving communications with countries behind the Iron Curtain, and will promote relaxation of tensions between NATO and the Warsaw Pact powers. Perhaps this initiative will improve the chances for mutual troop reductions in Europe. Countries which enjoy expanding trade relations for mutual benefit often are able to negotiate difficult questions involving national security.

I am not unaware of the circumstances which confront the U.S. merchant marine. The national security requires a viable merchant fleet, no less than a viable Navy. I will continue to support cargo preferences for shipments of Public Law 480 commodities, because I recognize our U.S. merchant fleet needs these shipments for survival.

But cargo preferences on cash sales to Eastern Europe have provided no benefit to our merchant fleet. These preferences have not improved opportunities for shippers; rather, they have stifled virtually all trade in commodities between the United States and affected destinations. Therefore the initiatives which President Nixon took this morning to promote trade with Eastern Europe in grain, and with Mainland China in various products, should actually promate opportunities for the U.S. merchant fleet, as well as U.S. industry and U.S. agriculture.

Mr. President, I ask unanimous consent that the text of an editorial appearing in today's Wichita Eagle be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FREE FARMERS, DEALERS FROM SUBSIDIZING SHIPPING

It's about time American farmers and grain dealers were free of the burden of subsidizing American shipping.

That's the essence of a message Sen. James Pearson, R–Kansas, has sent to President Nixon. Pearson is asking that the government rescind the order, in effect since the 1940's, which requires that 50 per cent of grain shipped to certain countries be carried in American ships.

Essentially, the order affects transport of grain sold on certain credits. Senator Pearson points out that because this order affects shipment of grains to Eastern Europe, the United States has since 1965 sold less than three million bushels to that area. In the same time, Canada, Australia and France have sold 750 million bushels of wheat to that area.

The reason is easy to see. It costs 50 to 100 per cent more to ship on American vessels, so the price of the wheat must be raised to account for that cost. As a result, American wheat doesn't sell as well. American farmers and grain sellers are left with extra thousands of bushels of wheat on their hands. And the shippers suffer too, for unless American wheat sells, they don't have the ready-made cargoes this is supposed to provide.

"The 75,000 members of the Maritime Union have had no shipments to carry; therefore they have had no benefits from the preferences," the Kansas senator said. "On the other hand, one million U.S. farmers and thousands of shippers and consigners have been frozen out of a market in which they otherwise would have been competitive bidders."

In contrast to the meager sales to Eastern Europe, exports from the U.S. to Japan in one year alone, 1969–70, totaled 87.5 million bushels of wheat. Japan buys on a cash basis; the preferential shipping law doesn't apply.

It is important that American shipping be helped as much as needed so the United States will have adequate shipping of its own. But one segment of the American economy—agriculture—should not be expected to do the subsidizing. Not when every year this nation has millions of bushels of wheat carried over, unsold on domestic or foreign markets.

PROFESSOR TITMUSS ON THE COLLECTION OF BLOOD IN AMERICA AND BRITAIN

Mr. KENNEDY. Mr. President, it is difficult to overestimate the importance of maintaining an adequate blood supply for modern hospital care. Blood is critical for open heart surgery, for the treatment of wounds and burns, bleeding ulcers, and certain types of anemia, to mention only a few examples. Furthermore, blood byproducts have many medical uses. For these reasons I was particularly interested in reading a recent book review in the May 9 issue of the Washington Post by Mr. Robert Claiborne, entitled "Blood Will Tell." Mr. Claiborne reviewed "The Gift Relationship: From Human Blood to Social Policy," by Prof. Richard M. Titmuss of the University of London and the London School of Economics.

Professor Titmuss contends that blood collected through an economic framework downgrades generosity and pushes aside altruism to make way for greed. Commercial blood-banking depends on people who are willing to sell blood at a price. The current rate of hepatitis infection, caused by blood transfusions, is 2 to 4 percent among U.S. blood recipients. A sizable proportion of U.S. blood is purchased from alcoholics and addicts who are likely to be diseased and far more likely to lie about their condition. By contrast, England through its National Health Service, has managed to keep pace with the rapid increase in medical demand for blood.

An improved system for the collection and redistribution of blood will be a central part of the program for health reform in America. The comparisons with Great Britain, as cited by Professor Titmuss, are shocking. Currently, the American method of collecting blood costs 5 to 15 times more than in England. We waste 15 to 30 percent of the blood that we collect, because the blood becomes outdated after 3 weeks, or it is used unnecessarily. England has only a 2-percent waste of its blood supply.

High quality health care requires a pure and adequate supply of blood. I believe that Professor Titmuss' book raises basic questions concerning the collection and distribution of blood in America. I ask unanimous consent that Mr. Claiborne's article be printed in the RECORD.

There being no obection, the article was ordered to be printed in the RECORD, as follows:

BLOOD WILL TELL

(By Robert Claiborne)

For a lesson in modern political economy, consider the trade in *doolb*. In the land of Niatirb, the suppliers of this vital commodity receive no pay, and its processing and distribution are in the hands of government bureaucrats. In Acirema, by contrast, nearly all *doolb* suppliers receive cash or other tangible, individual incentives, and much of the processing and distribution is carried out for profit. Obviously, Acireman *doolb* supplies will be higher in quality, lower in price, more accurately attuned to demand, and involve far less wastage—right?

Wrong. Spelling it all backward, we find that in free-enterprise America a unit of transfusion blood costs between five and fifteen times what it does in Britain, where virtually all blood is given by volunteers and distributed by the socialized National Health Service. British blood is purer and therefore safer: The incidence of transfusion hepatitis is almost nil, as against 2 to 4 percent among U.S. blood recipients (a sizeable proportion of U.S. blood is purchased from alcoholics and junkies, who are more likely to be diseased and far more likely to lie about it). In America, between 15 and 30 percent of all collected blood is wasted—some by being used unnecessarily but most by becoming outdated (there is still no satisfactory way of preserving whole blood for more than a few weeks); the comparable figure in Britain is less than 2 percent. Finally, British blood supplies have kept pace with the rapid increase in medical demand, rising by 77 percent between 1956 and 1967; in America, the supply has risen less than a third as much, so that shortages are frequent.

Professor Titmuss's book is one of the rare ones that truly deserve that overworked adjective "thought-provoking." Simply as a first-class study of an important public health problem, it should be required reading, while its revelations on the inefficient and at times scandalous aspects of the American blood trade are potential material for at least one major Congressional investigation. But the significance of his book extends far beyond this vital but narrow area, moving from the relationship between blood donor and blood recipient to that between patient and physician, and thence to the very foundations of human societies.

Blood will tell; the way a society collects and distributes blood inevitably reflects some of its basic assumptions and values. Not surprisingly, for instance, we find that in Japan, where economic growth *á outrance* is even more of a religion than in the U.S., virtually all blood is obtained commercially—and the recipient's chance of contracting at least mild hepatitis is better (or worse) than two to one. In South Africa, white blood donors are paid four times as much as blacks. In the United States, blood and blood products are "redistributed" from the poor to the rich, meaning that the former give more and the latter get more. And a growing tendency to purchase blood in underdeveloped countries (such as the Philippines) for American use threatens to give an unpleasantly literal twist to the old Communist epithet, "imperialist bloodsucker."

Blood economics points up some of the insanities of modern economics generally. Titmuss notes, for example, that the millions of units of blood contributed by British volunteers are reckoned as adding nothing to that country's Gross National Product, while blood purchased from donors in the U.S. *and then wasted* still "adds" to our supposed economic output. And the baneful effects of commercial blood-banking—notably, serum hepatitis—find no place whatever in conventional economic indicators, thus taking their place with such equally real but economically irrelevant phenomena as planned obsolescence and environmental pollution. The accountant constructs his balance sheets out of dollar outlays and profits; human needs and human altruism alike elude his ordered columns.

Though Titmuss does not say so, altruism—the gift relationship—is rooted deep in human nature. We have heard much nonsense in the past two decades concerning the genetically evil character of man, who is allegedly to "instinctively" hate strangers and butcher his fellows. A far stronger case can be made for the evolutionary inevitability of altruism. Functionally, it derived from the food-sharing that must exist in any species (e.g., man or wolf) where some adults hunt as a group while others look after the young; significantly, no primate species but our own systematically shares food among adults. Motivationally, altruism is doubtless linked to the growth of a capacity to derive pleasure or satisfaction from observing the satisfaction of others—a human trait which, though it is rejected by many psychologists, is a matter of common experience.

But just as man is demonstrably not murderous at all times and places, so human altruism may or may not manifest itself, depending on circumstances. Titmuss makes clear that the altruism of British blood donors is not due to any inherent superiority of his countrymen, but to the fact that in blood-banking, and in health care generally, the British have institutionalized generosity. Set up a social framework in which men are encouraged to be generous and most of them will rise to the occasion; set up one which encourages them to be selfish and most of them will sink to it. Set up, finally, a situation in which men are encouraged to kill indiscriminately, and some of them—as we are bitterly discovering—will turn out to be indiscriminate killers.

Thus the assumption that man is motivated only by immediate self-interest, with which Thomas Hobbes and his Utilitarian successors heralded the rise of modern, capitalist industrialism, turns out to be merely another of the self-fulfilling hypotheses of social and political "science." The orthodox Freudian, assuming that human nature is pervaded by sexuality, sees a phallic symbol in anything longer than it is wide. The behaviorist, dogmatizing that psychology can properly concern itself only with the simplified, atomized behavioral processes most easily studied in the laboratory, proves by his studies that animal (and even human) behavior is indeed but an aggregation of these simple atoms. And the utilitarian, having helped create a world in which human relationships have increasingly been brought—forced—into the marketplace, finds in it superb confirmation of his initial dogma: that man is governed by marketplace motives.

Titmuss would have deserved our gratitude if he had merely shown—as he has—that commercial blood-banking is grossly inferior even by the "purest" conventional economic criteria. But he has also demonstrated that in fact the very existence of such criteria is largely an illusion. There are few, if any, "pure" economic decisions. The economist, the accountant, the engineer, may delude himself that his criteria are exclusively technical, that his concern is only with output, efficiency, and the like. In fact, the decision to produce a particular product, to manufacture or distribute it within a particular institutional framework, inevitably involves human, ethical assumptions—and consequences. To make a car that wears out in ten years rather than twenty is to automatically double the ultimate output of automotive corpses that disfigure the landscape; to flood the marketplace with "disposable" goods is to load on somebody else's shoulders the burden of disposing of them. And to cast the giving of blood—which is, in a sense, the gift of life—into a commercial framework automatically downgrades generosity and, by its own version of Gresham's Law, elbows aside altruism to make way for greed. "We crave to be more kindly than we are," wrote Brecht. Amid all the competition and corruption of the marketplace, there still emerges the spirit of the gift relationship:

Not as a ladder from earth to heaven,
Not as a witness to any creed,
But simple service simply given
To their own kind in their common need.

Anyone who doubts this should read Titmuss's chapter 13, with its often moving statements by British donors concerning why they give. For example:

> You can't get blood from supermarkets and chain stores. People them selves must come forward, sick people can't get out of bed to ask you for a pint to save their life . . .

A society which refuses to recognize the reality of these generous impulses, which in pursuit of an often illusory efficiency and individualism fails to give scope to the altruism and social concern of its citizens, is on the road to spiritual destruction.

UNRWA AND THE PALESTINIAN REFUGEES

Mr. HATFIELD. Mr. President, Dr. John Davis, former Commissioner-General of the United Nations Relief and Works Agency—UNRWA—is one of the most well informed and articulate American spokesmen on the plight of the Palestinian Arabs and most particularly the refugees. Today Dr. Davis delivered testimony before the Senate Foreign Relations Committee which is holding hearings on the foreign aid bill. In his testimony, Dr. Davis points to the need for additional funding for UNRWA if it is to meet its current deficit and continue to provide sanitation, food, shelter, and education for the 1.5 million refugees in the Middle East.

Dr. Davis spoke most eloquently to this matter before the Foreign Relations Committee, and I ask unanimous consent that his testimony be printed in the Record.

There being no objection, it was ordered to be printed in the Record as follows:

The Palestine Arab Refugees

(By John H. Davis)

Mr. Chairman, I thank the Committee for this opportunity to discuss the subject of the Palestine Arab refugees.

It is my considered judgment that the Palestine refugee problem is and always has been capable of gradual solution, if by solution one means that refugee individuals become productive and self-supporting. It also is my judgment that a solution of the refugee problem in these terms would not, of itself, bring enduring peace to the Middle East. The record of the past 23 years demonstrates that there will be no enduring peace in the Middle East until appropriate measures are taken to redress refugee rights that have been violated.

The basic ingredient for making refugees productive and self-supporting is appropriate training directed towards making refugees employable within the labor markets that exist. Such training is imperative, particularly for maturing refugee youth, no matter where they may live in the future and regardless of the degree of repatriation and compensation they may receive.

For more than twenty years the world has been told that Palestinian Arabs have remained unemployed because Arab Governments have inhibited their employment and their settlement in Arab countries—it frequently having been said that the Arab host Government "hold the refugees as hostages, in their cold war struggle with Israel." May I say categorically that this is not so; the evidence is decidely to the contrary. Following the upheaval of 1948, virtually all able-bodied male refugees who possessed skills needed in Arab countries or, for that matter, elsewhere, promptly found jobs and became self-supporting and have never been dependent on international charity. This group comprised more than twenty per cent of the total working force among the Palestinians who became refugees in 1948–1949. For the most part these persons were from the urban sector of Palestine, their good fortune being that the world needed the skills which they already possessed.

In contrast, the farming sector of the refugee population, which comprised about 70 per cent of the total refugee numbers in 1948, did not fare so well. The problem of the rural people has been, and is, that as refugees they became surplus farm workers in an era when the world at large, and Arab countries in particular, already had a surplus of people in their rural sectors. In fact, in the Arab countries into which the refugees moved, native rural youth are growing up at a rate per generation more than three times that required to replace the farm parents; a situation that is further aggravated by the fact that the typical rural holding is already too small to support adequately a family of eight to ten persons, or make efficient use of modern equipment. Hence, for the most part it was the rural refugees from Palestine who became dependent on international charity. The reason they became dependent was not that they were held as hostages, but that they were unemployable under the competitive employment conditions that then prevailed, and for that matter prevail to this day. These people definitely do not prefer charity. They are proud and industrious. They want to work and be self-supporting. I stress this point because the belief of the Western World is so much in error on it.

But the problem of the initial refugees—those made homeless in 1948—was only the beginning. Since 1948, an average of about 30,000 children from dependent refugee families have grown to maturity each year and presently the rate is 40,000 per year. This means that, during the past two decades, a total of over 600,000 young refugees have reached maturity. To understand their plight, one has merely to consider that in the Middle East, as in all developing areas of the world, the pattern is for youths to learn work habits and skills by working beside their fathers. But a high percentage of these fathers are not working because they do not fit into the existing labor market. Hence, refugee sons have had but limited opportunity, if any at all, to learn even the self-discipline of work or the skills of their fathers. Therefore, in competition with other young people, particularly the indigenous rural boys, who are migrating from farms to urban centers in vast numbers, the maturing refugee boy has been and is at a serious disadvantage. This is so, however, not because he is being held as a hostage, or because he does not want to work. Rather it is because he, too, is unemployable in the existing labor market. The even greater tragedy is that these young people, as well as their fathers, are not just unemployable in the countries where they reside, but in the world at large, and it is for this reason, above others, that they continue to be forced to live the dreadful life of dependent refugees.

It is in the field of education that the United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA) has played a dramatic and vital role towards making maturing youth productive and self-supporting. UNRWA, which was established by the United Nations General Assembly in 1949, has through the years provided food, shelter, health and welfare services for a refugee community which now numbers more than a million persons. Its services have been basic to the maintenance of life for these people. However, UNRWA, in cooperation with the United Nations Educational, Scientific, and Cultural Organization (UNESCO), also has provided education for a school population of more than a quarter of a million young people. This includes elementary and secondary education, vocational training, teacher training, and university education. Virtually all of the almost 20,000 young men and women who have passed through UNRWA's specialized training centers have found employment. In addition, some 7,500 refugee teachers employed in UNRWA schools have now received in-service training for the purpose of upgrading teaching standards, improving student performance, and enabling UNRWA teachers to become accredited in the respective host countries. All of this contributes further towards making the refugees employable and self-supporting. In addition UNRWA, in cooperation with the YMCA International Alliance, has given youth leadership training to more than 25,000 refugee youth. This, too, contributes to their ability to compete in the existing labor market.

The refugee host countries of Jordan, the United Arab Republic, Syria and Lebanon have themselves been generous, hospitable and helpful to the refugees. In terms of direct assistance, they have spent in excess of $150,000,000 in helping refugees About two-thirds of this sum has gone for education, and the balance for health services, camp sites, housing and road improvement, and the maintenance of security in the refugee camps. In addition, the people of these countries have borne with courage the economic, social and other sacrifices and hardships resulting from the presence of large numbers of refugees within their borders. Contrary to much Western thinking, the Arab host Governments have also helped qualified young refugees to obtain employment, both within the host countries and elsewhere. The result is that today tens of thousands of young Palestinians—mostly men, but an ever-growing number of women—are employed outside the host countries, thousands even in Western countries, particularly in Europe. It is tragic that during the past year this record of service by host governments to refugees has been mired by civil strife in Jordan between the refugees and the forces of the Jordan Government. But this is the exception to the rule.

Considering that the number of young refugees who have reached maturity since 1948 is now in excess of 600,000, whereas the number of persons who have received United Nations assistance towards vocational, teacher or university training is about 20,000, it is not difficult to see why the number of refugees eligible for assistance from UNRWA has grown steadily, year by year. Had the world community or, for that matter, the major powers, from 1950 onward launched a vital program in support of education and general economic development, with appropriate emphasis on specialized training in the host countries, the refugee problem would by now be well on its way to solution.

But the somber truth is that the refugee problem is not on its way to solution. It is not on the way to solution because adequate funds for specialized refugee training have never been available. More tragic still is the fact that today UNRWA faces the necessity of drastically cutting back its vital training program as an economy measure. This UNRWA is compelled to do because it is now confronted with a critical operating deficit, about $3.0 million for the year 1971. This is true even after a heroic effort by United Nations teams to raise more funds.

The Congress, recognizing the critical need of UNRWA for educational funds, increased the American contribution to UNRWA by $1.0 million for the U.S.A. fiscal years of 1970 and 1971, respectively. This, of course, is commendable, so far as it goes. But it is not enough, if we want refugee youth to be made employable.

At present the basic U.S. annual contribution to UNRWA is $22.2 million. When one increases this by the $1.0 million for expanded technical education, the total this year becomes $23.2 million. At one time America's annual contribution was at the level of $24.7 million, which is $1.5 million more than the current aggregate amount.

One way for Congress to make sure that more youths will become self-supporting is to restore the annual level of contribution to $24.7 million and earmark the additional $1.5 million for education, with a goal of keeping all educational facilities operated by UNRWA functioning to capacity. If this were done, it is to be hoped that other governments would follow America's example, thus making it possible that UNRWA's total educational program not only operate at capacity, but even be increased.

Looking beyond the years 1971 and 1972, the desperate need is for vastly expanded training facilities for the refugees, technical training being the one best assurance that maturing refugee youth will become employed and self-supporting and remain so during the whole of their lives.

A pertinent question is whether jobs will be available for refugee youth with training. In general, the answer is yes. At least for the present and the forseeable future there will be far more opportunities for employment available than there are well qualified persons to fill them. There are, of course, exceptions to this general rule, such as boys trained in the Gaza Strip. However, even these youths gradually are finding jobs. Anyway, when one considers that technical training equips a young person for a lifetime of service that extends over a period of 40 years, a short period of unemployment after graduation is not nearly as serious as growing to adulthood without having skills that make one employable.

In my opening comments I stated that it was my judgment that even a full solution to the refugee problem measured in terms of employment for refugees, would not, of itself, bring enduring peace to the Middle East. This is so because the Arab people cannot forget that the basic rights of the Palestinian Arabs were grossly violated when the State of Israel was created. The Palestinian Arabs were frightened from their homes in 1948 and 1949, their return home was then blocked by force, their property was then seized and given to new Jewish immigrants, and their homeland of Palestine was turned into a new state in which the new immigrants became citizens while most of the native-born Arabs were made foreigners, doomed to live in exile. In consequence, the Palestinian Arabs have been made a people without a country. This is the fundamental cause of conflict in the Middle East. This is the issue that, in my opinion, has to be resolved if there is to be enduring peace in the Middle East. This, of course, will take time. Meanwhile let us do our utmost of make maturing youth employable. Let us give them skills by restoring America's contribution to its previous level of $24.7 per year.

BIRTHDAY TRIBUTE TO RALPH YARBOROUGH

Mr. KENNEDY, Mr. President, on June 8, one of our most distinguished former colleagues, Ralph W. Yarborough, former chairman of the Senate Labor and Public Welfare Committee, celebrated his birthday. In honor of that occasion I think it is fitting that we take this opportunity to pay tribute to this distinguished public servant who has contributed so much to the quality of life in America.

During his 13 years of services in this body, Ralph Yarborough devoted his extraordinary talents and vast energy to finding cures for many of this country's social ills. In so doing, he compiled a record of legislative accomplishments that insure him of a prominent place in the history of the Senate and the Nation. Since his return to private life, Ralph Yarborough has continued to be a forceful advocate of all the causes and programs that he championed so eloquently in the Senate and that have served our people so well. Indeed, his tireless efforts and great contributions were recognized recently by St. Edwards University of Austin, Tex., which has just bestowed upon him an honorary doctorate degree.

In these turbulent times, America needs as never before men like Ralph Yarborough, men who are mature in wisdom and judgment but still young in ideals and spirit. Therefore, Mr. President, on behalf of his many friends in the Senate, I wish Ralph Yarborough a happy birthday and many more successful years.

HEALTH CARE INSURANCE ASSISTANCE ACT OF 1971

Mr. PEARSON. Mr. President, after careful consideration of the various health insurance proposals before the Congress, I have concluded that the Health Care Insurance Assistance Act of 1971 is a responsible solution to the difficult problems which most Americans face in financing health care. Therefore, I am pleased to join with the distinguished Senator from Wyoming (Mr. HANSEN) as cosponsor of this legislation, which is generally known as Medicredit.

Medicredit deals effectively with three fundamental problems. These include, first, the inability of poor people to acquire adequate health insurance for their families; second, the inability of most Americans to protect themselves against the staggering costs of catastrophic illness; and third, the need to establish at reasonable cost a basic health insurance policy for middle income Americans.

THE POOR

The house of delegates of the American Medical Association in December

1969, adopted the following policy statement:

> It is a basic right of every citizen to have available to him adequate health care; it is a basic right of every citizen to have a free choice of physician and institution . . . ; the medical profession, using all means at its disposal, should endeavor to make good medical care available to each person. . . . Health care for the poor should not be disassociated from, but rather should be a vital part of, the over-all health care system.

I subscribe absolutely to the principle that every citizen, regardless of previous medical history or financial condition, has a right to have available to him adequate health care. Today lower income citizens cannot afford comprehensive health insurance. And lower income citizens too often neglect the fundamental health needs of children because prohibitive costs cannot be met by the family. America purports to be a just and humane society, but no society can be humane or just until each and every citizen enjoys the opportunity to receive adequate health care without depending upon the charity of the physician.

Most communities have available hospital beds for the indigent, but most communities are unable to provide hospital facilities and outpatient clinics of sufficient capacity to meet the legitimate needs of the poor. The stories which one hears about seriously overcrowded hospitals, and the discouragingly long waiting lines of people in need of medical care at outpatient clinics, are not exaggerated.

New money must be infused into our national health care system to insure that poor people receive health care which is comparable to that received by their affluent neighbors. And that new money must be Federal money, for municipalities and State government cannot meet escalating costs in this field. Everyone recognizes the pressures on the States and localities for better services. The tax base in most localities cannot sustain the burdens which adequate facilities for health care obviously impose.

The medicredit proposal which I have the honor to cosponsor today provides that the Federal Government would pay 100 percent of health insurance premiums for low-income families. This system of federally funded health insurance for the poor would replace entirely the present medicaid program, thus relieving the States of about $1.1 billion per year in medicaid obligations.

CATASTROPHIC ILLNESS

All American families, except for the very wealthy, recognize that catastrophic illness could reduce them to indigency. Last year, the Senate Finance Committee reported legislation which would protect all Americans from financial destruction as a result of catastrophic illness, but that proposal was not adopted.

The time has come to establish a Federal program which would protect every American from the impossible financial burdens of catastrophic illness, and I am pleased that medicredit contains such protection.

Under the proposal, every American family would receive insurance against the cost of catastrophic illness at Federal expense. This insurance has a sliding scale deductible, which provides that higher income families would pay a large proportion of the cost of each catastrophic illness than would a middle- or lower income family.

An example would be appropriate to illustrate the benefits of catastrophic illness protection.

Suppose a member in a family earning $10,000 per year is struck by catastrophic illness. The family would first enjoy the benefits provided by the basic health insurance plan, which includes inpatient hospital care for 60 days, and other benefits. After the basic protection is exhausted, the family would pay from its own resources the first $500 on each catastrophic illness. Federally financed catastrophic illness insurance would pay the rest. A family making $20,000 per year would pay the first $2,500 after basic coverage, and the insurance would pay thereafter. A family making $30,000 per year would pay the first $4,500 for each catastrophic illness, and the catastrophic illness insurance would cover all expenses incurred in excess of that amount.

Thus, no American family would be required to assume the financial burdens of catastrophic illness beyond its ability to pay. The cost to the Government for catastrophic illness protection for all Americans would be $800 million in the first year of program operation. I am confident the great majority of our citizens will support this program. All Americans under its protection would be relieved of potential financial destruction as a result of catastrophic illness.

MIDDLE-INCOME AMERICANS

Medicredit requires the establishment of a basic health insurance policy, to be sold by carriers meeting standards established by the various State insurance statutes. I have decided to support medicredit primarily because of the method of financing health insurance premiums for middle-income families.

Medicredit would permit families who are self-sufficient, and who pay Federal income taxes, to share the cost of health insurance coverage with the Federal Government. Under the medicredit plan, if a family owes less than $10 in Federal income taxes during the base year, the Federal Government will pay 99 percent of health insurance premiums for that family. At the other end of the scale, the family which owes more than $860 in Federal income taxes during the base year will pay 90 percent of its health insurance premiums, and the Federal Government will pay only 10 percent. Thus, the family which has the wherewithal to pay for its policy will assume most of that burden. But lower income families, and families in the lower middle income class with large numbers of children, would pay very little of their premium obligations. The Federal Government will assist all families in providing coverage to guarantee adequate health care.

It has been estimated that medicredit would cost the Federal Government about $14.5 billion in new money. Thus the Federal Government—which already purchases about 36 percent of the Nation's health care—would be assuming an obligation to pay approximately half of our commitment to health care for our citizens.

I do not suggest that this proposal is inexpensive, nor do I suggest that it is a minor step for the Federal Government. Because I am deeply committed to adequate health care for every American, regardless of previous medical history or ability to pay, I have decided that medicredit reflects a deep moral obligation which this Government ought to undertake at this time.

If medicredit is adopted, it will not require the dismantling of the health insurance industry. Health insurance companies will write basic coverage plans which are actuarially sound, and extend coverage to every American who seeks it.

Medicredit does not destroy the doctor-patient relationship, long honored in this Nation. Every individual under a basic health insurance plan would have the opportunity to seek care from the physician of his choice.

I would observe that medicredit addresses iteslf to the problems of financing health care. Other legislation and programs involve medical manpower supply and distribution, the method of developing care, and other problems such as environment, health education, and peer review. I have introduced legislation to bring better health delivery systems into rural America, and intend to introduce or cosponsor other legislation which would guarantee the availability of care. Such legislation is necessary to complement medicredit, which contains the guarantee that every American be able to afford the health care services needed by him and his family.

This Congress has the opportunity to enact legislation in the areas of health care financing and delivery which will improve substantially the quality of life for most Americans. I believe medicredit should be an important part of this legislative package, and am convinced that this Nation will be a better Nation, more responsive to the needs of its citizens, upon enactment.

SENATOR YOUNG, DISTINGUISHED CITIZEN OF AGRICULTURE

Mr. HRUSKA. Mr. President, the National Milk Producers Federation recently took a very commendable action when it presented its first Distinguished Citizen of Agriculture Award to our friend and colleague from North Dakota (Mr. YOUNG).

It would have been impossible for the federation to have chosen a better recipient for the first presentation of its new award. MILTON YOUNG has proved on countless occasions during his 26 years in this Body to be a stanch and unwavering advocate and supporter of the Nation's agricultural community.

He likewise has been in the forefront of those of us who have labored diligently and unceasingly to resolve agriculture's problems, in order to bring a true and lasting prosperity to the industry which is so critical to the national welfare.

A farmer himself in his early years, MILTON YOUNG has throughout more than 40 years of public service to his State and

Nation, been a leader in the efforts to make and sustain American agriculture as the most efficient and most productive system in the world.

He has also persistently portrayed agriculture as an important facet of American life and a way of life which has helped make this country a bulwark of freedom in a troubled world. A great deal of the philosophy which has molded and propelled this country to its unmatched achievements as emanated from our agricultural background.

Senator Young has certainly been a leader in all of our efforts to preserve and enhance our agricultural system. No one could be more deserving of the industry's award than the Senator from North Dakota.

Mr. President, I ask unanimous consent that the text of the citation and a press release from the National Milk Producers Federation be printed in the Record.

There being no objection, the citation and press release were ordered to be printed in the Record, as follows:

Citation

Distinguished Citizen of Agriculture, Milton R. Young, United States Senator from North Dakota.

National Milk Producers Federation takes pride in presenting its annual award in recognition of distinguished service and dedication to American agriculture and to the farmers of our great nation, May 19, 1971.

Senator Young Honored as Distinguished Citizen of Agriculture

Washington, D.C., May 19, 1971.—Senator Milton R. Young (R–N.D.) today received a Distinguished Citizen of Agriculture award from the National Milk Producers Federation.

"The nation and his home State of North Dakota can be extremely proud of the outstanding and distinguished career of Senator Young," stated Patrick B. Healy, Secretary of the National Milk Producers Federation. "Throughout his dedicated public life, he has been a highly effective friend of agriculture, as well as a devoted statesman serving the interests of all citizens."

The National Milk Producers Federation selected Young for its first presentation of a new Distinguished Citizen of Agriculture award. The award was presented at a dinner of the Board of Directors of the Federation in Washington, D.C. A handsomely bound book containing letters from President Nixon, members of Congress, and other officials and dignitaries was also presented to the Senator.

For Senator Young, congratulations came from top leadership in both Democratic and Republican parties:

"The National Milk Producers Federation has made an excellent selection for its first Distinguished Citizen of Agriculture award," wrote President Nixon. "You have chosen to recognize a man whose dedication to the well-being of the American farmer and the role of agriculture in our economy is celebrated not only in his native State of North Dakota but throughout the Nation. . . ."

"Please accept my heartiest congratulations on your being selected for the Distinguished Citizen of Agriculture award," stated Senator Mike Mansfield (D-Mont.), Majority Leader of the Senate. "There is no man in the United States Senate who is more deserving or who has done more for agriculture."

"Your drive, dedication and intricate knowledge in the field of agriculture . . . makes you a uniquely valuable member of the United States Senate," said Senator Hugh Scott (R-Pa.), Minority Leader of the Senate.

"Virtually every piece of major farm legislation during the past quarter of a century of your Senate service carries your imprint . . . ," said Senator Hubert Humphrey (D-Minn.).

Excerpts of other letters of congratulations (including a full text of the President's message) are reprinted below.

The National Milk Producers Federation has made an excellent selection for its first Distinguished Citizen of Agriculture award. You have chosen to recognize a man whose dedication to the well-being of the American farmer and to the role of agriculture in our economy is celebrated not only in his native State of North Dakota, but throughout the Nation.

During more than forty years of public service, Senator Milton Young has fought many impressive battles on behalf of farmers' rights, bargaining powers, the control of dairy imports, the protection of dairy products against imitations, the promotion of milk programs and a host of other important agriculture causes.

The unflagging service for which he is honored on this occasion rests on his strong conviction that agriculture is something more than just a source of income or a source of food supplies for millions of Americans. He believes, as I do, that agriculture is also a way of life which reflects the idealism, perseverance and courage that are characteristic of our Nation's history.—President Richard Nixon.

Your contribution to our country in the field of agriculture has been tremendous.—Representative Gerald Ford

In the Senate you are "Mr. Agriculture."—Senator Bob Griffin

I know of no one who has served the Nation's agriculture more effectively or more devotedly.—Senator Herman E. Talmadge

I can readily attest to your efforts in behalf of the American farmer and the farming industry.—Senator Allen J. Ellender

We have worked together for what we each thought was for the good of agriculture.—Representative Bob Poage

I have seen you go to bat time and again on behalf of fair treatment for American agriculture.—Senator George D. Aiken

It has been my privilege to have the benefit of your vast experience and advice in the field of Agriculture.—Senator Bob Dole

Your contribution toward the continued production and supply of that perfect food, milk, through your imaginative and sustained legislative leadership has done much to build the minds and bodies of our young people and provide basic nutrition for all people.—Senator Margaret Chase Smith

Your friendship for the farmer and our rural community is unquestioned.—Senator Roman L. Hruska

I have felt that you were the foremost spokesman of agriculture in the entire United States Congress.—Senator Carl T. Curtis

It is no light honor that this respected group has singled you out for such recognition.—Senator Gordon Allott

You have played a key role in the formulation and implementation of major farm policies.—Senator Gale W. McGee

No one has contributed more.—Representative Les Arends

Distinguished is none too strong an adjective for the service you have rendered to agriculture.—Representative Al Quie

I know of no one who has contributed more.—Representative Jamie Whitten

We all join in extending you our best wishes and appreciation.—Representative Ancher Nelsen

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BRINGING THE CITIES BACK TO LIFE

Mr. HRUSKA. Mr. President, there is much confusion about the proper roles of government and the private sector in restoring our cities and creating new communities. There are those among us who would place the burden for such activities solely on the already overburdened Federal Government, even though history has proven that Government alone has a rather poor record for solving such problems.

Our national successes to date can be attributed primarily to our capacity to leave to the private sector those responsibilities which it can best handle and to relegate to Government only those which the private sector cannot accomplish. It is my firm conviction that when we stray far from this philosophy we not only diminish the return for our efforts but we endanger the foundation of our entire system.

This is why it was pleasing to me to note in the June 7, 1971, issue of U.S. News & World Report a comprehensive interview with David Rockefeller, chairman of the board of the Chase Manhattan Bank, a man who is eminently qualified to enlighten us in the field of urban affairs and community development.

Mr. Rockefeller proposes an imaginative plan to harness Government's capacity to acquire large areas of land together with the private sector's ability to arrange the capital formation necessary to underwrite major renewal or development projects. Such a combination of talents, it must be conceded, is a most welcome alternative to proposals such as we are constantly besieged with, that is, proposals that the Federal Government attempt to underwrite the major portion of the projects. Those who believe that our Federal Treasury has no bottom to it will no doubt disagree, but reason must indicate that the job we are talking about in our cities is beyond the scope of even our bountiful although overworked largess.

Mr. President, it is my opinion that Mr. Rockefeller clearly addresses the subject in the terms and on the scale that we must reckon with. I strongly recommend his remarks to my colleagues and I ask unanimous consent that the text of his interview in the U.S. News & World Report be printed in the Record.

There being no objection the text of the interview was ordered to be printed in the Record, as follows:

What It Will Take To Bring Cities Back To Life

(Interview with David Rockefeller, chairman, Chase Manhattan Bank)

Q. Mr. Rockefeller, are the big cities close to collapse, as some of the mayors say they are?

A. While that particular statement may be a little overdramatic, it certainly is true that the big cities are in real trouble.

Q. Why do you say that?

A. The school system, law enforcement, the welfare system, housing and other aspects of city administration have deteriorated markedly in the last several years, and perhaps at an accelerating pace.

Q. Is that because city governments need more money?

A. Revenue is certainly a part of it. But, more importantly, the problem stems from the changing composition of the cities. In the period since World War II, two basic trends have developed:

On the one hand, our nation—though it has become increasingly productive from an agricultural point of view—has become much more mechanized, so that the number of agricultural laborers has declined sharply, with the result that in the agricultural areas, particularly in the South, there is less employment than formerly. This has induced many agricultural workers to move to the large cities, where they felt there would be greater opportunities for them.

At the same time, the home-loan programs of the Federal Housing Administration and the Veterans Administration made it possible for a great many more people in the middle classes to build and own their own houses. By and large, they chose to build them in the suburbs rather than in the central cities. So we've seen an exodus of the middle-income groups from the cities at the same time that we've had an influx of lower-income groups to the cities.

This has had an important bearing on the economy of the city, for the city was required to provide more services for these low-income families that were moving in than it had for the middle-income families that were moving out. But the newcomers, with generally lower incomes, were producing less in taxes, so that there were decreased means to meet the larger requirements. And of course, at the same time, the trouble was compounded by inflation, which added still another burden on city finances.

Q. Do you think that the welfare system attracts Southern migrants to the big cities?

A. There is difference of opinion on that. Although I'm not sure that one could say it is the predominant inducement, it is at least a collateral inducement. It is surely true that the welfare benefits provided by the State have differed considerably—and, by and large, the Northern States have provided more generously than some of the Southern States. That probably does have some influence on migration.

Q. Haven't the States and the Federal Government been pouring billions into cities to help them meet their problems?

A. Yes. But in retrospect, the money hasn't been spent as wisely as it could have been. I think as we look back now at the federal program, which gained momentum in the '40s and '50s, there are two criticisms that perhaps could be made of it:

It concentrated almost exclusively on housing and not other related community activities, and I think this has proven to be a mistake. The funds were not used to build a rounded community; they merely built houses. So while people were placed in new and better housing, they were not placed into a new and better form of community life. Often, in fact, the vital element of community life was less than it was before.

I think that if we were starting this program over again today, we would do it on a different basis.

The other difficulty is that most of the public housing was built in the core areas, and since it was subsidized, it was only for the lowest-income groups. This exacerbated the trend of concentrating the poor families in the central cities, while the middle-income families were pouring into the suburbs. We're learning now that it's necessary for communities to be more mixed, in terms of income levels, if they're to be viable and acceptable communities.

Q. Do the cities have too many people who are unemployable?

A. It is surely true that there are more poorly educated people among the families in the "ghettos" and core areas, and this is partly the product of the fact that the cities haven't had the funds to provide good schooling. The quality of schooling in the inner cities seems to be declining significantly. But it's also the product of all the other social ills that go with "ghetto" life, such as broken families—which are encouraged by the present welfare system—dope addiction and crime.

All of these things have gone together, and the result is that a great many of the young people in the core areas are poorly educated, badly motivated and, hence—without special additional training—unemployable.

Q. Why do you say the welfare setup has encouraged drug use?

A. Because I think that people living in slum conditions, with very little opportunity for recreation or employment, are more subject to pushers who encourage young children to feel that taking drugs is the thing to do. They start them with marijuana, and all too frequently add a little heroin or opium with the marijuana so as to hook the youngsters, and then they're off. And this is what one sees to an increasing degree.

Q. Are you saying the drug users are people looking for an escape?

A. I suppose that's a factor. In any case, slum families are certainly exposed much more than others, although the use of drugs among the young is by no means confined to poor families.

Q. Do zoning regulations contribute to the concentration of poor families in the central cities?

A. Zoning has been an important factor in many areas. And in some cities, notably New York, rent-control laws, which have been maintained since World War II, have contributed importantly and are partly responsible for the abandonment of housing which is going on at a shocking rate in New York City today.

Q. Is that a growing problem?

A. Yes. The present rate of abandonment in New York is about 25,000 units per year, which is an enormous number. And, of course, when these homes are abandoned, they not only cease to be a source of tax revenue, but they are a charge on the city. They are broken into, often become havens for criminals, and are fire hazards.

Q. Isn't that process extending to stores and other commercial establishments in the blighted areas?

A. It's happening to them, too.

Now, the reason that rent control affects housing this way is that the landlords can't afford to make improvements, because they can't get rents that are sufficient to justify them.

Q. Rent control is a special New York problem, isn't it?

A. Yes. But there is widespread abandonment of buildings in other cities as well.

Q. You've been talking about families moving out of the big cities. How about businesses? Why are so many of them leaving the cities?

A. Businesses are leaving the cities for a variety of reasons. Crime, rising tax and insurance rates, and congestion are among the reasons. Also, many feel there is a more plentiful supply of better-quality labor in the suburbs. Others feel they are following their customers. Additional factors sometimes include room for expansion, aesthetics and convenience of commuting. However, the road isn't all one way, for many businesses are still flocking to the city—and others, having tried the suburbs, have come back, for they missed the dynamism, the excitement, the culture and the marketplace for the exchange of ideas that only the large cities provide.

Q. Is there any possibility of rebuilding the cities and making them attractive to people of all income levels?

A. I think there is. I have been studying with a number of my colleagues in the bank and outside what the causes are of insufficient construction and lack of a good development program within the cities, and it's our conclusion that there are two prime missing links:

On the one hand, fragmented land ownership, zoning laws and building codes make it difficult for developers to assemble and develop large tracts of land either within core areas of cities or outside. The private sector is willing to do its part, but our Government must foster private initiative by both identifying development opportunities and removing obstacles to appropriate projects.

We need a national urban-growth and development policy. I think that such a national policy should include the rejuvenation of existing cities, suburban areas, small towns and new communities.

Q. What's wrong with the present federal urban-renewal program?

A. It isn't broad enough. It only deals with segments of the problem. What needs to be done is to develop whole new communities rather than units of housing, or commercial establishments, or industrial areas separately.

Q. Do you mean whole new communities within cities,

A. And outside. It's estimated that there will be 75 million more people in the United States by the end of this century. To accommodate all these people in new cities would require 650 new cities of 100,000 people and 10 cities of a million.

Now, of course, it won't be done just that way. But this gives you some idea of the magnitude of the problem that we have to deal with. There's going to be a need for quite a number of new cities, and this is going to require the attention of the Federal Government, working with State and local governments, to develop the kind of sound, national, urban-growth policy which was called for in the Housing Act of 1970.

We are proposing that an agency of the Federal Government identify areas which are consistent with this national growth policy, help acquire the land, and make sure that the building codes and zoning for the land are consistent with an intelligent development program.

Q. Should the agency take over a big part of a city and decide what was going to be done with it, or would the city government have a veto?

A. Local communities and States have to have some degree of veto power. Just how this would be worked out is one of the things that need to be studied further. I think there must be effective power of eminent domain in the federal agency, but qualified so that the States and localities don't feel they're just being ridden over roughshod.

Q. Why can't the job of buying and developing land be done with private capital by private investors?

A. That brings me to the second part of our plan:

I said the first need is for an agency which has to be governmental, which can identify and acquire land for development that would be in accord with an over-all policy. We're also proposing a quasi-public or private bank, which we have suggested be called the National Urban Development Bank. This would be set up on a nationwide basis, perhaps along the lines of the Federal Reserve System, with a chairman who would be appointed by the President of the United States, and members of the board from each of the States and key cities.

This bank would get its funds partly from commercial banks, who would put in the equity, and partly from insurance companies and pension funds and other institutions of that kind who would make loans to the bank at favorable interest rates.

Q. Would investments in the development bank be guaranteed by the Federal Government?

A. No. The bank would go to the designated federal agency and say: "We will underwrite repurchase of the land which you have now acquired and assembled, find a developer, and make available to him the funds he needs to put in the necessary utilities, roads and so on. He won't have to start repaying immediately, because it is going to be some time before he puts in all the facilities and can realize a return."

It's this predevelopment money that is presently lacking. We see no reason why it could not be provided from private sources through this nonprofit corporation. The banks and insurance companies who put up the money would be doing so because they felt it was part of their social obligation to do so, and they would hope—we believe realistically—to receive a reasonable rate of interest and ultimately get back their capital.

Q. Would the developers get the land for less than cost?

A. For land for new cities outside the present cities, the developers would pay 101 per cent of what the Growth Administration had paid for the land. In other words, the federal agency would get back a small increment to help pay its administrative expenses.

Q. How about land for redevelopment in present cities?

A. The cost of assembling that land is already very high—uneconomically high. That is the reason the private builders haven't gone in and done something with it. So, in these areas, there would have to be a write-down on the value of the land—a one-time subsidy by the Federal Government.

RENEWAL: 50 BILLIONS IN 10 YEARS

Q. Just how much do you figure all this will cost?

A. We estimate that to provide the predevelopment and land-acquisition money for new cities will take about 10 billion dollars over a period of 10 to 20 years. Redevelopment in the older cities might require four times that much—40 billion. So we are talking about a total of something like 50 billion in all. Spread over a period of about 10 years, that is not an unmanageable sum, because, during this time, some of the funds would be rolled over—that is, they would be used, repaid and then used again.

Q. How much federal money would be needed by the designated Government agency in order for it to make the initial purchases of land?

A. There, again, you are talking about a revolving fund. I would think maybe 1 or 2 billion dollars would do it.

Q. Is it likely that the new communities you're talking about may aggravate the problem of the cities by encouraging more businesses and people to move out?

A. Part of the job of the Federal Government's agency responsible for an urban-growth policy would be to determine where these communities should go, how they fit into an over-all national growth policy. That's why I say that the Government entity is the first essential, without which this program couldn't work.

Q. As a practical matter, will most of the development you're talking about take place outside of the existing cities?

A. The population is so great that it has to take place both inside and outside.

I've already discussed this plan with a number of city officials in New York, and they're quite excited about the idea. They feel that there may well be areas in New York City where it could work. I'm sure the same would be true in other very large cities.

Q. What's the federal reaction to your proposal?

A. I am happy to say that there has been real interest. We've really run up against no one who has thought that we are way off base.

One of our major goals now is to continue to explain this proposal throughout the various branches of the Federal Government, for we have sensed that many persons of all political persuasions in the Congress, for example, have sensed the gravity of the problems and are, themselves, seeking solutions.

Q. After the land is acquired and the developer provides the basic facilities, then what happens?

A. Most of the development from then on would be done by private builders. The developer selected by the National Urban Development Bank would be the over-all supervisor of the new community, as, for example, the Rouse Company is in the new city of Columbia, Md. They undertook that development entirely on their own—with the assistance of banks and insurance companies.

Q. Under your proposal, will the developer have to submit a plan to the national agency showing just what is going to be built?

A. Yes. And, with the help of the bank, it would be up to the developer to go out and find industries, merchants, builders and others to come in and put up the money to construct individual segments of the community—stores, homes, offices, factories. This is in addition to the 50 billion dollars for land and basic facilities.

Now, there will be some public money required, if it's a brand-new city. A local government would have to be created which could issue bonds and levy taxes for schools and public buildings of that kind. But the bulk of the funds would come from private developers and industries.

Q. Developers of some of the new towns being built today seem to feel they have to have federal loan guarantees in order to make development feasible. Why is that? Do you think your plan will work without guarantees?

A. Up to now, developments by and large have been too small. They haven't had the assistance of Government in acquiring land or suitable zoning and building codes.

Depending on circumstances, the developer may or may not have less money tied up under our proposal, but the land would be freer of restrictions, and development would take place according to an over-all plan which would envisage balanced, small communities and neighborhoods within the larger complex.

I think that is one of the interesting features of Columbia, that they are creating small integrated neighborhoods—integrated both as to income level and racial background—which promise to work extremely well. They are developing along lines that are acceptable to the people who move in.

Q. How could you apply that concept to a decayed area such as Harlem? Would you wipe out everything and rebuild the area?

A. I suspect that for portions of Harlem that might be necessary. But there are areas in New York City—in Brooklyn and Queens and the Bronx and perhaps also in Harlem—which have gone so far downhill, have so many abandoned buildings, that it would not be impossible to acquire a very large area.

Q. Wouldn't you uproot a lot of people in the process?

A. Not if you started with one section involving a very small removal of families, and built on that first, giving people the opportunity to move from another section into it, and so on.

There are some areas where there are virtually no people living.

Q. Can the old buildings be renovated, or do you have to redevelop these slum areas with modern apartment houses?

A. A great deal depends upon the character of the buildings, but experience up till now with rehabilitating obsolete and deteriorated buildings has not been good. It has been terribly expensive, and by and large it hasn't worked. But when you say, "Put up modern apartments," that might or might not be the type of building a developer would choose.

I think the important thing is to try to create viable communities rather than groups of isolated apartment buildings. That is exactly where we made the mistake in the past.

One would hope to have many sizes and types of housing within each community, hopefully suitable for different income levels. For people with the lowest incomes, there would be a need for housing subsidies.

Q. Would a family of four that could afford to pay, say, $450 a month rent on an apartment feel comfortable living next to a family that could pay only $135?

A. I believe that if communities are developed the right way, giving adequate freedom of choice to the people who come in, income levels will not necessarily represent built-in incompatibility.

But what the proportions should be, and so on, I think these are things that have to be worked out. I don't pretend that I have a blueprint that would work everywhere. I'm sure it would vary from city to city.

NEW SOURCES OF TAX REVENUE

Q. How would redevelopment help the cities to overcome their financial and racial troubles?

A. It would bring new life and new sources of tax revenue into areas which have progressively been producing less and less in the way of taxes.

Q. Do you think it might attract people in the suburbs back to the cities?

A. This could well be. I don't think this is at all out of the question, if the development is done on a large-enough scale and with a good over-all pattern that makes it attractive.

If people can walk to work or can go to work easily in 10 or 15 minutes, they would much prefer it to the present setup, where many people in New York are commuting one and two and even three hours each way daily under very uncomfortable and unpleasant conditions.

There is under way now the development of housing along the fringes of lower Manhattan which is going to enable a good many thousands of families to live there and walk to work. This isn't a blighted area, fortunately, but 15 years ago there was a risk that it might become so. It has come back as a result of the concerted action of the local landowners and businesses working in the closest harmony with the city, the State and the Federal Government.

Q. Can you see maufacturers moving back into New York and other cities they have left?

A. I don't consider this to be out of the question at all, provided they can be assured of a labor force.

Q. Is it your feeling that there is something good about cities—that people like to live in them?

A. Yes. After all, they did in the past. I still like to. And I think most people would like to much more if they saw the prospect of an improving community rather than a deteriorating community. But here, I think, is where you have to deal with large areas rather than just a few houses in a block.

Q. Mr. Rockefeller, you have just returned from a trip abread. Are the Europeans ahead of the Americans in coping with the problems of the older cities?

A. I think many European cities have done a better job with housing than we have. They have created housing developments which have become much more attractive neighborhood centers.

Q. Are you speaking of public or private housing?

A. Both.

Q. Big apartment buildings or small townhouses?

A. That varies from city to city. By and large, they tend to build walk-up apartments, not the high-rises we have. But somehow they have created a more pleasing atmosphere than I think we have in many of our cities.

Q. Have racial animosities made the problem more difficult in the U.S.?

A. I'm sure that is part of the problem. And another part is the cost of construction, which reflects many factors, among them building codes, zoning requirements and trade-union restrictions.

It all adds up to the fact that we have not yet been able to apply to housing—one of our most important industries—the mass-production techniques that we apply to automobiles or, for that matter, to house trailers. And one reason that we see a tremendous growth of mobile homes is that they are not subject to the same restrictions that non-mobile homes are.

Q. Is that good or bad?

A. Well, I think it's bad in the sense that some of the mobile-home parks are a blight on the countryside in appearance. I see no reason why it wouldn't be possible—if one could clear away these problems that I mentioned—to build attractive, permanent homes using the same techniques that have been used in the manufacture of mobile homes. Some day this will come.

Q. Do you expect the new cities to be made up mostly of apartment houses or single-family homes?

A. I would hope for a considerable mixture—some townhouses, some condominium-type, multiple-family units, and some apartment houses.

Q. What kinds of commitments have you been able to get from the companies that would have to put up the money for the development bank you are proposing?

A. We haven't asked for any commitments yet. We've talked with a number of banks and insurance companies, and on the whole we've gotten a favorable response.

I think that American business recognizes that it is in its own interest and the interest of our country to find a way to solve the extraordinarily great urban problems that we face, and that it has a responsibility to play its part. Business will put up the money, if it sees a way in which it can play a part without losing money but perhaps accepting somewhat less attractive terms than it would normally expect.

You're probably familiar with the fact that the insurance industry has already committed a billion dollars for urban housing. And the banking community recently pledged a like amount and is well on the way to investing that for specific projects in the cities.

So our plan is not completely new. It simply is an idea that would enable a great many more institutions to invest. Favorable response to this proposal has encouraged us to further refine and test it. To this end we have retained the Real Estate Research Corporation, a management-consulting firm specializing in all aspects of real estate planning and development.

Q. Are the banks investing in large housing projects in New York City?

A. Yes. For example, we and a number of other banks are involved in one on the East Side of New York—in landfill on the river. Waterside is the name of it. This required a 75-million-dollar loan to put up mixed housing, a good deal of it low-income.

SHAPING "FUTURE OF OUR SOCIETY"

Q. Do you consider your plan the big thing that's going to save the cities?

A. I can't believe that any one project is going to be their salvation. What we have done is to identify the roadblocks which have prevented large-scale redevelopment and new community building on a viable basis.

The future of our cities—indeed, the future of our American society—depends on the continuing renewal of older communities and the building of new communities. Major commitments by both the public and private sectors are essential. Government must do what it can do best through its powers of planning, co-ordination, regulation, land acquisition and subsidy. Given this, business will provide the management, manpower, material and financing needed to rebuild our existing cities and create new ones.

We, then, are proposing mechanisms for both the Government and the private sector to perform in their respective roles. One mechanism is a purely public agency for urban growth-and-development policy. The other is a private National Urban Development Bank. If these could provide what has been lacking, then I think this proposal could make a significant contribution.

Q. Do you think the President will look favorably on this proposal?

A. I am hopeful that he will. Thus far, the response from people at the White House has been encouraging.

GEORGE W. NORRIS HOME NATIONAL HISTORIC SITE

Mr. HRUSKA. Mr. President, my colleague (Mr. CURTIS) and I have introduced a bill, S. 1130, to have the home of the late Senator George W. Norris made into a national historic site under the care and direction of the National Park Service. The Legislature of Nebraska has now passed a resolution strongly endorsing that bill, and I ask unanimous consent that the legislative resolution may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

LEGISLATURE OF NEBRASKA LEGISLATIVE RESOLUTION 81

Whereas, the Honorable George W. Norris, late a resident of McCook, Nebraska, served his state and nation with statesmanship and distinction as District Judge of the 14th Judicial District for seven years, as United States Congressman from Nebraska's Fifth Congressional District for ten years and as United States Senator from Nebraska for thirty years; and

Whereas, his outstanding career provided for his recognition as a national historical figure; and

Whereas, his home at 706 Norris Avenue, McCook, Nebraska with its furnishings has been given to the public by his family and can be an inspiration to present and future generations of the nation.

Now, therefore, be it resolved by the members of the eighty-second legislature of Nebraska, first session:

1. That this Legislature urges the Nebraska members in Congress to encourage congressional support of Senate file 1130, which bill is to make the Norris Home in McCook, Nebraska, a National Historical Site under the National Park Service.

2. That copies of this resolution be sent to the Nebraska congressional delegates.

FRANK MARSH,
President of the Legislature.

I, Vincent D. Brown, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 81, which was passed by the Legislature of Nebraska in Eighty-second Legislature, First Session, on the twenty-sixth day of May, 1971.

VINCENT D. BROWN,
Clerk of the Legislature.

ORDER FOR RECOGNITION OF SENATOR PERCY AND SENATOR GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Alaska (Mr. GRAVEL), for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, following the remarks on tomorrow of the distinguished Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the expiration of the period for the transaction of routine morning business on tomorrow, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON SPEECHES DURING THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, during the period for the transaction of routine morning business, statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF THE GERMANENESS RULE THROUGHOUT THE DAY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that, in view of the fact that a time agreement has been reached on amendment No. 143 by Senator McGOVERN and others, the Pastor rule of germaneness be waived throughout the day tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I now suggest what I hope will be the final quorum call for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 o'clock a.m. Following the recognition of the two leaders under the standing order, the Chair will recognize the distinguished Senator from Illinois (Mr. PERCY) for not to exceed 15 minutes; following which the Chair will recognize the distinguished Senator from Alaska (Mr. GRAVEL) for not to exceed 15 minutes.

At the close of the two orders mentioned, there will be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, the period not to extend beyond 12 o'clock noon.

At the conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531. The pending business will be amendment No. 143 by Senator McGOVERN and others. Time thereon is controlled.

When the Senate completes its business tomorrow, it will stand in adjournment until 11 a.m. on Monday next.

I foresee no rollcall votes tomorrow. However, as Senators are aware, of course, amendments to the amendment may be called up at any time and votes may occur thereon.

ADJOURNMENT TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 9 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 11, 1971, at 11 a.m.

NOMINATION

Executive nominations received by the Senate June 10, 1971:

U.S. TARIFF COMMISSION

Joseph O. Parker, of Virginia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1977, vice Bruce E. Clubb, term expiring.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 10, 1971:

DISTRICT OF COLUMBIA COUNCIL

The following-named persons to be members of the District of Columbia Council for terms expiring February 1, 1974:

Margaret A. Haywood, of the District of Columbia.

Joseph P. Yeldell, of the District of Columbia.

Henry K. Willard, of the District of Columbia.

EXTENSIONS OF REMARKS

BICENTENNIAL CELEBRATION OF PERU

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1971

Mr. CONTE. Mr. Speaker, it is indeed an honor for me to call to the attention of the House the bicentennial celebration of Peru, a small village in Berkshire County of Massachusetts. Peru, with its tiny population of about 150 people, has a colorful history of a mountain town settled by the hardy pioneer types that reflect the finest traditions of New England perseverance and independence.

The tract of land that Peru now occupies was originally sold at auction in Boston to one Elisha Jones in 1762. After the sale, a man from Hatfield, Mass., named Oliver Partridge became the joint proprietor, and the town was incorporated in 1771 as Partridgefield, a name bestowed in his honor. Peru received its present name in 1806 when the townspeople decided their town's name should be shortened. The present name was suggested by the Reverend John Leland, "because," he said, "it is like the Peru of South America, a mountain town, and if no gold or silver mines are under her rocks, she favors hard money and begins with a P."

The remarks of Reverend Leland reflect the rugged geography of the village on which only the toughest and most dedicated settlers could endure the long cold winters and till the rocky soil to make a living. Peru is considered to be the highest village in the Commonwealth, situated at the summit of the Berkshires at an altitude of nearly 2,300 feet. As late as the early part of this century the roads were so rugged and the winter snows so heavy that church services were held only from May until November, and the schools were closed from Christmas until March.

Many families, not so long ago, still kept the old New England custom of "storing up for the winter." These families, many of whom lived miles from the main roads, would supply themselves with enough canned food, barrels of potatoes and apples, logs for the parlor and kitchen stoves, and kerosene for the wick lamps to last them through the long, cold, hard months. And if you went into any woodshed, you probably would have seen a huge carcass of pork or beef hanging from the rafters.

All these scenes of rugged individualism and determination are really quite recent, and some still remain today. The spirit and conviction of the hard pioneer life certainly exists in Peru to this day, and her citizens are proud of their heritage. Two virtues that the inhabitants of Peru still value from the early days are self-sufficiency and the ability to solve their own problems, no matter how tough the circumstances.

I am told that there is a story that Peru townspeople still tell that illustrates this tradition of personal drive and ingenuity. As the story goes, back in 1799 a man named Charles Ford moved to Peru to seek his fortune in the new town. He traveled with all his worldly possessions, which consisted of a horse and cart, a yoke of oxen, and one hog. The long trip by foot took its toll on the poor hog, and it eventually became footsore and caused much delay. Mr. Ford, who was a shoemaker, sat down on the roadside and made small leather boots for his hog's road-weary feet. After fitting his traveling companion with his custom-made footwear, Mr. Ford and his entourage were able to proceed to Peru without further difficulty.

Today, Peru has, because of the austere beauty and solitude of the mountain range, many summer residents who escape the pressures of city living to enjoy the beautiful scenery and foliage and the bounding trout streams that are indigenous to the area.

Peru, in its long history as a true New England democratic community, has kept one of the finest examples of meaningful self-government ever devised. I am referring, of course, to the institution of the town meeting. Since the original warrant for the first town meeting was issued by William Williams in 1771, the people of Peru have met every year. The town meeting day is now on the 2d of March, and it is an exciting day for the entire town. All the citizens, including those voters living in other towns and cities during the winter, turn out for this great event. Occasionally, the intensity of debate reaches a high pitch, as important matters such as schools, money appropriations, cemeteries and roads are discussed. In the true spirit of fair play, however, there have never been any serious disturbances as the contest continues—not along partisan lines of Republicans and Democrats, but between those on one side in local affairs, and those on the other. All local issues are discussed in this form of honest debate, with each citizen having an equal say. But whatever the issue, respect for points of law and for one another is observed by all.

I must say that, in these days of social tension and complex government bureaucracy with which we are only too familiar here in Washington, it is certainly refreshing to know of this fine tradition that the town of Peru has maintained throughout the years. This dedication to the ideal of personal involvement in self-government is a fine and meaningful example for us city folk, and a goal to which we should all be dedicated.

What is reflected in these annual town meetings is the spirit that these people show, not on one day, but on every day of the year. They are a fine people and carry on their lives in the best traditions of democracy and selfrespect. Therefore, Mr. Speaker, I am proud to honor the town of Peru, Mass., on the occasion of its 200th anniversary.

GEORGE ROGERS CLARK: CONQUEROR OF THE OLD NORTHWEST

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Thursday, June 10, 1971

Mr. COOPER. Mr. President, though the people of Kentucky are of divergent origins, both North and South, my State enjoys the great historical heritage of the Commonwealth of Virginia which, at one time, extended from the Atlantic seaboard beyond the Alleghenies to the Mississippi and included Kentucky and Illinois as counties of the Old Dominion. The story of the conquest by Virginia during the War for American Independence of the vast empire of the old Northwest Territory is one of the great sagas of our country's history. Its principal hero was George Rogers Clark of Albemarle County, Va., who, by his brilliant performance as commander in chief, Virginia forces, western department, became one of our Nation's heroes.

Though generally overlooked for many years by leading historians for a variety of reasons, this gifted soldier in more recent times has been increasingly recognized because of the magnitude of his achievements which won the commendation of George Washington, and now have been recorded in authoritative books.

In Virginia, Clark is honored as one of her most illustrious sons. In Kentucky, he is recognized as one of the fathers of our Commonwealth and as the founder of Louisville. In West Virginia, the city of Clarksburg is named for him.

A number of monuments honor him in various locations. At Louisville, Ky., there is the George Rogers Clark Memorial Bridge spanning the Ohio River, a river which he knew so well; at Vincennes, Ind., there is located the Clark Memorial; at Riverside Park in Quincy, Ill., a bronze statue gives a realistic likeness; and, in Virginia, at Fredericksburg, the city associated with his youth, there is at its traffic circle a monument with a plaque recording Clark's services and, at Charlottesville, another heroic bronze statue.

Though the records about General Clark and his works are extensive, they are scattered in various repositories. A recent article appearing in the June issue of the Explorers Journal entitled "History of Exploration: George Rogers Clark" by Capt. Miles P. DuVal, Jr., U.S. Navy, retired, highlights the career of General Clark.

The author, Capt. Miles P. DuVal, Jr., is a well-known historian, the author of several authoritative works on the Panama Canal, and he is a frequent contributor to the Explorers Journal on historical subjects. I should note that the Explorers Journal is the official magazine of the Explorers' Club of New York.

Mr. President, I believe many Members and the American public will find Captain DuVal's thoughtful article informative and of historical interest, and I commend it to their attention. I now ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GEORGE ROGERS CLARK

(By Miles P. DuVal, Jr.)

PROLOGUE

At the start of the War for American Independence, the thirteen original English Colonies that formed the United States were a narrow strip between the Atlantic seaboard and the Alleghenies from Maine to Georgia. British jurisdiction extended southward from Canada between the new nation and the Mississippi, and included Florida.

Threatened with invasion from the north by British forces in Canada over the natural Lake Champlain—Hudson River route, endangered from the east by British sea power, and attacked from the West by a combination of the British Army and incited Indian savages, the young country faced the desperate situation of a three-front war.

The key point for defending the western line was Virginia's Fort Pitt at Pittsburgh, where the Alleghany and Monongahela Rivers join to form the Ohio. The base for British attacking forces was at Detroit, which controlled key transportation routes on the Great Lakes and overland to the Ohio and Mississippi Rivers. Subordinate British stations were at Mackinac covering the strait between Lakes Michigan and Huron, Vincennes on the Wabash, and Kaskaskia and Cahokia on the Mississippi, the last being nearly opposite Saint Louis, the Spanish headquarters for upper Louisiana.

One evening in the spring of 1779, after dinner with his staff, General Washington was quietly sitting pondering the problems of the war when an express arrived. Not knowing what to expect as the Commander in Chief began reading the dispatch, the staff stopped talking and watched the General's face. Gradually its muscles relaxed and its strong lines softened. He announced that Colonel George Rogers Clark of the Virginia Militia, by a winter march, had surprised and captured Vincennes and its garrison, and that the British Commander, Lieutenant Governor Henry Hamilton of the British western territory was a prisoner of war.

This decisive victory of Colonel Clark on February 25, 1779, after one of the most brilliant campaigns in history, meant that British plans for the summer of 1779 were upset, that British pressure on Pittsburgh and the western front were temporarily relieved, and that Washington was left free to pursue the great task of winning the war in a series of operations culminating in the Battle of Yorktown, ending the war with retention by the United States of the vast empire north of the Ohio conquered by Clark.

Who was Clark and what are the highlights of his life?

EARLY YEARS, 1752–1771

Born on a farm overlooking the Rivana River in Albemarle County near Charlottesville, then near Virginia's western frontier, George Rogers Clark was of English-Scotch ancestry, with lines back to early colonial times. His father, John Clark, was a successful planter and his mother, Ann Rogers Clark, described by a close relative as the "grandest, most majestic woman he ever saw,"[1] was from a family famed in the history of the United States Navy.

Through them, young George Rogers had the heritage of two of the best known families of the Tidewater section of Virginia. Their greatest pride was that, of their six sons, five became officers in the Revolutionary War, two of them generals. The youngest, William Clark, who was only a child later attained great fame as the leader in the Lewis and Clark Exploratory Expedition.

George Rogers Clark was born two years before the outbreak of the French and Indian War. After the defeat of General Braddock near Pittsburgh on July 9, 1755, which opened the western frontier to Indian attacks, the Clark family in 1757 moved east to Caroline County, south of historic Fredericksburg. Their sojourn near Charlottesville had laid the foundation for a life-long friendship of George Rogers Clark and Thomas Jefferson, who was nine years older.

In Caroline County young Clark attended a school run by a well known Scotch educator, Donald Robertson, and proved himself proficient in mathematics. He studied geography, history, and nature, acquiring a love of books that made him an eager reader for life. He was always a leader among the students, one of whom was James Madison. More significant were instructive discussions at home. In these, one of his mentors was George Mason. Another was his grandfather Rogers under whom he studied surveying, becoming expert. The greatest influence on young Clark, however, was the youthful Colonel George Washington, who became his ideal—as Washington was to many other young Virginians at that time.

With the formal education of George Rogers ended at the age of twelve, his father determined that this son should be prepared for the time when he would leave home. At fifteen, George was buying his own clothing with proceeds from crops that he had grown. At sixteen, he sold his corn and tobacco for 30 pounds, which made him feel that he was a capitalist as well as planter.

The extension of British dominion, following the peace of 1763 with France, beyond the Alleghenies westward to the Mississippi and southward to the gulf of Mexico, served to stimulate westward migration among the colonials, despite a proclamation by George III prohibiting them from settling or claiming land beyond the headwaters of streams flowing into the Atlantic. Living in the path of the growing westward movement, the nineteen-year-old George Rogers found the idea of exploration alluring. Like George Washington, he decided to seek his fortune in the West.

GOES WEST AND BECOMES A SURVEYOR, 1772

The vast area west of the Appalachians in 1772, with the exception of a few French settlements, was a primeval wilderness, much of it covered with forests abounding in wild game and inhabited by warlike Indians. Under intertribal agreements, Indians lived north of the Ohio and south of the Tennessee. The extensive salient extending southwestward from Virginia and Pennsylvania between the Ohio and Tennessee Rivers was uninhabited and reserved by Indians for wild life, thus forming the "happy hunting ground" in which they obtained food and at times fought tribal wars.

In the years following the peace treaty of 1763, the Indians remained tranquil despite occasional encroachments by English settlers locating west of the Alleghenies. When Virginians started their westward migrations early in the 1770's, they usually traveled via the Monongahela to Fort Pitt, an area then claimed and governed by Virginia, descended the Ohio, avoiding the northern bank because of hostile Indians, and settled in the central part of Kentucky. Others, including some from Maryland and Pennsylvania, traveled through the Valley of Virginia to the headwaters of the Tennessee and thence through the Cumberland Gap to the same area.

Seeing their hunting grounds invaded and food supply threatened, Indians north of

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Footnotes at end of article.

the Ohio became apprehensive and came to feel that they would have to defend their territory. This was the status of affairs in the spring of 1772 when Clark, equipped with survey instruments and books, set out on his first exploring expedition—a "tall, slender, blue-eyed youth of nineteen with clear complexion and sandy hair." [2]

Choosing the northern route, Clark crossed the Blue Ridge and followed the Monongahela to Pittsburgh. Leaving there with a few companions, including the Reverend David Jones, later a chaplain in Washington's army, the "young gentleman from Virginia" [3] slowly descended the Ohio to the mouth of the Great Kanawha and returned home by a southern route across a succession of mountain ranges.

Enthusiastic about the West, Clark, accompanied by his father and two slaves, went back later in 1772 and settled in fertile bottom land along Fish Creek about 40 miles down the Ohio from Wheeling. He cleared an area for farming and became a successful surveyor.

GOVERNOR DUNMORE LAUNCHES CLARK ON HIS MILITARY CAREER, 1774

The tide of immigration by 1773 swelled, with white settlers going hundreds of miles below Fort Pitt and survey parties as far as the Falls of the Ohio. This enabled Clark to earn a "good deal of cash" [4] by surveying and to become well acquainted with the terrain. Indians, already apprehensive, became increasingly concerned as the migration grew.

Returning home early in 1773 for a visit with his parents, Clark found that his father had become uneasy about his safety. This, however, did not dampen Clark's enthusiasm and he returned to the "back country."

Eventually, open hostilities developed between Indians and white settlers. Inexperienced in the cruel warfare of the forests, thousands of the colonials gave their holdings and fled east to safety.

Lord Dunmore, then Royal Governor of Virginia, called out the militia and on May 2, 1774, commissioned Clark, age 21, as a captain. Twelve days later, Dunmore placed him in command of the militia in Pittsburgh and its dependencies. From this base in August, Clark participated in his first Indian expedition—a minor surprise attack against Shawnee towns on the Muskingum River in Ohio.

After raising 3,000 troops in Virginia, Lord Dunmore decided to take the war into enemy territory. Organizing his forces into two commands, the southern group under General Andrew Lewis defeated the Indians on October 10, 1774, at Point Pleasant, West Virginia. The northern group, to which Clark was attached, remainded under the command of Dunmore, who was so much impressed by the abilities of Clark that he suggested his becoming a professional officer of the British Army.[5]

In the treaty of peace that followed this war, the Indians gave up all claim to the land south of the Ohio, agreed not to go there, and supplied hostages, one of them an Indian Chief. With peace thus assured, settlers rapidly returned to their claims and, in March 1775, completed the first settlement in Kentucky at Harrodsburg.

The most significant consequences of what is known as Dunmore's War were that it gave some 3,000 Virginians a glimpse of the wealth, beauty, and fertility of the West, trained them for greater events yet to come, and launched Clark on his military career.

SAFETY OF KENTUCKY AROUSES CLARK'S CONCERN, 1775

Meanwhile, Clark obtained a position as deputy to Colonel Hancock Lee, the successor of George Washington as chief surveyor for the Ohio Company, which was engaged in the development of the western region. While at Wheeling on his way to meet Lee in central Kentucky, Clark, on May 4, 1775, joined a party of seven men among whom was a cultured Englishman, Nicholas Cresswell, who described Clark as "an intelligent man." [6]

When stopping at Grave Creek where Clark had lived he showed them Indian mounds and explained the use by Indians of a red root (called pocoon) in the treatment of rattlesnake bites. Evidently Clark made a fine impression on the Englishman, for after Clark separated from the party, Creswell recorded that he "always behaved well." [7]

As one of the earliest surveyors in the Ohio Valley, Clark established claims for much valuable land and soon considered himself a man of wealth. His activities, however, were not limited to the acquisition of land for himself. To encourage more extensive settlement, he and Colonel Lee laid out the town of Leesburg on the Kentucky River near Frankfort.

By this time, the relations of the colonies with the British Government had become critical. Patrick Henry had made his immortal address before the Second Virginia Convention on March 23, 1775, at St. John's Church in Richmond, calling for war, and the first shots had been fired on April 19 at the Battle of Lexington, Massachusetts. Washington had been chosen two months later as Commander in Chief, and, on July 3, had assumed command of the Army at Cambridge.

Because of the start of hostilities, many settlers feared losing their lives and property. In addition to the hazards of war, states north of Virginia disputed her claim to her 1609 charter-based western territory and urged the Congress to establish it as the common property of all the States.

The resulting critical situation deeply impressed Clark, then 22, who recorded, "It was at this period that I first entertained the thought of concerning myself about the interest of this country." [8]

VIRGINIA DECIDES TO MAINTAIN HER NORTHWESTERN TERRITORY, AUGUST 23, 1776

Determined to find a way out of the difficulties, Clark returned to eastern Virginia while the Second Virginia Convention was still in session. His brother Jonathan Clark, George Mason, and Thomas Jefferson were members and thus in a position to aid him in estimating the political situation.

Returning to Kentucky in the spring of 1776, Clark had a definite plan in mind and called for a meeting of settlers on June 6, at Harrodsburg at which time "something would be proposed to them which much concerned their interest." [9]

As Clark arrived too late that day to present his plan, the gathering concluded that his purpose was to send delegates to Virginia with a petition for Kentucky, then a part of Fincastle County, the westernmost part of Virginia, to be made a separate county with its own government. It thereupon elected him and John Gabriel Jones as delegates to the Virginia General Assembly.

Desiring to arrive at Williamsburg before the Assembly adjourned, the two traveled via the Cumberland Gap, but before reaching their destination, they learned that the Assembly had adjourned and would not meet until October. The two decided to remain in Virginia, Clark to call on Governor Patrick Henry, then ill at his home in Hanover, and Jones to go to Holston in southwestern Virginia to join a force being raised to repel hostile Cherokees then attacking the frontier.

Presenting his credentials to Governor Henry, Clark found him sympathetic and obtained a letter to the Governor's Council. He soon saw that this body was likewise sympathetic but reluctant to authorize delivery of 500 pounds of ammunition, requested by Clark for use in Kentucky. Both he and the Council realized that more was at stake than 500 pounds of ammunition and that overt action by the Council would commit the state to an assertion of its sovereignty over the Northwestern Territory as provided by Virginia's charter against all claimants—a majority in the Congress, northern states, and large land companies. On the other hand, the Council feared to lose its Western Territory and Clark determined to utilize that fear.

In Clark's own words, "I wrote to the Council and enclosed the order for the powder. I told them I had weighed the matter and found it was out of my power to convey those stores at my own expense such a distance through a hostile country; that I was sorry to find that we would have to seek protection elsewhere, which I did not doubt of getting; and that if a country was not worth protecting it was not worth claiming." [10]

The Council thereupon acted, and on August 23, 1776, issued orders for transporting the powder to Pittsburgh to await instructions from Clark. Thus, the 24-year-old leader secured the necessary commitments of the Governor's Council to maintain Virginia's control over her charter-based Northwestern Territory.

FATHER OF THE COMMONWEALTH OF KENTUCKY, DECEMBER 7, 1776

Virginia's General Assembly met on October 1, 1776, and started consideration of the Kentucky question the same day. Colonel Arthur Campbell, County Lieutenant of Fincastle County and member of the Assembly, did all in his power to block Clark's plan, for he did not wish to see his own extensive domain reduced. Large land promoters submitted a memorial opposing Virginia's assumption of jurisdiction over the Northwestern Territory. But Clark, who had been joined by Jones, did not weaken.

For a time it looked as if Clark's plan would be defeated. He and Jones, who were denied seats as Members of the General Assembly, submitted a final petition, evidently written by Clark, emphasizing the "defenseless state" of their constituents, imploring "immediate protection," and reflecting keen strategic insight as to the value of Kentucky in protecting the states from attack from the West.

The petition stated, "[The Assembly] cannot but observe how much it is to the interest of Virginia to prevent the inhabitants from abandoning [Kentucky] and how necessary it will be to the [United States] in case of an Indian War . . . with nations of Indians lying west of the River Ohio, as their situation is so contiguous to those nations that the seat of war may be carried thither and thus secure the frontiers effectually, at once. Add to this, that in this service they can save the [United States] at least one-half of what an army must cost. . . ." [11]

Finally, after a deadlock between the two houses for more than two months, the General Assembly, on December 7, 1776, after Clark and Jones had departed, passed the bill separating Kentucky from Fincastle County and making it a new Virginia county, with boundaries substantially the same as present-day Kentucky.

This action by the Virginia General Assembly, brought about mainly through Clark's vision and services, gave the new county its own government, authority to organize its militia, and the power to administer it. Moreover, it won for Clark acclaim by historians as the Father of the Commonwealth of Kentucky.

STRATEGY FOR GAINING CONTROL OF THE CONTINENT, 1777

After the ammunition arrived at Pittsburgh, Clark and Jones, in the late fall of 1776, decided to return to Kentucky by that

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Footnotes at end of article.

post and to take the powder with them. At Fort Pitt, Clark saw many Indians who, through professional friendship, were spies, knew about his plans, schemed to take the powder from him on the way, and "were fully preparing for war in the spring."[12]

Recognizing that safety depended upon expediting the transport, Clark started down the Ohio with a party of seven men in small boats. After passing hostile Indians in the night, he discovered that he was being pursued, landed near Limestone, Kentucky, about midway between the Big Sandy and Licking Rivers, hid the ammunition in several places, set the crafts adrift as decoys, and went overland to Harrodsburg for assistance.

As feared by Clark, Indians invaded Kentucky, slaughtering isolated settlers and forcing others into their forts or to flee. On January 2, 1777, a force under James Harrod left to recover the Virginia powder, reaching Harrodsburg when it was sorely needed by the Kentucky County Regiment of Militia, organized by March 5 with Clark as Major, in command at the age of 25.

In describing the operations in Kentucky at this time, Clark later recorded that they were very uniform, "The defense of our forts, the procuring of provisions, and when possible surprising the Indians . . . burying the dead and dressing the wounded. . . ."[13]

As a great admirer of Washington and one who viewed the war with an instictive understanding of strategy, Clark thought in terms not only of the needs of Virginia, but also of the United States, and devoted all his unoccupied time to the pondering of strategic problems. In his own words:

"This led me to a long train of thinking, the result of which was to lay aside every private view and engage seriously in the war, having the interest and welfare of the [United States] my only concern until the fate of the continent should be known. . . . This . . . enabled me better to judge the importance of Kentucky to the Union, situated as it was in the midst of the Indians. . . . I saw that as soon as they should accomplish the destruction of Kentucky they would descend upon our frontiers; and instead of the states receiving supplies from thence, they would be obliged to keep large bodies of troops for their defense. It would be almost impossible to move an army at so great a distance to attack their towns, even if they could be found. By supporting Kentucky and encouraging its growth these obstacles would in large measure be removed; for . . . we might, with a little assistance, march with ease at any time from this country to any part of [Indian] country we chose.[14]

Thus Clark came to view the security of Kentucky as a matter of the "greatest consequence, which ought to meet with every encouragement, and to perceive that nothing [he] could engage in would be of more general utility than its defense."[15] His preparations included the formation of a widespread intelligence network in the Mississippi and Ohio valleys, with the sending of spies to scout the Illinois area, which included Indiana.

Clark's vision was not restricted to keeping the United States a narrow strip on the Atlantic Coast, but contemplated gaining control of the continent. His plan was to drive the British out of the Western Territory by expeditions against their distant posts as the best way to support Washington in the War for American Independence.

VIRGINIA'S MOTIVES FOR CONQUEST

Clark's spies returned from Illinois on June 22, 1777, with information that British forces at Kaskaskia were efficient but did not expect an attack by the Americans, that Indians were being incited and that, despite attempts to inflame the French, the latter evidenced affection toward the struggling Americans.

Thus supplied with recent intelligence, Clark set out on October 1 for Williamsburg to propose his plan to Governor Patrick Henry, Virginia's first governor as an independent commonwealth.

Cautious in making his approaches, Clark talked to key leaders to find out their attitudes, settled his accounts as major of the Kentucky County Regiment with state auditors, and visited his father's home in Caroline.

In presenting his ideas Clark knew that Virginia had important reasons for gaining control of the Western Territory—fertile lands in Kentucky, more valuable lands north of the Ohio, and, because of opposition from northern states, the danger of losing all forever if not occupied. Even more significant, however, were millions of acres of "promising mineral lands"[16] in West Virginia.

GOVERNOR HENRY ANTHORIZES INVASION OF THE ILLINOIS, JANUARY 2, 1778

On December 10, 1777, Clark was back in Williamsburg and submitted his design to Governor Henry. His plan was to transport his command down the Ohio River almost to its mouth, march overland to Kaskaskia, timing his arrival there at night, surprise and capture the fort, win over French inhabitants by generous treatment, and overcome hostile Indians. His letter stated that possession of Kaskaskia "would distress the garrison at Detroit for provisions; . . . fling the command of the two great rivers into our hands. . . . enable us to get supplies of goods from the Spaniards, and to carry on trade with the Indians."[17]

The proposal faced two difficulties: the Governor had no authority to send troops across the Ohio, and there was the problem of maintaining secrecy. Governor Henry and Clark met the situation by discussing the plan only with the Governor's trusted friends, among them Thomas Jefferson, George Mason, and George Wythe, who became enthusiastic for success.

Governor Henry issued two sets of instructions. One was for public use authorizing Clark to enlist seven companies and to "proceed to Kentucky and there to obey such orders and directions as you shall give them. . . ."[18] The other was secret, covering the main features of Clark's plan for taking Kaskaskia, Cahokia, Vincennes, and, ultimately, Detroit, and directing humane treatment of British captives.

Buoyed up with such orders received on January 2, 1778, Clark, by then a colonel, was supremely confident of success and started upon the arduous task of organizing his forces.

By February 1 Clark was at Brownsville on the Monongahela. Leaving there in late May with two companies of Virginians totaling about 150 men, he went by Pittsburgh and Wheeling for the Falls of the Ohio. There he took possession of Corn Island in the river opposite the site of Louisville, fortified it, and started upon a training program for his little army.

BRITISH PLAN FOR ATTACK, 1778

Meanwhile, under the leadership of Colonel Henry Hamilton, Lieutenant Governor at Detroit, British forces were being readied with over 800 troops there and smaller garrisons at Mackinac, Vincennes, Cahokia, and Kaskaskia. The commandant at the last was Philip de Rocheblave, who was violently anti-American. All were inciting Indian savages to join in crushing the rebellious colonists and, in the language of George III, restoring them to their "former state of happiness and prosperity."[19]

While Clark was on his way to the Illinois, Governor Hamilton was planning a combined British and Indian attack on Kentucky and the Allegheny frontiers, including the capture of Pittsburgh, for which he had obtained plans of the fort. His objectives were to destroy the crops of the settlers and to drive them back across the Alleghenies.

Meantime, the Congress called upon the Governor of Virginia to raise a force of 2,500 to join in an expedition under the Continental commander at Pittsburgh to take Detroit, and Governor Henry started upon this task. The fact that he had authorized Clark to take Detroit indicates that there was confusion in strategic planning that could only serve to weaken Clark.

VIRGINIA FORCES CAPTURE KASKASKIA AND CAHOKIA, JULY 4-5, 1778

After a month's stay on Corn Island training his troops, Clark left with his command of 170 or 180 men on June 24, 1778, at the very time of an eclipse of the sun, shot the rapids and got underway for Fort Massac in southern Illinois. Fortunately, before departing he received a letter from Pittsburgh informing him of a recent treaty of alliance between the United States and France.

As described by a contemporary at this time, "Col. Clark himself was nature's favorite, in his person as well as mind. He was large and athletic, capable of enduring much, yet formed with such noble symmetry and manly beauty that he combined much grace and elegance together with great firmness of character. He was grave and dignified in his deportment, agreeable and affable with his soldiers when relaxed from duty; but in a crisis, when the fate of a campaign was at stake, or the lives of his brave warriors were in danger, his deportment became stern and severe. His appearance in these perils indicated, without language to his men, that every soldier must do his duty."[20]

Soon after landing at Fort Massac, a party of hunters recently in Kaskaskia arrived. Questioned by Clark, they reported that the militia commanded by Rocheblave was kept in good order, that the inhabitants had been incited against Americans, especially Virginians, that, if given timely warning, they could defend themselves effectively, but, if taken by surprise, Clark would be victorious. No part of their report pleased Clark more than that the inhabitants viewed the Virginians as "more savage than their neighbors, the Indians." In his words, "I resolved to make capital of this should I be fortunate enough to gain control over them, since I considered the greater the shock I could give them in the beginning the more appreciative they would be later of lenity, and the more valuable friends."[21]

The march overland across southwestern Illinois, made to avoid spies on the lower Ohio and Mississippi rivers, was uneventful. On the evening of July 4, 1778, Clark had arrived within a mile of Kaskaskia. After dark he marched with his main division against the fort, found an entrance, captured Commandant Rocheblave in bed, gave a prearranged signal to the other three divisions, and with a general shout took over control of the amazed town, placing its principal militia officers in irons and causing general apprehension. On the same day, he sent one of his captains and 30 men to Cahokia, which was also taken by surprise and captured with equal ease.

Eventually a delegation of Kaskaskians headed by their priest, Reverend Pierre Gibault, called on Clark and told him that the inhabitants, expecting to be separated never to meet again, wished to assemble in their church for farewells, which Clark permitted. After some time in the church the priest and some of the leaders again called on Clark, who stressed the point that Virginians were not savages, and that the King of France

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Footnotes at end of article.

had joined the Americans in making war on the British. Relaxing the restrictions placed on the inhabitants, Clark succeeded in making friends of the French, and some of them joined Clark's militia, strengthening his forces.

It was during this period of his western campaign that Clark, at St. Louis, met the beautiful and cultured sister of the Spanish Governor of Upper Louisiana, Teresa de Leyba, to whom he became betrothed, but never married and never forgot.

OCCUPATION OF VINCENNES, JULY 20, 1778

Though bold, Clark was prudent. He had heard that Father Gibault had favored the Americans even before they arrived at Kaskaskia and sent for him. The two had a long discussion about Vincennes. The priest did not think that any additional military force from the Falls would be necessary when the people there understood what had happened at Kaskaskia and Cahokia. He offered to go to Vincennes, a distance of 240 miles, in a delegation to acquaint them with the facts.

This proposal was agreeable to Clark, and the delegation left for Vincennes on July 14 with letters to inhabitants there from friends in Kaskaskia. After arrival the group spent a day or two explaining matters. Acceding to the idea of joining the Virginians, the people went to their church, took the oath of allegiance, elected one of themselves as commander of the militia, garrisoned the unmanned British fort, and, to the surprise of Indians, hoisted the American flag.

Returning to Kaskaskia about August 1, Father Gibault brought the glad tidings, and Clark was thus able to consolidate his position. He sent a small troop to Virginia with reports to Governor Henry and to former Commandant Rocheblave of Kaskaskia as a prisoner of war, placed Captain Leonard Helm in command at Vincennes and appointed him Indian Agent.

HAMILTON RETAKES VINCENNES, DECEMBER 17, 1778

When learning on August 6, 1778 of Clark's victories in the Illinois, Governor Hamilton at Detroit promptly planned to dislodge the Americans and to recapture Vincennes and other areas occupied by them, including Kentucky. On September 22, his preparations were well underway and he reported, "The Spaniards are feeble and hated by the French, the French are fickle and have no man of capacity to advise or lead them, the rebels are enterprising and brave but want resources, and the Indians can have their resources from the English if we act without loss of time in the present favorable conjuncture." [22]

Having completed preparations, Hamilton and his force left Detroit on October 7 for a 600 mile winter movement to Vincennes. Informed on the way by spies and prisoners, Hamilton approached cautiously, well prepared to block every possible move by Captain Helm.

When Hamilton's forces were sighted by Helm on December 17, 1778, the Captain hardly had time to write Clark about his predicament. Unfortunately, this letter was intercepted and reached Hamilton rather than its addressee.

With his intelligence reports thus confirmed, Hamilton was in a position to act with confidence and promptly obtained the surrender of Fort Sackville with Captain Helm as his prisoner.

By this time winter had set in. Cold rains flooded the flat plains of the Illinois country. The Wabash near Vincennes overflowed its banks, becoming a long lake at places five miles wide. Considering further progress impossible, Hamilton decided to go into winter quarters, using this time to strengthen the fort, sending out parties to harass the American at Kaskaskia, and making plans to retake the Illinois Country in the spring with overwhelming force and to drive American settlers in Kentucky and other western areas to their home states east of the Alleghenies.

CLARK DECIDES TO RETAKE VINCENNES, JANUARY 29, 1779

Weeks passed. The regular posts from Vincennes did not arrive and Clark began to suspect that something was wrong. He sent out spies but they did not return. Finally, Clark sent a Spanish merchant, Señor Francis Vigo, to Vincennes to appraise the situation.

Returning on January 29, 1779, Vigo gave a full report on the loss of Vincennes: Governor Hamilton had ordered some of his forces home for the winter, Fort Sackville was being repaired, and the Governor expected reinforcements in the spring, when he planned to start his campaign against the Americans.

Clark understood the gravity of the situation. As he expressed it, "We saw but one alternative, which was to attack the enemy in their quarters. If we were fortunate, it would save the whole, if otherwise it would be nothing more than what would certainly be the consequence if we should not make the attempt." [23] In other words, he had to conquer or be conquered.

He issued the necessary orders, and on February 3 wrote Governor Henry of his decision, stating, "Who knows what fortune will do for us? Great things have been effected by a few men well conducted." [24]

On February 5, he started on his Homeric march of 237 miles overland from Kaskaskia to Vincennes with a total force of only 130 men, of whom 60 were French volunteers. Marching across flooded plains and over muddy trails, crossing swollen streams requiring soldiers to hold up their rifles to keep them dry, and suffering from cold, Clark was able to maintain high morale of his troops.

By the 18th the little Army was on the west bank of the Wabash within sound of Fort Sackville's morning gun, and five days later in a position to attack.

VINCENNES CAPTURED, FEBRUARY 25, 1779

Tired by eighteen days and nights of exposure and toil, faced by a well fortified enemy in superior numbers, and realizing what would happen if his command fell into the hands of Indian savages, Clark recorded his thoughts: "Our fate was now to be determined, probably within the next few hours, and we knew that nothing but the boldest conduct would insure success." [25]

Using a prisoner as a messenger, Clark, on February 23, 1779, sent a placard to Vincennes inscribed with a message to the inhabitants, informing them that his army was within two miles, that he was planning to take the fort that night, and that he urged them to remain in their houses, but for any friends of England to enter the fort and "fight like men." As he watched the messenger with spy glasses, Clark could see the commotion that his message caused, but nothing happened at the fort.

When the firing on the fort started at night, the defenders did not believe it was from an enemy until one of their own men was killed. In the morning Clark sent Governor Hamilton, under a flag of truce, a letter advising him of the "impending storm" and demanding immediate surrender. Hamilton replied that he and his garrison were "not disposed to be awed into any action unworthy of British subjects," [26] and the firing recommenced.

At a critical time in the investment of the fort, Clark spotted a group of Indians returning from a raid in Kentucky, approaching the fort, with two prisoners, and sent a group of his own men to greet them. As expected, the Indians mistook Clark's men as friends sent by Hamilton and gave signs of joy.

Suddenly they discovered their error but it was too late, and six were captured. To impress the garrison and to incense the Indians against Hamilton for failure to protect them, Clark, knowing that these savages had just returned from a raid against Kentucky, butchering friends and relatives of the Virginians, ordered them tomahawked in full view of the British garrison.

Clark moderated his original demand for "surrender at discretion" (unconditional surrender) and offered more generous terms, which Hamilton accepted. About 10 a.m. on February 25, 1779, the British Governor marched his well-attired and driller regulars between the ranks of Clark's rough looking frontiersmen. Hamilton was soon on his way to Williamsburg as a prisoner of war.

This capture of Vincennes was the key battle for control of the West, making the vast area north of the Ohio part of the United States. Clark, then only 26, in what was probably the most brilliant operation of the entire Revolutionary War, by doing the "impossible" had taken Vincennes with complete surprise, winning a victory comparable in its consequences to those of Wolfe at Quebec in 1759 and of MacArthur at Inchon in 1950.

What was the view of contemporary leaders on the capture of Vincennes? These are the words of John Marshall: "Clark anticipated and defeated (Hamilton's) design by one of those bold and decisive measures, which, whether found on a great or a small scale, mark the military and enterprising genius of the man who plans and executes them." [27]

CLARK'S PLANS TO TAKE DETROIT FRUSTRATED, 1779

Clark instinctively recognized that the proper move to make at this time was to take Detroit immediately, before the enemy had a chance to recover. Three days after the surrender of Fort Sackville dispatches from Governor Henry arrived, advising that the Virginians would be reinforced by 500 men, enclosing a December, 1778, Act of the Virginia General Assembly to create the new County of Illinois, informing Clark of the appointment of Captain John Todd as head of its government with the title of County Lieutenant, and enclosing a resolution of the Assembly commending Clark and his command for their "extraordinary resolution and perseverance in so hazardous an enterprise." [28]

Clark called a council of war to consider his plan for immediate attack on Detroit. He explained the "almost certainty of success" and expressed a fear of delay. Although all supported the idea, the operation was delayed until June 20 to enable preparations, with Vincennes as the rendezvous.

On return to Kaskaskia, Clark and his small force received the welcome of heroes. Addressing the throng, he praised the conduct of his troops and introduced the new County Lieutenant. Thus was established the first American government northwest of the Ohio.

Despite his outward confidence Clark was deeply concerned. Virginia was heading toward bankruptcy, making the supplying of his command increasingly difficult. To meet what was a desperate situation, he felt compelled to assume personal responsibility for large numbers of Virginia's war obligations. Though patriotic, this action proved to be the fatal error of his career.

When the expected reinforcements finally arrived at Kaskaskia in late May, instead of 500 well equipped soldiers promised Clark there were only 150 half-clothed and half-starved men. Instead of 300 troops expected from Kentucky only 30 arrived. Worst of all, one of his commanders, Major John Bowman, instead of joining Clark at Vincennes, waged war on the Shawnees, who had already been overawed by Clark's capture of Governor Hamilton and wished peace. This action antagonized the Indians, forcing Clark to abandon his 1779 plan to take Detroit. He then divided his troops among Vincennes,

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Footnotes at end of article.

Kaskaskia, Cahokia, and the Falls of the Ohio, which latter location he made his headquarters for the rest of the war.

While Clark was still in the Illinois country, the Virginia Assembly adopted another resolution commending him for his capture of Vincennes and authorizing the presentation of "an elegant sword."[29] Offended because the sword was a second-hand one, and in disgust at the failure of the Virginia Government to support him. Clark "thrust it into the ground, broke it off, and kicked the hilt into the Ohio River."[30]

No wonder Clark wrote George Mason: "Never was a person more mortified than I was at this time to see [slip] so fair an opportunity to push a victory—Detroit lost for want of a few men."[31]

FOUNDER OF LOUISVILLE, 1779

When Colonial Clark returned to the Falls of the Ohio in the late summer of 1779, he found the population south of the river had considerably increased, and that the garrison left on Corn Island had shifted to a stockade on the southern bank of the river.

Recognizing this as the best site from which to exercise general supervision over the military operations in Virginia's Western Department, he established his permanent headquarters there and prepared a plan for the proposed city of Louisville, the drawing of which is still preserved. This plan is significant for Clark's vision as to the need by a populous city for adequate public spaces. It was this work in municipal planning, started in 1779, that won additional fame for Clark as the Founder of Louisville.

In November Clark sent over 20,000 papers and vouchers to Richmond for deposit with the state auditor. In the panic caused by General Benedict Arnold's invasion of Virginia, they were assumed to have been burned. This disappearance caused Clark enormous difficulty in obtaining affidavits in lieu of vouchers. They remained lost until discovered in 1913 in 70 large packages in an unused room in the auditor's office in Richmond.

ENEMY REACTIONS AND PLANS FOR RE-CONQUEST, 1779–80

Clark's capture of Vincennes was a deep shock to British military leaders. They attributed to him far greater forces than he had. Because of Virginia's failure to follow up the victory at Vincennes when it should have done so, British officers gradually recovered their composure, and by early 1780 had planned four strong expeditions composed largely of Indians and traders to recover the entire Western territory—operations that were coordinated with the main British campaign in the South Atlantic States.

The first, starting from Mackinac, was to descend both banks of the Mississippi as far as Natchez and clear them of Americans and Spaniards, for Spain was then at war with Britian. A second, formed at Chicago, was to descend the Illinois River to guard the plain between the Mississippi and the Wabash. A third from Detroit was to go through Shawnee territory, capture Fort Nelson at the Falls, and then attack Kentucky. A fourth from Pensacola was to take Spanish Louisiana and then ascend the Mississippi to join the force from Mackinac. So confident were the British of success that they even planned the disposition of the country in advance, with alluring promises of land to traders.

SAVES THE WESTERN TERRITORY, 1780

When the blow fell, Clark was at the Falls of the Ohio. As planned, the first British move was down the Mississippi. Showing tremendous energy and strategic insight in meeting the situation, Clark hurried to Fort Jefferson at the mouth of the Ohio. There he received expresses from Illinois requesting help. He went to Cahokia, arriving just in time to assist in beating off the British attack. A British assault on St. Louis was defeated by the Spanish commandant de Leyba. These two victories enabled Clark to use French and Spanish forces to counterattack the enemy near the Rock River in Illinois.

Leaving Cahokia on June 4, 1780, for the Falls of the Ohio via Fort Jefferson, Clark ordered available men there to go to the Falls by boat. He and two others, disguised as Indians, went overland by boat through Indian-infested territory, hoping to arrive at the Falls before the British, who, in turn, wished to attack Fort Nelson before Clark's arrival.

When British forces reached the Ohio River, several hundred miles above the Falls, they received a false report that Clark was at Fort Nelson. Because of their fear of Clark, Indian allies of the British refused to attack the Falls, and their leaders had to satisfy themselves with attacks on lesser strongholds.

In the south, Spanish Governor Galvez of Louisiana, in coordination with Clark, defeated the British invasion from Pensacola.

When Clark arrived at Harrodsburg, he found crowds of settlers, highly excited about registering claims at a new land office. No one was concerned about defending his country. But Clark needed troops. On refusal of the registrar to close the land office, Clark ordered it closed and placed the horses, arms, and ammunition of settlers in the service of the state, thus preventing them from leaving for the East. Calling for recruits, Clark soon had a thousand men, who marched against the Shawnees on the Scioto and defeated them at Piqua on the upper Miami in Ohio.

The result of these campaigns was the saving of the Western Territory for the United States.

LAST EFFORT TO TAKE DETROIT FAILS, 1781

By the end of the 1780 operations, Clark knew that Virginia was about to relinquish its claim for the Western Territory north of the Ohio in favor of the United States. Despite this, he decided to make another attempt to take Detroit, for he recognized that until this key point was captured it would continue to serve as a hatching-place for Indian warfare.

Again he went to Richmond and saw his friend, Governor Thomas Jefferson, who made Clark a brigadier general, approved his plan, and promised 2,000 men. Clark also requested General Washington to order the Continental Commander at Pittsburgh to place a regiment there under Clark's command. Washington agreed, and wrote Governor Jefferson, "I shall think it a most happy circumstance should your state . . . be able (to take Detroit)."[32]

While Clark was away from the West, conditions there became chaotic, largely because of the loss of Virginia's credit. Unable to obtain supplies, his force at Kaskaskia had to abandon it in February, 1781. British forces under Benedict Arnold invaded Virginia, requiring men promised to Clark for the taking of Detroit to remain at home. He himself had to take part in defending the state.

At Hood's Ferry on January 6, 1781, Clark ambushed Arnold's force—the only check that it received. But Clark had to retire because his raw militiamen were not equipped with bayonets. Clark then went to Pittsburgh to try unsuccessfully to raise 2,000 men in that region, and the Commandant, despite Washington's orders, felt that the situation did not permit the designated regiment to join the proposed Virginia Detroit expedition.

Finally, the Virginia Assembly in June, 1781, on a resolution offered by Patrick Henry, put a stop to the Detroit plan. On learning of Clark's difficulties, Washington wrote him, "I feel not only for the public disappointment, but for your own, as I doubt not you had the affair much at heart and that you would have executed it with your usual ability and address had you been able to have found the means."[33]

Still hoping for support in Kentucky, Clark descended the Ohio, but his men deserted so rapidly that when he reached the Falls the few remaining were inadequate for offensive operations, ending all chance for what he had hoped to make his greatest triumph—the capture of Detroit.

RELIEVED OF COMMAND, JULY 2, 1783

Cornwallis surrendered to Washington in October, 1781, at Yorktown, virtually ending the war East of the Alleghanies, but not in the West. To make matters worse, in December the Virginia Legislature allowed the act for the government of Illinois County to expire and refused to extend it. In Kentucky in early 1782, land speculators stirred up disaffection with demands for separation from Virginia. Clark and other officers received reports of enemy preparations at Detroit for attacking the Falls. By midsummer large enemy forces were concentrated in Shawnee territory, ready to strike.

Notwithstanding Virginia Governor Benjamin Harrison's prohibition of offensive operations, Clark called a conference of Kentucky County Lieutenants to consider a counter stroke, but could not gain their support. When the blow came, it was not against Fort Nelson at the Falls, but on Fayette County. It ended on August 18 in a complete rout of Virginians and heavy losses at Blue Licks.

Although Clark had tried to avert such disaster by a timely counter stroke, he was over a hundred miles away, and did not know about it until after it had occurred. Survivors sought a scapegoat and placed responsibility on him. Thus he became the victim of slander, with charges of tyranny, ambition, vanity, cowardice, peculation, drunkenness, idleness, and even collusion with horse thieves."[34]

Unfortunately for Clark his friends Mason and Jefferson were no longer in the General Assembly of Virginia, while his personal enemies from the Kentucky counites were.

Chastened by the Blue Licks tragedy, the people of Fayette and Lincoln counties urged Clark to lead them in an expedition against the Indians. Assuming that the urgency of the situation would assure its approval, Clark crossed the Ohio in early November, 1781, with over a thousand men, and destroyed the principal Shawnee towns. For this victory he was commended by Governor Harrison. Jefferson, who understood the nature of the gravest difficulties that Clark had faced, wrote him on November 26, 1782:

"That you have made enemies you must not doubt, when you reflect that you have made yourself eminent. If you mean to escape malice, you should have confined yourself within the sleepy line of regular duty. When you transgressed this, and enterprized deeds which will hand down your name with honor to future times, you made yourself a mark for malice to shoot at."[35]

After a visit in Richmond to settle his accounts, General Clark, on July 2, 1783, was relieved of his command with honor. Although only 30, this virtually ended his great career, Most that followed was anticlimatic and increasingly tragic.

VISUALIZES THE EXPLORATION OF THE WEST TO THE PACIFIC

Clark spent most of his time in Virginia in 1783 at the home of his parents in Caroline County. The next year they moved to Kentucky, and settled in rich land near Louisville known as "Mulberry Hill," where Clark lived for fifteen years.

Footnotes at end of article.

Because of the life-long interest of Clark in natural history, and of his experience in exploration, Jefferson wrote him suggesting that he lead an expedition to explore the West from the Mississippi to the Pacific.

Clark liked the idea, but could not afford to undertake it because of his financial situation. He replied to Jefferson suggesting that it be done under Congressional authorization by "three or four young men,"[36] who should learn the language of the distant Indians and study the geography of thir country.

The plan outlined by Clark was later adopted by Jefferson when, as President following the Louisiana Purchase, he sent the Lewis and Clark Expedition, in which William Clark, the youngest brother of George Rogers, and his associate gained great fame.

WABASH EXPEDITION AND MUTINY, 1786

In February, 1784, Virginia appointed Clark as President of the Illinois Regiment Grant Commission to distribute land to soldiers of that regiment. In March the Congress appointed him a Commissioner for peace negotiations with Indian tribes on the recommendation of Thomas Jefferson, who wished to bring Clark "forward on the continental stage." Though successful in his negotiations with the Shawnees in Ohio, their surrender of lands antagonized other Indians in the Northwest, who formed the "Wabash Confederacy," and aimed to drive all white "intruders" out of the Western Territory.

Though no longer Commander in Chief of the Virginia forces, Clark recognized the gravity of the 1786 situation. He was eventually chosen by Kentucky district officials to command, and led the combined forces to Vincennes with the aim of making a direct attack.

When close to the enemy, one of his regiments mutinied and marched home despite Clark's most fervent appeals, making Clark too weak to attack. Despite this Clark nullified the mutiny, overawed the Indians by his audacity and brought them to terms, shielded the Kentucky counties, and enabled the Congress to arrange a permanent peace with the Confederacy the next year—one of the most brilliant achievements in his career.

TRAGEDY CULMINATES

In the course of the Wabash campaign, Clark, under authorized military procedures, confiscated food supplies of Spanish subjects for use of his army. Seized upon by General James Wilkinson, an adventurer, who sought Clark's position as Indian Commissioner and respected military leader, this action served the conspirator in making false charges to Governor Edmund Randolph of Virginia.

Without adequate investigation the Governor issued a proclamation in February, 1787, condemning Clark and calling for his prosecution. Overwhelmed by the injustice, Clark replied, "I respect the State of Virginia. The information you have received hath already been stained with the blood of your country! Facts will prove themselves."[37]

Until 1786 Clark had been a remarkably sober man. Unable after repeated efforts to obtain settlement by Virginia for military supply bills that he had endorsed and assumed, harassed by creditors, humiliated by suits, financially ruined, reduced to poverty, driven to receive support by his family, and threatened with imprisonment, Clark found the Governor's public condemnation too much to bear. He broke his engagement with Teresa de Leyba, who returned to Spain and became a nun, and sought relief in drink, giving his enemies opportunities to support their scurrilous and malicious charges. The projected prosecution never materialized because it lacked the base of truth.

VINDICATION BY VIRGINIA

About 1803 Clark moved to Clarksville on the Ohio River opposite Louisville, and built a log cabin on a point near the Falls where he had a fine view of Corn Island and Louisville. The monotony of his life there was broken by visitors who wished to see the distinguished soldier, among them the naturalist Audubon. Some of these described Clark as having a likeness to George Washington.

It was from this location that General Clark, on October 8, 1803, saw his brother William and Meriwether Lewis depart on their famed exploring expedition and return three years later.

In 1808 Clark suffered a stroke affecting his right side, and lost his right leg, amputated in the middle of the thigh at a time when antiseptics and anesthesia were unknown. To enable him to stand the ordeal of surgery without flinching, Clark sent for a drummer and fifer who played martial music that he had heard on the winter march to capture Vincennes. Soon afterward he moved across the river to Locust Grove, the home of his sister, Mrs. Luc Croghan, near Louisville, slowly regaining strength enough to walk on crutches.

Learning of General Clark's tragic condition, Charles Fenton Mercer, of Fredericksburg, Virginia, an extraordinarily able member of the House of Delegates in the Virginia Legislature, introduced and secured passage, in February, 1812, in a memorable proceeding, of a resolution recognizing the "unskilled integrity, the valor, the military enterprise, and skill of General George Rogers Clark, to whom and to his gallant regiment . . . , the State of Virginia was indebted for the extension of her boundaries from the Atlantic to the Mississippi."[38] It authorized the presentation of a suitably engraved sword and gave him an annual pension equal to half the full pay he received as Colonel of the Illinois Regiment.

Clark died on February 13, 1818, at the age of 65.

IN PERSPECTIVE

Were it possible for George Clark to return to earth today, he would find that his services were of far greater value than he could possibly have imagined.

In Kentucky and other states that he helped to acquire, he would note numerous monuments in his honor, preeminent among them being the George Rogers Clark Memorial Bridge across Ohio at Louisville and the Clark Memorial at Vincennes.

Notwithstanding the vast consequences of Clark's achievements and the recognition that he has received, his fame has remained largely obscured, primarily because of the dispersal of contemporary record. These have finally been collected in convenient repositories and are thus available for scholars.

The contributions of George Rogers Clark can now be appraised objectively. They place him in the illustrious company of our greatest soldiers, strategists and statesmen: Washington, Jefferson, Sam Houston, and MacArthur.

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FOOTNOTES

[1] Bakeless, p. 15.
[2] Bodley, p. 8.
[3] *Ibid.*, p. 8.
[4] *Ibid.*, p. 9.
[5] Bakeless, p. 28.
[6] Bodley, p. 20.
[7] *Ibid.*
[8] Quaife, p. 26.
[9] Quaife, p. 28.
[10] Quaife, p. 33.
[11] Bodley, p. 33.
[12] Bodley, p. 34.
[13] Quaife, p. 40.
[14] Quaife, pp. 40–41.
[15] *Ibid*, p. 41.
[16] Bodley, p. 44.
[17] Bodley, p. 46.
[18] *Ibid.*, p. 47.
[19] Bodley, p. 54.
[20] Bodley, p. 61.
[21] Quaife, pp. 55–56.
[22] Bodley, p. 93.
[23] Bodley, p. 106.
[24] Bodley, p. 109.
[25] Quaife, p. 132.
[26] Bodley, p. 127.
[27] Marshall, Vol. III, p. 77.
[28] Bodley, p. 136.
[29] Bodley, p. 142.
[30] Bakeless, p. 234.
[31] Bodley, p. 136.
[32] Bodley, p. 168.
[33] Bodley, p. 175.
[34] Bodley, p. 210.
[35] Bodley, p. 218.
[36] Bodley, p. 238.
[37] Bodley, p. 324.
[38] Bodley, p. 369.

TRIBUTE TO AMERICA'S RURAL ELECTRIC COOPERATIVES

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1971

Mr. FOUNTAIN. Mr. Speaker, I am happy to join with other Members of the House in paying well-deserved recognition to America's rural electric cooperatives, which have worked so diligently over the years to bring the blessings of abundant electric power to every part of our land—no matter how remote.

The rural electrification program has meant much to the people of North Carolina, especially to those in the congressional district I have the honor to represent.

Since May 18, 1936, when the first REA line was energized in my State, the rural electric cooperatives have been highly successful in providing the service needed by our rural population.

When they began, only 3.2 percent or 9,672 of North Carolina's farms had electric service, but today 99 percent of our 157,000 farms receive service.

This has made and continues to make a dramatic difference in rural life in North Carolina just as it has and does in other States.

The service provided by our rural electric cooperatives is of vital importance not only to the members served, but also to those living in urban areas. Without a plentiful supply of electricity in rural America, it is not likely that our farms would be nearly so capable of meeting the Nation's needs for food and fiber at reasonable prices.

People would not want to live and work in rural areas without electricity. And without the labor-saving help of electricity farm output would be greatly and adversely affected.

In short, the rural electrification program is absolutely essential to the Nation as a whole and we should not hesitate to do all we can to insure its continued vitality, especially in the area of adequate loan funds.

This program provides a necessity of life—not a luxury, and we should not forget it.

MANNERS OF REPORTERS AT NEWS CONFERENCE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ERLENBORN. Mr. Speaker, the President's news conference of June 1 was less than satisfactory. Some blame the President for this and some blame the reporters who asked the questions.

Some of the questions went beyond skepticism, and gave evidence of suspicion and distrust.

A great many news gatherers across our land see their task in a light which differs from the parochial Washington view. One of these is Harold White, editor and publisher of the Naperville Sun, an excellent weekly newspaper in Naperville, Ill.

Mr. White writes a column entitled, "Dear Arch." Here is his comment in the June 3 issue:

[From the Naperville (Ill.) Sun, June 3, 1971]

NAPERVILLE'S HERITAGE

DEAR ARCH. On several occasions, I have watched reporters on TV at President Nixon's news conferences; and I must admit I am ashamed of the ill manners displayed by some of my fellow members of the press. These oafs' snarls of contempt for their President come through on the television screen loud and clear; and I wonder why they are not fired from their jobs for showing such public disrespect for the office of President of the United States.

Even now, after many thousands of our boys have been brought home from Vietnam, the President is openly accused of lying about "winding down the war." You and I both know, Arch, that Nixon inherited the Vietnam war. It was not of his making. Where were these critics when their beloved President Kennedy sent over the first troops? Where were they when President Johnson greatly escalated the war?

Getting into trouble is far easier than getting out of it. We don't envy Nixon's role one bit in trying to pull the fat out of the fire that his predecessors put into it. It is so simple to say "bring the troops ALL home at once." It is so simple to say it, that even a simpleton can say it. And many simpletons in our Congress are saying it, for political reasons. They know full well that it cannot be done that way.

It is time, Arch, for us to rally around the President who is trying to attain peace with honor. If he is successful, it will be only with the help and support of all people in this country.

But let me digress: When I was a student at North Central College, I learned about the English novelist, William Makepeace Thackeray, in one of my English literature courses. Did you know, Arch, that Thackeray was a newspaperman, as well as a novelist? What made me think of him, as I write you today, is that if Nixon is successful in ending the Vietnam war, he should change his middle name—from Richard Milhouse to Richard Makepeace Nixon.

So long for now,

HAL.

WALK FOR DEVELOPMENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, as a member of the sponsoring committee of the American Freedom from Hunger Foundation's Young World Development program, I am proud to report that this year's Walks for Development on the weekend of May 8–9 were a tremendous success. I recently received a letter from Mr. John G. Healey, International Walk chairman and director of Young World Development, in which he reported that some 630,000 Americans participated in this year's Walk for Development, raising over $5 million for overseas and domestic development projects. At the same time, there were walks in 51 other countries which raised another $4 million.

Once again Illinois led the Nation with the largest and most successful walks, with over 200,000 participants in the greater Chicago area. I was privileged to participate in the Rockford, Ill., walk which turned out over 2,200 marchers. At this point in the RECORD, Mr. Speaker, I include the text of the letter which I received from Mr. Healey, and a copy of my remarks at the Rockford walk on May 8, 1971. The items follow:

INTERNATIONAL WALK
FOR DEVELOPMENT,
Washington, D.C., June 3, 1971.

HON. JOHN B. ANDERSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: May 8th and 9th, as you know, saw more than 630,000 Americans, aged 2 to 92, join the International Walk for Development (IWD). As Chairman of U.S. participation in IWD, I would like to express our sincere appreciation of your support for the thousands of walkers who demonstrated their commitment to eliminate poverty and hunger from our world.

The U.S. was the scene for the largest Walks ever staged—105,000 in Buffalo, New York, and more than 200,000 in the greater Chicago area. Shelby, North Carolina hosted the smallest walk—4 determined young walkers!

While Americans were walking to raise over $5 million for domestic and overseas development projects, their counterparts in 51 countries raised another $4 million. Ranking government officials and members of the diplomatic corps joined walkers around the world. In Rome, 80,000 people were addressed by Pope Paul VI, while in Nairobi, Kenya, President Jomo Kenyatta applauded the Walks for "expressing the mobilization of human resources in the cause of social justice."

The organizers of the Walks for Development in this country are members of Young World Development (YWD) of the American Freedom from Hunger Foundation. YWD is an on going youth program designed to focus attention on the problems of human need in local communities, in the nation and in the world. We feel that this weekend has served to focus attention on some of the problems that will face all of us in the coming years, but we feel that the International Walk was only a small beginning in the work of forging this country's commitment to human development. We sincerely hope that we can continue to count on your support for our programs.

You will be receiving a detailed report of the results of IWD and we will keep you informed of our future activities.

Sincerely,

JOHN G. HEALEY,
Chairman, International Walk for Development Director, Young World Development.

ROCKFORD WALK FOR DEVELOPMENT

(By Congressman JOHN B. ANDERSON, Rockford, Ill., Saturday, May 8, 1971)

It's a real pleasure and thrill for me to be here today to participate in this Rockford Walk for Development, and it's a special inspiration for me to see so many young people turned out for such a constructive demonstration.

You know, we've seen the demonstrators come and go in Washington over the last couple of weeks to demonstrate their concern for peace. The vast majority came to peaceably assemble and petition their government for an end to the war. A minority stayed on in the name of peace abroad but adopted the tactic of disrupting the peace at home. I think most observers in Washington would tell you that their destructive demonstration was counterproductive to the cause of peace.

Today we are witnessing a different kind of demonstration here in Rockford and in 350 American communities and some 51 countries around the world. Millions of young people are participating in a constructive demonstration—a demonstration for development—a demonstration aimed at helping the poverty-stricken peoples of the world—a demonstration designed to combat world ignorance, disease and hunger.

Last week I brought Peace Corps Director Joe Blatchford to Rockford to talk to an all-district college conference on "Youth and Voluntarism." And one of the things which he told that gathering was that even if all the guns around the world stopped firing today, there would still be no peace. There will be no peace so long as thousands are dying of starvation every day; there will be no peace so long as millions continue to live in abject poverty around the world, without education, without employment, without adequate medical care, without any hope for improving their chances for survival.

Mr. Blatchford concluded that there can only be hope when those who do *not* suffer from these injustices become outraged at the injustices endured by the underprivileged and down-trodden. There can only be hope when the "haves" become outraged at the injustices suffered by the "have nots," and resolve to do something about it. We have seen this outrage constructively channeled into such programs as the Peace Corps overseas and Vista here at home, and the thousands of other small private efforts to combat poverty both at home and abroad.

The Young World Development program of the American Freedom from Hunger Foundation which is sponsoring these walks for development is another excellent example of this constructively channeled outrage. The young people who organized this walk here in Rockford today, and those who have organized similar walks across this country and around the world, are demonstrating a positive concern for those less fortunate than themselves.

The Young World Development movement in America got its beginning back in 1967 when a group of young people in the Fargo, North Dakota, Moorhead, Minnesota area organized the first walk for development. The idea soon spread and some 190 walks have been held since that time raising over $2.5 million. The Illinois walks of the past two years have been among the most successful in the nation involving more than 65,000 young people and raising over $665,000 for development projects both at home and abroad. And this weekend's walks promise to be the biggest and most successful ever.

I think the most important aspect of the Young World Development program is that it's not only a fund-raising activity, but that it's an educational movement.

By choosing selected poverty projects here and overseas, the Y-W-D has been able to focus the attention of the American people on the plight of the poor in specific areas, and efforts being made to assist those people. Half the funds raised in today's Rockford walk will go towards supporting international voluntary service personnel in the Congo, and a medical project in Guatemala, and half of the funds will go towards supporting the Crusaders Central Clinic Association here in Rockford—more familiarly known as the "well baby clinic." Likewise, other communities across the U.S. have chosen their own domestic and overseas poverty projects to support.

It is my hope that the educational efforts of the Young World Development movement will lead to a sustained national effort to combat hunger and poverty around the world. It's not enough for us to say, "I did my bit for development on May 8th," and then forget about it. We must be impressed with the fact that poverty is a way of life for two-thirds of the world's people, day in and day out, for a lifetime, and that we have a continuing moral responsibility to alter that fact. It is my hope that today's walk will be a first step in a continuing journey to eliminate racial, social and economic injustice in this world.

That to me is the real reason why we are walking today and why we must keep walking. I believe it was Albert Camus who said that, perhaps we cannot prevent this world from being a world in which children are tortured, but we can reduce the number of tortured children. If *we* do not do this, who *will* do this?

By your participation in this walk today, you are demonstrating that you *are* willing to do this. And that you *care* about the number of tortured children in this world. By your small sacrifice here today, you are saying, "Walking hurts, but hunger kills."

I want to thank each and everyone of you for demonstrating that concern today, and I also want to thank your sponsors for their financial backing. The time has come to put our feet where our mouths are; the time has come for me to stop talking, and for us to start walking.

SECRETARY STANS POINTS TO DEPRESSED CONDITION OF TEXTILE INDUSTRY, AND CALLS FOR TRULY RECIPROCAL TRADE POLICIES

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. FISHER. Mr. Speaker, in a speech before the International Wool Textile Organization on May 31, Secretary of Commerce Maurice H. Stans reminded the delegates from 28 countries that the import problem "is particularly acute for the American wool textile industry."

The Secretary said imports now account for 28 percent of total U.S. market for wool products, and added that "wool textile output in this country has declined 25 percent in the last year alone—and this is now truly a depressed industry."

In emphasizing the reciprocal aspects of such trade, Mr. Stans told the delegates:

> We have been expected by some to put up with restrictions on American products and investments which others do not want us to impose upon them.

A news release concerning the speech follows:

U.S. DEPARTMENT OF COMMERCE NEWS

Secretary of Commerce Maurice H. Stans said today that the time may be approaching when international economic problems "will require a meeting of the nations of the world for a historic conference on matters of trade and investment."

The Secretary spoke before the Opening General Sessions of the International Wool Textile Organization at the Department of State.

Secretary Stans said that in the light of new conditions, the United States "already is reevaluating its own trade policies within its traditional commitments and principles.

"In light of those same conditions, the time has come for other nations to reevaluate their policies as well."

Declaring that "no country has a trade problem unto itself," the Commerce Secretary said that "today's issues are complex, and the time has come for all of us to stop firing rhetorical bullets about trade war and and retaliation. We have to develop a sense of reciprocity to achieve fair, expanded, two-way trade between us."

Secretary Stans charged that "some of the rules of international trade are not being fairly applied by all the trading nations of the world."

He added: "We have been expected by some to put up with restrictions on American products and investment which others do not want us to impose upon them."

Secretary Stans said that President Nixon desires "to achieve freer trade for all of us, in a context of fairer trade conditions for the United States."

The Secretary pointed out that President Nixon appointed the Williams Commission more than a year ago to undertake a complete review of U.S. trade policies, and that it will soon report its findings and recommendations.

Mr. Stans also called attention to the President's recent creation of the new Council on International Economic Policy "to devise long-term policies and programs." This move recognizes "at the White House level for the first time in our history that matters of international commerce and finance must rank along with domestic concerns, diplomatic considerations and military interests as matters of the highest national priority."

Mr. Stans also declared that a solution of the "very vexing" textile import problem is "essential."

He pointed out that over 100,000 jobs in the textile and apparel industry were lost in the last year, and 549 plants closed in the past two years.

The import problem, Secretary Stans said, "is particularly acute for the American wool textile industry. Imports now account for 28 percent of the total U.S. market for wool products—wool textile output in this country has declined 25 percent in the last year alone—and this is now truly a depressed industry."

KENNY FUNK, NEBRASKA RURAL ELECTRIC YOUTH ESSAY

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. McCOLLISTER. Mr. Speaker, it is a pleasure to share with my colleagues the essay written by Kenny Funk, a sophomore at Clearwater High School in Ewing, Nebr.

Kenny's essay, "The Value of Rural Electrification to Our Home and Community," was selected as the winning essay by the Elkhorn Rural Public Power District of Battle Creek, Nebr., in cooperation with the Nebraska Rural Electric Association.

Mr. and Mrs. Joseph G. Funk of Ewing can certainly be proud of their son, Kenny.

THE VALUE OF RURAL ELECTIFICATION TO OUR HOME AND COMMUNITY

I, Kenny Funk, being a permanent resident of the Rural Public Power District, find that the present and future of the state of Nebraska depends upon the participation of informed citizens on the value of Rural Electrification to our home and to our community.

It is the responsibility of Nebraska's citizens to understand the operations of the various divisions of the Rural Public Power District. A knowledge and an appreciation of the historical developments of the electricity of Nebraska provides a person with a background of information from which he can make effective decisions.

If we understand the underlying causes of the developmental events leading up to our present electrical powers, we can recognize the radical changes which have taken place since the days when the electric power first came to our community. We will also recognize the changes in our culture patterns and the living conditions of the various areas in our state and of the people occupying our precious land of Nebraska. When we understand and work with the Rural Electrification people we can appreciate the need for future changes as a result of scientific developments and populations shifts.

In 1935, only one farm in every ten in the United States had electric service. In the late 1950's about ninety five out of every one hundred farms had such service. Almost every farm has the modern convenience of electricity today. Of these farms, more than half are served by REA financed electric systems. The Rural Electric Service are local services, independent groups, composed of many, many rural members with the Rural Power District.

Rural families use electricity for many purposes other than household operations. Electricity runs such labor saving farm equipment as meters, milking machines, grinders, pumps and many other machines that make the work of a farmer much easier. Many new Grade A milking parlors are going up in our area, because they have the modern method of electricity to help save time with many of their labor devices. A modern farm has more than four hundred different uses for electricity.

Many new lines and transformers were put up in our area this last year to take care of the increased load of power that is being used for irrigation. With new methods of irrigation and the electric power providing the energy to run the meters had enabled many farms in the sand hill area to raise over 200 bushel an acre corn, something that people thought was impossible. If it can be done now, what does the future in the raising of crops hold for us?

The Rural Public Power District provided every farm home with electricity and many of the farm homes are just as modern and convenient as many of the city homes.

I hope to be able to spend my adult life on the farm and I know that in the 1970's and 1980's we are going to see many new inventions and new methods that will need electric power to make farming and any other farm operation, such as hog raising, milking, feeding cattle, and other operations pertaining to the farm, much easier.

VA ADMINISTRATOR RECEIVES HONORARY DEGREE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHWENGEL. Mr. Speaker, on Monday, May 31, Donald Johnson, Administrator of Veterans' Affairs, was honored when Iowa Wesleyan College, Mount Pleasant, Iowa, conferred on him, the honorary degrees of doctor of laws.

This is an appropriate way to recognize the talents and work of Don Johnson. There is no doubt he has earned this recognition. His record at the Veterans' Administration, when it is facing the most difficult challenges in its history, is outstanding. He is the man for the job.

The citation which accompanied the honorary degree speaks simply, but eloquently of Don Johnson's record. I commend it to the attention of the House.

Donald E. Johnson, native of Iowa, educated at Iowa State University and Eastern Oregon College of Education, veteran of World War II with combat service in the European Theater of Operation, recipient of the Bronze Star and the Croix de Guerre of the Belgian Government, leader in The American Legion in Iowa and the nation, Iowa business executive in farm supplies, poultry and fertilizer, named as 1965 "Iowan of the Year" by radio and television broadcasters, civic leader in West Branch, since 1969 Director of the United States Veterans Administration as the youngest man ever appointed to the post with administrative responsibility for the nation's largest medical program of 166 hospitals, Iowa Wesleyan College welcomes you into its alumni ranks as it begins its task of the education of nurses for the country's health services.

CHIEF JUDGE PAUL P. RAO, LL.D.

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ROONEY of New York. Mr. Speaker, it was indeed a pleasure to learn that the Honorable Paul P. Rao, Chief Judge of the United States Customs Court, has been awarded the honorary degree of Doctor of Laws by Manhattan College. It has been my good fortune to be a friend of and to be able to work with Judge Rao over a period of many years. Dedicated public service has been the hallmark of his life, and I can think of no one more deserving of such an honor from such a distinguished institution in New York.

Under the permission heretofore unanimously granted me, I include with these remarks the citation delivered by Dr. Francis B. Taylor of the faculty of Manhattan College preceding the presentation of the Degree.

JUDGE PAUL PETER RAO

"Sub Deo et Lege", the keystone of Anglo-American constitutionalism, characterizes fittingly the distinguished career of Paul Peter Rao. For thirty years, first as Assistant United States Attorney General and later as Judge and Chief Judge of the United States Customs Court, Judge Rao has served his Creator and the Law.

Protecting against the unjust assessment of taxes in any form has been a most precious right in our nation's heritage. Impassioned defender of judicial review, Paul Rao is mindful of this heritage in deciding controversies arising out of the administration of the tariff laws. From Rouses Point, New York to San Juan, Puerto Rico, the nation's ports of entry have comprised his judicial circuit. He has literally covered the waterfront and maintained the last remaining itinerant court in the national judiciary. Rhubarb and frogs' legs, comic books and literary anthologies, plastics and binding twine, are but a few of the unique commodities about which he has rendered decisions with the judgment of a Solomon. Motivated by a fascination transcending the drudgery of detail, he has enhanced that essential principle of ordered liberty and freedom,—equal justice under the law.

Edmund Burke once said: "A disposition to preserve and an ability to improve, taken together, would be my standard of a statesman." With reverence for precedent, Judge Rao has displayed as well the statesman like qualities of innovator and reformer. Humorous but telling was his producing in court early in his career a thirty-five piece drum and bugle corps to establish to the satisfaction of the presiding City Magistrate the primary distinction between music and noise. More significantly, he has revitalized the administration of customs law and has been the architect of a new structure and procedure. His single vision: a new and separate courthouse for the United States Customs Court became reality in 1970 when Chief Justice of the United States Warren E. Burger dedicated an elegant building in our downtown Civic Center. Rao's wise folly is today the focus of Foley Square. Reformer of the law, he revised the Customs Court procedures by public law of the 91st Congress. Judge Rao has won the esteem of his fellow New Yorkers through untiring efforts on behalf of myriad social welfare and religious organizaitons. Service has been the hallmark of Judge Rao's noble life: service in the United States Navy in World War I, service to veterans of foreign wars, and service to his community. In recognition of his dedication to the Church, he was invested as Knight of Malta at St. Patrick's Cathedral in 1962.

Brother President, with deep sense of pride, I present, Paul Peter Rao, distinguished jurist respected for his impartiality; Christian gentleman admired for his humaneness; inspiring reflection of excellence in deed as in ideal, for the honorary degree of Doctor of Laws.

HEW REPLY TO AMERICAN CONSERVATIVE UNION PAMPHLET "FACTS ON THE NIXON WELFARE PROGRAM"

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, the comprehensive welfare reform legislation reported by the Ways and Means Committee provides for a systematic administration of our welfare programs that will move people from the welfare rolls to the employment rolls. It does this by requiring that able-bodied individuals avail themselves of the greatly increased work and training opportunities provided to become self-sufficient and by providing incentives for individuals to be gainfully employed rather than on welfare.

The American Conservative Union has circulated a question and answer pamphlet entitled "Facts on the Nixon Welfare Program." In view of the wide circulation of this pamphlet and the misleading statements it contains, I thought it would be helpful to ask the Department of Health, Education, and Welfare to prepare a response to this pamphlet and am inserting their response at this point in the RECORD so that it may be available to all Members:

HEW REPLY TO AMERICAN CONSERVATIVE UNION PAMPHLET, "FACTS ON THE NIXON WELFARE PROGRAM"

1. Q. What is the Nixon welfare plan?

ACU Response: The program is a socioeconomic plan designed to turn over the major burden of welfare to the Federal Government. The most controversial provision of the welfare program is the "family assistance plan," better known as a guaranteed annual income.

Administration Response: It is incorrect to refer to the Family Assistance Plan as a guaranteed annual income. There are critical differences in concept and in program operation between Family Assistance and such plans. Under guaranteed income plans, the Government would allow people to abdicate their responsibilities for self-support by assuring a basic income regardless of whether they are willing to work or not.

Under Family Assistance, however, income is not provided regardless of personal efforts or attitudes. Those who are able to work or to be trained are required to register for and accept training or employment, or lose benefits. We are not creating a situation wherein the Government assumes the financial responsibility for people who choose not to work. As the President stated in his Message to the Congress: "It would not be fair to those who willingly work, or to all taxpayers, to allow others to choose idleness when opportunity is available . . . No able-bodied person will have a 'free ride' in a nation that provides opportunity for training and work."

Moreover, a guaranteed income probably implies to most people the assurance of a flat amount of income and universal availability. Family Assistance is neither of these: the amount of the benefit varies in order to encourage work, and the plan is not universal but is restricted to families with children. Of course, Family Assistance does establish a nationwide minimum floor under welfare benefits, but there are now separate income floors in each of the fifty States and establishing a common minimum does not make the President's proposal a guaranteed income.

2. Q. How will the guaranteed annual income work?

ACU Response: A potential recipient will simply sign up at the local welfare or social security office. There would be no check to determine the needs of the applicant.

Administration Response: As just explained, it is not a guaranteed income. Although the proposed legislation nowhere states that Family Assistance would be operated using only a "declaration of need," some people have assumed this would be the case. In fact, verification will be required. This will include verification of family composition as well as verification of income. The national network of offices, with telecommunications systems and national computer storage, will enable the administration to check routinely social security earnings records as well as other types of records including Internal Revenue, Veterans Administration, etc. In addition, there will be routine and thorough auditing on a scientific sampling basis. Every single beneficiary, including children, will be identified through social security numbers. All of these factors will substantially increase the integrity of the system over the present system.

3. Q. How much would each welfare family receive?

ACU Response: As presently designed $1600 for a family of four from the Federal Government. Professional welfare organizations are already calling for a minimum of $5500.

Administration Response: The Ways and Means Committee has carefully considered the benefit level. A Federal floor of $2,400 for a family of four is set as the Federal base in order to furnish cash in place of food stamps. This is in accord with the President's desire to enable poor families to move from dependence to independence, as well as in recognition that the food stamp programs have experienced substantial criticism.

Neither the Congress nor the Administration favors a basic Federal floor as high as $5,500. The cost would be prohibitive. Also, such a level would seem to be entirely out of line in many States and in many rural areas of all States.

Under the present system, incidentally, some States provide benefits substantially above the national average. This obligates the Federal treasury to open-ended expenditures to maintain welfare rolls in such States. The control of welfare expenditures would be returned to the Congress under the President's welfare reform plan.

4. Q. As a taxpayer what will the Nixon welfare program cost me?

ACU Response: As much as $275.00. Noted economist, Henry Hazlitt, says the welfare plan will cost $10 billion the first year. This money will have to come from the average taxpayer through still more taxes ($275.00) or through still more inflation.

Administration Response: The total additional cost of the welfare reform plan currently before the Ways and Means Committee would be $3.9 billion. The State would save $1.6 billion in fiscal year 1973 or a net additional Federal cost of 5.5 billion dollars. Of this 5.5 billion, 2.4 would go toward training, child-care programs, public job projects, and employability services which we expect will result in more welfare recipients leaving the rolls.

If the present system continues, costs to the taxpayer will be *higher* in the long run than the costs of reform. It is the present system which may create a need for higher taxes, not the reformed system. The startup costs of reform will be provided for by a reallocation of priorities, not by increased taxes, or by inflation.

5. Q. How many people will be added to the welfare rolls?

ACU Response: The program will add 12 million to the already 10 million on the welfare rolls. In total, some 22 million people would be receiving checks from the Federal Government, or 11% of the U.S. population.

Administration Response: The answer is wrong and the question is misleading. There are presently about 10,000,000 recipients in the family categories and about 3,000,000 in the aged, blind, and disabled group. Of the 10,000,000 in the rapidly growing program, some 70% are children and the remainder are predominantly women in female-headed families.

By July 1, 1972, the effective date of the program, approximately 11½ million individuals in AFDC families would be on the rolls. On 1/1/73 7 million individuals in working poor families would be eligible. Many of the latter, working full time, would draw very small benefits, and we can probably expect no more than 5 million to be in families which apply for and receive benefits.

Thus, we would be in the area of 16½ million individuals (still some 70% of whom are children) before the training, day care and services begin to move families onto payrolls.

It is worth pointing out that AFDC caseload without reform is projected to reach 17 million by 1976, by which time FAP will have the caseload considerably below that level.

It is also misleading to confuse the supplementation of the working poor with the "welfare rolls", since these family heads are working full-time in order to support their families.

We find it particularly ironic that the ACU does not recognize that the only way to end idleness is to require and reward work. The only way to achieve structural reform of this inefficient welfare system is to cover the so-called "working poor," so that families are not penalized for work effort. Only with this coverage can we construct a program in which it always pays to work.

6. Q. Would a welfare recipient be expected to work to qualify for the guaranteed annual income?

ACU Response: Government officials say yes, but there has been a "must work" requirement in the Aid to Families of Dependent Children (AFDC) since 1967 and it has never been enforced.

Administration Response: The weakness of the present work requirement in WIN is a major reason for the need for welfare reform legislation. Under WIN, it is left to the State welfare agencies to decide who is "appropriate" for referral to the manpower agency for training or employment.

The welfare reform bill specifically states who is subject to the work requirements and every family with an employable (or trainable) member will be registered with the Department of Labor. These recipients will be given maximum possible access to job opportunities and to training. There are 225,000 training opportunities and 200,000 public service jobs available during the first full year of the program to move recipients into jobs. Furthermore, the lack of child care was a major cause of WIN ineffectiveness; the new bill provides 450,000 child care slots for the first full year, and an increased level of vocational rehabilitation and other employment services to make the work requirement effective.

The increased financial incentives to work (including coverage of the working poor), the strong penalties for refusal, and the massive increase in employability services can and will establish a work-fare program.

President Nixon in emphasizing the work aspects of welfare reform has pointed out, and this is confirmed by those with experience in the welfare area, that there is a strong will and desire to work among welfare recipients, the vast majority of whom want nothing more than to move their families from a state of dependence to one of independence from the Federal dole.

7. Q. How much of the taxpayers money does the government now spend on welfare?

ACU Response: Approximately $72 billion. The Senate Republican Policy Committee estimated that government expenditures on all levels for social programs already exceeds $72 billion a year.

Administration Response: We assume the reference is to all "Human Resource" programs. The projected budget for fiscal year 1972 for all Human Resources programs is $96.1 billion. That is not a "welfare" expenditure. It includes all Federal expenditures for education, health, manpower training, income maintenance and veterans benefits, including all of Social Security which as a program of social insurance is in no way a "welfare program". The "Public Assistance"—welfare—expenditures are projected at $9.8 billion (Federal portion) for 1972, up from $4.3 billion in 1969 when the President proposed welfare reform. Expenditures will continue to grow until the whole program is reformed.

8. Q. Would there be any check to determine if the recipient was spending the money wisely?

ACU Response: No. Each person would be completely free to spend the money at his own pleasure—for televisions, automobiles or whatever.

Administrative Response: We cannot foster financial independence if we treat families like they were dependent. As long as families look to government to tell them how to spend their money, dependency is encouraged. A paternalistic approach on the part of government would be a disservice to poor families and to the Nation.

In the case of a family which has problems of money management, the bill provides for responsible third parties, or public or private agencies to be paid as a representative payee. This provision will help protect the children of parents who might abuse the purpose of their benefit payments.

9. Q. Would the welfare recipient receive other services besides the *direct cash gift?*

ACU Response: Yes. Although President Nixon said other welfare programs would be eliminated the facts are that there would be no cutback in programs such as food stamps. The food stamp program already has been doubled by the Nixon Administration.

Administration Response: Calling a basic sustenance payment a "cash gift" is misleading: able-bodied recipients will be required to accept manpower and rehabilitation, child care, and other services designed to make them self-supporting.

Under the proposal now before the Ways and Means Committee, persons receiving assistance under the Family Assistance Act would *not* receive food stamps. That proposal has the endorsement of the Administration. We do not, in any event, consider Food Stamps a service since they are, in effect cash assistance.

10. Q. Would welfare mothers be expected to work in order to qualify for the guaranteed annual income,

ACU Response: No. Government designers

of this legislation say welfare mothers should be home with their children. ACU has pointed out that tax-paying families often need both parents working in order to meet the high costs of living caused in large part by excessing government spending.

Administration Response: This answer is incorrect. Mothers with school age children *are* required to work or take training. Under the provisions of the current bill, only mothers with children under six years of age (reduced to three years of age in two years when additional child care capacity is created) would be exempt. In any event, we expect a large number of such mothers to volunteer for employment. In the present WIN program, 7 out of 10 have pre-school age children.

11. Q. Should the government spend more on social programs and less on military and space programs?

ACU Response: In the last 10 years the government has spent 25 times more money on welfare than on our lunar landing program. We got to the moon but welfare rolls keep growing.

Administration Response: An enormous and growing amount of money is being wasted on an inefficient, ineffective, and inhumane welfare system. This is the reason that we must move immediately to a complete structural reform of this system.

It is well to remember the vast investment in education and technological resources which began in 1958 for our space program. This is the kind of investment in child care, training, and employability services which is desperately needed to break the welfare dependency cycle, Furthermore, the kind of careful planning, systems design, structural integrity, and management control which got us to the moon is exactly what welfare reform will bring to the current state of confusion and disorganization.

12. Q. Would the Nixon welfare plan eventually reduce the number on welfare?

ACU Response: No. In fact, the welfare rolls will continue to grow as long as it is profitable to stay on welfare.

Administration Response: We estimate that by 1976 there will be fewer people on family assistance than would be on an unchanged AFDC program. The welfare reform plan will enable recipients to earn enough to get off welfare instead of remaining on welfare. (See Question 5)

13. Q. Is the Nixon program similar to the negative income tax advocated by conservative economist Milton Friedman?

ACU Response: Absolutely not. The Friedman plan calls for the elimination of all other forms of welfare services with incentives to get off the welfare rolls. The Nixon program is an "add on" measure.

Administration Response: It is correct that the Family Assistance Act is not a "Negative Income Tax." It does, as previously explained, have strong work incentives. It is not an "add-on" measure, but a replacement for the present system. As Mr. Friedman himself has pointed out, a disadvantage of his plan is that it does not include a work incentive.

14. Q. Didn't Mr. Nixon say in his presidential campaign of 1968 that he was opposed to the guaranteed annual income?

ACU Response: Yes. On many occasions President Nixon stressed his opposition to such a plan. Apparently he is failing to carry out his campaign promises.

Administration Response: It is correct that the President is opposed to guaranteed annual income. What he is proposing is welfare reform, not a guaranteed income. As indicated previously in the response to Question 1, the work requirements of the bill place responsibilities on the recipients before they are eligible for any payment. There is no guarantee of income.

15. Q. Who in the Nixon Administration is mainly responsible for this welfare program?

ACU Response: Presidential aide, Patrick Moynihan, an advisor to the Kennedy and Johnson Administrations, was the principal architect. When presented to the President's Cabinet this welfare plan was opposed by all but three Cabinet members.

Administration Response: The President.

16. Q. What political consequences are involved should the guaranteed annual income become law?

ACU Response: It would create a permanent class of people on the Federal payroll who would undoubtedly offer their votes to the politicians promising the highest annual income.

Administration Response: As explained in the answers to the previous questions in this series, there is no guaranteed annual income. Welfare Reform will move people from the welfare rolls to payrolls, reducing the growing tax burden to support welfare payments.

ALBERT RAINS SPEECH CONTEST WINNERS

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BEVILL. Mr. Speaker, each year since becoming a Member of Congress, it has been my privilege to have placed in the CONGRESSIONAL RECORD the three winning speeches in the Annual Albert Rains Speech Contest held at Snead State Junior College in my congressional district.

This contest, which is sponsored by former Congressman Albert Rains, gives these students the opportunity to express their thoughts on important topics. These speeches are always interesting and reflect the intense concern our young people have for the problems facing our Nation.

At this time, Mr. Speaker, under unanimous consent I would like to have placed in the RECORD copies of the three winning speeches and offer my congratulations to the winners.

This year's winners are: First place, Jack Garrett, Guntersville, Ala.; Second place, Bruce Johnson, Guntersville, Ala.; Third place, Etha Rice, Scottsboro, Ala.

The speeches follow:

CITIZENS, LEND ME YOUR EARS—"THE 18-YEAR-OLD VOTE"

(By Jack R. Garrett)

Are you ready, young America? Will you be ready to go to the polls and vote in 1972? Have you registered for this privilege? Many young Americans of today believe that the only way is the militant way, but this belief is far from the truth.

Citizens, lend me your ears. On May 21, 1971, I had occasion to speak with the Marshall County registrar, Mrs. Sue Horsley. Of the 2,513 eligible 18-to-20-year-old voters, only 93 men and 74 women have registered. This number is just a little over 15% of this age group. If these figures are a preview of the future, then the outlook seems grim. The 18-year-old is as fit today, by interests and education, as were the 21-year-olds of yesterday to help elect the governing officials of our city, state, and country. According to the "U.S. News and World Report" of January 4, 1971, there will be 21 million more persons eligible to vote in the 1972 elections. Of these, 11.4 million will be 18 to 21, and 7 million will have reached their twenty-first birthday. All of these people will be eligible to vote for the first time. The apathy being shown at the present time in the Marshall County registrations bodes ill for our county and eventually our country.

This nation has seen 153 congressional resolutions, including the Mansfield-Aiken direct-vote proposal, since 1943 to allow the 18-year-old vote. The final resolution was passed. One in eight Americans of voting age in 1972 will be old enough to vote for the first time. The political impact this situation will have is still unclear.

In this country it is a fact that the younger the voter, the less likely he is to vote. The U.S. Bureau of the Census showed that in the 1968 elections, only 51% of the 21-to-24-year-old voters took advantage of their right to vote. At the same time 63% of the people from 25-to-34-years-old voted; and 75% of the people 45-to-64-years-old voted. Will the youth of today carry on this trend, or will they carry this country on to greater heights through democratic processes?

On March 10, 1971, the Senate approved the drafting of the Twenty-sixth Amendment to the Constitution. This amendment passed the Senate by 94 to 0, and passed the House of Representatives by 400 to 19. Only 38 states need to ratify this amendment for it to become law. As of April 26, 1971, thirteen states had ratified, and nineteen more, including Alabama, seem ready to ratify this amendment. There were also five additional states debating ratification. This amendment will allow 18-year-olds and up to vote in all elections, and give them many adult rights and responsibilities.

Will these new voters accept these rights and responsibilities?

Many of the eligible voters of today are disillusioned by the militant actions of today's teenagers. Many of these youths have been preaching anarchy, destruction, and violence day in and day out. Many others have been following these preachings with zeal. The riots and bombings that have taken place in our great land have further alienated the older generation from the youth of today. It is up to the young people of today to show their elders that they are wrong. We have always considered a youth of 16 and over responsible enough to be judged by their peers in a court of law. We considered a youth of 18, 19, or 20 mature enough to hold a job, pay taxes, marry and raise a family, operate a vehicle, be sued, make wills, and die for their country. Now we consider 18, 19, and 20-year-olds mature enough to help put into office the leaders of their choice, and to aid in making changes in the laws of this great land. They will now be able to help make these changes through democratic processes.

I ask you young people here in the audience today, do not destroy our faith in you. Do not take advantage of these rights. Go among your friends and urge them to visit the registrar of their county, and place their name on the roll of fame. Let it be said by future generations that all of you were ready to aid in the operation of our democratic country, and to help peace and democracy to survive past the thousand-year mark. This is your chance to have what you want, without destroying what you have.

THE EFFECTS OF "THE" VOTE

(By Bruce S. Johnson)

Youth of America! Stand up for America! Vote for and elect Abbie Hoffman, president! Could this ever happen? Or, better yet, will it happen? Is it real? Is it with us?

In the fall of 1970, Congress passed a bill. A bill that has the scope and the depth of women's sufferage and of the Civil Rights Act. It gave those people between the ages of eighteen and twenty-one the power, the duty, and benefit to vote in all Federal elections.

Now, I know you have all heard arguments both pro and con. And I am sure that you have all heard people say . . .

"They are too immature" . . . "They are still just kids" . . .

"They do not know responsibility" . . .

And you have heard in reply . . .

"If I am old enough to fight, I am old enough to vote."

But let's not consider whether it is right or whether it is wrong. Because it is real; it has happened; and it is with us!

It is real for Federal elections and it will soon be with us in state elections . . . if but for no other reason than simplicity.

Could you imagine the confusion at the polls one election day if there were two separate ballots? There would be a ballot for the 18 to 21 years olds for Federal offices, and a ballot for the older people for all offices (federal, state, local, etc).

If you could imagine this, try to imagine the pains, toils, confusion, and time involved in the counting and recounting of these votes.

So let's not consider rightness or wrongness for it is here and very much alive. Let's consider something far more reaching and far more important. Let's look at the effects which these votes can have and probably will have upon the rest of our lives.

First, let's go back to Abbie Hoffman and take a look at what could very well happen.

The year is 1980 and we are in Chicago. We are in Abbie Hoffman's campaign headquarters across from the site of the 1968 Democratic Convention. We have just witnessed a gruelling campaign by a somewhat self-proclaimed politician (a shrewd man in many respects). Now it is over and Mr. Hoffman is our President, so let us take a look at his platform and see how he got elected.

Utmost, we notice that he was for legalization of marijuana.

He was for bringing the boys home from war and imposing isolation upon our country.

He was also for breaking down the establishment.

He was also for selling the TVA to private enterprise and for cutting old age pension and federal funds for the needy.

But Abbie was elected today mostly by the help of those 18–21 years old voters who saw just two main issues.

Now, let us swing south and consider the state and local elections.

We pass a girl on a street in downtown Birmingham who had just voted. We ask her who she voted for as governor of Alabama. She says, "Why, Joe Namath, of course", and we ask her why. She replies, "Oh! He is so-oo good looking!"

Next we meet two young men who have just voted for Pat Sullivan as Senator from Alabama. When asked why one replies:

"Well, he led Auburn to the national championship back in '71, so why shouldn't he lead the state to better goals and higher standings."

The other one adds:

"I have watched Pat through his college days, and I have watched him play pro-ball. He has always been my idol, so why should I give up on him now."

As you can tell, we all know that these are hypothetical examples . . . but are they?

We would like to think that we would use our votes to elect a man that would stand for the good of all mankind, for higher education, for anti-pollution, for peace, and for that which was good for our country. . . . but will we?

If any of you answer "yes," then take a look around you!

Take a look on our college campuses; look at our own campus! how are elections won on campus . . . by intellectuality or by popularity . . . by awareness or by more helloes . . . by cuteness or by principles?

Let's all take a long hard look at the effects which these votes could have and will have. We all know that we cannot stand still. We are all getting older, and that includes those kids down in elementary school, those in junior high, and those in high school. If we are defiant . . . what will they be?

Once a great man said something along these lines:

"Don't look back, for something might be catching up with you."

Could Satchel Paige have meant. . . .

"Don't look back, for those votes we cast may be catching up with us!"

You Can Do It

(By Etha Rice)

Eighteen, nineteen, and twenty-year-olds, you've finally got the right to vote. Maybe you think there is really nothing that great about being able to vote, but many young people feel differently. A few years ago, CALVA was organized. CALVA, which means the Consolidated Association to Lower the Voting Age, is composed of young people who worked very hard to get Americans informed on the true competence of the younger generation. The young people belonging to this organization didn't try to go about lowering the voting age by rioting and bombing as some people are inclined to believe most kids do. Instead, they went straight to the top. They wrote and visited their Congressmen and Senators and got the movement revived in the Senate and House of Representatives.

Just why twenty-one has always been considered the magic number that says young people are automatically adults was handed down to us more than 750 years ago. At that time, the English felt that knights didn't have enough muscles to handle their armor and swords until they had reached twenty-one. Ever since this time, most people have substituted lack of maturity and judgment in young people for lack of muscles in knights and retained the same idea.

Now, people's ideas seem to be changing. The big change has taken place within the past few years. Two important political figures in Washington who have expressed a change of opinion are Representative Emanuel Celler and Senator Birch Bayh.

In 1968, 80-year-old Celler said, "When we consider how easily the adolescent is inflamed, how passionately he attaches himself to 'causes' how imperative it is for him at that age to see in patterns of black or white without shadings lest he falter in his commitments, we can readily understand why the demagogue, the dictator, and the hypnotic orator have been able, historically, to capture the youth of the land." Celler was speaking of all the followers of Mussolini and Hitler.

In April of this year, Representative Celler had changed his mind. He said, "I do not feel youth will fail us if we offer it the responsibility of the ballot."

Senator Birch Bayh of Indiana also opposed the lowering of the voting age in 1968. However, since that time, he expressed his opinion to the eighteen, nineteen, and twenty-year-old vote in the following quote: "These young people don't get their kicks the way older people used to. Instead, they work actively for both political parties; they work for civil rights and equal opportunity for all; they are in the Peace Corps, the Teacher Corps, VISTA, and a host of other constructive and meaningful causes that have added a new strength of purpose to our nation."

Young people, older people aren't trying to widen the gap, they're trying to narrow it. They heard your cry for wanting a voice in the wars you fight in, the courts you are judged in, and the taxes you must pay. They answered this cry by giving you the right to vote in national elections, and probably very soon, the right to vote in state and local elections as well.

You were probably told when you were graduated from high school that you were "the smartest, best-educated, and most idealistic generation ever." Now you're finally getting a chance to prove you are all these things. Maybe you think your vote couldn't possibly matter that much, but it could. If all eighteen, nineteen, and twenty-year-olds vote in 1972, 10 million more votes will be added to the previous total. That number is big enough to really matter. Let's not let the people down who've put all that trust in us by giving us the right to vote. Let's show them that the eighteen, nineteen, and twenty-year-olds are just as competent and just as aware of political issues as the twenty-one-year-old and older.

DON'T BUY DANISH!

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. FISH. Mr. Speaker, with the list of endangered species growing each day, many of us have been viewing with deep concern the plight of the Atlantic salmon. This concern I believe is well expressed in an editorial carried in the Chatham Courier, a Columbia County newspaper in my congressional district in New York, which I include in its entirety.

Don't Buy Danish

It's a crime that anything on this earth should be expedited toward the exodus of its extinction.

But that is just what's happening to the greatest of all game fish, the gleaming Atlantic salmon, whose incomparable strength, agility and beauty have delighted man for centuries.

The species is rapidly disappearing because of high seas fishing, principally by the Danes. In 1965 the Danes moved in on the newly discovered major feeding grounds in the Davis Strait off West Greenland. Each year they have steeply escalated nettings, so that by 1970 they were taking an estimated 400,000 salmon, with thousands more so damaged or lost in the nets that they would perish.

The high seas fishing is unjustified and cannot be condoned, why cannot Denmark, and others, be brought before the bar of world opinion? Simply because there is no Law of the Sea as regards Atlantic salmon.

What can the individual sportsman and conservationist do about this? Plenty!

Each of us interested in this possible tragedy must boycott all Danish goods. The principal imports are meat products, including hams, bacon, also smoked salmon, contemporary furniture, beer and hair curlers.

We must ask the ladies who do the shopping to look at the labels in the marketplace and then pass the word along. Don't Buy Danish, Save Our Salmon!

We were delighted to note that the Hudson Fish and Game Club has urged its members to boycott Danish goods and we urge the Columbia County Federation of Sportsmen to take similar action.

A long time ago, William Shakespeare wrote, "Something is rotten in the State of Denmark". This allegation is as apt today as it was at that time.

Although this editorial spells out the problem of possible extinction of the Atlantic salmon, and calls for pressure to be placed upon the Government of Denmark to end or limit this danger through private boycott of Danish products, it does not deal with another possibility for control; that of legislative action by this Congress.

The possible need for such legislation has become increasingly apparent. The best efforts of our Department of State, along with Canada and the United Kingdom, have failed through the 15 member International West Atlantic Fishing Convention to bring any meaningful halt to the unrestricted catching of these great fish during their 2- to 3-year ocean life cycle.

At the present time the House Committee on Merchant Marine and Fisheries is considering two bills aimed at bringing pressure to bear on Denmark to limit the size of the catch. Although I completely agree with the intent of this proposed legislation, I would be surprised if either of these bills will be reported from committee in its present form. But the introduction of this legislation and the holding of these hearings I believe is a necessary first step in serving notice on the Government of Denmark that such disregard of international conservation practices cannot be undertaken without the possibility of severe economic reprisals by this Government.

Our marine scientists report that the proportion of 2- and 3-year-old salmon returning to spawn is dropping in relation to the number of 1-year salmon which return. It is clear the heavy Atlantic fishing is having a marked effect on the sea fish. This is an effect which must be of importance to us all.

A BILL TO DISCOURAGE CRUEL EXPERIMENTATION ON ANIMALS BY ELEMENTARY AND SECONDARY SCHOOLCHILDREN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. WALDIE. Mr. Speaker, today I wish to introduce, for appropriate reference, a revised version of a piece of legislation which I have introduced and supported in the past, et critera, a bill to discourage cruel experimentation on animals by elementary and secondary schoolchildren.

This new version has been drafted by a relatively new humane organization, the Committee for Humane Legislation, which is attempting to coordinate the legislative efforts of a number of our finer old-line humane societies behind a broad scale program of realistic and effective humane legislation.

The purpose of the proposed legislation is an old one and a worthy one, the discouragement of needless suffering by live animals at the hands of elementary and secondary schoolchildren who might otherwise perform surgery or other medical or quasimedical experimentation on live animals in the name of science.

I understand that a companion bill will be introduced in the Senate and I am hopeful that the legislation will be adopted without delay:

H.R. 9075

A bill to discourage cruel experimentation on animals by elementary and secondary school children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Declaration of Policy.

It is hereby declared to be the public policy of the United States to discourage needless suffering by live animals at the hands of elementary and secondary school children who might otherwise perform surgery and other medical or quasi-medical experimentation on live animals in the name of science.

SEC. 2. Withholding of funds by the National Science Foundation.

Section 1875 of Title 42 of the United States Code is amended by adding a new subsection (c) at the end thereof as follows:

"No funds appropriated under the authorization contained in subsection (a) of this section shall go to any school district in the United States for any purpose if within the district (i) live animals are permitted to be used for classroom surgery or other scientific or quasi-scientific experimentation which involves any cruelty toward or needless suffering of live animals, or (ii) school children are encouraged to do surgery or other scientific or quasi-scientific experimentation at home which involves any cruelty toward or needless suffering of live animals.

THE U.S. MERCHANT MARINE TODAY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. DOWNING. Mr. Speaker, the fall and hopeful rise of the American Merchant Marine has been a subject of much discussion in recent years. I think most of us realize the absolute necessity for our country to have a vibrant and effective Merchant Marine in order to maintain our place in the commerce of the world and to insure our national defense needs in time of crisis. The Merchant Marine Act of 1970 was a step in the right direction. And if this legislation is properly implemented, we will regain our rightful place in the high seas in the 1980's.

Sometime ago a speech was brought to my attention concerning this matter, which was delivered at San Juan, P.R., last year by Mr. Earl W. Clark, a co-director of the Labor-Management Maritime Committee. I think it is an excellent compilation of the woes which led to the downfall of our merchant marine and the hopes for a better future. I think my colleagues interested in such matters will find Mr. Clark's speech interesting reading.

The speech follows:

THE U.S. MERCHANT MARINE TODAY

Ladies and gentlemen: I count myself most fortunate to have the privilege of visiting this beautiful gem of the Caribbean. It is our first visit and the answer to a lifetime of anticipation. I was particularly pleased to have been invited through my good friend, Gay Brunelle, whose reputation is widely known not only in Puerto Rico but on the continent as well. I want to thank one and all for being such gracious hosts to Mrs. Clark and to me.

I want to address you this evening on the same subject as the title to my recent book called *The U.S. Merchant Marine Today,* copies of which your propeller club requested and received in quantity of recent date. But I think I would like to amend the title for this occasion to read *The U.S. Merchant Marine Today With Special Emphasis on Puerto Rico.*

From an overall point of view, let us first turn to certain facets of our past maritime history. At the end of World War II the United States was the most powerful maritime nation in the world. Today in commercial shipping we have sunk to fifth place, some say sixth place, in deadweight tonnage. When World War II ended, we were carrying some 57 percent of all our foreign waterborne commerce. Today we carry something less than 5 percent. No other nation can equal or even approach this decline.

Now what was the blueprint that helped bring about this downward trend? I believe the following elements summarize it in essence:

1. The sale of 1,113 U.S. war-built vessels to foreign nations—an altruistic and gracious act but somewhat deleterious in its competitive impact.

2. The lax policies of transfer to foreign registry, creating an additional mass exodus of some 740 large oceangoing merchant ships of over 7 million dwt from 1946 through 1968.

3. Acceptance of the runaway flag philosophy and its copartner, the flags of convenience—which have built up huge fleets of American-owned foreign flag shipping.

4. Full latitude on the part of the United States-based corporations to engage simultaneously in dual U.S.-foreign flag operation. By using cheaper foreign labor and avoiding U.S. taxes these corporations have built up a strong foreign competitive merchant fleet owned by U.S. citizen corporations.

5. Reliance for over two decades upon old World War II vessels bought at bargain prices under the Ship Sales Act of 1946, with little or no provision for new ship replacement on the part of numerous steamship lines.

6. The past failure of any real positive government implementation of our national maritime policy.

These are some of the major ingredients in a decidedly negative maritime program principally responsible for our maritime decline. Let us examine the extent to which these processes have facilitated the growth of foreign flag shipping owned by foreign affiliates of the United States parent companies. As of December 31, 1968, there were 436 foreign flag ships in this category amounting to over 18 million dwt. As of the same date, other U.S. citizen entities owned and/or controlled 115 additional foreign flag vessels of some 4,172,000 dwt.

The adverse effects of this trend upon our domestic economy have been numerous. Every ship transferred was a ship lost to U.S. flag. Each transfer meant a crew lost, diminished income from shipping and reduced U.S. tax income. The general economy was correspondingly affected.

Foreign ships owned by U.S. parent companies have thus accentuated foreign shipping competition and helped reduce U.S. flag participation in our foreign commerce to an all-time low.

Aside from the massive build-up of foreign merchant fleet, through sale and transfer of U.S. flag ships, new foreign construction has further sharpened the competitive edge. In fact, with the progress of time many of the old transferred ships have been replaced by new foreign tonnage.

A large segment of American-owned foreign flag shipping operates under the so-called flags of convenience. The name is normally applied to denote a convenient escape from American wages, U.S. standards of living, U.S. taxes and operating rules and regulations.

The flight of American capital to such flags has aptly begotten the designation of "runway" flags. A national policy calling for the return of so-called "runaway" ships to U.S. availability in time of national emergency is termed "effective control" by the military establishment. Its effectiveness is considered exceedingly tenuous in many circles within the maritime community.

Such concepts and practices have impaired our merchant fleet strength. Its current status is aptly described by the capable chairman of the Federal Maritime Commission, Mrs. Helen D. Bentley, in a recent address at Pensacola, Florida. She pointed out that as of July 31, 1970, there were only 792 active privately owned U.S.-flag ships—the lowest since the end of World War II. Only 27 government merchant ships were active on that date. Of the 792 ships, only 333 were built since 1950. Of these, some 50 to 60 are from 17 to 20 years old. She further pointed out that even our expected program of some 300 new ships approximating 10 million deadweight tons is dwarfed by the Japanese who on December 31, 1969, had 1,989 ships of over 34 million deadweight tons—all 15 years of age or less—and who expect by 1974, to increase this to 60 million deadweight tons. The director of the Boilermakers and Iron Shipbuilding Marine Council estimates that without a positive maritime program the United States would decline to some 272 active private merchant ships by the same date (1974).

With the Soviet Union adding some 1,000,000 DWT a year to a fleet already consisting of 1,717 ships of well over 12 million DWT, the comparative status of our overall U.S. merchant marine stands out in bold outline. Neither our commercial well being nor our national defense can countenance an increased disparity in merchant seapower.

One may well ask what new and positive changes, if any, are on the horizon. Fortunately, there are some. President Nixon has proposed a new maritime program for building some 300 of the newest, fastest and most capable ships in the world. He is the only President to advocate and support a real positive maritime program in the last two decades and for this he deserves the highest respect and admiration of the maritime community. Legislation to effectuate this program is now moving through the Congress of the United States. We have in Maritime Administrator Andrew Gibson not only a man of wide marine experience, but a capable and sagacious judgment as well. He has unrelentingly pursued a course of maritime advancement for the country and, hopefully, he will win his program and bring it through to reality. The nation is thus moving in the right direction—that of developing a strong American merchant marine. If vigorously pursued, the flight of American capital to foreign steamship operations may be stemmed and even reversed.

One of the specific provisions of the new maritime legislation is that all shipping which receives any government support must divest itself of foreign-flag interests within a 20-year period or lose government subsidy for its U.S. flag vessels. In the liner trade, this divestiture must be rather immediate. Thus the nation is moving toward foreign *flag divestiture* even in the foreign commerce wherever government support is involved.

This is good, for it is high time that we stop building up foreign flag shipping at the expense of the U.S. merchant marine. Now let me make it clear that I am not against foreign flag shipping as such. We need foreign shipping in international waterborne commerce. But when we surrender some 95 percent of all our own foreign commerce to foreign shipping, it is time to start changing things. It is time to start in the direction so vigorously pursued by other maritime nations.

For example, England transports 37 percent of her foreign commerce in her own ships; France 48 percent; Norway 43 percent; the Soviet Union 50 percent; Japan 50 percent; Sweden 30 percent; Germany 30 percent, and Greece 39 percent, to mention a few.

Now it must be clear that if we are to move toward greater U.S. flag participation in our foreign commerce—and especially under the new administration program—then we cannot afford to take a converse position with respect to our domestic commerce.

In the domestic field, there are also some good signs on the horizon. The Journal of Commerce in its issue of August 27, 1970, announced that Sea-Land Service, Inc. is "negotiating on arrangements which will enable it to provide a direct link, by full-fledged containerships, between gulf ports and the sub of its domestic and overseas transshipment network in Puerto Rico." Such an event would offer shippers in the expansive Mississippi Valley region, greatly increased container carrying capacity with lower inland transportation cost to reach a port with direct sailings to sea-land's Puerto Rican hub. Sea-Land is to be complimented for this move. However, I understand that presently only some few conventional break-bulk ships with limited container capacity now ply this trade. More break-bulk shipping appears to be the immediate pressing need.

In my view, we are on the threshold of a myriad of innovations in U.S. merchant shipping which will render it more competitive than at any time in its history. At such a time our sabotage laws as provided in the Jones Act must not be weakened. Let us look at some of the adverse results if we open our domestic commerce floodgates to foreign shipping.

Such an introduction of foreign shipping would render many Puerto Rican seamen jobless with a direct adverse effect upon the economy of the Commonwealth and upon the employment status of its citizens. The taxes paid by U.S. flag operators, which are quite substantial, would be seriously diminished. Puerto Rican reliance on foreign shipping would prove precarious at best. As has been historically true, many of these foreign flag fleets would disappear whenever and wherever homeland needs for shipping elsewhere demanded.

During World Wars I and II, we saw what an exodus of foreign shipping did to the United States. This was never portrayed more clearly than by the distinguished chairman of the Merchant Marine and Fisheries Committee of the House of Representatives when on August 27 of this year he pointed out and I quote:

"Prior to World War I, this country let its merchant marine decline to a low ebb. No Federal assistance was provided. We relied almost completely for the carriage of our foreign trade upon the vessels of supposedly friendly countries.

"When World War I broke out in Europe in 1914, the vessels of those friendly foreign countries suddenly deserted the United States foreign trade to serve the pressing needs of their own countries abroad and the cargo for export piled up on our docks. The few ships that did come here raised their rates to astronomical levels. Indeed, freight rates rose over 1,000 percent. At that time we frantically engaged in a shipbuilding program—but too late."

Mr. Garmatz indicated this country had learned a bitter lesson and "that we should never again find ourselves completely reliant upon foreign ships."

He concluded that "an American merchant marine capable of serving as a military or naval auxiliary in time of war is a basic ingredient of our defense establishment and necessary to our national security."

Economic change can modify the course of shipping as well as world conflagrations. Actually, even in peace time, the decrease of U.S. shipping and reliance on foreign shipping has rarely meant lower rates and shipping costs. Once U.S. shipping is out of the way, costs on given trade routes have actually increased in many cases. The abandonment or modification of the Jones Act to bring in foreign shipping does not necessarily mean lower rates as conference rates, for the most part, would then apply, which means that rates on particular items of cargo are the same, whether U.S. or foreign.

If present trends continue, transportation costs will most certainly be driven downward with the passage of time. New investments in containerization; new ship construction; the roll on/roll off vessels; the Lash type ships; the Sea Bees and expansion of trailer areas and modernized terminals—these all show signs of rendering greater service at lower cost. Many of these improved innovations are being brought into the Puerto Rican trade by Sea-land; Seatrain; TTT, Lykes and others, thus ever increasing the quality of service. Certainly, this is no time to surrender such possibilities and potentialities in our domestic commerce to foreign shipping.

In the new Nixon legislation now before the Congress, construction fund privileges with tax deferment are for the first time extended to carriers engaged in the domestic commerce. This should provide financial incentive to domestic carriers to accelerate new ship construction and provide even better means of domestic transportation. Furthermore, with new marine technology, containerization, and constantly improved shipping service, the price-transportation-cost ratio should correspondingly improve. Certainly in all these specific areas, foreign shipping can do no better. America's lead in marine technological advancement and new shipping methods may even narrow the gap between domestic and foreign operating costs to a point where, in some areas, the American cost potentials will be at no appreciable disadvantage.

The argument has been advanced that ocean freight is a *major* cause of higher prices for the things Puerto Rico must import. On April 1, 1970, the Federal Maritime Commission staff, after long and exhaustive study and research, found little support in fact for such a contention. To quote from a principal finding, the Commission staff study indicated and I quote, "Examination demonstrated that the effect of ocean freight charges on the wholesale selling price is relatively small compared to the impact of Puerto Rico's marketing system."

An extended research into some of the basic consumer food items, including rice, meats, eggs and vegetables showed retailer markups outrunning transportation cost increases by several times.

In the so-called intermediate class of imports, including cast iron pipe, fittings, enamels, paint, lacquer, lubricants, etc., the impact is somewhat greater, and comparison with retailer markup is more difficult since much of it moves directly between the mainland supplier and the manufacturer in Puerto Rico.

However, where retailer markups do exist, the percentage is greater. The commission found that of some 41 articles examined, "the price—transportation-cost was from 5 to 19 percent on some commodities, most of which were foodstuffs, and of the remaining items studies—also mainly foods—the ocean freight charge was 4 percent or less."

Actually, Puerto Rican retail prices have increased from a 100 base index in 1958 to 116 by 1967, the latest figures of the FMC report. During the same period Puerto Rican ocean freight rates declined from 100 to 98 by 1960, increased back to 100 in the indices in 1962 and declined somewhat steadily through to 1967, the year the study terminated. Taking foods alone, the rates southbound, compared to total food imports, showed total traffic increasing from a base index of 100 to 234, while ocean freight on foods remained rather constant with periodic declines. Using a different base year, shipping costs to Puerto Rico declined from an index rating of 100 in 1958 to a low of 88.4 in 1969.

Let us take into consideration the cost increase as related to locally produced foods. The commission staff study found that "between November 1966 and November 1967 alone, the overall cost of living increased 4 percent and that during this period the price of locally produced foods increased almost three times as much as that of imported foods. The cost of living index on locally produced food climbed 9.7 percent while the index on imported foods rose 3.5 percent." The cost of the other Puerto Rican produced products rose during the same index period from a par 100 in 1958 to 163 in 1969.

It must be noted that while freight rates do not appear to be the major cause of increased prices in Puerto Rico, the industry must, nevertheless, strive to drive them downward in the interest of contributing to a stronger economy. Puerto Rico transports 99 percent of her total imports by water. Eighty-one percent of the total value of Puerto Rico's imports are from the continental United States. Domestic production of food and certain other consumer articles is not sufficient for the demand. Under this circumstance, it is highly important that the rate structure in the Puerto Rican-U.S. domestic trade be frequently examined. Meanwhile, the fact that ocean freight rates have a relatively smaller effect on the wholesale selling price, as compared to other facts of the marketing system, is important, and it certainly argues against any hasty condemnation of the Jones act in such matters.

LET US LOOK AT A SUMMARIZATION OF THE PROS AND CONS UNDER THE JONES ACT AS IT RELATES TO PUERTO RICO

1. Foreign-flag lines provision their ships in their homelands—U.S.-flag ships purchase here and on the continent.

2. Foreign-flag companies pay no taxes—U.S.-flag lines do.

3. Foreign crews spend less in Puerto Rico—U.S. seamen spend more—both of time and money.

4. Many foreign-flag ships operate with lower standards of safety—U.S.-flag ships must be built to ABS standards and meet U.S. Coast Guard inspections, therefore, normally safer ships.

5. Foreign-flag ships subtract from our balance of payments position—U.S.-flag shipping overall adds almost one billion dollars a year to our balance of payments on the favorable side of the ledger.

6. Foreign-flag shipping employs foreign seamen—Reportedly, some 47,000 Puerto Ricans are employed in the maritime industry. They are principally related to American-flag operation. On ships plying the U.S.-Puerto Rican trade, 60 percent are Puerto Rican crewmen.

7. Foreign ships give no assurance of continuity of service when international emergencies demand their return to their homeland—U.S.-flag ships seek to provide continuity of service at all times and in all circumstances.

8. Foreign shipping makes little or no improvement in Puerto Rican local port facilities—U.S. shipping has helped in innovative investments in such improvements estimated at some $100 million.

9. Foreign shipping gives no assurance of stability of rates—The presence of U.S.-flag ships assures rate stability as found by the Federal Maritime Commission.

10. Foreign shipping is not fundamentally motivated by any specific purpose of strengthening the economy of Puerto Rico. Its interests are directly related to the needs of the respective homelands—U.S.-flag shipping must devote itself to promoting the economic welfare of Puerto Rico as a part of the national economy.

To amend or weaken the Jones Act to the point where substantial tax income and the employment of U.S. citizens, including those of the Commonwealth of Puerto Rico, are traded off for foreign flag entry into our domestic commerce would be penny wise and pound foolish.

If there are legitimate and reasonable adjustments necessary for the promotion of our domestic commerce, let us make them. However, this does not mean a weakening of our basic maritime laws. Even temporary suspension of coastwise laws by legislative enactment does not appear too satisfactory. The suspension on Puerto Rico's behalf for the transport of lumber from the northwest under Public Law 87–877 in 1962 resulted in the approximate equivalent of one full shipload of lumber being transported in a year's time. Because of this experience the suspension was never extended.

Placing reliance on domestic ships for domestic commerce has greater potential and in so doing, we do not abandon our cabotage laws. To my knowledge, none of the other maritime nations in the world have so abandoned their domestic shipping, nor can they afford to do so.

So much for the Jones Act. What about the more basic needs of the commonwealth?

It seems to me the more pressing need in Puerto Rico is for more industrialization to meet three major problems—rising population; unemployment and inadequate family income. Puerto Rico is to be commended for its foresight and initiative in this regard. First with its *Pridco* activities and later under the more successful *EDA* program.

Puerto Rico is moving rapidly to attract business and industrialization to the commonwealth. The common market which exists between the mainland and the commonwealth is a valuable asset to be employed in this direction. With *EDA* offices in New York, Philadelphia, St. Louis, Chicago and Los Angeles, the advantages of Puerto Rican investment and development are being fully disseminated with ever increasing results. Both light and heavy industry are on the upswing in Puerto Rico, bringing benefits to the people of the commonwealth. Shipping must play its part for efficient shipping services at reasonable cost. This is a must and a vital part of the whole process. I intend to do all I can to make this amply clear in Washington and elsewhere. His excellency, the honorable Luis A. Ferré, governor of Puerto Rico, and the honorable Jorge L. Córdova, your resident commissioner in Congress who speaks before our national vigorously pursuing such desired goals.

Shipping can help in such efforts under the new maritime program now before the Congress. It will call for a ten year U.S. merchant shipbuilding program of some 30 new fast ships per year for a total of 300 ships. Over the ten year period, these 300 ships will be built at an estimated cost to the Government of some $2.5 billion dollars. When private funds, which will be considerably in excess of Federal expenditures, are added, this shipbuilding program will call for some $6 billion dollars in total cost. The New York Journal of Commerce on September 4, 1970, listed a number of companies that had already advised the Maritime Administration of their desire to build ships. The total has now reached some 84 vessels. These ships will be of the most modern design, incorporating all the innovations of advanced technology. In some cases, one ship could well replace as many as four or five and even more of the old conventional vessels now in operation and be competitive with anything afloat. Bulk carriers will, under this bill, be eligible for Federal construction financial support, including not only subsidy-differential costs but tax-deferred privileges on construction funds as well. This latter privilege, under the new legislation, will now be granted in the domestic commerce also. The proposed legislation of the administration provides support and incentives in both the ship construction and operating fields. Reductions in costs in both areas are envisaged through greater efficiency and increased productivity. New maritime dawnings are on the horizons. New hopes are being engendered. New avenues of service are being opened. Internal divisions within the maritime community are lessening as the industry closes its ranks in the face of this new legislative program and the opportunities it engenders. This is no time to sell the maritime industry short. This is no time to surrender to foreign shipping. This is a time to build a strong U.S. merchant marine to improve our economy and the economic health and welfare of our people and especially those of the commonwealth of Puerto Rico.

America's major problems of eliminating unemployment, providing better housing, insuring better care for the needy, improving medical care for the sick and aged—all call for positive action. None of these desirable goals can be attained by destroying any vital segment of our economy, including merchant shipping. When we destroy vital producers of American wealth, we at the same time destroy our sources of revenue.

There is much that needs to be done in America and as soon as we can reasonably detach our troops from the Vietnam conflict and devote more of our attention to the needs of our people at home, the better off we shall be and, by God's grace, I believe we shall achieve both these ends.

It has been such a real pleasure for Mrs. Clark and I to visit your beautiful island Commonwealth. Your gracious welcome and hospitality have created in us an appreciation beyond our ability to express, but let us say it as best we can with a heartfelt muchas gracias.

REVELLI CONDUCTS MICHIGAN U. BAND

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. HUNGATE. Mr. Speaker, the New York Times of Sunday, May 30, 1971, carried a brief résumé on the career and retirement of one of America's greatest musical conductors, William D. Revelli of the University of Michigan. Mr. Revelli was more than a great director, he was also a great teacher. It was my privilege to study with him in 1942 and many of the lessons he taught have helped me throughout life.

The article follows:

REVELLI CONDUCTS MICHIGAN U. BAND

(By Allen Hughes)

A significant era in American band music came to an end in Carnegie Hall on Friday night when William D. Revelli led the University of Michigan Symphony Band in his last concert with it prior to his retirement from the University after an illustrious 36-year career there.

Mr. Revelli's reputation is international. The Symphony Band of more than 100 members has just concluded a three-week tour of Europe, and in the past it has played as far afield as the Soviet Union, Greece and Egypt.

Over the years, the bands led by Mr. Revelli have set standards of excellence not alone for the precision and brilliance of their playing, which have been phenomenal, but, more important for their musicality.

The conductor has helped encourage the enrichment of the band repertory, and it was characteristic that this final program here was devoted almost entirely to contemporary works of quality.

MUSICAL MEMORABILIA

The major items were Ross Lee Finney's "Summer in Valley City," Karel Husa's "Music for Prague, 1968," Norman Dello Joio's Variants on a Medieval Tune and Gunther Schuller's "Meditation." To these were added Franck's "Psyche and Eros," Shostakovich's Festive Overture, a group of "Michigan" marches by Sousa, Goldman and King and, for the alumni in the packed hall, a bit of university musical memorabilia.

Everything was played superbly, and to a listener not partial to the conventional band as a musical medium, the finest thing about the concert was that the sounds were seldom those that produce ennui in a nonbandman's ears.

Since Mr. Revelli is still an energetic man, it is unlikely that his retirement will be an idle one, but no matter what he does, his place in American band history will be prominent and permanent. He is a man who has made things happen.

U.S.S. "GLENARD P. LIPSCOMB"—SSN685

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ROUSSELOT. Mr. Speaker, on Saturday, June 5, 1971, I was especially privileged to be a guest of General Dynamics, Electric Boat Division, at the keel laying of the U.S.S. *Glenard P. Lipscomb*—SSN685. This ship, which is named for the Honorable Glenard P. Lipscomb who served as Congressman from the 24th District of California from 1953 until his untimely death on February 1, 1970, will be one of the quietest nuclear powered electric submarines yet built. The quiet, powerful force of this ship is symbolic of the character of the man for which it is named. Glen Lipscomb, who served on the House Appropriations Committee and was ranking Republican member of its defense subcommittee, understood the importance of modern nuclear submarines and believed that—

> A superior defense posture is required as a bulwark against the forces of aggression for the protection and security of our citizens and the free world.

Inscribed on a plaque attached to the keel of the U.S.S. *Glenard Lipscomb* was a quotation from a statement he made on the House floor in September 1968, when the Department of Defense was considering cancellation of the turbine electric submarines which reads:

> We must push ahead vigorously with the design and construction of the most advanced nuclear attack submarines our technology can provide.

I am grateful for this opportunity to participate in paying tribute to Glen Lipscomb who was an example of manhood, a dedicated leader, a humble servant, and my Congressman.

CONFIDENCE IN THE SYSTEM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. PICKLE. Mr. Speaker, as we are constantly called upon to deal with problems, crises, and at times even dangerous world situations here in Congress, it is often tempting, and in fact easy, to become rather cynical about our world situation. Our youth, being confronted with some of the wrongs of society and with obstacles to our national goals indeed share this cynicism over our national plight and, more seriously, over our ability to cope with these problems.

Mr. Speaker, to me this is a rather tragic attitude and which I think we should try to avoid. We are, of course, always reminded of the ills of our society, as well we should be; for they demand our attention and prompt correction. But occasionally, we need to have our morale reinforced—not in a flippant, complacent manner, but from a constructive and realistic outlook. We need to be reminded that our problems are actually no greater than our ability to solve them if we will continue in our faith in ourselves and in constantly striving to attain our goals. If I may borrow the modern idiom, we need to be reminded to maintain confidence in our system.

Mr. Speaker, the Honorable Charles Heering, State senator from my district, has very aptly and articulately spoken this reminder. He did so in a commencement address to the Southwest Texas State University graduating class of 1971. His words are fitting, not only for this body of our fine youth, but warrants, I think, the attention and consideration of us all. I would therefore like to ask that the coverage and judgment such as printed in the Austin American be insert here:

SOLON TELLS GRADS FUTURE NOT SO GRIM

SAN MARCOS.—Sen. Charles Herring of Austin Wednesday told graduating seniors at Southwest Texas State University that the future is not so grim because mankind has always been able to solve its major problems.

Herring spoke at commencement exercises of the university's College of Professional Schools Wednesday morning.

"My generation," said Herring, "has seen more of the past than you have, and while your vision may be sharply focused on the imperfections and injustices of our times, our vision is broader with the knowledge that the world has improved with age."

The senator urged graduates not to downgrade the future." "Things have been worse than they are now," he said, citing the depression and the two World Wars.

"Don't sell our society short," he urged. "Before you let someone attack it, ask him to show you something better."

Pointing to the rising crime rate, Herring said he still has reason to be optimistic, "because we've had problems every bit as serious . . . and we have found we were capable of controlling them."

He said today "we must decide whether we will channel change through our present system of government or look for a new one. I, for one, have confidence in our present system."

Herring said he disagreed with those who say violence is the only way to achieve social change.

"What they are really saying," Herring continued, "is that according to their theory of human nature, violence is necessary . . . To my mind, our political process is vastly superior to any which espouses violence . . . We have demonstrated that in recent years even the most sweeping social reforms can be brought about without major civil upheaval."

Herring said, "governments are not like buildings which can be torn down and built up again overnight."

THE CRIMES OF THE FATHERS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHEUER. Mr. Speaker, the Soviet Union continues to deny its Jewish minority the full rights enjoyed by citizens in all freedom-loving nations.

Three million Soviet Jews are denied the freedom to worship as they choose, to enjoy and preserve their cultural heritage and to freely emigrate to the country of their choice.

A recent article in the New York Times by Viktor Fedeoseyev, a Russian Jew recently permitted to emigrate to Israel, bears eloquent testimony to this denial of freedom. I urge my colleagues to read it with care.

The article, entitled "The Crimes of the Fathers," follows:

THE CRIMES OF THE FATHERS

(By Viktor Fedeoseyev)

JERUSALEM.—On my desk before me there are the faces of seven children: serious, smiling, contemplative and one who as yet understands nothing.

I was given these photographs in Moscow, before my departure to Israel: "Show them to everyone!" So I hid them among my family photographs and, thank God, managed to take them out of Russia.

On the back of each photograph there are names: "Naomi Chernoglaz, 20.XII.1970," "Ilya Mogilever," "Marina Kaminskaya," "Lily Buman," "Davidka Dreizner 6½ months, 18.X.1970" and "The children of Lev Yagman" (I do not even know their names).

I am looking at their faces.

Davidka has begun to toddle. Ilya can write his name in Hebrew. The children of Yagman no longer brawl. Lily has lost her two front teeth. Naomi sings "Yerushalaim shel Zahav" sweetly. And Marina writes to a boy in kibbutz Afikim.

However, I do not know these children. I know just one thing; they are growing up without their fathers.

CRIME NO. 1

I am looking at little Naomi and thinking: "Does she know what father's hands mean?" Most probably she does not remember her father. He was arrested eleven months ago, and for a 2-year-old child it is half a life ago.

David Chernoglaz (31, agriculturalist), together with a group of Leningrad Jews, had written a letter to Pravda: "We are deeply aware of the unbreakable ties which link us to the whole Jewish people wherever they are—in the U.S.S.R. or in Israel, in America or in Australia. We are proud of the rich culture of our people, of their democratic tradition, of their modern achievements."

CRIME NO. 2

Ilyusha is teased in the playground: "Your father is in jail!" At home Ilyusha asks: "Do you know when my father will return?"

Vladimir Mogilever (30, engineer), had appealed to the United Nations Committee on Human Rights: "We are firm in our intention to emigrate to the historical motherland of the Jewish people—to Israel, where our relatives live . . . We want only one thing—to utilize the natural right of every free man to live where he wishes."

CRIME NO. 3

Marina has become silent. She stands for many hours by the window—will her father appear? Often she listens to the footsteps on the staircase.

Lassal Kaminsky (41, engineer), at the beginning of last year, wrote a letter to Pravda: "Where, may I ask, can a Jew in the U.S.S.R. teach his children their mother tongue? Where can his children learn the long-suffering history of their people?"

CRIME NO. 4

Lily is almost 5 years old. She cannot forget what she saw last June 15 at the Severskaya railroad station near Leningrad. Her father was arrested in front of her eyes.

Hilel Buman (38, a lawyer), is fluent in Hebrew and also knows a great deal about Jewish history. He used to correspond with some people from kibbutz Ruhama in Israel. In Leningrad he taught Hebrew and the history of the Jewish people to those who had the desire to learn. He had intended to apply for a visa to Israel in September, but was arrested.

CRIME NO. 5

On March 13, Davidka was 1 year old. His mother was not with him. Lila Dreizner, while giving birth to Davidka, had undergone a nervous breakdown and was taken to the Bekchterev Neuropsychiatric Institute. At first, Davidka was cared for by his father. Then his father was also taken away directly from his work to jail.

Solomon Dreizner (38, engineer), had also appealed with his friends to Pravda: "Immeasurably dear to us is our Jewish State, reborn and developing, gathering under its roof our scattered people. We want to live there."

CRIME NO. 6

The children of Lev Yagman (I'm sorry I don't know their first names) try hard not to touch father's belongings. Everything has to remain exactly as father left it: the open book by his bedside, the slippers under the bed.

Lev Yagman (30, engineer), together with others wrote: "We want to live in the revived land of our ancient people, for their future, for the future of our children."

On the next day he was arrested with the other five and three who have no children: Lev Korenblit (48, Doctor of Physical and Mathematical Sciences), Victor Shtilbans (34, doctor) and Victor Boguslavsky (30, engineer).

On May 25, all nine, accused of anti-Soviet activities, were sentenced by the Leningrad City Court (Judge Nina Isakova) to a total of 41 years in "strict regime" labor colonies.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

BIG CHANGES AT SMALL BUSINESS

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. WIDNALL. Mr. Speaker, I wish to call attention to an article in the June 1971 issue of Dun's Review, which outlines new developments at the Small Business Administration under the very capable leadership of our former colleague, Tom Kleppe. I think that it is important to point out some of the innovative techniques the administration is employing, such as simplified loan applications and default handling and some of the overall progress of the SBA program, such as the level of loan activity and the solid footing of the Small Business Investment Corporations.

The SBA, under Administrator Kleppe's dynamic leadership, deserves a fresh appraisal from anyone who may have been skeptical of it in the past. "A New Day at SBA" can provide a start for understanding the new course of this agency.

The article follows:

A NEW DAY AT THE SBA

"This agency has been a sleeping giant for eighteen years," says boyish- looking Anthony Chase, the Small Business Administration's 33-year-old Deputy Administrator, 'but it's finally beginning to stir. And it's about time, because the SBA has the potential to solve every problem a small business might have."

Chase is surely right on both counts. Despite the fact that the SBA guarantees loans (up to $350,000) to fledgling entrepreneurs, helps them to land government contracts, provides technical expertise if needed, and acts as a catalyst for venture capital, it has never quite lived up to its potential. "How could it?" asks Chase. "The top jobs here have simply been way stations for people on their way to something else. The average tenure of the Administrators has been fourteen months, and even lower if you take out the guy who stayed five years back in the Fifties."

But 51-year old Thomas Kleppe, who was tapped by President Nixon early this year for the SBA's top job, is determined to stop the revolving door and breathe new life into the agency. A former North Dakota Congressman, self-made-millionaire Kleppe brings to the job a missionary zeal that was never exhibited by his multitude of predecessors. A small businessman himself, Kleppe became president of the Gold Seal Co., a North Dakota bleach and wax manufacturer, at the age of 38. By the time he left to go to Congress, he had, in his own words, "made an awful lot of money."

The restless, energetic Kleppe is determined that the nation's 5 million small businesmen, who account for some 37% of the GNP, shall have the same opportunity to strike it rich that he had. The key, as Kleppe sees it, often is access to sufficient working capital. "Small businesses," says Kleppe, "are generally not prime candidates for bank loans. That's where we come in. We don't make the loan, but we gurantee 90% of it. It's all handled through the local bank," he explains.

If these loans are 90 percent guaranteed by Uncle Sam, why have so many banks heretofore been reluctant to make them? "The red tape has been simply horrendous," says Tony Chase. "It often took as long as six months to get a loan approved, and no less than 42 forms had to be processed to do the job. And if there was a default," he adds, "the SBA first conducted an investigation to find out why before it made good."

With that kind of legendary bureaucracy, it is not surprising that many banks were gun-shy about getting involved in these "guaranteed" loans. "But we have changed the whole system," says Chase proudly. "Now if a bank submits a loan application, we have just three days to say no. If they don't hear from us in that time, it's approved. The 42 forms are now two forms, and we pay off the defaults first and investigate later. Now our problem," adds Chase, "is that many banks do not realize things have changed."

The job of convincing the nation's 14,000 banks that "things have changed" belongs to Jack Eachon, SBA's Associate Administrator for Financial Assistance. A former president of the First National Bank of Englewood, Colorado, the personable Eachon spent twenty years in the banking business before joining the SBA last year. "I traveled 200,000 miles last year telling bankers how they can benefit themselves and their communities by making SBA loans," says Eachon. "After all, when a community grows, nobody stands to benefit more than the local banker."

MORE MONEY IS NEEDED

A good indicator that Eachon's efforts are bearing fruit is the fact that his till is practically empty. "We'll only have about $60 million left by June 1," he says. "And since our loans have been running at about that rate each month, the cupboard is going to be pretty bare by July."

But Eachon is fully confident that Congress will raise SBA's loan ceiling from the present $2.2 billion to $3.1 billion for the fiscal year beginning July 1. And having former Congressman Kleppe at the helm will not exactly hurt the agency on Capitol Hill. "With the economy turning up," says Eachon, "our loan demand next year should be at an all-time high." And there are still other reasons, he adds, why small businessmen will require additional working capital. "The rash of environmental and plant safety laws coming from every level of government," he notes, "are going to cut down on many a small businessman's profits, and he is going to need a loan to get him over the hump."

What kinds of business are kept afloat by these SBA loans? The lion's share of the loans, which have numbered some 145,000, totaling $2.5 billion, since the agency's inception, go to typical Mom and Pop enterprises like barbershops, butchers and boutiques. In recent years, in fact, an increasing proportion of these loans have gone to budding entrepreneurs who want to purchase franchises of one kind or another. "Franchising," says Eachon, "is an excellent way for an inexperienced guy to get into business. The franchisers generally have a prescribed formula for a novice to follow. Sure," he admits, "there have been some fly-by-night operators in franchising. But we have had excellent experience with such outfits as McDonald's, Burger King and Western Auto."

The SBA, however, is not only involved in staking Mom and Pop. It is constantly lending money to more sophisticated companies. Among its recent loans are $330,000 to Photo Magnetic Systems, Inc. of Greenbelt, Maryland, which makes a device for programming a computer over the telephone, and a loan of $350,000 to Continental Conveyor Co., which is building a highly automated materials handling plant in Jasper, Alabama.

In fact, under recently passed legislation, the SBA can go over the $350,000 loan ceiling to assist companies damaged by foreign competition. Under this law, the agency has loaned $2 million to Chicago's Emil J. Paidar Co., whose sole business of manufacturing barber chairs has been severely damaged by Japanese imports, and it has loaned $1.4 million to Massachusetts' Benson Shoe Co , which is in a similar bind.

All of these loans are, of course, risks that the banks were unwilling to assume without a government guarantee. But given the fact that the loans are generally "unbankable," the loss of the taxpayer's money has been relatively small. The SBA's loan loss record since its inception has been 3.8%. The typical commercial bank's loss record runs somewhere between 1.5% and 2%. "But our losses are bound to go up in the future," warns Tom Kleppe. "Both the President and Congress want us to make an all-out effort to increase business ownership among the nation's black and Spanish-speaking minorities. I believe deeply in this program. But since so many of these people have had little business experience, the risks are naturally much greater. Right now, 37% of our loans and 21% of the dollars involved are going into minority business," adds Kleppe.

The man carrying the ball in the SBA's drive to increase the number of minority businesses is, on the face of it, a very unlikely candidate for such a task. Marshall J. Parker is a well-tailored businessman-farmer and former state senator from the country town of Seneca, South Carolina. And he is quite sensitive to the skepticism among some blacks that a man from the South, who happens to be a close associate of Senator Strom Thurmond (R.-S.C.), could be dedicated to creating more black businesses. But the highly articulate Parker is determined to dispel any existing skepticism. "If 17% of the population [the black and Spanish-speaking minority] continues to own less than 2.5% of the businesses and 0.5% of the nation's manufacturing assets," says Parker, "the whole free-enterprise system will be in jeopardy."

GARNERING GOVERNMENT CONTRACTS

One of Parker's key vehicles for increasing minority enterprises is the SBA's set-aside program. Under it, the government not only sets aside a number of direct federal contracts for small business, but puts pressure on big contractors to subcontract to smaller enterprises. Only recently, in fact, SBA landed a $5-million Defense Department contract for Garland Foods, a minority-owned Dallas, Texas processor of canned hams. "But we don't want to make them dependent on Uncle Sam," says Parker. "This year, they have $5 million in government business and $6 million in commercial business. Next year, the government contract will be $3 million and the year after it will go down to $1 million. This should give them time to find other business to take up the slack."

This year, Parker's people have managed to garner some $11 billion in government contracts—$7 billion in prime and the rest in subcontracts—for small business. "Those subcontracts can be an awful tough nut," says Parker. "The big contractor always resists giving the subcontract work to small companies because it's naturally easier to give the job out to one big concern. What we try to do is to get him to break it down so the little companies can handle it. One of the toughest companies to move on this is Pratt & Whitney; they simply won't budge."

Parker particularly resents any allegation that small companies do not perform as well for the taxpayers as big ones. "Small companies often bid lower than big companies because they need the work. Therefore they are willing to take less profit. And smaller enterprises are often more efficient than larger ones," he adds.

An integral part of the SBA's program to aid small business are the Small Business Investment Companies—more familiarly known as SBICs—which were created amid great fanfare some thirteen years ago. An SBIC is a government-licensed private corporation that provides equity capital and long-term loans for small business. The minimum requirement of the SBIC is $150,000 in private money, which the government will match with $300,000.

Not surprisingly, the lure of government money matching private funds on a two-for-one basis stimulated a boom in SBICs in the early years of the program. Inevitably, there was a big shakeout because, as Arthur Singer, SBA's Associate Administrator for Investment put it, "a lot of people got into the SBIC business who had no business being in it."

But Singer, formerly president of El Paso, Texas' Alemite Co., believes that the shakeout was a good thing for the entire program. Although there are now only about half the SBICs there were five years ago, they are, in the main, much stronger enterprises. Says Singer, "While 645 SBICs invested $220 million in small business in 1965, last year 331 SBICs invested $187 million. I think that this puts the entire program on a much more solid footing."

Of the 331 SBICs now in existence, 37 are publicly owned. Among the most successful are Narragansett Capitol of Rhode Island, headed by retired Textron Chairman Royal Little; the First Connecticut SBIC, which specializes in real-estate development companies; and Midland Capital, whose largest stockholder is New York's Marine Midland Bank.

The lure of the SBIC has proven so attractive, in fact, that some of the nation's top corporations—including General Motors—have gotten into the act. And applications are currently being processed for ITT and Union Camp.

Without a doubt, however, the SBIC is an ideal vehicle for the banks, which are already in the business of evaluating the prospects of small companies through their loan departments. Thus it is not surprising that some of the nation's largest and most successful SBICs are owned by such major banks as First National City, The Bank of America, Continental Illinois and Chase Manhattan. Says President Louis L. Allen of Chase Manhattan Capital Corp., whom Anthony Chase calls "the greatest venture capitalist of them all": "We are now in sixty different investments, from the $5,500 we have in a dry-cleaning store in Brooklyn to the $2 million we have in a computer firm in Boston. We had 1,000 small companies come to us last year," continues Allen, "and after extensive investigation, we decided to invest in eleven of them."

In an effort to pump more money into the SBICs—and thus into small business—the SBA has come up with a plan to market some $30 million in the debt obligations of various SBICs. The entire issue, much like a federally insured mortgage, will be backed by Uncle Sam. The issue is being floated this month by a blue-ribbon underwriting syndicate headed by Solomon Brothers and Goldman, Sachs. To head off criticism that they are giving this business to the giants of the investment world, SBA has shrewdly insisted that the syndicate include four small regional underwriters. "It will be kind of a baby Fanny Mae offering," says Arthur Singer.

But even if the offering is successful and SBA also gets the money it hopes for from Congress, the agency can never hope to have the $14 billion the Federal Reserve estimates as the capital requirements of small business. This huge need which often means life or death to a small enterprise, can only come from using the SBA's funds to tap private resources, or "leverage," as Tom Kleppe puts it. "We must get maximum leverage for every dollar that we have by tapping private capital both through the banks and the SBICs," says Kleppe, puffing on a cigar.

But as the once sleeping giant on Washington's L Street begins to stir under Tom Kleppe's firm leadership, both bankers and venture capitalists should soon be convinced that small business is where the action is.

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COUNTRY

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. MARTIN. Mr. Speaker, it gives me great pleasure to place in the RECORD three REA winning essays. The Nebraska Rural Electric Association cosponsors this annual contest as well as the local REA districts. The subject of all of the essays is "What Rural Electrification Means to Me and My Community."

Miss Barbara Maseberg, a junior in the Thomas County High School of Thedford, Nebr., was a winner in the Custer Public Power District and wrote the following essay:

THE VALUE OF RURAL ELECTRIFICATION IN MY HOME AND COMMUNITY

Webster's New World Dictionary defines electric current as a stream of moving electrons which set up a magnetic field of force through which it produces kinetic energy. Does this sound a bit complicated? The things electricity does are not simple—it is a never-ending parade toward a higher standard of living.

Did you know that 98 percent of all rural Americans have electricity today? And more than one-half of these get their power from REA-financed systems? This country parade started when the Rural Electrification Administration was established May 11, 1935, by the Executive Order of the President. Nebraska's own senator, George Norris, was largely responsible for this, helping to authorize loans. Today Nebraska is the only state parading this publicly-owned utility.

Twin parades have moved across our sparsely populated electric power lines to increase from productivity and bring a higher standard of living. New businesses and industries have come to rural areas. New jobs have been created for the otherwise unemployed. An intangible benefit is that people are working together to do what would be impossible alone; bettering their lives around the hub of the electric light poles.

The REA parade arrived at my home the year I was born. I think REA caused more changes in family living on our ranch than my twin brother and I did. It meant hot water for those endless wash days and baths and a night light with the flick of a switch. It meant a vaporizer to put moisture in the air in time of sickness. It meant having a more energetic mother, and to keep her energetic, more "mother's helpers" are added each year. Stereos, radios, and television bring information and entertainment to us with the twist of a knob.

The menfolk would certainly be at a loss without electricity to run their irrigation systems, power tools, and other "gadgets" which use less manpower and get the jobs done faster. On the farm alone, over 400 uses are known, and 250 make farming more profitable.

Rural consumers are doubling their demand for electricity every seven to ten years. Despite this fact, the cost of KWH is lower. This, is an age when everything else is going up, especially the cost of other types of heat, is remarkable.

This procession is going underground with the burial of new lines, which will reduce storm damage, and also increase the dependability of service. Electronic ovens are on the latest hit parade. Also promenading my Sandhills community is the mobile phone which uses REA to recharge batteries.

I think of my neighbors today as living down the road a few miles. But one of the biggest and most pompous parades underway is the NRECA international program. Foreign countries come to the United States to find out how electricity is actually put to use to irrigate once barren soil, how to power machines for small industries, and how to product light in a home. REA is helping increase the area of my neighborhood—to the rural youth around the world!

Surely REA is a parade in living color, as far back as we can go, and stretching as far into the future as the imagination can phantom.

Lawrence Adams, a senior in the Broken Bow High School of Broken Bow, Nebr., was a winner in the Custer Public Power District and wrote the following essay:

The Value of Rural Electrification In Our Home and Community

"The Light of the World," means more to me and my family than simply a quotation from the Bible. It means REA with its flood of power and all of the conveniences made possible by it. Not only do we have light, but wonderful machines and gadgets to lighten our work load and increase the pleasures of our leisure time.

REA began thirty six years ago under President Franklin D. Roosevelt, who established the Rural Electrification Administration in 1935. It was made a permanent agency when U.S. Senator George W. Norris of Nebraska, introduced the Rural Electrification Act the following year, 1936, which was passed by Congress. At the time the act was passed, only ten per cent of America's rural areas had central station electric power. Today that figure is ninety eight per cent.

The REA has divided the United States into locally owned and operated districts. The directors of our local REA are voted on in a free election of the REA patrons. These directors promote business to raise the standards of living in our rural area. This locally operated REA with its flood of light and power makes it possible for our rural community to live better and grow financially.

Electric power supplied by REA has greatly increased the profits obtained on our farm. Well-lighted feed yards with automatic mixer-grinding machines, and electrically heated water account for better and faster gains, making the back breaking labor of carrying feed or chopping ice unnecessary on our farm. REA power also provides a very efficient fencing set-up. It takes very little effort to install or remove an electric fence and even less effort for us to control it. A well equipped electric shop saves costly repair bills. Grain dryers enable the crops to be harvested earlier and stored safely. Electric pumps and irrigation systems save crops during drought and the hot summer days, giving the farmer added income.

In our home, the silent servant electricity not only lights, but heats and cools the house, washes and dries clothes, cooks meals, washes dishes and cleans floors. These conveniences help us to have a happier home life, because the time-saving devices provide for more leisure time together.

In the coming years computers will become more familiar to our rural community. We will see total feeding of hundreds of cattle done by a central computer, which is run by electrical power supplied by the REA. Computers will also tell the electric irrigation wells when to turn on, how much water to be applied and how it should be distributed. This intricate machine will also tell us how to balance rations for our livestock and feed crops, which are grown and cared for by another computer. These and other space age techniques, which I will be using in the future are all brought within the reach of the rural people through the REA.

Today electricity means progress, the same as it meant back in 1935. It is easy to see how anything that benefits the farmer benefits his community, his state, and his nation. Because the REA means so much for my community, my family, and me it is easy to see why we refer to the REA as "The Light of the World!"

Miss Janis Hinkle, a junior in the Pope John Central Catholic School of Elgin, Nebr., was a winner in the Cornhusker Public Power District and wrote the following essay:

What Rural Electrification Means to Me and My Community

Electricity is truly a "blessing" of my generation. After tours of museums and listening to tales of the GOOD OLD DAYS, I realize all the hardships and manual labor, my ancestors endured. But rural electrification has moved America out of the steam-engine and horse-and-buggy era into an age of mechanization and automation with a brighter future in store. It is the core around which today's life is built.

Farm electricity is no longer a luxury—it is a number one necessity. Since farmers are a minority group, every farm MUST be operated at top efficiency to produce crops and livestock to the fullest extent. This is true in my community for electricity is surely put to an economical test on the farm. Dairying on a large scale becomes possible through the use of milking machines and bulk tank coolers. The expansion of cattle-feeding becomes time saving and profitable by use of augers. Electric wells provide water for livestock and irrigation. All of this has helped to preserve Nebraska's proud title "The Beef State."

In the future, electricity will even take some of the thinking out of farming. Electric computers will be used to calculate such things as: income tax, pounds of fertilizer per acre, crop rotations, pounds fed per pounds gained, rations, etc.

The homemaker enjoys the conveniences of lighting, heating, cooling, and all the many appliances that free her from housework drudgery. Now she may devote more time to her family. Almost everything a housewife does during the day, from the time she shuts off the electric alarm clock in the morning until she flips the last light switch at night, is dependent in some way on electricity.

We must be thankful for men like Thomas Edison, who gave us an unprecedented miracle; Franklin D. Roosevelt, who initiated the Rural Electrification Act in the United States; and former Senator George W. Norris, who was so instrumental in bringing Nebraska out of the darkness.

As one looks over the community at night and sees the landscape twinkling with bright lights; one cannot help but feel thankful to live in a country where it is possible to have all these modern conveniences and a chance to advance and improve our way of life.

Rural electrification also provides my community with innumerable benefits. Electric sirens tell the inhabitants of the time of day and warn them of tornadoes and fires. Businesses and industries also work more effectively with the help of electric power.

I am glad to be living in this all-electric age. New industries are coming to Nebraska. We know that Nebraska is "number one" in football and we are proud of it, but I believe we are "number one" in other things, too. It is becoming more and more a state of great opportunities as each day new uses are being found for this most vital commodity—Electricity.

Rural electrification—how could we live without it!

MYTHS SURROUNDING THE PUBLIC LAND LAW REVIEW COMMISSION'S WORK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the Record an excellent speech by a great conservationist, our friend and colleague, the Honorable John P. Saylor of Pennsylvania, entitled "Myths Surrounding the Public Land Law Review Commission's Work."

This fine speech given before the 66th annual convention of the National Audubon Society merits careful consideration of all citizens concerned with the future of their Nation and with the protection of the public lands, now much jeopardized:

Myths Surrounding the Public Land Law Review Commission's Work

(By Hon. John P. Saylor)

One mythological day, Zeus, King of the Gods, suffered a headache so excruciating as not to be borne. And Zeus took into his powerful hand a mighty sword and clove his head. And lo! From the cleavage sprang the Goddess Athena, full grown and clad in armor.

In the not-so-mythical Year of our Lord 1964, the great United States of America suffered a headache caused by chronic confusion of public land laws. And lo! People throughout the land rose up and beat the Congress of the United States over the head. And thenceforth sprang the Public Land Law Re-Commission, full grown and clad in armor.

Six years and seven million dollars later, unto the Commission a child was born. The sacred offspring was officially christened—"One Third of the Nation's Land", and with pomp and ceremony was presented unto the President of the United States upon the lawn of the White House. After resting from its labor, the Commission looked upon its work and called it "good".

Ladies and gentlemen, we all know that much of my story is pure myth. In the first place, the Public Land Law Review Commission did not spring into being "fully grown and clad in armor". It was born naked, weak, and without a head. It was almost a year and a half before it really came to life. From the moment of conception, it was plagued with internal strife, bitterness and jealousy—mostly concerned around the choice of a chairman. Finally, Congressman Wayne Aspinall was selected as Chairman and the work of the Commission began to creep slowly forward.

But the Commission had a built-in weakness. Its membership. That membership was stacked, weighted and otherwise loaded to represent western interests.

Of the six Senators appointed, not one was from east of the Mississippi. The states represented were—Colorado, New Mexico, Nevada, Arizona, Washington and Idaho—all western states oriented toward mining, grazing and timber production.

Balance on the House side was slightly better. The Chairman represented Colorado. Other Members represented Nevada, Utah and Arizona—all in the west. One was from Iowa in the midwest, and two were from the east—Pennsylvania and North Carolina.

That is how the deck was stacked from the beginning. There was hardly an all-out conservationist in the whole lot. On important environmental and conservation issues, I often felt that I was standing entirely alone. My feeling then, as now, is this: on issues as vital as those dealing with the total environment, Members of Congress should represent the people, not acres of land.

At least I have not had to stand alone in criticism of the Commission's work. Representing the whole gamut of critical comment in the news media was the editorial comment in the New York Times. That Eastern Establishment house organ succinctly remarked, "western politics have long been imbued with the concept that natural resources are to be used, and used profitably".

Outclassed, outnumbered and outgunned, the national conservation and environmental problems inherent in the issues under study by the Commission were neatly smothered, ignored or shunted below the dominating used philosophy which characterized the approach of the Commission's membership.

One example of the result of the Commission's built-in geographical bias is shown in its determination of what areas were to be studied. The P.L.L.R.C. completely ignored one of the most valuable tracts of public lands in the United States.

In the far west, there is a tract administered by the Bureau of Land Management of the Department of the Interior referred to as "O&C" lands. This refers to some two million acres of revested Oregon and California railroad grant lands in Western Oregon. The area contains some of the finest Douglas Fir timber anywhere in the world. Since I have been a Member of Congress, these lands have been subjected to special consideration in law and administration and area the most controversial areas under the jurisdiction of the Bureau of Land Management.

Yet, in considering "One Third of the Nation's Land", these two million acres were completely omitted from any mention by the Public Land Law Review Commission.

It was not an oversight. Rather, it was a political agreement with Oregon Congressmen struck at the time the P.L.L.R.C. was authorized. The purpose of the bargain was simply to prevent the raising of questions over the extremely favorable treatment given local governments and timber operators on "O&C" lands.

It should have been imperative that the Commission investigate the situation regarding these lands. Considering the constant heavy pressure to increase the allowable cut of timber and to control the method of bidding, and the allocation of revenues from these lands, it is obvious that here is a question of deep concern to the whole population. Nevertheless, the Commission, by omission, strengthened the position of the organized timber lobby with regard to the "O&C" lands.

As you know, on normal Forest Service timber sales the payments to counties in lieu of taxes is 25%. However, the "O&C" lands provide a payment of 75% from timber sales to counties in lieu of taxes. This makes the "O&C" lands a very special case indeed. Could it be that this is the reason the Commission chose to look the other way—or—not to look at all?

How did the miner fare in the P.L.L.R.C. report? Extremely well. But rather than give you my own opinion, I will quote from the industry itself.

In the June 25, 1970, issue of "Iron Age" a special feature entitled "Mining's Public Land Prospects Soar", the following statement was made:

"How close did the mining industry come to getting what it wanted in the Public Land Report? Generally, the report could not have been more favorable to mining interests if they had written it themselves".

Just for emphasis, I want to repeat that last sentence: The report could not have been more favorable to mining interests if they had written it themselves. Yes, my friends, that just about sums it up in a nutshell.

An article in "Metals Week" on June 29, 1970, also expressed optimism about the P.L.L.R.C. report. Here is what that publication said:

"The chapter of the report on mineral exploitation will be well received in mining circles. The philosophy of the Commission is clearly put forth in its first two statements of policy. 'Public land mineral policy should encourage exploration, development, and production of minerals on public lands', and, 'mineral exploration and development should have a preference over some or all other uses on much of our public land'. A decision to exclude mineral activity from any public land area should never be made casually or without adequate information concerning the mineral potential".

No wonder the mining interests are rejoicing. Why shouldn't they be? They never had it so good—not even in 1872.

The Constitution of the United States is nearly two hundred years old and it is still a sound, workable document. The Mining Law is nearly one hundred years old and it is an abomination, an insult to the people of the United States.

The difference in the two documents lies in the fact that the Constitution is basically flexible while the Mining Law is rigid. Now I think that the people of this country have been shortchanged a few times because of the elastic interpretations of the Constitution—but they have been robbed by adherence to the Mining Law of 1872.

Human Nature has not changed much since the Constitution was written, so there is little need to change that document. The technology and economics of the mineral industry today are unbelievably different from those prevailing when the Mining Law was adopted.

The single prospector who grubstaked for a six-month stay in the wilderness with his burro and his pick has been replaced. Now we have a multimillion dollar corporate entity employing geologists, engineers and lawyers, and the prospecting is not done on the ground but by airplane or helicopter flying overhead dangling a magnetometer to detect the presence of ore. But the same law applies to both cases! It is about time for a change!

Back in 1955, which itself is getting to be a while back, the Congress made a valiant effort to revise the 1872 law. I remarked then:

"In view of the fact that from 1872 until 1955 the manner of prospecting for minerals has changed materially, I sincerely believe that the Congress should take the necessary steps to recognize in full the severance theory. One of the reasons this bill (of 1955) does not go far enough is that it still gives to a man who files a mining claim the right to cut the timber on his claim. Heretofore, the men would go in and file spurious mining claims, principally to get at the timber.

"I have absolutely no complaint against a man who has a legitimate mining claim being entitled to use the timber necessary for his mining operation. However, for him to have the right to use not only the timber which is necessary, but *whatever* mechantable timber is found upon the tract, is a travesty on the law and on Nature."

That same glaring defect still exists—and it is exploited. It is small wonder that the mining industry can say of the Commission's report that they could not have done better by writing it themselves.

Another myth that needs to be examined is the "dominant use" policy advocated by the Commission as it relates to the management of our timber resources.

The timber section of the report is, I believe, the most disappointing part of the *entire* document. The proposal that Federal timber be managed "primarily on the basis of economic factors so as to maximize net dollars return' sounds exactly like the kind of statement one would expect from any leading member of the antienvironmental group.

That statement, combined with the recurring attempts by the timber lobby to have the Congress enact their infamous National Timber Supply Bill, is part and parcel of the nature-killing program envisioned by some for the 97 million acres of the National Forests.

Now, add to that the Administration's directive of June 1970, to the Interior and Agriculture Departments to intensify and increase softwood timber harvest to meet the so-called housing needs of the Nation. Here you have the basis for "the three-pronged tragedy for timber".

On the directive, the President was surely led down the garden path by his advisors. If the concern for the Nation's housing is so great as to contemplate the destruction of the National Forests, why did he not block the timber industry from its uncontrolled export of logs to Japan and, further, expose firms holding purchases of 27 billion board feet of National Forest timber—a backlog equal to twice the annual cut—which they refuse to harvest. Cutting away the high-flown verbiage, the Presidential directive says—we surrender the people's rights for private profiteers.

The dominant use principle, which stands out as a basic objective of the Commission's report, is hopelessly weighted against the public and totally irreconcilable with the goals of environmental protection and natural conservation.

We now turn for just a moment to examine how the P.L.L.R.C. regarded the Nation's range resources. The western livestock operators fared almost as well as the miners. Economic efficiency was again the guiding philosophy for the Commission.

In general, the Report comes very close to recommending private rights in public lands which is an issue we conservationists have been fighting for decades. The Commission did, surprisingly, recommend fair market value for grazing fees. However, you will remember that since 1964, the battle to raise the grazing fees was stoutly resisted by some Members of the Public Land Law Review Commission.

It is fairly obvious that I have touched only the highlights of the Commission's report. People who know of my feeling about the Commission's work have frequently asked, "if you think it is so bad, why did you not file a minority report"?

That is a fair question, and you deserve a good and fair answer.

Such a report takes time, people and money, and in sufficient quantities of each—a lot more of all three than I have at my personal disposal.

Consider for example the expenditures that went into the report itself: Seven million dollars of the taxpayers' money; five years of study and research; all backed up by 19

Commission Members, 48 staff members, 25 Advisory Council Members, 50 Governors' representatives, 60 well-paid consultants, and 900 public witnesses.

This is not like political television. We cannot demand equal time for the opposition. In the final report, "One Third of the Nation's Land", separate views were entered on only two issues—the location-patent system and noncompetitive leasing.

Conservationists did, however, issue what might be called a "minority report" but with practically no funds nor staff. I am referring of course to the book, "What's Ahead for our Public Lands", published in 1970 by the Natural Resources Council of America.

It is a good book as far as it goes. I recommend your reading it. It is not an exhaustive, point-by-point rebuttal of the Commission's report. It is, unfortunately, only a review of the review.

I doubt that any funds are going to be made available to any group, individual or organization to conduct a truly independent study of our public land laws, but I would like to make this one suggestion.

Perhaps the semblance of an independent study of our Public Land Laws could come into existence if each and every one of the Nation's major conservation organizations undertook a study of a particular aspect of the total problem.

Granted, this piecemeal, catch-as-catch-can approach is not going to have nearly the public relations impact as did the Commission's study. However, I believe those of us here are more concerned with substance than with gloss, and to those in the Congress dedicated to the problem of finding rational, environmentally-sound and long-lasting solutions to the problems caused by our existing patchwork of public land laws—those people will appreciate, use and benefit from the efforts and comments of the conservation organizations in reviewing our public land laws.

You will ask, "what about timing?" My answer to that is simply that there is time for more study. The recommendations of the Public Land Law Review Commission will not be dropped into the congressional legislative hopper in one fell swoop, in spite of the fact that a number of bills have already been introduced in both Houses of Congress

As a Member of one of the two primary committees which will deal with these matters, I can assure you that—under the present committee set-up—little if anything is going to be accomplished during the 92nd Congress in revising our public land laws.

In conclusion, I should like to quote the Eleventh Commandant as conceived by Dr. W. C. Lowdermilk, one of our great men in the soil conservation movement. Dr. Lowdermilk explained how he came to write the now-famous commandment. He said:

"I wondered if Moses, when he was inspired to deliver the Ten Commandants to the Israelites in the desert to establish man's relationship to his Creator and his fellow men—if Moses had foreseen what was to become of the promised land after three thousand years and what was to become of hundreds of millions of acres of once good lands in China, Korea, North Africa, the Near East and in our own fair land of America—

"If Moses had foreseen what suicidal agriculture would do to the land of the Holy Earth—might not he have been inspired to deliver another commandant to establish man's relation to the Earth and to complete man's trinity of responsibilities to his Creator, to his fellow men, and to the Holy Earth.

"The Commandment might go as follows:

"Thou shalt inherit the Holy Earth as a faithful steward, conserving its resources and productivity from generation to generation. Thou shalt safeguard thy fields from soil erosion, thy living waters from drying up, thy forests from desolation, and protect thy hills from over-grazing by thy herds, that thy descendants may have abundance forever. If any shall fail in this stewardship of the land thy fruitful fields shall become sterile stony ground and wasting gullies, and thy descendants shall decrease and live in poverty or perish from off the face of the Earth".

LOWERING A FLAG

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. MATHIS of Georgia. Mr. Speaker, following the recent demonstrations in Washington, I introduced a bill to make it a Federal crime to manufacture, sell, or publicly display the Vietcong flag.

I introduced this bill for the basic reason that I am tired of seeing so-called revolutionaries walking the streets of our Nation behind the flag of an enemy that is killing and maiming American fighting men in Southeast Asia. The flag of the National Liberation Front—or Vietcong—is a symbol of the oppression that tens of thousands of Americans have died fighting, and for it to be displayed in this country is a vile insult to the memory of those Americans who have made the supreme sacrifice.

I do not disagree with those who are sincere in their desire for peace in Vietnam. I, too, want peace. I will not be satisfied until every American is home from Vietnam. I will continue to work for peace in every way that I can.

But until that peace comes—I am sick and tired of seeing the flag of the enemy waving in our streets.

Loyal Americans are fed up with acts of disloyalty, and I am fed up with those who apologize for the anarchists. I believe in freedom of speech, and the right to peaceably assemble; but I do not believe in giving aid and comfort to the enemy in time of conflict.

The letters, telegrams, and comments I have received indicate that an overwhelming majority of our fellow Americans share these views and strongly support the bill H.R. 8362.

I am especially pleased with an editorial expression of support which appeared in the Daily Tifton, Ga., Gazette. This newspaper is published under the guiding hand of Mr. Homer Rankin, a highly respected publisher whose ability to write and think clearly as well as independently is widely recognized in Georgia.

It is my pleasure to share this editorial with my colleagues and all of those who read the CONGRESSIONAL RECORD:

LOWERING A FLAG

All reasonable Americans can stand behind a legislative proposal made by Rep. Dawson Mathis of the Second District of Georgia which would outlaw the flaunting of the Viet Cong flag by demonstrators in this country.

The only surprise to the legislation is that other Congressmen have not already taken such action. Rep. Mathis' proposal would make it a federal crime to manufacture, sell or publicly display a Viet Cong flag.

The Congressman said he introduced the bill because he is "tired of seeing so-called revolutionaries walking the streets of our nation behind the flag of an enemy that is killing and maiming American fighting men in Southeast Asia."

Most Americans, we are certain, feel the same. One does not have to be a jingoist to become disgusted at the sight of seeing rabble-rousers boldly displaying a flag before the eyes of Americans who have had loved ones killed or injured fighting against that very flag.

"Loyal Americans are fed up with acts of disloyalty and I am fed up with those who apologize for the anarchists," Mathis said in announcing his legislation.

Add our voice to that.

The right of dissent in a free society does not include the right to betray that society and to forcibly impose a minute minority's seditious views on the majority.

And that is a point that has been too long overlooked.

PARENTS OF MUSCULAR DYSTROPHY CHILDREN SHOULD NOT LOSE HEART

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. MATSUNAGA. Mr. Speaker, muscular dystrophy is a severely crippling disease, all the more tragic because it chooses for most of its victims our young people. There is no known cure.

But there is hope for those stricken with muscular dystrophy, and for their parents.

First, there is hope because research into the prevention and cure of MD is beginning to show some progress. In a recent address to the Hawaii Chapter of the Muscular Dystrophy Association of America, Dr. Carl Pearson, leading specialist in muscle diseases, pointed out that MD can now be predicted in some cases. The predictions result from chemical tests developed through research sponsored by the association.

There is hope also for MD victims and their families for another, and more human reason. The often heavy needs of the victims of the disease many times expose in other persons a heartwarming kindness and thoughtfulness that we are told does not exist in the world today. Such a reason for hope is well described in a recent article in the Honolulu Star-Bulletin about one young man stricken with MD who was "adopted" by a school classmate.

As the father of five children, and as one who has been privileged to serve for the past 4 years as honorary chairman of the Hawaii Chapter of the Muscular Dystrophy Association of America, I commend to my colleagues and to all readers of the RECORD the Star-Bulletin article, along with one describing Dr. Pearson's speech:

ERIC, A YOUNGSTER WITH MUCH HEART

(By Phil Mayer)

Mrs. Albert Chun and her son Kyle will never forget Eric Shimabukuro.

Kyle, 20 and a sophomore honor student at Hawaii Loa College, has muscular dystrophy.

He has been confined to a wheelchair since he was a sixth grader.

Eric was one of Kyle's classmates at Iolani School.

Eric "adopted" Kyle and his wheelchair. He was always there, Mrs. Chun said, when Kyle and his chair had to be carried up flights of stairs to his next class.

Eric lived in Kahaluu.

"One night," Mrs. Chun said, there was a terrible storm out there. And Eric's father heard Eric get up, and found him getting ready to leave the house.

His father realized that Eric was walking in his sleep . . . and very worried."

The father asked, Where are you going?" and Eric replied, It's raining too hard. I have to find some of the boys and get Kyle. We have to bring him inside."

Tears glistened in Mrs. Chun's eyes as she told Eric's story in her luncheon speech to the annual meeting of the Hawaii Muscular Dystrophy Association yesterday.

Then she said, Eric helped Kyle when I couldn't. He helped Kyle learn not to hate the wheelchair."

She recalled, "I was at the school the first few times the boys tried to carry Kyle in his chair up those stairs.

"But each time I had to leave before the move was completed—it hurt too much to watch.

"And I had to let Kyle learn to accept help."

Partly because there was an Eric, Kyle went on to graduate 57th in his class of 113 at Iolani.

And then he went to Hawaii Loa, which Mrs. Chun said is "the only college in Hawaii where every nook and cranny is accessible to a person in a wheelchair."

Kyle's illness was diagnosed when he was 7. It is incurable.

But his doctors insisted that his parents not surrender him to life in institutions for the handicapped.

Mrs. Chun continued softly:

"The only reason I am making this speech is that I want other parents of children who have muscular dystrophy to know that there are Erics who can help and learn to care almost as much as they do . . .

"And," she said, "there is a question I want to answer publicly:

"We have been asked why we spend so much on education when the probable life span is so short.

"I say it is worth every cent and every effort it takes to see Kyle alert, interested, knowledgeable and with a healthy mind, not half the burden that I believe he would be had we sheltered him."

DISEASE CAN BE PREDICTED

Dr. Carl Pearson, a member of the scientific advisory committee of the Muscular Dystrophy Association of America, said yesterday that muscular dystrophy can be predicted in some cases.

He spoke at a banquet of the Hawaii chapter of the Muscular Dystrophy Association yesterday.

Pearson said chemical tests in women whose families have a history of the muscular disorder can tell if the women will transmit the illness to their children.

Pearson said this technique has come about in the last 10 years, through research sponsored by the Muscular Dystrophy Association.

The following officers of the Hawaii chapter were also elected at the banquet:

Harvey DeMello, president; Joseph Ornellas, vice president; Jerrold Bell, second vice president; William Costa, patient service chairman; William Bigelow, public health education committee; Jonet Long, treasurer; and Mrs. Jack F. Burford, secretary.

CIVILITY IS THE ESSENCE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. DUNCAN. Mr. Speaker, in recent times we seem to forget that our goal in the courtroom is truth. We forget because of the misbehavior of lawyers who try to produce dramatic shows for the jury and public.

Chief Justice Burger's recent call for order in the courtroom is well taken, and a statement in the May 28, 1971, Knoxville, Tenn., News-Sentinel pays tribute to his stand:

CIVILITY IS THE ESSENCE

Speaking recently to the American Law Institute, Chief Justice Warren E. Burger made a fervent plea for order and decorum in the courtroom.

While he said only a few lawyers were guilty of misbehavior, his plea was well-aimed. Too many trials recently have been made a shambles by ranting, insulting, impertinent lawyers.

"At the drop of a hat," the Chief Justice said, "we find adrenal-fueled lawyers cry out that theirs is a 'political trial.'

"This seems to mean in today's context—at least to some—that rules of evidence, canons of ethics and codes of professional conduct—the necessity for civility—all becomes irrelevant."

Insolence and arrogance, as Burger said, are confused with zealous advocacy.

Civility in the courtroom is the essence of the search for the truth. Disorder and distraction are obstacles to impartiality. The courts are there to determine justice, not as arenas for vaudeville acts.

And unless, as the Chief Justice warned, lawyers and judges insist on civility as an indispensable part of the system, the system will founder and collapse.

L. MENDEL RIVERS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BOB WILSON. Mr. Speaker, words cannot express the great loss we all feel at the untimely passing of our beloved colleague, Congressman L. Mendel Rivers. I want to take this opportunity to share with my House colleagues the beautiful eulogy delivered by the president of the Baptist College at Charleston, John A. Hamrick, at a memorial service in Charleston on January 31, 1971. I know all the Members of the House will be deeply moved.

L. MENDEL RIVERS: SEPTEMBER 28, 1905; DECEMBER 28, 1970

We have not come here today to mourn the dead. *L. Mendel Rivers is not dead.* Jesus, on countless occasions, repeated the truth of His words to Martha, at the death of her brother, Lazarus, as recorded in John 11:25, "He that believeth in me, though he were dead, yet shall he live; and he that liveth and believeth in me shall never die." All of us many times publicly, some of us at other times privately, heard Mendel profess his faith in his "Maker," as he most often referred to his Lord. I join Billy Graham in saying, "I look forward to seeing him in heaven." Myrtle Romilu, in her poem, "If To Die," has wonderfully expressed this thought.

IF TO DIE

If to die is to rise in power
  From the husk of the earth-sown wheat;
If to die is to rise in glory
  From the dust of the incomplete;

If death fills the hand with fresh cunning
  And fits it with perfect tool;
And grants to the mind full power
  For the tasks of its greatest school;

If death gives new breath to the runner
  And wings to the prisoned soul
To mount with a song of the morning
  T'wards the limitless reach of its goal:

If to die is to throb with the surges
  Of life that eternal abides,
And to thrill with the inflowing currents
  Of infinite love's great tides;

If to die is to see with clear vision
  All mysteries revealed,
All beauty to sense unfolded
  And the essence of joy unsealed;

If death is the end of all sorrow
  And crying and anxious care;
If death gives fullness for longing
  And the answer to every prayer;
If to die is to greet all the martyrs
  And prophets and sages of old
And to walk with them by still waters,
  By the Shepherd kept safe in His fold;
If to die is to join in Hosannas
  To a risen and reigning Lord,
And to feast with Him at His table
  On the bread and wine of His board;
If to die is to enter the City
  And be hailed as a child of its King—
O grave, where soundeth thy triumph?
  O death, where hideth thy sting?

MYRTLE ROMILU.

Mendel Rivers is not dead, *nor is he dead to us*. Revelations 14:13 says, "Blessed are the dead which die in the Lord—that they may rest from their labors, and their works do follow them." Although certainly the memory of his works can never replace the one we loved in person, there is comfort and inspiration in reviewing those characteristics which endeared him to us, and his many great works which will indeed follow him forever.

I feel I need not speak of those great outward works which are so evident—the military installations, the industrial complexes, the hospitals, schools, buildings of every description and purpose, streets, etc., which dot our entire nation; and whether they bear his name or not, they bear indelibly the stamp of his wisdom and toil.

We choose rather to speak today of *Mendel Rivers, the man*. This is a colossal, even impossible task, for very few times on earth's horizon appears a man with so many strong characteristics. Obviously, we can mention only a few.

When I think of L. Mendel Rivers, I think of *strength*. There is no quetsion about the fact that he was a strong man. When a man never loses a Bill in Congress, it is not done by the near strong, but by the strong. When he applied his full strength to a cause, something had to give.

His strength was born of a *courage* such as few men ever possess. "Think Big," might have been the motto of his life.

I think of his *intelligence*. He was brilliant. Because it was dangerous to the security of our country to carry classified documents, he carried in his brain an unbelievable catalogue of facts. As an indication of the breadth of his intellect, he carried in that same brain, among countless other things, some of the most beautiful poetry of the English language. Not only did he possess this great variety of facts, but he was endowed with *God-given wisdom* and *common sense* which kept him from being deceived by high sounding philosophies which had left reality.

I think of his *curiosity*. His insatiable intellectual curiosity led him into many fields—from the intricacies of the giant C–5 for the defense of the country to the smallest new kitchen gadget which lightened the burden of the housewife.

I think of his *eloquence*. He had the rare ability to move an audience to tears, to laughter, to reverence, to commitment to a cause, whether that audience be comprised of common laborers, college students or professors, men of all walks of life, even the Congress of the United States.

When I think of the man, Mendel Rivers, I think of his *love*. His eloquence was genuine, because he had a great heart of love. He recognized the truth of Paul's words to the Corinthians in I Corinthians 13:1, "Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass or a tinkling cymbal."

Mendel Rivers *loved his God*. He had a deep love for God engrained into him in his childhood. This love of God shaped his concepts of truth and justice, and out of this love grew all of the other loves of his life.

Mendel Rivers was utterly consumed with *love for his country*. To say that L. Mendel Rivers loved America, her flag, her freedom, her military men and women and their families, would be a gross understatement. The kind of love he had for his country could never have been described by a Tennyson or a Kipling.

Mendel Rivers had a beautiful *love for his family*. His voice automatically softened when he said, "Marguerite," as he affectionately nicknamed her. He was visibly filled with justifiable pride when I commented on his son's Phi Beta Kappa certificate on the wall of his office. His entire countenance changed at the mere mention of his two lovely daughters. Perhaps the only way he could be called "the usual person" would be to say that he was "the usual doting grandfather!" One could not even observe him with his faithful dog without sensing the warmth of his affection.

Mendel Rivers had an unswerving *love for his friends*. His friendship crossed all lines of race, class, wealth, politics, etc. He counted among his countless friends not only powerful political figures all over the world, but his beloved gardener as well. His staff were special objects of his love and appreciation. Mendel Rivers knew not only how to be a friend, but to accept friendship with grace as well. There was no "generation gap" in his friendships. Our students at Baptist College at Charleston revered him, as did the Administration, Faculty, and Staff.

Mendel Rivers had a unique *love for individuals*. He never grew too great or too busy to be concerned about the problem of one individual. On a day of great personal triumph and recognition, he remembered one small need expressed by one individual, and met that problem about a month later, unasked and unreminded. All of this was at a time when his illness, unknown as yet to the public, and the prospect of his operation, as well as great affairs of state were weighing heavily on his mind. On another occasion, while working on a very important piece of legislation, he instructed his office staff not to disturb him for anyone. A lone G.I. came, and was told that Mr. Rivers could not be disturbed, that he would not be able to see anyone all day. But the forlorn G.I. just sat there. At that moment, Mendel Rivers opened the door, invited him in, laid aside all the affairs of state to deal with one man's problems. These incidents might well have been mutiplied thousands of times over. Some have said Mendel Rivers loved the little people. With this I must disagree. To Mendel Rivers, there were no "little" people.

One of Mendel's characteristic expressions was, "With the help of my Maker." The following prayer, by Grenville Kleiser, might well have been his prayer:

MY DAILY PRAYER

If I can do some good today,
If I can serve along life's way,
If I can something helpful say,
Lord, show me how.

If I can right a human wrong,
If I can help to make one strong,
If I can cheer with smile or song,
Lord, show me how.

If I can aid one in distress,
If I can make a burden less,
If I can spread more happiness,
Lord, show me how.

If I can do a kindly deed,
If I can help someone in need,
If I can sow a fruitful seed,
Lord, show me how.

If I can feed a hungry heart,
If I can give a better start,
If I can fill a nobler part,
Lord, show me how.

It would be incomplete to leave out another characteristic. Mendel Rivers was capable of great *anger*. He was known on occasion to emit a veritable thunderclap of anger, especially when he was confronted with something that he considered an injustice, or wrong, or inefficiency. His scathing *sarcasm* could wither the offender. He received on one occasion some calls that complained about the noise made by military jets. He said, "Are you sure they're American jets?" And the irate citizen on the other end of the line said, "Yes, I'm sure they're American jets; I know because I've seen them and they're keeping me awake, and they're disturbing our neighborhood, and it's got to stop!" "Well," he said, "if you are absolutely positive that they are American jets, all I have to say is, 'Thank God.' " He added under his breath, "If it weren't for them, they could be Russian."

Mendel Rivers possessed a quick *sense of humor*. When the Polaris missile base, which he considered to be essential to our defense and a strength to our economy, was being established here, he received a number of calls. Some were saying, "You are putting that missile base out there and you're making Charleston a target. The Russians may drop a bomb on us." After about the fifteenth call, he said, "You know, after having all these calls, I don't know that it would be too bad for Russia to drop a few bombs, *IF* they could just let me tell them where to drop them." I think he'd want you to chuckle over that because he did when he told me about it.

Mendel Rivers was a man of complete *dedication*. His dedication was not just talk—he was *industrious*. It was a well-known fact that he "opened and closed the Capitol." His work was his avocation as well as his vocation.

His dedication evidenced itself in his *enthusiasm*. I assure you he was never guilty of any form of lukewarmness, which our Lord said He hated. Mandel's enthusiasm was so genuine that it was contagious. His dedication was proven by his *persistence*. I remember that on one occasion we had applied for a loan for the Baptist College. We were entitled to it by law, by guidelines, and by priorities, since at that time we had had a more rapid increase on a percentage basis than any college in the State. We had been assured that we were being given the loan, but had been repeatedly delayed in getting the final papers. Mendel was speaking in our chapel one morning. Arriving early, he questioned me as to whether we might be able to announce the receipt of the loan in chapel. Upon learning the situation, he said, "I'll find out something now." Whereupon he called the proper official and said, "Do you have that Baptist College loan application?" Being assured that they did, he said, "Have you acted upon it yet?" Being told that the committee had just not met yet, he said, "While I hold on to this line, you get your committee together on your other line, and I'll hang on until I get your answer." He hung on; he got the answer; he made the announcement that morning.

Mendel Rivers was a man of *integrity*. They say that every man has his price, but he was a man who could neither be bought nor sold. Not even his enemies, some of whom were sometimes careless with the truth, could ever question his integrity. He could have been a multi-millionaire, but he never owned a share of stock in a defense industry, nor bought a piece of property where he knew beforehand that vital industries would be located.

His integrity evidenced itself in his uncommonly strong *will power*. Some years ago, (many more than some of his critics would like to admit) he realized that he had some problem with alcoholic beverage. He decided he would stop this, and he did. It takes *humility, genuine humility*, another quality of integrity, to admit that you have a problem. It takes faith and strength to do something about it. Because he was in fact humble, there was absolutely *no pretense or hypocrisy* about him, two of the greatest proofs of integrity.

He had a great *pride*, justifiable pride, not in the flippant, transient things of life, but in the satisfaction of a job well done to the very best of his ability, and in the love and respect of his family and friends. His pride was not confined to self, but was just as evident upon the accomplishments of others whom he respected. He so deeply appreciated the sacrificial service of his capable staff, the work of his colleagues in Congress, as well as worthwhile endeavors of others everywhere who earned his respect.

When in Athens last November, just a few weeks before his hospitalization, I heard again the story of how Athens got its name. It was named for Athena, who supposedly caused a three-branched olive tree to come up. Now we think of the olive branch as being the symbol of peace, but Athena's tree had three branches; one symbolizing wisdom, the second, victory, and the third, peace. I thought to myself, "Our friend, Mendel Rivers, is the embodiment of these three great essentials to civilization." He greatly desired for his beloved America peace, but his unusual wisdom led him to see that such a peace must be guarded, at times fought for, and won through true victory. I intended to have a plaque done to express this fitting thought—will still have it done for Mrs. Rivers. He has no need for such earthly trophies now.

The final characteristics which I want to mention describes our dear friend in such an all-inclusive way. This characteristic is generosity. His generosity grew out of his love, and from no lesser motive. I mention only a few of the countless things he gave:

He gave of his *wisdom* to the safeguarding of his beloved America and the free world.

He gave of his many *talents* and *labor* for all of the things he held dear.

He gave of his *time*, although it meant long hours, and left few for private pleasure.

He gave his *attention* to people, in groups, or as individuals. He loved to give small, unexpected gifts—a bottle of perfume, flowers placed in a friend's hotel room in a foreign country, an unexpected phone call in an assuring voice just when it was needed to let you know that he was with you.

He gave his *influence* where it was needed, to causes and individuals whom he considered worthy.

He gave *encouragement* by spreading his own optimistically indomitable will to others.

He gave *himself*. In a figurative, and in a literal sense as well, he gave that great heart to and for his fellowman.

It was these characteristics which inspired confidence, respect, and love on the part of "his people," (as he so proudly and affectionately called us of the First Congressional District) and which in turn caused "his people" to send him to Congress as their Representative as long as he lived.

"Our Congressman" has received that greatest promotion of all. Let us dry our tears as we hear his Maker say, "Well done, good and faithful servant; thou hast been faithful over a few things; I will make thee ruler over many things, enter thou into the joy of thy Lord." "For inasmuch as ye have done it unto one of the least of these, ye have done it unto me."

GOD WANTS A MAN

God wants a man—honest and true and brave;
A man who hates the wrong and loves the right;
A man who scorns all compromise with sin,
Who for the truth courageously will fight.

God wants a man—in lowely walk or high,
Who to the world by daily life will prove
That Christ abides within the yielded heart,
Fitting that heart for service and for love.

God wants a man who dares to tell the truth,
Who in the marketplace will stand foresquare;
Whose word men trust—a man who never stoops
To motive selfish or to act unfair.

God wants a man of action and of faith,
Whose life is something more than cant and talk,
Who lives each day as though it were his last,
And proves his creed by a consistent walk.

God wants a man who serves his fellowman,
His country, and his age, in selfless love;
Who, when his special task on earth is done,
Will serve his Master better still above.

God found that man in our friend, L. Mendel Rivers.

RARICK REPORTS TO HIS PEOPLE ON H.R. 1, THE SOCIAL SECURITY AMENDMENTS AND THE FAMILY ASSISTANCE PLAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on H.R. 1, the social security amendments and the family assistance plan.

I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON H.R. 1, THE SOCIAL SECURITY AMENDMENTS AND THE FAMILY ASSISTANCE PLAN

The trend in this country since 1932, away from limited constitutional government toward welfare state socialism with power concentrated in the central government in Washington, is of much concern to most thinking Americans.

Most understand that if we do not stop and reverse the trend, an all-powerful federal government will be so entrenched that the States and the people thereof will become powerless to dislodge it peaceably or by legal means.

It was encouraging to hear President Nixon in his State of the Union Message on Jan. 21st indicate his desire to reverse the flow of power to Washington and to return power to the people at the local level where the people are most familiar with and understand their needs from government. At least the President recognizes the threat of federal tyranny exists.

But as I heard or read subsequent Presidential messages urging legislation which would place the people and the state under more and more control by the federal government, I realized that the President's rhetoric of returning power to the people was as empty and meaningless as some of his campaign promises when he was a candidate for the Presidency.

The concentration of powers in the federal government began in the 1930's when some in Congress and the federal judges interpreted the "general welfare clause" to mean that Congress could appropriate tax money if it was for some project or purposes considered to be for the general welfare of the country.

Thomas Jefferson expressed the intent of the Founding Fathers regarding the general welfare when he said:

"Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated; and that, it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action; consequently, that the specification of powers is a limitation of the purposes for which they may raise money."

In the early days of our Republic when a proposal was offered for Congress to take action on powers not delegated to Congress by the Constitution, even though it was for the general welfare, James Madison—the fourth President of our country—stated:

"If Congress can employ money indefinitely for the general welfare, and are the sole and supreme judge of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every state, county and parish and pay them out of the public treasury, they may take into their own hands the education of children, establishing in like manner schools throughout the union: they may assume the provision of the poor . . . were the power of Congress to be established the latitude contended for, it would subvert the very foundations and transmit the very nature of the limited government established by the people of America."

Prior to the 1930's, responsibility for taking care of the poor and disabled who had nowhere to turn for assistance was shared by relatives, neighbors, friends, churches, as well as benevolent aid societies, and other charitable groups, as well as state and local governments. This manner of aiding those in need—charity—is in accord with the Holy Bible and with the 9th and 10th amendments to the U.S. Constitution.

The federal government began its illegal intrusion into the welfare field with the establishment in 1935 of a federal-state partnership whereby federal matching grants taken from the general revenue funds of the treasury were made available to states on a matching basis for cash payments in specified categories for the needy. The seed money was used to prime the pump. The more programs the state and local governments participated in, the more federal funds forthcoming. The original legislation authorized grants for three categories—old age assistance, aid to dependent children, and aid to the blind. It also established a related program of federal monies for maternal and child health and welfare services. During subsequent years these programs were expanded and new programs added until today we find tax dollars being appropriated for food stamps, child nutrition, OEO emergency assistance, removal of surplus commodities, medicare for the elderly, medicaid for the indigent, public housing, rent supplements, home owership, rental housing assistance, rat control, and other programs.

The Food Stamp program, which was begun in 1964 on a meager scale, has grown into a crutch to soften inflation. In 1971, its estimated cost is about $1.42 billion and will likely cost the taxpayers around $2.5 billion during the coming fiscal year. Food stamps are now available not only for the needy, but workers on strike, military men, college students, and young people living in "hippie communes." A friend told me of his personal observation of a woman ahead of him in a super market check out line, who upon paying for her order with food stamps, left the store and got into a late model Cadillac. Another told me that while he had to budget and buy hamburger, a young couple ahead of him were using food stamps to buy choice sirloin steaks.

Not long ago, it was announced that welfare bureaucrats in New York City had housed 5,000 welfare families in hotels at rentals averaging $650 a month. One woman housed in the Waldorf-Astoria complained that the maid didn't make up beds until about noon. She wanted to be transferred to a cheaper hotel with earlier maid service. Another revelation of abuse of welfare is the announcement that a federal model cities program paid expenses for a New England ski weekend for 34 youths and 6 chaperones at $60 each. These are but a few examples throughout the country that have come to public attention.

Our tax dollars are being diverted by other federal agencies, especially OEO, HEW, AND HUD, to finance sensitivity training of our people, riots, demonstrations, race hatred, homosexuality, sex education and anti-Americanism. Yes, subversion of our country is being promoted under the guise of helping the needy. The poor should soon get angry at being used as a ploy to destroy our country.

Welfare has literally become a way of life for millions of Americans. The federal government recently announced there were about 10 million last year receiving Federal welfare assistance. In California, one out of every nine citizens is on welfare. And Aid to Families with Dependent Children Program went up 39% in caseload last year while the cost increased 142%. In New York City alone, 1,140,000 people are now receiving government relief checks—that's one out of every seven residents.

A similar story is repeated across the land in every state and city. Unless action is taken to curtail and reform the abuses of welfare, bankruptcy of state and local governments is threatened as well as the future of welfare aid to those truly in need.

Despite this record, Congress is presently considering two of the most costly welfare measures in the history of this country. The most expensive single proposal is Senate Bill 3, the so-called Health Security Act, which has been conservatively estimated by the Secretary of HEW to cost $77 billion when fully implemented.

Another legislative proposal which I thought we'd discuss today, since I have been receiving letters from constituents about it, is H.R. 1, the Social Security Act amendments and Family Assistance Plan legislation, which is under consideration by the House. This take-away, give-away bill is estimated to cost approximately $10 billion dollars for fiscal year 1971 for both Social Security and FAP, with an extra $3.8 billion estimated for fiscal year 1972 for FAP alone.

The idea of a Family Assistance Program, the main feature of which is a guaranteed annual income, was first unveiled to the American people in the summer of 1969. Promoted by President Nixon—who had vowed as a candidate a year earlier that he opposed such a scheme—as a welfare reform measure, which would force deadheads to work and would simplify welfare paper work, the measure was passed by the House of Representatives last year. The Senate failed to pass it.

H.R. 1 now before the House contains, in addition to the guaranteed annual income feature of the earlier bill, numerous changes to the Medicare and Medicaid programs, and establishes federal programs of aid to the aged, blind, and disabled, thereby repealing existing Federal-State programs. Also, additional Social Security benefit increases as well as taxes are tied to the so-called "Welfare Reform" measure, making it one big package for Congress to satisfy the poor, the old, the disabled, and the disadvantaged, as well as those who want to take advantage. By including Social Security benefit increases in H.R. 1, it is calculated by the backers that few lawmakers will have the courage to oppose any bill with a social security benefit.

The Family Assistance plan, or guaranteed annual income feature, is the most controversial part of H.R. 1. The federal government would guarantee an income of $2400 to a family of 4 and $3600 to a famliy of eight which would qualify. To be eligible, a family must not have countable resources in excess of $1500. There are several exclusions from the $1500. For example, the home, household goods, and personal effects to the extent that their value does not exceed a reasonable amount, other property essential to the family's self support, and the first $720 per year of other earned income plus ⅓ of the remainder. It has been estimated that not counting income that does not have to be declared, some families will be permitted to earn as much as $6000 a year and still receive welfare.

The Family Assistance Plan is not likely to keep families together nor prevent illegitimacy. For example, if an unemployed father and mother with six children agree to separate, they become two families eligible for welfare and could then receive $5200 instead of $3600 as a one family unit. This is in addition to $3000 they might earn at part-time jobs.

A main argument of proponents of FAP is that great numbers of families can be removed from welfare rolls through job training and work incentives. Work incentive programs already exist, yet welfare rolls increase instead of decreasing.

In an evaluation program in New York City involving 200,000 families, only 235 actually worked themselves off welfare. Yet welfare was interpreted as a temporary plan to rehabilitate the poor and assist temporarily.

It has been estimated that the numbers on welfare roll will double or triple if H.R. 1 is passed. It is incredible that President Nixon and leaders of both political parties are pushing for the Family Assistance Plan. The FAP would not only be costly in dollars, but more so in terms of lost work incentive and initiative. It is completely alien to the American way of doing things. It would guarantee a man—whether he works or not—an annual income equal to the amount the federal government thinks he should receive. There is no equal opportunity under such a program.

The American and Christian way has been that an able-bodied man work to earn his pay and for responsible citizens and private charities as well as local and State governments to voluntarily help those unable to help themselves. Now the Nixon Administration promises money without work. And they call it reform!—progress. The Romans before their fall gave bread to the masses.

The FAP if passed would make the idle, low-achievers, and irresponsible into a special privileged group. For this reason, H.R. 1 is a milestone in the continued backward trend of our country.

The experiences of other countries with national welfare should serve as a warning to the U.S. of the dangers of such a course. Sweden, Great Britain, and Uruguay are but 3 nations that are either bankrupt or are flirting with bankruptcy as a result of state welfare system. Sales taxes today in Britain range from 30% on glassware, shoes, and furniture, and 36% on cars to 55% on cameras and other photo equipment.

Over 40% of the total population of Uruguay is supported by the government. 30% of the potential work force is unemployed. Inflation has increased at a rate in excess of 100% per year for the past five years. This is mainly caused by deficit spending. The government simply spends more than it takes in. The routine sounds familiar, printing press—fiat—money. Those who favor deficit spending—the we-owe-it-to-ourselves advocates in our country—would do well to heed the experience of Uruguay and demand rejection of H.R. 1 and other similar unconstitutional legislation. 40% of the workers of Uruguay work for the central government. More than 50% of the total population is over 50 years of age. Young Uruguayans who work must pay such high taxes that they simply move to other countries.

The solution to the welfare mess is to return to the Holy Bible and to the Constitution. By practicing Christian virtues—especially charity—responsible individuals at the grass roots level can take care of many welfare cases. But moreover, borderline welfare users should not be encouraged to quit work and become a taxpayers' burden.

Parents, churches, and schools should return again to teaching people to make provision for their future. Instead of "buy now and pay later," the all-but-forgotten virtue of thrift should be emphasized.

Government assistance to unfortunate citizens who have no place to turn for help should be provided for by State and local governments in accordance with the wishes of their people.

If the Nixon Administration really wants to return power to the people, it must return revenues to the people or lessen the tax burden. What better and more efficient revenue sharing plan than not taking money from the people in the first place. Allow the states to keep 20%, 30% or more of the income taxes paid by their citizens to Washington. Think of the money that would be saved—the 35c that the bureaucrats hold out of every dollar on its round trip to and from Washington—like taking a blood transfusion from the right arm to the left and losing ⅓ in the transfer.

Henry Hazlitt writes in his recent book *Man Versus the Welfare States*, "the only real cure for poverty is production."

A popular bumper sticker says it this way: "I fight poverty—I work."

The Holy Bible in St. Paul's letter to the Ephesians, 5:28, provides us with the Christian answer to the welfare problem:

"Let him that stole steal no more, but rather let him labor, working with his hands the thing which is good, that he may have to give to him that needeth."

My dipping into my pocket to give my money earned by my toil to another is an act of love—the government's taking it from me to give to another is legalized theft.

THE PENNSYLVANIA FEDERATION OF HISTORICAL SOCIETIES

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. WARE. Mr. Speaker, the Pennsylvania Federation of Historical Societies at its annual meeting on May 8, 1971, has adopted a resolution testifying to the high regard which historical societies in the Commonwealth of Pennsylvania have for the National Historical Publications Commission and its excellent program in aid of documentary publications and microfilms. The Federation represents 135 historical societies with more than 60,000 members, and because of its extreme appreciation of the Federal program and because the hope that this aid to historical research may be continued and expanded, I am including the resolution below:

RESOLUTION

Resolved, That the Pennsylvania Federation of Historical Societies hereby expresses high appreciation for the great contribution of the National Historical Publications Commission to historical research in Pennsylvania through its aid to documentary publications and microfilms which have made a rich store of important sources readily available to historians and students; and be it further

Resolved, That it would be highly desirable to continue and expand this aid to publication and microfilming of sources with emphasis on the period of the American Revolution and the founding of the Republic.

HOW TO FIND OUT WHAT IS IN THE COSMETICS YOU USE—ARTICLE BY PETER WEAVER

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mrs. SULLIVAN. Mr. Speaker, elsewhere in the CONGRESSIONAL RECORD today I have discussed the provisions of H.R. 1235, my omnibus bill to rewrite the Food, Drug, and Cosmetic Act of 1968, particularly in relation to the need for pretesting of cosmetics for safety, and also the importance of requiring the listing on the labels of the ingredients of cosmetics products so that individuals who are allergic to certain chemicals can avoid purchasing and using products containing ingredients they know will harm them.

In this connection, the syndicated consumer columnist, Peter Weaver, whose column is distributed by the Los Angeles Times, has performed a valuable public service by digging into the scientific literature on cosmetics and the work of dermatologists and allergists to report on the contents of some popular cosmetics products and to guide consumers on where they can obtain more information.

Personally, I think it is reprehensible that a consumer with sensitive skin should have to purchase a $24.50 book, "Clinical Toxicology of Commercial Products," in order to learn how to avoid itching, burning, rashes or other injuries from the use of popular products sold in the stores. If she knows she cannot tolerate certain chemicals on her skin or lips or hair, she should be enabled to learn of their presence in a product before she buys it—by reading the label.

DANGER IN A JAR

Truth in labeling of cosmetics, as proposed in H.R. 1235, would save millions of Americans untold agonies in the use of cosmetic products. Even more important, of course, is the need to prevent the marketing in the first place of products which are not generally safe, which is also an objective of H.R. 1235. Most cosmetics are safe to use, but there is nothing to prevent any fly-by-night outfit, or a legitimate firm either, from marketing a cosmetic without adequate testing of its safety, and the public then becomes the test guinea pig.

For the millions of women—and men, and children, too—who have developed sensitivities to certain ingredients frequently used in cosmetics, Mr. Weaver's advice, as contained in his article last Sunday, should be very useful, and I include herewith his column, "How to Find Out What's in the Cosmetics You Use," as it appeared in the Washington Post of June 6, 1971, as follows:

How To Find Out What's in the Cosmetics You Use

(By Peter Weaver)

> Many readers have written in asking what chemicals are in specific brands of eye makeup, face powder or body lotion. They're worried about skin and eye irritations.
>
> It's little wonder. Some allergists and dermatologists have estimated that as many as 20 million Americans are sensitive to products that touch their skin.
>
> When the cosmetics companies are asked what's in their products, the standard line is: "We can't give out the ingredients because they're trade secrets."
>
> This "trade secrets" line is just so much hair wash. I learned that, with a little sleuthing and a lot of patience, you can uncover the ingredients in many products of lipsticks to lotions.
>
> A massive listing of common household products and their ingredients (including hundreds of cosmetics) can be found in the book "Clinical Toxicology of Commercial Products." Poison control centers, some hospitals, medical schools and public libraries have it.
>
> If the local library doesn't have this key book, your librarian can order it from: William & Wilkins Co., Baltimore, Md. 21202. The price is $24.50. Here are just a couple of the many cosmetics it lists:
>
> Intimate hand and body lotion by Revlon—contains triethanolamine, stearic acid, lanolin, glycerin and preservatives. Dermatologists and allergists I interviewed found nothing particularly startling in this concoction. A very small percentage of the population might be sensitive to certain lanolin derivatives. A greater number of others are sensitive to certain preservatives.
>
> The "Handbook of Non-Prescription Drugs," published by the American Pharmaceutical Assn., says: "The use of glycerin as a moisturizing agent is doubtful . . . When the humidity is low, it will extract moisture from the skin. (Moisturizers aren't needed when humidity is high)."
>
> Abano bath oil, by Chesebrough Ponds (Matchabeli Division)—contains essential oils, volatile terpenes, aromatics, esters, citrus oils, perfume oils. The doctors say that it's interesting to note "what's not in there," so a patient who is sensitive to, say, antibacterial agents such as hexachlorophene, can use the product with confidence.
>
> One of the drawbacks with this toxicology book is the fact that not all cosmetics products are listed, especially the more recent market entries. Some of the unlisted products, however, can be found in the card files in the 600 poison control centers around the country. The detailed product information comes from the National Clearinghouse for Poison Control Centers (Washington, D.C.).
>
> Cosmetics companies belonging to the Cosmetic, Toiletry and Fragrance Assn. have recently agreed to submit product ingredients to the Food and Drug Administration on a "top secret" basis. The reason given for the secrecy? You guessed it: to "protect trade secrets."
>
> Rep. Leonor K. Sullivan (D-Mo.) has introduced many bills aimed at requiring cosmetics companies to list ingredients and to have their products tested and cleared by the FDA before they're sold to the public. "As it stands now," Mrs. Sullivan says, "the public serves as the guinea pig." Normally, the FDA will only consider recalling cosmetics from the market after complaints come in.
>
> By the way, you can get a listing of all the recent cosmetics products recalled by writing: Food and Drug Administration; Office of Consumer Affairs; Rockville, Md. 20852. You can get lists of cosmetics brand names and their ingredients for deodorants, antiperspirants and suntan products by sending in for the pamphlets: "Sun & Your Skin" (20 cents) and "Deodorants & Antiperspirants" (25 cents). The address: American Medical Assn.: 535 N. Dearborn St.: Chicago, Ill. 60610. AMA's Committee on Cutaneous Health and Cosmetics provided the technical information.

SALT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHMITZ. Mr. Speaker, the supplemental report of the Blue Ribbon Defense Panel says:

> The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic nuclear superiority over the U.S. Its record of feverish military preparation is unequaled since Hitler.

This description of Soviet efforts, contained in the supplemental report of the presidentially appointed Blue Ribbon Defense Panel—a report, incidentally, which the Joint Committee on Atomic Energy recently characterized as having "particular significance," see Newsletters 71–18, 71–19, and 71–20—constitutes half the framework from which to objectively view the current strategic arms limitation talks—SALT. The other half of the negotiating picture is the lack of U.S. activity in the area of strategic weapons deployment. To use Secretary of Defense Laird's words, we are in a state of "almost moratorium" and have been since 1967.

The SALT talks began with a preliminary meeting between the United States and Soviet delegations at Helsinki, Finland, in November 1969, and have continued intermittently for the last 18 months. The stated objective of the talks is to reach an enforceable agreement providing for a mutual limitation of United States and Soviet strategic weapons deployment; to repeat a cliche, to "end the arms race."

The fact is that there is no "arms race." Since 1967 the Soviet Union has more than tripled its ICBM forces and increased its submarine-launched ballistic missile force threefold, while the United States has not increased its force levels in these categories one iota. This fact seems to have been lost in the semantic shuffle.

Some people have confused the modernization of our forces—for example, the installation of multiple, independently targetable reentry vehicles—MIRV—warheads on our Minuteman land-based and Poseidon submarine-launched missiles—with the "action-reaction, where will it all end, arms race spirial." As a study prepared by the Pepperdine Research Institute pointed out several years ago:

> Force modernization is not an arms race. Failure to engage in force modernization is destabilizing. The major incentive to engage in a nuclear arms race is the possibility of winning it. In a world of technological secrecy, failure to engage in force modernization is clearly destabilizing.

MIRVing—adding more warheads to existing missiles—of a limited low megatonnage missile force such as ours, is simply an attempt to offset the growth of Soviet counterforce weapons so that our forces remaining after a Soviet first strike will hopefully have enough warheads remaining to assure penetration of an expanding Soviet antiballistic missile system. It is an attempt to deny the Soviets a first-strike capability—defined as the capability of lowering the U.S. retaliatory forces below some acceptable threshold through the use of counterforce and ballistic missile defense.

MIRV, coupled with antiballistic missile defense, is aimed at nothing more than maintaining a second-strike capability. That these procedures, although absolutely necessary, are by themselves of limited efficacy in coping with the growing threat, was confirmed recently by Secretary of Defense Laird when he alluded to "the possibility of added Minuteman and other items that we may have to face up to in view of Soviet momentum."

The SALT talks are not interfering with this Soviet momentum and in fact are increasing relative Soviet momentum as we restrain ourselves in hopes of an agreement. The only substantial Soviet offer emanating so far from the talks has been a proposal to mutually limit antiballistic missile systems to the Washington, D.C., and Moscow areas, respectively. Acceptance of this offer would mean that the U.S. would stop building the Safeguard ABM system—designed to protect our Minuteman forces—which the Soviets are rapidly acquiring the capability to destroy, while at the same time allowing the Soviets to continue deploying their ABM around the Moscow area. The Soviets are not building an ABM system to protect their hardened missile fields for the perfectly sensible reason that the U.S. missile force does not have the combined yield-accuracy ratio necessary to destroy hardened silos.

The latest shouts of triumph in the last several weeks, about progress at SALT, concerned nothing more than a Soviet agreement to talk about possibly slowing their crash construction of strategic offensive missiles. They did not agree to stop building these weapons nor even slow down, but simply to talk about the possibility of limiting the deployment of new offensive missile forces.

Unfortunately, this Soviet gesture will probably be used as an excuse to delay necessary U.S. strategic force construction programs. We will have 1 more year of "almost moratorium" on our side while the Soviets will continue their feverish military preparation—unequaled since Hitler.

FINANCIAL PROBLEMS FACING THE NATION'S EDUCATIONAL SYSTEM

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. MILLS of Arkansas. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following letters written by Gov. Milton J. Shapp to the President concerning the financial problem facing the Nation's educational system:

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., June 8, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: On June 2, 1971, I wrote to you about the financial problems facing the nation's educational system. I stressed the need for greater federal participation in this area.

Attached is a memorandum describing a way to make this increased participation feasible and beneficial: by establishing a National Educational Trust Fund. I wish to respectfully call this memorandum to your attention in hopes that you may find merit in it.

Sincerely,

MILTON J. SHAPP,
Governor.

MEMORANDUM

Subject: Proposal for National Education Trust Fund.

To: The President.

From: Milton J. Shapp, Governor of Pennsylvania.

Date: June 9, 1971.

This memorandum deals with the need to adopt an entirely new concept to support the financial needs of the American Educational System.

At no time in the history of our nation has the need for financial innovation been greater.

The ever mounting cost of education is a principal factor in the fiscal crisis which faces government on every level. If we do not seek and find new ways of financing our educational system, then many of our local boards of education and the cities themselves will soon face bankruptcy.

It can no longer be argued that we can continue with present methods to raise taxes at the State and local levels to meet the ever mounting cost of education. State and local taxes have reached such heights that the taxpayers have reached the limit of tolerance.

Yet we cannot abdicate our responsibility, cut back on funds for education and sit by while our educational system and our entire society erodes.

Already we are seeing the results of much present neglect. Crime and welfare are direct outgrowths of our inability to meet the human needs of our population. For every dollar we fail to put into education, we pay many times over in increased funds for protection and public assistance.

Therefore, I am proposing a new concept and a new method of financing the educational needs of our people.

The method is the creation of a National Education Trust Fund.

The concept is that education is not a cost item but an investment in the future growth of this nation.

As applied to the entire field of education this concept is extremely sound for there is no other investment that can be made in the public sector of our economy that will yield a direct and measureably higher yield. More and higher quality education leads to greater productivity. Greater productivity leads to higher personal and corporate earning power. Higher earning power, in turn, produces more tax revenues. As a result, the initial investment in education pays off handsomely in future yield to the community and to the nation.

There is more than ample evidence to prove this contention. It has been estimated by some economists that the future tax yield that would be generated by a continuing policy of maximizing investment in education would be at least 10 times the investment.

The World War II G. I. Bill of Rights is a clear example of the economic returns that can be expected from Federal investment in education.

The increased tax yield expected from the higher lifetime earnings of the direct beneficiaries of the G.I. Bill will, alone, repay many times over the cost of the program.

It is not possible to calculate the additional economic gain to the nation that resulted from a whole new cycle of technological and economic development made possible by this massive educational breakthrough.

Yet, we continue to consider education as just another operating cost of government and we do so because we have become captives of a tradition.

If we are to break out of the financial chains that throttle educational progress, we can pattern a new mechanism along the lines of the Federal Highway Investment Fund originated during the Eisenhower-Nixon Administration.

The mechanism for handling our investment in education—and for guaranteed repayment of this investment by those who benefit from it—is at hand.

There is ample evidence that the Federal Highway Trust Fund, created in 1956 was not only financially wise, but supplied the major impetus for the modern highway system in America today.

I propose that we utilize this experience to create a National Education Trust Fund (NETF) which would invest in people just as the Highway Trust Fund invests in roads.

We can create a large-scale revolving NETF fund by requiring those who would benefit most through increased educational opportunities to repay the fund with a small continuing surtax when they leave the educational system and become wage earners. This parallels the plan whereby relatively low Federal taxes on gasoline and some auto supplies replenish the Highway Trust Fund and pay for the construction of new highways.

It is obvious we would not have our modern, interstate highway system today if we had left the task of financing and building new roads to our states, cities and townships. Yet this is precisely what we are doing with our present, fragmented system for financing education throughout the country.

The self-supporting National Education Trust Fund would call for:

1. An initial investment by the Federal government of $5 to $10 billion.

2. An annual surcharge on federal income taxes according to a formula based on earning power and years of schooling. That formula would be based upon a number of factors including:

a. The level of education achieved by the individual taxpayer.

b. The number of years he has been out of school and earning his livelihood.

c. The amount of income he receives. (Thus, a Ph.D. in Physics, out of school for 20 years, might pay a higher surcharge on his federal income tax into the fund while a nurse out of school five years would pay considerably less. A person satisfied not to seek a college education might pay an even lower surtax.)

Normally, as long as a person was pursuing his education, he would pay no surcharge. He would not become liable until he had been out of school for several years, or until his income reached some selected minimum level.

I want to emphasize at this point that details of this program could be worked out in legislative committee and executive policy sessions. I am not wedded to specific figures or formulas, but the above proposals indicate that such formulations are certainly possible.

I do not envision such a program as an attempt at federal control of education. I firmly believe that educational programs and policies should be decided at the local level as they are today. But I see no conflict between the proposed NETF and traditional local control.

At present, for example, the states pour vast amounts of money into local school districts. Yet those districts retain their own School Boards and their autonomy. There is no reason why local autonomy cannot be retained while the Federal government establishes a fund and works with the states to assure survival and improvement of the present system.

Financing a self-supporting National Education Trust Fund would permit this Nation to guarantee our future by the best business deal ever made—investing in education for all of our citizens, pre-schoolers, school children, college students, trade school and professional school enrollees. It could even supply the necessary funds for the increasingly critical area of on-going retraining and continuing adult education.

For example, the NETF might decide to finance the crucial pre-school years on a 90 percent federal—10 percent state and local fund basis—as we do for the principal interstate highways. The NETF might finance elementary and secondary school years on a 50–50 ratio and college and professional training on a 60–40 basis, or some other arrangement based upon more detailed economic studies. The percentages could be flexible, but the principle is clear. We can use this fund to give emphasis where needed in the national interest and the interest of society in general.

Philadelphia, along with many other major cities, now faces a severe crisis. We cannot afford to delay creation of the self-supporting National Education Trust Fund. The current method of financing education not only falls short of providing adequate funds, but actually leads to considerable financial waste.

Right now, the Federal Government is pouring millions of dollars into the highly successful Get Set pre-school preparatory program. Get Set has proven that it does help disadvantaged children do better when they get into kindergarten and elementary school.

But, because of the virtual bankruptcy of the Philadelphia School System, kindergarten may be eliminated next year . . . wiping out any beneficial effects of Get Set. In addition, the Philadelphia School Board is considering dropping all varsity and intramural sports next year, a situation which cannot help but worsen an already difficult teenage gang problem in Philadelphia.

Without increased funding from the Federal Government the dollars now supplied by state and local governments will continue to be inadequate and city school systems will turn out a new "Lost Generation," ill-educated and unprepared to cope with the growing demands of a technological society.

At present, it costs the State and Federal Governments in Pennsylvania about $3,433 to support a welfare family of four for one year. Many families spend ten, twenty or even more years on welfare. In fact, there are some third generation families now on welfare and the cost of their support is bound to rise.

The alternative I propose is an appealing one. It calls for investment now, and a continuing investment in a constructive policy of education that will create jobs. It will pay dividends to our society for many years to come and reduce the need for additional welfare funds in the future as we provide the opportunity to make a greater percentage of our population self-reliant.

This investment program must be accomplished on the national level because only the Federal government has the power to insure uniformity of taxation, and only the Federal government can absorb the initial cost of priming the self-supporting trust fund. Also, because of the increasing mobility of our society, investments by individual states and cities might never be repaid to those governments.

Our citizens have wide mobility, and it is wrong to penalize a city or a state by forcing it to finance a major educational system for people who then move to other communities or states.

People ask: "Can we afford a National Education Trust Fund?" This answer is that we cannot afford not to invest in education.

COMMONWEALTH OF PENNSYLVANIA,
June 2, 1971.

Governor Milton J. Shapp today sent the following letter on the Philadelphia school situation to President Nixon:

"DEAR MR. PRESIDENT: Yesterday, two thousand Philadelphians traveled to Harrisburg to plead for funds to save their schools and protect the future of their children.

Simultaneously, the president and members of the Philadelphia School Board, president and members of Philadelphia City Council and legislative leaders discussed with me the legal steps that might follow a declaration of their insolvency.

Mr. President, our cities are time-bombs which can be defused only by action in Washington. We, in Pennsylvania, are not shirking our obligations. We have raised taxes by over thirty percent in the past two months but we still lack sufficient revenue to provide all the aid to meet the real needs of our people. The emergency facing our rural and city school systems is only one facet of multiple problems.

Nor is Pennsylvania alone. In recent weeks I have discussed the worsening financial situation with many mayors and governors from other states. The United States is in serious trouble.

Revenue sharing is not a cure, nor even a palliative. It begs the issue.

An entirely new approach to financing the operation of all levels of government is essential in America if we are to prevent the complete collapse of our cities. The underlying problem, is that for too long, in government operations, we have been violating a basic principle of business economics. State and local governments have been financing major long-term investment programs out of current operating revenues. No private corporation, not even A.T.&T., could follow this practice for any period of time, without going broke. And the day of reckoning is here for state and local governments.

Today in Pennsylvania, and in most cities and states, over half of current tax revenue goes to support education. But education is a long-term investment program, that cannot, and should not, be financed from current revenue. It takes thirteen to twenty years of intensive investment before a growing child develops the skills and knowledge required to participate meaningfully in the modern industrial world; and then, as an adolescent or adult, becomes a wage earner and a taxpayer.

The longer and more intensive the investment in education, the greater the eventual pay-back.

A skimpy educational investment program results in an untrained, low income, labor force. Government must then meet rising costs of welfare and of crime control.

Only a major infusion of funds from Washington can solve the problems of our cities and states in time to prevent collapse. Only Washington has sufficient funds and budget flexibility to continue to make long-term investments to develop our people.

Only Washington, through its universal taxing powers, has the ability to make these investments with the assurance that wherever in the nation the educated person lives in the future, his tax dollars will flow back to the source repaying the investment that has been made in his development.

Our cities and states cannot continue to provide the enormous long-term investment required for quality education and, at the same time, meet other essential needs of people.

Mr. President, time is running out. Unless massive financial aid is furnished this year to keep our educational system intact, the end will come quickly. School districts and cities all over the Nation will go into bankruptcy. A host of other vital services will be curtailed sharply.

Mr. President, the situation in Philadelphia, particularly, and throughout Pennsylvania generally, is so critical that I urgently request the opportunity to meet you personally, within the next few days, to discuss specific programs that are required to save our cities."

Sincerely yours,

MILTON J. SHAPP.

NATIONAL FLAG WEEK—OBSERVANCE IN AURORA, ILL.

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mrs. REID of Illinois. Mr. Speaker, June 14 is a very special day for it is when, traditionally, all Americans observe Flag Day. In response to joint resolutions passed by Congress in 1949 and 1966, President Nixon has issued a proclamation designating Monday, June 14 as Flag Day and the week beginning June 13 as National Flag Week. I want to join the President in urging all citizens to participate in appropriate ceremonies and to display the flag at their homes and other suitable places during Flag Week.

This is a particularly significant occasion in my hometown of Aurora, Ill., because the nationally recognized father of this observance is Dr. Bernard J. Cigrand who was practicing dentistry in Aurora at the time he persuaded President Woodrow Wilson in 1916 to proclaim the first official nationwide Flag Day. Dr. Cigrand, a great patriot, first observed Flag Day himself on June 14, 1885, as a young 19-year-old schoolteacher in Wisconsin. It is said that he placed a small flag on his wooden desk and told his handful of pupils the story of the flag of the United States. He choose that particular day—June 14—because it marked the anniversary of the adoption by the Continental Congress in 1777 of the Stars and Stripes as the flag of the United States of America.

On June 13, I shall be joining fellow citizens in my hometown in a Flag Day program sponsored by the Aurora Cosmopolitan club. One of the purposes of this occasion will be to dramatize the proper rules governing display and respect of our flag.

This is particularly fitting now when the basic principles and ideals of Americanism are being challenged; it becomes imperative that all Americans be made more aware of the symbolism of our flag.

The power of our flag—the grandeur of our flag—the force of its very appearance, will have been demonstrated, repeatedly, throughout our national history. The spirit of the stars and stripes has, in fact, buoyed our hopes and improved our national fortunes so frequently that we have every reason to know the value of its great symbolic beauty. For the flag—our flag—is indeed a symbol of all that we, as Americans, should admire and love in this grand country of ours—and for that reason we should not behold its appearance with anything less than the greatest honor and respect. It is my hope that this year's observance in Aurora will serve as a model for other communities in Illinois and throughout our Nation.

BUDGET CUT FOR PSYCHIATRIC EDUCATION

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. FULTON of Tennessee. Mr. Speaker, a budgetary decision has been made by the present administration which will imperil psychiatric residency training. This decision calls for a $6.7 million cut in fiscal year 1972 for psychiatric residency support funds which are being provided through the National Institute of Mental Health. Furthermore, this is the first step of the plan to phase out within 3 years the entire psychiatric training support program which now stands at around $34 million.

The President has affirmed the need to expand physician training and indeed recommended an increase in the amount of health manpower training funds by $89 million for the coming fiscal year. These are funds which go directly to the medical schools of which precious little goes into psychiatric training. Also, medical schools only provide about 25 percent of the psychiatric residency programs in our country today. These other programs have depended exclusively for their training funds from the NIMH support program which is being decimated.

Psychiatric training support was initially established in 1946 by the National Mental Health Act in order to cope with the vast neuropsychiatric problems which came to light during the war years. Instituted because of dire national need, training funds provided by this Act of Congress became and continue to be the fountainhead of psychiatric training in the United States.

The accomplishments of psychiatry have been great since that time, but the great need continues. Expanded programs for alcoholism, drug abuse, childhood, adolescence, and others, all desired by Congress must be carried out. There is also no evidence that the incidence of mental or emotional disorder has lessened in the United States as our population continues to grow.

To cut off funds for the training of psychiatrists at this time would inexorably place our citizens in a tragic predicament within a very short time.

It has been brought to my attention that this action by the administration has taken place as a result of the misconceptions which it may have concerning the training of psychiatric manpower in this country. It is in the public interest that these misconceptions be put straight.

A BILL TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO CONTRACT FOR CONSTRUCTION OF PARKING FACILITIES ON FEDERALLY OWNED PROPERTY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, today I am reintroducing legislation which I have sponsored in various forms for the past several years, and which I believe is urgently needed based on at least one case which has recently come to my attention wherein Federal employees are being denied the right to parking by restrictive regulations on Federal payment for parking on the one hand and restrictive zoning regulations in the suburbs which prevent employee organizations from contracting independently for employee parking on the other.

My bill, titled the "Federal Parking Facilities Act of 1971," acknowledges the sense of Congress that a shortage of off-street parking spaces exists in cities in the immediate vicinity of Federal public buildings and installations, creating a serious problem for Federal authorities and the public to conduct official business. It further finds that the shortage is especially acute in the District of Columbia in the vicinity of the Capitol, the Senate and House Office Buildings, national shrines and in the areas visited by millions of citizens from all States of the Union who visit the Nation's Capital annually, and that such shortage creates a parking and transportation problem for employees of the Federal Government and members of the public visiting Federal buildings and their elected Members of Congress. Therefore in order to facilitate the business of the United States throughout the country, the bill acknowledges the necessity to provide for construction, operation and maintenance of parking facilities for the Government, its officers and employees, and for members of the public transacting business with and visiting with the Government.

Under provisions of the bill, the Administrator would be authorized to contract for construction, alteration, maintenance and operation with local qualified, free enterprise parking operators, for construction of parking facilities on, above, or below property owned by the Government. The Administrator would be authorized to fix fees for use of the facilities, taking into consideration proximity of the facility to their place of employment. All proceeds from leases, fees and other charges would be deposited in the Treasury. He would also make rules concerning hours of operation, general administration, management, allocation of parking spaces and criteria for assignment of parking spaces. He would also be authorized to lease parking facilities and contract with local, experienced parking operators for the operation of parking facilities.

With respect to the District of Columbia the Administrator would be authorized to commence immediate studies for construction of multilevel parking facilities under the Mall, the Ellipse, and any other federally owned locations he deemed proper to substantially relieve the off-street parking congestion in the downtown retail area of the city, with a view to establishment of approximately 2 to 3 thousand parking spaces at each federally owned location devoted primarily to the needs of the visiting public. If no federally owned property is available, he may lease suitable premises for construction of parking facilities. He may also take similar action in any locality in the United States where he determines he must resort to remedies similar to the ones in the Capital itself. This authority would permit him to relieve the employees of the Naval Air Systems Command Headquarters who are presently denied free parking under terms of their lease with GSA and denied the right to contract to pay for parking under zoning regulations governing the building in which they are employed.

Also created under the bill would be a "Federal Parking Facilities Advisory Board," composed of five members, acting under the chairmanship of the Administrator and consisting of the Commissioner of Public Buildings of General Services or his designee, a designee of the Department of the Interior, a designee of the National Park Service, a designee of the Department of Defense and a designee of the Administrator of Veterans' Affairs. For the District of Columbia, there would be created a "District of Columbia Federal Parking Facilities Advisory Council" consisting of 13 members, five designees from the Federal agencies listed above, one the designee of the Commissioner of the District of Columbia; two designees of the two largest Federal employee unions having members working in the District of Columbia; one a designee of the largest union of employees of the District of Columbia; two designees of the private enterprise parking industry of the District of Columbia and two designees of federations of citizens and civic associations in the District of Columbia.

Similar advisory groups are authorized in other localities which would enable the Administrator to create them in Northern Virginia and suburban Maryland to relieve the severe parking shortage near Federal installations there, as well as in other jurisdictions throughout the Nation.

Mr. Speaker, I believe this legislation is urgently needed, and I urge its speedy consideration and passage.

So that our colleagues may be made fully aware of the urgent need, I request permission to insert at this point the full text of a letter I recently received from Mr. Harold S. Trimmer, Jr., assistant administrator of General Services, which details the reasons the GSA is, under existing law, unable to relieve the severe parking problems faced by the employees of the Naval Air Systems Command Headquarters I referred to earlier.

The letter follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., May 24, 1971.

Hon. JOEL T. BROYHILL,
House of Representatives,
Washington, D.C.

DEAR MR. BROYHILL: Thank you for your letter of April 28, 1971, to Mr. John F. Galuardi, Regional Administrator, Region 3, General Services Administration (GSA), regarding parking at 5600 Columbia Pike, Arlington, Virginia.

The GSA leased approximately 91,500 square feet of space in this building effective June 30, 1966, for a ten-year period. No parking was included in the rental of $4.10 per square foot. The Lessor's offer to the Government specifically stated that the rental rate was to be exclusive of parking.

GSA, in accordance with decisions of the Comptroller General, took the position in 1966 that it was the responsibility of the individual Federal employee to provide his own transportation arrangements, and the Government was under no obligation to provide parking spaces for automobiles as appropriated funds are not available for that purpose.

Arrangements made by the employees located in the building were not uncommon or unusual. The use of Employee Association Groups for parking arrangements is practiced throughout the entire Metropolitan area.

The Lessor of the building, upon receipt of a "Cease and Desist" notice from Fairfax County regarding the fee parking, approached the General Accounting Office (GAO) regarding a reformation of the lease to include parking. The GSA is opposed to the proposed lease reformation based on the fact that the Real Estate Industry, including Weaver Brothers, agent for the owner, was fully aware of the Government's policy regarding employee parking as well as the fact that no requirement for employee parking has ever been requested by the Department of Defense (DOD).

The owner has appealed the decision of the Fairfax County Board of Zoning Appeals to the Fairfax County Court and trial is scheduled for the latter part of May. No decision will be made by the GAO until after completion of the trial.

We trust this answers any questions you may have in this regard.

Sincerely,

HAROLD S. TRIMMER, Jr.,
Assistant Administrator.

Enclosure.

ADDRESS OF HON. JOHN KYL BEFORE THE 50TH ANNUAL CONFERENCE OF STATE AND FEDERAL WATER OFFICIALS

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ASPINALL. Mr. Speaker, one of the most thoughtful as well as thought-generating Members of the House of Representatives is our colleague from Iowa, Mr. John Kyl. His dedicated work in the Committee on Interior and Insular Affairs, of which he is a member, is always constructive and challenging. He is a devoted and dedicated conservationist in the best meaning of the term and to the highest degree. His public remarks always demand attention by his colleagues as well as the public. Recently, it was his opportunity to give an address before the 50th Annual Conference of State and Federal Water Officials in Iowa. Because of our colleague's leadership in the field to which this talk addresses itself and, further, because of the intrinsic values found in the presentation, I make it available for those of our colleagues who are sincerely interested in such matters:

Speech by Representative John Kyl

A fellow once told me that he enjoyed his rocking chair because it gave him an illusion of motion without going anywhere. And when a man has achieved his goals and earned a rest, the philosophy is fine.

But we have a lot of that rocking chair philosophy in and around government. And that is bad. More than that, it is downright frustrating.

You people who have a dedication to progress can't be very satisfied with the Water Resources Planning Act because it has become a rocking chair and because you are trapped in it. I fear some of the illusion is still there.

What were we supposed to accomplish?

First, we set up a Council at the Cabinet level. That council had three major purposes: to oversee comprehensive River Basin planning; to administer a system of grants to finance planning capability; and to bring some sense and order to policies and procedures among the agencies.

Now all that sounds good. The purpose is noble and logical. The Cabinet members are all men of good faith, ambition, and desire. But we forget the nature of the brute which is the Federal structure.

What has happened? The Cabinet members are too busy to spend the kind of time required, so they delegate the responsibility to a varying group of individuals who are below policy establishment levels.

Each Department has its own jealously-guarded prerogatives and fields of influence. The problems discussed in conference are of varying difficulty. The easy ones find easy agreement. But the important ones are debated to death and, in the end, because somebody "has to give" but doesn't, the big problems remain unresolved. The standardization of policies and procedures is still a consummation devoutly to be wished. Voluminous reports give an illusion of motion. But the chair hasn't moved from the front porch of that Potomac puzzle palace.

One of the bigger bones of contention involves the cost-benefit ratio determination. The determination was made that interest rates should be computed on the basis of actual cost of borrowing by the Federal government. Immediately, the old "one to one" cost-benefit ratio dropped to about .6 to one. The group which the public and the press likes to call the pork barrel community had an easy answer—find more benefits to figure in on the "plus" side.

Here we have to take another look at the nature of the government. The government once decided, way back in 1962, that we should figure in the ratio determination "all benefits to whomsoever they may occur." Now, to me, that means *all* benefits. That was a Presidential dictum. But the Budget Office, which can be bigger than the President, said we would consider only primary benefits, which in simple terms means that we can count only net farm income increase in irrigation. All other benefits are considered regional, and not national, because they represent transfers, not increases.

So you have asked many times, why does the Office of Management and Budget have such power? There is no direct answer, and one—more significant, I think—which is indirect and hidden.

When you consider the Federal structure, and the structure of the Council with its several components, the Budget Office is the first common denominator, the first place where all elements come together. This is the clearing house. This puts the Budget Office in a dominant position.

However, the cost-benefit device is a handy one. With $30 billion worth of water resource projects pending, and with the pressure for limited outlays, the cost-benefit ratio becomes an escape mechanism. What I am saying is that if we were permitted to include all secondary benefits—every conceivable benefit in figuring the ratio—we probably would not progress much faster. The argument, I fear, is an academic one.

Nor does our problem result from a shortage in planning apparatus or capability. Several hundred government programs have created a heyday for planners. One thing we have plenty of is plans. But we have not "bit the bullet" in setting priorities on executing those plans. What we have today in water resource planning is a shopping list to which we constantly add, and from which we remove nothing. The twenty year advance program calls for an expenditure totaling more than we have been spending on all public works. We are at the point where we gain little from stockpiling more plans, and we ought to be honest and practical about it.

So what do we need?

I am convinced that we need reorganization of the Federal government to get meaningful resource management. I believe that reorganization must be drastic. I see no other way to remove the existing impediments that result from competition among the agencies. The system we have has grown like Topsy. It concentrates on programs rather than processes. It always promises more than can be delivered. The need for reorganization is here, and it is great. If you don't like the proposals which have been offered, come up with something better. But don't oppose just for the sake of opposition.

Item 2: We are not going to solve our problems without stirring controversy. Someone is going to object to your opinion and your decisions. If you can't stand the heat, get out of the kitchen.

Permit me to elucidate. I served on the Public Land Law Review Commission. We spent about two years listening to complaints and listing all the questions which had to be answered. There were serious problems which had existed for a long time. Some existed and grew because those who had the decision-making power always avoided answering the tough propositions. We realized that many of the more than three hundred recommendations finally made would stir controversy. We expected objections. We have not been disappointed. But at least we have the cards on the table.

Let's face facts! Right now, the biggest single problem we have in water resource management is the almost total crusade to save the environment. This is ironic. Every properly conceived water resource project is dedicated to environmental improvement. You people were involved in this environmental concern long before the average citizen of the nation got excited about the problem. What's wrong with telling somebody about it?

Every week now we get letters urging objection to letting the Corps of Engineers build one more dam. This is just as foolish as saying that every stream should be dammed. I suppose there are some who will damn me for saying that, but it is true. Somebody has to say it.

I used to hunt ducks on the Missouri River when it was a muddy mess—when a good farm flowed under the South Omaha Bridge every day. Now I occasionally join the navigation tour with the Corps on the same river—no, on a different river with the same name. The transformation is miraculous. I visit the oxbows which have been preserved as ecological units. I remember that river flooded from North Dakota to Kansas City, and I remember destruction wrought by those floods—destruction not only to man-made properties, but to the eroded land from which all wealth springs.

The Des Moines River flows through *this* city. A short distance down stream there is a new dam and lake. The lake itself has added something new and valuable to the environment. The peak count of ducks and geese on that lake last year showed almost a half million waterfowl.

Fishing is great downstream. The cities using the water from the river spend much less money on chemicals to treat that water. And they tell us the dam held two feet off the flood crest downstream in Missouri last year, making the difference between flood and no flood.

We have seen the miracles of soil conservation and watershed controls in this great state. We have measured the benefits in many ways, including the vastly increased supply of game animals and birds, as well as fish. And I have seen the transformation of desert to garden across the nation.

In every act we have to measure what we stand to gain, and what we stand to lose, and we have to be more discriminating than we have been sometimes in the past. But we have to be reasonable. Everything is not good as it exists in nature. Everything does not have to degenerate in the hands of man.

The point of view is important. The lady from New York, viewing the Grand Canyon for the first time in the afternoon sun, turned to the man standing next to her and sighed, "Isn't that the most beautiful thing you ever saw?" The man, who happened to be an Iowa farmer, responded, "It's beautiful, but it's also the worst piece of erosion I ever saw."

Now if we are wrong environmentally in these water resource projects, we had better get off the boat. But if we are convinced that the cost-benefit ratio environmentally is on our side, we had better start arguing the point.

There are places where water is still the master, not the servant, of mankind and the environment. There are still many, many places where that precious resource, water, is wasted when it could well serve mankind and nature alike.

We have a saying in the Interior Committee of the House, that "water is worth what you have to pay for it to get it." It is that important. It is also still true that we don't "miss the water until the well goes dry."

You people have accepted the responsibility of guaranteeing that the nation's well doesn't go dry. We have plenty of plans. But we haven't yet convinced the nation that this item deserves a higher priority. I am convinced that education is our biggest job. Let's get on with it!

CALIFORNIA'S TOP REPUBLICAN POLITICIANS UNDERMINE PRESIDENT NIXON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. WALDIE. Mr. Speaker, Governor Reagan of the State of California has been outspoken in his attacks on President Nixon and the President's effort to reform the welfare system by encouraging work incentives and having the Federal Government assume present costs that are a burden on the State taxpayer.

In addition, the Governor has opposed President Nixon in the latter's effort to assist the rural poor in California by providing them access to our courts through the services of the CRLA.

During these titanic political disputes between Governor Reagan and President Nixon, the voice of Lieutenant Governor Reinecke has been strangely silent.

It no longer is. In a recent article in the conservative publication, Human Events, Lieutenant Governor Reinecke, described as "Reagan's heir apparent", fully aligns himself on the side of Governor Reagan and in opposition to President Nixon.

The President must feel alone and chagrined that the top Republican politicians of his home State are constantly attacking and undermining him.

The question is being asked, why does Governor Reagan find it necessary to constantly oppose President Nixon on his major domestic programs? Can it be he is seeking to isolate the President from the conservative right wing of the party and thereby weaken him for the upcoming presidential election? Can it be that Governor Reagan's all-consuming political ambitions will result in a Democratic Party sweep in the presidential elections? We can hope so.

I enclose the Human Events article outlining Lieutenant Governor Reinecke's recent recruitment to the cause of weakening President Nixon.

REINECKE DEMOLISHES ARGUMENT FOR FAP

While the Administration and Chairman Mills continue to look toward FAP as the solution to the welfare crisis, Calif. Lt. Gov. Ed Reinecke—Reagan's heir apparent in the Golden State—came to Washington last week to provide his considered views on the subject before the National Federation of Independent Business.

The former congressman specifically singled out liberal court decisions. HEW regulations and federal control over welfare as the major reasons for the escalation in welfare costs. Far from endorsing the Nixon-Mills concept, Reinecke stressed that reform could best be established by returning powers over welfare to the states. Said Reinecke:

"In my years in Washington, I was very much aware of the tendency to raise the ante of every welfare-type program. That tendency is still continuing. . . .

It is too easy for organized pressure groups to secure continuing increases in programs which emanate from a single source: that is, from Washington. The best protection for true welfare reform is to see to it that the welfare needs of each state are set by the state legislature and not by the United States Congress. . . .

We are watching carefully the proposals which are coming out of the House Ways and Means Committee. We do not know all of the full details, but we are concerned by some of the things we hear.

According to newspaper accounts, the state of California would "save" $166 million under this proposal. However, the over-all federal program is estimated to cost another $5 billion per year within two years. Since California pays approximately 10 per cent of all federal taxes, it appears that a $166 million saving may cost California taxpayers 10 per cent of the $5-billion national increase—or save $166 million to spend $500 million.

News accounts also indicate that present eligibility of 15.8 million persons will increase to about 26 million—the naive must assume that these costs will be pulled back from other federal programs. My experience here in Washington does not indicate that we can realistically find reductions of this magnitude in other programs.

As all of you businessmen know, our society has had a traditional work ethic. I think you will agree that this work ethic has been a key element in this nation's development and prosperity. The fact that this country is the most highly developed industrial nation in the world suggests rather strongly to me that we didn't get to this point by looking for handouts from anyone.

The irony of this progress is now before us—it has been through this very development that we have been able to support the growth of welfare. We have taken more and more from those who work so that we could support more and more of those who do not or cannot.

We have created a system that not only fails to help people to help themselves, but has damaged their spirit and has removed the incentives to work. Why are so many people apparently willing to accept welfare rather than employment? . . .

Let me give you my theory. Over the years this nation has prospered and living standards have risen commensurate with our rapid growth. At the same time that men and women like yourselves have been building this nation, there has been a less productive element that has nonetheless asked that system support them.

These nonproductive individuals have exerted continuous and increasing pressure on the system in an effort to close the rapidly expanding gap between the working taxpayers' standard of living and their own.

As all levels of government yield to the increasing militancy of recipients and their pressure groups, the last vestiges of meaningful standards of eligibility and control of welfare expenditures are being destroyed.

This continued agitation of the so-called "Welfare Rights Organization" and other self-appointed lobbies for the poor have set as their present objective to achieve a $6,500-a-year minimum income for a family of four from public funds.

As a result of such agitation, the feeling is developing in certain areas of society that welfare is really a permanent form of national income redistribution. Even by their own propaganda, the welfare rights groups calmly expect at least 25 per cent of the population nationally to be supported by the government without working. Naturally, they don't say how long they expect such a situation to continue before national bankruptcy sets in.

Closely allied to the welfare rights lobby have been the problems created by the Legal Services Program. As a result of suits filed on behalf of their clients, these so-called "poverty lawyers" have struck down many of the reasonable restrictions and eligibility requirements.

The key case was the Supreme Court decision which said that duration of residency in a locality cannot be a welfare requirement—despite the clear intention of Congress to allow a residency requirement to be instituted. It is the height of folly for one agency of government to employ lawyers to attack the policies of another agency, or even of the state governments.

In the state of California alone, seven court cases already resolved will cost state, county and federal governments $112.2 million. There are four more cases still pending which, if decided adversely, will cost the three levels of government $732.8 million, for a total of $845 million.

In other words, this kind of activity against the welfare system will cost the taxpayers nearly a billion dollars alone.

I am deeply disturbed when I see proposals before the Congress which would not only legitimize such activity but would institutionalize it and insulate it from effective control. I am referring particularly to the proposal to set up the Legal Services Program as an independent corporation.

Creating the Public Service Corporation, financed by federal dollars, of course, gives to these legal services attorneys what they have sought since the beginning of the program; namely, a permanent home.

Legal services attorneys would no longer be responsible to the President, and the veto power which governors presently have over programs active in their state would be eliminated by all of the proposals currently being discussed in Washington.

Without Congress, the President or state governors to oversee the work of the Legal Services Corporation, the kind of activity we are presently witnessing in some areas, where taxpayers are in effect helping to finance their own destruction would become the rule of the day.

Just one example of how far the Legal Services Corporation would be protected from scrutiny: Even the one element which has been built into the Public Service Corporation proposals supposedly to protect the government—the audit by the Government Accounting Office (GAO)—will be subject to the so-called "attorney-client privilege" of non-disclosure of details even for normal auditing procedures.

Very few people fully understand the degree and extent to which the federal government is responsible for this [welfare] mess. There is little comprehension of the problems which federal regulations have caused us.

As you know, for a state to participate in the federal programs, it must adhere to the regulations handed down by the secretary of health, education and welfare. Over the years the interpretation of these regulations has become consistently more extreme.

To put it bluntly, the state of California and other states have had practically no control over the kind of program which they want to administer in their own states.

Under HEW regulations, the state either does it Washington's way or there will be no money to do it at all. The HEW position has been simply to force the states into ever-increasing caseloads and widening eligibility requirements. As a result, the state itself has no control over the level of state funds which must be poured into these programs. The single important factor in the threatened bankruptcy in many of our state treasuries has been the unreasonable regulations of HEW.

Reinecke, in brief, has proposed a concept entirely at odds with FAP. What is needed for true reform, he suggests, is for Congress to eradicate federal control over welfare, rein in the legal services program and, above all, return power—real power to the states. Is it too much to ask that the House—which will soon be voting on FAP—listen to these words of wisdom?

CADET GUY MICHAEL CHURCH

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. REID of New York. Mr. Speaker, among the 721 graduates at the U.S. Military Academy at West Point yesterday was one young man who was not present to graduate with his class. Cadet Guy Michael Church of Silver Spring, Md., a top student in his class and a member of the dean's list, died of acute leukemia Monday night at Walter Reed Army Hospital.

At a ceremony at the Pentagon yesterday, the Chief of Staff of the U.S. Army, Gen. William C. Westmoreland, presented Cadet Church's family with his diploma and the Fourney Award for Excellence in Tactics which he earned by ranking first in his class in military proficiency.

In addition, I was especially pleased that Lieutenant Church was also awarded the honor of a commission as a second lieutenant in the Signal Corps. He will be buried with full military honors at Arlington National Cemetery tomorrow.

Lieutenant Church was to have been married on Saturday to Miss Patricia Reznicek, daughter of Mr. and Mrs. Donald T. Reznicek of White Plains, N.Y. Miss Reznicek and her parents were at yesterday's Pentagon ceremony, and her composure and quiet dignity moved me deeply.

Mr. Speaker, I am bringing this tragic situation to the attention of the House not simply because Lieutenant Church was a cadet at West Point, but because I have been deeply stirred by the futility of Lieutenant Church's illness since I first learned of it a few days after he was stricken on May 30. Medical science knows no cure for leukemia; a promising young officer who was willing to fight and die for his country has died, because the best scientific minds in the world have not yet found a way to stop the disease that took his life.

Thousands die of leukemia every year, but to me Lieutenant Church's death has a special poignancy, because of his youth, the hope that his future held, and the wonderful spirit of his young fiance. Surely the richest Nation on the earth can spend more money on cancer research and on sophisticated treatment facilities to enable the Guy Churches of this country to live their lives fully, without risk of being stricken in their prime. If nothing else, I hope that Lieutenant Church's death will serve to spur our Government to the urgency of the medical needs of this country and to a commitment for their solution.

Very briefly, I wish to quote the words of Winston Churchill before the House of Commons, in a passage which I think very relevant:

> To die at the height of a man's career, the highest moment of his effort here in this world, universally honored and admired . . ., to be taken from us at a moment when he could already see ultimate success in view—this is not the most unenviable of fates.

Mrs. Reid and my entire office staff join in extending our deepest sympathy to Miss Reznicek and her parents and to Lieutenant Church's mother and father and his seven younger brothers and sisters.

APPROPRIATION INCREASE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHEUER. Mr. Speaker, the Senate approved this morning the fiscal year 1972 appropriations bill for the Office of Education. As passed by the Senate, the bill contains an appropriation of $50 million for title VII of the Elementary and Secondary Education Act, bilingual education, an increase of $23 million over the amount approved by the House.

I heartily applaud the Senate Appropriations Committee for this action. This increase in bilingual education funds is desperately needed.

The past allocation of funds under this program has been shockingly inequitable and must be corrected. California's 500,000 students in need of bilingual education programs have been receiving more than three times the funds—$7.7 million—allocated to New York State's 300,000 students—$2.4 million—with the same need. Despite repeated protests, the Office of Education has made only minimal attempts to rectify this imbalance. This increase in funds will allow more equitable distribution of program funds so that students all over the country whose primary language is not English will have an equal opportunity to participate in a bilingual education program

Furthermore, these additional funds can be used to increase the authorizations for already approved programs, and to begin new high-quality programs which have been turned down because of inadequate funding. Twenty-two projects were approved in fiscal year 1971, and a considerable number of these were funded at levels considerably less than the level requested. Had more funds been available, these 22 projects could have been fully funded. In addition, there were about 30 other proposals which could have been approved if additional funds had been available, and certainly new proposals can be received.

Bilingual education programs can and do operate all over the country, ranging from Spanish-English programs in California, Colorado, and New York, to French-English programs in New Hampshire, and Navajo-English programs in Utah.

Mr. Speaker, this appropriation increase is a commendable action. It is the result of an intensive bipartisan effort, in which the distinguished Senator from Illinois (Mr. PERCY) played an important part. Millions of children, whose educational attainment has been crippled by a lack of competence in English, may now have hope that their schools will become real places of learning.

I urge my colleagues on the House Appropriations Committee to accept the Senate's increase in funds for bilingual education.

DRUG CURE AND THE BLACKMAN'S DEVELOPMENT CENTER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. RARICK. Mr. Speaker, writing in his syndicated gossip column dated April 14, 1971, Jack Anderson questioned a $523,000 HEW grant to Blackman's Development Center under the provisions of the Manpower Development and Training Act. Anderson criticized the grant because of the anti-Semitism of the director and the revolutionary program of its "Volunteer Army of Liberation."

I wrote a letter to the Department of Health, Education, and Welfare on April 16, 1971, requesting an explanation of this grant in the light of these charges.

The reply, received over 30 days later from Secretary Elliot Richardson, is a classic example of evasiveness. The Secretary or whoever wrote the letter refused to deny specifically any of the charges leveled by Anderson. I insert Secretary Richardson's reply to my inquiry at this point:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 26, 1971.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: Please accept my apology for the delay in responding to your letter of April 16 concerning the recent funding of an occupational training project through the Blackman's Development Center of Washington, D.C.

As requested, we are enclosing a copy of the application for the grant.

This project is mentioned in a syndicated column by Mr. Jack Anderson, dated April 14. We wish to point out that this article is incorrect or misleading on several counts. The Division of Manpower Development and Training in the Office of Education, has awarded a contract in the amount of $197,847 to Blackman's Development Center under provisions of the Manpower Development and Training Act. This contract is awarded to provide a well-defined program of skills, training and basic education in five occupational areas for severely disadvantaged individuals. It is important to note that this is not a flat grant wherein the Center could exercise complete discretion in making expenditures, but a definitive contract for vocational training services tied to a carefully itemized training plan and a line item budget.

Payments are made monthly, rather than on a lump sum basis and only after the HEW Project Officer and Fiscal Office receive and review a line item accounting of the previous month's expenditures. The Department of Labor has made the sum of $325,800 available to the D.C. Manpower Administration for purposes of providing regular MDTA training allowances. This amount, calculated on the basis of 200 trainees, was established by the D.C. Manpower Administration which makes weekly allowance payments directly to eligible trainees, provided their attendance and performance records are satisfactory. Blackman's Development Center does not receive any portion of these training allowances. Hence the article's reference to "Hassan sees no inconsistency in accepting a $523,000 U.S. grant," the statement that the "U.S. . . . pays the half million bucks to the Blackman's Development Center," and the *Evening Bulletin's* headline "U.S. 'subsidizes' black army" are entirely incorrect.

The following considerations prompted the decision to conduct this training project through the Blackman's Development Center:

1. Fully 80 percent of all crime in the District of Columbia is estimated to be drug-related. In fact, many of our government, police, and community leaders now view drug addiction as the greatest threat to the stability of the city.

2. Blackman's Development Center was one of the early leaders in the fight against drug addiction, and has demonstrated a sense of resourcefulness and community concern by launching a methadone detoxification program with virtually no funds and no institutional support. This program, conducted under carefully supervised clinical conditions, accepts third party referrals from the District of Columbia courts and is open to all residents of the metropolitan area. The program has been widely acclaimed by local government officials and community leaders for its high degree of effectiveness and citizen participation.

3. The Narcotics Treatment Administration (NTA) of the District of Columbia has expressed its confidence in this organization by awarding a $169,000 grant to Blackman's Development Center to assist the Center in continuing its detoxification activities throughout the city. We believe it is worth noting that this grant was awarded at a time when the District government was actively closing down other methadone programs. The Blackman's Development Center reaches a portion of the population which will not or cannot respond to other rehabilitation programs, including centers operated by the NTA.

4. The experience of drug control programs graphically demonstrates that any drug "cure" in the absence of a marketable skill is only temporary. Yet we are unable to train the addict in our ongoing manpower programs. Blackman's Development Center is in a unique position to fill this void and yield significant new information by its comprehensive program of detoxification coupled with skills training, basic education, counseling, and placement.

We wish to re-emphasize the fact that the HEW contract is drawn with the Blackman's Development Center, Incorporated, under the laws of the District of Columbia. The column does note that, in addition to the HEW and NTA funds, Blackman's Center also receives monies from numerous area agencies, foundations, churches, unions (including the Alliance for Labor Action, AFL–CIO), business firms, and individuals. A number of Jewish persons contribute their professional and advisory services to the Center. However, the article's emphasis on the non-existent "Provisional Government of the United Moorish Republic," and its account of the "Volunteer Army of Liberation" to the virtual exclusion of other information are misleading and ill-considered at best, and serve only to obscure the specific purpose of the vocational training contract. It should be added that the D.C. Manpower Administration certifies the eligibility of each trainee before he or she enters training.

This training project is designed to serve approximately 200 individuals during the coming year. Its average cost per trainee ($2,618) and cost per trainee hour ($.97) compare quite favorably with other MDTA training programs in Washington and other urban centers. This Federal investment in manpower training, or "the taxpayers' $523,000 contribution" as the article chooses to describe it, will be repaid many times over in the form of tax revenues and savings in welfare payments.

In an effort to further ensure the fiscal integrity of this program, the Department of Health, Education, and Welfare, in cooperation with the Department of Justice and the District of Columbia government, is presently participating in an advisory administrative audit. This audit is designed to: (1) assess the financial capability of the organization; (2) guarantee that project accounts are established in such a manner that Federal funds can only be expended for the specified purpose of vocational training; and (3) ensure that trainees whose attendance and performance records are not satisfactory do not receive a training allowance from the D.C. Manpower Administration.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

In a column dated June 6, 1971, Victor Riesel levels the same charges against the grant to the Blackman's Development Center. In the light of the fact that Secretary Richardson failed to deny specifically any of the accusations leveled by Anderson on April 14, the charges made by Riesel take on added weight.

I feel that I speak for my people when I say that these reports and Secretary Richardson's absurd reply to my letter reveal the true horror of this "new American revolution." We are witnessing the rush of our country into bankruptcy through the wasting of tax dollars on revolutionary experimental programs managed by quacks, malcontents, and social misfits. This is being done under the guise of helping "black capitalism," or any other "bleeding heart" program said to aid the black community.

The dog has turned and threatens to bite the master, for "black nationalism" has become black separatism and suspect anti-Americanism.

I insert Victor Riesel's column at this point:

[From Baton Rouge (La.) Morning Advocate, June 6, 1971]

NOW HEAR THIS

(By Victor Riesel)

WASHINGTON—Exposure of buck-hunting in this town has become a passion dedicated to the restless poor of the ghettos, black and white. It's a soul-satisfying pursuit to hunt down and discover why little bureaucrats, virtually all of them hangovers from older times, are permitting direly needed government dollars to flow in huge bundles ranging from half a million to $15 million into the hands of con men who see a profit in misery.

The skill in this sport is to discover why the bureaucrats don't stop the buck before it gets into the hands of slick operators. As a very grim example, there is the $523,000 grant delivered by the Dept. of Health, Education and Welfare (HEW) in January to something which calls itself the Blackman's Development Center—run by a pseudonymed, self-styled colonel, Minister-General, guerilla chief, who has angered black leaders with advocacy of the dispatch of black people to Africa and of strident anti-Semitism.

Lest there be any doubt of the organizations and the cast of characters in this grim tale of money going to a chap who has distributed anti-Jewish leaflets and booklets, and who trains men in the use of guerrilla tactics and small arms, here they are in the order of their appearance:

HALNON DIRECTOR

The money was delivered by HEW's Manpower Development and Training Division. Its Program Director is Timothy Halnon.

Some mail addressed to Mr. Halnon is answered by Richard Hobson, chief of the Experimental and Utilization Section. When the Anti-Defamation League of B'nai B'rith protested the grant, Hobson's choice of words, as spokesman for the Manpower Division, included the decision that the grant would stand and that this did not imply any HEW endorsement "of other activities of the organization or members of its staff."

Yet the $523,000 went to the so-called Blackman's Development Center, whose Center One at 6406 Georgia Ave., N.W., is headed by one "Col. Hassan Jeru-Ahmed." He was born Albert Ray Osborne.

The "Colonel" says he is the center's chief. He is acknowledged as the center's chief. So it must be assumed he is the center's chief—and that he will direct the expenditure of the money allegedly for manpower training of the disadvantaged, including narcotics addicts, and for remedial reading. Not of his "literature" it is hoped. Some of that material, as recently as the end of April, has been stringently anti-Jewish.

MERCY ON THEM

As for the addicts who are to be salvaged, mercy on them. In the maze of operations which make up the Development Center there is "The Hole," used as a detention cell in which troublesome members or addicts can be imprisoned as a disciplinary measure.

The Colonel, or Minister-General, or Hassan Jeru-Ahmed or Osborne, who are all the same man, has several pursuits. He runs much of the center. He runs something called the "Blackman's Volunteer Army of Liberation." This is the center's operational arm, charges the Anti-Defamation League. The force also is tied to the man's Provisional Government of the United Moorish Republic. And he hopes to invade Africa to set up this still-mythical kingdom.

The force led by this 46-year-old "Black nationalist," is uniformed, carries guns and trains in Virginia.

Regularly this "Army" takes oaths of "unity" in the Development Center and pledges allegiance to the United Moorish Republic.

Some of his old anti-Jewish literature sounds like old Third Reich Kultur. It is very bad, indeed. So abrasive is it that recently the Anti-Defamation League Chairman Seymour Graubard said "while there is a dire need for rehabilitation programs, the propriety of HEW funding a program to be run under the auspices of the paramilitary group headed by a man steeped in bigotry must be seriously questioned."

NOTHING PERSONAL

Yet HEW's Experimental and Utilization Section doesn't seem to take any of this as a personal insult. For the moment let's put aside this seeming indifference to the mockery of progress inherent in the avowed bigotry over at the center.

Put aside, if you will, the four protests which have been dispatched—on the record—

by the Anti-Defamation League and the many protests lodged by troubled black leaders.

By what criteria does this experimental section of a bureau of a division of a section of a department hand half a million dollars over to the "Colonel" for manpower training and development? Training and development for what?

Why don't such administrators as HEW's Halnon and Hobson pass the protest by white and black leaders on to HEW's Secretary Elliot Richardson?

Who's responsible for this bureaucratic imperviousness? Who's responsible for this retreat from research?

This buck-passing goes on in many areas not only in the corroding welfare system. Yet these funds could do so much if they really reached the poor, the disadvantaged, the restless in this summer's tepid cities.

Who's watching the store? Or should I say the bank?

MAGIC MOUNTAIN, "FOCAL POINT OF PROSPERITY" IN NOTHERN LOS ANGELES COUNTY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. GOLDWATER. Mr. Speaker, the fastest growing industry in America today is the recreation industry. It is especially noteworthy when such an industry makes a sizable commitment to the future of the community in which it develops.

Northern Los Angeles County is growing rapidly, but at the same time, local officials, business leaders, and residents are insuring that the natural beauty of the area will be preserved. The rolling hills dominated by large oak trees will be enjoyed by the generations to come.

An example of a new environment-conscious business venture is Magic Mountain, a $20 million amusement and family recreation center. The new recreation area opened on May 29 and I wish to present the following story from one of the local papers regarding Magic Mountain:

MAGIC MOUNTAIN, "FOCAL POINT OF PROSPERITY" IN NORTHERN LOS ANGELES COUNTY

On May 29th, Magic Mountain, the $20 million amusement and family recreation center 36 miles northwest of the Los Angeles Civic Center opened to the public. "It is a focal point of prosperity for all of northern Los Angeles County," says Eugene R. "Doc" Lemmon, the park's general manager.

Located on a 200-acre site near the master-planned community of Valencia, Magic Mountain will draw from a market area of more than 13 million people within a 150 mile radius, including 8 million within 50 miles. Some 1.6 million guests are expected to file through the turnstiles the first year.

"The interaction between Magic Mountain and the surrounding communities will be tremendous," Lemmon says. "Besides providing more than 1,000 jobs in the park itself, Magic Mountain will be a boon to motels, hotels, restaurants, gas stations and just about every other commercial enterprise. In fact, our economists tell us that for every dollar spent in the park itself, eight to ten dollars will be spent with local businesses. This means a gross income of $10 million, which we expect to reach the first year, will generate $80 million to $100 million in additional income for the surrounding area.

Magic Mountain is a joint venture between subsidiaries of Sea World, Inc., operator of a popular marine life-oriented amusement and entertainment center in San Diego, and the Newhall Land & Farming Co., developers of the new planned community of Valencia. The park features a variety of "white knuckler" thrill rides, three live-music dance pavilions, a talent showcase amphitheatre, shops, restaurants, and a host of other major attractions. In addition to all this, there has been a careful, deliberate effort to preserve the natural environment, as well as providing an economic boost to the area.

Valencia is also the home of the California Institute of the Arts; the College of the Canyons, a junior college in the Santa Clarita Valley junior college district; and the $4.6 million Newhall/Saugus/Valencia County Administrative Center, which will house essential county services for the entire Santa Clarita Valley.

BOY SCOUTS LEAD ENVIRONMENTAL CLEANUP IN WASHINGTON COUNTY, MD.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BYRON. Mr. Speaker, last week in Washington County, Md., the Boy Scouts sponsored an environmental cleanup campaign. The Scouts, joined by Army reservists, clubs, and individuals, pitched in to collect trash and haul it away from 89 pickup sites in Washington County. David W. Harp was the leader of the campaign.

The participants picked up 21 junked autos, cleared 307 miles of roadway and streams and 170 acres of empty lots and parkland. Loaded dump trucks made 193 trips to the county landfill. The Hagerstown Boys' Club and several Girl Scout troops collected trash in downtown Hagerstown.

The program is part of the 2-year duration Save Our American Resources program. The Scouts will continue to work on a survey of the Antietam Creek in Washington County. The Scouts will seek to find the sources of pollution and help in solving the pollution problems.

The many groups helping in Saturday's drive included: The 107th Army Reserve Maintenance Company, Boy Scouts, Girl Scouts, the Boys' Club, the Ornithological Society of Washington County, First Christian Church of Hagerstown, Chewsville Lions Club, Chewsville EUB Church, Downsville Christian Church, 4–H Clubs in Maugansville and Brownsville, Leitersburg Fire Company, and Washington County Civil Defense Rescue Service. I would like to commend all of these groups for taking an active part in cleaning up the local environment.

THE EQUAL RIGHTS AMENDMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mrs. ABZUG. Mr. Speaker, during the hearings before the House Judiciary Committee concerning the Women's Equality Act and the Equal Rights Amendment on March 31, Myra Wolfgang of Detroit argued that these measures would increase rather than eliminate the exploitation of working women. She cited the case of the Hostess Baking Co. as a clear example of increased exploitation of working women by employers if not restrained by protective laws. She accused the company of eliminating their three shifts after the Michigan Attorney General nullified the State's hour law, and instituting a two-shift day which increased the hours that women were forced to work to 12 to 14 hours a day.

I have received a request from the National Organization of Women to enter a letter in the RECORD from the Hostess Baking Co. that calls Mrs. Wolfgang's testimony into question. Myra Wolfgang, like several other opponents of the Equal Rights Amendment, objects to the amendment on the grounds that it will abolish State protective laws. She argues that without these laws working women will be exploited by being forced to work longer hours.

But the issue of protective laws is fast becoming a red herring. The Civil Rights Act already authorizes the Equal Employment Opportunity Commission to require private employers to treat men and women equally—with any protective laws applied uniformly to workers of both sexes.

But in any case most of these protective laws are a fraud and a sham—they protect the haves from the have nots—they are used to keep women out of higher paying jobs and away from opportunities for advancement and promotion. In fact, as the letter points out, the women at Hostess who worked longer hours volunteered to do so. Let us face it—some women want, and are capable of handling jobs that require longer hours. They should not be kept from these jobs because of their sex.

The Equal Rights Amendment is designed to open opportunities for women that have been closed to them because of arbitrary distinctions imposed on the basis of sex. The following letter from the Hostess Baking Co. shows again that protective laws often protect no one and that women are benefited, not exploited, by their removal.

ITT CONTINENTAL BAKING COMPANY, INC.
Rye, N.Y., May 3, 1971.

HON. DON EDWARDS
Chairman, Subcommittee No. 4, House Committee on Judiciary, Washington, D.C.

DEAR CONGRESSMAN: We have just learned of the testimony given before the House Judiciary Committee March 31 by Myra K. Wolfgang of Detroit. This was part of the proceedings involving H.R. 916—the Women's

Equality Act, and H.J. 35, 208, 231—Equal Rights Amendment.

Mrs. Wolfgang stated: ". . . the Hostess Baking Company in Detroit (a subsidiary of the I.T.T.-Continental) eliminated their 3 shifts and instituted a 2-shift day, after our Attorney-General nullified the hours law. This meant that women were scheduled to work from 12 to 14 hours per day. I'm talking about *September* 1970, not the turn of the Century!! There were no men working in the bake rooms of this plant, so the increase in work hours wasn't a question of equal application of the law. It was solely a question of an employer taking advantage of an Attorney-General's ruling. This is another example of increased exploitation. I could give many more."

In order to correct these charges, ITT Continental Baking Company respectfully requests that this letter be made a part of the Committee's record.

Employees of the Hostess Cake bakery in Detroit are covered by a union contract with Bakers and Confectioners Local 326. Production workers are guaranteed a minimum of 7½ hours per day and 40 hours per week. The standard work week is 5 days. Use of part time workers to help in rush periods is not permitted by the union. There is extra hourly pay between 6 p.m. and 6 a.m., and on Sundays. All employees are paid time and a half for all hours worked over 8 hours per day and 40 hours per week. Obviously, it is to the company's advantage to keep overtime to a minimum.

Prior to June 14, 1970, the bakery ran two "lines" of workers on a three-shift basis. On June 14, a third line was put into operation. This was at a time when, because of hot weather and school vacations, snack cake consumption was low. Instead of laying people off, the plant was placed on a two-shift three-line basis, and the extra workers were used to man the third line. Included were the female workers in the wrapper and wrapper set-up departments.

As often happens when new machinery is installed, there were frequent breakdowns in the operation of the new line which resulted in a certain amount of overtime. An analysis of the six week period beginning June 14 showed that, of the 73 female employees, 22 averaged less than 40 hours per week, 21 averaged 40 to 45 hours per week, 28 averaged 45 to 55 hours per week, and 2 averaged more than 55 hours per week.

It should be pointed out that the women who worked the longer hours did so on a voluntary basis. No employee was terminated or in any way disciplined for deciding not to work longer hours. This was hardly sweat shop labor. A woman or man packer who elected to work 14 hours a day received more than $300 in a week. As the breakdown situation was brought under control, and overtime was minimized, employee morale became a factor. People who had received large salary checks did not like to see them shrink. In the case of many workers, overtime pay was most welcome.

In other words, a temporary situation resulted in considerable voluntary overtime work. The only ones who benefited were the workers themselves. Once the situation was corrected, and the three lines returned to normal, so did working hours. Shifts currently work a maximum of 9 hours.

The charge that the bakery sought to take advantage of the ruling by the Michigan Attorney-General is completely without foundation. This is shown by the fact that the new line did not begin operation until six months after the ruling was made. Also, the statement that "there were no men working in the bake rooms of this plant" is not true. An average of 34% of the production force is female and 66% is male.

May I express my sincere thanks and that of ITT Continental Baking Company for any help you may give us in incorporating these facts in the record.

Very truly yours,
GORDON A. THOMAS,
Vice President and General Counsel.

GENERAL ACCOUNTING OFFICE 50 YEARS OLD

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. HORTON. Mr. Speaker, today is of special significance to the Congress. On this day, 50 years ago, the President approved the Budget and Accounting Act of 1921 which created the General Accounting Office and the Office of the Comptroller General of the United States in the legislative branch of the Government. The General Accounting Office was placed under the direction of the Comptroller General and made independent of the executive departments and agencies.

Some of us have had closer dealings with the General Accounting Office than others; but we all know what the Office is and what it does. Nevertheless I think it appropriate on this occasion to refresh our memories.

The basic function of the General Accounting Office is to assist the Congress in carrying out its oversight responsibilities by examining into the manner in which nearly all Government departments and agencies, using public funds, discharge their financial, legal, and management responsibilities; by reporting its findings on matters in need of attention by the Congress or the departments and agencies; and by recommending ways in which the departments and agencies can carry out their programs and operations more effectively, efficiently, and economically.

The responsibility and authority of the Office for this work includes a broad latitude in the selection of the activities or programs to be examined and in the determination of the scope of work to be performed. In exercising this latitude the Office is guided by such things as the importance or significance of the activities or programs, the magnitude of their funding, and the expressed or implied congressional interest in specific activities or programs.

The Office also makes surveys, reviews, and audits at specific request of committees and Members of the Congress for information to guide them in their deliberations.

The operations of the Federal Government, measured by any criteria, have grown immensely in the past 50 years. In recognition of this growth we have expanded both the responsibility and the authority of the General Accounting Office since its establishment in 1921. The Government Corporation Control Act of 1945, the Accounting and Auditing Act of 1950, and, of course, the recently enacted Legislative Reorganization Act of 1970 are but a few of the vehicles of that expansion.

The General Accounting Office has responded to its expanding responsibility and authority by increasing and upgrading the professional staff and by adding to the staff presonnel possessing special and pertinent technical skills and educational backgrounds. Its present staff of about 2,900 includes accountants, auditors, lawyers, and a growing number of specialists in other related fields. These fields include business administration, industrial management, engineering, statistics, economics, system analysis, automatic data processing, mathematics and public administration.

These diversified technical skills of the professional staff are particularly important in the light of the provisions of the Legislative Reorganization Act of 1970. That act requires the Comptroller General to review and analyze the results of Government programs and activities, including the making of cost-benefit studies, and requires the Comptroller General to assist committees in analyzing cost-benefit studies furnished by departments and agencies and in conducting cost-benefit studies of programs under their jurisdiction.

The operations of the General Accounting Office are geared, geographically, to the operations of Government departments and agencies and are therefore conducted on a worldwide basis. The Office operates where the action, is. In addition to its Washington staff and staffs at 15 regional offices and 29 suboffices in the continental United States, it maintains five offices overseas. These offices are located in Frankfurt, Honolulu, Manila, New Delhi, and Saigon.

At this time, I believe special mention should be made of the outstanding work done by Mr. Elmer B. Staats, Comptroller General of the United States. As a Commissioner with the Government Procurement Commission, I have worked closely with Mr. Staats, and as a member of the Government Operations Committee I have heard Mr. Staats testify many times.

I believe I know firsthand about the quality of his leadership and the direction he has given to the activities of GAO. He has taken the initiative in seeing that the Office is always striving to do better.

We are fortunate indeed in having available to us a service organization of the caliber of the General Accounting Office to furnish us expert, independent, and professional appraisals of the manner in which Government departments and agencies are discharging their responsibilities in the management of the program we authorize and in the use of the funds we appropriate. The Office not only anticipates our needs for such information but stands ready to respond quickly to our requests for any specific information we may need in our deliberations on the authorization and funding of new programs and the continuation of existing programs.

Therefore I am sure that the Members

of this House join me, in marking as a special event, the 50th anniversary of the establishment of the General Accounting Office.

THE 50TH ANNIVERSARY OF THE U.S. GENERAL ACCOUNTING OFFICE

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ANDREWS of Alabama. Mr. Speaker, the U.S. General Accounting Office this week marks completion of 50 years of service to the Congress and the Nation. This unique and well-respected member of the legislative family is now headed by the Honorable Elmer B. Staats as the fifth Comptroller General.

Creation of the General Accounting Office in 1921 provided, for the first time, an independent, nonpolitical, and reliable instrumentality to aid the Congress in exercising its constitutional control over the public purse. For over 130 years before that, responsibility for carrying on the Nation's financial affairs remained in the executive branch. Direct congressional or committee intervention was the only independent means available for assessing how well legislatively authorized programs were accomplished and appropriations were expended.

Events during the General Accounting Office's 50 years of life, however, have had an even greater impact on the responsibilities and needs of the Congress, and consequently, on the manner in which the General Accounting Office has responded to those needs. The complexity, scope, diversity, and especially, the urgency of those responsibilities and needs have increased rapidly since World War II and are continuing to accelerate at an ever-increasing pace.

The size, variety, novelty, and continuing character of Federal undertakings have vastly increased. The tremendous growth of social, technological, ecological, political, economic, and geopolitical awareness and proliferations of related programs has imposed an enormous burden on the Congress. The purse-string control concerns of the Congress have, necessarily, moved more and more toward consideration of the allocation of scarce resources among alternative courses of action and of accomplishment of results relative to resources applied.

The concomitant demands for resources, competition, and often bitter advocacies have made information on which to base decisions the critical need of the legislative process. Yet the scope, complexity, and novelty of the programs, together with the incipiency of many of them, inhibit and delay such information.

The General Accounting Office, in response to these concerns, has long since abandoned its traditional role of watchdog of the Treasury under which it audited transactions for propriety and ruled on the legality of expenditures. In the last 25 years the Office has undergone a metamorphosis. While based in some part on new statutory directions, this has been effectuated mainly by expansion and modernization within the General Accounting Office under the able leadership of the Comptrollers General.

New and improved concepts and methods that retain the virtues of the old while providing more significant and useful information have been produced by evolution. Within little more than a single generation the character of the staff has been changed from predominantly nonprofessional technicians to one that is highly professionalized and versatile. About 2,900, or over 60 percent, of the total number of employees are fully qualified professionals. They include members skilled in such specialized disciplines as systems analysis, economics, statistics, actuarial science, engineering, and automation.

These changes have taken the form mainly of concentrating, in audits and reviews, on the effectiveness of agency activities in terms of accomplishments and on the economy and efficiency of management in attaining those results. The values of this approach have been evident in both the extent and types of direct assistance provided the Congress and in the General Accounting Office's performance of its general statutory audit and review functions.

Comptroller General Staats also has been able to give renewed impetus to the development of improved accounting systems and overall financial management in the executive agencies. This should contribute materially to the need for assurances regarding the agencies' stewardship of their resources through disclosure of complete, reliable, and timely financial information.

The Congress reliance upon the General Accounting Office for direct assistance has increased apace with the growth and expansion of its own responsibilities and, particularly, its urgency of need for information. We are asking the General Accounting Office, more and more frequently, for expert help in legal matters such as drafting or reviewing and analyzing proposed legislation; in providing experienced men to augment committee staffs; and in making special audits, reviews, studies, investigations, and surveys. The latter types of help, though required by law only for the committees with revenues, expenditures, and appropriations, are extended to all committees and to Members if staff is available. About one-fifth of the General Accounting Office's total professional staff is thus engaged.

The General Accounting Office also frequently provides expert testimony at committee hearings; keeps a close ear to the congressional ground through a small but highly qualified liaison staff directly under the Comptroller General; and provides special types of skills such as in automation, systems analysis, and actuarial science.

The General Accounting Office performs the main body of its audits and reviews on its own initiative under its general statutory responsibilities. Such audits and reviews are generally more comprehensive than the selected areas covered in response to specific congressional requests. They provide a helpful additional source of information since the areas covered are chosen on the basis of the programs and issues of greatest importance and concern to the Congress. Moreover, they serve to continually build and renew the Office's broad body of expertise that is so valuable a resource in the form of direct assistance.

It has been my privilege over recent years to chair the subcommittee of the House Committee on Appropriations which considers the annual budget requests of the General Accounting Office. I have been able to observe at close hand the results of the Office's work and the high caliber, integrity, and dedication of its staff under the distinguished leadership of Comptroller General Staats.

I think it is most appropriate that the House take this occasion to express its deep appreciation to this very hardworking agency for its half century of outstanding service.

CLIFFORD'S 30-DAY HOAX

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ASHBROOK. Mr. Speaker, on June 9, the Washington Post quoted the former Secretary of Defense Clark M. Clifford as saying that he had "reason to believe" that the Vietnamese Communists would release all American prisoners of war within 30 days of an agreement to withdraw all U.S. military personnel from Indochina by December 31.

Mr. Clifford, as a former Secretary of Defense, should certainly have been aware of the true facts concerning Vietnamese Communists' treatment of prisoners of war. On July 20, 1954, during the Geneva Conference, the Vietminh Communists signed a treaty on the cessation of hostilities with the French Government. Article 21 of that treaty reads in part as follows:

> All prisoners of War and civilian internees of Vietnam, French and other nationalities captured since the beginning of hostilities in Viet-nam during military operations or in any other circumstances of war and in any part of the territory of Viet-nam shall be liberated within a period of thirty (30) days after the date when the cease fire becomes effective in each theatre.

Eight years later on November 17, 1962 the North Vietnamese government announced over radio Hanoi that:

> After a rather long period of negotiations between the DRV (Democratic Republic of Vietnam) Government and the Government of the Republic of France on the repatriation of French soldiers who had surrendered, on 25 October the representation of the Republic of France sent a message to the DRV Ministry of Foreign Affairs stating that it had been authorized to work out a plan for transporting commencing November 1962, French soldiers who had surrendered and who had applied for repatriation. The message proposed that our government approve the French transportation plan.

In its 30 October 1962 message, the DRV of Foreign Affairs replied that it approved the transportation plan drafted by the French representation and asked that the French Government take the necessary steps so that the repatriation can be carried out on schedule.

Apparently, Mr. Clifford would like us to make the same bad deal that the French made 17 years ago. If we have learned nothing else in our years of dealing with the Communists, we should at least understand that they can not be trusted to keep their signed agreements.

ADDRESS BY THE HONORABLE PETER W. RODINO, JR., TO THE AMERICAN COMMITTEE ON ITALIAN MIGRATION ON TUESDAY, JUNE 8, 1971

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. RYAN. Mr. Speaker, the American Committee on Italian Migration held a symposium on June 6, 7, and 8 in the Statler Hilton in Washington, D.C. to consider various problems which have arisen in the immigration field.

At the luncheon on June 8, the Honorable Peter W. Rodino, chairman of the House Immigration Subcommittee, delivered the main address. His address was sincere, inspiring, and well received by delegates of the American Committee on Italian Migration from all areas of the United States.

Congressman Rodino, our highly respected and distinguished colleague from New Jersey, is the dean of Italo-American Congressmen and he has enjoyed a very successful working relationship with ACIM and its executive director, Reverend Joseph A. Cogo, for many years.

I find Congressman Rodino's remarks on the problems facing Irish and Italian immigrants extremely noteworthy, and I should like to place in the Record at this time the full text of his address:

REMARKS OF HONORABLE PETER W. RODINO, JR., CHAIRMAN, SUBCOMMITTEE ON IMMIGRATION AND NATIONALITY, ACIM WASHINGTON SYMPOSIUM, TUESDAY, JUNE 8, 1971

Friends—it is indeed my pleasure to be with you—all followers and admirers of Columbus, the first immigrant to our great land—and with your permission, that's all I'll say about Columbus—today—except—except—I feel that I should remind you that this year for the first time in history Columbus Day is a national holiday. We can all be justly proud.

As I appear before you I feel as if I'm speaking to my constituents—for over the years we have had a very close liaison and I have been privileged to join with you in bringing about the enactment of legislation to remove those inequities in our immigration and nationality laws which have plagued immigration from Italy.

I heartily commend Father Cogo and all members of the American Committee for Italian Migration for perserverance in promoting the reunification of families and for demanding a fair and equitable immigration policy. Yours was a magnificent achievement when in 1965 the national origins system was repealed. Now, as it was then, your expertise and dedication are necessary in bringing about changes in existing law. Members of Congress cannot do the job alone—only your persistent encouragement and support will ensure the success of remedial legislation. I rely on the American Committee for Italian Migration.

I feel a sense of camaraderie with you and there is an implicit understanding between us that we can always speak freely and directly about the issues affecting immigration.

Of course, it is always pleasurable to hear nice things said about Americans of Italian origin, but such words you *can* hear anytime and any place.

You are here today to think about immigration particularly, immigration as it affects the elimination of the backlog in the fifth preference for brothers and sisters, visas for beneficiaries of sixth preference petitions (workers in short supply), a new preference system and other provisions of pending bills which would serve to reunite families—some of whom have been separated for many years because of an immigration system created during an isolationist period.

Truly, we have all labored long and arduously in bringing about the 1965 amendments to the Immigration and Nationality Act which repealed the repugnant national origins concept as a system for the selection of immigrants. We can today take pride in our accomplishment in bringing about a fair and equitable immigration policy but, notwithstanding our immigration policy, there are certain problem areas which call for remedial legislation. Before we can build, as we must build, on our immigration policy to establish a worldwide ceiling, with preferences for the Western Hemisphere and adequate provisions for refugees and victims of natural tragedies, we must put our existing law in good order. In so doing, we must continue to move further ahead and not retrogress to any semblance of a national origins system. We must continue our efforts to see that all families are properly reunited and at the same time provide an opportunity for newcomers to come to America.

The 1965 amendments to the Immigration and Nationality Act were designed to give Italy and other countries of Southern Europe an opportunity to compete on a fair and equal basis for immigrant visas. However, when that new system became fully effective on July 1, 1968, the backlog on visas for brothers and sisters was not eliminated as the drafters of the original legislation had intended and after several years of experience with the new law, the backlog is still not current, although some minor improvements have been noted.

I have introduced several bills containing provision to grant special immigrant status to beneficiaries of fifth preference petitions.

Meanwhile, there has been much ado in the Irish community concerning the decline in immigration from Ireland. Inasmuch as Ireland had a large quota and did not use all the visa numbers available to them, the Irish found when the 1965 amendments became fully effective, that they could not compete for visa numbers since they had not established any priority dates. Immigration from Ireland fell to a mere trickle. This, too, was not intended by the supporters of the 1965 amendments.

Consequently, on June 1, 1971, I introduced a limited immigration bill, H.R. 8814, with two objectives: (1) to grant nonquota status to all beneficiaries of fifth preference petitions which were filed prior to July 1, 1968; and (2) to establish a floor on immigration, thus guaranteeing that each country will be able to contribute immigrants. Four members of my Subcommittee joined with me in co-sponsoring this legislation.

This combination bill affords you an opportunity to join with the Irish organizations in establishing a unified front of support so that we in the Congress will hear from a vast segment of Americans who want to see the remaining inequities in our law corrected.

It presents an opportunity to coordinate your efforts with those other groups who share your goal of an equitable immigration policy, who demand revision in our law now, and, by all means, tell your Members of Congress we are united and must have action now.

I believe that it is patently important that we solve these major outstanding inequities stemming from the 1965 amendments before we can attempt to solve any other problems existing in the immigration field.

One of my bills, which I feel is worthy of bringing to your attention at this time, is H.R. 1535. This legislation would exempt any alien over 50 years of age who has been living in the United States for at least 20 years when applying for naturalization, from the requirement of taking the naturalization examination in the English language. This bill, which passed the House on April 19, 1971, will certainly ease the way for many older folks who just do not apply for naturalization because they feel that they are not sufficiently fluent in English to pass the test.

However, despite the fact that this bill passed the House in the last Congress, the Senate failed to take any action. I think the time has come for you, Father Cogo, and A.C.I.M., to bring pressure on the Members of the Senate to approve this legislation which I know will bring comfort to many families.

Another more comprehensive bill which I introduced, H.R. 1532, sets forth a worldwide ceiling on a new system of preferences and is now under consideration by my Subcommittee. I know that the officers of the American Committee for Italian Migration are concerned that there is no preference provision for married brothers and sisters of United States citizens. I weighed this issue very carefully before introducing this legislation, legislation which I consider to be a vehicle to carry necessary amendments into the law, but certainly subject to suggestion and change. I am wed to only one principle, a fair, equitable immigration policy. I am willing to listen to any suggestion and to study any amendments that will carry out that objective. So, I say to you, send me your ideas, send your constructive criticism, and join with me in preparing legislation that will serve the best interests of our country, both on the domestic scene and on the international scene.

The Subcommittee on Immigration and Nationality has held several hearings on general immigration issues and further hearings will be held. We have been looking into the matter of aliens illegally in the United States—a situation that adversely affects employment—adversely affects labor conditions—and in many instances results in the alien being treated as an indentured servant subject to substandard wages, and afraid of deportation. As the hearings develop, we realize more and more that if the entry of illegal aliens into the labor market could be curtailed, the chances for prospective immigrants to get a labor certification and visa will certainly be enhanced.

The hundreds of thousands of aliens in the United States working illegally not only depress the labor market and deprive Americans of jobs, but they create a negative feeling toward immigrants and unfortunately this attitude fosters an opposition to any immigration legislation.

As I stated recently in New York, I view my Subcommittee as a catalyst through which immigration policy is channelled.

A seat on this Subcommittee is a challenging, oft-times frustrating, but always a rewarding experience, because we deal with many interests and pressures that must be blended together to withstand the test of fairness and both guide and be responsive to the voice of the American people. We impress upon ourselves in our daily work that we are dealing with human beings—their present, their future, and the future of their children.

I am committed to the belief that immigration brings a new vitality to any nation and infuses new ideas and fortifies old ideals.

I have no fear of a liberal immigration policy, but at the same time, I realize—and this we must all bear in mind—that the legislative climate is exceedingly responsive to the economy of this nation. Any legislation which may tend to disrupt the employment picture or cause any American to feel that his job would be jeopardized, would be hardpressed for support. Responsively, we must exercise caution and only recommend legislation which is predicated on a widespread foundation of avid interest and unified support.

Rising unemployment and retrenchment from world involvement has created a climate in the United States which is less than conducive to the liberalization of immigration Legislation. But this should be our challenge—to accelerate our drive and to improve upon our immigration policy.

The last two decades have produced a maturing America—an America which has a greater understanding and appreciation of her heritage—of her many peoples. This has resulted in a new concept of the melting pot. This concept does not mean that people are mixed together and in the final analysis become one—identical in temperament and design. Instead, it means that this country represents a cumulation of shared but separate experience and backgrounds. I myself like to view this mingling of our people as the assimilation of many separate threads creating a beautiful and unified tapestry.

This country has passed through that stage when accent or traditions were frowned upon. For now any name ending in "o" or "i" or any other suffix is as much a part of America as the Smith's, the Brown's, or the Joneses and it would hardly be American without those names ending in "o" and "i". Likewise, it is obvious that pizza pie has become as traditional a symbol of our American way of life as mom's good old-fashioned apple pie.

In fact, it has become apparent that the distinct and indentifiable characteristics of nationalities are contributions to be preserved and shared, not sacrificed.

Truly, we are one people with a single dedication and desire to serve the best interest of the United States. One people with a strength derived from many peoples. And with this strength we can afford the luxury of freedom to worship as we desire, freedom of opinion, freedom to agree or disagree with our national leaders and freedom to come and go as we please. Yes, this is quite a contrast to the totalitarian state with only one party, and those states which have never learned how to assimilate different ethnic groups.

We gather together today as Americans proud of our Italian heritage. And we can be truly proud as our sons and daughters go forward to become a most integral part of the American scene.

COSMETICS SAFETY—ARTICLE FROM THE WALL STREET JOURNAL

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mrs. SULLIVAN. Mr. Speaker, most people are under the impression that cosmetics are exclusively or primarily items used by women to make themselves look more beautiful. The American Heritage Dictionary of the English Language defines "cosmetic" as "a preparation, such as face powder or skin cream, designed to beautify the body by direct application," tracing it to a French adjective meaning "of adornment." Under law, however, the term "cosmetic" includes a vast array of products sold on the American market which are used by all citizens—men, women and children—such as toothpastes, toothpicks, shampoos, deodorants, and also many products aimed exclusively at the male market, such as shaving lotions.

The Food, Drug, and Cosmetic Act in section 201(i) defines the term "cosmetic" to mean:

> (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

The soap exemption was a deliberate price paid in 1938 by sponsors of the bill in prevailing upon the soap manufacturers, the biggest advertisers of the time, not to oppose the legislation.

Except for a very few cosmetic products which have characteristics of drugs, such as antiperspirants or certain medicated preparations sold for special purposes, none of these products must be proved safe before it can be placed on the market, nor does it have to list on the label any of the ingredients of the preparation.

AN INTOLERABLE ABUSE OF THE AMERICAN CONSUMER

For the last 33 years, the cosmetic industry had enjoyed a unique distinction in this respect under the Food, Drug, and Cosmetic Act of 1938. During those 33 years, every new drug has had to pass laboratory tests to prove its safety for the purposes intended before it could be placed on the commercial market. The drug clearance law was vastly expanded and tightened in 1962, after which new drugs had to prove they were not only safe but also effective—efficacious—before they could be placed on sale.

All ingredients used in food products have been subject to premarket clearance since the passage of the Food Additives Act of 1958. The cosmetic industry is not required to prove anything about a product before marketing it. Another industry enjoying a similar immunity is the medical and therapeutic device industry. It is only after injuries have occurred to individuals using cosmetics or therapeutic devices that the Food and Drug Administration is likely to learn about the existence of an unsafe cosmetic or therapeutic device and then, before acting against it, must be able to prove it is dangerous in order to take it off the market.

This is an intolerable abuse of the American consumer, but efforts to end it have been shockingly unsuccessful. Since 1954, I have been introducing bills to require the pretesting of all cosmetics for safety, and to require listing on the label of all ingredients—so that individuals who are allergic to a generally safe cosmetic ingredient can avoid purchasing and using products which they know from past experience will cause them harm.

SCOPE OF H.R. 1235

In 1961, I incorporated my bill for safe cosmetics into an omnibus measure, H.R. 1235, to rewrite the Food, Drug, and Cosmetic Act of 1938 and close a multitude of other loopholes in that statute which we have long known was terribly inadequate in many important respects, even at the time of its passage. Events since 1938 have turned up new loopholes. H.R. 1235 has now grown to a 124-page bill, and includes cosmetics, therapeutic devices, labeling of food, drugs, and cosmetics including cautionary labeling against hazardous products in these fields, certification—batch-by-batch testing—of all antibiotics, certification of certain other drugs where such batch-by-batch testing is necessary to assure stable results, limiting the distribution of sample drugs, eliminating a special interest exemption from the law for common carriers, repealing the special exemption from the law for soap products, strengthening the procedures for establishing food standards, prohibiting the use of carcinogenic color additives in animal feeds, safeguarding the health of children by banning sweetened or flavored aspirin—the leading cause of accidental poisoning of children under 5—authorizing a system of coding of prescription drugs for emergency first aid situations, establishing a U.S. Drug Compendium, and requiring inspection of fish for wholesomeness. The bill would also expand the coverage of the "Delaney Clause" in the Food Additives Act and Color Additives Act to apply not only to carcinogenic additives but also to those which can cause genetic damage or birth defects. I may have left some things out of the bill which should be included, but I think the measure deals with most of the major problem areas in our main consumer protection statute.

In the 10 years since this bill and its predecessors have been pending in Congress, there has been a total of only one week of hearings on it—in 1962—when Congress passed only those provisions of my 1961 omnibus bill which dealt with the safety and efficacy of drugs.

The cosmetics section, as I said, has been pending since 1954.

ARTICLE BY RON SHAFER IN WALL STREET JOURNAL

Today, Mr. Speaker, the Wall Street Journal has printed an excellent article by Ronald G. Shafer of the Washington Bureau, on cosmetics safety. The industry has recently offered to make available to the Food and Drug Administration, on a strictly confidential basis, lists of ingredients of many of its products. This will undoubtedly save the FDA a lot of laboratory time and expense in breaking down and analyzing products on which it has received complaints from the public, but it will do nothing to enable the customer to know whether a product is safe, or does not contain ingredients to which the individual is allergic.

Under unanimous consent, Mr. Speaker, I include this article as part of my remarks. Mr. Shafer undoubtedly is going to cause an increase in my daily heavy mail volume as a result of this article—one of his articles last year on women's complaints about pantyhose certainly had that effect—but I think the complaints it will stimulate about cosmetics will be of far more significance and importance. My hope is that instead of, or in addition to, writing to me, people who have experienced injuries from cosmetics will write to their own Members of Congress and thus help bring about more congressional attention to this very serious consumer problem.

The Wall Street Journal article by Ronald G. Shafer referred to is as follows:

[From the Wall Street Journal, June 10, 1971]

Beauty Firms' Offer To Disclose Formulas to the FDA Is Both Praised and Assailed

(By Ronald G. Shafer)

WASHINGTON.—Last year a California housewife bought a combination shampoo and hair lightener and tried to blend some blond streaks into her brown hair. Now she needs a wig.

"To my horror, my hair fell out in large masses," and the remaining hair "turned three different colors, ranging from red-gold to white," she complained to the White House Consumer Affairs Office. "I am almost bald."

The housewife blamed the damage on an ingredient in the shampoo, made by a leading cosmetics concern and still on the market today. But neither she nor a dermatologist she consulted could be sure because there isn't any way of knowing the contents of the shampoo. For in an age when most Americans take government inspection of food and drugs for granted, the cosmetics industry remains free to sell its products without proving their safety or disclosing their ingredients.

The Food and Drug Administration, which can prevent new drugs from reaching the market if it isn't satisfied they are safe, has much less regulatory power over cosmetics. It lacks authority to pretest them before they are marketed or to demand a list of their contents. If tests by the FDA find a product unsafe after it has been marketed, the agency requests the company to withdraw it; and the company usually agrees. If the concern refuses, however, the agency must go to court, a time-consuming procedure.

GIVING AWAY TRADE SECRETS?

The FDA and other government officials have long sought tougher laws from Congress and more voluntary cooperation from the industry. But proposed laws have repeatedly failed; the industry has always argued that disclosing ingredients would give away trade secrets. But two months ago, spurred by the growing consumer movement, the industry offered a concession.

Members of the Cosmetic, Toiletry and Fragrance Association, the industry trade group, offered to register ingredients with the FDA provided that the agency holds this information in confidence. If the agency found an ingredient unsafe, it would then know which products contain the ingredient and could quickly contact the producers. Members of the association make about 85% of all cosmetics, and the FDA terms the offer "a step in the right direction." Others, however, argue that it doesn't go nearly far enough.

The debate has broad implications because cosmetics are a $6-billion-a-year business. Consumers expend $3 billion annually for everyday items like deodorants and toothpaste. About the same amount goes for beauty aids—makeups, hair sprays, perfumes and colognes—aimed at women and, increasingly, at men.

Cosmetics have been used since Cleopatra's time, and even critics agree that most are safe today. Still, the FDA estimates cosmetics are involved in 60,000 injuries a year, including 20,000 connected with perfumes and toilet water alone. These range from eye damage blamed on ingredients of some makeups and hair preparations to peeling fingernails attributed to the formaldehyde included in some nail hardeners.

Beauty aids alone—including eye shadows, hair sprays, nail hardeners and lotions—rank second among consumer-product injury claims made to U.S. insurance companies, according to a three-month survey conducted in 1969 by the National Commission on Product Safety. "Injuries include skin eruptions, loss of hair, severe allergic reactions, burns, itching and lacerations," the commission reported. (Slightly less than half the reported claims were paid.)

ARE CLAIMS EXAGGERATED?

The association contends that the FDA estimate of injuries is exaggerated. The group adds that reports from its members indicate that consumer complaints are few in relation to the millions of sales annually—about 2.7 complaints per million units of dental products sold—up to 13 million sales of face cream.

Numbers aside, consumer advocates argue that a public listing of product ingredients would at least protect a minority of users from allergic or adverse reactions. Many perfumes, for example, contain a light-sensitive fragrance called oil of bergamot. If some women wear these perfumes in sunlight, their faces break out in pigmented spots. Other reactions reported in letters to government officials, include "puffy lips" from lipstick and "itching eyes" from shaving soap.

The FDA currently conducts only limited testing of cosmetics, mainly to check the 250 or so complaints it receives annually. From these tests, the agency knows the general ingredients in most products. Lipstick, for example, is mostly castor oil, beeswax, perfume and coloring. The problem is "we know what we've found but we don't know what we've missed," one FDA man says.

Even if the FDA identifies a harmful ingredient in one product, the agency hasn't any quick way of determining how many other products also include it. Last year the FDA became concerned about the use of mercury preservatives in cosmetics. It was able to identify the specific brand items containing mercury only through product-by-product tests; in one FDA women scientists brought in 50 cosmetics from their homes. The FDA tentatively concluded that mercury isn't a widespread hazard but recommended that it be phased out of most cosmetics because skin absorption of mercury over a long period of time is believed harmful.

Last December the FDA also got two major bubble-bath makers to replace a detergent ingredient that was blamed for causing severe urinary-tract infections in children. But it is taking the government months just to obtain formulations from more than 100 other bubble-bath makers to find out if their products contain the same ingredient.

EASING THE POLICING PROBLEM

Such policing problems could be eased by the ingredient-disclosure proposal of the Cosmetic, Toiletry and Fragrance Association. In addition, association members are considering sharing their complaint letters with the FDA to give the agency a broader base for its testing being negotiated, and how much the industry is willing to divulge isn't clear. The FDA plans to submit the industry's final proposal for public comment within the next few weeks.

But just whispering some trade secrets to the FDA won't satisfy critics like Rep. Leonor Sullivan, the Missouri Democrat who argues that cosmetics should be proved safe before they are sold. Until such legislation is passed, "the American consumer is the test guinea pig for every product on the cosmetics shelf," she declares. Every year since 1954 Rep. Sullivan has introduced bills to require FDA preclearance of cosmetics. They haven't gone far partly because, in her view, some male law-makers have been needlessly alarmed that they would be voting "to make women less beautiful."

Virginia Knauer, President Nixon's consumer adviser, praises the industry effort, but she too, has reservations about product safety and labeling practices. "I find it difficult to understand why commonly occurring ingredients aren't listed on cosmetics labels to facilitate the purchasing decisions of consumers, a fraction of whom may be sensitive to a particular ingredient," Mrs. Knauer says. She is prodding the FDA to use for the first time its authority under the Truth in Labeling law to require disclosure of common ingredients in nonfood items.

ARGUMENT AGAINST LABELING

However, Amelia Bassin, a former senior vice president of Faberge Inc. and current head of her own consulting concern, argues that labeling isn't the answer. "Most consumers couldn't care less what's in that lipstick or face cream or deodorant spray," she contends. She thinks the "beauty biz" could reassure consumers—and take some of the steam out of demands for tougher government regulation at the same time—through a self-regulated safety program. "Why shouldn't every consumer feel the cosmetic she buys is okay—just like the prime beef, the UL-approved appliance and the G-rated movie?" she asks.

Regardless of the outcome of the current debate, FDA scientists caution, consumers shouldn't expect a dramatic safety breakthrough. Currently, too little is known about the effects of many cosmetic ingredients. The FDA, for example, only recently began studies on the safety of hexachlorophene, an antiseptic used in all sorts of soaps and cosmetic products for years, and on possible hazards from inhaling sprays from the ubiquitous aerosol container.

NEBRASKA RURAL ELECTRIC YOUTH ESSAY

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. McCOLLISTER. Mr. Speaker, it is a pleasure to share with my colleagues the essay written by Donna A. Chramosta, a sophomore at Gibbon High School in Gibbon, Nebr.

Donna's essay, "Development of Rural Electrification in My Area," was selected as the winning essay by the Dawson Public Power District of Lexington, Nebr., in cooperation with the Nebraska Rural Electric Association.

Mr. and Mrs. James F. Chramosta of Gibbon can certainly be proud of their daughter Donna. The essay follows:

Development of Rural Electrification in My Area

Even though rural electrification is only about thirty-six years old, it has progressed at a great rate. From the kerosene lamp to the one-bulb house to the modern appliances, came a great step for past, present, and future generations.

The land on which my home stands is in its third generation. On this homestead lived my grandfather, father, and now myself. With these different generations came different power sources which played big parts in our lives. The biggest and most important is electricity.

The farm of my grandfather was a secluded place, with town being ten miles away and transportation mainly horse and buggy or wagon. In the first house, seeing at night was possible by kerosene, then gas lamps, Heat was received through burning cobs, wood, and coal. Both house and farm work was done by hand or animal, the hard way.

In 1932, the second house was built by my grandfather and great-uncles, in which my father grew up. This home was considered modern since it contained a Delco light plant which produced thirty-two volts of electricity. Then, electricity on a farm was a rare item. The Delco plant was run by a motor and sixteen batteries. Those batteries were big, square, glass containers. From this energy came power for a cream separator, house lights, an iron and radio. There were few 32-volt appliances to lighten the housewife's work, but the light given was very much appreciated. Anyone knowing the manual power needed to run a cream separator realizes the thankfulness felt by those having this daily chore.

Around 1949, REA set lines in this immediate area and nearly all farms hooked on. My home changed over in 1952 to REA which offered many advantages over the previous source. With 110-volt power, more appliances and equipment were available for use in the home and around the farm, making work easier and more efficient.

Now in 1971, electricity plays an ever increasing part in my life. Electricity cools, freezes, and cooks food in a way that was impossible for my grandparents. Electricity makes communications, education, entertainment and the ease of living possible. Television and radio has an important place in our lives, keeping us informed. Electricity provides heat and comfort all year round and lights for late night homework sessions. Electricity is used constantly outside also, offering the comfort of lights for chores after dark and the life saving heat for baby farm animals. It provides dairy and cattle feeders with efficient, time saving operations. Electricity makes possible plenty of water for home, farm and irrigation uses. It provides time saving tools and welding for machinery repair.

Electricity has developed so greatly in my rural home that all of its uses could not be named. Significantly, without electricity, our lives would be very handicapped. But what of the future? With new inventions as electrical tractors, micro-wave ovens and who-knows-what-else, the development of rural electrification will continue on into the future.

A PUBLIC VOTE OF CONFIDENCE ON THE ALASKA PIPELINE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BEGICH. Mr. Speaker, over a period of time, the proposal for the trans-Alaska pipeline has generated a great deal of discussion. One of the most open and frank discussions of the entire question took place recently on the network of National Educational Television on its popular show, "The Advocates."

This program, which has become well-known for its exploration of complicated and controversial public issues, uses a format which is a combination of a courtroom trial and a formal debate. The programs are informative, honest, and undertaken in the highest sense of public service.

At the conclusion of each program, on such issues as abortion, capital punishment, foreign policy, the system of justice, or the pipeline, the decision on the issue is left to the jury of viewers. Votes are sent in by mail, and the results are announced a few weeks later.

"The Advocates" program featuring trans-Alaska pipeline was shown on May 11, 1971. The question for the debate was: Should the Alaska pipeline be built as presently proposed? The State of Alaska took the affirmative side, and a coalition of environmentalists took the negative side. Each group was represented by some of the most able and well-known spokesmen for their particular viewpoint.

For the State of Alaska, the man acting as the advocate, or chief counsel, was Mr. John Havelock, Alaska's attorney general. As his witnesses, he called Alyeska Pipeline Co. president, E. L. Patton; U.S. Senator TED STEVENS, of Alaska; and Mr. Ed. Fortier, Alaska outdoorsman and magazine editor.

For the negative position, Mr. Howard Miller, who is "The Advocate's" regular professional advocate, served as chief counsel. His witnesses were the Honorable LES ASPIN, the able Representative from Wisconsin, and Mr. David Brower, president of the international environmental organization, Friends of the Earth.

The final voting on the question was announced last night and I believe it should be of great interest to all those interested in this issue. The result of the vote follows:

Total votes cast	12,308
In favor of construction of the pipeline as proposed (65.6 percent)	8,075
Against construction of pipeline as proposed (34.1 percent)	4,201
Other (0.3 percent)	32
Alaska votes cast	1,894
In favor of construction of the pipeline as proposed (85 percent)	1,627
Against construction of the pipeline as proposed (15 percent)	267

According to the producers of "The Advocates," an unusual feature of the vote on this question was that it was so widespread. It was, according to them, one of the few programs they have produced which brought votes from every one of the 50 States. I congratulate "The Advocates" on a presentation of quality and imagination.

JOBS FOR VETERANS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. DERWINSKI. Mr. Speaker, proper concern has been evident over the effectiveness of existing programs to provide employment for Vietnam war veterans as they return to civilian life.

Many of our colleagues are concerned and interested in the development of legislation, if needed. The administration, working primarily through the VA, is augmenting programs to provide employment in civilian life to returning veterans.

Radio station WBBM, Chicago, editorialized on the need for jobs for veterans in a broadcast on June 5. Recognizing the eloquence and effectiveness of the commentary, I am inserting it in the RECORD:

JOBS FOR VETERANS

An estimated 35,000 veterans of the Vietnam War are expected back in Chicago this year. They face a scarcity of jobs which will make readjustment to civilian life more difficult. Many veterans are jobless these days, and a large number of them live in the poor section of this city.

Federal, state, and city programs have been geared to try and help the veteran. We agree with the President when he says that the returning veteran deserves "an edge."

The fact of the matter is that no other war in modern times has produced so many veterans with so little actual job experience or education. The unpopularity of Vietnam is no reason why the country should not have a sense of duty to the returning GI. Previous generations have had this special feeling and so should the current generation.

Despite some adverse economic conditions, the Vietnam veteran should not be deprived of every opportunity to find a useful place in society. Everything possible should be done to help the veteran readjust to civilian life. Employment must be found for him, and efforts should be expanded to train or educate the man coming back from Vietnam.

No matter what our feelings may be about Vietnam, there should be a national unanimity toward helping veterans find a useful place in our society. If that means spending public funds, let's do it. We've done it before and this time should be no exception.

THE CASE FOR PRISON REFORM

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. DELLUMS. Mr. Speaker, I am inserting into the RECORD the text of several letters and statements outlining common points of grievance raised by inmates in Federal prisons. Because it is incumbent on Congress to look into the critical question of prison reform, I believe the insights offered here will prove valuable reading for my colleagues.

Many officials of the Federal prison bureaucracy refuse to recognize that substandard conditions of prison life are responsible for the troubled unrest that characterizes prisons today. Inmates are human beings first, and today they are seeking dignity and a new lease on life with a determination not seen in years past. A new and powerful phenomena has reached into prison walls and touched the men there. Overwhelmingly black, brown, or poor, they are experiencing an awakening and new sense of identity. Prison officials have not understood this phenomena, and have felt threatened. Yet it presents an exciting new opportunity for returning men whole to our society.

As in many of our institutions today, it is time for the old guard to fall away, lest they subvert a uniquely opportune moment to dramatically affect human lives. Congress needs to lead the way in such critical areas of prison reform as work-release programs, halfway houses, study-release programs, prison industry and wages, mail censorship, press access to the inmates, furloughs, and parole board hearings and structures. I believe the matter is urgent and deserves action from the 92d Congress.

Included in the papers is a transcript of remarks made by Judge Alfonso J. Zirpoli of the U.S. District Court, Northern District of California. Those of us interested in prison reform, in doing away with the inhumane conditions that many men and women inevitably suffer in America's penal institutions, are from time to time gratified by the expressions of understanding and sympathy that come from the judges that relate to these inmates. Judge Zirpoli recently allowed for such gratification in a case involving conditions in a California prison near my district.

Last, I am submitting an excellent statement prepared by a young man from Brookline, Mass., David Goldberg, who has served time in three Federal penitentiaries. His commentaries are comprehensive and provide valuable insights into the world of an incarcerated man.

The papers follow:

INSIDE OUT PRISONER
SUPPORT GROUP,
Portland, Oreg., March 11, 1971.

DEAR CONGRESSMAN DELLUMS: The purpose of this letter is to inform you of the conditions at McNeil Island Federal Penitentiary, Steilacoom, Washington, over the last few months; to give you some account of the recent work strike by almost 100% of the prison's population and the results of that strike to date. McNeil Island Federal Penitentiary is one of the four maximum security federal prisons, also on the island there is a minimum security camp. The average population of the maximum security prison is about 1000 men, the population of the camp is about 200. There is no prisoner contact between the two. McNeil Island is the only maximum security prison west of the Rocky Mountains. This strike is the first strike at McNeil in its 96 year history. Well over half of the 1200 men are from the state of California.

In order to understand the present situation I believe it is necessary to discuss some of the actions by the prisoners over the last few months. In November of 1970, a few inmates began working on a class action suit after the death of another inmate, William Carter. Carter was stabbed to death by an inmate, who was just released from the mental patient ward of the prison hospital, even though he had threatened to commit murder. These prisoners felt that the prison officials were not following the law because the warden, by law, is responsible for the safety of all prisoners. By talking with other prisoners they were able to document numerous incidents which showed the prison officials' callous attitude toward the prisoners. By December, the six prisoners had completed the Complaint and Petition and were ready to file it in the U.S. Court for the Western District of Washington. A Portland, Oregon, attorney was not allowed to take the signed Petition to the Courthouse. The Prison officials claimed it had to be mailed out of the prison. 13 days later the Complaint and Petition had not reached the Tacoma Courthouse only *ten* (10) miles away. Finally on January 5, 1971, the Petition was filed in the Tacoma District Court. The other prisoners at McNeil Island heard about the class action suit either by word of mouth or in the news. The prisoners became excited and concerned about the suit.

It was from this excitement and concern that the tensions grew during the months of January and February. The Prisoners discussed what they should do to help the Petition. The guards became nervous and worried about all the political activity on the part of the prisoners. Some of this I could sense during my visits in January and February.

On Monday February 22, 1971, the prisoners refused to work in the prison industries, the dining room, the kitchen and the laundry. The prison was brought to a halt (An interesting note here is that the Warden, J. J. Parker, claimed that only 500 men refused to work on the first day, while the prisoners claim that over 90% did not work). The prisoners formed a Strike Committee that was prepared to negotiate with the warden. They had a list of modest demands relating to prison life. The main demand of the prisoners was that they should be allowed to speak for themselves to the press and to the public. Also the demands concerned censorship of the mail, improved rehabilitational programs, better medical care, improved parole program, a wage increase (the average wage is 22c an hour) and conjugal visits. These are not all of the demands, but you can readily see their scope.

The Strike Committee instead of negotiating with the warden was thrown into segregation, while the rest of the prisoners were locked into their cells for 24 hours a day. The men were given only cold sandwiches to eat during the entire strike. To be honest after this point I know only generally what happened. I know that there are many men in the 'hole'; that three or four men were forced into a one man cell. I know that men were thrown into the 'hole' without being given a disciplinary hearing as is required by regulation. I know that on Wednesday February 24, the guards tried to intimidate the prisoners by carrying axe-handles. And I know that the prisoners did not initiate any violence. But I really do *not* know everything that happened during the eleven days of the strike. Only the prisoners inside know what happened. Only they will be able to tell the whole story as it happened. But the warden will not allow this.

The strike ended for most prisoners on Thursday March 4, 1971, but for some the strike did not end. Some men were still deadlocked in their cells. Some were still locked in the hole. And now the prisoners fear further reprisals. There are rumors that as many as 200 prisoners will be sent to other prisons. There is fear about possible indictments, about loss of good time, about being thrown in the hole, about losing the chance of parole. There are these fears because the prisoners see the warden and other prison officials as being able to do as they please with the prisoners' lives.

I have the names of several prisoners who are willing to speak out to the press or to you. Yes, these men are desperate for they are trying to survive, they are fighting for life.

Thank you,

BOB WOLLHEIM.

Re trouble at McNeil Island.
Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.
Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.
Hon. THOMAS S. FOLEY,
House of Representatives,
Washington, D.C.

GENTLEMEN: My name is Lloyd A. Herman. I am a resident of Liberty Lake, Washington in the County of Spokane. I have resided here all of my life except for the three years I practiced law in Seattle, Washington between 1966 and 1969. I am presently an Attorney at Law. I was admitted to the Bar in September, 1966 and have practiced in both Seattle and Spokane, Washington since that time. I am now thirty-one years of age and a partner in my own law firm located in the Spokane Valley near Opportunity, Washington. I hold a degree from the University of Washington in political science and a *Juris Doctoris* degree from Gonzaga University. I have never taken part in any demonstration for or against the government of the United States. I don't have long hair nor could I be classified in any way as a political activist. I classify myself as a hard working, tax-paying, conscientious citizen of the State of Washington and of the United States of America.

I have given you the above personality sketch because I don't want what I say in this letter to be taken lightly or as the words of some hippy revolutionary.

In May, 1971, the Washington State Bar News published an article entitled "There's Trouble at McNeil Island." It consisted of an interview of two lawyers who had been working closely with the problems of the inmates at McNeil Island. One of the persons mentioned in the interview, Charles Armsbury, who is an inmate at McNeil Island, is a very good friend of mine. He is one of the six prisoners who filed suit in the United States District Court in Tacoma charging the prison officials with violating certain prisoners rights. He is also one of the forty-five prisoners placed in solitary confinement or in what the warden calls segregated cells. To this day neither the warden nor any of his officials have told the prisoners why they are being confined nor has any misconduct on their part been outlined to them by the prison officials. To be confined in the "hole" is a disciplinary action. The bureau of prisons has put out a policy statement entitled "Inmate Discipline." Within this document certain rules and procedures are set out for the purpose of handling disciplinary problems within the prison. Under Section III Policy, Subsection A. Essential Principles, Subsection 5, the inmate discipline policy document sets out the following language: "The determination of disciplinary measure against any inmate is the responsibility of the adjustment committee." In regard to Mr. Armsbury and the others still in the "hole", there has been no hearing by the adjustment committee, the committee has never made a determination of any misconduct on Mr. Armsbury's part, and he has been in segregated status since March 2, 1971 without knowing why he is there.

Under Subsection 3 of said document, the following policy is outlined: "Disciplinary action shall not be capricious nor in the nature of retaliation or revenge." It is obvious that because of the ideas of Mr. Armsbury and the observation of the facts that are contained in the class action complaint called the Genocide Complaint, that he is being confined to punitive segregation. In the Genocide Complaint action filed by him and others in the District Court he warned that the administrators would or might seek revenge against him.

Mr. Armsbury has attempted to act though the system. He has attempted to bring our attention and the attention of other public officials to the problems that exist within McNeil Island. He has done this in a legal way. He has done it by bringing an action in the District Court. He hasn't done it through violence or insurrection, but has done it through the process of the courts in a way in which we, as members of the Bar, wish that all such complaints were brought to our attention and the attention of our representative officials.

The American Bar Association selected as our topic for our May Day discussions to the students in the local high schools the following message: "Channel Change Through Law and Reason." Here we have a man who has sought to channel change through law and reason and in return for his efforts he has been thrown in solitary confinement.

Under Article V, Subsection 6. Inmate Discipline, the document sets out the following policy: "Disciplinary action shall be taken as soon after the occurrence of misconduct or as circumstances permit." Not only has the prison administration failed to follow its own policy, but they have sought to discourage orderly, reasonable and nonviolent attempts to change the system under which the prisoners at McNeil Island live. This brutal and dehumanizing attempt to quiet legal prisoner protest is just one of the many reasonable complaints the prisoners have. The restriction as to who can visit the prisoners at the jail is unreasonable and the harassment the visitors must undergo in order to visit inmates is outrageous and should be stopped. The continual pilfering of the mails and the failure of correspondence to reach the prisoners or the prisoners correspondence to reach the outside is absolutely uncalled for and inhuman. As a matter of fact, I would be willing to bet substantial amounts that a copy of this letter will never reach Mr. Armsbury. I have personally received the discourteous harassment on attempts to visit Mr. Armsbury at McNeil Island.

When Mr. Armsbury was sentenced for having in his possession a sawed-off shotgun which was not registered, he was at that time a candidate for a doctorate degree at the University of Oregon. He is, I suppose, what you call a political prisoner. He is very intelligent and as a result, a threat to the administration at McNeil Island. I personally believe that the actions of the warden are excessive and completely unresponsive to the needs of the prisoners. I personally believe that there are serious problems with the prison and the way it is being administered and I believe that unless we, as citizens of this country, respond to the legal requests made by the prisoners that we will force them to resort to violence. All of the actions on the part of the prison administration to handle the strike and the suit by Mr. Armsbury and the other prisoners have been designed to provoke physical violence. So far, the prison population has not resorted to violence but I feel it is just a matter of time.

I am asking that you, as my elected representatives, take the necessary steps, to insure a change in the administration of McNeil Island and to investigate the complaints I have made within. I think that a congressional investigation of the poorly administered system at McNeil Island would not only benefit the prisoners at McNeil Island but the public at large.

I am making this request after due consideration and after discussion with the family and friends of some of the inmates at McNeil Island and after my own personal experiences with the prison administration.

I will be expecting a prompt reply to my request and hope that you will see fit to take action.

Very truly yours,

LLOYD A. HERMAN.

MAY 7, 1971.

HON. DELLUMS.

SIR: For the past few years I have been doing time in the Federal Prison System. All my work reports have been above average but this seems all to no advantage. So far I have done 20 years in prison. During the last 15 months I have been doing electrical work and have become a good working electrician.

Hon. Dellums, I have been told for the last seven months that I could be released if I had a job and a place to go. Right now I have 3 telegrams telling this parole board of six different jobs and three places to live. These telegrams were sent to Mr. Murch, U.S. Board of Paroles. I was told by my case manager Mr. Volkmur and by Mr. Clough while I was at the prison farm that I was going up to see the board, I did not go up.

Just what does a person have to do to prove that he has changed? My work record has been above average for the last 20 years, I have been in punitive status only a few times and have been trying to deal with things despite the deceptions of the prison officials. My friends in Seattle are doing what they can, all I am asking is the chance to prove I can make it.

I now have a future waiting for me, a job, friends and home to go to. These simple things are so important and valuable to one who for too long has been without them. Please, take this letter as a request for help, help me gain those simple good things, that without, a man cannot call himself a man. Help me to get my freedom, isn't 20 years enough?

Sincerely,

J. C. M.

IN THE U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, BEFORE HON. ALFONSO J. ZIRPOLI, JUDGE

Thursday, March 11, 1971

The COURT. All right, gentlemen. This matter is on for hearing on motions for summary judgment and preliminary injunction?

Mr. BERG. Yes, Your Honor.

The COURT. The motion for summary judgment relates to the mailing priviliges?

Mr. BERG. Yes, Your Honor.

The COURT. And to telephone privileges. Is that all?

Mr. BERG. Yes, Your Honor. But we have agreed before this hearing, Your Honor, that both counsel for the plaintiffs and defendants are willing to submit this case for final judgment on the basis of the record that the Court has right now.

The COURT. For everything?

Mr. BERG. Yes.

Mr. FENNONE. Yes, that's true, Your Honor.

The COURT. You gentlemen know that I spent three and a half hours at Santa Rita yesterday morning?

Mr. FENNONE. Yes.

Mr. BOOTY. Yes, Your Honor.

Mr. BERG. I didn't know that.

The COURT. Well, you have a pretty deplorable condition and situation there. I don't know what the answer is, necessarily. I will say that the Sheriff in this case, with commendable candor, has conceded that many of the conditions existing at Santa Rita are bad. In fact, in May of this year he stated that Santa Rita was obsolete when it was acquired by the County in 1947. He apparently has limited funds, limited personnel, and he may be doing the best that he can to run a facility that is outstandingly bad.

He has made some improvements and plans have been submitted for further improvements, but the fact remains that no amount of money expended for the improvements, no administrative changes, will reach the root of the evil, Greystone itself.

As I indicated, I spent three and a half hours there yesterday going over the facilities at Santa Rita, and most of the time was centered on Greystone; and I have come to the inescapable conclusion that Greystone should be razed to the ground. Confinement in cells at Greystone, under the almost unbelievable conditions which prevail there, offends elemental concepts of decency and is of such shocking and debasing character as to constitute cruel and unusual punishment for man or beast.

Even more shocking is the fact that in East Greystone, and subject to cruel and unusual punishment, are persons who are awaiting trial, who have yet to be found guilty, and who are presumed under the law to be innocent of wrongdoing. The Constitution prohibits the treatment of pretrial detainees in such fashion. In fact, the Constitution prohibits such treatment even as to those guilty of heinous felonies.

It may well be that those confined at Greystone present serious security risks, as they undoubtedly do, because they are unable to make bail, and it's generally those cases wherein the bail is high that the greatest security risk exists. Yet men confined in San Quentin, and those who were confined in Alcatraz, with which this Court had many years of experience, present and presented security risks equally as great. Yet San Quentin is, and Alcatraz was, by comparison to Greystone a paradise. Regardless of the security risks as to detainees at Greystone, the Constitution decrees that they shall not be subject to cruel and unusual punishment.

Now, this condition cannot be corrected by the respondent, Sheriff Madigan. It must be corrected by the people of Alameda County. And I should like to know what the County proposes to do. And I am talking about what the County proposes to do immediately, so as not to subject those persons who are awaiting trial to confinement in Santa Rita.

I think I ought to quote from Holt v. Sarver—you can just do a little transposing yourself here later—and here's the answer to the problem.

"Let there be no mistake in the matter—" And I am talking about the Arkansas situation.

"—the obligation of the respondents to eliminate existing unconstitutionalities does not depend upon what the legislature may do—"

And here this might very well be the Board of Supervisors.

"—or upon what the Governor may do, or indeed upon what respondent may actually be able to accomplish. If Arkansas is going to operate a penitentiary system—"

If Alameda County is going to operate a County jail system . . .

"—it is going to have to be a system that is countenanced by the Constitution of the United States."

That's the heart of it. My disposition would be to continue further hearing in this matter for a period of 30 days, to ascertain what appropriate corrective measures the county will take and to report back to the Court. And the appropriate measures will have to be some measures which will permit the transfer and confinement of detainees awaiting trial to some place other than Greystone; and the place to which they will be confined, and the conditions of confinement, shall be consistent with their status as unconvicted persons. They shall not be subject to confinement conditions which preclude them from the maximum freedom of motions that persons under confinement should have within a facility consistent with the security risks involved.

Now, the Court in making these observations is mindful of the fact that it is admitted that these pretrial detainees are confined to these cells for periods of 24 hours, that is to say, from the time they go in until they are tried and under detention; and that means 24 hours a day in a cell with the exception of two days a week, during which two days they are released for two hours into a day room that is completely inadequate to house the number of people placed in it, that lacks facilities for them to even sit down.

The cells are of such character as would presumably drive any person insane. The inmates are required to eat in these cells. With the exception of the two days in which they are released for two hours into this day room.

The conditions for visitors are completely intollerable. They are admitted by the men who are running the institution to be intollerable. The Captain of the Guards admitted that the visiting conditions are intolerable, and there were similar concessions as to other conditions there.

As I indicated before, you can't expect the sheriff to provide adequate facilities unless you give him the facilities—and the money—and the personnel—to do it.

So I am just continuing this entire hearing for 30 days to see what happens. If necessary, I may have to enjoin further confinement of anyone in Greystone.

I don't think the problem is quite as difficult in some respects as everyone envisions. Certainly a good high fence which would enclose everyone might do the job without the necessity of putting people in individual cells in the fashion in which they are placed there, and under the circumstances under which they are forced to live hour after hour 24 hours a day.

Now, I am not going to enter any order now. As far as the mailing privileges are concerned, I would suggest that you take immediate measures to adjust and correct the mailing privileges. There's no limitation on the mailing privilege of a citizen who is unconvicted of a crime. He has the right, except to the degree that detention may limit him—he has all the rights that any other citizen has. And that means to correspond at will with whomsoever he pleases, and to receive mail from whomsoever he pleases. This is subject to the right not or censor but of opening the mail to ascertain the contents thereof.

Now, I think if you will look at the last order which was issued by Judge Wollenberg pertaining to San Mateo County, you will get a pretty good idea of what the obligations of any county jail are with respect to mail. As I have indicated before, as far as private citizens are concerned, the jailor can see what goes into the envelope and require that it be sealed before him and inspect it to see that it's going to the person presumably that it's addressed to. He doesn't have the right to censor it. And when the mail comes in, he doesn't have the right to excise anything from it, unless it happens to be contraband or discloses some plan of escape or other form of unlawful conduct.

Now, I don't know what to say, Counsel. I know that you gentlemen are up against it; you are doing the best you can with what you have got to work with. But I am just going to continue the whole matter for 30 days.

The CLERK. Let's make it 1: 30 p.m., April the 14th, Your Honor.

The COURT. All right.

Mr. BERG. Your Honor, do you need anything in addition from plaintiffs?

The COURT. No; I would think for the benefit of the County and the Board you had better get a transcript.

Mr. BOOTY. Yes, your Honor.

The COURT. All right.

Mr. FENNON. We intend to. Thank you.

Mr. BERG. Thank you.

STATEMENT OF DAVID GOLDBERG, MARCH 1, 1970

I was convicted in Boston, Massachusetts on June 16, 1969 for a violation of the Selective Service Act. From June 16, 1969 until January 11, 1971, I was incarcerated in various Federal Prisons. I served my time in the Danbury (Connecticut) Correctional Institution, the Lewisburg (Pennsylvania) Penitentiary and the Allenwood (Pennsylvania) Prison Farm. Having had the opportunity of seeing first hand these three varieties of Federal Prison Facilities I feel that I have acquired a certain amount of knowledge about the operation of the Federal Prisons. Through this statement I hope to share these impressions with certain people in Washington who have expressed an interest in the corrections problem.

I will divide the statement into four parts. The first section will concern conditions that the Federal Bureau of Prisons could correct on their own volition if they had such a desire. The second section will concern problems that would require Congress to appropriate additional funds. The third part will concern statutory changes that are necessary. The fourth part will be a brief conclusion. My observations are primarily confined to institutions in which I was imprisoned, but it is my impression that they could apply equally to all Federal Penal Institutions.

I. PROBLEMS THE BUREAU COULD ACT ON IMMEDIATELY

A. Work release program

In the Danbury Correctional Institution the number of inmates going out on work release daily as of June 1970 was 30 out of an inmate population of 700–750. At one time more than 90 inmates were being released to work outside but the number was cut in more than half in 1968–1969. This was before the job situation in that area worsened. Most inmates in Danbury considered work release to be the best program available to them. The jobs assigned were mostly of the short order cook or warehouse helper variety. These naturally offered inmates little in terms of job training but there were very few jobs inside the institution that trained inmates for outside employment. To the inmate, the main benefit derived from work release was that it enabled him to accumulate some money that he would have upon his release. Working for 3 months–1 year he could save anywhere from $300–$2,000 which he would receive upon the expiration of his sentence. This contrasts with the $50–$100 he might have received upon release if he were not in the work release program. Each week in Danbury about 15 inmates would apply for work release and only one or two would be accepted. Many inmates tried time after time without success to be placed on the program. There was no special preference shown for inmates with large families who would need the money most upon release.

The Lewisburg Penitentiary has no work release program for its 1,300 inmates. The Bureau of Prisons does not allow any inmates in penitentiaries to leave the prison during the day. Most inmates in Lewisburg are doing between 5–15 years and as a result many are "short-timers" with anywhere from 1 month to 2 years left on their sentence. Yet, the Bureau's policy prohibits even these inmates from being assigned to work release. The rationale seems to be that no penitentiary inmate can be trusted not to abscond. There is no firm evidence for this. Most inmates would not escape for the simple reason they have nowhere to go except to their families or their friends, where they know they would be picked up immediately. There would seem to be no substantial reason why penitentiaries such as Lewisburg cannot begin a work release program at least for those inmates who are six months short. It could be introduced slowly or on an experimental basis in order to ease fears in the community. Of course, there is a problem due to the fact that Lewisburg is in a very isolated part of the state away from large job markets; but, there should be at least some jobs available in the Williamsport area.

Allenwood is a farm camp that has no walls. It is used mainly for inmates with short terms and for some of Lewisburg's "short-timers." Only four to six of its 300–350 inmates go out on work release. Most of them work maintaining a golf course that is adjacent to the prison. Fear of inmates' escaping cannot be the reason for the tiny number on work release since inmates can easily escape at any time. The administration never showed any desire to increase the program, despite the inmates' interest in it.

Since my release I have had a conversation with Mr. Stan Lay who is in charge of the work release program in the Bureau of Prisons. He explained to me why Danbury's work release program was so drastically reduced. His explanation is that the Bureau has decided to de-emphasize the work release program in order to place more emphasis on the use of Community Treatment Centers (half-way houses). His explanation being that inmates who were formerly placed on work release will now go to half-way houses. My own personal experience does not confirm this. For one, not all inmates are going to half-way houses. They only have facilities for about 50% of those who are released from Federal Prison. For another, the average inmate goes to half-way houses with only 72 days left on his sentence. (The bureau supplied me with this figure.) Inmates used to be allowed out on work release while they had up to a year left on their sentence. Now, however, you can't go out until you have six months or less left on your term. Mr. Lay seems to feel that increased use of half-way houses means that work release has to be phased out. This makes no sense. An inmate on work release can still go to the half-way house. The use of half-way houses should not mean an end to work release. In particular, the Bureau should again let inmates with six months to one year left on their sentence go out to work.

Instead of de-emphasizing work release, the Bureal should be increasing the program. It costs the government very little to run it. The only personnel that need to be paid are the secretaries who do the paper work and the prison official who has the responsibility of finding jobs for inmates in the community. Inmates pay for traveling expenses out of their own salaries. The Bureau is always complaining that it does not have the funds to establish the programs they want. It is inexplicable, then, why they would cut back on such an inexpensive program.

Any program that gets the inmates away from the institution even for part of the day is good. U.S. prisons institutionalize many of their inmates; in other words, convicts become so dependent on the prison doing everything for them that they can never function on the street again. Work release breaks this process down to some extent.

According to the 1969 Annual Report of Federal Prison Industries, *two* percent of the Federal Prison population goes out on work release daily. This figure should be greatly expanded.

B. Study-release program

At Danbury, only 10–15 inmates left the prison in order to attend school. They went either to Abbot Technical School in Danbury or to Western Connecticut State College, a community college. Like work release only a small fraction of inmates desirous of participating in this program were admitted to it. It was my impression that many inmates were capable of doing work on a community college or technical school level.

Only one inmate left Lewisburg to attend school. This was the inmate who has been the informer in the Berrigan case. He attended Bucknell College. Otherwise, no inmates were permitted to leave the prison for this purpose.

Only one or two inmates at Allenwood attended outside schools. The prison camp does not make use of this program despite the fact that a community college is nearby the prison. The Education Director at Allenwood showed no desire to increase this or any other program.

Like work release, study release costs the Federal Government very little to maintain. It is a program that could be greatly expanded at little cost. The fact that it is utilized so little casts doubt on the Bureau's claim that it is a lack of jobs that prevents the expansion of the work release program. There seems to be simply a basic reluctance to utilize these programs. In any case, community colleges are near most Federal Institutions so that the program is not too difficult to implement. Since most colleges and schools receive Federal money the Federal Government is in a particularly strong position in requesting them to accept Federal inmates as students. The outside school program is especially needed in view of the paucity of education programs inside the prisons. One would think that Congress once it passed laws establishing these programs would be interested in seeing them utilized to their maximum effect. Presently, the Bureau claims that .99% of its inmates attend outside school during the course of a year. (See Operations Memorandum 1/26/71—Composite Report of Community-Based Programs FY 1970 Data—page 5.) The actual percentage attending outside school at any one time is much smaller.

C. Racial situation in the Federal prisons

No one can write about the prisons today without discussing the race question. An increasing number of inmates in Federal Prisons are Black or Spanish. The Bureau would prefer to sweep the entire problem under a rug. It is rarely mentioned in any of their brochures or pamphlets.

Danbury's percentage of Black and Puerto Rican inmates has increased dramatically the last few years. The prison population is now about 35% Black and 15% Spanish. This increase is primarily due to the fact that a large NARA (to be discussed below) program has been instituted there. Under this program a large number of young Black and Puerto Rican inmates have entered the prison.

Danbury has made a small effort to accommodate itself to this situation. As of June 1970 it had hired about five or six Black guards. There was only one Black in any position of authority: a caseworker. Beyond this the prison has done little. For instance, when the Bureau gave money to Danbury for a Black studies program the prison Education Director made no effort to find a qualified instructor for the course. Instead he hired a local college professor who knew nothing about Black history or culture and who could not relate at all to 20–25 year old Blacks. The program which started with a great deal of enthusiasm collapsed in five months. This is a good example of how an uninterested or incompetent Education Director can ruin a good program established by the Bureau. In addition, no effort has been made to purchase books relevant to young Blacks.

There were even fewer special facilities for the Puerto Rican inmates in Danbury. Though they composed about 15% of the prison population there was only one Spanish speaking official: a NARA caseworker. This was despite the fact that many Spanish inmates spoke no or very little English. There was no effort made to instruct them in English. There was no effort made to purchase books, periodicals or movies in Spanish. This should especially be done since many Spanish inmates cannot understand English television programs. Very few Spanish inmates went out on work release. This was either due to the fact that they had narcotics on their record—which barred them from work or study release—or they were in NARA. (no inmates in this program left the prison).

About one half of Lewisburg's population is Black or Spanish. Again there are no official prison programs designed for these inmates. There are *no* Black or Spanish personnel working in the prison. This speaks for itself. As in all Federal Penitentiaries there is a high level of racial tension, much of it generated by the fact that whites are in all positions of authority. Many inmates talk about how the situation could explode at any time as it did briefly in February 1970. Those who were transfers from the Terre Haute Federal Penitentiary said the racial situation was even worse there.

Allenwood had about 100 Black inmates in its population and no Black personnel. The superintendent of the prison would not even allow the Black Cultural Development Group to organize there, even though that inmate organization held regular meetings at Lewisburg.

Naturally, many of these problems are connected to the racial situation in the rest of the country. As long as we live in a racist society, racism will exist in the running of the prisons. It is even greater inside the jails than on the outside. Many of the White personnel in the jails see the development of Black pride as a personal threat to their positions. They are used to having Black inmates act in a completely subservient manner, and react fearfully when this is no longer the case. Much of the racism is manifested in small ways: in the manner in which personnel will address Blacks or small favors that will be shown White inmates. Special efforts can at least be made to alleviate this situation, and to do away with the most racist personnel. Money can be appropriated for Black studies programs. Larger changes will have to await changes in society.

D. The operation of the Narcotic Addict Rehabilitaiton Act of 1966

This is commonly known as the NARA program. It began operation in 1968. It was intended as a reform by which judges could sentence addicts in their courts to special NARA sentences (which presently range from three to ten years), from which inmates could be paroled anytime after six months. Danbury was the institution chosen to handle this program on the East Coast. Presently, it has the largest NARA facility in the system and soon expects to handle 250–300 NARAS. Danbury was an illogical place to put this program. For one, it is far from many NARA inmates' homes many of whom come from D.C., Virginia or Puerto Rico. For another, Danbury was an institution built to handle older criminals convicted of things like tax evasion, embezzling, and counterfeiting. It does not have the recreational, vocational or educational facilities for the younger inmates that enter the prison. (More information on vocational and educational programs in second section below.) For example, it has only one softball diamond, one basketball court and three handball courts for its population. It has no gym and the only recreational facilities available in the winter are a small weight room and one ping pong table. This is scarcely enough for an inmate population of 700–750 that now averages 27 years of age in a facility that was built to handle 400–450 inmates.

One of the major elements of the NARA program are therapy sessions. Some of these are run by guards with no training in this field. In addition some doubt has to be cast on the efficacy of any therapy session run *inside* a prison. NARA inmates know what are the right things to say in order to get parole: you have to show the right amount of progress and the proper concerns. It all tends to become one big con game. Many NARAS who were paroled returned to prison right away. One died of an OD within a month of his release. The NARA office claims a failure rate of 28% but the program is too young in order to determine a true recidivism rate. Many NARAS evinced a desire to get off heroin. But that is impossible if they don't receive educational and vocational training. Danbury was not giving them this. Danbury should receive an infusion of money for the operation of this program. Milan, Terminal Island and LaTuna, where the program is also being instituted, suffer from a same lack of facilities.

E. Wages and Federal prisons industries

Wages in Federal Prison Industries range from 19c to 46c per hour. All inmates begin at the 19c level. The level of wages is one of the inmates' biggest grievances. In August of 1970, there were work strikes in Leavenworth, Lewisburg, and Allenwood in which inmates unsuccessfully demanded the minimum wage. The week of February 22, 1971, there was a work strike in the McNeil Island Penitentiary over this same issue. At Allenwood, during the strike inmates were told that only the Bureau of Prisons could change the wage scales; the individual prison is without power in this matter. The Bureau usually states that labor unions will not allow the minimum to be paid. However, products turned out by prison inmates do not compete with union goods so it is hard to see the logic in this argument. The largest industry in Danbury involves relining cable for missiles; in Allenwood, they make furniture for use in other prisons. If funds are not available to pay the $1.60 minimum, wages could at least be raised to 70c to $1.00 per hour level. The money that a prisoner can accumulate if a decent wage is paid can make a large difference in determining whether he will make it when released.

It is important to note that these wage levels are available *only* to inmates in Federal Prison Industries. And presently prison industries can only accommodate about 25% of the total Federal Prison population. (Page 10—Bureau of Prisons—1969 Report). Inmates who do not work in industries work in jobs around the prison. *The Bureau does not allow these inmates to receive an hourly wage.* Some of them are able to receive a $10.-$25. monthly cash-award (few get more than $10. per month). It is practically impossible for inmates to save out of this money since most inmates need it to purchase cigarettes, toilet articles, and food at the commissary. This cash award can also be taken from an inmate as punishment at a disciplinary hearing, or it can be denied completely if prison officials are dissatisfied with your work. It is used more as an incentive system to keep inmates in line than for any other purpose.

The Bureau should change this policy and pay all inmates an hourly wage. Work done in the kitchen or laundry is often more difficult and unpleasant than work done in industries. If an inmate does not work in industries he presently leaves prison with no more than the $30–$100 given to him upon release. Presently, the Bureau *returns* a $5 million profit earned from prison industries to the Treasury Department. Since 1946, it has given the Treasury *$77 million* earned from this source (page 10—Bureau of Prisons

Annual Report—1969). This money should be used for wages or other programs that benefit inmates. It is incomprehensible that the Bureau would complain about a lack of funds for its programs and then return this money to the Treasury. It is especially hard to understand this policy since Title 18, Section 4126 of the United States Code Specifically allows the prisons to keep this money for their own use.

F. Censorship

Censorship in the Federal Prisons varies widely. Allenwood and Danbury allow most periodicals and books to come into the prison. Lewisburg has a much stricter policy. All the prisons censor incoming and outgoing mail. Lewisburg is particularly strict in this regard.

In addition, newspaper reporters are not allowed to interview any inmates in the Federal Prisons. This rule is very strictly enforced. This policy is *not* followed by many state prison systems. In California, for instance, reporters can enter the prisons and interview any inmates except those in segregation. The Bureau should adopt this policy. It is a very important check on the conduct of the prison administration.

The Federal Prisons also *prohibit* inmates from having their writings published while they are incarcerated. This is again contrary to the policy followed by many state prison systems—witness the example of Earl Smith who has had two influential books published while on death row in New Jersey. Similarly, four inmates in the Indiana State Penitentiary have had a well-received study of prisons published while they were incarcerated. These inmates could not have done this if they were in Federal Prisons. Writing is a very important outlet for many inmates. Publishers and magazines are eager to receive material from them. I have seen some fine writing in prison that could be published. This rule should be abolished. The example of the states shows there is no real need for it.

G. Furloughs

The Federal Rehabilitation Act of 1965 gave the Federal Prisons the authority to grant furloughs of up to 30 days to inmates in order to enable them to look for jobs or a place to live upon their release. Except for the purpose of attending funerals the Federal Prisons are not using this program. The Bureau has shown no desire to make use of it.

II. CHANGES THAT WOULD REQUIRE CONGRESS TO APPROPRIATE MORE MONEY

A. Educational and vocational programs

To put it briefly the three prisons I observed were all abysmally short of educational and vocational programs.

In Danbury the major education program was the GED program which was designed to enable inmates to earn a high school degree. The entire orientation of this program was towards granting degrees to as many inmates as possible. Inmates would take the same test over and over again until they passed. Little was actually taught in the program. The only other education course in the prison was a basic literacy course established for those inmates who entered illiterate. The only outside teachers coming into the prison were those involved in the GED course. Danbury did not even have a library until Newburgh Air Force Base closed and sent down what was left of their library.

Vocational programs which are of even greater importance were also in sad shape in Danbury. Much of what they had were programs that were at least 20 years old and more relevant to an earlier day. These involved classes in small engine repair, oil burner repair, and sewing machine and T.V. repair. Very few inmates participated in these programs. Danbury had hoped to establish a vocational program in painting, but that has now fallen through according to Mr. Johnson of the vocational department in the Bureau. The only attempt to develop an up-to-date vocational program was one small computer class.

The situation in Lewisburg and Allenwood was basically the same. Lewisburg employed only a few outside teachers and Allenwood none at all. Inmates did all the teaching in that institution. The only school program in Allenwood was an outside welding class that about 15 inmates attended each Saturday afternoon. The administration constantly talked about a tractor-trailer class that it was going to begin, but it had not been established as of January 1971.

States such as California employ many more outside instructors than do the federal prisons. This lack of programs is especially serious since so few inmates leave the prison for school and work release. In addition there are very few jobs in the prison itself that teach an inmate anything. Prison industries do not serve a vocational purpose despite contrary claims which they make. If interested Congressmen were to visit the prisons and take a *close* look at the programs there, they could confirm these facts. The Bureau says it cannot do more without more funds. It is the responsibility of Congress to give it to them. The situation is not helped by the greatly exaggerated claims the Bureau makes about the vocational and educational programs in their yearly reports. Nowhere will you find in these documents an honest appraisal of the situation. It is no wonder then, that the Congress and public do not know the true situation.

More care could also be shown in choosing prison education directors. Presently, the criteria seems to be that the education director has to have no ideas of his own. The federal prisons seem to frown on experimentation or imagination. Allenwood, in particular, had an education director who did little except chaperone the prison softball team to outside games.

B. Community treatment centers

The federal prisons now allow many of their inmates to spend the last part of their sentence at halfway houses. As noted before inmates go to halfway houses with an average of 72 days left on their sentence. Inmates are given help at finding jobs at these centers. Like work and school release an inmate must apply for this program. Not all are accepted. If an inmate comes from an area where there is no halfway house or from an area where the government does not have a contract with one he has no chance of being accepted. Other inmates who come from areas where they have this program are denied it anyway. Others are given a date for their release to a halfway house and then have that date changed. The halfway house in New York City, in particular, cannot accommodate all inmates who could use its services.

The Congress needs to appropriate far more money for this program. Halfway houses should also be made a matter of right for all inmates. Presently, it appears to be granted in a completely arbitrary manner. If it is a good program it should be available to all. In addition, inmates should be sent to halfway houses with six months to a year left on their sentence. This would help ease overcrowding in Federal prisons and help breakdown the institutionalization process that goes on in all prisons.

C. Caseworker and psychiatric services

The Federal prisons are woefully short of caseworkers. Danbury had five for 700–750 inmates, Lewisburg had about ten for 1300 inmates and Allenwood had one for 300–350 inmates. It is clear how overburdened caseworkers are. Individual treatment is an impossibility. All a caseworker can do is keep track of an inmate's record and answer technical questions. It is not possible for him to get to know an individual inmate's needs. The quality of caseworkers also needs drastic upgrading. Some seemed to have only an extremely limited understanding of inmate problems.

The Federal system also lacks psychiatric personnel. There are only about 16 people in this field in the entire Federal system, and many of them are concentrated in special programs like NARA.

D. Food

The Bureau of Prisons Annual Report for 1969 states that "Federal prisons today offer much different fare from the monotonous, unsavory diet of years past. Over 22 million nutritious, appetizing meals were served last year in the institutions." (page 14) This is contrary to my own experience. The daily fare consisted of meals such as hot dogs, cheese sandwiches, ravioli, Swedish meatballs, barbecued beef, etc. Good meat was rarely served. The salad was usually of a cole slaw type variety. This is primarily a budgetary problem. The Bureau states its food budget is always being cut by Congress.

III. PROBLEMS THAT REQUIRE STATUTORY CHANGES

A. Operation of Federal parole

The Federal parole system works in a particularly harsh manner on those parolees who have their parole revoked. For example, an inmate with a five year sentence might do two years in jail and then receive parole. He might then stay on the street for two years before being violated (have his parole revoked). If this should occur he would have to do all the time he did on the street over again inside the jail. In effect, on a five year sentence he would do eight years under supervision. The statute that establishes this parole system in U.S. Code Title 18 Section 4205. The relevant part of this reads, "the unexpired term of imprisonment of any such prisoner (who has been violated) shall begin to run from the date he is returned to the custody of the Attorney General under said warrant, *and the time the prisoner was on parole shall not diminish the time he was sentenced to serve*." Many states do not follow this policy. Massachusetts, for example, only requires a parolee to serve the time remaining on his sentence when he is violated. Time served on parole counts as time served. Congress should amend this statute so as to conform with this more humane policy. This is not an academic question as a good percentage of parolees are violated at one time or another.

B. Parole hearings

There is presently no statute concerned with parole hearings. An inmate doing 15 years who goes up for parole after serving 5 years (an inmate is not eligible for parole until he has served one third of his sentence) might have a parole judge interview him for five minutes. Some rules should be established in regard to these hearings. All too often only a perfunctory meeting is held.

An inmate is also not told why parole has been denied him. All he receives is a little slip of paper that reads "continue to expiration". No explanation is ever given as to why he has been refused parole.

C. Parole judges

U.S. Code, Title 18, Section 4201 which established the U.S. Board of Parole establishes no qualifications for parole board appointees. The President may appoint anyone regardless of whether the person has any experience in the field of corrections. Many of the parole board members seem to have little understanding of inmates' problems. Paying a very large salary, it is a juicy political plum for the President to dispense. The U.S. Board of Parole refused to give me biographical information concerning its members. Some Congressman should look into this question. At the very least standards requiring a certain degree of expertise should be written into the law. Many states do exactly this.

Better yet the system should be removed from politics. Since President Nixon began appointing parole board members the rate of paroles granted each year has dropped from 48.7% in 1968 to 36.1% in 1970. (Bureau of Prisons—Operations Memorandum, January 26, 1971, Page 1). It seems inmates are to be a victim of the President's law and order policy. The question of parole should not be subject to such partisan whims.

D. Parole and sentencing provisions of the Federal Narcotics Act

A special parole problem concerns those inmates sentenced under Title 26 Section 7237 of the U.S. Code. This is the Federal Narcotics Law better known as the Harrison Act. Anyone sentenced under this section is automatically ineligible for parole. From my own personal experiences I can testify that those being sentenced for violations of this act are not big pushers but rather are addicts who were selling heroin to support their own habits. This punitive law should be amended. All inmates should have a chance for parole.

This same title 26 Section 7237 requires judges to give certain *minimum* sentences ranging from five to forty years to anyone convicted of a violation of this Act. The exact sentence depends on whether a first, second or third offense is involved. The judge is barred by law from giving a probationary sentence or one under five years. This section also needs amending. Many judges who would give lighter sentences to violators of this law are now locked into a stringent sentencing procedure.

E. Cash awards to released inmates

As noted previously inmates often leave jail with very little money. If they did not work in industry it is possible that they will have saved nothing. Title 18 Section 4281 of the U.S. Code *prevents* inmates from receiving a cash award of more than $100 upon release. This limit should be raised to at least $500. An ex-convict cannot make his way in society if he leaves prison broke.

IV. CONCLUSION

I should also note that all institutions I have been in were overcrowded. In Danbury it is not uncommon for 70 inmates to be sleeping in one dormitory. Lewisburg has had to convert their basement storage areas into dorms. In Allenwood some inmates have to sleep in dormitory corridors. However, I would hardly suggest the solution to this problem is to build more prisons. Instead the courts have to start making greater use of probationary sentences and Federal prisons have to make greater use of halfway houses. There is no such thing as a good prison. All prisons dehumanize, brutalize and institutionalize their inmates. I have only tried to suggest some improvements which will at least make conditions in the Federal prisons a little more bearable.

I can only reiterate that these changes will not occur automatically. The Bureau of Prisons is very slow about changing anything. Like any government bureaucracy they are more concerned with justifying themselves to Congress and the public than with making any kind of honest appraisal of themselves. Inmates are by definition a powerless group. Constitutional rights do not apply to them. It is hard to think of any group in our society that has less power. It is thus up to concerned Congressmen and individuals to investigate what is happening in the Federal prisons. I would urge all those who are interested to visit the Federal prisons to talk to inmates there, and to reach their own conclusions. The Bureau will only respond to pressure and publicity. For too long they have been able to escape scrutiny because conditions in the Federal prisons were not as bad as in the state prisons. But that is not saying much. It should also be noted that some state prisons are much more innovative than the federal prisons such as in Mississippi where conjugal visits are allowed—Texas and California. The four work strikes in the Federal prisons during the last eight months show how great the dissatisfaction of inmates is. I can only hope that this document will in some way serve as a counter report to the propaganda put out by the Bureau. I have tried to emphasize facts that one can only learn from inside the prisons.

OUT-OF-OFFICE EXPERTS—THE POLITICAL DOPPLER EFFECT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BRAY. Mr. Speaker, I believe I have discovered a brandnew political-scientific law of human behavior. It applies to former high public officials, now out of office, who have suddenly become experts in proposing solutions to problems they not only helped to create but failed to do anything about when they had the power, responsibility, and authority to do so.

The latest is former Secretary of Defense Clark Clifford's solution for ending the Vietnam war. When he held this office, casualties and involvement were increasing. Today it is the reverse.

Mr. Clifford said in a speech that he had "reason to believe" our POW's would be released if we would agree with Hanoi to pull out of Vietnam by December 31, 1971. Hanoi shot this down 36 hours later; their negotiators in Paris said U.S. establishment of a withdrawal date would only mean Hanoi would discuss release of prisoners—nothing at all to support Mr. Clifford's statement.

It is quite easy to quarterback from the stands, with no danger of the knee in the groin, or cleats in the teeth. I think this phenomenon can be called the political doppler effect. In science, the doppler effect refers to the apparent change in frequency of sound or light waves, depending upon distance and relative motion from the observer or listener.

This is most familiar with the sound of an approaching train. The farther away from the listener, the more shrill the whistle; as the train passes, the tone drops, and in both instances what the listener hears is not at all indicative of the real whistle sound.

So it is with Mr. Clifford, and others of his ilk. The farther away from responsibility, the shriller, more out of key are their voices. Their deceptive notes, like those of the approaching or departing train, bear no resemblance at all to the harsh realities of the problems they now profess to solve.

WILLIAM HOLTZMAN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. GAYDOS. Mr. Speaker, it is with great pride I call the attention of my colleagues to a lifesaving feat performed last week by a young man which earned him the respect and admiration of the 20th Congressional District of Pennsylvania.

I am incorporating into the RECORD news accounts of the actions of William Holtzman, a 19-year-old former Navy corpsman, now an orderly in McKeesport Hospital. Young Holtzman whose father William Sr., is a city fireman, is credited with saving the life of a 6-year-old boy, Michael Scott. The lad crashed through a glass storm door at his home, severing an artery in his arm. Hearing the crash, young Holtzman rushed to scene of the accident and immediately put his hospital training into practice. Using a towel, he applied a tourniquet to the boy's bleeding arm then rushed him to the hospital where surgeons sutured the wound and saved the limb. However, a member of the hospital's emergency room staff emphatically stated it was Holtzman's quick action which saved the boy's life.

This calm, cool attitude of Mr. Holtzman in a time of crisis has been recognized by leaders in the McKeesport community. An account of his action was written by Don McGavern and carried on the front page of the Daily News in McKeesport. Later, Holtzman was praised by the newspaper in an editorial and authorities of McKeesport Hospital presented him with a certificate of merit.

Mr. Speaker, it is young men of Mr. Holtzman's caliber which make all Americans proud. His character, leadership ability reflects with credit upon all young adults in our Nation. I am proud to represent him in the Congress and I deem it a privilege to join McKeesport Hospital and the Daily News in commending this young man for his heroics.

The articles follow:

ANOTHER CASE

It has become almost a cliche nowadays to say that, although some hippie-type youth are completely out of hand, the majority of the new generation is made up of fine, smart and sound young people.

The truth of this is obvious. Case after case of evidence has been cited. And yet we still thrill to the deeds of young men and women which show them in their best light. One such was that of 19-year-old William Holtzman, a McKeesport Hospital orderly who saved a boy here from bleeding to death.

The story was on page 1 of yesterday's paper. It told of Holtzman hearing a crash of glass and a child screaming and how he ran to the Donald O'Toole home on Evans St. and found Michael Scott, aged 6, with a blood-soaked arm. Bill knew what to do from his training. He hurriedly applied a tourniquet with a towel and then, with a companion, rushed the boy to the hospital where surgeons sutured a severed artery, cleaned the wound and had blood transfusions given. "The actions of Bill Holtzman undoubtedly saved that boy's life," a nurse reported.

Thus we have another instance in which one of our young people responded in an emergency with clear-thinking and devotion to the needs of others. We'll keep Bill Holtzman in mind for the next time anyone tries to tell us all teenagers are a problem.

GRATEFUL MOTHER CREDITS YOUTH, 19, WITH SAVING LIFE OF INJURED SON

(By Donald S. McGavern)

"They can say all they want about the teenagers of today but I'm indebted to one of them for saving my son's life."

These were the grateful words spoken by a young mother whose six-year-old son tumbled into a storm door glass and severed a vital artery in his left arm.

McKeesport Hospital officials credit the calm, split-second actions of William Holtzman of 1805 Soles St., for saving the youngster's life.

The boy, Michael Scott, son of Mr. and Mrs. Donald O'Toole, 1226 Evans St., was discharged from McKeesport Hospital Tuesday, two days after the near tragedy.

For 19-year-old Bill Holtzman, an orderly at the hospital, Sunday began as a quiet day. It didn't remain that way for long.

"I had just parked the car in the 1200 block of Evans St. and went to purchase some cigarettes. I was returning to the car when I heard a loud crash and seconds later a child screaming," Holtzman relates.

He said he ran to the porch of the O'Toole home and saw the shattered storm door glass.

"I went inside the house and saw a little boy leaning up against the wall . . . he was very pale and his mother and grandmother were screaming," he said.

He said he picked up the child and looked at the blood-soaked arm.

"The cut was not a long one but I knew right away it was deep and that an artery had been severed. I told the mother to get a towel which I immediately used to make a tourniquet," Holtzman said.

He stated that his brother-in-law, Lindberg, 22, of 110 Euclid Ave., Dravosburg, got behind the wheel of the car and they raced to McKeesport Hospital with the boy.

ARTERY SEVERED

There, surgeons and nurses determined quickly that the brachial artery leading to heart had been severed. The wound was examined, cleaned and sutured and the youngster was given blood transfusions.

"The actions of Bill Holtzman undoubtedly saved that boy's life," a nurse said. "He was near death but the tourniquet and the quick trip to the emergency room made the difference."

"What can you say when a young boy saves your son's life?" Mrs. O'Toole asked. "That boy's suit was ruined by blood from my son's arm. I insisted on paying for a new suit but he told me "I can buy other suits but you can save a boy's life only once."

She said young Michael was chasing his older brother James, who is 8, when the older boy ran out the front door, which closed. Michael then crashed into the glass.

"I was terrified and frantic when I saw Michael and then this young man walked in, grabbed him and told me to get a towel," Mrs. O'Toole said.

"Yes, a total stranger, a teenager, he took over and his quick thinking saved Michael's life," she added.

The grateful woman said she intends to contact McKeesport Hospital officials to inform them personally of Holtzman's actions.

"When he came to work that night on the 11 p.m. to 7 a.m. shift, he came to the pediatric's department to inquire about Michael's condition . . . he brought me coffee during the night," she related.

Holtzman said he served as a corpsman in the U.S. Navy for 14 months and received additional training at the hospital before becoming an orderly.

"I just happened to be there at the right time. I'm glad everything turned out all right but please don't make too much of it," he said.

ST. BONAVENTURE AWARDS BOB HOPE HONORARY DEGREE

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. HASTINGS. Mr. Speaker, a funny thing happened to me on the way to St. Bonaventure University in my hometown of Allegany, N.Y., the other day.

It was my pleasure to participate with comedian Bob Hope and his charming wife, Delores, in the school's annual commencement exercises.

Mr. and Mrs. Hope were honored by the university with the presentation of honorary degrees, an event which prompted Bob to say afterwards that now he and his wife would be able to understand what commentator William Buckley is talking about.

In his address to the graduates, the well-known Hope humor was on happy display in great abundance. The quick one-liners which have entertained millions both here at home and at lonely military bases overseas, clearly attested to his mastery of the comic art; and evoked from all of us those familiar words from his theme song: "Thanks for the Memory."

But there is a sober, serious side to this man of superb wit as exemplified in his message to the St. Bonaventure University graduating class.

In his typical punch line style, he spelled out more succinctly than most of the orators of our day, just what is facing youth and where its responsibility lies.

These words are also reasons to say thanks to Bob Hope but it is our desire that they not become memories.

So that my colleagues may share in his wise counsel, I am asking permission that an excellent editorial from the Olean, Times Herald, containing some of Mr. Hope's comments, the witty and the wise, be included in the RECORD.

[From the Ocean (N.Y.) Times Herald, June 4, 1971]

BOB HOPE AT ST. BONA—WISE WORDS FROM COMEDIAN

You might not, offhand, expect Comedian Bob Hope to have a serious message for college graduates.

At St. Bonaventure University last Sunday, he did.

The quips were there, of course. "I'm very happy to be at St. Bonaventure and very lucky to find it . . . we were guided here by a few Indians and a few deer . . . I'm a doctor of laws and my wife is a doctor of letters. Now together we can understand Bill Buckley . . . I'm thrilled that both Dolores and I both received degrees, it's just what we wanted, his and hers diplomas."

After the quips came serious words which every graduate of any school this June might well take to heart.

Not that some young people are looking for or are willing to take advice from their elders, but Bob Hope gave them some thoughts worth digesting, and worth repeating here.

"To you people who are graduating . . . who are about to go out and make this a better world . . . all I can say is: Hurry! There's a lot of work to be done."

"You are the future of America and a guarantee that America has a future. I've been to a lot of colleges in the last few years, and most of the students I've met are bright, they're hip, and they're conscious of their responsibilities to this country."

"They say this is a difficult time to be young but I suspect there never was a time when it wasn't. Surely the men who started the whole thing . . . who put this country in business . . . lived in a difficult time. But they fashioned a wonderful tool for coping with it . . . it's called our Constitution.

"And the principles of freedom and justice for all that it delineates have been a torch guiding us wisely down the years . . . those good men who fashioned it, knew that the need for change would arise and they built in the mechanism for that change. It's not done with a bottle of gasoline or a dynamite stick. It's done with peaceful dissent and the will of the majority, a pathway often spoken of with pride: The American Way."

"Too many of us think a good kid is one who agrees with us or who wears his hair the same length we do . . . you look under any long haircut and you'll see a person . . . and that's still our greatest national product."

"We're the Establishment now. But believe it or not, you're going to be the Establishment tomorrow. We're going to leave you with a few problems WE haven't had much luck with . . . things like crime in the streets, pollution, inflation, disaffected minorities . . . and you can blame us all you want, but YOU'RE going to have to deal with 'em."

"Before you know it, your kids will be asking you why they have trouble breathing. Why are the streets unsafe at night? Why are people still going hungry? How are you going to answer them? Tell 'em you were too hip to be bothered . . . that those problems were for the straights and the squares? You gotta think about that!

"There's nothing terrible about being 'square.' The squares are the ones who make the clothes, bake the bread, build houses, and even make the motorcycles."

"I enjoy talking to young people . . . and I've talked to a lot of our young Americans, all over this world, for the last 30 years. I've seen some great Americans, fighting, suffering, and making the supreme sacrifice so we could enjoy moments like this. And I hope this undeclared war that we are trying to wind up now, will be the last we ever have to endure."

"The young will always want to be heard and we must listen because much of what they say has validity. I wish for them what I wish for myself . . . that we give our hearts and our minds to the service of the brotherhood of man throughout the world. It's either that, my friends, or back to the trees."

After you read those paragraphs, we think you will agree with St. Bonaventure's Dr. Boyd Litzingee, who nominated Bob Hope for his honorary degree, his 17th:

"Hundreds of performances in vaudeville and on Broadway, a thousand radio shows, six books, 53 movies, and 250 television appearances have made him famous as a comedian and entertainer, and his name has become as familiar to us as his wit, his voice, and his noble nose.

"His road has stretched over six million miles of travel: To entertain American troops through three decades, to give benefit and charity performances on every continent for humane causes. Whether in sponsoring golf tournaments for charities or in raising $2 million in a single evening for a medical center, or in a hundred nameless acts of generosity, he has always remembered the needs of his fellowmen . . . by combining the gift of humor with the greater gifts of generosity and personal concern, Bob Hope has through a long career demonstrated a supreme humanity."

And, in our view, under the noble nose and the funny remark, he demonstrates a maturity and wisdom which is yet another service to our country.

We congratulate him on receiving the honorary degree. We commend the University for its wisdom in conferring it on him, and in so doing providing a platform for his commencement address. Graduates and faculties in colleges and universities everywhere can rightly be thankful for the memory of his words.

LEGISLATIVE CONCERNS OF MINNESOTA SENIOR CITIZENS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. FRASER. Mr. Speaker, one of the most effective community organizations in my district, Minneapolis Age and Opportunity, recently issued a statement outlining current legislative concerns of senior citizens in Minnesota.

MAO is particularly concerned about the problem that the recent social security increase is causing for social security recipients who also receive public assistance. These older people are finding that their welfare benefits are being cut, dollar for dollar, to compensate for the raise in social security benefits.

In the past, Congress has required that States pass on at least part of the previous social security increase to old-age assistance recipients. Such a requirement was not part of the 10-percent increase approved earlier this year, however.

I heartily concur with MAO's request that the "pass through" requirement be applied to the 1971 social security increase. In the absence of this requirement, our action to raise benefits was merely a cruel hoax for a large group of older people.

At this point, I would like to include the MAO statement with my remarks:

AREAS OF CONCERN FOR SENIOR CITIZENS OF MINNESOTA

The Minneapolis Age & Opportunity Center, a service agency created and governed by Senior Citizens, on behalf of the elderly in Minnesota, present the following issues that should be of vital concern to members of Congress:

1. INCREASE IN SOCIAL SECURITY (OASDI)

The recent increase in Social Security benefits, voted by Congress, while badly needed and politically popular, is totally illusory as applied to the elderly poor. Those elderly persons who are most in need of the Social Security increase are precisely those who are denied it. These are the elderly who are so poor that their income from Social Security is not sufficient to enable them to survive without receiving O.A.A., Railroad Retirement, Veteran's Benefits, or other public assistance. When Social Security is increased, these supplementary benefits are correspondingly reduced.

In 1970 Congress partially recognized the problem in requiring the states to maintain previous O.A.A. grants so that at last $4 of the monthly increase in Social Security benefits would be passed on to the recipient. The recent amendment enabling the increase does not even contain that token provision. Moreover, the increase in Social Security generally triggers an increase in rent in HRA highrises and subsidized housing as well as private housing. The increase also has precipitated a situation where Medicaid may no longer be given or a stringent spend-down requirement is imposed because the increase has caused an elderly recipient to "go over the top" as far as income eligibility.

An example of this pernicious phenomenon is the case of Frank Ballinger, who lives in Minneapolis. Mr. Ballinger receives $139.20 per month in Social Security benefits, lives in subsidized housing and is eligible for and receives Medicaid benefits. Mr. Ballinger will receive an increase of approximately $13.90. However, because of the increase, his rent is going up $7.00 and an $8.20 spend-down requirement has been imposed by the Welfare Department to keep him eligible for Medicaid. His $13.90 increases will cost him $1.30 more per month. This is only one of hundreds of like examples and by far not the most bizaare. Our office is flooded with pitiful cases of this type, and we have to inform them that we can do nothing.

The need to recognize the bitter hardship caused by recent inflation to persons on fixed incomes, who are receiving O.A.A. or other assistance to supplement their inadequate Social Security benefits, is critical. Steps must be taken immediately to insure that Social Security increases are retained by those who are in the most need of them; those who are so poor that they must receive income from other public sources in order to survive.

Therefore, we urge our Congressman to strongly support H.R. 3681 and any other bills that would alleviate this abhorrent situation.

2. ELIGIBILITY FOR CATEGORICAL ASSISTANCE

The particularly severe burden placed upon the elderly by the categorical public assistance programs is another matter for concern. Although elderly recipients may retain some reverses, income and property eligibility limitations are placed at irrationally low levels and are applied to forms of income and property especially sacred to the elderly.

Elderly persons, who have worked throughout their lives, who find that Social Security benefits are inadequate to support them, are ineligible for O.A.A. unless they agree that the Welfare Department may place a lien for the value of assistance received on the modest home which they had struggled to meet payments on for years. They are also required to spend down life insurance policy cash values to where they are negligible as a condition of receiving aid. There are of course other income restrictions, such as on the value of automobiles and the amount of personal savings that applicants may have. These limitations necessitate a tragic choice. A person, after having spent the bulk of his lifetime paying for a modest home, for a minimal life insurance policy, the proceeds of which are meant for his surviving spouse or children and for his funeral and burial, is forced to relinquish these things in return for enough assistance to survive the few years he has left. A system which imposes such brutal alternatives, which fails to recognize the value and attachment elderly persons have for their homes and other of their resources is harshly dehumanizing. We urge our Congressmen to closely examine the necessity for such insensitive limitations on the elderly's eligibility for public assistance.

3. CARE FOR THE ELDERLY POOR

We are concerned about what happens to milions of elderly who suddenly find themselves alone, ill, unable to care for themselves, and with little money.

The income programs designed to care for the aged, Social Security and Old Age Assistance, do not even provide incomes that meet poverty levels. Six million people—30 percent of the elderly, live below the poverty level. And it is this lack of income that contributes to many of the problems of poor health, poor nutrition, poor living conditions that lead almost inevitably to institutionalization.

The Federal Government has contributed enormous amounts of money to the health care system of our nation. Yet we have a completely disorganized non-system of health care serving some at inflated costs and completely neglecting others. The reliance we have placed on private health insurance for protection has been misplaced. On the whole, it is a failure. It does not control costs nor quality of care. It provides partial coverage, not comprehensive care. The poor and the medically indigent are largely ignored by private health insurance.

In the area of long-term care for the aged, the nursing home has been institutionalized as *the* solution, while thousands of the elderly poor, who could function with assistance in their own homes are forced to vegitate and endure poor treatment because alternative systems are under-emphasized.

Accordingly, we urge our Congressmen to consider the following:

A. Income

The elderly often have the same housing and utility needs as larger families. Supply will many times force a single adult to live in an apartment large enough for a small family, yet he pays the same rent as the family, while he receives less aid than a small family. Elderly persons more often must pay to have food delivered, or are only physically capable of shopping in small near-by stores where prices are higher than larger stores more easily reached by the young.

And, of course, the expenses of the elderly in many other areas generally exceed those of the young, for example—medical and drug expenses. Categorical assistance programs and Social Security too often fail to recognize the needs of the elderly poor in terms of family units, often composed of a single person. Awareness of their needs in terms of family units would lead to a more realistic setting of benefit levels.

The inadequacy of categorical assistance benefits has been pointed out too often for further discussion here. But it would seem to be an urgent priority to at least guarantee to the elderly incomes equal to the poverty line, either by increasing Social Security or revamping O.A.A. programs to meet this income floor.

B. Health care

If Medicare is to continue to exist, it is imperative that coverage be expanded to include all prescribed drugs, prosthetic devices, eyeglasses, dentures and hearing aids. Also the deductible costs must be drastically reduced. Moreover, any curtailment of coverage in skilled nursing homes or other congregate care facilities must be resisted. If Medicaid is to continue to exist, it is imperative that the Medicaid category of the "medically needy" should be made mandatory for persons 65 and over whose income is sufficient for daily living but not for medical care. However, it appears that some system of comprehensive health insurance system is necessary and imminent.

Although it has some drawbacks, the Health Security Act of 1971 would seem to be a superior plan to provide for truly comprehensive health insurance coverage. For the average individual the coverage is excellent; the threat of personal bankruptcy by illness is removed.

The President's proposal for a National Health Strategy, while rightly emphasizing preventative rather than curative medicine, contains large gaps. It does not really solve the mish-mash of Medicare, Medicaid, categorical assistance and local welfare guidelines that faces the elderly poor.

The President's reliance on private insurance companies as a means to finance this system is the most serious shortcoming of his program.

The recent past conclusively proves the inability of this industry to provide the necessary benefits to the society at large. Further, extending the maze of deductible, coinsurance and benefit limits to all programs will remove the present maze of programs and replace it with another equally unfamiliar program for the consumer. To maintain that the federal government cannot afford to pay the first dollar costs of health programs is to ignore the cost to the federal government in subsidies and tax write-offs that will be permitted.

Most seriously, this program continues the distinction between rich and poor in this society by establishing two separate insurance programs. It is time this practice was stopped.

The health security program, on the other hand, will be truly comprehensive. Every individual residing in the United States will be eligible for benefits. No restrictive age, income, prior employment eligibility standards or other means tests will be required.

The Health Security Program will supersede, in some cases entirely and in others in part, existing federal health programs. For example, persons over age 65 will be covered by the program eliminating the need for Medicare. Medicaid and other programs can also be terminated, except where benefits under such programs are broader than under Health Security. However, this legislation will not revise the health services provided under the Veterans Administration, temporary disability, or workmen's compensation programs.

We request that our Congressmen give this program their most serious consideration.

C. Long-term care

It would appear that this country has allowed the nursing home to provide most of the long-term care for the elderly and has chosen to ignore the results. The scandalous conditions discovered in several nursing home investigations throughout the nation can be found and are documented in our own state. Of course, thousands of quality care facilities do exist—if you can pay from $600–$1200 per month. But the poor cannot pay for quality care, and those who have some savings find them quickly exhausted.

It is clear that a desperate need exists for upgrading the quality of care in nursing homes in order to make such care available to all who need it. The government must ultimately assume primary responsibility for achieving quality long-term care in nursing homes.

However, it has been estimated that 15 per cent of the nursing home population could be adequately cared for in their own homes where they prefer to be. Every alternative to the nursing home should be exhausted to allow nursing homes to care for those who really need such care. M.A.O.'s own program, together with other pilot "supportive services" projects in other areas provides one such alternative.

These programs need the *active support* of all those who are concerned about the plight of our elderly poor.

4. HOUSING

Adequate housing is a need for all the poor, but the elderly have special requirements and special disabilities.

Certain trends today reflect the housing dilemma of the aged:

There is a chronic housing shortage in the United States, especially for the poor.

This lack of housing results in rent increases, even though the houses and apartments are deteriorating.

Forced relocation as a result of urban renewal has disrupted lives of tenants and poor homeowners.

The elderly poor have felt the effects of the above most severely.

The elderly wish to remain in society and not isolated in congregate care facilities.

The elderly are generally retired with low fixed incomes. Evidence points to a slow but steady erosion of the holdings of the retired senior citizen with limited or fixed incomes. Through rent increased in new or renovated structures, through the removal of older buildings under code enforcement practices, and a general lack of concern for the consequences of such actions upon residents, increased assessments for community "improvements" often make it impossible for the elderly to maintain a bare subsistence-level standard of living. They cannot always afford the costs of up-grading their homes to present-day standards, nor can they meet the higher rents necessitated by improvement costs of their landlords. Thus whether they own or rent, this rise in the cost of living generally requires relocation in less expensive and often more blighted areas.

We urge examination of the following:

1. Eligibility for the benefits of publicly assisted low and moderate cost housing and related services should be based on the social and health needs of the individual senior citizens, not solely on income. Recipients having incomes above an established minimum level should be able to pay for benefits at a sliding scale rate related to their income.

2. The Federal Government should *insure* that State and local governments produce suitable housing for the aged on a uniform basis based on the population of senior citizens. Such housing should not be confined to high-rises but should be a serious attempt to integrate the elderly into low-cost housing generally.

3. Federal and State Governments should provide meaningful financial incentives to make possible local property tax relief to the elderly homeowner. Renters should be accorded rebates proportional to the rent burden as a percentage of total income.

4. Rents in government-owned or subsidized housing should not exceed 25% of total income as provided in the Brooke amendments—but this should be extended to those on *public assistance* as well.

5. Serious efforts should be made to upgrade the care and maintenance of existing elderly housing.

5. LEGAL SERVICES FOR THE ELDERLY POOR

The aged comprise nearly one in three of all the poor but have received only a tiny fraction of legal services proportionate to their numbers. There are many reasons for this, the chief ones reflecting the timidity and withdrawal that often characterize the elderly and the lack of knowledge and interest in the aged that characterize young lawyers.

The need for legal representation for the poor Senior Citizen at present is particularly acute in the City of Minneapolis and suburbs where there are some 50,000 elderly poor and only one lawyer, through M.A.O., who deals exclusively with their legal problems.

We request that our Congressmen recognize and act on the necessity for more legal representation for the elderly.

Obviously, there are important concerns in many other areas such as education, employment, nutrition, and transportation that are of vital importance to all Senior Citizens that we, because of space, have not been able to voice.

We fervently hope that our elected representatives will look upon these issues with concern. And also with an understanding that our wish is for concrete action for change in this year of the White House Conference on Aging.

YOUTH AND THE AMERICAN DREAM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BOB WILSON. Mr. Speaker, "the American Dream" is a phrase which today seems to mean many things to different people. The following editorial by Edward G. Carlson, president of United Air Lines, in the June 1971 issue of Mainliner reaffirms his faith in our way of life, while recognizing that we cannot sit complacently on the sidelines and ignore the serious problems still confronting us. I am certain my House colleagues will find his remarks pertinent and to the point:

YOUTH AND THE AMERICAN DREAM

(By Edward E. Carlson)

A recent study prepared for the White House Conference on Youth indicated that less than half the nation's young believe in The American Dream. Each of us must have a different concept of what that dream is, but we suspect that a general definition to which most of us would agree would be something like: "the freedom to improve one's situation in life."

Within that definition could be several interpretations. To many of my generation, it means "the right to compete as an individual in a free enterprise system." Certainly, many who are under 30 today would interpret The American Dream much differently. Some young people today question the free enterprise system itself.

The American Dream has brought the hopes, ambitions, health, talents and skills of millions to the highest level known in history. Our free enterprise system has made America the envy of the world in terms of the quality, quantity and variety of goods and services. Compared to every other nation, we are better clothed, better housed, better fed and better educated. Why then do we have discontent, protest and disillusionment?

Perhaps it's because The American Dream has worked so well. In less than two centuries, our efficiency has made us an international power in the eyes of the world and has thrust us into a position of world leadership. Domestically, a once rural nation now has huge cities bursting at the seams with the activities of humankind. In the process have come problems.

Beyond material wealth, our system gives us the right to criticize, protest, dissent. The American Dream has freed us from dawn-to-dusk labors. We have now reached a point in time where we are able and can afford to pause and ask: "How can we do it better?"

To be sure, our system is imperfect. And young people are idealistic. To the extent that youth continues to seek ways to improve, there is no cause for concern. The exuberance of youth is largely responsible for our recent awareness in such problem areas as military responsibility, pollution, poverty and discrimination.

We owe them an incalculable debt for the progress that has been made. Now we must ask, what of the future? Somehow we must not lose sight of the fact that The American Dream has largely been the dream of all men throughout civilization. With all its imperfections, it still carries the best hopes for mankind's future.

THE SO-CALLED NEW ERA OF PING PONG DIPLOMACY WITH COMMUNIST CHINA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1971

Mr. ASHBROOK. Mr. Speaker, in connection with the debate here today on Red China, I would like to call attention to the testimonies of two Chinese defectors who appeared before the House Committee on Internal Security in March of this year. Both witnesses had left Red China several years ago and they provided recent information on conditions in that unfortunate land. Prof. Richard K. Diao was associated with several Red Chinese Government agencies in the area of finance and economics and from 1953 to 1958 was Associate Professor and Deputy Head of Teaching and Research in the Department of Finance at the Central Academy for Financial Cadres in Peking. The second witness, Ma Sitson—(Ma Szu-Tsung)—as, among other things, director of the Central Conservatory of Music in Peking and vice chairman of the All-China Union of Musical Workers and member of the Sino-Soviet Friendship Association. Mr. Sitson is an accomplished violinist. His statement to the Internal Security Committee appears on page 10285 of the April 7 issue of the CONGRESSIONAL RECORD. The testimonies of both witnesses are part of the committee's hearings entitled, "The Theory and Practice of Communism in 1971—Part A," and are now available from the committee upon request.

The statements of these two witnesses provide an indictment of the Red Chinese regime which reminds one of the listing of abuses cataloged by our forefathers in our Declaration of Independence. Here are excerpts from the two witnesses which advance powerful arguments as to why our proposed policy of leniency toward the Red Chinese Government is ill conceived and dangerous.

For the benefit of those clergymen who propose soft policies such as admission to the U.N. and U.S. recognition of Red China, perhaps the following comments on religion in mainland China will be useful. Mr. Sitson stated during the course of the hearings:

> I should like to mention religion in China. There is none. According to the Constitution freedom of religion is permitted, but this is not true. A person who goes to church is always in trouble. All the churches must adapt to Maoism. It makes no difference which religion you are referring to, if you are a Buddhist you are accused of being superstitious. If you are Christian you have ties with imperialist countries. Members of the communist party cannot belong to any religion. Mao Tse-tung is god. His word, his teachings, are to the modern Chinese what the Bible is to a Westerner.

Here is what Professor Diao had to say about religion in Red China:

> There is almost no religion in China anymore except among the older people. It makes no difference which religion is involved, whether it is Christian, Buddhist or what. It is all bad as far as the Party is concerned. Of all the religions, I believe the Catholic was persecuted the most because the Party and Government felt they had closer ties to the West.

On this theme Mr. Diao added:

> All members of the Communist Party are not allowed to have any religion. The younger persons are discouraged from having any religion as well. Most of the churches and temples have been converted to schools, hospitals, or warehouses. Only in the big cities like Peking and Shanghai are a few churches and temples still operating as a sort of window dressing for foreign visitors. When the Premier of Ceylon visited China some years ago, for example, the Mayor of Shanghai and the protocol officials from Peking went to the temple with her for worship but this was only a propaganda move.

Concerning the right to vote Mr. Sitson stated:

> Elections in China are another example of this system which has enslaved a very old and a very honorable people. Elections are only a play. Every 4 years we have what are called local-level elections. They put, for example, 10 names on a ballot. Everybody must vote for these names. You may never have heard of these people before and probably never will again. There are 10 positions, there are 10 names, they are elected, and that is it. It is possible to put down another name—to write it in below the others—but this means nothing.

Commented Mr. Diao on the subject of voting:

> Everyone who has reached the age of 18 years may vote in China if they are not a convicted criminal. If you don't vote they question you as to the reasons. To vote you go to the voting place and pick up your ballot. You go into a voting booth, mark the ballot, and drop it in the ballot box. All the nominees have been screened by the Party and match exactly the number of posts to be filled and thus all are elected. You just don't have any choice. To avoid trouble, people just vote for the candidates listed.

To hear some liberals talk about Red China one would think that that regime is the last word in democratic government. Yet, some of these same individuals never miss a chance to clobber the FBI and law enforcement generally as the forerunner of a new police state in the process of establishing a climate of fear in our country. They would do well to listen to Messrs. Diao and Sitson. Mr. Diao states:

> I have been asked often whether China has a secret police. Yes, they do. They call it Public Security. It is similar to the Soviet Secret Police . . . I think the Army also has a Secret Police of its own. In China so many people are informers for the authorities of one sort or another even though they are not directly linked with the secret police that there is a saying that if you don't need an answer, don't ask a question and never trust anybody even your own kin. It is hard to tell who is a Secret Police source. As a result you never ask your friends any questions. You comment on the weather and that's about all.

On this same theme Mr. Sitson observed:

> In China today, the most casual comment to a friend, to a relative or even to members of your own family can often bring you before such a tribunal. Everyone lives in a state of fear. Fear is everywhere. Everyone is isolated from everyone else by this fear. Allegations made by anyone can bring you before a people's tribunal and there is no defense. Any of these groups that I have mentioned can send you away to a labor camp.

The above statements relate to just a few of the many areas covered by the two Chinese witnesses. Any policy regarding Red China should be based on whether that regime seeks to "establish justice" and "insure domestic tranquility" and whether it seeks to "secure the blessings of liberty" for the people of Red China. The answer is obvious: the Red Chinese Government presides over a slave state, just as cruel and brutal as the Government of Nazi Germany, and any attempt to appease the Red Chinese leaders will eventually result in similar, disastrous consequences.

RED CHINA HAS NOT CHANGED ITS COLORS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. FISHER. Mr. Speaker, on yesterday I joined with a number of my colleagues in a realistic appraisal of Communist China, and the dangers and risks inherent in any sort of recognition of Mao Tse-tung's regime under present conditions.

Under leave to extend my remarks I include an editorial entitled "China's Character Unchanged," which appeared in the April 26 issue of the San Diego Union. The editorial follows:

U.N. MEMBERSHIP IS MAO'S GOAL: CHINA'S CHARACTER UNCHANGED

It becomes increasingly clear that Communist China's dramatic invitation to the America table tennis team was not an indication that the Peking government has changed its attitude toward the United States of America. The first objective of the regime of Mao Tse-tung is membership in the United Nations. This is reflected in the selective, strategic issuance of table tennis invitations. Of the six nations invited thus far, only Nigeria already was Peking's ally in voting at the U.N. to seat Red China.

Appraisal of the significance of the Communist Chinese "Ping-Pong diplomacy" has been typical. The world, particularly the Western-oriented world, has tended to react as if this single informal gesture were a 180-degree reversal of the Red Chinese leadership in its 25 year history of bitter, militant hostility.

The discussion already has leapfrogged over basic principles to the mechanics of a two-China policy at the U.N.—of the Security Council role of each or either China, of the substantial U.N. Charter changes that would be involved, of the voting procedures, and other similar actions that would have to precede a two-China decision.

The optimism is based on nothing more substantial than a few smiles from the Chinese upon a few American citizens who enjoy table tennis. This falls far short of proof that Communist China has changed its official policy. Peking leadership still is conducting its anti-American propaganda campaign. The Warsaw talks have not resumed. No American businessman has an order for goods in hand, and supplies pour through mainland China to North Vietnam.

Nothing that Communist China has said or done indicates that it has altered its often repeated goal—the destruction of the United States of America.

Nor as a matter of fact, has Communist China applied for membership in the United Nations, which the charter stipulates is an essential prerequisite. It it did apply, no member could honestly conclude that Mainland China is a "peace-loving nation"—also a prerequisite for membership.

Certainly the efforts of the Nixon Administration to establish dialogue with the people of Communist China must be applauded and supported. It is conceivable that trade, travel and cultural exchanges can build a bridge of discussion between the people of the United States and those of Communist China.

It is, however, naive to assume that today's leadership of Communist China has in any way changed its hostility to the United States, or that it is interested in world peace. It is dynamite to give such a regime a powerful new weapon in the form of U.N. membership, particularly since this would likely mean that East Germany, North Korea and North Vietnam also would be knocking at the doors of the world body. It would be the height of irresponsibility to seat the present hostile leadership of Red China in the world association of nations at the expense of Nationalist China, which is peace-loving and an asset to the Western World.

TEXAS TOKAMAK: POWER FOR THE FUTURE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. PICKLE. Mr. Speaker, when man first picked up a rock and used it for a hammer, he sent us down the road of the search for power. The intensity of that search has never wavered—and I venture it will not waver any time soon.

Man has placed at his command a wide range of powers—animal, water, steam, electricity, the power of the combustion engine, even the wind, and now atomic power. And he has begun to use the power of the sun.

One source which is not yet harnessed, but which holds much promise, is fusion—or in laymen's terms, the harnessing of the hydrogen bomb.

In a search for resources from which to derive his power, fusion uses the plasma made from the plentiful supplies of heavy hydrogen in our oceans. In his search for a source of power which will not take more away from his environment than it gives to it, fusion power is clean.

No one has yet harnessed the energy caused when two atoms fuse long enough to derive controlled power from it—even though the time needed is only 250 microseconds. But that day may not be far off. In fact, the timetable for construction and marketing of fusion reactors is, I am told, about the same as for the huge atomic breeder reactors.

There are about four centers in this country where research on fusion power is being conducted, and one of them is the University of Texas at Austin. There, buried under the physics-math building, is a laboratory where one senses the excitement and promise of this research the minute he walks into the room. There Dr. Bill Drummond, Dr. A. E. Robson, and other scientists are quietly working to give us the power of the future.

Mr. Speaker, a recent article in the Dallas Morning News explains the work that these men are doing:

UNIVERSITY OF TEXAS AUSTIN UNIT PROBING SECRET OF FUSION POWER

(By Paul Recer)

AUSTIN.—A $1 million, doughnut-shaped aluminum bottle called the Texas Tokamak one day may show man how to harness the energy of the H-bomb for light, heat and power.

Scientists believe the bottle may result in the ultimate power source being made available to man.

There are nuclear power plants now. The words to remember are "fusion" and "fission."

Present plants use fission. Fission has its drawbacks.

Fusion, if it can be controlled, poses few problems—and the fuel is about as cheap as sea water.

"If we can tap it (fusion power)," says Dr. A. E. Robson, chief experimental scientist for Tokamak, "we'll have no further worries about energy supplies."

That day is still distant, but if Texas Tokamak works, fusion power plants will be much closer.

Nuclear fusion is a complex first cousin to nuclear fission. But fusion can be even tempered and not as likely to bite the hand that controls it.

Fission gives the boom to the atomic bomb and the heat for present nuclear power plants Its power comes when atoms are split.

Fusion gives the sun its heat. Instead of splitting atoms for power, it slams them together. A hydrogen bomb is an uncontrolled fusion reaction set off by a fission device.

No one has been able to create a controlled fusion reaction, and, says Dr. Robson, no one is precisely sure how to do it.

Fusion is created when a plasma—a rapidly moving stream of gas atoms—is compressed and then heated for a fraction of a second.

The plasma must reach a temperature of 50 million degrees for about 250 microseconds. This causes atoms in the stream to fuse together and give off energy in the form of charged particles.

The Texas Tokamak will use a new system to achieve the required temperature, but Dr. Robson said it will not be able to hold the compression with the heat long enough to achieve fusion.

The final step of compression, plus heat, can be achieved, said Robson, once the heating technique has been demonstrated.

The Tokamak will have large electromagnetic coils spaced around the outside.

Plasma will be introduced into the bottle and the magnetic coils turned on.

The Magnetic field will force the plasma to move. Then, a huge jolt of electricity will be introduced. This will heat the plasma for a fraction of a second and force the atoms together, but not enough for fusion.

Robson said the unique feature of the Texas Tokamak is that it will use powerful slugs of electricity for the heating.

"We're going to use 200,000 volts, about 1,000 times more voltage than anybody else has done or plans to do," he said. "This creates a great deal of turbulence very quickly, and as a result, we believe we can make it hot very quickly."

"If it can be established that this type of heating works, then there's only one further stage (compression) to fusion," said Robson. "We should be able to move right to a feasibility stage toward developing a fusion power plant."

The term "Tokamak" originates from the name Soviet scientists gave a similar Russian experiment. That device achieved higher heat than any previous fusion experiment and announced to the world that the Russians are leading in the race to produce a controlled thermo-nuclear reaction.

Two American Tokamaks later duplicated the Soviet results and three other U.S. Tokamaks are being built. But the Texas Tokamak is the only one to use such high electrical charge.

The Texas Tokamak is being built of aluminum lined with quartz. Power will come from a large bank of submarine batteries. The Tokamak is under construction in the basement of the new university of Texas Physics-Math Building.

CARDINAL WRITES TO YOUTH ON VOTING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHEUER. Mr. Speaker, there is nothing more valuable to a citizen in a democracy than the right to vote. Yet only about one-half of the eligible voters in this country exercise their voting franchise. This year, for the first time, citizens between the ages of 18 and 21 will have the right to vote in Federal elections. We must encourage these new voters to exercise their right so that they will not become members of the apathetic majority that can not be bothered to vote.

Community leaders can play a crucial role in the campaign to increase voter turn out, and to involve our new voters in the electoral process. Archbishop Terence Cardinal Cooke from New York has set an example for all of us to follow. He has directed much of his energy towards making young voters think about their responsibilities as enfranchised citizens.

I commend the attention of my colleagues to the following letter written by the Archbishop to the new voters of New York State:

[From the Catholic News, June 3, 1971]

CARDINAL WRITES TO YOUTH ON VOTING

Terence Cardinal Cooke, in a letter sent today to students and other young men and women in the metropolitan area, said that federal and State law now permits persons 18–21 years old to vote in New York.

He urged them not to waste the fine opportunity they have to make their voices heard, on important issues, through the democratic process of voting conscientiously and intelligently. Following is the text of the letter:

My friends:

By means of this brief letter, I wish to encourage our young men and women between 18 and 21 years of age to make use of the right which the Congress of the United States and the Legislature of the State of New York has recently accorded them—the right to vote.

I know that the aspiration of many young Americans is to help shape the destiny of our nation and of our world. I know their earnest desire is to create a future superior to the past. I suggest that one of the best instruments for doing this is to be found in the democratic process. Young people represent an enormous segment of our population and their vote will carry its proportionate weight in the deliberative procedures upon which our democracy rests. The new law which lowers the voting age to 18, offers our young people an opportunity to speak to our nation, with a strong voice, on the issues that involves all of us: the issues of peace, of racial justice, of poverty, of equal opportunity for all, of the sanctity of life.

I urge all those who will have reached their 18th birthday by Nov. 2, 1971 to register, to study deeply the concerns of our society, to take the measure of candidates for public office, and then to use their vote intelligently and conscientiously in the hope of creating a better world.

With prayerful good wishes, I am

Sincerely yours,

TERENCE CARDINAL COOKE,

Archbishop of New York.

SENATE—*Friday, June 11, 1971*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Great Shepherd of Thy people, we thank Thee for the sacrament of life, for its great adventure, its glorious opportunities, its work and its hardships, for the things that point beyond themselves to a spiritual realm from which they rise; for failures that quicken hopes; for the pains, sorrows, and sins that spur us on to search for health and redemption; for the beauty of common things, for good work and kind deeds; for all intimations of the infinite and eternal; and for the light of Thy presence upon our daily path.

May our work ever be Thy work. Shepherd us, O Lord, in our going out and our coming in until at length we are gathered in Thy sheepfold safe and strong forever more.

And to Thee shall we give the glory and the praise now and evermore. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 11, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill, in which it requested the concurrence of the Senate:

H.R. 8866. An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

HOUSE BILL REFERRED

The following bill was read twice by its title and referred to the Committee on Finance:

H.R. 8866. An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 10, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

ENVIRONMENTAL PROTECTION AGENCY

The legislative clerk read the nominations in the Environmental Protection Agency, as follows:

Robert W. Fri, of Maryland, to be Deputy Administrator of the Environmental Protection Agency.

David D. Dominick, of Wyoming, to be an Assistant Administrator of the Environmental Protection Agency.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HUGHES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

THE UNITED STATES AND NATO: TROOP REDUCTION—V

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD set No. V of the commentaries, columns, letters to the editor, and editorials, relative to the U.S. troop position in Europe in relation to NATO.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGREEING TO TRY TO AGREE

Richard Nixon entered office talking of an "era of negotiation" with the Soviet Union. But something—usually Vietnam or the Middle East—always seemed to get in his way. Last week, the Administration suddenly began to put it all together. Beating back the Senate's stiffest challenge yet to his supremacy in foreign affairs, President Nixon moved toward negotiations aimed at reducing both the U.S. and Soviet garrisons in Central Europe. The next day, he appeared on television to announce "a significant development in breaking the deadlock" in the strategic arms limitation talks (SALT). And although this speech lasted a bare two minutes, the President still found time for some hopeful hyperbole. The milestone in the SALT talks, he declared, "may be remembered as the beginning of a new era in which all nations can increasingly devote their energies and resources not to the weapons of war, but to the works of peace."

Even Mr. Nixon's own advisers were quick to say that neither of last week's developments really constituted that much of a breakthrough. The two governments had merely agreed to talk about a mutual, balanced reduction of their forces in Central Europe. And as for SALT, they had only agreed on how to talk. Both negotiations, moreover, promised to be extraordinarily long and complicated (page 26). Even so, a beginning had been made, and in time it could conceivably justify the President's hopes for a "new era" in East-West relations. For both Richard Nixon and Soviet leader Leonid Brezhnev had apparently found it worthwhile, for their own separate reasons, to do something about the two classic issues of the cold war: the spiraling nuclear-arms race and the costly and potentially perilous confrontation between American and Soviet troops in the heart of Europe.

Before embarking on their project, however, the Administration had to put down a serious Senatorial uprising: Majority Leader Mike Mansfield's proposal to compel the unilateral, 50 per cent cut in America's European troop strength by the end of this year. Unwittingly, the Russians helped Mr. Nixon to fend off that challenge to his policymaking prerogatives. Two weeks ago, when Brezhnev offered to negotiate a mutual force reduction, many Senators concluded that it would be foolish to give the Kremlin something for nothing. Thus, Mansfield's one-sided troop cut went down to a surprisingly one-sided defeat last week (following story).

Even before the vote was taken, the Soviets had also accepted a plan to break the logjam in the SALT talks. For months, the Russians had been insisting that an agreement would have to be reached first on limits for antiballistic missiles (ABM's), while the U.S. had been demanding a package deal covering both offensive and defensive weapons. Finally, top-level discussions—which, according to White House staffers, included direct contact between Mr. Nixon and Soviet Premier Aleksei Kosygin—produced a face-saving compromise. For the rest of this year, the two countries will concentrate on reaching an ABM agreement. But any such accord would be matched, at the same time, by measures to limit *some* offensive weapons. Thus, the Kremlin, which played down the SALT compromise, for home consumption, could claim that it was negotiating ABM in a separate context, while the U.S. could point out that, in the end, any interim agreement would cover both offensive and defensive weapons.

TEXT

Part of the deal was that this vague formula would be released in simultaneous and identical announcements by both Washington and Moscow. Mr. Nixon's performance went off without a hitch, but there was a brief flutter in Administration stomachs when Radio Moscow and Tass, the Soviet news agency, produced a slightly different English-language statement. Apparently because of sloppy translation, this text made it appear that offensive weapons would be forthcoming after an ABM agreement was reached, rather than at the same time. Fearing a Kremlin double cross, the White House immediately protested to the Soviet Embassy in Washington, and the Russians quickly responded with a correct translation.

This fastidiousness reinforced the impression that both Washington and Moscow were committed politically to getting at least a partial agreement out of the SALT talks and to making some show of progress over mutual troop reductions. Each government had good reasons. On the American side, Mr. Nixon is already personally identified with the search for rapprochement; he knows that the Mansfield forces will return to the attack and, moreover, he shares their concern over the balance-of-payments deficits imposed by the U.S. troop commitment. Leonid Brezhnev is faced with similar political imperatives. Still embroiled in its feud with China, the Kremlin is anxious to relax tensions with the U.S. and Western Europe, particularly now that Washington and Peking seem to be getting onto better terms with each other. And cuts in nuclear weaponry and ground forces based in Central Europe could also make things easier for the hard-pressed Soviet economy. "Realistic measures in the field of disarmament," Kosygin told visiting Canadian Premier Pierre Trudeau, "would ease the burden of military spending which the peoples of the world have to bear and would contribute effectively to an international détente."

INERTIA

The geopolitical equation may also have included a bit of bungling on the Soviet side. As Amercia's anxious NATO allies kept pointing out, there was no reason to believe that the Kremlin had abandoned one of the key objectives of its foreign policy—to reduce U.S. influence in Europe. In that light, Brezhnev's offer to negotiate a mutual troop reduction seemed absurb, for if the Soviet leader had only waited, Mansfield might have forced a unilateral U.S. troop cut at no cost to the Kremlin. There were a number of theories in circulation to explain Brezhnev's behavior, but the most persuasive one was simply that the Russians had goofed. Brezhnev's speech proposing the troop negotiations had undoubtedly been written before Mansfield introduced his amendment, and the chronic inertia of Soviet bureaucracy may have prevented Brezhnev from adjusting his sights when he stood up to speak two days after the Majority Leader acted. "The Russians," said one well-informed senator, "are not flexible enough to scrap a speech like that just because of fresh developments."

Accidental or not, the Soviet stance contributed to a notably successful week for Richard Nixon. There seemed to be some chance for a first-stage agreement in the SALT talks by around the end of the year, and already some Russian diplomats were hinting that such an achievement would be crowned by a U.S.-Soviet summit conference starring Leonid Brezhnev himself. But even the most bullish of Washingtonians were well aware that an almost infinite number of pitfalls lay along the road to rapprochement. "It's all well and good," Rep. F. Edward Hébert, chairman of the House Armed Services Committee, remarked after Mr. Nixon announced the SALT compromise. "But let's keep our powder dry."

SLEDGEHAMMER

It was the first of this spring's series of foreign-policy matches between Richard Nixon and a rebellious U.S. Senate, and when it ended last week the score was the President 1, the mutineers 0. The Administration's troops beat back proposal after proposal to force Mr. Nixon to reduce America's troop commitments to NATO by as much as half and by a cutoff time as early as the end of this year. But winning was not nearly so easy as the 2-to-1 balance of forces suggested: it took a lobbying effort unmatched in recent memory and, more important still, an inadvertent assist from Leonid Brezhnev to stifle the uprising. "I feel like the fellow with the slingshot," said Senator Majority Leader Mike Mansfield, who forced the test—and, if Goliath survived the first shot this time, the sting would be felt for months to come.

What Mansfield proposed, in the form of an amendment to the pending draft-extended bill, was the recall of no fewer than 150,000 of the 320,000 GI's now stationed in Europe by Dec. 31. He has been offering similar legislation in vain for six years, but this time it caught up a whole constellation of discontents in the Senate—over the Vietnam war, over the nagging imbalance of payments, over America's disproportionate share of the burden of defending Western Europe, over the slow erosion of Congress's role in making foreign policy. The news a fortnight ago that Mansfield planned to try again this year set off a reaction verging on panic at the White House. And not without reason: "If his amendment had come to a vote the day he introduced it or the day after," one GOP hierarch remarked to Newsweek's chief Congressional correspondent Samuel Shaffer, "he would have won hands down. Thank God we had a week's grace."

Nothing the Administration did during that week helped its cause quite so much as Brezhnev did by offering to discuss mutual troops reductions in Europe—a gesture that undercut Mansfield's unilateral-withdrawal proposal. Nevertheless, Mr. Nixon's counter-insurgents—headed in the field by his national-security braintruster, Henry Kissinger, and joined at intervals by Mr. Nixon himself—mounted a lobbying campaign that bordered on overkill. Kissinger met daily with strategists from the White House, State and the Pentagon, personally phoned media executives to solicit editorials and helped Dean Acheson line up an all-star team of old cold warriors to join the attack. He got permission through Harry Truman's doctor to use Truman's name. He enlisted Lyndon Johnson (though LBJ declined a Kissinger draft statement and wrote his own instead). Two former Secretaries of State, six Under Secretaries, two Deputy Secretaries of Defense and four supreme Allied Commanders in Europe joined up.

EFFORT

Senate GOP leader Hugh Scott himself was called home from an official trip to Tokyo. So was GOP Sen. William Roth of Delaware—with a White House helicopter standing by at the airport to pick him up and speed him to the floor on voting day. The Israeli Embassy lobbied friendly senators. Illinois Republican Charles Percy got calls or wires from U.S. ambassadors in London, Brussels, The Hague, Reykjavik and even Henry Cabot Lodge in the Vatican. Maryland's J. Glenn Beall, Jr., recovering from an operation for a burst appendix, checked himself out of the hospital long enough to sit in plain discomfort through the last hours of floor debate and the vote.

There were some sharp moments. Several senators tried to talk Secretary William P. Rogers into a compromise requiring the President to negotiate a reduced U.S. role within NATO and to report progress to Congress every six months. Rogers said no—that would infringe on the President's prerogatives. Snapped New York's Republican Sen. Jacob Javits: "Why won't you be a partner of ours just once in such endeavors?"

Mr. Nixon himself tried to keep the infighting from getting personal. At a meeting with the GOP Congressional leaders, someone started talking about "how to defeat Mansfield." Mr. Nixon, one Republican remembered, broke in sternly: "I'm not interested in that. Senator Mansfield is an honorable man." As President, he said, he had to take the long view—"to maintain the peace and to keep the confidence of our allies and maintain our credibility in that area. . . ."

Why U.S. Forces Will Stay in Europe

U.S. Troops are going to stay in Europe at full strength for at least another year—and possibly longer.

That was the upshot of a series of Senate votes on May 19 aimed at forcing the President to withdraw 150,000 of the 300,000 servicemen now attached to North Atlantic Treaty forces.

The President and officials of four previous Administrations mounted a massive counterattack to defeat the withdrawal campaign led by Mike Mansfield, the Senate Majority Leader.

The President's reasons for refusing to diminish U.S. forces in NATO were made clear by Administration sources:

A big, unilateral American pullout at this time would be viewed by U.S. allies as betrayal of a clear-cut deal with Washington. Under the agreement, European allies are increasing their NATO spending by 1 billion dollars over five years in exchange for President Nixon's promise that no U.S. troops will be withdrawn from West Europe without similar Soviet cuts in East Europe.

Russian leaders suddenly are showing keen interest in discussing mutual, balanced troop reductions. A 50 per cent cut in U.S. troop strength could kill any chance of successful negotiations with the Soviet Union.

A precipitate American pullout would reinforce growing doubts around the world over American credibility as an effective global power.

Any major pull-back from Europe—coupled with the Vietnam withdrawal—could convince the Russians that they can profit without paying the price at the negotiating table. The result: a tougher Soviet stance in the Middle East, in Berlin and in arms-control talks.

The White House is adamantly opposed to any congressional action that would have the effect of taking foreign policy out of the hands of the President.

The Senate, by a vote of 61 to 36, defeated the Mansfield proposal to halve American NATO forces by the end of the year. It also rejected five less-sweeping compromise amendments, all aimed at reducing U.S. strength in Europe.

In the opinion of Administration officials, Senator Mansfield could not have chosen a worse time to press for a U.S. pull-back. There is not only the danger of jeopardizing critical negotiations with Russia and alienating U.S. allies, these officials say, but the demand came just as the European Community finally appeared ready to admit Britain. This could lead to West European nations assuming increasing responsibility for their own defense in the years ahead.

PAST AND FUTURE CUTS

Strategic experts on both sides of the Atlantic point out that 300,000 is not a permanent figure, beyond mid-1972. Further cuts are inevitable—even if the Russians refuse to reduce their forces in Eastern Europe. As the chart on this page shows, the U.S. already has reduced its NATO forces by 117,000 men over the past decade.

U.S. and European authorities emphasize that the important point is not the number of troops in Europe, but how and when future American withdrawals are carried out. It is vital, these experts say, that the U.S. avoid undermining the credibility of its nuclear commitment in the eyes of the Russians and of American allies.

A leading British strategist explains it this way:

"There is nothing magical about 300,000 American troops. The fact is that 150,000 or 200,000 men might be just as effective as far as U.S. credibility is concerned. The real question is how the reduction is carried out."

The wrong tactic, this expert warns, would be to pull out in a way that would be viewed around the world as a panicky retreat at a critical moment in East-West negotiations, and during the construction of a united Europe.

A Mysterious Mushiness

(By Stewart Alsop)

WASHINGTON.—In recent weeks—and last week especially—it has seemed more and more evident that the answer to a question Winston Churchill once asked, at the end of a long and bibulous lunch, is "No."

The year was 1948. I had been wandering about the Continent, and had run into Randolph Churchill, the great man's only son, who asked me to lunch at Chartwell. The lunch (which I described subsequently for the late lamented Saturday Evening Post) was at first an intimidating occasion. I had thought it would be a large gathering, and I could be as inconspicuous as a fly on the wall. Instead, there were only the great man, Randolph, and myself.

Mr. Churchill (as he was then) appeared in a rumpled siren suit, and he looked like a grumpy old baby. When Randolph introduced me, his only response was a disapproving "Hrrumph." There were no cocktails. We sat down and drank our soup in nervous silence, broken only by an occasional "Hrrumph." Then in came a bottle of champagne, and then another. The effect on Mr. Churchill was that of the sun on a flower.

He began to talk, and he talked wonderfully well—wisely, wittily, and maliciously. Over the port and cigars, he talked about the then current scene, which he painted in gloomy colors, and with reason—Stalin had blockaded Berlin, and there has been the take-over attempts in Azerbaijan and Greece, the coup in Czechoslovakia, and much else. The United States had responded, at first with agonized reluctance, with Greek-Turkish aid, the Marshall plan, the beginnings of NATO.

STRONG HORSE

"America," Mr. Churchill mused, puffing his cigar. "America. A great and powerful country, like a strong horse, pulling the rest of the world up behind it, towards peace and prosperity." Then he fixed me with an accusing stare. But will America stay the course?"

I answered the question with a confident (and slightly intoxicated) "Yes." I would now answer the question with an almost equally unequivocal "No."

Times have changed, of course, since Mr. Churchill asked his question. Stalin is dead, and so is the Soviet monopoly of Communist power. In the post-Marshall-plan era, this country suffered from a Miss Fix-it complex, and our commitments were greatly overexpanded. The Europeans' contribution to Europe's defense has for twenty years been grossly inadequate, and the American military bureaucracy has never provided a fair return in combat power on its immense manpower and money investment. Above all, the Vietnam war has been a major national tragedy.

All this is true, but it is also true that Mr. Churchill's question remains the key question today, as it was when he asked it over the port. Churchill saw, with his genius for recognizing the obvious, that only American power could provide an effective counterbalance to Soviet power, and that if the United States ceased to behave like a "strong horse," Soviet power would ultimately prevail.

DIFFERENT VIEWS

In intellectual circles here and abroad (except in Israel) this is now a most unfashionable view. The fashionable view is that the nuclear weapons have rendered the old concept of the balance of power obsolete, and that power is not therefore something to worry about. Unfortunately, this view is not shared in Moscow.

The U.S. reconnaissance satellites have brought back indisputable evidence of an immense Soviet effort to gain nuclear-missile superiority. There is equally hard evidence of a major Soviet effort to gain naval superiority, and the Soviets already enjoy decisive ground combat superiority on the Continent.

Meanwhile, this country, while still involved in a costly war, is spending less on national defense in terms of percentage of gross national product than before the Korean War, and much less on strategic weapons than in the Eisenhower era. Defense manpower is being cut back by 40 per cent and more, and if the draft ends we could soon have fewer men in uniform than before the second war.

The fashionable response to this contrast is to dismiss the hard evidence of the Soviet missile program as mere Pentagon propaganda—"The Annual Spring Scare," to quote the title of a recent New York Times editorial. All the Democratic Presidential candidates but one favor further sharp cutbacks in defense. All the Democratic candidates but one are at best equivocal about the New Left demand that all logistic support for the South Vietnamese armed forces be ended, while the Russians and Chinese continue to supply the North Vietnamese with all the arms they need.

But perhaps the best evidence that the answer to Mr. Churchill's question is likely to be "No" was provided by last week's scare over the Mansfield amendment to cut the American troop commitment to NATO in half, without hearings or prolonged debate. The amendment was given a very good chance of passing, with the support of the liberal Democrats. It was only defeated, with a big assist from Leonid Brezhnev, after the Administration had mustered all the elder statesmen of the "strong horse" period, including old Harry S. Truman himself.

But this was a rear-guard action, and almost certainly the last. The elder statesmen represented the internationalist Democratic tradition of Roosevelt, Truman and John Kennedy. The liberals who now control the majority party have turned instead to the counter-tradition of "America first." Robert A. Taft is their unlikely hero.

PRIMACY

There is no doubt that the liberal Democrats are on to a good thing politically. This country's basic instincts are isolationist, and the American voters are clearly fed up, not only with the Vietnam war, but with the whole boring, expensive, dangerous business of being the world's No. 1 power. This being a democracy, the voters will no doubt have their way, and the United States, after its brief period of primacy, will cease to be the world's No. 1 power. It will cease to be "a strong horse."

What will happen then? Perhaps Churchill was wrong, and the left-intellectuals are right, and the Russians, having achieved primacy in both nuclear and conventional power, will choose not to exercise their power. Perhaps they will exercise it all too effectively. My guess, for what it is worth, is that this country will suffer some sort of traumatic shock, something like the Cuban missile crisis in reverse, and that this will have the therapeutic effect that electric shock treatment sometimes has on the emotionally disturbed.

But I am not at all sure this is a good guess. There is a curious new flaccidity, a mysterious mushiness, about American life and thought that may be incurable. So the answer to Mr. Churchill's question is very probably "No."

How Real Is Neo-Isolationism?

(By John L. Steele)

Isolationism, it would seem, is once again on the rise. President Nixon has used the term neo-isolationist to describe certain of his senatorial critics who would alter U.S. foreign policy or who seek a greater role for the Congress in shaping it. Once the name of a popular and viable political doctrine, isolationism today—with or without "neo" attached to it—is a pejorative word. It has no real validity in a world of instant communications, internationally linked economies, and nuclear weapons that can bridge continents at Mach 23 speed. Properly speaking, the term suggests someone who would like to disengage the U.S. from the rest of the world and return to a 19th century insularity. No doubt some Americans are experiencing an emotional recoil from foreign commitments, as a result of Viet Nam and domestic troubles. But apart from a small group of myopic radicals totally obsessed with the need for revolution at home, there are hardly any real isolationists left.

The conflict between the President and an influential minority of the present Senate is real; but the heart of the dispute is not isolationism v. internationalism. At issue is a desire to put space and time limitations on the fighting in Indochina, to strike a new balance between the President and Congress in committing military forces to combat abroad, and to avoid further proliferation of U.S. commitments round the globe without congressional sanction. There is also a feeling that the nation's values should be reexamined so that more money will be spent on domestic priorities and less on extravagant weapons systems that may prove to be redundant, provocative or both.

However arguable their proposed alternatives may be, none of the leading Senate critics of the President's foreign policy can be fairly accused of being isolationist. Republican Jacob Javits of New York—the only Senator who has been cited by name in Nixon's attacks—wants to curb the President's war-making powers. But Javits sided with his party's leader last week in voting against Senator Mike Mansfield's amendment to reduce U.S. forces in Europe by half. John Stennis of Mississippi, who shares Javit's view on war powers, is generally the Senate's stoutest defender of Nixon's defense-budget and national-security policies. Mansfield, whose defeated amendment may have seemed isolationist, supports the President's effort to negotiate peace in the Middle East, an enterprise that certainly depends on U.S. power and willingness to use it. Even the most publicized of the Senate doves who want a speedy and definite end to the Viet Nam War—such men, as John Sherman Cooper, William Fulbright and George McGovern—are not isolationist in any real sense of the word.

In fact, many of the proposals that White House officials have so casually referred to as neo-isolationists no more deserve that description than does the Nixon Doctrine. First enunciated by the President at Guam in July 1969, it was a major effort to rethink U.S. world policy and lower the American profile abroad. Quite rightly, Historian Manfred Jonas argues that applying the term isolationist to contemporary Senators tends to confuse rather than illuminate their stance. "They earnestly believe that there are limits to America's power," he writes in *Isolationism in America,* "and that to overstep these limits means courting failure and nuclear war. To call the course they propose isolationism is to misread both the history of the '30s and the record of American foreign policy prior to that time."

From the perspective of the '70s, it is all too easy to dismiss America's past isolationism as inevitably misguided and foolish. As Selig Adler points out in *The Isolationist Impulse,* the doctrine in many ways is "woven into the warp and woof of the American epic." From the very beginnings of the U.S. immigrants envisioned it as a way to a new existence. "They reasoned," Adler wrote of the colonists, "that God Himself had intended to divide the globe into separate spheres. America was the 'New Zion,' and Providence had severed this 'American Israel' from a timeworn, corrupt and warring continent."

Until the outbreak of World War I, the U.S. consistently followed a policy of isolationism—at least in the all-important sense of acting alone—even as its actual isolation from the rest of the world gradually disappeared. To be sure, the U.S. invaded Canada in 1812, and gradually eliminated the British, French, Spanish and Mexican presence from within its continental borders. It also fought Spain in Cuba and the Philippines. But in all these enterprises, the U.S. took a unilateral stance and confined most of its treaty obligations to such limited matters as fishing and sealing rights, immigration and trade.

These sporadic ventures into international affairs point to a basic ambiguity in American history. On the one hand, there was a desire to keep clear of other continents' internecine squabbles; on the other, an almost mystical sense that America had a mission to spread freedom and democracy everywhere. This evangelistic belief was strongly reinforced by the waves of immigrants, who periodically tried to involve the U.S. in the revolutionary movements of their homelands. By and large, political leaders of all parties did their best to cool this interventionist ardor. As early as 1821, Secretary of State John Quincy Adams was forced to counter a popular enthusiasm for Greece's struggle against Turkish overlordship. While the U.S. would always view sympathetically the struggles of foreign peoples against tyranny, he said, "she goes not abroad in search of monsters to destroy."

By the closing decades of the 19th century, time began to run out on the traditional faith. U.S. foreign trade doubled between 1870 and 1890. Navy Captain Alfred Thayer Mahan, a visionary military strategist, saw the seas as an "open plain" and urged the country "to cast aside the policy of isolation which befitted her infancy." The isolationist past was decisively rejected by Woodrow Wilson's intervention on the Allied side in World War I, but it was revived by the disillusionment that followed his crusade to make the world safe for democracy. The anti-internationalist movement reached a peak of influence in the years just before World War II. Its primary goal was to prevent the U.S. from becoming entangled in the looming war in Europe. Hapless remnants of isolationism persisted for a decade after the war ended, as a score of Senators (most of them Midwestern Republicans) sought unavailingly to defeat such undertakings as the Truman Doctrine, the Marshall Plan and NATO. But for all practical purposes, the doctrine died within the Japanese attack on Pearl Harbor. Senator Arthur Vandenberg wrote in his diary: "That day ended isolationism for any realist." The postwar efforts to keep the flame alive were merely, as Arthur Schlesinger Jr. put it, "the last convulsive outbreak of an old nostalgia."

No serious political figure now suggests that the U.S. could or should put aside the burden of global responsibilities it has assumed through necessary and moral conviction. But just how large that burden should be and how it should be borne obviously needs reappraisal. This quest for reappraisal was inspired by Viet Nam. But other factors would have brought it about even without the Indochina conflict.

During World War II, the U.S. acquired a mental habit of considering itself nearly omnipotent and the defender of freedom all over the globe. This self-image carried over into the cold war, when U.S. power was needed to halt Communist expansionism. That stance is no longer possible because reality has changed; the U.S. no longer has a nuclear monopoly, its economic resources have limits, and other nations do not necessarily agree with the U.S. definition of freedom or the good life. Moreover, Communism has become fissiparous and more amenable to negotiated *détenté.*

In this new situation, which has actually existed for at least a decade but which the U.S. is not yet really accustomed to, foreign policy will have to depend less on military force and direct Marshall Plan-style economic heft and more on diplomacy, trade and political maneuvering. French Journalist-Politician Jean-Jacques Servan-Schreiber, among others, has argued that the U.S. will have to choose between continued international power and the building of "an ambitious civilization" at home. For the foreseeable future, the U.S. will obviously insist on both, but Servan-Schreiber is right in asserting that the U.S. will have to rely more on sheer intelligence than sheer force. Secretary of State William Rogers puts it another way; he says that "there are lots of ways to influence people. The force of reasoning and the force of public opinion have a lot to do with influencing nations."

Though Japan and China are bound to play a growing role, for a long time to come the position of the U.S. and the Soviet Union as the world's two nuclear supernations will remain intact. Widely held ideas that emergent or neutralist nations can "soften" or replace the two-power role have proved illusory, as even India learned when Peking's 1962 strikes across the northern mountains brought Indian pleas for military aid from any quarter. East-West ideological battles are bound to continue, though perhaps in abated form, and so will jockeying for political and military advantage. But the two superpowers will carry on laborious negotiations, the Berlin meetings, the SALT talks and the anticipated discussions of mutual force reductions in Europe are examples. This delicate diplomatic work is not helped by Senate efforts to mandate U.S. troop reductions in Europe—or by a hard-nosed presidential response that finds "unacceptable" even a congressional request that negotiations be speeded up.

Most Americans, including most Congressmen, want to prevent American entanglement in future Indochinas. To accomplish that, it is not necessary—or wise—to impose overly stringent and sweeping limitations on U.S. influence abroad. But the nature of that influence must evolve in new ways. Viet Nam should teach us—as it did the French—that modern armies and industrial strength are not effective in all regions of the world or the automatic answer to wars of "national liberation" (even those backed by other nations). Both Congress and the President should jointly re-examine the security treaties and agreements that now bind the U.S. to more than 40 countries. Many of these "commitments" are more apparent than real, since they cannot be carried out without the approval of Congress. The purpose of these agreements, as the late Senator Walter George once noted, was to deter potential aggressors "from reckless conduct by a clear-cut declaration of our intentions." Often it has been shown that intentions cannot be made all that clear—resulting in misunderstanding by friend and foe alike. Rather than bog the nation down in the cement of firm treaties, President and Congress might explore less formal but more flexible commitments in the form of diplomatic notes or presidential statements.

As for the nation's military presence, there is no question that the U.S. today has too many troops scattered about in too many places. Even apart from the dollar drain, it is hard to justify the 375 major foreign military bases and 3,000 minor military facilities that the U.S. has positioned all over the globe in recent years. The White House has talked about "reducing our presence," while maintaining our commitments abroad—and Congress should be clued in more to discussions of how this can be done. One specific proposal: Congress could establish a small, select "National Security Committee," composed of members with expertise in military and foreign affairs, that would periodically discuss diplomatic problems with the President on a secret but utterly frank basis. Both Congress and the President can move away from an inflationary, supercostly military procurement policy that seems, at times, aimed more at breaking the Soviets by outspending them than by providing the U.S. with what it really needs for deterrence and defense. Unless this is done, says former Under Secretary of State George Ball, the U.S. economy is in danger of becoming "a Strasbourg goose with an overdeveloped liver."

These problems, as well as such lesser matters as reorganizing foreign aid and restoring the stature and influence of the State Department, require creativity on the part of Congress and the President. The prickly members of the Senate Foreign Relations Commitee are not alone in thinking that the balance in U.S. diplomatic decision making has tilted too far in the direction of the Chief Executive. Fortunately, there is a fairly recent example of the kind of cooperation needed: the historic postwar collaboration between President and Congress that established the policy of containment against Soviet aggression, the Truman Doctrine and the Marshall Plan. Then, as now, the White House and the Congress were controlled by opposing parties. Nonetheless, an exceptionally fruitful relationship developed between Democratic President Harry Truman and a Republican-controlled Congress in which Arthur Vandenberg was the foreign relations leader. Why should any less be expected from a Republican White House and a Democratic Congress?

Isolationism carried into the 20th century is essentially a flight from reality. To label the critics and reappraisers of U.S. foreign policy neo-isolationists is equally escapist. Few things threaten U.S. power more seriously than excessive or misguided intervention; the Viet Nam War has done more than any other factor in recent years to reduce U.S. global influence. Seeking to rationalize U.S. commitments abroad is the very opposite of isolationism, because only such rationalization can restore and maintain the U.S. position in the world.

[From the McClatchy Newspapers of California, June 1, 1971]

Following The Sunshine

(By Howard H. Dickson)

BATTLE

Senate Majority Leader Mike Mansfield of Montana and a number of his like-minded colleagues may have lost the battle in their move to reduce United States troop commitments under the pact creating the North Atlantic Treaty Organization but there is a strong possibility they may win the war.

In fact, the conflict may expand from the proposal merely to reduce troop strength in Western Europe to a point where a reduction in US forces may occur throughout the world.

There is strong sentiment in Congress that the nation has too many irons in the fire involving the military and that sentiment can be expected to grow.

The danger of overextension is clear in the history of the fall of the Roman Empire.

Everything was going fine for the Roman emperors until the legions marched off hither thither and yon.

POSTURE

Sen. William Fulbright of Arkansas, chairman of the Senate Foreign Relations Committee, says the country should not abandon its defense posture but questions whether some of the installations are necessary.

For instance, there is a base on the Leeward Islands which Fulbright described as "as a very nice place in the Caribbean."

Then there are the Balearic Islands in the Mediterranean, the Seychelles in the Indian Ocean and Malta in the Mediterranean.

"I will say," Fulbright muses dryly, "that in nearly every place which has a nice climate or beach a base will be found."

AGREES

Sen. Mike Gravel of Alaska has reason to agree with Fulbright about the strategic dispersal of the armed forces.

He is puzzled why the Navy's only icebreaker, the Glacier, is not stationed in Alaska where there is considerable ice to be broken.

Instead, it is stationed in salubrious Long Beach where the only ice breaking activity is in the making of cooling drink.

Then he is nonplussed why one of the Coast Guard planes which patrol Alaskan water on air-sea rescue duty has a home base in Florida.

"For some unknown reason," he stated, "when it gets ready to do its duty they fly all the way to Alaska an go all the way back to Florida."

Gravel does not suggest that Florida has a warm winter climate where the sun shines while the blizzards take over Alaska but he does theorize this way about the icebreaker situation.

"The putting greens at Long Beach are very green. Unfortunately, Alaska does not have any green putting greens."

NUMBER

Fulbright says the U.S. has 2,000 major and minor bases operating in more than 30 foreign countries ranging from Iceland to South Africa.

There are major facilities in Spain and Portugal which last year cost $110 million to maintain. The sum of $250 million went to the United Kingdom, $31 million to Greece and Cyprus, $30 million to the Bahamas and $20 million to Bermuda.

Bases were supported in such wide ranging places as Australia, Cuba, Ethiopia, Morocco, Pakistan, South Africa, Trinidad and Tobago, Antigua, Barbados and the Turks and Caicos Islands.

Some of them are so little known that members of Congress sometimes have to make the embarrassing admission they do not know their general location on the globe.

FINGER

A subcommittee of the Foreign Relations Committee which is headed by Sen. Stuart Symington of Missouri probably put the finger on the situation with this conclusion:

"In the past the State and Defense Departments have made but limited effort to study the worldwide base situation. It is only to be expected that those in embassies abroad, and also at overseas military facilities, should seek to justify continued operations in their particular areas. Otherwise, they would recommend a reduction in their own position.

"Arguments can always be raised to justify keeping almost any facility open. To the military a contingency use can always be found. To the diplomat a base closing or reduction can always be at the wrong time in terms of relations with the host country and other nations."

The time seems way past due to work out a sensible program of defending the country's vital world interests instead of dissipating its strength with the situation abroad.

[From the Boston Globe, June 2, 1971]

Halting Steps Toward Detente

(By Darius Jhabvala)

Washington.—A funny thing happened to a proposal as it recently passed through Congress on its way to the NATO forum in Lisbon.

For what was billed just two years ago as a secondary effort of the super powers to lower the level of confrontation in Central Europe has been transformed all of a sudden into a key element to a new East-West detente.

It began last month with in invitation to the Western Powers from Soviet Communist Party Chief Leonid Brezhnev to "taste the wine" of negotiations for mutual and balanced force reductions in Central Europe.

The entire bi-ministerial meeting of the NATO countries will be devoted to an examination of what should be their response.

There is nothing new about the Brezhnev situation. It was initially made by NATO in 1968 and its terms were expanded in 1970.

That same year the Warsaw Pact responded by suggesting a limited discussion of the questions concerning "the reduction of foreign armed forces" on the territory of European states. But the pact also indicated a preference for delaying any such discussion until a conference on European security had been held.

The agenda for the latter was to be limited also—to agreement renouncing the use of force, a principle to which states are already committed by the UN Charter and to trade and technical exchanges.

As the West saw it, the intent of that offer was to force the United States out of West Europe and, at the same time, to accord to East Germany an international status.

NATO reacted with caveats of its own. While keeping alive the prospects of an East-West detente, it rejected the idea of a European security conference unless there was progress in the Berlin talks. The latter meant that the three wartime allies would continue to deny East Germany the prestigious status of the sovereign.

For two years there was no movement in either camp to resolve those differences.

But last month the Russians sent some new signals. It is still a puzzle why they did so at the time when the Senate was debating the Mansfield Amendment for a unilateral cut in the U.S. Forces under NATO.

In any case Brezhnev's offer was, in effect, for a new conference that would deal strictly with mutual balanced reductions that were attached to the previous proposal.

One new element was added last week. It is the decision of Moscow and Washington to remove the question of forward based systems of each from the Stategic Arms Limitation Talks, and to throw it into the NATO-Warsaw negotiations hopper.

Those systems include nuclear and conventional weapons and the necessary delivery systems and supporting manpower that confront each other in Central Europe.

Thus by common agreement the initial conception, namely to avoid a nuclear conflict in Europe, has been vastly expanded.

The problem for the NATO ministers to decide a variety of issues—ranging from the sincerity of the Soviet offer to what sort of a forum is desirable for negotiations. Following that they will attempt to devise a common policy of substance.

All of this spells another very long period of setting all the ducks in a row before there can be any meaningful steps towards an East-West agreement.

[From The Washington Daily News, June 2, 1971]

Troop Costs and Savings

(By Bruce Biossat)

They say there will be another "debate" on reduction of our 300,000-man armed force in Europe. If there is, we must all hope it is less of a disgraceful emotional orgy than the debate over the troop-cutting Mansfield amendment.

As that amendment went down to defeat, hard facts seldom had a chance to rub elbows with each other. For the most part, the Senate discussion was mediocre in tone, ill-informed, and often grossly misleading.

Many matters crucial to American policy are involved. This report will deal with just one aspect: the argument over costs and savings.

The most outrageous assertion on this score came from Sen. George McGovern, declared presidential candidate. He said that cutting our NATO troop force by 150,000, as Sen Mansfield proposed, would save $7 billion yearly.

There is no mystery about where he got that figure. More than a year ago the Pentagon put the annual cost of U.S. NATO operations at $14 billion.

Just one difficulty. When that figure was produced, it covered every U.S. military and naval operation related in any way to NATO. That means the $14 billion included support costs for more than four U.S. divisions stationed in the United States (in a NATO reserve), Air Force units committed to NATO, and some air and sea lift activities.

It is obvious that cutting our Europe-based force in half would not cut the cost of all NATO-oriented U.S. military operations in half. So, Sen. McGovern's talk of saving $7 billion is a patent absurdity.

The real prospect is that there probably would not be any net saving at all from bringing 150,000 U.S. soldiers home from Europe. Very likely, it would be more expensive to keep them at home, in readiness for movement to Europe if needed.

This fall, the responsible Brookings Institution will produce a report on this and other defense cost matters.

Brookings' budget experts estimate that bringing two divisions home from Europe (4 and ⅓ are stationed there) would yield maximum operating savings of $100 million a year.

But, in the likely event their equipment was left at the ready in Europe, each division brought back would need some $300 million in new equipment here—since it could hardly keep in training without it.

These troops would be, plainly, a reserve held against the threat of war in Europe. They would need the means to get back there on short notice. That means, according to Brookings, a one-time cost of $600 million for airlift planes.

The annual cost of maintaining those necessary airlift planes would be $140 million, PER DIVISION. For two divisions, that would be $280 million, or nearly three times the estimated savings from bringing them home.

What the very cautious Brookings people are saying is that talk of big savings from troop cuts in Europe is nonsense. There wouldn't be any.

In its penetrating review of the 1972 federal budget, Brookings went to the heart of the troops-in-Europe issue. Real savings would be possible only if forces brought home were deactivated.

To do that would be to reduce what are called the force levels of the regular U.S. army. Some may contend that this should be done. But that is quite a different argument from insisting that huge savings will result merely from bringing our NATO forces home to stations in this country.

A curious sidelight in all this: The pro-Mansfield forces have been so shallow in their work that they haven't noticed that it has been a long time since the Pentagon issued that $14 billion figure for annual NATO-oriented costs. Brookings says the total is both outdated and limited.

[From the Washington Daily News, June 3, 1971]

FAT IN OUR NATO FORCE

(By Bruce Biossat)

What are 300,000 U.S. military men doing in Western Europe 26 years after World War II?

We are all supposed to know much more about this than we did before the Senate heard and defeated the Mike Mansfield proposal to pull 150,000 men out of Europe. But, as we await the promised next debate on the issue, the question is: Do we know more?

From Sen. Mansfield and other troop-cut supporters, the impression is gained variously that our NATO force is laden with fat, that its presence is merely symbolic (trip-wire to touch off our nuclear response if Russia attacks), that it is there to defend Europe for Europe's sake.

It is easy to dispose of this latter notion. Those who say "let prospering Europeans defend themselves" simply haven't examined the military power equation. Only we have the might to give Russia pause. And if Europe is not our first defense line, why did we fight two world wars at a cost of hundreds of thousands of men?

There is fat in our European force, as elsewhere. But the padding does not come to 150,000 men.

The argument that our NATO force is token, symbol, etc. is not advanced by sophisticated students of defense. For trip-wire purpose, 25,000 would do. An equipped force of 300,000 is intended for real defending.

Some say, yes, but the only practical defending it could do against a huge Soviet onslaught would be with tactical nuclear weapons, of which our NATO force has some 7,700.

Yet there is a very large doubt whether the NATO armies ever would begin tactical nuclear warfare.

Recently an expert in defense affairs told me: "We really don't know what tactical nuclear war means." A strong feeling exists that it would grade quickly into The Big One. For one thing, tactical nuclear devices have enormous destructive power. In seeking out combat targets, almost certainly they would devastate some cities. Moreover, their range is great enough to permit them to reach far behind the fighting lines. When does such a weapon become strategic?

One study suggests a tactical nuclear exchange between NATO and the Soviet-Warsaw Pact countries might lead to destruction of 20 per cent of the built-up areas in the combat zone of West Germany, plus the killing of 12 million Germans.

Alain Enthoven, former assistant secretary of defense, is one among many who believe that Moscow has enough tactical nuclear weapons to answer us in kind—and that hence no such exchange is likely.

What does that leave? Just the idea that our forces in Europe, plus those of our NATO allies, are intended to have the capacity to fight a conventional war. Nuclear stalemate wipes out any real alternative.

Many who dabble with the NATO issue believe Western forces are heavily outmanned and outgunned by the Warsaw Pact armies. The recent "debate" on the Mansfield proposal did make clear, for those who listened, that this is not so. Mr. Enthoven, writing in 1969 with K. Wayne Smith, demonstrated forcefully then that the conventional balance at the East-West line is close. In other words, that the NATO armies, even with some acknowledged shortcomings, are a credible fighting force which could well hold its own until U.S.-based reserves could be airlifted to stiffen defense further.

The next time the troop-cut proposal comes up, it should be discussed in its real terms. It has to do with the kind of defense we want to make of Europe, and hence of ourselves.

To bring home 150,000 or more men but keep them ready for quick airlift to the NATO defense line is to cling to the present conventional war strategy (probably at more rather than less cost.) To deactivate returned NATO units could mean putting all our eggs in the nuclear basket.

[From the Baltimore Sun, June 3, 1971]

NATO MEETS

Often in the past the semi-annual meetings of the North Atlantic Treaty Organiation have been concerned with more or less routine problems within the alliance, as it developed and changed. The sessions that begin today in Lisbon will center on the fundamental issue of levels of troop strength in the future.

More particularly, and less grandly, the discussions will deal with the question of what responses NATO as an organization should make to the new Soviet suggestion for negotiations on troop reductions in central Europe, West and East. While the tone of the Lisbon meeting will of course be one of skepticism and caution, there is no doubt that the issue has aroused wide public interest, in Europe and in America, and that NATO will want to explore it fully for possible actual movement.

The NATO countries individually are already doing so. The United States for its part has, according to President Nixon, completed within its own government its study of "balanced mutual force reductions," and in advance of the Lisbon gathering Defense Secretary Laird had been in consultation with a number of other NATO defense officials.

A large measure of skepticism has been expressed in advance by West Germany, whose foreign minister talks by custom with his opposite numbers from the United States, Britain and France on the eve of NATO meetings. The West German position is that a satisfactory settlement on Berlin must precede or accompany intimately any agreement on troop reduction.

This view in differing degrees is shared by others. As one Western diplomat said the other day: "We're not going to get anywhere on East-West negotiations until that neuralgic point of Berlin has been removed. It's too sensitive. The Russians can touch it at any time and make us jump."

That is a vivid and an acute way of noting that Berlin remains the key to an ultimate accord between East and West. But a disposition to move toward accord does seem at the moment to be in the air, and we may hope that the disposition can be nurtured to embrace Berlin.

[From the Washington Daily News, June 4, 1971]

SPECIAL KIND OF LIBERAL

(By Bruce Biossat)

There's a pretty sizeable bunch of liberals around today who work hard at giving liberalism a bad name.

It's also true, of course, at the conservative end of the spectrum. So why pick on the liberals? Simple. They're making the clamor and getting the attention, as the conservatives did in the Goldwater era.

We're talking here about one very special kind of liberal, marked by doctrinaire rigidity, by an arrogant attitude which says "there's only one way to do it and we're telling you," and by a powerful urge to embarrass, demean, penalize and even punish adversaries.

In this town they bear a charmed life. They seem to gain their credibility from knocking the credibility of others. They get a season pass from the journalistic fraternity. Seldom are their assertions and arguments subject to the same hard scrutiny which reporters level at an incumbent administration. Skepticism in Washington is selective.

The rigid liberals tout absurdly bad books like Charles Reich's "The Greening of America." They often manage to overstate the horrors of the war in Indochina, which isn't easy. Looking at the frustrations of the young, the black, the brown and others, they condone rage but deplore the violence it can lead to.

Their criticism of the police and the military, which can be immensely useful when specific and pointed, frequently are cruelly ambiguous. What does it really mean to be "anti-military" in a country that surely is going to have an army for long, long years?

The doctrinaire types are supposed to be smart. Nobody, it is contended, can match them for intellect, insight, etc. Why, then, do so many of them spend so much time shouting schoolboy slogans, flushing with joy when somebody cries "fire J. Edgar Hoover!" and putting the knock on people who don't subscribe to their narrow little catechism?

Not too many weeks ago, a frail publicaton called The New Democrat listed the fellows it thought were fit to have the 1972 Democratic nominations for President. Pointedly missing was the name of Sen. Edmund Muskie of Maine, top contender.

What's the matter with Big Ed? Critics say he's "indecisive." He says he sees a lot of sides to things, and takes time to make up his mind. The Marching and Shouting Society scorns that kind of nonsense. What's your decision, fella? We want it now!

If there's any fine intellectual discrimination in this kind of appraisal, it's not apparent. What the right liberals seem to say is:

"We've got the brains around here. And if you want to impress us, what you need to do is show emotion, especially anger. That's the big one today. Anybody who isn't in a fury hasn't got it."

Never mind digging deep to discover who really has a good store of knowledge, a capacity for learning and growth, and above all a talent for seasoned, balanced judgment. Who wants balanced judgment when society is at the ragged edge? What we need, man, is action!

Remember those now sidelined public figures like Dean Acheson and John J. McCloy, whom President Nixon marshaled to help kill Senator Mansfield's proposal to cut our NATO European force in half? Mr. Nixon surely was indulging in overkill when he put that aging posse together. But what about the rigid-libs? They ridiculed the old soldiers, all of whom had done heavy and usually selfless duty for their country, as if they were a gang of war criminals (some just said doddering old fools). Really?

You there, you public servant or politician: Do you have the rigid-libs' Good Housekeeping seal of approval? Watch out! You can lose it with one phrase that flunks the old litmus test. A couple of gravy spots on your pants, even if they're brown, and you'll be out.

[From the Washington Post, June 4, 1971]

U.S. Presence in Europe

The proposal of Sen. Mike Mansfield for a large-scale troop reduction in Western Europe, depending on how you looked at it, was roundly beaten by almost two-thirds of the Senate, or earned, on its first time around, the unquestionably daring support of more than one-third of the Senate.

The proposal was mostly kept in the context of saving U.S. dollars as one part of the response to the recent monetary crisis. Yet it is—and next year it probably will be debated as—an adjustment to the changes that have taken place on the European scene since 1949.

The critical question is, and has been since 1949, "What is the likelihood of a conventional military attack by the Soviet Union on Western Europe?" In 1949 there was a reasonably high likelihood that given a military vacuum in Western Europe, the Russians might attack. The response to this threat was the creation of NATO and the stationing of troops in Western Europe.

Despite the refusal of recognition by the President and his octogenarian foreign policy squad (but it was bipartisan!!), the times have changed. Soviet relations with Western Europe are good. Even with American troops stationed there, they pose no serious threat to Russia; indeed, they are more valuable as prosperous trading partners than as devastated colonies.

But the above points presuppose a military vacuum in Western Europe, and such a vacuum would not result from the Mansfield proposal. The reduction of the number of American troops by half would not at all mean the reduction of American military might by half. The only strategy served by troop presence is a conventional defense against a conventional attack, and by all estimates, the American presence there now is absurdly inadequate to meet a concerted attack. In that respect, then, what difference if there are only half of us there tomorrow?

The true deterrence to a Soviet or Soviet-inspired attack on Western Europe does not lie in the American presence there, but in the commitment, in the terms of the NATO Alliance, of unhesitating and unreserved assistance to our attacked allies. If this commitment is there, then the presence really need not be. Let us hope that in the absence of a monetary crisis next year, the facades may be dropped and this issue be debated on its merits.

JOHN F. POST.

WASHINGTON.

Army May Have Too Much Fat

(By Tom Braden)

WASHINGTON.—There are 146,250 children of American soldiers in Europe, and there are 79,000 wives. They live in comfortable bases, 80 of which are in Germany, and what they have to do with the defense of the Free World has been difficult for Sen. Mike Mansfield, D-Mont., to understand.

Mansfield has now lost his Senate battle to bring half the troops in Europe back home. But in the course of the battle he managed to raise some questions which even those who most strongly opposed him found difficult to answer. Such as: Should we pay for all those women and children?

And for the schools and teachers and golf courses and Little Leagues and libraries and post exchanges and clubs which go with them?

It is a very plush Army which we keep in Europe, so senators learned in the debate over Mansfield's amendment, but it is only a part of the "tail" which has become the single outstanding feature of America's defense.

Longest—"Tail" in the military vernacular means that part of an army which does not fight, but must be dragged along behind in order to supply and service the army and make the lives of its soldiers as comfortable as possible. The tails of the world's armies vary a great deal. The Russian tail, for example, is very short. The British is a little longer; the American Army has the longest tail in the history of any army in the world.

Literally, the 225,000 dependents of the Army in Europe do not count as part of its tail, and not counting these dependents makes the figures look better than in fact they are. But the figures are frightening anyhow.

Of the 300,000 men we keep in Europe, more than a third or over 100,000 are support troops, most of them attached to seven command staffs. The largest of these staffs is TASCOM or Theater Army Support Command, a unit of about 50,000 men which has charge of storing weapons and equipment.

Commands—In addition, there are two corps headquarters, supported by another command called COSCOM. It has 7,000 men to do the same job as TASCOM does. Veterans of World War II and Korea may be surprised to learn that it requires two corps commands to take care of the four divisions in the single Seventh Army we maintain in Europe. At the Battle of the Bulge, a corps commanded eight divisions.

What all this means is that for every 8,000 American soldiers who fire at the enemy, 52,000 do not. By comparison, for every 8,000 Russian soldiers who fire at the enemy, 13,000 do not.

It also means jobs for 128 generals and flag officers in NATO, or roughly one general for every 2,000 soldiers. The figure helps to explain why the United States has 1,338 generals and flag officers on active duty today commanding less than 3 million men. In World War II, we managed to get by with a little more than 2,000 generals and flag officers although we had 12 million men under arms.

Discovery—The reasons Sen. Mansfield lost his move to bring some of the Army home were two. First, Leonid Brezhnev of the Soviet Union made what seems to have been an astonishing blunder. He offered to negotiate mutual troop withdrawals from Europe, thus giving Mansfield's allies second thoughts about weakening a United States bargaining position.

Second, Mansfield lost because his opponents ignored the issue of bringing home half the troops and argued as though Mansfield were proposing a total pull-out from Europe, with perhaps a retreat to a defense line on the Mississippi.

In the course of the debate, the Senate discovered that the American Army is top-heavy, fat and pampered. There is even a faint suspicion that it is an Army with so much tail that it might not be able to fight a war.

[From the Los Angeles (Calif.) Times, June 4, 1971]

NATO Wary on Russ Troop Cut Proposal

(By Don Cook)

LISBON.—Foreign ministers of the North Atlantic Treaty Organization took a generally cautious attitude here Thursday to the sudden Soviet interest in mutual balanced force reductions. But they agreed to probe the East bloc countries intensively on the subject in the next few months.

The results of these bilateral contacts probably then will be examined at a special meeting of deputy foreign ministers in October or November. A suggestion for such a meeting, put forward by Secretary of State William P. Rogers, was generally supported by most of the other foreign ministers, with Denmark even offering to be host country for the consultations.

While the NATO officials were holding their discussions in a lavishly refurnished former palace, four terrorist bombs went off in Lisbon and its suburbs. The explosions knocked out all of the city's landline communications for five hours apparently in an effort to embarrass the Portuguese government.

BLAMED ON REDS

The explosions caused no casualties and were blamed on the Portuguese Communist Party that accuses the government here of colonialism in Africa.

There was a remarkable unanimity of opinion at this semiannual ministerial meeting that Berlin comes first in NATO relations with the Warsaw Pact countries. In the words of British Foreign Secretary Sir Alec Douglas-Home: "If we fail in the Berlin negotiations, nothing else is really possible."

This "Berlin first" sentiment also was echoed by members of the alliance who have no direct responsibility in the problem and who are usually more anxious for talks with the Soviet Union.

Norwegian Foreign Minister Andreas Cappelen said, for example, "We should reaffirm in clear language that as soon as the four-power talks on Berlin have been brought to a satisfactory conclusion, the NATO countries will be ready to enter into multilateral exploratory contacts on European security."

ROGERS SPEAKS

Rogers made a brief statement near the end of a full day of general political debate. He laid particular stress on mutual balanced force reduction and its effect on the resolution in the Senate by Mike Mansfield (D-Mont.) demanding unilateral American troop reductions in Europe. He noted that he had personally carried much of the fight to defeat the Mansfield resolution.

According to American sources, Rogers then told the ministers that he felt the United States would continue to maintain its force levels in the alliance as long as NATO shows seriousness of purpose in negotiating force reductions.

MANSFIELD TO PUSH FOR TROOP REDUCTION

WASHINGTON.—Senate Majority Leader Mike Mansfield (D-Mont.) and a bipartisan group of senators Thursday warned America's European allies that efforts to reduce U.S. troop strength in Western Europe will be renewed.

During a Senate floor discussion which coincided with the NATO foreign ministers meeting in Lisbon, they cautioned the Europeans against thinking the idea was dead.

"What our European friends have seen is only the tip of the iceberg, and what we have seen is only the first small step in a journey which will continue until the objective desired by this body and the American people is achieved," Mansfield said.

The Montana senator was referring to the Senate's 61–36 vote on May 19 against his amendment to cut in half the 300,000 American troops stationed in Western Europe.

[From the Baltimore (Md.) Sun, June 4, 1971]

PERCY TO PROMOTE TROOP-CUT DISCOURSE

(By Gene Oishi)

WASHINGTON, June 3—Senator Charles H. Percy (R., Ill.) reported to the Senate today that North Atlantic Treaty Organization nations had the mistaken notion that the issue of reducing American forces in Europe was dead and that he intended to make weekly speeches to keep it alive.

Last month, Mr. Percy voted against an amendment offered by the majortity leader, Senator Mike Mansfield (D., Mont.) to cut the number of U.S. troops in Europe in half.

But today he said that he was distressed to find at a NATO meeting in Brussels last week that the defeat of the Mansfield amendment in the Senate had created the impression that the issue was settled.

ADVISORY GROUP

Mr. Percy is one of the American members of the economic committee of the North Atlantic Assembly—an advisory group to NATO made up of representatives of legislative bodies of the NATO nations.

At the committee meeting, Mr. Percy said, he injected a "discordant note" by telling the Europeans that it would be a mistake to think that the Mansfield amendment was dead.

Mr. Percy said that while the Mansfield amendment was denied, a clear majority of the Senate wants the Europeans to assume a greater share of the defense of Western Europe, allowing the United States to reduce its commitment.

COMMENDED BY MANSFIELD

Senator Mansfield rose to commend Mr. Percy for his remarks, and added that he intended to pursue his objective of reducing of American forces in Europe "with vigor, with persistence and with determination."

He conceded that his amendment might have been too harsh, but said, "sometimes you have to use a sledgehammer to make a dent and I don't want this dent to be forgotten . . . what our European friends saw was just the tip of the iceberg."

Mr. Mansfield also said that the post of commander in chief of NATO forces should be held by a European rather than by an American. "This is a way of keeping us hostage," he declared.

"SLEDGEHAMMER NEEDED"

Mr. Percy added that he felt "a sledgehammer approach was needed," while Senator Hubert H. Humphrey (D., Minn.), who also voted against the Mansfield amendment, said the majority leader "not only made a dent, he rang a bell . . . an alarm to European nations that something has to be done."

The debate in the Senate last month centered around the cost of maintaining 300,000 U.S. troops and more than 200,000 dependents in Europe, and the adverse effects on the U.S. balance of payments.

Mr. Percy said that agitation in the Senate for troop cuts ought to strengthen the hand of the United States in negotiating an easing of the U.S. burden.

After the discussion over U.S. troops in Europe, the Senate resumed its debate on a measure to eliminate the draft.

The amendment to the draft extension bill is scheduled for a vote tomorrow, but it is not expected to pass. The Senate will also vote tomorrow on another amendment to extend the draft for one year instead of two, if the first amendment fails.

Senator Stuart S. Symington (D., Mo.) also informed the Senate today that he will ask for a closed session of the Senate Monday to present a secret report on Laos prepared by the staff of his foreign relations subcommittee on United States security agreements and commitments abroad.

[From the Baltimore (Md.) Sun, June 5, 1971]

NATO POSTPONES TROOP REDUCTION TALKS

(By Scott Sullivan)

LISBON, June 4.—The North Atlantic Treaty Organization agreed today to postpone until this fall the framing of proposals on mutual force reductions in Central Europe.

In the meantime, the NATO ministers decided, the United States and its allies will pursue "bilateral exploratory contacts" with the Warsaw Pact nations in an effort to determine their real intentions on the troop reduction issue.

The NATO communique, released at Lisbon's Ajuda Palace this afternoon, stressed the Atlantic alliance's continuing commitment to the idea of East-West negotiations on mutual force reductions.

DIRECT NEGOTIATION POSTPONED

But the practical result of the plan adopted was to postpone still further direct negotiations on a proposal that was initiated by NATO itself in 1968.

The postponement will also provide breathing space for the four-power negotiations on Berlin. The West Germans had feared that if NATO rushed into talks on force reductions, they might overshadow the continuing discussions on Berlin.

The plan adopted by NATO today is double-edged:

1. It calls for a meeting of "deputy foreign ministers or high officials" to be held in Brussels "at an early date to review the results of the exploratory contacts and to consult on substantive and procedural approaches to mutual and balanced force reductions."

EXPRESSES WILLINGNESS

2. It expresses NATO's "willingness at the appropriate time" to appoint one or more representatives to conduct exploratory talks with the Eastern bloc nations on the "time, place, arrangements and agenda" for full-scale talks on force reductions.

There is no indication in the communique about when either part of the plan might go into effect, but it is an accepted assumption that the deputy foreign ministers' meeting would be convened in September or October.

American officials said they thought it unlikely that a representative to travel to the Warsaw Pact countries would be named before the deputy foreign ministers meeting.

Closely involved with the issue of talks on force reduction—though not explicitly linked with it in the communique—is the question of the Soviet-backed proposal for an all-European security conference.

At its meeting in Brussels last December, NATO expressed its willingness to explore the security conference idea with the Warsaw Pact, but only "as soon as the talks on Berlin have reached a satisfactory conclusion and insofar as the other on-going talks are proceeding favorably." The "other on-going talks" were those on strategic arms limitations.

At this week's meeting, Maurice Schumann, the French foreign minister, told his colleagues that he had learned from the Russians that they regarded the wording of the December communique as excessively harsh, and would prefer that the linkage between progress on Berlin and the security conference be obscured.

Today the NATO ministers went along with Mr. Schumann's suggestion for a much milder expression of the link. They said they hoped that before their next meeting, "the negotiations on Berlin will have reached a successful conclusion and that multilateral conversations intended to lead to a conference on security and co-operation in Europe may be undertaken."

There is no reference this time to progress on the arms limitation talks as a precondition to discussions of a security conference.

OPTIMISTIC ATTITUDE

On the overall Berlin situation, the ministers adopted a generally optimistic attitude.

They noted "with satisfaction" that the talks have "entered into a more active phase and have enabled progress to be registered in recent weeks."

And, completing their review of recent East-West contacts, the ministers "welcomed" the recent agreement between the United States and the Soviet Union on the "framework" for the strategic arms limitation talks. They expressed "the sincere hope that it would facilitate discussions leading to the early achievement of concrete results."

Taken as a whole, today's communique represents an overall approach to the separate but clearly interdependent negotiations on Berlin and strategic arms limitations, as well as the proposed discussions on force reductions and a European security conference.

Its language is consistently positive, emphasizing the alliance's willingness to do all it can to broaden and deepen East-West detente on every front.

Much of that language was suggested by William P. Rogers, the United States Secretary of State, who has told his colleagues that the best way to stave off congressional moves for unilateral American force reductions in Europe is to give the impression that NATO is doing its best to achieve mutual and balanced reductions.

WARS AGAINST RUSHING

But Mr. Rogers also warned this week against rushing headlong into force reduction talks before Soviet intentions were entirely clear. The communique stresses that the Soviet reactions "require further clarification."

Today's communique is carefully designed to meet both those requirements, and, incidentally, to quiet German tears that the Berlin issue might get lost in the midst of all the other East-West discussions.

While no direct link is made between Berlin and force reductions, and while the previous link between Berlin and a security conference has been blurred, the signal is there for the Eastern bloc to read: Berlin is the key to a meaningful continuation of the East-West contacts that have flourished over the past year.

CAUTION CHALLENGED

This very cautious approach was challenged by the Canadians and the Scandinavians who felt that NATO was putting itself in the position of drawing back from its own three-year-old proposal for mutual and balanced force reductions at the very time the Russians were showing some interest in it.

Mitchell Sharp, the Canadian foreign minister, pushed for the appointment of a single man or a single nation to represent the alliance in exploratory talks with the Eastern bloc on balanced force reductions.

Mr. Sharp withdrew his proposal when Mr. Rogers offered to include the promise to appoint such a representative together with the proposal for a deputy foreign ministers' meeting.

The meeting, for which a time is to be set later, will involve officials of 14 of the 15 NATO countries. France, which contributes no troops to NATO, has never been associated with the mutual force reductions plan, and thus will not participate this summer.

The United States will be represented by John Irwin, under-secretary of state. Countries which do not have "deputy foreign ministers" will send officials of equivalent rank.

[From the New York Times, June 5, 1971]

NATO SEEKS TALKS WITH SOVIET BLOC ON CUT IN TROOPS—MINISTERS ANNOUNCE PLANS FOR EXPLORATORY DISCUSSION ON MUTUAL REDUCTIONS—SESSION IN LISBON ENDS—COMMUNIQUE ALSO CALLS FOR MEETING OF ALLIANCE SOON TO STUDY ANY CONTACTS

(By Drew Middleton)

LISBON, June 4.—The North Atlantic Treaty Organization decided today to seek exploratory talks with the Soviet Union and its Warsaw Pact allies on "mutual and balanced force reductions" in Central Europe.

This decision was announced in a communique at the end of a two-day meeting here of the foreign ministers of the 15-nation Atlantic alliance. This was NATO's response to recent Soviet overtures for the negotiation of troop cuts.

However, the paragraphs dealing with the troop-cut issue represented the views of only 14 of the 15 NATO governments. France, which withdrew from the integrated military command of the alliance in 1966, does not approve of bloc-to-bloc diplomacy.

The 14 powers supporting movement toward force reductions stressed a desire to "move as soon as practicable" toward negotiations.

WOULD REVIEW CONTACTS

Adopting a suggestion put forward yesterday by Secretary of State William P. Rogers, they called for a meeting in Brussels "at an early date" of deputy foreign ministers of the NATO countries or officials of comparable rank. This meeting would review diplomatic contacts being made by alliance members with the Russians and their allies on the troop-cut question and consult on "substantive and procedural approaches" to a mutual reduction of forces.

The ministers, the communique said, "further announced their willingness to appoint, at the appropriate time, a representative or representatives who would be responsible to the [NATO ministerial] council for conducting further exploratory talks with the Soviet Government and eventually to work out the time, place, arrangement and agenda for negotiations on mutual and balanced force reductions."

The timing of the allied moves, according to United States officials, was left flexible. Some other delegations considered the timing vague.

According to the United States sources, if discussions in Moscow or western capitals give promise of serious negotiations, then the representative or representatives of the Atlantic alliance could begin their exploring talks fairly soon.

However, these sources said, the envoy or envoys probably will begin soundings in East European capitals after the deputy foreign ministers meet in Brussels in the autumn.

Manlio Brusio, who will retire as Secretary General on Oct. 1, is considered the most likely choice as NATO's envoy to the east. However, United States and other officials emphasized that no decision had been reached on any envoys.

Mr. Brosio is to be succeeded as Secretary General of the alliance by Dr. Joseph M.A.H. Luns, the Netherlands Foreign Minister for more than 19 years. The ministerial council invited Dr. Luns to take the position at this afternoon's closing session.

The communique paragraph proposing the appointment of an envoy was drafted by Mr. Rogers and adopted without change by the council.

The ministers noted in the communique that the Soviet suggestion of exploratory talks on cuts in military forces and armaments in Central Europe had followed by three years their own offer of negotiations. This offer came at a NATO meeting in Reykjavik, Iceland.

OFFER MADE BY BREZHNEV

The Soviet offer came in a speech made on May 14 by Leonid I. Brezhnev, the Communist party leader.

Diplomats here agreed that the alliance, on the basis of the communique, could hardly be said to be rushing headlong towards talks with the Russians. However, the consensus, which included the Americans, was that the proposals would demonstrate to critical members of Congress in the United States that the alliance had taken action to meet the Soviet overture.

The ministers made clear that a settlement of Berlin's future is not a condition of the talks, but that it remains so for the conference on European security the Warsaw pact has sought since 1968.

The ministers noted that the negotiations on the status of the divided city and access to it from West Germany by the United States, British and French Ambassadors for the West, and the Soviet Ambassador had entered a more active phase and that "progress has been registered."

The ministers set their next meeting in Brussels this December by which time they hope that negotiations on Berlin will have reached a successful conclusion "and that multilateral conversation in Europe may then be undertaken."

The Russians, the communique made clear, will not get the security conference unless the Berlin agreement meets the West's criteria. An agreement, it is said, must include unhindered movement of persons and goods between West Germany and West Berlin, improved opportunities for movement by residents of Western Berlin and respect for the relationship between it and the federal government in Bonn as this relationship has developed under the three Western powers in the city.

While Berlin does not directly affect progress toward talks on force reductions, United States officials stressed that progress there would speed the entire effort aimed at an East-West detente. This would apply, especially, United States officials said, to a Soviet guarantee of access routes to the city through East Germany.

[From the New York Times, June 5, 1971]

COMMUNIQUE BY NATO MINISTERS' LISBON MEETING

1

The North Atlantic Council met in ministerial session in Lisbon on 3d and 4th June, 1971.

2

The continuing political aim of the Atlantic alliance is to seek peace through initiatives designed to relax tensions and to establish a just and durable peaceful order in Europe, accompanied by effective security guarantees. The alliance remains indispensable to peace and stability in Europe and to the security of all its members.

3

Ministers reviewed the international situation, concentrating their attention on Europe and the Mediterranean.

4

They assessed the state of progress of the several initiatives which allied countries had undertaken within the framework of the established policy of the allegiance to intensify contacts, explorations and negotiations with members of the Warsaw Pact and other European states. The purpose of all these initiatives is to seek just solutions to the fundamental problems of European security and thus to achieve a genuine improvement of East-West relations. They noted with satisfaction the results obtained and expressed the hope that the continuation of these efforts would lead to further progress helping the development of detente. The allies have consulted and will continue to consult closely on these diplomatic activities.

5

Ministers welcomed the continued negotiations between the U.S. and the U.S.S.R. with the aim of placing limitations on offensive and defensive strategic arms. They noted the useful discussions held in the North Atlantic Council on this subject. Ministers also welcomed the agreement between the U.S. and the U.S.S.R. announced on 20th May, regarding the framework for further negotiations, and expressed the sincere hope that it would facilitate discussions leading to the early achievement of concrete results enhancing the common security interests of the North Atlantic alliance and stability in the world.

6

In reviewing the Berlin question, ministers underlined the necessity of alleviating the causes of insecurity in and around the city. During the past quarter of a century, much of the tension which has characterized East-West relations in Europe has stemmed from the situation in and around Berlin. Thus, the ministers would regard the successful outcome of the Berlin talks as an encouraging indication of the willingness of the Soviet Union to join in the efforts of the alliance to achieve a meaningful and lasting improvement of East-West relations in Europe.

7

Ministers therefore reaffirmed their full support for the efforts of the Governments of France, the United Kingdom and the United States to reach an agreement on Berlin. They shared the view of the three governments that the aim of the negotiations should be to achieve specific improvements on firm commitments without prejudice to the status of Berlin. In this context, they emphasized the importance of reaching agreement on unhindered movement of persons and good between the Federal Republic of Germany and Western sectors of Berlin, on improved opportunities for movement by residents of the Western sectors, and on respect for the relationship between the Western sectors and the Federal Republic as it has developed with the approval of the three governments.

8

Ministers were of the view that progress in the talks between German authorities on a modus vivendi, taking into account the special situation in Germany, would be an important contribution to a relaxation of tension in Europe.

9

Ministers, having reviewed the prospects for the establishment of multilateral contacts relating to the essential problems of security and cooperation in Europe, again emphasized the importance they attach to the successful conclusion of the negotiations on Berlin. They noted with satisfaction that these negotiations have entered into a more active phase and have enabled progress to be registered in recent weeks. They hope that before their next meeting the negotiations on Berlin will have reached a successful conclusion and that multilateral conversations intended to lead to a conference on security and co-operation in Europe may then be undertaken. In this spirit they invited the Council in permanent session to continue, in the framework of its normal consultations on the international situation, its periodic review of the results achieved in all contacts and talks relative to security and cooperation in Europe, so that it could without delay take a position on the opening of multilateral talks.

10

In anticipation of these multilateral contacts, the Council in permanent session actively pursued preparations for discussions on the substance and procedures of possible East-West negotiations, and submitted a report to this effect to ministers.

The report stressed that such negotiations would have to be founded on universal respect for the principles governing relations between states as cited by ministers in previous communiques and declarations. The various prospects for developing cooperation between East and West in the economic, technical, scientific, cultural and environmental fields were closely examined. The report also reviewed in detail the essential elements of which agreement would be desirable in order to promote the freer movement of people, ideas and information so necessary to the development of international cooperation in all fields.

11

Ministers noted these studies and instructed the Council in permanent session to continue them pending the initiation of multilateral contacts between East and West. Ministers stressed that they would press on with their bilateral exploratory conversations with all interested states.

12

Ministers took note of the report on the situation in the Mediterranean prepared by the Council in permanent session. While welcoming the efforts currently undertaken to re-establish peace in the Eastern Mediterranean, they observed that developments in the area as a whole continue to give cause for concern. In the light of the conclusion of this report, they instructed the Council in permanent session to continue consultations on this situation and to report thereon at their next meeting.

13

The allied governments which issue the declarations at Reykjavik in 1968 and Rome in 1970 and which subscribed to Paragraphs 15 and 16 of the Brussels communiqué of 1970 have consistently urged the Soviet Union and other European countries to discuss mutual and balanced force reductions.

They reaffirmed that the reduction of the military confrontation in Europe—at which M.B.F.R. (Mutual and Balanced Force Reduction) is aiming—is essential for increased security and stability.

14

Against this background, ministers representing these governments welcomed the response of Soviet leaders indicating possible readiness to consider reductions of armed forces and armaments in Central Europe. These Soviet reactions, which require further clarification, are, together with those of other states, receiving the closest attention of the alliance.

15

In the effort to determine whether common ground exists on which to base negotiations on mutual and balanced force reductions, these ministers expressed the agreement of their governments to continue and intensify explorations with the Soviet Union and also with other interested governments on the basis of the considerations outlined in Paragraph 3 of the Rome declaration. They expressed their intention to move as soon as may be practical to negotiations. To this end these ministers agreed that deputy foreign ministers or high officials should meet at Brussels at an early date to review the results of the exploratory contacts and to consult on substantive and procedural approaches to mutual and balanced force reductions.

16

These ministers further announced their willingness to appoint, at the appropriate time, a representative or representatives, who would be responsible to the Council for conducting further exploratory talks with the Soviet Government and the other interested governments, and eventually to work out the time, place, arrangements and agenda for negotiations on mutual and balanced force reductions.

17

Reviewing other developments in the field of arms control and disarmament, these ministers noted as a significant step forward the conclusion of a treaty banning the emplacement of weapons of mass destruction on the seabed and ocean floor. Allied ministers noted with satisfaction the work done by the conference of the Committee on Disarmament with a view to reaching an agreement eliminating bacteriological weapons and toxins. They reaffirmed the importance they attach to effective and adequately verified arms limitation and disarmament measures consistent with the security of all states, and invited the Council in permanent session to continue to pursue the alliance efforts and studies in all fields related to arms control and disarmament.

18

Ministers expressed satisfaction at the impressive progress achieved by the committee on the challenges of modern society as reported by the Secretary General. They noted particularly the important contribution made by the allies to combat the pollution on the seas by oil and to the development of road safety. They welcomed the fact that intensive work was under way on problems relating to coastal and inland water pollution and disaster assistance. They further welcomed the contribution the committee had made to alerting governments and public opinion to the problems of modern technology, as well as to the dangers for modern society arising from the deterioration of the environment. They observed that many countries of the alliance have equipped themselves with new government structures to cope with such problems. Ministers took special note of the fact that the benefits of allied efforts had not been confined to the countries of the alliance but were being felt in other countries as well as in broader based international organizations.

19

Ministers expressed their regret at the impending departure of Mr. Manlio Brosio who had informed them of his intention to resign as Secretary General of the organization. In their tributes to Mr. Brosio, ministers dwelt on his outstanding stewardship in often difficult circumstances and stressed the patience and perseverance which have marked his untiring work for both defense and detente. They expressed to him their deep appreciation for the distinguished service he has rendered to the alliance and to peace in the past seven years.

20

The Council invited Mr. Joseph Luns, Foreign Minister of The Netherlands, to become Secretary General of the organization as from Oct. 1, 1971. Mr. Luns informed the Council of his acceptance of this invitation.

21

The next ministerial session of the North Atlantic Council will be held in Brussels in December 1971.

22

Ministers requested the Foreign Minister of Italy, as President of the Council, to transmit this communique on their behalf through diplomatic channels to all other interested parties including neutral and nonaligned governments.

[From the Washington Post, June 6, 1971]

NATO After Lisbon

NATO's decision at Lisbon to have its members go ahead separately to scout Soviet intentions on European force reductions sounds like the old NATO molasses but actually is a good deal better. Much Western thinking on the issue has been done and is even public, but nobody knows how much thinking on it has been done in Moscow. Mr. Nixon says he's readied the American "analytical building blocks" of a European agreement but, in distinction to SALT, he must consult with the Allies—necessarily a time-consuming process and one that does not burden Moscow. Moreover, the parity concept guiding SALT is greatly complicated in the European context by the fact that Soviet troops would withdraw a few hundred miles and remain as ready as the Kremlin chooses, while American troops would withdraw beyond the triple barrier of the Atlantic Ocean, the American Congress, and the public mood. So to play for time as NATO did at Lisbon is understandable. The point is to use that time well.

Here it will be crucial to see which of the two broad tactics Moscow will use. It may decide to go down the propaganda path and try to split Europe off from the United States and to split Western public opinion off from its various governments. Our own judgment is that this tactic would produce only bitterness and stagnation but one can understand why the something-for-nothing advocates in the Kremlin might want to give it a whirl. The second tactic possible for the Kremlin is to permit progress on Berlin. It is the belief in NATO, for the best of reasons, that if the security of a single city cannot be improved, it is silly to talk of improving the security of a whole continent. West Germany has fairly indicated its own reasonableness but it remains for Moscow to "deliver" East Germany. That is, in return for steps toward what it will consider as Western recognition of its sovereignty, East Germany must normalize access to Berlin and confirm the security, status and livability of the isolated city.

At Lisbon the Allies firmly insisted on progress toward a Berlin agreement. Their emphasis should be understood everywhere as proof that NATO does not intend to open the most important negotiation in its history with a sellout of its most vulnerable member.

CAPITOL STUFF

(By Jerry Greene)

WASHINGTON.—Secretary of State William Rogers' damper on a quick deal with Russia for mutual reduction of forces in Europe found no favor with Senate critics here—but it put the euphoric bubbling over a great thaw in the cold war back into perspective.

This business of reaching an accord with the Communists—Russian, Chinese, Korean or Vietnamese—is going to be a long, slow process of the sort to try American patience.

Sen. Mike Mansfield (D-Mont.) served notice, after the Nato foreign ministers at Lisbon acclaimed the Rogers appeal for delay in negotiations, that he intends to keep up pressure for a cutback in U.S. troop strength in Europe. It was the Mansfield move to slash the forces by half that whipped the Senate to a frenzy a couple of weeks back. He was beaten, 61–36, but it took all the heat President Nixon could generate to do it.

Now the Nato nations are able to notify Soviet party chief Leonid Brezhnev that they will indeed be glad to meet his offer to "taste the wine"—but only "as soon as it appears practicable." That will be a good many months hence.

Despite his continuing warnings that too much should not be expected too soon from the refreshing signs of cracks in the Iron and Bamboo curtains, Nixon must bear the blame for creating a surge of hope perhaps beyond the realities. He has been enthusiastic and optimistic since Red China opened the doors a little in the great Ping-Pong diplomatic gambit; he has cheered the Brezhnev acceptance, or seeming acceptance, of a three-year-old Nato invitation to talk of troop reductions. He was ecstatic over a break in the strategic arms limitation negotiations.

To a group of editors and publishers at Birmingham, Ala., a couple of weeks ago, Nixon said: ". . . If there was ever a new era in the field of foreign policy, we are now in the middle of it. We are on the threshold of it.

"I think the most significant changes in the relations between major nations in the world are taking place now than at any period since World War II."

With respectable modesty, the President did not claim all credit for the maybe break in the curtains; he acknowledged only "a role" for his administration in the climax of long-nourished developments.

The fact of the matter is that the U.S.—and the other Western powers—have been trying to get some sort of reasonable accord with Russia for the last 25 years. The record includes numerous approaches and invitations, certainly by every American administration.

Perhaps the most significant was the Baruch plan of 1946. As former Atomic Energy Commissioner Thomas Murray described it: "At a time when we enjoyed an absolute monopoly of atomic energy and the Soviets were three years away from their first atomic achievement, we took the unprecedented step of offering to relinquish our massive power, the key to our strategic security, to an international atomic authority within the UN . . . Nevertheless—and this has often struck me as even more incredible than our offer itself—the Soviet Union rejected it out of hand."

Fourteen years later, the U.S. laid before the UN General Assembly what was called "a program for general and complete disarmament in a peaceful world." This was optimism carried to the outer limits.

LANGUAGE IS BROAD AND SWEEPING

In this remarkable document the U.S. proposed "disbanding of all national forces and the prohibition of their reestablishment in any form whatsoever . . . the elimination from national arsenals of all armaments, including all weapons of mass destruction and the means for their delivery . . ."

And, all the while, the Communists—Russian and Chinese and other assorted varieties—have maintained a drumfire of invective against U.S. imperialism and "threats" against the designs of the world socialists.

If there has been anything other than reaction and counter-punching in the U.S. foreign policy during these decades, it fails to show in the records. Nato itself was a reaction, the organization of 12 Western allies after Communists with Russian support had seized control of Hungary, Bulgaria, Romania, Poland and Czechoslovakia and set up a network of military power through 23 bilateral treaties.

There is a good deal of additional evidence of the make-do, counterpunch sort of operations in American foreign affairs.

KOREA MERELY HEADS THE LIST

The North Korean Communist attack in 1950—spurred by the Russians—was the most spectacular example before Vietnam. Russia put the missiles in Cuba before, not after, the late President Kennedy took action. Russia built the first intercontinental missiles—and the first antiballistic missile system.

A very good case can be made that the U.S. must have done something right in its foreign policy these last 25 years, standing firmly by allies and its treaties, to finally bring signs of interest in a thaw from Moscow and Peking. But, as Rogers made the point in Lisbon, the rest of it won't come easily or quickly either.

The impatient, the over-anxious for instant peace, might find timely guidance in a comment about disarmament dealing with Russia made by former President Harry Truman in 1959: "As long as we are alert, the longer we talk, the better our chances will be of avoiding a third world war. And the longer we talk, the better the chances are of not rushing into ill-considered compromises or sacrificing the rights of other people."

[From the New York Times, June 6, 1971]

OUR SUPERPOWER ERA WANES

(By C. L. Sulzberger)

BERNAY, FRANCE.—At the end of a long journey through many lands and five continents, the American traveler is forced to conclude that the United States is entering a new and diminishing phase of national history and international influence. The period of dominance that marked the generation after World War II is rapidly eroding; there never was an American century.

Whether this is good for the U.S.A. or for the world is not the issue and can only be assayed by historians. But there is no doubt that decreasing power and greater reluctance to express that power accord with the present humor of an American generation that is querulous, morally confused, obsessed with problems frequently magnified beyond recognition, and rendered both illogical and hysterical by the tragic Indochina war.

The positive side of the coin is that the U.S. Government's realistic awareness of this mood has induced it to extricate itself from an East Asian policy which the people no longer support, slowly withdrawing from the Vietnam conflict and commitments to Taiwan. Likewise, recognition of public desires has added impetus to efforts to arrange a halt in the arms race.

Nevertheless, the insistent desire of so many vociferous Americans to pull back from overseas commitments hampers Washington in efforts to rearrange an international balance without unnecessary sacrifice.

Despite the defeat of Senator Mansfield's attempt to amputate our NATO force, pressure continues for reducing this too rapidly and too much, for terminating radio propaganda, for reacting with protective tariffs against momentary trade disadvantages and for opting out of some phases of the technology race, like the supersonic air transport field which has been left to Russia and West Europe.

Even in the arms export field, the U.S.A. is about to fall behind. Gen. Pierre Gallois, a French military intellectual, writes that "aside from the F-4 Phantom . . . the United States has no real military aircraft to offer the rest of the world" and that future planes like the F-111, F-14 and F-15 are so heavy and expensive that they can claim only a limited market in West Germany, Australia and Japan.

Obversely, there is no doubt that the U.S.S.R. continues slowly if undramatically to gain power and prestige in the realms of space, nuclear arms, weapons, naval diplomacy and international politics, even while it plays down its ideological and revolutionary role.

The United States bit off more than it could chew when, after World War II, it undertook to fill political or economic vacuums in the Atlantic, Pacific, Mediterranean and Indian Ocean areas. Quite apart from new popular concepts in the generation born since 1945, economics alone forced an American re-examination.

The dollar has lost and continues to lose value. The vast U.S. investment in the Common Market area will be gradually cut down by the West Europeans themselves. We have dealt ourselves out of the next generation of air transport competition and are already falling behind to Russia and France in arms sales, which we may not regard as a clean enterprise but which will continue until the millennium. And more and more we are lagging in the world trade race vis-a-vis West Germany and Japan, whose economies we restored after their defeat in 1945.

Ideologically we are groping our way back to a policy of unbiased realism, seeking to accept with equal impartiality friendship with China, Russia, Yugoslavia and other Communist lands plus the heirs in Spain, Greece and Brazil of what used to be called fascism in a simple Manichean age.

In the Middle East we find after almost a quarter century of dilemma that we are still torn between our philosophical and political sympathies for Israel and our material and strategic hopes in the Arab world. The only area where our prestige remains solid is the former.

Our influence has waned in U.N., Latin America, Western Europe, Western and Southern Asia and much of Africa. This readjustment was perhaps inevitable and the ultimate result may see the United States assuming a logically rightful place in the world, somewhere between great power and superpower status.

Possibly, with its own agricultural difficulties, its economic adjustments, its increasingly expensive overseas commitments, its troubles with China and its scarcely muffled internal dissension, the same thing could eventually happen in a similar way to Russia; but not yet.

Without doubt the world stature of the United States has declined, both absolutely and relatively. We can only pray the same trend will encompass the Soviet Union—although policy is not built on prayers.

[From the Boston Sunday Globe, June 6, 1971]

WITH SAFETY—U.S. TROOPS IN NATO CAN BE CUT BY 50 PERCENT

(By Otto Zausmer)

There have been about a half dozen incidents in the past two weeks which suggest willingness on all sides to reduce the tension and liquidate at least some part of the

Cold War between the Soviet Union and the United States.

Perhaps all, perhaps none of them will in the end lead to agreements.

But there is one major action that can be taken in spite of success or failure of current negotiations between the super powers; the United States can safely bring back at least half its troops stationed in Central Europe as part of NATO.

Premier Kosygin told German Chancellor Willy Brandt, as this column reported two months ago, that he was willing to let the United States take part in a European security meeting between the NATO and the Warsaw Pact nations. Last week, Mr. Kosygin confirmed this in his talks with Canadian Prime Minister Trudeau.

The SALT talks set for Finland in July have an agenda that at least permits optimism; the Big Four in Berlin, talking about relations between the Federal German Republic (West Germany) and the Communist East, are reported to have found at least a basis for a legal formula that would not jeopardize the safety of the city of Berlin; the War Ministers of NATO last week and the Foreign Ministers of NATO this week were less pessimistic about relaxing tensions than before.

Finally, Mr. Brezhnev, the Soviet Party Chief, twice mentioned his willingness to talk about bilateral reduction of military forces in Europe . . . without mentioning that he had thus accepted a suggestion made by NATO two years ago.

But independent of all this, there are reasons why the United States can bring back some of its troops from Europe, reducing its expenses without reducing its commitment. This is not neoisolationism. It's just common sense, accepting conditions as they are today.

Twenty years ago when NATO was set up in order to protect Western Europe from Soviet aggression the situation was quite different.

At that time the United States had drastically reduced its military forces while the Soviet Union had kept up nearly its World War II strength.

Western Europe was a wreck from the British Isles to the Iron Curtain: destroyed, impoverished, unable to defend itself and demoralized by want and fear.

At that time, it was only the United States which could protect Western Europe.

Today, Western Europe has been miraculously restored. In its economy, its morale, its industrial machine, and in its prestige.

There is no reason why a United Western Europe, united as it is in NATO, could not defend itself at least on the ground against a Communist invasion.

The vital contribution the United States would have to make is to provide nuclear defense. While Britain and France have their own nuclear weapons, they would be no match for the vast Soviet atomic arsenal and so what really is required is the American presence and the American nuclear power.

[From Life Magazine, June 11, 1971]

The Presidency: The Old Warriors Rally Round

(By Hugh Sidey)

The oval cabinet table was a deep, silky mahogany, the coffee cups were stamped with the presidential seal, the pewter ashtrays mostly unused, the gold magnetized pencils were meticulously lined up on pads for doodling or something more important.

Old Dean Acheson, 78, sat there precisely seven feet from Richard Nixon, directly across the table. Perhaps he was thinking that he would himself have made a much more suitable President, and also mulling over the memory of Nixon speaking derisively back in 1952 of Acheson's "College of Cowardly Communist Containment." But just then Acheson and the others were considering the proposition that the United States Senate might vote to cut the NATO forces in half. Acheson's combative spirit rose. For the moment he was back in the federal trenches again, old wounds opened, hearing the commander-in-chief give the battle cry. What he had helped create was in jeopardy, "25 years of effort might be about to go down the tube."

Acheson straightened his back and his mustache bristled, just as it had long ago when he was secretary of state and America was running the world. "You are the President," he said, turning the full force of his personality on Nixon. "You tell them to go to hell."

The expression was vintage Acheson. The President must have been warmed by it, and by the occasion, as every President is when old enemies and antagonists answer the call. Wisely, Nixon did not tell the Senate "to go to hell," but went on to beat back the challenge by a vote of 61 to 36. The victory gave him profound satisfaction. But the meeting in the cabinet room with "the grand old warriors" had its special meaning.

They are a rare fraternity, these men who helped form the post-World War II world: Acheson, McCloy, Clay, Lodge, Norstad, Ball, Gruenther, Lemnitzer and others. They always answer the trumpet blast promptly: most of them arrived ten minutes early for the meeting with Nixon. They are gentlemen. Mannered. Informed. Bound to duty. They may not even like the President: a few present that day had felt his partisan scorn. But they revere the office of the presidency.

Most of them drifted out of official government ranks in the days of Truman and Eisenhower. They came back to counsel John Kennedy about Berlin and the Cuban missile crisis, and Lyndon Johnson had them in for Vietnam. Indeed, a meeting of "the wise men" (as they were named then) toward the end of L.B.J.'s time was one of the factors which shocked him into changing course in the war.

These men are like monuments, revered almost as much for what they stand for as what they have to say. Gen. Lucius Clay lingered once after a meeting with Truman two decades ago and successfully pleaded for an airlift to break the Berlin blockade. John J. McCloy, the first high commissioner of postwar Germany, was in Frankfurt on business in 1962 when he got a call and turned to the men with him. "Sorry, boys," he said, "I hate to drop names, but the President needs me." He flew home to lend a hand in the United Nations during the missile crisis. Lauris Norstad as air force deputy chief of staff in the late 1940s helped start the missile age.

Each has his style, his role. Acheson lays about with a heavy sword. During last month's meeting, when George Ball asked Nixon if he would compromise on NATO, Acheson thought Ball was recommending a compromise and he snorted that he couldn't disagree more with Ball. No, no, said the others, Ball was simply inquiring. "Well," rasped the haughty Acheson, "he is too damned subtle for me."

McCloy, sometimes considered ex-officio president of the group, reported to Nixon he already had laid siege to the editorial offices of the *New York Times*, the *Washington Post* and Time Inc. in search of support. "American troops on the ground in Germany are much more eloquent to the Germans than missile silos in North Dakota," he summed up.

Norstad was still the careful general, calculating forces and weapons and missions. "We need more flexibility in the NATO bow," he cautioned, using one of those favorite military metaphors. The current reduction proposal should be defeated, he said. But we should "not get stuck in concrete." The best minds in the nation should be put to work on rethinking NATO's future.

Nixon himself had noted the strength of Germany and that she was "potentially the most difficult nation in all of Europe." General Clay echoed those thoughts. He was still convinced, he said, that cutting our forces in half would be tantamount to withdrawing from NATO and would "drive the Germans out of Europe toward the East."

The old warriors talked for an hour and a half that day. It was as it had been when they were tossing around continents, and yet it wasn't, because their power had passed and the world had changed. Still, one could feel running beneath their words a quiet pride in the institution which had helped hold Europe together for 22 years. Maybe NATO wasn't a perfect creation, but it had worked well in the aftermath of World War II. There was also an unspoken understanding that a new age might be coming in international affairs, that NATO might have to change, that indeed this assembled group would before long start to pass, one by one, from public view.

They gave their statements of resolution to the press that evening, and then they were off into the night. A couple of drinks later they were telling—with magnificent embellishment in some cases—how they had bucked up the President once again. And so, in their special way, they had.

[From Life Magazine, June 6, 1971]

The President's War Powers

In their frustration over the interminable and costly Vietnam war, a number of senators and congressmen have been moving over the past year or so to limit the President's war-making powers. Some of the recent proposals to limit the extension of the military draft or abolish it, as well as Senator Mansfield's bill to halve the U.S. military garrison in Europe, are ill-considered. But there is a good deal of merit in another movement, currently under way in the Senate, to restrict the President's power to take the nation into future wars.

In the isolated infant U.S. of 1787, the sparse language of the Constitution seemed sufficient to limit those powers. The President, the Founding Fathers agreed, should have the power as commander-in-chief to *make* war, but only after it had been *declared* by Congress. The last war explicitly declared by Congress, however, was in 1941, just after the Japanese attack on Pearl Harbor. After World War II, with the U.S. emerging as world policeman and member of no fewer than eight foreign alliances, the President's powers became virtually unlimited, or at least, unchecked. From the standpoint of Congress, our participation in the Korean war was a presidential fait accompli, justified in part by our obligations as a United Nations member. As for Vietnam, it will be argued for years whether the 1964 Gulf of Tonkin resolution was tantamount to a congressional declaration of war, as Under Secretary of State Nicholas Katzenbach later argued. But it was not presented to the American people, or to the Congress, as an explicit declaration of war. Senator Fulbright, who urged passage of that resolution, thinks he was deceived over what happened in the Tonkin Gulf (were those two American destroyers really attacked by North Vietnamese gunboats?). He has been suspicious of administration pronouncements ever since.

Senators Javits of New York, Eagleton of Missouri and Stennis of Mississippi—whose politics range from eastern liberal to southern conservative—have separately introduced resolutions which, while differing in certain details, would reassert Congress's power to declare war. The most recent of the three, introduced by Senator Stennis, would in some ways place the most restraints on the President. With certain exceptions, it would prohibit the President from using the armed services in any future conflict without congressional authorization. The exceptions would apply only in emergency situations: the President could, on his own, order the armed forces to repel an attack on the U.S. by a foreign power, to prevent an imminent nuclear attack, or to evacuate American citizens from a foreign country if their lives were endangered. The emergency powers would be for a maximum of 30 days, and any extension would require congressional action.

Secretary of State William P. Rogers has opposed all three bills. In particular, he warns that any law circumscribing the President's powers raises the "grave risk of miscalculation by a potential enemy regarding the ability of the United States to act in a crisis." Even the Stennis resolution, however, allows considerable latitude. It probably would not have prohibited Eisenhower's landing of troops in Lebanon in 1958 or Johnson's in the Dominican Republic in 1965, nor would it have hamstrung President Kennedy in deploying naval vessels to deal with the Cuban missile crisis in 1962. On the other hand, the resolution would have made the U.S. involvement in Korea impossible without a specific declaration of war. And Congress would have had to face up to the issue of military involvement in Vietnam in the early 1960s, before the big buildup ordered by President Johnson, when American personnel were already in a period of transition from military advisers to combat soldiers.

The whole matter needs considerable study in a dispassionate atmosphere. The constitutional issues are exceedingly complex, and it is essential that any redressing of the President's virtually unlimited war-making powers not be at the expense of his ability to deter potential aggressors in a convincing fashion. But after two medium-sized wars that have taken 90,000 American lives, one undeclared and the other semideclared, the people are surely entitled to some congressional restraints on the executive branch. Vietnam in particular has been hard on presidential reputations, and this might be less true if Congress shared more in the deliberations, the knowledge and the responsibility. One of the lessons of the painful Vietnam experience is that the country should never again commit American lives to a long struggle on foreign shores unless the people's elected representatives explicitly authorize it.

[From the Los Angeles Times, June 6, 1971]

WEST GERMANS FIND THEMSELVES WORRYING ABOUT U.S. FOREIGN POLICY

(By Ernest Conine)

A high-ranking official of the West German government received an American visitor in his Bonn office not long ago. On a nearby table lay a newspaper emblazoned with pictures and headlines concerning the violence and mass arrests which had occurred in the course of an antiwar demonstration in Washington.

The visitor pointed to the newspaper and asked conversationally whether Germans ever find themselves getting nervous about the degree to which their security depends upon a nation suffering such obvious internal torment.

Instead of the polite, diplomatic disclaimer which the American expected, the German official shot back: "Of course we are nervous! How could we be otherwise when we look at what is going on in your country?"

It quickly transpired that he was speaking for himself, not for the German government, and that he was not really talking about demonstrations as such. As he put it, "If we were in a war as frustrating as yours in Vietnam, we would be having the same kind of violence and unrest that you have. Probably worse."

What really worried him was the negative, neo-isolationist atmosphere which has become prevalent among both politicans and intellectuals—and the fact that America's allies can no longer feel confident in the consistency of American policy.

"We don't know what your policies will be from one year to the next," said the official.

Was he suggesting that Mr. Nixon's qualities of leadership were not all that they should be? Or was he referring to the possibility that Mr. Nixon will be a one-term President?

Both, it turned out.

"Not since John Kennedy," he said, "has there been an American President with the capacity both to see what needs to be done in the world, and to inspire faith among the people—in America and in other countries—that his decisions are right.

"Lyndon Johnson couldn't do it. Nixon obviously cannot do it. And I don't see anybody else on the horizon who can do it, either."

The Democratic presidential aspirants, in the German officials view, are a disappointing lot from the foreign policy viewpoint.

A few months ago, when Sen Edmund Muskie (D-Me.) passed through Bonn during his trip to Moscow and Israel, Chancellor Willy Brandt seized the opportunity to explain why it would be dangerous—both to European security and the chance to work out a genuine detente with the Russians—to unilaterally withdraw any significant number of U.S. troops from West Germany.

Obviously, the chancellor was persuasive, for after the meeting Muskie reversed his position and came out against a reduction of U.S. forces without reciprocal action by the other side.

When Sen. Edward M. Kennedy (D-Mass.) visited Bonn not long ago, Brandt saw the chance to make another convert. This time, however, it didn't work.

A few days later the Senate voted on Sen. Mike Mansfield's proposal to cut U.S. troop strength in Europe by 50%, whether or not the Russians are willing to do likewise.

The resolution was defeated, for now. But Kennedy voted for unilateral withdrawal. And so did three other Democratic presidential hopefuls: Sens. Birch Bayh, Harold Hughes and George McGovern.

Obviously, the question will come up again if an agreement for mutual withdrawal cannot be worked out relatively quickly with the Soviet Union. Next time, Mansfield is likely to win.

All this fills the high German official in question with foreboding.

He noted that Americans, and many Europeans, keep saying that the real deterrent to Soviet aggression is not the number of troops on the Western side, but Moscow's awareness of U.S. nuclear strength.

"The trouble is, though," the official said, "that the balance of power has been shifting in the Russian favor a long time."

Given this fact and the present atmosphere in America, he added, how can anybody believe any longer that it will be the Soviet premier and not the American President who will blink in case of a confrontation over Europe?

"Maybe, when realization of our vulnerability sinks in," he added, "Europeans will be shocked into getting together and really doing something for their own defense. But I doubt it."

It is far more likely, in his view, that Western Europe will seek security through accommodation with the Soviet Union—an accommodation which, in time, could take a form dangerous both to European independence and American interests.

The German official assured his visitor that he is more pessimistic than the Brandt government of which he is a part—that his views should not be taken as representative.

His implication was clear, though, that he expects to have a lot of company if the American disengagement from Europe—so visible now in the sentiment for troop withdrawal—continues.

As he told his visitor, "When I look back to the '20s and the '30s and '40s, I am impressed by how often it was the pessimists who were proved right."

[From the New York Times, June 11, 1971]

SWEET TALK AND SEMANTICS

(By C. L. Sulzberger)

PARIS—Soviet diplomacy is thrusting with unmistakable vigor for a European security conference to be convened as soon as possible. The idea is an old favorite of Moscow's but has been given obvious new life. Almost every Russian embassy on this Continent is pushing it and a deputy foreign minister was sent on tour by the Kremlin in Scandinavia and London to press for its attainment.

One may easily speculate on the reason for this fervor. The U.S.S.R. certainly doesn't like the warm breeze blowing between China and the United States while its own Chinese problems remain unsolved. It would obviously suit Soviet strategy to obtain further easement along its western border.

Moreover, Moscow sees the U.S.A. off balance in its relationship with NATO. Russia has negotiated an accord with the West Germans, while permitting the Poles and Czechs to initiate similar procedures, and Brezhnev, who asked for "a radical turn toward détente and peace on this Continent" ten weeks ago, has publicly favored ending the armaments race.

While this move helped defeat Senator Mansfield's effort to start unilateral American cuts in NATO defenses, the impact of Mansfield's attempt has left the United States diplomatically weaker. Washington must take special pains not to appear lagging in any trend toward mutual security or arms reduction.

The Russians want to use a European security conference as a first step in diminishing United States influence here, an influence which many Americans themselves (as Mansfield demonstrated) are ready to reduce and that is already perceptibly starting to decline.

Moscow feels it could then deal with Western Europe on a more free and easy basis, without any restrictions imposed by Washington, for example, on the sale of allied strategic goods. Slowly the Soviet Union might then turn this highly industrialized region into a kind of economic farm which would help accelerate Russia's own development.

A Western Europe no longer subject to any U.S. restraints could conceivably be developed into a workshop and bank for an apparently friendly and no longer threatening Soviet bloc. As a harbinger of future financial ties, Hungary and Bulgaria have already negotiated loan arrangements with West European banks that are recognized by the U.S.A. as sound institutions.

While the Kremlin's diplomats work with coordinated efficiency toward these aims, NATO sags. During Prime Minister Trudeau's visit to Moscow, for example, the Canadians were reluctant to tell Washington anything about their talks with Soviet leaders.

France, the North Atlantic pact's odd man in, continues to emphasize its independent position. While the U.S.A. again endorsed at NATO's Lisbon meeting the idea of mutual and balanced force reductions (by both East and West), it stressed that any multilateral "preparations" for a security conference must be preceded by a successful outcome to Berlin negotiations.

The French refuse to link the two topics and there have been hints that both Paris and Moscow would be ready to start security talks after only "progress" rather than "success" in Berlin. The French want to keep flexible prior to the Paris visit of Brezhnev, the Soviet boss, late this summer.

The ice jam congealed over more than two decades with only relative and temporary thaws between NATO and the Warsaw Pact is now showing signs of really starting to fragment. Both coalitions are openly committed to the idea of force reductions and security talks although important semantic differences persist within the Western Alliance and between Washington and Moscow.

The relevance of China to all this is only conjectural. One doesn't even know whether Rumania's original-minded President Ceausescu went to Peking with a message to Mao Tse-tung from either Mr. Nixon, or Mr. Brezhnev, much less both. But what is patently evident is that a reduction of armaments costs and troop maintenance in Europe suits the economic requirements of both America and Russia at this moment.

Moreover, if the Kremlin reckons that the increasingly unbalanced internal position of the United States must be reflected by less U.S. external influence, it may now consider the moment opportune to press forward with old dreams. These dreams would weaken NATO's trans-Atlantic ties and secure an economic lien on what East Europe needs from West Europe. For this Moscow is ready to pay a price.

[From U.S. News & World Report, June 14, 1971]

WHY THE UNITED STATES MUST STAY IN EUROPE

(Exclusive interview with German Chancellor Willy Brandt)

Q. Mr. Chancellor, there are still some 300,000 U.S. servicemen in Europe, and about two-thirds of them are in Germany. Do you count on their remaining in such numbers indefinitely?

A. There is no such thing as "indefinitely" in history. But the President of the United States has made it clear that a major U.S. troop presence in Europe is both in the interest of the [North Atlantic] Alliance and of the United States itself.

I think the President is right. And, especially at this time, it would not make sense to start a unilateral weakening of the U.S. presence—when there may, for the first time, be a serious chance to enter into negotiations about a mutual reduction of East-West forces in Europe.

Q. Do you take seriously the Brezhnev-Kosygin remarks about possible talks on troop cutting?

A. I agree with those in Washington and elsewhere who think that one should not regard it just as a propaganda move. One should try to find out, by bilateral and other contacts, what they really mean.

In this case, I would take up Brezhnev's phrase: not to quarrel about the label on the bottle but to taste what is in it. And that you can do only through experience.

Q. In the absence of such an agreement, why are American troops needed in Europe in such great numbers? Are the reasons military or political?

A. It is a combination—a combination of military strength and political stability.

If I had to look upon it from an American point of view, I would value the fact that the United States is thus guaranteed a say in decisions about the future of Europe. But that is not my business. That is a point of interest to the Americans.

From the German point of view, the troop question includes another element: A serious reduction of U.S. military presence in Europe would raise the question of closing the gap—how to replace the U.S. troops. Many people might say, "Well, let the Germans do it." I think this, from the point of view of over-all East-West relations, would be unwise. I don't say this because I want to avoid the problem of some additional financial burden, but there is a critical size, as far as the German military is concerned. German's numerical role within the Alliance is not only a problem out of the past for Eastern Europe; it is also still a problem of worries and doubts among some of our Western neighbors.

Q. Are you saying that Germany frightens its friends as much as its potential enemies?

A. I wouldn't go as far as that, but you know that parts of the past are still alive.

But beyond that: A strong and considerable U.S. presence is also the shield behind which the construction of a more united Western Europe will make more progress than it otherwise would. We are now at a point—this is in addition to the troop talks with Russia, whatever they may lead to—where Western Europe has a good chance to move faster ahead with economic integration—also closer political and, later on, as a consequence of that, military co-operation.

Q. From the Russian point of view, is one Western division like another? Would Moscow consider that a Belgian and a Dutch division add up to the same thing as two U.S. divisions?

A. This raises the problem of what divisions really mean nowadays. I have great respect for Russian divisions, but a Russian division is not as big a unit as what you in the United States call a division. But it's not only a problem of numbers. The question is: Should only one of the superpowers have a substantial presence in Europe or should both be present? And I mean present not only with their potential destructive power, deterrence, but also in the regular military setup.

Q. You mentioned political stability. Does that mean stability in the Communist states as well? Are American troops useful in that way—in helping keep stability in Eastern Europe as well—or is that stretching it too far?

A. I think that's going much too far. Unfortunately, if one can put it that way, the Russians themselves are strong enough to keep control over their part of the world, at least in Europe.

Q. Do you feel a Berlin settlement should be a prerequisite for an agreement on mutual troop reductions?

A. No. There has been some confusion about this, and it is understandable. Many people have come to believe that MBFR—which stands for Mutual Balanced Force Reductions—would be a point on the agenda of a future European security conference, or would at least be discussed at such a conference.

Of course, the Atlantic Alliance is on record as saying that the road to a conference on security in Europe—a conference in which the United States and Canada would have to take part—would only be open if a reasonable settlement were found for Berlin. And, if one could not solve a very important, but still limited, problem like Berlin, then there would not be much sense in hoping that larger issues could be discussed with any chance of a result at such a conference. So there a kind of link was established.

Now, however, Brezhnev in his Tiflis speech [on May 14] indicated that one might have exchanges of views or even negotiations on the MBFR problem outside a European conference.

It would not now make sense to create a Berlin link. That would be illogical, and it would confuse the entire scene. It would make people forget that the original initiative for discussions on MBFR was taken by NATO. I participated in that myself when I was Foreign Minister. At the Reykjavik NATO Council meeting in June, 1968, we gave what then was called a "signal" to the Soviet Union and the Warsaw Pact countries that we would be interested in discussions on the problem of mutually reducing our forces.

Berlin was, of course, a problem then, too. What I am saying is: We had this problem then and we did not create a link then, so why should we create it today?

What we would not like would be for someone, anyone, to use MBFR as a pretext for not going on with the Berlin talks with all the energy and intensity they demand.

Q. If you don't believe in German troops "filling the gap," what do you think your country and the other European nations can do to carry more of the NATO defense load?

A. Many people haven't paid too much attention to it, but recently something was done which is a matter of great importance. It is called EDIP—European Defense Improvement Program. For the first time since the Alliance started, a special program was drawn up by the European partners, in this case to improve infrastructure and communications.

Compared with defense budgets, it is not so impressive, but it can be an important starting point. I think it will be, in strengthening consciousness in Western Europe that activities of one's own must be developed in order to get to a better American-European balance in the Alliance.

WE MUST BRING FRANCE CLOSER

Q. How much new money is involved in this program?

A. The total is 420 million dollars. The share of the German Federal Republic is roughly 168 million dollars. In addition to this, we share some of the costs of the contribution made by the United Kingdom under this program.

All of this has another important aspect. During the years to come we must try to bring France in closer contact with the Alliance again, in a way which the French themselves can accept.

Q. Is this already happening?

A. A little bit. France participates in part of EDIP—in the communications part of it. But they stick to their principle—that they will not return to the integrated organization. And there is not much sense, I think, in quarreling about it. We will have to find pragmatic answers instead.

Our military people have very good relations with the French. We have some cooperation in the field of armaments. The British have some contacts of this kind. NATO in the Mediterranean has improved relations, too.

But I am thinking beyond these day-to-day things. I'm thinking about the future: EEC [European Economic Community] will be enlarged. Britain and some other countries will come in. This will lead to closer political cooperation and consultation—a new brand, a new style of political cooperation which will come to include problems of security.

By this I don't mean that I see any possibility of a European Defense Community. Even when President Pompidou [of France] and Prime Minister Heath [of Britain] got together, they excluded this prospect from their discussions. Still, the logic would be that closer political co-operation in Western Europe means inclusion of some aspects of security.

Q. Do you foresee Western Europe playing a bigger and more co-ordinated role in the world?

A. Yes. I think we are going into a period of greater Western European responsibility in the world. I think this will be good for the Alliance, and it will be good for the relationship between Europe and the United States.

I am sometimes amused when I read stories about the new triangular world situation into which we may get—Washington, Moscow and Peking. I myself think it will be more of a square or rectangular situation, with Western

Europe the fourth corner—at least if we look as far ahead as the end of this decade.

Q. Chancellor Brandt, during your Washington visit, are you going to get into detailed discussions of monetary problems with President Nixon?

A. Of course, I cannot say how detailed the discussions will be, but there is no doubt that we will discuss international monetary problems. There are some difficulties in the international monetary system with which we are faced. And as an important part of that, we have had some dollar-deutsche mark problems.

I'm afraid some of our friends in the United States believe that we started an action in order to bring as many dollars as possible into the Federal Republic of Germany and into the safes of our Federal Bank. This was not the case. It created certain problems for us to have an influx of 42 billion deutsche marks' worth of dollars during the period when we ourselves had taken 24 billion deutsche marks' worth out of circulation in order to bring about better stability. This was from January last year until this spring. So it would not make sense if President Nixon and I met and we did not discuss the problem.

I think I should add that there has been a very good and friendly contact between the two federal banks. I think if one asked those responsible in the United States, they would agree with me when I say that our Federal Bank, which is an absolutely independent body, has been more co-operative over the years in the monetary field than some of your other partners.

Q. Getting back to American troops in Europe: Are the 5,500 American soldiers stationed in West Berlin a permanent part of the landscape?

A. Berlin has a chance for the first time in many years to put its life on a more normal basis—if the four-power negotiations should succeed. But whatever the details of any four-power arrangement may be, it can only be based upon the status that West Berlin is under the supreme authority of the three Western powers. There is nothing to replace this.

Q. Do you consider that permanent?

A. As permanent as anything can be in international affairs. In the U.S., this may be regarded as a burden. But there are other elements. One is this: As Americans look around the world, I understand that they sometimes get tired of engagement at many places—and not all of them have been very successful. Now look at West Berlin: For years it looked hopeless. But, in spite of the geographic situation, a desert of rubble and ruins has been transformed into a modern city, connected with the Federal Republic. This has been possible only under the protective roof of the United States and its allies. I think this is something of which the U.S. can be proud.

Secondly, being in Berlin means maintaining one's right to help decide which role Germany or the two Germanys might have in a European system of security and co-operation in the future.

Q. Do you worry about a surge of American isolationism?

A. No. Of course, I would not like to interfere with discussions in the U.S. Senate about unilateral troop cuts in Germany. But what I would like to say is this: I understand the feelings which result from years and years of heavy commitment—some of your people say overcommitment. And, at least as important as this, there are all the big problems which an industrial society like the United States faces—urban development and what not—in many areas.

So I could very well understand that there would be important tendencies toward concentrating as much as possible upon national problems and tasks. But this would not, as far as I can see, lead to isolationism, because isolationism in the traditional sense of the word would go against the interests of the United States.

Q. In what way?

A. The United States, in view of its trade and other interests, cannot be inward-looking. Or let me put it another way: A world power—there are not many world powers nowadays—cannot be an isolationist power in the old sense. If you reach the level of world power, a certain kind of commitment and world responsibility results from it. I think this makes isolationism impossible.

"SOME PROGRESS" ON BERLIN TALKS

Q. On the four-power talks in Berlin—how are they going? Are they stalemated?

A. I am a little bit reluctant to answer that because I am not at that conference table. But, of course, we are in close contact. I would not give too optimistic a picture as a result of my reports, but I have the impression that some progress has been made.

Q. What accounts for the relatively stubborn Soviet position? Are they influenced by the East Germans?

A. The Russians stick to certain principles, including legalistic positions. And the GDR [German Democratic Republic] certainly plays a role.

Years ago, one was accustomed to look upon East Germany purely as a satellite. Of course, it still is very much dependent upon the Soviet Union and upon the presence of Soviet forces in many fields, but one should not forget that as the years have passed East Germany has become an important partner, in some areas the most important ally, of the Soviet Union.

My impression is that, in their talks with the three Western powers, the Soviets always include the result of their consultations with East Berlin.

Q. Do you see any changes taking place in East German attitudes because of the recent switch in leadership there?

A. We have only seen the beginning of regrouping of leaders there. During the months ahead, we will see more changes taking place. Let me put it cautiously: I cannot see anything which would reduce the Soviet Union's influence vis-a-vis East Germany as a result of these changes.

Q. Is the connection between the Berlin talks and ratification of your treaties with Moscow and Warsaw an indissoluble one?

A. Yes, but not in a legal sense. At least as far as my Government is concerned, we have always made it clear that this is not a legal thing. It is a political thing. We made this very clear even before we signed the treaty in Moscow August 12 last year.

I think this was and is understood: If we are going to renounce the use of force, if we are going to have a *modus vivendi*, this could not exclude West Berlin, which is closely interconnected with the Federal Republic of Germany. Or to put it another way: It would just not make sense to normalize relations between Bonn and Moscow and, at the same time, leave aside Berlin as a remaining island of the cold war.

Sometimes our normalization of relations is misunderstood. Some people believe that we want to move far ahead of our Western colleagues. The real situation, of course, is that our relations with Moscow were much worse than those of other Western nations, and we want to have working relations at least as normal as our main Western partners have. This also will give us a more-equal position in the talks both in the West and in East-West relations.

Q. The Polish treaty you signed apparently is going to take a back seat to the Soviet treaty when it comes to ratification. Is that your choice or theirs?

A. I wouldn't call it anyone's choice. This is what you call in your language one of the facts of life.

When I was in Poland in December the leaders—and I mean leaders who have not since been replaced—told me frankly, and they said it in public as well, that since we had signed our treaty with the Soviet Union first and with Poland second, we should go on in this order.

This is, of course, not only a matter of protocol. This also includes problems of political co-ordination within the Warsaw Pact with which I would not interfere.

Q. Since you haven't yet ratified the first two treaties, what is the purpose in discussing pacts with other East European countries?

A. Well, one should make a difference there between the Czechs and the Hungarians or the Bulgarians. In the last two cases we have talks on trade and other practical matters. But with Czechoslovakia it was interest on their side that started the talks. We had said when my Government started in October, 1969, that we are ready to establish normal diplomatic relations with any state which has the same wish. And, in the meantime, we would be prepared to develop our trade relations.

Now, since the Czechs showed interest in discussing problems which might lead up to diplomatic relations, we could not refuse. And we, of course, have a special interest there because the Czechs are our immediate neighbors.

Q. Is there any connection between your treaty with Russia and Poland and a possible American troop reduction? In other words, does it make an accommodation with the East more desirable?

A. No. I would rather turn the argument around. I have the impression that American interest in having a considerable presence in Europe has, at least in responsible circles, not been weakened but strengthened as the result of this rather interesting process of West European integration and desire for more communication and co-operation between the parts of Europe.

But whatever we have tried to do and are going on to do vis-a-vis Eastern Europe has nothing to do with replacing factors with which we live, either U.S. presence or the Alliance. It is the other way around.

We have developed our policy within the framework of the Alliance, based on close contact and consultation with our partners. And many people who didn't understand it well enough last year I think understand it better today: U.S.-Soviet arms talks, MBFR, Berlin negotiations, preparatory talks about an eventual conference on European security, plus our specific, even if limited, activities—they all belong together.

There should be no doubt that for the Federal Republic of Germany our policy is not to replace any of our connections with the West. Our policy is possible only against the background of our membership within the Alliance and our strong participation in the process of West European unification.

Q. It has been suggested that when the Berlin wall was built in 1961, you personally became somewhat disenchanted with the reliability of the U.S. commitment. Is that true?

A. No, not at all, as far as reliability is concerned. But I learned, as others in Europe and in the United States did then, where exactly the area of commitment ended.

IN THE WAKE OF THE POLISH RIOTS

Q. On another subject: Do you think there is weakening of Soviet control in Eastern Europe since the December riots in Poland?

A. I hope I am not making things look better than they really are, but I think two things are very interesting:

First, if we look back over the years since the end of the war, there have been a series of difficulties in various countries of the Soviet bloc. But these difficulties in Poland were the first ones which were not described as counterrevolutionary movements. The

Poles themselves presented them as difficulties which they had with their economic system: workers being discontented with their working conditions, housewives and others not being pleased with what they could get or not get in the shops. And, if we still get this same answer a year from now, if the argument has not reverted to a question of "a fight with counterrevolutionaries," then this could indicate a very important thing.

The second point is: The Polish internal difficulty is the first in which neither Germany nor the United States has been blamed for having organized the troubles.

These things should not be overestimated, but both elements are interesting for an analysis of the existing situation.

Q. Do you think we have seen an end to the use of Soviet troops in Eastern Europe—say, as in the Czechoslovak uprising?

A. I think that has first to do with the ideas of Soviet generals. I could imagine that the ideas of Soviet generals don't always correspond with the ideas of political leaders. They do not always correspond in our part of the world. That's quite natural, because everyone has his own area of responsibility.

The Czechoslovak crisis must have led to second thoughts on the part of more than one leader of the Soviet Union. I do not know too much about it, and I have had no chance to discuss it directly, but I would not be surprised if there is more than one responsible Soviet leader today who thinks that the way the crisis was handled might have been counterproductive.

Q. Has any real progress been made in your talks with the East Germans?

A. No. I had those two talks with Willi Stoph, the Chairman of their Council of Ministers, last year. One was in his area, one in mine. We presented to them what we called the 20 points, our basis for possible further discussions in order to get agreements between the two parties. But this didn't lead very far.

Then, since the end of last year, we have had—once a month, sometimes twice a month—meetings of high officials from both sides. They have gone on without any excitement and they have not reached a point which would justify any kind of announcement.

I think it is better that they meet than that they should not meet. They sometimes bring to each other's notice smaller things in which one side or the other is interested. But apart from that it is more an exchange of views on future developments, especially in the field of communications, traffic and other practical things, but without any real progress in sight.

BACK OF EAST GERMANY'S ISOLATION

Q. Why do the rulers in East Germany still feel it necessary to run things the way they do—shooting would-be defectors, for example?

A. East Germany has made remarkable progress. One has to admit that, whether one likes their methods or not. The figures show it, especially in the various branches of their industry—and the standard of living is not so bad, especially if you compare it with other countries in the Eastern bloc. The comparison with us is not so favorable, because every time they think they are getting closer to us we move ahead, too.

But apart from the material difference there still is and will be for a long time to come a general feeling of closeness to West Germany, of belonging together because of family links, history, cultural links, etc. But those who rule that other part of Germany believe they still need a period of isolating themselves and their people as much as possible. They need it in order to get stability and to develop a kind of identity of the people with the state. Only after they have gone through this period will it be possible for them to accept the kind of communication which goes on today between the Federal Republic and other Communist states.

This, of course, is somewhat absurd. Our people can go to Bulgaria and to Rumania—hundreds of thousands do—and they meet their East German relatives on the shores of the Black Sea. This belongs to the ridiculous realities of the world.

But I think the main argument for the East German Government is that more communication, even if it were limited, would go against their dominating interest of stabilizing their regime.

Q. Chancellor Brandt—to return to your visit to Washington—have we covered all the subjects that are likely to arise in your talks with Mr. Nixon?

A. We already mentioned Berlin, we already mentioned MBFR and interrelated problems, we also mentioned NATO. I think a fourth main point will be a subject which I brought up last year but which has become a much more important subject this year. This is the future relationship between the enlarging European Community and the United States.

Q. Do you have no doubt about its enlargement?

A. I have no real doubts about it. I think this will happen. The United States always has been in favor of this development. The United States must have known that this also would create certain problems. I am with those who think that we must find ways and means of avoiding unnecessary areas of economic conflict. That means Americans and Europeans must meet often enough and at a high enough level to accomplish that.

Q. To head off a trade war, for example?

A. I do not see the danger of a trade war. There will be areas where our interests do not correspond, but we have to limit them as much as possible and find reasonable rules for living with conflicting interests. I think we must move in the direction of partnership, especially as far as the growing European Community and the United States are concerned.

WHAT TO DO ABOUT RED CHINA

Q. Will you and Mr. Nixon get into more remote areas, such as the new U.S. relationship with China?

A. China is of course also a very interesting subject for us. We have trade relations. But the political problem is not the same for us as it is for the United States. My position on this is known in Washington, and there is no misunderstanding about it.

Dealing with both great Communist powers is, I think, a necessity from the point of view of the United States.

Then there are other nations—either very small, or medium-sized powers like ourselves—who have been active in establishing relations with China.

As for ourselves, you know there was a time some years ago when a German Government wanted to establish relations with China, and the United States Government didn't like it. But in our situation now, we must not overlook—to put it in a very simple way—that Russia is much closer to us than China. We understand that China will have to play her role in the future in the organized family of nations and in international cooperation. And we are interested in having relations with that great nation—great because of its history and culture. But we must not create mistrust. We must not create the impression of trying to play on controversies between China and Russia.

I said in a TV discussion recently that sometimes I think of a story which is told about the time of World War II. A father in Berlin—at that time things had already developed rather badly for Germany—took a globe to explain to his little son where Germany was located and how small it was compared with Russia. After the father had explained this, the little boy asked, "Does Der Führer know this?"

I want everyone to understand that this Government knows where Germany is located. As a result of the past and of our situation of being a divided nation with a number of unsettled problems with Eastern Europe, we must make more progress in this area before we join others in normalizing our relations with China.

I don't underestimate the importance of China or our future interest in relations with China. But in this case—and I hope this is not misunderstood if it is read in Peking—I have to say, first things first.

REPORT ON FIRST MONTH'S OPERATION OF AMTRAK

Mr. SCOTT. Mr. President, it was with considerable optimism that I read the article in the Washington Evening Star, of Wednesday, June 9, 1971, concerning the first month's operation of our new rail system, Amtrak. Mr. Roger Lewis, President of the National Railroad Passenger Corporation—Amtrak—says the major objective is to improve the service. That means finding where the service is improvable. In order to compete, especially with airlines, Mr. Lewis says, "We've got to offer airline quality service." This requires high density markets, a high priority in market research, experimentation, and service improvements.

Our beleaguered rail industry has responded to the changes being guided by the management of Amtrak. As expected, it will take time before the system can operate profitably. The first step has been taken. The service has improved. The equipment is attractive, comfortable and competitive with other modes. The Amtrak system has demonstrated through improved service to the public that a once forgotten and poorly patronized service could be reborn.

Mr. President, I ask unanimous consent that the Evening Star interview with the president of Amtrak be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Amtrak Chief Looks Ahead After First Month on Job

(By Stephen M. Aug)

The first letter that arrived at Roger Lewis's desk shortly after he became president of the new National Railroad Passenger Corp. (Amtrak) was from an old friend—but it wasn't congratulations, he says, it was an offer to sell him some trains.

The letter was from William P. Gwinn, president of United Aircraft Corp., which is looking for customers to purchase its gas-powered Turbo-Trains at about $2.5 million apiece.

Gwinn's letter was the first of many attempts by suppliers to sell Amtrak some new equipment. "Some people from Budd Co. were here just yesterday," Lewis added in an interview.

But the question of when Amtrak will begin purchasing new equipment wasn't one that Lewis former president of General Dynamics Corp.—was able to answer during an interview with The Star yesterday—his first since becoming Amtrak president April 28.

HAS $40 MILLION

What emerged from the hourlong interview was a picture of a business executive supremely optimistic over the future of his new corporation, yet concerned about a number of problems—not the least of them money.

Amtrak has $40 million in cash from the federal government under the 1970 legislation that set up the corporation as a means of saving the last vestiges of rail passenger service and turning it into a profit-making business.

It also has authority to issue—with federal guarantees—$100 million worth of debt securities, and has about $200 million coming in from railroads joining the Amtrak system.

Lewis indicated that most of this money will have to be used to buy new equipment and refurbish some present equipment—not to make up for losses it sustains through operations.

STOCK SALES DEFERRED

Although the corporation also has authority to sell preferred stock to the public, Lewis sees little chance of that for several years. "We couldn't sell any stock to the public until we had an earnings record," he said. Lewis added that his financial advisers had indicated strongly there would be no demand for Amtrak stock at this time.

Lewis suggested that Amtrak would eventually seek more federal money. "If we have an operating deficit here we'll have to go round and talk to the Congress about that," he said.

Lewis declined to say what financial results Amtrak has achieved during its first month's operations. It began operating a nationwide rail passenger system May 1. But he noted that the Department of Transportation had forecast a $110 million deficit in the first year.

MAY SEEK SUBSIDY

Lewis added that an operating deficit "is a question of service to the public, and how it's to be dealt with, and we would expect to discuss this fully and develop a program." Although he didn't say it, the implication is that if Amtrak is required to continue running money-losing trains for market, it would likely seek a federal operating subsidy.

Lewis said he has spent most of his first month as president organizing the corporation. This has included the appointment of five vice presidents—although he anticipates possibly eight or nine.

The five are:

Vice president-marketing, Harold L. Graham, 54, former vice president of service at Pan American World Airways.

Vice-president-planning, David A. Watts, 40, former director of corporate planning, Chesapeake & Ohio-Baltimore & Ohio rail system, former director of passenger services of the C&O-B&O.

Vice president-government relations, Gerald D. Morgan, 63, partner in the Washington law firm of Hamel, Morgan, Park & Saunders, and a former White House assistant during the Eisenhower administration.

Vice president-personnel and administration, Kenneth A. Housman, 46, former assistant postmaster general in the bureau of personnel.

Comptroller, Sidney Smith Sterns, 53, financial consultant and former financial official at Interstate Brands Co., Cudahey Co. and Illinois Power Co.

Still unfilled are vice presidencies in operations—for which a railroad official is sought—public affairs and law.

Lewis conceded there have been no changes in rail passenger service in Amtrak's first month. Virtually all its services are being rented from the railroads—and schedules are almost the same as before May 1. New . . . which it is unable to develop a schedules with some changes to provide better connections are to take effect in several weeks, he said.

Amtrak has about 26 workers who are riding trains to report on the level of service, and "if there are undoubtedly some improvements in attitude they come from the fact it's now certain there's going to be an effort made by a new organization to operate the rail passenger service."

Asked about upcoming changes, Lewis said "our objectives and our priorities" include, first, "to improve the service. That means finding where the service is improvable."

AIRLINE QUALITY

He said the corporation has to compete with airlines, private autos and buses. To compete with airlines, "we've got to offer airline quality service." This means, essentially, high density markets. "We are going to give them a high priority in our market research, experimentation and our service improvements," he said.

He noted also that "the bus is formidable competition for economic reasons, and the private auto is probably the most telling form of competition—there's just something about the mobility of an auto—especially on short trips."

But he noted that all three "suffer from the problem of urban and suburban congestion." He cited the Eastern Airlines shuttle between Washington and New York. "Unless you want to travel in the middle of the day, you get off an airplane at LaGuardia and you get into a cab and you get right into that congestion."

RESPONSIBILITY DEFINED

Lewis said he has "a very strong conviction of not whether the country needs rail passenger service—I believe it does—but the question I have is just where is it, and how much of it is there and what it will pay. Our real responsibility here to to make the service attractive and to give the people that choice."

On other matters Lewis made these observations:

Although consideration was given to locating the corporate headquarters in New York (because of the concentration of trains), Amtrak has decided to remain in Washington.

Earliest efforts to upgrade equipment will consist largely of acquiring the best now available on railroads (primarily in the West). Amtrak needs only about one-third the equipment the railroads were using to operate its smaller system, or about 1,000 of the 9,000 in use last year.

Amtrak plans to collaborate with the Department of Transportation in developing new equipment, improving roadbeds and eliminating grade crossings to speed passenger trains.

UNITED STATES AND JAPAN—THE STEEL INDUSTRY

Mr. SCOTT. Mr. President, several weeks ago, I traveled to Japan as a member of the U.S. delegation to the Parliamentary Exchange Conference. Included among the many subjects discussed was the general economic relationship between the United Sttaes and Japan. It is this matter about which I shall speak today.

First of all, it is essential to look at the current U.S. trade stance from the long view. We have had no major trade legislation in nearly a decade. In that period, we have seen the rise of a stronger, more cohesive, European Common Market. We have seen the emergence of Japan as one of the world's truly great economic powers. However, we have also seen the United States, literally, taking a back seat in these great movements forward. A review of one key industry, steel, will yield some of the reasons for this economic lag.

Inflation knows no bounds—it has no territory. The costs of producing steel have, in many cases, far surpassed the selling price of steel. The market for steel has shown very little growth, largely due to the support given foreign steel producers by their own governments. Labor costs are high, and may go higher. Certainly, if there is a generous wage increase, a price increase cannot be too far behind.

Now, where does this all leave the steel industry, vis-a-vis Japan? A recent report by Martin N. Ornitz, president of Colt Industries' Crucible Stainless Steel Division in Midland, sheds some valuable light:

> It is startling to realize that the tremendous expansion program going on in the Japanese steel industries will by 1975 give Japan capacities far in excess of anything we are producing in the United States. In the stainless steel industry, Japan now has capacities exceeding those of this country.
>
> Overall world capacity is anticipated to increase 27% in the next five years. Of even more importance to the specialty steel producers is the fact that in 1970 the Japanese Stainless Association estimated that their yearly output of stainless will be 1.2 million tons. This is compared to one of the largest production years in United States history of 900,000 tons of stainless steel in 1969. In 1970, this was down to 700,000 tons. Further complicating the future is the fact that in 1971 another fully integrated Japanese stainless steel plant with an output of 20,000 tons per month will be in production.

Mr. President, I raised these points with the Japanese during the Parliamentary Exchange Conference. I said that the United States wanted free trade, but it also wanted fair trade. Import quotas legislated by Congress are really not in anybody's interest—neither in ours nor theirs. Unless a workable voluntary steel agreement can be reached, I said, there will be another drive for legislated import quotas in Congress. Such action, in the long run, could be quite damaging to the United States-Japanese relations. I pointed out that the one sure way to avoid a head-to-head trade confrontation would be to have the United States and Japanese Governments take prompt action in reaching an acceptable, effective voluntary settlement. If no agreement is reached, I said that I would continue to counsel a congressional settlement of the problem.

The current voluntary agreement, under which steel shipments to the United States are supposedly controlled, expires at the end of the year. The problem with that agreement is that it does not include specialty and stainless steels. As these steels are the higher-priced, finished steels, the rising level of imports does even greater damage. Furthermore, a number of foreign countries which compete with us in this area are not covered by the voluntary agreement. The combination of these factors puts our stainless steel industry at a tremendous disadvantage. The rules of the game, so to speak, are not applying equally to all, and our domestic stainless steel industry, simply, can no longer compete.

The ongoing negotiations between the United States and Japan will be most beneficial to both countries if the voluntary agreement is extended for at least 2 years, and strengthened to include stainless steels. In addition, there must be an agreement to accept a base year other than 1970 upon which to compute the quota on stainless—the year 1968 would be more realistic. Additionally, there must be an agreement to adhere more strictly to the so-called product mix. By exporting greater proportions of higher priced stainless steels, the Japanese are taking a greater share of our market in terms of dollars, if not tons. We do recognize that there must be an allowance of an annual growth rate—so, something on the order of 2½ percent over each of the next 2 years would seem to be reasonable. Also, an agreement must be reached on the selection of the various ports of entry, so as to distribute more widely the imported material. Just yesterday, Japanese Ambassador Ushiba paid me a visit and we discussed this very subject. The Ambassador, I am pleased to note, expressed great hope that final agreement could soon be reached on a voluntary steel quota settlement. Pennsylvania Congressman Herman Schneebeli, who participated in yesterday's meeting, said that he was very much encouraged by the Ambassador's statement. As a high-ranking member of the House Ways and Means Committee, which has jurisdiction over international trade matters, Congressman Schneebeli also attended the recent Parliamentary Exchange Conference in Japan with me and other Members of Congress.

Having given a review of our steel industry and one of its key components, specialty and stainless steel, and the relationship with the Japanese, we can see that this is only one industry, out of many, which finds itself in serious difficulty. Now, we must look to the future. What can the Government do to help?

The administration can take a more aggressive stance in its economic dealings with other countries. We must assure that American interests are treated abroad in the same way that foreign interests are treated here. Reciprocal agreements must be negotiated on an entirely flexible, give-and-take basis. But a strong posture, on our part, is absolutely essential.

The Congress can take a fresh look at the ways in which it can lift the industry out of its doldrums. Such a review ought to include a more realistic study of our trade laws, our tax laws, and our antitrust laws. The law must be continually responsive to changing needs.

In this spirit, I heartily endorse the administration's current efforts to convene an international conference to discuss matters of trade and investment. Such a conference coming at this critical time, insofar as the U.S. balance-of-payments situation is concerned, could only help our Nation, and others, to achieve true equality in the world's business markets. We have heard some strong language from all sides—however, now is the time to seek an accord.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished Senator from Illinois (Mr. Percy) is now recognized for not to exceed 15 minutes.

REDUCTION OF U.S. FORCES IN EUROPE—THE MANSFIELD AMENDMENT

Mr. PERCY. Mr. President, last week, as the distinguished majority leader will recall, I indicated that I felt the subject of the Mansfield amendment was not a dead issue, that it was not behind us, and that I had advised the members of the military committee at the NATO North Atlantic Assembly, while in Brussels 2 weeks ago, that they would continue to hear about this matter until such time as a more equitable arrangement has been worked out within NATO relative to the burden the United States is carrying.

Mr. President, from this side of the aisle, I intend to keep this issue alive. Once again I commend the distinguished majority leader for the great service he has rendered in using, as he said, a sledge-hammer approach. Certainly he impressed the world and the country with the fact that this is an issue that we should resolve. A quarter of a century after the end of World War II, it should be resolved on a somewhat different basis than it was at the time NATO was established. We helped set up NATO taking into account the impoverished condition of the nations of Europe at that time. Today, the situation is different.

NATO

Mr. PERCY. Mr. President, within the next few days, Chancellor Willy Brandt of the Federal Republic of Germany will be in Washington for talks with President Nixon and other members of the Government.

One of the prime topics of conversation undoubtedly will be the status of a new offset arrangement between the United States and the Federal Republic of Germany to replace the current one, which expires on June 30 of this year. To date there have been two negotiating sessions between the United States and Germany, with the third having been postponed due to the dollar crisis. Without going into any details, it can simply be said that both sides are far apart on what they consider an equitable arrangement. It is quite possible that the final arrangements—if and when they are worked out—will be unsatisfactory to one, or possibly both, countries.

Mr. President, this country must impress upon Chancellor Brandt the need for a better offset arrangement for the next 2 years, an agreement which will help reduce the balance-of-payments deficit associated with the U.S. military commitment to NATO.

To briefly review the situation: Last year direct American expenditures in Europe for NATO costs were over $3 billion, with a net military balance-of-payments deficit associated with these expenditures of $1.4 billion—$2 billion in expenditures entering the balance-of-payments account were offset by $600 million in receipts from military sales and repayment of military sales credits.

Mr. President, I cannot, for one, accept the fact that the $600 million was all additionality. I think some of those sales would have come anyway, because certainly when nations buy military equipment, they generally buy where they can get the best for their money, the best equipment, the best service, the best spare parts and the best performance.

The United States is the manufacturer—and the largest in the world—of military equipment so that the logical market for many nations to come to is here. So that these are not always additional purchases made because of our NATO expenditures, as many of those purchases would be made anyway.

The deficit attributable to NATO costs was approximately one-third of the total U.S. military balance-of-payments deficit of $3.976 billion, and was a substantial part of the overall American balance-of-payments deficit of over $9 billion in 1970.

The situation is not expected to improve very much, if at all, in 1971. The U.S. NATO military balance-of-payments deficit is again expected to be $2 billion—$1.2 billion in Germany alone—before any allowance for offset arrangements. In the first quarter of 1971 alone, the overall U.S. balance-of-payments deficit was $5.5 billion.

The continuing American foreign exchange deficit led over the past few weeks to a lessening of confidence in the dollar and the ensuing international monetary crisis. European NATO countries must face up to the fact that their currencies are gaining strength at the expense of the dollar because they have been unwilling to relieve the United States of its military balance-of-payments deficit associated with our commitment to NATO.

Mr. President, I am very pleased to see that the Secretary of the Treasury, John Connally, recognizes the fact that our European allies have chosen to ignore. In a recent speech to bankers in Munich, Germany, the Secretary said:

> Specifically, we today spend nearly 9 percent of our Gross National Product on defense—nearly $5 billion of that overseas, much of it in western Europe and Japan. Financing a military shield is a part of the burden of leadership; the responsibilities cannot and should not be cast off. But 25 years after World War II, legitimate questions arise over how the cost of these responsibilities should be allocated among the free world allies who benefit from that shield. The nations of western Europe and Japan are again strong and vigorous, and their capacities to contribute have vastly increased.
>
> I find it an impressive fact, and a depressing fact, that the persistent underlying balance-of-payments deficit which causes such concern, is more than covered, year in and year out, by our net military expenditures abroad, over and above amounts received from foreign military purchases in the U.S.

To document the fact that the United States is bearing a much larger share of the burden of the defense of NATO and the Western World than other NATO countries, it is only necessary to examine the figures showing military expenditures as a percentage of GNP.

The United States spends 8.8 percent of its GNP for defense. The figures for other countries are:

	Percent
Canada	2.7
Belgium	2.9
Denmark	2.8
France	4.8
West Germany	4.0
Greece	4.8
Italy	3.0
Luxemburg	1.0
Netherlands	3.6
Norway	3.6
Portugal	7.2
Turkey	4.9
United Kingdom	5.4

Mr. President, I have not given, of course, the figure for Israel because Israel is not a member of NATO. However, all of us know that Israel is one country which, when faced with the threat of extermination, has had to face up to the high cost of defending itself. The percentage of the gross national product in Israel for defense runs as high as 23 percent. That is what happens when a nation is under fire and in danger. That is the degree of sacrifice it is willing to make.

If there were a real threat to Europe, a threat the NATO allies have said was the cause of their admonishing us not to draw our forces out of Europe, why is it that some of those nations spend only as little as 1 percent of GNP for defense? They seem willing to have us spend almost 9 percent. But they seem unwilling in most cases to spend even half of that amount in their own self-defense.

Mr. President, I look forward to welcoming our distinguished visitor, one of the most able and distinguished world leaders, Chancellor Brandt, when he arrives next week.

In my own conversations with Chancellor Brandt last year in Bad Godesberg, Germany, I tried to impress upon him as best I could, with the knowledge I had of the feelings of the American people on this matter, the necessity of NATO nations facing up to their responsibility mutually and jointly.

I spoke to him and pointed out my feelings, which I thought was eminently right and fair, that no nation should benefit balance-of-payments-wise for expenditures made for the common defense. This is a principle and proposition that is so eminently fair that I cannot see that logical arguments can be made against it.

It is a matter of how we implement it. The Chancellor pointed out to me the desire to have multilateral arrangements. Yet, here we are a year later with a bilateral negotiation with West Germany.

When I continue these conversations with the Chancellor next week, I will do so in the spirit of two good friends and nations speaking together. And I know that this is the spirit in which he will carry on his conversations with other Members of the Senate, with the Defense Department and with the President of the United States.

I hope we can speak with the same kind of candor and honesty that characterizes the friendship between two good friends. And West Germany has been a good friend of the United States for at least a quarter of a century. But I think only candor can bring us to the heart of this matter. I think that other Members of the Senate who are privileged to speak to him will speak with the same candor to acquaint him and the leadership that is with him with the fact that any feeling that the Mansfield amendment is behind us because it was defeated in the Senate, is erroneous.

I remind the Senate that if the Mansfield amendment and the Mathias amendment votes were taken together, 58 Members of the Senate were in favor of the idea that something had to be done about our balance-of-payments question and about our troop levels abroad. I think the message will come through loud and clear to the Chancellor next week because I feel that is the truly deeply held feeling of the American people.

I trust that the result will be firm and realistic and that we can work out a realistic and worthwhile offset arrangement for the next 2 years.

Obviously we are looking for an agreement that will take away the onus of these bilateral, often bitter, negotiations.

SAME OLD STORY

Mr. PERCY. Mr. President, I will have printed in the Record an editorial from last night's Washington Star that reports on the report made by the General Accounting Office of conditions in nursing homes.

It is a sordid story that has been unfolding for some time.

I have personally visited nursing homes in Chicago. The same conditions have been shown to exist here by the General Accounting Office in this editorial.

I ask unanimous consent to have the editorial printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Same Old Story

The recent General Accounting Office report on nursing homes was just more of the same story that has been unfolding, in one sordid chapter after another, for many months. Many old and infirm people are receiving atrocious care at high cost, much of which is being paid by the taxpayers. And Congress still isn't hurrying to investigate the matter.

The GAO looked into 90 nursing homes serving Medicaid patients and certified as rendering skilled care. Dismal deficiencies were found in more than half of the institutions. Forty-seven of them failed to comply with the federal rule that physicians make at least one visit per month to each patient. In one case, a patient had gone seven months without a doctor's attention. Most of the facilities didn't meet federal nurse-staffing standards, and almost half were not in compliance with fire protection rules.

This is in perfect harmony with the avalanche of nauseous revelations about nursing homes that came out last year. Deficiencies in the District of Columbia and Maryland were among those brought to light in sensational reports. But by far the broadest view of the dilemma was given in a free-wheeling forum conducted by Representative David H. Pryor of Arkansas. People came from all over the country to tell of awful conditions in some nursing institutions. Pryor has talked of "human junkyards" and said that state inspection of nursing homes is "a national farce."

The weakness of both state and federal oversight is a familiar theme that is repeated in the GAO study report. But another primary conclusion is disturbing. The GAO decided that most patients in the so-called skilled nursing homes it surveyed should be somewhere else—possibly in lower-cost intermediate-care homes. Some of the worst reports have been coming from the intermediate facilities. Too many indigent elderly folks already may have been shifted over to those cut-rate homes in the interest of federal economy.

Of course many nursing homes are providing excellent service, and blanket indictments are unfair. But more than enough gross deficiencies have been documented to warrant the creation of the House select committee which Pryor is proposing, to investigate this and other matters affecting the aging. Last year his legislation died in the Rules Committee, but now he has about 235 cosponsors of a new version, and the committee should release it for a House vote.

TRADE WITH CHINA

Mr. PERCY. Mr. President, I should also like to have provided in the Record, a release from the White House on the decision by the President to take an initiative in terminating U.S. controls on a large list of nonstrategic U.S. exports to the People's Republic of China.

I think the President has made a remarkable additional step in a long series of steps that he has taken in an attempt to normalize relations with 750 million to 800 million people in the world. I think it is a very courageous and wise decision to remove the 50 percent American ship bottom requirement that has so hindered our exports of agricultural products to other countries throughout the world.

The suspension of this requirement was a well conceived and well thought move by the President. It is in the national interest. It will strengthen our overall economy, especially agriculture.

This step will make American products more available and on a competitive basis throughout the world. It certainly serves our national economic interest as well as our political and diplomatic interests throughout the world.

I ask unanimous consent that this White House release be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follow:

White House Press Release, June 10, 1971

The President announced today the first broad steps in the termination of U.S. controls on a large list of non-strategic U.S. exports to the People's Republic of China. In the future, a range of U.S. products listed on the attached sheet may be freely sold to China under open general export licenses without the need to obtain Department of Commerce permission for each specific transaction.

The items to be released from trade controls have been recommended by the NSC Under Secretaries Committee chaired by the Department of State. They include: most farm, fish and forestry products; tobacco; fertilizers; coal; selected chemicals; rubber; textiles, certain metals; agricultural, industrial and office equipment; household appliances; electrical apparatus in general industrial or commercial use certain electronic and communications equipment; certain automotive equipment and consumer goods.

The President has also decided to terminate the need to obtain Department of Commerce permission for the export of wheat, flour and other grains, to China, Eastern Europe and the Soviet Union, suspending the 50% U.S. shipping requirement for these items.

Items not on the open general license list may be considered for specific licensing consistent with the requirements of U.S. national security. The Department of Commerce and other agencies will continue to review our export controls.

The President has also decided to permit all imports to enter from China under a general license, while retaining standby authority for future controls if necessary. Imports from the People's Republic of China will be subject to the tariff rates generally applicable to goods from most Communist countries. They will also be subject to the normal conditions governing our imports from all sources such as cotton textile controls and anti-dumping and countervailing duty legislation.

Mr. PERCY. Mr. President, I ask unanimous consent that an article which appeared in the May 23, 1971 issue of the Washington Sunday Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GRIFFIN ON CHINA THAW

(By Senator ROBERT P. GRIFFIN)

President Nixon was consistently and persistently engaged from the time of his inauguration in a carefully orchestrated campaign to convince Peking of our sincere desire to improve relations.

That a response from Peking finally came was not a surprise to President Nixon. But I can tell you that no one was more surprised than he when ping-pong became the vehicle for delivery.

Throughout the period of the Nixon Administration, while we were making a series of unilateral moves, we were also "cooling the rhetoric," as the saying goes. We toned down our criticism of the Peking regime.

It cannot be said that the Communist Chinese responded exactly in kind, but Peking did take a less polemical, more practical approach.

It opened diplomatic relations with nations of a different view. In the six-month period from last October to this April, Peking agreed to exchange ambassadors with eight nations, including Canada and Italy, two members of NATO.

And in those two cases, it is significant to observe that the mainland Chinese government modified a position long and adamantly held. In order to establish diplomatic relations, it was not necessary for Italy or Canada to *recognize* Peking's claim to Taiwan—it was considered sufficient that they merely "took note" of it.

MAJOR STEP

This may appear to some as a minor concession but in my opinion it was a major step on the part of the Communist Chinese in the direction of broader diplomatic horizons.

Now, Peking has relations with seven of the 15 NATO nations: Canada, Italy, France, Britain, the Netherlands, Denmark and Norway.

Peking has recently offered aid, for the first time, to non-Communist nations: flood relief to Malaysia and the Philippines, earthquake relief to Peru.

In retrospect, then it should be apparent that *both* sides have been more flexible and have made important moves. So far the future is concerned, however, we still have a long way to go.

Of course, we should not be under any illusions at this point. Peking still has its objectives and Washington has a set of its *own*. In the broadest sense, Peking wants the United States out of Asia and the Western Pacific. But while the limited States, under the Nixon doctrine, proceeds to reduce our military presence in that area of the world, we do not intend to abandon the area, because our own national security interests are involved.

In a more immediate sense Peking's objectives are probably these:

1. A seat in the U.N. General Assembly, and a permanent seat in the Security Council.
2. The ouster of Nationalist China from the U.N.
3. Any available support it can get from the United States in the event of trouble on the long border between China and Russia.
4. To continue to seek active and recognized sovereignty over Taiwan.
5. Possibly to establish diplomatic relations with the United States.

We think we have a better reading now than we had 20 years ago on Chinese intentions. We see less likelihood of across-the-border moves than we did just after the Korean War. However, the threat of Chinese support for indigenous "wars of liberation," so-called, has not diminished.

A principal objective of the United States is to bring Mainland China into the real world without a catastrophic war.

We also seek a position of dignity for Taiwan.

We see Asia as a quadrilateral arena involving *four* great powers: The Soviet Union, China, Japan and the United States.

Within these guidelines we can afford to be flexible.

We have told both Peking and Moscow we do *not* wish to take sides in their dispute—or to gain from it.

We can say now that we no longer seek isolation of the People's Republic of China. We are ready to accept her as a major power, with a legitimate role. But we want Peking to refrain from imposing its will by force on its neighbors.

We do not presume to tell *either* China how to deal with the other. We hope that the differences between Peking and Taipei can somehow be adjusted. But we insist that any such adjustment must come about peacefully.

The bedrock of our policies toward Taiwan has not changed.

We continue to protect Taiwan against external attack.

We not only maintain diplomatic relations with Taiwan, but we continue to provide her with important military and other assistance.

Many people may not realize the significance of the Nationalist Chinese contribution as a member of the international community. Taiwan's 14-million population is larger than that of two-thirds of the 126 members of the United Nations.

Her gross national product has increased about 10 percent a year in the last eight years. Taiwan's per capita GNP is third highest in Asia.

AID PROGRAMS

Twenty-seven of the less-developed countries of the world are now receiving economic and technical assistance from Nationalist China.

It would be unthinkable for the United States to brush aside this staunch ally and responsible citizen of the world community to accommodate Mainland China's wish to join the U.N.

As I see it, the United States has three options open as we consider Mainland China's bid for U.N. membership.

1. We can continue as before, actively opposing last year's 51–49 majority view in the United Nations that Chinese Communist representatives should replace the Nationalist Chinese in the Security Council and in the General Assembly.
2. We could stand back—or abstain—in which case the majority probably would work its will. Thereafter, we could continue to stand by Nationalist China despite her loss of a United Nations role.
3. We could be positive about it and support the admission of Red China to the U.N. so long as Nationalist China is not excluded.

My preference now is this third course.

Of course, we still have four months or more before the General Assembly takes up the China representation issue. We need not fix our attitude in concrete.

But an inclination now toward flexibility, an expression of interest in "dual representation" for the two Chinas, could help to smooth whatever transition evolves.

It is not my assumption that the United States and Mainland China are anywhere near establishing diplomatic relations.

But there are several steps, some reciprocal, some unilateral, the United States could take. In the process, however, we should be careful not to smother Peking with so many overtures and opportunities that she feels no necessity to respond in kind.

SOME PROPOSALS

It is my hope that the Nixon administration is now considering—or perhaps privately advancing—such proposals requiring mutual agreement as the following:

Elevation of the off-and-on Sino-American talks in Warsaw to the level of deputy foreign minister or foreign minister, and moving them from Warsaw to Peking and Washington, on a home-and-home basis.

Exchange of unofficial trade missions.

Exchange of news service correspondents between Peking and Washington on a one-for-one basis and exchange of some special correspondents. If communications would be facilitated, the United States might well offer the use of its satellite communications facilities for special Sino-American events, including sports events.

Exchange of 10 to 20 eminent scholars, on a one-for-one basis for two-year sabbaticals, to study subjects of their choice at universities of their choice. These scholars should be from all disciplines, and the host country should provide full expenses.

There are certain unilateral steps which I believe the United States should be ready to take—given a continuation of the thaw at a congenial temperature:

We should begin immediately to invite Peking to send representatives to non-governmental conferences as well, if the Chinese are willing—on such basis international problems as arms control, high-jacking, pollution control, population studies, offshore oil rights, laws of the sea, and use of sea beds.

We could proceed in time to thin out the garrison of 9,000 American troops on Formosa, half of whom are there because of the Vietnam conflict and can be withdrawn as that war winds down. Whatever residual American force is then maintained on Taiwan would be clearly and purely defensive—and this should be emphasized publicly and repeatedly.

Given the uncertainties of the American situation with respect to Okinawa, Japan, Korea, and the Philippines, however, there would be no logic in unilateral and complete abandonment of all military presence in Taiwan.

The occasional naval patrols of the Formosa Straits which now have replaced the regular patrols could be conducted farther out to sea.

As we consider and proceed to make some of these moves, we must closely examine and evaluate the new image and new flexibility of Peking to be sure it is not a mirage. Fortunately, we have many options to test it, and I believe we should proceed with cautious optimism to do so.

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Senator from Alaska is recognized for 15 minutes.

Mr. GRAVEL. Mr. President, before the distinguished Senator from Illinois leaves the floor, I would like to ask whether the figures he cited this morning are different from the figures he cited last year in a very fine article he had inserted in the Record. Are they more up to date?

Are the figures the Senator cited concerning the national defense commitment by our NATO allies different from those in the fine article which was previously put in the Record?

Mr. PERCY. The Senator refers to the contribution of our allies?

Mr. GRAVEL. The Senator is correct.

Mr. PERCY. I really did not check it against the Record. However, I would presume it is reasonably close.

Mr. GRAVEL. I would be very happy to receive a copy of it. I would like to pursue that matter because I have been interested in following my colleague's remarks on this matter, as they have been very informative.

I compliment him. I marvel at the meticulousness and grace with which he pursues this matter. I wish I were gifted with such grace. However, I am not. All I can say is that it seems to me we are a bunch of suckers. I mean in regard to the way we are treating ourselves. This is obvious when we juxtapose the effort we put forth to that our allies put forth.

It is obvious to me, and I am sure it is obvious to some of my colleagues, that they do not see the dangers in the world that we see. Either those dangers are there and they are too stupid to see them, or else they are not there and we are suffering from paranoia. If that is the case, this paranoia is the greatest luxury this Nation has ever entertained. I hope we will, as soon as posible seek psychiatric help to put aside this paranoia, because we cannot afford it.

Mr. President, I wish to refer to an article which appeared in this mornings Washington Post, written by Colman McCarthy, relating to Carl Gustav Jung. I have always admired Carl Gustav Jung. The great wisdom of great men lasts for centuries. In the article, Colman McCarthy quotes one statement in respect to the arms race that was made by Carl Jung many years ago. This is a direct quote from Carl Jung:

> Let man but accumulate sufficient engines of destruction and the devil himself will soon be unable to resist putting them to their fated use.

What great wisdom from a time past from a great man.

Then, Carl Jung is quoted as follows with respect to cold warriors we have unleashed upon our society:

> Man is constantly inclined to forget that what was once good does not remain good eternally. He follows the old ways that once were good long after they have become bad, and only with the greatest sacrifices and untold suffering can he rid himself of this delusion and see that what was once good is now perhaps grown old and is good no longer.

How germane that is to the discussion of NATO and the situation in Europe.

I spoke in this Chamber on the day after the Lisbon negotiations. My information is very meager, but I gave my conclusion at that time as to what this Government is doing in its lack of leadership and in its efforts to deflect what could have been an aggressive, intelligent, responsive position. We should begin negotiations and insist on sitting down with the Soviets as soon as possible on force reductions; but no, we took a tack that I thought at the time was dilatory—and I hate to be this strong in my statement, I would prefer to be more gracious—but it seemed to me that we decided, to effect delay.

I, as a Senator, do not like to seek affirmation of my views from the head of the Soviet Government. It is not politically astute; in fact, it is politically dangerous. But here there is either fact or fiction. If it is fact, we have done a bad thing; if it is fiction we have played into the hands of the Soviet Union.

I have before me an article from the Washington Post which states:

> At a meeting in Lisbon last week, NATO foreign ministers called for country-to-country talks with the Soviet Union "to determine whether common ground exists" for such negotiations.

If we are to determine whether common ground exists, how far must we travel before we recognize what the situation is today? There is so much common ground there is no other ground around.

The obvious conclusion drawn by the reporter in this article was that the tactics adopted were to produce delay. That was the conclusion of the reporter, and it was my conclusion at the time of the conference.

Now, I wish to quote a statement by Mr. Kosygin. I do not like to quote his views. It is not politically wise to do so. But here are his words and they are very interesting:

> "As a rule," Kosygin said, "they say this or that Soviet proposal is supposedly very complicated, demanding much time for study and (they) put forward different preliminary conditions in order to withdraw from solution of these questions.
>
> "We are not, of course, against a careful preparation and study of questions. But one must discriminate when the matter concerns preparations and when efforts are made under the guise of preparations to frustrate the peace proposals," he said.

I think he made the point very succinctly. I would hope the leaders of our country could be as succinct. If this is mere rhetoric, I give him one point for rhetoric superior to what we have been using. I hope it is not rhetoric on either side, and that we put this aside and go to the truth of it.

Mr. President, I ask unanimous consent to have printed in the Record the two articles to which I have referred, which were published in the Washington Post.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Jung and the Dreams of Life

(By Colman McCarthy)

Dead ten years this week, Carl Gustav Jung is perhaps the best read and even the most understood in the competition between himself, Freud and Adler. Jung paperbacks are everywhere, thanks to book companies who know the sales value of the drugstore rack. Purists might twitch on seeing a copy of "Psychological Reflections" sharing shelf space with "The Love Machine," but why shouldn't genius compete in the shops against trash?

Far from watering down the mysteries of the unconscious, Jung risked drenching the reader with them, knowing that every person is a test-case for psychic experiences. Stand aside from life for a moment, he says, and trust rather than fear the conscious conflicts within you. "We yield too much," Jung wrote, "to the ridiculous fear that we are at bottom quite impossible beings, that if everyone were to appear as he really is a frightful social catastrophe would ensue."

Although Jung wrote in the earlier part of this century, his thought applies to this morning's front page.

The arms race. "Let man but accumulate sufficient engines of destruction and the devil himself will soon be unable to resist putting them to their fated use."

Aged cold-warriors who won't quit. "Man is constantly inclined to forget that what was once good does not remain good eternally. He follows the old ways that once were good long after they have become bad, and only with the greatest sacrifices and untold suffering can he rid himself of this delusion and see that what was once good is now perhaps grown old and is good no longer."

The masks of tough-guy politicians. "The social 'strong man' is in his private life often a mere child where his own states of feeling are concerned: his discipline in public goes miserably to pieces in private. His 'happiness in his work' assumes a woeful countenance at home . . . and the wives of such men would have a pretty tale to tell. As to his selfless altruism, his children have decided views about that."

Community. "Most people need someone to confess to, otherwise the basis of experience is not sufficiently real."

Those are usable thoughts, but Jung is valuable for other reasons than his wisdom. More lastingly important is his work in interpreting spontaneous symbols of the unconscious, i.e., analyzing dreams. As a doctor of the psyche who kept crashing into the walls of blank personalities—his patients'—Jung often relied on the sick person's dreams as a source of information about him. "No amount of skepticism and criticism," he wrote, "has yet enabled me to regard dreams as negligible occurrences. Often enough they appear senseless but it is obviously we who lack the sense and ingenuity to read the enigmatic message from the noctural realm of the psyche . . . Nobody doubts the importance of conscious experience; why then should we doubt the significance of unconscious happenings."

Dreams are essentially that—the unconscious speaking to the conscious, trying to tell it something, offering new points of view about the stale old routines of trapped lives. The language used is not the symbols of words—the conscious medium—but the symbols of objects (for example, the famous phallic symbol so cherished by Freudians), or events (the Fourth of July symbolizes patriotism) or people (the super-mammary sex symbols of Hollywood). These symbols are now familiar enough to be easily interpreted in a person's waking life. But other symbols are not so easily figured, and when found in one's dreams often seem like paste-ups of confusion. Yet who and what appear in our dreams are usually the symbolic messages of the unconscious rapping at the door of the conscious, saying "let my reality come in, too." In each of us, Jung insisted, "there is another whom we do not know. He speaks to us in dreams and tells us how differently he sees us from the way we see ourselves. When, therefore, we find ourselves in a difficult situation to which there is no solution, he can sometimes kindle a light that radically alters our attitude—the very attitude that led us into the difficult situation."

Americans, large numbers of whom prefer to take their doses of truth in pill form, like to think they have a taste for things unconscious. It is common now for otherwise steady people to refer to their "vibes" before making a decision. An avid use of astrology, yoga, tarot cards and other parlor pastimes are popular breezes that supposedly get the vibes moving. A trouble with this busywork is the created illusion that one is "inner-directed," when all that has happened is a case of boredom with the outer. It won't work, said Jung. "Together the patient and I address ourselves to the two million-year-old man that is in all of us. In the last analysis, most of our difficulties come from losing contact with our instincts, with the age-old unforgotten wisdom stored up in us. And where do we make contact with this old man in us? In our dreams."

Followers of Jung—whether Jungian analysts, teachers, students or patients—are a passionate bunch, and no outsider should mention the master's name without bracing for a stream of stories and remembrances. A Jung Foundation is active in New York. Many cities, including Washington, have Jungian centers where therapy, teaching and discussion is provided. Aside from Jung's own works, a balanced guide to dream analysis and analytical psychology is "The Symbolic Quest,'" by Edward C. Whitmont (Putnam's). Slow going in parts, it explains carefully the theories of Jung on his old favorites: individuation, archetypes, anima and animus myth, personsa. Few who ever read a little of Jung ever fail in time to read a lot.

The importance of Jung's method of the unconscious is that, in his words, "the interpretation of dreams enriches consciousness to such an extent that it relearns the forgotten language of the instincts." Forgotten is right. Where else but in this country at this time is the passion for abstracting and objectifying getting such a workout? The phrase, "everything is so depersonalized," is a comment on the West's often sick dependence on logic, or what Whitmont called the disregarding of "the emotional and intuitive sides of man." Thus, instead of a rich nation like America being moved by feelings of empathy, emotions of generosity or instincts of compassion to go and feed the world's starving, these faculties are suppressed in favor of abstractly and objectively solving "the problem" of hunger. Dying people are treated like math puzzles; it is never starving human beings who need food, but always the hunger "problem" or the welfare "problem." Better to solve a problem than feed a man.

This is dangerous, warns Jung. "The psychological rule says that when an inner situation is not made conscious, it happens outside, as fate. That is to say, when the individual remains undivided and does not become conscious of his inner opposite, the world must act out the conflict and be torn into opposing halves."

The Third World, the peace movement, the communes—the best of these are primordial expressions of the collective unconscious by which a hungry, warring and impersonal world can be led away from its worst self and old instincts long ago buried to be dug up. As Jung knew, it is not a bad time in history to be returning to the unconscious for our wisdom. So much is there in waiting.

Kosygin Criticizes U.S. Role—Praises Paris, Bonn for Steps Toward Peace

(By Dusko Doder)

Soviet Premier Alexei Kosygin blamed the United States yesterday for its "resistance" to reducing tensions in Europe, while he praised "positive" policies of France and West Germany.

Kosygin said that the United States, because of its deficit in balance of payments, "compels the states of Western Europe, Japan and other countries to participate in the financing" of various U.S. "foreign policy adventures."

In a speech that played on the political differences between the United States and its NATO allies, Kosygin reaffirmed Soviet readiness to open businesslike talks with the West while criticizing American policies in Europe, Indochina and the Middle East.

"Such actions of the United States as the actual support for Israel's expansion in the Middle East and resistance to a relaxation of tensions in Europe cannot but have a negative effect on Soviet-American relations," he said.

U.S. analysts suggested that the speech reflected Kremlin displeasure over Western responses to Soviet proposals for East-West negotiations on reduction of troops and armaments in Europe.

At a meeting in Lisbon last week, NATO foreign ministers called for country-to-country talks with the Soviet Union "to determine whether common ground exists" for such negotiations.

Kosygin, in a nationally televised election speech, made no direct reference to the Lisbon meeting, although he suggested that it had adopted delaying tactics on the Soviet initiative.

He accused unspecified opponents of Soviet proposals of using "all means to prevent their implemention."

"As a rule," Kosygin said, "they say this or that Soviet proposal is supposedly very complicated, demanding much time for study, and (they) put forward different preliminary conditions in order to withdraw from solution of these questions.

"We are not, of course, against a careful preparation and study of questions. But one must descriminate when the matter concerns preparations and when efforts are made under the guise of preparations to frustrate the peace proposals," he said.

Kosygin's notably sharp criticism of the United States was in contrast to the tribute he paid France as a "serious factor of peace and security in Europe" and to his description of West German Chancellor Willy Brandt's policy toward Eastern Europe as "an example of how to attain equal partnership in the building of peace."

U.S. ALLIES

Kosygin warned America's allies that U.S. financial policies and the weakening of the dollar due to various "foreign adventures" were affecting their societies.

"The United States' allies have to pay for this by an increase of their own economic instability, the growth of inflation, and exacerbation of social conflicts," he said.

While noting that Soviet-American relations were not satisfactory, Kosygin said: "We are ready to talk in a businesslike way with the United States on a broad range of questions."

Kosygin also rejected as a "malicious anti-Soviet concoction" Chinese charges that Moscow and Washington claim joint monopoly on solutions of international problems, disregarding other nations.

TWO SUPER POWERS

"It goes without saying that our constructive position never had, and does not have, absolutely anything in common with the so-called policy of two super powers," he said.

"The Soviet Union is really a world power that exerts a big influence on the development of events in the world," he said. "But we are a Socialist power. We will never agree to an assertion of world hegemony by one or several powers."

Kosygin's speech to a party audience at the Bolshoi Theater was his only campaign pronouncement. He is a candidate for deputy in the Soviet of the Russian Republic, a state parliament, and his reelection was a foregone conclusion.

Mr. GRAVEL. Mr. President, I commend the Senator from Illinois. I think that he has done yeoman service in his research in this area.

MAYDAY ARRESTS

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Nixon Defense of Mayday Arrests Won't Wash," written by Carl T. Rowan, published in the Washington Evening Star of June 9, 1971. The allegation is very clear.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon Defense of Mayday Arrests Won't Wash

(By Carl T. Rowan)

You can almost always tell when administration leaders feel that they have been caught with their trousers at half mast. The White House fires a defensive salvo and then turns on a fusillade of talk by other officials, hoping that verbiage will override logic and facts.

This tactic of rhetorical overkill was much in evidence in recent days as the administration sought to justify locking up thousands of innocent people during the Mayday war protests a month ago.

The simple fact is that, at the behest of the President and Atty. Gen. John Mitchell, the police ran roughshod over the Constitution as the administration moved in something close to panic to prove that it could squelch a seedy, foolish bunch of Mayday extremists. Of the 12,000 people arrested in those protests, a mere 700 have been found guilty in the courts, and many of those would have gone free had they waited for police to prove their guilt.

Criticism from the courts about "cruel and unusual punishment" of persons detained, and of unlawful arrest procedures, has clearly rankled the administration. With Democrats and Republicans deploring tactics in which police arrested everyone within reach, holding many totally innocent people incommunicado for hours, the administration concluded that it must counterattack or take a public relations beating.

So President Nixon went to last week's press conference briefed to the hilt on how to emotionalize and sway the public by lashing out at "vandals and hoodlums and lawbreakers."

The President praised the police performance, talking only of the arrested persons who destroyed property and broke laws, always avoiding comment about the many passersby and bystanders who were swept up in the great detention roundup.

But an unusually persistent press corps was not buying. Speaking of the thousands arrested, one reporter asked: "If they were lawfully and properly arrested, why are the courts letting them out?"

A flustered President replied that ". . . arrest does not mean that an individual was guilty," a towering concession to constitutionality that was followed by an implication that the releases proved only that those arrested got fair trials.

Incredibly, when Nixon looked around the room for some accommodating newsmen to ask him when the price of pickles will go down, there was a reporter prodding him further: "Mr. President, they are not being released on the grounds that guilt isn't proved. They are being released on the grounds that they weren't properly arrested."

Nixon ducked that point and retreated to his dogmatic position that he approved what the police did and hopes police do that well again in future confrontations.

Here was a situation where, because thousands of arrests were unlawful and improper, judges who revere and respect the Bill of Rights felt compelled to let thousands go free.

It was obvious that that press conference caper failed to sell a policy of mass, indiscriminate arrests. So Mitchell and Deputy Atty. Gen. Richard Kleindienst took to the firing line, attacking columnists and congressmen, dragging in that old "Communist" bogeyman by implying that since a few of the demonstrators had visited Communist countries, all those arrested people were somehow agents of the enemy and deserving of detention.

I can understand how, under the pressures of mass disruptions, petty vandalism and angering rhetoric, the police could err into making numbers of arrests unlawfully. I can't undersand why the President of the United States and his chief law enforcement officer feel compelled to defend unlawful procedures and urge them on other cities.

It is true that if government can be stopped by any mob that comes along we are in trouble. But it also is true that if government can only be saved through the mass, lawless detention of innocent citizens, then we shall soon have a government that no lover of liberty will want to save.

THE RED PERIL

Mr. GRAVEL. Mr. President, I wish to refer to an article which I think locates what is probably the touchstone or the linchpin of our paranoia. The article was written by Frank Getlein and is entitled "Who Are We Without Red Peril?" The article goes to the crux of the paranoia, and that is this fear with respect to the Soviet Union, a nation that has one-half of our gross national product, a nation whose defensive posture has been aggressive largely in order to counter our own aggressiveness, a nation that I feel is not as mature as our Nation.

Many times we who are against the war or a foreign policy are accused of attacking our country and defending our opponents. Of course, that is not the case. I am not a part of that government; I am a part of this government. I hope that as a result of improvements I can make in my government the example will bring about other improvements. We will not succeed in bringing about improvements here if we permit viler elements to rise to the fore, either the viler elements in our society or throughout the world.

There is much accuracy in the old truism that hate begets hate, fear begets fear, love begets love, and peace begets peace. I hope this Nation realizes that, and that our leadership will work in that direction.

The article by Mr. Getlein entitled "Who Are We Without Red Peril?" is self-explanatory and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO ARE WE WITHOUT RED PERIL?

(By Frank Getlein)

With pingpong diplomacy moving swiftly from the little green tables to letting the rescals into the United Nation, with a thin edge of agreement arising in the strategic arms limitation negotiations and the appearance of mutual U.S.-U.S.S.R. willingness to discuss troop reductions in Europe, it is time to think seriously about the increasing danger of our losing communism as our mortal enemy. It is just possible that we can't afford the loss.

This is not basically a question of all those jobs in the missile industry; eventually even the United States can figure out something to do with unemployed talent besides letting it drift onto the already distressed market of the unskilled.

It is, rather, a question of identity, of purpose in the world and time, of who we are and what we are doing.

For a long time now, almost since the closing days of World War II, all those questions have been answered for us by the Russians and the Chinese. At moments, they even have been answered for us by Fidel Castro, of all people.

Thus: What is the United States of America? Answer: The United States is the bastion of the free world against the menace of international communism.

And: What does the United States do? Answer: The States opposes all efforts of international communism to bring countries into the socialist camp by means of armed invasion and internal subversion. To achieve these ends, the United States occasionally mounts an armed invasion of some free country or practices the subversion of a friendly country's government. When we do these things, however, there is no ethical onus, as there is when the Russians and the Chinese do them, because we do them in the name of freedom, while they do them in the name of tyranny.

For all the occasional talk about "national purposes," the ones sketched above actually have been much closer than anything else to having been our national purpose for more than 20 years.

It is bound to be unsettling to the country suddenly to find itself with no national purpose, or to find its leaders, most notably President Nixon, suddenly abandoning the national purpose they have served so long with such single-minded dedication.

Moreover, the loss of such a purpose is different from the loss of a different kind of purpose. The purpose that has ruled our lives, directed our foreign policy and the shape of much of the economy at home, has been, after all, a negative policy.

This is not necessarily bad. The purposes of World War II, although usually phrased positively by the propaganda apparatus, were essentially negaivte, too—namely, the defeat of Hitler and the Japanese militarists, with that of Mussolini thrown in for laughs. But these were goals that could be—and were—accomplished. Our opposition to communism has been something quite different.

The measure of the difference may be seen in our absolute unwillingness to take on the presumed threat at its source. If we really believed, as Senator Nixon and Vice President Nixon proclaimed so regularly, that communism was absolutely evil, to be opposed absolutely, then obviously we should have been preparing for World War III with the two great Communist empires and provoking that war so as to get it over with.

We never did that. If we really believed that international communism was single-minded in its determination to destroy us, obviously we should have been taking on that threat where it began, not in such penny-ante diversions as Korea, Vietnam, Cuba and the Dominican Republic. We never did.

It is therefore reasonable to believe that we never did believe quite as deeply as we said we did in the absolute evil of communism. Yet we believed in it enough—or failed to believe enough in anyting else—to have allowed that belief to shape our lives, to bring us into grave financial difficulties in the world marketing community, to allow poverty and unemployment to become more thoroughly institutionalized at home than they were even in the Depression, to turn great chunks of our national budget into fantasy weapons of all sorts, and to provide us with whatever national identity we have had for close to a quarter of a century.

There is a certain historical irony in Nixon's presiding over the dismantlement of our anti-Communist obsession, since he was assuredly one of the architects—or, more accurately perhaps, conjurors—of that policy in the first place. Historical irony, however, is much easier to appreciate at a distance of a generation or two.

As the Communist menace softens, we are in the position of a man walking into a very strong wind and leaning as he walks. If the wind abruptly stops, he falls on his face. It is cold comfort indeed to find that the wind may have been coming out of a wind machine now disconnected. But eventually, he struggles to his feet and learns a different way to walk—upright, like a man.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HUGHES). The Senator has 3 minutes remaining.

Mr. GRAVEL. I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order there will now be a period for the transaction of routine morning business not to extend beyond 12 o'clock noon, with a limitation of 3 minutes on each statement.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, June 11, 1971, he presented to the President of the United States the enrolled bill (S. 557) to amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORTS ON FINAL DETERMINATIONS RELATING TO CERTAIN INDIAN CLAIMS

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on final determination with respect to docket No. 271, the Cherokee Nation, Plaintiff v. The United States of America, Defendant (with an accompanying paper); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on its final determination with respect to docket No. 297, the Cherokee Nation, Plaintiff, v. The United States of America, Defendant (with an accompanying paper); to the Committee on Appropriations.

PROSPECTUS FOR PROPOSED CONSTRUCTION UNDER NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

A letter from the Secretary of Transportation, transmitting, pursuant to law, a prospectus for proposed construction of the Ohio Highway Transportation Research Center, East Liberty, Ohio (with an accompanying paper); to the Committee on Commerce.

PROPOSED NATIONAL CAPITAL TRANSPORTATION ACT OF 1971

A letter from the Secretary of Transportation, Commissioner of the District of Columbia, and Chairman, Board of Directors, Washington Metropolitan Area Transit Authority, transmitting a draft of proposed legislation cited as the "National Capital Transportation Act of 1971" (with an accompanying paper); to the Committee on the District of Columbia.

PROPOSED DISTRICT OF COLUMBIA DEVELOPMENT BANK ACT OF 1971

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation cited as the "District of Columbia Development Bank Act of 1971" (with an accompanying paper); to the Committee on the District of Columbia.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 979. A bill to extend the Act of September 30, 1965, as amended by the Acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes (Rept. No. 92–147).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HRUSKA:

S. 2054. A bill to create the Office of Administrative Assistant to the Chief Justice of the United States, to provide for the appointment of justices and judges to the offices of Administrative Assistant to the Chief Justice, Director, Administrative Office of the U.S. Courts, Director, Federal Judicial Center, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 2055. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced fare transportation on a space-available basis for persons who are 65 years of age or older. Referred to the Committee on Commerce.

By Mr. INOUYE:

S. 2056. A bill to amend Titles 10 and 32, United States Code, to authorize the establishment of a National Guard for Guam. Referred to the Committee on Armed Services; and

S. 2057. A bill for the relief of James H. Davidson, Vincent W. S. Hee, and Kay M. Mochizuki. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HRUSKA:

S. 2054. A bill to create the Office of Administrative Assistant to the Chief Justice of the United States, to provide for the appointment of justices and judges to the offices of Administrative Assistant to the Chief Justice, Director, Administrative Office of the United States Courts, Director, Federal Judicial Center, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to create the office of Administrative Assistant to the Chief Justice of the United States, to provide for the appointment of justices and judges to certain positions, and for other purposes. I ask that it be properly referred and that at the conclusion of my remarks the text of the bill together with two letters from the Administrative Office of U.S. Courts be printed in the RECORD.

Mr. President, the Chief Justice is the head of one of the three coequal branches of the Federal Government. He has a tremendous number of duties and a large volume of correspondence to take care of in connection with this position. However, at the present time he has only six assistants, including secretaries and a driver, to help him carry this load. Contrast this if you will with the very large number of employees assigned to the Executive and Legislative branches. This bill that I am introducing today would grant the Chief Justice the authority to appoint an administrative assistant to help him with his nonjudicial duties. This is a much needed addition to his staff and it is my hope that the Senate will see the wisdom of this action and move quickly to approve this bill.

In addition to the authority to appoint a new assistant, this bill would permit the Chief Justice to select from among other qualified candidates present and retired Federal judges to fill this new position and certain other positions within the judicial branch. If in the opinion of the Chief Justice one of these positions could best be filled by a present or retired judge, this bill would enable such an appointment to be made in contrast to present legal restrictions.

Both of these proposals are well-explained in letters from Mr. Rowland F. Kirks, Director of the Administrative Office of U.S. Courts, for which unanimous consent is asked to be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ADMINISTRATIVE OFFICE OF THE
U.S. STATE COURTS,
Washington, D.C., March 26, 1971.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to the direction of the Judicial Conference of the United States I transmit herewith for the consideration of the Congress a draft bill to create the Office of Administrative Assistant to the Chief Justice of the United States.

At the present time the Chief Justice has no regularly assigned officer to assist him in discharging his admistrative duties as head of the federal judiciary. This bill proposes an office to assist him solely in connection with the administrative aspects of the federal judicial system. This would include his regular communications and relations with the Chief Judges of the eleven circuits and of the ninety-three district courts as well as his duties as Chairman of the Board of the Federal Judicial Center and as Chairman of the Judicial Conference of the United States. In the latter connection he is in regular contact with the committees of the Conference and with the Director of the Administrative Office of the United States Courts whose office furnishes staff assistance to the Conference and its committees.

The Judicial Conference of the United States believes this bill would render a distinct service to the cause of sound judicial administration. Members of the Conference and of my office will be pleased to answer any questions which the Committees of the Congress may have in connection with the proposed legislation.

Respectfully submitted.

ROWLAND F. KIRKS,
Director.

ADMINISTRATIVE OFFICE OF THE
U.S. COURTS,
Washington, D.C., March 26, 1971.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to the direction of the Judicial Conference of the United States I transmit herewith a proposed bill to permit a federal judge to serve as Director of the Federal Judicial Center or as Director of the Administrative Office of the United States Courts without loss of status or seniority in his own court. The proposal would extend to the Office of Administrative Assistant to the Chief Justice if the Congress accepts this recommendation of the Judicial Conference.

At the present time a federal judge who has taken senior status pursuant to the provisions of Chapter 17 of Title 28, United States Code, occupies the post of Director of the Federal Judicial Center. His predecessor, the prior director, was a retired Justice of the Supreme Court. No judge in regular active service has thus far occupied the position of Director of either the Federal Judicial Center or the Administrative Office. The Judicial Conference is of the view that it would be desirable to permit sufficient flexibility in selecting incumbents of these posts so that judges in regular active service who might have particular aptitude for the work would be free to accept. This proposed statute would enable a judge in regular active service to serve either for a fixed term or for an indefinite term, in either post (or as Administrative Assistant to the Chief Justice if such post is created) without loss of status or seniority in his own court. The proposal would, however, permit the vacancy created by his appointment to one of the three posts to be filled in the manner in which temporary judgeships are now established. If he later returns to his court, he would, of course, be an additional judge in the court but he would not have lost his status or seniority in that court.

The Judicial Conference recommends this legislation to the Congress. Members of the Conference or of this office will be pleased to be of such assistance as may be required in consideration of this proposed bill.

Respectfully submitted.

ROWLAND F. KIRKS,
Director.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 455

At the request of Mr. INOUYE, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 455, a bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer.

S. 1775

At the request of Mr. CURTIS, the Senator from Ohio (Mr. SAXBE) was added as a cosponsor of S. 1775, the National Agricultural Marketing and Bargaining Act.

ADDITIONAL STATEMENTS

RETIREMENT LEGISLATION FOR FEDERAL FIREFIGHTERS

Mr. HOLLINGS. Mr. President, on February 23, 1971, I introduced S. 916, a bill to allow Federal firefighters to retire early because of the hazardous nature of their work. I had introduced this legislation during the 91st Congress; it passed both Houses only to be vetoed by the President.

At this time I would like to bring to the attention of this body a letter which was written to the President of the United States by the president of the U.S. Navy Fire Protection Association, which refutes the basis for the Presidential veto. S. 916 is an important piece of legislation, and I would hope that this letter will be influential in persuading the President to change his position.

I ask unanimous consent that this letter be printed in its entirety in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. NAVY,
FIRE PROTECTION ASSOCIATION,
Oceanside, Calif., May 28, 1971.

President RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A number of Chief Fire Officers in the Federal Fire Service recently requested that the U.S. Navy Fire Protection Association conduct a statistical survey of Federal civilian fire fighter injuries, heart attacks, deaths and disabilities. They made this request as a result of your veto of S-578, a bill to provide hazardous duty retirement of 40 percent at age 50 with 20 years of service that had been passed by the Ninety-First Congress. They felt that the information contained in your Memorandum of Disapproval was not true in many respects and that you had been ill-advised by those administration officials who opposed this Bill from its inception. They also knew, based on personal experience and observation, that the statistics presented at the Congressional hearings by these same individuals were false.

A report reflecting the results of our statistical survey is enclosed to reveal to you, the actual consequences resulting from the hazards of Federal fire fighter positions. As a number of the Fire Chiefs pointed out in their letters to you on this subject, a large segment of our fire fighters never reach normal retirement age as they are dying or are disabled at an earlier age. The statistics show that over 15 percent fall into this category. Out of a total of only 11,000 Federal fire fighters, it is appalling to find that over 22 of these fire fighters are being disabled every month and that over 9 are suffering heart attacks each month.

Mr. President, the fighting is now considered by the U.S. Department of Labor to be the most hazardous occupation in the world. Heart attacks continue to be the number one killer and disabler of fire fighters throughout the United States and Federal fire fighters are no exception as revealed by the enclosed report.

On behalf of all Federal fire fighters and as President of the U.S. Navy Fire Protection Association, I am requesting your support of H.R. 1414, H.R. 227 and S-916, which are the Hazardous Retirement Bills for Federal civilian fire fighters currently being considered by the Ninety-Second Congress. These Bills are identical to the S-578 Bill that you vetoed.

Your influence to expedite support for and passage of these bills by the Congress, would restore faith in all Federal fire fighters that real justice can still be obtained in our country by utilization of the democratic process. All fire fighters throughout the United States would also be made aware of your correction of a prior injustice.

Thanking you in advance for your consideration and support in this instance, I remain.

Sincerely yours,

ROBERT G. SAVAGE,
President, U.S. NavFPA.

REPORT OF INJURY, HEART ATTACK, DEATH AND DISABILITY STATISTICS FOR FEDERAL CIVILIAN FIRE FIGHTERS

This report is a compilation of statistics from questionnaires sent to Navy and Marine Corps Fire Chiefs by the Naval Fire Officers Association on 4 February 1971. A total of eighty (80) questionnaires were completed and returned to the Association. They covered 2,707 Federal Civilian Fire Fighters, approximately one fourth of the estimated total of 11,000 Federal Civilian Fire Fighters who are employed primarily by the Department of Defense.

ON THE JOB INJURIES, PAST FIVE YEARS

Total Number of Employees Covered—2,707.

Total Number of Injuries—1,390.

HEART ATTACKS, PAST FIVE YEARS

On Duty—51 Average Age of Victims 50.
Off Duty—91 Average Age of Victims 54.
Total Number—142 Average Age of Victims 52.

DEATHS, PAST FIVE YEARS

On Duty—11 Average Age of Victims 51.
Off Duty—71 Average Age of Victims 54.
Total Number—82 Average Age of Victims 53.

Major cause of deaths was heart attacks which accounted for 49 of the total listed.

DISABILITY RETIREMENTS, PAST FIVE YEARS

Heart—79, Back Injuries—44, Hypertension—37, Emphysema—21, Eyesight—20, Hearing—19, Arthritis—19, Other—97.

Total Number—336.

Average Age of Disability Retirees—53.

AVERAGE AGE OF FEDERAL FIREFIGHTERS

Total Number 2,707 Average Age—45.

NOTE: Average Age of Washington, D.C. Fire Fighters—35.

This report was prepared by a committee of five Navy Fire Chiefs on 23 March 1971.

The figures were obtained from the eighty questionnaires received.

The high incidence of heart attacks (142) together with the extremely high number of disability retirements (336) compels this committee to recommend the establishment of a compulsory injury, death and disability statistical report for annual compilation by proper authority. If these figures were extended to cover the approximately 11,000 Federal Civilian Fire Fighters, the proportion of heart attacks and disability retirements would then quadruple (568 heart attacks) and (1,344 disability retirements) within the five year period covered by these statistics.

Respectfully submitted.

R. G. SAVAGE, *Fire Chief,*
Naval Station, Treasure Island.

L. H. McNEIL, *Fire Chief,*
Naval Air Station, Alameda.

J. L. TSCHIDA, *Fire Chief,*
Mare Island Naval Shipyard.

G. J. GRINSELL, *Fire Chief,*
Hunters Point Naval Shipyard.

L. J. CUNNINGHAM,, *Fire Chief,*
Naval Supply Center.

WILLIAM B. CLAYTON, *Chairman,*
Naval Fire Officers Association.

RETIREMENT OF REPRESENTATIVE McCULLOCH

Mr. SAXBE. Mr. President, an editorial in today's Washington Post, entitled, "Mr. McCULLOCH Decides To Retire," is an eloquent and thoughtful tribute to a man who deserves it. I could go on at some length in singing the praises of this quiet, gentleman from Ohio. But I shall let the editorial speak for itself, and I shall add only this: I will miss working with him.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[Washington Post Editorial, June 11, 1971]

MR. McCULLOCH DECIDES TO RETIRE

It is sad but not surprising news that Rep. William McCulloch has decided not to run for reelection next year. The Ohio Republican, who is ranking minority member of the House Judiciary Committee, has not been well in consequence of a fall he took a while ago, and it would not be his style to retain a public office to which he did not feel he could devote his full energy and time. Quiet, direct, hardworking, conservative in taste and stubborn in principle, Mr. McCulloch has been the kind of representative who shows up at 7 a.m. to begin the day's business. This may have worked some hardship on his staff, but it also worked to the enormous advantage of the country. For the fact is that no man can claim a larger role in the passage of the landmark civil rights legislation of the past 14 years than Mr. McCulloch. The subject had become his quiet passion.

What put his commitment beyond challenge was the fact that there was nothing in his background to suggest that it proceeded from fashion, social pressure or political urgencies. On the contrary, he grew up on a working farm in that part of rural, white Ohio he has represented since he was elected to the 80th Congress, and before he came to

Washington he had served an extended term as member and then as Republican leader of the Ohio House of Representatives. In fact, Mr. McCulloch's polite and relentless pressure for civil rights legislation often as not brought him into conflict with numerous of his Republican colleagues in the House, whose views he generally shared on questions of, say, economic and foreign policy. He fought hard (and prevailed) during the deliberations on the Civil Rights Act of 1964 to keep his anxious and unhappy fellow Republicans in the House from going over the side. More recently, when the Nixon administration attempted to gut the crucial Voting Rights Act of 1965, it was Mr. McCulloch who led the unyielding opposition to Attorney General Mitchell in the House.

In a town that does not take kindly to behavior that is inconsistent with its cherished stereotypes ("rural Republican congressmen," "big city liberals," and the rest) and a town that is never quite comfortable until it has unearthed some practical, if vaguely discreditable, political motive for seeming acts of principle and independence, Mr. McCulloch, of course, has not escaped the motive-seekers. One tortured theory holds that his dedication to the cause of civil rights is based on the fact that Lima, Ohio is within his district and that there is an increasingly militant black population there. How this fact could be expected to explain the flak Mr. McCulloch has risked over the years from his principal constituents and the total absence of showboating with which he has pursued his objectives defies imagination. We prefer to stick with the explanation offered by an associate: "He is a very stubborn man, and he thinks it is right." The Judiciary Committee, the House and the capital itself will be the poorer when Mr. McCulloch retires. He has done as much as any man could to shatter some of this city's more patronizing generalities.

TEXTILES UNDER SIEGE

Mr. TALMADGE. Mr. President, there appeared in the Atlanta Journal on June 6, 7, and 8 a three-part series entitled, "Textiles Under Siege," which very effectively illustrates the seriousness of the textile import problem to American industry.

This problem increases in its severity every month of every year. Low-wage foreign textile imports, principally from Japan and the Far East, flood the American market and take a tremendous toll of American jobs. As I have pointed out in the Senate on so many occasions, Congress and our Government needs at this time to do everything possible to create more jobs and to strengthen our economy, rather than permitting a policy of exporting American jobs and American dollars abroad. It is for this reason that I have urged the Senate to adopt import quota legislation in order to bring the situation under control.

To my way of thinking, it is simply an economic matter. I stand with American workers on this issue, and in the absence of suitable agreements between our Government and the other parties involved, the Congress has no other alternative but to act decisively to keep American jobs from going under and to permit growth in the American textile industry that will produce more jobs.

I bring this newspaper series to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal and Constitution, June 6, 1971]

TEXTILES UNDER SIEGE—NO. 1: STAKES HIGH IN STRUGGLE

(By Jeff Tucker)

A battle to save the South's largest industry is afoot and before it is over the future of not only the Southern economy but perhaps even of the presidency will lie in the balance.

The textile industry, statistically the South's largest, is struggling to maintain quality while facing fragmentation from within, a dwindling labor force and voracious competition from low-wage imports.

In many other industries, losses in the last 12 months would be enough to force them under.

Since 1969, at least 98 textile plants in the South and Northeast have closed their doors, many because of competition from low-priced imported textile products which undercut the American textile markets.

"We have a great future if we can persuade our government to negotiate reasonable controls on the growth of imports," said John Reeves, president of the American Textile Manufacturers Institute, recently.

Reeves echoed the cries of countless textile industrymen who have clamored for more restrictions on imports. Their battle is far from over and before it ends the battleground may encompass not only the South, but the White House.

The industry is looking to President Nixon for protection against imports—a shift that could put Nixon on the spot in the South.

Many textile executives expect Nixon to make another big push before the 1972 elections for a negotiated agreement with Japan to dam the flood of cheap imports from that country and several of its neighbors.

They have virtually abandoned hope of getting legislated quotas from Congress this year, now that Rep. Wilbur Mills, chairman of the House Ways and Means committee, has withdrawn his support. Mills favors trying voluntary restraint by Japan which the industry says is inadequate.

The President, who promised relief for the textile industry in his 1968 campaign, has reiterated his assurances that legislated quotas and strong executive agreements are necessary.

But textile leaders say the industry is suffering now. They want any assurances translated into action this year and some express hope the 1972 elections will prompt Nixon to deliver on his promises.

In Georgia alone the industry has lost 4,500 workers in the 12 months from March, 1970 to March, 1971. Those figures, compiled by the U.S. Bureau of Labor Statistics, mean a loss in dollars of $11,250 an hour, according to Frank Carter, head of the Georgia Textile Manufacturers Association.

Carter said in addition to the loss in the labor force, nine mills in the state have closed completely. Included are Piedmont Cotton Mills, East Point; Fitzgerald Textile Mills, Fitzgerald; Exposition Plant, Cotton Division, J. P. Stevens & Co., Atlanta; Crown Cotton Mills, Dalton; Aragon Mills Division, United Merchants and Manufacturers, Inc., Aragon; one of two Canton Textile Mills, Canton; Whittier Mills, Atlanta; Mary-Leila Mills, Greensboro, and Archer Mills at Columbus.

Cutbacks in three or four other mills in the state indicate they too are hovering at the brink of extinction, Carter added.

"And in almost every instance the major factor has been imports," Carter said, adding quickly, "but that is not the sole factor."

"Imports are just killing us," Carter said. "We don't ask that imports be barred from our shores nor are we asking for high tariffs, what we want is a limitation on the imports foreign powers can send here and allow them to have a reasonable share of our market and its growth, but not a major share."

The push for those limitations may have politically far-reaching effects in 1972.

Frederick Dent, former chairman of the international trade committee of the American Textile Manufacturers Institute and president of Mayfair Mills in Spartanburg, S.C., said he thinks the problem surrounding the textile industry is a "social and economic one; it is a festering sore and something must be done about it before 1972," he said.

F. Sadler Love, executive officer for the ATMI in Charlotte, N.C., said he had no indication the White House is planning to act, but he said there is a certain amount of logic involved.

"I don't believe anyone who fails to carry the textile industry can carry the South. And I don't believe anyone who fails to carry the South can get the presidency."

TEXTILES UNDER SIEGE—NO. 2: INDUSTRY'S PICTURE IS NOT ENTIRELY BLEAK

(By Jeff Tucker)

Along the rim of Asia, from Korea to Pakistan, the last decade has brought a remarkable explosion of growth in textile manufacturing, one of the world's most venerable industries.

Inevitably, Japan's aggressive industrialists are leading the boom, but other Asian entrepreneurs are moving swiftly to get in on the textile export bonanza.

The resulting surge of Asian exports, especially from Japan and especially to the United States, is creating new stresses in the world market, stresses which many American textile manufacturers say could dangerously weaken the Southern economy and create an unbalance in trade surpluses.

The main explanation for the Asians' success is the competitive advantage they realize from the gap between Asian and American wages. For example, the United States textile worker averages $2.48 an hour in yarn and fabric plants, compared to an average of 11 cents an hour in South Korea, Pakistan and Taiwan, 15 cents in India, 31 cents in Hong Kong and 45 cents in Japan.

According to F. Sadler Love, executive officer at the American Textile Manufacturers Institute, the wages in all of the highly competitive Asian textile plants would be illegal in the United States.

But cheap labor is only a part of the story.

In the past few years productivity of Asian workers has been raised to the same level as that of American workers through the introduction of modern plants and technology.

The increase in technical knowledge has made the Asian product highly competitive with the quality of the American textile product, yet industry leaders here think the domestic product is better produced to last longer.

Problems in the textile manufacturing industry have found their way into other related industries, namely garment production and eventually into sales receipts in domestic department stores.

While imports of textiles have doubled since 1962, according to the U.S. Department of Labor, garment imports have more than tripled to $960 million. About two-thirds come from the Far East.

The two industries are rather thoroughly intertwined, since the garment industry is textile's largest customer.

But things may not be as bleak on the whole for textiles as would be thought, judging from profits.

Although textile net profits were off 5 per cent last year, in a slow economy, they have almost doubled since 1960 and are expected to double again in the next 10 years, according to industry leaders in the South.

It is not unusual for an industry to experience setbacks during a busy time of expansion, and, they point out, the textile industry is just emerging from an era of rapid modernization and change. That can be evidenced in the many modern mills in the Southeast, many of which are new and air conditioned to help assure good working conditions.

In all, only 17 per cent of the individual plants were considered outmoded in 1969, a significant improvement from 29 per cent six years earlier, says the ATMI. And, it points out, machinery in the mills is modern.

Wide looms, shuttle looms, dyeing and finishing machines that work on assembly-line principles and high-speed knitting machines are standard in many Southern mills.

ATMI executive Love said, "By and large textile mills have very good working conditions, and the industry is also very safe." He added that most mills offer better working conditions than other manufacturing industries, due chiefly to the cleanliness of the job.

He and Frank Carter, head of the Georgia Textile Manufacturer's Association, agree that a depressed national economy and increased importation are causing the biggest textile problems.

"When the economy is down, it hits us all," Love said recently.

"Textile profits are far lower than other industries (although they have increased in the last decade) and when there is no money left at the end of the year for increased wages, there also is no money to keep us the modern industry we are," Love added.

He foresees the day when the vast textile complexes will drop to a handful of large concentrated mills. "That may be the only way to stay alive," he said.

Textiles Under Siege—No. 3: Fragmentation's the Key

(By Jeff Tucker)

With foreign imports eating away at American textile markets and a depressed economy making it harder and harder for the industry to realize any profit, the greatest problem confronting textiles may be fragmentation, a dogged holdover from the old days of small family firms.

Although statistics of the U.S. Department of Labor and the Georgia Textile Manufacturers Association show that imports have jumped 21 per cent from March 1970 to March 1971 and although the American Textile Manufacturers Institute says profits are down five per cent, the single most startling feature about textiles is severe fragmentation.

The industry remains split into comparatively tiny companies which are often limited to narrow choices of product lines. About 1,000 firms (70 per cent in the South) pin, weave, knit and dye more than $20 billion worth of yarn and fabrics each year.

Burlington Industries, the single biggest textile firm in the world, with $1.8 billion in sales in 1970, holds only 8 per cent of the domestic textile market.

Only four of the American textile companies are as large as the Japanese chemical textile plants which are our biggest competition.

Those five Japanese corporations command 80 per cent of their nation's entire textile and fiber outputs, while all 10 of America's largest fabric makers—Burlington Industries included—claim only 28 per cent of domestic textile production, according to industry figures.

Thus U.S. firms have neither the strength, the size nor breadth of product mix that their major foreign competitors have.

And, many industry leaders claim, the Federal Trade Commission has dealt a near fatal blow to any textile hopes of consolidating.

Earlier this year, the FTC issued an order with a proviso that no merger in the textile industry shall result in a company with more than $300 million in annual sales.

The guidelines protect the small family-owned mills which still exist, but they are the exact opposite of what the competition is doing.

In Japan, the government is now offering a tax incentive to encourage its small textile companies to merge.

Last-minute changes in the FTC order could ease the situation, textile leaders say, but meanwhile the severe problems in the industry are making their way into the world trade picture.

In 1961, the United States enjoyed a $53.7 million trade surplus in cotton, wool and synthetic fibers.

Last year the unbalance in surplus climbed 60 per cent to $807 million. Today 47 per cent of all woman's synthetic fiber sweaters and 46 per cent of all the wool sweaters sold in the United States are manufactured abroad. One of every three men's all-wool suits is made from Japanese worsteds, and a quarter of men's shirts are imported.

It is hard to overemphasize the severity of the textile situation, since the textile industry is the South's largest single employer.

Commanding 70 per cent of the total textile industry, the South (the remaining 30 per cent remains in New England) bases a large portion of its economy on workers in the industry. Recently the work force has begun to dwindle and industry leaders are reluctant to predict the future.

In the past year (March 1970 to March 1971) 23,400 jobs have been lost in the South due to closed mills and related textile problems, according to Brunswich Bagdon of the U.S. Department of Labor Statistics. The major loss share was attributed to Georgia (4,500) and North Carolina (8,600).

Other states included South Carolina with a loss of 4,000 jobs, Tennessee with 2,000; Virginia, 1,600; Mississippi, 1,500 and Alabama with a loss of 1,300. Florida was the only state to show an increase in textile employment but its miniscule addition of 100 jobs was hardly significant, especially since the industry there is very small.

More than 98 plants have gone out of business in the South since January 1969, when the economic effects of foreign shipments, principally from Hong Kong and Japan, first were felt. The annual loss in the South due to the job losses and closings was $18 million last year.

And imports continue to increase in volume, with 523 million square yards of fiber in March of this year (43 per cent above the March total for 1970). Their dollar value climbed to $2.6 billion, last year, an increase of more than 11 per cent over 1969 which had been the record year for imports.

In contrast, American-made textile exports in 1970 totalled only $768 million. That leaves a textile trade deficit of $1.6 billion.

Industry leaders are insisting the government intervention in the textile dilemma, but any action may be put off until late this year which would put textiles in the middle of what could be a political fight for campaign support of the strong southern bloc by northern politicians.

THE MORAL AND MATERIAL COST OF THE WAR

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the Record a statement prepared for delivery by the distinguished Senator from South Dakota (Mr. McGovern).

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator McGovern

THE MORAL AND MATERIAL COST OF THE WAR

A few weeks ago, an American Lieutenant was sentenced to life imprisonment for causing the death of innocent Vietnamese. The verdict brought dismay throughout our society. In its wake, we struggle with perplexing legal and moral questions.

Who must bear, or at least share, the ultimate responsibility for such acts? Do we hold ourselves to the same standards we have applied to other nations, including our defeated adversaries in World War II? How do Lieutenant Calley's acts differ from orders to bomb and strafe villages where civilians also reside?

We have a moral imperative to seek answers. But as we ponder these issues, we should also ask, "Why punish anyone for such crimes?"

Is it out of concern for the victims, to prevent more suffering for the innocent?

If it is, then recognize that no matter how many trials we conduct, no matter who is charged, the suffering of helpless Asians will not stop until this war is ended.

The intention behind the trigger has made little difference to the 300,000 Vietnamese civilians, and the uncounted thousands of Laotians and Cambodians, who have perished before our firepower, or to the million and more whose bodies have been crippled and whose flesh has been torn and burned.

Nor has the motive behind the bombsights made any difference to the one-fourth of those countries' populations who have been forced to flee their homes and villages, before twice the bombing force we dropped in all theaters in World War II and the Korean War combined—the equivalent of 280 times the Hiroshima and Nagasaki blasts.

That dreadful pounding of Asian men, women and children goes on today. The punishment worsens as we shift from a ground to an air strategy—as we shift from infantry to bombers still less capable of distinguishing between enemy and innocent.

If we are concerned about preventing suffering like that at Mylai, then in God's name, let us stop the slaughter now ravaging the face of Indochina.

No matter how many Lieutenant Calleys are charged and tried, we will not feel clean or be clean until this entire murderous business is ended.

The moral cost of our involvement in Indochina is the highest price that any nation can be called upon to pay. But we have also become aware that we are paying an exhorbitant material cost because we are in Indochina.

It has become almost axiomatic these days to say that the war is likely to recede as an issue while the Nation's economic woes become a greater source of concern. In fact, we must recognize that the war and the state of our economy are inextricably related. The main source of our economic problems—inflation, unemployment, the drain on the dollar, rising local property taxes—is the war.

This war bears a price tag that is almost beyond comprehension. Defense Department spending alone for the war totals at least $119 billion. And we do not have the figures for CIA and other covert operations nor do we count programs of other government departments which are the direct result of the war.

But that is not all the cost. Because of conscription, made possible by the very legislation that is now before the Congress, millions of draftees and reluctant volunteers have been called into service and forced to forego civilian incomes. The amount of civilian income lost as a result of the Vietnam mobilization undoubtedly exceeds $15 billion.

No price can be placed on the lost American lives. But 50,000 war dead would have produced $20 billion worth of goods and services in their lifetime. In terms of current dollars, this means a total loss of some $12 billion. Virtually an equal amount will have been lost because of the inability of our disabled to enrich fully our society.

All of this amounts to a total cost of the war that is rapidly approaching $160 billion. Is there anyone who thinks that our Nation, however great its wealth, can afford this kind of outlay for an immoral and futile war?

In the mid-1960's we apparently thought we could have guns and butter. But our productive capacity was insufficient to meet the demands of the war and our domestic economy. The result was inflation as goods became more scarce.

The tax surcharge was simply too little and too late. Then, as inflation continued to mount, the Nixon Administration adopted a policy of tight money and high interest rates. To slow inflation, the Administration had to reduce economic activity and those who had to bear the burden of this battle are the millions of unemployed. The unemployment rate has just climbed to a new high. Yet there is every indication that we will continue to be plagued by inflation this year and next. So we are all paying the price for the Administration's determination to back the Saigon regime instead of keeping faith with its own people.

And all through the years of the war, the U.S. dollar has been in trouble. The reason is clear: the United States allows more money to flow out each year than it takes in from foreign sources. The largest single contributor to that outflow is the war in Vietnam which has caused losses as high as $4 billion a year to our balance of payments.

Instead of facing up to the underlying cause of our dollar outflow, the Administration has taken the attitude that the monetary crisis is the problem of European countries. In fact, by their willingness to hold dollars and not demand gold, these countries are acquiescing in our Vietnam adventure.

Most harmful of all to our economy is the effect of the war on the allocation of our resources. We can safely estimate that one-tenth of our national budget has gone each year to the war. In other words, at least $20 billion a year has gone for direct Defense Department expenditures related to the war out of budgets that have totalled about $200 million.

Every state in the Union and every American has felt the effects of this unwise allocation of our national treasure. To take an example, the Federal government spends less for veterans' hospitals and veterans' medical care each year in South Dakota than it spends supporting the corrupt regime in Saigon for two hours.

If we look at what the taxpayers in a few of our states are paying for the war, we can see why they demand revenue sharing as a way of meeting their needs. New York has paid $3.2 billion a year; Virginia some $260 million. California has contributed $1.5 billion; New Hampshire $41 million a year. Kansas $109 million, Kentucky $241 million, South Dakota $20 million.

How can we share revenue—parceling it out among equally needed programs—when we are squandering revenue? There is nothing available to aid the states and so local income, sales and property taxes are forced higher.

With just $1 billion dollars, 100 new schools could be built and 10 fully equipped major new hospitals could be created and scores of mass transportation vehicles could be put into service. And that is for just $1 billion in one year. We have been wasting $20 billion each year. How much wiser it would be to use this money to pay men to build those schools and hospitals instead of paying them to kill Vietnamese.

We can judge a country by its national budget. Where does the collective wisdom of the people determine that their public funds should be spent? If we give a moment's thought to that question, we can see why 73% of Americans want the Indochina war brought to an end this year. They are tired of seeing their country bleed away its resources in a mistaken war.

WHY ARE THE HUMAN RIGHTS CONVENTIONS NECESSARY?

Mr. PROXMIRE. Mr. President, the Convention on the Political Rights of Women and the Convention Concerning the Abolition of Forced Labor guarantee nothing new for Americans. The political equality of women and the prohibition of forced labor already are grounded firmly in Federal and State law.

But our concern for human rights should extend beyond our borders. If the Senate is interested in world peace, it must be concerned with human rights for all men throughout the world. The human rights conventions are a step toward peace. They are a statement to the world of this Nation's position on human rights—not simply American rights.

An exchange between the Honorable Arthur Goldberg and former Senator Bourke B. Hickenlooper of Iowa during the 1967 hearings on the human rights conventions is pertinent to understanding why the human rights conventions are necessary. I call upon the Senate to heed Mr. Goldberg's words and ratify the human rights conventions. I ask unanimous consent of the Senate to print an excerpt of the hearings at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senator Hickenlooper. Are there any human rights referred to or established or promoted or advocated in any of these conventions, that are not already existent in the laws of the United States, Federal and State?

Ambassador Goldberg. No, there are none.

Senator Hickenlooper. Therefore, the adoption of these conventions or any of them would neither impose on the United States nor compel the United States to the adoption of any laws which we do not already have on the books.

Ambassador Goldberg. That is correct, Senator Hickenlooper.

Senator Hickenlooper. Then what is the use of having them?

Ambassador Goldberg. For this good reason. Precisely for this reason, I would think: Our country, which expounds these doctrines, and which believes that they ought to be followed throughout the world if we are going to have a reasonable, peaceful world devoted to stability, advancement of human progress, should be a supporter and a signer, because our signature will have a great—our ratification will have a great impact—while a large number of countries have signed, the world community is still much larger and other countries have not signed—we would set a good example, and it also would give us a voice in seeing to it that some of these practices which adversely affect our interests for example, are adhered to.

UNIVERSITY OF OKLAHOMA PROFESSOR FOSTER-HARRIS

Mr. BELLMON. Mr. President, during the latter part of May, I had the privilege of participating in a recognition ceremony for University of Oklahoma Professor Foster-Harris, who is said to have taught more people to write successfully than any other person in the world.

During an illustrious career of more than 30 years as instructor in professional writing at the university, Foster-Harris has so mastered the techniques of writing for publication that his students have established an unprecedented record of success in this highly competitive field.

More than 400 books, from scholarly works to popular best sellers, have been published by his students. Sales of shorter pieces are well beyond the 2,000 mark.

In appreciation for his service, some of his students and friends got together and presented him an award at the 33d annual professional writers short course at Norman, Okla. The award recognized his contribution to professional writing not only in Oklahoma but everywhere his writers have gone.

This is a highly deserved tribute to a man who has devoted his life to helping others. I ask unanimous consent that an article by Helen Reagan Smith describing the career of Professor Foster-Harris be made a part of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Foster-Harris Turns Writers On

(By Helen Reagan Smith)

It has been said that Oklahoma University Professor Foster-Harris has taught more people to write than any person in the world.

Best selling authors such as Bill Scott (Weldon Hill), Al Dewlen, and Bill Gulick have dedicated books to "Foster-Harris, who showed me how." In the last two years over 40 books have been written and sold by his students and graduates. Doubleday alone has published more than 100 of OU-trained authors.

The last story purchased by the late Walt Disney was written by one of the graduates. The Oklahoma University School of Writing was the only one ever recognized in print by the Saturday Evening Post, but the Post mentioned this school twice.

Foster-Harris was brought to Oklahoma University by the writing school's founder, Walter Campbell (Stanley Vestal).

"Just anybody won't do," Professor Campbell explained to the president. "We planned this school for the professionals—people who make their living by writing. We can't use a man in an ivory tower of theories. Degrees after his name do not substitute for the man who has made a first-class living in the sweat of the market place."

The president agreed and Walter Campbell picked a top-selling author in the western magazine field—Foster-Harris.

Now, more than twenty-eight years later, Foster-Harris gets a quiet satisfaction out of the result. The student display case and office files spill over with copies of published works. Sales of shorter pieces are well beyond the 2,000 mark.

There are more than 400 published books by students and graduates, including a number one best-seller, scholarly works, histories, biographies, travel books, religious books, juveniles, including winners of the Newberry award, western books, and books in foreign languages.

Students come in all ages. Mrs. Ennen Reaves Hall was a grandmother when she came to study. Today she has earned over $80,000 for her short stories, and is the author of two books.

Success of students does not mean that Foster-Harris teaches them their skills overnight. "What a lot of people are looking for," he explained as he tapped fresh tobacco in his pipe, "is some magic oil which they can pour over their typewriter that will turn out stories.

"It doesn't work. There is no formula for instant authorship. Time is required to become an author."

"How long do I need to study?" I asked when I first enrolled in his courses.

"Studying never stops. But about two years are needed to learn to write a short story and about eight years to write a novel. We prefer the long look. What a writer can do after working ten years is more important than his first five."

In his classes Professor Harris takes the current magazines and shows students how the contents mirror the reader. He shows them the age, income, sex interests, politics, social status, occupation, reaction, prejudices, superstitions, tastes, and interests.

The student, stripped of nebulous goals, is squared up against real situations as to who will pay the printer and whether or not the article will serve the editor's need.

Afterwards Foster-Harris analyzes each story or article of the magazine being studied, showing the student the methods by which the writer made the story leap into life for the reader.

A year before the death of the American and six months before the passing of Collier's, he pointed out the reasons why they would fade from the magazine field.

"Why does he teach confession story writing?" Mark Jaffe, Vice-President and Editorial Director of Bantam Books, asked me during one of our annual professional writing workshops. It was a question I had asked myself as a student until I had learned the wisdom of the teacher's way.

"Writers have to learn discipline. Also, they have to become skilled in showing the inner relationships of emotions as they react upon their main character as well as those with whom the main character deals.

In the confessions you emphasize emotions, and the writer can become skilled. This does not mean to say the Professor points to lesser ideals. In confessions, too, the moral laws must balance.

"You are going to become what you write," he warns. "You better write what you want to become."

Foster-Harris's wife Jill learned early that their modest white frame home would always overflow with writers. In the early days she helped the newcomers celebrate first sales by baking each a chocolate cake, but soon there were too many sales.

It was in the Harris' living room long ago that the artist of a comic strip was searching for a name for the main character.

"Why not call him, Ally Oop?" Jill suggested. The name was adopted and immediately the comic strip began to grow.

"To learn to write is not hard, although it takes a great deal of work," Foster-Harris explains. "The secret lies in the author's spirit which in sincere emotion must reach out and evoke a like response from his reader. The writer is a broadcasting station which must find a receiver turned on and tuned in."

HON. WILLIAM M. McCULLOCH

Mr. MATHIAS. Mr. President, in an age of widespread skepticism about the morality of politics and the motives of public officials, it is particularly valuable to identify men who set and fulfill the highest standards of public service. In a time of questions of the efficiency and insight of the Congress, it is especially important to recognize those Members of Congress who have dedicated their careers to making Congress meet its national responsibilities.

Such a man is the Honorable WILLIAM M. McCULLOCH, who has represented the Fourth District of Ohio in the House of Representatives since 1948. It is therefore a great blow not only to his constituents but also to the Congress and the country that Congressman McCULLOCH has concluded that his health will not permit him to seek reelection in 1972.

Mr. President, this announcement is a personal loss to me, as I have had the privilege and education of working with BILL McCULLOCH since 1961. Throughout my 8 years in the other body, I served under his leadership on the great Committee on the Judiciary, which was then—as it is now—in the forefront of the unending fight for equal rights and justice for all Americans. During these years of fierce legislative struggles, BILL McCULLOCH was a source of constant strength, encouragement and guidance to me. Since my election to the Senate in 1968, I have continued to depend upon his wisdom and sound judgment on the difficult issues of law enforcement and justice. He has been an irreplaceable colleague and a friend.

A stanch Republican and a stout partisan, he understands the value of the two-party system, but he has never let it stand in the way of a remarkable working relationship with Chairman EMANUEL CELLER.

Mr. President, as noted in many editorials and commentaries this week, Congressman McCULLOCH's talents have been devoted not to making headlines but to writing laws. His influence has been exerted quietly, both on the floor of the House and behind the closed doors of executive sessions of his committee and conference committees. Throughout each of the great civil rights battles of the past 14 years, his has been a voice of reasoned principle nad unwavering commitment. The softness of his tones has not masked, to those who know him, the strength of his dedication and the force of his belief.

When historians review the work of the Congress on civil rights, they will recount the Civil Rights Act of 1960, the landmark Civil Rights Act of 1964, the Voting Rights Act of 1965, the open housing and equal justice legislation which passed the House in 1966 and was enacted into law in 1967 and 1968, and the Voting Rights Act extension of 1970. In each of these cases, without exception, those who analyze the history of these laws will conclude that BILL McCULLOCH made the difference. His efforts made the difference between triumph and tokenism, between constructive legislation and destructive compromise, between bipartisan progress and partisan squabbling—in many cases, between great legislative victories and no legislation at all.

Many may claim more credit, but no man in Congress has earned more.

The editorials of this week and the tributes which will be heard during the months to come in honor of Congressman McCULLOCH are sadly overdue. One of the failings of the Congress, perhaps understandable in the constant rush of business, is our tendency to take for granted the strong men in our ranks, drawing on their leadership without stopping to thank them along the way. As one man who owes a great deal to BILL McCULLOCH, I want to pay at least an installment on my personal debt to him today.

I ask unanimous consent to include in the RECORD a perceptive editorial from today's Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 11, 1971]

MR. McCULLOCH DECIDES TO RETIRE

It is sad but not surprising news that Rep. William McCulloch has decided not to run for reelection next year. The Ohio Republican, who is ranking minority member of the House Judiciary Committee, has not been well in consequence of a fall he took a while ago, and it would not be his style to retain a public office to which he did not feel he could devote his full energy and time. Quiet, direct, hardworking, conservative in taste and stubborn in principle, Mr. McCulloch has been the kind of representative who shows up at 7 a.m. to begin the day's business. This may have worked some hardship on his staff, but it also worked to the enormous advantage of the country. For the fact is that no man can claim a larger role in the passage of the landmark civil rights legislation of the past 14 years than Mr. McCulloch. The subject had become his quiet passion.

What put his commitment beyond challenge was the fact that there was nothing in his background to suggest that it proceeded from fashion, social pressure or political urgencies. On the contrary, he grew up on a working farm in that part of rural, white Ohio he has represented since he was elected to the 80th Congress, and before he came to Washington he had served an extended term as member and then as Republican leader of the Ohio House of Representatives. In fact, Mr. McCulloch's polite and relentless pressure for civil rights legislation often as not brought him into conflict with numerous of his Republican colleagues in the House, whose views he generally shared on questions of, say, economic and foreign policy. He fought hard (and prevailed) during the deliberations on the Civil Rights Act of 1964 to keep his anxious and unhappy fellow Republicans in the House from going over the side. More recently, when the Nixon administration attempted to gut the crucial Voting Rights Act of 1965, it was Mr. McCulloch who led the unyielding opposition to Attorney General Mitchell in the House.

In a town that does not take kindly to behavior that is inconsistent with its cherished stereotypes ("rural Republican congressmen," "big city liberals," and the rest) and a town that is never quite comfortable until it has unearthed some practical, if vaguely discreditable, political motive for seeming acts of principle and independence, Mr. McCulloch, of course, has not escaped the motive-seekers. One tortured theory holds that his dedication to the cause of civil rights is based on the fact that Lima, Ohio is within his district and that there is an increasingly militant black population there. How this fact could be expected to explain the flak Mr. McCulloch has risked over the years from his principal constituents and the total absence of showboating with which he has pursued his objectives defies imagination. We prefer to stick with the explanation offered by an associate: "He is a very stubborn man, and he thinks it is right." The Judiciary Committee, the House and the capital itself will be the poorer when Mr. McCulloch retires. He has done as much as any man could to shatter some of this city's more patronizing generalities.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Oregon and the Senator from South Dakota, amendment No. 143, and the time is under control.

Mr. BYRD of West Virginia. Mr. President, the Pastore germaneness rule has been waived for today.

I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Who yields time?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. GRAVEL. Mr. President, I probably would have asked for the 5 minutes for these remarks from the Senator from Mississippi, but I do thank my colleague from Oregon for being so gracious, and I do support his amendment, but in an indirect fashion. The indirection stems from the statement made by the distinguished Senator from Colorado (Mr. DOMINICK)—a very fine colleague in this body—who placed in the RECORD a statement in which there were a few points that struck me as odd. The points he made went to the conventional wisdom of people in the United States concerning the People's Republic of China. This, I think, in a direct manner, is associated with the events in Southeast Asia.

The basic thrust of his point, and I would be prepared to stand corrected, was that the People's Republic of China should not become a member of the United Nations; that, by and large, mainland China is essentially a nation not worthy of membership in the august body of the United Nations. The reason for that, of course, is that, in his mind, the People's Republic of China has been supplying arms and economic aid to North Vietnam.

I find his effort to establish a rationale to prove the intransigence of the People's Republic of China very difficult to accept. If one really wanted to place an objective view on it, he would come up, obviously, with a different conclusion.

To an objective man looking at the situation, what difference is there between a nation like the United States which not only gives economic aid, but goes in with 800,000 men, as my colleague from Missouri stated—and I was astounded because I have been constantly using the figure of 500,000 Americans, but when we consider the Navy and the Air Force the figure approximates 800,000 Americans—and the People's Republic of China, which gives only economic aid and arms to North Vietnam. Should they not be equally distrustful of us when we not only give economic aid to South Vietnam and military aid as well, but then turn around and use 800,000 of our own citizens to prosecute a war at their doorstep?

I find it difficult as an American, because of the love I have for my country; but certainly any other member of the world would objectively have to say that there is more reason for the Chinese to have fear of us than for us to have fear of them. Yet, my colleague from Colorado makes the case that we should nurture our paranoia concerning the Chinese because of the danger they pose to us.

Then he talks in terms of the bodies that were found in the Tonkin Gulf as evidence of the warlike nature of the Chinese people. Of course he says nothing of the bodies that were floating down the Mekong when South Vietnam went into Cambodia, and the butchery that took place then.

Mr. President, if I were a Swiss citizen and I were a student of warfare, and I were to sit back and make an objective judgment of who is really the more dangerous, I would ask an American, "Have you ever heard in recent history of the Chinese, let us say in the past 100 years, occupying the United States?"

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. HATFIELD. Mr. President, I yield such time to the Senator from Alaska as he may yet require.

The PRESIDING OFFICER. The Senator from Alaska may proceed.

Mr. GRAVEL. So, Mr. President, if I were a Swiss citizen and I were talking to an American in Geneva, I would say, "Mr. American, do you know of any instance where the Chinese people have invaded the United States of America and occupied your country for a period of time?"

I would have to say, "No, I do not know of any instance where Chinese soldiers with guns have been anywhere in the United States or in a portion of it."

Then the Swiss citizen would say, "Well, Mr. American, do you know of any instance where Americans have had guns in their hands and wore the American uniform and were occupying the territory of China?"

I would have to say, "Well, we sure were there prior to the Second World War. We were there helping them out against the Japanese." I am sure the Chinese are still grateful for that.

Then the Swiss citizen would ask, "But, Mr. American, do you know of any other instance?"

I would have to search history, and I would be compelled to come up with the instance from 1900 to 1934 when we had American military forces in China, not as part of lend-lease, not as part of any AID, but as part of an occupying force, arm-in-arm with the other colonial powers of the world.

Thus, how could we expect any person who was a resident of China and who was born in 1900 and lived there from 1900 to 1934, during that occupation, which stemmed from the Boxer Rebellion, not to think of us as anything other than "yellow dogs"?

Many of us have seen the movie, "Seven Days in Peking," and the movie, "The Sand Pebbles," where they talk of that American intervention—that American involvement. Then we wonder why we might read in Chinese newspapers about them calling us yellow dogs.

What would we call them had they occupied our land?

This is the objectivity that we must search for in order to understand the occasion for their actions. We had it brought out in secret session—it was not very secret, because I had read about it in the newspapers before that—that we bombed, not a little bit, but on a level that had not been attained at any prior time in history.

During this bombing, we bombed perilously close; miles, and perhaps only yards, from the Chinese border in northwest Laos.

How can the Chinese leaders read the reports—and obviously their intelligence sources read the statements of the President of the United States, and they must sit in their offices and read the statements of President Nixon about how we want peace and seek peace—and not really wonder how such statements can be made by our leaders when they need but go to the highest hill in their country with their binoculars to view the bombs dropped at their very doorstep?

Could any objective person think that they could possibly believe in the sincerity of our statements? These statements have to be viewed as hollow by the Chinese.

I think our statements are sincere. We are a peace-loving nation. But obviously any objective person looking at both sides has to come away with the conclusion that these people cannot accept our statements at face value because our actions do not warrant that type of interpretation.

I find it difficult to see how the American leadership could step forward with great moral certitude and comment on how peaceful we are.

I realize the statement that I am about

to make it a serious one. It is an adjunct to the statement I made last year when I was trying to fight the appropriations for the military for Cambodia.

When we look at the figures on the tonnage of bombs that were dropped in Southeast Asia, never minding the ground killing, the eyeball to eyeball killing, we can see what it means.

I can recall as a young boy of 12, 13, or 14 years old, though I had never been to Europe at that time, when they talked about the bombs in Europe and about the skies being filled with bombers as far as the eye could see, I thought, in my little experience, what havoc there must be in that land.

The papers had articles about this bombing. We all had a very close, direct feeling of reaction to the bombing that was taking place. We knew that the bombing of open cities was something that had a great impact and great destructive power. Unfortunately, however, for many reasons, not the least of which is the racial disparity between ourselves and the peoples of Indochina, we have lost all concept of what these bombings mean. So, when a person like myself stands on the floor of the Senate of the United States and tells the American people and the people of the world that during the Second World War we dropped approximately 2,164,000 tons of bombs in Europe and the South Pacific combined—and that is what this Nation dropped in the way of bombs during that war—and when we realize that in the Korean war we dropped slightly in excess of 600,000 tons, and then we come forward with a figure that thus far in Southeast Asia—in Laos, Cambodia, and North and South Vietnam—this country has dropped slightly in excess of 2,600,000 tons of bombs, what does it mean?

It is incomprehensible to us. The reason why it is incomprehensible is that we do not have the means with which to appreciate it. We cannot get the television cameras over there and view the scene as the bombs drop, and as the people are burned and incinerated with napalm. We cannot get the television cameras to focus on these hamlets and villages where people run around like little animals trying to avoid being butchered.

The best that we can acomplish is to get newspaper coverage so that the American people can partially understand what is happening.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. HATFIELD. Mr. President, the Senator finds the same difficulty I have in translating the tonnage of bombs into something that we can get a handle on.

I would like to interject this further analogy at this point. When we translate the total tonnage of bombs dropped in Indochina, it comes out at 160 pounds for every man, woman, and child. That 160 pounds of explosives still has to be translated further into something we can understand.

As the Senator will recall, when the explosion went off in the Capitol Building that penetrated and pierced the thick, huge walls of this building, it was estimated, according to the report I read, that that perhaps consisted of 22 or 25 pounds of explosives.

So, here we see I think even more graphically the tremendous firepower and the tremendous explosive and destructive power that this tonnage really represents when we think in terms of people. We tend so often in these reports we have concerning the number of bombs not to think in terms of people.

When we translate it into a relationship with people, it comes out to 160 pounds of explosives which I think is really quite a dramatic way of understanding exactly what our policy represents.

I would further add, as the Senator from Alaska indicated before with his great fund of knowledge on this subject, that we have dropped more tons of bombs on Indochina than we dropped in all of World War II and Korea put together.

Having been in World War II, I can remember the tremendous impact of the bombing as I came into Tokyo on September 2, 1945, as part of the occupation forces and saw some of the results of our bombing there on a major city of the world.

I saw the Yokosuka Naval Yards at Yokohama and saw the results there.

Then we try to relate that to a primitive agricultural rural area of the world like Indochina in which we do not have the kind of military target that we had to bomb in Europe, such as Hamburg, which was a great port into which they brought the material and weapons of war for Hitler and the Krupp steelworks that manufactured armaments. However, these are villages in Indochina and the areas in Germany could hardly be characterized as rural areas.

It is beyond my comprehension with all the tonnage of bombs we have dropped to understand what kind of military advantage we have and what kind of military gain we have experienced.

Would the Senator from Alaska care to comment on what we have gained from this bombing? Are we closer to peace? Have we resolved the military problem or any problem?

Mr. GRAVEL. Mr. President, I think the statement of a person who was much closer to this activity than I was, or am, is Robert McNamara, who stated it very clearly. I can provide that for the record. I do not want to look through my files at this point.

I think my colleague has put his finger on part of a psychological problem that faces this Nation. We have no way to comprehend this situation. It is so big that it cannot be comprehended. If we were able to turn around and measure it in pounds and point to the buildings and photographs and see the destruction we might be better able to comprehend it. But when we talk about millions of tons of bombs in an undeveloped area we cannot appreciate it.

That is the point I am leading up to and it is the point I want to make today. In looking at the enormity of this matter and probing my conscience for a description of its enormity, I ask myself, "What have these poor people in Indochina done to warrant this scourge?" If one were to take an overall view from another planet, all that could be seen would be these little human beings running around being butchered by a cleaver. What have they done to be subjected to this inhumane brutality, and to have this visitation upon them? I do not know. I am not knowledgeable about the history of that part of the world. I know a little bit about our history and the history of Western man.

So I ask the next question. What have we done as American people, freedom-loving people, good people, people who have brought man to his highest plateau of physical beneficence, to be the curse, to be the tool of their scourge. It is not fair that America should have to be this violent tool, this curse, the one that wields this instrument. We previously have done no great harm to mankind. In fact, we have tried to do good and we mean good. What have we done in our history that we must be so punished, that we must be the executioner?

When this is all done and history renders its judgment, it will render a harsh judgment. It will be a harsh judgment, as the judgment against the people of Germany.

I served in Germany, and I have dined with fine German families. This was during 1952 and 1953. I was there as a young American officer. I was cognizant of the fact that they lost the war and that we won the war, because in my formative years, from the age of 10 to 15 years, I was subjected to the propaganda of the righteousness of that war and how we were fighting Nazism and Prussianism. So I went to Germany as a young officer and I had deep-seated roots of resentment. I found myself sitting as a guest in a gasthaus in Germany. A fine family had invited me over. They barely spoke English and I speak no German. They knew I was a soldier away from home and they felt sorry for me. It was interesting that they felt sorry for me, a second lieutenant, who was there as a conqueror. I joined them. I took lunch with them and spent that Sunday afternoon with them in a gasthaus somewhere in the Black Forest. What went through my mind then and has always gone through my mind ever since was: What could these nice people, who have such delicate feelings toward a conqueror, have been doing when the Germans were stoking the ovens at Dachau and Buchenwald? How could they have lived through that?

Whenever I could get close to a German, in my own mind I would probe and try to develop how a people could permit Adolf Hitler to come to power. He came to power in peaceful times. He had his black shirts and his storm troopers, but there had to be a broad acquiescence on the part of the German people. How could people live in Munich who knew but did not know. Because they lived there they had to know. Testimony was replete at the Nuremberg trials, and great writings since World War II, of the pains of conscience, how they suspected, but it was such a colossal crime no one ever thought of it, because their minds could not think of it.

The psychic issue that faced the German people is one of the great problems of mankind, and it will go down in history along with the massacres of Genghis Khan and many other visitations in history.

I hate to say this as an American, but in looking ahead, one of the items that will go down in the history of man as a great scourge that was visited upon human beings, will be the scourge of the last decade in Southeast Asia, and particularly Indochina, and the curse that will walk hand in hand with that scourge will be the curse that has been visited upon the American people, good people, honest people, industrious people, a hard working people, and a loving people—as much as one could like all those virtues of the German people, of old and of today.

With that curse they will go forward. It will be measured in the annals of history on a par with the curse that has been visited upon the German people.

That I, as an American citizen, and others as Americans, should have to partake of this moment in our history is a deep affliction, a very deep affliction. How will it be resolved? We will look back 10 or 20 years from now and ask, "How could we have done this; how could we all have been parties to it?"

All of us are parties to it. We all pay taxes. Part of the tax money is being used today to maim and kill human beings. We can stand in this air-conditioned Chamber, and it is comfortable—but we forget—no, we do not forget. We do not have the human capacity. I think that is probably the only way to say it. We do not have the human capacity to realize that at this instant some place in the world there is a human being having his guts blown out.

There is a child that is being dismembered. There is a pregnant mother that is being napalmed. These are not extreme exaggerations. This is not oratorical rhetoric. These are things that are going on right now. They are terrible. They are unbelievably terrible. Yet, in every instance, these things are being done by the tax dollars of an honest people, a hard-working people, a decent, freedom-loving people, with good motivations, good desires to help our fellow man.

What is the solution to all this? We are told that the President is trying; he is withdrawing troops as fast as he can, trying to disengage. There is no end to the number and size of the arguments, and the intricacies of the arguments, that are used to say we are trying our best.

When history looks back and judges this administration, and the prior administration, and judges the American people, all of these intricate, debatable points will amount to naught, because what will be so overwhelming will be the gargantuan size of the crime that was committed.

Last December I placed in the Record, and read repeatedly, an analysis made by Walter Lippmann. No good can come out of what we are party to, and I do not know if history will be so generous in assessing our actions, but if there can be a benefit, that benefit lies in the direction of recognizing error.

The problem we have in withdrawing from Southeast Asia is that we want to save face. We want to get out within a parameter of justice. We want to leave and know that we have left a viable government there that we call a democracy, so that we can have a rationale for what we have done, and so we can take this rational into history and feel comfortable with it.

As Lippmann so ably stated in his article, that is going to be the greatest danger of all, just as it was a danger, and is a danger, for the German people to not look at what happened with the "final solution." The only chance, and this may be the great catharsis that has taken place amongst the Germans, is to look upon what happened at Dachau and Buchenwald, look at it and realize that, to some degree, they are all party to it.

That is, of course, what we will have to do. We will have to look at Indochina from this perspective and realize that, regardless of our motivation— which motivation was just, was the motivation of honest people, the motivation of decent people—what we did was wrong, and hope and pray that this will never occur again in the history of man.

We are the most powerful nation on earth. If mankind has a chance of getting to the 21st century, it can only be done through our leadership. If mankind, in its insane arms race, has a chance of survival, it can only be done with our leadership, because we are the strongest in the world.

So if what we have done in Southeast Asia brands upon our soul and our psyche a character that now permits us to play, and will permit us to play in the decades ahead, a leadership role in the family of nations that can bring about a lasting and human and mature peace, then—and I will not say it—then what we did in Southeast Asia will not have been worthwhile, because it will never be worthwhile; it is like an affliction; it is like an infirmity.

As I stated earlier, I know not what the poor people of Indochina have done in their history as a part of mankind to warrant the scourge that has been visited upon them. And in my knowledge of American history and the history of Western man, I know not what the American people have done to warrant their being cursed to be the instrument of that scourge.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I yield 10 minutes to the Senator from Rhode Island (Mr. Pell).

WHERE DOES VIETNAMIZATION LEAD US?

Mr. PELL. Mr. President, I believe it is time we examined closely the progress and the objectives of the present U.S. policy of Vietnamization. It is time we determined exactly where this policy is leading us, and where it is leading the people of Southeast Asia.

As I have stated frequently before here in the Senate, I believe the principal goal of U.S. policy in Southeast Asia should be a political settlement, among the Vietnamese themselves, reflecting the actual political forces in existence.

We have learned through tragic experience that an overpowering direct U.S. military presence did not permit us to dictate a military settlement; the question now is whether we are attempting through Vietnamization to reach the same objective—an imposed settlement. Indeed, the goal of present policy appears to be to accomplish with massive amounts of American money and American material and American bombing what could not be accomplished with massive amounts of American money and material and bombing plus American manpower.

If this be true, then the essence of Vietnamization is simply the removal of American manpower from the equation, leaving unchanged the basic objectives.

That in itself certainly must be counted as no small improvement, for it means, and has meant, a continued reduction in deaths and wounds suffered by American men. And certainly the withdrawal of U.S. forces should be continued and accelerated. It is for that reason that I am a cosponsor of the amendment introduced by Senators McGovern and Hatfield.

But what else does Vietnamization mean? The evidence indicates that it means continuation of the long and tragic war in Southeast Asia by other means, by proxy, by air, and by utilizing mercenaries.

It means that Vietnam continues to be a divided country. It means that bombing and killing continue, with more of the corpses being yellow instead of white and black.

According to Defense Department statistics, while the casualties of U.S. forces have, thankfully, declined dramatically, combat deaths of South Vietnamese forces continue at a high level. South Vietnamese combat deaths reached a high of 27,915 recorded in the Tet offensive year of 1968. But the number of combat deaths increased from 21,833 in 1969, to 23,346 in 1970. And during the first 3 months of this year, combat deaths totaled 7,504.

It means that the American role in the killing will be conducted largely from the air, from a distance that provides a certain clinical detachment to the mayhem. The psychological advantages of that clinical detachment, however, may well be lost on Vietnamese who die. For them, death from napalm or a fragmentation bomb is as final and brutal as death from a rifle shot or at the point of a bayonet.

The stated objective of our present policy in Vietnam is to permit the South Vietnamese to determine their own future. And yet the preparation underway for the upcoming elections in South Vietnam suggest strongly that the Thieu regime, which we support so unstintingly, is not about to permit such a free choice.

In no sense do I mean to condone, even by implication, the activities of the North Vietnamese forces, nor of the National Liberation Front. War is brutal, and they have displayed repeatedly their willingness to resort to brutality to achieve their goals.

However, we cannot control the behavior or tactics of the NLF and North Vietnamese; nor are we responsible for their actions. But we are responsible for our own policies and actions and those of our clients, and that is why I address myself to them.

We do have responsibilities that we have incurred as the result of our massive involvement in Southeast Asia. We have a primary responsibility to the men held prisoner by North Vietnam and the NLF, a responsibility to see that those men are released.

We have a responsibility also, I believe, to see that contingency arrangements are made for asylum for those South Vietnamese whose lives might be endangered by our withdrawal combined with a genuinely Vietnamese political settlement.

But it seems to me that we should be concentrating on these requirements, rather than planning on pouring additional billions of dollars into Vietnam for military assistance in the hopes of propping up indefinitely a regime whose support by the U.S. Government does not appear matched by support from her own Vietnamese people.

From my own knowledge, I believe it imperative, in the interests of the release of our men held as prisoners, that the United States be prepared to halt its bombing. Without such a readiness, I see little likelihood of progress at the Paris peace talks.

The amendment we are now considering, I believe, will do much, not only to expedite the withdrawal of our forces in Southeast Asia, but to press a basic reexamination of the current policy objectives in Southeast Asia.

ORDER OF BUSINESS

Mr. PELL. Mr. President, may I speak on another subject, or is the rule of germaneness in application?

The PRESIDING OFFICER. Germaneness has been waived.

Mr. PELL. Will the Senator from Iowa yield me an additional 5 minutes?

Mr. HUGHES. I yield an additional 5 minutes to the Senator from Rhode Island.

TRAGEDY IN EAST PAKISTAN

Mr. PELL. Mr. President, a vast human tragedy is unfolding in East Pakistan, a tragedy exceeding in its scope even the terrible toll of the cyclone that struck that country in November.

The civil war in East Pakistan has brought violent death; diease has followed, and the threat of famine looms.

Yesterday, the Foreign Relations Committee, of which I am a member, received eloquent and compelling testimony on the situation in East Pakistan from Dr. Jon Rohde, a native of Barrington, R.I.

Dr. Rohde, a physician, spent the past 3 years in East Pakistan, as a U.S. Public Health Service officer, at the Pakistan-SEATO Cholera Research Laboratory in Dacca. It is clear from Dr. Rohde's testimony that unless strong and appropriate steps are taken promptly by the United States and international agencies, the future for millions in East Pakistan will be bleak indeed.

It is also clear that assistance in itself may be fruitless unless it is provided and distributed in the proper manner.

Yesterday, the senior Senator from Ohio (Mr. SAXBE) and the senior Senator from Idaho (Mr. CHURCH) introduced an amendment to the Foreign Assistance Act to assure that the United States, in its assistance efforts, helps the people of East Pakistan, rather than either party in the civil conflict in Pakistan. I have joined as a cosponsor of that amendment.

Mr. President, because of the urgency of this situation and the compelling nature of Dr. Rohde's presentation, I ask unanimous consent that his statement be printed in the RECORD at this point, so my colleagues may have the timely benefit of the information he has presented. I also ask unanimous consent to have printed in the RECORD a statement issued by OXFAM and War on Want on April 19, and an article from the New York Times of December 30, 1970, on relief efforts in Pakistan.

There being no objection, the statements and the article were ordered to be printed in the RECORD, as follows:

TESTIMONY OF JON ROHDE BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, JUNE 10, 1971

My name is Jon Rohde. I am a physician, graduate of Harvard Medical School and have spent the last three years as an officer in the United States Public Health Service, assigned to the Pakistan-SEATO Cholera Research Laboratory in Dacca, East Pakistan. I am reasonably fluent in the Bengali language.

My basic work in East Pakistan was to improve the methods of treatment and investigate the cause of cholera. With my Bengali and American colleagues I was responsible for the care of more than 8000 cholera patients at the main treatment center in Dacca. I also treated large numbers of patients during various epidemics in the rural areas of Pabna, Barisal and Comilla Districts. Following the cyclone of November 12, 1970, I lived for three weeks on a coastal island which had been devasted by a tidal wave. Working with the surviving village leaders, we established essential working relations that permitted equitable distribution of more than $600,000 worth of food and other relief supplies. Furthermore, from this effort, we were able to initiate a rehabilitation program designed to foster self-sufficiency through cooperative farming. This project was abruptly halted on March 25th.

On the night of March 25, my wife and I were awakened in our home in Dacca by the sound of bombs and machine gun fire. From our roof, we saw many areas of Dacca aflame, as heavy artillery, mortars and incendiary shells illuminated the entire city. We saw over a dozen tanks including American M–24 Pattons, roll from the cantonment to the central city which was already burning. Over the ensuing twelve days, I witnessed the results throughout the city of the Army's indiscriminate massacre of large numbers of people and their selective killing of political figures, university teachers, students, and in particular, Hindus. My report of this, written on April 9 and inserted by Senator Saxbe into the CONGRESSIONAL RECORD on April 29, chronicles the events which my wife and I saw from March 25 to April 6. On that date, we were evacuated from Dacca to Tehran in an airlift of American citizens.

During the past two months in Teheran, I received direct reports from a variety of sources in East Pakistan. These sources include foreigners, Bengalis, and acquaintances in the Pakistan Army. They have reported their direct observations of conditions and incidents both in the cities and in many areas of the countryside.

With this information in hand, I am shocked to learn that Members of Congress have been denied factual information of the occurences in East Pakistan over the past two and a half months from our own officials still in Dacca. This information is, of course, essential to any considered judgment with regard to the formulation of foreign policy in this crisis. I know that an extensive body of factual information continues to be sent daily from East Pakistan to the State Department. When I was still there I, along with many other Americans, contributed to that data. Many of the sources who have continued to send information directly to me over the past two months have provided the same factual reporting to the American officials in Dacca and have been assured of its relay through proper channels to the State Department. During his testimony before the Senate Foreign Relations Committee on April 30, Deputy Assistant Secretary of State, Christopher Van Hollen admitted the existence of factual reports from Dacca, but refused to make them available to the members of that Committee, as Senate Report No. 92–105 clearly points out. It seems ironic, indeed, that while I have worked for the United States Government for 3 years as a cholera expert, I should be here giving you information that the State Department has, while a cholera epidemic rages amongst the refugees in India with no American physicians to help.

Perhaps it would be useful at this point to relay to you a sampling of the information currently available from East Pakistan. The Army says it is in control of the country. However, on May 17, the Rocket, the largest river steamer in the country was hijacked and scuttled: on May 31 the key ferry on the only road between Dacca and Chittagong was destroyed; on May 17 bombs exploded in the major banks and the main government office building of Dacca; and every night trucks are seen rolling into Dacca loaded with bodies of West Pakistani troops. Although the automatic weapons of the 60,000 man Army have made possible a superficial kind of control over the province, it appears that only the urban population is dominated.

The Army says that conditions have returned to normal. In order to ensure that normality, on April 27, Martial Law Order No. 148 was announced, stating that a community will be held collectively responsible and subject to death for crimes occurring in the area. This supposedly justified the destruction of three villages near Tongi on May 2 in reprisal for the derailment of a train. Following the "punishment, approximately 200 bodies, many women and children, were seen by a foreign observer. This incident is shocking by itself. Yet it is even more so in light of the discovery the following day by the Army itself, that the derailment was due to settling of the railbed caused by recent heavy rains. No act of sabotage had occurred. Incidentally, Martial Law Order No. 148 reminds me of pacification edicts issued in the late 1930s in Nazi Germany. I ask, Mr. Chairman, that the full text of that order be inserted in the *Record* at the end of my prepared testimony.

The incident of the Tongi atrocity is characteristic of the countrywide program by the Army of the destruction of villages thought to harbor any of the nation's 10 million Hindus. I have a list of 31 villages in the Dacca area, and a further 12 in Barisal District that were destroyed during mid-May by the Army. The number of documented examples are limited by the few observers who have been able to communicate with me directly about such occurrences. The names of the villages, the dates and circumstances of their destruction, an estimate from witnesses of numbers left dead or homeless, and direct statements by reliable eyewitness observers are here before me. These documents are available to the Members of this Committee, but must be treated as a privileged communication for the protection of those remaining survivors of these incidents.

In an effort to repopulate deserted cities and restore operation of factories to provide the badly needed foreign exchange, the Martial Law authorities, headed in Dacca by Lt. Gen. Tikka Khan, have been repeatedly offering through the public media amnesty to those who fled from their jobs. This amnesty was demonstrated in a reported incident at a sugar mill near Golpapur in Rajshahi District on May 2nd. Workers who had returned to work expecting fair treatment were called together, ostensibly for a meeting. They were then executed en masse. Such occurrences have been frequent and can be documented with other examples, no doubt accounting for the present severe labor shortage in a country where in normal times, millions of jobless adult men are searching for work.

In fact, conditions remain so abnormal that to this city a steady stream of refugees floods into India, their number having reached close to five million already. Meanwhile, a British worker in the cyclone area reported that the vanguard of hundreds of thousands of Hindus fleeing the Army in Barisal and Khulna Districts reached the sea in late May, all routes of escape had been closed to them by the advancing army. Overall from four to eight million persons are currently moving within East Pakistan, either driven toward the refugee centers along the Indian border, or to the cyclone affected coastal regions that have been without food since early March.

For those Bengalis-Muslim and Hindu—that remain behind the prospects are bleak. The food situation is rapidly deteriorating. Inflation has doubled the price of rice and continuing military activity has severely restricted the movement of labor in this crucial planting season. The need for relief food aid in many villages is already urgent. With the major planting season half gone, a majority of the land still lies fallow; future food deficits will be staggering. Grain depots in the ports are said to be full and promises of additional food from abroad have been made. Yet these offer little hope, for it is unlikely ever to reach the needy. Major rail and road communications will remain unusable for months until many bridges can be repaired. Furthermore, the rails and ties themselves along segments of the main rail lines have been thrown into the rivers. The extensive river network, normally alive with commerce, is virtually deserted. At best, the Army will be able to provide food only in some of the cities, where they can control the population. The hostile countryside will be left to starvation.

Pakistan has asked that all foreign assistance and relief supplies be given to the Army for distribution. The assumption of the military government of Pakistan that the Army can manage relief distribution to the whole province is believed by its performance following the November cyclone. Its delayed and inadequate response to the tragedy was widely criticized throughout the world. From the floor of the Senate (Nov. 24, 1970), Senator Edward M. Kennedy stated:

"What is certain is that reports from East Pakistan continue to tell a horrifying story of massive human suffering made all the more horrifying by the mounting evidence of confusion and inexcusable delay."

As late as December 30, in a feature article in the *New York Times*, Sydney Schanberg detailed the reticence as well as the inability of the Army to carry out necessary relief activities. I ask, Mr. Chairman, that this dispatch be inserted at the end of my testimony. The cyclone affected about 4 million people. Approximately 30% of the area had to be "written off" by the Army, left to fend for themselves because the Army lacked enough men and equipment to go there. How can the Army now deliver relief to an area 20 times larger with a bitterly hostile population?

The private relief program in which I was involved, centered in one such "written off" area. The Army finally arrived 18 days after the disaster, and only then to assert its control over an already smoothly operating, Bengali-led relief operation. In many areas of Bhola and Patuakhali, the Army never managed to establish relief camps.

Although sharing the Muslim religion, the Urdu-speaking troops encountered great difficulty in their relief duties, largely because they do not speak or understand Bengali.

Open hostilities occasionally broke out between Army personnel and villagers. A delegation of elders of the islands on which I worked came to me to ask the Army to leave, stating they would rather die of starvation than be further insulted by the "Punjabis". Today those same feelings are stronger, and exist throughout the country. I quote from a recorded message from Dacca on May 24: "As was pointed out to me, there is not a family in this whole country that has not been affected, that has not lost family members who've been shot, or have not been looted, or had their women raped or their young girls taken away . . . The regime has absolutely no support from the people." He continues, "Bengali men of well-trained intellectual sophisticated background and even down to peons have time and again said to me, 'Please do not have your country send any aid to this country, not even food. The food will only go to the Army and prolong our agony.' " I myself heard these same pleas before I left East Pakistan on April 6.

In addition to inefficient organization and ineffective local relief distribution, it is now apparent that the Central Government never allowed the majority of funds given for cyclone relief to reach the Eastern Provincial Government, much less to make its way to the survivors. To the best of my knowledge, neither private donations from Americans nor USAID contributions to the Central Government have ever been accounted for in full. In short, the cyclone provided up to $50 million in much needed hard currency to the Military Government of Pakistan. Thus, relief moneys was one of the largest earners of foreign exchange in 1970, although East Pakistan jute is normally the predominate earner.

The army has misused boats donated by the United States for cyclone relief. Photographs have appeared in newspapers and eyewitness testimony of Americans still in East Pakistan reveal that over half of the grain-carrying coastal vessels currently operating in East Pakistan are being used exclusively for the transport of military vehicles, weapons and supplies.

Mounting evidence shows that the needs for relief distribution to the people of East Pakistan cannot and will not be met by the Pakistan Army. In light of the well-documented behaviour of the Army towards the people of Bengal over the past several months, it is not unreasonable to assume that any assistance given for the starving Benegalis is likely to be diverted by the Army to be used against the very people it is intended to help. By providing assistance of any kind directly to the Government of Pakistan, our Government would be actively supporting the military action in East Pakistan. That is why I strongly support the new Saxbe-Church amendment cutting off all military and economic aid to Pakistan until: "distribution of food and other relief measures, supervised by international agencies, takes place on a regular basis, throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan; provided, however, that these provisions shall not prohibit expenditures of previously appropriated funds pursuant to binding written agreements between the Government of Pakistan and the Agency for International Development in force on or prior to June 8, 1971.

Problems are going to arise with any relief operation. However, the most optimal solution is an extensive relief effort carried out by international agencies, in order to ensure the support of the citizenry, so essential to its success. If American assistance of foodgrains and other necessities is immediately channelled through a supervised program independent of the Army, it is possible that a major famine may be mitigated. The flow of refugees, however, will slow and eventually reverse its direction only when they can be assured of safety in their own homeland once again. They have learned the hard way not to trust the rhetoric of the military regime. They want no part of its brand of "amnesty and mercy". As long as the Army controls the very means of life—food—the endless line of people will continue its trek towards the relative safety of India. The present refugee population, already more than double the number in Palestine, could become an even more explosive and chronic threat to peace on the Indian subcontinent. At the present time, the cost of feeding these refugees alone exceeds the estimated cost of the 1965 Indo-Pakistan War. This, coupled with the political implications, will clearly encourage direct intervention by India if international pressures are unable to achieve repatriation of the refugees to their homeland.

I have seen the important role played by military supplies and equipment furnished by the United States. For the individual or group being fired upon, it makes no difference whether the equipment which kills his family and lays waste to his home comes directly from the United States or has been routed through another country such as Turkey or Iran. Functions of the Army are entirely dependent on the day-to-day supplies from Lockheed C–130's. Huey Cobra jungle warfare helicopters, a recent gift from Iran, still depend on spare parts from the United States. Furthermore, although U.S. project aid of $40 million a year is not easily diverted from its intended purposes, our annual assistance of $100 million in commodity aid frees up other foreign exchange for the direct purchase of weapons. PL 480 Assistance provides the foodgrain necessary to feed the population, allowing a sizeable export of rice, which yields a significant sum of uncommitted foreign exchange. Clearly the provision of $200 million of U.S. aid to the military Government of Pakistan, makes possible the continued military activities in East Pakistan. This fact indicates that the U.S. Government is decisively involved in supporting one side of this continuing civil war.

One is reminded of other situations in Southern Asia in which massive U.S. support of a military elite has dragged us into a continuing commitment of unforeseen magnitude. The United States faces a crucial decision. Through continuance of economic assistance of any kind to the military Government of Pakistan we are a partner to what may become the greatest loss of human life in one area in this century. By denying that same aid and making a portion of it directly available to the citizens of East Pakistan through neutral relief teams, we can hasten the end of this horrible conflict, and mitigate the effects of famine and epidemic disease, which are already taking an enormous toll both within East Pakistan and in West Bengal among the refugees.

East Pakistan—Aid and Famine

(Issued by OXFAM and War on Want, private relief agencies, April 19, 1971, in United Kingdom)

1. The cyclone of November, 1970, in East Pakistan caused considerable damage and loss (Appendix I) in a large sector of the Delta area. It also highlighted the lack of development in the Delta area over the past, the relatively slow progress of the coastal embankment construction and the inadequacy of the cyclone warning system.

2. As a result of the international pressure fostered by the massive press coverage of the initial lack of internal aid to the cyclone affected areas, a wide variety of aid agreements was offered to the Pakistan Government, for the Delta area construction. (Appendix II). The East Pakistan Government prepared a full reconstruction plan amounting to Rs860,000,000 ($180,000,000), which depended heavily on foreign aid for its implementation.

3. In all cases, pressure was exerted by the East Pakistan authorities and foreign agencies to ensure that all funds offered were transferred directly to East Pakistan, as there was considerable doubt in the minds of both outsiders and East Pakistan leaders and Government officials as to what purposes finance outsiders and East Pakistan leaders and Government authorities in West Pakistan would be put.

4. In view of the undeveloped nature of the region, all reconstruction planned was very much at the mercy of the very inadequate communications system in the area.

5. The Civil War has led to a complete breakdown of all existing communications by deliberate destruction of boats and vehicles by the army, and of bridges and railways by the Bengali nationalists, the commendeering of vehicles by the army, the interruption of fuel supplies, and the general dislocation of large numbers of the urban population.

6. This breakdown in communications is particularily damaging to the food situation. In normal years, East Pakistan imports over 10% of its food grains, and this year, as a result of the cyclone, was intending to import a much greater proportion (estimated to be between 15% and 20% of its requirements). The cessation of imports (due to the battles in Chittagong, the main port) together with the disruption of communications will lead to a famine in the cyclone affected areas firstly and in the urban centers and other parts of the country where grain production is inadequate. The civil War will also tend to interfere with the normal harvesting and planting of crops.

7. The whole approach of the military government in its army operations has been totally logical, once the initial decision to take control of East Pakistan once again had been taken, and it is reasonable to assume that the Government will continue to be ruthlessly logical in its attempts to implement that decision. As the deliberate killing of all leaders and destruction of property has so far failed to break the back of the resistance, it is logical for the army to ensure that only areas over which they have completed and totally accepted control will be ensured of a satisfactory food supply in a country-wide, food shortage situation. There will be no reason whatsoever for the army to permit food to enter other areas of the country, and thus bolster resistance to the army take-over. Further, from reliable reports not appearing in the press, as well as from the the sheer military and logistical compulsion of the situation with which the army will be faced once the monsoon rains commence, it is apparent that the army can and does only have effective, but not accepted, control over the main towns, sections of the border areas, and the main line of communication from Chittagong to Dacca.

8. Consequently, it is manifest that the army will have to use hunger as a deliberate weapon against the bulk of the people of East Pakistan. Any aid, therefore, which enters the country under the terms of the Army Government, will be used to support that policy in East Pakistan, or will be used, as much of the aid already given to East and West Pakistan has already been used, to support the army operations in East Pakistan.

9. If, therefore, one accepts the basic political decision of the Central Pakistan Government to reunite the two halves of Pakistan, logically it is necessary to accept all that the army has done and will be forced to do to implement that decision with limited resources. Alternately, if one considers that the basic decision was politically and morally wrong, then one must, equally logically, reject any support given to the central Government which has been, and will continue to be, used to implement that incorrect decision.

[From the New York Times, Dec. 30, 1970]

After Pakistani Storm: Grief, Indifference

(By Sidney H. Schanberg)

Dacca, Pakistan.—Munshi's wife cries all the time now. She sits in the flimsy lean-to her husband has pieced together from the debris of the storm, hidden from strangers in the Moslem tradition. Her breasts ache because the baby is no longer there to nurse.

She speaks to a visitor through the thatch.

"It is so kind you have come" she whimpers in a barely audible voice, "but it is a very bad time. We are ashamed we cannot invite you to sit with us on something comfortable and have some tea. But we have lost our daughters, our sons, our property, our cattle. We have nothing. It is a disgrace that we are living on charity."

The ordeal of her family tells much of the fearful story of the cyclone and tidal wave that swept in from the Bay of Bengal on the night of Nov. 12 and crushed the coastal areas of East Pakistan. An extended tour of the stricken islands and interviews with officials, survivors and relief workers disclosed tales of terror and heartbreak, madness and grief—and a chronicle of public indifference and delay in helping the two million miserable survivors.

In the fields, men taking the place of their lost livestock, can be seen pulling plows across the still-muddy land.

A lone dog, a mangy brown mongrel, survived on the island of Shakuchia. Most of the birds are gone, killed or driven off by the cyclone. That is why no vultures descended on the corpses, which had lain untouched and blackened in the sun until they were haphazardly buried.

An occasional bloated body still washes up on the shore or in a family pond, and hundreds float in the streams and channels. Some of the poorly covered graves still smell.

Villagers wander through the paddies, only their heads visible above the rotting rice plants, searching for bits of debris to fashion into shelters. One boy finds pieces of a boat, a bamboo support from a hut and the lactern board that used to hold the Koran at the mosque.

Aminul Huq, who is 14 years old, is the sole survivor of a family of 20 on Shakuchia. His eyes are glazed and he seems to be in a trance. When he walks alone, he falls into a faint.

"The whole world is blank," he drones. "When I try to think of what lies ahead, my head spins and I cannot stand up. From inside I want to cry, but I cannot."

Aminul, who is living with an uncle now, wanders to his father's grave every day and asks passers-by to kill him and bury him there. Only the strong and the lucky survived. The storm claimed old men and women and children—especially the children who did not have the stamina to hold onto a tree or a floating dead cow or a roof during the five dark hours or more that the tidal wave pummeled and rolled over them.

Of the 13,000 people who survived on Shakuchia, which has an area of 20 square miles, fewer than 1,000 were aged 12 or under. Normally young children would make up more than half the population.

The true death toll will never be known for no accurate census has been taken in the region. An uncounted number of migrant workers had gathered there for the rice harvest. Thousands of bodies were washed out to sea.

It seems inescapable from the evidence available that at least 500,000 East Pakistanis, poor rice farmers, fishermen and boatmen and their families, were killed. Nearly 2.5 million were left homeless and starving and will have to be sustained with relief food for a year, until the next harvest.

It is the worst natural disaster of this century, if the toll was a million or more, as some Pakistani newspapers report, it is the worst in recorded history. The Yellow River flood of 1887, which took the lives of 900,000 Chinese, is listed as the worst on record.

Nov. 12 was cloudy on the Ganges Delta and the wind was rising. On Shakuchia, Munshi Mustansher Billa, a 40 year-old indigent farmer with three acres of rice who is perpetually in debt to usurious money lenders, was busy with the harvest.

He had heard a storm report on a neighbor's transistor radio, but storms are a part of life here and this one did not sound severe, so he paid little attention. The wind grew stronger in the afternoon and the rain began to slant down. Suddenly, some time after dark, the radio issued a new warning—"moha bipod shanket" ("great danger signal").

'SAVE MY CHILDREN! SAVE ME!'

Munshi, his wife and their five children—one of them a boy less than a year old who was still being nursed—huddled worried, in their palm-thatched hut, which sat on a four-foot-high earthen platform that served as protection against normal flooding and storms. As they talked they tried to console each other with the thought that they were a mile from the sea.

Then, near midnight, they saw the first surge, waist high. Munshi's wife began to cry: "Save my children! Save me! Take me somewhere safe!" But there was nowhere safe. Her husband ran outside and cut his water buffalo and cows loose to give them a chance.

All at once it was on them—the full tidal wave, a churning, muddy wall at least 20 feet high. It sounded to Munshi, even over the howl of the rain and wind—now 150 miles an hour—like the roar of many airplanes, like the bombing raid it so resembled.

The water engulfed them and swept them off their feet. "Where are you? Where are you?" they cried. Everyone was screaming. Drowning dogs and goats were yowling in terror.

Somehow, as they were swirled higher and higher, the family managed to grab the palm trees around their compound. The wave pounded them back and forth against the trunk as, choking on swallowed water, they tried to hang on with their arms and legs.

One son, aged 20, was clutching his two sisters while he clung to a tree. Suddenly he called out: "I can't hold them any longer. I have to let go!" Munshi and his wife saw one of the daughters carried away, then the other.

The wave surged again, crashing over their heads, and when they could see the tree again the son was gone. A second son was knocked out of another tree.

Then Munshi's right arm, holding his last son, grew numb from the freezing, stinging rain. The infant slipped away as Munshi, sobbing helplessly, clung on with his other arm.

"You were holding my baby," his wife called from her tree. "Is he all right?"

"I couldn't hold on to him," Munshi shrieked, "the wave was too strong." His wife's wail then seemed louder than the storm.

Without warning the tidal wave began receding with all its fury and snatched Munshi from his tree. He grabbed at other trees, lost one and then another but finally caught hold of the last one in their yard—just in time to hear his wife scream: "My sons are gone, my daughters are gone, now my husband is gone! I am going too. I don't want to live anymore!"

She let go and was swept toward her husband, who grabbed at her, caught her and hung on for an hour or so until the water finally went down.

The first dawn was streaking the sky when Munshi and his wife came down slowly and painfully from the tree.

In water still knee deep they stumbled—weak, dazed, nearly mad with grief—through floating bodies and animal carcasses toward a neighbor's house, hoping to find at least some rags to hide their shame.

The neighbors were dead, their hut smashed, but a stranger, a boy who had survived, found Munshi and his wife some strips of cloth he had taken from trees and corpses. Sapped of all strength, they fell down on the sodden earth and wept themselves to sleep. Skin had been scraped raw—on the arms, chest and thighs—where they had been battered against the palm bark. Their clothes had been riped off by the storm.

SLEEPING, WANING, WEEPING

They woke after a few hours and staggered back to the void where their hut and cowshed had stood. There they slept again, and woke, and wept, and went to a friend's. All the survivors were weeping too.

Bodies, human and animal, were everywhere—stuck in trees, lying in rice paddies. beginning to surface from the small ponds where they had sunk. Most were of strangers, carried miles by the awesome wave, sometimes even from distant islands.

People wandered naked, wailing the names of kin who did not respond.

Surrounded by death, Munshi shook with fright. 'This must be doomsday," he thought.

They did not eat that day.

Though they were still in shock the next day, hunger overwhelmed them. Munshi and his wife and their friends began scratching with their fingers in the mud of the blackened paddy fields, hoping that some of the unhusked rice they had harvested and piled up before the storm had been swept there.

After hours of digging they found a few handfuls and ate it raw, though they were afraid it had been contaminated. They had to eat it raw because they had no matches until the first Government relief boat arrived a week later.

UNUSAL PROGRAMS ON THE AIR

That Friday morning in Dacca, the capital of East Pakistan, which is a hundred miles to the north, no one had the slightest inkling of the magnitude of the catastrophe—partly because all communications had been knocked out but also because the Government weather experts, despite their "great danger" signal, had described the storm in no more alarming terms than they had a mild cyclone on Oct. 23 that killed 300 people.

The morning newspapers reported that the damage had not been as severe as that of the previous storm. Radio and television continued the usual programs. By nightfall the official death toll was 50.

In Islamabad, the national capital, in West Pakistan, a thousand miles across Indian territory, the size of the disaster was not appreciated by the Government either.

Though newspapers had begun to talk of tens of thousands of dead (by Saturday), and by Sunday of hundreds of thousands, the Government figure did not rise above 40,000 until eight days after the storm—thereby confusing foreign governments about the disaster's magnitude and delaying international relief.

Gen. Agha Mohammed Yahya Khan, the head of the military government, was on an official visit to communist China when the storm struck. He returned, as scheduled, two days later, stopping in Dacca to make a brief aerial tour of the devastated area.

"I am very much distressed," he said afterward, adding that he had ordered all Government agencies to mobilize for relief.

He then flew back to Islamabad—a departure that was to be criticized later by political leaders as indicative of the callousness of the Punjabi-dominated national government in West Pakistan toward the Bengalis of East Pakistan. The eastern province has been exploited economically by the West since independence in 1947.

President Yahya's orders have not been disclosed. For whatever reason, no national mobilization was visible and there was no Government commitment on the scale that was necessary. Even for an undeveloped country with limited human and technical resources, the effort seemed deficient.

Though the Government is a military one, the army was not fully mobilized for 10 days. Though airdrops were the only way to get relief supplies to most of the survivors—roads were washed out and virtually all the boats had been shattered—not a single one was made in the first few days.

YAHYA VISITS THE REGION

As the days passed and little was done—those facilities and materials that existed were ill utilized—there was mounting criticism of the relief effort in the press and among the public. President Yahya, after eight days in Islamabad, returned to East Pakistan to oversee the effort and to try to reduce the furor.

On Shakuchia Island Mohammed Islam Mia, a farmer who lost the younger two of his four sons, spoke venomously:

"The Government did nothing. After seven days two Government officers came in a launch and gave out a few pounds of rice and a tin of kerosene oil for 4,000 survivors. They told us to be patient, that more supplies were coming, then they slipped away at night without telling us."

"Let the world know what our Government did," he went on. "All the relief work is being done by foreigners."

Foreign relief—after being delayed by Pakistani indecision, sluggishness and mismanagement—had finally become a massive effort. In all foreign countries, international organizations and private agencies—led by the United States—flew in $50 million worth of food, clothing, tents and medicine.

They also flew in nearly 30 helicopters and 200 river boats to move supplies to the victims. The British sent four navy ships from Singapore with 800 army engineers and commandos, who fanned out to repair roads and bridges, provide fresh water and bury the dead.

Still, it was 10 days after the storm before this relief effort began to move into full swing. Furthermore, when India—with which Pakistan has fought two wars over Kashmir, the last in 1965—offered helicopters, transport planes, river craft and mobile hospitals. Pakistan turned them down.

DESOLATION AND HUNGER

In the villages throughout the delta the peasants sat in the emptiness of their flattened compounds, desolate, hungry and ill under the cruel sun.

Not far away a police inspector emerged from his sturdy bungalow, starched and freshly shaven after a long sleep, and reported to a foreign journalist that he could not release his pickup truck for relief work until it had delivered the week's food to the nearby police barracks.

On every mud road and lane, people begged and cried out for food. In one village, which had received no rations for several days, frantic peasants swarmed over a small truck that was carrying tins of biscuits. Those who managed to claw their way into possession of a tin were jumped on by several others and thrown to the ground.

Many survivors were close to madness, and some broke. An old man on Jabbar Island who had lost 52 of his relatives collected the bodies, dug a grave and buried them together. Now he sits on the grave and shouts: "Here is my family!"

LAUGHTER AMID TEARS

A young woman whose husband and three children perished stood naked, laughing maniacally as tears streaked her cheeks.

"Can you give me an airplane?" she asks. "I want to go to heaven. I want to bring back my children." She bursts into cackles again.

Ghulam Murshed Choudhry, 31, a member of an influential family on Manpura Island, lost none of his relatives. But his senses left him after 17 days of burying bodies and he was still babbling about the corpses of all his "brothers" when he was finally flown to Dacca in a helicopter for psychiatric care.

It is no accident that the Moslems of East Pakistan are more devout than their brethren in West Pakistan. In the delta especially, all of nature's furies are accepted as manifestations of Allah's will.

"It is the wish of Allah that this wind and water came," a fisherman said, in a comment echoed all over the region. "We have sinned. It would not have happened if we had not sinned." He did not know what sins were being punished, only that the people must have strayed from the path of Islam.

The burdens of life that have made the peasants of the delta fatalistic have also made them socially introverted—even selfish, by the standards of more affluent cultures.

Life centers on the family and people rarely think of asking for help from others or of offering any. Sharing is an alien concept, except within the family—and even there, brothers do not necessarily share their food.

Because there was so little food available immediately after the cyclone, Manpura villagers rounded up the migrant workers who had survived, put them in boats beached by the storm and shoved them off into the surging Meghna River—telling them to go back where they had come from.

When the first relief workers arrived on Manpura, male villagers besieged them not only for food, clothing and medicine, but also, after a day or so, for more women from the outside. They wanted to replace their lost wives immediately because a woman is a necessity here: She cooks the food, husks the rice and tends the cattle and children.

At a relief center a man began quarreling with local officials because they would not add some saris to his relief bundle of food and blankets.

"What do you need saris for?" he was asked. "Your wife was killed."

"Yes," the man replied, "but I want to get married again, and I need them for a dowry."

There were also signs of greed. Despite the terrible stench and the threat of cholera, some villagers refused to bury the bodies of strangers unless they were paid. Others, after initial hunger had been satisfied, took the same attitude toward unloading relief goods.

TWENTY-FIVE PERCENT OF RICE SALVAGEABLE

Contrary to the first reports, some rice—perhaps 25 per cent of the crop—was still salvageable in parts of the devastated region. The question was whether it would be largely consumed or sold or saved for seed, without which there will not be a good harvest next year.

Foreign agricultural advisers and relief workers are trying to convince the villagers that they must save the rice and live on relief food until the next harvest, but that is an overwhelming missionary task among people who have barely lived from day to day.

There are other obstacles to rehabilitation.

Those survivors who had lived along the shore refused to go back and rebuild on their homesites. Struck by the full fury of "the white monster," they are afraid to go near the water.

Many beggars have been arriving from the outside, hoping to cash in on the relief goods. When relief officials offered them 5 rupees (about a dollar) a day to work, they refused. Still other outsiders came to try to grab the land of families that had perished.

Corruption occurred in many places, with local elected officials demanding as much as 20 rupees to put a family on the relief list. Some of the relief goods began appearing in black-market shops.

NIGHTS WERE BITTER COLD

The days after the storm were sunny but the winter nights were bitter cold to the warmth-loving Bengalis. Despite their fright they picked from the corpses whatever clothes remained wrapped themselves in the tatters and huddled together on the open flats for warmth. Women without clothes hid, some refusing to come out even to eat.

In that way they lived through that grim first week, drinking polluted water, clawing rice out of the mud, finding an occasional coconut, whose milk and white meat they carefully divided, and sometimes—when their bellies were so empty that they were in pain—eating the roots of banana trees.

On the third day after the storm the stench from the decomposing bodies grew so bad that Munshi's group, stunned as they were, started burying them. Holding pieces of cloth over their noses and mouths to keep out the smell, they slowly began to put the corpses in shallow graves—which sometimes simply meant throwing a layer of muddy earth over them.

On many islands the peasants merely piled bodies on makeshift rafts and pushed them to sea. "They were floating like water hyacinths for miles," a survivor said.

Many people never found their dead. Of his five children Munshi found only his oldest son.

Most of the survivors badly needed solace from sympathetic people in the early weeks after the storm. Villagers sometimes waited outside relief tents long into the night, just to talk with, and weep to, the volunteers. Loneliness had descended on the islands once the first terror—hunger—abated.

For days, and even weeks, there was a terrible silence where children by the dozen used to chatter and play—except for one persistent sound, the deep, rasping cough that can be heard across the fields as the respiratory legacy of the storm.

In what seemed a miracle to laymen but was quite unsurprising to doctors, the cyclone caused no cholera epidemic beyond the one East Pakistan normally suffers at this time of year. (Some 200,000 to 300,000 will get cholera this year, and half will die because of the lack of treatment.)

Some people—no one knows how many—died of exposure, dysentery, respiratory diseases and other infections, but in general, the medical problems were no more severe after the cyclone than before.

Hellish as life was in the ravaged area after the cyclone, it was grim enough before.

Pestilence, cyclones, monsoon floods and vicious economic exploitation are as much a part of the Ganges Delta as the rice that is the only reason for living there at all.

Few would choose such a precarious existence were it not for the relentless pressure of East Pakistan's exploding population—75 million to 80 million in an area roughly the size of Arkansas, which has two million. (Even if all the Government's family planning goals are achieved, population will double in 27 years.)

RICH BUT CROWDED LAND

No land is left in the northern regions—virtually every arable square inch is being cultivated—so the marginal people, the poorest, are pushed farther and farther southward into the vulnerable, low-lying coastal areas and offshore islands, some only three or four feet above sea level.

The flat, swampy delta with its three million people—before the storm—is the thinnest-populated part of East Pakistan, but even here about a thousand people live on every square mile—a density as heavy as in some cities and matched only in places like Japan and Communist China.

The soil is wonderfully fertile—pure, rich silt brought down from the Himalayas by the massive flow of the Ganges-Brahmaputra river system, the equivalent of seven Mississippis, which veins the region like the back of an old man's hand. But it is this same flow, swollen by the monsoon rains of May through September, that so often floods the paddy fields and destroys part of the crop.

Still, it is the monsoon that makes the crop possible at all, for only when it washes away the accumulated tidal salts and sweetens the earth can the rice be planted. There can be only one crop a year, for after the monsoon season comes the dry season, and no irrigation system exists.

"Sometimes we think about moving to another island," said Abdul Matin, a 45-year-old Moslem priest on Shakuchia who lost six children, one of his two wives and his mother. "But it is only talk. We never take ourselves seriously. Cyclones hit all the islands. No place is safe. There is no peace anywhere."

While the villagers tried to rebuild their lives, the debate continued, both in Pakistan and in international circles over why the national Government was so slow in moving to the rescue. Most knowledgeable observers attributed the delays to an enfeebled, timorous bureaucracy, a lack of imagination, an inability to make decisions, and a pervasive incompetence—"a bum government," as a foreign diplomat put it.

The observers generally discount the idea of a deliberate decision to ignore the victims' plight. Yet they agree that there were elements of the Government's behavior that verged on the deliberate—the fact, for example, that military preparedness against India took priority over the disaster.

At a party in Dacca a week after the storm, an air force pilot mentioned that he was under strain because of long hours of flying. It turned out that he had not been airdropping relief but had been practicing bombing and strafing runs.

"This disaster has made us terribly vulnerable," he explained. "The Indians could walk right in and take over. We've got to stay alert."

No one realized the scope of the calamity for the first two days, and few blame the Government for its lethargy during that time, but the same cannot be said for its reaction after it became known that hundreds of thousands were dead and millions were homeless and hungry.

Because natural disasters are so common and so difficult to control in East Pakistan and because resources are so limited, the central Government, pleading helplessness, has tended to ignore the disasters and invest its resources elsewhere.

This time, foreign press reports and foreign relief efforts focused the spotlight on East Pakistan and embarrassed the Government into doing more than it had before—meager and chaotic as the effort was.

One widely held view is that fear of jeopardizing the elections to a constituent assembly scheduled for Dec. 7 paralyzed the Government into inaction. It was reported to be apprehensive about what might happen if troops were sent into East Pakistan.

On Bhola Island, less than half an hour by pedicab from where bodies lay decomposing, laughing, young men in new white clothes played badminton. The Dacca jet set, in mod bellbottoms, never stirred from the pool of the Hotel Intercontinental. Many families splurged on their presents for the Moslem counterpart of Christmas despite appeals from Government to donate the money to relief. Some boat owners tampered with their engines to avoid being called into relief service at rates below their usual ones.

Several students heading back to Dacca from the stricken area on a river steamer were asked by a foreigner why they had not stayed to do relief work. "We are young and cannot do much," one said sheepishly. "When we get home, we will tell them to send other boys."

What of the future? Will things improve for the abject people, or will the Government go back to ignoring them again as soon as the foreign relief workers leave and the foreign press turns to other matters?

Three weeks after the storm a key official told a foreign expert that no rehabilitation program was being planned for the outer islands because they had not been included in the 1961 census.

For all the skepticism, most experts foresee at least some improvements, if only because of the momentum generated by the international relief effort.

The World Bank has proposed a $185-million reconstruction plan, to be tied to its current three-year $1.6-billion flood control and economic-development program, which has already seen the construction of some walls to hold back the tides. Washington is expected to be a heavy contributor.

Whatever the political future, the development proposals do not come to what it would really cost to lift this region to even subsistence living. It would take many billions, probably tens of billions just to build a comprehensive water-control and irrigation system, according to engineering experts. Billions more would be needed to replace the lost livestock, crops, fishing boats and farm tools and to provide basic living requirements—housing, schools, medical facilities, electricity and sanitation.

CAN'T SIT AND MOPE AND GROAN

"We can't afford to be pessimistic,' 'said A. M. S. Ahmad, chairman of the East Pakistan Development Board, who is in charge of cyclone rehabilitation, "because we jolly well have to do something. We can't sit and mope and groan."

"For one thing," he added, "it's not impossible." Perhaps not, but most experts are convinced it would require a massive international rescue effort, and they agree that though the money may come from outside, the inspiration and initiative must come from the people of East Pakistan.

"We know we will have to do it ourselves," said Kaiser Zaman, a 25-year-old business executive who volunteered for relief work. "We Bengalis have a saying: 'It takes a thorn to remove a thorn'."

[From the New York Times, Dec. 20, 1970]

Life at Best Wretched on Ganges Delta Islands

Dacca, Pakistan.—Average life expectancy on the Ganges Delta Islands is less than 40 years. A quarter of the children die of cholera, smallpox, typhoid and other diseases before they are 5. Tuberculosis is like the common cold.

A farmer has to produce seven or eight children to get the two or three sons he needs to care for him in his old age. Since children are a necessity, there is little incentive for birth control.

Rice farming is carried on much as it has been for generations—with crude plows, cow dung for fertilizer and home-made wooden devices for husking the rice.

Even when the crop is bountiful it is impossible to get a fair price. Cut off from the main trading centers, lacking storage facilities, the peasants must sell to slick traders who arrive at harvest time in November and December in big launches. The traders pay 15 rupees (about $3) for about a mound (about 85 pounds) and sell it several months later, when rice is scarce, at 40 rupees or more.

The lucky peasant family is the one that ends up with an income of perhaps $6 a person a month. The unlucky ones are the tenant farmers who work for absentee landlords and the migrants and local laborers who have no land at all.

Tenant farmers are supposed to get 50 per cent of the crop, but in practice they get to keep less because they usually have to borrow from the landowner at interest rates of 25 per cent and higher.

Life is even more miserable for the landless field laborer. Shafiqul Alam, 35, all four of whose children died in the storm, made an average of 3 rupees a day—when there was work. In a year he earned about 600 rupees, which is a little over $20 a year for each member of his family.

There is virtually no government presence on most of the islands—no electricity or sanitation facilities, no doctors or even dispensaries despite repeated appeals no flood embankments have been built on such islands as Manpura and Shakuchia. There is nothing that resembles a bicycle path, let alone a road; in fact, wheeled vehicles would be useless.

The shelter of the permanent population is among the flimsiest in Asia—huts of thatch, rags, a little bamboo, sometimes a corrugated metal sheet for a roof—meager defense against floods and pure flotsam for a tidal wave. Only a handful of farmers can afford to build two-story houses of brick and cement that might withstand nature's forces.

CALLEY: A VIEW FROM SAIGON

Mr. PELL. Mr. President, it is always interesting to see the perspective of a war from the eyes of those who are most directly involved than we.

In this connection, I believe my colleagues would be interested in the very perceptive, sensitive, and, I believe, truthful article on the subject of our Vietnam war that recently appeared in a Saigon newspaper and was reprinted in the New York Times on June 3, 1971.

I ask unanimous consent that "Calley: A View From Saigon" be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Calley: A View From Saigon

(By Tran Tan Quoc)

(Note.—Tran Tan Quoc is editor and publisher of the Saigon newspaper Duoc Nha Nam. (This excerpt was translated from the Vietnamese by The New York Times Saigon Bureau.))

Saigon, South Vietnam.—It should be noted that the horrible massacre at Mylai was first brought to light by the Americans themselves. It was denounced by American G.I.'s back from Vietnam and it was brought before American and world public opinion by the American press. Without them, the Vietnamese—it is shameful and painful to admit, with our poor means of communication and our restricted free press—would never know of the Mylai massacre.

If, immediately after the affair was brought to light, the United States military command in Vietnam had issued a communique promising serious investigation of the case and punishment of the culprits; if high United States officials visiting Vietnam, Secretary of Defense Laird, for example, could forget for awhile their (justified) complex of superiority as representatives of a free world leader and benefactor of the South Vietnamese people and take the trouble of calling at Mylai and consoling the survivors of the massacre, with words and with tactfully given gifts—as we say, "your way of giving is more important than what you give"—then I am sure that no Vietnamese would want Lieutenant Calley's death and I am sure that we would certainly welcome with understanding any attenuated sentence given him.

The Vietnamese, either nationalist or Communist, and in the last analysis, Vietnamese, and it was often painful to see many Vietcong killed, maimed by the hands of foreign troops fighting on our own land.

It is thus easy to see that, beside an abundance of military means and a whole arsenal of modern weapons, the American fighting men must also have tactfulness and a thorough understanding of the Vietnamese psychology, if their battle here is to be successful.

Some people tried to defend Calley, attributing all his crimes to the war. And when the tribunal had no other way than to sentence Calley to life at hard labor, President Nixon immediately ordered this notorious criminal to be set free pending an appeal.

In Vietnamese eyes, this decision is a challenge to the self-esteem of the Vietnamese race, and, at the same time, it showed others that, among the human mass on earth, only white American lives have value and must be highly respected by all other peoples.

In meeting domestic political needs, President Nixon has damaged the noble tradition of the American people and blotted out the meaning of the American military presence in South Vietnam.

In short, wanting to calm the public protest against the Calley verdict, President Nixon has forgotten the destiny of over 300,000 American troops in Vietnam.

Imbued with this Buddhist philosophy: "If we take vengeance on vengeance, vengeance will never end," the Vietnamese will do nothing in retaliation against American troops in Vietnam. But in this war without front lines, the Americans have come to be considered as mighty murderers who can destroy the lives of innocent people with impunity. The American Army in South Vietnam has lost all sympathy from the Vietnamese people around them, in a war where winning the people's hearts has been said to be a decisive factor. Their presence in this country has lost any meaning and the longer they stay, for whatever reason, the more boiling is the hate in the heart of the local people.

I wonder if President Nixon has ever thought of these consequences since the minute when he ordered to free Calley, 24 hours after the latter was sentenced to hard labor for life by the court.

Now, concerning the more than 300,000 American troops that are still in Vietnam, there seems to be only one thing left to be done for them and that is to send them back home quickly. Let them be pulled out of South Vietnam, and pulled out altogether, earlier than planned by President Nixon. The sooner they leave, the better.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER (Mr. Stevenson). Who yields time?

Mr. HUGHES. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. Stevenson). Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, as I have listened over the last few days to the debate in relation to amendment No. 143 that has been commonly known around the country by various other names—either the McGovern-Hatfield amendment, the end the war amendment, or a time certain amendment, or whatever it may be—I think we can realize from the debate last year over a very similar amendment and from the discussion this year that there is a difference in the amendments. It is nearly 1 year since the time we were discussing the McGovern-Hatfield amendment. The casualties are continuing. The troop reductions are being made. Thousands fewer American troops are in Southeast Asia.

We have seen over the course of time the invasion or incursion into two other countries in Indochina. No one any longer calls it the Vietnamese war. It is the war in Indochina.

We have heard of the casualties of the war, both American and Vietnamese casualties, that are byproducts of the war.

During the course of the next 3 or 4 days we will hear much more of that. We are all familiar at this time with the fact that approximately 45,000 American men have been killed in combat and that another 10,000 have been killed by other means. Approximately 300,000 American soldiers have been wounded.

No one knows really how many Vietnamese have been killed on both sides of the line or how many have been wounded.

We have had a large amount of killing and wounding of civilians and the wiping out of villages in order to save them. We have had a saturation bombing that has dropped more bombs on this country than have been dropped on any other nation in any combination of wars.

We have forced the migration of people from their home regions, where there was an agrarian economy. Millions of people have been forced into cities where they did not want to go.

The question of destruction has not been raised, or the casualties. The casualties we have had the opportunity to discuss have seared the souls not only of tens of thousands of men who have been fighting the war, but also their wives, brothers, sisters, mothers, and fathers. This war has divided our Nation. There are casualties in our own country that we can directly attribute to the vast drain of economic resource and manpower into that part of the world, consuming at least $150 billion in the last 8 years.

There are the casualties resulting from our being unable to face the problems existing in our central cities. Mass transportation systems are failing. Poverty programs have suffered. There is increased poverty.

These situations are directly attributable to the wartime economy that continues to be very destructive.

In recent weeks we have seen casualties that have affected the hearts, minds, and souls of Americans.

We saw the Senate this week pass an amendment to try to have the Pentagon and the military face up to the serious problem of narcotic and drug addiction in the Army.

That is something that we heard very little about over the course of my time. Over the course of the last 30 years that I have been an adult, narcotic addiction in the military has been generally unheard of. There were a few cases now and then, certainly, but they were very minimal.

In hearings this week we had evidence given that in the last 2 calendar years 16,000 American soldiers were discharged from the Army with drug dependence or narcotic addiction, and 11,000 of those men have received less than honorable discharges.

We find a Veterans' Administration that cannot provide services for men without a special ruling, at least for those who have had something between an honorable and a dishonorable discharge. But for the vast majority even that was cut off. They have no services available.

We find a Veterans' Administration that had fewer than 300 beds, let alone the personnel, available to treat these individuals who have become addicted to narcotics or heroin while we have been in Vietnam. We have talked primarily about Southeast Asia, although this is a worldwide problem.

The staff members of my subcommittee made an investigation in Europe, Korea, Hong Kong, Japan, Vietnam, and Thailand. The evidence is that this situation is worldwide.

We explored the reasons why this happened. There is no longer any reason to wonder why. There is a realization that in spite of the fact that, though the present policy of the Government is toward a continual reduction of the forces in Vietnam, the more the troops are reduced, the higher the percentage of addiction has increased.

These are casualties of war. They are casualties. Probably a very high percentage of them are men who were drafted into the service, who did not want to go in the service, who had to face up to their own conscience and make a decision over which many other men had left the country or for other reasons had failed to serve because they did not believe in this war which we were fighting.

These young men did go because they felt in the final analysis they must respond to the call of their country, even though they did not believe in or understand the war, even as many of us do not understand the war. Now, as a result of that and what has happened in Indochina they have experienced and they are experiencing a living death, a living death that has struck fear into the hearts of almost every American with children today, because not only is it a problem in the Armed Forces, but it is also a problem in our country, in our domestic society, in every school in the land. Mothers and fathers do not send their children off to high school and junior high school, let alone college, and now even the elementary schools of our country, without fearing what they will be exposed to.

Admittedly, the military does not ask too many questions at the induction centers about whether a young man may smoke marihuana or may use other forms of drugs because they are afraid if they ask those questions men will turn to heroin to avoid going into the service. They are afraid, as a matter of fact, that a youngster will snort heroin the day before he takes his physical examination so that the analysis will show that he is using it and he will be rejected. They would not dare ask a question with regard to marihuana.

The news media are bringing back the evidence. Our subcommittee staff completed an investigation over there long ago. We had several days of testimony long ago disclosing the facts with regard to heroin addiction. Now, we know we have an epidemic on our doorstep.

The Senate has taken action that, if agreed to in conference and in the House, could support the Pentagon in eventually and, I hope, rapidly building up methods of identifying, treating, and rehabilitating those men who have become addicted. But this does not go to the point of why they become addicted and it does not go to the point of preventing others from becoming addicted, but only trying to do something about it after they are addicted.

We listen to the debate and we are told we must not tell the enemy what our plans are in the future or set a time certain for leaving Indochina because if we were to do that the enemy would know our final withdrawal date and escalate their capacity and casualties would increase and, as a result, we would suffer greatly from that.

I suggest we are telling the enemy what we are doing. He can read the last three announcements of the increased troop reductions and he can speculate about the next one in October as accurately as the rest of us can speculate. He can figure the exact date we will no longer have enough combat troops in Indochina to be effective. We should no longer mislead ourselves about telling the enemy what our plans are. We are and have been doing so for a long time.

Speaking about the war, which strikes at the heartstrings of every American, we could save those men, bring them back, and I believe we could save the casualties between now and that date, if we were to set a date, because the enemy obviously sees that if we were to set a date certain and give profound assurance that that was the time we were going to leave, there would be immediate response on the question of prisoners of war. This amendment speaks to that point. If the enemy does not respond, it provides an extension, and if there is no response by then we can take other action. But why should not we, the Congress, now take this step to assure the beginning of the end? That is the question I raise. When the battle casualties are being reduced from 39 to 19 dead and 20 others from causes other than combat, are the deaths of young men so acceptable that with reduced casualties we no longer care about them? Mr. President, does it have to strike in your own family before we weep any more about American dead?

I will not deal too long with the prisoners of war or combat casualties, but I do wish to speak now about the heroin casualties from heroin being supplied by the very nations we are defending. No one questions that the vast majority of heroin produced is produced in the highlands of north Thailand and Laos, and some in Communist China, and that it traverses these countries, across the borders, many times in American-operated airplanes.

Opium can be bought as safely on the streets of Vietnam and other cities of South Vietnam as one can buy chewing gum. It is being sold by kids, and in some instances representatives of the police department.

This is the Government our men are fighting and dying for; to support the type government that allows this to go on. Yes, we want them to have freedom of choice and a right to peace. But there are 25,000 more American young boys addicted to heroin. Is that the price? The estimate of 10 percent to 15 percent given by the provost marshal in Saigon has not been disputed by the Pentagon or the President. As a maximum percentage, this could run into 40,000 men addicted to heroin.

One representative, testifying before the subcommittee, estimated the figure could be as high as 60,000 American soldiers. These are casualties of a drug that kills not only the body and the mind, a physical addiction, but they are spiritually destroyed as well. It destroys not only the body, but also will and the spirit. They walk as the living dead, not buried in the grave somewhere, but returned to the streets of America, driven to steal because they must feed an addictive habit they no longer can control.

What price are we willing to pay? What price are we willing to pay and where is the compassionate heart of the American people? Where are we in Congress when 73 percent of the people of this country have indicated they want to set a time to leave Indochina? Where is our response, Mr. President? How long can we tolerate the living deaths of our own sons and in how many tens of thousands of instances must we tolerate it before we say "Enough"? How long before we say, "You accept the responsibility of cleaning up your country or policing it, of stopping this massive influx of living death into our troops"? Those are questions every family in America has the right to ask, and ask not only of those countries but the Congress of the United States and members of the committees. Are we going to continue it?

I am happy to say we have passed a measure that can help to identify, treat, and rehabilitate these troops, but we have not taken the step to prevent them from getting into this, Mr. President.

I want to raise a question on the floor of the Senate today also of another casualty in the Vietnamese war, the Indochina war, one in which, if this country is the compassionate civilized nation I believe it is, we have a heavy obligation and a deep concern. I refer to the babies of American soldiers and Vietnamese women that have been born during the 10 long years of this conflict, the sons and daughters of American soldiers, both black and white, with Vietnamese mothers. The Vietnamese reject these children as much as we have rejected them, and yet these children have been given life as a result of our participation in a war 12,000 miles from our shores. In the process of that participation we bear the responsibility for those children. When France left South Vietnam, she made provision for children born of French soldiers and Vietnamese mothers by providing they had the option to take French citizenship.

We have reached the point now when the question is no longer victory or defeat, when the question is not whether we will stay or not stay, but the question is when we leave. The only question that remains is when we leave. That is all we are talking about, because everyone believes that we must leave and that there will be no military victory.

It is high time in this discussion that we recognize the casualties of the yet unborn children of our soldiers. The more time they have on their hands, the fewer duties they have to perform, the higher the rate of births of those children is going to be, as well as the higher the incidence of narcotic addiction.

This country does have a moral obligation. We have heard talk of killing men, women, and children in useless bombing and combat. I shall not contribute to that debate today, but we are contributing to the birth of hopeless children also unless we accept our responsibilities as a Nation to face the problems of the rights of those children in the future. And we must face them as a nation. The births are increasing, they are not decreasing, the longer this war progresses.

It is not a question of signaling the enemy any longer. We are telling the enemy that, by 10 degrees or 15 degrees or 25 degrees we are leaving. The difference in this amendment is, we tell them 100 percent when we leave. We say, "This is the final date. Now you keep your word and we will keep ours." The provision is in the amendment that if they do not keep their word, we extend our period of time there.

There is no risk, as I see it, involved in this, but there is much to be gained to prevent the living death of our men who even live through it.

I would predict, by way of conclusion, that if we make this decision, it will have a psychological impact on this Nation that will generate the thought processes in constructive ways that we have been hoping and praying for for so long, that it will ignite the hearts and hopes of the young people again, to believe again in the reality of facing the stance of a nation, of identifying its true goals, of believing that we do care for the lives of people, wherever they might live, and that we do care about hardcore centers of our own cities and the schools that have become almost disaster areas, and the lack of jobs and opportunity for our children when they return home from fighting a war they did not want and that they believed immoral, and submitting to a draft that they did not like and detested.

Mr. President, the hour is with us for a decision, a decision on the side of justice for all Americans as well as for the world, a signal of hope that would lighten the hearts of people again, that would have more meaning and more fulfillment than any single act this Congress could take now or in the foreseeable future, to say that we are a determined people, we have supported our allies, we have paid with our resources and our blood, we have among us the tens of thousands of living dead who are the casualties of war. Now, those who have become hopeless will be given hope that we will dedicate our resources and manpower to the rebuilding of an America that is beautiful and that we have a right to believe can be strong, free, and decent.

Mr. President, I think this is the most important decision that this Congress could make.

Mr. President, I would like to suggest the absence of a quorum, with the agreement of the distinguished Senator from Mississippi, that the time for it be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PRINT H.R. 6531 AS AMENDED TO DATE

Mr. STENNIS. Mr. President, it would be helpful both for Senators who are inquiring and also to inform Members of the House of Representatives if we could now have the pending bill, H.R. 6531, with the amendments as of this date, reprinted. I have discussed this matter with the Parliamentarian, and find that is often done with complicated bills.

So, Mr. President, I ask unanimous consent that H.R. 6531 be reprinted with the amendments that have been adopted up to this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I yield the floor.

QUORUM CALL

Mr. STENNIS. Mr. President, I suggest that absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. HATFIELD. Mr. President, much attention has been focused on the prisoner issue in this discussion, as was evidenced in yesterday's debate. I think that certain elements of this issue must be clarified.

Yesterday, the Senator from Kansas (Mr. DOLE), for example, said:

> Remarks of North Vietnam's chief Paris negotiator, Xuan Thuy, quoted in yesterday's *Washington Post*, removed the last doubt as to North Vietnam's intentions regarding our prisoners. Thuy reiterated the North Vietnamese position that release of any U.S. prisoners would not come before complete cessation of all military and economic assistance to South Vietnam.

Mr. President, that statement is simply not true. Let us examine the statement made by Xuan Thuy during that interview. Mr. Roberts asked:

> Q. Then as a condition for prisoner release there must be no such continuing military and economic aid?
>
> Xuan Thuy avoided a direct answer. After the question has been put three times in various forms, he said that "I think you should read again the PRG's eight points. It is clearer than my explanation." When the interviewer said the eight points were not all that clear, he took another tack. "Have you ever asked Nixon these questions?" he

> said. "Nixon has troops there and he wants to control the Saigon administration. So you can get clear answers from him on what are his intentions. I understand he doesn't want a total withdrawal and wants to maintain the Saigon administration."

Thus, the North Vietnamese left this point unclear. They did not answer the question directly. And it is incorrect for the Senator from Kansas to claim that the North Vietnamese position is that "release of any prisoners would not come before complete cessation of all military and economic assistance to South Vietnam." They have never stated that as their position, and did not do so in the interview with Chalmers Roberts.

Further, other aspects of that interview should be noted. For instance, Xuan Thuy stated that if the withdrawal date is set, the prisoner release can be settled even if the Thieu-Ky regime remain in power.

> Q. Still, given a satisfactory withdrawal date, the prisoner issue will be settled even if Thieu and Ky are still in power in Saigon and there is no political settlement?
>
> A. Right. Moreover, this has been laid down in point one of the PRG program of September, 1970.

Finally, one other point of that interview deserves our careful attention. Roberts asked:

> But if a reasonable date is set the question of prisoners may be settled?
>
> A. Yes, you can put it down "will be settled." From now on it is "will."

Thus, the North Vietnamese have said that the prisoner issue will be settled after we set a reasonable date for withdrawal. This is the thrust of their position. This is the thrust of our amendment.

We are not proposing that they be taken at their word. This is not what our amendment asks.

Rather, our amendment simply puts their word to the test. That is why we make it clear that our total withdrawal will depend upon them keeping their word on the prisoner issue.

This morning's Washington Post includes a report that Mr. Le stated that the release of U.S. prisoners is tied solely to the withdrawal of U.S. forces and "to no other questions." This should further emphasize that the Senator from Kansas (Mr. Dole) and others do not have the evidence for claiming that military and economic aid have been stated as a condition for prisoner release.

Now, of course, considerable ambiguity on these questions exists. This is certainly so. But there is one way to clear up all such ambiguity and find out exactly what the details of our adversary's position are. That is to set a date for withdrawal, making it clear that we expect the prisoner release by that time, and leaving open our options if that release is not forthcoming.

Let me further emphasize that such a date for withdrawal relates to our military forces. It does not cover any possible military or economic assistance, which could be authorized, if desired, under separate legislation. I do not believe that the language could be made more clear in the amendment on this point than is presently stated.

Finally, the Washington Post clarifies these points in its editorial this morning. I ask unanimous consent that this editorial, the article by Chalmers Roberts from yesterday and the article from Anatole Shub from this morning's Post all be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, June 11, 1971]

PROMISE ON VIETNAM?

Something of real significance may be happening in respect to Vietnam. Shifts by domestic war critics and by Hanoi in recent days seem to have brought them, separately, somewhat closer to political hailing distance of President Nixon. As a result, it becomes possible to see how it might be possible to end quickly at least the American combat role in the war—if Mr. Nixon were to respond in turn.

The domestic critics have moved on two fronts, prisoners of war and post-withdrawal aid. Both the McGovern-Hatfield amendment in the Senate and the Nedzi-Whelan amendment in the House condition final withdrawal of troops on a return of the prisoners. The peace plan offered by Clark Clifford would have Hanoi release our POWs 30 days after a withdrawal date was proclaimed. We happen to believe that a formula providing for parallel troop withdrawals and prisoner release—carried out step by step in tandem—has the best chance of overcoming the massive mutual distrust that plainly exists. But the main point is: all responsible critics share the President's insistence on release of the prisoners before the last of our troops leave.

Similarly, we believe all responsible critics—and this is the second standard by which we would define "responsible"—are prepared to see the United States offer aid to Saigon after American participation in combat ends. McGovern-Hatfield would let the President "provide assistance to the nations of Indochina, in amounts approved by the Congress . . ." Nedzi-Whalen, in like language, would let him provide "military and economic assistance." It is simply false to charge that the critics would do nothing at all to help South Vietnam after we have disengaged militarily from the war. Assuredly most critics do not share Mr. Nixon's partiality for the Thieu regime. But knowing that in South Vietnam the United States has created a governmental and military machine that cannot conceivably operate without American aid, they are prepared to countenance that aid.

Let us turn to the nuances in the interview given our correspondent Chalmers Roberts this week by North Vietnam's representative in Paris, Xuan Thuy. For prisoner release to be arranged, said Xuan Thuy, the United States must set a date for withdrawal of "all" its forces in Indochina—this would include advisers and a residual force and it would preclude combat missions by air or naval units based in Thailand or on the high seas. This would leave no American military men "in or over" Indochina, as American critics put it.

The Hanoi representative further said that removal of the Thieu-Ky regime and formation of a coalition government are not a condition for prisoner release. Finally, in his most significant statement, he pointedly refused to demand that the United States halt military and economic aid to Saigon, after withdrawal. Mr. Roberts repeatedly tried to pin him down on the question and Xuan Thuy repeatedly hedged.

What may all this add up to? At home, it now is clear that if Mr. Nixon were willing to set a withdrawal date, he could have the support of domestic critics—that is to say, *he could unite the country*—on retrieving the prisoners and on providing some form of post-withdrawal aid for Saigon. The resultant advantages to him in bargaining with Hanoi could be immense, since Hanoi would no longer be able to play on divisions within the American body politic.

Furthermore, since it appears that Hanoi is prepared under certain conditions to let Thieu stay in office and to have Thieu receive American military and economic aid, then it means Mr. Nixon could set a withdrawal date without doing what he has always said he will never do—bug out on Thieu. By aid, though not by further combat support, he could give the South Vietnamese that "reasonable chance" of saving themselves which he has consistently cited as his prime war aim. It would be silly, of course, to conclude that Hanoi has become resigned to Thieu's continued rule. A safe conclusion is that North Vietnam is so eager to pry the United States out of the war that it is willing to take its chances in a struggle or—who knows—in an accommodation with Saigon.

This is, in short, a promising moment. It is a moment for the broadest vision and statesmanship on the part of President Nixon. He could lose it by continuing to throw political sand in the eyes of his domestic critics; they, too, have their own responsibility. He could lose it by clinging unnecessarily tightly to Mr. Thieu. Now that a foundation for post-withdrawal aid to South Vietnam seems to be hardening, there is much less reason to fear that an American move in advance of the Vietnamese elections next October would demoralize Saigon. And he could lose it by a continuing show of indifference, if not outright antipathy, to any sign, however much limited to nuances, of evolution in the position of Hanoi.

THUY OUTLINES REQUISITE FOR POW TALKS

(By Chalmers M. Roberts)

Paris.—The top North Vietnamese representative at the Paris peace talks said today that the prisoner of war issue, properly coupled with a total American withdrawal, could be settled while the Thieu-Ky regime is still in power in Saigon, but he indicated that Hanoi will not agree if the United States intends to continue to arm and support the South Vietnamese forces.

These points emerged during a 90-minute interview with Xuan Thuy, chief of the North Vietnamese delegation, at his suburban Paris headquarters, Choisy-le-roi. The veteran diplomat answered a series of questions with a minimum of the political polemics so familiar at the weekly meetings in the Paris forum.

The questions and answers went this way:

Q. You have said the United States should fix a "reasonable" date for complete and unconditional withdrawal of "all" American forces. Would you clarify the word "all"?

A. "When I use the word 'all' I mean the totality of U.S. forces in Vietnam. It includes all kinds of arms—ground, air, naval forces—on the territory, air space, water of Vietnam including U.S. military personnel, American military advisers . . . We don't have any objections if U.S. planes are based in foreign countries provided they are not used against Vietnam. The 7th Fleet may be located on the high seas provided it does not violate Vietnamese territorial waters or is used against Vietnam."

The reference to planes based in foreign countries was in response to a query about the U.S. Air Force in Thailand. When he was reminded that his spokesman Nguyen Thanh Le, who was present at today's interview, had mentioned last week American use of both Japan and Okinawa, Xuan Thuy said that was because they had been used in the war against Vietnam.

His response also included a statement that it is "the scheme of the Nixon administration to seize not only South Vietnam but also to control Laos and Cambodia for the implementation of U.S. policy in these countries and also for encircling the Democratic Republic of (North) Vietnam and also to hold in the American grasp the whole area of South Asia," and some related statements which were not new.

Q. Does the word "all" include both any form of a so-called residual force and a military training and assistance group?

A. "These military personnel are included in the word 'all.' "

Q. Does the word also include the forces of South Korea, Thailand, Australia and New Zealand now in South Vietnam?

A. "Yes."

Q. When you say that if a "reasonable" date is set for total withdrawal and then the question of American prisoners could be "rapidly" and "easily" settled, are you speaking of those held only in North Vietnam or also in the South, in Laos and in Cambodia?

Xuan Thuy replied, in short, that he was speaking of those held in both North and South Vietnam since the Provisional Revolutionary Government of South Vietnam (the Vietcong), which he said had first proposed that the U.S. set a withdrawal date, was speaking only of the south. He had added the North. As to Laos, Prince Souphanouvone, leader of the rebel Pathet Lao movement, has said that those captured will be released when all bombing of Laos is stopped. As to Cambodia, that comes under the competence of Prince Sihanouk.

Q. If President Nixon set a withdrawal date to your satisfaction, would the prisoners be immeditaely released, released only after the end of withdrawal or concurrently at the same pace with withdrawal?

A. Here Xuan Thuy threw up his hands. "I cannot answer for the time being for this is the key to settlement. As long as Nixon does not set a date we cannot go into details of a settlement. The question of prisoners relates to the aftermath.

Q. What would you consider a "reasonable" date for withdrawal, given the logistic problem—six months, nine months, one year from the date of an announcement?

A. "A reasonable date was proposed" by the provisional Revolutionary Government which, he noted, on Sept. 17, 1970, had proposed withdrawal by June 30, 1971. "But Nixon did not agree. Let him propose a date, He should set it." When asked if the Vietcong timetable of just over nine months was reasonable, he replied that "I don't mention any period of time now. Now I'm not willing to mention any time." He recalled that Mr. Nixon had proposed withdrawal in 12 months but Xuan Thuy did not mention that that was a call for North Vietnamese withdrawal from the South as well.

Q. You have repeatedly referred to "two crucial questions" involved in settling the Vietnam problem, the military and the political questions, and have said they are "inseparable." (Xuan Thuy made this statement again at the June 3 Paris meeting.) The political question has been posed as removing the Thieu-Ky regime from office and the formation of a coalition government. Is this political issue also a condition for prisoner release?

A. "The question of the release of prisoners is related only to the military question. This shows our flexibility. It should have been linked to the political question."

Q. But what does "inseparable" mean then?

A. "If we speak of the whole question of Vietnam, of the settlement of the war, of ending U.S. aggression, then the military and political questions should be linked. But if a reasonable date is set the question of prisoners may be settled."

Q. Why do you say "may" and not "will?"

A. "Yes, you can put in down 'will be settled.' From now on it is 'will'."

Q. You know Mr. Nixon has said you have offered only to discuss prisoner release.

A. "Nixon is unwilling to withdraw. Therefore he tries to use one pretext and another Nixon's allegation about discussing and not settling is because he is unwilling to settle. He wants to split hairs."

Q. Still, given a satisfactory withdrawal date, the prisoner issue will be settled even if Thieu and Ky are still in power in Saigon and there is no political settlement?

A. "Right. Moreover, this has been laid down in point one of the PRG program of September, 1970."

Q. How automatic would prisoner release be once a satisfactory withdrawal date is set?

A. "Let Nixon set the date and we will discuss that."

Q. Since you have said withdrawal and prisoner release could be accomplished while Thieu and Ky are still in power, what about military and economic aid from the U.S. to their regime afterwards?

A. "That is the point of linking political. . . . It should also settle the question of the Saigon administration because suppose the U.S. withdraws but it maintains the Saigon administration and continues to give it military aid and that administration continues to repress the people of the South. We would return to the period prior to the introduction of the American expeditionary force. It is what we call neo-colonialism and the U.S. would remain involved in Vietnam."

Q. Then as a condition for prisoner release there must be no such continuing military and economic aid?

Xuan Thuy avoided a direct answer. After the question had been put three times in various forms, he said that "I think you should read again the PRG's eight points. It is clearer than my explanation." When the interviewer said the eight points were not all that clear, he took another tack.

"Have you ever asked Nixon these questions?" he said. "Nixon has troops there and he wants to control the Saigon administration. So you can get clear answers from him on what are his intentions. I understand he doesn't want a total withdrawal and wants to maintain the Saigon administration."

Q. The impression you have left by your answers is that you are not willing to make a clear differentiation between the military and political questions, though the military one is primary. Is that correct?

A. "Quite right" because "a radical, thorough settlement" of Vietnam is necessary. "If the U.S. withdraws all its forces but maintained an advisory mission and continued to give military equipment aid to the Saigon administration, then the people of the South will continue to oppose the Saigon administration and then the U.S. would have to step up military aid. But Thieu-Ky would not be stable and the U.S. would have to send troops and we would return to the previous situation."

In concluding, Xuan Thuy said that "our desire is a total U.S. withdrawal and a change from the Thieu-Ky regime so the people of South Vietnam can form their own government of their own choice. Then the people of the South will accept American aid on the basis of mutual agreement."

The North, too, he added when asked, would be prepared to establish relations with all countries, including the U.S. and to accept aid on the same basis.

Hanoi, VC Elusive on POW's—No Clarification Given in Paris

(By Anatole Shub)

Paris, June 10—Vietnamese Communist spokesmen today remained elusive as to how quickly American prisoners of war might be released after the United States named a date for total withdrawal of American forces from South Vietnam.

At the 116th session of the deadlocked Vietnam peace talks U.S. negotiator David K. E. Bruce asked the Communist delegates to "clarify the ambiguous and contradictory comments attributed to your spokesmen" on the question.

According to Stephen Ledogar, the U.S. press spokesman, North Vietnam's Xuan Thuy and the Vietcong's Nguyen Thi Binh "totally avoided our questions."

Afterwards, newsmen questioned Communist press spokesmen closely on the statement by former Defense Secretary Clark Clifford that, if President Nixon promised total withdrawal by the end of the year, he had "reason to believe" the prisoners would be released "within 30 days."

However, Nguyen Thanh Le for North Vietnam and Duong Dinh Thao for the Vietcong declined either to confirm or deny Clifford's assertion.

Instead, they reiterated previous promises that naming a withdrawal date would lead to "immediate discussion" of prisoner release. Thao said that "we wish to settle the question quickly," and rejected what he called a "play on words" by the Nixon administration, which has called attention to the gap between "discussing" prisoner release and the actual release.

"Discussion would serve to bring about the liberation" of the prisoners, Thao insisted, but he declined to specify how long that might take.

Le emphasized that the release of American prisoners was tied solely to the withdrawal of U.S. forces (including "advisers") from South Vietnam, and "to no other questions."

He explicitly reaffirmed the statement by Xuan Thuy, in an interview with Chalmers Roberts of The Washington Post Tuesday, that the prisoners' release would not depend on a change of government in Saigon.

Le noted that the prisoner question had been linked with U.S. withdrawal as far back as the first point of Mrs. Binh's eight-point peace plan presented last September.

"The first point is not tied to any other points," he said.

Nguyen Than Le was not asked whether continued U.S. economic and material aid to Saigon would affect prisoner release.

He did, however, indicate that total withdrawal would have to include all U.S. military advisers.

Lee said, "Xuan Thuy expressed our position clearly in his interview with Chalmers Roberts."

For the United States, Bruce condemned the Communist attacks May 30, June 5 and June 7 on Danang, where more than 54 civilians were killed and wounded in what he called "indiscriminate shellings" by 120mm rockets. Bruce said the attacks violated the "understandings" reached in October, 1968, when the United States stopped bombing North Vietnam.

According to the United States, the Communists undertook at that time to halt shelling of cities. The Communists publicly deny the U.S. version of the "understandings."

It was also disclosed that the United States over the past 18 months had made renewed attempts to hold so-called "restricted sessions" of the Paris talks. These would be formal sessions (like the SALT or Berlin negotiations) which everyone knew were taking place, but at which neither side would publicize what happened except by mutual agreement.

Such sessions, in the U.S. view, would enable some frank exchanges, instead of the current propaganda sessions in which delegates' speeches are distributed to the press and spokesmen immediately report whatever discussion follows the prepared speeches.

Ledogar said that the most recent U.S. request for restricted sessions was made "about four weeks ago"—apparently just before Bruce went to Washington for consultations—but that the Communists "didn't even answer" the request.

There have never been restricted sessions at the Paris talks. Even since secret talks between the United States and North Vietnam broke down in the summer of 1969, the Communist position has been that the for-

mat of discussions is less important than the substantive issues.

Until the United States is ready to discuss total military withdrawal or a change of government in Saigon, the Communists have said, there is nothing to talk about in secret or restricted talks.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Brock). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, in view of the time of day and the day of the week, and the fact that quite a few speakers are interested in speaking in opposition to the amendment, I think it is really best not to wait for any of them today. They wish to speak next week, anyway, nearer the time for the vote.

I have other remarks to make—maybe more than one time—before the vote comes, but I do not care to take up the time of the Senate further today. So I yield my right to speak and yield back time if that is necessary.

Mr. HATFIELD. Mr. President, will the Senator from West Virginia yield for a question?

Mr. BYRD of West Virginia. I yield.

Mr. HATFIELD. Could I make inquiry as to what the relative time factor has been, thus far, as far as expending time on the amendment is concerned.

Mr. BYRD of West Virginia. I refer that question to the Chair.

The PRESIDING OFFICER (Mr. Brock). The Senator from Oregon has used 243 minutes. The Senator from Mississippi has used 136 minutes to date.

Mr. HATFIELD. I thank the Chair and I thank the Senator from West Virginia.

ORDER FOR ADJOURNMENT TO MONDAY, JUNE 14, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR GRAVEL ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Alaska (Mr. Gravel) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the remarks of the able Senator from Alaska (Mr. Gravel), there be a period for the transaction of routine morning business not to extend beyond 12:30 p.m. that day, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business on Monday next, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from South Dakota (Mr. McGovern) and the Senator from Oregon (Mr. Hatfield), No. 143.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ORDER FOR WAIVER OF GERMANENESS RULE ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in view of the fact that the time is controlled on the pending amendment No. 143 by Senator McGovern, and others, that the Pastore rule of germaneness be waived for the day on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock noon. Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Alaska (Mr. Gravel) will be recognized for not to exceed 15 minutes.

At the conclusion of his remarks, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, with the period not to extend beyond 12:30 p.m.

Immediately upon conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531, and the pending question before the Senate will be on amendment No. 143 by Senator McGovern, and others. Time on the amendment will be controlled.

The Pastore rule of germaneness has been waived for the day on Monday.

Rollcall votes are not scheduled but are possible, in view of the fact that amendments to the amendment could be offered, and tabling motions are in order. I do not anticipate such, however, on Monday.

A vote on the McGovern amendment No. 143 as amended, if amended, will occur not later than 5 o'clock p.m. on Wednesday next, June 16, 1971.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 7 minutes p.m.) the Senate adjourned until Monday, June 14, 1971, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 11, 1971:

IN THE U.S. AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

LINE

Lieutenant colonel to colonel

Abolt, Warren G., [redacted].
Adams, Gerald M., [redacted].
Adelman, Frederick J. [redacted].
Akerland, Gustav J. [redacted].
Alexander, Richard L., [redacted].
Alford, Frank B., Jr. [redacted].
Allen, James R., [redacted].
Allen, Ledewey E., Jr., [redacted].
Allen, Milton E., [redacted].
Alvarado, Ricardo R., [redacted].
Amador, Earl M., [redacted].
Amery, Robert S., [redacted].
Anderson, Andrew B., Jr., [redacted].
Anderson, Carl A., [redacted].
Anderson, James R., [redacted].
Anderson, Marvin J., [redacted].
Anderson, Mont R., [redacted].
Andrews, Melvin H., [redacted].
Apple, John J. [redacted].
Atkins, Edwin L., [redacted].
Baden, Vernon E., [redacted].
Baker, Charles E., [redacted].
Baldwin, Richard F. [redacted].
Ball, John C., [redacted].
Banks, Ernest S. [redacted].
Banner, Alvin W., [redacted].
Bare, Merle M., [redacted].
Barnard, Martin J. [redacted].
Barnett, Willard, [redacted].
Barondes, Arthur D. [redacted].
Barr, Ellis L., [redacted].
Barrett, Lewis R., Jr., [redacted].
Barsom, George K., Jr., [redacted].
Barta, John J. [redacted].
Batson, Gerald M., [redacted].
Baughn, Richard M., [redacted].
Beach, William J., [redacted].
Beatie, Charles F., Jr., [redacted].
Becher, Donald F., [redacted].
Beckham, Ross A., Jr., [redacted].
Bedell, Charles H., [redacted].
Bedford, Ernest D., [redacted].
Benedict, Warren V., [redacted].
Benson, Hollis A., [redacted].
Benson, Jack R., [redacted].
Bergman, Lloyd H., [redacted].
Berkenpas, Nephi, [redacted].
Bernard, Duane R., [redacted].
Berrier, Raymond S., [redacted].
Bertoni, Waldo E., [redacted].
Best, Warren E., [redacted].
Bettinger, Stephen L. [redacted].
Bettis, William E., [redacted].
Bishop, Tedd L., [redacted].
Black, Donald C., Jr., [redacted].
Blaine, Jay M., Jr., [redacted].
Bland, Kenneth R. [redacted].
Bloom, John P., [redacted].
Bobbett, Robert L., [redacted].
Bohnhoff, Wilbur C., [redacted].
Bolton, Howard F., [redacted].
Bortness, Lawrence E., [redacted].

Botzong, Wilbur B., xxx-xx-xxxx.
Bower, Archie F., Jr., xxx-xx-xxxx.
Bowman, John H., xxx-xx-xxxx.
Branch, Robert, Sr., xxx-xx-xxxx.
Brandes, Harry E., xxx-xx-xxxx.
Braswell, Arnold W., xxx-xx-xxxx.
Braun, Louis D., Jr., xxx-xx-xxxx.
Brenholtz, George E., Jr., xxx-xx-xxxx.
Brewer, Zane G., xxx-xx-xxxx.
Briggs, Josephus A., Jr., xxx-xx-xxxx.
Brill, Jay R., xxx-xx-xxxx.
Britton, Charles L., xxx-xx-xxxx.
Britton, Raymond P., xxx-xx-xxxx.
Broadway, Roy D., xxx-xx-xxxx.
Brown, Calvin W., xxx-xx-xxxx.
Brown, James F., xxx-xx-xxxx.
Brown, Robert D., xxx-xx-xxxx.
Brown, William Y., xxx-xx-xxxx.
Buechler, Theodore B., xxx-xx-xxxx.
Bundick, Paul S., xxx-xx-xxxx.
Burkhart, John W., xxx-xx-xxxx.
Burkholder, Richard W., xxx-xx-xxxx.
Burlingame, Colin P., xxx-xx-xxxx.
Burman, John R., xxx-xx-xxxx.
Burris, Rupert H., xxx-xx-xxxx.
Burrows, William C., xxx-xx-xxxx.
Burt, Robert L., xxx-xx-xxxx.
Butcher, Budd H., xxx-xx-xxxx.
Butler, Blaine R., Jr., xxx-xx-xxxx.
Butler, Robert K., xxx-xx-xxxx.
Buttery, Thomas W., xxx-xx-xxxx.
Cafarella, Joseph R., xxx-xx-xxxx.
Callahan, Daniel H., xxx-xx-xxxx.
Campbell, Claude P., xxx-xx-xxxx.
Campbell, Robert H., xxx-xx-xxxx.
Canady, Thomas H., Jr., xxx-xx-xxxx.
Cap, George W., xxx-xx-xxxx.
Carey, Richard J., xxx-xx-xxxx.
Carlisle, Joe L., xxx-xx-xxxx.
Carlson, Carl R., xxx-xx-xxxx.
Carroll, Arthur B., xxx-xx-xxxx.
Carter, Duffey A., xxx-xx-xxxx.
Carver, Allen W., Sr., xxx-xx-xxxx.
Cattron, Ward J., xxx-xx-xxxx.
Cavalli, George A., xxx-xx-xxxx.
Cavanaugh, Thomas J., xxx-xx-xxxx.
Caviness, Jamie N., xxx-xx-xxxx.
Chanatry, Fred I., xxx-xx-xxxx.
Chandler, Van E., xxx-xx-xxxx.
Chapman, Charles V., Jr., xxx-xx-xxxx.
Charpilloz, Kenneth L., xxx-xx-xxxx.
Chenot, Richard P., xxx-xx-xxxx.
Christianson, William C., xxx-xx-xxxx.
Chrzastek, Myron J., xxx-xx-xxxx.
Cimino, Anthony P., xxx-xx-xxxx.
Clark, Loren D., xxx-xx-xxxx.
Clark, Raymond S., xxx-xx-xxxx.
Clayville, Howard G., xxx-xx-xxxx.
Clemenson, Robert C., xxx-xx-xxxx.
Clift, William H., xxx-xx-xxxx.
Cloud, Lester A., Jr., xxx-xx-xxxx.
Coapman, A. L., xxx-xx-xxxx.
Cocherell, Robert, Jr., xxx-xx-xxxx.
Cochran, Robert W., xxx-xx-xxxx.
Coleman, Kermit, xxx-xx-xxxx.
Coleman, William R., xxx-xx-xxxx.
Coleman, William D., xxx-xx-xxxx.
Colip, Robert C., xxx-xx-xxxx.
Cone, Charles L., Jr., xxx-xx-xxxx.
Cone, Norris C., xxx-xx-xxxx.
Connolly, Thomas J., xxx-xx-xxxx.
Cook, Emmerson C., xxx-xx-xxxx.
Cook, Norman W., xxx-xx-xxxx.
Cook, William R., xxx-xx-xxxx.
Coon, William R., Jr., xxx-xx-xxxx.
Cooper, Robert W., xxx-xx-xxxx.
Cooper, William E., xxx-xx-xxxx.
Coover, Jean L., xxx-xx-xxxx.
Corey, Alexander E., xxx-xx-xxxx.
Coulahan, John E., xxx-xx-xxxx.
Coury, Robert A., xxx-xx-xxxx.
Coward, Roderick W., xxx-xx-xxxx.
Cox, William H., xxx-xx-xxxx.
Crawford, William A., Jr., xxx-xx-xxxx.
Creech, William T., xxx-xx-xxxx.
Creveling, Louis G., xxx-xx-xxxx.
Crisp, Harold N., Jr., xxx-xx-xxxx.
Crutchlow, Russell F., xxx-xx-xxxx.
Cund, Francis T., xxx-xx-xxxx.
Cuny, Roy A., xxx-xx-xxxx.
Currie, James B., xxx-xx-xxxx.
Curry, Clarence G., Jr., xxx-xx-xxxx.
Damen, Robert C., xxx-xx-xxxx.
Daniel, John I., III, xxx-xx-xxxx.
Davies, Bill M., xxx-xx-xxxx.
Davis, Carl F., xxx-xx-xxxx.
Davis, Robert M., xxx-xx-xxxx.
Davison, Clark E., xxx-xx-xxxx.
Depyssler, Steven L., xxx-xx-xxxx.
Desens, Sherwin G., xxx-xx-xxxx.
Dickson, Harry H., xxx-xx-xxxx.
Dill, Kenneth, xxx-xx-xxxx.
Dixon, Jack C., Jr., xxx-xx-xxxx.
Doolittle, John P., xxx-xx-xxxx.
Doria, Oswald, xxx-xx-xxxx.
Douglas, Tommy L., xxx-xx-xxxx.
Douglas, Wilson D., xxx-xx-xxxx.
Downs, Eldon W., xxx-xx-xxxx.
Drack, Warren E., xxx-xx-xxxx.
Drake, Flavious F., xxx-xx-xxxx.
Driscoll, James J., xxx-xx-xxxx.
Dubois, Joseph M., xxx-xx-xxxx.
Dunning, Leslie L., xxx-xx-xxxx.
Duys, Dirk, xxx-xx-xxxx.
Echabarne, Paul, xxx-xx-xxxx.
Echols, Barney F., Jr., xxx-xx-xxxx.
Economy, Peter, xxx-xx-xxxx.
Eddy, Egbert B., xxx-xx-xxxx.
Edwards, Harry M., xxx-xx-xxxx.
Egginton, Jack H., xxx-xx-xxxx.
Eggleston, Telford S., Jr., xxx-xx-xxxx.
Ehrhardt, Robert F., xxx-xx-xxxx.
Eisenhart, William E., xxx-xx-xxxx.
Eklund, Robert G., xxx-xx-xxxx.
Emmons, Richard A., xxx-xx-xxxx.
Erickson, Robert E., xxx-xx-xxxx.
Estes, Carl A., xxx-xx-xxxx.
Evans, Richard L., xxx-xx-xxxx.
Favorite, Walter B., xxx-xx-xxxx.
Fedele, Frank, xxx-xx-xxxx.
Ferryman, Neil R., xxx-xx-xxxx.
Field, Harry W., xxx-xx-xxxx.
Fifer, Reginald D., Jr., xxx-xx-xxxx.
Finch, J. P., xxx-xx-xxxx.
Fleckenstein, George J., xxx-xx-xxxx.
Fletcher, Westwood H., Jr., xxx-xx-xxxx.
Flowers, Idus R., xxx-xx-xxxx.
Flynn, Robert E., xxx-xx-xxxx.
Ford, John R., xxx-xx-xxxx.
Fordham, Joseph T., xxx-xx-xxxx.
Foster, Donald E., xxx-xx-xxxx.
Foster, Herbert R., xxx-xx-xxxx.
Fought, Oliver C., xxx-xx-xxxx.
Fowler, June B., xxx-xx-xxxx.
Frankie, Merton J., xxx-xx-xxxx.
Frey, Ivan R., xxx-xx-xxxx.
Fulton, Fay D., xxx-xx-xxxx.
Gabel, Wilfred V., xxx-xx-xxxx.
Gabriel, Joseph A., xxx-xx-xxxx.
Gaddis, Norman C., xxx-xx-xxxx.
Gagnon, Lawrence, xxx-xx-xxxx.
Gallagher, Gilbert G., xxx-xx-xxxx.
Gallagher, Walter J., xxx-xx-xxxx.
Galpin, Harry T., xxx-xx-xxxx.
Galyon, Hershel E., xxx-xx-xxxx.
Garrigus, Norman F., xxx-xx-xxxx.
Garvey, Joseph J., xxx-xx-xxxx.
Gavin, Herbert J., xxx-xx-xxxx.
Gayikian, Hyko, xxx-xx-xxxx.
Geller, Walter N., xxx-xx-xxxx.
George, Edsel L., xxx-xx-xxxx.
Georgi, William F., xxx-xx-xxxx.
Gervais, Frederick B., xxx-xx-xxxx.
Geurtz, James E., xxx-xx-xxxx.
Gibson, Charles V., xxx-xx-xxxx.
Gibson, Millard L., xxx-xx-xxxx.
Gilbert, Raymond H., Jr., xxx-xx-xxxx.
Gillespie, Clinton G., xxx-xx-xxxx.
Gillogly, Harold S., xxx-xx-xxxx.
Givens, Robert W., xxx-xx-xxxx.
Gobrecht, William W., xxx-xx-xxxx.
Goff, Wilbur, xxx-xx-xxxx.
Gomes, Louis A., xxx-xx-xxxx.
Goodlett, John R., xxx-xx-xxxx.
Gosdin, Malcolm E., xxx-xx-xxxx.
Grant, Harold E., xxx-xx-xxxx.
Gray, Prichard E., xxx-xx-xxxx.
Green, Paul L., xxx-xx-xxxx.
Grenci, Bruno J., xxx-xx-xxxx.
Gribling, Richard I., xxx-xx-xxxx.
Grindle, Frederick W., Jr., xxx-xx-xxxx.
Grossholz, Theodore G., xxx-xx-xxxx.
Grunzke, Marvin E., xxx-xx-xxxx.
Guarino, Lawrence N., xxx-xx-xxxx.
Gunnarson, Kenneth I., xxx-xx-xxxx.
Gutches, William H., xxx-xx-xxxx.
Hadley, Russell J., xxx-xx-xxxx.
Haggerty, Stanley K., xxx-xx-xxxx.
Hall, James K., xxx-xx-xxxx.
Hall, Robert S., xxx-xx-xxxx.
Halpenny, Robert P., xxx-xx-xxxx.
Hamilton, William C., Jr., xxx-xx-xxxx.
Hamlin, Ralph E., xxx-xx-xxxx.
Hammock, Frank M., xxx-xx-xxxx.
Hammond, Winton G., xxx-xx-xxxx.
Hand, Clarence B., xxx-xx-xxxx.
Hankins, William R., xxx-xx-xxxx.
Hansen, Paul K., xxx-xx-xxxx.
Hansen, Robin, xxx-xx-xxxx.
Harbst, Kenneth E., xxx-xx-xxxx.
Hare, Warren J., xxx-xx-xxxx.
Hargarten, Richard A., xxx-xx-xxxx.
Harpster, John S., xxx-xx-xxxx.
Haslanger, Jack C., xxx-xx-xxxx.
Haviland, George P., xxx-xx-xxxx.
Hawkins, Edward D., xxx-xx-xxxx.
Hayes, Homer E., xxx-xx-xxxx.
Hayes, William R., xxx-xx-xxxx.
Heasley, Franklin A., xxx-xx-xxxx.
Heaton, Robert R., xxx-xx-xxxx.
Heller, Adam S., xxx-xx-xxxx.
Heller, Kenneth E., xxx-xx-xxxx.
Hellwege, Richard I., xxx-xx-xxxx.
Henson, Archie L., xxx-xx-xxxx.
Herman, Robert L., xxx-xx-xxxx.
Hernandez, Edward, xxx-xx-xxxx.
Hess, Warren C., xxx-xx-xxxx.
Hewitt, Ray R., xxx-xx-xxxx.
Hichew, Alan L., xxx-xx-xxxx.
Hicks, Joseph W., Jr., xxx-xx-xxxx.
Higgins, William M., xxx-xx-xxxx.
Hileman, John T., xxx-xx-xxxx.
Hinck, Raymond W., xxx-xx-xxxx.
Hodge, Phillip E., xxx-xx-xxxx.
Hoffman, Charles E., xxx-xx-xxxx.
Hoffman, John N., Jr., xxx-xx-xxxx.
Hoh, John E., xxx-xx-xxxx.
Holcomb, Albert L., xxx-xx-xxxx.
Holladay, Jean D., xxx-xx-xxxx.
Holloway, Kenneth M., xxx-xx-xxxx.
Holmes, Lester E., xxx-xx-xxxx.
Holt, Emmett L., xxx-xx-xxxx.
Horn, Robert P., xxx-xx-xxxx.
Horne, Wickliff H., xxx-xx-xxxx.
Howarth, Albert R., xxx-xx-xxxx.
Howell, Eugene S., xxx-xx-xxxx.
Hoyt, Ralph A., xxx-xx-xxxx.
Hubbard, Robert S., xxx-xx-xxxx.
Hubka, Rudolph J., xxx-xx-xxxx.
Hughes, Arthur L., xxx-xx-xxxx.
Hughes, Harson B., xxx-xx-xxxx.
Hughes, Jack L., xxx-xx-xxxx.
Humkey, Marion F., xxx-xx-xxxx.
Hunt, Senour, xxx-xx-xxxx.
Hunter, Charles M., Jr., xxx-xx-xxxx.
Hupp, Robert D., xxx-xx-xxxx.
Hutchins, Lavern C., xxx-xx-xxxx.
Hyatt, Bland B., Jr., xxx-xx-xxxx.
Hyde, James R., xxx-xx-xxxx.
Hyland, Arthur W., xxx-xx-xxxx.
Israel, Isaac S., xxx-xx-xxxx.
Jacobs, Jesse P., Jr., xxx-xx-xxxx.
Jacobson, Bertram, xxx-xx-xxxx.
January, Jack, Jr., xxx-xx-xxxx.
Jeane, Grover S., xxx-xx-xxxx.
Johnson, Charles W., xxx-xx-xxxx.
Johnson, Kenneth V., xxx-xx-xxxx.
Johnson, Ralph H., xxx-xx-xxxx.
Jones, Charles D., Jr., xxx-xx-xxxx.
Jones, Edward F., Jr., xxx-xx-xxxx.
Jones, Henry A., xxx-xx-xxxx.
Jones, Kenneth T., xxx-xx-xxxx.
Jones, Paul E., xxx-xx-xxxx.
Jowdy, Frank J., xxx-xx-xxxx.
Kapfhamer, Robert W., xxx-xx-xxxx.
Kasselman, Donald F., xxx-xx-xxxx.
Keeler, John W., xxx-xx-xxxx.
Keller, Chester N., xxx-xx-xxxx.
Kelly, Eugene E., xxx-xx-xxxx.
Kelly, John K., Jr., xxx-xx-xxxx.
Kemp, Eugene A., xxx-xx-xxxx.
Kenney, Paul E., xxx-xx-xxxx.
Key, Sydney E., xxx-xx-xxxx.

Kidd, Elbert L., [redacted]
Kiely, Joseph A., Jr., [redacted]
Kilpatrick, Leweir L., [redacted]
Kimerer, Perry E., [redacted]
King, Raymond J., Jr., [redacted]
Kinney, Charles W., [redacted]
Kinney, Oliver C., [redacted]
Kipfer, Donald C., [redacted]
Kirkendall, Elmer L., [redacted]
Kisselburgh, Alexander J., Jr., [redacted]
Klinikowski, Walter P., [redacted]
Klopper, Frederick H., [redacted]
Knapp, William A., [redacted]
Knight, John J. [redacted]
Knoles, Thomas M., III, [redacted]
Knutty, Harold P. [redacted]
Koltz, Roger H., [redacted]
Kosa, Milton E., [redacted]
Kozelka, Paul, [redacted]
Krannichfeld, James H. [redacted]
Kress, Lester F., [redacted]
Krout, Jack L., [redacted]
Kummel, Vernon M., [redacted]
Lake, Willis M., [redacted]
Lamar, John F., [redacted]
Lamb, Claude D., [redacted]
Lammert, Eric B., [redacted]
Lare, John, [redacted]
Larner, Edward L., [redacted]
Leesburg, William W., [redacted]
Lentine, Joseph W., [redacted]
Leondard, Edwin P., [redacted]
Lerner, Robert J., [redacted]
Lerohl, John K., [redacted]
Leslie, Ralph I., [redacted]
Lewis, Myron P., Jr., [redacted]
Leyser, Harry C., III, [redacted]
Ligon, Delbert B., [redacted]
Livingston, Ira L., [redacted]
Longhill, John D., [redacted]
Looney, Forrest K., [redacted]
Lorenz, Howard F., [redacted]
Lorenzo, Donald W., [redacted]
Loret, Benjamin J. [redacted]
Lowery, Jack M., [redacted]
Lucas, Robert E., [redacted]
Lund, Ralph G. [redacted]
Luttrell, Donald A. [redacted]
Lynch, William H., [redacted]
Malan, William B., [redacted]
Mansell, Robert A., Jr., [redacted]
Marin, Laddie, [redacted]
Martin, Claude L., [redacted]
Martin, James P., [redacted]
Martin, Reese S., [redacted]
Mashburn, Mayo L., [redacted]
Mason, William H., [redacted]
Massie, Jack K., [redacted]
Mathews, Thomas J., [redacted]
Mathis, Robert C., [redacted]
Maurer, Harold L., [redacted]
Maxfield, Arthur, [redacted]
McAllister, Floyd M., [redacted]
McCarthy, William F., [redacted]
McElroy, Eugene J., [redacted]
McGovern, Vincent H., [redacted]
McGraw, Clinton C., [redacted]
McGuire, Charles S., [redacted]
McGuire, James, [redacted]
McInerney, Francis W., Jr. [redacted]
McKinney, Ewing J. W., [redacted]
McKissack, Ray F., [redacted]
McKnight, Fred J., [redacted]
McKusker, Kent M., [redacted]
McPhie, Joseph M., [redacted]
Meikle, William A., [redacted]
Meleky, John, Jr., [redacted]
Merrill, Orrin S., [redacted]
Michela, Donald A., [redacted]
Miner, Richard L., [redacted]
Minter, Charles F., Sr., [redacted]
Moffatt, John S., [redacted]
Moore, Jackie N., [redacted]
Moore, John H., Jr., [redacted]
Moore, Otis C., [redacted]
Moorman, Alvin R., [redacted]
Morello, John M., [redacted]
Morgan, James D., [redacted]
Morine, Herbert H., [redacted]
Morris, Thomas W., [redacted]
Moy, Hugh A., [redacted]
Muehlenweg, James A., [redacted]
Mueller, Delbert L., [redacted]
Mueller, Frank J. [redacted]
Mulanax, Arthur G. [redacted]
Mumma, Morton C., III, [redacted]
Murphy, John J. [redacted]
Murphy, John J. [redacted]
Murra, Richard J., [redacted]
Murray, Raymond K., [redacted]
Myers, James B., [redacted]
Myers, William D., [redacted]
Nagel, Mark L., [redacted]
Nash, Edward J. [redacted]
Neundorf, Charles A. [redacted]
Newfield, Lou K., Jr., [redacted]
Newkirk, Mahlon M., [redacted]
Nichols, Jimmy L., [redacted]
Nichols, Merle B., [redacted]
Nicholson, Gilbert O., [redacted]
Nixon, Robert O., [redacted]
Noah, Richard B., [redacted]
Nordan, Thomas B., [redacted]
Normand, George H., [redacted]
Novak, Joseph A., [redacted]
Nunnally, Frank W. [redacted]
O'Brien, Joseph T. [redacted]
Ogan, Russell G., [redacted]
O'Hagan, Richard N., [redacted]
Oliver, Hugh R., [redacted]
O'Neal, Joseph T., [redacted]
Ong, Augie T., [redacted]
Oram, Norman E., [redacted]
Orthman, Harry L. [redacted]
Ostrowski, George S., [redacted]
Ottomann, Raymond H. [redacted]
Owen, William V., [redacted]
Oxley, Dan D., [redacted]
Palmore, Wilson V., [redacted]
Pappas, George A., Jr., [redacted]
Park, Paris D., Jr., [redacted]
Parker, Levin W., Jr., [redacted]
Parker, Michael N., [redacted]
Pater, Robert E. [redacted]
Patterson, Charles L. [redacted]
Patterson, George A. [redacted]
Payne, Robert R. [redacted]
Peck, J. L., [redacted]
Pederson, Herbert A., Jr., [redacted]
Peede, Floyd A., Jr., [redacted]
Pelszynski, John J. [redacted]
Penn, James W. [redacted]
Pensyl, Jon P., [redacted]
Perkins, Roland L. [redacted]
Perkinson, Julian E. [redacted]
Perrone, Michael, [redacted]
Perry, Robert H., [redacted]
Peters, William R., [redacted]
Peterson, Richard B. [redacted]
Petty, Reginald, [redacted]
Phillips, Daryl W., [redacted]
Phillips, Thomas A., Jr. [redacted]
Pickard, Walter M., [redacted]
Pinjuv, George I., [redacted]
Pinyerd, George C., [redacted]
Plant, Kenneth A. [redacted]
Pogreba, Dean A., [redacted]
Poltrock, William K., [redacted]
Pomeroy, Robert M., [redacted]
Pompan, Jacob B., [redacted]
Posner, Jack I., [redacted]
Poutre, Rex L., [redacted]
Powell, Elmer M., [redacted]
Powell, Wade N., [redacted]
Powers, Robert J., [redacted]
Prater, Otis A., [redacted]
Preston, Rollin K., [redacted]
Priest, James M., [redacted]
Prince, William G., [redacted]
Puckett, Donald L., [redacted]
Pugmire, Glen L., [redacted]
Quimby, Richard M., Jr. [redacted]
Rader, Norvin E., [redacted]
Ragolia, Joseph H., [redacted]
Rambo, Joseph S., Jr., [redacted]
Rank, Raymond, Jr., [redacted]
Reed, William, [redacted]
Rees, John C., [redacted]
Reid, Salvie L., [redacted]
Reilly, Colin C., [redacted]
Reynolds, Harold D., [redacted]
Riccioni, Everest E., [redacted]
Richardson, Lewis H., [redacted]
Ricks, Keith D., [redacted]
Riddle, Andrew M., [redacted]
Robinson, Robert M., [redacted]
Rockafellow, John W., Jr., [redacted]
Rollag, Stanley A., [redacted]
Romano, Salvatore J., [redacted]
Rose, Joseph C., Jr., [redacted]
Rosencrans, Evan W., [redacted]
Rowden, Robert W., [redacted]
Rowland, Marvin O., [redacted]
Roy, John D., Jr., [redacted]
Russell, John L., [redacted]
Rutter, George W., [redacted]
Ryan, Donald F., [redacted]
Sabourin, Roland E., [redacted]
Sadorf, Richard J., [redacted]
Sameshima, Ko S., [redacted]
Sammons, Willis A., [redacted]
Sample, Reuben A., [redacted]
Sams, William W., [redacted]
Sandman, James G. [redacted]
Sands, William H., [redacted]
Sanks, Julius F., [redacted]
Sardonia, Joseph D. [redacted]
Saurer, Richard H., [redacted]
Savage, Walter G., [redacted]
Saylor, George H., [redacted]
Scheller, Donald R., [redacted]
Schiele, Joe S., [redacted]
Schlenker, Joseph R. [redacted]
Schmal, Gordon W., [redacted]
Schneider, Franklin E. [redacted]
Schoffler, Clifford, [redacted]
Schoenberg, Irving B., [redacted]
Schrecengost, Ray W. Jr., [redacted]
Schwaab, Joseph C., Jr., [redacted]
Schwailler, Charles D., [redacted]
Schwartz, Joel, [redacted]
Schwing, Mack E., Jr., [redacted]
Scott, Edward L., [redacted]
Segers, Robert B., [redacted]
Segraves, Berry A., Jr., [redacted]
Senft, Oscar L., [redacted]
Sharkey, Harry T., Jr., [redacted]
Shaw, Robert C., [redacted]
Shelton, William J. [redacted]
Sheppard, Harry A., [redacted]
Shillings, Clarance E., [redacted]
Shinnick, Lawrence W., Jr., [redacted]
Shipp, Warren C., [redacted]
Shiver, Morris E., [redacted]
Shultz, William M., [redacted]
Sibley, Jimmie L., [redacted]
Simon, Bernard R., [redacted]
Simpson, Jean E., [redacted]
Simpson, Lawrence R., [redacted]
Sinclair, William D., [redacted]
Sizemore, Robert E., [redacted]
Skaggs, Alvin D., [redacted]
Skelton, Eddie L., [redacted]
Skinner, Richard I., [redacted]
Smith, Bernard C., [redacted]
Smith, Charles M., [redacted]
Smith, Delbert E., [redacted]
Smith, Fred H., Jr., [redacted]
Smith, James E., [redacted]
Smith, James F. [redacted]
Smith, John P. [redacted]
Smith, Kenneth S. [redacted]
Smith, Myron G., [redacted]
Smith, Robert L., [redacted]
Smith, William Y., [redacted]
Snowden, Hiram M., [redacted]
Sorensen, Glenn K., [redacted]
Sorge, Marlowe B., [redacted]
Sorlie, Donald M., [redacted]
Sparks, Clinton W., [redacted]
Speier, Anthony A., Jr., [redacted]
Spencer, Robert H., [redacted]
Sprinkel, Roscoe E., [redacted]
Stalk, George, [redacted]
Stanley, Paul P., [redacted]
Starr, Benjamin F., Jr. [redacted]
Staszak, Leonard A., [redacted]
Staver, Arie, [redacted]
Steensland, Albert E., [redacted]
Stelling, Henry B., Jr., [redacted]
Stephenson, Ralph, [redacted]

Stewart, James S., [redacted].
Stewart, Peter J., [redacted].
Stinchcomb, George J., [redacted].
St John, Herman, [redacted].
Stockman, Hervey S., [redacted].
Sugerman, Leonard R., [redacted].
Sullivan, James F., [redacted].
Summerlin, Clarence G., [redacted].
Swanagon, Harold L., [redacted].
Swenholt, Donald B., [redacted].
Szczutkowski, Bernard J., Jr., [redacted].
Tashjian, Michael J., [redacted].
Taylor, Clyde M., [redacted].
Taylor, James Jr., [redacted].
Taylor, John A., [redacted].
Thompson, Richard I., [redacted].
Thornton, James H., [redacted].
Tiemann, Melvin E., [redacted].
Tighe, Eugene F., Jr., [redacted].
Toomay, John C., [redacted].
Traendly, Eugegne W., [redacted].
Tribolet, Rubert W., [redacted].
Turnipseed, Charles E., [redacted].
Twitchell, Alvin, [redacted].
Umble, Richard L., [redacted].
Urey, Harry B., Jr., [redacted].
Vanarsdall, Robert A., [redacted].
Vanfleet, Amos E., [redacted].
Vanwormer, Charles E., Jr., [redacted].
Vautherot, Harry R., [redacted].
Vogel, Richard A., [redacted].
Voss, Robert H., [redacted].
Wallace, Harold W., Jr., [redacted].
Wallace, John S., [redacted].
Wallick, Harry W., [redacted].
Watkins, Eugene C., [redacted].
Watry, Charles A., [redacted].
Watson, Allan R., [redacted].
Weeks, Donald C., [redacted].
Welch, James P., [redacted].
Wenstrom, Leroy A., [redacted].
Wentz, Willard E., [redacted].
West, Leroy, [redacted].
Whatley, Douglas E., [redacted].
White, Douglas N., [redacted].
Willard, Robert H., [redacted].
Williams, Harry J., [redacted].
Williams, Julian T., [redacted].
Willis, Richard G., [redacted].
Wilson, Dugald E., Jr., [redacted].
Wilson, Robert M., [redacted].
Wilson, William C., Jr., [redacted].
Woods, Charles D., [redacted].
Wright, Edward C., [redacted].
Wurster, Charles A., [redacted].
Wytock, Harry L., [redacted].
Yinger, William E., [redacted].
York, John K., [redacted].
Young, Bruce O., [redacted].
Young, Jack C., [redacted].
Young, Jack D., [redacted].
Young, Stewart, [redacted].
Zapinski, Leonard E., [redacted].
Zeck, Francis H. C., [redacted].
Zoerb, Daniel J., [redacted].
Zollinger, Joe E., [redacted].

CHAPLAINS

Campbell, Thomas M., Jr., [redacted].
Schroeder, Victor H., [redacted].
Schroeder, Victor H., [redacted].
Schuck, David B., [redacted].
Scott, Simon H., Jr., [redacted].
Thomas, John P., [redacted].
Trapp, Richard D., [redacted].
Youngblood, Angus O., [redacted].

DENTAL CORPS

Collins, James F., [redacted].
Debacher, Sherman M., [redacted].
Dehan, Edward T., [redacted].
Leonardi, Richard L., [redacted].
Stanton, Daniel B., [redacted].
Tanquist, Robert A., [redacted].

MEDICAL CORPS

Booth, Latimer H., [redacted].
Borman, James G., [redacted].
Brewer, Samuel J., [redacted].
Collins, Frederick G., [redacted].
Connolly, John M., [redacted].
Cook, Ferris E., Jr., [redacted].
Gant, Billye G., [redacted].
Hartman, Harold F., [redacted].
Johnson, Howard H., Jr., [redacted].
Odland, Lawrence T., [redacted].
Ord, John W., [redacted].
Pierard, Albert A., [redacted].
Scripter, Lyman J., [redacted].
Smith, George B., Jr., [redacted].
Steck, Willard D., [redacted].
Thiele, Arthur J., Jr., [redacted].
Unger, Howard R., [redacted].
Wrede, Henry F., Jr., [redacted].

NURSE CORPS

Collier, M. Irene G., [redacted].
Tonne, Mary A., [redacted].

MEDICAL SERVICE CORPS

Haas, Raymond O., [redacted].
Herberholt, Vincent W., [redacted].
Horne, James E., [redacted].
Kopas, Joseph F., [redacted].
Loebig, Gordon F., [redacted].
Metcalf, Robert D., [redacted].
Richardson, Floyd G., [redacted].
Whitt, Orbin R., [redacted].

VETERINARY CORPS

Hayman, William P., Jr., [redacted].
Nold, Max M., [redacted].
Seineur, Leslie J., [redacted].

BIOMEDICAL SCIENCES CORPS

Bitter, Harold L., [redacted].
Kaplan, William, [redacted].

LINE

Second lieutenant to first lieutenant

Abair, Michael A., [redacted].
Abernathy, Bobby J., [redacted].
Accurso, Steven A., [redacted].
Ackerman, Robert F., [redacted].
Adams, Charles E., [redacted].
Adamson, Anthony L., [redacted].
Aikman, Rex, Jr., [redacted].
Alderman, Gary L., [redacted].
Alpert, Thomas J., [redacted].
Alton, Jack W., Jr., [redacted].
Amlicke, Bruce B., [redacted].
Anderson, David B., [redacted].
Anderson David M., [redacted].
Anderson, Jeffry W., [redacted].
Anderson, Jon A., [redacted].
Anderson, Russell C., [redacted].
Andreoli, Leopold J., [redacted].
Andrews, Duane P., [redacted].
Apgar, Richard, [redacted].
Arnold, William R., Jr., [redacted].
Ashbaugh, Dennis M., [redacted].
Ashby, James C., [redacted].
Ashford, Harvey M. H., [redacted].
Askew, John E., [redacted].
Asmus, Hans J., [redacted].
Atherton, Michael E., [redacted].
Bachelor, Robert R., [redacted].
Badgley, James L., [redacted].
Baenziger, Clayton M., [redacted].
Bafus, James R., [redacted].
Bagnetto, Thomas A., [redacted].
Baker, Fred L., [redacted].
Baker, Robert W., [redacted].
Baki, Richard K., [redacted].
Ball, Michael J., [redacted].
Ballard, Leroy D., [redacted].
Ballew, Joseph E., [redacted].
Bambury, John J., [redacted].
Banks, Calvin, Jr., [redacted].
Barker, Duane A., [redacted].
Barnes, George A., [redacted].
Barranco, John R., Jr., [redacted].
Barrett, Andrew J., II, [redacted].
Barrett, Robert M., Jr., [redacted].
Barrick, Samuel L., Jr., [redacted].
Barry, John M., [redacted].
Barry, Steven T., [redacted].
Barton, John V., [redacted].
Barton, Leroy H., III, [redacted].
Bates, John F., [redacted].
Baugh, John R., [redacted].
Bayley, John S., [redacted].
Bearley, John W., [redacted].
Beinecke, Terry A., [redacted].
Bendlin, Gary R., [redacted].
Benjamin, Harry E., [redacted].
Bennett, William R., [redacted].
Benson, George G., [redacted].
Benz, John C., [redacted].
Bergs, John, [redacted].
Bertram, Heinz D., [redacted].
Bertrand, Randall L., [redacted].
Beshore, Eric A., [redacted].
Besold, Barry B., [redacted].
Beiz, William D., [redacted].
Bevan, Steven B., [redacted].
Bick, Frederic A., [redacted].
Bishop, Stanley T., [redacted].
Blackman, William J., [redacted].
Blair, David G., [redacted].
Blais, Gerard C., Jr., [redacted].
Blakely, Milo R. B., [redacted].
Blakely, Thomas J., [redacted].
Blanchard, James R., [redacted].
Blanco, James P., [redacted].
Blank, Jere F., [redacted].
Blauch, James L., [redacted].
Blaxton, Eldon C., [redacted].
Bliquez, Terry O., [redacted].
Block, John R., [redacted].
Boehm, Stanley J., [redacted].
Boesz, Daniel L., [redacted].
Bogard, Earl C., Jr., [redacted].
Bohlmann, Richard G., [redacted].
Bohnsack, Richard D., [redacted].
Bomberger, John F., [redacted].
Bortner, Jonathan J., [redacted].
Bound, Ronald J., [redacted].
Bowman, Gerald L., [redacted].
Braa, Arthur J., [redacted].
Brady, James F., [redacted].
Branscome, Claude, E., [redacted].
Breen, Timothy J., [redacted].
Brestle, Daniel J., Jr., [redacted].
Bridewell, Alexander C., III, [redacted].
Brigman, Marvin J., Jr., [redacted].
Brinkley, Michael E., [redacted].
Brittelli, Joseph L., [redacted].
Brocato, Thomas A., [redacted].
Brody, Robert D., [redacted].
Brotzman, Robert L., [redacted].
Brown, Harold R., Jr., [redacted].
Brown, James F., [redacted].
Brown, Ormin E., [redacted].
Brown, Tommy G., [redacted].
Brown, William L., [redacted].
Browning, Jeffrey F., [redacted].
Browning, Robert W., Jr., [redacted].
Bronsting, James A., [redacted].
Buchanan, James D., [redacted].
Buchholz, David E., [redacted].
Buechler, Ralph L., [redacted].
Bumbulis, Gonars, [redacted].
Burke, William J., Jr., [redacted].
Burkel, Louis A., III, [redacted].
Burnett, Joe D., [redacted].
Butchart, James F., [redacted].
Butterbrodt, Vaughn L., [redacted].
Button, Gary D., [redacted].
Byers, Joseph M., [redacted].
Byrd, Emerson E., [redacted].
Byrne, Thomas J., [redacted].
Byrns, William G., [redacted].
Caldwell, Douglas E., [redacted].
Calvert, William H., [redacted].
Cambridge, David J., [redacted].
Cardiel, Richard B., [redacted].
Cardona, Ramon A., [redacted].
Carman, Philip L., [redacted].
Carmichael, Douglas D., [redacted].
Carr, Randell E., Jr., [redacted].
Carter, Lloyd L., [redacted].
Cason, Benjamin B., [redacted].
Catherwood, Dwight W., [redacted].
Cathey, Thomas N., [redacted].
Cattolica, Vincent J., [redacted].
Cawood, Harry E., [redacted].
Cecil, Richard L., [redacted].
Chandler, Edward L., [redacted].
Chary, Henry A., [redacted].
Cheatwood, B. W., [redacted].
Chenette, Rudolph L., [redacted].
Cherry, Robert E., [redacted].
Cheshire, James C., III, [redacted].
Christensen, Peter K., [redacted].

Clark, Freddie W., [redacted].
Clee, John C., III, [redacted].
Clements, Morris E., Jr., [redacted].
Clevesy, John W., [redacted].
Clinkscales, Marshall S., Jr., [redacted].
Clutter, Bertley A., III, [redacted].
Coakley, Donald J., [redacted].
Cole, Edward D., [redacted].
Cole, Julian W., [redacted].
Coleman, Maurice A., Jr., [redacted].
Collins, Fredric R., [redacted].
Colpitts, Charles O., [redacted].
Compton, Munson G., Jr., [redacted].
Comstock, Robert W., Jr., [redacted].
Condit, Thomas H., [redacted].
Cone, Milton L., [redacted].
Conlan, George I., [redacted].
Contreras, Raul [redacted].
Coppock, William J., [redacted].
Corban, William J., [redacted].
Cottam, Eleanor I., [redacted].
Coulter, Gary R., [redacted].
Cox, Bruce N., [redacted].
Cox, James B., [redacted].
Coyle, Jeffrey W., [redacted].
Crane, Charles L., [redacted].
Crane, Gregory L., [redacted].
Crawley, Glenn S., [redacted].
Croach, Robert E., [redacted].
Cross, Roderick S., [redacted].
Crumm, William J., II, [redacted].
Curran, Craig V., [redacted].
Curtis, Edward E., [redacted].
Cuthrell, Luther G. [redacted].
Dahm, Joseph M., [redacted].
Dahns, Arthur R., III, [redacted].
Daluz, Antonio V., Jr., [redacted].
Damron, Richard L. [redacted].
Daniel, William L., II, [redacted].
Dare, James M., [redacted].
Davern, James J. [redacted].
Davidson, Dale A., [redacted].
Davis, Chris S., [redacted].
Davis, Marvin L., [redacted].
Davis, Michael H., [redacted].
Davis, Ricky W., [redacted].
Davis, Simeon B., III, [redacted].
Dawsey, Donald J., [redacted].
Dayton, Frank H., Jr. [redacted].
Deane, Robert A., [redacted].
Deascenti, Anthony F. [redacted].
Deaton, Roland E., Jr., [redacted].
Deen, William K., [redacted].
Degruccio, Stanley G., [redacted].
Dejong, Lloyd E., [redacted].
Dempsey, Stephen A., [redacted].
Devers, Waynard C., [redacted].
Dicker, James T., [redacted].
Dickson, James E., [redacted].
Dietrich, Richard T. [redacted].
Diggle, David W., [redacted].
Digirolamo, Samuel, [redacted].
Doe, James H., [redacted].
Doherty, James E., [redacted].
Domina, John [redacted].
Dorn, Weems C., Jr., [redacted].
Dotson, Gary K., [redacted].
Downing, William E., [redacted].
Downs, Robert G., [redacted].
Draves, Richard P., [redacted].
Drewry, David R., [redacted].
Driscoll, Jack A., [redacted].
Dudley, Edward E., II, [redacted].
Duke, Marshall W., [redacted].
Dulaney, Arthur A., III [redacted].
Dunaway, Joseph H., III [redacted].
Dunn, Leif R., [redacted].
Duwel, Richard B., [redacted].
Dyer, William B., [redacted].
Eastman, George M., [redacted].
Eaton, John P., [redacted].
Ebner, Neil B., [redacted].
Eddins, William N., III, [redacted].
Edgar, John D., [redacted].
Eichinger, Matthew S., [redacted].
Emery, Patrick I., [redacted].
Engel, Richard L. [redacted].
Engels, John P., [redacted].
Ennor, Timothy M., [redacted].
Epps, Thomas E., Jr. [redacted].

Eramian, Michael T., [redacted].
Ercoline, William R., [redacted].
Erickson, Kermit A., [redacted].
Ericson, James E., [redacted].
Ernst, Billy G., [redacted].
Errico, Michael L., [redacted].
Evans, Walter S., [redacted].
Ewan, Sherry A., [redacted].
Faber, William W., [redacted].
Fake, James P., [redacted].
Fanelli, Edward V., Jr., [redacted].
Farmer, William D., [redacted].
Farrell, Timothy J. [redacted].
Fay, James W., [redacted].
Felton, Silas, [redacted].
Felts, Patrick G. [redacted].
Ferentchak, Gary L. [redacted].
Ferguson, Charles M., [redacted].
Ferris, Bruce D., [redacted].
Fey, Steven T., [redacted].
Field, Robin A., [redacted].
Fischer, Lawrence J. [redacted].
Fisher, Paul F., [redacted].
Fisher, William R., [redacted].
Fitch, Jeff I., [redacted].
Flansbaum, David A., [redacted].
Fluharty, Robert E. [redacted].
Flynn, James E. [redacted].
Foley, John L., [redacted].
Folkeson, John R., Jr. [redacted].
Folkestad, Alan J., [redacted].
Ford, Thomas G., [redacted].
Forsyth, John F., IV [redacted].
Foster, Kenneth C. [redacted].
Fought, Stephen O., [redacted].
Fowle, Bernard H., IV, [redacted].
Fowler, Robert F. [redacted].
Fox, Thomas A., Jr., [redacted].
Fraley, Theodore R. E., [redacted].
Frank, James T., [redacted].
Fraysher, Dorina E. [redacted].
Freeman, Robert O., [redacted].
Fresh, Herman E., Jr. [redacted].
Friedel, John M., [redacted].
Friedlander, Leonard [redacted].
Friedman, Steven M., [redacted].
Frisbie, Noel F., [redacted].
Fullenkamp, Robert G. [redacted].
Fultz, Charles G., Jr. [redacted].
Fuquay, Daniel M., [redacted].
Furches, Henry C., Jr. [redacted].
Furtwangler, Stephen E. [redacted].
Gaboury, Richard E., [redacted].
Gallant, Paul B., Jr. [redacted].
Gamble, Patrick K. [redacted].
Garcia, Alfred R., Jr. [redacted].
Gardner, Elmo H., Jr., [redacted].
Gardner, Ronald K. [redacted].
Garing, Roger L., [redacted].
Garrett, Douglas B., Jr. [redacted].
Gehbauer, Robert M., [redacted].
Giammo, Salvatore J. [redacted].
Giebink, Norman G. [redacted].
Gill, Glenn E., III, [redacted].
Glurioso, Richard, [redacted].
Godman, Thomas W. [redacted].
Good, Jackie R., [redacted].
Goodman, Jack L., Jr. [redacted].
Gore, Robert L., [redacted].
Gossner, John H. [redacted].
Gould, Michael D., [redacted].
Grafe, Robert C., [redacted].
Graham, James, III [redacted].
Grant, Leonard T., Jr. [redacted].
Graser, John C., [redacted].
Gray, Richard F., [redacted].
Green, Douglas L., [redacted].
Green, Gary A., [redacted].
Greene, Arthur T., Jr., [redacted].
Greene, Charles D., [redacted].
Gresham, James L. [redacted].
Gribble, James T., III, [redacted].
Griffis, Stanley D., [redacted].
Griffith, Frederick G. [redacted].
Griffith, Ronald T. [redacted].
Grimm, Andrew D., [redacted].
Gritzmaker, Duane W. [redacted].
Groggel, Dwight K., Jr. [redacted].
Grubb, John G., Jr. [redacted].
Gruver, Russell M., Jr. [redacted].
Guadiz, Robert R., [redacted].
Guesno, William J. [redacted].

Guinn, Jon A., [redacted].
Guise, Richard S., [redacted].
Gunter, Charles A., [redacted].
Gustke, Leroy K., Jr., [redacted].
Gwaltney, William D., [redacted].
Haas, Milton F., [redacted].
Haden, Robert H., [redacted].
Hagler, Gerald H., [redacted].
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Wittel, Edward F., Jr., xxx-xx-xxxx.
Wolfe, James L., xxx-xx-xxxx.
Woodard, Wendell O., xxx-xx-xxxx.
Woodhouse, Dennis M., xxx-xx-xxxx.
Woodside, Bertram J., xxx-xx-xxxx.
Worden, Douglas L., xxx-xx-xxxx.
Woronicz, Robert C., xxx-xx-xxxx.
Worrall, Gary R., xxx-xx-xxxx.
Wright, David L., xxx-xx-xxxx.
Yorman, James M., xxx-xx-xxxx.
Yoshida, Rolan S., xxx-xx-xxxx.
Young, Gerald T., xxx-xx-xxxx.
Zak, Francis X, xxx-xx-xxxx.
Zebelean, John P. III, xxx-xx-xxxx.
Zehr, Frederick J., Jr., xxx-xx-xxxx.
Zorn, Thomas O., Jr., xxx-xx-xxxx.
Harrison, Warren T., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

Cunningham, Terence T. III, xxx-xx-xxxx.
Everett, Warren D., xxx-xx-xxxx.
Lott, Larry K., xxx-xx-xxxx.
Maso, Eugene C., xxx-xx-xxxx.
Pettigrew, Alan G., Jr., xxx-xx-xxxx.
Starr, Gerald A., xxx-xx-xxxx.

BIOMEDICAL SCIENCES CORPS

Cairney, William J., [redacted].
Collins, Richard, [redacted].
Moran, Jeanne R., [redacted].
Swede, Benjamin M., [redacted].

Carol LeVann Holley, [redacted] for reappointment to the active list of the Regular Air Force, in the grade of major, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be first lieutenant

Blackwell, Russell R., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Bainbridge, Clarence A., III, [redacted].
Brown, Charles T., Jr., [redacted].
Brown, Milton C., II, [redacted].
Cummins, Clark H., [redacted].
Hammond, William H., [redacted].
Holt, Gerald A., [redacted].
Keoleian, Diran A., [redacted].
Mazyck, William L., [redacted].
Miller, Billy G., [redacted].
Tromly, Robert R., [redacted].

To be captain

Alexander, Alfred A., [redacted].
Astarita, Robert W., [redacted].
Autry, Jerry D., [redacted].
Ayerdi, Evalt, [redacted].
Baldwin, Charles S., [redacted].
Beman, Charles E., [redacted].
Berbiglia, James C., [redacted].
Bogue, John P., Sr., [redacted].
Braeuer, Norbert R., [redacted].
Carey, John C., [redacted].
Carr, Edward L., [redacted].
Carter, John L., Jr., [redacted].
Caruso, Louis H., [redacted].
Childree, William C., [redacted].
Choate, Jeffery J., [redacted].
Craft, Jimmie L., [redacted].
Davis, Stephen S., [redacted].
Dolloff, Theodore J., [redacted].
Ennis, Robert J., [redacted].
Fersch, Stephen J., [redacted].
Flores, George H. P., [redacted].
Foley, James G., Jr., [redacted].
Forsberg, Paul O., [redacted].
Fraker, Thomas R., [redacted].
Ganino, Joseph, [redacted].
Gladfelter, Terry T., [redacted].
Goette, Detlef K., [redacted].
Groome, George C., [redacted].
Gunhus, Gaylord T., [redacted].
Hawley, Eric B., [redacted].
Hill, Thomas M., [redacted].
Irwin, Glen D., [redacted].
Jasper, Willard O., [redacted].
Johnson, James H., [redacted].
Jones, John P., [redacted].
Juliano, Anthony J., [redacted].
Kockx, Duane F., [redacted].
Kusumoto, Howard H., [redacted].
Laduzenski, Eugene A., [redacted].
Laizik, Peter R., [redacted].
Magee, Ivan E., Jr., [redacted].
Martin, Thomas L., [redacted].
McCarthy, Paul J., [redacted].
McElroy, James W., [redacted].
Mekkelson, Peter W., [redacted].
Miles, Ralph A., [redacted].
Millican, Charles W., [redacted].
Mills, Ivan R., [redacted].
Mitchell, Sim C., [redacted].
Mock, Wayne E., [redacted].
Norton, Jay F., [redacted].
O'Brien, John D., [redacted].
O'Loughlin, Stanley J., [redacted].
Osborn, Roger J., [redacted].
Parker, Glynn E., [redacted].
Provant, Delbert R., Jr., [redacted].
Ragland, Richard C., [redacted].
Redd, Fred E., [redacted].
Resch, Robert E., [redacted].
Richards, John W., [redacted].
Robinson, Phillip H., [redacted].
Saxoxn, Rufus C., [redacted].
Schackel, William A., [redacted].
Shields, Harold J., Jr., [redacted].
Sloan, Murrell L., [redacted].
Smindak, Jean, [redacted].
Smith, William H., [redacted].
Solander, Gary G., [redacted].
Taylor, John W., [redacted].
Van Wagoner, Frank A., [redacted].
Wall, Richard W., [redacted].
Whitlaw, Joseph T., Jr., [redacted].

To be first lieutenant

Adams, John B., [redacted].
Addcox, Thomas W., [redacted].
Alexander, Gus N., Jr., [redacted].
Allen, Douglas L., Jr., [redacted].
Allen, Jon J., [redacted].
Allen, Richard D., [redacted].
Anthony, Edward H., [redacted].
Asbury, Glendin D., [redacted].
Averbuch, Michael E., [redacted].
Bailey, Ray H., [redacted].
Baillon, Larry P., [redacted].
Bare, Jimmy C., [redacted].
Bartnik, Richard J., [redacted].
Baxley, Homer W., [redacted].
Beahm, Michael R., [redacted].
Becker, Larry E., [redacted].
Bettencourt, George G., [redacted].
Bhalla, Arun K., [redacted].
Blanchard, Robert C., Jr., [redacted].
Boggs, John A., [redacted].
Bolton, Paul J., [redacted].
Bonn, Larry L., [redacted].
Bowders, Frank W., III, [redacted].
Bowman, Lewis A., [redacted].
Brackett, Thomas R., [redacted].
Breeden, Kenneth R., [redacted].
Brenner, Paul F., [redacted].
Brewer, Donald L., [redacted].
Brittigan, Robert L., [redacted].
Brown, Allen W., Jr., [redacted].
Bushaw, John W., [redacted].
Calahan, Robert H., [redacted].
Carmack, James W., II, [redacted].
Cercone, Joseph A., [redacted].
Chartier, Larry M., [redacted].
Chilcote, Ted C., [redacted].
Cobb, Richard L., [redacted].
Conley, John E., [redacted].
Cox, Frank J., [redacted].
Coyle, Raymond A., [redacted].
Davis, Benjamin K., [redacted].
Deden, Stanley N., [redacted].
Delia, Richard, [redacted].
Del Sesto, Anne M., [redacted].
Devine, Jerry P., [redacted].
Doherty, Daniel A., [redacted].
Donahue, Terrence R., [redacted].
Dooley, Buryl E., [redacted].
Downard, Jerry R., [redacted].
Duffy, James J., [redacted].
Duncan, William H., Jr., [redacted].
Emory, Sherwood L., Jr., [redacted].
Fender, Charles K., [redacted].
Fory, Ronald P., [redacted].
Frizzo, Robert A., [redacted].
Gill, Paul C., [redacted].
Greene, George K., [redacted].
Griffin, Floyd L., [redacted].
Griffith, Robert G., Jr., [redacted].
Hadden, Mayo A., III, [redacted].
Hale, Ronald C., [redacted].
Hanratty, Eugene J., [redacted].
Harris, Robert O., III, [redacted].
Hartley, Lonnie G., [redacted].
Hataway, Jimmie J., [redacted].
Haugen, Lawrence A., [redacted].
Heerdink, Paul L., [redacted].
Hesse, August H., [redacted].
Hill, Herbert M., [redacted].
Hobby, Robert J., [redacted].
Hollis, Joseph P., Jr., [redacted].
Hooper, William R., Jr., [redacted].
Hudgins, James W., [redacted].
Hudson, Royce T., [redacted].
Hughes, Everett A., Jr., [redacted].
Hulett, Glenn E., [redacted].
Hurban, James, [redacted].
Jasper, William R., [redacted].
Jefferds, Fred, [redacted].
Jerney, James L., [redacted].
Johnson, Thomas E., [redacted].
Jones, Richard E., [redacted].
Kaleta, August J., [redacted].
Katz, Darrell W., [redacted].
Keohane, Michael F., [redacted].
Kesler, Dickson E., [redacted].
Killion, Norvel, Jr., [redacted].
Kimerer, Philip H., [redacted].
King, Thomas W., Jr., [redacted].
Knutson, James R., [redacted].
Konieczny, Jerome J., [redacted].
Leader, Jason A., [redacted].
Letzer, Larry L., Sr., [redacted].
Loudermilk, Kenneth G., [redacted].
Mauldin, Terry M., [redacted].
McGookin, Denna, [redacted].
McMahan, Robert L., [redacted].
McNeil, James W., [redacted].
Melancon, Steven L., [redacted].
Meyer, Michael P., [redacted].
Mielke, Charles L., [redacted].
Miller, Dewey R., [redacted].
Mote, Edgar F., [redacted].
Naranjo, Carmen J., [redacted].
Neely, Robert A., [redacted].
Ohrt, Richard C., [redacted].
Park, Percival D., [redacted].
Peat, Richard T., [redacted].
Perales, Juan A., [redacted].
Perkins, Philip H., [redacted].
Pick, Robert O., [redacted].
Pleasant, Richard H., [redacted].
Powers, George F., Jr., [redacted].
Pulliam, James B., [redacted].
Querfeld, John W., [redacted].
Reardon, John C., [redacted].
Rees, Richard M., [redacted].
Reid, Michael J., [redacted].
Riley, Ellen E., [redacted].
Riou, Ann M., [redacted].
Robinson, John E., [redacted].
Robles, Josue R., Jr., [redacted].
Rogers, Glenn F., Jr., [redacted].
Roper, Robert C., [redacted].
Roscoe, Ronald R., [redacted].
Russell, Carolyn E., [redacted].
Rzonca, Raymond J., [redacted].
Samuel, Victor J., Jr., [redacted].
Schaumberg, Thomas J., [redacted].
Schuck, William J., [redacted].
Seaman, Lee E., [redacted].
Sharp, Harry L., [redacted].
Sharp, Thomas S., [redacted].
Shirk, Lloyd D., [redacted].
Short, Thomas E., [redacted].
Silverman, Marita S., [redacted].
Simiele, Frank A., [redacted].
Simpson, James M., [redacted].
Smith, Gale N., [redacted].
Smith, John E., III, [redacted].
Snelgrove, Alfred G., [redacted].
Sole, Larry D., [redacted].
Spreng, Frederick C., [redacted].
Stein, Kenneth R., [redacted].
Stobie, John P., [redacted].
Sweet, Paul W., Jr., [redacted].
Thurman, Jerry W., [redacted].
Treybig, Kennard R., [redacted].
Turman, Robert R., [redacted].
Uribe, Rodrigo L., [redacted].
Walker, Marshall K., [redacted].
Weinberg, Paul, [redacted].
White, Donel D., [redacted].
Whitehead, John B., III, [redacted].
Whiteman, Steven H., [redacted].
Williams, John S., [redacted].
Wilson, Hogan M., [redacted].

Wogan, James W., [redacted].
Wright, Richard W. [redacted].
Zudrell, Elizabeth A. [redacted].

To be second lieutenant

Abbott, Claude L., [redacted].
Andrews, Zalph H., Jr. [redacted].
Barclay, Robert P. [redacted].
Bennett, Gary L. [redacted].
Blasdel, Carolyn S., [redacted].
Bolles, Christopher E. [redacted].
Burns, James W. [redacted].
Deaton, Lloyd R., [redacted].
De Martinis, Nicholas A., [redacted].
Drackett, Gary F. [redacted].
Dunn, John F., Jr. [redacted].
Duveneck, William S., [redacted].
Epting, Richard M. [redacted].
Finley, Stephen A. [redacted].
Glave, Charles M., [redacted].
Hack, Stephen E., Jr. [redacted].
Jacobsen, William W. [redacted].
Kennedy, Robert E. [redacted].
Le Donne, Joseph A., Jr. [redacted].
Lee, David A., Jr., [redacted].
Level, Dennis L., [redacted].
McCampbell, James L. [redacted].
Miller, Donald H., [redacted].
Miller, Thomas H., [redacted].
Muckenthaler, Charles J. [redacted].
Neyland, Mayo W., [redacted].
Nichols, Patrick A., [redacted].
Owens, Seth M., Jr., [redacted].
Ray, Roland C., [redacted].
Roberts, Lyman W. [redacted].
Rosenbaum, Henry M., Jr. [redacted].
Schaefer, Richard W. [redacted].
Seland, Charles, [redacted].
Shaw, Peter B., [redacted].
Strohmeyer, Michael R. [redacted].
Thompson, William K. [redacted].
Vinyard, Wayne A., [redacted].
Wagner, John C., [redacted].
Wika, Norman A., [redacted].
Zamora, Richard O., Jr., [redacted].
Zappacosta, Thomas R., Jr. [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Anderson, Duwayne K. [redacted].
Anglin, Roger I., [redacted].
Attig, Douglas L., [redacted].
Bailey, Alfred W., [redacted].
Bendele, John L., Jr. [redacted].
Berry, Steven C., [redacted].
Blain, Bernard F. [redacted].
Boner, William M., [redacted].
Bowab, Joseph W., [redacted].
Bowe, Tohmas G., [redacted].
Britt, Randy M., [redacted].
Brown, Douglas E., [redacted].
Buckey, Kerry A., [redacted].
Buhrkuhl, Robert L. [redacted].
Burchett, Paul J., Jr. [redacted].
Burgess, John B., [redacted].
Burleson, Jean F. M. [redacted].
Burton, Lloyd R. [redacted].
Calabro, David Jr. [redacted].
Calverley, Mickey J., [redacted].
Cantrell, Earl S. [redacted].
Carter, William J. [redacted].
Cisneros, Guillermo [redacted].
Clark, Paul L., [redacted].
Clark, Raymond C., [redacted].
Coleman, George W., Jr., [redacted].
Cornell, Floyd M., [redacted].
Cornett, Terry L. [redacted].
Crews, Ralph L., [redacted].
Damon, Philip S. [redacted].
Davis, Ford R., [redacted].
Dimiterchik, Michael L. [redacted].
Dorroh, Thomas L., [redacted].
Duble, Keith T. [redacted].
Duff, William E., [redacted].
Earle, Richard W., [redacted].
Ellis, Steve P., [redacted].
Essman, Phillip C. [redacted].
Eyster, George S., IV, [redacted].
Faulkner, George R. [redacted].
Fortuna, Lawrence J. [redacted].
Funderburg, Gus L., Jr. [redacted].
Genton, Robert E. [redacted].
Graham, John A. [redacted].
Griffey, Bobby G., [redacted].
Gross, Edwin M., Jr., [redacted].
Hackedorn, James M., [redacted].
Hamilton, John A. [redacted].
Hampton, Larry E. [redacted].
Harlan, Daniel J. [redacted].
Harvey, Christopher L., [redacted].
Helin, John N., [redacted].
Herb, William R., [redacted].
Holcomb, Henry G., [redacted].
Johnson, Michael [redacted].
Johnson, Norman A. [redacted].
Jones, Larry D., [redacted].
Jordi, Howard C., [redacted].
Jorgensen, Terrill M. [redacted].
Kajen, Michael J. [redacted].
Kaylor, Michael R., [redacted].
Kent, Richard F., Jr. [redacted].
Kimel, Michael L., [redacted].
Krepinevich, Michael C. [redacted].
Kreutz, Arthur R., Jr. [redacted].
Lagerstrom, Eric J. [redacted].
Landowski, Paul J. [redacted].
Langhans, Lawrence A., [redacted].
Langley, Jimmy W., [redacted].
Larry, Isaac D., [redacted].
Lenhart, Michael M., [redacted].
Leonard, Samuel B., [redacted].
Lovelady, Rex E., [redacted].
Luedeke, Arthur P. [redacted].
Mallicoat, Norman L., [redacted].
Marshall, Francis M., [redacted].
Marshall, William E., Jr. [redacted].
Matlock, Ronald A., [redacted].
Matisziw, Boris, [redacted].
McCool, James A., Jr., [redacted].
McCullough, Michael D., [redacted].
McMullen, Kieran E., [redacted].
Mobley, Ray, [redacted].
Moore, Darryl F., [redacted].
Moratz, Michael T., [redacted].
Mortensen, Lee K., [redacted].
Norton, George D., [redacted].
Nunley, Michael E., [redacted].
Nusbaum, Charles M., [redacted].
Otis, Harrison G. III, [redacted].
Owen, Roy W., [redacted].
Plautz, Henry S. [redacted].
Powers, James F., Jr. [redacted].
Reid, Michael L., [redacted].
Rivera, Anibal, Jr. [redacted].
Roberts, Lowell H., Jr., [redacted].
Rosen, Alan M., [redacted].
Ross, Allan L., [redacted].
Rosson, Claude P. III [redacted].
Ruiz, Ronald E., [redacted].
Schmit, Steven J. [redacted].
Schmitt, John K. [redacted].
Schreiber, Mark G., [redacted].
Schwarting, Robert H. [redacted].
Sepulveda, Salvatore, Jr. [redacted].
Simon, Charles N., [redacted].
Somers, Bruce W., [redacted].
Stout, Thomas E., Jr. [redacted].
Stowe, Garnett R., Jr. [redacted].
Stowe, Walter B., Jr. [redacted].
Sullivan, Rodney A., [redacted].
Swayne, Royce B., [redacted].
Timmons, Patrick F., Jr. [redacted].
Trauger, Craig M., [redacted].
Trauger, Gary M., [redacted].
Treue, Thomas N. [redacted].
Truett, Walter K. [redacted].
Tryon, Orrin A., Jr. [redacted].
Wade, Daniel P., [redacted].
Wanzer, Christopher R. [redacted].
Warren, Joel E., [redacted].
Weersing, Gary M., [redacted].
Welling, Richard D., [redacted].
Whitley, William H., [redacted].
Williams, John H., Jr. [redacted].
Willers, Jock R., [redacted].
Wiliamson, Joel E., [redacted].
Wilson, Edward R., [redacted].
Wise, Jack P., Jr., [redacted].
Wueste, Ernest D., Jr. [redacted].
Yeiser, Ted M., Jr., [redacted].
Young, Douglas B., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Allen, Kenneth E. [redacted].
Aurentz, Forrest W. [redacted].
Bartle, William J. [redacted].
Beard, Casey F., [redacted].
Boyd, James F., [redacted].
Butherus, Ted F. [redacted].
Campbell, Thomas A., [redacted].
Caraganis, Alfred J. [redacted].
Christianson, Claud [redacted].
Conlan, Lawrence S., [redacted].
Cornelius, John I., [redacted].
Craddock, Bantz J. [redacted].
Delary, James L., [redacted].
De Leo, Anthony N., [redacted].
Dellorto, Daniel J. [redacted].
Dempsey, Frederick G., Jr. [redacted].
Dong, Francis H., [redacted].
Donnells, James M., Jr. [redacted].
Dumais, Joseph A., [redacted].
Felt, David D., [redacted].
Fiegenschuh, Karl F. III [redacted].
Gedrose, Howard G., [redacted].
Geiger, Paul J., [redacted].
Gerber, Charles M., [redacted].
Goodwin, James J. [redacted].
Graham, Donald L. [redacted].
Hange, Richard H., Jr. [redacted].
Hazelton, William K. [redacted].
Heinemann, Dean W., [redacted].
Holm, William N., Jr., [redacted].
Humphries, George S. [redacted].
Huston, John D. [redacted].
Jackson, James K. [redacted].
Lees, Raymond R., Jr. [redacted].
Livers, Tymothy H., [redacted].
Lovell, Rickie D., [redacted].
Madden, Gary E., [redacted].
McKay, John R., [redacted].
Mizell, Jerry A., [redacted].
Moise, Philip H., [redacted].
Morris, Philip S., [redacted].
Myers, John W., [redacted].
New, Edward F., [redacted].
Paskowski, Michael E., Jr. [redacted].
Pingley, Randall L., [redacted].
Rivera, Luis R., [redacted].
Rosander, David J. [redacted].
Ryan, William J., [redacted].
Sands, Michael C., [redacted].
Schaak, John F. [redacted].
Schlund, Bradley D., [redacted].
Sergio, Stephen T., [redacted].
Shanahan, Dennis F. [redacted].
Shriver, Bryce L., [redacted].
Stinson, Karl R. [redacted].
Sweat, Lawrence R., [redacted].
Tone, Brian P., [redacted].
Trauger, Gary M., [redacted].
Trauger, Craig M., [redacted].
Vecchione, Michael, [redacted].
Wilson, Fred R., [redacted].
Yee, Bobby, [redacted].
Zimmermann, John C. [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate June 11, 1971:

ENVIRONMENTAL PROTECTION AGENCY

Robert W. Fri, of Maryland, to be Deputy Administrator of the Environmental Protection Agency.

David D. Dominick, of Wyoming, to be an Assistant Administrator of the Environmental Protection Agency.

EXTENSIONS OF REMARKS

SUSAN PETERSEN: NEBRASKA RURAL ELECTRIC YOUTH ESSAY WINNER

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. McCOLLISTER. Mr. Speaker, it is a pleasure to share with my colleagues the essay written by Susan Petersen, a sophomore at St. Paul Public School in St. Paul, Nebr.

Susan's essay, "What Rural Electrification Means to Me and My Community," was selected as the winning essay by the Howard Greeley Rural Public Power District of St. Paul, Nebr., in cooperation with the Nebraska Rural Electric Association.

Mr. and Mrs. Harland Petersen, of St. Paul, can certainly be proud of their daughter, Susan. Her essay follows:

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COMMUNITY

What does electricity mean to a teenage farm girl? Why, of course, it means listening to her electric radio and watching television while she does her homework for the next school day. It also means having plenty of hot water for washing her hair and taking her bubble bath every night.

I have lived on a farm all my life and I have never realized the importance of electricity up until the past few years. When I don't feel like working in the kitchen, my mother reminds me of what it was like when she began living on this farm. She had to pump water by hand from a little pump in the corner of the kitchen and heat it on the stove. Within a year, all she had to do was turn on the faucet and presto—"all the hot water she needed," thanks to the modern plumbing and electric water heater Daddy installed. This also meant that she had a modern bathroom, instead of making that trip to the little building in the back yard.

A few years ago, we completely remodeled our kitchen. We now have an electric range taking the place of our gas range. Above it is an electric exhaust fan, which surely beats opening the windows to remove unpleasant food odors. A dishwasher, the latest addition to our kitchen, has made it much easier to clean up after a big meal.

The REA has made it much easier for the housewife to keep up with the washing with modern electric washers, dryers, and irons. It is especially nice to have an electric dryer when your clothes line is located only a short distance from your hog yard!

Sewing has become an important hobby with me. I can sew anything from a jumpsuit to a Sunday dress with the convenience of my electric sewing machine. I can't imagine how I could get along without it.

The house isn't the only thing that has had many changes since the REA began. My father tells of the time when he had to pitch hay to his cattle and get silage from his silo with a bushel basket. A few years ago he put up two large storage bins and, thanks to the REA, has augers which remove the feed from the bins. The augers transfer the feed to a feeder wagon. He also tells of chopping ice from the water tanks. Now electric tank heaters take care of that chore.

My father was one of the first in the neighborhood to install a mercury yard light. He put it between two large pens of cattle, and he feels they are much more content. Of course, these cattle are fenced in with an electric fence.

Dad realized how much he depends on electricity and last year he bought a stand-by power unit. Our service is so good, that he hasn't had a chance to use it.

When the Howard Greeley Rural Public Power District was organized in 1938, only about seven percent of the farm people in this area had electric service. Today 98 percent of the farmers have it. After listening to my father's stories of the farm when he was a boy, and looking around our farm today, I realize how lucky I am. Most of our neighbors have made similar improvements and no one in our community could get along without REA.

NEW TOWNS AS A SOLUTION TO URBAN GROWTH PROBLEMS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I am becoming increasingly concerned about the need to halt the haphazard spread of the American megalopolis. As I suggested on April 27, while inserting an article entitled "Solving Our Urban Problems With New Towns" by David Rockefeller, we must develop a more careful and orderly approach to planning for both population growth and industrial expansion.

Our Federal programs have too often spawned urban sprawl, rather than national growth. We have piled them on top of each other in patchwork fashion, often without considering the relationship of one program to another. We are gradually awakening, however, to the need for a comprehensive national strategy for growth. There are certain steps which I believe we can now take to encourage balanced industrial growth throughout the Nation.

I am pleased to introduce a bill to amend section 103 of the Internal Revenue Code of 1954, as amended, to increase the small issue exemption from the industrial development bond provision from $5,000,000 to $10,000.000. This bill is identical to House Resolution 4752, introduced by Congressman SHRIVER on February 22, and to S. 1644, introduced by Senator DOLE on April 23. Similar legislation has also been introduced by the chairman of the Ways and Means Committee, Mr. MILLS, and by Congressman THONE.

For some 30 years, municipalities have had the authority to issue tax-exempt industrial revenue bonds to stimulate industrial growth and to increase the number of available jobs. Until about 3 years ago, there was no limit on the amount of these bonds which could be issued by a single municipality. Because some cities abused this privilege by issuing as much as $100 million or more of these bonds, the Johnson administration, in 1968, proposed setting a limit of $1 million on this issuing authority. This small issue exemption was raised to $5 million, largely due to the efforts of members of my own party.

While I support the need for some limitation, I feel that the $5 million authorization is too great a restriction on our efforts to encourage industrial expansion in the many rural and urban communities of America which are in need of assistance. President Nixon, in his recent message to Congress on rural community development, stated:

> For the sake of balanced growth, therefore, but even more for the sake of the farmer and all his neighbors in rural America—first class citizens who deserve to live in first class communities—I am proposing that the federal government re-think America's rural development needs and rededicate itself to providing the resources and the creative leadership those needs demand.

Increasing the level of tax-exempt industrial revenue bonds would be an effective means of generating employment and raising income levels in rural areas, and would help to retard the emigration rate from these areas. My own district in Illinois, which has been hardhit by unemployment, and cities and towns all across America faced with this same problem, would benefit greatly from an expanded industrial development effort such as this bill would allow.

Mr. Speaker, if we are truly serious in our intent to reverse the trend of outmigration from rural areas and to encourage industrial expansion throughout our land, we must make it more conducive for industry to locate in the more sparsely populated areas of our country. I therefore urge the Members of the Ways and Means Committee to seriously consider this legislation as a first of a series of steps to this end.

HEW REPLY TO U.S. CHAMBER OF COMMERCE'S "HERE'S THE ISSUE" ON WELFARE REFORM

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, the U.S. Chamber of Commerce in its April 23 edition of "Here's the Issue," endorses H.R. 6004, as an alternative to H.R. 1. The issue consists of an interview with the sponsor of H.R. 6004, our colleague, the Honorable AL ULLMAN, that contains many criticisms of the welfare reform provisions included in H.R. 1. In view of the wide circulation that the Chamber publication has received, I felt it would be helpful to have the Department of Health, Education, and Welfare prepare a point-by-point response of the criticisms advanced and am including the Department's response at this point in the RECORD:

HEW REPLY TO U.S. CHAMBER OF COMMERCE'S "HERE'S THE ISSUE" ON WELFARE REFORM

In the April 23 issue of "Here's the Issue," the Chamber of Commerce of the U.S. endorses the welfare reform proposal embodied in H.R. 6004 sponsored by Rep. Al Ullman. In an accompanying interview, Congressman Ullman levels a number of criticisms at the welfare reform provisions contained in H.R. 1, which the Administration supports. Before addressing these criticisms one-by-one, we present below our general criticisms of Congressman Ullman's "REACH" proposal:

The proposal is basically a manpower-child care program for all persons *now* on AFDC who are deemed employable. In a sense, it is just a larger WIN program, except that training allowances (not varied by family size) would substitute for the AFDC and $30 incentive payment.

The proposal—

1. Does not create a minimum allowance, and therefore leaves in being the wide disparities in payment levels that are inequitable and have contributed to welfare migration. (He does have a maximum however.)

2. Does not establish uniform eligibility standards for welfare benefits. (Those not employable stay under the AFDC program.)

3. Does not reform the administration of AFDC, but leaves it cumbersomely sprawled across every level of government.

4. Does not recognize that need varies with family size, and therefore has a training allowance structure for the employables that is a windfall for the small family and an extreme hardship for a large family.

5. It is left unclear what happens to a person who is determined to be employable but for whom training or a job is not presently available. *It looks as if they do not receive any financial assistance.*

6. The program is punitive in that after 4 years, *all* mothers would have to work, including those with infants. The child care cost would be prohibitive.

7. Cuts off the *whole family* when work or training is refused.

Following are the 11 criticisms:

CRITICISM

1. Rep. Ullman says the welfare system is a mess but the Family Assistance Plan is not a welfare reform program that will get us out of the mess.

RESPONSE

Hardly anyone disagrees that the current welfare system is a mess which requires drastic measures to reform it. Diligent work has been going on for over two years both in the Executive Branch and in Congress to refine and improve the Administration's welfare reform proposals, which have already passed the House of Representatives once—April 16, 1970. The basic features of the plan—uniform national eligibility requirements, a Federal basic payment level, strong work requirements and incentives, and increased Federal administration—add up to an overall, basic, drastic restructuring of the present welfare system, replacing it with a system designed to support people who are unable to support themselves and to help others to become self-supporting.

CRITICISM

2. Representative Ullman says that the Family Assistance Plan increases costs and caseloads just as the present system does and that a Family Assistance system will be easy to get into and hard to get out of.

RESPONSE

The best way to get people off welfare and into jobs is obviously to get them jobs and train and encourage them to work. In order to encourage work, the Administration's welfare reform plan would permit recipients to work and keep a part of their earnings. It would also allow a male-headed family in which the father works full-time to receive supplemental assistance, if his income is small enough, so he won't desert his family in order to make them eligible for assistance greater than his earnings, which is what happens under the present system. It is true that because of the damage done by the present system, it will require some additional investment to reverse the trend of growing dependency but as fewer families are broken up to go on welfare, and more people return to work, long-run welfare costs will be reduced. As for being easy to get on, the new welfare system would be very tightly administered, following the successful methods used in social security programs, and it will be easy, rather than hard, to get off because of the work incentives in the program. The Administration's whole reform program is based on the fundamental principle of encouraging a return to work.

CRITICISM

3. Rep. Ullman charges that FAP includes a "guaranteed annual" income for the working poor which adds to the welfare problem rather than reforming it.

RESPONSE

The Administration has not at any time advocated a guaranteed annual income and its welfare reform proposals do not include this concept. To be eligible to receive assistance under the new programs, applicants would be *required* to register for work training and placement, and would be *required* to accept training and jobs or *required* to accept vocational rehabilitation if appropriate. In other words, anyone who is able to work but refuses to do so would be guaranteed exactly *nothing*. The so-called working poor are not guaranteed anything either. Many working poor families would become *eligible* for the program, but many who are eligible are likely not to apply, thus the estimate of 12–15 million additional people is certain to be high. It should be kept in mind that most working poor families will receive only an income supplement, not a full assistance payment, and that many such families' payments will be very small.

CRITICISM

4. Rep. Ullman suggests that welfare reform has to start by separating employables from unemployables and affording different treatment to each group, especially providing "work, training, child care, and any other service needed."

RESPONSE

The Administration could not agree more with this point and in fact this idea is basic in its welfare reform plan. The current welfare reform bill would separate families with as few as one employable member into a program separate from that for families with no employable members. The program for families with unemployable members would principally be administered by the Labor Department so that the main emphasis will be on job training, employment services, and job placement. Job training will be expanded, including public service jobs program—to provide on-the-job training in useful work when not enough regular jobs are available; child care will be expanded to enable parents to work; and the Labor Department will upgrade employment services provided to assistance beneficiaries.

CRITICISM

5. Rep. Ullman states that under his bill the Labor Department decides who is "employable" and "unemployable."

RESPONSE

The Administration's plan (and the current bill) provides that HEW and Labor will jointly develop regulations for operating the new welfare system. Under jointly developed regulations, local Federal offices would determine who must register for employment training services, and placement, in accordance with the law, which provides very specific and limited exemptions (basically the aged, children, disabled persons, and mothers of small children). The registration will be with the Labor Department which will then decide who is ready for immediate job placement and who needs training or other services. There is very little basic difference between this approach and Rep. Ullman's.

CRITICISM

7. Rep. Ullman proposes a Federal Child Care Corporation to provide adequate child care capacity to enable AFDC mothers to work.

RESPONSE

Based on a careful study of the problem, the Administration is convinced that child care capacity cannot be expanded simply by Federal edict or just by setting up a new Federal agency or "corporation." In order to assure that a quality level is maintained so that child care would not be destructive and create more problems than it solves, national child care capacity will be expanded rapidly, but carefully. Since children, whether they be from welfare or wealthy families, are the nation's most valuable and most complex resource, the nation must assure that we have not only a great quantity of child care but also assure quality in child care. This cannot be created overnight.

CRITICISM

8. Rep. Ullman's bill includes the REACH program to give welfare recipients priority on rehabilitation, employment assistance, and child care and to increase Federal funding for such purposes.

RESPONSE

The Administration's plans call for approaches very similar to the REACH concept.

CRITICISM

9. Rep. Ullman's bill would provide a 20% tax credit to private employees who hire people from the REACH program.

RESPONSE

There is some question about whether an adequate number of jobs would be forthcoming since employers would have to pay 80% of wages. The Administration plans call for public service employment under which local governments or non-profit enterprises would hire assistance recipients at 100% Federal expense for the person's first year, 75% the second, and 50% the third. Although the Administration agrees that private employers should help share the social burden of putting welfare recipients to work, we prefer to put the recipients through a public training and work experience program first so that businesses will hire workers ready to become fully productive soon after placement. The REACH public service job program is very similar to that the Administration has proposed, but the Administration would go to the public sector first in order to develop employability and productivity for regular competitive jobs.

CRITICISM

10. Rep. Ullman claims that his program will help the working poor more than FAP through free child care, work expenses allowances, and cash instead of food stamps.

RESPONSE

Child care under Administration proposals would be priced according to ability to pay. In many cases, assistance recipients will pay nothing or very small amounts for child care. The work expense allowance and food stamp payments would in practice amount to almost the same net benefit to families as the benefit payment schedule under the Administration's welfare reform system. The net effects of the two approaches are quite similar.

CRITICISM

11. Rep. Ullman charges that FAP takes people out of the economy, is impossible to administer, and provides inadequate authority to set up enough child care or job training services.

RESPONSE

It is simply untrue that FAP takes people "out of the economy" by guaranteeing assistance. If applicants or recipients don't comply with registration, training, rehabilitation, or work requirements, their benefits are cut off. Any welfare system will be difficult to administer because of its size and complexity—REACH would be difficult to administer also, and would leave a great deal of administrative work with the States who are having difficulties with the system as it is. The Administration's plan is to shift more of the administrative burden to the Federal Government which is better equipped to handle the massiveness and complexities of the welfare system (witness its handling of internal revenue and social security systems).

Welfare reform under the Administration's proposals will definitely move people into jobs both by requirements and by incentives; it will expand training and child care capacity as rapidly as possible; and will in the long run reduce dependency, reduce caseloads, reduce costs, and result in a system of income assistance which helps those who cannot help themselves and moves others back to productive self support.

RHODESIA SI; RED CHINA NO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. RARICK. Mr. Speaker, the foreign policy of the Kissinger-Nixon administration's new American revolution of favoring Communist nations while discriminating against free peoples is incredible and definitely not in the best interests of the United States nor of the free world.

To lift an embargo on trade with Red China which is still at war with the United States inasmuch as the Korean war has never been officially terminated, which regime today still holds an undetermined number of Americans as prisoners, and whose leaders according to documented reports murdered more than 20 million Chinese prior and subsequent to their seizure of mainland China; while continuing an embargo on trade with friendly, Christian Rhodesia which offered her sons to fight with us in Vietnam against the enemy supported by Red China is absolutely absurd. It is preposterous.

The wrath of the American people should descend upon Mr. Kissinger and President Nixon for their unconscionable anti-American action and upon this body for surrendering our constitutional power to the executive branch and exerting no initiative to recover this power in view of the anti-American trade policies being carried out by the present administration.

The U.S. Constitution specifically states in article I, section 8:

> The Congress shall have Power . . . To regulate Commerce with foreign Nations, . . .

It does not say the President nor the United Nations shall regulate commerce with foreign countries. The Congress regulates trade with foreign countries, while the executive branch is charged with seeing that the laws are faithfully executed.

It is my understanding that the authority for today's action by the White House in lifting the embargo on trade with Red China is the extension of the Export Control Act of 1949 which grants to the President the authority to prohibit or curtail exports from the United States. The act authorizes such control for three purposes: National security, foreign policy, and shortage of supply.

This action must follow the State Department's foreign policy, because trading with the enemy which provides war materials to the troops fighting against our men in Vietnam cannot be in the interest of our national security nor because of shortage of supply.

The 47 categories of materials authorized for export to Red China by the White House announcement were referred to as nonstrategic. However, any military commander knows that it takes more than just guns and ammunition to logistically support an effective fighting force. An army must be fed, clothed, and receive medical care as well as to be armed. All materials are, therefore, strategic—some more so than others.

It is of interest to note that while locomotives are not listed as a nonstrategic item, they are an item the Government wants to look at a little more closely so they will only go to the Chinese mainland under special licensing procedure.

Those to be most harmed by the liberalized trade policy with Rel China are our fighting men in Vietnam who are again being sold out by their Commander in Chief. And what about the American working people? Those to gain most will be the international producers, manufacturers, and traders. For example, will wheat sales benefit farmers or the large grain elevator companies such as Cargill, Louis Dreyfus, Bunge, Continental Grain, Burrus Mills, and Cook Industries?

On October 16, 1969, when this House was considering extending the Export Control Act, I made the following remarks in the CONGRESSIONAL RECORD, volume 115, part 22, page 30408, which I believe are most pertinent today:

> After hearing the remarks on the floor and examining the existing law, I am in favor of letting it expire. The absence of any law would offer greater national security than this law.
>
> The American people have been led to believe that this law restricts trading in strategic materials with Communist nations. It apparently does no such thing. What it does is conceal from the American people the names of those who are thus trading with the enemy under Government license. The tenor of the debate makes it plain that big industrialists and not small businessmen are the Americans so favored.
>
> The American people know who the enemy is and reserve the right to regard and treat them as such. The Government should guarantee that they are, in fact, able to exercise this basic right—by publishing the names of firms who are doing business with Communist countries. If the people, then, wish to build any bridges they may do so voluntarily. But if the man and woman who has a son in Vietnam would prefer to see to it that none of their personal dollars go to a firm trafficking with their son's potential killers,, they may. Perhaps, in this way, the Government will bring official policies into line with the expression of the national will.
>
> If this law did what it was intended to do—restrict shipment of strategic material to Communist nations—I would certainly be in favor of its extension and its strict enforcement. If we allow it to expire it is possible that a new law which will actually do what Americans thought this one was doing can be enacted.
>
> It is amazing that most of the debate here today indicates this law is not being clandestinely manipulated to conceal the identity of the large business interests who deal with the enemy. Members have reported that licenses are refused to small businessmen to export items in the nature of brooms, milk, and cheese. But on the other hand, we find that the official export control report of the Department of Commerce tells of the licensed export of sophistical industrial machinery including automatic piston machine, automatic crankshaft machine, and industrial furnaces, as well as cold-rolled carbon steel sheets, electronic computers, and scientific and electronic instruments and equipment made in the United States going behind the Iron Curtain.

Mr. Speaker, the Extension of the Export Control Act of 1949 expires on June 30 of this year. It is my considered judgment that changes are needed in our foreign trade laws and policies. We should shut off trade to nations which are supplying the enemy. This is only fair to our fighting men. If there is no enemy, then let us bring our men home. We should protect American industry—leather, textile, stone, glass, and clay, toy, electronics, rubber, beverage, shipbuilding, paper, and wood stonecutting, bookbinding, photoengraving watch, and jewelry, and many other American products from cheap foreign imports being dumped on the American market causing American industries to have to fold thereby adding millions to the roll of unemployed. What can our leaders feel will be the result of additional dumping of Red China imports on our market?

And in the warped judgment of our decisionmakers Rhodesia remains the only threat to world peace. The U.N. says so.

Today Red China, tomorrow resumption of trade with Castro in Cuba.

It is time the American people woke up as to who is running our country.

I insert at this point the White House news release of June 10, 1971, regarding the lifting of the trade embargo against Red China, several pertinent newsclippings, and articles:

THE WHITE HOUSE NEWS RELEASE

The President announced today the first broad steps in the termination of U.S. controls on a large list of non-strategic U.S. exports to the People's Republic of China. In the future, a range of U.S. products listed on the attached sheet may be freely sold to China under open general export licenses without the need to obtain Department of Commerce permission for each specific transaction.

The items to be released from trade controls have been recommended by the NSC Under Secretaries Committee chaired by the Department of State. They included: most farm, fish and forestry products; tobacco; fertilizers; coal; selected chemicals; rubber; textiles; certain metals; agricultural, industrial and office equipment; household appliances; electrical apparatus in general industrial or commercial use; certain electronic and communications equipment; certain automotive equipment and consumer goods.

The President has also decided to terminate the need to obtain Department of Commerce permission for the export of wheat, flour and other grains to China, Eastern Europe and the Soviet Union, suspending the

50% U.S. shipping requirements for those items.

Items not on the open general license list may be considered for specific licensing consistent with the requirements of U.S. national security. The Department of Commerce and other agencies will continue to review our export controls.

The President has also decided to permit all imports to enter from China under a general license, while retaining standby authority for future controls if necessary. Imports from the People's Republic of China will be subject to the tariff rates generally applicable to goods from most Communist countries. They will also be subject to the normal conditions governing our imports from all sources such as cotton textile controls and anti-dumping and countervailing duty legislation.

General License List for People Republic of China

Food and live animals, including grains.

Beverages and tobacco.

Hides and skins.

Animal and vegetable oils and fats; oil seeds, nuts, and kernels, and flour and meal thereof.

Crude natural rubber and certain synthetic rubbers.

Wood, lumber, and cork.

Pulp and waste paper.

Most textile fibers.

Manufactured fertilizers, except those closely related to explosives; crude fertilizers and crude minerals such as sulfur, iron pyrites, and natural asphalt.

Crude animal and vegetable materials.

Coal and coke, except gilsonite.

Selected organic and inorganic chemicals, including certain defoliants, herbicides, pesticides and insecticides.

Most dyeing, tanning and coloring materials, printing inks and paint.

Medicinal and pharmaceutical products, with minimal exceptions.

Essential oils and perfume materials; toilet and polishing preparations and cleansing preparations.

Miscellaneous chemical materials and products in general use.

Leather, leather manufactures and dressed fur skins.

Rubber manufactures, except military type tires, aircraft tires and tubes and other specialized commodities.

Wood and cork manufactures and paper and paperboard and manufactures thereof.

Textile yarn, fabrics and related products, except used or reject or reject fabric bearing design of U.S. flag or commodities made of Strategic-type synthetics.

Common metals, ferrous and nonferrous including steel, iron, tungsten, lead, zinc, tin, titanium, chrominum, and manganese. Forms include ores, concentrates, nonferrous scrap, ingots, castings, bars, plate, shapes, wires and pipe.

Metal manufactures such as septic tanks, gas cylinders, containers, cables, fencing.

Certain agricultural and dairy machines, internal combustion engines, water turbines and engines, wheel tractors, and tillers and parts and accessories.

Certain office machines such as typewriters, checkwriters, calculators, accounting machines, duplicators, and parts and accessories.

Computers, certain low-grade analog and digital types.

Manually operated metal polishing and buffing machines, and portable pipe bending machines, and parts; certain foundry equipment.

Machinery for textile, pulp and paper, printing, food processing and glassworking industries.

Certain construction and maintenance equipment ,such as road rollers, ditchers, trenchers, snow plows, plaster and concrete mixers, concrete and bituminous pavers, finishers, and spreaders, and parts and accessories.

Certain types of air conditioning and refrigerating equipment and compressors thereof; furnaces; furnace burners; stokers; bakery ovens; cooking and food warming equipment, and parts and accessories.

General purpose pumps, such as beverage, fuel, household water, service station, measuring and dispensing pumps for fuels.

Filters, purifiers, and softeners for water treatment, sewage disposal, and commercial and industrial engines, and parts.

Certain lifting, loading, and handling machines and equipment, such as industrial lift trucks and tractors, jacks, lifts, elevators and moving stairways, winches, and parts.

Weighing machines and scales, and automatic merchandising machines, and parts,

Sprayers and dusters for agricultural, industrial or commercial uses, and parts.

General industrial types of metallic and nonmetallic manufactures, such as cement and fabricated building materials, valves and regulators, and measuring and checking instruments.

Certain types of general industrial and commercial machines and mechanical appliances, such as power operated nonelectric hand tools, machines for working wood, ceramics and stone; and packing, wrapping, filling, and sealing machines.

Electrical apparatus in general industrial or commercial use, such as generators, transformers, circuit breakers, storage batteries, telephone and telegraph equipment, test equipment, and hand tools.

Certain electronic tubes, resistors, capacitors, transistors, and other electronic parts.

Home-type radio and television receivers, refrigerators, freezers, water heaters, washing machines, parts and accessories.

Medical and dental apparatus.

Automobiles and other road vehicles: passenger cars, rear axle drive; motor cycles, motor bikes and scooters; invalid carriages and certain trailers, and parts therefor.

Sanitary plumbing, and heating and lighting fixtures and fittings.

Consumer-type optical goods, certain laboratory instruments, surveying, and engineering instruments, certain photographic materials.

Watches, clocks, and parts.

Recording and reproducing equipment for voice and music only, dictating machines, phonographs, record players, musical instruments, and parts.

Consumer goods such as furniture, clothing, footwear, works of art, jewelry, silverware, printed matter, children's goods, office supplies, sporting goods.

Coins, not gold and not legal tender.

[From the Washington Evening Star, June 10, 1971]

Forty-Seven Categories of U.S. Goods Okayed for Export

(By George Sherman)

President Nixon today ended the 21-year U.S. embargo on trade with Communist China. He announced a long list of non-strategic American exports, from grain to automobiles, now open to free trade with Peking.

The White House announcement set out 47 categories of goods which may now be sold to China under open general export licenses. That means the items do not need Department of Commerce permission for each single transaction.

The announcement characterized the President's move as "the first broad step in the termination of U.S. control on a long list of non-strategic U.S. exports to the People's Republic of China."

SHIPPING RULE SUSPENDED

The President also announced that the export of wheat, flour and other grains to China, Eastern Europe and the Soviet Union will no longer need special permission from the Commerce Department. He also suspended the current requirement that 80 percent of these grain shipments be carried in U.S. ships.

The White House action today follows an announcement by Nixon on April 14 that he intended to take practical steps to normalize relations with mainland China. White House sources say that the President himself went over the list, supplied by a task force from the State Department, Commerce Department, and Defense Department, item-by-item.

In general, the new list brings Communist China into line with general American trading policy toward the Soviet Union. The list carefully omits items with possible strategic value, such as locomotives, trucks, military type tires or aircraft tires, high grade computers, or commercial airplanes.

SPECIAL LICENSES

But the presidential announcement does state that items not be considered for "specific licensing, consistent with the requirements of U.S. national security."

Under this arrangement, previously used only for the Soviet bloc in Europe, sensitive items must receive special licenses for each transaction from the Commerce Department.

That has proved to be a slow process. Only late last week, for instance, Commerce finally approved the sale of $85 million worth of equipment for manufacturing autos and trucks to the Soviet Union, applications for which were pending for nearly two years.

The President today also included in his announcement permission for the import of all goods from China under a general license. The announcement said, however, that Nixon retains "standby authority for future controls if necessary" over these imports.

He said that the Chinese imports, which experts expect will be minimal initially and mainly agricultural raw stuffs, will be subject to the American regulations against dumping and American tariffs.

Regarding American goods freed for export, the announcements singled out the following categories:

Most farm, fish and forestry products, tobacco, fertilizers, coal, selected chemicals, rubber (excluding military and aircraft tires), textiles, certain metals, agricultural, industrial and office equipment, household applicances, electric apparatus in general industrial or commercial use, certain electronic and communications equipment and certain automotive equipment and consumer goods.

PASSENGER CARS INCLUDED

Under the last category the specific items included passenger cars, motorcycles, motor bikes and scooters. Consumer goods include furniture, clothing, footwear and sporting goods.

The food category includes every kind of grain, as well as live animals, "except inbred cereal grain seeds."

Press Secretary Ronald L. Ziegler labeled the list "impressive," and "a very significant first step." Nixon, he said, will consider later the "possibility of further steps in an effort to establish broader relations with a people having such an important role in the future of Asia."

But Ziegler and Deputy Assistant Secretary of State Winthrop Brown—chairman of the China task force—refused to compare the new trading list with that in effect for the Soviet Union. Brown insisted there is really no comparison, since the lists are based on "different levels of technology" in the Communist countries.

But he did give examples of certain items which are currently open for general licensing export to the Soviet Union, but which must still be licensed specifically on a transaction-by-transactions basis with mainland China.

These items, Brown said, include petroleum and petroleum products, navigation and telecommunication equipment and welding equipment.

NO DIESEL LOCOMOTIVES

Another item open to general licensing for the Soviet Union is the diesel locomotive. This item was not on the China list, and Brown confirmed that there has been some difference of opinion between the State and Defense Departments over locomotives.

Brown said that it had finally been decided that the locomotives were an item which the government wanted to look at "a little more closely" so it will only go to the Chinese mainland under special licensing procedures.

Ernest Johnson, a member of the National Security Council staff, noted that American trade with the Soviet Union has steadily shifted from the specific licensing category to the general licensing category. Whereas in 1969 American trade was divided roughly in half and half between the two categories, in 1970 two-thirds of American trade with the Soviet Union was under general licensing one-third in the specific licensing category.

CHANGES EXPECTED

This same system of licensing will now apply to Communist China, although the proportions may be different. Brown said that he expected that from time to time in the future the U.S. government would be adding more and more items to the general licensing category for Communist China.

Officials admitted that in the beginning this relaxation over non-strategic items would probably do little to boost American trade with China. They noted, for instance, that the mainland Chinese trade with the noncommunist world is estimated at only $2 billion.

The United States, although having established patterns of trade with Soviet Russia under general license, had only $118.5 million with the Soviet Union last year, a small part of the more than $40 billion American trade with the outside world.

The experts' assumption here is that the Chinese economy, while expanding and in need of some technological goods, is basically underdeveloped. Therefore, it is expected that China will eventually push for American technologically advanced machinery, industrial raw materials, fertilizers and wheat.

Yesterday Sen. Blank, D-Minn., emphasized the potential importance of the Chinese agriculture market to American grain producers.

REQUEST FULFILLED

Speaking before the Corn Refiners Association, Blank urged Nixon to make the move which in fact Nixon announced today—putting wheat, flour and other grain exports in the free trade category for China, and ropping the requirement that 50 percent of the shipments be carried in American bottoms.

But the President's announcement today also comes against a backdrop of speeches by a dozen members of the House yesterday opposing efforts to improve relations with mainland China.

The congressman, including Reps. H. R. Gross, R-Iowa; Philip M. Crane, R-Ill., and Robert L. F. Sikes, D-Fla., warned the President against a 'Ping Pong diplomacy' 'which involves severing ties with Nationalist China without getting concrete concessions from Peking.

[From the American-Southern Africa Review, April–May 1971]

RHODESIA AND RED CHINA

Nothing more clearly demonstrates the Nixon Administration's total disregard of America's vital interests than the amazing contrast between its continued persecution of Rhodesia, and its proudly proclaimed policy of appeasement of Communist China.

Americans have been bombarded, for the past months, with a seemingly endless barrage of propaganda designed to sell them on the merits of friendship with the "prosperous and peace loving" Communist regime headed by Mao Tse-tung, hero of the New Left. Mr. Nixon himself boasted of the success of what he calls "our new China policy," and has even said 'I hope, and as a matter of fact, I expect, to visit Mainland China."

The entire apparatus of the left wing, in press and government, has been moved into action, and is orchestrating a hysterical rush to embrace Communist China and ruthlessly abandon our Nationalist Chinese allies. The pro Red China agitators who played a large part in losing China in the first place have climbed out of their holes, and are now working in concert with the White House.

This is particularly ironic in that Mr. Nixon began his political career as a crusader against those evil Democrats who sold China to Communism. But consistency is of no interest to the President. He has gone so far down the road to appeasement that no one in the capital would be very surprised to see him, one morning, pacing the Rose Garden chanting from the 'Thoughts of Chairman Mao."

All but forgotten in the Administration's love feast with Red China is the undisputed fact that Mr. Nixon's new friend, Mao Tse-tung, is guilty of mass murder unrivaled in history. Documented sources credit Mao's forces with the cold-blooded murder of a *minimum* of 20 million Chinese, both before and after their seizure of control of the Chinese mainland.

Also forgotten or ignored is the fact that Red China is still at war with the United States (the Korean "police action" has never been officially concluded) and still holds an unknown number of Americans as prisoners. And then we come to the fact that Red China, more than any other nation ,has encouraged the North Vietnamese and Viet Cong to continue their war against the United States, and has supplied them with arms and ammunition to kill Americans. It is recognized that the enemy could not continue to fight in Vietnam without massive Red Chinese assistance.

Apparently to reward Mao for this exemplary conduct, the Nixon Administration has taken a series of concrete steps to bring Washington and Peking closer together. And there are ominus signs even more to come. It is instructive to examine the content of Mr. Nixon's "new China policy" in comparison with his discredited, but continuing Rhodesian policy.

The President announced on April 14 that the State Department is prepared to expedite visas for visitors and groups of visitors from Red China to the United States. But holders of Rhodesian passports, including persons who have fought alongside Americans in World War II, will not be allowed to enter this country.

Mr. Nixon has already removed the total embargo on import of Red Chinese products into the United States. He has also announced that he is in the process of preparing a list of "non-strategic" items which can be exported to Communist China. On January 7 of this year, the Commerce Department approved the sale by General Motors to Red China of two giant earth moving vehicles, for use in Zambia in connection with construction of the Tanzam railroad project.

In contrast to its 'new China policy," the Administration bars all American trade with Rhodesia. Americans attempting to engage in such trade are subject to up to 10 years imprisonment and up to $10,000 in fines.

President Nixon has announed the relaxation of U.S. currency controls to permit the use of dollars by his new friends in Red China. But he has refused to relax his sanctions regulations which prevent normal financial transactions between this country and Rhodesia.

The President has lifted restrictions which prevented American ships and aircraft from carrying Communist Chinese cargoes, or calling at ports on the Communist controlled Chinese mainland. But he persists in applying these same restrictions to Rhodesia, with the same penalties for violation as mentioned above.

Mr. Nixon persists in demanding that the American people recognize the importance of bringing Red China "into the world community." His hand-picked Presidential Commission on the United Nations has, predictably, urged the admission of Red China into the U.N., and the adoption of a "two-China policy" by the United States. Informed observers in Washington see this as a step in the Administration's program of total abandonment of Nationalist China.

At the same time, the Administration continues its vicious campaign to isolate Rhodesia from the world community. It continues to pander to the whims of the Communist and radical Black African forces working to destroy freedom and civilization in Southern Africa.

The American people have a clear obligation to call Mr. Nixon and his Administration to account for this ludicrous double standard. If no explanation is forthcoming from the White House, we can only assume that the murderous Communist dictatorship headed by Chairman Mao is more representative of Mr. Nixon's idea of good government than by the freedom-loving parliamentary democracy led by Ian Smith.

[From the Free China Weekly, Feb. 14, 1971]

CHINESE PRESS OPINION: MAOIST NARCOTICS OFFENSIVE

Peiking's narcotics offensive could threaten the survival of democratic civilzation within a decade.

Ironically, in all the U.S. "hand of friendship" approaches to the Chinese Communists nothing whatsoever seems to have been said about the mainland as a source of illicit narcotics.

Washington has been trying to discourage Turkey from growing the opium poppy and has sought to persuade the French to close down processors in the Marseilles area.

Red China exported some US$800 million worth of narcotics last year. Plantings of poppies are said to be on the increase in Yunnan, whence raw opium moves into the free world via Laos, Burma and Thailand.

Use of narcotics is a major problem among members of the U.S. armed forces in Vietnam. The Chinese Communists are happy to contribute to the supply of dope at reduced prices. Big horse (heroin) is cheaper than bullets as a means of undermining the American war effort.

Formerly the mainland exported only opium. Recently some 30 processing plants have been established. Narcotics are now moved out in the less bulky, more profitable form of heroin, morphine and other opium derivatives.

In trying to persuade Turkey to reduce poppy plantation, the United States has faced a credibility gap. Turkish farmers and authorities find difficulty in believing that one small crop could cause a social problem of major proportions. Until recently, the French refused to believe Marseilles was the world's principal processing center.

Peiking on the other hand, knows exactly what it is doing and why.

Use of narcotics by the American younger generation is growing at a staggering pace. In schools all across the United States, teenagers are experimenting with marijuana.

While "grass" may not be dangerous in itself, its use is all too likely to be followed by a fix with the Big H. The doper is trapped in a habit that leads to crime to get money for more heroin, moral degradation and usually an early grave.

Smoking of marijuana and addiction to hard drugs are increasing in Great Britain and Europe. If the trend continues, narcotics could threaten the survival of democratic civilization within a decade.

Peiping forbids the use of narcotics by the Chinese people. The penalty for pusher or user is death. But the narcotics poisoning of "imperialist, capitalist and revisionist" enemies earns a Mao medal. The United States is better off without such "friends."

[From the Washington Daily News, Nov. 27, 1970]

THE TWO CHINAS

(By Henry Taylor)

There's irony and injustice aplenty in the closer (51–49) U.N. vote to set Red China and expel Nationalist China.

First, in all the palaver contending that Red China "exists," doesn't Nationalist China (Formosa) "exist"? Formosa has a larger population (14 million) than 89 of the other 125 U.N. member countries. Its gross national product is larger than 72 of them. Its industrial output index is mounting at an incredible speed, exceeded in Asia only by Japan. Moreover, Formosa's food output is increasing at twice the rate of Formosa's population growth—again unique in all of Asia.

In contrast, by the U.S. General Assembly's own official definition, only 26 of the 126 member countries are listed as "developed" countries. And of all the nations in the U.N. more than half have fewer people than New York City. Many have fewer than Wichita, Kan., altho all have a vote equal in weight to the United States.

Botswana, Gabon, Lesotho, the Maldive Islands, Upper Voltan Guyana, Togo, Gambia—these and scores of others like them, are nations? On one single day the same organizations voting now on Nationalist China's expulsion once voted to admit 13 such "nations." Actually, a two-thirds majority in the General Assembly could be formed today by the nations with less than 10 per cent of the world's population, and who contribute together about 5 per cent of the U.N.'s assessed budget. The voting structure has grown to be a mad hatter's dream.

What is the United Nations' purpose? Does the U.N. charter mean nothing? Has its charter become a tragic fraud? The charter defines the United Nations as "an assembly of peace-loving nations opposed as "to agression." (The U.N. covenant limits membership to those nations that qualify.)

The charter also provides that if a nation is an aggressor it be so branded by the United Nations. Red China is officially so branded. And until Red China cleanses itself off the U.N.'s official list how can the United Nations conceivably act on Red China's membership?

The Chinese Communists have not stopped their aggressions since the 1930s and the fights from Java to Saigon are all part of the same sweeping aggression. Morever, putting Red China into the United Nations on the ridiculous theory that this will pacify Mao Tse-tung is like putting a fox into a hen house on the theory that this will change the fox into a chicken.

The solution employed is simple. Forget the U.N. charter, forget the objectives, forget the human values. Hang onto the name of the United Nations, keep the buildings, let the United States pay the bills—but sink the purpose of the United Nations and sink the truth along with it.

Eleven million Chinese fled to Formosa when the Communists took over mainland China. Recently, representing 17 million overseas Chinese, 285 overseas Chinese organizations in 47 countries and territories signed an advertisement in the free world press opposing admission of Red China to the United Nations and thus "to refrain from giving aid and comfort to Mao Tse-tung."

Unless the vote to admit Red China is thought of within the context of the U.N. charter, our public is misled again into confusing the form with the substance. The form is there, for the charter is there. The substance is not.

RED CHINA—A WORLD OF FEAR

The Nixon Administration has undertaken a program to promote "better relations" with Communist China, a policy long advocated by a number of subversives and security risks in the State Department as well as pro-Communist "old Chinese hands" who were exposed in the Senate Internal Security Subcommittee hearings on the Intitute of Pacific Relations. On April 27, 1971 the Associated Press reported that a presidential commission recommended a U.N. seat for Communist China. Under the policies recommended by this commission U.N. membership would also be recommended for other Communist countries—East Germany, North Vietnam and North Korea. The article pointed out that the Nixon Administration has already dropped some embargoes on trade with China. A day earlier, AP had reported that Communist China's Chairman Mao Tse-tung wants to meet with President Nixon in Peiking and that Nixon is "thirsting" to meet with China. Life magazine quoted President Nixon as stating, "If there is anything I want to do before I die it is to go to China."

The claim that Red Chinese-American relations have improved because of a table tennis match is not accurate. A relaxation in the rules of trading with China began with the Nixon Administration in 1969; American firms were permitted to trade with Red China through their foreign subsidiaries. General Motors sold engines and parts to the Chinese; Monsanto has sold rubber products; American Optical has sold microscopes; and Hercules Rubber has traded with Red China. On April 14, 1971 President Nixon announced revision of long-standing U.S. rules of trade and travel between Red China and the U.S. The White House made it perfectly clear that the revisions represented an effort "to create broader opportunities for contacts between the (Communist) Chinese and American peoples."

In 1949 the Chinese Communist revolutionaries defeated the National Armies of General Chiang Kai-shek on the mainland, the culmination of 22 years of fighting, this was accomplished through subversive activities of State Department personnel. Those individuals in and out of the State Department who helped promote the Communist take-over of China has never stopped promoting the Red regime of Mao.

The New York Times reported on April 30, 1971 that former Secretary of State Dean Rusk, addressing the American Society of International Law Annual Conference in Washington, D.C., stated he favored the admission of Communist China to the U.N. He also urged the admission of Communist East Germany, Communist North Vietnam and Communist North Korea and recommended that the U.S. grant diplomatic recognition to these Communist countries. Dean Rusk himself has been considered to be a security risk; he was first investigated by the State Department in January 1946 and the FBI conducted a full field investigation on him in 1948. It was not until January 12, 1949 that he was finally able to secure a clearance by a "loyal security board." Dean Rusk waived security rules on over 150 individuals who came into the State Department while he was Secretary of State. Rusk became Deputy Under Secretary of State on May 31, 1949 and Assistant Secretary of State for Far Eastern Affairs on March 28, 1950. It was while he was serving in this capacity that Rusk told an audience at the University of Pennsylvania that Mao Tse-tung was the "George Washington of China," although he knew full well that this butcher had already been responsible for the murder of millions of innocent Chinese people.

It was on the recommendation of Dean Rusk that the United States rejected the offer of Chiang Kai-shek to supply the necesasry trained troops to flight the Communists in Korea. It was Dean Rusk who made the recommendation that General MacArthur be forbidden to stop the flow of Communist troops and supplies over the Yalu River Bridge. It was Dean Rusk who formulated and had approved the "no-win" policy in Korea. It was Dean Rusk, finally, who recommended the dismissal of Gen. Douglas MacArthur when he insisted on winning the war in Korea. In fact, it was Dean Rusk who wrote out the dismissal order for the President to sign.

After the disgraceful armistice in Korea, which he also recommended, Rusk left the State Department to be rewarded as was Alger Hiss. Rusk became President of the Rockefeller Foundation. In his capacity he continued his unbroken record of aiding the Communist conspiracy by recommending a two-million-dollar grant to the Institute of Pacific Relations; he also urged the Ford Foundation to make a grant to the NPR. Dean Rusk helped engineer the muzzling of the military, in cooperation with Adam Yarmolinsky and George Ball, by setting up a censor board inside the State Department that examined all speeches by military men and deleted anything unfavorable to the Soviet Union.

There were 55,000 Americans killed in Korea and many more permanently injured. Because of the policies and activities of Dean Rusk in refusing to allow anti-Communist Chinese troops to fight their own enemy, the Chinese Communists, we used Americans instead. The Americans were not permitted to win because of policy determined by Dean Rusk and his associates. In addition to the Americans killed in Vietnam, Laos, etc., many more will be killed if the present no-win policy is pursued. In Vietnam, over 45,000 Americans have been killed in combat, another 10,000 as a result of accidents or sickness and other causes, and over 300,000 have been wounded. The policies of Dean Rusk and the conspirators whose orders he followed have been continued to the present day, with American policy in Vietnam following the pattern set in China of aiding the Communists while prentending to fight them. Dean Rusk played no small part in the enslavement of millions of Chinese and the murder of millions more. Secretary William Rogers is continuing this policy. (Only the names have been changed!)

There were others who helped promote the Communist conquest of China in their capacities as officials in the State Department, professors in universities, or writers; many are still active in helping Red China now by trying to promote "better relations." One of those is Robert Barnett, formerly an official of the Institute of Pacific Relations and for many years (until he recently retired) an official in the State Department. Others who have been defended by the liberals and the Communists, but whose subversive records were revealed during the Institute of Pacific Relations hearings, are John K. Fairbanks, Owen Lattimore, Lawrence K. Rossinger, and John S. Service. Edgar Snow, an American writer and friend for many years of Mao, quotes the Red Chinese leader as saying "the problems between China and the U.S.A. would have to be solved with Nixon," according to Life magazine. Edgar Snow was a member of the Institute of Pacific Relations and a writer for their publications and the subversive magazine AMERASIA. He was connected with the Communist-front, China Aid Council, and his wife (Nym Wales) was identified as a Communist.

Secretary of State Rogers, addressing members of the Southeast Asia Treaty Organization in London during the latter part of April 1971, was quoted by the Associated Press as stating, "We believe that the People's Republic of China has a growing role to play in Asia. The aim of our policy is not to deny that role but to encourage it. . . ."

Syndicated columnist Paul Scott recently pointed out that Red China is holding American prisoners (reportedly numbering several hundreds) from the Korean and Vietnam wars, some of whom have undergone everything from brainwashing to torture for more than 20 years. One member of the House Committee on Foreign Affairs stated, "It looks like the President is conveniently forgetting the fact that the Red Chinese are holding American prisoners of war. Some one must remind him that his first responsibility is to free these men; not provide the White House as a propaganda forum for Peking."

Red China, which President Nixon is wooing, was an aggressor in the Korean war, seized territory from India, occupied Tibet, supplied weapons to kill Americans in Vietnam and has stirred up revolutionary activities in Africa, Asia, Latin America and in the U.S. The Red Chinese have supplied guerrilla warfare instructors to Cuba where American revolutionaries have been trained, after which they returned to the U.S. to start their bomb-throwing activities. The Black Muslims, the Progressive Labor Party, the Revolutionary Action Movement, the Black Panthers and several other Communist revolutionary groups in the U.S. are pro-Red Chinese and have received support from Mao.

A previous issue of the Herald of Freedom revealed the tremendous amount of narcotics which originate in Red China. Columnist Kevin Philips, writing from Washington, early in May 1971 stated:

"Shortly after the 1970 invasion of Cambodia wrecked Communist ability to undertake further military offensives, the Reds switched to a drug offensive. Large quantities of heroin began arriving in Vietnam. It came through the Saigon docks, and at first was available only in that city.

"Uniform packaging and refining indicated a single, highly-organized source; moreover, one that was willing to forego profit in return for widespread distribution. Pure heroin (which costs $50,000 an ounce in the U.S.) is being sold throughout Vietnam at prices far below those which our well-paid troops could afford. The motive, therefore, is not profit but addiction of GIs."

For some reason, most of the American press has suppressed the fact that Red China is now the principal supplier of opium (from which heroin is made) even though it is well established that narcotics addiction has reached alarming proportions throughout the U.S. On April 30, 1971 the informative Weekly Review, published by British Intelligence Digest, pointed out that in 1970 the Communist government of China exported more than 10,000 tons of drugs, including opium, morphine and heroin, valued at $800 million. The Peking regime has been encouraging farmers to increase poppy planting in wide areas, to produce more opium for export to the free world. The main purpose of this campaign is to sap the strength of the free world and particularly that of Americans in uniform. The British publication estimated that 50% of the American forces in Vietnam use drugs and stated, "Peking forbids the use of drugs by the Chinese people. The penalty for the drug-pusher or user is death. But the distribution of narcotics to 'imperialist, capitalist and revisionist enemies' earns promotion for the traders and smugglers."

According to Washington sources, 60% of servicemen treated in hospitals in Vietnam in the latter part of 1970 were drug-related cases. There are reportedly days in Vietnam when more soldiers die from drugs than from combat. One source stated that the U.S. Command in Vietnam released data showing that up to 45% of the troops are using hard drugs with the actual figure being perhaps higher. A congressional investigator quoted Medical Corps Maj. Jerome Char as saying that 40–50 percent of the "Screaming Eagles" of the 101st Air Mobile Division are heroin users, and that 90 percent are taking some drug. According to Brig. Gen. Roy Atterberry, deputy Commander of the American Division, men under the influence of drugs began the now widespread practice of "fragging"—killing their own officers with fragmentation grenades. It has been estimated that approximately 1,000 Vietnam veterans returning each month to their homes are addicted to drugs and have turned to crime to support their habit. There is reason to believe that the Communist-controlled anti-war demonstration groups may be utilizing some of these unfortunate veterans to further their purposes.

There are those in official and unofficial positions who would have us believe that the Chinese Communists, like their counterparts in the Soviet Union, are mellowing; that conditions have improved. Nothing could be further from the truth. On April 19, 1971, Congressman John G. Schmitz of California, addressing the House of Representatives, stated:

"Several weeks ago the House Committee on Internal Security, of which I am a member, held hearings during which expert testimony was given about the conditions existing inside Red China. The horrors of life under the Chinese Communists was fully brought forth by two college professors who had been fortunate to escape from the mainland.

"The reality of life within the Communist slave state was made crystal clear by highly educated men who had actually experienced life in Red China. The slave camps, the hatred and suspicion, the 'total world of fear,' was vividly described. Very few people could have listened to what these men had to say and reacted with anything but incredulity over the meaning found in a ping-pong match by so many of our articulate commentators."

One of the individuals who testified before the House Internal Security Committee was Professor Ma Szu-Tsung, now a resident of Philadelphia, after having escaped from Communist China. Prof. Ma Szu-Tsung had been a deputy of the Nation People's Congress of Communist China, a professor at Sun Yat-sen University of conductor of the China Symphony Orchestra, which enabled him to travel all over China. He told the committee that the reason he decided to escape was that the people of Red China are slaves, there is no freedom whatsoever, no freedom of thought, no freedom of expression, nothing but a world of fear. One often cannot trust his own family or friends, the professor stated. "Each person is like a bee in a honeycomb, confined to his own cell by the fear of being denounced by someone for something." . . . "The farmers," he stated, "are tied to their communes. They are treated like cattle, and probably live and die without ever having left their commune, except for a party display or two during their lives. The Chinese have lived under so much cruelty and sorrow for so many years that they have become adaptable to much of this." The professor told how interesting it had been to read the Chinese constitution. It states that the people of China have all the rights that the American constitution provides: freedom of speech, freedom of religion, freedom to assemble, freedom to express thoughts, etc. What makes it so interesting is that it is all a lie. "The only rights a person in China has is to work and to praise Mao Tse-tung. I feel the Chinese people now live in complete slavery. You could exercise your freedom of speech by saying, "The weather is good,' or 'The sky is blue,' but you could not say for example, 'I would like to go to America.' A statement such as this would cause you a great deal of difficulty. You would then be called in to examine the root of your thinking. Questions would arise about where your education broke down and allowed such a bad thought. Perhaps they may think the individual might be a spy or perhaps he has contact with spies."

Continuing his testimony, Professor Ma Szu-Tsung stated: "The individual should have been taught all of his life that America is the number one enemy of China, and the people of China. The individual would be called upon to confess to what prompted him to make such a statement. This confession would lead to more confessions. You must confess for the good of your soul and the good of your thought. You must completely understand why you made these statements. The more detailed your confession, the better you would understand why you were wrong. After you have confessed sufficiently you are sent off to a labor camp for re-education. Most trials in China today do not take place in a courtroom. They are held in the street, schools, in the factories, or in any group to which you belong. . . . Upon completion of these hearings or gatherings you are then sent to labor camps for re-education through work." He told the committee that China does not have capital punishment. People are not executed, they are sent to labor camps where they are worked to death. This way the state derives some benefit from them. "In China today," the professor added, "the most casual comment to a friend, relative, or even to members of your own family can often bring you before such a tribunal. Everyone lives in a state of fear. Fear is everywhere. . . . Allegations made by anyone can bring you before a peoples tribunal and there is no defense."

The House Internal Security Committee also received testimony under oath from Professor Richard K. Diao, a graduate of the National Central University in Chungking, China in 1946, who came to the U.S. in 1947, attended the University of Illinois, graduating in 1948 with a Masters Degree. He also attended Columbia University and New York University as a candidate for a PhD. In 1950, he went to work for the Ministry of Finance in Peking, China and then became an Associate Professor of Public Finance at the Institute of Finance and Economics in Peking and subsequently Deputy Head of Teaching and Research in the Department of Finance.

Professor Diao stated that in 1957 the Chinese Communist government promised that no penalty would be given to those who criticized the party and the government but that this would be used to improve their work. However, after he (Diao) criticized the party, he was subjected to considerable harassment. "I was labeled a 'rightist' and enemy of the state," he said. He was accused of being a U.S. spy because he had three brothers and two sisters all living in the United States and his father was a retired Lt. Gen. of the Republic of China who died in New York in 1956. As a result of making statements in accordance with the government's false suggestion, he was sent to the Military 850th State Farm as a laborer to undergo thought reform. The camp was located in Chinese Siberia, 20 miles from the Sino-Soviet border. He was kept there for two years and 10 months and stated the treatment at this camp was more inhumane than what he had heard of the concentration camps of the Nazis. The prisoners worked at hard labor 14–16 hours a day, seven days a week with very little food in bitter cold, and many died from exhaustion and malnutrition. At the end of 1960, after his labor and thought-reform program, he was sent to Shansi Province to the Shansi College of Finance and Economics, his duties there being to prepare lectures for others to give since he could no longer be trusted to deliver lectures personally. Most of the time he was assigned to do manual work in the countryside. including cleaning public toilets. In addition, he was required to report each week, without fail, about his thoughts and deeds to a party member who was assigned to help him and to submit reports to a Communist Party Committee every month.

Explaining life in China, the professor said that most of the people are assigned to a job where they are needed by the Communist Party. "You can request a transfer to another job but very seldom are these requests granted. At this time you are also subject to criticism because they would ask you why you questioned the wisdom of the Party in assigning you a job." This would eventually lead to undergoing a 'labor and re-education" program in a slave labor camp. In explaining the legal defense system in China, the professor told the committee, 'If you are arrested in China and brought to trial, you wil be given a Government appointed defense lawyer. This presents problems for a defense counsel. First, they often arrest people without any basis, almost anyone can be arrested for anything. It can come at any time. They can just confine you to your office until you write down your confession. If you don't know what to confess to they will tell you. . . . The defense counsel usually advises his client to confess. . . . If he did try to defend an accused he would probably be the next one on trial himself."

For those who might question the facts as related by these Chinese intellectuals, Time magazine of May 3, 1971 reported that the Chinese told the American ping-pong players that 5% of the people in Red China disagree with Mao's policies but they are being re-educated in labor camps. Time magazine pointed out that in China, of course, 5% of the population amounts to 40 million persons. Another interesting disclosure was that, as new apartments are built, they are deliberately designed to be too small to house relatives and thus the old tradition of younger people caring for the old has been destroyed. Birth control pills are distributed freely and children spend their time in government nurseries and schools while their mothers work.

President Nixon is unquestionably working towards diplomatic recognition of Communist China and its admission to the U.N. One of the stumbling blocks is the problem of two Chinas. Confidential Washington sources report that an effort will be made to get the Republic of China (Taiwan) to resign from the U.N. in order to induce Red China to join, with the Nixon Administration promising to continue "protecting" Taiwan. However, the New York Times on May 5, 1971 quoted Charles W. Bray, III of the State Department as describing the sovereignty of Taiwan as an unsettled question subject to future international resolution. President Nixon is seeking good relations with the Soviet Union and Communist China, both of which nations are supplying the weapons which are killing Americans daily and neither of which ever has renounced the Communist international program of world conquest which includes the creation of a "Soviet America."

WILL PING-PONG PROPAGANDA ERASE HISTORY?

There is a joke making the rounds in Moscow today that goes like this. When Stalin died, there was a clerical error at the Pearly Gates and he was admitted to Heaven without anyone realizing it. In due course, he met St. Peter and said, 'Things are really pretty dull here, with everyone so happy and free. I would like to have a look at Hell to see if it might be more to my taste. St. Peter quickly granted this request and assigned an angel to take Stalin down for a tour of Hell. When Stalin arrived there, he found Hell was a rather exciting place—parties, women, whiskey, and perpetual merriment. When they returned to St. Peter, Stalin said: "If it's all the same to you, I'd rather spend my time in Hell." St. Peter readily gave permission for Stalin to make the move, warning him, however, that there would be no chance to change his mind—the decision would be final. Stalin agreed to the condition.

The angel escorted Stalin down below. This time, however, when they arrived, Hell looked like the way it really is, full of fire and brimstone, agony and pain. Stalin turned to the angel in astonishment and said, "But it wasn't like this when you brought me here before!"

The angel calmly replied as he departed, "Ah, Mr. Stalin, when you came before, you just had the guided tour."

The conclusions reached by the American table tennis players who went to Red China, and by most of the liberal publicists who wrote glowingly about them, are just as wrong as Stalin's guided tour of Hell. Even in this age of befuddled college students, it is hard to see how there could be any so ignorant as the members of the U.S. ping-pong team who praised Red China.

Some players said their visit shows that the Chinese Reds are a "very friendly people." One 18-year old member of the U.S. team said he would "prefer the Chinese system if it could be set up in America." Another U.S. ping-pong player said he could find no criticism of Red China; but he didn't hesitate to downgrade his own country.

As usual, the professors were more extreme than the teenagers. One 40-year old English teacher at an Eastern university, who wants to bring Chinese opera and ballet to America, said: 'The single thing that struck me most is that Mao is Jesus Christ." He added that he sensed a "great psychic strength" among the Chinese. 'It's a force to be reckoned with," he continued; "everyone comes together in this psychic discipline and unity." He failed to add that, if the Chinese didn't voluntarily come together in "discipline and unity," they are killed or imprisoned.

Life Magazine portrayed the ping-pong tour as though it were as important as the invention of the steam engine, the flight of the Wright Brothers, the atomic fission at Chicago University, or some other event which marked a new era in history. Other liberal magazines were similarly extravagant in their reporting.

Those who think that a ping-pong game can turn murderers into gentlemen, or convert a Communist into a friend, show that they have learned nothing from the past and are unwiling to face the realities of the present. Ping-pong propaganda may be able to erase history from the memories of the ignorant and the naive, but such deliberate self-deception is dangerous for America.

It isn't the pong-pong game itself that is dangerous, it is the foolish way that Communist and liberal propagandists are using the ping-pong paddle as a wedge to promote diplomatic recognition of Red China and its admission to the United Nations. Non-recognition of Red China has been an established part of U.S. policy for 22 years through five different U.S. Presidents. The American people of both political parties are probably more solidly united against Red China than on any other foreign policy issue. The Senate and the House have gone on record dozens of times during the last 22 years with unanimous or near-unanimous votes against recognition of Red China and its admission to the U.N.

In the light of the current wave of ping-pong propaganda, it is well for us to examine the reasons why the United States should remain steadfast in its policy NOT to recognize Red China.

UNCIVILIZED BARBARIANS

First, we oppose recognition of the Red Chinese bosses because they are unfit to belong to the family of nations or to be treated as equals in international intercourse. Civilized people don't dine with murderers and criminals, and that is what the Chinese Reds are.

The Red Chinese dictatorship has deliberately liquidated 20 million Chinese, violated the sacred institution of the family by forcing people into Red communes, persecuted all clergy and missionaries, committed savage aggression and genocide on the Tibetan race, seized territory from India, made the production and distribution of narcotics an organized Government monopoly netting billions in illicit profits, stolen millions of dollars of U.S. property, committed a sneak aggressive attack on Korea, and wage continuing aggression in Vietnam, Thailand and Laos.

Former Secretary of State Dean Acheson made a very apt remark when he said, "The conduct of Red China must greatly improve before attaining the level of barbarism."

Like all Communist governments, the Chinese Reds use blackmail, counterfeiting, forgery, kidnapping, lying, mass murder, slavery, subversion, theft, religious persecution, and treaty-breaking as part of their official state policy. Like all Communist governments, their attitude toward treaties is succinctly summed up in Lenin's dictum: "Promises are like piecrusts—made to be broken."

The argument is made by the liberals that "you can't ignore 750,000,000 people—they exist!" Well, Richard Speck and James Earl Ray exist, too, but civilized people don't invite them to dinner. Former Philippine Ambassador Carlos Homulo once said that the admission of Red China to the U.N. would be like inviting Al Capone to join the Chicago police force.

The fact is that, if we recognize Red China, we would deliberately ignore 727,000,000 people. The total number of Communists in China is not more than 23,000,000. The remaining 727,000,000 Chinese are the slaves of the Red bosses and would feel betrayed and abandoned without hope if America were to grant their captors the dignity of diplomatic recognition.

The liberals argue that we should forgive and forget the fact that the United Nations officially branded Red China as an aggressor in Korea, just as we have forgiven and forgotten the attacks on America by Japan and Germany in World War II. But Japan and Germany threw out their war-starting governments before we welomed them to the family of nations. Red China, on the other hand, has still the same criminal gang in control. This gang has not renounced treaty-breaking, no-warning wars, religious persecution, or any other of their uncivilized policies. Red China today is ruled by the same men who invaded South Korea and Tibet and killed thousands of American troops. We would break faith with our servicemen if we welcome their sneak attackers.

The liberals argue that, since we recognize the Soviet Union, why shouldn't we treat Red China the same way? The first answer to this is that two wrongs don't make a right. The second answer is that the Soviet Union remained weak and ineffective and no threat to our security during the period that four American Presidents (Wilson, Harding, Coolidge and Hoover) refused to recognize the Communist government. As soon as Franklin Roosevelt granted diplomatic recognition in 1933, Communism began to spread through the world because, in violation of all international morality and even of the executive agreement by which recognition was extended, the Soviet Union used its embassy as a center of espionage, subversion and propaganda.

The liberals argue in favor of Red China's recognition and admission to the U.N. because "it's better to be talking than fighting." Such a hoary cliche could only be repeated by one who never heard of the Pearl Harbor attack. The Japanese diplomats were politely talking with us in Washington, D.C., all during the months the surprise attack was planned—and even while the bombs were falling on December 7, 1941.

THE 450 FORGOTTEN POW'S

Second, our recognition of the Chinese Reds is morally wrong because they are still holding or refusing to account for 450 American POWs from the Korean War. We hear a great deal now about the plight of some 1,600 American servicemen who are POWs in Indo-China. The Vietnamese Communists won't even tell the families of our POWs if they are dead or alive, although some have been held prisoner for as long as six years.

What about the 450 American POWs who have been imprisoned or unaccounted for ever since the Korean War? It has been nearly 20 years and they are truly the forgotten Americans. U.S. diplomats have met scores of times with the Chinese Reds in Geneva to negotiate for these 450 American prisoners. Not one of them was ever accounted for or released, although their continued imprisonment is in direct violation of the Korean armistice agreement.

The tragic tale of our Korean War POWs is spelled out in the House Foreign Affairs Committee Hearing on "Return of American Prisoners of War Who Have Not Been Accounted For By The Communists" held on May 27, 1957, and in House Resolution 292 unanimously passed by the House of Representatives on July 9, 1957.

The whole idea that diplomatic representatives of the United States should mingle socially with the Communist tyrants who have been holding American servicemen prisoners for 20 years is a shocking affront to every American who ever wore our country's uniform.

How can Hanoi believe we mean business in demanding the return of our Vietnam POWs when they see how so many Americans are hungering to fraternize, drink, trade, and play games with the captors of our Korean POWs?

ESPIONAGE HEADQUARTERS

Third, recognition of Red China is wrong because it would enable the Chinese Reds to engage in espionage and subversion inside the United States on a massive scale. We know they are already doing this furtively on our college campuses and extensively throughout Latin America, Africa and Asia. Diplomatic recognition would give the Chinese Reds privileged sanctuaries in Washington, D.C. and in the United Nations in New York City to serve as headquarters for their spying and subversion.

FBI Chief J. Edgar Hoover said last year that the Chinese Reds are already working in the United States to procure "highly coveted technical data" and "to introduce deep-cover intelligence agents into this country." Mao has also lent support to the Black Panther Party and other revolutionary groups. Why should we give the Chinese Reds a privileged base from which to direct their operations?

Having the diplomatic immunity of their spy centers would make espionage so easy for the Red Chinese. They could use the unbroken seal of the diplomatic pouch to transmit orders to spies and couriers and to receive back their reports, microfilmed documents, and other materials. Colonel Otto Biheler, an attache of the Communist Czechoslovakian embassy in Washington, D.C., is a classic case of how this is done. He used the sealed diplomatic pouch to transmit to his Red bosses not only top-secret military and atomic information, but also jet propulsion materials, the secret electronic tubes used in proximity fuses, and geiger meters for detection of atomic materials.

Years of experience with the diplomatic missions of the Soviet Union and all Communist governments prove that this is the way Communists behave—and Red China would certainly be no slacker in playing the game. For documentation, see the *Report of the Canadian Royal Commission* which investigated code clerk Igor Gouzenko's revelations, the *Report of the Australian Royal Commission* which investigated Embassy Secretary Vladimir Petrov's confession, and the Senate Internal Security Subcommittee Report called *Activities of United States Citizens Employed By The United Nations*.

There has been no change in Communist tactics since these reports were published or since the House Committee on Un-American Activities issued a masterful report called *Patterns of Communist Espionage*. This document showed in detail how Communist embassies and U.N. delegations are headquarters for international Red spy rings. At the time the report was written, the Soviet Union had 442 adult Soviet citizens with official diplomatic cover in the United States who could be used for espionage. This is more than five times the number of United States citizens serving at the U.S. embassy in Moscow. Whereas the United States hires its servants in Moscow. Soviet diplomats import all their maids, chauffeurs, cooks, etc., and they are all part of the Soviet espionage apparatus.

LISTENING POSTS

The liberals claim that our embassies in Communist countries have value as "listening posts." A mountain of historical evidence shows conclusively which side is doing the listening. Every servant employee and interpreter working in U.S. embassies in Communist countries must be selected and registered by the Communist secret police. The U.S. embassy in Moscow employs some 90 MVD-registered employees. In most U.S. embassies in Communist countries, there are more Communist-certified employees than there are American personnel.

The embassy and the personal living quarters of Americans are bugged and their telephones tapped. One Western attache found eight microphones in his three-bedroom apartment. American diplomats discovered a microphone had been hidden for years only a few feet from where our Ambassador-to-Moscow Joseph E. Davis dictated his top-secret reports to Washington. The Reds planted another listening device inside the great U.S. seal. In the American legation in Budapest, a microphone was discovered in the fireplace of Cardinal Mindszenty's room connected to a wire recorder on the legation roof.

American diplomatic personnel are trailed by the Communist secret police when they leave their homes and offices. General Arthur Trudeau has testified that the secret police systematically weaves a web of bribes, blackmail, sex, alcohol and narcotics to entrap our diplomats abroad.

There is not a shred of evidence that the United States gains any useful information from our embassies in Communist countries. Every move the Communists make catches U.S. authorities off guard, such as the Soviet breaking of the nuclear test ban in 1961, Khrushchev's sending nuclear missiles into Cuba in 1962, and the invasion of Czechoslovakia in 1968.

THE RACKET CALLED "TRADE"

Fourth, recognition of Red China would be a costly mistake for American taxpayers because it would encourage powerful financial interests in our country to press harder for trade with Red China, which indeed they are already doing. The granting of diplomatic recognition would open the door to the achievement of "East-West trade," a Communist objective for 15 years.

"Trade" is what they call it, but "racket" is a better word. Red China has no money to buy from an affluent America, and no prospect of getting enough money because of the inherent unproductiveness of the Communist economic system. So, what is really meant by "trade" with Red China?

"Trade" with Red China means handouts to a Communist government financed by the U.S. taxpayer. Here is the way the racket works. The Red Chinese order U.S. materials, pay for them with money borrowed from the Export-Import Bank, the World Bank, the International Development Association, or the Asian Redevelopment Bank. These so-called loans are never repaid, and the long-suffering U.S. taxpayer pays the deficit. No wonder this racket is supported by powerful U.S. financial interests! They get paid in full! The U.S. taxpayer seldom finds out how they are cheated because of the way the various international lending agencies—the "middleman" in the deal—are surrounded by liberal verbal gobbledegook and buried in the Federal budget.

When Lyndon Johnson was President, he increased the U.S. appropriation to the Export-Import Bank 50% from $9 billion to $13.5 billion. It just happened that the president of the Export-Import Bank. Harold F. Linder, was the largest single contributor to the Democrats in the 1964 campaign. He gave $61,300 to Democratic candidates that year.

On April 6, 1971, the Senate voted to increase the lending authority of the Export-Import Bank from $13.5 billion to $20 billion. The Senate bill would also grant the request of the Nixon Administration that the Export-Import Bank be taken out from under the expenditure and lending limitations in the President's budget. Henry Kearns, president of the Bank, said that budgetary restrictions were greatly hampering its operations.

In President Nixon's State of the World Message of February 25, 1971, he asked Congress to "double" the "soft (low-interest) lending capacity" of the International Development Association, and to increase our contribution to the Asian Development Bank. The International Development Association is the device by which Americans are taxed in order to give foreigners no-interest or very-low-interest-bearing loans (euphemistically disguised as "soft" loans) which will never be repaid. These are the subterfuges by which U.S. financial interests will profit on the "trade" with Red China which is designed to accompany recognition.

NEW NIXON POLICY

To the surprise and dismay of those who have studied history, the White House in 1971 embarked upon a series of steps to abandon our 22-year-policy. The Kissinger-authored State of the World Message on February 25 said: "The United States is prepared to see the Peoples Republic of China play a constructive role in the family of nations. . . . We are prepared to establish a dialogue with Peking."

On April 14,, President Nixon struck down many restrictions on travel, communications, trade and shipping with Red China, saying that he will soon authorize direct exports of nonstrategic items to Red China.

On April 26, a Presidential Commission headed by Henry Cabot Lodge recommended to the White House that Red China be admitted to the United Nations even though such action might be "awkward and discordant" to both the United States and the U.N. The May 10 *U.S. News & World Report* shows a picture of President Nixon accepting this report.

Initially, the press reported the Lodge statement as espousing the "two Chinas" policy, that is, give a seat to Red China but let the Republic of China on Taiwan (Formosa) continue in membership. It would appear, however, that the State Department is not only promoting the recognition of Red China and its admission to the U.N., but also the betrayal of our longtime friend and ally, the Republic of China. On April 28, while Secretary William P. Rogers was telling a press conference in London how eager we are to exchange visitors with Red China, a State Department press officer named Charles Bray III announced in Washington that the legal status of the island of Tawain was an "unsettled question" between rival governments. He issued a statement urging that Communist China and Nationalist China settle their dispute by peaceful means.

There is hardly any way to construe this inept remarks except that the State Departmenti wanted to insult the Republic of China. Yet the St. Louis Post-Dispatch Wire Service reported on May 5 that "Mr. Nixon stood by the U.S. contention that sovereignty over Taiwan was unsettled."

The only thing "unsettled" about the island of Taiwan is that Red China covets it and wants to capture it by force. Taiwan is truly a "bone in the throat" of Mao Tse-tung because it is an island of freedom and prosperity which stands in stunning contrast to the slavery and economic failure of the Red China regime on the mainland. Red Chinese guards patrol the coast of the mainland and shoot on sight anyone trying to escape. Yet thousands have risked death to swim their way out of the prison called Red China. In some months, more Chinese attempt to escape by swimming the dangerous channel to Hong Kong than all the East Germans who have ever attempted to scale or penetrate the Berlin Wall since it was erected! In spite of the efficiency of the Red Guards, Mao Tse-tung and his associates will never feel secure as long as Taiwan is free.

The Republic of China had been fighting Japanese aggression for years before Pearl Harbor. After the Japanese attack on the United States, Generalissmo Chiang Kai-shek had the opportunity to make a separate peace with the Japanese. Realizing that the United States was fighting a long war on two fronts, he decided to keep fighting with us as a wartime ally. When World War II was over, President Franklin Roosevelt betrayed this loyal wartime ally by making a secret deal at Yalta to give the Soviet Union control of strategic Chinese territory: Outer Mongolia, Port Arthur, Darien, the Chinese-Eastern Railroad, and the South-Manchurian Railroad.

Following Yalta, the pro-Chinese Communist crowd in the State Department tried to force Chiang into a coalition government with the Reds. When Chiang refused, the State Department cut off all aid to the Republic of China and forced it into a truce with the Communists which gave the Reds time to obtain arms and ammunition from the Soviet Union. Meanwhile, Under Secretary of the Treasury Harry Dexter White, who was a secret Soviet agent, caused the Republic of China's currency to deteriorate by stalling for four years and stopping a large loan which had been promised and approved. These activities brought about the takeover of China by the Red regime of Mao Tse-tung. The best history of this whole sorry story is *How The Far East Was Lost* by Dr. Anthony Kubek.

If U.S. national honor and our treaty commitments mean anything, we must never betray the prosperous, happy island of freedom, Taiwan, which is the present base of our faithful World War II ally, the Republic of China.

The liberals allege that Taiwan is just an offshore island which should belong to whomever owns mainland China. This is as ridiculous as the Nazi claim in World War II that England was an offshore island which really belonged to whoever controlled Europe. Actually, England is much closer to the continent than Taiwan is to the mainland. Just as the United States recognized the legality of all the European governments-in-exile on the Island of Britain, and continues to recognize the governments-in-exile of the Republics of Latvia, Lithuania and Estonia (31 years after the Soviets seized them), so the United States must continue to recognize the Republic of China. It is larger in population than more than half of the 127 U.N. members.

"INEVITABLE" RECOGNITION

Realizing the importance of maintaining sanctuaries for subversion inside the United States, the recognition of Red China and its admission to the United Nations have been major Communist objectives for the last two decades. These objectives are pushed relentlessly by the Communist press and by Communist fronts, and echoed by Communist sympathizers and dupes in many walks of life. Millionaire Cyrus Eaton used to finance a campus organization called The Undergraduate Committee for the Recognition of (Red) China. Before it died a natural death, chapters had blossomed on 50 college campuses, from Princeton to California University. Robert Kennedy made recognition of Red China a major part of his campaign with college students.

On October 16, 1960, the Communist newspaper, *The Worker*, launched a drive to convince the American people that the admission of Red China to the U.N. is "inevitable." This line was echoed by fellow-traveling commentators cooperating with the Red China lobby.

Since ping-pong propaganda has swept across our land, this line about "inevitability" has been trotted out again and is being pressed hard by the liberals. Recognition of Red China wasn't "inevitable" in 1960, and it isn't inevitable today—unless American citizens swallow the falseness and the foolishness of the Henry Cabot Lodge-State Department-liberal line.

The United States has many weapons to prevent the admission of Red China to the U.N.—if our Government only has the will to use them. (1) The U.S. has the absolute power, unilaterally, to block admission of Red China to the U.N. by the double veto. Not only can we veto Red China's admission, but we can veto any attempt to bypass our veto by the trick of calling Red China's admission a "procedural matter." (2) We have full power to block Red China by withholding some or all United States contributions which constitute 31 per cent of the U.N. budget. Nothing would stop the agitation for Red China by our so-called allies so fast as the simple declaration by our Government that, if Red China is admitted to the U.N. the United States will maintain its national honor by withdrawing from an organization which violates its own charter and rewards aggression.

Write President Nixon and your Senators and Congressmen and tell them you oppose recognition of and trade with Red China, using whichever of the arguments given above that most appeal to you. Write your newspapers, call your radio station, and use any of the channels of communication through which you can let your voice be heard.

THOMAS J. DODD

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1971

Mr. ROONEY of New York. Mr. Speaker, I sadly join my colleagues in tribute to the late Honorable Thomas J. Dodd. I was always proud that Tom Dodd was a longtime, close friend of mine and his passing came as a deep personal shock. Tom was a warm, fine man. A man who believed in people and tried to help them. He fought for civil rights long before the fighting for them was popular. In 16 years with the Department of Justice, where he was special assistant to five Attorneys General, he prosecuted cases against the Ku Klux Klan and against those who would deny laboring men the right to organize into unions. He served as an agent of the Federal Bureau of Investigation, was executive trial counsel during the Nazi war trials at Nuremberg and served two terms in the House of Representatives before being elected to the other body. He supported legislation dealing with civil rights, welfare programs, housing, medicare, unemployment compensation, social security improvements, relaxation of restrictive immigration laws, drug abuse prevention, and gun controls. He was also a man who knew adversity and its heartaches and we shared some of these with him, for he was a friend. Mr. Speaker, Tom's many true friends will miss him. To his lovely wife, Grace, and their children we extend our deepest sympathy and prayers in their time of great loss.

FOR WHITES ONLY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. REID of New York. Mr. Speaker, it is the practice of the American Embassy in Cape Town, South Africa, to hold some social functions which are for whites only, in compliance with South Africa's apartheid laws, and some social functions which are multiracial.

On June 1, the president and deputy-president of the National Union of South African Students were invited to an official reception at the Embassy. Upon arriving, they discovered that the function was for whites only and, after explaining to the Ambassador that they could not remain at a segregated reception, they departed immediately.

To begin with, it shows something less than total awareness of what is going on in South Africa to invite the leaders of NUSAS to a segregated function. That organization is one of the few that is fighting to achieve a multiracial society in South Africa and its leaders daily risk their reputations and futures in taking stands based on the fundamental principles of human equality and justice.

The more important point, however, is that the highest ranking representatives of the U.S. Government in South Africa will acquiesce to the demeaning and abhorrent apartheid laws. Apparently, no South African cabinet minister will attend an integrated function and, in order to insure the presence of several ministers among the guests, the June 1 reception was for whites only.

The NUSAS leaders, in subsequent statements issued to the press, took pains to point out that they did not wish to embarrass Ambassador Hurd or the U.S.

Embassy. They did make the very valid observation, however, that the existence of two types of parties in terms of racial composition was evidence of a double standard on the part of the United States.

In my judgment, this is just another piece of evidence that the United States is unwilling to back up with any sort of action whatever—even so simple a matter as whom to invite to a cocktail party—its moral opposition to apartheid.

The United States is unwilling to put pressure on Portugal to end the minority rule of its African colonies; the United States is unwilling to discourage American business from investing in South Africa; the United States is unwilling to vote in the United Nations on a resolution criticizing Portugal for its blatant armed attack on black African states out of an undue concern for the legal implications of such a vote. The United States, in short, is unwilling to have a coherent policy toward southern Africa and the incident on June 1 at the American Embassy in Cape Town is another example of that, perhaps in a more embarrassing context than usual.

Neville Curtis, the president of NUSAS, and Paul Pretorious, the deputy president, sent a letter to Ambassador Hurd explaining their action the following day, and they also issued a statement to the press on the matter. I am including both documents, along with a press clipping on the matter, in the RECORD at this point, since I believe that all Members of Congress should be aware of what our Government is doing in South Africa:

PRESS STATEMENT ISSUED TO THE CAPE TIMES AND RAND DAILY MAIL

The President and Deputy-President of the National Union of South African Students walked out of an official cocktail party given several Cabinet Ministers—because it was a Hurd for Cape Town dignitaries—including by the United States Ambassador, Mr. J. 'whites only' function.

"As office-bearers of NUSAS we are prohibited from attending segregated functions. We had assumed—that the United States Embassy—of all people—did not organise segregated functions and had therefore attended. On discovering that the party was segregated—as the Ambassador put it "In order that Members of the Nationalist Cabinet would attend"—we explained our reasons to him and left immediately.

We do not wish to embarrass the United States embassy but we believe that this is a shocking example of double standards which cannot be ignored. For the official representatives of the United States government to bow and scrape to apartheid in this manner is disgraceful—and we shall make representations to both a number of Congressmen and the Department of Foreign Affairs.

The action of the Ambassador in bowing to Government refusals to attend nonsegregated functions is nothing less than a calculated insult to the majority of the people of South Africa—and also gives the lie in blatant fashion, to Mr. Vorster's statement yesterday at the Republic Festival that the Nationalist Cabinet are prepared to 'dialogue' with black South African's on an equal basis."

NATIONAL UNION OF
SOUTH AFRICAN STUDENTS,
Cape Town, June 2, 1971.

THE AMBASSADOR,
The United States of America, U.S. Embassy, Broadway Centre, Foreshore, Cape Town.

DEAR SIR: I must apologize for the fact that my colleague, Paul Pretorius and I found it necessary to leave the reception to which you had invited us on the evening of the 1st June.

As I explained to you when we left, we had not realized that the function was segregated, and on discovering this could adopt no other course of action than to leave.

You will appreciate further our extreme surprise that the Ambassador of the United States of America would host such a reception, and our natural concern was that this apparent compromise with Apartheid should not remain ignored, or out of sight of the public eye.

With this in mind we issued the press statement which I enclose for your information and will further be contacting a number of United States Congressmen to lodge further protest in this regard.

We would further like to communicate our protest to you at an action which we believe constitutes an insult to the majority of people of South Africa.

We remain,
Yours faithfully,
NEVILLE CURTIS,
President.
PAUL PRETORIUS,
Deputy-President.

NUSAS MEN WALK OUT ON WHITE U.S. PARTY

The president of Nusas, Mr. Neville Curtis, and the deputy president, Mr. Paul Pretorius, last night walked out of a cocktail party held by the United States Ambassador, Mr. John Hurd, because it was a segregated gathering.

Mr. Herbert Kaiser, a counsellor at the American Embassy, described it as "a reception with no non-White present.

"We do have multi-racial functions and we also have functions where non-Whites are not invited. This reception was attended by representatives of the widest spectrum that can be found in the White community of South Africa."

He said that Cabinet Ministers and members of the other political parties were present.

Mr. Curtis explained that he had accepted the invitation to the party under the impression that it was to be an integrated gathering.

"On discovering that the party was, in fact, segregated—as Ambassador Hurd, put it, 'in order that members of the Cabinet would attend'—we explained our reasons for leaving to the Ambassador and left immediately.

"We do not wish to embarrass the United States Embassy, but we believe that this is a shocking example of double standards on both their part and on the part of the Nationalist Cabinet, which cannot be ignored.

"The action of the Ambassador in bowing to Government refusals to attend integrated functions is bad enough, but it also clearly gives the lie, in blatant fashion, to Mr. Vorster's statement at the Republic Festival that he and the Nationalist Cabinet are prepared to 'dialogue' with Black South Africans on an equal basis."

Mr. Curtis said that he would make representations to the Ambassador and a number of United States Congressmen as well as to the Department of Foreign Affairs.

PEACE IS EVERYBODY'S BUSINESS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. DELLUMS. Mr. Speaker, permit me to share with my colleagues a short statement written by Mrs. Charles S. Liebman, of McHenry, Ill. As one who has concerned himself actively with the question of peace, I must confess to a certain amount of fascination with her down-to-earth manner of presenting what would seem to many a preposterous idea. At the very least, you will find her remarks entertaining and not a little intriguing. They follow:

MAY 21, 1971.

DEAR REPRESENTATIVE DELLUMS: Memorial Day is coming up and I seem to be one of the few people who remembers that the first American advisors on the Southeast Asian War landed in Saigon on Memorial Day in 1950. The awful thing is not how long we've been involved but how little we've learned in twenty-one years, and I say that very straight-forwardly—for all my thinking and reading, I simply don't know what we should have done or should be doing in Viet Nam. Since nobody else seems to know, I agree with the majority of Americans who now feel we should get out.

In the Congressional Committee report I have been reading, it seems to me that all the experts who appear as well as the committee members themselves are concerned with the *machinery* by which people in the Congress and in the country at large can get it together. How can people get the information they need? How can the information be developed into alternative policies? How can those alternatives be put before the public?

The concern with the *how* is, of course, what has motivated us to become active in the peace movement, starting when we first stumbled across Dr. Benjamin Rush's 1799 "Plan of the Peace Office for the United States". The way to begin, as Dr. Rush asserted, is to begin. If you want peace, you have to create an office which works full time for peace—not peace-through-superior-arms, which is the D.O.D. line, or peace-through-American Hegemony, which is a State Department undertaking, but Peace.

I have never felt inclined to heap vituperation on the heads of existing agencies who, it seems to me, are doing exactly what they are employed and paid to do. The military men are supposed to provide us with a formidable military capability; they've certainly done it. State is supposed to protect and advance the interests of this nation; they've certainly tried. I can't see why Generals should be asked to devise non-military solutions to international confrontations; or how State can be expected to invent programs which might involve serious limitations on American sovereignty. And beyond the very clear mandate given these offices lies the simple human truth that every office of every government, as John Galbraith says, develops a "life and purpose and truth of its own and captures men for that truth". And beyond *that* observation lies the *federalists'* pragmatic recognition that "avarice, ambition, personal animosity, party opposition and many other motives not more laudible than these, are apt to operate as well upon those who support as those who oppose the right side of question."

So the weakness in the present machinery of our government seems to lie in the lack of any agency which has a clear mandate to work for Peace; an agency in which all of the influences that shape departmental policies and programs—(the constituencies and sources of support, the span of interest in departmental leadership, the range of skills and professional concern in departmental staff)—will be peace based; an agency free of the inhibiting fears of criticism and latent McCarthy-ism which chain the imagination of existing offices; and above all, perhaps, an agency in which man can earn a promotion, a bigger paycheck, his picture in the paper, and an invitation to appear on the Dick Cavett Show by working for Peace.

Let me quickly say that A.C.D.A. does not meet these requirements. Although the legislation that created the agency gave it a wide scope to study the problems of war and peace, it is too small and vulnerable an agency and has too little claim on the attention of the people to fulfill the hopes of the illustrious group that testified on behalf of its creation in 1961. It would be ungrateful of me not to acknowledge the contribution of A.C.D.A. to the progress being made in the SALT talks. But I still believe that Cabinet rank would give negotiation more visibility with the public.

It seems to me that we need a bill which will do the following things:

1. We need to create a joint Congressional Committee on Peace. I am very concerned about the Constitutional issues raised by the Tonkin Gulf Resolution and the still existent Formosa and Middle East Resolution and similar legislation. The present bills designed to remedy the problem seem to me to bring the Congress into things very late in the day. How can Congress respond to a Presidential request for troops or money within 48 hours, or 30 days, or whatever the time set forth without having previously considered and developed some alternatives to the action the President proposes? By whom and in what context are the alternatives to be developed? Who is in charge of Peace strategy, tactics and logistics?

2. We need a Department of Peace in the cabinet first to enlarge, strengthen, and legitimize the peace movement. It's not enough for the kids to sing about giving peace a chance. We have to give it an address, an office, desks, typewriter, telephones—peace people should have a place to go and someone to go to, instead of dog-eared files full of phone numbers full *ad hoc* committees that come and go like a snowfall in May, and one to go to, instead of dog-eared files full den of problem-solving; the movement must be given dignity and status and must accept responsibility.

The first work of the office, as Dr. Rush understood, would be to work with the American people themselves to help us resolve some of our highly ambivalent feelings about war and peace. Before we reorder any priorities, we may have to re-examine a lot of words like "honor" and "loyalty" and "patriotism" and "courage". Let me give you one simple non-Herman-Kahn example: Here in the town where I've lived for twenty years, the biggest civic event of the year is the VJ-Day parade. Because this is a secular nation, we can't have public religious festival days, but since all nations need festivals America has patriotic days, an almost endless round in the summer, starting with Memorial Day and including Law Day, Armed Forces Day, the glorious Fourth, and so on.

VJ-Day is, however, kind of a different thing. We moved the date up a bit so the weather will be less chancy and we have not only the legion and the VFW band and the auxiliary ladies and the high school band and the Scouts and the Camp Fire girls and even the nearby reform school boys marching, but we also have skinny little ten-year-old girls from Miss Darlene's School of Dance stamping their tassled boots and twirling their batons, *wearing side arms*. How does that grab you?

We have floats, too, sponsored by local merchants and decorated with local beauty queens. I have seen parades where these young ladies wore satin banners across their impressive bosoms, identifying them as "Miss Bataan" or "Miss Corregidor".

Now a lot of people would see this as some expression of grass roots enthusiasm for military display. As a matter of fact, all it means is the Chamber of Commerce has committed itself to a parade for the last many years and this year, they appointed the Chairman and he received from the last Chairman a notebook that told him which units to invite and what routes to follow and where to buy the bunting. And this whole appalling, vulgar display rests on no foundation firmer than that notebook. It bores people beyond belief but nobody can think of anything else to do.

Here then is a job for the Secretary of Peace—to invent new occasions for parades. While he's at it, he might consider why the local high school dresses its marching band as for the Charge of the Light Brigade? "Uniformed" means "dressed alike", not dressed as a soldier. Why must they wear those moldy plumes to play music from "Hair"?

The second job of a Peace Department would be to deal with substantive issues. Hereto, I would offer one example: Just now, a Secretary of Peace, if we had one, would be devising a plan to internationalize the Suez Canal, the Panama Canal, Gilbraltar, Hong Kong, Okinawa, Guantanamo, and eventually all the small parcels of contested real estate which we all know will continue to offer opportunities for all the contestants to blow themselves and the rest of us to Kingdom Come.

Yet, given the right circumstances and incentives, financial and otherwise, we might begin to endow the U.N. with real property and real income independent of national contribution to create a series of global precinct stations, where U.N. forces might be employed for emergency situations, and to provide a pilot situation in which the problems of international administration could be studied and solved.

This is the kind of proposal, concrete and detailed, which might be forthcoming from a Peace Department and coming from such an office, it would get exposure and coverage very properly that it wouldn't get if it were put forth by Dr. Spock or Jane Fonda or by me.

It is a waste of time to debate whether the Secretary of Peace will lead the American people or represent the American people in our search for international order. He will do both and more. We need a bold peace strategist, a creative peace administrator, and an eloquent peace advocate. We need him now. Human intelligence highly organized and lavishly subsidized has brought Americans to their present condition of despair. The same intelligence and the same national resources must be employed in the service of hope. I can only repeat what I've been saying for the past several years and hope now someone is ready to listen. Peace is everybody's business and it's time we made it somebody's job.

MRS. CHARLES S. LIEBMAN.

CONCORD YOUTH COUNCIL CALLS FOR WITHDRAWAL OF U.S. TROOPS FROM INDOCHINA BY DECEMBER 31

HON. JEROME R. WALDIE

OF CALIFORNIA

Thursday, June 10, 1971

Mr. WALDIE. Mr. Speaker, we in this country have been able to observe a very interesting phenomenon in the last few years. I am referring to the increasing political awareness and involvement of the youth of our Nation.

We must credit the young with helping to bring to the forefront the tragedy of our involvement in the war in Southeast Asia. Painfully and slowly the rest of America began to listen to our youth and we have now been told that 73 percent of the American public favors withdrawal by the end of this year.

In this regard, I want to include in the RECORD and commend to my colleagues, a resolution unanimously adopted by the Concord Youth Council of the city of Concord, Calif., calling for withdrawal of U.S. troops from Indochina by the end of this year:

RESOLUTION

Whereas, the Indochina War is one of the most tragic events in the history of mankind, be it resolved that the Concord Youth Council requests immediate cease fire for all military troops in Indochina and that the United States of America withdraw all troops by December 31, 1971.

Be it also resolved that the neutrality of Laos and Cambodia be recognized by all foreign nations, and that foreign troops withdraw immediately, and that all prisoners of war and political prisoners be released now.

Out now!

DAY-CARE TRAINING AND MANPOWER

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, training unemployed men and women for day care serves America in two important ways.

First. By reducing welfare costs to the States and the Nation.

Second. By developing a cadre of broadly trained community workers with tangible and attainable career goals needed to staff the probable expanding number of day-care centers.

Mr. Speaker, the House Select Subcommittee on Labor, of which I am a member, recently concluded hearings on the Emergency Employment Act of 1971. The transcript of the hearings includes a research study entitled "Day-Care Training and Manpower," conducted by the Education Day-Care Division, UEC, Inc., Washington, D.C. This study provides timely insights into the realities and possibilities of day-care training.

Because of the growing interest of Members in both day-care and manpower development legislation, I include the text of the study at this point in the RECORD:

EDUCATIONAL DAY-CARE,
Washington, D.C.

Hon. DOMINICK V. DANIELS,
Chairman, Select Subcommittee on Labor, Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Our company has been following with great interest your subcommittee's hearings on Manpower Public Service Employment Legislation.

I thought it might be of interest to you and other members to have information concerning manpower training needs, opportunities, and programs in the day-care field—a relatively new, fast growing area to which little public attention has thus far been focused. We feel that training and job opportunities for paraprofessionals in this area are one of the best examples of how the pending bills could be of tremendous assistance to communities throughout the Nation by upgrading skills of low income persons and by improving the quality of child care.

Attached, therefore, is a brief study entitled "Day-Care Training and Manpower," completed by the research staff of the Educational Day-Care Division of UEC Inc., last month.

It surveys the broad field of manpower needs for child care, the levels of training programs, and provides data gathered from field trips to examine four exemplary approaches to staff development and training—two in regional educational laboratories, one at a university and one in the private business sector.

We would appreciate your making this study a part of the hearing record in support of the legislation presently being considered by your subcommittee.

Sincerely yours,

RICHARD T. NEY,
President.

DAY-CARE TRAINING AND MANPOWER

A STUDY BY THE RESEARCH STAFF OF THE EDUCATIONAL DAY-CARE DIVISION, UEC, INC.

For a variety of reasons, a burgeoning interest in the creation of an effective network of child care and child development services is now manifest in the United States. Experts stress the importance of a child's early years upon his development, and they have demonstrated the positive value of early education programs. Spokesmen for low-income groups are calling for a more thoughtful and broad commitment to the needs of the young, the poor, and minority children. Many others, such as the women's liberation movement, are generating a demand to aid UEC mothers by providing universal child care and child development.

President Nixon, recognizing the importance of these early years, called for a "national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life . . ." He continued—

"We have learned, first of all, that the process of learning how to learn begins very, very early in the life of the infant child. Children begin this process in the very earliest months of life, long before they are anywhere near a first grade class, or even kindergarten, or play school groups. We have also learned that for the children of the poor this ability to learn can begin to deteriorate very early in life, so that the youth begins school well behind his contemporaries and seemingly rarely catches up. He is handicapped as surely as a child crippled by polio is handicapped: and he bears the burden of that handicap through all his life. It is elemental that, even as in the case of polio, the effects of prevention are far better than the effects of cure." [1]

In addition to the need for more day-care programs, a critical need exists for training programs to upgrade the quality of staff in existing programs Parker and Knitzer [2] have recently estimated the number of personnel needed now and in the near future if programs are expanded. The estimates presented in this report are based on the Parker-Knitzer data.

Based on 1969 figures, some 10 million personnel would be required to meet all the needs of all children at child-care facilities. Accommodating children of the economically disadvantaged and the working mothers, alone, would require some 4 million personnel (see *Table I*). While accurate figures are unavailable on the numbers currently involved in early childhood care, estimates from data suggest there are less than 250 thousand.[3]

TABLE I.—PROJECTIONS FOR MANPOWER NEEDS BASED ON 1969 POPULATION FIGURES UNDER 4 CONDITIONS OF SERVICE

[In millions]

		(I) Economically disadvantaged		(II) Children of working mothers		(III) Handicapped		(IV) All families	
Age of child (years)	Staff-to-child ratio [1]	Children	Staff	Children	Staff	Children	Staff	Children	Staff
0 to 12	1:4	1.6	0.4	2.5	0.6	[2] 1.0	0.3	10.4	2.6
3 to 5	1:7	1.7	.2	3.0	.4	1.0	.1	11.6	1.7
6 to 14	1:15	5.1	.3	13.0	.9	3.9	.3	37.3	2.5
Total [3]		8.4	.9	18.5	1.9	5.9	.7	59.3	6.8

[1] Ratios for all conditions the same; although actually child/staff ratio for severely handicapped may have to be higher, many handicapped children are absorbed in regular programs.

[2] When numbers not broken down by ages 0 to 2/3 to 5, total figure divided in half. This is consistent with general population data.

[3] Totals do not take into account hours day-care facility open and consequent need for additional staff, therefore reflect conservative estimate.

Note: Ratios do not include ancillary manpower; administrative staff, remedial staff, etc.; categories overlap.

Improving current services and expanding child care services presents several problems related to personnel training. *First,* child care has generally not been considered a high-prestige job. The erroneous misconception that anyone, *without* special training, can handle children leads to many unfortunate consequences. Perhaps a clear-cut formulation of goals with ensuing statements of specific areas of productivity can demonstrate not only the need for skill and knowledge but also indicate that child care is productive and intrinsically challenging.

Second, the few excellent approaches to training day-care personnel that exist need to be expanded immediately to upgrade current practice in anticipation of the passage of federal legislation which will greatly expand the field of child care. Four exemplary approaches to training day-care personnel will be discussed in the second half of this paper.

In this discussion, "training" is used generically to include initial, in-service, and supplementary training experiences. In this area, there are three basic questions: (1) How many people are being trained annually? (2) What is the quality of training? (3) What are some of the exemplary approaches to training day-care personnel?

First, estimates of the number of people trained annually are limited. Data from the National Center for Educational Statistics suggest that 3,816 degrees were conferred in 1966–1967 in early childhood education.[5] Cross-checking with other sources suggest this is a low estimate, but how low is unknown. Latest summary data on Head Start hold that 74% of the full-year Head Start personnel in 1968 had some training experiences compared with 57% in 1966.[6] Miller (1969) has estimated that probably some 5,000 individuals now receive training annually. Until hard data are substituted for conjecture, there is no reason to question his estimate.

Our second concern—the quality of training—poses the most disturbing problems when one considers our present status. In general, the quality of training is very poor across all types of training but it is extremely poor when provided on an in-service basis (where most "training" actually takes place for the majority of child-care personnel). This state exists for three reasons:

1. the specific objectives of training have seldom been clearly identified;
2. the methods to attain objectives such as the use of multi-media materials have seldom been developed; and,
3. the few promising training models have a limited impact because of a lack of funds.

Several papers have attempted to provide overviews and the implications of their conclusions are frightening. Katz, after a review of the available data commented:

> No matter how we would wish to construe the "ideal" and the "ought," the quality of teacher performance in the majority of our preschool settings today is such that it potentially threatens the very goals which have stimulated its recent expansion. (p. 8, 1969)

Miller, in a review for the National Laboratory on Early Childhood Education, summarized his appraisal of the situation thus:

> The field of early childhood education has experienced a phenomenal growth which is continuing. The proliferation of programs has created a crisis in staffing. The problem has been met by using inadequately trained personnel. Training capabilities have lagged far behind demonstrated need.[7] Those training programs which are being developed probably reflect little understanding or conversance with the inner city and its people. The meager resources available for the development of training programs appear to be distributed on the basis of inappropriate criteria.[8,9] (p. 18, 1969)

Third, with reference to training models, in the 1960's a variety of strategies were developed for persons without university connections. These were largely the result of Head Start program needs in addition to the traditional university-based programs. Thus, there was development of summer training programs, of special institutes and workshops, and of patterns for in-service training.

Over the years, Head Start training models have become more complex and more lengthy as it became clearer that condensed training programs do not provide adequate background for high-level or even adequate staff performance. Currently, in-service training experiences are filtered primarily through Regional Training Officers (RTO) and consulting contracts for Supplementary Training Programs; their purpose is to provide Head Start staff with opportunities to gain both related training, and marketable credentials for job mobility.[10]

Training for day-care personnel can be met through a variety of avenues. The remainder of this paper will highlight the central features of four *exemplary* approaches to staff development and training from different perspectives. Two of these efforts are based at Regional Educational Laboratories, one at a university and one in the private business sector.

SOUTHWEST EDUCATIONAL DEVELOPMENT LABORATORY

The Early Childhood Education Learning System developed by the Southwest Educational Development Laboratory, Austin, Texas provides the instructional materials for a comprehensive sequential program for economically disadvantaged children, ages 3–5. The four components in the system are (1) instructional materials, (2) staff development, (3) parent-community involvement,

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Footnotes at end of article.

and (4) the *environment for learning* (learning ecology).

Testing of the first three components, already underway, includes 656 Spanish-speaking children (all in the Southwest), their teachers, assistant teachers, and parents. Evaluation results indicate that the learning system is making a significant difference in the physical, social, and intellectual development of the 656 children.

The need for more resources becomes critical as the instructional materials, staff development (training) packages, and parent education materials have been developed sufficiently to the "exportable" stage. Resources are needed now to make the system available to more children in many different settings. Successful diffusion of the system involves an array of tasks requiring skills in communications, multi-media presentations, packaging, and design for usage.

Exportable packages which can be used in a variety of settings are much more economical, per pupil served, than the person-to-person training that has been essential to the program as it was being developed. The tasks are, nevertheless, expensive.

The Training Program. The staff development component of the learning system is designed to enhance and extended the teaching skills and classroom management capabilities of the teachers of young children. The Laboratory's program is aimed primarily at Spanish-speaking children, with the first instruction in Spanish. Thus, the staff must be bilingual. Because "qualified" (i.e., with baccalaureate degrees and teaching certificates) bilingual teachers are in short supply, the Laboratory suggests persons with less formal training be employed as teachers and assistant teachers in the program. The teachers may be high school graduates who speak English and Spanish fluently. The assistant teachers—community members and usually parents—are not required to have high school diplomas. But they, too, must be literate in both Spanish and English.

Basically, the training program developed by the Laboratory includes these topics: Classroom management, teacher expectations (attitudes and behaviors toward children), guidelines for teachers to evaluate their own strengths and weaknesses in working with young children, guidelines for planning each day's activities utilizing the Laboratory curriculum materials and adapting them as necessary to the individual needs of the specific children.

Each topic includes films, videotapes, filmstrips, photographs, simulation activities, and written materials.

Presently, the training package is delivered by the Laboratory during one week of preservice workshops and two hours per week of in-service training. Every effort is being made to make the training package completely exportable and thus wean its users from the idea that Laboratory personnel must train all participants in the program. Teachers and assistant teachers receive identical training.

The Laboratory, in its training programs, has built in the procedures of career ladders for sustained advancement of the teachers, assistant teachers, and community specialists in the program. These career ladders, now utilized almost entirely by teachers and assistant teachers, may be expanded to a wide range of related fields. (For example, the use of multi-media in classrooms with young children can provide other manpower training possibilities for parents. Use and maintenance of the equipment could well lead to opportunities in photography, electronics, and allied fields.)

As the career ladder works at present, the teachers and assistant teachers sustain their own advancement through participation in programs made possible through cooperative efforts between the Laboratory and local colleges and universities. On-the-job accomplishments are tied in with special courses offered by the academic institutions. The teachers and assistant teachers, thus, are able, concurrently with their teaching tasks, to prepare themselves for a wide choice of jobs. In addition to teaching, these include social work, community development, classroom design, and parent education.

In the future, these career development opportunities should be widely expanded. While Day-Care Centers are recognized almost universally as a first program in revitalizing communities and in improving families' economic positions, they are themselves a major manpower training area. However, this is but a small part of the benefits of Day-Care Centers. They free economically disadvantaged and undereducated parents to participate in other training programs and other occupations to increase their skills and economic well-being. They also provide a vehicle for positive family education.

UNIVERSITY OF FLORIDA

The Institute for Development of Human Resources is an interdepartmental research agency of the College of Education, University of Florida, Gainesville, Florida. The Institute was organized in September, 1966, and its first large-scale project was in parent education of disadvantaged mothers in the North Central Florida area. In its growth, the Institute has reflected the synthesis of strong interest in infant growth and development, parent education, cognitive and language development, and systematic observation.

Parent Education. A major unit in the Institute's broad program is The Florida Parent Education Model funded by Head Start. The key elements of the program are the training of the mother (one or two to each classroom) in the role of combined parent educator and teacher aide along with training the teacher in the use of the slide. The services of parent education seeks to influence the behavior and attitudes of parents, as well as the physical setting and materials provided, based on the belief that all have a direct impact on the child before and during the school years.

The Florida Parent Education Model has been tested at outposts in Indiana, Kentucky, Pennsylvania, Washington, South Carolina, Georgia and Florida. Evaluation results from each of the (11) outposts indicate that the design is valid and aided in making a significant difference in the over-development of some 1,317 children across the nation.

Training and Staff Development. Because the parent educator is involved in instructional and data-gathering functions, she is distinguished from ordinary teacher aide and there is need for special training in instructional and data-gathering skills. The teacher needs similar training in order to interpret the data obtained and supervise the activities of the parent educator, and make informed decisions. In addition, related staff is needed to score, process, interpret and feed back information to the classroom situation.

The training of parent educators and teachers takes place in Summer Workshops conducted at the University of Florida in the summer of each year. Workshops consist of a five-day-week, eight-hour day, three week program.

Pre- and In-Service Training. Training consists of instructions in (a) interviewing mothers and explaining the program to them, (b) the nature of the learning tasks to be taken into the home, and (c) techniques for teaching the tasks to the mother in the home. The training period focuses on problem-solving activity, role playing and other forms of practice, small and large group discussions, seminars and home visits with Florida parent educators. Additional training is provided through a nine-day workshop in the participating outpost following the summer workshops.

The total cost of training of the parent educator in the Institute is $1,500.00 per trainee. An expanded in-service training program going from nine days to twenty days would increase the cost from $1,500.00 to $2,000.00 per person.

For a specific example, the Education at Age Three Program consists of four product development, programs for pre-school children: Head Start, Follow Through, Parent/Child Education and Program Operations.

The goal of this program is to produce an internally consistent curriculum (together with training programs for teachers, paraprofessionals, and parents) that will provide an effective program of education for children between the ages of three and nine. The two major objectives of this program are to create or adapt (a) instructional materials for children that will develop a healthy self-concept as it relates to learning in the school and home and will enable them to develop their intellectual abilities; and (b) teacher training materials and procedures that will insure the effective use of these materials.

The principal goal of the training and staff development program is to develop and implement a training program which will increase the competence of non-Laboratory personnel in educational product-development, testing, and dissemination.

The need for this program is indicated by the lack of (a) educational products which have been developed in a systematic way, starting with clearly stated objectives and ending with a product which has been tested to determine if its objectives have been achieved, and (b) effective agencies to facilitate the dissemination and installation in programs of those products that have been developed and tested.

FAR WEST LABORATORY FOR EDUCATIONAL RESEARCH AND DEVELOPMENT

The Laboratory, located in Berkeley, California, is concerned with the development of program components in four major areas:

Teacher education program.

Communication program.

Education—Beginning at three program.

Multiethnic education program.

The program is funded by the United States Office of Education through the Division of Educational Laboratories in cooperation with representative universities in California, Utah and Nevada. Far West Lab serves a total of 2,153 children and their families in California, Nevada, and Utah. A staff of 218 workers (roughly 80% paraprofessional and 20% professional) provides direct services to the children and families. A total of 463 man-weeks is devoted to the training of the entire staff. The cost per trainee is between $1,500.00-$2,000.00 depending on the quality and length of the training program.

UEC EDUCATIONAL DAY-CARE

The Educational Day-Care Division of UEC Inc. represents a unique model child care program, the first comprehensive program of early-childhood education and day-care installed on a large scale which is designed especially to strengthen the role of the family in helping children prepare for success in life.

The educational component of the program represents a new approach to learning based on more than 150,000 observations of children by learning specialists and parents. The basic program of planned learning designs built into a family-oriented child care program has proven successful with more than 3,000 pre-school children in five Northeastern states, and a model system for four Pennsylvania counties under contract with the State's Department of Public Welfare.

Training and Staff Development. A main feature of the UEC Educational Day-Care Systems is the recruitment and development of staff drawn from the neighborhoods immediately served by the programs. Many of those employed on the staff are high school dropouts, persons who have never worked before regularly, or whose work experience has been confined to low-level jobs with little chance for advancement. Many members of the staff are neighborhood mothers who have been trapped in their homes caring for their own children, but who now are given the opportunity to place their own children in the program and at the same time begin a rewarding career of their own. Others are neighborhood fathers who previously have only been able to find work as busboys or as day laborers, but who now, through pre-service and in-service training, can find a long-term career in child development family service that is not only rewarding to themselves but also of great value to their community.

In the start-up phase, highly qualified professionals are employed in supervisory, administrative, and training positions that demand professional education and experience. A Director of Personnel, assisted by a resident of the community, is responsible for staff recruitment, and a Director of Staff Development and Training is responsible for staff training. The following steps are followed in selection and training.

A. PRESCREENING OF APPLICANTS

Applicants for staff positions are screened to determine their empathy with children and their ability to work with children, parents, and other staff members. As part of the screening process, each applicant is given a specific, open-ended adult-child learning task drawn from the system's child learning program, and is asked to carry out the learning task while being observed by members of the personnel staff. The applicant's effectiveness in carrying out the task with the child is of decisive importance in determining whether the applicant is employed.

B. PRE-SERVICE TRAINING

All new employees are placed in an intensive three-week pre-service training program working with children with the assistance of qualified staff members to familiarize them with all aspects of the Educational Day-Care programs. During the pre-service training, the new staff members are given the opportunity to develop their abilities to work with children, parents, and other staff members. Those who succeed are presented with a certificate of achievement and placed in staff positions within the program. Those who fail are screened out of the program.

C. PROBATIONARY EMPLOYMENT AND IN-SERVICE TRAINING

New employees who successfully complete the pre-service training program are employed for a probationary period of six months, during which they take part in an in-service training program and are continuously evaluated by supervisory personnel. If they successfully meet the goals established during their probationary employment, they become members of the permanent staff. All members of the staff continue to participate in in-service training as long as they are employees.

D. TRAINING COMPONENTS

Because the attitudes of staff members to children, parents, and other staff members are critical to the success of the system, the pre-service and in-service training programs place great emphasis on attitudinal values as well as factual understanding of the methods and procedures of the program. The capacity of staff members to be resourceful, flexible, and supportive is vital both to the development of children and to the involvement of parents. The programs enables both adults and children to interact as individuals and give the staff many opportunities to make important decisions. The pre-service and in-service training programs make use of the following components:

1. *Role-playing Sessions.* Trainees play adult and child roles in simulated situations that lead them to a better understanding of Educational Day-Care policies and procedures. After every role-playing session, a group discussion is held to relate the activities to their success in achieving desired results.

2. *Child-Adult Sessions.* Trainees carry out program procedures with children under the guidance of training staff. At the conclusion of each child-adult session, participants, trainee-observers, and training staff members discuss situations and actions that occurred, relating them to desired results.

3. *Instant-Playback Videotapes.* Training staff uses the TV-Studio-on-Wheels to record portions of role-playing and child-adult sessions, so that through instant-playback trainees have the opportunity to see themselves in action and gain better self-understanding of the effects of their actions.

4. *Training Films and Videotapes.* The training programs make extensive use of child-care films, child-development films, and other training films and videotapes—many of which have been especially produced to explain in audiovisual form various aspects of the program. After the showing of each film or videotape, group discussions are guided by training staff members to relate the contents of the films or videotape to the Educational Day-Care programs.

5. *Audiotapes on Child Development.* An extensive library of audiotapes has been specially produced to explain specific details of child development and how to meet specific child development problems. These tapes are used both within the staff training programs and in the parent education and parent involvement programs.

E. CAREER LADDER

To provide encouragement for staff members to find rewarding lifetime careers in the profession of child care and child development, Educational Day-Care Systems establish a career ladder with seventeen levels that can be spanned by an employee in less than a dozen years. A previously untrained high school dropout who demonstrates empathy with children, parents, and other staff members and an ability to work within the procedures of the programs, can, with the aid of the staff-development and training programs, rise to a position as a senior center director.

One of the major goals of the training program in UEC Educational Day-Care Systems is to make the program exportable to a participating community without the need for continuing involvement on the part of the designer. The designer would be available on a continuing basis in areas of consultation and monitoring but would rely on a successful training program to insure smooth continuity of program operation.

THE PENNSYLVANIA PROJECT

Through a contract with the Department of Public Welfare of the State of Pennsylvania, UEC INC. is designing an educational day care program to serve the needs of 2,000 children and families. Over 500 employees are being trained at a cost of $1,500.00 per annum, per trainee.

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Katz, L. G., and Weir, M. A. *Help for Teachers in Preschools: A Proposal:* National Laboratory on Early Childhood Education, ERIC Clearinghouse 1969.

Miller, J. O. *An Educational Imperative and Its Fallout Implications,* National Laboratory of Early Childhood Education, July 1969.

FOOTNOTES

[1] Press release of President Nixon establishing the Office of Child Development, April 9, 1969.

[2] See Parker, R. K. and Knitzer, J. Day Care and Preschool Services: Trends in the 1960's and Issues for the 1970's. 1970 White House Conference on Children background paper.

[3] Estimates from the National Center for Educational Statistics indicate 1,516 pre-kindergarten and 55,509 kindergarten teachers were involved in public school systems in the fall of 1969. (Kahn, G., and Hughes, W., *Local Public School Systems,* Fall 1968, Table K, p. 17, March 1970). No summary data are available on day-care and preschool personnel licensed or unlicensed. Head Start data for 1968 suggest a total full-year staff of between 20,000 and 25,000 people.

[4] The Family Assistance Plan provides for day care children of low income working mothers. Additionally, six pieces of legislation expanding child care services have recently been introduced in 1971.

[5] Silverman, L. J., Metz, S. *Selected Statistics on Educational Personnel,* U.S. DHEW National Center for Educational Statistics, 1970, Table 19.

[6] In 1968, 11% of the full-year staff attended eight-week, university-sponsored training; 63% lectures, movies or demonstrations on child development; and 48% training and teaching preschool children. About 15% of the staff attended adult education classes after being employed by Head Start (Part D, Staff Member Information, Report on Head Start, 1970).

[7] Federal investment in training for early childhood has been minimal. . . . For FY 1971 Educational Professions Development Act (EPDA) has $5 million to distribute for training. (Estimates are that the money will serve some 4,000 people, at an average cost of $1,250.) Some monies from the Scheuer Amendment are involved in training early childhood workers, although how many people are involved is unknown.

[8] More optimistically, it should be noted that there are signs of change in training institutions, particularly in the directions of consolidating training resources and making greater efforts to match training programs with real needs. (See, for example, the plan of the Puget Sound area in Washington State.)

[9] Training costs are variable depending on location and level of personnel. As indicated, EPDA averages for FY 1970 pegs the sum at $1,250 per trainee. Analysis of Head Start Supplementary Training Grants Nationally suggests a range per training from $121 to $982, with an average cost of $592.18. These figures apply to both professional and nonprofessional training. Different cost figures for different levels of training are not available. (Data from list of Regional Grantees for Contract 4215, xeroxed, HEW.)

[10] In 1969, some 7,000 people were involved in Supplementary Head Start Training from 65% of the full-year Head Start grantees. We do not, however, have any satisfactory empirical data demonstrating the effectiveness of these training programs.

THE NEW LEARNING ENVIRONMENT OF THE EMERGING SOCIETY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHWENGEL. Mr. Speaker, recently, Dr. Ernest L. Boyer, chancellor of the State University of New York, spoke at the Invitational Conference sponsored by the American college testing program in Iowa City, Iowa.

Dr. Boyer, head of the largest education system in the world, had some interesting things to say, things too often not fully considered. That is why I bring his remarks to the attention of the House.

THE NEW LEARNING ENVIRONMENT OF THE EMERGING SOCIETY

(By Ernest L. Boyer)

I.

In 1869, during his first year as president of Harvard University, Charles Eliot stated his conviction that, "The university must accommodate itself promptly to significant changes in the character of the people for whom it exists." Eliot saw a new secular industrial America emerging out of our religious and agrarian society, and he hoped for the reconstruction of higher learning to meet its novel requirements.

One hundred years later, we are, I suspect, involved in a transition as dramatic and penetrating as the one confronted by Eloit and his contemporaries. I firmly believe that a new kind of society—call it post-industrial, technetronic, consciousness III, or what you will—is emerging. And along with it, a new kind of student and a new learning environment also are beginning to emerge.

We are now in some sort of midpassage which, like all sharp transitions or social shifts, has its moments of tumult and discovery, madness and awakening.

"It is in this context and with this conviction that I should like to comment on the developments that I see ahead, focusing in particular on *two specific areas*: the nature of youth, and changes in the context in which we carry on our work.

II.

One of the most significant educational changes of the past half-century has been the emergence of a remarkably different kind of young person in this nation.

In this country, over the years, we have slowly but significantly altered the lives of our children—by discovering vitamins, by developing vaccines for childhood disease and penicillin, by making television available to them from early morning to late at night, and by increasing the length, coverage, and excellence of our schools.

Consider *physical* appearance alone. Does anyone here recall seeing in his youth, seven-foot tall basketball players? When I was in college, players over 6'8'' were extremely rare. Now their appearance on dozens of teams is commonplace. What is more, many of them are marvelously coordinated!

The evidence is clear: the average young American is taller, heavier, and healthier than he was fifty, or even twenty, years ago. Young people today are about three inches taller and ten pounds heavier on the average than they were just fifty years ago.

As for health, modern medicine has succeeded in conquering most childhood diseases. Instead of pneumonia or influenza, accidents are now the main cause of death for persons under twenty-one—chiefly automobile accidents. Medicine has done much the same for adults. Our average life span is no longer 45 or 50; normally, we can expect to live to the age of 65 or 70 or beyond. Fifty years ago, many children became orphans while very young. Today, senior citizen care has become a major social question and, I might add, one we have not yet fully faced.

Moreover, young people are maturing physiologically four months earlier each decade. The average American girl in 1920 began to menstruate at 14. Now this occurs when she is about 12½ years old. And boys reach puberty today at 13½ instead of at 15.

Most teenage Americans are nearly two years ahead in their physical development than our senior citizens were when they were young.

The change in intellectual development is even more striking. Fifty years ago, over four-fifths of all 16-year-old persons were working. Not many graduated from high school, and less than one it ten went to college. Today, of course, the situation is vastly different. In fact, the increase in the amount of education young people have received since 1940 is so great that one group of scholars who recently examined the evidence said: "What has been regarded as a generation gap is shown largely to be an education gap."

Technically stated, the average student today scores approximately one standard deviation above his counterpart a generation ago on standardized tests of intellectual achievement. Translated, this means that a young person of today is more than one grade ahead of his parents at the same age. He should be. He has had more and better schooling than any youth in history.

There seems little question about it: what we now have in this nation is a generation of young persons whose intellectual activity—if not their wisdom and understanding—is vastly superior to that of previous generations.

A third area of change is one that is very close to my own deepest concerns—that of moral judgment.

Not too long ago, most students entering college believed there was a clear-cut distinction between right and wrong. Skepticism developed later in their lives, if at all. Cynicism was usually the result of brutal middle-aged life encounters and tragedies. But today, from what little concrete evidence we have (and a good deal of unscientific observation), the moral thinking of many young people is undergoing a radical change.

A new precocity is evident here as in other areas of youth's nature. It is not unusual now to encounter unbelief, cynicism, as well as statesmanship in youngsters who are still undergoing puberty. This is the era of the "put-on," the "power game," and "staying loose." It is also the age of "commitment" and profound moral concern. A startling and sometimes unsettling moral sophistication, understandably mixed with a confusion of values, is becoming one of the outstanding characteristics of today's young.

Finally, the *psychological* changes among our youth are the most difficult to describe briefly, fully, and fairly. It is also the one most widely probed and talked about. You may have read the section of the report of the President's Commission on Student Unrest that describes the shifting attitudes and behavioral patterns of a growing portion of our young people. Whatever may be the limitations of that report, the section on the psychology of the young was written with great insight.

I strongly suspect that the growing numbers of television-bred young people, while similar in many ways to the young of all generations, are more *unlike* their immediate predecessors than popular reports and the mass media would lead us to believe.

III.

In addition to this new breed of youth, a new kind of *environment for learning* is also emerging. We now confront a new context in which we must carry on our work.

Consider these facts: Only 50 years ago the great majority of Americans still lived on farms, without insecticides or hybrid plants, aided principally by mules and oxen. There were scarcely any automobiles or airplanes; radio and trade unionism were in their infancy; television was unheard of. Social Security for the elderly and unemployment insurance for workers were not available. Even as recently as 1950, television and penicillin were just coming into widespread use; and Red China was just becoming a power to be reckoned with. Computers, birth control pills, jet planes, and rock 'n roll music did not exist.

Of the many changes, several developments in society stand out as being especially consequential for higher education. One is the more rapid spread of information, skills, and ideas. In addition to television, there are now more libraries, museums, paperback books, in-service training programs, films, industrial institutes, advertising, new magazines, countless U.S. military schools, and educational toys and games that provide a vast amount of instruction for citizens of all ages. No longer is there any validity in the old notion that learning can be accomplished only if a person is insolated in some remote enclave, or that higher learning must be squeezed into a fixed block of four years' time.

There is, of course, immense value in quiet contemplation on an attractive campus and in intimate discussions with thoughtful professors about profound ideas, ingenious techniques, or essential values. But surely there is little question that countless inroads have been made into traditional educational patterns. And higher learning has an obligation to respond in appropriate ways to the new learning environment.

Another societal development of enormous consequence is the new sophistication of technology. It is frequently observed (but unfortunately not always acted upon at our colleges) that advances in photography, sound engineering, optics, communications, and transportation have revolutionized the movement of information, ideas, and people themselves within society. They make possible such things as an international telephone seminar in astrophysics, a short intersession of an anthropological study in West Africa or Peru, the study of Eskimo culture through films, and foreign language study by tapes and recordings.

If the spread of "the knowledge industry" has assaulted the traditional view of four years of on-campus study, the refinements of technology have eroded the custom of the isolated classroom. And, as the centrality of classroom lectures fade, the old yardsticks of higher education—faculty-student ratios, credit-hours for courses, and letter or number grades for performance—become increasingly obsolete.

Finally, there have been dramatic changes within the colleges and universities themselves. These trends strike powerfully at the cherished hope of delivering a "body of knowledge"—a manageable block of essential information, ideas, and modes of expression—to the young.

Moreover, they challenge the notion that college faculties necessarily know what is best for the students. And they also raise questions about the importance of the neat departmental major as the chief mode of intellectual inquiry. These developments force us to ponder the vexing threshold question: *what* should students study?

Consider for example, the much-publicized admissions revolution. Until the end of World War II, colleges in America were, in the main, institutions for the privileged and the gifted. In 1945 only one out of seven young persons entered college. College admission seemed to be the art of keeping people out. Since the war, with the astounding growth of state and community colleges, the situation has dramatically changed. Currently, one-half of all high school graduates and two out of five young Americans go on to college—and with good reason, since many jobs and most careers have become tougher in their requisites and far more complex in their execution.

Moreover, we are at the beginning of a *second* admissions boom—that of older persons re-entering college. With the rapid rate of technological change, increased leisure, the new roll of women in society, and the greater affluence, cultural shifts, and self-searching that allow and encourage changes in career, location, and life-style, *continuing* education is opening up as an important new frontier of higher education. Thus, most colleges and universities, especially public ones, are moving to help people in rather than to screen them out. As the noted biologist H. Bentley Glass, of the State University of New York at Stony Brook, has suggested, perhaps one-third of all students in higher education within the next decade will be adults.

And as the colleges have admitted greater numbers of students from more varied socio-economic backgrounds, with different qualifications and differing aspirations, courses and programs have had to be altered in order to serve effectively the expanded new clientele.

To shift one variable, such as the kind of students served, while holding constant all the rest of the middle-class, profession-oriented university apparatus—to move on one front and not on others closely related—is to court disaster, as numerous institutions have learned. Similarly, to introduce countless new pieces of the knowledge explosion on the campus—with the increased research, field work, and specialization that they demand—without reexamining the "liberal education" requirements, is irresponsible.

Clearly, the college and university of tomorrow must offer many approaches, many options, and many different programs to serve the new variety of students and to assist in the new areas of intellectual inquiry—as the recent Carnegie Commission Report, *Less Time, More Options,* has suggested.

Large universities may have to break up into several colleges: a college of liberal studies, a college of vocational studies, a college of social issues, a college of professional studies, a college of independent studies. Smaller colleges may have to establish links with other colleges and other kinds of societal learning institutions. Both will have to allow increased opportunities for travel, independent work, and off-campus study.

In the State University of New York, for example, we are starting a new kind of college—one without a campus—to deal with precisely this development. Called the Empire State College, the college will have an independent faculty who will guide and counsel the students; but the students will study at home or abroad, by day or in the evening, temporarily in a campus seminar or at the Smithsonian Institution. It is our hope that we can redesign education so that we can cope with the new learning environment of society without sacrificing standards, so that we can stay on *top* of change rather than being buffeted about by its sudden upheavals.

IV.

You in the testing profession perhaps know better than most of us what changes have occurred in our young people and in our social context. It is from test experts that we first learned such things as the rising intellectual achievement scores of our population and the fact that the basic structure of a young person's thought process does not shift appreciably after the age of 15.

You, too, have been on the receiving end of some of the criticisms about the "old style" of education. There is a growing awareness of the instructional possibilities of this new kind of learning environment. Often this has resulted in attacks on the traditional schools and on the standard tests of knowledge that have been developed over the past few decades.

I suggest that it is incumbent on all of us—those who administer the colleges, and you in the field of academic and personal measurements—to recognize and accept the new conditions of our time, and to rebuild our houses. We must do so with openness, imagination, and skill—and a sense of urgency as well. Also, we must do so without sacrificing the goal of *quality* education which ultimately translates itself into the excellence of our teaching and the excellence of the students' response.

In short, we must hold firmly to the *goals* of education while shifting dramatically the *process*, responding as we must to changes in both the context of our work and the student to be served. This, then, is our challenge. I am convinced that, with courage and imagination, this challenge can be met.

Thank you for the honor of inviting me to meet with you this afternoon.

MASS TRANSIT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. VANIK. Mr. Speaker, the problem of in-city and inter-city movement has become a critical national concern. It is becoming increasingly apparent that cities of the future will not permit every citizen to move freely to work, to shop, or to recreation in his own vehicle. Mass transit developments are essential to permit at least some of the population to move about without complete dependence on the automobile.

Modern housing developments and industry of the future must be planned and located on a mass transit system so that at least some of the citizens of America can go to work, shop, or participate in recreation without depending on the automobile and the highways which are demanding increasing amounts of the limited open space which surrounds us.

In the 1920's, there was a great need for more and better highways. This need still existed in 1954. However, since that time, many factors and changes have come about. It is time to reconsider the tremendous level of spending by the Government on the development of more and more roads. At the moment, the country is virtually criss-crossed with highways. The new Interstate System, which is nearly complete, will be 42,500 miles long, and will extend into everyone of the 48 continental States. At the present, our highway system appears to be more than adequate, in great contrast to the inadequacy of the urban mass transit systems across the country. It is time that much of the money earmarked for transportation should be directed to new forms of transportation other than highways.

There are many other reasons for placing a new emphasis on other ways of travel. Pollution is one of the country's biggest problems. Automotive pollution, in particular, is not only causing millions of dollars in property damage, but has also been found to be a major health hazard. And autos are the main cause of air pollution—said to create over 60 percent of the pollution of the air we must breathe.

Highways and automobiles also greatly affect our supplies of natural resources. In particular, 55 percent of all of our increasingly scarce petroleum is consumed by cars. Furthermore, one of our greatest resources, that of land, is being greatly affected by the continuing construction of more roads. In many urban areas, such as Washington, D.C., and Los Angeles, over 60 percent of the area within the cities is taken up by pavement. The destruction of housing by the highways is also immense. Between 1967 and 1970, 146,950 families were made homeless, 16,679 businesses were destroyed, and 4,890 farms were overrun by the building of roads.

The unfairness of the current emphasis in the building of highways can be seen in other areas also. Approximately 52 percent of all the auto traffic, which provides about 52 percent of all the money put in the highway trust fund, uses only about 14 percent of all the roads. Intercity traffic is widely used only by a portion of the traffic. For example, in Washington, D.C., only 50 percent of the people own autos, and thus, 50 percent of the people in Washington, D.C. do not profit from the building of highways. Also, the average cost for a trip downtown in an average American city, if the driver had to pay for fuel, parking, wear and tear on the auto, et cetera, would be $10 both ways.

I therefore feel that a review of the highway program must be made. More money must be directed to urban mass transit. There are many reasons why urban mass transit is more practical and better than highways. First, urban mass transit is much less polluting. Using the pollution of an auto as a figure of 1, a comparison of the relative pollution of autos, buses, and trains is as below.

	Lead	Organic materials	CO	No_2	Particulates	So_4
Car	1	1	1	1	1	1
Bus	0	1/19	1/214	2/15	2 1/2	1 1/5
Train	0	1/37	1/410	2/29	1 1/13	8/15

In terms of safety, urban mass transit is much more practical. Last year 60,000 people were killed on the roads in automobile accidents. However, it is estimated that buses are, per passenger miles, 11 times as safe as automobiles, and trains or rapid transit systems are more than 23 times as safe as the auto.

With regard to efficiency and ability for better passenger service, urban mass transit is seen to be a much better system. A bus is more than five times as efficient as a car in terms of people per mile. The gas consumption of a car in terms of people per mile is 8½ times as great as a bus, and 12½ times as great as a train. The number of passengers that can be moved in one transportation corridor in 1 hour is also much greater with mass transit. In fact, a car is about the least efficient method. The table of the number of people that can be moved in a single passenger corridor per hour is as follows:

	No. of passengers
Cars	3,600
Buses	60,000
Trains	60,000
Bicycles	10,000
Foot	6,300

It would take 20 lanes of highways to provide the same amount of service that can be obtained with one lane of tracks.

It seems obvious that a new direction must be taken in transportation, and that urban mass transit must head the list of priorities. Besides cutting pollution, there are five other basic reasons for the change. These are increased safety, possibilities for greater speed, much lower cost for individual riders, relaxation provided by riding rather than driving, and availability. While the last five points were fairly general and basic, there are other, very specific needs that can be filled by more and better urban mass transit. First of all, there is the fantastic growth of the cities. Urban areas are growing tremendously. It is estimated that by 1980, urban population will have gone up 50 percent since 1960, and that urban car ownership, if there is no change in the direction of urban mass transit, will rise 83 percent in urban areas. Mass transit thus becomes a critical need.

The need for mass transit is made obvious by the bad traffic, pollution, and safety problems of cities with no, or decrepit and inadequate urban mass transit, suburbs with no commuter service, urban areas with no bus service, or cities and suburbs with no inter-city bus or rail service. In cities that fit these descriptions, deterioration is taking place rapidly. While this is true in just about every city, the lack of better or good urban mass transit systems is a major cause. This is because, as shown in cities like Montreal and Mexico City, urban mass transit provides help in housing, health, industrial development, and commercial improvement. Furthermore, urban mass transit alleviates one of a city's greatest problems, that of the streets being constantly choked with automobiles.

There are also many urban areas without any rail service to an airport. As a matter of fact, only my own city of Cleveland has such a service. All other cities in the country, even those of New York and Chicago, are lacking in these systems. The usefulness and need for systems like this can be seen in Cleveland. The number of trains that are used had to be raised greatly over the original expectations, and the number of passengers per day is double what was expected.

It can therefore be easily seen that there are many reasons for urban mass transit. However, at the present time, the condition of urban mass transit around the country is very poor. This can be seen in looking at the general statistics of mass transit from 1961–70.

	1961	1970
Patronage (billions)	7.2	5.4
Fares (cents)	18.0	28.0
Revenues (billions)	1.4	1.7
Expenses (billions)	1.3	1.9
Profits, 1971 (millions)	+16.7	−360.0
Employees	151,000	138,000
Number of UMT out of business		114

However, even with all these grim statistics, it can be seen that the public wants urban mass transit. There are several examples where this is pointed out. In Chicago, where new and very good lines were put in, both patronage and profits rose considerably. The Chicago Transit Authority went from a $2 million deficit in 1956 to a $3 million profit in 1970. In Philadelphia, a new intercity train system to New Jersey was instituted, and passenger use of the new system rose 40 percent. In Peoria, Ill., a special bus project was used. In this, a specific bus picked up people at their homes and delivered them near their places of work. A survey showed that over 72 percent of the people who took advantage of the bus had formerly used cars to travel to work. Finally, in Japan, their new type of intercity train, which can go over 125 m.p.h., is said to be a success. The people have a desire to have urban mass transit.

There is a tremendous lack of money within the States and cities to provide for mass transit. The cities, therefore, have turned to the Federal Government. In 1971, the cities have already requested $2.5 million in mass transit funds. The city money needs for the next decade are estimated as follows:

Chicago, $2.2 billion.
Baltimore, $1.7 billion.
Boston, $0.8 billion.
New York, $2.15 billion.
Southern Capitol Rapid Transit System, $2.5 billion.
Bay area, $1.8 billion.
Other cities, $6 billion.

It is estimated that at present money values, over $17.7 billion will be needed for urban mass transit, or about $2 billion a year, each year of this decade. The need for this money is acute, for the cities cannot raise enough by themselves. In the past years, transit bonds in Los Angeles, Atlanta, and Seattle, have been defeated. Besides the obvious reason that people are simply tired of being taxed so much, officials blamed the defeat of the bonds mainly in the lack of Government assurance of Federal aid. There is also the problem that the Government will finance a highway in a 90–10 scale, but will only support an urban mass transit program at a 66–34 rate.

Congress has made a good start in providing money for urban mass transit with the Urban Mass Transportation Assistance Act of 1970. This bill provides for 3.1 billion dollars to be spent solely on urban mass transit over the next 5 years. This figures out to an average of 620 million Federal Government dollars per year. And, since the money is on a 66–34 basis with the States, a total of 930 million dollars is provided—on the average—for each of the next 5 years by the bill. While this is still far short of the $2 billion per year needed, it is a step in the right direction.

But, while still more money is needed, the President has continually cut down on the authorizations to urban mass transit. First, 200 million dollars were cut from the fiscal 1971 budget in the area of urban mass transit. Then, in the President's Special Revenue Sharing for Transportation, he provides only 525 million dollars of urban mass transit in the first year with an uncertain amount in later years. First of all, this is a great cutback from the bill passed by Congress. At a time when all branches of the government should be working for a better urban mass transit system, the administration is holding back spending on mass transit.

A new method of obtaining money for mass transit can be found in the bill I am cosponsoring today, which would create a Transportation Trust Fund that would replace the current highway trust fund. Moneys in the highway trust fund are primarily obtained through gasoline taxes, and these moneys are used almost solely for the building of highways. If a new Transportation Trust Fund was created, which would make available some of the steady assets of the Highway Trust Fund, a good deal of money would then become available for all forms and types of transportation. If a Transportation Trust Fund were created, the amount of money that could be used for urban mass transit would be greatly increased. With a recognition of the need for mass transit, coupled with the creation of the Transportation Trust Fund, great progress could be made in the improvement of transportation systems across the country.

In conclusion, let me say that the need for urban mass transit cannot be denied. Neither can the Federal Government deny the role it must play in the funding of mass transit. To do this, the transportation priorities of the country must be changed, and the importance placed on the building of highways reevaluated. Our urban problems must be solved and urban mass transit is a major part of that solution. The creation of the Transportation Trust Fund would greatly aid the cause of better and more urban mass transit.

GIVE LOCKHEED A SECOND CHANCE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. GOLDWATER. Mr. Speaker, within several weeks we will be presented a request to guarantee a loan for Lockheed Aircraft's L–1011 program. Some have charged that the project should not be supported because the Government should not be involved in supporting private enterprise. The facts are that the Federal Government is spending literally billions of dollars in support of private enterprise ventures including nearly $790 million in loan money for the foreign sale of Lockheed's competitors jumbo jets, the McDonnell-Douglas DC–10, and the Boeing 747.

It is also interesting to note that Senator WILLIAM PROXMIRE cosponsored legislation in 1967 to grant a $20 million tax relief to American Motors of Wisconsin. This involved $20 million out of Federal Treasury and into the treasury of American Motors. Such is not the case for the loan guarantee. No Federal funds will be expended here. Yet, as with the legislation Senator PROXMIRE sponsored, the Lockheed loan guarantee will also "assure competition within the industry" as the Senator urged just 4 years ago.

We must not be hypocritical about this matter. The Federal Government is involved in projects that touch each of us. We must deal with this question from a position of fact not fantasy. I urge each

Member to read the following June 1971 article from one of the Nation's foremost magazines, Fortune. I believe it accurately presents the dilemma facing one of our Nation's largest corporations:

Give Lockheed a Second Chance

The Administration's proposal to rescue Lockheed's 1011 TriStar airliner with a government-guaranteed bank loan confronts Congress with an unhappy choice between certainty and uncertainty. The certainty is that if the loan guarantee is voted down, Lockheed will go bankrupt. With the guarantee, Lockheed would have a fighting chance to survive, but might still fail. Under the circumstances, there is a lot to be said for choosing uncertainty.

The guarantee would cover a $250-million loan to be put up by twenty-four banks, which have already loaned the company $400 million. The government-backed portion of the total loan would be the first to be repaid, and if Lockheed should still go bankrupt, the government would have first claim on the company's total assets of $1.3 billion.

The fact that the taxpayers' potential liability is limited does not in itself justify a government bailout for a private company. Nor is it enough to say that government-guaranteed loans have become a familiar aspect of our economic life, through the activities of agencies like the Export-Import Bank and the Federal Housing Administration. The case for the Lockheed guarantee rests on the fact that it is an exceptional measure to deal with an unusual emergency that befell a corporation especially vulnerable to circumstances beyond its control. There may be an element of bad management in Lockheed's predicament, but there is much more to the situation than can be explained away by accusations that the company was ineptly run.

The article on page 66 details the interlocking disasters that overtook Lockheed. Much that may have helped produce these disasters is not yet known. It is already amply clear, however, that the government itself bears some responsibility for the company's present plight. During the early 1960's, for high-minded reasons, the Pentagon adopted a new form of defense contracting that proved to be unworkable. It called for firm commitments years in advance to produce weaponry that had yet to be invented. In trying to anticipate the unforeseeable, the Pentagon wrote contracts so intricate that they lent themselves to misunderstanding and legal disputes. Lockheed was unlucky—or perhaps unwise—enough to win several of those contracts, and is now paying for its success.

Lockheed itself may have been partly to blame for the battering it took in the C-5A contract; the evidence is highly ambiguous. But the misfortune that threatened the life of its prime commercial product, the TriStar, seems clearly to have been beyond the company's power to foresee or avert. After the collapse of Rolls-Royce, Lockheed's management performed a heroic job in bringing together banks, airlines—and the British Government—to save the plane. Only one link remains to be put in place—the loan guarantee. In the circumstances, we believe Congress should approve it.

THE COST OF FAILURE

The case is strengthened by a consideration of what it might cost if Lockheed were to give up the TriStar for want of financing. More than 30,000 jobs would be put in immediate jeopardy. In addition to the human anguish of the jobless, there would be real cost to the taxpayers—in terms of income taxes no longer collected, as well as in payments for unemployment compensation, retraining programs, and other government efforts to minimize the impact on individuals and the economy.

A Lockheed bankruptcy would exact its own high price. In a letter to Congressman William S. Moorhead of Pennsylvania, to which Lockheed is giving wide distribution, the Comptroller General of the U.S. has pointed out that the cost to the government of the C-5A program could "increase substantially" if Lockheed went bankrupt. This is so because subcontractors on the C-5A might be able to renegotiate prices they agreed to six years ago, before the onset of inflation. Lockheed's other uncompleted government contracts, which total about $1.9 billion, might also have to be reopened. Essential projects doubtless would be continued, one way or another, but the disruption would be bound to be costly.

In the congressional debate, proposals will surely be made that the loan guarantee be tied to a requirement that Lockheed abandon Rolls-Royce and put U.S.-made engines in the TriStar. Fred Borch, chairman of General Electric, has already made this point, with the obvious aim of getting Lockheed to use the G.E. engine that is going into the McDonnell Douglas DC-10.

The airlines and Lockheed have twice studied the available engines, however, and twice they have chosen Rolls-Royce's RB.211. Their decision may prove wrong or shortsighted, but it should be left to them, not Congress, to decide—especially since a change of engines would increase costs and delay deliveries to such an extent that it is probably no longer a practical alternative. It is also worth noting that use of the Rolls engine might enhance chances of selling the TriStar to foreign airlines, thereby benefiting the U.S. balance of payments.

A SORRY SEQUENCE

The Lockheed guarantee should not be regarded as a precedent for further government rescue missions, but it can serve as a useful warning. Unless the system of defense procurement undergoes fundamental change, other defense companies could well fall into difficulties like Lockheed's. In the future, military projects will become fewer but bigger and riskier. The idea that competitive bidding assures the best product at the lowest price is proving to be a delusion. What it actually has done is impel companies to make unrealistically low cost estimates in order to grab off contracts, setting off a sorry sequence of cost overruns, congressional inquiries, and financial trouble for the contractors themselves.

Secretary of Defense Melvin Laird's "fly before you buy" policy represents a big improvement in procurement procedures, but it is only a first step. Congress ought to convert its indignation over past deficiencies in the system into pressure for constructive reform that will assure the nation the best defense for the least money. But meanwhile, Congress should give Lockheed one more chance to survive.

What's Riding on the Tristar

LOCKHEED'S MAJOR L-1011 SUBCONTRACTORS

[In millions]

	For 350 airplanes
Rolls-Royce, Derby, England, (RB.211 engines)	900.0
Avco, Nashville, Tenn., (wings)	575.0
Menasco, Burbank, Calif., Fort Worth, Tex., (Landing gear)	95.2
Collins Radio* Cedar Rapids, Iowa, (Automatic flight-control systems)	71.8
Hamilton Standard, Windsor Locks, Conn., (Division of United Aircraft), (Air-conditioning and pressure system)	69.0
Sunstrand, Rockford, Ill., (Servomechanisms for leading-edge slats, Auxiliary hydraulic power system)	46.6
Murdock Machine & Engineering, Irving, Tex., (Division of CCI Corp.), (Pylons to support underwing engines)	33.8
Northwest Industries, Edmonton, Alberta, (Subsidiary of CAE Industries), (Bulkheads and flooring, Nose landing-gear doors, Air ducts and storage chambers)	27.0
Sperry Flight Systems, Phoenix, Ariz., (Division of Sperry Rand), (Navigation instruments, Air data instruments and computer)	26.3
Curtiss-Wright, Caldwell, N.J., (Servomechanisms for training-edge flaps	25.2
Heath Tecna, Kent, Wash., (Wing-to-fuselage fairings) Crew attendant seats	22.8
Instrument Systems, Huntington, N.Y., (Entertainment system, Cabin Interphone system)	19.1
LTV Electrosystems, Dallas, Tex., (Pilot's pitch "feel" and trim systems)	16.2
National Water Lift, Kalamazoo, Mich., (Division of Pneumo Dynamics), (Servomechanisms for ailerons and rudder)	13.9
Bertea, Irving, Calif., (Servomechanisms for stabilizers)	13.6
Kawasaki Aircraft, Gifu, Japan, (Fuselage doors)	13.3
Grimes Manufacturing, Urbana, Ohio, (Lighting and coffee makers)	13.0
Bristol Aerospace, Winnipeg, Manitoba, (Subsidiary of Rolls-Royce), ("S" duct for aft-engine intake)	12.6
Air Cruisers, Belmar, N.J., (Division of Garrett Corp.), (Evacuation slides)	11.0
Western Gear, Lynwood, Calif., (Baggage and cargo handling system)	10.4
Fleet Manufacturing, Fort Erie, Ontario, (Aft-engine and fuselage fairings, Main landing-gear doors)	9.0
Lear Siegler, Cleveland, Ohio, (Generating equipment)	8.8
Sierracin, Los Angeles, Calif., (Windshields)	7.8
Western Hydraulics, Van Nuys, Calif., (Division of Borg-Warner), (Spoilers, Direct lift control)	7.4
Goodyear Tire & Rubber, Akron, Ohio, (Antiskid system)	6.9
B. F. Goodrich, Troy, Ohio, (Wheels, tires, brakes)	5.2
1,500 other subcontractors (Miscellaneous parts and materials)	**500.0
Total contracts, billion	**2.5

*With Lear Siegler, Santa Monica, Calif.

**Fortune's estimate.

LOCKHEED'S BANKS

Bank of America, Los Angeles.

Bankers Trust Co., New York.

Bank of California, Los Angeles.

Chase Manhattan Bank, New York.

Chemical Bank, New York.

Citizens & Southern National Bank, Atlanta.

Continental Illinois, Chicago.

Crocker-Citizens National Bank, San Francisco.

First National Bank of Atlanta.

First National Bank of Boston.

First National Bank of Chicago.

First National City Bank, New York.

Fulton National Bank, Atlanta.

Girard Trust Bank, Philadelphia.

Irving Trust Co., New York.

Manufacturers Hanover Trust Co., New York.

Mellon National Bank & Trust Co., Pittsburgh.

Morgan Guaranty Trust Co., New York.

Pacific National Bank of Washington, Seattle.

Philadelphia National Bank.
Security Pacific National Bank, Los Angeles.
Trust Co. of Georgia, Atlanta.
United California Bank, Los Angeles.
Wells Fargo Bank, Los Angeles.
Total commitment, $400 million.

If Lockheed's big bird fails to fly, more than 30,000 workers in the U.S. alone could lose their jobs, the company's 55,000 stockholders would have little or no equity, and some of the nation's largest banks might have to write off enormous loans. To date, Lockheed has invested $900 million in inventory and $90 million in plant and equipment. It also let some 1,500 subcontracts. In turn, the subcontractors let contracts of their own. Avco, for example, awarded a $27-million contract to Aeronca Inc.; one for $21 million to the Marquardt division of CCI Corp.; and another, for $11,400,000, to Short Brothers & Harland Ltd. of Belfast, Northern Ireland.

The table at left lists companies holding twenty-six of the largest contracts on the L-1011, and the location of plants doing most of the work. The value of the contracts is based on production of 350 airplanes, as envisioned in Lockheed's original L-1011 program. But since Lockheed has firm orders or options for just 178 airplanes, and places orders only as parts are needed, the current value of the contracts is far less than the amounts shown here. For example, Lockheed's initial order with Rolls-Royce was for about $450 million for 550 engines. Sperry Flight Systems puts the value of its contract at $8 million. All of the subcontractors shown here, except Bertea, shared the risk of the TriStar project with Lockheed by deferring a considerable part of their payment until the actual delivery of airplanes to customers. Rolls, for example, had received only about $20 million. If Lockheed should fail, subcontractors would rank as unsecured creditors. Bankers Trust and Bank of America act as agents for the twenty-four banks (above) that have extended Lockheed individual lines of credit totaling $400 million. They put up the last $80 million of this sum after securing liens on Lockheed properties. These banks have agreed to advance an additional $250 million—if the government guarantees the loans.

THE SALVAGE OF THE LOCKHEED 1011

(By Harold B. Meyers)

To save his plane—and his company—Dan Haughton had to perform one of the most delicate balancing acts in the annals of modern business. The outcome depended on simultaneous commitments by six airlines, twenty-four banks, and two governments.

In rural Alabama, where the chairman of Lockheed Aircraft Corp. grew up, sherry is for old ladies and cold fish describes a personality trait. But at Grosvenor House in London on February 2, Daniel J. Haughton was prepared to savor the sherry and cold salmon served at a luncheon given for him by Lord Cole, chairman of Rolls-Royce Ltd. For months Rolls-Royce, which was developing the RB.211 engine for Lockheed's new wide-bodied passenger jet, the L-1011 TriStar, had been concerned—with reason—about the financial stability of its American partner. Now Haughton was able, in his down-home accent and courtly manner, to assure his host that Lockheed's troubles appeared to be in the past. He had all but nailed down the additional financing that he needed for the TriStar. The road ahead seemed clear. By the way, asked Haughton, how was Rolls-Royce coming with its technical problems on the RB.211? Only then, barely forty-eight hours before it was announced in the House of Commons, did Dan Haughton learn the bad news.

What he heard from Cole and at subsequent meetings with government officials represented an amalgam of bleak realities and dire prospects. Costs on the RB.211 had soared out of sight. Development was behind schedule, the engine was not performing as expected—and, as Haughton knew, Rolls-Royce's contract with Lockheed carried stiff penalties for late delivery and failure to meet specifications. Its board of directors had concluded that Rolls-Royce lacked the resources to carry on the RB.211 on its own and had turned for help to the British Government, which had already contributed $113 million toward the cost of "launching" the engine. But Prime Minister Edward Heath had declined to put more taxpayer money into what he had come to regard as an uneconomic venture.

The British Government's ungiving stance and a provision in Britain's corporate law forced the Rolls board to ask the company's debenture holders to appoint a receiver. The government intended to take over those divisions that were important to national policy and let the receiver sell off others, including the motorcar division (which accounted for only about 5 percent of Rolls-Royce's sales of $720 million in 1969). But the government would *not* take over the RB.211 division or assume its obligations under the contract with Lockheed. If Lockheed wanted Rolls-Royce engines in the TriStar, Haughton would have to negotiate a new contract.

Haughton was stunned by the unexpected recital of disaster. He was well aware of Rolls-Royce's technical problems with the RB.211; Lockheed had its own experts monitoring the project at Rolls's Derby works, and Haughton himself made regular trips to Britain to review progress. But he had had no hint that its troubles with the RB.211 could sink Rolls-Royce, the symbol of all that was best in British industry. At first he couldn't believe it. And in this, at least, he was in complete agreement with those who gave him the news. "To the British," said one government official, "the news of Rolls-Royce was like hearing that Westminster Abbey had become a brothel."

Haughton wasted no energy on denunciations of perfidious Albion. He set to work at once to put engines back into the TriStar, which the British press soon dubbed, sardonically, "the world's biggest glider." In the following weeks, which grew into months, of unceasing effort, Dan Haughton was called upon to perform one of the most intricate balancing acts in the annals of modern business. On every side he was hemmed in by "but," "however," or "on the other hand." He was counting on the TriStar to put Lockheed back into the commercial airframe business, after nine years on the sidelines, and thereby reduce its dependence on government contracts (which represented 90 percent of the company's 1970 sales of $2.5 billion). Without engines, there would be no TriStar—and, quite possibly, no Lockheed.

Only the British Government could supply the capital needed to continue with the RB.211. The government, however, was unwilling to risk additional public money without assurance, preferably from the U.S. Government, that Lockheed could stay in business. Even if engines—either the RB.211 or a U.S. product—could be obtained, Lockheed calculated that it would now need up to another $350 million in outside capital from banks and customers to bring the TriStar into full production. Its banks were unwilling to advance more money without some kind of guarantee from the U.S. Government that would protect their added investment. But such a guarantee would require congressional action—and Congress had grown notably cool to the pleas of defense contractors like Lockheed and, since the Penn Central debacle, even cooler to the idea of government aid for faltering private enterprises.

A lot of figures of speech have been employed to describe the complexity of Haughton's task as he sought to salvage the TriStar and Lockheed. Nine customers and twenty-four banks had to be kept in the game, if the game were to continue, and all—each with its own needs, interests, and responsibilities—had to be convinced that the final deal represented the best possible outcome for them and their stockholders. And all had to reach that decision at the same time, though each preferred to wait until the others—and the U.S. and British governments as well—had acted. A Lockheed executive said the problem was to get a squad of men, each of whom wanted to be the last man in a single file, to go arm-in-arm through the door. "Is there a door that wide?" one of Lockheed's bankers wondered. Secretary of the Treasury John Connally, the Texas Democrat who monitored the negotiations for the Nixon Administration, put it best. "Dan," he told Haughton, "your trouble is you're chasing one possum at a time up the tree. What you've got to do is get all those possums up the tree at the same time."

DELIVER US FROM CREDITORS

The stakes were enormous. At the time of Rolls' collapse, more than $1.7 billion had been committed to the project—$990 million by Lockheed, $350 million by its subcontractors, and $400 million by Rolls and its subcontractors. Lockheed's investment came partly from its own resources, but mostly from its customers and banks. The customers that had ordered 178 TriStars (six airlines, two investment groups, and a British holding company) at a cost of about $15 million each—$2,670,000,000 worth—had handed over more than $200 million in advance payments; among the airlines were Eastern, T.W.A., Delta, and Air Canada. Twenty-four banks, led by Bankers Trust and Bank of America, had loaned Lockheed $350 million, the limit then available to it from its existing credit line of $400 million, and the company had put up as collateral a considerable part of the real estate it owned, as well as all the stock of two substantial subsidiaries, Lockheed Shipbuilding & Construction Co. and Lockheed Electronics Co. (In April the banks stretched themselves, after getting more collateral, and gave Lockheed another $50 million, bringing its bank debt up to the full $400 million.)

Thousands of jobs depended on continued production of the TriStar with RB.211 engines. About 31,000 of the jobs were with Lockheed, its subcontractors, and its suppliers in the U.S. and Canada. Some 19,000 of these jobs were in California, which is already suffering acute unemployment, especially in the aerospace industry. The other 12,000 were distributed through many states—3,000 in Tennessee, 700 in Georgia, more than 600 in Connecticut. Rolls-Royce had more than 12,000 workers employed on the RB.211, and about the same number worked for its subcontractors and suppliers.

Some of these Lockheed and Rolls-Royce workers could be shifted to other projects, of course, but most faced dismissal. One of Haughton's first moves was to lay off 6,500 Lockheed workers to conserve cash while he tried to save the TriStar. (Since then Lockheed's layoffs have mounted to 8,500.) At Derby, a red-brick industrial city of 230,000 people in the English Midlands, about 20 percent of the work force is employed at Royce's, as the company is known locally. The British Government kept development work going on the RB.211, at a cost of more than $2,400,000 a week, to give Haughton time to work out a new deal. But soon there were 2,000 "redundancies" in Derby, and the town was seized by panic. Morale at Royce's plunged, and a bitter parody of the Lord's Prayer circulated among proud engineers, who remained confident that, given a chance, the RB.211 would rank with other great Rolls-Royce engines:

. . . Give us this day our receiver
And forbid our redundancies
As we forgive them
That did nationalize us.
But deliver us from creditors
For ours was the Merlin,
the Spey and the Conway
Dart and the Avon. RR men.

LIFE AMONG THE UNK-UNKS

Haughton, fifty-nine, is a lean six-footer with a florid face, thinning hair, and a ready smile. One friend describes his manner as one of "red-dirt southern courtliness"—nothing affected, nothing high-flown, and yet unmistakably gentry. His father was a sometime farmer, sometime storekeeper in the Alabama backwoods, and Haughton worked on the family farm and later in a coal mine to earn his way to a degree in accounting at the University of Alabama in 1933. He joined Lockheed in 1939 when it was still a small company. The hard-working young Southerner quickly caught the eye of the Gross brothers, Robert and Courtlandt, who were the dominant figures in the company. In 1961, Haughton was named president. He succeeded Courtlandt Gross as chairman in 1967, and a Haughton protégé, A. Carl Kotchian, fifty-six, moved up to the presidency.

Haughton's years as Lockheed chairman have been full of trouble. Lockheed, like others in the aerospace industry, has kept bumping into "unknown-unknowns," or contingencies that couldn't be foreseen (see "For Lockheed, Everything's Coming Up Unk-Unks," FORTUNE, August 1, 1969). In March, 1970, Haughton notified Deputy Secretary of Defense David Packard that Lockheed faced "a critical financial problem" unless the Pentagon promptly settled contract disputes on four of the company's defense projects, or provided interim financing while the disputes dragged on. More than $750 million was at stake in claims involving the C-5A cargo plane, the Army's Cheyenne helicopter, the motor for the SRAM (short-range attack missile), and a group of Navy ships. Except for the ships, all the projects were being carried out under the immensely complex, and now discredited, "total package procurement" concept introduced by former Defense Secretary Robert McNamara in an effort to reduce defense costs. Not only had the concept failed to bring costs under control; it encouraged, through the complexity of the contracts required, just the sort of protracted legal disputes that Lockheed was embroiled in.

On February 1, the day before he ate cold fish in London, Haughton reluctantly accepted a settlement that brought Lockheed's losses on the disputed defense contracts to $480 million (before taxes), all but $190 million of which it had already written off. That gave the company an apparent after-tax loss for 1970 of $80 million, instead of a previously reported profit of about $10 million, and its net worth declined from $331 million to $240 million. (Lockheed's audited figures for 1970 still have not been reported, pending the outcome of Haughton's struggle to save the TriStar.)

It was, clearly, a very tough settlement, and there are those, even in the White House, who now wonder if it wasn't too tough, inasmuch as it left Lockheed in no shape to deal with Rolls-Royce on its own. Says one presidential assistant: "The Defense Department negotiated those guys out of $350 million." This view assumes that if Lockheed had had the time and financial resources to fight its case through the courts, it might very well have come out much better than it did in the deal with Packard.

But at least the settlement with the Pentagon had given the company some breathing space. Lockheed had taken its losses and survived, and its most troublesome contract, on the C-5A, was being restructured to limit future liability. That cleared the way for Haughton to obtain the additional capital that he needed for the L-1011 until sales might finally begin to generate a substantial cash flow. On the strength of the Pentagon settlement, he tentatively arranged $250 million in additional financing, $100 million of it from the airlines that were buying the TriStar. All these arrangements fell apart when Rolls-Royce went into receivership. "When something comes as unstuck as this one did, it's not easy—and this one really came unstuck," says Haughton.

TROUBLE ON THE FLYING TEST-BED

In the sixty-five years of its existence, Rolls-Royce Ltd. earned an outsanding reputation for technical excellence and reliability. Under Sir Denning Pearson, now sixty-two, an engineer who was determined to keep the company ahead of its competitors in technology, Rolls-Royce assigned as many as 22,000 employees to research and development. Out of this huge effort grew the RB.211, which after an intensive competition was selected for the TriStar over engines made by General Electric and Pratt & Whitney. (The G.E. power plant went into McDonnell Douglas' wide-bodied jet, the DC-10, and Pratt & Whitney's is in the Boeing 747.) The RB.211 was a bold venture into advanced technology, with 20 percent fewer rotating parts than existing engines have. It has a huge fan and two compressor sections that revolve independently on concentric drive shafts. This "three-shaft" construction gives a pilot more flexibility in controlling power on landing, and makes the RB.211 an unusually quiet engine. Even on take-off, it produces little visible smoke, a great advantage in this ecologically conscious age.

Another innovation in the RB.211, as first proposed, called for the twenty-five blades of its fan to be made of Hyfil, a composite material of carbon fibers bonded with epoxy resins. Using Hyfil instead of the usual titanium, Rolls expected to save 300 pounds per engine, or the equivalent of five passengers on a three-jet airplane. But when early models of the RB.211 were mounted on a VC-10 "flying test-bed," rain and hail eroded the tips of the Hyfil blades. Rolls corrected the tendency toward erosion by inserting metal laminations. But that created stress at the root of the blades, so that they could not withstand the impact of a large bird ingested by the engine at high speed. Fortunately, Rolls had been carrying on concurrent development of the RB.211 with titanium blades, so that failure of Hyfil to perform as expected, though it caused enormous expense, did not doom the project.

When the RB.211 was chosen for the TriStar in 1968, all Britain celebrated. The man who swung the deal, David Huddie, then managing director of Roll's Aero Engine Division, was knighted by the Queen for his contribution to the nation's balance of trade (see "Rolls-Royce's $2-Billion Hard Sell," FORTUNE, March, 1969), and the British Government agreed to pay 70 percent of the then-estimated cost of developing the RB.211. The government's contribution was to be repaid out of sales of the engine.

For a long time no one found much cause for concern, though by the end of 1969 the company's debt had risen sharply. Rolls-Royce owed some $150 million to creditors, some of whom had to wait six months or more to be paid. Other debt in the form of bank overdrafts, short-term paper, and debentures totaled $266 million. No one seemed really alarmed, however, until Rolls reported a $115-million loss for the first half of 1970, mostly attributed to rising costs on the RB.211.

Even then the sense of alarm was relieved by a feeling that Rolls could always turn to the government for help. Edward Heath, who replaced Harold Wilson as Prime Minister in June, had said there would be no more government aid for the lame ducks of private enterprise, but by the autumn that policy appeared to change. During the spring Rolls had obtained a $24-million loan, with the promise of another $24 million in 1971, from the Industrial Reorganization Corporation, a government agency. In return for the aid, Rolls had to put two new members on its board of directors, including Ian Morrow, fifty-eight, an accountant who specialized in restoring ailing companies to health. Under Morrow's prodding, Rolls conducted a new study of the RB.211, which showed that far more than the IRC money would be needed.

Swallowing its embarrassment, the Heath government agreed to provide $101 million toward the development costs of the RB.211 (making a total government investment of $238 million), while Rolls-Royce's banks would supply $43 million more. There was a price for this help, however. Sir Denning Pearson was replaced as chairman by Lord Cole, sixty-four, who had recently retired as chairman of Unilever. A four-man committee, headed by Morrow, took over Pearson's chief-executive functions.

The promised $144 million from the banks and government was withheld pending an independent audit of Rolls. But the new management soon concluded that even that $144 million would not be enough. In 1968 the company had estimated that it would take $156 million to develop the engine and put it into production. The examination made after Morrow's appointment pushed the figure to $324 million. And by mid-January, based on the new board's hard-eyed look, the estimated cost of bringing the RB.211 into production soared to more than $600 million.

WHO GOES BUST FIRST?

On January 22, Lord Cole informed the British Government that Rolls could not go on with the RB.211. The British Cabinet's legal advisers warned that if the government simply tided the company over, or nationalized it in its entirety, it might become responsible for all of Rolls's liabilities, which could not be calculated with any certainty because of what one official calls a "lack of accounting." With no new government commitment, the Rolls board voted on January 26 to seek receivership.

At that very time the British Ministry of Aviation Supply had a representative at Lockheed's headquarters in Burbank trying to determine if Lockheed could avoid bankruptcy. And there is no doubt that British concern over Lockheed's financial ability to continue with the Tri-Star contributed to the government's decision to exclude the RB.211 division when it selected parts of the company to continue. At the time, recalls one observer: "It was a question which company would go bust first, Rolls-Royce or Lockheed. Rolls-Royce won by a short hair."

Haughton's trip to London on February 2 had been scheduled for some time. At the end of January he got a call asking if he might come a day early. He couldn't, because he had to meet with his board of directors on February 1 to ask approval for that settlement with the Pentagon. He got the approval, signed the letter of acceptance to Secretary Packard at 2:30 p.m., and boarded a plane to London at 4:00 p.m., confident that, at last, things were starting to break right. "For about fourteen hours I felt good," Haughton recalls.

Once he got the news about the receivership, Haughton swung into a hectic round of travel and meetings. He was frequently joined by Fred J. Leary, a vice president of Bankers Trust, and Ronald G. Ross, a vice president of Bank of America, who represented Lockheed's banks during the intricate negotiations. At every step Haughton reported his progress and problems to Secretary Connally. As it became clear that government participation was essential, Connally's role grew crucial. Whatever package Haughton put together, it was one that Connally would have to approve.

Work of the TriStar continued at Lockheed's Palmdale, California, plant, but at a much slower rate. Three TriStars have by now been flown, powered by development models of the RB.211, and flight tests have continued just about as scheduled. But the stretched-out production schedule meant massive layoffs of employees and deferred deliveries from suppliers. Both steps cut Lockheed's immediate cash requirements sharply.

For a long time Haughton had been holding down on capital expenditures. Instead of the $100 million budgeted for 1970, the company spent only $63 million, and funds available from depreciation took care of all but $7 million of that. For 1971, Haughton slashed capital investment still further, so that cash flow from depreciation exceeded expenditures on capital investment. Some assets were sold, and scheduled salary increases were suspended for 31,000 salaried employees. Top officers took salary cuts. Haughton sliced 25 percent off his own $153,000 salary and President Carl Kotchian's $138,000. With what Haughton calls "a pretty good cash flow" coming in from Lockheed's profitable activities, including the Agena satellite and Poseidon missile programs, he was able to say last month: "I think we have the ability to carry on" while financing for the TriStar is arranged.

THE OPTIMISM OF THREE FERRETS

At first, negotiations over the RB.211 were complicated by the British Government's fear that it had a lemon on its hands. However, in February, three of the most respected aeroengine experts in Britain made still another cost and technical study for Lord Carrington, the Minister of Defense, who had been placed in charge of the negotiations with Lockheed by Prime Minister Heath. The "three ferrets," as Carrington refers to them, concluded that the Rolls board had been overly pessimistic in assessing the RB.211's faults and future. As a result of the report by these experts, the government calculated that another $288 million would be enough to complete development of the engine.

Reassured, Lord Carrington presented the British Government's first concrete offer to Haughton early in March in a meeting at the Ministry of Defense. The price of the engine would rise, under a complicated formula, to an average of about $1,180,000, compared with the old contract price of $840,000. The British Government would put up $144 million toward the development cost, with Lockheed providing the rest of the money needed—another $144 million if the British estimates were correct. Haughton rejected the offer out of hand. It was, he said, not conceivable that Lockheed could add Roll's problems to its own. In any case, the British estimates of the money needed were double those given him by his own experts.

The next day Lord Carrington sweetened the offer a bit. He invited Haughton to set up a joint venture in which Her Majesty's Government would immediately invest $144 million. If Haughton was right, that was all that would be needed, and Lockheed would have to put up nothing. But if it turned out that more was needed, Lockheed would have to bear the added costs. The price of the engines would be negotiated later to reflect actual costs, and the two partners would divide any future profits. Since, as Haughton said later, "I have as much at risk as I can say grace over now," the offer was still unacceptable, and especially so because it was coupled with a demand for cross warranties. The British Government would agree to produce the RB.211 so long as spare engines were needed, but Lockheed would have to indemnify the British against loss if Lockheed went bankrupt or gave up the TriStar. "I don't have anyone to give me such a guarantee," said Haughton.

From the British standpoint, the demand for guarantees seemed eminently reasonable. How could a responsible government put taxpayer money into an open-ended commitment to the RB.211 without assurance that the TriStar would survive? In subsequent negotiations all the other details of the British offer, including price, were to change completely. But the demand for a guarantee was modified only to the extent that it could be satisfied by a U.S. Government guarantee for the loans that Lockheed was seeking from its banks. That guarantee was also just what Lockheed's bankers needed before making any new loans, regardless of whether the RB.211 or an American engine powered the TriStar. By the middle of March, it became clear to Haughton and all the others involved that some form of government participation had become essential.

THE LAST MODEL OF THE HUPMOBILE

In everything that he did, Haughton had to keep his airline customers satisfied. Fortunately for him, the airlines were not unduly dismayed at the prospect of a possible five-month delay in deliveries of the first TriStars, from this November to April, 1972. T.W.A.'s Chairman Charles C. Tillinghast Jr., hard-pressed for capital, thought his line could stand an even longer delay. "I would say a delay of a year would have as many advantages as disadvantages, maybe more," he said.

The large investments the airlines had already made helped keep them patient while Haughton tried to put together his new TriStar package. A significant fact about the airlines' financial commitment was that most of their money had gone to Lockheed, not Rolls-Royce. The carriers had financed 90 percent of the cost of the engines through British banks, with the assistance of the British Government's Export Credits Guarantee Department (which corresponds to the U.S. Export-Import Bank). In Eastern's case, $71,700,000 of its prepayments on the L–1011 had gone to Lockheed, and only $5,800,000 to Rolls-Royce. T.W.A. had paid Lockheed $90,700,000, and Rolls only $6,800,000.

It was far more important for the airlines that the TriStar survive than that it be powered with the RB.211. Since the engine is so important to the commercial success of an aircraft, it is the customer, not the airframe manufacturer, who has the chief voice in selecting the power plant. In the first weeks after the Rolls-Royce collapse, there appeared to be at least two good reasons for the airlines to prefer a change of engine. The first was political. Were federal assistance to become necessary, Congress could be expected to be more amenable if the chief beneficiaries were all U.S. companies. The second rationale for switching engines was more direct. In buying the L–1011, the airlines were shaping their fleets for the next fifteen to twenty years. They could not afford to stake their futures on an aircraft or an engine that might not stay in production. Explained T.W.A.'s Tillinghast: "The one thing everybody is concerned about is ending up with the last model of the Hupmobile."

Both General Electric and Pratt & Whitney still had available the engines that had been rejected in favor of the RB.211 back in 1968. The L–1011 could still have been adapted to use either engine, though modification of the airframe would be expensive and might delay deliveries by an additional six months. Through February and the early part of March, Lockheed and the airlines ran what was in effect a new competition to supply engines for the TriStar.

Once again the RB.211 won the competition. The airlines concluded that the virtues of the engine outweighed the political uncertainties involved in dealing with a nationalized British company. The RB.211's technical problems seemed to have been overcome. On the Derby test-beds, the engine was coming up toward 42,000 pounds of thrust, just what was wanted, and fuel consumption was within 2 percent of specifications despite the added weight of titanium fan blades. Also in the RB.211's favor was the fact that neither G.E. nor Pratt & Whitney could match the British financing. Nor would different engines be eligible for the federal investment tax credit of 7 percent. The credit had applied to the airlines' original engine purchase, but was repealed in 1969.

While the engine competition was still going on, Dan Haughton met with the chairman of both G.E. and United Aircraft, Pratt & Whitney's parent company. Once the decision to stay with the RB.211 was made, Pratt & Whitney seemed to accept the results of the competition. But G.E. Chairman Fred J. Borch fired off letters to President Nixon and Secretary Connally, protesting that any U.S. guarantee of loans for Lockheed should be made conditional on having a U.S.-made engine in the TriStar. Dan Haughton retorted that the G.E. engine had been given full consideration, but all things considered, the 'total cost of a G.E.-powered L–1011 would be greater for Lockheed and for the airlines."

DELTA PUTS THE HEAT ON

Of all Haughton's TriStar customers, Delta came closest to defecting. One of the few trunk lines that made money last year ($44,500,000), Delta would have relatively little trouble in financing a switch to McDonnell Douglas DC–10's. Because many of its routes overlap those of Eastern and two DC–10 customers, United and American, Delta feels competitive pressure to operate the newest equipment. McDonnell Douglas has been more than six weeks ahead of its test schedule on the DC–10, and will be able to start deliveries late this summer. American and United expect to start flying their first DC–10's in September.

On March 18, Delta signed a "letter of intent" to buy five DC–10's for delivery in 1972 and 1973. The airline did not cancel its orders for twenty-four L–1011's, on which it has paid $36 million down, and Delta Chairman Charles Dolson assured Haughton that if he put the TriStar deal back together, Delta would stick with it. But Delta's action, which coincided with the arrival of a Rolls-Royce negotiating team in the U.S., pointed up the danger that the L–1011's customers might begin to turn to the DC–10. That put new pressure, if any more were needed, on Haughton and the British to resolve their negotiations quickly.

One British airline that had not bought the TriStar became a factor in the negotiations. British European Airways, a government-owned company, has many short- and medium-range routes (e.g., London-Paris, Manchester-Copenhagen) that are ideal for airbus operations. Before Rolls went under, industry rumor had it that B.E.A. was leaning toward the L–1011 and would eventually need fifteen or twenty. After the receivership, B.E.A. began to take an ostentatious interest in the proposed European airbus, the A–300B, which will have G.E. engines. U.S. airlines, notably T.W.A., argued that a B.E.A. order for the L–1011 was vital in proving Britain's commitment to the RB.211 program. But both the British Government and B.E.A. asserted that national policy has nothing to do with the commercial decisions the airline makes, and a B.E.A. order for the TriStar is still no more than a tantalizing prospect. Haughton hopes the order will come through—perhaps around the end of July—and claims to be pleased that B.E.A. is making such a careful study. He says it will be clear to everyone, if and when B.E.A. signs up, that it is the airline, not just the government, that wants the airplane.

Through all of this, little was heard of another British company, Air Holdings Ltd. That was surprising because Lockheed's original deal with Rolls-Royce had been made palatable, in view of its effect on the U.S. balance of payments, by a $450-million order from Air Holdings. All sales of the TriStar to non-U.S. airlines were to be counted as part of Air Holdings' order, and the company was not expected to take actual delivery of any aircraft. After the Rolls collapse, Frederick Corfield, Minister of Aviation Supply, said in Parliament that the arrangement had been "a bookkeeping transaction—and a somewhat bogus one at that."

WASHINGTON IS THE LAST RESORT

Once the British decided that the RB.211 was worth saving—and the airlines decided it was still the engine they wanted—negotiations over a new contract began to speed up. Near the end of March, after days of intensive bargaining, Lord Carrington and Dan Haughton met at the British Embassy in Washington. About noon on the 25th, they reached a conditional agreement for the nationalized company, Rolls-Royce (1971) Ltd., to produce 555 engines. The British Government pledged itself to pay all further costs of developing the RB.211 (estimated by then at $240 million) and to subsidize production costs if necessary. Lockheed agreed to an increase that will average about $180,000 per engine, bringing the price to about $1,020,000 apiece.

The signing of that agreement signaled the beginning of another frantic round of travel for Dan Haughton. First he had to get his customers to agree to the new engine price, as well as to a $103,000 increase in the price of each airframe, reflecting added costs from the delay in production. The total added cost of $643,000, however, is less than it would have been had there been a change of engines.

Haughton also had to work out a new schedule of deliveries and payments with each airline. He asked them to provide Lockheed with an extra $100 million in prepayments by the end of 1972; Lockheed is to pay interest on this money. For T.W.A., the new arrangement would mean that its first order of thirty-three L–1011's (including spare engines, parts, and ground equipment) would cost $733,400,000 instead of $665,700,000. In 1972, T.W.A. would make an extra $750,000 prepayment on each undelivered aircraft, as its share of that $100 million. However, its original schedule of payments would be stretched out. Under the new proposal, T.W.A. would pay only $39,700,000 in 1971, instead of $90,500,000 as originally scheduled, and payments on its new aircraft would continue through 1975 instead of ending in 1973.

The chief condition in the conditional agreement between Haughton and Lord Carrington called for assurances to the British that "there will be a requirement for their engines upon delivery," i.e., assurance that TriStar production will continue. That condition sent Haughton to John Connally to arrange U.S. Government backing for the additional $250 million in bank loans that he needs. The amount, Haughton says, includes provision for all foreseeable contingencies. On May 6, Connally met with President Nixon at the White House and emerged to announce that the Administration would send the loan-guaranee legislation to Congress. "The health of our aircraft industry is essential to the nation's commerce, employment, technological development and protection," Connally declared. He added: "We do not anticipate any cost to the taxpayer from this loan guarantee."

The legislation, which does not specifically name Lockheed, contains a number of restrictions and safeguards. For example, the Secretary of the Treasury would be given full access to Lockheed's books, with the company to pay the government's out-of-pocket surveillance costs. All the guaranteed $250 million in loans would be repaid ahead of the $400 million in earlier loans advanced by the banks, and before Lockheed can resume the dividends that it last paid in the fourth quarter of 1969. In the event of Lockheed's bankruptcy, the government's claims would have precedence over those of other creditors.

Supporters of the bill, and Dan Haughton in particular, were quick to point out that there are a number of precedents for government loans and guarantees, though hardly of the magnitude proposed. In 1967 the U.S. guaranteed a $75-million loan, since repaid, to Douglas Aircraft, just before that troubled company merged with the much stronger McDonnell. And the Export-Import Bank regularly guarantees private loans, involving millions of dollars, to promote U.S. export trade with other nations.

WILL HAUGHTON PAY THE PRICE?

Dan Haughton seems to have treed his possums for the moment, but Congress could still cut the tree down. Among the powerful foes lined up against him is Representative Wright Patman, whose opposition headed off guarantees for loans to the Penn Central Railroad. Patman is chairman of the House Banking and Currency Committee, and will conduct hearings on the Lockheed bill. Senator William Proxmire, long an impassioned adversary of Lockheed—he led the assault that persuaded the Air Force to purchase only eighty-one C–5A's instead of the 120 it had intended to buy—has pledged a last-ditch fight in the Senate against the guarantee.

Even if Congress approves the rescue plan, Dan Haughton may have to pay for it with his own resignation. Senate Majority Leader Mike Mansfield has already called for a change of top management, and so has California Senator Alan Cranston. Even if Haughton does have to go, he'll probably do it as he seems to have done everything else for Lockheed during his thirty-two years with the company—with grace and without rancor. To those who ask about his present state of mind, he points to a framed quotation, attributed to Abraham Lincoln, that he keeps in his gold-carpeted Burbank office: "I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

PART THREE: FEDERAL RESEARCH PROGRAMS AND A PROPOSAL FOR A NATIONAL RESEARCH DATA BANK

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. COLLIER. Mr. Speaker, for the past 2 days, I have given a compilation of federally assisted research programs and today I include the third and final part of this presentation.

The Departments covered are: Interior, Justice, Labor, and Transportation. The Atomic Energy Commission, Environmental Protection Agency, National Aeronautics and Space Administration, Veterans' Administration, Administrative Conference of the United States, Arms Control and Disarmament Agency, Federal Home Loan Bank Board, Federal Power Commission, Federal Trade Commission, Advisory Commission on Intergovernmental Relations, National Science Foundation, Securities and Exchange Commission, Small Business Administration, Commission on Marihuana and Drug Abuse, Commission on Population Growth and the American Future, Commission on the Organization of the Government of the District of Columbia, National Commission on Materials Policy, National Tourism Resources Review Commission, Public Land Law Review Commission, Select Commission on Western Hemisphere Immigration, Tennessee Valley Authority, and the U.S. Information Agency are also included.

The last part of my study follows:

DEPARTMENT OF THE INTERIOR

BUREAU OF MINES—MINERAL RESOURCES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Conservation and development of mineral resources—Research:			
Coal	6,786	8,805	8,770
Petroleum	2,744	2,710	3,000
Oil shale	2,395	2,508	2,500
Metallurgy	12,490	12,959	13,550
Mining	5,716	7,940	4,900
Marine mineral mining	895	290	....
Explosives	678	693	693

Coal: Coal research is carried out to maintain the technological competence necessary to achieve maximum utility from this vast resource and help satisfy increasing national energy requirements. To this end, the research effort is directed toward advancing coal utilization technology, developing economic and more efficient methods of converting coal to cleaner energy forms, and improving methods to manage coal wastes and reduce coal-related pollutants.

Petroleum: Research is devoted to providing more petroleum and natural gas and greater efficiency in the extraction and utilization of these energy resources in the interest of the national welfare. Attention is directed to increasing the resource base through improved technology; developing new uses and products from oil and gas of higher quality and lower cost; and improving the environment by identifying and combating the causes of pollution. The 1972 budget provides for initiation of a research program to evaluate the problems and potentials of disposing of industrial wastes by injection underground. Such research is based on knowledge gained in research on recovery of petroleum by fluid injection and investigations of oil and gas reservoir properties.

Oil shale: Oil shale research is conducted to provide the scientific and engineering competence needed to establish and administer a national oil shale policy to insure its efficient development. Additionally, the program will help stimulate industry to initiate the commercial production of shale oil and associated oil shale minerals. Of particular interest are in situ techniques for retorting ungraded shale; problems dealing with the disposal of resultant wastes; and the chemical and physical properties of kerogen and shale oil.

Metallurgy: Research is carried out seeking new and improved processes to extract, recover, purify, fabricate, and recycle metallic and nonmetallic minerals for the most efficient utilization of this Nation's resources attainable through increased production, reduced costs, and a minimum of waste. Of particular interest are research leading to advanced metallurgical technology, abatement of pollution from metallurgical process effluents and gases, management of mineral wastes, improvement of mineral materials, and research on effective recovery and reuse of mineral materials from urban wastes. The 1972 budget provides for expansion of urban refuse separation research and other solid waste-related research.

Mining: Mining research is conducted to develop improved extractive systems through technological advancement of fundamental subsystems elements to increase significantly total output at the least cost. An integral part of this objective is provision for the maintenance of health and safety and preservation of the environment. The 1972 budget provides for transfer of the methane drainage program to the health and safety research activity.

Marine mineral mining: The marine mineral mining research program has been transferred to the National Oceanic and Atmospheric Administration.

Explosives: Explosives and explosions research is conducted to provide technologic information and guidance to Federal, State, and local government agencies, and industry on: Safe handling and use of commercial explosives and blasting agents; safety characteristics of explosives certified for use in underground mines where gas/dust explosions might occur; hazards associated with flammable liquids and gases and potentially explosive chemicals of commerce; and the means of combating and controlling fires and explosions occurring in minerals and mineral fuels.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Health and safety: Health and safety research	3,667	20,794	32,634

Research is directed toward developing mining procedures and devices to avoid, detect, or control those aspects of mining and the working environment which involve potential personal hazards to mine workmen. The continuing effort to assure a much safer environment and working conditions for miners involves research to develop the technology for inherently safer mining methods, equipment, techiniques, and systems to adequately cope with mining conditions. Research is conducted on: the support of mine roof and control of overburden; ventilation of mines; methods of allaying harmful and combustible dusts and methane and of coping with other mine air contaminants; prevention of underground fires and explosions; provision of safe electrical equipment and installations; improvements in mining machine design to reduce noise and optimize other man-machine interrelationships to enhance health and safety; and development of improved postdisaster life support and rescue technology for coal mining. The 1972 budget provides for: First, an increase in coal mine health and safety research, with a portion of the increase resulting from the transfer of the Methane drainage program from the Mining research activity; and, second, an increase in metal and nonmetal health and safety research.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Helium fund: Research and development	1,098	653	
Advances and reimbursements: Health and safety research	15	10	10
Office of Coal Research—Salaries and expenses:			
Administration and contract supervision	451	515	545
Contract research	15,663	18,662	20,455
Total program costs, funded	16,114	19,177	21,000
Change in selected resources	−2,621		
Total obligations	13,493	19,177	21,000

The Office of Coal Research contracts for research and development of new and more efficient methods of mining, preparing, and utilizing coal. It contracts for, sponsors, cosponsors, and promotes the coordination of research with recognized interested groups—including, but not limited to, coal trade associations, educational institutions, and agencies of States and political subdivisions.

The Office of Coal Research is responsible for developing the full potentiality and versatility of coal as the Nation's largest energy resource to the maximum benefit of the United States. The aspect of insuring a clean environment while minimizing or eliminating pollution-causing energy products, is an important consideration in all of the research projects. The Office is devoting its efforts to expand the use of coal through development of new uses as well as within presently known fields of utilization. The scientific and technical aspects of the program are performed through a program of contract research.

Administration and contract supervision: This portion of the program performs all necessary functions relating to contracts. This includes drafting, negotiation, and execution of the contracts, together with review and monitoring of technical and administrative phases of the contract work. Proposals are evaluated to ascertain technical and economic feasibility and eliminate possible duplication with other work.

Contract research: The entire research activity cited above as the responsibility of the Office is represented in the contract aspect of the operation. Proposals received from, or discussions with potential contractors relate to a prospective area of activity in which the proposer has expressed interest, and for which the organization is qualified. Careful review and controls preclude duplicative research efforts. Contract research activities are conducted with profit and nonprofit research organizations. Contracts vary from complete Government funding to joint funding. Only applied research and development projects are undertaken. Several have now reached the pilot plant phase of their development. No grant research projects are carried on, and basic research is extremely limited—only insofar as a project may support other ongoing research.

FISH AND WILDLIFE AND PARKS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Management and investigations of resources:			
Fishery research	4,474	5,106	5,299
Wildlife research	8,160	9,298	9,898
River basin studies	1,927	2,090	3,789

Fishery research: Research is conducted to provide information needed for improved methods of sport fishery management. The program includes: studies of the factors governing the productivity of sport fish in the Great Lakes and freshwater reservoirs; studies of how hatchery fish can be produced more efficiently and used more effectively; studies of fish diseases and the effects of pesticides on fish; and studies to develop methods of controlling fish that are pests. Results are used by Federal, State, and private fishery managers.

Wildlife research: Research is conducted on game and nongame, resident, and migratory forms of wildlife. Results are used by the Bureau as well as cooperating Federal, State, and private agencies to improve wildlife management and conservation practices. Wildlife units are also maintained at nineteen locations to give technical training in wildlife management, conduct research, and demonstrate improved management practices.

River basin studies: This activity covers studies of the effects on fish and wildlife resources of the proposed Alaska pipeline and of wateruse projects of Federal agencies and licensees. Recommendations are made for measures to protect and improve these resources. Studies are made of proposed estuarine works to minimize damages. Additional funds, totaling $1,700,000 in 1972, are provided for this activity from the Bureau of Reclamation, the Alaska Power Administration, and the Corps of Engineers for water-use studies.

WATER AND POWER RESOURCES, BUREAU OF RECLAMATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
General investigations:			
General engineering and research	7,324	9,521	9,700
Fish and wildlife studies	413	397	400
Passamaquoddy tidal power development studies	3	2	

General engineering and research: Studies directed toward improvements in planning procedures and in engineering methods and materials. Included are studies of atmospheric water resources, of alternative uses and reuse of water, of rapid tunneling techniques, and continuing activities in waste water reclamation opportunities in the Western States.

Fish and wildlife studies: These funds are transferred to the Fish and Wildlife Service for studies of the fish and wildlife aspects of reclamation projects, which are in the planning stage, authorized for construction, or under construction.

ALASKA POWER ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1971 estimate
General investigations:[1]			
Fish and wildlife studies	54	63	42

[1] These funds are transferred to the Bureau of Sport Fisheries and Wildlife for studies of the fish and wildlife aspects of the Alaska Power Administration's general investigations program.

OFFICE OF SALINE WATER—SALINE WATER CONVERSION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Research and development	15,015	16,200	16,210
Construction, operation, and maintenance:			
Test beds and facilities	4,662	4,950	6,150
Modules	1,386	1,495	3,825
Administration and coordination	2,191	2,503	2,540
Total program costs, funded	23,254	25,148	28,725
Change in selected resources	2,906	3,530	−1,700
Total obligations	26,160	28,678	27,025

This program finances the research on and development of low-cost processes for converting saline water to fresh water.

Research and development: Basic and applied research, engineering and development, and evaluation work are accomplished by means of contracts or grants to Federal or non-Federal agencies, institutions, commercial organizations, and consultants.

Construction, operation, and maintenance: This activity provides for the design, construction, acquisition, operation, maintenance, and modification of saline water conversion test bed plants, facilities, and modules to determine the practical application of the conversion processes under development.

Administration and coordination: This activity provides for the necessary planning, supervision, and administration of the saline water conversion program.

Under this program, the Department of the Interior will provide leadership and support in the conduct of selected research projects carried out by foreign nations. Payments will be made in foreign currencies which the Treasury determines to be excess to normal requirements of the United States. Activities carried out under this appropriation are authorized by the Agricultural Trade and Development Assistance Act of 1954, as amended.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements:			
Research and development	173	125	
Change in selected resources	−5	−65	
Total obligations	168	60	
Secretarial offices—Salaries and expenses (Special foreign currency program):			
Research			400
Change in selected resources			100
Total obligations			500

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Underground electric power transmission research:			
Administration and contract supervision		30	60
Contract research		420	940
Total program costs, funded		450	1,000
Change in selected resources		300	
Total obligations		750	1,000

The Department of the Interior participates in a joint private-public research program to reduce the costs of placing high-voltage transmission lines underground.

Administration and contract supervision: The Office of the Secretary will perform all necessary functions related to the administration of research contracts.

Contract research: Contract research, in cooperation with the Electric Research Council, will be conducted with commercial organizations, educational institutions, nonprofit research organizations, and other governmental agencies where expertise may exist.

OFFICE OF WATER RESOURCES RESEARCH

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses:			
Assistance to States for institutes	5,165	5,100	5,100
Matching grants to institutes	2,506	3,000	3,000
Additional water research	2,300	3,500	4,500
Scientific information center	510	816	912
Administration	678	805	923
Total program costs, funded	11,159	13,221	14,435
Change in selected resources	106		
Total obligations	11,265	13,221	14,435

The objective of this program is to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of scientists in the fields of water and of resources which affect water, in order to assist in assuring the Nation at all times of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population.

Assistance to States for institutes: This activity provides for specific grants to all 50 States and Puerto Rico for assistance in carrying on the work of a competent and qualified water resources research institute at one college or university in each State. The function of such institute is to conduct research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources and to provide for the training of scientists through such research, investigations, and experiments. States may elect to use their grants in support of regional institutes in which several States participate.

Matching grants to institutes: This activity provides for grants to match, on a dollar-for-dollar basis, funds made available to institutes by States or other non-Federal sources to meet the necessary expenses of specific water resources research projects which could not otherwise be undertaken.

Additional water research: This activity provides for grants to, and contracts and matching or other arrangements with, educational institutions, private foundations, or other institutions, with private firms and individuals whose training, experience, and qualifications are adequate for the conduct of water research projects, and with local, State, and Federal government agencies, to undertake research into any aspects of water problems related to the mission of the Department of the Interior which are deemed desirable and which are not otherwise being studied.

Scientific information center: This activity provides for the operation of a water resources scientific information center. The objectives of center operations are to be responsive to the needs of water resources officials and organizations by making information available concerning water resources research results and developments, to avoid replication of research, and to improve communications and coordination of efforts among all those engaged in federally sponsored water-related research.

Administration: This activity provides for the administration of the Water Resources Research Act including the prescribing of rules and regulations, review and appraisal of institute programs and research proposals, making and monitoring of allotments, contracts, and grants; establishment and maintenance of cooperation and coordination among the centers and between the centers and Federal and other organizations concerned with water resources.

DEPARTMENT OF JUSTICE, BUREAU OF NARCOTICS AND DANGEROUS DRUGS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses:			
Drug abuse prevention:			
Supporting research	587	1,383	1,467

This activity includes a variety of applied research projects including, but not limited to, the following areas: identification of substances with a potential for abuse; development of methodologies to assess the abuse liability of drugs; studies to show the relationship between crime and drug dependent persons; patterns of drug distribution; studies to compare and evaluate the deterrent effects of various strategies on drug use and abuse; and development of eradication techniques.

DEPARTMENT OF LABOR

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Manpower Administration			
Manpower training services:[1] Program support: Contractual research, demonstration, and evaluation	14,339	13,319	21,127
Bureau of Labor Statistics			
Advances and reimbursements:			
Special economic and statistical studies:			
Agriculture	34	36	36
Atomic Energy Commission	71	73	73
Classified	166	80	80
Equal Employment	69		
Health, Education, and Welfare	33	35	35
Housing and Urban Development	160	46	46
Labor:			
Bureau of International Labor Affairs	58	60	60
Labor Management Services Administration	127	352	352
Manpower Administration	2,795	1,998	1,235
Workplace Standards Administration	1,298	1,281	1,281
National Science Foundation	47		
Navy	7	7	7
Special statistical work:			
Department store inventory price index	40	40	40
Apartment house operating cost index	64	150	150
Compensation and labor cost studies	83	100	100
Total obligations	188	290	290

[1] This includes contractual funds for research and demomstration projects to improve techniques and demonstrate effectiveness of specialized methods in meeting manpower training and employment problems; and for evaluation of the effectiveness of manpower programs.

Funds are advanced from sources outside the Federal Government to finance special statistical studies requested. During 1972, the Bureau will collect and analyze store inventory prices for the American Retail Federation, conduct surveys on compensation and labor cost studies for the State of New York, and will develop an index of cost of operating uncontrolled apartment houses for the city of New York.

The Department of Transportation Act of 1966 assigns to the Secretary broad responsibilities for the development and coordination of national transportation policies and programs. This appropriation finances those research activities and studies which directly support the Secretary's responsibilities and which can more effectively or appropriately be conducted in the Office of the Secretary rather than by the operating administrations within the Department. The program is carried out primarily through contracts with other Federal agencies, educational institutions, nonprofit research organizations, and private firms.

Transportation policy and planning: Studies and analyses are conducted on a broad range of transportation policy and economic and environmental problems to determine national transportation requirements and to provide the Secretary with the information and analyses needed for effective decisionmaking on national transportation policies, plans, and programs. Included are programs to forecast transportation demand, to develop models and other analytical devices that will help assess alternative courses of action, to conduct economic and statistical studies designed to assess the effects of economic regulation, and to examine the interrelationship of transportation with changing economic, social, esthetic, and environmental factors and forces. Projects are also carried out to develop new methods and effective programs to provide transportation information needed by the Federal, State, and local governments and industry. Amounts are also included for the ongoing programs to develop plans for meeting the transportation needs of the northeast corridor as well as studies and research relating to transportation systems development as it affects national urban and environmental policy.

DEPARTMENT OF TRANSPORTATION, OFFICE OF THE SECRETARY

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Transportation planning, research, and development:			
Transportation policy and planning	5,046	7,939	6,200
Transportation systems development and technology	1,059	10,147	24,000
Transportation facilitation	250	250	300
Special programs	195	274	500
Total program costs, funded	6,550	18,610	31,000
Change in selected resources	1,578	1,000	
Total obligations	8,128	19,610	31,000

Transportation systems development and technology: Projects are carried out to advance transportation technology generally; to seek solutions to transportation problems which are intermodal in nature; to provide information and forecasts on new technology required as a basis for planning and development of transportation systems, policies, and programs; to conduct research on longer range technical problems in transportation; and to manage research programs of such priority that they demand secretarial emphasis. In 1972, funds are requested to continue and expand advanced research and development efforts to improve air transportation—to be financed from the airport and airway trust fund—to develop multimodal and intermodal systems and technology, and to promote environmental and ecological improvements. Environmental studies related to supersonic transport operations will be given high priority. In general, projects are designed to complement research and development programs of the operating administrations and to stimulate industry efforts to advance transportation technology.

Transportation facilitation: Research and studies in this area are aimed at reducing the costs and removing the impediments to the rapid and efficient flow of passengers and cargo by modernizing our systems of transportation documentation and procedures. Projects will also be directed at realizing the economic and technological benefits of important transportation developments which can be achieved through cooperative research and development arrangements with foreign countries.

Special programs: Projects in this activity are chiefly to provide technical studies and other data in support of the Department's programs in the areas of consumer affairs, hazardous materials, and pipeline safety.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Transportation research activities overseas (special foreign currency program):[1] Overseas research			500
Civil supersonic aircraft development: Civil supersonic aircraft research and development	160,520	233,519	235,000

[1] Foreign currencies which are in excess of the normal requirements of the United States will be used in 1972 to support research projects in Poland and Yugoslavia, such as those relating to international standardization of transportation procedures.

The objective of this program is to develop a supersonic transport which will be safe, economically profitable in airline service, and more technically advanced than any other commercial aircraft. To the extent possible, the development is being carried out by private enterprise in a manner which will maintain the normal industry-customer relationship. Because of the magnitude of the funds required to develop the aircraft, the technical risk associated with this first U.S. supersonic transport, and the long period between investment and potential profit, Government financial support is essential. The program is a cost-sharing venture involving the Government, the aircraft manufacturers, and their customers—the airlines.

The program is now in the prototype construction phase which includes 100 hours of flight testing. The amount requested is a current estimate of funds needed in 1972 to continue work on the construction of two prototype aircraft.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Consolidated working fund, transportation systems center:			
Transportation research		21,140	24,725
Change in selected resources		1,445	1,755
Total obligations		22,585	26,480

The consolidated working fund was established to facilitate the conduct of operations of the Transportation Systems Center which are financed from a number of appropriations of the Department of Transportation plus the National Aeronautics and Space Administration. The programs of the Center are funded from advances received from the Office of the Secretary, the operating administrations in the Department of Transportation, and NASA, in accordance with general working agreements and specific project plan agreements.

The Transportation Systems Center serves as a technical transportation resource for the Office of the Secretary and the operating administrations. Its specific projects planned for 1972 are grouped generally along the following lines:

Transportation safety: The chief effort under this heading is in the highway safety field with additional efforts in aviation, marine, and railway safety.

Pollution reduction: This grouping includes both aircraft and automotive pollution, with a smaller effort in marine sources.

Noise abatement: With the exception of work concerned with supersonic engine noise abatement, this area of projects is in support of systems analysis work of the Assistant Secretary for Systems Development and Technology.

Air transportation: This is the largest grouping of TCS's projects and is primarily directed to air traffic control. The balance of the effort is split between navigation and systems development.

Ground transportation: High utilization and traffic control, new urban transportation systems, advanced high-speed systems, and conventional rail systems are the main project areas under this category.

Marine transportation: This grouping is in support of the Coast Guard and is mainly work in marine navigation aids.

Multimodal and general support systems: Projects which are not directed toward a single mode of transportation are included here, with the primary effort in modeling, analysis, and intermodal systems technology.

This appropriation provides for the management and conduct of research, development, test, and evaluation; including the necessary support facilities, services, and personnel.

Search and rescue: Present means and equipment to alert the Coast Guard to a distress incident, define its location, plan and execute the search, and rescue the persons or save the property need improvement to permit rapid, effective, all-weather, day and night response. The 1972 program will expand on previous efforts to: First, provide a real-time means of notification of the distress incident; second, provide the detection equipment—systems—capable of detecting small boats in distress at greater ranges, and with higher probability of detection under all-weather conditions, 24 hours a day; third, provide accurate knowledge of the drift and leeway characteristics of small boats; fourth, apply computer technology to the solution of the search problem; and, fifth, improve the effectiveness of our rescue vehicles and their equipment, particularly under adverse weather conditions.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements: Transportation research	398	2,400	900
COAST GUARD			
Research, development, test, and evaluation:			
Direct program:			
Search and rescue	385	1,103	1,600
Aids to navigation	449	954	2,019
Marine safety	533	661	1,091
Marine law enforcement	2,006	4,394	6,547
Oceanography, meteorology, and polar operations	1,955	4,120	827
Program support	1,571	1,855	3,100
Total direct program costs, funded	6,899	13,087	15,184
Change in selected resources	3,165	−168	2,316
Total direct obligations	10,064	12,919	17,500
Reimbursable program:			
Search and rescue			260
Aids to navigation		20	
Oceanography, meteorology, and polar operations	100		
Total reimbursable program costs, funded	100	20	260
Change in selected resources	−60		250
Total reimbursable obligations	40	20	510
Total obligations	10,104	12,939	18,010

Ship operations in ice-covered waters such as the Great Lakes and western rivers are limited by a number of factors. Factors which relate directly to Coast Guard responsibilities are the lack of suitably designed and constructed icebreakers and commercial vessels; adequate aids to navigation system for ice-covered waters; and a complete understanding of the formation, strength, and movement of ice, particularly as it relates to ship design and ship routing. The 1972 program will continue previous years' small-scale efforts in all of these areas.

Aids to navigation: The present aids to navigation system in the harbors and coastal areas does not provide sufficiently accurate position information during periods of low visibility nor does it provide the mariner with information on possibly conflicting marine traffic. Available technology can also be applied to substantially reduce the size and weight of the floating buoys and their moorings. The 1972 program includes funds for further development of systems to reduce the navigation and marine traffic problems in the harbor and coastal confluence areas as well as funds to substantially accelerate and expand our work in the development of a family of lightweight buoys, associated equipment, and servicing facilities.

Marine safety: The increasing size and variety of vessels and their transport of larger and more hazardous cargoes requires a continuous and expanding program of research and development in marine science and marine technology to meet Coast Guard responsibilities for merchant marine safety.

The 1972 program will continue and expand on activities intended to, first, develop safety standards for nonmilitary submersibles; second, develop better understanding of constraints which should be applied in loading hazardous cargoes, the consequence if intermixed or spilled, and corrective action and equipment needed to ameliorate the spill; third, develop new concepts where applicable as well as better understanding of the strength and stability factors affecting the design and operation of new vessels and barges, emphasizing the need to minimize the chances of pollution from collision or grounding; fourth, continue development and testing of improved materials and equipment to detect, extinguish, and resist marine fires; and, fifth, continue the anlaysis of marine accidents to evaluate the impact of human and material factors and identify the areas where improvements are needed.

Marine law enforcement: The Coast Guard's law enforcement responsibilities require that it have the capability to monitor, detect, contain, and recover spills of oil and other hazardous materials in U.S. waters. In addition, the Coast Guard is responsible for regulations regarding marine transportation of all hazardous materials—over 200 items—as well as abatement of pollution from its own vessels, boats, aircraft, and shore facilities. New developments and application of new and existing technology are needed to meet these responsibilities.

In 1972 the Coast Guard will continue prior years' efforts to develop: First airborne sensors able to detect and identify oil spills and other hazardous material; second, a prototype pollutant monitoring system designed to utilize existing Coast Guard platforms and buoys; third, containment and recovery systems for spills of petroleum and other hazardous materials—particularly for exposed waters; fourth, a hazardous material information system to support emergency and routine operations; and, fifth, pollution abatement equipment for vessels, boats, aircraft, and shore facilities which meets Federal water and air pollution standards.

Accident statistics clearly identify the need to apply science and technology to reducing boating accidents. Programs for 1972 will continue and expand prior years' activities to: First, develop more effective means of warning the boaters of unsafe operating conditions; and, second, analyze, test, and evaluate small boat design and construction practices as well as equipment reliability and effectiveness in order to establish reasonable and safe regulations.

Oceanography, meteorology, and polar operations: The work in this area is primarily intended to support the marine science requirements of the Coast Guard in meeting other statutory responsibilities.

The 1972 work will continue and expand on prior years' efforts with particular emphasis on meeting law enforcement responsibilities relating to pollution.

Included in the 1972 program are: First, work in connection with developing a better understanding of the fate, behavior, and dispersion of transportation-induced hazardous materials into the marine environment, particularly petroleum products; second, efforts to develop better understanding of formation, strength, and movement of ice as it relates to design and navigation of ships in ice-covered waters; third, efforts to develop and test equipment for airborne reconnaissance systems for measuring ice coverage, strength, and movement; and, fourth, work to develop more complete understanding of the effects of sea currents and winds on the movements of spills and distressed boats, including development of air deployable surface current meters.

A new project is to analyze and develop new concepts for replacing the present ocean station vessels, using either smaller vessels or floating semistable platforms.

FEDERAL AVIATION ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Safety regulation:			
Operations: Research direction			1,330
Research and development		1,000	8,665

Research direction: This activity covers the portion of the planning, direction, and evaluation of the research and development program, not financed from the trust fund; and a portion of the administrative support for the operation of the National Aviation Facilities Experimental Center at Atlantic City, N.J.

Research and development: The research and development portion of this appropriation includes a program, coordinated with the Department of Defense and the National Aeronautics and Space Administration, to study, develop, and evaluate devices to enhance the safety of civil aircraft. Also included are the analysis and solution of noise and sonic boom problems and an aeromedical research effort directed toward the identification of human factors in aviation system design and operation.

Research, test, and evaluation facilities: This activity provides for the construction and improvement of plant and facilities at the National Aviation Facilities Experimental Center in Atlantic City, N.J. It also covers the procurement of capital items of equipment for use in the research and development program.

Research and development: The Federal Aviation Administration conducts a program to improve and modernize the national system of aviation facilities, and to initiate an airport/airspace increased capacity development program to meet projected 1980 traffic demands. The agency also carries out a program of medical research.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Operations:[1] Research direction	11,850	11,814	
Facilities and Equipment:[2]			
Research, test, and evaluation facilities	240		
Research and development:[3]			
Air traffic control	29,711	31,663	
Navigation	4,695	5,812	
Aviation weather	889	610	
Aircraft safety	4,607	4,915	
Aviation medicine	1,919	2,000	
Payment to trust fund		39	
Total obligations	41,821	45,039	
Operations (airport and airway trust fund):[3] Research direction			10,621
Airway system investment and davelopment (airport and airway trust fund):			
Facilities and equipment:			
Research, test, and evaluation facilities		300	2,503
Research and development:			
Air traffic control		20,927	68,675
Navigation		2,603	2,500
Aviation weather		470	1,000
Aviation medicine			660

[1] This account will be phased out in 1971 and the activities authorized under provisions of Public Law 91–258 will be shown in the new account Operations (airport and airway trust fund) in 1972.

[2] This account will be phased out in 1971 and the activities authorized under provisions of Public Law 91–258 will be shown in the new account airway systems investment and development (airport and airway trust fund) in 1972.

[3] This activity covers the planning, direction, and evaluation of the research and development program, the direct project costs of which are financed under the airway system investment and development appropriation; and the related administrative support for the operation of the National Aviation Facilities Experimental Center at Atlantic City, N.J.

Research and development is conducted through contracts with qualified firms, universities, and individuals, or by agency staff or other Government agencies.

Air traffic control: This provides for improving the airways system by the development of systems for automation of air traffic control to expedite aircraft operations and improve aviation safety. This also provides for a program aimed at solving the problem of inadequate capacity of the present and near future airports/airways systems to meet projected aviation requirements.

Navigation: This provides for modernization, expansion, and improvements of the common system navigation facilities in the United States and in overseas areas where international agreements require U.S. participation. Work in the field of landing systems, short- and long-distance navigation, and flight inspection is included.

Aviation weather: This provides for a program, coordinated with the Departments of Defense and Commerce, to develop devices and improve techniques for the communication and display of weather information to aviation users. The effects of weather in air traffic management techniques and systems are also analyzed.

Aviation medicine: This activity provides for conducting an aeromedical research effort directed toward the identification and elimination of those physical physiological, and psychological factors which may affect personnel engaged in operation of the air traffic control system.

FEDERAL HIGHWAY ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses: Research and development	60	86	13,487

Conducts direct and contract research and development relating to traffic operations, new construction techniques, highway safety, and the social and environmental aspects of highways.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Motor carrier safety: Research and development		144	

This account is consolidated with the appropriation, "Salaries and expenses in 1972," and the functions formerly carried out under this appropriation are transferred to that appropriation.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Limitation on general expenses (trust fund): Research and development	12,389	13,633	

Beginning in 1972, the functions formerly conducted under this limitation account will be carried out by reimbursement from the appropriation, Federal-aid highways trust fund, to the appropriation, "Salaries and expenses, of the Federal Highway Administration."

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Other Federal Highway Administration trust funds: Contributions for highway research programs	5		

In association with the General Services Administration and the Department of Defense, tests of highway equipment are conducted for the purpose of establishing performance standards upon which to base specifications for use by the Government in purchasing such equipment.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Traffic and highway safety: Research and analysis	14,011	18,989	20,536

This activity provides for motor vehicle and highway safety research and development and for the collection of data to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and, first, crashes involving motor vehicles, and, second, the occurrence of death or personal injury as a result of such crashes. The National Driver Register, which provides centralized information on license revocations, is also funded under this activity. Increases are requested to expand research on techniques to counter driving by alcoholics, to improve the crash survivability features of motor vehicles, and to fabricate a small number of experimental safety vehicles.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Highway safety programs (liquidation of contract authority) (trust fund):			
Highway safety research and development			29,800
Federal Railroad Administration			
Railroad research:			
Railroad research	216	949	7,500
Change in selected resources	165	168	6,200
Total obligations	381	1,117	13,700

This appropriation provides for railroad research which is directed at solving critical safety problems, enhancing the environment, and promoting transportation efficiency. During 1972, major emphasis will be placed on conducting research related to train accidents caused by defective tracks and roadbeds, equipment systems, and human error.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Railroad research (proposed for separate transmittal, existing legislation):			
Railroad research		2,800	4,575
Change in selected resources		4,575	−4,575
Total obligations		7,375	

The $7.375,000 is required to fund increased railroad safety research activities involving vehicle-train collisons and train derailments caused by defects of railcar equipment, track and roadbed systems, and operating procedures.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
High-speed ground transportation research and development:			
Research and development	4,681	11,629	11,400
Demonstrations	1,991	7,000	10,000
Administration	990	1,371	1,600
Total program costs, funded	7,662	20,000	23,000
Change in selected resources	8,343	4,715	6,000
Total obligations	16,005	24,715	29,000

This appropriation finances research and development and demonstrations programs in high-speed ground transportation.

Research and development: This provides for research, development, and testing of new or improved high-speed ground transportation systems or components thereof; including vehicle propulsion and control, communications, and guideways.

Demonstrations: This provides for conducting demonstrations of new equipment and improved services to determine the contributions that high-speed ground transportation can make to more efficient and economical intercity travel. The increase is for demonstration projects of the Metroliner and Turbotrain.

URBAN MASS TRANSPORTATION ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Urban mass transportation fund: [1] Research, development, and demonstrations, grants and contracts	2,203	33,000	60,000

[1] Grants and contracts may be awarded to undertake research, development, and demonstration projects in all phases of urban mass transportation.

ATOMIC ENERGY COMMISSION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Operating expenses: Physical research	277,818	271,420	259,500
This program comprises basic and applied research in the physical sciences. By major categories, the costs are as follows:			
High energy physics	120,483	118,585	114,400
Medium energy physics	12,789	13,040	12,800
Low energy physics	29,429	27,659	25,300
Mathematics and computer research	5,779	5,370	4,800
Chemistry research	53,882	51,578	49,000
Metallurgy and materials research	27,730	26,779	25,200
Controlled thermonuclear research	27,726	28,409	28,000

The Commission serves as executive agent for the Nation's high energy physics program. An increase is required for the National Accelerator Laboratory, primarily for tuning and shakedown of the 200-billion-electron-volts accelerator and preparing for experimental operations. Cost for the overall high-energy physics program are below the 1971 level, requiring reductions in other program activities to accommodate this increase.

Support for the medium energy physics program will be slightly below the 1971 level. Within this total, an increase is required for the Los Alamos Meson Physics Facility to continue construction-related research and development and to prepare for the research programs. A small increase at the Massachusetts Institute of Technology provides for bringing the 400-million-electron-volts electron linac into operation. Other activities in medium energy physics will be reduced to offset these increases.

The objective of the controlled thermonuclear research program is to determine whether the energy released by thermonuclear reactions can be controlled and developed into an economical and environmentally attractive source of energy. This research will continue in 1972 using experimental devices to test recent concepts for improved plasma confinement and to study the technology required to produce, control, and use the large-volume fusion plasmas necessary to achieve reactor-like conditions.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Plant and capital equipment: Facilities and equipment for physical research	124,085	120,010	98,695
Environmental Protection Agency			
Operations, research, and facilities: Research, development, and demonstrations	102,150	144,693	160,567

Research and development activities deal with causes, sources, transport, fate, and effects of pollutants in ecological systems; the development of monitoring technology; the determination of pollution exposure effects from all sources on man and environment; and the development of criteria, standards, and regulations to protect man and his environment from pollution. Research, development, and demonstration activities are also conducted to develop and maintain current knowledge of devices and technologies for the abatement and control of pollution. Research, development, and demonstration activities are conducted under grants, contracts, and other agreements involving universities, industry, private firms, nonprofit organizations, State and local governments, and other Federal agencies, and through activities conducted at EPA's laboratories and field locations.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Operations, research, and facilities: Operations, research, and facilities activities		13,000	85,000

The supplemental proposal for 1971 will be used primarily to implement the Clean Air Act of 1970 and the Resource Recovery Act of 1970. The amount for 1972 will be used primarily for further implementing these acts and to finance new legislative proposals to be submitted.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Scientific activities overseas (special foreign currency program):			
Foreign environmental pollution research		3,500	10,670

This program is supported by foreign currencies derived through the sale of surplus agricultural commodities and other sources as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the International Health Research Act of 1960.

Research efforts are directed toward research in all environmental pollution areas.

The amount requested in 1972 will emphasize environmental protection activities, particularly research efforts to provide new techniques and improved methodologies to abate pollution.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements: Research, development, and demonstration	447	1,148	1,485
National Aeronautics and Space Administration			
Research and development			
Direct program:			
Manned space flight:			
Apollo	1,474,613	980,000	765,000
Space flight operations	309,619	577,000	638,000
Advanced manned mission studies	7,057	3,000	2,000
Scientific investigations in space:			
Physics and astronomy	142,223	118,400	120,600
Lunar and planetary exploration	172,255	175,800	290,800
Bioscience	20,022	14,000	7,500
Launch vehicle development and support	70,491	72,100	77,600
Space applications	104,367	175,700	190,200
Space research and technology	199,058	176,400	131,000
Aeronautical research and technology	83,582	96,000	104,200
Supporting activities:			
Tracking and data acquisition	276,653	290,800	296,600
Sustaining university program	22,099	13,000	10,000
Technology utilization	4,537	4,500	4,500
Total direct program costs, funded	2,886,576	2,696,700	2,611,000
Reimbursable program:			
Manned space flight:			
Apollo	1,323	2,651	1,405
Space flight operations		650	300
Scientific investigations in space:			
Physics and astronomy	55	94	423
Bioscience		80	
Space applications	53,890	77,995	53,272
Space research and technology	27,126	37,694	8,300
Aeronautical research and technology	2,812	6,692	4,000
Supporting activities:			
Tracking and data acquisition	1,309	669	300
Technology utilization		287	
Total reimbursable program costs	86,515	126,812	68,000
Total program costs, funded	2,973,091	2,823,512	2,679,000
Change in selected resources	240,080	−32,933	−93,300
Total obligations	3,213,171	2,790,579	2,585,700

Manned space flight: These estimates provide for all manned space flight missions conducted by the United States. Funding supports the Apollo, Space Flight Operations, including Skylab, space shuttle, and space station studies, and advanced manned mission programs. These programs include the completion of the current Apollo mission schedule; the development of the Skylab orbital workshop, airlock, Apollo telescope mount, and earth orbital science, applications, and technology experiments; the design and initial development effort on a manned space shuttle earth-to-orbit space vehicle and the study and definition of a semipermanent earth orbit space station and associated experiments; launch and flight operations; and studies and research on future manned space systems.

Apollo: Beyond Apollo 14—scheduled for launch in January 1971—three additional lunar missions are planned in a continuing effort to increase our knowledge of the moon through exploration and the conduct of scientific experiments. These missions will feature Apollo spacecraft with significantly increased capabilities including increased stay time on the surface, astronaut mobility, and experiment diversity and performance.

Space flight operations: This category consists of this country's post-Apollo manned flight programs and includes Skylab, space shuttle, and space station studies. Skylab represents a major progression into manned earth orbital missions directed toward accomplishing life science, astronomy, earth resources, and technology objectives. It will begin with the Saturn V launching of an unmanned orbital workshop with its associated experiment systems in early 1973 followed by three manned missions using Saturn IB's to launch Apollo command and service modules to activate and operate the workshop over a 9-month period. The major scientific focus of Skylab will be directed toward: an extensive study of the sun, especially in those wavelength regions not readily visible from the ground; a study of the application of space in surveying and monitoring the resources and environmental interactions of the earth; and the biomedical study of the effects of long-duration flight on man, as individual astronauts remain in orbit for as long as 2-month periods.

The development of a space shuttle is the key element in future space operations in earth orbit. The earth-to-orbit shuttle will provide a space vehicle for placement and retrieval of satellites, satellite servicing and maintenance, short-duration orbital missions for manned and man-tended experiments, delivery of propulsive stages and payloads for high-energy missions, space station logistics support, and rotation of scientific personnel. The operational capabilities of the space shuttle are expected to produce significant savings in the cost of design, development, and manufacture of space payloads. These savings are a consequence of less restrictive design and weight constraints that result from the launch profile and maintenance capability of the shuttle system. The 1972 budget provides for proceeding with detailed design and development of an engine—the longest leadtime component—for a space shuttle. Airframe design is proceeding on an orderly step-by-step basis which may lead to continued detailed design or initiation of development of a specific design depending on the progress in studies now underway.

The space station will be designed to support a wide range of scientific, applications, and technology experiments in the areas of astronomy, physics, chemistry, biology, earth surveys and ecology, meteorology, and communications. The space station will be capable of long-duration operations to conduct scientific, applications, and technology experiments. During 1972, effort will focus on the study and definition of the station with particular emphasis on shuttle compatibility and critical subsystems such as information management and life support. Definition tasks on experiments and experiment areas, including experiment modules, will be continued during 1972. This category also includes space life sciences, an integrated medical and biological program for the study and investigation of the support requirements of men in space.

Advanced manned mission studies: This program examines advanced manned space flight program concepts and develops technical information and other data upon which future program decisions can be based.

Scientific investigations in space: This program utilizes a variety of flight systems and ground-based observations to increase man's knowledge of the universe. The earth, sun, moon, interplanetary space, solar system, other stars and galaxies, and the interaction among these bodies and systems are all objects of these investigations.

Physics and astronomy: Coordinated research with national and international participation is conducted through this program and directed toward an increase in our knowledge of the space environment, of the earth and the sun, and the relationship of these bodies to each other and to interplanetary space, other stars, galaxies, and nebulae. Laboratory and theoretical research, ground-based observatories, aircraft, balloons, sounding rockets, and explorer and laboratory spacecraft all contribute to this knowledge. Experimentation with the improved orbiting solar observatory, OSO–H, will be conducted during 1972 while development effort on a new series of OSO's continues. An orbiting astronomical observatory, OAO–C, with a primary mission of studying interstellar gases will be launched during 1972. Development effort will be initiated on a high-energy astronomy observatory to provide identification and observation of gamma ray, X-ray, and cosmic ray sources.

Lunar and planetary exploration: This program concentrates on exploration of the moon, planets, and other bodies in the solar system, such as asteroids and comets, using both ground-based research and observations from automated spacecraft. The 1972 program encompasses effort which will eventually lead to initial observations of all of the planets from Mercury to Pluto, while continuing to expand earlier knowledge of our closest neighbors, Venus and Mars. In 1972 efforts will be directed over a wide planetary span. The two Mariner 1971 missions to Mars should orbit that planet during 1971, returning information about a variety of Martian characteristics and phenomena. Another Mariner will be in preparation for a 1973 launch to Venus and Mercury, utilizing a gravity assist from the Venus flyby. The Pioneer F mission will be launched to provide the first observations and measurements of the solar system beyond the orbit of Mars. This spacecraft, and the Pioneer

G to be launched 1 year later, will fly through the asteroid belt and continue beyond to the vicinity of Jupiter, providing the first measurements and observations of that planet from space. Work will continue in 1972 on the U.S. experiment to be included on the West German Helios spacecraft. One spacecraft in this series will be launched by the United States in 1974 and one in 1975, to investigate and observe the interplanetary medium two-thirds of the distance into the sun. In 1975, two Viking spacecraft will be launched to Mars. Each spacecraft will include both an Orbiter and a Lander, thus providing additional measurements from Mars orbit as well as making the first direct measurements of the atmosphere and surface features of Mars. During 1972 effort will be directed toward development of an outer planet spacecraft suitable for variety of long-duration single or multiple planetary missions. The initiation of this effort is designed to take advantage of unique opportunities for space observations of the outer planets of the solar system. Four missions are planned, each of which will utilize gravity assist flybys to make a grand tour of three planets. In 1976–77, a spacecraft will be launched to fly by Jupiter, Saturn, and Pluto. In 1979, spacecraft will be launched to fly by Jupiter, Uranus, and Neptune.

Bioscience: Activities formerly included in this program have been distributed among other program categories beginning in 1972.

Launch vehicle development and support: This program includes those launch vehicle activities such as range support, launch operations, and maintenance engineering necessary to sustain and improve the performance of existing vehicles, which are not specifically chargeable to automated spacecraft missions.

Space applications: The objective of this activity is to expand the beneficial applications of space flights. Specific applications areas include meterology, earth resources, geodesy, communication, and navigation. Activity during 1972 in support of this objective includes launch of an earth resources technology satellite to provide tests of the spacecraft and sensors which may be required for an operational system to survey the earth's resources from space. In meteorology final preparations will be underway for launch of a synchronous meteorological satellite to provide an operational prototype of a geostationary meteorological satellite. In addition, work will proceed toward launch of the next Nimbus spacecraft to provide for flight experiments with advanced meteorological sensors. Effort will continue in preparation for the launch of the applications technology satellite F in 1973 to flight test a space-erectable, parabolic antenna, and a number of scientific and technology experiments. A Canadian cooperative applications satellite will be initiated in 1972 to provide data on use of frequency ranges above 10 GHz.

Space research and technology: Research will be conducted in the area of materials and structures, power and propulsion, machine intelligence, information sciences, guidance, control, and communications. Effort will continue on laser communications and on reliable, long-life and high-speed/density components for space electronics systems. Research effort will also focus on advancing the technology needed to produce large amounts of electric power in space and to develop high specific impulse propulsion systems. Specific technology requirements for near-term objectives, including the space shuttle and planetary flight programs, will continue to be supported in the critical areas of thermal protection, aerothermodynamics, configuration development, entry technology, and long-lifetime componentry. Nuclear power research will investigate advanced reactor and isotopic power systems. Research will continue on advanced nuclear propulsion concepts offering high performance potential. Work will continue on selected long-leadtime components for the nuclear engine for rocket vehicle application flight weight engine.

Aeronautical research and technology: The aims of the aeronautics program are to provide and expand the technological base in aeronautical research to facilitate the development and production of improved civil and military aircraft. A technology program coordinated with other Government agencies is being conducted that will increase aeronautical systems safety, reduce undesirable environmental effects, and contribute to near term civil transportation and military aircraft needs. Research will be continued in aerodynamics, flight dynamics, propulsion, operating systems; vehicle systems, life sciences, electronics, materials and structures, and noise reduction for application to future generations of aeronautical vehicles. Program emphasis in 1972 will be on short takeoff and landing and vertical takeoff and landing aircraft systems for short-haul transportation and on improvements for medium- and long-haul jet transports. Work to be undertaken in 1972 includes design and initial fabrication of an experimental research airplane employing the externally blown flap concept. The essential objectives of this program are to validate the predicted performance of powered lift—including engine quietness—and to permit the establishment of realistic criteria for en route and terminal operations—including navigation and flight-path control—and criteria for certification of STOL jet transport type aircraft.

Supporting activities: The programs grouped in this activity provide general support for the attainment of NASA mission objectives.

Tracking and data acquisition: Operation and equipment of the stations of the NASA tracking and data acquisition networks are provided for here, as well as research and development to increase the capability of the specialized ground equipment.

Sustaining university program: This program included grants for graduate studies in interdisciplinary space-related fields. No funds are included for either 1971 or 1972.

Technology utilization: The objectives of this program is to accelerate the transfer of new advances in technology generated by NASA and NASA contractors into the economy.

CONSTRUCTION OF FACILITIES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Direct program:			
Manned space flight	12,529	18,100	9,800
Scientific investigations in place	5,359	2,300	4,500
Space applications		1,000	2,000
Space research and technology	11,791	1,500	1,500
Aeronautical research and technology	5,287	6,000	4,700
Supporting activities	17,576	26,100	32,500
Reimbursable program:			
Space applications	20		
Total program costs, funded	52,562	55,000	55,000
Change in selected resources	−19,144	37,149	1,300
Total obligations	33,418	92,149	56,300

This appropriation provides for contractual services for the design, major rehabilitation, and modification of facilities; the construction of new facilities; the purchase of related equipment and advanced design related to facilities planned for future authorization. The principal projects in the 1972 program are described below:

Manned space flight: This activity includes funds for the modification and provision of facilities for space shuttle technology and engine development.

Scientific investigations in space: This activity will provide funds for Centaur modifications to Titan III launch area, and alterations to launch complex 17 at the Kennedy Space Center.

Space applications: No projects for 1972.

Space research and technology: No projects for 1972.

Aeronautical research and technology: This activity includes funding for the modernization of the 40-by-80-foot wind tunnel at the Ames Research Center, Moffett Field, Calif.

RESEARCH AND PROGRAM MANAGEMENT

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Direct program:			
Manned space flight	340,675	339,992	331,100
Scientific investigations in space	89,960	93,792	89,300
Space applications	26,352	34,329	36,100
Space research and technology	113,012	109,421	104,000
Aeronautical research and technology	98,383	93,963	98,150
Supporting activities	38,257	50,503	38,700
Total direct program costs, funded	706,639	722,000	697,350
Reimbursable program:			
Manned space flight	1,249	1,859	2,000
Space applications	895	1,152	1,100
Space research and technology	504	689	700
Total reimbursable program costs	2,648	3,700	3,800
Total program costs, funded	709,287	725,700	701,150
Change in selected resources	−4,297	−3,567	
Total obligations	704,990	722,133	701,150

Supporting activities: The estimates for this activity provide for facility planning and design; a transportable ground tracking station site in western Europe, powerplant replacements at the Goldstone Complex, Fort Irwin, Calif., and Santiago, Chile; and for essential rehabilitation of and modifications to facilities—including projects for the prevention, control, and abatement of air and water pollution—at NASA installations and Government-owned plants operated by contractors for NASA.

This appropriation provides for expenses of research in Government laboratories, management of programs, and other expenses for the operation of NASA installations.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Miscellaneous trust funds:			
International cooperation	2,093	11,870	12,050
Change in selected resources	−28		
Total obligations	2,065	11,870	12,050

U.S. dollars are advanced from foreign governments to allow the National Aeronautics and Space Administration to procure, in the United States, nonmilitary space-oriented materials and services on their behalf.

VETERANS' ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical Care			
Direct operating costs, funded (maintenance and operation of VA facilities; research and development in health services)	2,182	2,671	2,171
Capital outlay, funded (maintenance and operation of VA facilities; research and development in health services)	1	1	1

This covers the cost of studies designed to accelerate administrative and management research and development activities to facilitate improved delivery of health care services. In 1972, costs are estimated to decrease below 1971 levels by $500,000 due to a transfer of construction research to the construction of hospital and domiciliary facilities appropriation.

MEDICAL AND PROSTHETIC RESEARCH

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Operating costs, funded:			
Medical research	50,552	53,153	54,087
Prosthetic research	1,560	1,983	1,994
Capital outlay, funded:			
Medical research	6,768	6,510	5,879
Prosthetic research	37	40	40
Total program costs funded	58,917	61,686	62,000
Change in selected resource	−232		
Total obligations	58,685	61,686	62,000

Medical research: Medical research projects are conducted in VA laboratories or in other institutions on a contract basis, whichever is more advantageous or economical. Excluded from this estimate are the costs of research construction projects which are funded from the construction of hospital and domiciliary facilities appropriation.

Prosthetic research: This is a research program to develop and test prosthetic, orthopedic, and sensory aids for the purpose of improving the care and rehabilitation of disabled eligible veterans, including amputees, paraplegics, and the blind.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Construction of hospital and domiciliary facilities: Research facilities [1]	3,905	5,818	9,819
Advances and reimbursements:			
Medical and prosthetic research	558	550	550
Cancer chemotherapy research		950	1,000
Administrative Conference of the United States			
Salaries and expenses:			
Studies to improve administrative procedure	243	380	396
Change in selected resources	8		
Total obligations	251	380	396

[1] This activity provides for construction of medical research facilities.

The conference is responsible for conducting studies of the efficiency, adequacy, and fairness of present procedures by which Federal administrative agencies and executive departments determine the rights, privileges, and obligations of private persons.

ARMS CONTROL AND DISARMAMENT AGENCY

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Activities: External research and field testing	2,510	1,700	2,000

The external research and field testing activities are conducted through contracts or grants with nongovernmental research organizations and through reimbursement agreements with other U.S. Government departments and agencies.

The Department of Housing and Urban Development and the Department of Transportation have supported special studies conducted by staff of the Commission.

The significant increase in the Foundation's research program activities in 1972 is to: First, strengthen support for high-quality research and significant national facilities, including those which are no longer being supported by other agencies because of changes in program emphasis; second, expand scientific research in areas most closely related to major national problems; and, third, strengthen the basic and applied research efforts which are essential to the advancement of our technology and economic productivity.

	In thousands of dollars		
	1970 actual	1970 estimate	1972 estimate
Advances and reimbursements: External research and field testing	95	90	90
Federal Home Loan Bank Board			
Special studies of the savings and loan industry	99		
Federal Power Commission			
Advances and reimbursements:			
Studies, Corps of Engineers	12		
Flood insurance studies, Department of Housing and Urban Development	1		
Studies, Department of Agriculture	5		
Federal Trade Commission			
Advances and reimbursements: Economic study for Department of Transportation on automobile insurance	155		
Advisory Commission on Intergovernmental Relations			
Advances and reimbursements:			
Indepth study of local government capacity to finance urban mass transportation	55	11	
Change in selected resources	−8	−11	
Total obligations	47		

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
NATIONAL SCIENCE FOUNDATION			
Salaries and expenses:			
Scientific research project support	161,716	175,900	257,800
Specialized research facilities and equipment	6,504	5,800	5,800
National and special research programs	39,064	82,900	166,600
National research centers	27,212	37,100	40,400

Provision has been made within the budgeted amount for the support of the National Magnet Laboratory and the interdisciplinary laboratories formerly funded by the Department of Defense. Funds are also included for the transfer of funding responsibility for logistic support for the U.S. antarctic research program from the Department of Defense to the Foundation.

Scientific research project support: This program provides support for research aimed at increasing our basic understanding of man and our physical and social environments, through improved knowledge of fundamental processes and phenomena. Since 1971, increased emphasis has been given to the support of research in those areas of science where new knowledge is required to solve some of the critical environmental and social problems facing the Nation.

Specialized research facilities and equipment: Under this program, the Foundation helps colleges, universities, and other institutions obtain major specialized facilities and items of equipment which are needed for the effective conduct of research.

National and special research programs: This program covers major research efforts which involve extensive coordination of planning, funding, and logistic support or are directed at specific problems of national concern. They include the international biological program, earthquake engineering, the arctic research program, and others. Under this program, the Foundation is bringing together a number of program elements in a major research effort aimed at stimulating the application of scientific knowledge to the solution of major national problems and advancing the Nation's technology and economic productivity. Increased funds are included for continued U.S. participation in the international biological program for ongoing integrated research efforts on biological productivity, on human adaptation to changing environments, and on the driving forces, components, and processes which make ecosystems operate.

National research centers: The Foundation provides support for the development and operation of five national research centers. These centers have been established to meet national needs for research in astronomy and the atmospheric sciences requiring facilities, equipment, staffing, and operational support beyond the financial capabilities of individual academic institutions.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Securities and Exchange Commission			
Salaries and expenses:			
Institutional investor study[1]	575	238	
Small Business Administration			
Salaries and expenses:			
Research contracts[2]	49		150
Commission on Marihuana and Drug Abuse			
Salaries and expenses;			
Conduct a study of Marihuana and the causes of drug abuse		200	500

[1] The objective of the study is to evaluate the impact of institutional investors on the equity market and the effects of those impacts on the ability of and methods by which corporations obtain equity capital.

[2] Research studies designed to reveal matters materially affecting the competitive strength of small business and the effect on small business of Federal laws, programs, and regulations are financed under this activity.

The Commission will conduct a study of marihuana including its extent of use, the efficacy of existing laws, its pharmacology and effects, its relationship to crime and other drugs, and its international control. The Commission will also conduct a study and investigation into the causes of drug abuse and their relative significance.

On the basis of its study, the Commission will make recommendations to the President and the Congress, for legislation and administrative action.

COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses:			
Conduct and sponsor studies and research on problems of population growth and their implications for America's future	6	959	635

This appropriation will enable the Commission to complete its inquiry into a broad range of problems associated with population growth and their implications for America's future. Research is being concentrated on: population size and distribution; the impact of population on political and governmental institutions, natural resources and the environment, and the demand for social services; moral-ethical considerations related to population growth; and the historical and political aspects of immigration.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses:			
Study the organization of the District of Columbia Government		325	175

The Commission is to study and investigate the organization and operation of the agencies of the District of Columbia in order to promote economy, efficiency, and improved service.

NATIONAL COMMISSION ON MATERIALS POLICY

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses:			
Materials policy study			500

It is the purpose of the Commission to develop recommendations for a national materials policy to enhance environmental quality and conserve materials by utilizing present technology and resources more efficiently, to anticipate the future materials requirements of the Nation and the world, and to make recommendations on the supply, use, recovery, and disposal of materials.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses:			
Materials policy study		85	

A supplemental appropriation for 1971 will be requested to provide initial funding for the Commission.

NATIONAL TOURISM RESOURCES REVIEW COMMISSION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses:			
Travel and tourism studies		130	420
Change in selected resources		320	−240
Total obligations		450	180

The Commission is charged by the Congress with, first, determining the domestic travel needs of the people of the United States and of visitors from other countries at the present time and to the year 1980; second, determining the travel resources of the United States available to satisfy such needs now and to the year 1980; third, determining policies and programs which will assure that the domestic travel needs of the present and the future are adequately and efficiently met; fourth, determining a recommended program of Federal assistance to the States in promoting domestic travel; and fifth determining whether a separate agency of the Government should be established or whether an existing department, agency, or instrumentality within the Government should be designated to consolidate and coordinate tourism research, planning, and development activities presently performed by different agencies of the Government.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Public Land Law Review Commission			
Salaries and expenses:			
Study of existing land laws and procedures	1,676	615	
Change in selected resources	−481	−159	
Total obligations	1,195	456	
Select Commission on Western Hemisphere immigration			
Salaries and expenses:			
Studies of immigration in the Western Hemisphere	17	4	
Change in selected resources	−12	−4	
Total obligations	5		
Tennessee Valley Authority			
Payment to Tennessee Valley Authority fund			
Operating costs, funded:			
Regional development program: Environmental research and development		153	160

Environmental research and development utilizes TVA resources and Tennessee Valley research opportunities toward meeting pressing needs of the

Nation. The program is being designed to deal with the full range of variables which affect environmental quality and utilization of natural resources.

U.S. INFORMATION AGENCY

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Acquisition and construction of radio facilities: Research and development[1]	234	186	200

[1] Research will continue in engineering development, equipment design, and radio propagation techniques specifically available to the Voice of America.

NEW TRUCK RULES PLEASE FARMERS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. FINDLEY. Mr. Speaker, farmers throughout the nation have good reason to rejoice following publication in the Federal Register today that restrictive and unnecessary regulations applying to the drivers of farm trucks have been set aside for another 6 months. The regulations, including the prohibition of anyone under 21 from driving even a farm pickup, were to become effective July 1.

Additionally, the Department of Transportation recommended in today's Federal Register a proposed rule change which will exempt all straight farm trucks from the regulation while operating within 150 miles of the farm.

This announcement is in line with my recommendation of March 29 to Secretary of Transportation Volpe and a bill I later introduced with 19 cosponsors. I am pleased that President Nixon also shared my concern about these unnecessary regulations. He said last week that if a man is old enough to be drafted and have the vote, he is old enough to drive a farm truck.

The regulations which have now been circumvented, at least until the end of this year, would have required any farm truckdriver to be 21, have passed special physical and written examinations, a road test, and submit an extensive record of his driving history.

The future of these unwise and completely unnecessary regulations now rests heavily with the farmers themselves. The Federal Register announcement calls for comment on the new proposal which would do away with the regulations effective January 1, 1972. I urge farmers to write the Department of Transportation voicing their support for the proposal. Without comments from farmers supporting the elimination of these requirements, I fear the rules could be reimplemented beginning next year.

According to instructions in the Federal Register:

> Comments must identify the docket number and notice number set forth above and must be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20591.

The docket number is MC-7 and the notice number is 71-12.

I sincerely urge farmers to write immediately of their support for the proposed rule regarding "Exemptions From Driver Qualification Rules; Drivers of Farm and Lightweight Vehicles." I will write of my support today.

A NEW ERA WITH CHINA? DO WE KNOW WHAT WE ARE GETTING INTO?

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1971

Mr. BRAY. Mr. Speaker, the era of so-called ping-pong diplomacy may or may not be coming fast upon us. Before we get carried away, and think that 20 years of Red Chinese hostility is wiped out overnight, we must try and understand something about the government and people with whom we deal.

Following is a series of six consecutive newsletters I wrote on this "new-era" in United States-Chinese relations:

A NEW ERA WITH CHINA?

CHINA—1: APRIL 25–MAY 1, 1971

It is truly ironic, yet not without a touch of grim humor, that to date one of the most accurate comments on the "new era" in U.S.-Chinese relations has come from—The Soviet Union!

From Radio Moscow, April 17 (a broadcast to Africa, in English):

"For the first time in history, pingpong, or table tennis, has become a matter for political hullabaloo. The Western press, and especially the American press, has been frontpaging the news about the American table tennis team's visit to China. . . . Needless to say, sports events among various national teams are usual and essential. However, in this particular case the sports meet has been given a marked political future. . . . ping pong bats are wielded for manipulating big politics. And the reception was characteristic of the Peking leaders, who have long been using various methods to establish contacts with the very same American imperialists whom they have been so loudly denouncing in their press and over the radio. . . ."

To read the headlines of recent news stories you would think that the first commodity brought back from China was several tons of the finest yen shee gow opium, which was rapidly crammed into a series of journalistic and political pipes and deeply inhaled. "Mao Said to Welcome a Nixon Visit"—"China Has 'Growing Role to Play in Asia'—Rogers"—"Panel Urges U.S. Seek Early Entry of Peking to U.N."—"Dawn in the East"—"'Aggressive' Image of China is Reassessed"—"China's Cultural Revolution Brought Quiet Changes"—on and on and on *ad nauseam*: the ultimate was this drivel "Chinese Tact Lets Us Lose Gracefully."

From one news story: ". . . the hippie who turned Ping Pong into an art of diplomacy, said today he believed he could 'very easily' mediate Sino-American problems between Premier Chou En-Lai and President Nixon."

From another news story: gabble of one young member of the U.S. team: "Mao Tse-tung is the greatest moral and intellectual leader in the world."

I would have been more impressed if the team had returned with at least one of the four and possibly five Americans who have been rotting in Chinese jails; two of them since 1952. As Smith Hempstone wrote in the Washington Evening STAR, April 25, 1971:

"Like the POWs in Southeast Asia, they have been imprisoned because they served this country and, by God, they cannot and should not be forgotten in the euphoria engendered by a ping-pong match. (Nixon should tell Peking) that the release of all American prisoners in their hands is a sine qua non for any significant improvement in relations between ourselves and them. . . ."

Exactly! Already one American, Hugh F. Redmond, a businessman sentenced to life imprisonment on espionage charges in 1954, has killed himself in a Red Chinese jail. Or so Peking said; his ashes were returned to this country and no autopsy was possible.

The Manchester Guardian had this to say, from the British standpoint:

"While welcoming news that four missing British subjects are alive and well it is profitable to remember that their absence was not due to some boating accident last weekend. They had been held in detention and incommunicado since 1967–68. The euphoria at the approach of normal diplomatic relations should not obscure memory of past and persisting diplomatic and social abnormalities."

Let's balance things a bit with some other headlines, and put the opium pipe back on the shelf: "Maoist Terrorists are Blamed for Bengal Violence Wave"—"Mediterranean Bid by Red China Seen"—"Red China Gets Foot in Door of South America."

Let's remember this, too: thirty years ago, Mao and Company were holed up in the caves of Yenan, in North China, and planning their revolution (according to one historian) "to the accompaniment of Ping Pong balls."

And five years ago, a lively and perceptive British writer, Dennis Bloodworth, in his excellent (I strongly recommend it) *The Chinese Looking Glass,* told how Peking's rulers were urging their international ping-pong team to hit the ball "as if it were the head of Chiang Kai-shek."

So, if we're going to play international ping pong, well and good. But let's follow the first rule of the game: Keep Your Eye on the Ball!

Or else, we might end up playing the role of the ball!

CHINA—2: MAY 2–MAY 8, 1971

Let's look at some more headlines on Chinese-U.S. relations: "China Trying to Set Off U.S.-Soviet War, Moscow Says"—"Soviet Denounces Chinese Reds For Shift on Relations with U.S."—"Soviets Reveal Anxiety over U.S.-China Moves."

Now, two things are quite true: 1) in the overall view of U.S.-Chinese relations, there is no *basic, long-standing, deep-seated* reason why the U.S. and China should be enemies. 2) There are two thousand years of history crammed full of reasons why the Soviet Union and China should be enemies.

The U.S. military analyst and writer Harrison Salisbury expounded on this at some length in his book "War Between Russia and China?" The Soviet writer Andrei Amalrik, in his fascinating article "Will the Soviet Union Survive Until 1984?" said it would not, and gave as his reason a Sino-Soviet war.

There are thousands of miles of common boundary between China and Russia. Practically every inch of it over the centuries has been in dispute, is in dispute, or probably will be in dispute. It has been known for a long time that some of the finest guided nuclear missile detachments of both countries have been stationed all along this frontier. The border clashes of a year or so ago seem to have quieted down, but that does not mean they could not or would not start up again.

Chinese bayonets (or swords, or lances) have jabbed Russian shins over the centuries—sometimes just a pinprick, sometimes a full and cruel thrust. No Russian ruler in the long and tumultous history of that land has ever felt safe against an attack from the East. Alexander Nevsky, Prince of Novgorod and later of Vladimir, crushed Swedish and German invasions from the West in 1240 and 1242 A.D. But at the very same time, the Mongols under Batu were busy setting up the Khanate of the Golden Horde at Sarai, on the lower Volga, where they remained for two centuries, acting as overlords of all Russia, levying tribute and taking military contingents. True, they did not interfere much with what passed for internal Russian rule, but the fact remains Mongol (or Tatar) rule was not really driven out of Russia until 1556, by Ivan the Terrible.

These memories live on and are just as alive as the depredations of the Germans during World War II. They are an intrinsic part of Russian folklore, nationalism, national thought, legend, and, we may be sure of this, they play a definite part in the formation of Russian national policy right at this very moment.

Now, it is quite obvious that there are persons already casting about to try and determine how the U.S. can play off one dictatorship against another. Cozy up to Red China; that will make the Soviet Union more amenable at arms talks. Be nice to Moscow, that will make Peking jealous.

This is dangerous, very dangerous; democracies are not remotely fitted to play such a game, let alone play it with two superpowers who were at it centuries before American military might progressed beyond birch-bark canoes. In annoyance at this silly diplomatic minuet, it is not at all unthinkable that both powers would sublimate their differences long enough to brush us out of the way like a No. 12 boot heel scraping over an ant hill. Or at least plan to do it; you may be sure if they felt it was to their advantage, and thought they had the drop on us, they would.

No—such a course for this country would be the most foolhardy foreign venture of any country of all time. It can be played only if the country moving the pieces about the board is utterly ruthless, totalitarian in nature, accountable to no national legislature or opinion from the people of the country involved, and is headed by steel-spined, icy-nerved, conscienceless autocrats without the faintest hindrance caused by morality or considerations of international goodwill. We do *not* fill the above requirements, not at all.

So, what to do? First, reject any and all thoughts of using one against the other. Deal with each separately; keep in mind, as always, that they are looking out for their interests first, and let us do the same.

And above all (this has already started) get rid of that incredibly pernicious and muddle-headed notion that we owe Red China (or any other country) any sort of "apology" for past acts. To begin with, we don't; to top it off, the sight of the U.S. groveling in self-abasement of its own free will can only cause amusement in either Peking or Moscow—but the laughter will die in a hurry when they figure that the fools are bowing their necks for the yoke, so let's give them a litle more time and they will not only make it, but put it in place for us.

There is much talk these days of staying out of things that are none of our business. Well, that means everywhere—and most especially if it concerns latent quarrels between Red China and the Soviet Union.

CHINA—3: MAY 9–15, 1971

In line with this country's "New China Policy" President Nixon has loosened up certain trade restrictions. Implications are great here, admittedly; a market of no one knows how many hundreds of millions of Chinese, so some maintain, could give a real boom to U.S. industry.

Unfortunately, as Eliza Doolittle would say, "Not bloody likely!" Not for us, at least; the Japanese, Germans, British, French and Canadians are already ahead of us. Even at that, China simply does not import very much. It is very unlikely this country would extend any credits to Red China; even if it did, Peking is notoriously conservative when it comes to borrowing money. One businessman questioned his Japanese contacts about doing business with Red China; "like playing golf in a heavy fog," was the response. Long political harangues are part and parcel of every meeting with Red Chinese officials when it comes to selling merchandise. A businessman must have a strong stomach for reams of Mao-thought.

There is, simply, very little we can offer that the Red Chinese are not already buying at lower prices. And, from our standpoint, there is very little the Chinese produce in large quantities that we would want. China's largest export is cotton fabric, clothing and cotton thread and yarn. There is enough trouble already over cheap imports competing in this country with domestic goods.

The Chinese do import a lot of wheat; this would seem made to order for us, with chronic surpluses. But remember 1964? We sold the Russians $100 million worth; Moscow held out tantalizing prospects of buying $300 million worth—then didn't. American law requires 50 per cent of all such shipments be in American flag vessels. This raised the price far beyond what the Soviet Union was willing to pay. The Soviets vowed never to get into such a deal again.

How about increased travel to Red China? First, let's dispel the silly myth that people-to-people contact will automatically mean better relations, peace, understanding, etc. The fact of our own Civil War looms up grimly in the background to cancel this one out.

Well, it's up to the Chinese. For myself, I note President Nixon has said he would like to visit China; so would I. All this country can do, and has done, is merely say U.S. passports are good for travel in Red China. Then, there is the matter of getting the Red Chinese to grant the visa. So far, I am informed, there is absolutely no sign that a general opening-up on Peking's part is in the works. Admittedly, it could change overnight.

A lot of Americans would like to go. Why not? It does no harm to look things over, in the sense of the tourist, or the historian, or the archaeologist, or the student, or the businessman. Travel between the two countries, in and of itself, would harm no one, unless the visitor, trying to make an impression on his hosts, starts praising the host country at the expense of his own.

For myself, I'd like to go far into the interior, to visit the sites of old battlefields, to see the wide Mongolian plains where the Mongols under the khans gathered for their mammoth assaults upon Western Europe. Some of the most fascinating reading in all historical archaeology is that of the American explorer Roy Chapman Andrews, who did so much work in the regions of outer China.

Would mutual tourism between the two countries be dangerous? For us, as far as internal security goes? Would Red Chinese spies swarm everywhere? Well, to begin with, any tourist agreements between the two countries certainly would mean each country would restrict certain areas; there are parts of the U.S. where Russians cannot go, and vice versa. Second, the first Chinese tourists would be such objects of curiosity that they would be hemmed in by swarms of newsmen, cameramen, tv-reporters, interpreters, guides, State Department officials, local, state and county officials, etc., that they'd not have a chance for any espionage at all. Third, embassies are generally the focal point for espionage networks. Mutual diplomatic relations are, I would bet, still a long ways off. So nothing to fear, for the present, at least.

Dangerous for Americans who go to China? Any American traveling in any Communist country is, let's face it, a potential victim of a trumped-up charge of espionage. "Sorry," the American Consul or Ambassador is told. "We don't know where he is." Or, "Sorry, but he was a spy. He was sentenced to twenty years in accordance with our laws. You can see him once a week."

Communists generally keep a person there until he rots, or at least is partly rotted and half mad with the mental torture of his captivity. We on the other hand are more likely to kick the offender out, via the nearest port, or else if he is a big enough fish in the spy swarm, swap him for an American (like swapping Rudolf Abel for Gary Powers, the U–2 pilot.)

Travel broadens. Cells confine—drastically. There's always been this danger when travel in Communist countries is concerned, for Americans. There's always been the chance of espionage when Communist countries have embassies in the United States. It's just that simple.

CHINA—4: MAY 16–22, 1971

How to understand China? This is a mammoth problem. Maybe it can't be understood. But let's avoid the temptation to now praise the Cultural Revolution, which convulsed that country a few years ago, as some tremendous step forward in a nation's life. The truth of the matter is (and there is plenty of documentation for it) that Red Chinese rule over China was imposed at the cost of an estimated ten million lives. The Cultural Revolution was a shameless, unbridled orgy of near-madness on a scale seldom seen in world history. Some international observers even went so far as to declare the entire country had fallen victim to more advanced paranoid and schizophrenic traumas.

How to understand it? Mao thought? Mao advised students to copy from each other; "If A's answer is good, B should be allowed to copy it." Mao himself? The Great Helmsman, remember, was once touted as having swum down the Yangtze, covering nine miles in something like 63 minutes. This for a man past seventy, a three-pack-a-day smoker? Not even Tarzan, foaming down the Zambezi ahead of the crocodiles as he hastened to rally the apes, ever approached this one!

How to understand China? The following—can *you* comprehend this:

"Dr. Lin paused to introduce us to one of the surgeons, Tai-Yu-hua, who had herself been cured of choriocarcinoma by chemotherapy. . . . she had since delivered a healthy baby. Tears came to Dr. Tai's eyes as Dr. Lin explained that her recovery had been partly due to faith healing—faith in Mao Tse-tung. Dr. Tai's baby was called 'Strong Constitution.' Meaning good health? Not at all. The child was so named in honor of the new constitution adopted by the Ninth Party Congress."

How to understand China? A wise and scholarly man once told me the road to understanding a nation lay through the verse of its poets. This may be, at least in part. Half of Chinese literature is poetry; some of its verse is beyond a doubt the finest lyric ever written.

Consider Li T'ai-po, poet of the 8th Century A.D. Li loved wine; he also loved the moon; if the two could be combined, so much the better:

A pot of wine among flowers.
I alone, drinking, without a companion.
I lift my cup and invite the bright moon.
My shadow opposite certainly makes us three.
But the moon cannot drink,
And my shadow follows the motion of my body in vain.

He loved these things not wisely, but too well; ultimately, the combination was fatal. Sailing down the Yangtze one night, somewhat in his cups, he leaned over the edge of the boat to embrace the reflection of the moon in the water, fell in, and drowned.

How to understand China? George III once sent a trade mission to the Dragon Throne, with presents for the Emperor: guns, clocks, telescopes, wonders of the 18th century Western world. The envoy's boat was halted at Tientsin, and the Chinese affixed to it a banner, which would remain there as it sailed up the river to Peking:

"Tribute Embassy from the Red Barbarians."

The presents were duly noted and accepted by the Emperor, and much to the astonishment of the envoy, the Imperial Edict delivered to him read as follows:

"We, by the Grace of Heaven, Emperor, instruct the King of England to take note of our charge.

"Although your Country, O King, lies in the far oceans, yet inclining your heart towards civilization you have specially sent an envoy respectfully to present a state message.

"Now you, O King, have presented various objects to the throne, and mindful of your loyalty we have specially ordered our Ministry to receive them.

"Nevertheless, we have never valued ingenious articles, nor do we have the slightest need of your Country's manufacture. Therefore, O King, as regards your request to send someone to remain at the capitol for trade, while it is not in harmony with the regulations of the Celestial Empire, we also feel very much that it is of no advantage to your Country. Hence, we have issued these detailed instructions and have commanded your tribute Envoys to return safely home. You, O King, should simply act in conformity with our wishes by strengthening your loyalty and swearing perpetual obedience so as to ensure that your Country may share the blessings of peace . . . That is a special edict."

This was written on the advice of the Emperor's Grand Secretary; his advice had been brusque and to the point: "These are ignorant foreign devils and it is not worth treating them with too much courtesy."

How to understand China? *You* tell *me!*

CHINA—5: MAY 23–29, 1971

A propaganda campaign, about as subtle as the blast from a sawed-off shotgun, has already begun in this country to try and change our relationship with the Chinese Government on Formosa.

From the Washington, D.C., Post, April 29, 1971: "U.S. Takes New Step on China—Peking, Taipei Discussions Are Suggested."

From the New York Times, same day: "U.S. Ties With Taiwan Lose Warmth."

From the Baltimore Sun, same day: "U.S. Yearns for Mao, Chiang to End Their Own Disputes."

From the NY Times May 1, 1971: "Nationalists Reject U.S. Suggestions on Taiwan."

Now, granted, when it is time to act in our own short- and long-range national interest, we should not be tied to anyone. And I mean anyone. But at the same time, this country has no business at all casually casting off old, tried and true, faithful allies—for anyone else. I do not know what is going on in the Department of State on this score, and admittedly the above headlines do not necessarily reflect official Washington thinking. I do not believe we are going to abruptly abandon Formosa, but at the same time I am dead certain we are in for a major propaganda campaign from the Left to try and get us to do exactly that.

Of course, this same Left is very protective of our foreign interests where South Africa, Portugal, Greece, or Spain are all concerned. We should, they infer, take all possible steps to undermine the present ruling governments in these countries and we should play up to the dissidents from these same countries who are out of power. You see, the governments of these four countries are on the Right side of the political fence. But when it comes to Red China, then we can quite easily scrub the blood of 10 million Chinese out of history's bathtub, fill it full of water, and soak cheerily side by side with Chairman Mao.

The matter goes far beyond Formosa itself. Red China wants to be the power in Asia. What are we to do about Japan? India? Southeast Asia? The Philippines? Australia? Throw all of them to the Chinese Dragon? The balance of power in that part of the world, never very steady and usually quivering is delicately poised and tuned. No country in that part of the world is going to see its own national existence threatened, bypassed or downgraded by either Red China or the U.S.—or a combination of the two.

But back to the coming propaganda campaign. Brace yourself: it's going to be rough. The prominent columnist Mr. Joseph Alsop commented the other day on a report coming out of Red China by a West German on the "7 May Schools." These are little more than hideous slave labor camps, with the most rudimentary facilities, where the work consists of the meanest forms of low physical labor.

Mr. Alsop commented on the strange mentality of American leftwing intellectuals and professors and students who have been itching like mad for some time to come out openly with their adoration of Red China, and Mao. In truth, many of them already have; Mao buttons proliferate in "peace" demonstrations all over the country, and on college campuses. By implication, they also support such monstrosities as the "7 May Schools." And Mr. Alsop concludes his column with these words:

"This is the stage of intellectual corruption that has been very widely reached by America's left-wing intellectuals and the young people who follow them. Maybe the answer is a deep masochist drive, which it has again become fashionable to yield to in public.

"Monster Stalin used to be slavered over by the European left. Mad old monster Mao is slavered over by the American left today. Maybe the slaverers direly need a monster.

"This does not mean that the U.S. government should not move swiftly toward state relations with Mao's China, if the Chinese Communists want relations on equal terms. This is a practical rather than a moral matter. But the foregoing still means that large areas of American intellectual life are now in a pretty awful mess."

CHINA—6: MAY 30–JUNE 5, 1971

I am concluding my series of six newsletters on China with the full text of a broadcast in English over Radio Peking, April 26, 1971. It speaks for itself. "Slogans in honour of May 1, International Labour Day, of 1971:

1. Celebrate May 1, International Labour Day!

2. Hail the great victory of the Great Proletarian Cultural Revolution!

3. Working men of all countries, unite! Proletarians and oppressed people and nations of the world, unite!

4. The danger of a new world war still exists, and the people of all countries must get prepared. But revolution is the main trend in the world today. People of the world, unite and defeat the U.S. aggressors and all their running dogs!

5. We firmly support the heroic Albanian people in their just struggle against imperialism, revisionism and all reactionaries!

6. We warmly congratulate the people of the three countries of Indochina on their great victories in the war against U.S. aggression and for national salvation! We firmly support and assist the heroic people of Viet Nam, Laos and Cambodia in the war against U.S. aggression and for national salvation! U.S. aggressor troops and their vassal troops must completely withdraw from Indochina so that the people of the three countries of Indochina each can resolve their own problems by themselves!

7. We firmly support the heroic Korean people in their just struggle against U.S. imperialist aggression and for the peaceful unification of the fatherland!

8. The people of China, together with the people of Japan, Korea, the three countries of Indochina and the rest of Asia, firmly oppose the revival of Japanese militarism by the U.S. and Japanese reactionaries!

9. We firmly support the Arab peoples in their struggle against U.S. imperialism and Zionism! We firmly support the Palestinian people in their just struggle for national rights!

10. We firmly support the African peoples in their struggle against colonialist and neocolonialist aggression, subversion and intervention!

11. We firmly support the Cuban people in their struggle to oppose U.S. imperialist aggression and safeguard national independence and state sovereignty! We firmly support the Latin American peoples in their struggle to safeguard national independence and state sovereignty!

12. We firmly support the national liberation struggles of the Asian, African and Latin American peoples!

13. We firmly support the just struggle of the American people against the U.S. Government's policies of aggression and war and racial discrimination! We firmly support the struggle of the working class and revolutionary people of various countries!

14. All peace-loving countries and peoples who are subject to aggression, control, intervention or bullying by U.S. imperialism and social-imperialism, unite and resolutely oppose the power politics of the two superpowers!

15. We salute the genuine fraternal Marxist-Leninist parties and organizations of various countries! We salute the genuine Marxist-Leninists of various countries! We salute the revolutionary people of various countries!

16. We salute the working class, the poor and lower-middle peasants, Red Guards, revolutionary cadres and revolutionary intellectuals throughout the country!

17. We salute the great Chinese People's Liberation Army!

18. Hold high the great Red Banner of Mao Tsetung Thought and continue to fulfill the fighting tasks set by the Ninth Party congress!

19. Unite to win still greater victories under the leadership of the party Central Committee with Chairman Mao as its leader and Vice-Chairman Lin as its deputy leader!

20. Criticize revisionism and rectify our style of work, and deepen education in ideology and political line!

21. Carry out the tasks of struggle-criticism-transformation conscientiously in order to further consolidate and strengthen the dictatorship of the proletariat!

22. Conscientiously study Marxism-Leninism-Mao Tsetung Thought! Press ahead with the mass movement for the living study and application of Chairman Mao's works!

23. Go all out, aim high and achieve greater, faster, better and more economical results in building socialism!

24. Grasp revolution, promote production and other work and preparedness against war! Strive to fulfill and overfulfill the 1971 national economic plan!

25. Win new victories to greet the 50th anniversary of the birth of the Communist Party of China and the convocation of the Fourth National People's Congress!

26. Heighten our vigilance, defend the motherland! Be ready at all times to destroy the enemy intruders! We are determined to liberate Taiwan!

27. Long live the great unity of the people of the world!

28. Long live the great People's Republic of China!

29. Long live the victory of Chairman Mao's proletarian revolutionary line!

30. Long live invincible Marxism-Leninism-Mao Tsetung Thought!

31. Long live the great, glorious and correct Communist Party of China!

32. Long live the great leader Chairman Mao! A long, long life to Chairman Mao!

COMMUNIST TROJAN HORSE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHMITZ. Mr. Speaker, Georgi Dimitroff said at the Seventh World Congress Communist International in 1935:

> Comrades, you remember the ancient tale of the capture of Troy. Troy was inaccessible to the armies attacking her, thanks to her impregnable walls. And the attacking army, after suffering many sacrifices, was unable to achieve victory until, with the aid of the famous Trojan horse it managed to penetrate to the very heart of the enemy's camp. We revolutionary workers, it appears to me, should not be shy about using the same tactics.

An American Communist by the name of Gil Green sat in the Moscow auditorium and listened attentively to these words of the Secretary General of the Communist International. Green was attending the Seventh Congress of the Comintern in his capacity as secretary of the Young Communist League of the United States.

In the ensuing years, Green helped implement and refine the Trojan horse strategy of the Communist Party of the United States—CPUSA. This political component of Communist warfare became standardized: The pursuit of absolute power under cover of camouflaged objectives through the exploitation of real or imagined grievances and the manipulation of different social groups in front organizations.

Recent testimony given before the House Committee on Internal Security has clearly shown the CPUSA utilization of another in a long line of organizational weapons, the People's Coalition for Peace and Justice—PCPJ. The PCPJ was one of the two organizations responsible for the recent demonstrations in our Nation's Capital.

Expert witnesses described for House committee members and the press the origin and leadership of the People's Coalition for Peace and Justice. Communist Party members, they testified, have moved behind a confusing succession of organizational name changes. The November 8 Mobilization Committee—formed in September of 1966—was transformed into the Spring Mobilization Committee—November of 1966—which became the National Mobilization Committee in May 1967, which evolved into the New Mobilization Committee in July 1969, which, in the summer of 1970, split into the National Peace Action Coalition and the National Coalition Against War, Racism, and Repression—the group which took on the name of the People's Coalition for Peace and Justice. Party members provided the mortar which held the movement against U.S. efforts in Southeast Asia together and on course. They represented the common thread running through what might appear superficially to be unrelated organizations.

During the hearings, over 35 identified members of the Communist Party were shown to have been active in the formation and leadership of the PCPJ. House committee experts pointed to the fact that seven members of the PCPJ Coordinating Committee were well known and influential members—or former members—of the CPUSA. These included Gil Green, Terry Hallinan, Sylvia Kushner, Sid Peck, Irving Sarnoff, Jack Spiegel, and Jarvis Tyner. Green and Tyner are both members of the National Committee of the CPUSA. Practically all of these individuals had also been connected with the Spring Mobilization Committee—which was cited as Communist-dominated by the House Committee on Un-American Activities—the National Mobilization Committee, and the National Coalition Against War, Racism, and Repression.

The documentation concerning CPUSA leadership of the People's Coalition for Peace and Justice and the involvement, with, and/or domination of, the PCPJ's forerunner organizations is massive. As a member of the House Committee on Internal Security, I will be doing my best to see that this information is brought to the attention of the American people so that Gil Green, and others like him, will not be able to run Dimitroff's Trojan horse through the streets of our Nation.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Bingh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talk that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

RESPONSE OF CONSTITUENTS TO THE CONCEPT OF DATE-CERTAIN WITHDRAWAL FROM VIETNAM

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. LLOYD. Mr. Speaker, several weeks ago I received within a few days' time several hundred letters and telegrams in addition to some telephone calls from my constituents of the Second Congressional District in Utah, requesting that I sign the Mosher statement which is a statement supporting withdrawal of all U.S. troops from South Vietnam, Laos, and Cambodia, conditioned upon release of American prisoners of war and safe withdrawal of our troops. At a later date, I began to receive letters asking that I support the Nedzi-Whalen amendment to an appropriations bill, also incorporating the principle of a date-certain withdrawal of U.S. troops from Vietnam. During this period I also received a telephone call from a constituent who said he had received a telephone call in Salt Lake City from Washington, D.C., asking him, as a member of Common Cause, to communicate with me on this issue and to ask five of his friends to do the same.

Of course, there is nothing wrong with this type of communications with a Member of Congress, but I was curious whether this influx of communications on a single subject was completely spontaneous and representative of the opinions of the citizens of my district.

I later received in the mails a publication from Common Cause which was dated May 1971 and was listed as report No. 6 of volume No. 1. On page 5 of that publication, the "grassroots strategy" of Common Cause was stated and it was reported that 50 congressional districts had been designated as priority districts with telephone banks set up to reach Common Cause members in those congressional districts. The names of individual members, including my own, were printed and I was thereby advised that I had been selected as a "target Congressman." I commend Common Cause for disclosing these facts to me, even if late.

Each month I prepare an issue statement and send to 30,000 of my constituents, asking for their comments on the "Issue of the Month." I, therefore, selected the subject of a date-certain withdrawal from Vietnam as my "Issue of the Month" and mailed to the 30,000 constituents, which is a broad cross-section although certainly not a scientifically selected cross-section. As of today I have received 1,133 answers. Of these, 347 have replied in favor of the concept of a date-certain withdrawal. Seven hundred and sixty-four, or more than twice as many, have opposed the concept of a date-certain withdrawal and favor the withdrawal program of President Nixon. Twenty-two have no definite opinion.

Although I am a supporter of the Nixon withdrawal program, I made a conscientious effort to present objectively the principal arguments put forward by those who support the concept of a date-certain withdrawal and also of those who oppose it. That "Issue of the Month" is presented herewith, along with the disclosure of my results as a timely response to a significant issue of our day. Those who responded in virtually every case added their comments or wrote supporting letters, and in each case they were required to address their own envelopes and pay for their own stamps.

Issue of the Month: A Date-Certain Withdrawal From Vietnam

For many months a variety of resolutions have been introduced into the two Houses of Congress to establish a cutoff date for our military operations in Southeast Asia. One of the best known was introduced into the Senate nearly a year ago—the McGovern-Hatfield Amendment to the Military Procurement Bill, which would originally have cut off all funds for the Vietnam War on last January 31, 1971, in the absence of a declaration of war by Congress. The Amendment was subsequently amended and defeated.

In the meantime, a wide variety of similar proposals have been introduced. Peace demonstrations have accompanied the proposals. Some of these demonstrations have been lawful and effective to a degree. Others have not. Peace demonstrations, being more general in nature, have usually cited as their objective: "Immediate and unconditional withdrawal of all U.S. troops and material from Southeast Asia."

There has been a buildup of support for the concept of a time-certain withdrawal. The President and the Congress are under increasing pressure to adopt such a policy. My office is no exception. Recently, a statement was suggested to the House of Representatives by a Republican, Charles Mosher of Ohio. Up to twenty and perhaps more Republicans have joined him, and the list grows. The statement would require that all U.S. military personnel be removed from and over Vietnam, Cambodia, and Laos by December 1, 1971, conditioned upon safe removal of our troops and safe release of our prisoners of war.

I have received, in the past two weeks, more than 200 telegrams and letters urging that I join in supporting the Mosher Resolution. Many of the communications refer to Common Cause, an organization of repute, which supports such action.

It is difficult to gauge public opinion accurately. The Gallup Poll reported on January 31, 1971, that 73 percent of Americans want their Congressmen to vote to withdraw U.S. troops by the end of the year. Critics of the poll assert the question presented did not give sufficient freedom for completely accurate evaluation by the citizens.

In Utah around the latter part of April, I put the question to several groups, including students of Kearns High School, Cyprus High School, and higher age groups in Granger, Salt Lake, and Cedar City. In every case, there was overwhelming support for the Nixon position as against a time-certain withdrawal. My results have been criticized as having not been produced by sufficiently objective presentation and questioning. In reply, I will state that it was my intention to be objective and give both sides, but it is true my own support for the Nixon position at the time was expressed and may very well have colored the way the question was put. As to the age groups above high school age, it is also true these were preponderantly Republican. (Although I think it is unfortunate that public meetings addressed by a Congressman should be largely avoided by those who do not belong to the Congressman's political party.)

ARGUMENTS FOR A DATE-CERTAIN WITHDRAWAL

After six years of fighting, we have more than discharged any "commitment" we may have had.

This is a civil war in Vietnam in which we should not meddle.

The war has seriously divided America, creating disturbances and worse. The war has promoted revolution among the young, has exposed our military men to drugs, and other moral and emotional problems.

Our domestic needs are so overwhelming, we should begin binding up our own wounds.

Continuation of our participation in the war will add to the misery and hopelessness of our prisoners and their families. A date certain will increase pressure on Hanoi to release prisoners.

The war is undeclared, and is therefore unconstitutional and immoral.

President Nixon is prolonging the war so that he can end the war in an election year, thus adding to his chances for reelection.

The draft is un-democratic. Those who cannot afford the several methods of exemption are forced to bear an unequal burden in providing sons for combat in a war which is not supported by the American people. Therefore, unless Congress declares war, we should not draft boys to fight in it.

The objective of helping to maintain a "free society" in South Vietnam is unrealistic. They have no concept of the freedom which is traditional to America, but foreign to the realities of Southeast Asia.

We are supporting a regime guilty of corruption, which is not truly supported by the South Vietnamese, and which is accepting and encouraging American assistance only for personal and selfish gain. This regime will eventually fall regardless of our effort.

There are others, and supporters of the time-certain withdrawal concept can undoubtedly find fault with the above presentation.

ARGUMENTS AGAINST A DATE-CERTAIN WITHDRAWAL

President Nixon did not start the war. He inherited it. When he came into office, there were 536,000 U.S. military personnel in Vietnam. He announced a policy of withdrawal and "Vietnamization," (loosely interpreted as a policy which would give the South Vietnamese a reasonable chance to provide for their own defense). He has kept his pledge. 200,000 have already been withdrawn. 100,000 more will be withdrawn by December 1, this year, and he has announced a goal of "total withdrawal from Vietnam, (contrary to South Korea where around 50,000 troops have been kept for peacekeeping purposes since 1953, with general approval of Americans.)

The North Vietnamese have not stated they will release prisoners of war if we withdraw—but only that they would "discuss" on the matter of release, indicating they could be using the prisoners for larger stakes.

We cannot negotiate an "honorable" peace as successfully if we give our plans to the enemy.

President Nixon has kept all his pledges to date as Commander-in-Chief. Under these circumstances, he should not be handicapped by ultimatums.

Any date-certain withdrawal announced now by the U.S. would create bitterness in South Vietnam, and create completely new sets of objectives for the South Vietnamese election in October.

"Vietnamization" is "proceeding apace." Over one million South Vietnamese are now in uniform in defense of their country. The October elections have attracted at least three candidates for the top office, and will be supervised by international agencies in an effort to guarantee maximum freedom. Our objective of allowing the South Vietnamese free elections is attainable.

Announcement of a time-certain withdrawal will contribute to "defeat" in South Vietnam, a take-over by the North, with prospects of a bloodbath for the South, and loss of the total investment we have made in South Vietnam in blood and treasure.

MY POSITION

Up to the present time, I have felt that President Nixon was entitled to my support. This does not mean I feel an "obligation" to the President in this matter superior to my obligation to the people. It has been a matter of continuously deepest concern, study and evaluation. Pursuant to that objective, I would now like to have *your* opinion.

I support the concept of a time-certain withdrawal ----------

I do not at this time support the concept of a time-certain withdrawal ----------

Comments ------------------------------

Name ------------------------------------

Address ---------------------------------

A LITANY FOR OUR PRISONERS OF WAR AND MISSING IN ACTION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. BOB WILSON. Mr. Speaker, regardless of our convictions on the Vietnam war, the thoughts of all Americans turn to the plight of our men who are prisoners of war or missing in action and the uncertainty and despair with which their families must live daily. Our thoughts and prayers are with them in these troubled times. A constituent, Mr. William Fleming of San Diego, recently sent me a copy of a portion of the service of the Point Loma Presbyterian Church and I am certain my House colleagues of all religious faiths will find the words of this litany very moving:

A Litany for Our Prisoners of War and Missing in Action

MINISTER. Almighty God, Father of our Lord, Jesus Christ: Father of all children of the earth, of the free and of the captive, of the near and those most distant: Lord, all loving, in Your mercy:

PEOPLE. Hear our prayer.

Minister. Hear our prayer for our people who are prisoners of war, for our men who are missing in action, for our sons and fathers and brothers whose lot is known to You alone, for their loved-ones who lonely wait a day of reuniting:

People. Hear our prayer.

Minister. Hear their prayer, O Lord, for bread by day, for rest by night, for shelter, strength, and relief of suffering. Comforter in conflict and silent Partner in a thousand cells:

People. Hear their prayer, O Lord.

Minister. Humble our hearts in penitence from abuse of our Asian brother, from hatred which severs the bond of humanness, from loss of faith in Your providing care toward a world for which You lived and died:

People. Free us by Your forgiveness, Lord.

Minister. O Saviour, sustain those who wait in deep uncertainty; the wives, the children, the parents, the sisters and brothers. Grant faith not to question the quietness or lose their sight of You in separation. Speak again: Lo, I am with you always, even to the world's end.

People. Speak to all who wait, O Lord.

Minister. Speak to the leaders of the world, O Father, to abandon the futility of war and hasten the day of peace when all your children may dwell in tranquility within the borders of his adopted land.

People. Fill us with faith, O Lord.

All. Our Father who art in heaven, Hallowed be thy name. Thy kingdom come, Thy will be done, On earth as it is in heaven. Give us this day our daily bread; And forgive us our debts, As we also have forgiven our debtors; And lead us not into temptation, But deliver us from evil. For thine is the kingdom and the power and the glory, for ever. Amen.

(This litany was used at the meeting of the 183rd General Assembly of the United Presbyterian Church in the U.S.A. during its sessions in Rochester, New York, from May 17 to 26, 1971.)

DANGER RIDES WITH BIG RIGS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHWENGEL. Mr. Speaker, the June 7th issue of the National Observer carried an extensive article concerning the safety record of the trucking industry. The story explains the role of drivers as well as the equipment employed. The following article, coupled with the material which I have previously inserted in the Record with respect to buses, clearly indicates why there should be no increase in the size or weight of either trucks or buses:

Danger Rides With Big Rigs

BEWARE: FAULTY TRUCKS, DRIVERS ARE ON ROADS

(By August Gribbin)

You may drive superbly—like an Al Unser of the sedan set. But skill avails little when a passing tractor-trailer heaves a wall of water from a wet road and drowns out your vision, or when a 70,000-pound van follows too closely down a steep hill and there's no way to elude it. Then you trust to luck.

In fact, motorists unwittingly test their luck on untold other occasions just by mingling the family car with the big rigs on the highway.

There is evidence that significantly large numbers of long-distance truck drivers take amphetamines and drink while driving. Many pilot seriously defective machines. Many force themselves to stay at the wheel after fatigue has made them dangerous. This despite industry concern and sometimes lavish spending on safety.

ACCIDENT RATES DECEIVE

Similar past allegations have had small impact, largely because they lacked proof. Many motorists recoil at such reports, for they've come to regard big-rig truckers as the best, most-courteous drivers on the road. Truckers change flat tires for elderly ladies and help other distressed motorists. Besides, it obviously takes skill just to maneuver a giant truck.

Truck companies and the American Trucking Associations, Inc. (ATA), the industry's trade organization and lobbyist, explain—correctly—that trucks' accident rate is lower than cars'. They say the rate keeps dropping even though more trucks take the road each year. The rate for all trucks is 14.6 accidents per million miles driven, according to ATA figures; later National Safety Council statistics put it at 12.6. The rate for cars is 27.7.

Yet the small Bureau of Motor Carrier Safety, the Department of Transportation's truck-safety policeman, has intensified and expanded its accident investigating and reporting in recent months. Its files now abound with illustrations of the threats big rigs pose.

Examples?

In early morning on U.S. Highway 70 outside Roswell, N.M., a tractor-trailer eased onto the wrong side of the road toward an onrushing Buick, which defensively swerved far onto the road shoulder. Still the truck rammed it, killing its four occupants.

Federal officials blamed the trucker, terming him "negligent, . . . inattentive, dozing, or very possibly disoriented" because a "psychological or physical disorder" made him unable to stay awake while driving in darkness

A truck lugging bombs over U.S. 75, which meanders through Coalgate, Okla., tried to make a right turn in the town. The rig flipped. The bombs didn't detonate, but two persons suffered injuries; property damage totaled $10,000. Official finding: The truck's improperly secured load shifted, tipping the trailer.

Near Rockland, Fla., a tractor-trailer hauling grapefruit roared up behind a line of five cars pausing at a traffic light on U.S. 1. It didn't stop. Three persons died; six were hurt. Federal officials said the driver "had amphetamines in his possession."

ONE YEAR'S TOLL: 1,953 DEAD

Outside Ashton, Idaho, a runaway tractor-trailor hit a herd of cattle on a bridge, then bounded to a river bank below. The driver died. Federal officials said the truck's brakes were "almost nonfunctional and so badly neglected that [the truck] obviously had been in a dangerous condition for a relatively long period of time."

Investigators said the trucker had not kept the mandatory driving log properly, lacked a valid medical certificate, and apparently had not slept more than 2½ hours in the 29 hours preceding the crash. Among his effects was an empty whisky bottle with a partially dissolved tranquillizer in it.

Freakish, isolated incidents? Not at all.

Bureau of Motor Carrier Safety (BMCS) files contain reports of 47,877 big-rig smashups that killed 1,953 persons, injured 24,106 and caused $102,051,590 in property damage in 1969. The BMCS hasn't completed its 1970 tally yet, so The National Observer hand-counted 1970 reports of the six largest—and purportedly the most safety-conscious—trucking companies.

Those six carriers alone had at least 4,317 accidents in which 36 persons died and 96 others were injured seriously. The totals are conservative, because some carriers' files spanned only eight months.

Roadway Express Inc., Akron, Ohio, the nation's third-biggest carrier by ATA reckoning, topped the list with an 11-month record of 790 accidents, killing 16 persons and seriously injuring 21. R. R. Johnstone, Roadway vice-president, refused to converse about "such a sensitive subject as safety" over the phone.

Asked again, by telegram, to comment and to reply to a Roadway driver's criticism of Roadway's safety program, he wired: "Suggest you review steady improvement in safety performance before accepting critcism of one driver as fact." In 1969 Roadway reported 869 crashes that took 29 lives and hurt 427 persons. How many were seriously injured isn't known. The bureau's 1969 figures don't show the degree of injury.

The file of the nation's biggest carrier, United Parcel Service, New York City, lacked a month's accounting from an Ohio subsidiary. Otherwise it reported 629 accidents, 10 fatalities, and 13 serious injuries. A company spokesman remarks: "Unfortunately we are all the victims of human folly—if not ours, then someone else's."

FIGURES DON'T TELL ALL

The nation's second-largest carrier, Consolidated Freightways, Inc., Menlo Park, Calif., reported 1,093 crashes that killed 26 persons and injured 492 in 1969. Consolidated's 1970 file shows 460 wrecks causing five fatalities and 13 serious injuries in eight months.

O. H. Fraley, Consolidated's executive vice-president, comments: "We don't like to talk in terms of the number of accidents. No other company does. The number of accidents is relative to the number of miles driven. The number might look large, but the frequency rate of truck accidents is going down. Our road-accident frequency in 1970 was 16 percent lower than in 1969."

Not even the BMCS contends that its statistics realistically portray the state of big-truck safety. Its figures are far too conservative, for they cover only a fraction of U.S. trucks.

Arthur MacAndrew, chief of the bureau's compliance division, explains:

"Some 18,000,000 U.S. vehicles carry truck-license tags. Of those only 5,000,000 are the medium and heavy trucks we're concerned with. About half of those big rigs engage in interstate commerce and thus come under our jurisdiction. Really we deal with and get our data from roughly 10 percent of the nation's truck fleet."

Besides, bureau officials have discovered that at times companies don't report accidents. All mishaps causing $250 property damage, personal injury, or a fatality must be reported.

But last fall, for example, the bureau alleged that Thunderbird Freight Lines, Inc., of Phoenix failed to report accidents. For that and other reasons Thunderbird was fined $3,000.

Moody Suter, Thunderbird's vice president for safety, comments: "They charged us with 15 counts of failure to file [reports of accidents causing $16,600 in property damages]. We got that cut to about six charges that we didn't contest."

Evidence of big-rig safety problems comes from other sources too:

The National Safety Council has compiled information from 23 states and tallied 725,000 big-rig crashes in 1969. They killed 4,700 persons.

The New Jersey Turnpike Authority says large trucks constitute 12 per cent of its road's traffic. But they're involved in 31.1 per cent of all accidents and in 61.8 per cent of all fatal accidents.

The University of Michigan's Highway Safety Research Institute found large trucks "overinvolved in accidents" in Oakland County, Michigan, which is traversed by main roads connecting Detroit with Flint and Saginaw. The discovery is based on one of the first applications of a formula that considers known accident-causing factors and comes up with "accident norms" for various kinds of vehicles.

John Reed, a former governor of Maine who heads the National Transportation Safety Board, declares: "I say the big trucks do pose a significant safety problem. The generally strict Federal regulations apply only to 10 per cent of the trucking industry. States' rules cover all trucks, but the states' rules aren't now good enough to get bad drivers off the roads. We need an upgrading of those regulations."

COWCATCHERS AND BETTER BRAKES

After analyzing a truck-caused New Jersey Turnpike pile-up that took six lives and involved six trucks plus 23 other vehicles, Mr. Reed's board recently recommended installing special bumpers on trucks. They would function like cowcatchers on locomotives and streetcars, preventing the high-riding trucks from shearing the tops off cars they hit—or that hit them.

The board suggested occasionally segregating trucks into special lanes, forbidding "overtaking and passing by heavy vehicles," and creating standards that would make trucks less prone to tip over. It also called for tougher truck-brake standards.

According to the Bureau of Public Roads, the average passenger car traveling 50 m.p.h. needs 122 feet for stopping; the average three- or four-axle truck needs 445 feet.

Dr. William Haddon, the physician who heads the Insurance Institute for Highway Safety and formerly ran the nation's traffic and highway safety programs, declares: "It's obvious that mixing small, fast-stopping vehicles with ponderous, slower-braking ones would create a problem. And it does. It's an inherent safety hazard."

The Department of Transportation has faced the problem. Its National Highway Traffic Safety Administration ruled in March that trucks built after Jan. 1, 1973, must be able to stop almost as quickly as automobiles.

"We agree there should be improvement in current truck-brake performance," volunteers Kevin Smith, manager of product reliability for the International Harvester Co., Ford, and other truck makers agree.

Yet manufacturers, trucking companies, and some Government officials consider the Transportation Department's braking specifications and deadlines unrealistic. They want the rule modified and delayed. A BMCS engineer estimates that the proposed new brakes systems would add $2,200 to the cost of an 11-axle truck.

The ATA "seriously doubts" the new system can be developed by 1973. It frets that truck makers may be unable to warrant that trucks with the new brakes will function with existing trailers. Loss of this "compatibility" would cost trucker and shipper time and money.

Even if opponents fail to delay implementation, the brake rules impact will come slowly. Just 150,000 new replacement trucks enter the long-haul fleet yearly. At that rate, it conceivably could take 33 years before the entire fleet had presumably better brakes.

THE FENDER DILEMMA

The reason: Trucks, unlike cars, live on and on. They are routinely rebuilt piecemeal as parts wear out. A truck that looks sparkling new may be just a new cab fitted onto an aged, overhauled diesel engine and chassis.

Other aspects of safety are being scrutinized too. Anticipating Federal regulation, truck makers are studying the feasibility of fenders to reduce spray from trucks on wet roads.

"It's a horrendous problem," says Gale Beardsley, Ford's chief heavy-truck engineer. He and others say that fenders big enough to permit the wheels' considerable vertical and horizontal movement would cause trucks to exceed width limits. They say fenders would necessitate major trailer modifications, cause maneuvering troubles, and inhibit the air flow that cools brakes.

Truck makers deny there's a hazard in the air blitzing that passing trucks give cars. About the alleged tendency of some tall trucks to flip over, International Harvester's Kevin Smith volunteers:

"There are no Federal standards governing this. But auxiliary stabilizing devices are available now." Ford's Mr. Beardsley adds: "Trucks tend to sit on the road. Their current stability characteristics are quite acceptable if drivers drive them with reasonable intelligence."

The motor-carrier bureau also has set new driver-qualification regulations. It has found "a marked increase" in accidents involving "unqualified," "reckless," "accident prone," "mentally and physically ill," "emotionally unstable," and "drunk drivers." So for the first time it has provided for "removal from service" of drivers convicted of "motor-vehicle crime involving drug or alcohol abuse or of fleeing the scene of a fatal or injury-producing accident."

"Of course, we have to rely mainly on voluntary compliance with rules," comments Kenneth L. Pierson, BMCS deputy director. "To police this industry, surveying company and driver records and examining all trucks, we'd need tens of thousands of inspectors." The bureau has 203 employees; 103 are inspectors.

STATES MAKE FEW CHECKS

The bureau's unarmed inspectors work with state police. They check trucks at weighing stations and other public facilities, crawling over and under rigs, looking for such things as bad brakes, malfunctioning lights, and faulty trailer connections.

In many states sporadic BMCS road checks and inspections of company files provide the only effective policing. Bureau officials say this. So do drivers.

Dale Crum, a trucker from Lemoyne, Pa., with 15 years and a million miles of driving experience, says: "Yes, I've had my outfits checked. Twice."

Ronald Perry of Dillsburg, Pa., another veteran driver, declares: "I've heard more about inspections than I've seen 'em. But the times the state police checked me they ambled around with their clipboards. Anybody could see they didn't know what to look for. They waved me through when my truck was fallin' apart."

A Department of Transportation official comments: "Relatively few states have tough regulations for police to enforce. The quality of regulation runs the gamut. For all intents and purposes Louisiana has no rules and no enforcement; Arizona has the best."

Seventeen states have adopted all of the Government's model motor-carrier structures, which are the toughest: 14 have adopted a few. Except for California, whose laws are considered rigid, the remaining 18 states have weak state laws or none.

THE INSPECTION DEBATE

Bureau inspectors checked 46,731 tractor-trailer units in 1969. They found 10,781 vehicles—23.1 per cent—so unsafe that they had to be immediately barred from the highway until repairs were made. Some 8,400 of those vehicles had dangerously faulty brakes. The number of defective vehicles spotted was up 8 per cent over 1968.

"Those figures make us look bad," admits Will Johns, director of the trucking associations' safety operations. "But remember, the Transportation Department inspects only the dogs, the trucks that look and sound bad. You would expect it to detect a higher number of faults that way than it would if it checked all trucks."

Drivers confirm that Federal inspectors tend to be selective. But some contest Mr. Johns' conclusion. Mr. Crum says: "I feel that they [the inspectors] never touch the big companies. They see you're with a big outfit and they wave you by. They get the small carriers and the private individuals. But a lot of times the private individuals' equipment is as good if not better than we drive."

One veteran driver alleges he has had to drive with no brakes after his company told him to take the truck to a garage; it would not send a mechanic to him. He alleges seeing trucks "pass" company safety inspections and take the road with "brake drums completely broken off a wheel, and with broken fifth wheels."

The "fifth wheel" isn't really a wheel, but a heavy metal plate attached to the platform just behind the tractor cab. It holds the trailer coupler and lets it pivot during turns. A weakened fifth wheel would cause the trailer to break loose.

Mr. Perry, who quit trucking late last year to become a preacher, asserts: "I know companies let safety flaws go by. They let tires get down pretty slick. Brakes may be bad; the company figures it will get to fixing them next week. Some companies figure a truck's okay if it will make the next run."

Drivers concede that company higherups occasionally do order garage men not to let a truck with single safety fault reach the road. But in the next breath the executives badger dispatchers to move urgently needed cargoes, the truckers say, "That's where everything falls apart: They feel they've got to keep the trucks rolling," says Mr. Perry.

"I drove for a small carrier once," a veteran driver relates. "Went across the Pennsylvania Turnpike from Ellwood City, Pa., clear through the Blue Mountain tunnel [roughly 130 miles], wiping snow from the windshield with a wrench because the wiper motor had been broken for some time. Here I was with two gear shifts to handle, plus a steering wheel and a wrench. When I told the guy [the truck owner] I wanted the wipers fixed, he said I was 'ridiculous,' and to 'get going.' "

BIG BARK, LITTLE BITE

Both driver and owner thereby broke the law. Federal regulations prohibit drivers from driving, and owners from letting them drive, unsafe trucks. Each safety violation carries a possible $100 to $500 penalty, applicable alike to $12,000-a-year drivers and to carriers like Consolidated Freight, whose 1970 revenues totaled $397,246,000. The BMCS can revoke a driver's license or ask the Interstate Commerce Commission to rescind a carrier's operating certificate in serious cases.

But prosecution is light. "We prosecute more than zero and less than 1,000 cases a year. We keep the laws; we haven't time to keep the statistics," declares Dave Benkin, the Federal Highway Administration's assistant chief counsel for motor-vehicle law. Mr. Pierson, BMCS deputy director, estimates the bureau prosecutes 500 cases a year.

The BMCS can levy fines for records-keeping violations, or it may turn these and other cases over to the Federal courts. "Commonly the courts impose minimum fines," says Mr. Benkin. "We get the impression the courts do not regard motor carrier violations as serious. We have had judges excoriating attorneys for 'making a traffic court of our court.' "

The Bureau may use its administrative muscle as it did last year against Associated Transport, Inc., the country's seventh-ranked hauler in terms of revenues grossed.

The BMCS alleged that the company violated safety regulations 5,000 times within three years by operating unsafe, improperly equipped trucks; "having drivers drive more than 10 hours in one day"; "filing false [driver] logs"; and failing "to keep vehicle condition reports." The agency ordered Associated to begin a thorough safety program and dictated how the program must run. It levied no fine.

A SURVEY'S ALLEGATIONS

Thomas L. Mainwaring, an Associated executive vice-president, says. "We're co-operating fully and will continue to co-operate fully in carrying out this comprehensive safety program."

But BMCS actions leave some analysts unimpressed. Robert C. Fellmeth of Ralph Nader's Center for the Study of Responsive Law suggests in his book, *The Inter-State Commerce Omission,* that the bureau does too little.

Mr. Fellmeth points to an analysis of 1,700 replies to a safety poll of 50,000 long-haul drivers. Eighty per cent of the respondents said they drove at times with inadequate brakes; 73 per cent said exhaust fumes seeped into their trucks' cabs; 70 per cent said their equipment had weak or broken springs; 56 per cent drove tractors with broken fifth wheels; 60 per cent said they drove on treadless tires; and 64 per cent assertedly piloted rigs with faulty lighting systems.

Moreover, 51 per cent of the drivers alleged that it was "fairly common" for drivers to exceed Federal driving-time limits; 61 per cent said "bennies" or "pep pills" were commonly used. Drivers complained of too little time off between duty stretches; of being forced to drive under hazardous conditions; and of being encouraged at times to mark their required log books inaccurately—and thus illegally.

The Government requires drivers to keep logs, to ensure compliance with work limits. No driver may legally drive more than 10 hours in a 15-hour "on-duty" period, which may include driving, waiting for repairs, loading or unloading, and the like. After that he must have eight hours off. He may legally work no more than 70 hours within eight consecutive days.

There's a reason why drivers push themselves illegally to the point of using pep pills. Big companies pay drivers 13 to 14 cents per mile, depending on the size of the truck. These truckers make $12,000 to $20,000 a year. A few make $25,000.

PRESSURES ON DRIVERS

Men working for small companies or driving their own "gypsy" rigs, usually heavily mortgaged, are paid by the load. The more loads they deliver, the more they earn. So they stay on the road, and they hustle.

One small-company driver relates:

"Once I drove five days straight. I was havin' trouble with the truck. Oil leaks. I repaired them as I went. I loaded and unloaded. And drove. My wife caught me and hugged me when I finally climbed from the cab. I don't remember anything from then until I woke up in bed some time later.

"Believe me," this driver urges, "there are companies whose dispatchers say, 'Don't worry about that book the [log]. You're a good man. You can do it. Keep going.' "

Much of what these drivers say is "absolutely untrue," argues Warren Ambler, general safety manager of Ringsby United, a large Colorado freight mover. He particularly denies that his company or others ever knowingly permit defective vehicles on the road.

Lloyd Rizer, vice-president of Navajo Freight Lines, another big Denver hauler, adds: "When you have a $30,000 piece of equipment and valuable cargo besides, you're just not going to question a driver or mechanic and risk breakdowns. You can't afford to turn a truck over or burn it up. You've got to be safety-conscious."

The ATA asserts that most companies, especially those under Federal jurisdiction, are sticklers for safety. They hold safety seminars for drivers and reward truckers driving the most accident-free miles.

Many companies have safety directors who patrol the roads to spot company drivers violating regulations. The directors may place letters of reprimand in offenders' personnel files. They may fine, suspend, or even fire drivers for grievous offenses.

Still, trucking executives say they have relatively little direct control over drivers. They say men sometimes feign fatigue or illness in the name of safety and slow deliveries of tens of tons of cargo. The shipping public "always wants its freight before breakfast," one executive says. "And if one company can't deliver it, its competitor can."

"SAFETY FACE" VS. "SAFETY FARCE"

The company's ability to avoid mishaps and to deliver the goods on time depends too on the uncontrollable: tangled traffic, foul weather, poorly designed highways, and "wild" motorists. In the light of this, the regulated carriers are proud of their accident records.

Pacific Intermountain Express (PIE) of Oakland, Calif., is considered one of trucking's most safety-conscious companies. Its extensive safety program and low accident rate have won PIE the trucking industry's highest safety award 10 times. It won in 1969 with an accident rate of 3.1 accidents per million miles. (The 1970 winner has not been announced.)

Ken Beadle, PIE's vice-president for safety, says: "As of the first quarter of 1971 we're ahead of that winning record. But safety is more than a business thing with all of us. It means dollars, but it also represents civic duty. We care about the motorists."

The ATA, whose members are the 50 states' motor-carrier-safety associations, rates safety high. It supplies books, driver manuals, films and slides, speeches, and other safety-campaign materials to its member groups.

Some 42 state members have safety councils made up of trucking-company executives. They sponsor auto rodeos for teen-agers, defensive-driving courses, and exhibits. Some run brief safety seminars at truck stops on major trucking routes.

But during a 9½-hour, shouted conversation above the growls of a tractor pulling 32,000 pounds of potentially dangerous chemicals, a driver yells: "The bosses call safety programs our 'safety face.' They're our 'safety farce.' "

This trucker has driven nearly a decade for top companies. He alleges that in the name of safety executives gig drivers for speeding over some routes but ignore offenders who must race over other routes simply to meet company-imposed schedules. He says safety directors clamp down on incorrect log entries made by drivers plying some routes and blink at persistent infractions by drivers who must work overtime to meet schedules on others.

"You say you're bushed and can't take an assigned trip, and you're forced to take 15 hours off, or maybe 24," the driver continues. "Your name goes to the bottom of the board [the assignment-rotation list]. You needed a few hours rest, but you wind up with a day or two off, a smaller pay check, and a reputation as a crybaby. Your union chapel chairman just may or may not back you up if you stand pat. So you take the load. Thanks to the system. Think it's safe?"

NATIONAL URBAN LEAGUE STUDIES UNEMPLOYMENT CRISIS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. HAWKINS. Mr. Speaker, it is with a growing sense of impending calamity that one views the worsening employment crisis in this country. The fact that its impact is greater in our large cities and among our minority citizens is scarcely news, but the following remarks by the acting executive director of the National Urban League, Harold R. Sims, and the well-documented report of the league's research department sharply delineate the problems that must be dealt with by means of every resource available to the Congress and the administration:

NATIONAL URBAN LEAGUE RESEARCH DEPARTMENT, MAY 26, 1971

CITY BLACKS FACE EMPLOYMENT CRISIS THIS SUMMER

The worst employment crisis in almost a decade is hitting the cities now, according to the latest economic review of the National Urban League. About 850,000 black people were looking for work in the spring, before the onrush of graduating students and additional Vietnam veterans into the labor force.

The League estimates that the total could reach about 1,000,000 black unemployed by mid-summer, with around 600,000 in big cities. The League is calling on the President and the Congress to declare a national emergency now, and to designate the 53 cities in major areas of substantial unemployment disaster areas, requiring massive job creation for essential public services at all occupational levels.

About 3 million black people and 30 million whites live in the 53 major areas of substantial unemployment. The blacks are mostly locked in the central cities. Within the cities themselves, and especially in areas of black concentration in the city core, average unemployment rates among blacks could range conservatively up to 25 percent, since area-wide rates (including suburbs) for all workers of whatever race average from 6 to 13 percent in the major metropolitan areas where unemployment is serious. In those places the black rates remain, as everywhere, substantially above the white.

The crisis will be especially acute among black teenagers in the labor force. Almost a third of them were unemployed in April, well before the summer upsurge in job seeking. Black teenagers entering the labor force this summer have several strikes against them—they are inexperienced workers and black, and they are competing with both their white peers and all experienced workers in a continuing loose job market. The approximately 680,000 black teenagers in the civilian labor force in April and May could swell to 1,000,000 by mid-summer, They would be competing with well over 8 million white teenagers, whose unemployment rates are usually less than half the black rate. All teenagers will find the job hunt difficult this summer, but especially the black.

The crisis could be explosive among black veterans of the Vietnam war, who have learned technical and social skills in the military, and have high expectations. Yet their unemployment rate has been climbing steadily, and at last reading, in the first quarter of this year, was 15.1 percent compared to 8.6 percent a year before. An estimated 380,000 black veterans of the Vietnam war are likely to be in the civilian labor force this summer. Even if their unemployment rate stays about the same by the third quarter (a conservative prospect) close to 60,000 will be out of a job. These black veterans of the most unpopular war in this century will be competing with all the other unemployed plus an estimated 340,000 white unemployed Vietnam veterans. The unemployment rate of newly separated GI's, especially newly separated black GI's, has been greater than for all other groups of adult men during the past year. The largest group of returning black Vietnam veterans, the 20–

24 year olds, is enduring unemployment rates of 20.9%. The embitterment and frustration of these men are unmeasurable.

To gauge the job market in which blacks will be competing this summer, Bureau of Labor Statistics data show that of about 4.7 million persons unemployed this spring, half a million, twice the number last spring, had been unemployed over half a year—27 weeks or more. Half of these very long-term unemployed workers are white men, usually the most successful in the job market. In spring 1969, when unemployment was at a 15-year low, only about 160,000 workers all told were unemployed for so long. About a fourth were black, and these people were called "hard core" unemployed, meaning, to some, unemployables.

The Bureau of Labor Statistics' May figures on employment and unemployment, to be released in a few days, and the June figures, not to be released until early July will not reflect the mid-summer situation, since the data will refer to periods before the closing of most schools. The June data, to be released in July, are to be collected in the week of June 7 and 12. The full impact of school leavers on the already depressed situation will not be a matter of public record until August.

The National Urban League with its Board of Directors assert that enough is known now to prepare for the summer, that it is unreasonable, and could be disastrous, to wait two months after the fact until all the statistics are in, but the damage has been done.

OTHER INDICATORS

Undue optimism is developing because of recent substantial reductions in interest rates and the cost of credit. Now people who already have money and are employed are more ready to buy or invest than before. Therefore, installment credit is increasing, the highest savings rate in 4 years is edging down, and construction activity, including housing starts, is on the upswing. Those who have, of course, can now have some more, at less cost.

Social security beneficiaries will increase the income stream by about $1 billion in June when they receive a 10-percent increase in their benefits checks, retroactive to January 1. In the aggregate $1 billion seems to be a great deal, but each of the over 26 million recipients receives relatively little and not all the money will be spent immediately and therefore lead by itself to any substantial boost to the summer economy.

Likewise, not all of the activity engendered by easy credit now will result in the sharply expanding employment needed in the last half of June and in July and August. Construction especially requires some lead time for land acquisition, and contract bids and award. Usually several months elapse between the issuance of building permits and residential construction of any magnitude.

The inventory-sales ratio, which declined this spring, could rise as new orders come in and businesses stock up. New orders and industrial production have begun to rise already.

It is likely, therefore, that fuller employment of those already on the job will occur this summer and the unemployment rate could stabilize at around its present high level.

The unemployment figures above do not reflect those employed part-time, although they want full-time work. In the spring these workers numbered about 1.8 million whites and about 450,000 blacks. It is entirely likely that whenever employment picks up, the first step taken will be to put those already on the payroll back on a full schedule. In addition, over-time hours, which have been down over the year, could begin trending up. These are first steps and do not open up new jobs, especially for blacks. Vacancies in manufacturing have been running at about half of what they were last year.

Median family income fell (in constant 1970 dollars) and the number of persons officially held to be poor increased in 1970 for the first time in almost a decade. About one-third of all the poor in 1970 were black. Most black people rely solely on employment and wages. Also, unemployment already has risen more this year than last. Therefore, it is likely that real income has continued to decline for blacks in 1971, and the number who are poor has increased. Under such conditions more black youth than last year will be looking for work this summer to supplement family income at a time when white families also are feeling the pinch of hard times.

Pressure for several family members to enter the labor force also will result from high prices. The Consumer Price Index was still rising this spring, and in April the index was 4 percent above a year ago.

Industrial prices on the wholesale market have been rising substantially this year and will affect prices at retail in later months, so that the CPI is likely to continue upward, at least at recent rates, during the summer months. The U.S. city average was 20.2 percent above the 1967 average in April. In certain large cities, such as New York, Philadelphia, Boston, Cleveland, Baltimore, Pittsburgh, and Washington, D.C., the increase has been greater than that.

The League pleads urgently to prepare today for the summer employment crisis. Strong and directed action should be taken now.

KEY ECONOMIC INDICATORS APRIL 1971

Group influenced, and specific indicator	April— 1970	April— 1971	Change, 1970–71 Amount	Change, 1970–71 Percent
The worker:				
Unemployment rates (total)[1]	4.7	6.1	1.4	30
Black	8.3	10.0	1.7	20
White	4.2	5.6	1.4	33
Ratio, black to white	1.8	1.8	0	0
Teenagers:				
Black	28.7	32.1	3.4	12
White	13.4	15.2	1.8	13
Adult men:				
Black	5.4	6.8	1.4	26
White	2.9	4.1	1.2	41
Adult women:				
Black	7.3	9.3	2.0	27
White	4.0	5.5	1.5	38
Married men	2.3	3.1	0.8	35
Unemployed (total number; thousands)	3,552	4,694	1,148	32
Black	690	849	159	23
White	2,862	3,844	982	34
Unemployed 15 weeks or more (total):	772	1,466	694	90
Black men	76	165	89	117
Black women	85	118	33	39
White men	424	777	353	83
White women	187	405	218	117
Overtime hours (manufacturing)	3.0	2.8	−0.2	−7
Net spendable earnings (1967 dollars; worker with 3 dependents)	$89.37	$91.13	$1.76	2
The consumer:				
Consumer price index (1967=100)	115.2	120.2	5.0	4
Wholesale price index (1967=100)	109.9	113.3	3.4	3
Industrials	109.3	113.3	4.0	4
New housing starts (private; thousands)[1]	1,224	1,903	679	55
Saving as percent of disposable income (1st quarter)	6.7	7.2	0.5	7
Purchasing power of consumer dollar (1967=100)	.868	.832	−.036	−4
The producer:				
Industrial production index (1967=100)	107.7	105.0	−2.7	−3
Inventory-sales ratio (March)	1.58	1.54	−.04	−3
Interest rates, prime commercial	8.06	4.57	−3.49	−43
The Nation: Gross national product (1st quarter; 1958 dollars)[2]	$723.8	$732.7	$8.9	1

[1] Seasonally adjusted.

Note: Black refers to "Negro and other races."
Source: National Urban League, Research Department, June 1971.

UNEMPLOYMENT RATE IN MAJOR METROPOLITAN AREAS OF SUBSTANTIAL UNEMPLOYMENT AND BLACKS AS A PERCENT OF THEIR CENTRAL CITY POPULATION

[Unemployment as of March 1971 and population from 1970 census]

State and major metropolitan area of substantial unemployment	Unemployment rate, March 1971	Blacks as percent of metropolitan central city population, 1970
United States	6.0	21
California:		
Anaheim-Santa Ana-Garden Grove[1]	7.8	4
Fresno	9.2	10
Los Angeles-Long Beach[1]	7.7	18
Sacramento	7.2	11
San Bernadino-Riverside-Ontario[1]	7.3	14
San Diego	7.1	8
San Jose	7.5	3
Stockton	10.9	11
Connecticut:		
Bridgeport	10.1	16
Hartford	6.4	28
New Britain	11.9	4
New Haven	7.2	26
Waterbury	11.4	10
Illinois: Rockford	6.6	8
Indiana:		
South Bend	7.4	14
Terre Haute	7.0	7
Kansas: Wichita	10.7	10
Louisiana: Baton Rouge	6.6	28
Massachusetts:		
Brockton	9.1	2
Fall River	8.9	(2)
Lawrence-Haverhill	9.1	1
Lowell	11.5	1
New Bedford	12.0	4
Springfield-Holyoke[1]	8.7	13
Worcester[1]	7.3	(2)
Michigan:		
Battle Creek	8.3	20
Detroit	8.2	44
Flint	6.1	28
Grand Rapids	9.8	11
Kalamazoo	7.7	10
Muskingum-Muskingum Heights[1]	11.3	52

State and major metropolitan area of substantial unemployment	Unemployment rate March 1971	Blacks as percent of metropolitan central city population, 9170
New Jersey:		
Atlantic City	9.9	44
Jersey City	9.2	21
Mewark	6.5	54
New Brunswick-Perth Amboy [1]	6.9	23
Paterson-Clift.-Passaic	7.0	27
New York:		
Binghamton	7.7	2
Buffalo	6.9	20
Utica-Rome	8.0	6
Oregon: Portland	5.2	6
Pennsylvania:		
Johnstown	6.2	6
Scranton	7.7	1
Rhode Island: Providence-Pawtucket [1]	7.6	9
Washington:		
Seattle	13.2	7
Spokane	9.4	1
Tacoma	11.0	7
West Virginia:		
Charleston	5.9	11
Huntington-Ashland [1]	6.6	6
Wisconsin: Racine	8.8	11

[1] Note: In areas with more than 1 central city, the central city with the highest percent of blacks was selected.

[2] Less than 0.5 percent.

Source: Prepared by National Urban League Research Department from data of the U.S. Department of Labor, Area Trends in Employment and Unemployment, May 1971 and from U.S. Department of Commerce, Bureau of the Census, 1970 Census of Population, Advance Reports.

UNEMPLOYMENT RATE IN MAJOR METROPOLITAN AREAS OF SUBSTANTIAL UNEMPLOYMENT AND BLACKS AS A PERCENT OF THEIR CENTRAL CITY POPULATION

(Unemployment as of March 1971 and population from 1970 Census)

	Unemployment rate, March 1971	Blacks as percent of metropolitan central city population, 1970
Michigan: Saginaw	6.3	24
Minnesota:		
Duluth—Superior [1]	7.4	1
New Mexico: Albuquerque	5.2	2
Ohio: Hamilton—Middleton [1]	7.1	11

[1] Note: In areas with more than 1 central city, the city with the highest percent of blacks was selected.

Source: Prepared by National Urban League Research Department from data of the U.S. Department of Labor, "Area Trends in Employment and Unemployment," May 1971 and from U.S. Department of Commerce, Bureau of the Census, 1970 Census of Population, Advance Reports.

STATEMENT OF HAROLD R. SIMS, JUNE 2, 1971

Members of the press. I am sure that all of you are fully aware of the recent reports on the bleak employment picture that presently exists within the black community, and will grow even worse within the next few weeks when schools close and thousands of black teenagers attempt to enter the job market.

I do not intend to dwell on those statistics. They are available in our press release and in the latest Quarterly Economic Report of the National Urban League that we are releasing this morning. As gloomy as this information is, it does not reflect the depth of the despair, the sense of hopelessness with which many black communities face the coming months.

In the past few weeks I have visited over a dozen cities from one end of this country to the other. In each of these I found the same concern for the frighteningly high unemployment rates that seem to be so much a part of the black experience. The guarded optimism that is present in white areas because of recent substantial reductions in interest rate and the cost of credit, harbingers of better things to come, simply does not exist in black areas where pessimism deepens.

For the first time in a decade, the number of poor increased in 1970. Unemployment already has risen more this year than last. Since most black people rely solely on employment and wages, there is no such thing as a little recession, its either employment or unemployment, and no in-between. Black people are indeed upon hard times.

This fact has escaped the attention of most Americans. Very few people seem concerned that we are in the midst of a crisis situation that grows steadily worse.

Little is being done by Government at any level, Federal, State or local. The private sector, still feeling the effects of the downturn in the economy, and perhaps still a little shocked that all the programs begun after the Kerner Commission Report did not produce 100 percent results, has set a low priority on its social responsibilities.

While the patient is dying, the doctors have turned their attention to new diseases—to ecology, to the SST, to the salvation of major defense contractors in deep financial trouble.

Ignoring the problem of unemployment within our inner-cities will not, however, make it go away The dimensions of the problems are so great that they can only be reduced by massive action on the part of the Federal government to create employment opportunities within those communities that have been hardest hit by unemployment. Anything else is a palliative.

Massive action is what we are calling for and why we are issuing this report along with a solemn warning that the time for action is now. Regardless of economic, political and philosophical persuasions, we call upon all Americans to open their eyes to the need to provide jobs for people.

I do not profess to be clairvoyant, but I am convinced that were I to stop at this point and ask for questions, one of the first would be whether I believe the absence of jobs will cause another "long hot summer."

In all candor, I must answer that I do not know. I do not know, with any degree of certainty whether every teenager who can not find a job this summer, will be so consumed by bitterness that his only urge is one of destruction. I cannot and will not pretend to predict what will happen today, tomorrow or next week in San Diego, South Bend, Baton Rouge or in any of the cities in which unemployment of blacks is at a crisis level.

I can only say that the potential for social explosions is increased when people are frustrated and angry at a system that does not allow them to earn a salary, and denies them a piece of the action.

I would hope, however, that we can look past the possibility of violence, and reach to the heart of the matter—what do we do with people who want to work and can not find work. This is the real problem and one to which we urgently ask the President, the Congress and the people of this nation to direct their attention.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AN AMERICAN RESPONSE TO THE PAKISTAN CRISIS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. GALLAGHER. Mr. Speaker, I rise today to discuss the situation in East Pakistan generally and to report specifically on my recent trip to view the refugee camps in India.

Let me say that the situation is the worst I have seen abroad during my 12 years of service on the House Committee on Foreign Affairs. My Subcommittee on Asian and Pacific Affairs held 2 days of hearings into the situation during May and I must confess that I had felt the reports of genocide, brutality, and unparalleled human misery were overstated.

I can now report to my colleagues that, if anything, these reports were understated. I do not believe I could be called a "bleeding heart" or a "professional do-gooder," and I share the reluctance of many of my fellow House Members to embrace eagerly every cause which promises "instant celebrity" for its leaders and "instant humanitarianism" for its adherents. I have learned to distrust sweeping generalizations and to discount inflated rhetoric.

The crisis in East Pakistan, as disasterous and as horrifying as it is, is not a matter solely for the Government of the United States to solve. But, neither is it solely an internal matter of Pakistan. It now threatens the peace of the Indian Subcontinent, provides a rich and fertile breeding ground for Communist-inspired movements, challenges whatever is good in human nature, and poses a dreadful moral choice for mankind.

However, a simplistic search for heroes and villains in creating the torrent of tragedy sweeping over the 75 million inhabitants of East Pakistan is doomed to failure. Much of my speech today will be critical of the actions undertaken by the army of Pakistan after its initial actions on the evening of March 25, 1971. But it is true that supporters of the Awami League promoted work stoppages earlier; it cannot be denied that Bengalis themselves butchered members of other populations within East Pakistan; and the world community has not enobled itself by its response.

While I hesitate to repeat what I regard in other contexts as a mind-numbing cliché, in a very real sense we are all guilty of promoting the climate of unconcern and in acquiescing in policies which, given the crystal clarity of the vision of hindsight, led inexorably to the truly appalling situation now confronting East Pakistan, West Pakistan, and India. And the United Nations, the United States, and virtually every other nation in the world is either an active or reluctant partner.

BACKGROUND

Let me try to briefly sketch the political background. East and West Pakistan are divided by some 1,100 miles of Indian territory and we now know that they are socially, intellectually, and spiritually worlds apart. The Awami League in East Pakistan was the clear winner in the elections held last December for a National Constituent Assembly to write the constitution which would provide for nonmilitary rule. The Awami League captured 167 seats of the 169 contested in East Pakistan and this gave them an absolute majority of the seats contested in both wings. Candidates of the Awami League won at least 80 percent of the popular vote in East Pakistan in an election which was run by the Military Government of Pakistan.

We must never forget that the leaders and supporters of the Awami League successfully worked within the system by gaining an absolute majority in both wings of Pakistan. Therefore, they should not now be regarded as secessionists or rebels in the usual sense of those terms.

Indeed, because of the victory of the Awami League, the leader of the league and a man who President Yahya once said was the next Premier of all of Pakistan, could have established a government immediately after the election in December. It is a fact that he did not; it is a fact that he depended on the word of President Yaha to effect an orderly transfer of power; and it is a fact that he never spoke of secession, only of democratic autonomy within a loose federation of all of Pakistan. Perhaps the world will never know the exact reasons for the breakdown in the talks in which the Awami League placed such faith, but the facts just cited show that the leaders did not insist upon "Bangla Desh" until after the army took its action.

Testimony before the Asian and Pacific Affairs by Dr. Robert Dorfman of Harvard University is very revealing about the economic background. He points out the disparities in resource allotment and in economic development between the two wings and he testifies, in a very graceful manner, to the widely shared but tragically short-sighted attitude that West Pakistan provided by most promising opportunities for investment, including American aid. East Pakistan came to regard itself as a colony of West Pakistan, further exacerbating tensions.

ACTIONS OF UNPRECEDENTED VIOLENCE

Spokesmen for the Central Government of Pakistan claim that the army sweep of March 25 was necessary to restore law and order and that it was a quick, clean, almost surgical incision. They claim that all that remains now is for the East to again return to its normal place in a united Pakistan.

Two simple facts speak powerfully against that argument: First, the sheer number of refugees is irrefutable evidence of the brutal policies pursued by the Government of Pakistan to crush the people who won the election; and second, the sharp increase in Hindu refugees in the past weeks shows the undertaking of a "Holy War." There are now some 5 million refugees in India with thousands more crossing the border each day. Based on interviews I conducted with a cross-section of the refugees, I now believe that a calculated attempt to crush the intellectual life of the Bengali community occured, because of mass killings of professors, students and everyone of any distinction by the Army. This, in my judgment, gives credence to the charge of genocide.

In addition, the sudden emergence of a majority of Hindu refugees has resulted from a calculated reign of terror by the army to inspire and inflame communal tensions. These tensions naturally existed, because the 10 million Hindus in East Pakistan were a small minority and it would be foolish to contend that Bengalis took no action themselves against non-Bengalis in the region. However, I believe that the long stored passions were ignited by the thwarting of the will of the people and, as terrible as the stories of Bengali violence may be, they cannot be used to justify any actions of the central government.

AN INTERNAL MATTER OF MANKIND

The argument has been advanced that the world community cannot and should not take action to alleviate the suffering, because it is an internal matter of Pakistan.

At the risk of repetitiveness, let me again refer to the refugees. The latest reports from Indian sources, the only sources who can really speak with any authority, say the figure has now reached at least 5 million. It cannot be argued that a policy which generates sufficient terror to cause 5 million people to flee into a neighboring country is strictly an internal matter. It is semantic nonsense to call a policy internal only which continues to create refugees at the figure of some 100,000 a day. It cannot be argued that the incredible strain this situation puts on India is not the legitimate concern of the world.

Quite obviously, Mr. Speaker, the situation in East Pakistan is not an internal matter of Pakistan.

In addition, let me quote the testimony of Senator EDWARD KENNEDY before the Asian and Pacific Affairs Subcommittee on May 11. We had asked Senator KENNEDY to appear, because of the outstanding work being done by his Subcommittee on Refugees of the Senate Committee on the Judiciary in describing the impact of policy on people and in disclosing the humanitarian demands of people living in areas where wars have been conducted. The Senator testified:

> In the name of neutrality, some in our government say we must not be involved in East Pakistan today. But we are involved. Our weapons have been involved in the violence. Our aid has contributed to West Pakistan's development for more than a decade. And today, our government, at the highest level, is involved in discussions for even more aid. So we are involved.

Since the Senator's statement the conflict has spilled over the borders of East Pakistan into India by the 5 million refugees now there. Testimony before my subcommittee revealed that American aid had assisted in the economic exploitation of the West by the East. Our aid—some $5 billion—has contributed to the unspeakable agonies now occurring in the region.

For example, American boats supplied last winter to bring relief supplies to the victims of the hurricane and flood, are presently being used to carry troops on murderous raids throughout the countryside.

I contend that these and many other facts demolish the concept that it is solely an internal matter of Pakistan. Rather, it has now become an internal matter for mankind, and the world community must not retreat behind queasy legalisms.

ALL AMERICAN AID TO THE MILITARY GOVERNMENT MUST STOP

Mr. Speaker, in light of the dimensions of the tragedy, it may appear heartless and cruel to insist on no more American aid to the military government. Many informed and concerned people are fully aware of the unspeakable agonies in East Pakistan and their natural response is to continue and expand economic aid to the central government. It is, after all, still the legal government of sovereign nation and while it is understandable to castigate that favorite whipping boy by calling for a continued and absolute suspension of military aid, economic aid and even food assistance is not seen in the same light.

But the war being waged in the East is costing the central government some $2 million a day. They do not have adequate foreign reserves even in the best of times and, therefore, economic aid from America or from the World Bank is essential for the continuation of the slaughter. General Yahya has been making some conciliatory statements recently and I understand he is inviting the United Nations to assist. However, we must be neutral in deed as well as in word and we cannot finance or subsidize the actions of the military in East Pakistan. American aid, according to Professor Dorfman's informed testimony before my subcommittee, is a prerequisite for any continuation of military activity. It must, therefore, stop and remain stopped until independent outside observers confirm a change in policy by the central government. This has, as yet, not occurred.

CHOLERA EPIDEMIC SPREADING

The cholera epidemic now sweeping through the Indian refugee camps came to India along with the refugees. The bodies of thousands of people killed in the violence were thrown into rivers and thus fouled much of the drinking water and created cholera.

And now that dreaded disease is spreading even to the native Indian population living near the refugee camps. Quite understandably, but very horribly, Indian natives are becoming fearful of the refugees. I refer to a report in the Washington Star of June 8, 1971. It says, in part:

India's West Bengal State is short of police because so many are guarding the rivers to keep the bodies of cholera victims from being thrown in."

The Star report from Krishnagar, India continues with these ominous paragraphs:

Rumors spread daily that Pakistani agents from across the border 20 miles away are emptying bottles of cholera germs into local water supplies to make the epidemic spread faster.

A crowd of 500 persons beat a Moslem

to death yesterday at the Krishnagar railway station after a report that he had emptied a small bottle into a roadside well.

Mr. Speaker, I doubt if those rumors are true, but the point is that they exist and are undoubtedly believed on the scene. It is, however, an undeniable fact that cholera is increasing and so we must not only help to combat the disease, but we must do all we can to pacify the source of the disease and allow the refugees to return to their homes.

This, of course, cannot be done unilaterally by the United States, but it is further evidence against the resumption of any form of American aid to the Government of Pakistan. Rather than diminishing, the numbers of refugees are increasing, offering a powerful counterargument to claims that the situation in East Pakistan is returning to normal.

Further, it must be recognized that the size of the cholera epidemic inside East Pakistan must be immense. I believe we are only seeing the tip of the iceberg when we see the cholera in India.

THE WORST MAY BE YET TO COME

But East Pakistan simply must return to some stability or else the worst is yet to come. I speak of the distinct possibility of famine, a famine unimagined in modern times. Should the flow of refugees continue, it will be extremely expensive for the world community to feed them. For not only must food be provided, but also housing, jobs, sanitary facilities, and some basic amenities.

However, if food could be gotten to the people inside East Pakistan, relief efforts would not be as expensive. That is, unfortunately, a very real consideration and, in my judgment, is yet another reason for mounting an extensive effort controlled by international agencies.

The specter of famine and the death of as many as 30 million people from starvation hangs heavy over the region and virtually compels the prompt resumption of normal life in East Pakistan.

In addition, Mr. Speaker, we must consider what the political climate inside East Pakistan would be if the normal flow of life does not return. Obviously, the army is now in control of the population centers—described in reports from East Pakistan as being virtual "ghost towns"—but the countryside is ideal territory for insurgency. Any sort of aid in any form now to the military government of Pakistan would be seen as assisting it in its thwarting of the will of the majority in East Pakistan. This would undoubtedly cause Communist-inspired groups already existing in East Pakistan to gain adherents.

From what I have learned of the leadership of the Awami League, it is moderate, and they scored electoral success on a program of gaining a fair share of economic resources and political power. They made democracy work.

The military government of Pakistan showed during its inadequate attempts to alleviate suffering caused by the flood and cyclone, and proved conclusively by its bloody policy of destruction after March 25, 1971, that it is not to be trusted with control over relief supplies.

To allow American aid to be utilized by the still intransigent military government would merely exacerbate passions and probably assure the end of any opportunity for people who cherish democracy and who are friendly to the free countries of the world to exercise their electoral mandate.

INDIAN RESPONSE HAS BEEN MAGNIFICENT

Mr. Speaker, the response of the Indian Government to the crisis created by the actions of the Government of Pakistan has been magnificent. They have demonstrated almost unbelievable restraint in view of the provocative effects of the army's brutal sweep and they have shown inspiring compassion to the refugees. If it can ever be said that any government is truly moral and humanitarian, the Government of Prime Minister Indira Ghandi has earned that distinction in the weeks since the first refugee crossed her border.

But India obviously cannot continue to accept 100,000 refugees each day. The regions of India surrounding East Pakistan, particularly West Bengal, are not richly endowed with resources or with wealth. The indigenous Indians have little to call their own and, while they have shared what little they have with some of the refugees, it cannot be expected that any human beings would not begin to resent massive waves of foreigners. Coupled with the fact that there are no jobs for the refugees, we also now understand that cholera is being brought in by those forced to flee East Pakistan. I have learned that for the past several days there has been a 5-mile-long line of refugees waiting to cross the border.

Of course, the United States is correct to radically increase its aid to these refugees but even the recently announced $15 million will only feed these people for 3 or 4 days. To avoid a wholly understandable reaction by India to these incredible facts, the situation must return to normal inside East Pakistan, as soon as possible.

WHAT IS REALLY HAPPENING INSIDE EAST PAKISTAN

Mr. Speaker, I have tried to indicate what must be occurring inside East Pakistan today. One thread ran through the hundreds of interviews I held with all types of refugees—rich, poor, educated, ignorant, healthy, mutilated. The common story was something like this:

> The "peace committee" came, they poured petrol on our homes, and when we ran out they robbed us of our valuables and, if we resisted further, we were shot by the Punjabi soldiers.

What is the "peace committee"? Apparently, these are bands of local hoodlums which are sent by the army as an advance guard to burn and loot. The Government of Pakistan has said it was necessary to take action against "miscreants," yet it seems that the army is encouraging the worst elements in each community to be shock troops.

Arguing further against the stated resumption of normal life in East Pakistan is the fact that the new wave of refugees is almost entirely Hindus. Here again we find it difficult to avoid using the term "genocide," for once the army established what it has told the world is "law and order" it then selected the Hindus for extinction or for expulsion.

When one speaks of the eventual normalization of East Pakistan, I trust we do not intend to be deluded by the facade of a "Quisling" government. A government established must truly represent the people of the region and must be responsive to their wishes. The Awami League is now outlawed, and one can only urge the Government of Pakistan to allow that duly elected party to take its electorally mandated control.

Frankly, Mr. Speaker, it does not appear within the range of rational hope that a reversal of the bloody policies of the past months will occur. As a brief example of the cast of mind of the army, consider martial law 148—the text of which appeared in the pro-government newspaper, Pakistan Observer, of April 27. A brief excerpt follows:

> MLO 148. Death Penalty for damage to Government Property.
>
> 1. Any person or groups of persons causing damage, tampering with or interfering with working of the roads, railways, canals, aerodromes, telegraph, telephone, wireless installations or with any government property will be liable to legal action under MLR–1414, which prescribes the maximum punishment of death.
>
> 2. Inhabitants of the surrounding area of all or any such affected place or places will render themselves liable to punitive action collectively . . .

Mr. Speaker, such collective responsibility for actions against the government troops is all too reminiscent of similar tragedies in Europe. It is hard not to say that the Government of Pakistan has tried to create a desert so they can call it peace.

Is it any wonder that the control over the distribution of food in East Pakistan must also be severely questioned and, in my judgment, must be done exclusively by international agencies? The calculated reign of terror destroyed the civil government inside East Pakistan and it is unlikely that the army could, or would, distribute food on an equitable basis. Indeed, there is considerable doubt in my mind whether the terrorized populace inside East Pakistan would accept food if it were offered by the army. After the devastating flood and cyclone last November, there were reports that Bengalis would not take relief from the army. A recent private report, dated May 24, 1971, contains this quote by a Bengali:

> Please do not have your country send any aid to this country, not even food. The food will only go to the Army and prolong our agony.

Based on the interviews I had with the refugees and the discussions I have had here in America with people familiar with East Pakistan, I am very afraid that that attitude is widely shared by the people of East Pakistan.

CONCLUSION

Mr. Speaker, the nations of the world must make a great effort to avert other great tragedies from being piled on top of the flood and cyclone and the barbarity which has already occurred in East Pakistan. I am convinced that all of our aid should be through international agencies and that we must do nothing at this point to provide economic assistance to the Government of West Pakistan. There are now reports that West Pakistan is feeling the effect of its barbarous policy in the East wing and if we were to alleviate the problems in the West we would intensify the problems in the East. It is as simple, and as complex, as that.

I will introduce legislation to put those principles into policy. At this point, however, I would implore those in our Government who have the responsibility to shape our response not to yield to ordinary solutions which will, in my judgment, have extraordinarily disastrous results. I would urge that every single dollar which could now go to the Government of Pakistan be diverted to international agencies. I would urge the people of the world to insist that their governments do the same. Any other course, in my judgment, would subsidize slaughter and spread pestilence.

This may well be an ultimate testing ground for world responsibility, humane belief, and international effectiveness in dealing with crises. I hope and pray that we can, collectively, have an enobling action rather than one which could only debase us as fellow members of mankind's fragile community.

Mr. Speaker, I include several reports and editorials in the RECORD at this point:

[From the New York Times, May 12, 1971]

The Vultures of Bengal

Fat vultures brood over the ravaged towns of East Pakistan, grim testimony to the slaughter which took place during the Pakistan Army's savage cracktown on Bengali separatists. The fighting has died down for the time being, with the Bengali resistance largely routed, but what may become known as the year of the vulture in East Bengal is not ended. Famine now stalks this tragic land of chronic disaster.

As a result of the dislocations of the civil war, the devastation of floods and cyclones last fall and of persistent food shortages in this heavily overpopulated region, at least 10 and perhaps 30 million of East Pakistan's 75 million inhabitants face starvation within the next few months. Contrary to bland assurances which continue to emanate from West Pakistani spokesmen, the situation is unquestionably desperate and will require a large-scale international relief effort if a tragedy of major proportions is to be averted.

The groundwork for some relief operations is already being laid with a promise of American food aid and a visit of United Nations officials to India, where refugees from East Pakistan are already pouring across the border at the rate of 60,000 a day—to a current total of over 1.5 million, according to Indian officials.

The larger effort, however, must be made in East Pakistan itself. A report that the Pakistani Government is preparing to allow UNICEF to begin relief operations in the strife-torn province is encouraging. But there is little evidence so far of the kind of concern in Islamabad and preparation abroad that will be required to meet the needs of East Pakistan in time.

Because of this country's unique capacity to furnish needed relief supplies and essential logistical support, the United States has a special responsibility to take the lead in organizing the relief effort. Because of the heavy dependence of Pakistan's military regime on American economic and military support, the United States Government also is in a unique position to prod Islamabad to abandon its policy of repression in the East and to cooperate more fully in the international effort to deny the vultures of Bengal further human prey. Moves in Congress to suspend military and economic assistance to Pakistan until such changes are made represent the kind of firm policy in the Pakistsani crisis that the Administration should have adopted long ago. Although Administration spokesmen have said that Pakistan aid programs are "under review" and that no arms have been shipped to that country since the beginning of the crackdown, no general suspension of aid has been announced and, in fact, it appears that some aid has been continuing.

[From the New York Times, June 9, 1971]

Disease, Hunger, and Death Stalk Refugees Along India's Border

(By Sydney H. Schanberg)

KARIMPUR, INDIA, June 8.—Sickness, hunger and death are common scenes now along India's 1,350-mile border with East Pakistan. Millions of Bengalis—unofficial figures put the number over five million—have fled East Pakistan to escape the Pakistani Army, which since late March has been trying to crush the movement for autonomy, and later independence, in East Pakistan.

The Bengalis have brought cholera with them. Official figures put the death toll here in West Bengal state at 3,600, but reports indicate that it is much higher—probably well over 5,000. A thousand or more others have died in the three other border states where the Bengalis have taken refuge.

Here in this Indian town near the border, a mother had died of cholera an hour before, but the infant, less than a year old, continued to nurse until a doctor came upon the scene and pulled him gently away.

A few feet away on the cold cement porch of the health center, another person had just died—a 70-year-old grandfather, Abinash Malakar.

His son sat, crumpled and crying, beside the stiffening emaciated body. Flies had began to gather. A granddaughter hung, wailing, in the arms of an aunt. This family, from the Jessore district in East Pakistan, had walked for 13 days to reach India.

The toll rises steadily and, with new waves of refugees pouring into India daily, there is no way to predict when the epidemic will end.

Along the roadsides lie the bodies left by those too frightened of the disease themselves to take the time for burial.

Vultures, dogs and crows fight. Skeletons already picked clean bleach in the sun. A few bodies have been buried in shallow graves, but the vultures have torn the graves open.

The roads leading from the border are a trail of clothes and bones. A body floats in a marsh or stream. The stench is acrid and villagers cover their faces as they hurry past.

MASS GRAVES IN SOME AREAS

In some towns, attempts have been made to bury the bodies in mass graves. Here in Karimpur, which is 120 miles north of Calcutta by road, five relief workers buried several hundred in a 24-hour period. But even at these sites, packs of stray dogs dig in the earth.

In many ways, the scene is a repetition of the horror of the cyclone that killed hundreds of thousands in the Delta area of East Pakistan last November— leaving bodies for days in marshes, streams and bays.

The tiny, jammed health center at Karimpur—it has 20 beds and over 100 cholera patients—is typical of the overworked health stations along the border.

The sounds of the epidemic—coughing, vomiting, groaning and weeping—echo through the small brick building and across the lawn, also crowded with victims.

Shatish Matabbar—the father of the infant who had gone on nursing after his mother died—stood on the porch in tattered clothes, sobbing out his tale.

"No words can describe what has happened to me," the 45-year-old rice farmer wailed. "My wife is dead. Three of my children are dead. What else can happen?"

TWO CHILDREN SURVIVE

The infant and an 8-year-old have survived, although the older almost died of cholera. He sat on the floor near his father—naked, staring blankly, underfed.

The family came to India a month ago from their farm in the Faridpur district of East Pakistan.

Why had he left East Pakistan? a visitor asked.

"Why, you ask?" he said, crying again. "Because the Pakistani soldiers burned down my house."

In the last day or two, the death rate in some areas declined a little. This is apparently because foreign medical and relief supplies have begun arriving in sufficient quantities—saline solution to treat the victims and syringes for mass inoculations. Hundreds of thousands have been vaccinated.

But doctors are reluctant to say that the epidemic will be under control soon. For one thing, though India's army medical corps has been called in, medical facilities and personnel are inadequate.

The epidemic is apparently much worse in East Pakistan than in India. Medical facilities in East Pakistan, even in normal times, are meager. In an average year, 150,000 die there of cholera, most of them because they never get any treatment. In a bad year, the toll sometimes runs as high as 300,000.

Dr. M. A. Majid, the chief medical officer of the Nadia district, the worst-hit area, said today that he expected the death rate to start climbing again. The cholera vaccine, he said, gives only 30 percent to 90 percent protection.

The weakened condition of the refugees helps explain the virulence of the epidemic. Many are on the verge of death when they arrive.

In addition, living conditions are little short of desperate. Though the Indian Government has marshaled all available resources to provide shelter and food, it is impossible to keep up with the influx.

MANY LIVE IN THE OPEN

Relief camps—even just tents made by throwing tarpaulins over bamboo frames—cannot be erected fast enough. It is estimated that 3.5 million refugees are either living in the open or in crude thatch leantos of their own making. The monsoon rains have arrived and many refugee towns are mudholes.

There are water shortages and sanitation facilities have virtually broken down. The main streets of border towns are avenues of garbage and flies.

Food lines stretch for hundreds of yards and it sometimes takes hours for a refugee to get his rations.

More refugees are moving toward Calcutta as the other camps become choked. New camps are springing up on the edges of the city—just past the airport and in the Salt Lake area.

About 50,000 to 60,000 refugees have entered the fringes of the city, and at least 60 deaths have been recorded in this group.

A few thousand refugees have moved into the heart of Calcutta and are camping in the Sealdah Railway Station.

Indian officials are worried that the refugee epidemic may spread to the people of Calcutta—an overcrowded, tense city of eight million that has its own fairly serious cholera problem.

[From the New York Times, June 7, 1971]

MEASURING THE TRAGEDY

(By Anthony Lewis)

LONDON, June 6—Imagine the entire population of New Jersey, seven million people, fleeing the state and taking refuge in New York City and the counties nearby. That thought gives some idea of the dimensions of what is happening now in East Pakistan—except that the refugees are much poorer and the area of India into which they are fleeing is infinitely more desperate than New York.

British sources estimate that between four and five million East Pakistanis have crossed into India and that 100,000 more are leaving every day. Before long the total could be seven or eight million.

The refugees are in a country that already has difficulty feeding itself, one afflicted by overpopulation and unemployment. There are no jobs for the refugees, and there is no farm land. They are starting to filter into Calcutta, a city where one million people regularly sleep on the pavement and more millions have no running water or sewage systems.

Public opinion in the West has certainly been slow to react; only now is one beginning to feel a sense of urgency in the calls for action from relief agencies and charities. Yet the root elements in the tragedy, the death and destruction in East Pakistan, have been known for many weeks.

Civil and communal war has killed many thousands of civilians. No one will ever know exactly how many, but disinterested observers have put the figure as high as several hundred thousand.

People have killed each other because of animosities of race, politics and religion; no community is entirely free of guilt. But the principal agent of death and hatred has been the Pakistani Army. And its killing has been selective: according to reliable reports from inside East Pakistan, the army's particular targets have been intellectuals and leaders of opinion—doctors, professors, students, writers.

The economy of East Pakistan has been hard hit. The planting cycle for food grains is disturbed. The transportation system, already badly hurt by the flood disaster last fall, has been crippled. Many boats are sunk. The main railway line will take six months to repair, assuming uninterrupted peace.

The human and economic dislocation now threatens to lead to a terrible famine. The Financial Times of London, which is not given to exaggeration, has published an estimate that up to four million people in East Pakistan may die in the coming months unless emergency relief and reconstruction measures are undertaken.

What can Western countries do to help East Pakistan out of this disaster? As has so often been the case, notoriously in the Nigerian civil war, humanitarian instincts are complicated by politics.

Western governments must naturally want to give assistance in a politically helpful way—one that will hopefully calm the hatreds in East Pakistan, restore the society, open the way for refugees to return. But that surely means an external presence in the area, the handling of relief by someone other than the Pakistani Army—a program not likely to please President Yahya Khan.

The United States and other concerned countries have not put pressure on Yahya Khan publicly. But there are indications that they have been using privately their leverage as his main sources of central economic aid. Reports suggest that Yahya Khan will accept some kind of United Nations presence in East Pakistan.

But the West may find that its greater task, its greater responsibility, lies in the long run in India. For in a sense this may become more an Indian than a Pakistani crisis.

The immediate challenge to India is to feed the refugees, protect them from the coming monsoon and prevent epidemics such as the cholera now spreading in the refugee camps. The huge economic cost of these needs can be met in part from outside, but the social and political costs will be borne by India.

Even without the refugees, Calcutta and that whole area of India has been politically troubled, driven by left-wing factions and violence. The refugees must add appalling strains to an impoverished and tense society. Mrs. Indira Gandhi, who at best faced a profound task in giving India any hope of progress in the next few years, must now divert much of her energy and her Government's to the refugee problem. She must worry also about an extremist-led guerrilla movement developing across the border in East Pakistan if the military occupation continues.

In these circumstances, not only conscience but political wisdom commends Western help and support for Mrs. Gandhi. The Indians may often be trying to the West, but Mrs. Gandhi's Government is the best hope for stability in South Asia.

[From the Washington Star, June 9, 1971]

UNITED STATES PLANS MORE AID FOR REFUGEES IN INDIA

The U.S. government is adding $15 million to the crash program for aid to the estimated 4.5 million East Pakistani refugees now in India.

Frank L. Kellogg, the State Department official in charge of the American effort, said yesterday that $10 million in food and $5 million in cash for medicine and equipment would be channeled to India, mainly through the United Nations High Commissioner for refugees.

The United States has already committed $2.5 million of an international total which before the latest American contribution reached $26 million. The U.S. contribution will go through an airlift which, if the advance trials now in process work out, will begin early next week with three C–130 military transports.

Kellogg said the highest priority is being given to collecting one million doses of anti-cholera vaccine to combat an epidemic which has broken out in the West Bengal state where most of the refugees are centered.

According to Kellogg, refugees are still coming into India from East Pakistan at a rate of 50,000 to 100,000 a day. According to World Health Organization figures, 10,000 in West Bengal have been hospitalized with cholera and 3,000 have already died.

Britain has already sent one million doses of anti-cholera vaccine. But given the number of refugees in the area, and the poor sanitary conditions there, officials here are worried that enough vaccine exists to stop the epidemic.

[From the Washington Star, June 9, 1971]

PAKISTANIS, NEAR PANIC, DUMPING PAPER MONEY

(By Malcom W. Browne)

New York Times News Service

KARACHI.—Pakistan citizens, close to panic, tried to jam into banks yesterday to trade huge amounts of paper currency which are suddenly without value by government decree.

The decree Monday night demonetized all 500 rupee and 100 rupee notes, respectively worth $106.25 and $21.25 at the legal exchange rate. These two types of bills represent approximately 60 perecnt of Pakistan's circulating currency.

According to the government, militant Bengali separatists who briefly controlled the administartion of East Pakistan in March and April left the banks of East Pakistan empty when the army reoccupied the province. The amount of money that disappeared represented about one-tenth of the nation's circulating currency.

TAKEN TO INDIA

The government is seeking to undercut the economic resources of Bengali separatists who are believed by the government to have taken a large part of the East Pakistani currency into clandestine camps in India.

The demonetization measure also is aimed at crippling the vast currency black market that has developed as the result of the disparity between the legal exchange rate of the rupee and the rupee's real value in international markets. The differences between these rates is nearly three to one.

Customs inspectors at all ports of entry into East and West Pakistan were instructed today to conduct rigorous searches of all arriving passengers who might be bringing Pakistani currency into the country, especially from neighboring Afghanistan and India and from Hong Kong.

GIVEN RECEIPTS ONLY

As citizens brought their 500 and 100 rupee notes to banks, Bengali separatists who are * * * change, merely bank receipts.

There was no indication when new currency would be given to citizens. Some bankers speculated it might take a month or more.

Serial numbers of all bills are being checked against a list of bills taken from the East Pakistani banks. Anyone seeking to exchange such a bill is likely to be arrested.

The government, which is facing an economic crisis and the probability of having to default on foreign debt obligations, stands to gain an estimated $200 million as the result of demonetization.

[From the Washington Star, June 8, 1971]

INDIA POLICE TRY TO HALT RIVER CHOLERA BURIALS

KRISHNAGAR, INDIA.—India's West Bengal State is short of police because so many are guarding the rivers to keep the bodies of cholera victims from being thrown in.

According to conservative official estimates, the week-old epidemic among refugees from East Pakistan has taken at least 4,000 lives, half in the Nadia district surrounding Krishnagar.

The 200,000 residents of Krishnagar, 60 miles northeast of Calcutta, are tense.

Rumors spread daily that Pakistani agents from across the border 20 miles away are emptying bottles of cholera germs into the local water supplies to make the epidemic spread faster.

MOSLEM FATALLY BEATEN

A crowd of 500 persons beat a Moslem to death yesterday at the Krishnagar railway station after a report that he had emptied a small bottle into a roadside well.

D. K. Ghosh, the district magistrate of Krishnagar, said the rivers are being polluted but by the bodies of cholera victims thrown in by relatives for quick burial.

He said that so many police were now deployed to guard the rivers against this that there is a shortage of police to enforce law and order. With the state's population increased by at least 4½ million refugees from East Pakistan and with hundreds of thousands more coming across the frontiers each week, the West Bengal government asked other states to lend it at least 20 battalions of police.

NORMALLY CREMATED

Most of the cholera victims have been Hindus, who normally are cremated. But a shortage of firewood and fuel makes the traditional rituals impossible.

The district magistrate said he had ordered mass burial for at least 1,600 persons. Hindus and Moslems have been buried together in three mass graves in the Nadia district.

The biggest is at Badadurpur, in a government forest seven miles from Krishnagar, where 511 bodies have been buried in a pit.

Ghosh estimated that by last Sunday, 1,079 persons had died of cholera in hospitals in the Nadia district and an equal number had perished along the roads and in villages.

About 75 new victims are admitted to hospitals each day, but with 4,800 cholera patients already under treatment, there is a shortage of hospital space.

CHOLERA WARD FLOODED

At one Krishnagar hospital, a special cholera ward was built of tarpaulin and bamboo outside the main building. When the afternoon monsoon rains came yesterday, all the beds were flooded.

There also is a shortage of saline water—cholera cases need at least eight quarts a day for three days—and of cholera vaccine.

Ghosh said he needs more medical personnel as well, that about 1,000 government employees are caring for approximately 500,000 refugees in the district.

"Normal administrative work in the entire district has been collapsing," he added. "More than 1,000 officials working round the clock attending to refugees get no time to do office work."

The inoculation drive got a boost yesterday with the arrival of two jet inoculation guns sent from London by the Oxfam Group. Each can give 700 inoculations an hour.

[From the New York Times, May 2, 1971]

BENGAL: A THREAT OF FAMINE

To the EDITOR:

The exclusion of the foreign press and observers from East Pakistan has meant the loss of vital information on the course of events there and will deprive us of the dramatic facts that rouse individuals and governments to action. But there is enough conclusive evidence from past and recent history to predict the result of the present conflict on the food position of the province.

The food grains that sustain a large part of the Bengali population come from abroad. Their distribution depends on the effective functioning of the port of Chittagong and on internal transportation and administrative services.

East Pakistan, with a population of more than seventy million, expected 2.5 million tons of imported food grains this year. That is about one-sixth of the total food requirements for the province, enough to feed twelve million people. However, a far greater number is actually affected by an interruption in the steady flow of food. For the 50 per cent of the population living barely at subsistence level, these supplies maintain the balance between life and death.

Bengal has always been extremely susceptible to famine. The last such disaster occurred in 1943 when food expected from Burma did not arrive because of the Japanese occupation of that country. At that time military demands on the Indian transportation system prevented the timely distribution of the food that was available. The food deficit that year was 6 percent; this year it is 16 per cent. Deaths in 1943 numbered 1.5 million, and the famine left social problems from which Bengal has yet to recover fully.

A crisis was imminent in 1965 when the Indo-Pakistani war stopped imports. It was avoided when the great powers used their influence to bring that conflict to a speedy close. Recovery was aided by normal internal supply activities, which had been unaffected by the war.

Today, in contrast, not only has the import of food been cut off, but the internal administrative and transport services have ceased to function normally. In addition, military action at planting time will reduce the coming harvest.

The regular import of food has been interrupted since February. Even if the conflict were to end today, the months required to return the system to normal would probably exceed the time during which the food reserves could sustain the population. The factors that determine mass famine are irreversible after a certain point.

When the first stories and photographs of starving families are published, it will be too late to protect thousands of others. International action, immediate and strong, is perhaps the only defense the people of East Bengal now have.

DANIEL C. DUNHAM.

NEW YORK, *April 20, 1971.*

[From the Washington Star, May 19, 1971]

READY TO FIGHT, MRS. GANDHI TELLS PAKISTAN

NEW DELHI.—Prime Minister Indira Gandhi warned Pakistan yesterday that India, whose eastern frontier regions have been inundated with 2.8 million refugees from the civil war in East Pakistan, "Is fully prepared to fight if the situation is forced on us."

It was Mrs. Gandhi's strongest warning yet to the Pakistan federal government to stop its eight-week offensive against Bengali secessionists in East Pakistan.

"UNENDING EXODUS"

Simultaneously, Indian ambassadors were reported to have alerted Great Britain and France that India may be forced to act in its national interest in the face of the "unending exodus of refugees from East Bengal."

India already has appealed for international help in handling the Bengali refugees. A United Nations panel that toured the refugee camps reported Monday that India has a "monumental" problem that may last for another three to six months.

Mrs. Gandhi said in a speech yesterday at the Himalayan hill station of Ranikhet, in Uttar Pradesh State, that the refugees have created "a major problem which will severely affect the nation's economic, social and political life."

She said if Pakistan's claim that East Pakistan has returned to normal is really so, then it should invite the refugees back to their homes.

The world should "see for itself how democracy is being murdered in East Pakistan," Mrs. Gandhi said.

"THREAT TO PEACE"

India sent a note to Pakistan on Saturday—its strongest since the East Pakistani crisis began March 25—saying the growing tide of refugees is "leading to a threat to peace in the region."

There has been little love lost, politically, between India and Pakistan ever since the subcontinent won independence and was partitioned in 1947, with Hindu-majority areas becoming part of India and Moslem-majority areas part of Pakistan.

The two countries fought a brief and indecisive war in late 1965 and have been on the verge of war many times before and since.

[From the Washington Daily News, June 9, 1971]

UNITED STATES UPS BENGAL REFUGEE AID

(By R. H. Shackford)

The East Pakistan refugee problem is skyrocketing so drastically that the United States is increasing sevenfold its financial assistance program for Pakistani refugees in India.

The Bengali refugees who have fled the Pakistani army into India now total about five million. Each day between 50,000 and 100,000 new refugees arrive.

A dangerous epidemic of cholera has broken out with at least 3,000 dead already plus some 10,000 hospitalized.

The World Health Organization is scouring the world for millions of shots of anticholera vaccine.

The United States originally authorized $2.5 million for East Pakistan refugee relief earlier this spring. Of this amount $500,000 was in cash to the United Nations High Commissioner for Refugees.

Yesterday the State Department announced an additional authorization of $15 million, of which $10 million will be spent for food and the other $5 million will be made available in cash to the U.N. High Commissioner.

The United States is also trying to mount an airlift to remove large numbers of refugees in the Tripura area of India, east of Dacca. It is an isolated area, difficult to supply and will be dangerous during the forthcoming monsoon season when much of the area—including the only road to it—will be flooded.

An American C–130 plane took off last Saturday from Pope AFB near Fayetteville, N.C., bound for Tribpra. If the plane makes the trip in and out without difficulty, three other C–130 planes will join in an around-the-clock project to airlift refugees out of that area to higher ground.

Neither the United States, India nor the U.N. High Commissioner has had much luck in efforts to get Pakistan to cease the repressions that provoke the continued flow of refugees into India.

If the present rate of refugees entering India continues, another 1.5 million to three million refugees will have fled Pakistan by the end of June.

India appealed to U.N. Secretary General Thant for help. U Thant in turn appealed to all U.N. members. Thus far, other countries have contributed $26 million.

The second largest contributor was the Soviet Union—100 million doses of smallpox vaccine valued at $2 million and 50,000 tons of rice worth $10 million.

Japan has contributed $3 million worth of rice and $1.4 million in milk powder and vitamin tablets. Canada has contributed $2 million in food, medicine and cash, and the United Kingdom $2.4 million in cash.

East Pakistanis in the cholera-stricken refugee camps in India, explain the noted absence of women aged 15 to 30, this way: They were taken by West Pakistan troops for purposes of rape or killing.

[From the Washington Evening Star, Apr. 22, 1971]

ARMY HAVOC IN EAST PAKISTAN CAN BE EXPLOITED BY REDS

(By Henry S. Bradsher)

HONG KONG.—The army from West Pakistan has created conditions in the smoking ruins of East Pakistan which will benefit Communist extremists.

But it will be some time before it becomes clear which of the various factions of Communists in East Pakistan will grow strongest in the guerrilla warfare there.

Moscow has endorsed one faction by letting it use the Soviet Communist party newspaper, Pravda, to denounce the president of Pakistan, General M. A. Yahya Khan.

MAOIST ELEMENT IGNORED

Another faction which has espoused Maoist ideas has been publicly ignored by Peking. The Chinese are backing Yahya Khan's use of the army to suppress the eastern region of Pakistan.

It seems premature to observers here to suspect secret Chinese support for East Pakistani guerrillas. But if the struggle goes on as long as many expect, China might decide to take out private insurance against a guerrilla victory by giving help.

The army, representing the minority of Pakistan's people in its western section, has been trying to crush the effort of the eastern majority to escape the west's domination. The army is reportedly winning the towns, but these can be illusory victories.

Much of the middle-class leadership of East

Pakistan reportedly has been shot by the army. Some leaders, including Sheikh Mujibur Rahman, whose Awami League won 72.6 percent of the province's vote last December, are under arrest.

This has created a vacuum for Communist leaders to move into.

Tougher, harder men than Rahman's band of lawyers, the communist leaders have been conditioned by years of illegal activity for the kind of violent life now forced on East Pakistani nationalists.

TEST OF FITNESS

So the government's terrorism has given the Communists a chance to prove they can survive as the fittest for guerrilla warfare.

Bengal, the region divided in 1947 between East Pakistan and the Indian state of West Bengal, has a strong Communist tradition. At the time of partition an estimated 10,000 Communists were in the eastern part.

Their party was banned, however, and some 3,000 of them were jailed in the first five years. Others went to India when Moslem-Hindu riots broke out in 1950. Some estimates are that only 3,000 Communists remained in East Pakistan, operating underground.

The public home for some of them became the National Awami party, headed by a radical peasant leader, Maulana Abdul Hamid Khan Bhashani. Bhashani, now 87 years old, sympathized with Mao Tse-tung's ideas of rural revolution, although not himself a Communist.

COMMUNISTS DIVIDED

His Communist associates splintered into three or four factions. The main ones identifiable today are headed by Mohammed Toaha and Abdul Matin.

Toaha, a well-educated man in his 40s, appears at the moment to be the main Communist guerrilla leader. He was general secretary of the National Awami League until last May 30, when he broke with Bhashani. His chief aide, Abdul Huq, was general secretary of Bhashani's peasant movement, the Krishak Samiti.

An unidentified spokesman for the pro-Moscow Communist party of East Pakistan criticized these "Peking-ites" last year in the "World Marxist Review," a Soviet-controlled journal. There is no love lost among the various Communist factions.

Toaha seems, however, to have the support of the Naxalities, the Maoist-inspired Communist revolutionaries operating in the West Bengal state of India. They could provide a channel for weapons and knowledge of how to use them.

The Naxalites have been praised in the past by Peking. But the situation now in East Pakistan is awkward for the Chinese. They have strongly backed Yahya Khan's government, which is their most important diplomatic friend in Asia.

The Soviets, on the other hand, have been critical of the bloodshed in East Pakistan. They have showed more concern about cementing a future friendship with the East Pakistanis than protecting their present ties to Yahya Khan.

Soviet President Nikolai V. Podgorny announced that the East Pakistani Communist party—which is illegal at home—was attending the recent party congress in Moscow. Then Pravda published the speech of the unidentified delegation head.

After praising the Soviet Union, the speaker thanked his hosts for their concern over "the massacre of thousands of unarmed, innocent people by the reactionary military government" of Pakistan.

The speech was stronger than anything the Soviet government had said, but not much stronger, and by publishing it in the newspaper of the party which controls that government the speech was officially endorsed.

The Kremlin might well hope that its supporters among East Pakistan's splintered Communists will assume leadership of the leftist forces fighting the army.

This seems doubtful, however. The Maoists are stronger at the moment. And they can get help across the Indian border, whereas pro-Moscow Indian Communists have little strength in West Bengal.

[From the London Times, Friday June 4, 1971]

BACKGROUND TO THE FAILURE OF THE NEGOTIATION BETWEEN SHAIKH MUJIB AND THE LEADERS OF WEST PAKISTAN: SECRET CATALOGUE OF GUILT AND DISASTER OVER EAST PAKISTAN

Within the space of a few short weeks both East and West Bengal have suddenly become international trouble spots. Millions of people have been uprooted by civil war, thousands have been killed, famine and disease are already beginning to stalk the countryside and a full scale war between India and Pakistan threatens to break out at any moment.

But even more disturbing is the fact that the situation can only deteriorate. World leaders are, of course, talking glibly about the hope that East Bengalis and the West Pakistanis will come to a "political settlement." But even the most naive student of Pakistani affairs knows that a political settlement is out of the question now.

In the coming months the legal aspects behind this man made holocaust will be hotly debated in the capitals of the world and on international platforms. But many of the issues which precipitated this convulsion have been clouded by the cries of "secession" or "genocide" and other accusations and counter accusations and if an accusing finger is to be pointed at any single Pakistani leader then one must, at this juncture, take a judicious look at the chronological sequence of events leading up to the rift.

It is worthwhile picking up the threads in January, 1970 when President Yahya Khan, who had promised to hand over power to a popular government, lifted the ban on political activity in both East and West Pakistan as the prelude to election of a constitutent assembly. To hasten the constitution making process and to assuage the fears of West Pakistanis who believed that integrity of Pakistan might be jeopardized by imagined East Bengali separatists the President had earlier issued a legal framework order (LFO) which gave him the right to ratify or reject the constitution.

It was already obvious that the former Foreign Minister, Mr. Bhutto, would emerge as the most popular leader in West Pakistan and the fiery East Bengali leader, Shaikh Mujibur Rahman had already demonstrated his strength on the streets of East Pakistan.

Political activity began in earnest the moment the ban was lifted and as both of the leaders began to barnstorm their respective provinces Pakistanis began, for the first time, to look forward to their first taste of democracy.

But as the two leaders launched their campaigns it soon became clear that they were fighting the elections on rigid and diametrically opposed grounds and that there would be hardly any common meeting ground in the assembly, Mr. Bhutto, whose whole political base is essentially founded in the militant Punjabis' obsession over the Kashmir dispute, began stomping up and down the western province talking of a thousand-year war with India. And to maintain this attitude he assured his voters that he stood for a strong central government, a strong army and a new offensive to liberate Kashmir.

As millions of Pakistanis went to the polls in the country's first free elections last year General Yahya Khan and his aides waited for the results with bated breath. President Yahya certainly intended to hand over power but he had hoped that the results would force East and West Pakistani leaders into an alliance which would preserve the integrity of the country. But the generals had not counted on two factors. At the last moment the Awami League's major political opponent, the left wing National Awami Party, decided to boycott the elections leaving the field open to the Awami League. At the same time the West Pakistani administration's alleged failure to come to the timely assistance of cyclone victims was used to conjure up more votes for the Awami League and in terms of preserving the integrity of the country the results were disastrous.

Almost every Bengali endorsed the Shaikh's six point programme which turned the election in to a referendum. The Awami League swept the polls and claimed 167 of the 169 Bengali seats and with the support of the anti-Punjabi regional parties in the western province, Shaikh Mujibur Rahman was confident of obtaining the support of more than two-thirds of the 313 members of the Constituent Assembly. In West Pakistan Mr. Bhutto and his People's Party won 82 of the 138 seats allocated to the western wing. The Punjab recoiled in horror for it became blatantly obvious that the Bengalis would be able to draw up their own constitution the moment the assembly met.

But Mr. Bhutto, who knew that he could never become Prime Minister of an undivided Pakistan was thinking of the future within hours of the election. He suddenly discovered that he had a vested interest in the President's legal framework order. The clause which gave the President the right to veto or reject the Constituent Assembly's document had become the Punjab's veto.

On the night after the elections the flamboyant lawyer revealed part of his plan to me: "What do you think I will do. The Shaikh will push his constitution through with his brute majority and the responsibility will lie on the President's shoulders. I doubt whether he will sign a document which is unacceptable to West Pakistan."

In other words Mr. Bhutto had a vested interest in keeping the LFO in force but he had told me that he had heard disconcerting reports that the Shaikh was planning to declare that the Constituent Assembly was sovereign body the moment it met. In other words the LFO and the Punjabs veto would disappear.

In the meantime the Bengalis were in a festive mood and there had been no moves towards secession. On December 24 President Yahya had described Mujibur Rahman as "our future prime minister" and had agreed that the constituent assembly would sit in Dacca. The Bengalis began to decorate the city and assembly house and the mood in Dacca had relaxed. The slogan Bangla Desh had not been raised and no one was talking of independence.

But Mr. Bhutto had other ideas. At first he tried to oppose the early sitting of the Assembly but on February 13 President Yahya announced that Assembly would meet on March 3.

The actual point of no return which precipitated the present crisis came two days later on February 15. Mr. Bhutto announced that his party would boycott the Constituent Assembly and at the same time he threatened any other West Pakistani politicians who were planning to travel to Dacca. In short Mr. Bhutto began to pile up pressure on President Yahya.

At the same time Mr. Bhutto had met several of President Yahya's generals who were considered hawks on the subject of East Bengal. They included the present governor of East Pakistan, General Tikka Khan.

In the meantime several West Pakistanis had defied Mr. Bhutto's threat and had travelled to Dacca in the last week of February to participate in the framing of a constitution. In terms of arithmetic the representatives of two thirds of the country had congregated in Dacca.

But on February 28 Mr. Bhutto flew to Rawalpindi to remind President Yahya of the consequences he would have to face if he ratified a constitution which was unacceptable to the Punjab and subsequently to a Punjabi army.

The President made his first mistake. He succumbed to Punjabi pressures and without consulting Shaikh Mujib, as the leader of the largest party, he postponed the Constituent Assembly on March 1.

The Bengalis who saw the move as a conspiracy went wild and the Army was called out to quell disturbances in Dacca. The Bengalis had lost their faith in the President and the first cries of Bangla Desh were heard on the streets of Dacca. Hawks in the Awami League began to call for independence and the Shaikh promised to make a dramatic announcement at a mass rally on March 7. On March 6 the President attempted to retrieve the position and announced that the Assembly would meet on March 25. But things had gone too far. On the next day the Shaikh, staving off militant cries for independence, announced four preconditions for future talks. The most important was the withdrawal of martial law itself (this would eliminate Mr. Bhutto's veto in the form of the LFO).

But one thing was clear at this juncture: the Shaikh, facing tremendous pressure, was still prepared to participate in the union of Pakistan.

He would certainly not compromise the Kashmir issue by resuming trade ties with India (as the Bengalis advocated) and opposed all of Bengali's demands for autonomy which would strip the central government of all effective power. The Punjab sighed with relief. The Bengalis had been allocated an inbuilt majority in the Constituent Assembly the virtue of their large population but every Punjabi believed they had found a leader who could stand up to the Shaikh.

But across India in the impoverished eastern wing the fiery Bengali leader and his Awami League lieutenants were adamant that they would not concede one inch of their six point programme for autonomy. The Shaikh had made it plain that when he talked of autonomy he did not mean secession. "I want constitutional guarantees which will end this economic exploitation forever. We have the larger population so how can a majority secede from a minority", he told me at the time.

To give weight to his demand for the immediate withdrawal of marital law the Shaikh launched a massive civil disobedience movement. Life in the entire province was disrupted and as the cries of Bangla Desh became louder the President flew to Dacca on March 16 with two alternative offers. (1) He said he was willing to restore power to the elected representatives of the people immediately if the Shaikh was willing to form a provisional national government at both centre and at provincial level or (2) He would restore power to provinces and an interim government led by the President himself would administer the day-to-day needs of the country until a constitution was framed.

At the time the two leaders said there was room for optimism. But in the meantime Mr. Bhutto had heard of the proposals and had publicly declared that West Pakistan would go up in smoke if the People's Party was not included in the proposed coalition Government. To prove his point he launched a massive and violent campaign in the Punjab and flew to Dacca on March 21 to join the talks with other West Pakistani leaders.

When President Yahya asked the Shaikh whether he was prepared to take Bhutto, the leader of the largest West Pakistani party, into a central coalition government, the Shaikh cited democratic precedents and said that as the leader of the single largest party he must be allowed to select his own partners. Again his willingness to participate in the central affairs of Pakistan does not suggest that the Shaikh was planning secession.

But the President succumbed to Mr. Bhuttos strident threats again and the proposal for a national government was dropped.

As time began to run out the Shaikh and Yahya Khan agreed to the second compromise formula: immediate restoration of power at provincial level. The Shaikh asked the President to issue an immediate proclamation withdrawing marital law, and restoring power to East Pakistan and the four provinces of West Pakistan. The Shaikh agreed to the suggestion that the President could continue to administer an interim central government until a constitution was framed.

But in the meantime Pakistan's future was being decided by other forces. Mr. Bhutto had met the hawks in the army, and mass movement on the streets of Bengal had slipped out of Mujib's control.

As the soldiers slipped into battle dress in the barracks angry and frustrated Bengalis began to raise the flag of Bangla Desh in Dacca. It was Bhutto who finally brought the President to take the decision which set East Bengal on fire. When the President put the Shaikh's proposal to the West Pakistan leader Mr. Bhutto pointed out that if marital law was withdrawn Pakistan would be broken up into five sovereign states the moment the President restored power to the provinces. He expressed the fear that Mujibur Rahman was trying to liquidate the central government. Because the President withdrew marital law he had no sanction to carry on as the head of state.

Half convinced the President went back to Mujibur Rahman and expressed these fears. He promised Mujib that he would withdraw marital law the moment the National Assembly met and gave a central government some form of validity. Shaikh Mujib reiterated his demand for the immediate withdrawal of marital law and President Yahya, now fully convinced that he was dealing with a traitor, turned to his generals.

Taking events to their logical conclusion there is no doubt that the present holocaust was precipitated by President Yahya Khan when he postponed the Assembly without consulting the Bengalis, but even more so by Mr. Bhutto's deliberate decision to boycott the Assembly on March 3.

REALITIES OF THE DRAFT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD "Realities of the Draft," which appeared on the editorial page of the Knoxville, Tenn., News-Sentinel on May 28, 1971:

REALITIES OF THE DRAFT

The U.S. Senate has taken some sensible actions on military manpower that could prepare the way for the all-volunteer Army idea without jeopardizing the nation's security.

Wisely rejected this week were a series of amendments to the Nixon Administration's draft bill. The amendments would have:

1. Prohibited the President from sending any draftee to Vietnam next year unless he volunteered to go.

2. Extended the draft for only 18 months on the shaky theory that no draftees will be needed after 1972.

3. Granted a new $2.7 billion pay raise to the armed forces instead of the $1 billion raise proposed by the Administration.

Higher pay (especially in the lower grades) appears to be a necessity if the volunteer-Army idea is to have any chance at all.

But an immediate $2.7 billion increase, on top of two $1.2 billion raises (previously approved for 1971 and 1972) would knock the defense budget for a loop.

The thread that runs through all this senatorial maneuvering is the wishful notion that both the war and the draft can be ended by spending more money and passing restrictive resolutions.

It simply isn't practical or smart to draft men into the Armed Services and then set limitations on where they can be sent to fight.

Nor is there any guarantee the nation can recruit an all-volunteer Army, no matter what the inducement may be.

For the last three months, the Army has been trying to lure men into the service with come-hither promises on prime-time television commercials. So far at least the number of new recruits has been pitifully small.

Aware of the recruiting problem, President Nixon has asked for a two-year extension of the draft beyond July 1 of this year.

Next week some antiwar senators will try to chop the extension to one year. Or even to end the draft now, either by filibuster or direct action.

Fortunately, the majority in the Senate seems ready to face realities and support the President's request. Any other course could be disastrous.

SAN FERNANDO CITY COUNCIL

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. CORMAN. Mr. Speaker, as one who is vitally aware of the tragic disaster which struck the San Fernando Valley February 9 of this year, I would like to offer my personal commendation to members of the San Fernando City Council for their leadership and direction at a time of crisis.

The council performed an outstanding job during a critical period, pulling the community together in a joint effort to meet the urgency of the situation and ease the burden of the times. San Fernando, a small incorporated city, exhibited that it is a city that cares for its people.

It is indeed encouraging to know that there is concern and interest such as that which was shown and generously given to assist those faced with a trying period. I was in the district during the crisis and know how much a united effort aided the stricken area.

This period was an outstanding example of coming together, responding to community needs, and demonstrating the full extent of community commitment. Differences were put aside in favor of solving common problems. Such an effort serves as an illustration of what can be accomplished when everyone works together for a common purpose.

The individual members of the council gave their full measure of energy and effort to help their fellow man. Truly, the challenge of the time was well met.

SOVIET-EGYPTIAN TREATY

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1971

Mr. SIKES. Mr. Speaker, the United States should view with grave concern the treaty of friendship and cooperation recently signed by the Soviet Union and Egypt. When one clears away the extraneous language, one is left with the essence of the agreement as contained in articles 2 and 10.

I quote from article 2:

> The Union of Soviet Socialist Republics as a socialst state and the United Arab Republic, which has set itself the aim of reconstructing society along socialist lines, will cooperate closely and in all fields in ensuring conditions for preserving and further developing the social and economic gains of their people.

Mr. Speaker, when we couple that article with the agreement as detailed in article 10, we see exactly what is happening in Egypt today. I quote from article 10:

> Each of the high contracting parties declares that its commitments under the existing international treaties are not in contradiction with the provisions of this treaty and it undertakes not to enter into any international agreements incompatible with it.

In other words, Mr. Speaker, the Soviets and the Egyptians each are pledged to a continuation and extension of Russia's control over Egypt and to the furtherance of Russian designs in the oil-rich Mediterranean area. Both parties find themselves that they will not join with any other nation in an agreement which will not achieve these goals.

The Soviet-Egyptian treaty spells out quite clearly that Soviet military and political influence is welcome in Egypt and it is obvious from other wording in the agreement that Soviet naval and merchant shipping are to receive what is termed "most-favored-nation treatment."

Think what this means in terms of a reopened Suez canal under Egyptian-Soviet control. The Soviets will have free and ready access to the canal while other nations not receiving "most-favored-nation treatment" might well be penalized in a variety of ways, even at the expense of their national security.

We should take a serious view of this May 27 agreement between two nations whose avowed aim is, as is stated in the treaty, the "reconstructing of society along socialist lines." Presumably Egypt is the first target of this avowed aim. However, let us not delude ourselves. The United States also is one of those nations whose society the communist nations hope in time to reconstruct, and this treaty makes it perfectly clear that our interests and the interests of the free world are imperiled by the new and binding agreement into which the Soviets and the Egyptians have entered with fanfare and mutual rejoicing.

This is not a document whose purpose it is to establish peace in the Middle East. Under it the Soviet Union will continue to train Egyptians in the use of the modern and multiple weapons systems supplied them by the Russians. That means deeper and deeper penetration into Egypt's daily life by Russian personnel. It means growing capability for war by the Egyptians and if it should suit their Russian masters, there will be more likelihood for provocation to war.

All in all, Egypt gains new stature among the Arab nations and this also increases the likelihood of provocation to war against Israel.

Certainly, the situation is not a desirable one. It forebodes peril to peace in the Mideast. Stronger efforts by U.S. diplomats are a must in order to reassert a status quo and to maintain a hope for peace in that part of the world.

TROUBLE AHEAD?

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. HANNA. Mr. Speaker, could we be entering a period of rapid money-supply expansion and higher interest rates?

Some recent reports suggest that this phenomena is more than a possibility, it in fact may actually be happening. I am sure many Members in the House will remember that earlier this year officials for the Federal Reserve indicated that the money supply would probably grow at a rate of 5 to 6 percent. This rate was considered consistent with economic expansionary policies, but moderate enough to guard against stimulating another round of inflation.

In fact, the money supply for the first 5 months of this year has grown at a rate of 10.6 percent with a 12.6-percent growth rate in May. This compares to a 5.4-percent rate of growth in 1970.

On the whole, this accelerated growth may seem good. However, there are indications of very serious trouble ahead. Interest rates are starting to inch up. Treasury bills are up, as are corporate bonds. The Bank of America has raised its mortgage lending rate by one-half percent and the prime rate has started to move up again after a year of almost steady decline.

According to the most recent economic report from First National City Bank of New York, the most serious implications of this policy may be felt in 1972 and 1973. According to the bank's June newsletter—

> Rapid monetary growth this year will inevitably open the door to soaring interest rates and accelerating inflation later on and quite possibly another recession, as policy eventually would be forced to shift from go to stop.

The newsletter goes on to say that—

> Policy makers are in imminent danger of putting the economy back on the roller coaster.

Yesterday's Washington Post reported that the Federal Reserve's Open Market Committee may have voted to slow the growth in the money supply. With interest rates beginning to move up and with the extraordinary growth in the money supply during the past 5 months, the implications of the most recently reported FOMC action may have quite an impact on the direction of our monetary policy in the coming weeks. What emerges in the money market in the next few months, and the direction taken by the Federal Reserve during this month may tell us how successful the recent policies in regard to the money supply were in assisting in economic recovery. We may soon learn that the seeds of another period of high interest rates and sluggish growth have been planted.

I also believe we will learn how difficult it is to fine tune this complicated mechanism that we call our economy. I think we are going to see that other instruments are going to have to be utilized rather than just rely on money supply growth.

The Washington Post article and an article from the Wall Street Journal follow:

[From the Washington Post, June 9, 1971]

TIGHTENING MONEY POLICY HINTED AS FOMC MEETS

(By Hobart Rowen)

The Federal Reserve System's policy-making Open Market Committee (FOMC) met in Washington yesterday amid persistent rumors that a decision had been made to tighten up monetary policy.

Such a decision could have been implemented by a vote of the FOMC designed to slow somewhat the growth in the nation's money supply.

The Fed has lately come in for increasing criticism for allowing the money supply to increase too fast. In the five months ending in May, the "basic" money supply (currency and checking accounts) grew at a 10.6 per cent rate compared with 5.4 per cent for all of 1970. The growth rate in May alone was 12.6 per cent.

Other measures of credit and bank deposits grew comparably, leading the First National City Bank of New York to say in its June letter that "policy makers (at the Fed) are in imminent danger of putting the economy back on the roller coaster."

Despite the fast growth of the money supply, interest rates have turned upward, and the economy has failed to show signs of exuberant recovery. Critics of the Fed suggest that the only product of the big growth in the supply of money may be a new inflation.

Fed officials themselves admit that they are puzzled by the growth of the monetary aggregates well beyond their own predictions. The stated target for money supply growth over long periods of time is 5 to 6 per cent.

Money market observers noted that on Monday, the Fed had sold Treasury bills for cash, an unusual step prior to a bill auction. This was taken as a sign that the Fed was determined to allow interest rates to go even higher while slowing down the growth of the money supply.

Official word on what the FOMC decided yesterday won't be made public, according to prevailing custom, for 90 days. But if the hint that the market read into the Monday bills-sale-for-cash was a valid clue to new policy, it might then be reflected in the Federal Funds rate moving up from, say, 4¾ per cent to 5 per cent toward the end of the week.

The FOMC consists of the seven members of the FRB Board of Governors, and a rotating group representing the 12 Federal Reserve District bank presidents.

[From the Wall Street Journal, June 10, 1971]

Inflation Paradox: Concern About Prices Spreads Despite Easing in Amount of Increases—Analysts Fear Money Supply Is Growing Far Too Fast; Some Say Worst Is Over—Too Late to Lock the Barn?

(By Alfred Malabre and Richard Martin)

Price increases are getting smaller, but worry about inflation is getting bigger.

The paradox shows up in interviews with economists in Washington and elsewhere. To a man, the experts agree there's solid statistical evidence that price boosts have shrunk in recent months. But they also generally agree that the danger of a new inflationary spiral has grown recently. Particularly, they express alarm over the rapid rate at which the nation's supply of money has lately been expanding. In the past, rapid rises in the money supply have usually preceded bigger price increases.

"The horse (or price stability) hasn't quite been stolen from the barn yet," says Milton Friedman of the University of Chicago. "But it soon will be unless the policy-makers pursue a much more conservative monetary policy."

Some analysts fear that it's already too late, that the horse has already been stolen. Allan Meltzer, professor of economics at Carnegie-Mellon University in Pittsburgh, recently declared flatly that "faster inflation is on the way." A year or so ago, Mr. Meltzer was reasonably optimistic about stopping the price spiral.

CROSSING THE RUBICON

Officials within the Nixon administration have a considerable political stake in curbing inflation. But now some of them even confess to growing doubts about the price outlook. Noting the recent bulge in the money supply, Treasury Under Secretary Charls E. Walker wonders aloud: "Have we crossed the Rubicon to renewed inflation? I'm frankly not sure."

Such comments may seem unjustifiably gloomy on the basis of published price statistics. The table below traces what has been happening to the consumer price index—the most widely watched inflation gauge. The percentages for each month show the increase in the index during the preceding 12 months.

Price increase

[In percent]

May 1970	6.1
June 1970	6.0
July 1970	5.9
August 1970	5.6
September 1970	5.7
October 1970	5.8
November 1970	5.6
December 1970	5.5
January 1971	5.2
February 1971	4.8
March 1971	4.6
April 1971	4.3

The second table pinpoints a major reason that many analysts draw small comfort from the dramatic easing of inflation shown above. It records recent increases in the supply of money, defined here as currency in circulation plus private demand deposits. The percentages for each quarter represent the expansion of the money supply in the preceding year.

Money-supply increases

[In percent]

First Quarter, 1970	3.1
Second Quarter, 1970	3.6
Third Quarter, 1970	4.4
Fourth Quarter, 1970	5.1
First Quarter, 1971	5.7

Money-supply statistics tend to move erratically from month to month. For this reason, it's dangerous to place too much importance on monthly data. Nonetheless, it's worth noting that in the past few months the money stock has been rising at annual rates of 10% and higher.

Although such accelerating increases in the money supply have so far had little effect on the trend of consumer prices, experience indicates that a major impact will eventually be felt, probably beginning late this year.

PAST EXPERIENCE CITED

Many analysts cite the experience of 1967 and 1968. The Federal Reserve, which regulates the money supply through purchases and sales of government securities in the open market, had held monetary growth in 1966 to slightly less than 5%, an increase many analysts view as compatible with the U.S. economy's natural capacity to expand, through normal productivity gains, population growth and so on.

In 1967, however, the Federal Reserve abandoned its policy of moderate monetary expansion and allowed the money stock to rise nearly 11%, about the same rate as in recent months.

What happened to prices? In 1967, as monetary expansion soared, the consumer price index climbed only 3.1%, slightly less than the 3.3% rise in 1966, when monetary growth was moderate. But in 1968, when the money stock rose less than in 1967, the consumer price index climbed a sharp 4.7%. Many economists attribute the rapid 1968 price climb largely to the 1967 increase in the supply of money. (By the same token, the relatively modest price increase in 1967 is widely attributed to the moderate rate of monetary growth in 1966.)

Recent huge deficits in the federal budget, add to the concern about renewed inflation. The deficit in the first quarter of this year was at an annual rate of $14 billion, seven times the rate in the first quarter of 1970. The deficit could grow larger if, as some politicians and economists advocate, taxes are cut in coming months in an effort to spur business activity and trim joblessness.

WORRY ABOUT A TAX CUT

The Treasury's Mr. Walker says he is "worried" that Wilbur Mills, the chairman of the House Ways and Means Committee, "will introduce some sort of tax cut" later this year. (Although the Arkansas Congressman denies it, many observers are convinced he has his eye on a White House bid next year.)

To the extent that they signify increased spending, widening budget deficits tend to be inflationary. They can also add to inflation if they have to be financed by heavy Federal reserve purchases of Treasury securities issued to help cover the deficits. Such purchases pump money into the economy.

Although many economists believe worsening inflation is inescapable, some say that any new price spiral won't be quite as severe as, the situation in early 1970, when consumer prices rose at rates exceeding 6%. One reason for this belief is that much slack now exists in the U.S. economy. In the first quarter, U.S. factories operated at only 73% of capacity, down from 80% a year earlier and 85% two years before. In addition, unemployment now exceeds 6% of the labor force. At the start of 1970, less than 4% of the labor force was jobless, and the 1969 average was only 3.5%.

In 1967, when the Federal Reserve pumped up the money supply at such a rapid rate, the factory operating level topped 85% and unemployment stood at 3.8%.

Noting the slack in today's economy, A. James Meigs, a vice president at New York's First National City Bank, declares: "Without this elbowroom, the ballgame would definitely be lost now; with it, I feel there's still a chance—though only a slight chance—of avoiding fresh inflation." A "disturbing" aspect of the economic picture, the bank economist adds, is that the slack "isn't all that well distributed throughout the economy," but is "bunched" in such depressed industries as aerospace.

EASIER PRODUCTIVITY GAINS

Economic slack tends to hold down inflationary pressure because it allows rapid increases in worker productivity as business activity mounts. Factories operating at low rates of capacity are normally able to expand output considerably without having to hire great numbers of additional employes. This tends to increase workers' output per manhour, which in turn tends to reduce per-unit labor costs. Rapidly rising labor costs, of course, are often cited as a major factor in price increases. Slack can also foster price competition as firms seek more business.

Another reason some economists hope that inflation won't flare too severely again is the belief that Federal Reserve officials are beginning to try to reduce the rate of monetary growth. Federal Reserve decisions on monetary policy—for example, whether the money supply should be allowed to grow rapidly or slowly—are generally not made public until three months after the fact. But Federal Reserve policy changes can occasionally be glimpsed by noting weekly money-market developments. In this regard, some analysts were impressed by large Federal Reserve sales Monday of Treasury bills. Such sales pull cash out of the banking system and thereby hold down the money supply.

To avoid a serious worsening of inflation late this year or during 1972, many economists say the rate of monetary growth must be cut sharply enough to bring the full-year 1971 increase down to about 6%. With the rise thus far this year averaging roughly 10% annually, policy-makers would have to hold monetary growth to about 2% between now and the end of the year. Almost no one, however, believes that the authorities would be willing to clamp down so severely.

However much such a curtailment might in the long run foster price stability, it's widely felt that in the short run it would send interest rates soaring and possibly temporarily hinder efforts to reduce unemployment and spur general economic activity. Another fear: a sharp rise in business failures, as financially shaky firms run short of funds.

Mr. Meigs of First National City regards even a 6% rate of monetary growth from now until year-end as "a lot to expect" of policymakers. If such a rate were somehow managed, the full-year rise in the money stock would average out to about 8%. Such a rise, many analysts estimate, would lead to a worsening of inflation, but not to the point reached in the late 1960s and early last year.

SELF-DETERMINATION OF THE BALTIC PEOPLES

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. PEYSER. Mr. Speaker, this June 15 marks the 31st anniversary of the forceful takeover of Latvia, Lithuania, and Estonia by the Soviet Union. These three Baltic countries who are not ethnically related to the Russians have been suffering under Communist slavery for more than 30 years.

At a time when many nations in other parts of the world are celebrating newly proclaimed independence we must insist that the Communist colonial empire likewise give freedom and independence to the peoples of Lithuania, Latvia, and Estonia whose lands have been unjustly occupied and whose rightful place among the free nations of the world is being denied.

AMERICA THE HAPPY

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. MANN. Mr. Speaker, America is still the happiest country on the face of the earth. Less of our citizens want to leave these shores than is true of any other country in the free world. Of course no polls are taken in the Communist countries, which is an indication of their lack of freedom and therefore lack of happiness.

The author of the article in the issue of Parade magazine, which contains these findings, concludes that the American state of happiness is due to our providing the highest standard of living as well as "the best way of life" in the world. If these statements indicate a purely materialistic assessment, then I would dispute the findings. For England and Sweden both shelter democracy in their forms of government, as well as a relatively high standard of living; yet their citizens indicate that they would emigrate in droves.

I do not mean that a high standard of living is not important. It obviously is. But perhaps of more importance is our people's sense of pride and security in their country. Americans must continue to sense that their country remains strong as they look outward toward the world. At the same time they must understand the purpose and see the opportunity of individual advancement as they look inward toward their lives. If we can preserve these feelings—that America is secure and that individual initiative within it still produces the best results, Americans will continue to cherish the idea of living in America.

[From Parade magazine, May 30, 1971]

ARE YOU HAPPY?

If you were free to emigrate, where in the world would you want to live?

A recent Gallup Poll, conducted simultaneously in nine countries, found the highest percentage of dissatisfied citizens—41 percent—in Great Britain, and the lowest—12 percent—in the United States.

When asked, "If you were free to do so, would you like to go and settle in another country?"—two of every five Englishmen said yes.

Next most dissatisfied nation according to Gallup was Uruguay, where 32 percent would emigrate if possible. West Germany followed with 27 percent, while Greece, Finland, Sweden, Brazil, and the Netherlands recorded dissatisfaction rates of 22 percent, 19 percent, 18 percent, 17 percent, and 16 percent respectively.

The United States, Gallup discovered, has the most satisfied citizenry of the nine countries surveyed. Despite all the domestic turmoil, only 12 percent of Americans would leave this country if free to do so. To the vast majority of Americans, the U.S. still provides the best standard of living, the best way of life in the world.

CLASS OF 1971: DIFFERENT IN EVERYTHING

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1971

Mr. MEEDS. Mr. Speaker, young persons across the country who are graduating from high school this month, and next year's high school graduates, have been enfranchised by the 18-year-old vote in time for the 1972 presidential elections.

It is uncertain what their voting impact will be but preliminary indications are for a new, thoughtful group of decisionmakers.

In a recent article in the Washington Post, writer Haynes Johnson visited with the class of 1971 at Monroe, Wash., the high school from which I graduated some years ago. He found these youths of this city alert and concerned, although not necessarily in the more publicized ways of young people around New York or Berkeley. I commend this article to my colleagues:

[From the Washington Post, June 6, 1971]

CLASS OF 1971: DIFFERENT IN EVERYTHING

(By Haynes Johnson)

MONROE, WASH.—Too much has been made of American youth. Dissected, analyzed, studied, polled, measured, told with equally uncritical fervor they are the best and worst of generations, today's young Americans have every right to believe they are a special group. That they are changing everyone knows; that they are different is a cliche.

Of the graduating class of 1971 at the Monroe Senior High School, from a town of 2,500 far out in the farmland near the mountains, one thing can be said with certainty. They do represent something new in American life. Their right to vote in next year's presidential election alone assures them of that distinction. They are important for another reason. The seniors of Monroe, Wash., are proof of how rapidly attitudes are changing—and even in the once isolated, rural sections.

"The kids are getting harder to handle," says Charles Wickizer, the young assistant principal. "They're more restless. More of the girls are a problem.

"I don't mean to blast these young people, though. They are a lot more liberal now. If a girl gets pregnant, for instance, she doesn't worry about it the way she used to. She just blends right in. I think they try to act like they're cynical toward the old established values—the flag, motherhood, and the country and so forth—but they're not really cynical at all. We have marijuana now—it's a complete new problem. We didn't have anything like that five years ago.

1971'S HIGH SCHOOL GRADUATES: CHANGING ATTITUDES

"The young people are no longer going to be naturally respectful toward their parents—or their elders—or their teachers—or their minister. They want to be shown."

LOT MORE AGNOSTIC

He is correct.

"We're a lot more agnostic people," said one girl. "We're different in everything from dress to religion. The old values and concepts just aren't working."

"The older they are the straighter they are," said a boy.

"I feel our parents are kind of jealous of the freedom we have. I mean, my mother is," a girl said.

"I don't think our morals are anything like our parents," said another student. "Our generation wants to get more out of life. People in Monroe never got out of their home town. Most of the kids in this class want to get out and travel."

Catholic girls will talk about turning away from the church and being unsure whether they believe in God. Others talk openly about experimenting with drugs—the students believe about 95 per cent of their class has smoked marijuana—and having more freedom in their sexual relations.

POLITICALLY UNINFLUENCED

And these, mind you, are not the words of high school students from Berkeley or New York. Monroe is no "liberated" community. The city sits between the Cascade Mountains range and Puget Sound in lush, open and still unspoiled countryside, even though Monroe is moving from a rural farming and logging section into a bedroom community of Seattle and nearby Everett. People are friendly and smiling, much like those who live in the fishing village of Gig Harbor, 65 miles to the South. But Monroe's citizens have a conservative reputation.

Several things are striking about this Class of '71. Key among them are their political views. Of some 50 seniors interviewed out of a class of 134 students, every person said he considered himself more liberal than his parents. All but one said positively they would vote for President next year. They insist they will not be influenced by how their parents have voted or by party affiliations.

The feeling against President Nixon is strong. Approximately 60 per cent say they definitely would vote against the President. Less than 10 percent say they were for him. The rest are unsure.

Strangely, in view of the strong antiwar feelings among the young, Vietnam is not the dominant theme among those who say they will vote against Mr. Nixon. Students mention the economy and their own uncertainty about jobs ("I feel he's hurt my father's economic status, and I won't vote for him," said the son of a plumber) to a general, if vague, feeling that "Nixon's not doing the job."

They also express a sense of unease about the country. "I'm not for him because of the state the country's in," said one youth. A girl referred to the fall of the Roman Empire as being applicable to America today.

At the same time, none of the prospective Democratic presidential candidates strikes any emotional response. Not Muskie, nor Kennedy, nor McGovern, nor Humphrey, nor any others. Ask whom they would like to see President and invariably the reaction is the same—a blank.

THEY HAVE NO HEROES

There seems to be no one in American life with whom they identify personally, or for whom they voice admiration. Like their older brothers and sisters in college and beyond, they have no heroes, not even the dead ones, whether a Kennedy or a Bogart.

By their own account, they don't read much, they watch television regularly, and they seem uncertain about what they are going to do in their lives. They know, or say they know, they don't want to live in a big city. They like the West, and the closeness of the mountains and the water, but they also want to travel. Their ideas about marriage and living together openly with a girl or boy are certainly different for people their age.

When they discuss their own aspirations, one word comes through consistently. Freer.

They want to be freer to do what they want, and with less inhibitions or restrictions. Virtually to a person, they express these aspirations in idealistic terms.

This graduating class of Americans wants to work with Navajo children and blacks and Mexican Americans, few of whom they have known personally. They don't want to judge people by the clothes they wear or the cut of their hair. They want to reduce the tensions in American life, work for reforms, end pollution and war, and live for less materialistic goals. They are not despairing of the Americans system; they want to change it to make it better.

"We'll try to do more for our country," one young man said.

"I think our generation is more interested in the more important things in life," a girl remarked. "Like a person's character and the way people love each other."

These are not, of course, unique thoughts, but the people who work with them most closely believe they are sincere. Indeed, some of their teachers say for all their expressions of freedom and experimentation and new life styles, deep down their basic values are not all that different from older groups.

These children who spring from the small town life in the West are not sophisticated, in the big city way. Neither are they cynical. In their central aims of life, and in the larger ethical sense, they are probably not so far removed from the pioneers who first crossed the plains and mountains.

"I have great faith in them, really," said Charles Wickizer, their assistant principal. "I think the majority wants the same thing we wanted—a decent life."

EULOGY TO SENATOR THOMAS J. DODD

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. DELANEY. Mr. Speaker, it is with a heavy heart that I speak today in tribute to Tom Dodd, a most able colleague who later became an outstanding Member of the other body. He had one of the keenest minds I have known, with the unique quality of translating the orderly cogency of his thoughts into beautifully lucid prose. A brilliant lawyer whose talents were recognized throughout the world. A man of spartan courage whose integrity and honor could not be tarnished by the calumnous hypocrisy of certain of those he had called friends. A devoted family man whose love and respect permeated his home. Tom Dodd was all of these and will be so remembered in history. But most of all, I shall remember him as my true, close friend.

Born in Norwich, Conn., Thomas J. Dodd graduated from Providence College in 1930 and Yale University Law School in 1933. He entered the service of his country as an FBI agent that same year. After serving 2 years with the FBI, Tom returned to Connecticut to organize and serve as the first director of the National Youth Administration in his home State. In 1938, he became an assistant to another distinguished Connecticut lawyer, the U.S. Attorney General, Homer S. Cummings, and continued as an assistant to the four succeeding Attorneys General until 1945.

In that position, Tom Dodd espoused and fought for a cause 20 years before it achieved national support. Organizing the Civil Rights Division of the Department of Justice, he personally prosecuted cases against the Ku Klux Klan and fought for labor's right to organize in the South.

During World War II, a leader in the exposure of subversion and industrial sabotage, Tom played a major role in the Government's campaign against the Nazi Fifth Column. When the war was over, he was asked by his former chief, then Supreme Court Justice Robert H. Jackson, to serve as executive trial counsel at the Nazi trials in Nuremberg. The results of his work there earned him recognition and awards from his own and foreign governments.

It was in Nuremberg that Tom learned first hand of Communist duplicity enabling him later to be a leader in anti-Communist ranks. His was a lone and prophetic voice warning against the true meaning of the possible victory of the guerrilla leader Castro fighting in Cuba. If Tom Dodd's words had been heeded, we would not now have the Communists in control 90 miles off our shores.

Returning to his home State after Nuremberg, Tom entered private practice in 1947 and 5 years later was elected to the House, where he served two terms. After an unsuccessful try in 1956, he was elected to the Senate in 1958 and reelected in 1964. In the Congress, Tom Dodd carried on as the crusader he had always been. For all legislation that was aimed at improving the quality of life and environment of the country he loved, he stood and was counted.

Since leaving the Senate in January, Tom had resumed his private practice. It was my good fortune that he visited with me regularly, including recent visits here in Washington. It just does not seem possible that his warm camaraderie, his wise counsel will never again bless those fortunate enough to have been his friends.

To his six good and devoted children, Tom, Jr., Carolyn, Jeremy, Martha, Christopher, and Nicholas, and to his loving, loyal wife, Grace, my special thoughts. I know that Tom Dodd's courage, the love of his God and his church, of his country, and his family, by which he lived, will fill their hearts forever and give them the strength to live their lives as he would want them to. I shall miss Tom Dodd. Everyone whose life he touched will miss him.

THE FIGHT FOR FREEDOM AND DEMOCRACY IN THE UMWA

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, the bitter struggle by rank-and-file members of the United Mine Workers of America for freedom and democracy in this once-great union has been brilliantly documented recently in a broadcast by radio station WWVA of Wheeling, W. Va., and a telecast by the American Broadcasting Co. This struggle has vast implications because of the importance King Coal plays in meeting the Nation's energy needs. It is for this reason that I insert in the RECORD the following scripts of the WWVA and ABC productions: "Anarchy Threatens the Kingdom of Coal," as broadcast over station WWVA, Wheeling, W. Va., Monday, April 19, 1971:

PROLOG

Coal is the prime mover of our life. In these black chunks of the earth's history is the energy that pours power into our gigantic industrial empire. Beyond the conjuring of any imagination is the awesome vastness of man's industrial procession. Just a small segment of this Gargantuan industrial scene reveals interlaced speeding railroads, giant whirling dynamos lighting up the nation and overwhelming surges of power spun from steam.

Coal—the compressed remains of men and animals long since dead—is the cornerstone of the lives of men and animals today. Coal—wrenched from the bowels of the earth to nurture the blood stream of a consuming planet that feeds on power. For within coal is man's industrial holy trinity of light, heat and power. Coal—a source of power for machines—and men. This black chunk which murders men underground is the base for the base for the lifesaving miracle of modern times, the sulfa drugs. From nylon to plastic, from aspirin to perfume, the list of products squeezed from these black rocks is as great as our country's supply. If steel provides the skeleton for our bulging cities, then coal provides the heart. Coal is king. And it follows that he who controls coal, controls the kingdom.

But, "Anarchy Threatens the Kingdom of Coal."

TRABOVICH. Not only do I think that Tony Boyle ought to resign. I think the whole International Executive Board should resign.

KWALLSER. Tony Boyle has two problems. One, he's not John L. and he's not John L.'s ghost. More than that, of course, he's stuck with Lewis's autocratic policies.

LAUCK. Boyle, his outstanding virtue is his ability to negotiate a contract. He's even harder to deal with than John L. was. He has no sympathy whatever with the industry.

RASMUSSEN. John L. Lewis emancipated the miners; Tony Boyle came along and emasculated them.

YABLONSKI. The men who mine this country's coal don't like Tony Boyle.

A working miner—St. Peter himself on the ballot won't defeat the incumbents whomsoever they may be.

ABC News. In Washington, the head of the United Mine Workers, Tony Boyle, pleads innocent to federal charges. Boyle, and two top officers of the miners union were charged yesterday with conspiracy, embezzlement and making illegal political contributions.

YABLONSKI. I think it's too little and it's far too late, but it's at least a step forward. It could be the beginning of the beginning.

Basic Communications, Inc. and *Fortune* Magazine present "Anarchy Threatens the Kingdom of Coal." The nation's fuel supply, as well as the industry's prosperity, depends on a union that has lost control of its members and members who now seek control of their union.

Like barbaric tribes united by a powerful warlord, the miners of coal were molded into the most influential and powerful union in the world by a man who was nothing less than a king to his followers. John L. and the mine workers were one and the same. John L. could do no wrong. Because of this identification, an attack against Lewis was an attack against the Union. The retaliation to such an assault was sure to benefit the shaggy-browed giant of labor. Edward R. Murrow preserved such an exchange on Labor Day, 1937:

MURROW. American Labor had made many a long stride under the New Deal and was now Big Business. Its leaders—the Green's, the Lewis's, the Hillman's—were, like their counterparts in management—major political powers. By 1935, John L. Lewis had increased the membership of his United Mine Workers to almost half a million; had bolted the AF of L and formed the CIO. And on Labor Day, 1937, he laid the lash of his Biblical oratory upon FDR. It was the climax of a brawl which had been seething since the Little Steel Strike of early spring. When the President had turned to Tom Girlder and Lewis—and in a rare moment of petulance said, "A plague of both your houses." John L. Lewis answered:

LEWIS. Labor, like Israel, has many sorrows. Its women weep for their fallen and they lament for the future of the children of the race. It ill behooves one who has supped at Labor's table, and who has been sheltered in Labor's house, to curse, with equal fervor, and fine impartiality, both labor and its adversaries when they become locked in deadly embrace.

Like many great men who live long lives, the legend began to overshadow the reality. Saul Alinsky, the unofficial biographer of John L., reflects:

ALINSKY. I can't think of a greater tragedy than anybody who has survived his own life, so to speak . . . The tragedy of Lewis was that he didn't die in 1939. He was really touching the stars then. He was America's great, great hero and champion. He was a champion all over the world.

But while Lewis was in control of the United Mine Workers, he ruled—absolutely. Ever since 1950, when John L. first signed a national contract with the Bituminous Coal Operators Association, the union has called the signals for the industry.

LAUCK.—This is true. We did permit mechanization of the coal mines but there is a reasoning behind this. In the early fifties, the industry faced complete extinction because they had lost the railroad market and there didn't appear to be another market for coal. And certainly, the Lewis philosophy, which President Boyle has carried forward, although most of its effects had taken place before he became president. Lewis said that it is better to have half a million men working in the industry for good wages and high standards of living than to have a million working in the industry in poverty and degradation. That's the whole philosophy about allowing people to mechanize.

In explaining the mechanization process that replaced 300,000 miners, Rex Lauck, Assistant Editor of the Union's official publication, the *United Mine Workers Journal*, presented an overall review. Individual miners may catch a different glimpse of Boyle's operating procedure.

TRABOVICH.—In 1969 before Senate subcommittee hearings in Washington, D.C., Tony Boyle made this statement (now for a president of any organization to make a statement like this—it was unbelievable—and he said this); the U.M.W. will not interfere with the mine owners in operating their mines. We will follow the judgement of the coal industry, right or wrong.

Lewis retired as head of the union in 1960 (and died in 1969), and the man who is now president, W. A. Tony Boyle, has lost control of his membership. Some of this discontent among the rank and file is characterized by one miner as a breach of trust by the leadership.

A working miner—There is a work stoppage of some kind or another either at one mine or a number of mines every day of the week in the miners union. I think we're the only union in America that does it. That's because the rank and file members have lost confidence in their union officials.

The causes of whatever dissatisfaction that eixsts have been there all along, but only recently has the suppressed anger erupted in a rash of wildcat strikes. Unlike other blue-collar men, the miners are not primarily concerned with higher wages. The age of the average miner is around fifty, his job is one of the most hazardous in industry and he is consumed with anxiety about an old man's problems.

Black Lung victim. I was told from 75 to 80% of my lungs are gone at this time. I can't breathe, I can't sleep at night, I sit up on the side of the bed to try to get my breath. The U.M.W. have written for my hospital card right when I needed it the worstest. I am certainly criticizing Tony Boyle, the President of the United Mine Workers. I can neither read nor write and I feel that many coal miners should get out of the coal mines before they get what I've got. If I had the breath, the time, the money, I would try to tell the people what they'll go through with before they die when they can't breathe. I feel that the Nixon Administration should provide some kind of Medicare for us or either our union . . . after all we're human beings. I feel like coal operators should quit killing men in the coal mines while they are at work. Since I cannot live long, God bless you and quit the coal industry if you possibly can live any way. This is from a 42 year old coal miner, Walter Burton Franklin.

Pensions, health and safety are issues so close to a miner's heart that he will strike for them at the sight of a single picket sign, whoever carries it. Many miners feel that Boyle and the other International Officers have been far too cozy with the mine operators and almost totally insensitive to their needs.

KWALLSER. It is obviously true that the union has decided that management can lead and they will follow in many things, many things that they didn't have to agree to, as quickly as they did. Certainly, they have a very close working relationship . . . but it is obvious that the mine workers have not been as aggressive in the protection of the rights of the rank and file as have other unions. It is also obvious that there has been much less consideration of the industry itself and of what the mine workers could offer in the way of counter proposals to whatever management wanted to do. Is he sleeping in the bed with management? In a certain sense, yes.

HECHLER. It is very unfortunate that this union which should be a union to protect the men has, as some people have observed, been something to protect the company against the men.

The problem of dealing with a work force that is no longer under union discipline would be difficult enough for the companies. But they are faced now with the prospect of signing a new contract on October 1st with a union president whose mandate to hold office is questionable, at best. A year ago Boyle was re-elected but the Department of Labor has moved in Federal Court to invalidate that election, charging that the Boyle ticket used fraud and intimidation to insure its return to office. Three weeks after the election, Boyle's opponent, Joseph A. "Jock" Yablonski was murdered, along with his wife and daughter. The assistant District Attorney who will prosecute five people now under indictment in Pennsylvania for the murders believes that high union officials ordered the slayings. The Yablonski murders solidified the anti-Boyle forces, which are now grouped together as the Miners for Democracy. If Boyle is in the president's chair come contract time, angered rank and filers may halt the flow of coal power in this country through wildcat strikes and violence in the coal fields. The Landrum-Griffin Act is the supposed legislative watchdog of the union. Howard Kwallser, a Yale law student, has received a grant to study the Act and its implications upon the U.M.W., reflects on the importance of these imminent contract negotiations:

KWALLSER. I think obviously, if the Boyle Administration does get a very good contract it will help. People will say that Boyle is more responsive. He's learned his lesson . . . certainly if he gets a good contract it can't hurt him . . . whether it will help him is a matter of speculation, I really don't know.

Mr. Lauck elaborates on the union's probable thrust at the October negotiating table:

LAUCK. But he has said publicly, beginning I think, even in 1969, that if lawyers are worth 50 dollars an hour then coal miners are worth 50 dollars a day and that's one definite thing he's gonna go for . . . and that's one thing I think the operators will be willing to give . . . the other is more than doubling the welfare fund royalty. That's something that they'll be a real fight over. Because you're talking about 80¢ a ton on coal.

The coal companies must also wrestle with the serious consequences of a decision Boyle made in 1969 in order to ensure his re-election. Unlike any other international union, the U.M.W. permits retired miners to maintain their membership and vote in presidential elections by paying dues of $1.25 a month.

Some 70,000 men receive pensions from the Welfare and Retirement Fund which is administered—absolutely—by a three member board of trustees. One—from the union, John L. Lewis until his death in 1969; a neutral trustee—Josephine Roache, who was a long time friend of Lewis's; and one from the industry, George Judy, chairman of the Bituminous Coal Operators Association. Upon Lewis's death in 1969, the International Board of the U.M.W. elected Tony Boyle as the union trustee. Within 24 hours of this election, Boyle engineered a 33% hike in welfare payments.

The influential power of the fund can be observed when Boyle was supported by only a bare majority of the working miners, but close to 90% of the pensioners vote was counted in the Boyle corner. Fred W. Barnes, correspondent for the Washington Evening Star, and an expert on U.M.W. activity, put it more succinctly:

BARNES. The thing that you think about the U.M.W. is that it's the only union that I know of where the pensioners vote. You see, they're voting on issues that most of which are backed by the working miners. Well, they're not working miners of course, they are retired guys and what they want is totally different. And I don't think you want a union where these guys are completely powerless. But the way it works in the U.M.W. is, they hold the balance of power and they are unquestionably manipulated by the incumbents, whoever they may be. And, of course, it's Boyle now.

Regardless of the intent, that pension increase placed the fund in serious jeopardy. The retirement fund is supported by royalty payments from unionized coal operators at the rate of 40¢ per ton. The royalty payments themselves have come under attack by Ward Sinclair, Washington correspondent for the Louisville Courier Journal and another expert on the internal functioning of the United Mine Workers Union.

SINCLAIR. The royalty has been 40¢ since 1952. Social conditions have changed in that period—19 years—the condition of the miner has changed—the condition of the union has changed—the condition of the coal industry has changed substantially. It is unusual, I think, that during that 19 year period there has . . . been no apparent movement at all to increase that per ton royalty.

Boyle knew full well that the fund had exceeded disbursements by 28 million dollars at the time he railroaded the pension increase. In testimony before a Senate subcommittee investigating the financial conditions and the management of the Fund, Boyle said that he "did have that information when he moved the pension increase."

Boyle called the meeting of the trustees of the Fund and passed the resolution so quickly that the operators had no knowledge of the action beforehand. When the results became public, the industry representative, George Judy, resigned both his trusteeship of the Fund and his chairmanship of the Coal Operators Association. Commissioned to do an actuarial study of the Fund by the investigating Senate subcommittee, the General Accounting Office of the government filed its report last October. Ward Sinclair comments on these findings:

Sinclair. There is some rather striking evidence on the record that the Fund has been rather badly mismanaged . . . or badly managed, or well mismanaged, or badly managed. Pretty striking evidence. The comptroller general of the United States says that under present policy, under the present payment system they have, under present income and projected income the fund will be bankrupt by 1975. There just won't be any more fund.

An issue of equal magnitude as the Retirement Fund, one that the coal operators cannot analyze in financial terms, now confronts the industry; namely, the enforcement of the sweeping Federal coal-mine health and safety legislation. Dr. I. E. Buff, a militant West Virginia physician explains some of the difficulties:

Buff. The law was written to take care of complicated pneumonocosis, or black lung. The difficulty is this, and this is primarily the trouble. It isn't that the government is trying to be too technical but it is a problem primarily that the Social Security Administration can rule by degree. Now actually what they do is this in plain words. At first, we couldn't prove black lung by X-rays. Then we got to be able to find a technique to prove it. When this happened, the government said, "Ah, ha, too many claims." We got to find something else, and then they found the breathing test which is a bunch of hogwash. Any lung man worth his salt knows that only one out of five coal miners with advanced black lung have an abnormal breathing test, because this disease attacks the air sacks and not the bronchial tubes. Safety provisions of the act designate a limit in the amount of coal dust inhaled. Three-fourths of all mines in Kentucky now fail to meet that standard; indeed, miners there are inhaling up to eighteen times the acceptable amount of dust. And industry experts estimate that, if the law is strictly applied, about 40 percent of all underground mines in the nation will be closed.

Should the federal legislation result in boarding up a significant portion of the nation's mines, the blast furnaces of the country will go hungry while the consumers of electric power will face the most severe rationing in the history of the nation, with the possibility of lenghy total blackouts. The coal companies cannot be excused from their responsibilities not only to the nation but to their miners as well.

Kwallser. The role of the coal companies in the present crisis is a varied one. Certainly, they have exploited the individual rank and files and haven't considered their welfare as much as they should have. There are several aspects to that; coal mine safety has not been looked after the way it should have been looked after. There has not been as much compliance with federal regulations.

The Coal Mine Health and Safety Act recognizes the hazards of the industry. For the first time, miners are now able to seek federal compensation for the most serious health problem of the mines, black lung. The union has claimed significant responsibility in the passage of such legislation, but Congressman Ken Hechler from West Virginia, a crusading member of the House on behalf of the working miner, accuses the union of opportunism.

Hechler. As everybody knows, we in Congress, passed a Coal Mine Health and Safety Law but not through any help or other support by the United Mine Workers of America. After it was all over they tried to jump on the bandwagon and claim credit for it.

The only source of income for the retired miners or those who have become disabled through their years under the earth is the Welfare and Retirement Fund. Because these pensioners vote for the union president, how they are treated . . . or perhaps manipulated . . . by the incumbent officers is of grave import to the 110,000 working members of the UMW and the entire union. To maintain their right to vote, pensioners are required to pay a monthly fee.

Barnes. They don't volunteer that fee . . . they have to pay dues or they don't get a pension. It's the only union I know of where the pensioners vote.

The money for these pensions is generated solely from the royalty payments extracted from unionized coal companies. Such payments, unchanged in nineteen years, can only be increased through the union's negotiations with industry. There is an unquestionably close relationship between these two ostensible legal strangers.

Sinclair. I think the union is set up in such a way and its sister organization, the Welfare and Retirement Fund, which by law is supposed to be a separate entity, but which in fact is not a separate entity; it is very closely related to the UMW. Supposedly separate, but definitely tied together its very existence is dependent upon contracts Tony Boyle negotiated as chief negotiator for the United Mine Workers.

The Retirement Fund is not the only hidden step-child of the Union. When mentioning the UMW, the National Bank of Washington must also be called to the fore. The union owns 80% of the bank's stock and Tony Boyle has earned more than $30,000 in bank direction fees since 1964. Also sitting on the board of the National Bank is the union's legal counsel, Edward Carey. As of January 1970, the Retirement Fund's comptroller and lawyer also had a seat at the trustee table. One additional member of the Bank's board is the president of the Potomac Electric Power Company, Stephen Woodzell. Potomac Electric Power is one of the seventeen utilities comprising the total of the Fund's stock investments. These interlocking directorships point to something less than the impartial independence for the management of these three formidable financial reserves.

Congressman Hechler read the text of a letter from Ralph Nader into the record in which the peculiar structure intertwining the union and its treasury, the Retirement Fund's millions and the National Bank of Washington is referred to as a "trilogy of oppression." Hechler accuses the union of capitalizing on this entente:

Hechler. One of the means of siphoning out money that belongs to the miners in their own welfare and retirement fund and siphoning it into the UMW treasury is thru the National Bank of Washington which is owned by United Mine Workers of America and into which the UMW Welfare and Retirement Fund has deposited interest free, millions and millions of dollars which comes from the royalty on mining every ton of coal.

Because of its rather large investment in the Bank, the U.M.W. receives income on its stock. At the time of the report to the Williams Senate Sub-Committee on Labor, the Retirement Fund kept 26 million dollars in a non-interest bearing checking account at the bank. This amount had been as high as 75 million dollars in 1967. Although the Retirement Fund and, therefore, the pensioners, receive no income from this checking account, the supposedly independent U.M.W. added 1.87 million dollars to its coffers from dividends paid by the National Bank of Washington in 1969.

Kwallser. You might say there has been a slight diversion of profits. Instead of 6% every year for the pensioners it's however much profit to the bank and through them to the U.M.W.

Testimony from the sub-committee probe into the real nature of this trilogy, reveals the depth of Boyle's knowledge about the finances of the Fund. At the time of the hearings, Boyle had been chairman of the board that administers the 160 million dollar Retirement Fund for 9 months.

When asked by Senator Pell, of the subcommittee, the name of the broker that handled the Fund's 44 million dollars in common stock investments, President Boyle responded, "I think the name is Laidlow, or something like that." Amazed, Senator Pell returned, "If you are a trustee, you should know what is in that portfolio. You should know . . . You have the responsibility." Boyle righteously agreed and declaimed his desire to assume those responsibilities. Finding his performance somewhat contradictory to his espoused intent, Senator Pell retorted to Boyle, "You have had these responsibilities for 9 months and you don't know the facts."

A statement issued to the committee members by their chairman, Senator Harrison Williams, declared:

"The information and findings in this report substantiates my prior conclusion that the pension fund was manipulated by W. A. Boyle to influence the December 1969 election. The pensioned miners represented a substantial voting force in the election. It is obvious that this act or irresponsibility was employed to gain their support."

Congressman Hechler concurred with Senator Williams' estimation of the intent of the pension increase:

Hechler. He was in the middle of a tough election fight with Jock Yablonski and it was very obvious that he put this in to win the pensioner vote. The working miners voted in a majority for Jock Yablsonski for the presidency of the U.M.W. at the end of 1969. But the pensioners were herded in by the bus loads and persuaded by the $35 rise that Mr. Boyle put into effect to vote for Tony Boyle.

Eyebrows were raised in the Senate when Boyle finally revealed the common stock portfolio of the Fund, which is made up totally of 17 electric-utility common stocks worth some 44 million dollars.

Kwallser. Most of the money was placed in electric utilities. That isn't necessarily a bad idea, but it doesn't make for maximum return on the pension fund, or at least I don't think so because they were utilities presumably they earn some money, but less money than other stocks might have earned and clearly there is no correlation between the amount of coal you use and the profitability of your organization, therefore all these funds have been sitting there in the coffers of various utilities. And the question is, have they been earning the pensioners as much as they should have been earning them.

Boyle's supervision of the investment policy of the Fund has been less than judicious. As of April, the portfolio showed a loss of over 5.5 million dollars. Whatever the justifications presented, the results have not been beneficial to the pensioners.

The sub-committee report disclosed another overlapping relationship. The Federal Power Commission lists Laidlow and Company as among the top ten holders of voting securities in four of the 17 utilities in the Fund's portfolio. Laidlow and Company is the N.Y. brokerage firm which handles all the investments for the Retirement Fund.

The legal recourse against such questionable management exists, but is somewhat limited in its application.

Kwallser. Title V of Landrum-Griffin requires or sets up a fiduciary obligation on the part of any union officer for all the funds of the union. In other words, just as with the directors of a corporation, if a union officer misspends any funds, he is liable to the membership . . . Of course, Mr. Boyle is likely to have spent the money and not have it anymore but that doesn't prevent you from suing him. Presumably, the increase was a mistake. Whether Boyle made it innocently or not is perhaps unclear. But is also largely irrelevant. As a trustee, he should have known as much as to at least ask competent sources for actuarial audit.

It is becoming daily more apparent that playing politics with the lives of men who die in the mines, or are crippled digging for coal, can no longer be tolerated.

Kwallser. The real issue is: Did he do this simply as a political gimmick? Even if you said yes, he did do it as a political gimmick and for no other reason, does that make it illegal or a breach of fiduciary duty? Well, it probably is fair to say that many things are fair in politics which are unwise. The funds don't belong to the trustees. They belong to the thousands of miners throughout the country who worked hard for the money. At that point, Tony Boyle can't play politics anymore.

Some men have refused to accept the union hierarchy's manipulation of people and have faced the tyrannical monolith head on. Perhaps the most courageous of these was Jock Yablonski.

Nobody was more surprised than Tony Boyle when Joseph Yablonski decided to contest his re-election campaign. Yablonski traveled with Boyle and introduced him at rallies with that kind of syrupy praise that standard rhetoric in the labor movement.

Yablonski. Tony Boyle has been president of this union for six years. And I want to say, without fear of contradiction from anyone, anywhere in the world. He has moved the Mine Workers of America forward to a greater degree in the 6 year period of time than any other president of any labor organization anywhere in the world.

As much as anyone, Yablonski knew the extent of the corruption in the union and the causes for dissatisfaction among the rank and file. The campaign was an agonizing experience for Yablonski, who was secretly mulling over the possibility of challenging his traveling companion.

Barnes. If you ever heard any of those speeches, they dealt out lavish praise, it would make you wince it was so lavish. God, how could a guy go that far feeling at the time he was saying that, he was thinking about running against Boyle? He knew all the evil and corruption in the union and wanted to root it out and yet he could say these tremendously lavish things about Boyle. That was a tremendous embarrassment to Jock during the campaign.

Saul Alinsky discerned a general trend in the development of dissident movements.

Alinsky. There was always two things present which I would find when I would check in on dissident movements: One, that the guy usually had been a committed and devoted follower . . . then suddenly he broke. You could never quite find out why. But it certainly was not for the reasons he was giving that he broke, 'cause those reasons had been there for years and years, and the second thing was that the actual motivation or character of the guy that I knew that broke wasn't anything to write home about as democracy lies this way; follow me and I'll take you to the promised land.

Barnes suggest that Boyle's handling of the 1964 convention was a major irritant to Yablonski. This was Boyle's first convention and he wanted to show that it was completely his.

Barnes. Boyle had never been elected . . . he didn't know how strong he was. He was a small guy, not very attractive and he wanted to make this a Tony Boyle Convention . . . in District 19, they had whole groups of guys who actually wore white hard hats that said Boyle on one side and something else on the other and on several occasions when dissidents got up to speak to raise some issue on some of these tremendous issues like autonomy, for failure to work for health and safety legislation, like any of the other things, straighten out the Welfare and Retirement Fund, they would be physically beaten and dragged away by these guys in white hats. And as far as Yablonski knew and everybody else, they were all from District 19 and they were really Boyle goons and they were there just for one reason; to make sure that it was a Tony Boyle Convention.

Boyle added John L. Lewis's brother, R. J. Lewis, as his vice-presidential running mate to exploit the Lewis name. But after the election, Boyle forced Lewis out of office claiming he was too near retirement age. The Boyle appointed replacement, George Titler, was in his seventies. John Owens, the secretary-treasurer of the union is eighty.

When Jock Yablonski announced his candidacy, he knew what power and resources the incumbents had. Several times during the campaign, his lawyers requested Labor Department intervention. None was forthcoming.

Kwallser. There was a catch-all series of provisions in Title Six of the act. One of those catch-alls was a provision which allowed the Secretary to investigate when he thought that any violation of the act was being committed. The secretary refused to do so. He maintained in the Senate hearings last spring that he did not have the legal right to do so. I don't think that is correct.

Soon after, Boyle claimed a 2–1 victory over the insurgent Yablonski; as a gory entrance into 1970, Jock Yablonski, his wife and their daughter were brutally murdered in their beds.

Lauck. Now the story of the election and its loss by Yablonski and then the murders of him, his wife and daughter, are I think, told to suit the teller . . . the murders happened. They were horrible, there's no question about it and I hope that whoever did it is caught, I mean whoever is responsible for these self-confessed murders, are caught.

Three days after the bullet riddled bodies were discovered in the Clarksville, Pennsylvania home, Secretary of Labor George Schultz ordered an investigation of the election. More than 100 violations have been noted and Schultz, in testimony before the Senate Sub-Committee, concluded, that, after the investigations, he "found probable cause to believe that violation of Title IV of the Landrum-Griffin Act had occurred in the conduct of the elections." Three months to the day after his murder, Jock Yablonski's death accomplished what he could not achieve alive. Suit was filed in district court in Washington, D.C. to overturn the U.M.W. election.

Five persons have been indicted for the murders. It appears that this is not the first time murder and violence have been considered as a convincing alternative to democracy. Among those testifying in the FBI probe of the Yablonski slaying was Charles Minton, who has been questioned about a murder plot in the coalfields in 1952. In that year Minton sued the U.M.W. for $350,000, charging that the union had conspired to fire him from his job. In his suit, Minton swore that he had dynamited mine installations on union orders, but that he had balked when Tony Boyle ordered him to kill two non-union coal operators.

Ward Sinclair adds another dimension on the use of violence by union officials.

Sinclair. I've seen, for example, a copy of a contract of an operator in Virginia who was the target of organizing activities; one of his installations was dynamited at one point because he refused to go along with the United Mine Workers. He refused to allow his operation to be organized and the union signed a contract with a phony company and the name of John L. Lewis is on the document and the name of Tony Boyle is on the document.

In the course of its investigations, the government unearthed innumerable violations of the Landrum-Griffin Act. The union is contesting the department's legal moves to invalidate the election.

A web of litigation, legal jousting and federal investigations are tightening around the union, and therefore around Tony Boyle. While most of the court's actions could hurt Boyle's pocketbook, and the union's treasury, there is one case that threatens to topple the labor official from his place of power in the presidency of the United Mine Workers of America.

ABC News. In Washington, the head of the U.M.W. pleads innocent to federal charges Boyle, and two top officers of the miner's union, were charged yesterday with conspiracy, embezzlement, and making illegal political contributions.

In the wake of these indictments, Boyle resigned as a trustee of the National Bank of Washington. The triumvirate appears to be crumbling at the base.

Lauck. We deny completely all allegations contained in the indictment handed down by the grand jury. Any monies expended by Labor's Non-Partisan League were to secure passage of health, safety and related laws beneficial to the coal miners of America. No official of the UMWA secured any personal benefit by Labor's Non-Partisan League's contributions by both major political parties. It is our position that there has been no violation whatsoever of the law. We are confident that the courts will not sustain the government's attempt to abridge the first amendment right of our members. We are confident that our innocence will be demonstrated and that the United Mine Workers of America will be completely vindicated.

If convicted on all counts, Boyle could receive as much as thirty-two years in prison and fines totaling $240,000. Beyond these penalties, conviction would bar him from holding any union office for five years. The indictments stem from political contributions made by Labor's Non-Partisan League, a lobbying arm of the union. While voluntary contributions of union members are allowed to go for political support of candidates, union fees, income and other monies are not. The allegation is that Boyle authorized personal checks to his secretary-treasurer, John Owens, and the League's director, John Kmetz, from union coffers. The money was then channelled through the league to candidates as contributions. Ward Sinclair describes a memo from Boyle last year concerning the financing of the Non-Partisan League.

Sinclair. Approximately March 1, 1970, the United Mine Workers had no such contribution system to provide funds to Labor's Non-Partisan League. The Justice Department is aware of this. The Grand Jury is aware of it. All I'm saying is that they didn't have a voluntary contribution program prior to March of 1970. So, the money that Labor's Non-Partisan League contributed, or is alleged to have contributed to certain candidates and political committees in 1967, 1968 and 1969 came from some place, and it wasn't voluntary contributions.

Similar financial footwork by Boyle and other union officials have lead to investigations of the UMW's books. During the three years audited, 1967 through 1969, more than ten million dollars of miners' dues and union income were spent without adequate validation of disbursement. Some of these monies went for salaries.

Hechler. Antoinette Boyle receives an actual salary of $40,000 plus expenses. This $40,000 salary actually equals the salary of the v-ps' of the entire union. Even the general counsel of the UMWA doesn't have a salary that is higher than Miss Antoinette Boyle. Even more shocking is the fact that she really isn't doing any work for this salary . . . she is doing nothing more than occupying office space.

Six members of the Boyle and Owens families drew salaries of over a quarter million dollars in salaries and expenses in one year. This is nepotism of the worst at a time when coal miners are suffering and getting crushed and gased and maimed and live in substandard housing and find difficulty in getting credit, having difficulty in getting retirement money after their years of service in the mines.

In an affidavit filled by Thomas Kane, special investigator for the Labor Department, unverified loans to various districts of the UMW totaled more than two million dollars in 1969. An excerpt from Kane's report read: "Each District submits to the International a monthly report summarizing the receipt of funds by the District. Nothing in the monthly reports serves to verify that funds received by way of loan from the International were used for the purpose for which the loan was requested. Nor is there any other documentary evidence submitted by the Districts to the International indicating the disposition of loaned funds.

More than 20,000 dollars of that money went to District 27. The President of that district is R. J. Boyle, Tony Boyle's brother. In 1967, R. J. Boyle received checks totaling more than $17,000 for "organizing expenses," even though the annual financial statement listed no salaried employees or organizers.

The general dissatisfaction of the miners, the Yablonski murders and evidence of corruption among the leaders have led to the many suits against the union. Chip Yablonski, son of Boyle's slain opponent, also accused the Labor Department of deliberate delay.

Yablonski. The Labor Department turns its back and winks at a lot of things it shouldn't wink at.

Displeasure with governmental ineptness has not been limited to the Labor Department. Undersecretary, Fred Russell, while acting Secretary of the Interior, appointed members to the new Coal Mine and Safety Board. The law required that the members be knowledgeable in the field of mine safety. The appointments, however, appeared to reflect a different consideration. Calling the appointments an emasculation of the Board's effectiveness, Congressman Ken Hechler denounced both the appointments, and the Undersecretary, on the floor of the House.

Hechler. The federal Coal Mine Health and Safety Act of 1969 very clearly states that the Advisory Committee on coal mine safety should include members that, and I'll quote from the law, should be "knowledgeable in the field of coal mine research." The Undersecretary of the Interior . . . appointed to this Advisory Committee on coal safety some totally unqualified individuals, including an airline stewardess, the widow of a doctor, etc. They all had one thing in common . . . not that they were knowledgeable in the field of coal mine safety but they were leading Republican party officials.

A New York Times editorial charged that the action was "contrary to the letter and spirit of the Act." Soon after this, Undersecretary Russell's resignation was accepted by President Nixon.

The most heated attacks, however, have been leveled at the Departments of Labor and Justice. Responsible for monitoring of the Landrum-Griffin Act and the Corrupt Practices Act which set the standards for labor organizations, the Labor Department has been lagging behind, some think for specific reasons.

Sinclair. The speculation around here is that the reason it hasn't come to trial is due to political reasons.

Trobovich. I think they're purposely dragging their feet.

The key issue in the stalled litigation is the trusteeship status of 19 of the 23 districts in the union. By placing a district in trusteeship, the union officials usurp the power of the members to elect their own district representatives. By appointing these men, the incumbent officers can control the power base of the union, stiffle opposition, and effectively deny democratic process and responsive grievance hearings to their members.

Kwallser. There are two issues here. One is practical politics. If the districts remain under trusteeship, no insurgent will have a power base from where to expand his influence and try for national office . . . the second issue, and that is, if unions are run autocratically are not likely to be responsive to the wishes of the membership. In other words, if there is no political process . . . the incumbents may just loose sight of what the rank and filers want.

The importance of autonomy for individual districts has been recognized for years. Legally, the trusteeships are grossly over-extending their mandate.

Kwallser. The federal law on the question of trusteeships is that after eighteen months, a suit can be filed by the Secretary of Labor or by an individual challenging the legality of the trusteeship. Now, there are several reasons which will permit a trusteeship to last for more than eighteen months. In this case, its unclear that any of those reasons are satisfied by the United Mine Workers. In all likelihood the trusteeships should be resolved. The trusteeships are twenty years old. Probably they should be resolved soon since that suit has been pending for seven years.

In 1964 the Secretary of Labor instituted a suit to set aside these trusteeships. The case has still not gone to trial. The significance of the Labor Department taking the initative in filing suit is explained by Mr. Kwallser.

Kwallser. The Department of Labor has had a less than perfect record in dealing with all these problems of the mine workers. They instituted a suit in 1964 to set aside trusteeships. That suit has yet to come to trial. Unfortunately, by terms of the act, once the Secretary brings suit, no individual can also bring suit. So the rank and filers have been preempt from taking a suit to the court themselves. The United Mine Workers, if the Secretary hadn't done anything at all, they would have been able to file long ago. This is probably especially painful to rank and filers, since the Secretary has also been somewhat tardy in getting them to file current, accurate and up-to-date financial statements.

A district can be placed under trusteeship for 18 months. After that time, individuals of the union or the Secretary of Labor may file suit to return control to the district. In 1964, the Secretary of Labor moved to set aside these trusteeships. The case still has not gone to trial. Because of the structure of the Act, however, the Labor Department's suit bars anyone else from taking the issue to court. As long as the Labor Department's case is pending, the Union has an unbreakable strangle-hold on the district offices and autonomy remains unattainable for the district members. Only until the Department of Labor and Justice press the suit to trial, can miners regain their freedom.

As the October first deadline draws closer, the need to resolve the fight for union leadership becomes more urgent. Meanwhile, Tony Boyle sits under siege. The Senate subcommittee's investigation, which began last February, is continuing. Boyle and the other top officers of the union now spend much of their time fashioning legal defenses against several legal actions. The coal companies are not without blame for the mess, as many of their executives admit privately. They were quite willing for many years to see the union leaders for many years ride roughshod over the members, and they handed over royalty payments without ensuring that the fund was administered in a fair fiduciary fashion. There are responsible men in industry who know that a new pattern of labor management relations must be established if the coal industry is to prosper. It is a matter of paramount concern to the operators that over the next ten years about half the labor force will have to be replaced, and these young miners are not going to tolerate hazardous working conditions. Nor will they buckle under to a union that acts dictatorially to impose the will of its leaders. Unless decent men from both sides can settle these problems, anarchy lies ahead.

"Anarchy Threatens the Kingdom of Coal" was a presentation of Basic Communications, Incorporated and *Fortune* Magazine. This program was written and directed by Terry Britt and David Busacca and was produced and narrated by Bill Quay. Parts of the Prologue were quoted from *John L. Lewis—An Unauthorized Biography* by Saul Alinsky. "Anarchy Threatens the Kingdom of Coal" was based on an article of the same title which appeared in the January issue of *Fortune* Magazine. For copies of the original article, send 50¢ in check, cash or money order to: Fortune Magazine, Time and Life Building, Rockefeller Center, New York, N.Y. 10020.

THE CHEROKEE SHAFT—THE STORY OF MINES AND MEN

(As broadcast over the ABC television network, Saturday, May 22, 1971)

Produced and Written by: Stephen Fleischman.

Directed by: John E. Johnson, Jr.

Narrated by: Frank Reynolds.

Executive Producer: Stephen Fleischman.

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Kenneth Yablonski. I believe that the coal miner despite what other people may say, has probably been the subject of the most degrading, humiliating, inhuman life of any industrial worker in the history of the United States.

Frank Reynolds. Tonight we are going to take you into a working coal mine. We are going to explore the crucial problem of safety in our most hazardous industry, today, an industry with an accident and fatality record that many have called a blot on the conscience of America. We will meet the men who are the coal miners of today. We will go with them to their jobs, to their homes, to their union meetings.

Miner. When you was working in the mines how many times did you go to bed at night when you know you had bad problems, bad conditions?

Miner. I didn't want to go to work.

Miner. You didn't want to go to work in the morning. You woke up in the middle of the night, you had a goddamn cold sweat on you. What about it buddy?

Miner. You belong to the devil. When you get off you'd better bless the good Lord that you walked out of it.

Miner. That's right. It's a hell of a place to make a living.

Miner. It's no good.

Frank Reynolds. This program is about mine safety but, if it is true that the long and bloody history of the fight over this issue stretches from the Black Heath disaster of 1839, America's first mine catastrophe, to the Hyden, Kentucky explosion of 1970, it is also linked to the internal struggle within the union of the men who mine coal, the United Mine Workers of America. This struggle reached a climax in the current controversy between the union leadership and a challenging faction known as Miners For Democracy and found a battleground in the coal fields and union halls of western Pennsylvania. This is their story, the story of mines and men and their fight to stay alive—the story of those miners who go to their jobs through the Cherokee Shaft.

This is the Cherokee Shaft. It's a portal to a coal mine. This is where the men go in. This is where the coal comes out. It's the Maple Creek Mine on the Monogahela River in southwestern Pennsylvania. Maple Creek mine produces over ten thousand tons of coal a day—high quality metalurgical coal for the mills of the United States Steel Corporation which owns the mine. The mine stretches 9 miles underground, an area that covers 17,000 acres. Over 600 people work here, three shifts a day, 6 days a week. One of them is Jack Shaffer. He's 29 years old. He's worked in the coal mines for 4 years. He is a machine operator and his job takes him to the working face, the point of production in a coal mine. Josh Descaro is his assistant and friend. Josh is 26 and has worked in the mines for 6 years. His father and grandfather were miners.

Josh Descaro. It's pretty natural to be a coal miner around this area. Well, you either have a grandfather or an uncle or a brother or something that worked in the mine.

Jack Shaffer. Coal miners, you know, they are rough guys. It's always grabbing somebody to get them to laugh or get them to jump.

Josh Descaro. When the men are coming out I think they sort of have a feeling of well, you are going home, going to see your family, let's get a bath and get the hell out of here. When we are going in, you have eight hours to look forward to.

Frank Reynolds. There is generally an atmosphere of tension as the men prepare to go underground.

Josh Descaro. Going into the mine you are thinking of what you are going into. You don't know how the shift before you left it, I mean, you don't know, some days are a little easier than others, some are a little more dangerous than others, or a little more dustier than other days. I guess more or less you are pondering over what you are going to run into when you get into the mine.

Jack Shaffer. You hate like hell to go in. It's just something you don't want to do but you know you have to do it to get the money.

Frank Reynolds. Dropping 360 feet down the Cherokee Shaft, the joking of the bathhouse disappears. For eight hours, these men will work in a world where dependence on one another is essential. They will, in eight hours, perform highly skilled tasks with only their miner's light as a guide in the blackness. For eight hours they will work at cutting coal and staying alive.

Jack Shaffer. We go down and we go get in a man trip. Going I'm always ahead of these guys 'cause I want the warm spots starting the man trip. I don't like to set in the air where it's blowing on me all the time. It's, it's always forty-five to fifty degrees in the mine.

It's not warm. It's a strain on your eyes. You can't see, you know, normally like you could outside, just like when you are out in the dark with a flashlight you can't see everything, and that's just the way it is in there. You can't see what, what's on the side of you. You see indirectly what you are looking at at that spot.

Frank Reynolds. A large working coal mine is like a city underground. As coal is removed, tunnels are formed, some stretching 15 and 20 miles in a single mine. As lines of communication lengthen, the risk to the men at the working face increases. The Maple Creek Mine is in the Pittsburgh seam, one of the richest coal beds in the world, a five to six foot layer of solid coal stretching like a thick blanket for hundreds of square miles underground. Coal is the cornerstone of America's fuel supply. It is the most important energy source for steel making and electric power. While reserves of oil and natural gas are precariously low, coal reserves are still enormous. The Maple Creek mine alone has enough coal to be mined for forty or fifty years at the present rate of production. This machine is a "continuous miner." It is the prime symbol of the technological advancement in coal mining and has greatly increased the productivity of labor.

Josh Descaro. We work together as a team. Jack is the operator and I keep his cable out from underneath his cat, watch the roof conditions for him.

Jack Shaffer. He's just real good. He knows his roof. He'll watch it for you, where I can't see the roof. I'm on the machine. I have a cab over me. I can just see straight ahead and see part of the roof where he can see it all. He's behind me and he watches the roof good. The main thing: You got to keep checking for gas.

Josh Descaro. We always keep checking because there's always the chance, the one in a million chance, that you might find a pocket of it somewhere and if you are not on your toes you might blow up the whole mine.

Frank Reynolds. There is a mystique about the working face that every miner knows and feels. It is the point of production. It is where he is attacking the unknown The coal face is where nature takes its revenge, where man pays for what he steals from the earth in life and blood. It is as though we must pay this toll of 200 or more human lives as a sacrifice each year. But miners and other less superstitious people feel this is a needless toll since mining can be made safe, and many believe that production and profits are given a higher priority than human life.

One-hundred-and-one-thousand American coal miners have died violently at their jobs in the 20th century. In recent times an average of 247 miners lost their lives each year in roof-falls, explosions, fires and major disasters. Hyden, Kentucky, December 30th, 1970—38 miners killed. Farmington, West Virginia, November 20th, 1968—78 miners killed. Mount Hope, West Virginia, July 23, 1966—7 miners killed. Dola, West Virginia, April 25th, 1963—22 miners killed. Carmichael, Pennsylvania, December 6th, 1962—37 miners killed. Bishop, Virginia, October 27, 1958—22 miners killed. At the same place on February 4th, 1957—37 miners killed. West Frankfort, Illinois, December 21st 1951—119 miners killed. Centralia, Illinois, March 25th, 1947—111 miners killed. And so it goes, back to the great explosion of Monongah, West Virginia on December 6th, 1907 which took the lives of 361 miners, the highest toll of any single mine disaster.

But there's another way to die for the coal miner: the slow death of black lung, the occupational disease of the miner caused by years of breathing coal dust into the lungs.

Tony Brocco. You just can't get your breath. That's from dust—can't breathe! Can't breathe! I use this. You put it like this, put it in your mouth and down your lungs. Open your lungs up. I carry this all the time with me.

Carl May. In the mornings, I get up I can't hardly get my breath. And you know when you come out in the morning, I have had it in my head felt big as a washing tub, and spit up balls of black stuff as big as your fist pretty near. I just have to sit down and wait, and sometimes I gasp for my breath. When you get up you start to cough and (gasps). Right now I'm short of breath, right now.

Mickey Britvich. He said, "You're all a bunch of nitwits and idiots. You don't know what you want." This is what they think of coal miners today. But these people they don't, they don't want to face the reality. We're not—no longer nitwits or idiots. We're no mules or fools today. We might of had these kind of coal miners before, but today we can read and write. We don't claim to be Philadelphia lawyers or no kind of professors but we know what's going on in this union. Back in 1964——

Frank Reynolds. Local 1248, United Mine Workers of America, District 5.

Mickey Britvich. This is why we're fighting. Like Nick said, we're fighting for freedom and democracy.

Frank Reynolds. Legal counsel to a group within the United Mine Workers called Miners For Democracy is attorney, Kenneth J. Yablonski.

Kenneth Yablonski. Local union 1248 which is at the Maple Creek Mine of the United States Steel Corporation is, in my opinion, an example of what can be done when you have real honest-to-God militant union leadership.

Nick De Vince. Have a safety strike—

Kenneth Yablonski. Nick De Vince is the president of that local and his fellow officers have done in my mind an outstanding job of raising themselves up.

Frank Reynolds. Jack Shaffer and Josh Descaro are caught up in the Miners For Democracy movement within their local. Local 1248 is a stronghold of this dissident group. Even through belonging to the United Mine Workers of America, Local 1248 is in conflict with its district and international leadership over a recent district election.

Nick De Vince. I just shook my head. I said, "I can't understand this."

Frank Reynolds. Adding to their resentment is the fair and suspicion that their union is in with the coal operators.

Nick De Vince. We have no issue with you at this point, because you could rest assured if we had a safety issue we'd be in here every day to see that it's taken care of and the safety committee would shut it down if it's that bad. Who the heck is Mike Budzanoski going to the company? Tell him to come to the men. He's representing the men not the company. Now ain't this a shame. The district gets its information from the company. It proves that they're in bed together.

Josh Descaro. We just feel that there are people in Washington in the international that they don't give a damn about us. And that's what we want to bring out. We want to bring out that we are not the 1920 coal miner. We are not the man that goes in and drives a mule for his dust or gas or no matter what. We are men that—we want to live! We don't just want to live to work in a mine. We want to live and have families and have a regular life just like anyone else that isn't a miner. We want to make it safe in the mines so we can consider our job as safe as say a man that is a lawyer, or a doctor or something like that.

Kenneth Yablonski. Our reform group has done more for mine safety, in the recent time since my father declared his candidacy than the entire history of Tony Boyle's regime in the mine worker's union. Because we have made it known that safety is a real honest-to-God issue. It's a problem. And we've done things.

Frank Reynolds. The power of Tony Boyle in his bid for re-election in 1969 to the presidency of the United Mine Workers of America was, for the first time, challenged by Joseph Yablonski, himself a long-time union official. The first crack in the solid front of union bureaucracy began to appear. The issue of safety, from the time of John L. Lewis and before, has always been controversial in the internal politics of the United Mine Workers of America. In this election, the question of disposition of union funds was added to it.

Joseph Yablonski. Records of the mineworkers organization will show that many millions of dollars have been wasted only for the purpose of trying to keep Boyle and his regime in power.

Reporter. Why is Mr. Boyle such a tough opponent?

Joseph Yablonski. Well, I don't know that he is such a tough opponent. I never considered him a tough opponent. They have been conducting a campaign of smear and fear and threats and pensioners and everybody else. I don't consider this being a tough opponent.

Frank Reynolds. The campaign was taken to the coal fields, each side electioneering vigorously. Five law suits were filed against the Boyle group by the Yablonski faction. A U.S. Department of Labor investigation of the election later noted innumerable violations of the Landrum-Griffin act by the Boyle group. The act is intended to protect the integrity of union elections. As seen here, at a later date. Tony Boyle appeared before a Senate committee investigating the illegal use of union funds for political campaign contributions for which he was subsequently indicted by a grand jury. His case is awaiting trial. The union is presently contesting the Labor Department's legal moves to invalidate the election and Tony Boyle says of it:

Tony Boyle. The Labor Department has an obligation to explain its sins of omission. It has an obligation to explain why on the eve of the union election it released a memorandum of unsupported charges paraphrasing those made by Joseph Yablonski's lawyer many times previously. The Labor Department gave official sanction to unsupported charges. The Labor Department's action is tantamount to persecution, not prosecution.

Frank Reynolds. On December 9th, 1969, Tony Boyle was officially re-elected. Three weeks later, on December 31st, Joseph Yablonski, his wife and daughter were murdered in their Clarksville, Pennsylvania home. Five persons have been arrested and indicted for the murders and are presently awaiting trial. Kenneth Yablonski says of his father:

Kenneth Yablonski. My dad stood up in 1969 and he pointed out, he fired the opening shot with his declaration of candidacy when he said that he just couldn't tolerate this backwardness anymore, that we were just going too far backward and he just couldn't live with it any more. And he admitted that he'd been a part of it, that he'd watched it deteriorating, but he just had to break. Now, we took a horrible setback when my father was killed, my father, mother and sister. This put an awful lot of fear in a lot of people, but I think the men realized that they couldn't let him down, that even though he's gone now, they have to carry on, and they're not going to be intimidated any more. Sure, they're afraid. They saw what happened to him and they believe that it could happen to them also, but they're not going to be intimidated. They have the same kind of courage, the same guts that he had and they're carrying on the fight.

Judy Shaffer. From what I understand, he's a big mouth in the mines. But I think they have to be like that. If you go into the mine and you don't like something, and keep your mouth shut, you'll never get anywhere.

The only reason I think he's in the mine is because of the money even though, personally, I don't think they make that much money. There's too many accidents in the mine. And he had one himself. He had part of his little finger cut off. People don't realize, they think it's nothing, you know, that maybe somebody might lose a finger or a hand or a limb.

Judy Shaffer. Did you say, mustard or mayonnaise?

Jack Shaffer. Mustard's okay. You going to ride your bike today?

Dawn Shaffer. Yes.

Jack Shaffer. See what happened to you yesterday on the bike, don't you. You're going to ride it again today?

Dawn Shaffer. Yes.

Judy Shaffer. No, she isn't.

Jack Shaffer. She said she wanted me to throw the bike away yesterday.

Judy Shaffer. She ain't going to ride it. Do you want lots of jelly on it?

John Shaffer. Let me see. Yeah, that's enough. Do you have enough peanut butter on it?

Jack Shaffer. Yeah. You'll taste it.

Judy Shaffer. The way the cost of living is now, to have anything nice—new car, nice home, or anything, you have to make enough money to pay for these things.

Jack Shaffer. Those could have been sewed a little bit, Judy.

Judy Shaffer. Well, you should have told me. You see that girl last night on TV in the shorts?

Jack Shaffer. Hot shorts.

Judy Shaffer. Hot pants. Yeah. She looked pretty good?

Jack Shaffer. Yeah, she looked pretty good. I'll still like to have some homemade cake. You should have baked the cake last night. That junk's getting pretty rotten every day. You didn't get John his present yet?

Judy Shaffer. No.

Jack Shaffer. You'd better stomp out tomorrow and get him something. If not, I might give him a little bit of money. And don't forget to call the guy about the windows. You know, the window blew out. Just bring me some cake back.

Judy Shaffer. Okay.

Jack Shaffer. I'll see you later.

Judy Shaffer. Be careful.

Jack Shaffer. I'm always careful.

Judy Shaffer. Drive careful.

Jack Shaffer. You should have that coat buttoned up. You'd better have mommy button it up.

Judy Shaffer. I know my husband has been late coming home a few times. First thing you think of right away is a cave-in. Because usually they're not late. They're regular coming home. But, if he is ever late, that's the first thing I think of is an accident in the mine. But they do call you right away, but still, if you're caved in somewhere in the mine, they can't get in touch with you right away and that's why any wife of a miner worries constantly, you know, whether their husband's coming back every day or not.

Frank Reynolds. The heritage of an in-built fatalism about mining from a past generation persists even for the young miners, today. On December 30th, 1969, in the aftermath of the Farmington, West Virginia disaster in which 78 miners lost their lives, the Federal Coal Mine Health and Safety Act of 1969 became law, the most stringent safety law ever to be put on the books. Many new standards relating to limits on the amounts of gas and dust and other hazards must now be met. In addition, regulations for the comfort and accommodation of men, potable drinking water and toilet facilities must be provided at all working sections. In any mine, the area where the men have their lunch is called the dinner hole. They move away from the working face, away from the dust and gas.

Josh Descaro. We try to pick the safest place and the place where there's not too much noise or dust or anything. We put a back rest on the bench and you have a place to hang your coat and set your bucket on the bench and four or five garbage cans to put your trash and your lunch in and they have drinking water available, sometimes.

Jack Shaffer. They are paying a fine now every day of—inspector comes in and sees they are not there but the fine is so small that they just pay the fine. It's cheaper to pay the fine than go out and buy these toilets and have the drinking water there.

Josh Descaro. It's good water when it's there but it's not there and we sort of drank it all up and that's about the last we've seen of it.

Jack Shaffer. This new mining law isn't strong enough. They passed that bill, it's been passed but they're not pushing the companies to put these in the section.

Josh Descaro. They have the law but they don't have any force behind it. I mean, it's just like saying you have to stop for a Stop sign but if you don't stop we aren't going to do anything to you, you know. So, maybe you don't have to stop, I guess.

Frank Reynolds. Jesse Core, Vice President of Coal Operations, United States Steel, operator of Maple Creek Mine.

Mr. Core, if you were a miner working in one of your mines would you be satisfied that the United Mine Workers Union was doing enough to protect you, your health, your safety?

Jesse Core. In our mines?

Frank Reynolds. Yes, sir.

Jesse Core. I would think so, yes. I would. Our own record last year in our coal mining operation both in accident frequency and in accident severity would place our coal operations among the five safest industries in the country. This is a matter of record.

Frank Reynolds. Do you think the Government is imposing too many controls?

Jesse Core. I think if we had been able to advise on the subject that we would have said, well, let's have some priorities here, let's take the most important, the real problem areas in mine safety and let's get at them first. In answer to your question, I guess that if we have anything to say about that it would be the fact that we were deluged with no priorities but just to take the whole gamut and let's do something about them real quick.

Kenneth Yablonski. I think both the union and the industry are dragging their feet enforcing compliance with this law, and it goes back to the same old question. Every time anything comes about that concerns safety, the first thing the company does is say it's going to cost too much money, it's going to put us out of business. And, unfortunately, too often the union sits back and lets them say that and get away with it. The men who go into the mine should know that the district officials and the international officials are really in there pitching for them, really doing a job. And this is what the men don't know. This is where the men have lost faith. They don't believe in their district anymore, they don't believe in their international leadership.

Frank Reynolds. Mr. Boyle, president of the United Mine Workers, was invited to appear on this program but refused. He left it to Lewis Evans, Safety Director of the union to respond to Kenneth Yablonski's charge.

Lewis Evans. To say that the United Mine Workers of America is not interested in mine safety is one of the most asinine statements that I have ever heard. It's not just an indictment against the union, it's an indictment of every safety committeeman we have at every coal mine where we have a contract in this country. It's a ridiculous statement, without any iota of truth to it. I've spent a lifetime in this industry, and I've spent a lifetime fighting coal operators.

Kenneth Yablonski. It's a matter of money. And these companies have to be made to know that they're going to have to spend the money to make their mines safe. The whole attitude concerning safety in the mine workers union has historically been wrong. It has been horrible under Tony Boyle. When my father ran for election in 1969 the entire Safety Division of the mine workers union consisted of one man, whose credentials, in my opinion, were rather dubious to start with.

Their attitude's been wrong. Tony Boyle, when the Farmington mine blew up, and these men were down there dying or dead, said that, well, you know coal mining's hazardous business, we're always going to have mining explosions. Well, this is ridiculous. There is no reason for a leader of a labor union to have such a stupid attitude as to say we're always going to have mine explosions. What he should be saying is that we should never have another mine explosion and I'm going to dedicate myself not to having another mine explosion. This is what my father believed in, and this is what these men in Miners For Democracy believe in. We think that all mine explosions can ultimately be eliminated.

Frank Reynolds. On March 17th, an emergency meeting of Local 1248 was called. Their meeting place, the back room of the Footdale Fire House in New Salem, Pennsylvania. The conflict between the district leadership of the United Mine Workers of America and the insurgent Miners For Democracy membership within the union was reaching a point of confrontation over the election of district officers. We will return with that story after this message.

Frank Reynolds. Local 1248, United Mine Workers of America, District 5. March 17th, held an emergency meeting at the Footdate Fire House in New Salem, Pennsylvania. By vote of the membership, ABC News was permitted to film the meeting. It was called because of a controversy over a district election.

Nick De Vince. He has another paper in his back pocket and to look at it so it corresponds, he must have got it from the district because everytime ——— had something up he would look at the tally so he would have the same tally as the district had. How stupid is Mike Budzanoski? How stupid does he think the coal miner is today.

Frank Reynolds. The election, held last December 8th, was still in doubt and under scrutiny by the U.S. Department of Labor. One problem, alleged tampering with some of the 1200 absentee ballots. In the complex structure of union politics, it is sometimes difficult to keep track of the principal candidates. The present leadership of the United Mine Workers of America is headed by Tony Boyle, president of the international union. Individual union locals in the Pittsburgh area belong to District 5 of the international, at present a pro-Boyle group. In the election last December, members of the union locals voted for district officers. The contenders for president of District 5 were: the incumbent, Michael Budzanoski, a Boyle man, and Lew Antal, a leader of the insurgent Miners For Democracy. Nick DeVince, president of Local 1248, ran for representative of the international executive board. Local 1248 and two other insurgent locals voted overwhelmingly against the present leadership, and for the Miners for Democracy slate. But then, in a surprise move, hours before this meeting was called, the Budzanoski, pro-Boyle leadership, alleging improper voting procedures, disqualified the votes of the three insurgent locals. This would, in effect, give victory to Michael Budzanoski and the pro-Boyle candidates.

Nick De Vince. Do you see how they stole this election!

Frank Reynolds. The men of Local 1248 were angry and bitter over this new turn. They stopped work and called this meeting.

Nick De Vince. They have thrown out 740 votes of mine which is going to change the election all the way around. Instead of Lew Antal being president they are going to announce that Mike Budzanoski actually is going to be president. Instead of Joe Daniels it is going to be Seddon. Instead of myself it is going to be McAllister. So I would like the secretary to read the charges that was brought forth to this local union.

Secretary. The District Tellers, United Mine Workers of America, District 5: We, the undersigned contest the election conducted by Local union 1248, United Mine Workers of America, Maple Creek, for the following reasons: (1) The local union failed to provide a sufficient amount of booths considering the large membership of the local union and the anticipated high percentage of vote turnout. (2) Inadequate preparation by the local union prevented the majority of voters to vote in privacy. (3) A long plank, approximately 12 inches wide, 120 inches long, erected on blocks, nearly waist high used as a table base for voters was in the open. This arrangement permitted a voter to view the voting of those voters on either side of him. There were no separations such as blinds, plastic strips, paper strips, or strips of cloth or other material between voters standing at the long plank which would allow privacy. Signed: H. W. Roadahaver, Frank A. Shuba, Michael Truloase.

Nick De Vince. . . . . this constitution so many times and there is nowhere in there, nowhere, that you had to have booths. And you know as well as I do, in the last district election we voted in a little cubby hole that we couldn't even have a booth.

Miner. Didn't we vote the same way for Tony Boyle down there, if I remember correctly? We voted exactly the same way for Tony Boyle as we did for Budzanoski.

Nick De Vince. Everybody, just a minute. . . . . that was entitled to a fair election I want him to stand up. All right. Sit down. Without a doubt U.S. Steel is going to have us in court. But I am going to have to ask for a motion to return to work.

Miner. I'm sure that half the men or more recall a time similar to this about a few years ago. The Peabody contract was put upon us. We said to Mr. Budzanoski right here that either the card had to be changed or by God they'll get no coal. He said it would never be changed. We said, you'll get no coal. I don't think it was more than ten days, maybe at the most, to get them to change the contract. They changed it. Is that correct? And I am of the advocation now that if we're going to tolerate this now, we'll tolerate maybe worse. So I say to the chairman, sure, we should vote to go to work, but we ain't going. Because, Mr. Chairman, I don't care what you say, I don't agree with it because we cannot tolerate this kind of action. Ain't my business but if you wanted us to go to work, say go to work, I'd say you're a fool.

Nick De Vince. We are on an unauthorized strike. I'm asking you to return to work. Will the secretary read—

Secretary. Mr. Nick De Vince, president, Local Union No. 1248 UMWA. It has been reported to this office that your mine is participating in an unauthorized work stoppage. Unauthorized work stoppages are specifically prohibited by the National Bituminous Coal Wage Agreement of 1968 to which the United Mine Workers of America is a party. In the event that this work stoppage does not involve any safety matters you are hereby directed to immediately take the necessary steps to have your mine resume normal operation. Michael Budzanoski, president, District Number Five.

Nick De Vince. A motion is in order to return to work. Motion is in order to return to work. I tell you to return to work.

Miners. Can't you hear, Mr. Chairman.

Nick De Vince. Boys, I can't get you your vote back. I wish I could.

Miners. We'll get our own votes back.

Miner. Our votes are legal. I cast my votes and nobody ever asked me. I say it is Goddamn time we quit asking the Government for help. Let's help ourselves.

Nick De Vince. If all of you guys feel this way then follow us down to Pittsburgh tomorrow.

Miner. Tell us where?

Nick De Vince. At the district office.

Voices. We'll be there. We'll be there.

Josh Descaro. He asked for the motion, there was no motion. He begged for the motion, there was no motion. So, evidentally we are not going back to work. Strike is the only weapon. What other thing do we have to do? We tried everything else. We've tried legal measures, we've tried everything else.

Miner. Yeah, everybody suffers, at times. Hell, I suffered before, I'll suffer again.

Mickey Britvich. A coal miner does never lose anything that he doesn't work for.

Josh Descaro. Just think what we are going to lose if we don't pull this. We are going to go back under dictatorship and back into the 1920's again. We are going to be the coal miners working in water up to here with no benefits so that's why we are doing this now.

Miner. We are going to Pittsburgh. We are going to protest.

Miner. We're going to show these people we mean business.

Miner. We are going to be out there in force.

Bus Talk. My wife says, never marry a coal miner, he will never work steady.

Frank Reynolds. Although the leadership of Miners For Democracy will give no figures, they claim their movement is spreading and gaining force, not only in western Pennsylvania, but in Ohio, West Virginia and in other coal producing states.

Bus Talk. If they want violence we will give them violence. They want violence.

Jack Shaffer. But we are not going down there to cause any trouble. We're going down to get our votes back, like Josh says. They are accusing us for not having a large enough and secret enough place to vote in. When we voted for Budzanoski we voted in a damn fruit stand along the road.

Miner. Why should somebody take the votes from us? That's why I'm here.

Josh Descaro. We are fighting for safety and if we go along with this crap that Boyle is trying to feed us then our families might suffer in other ways. What if one of us gets hurt in a mine? Or killed in a mine? We feel Miners For Democracy are getting us safety benefits and better sick benefits. That will help our families in the future. Sometimes it pays to suffer a little now to reap the harvest later.

Frank Reynolds. District 5 headquarters, United Mine Workers of America, Pittsburgh. The men of Local 1248 and miner members of the two other locals whose votes were disqualified converged on the focal point of their resentment, the district office.

Miner. We want our votes counted and we're not leaving here until you count them.

Teller. We tellers have a job to do.

Frank Reynolds. There was anger and frustration and for a time the mood was ugly, tempers on the ragged edge of erupting into violence. Although there was little to be achieved by such a confrontation, since the contested election would ultimately have to be settled by a Labor Department ruling or possibly a court action, the passions of the men spill over. Placards, placed on the wall denouncing the union and its leadership will not amend their grievances. The butt of their anger—Michael Budzanoski, incumbent president of District 5.

Michael Budzanoski. There will be a news conference later today. Will you gentlemen please leave? Will you gentlemen please leave? Thank you. We're asking the news media to get out because a lot of these people when the news media is around makes scenes. So, the news media please leave.

Reporter. What's the basis of the rumors of threats.

Michael Budzanoski. Mr. ——— walked over to me in the washroom and told me today was my day and they were going to get me.

Report. Get you, how?

Michael Budzanoski. I don't know how. They said they were going to do it with no witnesses around. So please, will you gentlemen please leave now? I'm sorry. I don't want news media or anyone else brought up here today.

Frank Reynolds. On the way to Federal Court to deal with the restraining order brought by the mine operators to end the unauthorized work stoppage, Mr. Budzanoski gave his views of the dissident members of his district.

Michael Budzanoski. This is strictly an anarchistic type of organization that wants to ruin the United Mine Workers or take over, one or the other.

Reporter. Well, Mr. Budzanoski, now they have accused you of having some irregularities with this election. They are saying, I think, they have won the election. What do you have to say to that?

Michael Budzanoski. Well, they have not won the election and they know it, and since they haven't won it they are attempting to take over by force.

Reporter. Have you been declared the winner, Mike?

Michael Budzanoski. I don't know whether I have been declared the winner or not—probably sometime today the decision will be rendered. If they possibly can render it. You see, this group broke in on the tellers and tore up all their tally sheets.

Frank Reynolds. Meanwhile, attorney Kenneth Yablonski, representing the dissident group in court, assembled his men on a street corner.

Kenneth Yablonski. Let's not act irresponsibly. You came down here and you made yourselves felt. They knew that you're not a bunch of queers walking around. They know you're men. You came down here and you let them know. And the Labor Department and everybody else knows that you're men. Now let's act responsible. I've already advised the judge, Nick and Chuck have told the judge that we're gonna' get you men back to work. They told me they're going to get you back to work. Let's do it.

Miner. Yes, but if we don't get our rights now we never will.

Frank Reynolds. Later, Kenneth Yablonski had this to say to us.

Kenneth Yablonski. They came down here, sure they were a little noisy, sure, they were vociferous, but I can only say this, it could have been a lot worse under the circumstances. I think under all the circumstances concerned, I think they acted as good union men making themselves felt. The violence that Budzanoski talks about all the time, and I'm getting sick and tired of his nonsense about violence, let's look at the violence that's happened in this thing. The Yablonski's—my mother and father and sister are dead. There have been threats against my uncle, against Lew Antal. There have been all kinds of threats of violence and actual violence and it's always perpetrated against our side, and yet Mike Budzanoski has the gall to stand up and talk about our people being violent. Let him point to one lump on his head. Let him point to any Boyle man who has suffered from violence as a result of our people. It just hasn't happened. These men are just concerned, they're upset and as you've seen, they're very worried about the complexion of this thing and I can't blame them.

Frank Reynolds. The press conference Michael Budzanoski promised newsmen that afternoon was never held, but two days later, at the William Penn Hotel he officially announced victory in the election for himself and the rest of the incumbent slate and said:

Michael Budzanoski. I wrote letters to every local union on two occasions imploring them to have booths, if possible, or some other means of voting in absolute secrecy. I told local unions that I would render my assistance in securing voting booths or places where they could vote in such a way that everyone would vote in secret, because the Federal law requires that a man cast his vote by secret ballot.

Frank Reynolds. After a two-day wildcat strike the miners went back to work on March 19th. However, by April 1st, on National Coal Miner's Day, there were still threats and calls for further wildcat action. Kenneth Yablonski tried again to get the men to cool it.

Kenneth Yablonski. I'm saying to you right now that if you don't act responsibly and if you don't act within the law that you claim that you want the protection of, and if you don't abide by the union constitution which you say you honor, then you disgrace the movement that you belong to. We cannot resort to irresponsible and illegal activity that will only, that will only destroy what we have worked hard to obtain. Here's Nick DeVince. How many days, how many days has Nick DeVince lost in this election effort? Are you guys gonna' blow it for him?

Voices. No.

Kenneth Yablonski. Well, you're gonna' blow it for him if you run out and start shutting down coal mines.

Miner. Let him get up and tell us that's the only way.

Kenneth Yablonski. All right, Nick, come up here. Here he is right here.

Nick De Vince. Just listen to Ken. Now he knows. If he says we gotta' go to work, let's go to work and let's give him some time.

Voice. We're tired of giving 'em time, we're tired of the courts.

Nick De Vince. All right, we understand that.

Kenneth Yablonski. The law says that you must resort to the courts if your union officials violate your union constitution. And this is what we're going to do.

Voice. They don't control me. They don't control me. I've got rights.

Kenneth Yablonski. Marty, you know as well as I know that no one in this group has ever let anybody down this, down this road the wrong way. Sure it's gonna' take a little bit of time, but let me take you back a little bit. Look how far we've come in the last 18 months.

Voice. Nowhere!

Kenneth Yablonski. You think, nowhere? That's where you haven't been paying attention to what's going on then. Your vote's gonna' be restored. Your vote's gonna' be restored. And I'll say this, when the day comes. You know, you complain about the loss of a vote. What have I lost? I've got a mother and a father and a sister dead and I don't want no damn rabble-rousers ruining this thing. Act responsibly once in your lives. Don't tell me about those. . . . You don't know what it is to lose. You don't have any idea what it is to lose. I know what it is to lose. And I know that you don't have a chance if you start back into the old—I saw rebel strikes in the 50's, in the early 60's and it never got you a thing. This rebel movement never knew what it had. It never knew what it was like. It never had any chance of success until we got some real responsible leadership.

Monsignor Rice. Our Father, who art in heaven, hallowed be thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation but deliver us from evil. For Thine is the kingdom and the power and the glory for ever and ever Amen.

Frank Reynolds. Coal Miner's Day, April 1st, Cokeburg, Pennsylvania. Monsignor Charles Owen Rice, known as the 'labor priest' of Pittsburgh.

Monsignor Rice. I want to say a word here of appreciation for the great struggle that is being made. You men may not realize it, but all over the United States of America the name of Miners For Democracy and the name of your leaders, not only the dead Yablonski's but their living sons and many of your other supporters, those names are on the lips of people who care for freedom and democracy all over this country. People know about it in other countries. You are people who are being observed and it's out in the open, you see, they can't work you over because it's now out in the open. Today, you have to let the people have some control over their destiny or they will lose total interest in it. You know, there is, there are fairly strong unions in the United States today but the big ones owe so much to the miners. Somebody, it was John Lewis—he made many mistakes, but one thing he did was he took your money and he guaranteed the existence of these unions. I don't know whether John should have done it or not. But the steelworkers owe you a lot and so do the auto workers, and the oil workers and the electrical workers, anybody you can name. Any industrial union today owes not only an inspiration but owes, owes its existence to the miners and the organizers that John sent out and that he paid for them. You are good strong, free American workers. You can't be beaten and you will take over this union and please God, when you take it over, you'll run it right.

Frank Reynolds. Since the events reported in this program, there have been several developments involving both District 5 and the International leadership of the United Mine Workers of America.

On April 26th, a Federal district judge held the union liable for damages in a 75-million dollar civil suit for misuse of the union welfare and retirement fund.

On May 6th, a Federal jury convicted two officials of District 5, one of them president Michael Budzanoski, of conspiracy to divert union funds into the 1969 re-election campaign of UMW president, Tony Boyle.

At this moment a suit by the Department of Labor is pending, charging unlawful practices and seeking to set aside the 1969 Boyle election.

One thing seems quite clear: A new day is dawning for America's coal miners. It is late—too late for those who have died in accidents that might have been avoided and too late, too, for the victims of black lung—but when this new day arrives, it will be in part because of miners like those you have seen tonight who go to work through the Cherokee Shaft.

This is Frank Reynolds. Good night.

DEFENSE AUTHORIZATION BILL—PART V

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ASPIN. Mr. Speaker, the Defense Authorization Bill for fiscal year 1972 includes a significant increase for naval vessel procurement over the amount provided last year. In constant dollars, it is about $590 million more than the amount authorized last year and about $830 million more than was actually appropriated for fiscal year 1971. The major reason given for this increase is the need to replace the aging ships in the fleet. In particular it is noted that on the average, our major ships are 6 years older than those of the Soviets. Ships commissioned during World War II and the immediate postwar years still account for a major portion of the current active force. These ships will have to be retired in the next decade or so. However, the administration has not made clear how many of these ships must be replaced.

The problem has been called "block obsolescence" and has been a source of concern to the Navy and Armed Services Committee for many years. In an excellent analysis by Arnold M. Kuzmack of "Naval Force Levels and Modernization: An Analysis of Shipbuilding Requirements," recently published by the Brookings Institution, this problem is addressed. Mr. Kuzmack argues convincingly that modernization requirements cannot be separated from questions of force levels. However, a critical examination of the administration's budget request for fiscal year 1972 suggests that there is considerable confusion on this point. For example, maintenance of the fiscal year 1972 force levels would require as much as a 25 percent increase in shipbuilding over the amount requested for fiscal year 1972. On the other hand, lower force levels such as those implicit in the administration's budget as likely to prevail in the late seventies would result in the virtual disappearance of the "block obsolescence" problem.

With concise facts and clear reason, Mr. Kuzmack shows that alternative force levels for 1980 have a direct impact on the amount of ship construction needed during the next 5 years. To arrive at alternative force level requirements, he has focused on four major elements of naval forces: attack carrier—CVA—force levels; antisubmarine warfare—ASW—carrier—CVS—force levels; the nuclear attack submarine—SSN—annual building rate; and amphibious assault lift capability. Other naval forces are in direct support of these major force elements and can be derived using commonly accepted factors. To determine the number of ships that are available, it is necessary to determine the ships which must be retired. To do so, Mr. Kuzmack has accepted the Navy's rule of thumb. Although no specific age is associated with the maximum useful life of Navy ships, it has been the Navy's experience that an age of about 30 years for surface ships, perhaps slightly less for submarines, is a reasonable maximum life expectancy for the hull, propulsion machinery, and basic installations. Using Mr. Kuzmack's methodolgy, it is possible to determine the shipbuilding requirements to support alternative force levels for 1980.

Two alternatives are of particular interest in reviewing the fiscal year 1972 naval vessel procurement authorization: the force levels in the President's 1972 budget; and the force levels most likely to obtain in the late seventies.

The fiscal year 1972 force levels are interesting as a measure of the adequacy of recent and proposed ship construction. However, the administration has given little indication that these force levels can be maintained through the seventies. The CVS's are nearing 30 years old but there has been no mention of their replacement—although the budget provides procurement funds for a new generation sea-based ASW aircraft, the S-3A. Rather, the Navy is trying out a new CV concept whereby both attack and ASW aircraft would operate from the current CVA's. Nor has the administration implied that there will be more than 12 CVA's. Only 11 will be less than 30 years old in 1980 and none is requested in fiscal year 1972. Even a force of 12 requires approval of an additional CVA—such as CVAN-70—in the posture statement on the fiscal year 1972 budget Secretary Laird stated we will "keep the option open to authorize the next carrier (CVAN-70) in fiscal year 1973 or fiscal year 1974." In his analysis, Mr. Kuzmack shows that no additional escorts need be built for a 12-carrier force given the escort ships approved to date. However, should a second all-nuclear task force be desired, we would need to build the nuclear guided missile frigate—DLGN—requested in fiscal year 1972. The SSN building rate could be maintained at five—to replace all conventional attack submarines on a 1-for-1 basis for a total SSN force of 105 in the early eighties, or terminated in fiscal year 1972 for a total of 69 SSN's, or phased down and terminated somewhere between 69 and 105. Hence, a range is still of interest. As for amphibious assault ships, the termination of the general purpose amphibious assault ship (LHA) has virtually guaranteed that lift capability will not exceed 1⅓ Marine division wing teams—MEF's—in the seventies.

Table I summarizes the major force components of these two alternatives:

TABLE I

	President's 1972 budget	Probable alternative
CVA force level	13	12
Antisubmarine warfare forces:		
CVS force level	3	0
SSN annual building rate	5	0-5
Amphibious assault capability (MEF)	1⅓	1⅓

These levels in turn determine the detailed force structure, including the various types of escort ships, amphibious assault ships, underway replenishment ships and fleet support ships. In general, the planning factors used take into account the fact that, in most cases, new ships are more capable than the ships they replace. Thus, ships are generally replaced on less than a 1-for-1 basis. The results are summarized in table 2 which shows the alternatives broken down by broad ship categories:

TABLE 2.—ALTERNATIVE FORCE STRUCTURES, AS OF 1980

Ship category	President's 1972 budget	Probable alternative [1]
Attack aircraft carriers	13	12
ASW aircraft carriers	3	0
Attack submarines	94	69-94
Cruiser-destroyer forces	202	163
Amphibious assault ships	76	76
Mine countermeasures ships	61	61
Underway replenishment ships	47	43
Fleet support ships	61	51-56
Subtotal	557	475-505
Strategic forces	52	52
Other general-purpose forces	19	19
Total, Active Navy	628	546-576

[1] Corresponds to alternative 1 in "Naval Force Levels and Modernization," Arnold M. Kuzmack, the Brookings Institution, Washington, D.C., 1971, as updated to reflect the fiscal year 1972 budget.

There are 71 ships that are not included in the analysis. Of these, 52 are strategic nuclear forces: the 41 Polaris submarines and their support ships. The other 19 are patrol boats and a few miscellaneous auxiliaries. The force levels of these ships are determined by considerations that are quite separate from the sort of arguments associated with the major general purpose forces. Hence, they are held constant in both alternatives.

Given these force levels, the number of ships needed can be derived. Table 3 shows the shipbuilding required to maintain the force levels in the President's 1972 budget. The table assumes that modernization will be completed by 1980 by which time there will be no ships 30 years old or older. For each type of ship for which new construction is required, the table shows the required force level shown above, the number of ships funded through fiscal year 1971 that will be less than 30 years old in 1980, and the number of additional ships needed and their cost. The types of ships for which new construction is not required do not appear in the table. Since it takes about 4 years to build most naval ships—including administrative as well as production leadtimes—ships shown in this table would have to be funded during the 5 fiscal years, 1972-76:

TABLE 3.—SHIPBUILDING TO MAINTAIN FISCAL YEAR 1972 FORCE LEVEL, MODERNIZATION TO BE COMPLETED BY 1980

Type of ship	Force level	Available	Needed	Fiscal 1972-76 cost (millions of dollars)
Carriers:				
CUA, CUAN	13	11	2	1,900
CUS	3	0	3	935
Attack submarines: SSN	94	69	25	4,400
Cruiser-destroyer forces:				
DLGN	8	6	2	480
DDG	33	29	4	460
DD	33	23	10	860
DE	94	71	23	1,195
Amphibious assault ships:				
LSD	15	13	2	145
LST (20 knot)	22	20	2	75
LFS	2	0	2	145
Underway replenishment ships:				
AE	14	13	1	45
AFS	9	7	2	85
AOR	12	6	6	340
Fleet support ships:				
AS	6	2	4	430
ASR	10	2	8	295
AD	12	3	9	965
ATS	33	3	30	840
Total fiscal year 1972 prices			136	13,595
Average annual budget			27	2,719

The administration's request for ship construction for fiscal year 1972 supports this alternative in several respects: construction of SSN's beginning at a rate of five per year; construction of one of the last two DLGN's needed to have two all-nuclear carrier task forces; and continuation of the DD-963 program as part of the 30-ship contract. However, it falls short of the average annual budget needed to maintain these force levels. About $500 million would have to be made up in future years in addition to such major ships as two CVA's—or CVAN's, three CVS's and one more DLGN.

If the force levels are dropped to the levels implicit in the administration's budget as very likely for the late seventies, modernization requirements would drop considerably. Table 4 shows that a total of 55 to 85 ships would be needed at a cost of $3,490 to $8,215 million compared to the 137 ships needed to maintain the fiscal year 1972 force levels at a cost of $13,595 million. Likewise the average annual rate drops about $1 to $2 billion.

The table follows:

TABLE 4.—SHIPBUILDING REQUIRED FOR PROBABLE ALTERNATIVE FORCE LEVELS, MODERNIZATION TO BE COMPLETED BY 1980

Type of ships	Force level	Available	Needed	Fiscal 1972–76 cost (millions of dollars)
Carriers: CVA.				
CVAN	12	11	1	950
Attach submarines:				
SSN	69–94	69	0–25	0–4,400
Amphibious assault, ships:				
LSD	15	13	2	145
LST (20-knot)	22	20	2	75
LFS	2	0	2	145
Underway replenishment ships:				
AFS	8	7	1	40
AOR	10	6	4	230
Fleet support ships:				
AS	4–6	2	2–4	215–430
ASR	7–10	2	5–8	185–295
AD	10	3	7	750
ATS	30	3	27	755
Total (fiscal year 1972 prices)			55–85	3,490–8,215
Average annual budget			11–17	698–1,643

This alternative is noteworthy. The mixture of ships is quite different from that for previous years. Most of the spending is for auxiliary ships—underway replenishment and fleet support ships; in fiscal year 1969–71 there were essentially none. Conversely, there are few of the large frequently nuclear-powered warships that form the bulk of the program in recent years. In effect, we have completed most of the replacement for the warships—at this alternative force level—and now have to catch up on auxiliaries. The shipbuilding program for this alternative would thus require cancellation of a number of ongoing procurement programs. Most striking, the 30-ship contract for the new DD-963 class destroyer would be cut back to about four ships.

Finally, the average annual budget for this alternative is highly sensitive to the SSN building rate—in this case, force levels of submarine support ships, AS and ASR, must also be varied.

Even looking beyond fiscal year 1976, only 17 major ships would have to be built to retain these alternative forces through 1985 and the average annual budget would be somewhat less than even that projected for fiscal years 1972–76. Looking further into the future and considering those ships that will be 20 to 24 years old in 1980 and thus due for replacement in fiscal years 1982–86, the average annual budget for new ship construction for the 10 fiscal years 1977–86 would be only about $900 million, still well below recent levels. Hence, if force levels like those in this alternative are adopted for the long term the outlook is for large reductions in the shipbuilding budget lasting well toward 1990.

For purposes of comparison, table 5 shows in millions of current dollars the program for fiscal years 1969–71 and the authorization request for 1972.

TABLE 5.—SHIPBUILDING BUDGET IN CURRENT DOLLARS

[In millions of dollars]

	1969	1970	1971	President's 1972 budget
New construction	589.6	1,907.4	1,690.5	2,082.4
Conversion	438.9	406.4	509.1	497.2
Other	41.6	150.3	390.6	756.2
Total	1,070.1	2,464.1	2,590.2	3,335.8

The figures for new construction cover the cost of building 5, 10, 14, and 19 ships, respectively.

These figures can be compared with the average annual budget for new construction of the two alternatives discussed above: to maintain fiscal year 1972 force levels would require construction of 27 ships per year for about 2,719 million and the probable alternative would require construction of 11 to 17 ships per year for about $698 to $1,643 million.

Mr. Speaker, my amendment to hold the authorization for fiscal year 1972 to the level authorized for fiscal year 1971 does not cut specific programs or particular services. However, it appears that a very significant amount could come from new ship construction to achieve a better balanced program than that proposed by the administration and one compatible with the size and mix of forces we are most likely and able to operate in the late seventies.

DEFICIT SPENDING POLICIES OF THE GOVERNMENT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 11, 1971

Mr. BYRD of Virginia. Mr. President, although there is distressingly little interest in the deficit spending policies of the Government, the editorial columns of the Wall Street Journal are a notable exception.

The lead editorial in the Journal of June 10 is captioned, "The Dance of Profligacy."

The Journal says:

It is little short of dismaying that the most conservative—for lack of a better word—Administration in years shows such scant regard for federal financial restraint.

The Journal then cites evidence that deficits are soaring.

And, indeed, they are.

I ask unanimous consent to insert at this point a table which I have compiled showing deficits in Federal funds and interest on the national debt 1961–72.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS AND INTERESTS ON THE NATIONAL DEBT, 1961–72

[In billions of dollars]

	Receipts	Outlays	Deficit (−)	Interest
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.2
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971[1]	139.1	164.7	−25.6	20.8
1972[1]	153.7	176.9	−23.2	21.2
12-year total	1,323.8	1,469.7	145.9	168.4

[1] Estimated figures.

Source: Office of Management and Budget.

Mr. BYRD of Virginia. One will note that the accumulated Federal funds deficit for the last 3 years of President Johnson's administration was $49 billion; the accumulated Federal funds deficit for the first 3 years of President Nixon's administration will be $62 billion.

Thus, during the 6-year period, the accumulated deficit will total $111 billion.

Is there any wonder that the dollar is depreciating in value? Is there any wonder that inflation continues?

Inflation is a hidden tax and hits hardest those on fixed income and those in the lower and middle economic groups.

The Journal editorial is a thoughtful one. It justifiably commends my distinguished colleague and deskmate, the senior Senator from Wisconsin (Mr. PROXMIRE).

I ask unanimous consent that these remarks and the Wall Street Journal editorial of June 10 be printed in Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE DANCE OF PROFLIGACY

It is little short of dismaying that the most conservative—for lack of a better word—administration in years shows such scant regard for federal financial restraint.

The evidence is as abundant as it is disturbing.

Deficits are soaring. Most observers figure they will be considerably higher than estimated both this fiscal year and next; it's reckoned that the cumulative red ink of the first three years of the Nixon administration could be more than $60 billion. Nor is there any hint of diminution in the farther future.

Recently the federal debt ceiling was lifted (only the 14th time it has been raised or extended since 1961, as the Tax Foundation Inc. notes). The new "temporary" level is $430 billion. Current projections indicate that by the end of fiscal 1972 the gross federal debt may have increased by $155 billion just since 1955. In this and other ways, Congress happily joins the dance of profligacy.

The Federal Reserve Board, for the time being anyway, seems to have gone farther than it had intended toward acceding to the administration's desire for easy money. Of late the money supply has been growing at an annual rate of around 10%.

Now of course all this is in part quite deliberate. Through most of its term the administration has seriously tried to halt the inflation, although its efforts may not have been as vigorous as they should have been. But the officials naturally do not care to think of presiding over a recession as the 1972 election approaches. This understandable political motivation does not, however, mean that present policy is in the best interest of the taxpayer, the anti-inflation fight or sound government management.

"Never have I been more discouraged about the government's financial position," says Virginia's Senator Harry Byrd—"or more alarmed."

Very well, some may object; that is what you would expect a conservative to say. So let us hear from an outstanding liberal on the subject. Democratic Senator William Proxmire of Wisconsin is demanding cuts in the frills, fat and waste of social programs in order to prevent the federal government from becoming an engine of renewed inflation.

Mr. Proxmire observes that "while the big spending has been for the military, space, highway and public-works programs, all darlings of the conservative forces, liberals have their pork barrels too. These must be examined critically." He proceeds to cite specific candidates for close scrutiny.

One is urban renewal. Over $10 billion has been spent on this program, and yet "it has destroyed more than 400,000 housing units which, by definition, housed the poor. While some 200,000 units may eventually be built on urban renewal land, only about one-tenth of these or 5% of the number destroyed are earmarked to house the poor."

Another is Medicare, which Senator Proxmire deems a necessary program: "But costs have gone through the roof." In 1965, when it was enacted, costs for 1975 were estimated at $4.3 billion; they have grown to $11.7 billion. "By official estimates, the Medicare deficit over the next 25 years is an astronomical $242 billion. We must halt Medicare overruns just as we must stop weapon-systems overruns."

He mentions other programs, notably education and farm subsidies, and plainly the list could be extended beyond that. The point is sufficiently obvious: There is no difficulty whatsoever in pinpointing areas of waste where sizable savings could be made to the enormous benefit of efficiency and sound economic growth. What is needed is determination plus an end to this noxious notion that government spending and deficits are the keys to prosperity.

Like Senator Byrd, we profess to discouragement that sensible policies will reappear any time soon. How is that to be envisioned when liberal Democrats such as Senator Proxmire talk in far more frugal tones than supposedly conservative Republicans?

BOOKS ARE HIS BAG

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. GAYDOS. Mr. Speaker, a recent issue of Steel Labor, the official publication for the United Steelworker of America, carried an article about a constituent of mine who has distinguished himself in the eyes of his family, his friends, and his community.

The subject of the article was Mr. Joseph Kotcka, a retired steelworker from the city of Clairton, Pa., which is a part of my 20th Congressional District. Mr. Kotcka has spent more than half his life quietly enriching the lives of perhaps thousands of people who never realized they had an unknown benefactor from a small steeltown. This warm, generous man, a school drop-out, has donated over the past 50 years more than 26,000 books, valued at least $75,000, to various colleges, universities, seminaries, and other institutions.

Mr. Speaker, it is with great pride, therefore, that I insert the following news article into the RECORD as a small tribute to a man who has done so much for so many:

BOOKS ARE HIS BAG: RETIRED STEELWORKER PRACTICES LABOR OF LOVE

CLAIRTON, PA.—There are no memorials or plaques to be found calling attention to Steelworker Joe Kotcka's 40 years of service in the basic steel industry but the books he has distributed to the nation's educational institutions are certain to enshrine his memory long after his life span ends.

Mr. Kotcka, who retired in 1965, was a metallurgical inspector at United States Steel Corp. operations in the Monongahela Valley. He was a member of USWA Local 1557 at the Clairton Works, where he spent 20 years, and a member of USWA Local 2227, Iron Workers, where he toiled an additional 20 years. While his primary interest centered on helping turn out the best steel possible, only his closest friends and associates knew that he felt that he had another mission in life.

This interest was focused on building brotherhood and love for his fellow man. During the past half-century, Mr. Kotcka estimates that he has given away more than 26,000 books valued at over $75,000. Most of these have gone to Catholic colleges and universities, seminaries and other institutions.

University of Notre Dame officials estimate that he has given the South Bend, Ind. school around 13,000 books valued at $50,000 St. Bonaventure at Olean, N.Y. received several thousand books worth more than $10,000. Other Catholic schools in Pennsylvania, Illinois, Connecticut, Missouri and Ohio have shared in his generosity.

Mr. Kotcka, a bachelor, was a school dropout in the eighth grade. When his father was killed in a steel mill accident, he had to go to work early to help support his mother and sister. He never lost contact with the priests at his home parish, St. Joseph's in Clairton. They stirred his interest in reading and education. They had an immense collection of books in Slovak and English. They tutored him in Slovak—loaned him books on theology and philosophy.

While working, he continued his education in his leisure hours. Off and on he attended school for almost nine years as a special student at Carnegie-Mellon, Pittsburgh, and Penn State University Campus in McKeesport. His studies centered on typing, English and metallurgy. But all the while, he continued to distribute his valuable and treasured books.

Paul Byrne, director of the Library at Notre Dame from 1922 to 1958 and now retired at Syracuse, N.Y., said: "His gifts were much appreciated because they were given at a time when our funds for books were not what they should have been. He filled an awfully big need."

His books to Notre Dame totaled $1,500 to $2,000 annually—even during the Depression. He admits that the foreign-sounding names of Italians and Slovaks on the grid teams of the "Fighting Irish" might have had something to do with this. But the relationship was so good that Notre Dame used to send him tickets for some of the best football games—in appreciation for his assistance.

For a number of years, he corresponded with the late Thomas Merton, the Trappist monk whose "Seven Storey Mountain" and "Waters of Siloe" became best sellers. "He helped bring me back to my faith at a time when I was wavering," Mr. Kotcka confessed. Merton taught at St. Bonaventure for a time and the university has a collection of his letters to which the Clairton Steelworker has donated nearly a dozen of his own from Merton.

Mr. Kotcka places inspirational words inside the cover of his donated books. On one, he wrote: "Countless people want to know 'What can I do?' . . . keep in mind that God has given you a mission in life that He has given no other, and that He will be with you in lonely moments of crisis."

The veteran USWA member has no regrets as he faces the Golden Years of retirement at his home on Lafayette Drive in Clairton. He figures that the fortune he has spent on books will somehow enhance the fellowship of God and the brotherhood of man.

THE TRUTH IN FOOD LABELING ACT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ASPIN. Mr. Speaker, today I have agreed to cosponsor the Truth in Food Labeling Act which would require that all ingredients contained in a food product be listed on the label. The principal sponsor of this legislation is my distinguished colleague from New York, Representative ROSENTHAL.

Presently, all ingredients are not required to be listed on the labels of many foods. These are products which the Food and Drug Administration accepts as "standardized," such as mayonnaise, margarine, vinegar, ice cream, Coca-Cola, and macaroni. Even some nonstandardized foods are exempted from identifying certain ingredients. And those which do show ingredients do not reveal quantity and proportion.

It is just unbelievable that pet foods are more informatively labeled than human foods. All we have to do is look at two cans of stew—one for humans and another for dogs—to see the difference. The beef stew for humans lists all the ingredients—which is somewhat unusual—but not by percentage. The beef stew for dogs includes not only all the ingredients, but a percentage analysis by nutrient so that the pet owner can get the best nutritional buy for his dog.

Maybe the dog lobby in Washington is stronger than I thought, Mr. Speaker, but, frankly, I have trouble accounting for this absurd disparity. Not only should everyone have the right to know what he is eating, but it is especially important for people with allergies, high cholesterol, and other dietary problems to know precisely what is in the food they are buying.

Mr. Speaker, the Truth in Food Labeling Act is a relatively simple and basic bill which would provide a remedy to this ridiculous situation. I urge my colleagues to give it their serious consideration.

THE RURAL ELECTRIFICATION ADMINISTRATION AND RURAL AMERICA

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. POAGE. Mr. Speaker, a previous engagement prevented me from joining my colleagues on Monday, June 7 when Mr. MELCHER and Mr. PICKLE each reserved one hour to emphasize to this House some of the major problems facing rural America.

Often, Mr. Speaker, when we speak about rural America to our city friends, they get the impression that we refer only to the farmer and his family. While I consider the farmer a vital source of our Nation's strength, he is actually in a minority in rural America. Many rural residents actually work in small towns or even the big cities. There are many older folks in rural areas who have retired from farming or other occupations. Many live on meager social security or old age assistance checks. All of these folks are residents of rural America. And I would like especially to mention to my friends and colleagues who represent our great urban areas, that there is a vast group of rural Americans about whom they should be especially concerned—those who live in poverty.

Mr. Speaker, the poverty in rural America is no less severe than it is in the big cities, but throughout the years many of the poor in the countryside thought things were better in New York, Chicago, Los Angeles, or Philadelphia. While I know these cities and others have tried to cope with the welfare problem, it must be attacked at its source—in the rural areas. I have felt that we might take some pressure off these cities by stopping the rural exodus to the city. The House Agriculture Committee will hold hearings on rural development beginning on July 6. These hearings will be, in my opinion, the most important we have held in a great while. We hope to make rural America a better place in which to live, but this will not be easy, of course.

While much work lies ahead, I do feel that we have programs that have already done much to help develop our rural areas. Today I want to discuss one such program briefly—the Rural Electrification Act of 1936, as amended. When the act first became law, only 11 percent of America's farms had electricity. Today 98 percent have some degree of electric power. There is a great need to update this service, because many rural areas have inadequate electric service. For instance, it takes a great deal of electricity to operate a dairy with its sophisticated milking machines and cooling equipment.

In 1949 this act was amended to provide loans to provide rural telephone service. At that time only 39 percent of our farms had telephone service, but now 83 percent have telephones. To be sure, many rural residents have multiparty lines, but great progress has been been made through the rural telephone program.

Mr. Speaker, not many weeks ago this Congress passed legislation which has now been signed into law, creating a Rural Telephone Bank. The purpose of this bank is to provide supplemental financing for companies and cooperatives that provide telephone service to rural areas. This supplemental financing is critically needed, because there are pending before the REA telephone loan applications totaling almost a half-billion dollars.

While the Congress has been generous in providing telephone loan funds to the REA, it is clear that other sources of income must be found. I think the Rural Telephone Bank will do a great deal toward supplying this financing.

For several years we also attempted to create a Rural Electric Bank which would provide supplemental financing for electric cooperatives. This bill was bitterly opposed by the private power industry which paraded witness after witness before our committee, condemning this legislation as a threat to the Nation's electric industry. Yes, representatives of the same industry which for so many years refused to serve rural America, fought this legislation to its death. At the same time, these witnesses bitterly criticized the present REA 2-percent loan program.

Time and time again, I pointed out that the creation of this bank would enable many REA borrowers to move away from the 2-percent program, leaving those funds to borrowers who had to have the 2-percent interest rate—those borrowers who serve the most sparsely settled areas. However, the private power industry was not interested in this. Not only did they want to kill the bank bill, they wanted and still want to destroy the current program as well.

Of course the existing program survived this challenge and is still providing the financing for rural electrification. However, the electric cooperatives need more money and I still feel that they need and deserve an opportunity to have a source of supplemental financing which would initially be supported by the Federal Government. The electric bank which I proposed, would have repaid completely this Federal investment. We have started such a bank in the telephone program, and I am confident that the telephone bank will follow in the footsteps of the farm credit system, which has paid back every dime invested in it by the Federal Government.

I do want to applaud the electric cooperatives for organizing their own private source of financing in the form of the National Rural Utilities Cooperative Finance Corp.—CFC. This certainly will help and I am confident it will be successful. However, there is no doubt that CFC will need considerable time to get on its own feet, and the need for financing in the rural electrification program is immediate.

Again, I refer to the telephone bank by pointing out that I have been deeply disappointed by the fact that the Office of Management and Budget has been negligent so far as the funding this bank. The Congress is on record as supporting the initial Federal financing of the telephone bank this fiscal year, 1971. The language in the conference report of the telephone bank bill is just as clear as it can be, but it apparently has been ignored by the OMB. I remain hopeful that the administration will recognize the need to fund this bank just as soon as possible.

I know all of us who are interested in the telephone bank will want to watch it closely, as it becomes operative.

Surely the need for supplemental financing is just as acute in the electric program, and certainly the private power industry has done a great disservice to rural development by so violently opposing the creation of a rural electric bank which would enable folks in the countryside to receive adequate electricity—the same as their neighbors in the city.

I applaud the efforts of Mr. Hamil and his staff at the Rural Electrification Administration. They have done well with the funds provided, and I want to conclude by saying that I know of no other programs which have done more to develop rural America than have the rural electrification and the rural telephone programs.

TO BEGIN WITH

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. SCHERLE. Mr. Speaker, Mr. Robert Goos, of Treynor, Iowa, brought to my attention an excellent article in the current issue of the Farm Quarterly. In his column "To Begin With" Mr. Thomas Huheey paints a perceptive and prophetic picture of the reflections of the midwestern farmer on his current financial plight and the apparent disregard of the administration for agricultural concerns. The article is well worth the attention of my colleagues, since the fate of rural America and the agribusiness economy affects every one of their constituents.

The article follows:

TO BEGIN WITH

(By Thomas Huheey)

It's warm and dry in Grundy County. It's mid-April and time to decide things like planting rate and planting depth. We sit on

the rich Iowa soil, our backs against the tractor tire, protected from the chill wind.

The talk varies. Our comments punctuated with the sound of dirt clods which we hurl against the pickup bumper. We have a few lighter words to say about our ping pong team in China and about the local wedding the Sunday before when they handcuffed the bride to the best man and told the groom to take a honeymoon for three.

There is the easy banter of men who have done hard, physical work together for a long time, but most of the talk is serious, concerned and angry.

"The President flies in to Des Moines for a day," one of the men says. "He tells us he wants to use rural areas to get people out of the cities. He says that the only way to get them out of the old cities is by making the country full of new cities and he doesn't spend three minutes on commercial agriculture."

"Norman Borlaug is an American Nobel Prize winner and he has yet to have dinner at the White House," I add. "I wonder how long it took our Presidents to invite the other winners."

"I heard southwest Texas was a mess," added a third man. "The worst drouth since 1956. There is wheat heading out at six inches and nobody has planted cotton or grain sorghum. Cattle herds are being sold off."

I wadded up the paper sandwich bags, refueled the tractors, slid into the pickup and drove back to the house of a friend, where I was staying.

My thoughts, as I drove the dusty, gravel Iowa side roads, were as concerned, as serious but not as angry as the men I had visited. I was fed up, as they were, with the planners and predictors, the white shirt solutions and the Big Lie for a Noble Cause, whatever the source. I had had it with people who thought that the end justifies the means, the drones and leeches among our own. I was fed up with the thinkers who had forgotten, if they ever knew, that the cornerstone of American freedom is the idea, radical in 1776 and still radical today, that the common man can be trusted to own land.

This year, 1971, may offer the people of agriculture a chance to drive home an object lesson to the urban population and their spokesmen about our life and our role in the world. We do not yet live in a predictable and orderly universe. We are at the mercy of things beyond our control. We, the food producers of this country, cannot forever fight our natural battles of weather, disease, insects and weeds if we are continuously harassed by ignorant intrusion into our affairs and urban manipulation of our lives and property to affect solutions to problems of the city.

The fate of the President's war on inflation may well be decided on the prairie soils of our heartland. If the drouth has seriously affected 90 percent of the 3.5 million acres of winter wheat in Texas, if western cow herds are sold off and if there is a particularly serious outbreak of corn blight, drouth or insect damage in the Corn Belt, then we could see $2 corn in the fall.

If we see $2 corn and the corresponding price levels of the other feed grains, then we will also see a decline in broiler, beef and hog numbers, which should cause a substantial increase in meat prices.

Hamburger at $1.25 a pound will trigger cost-of-living pay increases in the contracts of major unions. It will also ignite demands for pay increases from those unions which do not have cost-of-living clause, and we will see new demands for higher pay for government employees, social security pensioners and welfare recipients.

Once again, those who work will be treated to the bleatings of ambitious politicians anxious to use the proceeds of those who earn their own living to buy the votes of those who don't.

I pulled into the drive and cut the ignition. All in all, it was more than our crops we were planting this spring. It was the seeds of this nation's future. Now we, and the rest of the nation, too, must wait and see what we have done.

JERUSALEM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. KOCH. Mr. Speaker, on Wednesday Charles W. Bray III, a spokesman for the State Department, stated that he interpreted the construction of apartment house projects by Israel in Jerusalem to be in violation of a convention on the protection of civilians in wartime that was signed in Geneva in 1949.

Those in the State Department responsible for Mr. Bray's statement must be living in some fantasy land. Are they not aware of the fact that in 1967, notwithstanding Israel's beseeching Jordan not to enter the war and guaranteeing its borders if it did not, Jordan violated the 1949 armistice and crossed into Israel to wage war. Thank be to God and Israeli capabilities they were defeated instead of achieving their goal and Jerusalem was united under Israeli rule.

Does the State Department really believe that Israel will ever permit the old city of Jerusalem to be handed back to the Jordanians? In my judgment it is malicious mischief on the part of the State Department to engage in such Statements which indicate that the Department is out of touch with reality. Has there ever been a statement issued by the State Department deploring Jordan's invasion of the West Bank and Jerusalem when it seized and incorporated both into the Hashimite kingdom of Jordan in violation of the U.N. resolutions of 1948?

In the 20 years that Jordan occupied the ancient city of Jerusalem it constructed buildings, and my question is, Did the State Department ever in that 20-year period issue a statement condemning the construction as being in violation of the Geneva Convention of 1949 to which it now refers? Or, worse still, did the Department condemn the destruction of Jewish property by the Jordanians in the old city of Jerusalem? Mr. Bray must know that the clock will not be turned back, nor should it be.

From every point of view—history, religion, government, human psychology, the fortunes of war—the city of Jerusalem belongs to the State of Israel and, at least figuratively speaking, to the Jews of the world. In ancient times it was the city of David. Even in modern times, however, prior to the creation of the State of Israel it was a city in which the majority of citizens were Jewish. For 20 years after the founding of Israel it was a divided city, half under the rule of Jordan, half under the Government of Israel. Today, of course, as a result of the Six Day War, it is entirely under the control of Israel. It will stay that way.

The alternatives are distressing even to contemplate. To return half of Jerusalem to Jordan is to consign that portion of the city to urban blight as well as religious and political intolerance. It would place the entire city in danger of constant strife and place the Middle East, and perhaps the world, in danger of international war. Jordan, it must be remembered, kept its half of the city in a state of degradation. It refused for 20 years to allow a single Jew to enter the area even to visit the sacred Western Wall. It refused to allow Moslems who were Israel citizens to pray in the mosques of the Jordanian sector. It destroyed all but one of the 35 synagogues in the Old City and during the Six Day War used ancient Jewish tombstones to construct barricades. Its forces callously shelled the ancient Christian Church of the Dormition on Mount Zion.

To place any part of Jerusalem under international control is to make it once again a divided city and to visit upon it all the problems of such a municipality, in addition to the enormous problems that face any metropolis today. Although an international authority could not possibly do less than Jordan did or would do for any part of the city which might be placed under its control, it cannot conceivably do more than the Government of Israel has already done and will continue to do for a united city, which is its capitol and chief pride and joy. Inevitably, moreover, any international zone will become a hotbed of espionage and intrigue and therefore a source of severe strife and international war. International control of the holy places of Jerusalem is unnecessary since Israel has repeatedly agreed that if allowed to retain control of the entire city it will put each and every holy place under the control of the religious interests which hold it sacred.

The most important factor remains to be considered—the human or emotional factor. To no other people is the city of Jerusalem as a city more sacred as a place and symbol than to the Jews. This is so not merely on a religious level but also politically, socially, and culturally. Three times daily every devout orthodox Jew prays to God:

> Return in mercy to the City of Jerusalem and dwell in it as thou has promised; rebuild it soon in our days.

At the conclusion of major religious holidays every Jew, devout or not, orthodox, conservative, and reform greets his fellow Jews with the traditional salutation "Next year in Jerusalem." It stands to reason that a city which is so central in the thoughts and aspirations of a people as Jerusalem is to the Jews is best left to their tender and loving care—knowing they will protect it for all mankind.

A NEW TRANS-ALASKA PIPELINE BILL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ASPIN. Mr. Speaker, today I introduced a bill on the floor of the House which would require the Interior Department to issue a new draft environmental impact statement on the proposed trans-Alaska pipeline, and would require congressional approval before the pipeline could be built. I was joined on this bill by the following nine cosponsors:

Representative William S. Broomfield of Michigan;

Representative James A. Burke of Massachusetts;

Representative Don Edwards of California;

Representative Michael Harrington of Massachusetts;

Representative Romano L. Mazzoli of Kentucky;

Representative William S. Moorhead of Pennsylvania;

Representative Thomas M. Rees of California;

Representative Benjamin S. Rosenthal of New York, and

Representative Robert O. Tiernan of Rhode Island.

According to the bill, its purpose is to insure the integrity of the National Environmental Policy Act of 1969 which requires that the appropriate Federal agency prepare a report on the expected environmental consequences of any Federal project. The Interior Department issued its draft impact statement in January and held public hearings on it in Alaska and Washington in February. It is expected to issue its final impact statement on the proposed 800-mile trans-Alaska pipeline, which would run across Federal lands, by September.

This bill would require Interior to issue a new draft statement, and then hold new hearings in Alaska and Washington, before it could issue its final impact statement—which would then have to be approved by Congress. It lists the areas which the draft impact statement did not discuss in a meaningful way, including:

The risk of oil spill due to earthquakes splitting the pipeline. (The Alaska pipeline would cross numerous major seismic areas with a Richter rating of 6 or more);

The impact of the pipeline on the permafrost, the permanently frozen ground that much of the pipeline would traverse;

The possible dangers involved in transporting the oil by tanker from the Alaskan city of Valdez to the west coast;

The impact of the pipeline on fish and wildlife resources;

The impact of the pipeline on the Alaskan natives' way of life;

The effect the pipeline would have on the streams and rivers the pipeline would cross;

Whether there is an alternative to transporting the oil by means other than the pipeline;

The possibility of alternate pipeline routes such as a trans-Canadian line; and

Whether there are alternate methods of construction of the pipeline itself which might prove to be ecologically safer than the one presently proposed.

This bill also criticizes the Interior Department for stating in the draft statement that the development of the pipeline is necessary for the national security. Such an argument has no place in an environmental impact statement. The question is beyond the scope and purpose of the National Environmental Policy Act of 1969 and serves to mislead those to whom the statement is directed.

The purpose of this bill is not only to get a final decision on the pipeline made on the basis of thorough and objective data, but to insure that NEPA, one of the best proenvironment laws ever passed by Congress, is not subverted by bureaucratic sleight of hand. Virtually any law, no matter how well-written, can be weakened, distorted, or de facto vetoed by inadequate enforcement. The draft impact statement on the Alaska pipeline prepared by the Interior Department was shoddy in almost every respect. It casts very serious doubt on whether the Interior Department will be able to do an adequate job in this area without active public and congressional participation.

STEEL IMPORTS FROM JAPAN KEEPS GROWING

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. GAYDOS. Mr. Speaker, "Industry Week", one of the Nation's leading industrial publications carried two articles in its latest issue which I believe are of significant interest to my colleagues.

The first headlined the fact Japan has widened her lead over the United States in steelmaking productivity. She first overtook us in 1969, taking 6.91 man-hours to produce a ton of raw steel as compared to 7.17 man-hours used here. Last year, 1970, Japan reduced her time to 5.70 man-hours whereas the United States increased its time to 7.31 man-hours.

In the same issue, in fact on the same page, "Industry Week" also reported Japan's No. 1. steelmaker, a Mr. Shiego Nagano, as favoring the continuation of his country's voluntary restraint arrangement with the United States. Mr. Nagano was quoted as being "satisfied with the present formula."

I have news for Mr. Nagano. I represent a steelmaking district in this country and I am not satisfied with the present formula. I am not satisfied with the manner in which Japan kept her word in the voluntary arrangement. I am not satisfied that foreign steel flowed into this country at a record pace in the first quarter of this year, running 62-percent ahead of the same period last year and more than 11 percent ahead of 1968 when the former all-time import tonnage record was established. I am not satisfied that a slight decline in specialty steel imports during January-March is an indication of a change in attitude on the part of Japan.

Mr. Speaker, I submit the article for inclusion in the Record and call it to the attention of my colleagues:

[From Industry Week, May 24, 1971]

Japan Outstrips U.S. in Steelmaking Productivity

Japan now outstrips the U.S. in steelmaking productivity.

The Land of the Rising Sun made raw steel in 1970 with only 5.70 manhours per net ton (2,000 lb.), 22% less than the 7.31 manhours required in the U.S. that year.

Japan first passed the U.S. in this measurement of productivity in 1969 when it made raw steel with 6.91 manhours per net ton, 3.6% fewer than the 7.17 manhours used in the U.S.

For the last decade, both Japan and the U.S. have been improving steelmaking productivity, but Japan's achievements are immense. In 1960, Japan needed 20.63 manhours to make a net ton of raw steel, while the U.S. used only 10.56.

U.S. slips—From 1960 through 1970, Japans' improvement in productivity was unbroken. The U.S. string of improvement from 1960 lasted until 1969. A loss of productivity caused the U.S. to need 7.31 manhours, about 2% more time, to make a net ton of raw steel in 1970 than in 1969.

Helping slightly to lower the Japanese figures is Japan's practice of contracting some maintenance work that in the U.S. would be done by plant crews.

Measurement of Japan's progress in steelmaking beyond the raw steel stage is more difficult because mill shipments figures comparable to those of the U.S. are not readily available. However, Industry Week was told by a steel industry analyst that Japan has reduced the manhours per ton of steel mill products from 44.2 in 1960 to 14.0 in 1969 and to an estimated 12.4 in 1970. In comparison, the U.S. steel industry reduced its manhours from 15.0 in 1960 to 11.7 in 1969, but lost ground in 1970 by using 11.9 manhours.

The route—The giant strides in manhour reduction in making raw steel in Japan appear to be the result of the great extent to which that country has replaced the open hearth method of steel melting with the more productive basic oxygen process. In 1960, Japan made 67.96% of its raw steel tonnage in open hearths and 11.88% in basic oxygen furnaces. In 1970, only 4.13% of Japan's steel came from open hearths, and 79.13% came from basic oxygen furnaces. The remaining 16.74% came from electric furnaces.

In comparison, the U.S. made only 48.22% of its raw steel in basic oxygen furnaces in 1970. Open hearths accounted for 36.60% and electric furnaces, 15.18%.

Japan leads—In October 1970, Kaiser Engineers, Chicago, reported that Japan had the highest basic oxygen furnace steelmaking capacity of any country, 88,820,000 net tons. In addition, capacity for an additional 21,400,000 tons were to be completed in 1971.

The U.S. is second in basic oxygen furnace capacity. Kaiser Engineers listed the U.S. capacity as 73,050,000 net tons, with 12,500,000 tons to be completed between late last fall and sometime in 1973.

Complementing Japan's efficient steelmaking furnaces are its blast furnaces, some of which are the world's largest.

The great improvement in productivity in raw steelmaking and a low employment cost give Japan a substantial advantage over the U.S. in steelmaking costs. Employment cost per manhour worked in the Japanese steel industry in 1970 was $1.80. In sharp contrast was the U.S. figure of $5.68.

The decade of productivity gains was marked with a multifold increase in the flow of Japanese steel into the U.S. From 601,375 net tons in 1960, Japanese steel imports into the U.S. grew to 7,294,380 net tons in 1968, then subsided to 6,252,654 tons in 1969 and 5,935,475 tons in 1970 as pressure from U.S. steel producers influenced foreign producers to put limits on their steel exports to the U.S.

Biggest competitor—Japan's ability to sell steel below U.S. prices, supply high quality material, and market aggressively has made it the biggest foreign competitor in the U.S. market. While Japan was supplying the U.S. with 5,935,475 net tons of steel in 1970, U.S. mills shipped 84,810,459 net tons to the domestic market.

Japan was the world's biggest gainer in 1970 over 1969 in raw steel production. Its 1970 output, at 102.9 million net tons, was up 12.3 million tons—more than half of the 21.1 million ton increase in the world. In contrast, U.S. raw steel production declined 9.9 million tons.

Japan is the world's third largest steel producer The U.S. is still first, and the USSR is second.

NAGANO FOR EXTENDING STEEL QUOTA PLAN

Extension of the voluntary steel quota arrangement with Japanese and European producers has the support of Japan's No. 1 steelmaker. Shigeo Nagano, Nippon Steel Corp., Tokyo, tells Industry Week: "We would like to continue the voluntary restrictions in concert with European steel producers."

The Japanese and American steel industries in particular have been closely related because of an exchange of technology, points out Mr. Nagano, and he would like to see such a relationship continued. "Good relations between the U.S. and Japan in economics and all other fields are most important for us (Japan)," says Mr. Nagano. "Because Japan must buy all of its raw materials from abroad and must sell goods in order to buy those raw materials, we must think of the interests of the other countries. We can't think only of our own interests."

CHANGES?

Whether Mr. Nagano's spirit of cooperation will extend to agreeing to tighten the arrangement is still a question. All he'll admit is that, "I am satisfied with the present formula." As far as any changes go he says, "There has to be a meeting point of various and mutual interests."

The original three-year formula called for Japanese and European Economic Community steelmakers to hold steel exports to the U.S. to 5.75 million tons each in 1969—allowed for a 5% annual increase in the quota—and promised that traditional product mix and geographic distribution patterns would not change greatly.

Domestic steelmakers contend that the 5% annual growth rate is too high since it's about double the average annual growth rate of U.S. demand and that product mix pledges have been violated as more of the higher priced grades of steel are coming in.

Negotiations on any extensions have not yet started but informal talks will begin soon, Mr. Nagano says.

HOUSE OF REPRESENTATIVES—*Monday, June 14, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D. D., offered the following prayer:

Thou hast given a banner to them that fear Thee, that it may be displayed because of the truth.—Psalm 60: 4.

O God, our Father, we thank Thee for this day, this national day, when we pledge allegiance again to the flag of our country and rejoice in the fact that such a banner is ours. We are grateful for the faith in freedom and the devotion to democracy it symbolizes. May other nations and oppressed people seeing it be thankful and take fresh courage.

Though the road to peace be difficult, still may we walk on it with clear minds and warm hearts with our flag ever before us leading us on to the time when war shall be no more and the light of liberty shall be the life of all men.

In the spirit of the Master of Men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7016) entitled "An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. COTTON, Mr. CASE, Mr. FONG, Mr. BOGGS, Mr. PERCY, Mr. BROOKE, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to Public Law 91-605, appointed Mr. BAYH, Mr. GRAVEL, Mr. BUCKLEY, and Mr. WEICKER as members of the Commission on Highway Beautification.

RECESS

The SPEAKER. Pursuant to the order of the House of June 2, 1971, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding:

FLAG DAY PROGRAM, U.S. HOUSE OF REPRESENTATIVES, JUNE 14, 1971

The United States Army Band (Pershing's Own) and United States Army Chorus entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, Mrs. Dwight D. Eisenhower, the Joint Chief of Staff, and the Commandant of the Coast Guard, entered the door to the right of the Speaker and took the positions assigned to them. Mrs. Dwight D. Eisenhower was seated at the desk in front of the Speaker's rostrum.

The United States Army Band (Pershing's Own) and the United States Army Chorus (conducted by Col. Samuel R. Loboda, U.S.A.) presented *Stand Up for America*.

The Doorkeeper (Honorable William M. Miller) announced the Flag of the United States.

[Applause, the Members rising.]

The United States Army Band (Pershing's Own) played *The Stars and Stripes Forever*.

THE UNITED STATES ARMY BAND

Col. Samuel R. Loboda, Homer City, Pa.; Sgt. Maj. Richard H. Mains, Sr., Hamilton, Ohio; M. Sgt. Charles R. Bassett, Alexandria, Va.; M. Sgt. Michael A. Cefaratti, District Heights, Md.; M. Sgt. Bruce C. Cornue, Arlington, Va.; M. Sgt. Eugene L. Drifmeyer, Cincinnati, Ohio; M. Sgt. Robert B. Ferguson, Memphis, Tenn.; M. Sgt. Lewis M. Fripp, Savannah, Ga.; M. Sgt. Arthur S. Greenwood, Arlington, Va.; M. Sgt. Leo B. Hurst, Franklin, Va.; M. Sgt. Anthony B. Korcel, Conemaugh, Pa.; M. Sgt. Edward E. Korcel, Conemaugh, Pa.; M. Sgt. Paulino Mandragona, Richfield Park, N.J.; M. Sgt. Robert J. Pallansch, Falls Church, Va.; M. Sgt. Henry S. Smith, Arnold, Pa.; M. Sgt. Elviro D. Todino, Lakewood, Ga.; Sp7 Roger H. Ayers, Fancy Gap. Va.; Sp7 Savoyd Beard, Memphis, Tenn.; Sp7 Robert A. Lewis, Lanham, Md.; Sp7 Arthur B. Moreland, Vienna, Va.; Sp7 Charles C. Welker, Jr., Lantana, Fla.; Sp6 Richard S. Brown, Philadelphia, Pa.; Sp6 James A. Burrier, Westchester, Pa.; Sp6 Michael C. Faulhaber, Madison, Wis.; Sp6 John R. Freeman, Columbus, Ohio; Sp6 John P. German, Conrad, Mont.; Sp6 Benjamin D. Goldberg, St. Louis, Mo.; Sp6 Stephen Greennagel, Arlington, Va.: Sp6 Frank B. Harmantas, Arlington, Va.; Sp6 Samuel O. Harris, Wayne, Pa.; Sp6 Gene W. Holliker, Arlington, Va.; Sp6 Clifton T. Hudgins, Jr., Falls Church, Va.; Sp6 Arthur T. La Bar, Birchwood, Wis.; Sp6 James W. McGarity, Jr., Douglasville, Ga.; Sp6 James C. Prodan, Attica, Ohio; Sp6 Charles V. Snyder, Washington, Pa.; Sp6 Lee R. Stevens, Morristown, N.J.; Sp5 Christopher A. Runk, Phillipsburg, Pa.

THE UNITED STATES ARMY CHORUS

Sp7 Thomas G. Beveridge, Arlington, Va.; Sp7 Kenneth B. Corcoran, Zeigler, Ill.; Sp7 Frank F. Ennis, San Antonio, Tex.; Sp7 Spencer G. Hay; Greenbelt, Md.; Sp7 Donald R. Hole, Reading, Pa.; Sp7 William F. Kugel, Mitchell, S. Dak.; Sp7 Harold J. Sherman, Royal Oak, Mich.; Sp7 Joseph P. Trabucco, Malden, Mass.; Sp6 Ronald T. Billingsley, Hillsboro, Ill.; Sp6 Stanley O. Cornett, Laurel, Md.; Sp6 James H. Gibbs, Asheville, N.C.; Sp6 James Hawkins, Jacksboro, Tex.; Sp6 Barry S. Hemphill, New York City, N.Y.; Sp6 Gerald Howell, Pensacola, Fla.; Sp6 James T. Johnson, Decatur, Ala.; Sp6 Michael J. Malovic, Nickliffe, Ohio; Sp6 Michael S. Miller, Atlanta, Ga.; Sp6 Paul D. Miller, Alexandria, Va.; Sp6 Roger L. Nelson, Galesburg, Ill.; Sp6 Arthur M. Poulin, Waterville, Minn.; Sp6 William H. Read, Rome, Ga.; Sp6 Brian F. Stuart, Superior, Wis.; Sp5 Gerald A. Goodale, Mt. Clemons, Mich.

The Flag was carried into the Chamber by Color Bearer and a guard from each of the branches of the Armed Forces: Sergeant James B. Tubbs, Jr., U.S. Army, NCO-in-charge; Corporal Dennis Latham, U.S. Marine Corps; Seaman James Laskodi, U.S. Navy; Sergeant Kennith P. Theissen, U.S. Air Force; and Seaman Richard Simms, U.S. Coast Guard.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

The **SPEAKER**. The Chair recognizes the distinguished gentleman from Alabama (Mr. NICHOLS).

Mr. **NICHOLS**. Mr. Speaker, I should like to recognize at this time our distinguished and dedicated colleague from Missouri, the Honorable DURWARD HALL, who will lead us in the *Pledge of Allegiance to the Flag*, after which, if you will remain standing, the United States Army Band and Chorus will lead us in our National Anthem.

The Honorable DURWARD HALL led the Members and guests in the *Pledge of Allegiance to the Flag*.

The United States Army Band (Pershing's Own) and the United States Army Chorus presented *The Star-Spangled Banner*.

Mr. **NICHOLS**. Mr. Speaker, it is our privilege today to have with us the United States Army Band and Chorus, led by Colonel Samuel R. Loboda. This talented musical group will now present a medley of patriotic songs in keeping with the birthday of the United States Army and Flag Day 1971.

The United States Army Band (Pershing's Own) and the United States Army Chorus presented a medley of patriotic songs.

Mr. **NICHOLS**. Mr. Speaker, 194 years ago today, on June 14, 1777, the Continental Congress officially adopted the Stars and Stripes as the official flag of these United States. Two years earlier, however, on June 14, 1775, the Army of the United States came into being. Today, it is my very special privilege as Chairman of the Flag Day Committee and on behalf of the entire U.S. Congress to present as our honored guest one of America's greatest ladies. A lady who, along with her distinguished and illustrious husband, served her country well in the major military tribulations of world history. A lady who is loved by one and all and who, by her presence here today, upholds the dignity and proud heritage of our great country. It is with much honor that I present to the Congress and to our guests on this Flag Day, our very special and honored guest, Mrs. Dwight David Eisenhower.

[Applause, the Members rising.]

Mrs. **DWIGHT D. EISENHOWER**. I have just a couple of words. I am very, very proud of the honor of being here. On my father's side of the family I am proud to be a Daughter of the American Revolution. I am proud of that, too. But, oh, we can all be so proud of this Flag.

Thank you.

Mr. **NICHOLS**. Mr. Speaker, the greatest events of our past and present are symbolized by our flag. It is the proud symbol of a nation blessed by prospering industries, universal education and free institutions. Can we wave it too much? I think not.

Just recently, President Nixon received a lady visitor at the White House who brought a small American flag as a gift. She had made it herself, and as Mr. Nixon thanked her for it, he commented that a lot of work must have gone into it. "Yes, Mr. President" she said, "there are 78,000 stitches in that flag." And then she added, "but it was all worthwhile, because to me every one of these stitches stands for something that is right about America."

The American flag stands for something that is right, something that is good about America. It stands for great cities and towering buildings, for seats of learning and for museums. It stands for social security, medical care for our elderly, and national defense. It stands for places of worship and for a blend of people that represent nationalities from all over the world. It is a symbol of a courageous and resourceful people, and it boasts a form of government that has never been surpassed in its excellence.

Throughout this great land today many will take part in Flag Day services, and these people are, in effect, the backbone of America. They are strong and they are level-headed, far beyond the influence of rabble-rousers. They realize that there can be no effective government from the streets—that there can be no stability without self-discipline—that there can be no enlightened tomorrows if we destroy our institutions of learning today—and that there can be no progress unless ideas and privileges are given an opportunity to surface, remembering also that every privilege has a corresponding responsibility.

America has never promised her citizens prosperity without work, reward without effort, strength without struggle, or security without sacrifice.

On this Flag Day, we must remember what is right about America—this is our heritage.

When I see the American flag during military ceremonies, or when it is displayed in our cities and streets and on our buildings, I see football teams lined up for the kickoff; I see America's huge industrial might turning out the best in manufactured goods, the best goods any nation ever had; I see mothers playing with their children in the park, and college students walking across campus.

But too, I also see proud marines raising the flag on Iwo Jima and the flag-draped caskets of Presidents Eisenhower and John F. Kennedy and the all too many other caskets coming home from Vietnam.

Essentially the flag is a solemn mystery for the dead are symbolized in it as well as the living. We are made obscurely aware of that mystery when the American flag is slowly lowered at dusk. Why is it that it is lowered slowly in the evening, and raised briskly at dawn? It may be because it is lowered reluctantly—it is as though the flag were in love with the freedom of daylight and hates the darkness to fall. It is as though the flag were a living thing and breathing thing, free as the air, and very mortal. Sadly it comes down at nightfall, triumphantly it rises at dawn.

Mr. Speaker, perhaps, above all, the American flag represents all of the many freedoms we as Americans enjoy every day. Freedom—no word was ever spoken that has held out greater hope, demanded greater sacrifice, needed more to be nurtured, blessed more the giver, damned more its destroyer, or comes closer to being God's will on earth. May Americans ever be its protector.

Let us then, in honoring the American flag on this Flag Day 1971, give both our hearts and allegiance to the Republic for which our beloved flag stands, and pledge our undying devotion to that one Nation, under God, indivisible, with liberty and justice for all.

May we stand together and conclude the program by singing together *God Bless America*.

The Members and guests rose and sang *God Bless America*, accompanied by the U.S. Army Band (Pershing's Own) and the U.S. Army Chorus.

The Colors were retired from the Chamber, the U.S. Army Band (Pershing's Own) playing *It's a Grand Old Flag*.

The U.S. Army Band (Pershing's Own) and the U.S. Army Chorus retired from the Chamber.

The honored guests retired from the Chamber.

At 12 o'clock and 32 minutes p.m., the

proceedings in honor of the United States Flag were concluded.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 30 minutes p.m.

FLAG DAY

Mr. BARING. Mr. Speaker, this day we designate as Flag Day in the United States is the opportunity for every American citizen to pause in his daily work or his leisure time to note his good fortune in being an American and to make plans to improve on his existence, the life of those around him, and the strength of his country.

The American flag has bested all elements of attack in the past and I personally have the confidence that the American flag will continue to fly with dignity and America's people remain strong despite what appears to be difficult days ahead. The past crises this Nation and our people have experienced profess America's ability to perform under any duress at home or under any onslaught from abroad.

Yes, Mr. Speaker, America's track record has been good. However, increasing pressure from within this Nation makes the pathway ahead more difficult than ever before in the country's history. Forces from the outside also are pulling at the country's status as a world leader and as a free united nation.

Much of America's future greatness depends on the functions of this U.S. Congress and the fact that millions of American youths may soon have the right to vote in all elections. The youth must properly exercise that right when the time comes. Equally important is the fact that today's youth will be leading this Nation tomorrow.

American youth is a major key, I believe, to the survival of this Nation's flag which is the symbolism of the life of freedom and liberty. Congress must remain attentive to the youth of America as it does to the generation of parents of today's youth.

Mr. Speaker, youth in turn must share in this responsibility to keep the best interests of the United States in its bosom and not allow immoral or subversive forces to wreak havoc within its ranks.

I believe the majority of American youth today cherish the freedom and liberty of this Nation which has been the tradition established by their parents, grandparents, and our forefathers.

Mr. Speaker, it is our job as U.S. Congressmen to safeguard this tradition for American youth so that they may in turn be properly equipped to safeguard America for their children and grandchildren.

While the U.S. Congress is trying to extricate this country out of a morass of difficult problems, the Congress must also continue to support those traditions which help instill pride in America into the hearts of all of our people, especially our youth and younger children.

One of those traditions is this ceremony in the House today—Flag Day. Flag Day should exemplify every day in America's life as each of us strives to keep our country safe and strong.

Mr. PEPPER. Mr. Speaker, I am very pleased to join in this special order in behalf of Flag Day.

The flag is the most visible symbol of the great land we all love. The honor we pay to it is homage to the great ideals and the great traditions of the United States of America and of the people who have lived and died for freedom, equality, opportunity, and human dignity.

My affection for my country makes it very gratifying to be a cosponsor of H.R. 5998, which with other resolutions introduced by our distinguished colleague, Mr. SAYLOR, would designate the second Monday in June as a national holiday known as Flag Day.

I am conscious that this will rarely coincide, as it does fortuitously today, with the actual date of the adoption by the Third Continental Congress of the Stars and Stripes as our national banner. It seems to me, however, to be less important that we adopt the actual date than that we observe once each year the anniversary of that historic event of 1777.

There has been much dispute in recent years over the treatment the American flag has received from extremists of the left and the right. I personally deplore these abuses of our national symbol, whatever the motives which prompt activists to use the flag for momentary propaganda purposes. I have lived too long in the enjoyment of the bounty, material and spiritual, of the land that flourishes under that flag to feel that there is ever a legitimate reason to degrade its noble status.

I recall the statement of Woodrow Wilson:

> The flag is the embodiment, not of sentiment, but of history.

I have awe and deep respect for the remarkable history of this great land of the free and the brave.

Mr. ANDERSON of California. Mr. Speaker, our flag is our national symbol. It symbolizes all that for which we stand; it symbolizes the hopes, dreams, and sacrifices of those who established this Nation and those who have fought and died to preserve it.

As our national symbol, we are proud to honor it in many ways. Soldiers salute "Old Glory"; citizens proudly display it; our Nation drapes its star-spangled flag to commemorate those who died for it. There are rules on how to display it, and respectful chords that accompany its hoisting and lowering.

How we revere the Stars and Stripes reflects our attitude toward our country. If we love our country, we show our love by promoting the ideals under which our country was founded. If we love our country, we respect its symbols.

To most Americans, no other manmade object gives the patriotic thrill and excitement as our flag. Today, we are witnessing the brilliant pageantry of the posting of the colors and are hearing speeches honoring our Nation's flag. While we are mindful today of some who malign and overtly disrespect the great symbol of our Nation, we recall that the same flag is the symbol of Flanders Field, Bataan, Iwo Jima, and Normandy Beach.

Under the Stars and Stripes, a nation has been born, suffered its adolescence and matured to become the last best hope of humanity. While we continue to seek an improvement of conditions in many needy areas of public concern, the flag reminds us of the successes of the past and gives us the hope that our problems can and will be overcome.

What makes us love our flag, our country? Surely, other men of other nations love and admire their own flag as much. Some would say it is our freedom; others would say it is right to pursue happiness; still others would say that it is our form of government that brings forth a love of country.

Mr. Speaker, I feel that it is all of these qualities that makes us proud to be Americans—proud to feel that we have established an idea that is unique and superior to any other.

Thomas Jefferson and our Founding Fathers expressed it better than I:

> We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of happiness.

Through the symbol of the flag, we honor today the idea of America. As we view "Old Glory," we are mindful of its meaning for the past, and are hopeful for the furtherance of this idea of America for the future.

Mr. CARNEY. Mr. Speaker, nothing is more important in the world, to my way of thinking, than realistic idealism. It is the driving force behind every democratic and humanitarian movement known to man. It is the well-spring of energy from which all positive social, ethical, moral, and political reforms arise, and the basis of every forward-looking society in the world. In truth, it is the very backbone of civilization.

By realistic idealism, I refer to the formulation and adoption of programs by intelligent citizens interested in progress along sound, constructive lines; that is to say, in programs based on ethical and workable principles. It is that cause which we honor in the celebration of Flag Day, and all obeisances to our flag are merely reflections of the honor we feel at being part of the American Nation.

President Wilson once observed that:

> The things that the flag stands for were created by the people. Everything it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

Actually, I believe this can be said of the general view of all Americans, and, if so, it is highly complimentary to the flag for the exploits and achievements of our people are great in number and quality, and in their profound effect upon the progress of mankind.

Ours is a land of human beings and, as such, cannot stand faultless in the eyes of history. Yet, does any other nation come so close as ours in the pursuit of faultlessness? I think not. Ours also is a land of wealth, which we have not been above squandering on occasion. Yet, with a capacity for recognizing mistakes and correcting them, we have managed to develop methods of conserving our resources, which now stand as a model for the rest of the world. Ours is a land of unrivaled productive imagination, responsible for the development of much that the world is pleased to call present-day technology.

All this has earned great honor for the American flag and every iota of that honor is clearly traceable to our intense national interest in the cause of realistic idealism, the fount of all our inspiration.

The American flag is a proud banner, known throughout the world as representative of courage, and truth, and honor, and, above all, the attainable ideals of a free people.

Mr. BURKE of Florida. Mr. Speaker, there are many things that represent the spirit and fiber of America, but there is none which we are more proud of, or which is so dear to us than the American flag, which we honor on this, its special day, Flag Day.

The tradition of Flag Day goes back to 1889 when the principal of a kindergarten in New York City decided to hold patriotic exercises on June 14. In the early 1890's Elizabeth Duane Gillespie, president of the Colonial Dames of Pennsylvania, who was descendant of Benjamin Franklin, proposed that June 14 be known thereafter as Flag Day and that the flag be displayed on this day on residences, business places and public buildings.

This custom has been carried on ever since and today, in light of current attacks on our military, our patriotism and our Nation itself, it is even more significant that we show more than special honor to this day.

All of us should take note of this significant occasion and contemplate what our flag represents to us. Although times change, our respect for our flag should not. Former President Woodrow Wilson once said of Flag Day:

> We meet to celebrate Flag Day because this flag which we honor and under which we serve is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choice is ours.

To be sure, it is up to us to determine what connotations we wish to give to our flag. We, who live in this greatest of all nations; we, who are blessed with more freedoms and liberties than any people have ever enjoyed, have so many reasons to raise our head with pride when this standard which signifies so much is raised. Our flag truly deserves our utmost respect and dignity, even though there are some despoilers who would ridicule such feeling.

We have gone through difficult and trying times before, and certainly in the past decade. Yet, despite the turmoil and tragedies, our way of life has been good to us. Our Nation's individual accomplishments and our achievements far outnumber our failures. The happy days of our people far outnumber the bleak. And although we still must face our problems and find ways to solve the dilemmas of the poor, the underprivileged, the sick, and the disabled, we can find hope in the knowledge that we have the tools and the know-how to accomplish these goals.

Yes; we as a united people have a better chance to conquer these problems, which have forever plagued the world, than any other nation in the world. We the people, living in one country under one God, is what the American flag is all about—that and the freedoms we enjoy are what set us apart from other nations and make the United States of America great. Let us all take this opportunity today then to ask God's blessing on our Nation and pay to the flag the respect as the symbol of a free country it deserves.

Mr. HOGAN. Mr. Speaker, 194 years ago today, on June 14, 1777, the Constitutional Congress resolved:

> That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.

Today, Flag Day, 1971, is a time for reflection—for remembering the history of our flag and the principles which it represents.

The flag is, of course, only a symbol. It is up to us to provide it with a national character to pass from one generation to another. In these troubled times, it may be considered old fashioned to be a flag waver. But if we would merely pause and think of the lives that have been given to support the ideals for which the flag stands—of the men and women who have gone before us and have invested their energy and effort to improve this country—then our spirit of patriotism might be rekindled.

Recently, I called to the attention of my colleagues the example of two students from the University of Maryland—David Simpson and Charles Blocher—who defended our flag as a group of demonstrators, during a disturbance at the school, tried to lower it in order that they might fly the flag upside down.

These courageous young men did not flinch from standing up for what they believe. Old fashioned, or not, they saw their flag being desecrated and demonstrated a loyalty which would have made our forefathers proud.

These two men apparently have instilled in them the ideals which should be instilled in all Americans. Apparently they know what our country is all about and what our flag stands for. Too often parents take this country for granted and all that it offers and fail to teach their children that the Pledge of Allegiance is something more than a memorized chant to be dutifully recited.

It is past time to begin looking for the meaning behind the words and the symbol. I strongly urge we begin now—before it is too late.

A constituent of mine, Linda Keys Sheehan, wrote a poem that beautifully fits this occasion. As you read "Ode to the Flag" please consider what it says. It is time for our side to stand up and be counted. We who appreciate this great Nation and the sacrifices of those who came before us, have an obligation to defend and preserve it.

Ode to the Flag

(By Linda Keys Sheehan, 1970)

Our nation's flag is a stirring sight
As it flutters proudly in the breeze.
It's colors of blue, red and white
Means so much to you and me;
Red stands for courage and hardiness
The White means innocence and purity
Blue for justice, perserverence and vigilance
In it's promise to keep us free.

This banner stands for a bountiful land,
It's government, people and ideals,
The stripes for the thirteen colonies stand
It's symbolism is very real.
Each state now is represented
By a star of white on blue.
President Washington first presented
The American Flag to you.

Many brave men have fought and died
To protect it from dishonor and disgrace.
Wives have mourned and mothers have cried
So we could remain . . . The United States.
The sight of this manner brings feeling of joy
Of courage, pride and freedom to all.
A symbol of our nation in all it's glory
On the moon Old Glory stands tall.

Mr. HAGAN. Mr. Speaker, Flag Day, 1971, is a time for reaffirming our belief in the ideals and aspirations we share as citizens of the United States of America. With this day upon us, I feel we should take the time to reaffirm our allegiance and our love for this great land and its multitude of opportunities and benefits.

There is no doubt but in these troubled times that this is the day and this is the time for patriotism. It is the time we should all remember and pay tribute to the wonderful privileges of our citizenship and our democratic form of government. We should all stand up to the challenges and problems confronting our Nation and with our uniform strength we will endure, prosper, and triumph over all adversities and strife.

Our Stars and Stripes is a mighty emblem and represents a people and ideals worthy of its spirited and great heritage. Our flag represents a fine people; it is a flag many Americans have loved and died for; it is a flag that shall always denote our devotion, our loyal spirit, and our determination. Because of the history and inspiration of our flag, and the great and beloved country for which it stands, I have cosponsored a bill, H.R. 5997, to make Flag Day a legal public holiday. It is earnestly hoped that this bill will be enacted into law so that we can all pay the proper respect to the flag.

Flag Day, 1971, will be remembered and revered, for it is believed that it will stand out in the 20th century as a time of renewed respect, love, and dedication to our beloved America.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks today on the Flag Day ceremony immediately after the expiration of the recess.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SNOW JOB ON COAL MINERS

(Mr. HECHLER of West Virginia. Mr. Speaker, the Bureau of Mines is secretly planning to spend between a quarter and a half million dollars on a Madison Avenue propaganda drive to try and convince coal miners that they are the major cause of accidents in the mines.

I am shocked by this proposal, which is cruel, heartless, arrogant, and stupid, in that order.

The proposal comes on the heels of an official report by the General Accounting Office which pinpoints and documents the clear responsibility of the mine operators for the hazardous conditions in the mines, and the failure of the Bureau of Mines to enforce the Federal Coal Mine Health and Safety Act of 1969.

I hope that this proposed contract for spending between a quarter and a half million dollars solely for the purpose of public relations will be suspended by the Bureau of Mines, and I hope that they get on with the job of enforcing the Coal Mine Health and Safety Act instead of attempting a half a million dollar snow job on the coal miners. Later in the day, during a special order, I shall detail additional background of this fantastic proposal.

THE PRESIDENT'S POLICY IN REGARD TO THE PEOPLE'S REPUBLIC OF CHINA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I take this opportunity to commend the President of the United States for his enlightened policy in regard to the People's Republic of China. It seems to me that it makes good sense to open up trade relations with that country from whom we have isolated ourselves for so long.

I want to also commend the President for his enlightened policy in removing the restrictions that required the use of American ships on the shipment of our goods to foreign countries, particularly to the bloc countries. This restrictive policy has not worked. It has prevented the sale of our surplus agricultural products, and it has not helped our shipping industry either. It is time for us to abandon that policy also. I applaud the President for what he has done in both of these matters.

THE DEARNESS OF FREEDOM

(Mr. FLOWERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOWERS. Mr. Speaker, 7 years and 80 days have elapsed since the first American became a captive of the Communist government of North Vietnam. Over 200 years ago, a great American writer of the Revolutionary period, Thomas Paine, wrote these words:

> 'Tis dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed, if so celestial an article as freedom should not be highly rated.

Today is Flag Day, and across this land we are engaged in a celebration of that freedom, in a living testament to the value which our society accords that most precious concept. But elsewhere in this world, Americans are held captive by a government which has demonstrated beyond reasonable question its contempt for personal liberty. This Nation—under administrations from both political parties—has offered time and again to exchange prisoners, to grant freedom to their men in return for the freedom of ours. Beyond Government activities, offers from private groups and private citizens have been made endlessly to the Hanoi regime. These offers have thus far been met with stony silence.

As we celebrate our great national symbol this day, let freedom-loving people of the world know once again of our commitment to the ideal of liberty, and of our unyielding determination to secure its blessings for American prisoners of war. Perhaps it is not too much to hope that the tide of world opinion will require the leaders of a nation shrouded in totalitarianism to rise to basic principles of civilization.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina (Mr. MCMILLAN).

AMENDMENTS TO THE HEALING ARTS PRACTICE ACT

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 8589) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Art, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–103), is amended to read as follows:

"SEC. 4. (a) (1) There is established a commission to be known as the Commission on Licensure To Practice the Healing Art (hereafter in this Act referred to as the 'Commission'). The Commission shall be composed of eleven members. The Commissioner of the District of Columbia shall appoint nine members of the Commission as follows:

"(A) Three members shall be appointed from a panel of six physicians licensed under this Act who are in private practice in the District of Columbia and who are nominated by the Medical Society of the District of Columbia.

"(B) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Georgetown School.

"(C) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the George Washington University Medical School.

"(D) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Howard University Medical School.

"(E) One member shall be appointed from a panel of two osteopathic physicians licensed under this Act who are nominated by the Association of Osteopathic Physicians of the District of Columbia, Incorporated.

"(F) Two members shall be appointed from persons who are not physicians and who represent the community at large.

"(2) The Corporation Counsel of the District of Columbia (or his delegate) and the Director of Public Health of the District of Columbia (or his delegate) shall be ex officio members of the Commission.

"(3) A vacancy in the Commission shall be filled in the same manner as the original appointment was made.

"(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, members of the Commission (appointed under paragraph (1) of subsection (a)) shall be appointed for terms of three years.

"(2) Of the members first appointed to the Commission under such paragraph (1)—

"(A) three members shall be appointed for terms of one year,

"(B) three members shall be appointed for terms of two years, and

"(C) three members shall be appointed for terms of three years,

as designated by the Commissioner of the District of Columbia at the time of appointment.

"(3) Any member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

"(c) The Commission shall elect a President and a Vice President from among its members. The Director of Public Health of the District of Columbia (or his delegate) shall be the Secretary of the Commission.

"(d) The Commission shall make, and may alter, such rules as it deems necessary to conduct its business. The Commission shall adopt a common seal and from time to time may alter it. The courts shall take judicial notice of the seal."

(b) The Commissioner of the District of Columbia shall appoint the first nine members of the Commission on Licensure To Practice the Healing Art, established by section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act), not later than ninety days after the date of the enactment of this Act.

SEC. 2. (a) The Healing Arts Practice Act, District of Columbia, 1928, is amended by redesignating section 25(a) (D.C. Code, sec. 2–122a) as section 25A and by adding after that section the following new section:

"SEC. 25B. (a) The Commission may issue, without examination, temporary licenses to persons holding the degree of doctor of medicine or doctor of osteopathy who wish to pursue or participate in residency or fellowship training programs in the District of Columbia. An applicant for a temporary license shall furnish to the Commission satisfactory proof that—

"(1) he is at least twenty-one years of age and is of good moral character;

"(2) he is a graduate of a medical school or an osteopathic school registered under section 5(a) of this Act or is otherwise qualified after examination by the Educational Council for Foreign Medical Graduates;

"(3) he has been accepted or appointed for residency or fellowship in an accredited program;

"(4) he will limit his practice and training to the confines of the hospital or other facilities within such accredited program; and

"(5) he will practice only under the supervison of the attending medical staff of such hospitals, facilities, or affiliated institutions within such accredited program. Each applicant for a license under this section must be nominated by the institution in which he is serving as a resident or fellow. An institution which nominates an applicant for a license under this section shall notify the Commission of the beginning and ending dates of the period for which such applicant has been accepted or appointed.

"(b) A license issued under this section shall be valid for a period not to exceed one year. Such a license may be renewed upon application for a period not to exceed one year. A license issued under this section may not be renewed for periods aggregating more than four years.

"(c) The holder of a license under this section may sign birth and death certificates, prescriptions for narcotics, barbiturates, and other drugs, and other legal documents in compliance with existing laws, if the execution of such documents involves duties prescribed by or incident to his residency or fellowship program.

"(d) Within sixty days after appointment of any intern to any hospital or institution in the District of Columbia, such hospital or institution shall file with the Commission the name of each such intern and shall furnish such other information concerning such intern as the Commission may require."

(b) Sections 6 and 23 of such Act (D.C. Code, secs. 2–104, 2–119) are each amended by striking out "section 25 (a)" and inserting in lieu thereof "section 25A".

SEC. 3. (a) Section 25 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–121), is amended—

(1) by striking out in the first sentence "An applicant who desires to obtain a license without examination" and inserting in lieu thereof "An applicant who desires to obtain a license by endorsement and without examination"; and

(2) by striking out the third and fourth sentences and inserting in lieu thereof "The Commission may issue a license by endorsement to an applicant under this section if it determines he has met the requirements of this section. A license issued to an applicant under this section shall correspond in scope as nearly as practicable to the license held by the applicant which is the basis for the issuance of a license under this section. No person may be licensed under this section who has been examined under authority of the Commission and who has failed."

(b) Sections 6, 11, and 23 of such Act (D.C. Code, secs. 2–104, 2–108, 2–119) are each amended by striking out "reciprocity" each place it appears in those sections and inserting in lieu thereof "endorsement".

SEC. 4. (a)(1) The first sentence of section 25A of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–122a) (as so redesignated by section 2 of this Act), is amended by striking out ": *Provided*, That the examination given by the national examining board" and inserting in lieu thereof the following: "or to anyone who has successfully completed the examination administered by the Federation of State Medical Boards of the United States if the Commission determines that the examination given by the national examining board or by such federation, as the case may be,".

(2) The proviso in the last sentence of such section 25A is amended by inserting "or on the basis of successful completion of the examination administered by the Federation of State Medical Boards of the United States" immediately after "national examining board".

(b)(1) The second sentence of the first paragraph of section 6 of such Act (D.C. Code, sec. 2–104) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States as provided in such section," after "section 25A of this Act,".

(2) The sixth sentence of section 11 of such Act (D.C. Code, sec. 2–108) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States," after "national examining board,".

(3) Clause (4) of the third sentence of section 23 of such Act (D.C. Code, sec. 2–119) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States" after "national examining board".

(4) The fourth sentence of such section 23 is amended by inserting "or on the basis of successful completion of the examination administered by the Federation of State Medical Boards of the United States" immediately after "national examining board".

SEC. 5. (a) Section 50 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–141), is repealed.

(b) The amendments made by this Act shall not be construed as affecting any provision of Reorganization Plan Numbered 3 of 1967, except that the Commissioner of the District of Columbia and the District of Columbia Council shall exercise their respective functions under the Healing Arts Practice Act, District of Columbia, 1928, through the Commission on Licensure To Practice the Healing Art established by section 4 of such Act (as amended by this Act).

(c) The members of the Commission on Licensure To Practice the Healing Art in office on the date of the enactment of this Act shall continue in office until at least four members have been appointed to that Commission under section 4(a)(1) of the Healing Arts Practice Act, District of Columbia. 1928 (as amended by this Act).

With the following committee amendment:

Page 7, strike out lines 10 through 13, inclusive, and insert in lieu thereof "the issuance of a license under this section."

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of H.R. 8589, as set forth in the committee report (H. Rept. No. 92–262), is to amend the District of Columbia Healing Arts Practice Act in three respects, as follows:

First. Revise the makeup of the Commission on Licensure, increasing the number of members from five to 11 and assuring a broad representation of the medical profession and other areas of the community's professional skills;

Second. Provide for temporary licensure of physicians and osteopaths who are engaged in residency and fellowship training programs in the District of Columbia; and

Third. Broaden the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia.

PROVISIONS OF THE BILL

1. COMMISSION ON LICENSURE

Section 4 of District of Columbia Healing Arts Practice Act of 1928 (D.C. Code, sec. 2–103; 45 Stat. 1327) presently provides for a five-member Commission on Licensure to Practice the Healing Art in the District of Columbia, consisting of the Commissioner of the District of Columbia, the U.S. Commissioner of Education, the U.S. Attorney for the District of Columbia, the Superintendent of Public Schools of the District of Columbia, and the Director of Public Health of the District of Columbia. This Commission is responsible for the licensing of physicians, osteopaths, and others who practice the healing art in the District of Columbia. They are aided in this function by an examining board, whose duty is to examine the applicants for such licensure as provided by law, and to report their findings with respect to the candidates' qualifications to the Commission.

It will be noted that this Commission, as presently constituted, includes only one physician in its membership. Also, the lay members of the Commission are all officials with a heavy burden of time-consuming duties and responsibilities in other areas, for which reason they cannot be expected to take any great interest in the operation of this Commission on Licensure or to have any particular training or expertise in its vitally important work.

Section 1 of the bill, H.R. 8589, will provide for an 11-member Commission on Licensure to Practice the Healing Art. Nine of these members shall be appointed by the Commissioner of the District of Columbia, as follows:

Three members from among six physicians in private practice in the District, and who are nominated by the Medical Society of the District of Columbia.

Four members, consisting of one physician from each panel of two nominated by the deans of the three local medical schools and by the Association of Osteopathic Physicians of the District of Columbia, Inc.

Two members who are not physicians, and who represent the community at large.

The remaining two members of the Commission will be the District of Columbia Corporation Counsel or his delegate, and the Director of Public Health of the District of Columbia or his delegate, both ex officio.

With respect to the nominations referred to above, on the part of the Medical Society of the District of Columbia, the deans of the three local schools of medicine, and the Association of Osteopathic Physicians of the District of Columbia, from among whom the Commissioner of the District of Columbia will appoint 7 members of the Commission on Licensure, it is the intent of this committee that in the event the District of Columbia Commissioner does not find in any such slate any nominee whom he believes to be capable of serving appropriately on such Commission on Licensure, he may request and receive new nominations from that source for his further consideration.

The nine members appointed by the District of Columbia Commissioners shall serve 3-year terms. However, the terms of the original appointees will be staggered so as to provide a continuity of membership.

It is obvious that the membership of this newly created Commission, which will include seven physicians representing a broad spectrum of the city's medical community, as well as a representative of the District of Columbia's Health Services Administration as a legal representative from the District of Columbia Corporation Counsel's office, will assure a high degree of professional interest and competence. Further, the two lay members will presumably be selected for their demonstrated special interest in the city's health problems, and their presence on the Commission will provide added balance in the public interest. For these reasons, it is the opinion of your committee that such a body will constitute a far more effective agency for the licensing of medical and osteopathic physicians in the District of Columbia than can the Commission as presently constituted.

The concept that the Commission on Licensure should include physicians from the medical community appears sound, in view of the fact that your committee is advised that there are presently 26 State licensing boards in this country which are composed entirely of physicians. Further, all other States have such boards composed of a minimum of three physicians and ranging to a maximum of 11 physicians.

Our committee believes also that the system of nominations for membership, from which the District of Columbia Commissioner will select the medical appointees to the Commission, will be invaluable to the Commissioner by assuring the high caliber of his appointees and their proper distribution among the various segments of the medical community.

2. TEMPORARY LICENSURE FOR RESIDENTS AND FELLOWS

Section 2 of the bill authorizes the Commission to issue, without examination, temporary licenses to persons holding the degree of doctor of medicine or doctor of osteopathy who wish to participate in residency or fellowship training programs in the District of Columbia. These temporary licenses shall be valid for 1 year, and renewable for additional 1-year periods not exceeding a total of 4 additional years.

These residents and fellows will have completed their internship, and hence will be advanced trainees in the medical profession. However, they will be limited in their practice and training under this temporary license to the confines of the hospitals or other medical facilities in which they are employed, and will be permitted to practice only under the supervision of the attending medical staffs of these institutions. Thus, they will not be licensed to engage in the general practice of medicine.

The purpose of the temporary license is to enable these residents and fellows, in the course of their service as trainees, to sign birth and death certificates, prescriptions for narcotics, barbiturates, and other drugs, and other documents, all of which functions require medical licensure in the District of Columbia. This authority will, of course, greatly enhance the contribution of these residents and fellows to the institutions and to the attending medical staffs under whose supervision they will serve.

Our committee is informed that 37 States now require residents serving in hospitals to be licensed or registered, and seven of these require full licensure to practice medicine. It is the committee's opinion that the temporary license for limited practice, as provided in H.R. 8589, is desirable and appropriate for the District of Columbia.

The bill does not provide for the licensing of interns in the city's medical institutions, but it does require that the names of such interns be filed with the Commission.

3. WIDER USE OF LICENSURE BY ENDORSEMENT

Section 25 of the District of Columbia Healing Arts Practice Act (D.C. Code, sec. 2–121; 45 Stat. 1335) presently provides for licensing by endorsement, without examination, of physicians or osteopaths who are licensed in other jurisdictions of the United States or in foreign countries, and who possess the qualifications required for licensure in the District of Columbia—provided, however, that the State in which the candidate is licensed maintains a policy of reciprocity with the District with respect to such licensure by endorsement. This limitation does not apply in the case of physicians licensed in foreign countries.

At this time, all State and territorial medical licensing boards do have such a reciprocal relationship with the District of Columbia, except for Florida, Hawaii, and the Virgin Islands. Hence, under existing law, a physician or an osteopath licensed in these jurisdictions and who wishes to practice in the District may obtain a license to do so only by taking the written examination, even though he may have been out of school for some years. All such applicants have previously been required to pass such examinations, of course.

Section 3 of the bill, H.R. 8589, removes this unrealistic barrier to the licensing, by endorsement and without examination, of applicants who meet all the requirements for a license to practice the healing art in the District of Columbia, with no limitation as to reciprocity between the District and other jurisdictions.

PREVIOUS LEGISLATION

Public Law 115 of the 90th Congress, approved October 24, 1967 (81 Stat. 336; D.C. Code, sec. 2–133), waived the requirement of licensure to practice the healing art in the District of Columbia in the case of physicians or osteopaths practicing entirely within the confines of hospital or other medical facilities under the jurisdiction of the District of Columbia Department of Public Health. This proposed legislation, H.R. 8589, will not affect that provision of law in any way.

This bill, H.R. 8589, is identical to H.R. 13837 of the 91st Congress, which was approved by the House on October 27, 1970.

COMMITTEE AMENDMENT

The amendment to H.R. 8589, as reported by your committee, deletes a provision in the bill which would prevent a physician licensed in another jurisdiction from being licensed in the District of Columbia, by endorsement and without examination, if he had previously taken the written examination for licensure in the District and failed such examination. It is the opinion of the committee that this provision which exists in present law, probably was written into the District of Columbia Code some years ago, when there may have been substantial differences in the written examinations for medical licensing in various jurisdictions. At present, however, such licenses are granted throughout the country on the basis of standardized written examinations, such as that prepared by the National Board of Medical Examiners or its equivalent. Thus, there appears no valid reason to continue this discrimination against an applicant who after once having failed such an examination in the District of Columbia, succeeded later in passing the same examination or at least one of the same scope and difficulty, and thus qualified for licensure in some other jurisdiction. For this reason, this provision was stricken from the bill.

SUPPORT FOR THE BILL

At a public hearing conducted on May 24, 1971, spokesmen for the Medical Society of the District of Columbia expressed that group's unqualified endorsement of H.R. 8589 as reported by our committee. The bill is endorsed also by the respective deans of Howard University College of Medicine, Georgetown University School of Medicine, and George Washington University School of Medicine, and by the Association of Osteopathic Physicians of the District of Columbia, Inc.

CONCLUSION

It is the opinion of this committee that the amendments to the District of Columbia Healing Arts Practice Act contained in H.R. 8589 will provide for a more realistic, effective, and desirable administration of that act, and that the enactment of this proposed legislation is therefore in the public interest.

Mr. BROYHILL of Virginia. Mr. Speaker, I wish to commend to my colleagues for their favorable action the bill H.R. 8589, of which I am pleased to be the principal sponsor.

This bill will amend the District of Columbia Healing Arts Practice Act in the following three major respects.

First, the bill will establish new requirements for the appointment of a Commission on Licensure To Practice the Healing Art. This provision will increase the number of members of this Commission from five to 11, and also will provide for the first time a broad representation of the healing arts profession on this Commission, as well as other areas of professional skill and interest in the city.

Second, the measure will provide for temporary licensing, without examination but with adherence to certain requirements, of doctors of medicine or osteopathy who seek to participate in residency or fellowship training programs in medical institutions in the District of Columbia.

Third, this bill will establish broader and more realistic criteria for licensing in the District of Columbia, by endorsement and without examination, of applicant physicians or osteopaths who are licensed in other jurisdictions or who have successfully passed standard examinations for such licensure, and who meet all the requirements for licensing as specified in the District of Columbia Healing Arts Practice Act.

Under existing law, the Commission on Licensure to Practice the Healing Art in the District of Columbia has only one physician in its membership, namely the District of Columbia Director of Public Health. The other members are the Commissioner of the District of Columbia, the U.S. Commissioner of Education, the District of Columbia Superintendent of Schools, and the U.S. Attorney for the District of Columbia. It is obvious that the nonmedical members of this Commission as presently constituted can have little interest in its operation, and also that because of their heavy burden of other duties and responsibilities they can have little or no time to devote to the work of this Commission.

By contrast, the proposed new Commission on Licensure will include three physicians in private practice in the District of Columbia, three physicians representing each of the three local schools of medicine, one osteopathic physician in practice in the District, and a representative of the District of Columbia Director of Public Health. In addition, there will be two nonmedical members representing the community at large, whom the Congress will expect to be appointed by reason of their special interest in the health problems of the city, and an attorney from the office of the District of Columbia Corporation Counsel.

Mr. Speaker, there is no question that this new Commission, by virtue of its much greater representation from among the medical profession itself, will provide a much more effective administration of licensure of medical and osteopathic practitioners in the District of Columbia.

The bill, H.R. 8589, will further modernize and update the District of Columbia Healing Arts Practice Act by authorizing the issuance of temporary licenses to physicians and osteopaths who which to participate in residency and fellowship training programs in the various hospitals and other medical institutions in the District. These licenses will be issued for a 1-year period, and will be renewable for as many as three additional 1-year periods, not to exceed 4 years in the aggregate.

These temporary licenses will not permit these physicians to engage in the general practice of medicine. Instead, they will be restricted to practice only in the hospital or other medical institution in which they are training, and only under the supervision of the medical staff of those institutions. The purpose of these temporary licenses is to enable these advanced medical trainees to perform such duties as signing birth and death certificates, prescriptions for narcotics—within the restrictions of the Federal Narcotics Act—barbiturates, and other drugs, as well as other legal documents incident to their training duties. These residents and fellows are thoroughly capable of assuming these responsibilities, and by doing so will not only increase the scope of their own medical experience but also will be of greater service to the hospitals and the medical staffs by whom they are employed. Existing District of Columbia law requires a medical license for the performance of these functions.

I am informed that temporary licensing of residents and fellows in training is now required by 37 medical licensing boards throughout the country, and it is obvious that this is a growing practice which is definitely in the public interest.

The bill does not provide for such temporary licensing of interns, but it does require that interns be registered by name with the Commission.

The final major provision of H.R. 8589 will remove an impediment existing in present law, with respect to the licensing in the District of Columbia of a physician or an osteopath who is licensed in another jurisdiction, and who meets all the requirements for licensure prescribed in the District of Columbia Healing Arts Practice Act, by endorsement and without examination. At present, this licensure by endorsement is restricted to those applicants who can submit proof that the licensing agency of the jurisdiction where they are licensed grants, without examination, to physicians licensed in the District of Columbia, license to practice in their jurisdictions. In other words, such licensure is granted to physicians only from jurisdictions which maintain a policy of reciprocity with the District of Columbia in this respect.

At the present time, all jurisdictions within the United States do maintain such a reciprocal relationship with the District of Columbia, with the exception of Florida, Hawaii, and the Virgin Islands. Thus, physicians licensed to practice in those States and who wish to practice in the District cannot obtain a license to do so without taking the written examination. Inasmuch as many such applicants have been out of school for many years, and yet have a proven competency in the practice of the healing art, I regard this barrier as ridiculous.

This proposed legislation will correct this situation by abolishing this unrealistic and inequitable impediment to the proper application of the issuance of licenses by endorsement to qualified physicians from other jurisdictions, regardless of reciprocity. There is no reason whatever, in my judgment, to maintain this present ban on such licensure by endorsement for physicians who happen to be licensed in Florida, Hawaii, the Virgin Islands, or anywhere else.

Mr. Speaker, this legislation has the endorsement of the Medical Society of the District of Columbia, the Association of Osteopathic Physicians of the District of Columbia, and all the local schools of medicine. The bill is definitely in the public interest, and I solicit the support of my colleagues in behalf of its enactment.

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Iowa is recognized.

Mr. GROSS. Mr. Speaker, is this expanded Commission of 11 members to be a labor of love or is some compensation to be paid to them?

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I understand that the Board will consist of five to 11 members.

Mr. GROSS. Is this to be a labor of love on the part of the Commission, with no compensation, or is compensation to be paid?

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The District of Columbia Commissioner now has the authority to grant per diem honorariums to members of such a Commission. The bill we now have under consideration makes no change in that respect.

Mr. GROSS. So they can be paid. Have they been paid in the past?

Mr. BROYHILL of Virginia. They have not been paid in the past.

Mr. GROSS. It is contemplated, though, to pay them, is that correct?

Mr. BROYHILL of Virginia. It is possible that payments could be provided, but we have no reason to expect this to be the case.

Mr. GROSS. That subject did not come before the committee as to any change in the present conduct of the Commission with respect to compensation?

Mr. BROYHILL of Virginia. No; it did not.

Mr. GROSS. No change in evidence at this time.

Is this business of the operation of sauna and turkish baths considered to be a healing art, where the massages are performed by women exclusively?

Mr. BROYHILL of Virginia. No. This would not come under the jurisdiction of the Commission on Licenses To Practice the Healing Art.

Mr. GROSS. Would they be under this bill?

Mr. BROYHILL of Virginia. No; they would not. Also, most of the massages to which the gentleman has referred have been performed out in the State of Virginia. This legislation does not affect the Commonwealth of Virginia.

Mr. GROSS. I understand that. But I also understand from reading the newspapers that they do operate a few such joints in the District of Columbia. I do not know whether they call them Tiki-Tiki or what they call them in the District. Anyway, they are not covered under the bill.

Mr. BROYHILL of Virginia. No. This bill will not permit the issuance of licenses in that regard.

Mr. GROSS. I thank the gentleman.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VACATION WORK PERMITS FOR MINORS

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 2592) to amend the act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 12 of the Act entitled "An Act to regulate the employment of minors in the District of Columbia", approved May 29, 1928 (45 Stat. 1002; D.C. Code, sec. 36–212), is amended by striking out "if the age of such minor has been proved according to section 11 of this Act, and such minor has in all other respects, except as to the completion of the eighth grade, fulfilled the requirements for a work permit specified in this Act", and inserting in lieu thereof the following: "upon the written certification of the parent, guardian, or custodian of the minor that such minor is at least fourteen years of age and is physically fit, and without the necessity of being accompanied, at the time of filing an application for such vacation permit, by his parent, guardian, or custodian, or of filing a school record, provided such minor has in all other respects fulfilled the requirements for a work permit specified in this Act: *And provided further,* That the director may subsequently require of a minor the certificate of physical fitness authorized by section 10 (c) of this Act, and may cancel the vacation permit issued to any minor who is found to be physically unqualified for the employment in which he is engaged".

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That the first sentence of section 12 of the Act entitled "An Act to regulate the employment of minors in the District of Columbia", approved May 29, 1928 (D.C. Code Sec. 36–212), is amended by striking out "if the age" and all that follows down through and including the period at the end of such sentence and inserting in lieu thereof the following: "if the application of such minor for such permit is accompanied by (1) a written certification of the parent, guardian, or custodian of the minor that the minor is at least fourteen years of age and is physically fit, and (2) the statement relating to his employment required by paragraph (a) of section 10 of this Act. Such minor may be required to file the certificate of physical fitness required by paragraph (c) of section 10 of this Act. A permit issued under this section to any minor who is found to be physically unqualified for the employment in which he is engaged may be canceled."

(b) Section 10 of such Act (D.C. Code, sec. 36–210) is amended by striking out "Sec. 10. The officer" and inserting in lieu thereof "Sec. 10. Except as provided in section 12 of this Act, the officer".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of H.R. 2592—as set forth in the committee report, House Report No. 92-261—is to amend the existing District of Columbia law relating to the employment of minors (D.C. Code Sec. 36–212) to facilitate the issuance of work permits.

PRESENT LAW

Under existing District of Columbia law (D.C. Code, 36–212), a minor between the ages of 14 and 16 years who wishes to work during the regular summer vacation period of the District of Columbia public schools, or at any other times when the schools are not in session, must obtain a vacation work permit from the Department of School Attendance and Work Permits of the District of Columbia public school administration. This permit is actually not issued to the minor himself, but is furnished to his prospective employer, who is required to notify the department in writing of its receipt and to return the permit to the department upon the termination of the minor's employment. Hence, this vacation work permit is issued to authorize the employment of the minor in one specific job. This permit system is essential not only for the protection of the minors themselves against exploitation and unsuitable employment, but also as a protection for the employers in connection with the child labor laws and also in obtaining adequate employee insurance.

At present, in order to qualify for such a vacation work permit the minor must—

First, apply in person at the office of the work permit section for such permit, accompanied by his parent, guardian, or custodian.

Second, present a statement signed by his prospective employer of his intent to employ the minor, and setting forth the nature of the occupation, the number of hours per day and the number of days per week the minor will work, and agreeing to notify the permit section of the commencement of the minor on the job and to return the permit to them when the employment is terminated.

Third, present evidence of his age, preferably and whenever possible by the submission of a birth certificate. In cases in which it can substantially be proved that no birth certificate can be obtained, several alternative evidences of age may be submitted in lieu. These include baptismal records, bona fide records of date and place of birth in a family Bible, passports having the age of the child, life insurance policies, and certificates of physical age issued by a District of Columbia school medical inspector and accompanied, if obtainable, by a parent's or guardian's affidavit of age and a record of age given in the register of the school first attended by the minor.

Fourth, present a certificate of physical fitness, signed by a District of Columbia school medical inspector after a thorough physical examination of the minor.

The present law (D.C. Code, sec. 36–202) also prohibits the employment of minors less than 16 years of age before 7 o'clock in the morning and after 7 o'clock in the evening.

PROVISIONS OF THE BILL

H.R. 2592, as amended, simplifies present procedure and would require only the following:

First. Repeal the requirement that the minor be accompanied by his parent, guardian, or custodian when he applies for a work permit.

Second. The minor must submit with his application for a work permit a written certification by his parent, guardian, or custodian that the child is at least 14 years of age and is physically fit. This statement will serve in lieu of the presently required work certificate and certificate of physical fitness. The bill, however, additionally provides that in the event any question arises as to the physical fitness of the child for or during employment, an examination may be required and any permit issued may be cancelled if the child is not found to be physically qualified.

NEED FOR THE LEGISLATION

In recent years, and again this year, the District of Columbia government in cooperation with local employers, has endeavored to provide employment for about 30,000 young people more or less during the summer vacation period. The fact that many thousands of these youths were actually placed in summer employment indicates the desirability and need for simplification of the work permit procedure.

Your committee is of the opinion that the existing law providing for the issuance of vacation work permits in the District of Columbia is badly in need of revision. When this act was approved, 41 years ago, its provisions were unquestionably deemed to be expedient at that time to protect the minors from exploitation in the commercial world. Today, however, this picture has changed considerably. There are many more minors seeking employment, and more opportunities are available to them. Consequently, increased emphasis has been placed in recent years upon making work experience available to minors, and it has become important that everything legally possible be done to facilitate and encourage their employment.

Our committee is informed that in the past several years, with the rapid influx of minor workers into the District of Columbia labor market, in some instances the summer had nearly passed before the youngsters were able to secure the necessary vacation permit to authorize them to begin work. This situation is attributable in general to two provisions in the present law.

First, experience has indicated that the requirement that a child be accompanied by his parent, guardian, or custodian has been a major stumbling block to the minor seeking a permit. This is true because in many instances it has meant that the parent is obliged to take time off from work to accompany the child to the permit office, where he sometimes has been obliged to spend a half day or more while the application was being processed. In these times, when employment of both parents in a family is becoming more and more prevalent, this requirement simply imposes an unreasonable hardship in too many cases, and as a result youngsters have too frequently been thwarted in their desire to obtain the vacation work permit. This proposed legislation will eliminate this requirement.

The second major impediment to the prompt issuance of these permits has been the requirement of a birth certificate or other evidence of age as spelled out in the present law. Your committee is advised that in many instances, particularly in the case of the many youngsters who live in the District of Columbia but were born elsewhere, despite the efforts of the work permit personnel to assist these minors in their efforts to obtain birth certificates, the process has proved time consuming and frustrating. Your committee is of the opinion that the written statement of the parent, certifying that his child is at least 14 years of age, is sufficient and will serve the interests of all persons concerned. In this connection, should it subsequently be found that a child is less than 14 years of age, there is ample authority under existing statutes for the cancellation of the work permit.

Our committee feels also that the elimination of the requirement of a physical examination, before the issuance of a vacation permit, with the provision that such examination may be required when doubt exists as to the child's physical fitness, and the further stipulation that a permit will be revoked whenever a child is found to be physically unqualified for the work in which he is engaged, will eliminate considerable waste of time in the issuance of these permits and thus improve the present law. Again, the parent will certify as to the minor's physical fitness.

CONCLUSIONS

For the reasons indicated above, our committee is of the opinion that the provisions of this bill amending present procedures, requiring the issuance of work permits to minors between the ages of 14 and 16, so as to require that the applicant minor present a written statement as to age and physical fitness signed by his parent or guardian and a written statement from his prospective employer, along with his application to the permit section office, will eliminate time-consuming and frustrating procedures for both children and parents. It will encourage minors to seek gainful employment during the summer vacation.

COMMITTEE HEARINGS

The bill, H.R. 2592, was included with other legislation for testimony and public hearings on May 24 and 25, 1971, by the Subcommittee on Housing and Youth Affairs. This legislation is essentially similar to the bill, H.R. 12671, of the 91st Congress, which was favorably reported and passed by the House and amended in the Senate but not finally enacted by the Congress. That legislation was strongly supported by the District of Columbia government and other local and private groups. As to the present bill, the District of Columbia expressed a preference for broader legislation which included the general provisions of the pending measure. In transmitting the District of Columbia government report on the legislation, however, the committee was advised in the transmittal that "the Commissioner of the District of Columbia endorses in principal the intent and purposes of H.R. 2592." Testimony from the Director of School Attenance and Work Permits of the District of Columbia Public Schools, in testimony before the Committee, indicated the view that modification of existing procedures relating to the employment of minors was highly desirable.

Mr. McMILLAN. Mr. Speaker.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I am unable to find in the report any kind of a statement giving recognition to this bill by any of the city officials of the District. Are they for or against this bill? I guess it does not make very much difference, but it is sometimes worth while to know their attitude.

Mr. McMILLAN. The Commissioners requested this legislation.

Mr. GROSS. But there is no statement from the Commissioners; no formal statement, at least?

Mr. McMILLAN. I do not believe it is in the report.

Mr. GROSS. Is this legislation necessary in order for HUD to pay $40 a week this summer to 14-year-olds and others to attend remedial classes in the District public schools in mathematics and reading?

Mr. McMILLAN. I certainly agree with the gentleman's thought in connection with this matter. I should like to state that this bill has no connection with the proposal to children to go to school.

Mr. GROSS. Unless there is a change in the law, how can city officials use a grant made by HUD to pay $40 a week to youngsters, 14-year-olds and 15-year-olds, to go to remedial classes to make up their scholastic deficiencies this summer?

Mr. McMILLAN. I have been trying to get an answer to your question for 2 weeks. I have not found out how they get that permission.

Mr. GROSS. This legislation is not directed to that; is that correct?

Mr. McMILLAN. It has no connection with the schoolchildren proposal.

Mr. GROSS. When the gentleman does find out, if he ever does, will he let me know under what authority they are doing this?

Mr. McMILLAN. Yes. I shall be happy to comply with your request.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENT OF MEDICAL EXPENSES FOR POLICE AND FIREMEN RETIRED FOR TOTAL DISABILITY

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 8794) to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the metropolitan police force of the District of Columbia, the fire department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b), the District of Columbia shall pay the reasonable costs of medical, surgical, hospital, or other related health care services of any officer or member of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protective Service, or the United States Secret Service who—

(1) retires after the date of enactment of this Act under subsection (g) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–527 (g)) (relating to retirement for disability); and

(2) at the time of such retirement, has a disability caused by injury or disease contracted or aggravated in the line of duty, which is determined by, or under regulations of, the Commissioners of the District of Columbia (hereafter in this Act referred to as the "Commissioner") to be a total disability.

(b) No payment may be made under this Act for medical, surgical, hospital, or other related health care services provided a retired officer or member unless—

(1) at the time such services are provided the disability of the retired officer or member has been determined by, or under regulations of, the Commissioner to be a total disability;

(2) such services have been determined by, or under regulations of, the Commissioner to be necessary and directly related to the treatment of the injury or disease which caused the disability of the retired officer or member; and

(3) the retired officer or member submits to such medical examinations as the Commissioner may require.

(c) The Commissioner may determine that the disability of a retired officer or member is a total disability only if the Commissioner finds that the retired officer or member is unable (because of the injury or disease causing his disability) to secure or follow substantially gainful employment. In determining whether employment is substantially gainful employment the Commissioner shall take into account the amount of expenses incurred by, or which can reasonably be expected to be incurred by, the retired officer or member in securing the medical, surgical, hospital, or other related health care services necessitated by his disability, and such other factors as the Commissioner deems advisable.

(d) In addition to any medical examination required under the Policemen and Firemen's Retirement and Disability Act, the Commissioner shall require, in each year that payments under this Act are made with respect to any retired officer or member, a medical review of the disability of such retired officer or member.

(e) The Commissioner may provide for payments under this Act to be made either directly to the retired officer or member or to the provider of the medical, surgical, hospital, or other related health care services.

SEC. 2. The Commissioner shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

SEC. 3. There are authorized to be appropriated from revenues of the United States such sums as may be necessary to reimburse the District of Columbia, on a monthly basis, for payments made under this Act from revenues of the District of Columbia in the case of retired officers or members of the United States Park Police force, the Executive Protective Service, or the United States Secret Service.

SEC. 4. This Act shall take effect on the first day of the first month which begins more than thirty days after the date of enactment of this Act.

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

The purpose of the bill, H.R. 8794, as set forth in the committee report, House Report No. 92–263, is to authorize the District of Columbia government to pay the necessary costs of medical, surgical, hospital, or related health care services for officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Secret Service, who are retired subsequent to the date of enactment of this legislation for total disability incurred in line of duty. These payments shall be made only for expenses incident to the injury or disease which is the cause of such retirement.

NEED FOR LEGISLATION

Subsection (e) of the District of Columbia Policemen and Firemen's Retirement and Disability Act, added thereto on August 21, 1957 (71 Stat. 394; D.C. Code, sec. 4–525), provides that an officer or member of the District of Columbia Fire Department or of any of the several police forces whose members are subject to the provisions of that act, who are temporarily disabled by injury or disease incurred in the performance of duty, to such an extent as to require medical or surgical services other than such as can be rendered in the clinic operated by the District government for such employees, or to necessitate hospital treatment, shall have the expense of such medical services or hospital treatment paid by the District of Columbia. The payment of such expenses requires a certificate from the Commissioner of the District of Columbia setting forth the necessity for such services and treatment and the nature of the injury or disease rendering such payment necessary.

At present, however, there is no comparable provision of law authorizing the payment for medical or surgical services, or of hospital treatment, for such policemen and firemen who have retired by reason of such service-incurred disabilities which are permanent in nature. Public Law 90–291, approved April 19, 1968, provides for the payment of medical expenses, after retirement, for law enforcement officers not employed by the United States who receive disabling injuries while apprehending persons suspected of committing Federal crimes. However, while this provision of law would apply in some instances of disabling injuries sustained by metropolitan policemen or members of the other police forces operating in the District, it would by no means cover all such cases, and of course is not applicable in any event to members of the District of Columbia Fire Department.

PRECEDENTS FOR THIS BILL

At this time, employees of the Federal or District of Columbia governments, except for those coming under the provisions of the D.C. Policemen and Firemen's Retirement and Disability Act, who are retired for service-incurred disability, do receive medical, surgical, or hospital services and treatment for such disabling injuries or diseases at the expense of the government. Such employees are offered this protection under the provisions of chapter 81 of title 5 of the United States Code, relating to workmen's compensation, and by section 8337 of this same title, which pertains to disability retirement.

Thus, despite the hazardous nature of their duties, the members of the District of Columbia Fire Department and of the several police forces referred to in H.R. 8794 are the only government employees in the District who are not afforded this assurance against duty-incurred financial disaster.

PROVISIONS OF THE BILL

This proposed legislation would authorize the payment of the costs of medical, surgical, hospital, or other health care services such as nursing home care and the like, for officers and members of the subject forces who retire after the date of enactment of this act under subsection (g) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, section 4–527(g)) for service-incurred disability which is determined by the Commissioner of the District of Columbia to be total at the time of the member's retirement and also at the time any such services are provided. It is provided also that no such payments shall be made unless the District of Columbia Commissioner determines that such medical services are necessary and are directly related to the treatment of the injury or disease which caused the total disability of the retired member.

In determining a retired member to be totally disabled, the District of Columbia Commissioner must find that the member is unable, because of that disability, to secure or to follow substantially gainful employment. Further, in determining whether employment is "substantially gainful employment," the Commissioner is directed to take into consideration the amount of the medical and related health care expenses which are incurred by the retired member, or which may reasonably be expected to be incurred by him in the future, by reason of his disability. This provision is intended to enable the Commissioner to administer the payments authorized in this legislation in an equitable manner, in cases where some employment of a disabled retiree may be possible but the remuneration therefrom will be completely inadequate to meet the retiree's essential medical expenses in connection with the disabling condition for which he was retired.

The bill requires a medical review of the disability of each retired member whose medical expenses are being paid, in year in which such payments are made. It is intended that this medical review shall be broader in scope than a mere medical examination, in that such a review will include a study and consideration of the retired member's entire medical history from the time of his total disability. This is for the purpose of assuring that the payments made under this act shall be only those which are justified and concomitant with the intent of the legislation.

Further, H.R. 8794 provides that the payments authorized may be paid either directly to the retired member or to the provider of his necessary medical services, and that the Commissioner of the District of Columbia shall prescribe regulations as may be necessary for the administration of the act.

PRESENT CASES

At present, your committee is advised that there are only two persons who would be affected by the enactment of this proposed legislation. One is a member of the metropolitan police force, who was totally disabled by an injury incurred in line of duty in 1965. This man is paralyzed from the waist down, and his ability to engage in any gainful employment whatever will always be extremely limited at best. The other is a member of the District of Columbia Fire Department, also totally disabled while in the performance of his duty as a firefighter in 1968. This man is permanently hospitalized, with nurses in attendance around the clock.

Neither of these men has been retired, because under present law this action would immediately subject them to the costs of their required medical care. Instead, the District has been paying the costs of their medical, surgical, and hospital services under the provisions of subsection (e) of the District of Columbia Policemen and Firemen's Retirement and Disability Act, as cited above. However, inasmuch as this authority relates only to payments of the costs incident to temporary disability, from which the member may be expected to recover and return to active duty, this humanitarian assumption of these expenses on the part of the District of Columbia cannot continue indefinitely, nor can these men continue to be carried on the rolls of their respective departments for an indefinite time.

The seriousness of this dilemma, and the dire jeopardy in which these men would be placed if they were retired under the present provisions of District of Columbia law, are obvious in view of the costs of their essential medical care. During the 5-year period beginning in 1965, the District expended some $31,700 for the necessary medical, surgical, and hospital services for this police officer, and the annual cost of his prescribed drugs alone is approximately $550 per year. Further hospital and surgical treatment in his case is expected. In the case of the disabled fireman, the Fire Department has expended nearly $170,000 for his essential care during the 2½ years since his total disability, and there is no present prospect that this cost will diminish during the remainder of his lifetime.

COST OF LEGISLATION

It is obviously impossible to forecast with any accuracy the cost which the enactment of this proposed legislation will involve, as this is dependent upon unpredictable factors. However, the total average annual expenditure on the part of the District of Columbia incident to the medical expenses of the two persons referred to above, the only two who at present would be involved, is $74,240. Thus, if the present situation should prevail through fiscal year 1976, the total cost to the District of Columbia government for that 5-year period would be some $371,200. During this period, of course, the number of cases involved may either increase or drop to zero.

HEARING

A public hearing on legislation substantially the same as H.R. 8794 was conducted on November 24, 1970, at which time no opposition was expressed to its enactment. Thus, the substance of the measure is supported by the government of the District of Columbia, the District of Columbia Policemen's Association, and the District of Columbia Firefighters Association.

CONCLUSIONS

Your committee feels strongly that the officers and members of these gallant services, who are subject in the daily performance of their duties to the most hazardous conditions, are entitled to at least as much assurance of protection against financial disaster in the event they are totally disabled while so engaged as are all the other government employees—clerks, teachers, and others who are not nearly so likely to be disabled—and that the Congress is obligated to assure this protection to these men through the enactment of this proposed legislation.

At the same time, however, it is the intent of this committee that the District of Columbia Police and Fire Clinic shall afford all possible medical services to retired members who have suffered any degree of disability in service, and that the payments authorized in H.R. 8794 shall be for those necessary medical services which the facilities of the clinic are not adequate to perform.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

The thrust of this bill is to authorize the District of Columbia to pay the cost of necessary medical, surgical, hospital, or other health care services for members of the Metropolitan Police force, the District of Columbia Fire Department, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service Division who are retired after the date of enactment of this legislation under the District of Columbia Police and Firemen's Retirement and Disability Act for total disability incurred in the performance of their duties. Guidelines are provided for the determination of total disability, and I wish to emphasize that the payments authorized by this bill are to be made only for medical services directly related to the specific injury or disease which caused the disability for which the member was retired, and not for any other such condition which the retired member may contract subsequent to his retirement.

At present, there is no statutory provision for the District of Columbia government to assume responsibility for the expenses of medical or hospital treatment for retired members of these forces in the District, except that Public Law 90-291, approved April 19, 1968, does authorize such payments in the case of retired law enforcement officers not employed by the United States who receive disabling injuries while apprehending persons suspected of committing Federal crimes. This very narrow authorization obviously cannot apply to the great majority of Metropolitan Police Force officers who may suffer disabling injuries in the line of duty, nor can it apply in any case to a member of the District of Columbia Fire Department.

At the same time, however, other Federal and District of Columbia government employees are entitled to medical and hospital treatment at government expense subsequent to their retirement, if they have been forced to retire for service-incurred disability, under the provisions of Federal law pertaining to workmen's compensation and disability retirement. Thus, the members of the District of Columbia Fire Department and of the several police forces in the District, alone among local government employees, must face the hazard of expensive medical, surgical, or hospital treatment after their retirement for total disability incurred in the performance of their duties.

It has been brought to my attention that there are presently two individuals employed by the District government who would benefit from the enactment of this proposed legislation. One is a Metropolitan Police officer, Charles Allen, and the other is a District of Columbia fireman by the name of Hunter Vaughn. Both of these men were totally disabled several years ago, by injuries suffered in the performance of their duties.

Officer Allen, paralyzed from the waist down, has required extensive medical, surgical, and hospital services since the spring of 1965, and during this time the District has expended more than $30,000 for his necessary medical expenses, his prescriptions alone costing some $550 per year. Private Vaughn is permanently hospitalized, with 24-hour nursing care essential. The District of Columbia Fire Department spent $64,000 in 1969 alone for Mr. Vaughn's medical expenses.

The reason that the staggering costs of these two men's medical care have thus far been paid by the District of Columbia is the simple fact that neither has thus far been retired. Subsection (e) of the District of Columbia Police and Firemen's Retirement and Disability Act authorizes the respective departments to pay such expenses for disabilities of a temporary nature, only as long as the members remain on the active rolls; and out of compassion for these men's plight, the departments have refrained from retiring them, since to do so would have the effect of immediately cutting off any payment the District could make toward the medical care on which their lives depend, and the expense of which neither man could possibly meet on his own.

This situation cannot continue for an indefinite time, however, because these men obviously should be retired, and there is actually no legally defensible basis for their being carried on the rolls of the departments as active members.

Mr. Speaker, we in the Congress must take immediate action to provide the proper relief for these two men who lost their ability to earn a living in the service of this city, and for all members of these vital forces who may suffer this same fate in the future. It is unthinkable that the members of the Police and Fire Departments should continue to face this financial and physical hazard while all other employees of the Federal and District governments, who face far less likelihood of suffering service-incurred disabling injury or disease, are secure in the knowledge that this disaster cannot beset them after their retirement.

I wish to commend the administrations of the Metropolitan Police force and the District of Columbia Fire Department for keeping these two hapless men, Officer Allen and Private Vaughn, on the active rolls all these months and years, solely out of compassion for their plight and in humane consideration of the fate which would overtake them upon retirement.

I was the principal sponsor of two bills designed to meet the objectives of this proposed legislation, H.R. 17096 of the 91st Congress and H.R. 113 introduced on January 22 of this year. I am most happy to be a cosponsor of this present bill, H.R. 8794, and I urge my colleagues to join with me now in eliminating this indefensible inequity in the present law with respect to totally disabled police and fire officers in the Nation's Capital.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. NELSEN. Mr. Speaker, I was going to point out the benefits that would accrue because of this bill are the same as those given any civil service employee employed by the city of Washington. So this would seem to be very fair and reasonable.

Mr. BROYHILL of Virginia. That is an inequity in law, that all Government employees except these policemen and firemen already have this protection. So there is no question that this an injustice, and that we should correct it. We have a moral as well as a legal responsibility to take care of this inequity.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. BROYHILL of Virginia. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman said in his previous remarks that compensation would be paid either by the District of Columbia or the Federal Government. Does he really mean that?

Mr. BROYHILL of Virginia. Yes; I do, because it provides for the reimbursement of the District for payments made in behalf of retirees of the Park Police force, the Executive Protective Service, and the Secret Service, because they are Federal employees, even though they are covered by the District of Columbia Police and Firemen's Retirement and Disability Act.

Mr. GROSS. If I read the report correctly on page 4 in the second paragraph, it is not designed to be financed by the Federal Government insofar as the firemen and police of the District of Columbia are concerned.

Mr. BROYHILL of Virginia. No; payments on behalf of retired members of the Metropolitan Police force and the District of Columbia Fire Department will be made entirely from District of Columbia funds.

The SPEAKER. The time of the gentleman from Virginia has expired.

(Mr. BROYHILL of Virginia (at the request of Mr. GROSS) was allowed to proceed for 1 additional minute.)

Mr. GROSS. I would like to make a little legislative record on this bill.

I see no reason why the Federal Government should pay for the disability of police and firemen operating solely within the District of Columbia.

It is not contemplated, is it, that the Federal Government pay for the medical assistance and hospitalization and other costs of other than those who are Federal employees such as the Park Police and the White House Police force; is that true or not true?

Mr. BROYHILL of Virginia. That is true. I am glad the gentleman made that observation. Payments on behalf of the District of Columbia policemen and firemen will be paid from District of Columbia funds.

Mr. HOGAN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 8794.

As a member of the District of Columbia Committee last year, I had the privilege of being one of the original sponsors of this legislation during the 91st Congress and I am pleased to have been able to cosponsor it again this year.

Mr. Speaker, we read periodically of an instance when a policeman or fireman forfeits his life in the line of duty. There is no way, of course, in which we can begin to repay these men for the service they have rendered. At the same time, however, there are officers who make almost as great a contribution, those who have sustained injuries in the line of duty, which leave them totally disabled for the rest of their lives. Even worse, the medical and surgical care required for these injuries oftentimes place them and their families under a financial burden which they cannot hope to bear.

Presently, under the Policemen and Firemen's Retirement and Disability Act, the expense of such care is paid by the District of Columbia government when a member of these forces becomes temporarily disabled in the performance of his duty. The act does not include such benefits, however, for members retired for duty-related disability.

I firmly believe that the District's moral obligation to assist financially those who become totally disabled from service-connected injuries or diseases is just as binding after their retirement as it is while they remain on the active rolls.

Mr. Speaker, I think the necessity for this legislation is best demonstrated by the fact that, at the present time, employees of the Federal or District of Columbia governments, who are retired for service-incurred disability, do receive medical, surgical, or hospital services and treatment for such disabling injuries or diseases at the expense of the government. Apparently, the only employees not entitled to these benefits are those coming under the provisions of the District of Columbia Policemen and Firemen's Retirement and Disability Act. This should not be the case, Mr. Speaker, and this bill which we have before us today, will assure that in the future the police and firemen of the District of Columbia receive the same treatment as their colleagues in the Federal and District of Columbia governments.

H.R. 8794 would permit the District government to fulfill this obligation to those members retiring after its effective date who are totally disabled at the time of retirement.

Mr. Speaker, I would like to include in my remarks at this point a section-by-section analysis of the bill for the benefit of my colleagues who may not be wholly familiar with the provisions:

SECTION-BY-SECTION ANALYSIS

Section 1, subsection (a) provides that the District of Columbia shall pay all reasonable costs of medical, surgical, hospital, or other related health services for any officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protective Service, or the United States Secret Service, who retires after the date of enactment of this Act for service-incurred disability which is determined by the Commissioner of the District of Columbia, at the time of the officer's or member's retirement, to be total disability.

Subsection (b) provides that no payment shall be made under this Act unless at the time the medical, surgical, hospital, or other health services are provided the retired officer or member has been determined by, or under the regulations of, the D.C. Commissioner to be totally disabled, and unless such services have been determined by the Commissioner to be necessary and directly related to the injury or disease which caused such total disability. It is provided further that the retired officer or member must submit to such medical examinations as the D.C. Commissioner may require.

Subsection (c) provides that the D.C. Commissioner may determine an officer or member to be totally disabled only if he finds that such officer or member is unable, because of the injury or disease, causing the disability, to secure or pursue substantially gainful employment. It is further provided that in making the determination as to whether employment is "substantially gainful employment", the Commissioner shall take into account the amount of the medical and related health care expenses incurred by, or which may reasonably be expected to be incurred by, the retired officer or member as a result of his disability, as well as such other factors as the Commissioner may deem advisable.

Subsection (d) provides that in addition to any medical examination required under the Policemen and Firemen's Retirement and Disability Act, the Commissioner of the District of Columbia shall require, in any year in which payments are made under this Act with respect to retired officers and members, a medical review of the disability which necessitated the retirement of each such retired officer or member.

Subsection (e) provides that the payments made under this Act may be made either directly to the retired officer or member or to the provider of the medical, surgical, hospital or other related health care services.

Section 2 provides that the D.C. Commissioner shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

Section 3 authorizes the appropriation from revenues of the United States of such sums as may be necessary to reimburse the District of Columbia, on a monthly basis, for payments made under this Act from revenues of the District of Columbia, in the case of retired officers or member of the United States Park Police, the Executive Protective Service, or the United States Secret Service.

Section 4 establishes the effective date as the first day of the first month which begins more than thirty days after the date of enactment of the Act.

Mr. Speaker, at the present time only two persons would be affected by enactment of this legislation. One of these two dedicated public servants, Policeman Charles Allen, of Lanham, Md., in my congressional district, is paralyzed from his waist down. Over $30,000 has been expended for his care since May 1965, and further hospital and surgical treatment is anticipated. The other man, Fireman Hunter Vaughn, is permanently hospitalized and requires nurses around the clock.

Mr. Speaker, I believe that the District of Columbia government has a moral obligation in these two cases, and in similar, future cases. I think the District government recognizes this obligation since they requested enactment of this legislation. It is now our responsibility. Mr. Speaker, I urge my colleagues to approve H.R. 8794.

Mr. ROBINSON of Virginia. Mr. Speaker, I rise in support of this bill, because I regard it as one further measure of justified public concern for the welfare of the public safety forces of the Nation's Capital.

We should strive, surely, in discharging our constitutional responsibilities to the District of Columbia, for model treatment of the personnel of the police and fire departments. This is important if we are to continue to attract high-quality recruits to what often are hazardous careers.

I have a particular interest in this legislation, because one of the prospective beneficiaries, a disabled fireman, is from my congressional district. He is a member of a hardworking Shenandoah Valley family, which, no matter how desperate the situation, could be expected to make every possible sacrifice in order to care for its own.

Any impartial appraisal of the plight of this man, with respect to a need for very expensive medical treatment and attendance into the indefinite future, would make plain, however, that neither the family nor ordinary community services could furnish him the order of care he has been receiving at the expense of the District of Columbia Fire Department.

At the same time as the committee report makes plain, the fire department cannot justify an indefinite expenditure in behalf of a member of its force who cannot be expected ever to return to active duty.

The department has not retired him—has not cut him adrift—for humanitarian reasons.

We have an obligation, Mr. Speaker, to take note of situations of this kind, and I believe the bill under consideration provides appropriate relief, with adequate protection against abuse of these extraordinary benefits.

Policemen and firemen disabled in the line of duty deserve no less.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 311, nays 1, not voting 121, as follows:

[Roll No. 131]

YEAS—311

Abbitt
Abourezk
Adams
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Barrett
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bray
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conyers
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dennis
Devine
Diggs
Dingell
Dorn
Dow
Dowdy
Downing
Duncan
du Pont
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Henderson
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Perkins
Peyser
Pickle
Pike
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thone
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
Whalen
White
Whitten
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Yates
Yatron
Young, Fla.
Zion
Zwach

NAYS—1

Saylor

NOT VOTING—121

Abernethy
Abzug
Addabbo
Alexander
Anderson, Ill.
Andrews, N. Dak.
Badillo
Baring
Begich
Bell
Biaggi
Bolling
Bow
Brademas
Brasco
Brinkley
Brown, Ohio
Byrne, Pa.
Casey, Tex.
Chisholm
Clark
Clay
Conte
Corman
Cotter
Danielson
Delaney
Dellums
Denholm
Dent
Derwinski
Dickinson
Donohue
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Edwards, La.
Esch
Evans, Colo.
Evins, Tenn.
Fish
Flynt
Ford, William D.
Fulton, Tenn.
Galifianakis
Gallagher
Gettys
Grasso
Grover
Halpern
Hanley
Hansen, Idaho
Harrington
Hastings
Hays
Hébert
Heckler, Mass.
Helstoski
Hicks, Mass.
Hillis
Howard
Jonas
Jones, N.C.
Kemp
Kluczynski
Koch
Lennon
Long, La.
McCormack
McCulloch
McEwen
McKevitt
Mailliard
Mann
Mathias, Calif.
Melcher
Mitchell
Mollohan
Moorhead
Murphy, Ill.
Murphy, N.Y.
Nix
Patman
Pelly
Pepper
Pettis
Pirnie
Podell
Pryor, Ark.
Pucinski
Purcell
Rangel
Rogers
Rooney, Pa.
Rostenkowski
Rousselot
Runnels
St Germain
Scherle
Slack
Smith, Iowa
Stephens
Stratton
Talcott
Thomson, Wis.
Tiernan
Van Deerlin
Veysey
Ware
Whalley
Whitehurst
Widnall
Wiggins
Wilson, Bob
Wydler
Wylie
Wyman
Young, Tex.
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Anderson of Illinois.

Mr. Dent with Mr. Hastings.

Mr. Hébert with Mr. Grover.

Mr. Addabbo with Mr. Wydler.

Mr. Byrne of Pennsylvania with Mr. Pirnie.

Mr. Brasco with Mr. Bell.

Mr. Stratton with Mr. McKevitt.

Mr. Zablocki with Mr. Hillis.

Mr. Cotter with Mr. Andrews of North Dakota.

Mr. Delaney with Mr. Talcott.

Mrs. Grasso with Mrs. Dwyer.

Mr. Murphy of New York with Mr. Halpern.

Mr. Pucinski with Mr. Conte.

Mr. Rostenkowski with Mr. Pettis.

Mr. Evins of Tennessee with Mr. Mathias of California.

Mr. Dulski with Mrs. Heckler of Massachusetts.

Mr. Biaggi with Mr. Pelly.

Mr. Begich with Mr. Kemp.

Mr. Abernethy with Mr. Jonas.

Mr. Hanley with Mr. Mailliard.

Mr. Howard with Mr. Whalley.

Mr. Casey of Texas with Mr. Brown of Ohio.

Mr. Danielson with Mr. Dickinson.

Mr. Denholm with Mr. Thomson of Wisconsin.

Mr. Donahue with Mr. Wiggins.

Mr. Edwards of Louisiana with Mr. Hansen of Idaho.

Mr. Fulton of Tennessee with Mr. Derwinski.

Mr. Moorhead with Mr. Ware.

Mr. Kluczynski with Mr. Bow.

Mr. Jones of North Carolina with Mr. Wyman.

Mr. Tiernan with Mr. Esch.

Mr. Slack with Mr. Fish.

Mr. Alexander with Mr. McEwen.

Mr. Clark with Mr. Scherle.

Mr. Corman with Mr. Whitehurst.

Mr. Evans of Colorado with Mr. Widnall.

Mr. Brademas with Mr. Rousselot.

Mr. Melcher with Mr. Bob Wilson.

Mr. Mann with Mr. Veysey.

Mr. Mollohan with Mr. Wylie.

Mr. Van Deerlin with Mr. Rangel.

Mr. Nix with Mr. William D. Ford.

Mr. Gallagher with Mr. Clay.

Mr. Long of Louisiana with Mr. Lennon.

Mr. Koch with Mr. Dellums.

Mr. Drinan with Mr. Mitchell.

Mrs. Chisholm with Mr. Baring.

Mr. Helstoski with Mrs. Hicks of Massachusetts.

Mr. Stephens with Mr. Young of Texas.

Mr. Gettys with Mr. McCormack.

Mr. Harrington with Mr. Runnels.

Mr. Brinkley with Mr. Edwards of California.

Mr. Galifianakis with Mr. Flynt.

Mr. Podell with Mr. Murphy of Illinois.

Mr. Pryor of Arkansas with Mr. Pepper.

Mr. Smith of Iowa with Mr. Patman.

Mrs. Abzug with Mr. Eckhardt.

Mr. Rogers with Mr. Rooney of Pennsylvania.

Mr. Purcell with Mr. St Germain.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS TO THE ACT AFFECTING PUBLIC UTILITIES OF THE DISTRICT OF COLUMBIA

Mr. CABELL. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 2591) to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2591

A bill to amend section 8 of the Act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes", approved March 4, 1913 (37 Stat. 974, as amended; D.C. Code, sec. 43–101 et seq.), is amended as follows:

(a) The first two paragraphs of paragraph 57 (D.C. Code, sec. 43–603) are amended to read as follows:

"57. That the commission shall appoint inspectors of gas meters, whose duty it shall be, when required by the commission, to inspect, examine, and ascertain the accuracy of gas meters used or intended to be used for measuring and ascertaining the quantity of gas furnished for light, heat, or power by any person or corporation to or for the use of any person or corporation.

"No corporation or person shall furnish, set, or put in use any gas meter which shall not have been inspected and proved for accuracy, or any meter the type of which shall not have been approved by the commission or by an inspector of the commission."

(b) Paragraph 85 (D.C. Code, sec. 43–906) is amended by adding the following new paragraphs:

"Any person who violates any regulation issued by the commission governing safety or pipeline facilities and the transportation of gas, shall be subject to a civil penalty of not to exceed $1,000 for each such violation for each day that such violation persists. However, the maximum civil penalty shall not exceed $200,000 for any related series of violations.

"Any such civil penalty may be compromised by the commission. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of such penalty when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the District of Columbia to the person charged or may be recovered in a civil action in the District of Columbia courts."

(c) Paragraph 96 (D.C. Code, 43–207) is amended by adding the following new paragraph:

"The commission may act jointly or concurrently with any official board or commission of the United States or any State thereof in any proceeding relating to the regulation of any public service company. Any such action may be under an interstate compact or agreement, or under the concurrent power of the States to regulate interstate commerce, or as an agency of the Federal Government, or otherwise."

SEC. 2. This Act shall take effect on the date of its enactment.

With the following committee amendment:

On page 2, line 20, strike out "or" and insert in lieu thereof "of".

The committee amendment was agreed to.

Mr. CABELL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purposes of H.R. 2591 as set forth in the committee report, House Report No. 92–269, which amends section 8 of the act approved March 4, 1913 (37 Stat. 974; D.C. Code, title 43, section 603), as amended, are as follows:

First, it standardizes procedures for the testing of utility meters.

Second, it adds a penalty provision in order to enable certification to meet the requirements of the Natural Gas Pipeline Safety Act of 1968.

Third, it authorizes joint cooperative action by the District of Columbia Public Service Commission wth State and Federal regulatory bodies on matters of joint interest.

The bill is similar to draft legislation submitted to the Congress in the last session by the Public Service Commission of the District of Columbia, but which was not reached for action at that time.

PROVISIONS OF THE BILL—(1) METERS

Section 1(a) of H.R. 2591 eliminates costly and unnecessary procedures under present law, which now requires that every gas meter in the District of Columbia shall be inspected, proved and sealed by an inspector of the Public Service Commission before being placed into service.

The proposed amendment retains the present law requirement that a meter shall be inspected and proved for accuracy before being set or put into use and places those duties directly on the utility in question, but at the same time eliminates the requirements that these procedures be performed by an inspector and deletes the requirement of sealing meters.

Neither Maryland nor Virginia requires gasmeter sealing, and the District of Columbia does not require inspection and sealing of electrical meters.

Our committee was advised that the seal required by present law serves no particular useful purpose; it is merely attached to gasmeters which are used for measuring gas furnished within the District of Columbia; and the elimination of the requirement that an inspection be performed by a commission inspector who must seal the meter after such inspection, would allow inspectors to better utilize their time in checking apparatus used by utilities in the physical testing of the gasmeters and in spot checking meters in accordance with accepted practice.

Elimination of this sealing requirement, the testimony brought out, would result in a substantial savings of approximately $20,000 per year to the utility in question.

The bill was recommended for approval by the chairman and by a member of the District of Columbia Public Service Commission who testified that the elimination of the seal requirement on gasmeters would result in a more efficient operation, a substantial savings in expenses, and the same protection would still be afforded the public under commission regulations.

Meters would continue to be tested, as at present, by company personnel at the company's meter shop, and the company keeps permanent records of the test on each meter, repairs made thereto, and the results of the accuracy tests of all meters likewise will continue to be made and recorded on the meter history card kept on file with the company.

(2) PENALTY PROVISIONS

A civil penalty for violation of safety regulations is required by the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481; 49 U.S.C. 1674(a)), in order that the District of Columbia may be certified. Certification cannot be granted by the Federal Government unless civil and injunctive penalties are authorized by local law. The District of Columbia already has injunctive powers but no civil penalty provisions.

Hence, there is included in the bill section 1(b) which would impose a civil penalty on any person who violates any commission regulation governing safety of pipeline facilities and the transportation of gas. The penalty would be up to $1,000 for each such violation for each day that such violation persists, with the maximum penalty not to exceed $200,000 for any related series of violations. The commission would be authorized to compromise any such civil penalty.

Both Maryland and Virginia already have local enforcement of the Natural Gas Pipeline Safety Act of 1968, and the adoption of section 1(b) would create a uniform policy of local enforcement in the three jurisdictions served by the utility.

(3) JOINT ACTION

The gas and electric utilities regulated by the Public Service Commission of the District of Columbia cross State lines and serve other jurisdictions, such as Maryland and Virginia. However, the Public Service Commission has jurisdiction over these utilities only with respect to their operation within the District of Columbia. Testimony on behalf of the Public Service Commission pointed to the need, especially with respect to electric service within the Washington metropolitan area, for interconnection and interchange of energy with other sources of power, and hence the necessity for cooperative arrangements with the regulatory commissions in adjacent and nearby States, in order to insure long-range planning and adequate service to residents of the District as well as to the other jurisdictions concerned.

Section 1(c) of this bill thus authorizes the Public Service Commisison to act jointly or concurrently with any official board or commission of the United States or of any State in any proceeding relating to the regulation of any public service company. This language is substantially the same as that contained in Maryland law (Annotated Code of Maryland, 1957, article 78, section 59), which authorizes the Maryland Commission to participate in joint action with other regulatory agencies.

EFFECTIVE DATE

Section 2 of the bill makes it effective upon the date of enactment.

HEARING

A hearing was held on H.R. 2591 by the subcommittee on business, commerce and fiscal affairs of your committee on May 26, 1971, at which time representatives of the Public Service Commission of the District of Columbia and of the Washington Gas Light Co. testified in support of the bill. No testimony was offered in opposition thereto, nor has any communication been received by the committee in opposition.

COMMISSIONER'S ENDORSEMENT

A letter from the District of Columbia, dated April 1, 1971, reporting on H.R. 2591 and recommending the enactment of such legislation, was also filed with the committee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that each subcommittee chairman be permitted to revise and extend his remarks and to include extraneous matter immediately following the passage of each bill which has been acted upon today from the Committee on the District of Columbia, and that all Members may have 5 legislative days during which to extend their remarks on the bills which have been passed today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ON REINTRODUCTION OF H.R. 8385, EMERGENCY STRIKE LEGISLATION

(Mr. HARVEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARVEY. Mr. Speaker, last month, for the eighth time since 1963, Congress passed emergency strike legislation to end a crippling nationwide railroad strike. The latest congressional action was made necessary by the failure of any preceding Congress to pass effective permanent emergency rail strike legislation. When the current emergency legislation expires on October 1, 1971, the Nation will face a potential national railroad strike situation. Once again Congress will have to act on emergency 11th hour legislation unless prompt action by the 92d Congress to create permanent mechanisms to settle rail disputes prevents a replay of an all-too-familiar scene.

On May 13, I introduced H.R. 8385, to amend the Railway Labor Act to deal directly with emergency transportation disputes. This bill is intended as a compromise measure, one that includes the best and most workable provisions of the various pieces of emergency strike legislation so far referred to the House Interstate and Foreign Commerce Committee. Hopefully, my bill will provide a vehicle for the committee and the Congress to enact permanent legislation with regard to the tremendously complex and important problem of emergency railroad strikes.

Briefly, H.R. 8385 will provide the President with a very flexible and effective method of equitably settling emergency disputes. He would have the option of calling for either a selective strike, a 30-day cooling off period, or final offer selection. The President could combine these alternatives in any manner he deemed necessary, and if one course of action failed, he would be free to select another. Because final offer selection is included as one of the options, H.R. 8385 guarantees that national emergency disputes would be settled without recourse to congressional intervention.

While it is not possible to combine into one bill all of the elements that would fully satisfy management, labor, and the administration, I believe that my proposal adopts the best mechanisms of all previously proposed solutions. I consider H.R. 8385 to be a nonpartisan solution to a problem that has plagued all Members of Congress, regardless of party affiliation.

I am reintroducing my bill this afternoon with a bipartisan group of 36 cosponsors. This large number of cosponsors indicates the great interest and concern that exists among Members of the 92d Congress for an effective and equitable solution to the problem of national emergency transportation disputes. My colleagues and I hope that prompt committee action will be forthcoming on this measure in an effort to safeguard the public against emergency rail disputes and to avoid the cumbersome ad hoc legislation that has characterized the recent history of railroad strikes.

WILLIAM M. McCULLOCH RETIRES

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHALEN. Mr. Speaker, last week our distinguished colleague and my very good friend, BILL McCULLOCH, announced that he will not be a candidate for reelection in 1972.

I have had the privilege of knowing BILL and working with him for many years at the local, State, and National levels. He has been an inspiration and a confidant. I will miss his counsel and understanding.

Later in this Congress, I am sure all of us will want to pause and pay tribute to his innumerable accomplishments in this Chamber. Now, however, I take the opportunity to insert in the RECORD the accolades paid to BILL in editorials in the Dayton Daily News, the Dayton Journal-Herald, and the Washington Post. Certainly, as the Post comments:

> The Judiciary Committee, the House and the capital itself will be the poorer when Mr. McCULLOCH retires.

[From the Dayton Daily News, June 9, 1971]

McCulloch Retires

Rep. William McCulloch, who has announced he will not seek re-election again, is closing out a long and distinguished career in Congress, one of service to the Fourth district which he has represented since 1947, and to the nation, which he has represented all his life.

The cliches that usually are lightly spent at the end of a congressman's career bear real value when paid in tribute to the Piqua Republican. Rep. McCulloch really has been a hard-working, thoughtful and effective lawmaker, who has performed with integrity and perception.

As the ranking minority member of the important Judiciary committee, Rep. McCulloch played the major role in Congress to secure enactment of the strong civil rights legislation in recent years. And he did that at no political gain and potentially at some political risk to himself. He acted as he did because he knew what was right, rather than grabbing for what would be expedient.

That surprised no one who knows him. Rep. McCulloch has been devoted to accomplishing the image of America that too many politicians only orate about. That has meant acknowledging the nation's mistakes and lapses so that they could be corrected and filled. Rep. McCulloch has been a conservative in the decent meaning of that word, trying to conserve and expand, in living forms, the best in our national past.

The representative's office said he was announcing his coming retirement "with sincere and genuine regret." It is received in the same spirit, with thanks for a job very well done.

[From the Dayton Journal Herald, June 11, 1971]

McCulloch's Retirement—Civil Rights Champion Will Be Missed

U.S. Rep. William M. McCulloch's announcement of his retirement at the end of his present term—his 13th—in Congress comes as no shock, but it is no less disappointing for being inevitable, the result of persistent disability resulting from a fall last year.

Rep. McCulloch is the senior member of Ohio's congressional delegation, the ranking Republican on the vital House Judiciary Committee and a member of the Joint Committee on Atomic Energy.

But Rep. McCulloch's congressional seniority and influence will be less remembered and less honored than his unrelenting and uncompromising advocacy of strong civil rights legislation. He has fought vigorously, unceasingly for effective civil rights laws and justly regards the Voting Rights Act of 1965 as one of his most significant legislative achievements. He fought equally hard for extension of the law last year over the objections of the Nixon Administration, which had sought a law with wider application but with less authority.

Rep. McCulloch's interest in civil rights brought the Piqua congressman membership on the National Advisory Commission on Civil Disorders (Kerner Commission) which warned in 1968 of growing racial polarization in the United States; and on the National Commission on the Causes and Prevention of Violence (Eisenhower Commission), which also warned of impending racial conflict.

Cynics were confounded by Rep. McCulloch's devotion to the cause of racial justice, and looked in vain for his minority constituency. There is virtually none in Ohio's Fourth Congressional District, which is predominantly rural, white, conservative and—obviously—Republican. But then Rep. McCulloch has another quality that confounds the cynics—integrity. Bill McCulloch's honesty, his sense of duty and public service will be sorely missed by Ohioans and Americans.

[From the Washington Post, June 11, 1971]

Mr. McCulloch Decides to Retire

It is sad but not surprising news that Rep. William McCulloch has decided not to run for reelection next year. The Ohio Republican, who is ranking minority member of the House Judiciary Committee, has not been well in consequence of a fall he took a while ago, and it would not be his style to retain a public office to which he did not feel he could devote his full energy and time. Quiet, direct, hardworking, conservative in taste and stubborn in principle, Mr. McCulloch has been the kind of representative who shows up at 7 a.m. to begin the day's business. This may have worked some hardship on his staff, but it also worked to the enormous advantage of the country. For the fact is that no man can claim a larger role in the passage of the landmark civil rights legislation of the past 14 years than Mr. McCulloch. The subject had become his quiet passion.

What put his commitment beyond challenge was the fact that there was nothing in his background to suggest that it proceeded from fashion, social pressure or political urgencies. On the contrary, he grew up on a working farm in that part of rural, white Ohio he has represented since he was elected to the 80th Congress, and before he came to Washington he had served an extended term as member and then as Republican leader of the Ohio House of Representatives. In fact, Mr. McCulloch's polite and relentless pressure for civil rights legislation often as not brought him into conflict with numerous of his Republican colleagues in the House, whose views he generally shared on questions of, say, economic and foreign policy. He fought hard (and prevailed) during the deliberations on the Civil Rights Act of 1964 to keep his anxious and unhappy fellow Republicans in the House from going over the side. More recently, when the Nixon administration attempted to gut the crucial Voting Rights Act of 1965, it was Mr. McCulloch who led the unyielding opposition to Attorney General Mitchell in the House.

In a town that does not take kindly to behavior that is inconsistent with its cherished stereotypes ("rural Republican congressmen," "big city liberals," and the rest) and a town that is never quite comfortable until it has unearthed some practical, if vaguely discreditable, political motive for seeming acts of principle and independence, Mr. McCulloch, of course, has not escaped the motive-seekers. One tortured theory holds that his dedication to the cause of civil rights is based on the fact that Lima, Ohio is within his district and that there is an increasingly militant black population there. How this fact could be expected to explain the flak Mr. McCulloch has risked over the years from his principal constituents and the total absence of showboating with which he has pursued his objectives defies imagination. We prefer to stick with the explanation offered by an associate: "He is a very stubborn man, and he thinks it is right." The Judiciary Committee, the House and the capital itself will be the poorer when Mr. McCulloch retires. He has done as much as any man could to shatter some of this city's more patronizing generalities.

PERSONAL ANNOUNCEMENT

Mr. MIKVA. Mr. Speaker, I regret that due to a physical ailment I was unable to be present for rollcalls 126 and 127. Had I been present, I would have voted "nay" on the motion to recommit—roll 126—and "yea" on final passage on House Joint Resolution 617 authorizing the payment of Micronesian war claims arising from World War II.

TRYING TO MAKE THE COAL MINER THE FALL GUY

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, earlier under the 1-minute rule, I called attention to the fact that the Bureau of Mines is secretly planning to spend between a quarter and half a million dollars on a Madison Avenue propaganda drive to try and convince coal miners that they are the major cause of accidents in the mines. A front-page article in the Charleston, W. Va., Gazette yesterday was headlined, "Fall Guy—New Approach to Mine Accidents—Blame the Miner."

I have termed this proposal to be cruel, heartless, arrogant, and stupid, in that order. The proposal comes on the heels of an official report by the General Accounting Office which pinpoints and documents the clear responsibility of mine operators for hazardous conditions in the mines, and the failure of the Bureau of Mines to enforce the Federal Coal Mine Health and Safety Act of 1969.

In February of this year, Harry W. Treleaven, Jr., a New York advertising executive, was hired as a $121-a-day Federal consultant to come up with ideas on how the Department of the Interior could improve its public relations. Now Mr. Treleaven helps to run an advertising firm known as Allison, Treleaven & Reitz. His partners are James Allison, who like Mr. Treleaven, was one of the top publicity men in the 1968 Nixon campaign. Mr. Allison most recently was one of the principal publicity assistants to the chairman of the Republican National Committee. The third partner, Ken Reitz, was instrumental in a mass media campaign which successfully defeated former Senator Albert Gore of Tennessee in 1970. This is a relevant fact as related in an account by Ward Sinclair of the Louisville Courier Journal on June 12, 1971:

WARD SINCLAIR ARTICLE

Reversing earlier plans, the U.S. Bureau of Mines has decided to ask for bids on a contract to mount a potentially costly public relations campaign on coal-mine safety aimed at miners.

But there is a catch. The Bureau has given advertising agencies in various large cities only until next Wednesday afternoon to submit proposals for the contract.

The effect of the Bureau's action still leaves an ad agency run by two men who figured heavily in Richard Nixon's 1960 presidential campaign in a preferential position on the bidding.

The decision to seek bids, rather than to award what is known as a "sole source" contract, was reached this week after the controversial matter received attention from the news media.

Originally, the contract was to be given to the Holder-Kennedy agency of Nashville, Tenn., which became involved at the suggestion of Allison, Treleaven & Reitz, a Washington advertising firm . . .

Wording of the bid proposal sent out Thursday by the Brueau is nearly identical to that of the proposal originally drawn up by Treleaven during a period when he was a $121-a-day consultant hired by (Secretary of the Interior) Morton.

Interior Department officials balked this week at giving the contract to Holder-Kennedy, on the grounds that it did not meet the requisites of a sole-source contract. Sole-source contracts can be given only to a firm that makes a proposal for a project.

But when an agency such as the Bureau comes up with an idea for a project—which officials now acknowledge was the case in this instance—the agency must solicit proposals for carrying out its idea. This process is much like bidding.

Allison, for example, and officials at the Bureau say the idea was passed on to Treleaven by Edward D. Failor, a GOP political appointee who is an associate to Bureau Director Elburt F. Osborn. Failor would not talk to reporters.

The Bureau's haste in soliciting bids for the public relations scheme, which will be directed mainly at coal miners, leaves Holder-Kennedy and the Allison, Treleaven & Reitz firm in highly favorable position for winning the contract.

Both firms are familiar with the Bureau's needs—Treleaven wrote the Bureau's proposal, as it turned out—and both have had lead time in which to prepare themselves for the bidding.

Officials also noted that the low bidder will not necessarily get the contract. The job will go to the ad agency that the Bureau deems best able to handle it and that makes the proposal the Bureau likes best.

The short time provided potential bidders leaves them a large amount of work to do between now and 3:30 P.M. Wednesday, when their contract proposals are due here.

The Bureau wants a full-scale study and assessment of safety campaigns run by the Bureau itself, industry and labor in addition to coal. It wants in-depth interviews with miners and their families to determine their attitudes toward safety.

Potential bidders then are being asked to develop a comprehensive all-media "education" program—using television, radio, the print media, billboards and even lapel buttons and bumper stickers.

After accepting the ad agency proposal that it likes best, the Bureau will then set about contracting for and funding the actual project.

The main thrust of the campaign is to convince coal miners that their safety is their own responsibility, as opposed to being a responsibility of industry or government. . . .

THOMAS N. BETHELL ARTICLE

This fantastic idea was first unveiled by Thomas N. Bethell in the June 1–15, 1971 issue of "Coal Patrol," the complete text of which follows:

[From the Coal Patrol, June 1–15, 1971]

THE SELLING OF THE INTERIOR DEPARTMENT

Last January, when Rogers C. B. Morton was nominated for the job of Secretary of the Interior, he told the Senate he was "totally committed to the proposition of bringing better management, better service, and better rewards to the nation from the efforts of this department." He may still have that goal in mind, but there are indications that the Secretary may be equally committed to making Interior a wing of the Republican National Committee (which Morton headed before accepting his new post) and using the huge department as just one of many launching pads for the re-election of Richard Nixon in 1972. If so, Morton is steering Interior straight into at least one major conflict of interest. The immediate victims: the nation's coal miners.

When Morton became Secretary, his chief aide at the GOP National Committee, Jim Allison, left the committee to go into public relations—in partnership with Harry Treleaven, the former Madison Avenue advertising men who masterminded Nixon's 1968 campaign publicity. On February 18—a bare three weeks after taking over at Interior—Morton hired Treleaven at $121 a day to do a "fact-finding study" of the department's information programs. Treleaven used questionnaires and interviews to put together files on each of the department's information officers, their projects, budgets, communication materials, and attitudes. When reporters found out about the assignment in mid-March, Treleaven said his only goal was to help make sure Interior "spends its dollars wisely in ways that will do the most good for the public." He denied allegations that the project was mainly designed to do good for Harry Treleaven, reassuring skeptics that the consulting job would end no later than May 17.

Apparently it did (with Treleaven an estimated $7,000 to the good). But just two or three days later—as *Coal Patrol* discovered by telephoning Treleaven's office—he had come back to Morton with a suggestion that Interior's image could best be improved by giving Treleaven's company a fat contract. Specifically he had in mind a complete campaign—films, TV spots, billboards, bumper stickers, lapel buttons, the works—on mine safety, a subject which has understandably made Interior and its Bureau of Mines look less than perfect (since Nixon took office more than 500 miners have died in coal mines, and the administration has been widely accused of failure to enforce the 1969 Federal Coal Mine Health and Safety Act). The central message of Treleaven's campaign was that if miners would just shape up and watch what they were doing, they wouldn't get killed.

The idea that individual carelessness is the main cause of mine fatalities is a popular theme with the industry, of course—and it is accepted by many of the bureaucrats at the Bureau of Mine's Washington headquarters, even though their own field inspectors have repeatedly found that company negligence—cutting corners, pushing production instead of protection—kills more men than anything else. Henry Wheeler, the Bureau's sluggish director of health and safety, does a lot of talking about "personal risk-taking," as he calls it, and he can be expected to push Treleaven's proposal with Bureau director Elburt Osborn. But the Bureau's public information office clammed up when *Coal Patrol* asked for details of the proposal, admitting only that "we do have under consideration an unsolicited proposal from Mr. Treleaven" and that "some people in the Bureau think the proposal has merit." The Bureau's spokesman didn't want to comment on the question of whether it was proper for Treleaven to use information he had picked up as a supposedly objective "evaluator" as the basis for a proposal which would benefit his own company. Asked whether any large-scale public relations campaign wouldn't have to be opened to competitive bidding, the spokesman said he didn't think so (adding that the Bureau would not, of course, approve the proposal without first making sure that Treleaven's books were in order and that he was an equal-opportunity employer!).

The Bureau's spokesman wouldn't tell *Coal Patrol* how much money Treleaven wants for his razzle-dazzle campaign, and one of Treleaven's aides wasn't much more helpful (Treleaven himself was out of town and unavailable for comment). But *Coal Patrol* did learn that Treleaven's company hopes to split the job with Holder-Kennedy, a Nashville public relations outfit, and a telephone call to Holder-Kennedy's president, Hal Kennedy, turned up the information that the proposal, which Kennedy described as "a comprehensive communications campaign," is divided into several phases. The first of these, Kennedy said, would be aimed at "Research and fact-finding" on coal miners' attitudes and other subjects, and would be a low-cost operation—apparently in the neighborhood of $40,000. Then Treleaven and Holder-Kennedy would gear up for the main show, whose cost Kennedy wasn't prepared to estimate. *Coal Patrol's* own estimate, based on the going rates for films, TV spots, billboards, etc., is that the proposal will cost the taxpayers at least a quarter of a million dollars, and probably two or three times that much.

The Treleaven proposal raises some sticky questions, such as:

•Timing: It was just last November that President Nixon himself sent a memo to the various government agencies criticizing "self-serving and wasteful public relations efforts" and ordering an immediate shut-off of "inappropriate promotional activities." The idea was to save some money, and it was apparently taken seriously at Interior, which cut back its public relations budget (a few weeks before Morton arrived) by an estimated 47%. Whether or not Treleaven's proposal is "self-serving," it would certainly seem "wasteful," because the Bureau of Mines has its own facilities for producing films and other educational materials and has a number of TV spots, pamphlets, posters and other safety messages in circulation.

•Priority: The Bureau's critics don't buy the idea that miners mainly get themselves killed; they believe that the government's biggest challenge is to get coal and they don't believe that the Bureau has made much of an effort in that direction. The House Education and Labor Committee, investigating the Bureau's performance in connection with the Kentucky mine disaster that took 38 lives last December, has concluded that the agency has been "derelict," and Sen. Harrison Williams, chairman of the Senate Labor Committee, charged June 1 that only a "massive shake-up" could save the Bureau. The General Accounting Office, asked by Williams last August to make a thorough inquiry into the Bureau's enforcement procedures, reported this week that the agency has been "at times extremely lenient, confusing, uncertain, and inequitable." The Bureau's critics agree that the Bureau needs, more than anything else, to put its own house in order before it can even begin to justify bombarding miners with a high-powered—and probably misleading—campaign aimed at convincing them that they're the culprits when something goes wrong.

•Conflict of interest: It's reasonable to raise an eyebrow when federal funds are about to be doled out to a former GOP National Committee staff man, Jim Allison, who just happens to have gone into partnership with the President's own image-builder, Harry Treleaven, at exactly the same time that Allison's boss, Rogers Morton, became Secretary of Interior—and hired Treleaven to "evaluate" his department.

Maybe it's all just coincidence—but maybe some Congressional committee will want to ask the Interior Secretary how the whole scheme squares with his promise, in January, "to get the Bureau of Mines onstream, to bring up its competence . . . to try and develop a department that carries out the will of Congress."

After four months with Rogers Morton in office, it's reasonable to ask what he sees Interior's mission to be. Does he want it to serve the entire nation, as he promised the Senate, or is it aimed more narrowly at helping the President get re-elected? Having the Republican Party's chief fund-raiser as Interior Secretary raises some obvious questions. Morton raised the bulk of the GOP's 1968 and 1970 campaign funds from industrialists. High up on the list are the presidents of oil companies and electric utilities, which now control the key coal companies and are moving toward a monopoly of all sources of energy. Interior is the principal federal agency controlling mineral resources, and the Bureau of Mines can control production to the extent that it makes the operators run safe mines. Industry leaders—looking ahead to unprecedented profits—don't want to be confronted with a lot of troublesome hurdles set up by the federal government.

Maybe it's pure coincidence that Treleaven's company wants to work with Holder-Kennedy of Nashville. But the last time the two outfits got together was in 1969, when a Treleaven partner, Ken Reitz (the company's name now is Allison, Treleaven & Reitz) moved to Tennessee to engineer the Nixon administration's multi-million-dollar fight to defeat Sen. Albert Gore in the 1970 elections. Reitz spent 18 months on the campaign; Holder-Kennedy worked with him on production of TV spots, films, billboards, and other materials. They blitzed Gore—they had at least 25 different full-color TV spots, for example, and beamed them at Tennesseans more than 60 times a day during the closing weeks—and ran the costliest campaign in Tennessee history. Gore went under, struggling against an avalanche of misrepresentations of his stands on school prayer, gun control, Haynsworth-Carswell, and other gut issues.

But many observers believe that Gore was singled out not for his stands on these issues but for his record in an area that Reitz's propaganda never mentioned. Gore was (along with Sen. Philip Hart) the Senate's strongest voice against the growing monopolization of the economy by the oil industry. Constantly warning against the day, "not far off . . . when we may well have all major energy sources—petroleum, coal, uranium—under the control of a very few powerful corporations," Gore did more than make speeches: he used his seniority on three powerful committees to expose the industry's high-handed dealings.

When Continental Oil bought Consolidation Coal in 1966, Gore investigated and exposed the "sophisticated gimmick" under which a dummy company was set up and the merger maneuvered through Internal Revenue Service loopholes so that nobody paid any taxes on more than $460 million in profits—and he publicized a crafty arrangement that permitted corporate insiders to make handsome profits on stock options before they were announced to the public.

Two years later, when Kennecott used the same techniques to acquire Peabody Coal, Gore fought successfully to get the IRS loopholes closed—and just a couple of weeks ago the Federal Trade Commission, acting on information turned up by Gore's staff, declared the Kennecott-Peabody merger illegal and ordered it broken up.

From the Nixon administration's standpoint, Gore's highest crime may have been to expose the sophisticated gimmickry used by Atlantic-Richfield Oil to avoid paying any income taxes at all on more than half a billion dollars in profits in a 5-year period. Atlantic-Richfield's president, Robert O. Anderson, gave more than $60,000 to Nixon's 1968 campaign, earning him an open door at the White House and the right to select the Secretary of Interior (he picked Walter Hickel, presumably because Hickel, as governor of Alaska, had helped Atlantic-Richfield move in on the North Slope oil fields without undue interference from state legislators, Eskimos, or conservationists). Anderson, called "the industry's most important spokesman on issues," is the Republican National Committeeman from New Mexico—which puts him in a pretty fair position to influence Rogers Morton on the current controversy raging over coal-burning power plants polluting the air in the Southwest; Atlantic-Richfield has thousands of acres of coal leases waiting for development in the area.

Presumably, if the Nixon administration wants the same kind of handsome funding from the oil industry in 1972 that it had in 1968, it will look sharp on issues that the oil men (and their coal subsidiaries) care about. Just as the campaign against Albert Gore involved much more than met the eye, so it can be assumed that any planned proposal from Allison, Treleaven & Reitz contains more politics than might at first be apparent.

(*Footnote for those who can handle a little more sordid detail:* While Reitz was in Tennessee using oil-industry funds to beat Albert Gore, Morton's deputy, Jim Allison, sortied north into New Jersey to help a Republican challenger try to unseat Sen. Harrison Williams, principal Senate backer of the 1969 Coal Act and now the leading Congressional voice for tough federal occupational health and safety regulations in all industries. Allison's main contribution was to try to revive, as a campaign issue, Williams' earlier bout with alcoholism—a matter which the Senator had openly discussed and laid to rest. The tactic backfired, and Williams won handily.)

Under Rogers Morton, Interior seems to be increasingly inhabited by political people with jobs that parallel, or replace, those held by civil servants or non-political appointees.

The Bureau of Mines, for example, is technically under the director of Dr. Elburt F. Osborn, a career geologist. He is paid $35,000 a year. But his new, White House-appointed assistant, Edward D. Failor, gets the same pay as the boss—an odd arrangement by any business standards. And Failor, who has no mining experience, has the key job of enforcing safety regulations by determining the size of the fines to be imposed on operators for violations found by the Bureau's inspectors.

The General Accounting Office, Congress's investigative agency, reported last week that Failor's office isn't using the criteria established by Congress in the 1969 Coal Act to determine the fines. The result: massive confusion, charges of favoritism, and a huge backlog of unpaid fines (the big companies send their lawyers in to chat with Failor, and the small companies, claiming a foul, are talking about court action).

Failor's background is strictly politics. He worked for Barry Goldwater in 1964 as part of a close-knit group whose self-selected nickname was "the syndicate"—a batch of bright young men who are now, seven years older, scattered through the Nixon administration; White House aide William Timmons is a principal leader. Failor has been a lobbyist and fund-raising consultant, and last fall he managed Rep. Clark MacGregor's unsuccessful campaign against Hubert Humphrey. After the election, the defeated MacGregor moved into the White House as Nixon's chief Congressional liaison man, and a few weeks later Failor moved into Interior. He put in three months as a $100-a-day "consultant" before the Civil Service Commission cleared him for a career job designation from which it would be hard to fire him, if the Nixon administration loses in 1972. Soon after Failor arrived, the Bureau's career man on assessment of fines, Mitchell Sabagh, quit.

Another "syndicate" member, Lewis Helm, has been serving as deputy assistant secretary for mineral resources—a political appoint-

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•As Coal Patrol was going to press on June 1 a report came in that the proposal to the Bureau of Mines may not have been the only one put together by Treleaven. According to an Interior official, Treleaven has also proposed a public relations campaign for the Bureau of Indian Affairs.

ment. Helm is currently waiting for Civil Service clearance so that he, too, can take a protected "career" job with strong political overtones: coordinator of Interior's mineral resource state liaison officers. Helm's new post—created May 13—has some interesting responsibilities. According to Interior's description, the state liaison officers "serve as primary public contacts on matters relating to production, processing, use, re-use, and disposal of minerals . . . seek to reconcile land-use conflicts whereby raw minerals can be produced, used, and disposed of in a manner that is acceptable to all parties . . . maintaining contact with various state legislators and legislative programs and with governors." Included under this umbrella would be strip-mining, air and water pollution, severance taxes, and a host of other topics in which the industry faces growing opposition from the public. Meeting with governors, Helm will have no technical expertise on minerals to offer—he has no background in the field—but he does have other skills: a former public relations man, he worked in 1968 with "Citizens for Nixon," an organization in which many of the citizens were millionaire industrialists.

(In a 1968 campaign memo quoted in Joe McGinniss's book, *The Selling of the President*, Harry Treleaven wrote: "We need one man in each key state who can advise us on a *continuing* basis. Do we have a state-by-state political strategy?" Helm's new job will give him a staff of 34 state liaison officers—each in touch, on a continuing basis, with governors and legislators.)

Politics seems to have mixed into yet another change at Interior last month. Edward Essertier, a former California newspaperman who had been working as the department's chief information officer, stepped down a notch and was replaced by Robert Kelly, chief of public relations at Pepsi-Cola. Donald M. Kendall, Pepsi's president, is one of Nixon's strongest corporate supporters and contributed thousands of dollars to Rogers Morton's campaign chests in 1968 and 1970. Essertier reportedly asked the White House to explain the demotion and was told only that Interior's image needed "a renewed emphasis." (Apparently Interior wasn't alone: over at the Commerce Department, the director of public affairs has been replaced by the former public relations director of Continental Oil.)

All of these changes—along with Treleaven's proposal for a lucrative contract to tell the nation's miners all about their sins—may be designed to bring about the "better management, better service, and better rewards to the nation" that Rogers Morton promised when he took office. But it seems equally possible that what's going on can best be described by another of Harry Treleaven's 1968 memos. "The trouble is in Washington," wrote Treleaven. "Fix that and we're on our way to fixing everything." It may be that the fix is in at Interior.

LOUISVILLE COURIER-JOURNAL ARTICLES

Mr. Speaker, I include at this point two articles by Ward Sinclair in the Louisville (Ky.) Courier-Journal of June 5 and June 12, 1971:

[From the Louisville Courier-Journal, June 5, 1971]

Plan Could Net $250,000, Some Officials Say—Nixon Campaign Figures Seek U.S. Contract To Push Mine Safety

(By Ward Sinclair)

Washington.—Two public relations men who had key roles in President Nixon's 1968 presidential campaign are trying to land a potentially rich contract which could serve to clean up the government's tarnished coal mine safety image.

The thrust of the proposal is to mount an intensive safety campaign directed at the miners themselves, presumably in an effort to convince them that their safety depends on what they do on their own behalf, rather than on what their employers do.

Both men—Harry Treleaven and James Allison, now working together with their publicity firm—were close allies of Interior Secretary Rogers C. B. Morton when he was Republican national chairman.

If finally awarded, the no-bid contract will come from Morton's Interior Department, which oversees the U.S. Bureau of Mines and coal mine health and safety activities.

The mine safety promotional scheme eventually could net the Allison-Treleaven combine as much as a quarter-million dollars, by some department estimates. But it could run higher.

Allison said yesterday the proposal has been approved by the department "but not signed yet." Interior officials said it is still "under review," but sources indicated that approval seemed likely.

As it is now being discussed, the contract would go to the Holder-Kennedy advertising firm in Nashville, Tenn., which has in the past been active in promoting Republican candidates for office.

Treleaven and Allison, as the major promoters of the project, would share in the benefits of the contract.

Allison said the idea for such a program had come from the Department of Interior—he specifically named Edward D. Failor, a much-criticized GOP political appointee in the Bureau of Mines—and that Treleaven had responded by drawing up a proposed program.

Hal Kennedy, president of the Nashville firm, said that he was "hopeful" the project would be approved. He said his firm became involved at the request of Treleaven, since it had staff available to go into a "sophisticated and well-organized communications program."

"The bureau wants this program badly," Kennedy said. "We have the troops in the right part of the country to do it. We're geared up and ready to go. We have people here with some background in coal."

The safety campaign might involve use of television, bumper stickers, billboards, lapel button, coalfields appearances by "celebrities" and government officials and other techniques borrowed from political hucksterism.

Treleaven, a former New York relations agent, was described by author Joe McGinniss, is his best-selling book, "The Selling of the President," as a mastermind of the 1968 television blitz that many believe was instrumental in Mr. Nixon's election.

Allison, at the time, was Morton's No. 1 assistant at GOP national headquarters. Ken Reitz, a partner in the Allison, Treleaven & Ritz firm, organized the GOP drive against Sen. Albert Gore in Tennessee, as a Holder-Kennedy operative.

Although Interior spokesmen expressed the view that approval of the promotion campaign was likely, they also admitted that questions about legality and propriety had come up in discussion of awarding the potentially lucrative plum.

Aside from the obvious political overtones, these were some of the doubts about legality and propriety that officials were reported to be mulling over:

Whether a "sole-source" contract—that is, a no-bid contract—could be given in view of the apparent fact that the idea came from department itself, rather than an outside source.

Government regulations require competitive bidding on projects sought by a particular agency. No-bid contracts may be given on projects brought in and proposed without a specific invitation from the agency.

Whether Holder-Kennedy could get the contract, since the actual outlining of the project and major negotiations were carried out by Treleaven, presumably representing his own agency.

Whether Treleaven's outfit could get the contract, since the proposal apparently evolved from a "study" he earlier made of the department's image and communications problems. He was hired by Morton in February at $121 a day, to do the study—only three weeks after Morton became interior secretary.

Whether the department should bypass its own public-information office at the Bureau of Mines, which has rather comprehensive facilities for producing pamphlets, news releases, films and television announcements—all of which it has done, and is doing, in the mine safety field.

PRESSURE HAS INCREASED

The proposed public-relataions project comes at a time when the Nixon administration and the Interior Department are under increasing pressure over the deteriorating safety record in the country's coal mines.

In 1969, the first year of the Nixon administration, there were 203 coal mine fatalities. In 1970, when the tough new mine-safety law took effect, 260 miners were killed.

The 1971 record, so far, is worse. Through May, 85 men had died in the industry, compared to 80 at the same point in 1970. And criticism of the enforcers is reaching a new crescendo. Just this week the General Accounting Office released a severe critique of bureau enforcement practices.

The Treleaven proposal is designed for three phases, the first two of which would cost about $40,000, according to Allison.

The first phase would involve the interviewing of coal miners to study their "motivational" habits and attitudes. Kennedy said, "nobody knows now how to reach and motivate miners . . . the bureau's TV safety spots are ineffective." His agency will study answers to those quandaries, he said. They'll do it in three weeks.

The second phase would take three more weeks, with development of a promotional program that would be presented to Interior for acceptance or rejections.

THIRD PHASE MORE COSTLY

The third, and much more costly phase would be the promotional campaign itself. Kennedy said the cost and form are yet to be determined, but he acknowledged that if the agency has to buy television and radio time and print advertising space it could become quite costly.

"The missing ingredient in the bureau's work is the creation of an awareness of the miners' own responsibility to himself. I've looked at a lot of these cases," Kennedy said, "and in 90 per cent of the ones I've studied, negligence and complacency are major factors, although there are many contributing factors."

Most labor, congressional and Bureau of Mines experts believe that just the opposite is the case—that miners are killed and maimed in a majority of instances because of failure of management to take and insist on proper safety precautions.

[From the Louisville Courier-Journal, June 12, 1971]

Deadline Only Days Away—Mines Bureau Asks Bids On Mine Safety Campaign

(By Ward Sinclair)

Washington.—Reversing earlier plans, the U.S. Bureau of Mines has decided to ask for bids on a contract to mount a potentially costly public relations campaign on coal-mine safety aimed at miners.

But there is a catch. The bureau has given advertising agencies in various large cities only until next Wednesday afternoon to submit proposals for the contract.

The effect of the bureau's action still leaves an ad agency run by two men who figured heavily in Richard Nixon's 1968 presidential campaign in a preferential position on the bidding.

The decision to seek bids, rather than to award what is known as a "sole-source" contract, was reached this week after the controversial matter received attention from the news media.

Originally, the contract was to be given without bids to the Holder-Kennedy agency of Nashville, Tenn., which became involved at the suggestion of Allison, Treleaven & Reitz, a Washington advertising firm.

Harry Treleaven, who drew up the public relations plans for the bureau, was a key operative in the 1968 Nixon campaign. James Allison during 1968 was right-hand man to Republican national Chairman Rogers C. B. Morton, who know is interior secretary.

Wording of the bid proposal sent out Thursday by the bureau is nearly identical to that of the proposal originally drawn up by Treleaven during a period when he was a $121-a-day communications consultant hired by Morton.

Interior Department officials balked this week at giving the contract to Holder-Kennedy, on the grounds that it did not meet the requisities of a sole-source contract. Sole-source contracts can be given only to a firm that makes a proposal for a project.

But when an agency such as the bureau comes up with an idea for a project—which officials now acknowledge was the case in this instance—the agency must solicit proposals for carrying out its idea. The process is much like bidding.

Allison, for example, and officials at the bureau's say the idea was passed on to Treleaven by Edward D. Failor, a GOP political appointee who is an assistant to Bureau Director Elburt F. Osborn. Failor would not talk to reporters.

The bureau's haste in soliciting bids for the public-relations scheme, which will be directed mainly at coal miners, leaves Holder-Kennedy and the Allison, Treleaven & Reitz firm in highly favorable positions for winning the contract.

Both firms are famliar with the bureau's needs—Treleaven wrote the bureau's proposal, as it turned out—and both have had lead time in which to prepare themselves for the bidding.

Officials also noted that the low bidder will not necessarily get the contract. The job will go to the ad agency that the bureau deems best able to handle it and that makes the proposal the bureau likes best.

STUDIES, INTERVIEWS WANTED

The short time provided potential bidders leaves them a large amount of work to do between now and 3:30 p.m. Wednesday, when their contract proposals are due here.

The bureau wants a full-scale study and assessment of safety campaigns run by the bureau itself, industry and labor in various fields in addition to coal. It wants in-depth interviews with miners and their families to determine their attitudes toward safety.

Potential bidders then are being asked to develop a comprehensive, all-media "education" program—using television, radio, the print media, billboards and even lapel buttons and bumper stickers.

After accepting the ad agency proposal that it likes best, the bureau will then set about contracting for and funding the actual project.

The main thrust of the campaign is to convince coal miners that their safety is their own responsibility, as opposed to being a responsibility of industry or government.

One difference in the bureau's request for proposals compared to the Treleaven prospectus is that the proposed campaign has been broadened to include management as a target of the educational effort. But the rest of the wording indicates that the miner is still the principal target of the campaign.

CRITICIZED BY GAO

Ironically, coal mine safety critics such as West Virginia Rep. Ken Hechler and New Jersey Sen. Harrison A. Williams Jr. have repeatedly blamed industry and government for the conditions that have led to a steady rise in coal mining fatalities in 1969.

And a further irony is that investigation reports on file at the bureau show that it was a "fault of management" that led to a majority of the fatal accidents during the past two years—for a variety of reasons related to generally poor housekeeping and equipment problems in the mines.

But bureau officials, notably Henry Wheeler, deputy director for health and safety, insist that conditions have become safer, despite the statistical refutation of that theory and that the key remaining unsolved problem is the miner's own laxness toward safety.

The severest recent criticism of the bureau and industry came from the government's General Accounting Office, which said in a report released June 1 that the bureau's enforcement of the safety law has been "at times extremely lenient, confusing, uncertain and inequitable."

BEN A. FRANKLIN ARTICLE

Mr. Speaker, I also call attention to an article in the June 13, 1971, New York Times by Ben A. Franklin, as reprinted in the Charleston (W. Va.) Gazette of the same date, the text of which follows:

[From the Charleston (W. Va.) Gazette, June, 13, 1971]

FALL GUY—NEW APPROACH TO MINE ACCIDENTS—BLAME MINER

(By Ben A. Franklin)

WASHINGTON.—The U.S. Bureau of Mines, under criticism for allegedly lax safety enforcement, has met new controversy over a plan suggesting that carelessness by individual miners is a major cause of the coal industry's high rate of accidental injuries and deaths.

The bureau's new approach to the mine accident rate, the highest of any major industry, became known this week.

The agency has been considering signing, on an "emergency basis" a negotiated contract with two commercial public relations concerns for an intensive advertising campaign aimed at individual miners. When the plan came to light, the bureau asked for bids on the contract.

Executives of both the advertising agencies have worked for top Republican candidates, including President Nixon. Officials said the safety contract, as originally planned, would have committed from $200,000 to $500,000 to the campaign.

The original proposal called for such devices as lapel buttons, billboards, bumper stickers, and radio and television newspaper promotions. It contrasted with the bureau's previous admonitions to the mine owners that the responsibility for curbing the rising toll of accidents was theirs and the government's, under the federal Coal Mine Health and Safety Act of 1969.

Disclosure of the campaign came only a few days after a critical review of the bureau's safety enforcement record, issued by the General Accounting Office, an investigative and auditing arm of Congress. The report scored what it called the bureau's "at times extremely lenient, confusing, uncertain and inequitable enforcement of federal health and safety standards in the mines.

The report singled out for disapproval the discovery that in one Bureau of Mines district in West Virginia, a review of 986 federal safety violation citations at 32 large mines had disclosed that "nearly 560, or over half, were repeat violations."

Moreover, the GAO investigators found that through Dec. 31, 1970, only 31 per cent of the federal mine inspections required by law had been made in that district.

Neither of these findings, bureau officials acknowledged, could be laid to individual miners.

During the boom production year of 1970, the bureau's own statistics show, the 260 fatalities in coal mines—57 more than in 1969—occurred at a frequency rate of 1.02 deaths per million man-hours. The 1970 death rate was 20 per cent higher than that of 1969, before the tough, new federal safety law took effect.

The proposed contract for the safety public relations project also stirred political interest here.

The bureau is part of the Interior Department. When Secretary of the Interior Rogers C. B. Morton left the chairmanship of the Republican National Committee last January, one of his aides there, James Allison, also left to form a public relations partnership here with Harry W. Treleaven Jr., the New York advertising man who headed publicity for President Nixon's 1968 campaign.

Last February, Morton hired Treleaven as a $121-a-day government consultant to review the Interior Department's public information programs. That project ended in mid-May with a report that brought extensive personnel changes.

Late in May, Treleaven approached Interior officials with an unsolicited proposal for an extensive coal mine safety promotion by Allison, Treleaven and Rietz, his new concern. The campaign was to be shared by the Holder-Kennedy Co., a Nashville public relations concern that handled the Republican television campaign against Sen. Albert Gore in the Tennessee Democrat's 1970 defeat by Rep. Bill Brock. Ken Rietz, the third partner in Allison, Treleaven & Rietz, was a top Brock campaign aide.

As of June 4, officials here said Saturday, the negotiated, "single source" contract with the two concerns was being cleared for authorization of the first $10,000 phase of the campaign. This phase would have involved a three-week period of research and interviews with miners to learn what elements drive would reach them most of an "all-media" publicity drive would reach them most effectively.

But over last weekend, the Louisville Courier-Journal disclosed the negotiations. Thereupon, bureau officials said that as a result of "conflict-of-interest questions" about the contract raised by Interior Department lawyers, it had been decided that the safety campaign should be let out for competitive bidding

JACK ANDERSON ARTICLE

Mr. Speaker, I include at this point excerpts from an article by Jack Anderson in the June 9, 1971, Washington Post:

THE WASHINGTON MERRY-GO-ROUND—BUREAU

(By Jack Anderson)

Coal miners are being killed by the dozens again this year, and the General Accounting Office has now put the blame where it belongs—with the Bureau of Mines, which has failed utterly to enforce the 1969 mine safety law.

The GAO investigation found that in some major coal fields less than one-third of the legally required mine inspections were made last year. In all, the GAO said, the bureau's performance has been "extremely lenient, confusing, uncertain and inequitable."

Instead of gearing up for an all-out enforcement drive, however, the bureau is now considering a massive, costly publicity campaign whose main theme will be that the miners themselves are to blame for the continuing underground carnage.

Worse, the publicity proposal was submitted under highly questionable circumstances. Here are the backstage facts:

Shortly after he took over as Interior Secretary, Rogers Morton hired Harry Treleaven, the political flack and ad executive who directed the theatrics for President Nixon's 1968 campaign.

Treleaven was paid $121 a day to analyze the department's information programs. He reported his conclusions to Morton last month, but is still officially a consultant to the Secretary.

SELF-SERVING REPORT

Several days after he submitted his report, Treleaven sent a letter to Henry Wheeler, the bureau's deputy director for health and safety, under the letterhead of his newly reorganized public relations firm, Allison, Treleaven and Rietz (with some help from Holder and Kennedy (Inc.), a Nashville, Tenn., public relations outfit which represents oil and steel companies.

Aside from the obvious ethical questions raised by Treleaven's use of his position as a government consultant to drum up business for his own company his proposal is astonishing in other ways.

It makes no mention of the fact that, time and again, company negligence has been shown to be the principal cause of the coal industry's hideous safety record.

Instead, Treleaven suggests a program to "help motivate miners to do what is right." The first phase is to study the present bureau publicity effort to see whether it is "motivating workers to adopt safe working habits and actually changing behavior."

Phase two, to quote the letter, "will be the development of a full-scale all-media communications program which will accomplish our agreed upon objectives."

It would even include such hoopla "as contests, personal appearances by celebrities and government officials. . . ."

POLITICS AND SAFETY

The key man in helping Treleaven to slick in with the Bureau of Mines is Edward Failor, a grade-A political hack who was hired by the Nixon Administration to oversee enforcement of the mine safety law although his only recent experience has been in Republican politicking.

According to Jim Allison, Treleaven's partner, Failor invited Treleaven to submit his proposal. Allison acknowledged further that the Treleaven plan had already been given the bureau's unofficial approval.

My associate Brit Hume called Failor to ask him about this. His secretary answered the phone "Judge Failor's office." Apparently he was once a municipal judge in Dubuque, Iowa, and still likes to be called "Judge." Failor refused to discuss the matter.

MADISON AVENUE SPLURGE

Mr. Speaker, the Bureau of Mines proposes to spend taxpayers' money for a Madison Avenue splurge to try and put the monkey on the back of the coal miners. The whole deal smells to high heaven. It is an unholy mixture of politics, propaganda and pabulum.

We have seen many instances where Republican Party politics have interfered with the professional, life-and-death job of protecting the health and safety of coal miners. When you trace the Treleaven proposal, the footprints go directly to the office of Edward D. Failor, the $35,000-a-year staff associate to the Director of the Bureau of Mines, whose major experience was in the area of fund-raising for the Iowa Republican Party. There is also a strong element of boardroom politics in the Treleaven proposal, which shifts the burden away from coal operators and their new owners, the companies, and places the responsibility for safety on the defenseless coal miners.

James Allison, a partner in the firm of Allison, Treleaven and Reitz, also played a prominent role in the 1968 Nixon campaign, and was a top assistant of the Republican National Committee. The Holder-Kennedy advertising firm played a key role in the massive media campaign unleashed against former Senator Albert Gore—Democrat, Tenn.—in 1970.

Apparently the Treleaven proposal is a typical all-media saturation campaign, which includes television, radio, billboards, lapel buttons, bumper stickers. It appears that the campaign is deliberately massive in order to overcome what is expected to be some stiff sales resistance on the part of the tough-minded coal miners. I know from experience that the coal miners of West Virginia are not stupid enough to swallow that kind of pabulum, and I do not think the miners from other States will either. Why does not the Bureau of Mines get on with the job of enforcing the health and safety law, instead of trying to give the miners a snow job?

GENERAL ACCOUNTING OFFICE REPORT

In the General Accounting Office report, the Comptroller General states:

> Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones.

Mr. Speaker, the clear responsibility for providing safer working conditions rests with those who own and operate the coal mines of the Nation. And the Bureau of Mines is charged under the law with monitoring that responsibility to see that it is carried out. I have incurred the ire of the United Mine Workers of America, because I have insisted on drastic penalties to be imposed on individual miners who violate safety regulations. The 1969 law includes a fine of up to $250 for miners who are caught smoking.

The Comptroller General's report states:

> The operators' required self-policing programs for determining whether they were complying with health and safety requirements also appeared to be ineffective.

The report added:

> We believe that effective pre-shift, onshift and weekly inspections by the mine operators could result in fewer repeated violations of the type discussed above and in safer conditions for the mine workers. Therefore, the Bureau should require that the mine operators implement effective inspection programs. To achieve more effective examinations will require the operators to devote more emphasis to recruiting and training persons to perform these inspections. The operators also must provide for the prompt correction of hazardous conditions brought to their attention by their inspectors if the required inspections are to serve their purpose.

The report also criticized the Bureau of Mines and the Department of the Interior, and stated that:

> The Department's policies for enforcing health and safety standards have been at times extremely lenient, confusing, uncertain and inequitable.

I would suggest that the Bureau of Mines could better spend public funds on enforcing the Federal Coal Mine Health and Safety Act of 1969, and convincing the owners and operators of the coal mines that they mean business in abiding by the preamble of the 1969 act, which states:

> Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its precious resource—the coal miner.

NBC'S LAST TUESDAY

The SPEAKER pro tempore (Mr. GONZALEZ). Under previous order of the House, the gentleman from New York (Mr. ROONEY) is recognized for 30 minutes.

Mr. ROONEY of New York. Mr. Speaker, much has been said and written lately about the failure of the television networks to report fairly both sides of an issue. In essence, charges have been levied that persons have found themselves on television responding to questions with answers that were in fact answers to other questions; that one side of an issue is completely ignored as if there were no reasonable answer and that news events have, in fact, been generated by TV personnel who found the real situation for one reason or another not quite newsworthy enough.

Most of us have long believed that the majority of newsmen make it their business as a matter of pride, if nothing else, to get the whole story and to get it right. Unfortunately, television newsmen and some print newsmen are making their thesis a hard one to hold on to.

My suspicions were greatly increased by a recent NBC program called "First Tuesday" and then a subsequent rehash of that distorted program in the Washington Post in a three part series written by the reporter who was the consultant to "First Tuesday" when it was putting together its unilateral picture of the FBI which was in reality nothing but a part of the swirling vendetta against the FBI and its respected Director, J. Edgar Hoover.

Another salvo in a relentless barrage to impugn the good name and deeds of the FBI appeared in the June 7, 1971, issue of The Washington Post-Times Herald in the form of an article—the first of a three-part series—by a reporter named Walter Pincus, entitled "FBI Clears Its Own Funds for Congress." The article contends, as its title implies, that the FBI is accountable to no one, save itself, in justifying its annual appropriation requests. Such a theme implies equally, of course, that the House Committee on Appropriations has blithely ignored its responsibility to hold the FBI strictly accountable for the appropriations it receives.

Apparently finding his task exhilarating, reporter Pincus goes on, throwing reportorial caution to the winds, by suggesting that the Subcommittee of the House Appropriations Committee, which oversees FBI requests for money, has deliberately accommodated the FBI to a preferential niche around which no "serious House review of the FBI" seems likely for the future.

As chairman of the subcommittee whose integrity this article has so grossly maligned, I am indignant and outraged at this shoddy substitution of sensation for journalism. That this compilation of innuendo, half-truths, distortions, and downright sloppy investigation might pass as serious newspaper reporting is, indeed, alarming.

It would seem that Mr. Pincus was so eager to jump aboard the newly refurbished and well-orchestrated bandwagon of vilification against the FBI and its Director that he was determined not to let the facts stand in his way. Why should he? Others who have clearly beat him to the wire in the current anti-FBI sweepstakes have, after all, shown a cavalier disdain for the truth.

Moreover, as a citizen of the United States, I am deeply disturbed at this continuing attempt to discredit a devoted and exemplary public servant, FBI Director J. Edgar Hoover. He has selflessly molded the FBI into perhaps the finest investigative agency in the world. To my mind, the FBI represents one of the best-managed and most efficient Government agencies it has been my privilege to observe in more than a quarter of a century on the Hill. This evaluation of the FBI is not made from any infatuation with or as some critics would maintain, a fear of Mr. Hoover. It is made from the cold, hard analysis and comparison of Government operations from a vantage point few others have had.

Distinguished Government service should be acclaimed, not disparaged; superior performance should be acknowledged, not attacked; dedicated public servants should be encouraged, not denounced. Mediocrity has been all too much the condition attendant to the conduct of many Government operations. Those of my subcommittee and myself, who have easily distinguished accomplishment from the drab background of the norm, do not, when we do so, deserve to have our integrity and motives darkly questioned as they have been in Mr. Pincus' article.

The FBI has received no preferential treatment before my subcommittee. But, FBI Director Hoover has been shown the respect and admiration engendered by the abundant evidence of his single-minded devotion to duty for more than 47 years.

An ancient sage once said:

> Criticism is easier than craftsmanship.

How true that saying rings today when the intemperate broadsides of reporter Pincus' article are compared with the facts—the hard-won accomplishments of a craftsman, Mr. Hoover.

Let me examine Mr. Pincus' charges and set the record straight.

In view of his assertion that FBI "agents are in charge of investigating their own congressional appropriation," a review at the outset of the history of the surveys and investigations staff of the House Appropriations Committee, is in order.

Back in 1953, when the late Congressman Clarence Cannon, of Missouri, was the chairman of the full committee, the staff was set up with the help of FBI agents on loan to the committee. Since that time, the staff has been headed by agents separated from the FBI's rolls and placed on the committee's payroll for the period of their tenure. At the present time there are three agents running the staff as director, first assistant director, and second assistant director, respectively. An agent usually remains on the committee's rolls over a 3-year period, progressing from second assistant director to director, after which he returns to duty in the FBI.

The staff uses investigators and other personnel from many Government agencies to conduct the special studies and surveys called for by the various subcommittees. The personnel from these agencies remain on the rolls of their respective agencies which are reimbursed by the committee for the costs of their personnel.

During the calendar year 1970, personnel from a total of no less than 14 Government agencies assisted on the Surveys and Investigations Staff—as has been the practice in prior years. The agencies represented included the FBI, Agriculture, Army Audit Agency, CIA, Commerce, Defense Contract Audit Agency, Export-Import Bank, HEW, Interior, NASA, Tariff Commission, Transportation, Treasury, and the Veterans' Administration. Admittedly, the majority of the personnel are borrowed from the FBI. This is not surprising since we have found the manifold responsibilities of the FBI have given their agents broad and superior investigative and administrative experience.

The surveys and investigations staff has never been requested to conduct any studies directly involving an appropriation request of the FBI. The FBI's request is closely studied and independently evaluated by the regular staff of the committee—which has no FBI personnel assigned—prior to being considered by the members of the subcommittee of which I have the honor to serve as chairman.

The committee actually reimbursed the FBI the amount of $707,981 during the fiscal year 1970 for services of its personnel on loan to the Staff and not $511,000 as reported in the article.

Mr. Pincus glibly charged that the FBI Director has not felt it necessary to appear before the Senate Appropriations Subcommittee that handles its budget and that Senator JOHN McCLELLAN, the subcommittee chairman, has not pressed for such an appearance since the Director declined to make one the year the Senator became chairman. Senator McCLELLAN assumed chairmanship of the subcommittee in February 1961 and I understand he has followed the policy of hearing only appeals from cuts in appropriation requests made by this House. This House, during the fiscal year 1963, did, contrary to the assertion of Mr. Pincus, cut an FBI appropriation request for pay raise funds. The Director of the FBI elected to accept our action without appeal and, in line with the Senator's policy, no hearings were accordingly called for the FBI.

Furthermore, I understand Mr. Hoover has never had the opportunity to decline an invitation to appear before Senator McCLELLAN's subcommittee and I, therefore, consider Mr. Pincus entirely remiss in suggesting the Director is immune from its examination.

The FBI has always fully justified every dollar it has requested over the 20-plus years I have served as the chairman of the subcommittee. Director Hoover's testimony has consistently been outstanding. He has never failed to provide a comprehensive, detailed, and factual accounting of his stewardship. I only wish others would do likewise.

Before I get into the erroneous charge by reporter Pincus that the FBI has received money enough to hire more agents than it actually has, I would like to explain the FBI's sound practice in its appropriation requests of referring to personnel in terms of full-year employees. This term of "full year" has the same meaning as "man-year" and both denote employment of one man for a total of 260 work days in a fiscal year. The Bureau pays for a total of 260 days worked even though performed by two or more different employees. The net result is that it has the equivalent use of only one employee for a full year.

Another very important point to be kept in mind with respect to figures on agent personnel, they do not reflect the additional manpower expended on FBI work by agents in the form of overtime. Agents have always performed considerable overtime but beginning with fiscal year 1955, premium overtime pay was initiated which only partially compensates for such overtime work. Since fiscal year 1955, all Bureau agents have performed in excess of 2½ hours overtime daily. The uncompensated overtime has resulted since fiscal year 1961 in the Bureau having an equivalent to the full-year services ranging from 792 to 1,241 agents over and above those provided in appropriations each year.

Now then, engaging in some interesting arithmetic, this fellow Pincus reached the conclusion that although the number of FBI agents increased from 6,005 in the fiscal year 1957 to 8,482 in the fiscal year 1971, the Congress actually provided funds for a total of 8,976. The beginning figure of 6,005 is correct. If we then add to this figure all of the individual increases which total 2,871 a figure of 8,876 can be computed—in any case, not the 8,976 arrived at by Mr. Pincus.

But even the 8,876 is not correct. It fails to take into account the downward revision of full-year agents required over the years so that the FBI could meet rising costs of operations. Many of these costs, like those of other Government agencies, it was forced to absorb by edict of the executive branch. In order to comply with such directives and operate without violating the antideficiency statute, the FBI as well as other agencies, had to cut expenses to the core by curtailment of employment if necessary.

Taking into consideration the net effect of these downward revisions, the total number of agents, not full-year, provided for in the 1971 requests therefore is actually 8,350 and not the improperly totaled 8,976 arrived at by Mr. Pincus through improperly pyramiding the individual increases since 1957.

Bearing in mind what I have said and taking into account the fact that the appropriation requests are prepared about 1 year prior to the beginning of a fiscal year, I believe we have the explanation for Mr. Pincus' slanted conclusion concerning the agents provided for in fiscal years 1968 versus 1967 and 1962 versus 1957.

Mr. Pincus pointed out that the FBI Director requested 50 new agents, none for the seat of government, in the fiscal year 1962. This was followed by a statement also made by the Director and completely out of context;

> We will endeavor to absorb this extra work (at the seat of government) with our present staff through streamlining and greater productive efficiency.

The parentheses and words therein were gratuitously supplied by Mr. Pincus.

In this regard, I wish to point out that had the FBI and Mr. Hoover been able to employ all of the additional agents requested each year and continue to absorb costs which they were required to do relating to postage rate increases, health benefits increases and the like, they would be miracle workers. Instead of coming in and crying for supplementals to defray these costs, the FBI tightened its belt, did with a few less agents in a particular fiscal year and yet got their job done in their usual outstanding manner. For this they should be commended, not criticized. It is proof that the FBI Director is not an empire builder.

The FBI has for many years followed a policy of assigning its personnel so as to meet the changing needs of the service. In line with this policy, agents from the field have been assigned to supervisory duties at the seat of government when the normal workload required such action. The FBI has rarely asked for additional personnel for the seat of government staff to supervise investigations except where a new investigative program was being instituted. For example, the request for the fiscal year 1972 which is now pending before this House contains a request for 23 agents for the supervisory staff at FBI Headquarters. These agents are required to supervise the 1,500 agents being added during the fiscal years 1971 and 1972 to handle organized crime, extremist, and aircraft hijacking matters.

In January 1962, the Director testified that the estimated fingerprint receipts for fiscal year 1963 would be 5.7 million. At that time he noted that although the fingerprint work had increased substantially he was not requesting any additional personnel for the Identification Division. In February 1963, testifying in connection with the 1964 fiscal year budget, the Director submitted a revised estimate for fingerprint receipts for fiscal year 1963—6 million. The increase from 5.7 to 6 million—300,000—was due primarily to revised estimates received from other Government agencies at the time they submitted their estimates for the fiscal year 1964 and following his projection in testimony in 1962. Mr. Hoover requested 150 additional clerks, and not 125 as Mr. Pincus reported, to handle the expected increase in work.

As reporter Pincus' article states, the anticipated increase in fingerprint receipts did not materialize and actual receipts for the fiscal year 1963 were 5,720,537. The revised figure which had previously been reported as 6 million was not realized primarily because receipts from Federal agencies were considerably lower than anticipated. However, in considering personnel needs in the fingerprint operation, there are many factors which must be taken into account, such as growth of files, number of fugitives identified, number of wanted notices posted, increases in latent fingerprint work and the like, which are not directly related to the volume of prints received. Increases in these categories were reported in the Director's testimony year after year and were taken into account by the subcommittee in evaluating the request for additional personnel.

Mr. Pincus asserted that the Director showed he hired only 85 clerks which proves that Mr. Hoover did not featherbed the Bureau's operations when the work load fell short of earlier estimates.

Another false charge leveled at the Director was that he threatened to halt the processing of non-Federal applicant prints in order to obtain additional funds for the FBI Identification Division. This was certainly not the case. In the interest of economy and with the approval of the Attorney General, the processing of non-Federal applicants was discontinued in May 1970. Thereafter, Congress approved an amendment to the FBI's 1971 fiscal year budget which provided for 400 additional full-year employees to resume processing of non-Federal applicant fingerprint work which was reinstituted in October 1970.

The article indicates that non-Federal applicant fingerprint checks had grown some 472,855 between 1967 and 1970 but that during the same period fingerprint checks for Federal Government agencies dropped 246,637. Actually, during this period Federal applicants decreased 357,925. However, the primary factors to be considered during this period are an increase in criminal prints of 540,261 and an overall increase in fingerprint receipts of 246,637.

Pincus conveniently ignored these facts. Also to be taken into consideration in evaluating workload and personnel needs of the Identification Division during this period was the tremendous increase in correspondence and forms not accompanied by fingerprints, increase in latent fingerprint work, increase in fugitives identified, and the increase in wanted notices posted and canceled.

Incidentally, the FBI's principal responsibility in the fingerprint operation is not to process the prints of Federal applicants as stated by Mr. Pincus. This should be abundantly clear when we see the volume of Federal applicant work is about 30 percent of the total volume received. This important fact was also ignored in the article.

Mr. Pincus makes much of the armored vehicles which are provided for the FBI. The Director of the FBI testified before the House Appropriations Subcommittee on March 17, 1971, during which the need for the armored vehicles was the subject of the following colloquy:

> Mr. SIKES. There has been some comment in the press about the purchase of armored cars for the FBI. Will you tell us about this?
>
> Mr. HOOVER. For many years the Committee has approved the purchase of one armored vehicle for replacement purposes and, as you know, this is specifically set forth in the appropriation language. We are permitted to have a total of four armored vehicles. We have two here in Washington, D.C., one in New York City and one in Los Angeles.

If I may digress at this point, I would like to say that during a recent television interview, I suggested one of the older cars was in Miami. There is no armored FBI car at Miami, and there never has been.

I now resume reading the Director's testimony:

> The cost of the armored vehicle purchased in 1970 was $27,665. In recent years we have experienced an increase in cost and the principal reason for this has been the escalating cost of armoring the cars. One vehicle is disposed of each year after it has been dearmored and the proceeds from the sale are applied against the cost of the vehicle purchased.
>
> The armored vehicles are used for protective purposes.
>
> Mr. TOLSON. Mr. Congressman, during the calendar year 1970 Mr. Hoover received 26 threats on his life and so far this year, he has received another 16 threats. It is necessary for security reasons for Mr. Hoover to be transported in these vehicles.
>
> Mr. HOOVER. The Attorney General and I have used the armored vehicles when we were required to be in New York City and Los Angeles. The vehicles are available as the needs arise for investigative purposes.
>
> Mr. SIKES. I am certainly glad you have an armored vehicle available for your protection.

The armored vehicle provides necessary security at a minimum cost to the taxpayers. An alternative would be to assign armed agents to protect the Director in view of the death threats he receives. A minimum of four agents would be required for such an assignment and this would cost $110,000 annually. When compared to the cost of the armed guards, the cost of providing the armored car is far more economical and at the same time does provide the protection necessary.

The wholly unwarranted attempt by reporter Pincus to discredit FBI Director Hoover's testimony before my subcommittee, as well as the subcommittee's examination of that testimony, is not at all surprising. This fellow Pincus has occasionally taken wild press shots at the FBI, dating as far back as 1961. More recently, he served as a researcher for the network television program "First Tuesday" which, during its telecast on June 1, 1971, did its best to portray the FBI as a totalitarian agency of repression. In preparation for this telecast, Mr. Pincus obtained a set of blueprints of the new FBI headquarters, after which NBC spent many thousands of their stockholders' dollars constructing the model of the new building which was exhibited on the television program. At the moment they showed their one-sided ridiculous story of the building their Mr. Garrick Utley had a tape that I had made 2 weeks before here in the House recording studio explaining in detail the need of the Department of Justice for the building so as to consolidate seven different locations here in Washington in which the FBI is presently located. The American public was never permitted to learn that NBC had this direct and I think satisfactory answer in their possession.

I was proud to defend the FBI during that telecast as I am proud today to defend it and my subcommittee from scurrilous attacks seemingly designed to destroy established and effective agencies of our Government.

INSPECTION TOUR OF SOUTHEAST ASIA

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House the gentleman from California (Mr. MCCLOSKEY) is recognized for 60 minutes.

Mr. McCLOSKEY. Mr. Speaker, I would like at this time to report to the House on a trip the gentleman from California (Mr. WALDIE) and I made to Southeast Asia during the Easter recess, April 7 through April 16. I will describe four specific factual situations we encountered there, but would first like to mention an issue which arose repeatedly during our trip, an issue which presents the House with a problem as serious as that of ending the war itself.

That issue is the deliberate, willful, and continuing deception of Congress by the executive branch of Government.

In both Vietnam and Laos, Congressman WALDIE and I were given deceptive briefings; we were given incomplete and misleading information in the presence of officers, both military and Foreign Service, who know that such information was incomplete and misleading; we were given incorrect facts on several occasions in the presence of officers who knew that such facts were incorrect, yet stood mute.

The deception was clearly not a matter of protecting secret information from the enemy; the intention was to conceal information from the Representatives of the people of the United States as if we were the enemy.

I believe that this deception was not merely an isolated instance of conduct by specific individuals; the Defense Department and the State Department seem to have developed a pattern of conduct which accepts the concept that the executive branch is entitled to and should conceal facts which are unsupportive of executive branch policy.

In recent weeks, for example, the executive branch has refused repeated requests from my office to release statistics on the following:

First, the number of amputee casualties in Vietnam;

Second, the number of deaths from overuse of drugs in Vietnam;

Third, the number of Laotian villages destroyed by Air Force bombing.

These are not statistics that need be withheld from the North Vietnamese or Pathet Lao. The purpose in concealing these statistics can only be that they might cause the American people and the Congress to demand a more rapid withdrawal from Southeast Asia than the Defense and State Departments feel is appropriate to the Nation's best interests.

Such concealment, the deliberate withholding of information from the Congress, presents a grave constitutional question as to whether the legislative branch can properly perform its own legislative responsibilities.

Under the Constitution, we in the Congress have the sole power to declare war; we fund the standing Army, but for a period not to exceed 2 years; we in the House of Representatives, who face our constituents for reelection every 2 years, must also initiate the revenues necessary to support the Nation's expenditures.

All of these provisions were clearly intended by the framers of the Constitution to give Congress the controlling decisions in matters of war and peace. We make the laws; the President as Commander in Chief only executes those laws.

If Congress is to make wise decisions, however, we must be fully informed. We cannot authorize a war without complete information; we should not permit a war to continue without complete information.

Against this background, I would like to describe the four specific factual situations we observed in Southeast Asia and which bear upon the decision to cut off funding for the war which is now before the Congress.

I. THE DESTRUCTION OF THE HAMLETS OF VIETNAM

Over a year ago, on a previous visit to Vietnam, I was advised by our personnel there that in one of Vietnam's 44 Provinces, Quang Nam Province, 307 out of 555 hamlets had been destroyed by American forces. On our most recent visit, Congressman WALDIE and I visited cities and hamlets in each of the six northernmost Provinces of South Vietnam, from Quang Tri just south of the DMZ down to Binh Dinh. We confirmed that the pattern of destruction in Quang Nam province was not unique. In all six of the northern Provinces, we flew over vast areas where only hedgerows remain to indicate where hundreds of thousands of people once lived in quiet rural villages. It appears that at least half of the hamlets in these six Provinces have been deliberately destroyed by American firepower.

In our zeal to separate the guerrilla from his base of support in the countryside, it appears that we have accomplished the same "wanton destruction of villages" and "forcible relocation of civilian population" that we expressly defined and denounced at Nuremberg as a crime against humanity, a definition of crime which we likewise insisted at Nuremberg should be applicable to all nations, not just Nazi Germany.

I could find no American officer or statesman, from Ambassador Bunker on down, who could tell me of any consideration given by American decisionmakers to the question of whether we ourselves, in our search-and-destroy, free-fire zone policies, had not violated our war-crime precedents established at Nuremberg.

Worse yet, American officers assigned to brief us or to escort our inspection trip, either did not know, or chose to deliberately conceal, the fact that American forces and American firepower had destroyed the hamlets in question.

In Thua Thien Province, we flew over the lovely river valley of the Song Bo River, noticing the burned-out hedgerows of dozens of hamlets now surrounded by overgrown fields in what must have once been productive rice paddies and orchards. We flew on some 20 kilometers to a tin-roofed refugee camp located in coastal sand dune country where the refugees of one of those Song Bo River valley hamlets, Xuan Loc hamlet of Ap Thanh Tan village, were gathered to meet us. With a circle of American advisory team members, Vietnamese Government officials and our own escort officers listening, we were first told by the local hamlet chief through both Vietnamese and American interpreters that the hamlet of Xuan Loc of Ap Thanh Tan had been destroyed by the communists in May of 1969, and that his people had fled the village after their homes had been burned by the Vietcong. The hamlet consisted of 128 families, of over 500 total population. We asked if Americans had asked the people to leave. The answer was "No." We asked if American troops or planes had fired on the village; the answer was "No." We asked if the people ever returned to the hamlet to do honor to the graves of their ancesters. The answer was "No."

Under repeated questioning, the hamlet chief insisted that his people had moved out of the original village voluntarily and that U.S. troops had helped them to move.

A number of Vietnamese police stood behind the chief as he talked, and the Vietnamese and American advisers and escort officers present nodded approvingly, or remained silent as this story unfolded.

As we continued questioning the chief in the center of a group of perhaps 100 listeners, a nondescript sort of fellow in a semimilitary uniform wandered over and made a few laughing comments to one of our interpreters. It turned out his name was Ho Le, the assistant platoon leader of the 17th Popular Forces Platoon which operated in the area. Ho Le had a far different recollection of the destruction of Xuan Loc hamlet.

The Vietcong had occasionally come into the village at night, but in May of 1966, marines of the Third Marine Division had ordered the villagers to leave. Thereafter, the marines burned the village to the ground. Ho Le stated he had participated since 1965 in military operations in Thua Thien province and that his platoon had been assigned to the second battalion of one of the Marine regiments operating in the area. He stated unequivocally that the Vietcong had not burned any villages, and that no homes had been burned until the marines ordered that the villagers move out, at which time the hamlets were burned down by the marines.

Had Ho Le not volunteered this information, I am absolutely satisfied that the U.S. military and civilian officers assigned to our party would have permitted us to leave the area with a wholly false impression of the history and circumstances of the people of this one small hamlet in Thua Thien province. At least one of those officers understood and spoke Vietnamese. Upon completion of Ho Le's account, no Vietnamese or American present suggested that he had been incorrect in any detail.

If the case of Xuan Loc hamlet as described by Ho Le is typical of the hundreds of other hamlets which are now completely destroyed and abandoned, then America has deliberately perpetrated a violation of the Nuremberg principles which is far graver in its scope and the numbers of people affected than was the evacuation of northern Norway for which Gen. Alfred Jodl was sentenced to death 25 years ago.

II. THE DESTRUCTION OF THE VILLAGES OF LAOS

In view of the American policy of destroying villages in Vietnam, Congressman WALDIE and I were interested in ascertaining U.S. policy toward villages in Laos. According to ex-Ambassador William Sullivan, some 3,500 villages once existed in the northern and eastern portions of Laos which have been contested or under Pathet Lao control since 1962.

Prior to our visit to Laos, we had received some harrowing reports of heavy bombing of these villages, and from Government documents had ascertained that nearly 700,000 out of the million or so original inhabitants of these villages had become refugees during the past 10 years. We were further advised that in 1969 and 1970 we had dropped nearly 1 million tons of bombs in Laos, nearly twice the total of the prior 2 years.

We questioned both Air Force and State Department officials on this subject at Udorn Air Force base in Thailand and at the U.S. Embassy in Laos. We were assured by both the commanding general of the 13th Air Force, Major General Evans, and by Ambassador Godley in Vientiane that we are not and have not bombed villages and that to their knowledge any villages that had been hit were hit by mistake. Ambassador Sullivan had testified before the Senate Refugee Subcommittee a year ago, on May 7, 1970, indicating that only 8 villages had been hit by mistake in the 4½ years he had served in Laos, terminating in March of 1969. Both Ambassador Godley and General Evans stated that all targets in Laos had to be approved by the Ambassador, or by United States-Laos acrial fire control teams in O-1's.

On the evening of April 13, at a dinner at the home of Ambassador Godley, we were told by various ranking country team officials, in the presence of both the Ambassador and Deputy Chief of Mission Monteagle Stearnes that; first, we had not bombed villages except by occasional mistake; second, no surveys of refugee attitudes had been made because of lack of staff; third, bombing was certainly no more than one of the factors, and certainly not a major factor in causing refugees to leave their homes; and, fourth, neither the United States nor the Royal Lao Government had forced refugees to leave their homes; they left voluntarily.

The dinner party lasted over 5 hours, and we were repeatedly assured of the validity of the foregoing four points. I think it fair to say that Congressman WALDIE and I went to bed that evening believing that we had been told the truth by sincere and dedicated men that the rural villages of Laos had not been subject to deliberate U.S. bombing.

On the following morning, April 14, however, I found in a briefing book prepared by a member of my Washington congressional staff reference to a survey of refugees made in July 1970, under the auspices of the U.S. Embassy political section of Vientiane. A young officer in the political section at the Embassy confirmed that a summary of refugee opinions did exist. He went with me to the office of Deputy Chief of Mission Stearnes whom I asked to show me the document in question. Mr. Stearnes picked a sheaf of papers off his desk, leafed through them, and finally handed them to me at my request. This report was entitled "Xieng Khouang Province Refugees in Vientiane Plain," and dated July 10, 1970. The report summarizes the responses of over 200 refugees, from 96 separate villages in the Plain of Jars area, with respect to the bombing of their homes. Quoting from page 5 and 6 of the report:

> 75% of 190 respondents said their homes had been damaged by the bombing.
>
> 76% said the attacks took place in 1969. The bombing is clearly the most compelling reason for moving.

Both the facts stated and the conclusions in this report, addressed personally to Mr. Stearnes by the U.S. Information Service on July 10, 1970, are, of course, in square contradiction to the testimony furnished the Senate Refugee Subcommittee last year, as well as inconsistent with the facts and opinions expressed so positively to us the previous evening.

It is clear that Mr. Stearnes deliberately intended to give Congressman WALDIE and myself a less than complete picture of refugee attitudes and bombing while we were in Laos. The Embassy prepared and gave to us, prior to the April 13 dinner discussions, what purported to be rather a careful "briefing book" on refugees. Three of the eight sections in the book were specifically titled as relating to Xieng Khouang Province. The refugee survey report of July 10, 1970, is entitled "Xieng Khouang Province Refugees in Vientiane Plain" and we accidentally learned from Mr. Albert on April 16 that Mr. Stearnes had called Mr. Albert into his office on the afternoon of the 13th—just prior to the dinner—and asked him if he was the one who had prepared the report in question. Bearing in mind that this report, and a shorter report of similar survey of refugees in a more northerly camp, were the only such reports in the Embassy's possession on the impact of bombing on refugees, it is hard to escape the conclusion that the Embassy did not want inquiring Congressmen to learn anything about widespread bombing in 1969, directed and controlled by the U.S. Ambassador. The omission of this report from the so-called briefing book was clearly deliberate.

After finally obtaining possession of the reports in question at approximately 3 p.m. on the afternoon of April 14, we were able on the morning of April 15, to visit one of the refugee camps, Ban Na Nga, located about 40 kilometers north of Vientiane. We were accompanied by four interpreters, including two, Reverend Roffe and Father Menger, who had been personally recommended by the Ambassador as "unbaised."

We talked to 16 separate individuals and various groups of refugees who had come to the camp from at least seven separate villages in Tasseng Kat, one of the administrative sectors of Xieng Khouang Province.

The refugees were unanimous in describing the destruction of every single home in each of the seven villages where they had lived. They described both T-28 and jet aircraft, as well as the use of CBU cluster bombs and white phosphorous; in all but one of the villages, the refugee had seen people killed by the air strikes, the most numerous being the village of Ba Phone Savanh, a village of 35 homes where nine were killed and 14 wounded.

We personally observed and talked with a number of people bearing scars from CBU pellets of white phosphorous. In talking to the refugees, Congressman WALDIE initially used Father Menger as an interpreter for the first five individuals interviewed. I used Reverend Roffe and a Chinese interpreter named Wong. After several hours, we compared notes and found that we were receiving identical information from the refugees, save in one respect. The refugees interviewed by Congressman WALDIE said, as interpreted by Father Menger, that Pathet-Lao soldiers were living in the villages at the time of the air attacks. The refugees with whom I talked, interpreted by Reverend Roffe and Mr. Wong, stated that the Pathet-Lao were situated some distance away from the village, with the closest soldiers being at least 500 meters away and generally as far as 2 or 3 kilometers away.

We decided to exchange interpreters, although I retained Mr. Wong to monitor Father Menger's interpretations as we were advised by several local people accompanying us that Father Menger had a reputation for inaccuracy.

Thereafter, all persons interviewed agreed that Pathet-Lao soldiers had not been living in their villages. Most important, Congressman WALDIE reinterviewed one of the men who had first stated, according to Father Menger, that the Pathet-Lao lived in his village. This time the refugee was unequivocal in stating that no Pathet-Lao lived in his village and that his earlier comments had been misinterpreted.

The refugees commonly described the killing of their water buffalo, and the fact that they had to live in holes or caves, farming only at night when the bombing became so intensive in 1969. In only one of the seven villages had a refugee seen any visiting Pathet-Lao soldiers killed by the bombing of his village; the soldiers were described as visiting the villages only occasionally or as passing through on the road.

At one interview, the Chief of Tasseng Kat, the administrative area where these villages had been located, volunteered the information that his Tasseng had been evacuated from the Plain of Jars in early 1970 because they were ordered to leave by the Province Governor. U.S. planes provided the airlift capability.

The Air Force briefings from General Evans and his staff conclusively demonstrated both the immense accuracy of targeting and bombing, and also the voluminous and comprehensive aerial reconnaissance photography which precedes and follows bombing strikes. It is clear that the Air Force is only following orders, and that all targets are cleared and approved by the State Department.

With reference to the foregoing facts, it is clear that the Embassy officials on the night of April 13 deliberately misled Congressman WALDIE and myself in four particulars:

First, although they denied it, nonaccidental bombing had taken place in Northern Laos during 1969;

Second, at least 76 percent of 96 small villages had been hit by such bombing;

Third, reports had been made and were in the possession of the Embassy, showing that bombing was clearly the most compelling reason for the refugees leaving their homes; and

Fourth, some of the refugees had moved because of the direct orders of the Royal Laotian Government, not voluntarily; transportation was furnished by U.S. aircraft.

It is clear that cluster bombs and white phosphorus were used against the civilian population of a country with whom the United States has not declared war. The bombing was done under the direction and control of the State Department, not the U.S. Air Force. Both the extent of the bombing and its impact on the civilian population of Laos was deliberately concealed by the State Department between the period July 10, 1970, when the refugee report was completed, and April 13, 1971, when the report was reluctantly handed to me by Deputy Chief of Missions Stearnes in Vientianne.

III. THE AIR FORCE'S REFUSAL TO RELEASE PHOTOGRAPHS OR FURNISH LISTS OF LAOTIAN VILLAGES BOMBED

On April 13 and 15, I was privileged to meet with Major General Evans, commander, 13th Air Force, and on April 16 with Major General Hardin, vice commander, 7th Air Force. General Evans confirmed to me that the rules of engagement in Laos required that no bombing take place within 500 meters of an "active village," an active village being defined as one hut.

At the April 13 meeting, I circled eight villages in northern Laos at random and asked for aerial photographs of such villages. General Evans said he would be glad to have such photographs located and enlarged. On April 15, General Evans advised me that his staff had located only two of the villages in question, and showed me two photographs blown up to approximately 24 inches square. It was clear from the photographs, and General Evans confirmed, that these two villages were no longer in existence in the circled areas indicated.

I asked General Evans for the photographs and he replied that he would first like to get permission for their release from his superior, General Clay, commander, 7th Air Force, in Saigon. He stated he was going to Saigon the following morning and request permission from General Clay for their release to me prior to my scheduled departure at 1700 the following day, April 16.

In the early afternoon of April 16, I called at 7th Air Force Headquarters at Saigon and was referred to Major General Hardin, who advised me that General Clay had decided to refuse release of the pictures to me, and that I should request the pictures and any other Air Force data and information from the Air Force liaison office in Washington.

I did this by letter to Maj. Gen. John C. Giraudo, Office of Legislative Liaison at the Pentagon on April 19, 1971. On April 20, I submitted a list of 196 villages to the Pentagon, requesting recent photographs thereof.

By an earlier letter of March 17, 1971, to General Giraudo, I had requested a list of the villages in Northern Laos which had been hit by U.S. bombs since such bombing commenced.

To date I have had no responsive reply to these requests, save for the delivery of 12 photographs of Laotian villages which were not included in the list of villages for which photographs were requested.

How many of the 3,500 villages behind Pathet Lao lines have been destroyed by American bombing is a matter which is still open to question. This question can be determined quite easily, however, if the Air Force will produce current photographs of these areas from its comprehensive files. The failure to produce these photographs, under ordinary rules of evidentiary law, can only be deemed to properly raise the inference that the villages have indeed been destroyed, contrary to the statements we received from State Department officials.

IV. 1968 VIETNAM TASK FORCE STUDY BY DEPARTMENT OF DEFENSE

Since returning from Southeast Asia, I learned that in 1967, Secretary McNamara commissioned a task force within the Department of Defense to study the decisionmaking process which had led to U.S. involvement in Vietnam. The study was to be "comprehensive and objective," and references were made available which included all relevant DOD documents save those which were interoffice memos solely within the White House itself.

From September 1967 through August 1968, DOD people in the Office of the Secretary put together a 30-volume study of the command decisions which led to U.S. involvement in Vietnam. The study was entitled "United States-Vietnam Relationships 1945–67" by the Vietnam Task Force, Office of the Secretary of Defense."

I am advised that the study not only details the decisionmaking process at the White House-State Department-DOD level, but reveals a number of instances where the public and the Congress were deliberately misled by the executive branch as to: First, the nature of the intelligence estimates available to the executive branch; second, recommendations made to the President; third, plans and programs under consideration; fourth, decisions actually made; fifth, U.S. purposes and aims; and sixth, programs being conducted by the executive branch.

Since the decisionmaking process covered in the study ended in March 1968, there would seem to be no reason today, 3 years later, why such a study should remain unavailable to Congress.

Excerpts from the study have been published in the New York Times of yesterday and today, and I will insert them in the record at the conclusion of my remarks.

One excerpt from the accompanying Times' article is worthy of reference here:

> The study conveys an impression that the war was thus considered less important for what it meant to the South Vietnamese than for what it meant to the position of the United States in the world.
>
> Mr. McNaughton would later capsulize this perception in a memorandum to Mr. McNamara seeking to apportion American aims in South Vietnam:
>
> 70% to avoid a humiliating U.S. defeat (to our reputation as guarantor)
>
> 20% to keep SVN (and then adjacent) territory from Chinese hands
>
> 10% to permit the people of South Viet Nam to enjoy a better, freer way of life.

If this apportionment of goals remains correct as of today, Flag Day, 1971, Mr. Speaker, I would respectfully submit that the avoidance of a humiliating defeat as a guarantor is not worth one more life, American or Asian; that there is no real fear any longer of Chinese control of Viet Nam; and finally, 1.9 million South Vietnamese under arms should be sufficient to provide a better, freer way of life for their countrymen if they have the will to do so.

Recent books by Townsend Hoopes, and others, refer to much of the material contained in this study, and have quoted many of the documents on which the study is based.

Because the deception of the Congress alleged to have been set forth in this study is consistent with the deception described earlier in these remarks, it seems appropriate to me that the House, through its appropriate committees, require the Defense Department to deliver a copy of such study for congressional review, and that we should further require truthful and accurate information on the matters I have discussed today.

Another example of what can only be termed callous distortion of the truth has recently been called to my attention.

As the Speaker knows, the administration has been quick to take credit for declining numbers of American combat deaths in Vietnam. A category of so-called "nonhostile action deaths" has been set up, presumably to reduce further the number of deaths of Americans due to the Southeast Asian policy the administration chooses to follow. By attributing the deaths of these men to nonhostile causes, the inference is created that their deaths are from automobile accidents, illness, or misfortunes entirely unconnected with the war. Perhaps some are.

But at least one group of deaths, those resulting from short artillery rounds, have been included in this category. I doubt if any troop commander would argue that deaths from misdirected air strikes or artillery firepower would be considered other than ordinary combat casualties resulting from the very nature of war itself. At least since World War I, American commanders have called in fire, even on top of their own positions, knowing full well that some casualties would occur amongst their own troops.

Yet, let me read the following letter a Mrs. Ward of Columbus, Ind., recently received from the Adjutant General of the Army. Apparently Mrs. Ward had written President Nixon to inquire why her sister had not received a letter of condolence from the President following her sister's husband's death.

The letter follows:

OFFICE OF THE ADJUTANT GENERAL,
Washington, D.C., November 6, 1970.

Mrs. K. M. WARD
Columbus, Indiana

DEAR MRS. WARD: This is in further response to your letter of 8 October 1970 addressed to President Nixon regarding the death of your brother-in-law, Sergeant Jim A. Wray.

It is indeed thoughtful that you should seek comfort for your sister and you may be assured that the President deeply regrets the loss of each of our servicemen. He is keenly aware of the contribution and sacrifices of all those who serve in Vietnam but because of the many demands placed upon him, he is unable to extend personal condolences to the next of kin of all personnel who die on active duty. It is my understanding that President Nixon sends letters of condolence to the next of kin only in combat or combat-associated deaths. Sergeant Wray died on 2 July 1969 in Vietnam as the result of injuries received while on a military operation when supporting artillery impacted in the area. He was reported as a non-hostile casualty.

The nearest regional Veterans Administration office will assist Mrs. Wray in initiating a request for the memorial certificate you mention.

My deepest sympathy is with Mrs. Wray and her daughter, Tracy, in the great loss they have suffered.

Sincerely,

VERNE L. BOWERS,
Major General, U.S. Army, Acting The Adjutant General.

Mr. Speaker, this is a small and petty deceit, unworthy of a nation that searches for truth in the pursuit of a war in which it asks its young men to die.

I repeat, what I said earlier: This deception is not a matter of protecting secret information from the enemy. The intention is to conceal information from the people of the United States as if we were the enemy. The purpose in concealing facts or publishing misleading facts is to avoid cause for the American people and the Congress to demand a more rapid withdrawal from Southeast Asia.

There is a commonly used jury instruction, stemming from centuries of common law, to the effect that concealment of information causes the presumption that such information would be adverse. In the light of the deception and concealment which I have discussed today, it seems to me that the House is justified in a more vigorous leadership in ending the war.

Congress has the constitutional power to declare peace as well as war.

Following are the texts of key documents accompanying the Pentagon's study of the Vietnam war, for the period December 1963, through the Tonkin Gulf incident in August 1964, and its aftermath. Except where excerpting is specified, the documents are printed verbatim, with only unmistakable typographical errors corrected.

The material referred to follows:

MCNAMARA REPORT TO JOHNSON ON THE SITUATION IN SAIGON IN 1963

(Memorandum, "Vietnam Situation," from Secretary of Defense Robert S. McNamara to President Lyndon B. Johnson, Dec. 21, 1963.)

In accordance with your request this morning, this is a summary of my conclusions after my visit to Vietnam on December 19–20.

1. Summary. The situation is very disturbing. Current trends, unless reversed in the next 2–3 months, will lead to neutralization at best and more likely to a Communist-controlled state.

2. The new government is the greatest source of concern. It is indecisive and drifting. Although Minh states that he, rather than the Committee of Generals, is making decisions, it is not clear that this is actually so. In any event, neither he nor the Committee are experienced in political administration and so far they show little talent for it. There is no clear concept on how to re-shape or conduct the strategic hamlet program; the Province Chiefs, most of whom are new and inexperienced, are receiving little or no direction because the generals are so preoccupied with essentially political affairs. A specific example of the present situation is that General [name illegible] is spending little or no time commanding III Corps, which is in the vital zone around Saigon and needs full-time direction. I made these points as strongly as possible to Minh, Don, Kim, and Tho.

3. The Country Team is the second major weakness. It lacks leadership, has been poorly informed, and is not working to a common plan. A recent example of confusion has been conflicting USOM and military recommendations both to the Government of Vietnam and to Washington on the size of the military budget. Above all, Lodge has virtually no official contact with Harkins. Lodge sends in reports with major military implications without showing them to Harkins, and does not show Harkins important incoming traffic. My impression is that Lodge simply does not know how to conduct a coordinated administration. This has of course been stressed to him both by Dean Rusk and myself (and also by John McCone), and I do not think he is consciously rejecting our advice; he has just operated as a loner all his life and cannot readily change now.

Lodge's newly-designated deputy, David Nes, was with us and seems a highly competent team player. I have stated the situation frankly to him and he has said he would do all he could to constitute what would in effect be an executive committee operating below the level of the Ambassador.

As to the grave reporting weakness, both Defense and CIA must take major steps to improve this. John McCone and I have discussed it and are acting vigorously in our respective spheres.

4. Viet Cong progress has been great during the period since the coup, with my best guess being that the situation has in fact been deteriorating in the countryside since July to a far greater extent than we realized because of our undue dependence on distorted Vietnamese reporting. The Viet Cong now control very high proportions of the people in certain key provinces, particularly those directly south and west of Saigon. The Strategic Hamlet Program was seriously over-extended in those provinces, and the Viet Cong has been able to destroy many hamlets, while others have been abandoned or in some cases betrayed or pillaged by the government's own Self Defense Corps. In these key provinces, the Viet Cong have destroyed almost all major roads, and are collecting taxes at will.

As remedial measures, we must get the government to re-allocate its military forces so that its effective strength in these provinces is essentially doubled. We also need to have major increases in both military and USOM staffs, to sizes that will give us a reliable, independent U.S. appraisal of the status of operations. Thirdly, realistic pacification plans must be prepared, allocating adequate time to secure the remaining government-controlled areas and work out from there.

This gloomy picture prevails predominantly in the provinces around the capital and in the Delta. Action to accomplish each of these objectives was started while we were in Saigon. The situation in the northern and central areas is considerably better, and does not seem to have deteriorated substantially in recent months. General Harkins still hopes these areas may be made reasonably secure by the latter half of next year.

In the gloomy southern picture, an exception to the trend of Viet Cong success may be provided by the possible adherence to the government of the Cao Dai and Hoa Hao sects, which total three million people and control key areas along the Cambodian border. The Hoa Hao have already made some sort of agreement, and the Cao Dai are expected to do so at the end of this month. However, it is not clear that their influence will be more than neutralized by these agreements, or that they will in fact really pitch in on the government's side.

5. Infiltration of men and equipment from North Vietnam continues using (a) land corridors through Laos and Cambodia; (b) the Mekong River waterways from Cambodia; (c) some possible entry from the sea and the tip of the Delta. The best guess is that 1,000–1,500 Viet Cong cadres entered South Vietnam from Laos in the first nine months of 1963. The Mekong route (and also the possible sea entry) is apparently used for heavier weapons and ammunition and raw materials which have been turning up in increasing numbers in the south and of which we have captured a few shipments.

To counter this infiltration, we reviewed in Saigon various plans providing for cross-border operations into Laos. On the scale proposed, I am quite clear that these would not be politically acceptable or even militarily effective. Our first need would be immediate U–2 mapping of the whole Laos and Cambodian border, and this we are preparing on an urgent basis.

One other step we can take is to expand the existing limited but remarkably effective operations on the Laos side, the so-called Operation HARDNOSE, so that it at least provides reasonable intelligence on movements all the way along the Laos corridor; plans to expand this will be prepared and presented for approval in about two weeks.

As to the waterways, the military plans presented in Saigon were unsatisfactory, and a special naval team is being sent at once from Honolulu to determine what more can be done. The whole waterway system is so vast, however, that effective policing may be impossible.

In general, the infiltration problem, while serious and annoying, is a lower priority than the key problems discussed earlier. However, we should do what we can to reduce it.

6. Plans for Covert Action into North Vietnam were prepared as we had requested and

were an excellent job. They present a wide variety of sabotage and psychological operations against North Vietnam which I believe we should aim to select those that provide maximum pressure with minimum risk. In accordance with your direction at the meeting, General Krulak of the JCS is chairing a group that will lay out a program in the next ten days for your consideration.

7. Possible neutralization of Vietnam is strongly opposed by Minh, and our attitude is somewhat suspect because of editorials by the New York Times and mention by Walter Lippmann and others. We reassured them as strongly as possible on this—and in somewhat more general terms on the neutralization of Cambodia. I recommend that you convey to Minh a Presidential message for the New Year that would also be a vehicle to stress the necessity of strong central direction by the government and specifically by Minh himself.

8. U.S. resources and personnel cannot usefully be substantially increased. I have directed a modest artillery supplement, and also the provision of uniforms for the Self Defense Corps, which is the most exposed force and suffers from low morale. Of greater potential significance, I have directed the Military Departments to review urgently the quality of the people we are sending to Vietnam. It seems to have fallen off considerably from the high standards applied in the original selections in 1962, and the JCS fully agree with me that we must have our best men there.

Conclusion. My appraisal may be overly pessimistic. Lodge, Harkins, and Minh would probably agree with me on specific points, but feel that January should see significant improvement. We should watch the situation very carefully, running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement.

A 1964 Memo by Joint Chiefs of Staff Discussing Widening of the War

(Memorandum from Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, to Secretary of Defense McNamara, Jan. 22, 1964, "Vietnam and Southeast Asia.")

1. National Security Action Memorandum No. 273 makes clear the resolve of the President to ensure victory over the externally directed and supported communist insurgency in South Vietnam. In order to achieve that victory, the Joint Chiefs of Staff are of the opinion that the United States must be prepared to put aside many of the self-imposed restrictions which now limit our efforts, and to undertake bolder actions which may embody greater risks.

2. The Joint Chiefs of Staff are increasingly mindful that our fortunes in South Vietnam are an accurate barometer of our fortunes in all of Southeast Asia. It is our view that if the US program succeeds in South Vietnam it will go far toward stabilizing the total Southeast Asia situation. Conversely, a loss of South Vietnam to the communists will presage an early erosion of the remainder of our position in that subcontinent.

3. Laos, existing on a most fragile foundation now, would not be able to endure the establishment of a communist—or pseudo neutralist—state on its eastern flank. Thailand, less strong today than a month ago by virtue of the loss of Prime Minister Sarit, would probably be unable to withstand the pressures of infiltration from the north should Laos collapse to the communists in its turn. Cambodia apparently has estimated that our prospects in South Vietnam are not promising and, encouraged by the actions of the French, appears already to be seeking an accommodation with the communists. Should we actually suffer defeat in South Vietnam, there is little reason to believe that Cambodia would maintain even a pretense of neutrality.

4. In a broader sense, the failure of our programs in South Vietnam would have heavy influence on the judgments of Burma, India, Indonesia, Malaysia, Japan, Taiwan, the Republic of Korea, and the Republic of the Philippines with respect to US durability, resolution, and trustworthiness. Finally, this being the first real test of our determination to defeat the communist wars of national liberation formula, it is not unreasonable to conclude that there would be a corresponding unfavorable effect upon our image in Africa and in Latin America.

5. All of this underscores the pivotal position now occupied by South Vietnam in our world-wide confrontation with the communists and the essentiality that the conflict there would be brought to a favorable end as soon as possible. However, it would be unrealistic to believe that a complete suppression of the insurgency can take place in one or even two years. The British effort in Malaya is a recent example of a counterinsurgency effort which required approximately ten years before the bulk of the rural population was brought completely under control of the government, the police were able to maintain order, and the armed forces were able to eliminate the guerrilla strongholds.

6. The Joint Chiefs of Staff are convinced that, in keeping with the guidance in NSAM 273, the United States must make plan to the enemy our determination to see the Vietnam campaign through to a favorable conclusion. To do this, we must prepare for whatever level of activity may be required and, being prepared, must then proceed to take actions as necessary to achieve our purposes surely and promptly.

7. Our considerations, furthermore, cannot be confined entirely to South Vietnam. Our experience in the war thus far leads us to conclude that, in this respect, we are not now giving sufficient attention to the broader area problems of Southeast Asia. The Joint Chiefs of Staff believe that our position in Cambodia, our attitude toward Laos, our actions in Thailand, and our great effort in South Vietnam do not comprise a compatible and integrated US policy for Southeast Asia. US objectives in Southeast Asia cannot be achieved by either economic, political, or military measures alone. All three fields must be integrated into a single, broad US program for Southeast Asia. The measures recommended in this memorandum are a partial contribution to such a program.

8. Currently we and the South Vietnamese are fighting the war on the enemy's terms. He has determined the locale, the timing, and the tactics of the battle while our actions are essentially reactive. One reason for this is the fact that we have obliged ourselves to labor under self-imposed restrictions with respect to impeding external aid to the Viet Cong. These restrictions include keeping the war within the boundaries of South Vietnam, avoiding the direct use of US combat forces, and limiting US direction of the campaign to rendering advice to the Government of Vietnam. These restrictions, while they may make our international position more readily defensible, all tend to make the task in Vietnam more complex, time-consuming, and in the end, more costly. In addition to complicating our own problem, these self-imposed restrictions may well now be conveying signals of irresolution to our enemies—encouraging them to higher levels of vigor and greater risks. A reversal of attitude and the adoption of a more aggressive program would enhance greatly our ability to control the degree to which escalation will occur. It appears probable that the economic and agricultural disappointments suffered by Communist China, plus the current rift with the Soviets, could cause the communists to think twice about undertaking a large-scale military adventure in Southeast Asia.

9. In adverting to actions outside of South Vietnam, the Joint Chiefs of Staff are aware that the focus of the counterinsurgency battle lies in South Vietnam itself, and that the war must certainly be fought and won primarily in the minds of the Vietnamese people. At the same time, the aid now coming to the Viet Cong from outside the country in men, resources, advice, and direction is sufficiently great in the aggregate to be significant—both as help and as encouragement to the Viet Cong. It is our conviction that if support of the insurgency from outside South Vietnam in terms of operational direction, personnel, and material were stopped completely, the character of the war in South Vietnam would be substantially and favorably altered. Because of this conviction, we are wholly in favor of executing the covert actions against North Vietnam which you have recently proposed to the President. We believe, however, that it would be idle to conclude that these efforts will have a decisive effect on the communist determination to support the insurgency; and it is our view that we must therefore be prepared fully to undertake a much higher level of activity, not only for its beneficial tactical effect, but to make plain our resolution, both to our friends and to our enemies.

10. Accordingly, the Joint Chiefs of Staff consider that the United States must make ready to conduct increasingly bolder actions in Southeast Asia; specifically as to Vietnam to:

a. Assign to the US military commander responsibilities for the total US program in Vietnam.

b. Induce the Government of Vietnam to turn over to the United States military commander, temporarily, the actual tactical direction of the war.

c. Charge the United States military commander with complete responsibility for conduct of the program against North Vietnam.

d. Overfly Laos and Cambodia to whatever extent is necessary for acquisition of operational intelligence.

e. Induce the Government of Vietnam to conduct overt ground operations in Laos of sufficient scope to impede the flow of personnel and material southward.

f. Arm, equip, advise, and support the Government of Vietnam in its conduct of aerial bombing of critical targets in North Vietnam and in mining the sea approaches to that country.

g. Advise and support the Government of Vietnam in its conduct of large-scale commando raids against critical targets in North Vietnam.

h. Conduct aerial bombing of key North Vietnam targets, using US resources under Vietnamese cover, and with the Vietnamese openly assuming responsibility for the actions.

i. Commit additional US forces, as necessary, in support of the combat action within South Vietnam.

j. Commit US forces as necessary in direct actions against North Vietnam.

11. It is our conviction that any or all of the foregoing actions may be required to enhance our position in Southeast Asia. The past few months have disclosed that considerably higher levels of effort are demanded of us if US objectives are to be attained.

12. The governmental reorganization which followed the coup d'etat in Saigon should be completed very soon, giving basis for concluding just how strong the Viet-

namese Government is going to be and how much of the load they will be able to bear themselves. Additionally, the five-month dry season, which is just now beginning, will afford the Veitnamese an opportunity to exhibit their ability to reverse the unfavorable situation in the critical Mekong Delta. The Joint Chiefs of Staff will follow these important developments closely and will recommend to you progressively the execution of such of the above actions as are considered military required, providing, in each case, their detailed assessment of the risks involved.

13. The Joint Chiefs of Staff consider that the strategic importance of Vietnam and of Southeast Asia warrants preparations for the actions above and recommend that the substance of this memorandum be discussed with the Secretary of State.

A 1964 McNAMARA REPORT ON STEPS TO CHANGE THE TREND OF THE WAR

(Excerpts from memorandum, "South Vietnam," from Secretary of Defense McNamara to President Johnson, March 16, 1964.)

I. U.S. OBJECTIVES IN SOUTH VIETNAM

We seek an independent non-Communist South Vietnam. We do not require that it serve as a Western Alliance. Vietnam must be free, however, to accept outside assistance as required to maintain its security. This assistance should be able to take the form not only of economic and social pressures but also political and military help to root out and control insurgent elements.

Unless we can achieve this objective in South Vietnam, almost all of Southeast Asia will probably fall under Communist dominance (all of Vietnam, Laos, and Cambodia), accommodate to Communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not now explicitly Communist but likely then to become so (Indonesia taking over Malaysia). Thailand might hold for a period with our help, but would be under grave pressure. Even the Philippines would become shaky, and the threat to India to the west, Australia and New Zealand to the south, and Taiwan, Korea, and Japan to the north and east would be greatly increased.

All these consequences would probably have been true even if the U.S. had not since 1954, and especially since 1961, become so heavily engaged in South Vietnam. However, that fact accentuates the impact of a Communist South Vietnam not only in Asia, but in the rest of the world, where the South Vietnam conflict is regarded as a test case of U.S. capacity to help a nation meet a Communist "war of liberation."

Thus, purely in terms of foreign policy, the stakes are high. They are increased by domestic factors.

II. PRESENT U.S. POLICY IN SOUTH VIETNAM

We are now trying to help South Vietnam defeat the Viet Cong, supported from the North, by means short of the unqualified use of U.S. combat forces. We are not acting against North Vietnam except by a very modest "covert" program operated by South Vietnamese (and a few Chinese Nationalists)—a program so limited that it is unlikely to have any significant effect. In Laos, we are still working largely within the framework of the 1962 Geneva Accords. In Cambodia we are still seeking to keep Sihanouk from abandoning whatever neutrality he may still have had fulfilling his threat of reaching an accommodation with Hanoi and Peking. As a consequence of these policies, we and the GVN have had to condon the extensive use of Cambodian and Laotian territory by the Viet Cong, both as a sanctuary and as infiltration routes.

III. THE PRESENT SITUATION IN SOUTH VIETNAM

The key elements in the present situation are as follows:

A. The military tools and concepts of the GVN-US efforts are generally sound and adequate* Substantially more can be done in the effective employment of military forces and in the economic and civic action areas. These improvements may require some selective increases in the U.S. presence, but it does not appear likely that major equipment replacement and additions in U.S. personnel are indicated under current policy.

B. The U.S. policy of reducing existing personnel where South Vietnamese are in a position to assume the function is still sound. Its application will not lead to any major reductions in the near future, but adherence to this policy as such has a sound effect in portraying to the U.S. and the world that we continue to regard the war as a conflict the South Vietnamese must win and take ultimate responsibility for. Substantial reductions in the numbers of U.S. military training personnel should be possible before the end of 1965. However, the U.S. should continue to reiterate that it will provide all the assistance and advice required to do the job regardless of how long it takes.

C. The situation has unquestionably been growing worse, at least since September.

1. In terms of government control of the countryside, about 40% of the territory is under Viet Cong control or predominant influence. In 22 of the 43 provinces, the Viet Cong control 50% or more of the land area, including 80% of Phuoc Tuy; 90% of Binh Duong; 75% of Hau Mghia; 90% of Long An; 90% of Kien Tuong; 90% of Dinh Tuong; 90% of Kien Hoa and 85% of An Xuyen.

2. Large groups of the population are now showing signs of apathy and indifference, and there are some signs of frustration within the U.S. contingent. . . .

a. The ARVIN and paramilitary desertion rates, and particularly the latter, are high and increasing.

b. Draft-dodging is high while the Viet Cong are recruiting energetically and effectively.

c. The morale of the hamlet militia and of the Self Defense Corps, on which the security of the hamlets depends, is poor and failing.

3. In the last 90 days the weakening of the government's position has been particularly noticeable. . . .

4. The political control structure extending from Saigon down into the hamlets disappeared following the November coup. . . .

5. North Vietnamese support, always significant, has been increasing. . . .

D. The greatest weakness in the present situation is the uncertain viability of the Khanh government. Khanh himself is a very able man within his experience, but he does not yet have wide political appeal and his control of the army itself is uncertain. . . .

E. On the positive side, we have found many reasons for encouragement in the performance of the Khanh Government to date. Although its top layer is thin, it is highly responsive to U.S. advice, and with a good grasp of the basic elements of rooting out the Viet Cong. . . .

2. Retaliatory Actions. For example:

a. Overt high and/or low-level reconnaissance flights by U.S. or Farmgate aircraft over North Vietnam to assist in locating and identifying the sources of external aid to the Viet Cong.

b. Retaliatory bombing strikes and commando raids on a tit-for-tat basis by the GVN against NVN targets (communication centers, training camps, infiltration routes, etc.)

c. Aerial mining by the GVN aircraft (possibly with U.S. assistance) of the major NVN ports.

3. Graduated Overt Military Pressure by GVN and U.S. Forces.

This program would go beyond reacting on a tit-for-tat basis. It would include air attacks against military and possibly industrial targets. The program would utilize the combined resources of the GVN Air Force and the U.S. Farmgate Squadron, with the latter reinforced by three squadrons of B–57s presently in Japan. Before this program could be implemented it would be necessary to provide some additional air defense for South Vietnam and to ready U.S. forces in the Pacific for possible escalation.

The analysis of the more serious of these military actions (from 2(b) upward) revealed the extremenly delicate nature of such operations, both from the military and political standpoints. There would be the problem of marshalling the case to justify such action, the problem of communist escalation, and the problem of dealing with the pressures for premature or "stacked" negotiations. We would have to calculate the effect of such military actions against a specified political objective. That objective, while being cast in terms of eliminating North Vietnamese control and direction of the insurgency, would in practical terms be directed toward collapsing the morale and the self-assurance of the Viet Cong cadres now operating in South Vietnam and bolstering the morale of the Khanh regime. We could not, of course, be sure that our objective could be achieved by any means within the practical range of our options. Moreover, and perhaps most importantly, unless and until the Khanh government has established its position and preferably is making significant progress in the South, an overt extension of operations into the North carries the risk of being mounted from an extremely weak base which might at any moment collapse and leave the posture of political confrontation worsened rather than improved.

The other side of the argument is that the young Khanh Government [two words illegible] reinforcement of some significant sources against the North and without [words illegible] the in-country program, even with the expansion discussed in Section [words illegible] may not be sufficient to stem the tide.

[Words illegible] balance, except to the extent suggested in Section V below, I [words illegible] against initiation at this time of overt GVN and/or U.S. military [words illegible] against North Vietnam.

C. Initiate Measures to Improve the Situation in South Vietnam.

There were and are sound reasons for the limits imposed by present policy—the South Vietnamese must win their own fight; U.S. intervention on a larger scale, and/or GVN actions against the North, would disturb key allies and other nations; etc. In any case, it is vital that we continue to take every reasonable measure to assure success in South Vietnam. The policy choice is not an "either/or" between this course of action and possible pressures against the North; the former is essential without regard to our decision with respect to the latter. The latter can, at best, only reinforce the former.

The following are the actions we believe can be taken in order to improve the situation both in the immediate future and over a longer-term period. To emphasize that a new phase has begun, the measures to be taken by the Khanh government should be described by some term such as "South Vietnam's Program for National Mobilization."

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* Mr. McCone emphasizes that the GVN/US program can never be considered completely satisfactory so long as it permits the Viet Cong a sanctuary in Cambodia and a continuing uninterrupted and unmolested source of supply and reinforcement from NYN through Laos.

BASIC U.S. POSTURE

1. The U.S. at all levels must continue to make it emphatically clear that we are prepared to furnish assistance and support for as long as it takes to bring the insurgency under control.

2. The U.S. at all levels should continue to make it clear that we fully support the Khanh government and are totally opposed to any further coups. The Ambassador should instruct all elements, including the military advisors, to report intelligence information of possible coups promptly, with the decision to be made by the ambassador whether to report such information to Khanh. However, we must recognize that our chances would not be great of detecting and preventing a coup that had major military backing.

3. We should support fully the Pacification Plan now announced by Khanh (described in Annex B), and particularly the basic theory—now fully accepted both on the Vietnamese and U.S. sides—of concentrating on the more secure areas and working out from these through military operations to provide security, followed by necessary civil and economic actions to make the presence of the government felt and to provide economic improvements. . . .

V. POSSIBLE LATER ACTIONS

If the Khanh government takes hold vigorously—inspiring confidence, whether or not noteworthy progress has been made—or if we get hard information of significantly stepped-up VC arms supply from the North, we may wish to mount new and significant pressures against North Vietnam. We should start preparations for such a capability now. (See Annex C for an analysis of the situation in North Vietnam and Communist China.) Specifically, we should develop a capability to initiate within 72 hours the "Border Control[1]" and "Retaliatory Actions" referred to on pages 5 and 6, and we should achieve a capability to initiate with 30 days' notice the program of "Graduated Overt Military Pressure." The reasoning behind this program of preparations for initiating action against North Vietnam is rooted in the fact that, even with progress in the pacification plan, the Vietnamese Government and the population in the South will still have to face the prospect of a very lengthy campaign based on a war-weary nation and operating against Viet Cong cadres who retain a great measure of motivation and assurance.

In this connection, General Khanh stated that his primary concern is to establish a firm base in the South. He favors continuation of covert activities against North Vietnam, but until such time as "rear-area security" has been established, he does not wish to engage in overt operations against the North.

In order to accelerate the realization of pacification and particularly in order to denigrate the morale of the Viet Cong forces, it may be necessary at some time in the future to put demonstrable retaliatory pressure on the North. Such a course of action might proceed according to the scenario outlined in Annex D. . . .

VII. RECOMMENDATIONS

I recommend that you instruct the appropriate agencies of the U.S. Government:

1. To make it clear that we are prepared to furnish assistance and support to South Vietnam for as long as it takes to bring the insurgency under control.

2. To make it clear that we fully support the Khanh government and are opposed to further coups.

3. To support a Program for National Mobilization (including a national service law) to put South Vietnam on a war footing.

4. To assist the Vietnamese to increase the armed forces (regular plus paramilitary) by at least 50,000 men.

5. To assist the Vietnamese to create a greatly enlarged Civil Administrative Corps for work at province, district and hamlet levels.

6. To assist the Vietnamese to improve and reorganize the paramilitary forces and increase their compensation.

7. To assist the Vietnamese to create an offensive guerrilla force.

8. To provide the Vietnamese Air Force 25 A–1H aircraft in exchange for the present T–28s.

9. To provide the Vietnamese Army additional M–113 armored personnel carriers (withdrawing the M–114s there), additional river boats, and approximately $5–10 million of other additional material.

10. To announce publicly the Fertilizer Program and to expand it with a view within two years to trebling the amount of fertilizer made available.

11. To authorize continued high-level U.S. overflights of South Vietnam's borders and to authorize "hot pursuit" and South Vietnamese ground operations over the Laotian line for the purpose of border control. More ambitious operations into Laos involving units beyond battalion size should be authorized only with the approval of Souvanna Phouma. Operations across the Cambodian border should depend on the state of relations with Cambodia.

12. To prepare immediately to be in a position on 72 hours' notice to initiate the full range of Laotian and Cambodian "Border Control" actions (beyond those authorized in Paragraph 11 above) and the "Retaliatory Actions" against North Vietnam, and to be in a position on 30 days' notice to initiate the program of "Graduated Overt Military Pressure" against North Vietnam.

GLOSSARY OF TERMS IN TEXT

ARVIN—Army of the Republic of (South) Vietnam.

BLACK RADIO—In psychological warfare, broadcasts by one side that are disguised as broadcasts by the other.

BLUE SPRINGS—Apparently a covert operation not further identified in the study of the documents.

BOX TOP—Apparently a code name for a covert project not further identified in documents.

CANDY MACHINE—Code name for an allied operation in Vietnam not otherwise identified in the documents.

CAP—Combat air patrol.

CI—Counterinsurgency.

CHICOM—Chinese Communist.

CHINAT—Chinese Nationalist.

CINPAC—Commander in Chief, Pacific. Position held by Adm. Harry D. Felt, 1958–61; Adm. U.S. Grant Sharp, 1964–68.

COMUSMACV—Commander, United States Military Assistance Command, Vietnam. Position held by Gen. Paul D. Harkins in 1964; Gen. William C. Westmoreland, 1964–68; Gen. Creighton W. Abrams since.

COUNTRY TEAM—Council of Senior United States officials in Vietnam, including Ambassador, commander of American forces, C.I.A. chief and others.

DEPTEL—State Department telegram.

DE SOTO PATROLS—United States destroyer patrols in Tonkin Gulf.

EMBTEL—United States Embassy telegram.

FARMGATE—Clandestine United States Air Force strike unit in Vietnam, 1964.

GVN—Government of (South) Vietnam.

HARDNOSE—Code name, apparently for a covert project, not otherwise identified in the documents.

I.C.C.—International Control Commission, established under 1954 Geneva accords, comprising representatives of Poland, Canada and India.

JCSM—Joint Chiefs of Staff memorandum.

LEAPING LENA—Code name for an allied operation not further identified in the documents.

LUCKY DRAGON—Code name, apparently for a covert allied operation in Vietnam, not otherwise identified.

MACY—Military Assistance Command, Vietnam.

NSAM—National security action memorandum.

NVM—North Vietnam.

OPLAN—Operation Plan.

PDJ—Plain des Jarres.

Pierce Arrow—Code name for the U.S. reprisal bombing of North Vietnam after the Gulf of Tonkin incidents.

PL—Pathet Lao.

PL/VM—Pathet Lao/Vietminh.

POL—Petroleum, oil, lubricants.

PSYOPS—Psychological operations.

Queen Bee—Code name for an allied operation not otherwise identified in the documents.

RECCE—Reconnaissance.

RLAF—Royal Laotian Air Force.

RLG—Royal Laotian Government.

RTG—Royal Thai Government.

RVNAF—Republic of (South) Vietnam Air Force; also Republic of (South) Vietnam armed forces.

SAR—Search and rescue.

SEPTEL—Separate telegram.

SVN—South Vietnam.

34A—Operation plan, 1964, covering covert ground, air and sea raids against North Vietnam.

TRIANGLE—Code name for an operation in South Vietnam not otherwise identified in the documents.

USOM—United States Operations Mission, the American economic aid apparatus in Saigon.

VNAF—(South) Vietnam Air Force; (South) Vietnam armed forces.

WATER GLASS—Code name of an operation in Vietnam not otherwise identified in the documents.

WHITE RADIO—In psychological warfare, broadcasts that are openly attributed to the side transmitting them.

YANKEE TEAM—Phase of the Indochina bombing operation.

U.S. ORDER FOR PREPARATIONS FOR SOME RETALIATORY ACTION

(Excerpts from National Security Action Memorandum 288, "U.S. Objectives in South Vietnam," March 17, 1964, as provided in the body of the Pentagon study. The words in brackets are the study's. The paragraph in italic is the paraphrase by a writer of the study.)

[The United States' policy is] to prepare immediately to be in a position on 72 hours' notice to initiate the full range of Laotian and Cambodian "Border Control Actions" . . . and the "Retaliatory Actions" against North Vietnam, and to be in a position on 30 days' notice to initiate the program of "Graduated Overt Military Pressure" against North Vietnam. . . .

We seek an independent non-Communist South Vietnam. We do not require that it serve as a Western base or as a member of a Western Alliance. South Vietnam must be free, however, to accept outside assistance as required to maintain its security. This assistance should be able to take the form not only of economic and social measures but also police and military help to root out and control insurgent elements.

Unless we can achieve this objective in South Vietnam, almost all of Southeast Asia will probably fall under Communist dominance (all of Vietnam, Laos, and Cambodia), accommodate to Communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not now explicitly Communist but likely then to become so (Indonesia taking over Malaysia). Thailand might hold for a period without help, but would be under grave pressure. Even the Philippines would become shaky, and the threat to India on the West, Australia and New Zealand to the South, and Taiwan, Korea, and Japan to the North and East would be greatly increased.

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[1] Authority should be granted immediately for covert Vietnamese operations into Laos, for the purposes of border control and of "hot pursuit" into Laos. Decision on "hot pursuit" into Cambodia should await further study of our relations with that country.

All of these consequences would probably have been true even if the U.S. had not since 1954, and especially since 1961, become so heavily engaged in South Vietnam. However, that fact accentuates the impact of a Communist South Vietnam not only in Asia but in the rest of the world, where the South Vietnam conflict is regarded as a test case of U.S. capacity to help a nation to meet the Communist "war on liberation."

Thus, purely in terms of foreign policy, the stakes are high. . . .

We are now trying to help South Vietnam defeat the Viet Cong, supported from the North, by means short of the unqualified use of U.S. combat forces. We are not acting against North Vietnam except by a modest "covert" program operated by South Vietnamese (and a few Chinese Nationalists)—a program so limited that it is unlikely to have any significant effect. . . .

There were and are some sound reasons for the limits imposed by the present policy—the South Vietnamese must win their own fight; U.S. intervention on a larger scale, and/or GVN actions against the North, would disturb key allies and other nations, etc. In any case, it is vital that we continue to take every reasonable measure to assure success in South Vietnam. The policy choice is not an "either/or" between this course of action and possible pressure against the North; the former is essential and without regard to our decision with respect to the latter. The latter can, at best, only reinforce the former. . . .

Many of the actions described in the succeeding paragraphs fit right into the framework of the [pacification] plan as announced by Khanh. Wherever possible, we should tie our urgings of such actions to Khanh's own formulation of them, so that he will be carrying out a Vietnamese plan and not one imposed by the United States . . .

Among the alternatives considered, but rejected for the time being . . . were overt military pressure on North Vietnam, neutralization, return of U.S. dependents, furnishing of a U.S. combat unit to secure the Saigon area, and a full takeover of the command in South Vietnam by the U.S. With respect to this last proposal, it was said that

. . . the judgment of all senior people in Saigon, with which we concur, was that the possible military advantages of such action would be far outweighed by adverse psychological impact. It would cut across the whole basic picture of the Vietnamese winning their own war and lay us wide open to hostile propaganda both within South Vietnam and outside.

Cable From President to Lodge on Escalation Contingencies

(Cablegram from President Johnson to Henry Cabot Lodge, United States Ambassador in Saigon, March 20, 1964.)

1. We have studied your 1776 and I am asking State to have Bill Bundy make sure that you get out latest planning documents on ways of applying pressure and power against the North. I understand that some of this was discussed with you by McNamara mission in Saigon, but as plans are refined it would be helpful to have your detailed comments. As we agreed in our previous messages to each other, judgment is reserved for the present on overt military action in view of the consensus from Saigon conversations of McNamara mission with General Khanh and you on judgment that movement against the North at the present would be premature. We have [sic] share General Khanh's judgment that the immediate and essential task is to strengthen the southern base. For this reason our planning for action against the North is on a contingency basis at present, and immediate problem in this area is to develop the strongest possible military and political base for possible later action. There is additional international reason for avoiding immediate overt action in that we expect a showdown between the Chinese and Soviet Communist parties soon and action against the North will be more practicable after than before a showdown. But if at any time you feel that more immediate action is urgent, I count on you to let me know specifically the reasons for such action, together with your recommendations for its size and shape.

2. On dealing with de Gaulle, I continue to think it may be valuable for you to go to Paris after Bohlen has made his first try. (State is sending you draft instruction to Bohlen, which I have not yet reviewed, for your comment.) It ought to be possible to explain in Saigon that your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head and on this point I think that nothing is more important than to stop neutralist talk wherever we can by whatever means we can. I have made this point myself to Mansfield and Lippmann and I expect to use every public opportunity to restate our position firmly. You may want to convey our concern on this point to General Khanh and get his ideas on the best possible joint program to stop such talk in Saigon, in Washington, and in Paris. I imagine that you have kept General Khanh abreast of our efforts in Paris. After we see the results of the Bohlen approach you might wish to sound him out on Paris visit by you.

Draft Resolution for Congress on Actions in Southeast Asia

(Draft Resolution on Southeast Asia, May 25, 1964, as provided in the body of the Pentagon study. The major paragraphs of the resolution as approved by Congress appear in the article accompanying the texts today.)

Whereas the signatories of the Geneva Accords of 1954, including the Soviet Union, the Communist regime in China, and Viet Nam agreed to respect the independence and territorial integrity of South Viet Nam, Laos and Cambodia; and the United States, although not a signatory of the Accords, declared that it would view any renewal of aggression in violation of the Accords with grave concern and as seriously threatening international peace and security;

Whereas the Communist regime in North Viet Nam, with the aid and support of the Communist regime in China, has systematically flouted its obligations under these Accords and has engaged in aggression against the independence and territorial integrity of South Viet Nam by carrying out a systematic plan for the subversion of the Government of South Viet Nam, by furnishing direction, training, personnel and arms for the conduct of guerrilla warfare within South Viet Nam, and by the ruthless use of terror against the peaceful population of that country;

Whereas in the face of this Communist aggression and subversion the Government and people of South Viet Nam have bravely undertaken the defense of their independence and territorial integrity, and at the request of that Government the United States has, in accordance with its Declaration of 1954, provided military advice, economic aid and military equipment;

Whereas in the Geneva Agreements of 1962 the United States, the Soviet Union, the Communist regime in China, North Viet Nam and others solemnly undertook to respect the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos;

Whereas in violation of these undertakings the Communist regime in North Viet Nam, with the aid and support of the Communist regime in China, has engaged in aggression against the independence, unity and territorial integrity of Laos by maintaining forces on Laotian territory, by the use of that territory or the infiltration of arms and equipment into South Viet Nam, and by providing direction, men and equipment for persistent armed attacks against the Government of (words illegible);

Whereas in the face of this Communist aggression the Government of National Unification and the non-Communist elements in Laos have striven to maintain the conditions of unity, independence and neutrality envisioned for their country in the Geneva Agreements of 1962;

Whereas the United States has no territorial, military or political ambitions in Southeast Asia, but desires only that the peoples of South Viet Nam, Laos and Cambodia should be left in peace by their neighbors to work out their own destinies in their own way, and, therefore, its objective is that the status established for these countries in the Geneva Accords of 1954 and the Geneva Agreements of 1962 should be restored with effective means of enforcement;

Whereas it is essential that the world fully understand that the American people are united in their determination to take all steps that may be necessary to assist the peoples of South Viet Nam and Laos to maintain their independence and political integrity.

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled:

That the United States regards the preservation of the independence and integrity of the nations of South Viet Nam and Laos as vital to its national interest and world peace;

Sec. 2. To this end, if the President determines the necessity thereof, the United States is prepared, upon the request of the Government of South Viet Nam or the Government of Laos, to use all measures, including the commitment of armed forces to assist that government in the defense of its independence and territorial integrity against aggression or subversion supported, controlled or directed from any Communist country;

Sec. 3. (a) The President is hereby authorized to use for assistance under this joint resolution not to exceed $——— during the fiscal year 1964, and not to exceed $——— during the fiscal year 1965, from any appropriations made available for carrying out the provisions of the Foreign Assistance Act of 1961, as amended, in accordance with the provisions of that Act, except as otherwise provided in this joint resolution. This authorization is in addition to other existing authorizations with respect to the use of such appropriations.

(b) Obligations incurred in carrying out the provisions of this joint resolution may be paid either out of appropriations for military assistance or appropriations for other than military assistance except that appropriations made available for Titles I, III, and VI of Chapter 2, Part I, of the Foreign Assistance Act of 1961, as amended, shall not be available for payment of such obligations.

(c) Notwithstanding any other provision of the Foreign Assistance Act of 1961, as amended, when the President determines it to be important to the security of the United States and in furtherance of the purposes of this joint resolution, he may authorize the use of up to $—— of funds available under subsection (a) in each of the fiscal years 1964 and 1965 under the authority of section 614 (a) of the Foreign Assistance Act of 1961, as amended, and is authorized to use up to $—— of such funds in each such year pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient [words illegible].

(d) Upon determination by the head of any agency making personnel available under authority of section 627 of the Foreign Assistance Act of 1961, as amended, or otherwise under that Act, for purposes of assistance under this joint resolution, any officer or employee so made available may be provided compensation and allowances at rates other than those provided by the Foreign Service Act of 1946, as amended, the Career Compensation Act of 1949, as amended, and the Overseas Differentials and Allowances Act to the extent necessary to carry out the purposes of this joint resolution. The President shall prescribe regulations under which such rates of compensation and allowances may be provided. In addition, the President may utilize such provisions of the Foreign Service Act of 1946, as amended, as he deems appropriate to apply to personnel of any agency carrying out functions under this joint resolution.

Cable From Taylor Warning on the "March North" Campaign

(Excerpts from cablegram from Ambassador Taylor in Saigon to the State Department, July 25, 1964.)

The GVN public campaign for "Marching North" (reported EMBTEL 201) may take several courses. In the face of U.S. coolness and absence of evidence of real grassroots support outside certain military quarters, it may die down for a while although it is hardly likely to disappear completely. On the other hand, the proponents of a "Quick Solution" may be able to keep it alive indefinitely as an active issue, in which case it is likely to foment an increasing amount of dissatisfaction the US (assuming that we continue to give it no support) to the serious detriment of our working relations with the GVN and hence of the ultimate chances of success of the in-country pacification program. In such a case, Vietnamese leaders in and out of government, unable to find a vent to their frustration in "Marching North" may seek other panaceas in various forms of negotiation formulas. General Khanh may find in the situation an excuse or a requirement to resign.

Finally, this "March North" fever can get out of hand in an act of rashness—one maverick pilot taking off for Hanoi with a load of bombs—which could touch off an extension of hostilities at a time and in a form most disadvantageous to US interests.

Faced with these unattractive possibilities, we propose a course of action designed to do several things.

We would try to avoid head-on collision with the GVN which unqualified US opposition to the "March North" campaign would entail. We could do this by expressing a willingness to engage in joint contingency planning for various forms of extended action against GVN [sic]. Such planning would not only provide an outlet for the martial head of steam now dangerously compressed but would force the generals to look at the hard facts of life which lie behind the neon lights of the "March North" slogans. This planning would also gain time badly needed to stabilize this government and could provide a useful basis for military action if adjudged in our interest at some future time. Finally, it would also afford US. an opportunity, for the first time, to have a frank discussion with GVN leaders concerning the political objectives which they would envisage as the purposes inherent in military action against the DRV . . . .

It would be important, however, in initiating such a line of action that we make a clear record that we are not repeat not assuming any commitment to supplement such plans . . . .

U.S. Note to Canada on Points for Envoy To Relay to Hanoi

(United States note delivered at the Canadian Embassy in Washington, Aug. 8, 1964, for transmission to J. Blair Seaborn, Canadian member of the International Control Commission.)

Canadians are urgently asked to have Seaborn during August 10 visit make following points (as having been conveyed to him by US Government since August 6):

A. Re Tonkin Gulf actions, which almost certainly will come up:

1. The DRV has stated that Hon Ngu and Hon Me islands were attacked on July 30. It should be noted that the USS MADDOX was all of that day and into the afternoon of the next day, over 100 miles south of those islands, in international waters near the 17th parallel, and that the DRV attack on the MADDOX took place on August 2d, more than two days later. Neither the MADDOX or any other destroyer was in any way associated with any attack on the DRV islands.

2. Regarding the August 4 attack by the DRV on the two US destroyers, the Americans were and are at a complete loss to understand the DRV motive. They had decided to absorb the August 2 attack on the grounds that it very well might have been the result of some DRV mistake or miscalculation. The August 4 attack, however—from the determined nature of the attack as indicated by the radar, sonar, and eye witness evidence both from the ships and from their protecting aircraft—was, in the American eyes, obviously deliberate and planned and ordered in advance. In addition, premeditation was shown by the evidence that the DRV craft were waiting in ambush for the destroyers. The attack did not seem to be in response to any action by the South Vietnamese nor did it make sense as a tactic to further any diplomatic objective. Since the attack took place at least 60 miles from nearest land, there could have been no question about territorial waters. About the only reasonable hypothesis was that North Vietnam was intent either upon making it appear that the United States was a "paper tiger" or upon provoking the United States.

3. The American response was directed solely to patrol craft and installations acting in direct support of them. As President Johnson stated: "Our response for the present will be limited and fitting."

4. In view of uncertainty aroused by the deliberate and unprovoked DRV attacks this character, US has necessarily carried out precautionary deployments of additional air power to SVN and Thailand.

B. Re basic American position.

5. Mr. Seaborn should again stress that US policy is simply that North Vietnam should contain itself and its ambitions within the territory allocated to its administration by the 1954 Geneva Agreements. He should stress that US policy in South Vietnam is to preserve the integrity of that state's territory against guerrilla subversion.

6. He should reiterate that the US does not seek military bases in the area and that the US is not seeking to overthrow the Communist regime in Hanoi.

7. He should repeat that the US is fully aware of the degree to which Hanoi controls and directs the guerrilla action in South Vietnam and that the US holds Hanoi directly responsible for that action. He should similarly indicate US awareness of North Vietnamese control over the Pathet Lao movement in Laos and the degree of North Vietnamese involvement in that country. He should specifically indicate US awareness of North Vietnamese violations of Laotian territory along the infiltration route into South Vietnam.

8. Mr. Seaborn can again refer to the many examples of US policy in tolerance of peaceful coexistence with Communist regimes, such as Yugoslavia, Poland, etc. He can hint at the economic and other benefits which have accrued to those countries because their policy of Communism has confined itself to the development of their own national territories and has not sought to expand into other areas.

9. Mr. Seaborn should conclude with the following new points:

a. That the events of the past few days should add credibility to the statement made last time, that "US public and official patience with North Vietnamese aggression is growing extremely thin."

b. That the US Congressional Resolution was passed with near unanimity, strongly reaffirming the unity and determination of the US Government and people not only with respect to any further attacks on US military forces but more broadly to continue to oppose firmly, by all necessary means, DRV efforts to subvert and conquer South Vietnam and Laos.

c. That the US has come to the view that the DRV role in South Vietnam and Laos is critical. If the DRV persists in its present course, it can expect to continue to suffer the consequences.

d. That the DRV knows what it must do if the peace is to be restored.

e. That the US has ways and means of measuring the DRV's participation in, and direction and control of, the war on South Vietnam and in Laos and will be carefully watching the DRV's response to what Mr. Seaborn is telling them.

William Bundy Memo on Actions Available to U.S. After Tonkin

(Excerpts from second draft of a memorandum, "Next Courses of Action in Southeast Asia," by William P. Bundy, Assistant Secretary of State for Far Eastern Affairs, Aug. 11, 1964. A summary was cabled to the Pacific command and the embassies in Saigon and Vientiane on Aug. 14 with requests for comments. According to the Pentagon study, the full draft was edited in the office of Assistant Secretary of Defense John T. McNaughton. Words that were deleted at that time are shown below in double parentheses; words that were inserted at that time are shown in italics. Small cap type denotes underlining in the original document. Also, according to the McNaughton office's editing, the second paragraph, beginning "We have agreed . . .," was to be moved below, to follow the heading "Phase One—'Military Silence' (through August).")

I. INTRODUCTION

This memorandum examines the courses of action the US might pursue, commencing in about two weeks, assuming that the Communist side does not react further the [sic] the events of last week.

We have agreed that the intervening period will be in effect a short holding phase, in which we would avoid actions that would in any way take the onus off the Communist side for escalation . . .

* * * * *

III. ESSENTIAL ELEMENTS OF US POLICY

A. SOUTH VIET-NAM is still the main theater. Morale and momentum there must be maintained. This means:

1. We must devise means of action that, *for minimum risks,* get maximum results ((for minimum risks)) *in terms of morale in SVN and pressure on NVN.*

2. We must continue to oppose any Viet-Nam conference, and must play the prospect of a Laos conference very carefully. We must particularly avoid any impression of rushing to a Laos conference, and must show

a posture of general firmness into which an eventual Laos conference would fit without serious loss.

3. We particularly need to keep our hands free for at least limited measures against the Laos infiltration areas. . . .

C. *Solution*. Basically, a solution in both South Viet-Nam and Laos will require a combination of *military* pressures and some form of communication under which Hanoi (and Peiping) eventually accept the idea of getting out.[1] Negotiation without continued pressure, indeed without continued military action will not achieve our objectives in the foreseeable future. But *military* pressure could be accompanied by attempts to communicate with Hanoi and perhaps Peiping—through third-country channels, through side conversations around a Laos conference of any sort—provided always that we make it clear both to the Communists and to South Viet-Nam that the pressure will continue until we have achieved our objectives. After, but only after, we have ((established a)) *know that North Vietnamese are hurting and that the* clear pattern of pressure *has dispelled suspicions of our motives*, we could ((then)) accept a conference broadened to include the Viet-Nam issue. (The UN now looks to be out as a communication forum, though this could conceivably change.)

IV. TIMING AND SEQUENCE OF ACTIONS

(A. Phase One—"Military Silence" (through August) (see p. 1))

(A.) B. Phase Two—Limited pressures (September through December))

There are a number of limited actions we could take that would tend to maintain the initiative and the morale of the GVN and Khanh, but that would not involve major risks of escalation. Such actions could be such as to foreshadow stronger measures to come, though they would not in themselves go far to change Hanoi's basic actions.

1. 34A OPERATIONS could be overtly acknowledged and justified by the GVN. Marine operations could be strongly defended on the basis of continued DRV sea infiltration, and successes could be publicized. LEAFLET OPERATIONS could also be admitted and defended, again on the grounds of meeting DRV efforts in the South, and their impunity (we hope) would tend to have its own morale value in both Vietnams. Air-drop operations are more doubtful; their justification is good and less clear than the other operations, and their successes have been few. With the others admitted, they could be left to speak for themselves—and of course security would forbid any mention of specific operations before they succeeded.

2. JOINT PLANNING [2] between the US and the GVN already covers possible actions against the DRV and also against the Panhandle. It can be used in itself to maintain the morale of the GVN leadership, as well as to control and inhibit any unilateral GVN moves. With 34A outlined, it could be put right into the same framework. We would not ourselves publicize this planning but it could be leaked (as it probably would anyway with desirable effects in Hanoi and elsewhere.

3. STEPPED-UP TRAINING OF VIETNAMESE ON JET AIRCRAFT should now be undertaken in any event in light of the presence of MIG's in North Vietnam. The JCS are preparing a plan, and the existence of training could be publicized both for its morale effect in the GVN and as a signal to Hanoi of possible future action.

4. CROSS-BORDER OPERATIONS INTO THE PANHANDLE could be conducted in a limited scale. To be successful, GROUND OPERATIONS would have to be so large in scale as to be beyond what the GVN can spare, and we should not at this time consider major US or Thai ground action from the Thai side. But on the air side, there are at least a few worthwhile targets in the infiltration areas, and these could be hit by U.S. *and/or* (([deleted phrase illegible] and by)) GVN air. Probably we should use both (*query if US strike should be under a* [*word illegible*] cover) US & GVN; probably we should avoid publicity so as not to embarrass Souvanna; the Communist side might squawk, but in the past they have been silent on this area. *The strikes should probably be timed and plotted on the map to bring them to the borders of North Vietnam at the end of December.*

5. DESOTO patrols could be reintroduced at some point. Both for present purposes and to maintain the credibility of our account of the events of last week, they must be clearly dissociated from 34A operations both in fact and in physical appearance. [Sentence deleted here is illegible.] In terms of course patterns, we should probably avoid penetrations of 11 miles or so and stay at least 20 miles off; whatever the importance of asserting our view of territorial waters, it is less than the international drawbacks of appearing to provoke attack unduly. [Previous sentence is marked in handwriting "disagree."]

6. SPECIFIC TIT-FOR-TAT ACTIONS could be undertaken for any *VC or DRV activity suited to the treatment*. [Deleted sentence illegible.] These would be "actions of opportunity." As Saigon 377 points out, the VC have "unused dirty tricks" such as mining (or attacks) in the Saigon River, sabotage of major POL stocks, and terrorists attacks on US dependents. The first two, at least, would lend themselves to prompt and precise reprisal, e.g., by mining the Haiphong channel and attacking the Haiphong POL storage. Terrorism against US dependents would be harder to find the right reprisal target, and reprisal has some disadvantages in that it could be asked why this was different from the regular pattern of terrorism against South Vietnamese. However, we should look at possible [deleted word is illegible.] classes of tit-for-tat situations.

7. THE SEQUENCE AND MIX OF US AND GVN ACTIONS needs careful thought. At this point, both the GVN role ((and)) *in the actions and the* rationales directly ((related)) relating the actions to what is being done to the GVN should be emphasized. Overt 34A actions should ((certainly)) be the first moves, and the GVN might go first in air attacks on the Panhandle. But there are advantages in other respects to actions related to US forces. If we lost an aircraft in the Panhandle ((or a U–2 over the DRV)) we could act hard and fast, and of course similarly for any attack on the DESOTO patrols. *The loss of a U–2 over the NVN does not offer as good a case.* Probably the sequence should be played somewhat by ear.

SUMMARY. The above actions are in general limited and controllable. However, if we accept—as of course we must—the necessity of prompt retaliation especially for attacks on our own forces, they could amount to at least a pretty high noise level that might stimulate some pressures for a conference. The problem is that these actions are not in themselves a truly coherent program of strong enough pressures either to bring Hanoi around or to sustain a pressure posture into some kind of discussions. Hence, while we might communicate privately to Hanoi while all this was going on, we should continue absolutely opposed to any conference.

(B.) C. Phase Three—More Serious Pressures. (January 1965 and following).

All the above actions would be foreshadowing systematic military action against the DRV, and we might at some point conclude that such action was required either because of incidents arising from the above actions or because of deterioration in the situation in South Viet-Nam, particularly if there were to be clear evidence of greatly increased infiltration from the north. However, in the absence of such major new developments, we should probably be thinking of a contingency date, as suggested by Ambassador Taylor, of 1 January 1965. Possible categories of action (are) beginning at about that time, are:

1. Action against infiltration routes and facilities is probably the best opening gambit. It would follow logically the actions in the Sept.-Dec. Phase Two. It could be justified by evidence that infiltration was continuing and, in all probability, increasing. The family of infiltration-related targets starts with clear military installations near the borders. It can be extended almost at will northward, to inflict progressive damage that would have a meaningful cumulative effect and would always be keyed to one rationale.

2. Action in the DRV against selected military-related targets would appear to be the next upward move. POL installations and the mining of Haiphong Harbor (to prevent POL import as its rationale) would be spectacular actions, as would action against key bridges and railroads. All of these could probably be designed so as to avoid major civilian casualties.

3. Beyond these points it is probably not useful to think at this present time.

SUMMARY OF TAYLOR'S REPORT SENT TO McNAMARA BY JOINT CHIEFS

(Excerpts from Summary of Ambassador Taylor's first mission report from Saigon, on Aug. 10, 1964, as transmitted on Aug. 14 by Col. A. R. Brownfield, acting special assistant to the Joint Chiefs of Staff for counterinsurgency and special activities, to Secretary McNamara through Col. Alfred J. F. Moody, the Secretary's military assistant. Colonel Brownfield's covering memorandum said this summary had also been supplied to Gen. Earle G. Wheeler, Chairman of the Joint Chiefs, and to Deputy Secretary of Defense Cyrus R. Vance, for their appearance before the House Armed Services Committee on Aug. 18.)

The basis of this report and monthly reports hereafter are the results of a countrywide canvass of responsible US advisors and observers. The canvass dealt with: Army and public morale, combat effectiveness of military units, US-GVN counterpart relationships, and effectiveness of GVN officials.

In broad terms, the canvass results are surprisingly optimistic at the operational levels of both the civil and military organizations. This feeling of optimism exceeds that of most senior US officials in Saigon. Future reports should determine who is right.

VIET CONG SITUATION

Strategy: The communist strategy as defined by North Vietnam and the puppet National Liberation Front is to seek a political settlement favorable to the communists. This political objective to be achieved by stages, passing first through "neutralism" using the National Liberation Front machinery, and then the technique of a coalition government.

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[1] We have never defined precisely what we mean by "getting out"—what actions, what proofs, and what future guarantees we would accept. A small group should work on this over the next month. The actions we want the DRV to take are probably these:

(a) Stop training and sending personnel to wage war in SVN and Laos.

(b) Stop sending arms and supplies to SVN and Laos.

(c) Stop directing and controlling military actions in SVN and Laos.

(d) Order the VC and PL to stop their insurgencies and military actions.

(e) Remove VM forces and cadres from SVN and Laos.

(f) See that VC and PL stop attacks and incidents in SVN and Laos.

(g) See that VC and PL cease resistance to government forces.

(h) See that VC and PL turn in weapons and relinquish bases.

(i) See that VC and PL surrender for amnesty or expatriation.

[2] This is Phase One also.

Tactics: The VC tactics are to harass, erode and terrorize the VN population and its leadership into a state of demoralization without an attempt to defeat the RVNAF or seize and conquer terrain by military means. US/GVN progress should be measured against this strategy and these tactics.

Status: In terms of equipment and training, the VC are better armed and led today than ever in the past.

VC infiltration continues from Laos and Cambodia.

No indication that the VC are experiencing any difficulty in replacing their losses in men and equipment.

No reason to believe the VC will risk their gains in an overt military confrontation with GVN forces, although they have a sizable force with considerable offensive capability in the central highlands.

GVN SITUATION

Political: The slow pace of the CI campaign and the weakness of his government has caused Khanh to use the March North theme to rally the homefront, and offset the war weariness.

US observers feel the symptoms of defeatism are more in the minds of the inexperienced and untried leadership in Saigon than in the people and the Army.

We may face mounting pressure from the GVN to win the war by direct attack on Hanoi which if resisted will cause local politicians to seriously consider negotiation or local soldiers to consider a military adventure without US consent.

For the present, the Khanh government has the necessary military support to stay in power.

It is estimated that Khanh has a 50–50 chance of lasting out the year.

The government is ineffective, beset by inexperienced ministers who are jealous and suspicious of each other.

Khanh does not have confidence or trust in most of his ministers and is not able to form them into a group with a common loyalty and purpose.

There is no one in sight to replace Khanh.

Khanh has, for the moment, allayed the friction between the Buddhists and Catholics.

Khanh has won the cooperation of the Hoa Hao and Cao Dai.

Khanh has responded to our suggestions for improved relations between GVN and US Mission.

The population is confused and apathetic.

Khanh has not succeeded in building active popular support in Saigon.

Population support in the countryside is directly proportionate to the degree of GVN protection.

There are grounds to conclude that no sophisticated psychological approach is necessary to attract the country people to the GVN at this time. The assurance of a reasonably secure life is all that is necessary.

The success of US attacks on North Vietnam, although furnishing a psychological lift to the GVN, may have whetted their appetite for further moves against the DRV.

MILITARY

The regular and paramilitary personnel strengths are slowly rising and by January 1965 should reach 98% of the target strength of 446,000.

The RVNAF desertion rate has decreased to .572% or ½ the rate of last March.

Three VNAF squadrons of A–1H aircraft will be combat ready by 30 September 1964 and the fourth by 1 December 1964 with a two to one pilot to cockpit ratio.

The evaluation of RVNAF units reports the following number combat effective:

28 of 30 regiments;

100 of 101 infantry, marine and airborne battalions;

17 of 20 ranger battalions;

19 of 20 engineer battalions.

The principal defects are low present for duty strengths and weak leadership at the lower levels. Both are receiving corrective treatment.

Extensive intelligence programs are underway to improve our intelligence capability by the end of the year.

GVN OVERALL OBJECTIVE

Increase in percentage of population control represents progress toward stabilizing the in-country situation. Using July figures as a base, the following percentages should be attainable.

[In percent]

	Rural		Urban	
	July 31, 1964	Dec. 31, 1964	July 31, 1964	Dec. 31 1964
GVN control	33	40	44	47
VC control	20	16	18	14
Contested	47	44	42	39

U.S. MISSION OBJECTIVES

Do everything possible to bolster the Khanh Government.

Improve the in-country pacification campaign against the VC.

Concentrating efforts on strategically important areas such as the provinces around Saigon (The Hop Tac Plan).

Undertake "show-window" social and economic projects in secure urban and rural areas.

Be prepared to implement contingency plans against North Vietnam with optimum readiness by January 1, 1965.

Keep the US public informed of what we are doing and why . . .

Pacific Commander's Evaluation of Washington's Action Scenario

(Excerpts from cablegram from Adm. U.S. Grant Sharp, commander of Pacific forces, to Joint Chiefs of Staff, "Next Courses of Action in Southeast Asia," Aug. 17, 1964.)

2. Recent U.S. military actions in Laos and North Vietnam demonstrated our intent to move toward our objectives. Our operations and progress in Laos constitute one step along the route. Our directness and rapidity of reaction in bombing North Vietnamese installations and deploying U.S. combat forces to Southeast Asia were others. Each step played a part. Their effect was to interrupt the continually improving Communist posture, catch the imagination of the Southeast Asian peoples, provide some lift to morale, however temporary, and force CHICOM/DRV assessment or reassessment of U.S. intentions. But these were only steps along the way. What we have not done and must do is make plain to Hanoi and Peiping the cost of pursuing their current objectives and impeding ours. An essential element of our military action in this course is to proceed in the development of our physical readiness posture: deploying troops, ships, aircraft, and logistic resources in a manner which accords a maximum freedom of action. This is the thrust we should continue to pursue, one which is intended to provide more than one feasible course for consideration as the changed and changing Southeast Asian situation develops. Remarks in the paragraphs which follow are submitted in light of this assessment and with the view that pressures against the other side once instituted should not be relaxed by any actions or lack of them which would destroy the benefits of the rewarding steps previously taken in Laos and North Vietnam. . . .

3. Para I: The proposed two weeks suspension of operations is not in consonance with desire to get the message to Hanoi and Peiping. Pierce Arrow showed both force and restraint. Further demonstration of restraint alone could easily be interpreted as period of second thoughts about Pierce Arrow and events leading thereto as well as sign of weakness and lack of resolve. Continuous and effective pressure should be implied to the Communists in both the PDJ and panhandle. Consequently, concur in continued RECCE of DRV, panhandle and PDJ. Concur in attempt to secure Phou Kout and continued T–28 and Triangle operations. Resumption of 34A actions and Desoto Patrols is considered appropriate. Each can be carefully conducted to avoid interference with the other. . . .

7. Para III A 1: Concur that South Vietnam is current hot spot and main concern in S.E. Asia. RVN cannot be reviewed apart from S.E. Asia. It is merely an area in a large theater occupied by the same enemy. Action to produce significant results in terms of pressure on DRV and improvements of morale in RVN must entail risk. Temptation toward zero action and zero risk must be avoided. . . .

11. Para III C 17: Concur with the thesis set forth that we make clear to all that military pressure will continue until we achieve our objectives. Our actions must keep the Communists apprehensive of what further steps we will take if they continue their aggression. In this regard, we have already taken the large initial step of putting U.S. combat forces into Southeast Asia. We must maintain this posture; to reduce it would have a dangerous impact on the morale and will of all people in Southeast Asia. And we must face up to the fact that these forces will be deployed for some time and to their need for protection from ground or air attack. RVN cannot provide necessary ground security without degradation of the counter-insurgency effort and has little air defense capability. A conference to include Vietnam, before we have overcome the insurgency, would lose U.S. our allies in Southeast Asia and represent a defeat for the United States.

12. Para IV A 1: Knowledge of success of 34A operations would have a highly beneficial effect morale in the RVN. Suggest that these operations might be leaked to the press rather than overtly acknowledging them. 34A operations should be resumed to keep up external pressure on the DRV. . . .

20. In considering more serious pressure, we must recognize that immediate action is required to protect our present heavy military investment in RVN. We have introduced large amounts of expensive equipment into RVN and a successful attack against Bien Hoa, Tan Son Nhut, Danang, or an installation such as a radar or communication site would be a serious psychological defeat for U.S. MACV reports that inability of GVN to provide requisite degree of security and therefore we must rely on U.S. troops. MACV has requested troops for defense of the three locations mentioned above. My comments on this request are being transmitted by separate message. In addition to the above, consideration should be given to creating a U.S. base in RVN. A U.S. base in RVN would provide one more indication of our intent to remain in S.E. Asia until our objectives are achieved. It could also serve as a U.S. command point or control center in event of the chaos which might follow another coup. By an acknowledged concrete U. . (as received) commitment, beyond the advisory effort, it informs the Communists that an overt attack on the RVN would be regarded as a threat to U.S. forces. Such a base should be accessible by air and sea, possessed of well developed facilities and installations, and located in an area from which U.S. operations could be launched effectively. Danang meets these criteria. . . .

22. In conclusion, our actions of August 5 have created a momentum which can lead to the attainment of our objectives in S. E. Asia. We have declared ourselves forcefully both by overt acts and by the clear readiness

to do more. It is most important that we not lose this momentum.

State Department Aide's Report on Actions Taken After Tonkin

(Part VIII, "Immediate Actions in the Period Prior to Decision," of an outline for Assistant Secretary Bundy, Nov. 7, 1964. Markings indicate that it was drafted by Deputy Assistance Secretary of State Marshall Green.)

The US, together with the RLG and GVN, are involved in a number of operations—34-A, Yankee Team, Recce, and RLAF T-28 ops—designed to warn and harass North Vietnam and to reduce enemy capabilities to utilize the Lao Panhandle for reinforcing the Vietcong in South Vietnam and to cope with PL/VM pressures in Laos. The US also has under consideration De Soto Patrols and Cross Border Ground Operations. The present status and outlook of these operations are described below, together with a check-list of outstanding problems relating to each of the field of operations.

In general the working group is agreed that our aim should be to maintain present signal strength and level of harassment, showing no signs of lessening of determination but also avoiding actions that would tend to prejudge the basic decision.

A. OPLAN 34-A

Although not all of Oplan 34-A was suspended after the first Tonkin Gulf incident, in effect little was accomplished during the remainder of August and the month of September. Several successful maritime and airborne operations have been conducted under the October schedule. A schedule for November is under discussion and will probably be approved November 7.

1. Maritime Operations: Since the resumption of Marops under the October schedule, the following have been completed:

Recon L Day (Oct. 4) Probe to 12 miles of Vinh Sor.

Recon L+2 (Oct. 10) Probe to 12 miles of Vinh Sor.

Loki IV L+5 Junk capture failed.

32 & 45 E L 8 (Oct. 28/29) Bombard Vin Son radar and Mui Dai observation post.

The following operation was refused approval:

44c L+10 Demolition by frog men supported by fire team of bridge on Route 1.

Currently approved is:

34B L+12 (Nov. 4, on) Bombardment of barracks on Hon Matt and Tiger Island.

The following maritime operations remain on the October schedule and presumably will appear on the November schedule along with some additional similar operations:

L+13 Capture of prisoner by team from PTF.

L+15 Junk capture.

L plus 19 Bombard Cap Mui Ron and Tiger Island.

L plus 25 Bombard Yen Phu and Sam Son radar.

L plus 28 Blow up Bridge Route 1 and bombard Cap Mui Dao.

L plus 30 Return any captives from L plus 1 15.

L plus 31 Bombard Hon Ne and Hon Me.

L plus 36 Blow up pier at Phuc Loi and bombard Hon Ngu.

L plus 38 Cut Hanoi-Vinh rail line.

L plus 41 Bombard Dong Hoi and Tiger Island.

L plus 24 Bombard Nightingale Island.

2. Airborne Operations: Five teams and one singleton agent were in place at the beginning of October. Since then one of the teams has been resupplied and reinforced. The remaining four were scheduled to be resupplied and reinforced but weather prevented flights. These operations, plus the dropping of an additional team, will appear on the November schedule.

Two of the teams carried out successful actions during October. One demolished a bridge, the other ambushed a North Vietnamese patrol. Both teams suffered casualties, the latter sufficient to cast doubt on the wisdom of the action.

3. Psychological Operations: Both black and white radio broadcasts have been made daily. Black broadcasts have averaged eight to ten hours weekly, white broadcasts sixty hours weekly.

Letters posted through Hong Kong have averaged about from 50 to 100 weekly.

During September and October only one leaflet delivery was made by air. This was done in conjunction with a resupply mission.

The November schedule will call for a large number of leaflets and deception operations.

4. Reconnaissance Flights: An average of four flights per week have covered the bulk of Oplan 34-A targets.

Problems

1. Surfacing of Marops—The question of whether to surface Marops remains unresolved. While Washington has suggested this be done, General Khanh has been reluctant to do so. It is argued that surfacing the operations would enable the US to offer some protection to them; the counterargument postulates US involvement in North Vietnam and consequent escalation.

2. Security of Operations—The postponement of an operation, whether because of unfavorable weather or failure of Washington to approve at the last moment, jeopardizes the operation. Isolation of teams presents hazards.

3. Base Security—After the Bien Hoa shelling some attention has been given to the security of the Danang base. Perimeter guard has been strengthened, but action remains to be taken for marine security, although a survey is underway.

4. Team welfare—In-place teams Bell and Easy have been in dire need of supplies for several weeks. Weather has prevented resupply, which will be attempted again during the November moon phase.

5. NVN Counteraction—The capability of the North Vietnamese against Marops has improved somewhat, although not yet sufficiently to frustrate these operations.

B. YANKEE TEAM OPERATIONS

For several months now the pattern of YankeeTeam Operations has [words illegible] a two-week period and about ten flights during the same time interval [words illegible] for Panhandle coverage. Additionally, we have recently been authorized a maximum of two shallow penetration flights daily to give comprehensive detailed coverage of cross border penetration. We have also recently told MACV that we have a high priority requirement for night photo recce of key motorable routes in Laos. At present about 2 nights recce flights are flown along Route 7 areas within a two-week span.

YT supplies cap for certain T-28 corridor strikes. Cap aircraft are not authorized to participate in strike or to provide suppression fire.

Pending questions include (a) whether YT strikes should be made in support of RLAF T-28 corridor operations; (b) whether YT recce should be made of areas north of 20° parallel; (c) YT suppressive attacks against Route 7, especially Ban Ken Bridge; and (d) YT activity in event of large-scale ground offensive by PL (this issue has not arisen but undoubtedly would, should the PL undertake an offensive beyond the capabilities of Lao and sheep-dipped Thai to handle).

C.T.-28 OPERATIONS

There are now 27 T-28 (including three RT-28) aircraft in Laos, of which 22 are in operation. CINCPAC has taken action, in response to Ambassador Unger's request to build this inventory back up to 40 aircraft for which a pilot capability, including Thai, is present in Laos.

The T-28's are conducting the following operations:

1. General harassing activities against Pathet Lao military installations and movement, primarily in Xieng Khouang and Sam Neua Provinces. This also includes efforts to interdict Route 7.

2. Tactical support missions for Operation Anniversary Victory No. 2 (Saleumsay), the FAR-Meo clearing operation up Route 4 and north of Tha Thom.

3. Tactical support for Operation Victorious Arrow (Sone Sai), a FAR clearing operations in southern Laos.

4. Strike on targets of opportunity, including in support of FAR defensive actions such as at Ben Khen northwest Thakhek.

5. Corridor interdiction program. The original targets under this program have been hit and plans are now underway to hit four additional targets (including in the Tchepone area), plus restriking some of the original 13 targets. Ambassador Unger has submitted for approval under this program 6 additional targets.

The Ambassador has been authorized to discuss with the RLAF RT-28 reconnaissance in northwest Laos along the area just north of and to the east and west of the line from Veng Phou Kha-Muong Sai.

In recent weeks, the T-28's have been dropping a large number of surrender leaflets on many of their missions. These have already led, in some cases, to PL defections.

US participation in SAR operations for downed T-28's, is authorized.

We are faced by the following problems in connection with the T-28's:

1. Authority for Yankee Team aircraft to engage in suppressive strikes in the corridor area, in support of the T-28 strike program there, has not been given as yet.

2. Also withheld is authorization for YT suppressive fire attack on Ban Ken Bridge on Route 7.

3. We are investigating reports of greatly increased truck movement along Route 7 as well as enemy build-up of tanks and other equipment just across the border in NVN. Counteraction may be required involving attack on Ban Ken.

4. Thai involvement. Hanoi claims to have shot down a T-28 over DRV territory on August 18 and to have captured the Thai pilot flying the plane. Although the information the North Vietnamese have used in connection with this case seems to be accurate, it is not clear the pilot is alive and can be presented to the ICC. The possibility cannot be excluded, however, nor that other Thai pilots might be captured by the PL.

5. The DRV claims T-28's have violated North Vietnamese airspace and bombed/strafed NVN villages on August 1 and 2, and on October 16 and 17 and again on October 28. The charges are probably accurate with respect to the first two dates (along Route 7) and the last one (Mu Gia Pass area). The October 16 and 17 strikes were actually in disputed territory which was recognized by the 1954 Geneva Agreements as being in Laos.

6. The Pathet Lao has called to the attention of the ICC T-28 strikes in the corridor area and called for the ICC to stop them and inform the Co-Chairmen. The ICC has already agreed to investigate another PL charge concerning alleged US/SVN activities in the corridor area in violation of the Geneva Agreements.

D. DESOTO PATROLS

Further DeSoto Patrols have been held in abeyance pending top-level decision. Ambassador Taylor (Saigon's 1378) sees no advantage in resuming DeSoto Patrols except for essential intelligence purposes. He believes we should tie our actions to Hanoi's support of Viet Cong, not to the defense of purely US interests.

E. CROSS BORDER GROUND OPERATIONS

Earlier in the year several eight-man reconnaissance teams were parachuted into Laos as part of Operation Leaping Lena. All of these teams were located by the enemy and only four survivors returned to RVN. As a result of Leaping Lena, Cross Border Ground Operations have been carefully reviewed and COMUSMACV has stated that he believes no effective Cross Border Ground Operations can be implemented prior to January 1, 1965 at the earliest.

F. COVERT OPERATIONS IN LAOS

Consideration is being given to improving Hardnose (including greater Thai involvement) and getting Hardnose to operate more effectively in the corridor infiltration areas.

No change in status of Kha.

G. OTHER SENSITIVE INTELLIGENCE OPERATIONS

These include "Queen Bee", "Box Top", "Lucky Dragon" and "Blue Springs".

A 1964 MEMO FROM THE JOINT CHIEFS ON SEPTEMBER'S COVERT RAIDS

(Memorandum from Maj. Gen. Rollen H. Anthis, an Air Force aide to the Joint Chiefs of Staff, to Assistant Secretary of State Bundy and Assistant Secretary of Defense McNaughton, Aug. 27, 1964. The subject of the memorandum was given as "OPLAN 34A—September Schedule.")

1. Attached hereto is COMUSMACV'S proposed schedule of 34A actions for September.

2. All of the actions listed have either been specifically approved previously or are similar to such approved actions. For example, Action (3) (d) was specifically approved by consideration of JCSM-426-64 dated 19 May 1964, while Action (3) (b) is similar to a previously approved action against a security post.

3. The method of attack has been changed in some instances from destruction by infiltration of demolition teams to the concept of standoff bombardment from PTFs. These actions are so indicated in the attachment.

The proposed September 34A actions are as follows:

(1) Intelligence Collection Action

(a) 1–30 September—Aerial photography to update selected targets along with pre- and post-strike coverage of approved actions.

(b) 1–30 September—Two junk capture missions; remove captives for 36–48 hours interrogation; booby trap junk with antidisturbance devices and release; captives returned after interrogation; timing depends upon sea conditions and current intelligence.

(2) Psychological Operations

(a) 1–30 September—In conjunction with approved overflights and maritime operations, delivery of propaganda leaflets, gift kits, and deception devices simulating resupply of phantom teams.

(b) 1–30 September—Approximately 200 letters of various propaganda themes sent through third country mail channels to North Vietnam.

(c) 1–30 September—Black Radio daily 30-minute programs repeated once, purports to be voice of dissident elements in North Vietnam.

(d) 1–30 September—White Radio broadcast of eight-and-one-half hours daily, propaganda "Voice of Freedom".

(3) Maritime Operations

(a) 1–30 September—Demolition of Route 1 bridge by infiltrated team accompanied by fire support teams, place short-delay charges against spans and caissons, place antipersonnel mines on road approaches. (This bridge previously hit but now repaired.)

(b) 1–30 September—Bombard Cape Mui Dao observation post with 81 MM mortars and 40 MM guns from two PTFs.

(c) 1–30 September—Demolition of another Route 1 bridge (see map), concept same as (3) (a) above.

(d) 1–30 September—Bombard Sam Son radar, same as (3) (b).

(e) 1–30 September—Bombard Tiger Island barracks, same as (3) (b).

(f) 1–30 September—Bombard Hon Ngu Island, same as (3) (b).

(g) 1–30 September—Bombard Hon Matt Island, same as (3) (b) and run concurrently with (3) (f).

(h) 1–30 September—Destruction of section of Hanoi-Vinh railroad by infiltrated demolition team supported by two VN marine squads, by rubber boats from PTF's, place short-delay charges and antipersonnel mines around area.

(i) 1–30 September—Bombard Hon Me Island in conjunction with (3) (a) above concept same as (3) (b).

(j) 1–30 September—Bombard Cape Falaise gun positions in conjunction with (3) (h) above, concept same as (3) (b).

(k) 1–30 September—Bombard Cape Mui Ron in conjunction with junk capture mission, concept same as (3) (b).

(4) Airborne Operations—Light-of-moon period 16–28 September.

(a) Four missions for resupply of inplace teams.

(b) Four missions for reinforcement of inplace teams.

(c) Four missions to airdrop new psyops/sabotage teams depending upon development of drop zone and target information. These are low-key propaganda and intelligence gathering teams with a capability for small-scale sabotage on order after locating suitable targets.

(5) Dates for actual launch of maritime and airborne operations are contingent upon the intelligence situation and weather conditions.

HIGHLIGHTS OF TONKIN PERIOD

Here, in chronological sequence, are highlights of the period covered in this article:

FEBRUARY 1964

Start of Operation Plan 34A program of clandestine military operations against North Vietnam.

MARCH 1964

Plans for "new and significant pressures on North Vietnam" urged by Mr. McNamara on return from Vietnam; since new Government of Gen. Nguyen Khanh considered unable to improve South Vietnam outlook.

President Johnson approves; cables Henry Cabot Lodge, United States Ambassador in Saigon, that "our planning for action against the North is on a contingency basis at the present."

APRIL 1964

Scenarios for escalation reviewed in Saigon by Mr. Lodge, William P. Bundy, Dean Rusk, Gen. Earle G. Wheeler. Plans cover details of stepping up United States military involvement to conform with Administration conviction that Hanoi controls Vietcong. Extent of Hanoi's involvement should be "proven to the Satisfaction of our own public, of our allies and of the neutralists," according to Mr. Rusk.

List of 94 potential targets bombing in North drawn up by Joint Chiefs.

MAY 1964

General Kahnh asks United States attacks on the North, tells Mr. Lodge Saigon wants to declare war on North Vietnam. Mr. McNamara does not "rule out" possibility of bombing, but stresses "such actions must be supplementary to and not a substitute for" success against Vietcong in South. Mr. Lodge cables Mr. Rusk that United States cannot "expect a much better performance" from Saigon Government "unless something" in the way of United States action is forthcoming.

William Bundy sends President 30-day scenario for graduated military pressure against the North that would culminate in full-scale bombing attacks. Includes joint Congressional resolution "authorizing whatever is necessary with respect to Vietnam."

JUNE 1964

Honolulu strategy meeting, Ambassador Lodge urges "a selective bombing campaign against military targets in the North" to bolster shaky morale in South. He questions need for Congressional resolution; Mr. Rusk, Mr. McNamara, John McCone of C.I.A., support it.

Preparatory military deployments under way in Southeast Asia.

J. Blair Seaborn, Canadian diplomat, meets secretly in Hanoi with Pham Van Dong, North Vietnam's Premier, warns of "the greatest devastation" that would result from escalation by North Vietnam.

President resists pressure to ask for Congressional resolution immediately and to step up the war effort.

Mr. Johnson queries C.I.A. on "domino theory." Agency replies only Cambodia is likely to "quickly succumb to Communism" if Laos and South Vietnam fall, but says U.S. prestige would be damaged.

JULY 1964

General Khanh announces "March North," propaganda campaign.

South Vietnamese naval commandos raid two North Vietnamese islands in Gulf of Tonkin. Part of "growing operational capabilities" of 34A program, the Pentagon study says.

AUGUST 1964

Destroyer Maddox, on Gulf of Tonkin intelligence patrol, attacked by North Vietnamese PT boats seeking South Vietnamese raiders. Joined by the C. Turner Joy, attacked again by torpedo boats, history reports.

Less than 12 hours after news of second attack reaches Washington, bombers on way to North Vietnam on reprisal raiders from carrier.

Tonkin Gulf resolution, drafted by Administration, introduced. Administration officials testify; Mr. McNamara disclaims knowledge South Vietnamese attacks on islands. Resolution passes.

What study calls "an important threshold in the war"—U.S. reprisal air strikes against North—crossed with "virtually no domestic criticism."

VIETNAM ARCHIVE: PENTAGON STUDY TRACES 3 DECADES OF GROWING U.S. INVOLVEMENT

(By Neil Sheehan)

A massive study of how the United States went to war in Indochina, conducted by the Pentagon three years ago, demonstrates that four administrations progressively developed a sense of commitment to a non-Communist Vietnam, a readiness to fight the North to protect the South, and an ultimate frustration with this effort—to a much greater extent than their public statements acknowledged at the time.

The 3,000-page analysis, to which 4,000 pages of official documents are appended, was commissioned by Secretary of Defense Robert S. McNamara and covers the American involvement in Southeast Asia from World War II to mid-1968—the start of the peace talks in Paris after President Lyndon B. Johnson had set a limit on further military commitments and revealed his intention to retire. Most of the study and many of the appended documents have been obtained by The New York Times and will be described and presented in a series of articles beginning today.

Though far from a complete history, even at 2.5 million words, the study forms a great archive of government decision-making on Indochina over three decades. The study led its 30 to 40 authors and researchers to many broad conclusions and specific findings, including the following:

The Truman Administration's decision to

give military aid to France in her colonial war against the Communist-led Vietminh "directly involved" the United States in Vietnam and "set" the coures of American policy.

That the Eisenhower Administration's decision to rescue a fledgling South Vietnam from a Communist takeover and attempt to undermine the new Communist regime of North Vietnam gave the Administration a "direct role in the ultimate breakdown of the Geneva settlement" for Indochina in 1954.

That the Kennedy Administration, though ultimately spared from major escalation decisions by the death of its leader, transformed a policy of "limited-risk gamble," which it inherited, into a "broad commitment" that left President Johnson with a choice between more war and withdrawal.

That the Johnson Administration, though the President was reluctant and hesitant to take the final decisions, intensified the covert warfare against North Vietnam and begin planning in the spring of 1964 to wage overt war, a full year before it publicly revealed the depth of its involvement and its fear of defeat.

That this campaign of growing clandestine military pressure though 1964 and the expanding program of bombing North Vietnam in 1965 were begun despite the judgment of the Government's intelligence community that the measures would not cause Hanoi to cease its support of the Vietcong insurgency in the South, and that the bombing was deemed militarily ineffective within a few months.

That these four succeeding administrations built up the American political, military and psychological stakes in Indochina, often more deeply than they realized at the time, with large-scale military equipment to the French in 1950; with acts of sabotage and terror warfare against North Vietnam beginning in 1954; with moves that encouraged and abetted the overthrow of President Ngo Dinh Diem of South Vietnam in 1963; with plans, pledges and threats of further action that sprang to life in the Tonkin Gulf clashes in August, 1964; with the careful preparation of public opinion for the years of open warfare that were to follow; and with the calculation in 1965, as the planes and troops were openly committed to sustained combat, that neither accommodation inside South Vietnam nor early negotiations with North Vietnam would achieve the desired result.

The Pentagon study also ranges beyond such historical judgments. It suggests that the predominant American interest was at first containment of Communism and later the defense of the power, influence and prestige of the United States, in both stages irrespective of conditions in Vietnam.

And it reveals a great deal about the ways in which several administrations conducted their business on a fateful course, with much new information about the roles of dozens of senior officials of both major political parties and a whole generation of military commanders.

The Pentagon study was divided into chronological and thematic chapters of narrative and analysis, each with its own documentation attached. The Times—which has obtained all but one of nearly 40 volumes—has collated these materials into major segments of varying chronological length, from one that broadly covers the two decades before 1960 to one that deals intensively with the agonizing debate in the weeks following the 1968 Tet offensive.

The months from the beginning of 1964 to the Tonkin Gulf incident in August were a pivotal period, the study makes clear, and The Times begins its series with this phase.

VAST REVIEW OF WAR TOOK A YEAR

(By Hedrick Smith)

In June, 1967, at a time of great personal disenchantment with the Indochina war and rising frustration among his colleagues at the Pentagon, Secretary of Defense Robert S. McNamara commissioned a major study of how and why the United States had become so deeply involved in Vietnam.

The project took a year to complete and yielded a vast and highly unusual report of Government self-analysis. It was compiled by a team of 30 to 40 Government officials, civilian and military, many of whom had helped to develop or carry out the policies that they were asked to evaluate and some of whom were simultaneously active in the debates that changed the course of those policies.

While Mr. McNamara turned over his job to Clark M. Clifford, while the war reached a military peak in the 1968 Lunar New Year offensive, while President Johnson cut back the bombing of North Vietnam and announced his plan to retire, and while the peace talks began in Paris, the study group burrowed through Government files.

The members sought to probe American policy toward Southeast Asia from World War II pronouncements of President Franklin D. Roosevelt into the start of Vietnam peace talks in the summer of 1968. They wrote nearly 40 book-length volumes backed up by annexes of cablegrams, memorandums, draft proposals, dissents and other documents.

MANY INCONSISTENCIES

Their report runs to more than 7,000 pages—1.5 million words of historical narratives plus a million words of documents—enough to fill a small crate.

Even so, it is not a complete or polished history. It displays many inconsistencies and lacks a single all-embracing summary. It is an extended internal critique based on the documentary record, which the researchers did not supplement with personal interviews, partly because they were pressed for time.

The study emerged as a middle-echelon and official view of the war, incorporating material from the top-level files of the Defense Department into which flow papers from the White House, the State Department, the Central Intelligence Agency and the Joint Chiefs of Staff.

Some important gaps appear in the study. The researchers did not have access to the complete files of Presidents or to all the memorandums of their conversations and decisions.

Moreover, there are other important gaps in the copy of the Pentagon study obtained by The New York Times. It lacks the section on the secret diplomacy of the Johnson period.

But whatever its limitations, the Pentagon's study discloses a vast amount of new information about the unfolding American commitment to South Vietnam and the way in which the United States engaged itself in that conflict. It is also rich in insights into the workings of government and the reasoning of the men who ran it.

Throughout the narrative there is ample evidence of vigorous, even acrimonious, debate within the Government—far more than Congress, the press and the public were permitted to discover from official pronouncements.

But the Pentagon account and its accompanying documents also reveal that once the basic objective of policy was set, the internal debate on Vietnam from 1950 until mid-1967 dealt almost entirely with how to reach those objectives rather than with the basic direction of policy.

The study related that American governments from the Truman Administration onward felt it necessary to take action to prevent Communist control of South Vietnam. As a rationale for policy, the domino theory—that if South Vietnam fell, other countries would inevitably follow—was repeated in endless variations for nearly two decades.

CONFIDENCE AND APPREHENSIONS

Especially during the nineteen-sixties, the Pentagon study discloses, the Government was confident that American power—or even the threat of its use—would bring the war under control.

But the study reveals that high officials in the Johnson Administration were troubled by the potential dangers of Chinese Communist intervention and felt the need for self-restraint to avoid provoking Peking, or the Soviet Union, into combat involvement.

As some top policy-makers came to question the effectiveness of the American effort in mid-1967, the report shows, their policy papers began not only to seek to limit the military strategies on the ground and in the air but also to worry about the impact of the war on American society.

"A feeling is widely and strongly held that 'the Establishment' is out of its mind," wrote John T. McNaughton, Assistant Secretary of Defense, in a note to Secretary McNamara in early May, 1967. Mr. McNaughton, who three years earlier had been one of the principal planners of the air war against North Vietnam, went on to say:

"The feeling is that we are trying to impose some U.S. image on distant peoples we cannot understand (any more than we can the younger generation here at home), and that we are carrying the thing to absurd lengths. Related to this feeling is the increased polarization that is taking place in the United States with seeds of the worst split in our people in more than a century."

At the end of June, 1967, Mr. McNamara—deeply disillusioned with the war—decided to commission the Pentagon study of Vietnam policy that Mr. McNaughton and other high officials had encouraged him to undertake.

Mr. McNamara's instructions, conveyed orally and evidently in writing as well, were for the researcher to pull together the Pentagon's documentary record and, according to one well-placed former official, to produce an "objective and encyclopedic" study of the American involvement.

BROADEST POSSIBLE INTERPRETATION

The Pentagon researchers aimed at the broadest possible interpretation of events. They examined not only the policies and motives of American administrations, but also the effectiveness of intelligence, the mechanics and consequences of bureaucratic compromises, the difficulties of imposing American tactics on the South Vietnamese, the governmental uses of the American press, and many other tributaries of their main story.

The authors reveal, for example, that the American intelligence community repeatedly provided the policy-makers with what proved to be accurate warnings that desired goals were either unattainable or likely to provoke costly reactions from the enemy. They cite some lapses in the accuracy of reporting and intelligence, but give a generally favorable assessment of the C.I.A. and other intelligence units.

The Pentagon researchers relate many examples of bcreaucratic compromise forged by Presidents from the conflicting proposals of their advisers.

In the mid-fifties, they found, the Joint Chiefs of Staff were a restraining force, warning that successful defense of South Vietnam could not be guaranteed under the limits imposed by the 1954 Geneva accords and agreeing to send in American military advisers only on the insistence of Secretary of State John Foster Dulles.

In the nineteen-sixties, the report found, both Presidents Kennedy and Johnson chose partial measures, overriding advice that some military proposals were valid only as packages and could not be adopted piecemeal.

In examining Washington's constant difficulties with the governments in Saigon, the study found the United States so heavily committed to the regime of the moment and so fearful of instability that it was unable to persuade the South Vietnamese to make the political and economic reforms that Americans deemed necessary to win the allegiance of the people.

Though it ranges widely to explain events, the Pentagon report makes no summary effort to put the blame for the war on any single administration or to find fault with individual officials.

The writers appear to have stood at the political and bureaucratic center of the period, directing their criticisms toward both left and right.

In one section, Senator Eugene J. McCarthy, the antiwar candidate for the 1968 Democratic Presidential nomination, is characterized as "impudent and dovish" and as an "upstart challenger." At another point in the same section the demands of Adm. U.S. Grant Sharp, commander of Pacific forces, for all-out bombing of North Vietnam, are characterized as "fulminations."

For the most part, the writers assumed a calm and unemotional tone, dissecting their materials in detached and academic manner. They ventured to answer key questions only when the evidence was at hand. They found no conclusive answers to some of the most widely asked questions about the war, including these:

Precisely how was Ngo Dinh Diem returned to South Vietnam in 1954 from exile and helped to power?

Who took the lead in preventing the 1956 Vietnam election required under the Geneva accords of 1954—Mr. Diem or the Americans?

If President Kennedy had lived, would he have led the United States into a full-scale ground war in South Vietnam and an air war against North Vietnam as President Johnson did?

Was Secretary of Defense McNamara dismissed for opposing the Johnson strategy in mid-1967 or did he ask to be relieved because of disenchantment with Administration policy?

Did President Johnson's cutback of the bombing to the 20th Parallel in 1968 signal a lowering of American objectives for the war or was it merely an effort to buy more time and patience from a war-weary American public?

The research project was organized in the Pentagon's office of International Security Affairs—I.S.A., as it is known to Government insiders—the politico-military affairs branch, whose head is the third-ranking official in the Defense Department. This was Assistant Secretary McNaughton when the study was commissioned and Assistant Secretary Paul C. Warnke when the study was completed.

"IT REMAINS M'NAMARA'S STUDY"

In the fall of 1968, it was transmitted to Mr. Warnke, who reportedly "signed off" on it. Former officials say this meant that he acknowledged completion of the work without endorsing its contents and forwarded it to Mr. Clifford.

Although it had been completed during Mr. Clifford's tenure, "in everyone's mind it always remained Mr. McNamara's study," one official said.

Because of its extreme sensitivity, very few copies were reproduced—from 6 to 15, by various accounts. One copy was delivered by hand to Mr. McNamara, then president of the World Bank. His reaction is not known, but at least one other former policy-maker was reportedly displeased by the study's candor.

Other copies were said to have been provided to President Johnson, the State Department and President Nixon's staff, as well as to have been kept for Pentagon files.

The authors, mostly working part-time over several months, were middle-level officials drawn from I.S.A., Systems Analysis, and the military staffs in the Pentagon, or lent by the State Department or White House staff. Probably two-thirds of the group had worked on Vietnam for the Government at one time or another.

Both the writing and editing were described as group efforts, through individuals with academic qualifications as historians, political scientists and the like were in charge of various sections.

For their research, the Pentagon depended primarily on the files of Secretary McNamara and Mr. McNaughton. William P. Bundy, former Assistant Secretary of State for Far Eastern Affairs, provided some of his files.

For extended periods, probably the most serious limitation of the Pentagon study is the lack of access to White House archives. The researchers did possess the Presidential decision papers that normally circulated to high Pentagon officials, plus White House messages to commanders or ambassadors in Saigon. These provide insight into Presidential moods and motives, but only intermittently.

An equally important handicap is that the Pentagon researchers generally lacked records of the oral discussions of the National Security Council or the most intimate gatherings of Presidents with their closest advisers, where decisions were often reached.

As the authors themselves remark, it is common practice for the final recommendations drafted before a key Presidential decision to be written to the President's spoken specifications on the basis of his reactions to earlier proposals. The missing link is often the meeting of the Administration's inner circle.

Also, because the Pentagon study draws almost entirely on internal Government papers, and primarily papers that circulated through the Defense Department, the picture of so important a figure as Secretary of State Dean Rusk remains shadowy. Mr. Rusk was known as a man who rarely committed himself to paper and who, especially during the Johnson Administration, saved his most sensitive advice for solitary talks with the President.

In the late months of the Johnson Administration, the lack of records of such meetings is a considerable weakness because, as the survey comments, Mr. Johnson operated a split-level Government. Only his most intimate advisers were aware of the policy moves he was contemplating, and some of the most important officials at the second level of government—Assistant Secretaries of State and Defense—were late to learn the drift of the President's thinking.

The Pentagon account notes that at times the highest Administration officials not only kept information about their real intentions from the press and Congress but also kept secret from the Government bureaucracy the real motives for their written recommendations or actions.

"The lesson is this," one Pentagon analyst observes, "is that the rationales given in such pieces of paper (intended for fairly wide circulation among the bureaucracy, as opposed to tightly held memoranda limited to those closest to the decision maker), do not reliably indicate why recommendations were made the way they were." The words in parentheses are the analyst's.

Another omission is the absence of any extended discussion of military or political responsibility for such matters as civilian casualties or the restraints imposed by the rules of land warfare.

NECESSARILY FRAGMENTED ACCOUNT

The approach of the writers varies markedly from section to section. Some of the writers are analytical and incisive. Others offer narrative compendiums of the most important available documents for their periods, with little comment or interpretation.

As a bureaucratic history, this account is necessarily fragmented. The writers either lacked time or did not choose to provide a coherent, integrated summary analysis for each of the four administrations that became involved in Vietnam from 1950 to 1968.

The Pentagon account divides the Kennedy period, for example, into five sections—dealing with the key decisions of 1961, the strategic-hamlet programs, the buildup of the American advisory mission in Vietnam, the development of plans for phased American withdrawal, and the coup d'état that ousted President Diem.

In the Johnson era, four simultaneous stories are told in separate sections—the land war in South Vietnam, the air war against the North, political relations with successive South Vietnamese governments and the secret diplomatic search for negotiations. There is some overlapping, but no single section tries to summarize or draw together the various strands.

The overall effect of the study, nonetheless, is to provide a vast storehouse of new information—the most complete and informative central archive available thus far on the Vietnam era. [See text.]

THE COVERT WAR

The Pentagon papers disclose that in this phase the United States had been mounting clandestine military attacks against North Vietnam and planning to obtain a Congressional resolution that the Administration regarded as the equivalent of a declaration of war. The papers make it clear that these far-reaching measures were not improvised in the heat of the Tonkin crisis.

When the Tonkin incident occurred, the Johnson Administration did not reveal these clandestine attacks, and pushed the previously prepared resolution through both houses of Congress on Aug. 7.

Within 72 hours, the Administration, drawing on a prepared plan, then secretly sent a Canadian emissary to Hanoi. He warned Premier Pham Van Dong that the resolution meant North Vietnam must halt the Communist-led insurgencies in South Vietnam and Laos or "suffer the consequences." [See text, Page 36.]

The section of the Pentagon study dealing with the internal debate, planning and action in the Johnson Administration from the beginning of 1964 to the August clashes between North Vietnamese PA boats and American destroyers—portrayed as a critical period when the groundwork was laid for the wider war that followed—also reveals that the covert military operations had become so extensive by August, 1964, that Thai pilots flying American T-28 fighter planes apparently bombed and strafed North Vietnamese villages near the Laotian border on Aug. 1 and 2.

Moreover, it reports that the Administration was able to order retaliatory air strikes on less than six hours' notice during the Tonkin incident because planning had progressed so far that a list of targets was available for immediate choice. The target list had been drawn up in May, the study reports, along with a draft of the Congressional resolution—all as part of a proposed "scenario" that was to build toward openly acknowledged air attacks on North Vietnam.

Simultaneously, the papers reveal, Secretary McNamara and the Joint Chiefs of Staff also arranged for the deployment of air strike forces to Southeast Asia for the opening phases of the bombing campaign. Within hours of the retaliatory air strikes on Aug. 4 and three days before the passage of the Congressional resolution, the squadrons began their planned moves. [See text.]

"PROGRESSIVELY ESCALATING PRESSURE"

What the Pentagon papers call "an elaborate program of covert military operations against the state of North Vietnam" began on Feb. 1, 1964, under the code name Operation Plan 34A. President Johnson ordered the program, on the recommendation of Secretary McNamara, in the hope, held very faint by the intelligence community, that "progressively escalating pressure" from the clandestine attacks might eventually force Hanoi to order the Vietcong guerrillas in Vietnam and the Pathet Lao in Laos to halt their insurrections.

In a memorandum to the President on Dec. 21, 1963, after a two-day trip to Vietnam, Mr. McNamara remarked that the plans, drawn up by the Central Intelligence Agency station and the military command in Saigon, were "an excellent job."

"They present a wide variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk," Mr. McNamara wrote.

President Johnson, in this period, showed a preference for steps that would remain "noncommitting" to combat, the study found. But weakness in South Vietnam and Communist advances kept driving the planning process. This, in turn, caused the Saigon Government and American officials in Saigon to demand ever more action.

Through 1964, the 34A operations ranged from flights over North Vietnam by U–2 spy planes and kidnappings of North Vietnamese citizens for intelligence information, to parachuting sabotage and psychological-warfare teams into the North, commando raids from the sea to blow up rail and highway bridges and the bombardment of North Vietnamese coastal installations by PT boats.

These "destructive undertakings," as they were described in a report to the President on Jan. 2, 1964, from Maj. Gen. Victor H. Krulak of the Marine Corps, were designed "to result in substantial destruction, economic loss and harassment." The tempo and magnitude of the strikes were designed to rise in three phases through 1964 to "targets identified with North Vietnam's economic and industrial well-being."

The clandestine operations were directed for the President by Mr. McNamara through a section of the Joint Chiefs organization called the Office of the Special Assistant for Counterinsurgency and Special Activities. The study says that Mr. McNamara was kept regularly informed of planned and conducted raids by memorandums from General Krulak, who first held the position of special assistant, and then from Maj. Gen. Rollen H. Anthis of the Air Force, who succeeded him in February, 1964. The Joint Chiefs themselves periodically evaluated the operations for Mr. McNamara.

Secretary of State Dean Rusk was also informed, if in less detail.

The attacks were given "interagency clearance" in Washington, the study says, by coordinating them with the State Department and the Central Intelligence Agency, including advance monthly schedules of the raids from General Anthis.

The Pentagon account and the documents show that William P. Bundy, the Assistant Secretary of State for Far Eastern Affairs, and John T. McNaughton, head of the Pentagon's politico-military operations as the Assistant Secretary of Defense for International Security Affairs, were the senior civilian officials who supervised the distribution of the schedules and the other aspects of interagency coordination for Mr. McNamara and Mr. Rusk.

The analyst notes that the 34A program differed in a significant respect from the relatively low-level and unsuccessful intelligence and sabotage operations that the C.I.A. had earlier been carrying out in North Vietnam.

The 34a attacks were a military effort under the control in Saigon of Gen. Paul D. Harkins, chief of the United States Military Assistance Command there. He ran them through a special branch of his command called the Studies and Observations Group. It drew up the advance monthly schedules for approval in Washington. Planning was done jointly with the South Vietnamese and it was they or "hired personnel," apparently Asian mercenaries, who performed the raids, but General Harkins was in charge.

The second major segment of the Administration's covert war against North Vietnam consisted of air operations in Laos. A force of propeller-driven T–28 fighter-bombers, varying from about 25 to 40 aircraft, had been organized there. The planes bore Laotian Air Force markings, but only some belonged to that air force. The rest were manned by pilots of Air America (a pseudo-private airline run by the C.I.A.) and by Thai pilots under the control of Ambassador Leonard Unger. [See text.]

The destroyer patrols in the Gulf of Tonkin, code-named De Soto patrols, were the third element in the covert military pressures against North Vietnam. While the purpose of the patrols was mainly psychological, as a show of force, the destroyers collected the kind of intelligence on North Vietnamese warning radars and coastal defenses that would be useful to 34A raiding parties or, in the event of a bombing campaign, to pilots. The first patrol was conducted by the destroyer Craig without incident in February and March, in the early days of the 34A operations.

SEPARATE CHAIN OF COMMAND

The analyst states that before the August Tonkin incident there was no attempt to involve the destroyers with the 34A attacks or to use the ships as bait for North Vietnamese retaliation. The patrols were run through a separate naval chain of command.

Although the highest levels of the Administration sent the destroyers into the gulf while the 34A raids were taking place, the Pentagon study, as part of its argument that a deliberate provocation was not intended, in effect says that the Administration did not believe that the North Vietnamese would dare to attack the ships.

But the study makes it clear that the physical presence of the destroyers provided the elements for the Tonkin clash. And immediately after the reprisal air strikes, the Joint Chiefs of Staff and Assistant Secretary of Defense McNaughton put forward a "provocation strategy" proposing to repeat the clash as a pretext for bombing the North.

AID FOR THE BOMBING RAIDS

Reconnaissance flights by regular United States Air Force and Navy jets, code-named Yankee Team, gathered photographic intelligence for bombing raids by the T-28's against North Vietnamese and Pathet Lao troops in Laos.

The Johnson Administration gradually stepped up these air operations in Laos through the spring and summer of 1964 in what became a kind of preview of the bombing of the North. The escalation occurred both because of ground advances by the North Vietnamese and the Pathet Lao and because of the Administration's desire to bring more military pressure against North Vietnam.

As the intensity of the T–28 strikes rose, they crept closer to the North Vietnamese border. The United States Yankee Team jets moved from high-altitude reconnaissance at the beginning of the year to low-altitude reconnaissance in May. In June, armed escort jets were added to the reconnaissance missions. The escort jets began to bomb and strafe North Vietnamese and Pathet Lao troops and installations whenever the reconnaissance planes were fired upon.

Of the three elements of the covert war, the analyst cites the 34A raids as the most important. The "unequivocal" American responsibility for them "carried with it an implicit symbolic and psychological intensification of the U.S. commitment," he writes. "A firebreak had been crossed."

The fact that the intelligence community and even the Joint Chiefs gave the program little chance of compelling Hanoi to stop the Vietcong and the Pathet Lao, he asserts, meant that "a demand for more was stimulated and an expectation of more was aroused."

WARNING BY THE JOINT CHIEFS

On Jan. 22, 1964, a week before the 34A raids started, the Joint Chiefs warned Mr. McNamara in a memorandum signed by the Chairman, Gen. Maxwell D. Taylor, that while "we are wholly in favor of executing the covert actions against North Vietnam . . . it would be idle to conclude that these efforts will have a decisive effect" on Hanoi's will to support the Vietcong. [See text.]

The Joint Chiefs said the Administration "must make ready to conduct increasingly bolder actions," including "aerial bombing of key North Vietnam targets, using United States resources under Vietnamese cover," sending American ground troops to South Vietnam and employing "United States forces as necessary in direct actions against North Vietnam."

And after a White House strategy meeting on Feb. 20, President Johnson ordered that "contingency planning for pressures against North Vietnam should be speeded up."

"Particular attention should be given to shaping such pressures so as to produce the maximum credible deterrent effect on Hanoi," the order said.

The impelling force behind the Administration's desire to step up the action during this period was its recognition of the steady deterioration in the positions of the pro-American governments in Laos and South Vietnam, and the corresponding weakening of the United States hold on both countries. North Vietnamese and Pathet Lao advances in Laos were seen as having a direct impact on the morale of the anti-Communist forces in South Vietnam, the primary American concern.

This deterioration was also concealed from Congress and the public as much as possible to provide the Administration with maximum flexibility to determine its moves as it chose from behind the scenes.

"THE ROOT OF THE PROBLEM"

The United States found itself particularly unable to cope with the Vietcong insurgency, first through the Saigon military regime of Gen. Duong Van Minh and later through that of Gen. Nguyen Khanh, who seized power in a coup d'état on Jan. 30, 1964. Accordingly, attention focused more and more on North Vietnam as "the root of the problem," in the words of the Joint Chiefs.

Walt W. Rostow, the dominant intellectual of the Administration, had given currency to this idea and provided the theoretical framework for escalation. His concept, first enunciated in a speech at Fort Bragg, N.C., in 1961, was that a revolution could be dred up by cutting off external sources of support and supply.

Where North Vietnam was concerned, Mr. Rostow had evolved another theory—that a credible threat to bomb the industry Hanoi had so painstakingly constructed out of the ruins of the French Indochina War would be enough to frighten the country's leaders into ordering the Vietcong to halt their activities in the South.

In a memorandum on Feb. 13, 1964, Mr. Rostow told Secretary of State Rusk that President Ho Chi Minh "has an industrial complex to protect: he is no longer a guerrilla fighter with nothing to lose."

The Administration was firmly convinced from interceptions of radio traffic between North Vietnam and the guerrillas in the South that Hanoi controlled and directed the Vietcong. Intelligence analyses of the time stated, however, that "the primary sources of Communist strength in South Vietnam are indigenous," arising out of the revolutionary social aims of the Communists and their identification with the nationalist cause during the independence struggle against France in the nineteen-fifties.

The study shows that President Johnson and most of his key advisers would not accept this intelligence analysis that bombing the North would have no lasting effect on the situation in the South, although there was division—even among those who favored a bombing campaign if necessary—over the extent to which Vietcong fortunes were dependent on the infiltration of men and arms from North Vietnam.

William Bundy and Mr. Rusk mentioned on several occasions the need to obtain more evidence of this infiltration to build a case publicly for stronger actions against North Vietnam.

As the Vietcong rebellion gathered strength, so did interest in bombing the North as a substitute for successful prosecution of the counterinsurgency campaign in the South, or at least as an effort to force Hanoi to reduce guerrilla activity to a level where the feeble Saigon Government could handle it.

This progression in Administration thinking was reflected in Mr. McNamara's reports to President Johnson after the Secretary's trips to Vietnam in December and March.

In his December memorandum recommending initiation of the covert 34A raids, Mr. McNamara painted a "gloomy picture" of South Vietnam, with the Vietcong controlling most of the rice and population heartland of the Mekong Delta south and west of Saigon. "We should watch the situation very carefully," he concluded, "running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement."

Then, in his memorandum of March 16 on his latest trip, Mr. McNamara reported that "the situation has unquestionable been growing worse" and recommended military planning for two programs of "new and significant pressures upon North Vietnam."

The first, to be launched on 72 hours' notice, was described as "Border Control and Retaliatory Actions." These would include assaults by Saigon's army against infiltration along the Ho Chi Minh Trail network of supply lines through southeastern Laos, "hot pursuit" of the guerrillas into Cambodia, "retaliatory bombing strikes" into North Vietnam by the South Vietnamese Air Force "on a tit-for-tat basis" in response to guerrilla attacks, and "aerial mining . . . (possibly with United States assistance) of the major . . . ports in North Vietnam." The words in parentheses are Mr. McNamara's.

BEYOND A TIT-FOR-TAT BASIS

The second program, called "Graduated Overt Military Pressure," was to be readied to begin on 30 days' notice. "This program would go beyond reacting on a tit-for-tat basis," Mr. McNamara told the President. "It would include air attacks against military and possibly industrial targets." The raids would be carried out by Saigon's air force and by an American air commando squadron code-named Farmgate, then operating in South Vietnam with planes carrying South Vietnamese markings. To conduct the air strikes, they would be reinforced by three squadrons of United States Air Force B–57 jet bombers flown in from Japan.

President Johnson approved Mr. McNamara's recommendations at a National Security Council meeting on March 17, 1964, directing that planning "proceed energetically."

Mr. McNamara had advocated trying a number of measures to improve the Saigon Government's performance first, before resorting to overt escalation. "There would be the problem of marshaling the case to justify such action, the problem of Communist escalation and the problem of dealing with pressures for premature or 'stacked' negotiations," he remarked in his March memorandum.

His description of negotiations echoed a belief in the Administration that the Government of General Khanh was incapable of competing politically with the Communists. Therefore, any attempt to negotiate a compromise political settlement of the war between the Vietnamese themselves was to be avoided because it would result in a Communist take-over and the destruction of the American position in South Vietnam.

Similarly, any internal accommodation between the opposing Vietnamese forces under the vague "neutralization" formula for Vietnam that had been proposed by President de Gaulle of France that June was seen as tantamount to the same thing, a Communist victory. In his March memorandum, Mr. McNamara mentioned the dangerous growth of "neutralist sentiment" in Saigon and the possibility of a coup by neutralist forces who might form a coalition government with the Communists and invite the United States to leave.

A 'SOLUTION' IN DISFAVOR

William Bundy would later refer to this possibility as a "Vietnam solution" that must be prevented.

In a glimpse into the President's thoughts at this time, the study shows he was concerned with the problem. Mr. Johnson told Ambassador Henry Cabot Lodge in a cablegram to Saigon on March 20, 1964, that he was intent on "knocking down the idea of neutralization wherever it rears its ugly head, and on this point I think nothing is more important than to stop neutralist talk wherever we can by whatever means we can." [See text.]

Mr. Lodge was opposed to planning for "massive destruction actions" before trying what he described as "an essentially diplomatic carrot and stick approach, backed by covert military means."

This plan, which Mr. Lodge had been proposing since the previous October, involved sending a secret non-American envoy to Hanoi with an offer of economic aid, such as food imports to relieve the rice shortages in North Vietnam, in return for calling off the Vietcong. If the North Vietnamese did not respond favorably, the stick—unpublicized and unacknowledged air strikes, apparently with unmarked planes—would be applied until they did.

The President's message of March 20 shared Mr. Lodge's opinion that it was still too early for open assaults on the North.

"As we agreed in our previous messages to each other," Mr. Johnson cabled, "judgment is reserved for the present on overt military action in view of the consensus from Saigon conversations of McNamara mission with General Khanh and you on judgment that movement against the North at the present would be premature. We . . . share General Khanh's judgment that the immediate and essential task is to strengthen the southern base. For this reason, our planning for action against the North is on a contingency basis at present, and immediate problem in this area is to develop the strongest possible military and political base for possible later action."

Mr. Johnson added that the Administration also expected a "showdown" soon in the Chinese-Soviet dispute "and action against the North will be more practicable" then.

PUSHING, YET HESITATING

This and the other sporadic insights the study gives into Mr. Johnson's thoughts and motivations during these months leading up to the Tonkin Gulf incident in August indicate a President who was, on the one hand, pushing his Administration to plan energetically for escalation while, on the other, continually hesitating to translate these plans into military action.

The glimpses are of a Chief Executive who was determined to achieve the goal of an "independent, non-Communist South Vietnam" he had enunciated in a national security action memorandum in March, yet who was holding back on actions to achieve that goal until he believed they were absolutely necessary.

Above all, the narrative indicates a President who was carefully calculating international and domestic political conditions before making any of his moves in public.

By the latter half of April, 1964, accordingly, planning for further attacks against the North had matured sufficiently through several scenarios for Secretary Rusk, William Bundy and Gen. Earle G. Wheeler, the Army Chief of Staff, to review the plans with Ambassador Lodge at a Saigon strategy meeting on April 19 and 20.

The scenario envisioned escalation in three stages from intensification of the current clandestine 34A raids, to "covert U.S. support of overt . . . aerial mining and air strike operations" by Saigon to "overt joint . . . aerial reconnaissance, naval displays, naval bombardments and air attacks" by the United States and South Vietnam.

The analyst does not mention any provision in the April planning scenario for a Congressional resolution that would constitute authority to wage war; he refers instead to "Presidential consultations with key Congressional leaders." But the idea of a resolution was already current by then. The author reports its first emergence in discussions in the State Department in mid-February, 1964, "on the desirability of the President's requesting a Congressional resolution, drawing a line at the borders of South Vietnam." He cites a Feb. 13 letter to Secretary Rusk to this effect from Mr. Rostow, then chairman of the State Department's Policy Planning Council.

At the April Saigon meeting and in the weeks immediately afterward, the author says, "a deliberate, cautious pacing of our actions" prevailed over a near-term escalation approach being pressed by the Joint Chiefs and Mr. Rostow.

One reason for this, the study explains, was that the Administration recognized that it "lacked adequate information concerning the nature and magnitude" of infiltration of trained guerrilla leaders and arms from the North and was beginning a major effort to try to gather enough concrete evidence to justify escalation if this became necessary.

ROSTOW PLEA FOR CLARIFICATION

"For example," the study reports, "citing the 'lack of clarity' on the 'role of external intrusion' in South Vietnam, Walt Rostow urged William Sullivan [chairman of the interagency Vietnam coordinating committee] on the eve of [a] March visit to attempt to 'come back from Saigon with as lucid and agreed a picture' as possible on the extent of the infiltration and its influence on the Vietcong."

The direct outcome of Mr. Rusk's April visit to Saigon was his agreement to try Ambassador Lodge's carrot-and-stick approach. On April 30, 1964, the Secretary flew to Ottawa and arranged with the Canadian Government for J. Blair Seaborn, Canada's new representative on the International Control Commission, to convey the offer of United States economic aid to Premier Dong when Mr. Seaborn visited Hanoi in June.

On May 4 General Khanh, sensing a decline in his fortunes and beginning to abandon the idea of strengthening his government to the point where it could defeat the Vietcong in the South, told Ambassador Lodge that he wanted to declare war quickly on North Vietnam, have the United States start bombing and send 10,000 Special Forces troops of the United States Army into the South "to cover the whole Cambodian-Laotian border." Mr. Lodge deflected the suggestions.

Secretary McNamara, on a visit to Saigon May 13, was instructed to tell General Khanh that while the United States did not "rule out" bombing the North, "such actions must be supplementary to and not a substitute for successful counter-insurgency in the South" and that "we do not intend to provide military support nor undertake the military objective of 'rolling back' Communist control in North Vietnam."

But on May 17, when the Pathet Lao launched an offensive on the Plaine des Jarres that threatened to collapse the pro-American Government of Premier Souvanna Phouma and with it "the political underpinning of United States-Laotian policy," the study declares, this "deliberate, cautious approach" to escalation planning was suddenly thrown into "crisis management."

The Administration immediately turned the Laotian air operations up a notch by intensifying the T–28 strikes and, on May 21, by starting low-altitude target reconnaissance by United States Navy and Air Force jets over areas held by the Pathet Lao and the North Vietnamese.

In Washington, the chief planner, William Bundy, assisted by Mr. McNaughton and Mr. Sullivan, worked up a 30-day program culminating in full-scale bombing of the North. He submitted it as a formal draft Presidential memorandum for consideration by an executive committee of the National Security Council.

For a number of reasons, this May 23 scenario was never carried out as written. The President, in fact, delayed another nine months the scenario's dénouement in an air war.

But the document is important because it reveals how far the Administration had progressed in its planning by this point and because a number of the steps in the scenario were carried out piecemeal through June and July and then very rapidly under the political climate of the Tonkin Gulf clash.

For the military side of the scenario, the President's order of March 17 to plan for retaliatory air strikes on 72 hours' notice and for full-scale air raids on 30 days' notice had borne fruit in Operation Plan 37–64.

This plan had been prepared in the Honolulu headquarters of Adm. Harry D. Felt, commander in chief of Pacific forces, or CINCPAC, and had been approved by the Joint Chiefs on April 17. It tabulated how many planes and what bomb tonnages would be required for each phase of the strikes, listed the targets in North Vietnam with damage to be achieved, and programmed the necessary positioning of air forces for the raids. A follow-up operation plan, designated 32–64, calculated the possible reactions of China and North Vietnam and the American ground forces that might be necessary to meet them.

The Joint Staff had refined the bombing plan with more target studies. These estimated that an initial category of targets associated with infiltration, such as bridges and depots of ammunition and petroleum, could be destroyed in only 12 days if all the air power in the western Pacific were used.

For the political side of the scenario, recommendations from William Bundy and Mr. Rusk had produced more evidence of infiltration by the North for public release to justify escalation. William J. Jorden, a former correspondent of The New York Times who had become a State Department official, had gone to South Vietnam and had pulled together the data available there for a possible new State Department white paper.

PENTAGON VERSION OF SCENARIO

Here is the scenario as the Pentagon analyst quotes it. The words in parentheses—and the numbers designating the length of time to "D-Day"—were in the original scenario and the words in brackets were inserted by the analyst for clarification:

"1. Stall off any 'conference [Laos or] Vietnam until D-Day.'

"2. Intermediary (Canadian?) tell North Vietnam in general terms that U.S. does not want to destroy the North Vietnam regime (and indeed is willing 'to provide a carrot') but is determined to protect South Vietnam from North Vietnam.

"3. (D-30) Presidential speech in general terms launching Joint Resolution.

"4. (D-20) Obtain joint resolution approving past actions and authorizing whatever is necessary with respect to Vietnam.

"Concurrently: An effort should be made to strengthen the posture in South Vietnam. Integrating (interlarding in a single chain of command) the South Vietnamese and U.S. military and civilian elements critical to pacification, down at least to the district level, might be undertaken.

"5. (D-16) Direct CINCPAC to take all prepositioning and logistic actions that can be taken 'quietly' for the D-Day forces. . . .

"6. (D-15) Get Khanh's agreement to start overt South Vietnamese air attacks against targets in the North (see D-Day item 15 below), and inform him of U.S. guarantee to protect South Vietnam in the event of North Vietnamese and/or Chinese retaliation.

"7. (D-14) Consult with Thailand and the Philippines to get permission for U.S. deployments; and consult with them plus U.K., Australia, New Zealand and Pakistan, asking for their open political support for the undertaking and for their participation in the re-enforcing action to be undertaken in anticipation of North Vietnamese and/or Chinese retaliation.

"8. (D-13) Release an expanded 'Jorden Report,' including recent photography and evidence of the communication nets, giving full documentation of North Vietnamese supply and direction of the Vietcong.

"9. (D-12) Direct CINCPAC to begin moving forces and making specific plans on the assumption that strikes will be made on D-Day (see Attachment B* in backup materials for deployments).

"10. (D-10) Khanh makes speech demanding that North Vietnam stop aggression, threatening unspecified military action if he does not. (He could refer to a 'carrot.')

"11. (D-3) Discussions with allies not covered in Item above.

"12. (D-3) President informs U.S. public (and thereby North Vietnam) that action may come, referring to Khanh speech (Item 10 above) and declaring support for South Vietnam.

"13. (D-1) Khanh announces that all efforts have failed and that attacks are imminent. (Again he refers to limited goal and possibly to 'carrot.')

"14. (D-Day) Remove U.S. dependents.

"15. (D-Day) Launch first strikes. . . . Initially, mine their ports and strike North Vietnam's transport and related ability (bridge, trains) to move south; and then against targets which have maximum psychological effect on the North's willingness to stop insurgency—POL (petroleum, oil and lubricants) storage, selected airfields, barracks/training areas, bridges, railroad yards, port facilities, communications, and industries. Initially, these strikes would be by South Vietnamese aircraft; they could then be expanded by adding Farmgate, or U.S. aircraft, or any, combination of them.

"16. (D-Day) Call for conference on Vietnam (and go to U.N.). State the limited objective: Not to overthrow the North Vietnam regime nor to destroy the country, but to stop D.R.V.-directed efforts in the South. Essential that it be made clear that attacks on the North will continue (i.e., no cease-fire) until (a) terrorism, armed attacks, and armed resistance to pacification efforts in the South stop, and (b) communications on the networks out of the North are conducted entirely in uncoded form."

THE ANALYST'S DEFINITION

The last paragraph was to provide a capsule definition of what the Administration meant when it later spoke publicly about "negotiations," a definition the analyst describes as "tantamount to unconditional surrender" for the other side.

The covering memorandum on the scenario pointed out that military action would not begin until after "favorable action" on the joint Congressional resolution. William Bundy drafted the resolution on May 25.

Attached to the scenario were assessments of possible Soviet, Chinese and North Vietnamese reactions. These included a provision for reinforcing the South Vietnamese Army "by U.S. ground forces prepositioned in South Vietnam or on board ship nearby" if Hanoi reacted by intensifying Vietcong activity in the South.

After meetings on May 24 and 25, the Executive Committee of the National Security Council—including Secretaries Rusk and McNamara, John A. McCone, Director of Central Intelligence, and McGeorge Bundy, Presidential assistant for national security—decided to recommend to the President only piecemeal elements of the scenario. Among these were the sending of the Canadian emissary to Hanoi and the move for a joint Congressional resolution.

The documents do not provide a clear explanation for their decision, the analyst says, although an important factor seems to have been concern that "our limited objectives might have been obscured" if the Administration had begun a chain of actions to step up the war at this point.

Whether political considerations in an election year also prompted the President to limit the proposed escalation is a question that is not addressed by the study here. The narrative does attribute such motives to Mr. Johnson's similar hesitation to take major overt actions in the following month, June.

In any case, the account explains, the urgency was taken out of the Laos crisis by a Polish diplomatic initiative on May 27 for a new Laos conference that would not include discussions of Vietnam, a major fear of the Administration. The President instructed his senior advisers to convene another strategy conference in Honolulu at the beginning of June "to review for . . . final approval a series of plans for effective action."

On his way to the conference, after attending the funeral of Prime Minister Jawaharlal Nehru in New Delhi, Secretary Rusk stopped off in Saigon for conversations with General Khanh and Ambassador Lodge.

The Ambassador and Gen. William C. Westmoreland, who was replacing General Harkins as chief of the Military Assistance Command in Saigon, flew to Honolulu with Secretary Rusk for the strategy session at Admiral Felt's headquarters there on Junj 1 and 2, 1964. They were joined by William Bundy, Mr. McNamara, General Taylor, Mr. McCone, and Mr. Sullivan.

While he had previously counseled patience, Mr. Lodge's chief recommendation at Honolulu reflected his growing nervousness over the shakiness of the Saigon regime. He argued for bombing the North soon.

The analyst writes: "In answer to Secretary Rusk's query about South Vietnamese popular attitudes, which supported Hanoi's revolutionary aims, the Ambassador stated his conviction that most support for the VC would fade as soon as some 'counterterrorism measures' were begun against the D.R.V."—

the Democratic Republic of (North) Vietnam.

Admiral Felt's record of the first day's session quotes Mr. Lodge as predicting that "a selective bombing campaign against military targets in the North" would "bolster morale and give the population in the South a feeling of unity."

The Honolulu discussions concentrated on an air war, ranging over its entire implications, down to such details as the kind of antiaircraft guns North Vietnam had and how difficult these defenses might make attacks on particular targets. By now the Joint Chiefs had improved on Admiral Felt's Operation Plan 37-64 to the point of producing the first version to comprehensive list of 94 targets from bridges, to industries, that Mr. McNamara and President Johnson would use to select the actual sites to be struck when sustained air raids began in the coming year.

Obtaining a Congressional resolution "prior to wider U.S. action in Southeast Asia" was a major topic. The analyst paraphrases and quotes from William Bundy's memorandum of record on the second day's talks to summarize the discussion concerning the resolution:

"Ambassador Lodge questioned the need for it if we were to confine our actions to 'tit-for-tat' air attacks against North Vietnam. However, Secretaries McNamara and Rusk and C.I.A. Director McCone all argued in favor of the resolution.

In support, McNamara pointed to the need to guarantee South Vietnam's defense against retaliatory air attacks and against more drastic reactions by North Vietnam and Communist China. He added that it might be necessary, as the action unfolded . . . to deploy as many as seven divisions. Rusk noted that some of the military requirements might involve the calling up of reserves, always a touchy Congressional issue. He also stated that public opinion on our Southeast Asia policy was badly divided in the United States at the moment and that, therefore, the President needed an affirmation of support."

"General Taylor noted that there was a danger of reasoning ourselves into inaction," the memorandum goes on. "From a military point of view, he said the U.S. could function in Southeast Asia about as well as anywhere in the world except Cuba."

MORE TIME FOR ESTIMATES

The upshot of the conference, however, was that major actions "should be delayed for some time yet," the historian says. A separate briefing paper that William Bundy prepared for Secretary Rusk to use in communicating the conference's findings to the President at a White House meeting late on the afternoon of June 3 counseled more time "to refine our plans and estimates." Mr. Bundy emphasized the need for an "urgent" public relations campaign at home to "get at the basic doubts of the value of Southeast Asia and the importance of our stake there."

Secretary McNamara, General Taylor and Mr. McCone joined Secretary Rusk in making the June 3 report to the President on the Honolulu conference. A documentary record of this White House meeting is not available, but the study deduces the President's reaction and decisions from the subsequent actions taken by his senior advisers.

Where decisive military actions were concerned, "the President apparently recognized the need for more and better information, but did not convey a sense of urgency regarding its acquisition," the analyst says. He notes that on the same day as the White House meeting, "possibly just following," Secretary McNamara told the Joint Chiefs that he wanted to meet with them on June 8, five days later, "to discuss North Vietnamese targets and troop movement capabilities."

But one element of the May 23 scenario, the positioning of forces for later action, began to fall into place right after the White House meeting. The Pentagon study says that "noncommitting military actions . . . were given immediate approval."

On June 4 Mr. McNamara directed the Army to take "immediate action . . . to improve the effectiveness and readiness status of its materiel prestocked for possible use in Southeast Asia."

The Secretary's directive specifically ordered the Army to augment stocks previously placed with Thailand's agreement at Korat, a town south of the Laotian border, to support potential combat operations by a United States Army infantry brigade and to give "first priority at the Okinawa Army Forward Depot to stocking non-air-transportable equipment" that would be required by another Army infantry brigade flown to the island staging base on sudden notice.

The President also "apparently encouraged" the intensified public-relations campaign recommended by William Bundy and the other Honolulu conference participants, the study asserts.

"In June, State and Defense Department sources made repeated leaks to the press affirming U.S. intentions to support its allies and uphold its treaty commitments in Southeast Asia," the analyst explains, citing several articles that month in The New York Times. The Administration also focused publicity through June and into July on its military prepositioning moves. The augmentation of the Army war stocks at Korat in Thailand was given "extensive press coverage," the account says, citing a dispatch in The Times on June 21, 1964.

And what the analyst calls "the broad purpose" of these positioning moves—to serve as steps in the operation plans—was not explained to the public.

DOWNING OF TWO NAVY JETS

The Administration did openly step up its air operations in Laos in mid-June, after the enemy provided it with a rationale of self-defense. On June 6 and 7 two Navy jets on low-altitude target reconnaissance flights were shot down by enemy ground fire. Washington immediately added armed escort jets to the reconnaissance flights and on June 9 the escort jets struck Pathet Lao gun positions and attacked a Pathet Lao headquarters.

A similar escalation of the T-28 operations and the involvement of Thai pilots was unofficially acknowledged in Washington, although the responsibility for these operations was laid to the Laotian Government. And subsequent strikes by the American escort jets against enemy positions were not made public.

At the end of June the Royal Laotian Air Force was secretly strengthened with more T-28's, and American planes began conducting troop transport operations and night reconnaissance flights for a successful counteroffensive by the Laotian Army to protect the key position of Muong Soui.

FIRMNESS, BUT RESTRAINT

President Johnson was projecting an image of firmness but moderation, the study notes. In early June, he first requested and then rejected a draft from Mr. Rostow for a major policy speech on Southeast Asia that took an "aggressive approach", and instead relied "on news conferences and speeches by other officials to state the official view," the account continues. "In contrast to the Rostow approach, [the President's] news conference on 23 June and Secretary Rusk's speech at Williams College, 14 June, emphasized the U.S. determination to support its Southeast Asian allies, but avoided any direct challenge to Hanoi and Peking or any hint or intent to increase our military commitment."

A formal question the President submitted to the C.I.A. in June also indicated what was on his mind "Would the rest of Southeast Asia necessarily fall if Laos and South Vietnam came under North Vietnamese control?" he asked. The agency's reply on June 9 challenged the domino theory, widely believed in one form or another within the Administration.

"With the possible exception of Cambodia," the C.I.A. memorandum said, "its is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore, a continuation of the spread of Communism in the area would not be inexorable, and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

The C.I.A. analysis conceded that the loss of South Vietnam and Laos "would be profoundly damaging to the U.S. position in the Far East" and would raise the prestige of China "as a leader of world Communism" at the expense of a more moderate Soviet Union. But the analysis argued that so long as the United States could retain its island bases, such as those on Okinawa, Guam, the Philippines and Japan, it could wield enough military power in Asia to deter China and North Vietnam from overt military aggression against Southeast Asia in general.

SOME LEVERAGE AVAILABLE

Even in the "worst case," if South Vietnam and Laos were to fall through "a clear-cut Communist victory," the United States would still retain some leverage to affect the final outcome in Southeast Asia, according to the analysis.

It said that "the extent to which individual countries would move away from the U.S. towards the Communist would be significantly affected by the substance and manner of U.S. policy in the period following the loss of Laos and South Vietnam."

As in the case of the earlier C.I.A. analysis stating that the real roots of Vietcong strength lay in South Vietnam, the study shows that the President and his senior officials were not inclined to adjust policy along the lines of this analysis challenging the domino theory.

Only the Joint Chiefs, Mr. Rostow and General Taylor appear to have accepted the domino theory in its literal sense—that all of the countries of Southeast Asia, from Cambodia to Malaysia, would tumble automatically into the Communist camp if the linchpin, South Vietnam were knocked out, and that the United States position in the rest of the Far East, from Indonesia through the Philippines to Japan and Korea, would also be irrevocably harmed.

Yet the President and most of his closest civilian advisers—Mr. Rusk, Mr. McNamara and Mr. McGeorge Bundy—seem to have regarded the struggle over South Vietnam in more or less these terms. [See text.]

In 1964, the Administration also feared an outbreak of other "wars of national liberation" in the Asian, African and Latin American countries, and Mr. McNamara wrote in his March 16 memorandum to the President, "the South Vietnam conflict is regarded as a test case."

THE THREAT OF CHINA

The struggle in South Vietnam was likewise bound up with the idea of "containing China," whose potential shadow over Southeast Asia was viewed as a palpable threat by Mr. Rusk because of his World War II experience in Asia and the victory of Mao Tse-tung's revolution in China.

But behind these foreign-policy axioms about domino effects, wars of liberation and the containment of China, the study reveals a deeper perception among the President and his aides that the United States was now the most powerful nation in the world and that the outcome in South Vietnam would demonstrate the will and the ability of the United States to have its way in world affairs.

The study conveys an impression that the war was thus considered less important for what it meant to the South Vietnamese people than for what it meant to the position of the United States in the world.

Mr. McNaughton would later capsulize this perception in a memorandum to Mr. McNamara seeking to apportion American aims in South Vietnam:

"70 pct.—To avoid a humiliating U.S. defeat (to our reputation as a guarantor).

"20 pct.—To keep SVN (and the adjacent) territory from Chinese hands.

"10 pct.—To permit the people of SVN to enjoy a better, freer way of life.

"Also—To emerge from crisis without unacceptable taint from methods used.

"Not—To 'help a friend,' although it would be hard to stay in if asked out."

The words in parentheses are Mr. McNaughton's.

Thus, he had reasoned in another memorandum, even if bombing North Vietnam did not force Hanoi to call off the Vietcong, "it would demonstrate that U.S. was a 'good doctor' willing to keep promises, be tough, take risks, get bloodied and hurt the enemy badly."

CONFIDENCE AT THE TOP

And while the study shows doubt and worry in the Administration it also reveals an underlying confidence among the decision makers at the top, whose attitude would count, that if this mightiest nation resolved to use its vast power, the other side would buckle.

Mr. Rostow would articulate this confidence in a memorandum to Secretary Rusk that fall: "I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome that flows from the simple fact that we are the greatest power in the world—if we behave like it."

Accordingly, in mid-June, the Administration carried out another element of the May 23 scenario, the element that had first been formulated by Ambassador Lodge as his "carrot and stick." On June 18, at the Administration's request, Mr. Seaborn, the New Canadian representative on the International control Commission, paid the first of his two secret calls on Premier Dong in Hanoi.

Washington sought to convey to North Vietnam through Mr. Seaborn the more precise and threatening meaning of the preparatory military deployments to Southeast Asia that it was publicizing on a vaguer level in public. Back in May, Mr. Lodge had urged an unacknowledged air strike on some target in the North "as a prelude to his [Mr. Seaborn's] arrival" if the Vietcong had recently committed some terrorist act "of the proper magnitude" in the South, but the President apparently did not see fit to act on the suggestion by June.

The analyst says Mr. Seaborn stressed to Premier Dong that while the United States' ambition in Southeast Asia were limited and its intentions "essentially peaceful," its patience was not limitless. The United States was fully aware of the degree to which Hanoi controlled the Vietcong, Mr. Seaborn said, and "in the event of escalation the greatest devastation would of course result for the D.R.V. itself."

NO REPORT ON THE "CARROT"

The North Vietnamese Premier, the study relates, "fully understood the seriousness and import of the warning conveyed by Mr. Seaborn." Whether Mr. Seaborn also proferred the "carrot" of food and other economic aid is not reported.

At the June 3 meeting at the White House the President had also apparently approved continued work for the Congressional resolution, the historian says, because planning for it continued apace. "Its intended purpose," the historian comments, "was to dramatize and make clear to other nations the firm resolve of the United States Government in an election year to support the President in taking whatever action was necessary to resist Communist aggression in Southeast Asia."

By June 10, there was "firm support" from most of the foreign-policy-making machinery of the Government for obtaining the resolution, although the account notes that at an interagency meeting that day "five basic 'disagreeable questions' were identified for which the Administration would have to provide convincing answers to assure public support."

"These include: (1) Does this imply a blank check for the President to go to war in Southeast Asia? (2) What kinds of force could he employ under this authorization? (3) What change in the situation (if any) requires the resolution now? (4) Can't our objectives be attained by means other than U.S. military force? (5) Does Southeast Asia mean enough to U.S. national interests?"

Despite the prospect of having to answer these questions publicly, William Bundy wrote in a memorandum for a second interagency meeting on June 12, the Administration required a Congressional resolution immediately as "a continuing demonstration of U.S. firmness and for complete flexibility in the hands of the executive in the coming political months." While the United States did not expect "to move in the near future to military action against North Vietnam," he said, events in South Vietnam or Laos might force it to reconsider this position.

But in the opinion of the analyst, the President in June, 1964, already felt "the political conventions just around the corner and the election issues regarding Vietnam clearly drawn," and so he recoiled at this time from the repercussions of major escalation and of seeking a Congressional resolution. At a high-level meeting on both subjects June 15, McGeorge Bundy, the historian says, brought Presidential guidance to Secretaries Rusk and McNamara in the form of a White House memorandum that postponed a decision for the present.

Washington's efforts to achieve some political stability in Saigon and to hold the line militarily against the guerrillas were coming to naught, however, under the blows of the Vietcong. In his fear and nervousness, General Kanh broke a promise he had made to Ambassador Lodge and Secretary Rusk in their May meeting to consult with Washington before publicly announcing any intention to declare war on the North and to start a bombing campaign.

On July 19, he started a "March North" campaign of militant slogans and oratory at a "unification rally" in Saigon. The same day, as the analyst puts it, Air Marshal Nguyen Cao Ky, then chief of the South Vietnamese Air Force, "spilled the beans to reporters" on joint planning that the United States and the Saigon Government had secretly been conducting since June, with President Johnson's approval, for ground and air assaults in Laos.

In an emotional meeting on July 23 with General Taylor, who had just replaced Mr. Lodge as Ambassador, General Khanh asserted that North Vietnamese draftees had been taken prisoner with Vietcong guerrillas in fighting in the northern provinces. The United States should realize, he said, that the war had entered a new phase that called for new measures.

ANOTHER HEATED MEETING

During another heated meeting on July 24, General Khanh asked Ambassador Taylor whether to resign. The Ambassador asked him not to do so and cabled Washington urging that the United States undertake covert joint planning with the South Vietnamese for bombing the North.

The State Department, the study says, immediately authorized Ambassador Taylor "to tell Khanh the U.S.G. had considered attacks on North Vietnam that might begin, for example, if the pressure from dissident South Vietnamese factions became too great. He must keep this confidential."

The Pentagon narrative skins over the last few days in July, 1964, but a summary of a command and control study of the Tonkin Gulf incident done by the Defense Department's Weapons System Evaluation Group in 1965, which The Times obtained along with the Pentagon narratives, fills in the events of these few days.

The study discloses that after a National Security Council meeting called on July 25, apparently to discuss these critical developments in Saigon, the Joint Chiefs proposed air strikes by unmarked planes flown by non-American crews against several targets in North Vietnam, including the coastal bases for Hanoi's flotilla of torpedo boats.

Assistant Secretary McNaughton sent the Joint Chiefs' memorandum to Secretary Rusk on July 30, the study reports, the same day that a chain of events was to unfold that would make it unnecessary to carry out the Joint Chiefs' plan, even if the President had wanted to accept it.

The Pentagon narrative now remarks that the clandestine 34A raids against North Vietnam—after getting off to what the Joint Chiefs had called "a slow beginning" in a report to Mr. McNamara on May 19—picked up in tempo and size during the summer, although the analyst provides few details. The Joint Chiefs had informed Mr. McNamara that trained sabotage teams, electronic intelligence-gathering equipment, C–123 transports for the air-drops and fast PT boats for the coastal raids were giving the program "growing operational capabilities. (See text.)

ATTACK ON TWO ISLANDS

At midnight on July 30, South Vietnamese naval commandos under General Westmoreland's command staged an amphibious raid on the North Vietnamese islands of Hon Me and Hon Nieu in the Gulf of Tonkin.

While the assault was occurring, the United States destroyer Maddox was 120 to 130 miles away, heading north into the gulf on the year's second De Soto intelligence-gathering patrol. Her sailing orders said she was not to approach closer than eight nautical miles to the North Vietnamese coast and four nautical miles to North Vietnamese islands in the gulf.

The account does not say whether the captain of the Maddox had been informed about the 34A raid. He does state that the Maddox altered course twice on Aug. 2 to avoid a concentration of three North Vietnamese torpedo boats and a fleet of junks that were still searching the seas around the islands for the raiders.

The destroyer reached the northernmost point of her assigned patrol track the same day and headed south again.

"When the (North Vietnamese) PT boats began their high-speed run at her, at a distance of approximately 10 miles, the destroyer was 23 miles from the coast and heading further into international waters," the study says. "Apparently," it explains, "these boats . . . had mistaken Maddox for a South Vietnamese escort vessel."

In the ensuing engagement, two of the torpedo boats were damaged by planes launched from the aircraft carrier Ticonderoga, stationed to the south for reasons the study does not explain. A third PT boat was knocked dead in the water, sunk by a direct hit from one of the Maddox's five-inch guns.

NEW ORDERS FOR MADDOX

The next day, Aug. 3, President Johnson ordered the Maddox reinforced by the destroyer C. Turner Joy and directed that both destroyers be sent back into the gulf, this time with instructions not to approach closer than 11 nautical miles to the North Vietnamese coast. A second aircraft carrier, the Constellation, on a visit to Hong Kong, was instructed to make steam and join the Ticonderoga as quickly as possible.

The study terms these reinforcing actions "a normal precaution" in the light of the first attack on the Maddox and not an attempt to use the destroyers as bait for another attack that would provide a pretext for reprisal airstrikes against the North. "Moreover," it comments, "since the augmentation was coupled with a clear [public] statement of intent to continue the patrols and a firm warning to the D.R.V. that a repetition would bring dire consequences, their addition to the patrol could be expected to serve more as a deterrent than a provocation."

The study gives a clear impression that the Administration at this moment did not believe the North Vietnamese would dare to attack the reinforced destroyer patrol.

For on the night of Aug. 3, while the De Soto patrol was resuming, two more clandestine 34A attacks were staged. PT boats manned by South Vietnamese crews bombarded the Rhon River estuary and a radar installation at Vinhson. This time the Maddox and the Turner Joy were definitely warned that the clandestine assaults were going to take place, the documents show.

Apparently expecting the President to order a resumption of the patrol, the admiral commanding the Seventh Fleet asked General Westmoreland on Aug. 2 to furnish him the general location of the planned raids so that the destroyers could steer clear of the 34A force. There was a good deal of cable traffic back and forth between the two commanders through the Pentagon communications center in Washington to modify the patrol's course on Aug. 3 to avoid any interference with the raiders.

On the night of Aug. 4, Tonkin Gulf time, approximately 24 hours after this second 34A assault, North Vietnamese torpedo boats then attacked both the Maddox and the Turner Joy in what was to be the fateful clash in the gulf.

MOTIVES STILL UNCLEAR

The Pentagon account says that Hanoi's motives for this second attack on the destroyers are still unclear. The narrative ties the attack to the chain of events set off by the 34A raids of July 30, but says that Hanoi's precise motive may have been to recover from the embarrassment of having two torpedo boats damaged and another sunk in the first engagement with the Maddox, without any harm to the American destroyer.

"Perhaps closer to the mark is the narrow purpose of prompt retaliation for an embarrassing and well-publicized rebuff by a much-maligned enemy," the narrative says. "Inexperienced in modern naval operations, D.R.V. leaders may have believed that under the cover of darkness it would be possible to even the score or to provide at least a psychological victory by severely damaging a U.S. ship."

The study does not raise the question whether the second 34A raid on the night of Aug. 3, or the apparent air strikes on North Vietnamese villages just across the Laotian border on Aug. 1 and 2 by T–28 planes, motivated the Hanoi leadership in any way to order the second engagement with the destroyers.

Marshall Green, then the Deputy Assistant Secretary of State for Far Eastern Affairs, mentioned the apparent bombing of the villages in a lengthy memorandum to William Bundy dated Nov. 7, 1964, on United States covert activities in Indochina. (See text).

Listing complaints that North Vietnam had been making to the International Control Commission over the T–28 operations with Thai pilots, Mr. Green noted charges by Hanoi that "T–28's have violated North Vietnamese airspace and bombed/strafed NVN villages on Aug. 1 and 2, and on Oct. 16 and 17 and again on Oct. 28. The charges are probably accurate with respect to the first two dates (along Route 7) and the last one (Mugia Pass area)." The words in parentheses are Mr. Green's.

RAIDS POSSIBLY INADVERTENT

The context of the memorandum indicates that the raids on the North Vietnamese villages may have been inadvertent. But neither the narrative nor Mr. Green's memorandum says whether Hanoi thought this at the time the air strikes occurred.

Whatever the North Vietnamese motives for the second clash, President Johnson moved quickly now to carry out what the analyst calls "recommendations made . . . by his principal advisers earlier that summer and subsequently placed on the shelf."

Because of the Pacific time difference, the Pentagon received the first word that an attack on the Maddox and the Turner Joy might be imminent at 9:20 A.M. on the morning of Aug. 4, after the destroyers had intercepted North Vietnamese radio traffic indicating preparations for an assault. The flash message that the destroyers were actually engaged came into the communications center at 11 A.M.

The Joint Chiefs' staff began selecting target options for reprisal air strikes from the 94-target list, the first version of which was drawn up at the end of May. Adm. U.S. Grant Sharp, who had replaced Admiral Felt as commander in chief of Pacific forces, telephoned from Honolulu to suggest bombing the coastal bases for the torpedo boats.

Within 10 minutes, Mr. McNamara convened a meeting with the Joint Chiefs in his conference room on the third floor of the Pentagon to discuss possibilities for retaliation. Secretary Rusk and McGeorge Bundy came over to join them.

MEETING ALREADY SCHEDULED

Twenty-five minutes later the two secretaries and Mr. Bundy left for a previously scheduled National Security Council meeting at the White House. They would recommend reprisal strikes to the President, while the Joint Chiefs stayed at the Pentagon to decide on specific targets.

At 1:25 P.M., two and a half hours after the flash message of the engagement and possibly while Mr. McNamara, Mr. Rusk, Mr. McCone and McGeorge Bundy were still at lunch with the President, the director of the Joint Staff telephoned Mr. McNamara to say that the Chiefs had unanimously agreed on the targets. Fighter-bombers from the carriers Constellation and Ticonderoga should strike four torpedo boat bases at Hongay, Lochau, Phucloi and Quangkhe, and an oil storage depot near Vinh that held some 10 per cent of North Vietnam's petroleum supply.

At a second National Security Council meeting that afternoon, President Johnson ordered the reprisals, decided to seek the Congressional resolution immediately and discussed with his advisers the swift Southeast Asia deployment of the air strike forces designated in Operation Plan 37–64 for the opening blows in a possible bombing campaign against the North. His approval for these preparatory air deployments, and for the readiness of Marine Corps and Army units planned to meet any Chinese or North Vietnamese retaliation to a bombing campaign, was apparently given later that day, the study shows.

Mr. McNamara returned to the Pentagon at 3 P.M. to approve the details of the reprisal strikes, code-named Pierce Arrow. An execution order was prepared by the Joint Staff, but at 4 P.M. Mr. McNamara learned from Admiral Sharp in a telephone conversation that there was now confusion over whether an attack on the destroyers had actually taken place.

ADMIRAL INSTRUCTED TO CHECK

The Secretary told Admiral Sharp that the reprisal order would remain in effect, but that the admiral was to check and make certain that an attack had really occurred before actually launching the planes. At 4:49 P.M., less than six hours after the first message of the attack had flashed into the Pentagon communications center, the formal execution order for the reprisals was transmitted to Honolulu. Admiral Sharp had not yet called back with confirming details of the attack. The order specified that the carriers were to launch their planes within about two and a half hours.

The admiral called back at 5:23 P.M. and again a few minutes after 6 o'clock to say that he was satisfied, on the basis of information from the task group commander of the two destroyers, that the attack had been genuine. The study says that in the meantime Mr. McNamara and the Joint Chiefs had also examined the confirming evidence, including intercepted radio messages from the North Vietnamese saying that their vessels were engaging the destroyers and that two torpedo boats had been sunk.

By now Mr. McNamara and the Chiefs had moved on to discussing the prepositioning of the air strike forces under Operation Plan 37–64.

At 6:45 P.M., President Johnson met with 16 Congressional leaders from both parties whom he had summoned to the White House. He told them that because of the second unprovoked attack on the American destroyers, he had decided to launch reprisal air strikes against the North and to ask for a Congressional resolution, the study says.

The Pentagon study gives no indication that Mr. Johnson informed the Congressional leaders of United States responsibility for and command of the covert 34A raids on July 30 and Aug. 3.

Nor does the history give any indication that Mr. Johnson told the Congressional leaders of what the historian describes as "the broader purpose of the deployments" under Operation Plan 37–64, which Mr. McNamara was to announce at a Pentagon news conference the next day and describe as a precautionary move.

"It is significant," the analyst writes, "that few of these additional units were removed from the western Pacific when the immediate crisis subsided. In late September the fourth attack aircraft carrier was authorized to resume its normal station in the eastern Pacific as soon as the regularly assigned carrier completed repairs. The other forces remained in the vicinity of their August deployment."

PLANES LEAVE TICONDEROGA

At 8:30 P.M. on Aug. 4, Mr. McNamara returned to the Pentagon and at 11:30 P.M., after several telephone calls to Admiral Sharp, he learned that the Ticonderoga had launched her bomb-laden aircraft at 10:43 P.M. They were expected to arrive over their targets in about an hour and 50 minutes.

The carriers had needed more time to get into launching position than the execution order had envisioned. The Constellation, steaming from Hong Kong, was not to launch her planes for another couple of hours.

The President did not wait. Sixteen minutes after Mr. McNamara's last phone call to Admiral Sharp, at 11:36 P.M., he went on television to tell the nation of the reprisal strikes. He characterized his actions as a "limited and fitting" response. "We still seek no wider war," he said.

Almost simultaneously, the air deployments under Operation Plan 37–64 had begun.

The first F–102 Delta Dagger jet fighters were landing at Saigon's airport around the time Mr. McNamara described the deployments at a Pentagon news conference on Aug. 5. He had given a brief post-midnight conference the same day to describe the reprisal strikes. He reported now that 25 North Vietnamese patrol craft had been destroyed or damaged along with 90 per cent of the oil storage tanks near Vinh.

"Last night I announced that moves were under way to reinforce our forces in the Pacific area," he continued. "These moves include the following actions:

"First, an attack carrier group has been transferred from the First Fleet on the Pacific coast to the western Pacific. Secondly, interceptor and fighter-bomber aircraft have been moved into South Vietnam. Thirdly, fighter-bomber aircraft have been moved into Thailand. Fourthly, interceptor and fighter-bomber squadrons have been transferred from the United States into advance bases in the Pacific. Fifthly an antisubmarine task force group has been moved into the South China Sea. And finally, selected Army and Marine forces have been alerted and readied for movement."

FULBRIGHT A SENATE SPONSOR

The study notes that the Administration drafted the Congressional resolution for the two men who would sponsor its passage through both houses for the President: Senator J. W. Fulbright of Arkansas, chairman of the Senate Foreign Relations Committee, and Representative Thomas E. Morgan of Pennsylvania, chairman of the House Foreign Affairs Committee.

Precisely who drafted this final version of the resolution is not mentioned. The wording was less precise than that of the resolution drafted by William Bundy for the May 23 scenario, but the key language making the resolution in effect a declaration of war remained:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approve and support the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. McNamara and Secretary Rusk both testified on behalf of the resolution in secret sessions of the Senate and House foreign relations committees on Aug. 6. In his narrative, the Pentagon analyst occasionally quotes from and refers to portions of their testimony that have never been made public by the Pentagon. Along with the study, The Times also obtained more extensive quotations from this portion of the hearing transcript. The following account of the testimony on Aug. 6 thus contains both quotations used by the Pentagon analyst and the fuller quotations obtained by The Times.

MORSE LEARNS OF ATTACKS

Senator Wayne Morse of Oregon had learned that boats manned by South Vietnamese crews had attacked the two North Vietnamese islands on July 30. Mr. Morse, one of two Senators who were to vote against the Tonkin Gulf resolution—the other was Ernest L. Gruening of Alaska—alleged during the secret hearing on Aug. 6 that Mr. McNamara had known about the raids and that the destroyers had been associated with it.

"First," Mr. McNamara replied, "our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese actions, if there were any. . . . The Maddox was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times."

"I did not have knowledge at the time of the attack on the island," he said. "There is no connection between this patrol and any action by South Vietnam."

Mr. McNamara contended that whatever action had taken place against these North Vietnamese islands had been part of an anti-infiltration operation being conducted by a fleet of coastal patrol junks the United States had helped South Vietnam to organize in December, 1961.

"In the first seven months of this year they have searched 149,000 junks, some 570,000 people," he is quoted as telling the committee in this secret session. "This is a tremendous operation endeavoring to close the seacoasts of over 900 miles. In the process of that action, as the junk patrol has increased in strength, they have moved farther and farther north endeavoring to find the source of the infiltration.

"As part of that, as I reported to you earlier this week, [Mr. McNamara had testified before the committee in a secret session on Aug. 3 after the first attack on the Maddox], we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the parts they felt were associated with this infiltration.

"Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort," he said.

Senator Franch Church of Idaho then asked Secretary Rusk at the same secret session: "I take it that our government which supplied these boats . . . did know that the boats would be used for attacks on North Vietnamese targets, and that we acquiesced in that policy, is that correct?"

". . . In the larger sense, that is so, but as far as any particular detail is concerned we don't from Washington follow that in great detail," Mr. Rusk replied.

CHURCH PRESSES QUESTIONS

"They are doing it with out acquiescence and consent, is that correct?" Senator Church continued.

"But within very limited levels as far as North Vietnam is concerned," Mr. Rusk said.

At a Pentagon news conference after his testimony before the committee, Mr. McNamara spoke about the coastal patrol junks again and avoided any specific mention of the July 30 raid:

Q. Mr. Secretary.

A. Yes?

Q. Have there been any incidents that you know involving the South Vietnamese vessels and the North Vietnamese?

A. No, none that I know of, although I think that I should mention to you the South Vietnamese naval patrol activities that are carried on to prevent the infiltration of men and material from the North into the South.

In the last seven months of 1961, for example, about, 1,400 men were infiltrated across the 17th Parallel from North Vietnam into South Vietnam. To prevent further infiltration of that kind, the South Vietnamese with our assistance have set up a naval patrol which is very active in that area which continues to inspect and examine junks and their personnel.

In one eight-month period that I can recall they discovered 140 Vietcong infiltrators.

Q. They operate on their own?

A. They operate on their own. They are part of the South Vietnamese Navy, commanded by the South Vietnamese Navy, operating in the coastal waters inspecting suspicious incoming junks, seeking to deter and prevent the infiltration of both men and materiel from North Vietnam into South Vietnam.

Q. Mr. Secretary. Do these junks go north into North Vietnam areas?

A. They have advanced closer and closer to the 17th Parallel and in some cases I think have moved beyond that in an effort to stop the infiltration closer to the point of origin.

Q. Do our naval vessels afford any cover for these operations?

A. Our naval vessel afford no cover whatsoever. Our naval personnel do not participate in the junk operations.

M'GOVERN RAISED THE ISSUE

When Senator George S. McGovern of South Dakota subsequently brought up the July 30 attack on the islands during the Senate floor debate on the resolution, Senator Fulbright replied that he had been assured by the Administration that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that the destroyer patrol "was entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted."

The Congressional resolution passed on Aug. 7 by a vote of 88 to 2 in the Senate and 416 to 0 in the House.

The history shows that besides the May 19 progress report from the Joint Chiefs on the 34A Operations, Mr. McNamara had received other memorandums on the clandestine attacks from General Anthis the special assistant to the Joint Chiefs, on June 13, July 1 and July 28, 1964. General Anthis drew up the advance monthly schedules of the covert operations for approval by William Bundy and Mr. McNaughton.

Where Mr. Rusk is concerned, the study reveals that he was kept reasonably well informed.

The study also makes it clear that there was no connection between the 34A raids and the coastal patrol junk fleet described by Mr. McNamara and referred to by Mr. Rusk.

Thus, in the space of three days, the Administration had put firmly into place two key elements of the May 23 scenario—prepositioning of major air strike forces and Congressional authorization for wider action.

Internal Administration planning for Congressional authorization to escalate also now disappears from the documentary record. The account notes that during the next round of planning "the question of Congressional authority for open acts of war against a sovereign nation was never seriously raised."

There was confusion in Congress, however, over precisely what the resolution meant, the account says, commenting:

"Despite the nearly unanimous votes of support for the resolution, Congressional opinions varied as to the policy implications and the meaning of such support. The central belief seemed to be that the occasion necessitated demonstrating the nation's unity and collective will in support of the President's action and affirming U.S. determination to oppose further aggression. However, beyond that theme, there was a considerable variety of opinion. . . . Several spokesmen stressed that the resolution did not constitute a declaration of war, did not abdicate Congressional responsibility for determining national policy commitments and did not give the President carte blanche to involve the nation in a major Asian war."

The Administration would now communicate the meaning of the resolution to Hanoi by carrying out in a more significant manner an element of the May 23 scenario that Washington had already used once in June when the Canadian emissary had paid his first visit to Hanoi.

SECOND SEABORN MISSION

On Aug. 10, Mr. Seaborn was sent back with a second message for Premier Dong, which concluded:

"a. That the events of the past few days should add credibility to the statement made last time, that 'U.S. public and official patience with North Vietnamese aggression is growing extremely thin.'

"b. That the U.S. Congressional resolution was passed with near unanimity, strongly reaffirming the unity and determination of the U.S. Government and people not only with respect to any further attacks on U.S. military forces but more broadly to continue to oppose firmly, by all necessary means, D.R.V. efforts to subvert and conquer South Viet Nam and Laos.

"c. That the U.S. has come to the view that the D.R.V. role in South Vietnam and Laos is critical. If the D.R.V. persists in its present course, it can expect to continue to suffer the consequences. [The word 'continue' referred to the reprisal air strikes that followed the Tonkin incident.]

"d. That the D.R.V. knows what it must do if the peace is to be restored.

"e. That the U.S. has ways and means of measuring the D.R.V.'s participation in, and direction and control of, the war on South Vietnam and in Laos and will be carefully watching the D.R.V.'s response to what Mr. Seaborn is telling them." [See text.]

Mr. McNaughton had drafted the message on the day the resolution was passed.

During this, as in his first meeting with Mr. Seaborn in June, the history says, "Pham Van Dong showed himself utterly unintimidated and calmly resolved to pursue the course upon which the D.R.V. was embarked to what he confidently expected would be its successful conclusion."

In the heat of the Tonkin clash, the Administration had also accomplished one of the major recommendations of the June strategy conference at Honolulu—preparing the American public for escalation.

"AN IMPORTANT FIREBREAK"

"The Tonkin Gulf reprisal constituted an important firebreak and the Tonkin Gulf resolution set U.S. public support for virtually any action," the study remarks.

Almost none of the "disagreeable questions" the Administration might have to answer about the resolution, which had given the President pause in mid-June, had been asked in the emotional atmosphere of the crisis.

And inside the Administration the planners were moving more quickly now.

On Aug. 10, three days after passage of the resolution, Ambassador Taylor cabled the President a situation report on South Vietnam. It said that the Khanh regime had only "a 50–50 chance of lasting out the year." Therefore, a major objective of the United States Mission in Saigon was to "be prepared to implement contingency plans against North Vietnam with optimum readiness by Jan. 1, 1965."

On Aug. 11, four days after passage of the resolution, William Bundy drew up a memorandum for a high-level State-Defense Departments policy meeting. The memorandum outlined graduated steps towards a possible full-scale air war against North Vietnam with "a contingency date, as suggested by Ambassador Taylor, of 1 January, 1965." But until the end of August, Mr. Bundy said, there should be "a short holding phase, in which we would avoid actions that would in any way take the onus off the Communist side for escalation."

SUMMARY SENT TO TAYLOR

On Aug. 14, a lengthy summary of Mr. Bundy's memorandum was cabled to Ambassador Taylor, Ambassador Unger in Vientiane, and to Admiral Sharp in Honolulu for coments that would permit "further review and refinement."

The Tonkin Gulf reprisal air strikes, the analyst writes, "marked the crossing of an important threshold in the war, and it was accomplished with virtually no domestic criticism, indeed, with an evident increase in public support for the Administration. The precedent for strikes against the North was thus established and at very little apparent cost."

"There was a real cost, however," he concludes, in that the Administration was psychologically preparing itself for further escalation. "The number of unused measures short of direct military action against the North had been depleted. Greater visible commitment was purchased at the price of reduced flexibility." And "for all these reasons, when a decision to strike the North was faced again, it was much easier to take."

Admiral Sharp, in his cable to Washington on Aug. 17 commenting on Mr. Bundy's memorandum, "candidly" summed up this psychological commitment, the analyst says.

"Pressures against the other side once instituted should not be relaxed by any actions or lack of them which would destroy the benefits of the rewarding steps previously taken," the admiral wrote.

RUSK CABLE TO EMBASSY IN LAOS ON SEARCH AND RESCUE FLIGHTS

(Cablegram from Secretary of State Dean Rusk to the United States Embassy in Vientiane, Laos, Aug. 26, 1964. A copy of this message was sent to the Commander in Chief, Pacific.)

We agree with your assessment of importance SAR operations that Air America pilots can play critically important role, and SAR efforts should not discriminate between rescuing Americans, Thais and Lao. You are also hereby granted as requested discretionary authority to use AA pilots in T–28's for SAR operations when you consider this indispensable rpt indispensable to success of operation and with understanding that you will seek advance Washington authorization wherever situation permits.

At the same time, we believe time has come to review scope and control arrangements for T–28 operations extending into future. Such a review is especially indicated view fact that these operations more or less automatically impose demands for use of US personnel in SAR operations. Moreover, increased AA capability clearly means possibilities of loss somewhat increased, and each loss with accompanying SAR operations involves chance of escalation from one action to another in ways that may not be desirable in wider picture. On other side, we naturally recognize T–28 operations are vital both for their military and psychological effects in Laos and as negotiating card in support of Souvanna's position. Request your view whether balance of above factors would call for some reduction in scale of operations and-or dropping of some of better-defended targets. (Possible extension T–28 operations to Panhandle would be separate issue and will be covered by septel.)

On central problem our understanding is that Thai pilots fly missions strictly controlled by your Air Command Center with [word illegible] in effective control, but that this is not true of Lao pilots. We have impression latter not really under any kind of firm control.

Request your evaluation and recommendations as to future scope T–28 operations and your comments as to whether our impressions present control structure correct and whether steps could be taken to tighten this.

RUSK QUERY TO VIENTIANE EMBASSY ON DESIRABILITY OF LAOS CEASE-FIRE

(Cablegram from Secretary of State Rusk to the United States Embassy in Laos, Aug. 7, 1964. Copies were also sent, with a request for comments, to the American missions in London, Paris, Saigon, Bangkok, Ottawa, New Delhi, Moscow, Pnompenh and Hong Kong, and to the Pacific command and the mission at the United Nations.)

1. As pointed out in your 219, our objective in Laos is to stabilize the situation again, if possible within framework of the 1962 Geneva settlement. Essential to stabilization would be establishment of military equilibrium in the country. Moreover, we have some concern that recent RLG successes and reported low PL morale may lead to some escalation from Communist side, which we do not now wish to have to deal with.

2. Until now, Souvanna's and our position has been that military equilibrium would require Pathet Lao withdrawal from areas seized in PDJ since May 15 and that such withdrawal is also basic precondition to convening 14-nation conference. Question now arises whether territorial gains of Operation Triangle, provided they can be consolidated, have in practice brought about a situation of equilibrium and whether, therefore, it is no longer necessary to insist on Pathet Lao withdrawal from PDJ as precondition to 14-nation conference. This is in fact thought which has previously occurred to Souvanna (Vientiane's 191) and is also touched on in Secretary's letter to Butler (Deptel 88 to Vientiane). If Souvanna and we continued to insist on PDJ withdrawal other side would inevitably insist on your yielding Triangle gains, and our judgment is that such arrangement substantially worse than present fairly coherent geographical division. If withdrawal precondition were to be dropped, it could probably best be done at tripartite meeting where it might be used by Souvanna as bargaining counter in obtaining satisfaction on his other condition that he attend conference as head of Laotian Government. Remaining condition would be cease-fire. While under present conditions cease-fire might not be of net advantage to Souvanna—we are thinking primarily of T–28 operations—Pathet Lao would no doubt insist on it. If so, Souvanna could press for effective ICC policing of cease-fire. Latter could be of importance in upcoming period.

3. Above is written with thought in mind that Polish proposals [one word illegible] effectively collapsed and that pressures continue for Geneva [word illegible] conference and will no doubt be intensified by current crisis brought on by DRV naval attacks. Conference on Laos might be useful safety valve for these generalized pressures while at same time providing some deterrent to escalation of hostilities on that part of the "front." We would insist that conference be limited to Laos and believe that it could in fact be so limited, if necessary by our withdrawing from the conference room if any other subject brought up, as we did in 1961–62. Side discussions on other topics could not be avoided but we see no great difficulty with this; venue for informal corridor discussion with PL, DRV, and Chicoms could be valuable at this juncture.

4. In considering this course of action, key initial question is of course whether Souvanna himself is prepared to drop his withdrawal precondition and whether, if he did, he could maintain himself in power in Vientiane. We gather that answer to first question is probably yes but we are much more dubious about the second. Request Vientiane's judgment on these points. Views of other addresses are so requested, including estimated reactions host governments. It is essential that these estimates take account of recent developments: military successes non-Communist forces in Laos and latest demonstration US determination resist Communist aggression in Southeast Asia.

SAIGON EMBASSY'S RESPONSE ON DRAWBACKS IN LAOS TALKS

(Cablegram from Ambassador Maxwell D. Taylor in Saigon to Secretary Rusk, Aug. 9, 1964, with copies to the embassies in Vientiane and Bangkok and the Pacific command.)

From our vantage point we can see positive disadvantages to our position in SEA in pursuing course of action outlined REFTEL.

1. In first place rush to conference table would serve to confirm to Chicoms that US retaliation for destroyer attacks was transient phenomenon and that firm Chicom re-

sponse in form of commitment to defend NVN has given US "paper tiger" second thoughts. Moreover, much of beneficial effects elsewhere resulting from our strong reaction to events in Gulf of Tonkin would be swiftly dissipated.

2. In Vietnam sudden backdown from previous strongly held US position on PDJ withdrawal prior to conf on Laos would have potentially disastrous effect. Morale and will to fight, particularly willingness to push ahead with arduous pacification task and to enforce stern measure on Khanh's new emergency decree, would be undermined by what would look like evidence that US seeking to take advantage of any slight improvement in non-Communist position as excuse for extricating itself from Indochina via conf route. This would give strength to probable pro-Gaullist contention that GVN should think about following Laotian example by seeking negotiated solution before advantage of temporarily strengthened anti-Communist position recedes.

3. General letdown in Vietnam which would result from softening of our stand in Laos just after we had made great show of firmness vis-a-vis Communists would undoubtedly erode Khanh's personal position with prospects of increased political instability and coup plotting.

4. It should be remembered that our retaliatory action in Gulf of Tonkin is in effect an isolated US-DRV incident. Although this has relation, as Amb. Stevenson has pointed out, to larger problem of DRV aggression by subversion in Vietnam and Laos, we have not yet come to grips in a forceful way with DRV over the issue of this larger and much more complex problem. Instead, we are engaged, both in Vietnam and Laos, in proxy actions against proxy agents of DRV. If, as both Khanh and Souvanna hope, we are to parlay the consequences of our recent clash with the DRV into actions which specifically direct themselves against DRV violations of the 1954 and 1962 agreements, we must avoid becoming involved in political engagements which will tie our hands and inhibit our action. For example, any effort to undertake credible joint planning operations with GVN re interdictory air strikes upon infiltration network in southern DRV and especially in panhandle would be completely undercut if we were engaged in conf discussing the Laos territory in question.

5. Similarly, it would seem to us that Souvanna's willingness to hold fast on preconditions or substantive negotiations bears direct relationship to his assessment of US willingness to meet the problem where it originates—in North Vietnam itself. This fact shines clearly through his recent brief letter to Pres. Johnson. Moreover, it would be folly to assume that Khanah, who is now in fairly euphoric state as result of our Gulf of Tonkin action, would do anything other than slump into deepest funk if we sought to persuade him to send GVN del to conf. [Two words illegible] is that he would resign rather than send [Two words illegible].

Intensified pressure for Geneva-type con cited in REFTEL would appear to us to be coming almost entirely from those who are opposed to US policy objectives in SEA (except possibly UK which seems prepared jump on bandwagon). Under circumstances, we see very little hope that results of such conference would be advantageous to US. Moreover, prospects of limiting it to consideration of only Laotian problem appear at this time juncture to be dimmer than ever. Even though prior agreement reached to limit conf. we do not see how in actual practice we could limit discussion solely to Laos if others insist on raising other issues. To best our knowledge, we never "withdrew" from room when DRV attempted raise extraneous issues during 1961–1962 conf. Instead, we insisted to chair on point of order and had DRV ruled out of order. Prospect of informal corridor discussions with PL, DRV and Chicoms is just what GVN would fear most and may well increase pressures on GVN to undertake negotiated solution so as to avoid their fear of being faced with "fait accompli" by US.

7. Rather than searching for "safety valve" to dissipate current "generalized pressures" SEA, it seems to us we should be looking for means which will channel those pressures against DRV; seems to us "safety valve," if needed (for example by Soviets) exists in current UNSC discussion. We should continue to focus attention in all forms on Communist aggressive actions as root cause of tension in SEA and reinforce our current stance. In the final analysis, this stance would be more valid deterrent to escalation by PL/VM than attempt seek accommodation within context Laos problem alone.

While not rpt not specifically within our province, we would point out that PL/VM appear to have capability of retaking territory regained by RLG in Operation Triangle at any time of their choosing and that therefore "territorial swap" envisaged in DEPTEL may be highly illusory. Moreover, any territorial deal which seems to confirm permanent PL/VM control over corridor as an arrangement acceptable to US would be anathema to GVN and indicate our willingness accept infiltration network as tolerable condition on GVN frontiers. Such situation would in their and US mission opinions vitiate against any hope of successful pacification of GVN territory.

U.S. Mission's Recommendations on Further Military Steps

(Cablegram from the United States Mission in Saigon to the State Department, Aug. 18, 1964.)

This is US Mission message.

In preparing our reply, we have found it simpler to produce a new paper which undertakes to state the problem in South Viet Nam as we see it in two possible forms and then to provide course of action responding to each statement of the problem.

Underlying our analysis is the apparent assumption of Deptel 439 (which we believe is correct) that the present incountry pacification plan is not enough in itself to maintain national morale or to offer reasonable hope of eventual success. Something must be added in the coming months.

Statement of the problem—A. The course which US policy in South Viet Nam should take during the coming months can be expressed in terms of four objectives. The first and most important objective is to gain time for the Khanh government to develop a certain stability and to give some firm evidence of viability. Since any of the courses of action considered in this cable carry a considerable measure of risk to the US, we should be slow to get too deeply involved in them until we have a better feel of the quality of our ally. In particular, if we can avoid it, we should not get involved militarily with North Viet Nam and possibly with Red China if our base in South Viet Nam is insecure and Khanh's army is tied down everywhere by the VC insurgency. Hence, it is our interest to gain sufficient time not only to allow Khanh to prove that he can govern, but also to free Saigon from the VC threat which presently rigns (as received) it and assure that sufficient GVN ground forces will be available to provide a reasonable measure of defense against any DRV ground reaction which may develop in the execution of our program and thus avoid the possible requirement for a major US ground force commitment.

A second objective in this period is the maintenance of morale in South Viet Nam particularly within the Khanh Government. This should not be difficult in the case of the government if we can give Khanh assurance of our readiness to bring added pressure on Hanoi if he provides evidence of ability to do his part. Thirdly while gaining time for Khanh, we must be able to hold the DRV in check and restrain a further buildup of Viet Cong strength by way of infiltration from the North. Finally, throughout this period, we should be developing a posture of maximum readiness for a deliberate escalation of pressure against North Viet Nam, using January 1, 1965 as a target D-Day. We must always recognize, however, that events may force US to advance D-Day to a considerably earlier date.

[Start of sentence illegible] we then need to design a course of action which will achieve the four objectives enumerated above. Such a course of action would consist of three parts: the first, a series of actions directed at the Khanh Government; the second, actions directed at the Hanoi Government; the third, following a pause of some duration, initiation of an orchestrated air attack against North Viet Nam.

In approaching the Khanh Government, we should express our willingness to Khanh to engage in planning and eventually to exert intense pressure on North Viet Nam, providing certain conditions are met in advance. In the first place before we would agree to go all out against the DRV, he must stabilize his government and make some progress in cleaning up his operational backyard. Specifically, he must execute the initial phases of the Hop Tac Plan successfully to the extent of pushing the Viet Cong from the doors of Saigon. The overall pacification program, including Hop Tac, should progress sufficiently to allow earmarking at least three division equivalents for the defense in I Corps if the DRV step up military operations in that area.

Finally we should reach some fundamental understandings with Khanh and his government concerning war aims. We must make clear that we will engage in actions against North Viet Nam only for the purpose of assuring the security and independence of South Viet Nam within the territory assigned by the 1954 agreements; that we will not (rpt not) join in a crusade to unify the north and south; that we will not (rpt not) even seek to overthrow the Hanoi regime provided the latter will cease its efforts to take over the south by subversive warfare.

With these understandings reached, we would be ready to set in motion the following:

(1) Resume at once 34A (with emphasis on Marine operations) and Desoto patrols. These could start without awaiting outcome of discussions with Khanh.

(2) Resume U-2 overflights over all NVN.

(3) Initiate air and ground strikes in Laos against infiltration targets as soon as joint plans now being worked out with the Khanh Government are ready. Such plans will have to be related to the situation in Laos. It appears to US that Souvanna Phouma should be informed at an appropriate time of the full scope of our plans and one would hope to obtain his acquiescence in the anti-infiltration actions in Laos. In any case we should always seek to preserve our freedom of action in the Laotian corridor.

By means of these actions, Hanoi will get the word that the operational rules with respect to the DRV are changing. We should perhaps consider message to DRV that shooting down of U–2 would result in reprisals. We should now lay public base for justifying such flights and have plans for prompt execution in contingency to shoot down. One might be inclined to consider including at this state tit-for-tat bombing operations in our plans to compensate for VC depredations in SVN. However, the initiation of air attacks from SVN against NVN is likely to release a new order of military reaction from both sides, the outcome of which is impossible to predict. Thus, we do not visualize initiating this form of reprisal as a desirable tactic in the current plan but would reserve the capability as an emergency response if needed.

Before proceeding beyond this point, we should raise the level of precautionary military readiness (if not already done) by taking such visible measures as [word illegible] Hawk units to Danang and Saigon, landing a Marine force at Danang for defense of the airfield and beefing up MACV's support base. By this time (assumed to be late fall) we should have some reading on Khanh's performance.

Assuming that his performance has been satisfactory and that Hanoi has failed to respond favorably, it will be time to embark on the final phase of course of action A, a carefully orchestrated bombing attack on NVN directed primarily at infiltration and other military targets. At some point prior thereto it may be desirable to open direct communications with Hanoi if this not been done before. With all preparations made, political and military, the bombing program would begin, using U.S. reconnaisance planes, VNAF/Farmgate aircraft against those targets which could be attacked safely in spite of the presence of the MIG's and additional U.S. combat aircraft if necessary for the effective execution of the bombing programs.

Pros and cons of course of action—A. If successful course of action A will accomplish the objectives set forth at the outset as essential to the support of U.S. policy in South Viet Nam. I will press the Khahn Government into doing its homework in pacification and will limit the diversion of interest to the out-of-country ventures it gives adequate time for careful preparation estimated at several months, while doing sufficient at once to maintain internal morale. It also provides ample warning to Hanoi and Peking to allow them to adjust their conduct before becoming overcommitted.

On the other hand, course of action A relies heavily upon the durability of the Khanh government. It assumes that there is little danger of its collapse without notice or of its possible replacement by a weaker or more unreliable successor. Also, because of the drawn-out nature of the program it is exposed to the danger of international political pressure to enter into negotiations before NVN is really hurting from the pressure directed against it.

Statement of the Problem—B. It may well be that the problem of U.S. policy in SVN is more urgent than that depicted in the foregoing statement. It is far from clear at the present moment that the Khanh Government can last until January 1, 1965, although the application of course of action A should have the effect of strengthening the government [rest of sentence illegible].

[Start of sentence illegible] we would have to restate the problem in the following terms. Our objective avoids the possible consequences of a collapse of national morale. To accomplish these purposes, we would have to open the campaign against the DRV without delay, seeking to force Hanoi as rapidly as possible to resist from aiding the VC and to convince the DRV that it must cooperate in calling off the VC insurgency.

Course of Action—B. To meet this statement of the problem, we need an accelerated course of action, seeking to obtain results faster than under course of action A. Such an accelerated program would include the following actions:

Again we must inform Khanh of our intentions, this time expressing a willingness to begin military pressures against Hanoi at once, providing that he will undertake to perform as in course of action A. However, US action would not await evidence of performance.

Again we may wish to communicate directly on this subject with Hanoi or awaiting effect of our military actions. The scenario of the ensuing events would be essentially the same as under Course A but the execution would await only the readiness of plans to expedite relying almost exclusively on US military means.

Pros and cons of Course of Action B. This course of action asks virtually nothing from the Khanh Government, primarily because it is assumed that little can be expected from it. It avoids the consequence of the sudden collapse of the Khanh Government and gets underway with minimum delay the punitive actions against Hanoi. Thus, it lessens the chance of an interruption of the program by an international demand for negotiation by presenting a fait accompli to international critics. However, it increases the likelihood of US involvement in ground action since Khanh will have almost no available ground forces which can be released from pacification employment to mobile resistance of DRV attacks.

Conclusion: It is concluded that Course of Action A offers the greater promised achievement of US policy objectives in SVN during the coming months. However, we should always bear in mind the fragility of the Khanh Government and be prepared to shift quickly to Course of Action B if the situation requires. In either case, we must be militarily ready for any response which may be initiated by NVN or by Chicoms.

Miscellaneous: as indicated above, we believe that 34A operations should resume at once at maximum tempo, still on a covert basis; similarly, Desoto patrols should begin advance, operating outside 12-mile limit. We concur that a number of VNAF pilots should be trained on B-57's between now and first of year. There should be no change now with regard to policy on evacuation of US dependents.

Recommendation: It is recommended that USG adopt Course of Action A while maintaining readiness to shift to Course of Action B.

JOINT CHIEFS' RECOMMENDATIONS ON MILITARY COURSES OF ACTION

(Excerpts from memorandum, "Recommended Courses of Action—Southeast Asia," from the Joint Chiefs of Staff to Secretary of Defense Robert S. McNamara, Aug. 26, 1964.)

3. The Joint Chiefs of Staff have considered Ambassador Taylor's statements of objectives and courses of action. In recognition of recent events in SVN, however, they consider that his proposed course of action B is more in accord with the current situation and consider that such an accelerated program of action with respect to the DRV is essential to prevent a complete collapse of the US position in Southeast Asia. Additionally, they do not agree that we should be slow to get deeply involved until we have a better feel for the quality of our ally. The United States is already deeply involved. The Joint Chiefs of Staff consider that only significantly stronger military pressures on the DRV are likely to provide the relief and psychological boost necessary for attainment of the requisite governmental stability and viability.

4. Recent US military actions in Laos and against the DRV have demonstrated our resolve more clearly than any other US actions in some time. These actions showed force and restraint. Failure to resume and maintain a program of pressure through military actions could be misinterpreted to mean we have had second thoughts about Pierce Arrow and the events leading thereto, and could signal a lack of resolve. Accordingly, while maintaining a posture of readiness in the Western Pacific, the Joint Chiefs of Staff believe that the US program should have as concurrent objectives: (1) improvements in South Vietnam, including emphasis on the Pacification Program and the Top Tac plan to clear Saigon and its surroundings; (2) interdiction of the relatively unmolested VC lines of communication (LOC) through Laos by operations in the Panhandle and of the LOC through Cambodia by strict control of the waterways leading therefrom; (3) denial of Viet Cong (VC) sanctuaries in the Cambodia-South Vietnam border area through the conduct of "hot pursuit" operations into Cambodia, as required; (4) increased pressure on North Vietnam through military actions. As part of the program for increased pressures, the OPLAN 34A operations and the Desoto patrols in the Gulf of Tonkin should be resumed, the former on an intensified but still covert basis.

5. The Joint Chiefs of Staff believe, however, that more direct and forceful actions than these will, in all probability, be required. In anticipation of a pattern of further successful VC and Pathet Lao (PL) actions in RVN and Laos, and in order to increase pressure on the DRV, the US program should also provide for prompt and calculated responses to such VC/PL actions in the form of air strikes and other operations against appropriate military targets in the DRV.

6. The Joint Chiefs of Staff recognize that defining what might constitute appropriate counteroperations in advance is a most difficult task. We should therefore maintain our prompt readiness to execute a range of selected responses, tailored to the developing circumstances and reflecting the principles in the Gulf of Tonkin actions, that such counteroperations will result in clear military disadvantage to the DRV. These responses, therefore, must be greater than the provocation in degree, and not necessarily limited to response in kind against similar targets. Air strikes in response might be purely VNAF; VNAF with US escort to provide protection from possible employment of MIG's; VNAF with US escort support in the offensive as well as the defensive role; or entirely US. The precise combination should be determined by the effect we wish to produce and the assets available. Targets for attack by air or other forces may be selected from appropriate plans including the Target Study for North Vietnam consisting of 94 targets, recently forwarded to you by the Joint Chiefs of Staff. . . .

"PLAN OF ACTION" ATTRIBUTED TO ASSISTANT SECRETARY MCNAUGHTON

(Excerpts from memorandum, Sept. 3, 1964, "Plan of Action for South Vietnam," which the Pentagon study indicates was drawn up by Assistant Secretary of Defense John T. McNaughton.)

1. Analysis of the present situation. The situation in South Vietnam is deteriorating. Even before the government sank into confusion last week, the course of the war in South Vietnam had been downward, with Viet Cong incidents increasing in number and intensity and military actions becoming larger and more successful, and with less and less territory meaningfully under the control of the government. Successful ambushes had demonstrated an unwillingness of the population even in what were thought to be pacified areas to run the risk of informing on the Viet Cong. War weariness was apparent. The crisis of the end of August—especially since the competing forces have left the government largely "faceless" and have damaged the government's ability to manage the pacification program—promises to lead to further and more rapid deterioration. . . . The objective of the United States is to reverse the present downward trend. Failing that, the alternative objective is to emerge from the situation with as good an image as possible in US, allied and enemy eyes.

2. Inside South Vietnam. We must in any event keep hard at work inside South Vietnam. This means, inter alia, immediate action:

(a) to press the presently visible leaders to get a real government in operation;

(b) to prevent extensive personnel changes down the line;

(c) to see that lines of authority for carrying out the pacification program are clear.

New initiatives might include:

(d) to establish a US Naval base, perhaps at Danang;

(e) to embark on a major effort to pacify one province adjacent to Saigon.

A separate analysis is being made of a proposal:

(f) to enlarge significantly the US military role in the pacification program inside South Vietnam—e.g., large numbers of US special forces, divisions of regular combat troops, US air, etc., to "interlard" with or to take over functions of geographical areas from the South Vietnamese armed forces. . .

3. Outside the borders of South Vietnam. There is a chance that the downward trend can be reversed—or a new situation created offering new opportunities, or at least a convincing demonstration made of the great costs and risks incurred by a country which commits aggression against an ally of ours—if the following course of action is followed. The course of action is made up of actions outside the borders of South Vietnam designed to put increasing pressure on North Vietnam but designed also both to create as little risk as possible of the kind of military action which would be difficult to justify to the American public and to preserve where possible the option to have no US military action at all. . . .

Actions. The actions, in addition to present continuing "extra-territorial" actions (U.S. U–2 recce of DRV, U.S. jet recce of Laos, T–28 activity in Laos), would be by way of an orchestration of three classes of actions, all designed to meet these five desiderata—(1) from the U.S., GVN and hopefully allied points of view, they should be legitimate things to do under the circumstances, (2) they should cause apprehension, ideally increasing apprehension, in the DRV, (3) they should be likely at some point to provoke a military DRV response, (4) the provoked response should be likely to provide good grounds for us to escalate if we wished, and (5) the timing and crescendo should be under our control, with the scenario capable of being turned off at any time. . . .

4. Actions of opportunity. While the above course of action is being pursued, we should watch for other DRV actions which would justify [words illegible]. Among such DRV actions might be the following:

a. Downing of U.S. recce or U.S. rescue aircraft in Laos (likely by AA, unlikely by MIG).

b. MIG action in Laos or South Vietnam (unlikely).

c. Mining of Saigon Harbor (unlikely).

d. VC attacks on South Vietnamese POL storage, RR bridge, etc. (dramatic incident required).

e. VC attacks (e.g., by mortars) on, or take-over of, air fields on which U.S. aircraft are deployed (likely).

f. Some barbaric act of terrorism which inflames U.S. and world opinion (unlikely). . . .

6. Chances to resolve the situation. Throughout the scenario, we should be alert to chances to resolve the situation:

a. To back the DRV down, so South Vietnam can be pacified.

b. To evolve a tolerable settlement:

I. Explicit settlement (e.g., via a bargaining-from-strength conference, etc.).

II. Tacit settlement (e.g., via piecemeal live-and-let-live Vietnamese "settlements," a de facto "writing off" of indefensible portions of SVN, etc.).

c. If worst comes and South Vietnam disintegrates or their behavior becomes abominable, to "disown" South Vietnam, hopefully leaving the image of "a patient who died despite the extraordinary efforts of a good doctor."

7. Special considerations during next two months. The relevant "audiences" of U.S. actions are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as "underwriters"), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). During the next two months, because of the lack of "rebuttal time" before election to justify particular actions which may be distorted to the U.S. public, we must act with special care—signalling to the DRV that initiatives are being taken, to the GVN that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint.

Top Aides' Proposal to Johnson on Military Step in Late 1964

(Memorandum from Assistant Secretary of State for Far Eastern Affairs, William P. Bundy, for President Johnson, Sept. 8, 1964. The memorandum was headed "Courses of Action for South Vietnam.")

This memorandum records the consensus reached in discussions between Ambassador Taylor and Secretary Rusk, Secretary McNamara and General Wheeler, for review and decision by the President.

THE SITUATION

1. Khanh will probably stay in control and may make some headway in the next two-three months in strengthening the Government (GVN). The best we can expect is that he and the GVN will be able to maintain order, keep the pacification program ticking over (but not progressing markedly) and give the appearance of a valid Government.

2. Khanh and the GVN leaders are temporarily too exhausted to be thinking much about moves against the North. However, they do need to be reassured that the US continues to mean business, and as Khanh goes along in his Government efforts, he will probably want more US effort visible, and some GVN role in external actions.

3. The GVN over the next 2–3 months will be too weak for us to take any major deliberate risks of escalation that would involve a major role for, or threat to, South Vietnam. However, escalation arising from and directed against U.S. action would tend to lift GVN morale at least temporarily.

4. The Communist side will probably avoid provocative action against the US, and it is uncertain how much they will step up VC activity. They do need to be shown that we and the GVN are not simply sitting back after the Gulf of Tonkin.

COURSES OF ACTION

We recommend in any event:

1. U.S. naval patrols in the Gulf of Tonkin should be resumed immediately (about September 12). They should operate initially beyond the 12-mile limit and be clearly dissociated from 34A maritime operations. The patrols would comprise 2-3 destroyers and would have air cover from carriers; the destroyers would have their own ASW capability.

2. 34A operations by the GVN should be resumed immediately thereafter (next week). The maritime operations are by far the most important. North Vietnam is likely to publicize them, and at this point we should have the GVN ready to admit that they are taking place and to justify and legitimize them on the basis of the facts on VC infiltration by sea. 34A air drop and leaflet operations should also be resumed but are secondary in importance. We should not consider air strikes under 34A for the present.

3. Limited GVN air and ground operations into the corridor areas of Laos should be undertaken in the near future, together with Lao air strikes as soon as we can get Souvanna's permission. These operations will have only limited effect, however.

4. We should be prepared to respond on a tit-for-tat basis against the DRV in the event of any attack on U.S. units or any special DRV/VC action against SVN. The response for an attack on U.S. units should be along the lines of the Gulf of Tonkin attacks, against specific and related targets. The response to special action against SVN should likewise be aimed at specific and comparable targets.

The main further question is the extent to which we should add elements to the above actions that would tend deliberately to provoke a DRV reaction, and consequent retaliation by us. Example of actions to be considered would be running U.S. naval patrols increasingly close to the North Vietnamese coast and/or associating them with 34A operations. We believe such deliberately provocative elements should not be added in the immediate future while the GVN is still struggling to its feet. By early October, however, we may recommend such actions depending on GVN progress and Communist reaction in the meantime, especially to U.S. naval patrols.

The aim of the above actions, external to South Vietnam, would be to assist morale in SVN and show the Communists we still mean business, while at the same time seeking to keep the risks low and under our control at each stage.

Further actions within South Vietnam are not covered in this memorandum. We believe that there are a number of immediate-impact actions we can take, such as pay raises for the police and civil administrators and spot projects in the cities and selected rural areas. These actions would be within current policy and will be refined for decision during Ambassador Taylor's visit. We are also considering minor changes in the U.S. air role within South Vietnam, but these would not involve decisions until November.

Memo on Johnson's Approval of Renewed Naval Operations

(National security action memorandum from McGeorge Bundy, adviser to the President on national security, to Secretary of Defense McNamara and Secretary of State Rusk, Sept. 10, 1964.)

The President has now reviewed the situation in South Vietnam with Ambassador Taylor and with other advisers and has approved the following actions:

1. U.S. naval patrols in the Gulf of Tonkin will be resumed promptly after Ambassador Taylor's return. They will operate initially well beyond the 12-mile limit and be clearly dissociated from 34A maritime operations. The patrols will comprise two to three destroyers and would have air cover from carriers; the destroyers will have their own ASW capability.

2. 34A operations by the GVN will be resumed after completion of a first DeSoto patrol. The maritime operations are by far the most important. North Vietnam has already publicized them, and is likely to publicize them even more, and at this point we should have the GVN ready to admit that they are taking place and to justify and legitimize them on the basis of the facts of VC infiltration by sea. 34A air drop and leaflet operations should also be refused but are secondary in importance. We should not consider air strikes under 34A for the present.

3. We should promptly discuss with the Government of Laos plans for limited GVN air and ground operations into the corridor areas of Laos, together with Lao air strikes and possible use of U.S. armed aerial reconnaissance. On the basis of these discussions a decision on action will be taken, but it should be recognized that these operations will in any case have only limited effect.

4. We should be prepared to respond as appropriate against the DRV in the event of

any attack on US units or any special DRV/VC action against SVN.

5. The results of these decisions will be kept under constant review, and recommendations for changes or modifications or additions will be promptly considered.

6. The President reemphasizes the importance of economic and political actions having immediate impact in South Vietnam, such as pay raises for civilian personnel and spot projects in the cities, and selected rural areas. The President emphasizes again that no activity of this kind should be delayed in any way by any feeling that our resources for these purposes are restricted. We can find the money which is needed for all worthwhile projects in this field. He expects that Ambassador Taylor and the country team will take most prompt and energetic action in this field.

7. These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken.

Cable Authorizing Air Strikes on Laos Infiltration Routes

(Cablegram from the State Department and the Defense Department to the United States Embassy in Vientiane, Oct. 6, 1964. Copies of the cablegram were sent to the United States Embassies in Saigon and Bangkok and to the commander in chief of Pacific forces. The embassy in Saigon was asked to relay the message to the United States commander in Vietnam.)

You are authorized to urge the RLG to begin air attacks against Viet Cong infiltration routes and facilities in the Laos Panhandle by RLAF T–28 aircraft as soon as possible. Such strikes should be spread out over a period of several weeks, and targets should be limited to those deemed suitable for attack by T–28s and listed Para. 8 Vientiane's 581, excluding Mu Gia pass and any target which Laos will not hit without U.S. air cover or fire support since decision this matter not yet made.

You are further authorized to inform Lao that YANKEE TEAM suppressive fire strikes against certain difficult targets in Panhandle, interspersing with further T–28 strikes, are part of the over-all concept and are to be anticipated later but that such US strikes are not repeat not authorized at this time.

Report soonest proposed schedule of strikes and, upon implementation, all actual commitments of RLG T–28s, including targets attacked, results achieved, and enemy opposition. Also give us any views in addition to those in Vientiane's 581 as to any targets which are deemed too difficult for RLG air strikes and on which US suppressive strikes desired.

FYI: Highest levels have not authorized YANKEE TEAM strikes at this time against Route 7 targets. Since we wish to avoid the impression that we are taking first step in escalation, we inclined defer decision on Route 7 strikes until we have strong evidence Hanoi's preparation for new attack in PDJ, some of which might come from RLAF operations over the Route. END FYI.

You may inform RLG, however, that US will fly additional RECCE over Route 7 to keep current on use being made of the Route by the PL and to identify Route 7 targets and air defenses. The subject of possible decision to conduct strikes on Route 7 being given study in Washington.

FYI: Cross border ground operations not repeat not authorized at this time.

William Bundy Draft on Handling World and Public Opinion

(Draft section of a paper, "Conditions for Action and Key Actions Surrounding Any Decision," by Assistant Secretary of State Bundy, Nov. 5, 1964.)

1. Bien Hoa may be repeated at any time. This would tend to force our hand, but would also give us a good springboard for any decision for stronger action. The President is clearly thinking in terms of maximum use of a Gulf of Tonkin rationale, either for an action that would show toughness and hold the line till we can decide the big issue, or as a basis for starting a clear course of action under the broad options.

2. Congress must be consulted before any major action, perhaps only by notification if we do a reprisal against another Bien Hoa, but preferably by careful talks with such key leaders as Mansfield, Dirksen, the Speaker, Albert, Halleck, Fulbright, Hickenlooper, Morgan, Mrs. Boton, Russell, Saltonstall, Rivers, (Vinson?), Arends, Ford, etc. He probably should wait till his mind is moving clearly in one direction before such a consultation, which would point to some time next week. Query if it should be combined with other topics (budget?) to lessen the heat.

3. We probably do not need additional Congressional authority, even if we decide on very strong action. A session of this rump Congress might well be the scene of a messy Republican effort.

4. We are on the verge of intelligence agreement that infiltration has in fact mounted, and Saigon is urging that we surface this by the end of the week or early next week. Query how loud we want to make this sound. Actually Grose in the Times had the new estimate on Monday; so the splash and sense of hot new news may be less. We should decide this today if possible. . . . In general, we all feel the problem of proving North Vietnamese participation is less than in the past, but we should have the Jorden Report updated for use as necessary.

5. A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong Presidential noise to prepare a climate for an action statement is probably indicated and would be important in any event to counter any SVN fears of a softening in our policy. We should decide the latter today too if possible.

6. Secretary Rusk is talking today to Dobrynin. For more direct communication Seaborn can be revved up to go up the 15th if we think it wise. He is not going anyway, and we could probably hold him back so that the absence of any message was not itself a signal.

7. Our international soundings appear to divide as follows:

a. We should probably consult with the U.K., Australia, New Zealand, and possibly Thailand before we reach a decision. We would hope for firm moral support from the U.K. and for participation in at least token form from the others.

b. SEATO as a body should be consulted concurrently with stronger action. We should consult the Philippines a day or so before such action but not necessarily before we have made up our minds.

c. The NATO Council should be notified on the Cuban model, i.e., concurrently, by a distinguished representative.

d. For negative reasons, France probably deserves VIP treatment also.

e. In the UN, we must be ready with an immediate affirmative presentation of our rationale to proceed concurrently either with a single reprisal action or with the initiation of a broader course of action.

f. World-wide, we should select reasonably friendly chiefs of state for special treatment seeking their sympathy and support, and should arm all our representatives with the rationale and defense of our action whether individual reprisal or broader.

8. USIA must be brought into the planning process not later than early next week, so that it is getting the right kind of materials ready for all our information media, on a contingency basis. The same [word illegible] true of CIA's outlets.

McNaughton's November Draft on Vietnam Aims and Choices

(Second draft of a paper, "Action for South Vietnam," by Assistant Secretary of Defense McNaughton, Nov. 6, 1964.)

1. U.S. AIMS

(a) To protect US reputation as a counter-subversion guarantor.

(b) To avoid domino effect especially in Southeast Asia.

(c) To keep South Vietnamese territory from Red hands.

(d) to emerge from crisis without unacceptable taint from methods.

2. PRESENT SITUATION

The situation in South Vietnam is deteriorating. Unless new actions are taken, the new government will probably be unstable and ineffectual, and the VC will probably continue to extend their hold over the population and territory. It can be expected that, soon (6 months? two years?), (a) government officials at all levels will adjust their behavior to an eventual VC take-over, (b) defections of significant military forces will take place, (c) whole integrated regions of the country will be totally denied to the GVN, (d) neutral and/or left-wing elements will enter the government, (e) a popular front regime will emerge which will invite the US out, and (f) fundamental concessions to the VC and accommodations to the DRV will put South Vietnam behind the Curtain.

3. URGENCY

"Bien Hoa" having passed, no urgent decision is required regarding military action against the DRV, but (a) such a decision, related to the general deteriorating situation in South Vietnam, should be made soon, and (b) in the event of another VC or DRV "spectacular," a decision (for at least a reprisal) would be urgently needed.

4. INSIDE SOUTH VIETNAM

Progress inside SVN is important, but it is unlikely despite our best ideas and efforts (and progress, if made, will take at least several months). Nevertheless, whatever other actions might be taken, great efforts should be made within South Vietnam: (a) to strengthen the government, its bureaucracy, and its civil-military coordination and planning, (b) to dampen ethnic, religious, urban and civil-military strife by a broad and positive GVN program designed (with US Team help) to enlist the support of important groups, and (c) to press the pacification program in the countryside.

5. ACTION AGAINST DRV

Action against North Vietnam is to some extent a substitute for strengthening the government in South Vietnam. That is, a less active VC (on orders from DRV) can be matched by a less efficient GVN. We therefore should consider squeezing North Vietnam.

6. OPTIONS OPEN TO US

We have three options open to us (all envision reprisals in the DRV for DRV/VC "spectaculars" against GVN as well as US assets in South Vietnam.)

Option A. Continue present policies. Maximum assistance with SVN and limited external actions in Laos and by the GVN covertly against North Vietnam. The aim of any reprisal actions would be to deter and punish large VC actions in the South, but not to a degree that would create strong international negotiating pressures. Basic to this option is the continued rejection of negotiating in the hope that the situation will improve.

Option B. Fast full squeeze. Present policies plus a systematic program of military pressures against the north, meshing at some point with negotiation, but with pressure actions to be continued at a fairly rapid pace and without interruption until we achieve our central present objectives.

Option C. Progressive squeeze-and-talk. Present policies plus an orchestration of communications with Hanoi and a crescendo of additional military moves against infiltration targets, first in Laos and then in the DRV, and then against other targets in North Vietnam. The scenario would be designed to give the US the option at any point to proceed or not, to escalate or not, and to quicken the pace or not. The decision in these regards would be made from time to time in view of all relevant factors.

7. ANALYSIS OF OPTION A

(To be provided)

8. ANALYSIS OF OPTION B

(To be provided)

9. ANALYSIS OF OPTION C

(a) Military actions. Present policy, in addition to providing for reprisals in DRV for DRV actions against the US, envisions (1) 34A Airops and Marops, (2) deSoto patrols, for intelligence purposes, (3) South Vietnamese shallow ground actions in Laos when practicable, and (4) T28 strikes against infiltration-association targets in Laos. Additional actions should be:

Phase one (in addition to reprisals in DRV for VC "spectaculars" in South Vietnam): (5) US strikes against infiltration-associated targets in Laos.

Phase two (in addition to reprisals in DRV against broader range of VC actions). (6) Low-level reconnaissance in southern DRV, (7) US/VNAF strikes against infiltration-associated targets in southern DRV.

Phase three: Either continue only the above actions or add one or more of the following, making timely deployment of US forces: (8) Aerial mining of DRV ports, (9) Naval quarantine of DRV, and (10) US/VNAF, in "cresendo," strike additional targets on "94 target list."

South Vietnamese forces should play a role in any action taken against the DRV.

(b) Political actions. Establish immediately a channel for bilateral US-DRV communication. This could be in Warsaw or via Seaborn in Hanoi. Hanoi should be told that we do not seek to destroy North Vietnam or to acquire a colony or base, but that North Vietnam must:

(1) Stop training and sending personnel to wage war in SVN and Laos.

(2) Stop sending arms and supplies to SVN and Laos.

(3) Stop directing and controlling military actions in SVN and Laos.

(4) Order the VC and PL to stop their insurgencies and military actions.

(5) Remove VM forces and cadres from SVN and Laos.

(6) Stop propaganda broadcasts to South Vietnam.

[(7) See that VC and PL stop attacks and incidents in SVN and Laos?]

[(8) See that VC and PL cease resistance to government forces?]

[(9) See that VC and PL turn in weapons and relinquish bases?]

[(10) See that VC and PL surrender for amnesty of expatriation?]

US demands should be accompanied by offers (1) to arrange a rice-barter deal between two halves of Vietnam and (2) to withdraw US forces from South Vietnam for so long as the terms are complied with.

We should not seek wider negotiations—in the UN, in Geneva, etc.—but we should evaluate and pass on each negotiating opportunity as it is pressed on us.

(c) Information actions. The start of military actions against the DRV will have to be accompanied by a convincing world-wide public information program. (The information problem will be easier if the first US action against the DRV is related in time and kind to a DRV or VC outrage or "spectacular", preferably against SVN as well as US assets.)

(d) VS–DRV–Chicom-USSR reactions. (To be elaborated later.) The DRV and China will probably not invade South Vietnam, Laos or Burma, nor is it likely that they will conduct air strikes on these countries. The USSR will almost certainly confine herself to political actions. If the DRV or China strike or invade South Vietnam, US forces will be sufficient to handle the problem.

(e) GVN Reactions. Military action against the DRV could be counterproductive in South Vietnam because (1) the VC could step up its activities, (2) the South Vietnamese could panic, (3) they could resent our striking their "brothers", and (4) they could tire of waiting for results. Should South Vietnam disintegrate completely beneath us, we should try to hold it together long enough to permit us to try to evacuate our forces and to convince the world to accept the uniqueness (and congenital impossibility) of the South Vietnamese case.

(f) Allied and neutral reactions. (To be elaborated later.) (1) Even if OPTION C failed, it would, by demonstrating US willingness to go to the mat, tend to bolster allied confidence in the US as an ally. (2) US military action against the DRV will probably prompt military actions elsewhere in the world—e.g., Indonesia against Malaysia or Timor, or Turkey against Cyprus.

TAYLOR'S BRIEFING OF KEY OFFICIALS ON SITUATION IN NOVEMBER 1964

(Excerpts from prepared briefing by Ambassador Taylor, "The Current Situation in South Vietnam—November, 1964," delivered to the "principals"—the senior officials to whom the Southeast Asia working group reported—at a Washington meeting on Nov. 27, 1964.)

After a year of changing and ineffective government, the counter-insurgency program country-wide is bogged down and will require heroic treatment to assure revival. Even in the Saigon area, in spite of the planning and the special treatment accorded the Hop Tac plan, this area also is lagging. The northern provinces of South Viet-Nam which a year ago were considered almost free of Viet-Cong are now in deep trouble. In the Quang Ngai-Binh Dinh area, the gains of the Viet-Cong have been so serious that once more we are threatened with a partition of the country by a Viet-Cong salient driven to the sea. The pressure on this area has been accompanied by continuous sabotage of the railroad and of Highway 1 which in combination threaten an economic strangulation of northern provinces.

This deterioration of the pacification program has taken place in spite of the very heavy losses inflicted almost daily on the Viet-Cong and the increase in strength and professional competence of the Armed Forces of South Viet-Nam. Not only have the Viet-Cong apparently made good their losses, but of late, have demonstrated three new or newly expanded tactics: the use of stand-off mortar fire against important targets, as in the attack on the Bien Hoa airfield; economic strangulation on limited areas; finally, the stepped-up infiltration of DRV military personnel moving from the north. These new or improved tactics employed against the background of general deterioration offer a serious threat to the pacification program in general and to the safety of important bases and installations in particular.

Perhaps more serious than the downward trend in the pacification situation, because it is the prime cause, is the continued weakness of the central government. Although the Huong government has been installed after executing faithfully and successfully the program laid out by the Khanh government for its own replacement, the chances for the long life and effective performance of the new line-up appear small. Indeed, in view of the factionalism existing in Saigon and elsewhere throughout the country it is impossible to foresee a stable and effective government under any name in anything like the near future. Nonetheless, we do draw some encouragement from the character and seriousness of purpose of Prime Minister Huong and his cabinet and the apparent intention of General Khanh to keep the Army out of politics, at least for the time being.

As our programs plod along or mark time, we sense the mounting feeling of war weariness and hopelessness which pervade South Viet-Nam particularly in the urban areas. Although the provinces for the most part appear steadfast, undoubtedly there is chronic discouragement there as well as in the cities. Although the military leaders have not talked recently with much conviction about the need for "marching North," assuredly many of them are convinced that some new and drastic action must be taken to reverse the present trends and to offer hope of ending the insurgency in some finite time.

The causes for the present unsatisfactory situation are not hard to find. It stems from two primary causes, both already mentioned above, the continued ineffectiveness of the central government, and the other, the increasing strength and effectiveness of the Viet-Cong and their ability to replace losses.

While, in view of the historical record of South Viet-Nam, it is not surprising to have these governmental difficulties, this chronic weakness is a critical liability to future plans. Without an effective central government with which to mesh the U.S. effort the latter is a spinning wheel unable to transmit impulsion to the machinery of the GVN. While the most critical governmental weaknesses are in Saigon, they are duplicated to a degree in the provinces. It is most difficult to find adequate provincial chiefs and supporting administrative personnel to carry forward the complex programs which are required in the field for successful pacification. It is true that when one regards the limited background of the provincial chiefs and their associates, one should perhaps be surprised by the results which they have accomplished, but unfortunately, these results are generally not adequate for the complex task at hand or for the time schedule which we would like to establish.

As the past history of this country shows, there seems to be a national attribute which makes for factionalism and limits the development of a truly national spirit. Whether this tendency is innate or a development growing out of the conditions of political suppression under which successive generations have lived is hard to determine. But it is an inescapable fact that there is no national tendency toward team play or mutual loyalty to be found among many of the leaders and political groups within South Viet-Nam. Given time, many of these [words illegible] undoubtedly change for the better, but we are unfortunately pressed for time and unhappily perceive no short term solution for the establishment of stable and sound government.

The ability of the Viet-Cong continuously to rebuild their units and to make good their losses is one of the mysteries of this guerrilla war. We are aware of the recruiting methods by which local boys are induced or compelled to join the Viet-Cong ranks and have some general appreciation of the amount of infiltration personnel from the outside. Yet taking both of these sources into account, we still find no plausible explanation of the continued strength of the Viet-Cong if our data on Viet-Cong losses are even approximately correct. Not only do the Viet-Cong units have the recuperative powers of the pheonix, but they have an amazing ability to maintain morale. Only in rare cases have we found evidences of bad morale among Viet-Cong prisoners or recorded in captured Viet-Cong documents.

Undoubtedly one cause for the growing strength of the Viet-Cong is the increased direction and support of their campaign by the government of North Viet-Nam. This direction and support take the form of endless radioed orders and instructions, and the continuous dispatch to South Viet-Nam of trained cadre and military equipment over infiltration routes by land and by water. While in the aggregate, this contribution to the guerrilla campaign over the years must represent a serious drain on the resources of the DRV, that government shows no sign of relaxing its support of the Viet-Cong. In fact, the evidence points to an increased contribution over the last year, a plausible development, since one would expect the DRV to press hard to exploit the obvious internal weaknesses in the south.

If, as the evidence shows, we are playing a losing game in South Viet-Nam, it is high time we change and find a better way. To change the situation, it is quite clear that we need to do three things: first, establish an adequate government in SVN; second, improve the conduct of the counterinsurgency campaign; and finally, persuade or force the DRV to stop its aid to the Viet-Cong and to use its directive powers to make the Viet-Cong desist from their efforts to overthrow the government of South Viet-Nam. . . .

In bringing military pressure to bear on North Viet-Nam, there are a number of variations which are possible. At the bottom of the ladder of escalation, we have the initiation of intensified covert operations, anti-infiltration attacks in Laos, and reprisal bombings mentioned above as a means for stiffening South Vietnamese morale. From this level of operations, we could begin to escalate progressively by attacking appropriate targets in North Viet-Nam. If we justified our action primarily upon the need to reduce infiltration, it would be natural to direct these attacks on infiltration—related targets such as staging areas, training facilities, communications centers and the like. The tempo and weight of the attacks could be varied according to the effects sought. In its final forms, this kind of attack could extend to the destruction of all important fixed targets in North Viet-Nam and to the interdiction of movement on all lines of communication.

* * * We reach the point where a decision must be taken as to what course or courses of action we should undertake to change the tide which is running against us. It seems perfectly clear that we must work to the maximum to make something out of the present Huong government or any successor thereto. While doing so, we must be thinking constantly of what we would do if our efforts are unsuccessful and the government collapses. Concurrently, we should stay on the present in-country program, intensifying it as possible in proportion to the current capabilities of the government. To bolster the local moral and restrain the Viet-Cong during this period, we should step up the 34-A operations, engage in bombing attacks and armed recce in the Laotian corridor and undertake reprisal bombing as required. It will be important that United States forces take part in the Laotian operations in order to demonstrate to South Viet-Nam our willingness to share in the risks of attacking the North.

If this course of action is inadequate, and the government falls then we must start over again or try a new approach. At this moment, it is premature to say exactly what these new measures should be. In any case, we should be prepared for emergency military action against the North if only to shore up a collapsing situation.

If, on the other hand as we hope, the government maintains and proves itself, then we should be prepared to embark on a methodical program of mounting air attacks in order to accomplish our pressure objectives visa-vis the DRV and at the same time do our best to improve in-country pacification program. We will leave negotiation initiatives to Hanoi. Throughout this period, our guard must be up in the Western Pacific, ready for any reaction by the DRV or of Red China. Annex I suggests the train of events which we might set in motion. . . .

VIEW OF CHIEFS' REPRESENTATIVE ON OPTIONS B AND C

(Memorandum from Vice Adm. Lloyd M. Mustin of the staff of the Joint Chiefs of Staff to Assistant Secretary Bundy as chairman of the Working Group on Southeast Asia, Nov. 14, 1964. The memorandum was headed "Additional Material for Project on Courses of Action in Southeast Asia.")

References: a. Your memorandum of 13 November 1964 to the NSC Working Group.
b. JCSM 902–64, dated 27 October 1964.
c. JCSM 933–64, dated 4 November 1964.
d. JCSM 955–64, dated 14 November 1964.

1. Reference a requests JCS views spelling out Option "B" as a preferred alternative, with something like Option "C" as a fallback alternative. Because of the way in which formal JCS views in the premises have been developed and expressed, this requires some degree of interpretation.

2. Reference b is the most recent recommendation by the Joint Chiefs of Staff for courses of action with respect to South Vietnam, framed in context of initiation "in cold blood." Various JCS papers, the most recent dated 22 October 1964, identify the corresponding recommendations with respect to Laos. Reference b specifically identifies certain of its listed actions to begin now, with the balance of them "implemented as required, to achieve U.S. objectives in Southeast Asia."

3. Reference c formalized the most recent JCS recommendation for reprisal (hot blood) actions and reference d provided an analysis of DRV/CHICOM reactions to these strikes, and the probable results thereof. The proposed actions are essentially the same as in reference c except for the principal difference that the "hot blood" actions are initiated at a substantial higher level of military activity.

4. Only in that the courses of action in either of these sets of documents can be completed in minimum time consistent with proper conduct of military operations do they match Option "B" as defined for purposes of the NSC Working Group study. The distinction is that while the Joint Chiefs of Staff offer the capability for pursuing Option "B" as defined, they have not explicitly recommended that the operations be conducted on a basis necessarily that inflexible. All implementing plans do in fact explicitly recognize a controlled phase which would permit suspension whenever desired by national authority.

5. I believe my draft contribution to PART VI provides a reasonable application of the JCS recommendations to Option "B" as defined for the study, but this does not mean that the Joint Chiefs of Staff have recommended Option "B" as defined in the study.

6. There is in an advanced state of completion a JCS fall-back recommendation for a course of action which, subject to possible further modifications by the Joint Chiefs of Staff, will provide essentially the same military actions listed in my draft input to PART VII. These include the same military actions listed in the above, but without the stress upon starting forthwith, and with more specific emphasis on some extension of the over-all time for execution of the complete list. Thus it imposes what amount to some arbitrary delays, which would provide additional intervals for diplomatic exchanges.

7. Because of the time delays which it reflects, it is specifically the JCS fall-back position.

8. For information, the analysis in reference d develops and supports the conclusion that the United States and its Allies can deal adequately with any course of action the DRV and/or CHICOMS decide to pursue. You may note that this conclusion is developed in the context of the most intense of all courses of action prepared by the Joint Chiefs of Staff. This reflects a position less pessimistic than some which have appeared in project drafts.

9. A final overall comment by the Joint Staff member of the Working Group:

We recognize quite clearly that any effective military action taken by the United States will generate a hue and cry in various quarters. The influence that this kind of "pressure" may have upon the United States acting in support of its national interests will be no more than what we choose to permit it to be. There are repeated expressions in various project draft materials indicating that this influence will necessarily be great. We do not agree. There are too many current examples of countries acting in what they presumably believe to be their own [word illegible] self-interest, in utter disregard for "world opinion," for us to accept the position that the United States must at all times conduct all its affairs on the basis of a world popularity contest. In short, we believe that certain strong US actions are required in Southeast Asia, that we must take them regardless of opinion in various other quarters, and that results of our failing to take them would be substantially more serious to the United States than would be any results of world opinions if we did take them. And as far as that goes, we do not believe that if we took the necessary actions the adverse pressures from other countries would prove to be very serious after all—at least from countries that matter to us.

GLOSSARY OF TERMS USED IN TEXTS

CHICOM—Chinese Communists.
DEPTEL—State Department telegram.
D.R.V.—Democratic Republic of (North) Vietnam.
GVN—Government of (South) Vietnam.
H.N.C.—High National Council.
I.C.C.—International Control Commission.
J.C.S—Joint Chiefs of Staffs
J.C.S.M.—Joint Chiefs of Staff memorandum.
MACV—Military Assistance Command, Vietnam.
MAROPS—Marine Operations.
NSC—National Security Council.
OPERATION TRIANGLE—Code name for an operation not otherwise identified.
P.D.J.—Plaines des Jarres.
P.L.—Pathet Lao.
P.O.L.—Petroleum, oil, lubricants.
RECCE—Reconnaisance.
R.L.A.F.—Royal Laotian Air Force.
R.L.G.—Royal Laotian Government.
RVNAF—Republic of (South) Vietnam Armed (or Air) Forces.
SEA—Southeast Asia.
SVN—South Vietnam.
U.S.G.—U.S. Government.
VM—Vietminh.
VNAF—(South) Vietnamese Armed Forces.

FINAL DRAFT POSITION PAPER PRODUCED BY WORKING GROUP

("Draft Position Paper on Southeast Asia" circulated to the principal top-level officials concerned, Nov. 29, 1964. The draft was accompanied by a memorandum from William Bundy saying: "I attach a draft action paper for review at the meeting at 1:30 on Monday in Secretary Rusk's conference room. Secretary Rusk has generally approved the format of these papers, and they have been given a preliminary review for substance by Ambassador Taylor and Messrs. McNaughton and Forrestal. However, I am necessarily responsible for the way they are now drafted." The Pentagon study says this paper was originally a draft national security action memorandum but that it was changed to a draft position paper at the instructions of the principals. Words and phrases that were deleted from the final version are shown in italics. Handwritten interpolations or revisions are shown in double parentheses.)

I. CONCEPT

A. US objectives in South Vietnam (SVN) are unchanged. They are to:

1. Get Hanoi and North Vietnam (DRV) support and direction removed from South Vietnam, and, to the extent possible, obtain DRV cooperation in ending Viet Cong (VC) operations in SVN.

2. Re-establish an independent and secure South Vietnam with appropriate international safeguards, including the freedom to accept US and other external assistance as required.

3. Maintain the security of other non-Communist nations in Southeast Asia including specifically the maintenance and observance of the Geneva Accords of 1962 in Laos.

B. We will continue to press the South Vietnamese Government (GVN) in every possible way to make the government itself more effective and to push forward with the pacification program.

C. We will join at once with the South Vietnamese and Lao Governments in a determined action program aimed at DRV activities in both countries and designed to help GVN morale and to increase the costs and strain on Hanoi, foreshadowing still greater pressures to come. Under this program the first phase actions (((see TAB D))) within the next thirty days will be intensified forms of action already under way, plus (1) US armed reconnaissance strikes in Laos, and already under way, plus (1) US armed reconnaissance strikes in Laos, and (2) GVN and possible US air strikes against the DRV, as reprisals against any major or spectacular Viet Cong action in the south, whether against US personnel and installations or not.

D. Beyond the thirty-day period, first phase actions may be continued without change, or additional military measures may be taken including the withdrawal of dependents and the possible initiation of strikes a short distance across the border against the infiltration routes from the DRV. In the later case this would become a transitional phase. ((Be prepared to stop flow of dependents to SVN at [illegible word] time we start air strikes in force.))

E. Thereafter, if the GVN improves its effectiveness to an acceptable degree and Hanoi does not yield on acceptable terms, or *if the GVN can only be kept going by stronger action* the US is prepared—at a time to be determined—to enter into a second phase program, in support of the GVN and RLG, of graduated military pressures directed systematically against the DRV. Such a program would consist principally of progressively more serious air strikes, of a weight and tempo adjusted to the situation as it develops (possibly running from two to six months). Targets in the DRV would start with infiltration targets south of the 19th parallel and work up to targets north of that point. This could eventually lead to such measures as air strikes on all major military-related targets, aerial mining of DRV ports, and a US naval blockade of the DRV. The whole sequence of military actions would be designed to give the impression of a steady, deliberate approach, and to give the US the option at any time (subject to enemy reaction) to proceed or not, to escalate or not, and to quicken the pace or not. Concurrently, the US would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain US objectives in an acceptable manner. *The US would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate.*

HEADING ILLEGIBLE

A. A White House statement will be issued following the meeting with Ambassador Taylor, with the text as in Tab B, attached.

B. Ambassador Taylor will consult with the GVN promptly on his return, making a general presentation ((in accordance with the draft instructions)) as stated in Tab B, attached. He will further press for the adoption of specific measures as listed in the Annex to Tab B.

C. At the earliest feasible date, we will publicize the evidence of increased DRV infiltration. This action will be coordinated by Mr. Chester Cooper in order to insure that the evidence is sound and that senior government officials who have testified on this subject in the past are in a position to defend and explain the differences between the present estimates and those given in the past. The publicizing will take four forms:

1. An on-the-record presentation to the press in Washington, concurrently with an on-the-record or background presentation to the press in Saigon.

2. Available Congressional leaders will be given special briefings. (No special leadership meetings will be convened for this purpose).

3. The Ambassadors of key allied nations will be given special briefings.

A written report will be prepared and published within the next ten days giving greater depth and background to the evidence.

D. LAOS AND THAILAND.

THE US AMBASSADORS IN THESE COUNTRIES WILL inform the government leaders ((in general terms)) of the concept we propose to follow and of specific actions requiring their concurrence or participation. In the case of Laos, we will obtain RLG approval of an intensified program of ((US armed)) reconnaisance strikes both in the Panhandle area of Laos and along the key infiltration routes in central Laos. These actions will not be publicized except to the degree approved by the RLG. It is important, however, for purposes of morale in SV, that their existence be generally known.

Thailand will be asked to support our program fully, to intensify its own efforts in the north and northeast, and to give further support to operations in Laos, such as additional pilots and possibly artillery teams.

E. KEY ALLIES.

We will consult immediately with the UK, ((DC)) AUSTRALIA, NEW ZEALAND, ((Bundy)) and the Philippines. ((Humphrey?))

1. UK. The President will explain the concept and proposed actions fully to Prime Minister Wilson, seeking full British support, but without asking for any additional British contribution in view of the British role in Malaysia.

2. Australia and New Zealand will be pressed through their Ambassadors, not only for support but for additional contributions.

3. The Philippines will be particularly pressed for contributions along the lines of the program for approximately 1800 men already submitted to President Macapagal.

F. We will press generally for more third country aid, stressing the gravity of the situation and our deepening concern. A summary of existing third country aid and of the types of aid that might now be obtained is in Tab C, attached.

G. COMMUNIST COUNTRIES.

1. We will convey to Hanoi our unchanged determination ((and)) our objectives, and that we have a growing concern at the DRV role, to see if there is any sign of change in Hanoi's position.

2. We will make no special approaches to Communist China in this period.

3. WE WILL CONVEY OUR DETERMINATION AND GRAVE CONCERN TO THE SOVIETS, NOT IN THE EXPECTATION OF ANY CHANGE IN THEIR POSITION BUT IN EFFECT TO WARN THEM TO STAY OUT, AND WITH SOME HOPE THEY WILL PASS ON THE MESSAGE TO HANOI AND PEIPING.

H. OTHER COUNTRIES.

1. We will convey our grave concern to key interested governments such as Canada, India, and France, but avoid spelling out the concept fully.

2. In the event of a reprisal action, will explain and defend our action in the UN as at the time of the Gulf of Tonkin incident. We do not plan to raise the issue otherwise in the UN. (The Lao Government may stress the DRV infiltration in Laos in its speech, and we should support this and spread the information.)

I. INTENSIFIED MILITARY ACTIONS.

1. The GVN maritime operations (MAROPS) will be intensified ((*including U.S. air protection of GVN vessels from attacks by MIG's or DRV surface vessels*)) *and we will urge the GVN to surface and defend these as wholly justified in response to the wholly illegal DRV actions.*

2. Lao air operations will be intensified, especially in the corridor areas and close to the DRV border. US air cover and flak suppression will ((may)) be supplied where ((if)) needed.

3. US high-level reconnaissance over the DRV will be stepped up.

4. US armed ((air)) reconnaissance ((and air)) strikes will be carried out in Laos, first against the corridor area and within a short time against Route 7 and other infiltration routes, *in a major operation to cut key bridges*. (These actions will be publicized only to the degree agreed with Souvanna.) ((At this time we prepare to stop flow of dependents to V.N.))

J. REPRISAL ACTIONS.

For any VC provocation similar to the following, a reprisal will be undertaken, preferably within 24 hours, against one or more selected targets in the DRV. GVN forces will be used to the maximum extent, supplemented as necessary by US forces. The exact reprisal will be decided at the time, in accordance with a quick-reaction procedure which will be worked out.

The following may be appropriate occasions for reprisals, but we should be alert for any appropriate occasion.

1. Attacks on airfields.
2. Attack on Saigon.
3. Attacks on provincial or district capitals.
4. Major attacks on US citizens.
5. Attacks on major POL facilities.
((expand))
6. Attacks on bridges and railroad lines after the presently damaged facilities have been restored and warning given.
7. Other "spectaculars" such as earlier attack on a US transport carrier at a pier in Saigon.

In these or similar cases, the reprisal action would be linked as directly as possible to DRV infiltration, so that we have a common threat of justification.

A flexible list of reprisal targets has been prepared running from infiltration targets in the southern part of the DRV up to airfields, ports, and naval bases also located south of the 19th parallel.

K. US/GVN JOINT PLANNING will be initiated *both for reprisal actions and for possible later air strikes across the border in the DRV.*

L. Major statement or speech. Depending on US public reaction, a major statement or speech may be undertaken by the President during this period. This will necessarily be required if a reprisal action is taken, but some other significant action, such as the stopping of the flow of U.S. dependents, might *be the occasion. Such a statement or speech would restate our objectives and our determination, why we are in South Vietnam, and how gravely we view the situation. It should in any event follow the full publicizing of infiltration evidence.*

M. Dependents. The flow of dependents to South Vietnam will be stopped [at an early date, probably immediately after Ambassador Taylor has consulted with the GVN] [at the start of the second phase], and this will be publicly announced.

N. Deferred Actions. ((See TAB D))

The following actions will not be taken within the thirty-day period, but will be considered for adoption in the transitional or second phases of the pogram:

1. Major air deployment to the area.

2. Furnishing US air cover for CVN MAROOPS.

((2)) 3. ((Be required to resume)) Resuming destroyer patrols in the Gulf of Tonkin. If attacked, these would be an alternative basis for reprisals, and should be considered primarily in this light.

((5)) 4. ((Be prepared to evacuate)) Evacuation of U.S. dependents.

((3)) 5. US low-level reconnaissance into the DRV.

((4)) 6. GVN/((LAO/)) US air strikes across the border ((s)), initially against the infiltration routes and installations and then against other targets south of the 19th parallel.

NOTE

The Joint Chiefs of Staff recommend immediate initiation of sharply intensified military pressures against the DRV, starting with a sharp and early attack in force on the DRV, subsequent to brief operations in Laos and US low-level reconnaissance north of the boundary to divert DRV attention prior to the attack in force. This program would be designed to destroy in the first three days Phuc Yen airfield near Hanoi, other airfields, and major POL facilities, clearly to establish the fact that the US intends to use military force to the full limits of what military force can contribute to achieving US objectives in Southeast Asia, and to afford the GVN respite by curtailing DRV assistance to and direction of the Viet Cong. The follow-on-military program—involving armed reconnaissance of infiltration routes in Laos, air strikes on infiltration targets in the DRV, and then progressive strikes throughout North Vietnam—could be suspended short of full destruction of the DRV if our objectives were earlier achieved. The military program would be conducted rather swiftly, but the tempo could be adjusted as needed to contribute to achieving our objectives.

REPORT OF MEETING OF U.S. ENVOYS TO REVIEW OPERATIONS IN LAOS

(Excerpts from cablegram, signed by Ambassador Maxwell D. Taylor, from United States Embassy in Saigon to State Department, Defense Department and Commander in Chief, Pacific, Sept. 19, 1964.)

Following is a summary, coordinated with Vientiane and Bangkok, of the conclusions of the meeting of the three posts held at Saigon September 11 to review air and limited ground operations of the Lao corridor:

1. Air operations in corridor: This involves attack of 22 targets for which folders at Vientiane and Saigon. If objective is primarily military, i.e., to inflict maximum damage to targets, to prevent VN/PL dispersal and protective measures, and impede rapid VN/PL riposte, it was agreed that a series of sharp, heavy attacks must be made in a relatively short timespan, which would involve substantial U.S. and/or VNAF/Farmgate attacks. If objective primarily phychological, military disadvantages of attacks over longer time frame would be acceptable and chief reliance could be placed on RLAF T–28s with some Yankee team strikes against harder targets, e.g., five bridges. Estimated sortie requirements for this second option 188 T 28 sorties and 80 USAF sorties. Time required [number illegible] days. Vientiane representatives believe Souvanna would [words illegible] would probably wish [words illegible] such attacks spread out over considerable period of time. Also felt Souvanna would prefer VNAF not conduct air strikes in corridor. It was general consensus that best division of targeting for immediate future would be RLAF/YANKEE team mix.

Vientiane is very reluctant to see VNAF partcipation such strikes and would hope that by keeping GVN informed of actions being taken by RLAF and US in corridor, psychological needs of GVN could reasonably be met. Saigon will seek to do this, but if there are compelling reasons for covert VNAF participation Vientiane would be given prior info on necessity, timing, and place of such strikes.

Alternatively, it was agreed that, if possible, joint Lao, Thai, RVN, and U.S. participation in a common effort against a common enemy would be desirable but, recognizing that, even if possible, arrangements for such an effort would take some time to achieve. If such negotiations are conducted, however, RLAF/Yankee team strikes should not be precluded. Vientiane has since stated it does not consider that it would be desirable to seek to formalize such four country participation in corridor operations as to do so would raise question of degree of Souvanna Phouma's knowledge and involvement which Vientiane feels would jeopardize success of operations.

2. Ground operations: A. Although it was agreed that northern Route 9 area offered most profitable targets, conference proceeded on assumption that Vientiane would find operations astride Route 9 politically unacceptable at this time. However, Vientiane's 448 to dept, dispatched after return of conferees, now indicates that "shallow penetration raids (20 kilometers) . . . in Rte 9 area . . by company-sized units" would be acceptable and would not require clearance by the RLG

F. It was the view of Saigon group that authority for U.S. advisors to accompany units is a prerequisite to successful operations. Without this U.S. participation probability of success is judged so low that the advisability of conducting cross border operations would be questionable. Vientiane representatives were strongly opposed to presence U.S. advisors because of difficulty with current SAR operations in Laos and political importance of U.S. maintaining credible stance of adhering to provisions of Geneva accords.

F. Embassy Vientiane had earlier indicated that they would insist on advanced clearance of cross border operations. All representatives agreed that this requirement would be met by Vientiane having opportunity to comment on all plans submitted to Washington for approval. Once approval to execute is received, Vientiane would be kept informed of day-to-day operations as information addressee on operational traffic between Saigon/Washington, on/-CINCPAC . . .

ACCOUNT OF TAYLOR'S MEETING WITH SAIGON GENERALS ON UNREST

(Excerpts from Saigon airgram to the State Department. Dec. 24, 1964, as provided in the body of the Pentagon study. Ambassador Taylor and his deputy, U. Alexis Johnson, met with the so-called Young Turk leaders, among them Generals Nguyen Cao Ky, Nguyen Van Thieu and Nguyen Chanh Thi and an Admiral identified as Cang.)

Ambassador TAYLOR. Do all of you understand English? (Vietnamese officers indicated they did, although the understanding of General Thi was known to be weak.) I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Maybe this is because something is wrong with my French because you evidently didn't understand. I made it clear that all the military plans which I know you would like to carry out are dependent on governmental stability. Now you have made a real mess. We cannot carry you forever if you do things like this. Who speaks for this group? Do you have a spokesman?

General KY. I am not the spokesman for the group but I do speak English. I will explain why the Armed Forces took this action last night.

We understand English very well. We are aware of our responsibilities, we are aware of the sacrifices of our people over twenty years. We know you want stability, but you cannot have stability until you have unity . . . But still there are rumors of coups and doubts among groups. We think these rumors come from the HNC, not as an organization but from some of its members. Both military and civilian leaders regard the presence of these people in the HNC as divisive of the Armed Forces due to their influence.

Recently the Prime Minister showed us a letter he had received from the Chairman of the HNC. This letter told the Prime Minister to beware of the military, and said that maybe the military would want to come back to power. Also the HNC illegally sought to block the retirement of the generals that the Armed Forces Council unanimously recommended be retired in order to improve unity in the Armed Forces.

General THIEU. The HNC cannot be bosses because of the Constitution. Its members must prove that they want to fight.

General KY. It looks as though the HNC does not want unity. It does not want to fight the Communists.

It has been rumored that our action of last night was an intrigue of Khanh against Minh, who must be retired. Why do we seek to retire these generals? Because they had their chance and did badly . . .

Yesterday we met, twenty of us, from 1430 to 2030. We reached agreement that we must take some action. We decided to arrest the bad members of the HNC, bad politicians, bad student leaders, and the leaders of the Committee of National Salvation, which is a Communist organization. We must put the trouble-making organizations out of action and ask the Prime Minister and the Chief of State to stay in office.

After we explain to the people why we did this at a press conference, we would like to return to our fighting units. We have no political ambitions. We seek strong, unified, and stable Armed Forces to support the struggle and a stable government. Chief of State Suu agrees with us. General Khanh saw Huong who also agreed.

We did what we thought was good for this country; we tried to have a civilian government clean house. If we have achieved it, fine. We are now ready to go back to our units.

Ambassador TAYLOR. I respect the sincerity of you gentlemen. Now I would like to talk to you about the consequences of what you have done. But first, would any of the other officers wish to speak?

Admiral CANG. It seems that we are being treated as though we were guilty. What we did was good and we did it only for the good of the country.

Ambassador TAYLOR. Now let me tell you how I feel about it, what I think the consequences are: first of all, this is a military coup that has destroyed the government-making process that, to the admiration of the whole world, was set up last fall largely through the statesman-like acts of the Armed Forces.

You cannot go back to your units, General Ky. You military are now back in power. You are up to your neck in politics.

Your statement makes it clear that you

have constituted yourselves again substantially as a Military Revolutionary Committee. The dissolution of the HNC was totally illegal. Your decree recognized the Chief of State and the Huong Government but this recognition is something that you could withdraw. This will be interpreted as a return of the military to power. . . .

Ambassador TAYLOR. Who commands the Armed Forces? General Khanh?

General KY. Yes, sir . . .

General THIEU. In spite of what you say, it should be noted that the Vietnamese Commander-in-Chief is in a special situation. He therefore needs advisors. We do not want to force General Khanh; we advise him. We will do what he orders . . .

Ambassador TAYLOR. Would your officers be willing to come into a government if called upon to do so by Huong? I have been impressed by the high quality of many Vietnamese officers. I am sure that many of the most able men in this country are in uniform. Last fall when the HNC and Huong Government was being formed, I suggested to General Khanh there should be some military participation, but my suggestions were not accepted. It would therefore be natural for some of them now to be called upon to serve in the government. Would you be willing to do so? . . .

General KY. Nonetheless, I would object to the idea of the military going back into the government right away. People will say it is a military coup.

Ambassador TAYLOR and Ambassador JOHNSON (together). People will say it anyway.

Ambassador TAYLOR. You have destroyed the Charter. The chief of State will still have to prepare for elections. Nobody believes that the Chief of State has either the power or the ability to do this without the HNC or some other advisory body. If I were the Prime Minister, I would simply overlook the destruction of the HNC. But we are preserving the HNC itself. You need a legislative branch and you need this particular step in the formation of a government with National Assembly . . .

Ambassador TAYLOR. It should be noted that Prime Minister Huong has not accepted the dissolution of the HNC . . .

General THIEU. What kind of concession does Huong want from us?

Ambassador Taylor again noted the need for the HNC function.

General KY. Perhaps it is better if we now let General Khanh and Prime Minister Huong talk.

General THIEU. After all, we did not arrest all the members of the HNC. Of nine members we detained only five. These people are not under arrest. They are simply under controlled residence . . .

Ambassador TAYLOR. Our problem now, gentlemen, is to organize our work for the rest of the day. For one thing, the government will have to issue a communique.

General THIEU. We will still have a press conference this afternoon but only to say why we acted as we did.

Ambassador TAYLOR. I have real troubles on the U.S. side. I don't know whether we will continue to support you after this. Why don't you tell your friends before you act? I regret the need for my blunt talk today but we have lots at stake . . .

Ambassador TAYLOR. And was it really all that necessary to carry out the arrests that very night? Couldn't this have been put off a day or two? . . .

In taking a friendly leave, Ambassador Taylor said: You people have broken a lot of dishes and now we have to see how we can straighten out this mess.

HIGHLIGHTS OF THE PERIOD

Between the Tonkin Gulf resolution of August, 1964, and the start of concentrated United States bombing of North Vietnam in 1965, the details of such an air war were being planned, discussed and debated in the Johnson Administration, according to the secret Pentagon chronicle.

Here, chronologically, are highlights of those months of decision-making.

AUGUST 1964

Ambassador Maxwell D. Taylor cables agreement with Administration "assumption" that "something must be added in the coming months" to forestall "a collapse of national morale" in Saigon. Suggests "carefully orchestrated bombing attack" on North.

Joint Chiefs of Staff concur, call air war "essential to prevent a complete collapse of the U.S. position in Southeast Asia." Propose what study calls "provocation strategy."

SEPTEMBER 1964

John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, outlines provocation plan "to provide good grounds for us to escalate if we wished. . . ." Includes South Vietnamese air strikes on Laos infiltration routes; coastal raids on North; resumption U.S. destroyer patrols in Gulf of Tonkin.

White House strategy meeting, Analyst finds "general consensus" on necessity for early 1965 air strikes but says "tactical considerations" require delay. Cites President's "presenting himself as the candidate of reason and restraint," need for "maximum public and Congressional support," fear of "premature negotiations," Saigon weakness.

President orders low-risk interim measures, says William P. Bundy memo, "to assist morale . . . and show the Communists we still mean business. . . ." Coastal raids, destroyer patrols included.

OCTOBER 1964

Air strikes on Laos infiltration routes start, following delay awaiting outcome Laotian cease-fire talks. U.S. feared new Geneva conference. Analyst says this "not compatible with current perceptions of U.S. interest."

NOVEMBER 1964

Vietcong attack Bienhoa airfield. Joint Chiefs urge "prompt and strong response" including air strikes on North. Ambassador Taylor urges bombing "selected" targets.

President declines, directs interagency working group under Bundy to consider, recommend Vietnam options, policy.

Group's three recommended options all include bombing North. Analyst says group's deliberations showed "remarkably little latitude for reopening the basic questions about U.S. involvement."

Option A—reprisal air strikes, covert pressure intensified.

Option B—bomb North "at a fairly rapid pace and without interruption" till all U.S. demands met; U.S. to define negotiating position, chronicle says, "in a way which makes Communist acceptance unlikely" if U.S. pressed to negotiate "before a Communist agreement to comply."

Option C—graduated air war, possible deployment ground troops.

National Security Council select committee meets. George W. Ball, Under Secretary of State, indicates "doubt" about effectiveness bombing North, argues against domino theory, says Bundy memo, Mr. Ball's policy paper suggests diplomatic strategy leading to international Vietnam conference.

DECEMBER 1964

President approves recommended plan—Option A for 30 days, then Option C. Stresses he feels "pulling the South Vietnamese together" basic to any other action.

Operation Barrel Roll—U.S. air strikes at infiltration routes Laotian panhandle—under way. National Security Council agrees to "no public statements" unless a plane is lost, then "to insist that we were merely escorting reconnaissance flights."

Air Marshal Nguyen Cao Ky and ex-Premier Nguyen Khanh attempt coup. Ambassador Taylor tells them U.S. is "tired of coups," warns that "all the military plans which I know you would like to carry out are dependent on government stability."

JANUARY 1965

Two U.S. jets lost over Laos. Press reports on "Barrel Roll."

South Vietnam forces trounced at Binhia. Study says Saigon "final collapse" and Vietcong take-over seem "distinct possibility."

Mr. Bundy, in memo, says "shaky" Saigon morale due partly to "widespread feeling that the U.S. is not ready for stronger action" and is "insisting on perfectionism" in Saigon. Urges "stronger action" despite "grave difficulties."

Robert S. McNamara, Secretary of Defense, Mr. McNaughton favor "initiating air strikes" agree U.S. aim "not to 'help friend' but to contain China," chronicle says.

FEBRUARY 1965

Vietcong attack U.S. military advisers' componnd at Pleiku. Study says this "triggered a swift, though long-contemplated Presidential decision to give an 'appropriate and fitting response'."

Forty-nine U.S. jets in first reprisal strike, raid Conghoi.

Second reprisal strike follows guerrilla attack on U.S. barracks.

Operation Rolling Thunder—sustained air war—ordered.

SOME KEY FIGURES IN THE PENTAGON NARRATIVE: WHO THEY ARE AND WHERE THEY ARE NOW

M'GEORGE BUNDY

Special assistant to Presidents Kennedy and Johnson for national security affairs, 1961–66 . . . since 1966, president of the Ford Foundation. Born Boston March 30, 1919 . . . graduated from Yale, 1940, majoring in classics and mathematics . . . ran as a Republican for seat on Boston City Council, 1941 . . . served as aide to Adm. Alan G. Kirk, World War II . . . foreign-policy adviser to Thomas E. Dewey, Republican Presidential candidate, 1948 . . . joined Harvard faculty, 1949 . . . became dean of Faculty of Arts and Science, 1953 . . . named by President Kennedy to White House post . . . often described as principal architect of U.S. Vietnam policy . . . was recalled briefly by President Johnson during the Arab-Israeli crisis in summer of 1967 . . . often seen as a potential Secretary of State . . . just as visible—and controversial—as foundation head as when directing foreign policy from White House basement office . . . now lives in New York.

WILLIAM PUTNAM BUNDY

From 1951 to end of Johnson Administration, "the other Bundy" held sensitive positions in government departments, from the Central Intelligence Agency to State Department . . . now a senior research associate at Center for International Studies of Massachusetts Institute of Technology and will assume editorship of Foreign Affairs, the quarterly, after October, 1972. Born in Washington, Sept. 24, 1917 . . . earned, bachelor's degree from Yale, 1939; master's from Harvard, 1940; law degree from Harvard, 1947 . . . married to a daughter of Dean Acheson, former Secretary of State . . . practiced law, Washington, 1947–51 . . . a Democrat . . . with the C.I.A., 1951–61 . . . served consecutively as Assistant and Deputy Secretary of Defense for International Security Affairs, 1961–64 . . . Assistant Secretary of State for East Asian and Pacific Affairs, 1964–69 . . . always, compared with younger brother McGeorge, an anonymous figure . . . lives in Cambridge, Mass.

MICHAEL VINCENT FORRESTAL

White House specialist on Vietnam, 1962–65 . . . in private law practice New York now . . . newly elected chairman of board, Metropolitan Opera Guild. Born Nov. 26, 1927, in New York . . . graduated from Phillips Exeter Academy . . . studies at Princeton interrupted to serve on staff of W. Averell Harriman at Paris headquarters of Economic Cooperation Administration, 1948–50 . . . his father, late James V. Forrestal, was the first Secretary of Defense . . . received law degree from Harvard, 1953, and practiced in New York till 1960 . . . returned to firm of Shearman & Sterling, where he is partner, in 1965 . . . as Kennedy and Johnson aide, served on National Security Council . . . in July, 1964, appointed chairman White House interdepartmental Vietnam coordinating committee . . . accompanied Mrs. John F. Kennedy on 1967 visit to Cambodia . . . early supporter of the late Sen. Robert F. Kennedy's Presidential bid . . . member Council on Foreign Relations . . . lives in New York.

NGUYEN KHANH

South Vietnam's Premier—on and off—from February, 1964, through Mid-February, 1965. Since 1968, in exile in Paris. Born in Travinh, South Vietnam, Nov. 8, 1927 . . . educated military academy at Dalat, 1950, also in France, at U.S. Staff College, Fort Leavenworth, Kan. . . . fought as guerrilla against French . . . sent to Saigon on mission . . . joined French colonial forces . . . paratrooper, reached rank of major . . . helped foil 1960 coup against Ngo Dinh Diem . . . stayed on sidelines during 1963 coup . . . ousted Gen. Doung Van Minh Jan. 30, 1964 . . . in August, assumed dictatorial powers . . . forced out . . . remained Army chief . . . led coup against incumbent . . . survived coup attempt February . . . is deposed as commander in chief by military . . . sent abroad as roving ambassador . . . a Buddhist, but not popular with Buddhists . . . short, jaunty, goatteed . . . liked to wear paratrooper's red beret . . . fond of saying: "I am a fighter."

JOHN T. M'NAUGHTON

Mr. McNaughton a close and trusted associate of Secretary of Defense Robert S. McNamara from 1961 to 1967, and his wife and their younger son died in plane collision near Asheville, N.C., July 19, 1967, a week before he was to be sworn in as Secretary of Navy. Born Nov. 21, 1921, in Bicknell, Ind. . . . graduated from DePauw University, 1942 . . . served four years in Navy during World War II . . . graduated from Harvard Law School, 1948 . . . studied at Oxford as Rhodes scholar, working with European Cooperation Administration in Paris during vacations . . . also wrote for Pekin (Ill.) Times, owned by father . . . two years as editor of that paper . . . returned to Harvard as assistant professor, 1953, professor, 1956 . . . chosen by Mr. McNamara in 1961 to serve as Deputy Assistant Secretary for International Security Affairs . . . general counsel to Defense Department, 1962 . . . Assistant Secretary of Defense for International Security Affairs, 1964–67, heading Pentagon's foreign-affairs planning staff.

MAXWELL DAVENPORT TAYLOR

Chairman of the Joint Chiefs of Staff, 1962–64; United States Ambassador to South Vietnam, 1964–65; special consultant to the President, 1965–9, now on the board of the Institute for Defense Analyses, chairman of Foreign Intelligence Advisory Board. Born Keytesville, Mo., Aug. 26, 1901 . . . graduated from United States Military Academy, 1922 . . . Command and General Staff School, 1933 . . . Army War College, 1940 . . . taught French, Spanish, at West Point . . . assistant military attaché, Pekin, 1937 . . . commander 101st Airborne Division, World War II . . . took part invasions Normandy, Holland . . . Superintendent United States Military Academy, 1945–49 . . . United States Commander, Berlin, 1950 . . . Commander of Eighth Army, Korea, 1953 . . . Army Chief of Staff, 1955 . . . resigned 1959 in "limited war" strategy dispute . . . recalled as adviser by President Kennedy, 1961 . . . was influential in both Kennedy, Johnson administrations . . . scholarly, much-decorated . . now living in Chevy Chase, Md.

VIETNAM ARCHIVE: A CONSENSUS TO BOMB DEVELOPED BEFORE 1964 ELECTION, STUDY SAYS

(By Neil Sheehan)

The Johnson Administration reached a "general consensus" at a White House strategy meeting on Sept. 7, 1964, that air attacks against North Vietnam would probably have to be launched, a Pentagon study of the Vietnam war states. It was expected that "these operations would begin early in the new year."

"It is important to differentiate the consensus of the principals at this September meeting," the study says, "from the views which they had urged on the President in the preceding spring. In the spring the use of force had been clearly contingent on a major reversal—principally in Laos—and had been advanced with the apparent assumption that military actions hopefully would not be required. Now, however, their views were advanced with a sense that such actions were inevitable."

The administration consensus on bombing came at the height of the Presidential election contest between President Johnson and Senator Barry Goldwater, whose advocacy of full-scale air attacks on North Vietnam had become a major issue. That such a consensus had been reached as early as September is a major disclosure of the Pentagon study.

The consensus was reflected, the analysis says, in the final paragraph of a formal national security action memorandum issued by the President three days later, on Sept. 10. This paragraph spoke of "larger decisions" that might be "required at any time."

The last round of detailed planning of various political and military strategies for a bombing campaign began "in earnest," the study says, on Nov. 3, 1964, the day that Mr. Johnson was elected President in his own right.

Less than 100 days later, on Feb. 8, 1965, he ordered new reprisal strikes against the North. Then, on Feb. 13, the President gave the order for the sustained bombing of North Vietnam, code-named Rolling Thunder.

This period of evolving decision to attack North Vietnam, openly and directly, is shown in the Pentagon papers to be the second major phase of President Johnson's defense of South Vietnam. The same period forms the second phase of the presentation of those papers by The New York Times.

The papers, prepared by a team of 30 to 40 authors in 1967–68 as an official study of how the United States went to war in Indochina, consist of 3,000 pages of analysis and 4,000 pages of supporting documents. The study covers nearly three decades of American policy on Southeast Asia. Yesterday The Time's first report on this study, and presentation of key documents, covered the period of clandestine warfare and planning before the Tonkin Gulf incidents in 1964.

In its glimpses into Lyndon B. Johnson's personal thoughts and motivations between the fateful September meeting and his decision to embark on an air war, the Pentagon study shows a President moving and being moved toward war, but reluctant and hesitant to act until the end.

But, the analyst explains, "from the September meeting forward, there was little basic disagreement among the principals [the term the study uses for the senior policy makers] on the need for military operations against the North. What prevented action for the time being was a set of tactical considerations."

The first tactical consideration, the analyst says, was that "the President was in the midst of an election campaign in which he was presenting himself as the candidate of reason and restraint as opposed to the quixotic Barry Goldwater," who was publicly advocating full-scale bombing of North Vietnam. The historian also mentions other "temporary reasons of tactics."

The "shakiness" of the Saigon Government.

A wish to hold the line militarily and diplomatically in Laos.

The "need to design whatever actions were taken so as to achieve maximum public and Congressional support . . ."

The "implicit belief that overt actions at this time might bring pressure for premature negotiations—that is negotiations before the D.R.V. [Democratic Republic of (North) Vietnam] was hurting."

Assistant Secretary of Defense John T. McNaughton, the head of the Pentagon's Office of International Security Affairs, summed up these tactical considerations in the final paragraph of a Sept. 3 memorandum to Secretary of Defense Robert S. McNamara, in preparation for the crucial White House strategy session four days later.

"Special considerations during the next two months. The relevant audiences of U.S. actions are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as 'underwriters'), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). During the next two months, because of the lack of 'rebuttal time' before election to justify particular actions which may be distorted to the U.S. public, we must act with special care—signaling to the D.R.V. that initiatives are being taken, to the G.V.N. [Government of (South) Vietnam] that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint." The words in parentheses are Mr. McNaughton's.

NOT TO ENLARGE THE WAR

The President was already communicating this sense of restraint to the voters. On the night of Aug. 29, in an address to a crowd at an outdoor barbecue a few miles from his ranch in Texas, when two tons of beef were served in a belated celebration of his 56th birthday, he made a statement that he was to repeat in numerous election speeches.

"I have had advice to load our planes with bombs," the President said, "and to drop them on certain areas that I think would enlarge the war and escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land."

The policy of the United States toward Vietnam, the President explained later in his speech, was "to furnish advice, give counsel, express good judgment, give them trained counselors, and help them with equipment to help themselves."

"IT IS A WAR AND A BIG WAR"

"We are doing that," he said. "We have lost less than 200 men in the last several years, but to each one of those 200 men—and we lost about that many in Texas on accidents on the Fourth of July—to each of those 200 men who have given their life to preserve freedom, it is a war and a big war and we recognize it.

"But we think it is better to lose 200 than to lose 200,000. For that reason we have tried very carefully to restrain ourselves and not to enlarge the war."

Eleven days earlier, on Aug. 18, Ambassador Maxwell D. Taylor had cabled from Saigon that he agreed with an "assumption" now held in the Administration in Washington that the Vietcong guerrillas—the VC, as they were usually termed—could not be defeated and the Saigon Government preserved by a counterguerrilla war confined to South Vietnam itself.

"Something must be added in the coming months," the Ambassador said in his message. What General Taylor proposed to add was "a carefully orchestrated bombing attack on NVN [North Vietnam], directed primarily at infiltration and other military targets" with "Jan. 1, 1965, as a target D-Day."

The bombing should be undertaken under either of two courses of action, the Ambassador said. The first course would entail using the promise of the air attacks as an inducement to persuade the regime of Gen. Nguyen Khanh to achieve some political stability and get on seriously with the pacification program. Under the second course, the United States would bomb the North, regardless of whatever progress General Khanh made, to prevent "a collapse of national morale" in Saigon.

For the Ambassador cautioned that "it is far from clear at the present moment that the Khanh Government can last until Jan. 1, 1965." The Ambassador said that before bombing the North the United States would also have to send Army Hawk antiaircraft missile units to the Saigon and Danang areas to protect the airfields there against retaliatory Communist air attacks—assumed possible from China or North Vietnam—and to land a force of American Marines at Danang to protect the air base there against possible ground assaults.

His cable was designated a joint United States mission message, meaning that Deputy Ambassador U. Alexis Johnson and Gen. William C. Westmoreland, chief of the United States Military Assistance Command, had concurred with the Ambassador's views.

On Aug. 26, three days before the President's speech at the barbecue in Stonewall, Tex., the Joint Chiefs of Staff submitted a memorandum to Secretary McNamara agreeing with Ambassador Taylor. They said that bombing under his second criterion, to stave off a breakdown in Saigon, was "more in accord with the current situation" in their view and added that an air war against the North was now "essential to prevent a complete collapse of the U.S. position in Southeast Asia."

The Joint Chiefs' memorandum was the first appearance, the account says, of a "provocation strategy" that was to be discussed at the Sept. 7 White House session—in the words of the narrative, "deliberate attempts to provoke the D.R.V. into taking actions which could then be answered by a systemative U.S. air campaign."

The memorandum itself is not this explicit, although it does seem to suggest attempting to repeat the Tonkin Gulf clashes as a pretext for escalation.

In a Sept. 3 memorandum to Secretary McNamara, however, Mr. McNaughton was specific. He outlined several means of provocation that could culminate in a sustained air war. In the meantime, they could be employed to conduct reprisal air strikes that would help hold the situation in South Vietnam together and, the analyst notes, permit postponing "probably until November or December any decision as to serious escalation."

DEFINES SERIOUS ESCALATION

This serious escalation Mr. McNaughton defined as "a crescendo of GVN–U.S. military actions against the D.R.V.," such as mining harbors and gradually escalating air raids.

He described his provocation program to Mr. McNamara as "an orchestration of three classes of actions, all designed to meet these five desiderata—(1) From the U.S., GVN and hopefully allied points of view they should be legitimate things to do under the circumstances, (2) they should cause apprehension, ideally increasing apprehension, in the D.R.V., (3) they should be likely at some point to provoke a military D.R.V. response, (4) the provoked response should be likely to provide good grounds for us to escalate if we wished, and (5) the timing and crescendo should be under our control, with the scenario capable of being turned off at any time." [See text, McNaughton plan, Sept. 3.]

The classes of actions were:

South Vietnamese air strikes at enemy infiltration routes through southeastern Laos that would "begin in Laos near the South Vietnamese border and slowly 'march' up the trails and eventually across the North Vietnamese border."

A resumption of the covert coastal raids on North Vietnam under Operation Plan 34A, which President Johnson had temporarily suspended since the Tonkin Gulf incident. The South Vietnamese Government would announce them publicly, declaring them "fully justified as necessary to assist in interdiction of infiltration by sea."

A resumption of patrols in the Gulf of Tonkin by United States destroyers, code-named De Soto patrols, although these would still be physically "disassociated" from the 34A attacks. Mr. McNaughton noted that "the U.S. pubic is sympathetic to reasonable insistence on the right of the U.S. Navy to ply international waters."

MAJORITY IN DISAGREEMENT

But a majority of the officials at the Sept. 7 White House strategy meeting disagreed. They decided for the present against adopting a provocation strategy for reprisal air attacks, precisely because the Khanh regime was so weak and vulnerable and the morale-lifting benefits of such strikes might be offset by possible Communist retaliation, the analyst says. The meeting was attended by the President; Secretary of State Dean Rusk; Secretary McNamara; Gen. Earle G. Wheeler, the new Chairman of the Joint Chiefs; Ambassador Taylor, who had flown in from Saigon, and John A. McCone, the Director of Central Intelligence.

"We believe such deliberately provocative elements should not be added in the immediate future while the GVN is still struggling to its feet," Assistant Secretary of State William P. Bundy wrote in a memorandum recording the consensus recommendations formally made to the President after the meeting.

"By early October, however, we may recommend such actions depending on GVN progress and Communist reaction in the meantime, especially to U.S. naval patrols." A resumption of the destroyer patrols was one outcome of the Sept. 7 meeting.

The analyst says that a similar reason was given for the decision against beginning a sustained bombing campaign against the strategy, in the near future. "The GVN over the next 2–3 months will be too weak for us to take any major deliberate risks of escalation that would involve a major role for, or threat to, South Vietnam," the Bundy memorandum states.

Ambassador Taylor had acknowledged in his cable of Aug. 18 that bombing the North to prevent a collapse in the South if the Khanh regime continued to decline "increases the likelihood of U.S. involvement in ground action since Khanh will have almost no available ground forces which can be released from pacification employment to mobile resistance of D.R.V. attacks."

"A BASE FOR WIDER ACTION"

The Pentagon account concludes from the Sept. 7 strategy discussions that by now the Saigon regime was being regarded less and less as a government capable of defeating the Vietcong insurgency than "in terms of its suitability as a base for wider action."

Despite the pessimistic analyses of Ambassador Taylor and the Joint Chiefs for future escalation, some of those at the White House meeting hoped the Khanh regime could be somewhat stabilized. Citing handwritten notes of the meeting in the Pentagon files, the analyst quotes Mr. McNamara as saying that he understood "we are not acting more strongly because there is a clear hope of strengthening the GVN."

"But he went on," the account continues, "to urge that the way be kept open for stronger actions even if the GVN did not improve or in the event the war were widened by the Communists."

The handwritten notes of the meeting quote the President as asking, "Can we really strengthen the GVN?"

And in his memorandum of the consensus, William Bundy wrote: "Khanh will probably stay in control and may make some headway in the next 2–3 months in strengthening the Government (GVN). The best we can expect is that he and the GVN will be able to maintain order, keep the pacification program ticking over (but not progressing markedly), and give the appearance of a valid government."

On Sept. 10, therefore, the President ordered a number of interim measures in National Security Action Memorandum 314, issued over the signature of his special assistant, McGeorge Bundy. These were intended, in the words of William Bundy's memorandum of consensus, "to assist morale in SVN and show the Communists we still mean business, while at the same time seeking to keep the risks low and under our control at each stage."

A REFLECTION OF CONSENSUS

The most important orders Mr. Johnson gave dealt with covert measures. The final paragraph in the President's memorandum also reflected the consensus, the analyst finds, of the Sept. 7 meeting and other strategy discussions of the time—"the extent to which the new year was anticipated as the occasion for beginning overt military operations against North Vietnam."

This final paragraph read: "These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken." [See text, McGeorge Bundy memo, Sept. 10.]

The interim measures Mr. Johnson ordered included these:

Resumption of the De Soto patrols by American destroyers in the Tonkin Gulf. They would "operate initially well beyond the 12-mile limit and be clearly disassociated from 34A maritime operations," but the destroyers "would have air cover from carriers."

Reactivation of the 34A coastal raids, this time after completion of the first De Soto patrol. The directive added that "we should have the GVN ready to admit they are taking place and to justify and legitimize them on the basis of the facts of VC infiltration by sea." The account explains, "It was believed that this step would be useful in establishing a climate of opinion more receptive to expanded (air) operations against North Vietnam when they became necessary." The word in parentheses is the historian's.

An arrangement with the Laotian Government of Premier Souvanna Phouma to permit "limited GVN air and ground operations into the corridor areas of [southeastern] Laos, together with Lao air strikes and possible use of U.S. armed aerial reconnaissance." Armed aerial reconnaissance is a military operation in which the pilot has authority to attack unprogramed targets, such as gun installations or trucks, at his own discretion.

¶The United States "should be prepared" to launch "tit for tat" reprisal air strikes like those during the Tonkin Gulf incident "as appropriate against the D.R.V. in the event of any attack on U.S. units or any special D.R.V.–VC action against SVN."

The President also ordered "economic and political actions" in South Vietnam, such as pay raises for Vietnamese civil servants out of American funds, to try to strengthen the Saigon regime.

The United States destroyers Morton and Edwards resumed the De Soto patrols in the Tonkin Gulf on Sept. 12, two days after Mr. Johnson's directive. They were attacked in a third Tonkin incident on the night of Sept. 18, and the President glossed over it.

However, he went ahead with his decision to resume the 34A coastal raids, still covertly, the account says. The order to reactivate them was issued by Mr. Johnson on Oct 4, with the specification that they were to be conducted under tightened American controls.

Each operation on the monthly schedules now had to be "approved in advance" by Deputy Secretary of Defense Cyrus R. Vance for Secretary McNamara, Llewellyn A. Thompson, acting Deputy Under Secretary of State for Political Affairs, for Secretary Rusk, and McGeorge Bundy at the White House for the President.

During October, a subsequent report to William Bundy on covert activities said, the 34A coastal raids consisted of two shallow probes of North Vietnamese defenses, an attempt to capture a junk, and successful shellings of the radar station at Vinhson and the observation post at Muidao.

TWO SABOTAGE ACTIONS

Two of the sabotage teams that had previously been parachuted into the North also "carried out successful actions during October," the report said. "One demolished a bridge, the other ambushed a North Vietnamese patrol. Both teams suffered casualties, the latter sufficient to cast doubt on the wisdom of the action."

The U–2 spy plane flights over North Vietnam and the parachuting of supplies and reinforcements to sabotage and psychological warfare teams in the North continued throughout this period and had not been affected by the President's suspension of the costal raids after the original Tonkin Gulf incident.

The covert step-up in the air operations in Laos ordered by the President did not take place until mid-October. The Pentagon account says that one reason for the delay was the Administration's need to "await the uncertain outcome" of negotiations then taking place in Paris between the right-wing, neutralist and pro-Communist factions in Laos. The objective of the talks was to arrange a cease-fire that might lead to a new 14-nation Geneva conference to end the Laotian civil war.

"However, a Laotian cease-fire was not compatible with current perceptions of U.S. interest," the analyst writes.

The Administration feared that during an ensuing Geneva conference on Laos, international pressures, particularly from the Communist countries, might force the discussions onto the subject of Vietnam. Negotiations in the present circumstances were considered certain to unravel the shaky anti-Communist regime in Saigon.

The Administration also believed that even the convening of a conference on Laos might create an impression in Saigon that Washington was going to seek a negotiated withdrawal from South Vietnam and set off a political collapse there and the emergence of a neutralist coalition regime that would ask the United States to leave.

The account notes that in his Aug. 11 high-level policy memorandum on Southeast Asia, William Bundy had "characterized U.S. strategy" toward the Paris talks with the statement that "we should wish to slow down any progress toward a conference and to hold Souvanna to the firmest possible position." Mr. Bundy had referred to a suggestion by Ambassador Leonard Unger that Prince Souvanna Phouma insist on three-faction administration of the Plaine des Jarres as "a useful delaying gambit."

"Significantly," the analysis says, "this proposal was advanced at Paris by Souvanna Phouma on 1 September—illustrating the fact that Souvanna was carefully advised by U.S. diplomats both prior to and during the Paris meetings. Other features of Souvanna's negotiating posture which apparently were encouraged as likely to have the effect of drawing out the discussions were insistence on Communist acceptance of (1) Souvanna's political status as Premier and (2) unhampered operations by the I.C.C. [International Control Commission]."

"Insistence on Souvanna's position is another point on which he should insist, and there would also be play in the hand on the question of free I.C.C. operations," Mr. Bundy wrote in his Aug. 11 memorandum.

BREAKDOWN IN NEGOTIATIONS

"It will be recalled that the latter point was the issue on which progress toward a cease-fire became stalled," the analyst remarks. The negotiations broke down in Paris late in September.

American mission representatives from Bangkok and Vientiane met in Saigon on Sept. 11 under Ambassador Tayor's auspices, however, and decided that the South Vietnamese Air Force should not participate in the stepped-up air action in Laos authorized by the President in his directive of Sept. 10.

A list of 22 targets in the Laotian panhandle had been drawn up during the summer for the possibility of such raids, including one on a control point at the Mugia Pass, just across the North Vietnamese border.

South Vietnamese air strikes would offend Premier Souvanna Phouma by complicating his political position, the meeting determined, so the air attacks would be confined to clandestine raids by the T–28's in Laos and the United States Navy and Air Force jets—code-named Yankee Team—operating over Laos. Accord was also reached that South Vietnamese troops, possibly accompanied by American advisers, would also make ground forays into Laos up to a depth of 20 kilometers, or 12 miles.

"The mission representative agreed that, once the [air and ground] operations began, they should not be acknowledged publicly," the analyst writes. "In effect, then, they would supplement the other covert pressures being exerted against North Vietnam. Moreover, while the Lao Government would of course know about the operations of their T–28's, Souvanna was not to be informed of the GVN-U.S. [ground] operations. The unacknowledged nature of these operations would thus be easier to maintain."

JOINT DEPARTMENTAL MESSAGE

On Oct. 6, a joint State and Defense Department message authorized Ambassador Unger in Laos to obtain Premier Souvanna Phouma's approval for the T–28 strikes "as soon as possible."

But as the analyst points out, the message showed that the President had decided to postpone the accompanying strikes by Yankee Team jets, the "U.S. armed aerial reconnaissance" mentioned in Mr. Johnson's National Security Action Memorandum 314.

Five of the targets in the Laotian panhandle, well-defended bridges, had been specifically marked for the American jets, and fire by the Yankee Team planes would also be required against antiaircraft batteries defending the Mugia Pass. The message from Washington excluded these targets from the list of 22.

"You are further authorized to inform Lao that Yankee Team suppressive-fire strikes against certain difficult targets in panhandle, interspersing with further T–28 strikes, are part of the over-all concept and are to be anticipated later, but that such U. S. strikes are not repeat not authorized at this time," the cable said. [See text, cable on Laos Strikes, Sept. 10.]

Ambassadors Unger and Taylor both warned that the Laotian Government, without some participation by the American jets, would not persevere in attacking targets on the Communist infiltration routes. Accordingly, the day before the T–28 strikes began on Oct. 14 with Premier Souvanna Phouma's approval. Washington authorized the Yankee Team jets to fly combat air patrol over the T–28's to raise morale and protect them from any interference by North Vietnamese MIG's.

'MINOR EXTENSION' ONLY

Ambassador Taylor said in his cable that the combat air patrol missions could be achieved by "a relatively minor extension" of the current rules of engagement for American aircraft in Indochina.

The President also postponed for the present the planned ground forays into Laos by the South Vietnamese. Ambassador Taylor pointed out in a cable on Oct. 9 that these would not be possible "in forseeable future" in any case because the South Vietnamese Army was so tied down fighting the guerillas in its own country.

Several eight-man South Vietnamese reconnaissance teams were parachuted into Laos in an operation called Leaping Lena, but the Nov. 7 report to William Bundy on covert operations would note that "all of these teams were located by the enemy and only four survivors returned. . . ."

On Nov. 1, two days before the election, the Vietcong struck with a devastating mortar barrage on American planes and facilities at Bienhua airfield near Saigon. The attack put the President under great internal pressure, the analyst says, to strike back openly, as he had said in his directive of Sept. 10 that he was prepared to do "in the event of any attacks on U.S. units or any special D.R.V/VC action against SVN."

In the enemy's barrage, four Americans were killed, five B–57 bombers were destroyed and eight damaged. These were some of the B–57's that had earlier been sent from Japan to the Philippines at Mr. McNamara's suggestion as part of the preparations for possible bombing of the North. They had since been moved into South Vietnam, however, to try to shore up the Khanh Government's military position by bringing more air power to bear upon the Vietcong.

"As of the end of October (in anticipation of resumed De Soto patrols), elements of our Pacific forces were reported as 'poised and ready' to execute reprisals for any D.R.V. attacks on our naval vessels. Thus, there was a rather large expectancy among Administration officials that the United States would do something in retaliation," the analyst writes. The words in parentheses are his.

"CHANGE OF GROUND RULES"

The Joint Chiefs told Mr. McNamara that the Bienhoa attack had been "a deliberate act of escalation and a change of the ground rules under which the VC had operated up to now." Asserting that "a prompt and strong response is clearly justified," they proposed, on the same day as the incident, "that the following specific actions be taken" (the words in parentheses are those of the Joint Chiefs; words in brackets have been inserted by The Times for clarification):

"a. Within 24–36 hours Pacific Command (PACOM) forces take initial U.S. military actions as follows:

"(1) Conduct air strikes in Laos against targets No. 3 (Tchepone barracks, northwest), No. 4 (Tchepone military area), No. 19 (Bantbay military area), No. 8 (Nape highway bridge), and the Banken bridge on Route 7.

"(2) Conduct low-level air reconnaissance of infiltration routes and of targets in North Vietnam south of Latitude 19 degrees.

"b. Prior to air attacks on the D.R.V., land the Marine special landing forces at Danang and airlift Army or Marine units from Okinawa to the Saigon-Tansonnhut-Bienhoa area, to provide increased security for US personnel and installations.

"c. Use aircraft engaged in airlift (subparagraph b, above) to assist in evacuation of U.S. dependents from Saigon, to commence concurrently with the daylight air strikes against the D.R.V. (subparagraph d, below).

"d. Assemble and prepare necessary forces so that:

"(1) Within 60 to 72 hours, 30 B–552's from Guam conduct a night strike on D.R.V. target No. 6 (Phucyen airfield). [Phucyen, 13 miles from Hanoi, is the principal North Vietnamese air base].

"(2) Commencing at first light on the day following subparagraph (1) above, PACOM air and naval forces conduct air strikes against D.R.V. targets No. 6 (Phucyen airfield) (daylight follow-up on the above night strike), No. 3 (Hanoi Gialam airfield), No. 8 (Haiphong Catbi airfield), No. 48 (Haiphong POL), and No. 49 (Hanoi POL). [POL is a military abbreviation for petroleum, oil and lubricants.]

"(3) Concurrently with subparagraph (2). above the Vietnamese Air Force (VNAF) will strike DRV target No. 36 (Vitthulu barracks).

"(4) Combat air patrols (CAP), flak suppressive fire, strike photographic reconnaissance, and search and rescue operations (S.A.R.) are conducted as appropriate.

"(5) The above actions are followed by:

"(a) Armed reconnaissance on infiltration routes in Laos.

"(b) Air strikes against infiltration routes and targets in the D.R.V.

"(c) Progressive PACOM and SAC [Strategic Air Command] strikes against the targets listed in 94 Target Study.

"(e) Thai bases be used as necessary in connection with the foregoing, with authority to be obtained through appropriate channels. . . .

"Recognizing that security of this plan is of critical importance, they [the Joint Chiefs] consider that external agencies, such as the VNAF, should be apprised only of those parts of the plan necessary to insure proper and effective coordination. The same limited revelation of plans should govern discussions with the Thais in securing authority for unlimited use of Thai bases."

CAUTION FROM SAIGON

From Saigon, Ambassador Taylor cabled for a more restrained response consisting of "retaliation bombing attacks on selected D.R.V. targets" using both American and South Vietnamese planes and for a "policy statement that we will act similarily in like cases in the future."

But the President felt otherwise for the moment. "Apparently, the decision was made to do nothing," the analyst says, adding that the documentary evidence does not provide an adequate explanation.

At a White House meeting the same day, the account continued, the President expressed concern that United States retaliatory strikes might bring counterretaliation by North Vietnam or China against American bases and civilian dependents in the South.

In briefing the press, Administration officials, unidentified in the study, drew a contrast "between this incident and the Tonkin Gulf attacks where our destroyers were 'on United States business.'"

"A second [White House] meeting to discuss possible U.S. actions was 'tentatively scheduled' for 2 November, but the available materials contain no evidence that it was held," the account continues. "President Johnson was scheduled to appear in Houston that afternoon, for his final pre-election address, and it may be that the second White House meeting was called off."

"One thing is certain," the writer concludes. "There were no retaliatory strikes authorized following the attack on the U.S. bomber base."

A PANEL UNDER BUNDY

But the President had not altogether declined to act on Nov. 1. He had appointed an interagency working group under William Bundy to draw up various political and military options for direct action against North Vietnam. This was the one "concrete result" of the Nov. 1 mortar raid on Bienhoa, the account reports.

The Bundy working group, as it would be unofficially called in the Government, held its first meeting at 9:30 A.M. on Nov. 3, the day that Mr. Johnson was elected to the Presidency in his own right by a huge landslide.

"Bienhoa may be repeated at any time" Mr. Bundy wrote in a memorandum to the group on Nov. 5. "This would tend to force our hand, but would also give us a good springboard for any decision for stronger action. The President is clearly thinking in terms of maximum use of a Gulf of Tonkin rationale, either for an action that would show toughness and hold the line till we can decided the big issue, or as a basis for starting a clear course of action under the broad options." [See text, McGeorge Bundy drafts, Nov. 5.]

Ostensibly, the Bundy group had a mandate to re-examine the entire American policy toward Vietnam and to recommend to the National Security Council a broad range of options. Its membership represented the entire foreign-policy-making machine of the Government—Mr. Bundy; Marshall Green; Michael V. Forrestal, head of the interagency Vietnam coordinating committee, and Robert Johnson of the State Department; Mr. McNaughton from the civilian hierarchy of the Pentagon; Vice Adm. Lloyd M. Mustin from the Joint Chiefs' staff and Harold Ford of the Central Intelligence Agency.

"REMARKABLE LITTLE LATITUDE"

But, the account says, "there appears to have been, in fact, remarkably little latitude for reopening the basic question about U.S. involvement in the Vietnam struggle."

The basic national objective of "an independent, non-Communist South Vietnam," established by the President's National Security Action Memorandum 288 of the previous March, "did not seem open to question."

THE OPTIONS HARDENED

The September discussions had established a consensus that bombing of the North "would be required at some proximate future date for a variety of reasons" and individual and institutional pressures all tended to harden the options toward this end as they were finally presented to the National Security council and then the President.

The analyst gives a number of examples of this stiffening process from the successive draft papers developed by the group during its three weeks of deliberations.

"The extreme withdrawal option was rejected almost without surfacing for consideration" because of its conflict with the policy memorandums. "Fallback positions" outlined in an original working-group draft suffered a similar fate.

FIRST FALLBACK POSITION

The first fallback position, the study says, "would have meant holding the line—placing an immediate, low ceiling on the number of U.S. personnel in SVN, and taking vigorous efforts to build on a stronger base elsewhere, possibly Thailand."

"The second alternative would have been to undertake some spectacular, highly visible supporting action like a limited-duration selective bombing campaign as a last effort to save the South; to have accompanied it with a propaganda campaign about the unwinnability of the war given the GVN's ineptness and, then, to have sought negotiations through compromise and neutralization when the bombing failed."

But because of "forceful objections" by Admiral Mustin, the Joint Chiefs representative, both of these possibilities were downgraded in the final paper presented to the National Security Council on Nov. 21. In effect they were "rejected before they were fully explored," the study says.

Thus all three options, labeled A, B and C, entailed some forms of bombing, with "the distinctions between them" tending to blur as they evolved during the group's three weeks of deliberations, the analyst says. Mr. McNaughton and William Bundy collaborated closely on their formulation.

A similar convergence occurred on the question of negotiations.

THE MINIMUM POSITION

Here the minimum United States position was defined as forcing Hanoi to halt the insurgency in the South and to agree to the establishment of a secure, non-Communist state there, a position the analyst defines as "acceptance or else." Moreover, talks of any kind with Hanoi were to be avoided until the effects of bombing had put the United States into a position to obtain this minimum goal in negotiations.

"The only option that provided for bargaining in the usual sense of the word was Option C," the study says. Here the United States would be willing to bargain away international supervisory machinery to verify Hanoi's agreement.

"The policy climate in Washington simply was not receptive to any suggestion that U.S. goals might have to be compromised," the study comments.

These are the options in their final form as the study summarizes them:

OPTION A—Conduct U.S. reprisal air strikes on North Vietnam "not only against any recurrence of VC 'spectaculars' such as Bienhoa," intensify the coastal raids of Operation Plan 34A, resume the destroyer patrols in the gulf, step up the air strikes by T–28's against infiltration targets in Laos and seek reforms in South Vietnam.

OPTION B—What Mr. McNaughton called "a fast/full squeeze." Bomb the North "at a fairly rapid pace and without interruption," including early air raids on Phueyen Airfield near Hanoi and key bridges along the road and rail links with China until full American demands are met. "Should pressures for negotiations become too formidable to resist and discussion begin before a Communist agreement to comply," the analyst writes, "it was stressed that the United States should define its negotiating position 'in a way which makes Communist acceptance unlikely.' In this manner it would be 'very likely that the conference would break up rather rapidly,' thus enabling our military pressures to be resumed."

OPTION C—Mr. McNaughton's "slow squeeze"; the option he and William Bundy favored. Gradually increasing air strikes "against infiltration targets, first in Laos and then in the D.R.V., and then against other targets in North Vietnam" intended to "give the impression of a steady deliberate approach . . . designed to give the United States the option at any time to proceed or not, to escalate or not and to quicken the pace or not." This option also included the possibility of a "significant ground deployment to the northern part of South Vietnam" as an additional bargaining counter.

A SELECT COMMITTEE MEETS

On Nov. 24, a select committee of the National Security Council met to discuss the option papers formally presented to the council three days earlier. This group comprised Secretaries Rusk and McNamara, Mr. McCone, General Wheeler, McGeorge Bundy and Under Secretary of State George W. Ball.

William Bundy attended to keep a record and to represent the working group.

In the account of this meeting, Mr. Ball makes his first appearance in the Pentagon history as the Administration dissenter on Vietnam. William Bundy's memorandum of record says Mr. Ball "indicated doubt" that bombing the North in any fashion would improve the situation in South Vietnam and "argued against" a judgment that a Vietcong victory in South Vietnam would have a falling-domino effect on the rest of Asia.

While the working-group sessions had been in progress, the study discloses, Mr. Ball had been writing a quite different policy paper "suggesting a U.S. diplomatic strategy in the event of an imminent GVN collapse."

"In it, he advocated working through the U.K. [United Kingdom, or Britain] who would in turn seek cooperation from the U.S.S.R., in arranging an international conference (of smaller proportions than those at Geneva) which would work out a compromise political settlement for South Vietnam," the analyst says. The words in parentheses are the analyst's.

Of those present at the November 24 meeting, the memorandum of record indicates, only Mr. Ball favored Option A. The study gives the impression this was conceived as a throwaway option by the Working Group. The group's analysis labeled it "an indefinite course of action" whose "sole advantages" were these:

"(a) Defeat would be clearly due to GVN failure, and we ourselves would be less implicated than if we tried Option B or Option C, *and failed*.

"(b) The most likely result would be a Vietnamese negotiated deal, under which an eventually unified Communist Vietnam would reassert its traditional hostility to Communist China and limit its own ambitions to Laos and Cambodia."

SECRETARY RUSK DISAGREES

At the Nov. 24 meeting, however, Mr. Rusk said that while he favored bombing North Vietnam, he did not accept an analysis by Mr. McNaughton and William Bundy that if the bombing failed to save South Vietnam "we would obtain international credit merely for trying."

"In his view," the analyst writes, "the harder we tried and then failed, the worse our situation would be."

McGeorge Bundy demurred to some extent, the account goes on, but Mr. Ball "expressed strong agreement with the last Rusk point."

General Wheeler, reflecting the viewpoint of the Joint Chiefs, argued that the hard, fast bombing campaign of Option B actually entailed "less risk of a major conflict before achieving success," in words of the study, than the gradually rising air strikes of Option C.

The study adds that Mr. Bundy and Mr. McNaughton may have deliberately loaded the language of Option B to try to frighten the President out of adopting it lest it create severe international pressure for quick negotiations.

General Wheeler's argument presaged a running controversy between the Joint Chiefs and the civilian leadership after the bombing campaigns began in the coming year.

The meeting on Nov. 24 ended without a clear majority decision on which option should be recommended to the President. The principals resumed when Ambassador Taylor reached Washington to join the strategy talks on Nov. 27, 1964.

TAYLOR'S THREE PURPOSES

In a written briefing paper, he told the conferees:

"If, as the evidence shows, we are playing a losing game in South Vietnam . . . it is high time we change and find a better way." He proposed gradually increasing air strikes against the North for a threefold purpose:

"First, establish an adequate government in SVN; second, improve the conduct of the counterinsurgency campaign; finally persuade or force the D.R.V. to stop its aid to the Vietcong and to use its directive powers to make the Vietcong desist from their efforts to overthrow the Government of South Vietnam."

To improve anti-Communist prospects in the South, the Ambassador proposed using the lever of American air strikes against the North to obtain promises from the Saigon leaders that they would achieve political stability, strengthen the army and the police, suppress dissident Buddhist and student factions, replace incompetent officials and get on with the war effort.

The analyst says that the Ambassador had thus revised his earlier view that Washington should bomb the North merely to prevent "a collapse of national morale" in Saigon. He still favored some form of bombing in an emergency, but now he wanted something solid from the Saigon leaders in exchange for a coherent program of rising air war.

In the course of discussions on Nov. 27, however, the Ambassador acknowledged that while bombing "would definitely have a favorable effect" in South Vietnam, ". . . he was not sure this would be enough really to improve the situation," the analyst reports, again quoting from William Bundy's memorandum of record.

"Others, including McNamara, agreed with Taylor's evaluation, but the Secretary [Mr. McNamara] added that 'the strengthening effect of Option C could at least buy time, possibly measured in years.' "

Ambassador Taylor proposed that the Administration therefore adopt a two-phase program culminating in the bombing of infiltration facilities south of the 19th Parallel in North Vietnam, in effect Option A plus the first stages of Option C. Phase I would consist of 30 days of the Option A type of actions, such as intensification of the coastal raids on the North, air strikes by American jets at infiltration routes and one or two reprisal raids against the North. Meanwhile, Ambassador Taylor would obtain the promises of improvement from the Saigon leadership.

At the end of the 30 days, with the promises in hand, the United States would then move into Phase II, the air war. The air raids were to last two to six months, during which Hanoi was apparently expected to yield.

The others agreed, and the proposal was redefined further at a meeting on Nov. 28. William Bundy was assigned the task of drawing up a formal policy paper outlining the proposal. The Cabinet-level officials agreed to recommend it to the President at a White House meeting scheduled for Dec. 1, right after Mr. Johnson's Thanksgiving holiday at his ranch.

On Nov. 28, the same day that his closest advisers made their decision to advise him to bomb North Vietnam, Mr. Johnson was asked at a news conference at the ranch:

"Mr. President, is expansion of the Vietnam war into Laos or North Vietnam a live possibility at this moment?"

"WHEN YOU CRAWL OUT . . ."

"I don't want to give you any particular guide posts as to your conduct in the matter," Mr. Johnson told the newsmen about their articles. "But when you crawl out on a limb, you always have to find another one to crawl back on.

"I have just been sitting here in this serene atmosphere of the Pedernales for the last few days reading about the wars that you [speculating newsmen] have involved us in and the additional undertakings that I have made decisions on or that General Taylor has recommended or that Mr. McNamara plans or Secretary Rusk envisages. I would say, generally speaking, that some people are speculating and taking positions that I think are somewhat premature."

"At the moment," he concluded, "General Taylor will report to us on developments. We will carefully consider these reports. . . . I will meet with him in the early part of the week. I anticipate there will be no dramatic announcement to come out of these meetings except in the form of your speculation."

William Bundy's draft policy paper, written the next day, said the bombing campaign "would consist principally of progressively more serious air strikes, of a weight and tempo adjusted to the situation as it develops (possibly running from two to six months)." The words in parentheses are Mr. Bundy's."

The draft paper added: "Targets in the D.R.V. would start with infiltration targets south of the 19th Parallel and work up to targets north of that point. This could eventually lead to such measures as air strikes on all major military-related targets, aerial mining of D.R.V. ports, and a U.S. naval blockade of the D.R.V.

"Concurrently," it continued, "the U.S. would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain U.S. objectives in an acceptable manner." [See text, working group's draft, Nov. 29.]

Apparently at Mr. McNamara's suggestion, the analyst says, a final sentence in this paragraph was deleted; it read, "The U.S. would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate." Also removed, possibly during a final meeting of the top officials on Nov. 30 to review the policy paper and "apparently on the advice of McGeorge Bundy," was a proposal that the President make a major speech indicating the new direction that Washington's policy was taking.

Likewise deleted was a provision to brief "available Congressional leaders . . . (no special leadership meeting will be convened for this purpose)" on new evidence being compiled on North Vietnamese infiltration into the South, as a public justification of the bombing.

A separate recommendation from the Joint Chiefs for a series of major raids—like those in their retaliation proposal for the Vietcong mortar strike at Bienhoa air base on Nov. 1—was deleted for unspecified reasons, the analyst says, "in effect, presenting a united front to the President."

The paper that was sent to the President made no mention of American ground troops to provide security for airfields in the South when the bombing began, as General Wheeler had reminded the conferees on Nov. 24 would be necessary.

The writer notes the "gap" between the drastic concessions expected from Hanoi and the relatively modest bombing campaign that was expected to break Hanoi's will. He puts forward "two by no means contradictory explanations of this gap." This is the first:

CALCULATED 'DOSES OF FORCE'

"There is some reason to believe that the principals thought that carefully calculated doses of force could bring about predictable and desirable responses from Hanoi. Underlying this optimistic view was a significant underestimate of the level of the D.R.V. commitment to victory in the South and an overestimate of the effectiveness of U.S. pressures in weakening that resolve."

A related factor, the account says, "Which, no doubt, commended the proposal to the Administration was the relatively low cost—in political terms—of such action." The context here indicates that the Administration thought the public would find an air war less repugnant than a ground war.

The President seems to have shared the view of his chief advisers, the analyst writes, that "the threat implicit in minimum but increasing amounts of force ('slow squeeze') would . . . ultimately bring Hanoi to the table on terms favorable to the U.S."

"McGeorge Bundy, as the President's assistant for national security affairs, was in a position to convey President Johnson's mood to the group," the account goes on. It adds that notes taken at a White House meeting on Dec. 1 when the senior officials met with Mr. Johnson to present the bombing plan "tend to confirm that the President's mood was more closely akin to the measures recommended" than to other, harsher bombing plans.

"A second explanation of the gap between ends and means is a more simple one," the account comments. "In a phrase, we had run out of alternatives other than pressures."

A memorandum by Assistant Secretary McNaughton on Nov. 6, 1964, made the point succinctly: "Action against North Vietnam is to some extent a substitute for strengthening the Government in South Vietnam. That is, a less active VC (on orders from D.R.V.) can be matched by a less efficient GVN. We therefore should consider squeezing North Vietnam." The words in parentheses are Mr. McNaughton's. [See text.]

DOUBTS AT TWO POLES

The two dissenters from the view that "calculated doses of force" would bring Hanoi around were, at opposite poles, the Joint Chiefs and the intelligence agencies.

"The J.C.S. differed from this view on the grounds that if we were really interested in affecting Hanoi's will, we would have to hit hard at its capabilities," the account says. The Joint Chiefs wanted the United States to demonstrate a willingness to apply unlimited force.

Their bombing plan, deleted from the position paper before it was presented to the President, asserted that the destruction of all of North Vietnam's major airfields and its petroleum supplies "in the first three days" was intended to "clearly . . . establish the fact that the U.S. intends to use military force to the full limits of what military force can contribute to achieving U.S. objectives in Southeast Asia . . . The follow-on military program—involving armed reconnaissance of infiltration routes in Laos, air strikes on infiltration targets in the D.R.V. and then progressive strikes throughout North Vietnam—could be suspended short of full destruction of the D.R.V. if our objectives were achieved earlier."

The analyst remarks that the Joint Chiefs' plan was "shunted aside because both its risks and costs were too high," but the author does not attempt to evaluate the possible effect of his plan on Hanoi's will.

Like Mr. Ball, the account says, the intelligence community "tended toward a pessimistic view" of the effect of bombing on the Hanoi leaders.

The intelligence panel within the Bundy working group, composed of representatives from the three leading intelligence agencies—the C.I.A., the State Department's Bureau of Intelligence and Research and the Pentagon's Defense Intelligence Agency—"did not concede very strong chances for breaking the will of Hanoi," the author writes.

ANALYSIS OF ENEMY POLICY

"The course of actions the Communists have pursued in South Vietnam over past few years implies a fundamental estimate on their part that the difficulties facing the U.S. are so great that U.S. will and ability to maintain resistance in that area can be gradually eroded—without running high risks that this would wreak heavy destruction on the D.R.V. or Communist China," the panel's report said.

If the United States now began bombing, the panel said, the Hanoi leadership would have to ask itself "a basic question" about how far the United States was willing to step up the war "regardless of the danger of war with Communist China and regardless of the international pressures that could be brought to bear. . . ." The decision of the Hanoi leadership was thus uncertain for a number of reasons, the panel cautioned, and "in any event, comprehension of the other's intentions would almost certainly be difficult on both sides, and especially as the scale of hostilities mounted."

The panel then cast doubt on the so-called Rostow thesis of how much Hanoi feared destruction of its industry. This thesis, named for its proponent, Walt W. Rostow, chairman of the State Department's Policy Planning Council, underlay much of the Administration's hope for the success of a bombing campaign.

The panel said: "We have many indications that the Hanoi leadership is acutely and nervously aware of the extent to which North Vietnam's transportation system and industrial plant is vulnerable to attack. On the other hand, North Vietnam's economy is overwhelmingly agricultural and, to a large extent, decentralized in a myriad of more or less economically self-sufficient villages. Interdiction of imports and extensive destruction of transportation facilities and industrial plants would cripple D.R.V. industry. These actions would also seriously restrict D.R.V. military capabilities, and would degrade, though to a lesser extent, Hanoi's capabilities to support guerrilla warfare in South Vietnam and Laos. We do not believe that such actions would have a crucial effect on the daily lives of the overwhelming majority of the North Vietnam population. We do not believe that attacks on industrial targets would so greatly exacerbate current economic difficulties as to create unmanageable control problems. It is reasonable to infer that the D.R.V. leaders have a psychological investment in the work of reconstruction they have accomplished over the last decade. Nevertheless, they would probably be willing to suffer some damage to the country in the course of a test of wills with the U.S. over the course of events in South Vietnam."

NO CHANGE OF POLICY

As in the case of earlier intelligence findings that contradicted policy intentions, the study indicates no effort on the part of the President or his most trusted advisers to reshape their policy along the lines of this analysis.

One part of the intelligence panel's report that the Administration did accept was a prediction that China would not react in any major way to a bombing campaign unless American or South Vietnamese troops invaded North Vietnam or northern Laos. The study indicates that this analysis eased Administration fears on this point.

Chinese reaction to systematic bombing of North Vietnam was expected to be limited to providing Hanoi with antiaircraft artillery, jet fighters and naval patrol craft. The panel predicted that the Soviet role was "likely to remain a minor one," even where military equipment was concerned. However, the Russians subsequently sent large-scale shipments of formidable antiaircraft equipment to North Vietnam.

"CAUTIOUS AND EQUIVOCAL"

Now that a decision to bomb North Vietnam was drawing near, the study says, Mr. Johnson became "cautious and equivocal" in approaching it. Two analysts of this period, in fact, differ in their characterization of his decision at the two-and-a-half-hour White House meeting on Dec. 1, 1964, a month after the election, when the bombing plan was presented to him.

One analyst says that at this meeting the President "made a tentative decision" to bomb, ordering the preparatory Phase I put into effect and approving Phase II, the air war itself, "in principle."

The second analyst says that while the President approved the entire bombing plan "in general outline at least . . . it is also clear that he gave his approval to implement only the first phase of the concept."

The President tied the actual waging of air war to reforms by the Saigon Government, this analyst says, and left an impression by the end of the meeting that he was "considerably less than certain that future U.S. actions against North Vietnam (the air war) would be taken, or that they would be desirable."

NO FOLLOWING MEMORANDUM

The study notes that "the precise nature of the President's decisions" at the meeting is not known because a national security action memorandum was not issued afterward.

"However," the study continues, "from handwritten notes of the meeting, from instructions issued to action agencies and from later reports of diplomatic and military actions taken, it is possible to reconstruct the approximate nature of the discussion and the decisions reached." The footnotes do not indicate who made the handwritten notes found in the Pentagon files, although the indication is that it was Mr. McNaughton or Mr. McNamara.

After a briefing by Ambassador Taylor on the situation in South Vietnam, the discussion turned to a draft statement, prepared by William Bundy, that the Ambassador was to deliver to the Saigon leaders. The statement explained the two-phase bombing plan and tied Phase II to a serious attempt by the Saigon leadership to achieve some political stability and get on with the war effort against the Vietcong.

In Saigon, General Khanh had nominally surrendered authority to a civilian cabinet headed by Premier Tran Van Huong. The general was intriguing against the Huong Cabinet, however, as the ostensible commander in chief of the armed forces and head of a Military Revolutionary Committee of South Vietnamese generals. Within this council, a group headed by Air Vice Marshall Nguyen Cao Ky, the chief of the air force, was intriguing both with and against General Khanh.

Against this background, the study says of the White House meeting:

"The President made it clear that he considered that pulling the South Vietnamese together was basic to anything else the United States might do. He asked the Ambassador specifically which groups he (Ambassador Taylor) might talk to and what more we might do to help bring unity among South Vietnam's leaders. He asked whether we could not say to them 'we just can't go on' unless they pulled together. To this, Taylor replied that we must temper our insistence somewhat. . . ."

WHICH ONES TO BRIEF

The meeting then moved into a discussion of which allied countries were to be briefed on the proposed air war. The President said he wanted "new, dramatic effective" forms of assistance from several, specifically mentioning Australia, New Zealand, Canada and the Philippines. These briefings by special envoys were included in the draft position paper laying out the bombing plan as the important diplomatic element in Phase I.

"In each case," the study says, "the representative was to explain our concept and proposed actions and request additional contributions by way of forces in the event the second phase of U.S. actions were entered."

The plan made no provision for similar consultations with Congressional leaders and there is no evidence in the study that Mr. Johnson conducted any.

In approving the statement General Taylor was to make to the Saigon leaders, the President also gave his assent to ready the military signal that was formally to sound the beginning of the 30 days of Phase I—Operation Barrel Roll, air strikes by United States Air Force and Navy jets of Yankee

Team against infiltration routes and facilities in the Laotian panhandle, which was to be the final step-up in the Laos air operations.

At the end of the meeting, the account continues, Ambassador Taylor "slipped out the White House rear entrance" to avoid the press and "only a brief, formal statement" was issued. The analyst, remarks that the White House press statement released immediately afterward "contained only two comments regarding any determinations that had been reached."

INSTRUCTIONS FOR TAYLOR

One said, "The President instructed Ambassador Taylor to consult urgently with the South Vietnamese Government as to measures that should be taken to improve the situation in all its aspects."

The other, the concluding paragraph, said the President had "reaffirmed the basic U.S. policy of providing all possible and useful assistance to the South Vietnamese people and Government in their struggle to defeat the externally supported insurgency and aggression being conducted against them."

The final sentence in this paragraph, the analyst notes, was one "specifically linking this policy" with Congress's Tonkin Gulf resolution. The sentence read: "It was noted that this policy accords with the terms of the Congressional joint resolution of Aug. 10, 1964, which remains in full force and effect."

Then, on Dec. 3, emerging from a second meeting with Mr. Johnson, "presumably having received the final version of his instructions," the account goes on, Ambassador Taylor told reporters assembled at the White House "that he was going to hold 'across-the-board' discussions with the GVN."

"Asserting that U.S. policy for South Vietnam remained the same, he stated that his aim would be to improve the deteriorating situation in South Vietnam. Although he hinted of changes 'in tactics and method,' he quite naturally did not disclose the kind of operations in which the United States was about to engage or any future actions to which immediate activity could lead."

The Administration now moved quickly. William Bundy left for Australia and New Zealand the next day, Dec. 4, to brief their governments on both phases of the bombing plan, the writer says.

WILSON VISITS WASHINGTON

Prime Minister Harold Wilson of Britain was "thoroughly briefed on the forthcoming U.S. actions" during a state visit to Washington Dec. 7 to 9, the narrative continues, while other envoys briefed the Canadians and the Asian allies. The writer notes that while Britain, Australia and New Zealand were given "the full picture," the Canadians were "told slightly less" and the Philippines, South Korea and the Chinese Nationalist Government on Taiwan were "briefed on Phase I only." What the Thais and the Laotians were told is not made explicit.

The New Zealand Government "expressed grave doubts" that the bombing would break Hanoi's will, the writer says, and predicted that it might increase infiltration to South Vietnam.

In meetings in Saigon on Dec. 7 and 9 with General Khanh and Premier Huong, Ambassador Taylor exacted the desired promises in exchange for the bombing. At the second meeting, the Ambassador presented them with a draft press release describing the desired improvements, including strengthening of the army and the police, which the Saigon Government released in its own name, at the United States' request, on Dec. 11.

William H. Sullivan, newly appointed as Ambassador to Laos, obtained Premier Souvanna Phouma's agreement on Dec. 10 to the American air strikes at infiltration routes along the Ho Chi Minh Trail supply network through the Laotian panhandle, and Operation Barrel Roll got under way on Dec. 14 with attacks by American jets on "targets of opportunity"—that is, unprogramed targets sighted by the pilots.

At a meeting of the National Security Council on Dec. 12, when the final details for Barrel Roll were reviewed and approved, the study reports, it was "agreed that there would be no public operations statements about armed reconnaissance in Laos unless a plane were lost."

"In such an event, the principals stated, the Government should continue to insist that we were merely escorting reconnaissance flights as requested by the Laotian Government."

LEVEL OF ATTACKS SET

McGeorge Bundy was quoted in the memorandum of record as stating that the agreed plan "fulfilled precisely the President's wishes."

On Dec. 18 Secretary McNamara set the level of Barrell Roll attacks for the 30 days of Phase I—the analyst indicates that he did so at the President's wishes—at two missions of four aircraft apiece each week.

The Administration also stepped up the raids by T–28 fighter planes in Laos with a joint message on Dec. 8 from Secretaries McNamara and Rusk to Ambassador Sullivan. The cable instructed him to have the Laotians intensify bombing "in the corridor areas and close to the D.R.V. border."

The analyst reports that in the three months between the beginning of October and the end of December there were 77 sorties by the T–28's in the panhandle area—a sortie is a strike by a single plane—and that by early December the air raids had "already precipitated several complaints from the D.R.V." to the International Control Commission "alleging U.S.-sponsored air attacks on North Vietnamese territory."

Events in Saigon had meanwhile gone awry. Political turmoil broke out there again with Buddhist and student demonstrations against Premier Huong's Cabinet.

On Dec. 20, in defiance of Ambassador Taylor's wishes, General Khanh, in a temporary alliance with the so-called Young Turks—the young generals led by Marshal Ky—announced the dissolution of the High National Council, a body that was supposed to be functioning as a temporary legislature to draw up a constitution for a permanent civilian government. They also made a large number of political arrests by night, seizing several members of the High National Council.

That day, Ambassador Taylor summoned the Young Turks to the embassy and, in the writer's words, read them "the riot act." They included Gen. Nguyen Van Thieu, now President of South Vietnam.

According to the embassy's cable to Washington, the conversation began like this:

Ambassador Taylor: Do all of you understand English? (Vietnamese officers indicated they did . . .)

I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Maybe this is because something is wrong with my French because you evidently did not understand. I made it clear that all the military plans which I know you would like to carry out are dependent on government stability. Now you have made a real mess. We cannot carry you forever if you do things like this.

Marshal Ky and other Vietnamese generals denied that they had staged a coup and said they were trying to achieve unity by getting rid of divisive elements, the account goes on.

The Ambassador tried to persuade them to support the civilian regime of Premier Huong and apparently to restore the High National Council. The Vietnamese officers would not agree.

The embassy cable describes the end of the conversation:

"In taking a friendly leave, Ambassador Taylor said: 'You people have broken a lot of dishes and now we have to see how we can straighten out this mess.'" [See text, Taylor message, Dec. 12.]

By the end of the month, Ambassador Taylor, Deputy Ambassador Johnson and General Westmoreland had apparently despaired of trading a bombing campaign against the North for a stable Saigon Government that would prosecute the war in the South. On Dec. 31, the account continues, they sent a joint message to Washington saying, in effect, that the United States should go ahead with the air campaign against the North "under any conceivable alliance condition short of complete abandonment of South Vietnam."

A FIRMER BASE SOUGHT

The account indicates, however, that the President was reluctant to proceed into Phase II without at least the appearance of a firmer base in Saigon since the turmoil there was making it more difficult for him to justify escalation to the American public.

The writer remarks that at the meeting of the senior National Security Council Members on Dec. 24, Secretary Rusk "raised an issue that was high among Administration concerns—namely that the American public was worried about the chaos in the GVN, and particularly with respect to its viability as an object of increased U.S. commitment."

On Christmas Eve, the Vietcong planted a bomb in the Brinks, an officers billet in Saigon, killing two Americans in the blast and wounding 58 others; the President declined to authorize reprisal air strikes against the North, despite vigorous recommendations from Ambassador Taylor, Admiral Sharp in Honolulu and the Joint Chiefs, who were now pressing hard for escalation.

"Highest levels today reached negative decision on proposal . . . for reprisal aciton," Mr. Rusk cabled the Ambassador on Dec. 29.

Five days earlier, Mr. Rusk had also instructed Ambassador Taylor to halt, until the turmoil in Saigon subsided, the planned, piecemeal release to the press of evidence of a major increase in infiltration from the North during 1964, the writer says. The Ambassador had first reported the increase to Washington in October, along with a report of the appearance of individual North Vietnamese Army regulars, and the Administration began leaking the information in November through background briefings.

MAKING A CASE IN PUBLIC

By this time, the Administration felt that it had sufficient information on infiltration to make a public case for bombing the North. The intelligence community had obtained evidence that a minimum of 19,000 and a maximum of 34,000 infiltrators, mostly former southerners who had fought against the French in the Vietminh, had entered the South since 1959. Chester L. Cooper, a former intelligence officer, had put together a major report on Hanoi's support and direction of the guerrillas, but the Administration had decided earlier in December against public disclosure of the document itself because this might create "undesirable speculation," and had instead instructed the Ambassador to continue the piecemeal approach. Now, the analyst says, Mr. Rusk wanted this halted as well for fear that more publicity might create pressure for action prematurely.

DEBATE GROWS IN CONGRESS

The political upheaval in Saigon, the writer continues, was fueling a Vietnam debate in Congress, which, while it did not exhibit much antiwar sentiment, did show considerable confusion and dismay, the writer says.

Secretary Rusk, on television on Jan. 3, 1965 (felt it necessary to defend the Administration "in the context of a year-end foreign policy report," the account adds.

Mr. Rusk did not hint at the Administration's plans for possible bombing of the North. "Ruling out either a U.S. withdrawal or a major expansion of the war," the writer says, "Rusk gave assurances that with internal unity, and our aid and persistence the South Vietnamese could themselves defeat the insurgency."

On Jan. 14, however, as a result of the loss of two American jets over Laos in Operation Barrel Roll, "accounts of U.S. air operations against Laotian infiltration routes gained wide circulation for the first time," the writer says. A dispatch from Laos by United Press International, he adds, "in effect blew the lid on the entire Yankee Team operation in Laos since May of 1964."

"Despite official State or Defense refusal to comment on the nature of the Laotian air missions, these disclosures added new fuel to the public policy debate," the writer continues. The disclosures were complicating matters for the President by giving ammunition to the very small minority of anti-war senators who were taking seriously the press speculation that the United States might be getting ready to bomb the North.

In a Senate speech on Jan. 19, the account goes on, Senator Wayne Morse of Oregon charged that the Yankee Team air strikes had ignored the 1962 Geneva accords on Laos and "violated the nation's belief in 'substituting the rule of law for the jungle law of military might.' Broadening his attack, he warned, that 'there is no hope of avoiding a massive war in Asia' if U.S. policy towards Southeast Asia were to continue without change."

Within the Administration in Washington, key policy makers were coming to the same conclusion that Ambassador Taylor and his colleagues had reached in Saigon—that it was desirable to bomb the North regardless of what state of government existed in the South.

The political turmoil in Saigon, the narrative says, appears "to have been interpreted in Washington as an impending sell-out" to the National Liberation Front. Fear increased that a neutralist coalition government would emerge and invite the United States to leave.

VICTORY FOR THE VIETCONG

Washington's sense of crumbling in the military situation was heightened when Saigon's army suffered a "highly visible" setback in a ferocious battle at Binhgia, southeast of the capital, between Dec. 26 and Jan. 2. Vietcong guerrillas nearly detroyed two South Vietnamese Marine battalions.

"All evidence pointed to a situation in which a final collapse of the GVN appeared probable and a victorious consolidation of VC power a distinct possibility," the narrative says.

AS THE HOUR APPROACHED

William Bundy communicated the feeling in a memoranum he wrote to Secretary Rusk on Jan. 6 for a meeting Mr. Rusk was to have with the President that afternoon. Mr. Bundy explained that the memorandum encompassed, besides his own thoughts, those of Michael V. Forrestal, head of the interagency Vietnam coordinating committee, and Ambassador Unger, who had recently been transferred back to Washington from Vientiane.

"I think we must accept that Saigon morale in all quarters is now very shaky indeed," he said in part, "and that this relates directly to a wide-spread feeling that the U.S. is not ready for stronger action and indeed is possibly looking for a way out. We may regard this feeling as irrational and contradicted by our repeated statements, but Bill Sullivan was very vivid in describing the existence of such feelings in October, and we must honestly concede that our actions and statements since the election have not done anything to offset it. The blunt fact is that we have appeared to the Vietnamese (and to wide circles in Asia and even in Europe) to be insisting on a more perfect government than can reasonably be expected, before we consider any additional action—and that we might even pull out our support unless such a government emerges.

"In key parts of the rest of Asia, notably Thailand, our present posture also appears weak. As such key parts of Asia see us, we looked strong in May and early June, weaker in later June and July, and then appeared to be taking a quite firm line in August with the Gulf of Tonkin. Since then we must have seemed to be gradually weakening—and, again, insisting on perfectionism in the Saigon Government before we moved.

"The sum total of the above seems to us to point—together with almost certainly stepped-up Vietcong actions in the current favorable weather—to a prognosis that the situation in Vietnam is now likely to come apart more rapidly than we had anticipated in November. We would still stick to the estimate that the most likely form of coming apart would be a government of key groups starting to negotiate covertly with the Liberation Front or Hanoi, perhaps not asking in the first instance that we get out, but with that necessarily following at a farily early stage. In one sense this would be a 'Vietnam solution,' with some hope that it would produce a Communist Vietnam that would assert its own degree of independence from Peiping and that would produce a pause in Communist pressure in Southeast Asia. On the other hand, it would still be virtually certain than [sic] Laos would then become untenable and that Cambodia would accommodate in some way. Most seriously, there is grave question whether the Thai in these circumstances would retain any confidence at all in our continued support. In short, the outcome would be regarded in Asia, and particularly among our friends, as just as humiliating a defeat as any other form. As events have developed, the American public would probably not be too sharply critical, but the real question would be whether Thailand and other nations were weakened and taken over thereafter.

"The alternative of stronger action obviously has grave difficulties. It commits the U.S. more deeply, at a time when the picture of South Vietnamese will is extremely weak. To the extent that it included actions against North Vietnam, it would be vigorously attacked by many nations and disapproved initially even by such nations as Japan and India, on present indications. Most basically, its stiffening effect on the Saigon political situation would not be at all sure to bring about a more effective government, nor would limited actions against the southern D.R.V. in fact sharply reduce infiltration or, in present circumstances, be at all likely to induce Hanoi to call it off.

"Nonetheless, on balance we believe that such action would have some faint hope of really improving the Vietnamese situation, and, above all, would put us in a much stronger position to hold the next line of defense, namely Thailand. Accepting the present situation—or any negotiation on the basis of it—would be far weaker from this latter key standpoint. If we moved into stronger actions, we should have in mind that negotiations would be likely to emerge from some quarter in any event, and that under existing circumstances, even with the additional element of pressure, we could not expect to get an outcome that would really secure an independent South Vietnam. Yet even on an outcome that produced a progressive deterioration in South Vietnam and an eventual Communist take-over, we would still have appeared to Asians to have done a lot more about it.

"In specific terms, the kinds of action we might take in the near future would be:

"a. An early occasion for reprisal action against the D.R.V.

"b. Possibly beginning low-level reconnaissance of the D.R.V. at once.

"Concurrently with a or b, an early orderly withdrawal of our dependents [from Saigon, but only if] stronger action [is contemplated]. If we are to clear our decks in this way—and we are more and more inclined to think we should—it simply must be, for this reason alone, in the context of some stronger action. . . .

"Introduction of limited U.S. ground forces into the northern area of South Vietnam still has great appeal to many of us, concurrently with the first air attacks into the D.R.V. It would have a real stiffening effect in Saigon, and a strong signal effect to Hanoi. On the disadvantage side, such forces would be possible attrition targets for the Vietcong."

A SIMILAR MEMORANDUM

Mr. McNaughton, Mr. Bundy's counterpart at the Pentagon, had given Mr. McNamara a similar memorandum three days earlier.

"The impact of these views can be seen in the policy guidance emanating from Washington in mid and late January, 1965," the Pentagon's narrative says.

In a cablegram to Saigon on Jan. 11, the writer goes on, Secretary Rusk instructed Ambassador Taylor "to avoid actions that would further commit the United States to any particular form of political solution" to the turmoil there. If another military regime emerged from the squabbling "we might well have to swallow our pride and work with it," Mr. Rusk said.

Another memorandum to Mr. McNamara from Mr. McNaughton, on Jan. 27, along with Mr. McNamara's penciled comments on it, "adds perspective to this viewpoint," the historian says. Mr. McNaughton stated "and Mr. McNamara agreed" that the United States objective in South Vietnam was "not to 'help friend' but to contain China," and "both favored initiating strikes against North Vietnam."

Paraphrasing the memorandum and Mr. McNamara's comments, the writer says, "At first they believed these [air attacks] should take the form of reprisals; beyond that, the Administration would have to 'feel its way' into stronger, graduated pressures. McNaughton doubted that such strikes would actually help the situation in South Vietnam, but thought they should be carried out anyway. McNamara believed they probably would help the situation, in addition to their broader impacts on the U.S. position in Southeast Asia."

"Clear indication that the Administration was contemplating some kind of increased military activity" had gone out to Saigon two days earlier in another cablegram from Mr. Rusk, the account goes on. "Ambassador Taylor was asked to comment on the 'departmental view' that U.S. dependents should be withdrawn to 'clear the decks' in Saigon and enable better concentration of U.S. efforts on behalf of South Vietnam."

THE SIGNAL FOR "D-DAY"

Ever since the original bombing scenario of May 23, 1964, the evacuation of American women and children had been the signal for "D-Day."

"The Rusk cable made specific reference to a current interest in reprisal actions," the analyst says.

The initial blow came in about two weeks. The Vietcong attacked the United States military advisers' compound at Pleiku in the Central Highlands and an Army helicopter base at Camp Holloway, four miles away. Nine Americans were killed and 76 wounded.

"The first flash from Saigon about the assault came on the ticker at the National Military Command Center at the Pentagon at 2:38 P.M. Saturday, Feb. 6, Washington time," the narrative says. "It triggered a swift, though long-contemplated Presidential decision to give an 'appropriate and fitting' response. Within less than 14 hours, by 4 P.M. Sunday, Vietnam time, 49 U.S. Navy jets—A-4 Skyhawks and F-8 Crusaders from the Seventh Fleet carriers U.S.S. Coral Sea and U.S.S. Hancock—had penetrated a heavy layer of monsoon clouds to deliver their bombs and rockets upon North Vietnamese barracks and staging areas at Donghoi, a guerrilla training garrison 40 miles north of the 17th Parallel.

"Though conceived and executed as a limited one-shot tit-for-tat reprisal, the drastic U.S. action, long on the military planners' drawing boards under the operational code name Flaming Dart precipitated a rapidly moving sequence of events that transformed the character of the Vietnam war and the U.S. role in it."

Then the guerillas attacked an American barracks at Quinhon, on the central coast, and on Feb. 11, the President launched a second and heavier reprisal raid, Flaming Dart II.

Two days later, on Feb. 13, he decided to begin Operation Rolling Thunder, the sustained air war against North Vietnam.

"As is readily apparent," the analyst concludes, "there was no dearth of reasons for striking North. Indeed, one almost has the impression that there were more reasons than were required. But in the end, the decision to go ahead with the strikes seems to have resulted as much from the lack of alternative proposals as from any compelling logic in their favor."

THE INDIVIDUAL INCOME TAX SHARING ACT OF 1971

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House the gentleman from Texas (Mr. PRICE) is recognized for 30 minutes.

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce the Individual Income Tax Sharing Act of 1971. I am making this proposal because I believe it to constitute an appropriate means of achieving true tax reform. I would point out that the Individual Income Tax Sharing Act of 1971, as such, also represents an alternative to revenue sharing. I still favor revenue sharing in principle, and I think Congress should continue to explore its possibilities in depth along with those of the act.

Mr. Speaker, in my judgment, this Congress has an obligation to the people of our Nation to as quickly as possible arrive at a means to reduce the mounting fiscal crisis that is besetting State and local governments. The extent of this crisis can be determined by examining the trends in State and local financing over the last two decades. In 1950, State and local spending amounted to $28 billion. By 1969, it had risen to $132 billion; an increase of 372 percent. During those same years State and local debt increased 454 percent; from $24 billion to $134 billion. State and local taxes have followed this same dizzying spiral. In 1950, per capita State and local tax totaled $105 billion. By 1969, this figure had increased 262 percent to $380 billion.

While State and local fiscal affairs have been growing, Federal involvement in and Federal spending for State and local programs have also been growing, but at even a more alarming rate. In 1950, Federal aid amounted to $2.5 billion. This year over $30 billion will be given to State and local governments. This represents an increase of 1,200 percent. Unfortunately, this growth has not worked to the taxpayers' best advantage, for the $30 billion in Federal aid that will be distributed this year will not be dispensed very efficiently or, I am afraid, very effectively. With Government bureaucrats allocating and distributing Federal dollars to State and local governments through over 500 different grant programs administered in a jungle of Federal regulations, waste and ineffectiveness is almost guaranteed.

It was in an effort to attack this problem at its roots that President Nixon has proposed that the Federal Government share a part of the general tax revenue raised each year with State and local governments. According to the President's proposals, in the very first year general revenue sharing comes into being, $5 billion of new money will be shared by States, counties, cities, and townships. This $5 billion represents 1.3 percent of the national personal income tax base; consequently, tax revenues shared will increase in proportion to the increase in annual income tax collections. In addition, unlike the present Federal assistance setup, there will be no strings attached to general revenue sharing. There will be no required programs, projects, or matching State or local funding requirements. There will be just money. Pure and simple money.

Mr. Speaker, even though revenue sharing, if it is enacted by this Congress, will help alleviate the fiscal pressures on State and local governments, I do have certain reservations about revenue sharing in concept and in practice. These reservations are centered on my belief that taking money from individuals in the form of taxes then indirectly giving them part of their money back minus certain operating costs through general revenue sharing is not the best way to operate. In my judgment, the Individual Income Tax Sharing Act of 1971 constitutes a better approach because it permits the individual to retain larger shares of his earned income, it reduces personal tax burdens, and it gives State and local governments more flexibility in determining the optimal tax combinations and levels which will best help them meet their own particular fiscal needs.

While the act is complex and will require detailed study by the taxwriting Ways and Means Committee, there are certain central provisions of my proposal which I would like to highlight for the benefit of my colleagues. Most basic to the act are the provisions providing the taxpayer with a Federal income tax credit equal to 20 percent of his combined State and local taxes. This credit would be easy to compute and to utilize and it would be available to all taxpayers whether they itemize or use the standard deduction to determine taxable income.

The bill also would increase the credit for State death taxes which may be taken against the Federal estate tax to 80 percent of any Federal estate taxes on the first $150,000 of a taxable estate plus 20 percent of the Federal estate tax on any taxable estate over $150,000. Under present laws the Federal tax credit, which is based on an 80-percent tax schedule established in 1926, provides a credit of only about 10 percent of the present estate tax rates. In this connection, the bill also changes present law to exempt members of the Armed Forces who die as a result of injuries received in a combat zone from Federal estate taxes. Simple justice demands that this be included for the reason that those who sacrifice their lives for the sake of their country should not have their estates levied upon by the Federal Government.

In addition, the bill directs the Secretary of the Treasury to work with the Joint Senate-House Committee on Internal Revenue Taxation for the purpose of determining the feasibility of the Federal Government's taking the costs and the burdens of State income tax collection from States who want the Federal Government to perform this service. A study of this area would be performed under the auspices of the Treasury Secretary and the joint committee. The results would be submitted to Congress for review and action not later than 1 calendar year after the date of the enactment of this act. This provision is based on the belief that if Federal collection of State income taxes is feasible, it should ease the reporting burdens on individual taxpayers and employers, eliminate tax collection costs for the participating States, and streamline the process by which State and Federal taxes are collected.

In sum, Mr. Speaker, the Individual Tax Sharing Act of 1971 is a proposal designed to provide an alternative to general revenue sharing, an alternative based on the proposition that it is better to increase indivdual disposable income through tax reductions than it is for the Government merely to share tax revenues taken from already overburdened taxpayers with State and local governments. I commend this proposal to the attention of my colleagues and urge them to give it their support.

TAKE PRIDE IN AMERICA

The Speaker pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Today being Flag Day, it is significant to note the number of requests for flags having been flown over the U.S. Capitol Building. The Capitol Architect's office which supervises the flying of flags for congressional constituents reports that 31,722 requests were handled in 1970. This was 7,982 more flags than the total flown in 1969.

TRAVEL FOR ELDERLY, HANDICAPPED

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. ROSENTHAL) is recognized for 10 minutes.

Mr. ROSENTHAL. Mr. Speaker, on behalf of myself and 28 of my colleagues I am reintroducing today a bill to permit the elderly and the handicapped to travel free or at reduced rates on the Nation's commercial air, rail, and bus lines.

Joining me as cosponsors are Mr. ADDABBO, Mr. BURTON, Mrs. CHISHOLM, Mr. DENT, Mr. DELLUMS, Mr. DONOHUE, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mrs. GRASSO, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HAWKINS, Mr. KOCH, Mr. MADDEN, Mr. McKEVITT, Mr. MIKVA, Mrs. MINK, Mr. MITCHELL, Mr. NIX, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. SEIBERLING, Mr. TIERNAN, Mr. WALDIE, and Mr. YATRON.

This bill will help the 20 million elderly Americans and 6 million handicapped citizens visit their friends and family more easily and get more enjoyment out of life. These are people with limited incomes and critical mobility problems. They are the ones who feel the greatest impact of rising fares and continuing inflation.

The financially pressed transportation industry will benefit from this bill as well. The elderly and the handicapped represent a virtually untapped market for most of the Nation's air, rail, and bus lines. With more empty seats than they need, there is not a carrier that could not use the additional business.

Public response to this proposal following its original introduction on May 26, 1971—H.R. 8754—has been very encouraging. I would like to insert in the RECORD. Most are from persons who would use such an opportunity to travel; they eloquently tell of the desirability of such legislation.

The letters follow:

DEAR CONGRESSMAN ROSENTHAL: Bravo to you for trying to put through reduced fares for senior citizens, particularly those on Social Security. It would certainly create a lot of happiness to be able to travel a bit—even though our resources are limited (like the reduced half-fares of bus & subway travel in NY which are so helpful). (From a New York woman.)

MY DEAR CONGRESSMAN ROSENTHAL: Your bill which seeks travel break for elderly would be what the doctor prescribed for senior citizens. I'm retired 14 years, I'm well and could use such consideration in reduced fares. I hope you will hear from those in my class. (From a Long Island man.)

DEAR SIR: Thank you for your bill giving the aged a cut in travel. We are all your constituents, a group of 60 called the Golden Age Group. Please continue your good work for the senior citizens. Thank you. (From a Long Island group.)

DEAR CONGRESSMAN B. S. ROSENTHAL: Your bill seeking travel break for elderly is great.

I have written to airlines asking for reduced rates for elderly as when I went to Chicago I was in any empty plane.

Since I'm 58 I would like your bill to apply to me. Your idea is very good. Thank you. (From a Middle Village, N.Y., woman.)

DEAR SIR: Legislation to allow elderly and disabled people to travel at reduced rates on airlines and railroads is the best news we have heard in a long time. We who have children and grandchildren living as far as 3,000 miles from New York are anxiously awaiting to see what happens to your timely proposal. We the elderly have discussed this topic many times at the Senior Citizens Centers. As we grow old our desire to see our children becomes very strong, but the high travel rates keep us from seeing them, altho we have the time. Your proposal would be a dream come true. May God Bless You and your family with good health. (From a New York woman.)

DEAR CONGRESSMAN ROSENTHAL: I read about your bill which would allow the elderly to travel free or at reduced rates. This bill if passed would do much to enhance the lives of the elderly who are very, very lonely. They could visit their loved ones and also see a little more than the street or town where they live. Living on a fixed income is a struggle even for those who put aside some money in their working years to give them a little security in their old age. Inflation and illness wipes out most savings. Travel is a luxury most cannot afford. Loneliness is the greatest ill of the aged. They need to have something to look forward to. A trip occasionally would bring great joy to many.

I wrote to my Congressman urging him to support the bill.

(From a Bronx woman.)

DEAR SIR: How refreshing for Americans to read the enclosed article on your proposed introduction of legislation to permit elderly and handicapped to travel free or on reduced rates. In a land which finds itself in trouble, so much so that it is necessary to advertise on billboards to love one's country and be loyal, when it should be like mother-love, instinctive, there is need for such action as you propose.

The forgotten Americans are those over 65, who, with accumulated bills, and bills yet to be met till they go to grave, find a "CRUMBS" Social Security check not enough, and many cannot even buy the expensive meat they need for aged bodies—worse, those physically able to work after forced retirement, are prohibited from earning all they can or else forfeit THEIR social security checks (an injustice).

Wasting so much on the moon, the Viet Nam tragedy, and so much other waste, it seems if some are anxious to have spent a billion on an SST, etc., that everyone should help push your proposal across . . . it will brighten life for many . . . and any critic need not fear an excessive use of such transportation, for at that age not everyone can travel freely because of tired bodies, etc.

Congratulations to you . . . we know it is a tough project . . . but you have the prayers of many. I am 64 years of age and in one year I'll be a forgotten American, except for thoughtful people like you. We need an awakening in America—this is a good step forward, to show respect for the millions, now elderly who devoted their working careers to build their nation. (From a Watertown, N.Y., man.)

DEAR SIR: I think your bill for reduced (travel) fares for senior citizens is marvelous.

I am a retired teacher (N.Y. City). The high cost of travel has prevented me from going to places I long to see. (From a New York woman.)

DEAR SIR: I have seen mention of a bill you're sponsoring, whereby the aged and physically handicapped could benefit by reduced travel costs. God bless you, sir, and I hope you get this bill rolling, so that we, the elders, can benefit soon.

It's good to know someone still cares. (From a Long Beach, N.Y., woman.)

DEAR CONGRESSMAN ROSENTHAL: Having read an article in the N.Y. Post about a bill you introduced to the House, I take the liberty to write to you and tell you what a gift that would be to us retired people living on a pension, to be able to travel either free or at reduced prices. Just to visit my children and family would be a blessing. Good luck to you, and we sincerely hope that it will come true. (From a New York City woman.)

DEAR MR. ROSENTHAL: In the Los Angeles Herald-Examiner was an article about a bill you introduced in the House concerning reduced fares to those over 65 and the blind, physically handicapped and mentally handicapped.

What a blessing this would be if it were passed into law. Many of these people could go places on airlines, trains and buses. Many of us have a fixed income and a little joy could come into our lives with some way to get around without paying the full fares. If airlines are half empty on each trip, why not fill them with oldsters, etc.? Please get this bill passed. Will write our senators and representatives. Thank you. (From a California couple.)

CONFEDERATE MEMORIAL DAY—1971

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, June 13 was Confederate Memorial Day. In our Nation's Capital and in keeping with the custom established in 1914, the descendants and friends of Confederate veterans held memorial services at the Confederate Monument in Arlington National Cemetery.

I was honored to have been asked to deliver the address for the occasion. I include my speech at this point in the RECORD:

SPEECH BY MR. RARICK

Mr. Chairman, Madam President General of the United Daughters of the Confederacy, Commander Eble of the Sons of Confederate Veterans, Commander Porter of The Stars and Bars, Distinguished Officers and members of your organizations, Members of our United States Armed Forces, Distinguished guests, descendants, sympathizers and friends of the South:

As a U.S. Representative of a Southern Congressional District, I have many times explained my service here in our Nation's Capital as similar to that of a spy behind enemy lines.

Consequently, I was most happy and gratified at the large gathering at Gettysburg Friday for the dedication by the state of Louisiana to our confederate dead on that battleground . . . a reminder to posterity that Louisianians were there and cared enough to remember.

I join with your leaders in expressing gratitude for your presence today . . . your attest to your loyal respect for history as well as your memory of the unforgotten heroes of the south.

We are gathered again to pay our respects to the fallen heroes of the southland who made the supreme sacrifice in the first battle to preserve the U.S. Constitution . . . a war fought to deny southern states their constitutional right to independence.

Here about us arrayed around this beautiful monument sleep 267 Confederate soldiers and their wives.

A monument of mortar and steel will long endure as a reminder for future generations, but the true story of devotion can only be immortal so long as the issues and facts of history, live in the hearts and minds of those of us who follow.

If those of the southern cause were but able to speak to us today, would they not compel us to take heed of their mistakes and relate their struggle not only to the present, but what by logical conclusion faces us in the future. Those we honor today have written their lesson in blood and courage. We ignore the past at the peril of the future. The Union must be preserved. . . . There can be no secession under the Constitution. Our people as a nation move forward united, or we go down in flames together.

Yet today, Americans are being told that the constitution is no longer the law of the land. It no longer protects us as individuals. It has been usurped or superseded by treaty, United Nations charter, or Supreme Court amendment.

Internationalism . . . one-world thinking . . . bombards our environment from the news media, text books, church booklets and sermons, attacks against our culture and our living patterns. Yes, our very way of life and our children's birthright as free people are under massive revolutionary assault. There is a new secessionist movement underway.

A small minority has already seceded from the Union, and by raw power, intrigue, distortion and manipulated violence would capture and deliver all our people into a new system of worldwide government, reducing our beloved United States to the role of a state among states.

Already the spokesmen of the new secessionist movement dictate our customs, our morals, our styles, and our thoughts, without any voice or vote by the people. Those who disagree are told the changes are necessary for progress in the name of peace. They tell us it's too late to stop the revolution anyway. The trend is irreversible.

Can there be a difference between secession by people working through their state governments in accordance with the compact between the States to achieve peace and a secession movement led by a small group of wealthy internationalists with no mandate from the people or States but manufacturing justification under treaties and UN Charter and hiding behind the veneer of world peace and brotherood?

The union today is divided. . . . not by states or geographical sectionalism, but more by philosophical ideas. We find many new southerners outside southern states who join with us in abhorence at the new secessionist movement.

What no foreign despot has ever achieved—nor did even the war between the states accomplish—has now become a clear and imminent threat. Dismemberment of the United States by treasonous acts against the constitution is now claimed justified as patriotic acts of courage to achieve peace.

If secession by the south was illegal, how can secession by the internationalists as winds of change be legal? The only logical answer is that the south must continue to be made the whipping boy of guilt and shame. The history of the United States is the history of the south and southern people. Conceding this to be true, then the future of our nation can only be the future of the south and its people. The south is the greatest threat to the new secessionist movement.

It is time that we of the South start accentuating the positive, rather than defending the negative.

The new war of succession that we face is psychological war of semantics, of words, slogans, bias and distortion. The most successful implements of war are not always swords but rather—by dropping the "s" from in front of the "w," we have the weapon of modern warfare—"words."

The stigma of being marked as a southerner should always be borne with pride and honor. It is to your credit, not to your shame. Every progressive and libertarian idea, concept, and tradition in our country originated with and comes directly from southerns and southern leaders.

It was Patrick Henry, a southerner from Virginia, who used his sword—"words"—to rouse the American colonists to resist tyranny from the omnipotent power of his era.

It was George Washington, another southerner, who led the true Revolutionary Army that subdued the tyranny of foreign power, then served as chairman of the Constitutional Convention, and ultimately became the first President of our new Republic.

It was Thomas Jefferson, another southerner, who was responsible for the indictment of English colonialism by drafting that cherished freedom document, the Declaration of Independence. The same Thomas Jefferson, who, unsatisfied with the Constitution as accepted, because of the fear of too much power being amassed in the new Federal Government, was responsible for the words and adoption of the Bill of Rights, i.e., the first 10 amendments to the Constitution—a Bill of Rights which guarantees nothing, but is worded to prevent a too powerful central Government from interfering in your God-given talents and your freedom of choice in exercising maximum control over life and destiny as well as that of your children.

It was James Madison, another southerner, later to become the fourth President of the United States, who was the secretary and kept the notes at the Constitutional Convention. Of the 37 Presidents of the United States, 14—almost ½—were either born in, reared in, or claimed the South as their home.

Of the 14 Chief Justices who have been on the Supreme Court of the United States, 5 have been Southerners, including Edward Douglas White of Louisiana, who authored the slaughterhouse cases, which allowed the American people to live in peace for three decades under the separate but equal theory of Constittional law, until overthrown by Earl Warren in 1954.

Chief Justice John Marshall, acknowledged by lawyers and jurists as the great builder of the Supreme Court, was a Southerner from Virginia.

Southerners who are identified in history for their exemplary military services to the United States include General Douglas MacArthur of Arkansas, Andrew Jackson of Tennessee, General George Patton, Admiral Chester W. Nimitz, and General—later President—Dwight D. Eisenhower, all of Texas. And, of course, General Robert E. Lee, who resigned his Union commission and left his post as Commandant of West Point to take command of the Confederate forces. Following the Civil War, Lee concentrated his energies not in despair or revenge, but by serving as President of Washington College, later to be renamed Washington and Lee, where he labored to preserve and perpetuate our Southern education and culture.

But among the noblest of all American patriots and statesmen was Jefferson Davis of Mississippi. History has not smiled on President Davis nor his devotion to duty under the Constitution as he saw it. But then, few southerners wrote the history.

As the newly-elected president of the Confederacy is reported to have said to Mrs. Davis:

"If we succeed, we shall hear nothing of these malcontents.

If we do not, then I shall be held accountable by friends as well as foes. I will do my best and God will give me strength to bear whatever comes.

Jefferson Davis, at age 16, entered West Point military academy where he served with Robert E. Lee. As a lieutenant in the U.S. Army, he served in northern states during the Black Hawk Indian War. He served his country and state as a U.S. Congressman. During the Mexican War, he returned to the army and as a combat officer rose to the rank of colonel and distinguished himself under fire. Under President Franklin Pierce, he served 4 years as Secretary of War, resigning to serve in the U.S. Senate for his State of Mississippi.

Jefferson Davis was well-known among northerners and was the Nation's last moderate chance to avoid secession or armed conflict. But Senator Davis' appeals for reason in those days were as effective in dealing with the abolitionists as are the appeals to common sense with the civil rights abolitionists of today.

President Davis was and is still regarded as a leading constitutionalist in the defense of state's rights and local government. He adamantly opposed every intrusion by the Federal Government to interfere in the government, urging that such rights were never surrendered to the Federal Government in the compact by the States. Many of President Davis' statements and warnings ring clear and applicable today.

A steadfast patriot and true leader, not suffering the disease of compromise for fame and fortune, President Davis remained unswerving in his ideas and dedication to the death.

Captured by Union forces, he was imprisoned for 2 years, until released on $100,000.00 bond. Charged with treason under the Constitution, he was denied trial, which he sought so that he could prove by law his innocence under the Constitution and therefore the legality of the Confederate cause.

President Davis never recanted. He refused to ask the Federal Government to restore his citizenship. His constant position was that he had done nothing wrong, that it was the northern politicians who had broken the Constitutional compact between the states.

At the age of 76, speaking to the Mississippi State Legislature, President Davis said he had never repented. "If it were to do all over again, I would do just as I did in 1861."

So long as men cherish the concept of limited government by law and revere the U.S. Constitution, no greater champion nor martyr to his cause can be found in history than Jefferson Davis . . . statesman, soldier, patriot, American from the south. His was the fearless dedication of a great leader for all Americans—for all times.

These are but a few of the distinguished Southerners who played leading roles in founding our Nation, drafting its laws, preserving our liberties, and passing them on to our generations, we can be proud to be Americans, but more especially proud to be Americans from that region of our Nation known as the South.

The history of the U.S. is the history of the South and Southern people. When the South, its people and institutions, has been given its fair voice and representation in our Government, U.S. citizens have enjoyed the greatest peace and prosperity. But when the molders of public opinion and national leaders exploit the South as a whipping boy for political gains such as trading off our people for bloc votes in Northern cities, history then is complete, in that our Nation is reduced to a standstill. When "we the people" are not truly represented, our Nation is plagued by misunderstanding, division, distrust, and even violence.

Since the history of the U.S. is the history of the South and Southern people, then the future of the U.S. is that of the South and will depend upon the dedication, intelligence, leadership and organized efforts of Southern people today and in the future. We cannot now permit the new secession. The Union is preserved for all, or all is lost.

We must gird for the battle by ridding ourselves of any feeling of guilt or fear. Psychological words such as racist, bigot, extremist, and repression are but emotional trigger words—word-swords—of the war of nerves, intended to catch you off guard, to deny you your right to rebuttal—to deny believability to your expressions and explanations. In short, to shut you up and thereby deny your freedom of speech and expression. Racism, bigotry, and extremism do not exist where there is no freedom. Where there is repression, those repressed are unable to complain.

While it seems to be the rage of the times to say, "Yes," it takes real courage to say, "No." This reminds me of the military commander, who upon seeing his men turn and run, said, "I'm their leader; I must follow them." Anyone can jump into the stream and float with the debris and refuse. It takes a thoroughbred to buck the current and tide. Politicians and public opinion polls produce followers, not leaders. Politicians and opinion-making agents with pretty faces are selected by the communications people and sold to unsuspecting people like so much merchandise.

Today's common enemy loves repetition. Remember that when you see or hear an idea or an individual given wide coverage on TV or the newspaper, beware. This is but the word-sword of the power secessionists striving to brainwash you into surrender by overselling the suggestion that the expressed ideas are representative of the masses, and to create the impression that if you disagree, you are alone and you best be quiet.

Southerners, and most thinking Americans, by now are aware that the great bulk of our communications media are not interested in giving factual news, but rather in serving as vehicles of propaganda by people who do not like us, nor our southern heritage. In fact, they admit using their stewardship supposedly to bring "peaceful change" to our system of government. Do you know of any wire services or TV networks in the North owned by Southerners. Remember that the First Amendment, freedom of speech and press, was never intended to give a brainwashing monopoly to the wealthy owners of communications devices to sell only their biased ideals! The First Amendment freedom was intended to guarantee that our people receive the truth and be fully informed on all issues so that by being so informed, we can act to retain our freedoms.

Free thought and individual action has always been associated with the south and southern people. Yes, southerners are different. They are different because they are the descendants of the only Americans who have been defeated in war, who have lived under enemy occupation and know what it is to be prisoners in their own homes—the tyranny of being denied all constitutional liberties. The reconstruction period in the south should never be forgotten. Its lesson should remind all southerners that if we do not take a stand for our freedoms; then we deserve to lose them. This is why most southern people are so outspoken and intolerant against revolutionary moves and new extremist changes. Many react without knowing why—almost by instinct.

There is nothing wrong with our system of government, with our country, or with our people. Our problem is with the small, dedicated internationally-minded group of new secessionists who by the use of power and wealth prevent our system from working as intended.

Power to the people! That's what the constitution was all about. Power to the people! That's what the struggle for southern independence was all about.

Those who seek "power to the people" today do not tell us what people. To whom do they desire to give the power and control over our lives. Their activities can only make them suspect that they are being used to create an evil impression that there is something wrong with people-power.

There are those constantly among us who set traps by striving to convince our people that free men are incapable of governing themselves and that we'd be better off joining the new secessionist movement under the new leadership of an elite one-world aristocracy. If our people fall for the bait, we will not only lose our country, but as individuals, be reduced to the state of common laborers on the new plantation.

It is past time that we of the south break loose from our verbal bondage. We must stop being defensive and regain the offensive. We must charge with our weapons of words and honesty, for if the U.S. loses, we all lose.

The history of the south is the future of the United States. The action of the south and southern people will decide our nation's future or its fate.

This is our challenge . . . by working together we can preserve the Union and perpetuate the noblest system of government our Creator has ever bequeathed to free men.

The lessons from battles of our fallen heroes of over 100 years ago remain unchanged.

"For we struggle not against flesh and blood, but against principalities, against powers, against the rulers of darkness of this world, against wickedness in high places."

The history of the United States is the history of the South . . . the future of the United States is the future of the South, outnumbered always. To that end, we rededicate ourselves, our fortunes, and our sacred honor on this Confederate memorial day here among the habiliments of our illustrious dead and America's heroes of all wars.

LEAD POISONING: ONE GHETTO HAZARD WE CAN ELIMINATE

The SPEAKER pro tempore. Under a previous order to the House the gentleman from Massachusetts (Mr. Boland) is recognized for 10 minutes.

Mr. BOLAND. Mr. Speaker, lead poisoning kills hundreds of children each year and leaves thousands of others with crippling neural disorders—blindness, retardation, even paralysis. Ghetto children, already the principal victims of our tainted environment, are the most vulnerable. Often chronically malnourished they eat the paint they find flaking and peeling off the walls around them. This paint may be lead based—a kind that is now largely obsolete and found only in the old and rotting buildings of our city slums.

Even a tiny dose of lead is toxic, attacking the central nervous system in much the same way as mercury. Large doses, or small ones accumulated over a period of time, can be lethal. No one knows just how many children fall victim to lead poisoning each year. The early symptoms mimic those of the trifling and commonplace sicknesses found among children everywhere—the flu, for example, or colic. Only a doctor trained to recognize symptoms of lead poisoning can make the distinction between this disorder and others. Even the experts are often bewildered. With chilling frequency, the diagnosis comes too late.

Infants will put almost anything into their mouths—a hazard in itself. But ghetto infants, still more menancingly, often show a craving for unnatural foods. Called "pica," this phenomenon occurs chiefly in undernourished children. It makes them all the more likely to eat paint flakes. Once confined to the ghetto, lead poisoning is now spreading elsewhere. Restored townhouses, always fashionable, are becoming more so year by year. As more and more high-income couples buy old buildings for the purpose of restoration, their children, too, will encounter flakes of lead-based paint. And, like all young children, they will put these flakes into their mouths.

Unlike mercury and DDT poisoning, lead poisoning has not been made into a modish cause célèbre.

Yet, it poses a far greater danger to the Nation's health.

It can be eliminated.

Legislation enacted early this year—legislation that I cosponsored—would achieve that goal. Called the Lead Based Paint Poisoning Preventive Act, it promises to make lead poisoning little more than a bad memory. First, it flatly prohibits the use of lead based paints in any building constructed or rehabilitated with Federal assistance. Second, it authorizes grants to detect and treat lead poisoning, and to find and eliminate the sources of that poisoning.

The act authorizes $20 million for carrying out its provisions during fiscal 1972. But the administration—astonishingly—requested no fiscal 1972 appropriations at all. Later, yielding to outcries from the medical community, it suggested $2 million—a paltry 10 percent of the full authorization.

Certainly, Mr. Speaker, the problem of lead poisoning demands more than this.

As a ranking member of the Appropriations Committee, I will exhaust every means to see that the act is amply funded.

It is time to stop talking about environmental hazards and to start doing something about them.

With permission, Mr. Speaker, I put in the Record a Springfield, (Mass.) Daily News article by Roger Caras outlining the dimensions of the lead poisoning problem:

Our Only World: House Paint Is Deadlier Than Sea's Poisoned Fish

(By Roger Caras)

The papers are full of stories about the mercuric contamination of fish, and possible arsenic content as well. But, there is a deadly form of chemical pollution much closer to home, and the lives it claims or wrecks each year are numbered in the thousands. The culprit is that very heavy metal, lead.

Pica is a serious problem among children. There are many psychological and cultural, as well as physical factors like sub-standard nutrition, involved. Pica is the craving or hunger for unnatural foods. It is a deadly serious affair in many parts of the country.

Children afflicted with pica are apt to eat paint whenever and wherever they can find it chipping or flaking. If the building is old and the interior surfaces have four or five layers of paint, there is the strong likelihood that one or more of them will contain lead. Lead eaten by a child can result in death. Perhaps those that die are among the lucky ones for many of those that survive are afflicted with everything from loss of sight to severe mental retardation.

Lead poisoning is not a rare or isolated event. It is seen in every city in this country. A city like New York may have 500 or more confirmed cases in a single year. Heaven above knows how many go undiagnosed.

Children between the ages of 1 and 3 years comprise almost 85 per cent of the cases seen in the clinics. Two years is the peak age. Over 50 per cent of the deaths from lead poisoning occur in 2-year-olds.

Insidiously, lead poisoning can be extremely difficult to diagnose. In its early stages it appears, symptomatically, like a dozen other things. And while unexplained vomiting, constipation and irritability are being ignored or treated as "something that is going around" the child is building a lethal or crippling level of lead in his body. It takes an alert and concerned doctor to pick up lead poisoning in the early stages. And the late stages are very likely to be too late to avoid permanent brain damage if not death. Doctors as well as parents need educating. Too few people are aware of the danger.

As one might expect "lead pollution" occurs most frequently in the "lead belt." The "lead belt" is the slum area in any city or town. The older the building, the more run down it is the more likely it is to have peeling walls and sills with underlayers of lead-bearing paint exposed for the child to pick at. But, the problem is not limited to poor neighborhoods. Not by any means!

Many affluent families today seek old buildings and restore them to former splendor. Whole areas of Philadelphia have been and are now being reclaimed. Old, run-down brownstones in New York are being gobbled up by fashionable people to be reconstituted as genteel residences. Young and imaginative people moving into such homes very often have young children. Before they have the wiring replaced or the new shower stall put in they should see that all of the old paint is stripped and taken away.

Clearly, lead paint must never be again used on interior surfaces that will be exposed to children now or in the future. In fact, there should be legislation, I think, requiring every landlord to survey every dwelling unit under his control. Every room should be examined for lead-bearing paint and where it exists it should be removed. Painting over it is not enough. That is just leaving the problem to future parents and future crippled children.

Again it must be stressed that this is not a remote or rare problem. Thousands of children this year will be killed and maimed by lead. We are all up tight about mercury and arsenic, about DDT and tritium. Let's start at home and rid our lives of one of the most immediate and most insidious chemical evils of all. Let's get the lead out—of our homes. Every day we wait spells doom for children across America. At least, while waiting for legislation where it still has not been enacted, check through your own home. You may not be in the financial mood to "fix your home up" at the moment but you will be in even less of a mood after a funeral.

THE RAID ON QUEBEC TERRACE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. Dingell) is recognized for 30 minutes.

Mr. DINGELL. Mr. Speaker, what has come to pass? Bearded strangers in scruffy clothes smash down the door of a man's home—the man is shot in the head—his wife is thrown half naked outside as the man lies bleeding on the floor, the home is vandalized—walls smashed, furnishings ransacked, dozens of personal possessions are carried away.

Where did this happen? Was it in Hitler's Germany? Or in Soviet Russia at the height of the Stalinist purges? No, it happened right here in suburban Maryland on the outskirts of the Nation's Capital. And it was not the Gestapo, or the NKVD, or even a Charles Manson-style hippie cult that perpetrated this act of terrorism.

It was committed by agents of the Internal Revenue Service, Alcohol, Tobacco, and Firearms Division, and by Montgomery County police.

It happened last Monday night, June 7, and it ranks as one of the most irresponsible, outrageous, and mindless bungles I have had the displeasure to read about in a long time.

A 27-year-old Silver Spring man—Kenyon F. Ballew, a pressroom employee of the Washington Post and the Evening Star, and—I might add—a district commissioner of the Boy Scouts in Prince Georges County—was taking a bath in his apartment about 8:30 in the evening. His wife, who was dressed only in panties, heard shouting and heavy pounding on the door. She said she repeatedly asked, "Who is it?" All she could hear through the pounding was the demand: "Open up!" She ran to get her husband.

While Mr. Ballew was getting out of the tub, these agents-cum-hippies proceeded to bash down the door with an 85-pound battering ram. Naked and dripping from the tub, Mr. Ballew grabbed an antique muzzle-loading revolver from the wall and went toward the living room, encountering two officers—whom the police themselves described as dressed in "scruffy" clothes—carrying guns. Mrs. Ballew said both she and her husband thought they were hippies or gangsters.

According to Mrs. Ballew, the officers opened fire; her husband slumped to the floor with a bullet in his brain, his gun discharging as he fell. She began screaming, "Murder—get the police!" when the officers informed her: "We are the police."

The agents then shoved Mrs. Ballew—still half-naked—out into the apartment house hallway, while they proceeded to turn the apartment into a shambles, looking—according to the search warrant—for "unregistered hand grenades."

A half-dozen photographs in the newspapers bear mute testimony to the destructiveness of the search. Huge holes were knocked in the walls, some of Mrs. Ballew's aquariums—in which she raised tropical fish—were smashed. Furniture, clothing, and other possessions were tumbled together in huge heaps, which looked, as one reporter put it, "like the whole apartment had been lifted, shaken and placed on its side." The agents left it that way.

They refused to let this woman aid her husband who lay bleeding on the floor, but later handcuffed her and took her to the police station under arrest—for what offense we may only imagine.

On the way to the station, Mrs. Ballew said, one agent intimated that there may have been a mistake, but added, "These things do happen."

What the agents finally discovered were four empty grenade casings, includings one plastic type which Mrs. Ballew said had been used as a container for oil, and a heavy iron one which the couple's 7-year-old son used as a toy. She said Mr. Ballew had owned the casings for many years.

In addition, dozens of personal possessions not specified in the warrant were seized by the county police, apparently without any lawful authority whatsoever.

These included a collection of antique muzzle-loading guns, a portable radio, an electric clock, and Mrs. Ballew's accordian and her new sewing machine. These articles were not receipted in the inventory space on the back of the warrant, as required by law.

One wonders, in fact, what business the Federal agents had inviting county police into the apartment at all. The county police had no jurisdiction in this case; it was a Federal warrant, addressed to Federal officers, and alleging a Federal offense. Montgomery County police had no conceivable function even being there; but, evidently, decided to take improper advantage of an opportunity to rummage through Mr. Ballew's home at their leisure, without bothering to obtain a State warrant on their own, for which they would have been compelled to offer sworn testimony relating to a State offense.

There is a strong suggestion here, Mr. Speaker, that this entire pack of overzealous officers violated Federal law by depriving this man and his wife of their constitutional rights under color of their authority.

A few moments before bashing into this apartment, the Federal agents had raided another apartment in the same building, directly overhead, under another search warrant. In this apartment lives a woman, her 10-year-old daughter, and a baby. Only the daughter was home at the time; terrified, she refused to open the door. She later explained that she, too, could not understand what the officers had been saying because of all their pounding and shouting, but had finally understood the word "police," and had then opened the door.

Searching the apartment, the agents found nothing, and left empty handed. "Bad information," they later lamely explained.

Mr. Speaker, I am thoroughly appalled by this revelation of the reckless, brutal, and inept methods employed by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service in executing search warrants in private homes.

This kind of storm-trooper exercise may have been commendable in Nazi Germany, but it must be made unmistakably clear to the ATFD that it is intolerable here.

What has happened in this incident is precisely the sort of thing I anticipated, and objected to, in the no-knock provisions of the crime bill that was passed last year.

It does not matter what the authorities are searching for—whether it be a grenade, marihuana, counterfeit money, stolen property, obscene materials, or anything. When police are permitted to barge into people's homes without every possible effort being made to fully inform the homeowner of their identity, authority, and purpose, they are just inviting violent resistance. The present deplorable tactics of the ATFD demonstrate nothing less than a callous disregard for the probable and predictable consequences.

Americans quite properly regard their homes as their castles, and they are guaranteed by our Constitution security from unreasonable searches and seizures. The mere fact that officers enter under authority of a warrant does not, by itself, make that search reasonable—something these agents appear to have forgotten. In my opinion, the manner in which this search was conducted was not only unreasonable, it was high-handed and incredibly stupid, if not criminal.

I can think of no valid reason whatsoever for a policeman out of uniform to participate in the execution of a search warrant in a private dwelling. It is claimed that the officers were wearing their badges pinned on their costumes, and it was even asserted—I presume seriously—that their identity was "obvious," because some of these officers-in-mufti were bearing black armbands with police insignia—whatever that might look like.

Such patently silly excuses do not obviate the fact that when a man's front door is smashed in, and what appear to be bearded bums in sweatshirts, sneakers, and weird stripes came charging inside with guns, it is totally unrealistic to expect the homeowner to take notice of a tiny badge pinned on a shirt, before he attempts to defend himself and his family.

Nor can there be any excuse for the haste in which the agents resorted to smashing down the door with a battering ram. The agents claimed that they were "denied admittance."

Newspaper reports indicate the raiders earlier had pounded on the door of another apartment, and when the occupant did not answer fast enough, dented the steel door with a gun butt.

In each instance, it appears that the occupants did not immediately open their doors, because everyone outside was shouting and pounding so loudly that nothing could be understood, and the occupants were not about to open the door to what sounded like an angry mob.

The commonly accepted—and a very effective—way to induce someone to open a door is to knock and wait for that person to answer. A paper boy collecting at the end of the month has no difficulty doing this—why does the ATFD? If there is reasonable ground to fear that an occupant may be dangerous, it is simple enough to wait until he comes out, as he must sooner or later.

There was no necessity for haste in this case. The warrant alleged hand grenades, and there was hardly any danger of them being flushed down the toilet, as might have been true if the agents had been looking for drugs. Likewise, there appears to have been no necessity to carry out this raid in the evening. In fact, the search warrant was valid only for a search to be conducted in the daytime. The agents did not even enter the Ballew's apartment until 8:30 in the evening—when it was dark, or almost dark—and there was no way the search could have been completed before nightfall.

The reason for that law is to prevent the kind of abuses that occurred in this case—to avoid mistaken identity, and to minimize the imposition and dislocation upon the homedweller by the intrusion. We have a long tradition in this country of the sanctity of a man's home, particularly at night when it becomes his safe refuge against darkness and the outside world of "a rifle butt against the door in the dead of night." The Stalinist tradition has no place in this country. For many years, we have had on the Federal statute books a law that makes it a crime to execute a search warrant with unnecessary severity, title 18, section 2234, United States Code. It seems to me that this superheated enthusiasm for cheap theatrics might be curtailed by making some of these agents uncomfortably aware of that law.

It appears, furthermore, that the warrant which the agents secured was based, in part at least, on an affidavit containing information which was flimsy and irrelevant either to Mr. Ballew or to any wrongdoing. It was soberly alleged, for example, that "a confidential source" had seen some firearms in Mr. Ballew's apartment, as if that were evidence of some crime, which it most certainly is not.

It was also alleged that "a confidential source" had told the police 6 months ago that they might get a false criminal report from someone in that neighborhood, and that when police responded, they would "be shot." In addition, Montgomery County police averred that they had received complaints that someone—they had no idea who—had reportedly been firing guns in the neighborhood. There was no allegation that Mr. Ballew had any connection whatsoever with such matters, or that any such false alarm had ever been made. And, it appears, the officer who swore to the affidavit was not the officer who had talked to these "confidential sources." It was, at best hearsay based on more hearsay.

The Federal agent who made the sworn statement, under oath, gave no corroborating facts known personally to him that tended to establish the reliability of the information he had received. In fact, all he swore to was that he had been given information from another person, who in amazing turn had heard it from someone else. It is utterly incredible to me that a U.S. magistrate would actually issue a search warrant on that basis.

The warrant served in the apartment upstairs was even flimsier. The affidavit by which the warrant was secured alleged that a "confidential source" told an agent that one James Russell Thomas, who allegedly lived in that apartment, had tried to sell the source three sawed-off shotguns a month before. The affidavit did not state where the alleged offer was made, and it is not clear what that had to do with hand grenades, which were specified in the warrant. In any event, the agents found no James Russell Thomas, no sawed-off shotguns, no hand grenades, or anything else, except a terrified 10-year-old child. There apparently is no James Russell Thomas listed at that address.

If Federal agents are able to obtain warrants from magistrates based on this kind of claptrap, and execute such warrants in this deplorable fashion, I think the Congress ought to take a hard look at the advisability of tightening up these procedures to provide more safeguards for innocent citizens.

The sad result of this week's fiasco is that a man is critically, perhaps fatally, wounded, his wife has been living a nightmare, and all of it—from every indication—was quite unnecessary. As Mrs. Ballew put it:

> It would never have happened if they had been in uniform.

I think the public deserves a full, thorough, and far-reaching investigation of this incident by the Treasury Department and other agencies involved. I have written to Secretary Connally, expressing my indignation at this sordid episode, and urging him to do everything necessary to get to the roots of the matter and insure that it does not happen again, as I fear it will if we allow this incident to go unchallenged. I have also urged him to bring to account those persons responsible.

I sincerely hope that this matter will not be whitewashed or swept under the rug; it does not deserve to be dignified as "law enforcement."

Mr. Speaker, I insert at this point in the Record four newspaper accounts of this incident which appeared in the June 8 and 9 editions of the Washington Evening Star and the June 9 and 10 editions of the Washington Post, as well as the text of an editorial entitled "The Raid on Quebec Terrace" which appeared in the Washington Post:

The Raid on Quebec Terrace

Anyone who collects pistols, rifles, knives, hatchets and spears in his home must assume all sorts of risks, including the strong possibility that such a collection may raise suspicions and fears on the part of visitors or neighbors. Once this happens, there is the further likelihood that someone will turn in a nervous report to the authorities, who react pretty vigorously these days to any tips about alleged caches of weapons.

That may have been what prompted a raid last Monday evening on the two-bedroom apartment of Mr. and Mrs. Kenyon F. Ballew, at 1014 Quebec Terrace, Silver Spring; but it certainly does not fully explain the bizarre set of incidents that resulted in an exchange of gunfire and the shooting in the head of Mr. Ballew. In fact, the story as far as we have been able to make it out suggests strongly that the authorities owe the public a complete explanation of their policies and procedures in conducting raids of this sort.

To review what has been learned about the case, it seems to have started with information from a "confidential reliable source," as reported to a Prince George's County detective. According to Internal Revenue Service agent Marcus J. Davis, the source alleged to the detective that Mr. Ballew had been seen "playing with several hand grenades" in the rear of the apartment building. In addition, said Mr. Davis, a Montgomery County policeman told him that another unidentified source had seen "a quantity of firearms" in the Ballew apartment. Police also reported having received one telephone call a week reporting that guns were being fired in the vicinity of the building—though the authorities had never caught anyone.

A third unidentified source living in the vicinity also had told police that "one day the police would receive a false criminal report" from Quebec Terrace and that if and when they responded, they would "be shot" according to an affidavit filed with U.S. Magistrate F. Archie Meatyard. However, this affidavit contained no information linking Ballew to the reported discharging of weapons nor to any alleged ambush plan.

Then there was a second affidavit involving an apartment one floor above the Ballew apartment. Mr. Davis stated a belief that unregistered hand grenades were also "being concealed" there, and that a "confidential reliable source" had told the same Prince George's detective that a James Russell Thomas, allegedly living there, had tried to sell the source three sawed-off shotguns.

These tips, reports and allegations apparently were enough to satisfy Mr. Meatyard, who issued search warrants. In the case of the upstairs apartment, IRS has said that it was searched—and that nothing was found and no arrests were made.

But in the Ballew case, a raid was ordered, with two policemen at the front of the raiding party, dressed in casual clothes and sporting mustaches and beards. The authorities' story is that they broke into the apartment because Mr. Ballew refused to grant them entry and that they fired only after he shot at them.

The story told by Mrs. Ballew is that her husband was in the bathtub when she heard a "violent beating" at the door. She says that she was clad only in underpants as she asked, "Who is it?" rather than immediately opening the door. The response was "unintelligible" shouts and banging, with demands to "open up," Mrs. Ballew says, adding that she then ran to the bedroom and grabbed a pistol from a collection hanging on the walls.

Mr. Ballew grabbed an antique "cap and ball" pistol, his wife says, and at the sight of the bearded men in the living room, one with a gun, she concluded that they were "racketeers" or "hippies." The exchange of gunfire ensued.

Did it have to come to all this?

Legitimate fears on the part of other people about a large collection of firearms are one thing; but the apparent fears of a couple confronted by invaders in scruffy clothing are just as understandable. Police claim that the raiders identified themselves, and that the two officers in question were dressed that way because of the nature of their assignments. Besides, they say, the men wore black armbands with the insignia of the county police. This fails to explain why plainclothesmen were used in a raid—an extremely dangerous policy.

Much more needs to be known about the reliability and specificity of the information on which the warrants were issued and the raids conducted. In one apartment, a search produced nothing, and in the other, an admittedly offbeat and potentially dangerous collection of weapons, and a totally ransacked apartment. What are the charges—if any—that required such vigorous actions? What did police recover? Is it true that there were no "live" grenades found? What about this "Mr. Thomas"?

From a strictly legal standpoint, this raid may have been faultless. Given the go-get-em atmosphere encouraged by top national authorities recently, it may even have seemed an effective, not to say vital, enterprise, under the circumstances. But one needs to know a lot more about those circumstances. As things stand, the impression is that of an amateurish and tragic response to a set of vague and insubstantial allegations by irresponsible tipsters.

[From the Evening Star, June 8, 1971]

Man Shot in Raid on Home

(By Woody West and William Basham)

A 27-year-old Silver Spring man was in critical condition today after he exchanged gunfire last night in his home with federal agents and Montgomery County police looking for illegal hand grenades. The wounded man's wife said she and her husband thought intruders were breaking into their home when the raid occurred.

According to a spokesman for the alcohol, tax and firearms division of the Internal Revenue Service, the raid was carried out at 8:31 p.m. after a lengthy investigation by Montgomery police. He said after shouting several times, "Police," and "Federal officers, open up," the police gave the word to break in the door.

At the Washington Sanitarium and Hospital is Kenyon F. Ballew of 1014 Quebec Terrace. He works as a plate carrier at The Star and The Washington Post and is waiting to become an apprentice pressman.

Earlier last night agents raided another apartment in the building. A copy of the search warrant they left behind said "No items seized."

Living in that apartment are Mrs. Josephine R. Murphy, her 10-year-old daughter, Miriam, and a baby. Miriam said she was alone at home when the agents began knocking on the door and shouting. She said she wasn't sure what they were saying.

She said her mother had told her never to open the door when alone unless she knew the person or unless it was the police. After a bit, Miriam said, it sounded like they were saying "police," and she finally opened the door.

The girl said the agents told her to sit on the couch and they searched the apartment, leaving clothing on the floor. Her mother, who was not there today returned just before the agents and police left.

ACKNOWLEDGES RAID

A federal spokesman acknowledged the raid there, but said it was based "apparently on bad information."

Ballew's wife, Sara, said that at the time of the raid she shouted through the door several times to find out who was on the other side, but was unable to make out what they were saying because of the beating on the door.

Mrs. Ballew said she then ran to a bathroom where her husband was in the tub and told him someone was trying to break in. She said their neighborhood is "kind of rough."

Mrs. Ballew said she told her husband, "Kenny, Kenny, they're breaking in, where's the gun?" He told her to get a .36-caliber cap and ball revolver from their bed, a weapon he had been repairing.

At that moment, Mrs. Ballew said, her husband ran to a bedroom wall and grabbed one of the guns from his antique reproduction gun collection—a loaded cap-and-ball Colt .44. As the couple started into the living room, she said, they saw two men—one wearing a yellow sweatershirt and with a beard, and the second in blue jeans, sneakers and also bearded.

SIMULTANEOUS SHOTS

Mrs. Ballew said the second man brandished a gun and that she heard "both guns go off at the same time." Her husband then slumped to the floor. A federal spokesman said Ballew fired first and agents and police fired three shots in return.

"I started screaming, "Get the police—murder," Mrs. Ballew said.

"We are the police," she quoted one of the men as saying.

Mrs. Ballew, who was wearing only underpants, said she then was pushed against a wall. She said she did not see uniformed men entering the room at the time of the shooting.

An IRS spokesman said their warnings before the door was broken in "could be heard clearly on the street." He added that the men who entered the room had their badges pinned on the outside of their clothing.

Mrs. Ballew said she was allowed to dress, told she would have to go to the police station, and handcuffed. She said that on their way to a station, a man in a blue suit identifying himself as an agent, intimated that the raid might have been an error, when he said, "These things do happen." This was strongly denied by the IRS spokesman.

DISAGREE ON CLOTHING

Mrs. Ballew said, "If they'd come in in uniforms, there wouldn't have been any shooting. I was sure someone was breaking in when I saw how these two men were dressed—like Yippies." The IRS spokesman said the agents were dressed in civilian clothes, but not in the bizarre outfits described by Mrs. Ballew.

Mrs. Ballew said her husband bought three pounds of black powder three weeks ago from a gun shop. She said they went target shooting with the muzzle loaders about once a month.

The inventory on the back of the search warrant that was left at the apartment noted that agents had seized "1 baseball type plastic body hand grenade; 1 canaster (sic) grenade; 1 hand grenade canaster grenade; 1 military hand grenade fragmentation type."

Mrs. Ballew said all were empty casings. The baseball-type plastic container had been used to store oil at one time, she said, adding that her 7-year-old boy used to play with the heavy, serrated fragmentation shell. She said that is a practice grenade her husband had brought home from the service.

The IRS spokesman said most of the weapons were loaded.

Mrs. Ballew said the 13 reproductions of muzzle loaders and flintlocks were kept loaded in wall racks to save time when they went shooting. She said it takes considerable time to load them.

She said 13 muzzle-loaders or flintlocks were taken by the agents. These, however, were not listed on the inventory space on the back of the search warrant. She said a small electric clock also was confiscated, in addition to her accordion and, a neighbor told her, her new portable sewing machine.

The IRS said agents seized hundreds of shotgun shells of various gauges, 152 rounds of .357-caliber ammunition, 90 rounds of M–1 tracer bullets, 75 boxes of ball ammunition, two pounds of black gunpowder and two pounds of smokeless gunpowder.

Mrs. Ballew said her husband reloads empty cartridge cases and shotgun shells as a hobby, adding that he used to reload and sell cartridges to District policemen.

AQUARIUM SHATTERED

The basement apartment in the older garden-type development was a shambles. At least 2 of 10 large aquariums in which Mrs. Ballew raised tropical fish were shattered by gunfire. Chair and couch cushions were heaped on floors. In the bedroom, all the clothing had been taken from closets and bureaus and heaped on the floor and bed.

There was still water in the bathtub.

Mrs. Ballew said her husband has been in trouble once before. She said he was arrested near their home and charged with carrying a concealed weapon—a .38-caliber pistol—that he carried with him when working late-night shifts at The Star. She said the charge was not prosecuted because there was a ruling of an illegal search.

The wounded man's step-children—the 7-year-old boy, and a 20-month old daughter—have been staying with Mrs. Ballew's mother in Hyattsville for the last month because Mrs. Ballew has been working part-time, often until late at night.

[From the Washington Post, June 9, 1971]

Raiders' Looks Blamed in Gun Battle

(By LaBarbara Bowman)

A Silver Spring gun collector opened fire on Montgomery County police and U.S. Treasury agents when they entered his apartment in a raid Monday night because they were out of uniform and bearded, his wife said yesterday.

Kenyon F. Ballew, 27, of 1014 Quebec Ter., was shot once in the head during the gun battle with the raiding party and was reported to be in critical condition yesterday at Washington Sanitarium and Hospital.

Montgomery County police confirmed that the two policemen who fired at Ballew were dressed in casual clothes and had moustaches and beards. They said the officers were members of the tactical squad and customarily work in civilian clothes.

County police said they were helping Internal Revenue Service agents execute a search warrant that alleged there were unregistered firearms and hand grenades in the apartment, and that police fired only after they had been fired at. Ballew's wife, Saralouise, said police fired first.

Mrs. Ballew, interviewed as she waited outside the hospital's intensive care unit yesterday, said her husband was in the bathtub in their two-bedroom apartment Monday night about 8 p.m. when she heard "a violent beating" at the door. She said she was clad only in her underpants and asked, "Who is it?" rather than immediately opening the door. The response, she said, was "unintelligible" shouts and banging, and demands to "open up."

"Then I yelled, 'Where is the gun Kenny? They are breaking in here,' " she said. She said her husband has a large collection of pistols and rifles, in addition to various knives, hatchets and spears kept in the apartment.

Mrs. Ballew said she ran into the bedroom and grabbed a .36-caliber pistol from among the collection of weapons hanging on the walls. Her husband, she said, jumped out of the bathtub and seized an antique "cap and ball" pistol.

She said she looked out the bedroom door and saw that the men who had entered the apartment were dressed in sweatshirts—one lemon yellow and one striped—and had beards. She said she thought they were "racketeers" or "hippies."

"I screamed, 'He's got a gun' and I heard two shots," she said. Her husband began to slump and "his gun went off with a flash of light." There was blood on his head.

"I started yelling 'Help, murder, police,' and this man screamed from the living room, 'We are the police.' 'Then what in the hell are you shooting for?' " she said she asked them.

About 20 men then swarmed into the apartment, she said. Some were uniformed Montgomery County policemen and others identified themselves as Treasury agents, she said.

Mrs. Ballew said that a Treasury agent, whose name she did not recall advised her that she had a right to remain silent and told her they were "looking for grenades."

Mrs. Ballew said her husband, a "flyman" or plate carrier in the pressrooms of The Washington Post and The Evening Star, has an arms collection that includes five .44-caliber pistols, four .36-caliber pistols, nine shotguns and rifles, and assorted other guns. She called her husband "a gun buff."

He also has five "dummy" grenades that he has had since he was 15 years old, she said.

To a visitor yesterday, the Ballews' basement apartment, consisting of two bedrooms, a kitchen and a living room, testified to his hobbies. The walls of one room were lined with spears, tomahawks, hatchets, swords, powder horns and a single bayonet. The stars and bars of the Confederacy hung from the far wall, the carpet was stained with blood.

In the living room, animal horns hung from the walls. Nine aquariums stood around the walls with tropical fish swimmng placidly within them. At least one aquarium lay smashed on the floor.

Furniture and clothing lay scattered over all the rooms except in the kitchen. In the bedroom, only a corner of the bed peeked out from beneath layers of clothing, furniture and books.

The entire apartment appeared as if it had been lifted, shaken and placed on its side. Only the National Rifle Association and Boy Scouts decals on the front door seemed to be in their proper places. Mrs. Ballew said her husband was a life member of the NRA and had been active in Boy Scout work in Prince George's County, where he previously lived.

A spokesman for the police said the officers broke into the apartment to execute a search warrant that Special Investigator Marcus J. Davis, of the Alcohol, Tobacco and Firearms division of the Internal Revenue Service had obtained earlier Monday from F. Archie Meatyard, U.S. Magistrate for Montgomery County.

A copy of the warrant was shown to reporters yesterday by Elizabeth Allen, Mrs. Ballew's mother, at the apartment. Under the heading "United States of America vs. Apartment No. 2, located in the building at 1014 Quebec Terr.," it stated:

"There is now being concealed certain property, namely hand grenades which are not registered," as required by the National Firearms Registration Act.

The officers serving the warrant, the police spokesman said, identified themselves and "received no response from within." Once inside, "they were fired upon by the occupant," the police statement said, and three officers—two county policemen and an IRS agent "returned the fire." They fired eight times, the statement said.

None of the officers was hit.

The police spokesman confirmed that the officers were out of uniform. The two Montgomery policemen, Louis Ciamillo and Royce Hibbs, were dressed in "scruffy" clothing because of the nature of their assignments, the statement said.

The statement added that the officers were wearing black armbands with the insignia of the county police to identify themselves.

Mrs. Ballew said she did not know the men in sweatshirts were police officers until she saw them at the police station and noticed their arm bands for the first time. "It would never have happened if they'd been in uniform," she said.

The police refused to say how many firearms they had confiscated. They said that other items besides firearms were taken, but would not elaborate.

Mrs. Ballew said she saw an accordion and a battery-operated radio that belonged to her and her husband at the police station. Mrs. Allen showed reporters a sheet of paper, purportedly signed by agent Davis, that listed only four grenades as having been seized.

Meatyard said he had also issued a search warrant Monday for the apartment upstairs from the Ballew's and that violations of the firearms act were also alleged in that case. He said he could not remember what division of the government the agents requesting the warrant represented.

Jacqueline Moore, who lives upstairs in Apartment 102 with her mother, sister and child, said a uniformed Montgomery County police officer came to their door, minutes before going to the Ballew apartment, to ask where "the Buchanans" lived.

Mrs. Moore said her sister, who answered the door, told the officer the couple lived below them. Mrs. Moore said she was standing behind her sister and saw other men, some in uniform and others in suits, coming down the steps from the second floor. They did not enter the Moore apartment, she said.

Before her sister could reach the door, she said, the officer hit it, apparently with the butt of his gun, and left a dent in the light green metal door, she said, pointing to the mark.

No charges have been placed against Ballew, police said. Whether any will be placed later "depends on his recovery," they said.

[From the Washington Post, June 10, 1971]

Two County Officials Discuss Shooting in Police Arms Raid

(By LaBarbara Bowman)

Montgomery County Executive James P. Gleason and County Police Chief Kenneth W. Watkins met twice yesterday to discuss what happened Monday night when county police and federal agents raided a Silver Spring apartment searching for unregistered weapons.

During the raid, Kenyon F. Ballew, 28, was shot in the head by two casually dressed county policemen and a treasury agent who burst into his apartment at 1014 Queen Ter. Ballew remained in critical condition at Washington Sanitarium and Hospital yesterday.

Neither Watkins nor Gleason would comment on the meeting, which lasted a total of 25 minutes, but Watkins said the police would release a statement about Monday's events when their investigation is completed early next week.

A statement released by the police on Tuesday said the officers, who had a search warrant, broke into the apartment because Ballew refused to grant them entry, and that they fired only after Ballew shot at them.

Mrs. Ballew, wife of the wounded man, said she did not know that the men—who were clad in sweatshirts and had beards and moustaches—were policemen. She also said her husband's gun was fired only after he had been wounded. Ballew, she said, is a gun collector who has an extensive personal collection of pistols and long guns.

The raiding party was executing a warrant for alleged unregistered weapons, including hand grenades. The warrant had been issued earlier Monday by U.S. Magistrate F. Archie Meatyard.

In affidavits filed with Meatyard to obtain the warrant, a federal agent said he "believed" that grenades were in the apartment on the basis of reports from "confidential reliable sources" relayed to him by Montgomery County police, and of reports from two county police officers.

The agent, Marcus J. Davis, a special investigator with the Internal Revenue Service, stated that on Monday he received information from a Prince George's County detective, W. F. Seminuk, who had obtained his information from a "confidential reliable source," that the source had seen Ballew "playing with several hand grenades" in the rear of 1014 Quebec Ter.

The day before, Davis stated, Boyce B. Hibbs, one of the Montgomery County policemen involved in the shooting, told him that another unidentified source had seen "a quantity of firearms, mainly a carbine, a .44-caliber pistol, a .45-caliber pistol and other firearms in Ballew's apartment.

Pvt. Hibbs also told Davis that the Montgomery police department was receiving one call a week reporting guns being fired "in the vicinity of 1014 Quebec Ter." but that police had never apprehended any suspects, according to the affidavit.

In January, a third unidentified source "who resides in the vicinity of 1014 Quebec Ter." told county policeman Louis Camillo the second officer involved in the Monday night shooting, that "one day the police would receive a false criminal report" from Quebec Terrace, and when they responded they would "be shot" according to the affidavit.

Camillo relayed this information to Davis, the affidavit stated. The affidavit contains no information linking Ballew to the reported discharging of weapons in the neighborhood or to any alleged ambush plan. No charges have been filed against Ballew.

Internal Revenue officials would answer no questions yesterday about the information in the affidavits.

They also refused to answer questions about a second affidavit that Meatyard issued to Davis, that same Monday afternoon for Apt. 102, at 1014 Quebec Ter., one floor above the Ballew apartment.

Davis stated in the affidavit a belief that unregistered hand grenades were also "being concealed" in that apartment. IRS officials would only confirm that Apt. 102 was searched and that nothing was found and no arrests made there.

The affidavit filed for the second warrant is similar in content to the one filed for the warrant for the Ballew apartment. It states that Seminuk was told by a "confidential reliable source" that a James Russell Thomas, who allegedly lives in Apt. 102, tried to sell the source three sawed-off shotguns on May 7. The affidavit does not state where the alleged sale offer was made.

No James Russell Thomas is listed in the telephone director in that area, and reporters who visited Apt. 102 on Tuesday found no male occupants. Police refused to answer any questions about Thomas' whereabouts.

U.S. Attorney Finds No Fault in Raid

(By Lance Gay)

Maryland's top U.S. prosecutor has found no fault in the actions of plain-clothes Treasury agents who broke into the apartment of a Silver Spring gun collector looking for a cache of arms and critically injured the man in an exchange of gunfire.

The wife of Kenyon F. Ballew said that her husband thought the agents and Montgomery County police officers—who were bearded and in sports clothes—were intruders who were breaking into their home.

"We're satisfied they (the Treasury agents) conducted themselves within both the spirit and letter of the regulations" on carrying out search warants, U.S. Atty. George Beall said last night. "Legally, they're on very solid ground. From our point of view, they did nothing extraordinary, nothing reckless, nothing culpable, nothing wrong."

* * * * *

"These men literally conducted a letter-perfect execution of their search warrants—legally speaking," Beall said, "—with the exception of the unfortunate incident that occurred."

Ballew of 1014 Quebec Ter., Silver Spring, remained in critical condition in the intensive care section of Washington Sanitarium and Hospital this morning, with a bullet wound in his head.

The agents, accompanied by county police, went to two apartments in the building with search warrants issued in Baltimore. The warrants were granted on "information from a number of sources that there was a large cache or stock of guns and ammunition at this location. . . . Based on the information the agents felt it was imperative to go forward with the request for a warrant, which was duly issued," a deputy U.S. Attorney said yesterday.

Beall said that five men—two Treasury agents, two plainclothes county officers and one uniformed county officer—arrived at the basement apartment at the Quebec Terrace address shortly after 8:30 p.m. They found it had a steel door and one Treasury agent knocked on the door, Beall said.

BATTERING RAM

He then knocked on the door harder and announced that he was an agent from the Alcohol, Tobacco and Firearms Division of the U.S. Treasury Department and that this was a raid. Beall said the agent "put his ear to the door," and heard "scuffling" inside, but no one came to the door.

The three county policemen, armed with an 85-pound battering ram, then gave the door six blows, which forced it open 12 to 16 inches, allowing one treasury agent to squeeze through into the apartment, he said.

Beall said that the agent was in plain clothes, but had a badge in his left shirt pocket and a search warrant in his hand. His gun remained in his holster, Beall said.

The agent reported that the first thing he saw upon entering the apartment was a man standing at the end of a corridor with a pistol. The agent then "hit the deck and pulled his own gun."

However, Beall said that he did not know how many shots were fired, who fired first or whether the federal agents or the county police officers fired the shot which critically wounded Ballew.

Mrs. Ballew contradicted this version. Her husband, she said, was armed with a cap and ball reproduction of an antique Colt .44.

As the couple—alarmed by the sounds of the battering ram—started up the corridor to the living room, they saw two men—both bearded, one wearing a yellow sweatshirt and the second in blue jeans and sneakers.

Mrs. Ballew said that the second man brandished a gun and that she heard "both guns go off at the same time." Her husband then slumped to the floor. A federal spokesman said yesterday that Ballew fired first, but Mrs. Ballew recalled seeing the muzzle flash from the cap-and-ball weapon as he slumped, indicating that he pulled the trigger after being hit.

However, she added, it is possible to get a "multiple flash" from such a weapon.

"I started screaming, "Get the police—murder," Mrs. Ballew said.

'We are the police," she quoted one of the men as saying.

THE HIGH COST OF POLITICAL CAMPAIGN FINANCING

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Washington (Mr. Foley) is recognized for 10 minutes.

Mr. FOLEY. Mr. Speaker, the problems associated with financing political campaigns are among this country's most serious issues. While the costs of campaigns are rapidly escalating, the ability to raise the necessary money is becoming increasingly difficult. We run the risk of having to depend on large single donations from interested contributors in order to meet the required expenditures. Because of this situation the public is losing faith in its elected officials.

This loss of faith by the public threatens our democratic process. They may believe that their elected officials vote against the best interests of the majority of the electorate in favor of the interests of the large contributors. They see where the lavish spending might have been the decisive factor in an election, and they see qualified individuals who are prevented from seeking office because of the prohibitively high cost of a campaign.

If we are going to restore public faith in the free election process, we must seek a solution which will broaden the base of participation in our political system and free elected officials from possible embarrassing situations. One solution which we should consider is public financing of political campaigns.

I have recently introduced a bill to provide direct financial assistance to candidates for Federal office in the general elections. It is estimated that the cost of this proposal per citizen 18 years and over would be only 29.5 cents. In addition, title II of this bill proposes new strict disclosure provisions based on the principle of automatic monitoring of spending reports by political adversaries.

I am grateful to Mr. Philip Stern for his help in developing this bill, which has come to be known as "the Federal Campaign Assistance and Disclosure Act." Mr. Stern, who is president of the Stern Family Foundation, is a former congressional aide and author of three books including "The Great Treasury Raid," about tax loopholes. In an editorial by Mr. Stern which appeared in the New York Times on June 11, 1971, he presents a case for financing political campaigns through a drawing account in the Federal Treasury and discusses the elements of such authorizing legislation, many of which have been incorporated into the bill I have introduced (H.R. 8380).

Proposals now under consideration in the Senate which place a ceiling on expenditures but do not limit individual donations are only partial solutions. As Mr. Stern points out:

> It's not the spending that's publicly harmful; it's how and from whom the money is raised, and in the disproportionate influence that large contributors are bound to wield.

At this time I would like to place Mr. Stern's editorial, "The Politics of Money," into the Record. It proposes a solution which merits our serious consideration.

The article follows:

The Politics of Money

(By Philip M. Stern)

Washington.—Almost every major domestic problem in America has its roots, in my view, in a deeper, more basic malady: the manner in which we finance political campaigns, with candidates heavily dependent on "interested" givers who expect a return on their investment, usually in the form of some governmental favor or largesse.

For example, the skewing of national priorities is largely traceable to political financing. With candidates so reliant on large contributors, mostly from industry, it is not surprising that the political system produces billions for an oil depletion allowance or corporate tax write-offs and pittances to combat hunger, pollution, housing shortages, etc.—problems mainly of concern to political noncontributors.

The anachronistic Congressional attitudes that flow from long tenure, old age and the seniority system stem largely from current fund-raising practices, which are heavily biased in favor of the power-dispensing incumbent office-holder and against the newcomer (last year 359 out of 379 incumbent House candidates were re-elected). Many would-be challengers, in fact, are frozen out before they begin, sheerly for lack of financing.

With a constricted political system, and with the makeup of Congress largely static, no wonder the pace of change is so maddeningly slow.

The only effective way to open up politics, give newcomers and new ideas a chance and dilute the power of the big giver, is through public financing of election campaigns. That would not really be a radical change. The public already pays—and pays dearly—for the manner in which we now finance campaigns.

To take one dramatic example, the public now must lay out $5 billion a year in added oil and gas prices because the President declined to abolish oil import quotas as recommended, in the national interest, by his own Cabinet committee. When a President rejects a $5-billion saving for tens of millions of consumers in favor of higher prices and profits for a few oil companies, just four of whose executives contributed $300,000 to the 1968 Republican cause, the concept of "one-man, one-vote" is a joke.

The remedy does not lie in curbing political spending (via expenditure ceilings or free TV time). It's not the spending that's publicly harmful; it's how and from whom the money is raised, and in the disproportionate influence that large contributors (unions as well as corporations) are bound to wield.

Public financing of campaigns would be the best investment the American taxpayers could make. Even a generous program of Federal assistance, covering all primary as well as general elections for House, Senate and President, would only cost about $93 million a year (or just 69 cents per citizen of voting age)—just one-fiftieth of what the public is now paying for oil import quotas alone. Thus, if public financing could reverse that one Government policy, the taxpayers would have a 5,000 per cent return on their investment!

Use of the public subsidies for candidates' personal enrichment could be avoided by having the U.S. Treasury make payments directly to the purveyors of political services (i.e, to the broadcasters, newspapers, printers, etc.) so that the candidates themselves would not receive or handle any of the Federal money.

To encourage small-scale private gifts, there should also be tax-credit incentives but, to assure that no citizen wields undue influence, no gift of more than, say, $25 should be allowed.

The conventional wisdom insists that public financing of campaigns is inherently unpalatable to the voters. Yet TV viewers of "The Advocates," after hearings the pros and cons last October, voted 76 per cent in favor of Federal campaign assistance with just 21 per cent against—one of the most one-sided votes in the program's history.

Moreover, public funding of campaigns, already successfully in effect in Puerto Rico and Quebec, has just been officially embraced by the Democratic National Committee and is embodied in at least two Senate bills (by Senators McGovern and Gravel).

So this is far from a blue-sky political idea. It is gaining acceptability, perhaps because members of the nonaffluent, noncontributing public are catching on to the fact that they are already picking up the tab for a political system that answers much more to the big givers than it does to them.

GENERAL ACCOUNTING OFFICE CELEBRATES ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. HOLIFIELD) is recognized for 25 minutes.

Mr. HOLIFIELD. Mr. Speaker, the General Accounting Office was created by the Budget and Accounting Act of 1921, which also established the Bureau of the Budget. The Honorable Elmer B. Staats, Comptroller General of the United States, has fittingly arranged for a commemorative celebration of GAO's 50th anniversary.

Last Friday, under the GAO auspices, lectures were given on the general theme, "Improving Management for More Effective Government" by such distinguished public figures as George P. Shultz, Director of the Office of Management and Budget; Russell E. Train, Chairman of the Council on Environmental Quality; and Robert C. Weaver, professor of economics, City University of New York, and formerly Secretary of the Department of Housing and Urban Development.

In the afternoon of the same day, there was an honor awards program at the auditorium of the GAO building. The Comptroller General presented awards for distinguished service, career development, and other designated achievements Comptroller General Staats graciously invited me to make an address on the occasion of the awards program. I ask unanimous consent that it be printed at the conclusion of these remarks.

Continuing the general theme, "Improving Management for More Effective Government," the Comptroller General has arranged for additional lectures during this anniversary year. At the conclusion of my remarks, I will present for the RECORD the complete list of lecturers and subject matter.

Mr. Speaker, in order that the Congress may take formal recognition of the GAO's 50th anniversary, I have introduced a resolution—House Concurrent Resolution 309—which would extend congratulations to the former and present officers and employees of the General Accounting Office on this historic occasion and designate the month of June 1971 for ceremonies appropriate to the commemoration. The resolution has been referred to the Judiciary Committee which has jurisdiction over measures affecting holidays and celebrations. I trust that the committee will give timely approval and recommend the enactment of the resolution.

Through the years the Committee on Government Operations, of which I have the honor to be chairman, has worked very closely with the GAO in legislative and investigative matters of great importance. By law and rule of the House, our committee has jurisdiction over budget and accounting procedures—other than appropriations. Predecessors of this committee have handled such landmark legislation as the Government Corporation Control Act of 1945 and the Budget and Accounting Act of 1950, both of which govern important segments of GAO operations.

When I came to the Congress in 1943, Lindsay C. Warren was the Comptroller General. Upon assuming office on November 1, 1940, Mr. Warren, a former member of the House of Representatives from North Carolina, devoted much effort to making the GAO an effective agency of the Congress. He guided the office through the critical period of World War II; successfully urged the Congress to bring Government Corporations under GAO annual audit; established the joint accounting improvement program for better accounting in the Federal Government; extended auditing at the site of operations under the comprehensive audit program; and initiated broadscale audits of procurement and contracting in the military departments.

Joseph Campbell succeeded Mr. Warren in 1954 and expanded the defense contract auditing of the GAO. He served for more than 10 years, to be succeeded by Comptroller General Staats.

Before Mr. Staats appointment, Frank H. Weitzel served as Acting Comptroller General. Until his recent retirement, Frank Weitzel served in the GAO for 45 years, almost through the entire period of its existence. As the Assistant Comptroller General, he was the good right arm of the Comptroller General, a position now held by Robert F. Keller. These men have made enduring contributions to the development of the GAO as an institution and an effective agency of the Congress.

In its legislative oversight responsibilities, the Committee on Government Operations from time to time examines the operations of the GAO as a whole or the administration of a particular activity. As Lindsay Warren once said, our committee is the GAO's friendly guide as well as its proper critic.

Shortly after the duty was placed on this committee to receive and examine the reports of the Comptroller General, hearings were held by the Government Operations Subcommittee, and a report was issued in October 1949—House Report 81-1441—which described the work of the GAO and the services available to the Congress.

Five years after enactment of the Budget and Accounting Procedures Act of 1950, GAO's overall operations were reevaluated. The committee's report—House Report—84-2264—issued in 1956 made recommendations for the improvement of GAO operations. An organizational realinement, during this time, sought the integration of the GAO's accounting, auditing, and investigative activities in the executive agencies and the application of a greater proportion of its resources to reviewing activities and expenditures of the military departments.

Because a sizable portion of the national budget was being expended in Europe, North Africa, and the Near East, our Executive and Legislative Reorganization Subcommittee conducted hearings in 1957 to obtain information on U.S. overseas operations and to review the related activities of GAO's European branch, which had been activated in August 1952. The committee's report—House Report 85-1281—noted the accomplishments of the branch during its first 5 years of operation and helped to effect a change in Department of Defense regulations broadening GAO's access to information.

In a 1966 report on the investigation of U.S. economic and military assistance programs in Vietnam—House report 89-2257—the committee recommended that the GAO establish a continuous presence in Southeast Asia and that it concentrate more of its efforts on reviewing audit and inspection activities of responsible executive agencies. Subsequently, GAO established an office of its Far East branch in Saigon and another in Manila. Followup investigations by this committee showed substantial improvement in the audits being conducted by the U.S. agencies in Vietnam and improved effort on GAO's part in examining the effectiveness of these audits, not only in Vietnam but worldwide.

Another study of GAO's operations was made in 1965 by the Military Operations Subcommittee under my direction. In reviewing 80 GAO reports submitted to the Congress on audits of defense contracts, the subcommittee made a constructively critical evaluation of GAO's procedures, practices, agency relationships, and contract auditing policies, as evidenced in these reports. Following the issuance of our report in March 1966—

House report 89–1344—Comptroller General Staats reorganized the defense accounting and auditing division on a functional basis. The details on this reorganization were described in another committee report—House report 89–1796.

Our committee requested that the GAO study the operations of the Defense Contract Audit Agency in the interest of establishing effective liaison, minimizing duplication of effort, and improving the audit of military expenditures. The Comptroller General reported that with the increased responsibility and effectiveness of the Defense Contract Audit Agency, GAO has been able to give greater attention to important aspects of procurement—House report 90–1132.

In fulfilling our responsibility to receive and examine the reports of the Comptroller General and to submit such recommendations as are deemed necessary and desirable, we have assigned responsibility to our staff to study and analyze all such reports. These reports are referred to the subcommittee having general jurisdiction over the subject matter involved. In most cases, additional information concerning the findings and recommendations in these reports is requested and received from the administrative agency involved.

When Comptroller General Warren suggested in 1945 that a committee of the Congress be designated to receive and examine GAO reports to the Congress, GAO was submitting few reports to the Congress as a whole. Most reports at that time were submitted informally to selected committees. In 1945, for example, only one report was submitted to the Congress as a whole. Following enactment of the Government Corporation Control Act and expansion of audits at the site of operations, the number began to rise. A total of 330 reports to the Congress was received during the 91st Congress. Thus the work of the committee has increased concomitantly with the increase in GAO's capability for serving the Congress.

The responsibility of the GAO under section 312(a) of the Budget and Accounting Act of 1921 to investigate all matters relating to the receipt, disbursement, and application of public funds and to make recommendations looking to greater economy and efficiency in public expenditures is similar to the responsibility of our committee to study the operation of Government activities at all levels with a view to determining its economy and efficiency. Consequently many of GAO's reports are used by the committee and its subcommittees in carrying out their investigative responsibilities.

In addition to using reports on audits or investigations initiated by the GAO, the committee uses many GAO reports on audits or investigations made at the specific request of the committee. The committee has called upon the GAO to make more than 100 such reports during the past 10 years.

The study of the Commodity Credit Corporation's grain storage activities, made by our Intergovernmental Relations Subcommittee under Representative Fountain in 1959–60, is an example of a study initiated by our committee in which assistance was rendered by GAO. The subcommittee's study—House Report 86–2220—was undoubtedly a contributing factor in a reduction made by the Department of Agriculture in the rates it paid for storing grain. Savings of from $85 to $100 million were realized in the first year of the reduction and additional millions have been saved in succeeding years. GAO's report on its examination of the operating costs at 57 selected commercial warehouses was considered in the subcommittee's study.

The investigation by our Intergovernmental Relations Subcommittee of the enforcement by the Department of Agriculture of the Federal Insecticide, Fungicide, and Rodenticide Act is an example of an investigation initiated as a result of a GAO report. The act is intended to protect the public against hazardous and ineffective pesticides, but GAO found that the actions taken by the Department may not have removed potentially harmful products from the market. As a result of GAO's report and hearings by the subcommittee, the Department agreed to establish and implement more effective regulatory procedures. In February 1970, the first case referred to the Department of Justice in more than 15 years for a violation of law was successfully prosecuted. This case arose from one of the examples in GAO's reports.

Public Law 89–306, approved October 30, 1965, which established a Government-wide coordinated program for the management of the Government's automatic data-processing equipment, is an example of legislation arising from GAO reports and committee action. More than 100 GAO reports pointed to deficiencies in the previous management approach. This legislation, which incorporated most of GAO's recommendations, was introduced by Representative Brooks, chairman of our Government Activities Subcommittee. It has resulted in cost reductions of about $450 million annually and cumulative cost reductions of $1.2 to $1.7 billion.

Many other examples could be cited of contributions made by GAO audit reports to studies conducted by our committee. I will merely name the subjects of some of these studies which included studies by our Military Operations Subcommittee of the Air Force's ballistic missile management, the Defense materiel utilization program, operations of the Defense Supply Agency, and military supply management; studies by our Government Activities Subcommittee of the method of compensating consultant engineers under the Federal-aid highway program, and a continuing review of internal audit systems in Federal departments and agencies; studies by our Foreign Operations and Government Information Subcommittee of the utilization of excess U.S.-owned foreign currencies, U.S. participation in the NATO common infrastructure program, and the U.S. economic and military assistance programs in Vietnam; a study by our Legal and Monetary Affairs Subcommittee of the debt collection operations of the Department of Justice; and a Governmentwide review of support service contracts by our Special Studies Subcommittee.

These studies frequently involved the use of numerous GAO reports for background information and documentation of committee findings. More than 20 GAO reports were used, for example, in the study of military supply management.

In 1958, the Honorable William L. Dawson, my predecessor as chairman of the House Committee on Government Operations, stated that the close working relationship between the committee and the General Accounting Office was a source of mutual satisfaction and that the committee looked forward to the continuance of that relationship and to even more useful cooperation in the future. I believe the information I have cited today bears testimony to the ever-increasing usefulness of the General Accounting Office as an agent of the Congress. I, too, look forward to a continuance of the excellent relationship of the GAO with our committee and to even more useful cooperation in the future.

Years 1921–71—GAO 50th Anniversary Lecture Series: "Improving Management for More Effective Government"

March 22: John W. Kendrick, Professor of Economics, The George Washington University. The Construction and Use of Productivity Measures for Federal Government Agencies.

May 21: Hugh Sidey, Chief, Time-Life News Bureau, Washington. Improving Public Understanding of Public Affairs.

June 11: West Auditorium, State Department:

9:00 a.m.: George P. Shultz, Director, Office of Management and Budget. Views on General Theme: Improving Management for more Effective Government.

10:15 a.m.: Russell E. Train, Chairman, Council on Environmental Quality. Views on General Theme.

11:30 a.m.: Robert C. Weaver, Professor of Economics, City University of New York, Former Secretary, Department of Housing and Urban Development. Views on General Theme.

GAO Auditorium, 2:30 p.m.: Chet Holifield, Chairman, Committee on Government Operations, House of Representatives. Views on General Theme.

July 15: Leonard P. Spacek, Chairman, Arthur Andersen & Company. Utilizing What Is New in Accounting.

August 16: William Gorham, President, The Urban Institute. Uses and Limitations of Quantitative Analysis in Public Decision-Making.

September 17: James E. Webb, Former Administrator, National Aeronautics and Space Administration. What Is New in Management.

September 24: Alexander B. Trowbridge, President, The Conference Board. Building Business Understanding and Support of Governmental Programs.

October 7: H. M. Boettinger, Director of Management Science, American Telephone and Telegraph Co. What Is New in Management Sciences.

October 15: Judge Harold Leventhal, District of Columbia Circuit Court, U.S. Court of Appeals. The Lawyer in Government.

November 16: John J. Corson, Chairman of the Board, Fry Consultants, Inc. Uses and Limitations of Experts.

Alan L. Dean, Staff Coordinator, President's Departmental Reorganization Program, Office of Management and Budget. Uses and Limitations of Experts.

December 6: Dr. Harlan Cleveland, President, University of Hawaii. Universities as a Resource for the Public Service.

December 15: David E. Bell, Executive Vice President, The Ford Foundation. Assessment of Efforts To Assist Underdeveloped Areas.

(Note.—Except as otherwise indicated, all lectures will take place in the GAO Auditorium, 7th Floor, GAO Building, commencing at 10:30 a.m.)

THE GENERAL ACCOUNTING OFFICE AND THE CONGRESS

(Address by Representative CHET HOLIFIELD)

I was pleased to receive the invitation from Comptroller General Staats to participate in the Fifth Annual Honor Awards Ceremony of the General Accounting Office. The House Committee on Government Operations, of which I am Chairman, has a very close relationship with your Office.

Before examining this relationship in some detail, I would like to express my high regard for Comptroller General Staats and my appreciation for his many contributions to the public service.

I knew him first in the Bureau of the Budget, and then I was greatly pleased when President Johnson appointed him in 1966 to the high office of Comptroller General. I have always regarded Mr. Staats as a dedicated public servant as a man of keen intellect, broad experience, and deep understanding of the complex processes of Government.

Considering that Mr. Staats served so many years in the executive branch and the presidential orbit, I find it interesting that he has committed himself so firmly to shaping the GAO as a service agency to the Congress. And, more than his predecessors, he has refashioned the GAO as an institution to keep it abreast of the times, to expand its horizons, to diversify its skills.

In paying this tribute to Comptroller General Staats, I do not want to detract from the important work of his predecessors. Earlier Comptrollers General, including J.R. McCarl and Lindsay C. Warren, were congressionally oriented. Preceding his appointment, McCarl was a private secretary to Senator George Norris of Nebraska, and Lindsay Warren was a Member of Congress from North Carolina for many years.

When I came to the Congress in 1943, Warren was in his third year as Comptroller General. He guided the GAO through the critical period of World War II, helped to establish the joint accounting improvement program, developed the concept of the comprehensive audit, extended the practice of auditing at the site of operations, and did much to make the GAO an increasingly effective force to serve the Congress.

In 1954, Joseph Campbell succeeded Mr. Warren as Comptroller General and served for ten years. During his tenure the GAO became increasingly involved in defense contract audits and played an important role in the enactment of such landmark legislation as the Truth in Negotiations Act.

Each Comptroller General has an Assistant Comptroller General who is his good right arm. Frank H. Weitzel served in that position, culminating a long and distinguished career with the GAO over a period of 45 years, almost for the length of its existence. Robert F. Keller, the present Assistant Comptroller General, also has served with distinction in the GAO for many years. Both Weitzel and Keller have made outstanding contributions to the evolutionary development of the office.

There are many other career men and women in the GAO—I cannot begin to name them all—who deserve our thanks and appreciation for selfless and dedicated work in the public interest. They have helped to build the GAO as an institution. They have built their careers around this institution. The GAO is as good as its people, and judging by the reputation it has, I would say that the people are very good.

The half-century of GAO's existence spans the period of America's emergence as a world power and an urban society, with a big governmental apparatus and farflung responsibilities. Depression and war and social turmoil have expanded greatly the responsibilities of the Federal Government and have made its operations infinitely more complex. The GAO as Government auditor for the Congress has had to deal with these complexities.

Comparing the Comptroller General's first annual report of 16 pages (FY 1922) with his latest annual report of 150 pages (FY 1970), one sees the vast change in functions and perspectives of your Office. When the GAO was created, the Federal budget was $5 billion, compared to $200 billion today.

Fifty years ago, the Office gave dry statistics on how many different types of accounts it received, checked, and settled in various Government departments. Today the GAO still settles accounts, but it is concerned more with the adequacy of agency accounting procedures than with checking individual transactions.

Although the dictionary definition of audit refers to the examination and verification of financial accounts, modern usage has broadened the term to encompass the evaluation of management or administration. The stereotype of the auditor with the green eyeshade gives way to that of the professional analyst with computer support. The accounting and auditing staff is being broadened to include engineers, economists, mathematicians, even an expert in cybernetics!

Today the GAO, by planned audit and by Congressional request, tracks a multitude of Government operations. GAO regional offices are manned throughout the country and around the world, wherever American Government holds sway. The work of the GAO today is more sophisticated, more diversified, more attuned to Congressional needs and interests.

Under the Rules of the House and the Legislative Reorganization Act of 1946, it is the duty of the Committee on Government Operations to oversee the work of the General Accounting Office. Our committee has legislative jurisdiction over budget and accounting matters (other than appropriations). For example, the Government Corporation Control Act of 1945 and the Budget and Accounting Act of 1950, both of which govern important segments of GAO operations, were handled by predecessors of our committee in the House of Representatives.

The Committee on Government Operations regularly receives the reports of the Comptroller General for review and follow-up action if necessary, and we draw upon GAO personnel for assistance in specific studies and investigations. Government annals contain records of many investigations through the years conducted jointly by our committee and the GAO. We have worked together in a constructive way for more effective Government.

These relations are by no means exclusive. The GAO works closely with the Committees on Appropriations, Armed Services, and others as the need and occasion arise. The Comptroller General details personnel to the committees on request. In fiscal year 1970, I am told, some 115 GAO employees were assigned to Congressional committees. Also the GAO is prepared to respond to appropriate requests of individual Members as resources permit.

Our committee's relationship with the GAO has historical roots. The Committee on Government Operations is the modern-day successor to various committees throughout our Nation's history which dealt with expenditures in the executive branch. There was a committee, for example, on Expenditures in the State Department, another on Expenditures in the War Department, and so on.

A few reports come down to us of significant investigations by these committees, but the historical judgment seems to be that the expenditure committees of former times were not very effective, often politically motivated, and more often in a state of suspended animation.

In 1927, 11 committees on expenditures in the House were merged into a single committee on Expenditures in the Executive Departments. In 1952, the name was changed to the Committee on Government Operations. This name change signified that the Committee wanted to go beyond the narrower historical identification with fiscal matters.

Just as the GAO may be said to have developed from a voucher audit agency to a management audit agency, so the Committee on Government Operations has taken a broadened view of its role and become, in a sense, the Congressional auditor of executive management.

Our Committee also has important legislative responsibilities in connection with Government reorganization, procurement and property management, administrative expenses, freedom of information, and other matters which have a Government-wide or multi-agency impact. However, the Committee on Government Operations is the across-the-board investigating committee of the Congress and, therefore, our investigative mandate—at least in the House of Representatives—is broader than that of other committees.

We are charged by the Legislative Reorganization Act and the Rules of the House with examining the efficiency and economy of the Federal Government at all levels. For this purpose we have some specific tools, such as:

A continuing subpoena power;

A special statute giving access to Government records;

The privilege of sitting when the House is in session; and

A sizeable investigative staff.

Presently the Committee is divided into 7 subcommittees, which among them cover all the departments and agencies of the Federal Government and certain functional areas of interest; such as intergovernmental relations, freedom of information, and foreign operations. The Committee employs approximately 60 staff persons in total, including professional, administrative, and secretarial employees.

The Committee on Government Operations, as I said, receives and studies the reports of the Comptroller General and works closely with the GAO in many years. We have the responsibility of supervising GAO operations as part of our legislative oversight function. Frequently, we praise the GAO for work well done, but from time to time we criticize the GAO in the interest of getting work done even better.

No institution is perfect, not even the GAO, and not even the Congress. If the GAO, as commonly said, is the watchdog of the Treasury, there are those who want to know who watches the watchers.

The Congress and particularly the Committees on Government Operations watch the GAO. We are the source of its basic authority. We are concerned about the quality of its performance. The Congress has delegated to the GAO enormous power and responsibility. The Comptroller General passes upon the legality of Government expenditures, and, therefore, his writ runs far and wide and touches everything that Government does.

The GAO declares itself on many matters in Government beyond the legality of expenditures. It reviews agency performance and makes numerous recommendations for improvement. For the most part, these are sound and well-considered, and the GAO has a high score in agency responsiveness.

However, honest men differ frequently about the best way to manage affairs, and no single agency, including the GAO has a monopoly on managerial wisdom. The Congress itself does not always agree with GAO recommendations and reserves the right, through its committee system and membership, to take issue with the GAO and express its differences.

Who watches the Congress, you may ask. The press and public watch the Congress, which also has its internal checks and balances. Above all, the voters watch their Senators and Representatives. It is the voters who hire and fire the Members of Congress.

The special relationship between the GAO and the Congress creates sensitive issues with respect to the Congress itself and the executive branch. I will devote the remainder of my remarks to a brief but candid discussion of some of these issues. My comments are not conclusive because the answers in a few instances are not easy to perceive and are still to be considered in pending legislation. Hopefully these comments will help you to identify some of the issues which must be thought through.

1. Since the Congress does not always speak with one voice, the GAO has to serve many masters. There is always the danger of being hurt in the crossfires of political conflict. The GAO practice has been to stick to the facts and stay neutral in politics. Despite occasional carping and criticism, which every public agency is exposed to, and Congressmen are used to, the GAO has built a reputation for objectivity. This reputation should be jealously guarded.

2. The Congress in its quest for information has unbounded appetites. There is no end to what can be investigated and never enough staff to do everything which is requested. There are definite limits to GAO expansibility as an agency and, therefore, a need for care and selectivity in honoring and executing Congressional requests.

3. The work of Congress is based upon a highly refined division of labor in the committee system. The GAO must give priority attention to the committees with important legislative and investigative tasks. On the other hand, much of the drive for expanded GAO authority and resources comes from less-senior members of Congress who believe the committee system is not developing enough information for the Congress as a whole.

The GAO must keep in perspective these divergent trends and the subleties of legislative maneuvering for position and influence.

4. There are those in Congress who will try to put upon GAO, not only more than it *can* do, but not more than it *should* do. The issue may be evaluation of a complex weapon system, or defense strategy for the next decade, or some other demanding task of a high policy nature. The GAO is brought in because it is ready at hand and anxious to serve. The Comptroller General takes the view that the GAO should respond in the fullest extent possible to all reasonable requests.

The GAO is right to be responsive, but it cannot hope to be expert in all things. What the Congress needs from the GAO, in the final analysis, are auditors and investigators who are well trained and perceptive and can dig up the facts. The Congress cannot hope to develop a whole array of technical experts to match those in the executive branch.

5. The GAO holds itself out as the agent of the Congress, but it must be mindful of, and perhaps resistant to, developments which would tend to reverse in many particulars the agent-principal relationship. There are demands for legislation which would make the Comptroller General responsible for policing lobbies, political campaign contributions, financial holdings of Members (the Comptroller General already is custodian for Senators' financial declarations) and other matters affecting Congressional conduct.

Since the Congress itself is not well-constituted for administrative operations, the tendency to look to the GAO for such assistance is understandable and, in any given case, possibly merited. If this tendency is encouraged, however, and too many congressional policing and custodial functions are thrust upon the Comptroller General, the GAO may change into a quite different kind of agency—one which begins to acquire powers over the Congress itself.

6. There are differences, not only within the Congress itself, but between the legislative and executive branches about many aspects of public policies and Government operations. As the agency which passes upon the legality of Government expenditures, the Comptroller General finds himself occasionally at loggerheads with the Attorney General as to what is legal and proper. Such conflicts are difficult to resolve.

The Congress has legislative options to clarify policy and prescribe proper courses of agency conduct. Nevertheless, the Congress is not that flexible in legislative response because consensus may be difficult to attain, or the matter is left in limbo through inattention or deliberate choice.

The proposition has been put forth that the Comptroller General should have statutory authority to bring such conflict issues to the courts for resolution. I believe that if the Comptroller General is to acquire such authority, it should be exercisable in specific instances only with the full knowledge and consent of the Congress.

7. The Comptroller General believes that his office should have subpoena power, a privilege possessed by certain committees and accorded by statute to designated agencies of the Government. Since this power practicably cannot be exercised against departments and agencies in the executive branch, it is sought mainly in connection with access to records of Government contractors.

Does the Comptroller General need the subpoena power for effective work in contract audits? Some committee chairmen believe that when a difficult situation arises, committees can exercise their own subpoena power in support of the GAO. Perhaps the access-to-records statute needs clarification.

8. Finally, I should mention without necessarily exhausting the list of sensitive issues, the age-old problem of the auditor's lag. Audit reports look backward in time to past performance. They take a long time to prepare because auditing is an arduous task, and the audit agency understandably wants to be correct in its facts.

A frequent Congressional complaint is that GAO reports are not timely enough. I know that many efforts are being made to overcome this time lag and to make the reporting process more responsive to the needs of the Congress.

There are no book formulas to resolve such issues, and I raise them to provoke thought and discussion in a time of change. The Congress is changing, and so is the GAO. We enter the decade of the 1970's and grope for answers to national problems of staggering dimensions and great urgency. I take an optimistic view, however, believing that this Nation has the resiliency, the imagination, the resources, and the basic inner strength to solve these problems while keeping a steady course.

It would be fun to speculate how GAO would look on its 100th anniversary. This I will not do now, but to those of you who make your careers at the General Accounting Office, and to those who are receiving awards today, let me wish you well and say that you are engaged in a highly satisfying form of public endeavor. You search for the imperfections in Government in order to make Government more efficient and effective. You help to shore up the foundations of Government, to strengthen its bearing walls, to repair its cracks and crevices, to smooth its rough edges, to make it habitable and enduring.

Your work is important above all for the assurance it gives to the citizens of this democracy that the Congress has created and works with an institution that keeps an eye on the executive branch and worries about the taxpayer's dollar.

PRESIDENT ORTIZ-MENA AND THE INTER-AMERICAN DEVELOPMENT BANK

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, a few days ago, my home city of San Antonio had the distinct honor, privilege, and pleasure to host the Honorable Antonio Ortiz-Mena, President of the Inter-American Development Bank. President Mena is a most able and distinguished economist with vast experience as a former leader, in the Mexican Government.

The Inter-American Development Bank is an institution of vast importance to this hemisphere. Few of our citizens realize the importance of the region lending institutions, but in truth, they are critical to the progress of virtually every region. In these institutions are bound up the best hopes of many nations for orderly development and progress. These quiet institutions are among the best and most effective instruments available to men of good will today who want to help those who need help. But these multilateral institutions are not mere conduits of aid; they are in fact the catalytic agents of solid progress. They deal in realities, and they finance development through both hard and soft loans—always with a view to the most effective means of employing scarce capital resources.

The Inter-American Development Bank is a young institution, but its record of progress is most impressive. I think that we need a fuller appreciation of this institution, its capabilities and its achievements. I am happy therefore to include in today's RECORD Mr. Ortiz-Mena's comments at San Antonio—comments which constitute an excellent short sketch of the background, accomplishments and hopes of the Inter-American Development Bank:

REMARKS OF ANTONIO ORTIZ MENA

It is only fitting and proper that one of my first official appearances in the United States, outside of Washington, as President of the Inter-American Development Bank should be in San Antonio, Texas. As a Mexican, and as a Latin American, I can appreciate the significance of this fact. Here in San Antonio which has for so long been the bridge between the Anglos and the Latins—a city of such great culture and historical heritage, which so gently carries the two cultures on its shoulders—and where the best of both worlds have learned to be at peace with one another, is the proper place for me to begin my task of persuading the citizenry on both sides of the Rio Grande about the value and worthwhileness of the Inter-American Development Bank.

As Chief Executive Officer of this International Institution it is my principal task to obtain the support, not only among the member governments but also among the people, for this truly cooperative inter-American effort.

I have assumed this task as President of the Inter-American Development Bank after having completed 12 years as Secretary of Finance and Public Credit of my own country. I had hoped after those arduous years of public service in Mexico that I could devote my time to my own personal endeavors and, more importantly, to my children and now 18 grandchildren. And yet, when the call came for me to take on this responsibility I could not deny this higher calling as an international civil servant. The experience of the Mexican economy over the last 12 years also has given me an appropriate perspective by which I can view and perhaps draw upon all our experience in connection with an attempt to solve some of these problems in other countries of Latin America. I would also hope that my long connection with all sectors of the Mexican economy, with all its ties with its larger neighbor to the north, would also be a good and appropriate background which could be beneficial in the administration of an international financial institution whose funds are in large part contributed by the United States. It is that experience and that hope that emboldened me to take on these new tasks at a time when otherwise I would have much preferred to seek the quiet of private life.

I would be less than frank if I did not tell you that indeed the Bank is today sailing on rough seas. The fact is that the waves that buffet our institution are in large measure, if not totally, a reflection of the larger problems which arise out of the development process of the less developed countries and their relationship to their well-to-do neighbors and the trials and tribulations of the inter-American system itself. It is, nevertheless, a rough sea and a rough time.

Let me briefly tell you about our institution, and give you a part of its history so that you might place what I have to say in a proper perspective.

The Bank was founded in 1960, after nearly six decades of recommendations and suggestions by the Latin American countries, and appeared to be the fulfillment of a long-held dream that the chain of inter-American institutions be completed by the creation of this financial mechanism. It was to be a modest institution, capitalized at about $1 billion of which half represented callable assets in the form of a guaranty fund against which the Bank could enter the capital markets and borrow. Hardly had the organizational phase of the Bank been completed when President Kennedy launched his famous "Alliance for Progress" and there was channeled to the Bank a half-billion-dollar fund totally contributed by the United States, devoted to social progress in the fields of housing, health, water and education. Since then there have been a number of increases in capital so that presently the Bank's ordinary capital stock stands at $2.7 billion and its soft loan window, that is, the Fund for Special Operations at $2.3 billion. In these ten years the Bank has lent a total of nearly $4 billion which in turn have generated projects in Latin America of more than $11 billion.

Where has the money gone? Where have these commitments been made? Well, they have gone principally to make the agricultural and industrial sectors of the economies of our Latin American members viable in both economic and social efforts, with pure water and proper sanitation facilities, with decent housing and other urban and rural community facilities, and with the improved educational facilities required in today's technological world. More specifically, improving or bringing into production 6.5 million acres of land, making 730,000 credits through Latin American development institutions to improve output and productivity on small- and medium-scale farms and ranches; building or expanding more than 4,000 industrial enterprises, constructing or improving 4,500 miles of main highways and building 17,000 miles of farm-to-market roads; modernization of 14 ports and grain elevator facilities, installing 6.7 million kilowatts of electric power generating facilities; stringing 4,000 miles of transmission lines; building or expanding 3,700 city and rural water systems; building 330,000 housing units for low-income families, and modernizing or expanding 560 learning centers, composed of 95 universities and 465 technical institutes.

We have done, of course, much more in technical assistance by training qualified people for the preparation of projects, and in the field of preinvestment and in particular in providing specialized help to the relatively lesser developed countries.

All this has been done with a staff which is largely Latin American and which has been recruited from our membership. The majority of the votes are held by Latin America, although the United States holds 42 per cent of the stock. I cite this only because we are a unique institution: an institution which the Latin Americans call their own and at the same time one which has achieved a high acceptance not only in the United States but all over the world. We have borrowed more than $1 billion in the capital markets of the United States, Europe and Japan. Our bonds are rated triple-A and are prime investments for pension funds, trustees and institutional investors, such as insurance companies, all over the world. Indeed only a few weeks ago your own State again approved legislation by which all State-regulated investors including the school and university funds can purchase the Bank's bonds. We have borrowed or otherwise raised funds in Austria, Belgium, Canada, Finland, France, Germany, Israel, Italy, Japan, the Netherlands, Norway, South Africa, Spain, Sweden, Switzerland, United Kingdom and the Vatican, wherever capital can be obtained. I say we are a unique institution for we have achieved something unique. We are a borrower's Bank which has won the confidence of the capital market. This has not been easy and indeed it is becoming ever more difficult. Particularly in Washington the Bank is sometimes viewed with "narrow eyes." We do not clearly and neatly fit into existing patterns. We speak Spanish. We try to innovate in the nature of credits and there are some in Congress and in the press who view us with alarm. This is why I wanted to come to San Antonio to accept a gracious invitation of your own Congressman Henry B. González to explain a bit about the Bank. Congressman González has been a long-time supporter and friend of our institution and now as Chairman of the Subcommittee of International Finance of the Banking and Currency Committee he becomes even more vitally involved with the present and future of the Bank. We do look to him for leadership and we are glad, truly glad, that it is a man of his background and heritage who is a principal party of the legislation processes in the United States involving our Bank.

It must be clear to all that the process of development is not an easy one. It was not easy in the United States. It is even more difficult when one tends to compress economic development into a short span of years. The progress is uneven and the strain on the social fabric of the countries undergoing such change is very great and yet it must be done for all the reasons which I need not repeat here but let me point one out for example:

Mexico has been a neighbor of the United States for all of its history. Today, both countries are better trading partners, better financial partners, and better friends now that Mexico has achieved a greater degree of industrial development, than at the time when it was almost completely underdeveloped. To me it is obvious: the relationship is a mature and healthy one; profitable to both sides. This is not so true for the rest of Latin America and we must expect that there will continue to be strains in the relationships between some of the Latin American countries and the United States, but these strains should not blind us, and I hope do not blind some in the United States, to the great need for and the overriding essential fact of a continuing inter-American cooperative effort. The inter-American cooperation which we have painfully achieved over many difficult years should not be sacrificed—should not be diminished. Shortsighted men may make nationalistic and jingoistic approaches but I do hope that the example that has been set here in San Antonio—this great city of the two cultures—can overcome these short-range difficulties to which I have alluded.

I would not wish to end my remarks without paying tribute to a great Texan who is with us today. He is a former Executive Director of our Bank and he contributed much to our success and to our acceptance in the financial markets. He is Ambassador Edward Clark, who brought to his work in our Bank that unique combination of Texas charm and astuteness which has been the hallmark of certain Texans who have in recent times come to Washington. We miss him sorely.

TRIBUTE TO SENATOR THOMAS J. DODD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, when the 83d Congress convened, there were among their number many outstanding, newly elected Representatives. One of the most promising of the new Congressmen was Thomas J. Dodd of Hartford, Conn. Mr. Dodd's varied public service career gave him a wealth of experience in meeting the legislative challenges of the early fifties.

After receiving his law degree from Yale University in 1933, Thomas Dodd took the advice of the late Homer S. Cummings, then Attorney General, and joined the Federal Bureau of Investigation. During his 2 years of service with the FBI, he was assigned the task of pursuing the notorious John Dillinger, and it was Agent Dodd who tracked down and arrested "Doc" May, the gangster physician who treated Dillinger for wounds sustained in a gunfight with Federal agents.

But the thirties were a time of grave economic crisis, and Mr. Dodd soon sought to be of more direct assistance to the jobless. Consequently, he resigned from the FBI and returned to Connecticut in 1935 to set up the National Youth Administration in that State. He served as the organization's first director.

After several years in that capacity, Mr. Dodd returned to Washington where he served under several attorneys general in the Justice Department. His years in the Justice Department were marked by many outstanding contributions to the cause of equal enforcement of the law. He helped establish the Department's Civil Rights Section. Mr. Dodd was particularly zealous in fighting the Ku Klux Klan in the Deep South, where he also championed labor's right to organize and to bargain collectively.

During World War II, he was active in investigating espionage and sabotage, and he was credited with helping crush the Nazi fifth column which was operating in this country. Following that terrible conflict, he was chosen by Supreme Court Justice Robert H. Jackson to be the executive trial council for the prosecution at the Nuremberg trials of Nazi war criminals. For his work at the trial, Mr. Dodd received a Presidential citation and the Medal of Freedom.

It was also at the Nuremberg trials that Mr. Dodd developed a deep and abiding mistrust of communism. During the course of the trial, Soviet prosecutors attempted to blame the Nazis for the massacre of 15,000 captured Polish officers at Katyn forest, a massacre which Mr. Dodd and many authorities attributed to the Russians themselves. Although Mr. Dodd had been appalled by what he called "history's most horrible catalog of human crime," his sense of justice, even in these circumstances, would not allow him to add one more outrage to the growing list of Nazi atrocities.

Years later, as Mr. Dodd served both in the House and the Senate, he was to remain an outspoken critic of Communist aggression and an advocate of American strength in foreign affairs. Although he was greatly interested in the American position abroad, Mr. Dodd showed equal concern for domestic matters. He consistently supported civil rights and welfare legislation, including housing for the poor, medicare, unemployment compensation, increased social security benefits, and relaxation of immigration laws. He was particularly noted for his sponsorship of gun control legislation, and his efforts were a decided factor in obtaining the present law in that field.

For years, he also sponsored drug control legislation, and he was the principal Senate sponsor of the Drug-Abuse Prevention Act which went into effect this last year. Senator Dodd's long and varied career of public service will be remembered for many years. The outstanding contributions which he made to this country will always be admired and respected. Today I would like to take this opportunity to extend my sincere condolences to Mrs. Dodd and the family in the loss which they have sustained. My hope is that they will find comfort in the fact that he was admired by many and that his achievements remain as a lasting tribute to a man who spent most of his life in generous service to the Nation he loved.

IMPACT OF NEW SECOND-CLASS POSTAL RATES ON RURAL NEWSPAPERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. Abourezk) is recognized for 10 minutes.

Mr. ABOUREZK. Mr. Speaker, I would like to recommend to my colleagues the perceptive testimony delivered before the Postal Rate Commission by my good friend Art Link of North Dakota. In his testimony, Congressman Link points out the devastating effect that proposed increases in second-class postal rates would have on rural newspapers.

Since I have come to Congress I have repeatedly seen instances like this one where proposals which make good sense in urban areas, spell disaster for rural areas. The simple fact of the matter is that high second-class postal rates will put scores of small weekly and daily newspapers throughout rural America out of business. By doing this they will hasten the breakdown of our rural communities, and add just one more burden to the many burdens which have contributed to driving rural families off the land and into our exploding metropolitan areas.

I feel very strongly that if my urban colleagues will examine the implications of the second-class postal rate increases, they will come to agree that a modest subsidy of second-class mailers in rural areas is a highly desirable social investment.

I commend to my urban colleagues, and to all of you, the fine testimony presented by Congressman Link, and I include it in the Record at this point:

Statement of Position by Congressman Arthur A. Link

Chairman Crowley and members of the Postal Rate Commission, I am Arthur A. Link, a member of the 92nd Congress representing the Second Congressional District of North Dakota.

Mr. Chairman, today you commence hearings on the postal rate increases proposed by the Post Office Department. While rate adjustments may be necessary in some cases, I am deeply concerned that the proposed increase in second class rates could threaten the stability of the small towns and communities in rural America.

Historically, the postal system was designed to provide a quick and inexpensive distribution of information. Our nation grew dependent upon the postal system to provide a reliable means of communication.

I realize that times have changed; but in some respects they have changed faster for metropolitan than for rural areas. What was a necessary service years ago, is no longer necessary in large, urban centers; but in rural America, communities still rely heavily on the Postal Department to maintain this service. In my opinion, the proposed second class increase will drastically impair this traditional and essential communications system.

In 1933, Congress in an attempt to economize, tried to adopt a "pay as you go" postal system. When it was realized what effect the change would have on the distribution of newspapers and magazines in small towns and rural areas, the plan was abandoned.

The effect that concerned Congress at that time should still be a concern today. To document this effect, I have attached to this statement correspondence from 6 daily and 18 weekly newspapers in North Dakota.

In their own terms they express the true implications this increase will have on their businesses and their communities. By reading their letters you will sense the frustrations they will encounter if these rates are permitted to go into effect.

People in the communities in North Dakota rely heavily upon daily newspapers for state and national news and they depend upon weekly newspapers for county and local news, legal notices, and advertisements. North Dakota is a sparsely populated agricultural state and as such, door-to-door newspaper delivery is impractical. The Postal Department, therefore, provides a service critical to the needs of these citizens. By increasing the postal rate, publishers will be obliged to increase their subscription rates. Many citizens, confronted with increased daily and weekly subscription rates will, in all probability, stop subscribing to one of them.

Should they stop their weekly paper subscription, as I believe many will, serious repercussions will result.

Advertisers will respond to a reduction in subscriptions by discontinuing their advertisements and eventually many weekly newspapers will grind to a halt because they can no longer afford to operate. The loss of revenue and jobs, coupled with a local news blackout, will have a very significant effect on the viability of the communities.

Mr. Chairman, let me put the significance of this into national perspective. For years, there has been a shift in our national population from rural to urban centers. For the most part this exodus of people has been encouraged by our national preoccupation with the problems of our metropolitan communities.

A current example of this lack of concern for rural problems is extremely apparent in the emphasis our country places on transportation development. National attention has been focused on mass transit systems and supersonic transportation. Yet, recently a concerted effort by rural congressional members was necessary to convince Amtrak officials that rail passenger service was critical to the needs of citizens in our midwestern states. Without that effort, the entire northern tier of our nation would have been left without this means of transportation.

This attitude of disregard for rural communities only fuels the fire of the urban crisis. Urban centers will continue to choke in their growing population until the exodus from rural areas is stopped. Congress and the administration must become sensitive to the population imbalance in our country.

The effect of the second class postal rate increase on rural America is symptomatic of this disregard. I call on this commission to be sensitive to all of the implications of its decision.

The communication of news and printed educational material, like public education, must not be required to pay its own way. By requesting these services be managed and controlled like other commodities, we place a premium on them and could very easily price news and education beyond the grasp of our citizens.

By way of a solution, as a member of Congress, I would be very receptive to an amendment to the 1970 Postal Reorganization Act that would provide a subsidy for educational and news communicative media.

Chairman Crowley, members of the Commission, thank you for this opportunity to share my concerns with you.

The following newspapers contacted my office concerning the proposed increases:

DAILIES

Bismarck Tribune.
Devils Lake Daily Journal.
The Forum, Fargo.
Grand Forks Herald.
Jamestown Sun.
Minot Daily News.

WEEKLIES

Benson County Farmers Press, Minnewaukan.
Dickey County Leader, Ellendale.
Enderlin Independent.
Farmer-Globe, Wahpeton.
Grant County News, Elgin.

Griggs County Sentinel-Courier, Cooperstown.
Harvey Herald.
Kenmare News.
Killdeer Herald.
The Kulm Messenger.
The Litchville Bulletin.
The McClusky Gazette.
Pierce County Tribune, Rugby.
Ransom County Gazette, Lisbon.
The Steele-Ozone—Press.
Turtle Mountain Star, Rolla.
West Fargo Pioneer.
Wishek Star.

REFUSAL OF NIXON ADMINISTRATION TO SPEND APPROPRIATED FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Purcell) is recognized for 10 minutes.

Mr. PURCELL. Mr. Speaker, increasing attention is being brought to the fact that the Nixon administration has refused to spend nearly $12 billion of congressionally appropriated funds. Rather than subject these sums to the true test of a budget veto, the money has been quietly ratholed.

In addition to simply not spending appropriated funds, the administration has also rearranged some of the appropriations. A telling example is the treatment of the Hill-Burton hospital construction funds. Texas is one of the hardest hit States in the country to suffer from an HEW directive that Hill-Burton assistance be all but eliminated for new construction. All of them have suffered.

Since 1946, Hill-Burton financing has made it possible for 3,700 communities in every part of the Nation to build hospitals and nursing homes with more than 400,000 beds, 7,200 public health centers, more than 900 diagnostic and treatment centers, and over 400 rehabilitation facilities. For each dollar Congress has approved, private and local public sources have added an additional $2. The aggregate expenditures have reached some $10 billion.

In October 1968, President Nixon said:

> As demand for hospital facilities increases, additional funds under the Hill-Burton Act for construction and modernization of such facilities will be required to supplement State and local efforts.

However, in his original budget request for fiscal 1971, President Nixon did not recommend any new funding at all for new general hospital construction.

In June 1970, the President vetoed the Hill-Burton Hospital Construction Extension Act, which we had passed 377 to 0, calling it a "long step down the road of fiscal irresponsibility." Overriding a Presidential veto for the first time in 10 years, the 91st Congress placed mandatory language in the law requiring the Hill-Burton funds to be spent.

Thinking these funds were safe from the current practice of impoundment, I was surprised to learn earlier this year that no less than seven community hospital facilities in my district had been told no money would be available. Last year Texas received approximately $4 million for new hospital construction. This year, with the same national appropriation of $172 million, HEW officials gave Texas $300,000.

The money has been shifted to other areas of health-related facilities where it will be impossible to spend. The money will not be spent on construction. Thus, HEW has done indirectly what we refused to permit the President to do directly.

The need for Hill-Burton construction funds is unquestionable. The people of my district have certainly decided as much. In the city of Graham, for example, the citizens raised almost a half million dollars last summer to qualify for Hill-Burton assistance. Graham is not alone; the community of Decatur has raised over a quarter of a million dollars in an effort to provide matching funds for a hospital project. There are five other hospital projects dying on the vine in the 13th District.

Even without considering the unmistakable public demand for more hospitals, the picture of our present system of health-care facilities is a trenchant portrayal of the need. The current shortage of long-term care beds is estimated at over 165,000. From $4.5 to $6 billion is needed just to meet this current shortage. There are an additional 455,000 hospital beds in need of modernization. The cost of modernizing old hospitals is estimated at $10 billion.

Earlier this spring, I formally requested a complete explanation of this situation from the Secretary of Health, Education, and Welfare. The response which I received read as follows:

> It is my pleasure to inform you that all Hill-Burton funds appropriated by Congress have been appropriated and allocated to the States. Each of the five categories authorized by Public Law 91-296 has been funded, thus insuring that every State will receive a Hill-Burton allocation of at least $1.2 million.

He did not tell me, though, that only $300,000 could be spent in Texas on construction. Yet, that is the full extent of the funds given the State department of health. In still another response I was informed that—

> Transfer provisions under the law will make it possible for Texas to transfer additional funds into the hospital category should they find greater need.

This letter was from the Public Health Service.

Again, however, I was misled. They failed to tell me there was a strict limit on how much can be transferred from one category to another. Transferring every allowable cent to the hospital construction category, the Texas State Department of Health was still not able to provide even 40 percent of the previous year's level of assistance.

Frankly, the administration has misread the desires of the American people. There is no finer indication of public spirit than a community getting together to match dollars with the Government to build a hospital. The communities have done their part. For the Federal Government to spend $172 million for a $15-billion problem is hardly extravagant. It should be the very least that can be done.

Mr. Speaker, I want to know where the health facilities priorities of this administration lie. Thousands of Americans like the ones in Bowie, Decatur, Graham, Henrietta, Olney, and Wichita Falls, Tex., also want to know. In 1968 President Nixon, then candidate Nixon, pledged additional funds for construction. Is it wrong to hold the President of this Nation to his word? I think not.

DEFENSE AUTHORIZATION BILL—PART VI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, this is the last of a series of articles which I have submitted to the Record on the defense authorization bill. In presenting the 1972 defense budget, the administration placed heavy emphasis on the need for modernization "to offset prior year deferrals because of Southeast Asia requirements." If this were so, there might be a case for increasing procurement—and probably R. & D. However, the facts do not support the administration's argument.

If there was a backlog in modernization requirements during the Vietnam war, there should be a decrease in procurement for non-Vietnam general-purpose forces during the war from the prewar level after allowing for price and pay increases. Strategic forces should be treated separately since they were subject to factors independent of the war. The following table shows obligations for procurement for fiscal year 1964–1972. Rather than a decrease, as the administration's position would suggest, procurement for non-Vietnam general-purpose forces as a whole actually increased on the average over the 6-year period 1965–71.

Procurement use	In billions of constant 1972 dollars		
	1964	1965–71	1972
Total	19.3	23.7	19.7
Strategic nuclear forces	6.1	3.3	3.3
Vietnam		5.6	2.3
Non-Vietnam general-purpose forces	13.2	14.8	14.1

Source: Data for fiscal years 1964–71 from Charles L. Schultze, et alia., Setting National Priorities: The 1972 Budget, The Brookings Institution, Washington, D.C., 1971, p. 105. The fiscal year 1972 budget request has been broken out on a similar basis for comparison.

It should be noted, however, that not all of these funds have been expended. A similar breakout of outlays during the fiscal year 1965–71 period shows that about $10 billion has yet to be obligated and expended for non-Vietnam—or "baseline"—general-purpose forces. These funds should be expended in the near future. This leadtime delay in spending the funds authorized to date could largely explain the delays in modernization observed in many of the forces.

Aside from the funds specifically earmarked for non-Vietnam forces, the war itself will leave the general-purpose forces with new weapon systems and equipment. As older equipment attrited during the war, it was replaced. This has permitted the services to replace billions of dollars worth of older equipment in their inventories.

In other cases, the services have obtained new weapons and equipment to cope with the conditions which prevail in Vietnam. For example, the Army has obtained the M-16 rifle and become heavily dependent on helicopters.

In addition to being newer than what they replaced, these weapons and equipment are more effective. Aircraft replacements, for example, have incorporated qualitative improvements in firepower, navigation and avionics. The intratheater mobility of land forces has been significantly increased with the greater reliance of helicopters in lieu of ground systems. Current communications systems are more reliable. And the overall firepower available to combat units has increased greatly.

Even if modernization of general-purpose forces during the war had not kept pace with the pre-Vietnam level of spending, we would expect some drop in total procurement in fiscal year 1972 in constant dollars. Force levels for all general purpose forces have declined from the pre-Vietnam level. The fiscal year 1972 budget calls for three less Army divisions, five less Air Force and Navy tactical air wings, eight less attack and antisubmarine carriers, and 74 fewer major warships. Hence, modernization at the pre-Vietnam rate would result in a reduction in total annual procurement after allowing for price and pay increases. But, the administration's fiscal year 1972 budget includes about $1 billion more in procurement for non-Vietnam general purpose forces than the fiscal year 1964 budget, adjusted to reflect equivalent purchasing power.

Mr. Speaker, my amendment to hold the fiscal year 1972 authorization to the amount authorized last year does not cut particular programs or even single out procurement or R. & D. Rather, my amendment would permit the Defense Department to make the determination where the cuts should be made. But, the facts clearly show that a significant portion of that reduction could come from procurement for modernization of the post-Vietnam general-purpose forces.

PROGRESS ON DRUG CONTROLS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. MONAGAN. Mr. Speaker, it is encouraging to know that my proposal to retain servicemen-addicts in the military until they are determined to be free from habitual dependence on drugs is gaining such widespread support.

Since I introduced H.R. 8216, the Armed Forces Drug Abuse Control Act of 1971 on May 10, over 50 Members from both parties have joined me in cosponsoring this measure, and the bill has received favorable comment in the media and from veterans and other concerned citizens. Legislation containing variations of my original proposal has been introduced by several of my colleagues, and new proposals which parallel part or all of my original bill are introduced almost daily.

On June 1, approximately 3 weeks after I introduced my bill, I was pleased to hear President Nixon state that—

> A corrective program insofar as the military is concerned means treating them where they are addicted to heroin or hard drugs before releasing them.

I wrote to President Nixon on June 2, commending him for these comments on a corrective drug treatment program and I offered him my full support in his efforts in this field. In the June 12 issue of the New Republic, Senator Harold E. Hughes, chairman of the Senate Subcommittee on Alcoholism and Narcotics also adopted an approach to treating drug abuse in the military which closely parallels the provisions of my bill.

Action by the other body in unanimously adopting an amendment to the selective service bill which directs the Armed Forces to identify and treat addicts in the military, and prohibits the discharge of servicemen addicts unless cured, found incurable, or refusing treatment, is a significant step toward adopting my proposal in toto. While I support the Senate amendment so far as it goes, it should be recognized that the amendment is only the first step toward establishing a comprehensive program to deal with drug abuse in the military. Even if the amendment were adopted here, there would be a continuing need for in-service rehabilitation and treatment facilities, drug education and drug abuse prevention programs as provided for in my bill. Adoption of the amendment should in no way suspend or terminate additional action on the extension of programs to deal with drug abuse in the military. Indeed, it would be unfortunate if adoption of the amendment in any way impeded scheduling of hearings on this subject in the House Armed Services Committee which Chairman Hébert has assured me will take place upon obtaining the necessary reports by the Department of Defense. I am confident the Armed Services Committee will hold hearings on legislation similar to my own H.R. 8216 which is fitted to the task of completely halting drug addiction in the services and returning rehabilitated servicemen to healthy and productive lives.

The other body also adopted an amendment requiring President Nixon to report to Congress within 30 days on what the United States, in conjunction with other governments, is doing to eliminate the illegal production, processing, or traffic in heroin and other narcotic drugs, and in that connection, I call attention to my resolution calling for international cooperation in controlling the cultivation and production of dangerous drugs which was unanimously adopted by 53 member nations of the Inter-Parliamentary Union at the April meeting in Caracas, Venezuela. This subject has been deemed so important that it will appear again on the agenda for the September meeting of the Union in Paris. Another encouraging development was the adoption last month by the 24th World Health Assembly, meeting in Geneva, of a similar resolution calling for international cooperation in fighting drug abuse through support of existing research, educational, and rehabilitation programs, the U.N. Fund for Drug Abuse Control and the Convention on Psychotropic Substances.

Of course, we cannot be satisfied with resolutions and we must require action—immediate and resolute action, but we can take some encouragement from the foregoing evidence that the conscience of the world community has been stirred and that there are grounds for believing that active cooperation will soon be forthcoming.

I include the complete text of the World Health Assembly Resolution in the Congressional Record at this time for the benefit of my colleagues

Drug Dependence

The Twenty-fourth World Health Assembly,

Observing that the phenomenon of abuse and addiction to narcotic and non-narcotic dependence producing drugs is rapidly becoming a major world health problem, adversely affecting the social, cultural, political, economic and educational fabric of the world community;

Recognizing that effective solutions require the co-ordinated efforts of international organizations and agencies, the Member States, regional and local authorities, and the world citizenry;

Declaring that the World Health Organization has a responsibility to provide leadership, guidance, and technical assistance to the world community and the Member States in the fields of treatment, rehabilitation, education, prevention and research;

Urging that the Member States respond and co-operate by promoting new and improved treatment, rehabilitation, education and prevention programmes at the local and national level;

Recalling resolution WHA23.42;

Recalling further resolution A/RES/2719 (XXV) of the United Nations General Assembly and welcoming the establishment of the United Nations Fund for Drug Abuse Control;

Welcoming the adoption in Vienna of a new international Convention on Psychotropic Substances; [1] and

Having reviewed the report by the Director-General on drug dependence and the activities of the Organization in this area; [2]

1. Congratulates the Director-General for this report and approves the programme expansion proposed therein especially the collection and exchange of data, the analysis of all medical, social, cultural and economic factors contributing to drug dependence, the conduct of research and training programmes, and the evaluation of existing programmes and the recommendation of new programmes;

2. Affirms that because of the serious public health aspects and implications of drug dependence the World Health Organization

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[1] United Nations document E/CONF.58/6, 19 February 1971.

[2] Document A24/A/7.

has an important role to play in any concerted international action against drug abuse;

3. Recommends continued World Health Organization co-operation and collaboration with other organizations and agencies within the United Nations system in planning and implementing international programmes, in particular with UNESCO in regard to the most effective methods of informing and educating the public and especially the young, and FAO in regard to a study in crop substitution and the economic aspects, among others, of marketing;

4. Recommends that WHO assist Member governments upon their request, in developing procedures for co-ordination of their national drug abuse control programmes;

5. Requests that the Director-General submit as soon as possible projects and programmes consistent with the programmes and policies as approved by the World Health Assembly to the United Nations Fund for Drug Abuse Control, seeking financial assistance for programme expansion both at headquarters and in the regions;

6. Requests the Director-General to report on these matters to the forty-ninth session of the Executive Board and to the Twenty-fifth World Health Assembly.

7. Urges Member States that have not already done so to accede to the Convention on Psychotropic Substances; and

8. Invites Member States, to the extent that they are able to do so, to apply provisionally the measures of control provided in the Convention on Psychotropic Substances pending its entry into force.

SEMPER FIDELIS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in this morning's mail I received another tragic account of a soldier's losing battle with heroin.

It is heartbreaking to realize that there is widespread and growing heroin addiction among members of the Armed Forces and each serviceman's tragedy presents a further mandate to Congress to act promptly to enact a realistic and effective program to rehabilitate drug users and to cut off the traffic in heroin and other hard drugs.

Existing drug treatment and rehabilitation programs in the military and in the Veterans' Administration hospitals are simply not adequate to deal with the widespread drug addiction which now exists. Until very recently, the armed services would not acknowledge the existence of a drug problem in their midst. This ill-advised attitude on the part of the services only compounded the problem and contributed materially to creating the situation which exists today.

My approach to dealing with drug abuse in the military is embodied in H.R. 8216, the Armed Forces Drug Abuse Control Act of 1971, which I introduced on May 10. My bill, in addition to setting up a Drug Abuse Control Corps in each of the armed services, to administer comprehensive treatment and rehabilitation programs, and providing a uniform, amnesty-treatment provision, forces the military to take care of their own by prohibiting the discharge of any member of the Armed Forces who is addicted to narcotics until such time as he is determined to be free from habitual dependence on drugs. My bill presently has over 50 cosponsors from both sides of the aisle, and if enacted, will prevent a repetition of the tragedies suffered by the United States Marine whose account is contained in a letter which I insert here for the information and consideration of my colleagues. I have deleted the name of the Marine to prevent any embarrassment to him or to his family. The letter follows:

JUNE 7, 1971.

Hon. JOHN S. MONAGAN,
U.S. House of Representatives,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN MONAGAN: I plead you pause a moment and let me tell you about my friend Victor. Victor is 22 years of age, married and has a young daughter. He is the youngest of a family of 10 children.

In 1968, Victor enlisted in the U.S. Marine Corps. Several months later he was assigned to military duty in Vietnam, where he intended to distinguish himself as a soldier and bring pride and joy to his family.

Unfortunately, during this tour of duty, something went astray in Victor's life. The glories of his dreams began to fall apart and his life was shattered. The pains of war began to have its toll upon Victor. He began to experiment with various drugs. According to Victor, "In 'Nam drugs were very plentiful and easy to get. Using them was the "in" thing. Regrettably, he was unable to resist this environment. Consequently, he found himself trapped in this strange world of the "living dead." After climbing the drug chain, he eventually became addicted to heroin usage.

As Victor relates his experiences to me. "I knew that what I was doing was wrong but for some reason I just couldn't help myself. I was aware that I had become 'hooked' on 'Mr. Jones' (heroin) and needed help. I tried kicking the habit on my own. It just didn't work. I loved my family too much to return home this way. I knew they were proud of me and I couldn't let them down.

"I joined the Marines because they made men. I was a man. I was proud to be a Marine. Now, I don't know what I am?

"I knew my discharge would be coming up and I wanted to return home 'clean.' I decided the best thing for me to do was to inform my commanders of my situation and ask them to help me. This was not an easy decision to make because I had no way of knowing how they would react to the things that were happening to me. I couldn't allow this thing to go on. I couldn't bring dishonor to the Marines and my family. I had to gamble this chance.

"When I informed my commanders of my situation, they told me this was the best move I could make and they would help me. It looked like the gamble had paid off. However, things again didn't work out as I had hoped. Instead of helping me, they destroyed my life. You see, first they had me admitted to the base hospital for 3 days to undergo a detoxification program and then I was thrown in the "brig" for several weeks. Next thing I knew I was walking the streets with an undesirable discharge in my pocket.

"My family was shocked when I returned home and told them what had happened. They tried to be understanding but I could feel their concern. My whole life began to change for the worst.

"I stayed clean for a while. I tried getting a good job to support my family. Each time the employers asked about my discharge they would refuse to hire me. I even tried several times, in desperation, to lie about my discharge, but they always found out. Soon I couldn't even get a job washing dishes. Nobody wanted me to work. If I couldn't even get a job washing dishes, how could I support my family? My family had needs and I couldn't provide for them without work. God knows I tried. I really tried. When a man cannot provide for his family, he is no longer a man. I know I am still a man, but everything is going against me. My wife just couldn't take it anymore. Finally, she left me. My whole life fell apart. "Mr. Jones" again became my only relief. When "Mr. Jones" raced through my veins, nothing else mattered. Nothing. I knew also that "Mr. Jones" could provide the "final" escape for me. I just couldn't go on this way. Oh my God, how long must I pay the price? I AM A MAN. When this is taken away from me, what else do I have to live for?"

Congressman Monagan, Victor is my friend and I care for him. Now, my concern is even greater. Several days ago, Victor tried to kill himself by injecting an overdose of heroin. He died. He was clinically dead. Yet, with the Grace of God he survived. The doctors, his family, no one knows how he recovered. It was indeed a miracle. Unless there is hope for him, he will try again. We are all trying to give him hope. He needs the will to live.

We don't question the prerogatives of the U.S. Marine Corps. However, in light of the fact that Victor voluntarily revealed himself and sought help, he deserves a better chance than what he has.

We believe that if Victor is allowed to gather the fragments of his young life together, he can make it. If he can clear his military record and get a decent job, he can provide for his family and regain his self-respect. He can become a useful and functional citizen in our society.

Congressman Monagan, we know you are very busy and maybe one life is insignificant in the whole scheme of life. Yet, we feel that Victor has a right to live—to live a useful life. He is so young and has so much to live for.

Connecticut has many fine programs and facilities to help rehabilitate Victor. However, with the dark shadow of his military discharge hovering over him, I doubt seriously whether or not he can ever realize complete rehabilitation.

Please Congressman, do whatever you can to help Victor before it is too late. Time is now his worst enemy. We all know he cannot go on this way. Will you help us give Victor hope? God gave him another chance. Will you?

NATIONWIDE WORK STOPPAGES DAMAGES THE ECONOMY OF OUR NATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, when, oh when, will the Congress face up to the growing impact of nationwide work stoppages on the economy and safety of our country? Is this a responsibility that we shall always shirk?

Shirk is a harsh word, but what else can we call it? Just last month the Congress stepped into the rail strike problem in order to get the trains moving again, but only after the strike had already begun. This has happened before. It may happen again in October.

A steel strike may be just around the

corner. Last fall the Nation experienced a serious and costly automobile workers' strike. Truckers are telling us they may walk out.

The strike syndrome has descended on all manner of workers from teachers to policemen, firemen, hospital workers, and garbage collectors. The paralyzing effect of these strikes by public employees has been many times worse than the effects of the publicized and organized effort on the part of demonstrators in recent weeks to bring the Nation's Capital to its knees.

On an average, there are 4,000 strikes a year in this country involving more than 3 million workers directly and millions more indirectly. In an average year there are 30 million man-days of involuntary idleness caused by strikes.

The economic impact is staggering. Some lost production is made up following a strike, but one must also take into account the perishable losses. Heat, power, and transportation needed today cannot be recovered following a strike. Fruits and vegetables withering on a rail siding or on a truck loading dock cannot be rejuvenated. Vacation money spent to see a striking family through the lean period is money which will never be spent for hotels and restaurants and vacation goods.

Losses in Federal, State, and local tax revenue will never be recovered.

It is indeed time for the Congress to face up to the problem of strikes. New legislation must be enacted which will cope with this very serious situation. The President has repeatedly proposed action. In fact, there have been many proposals put forth from many sources to deal with the problem. Whether any of them provides a proper answer is uncertain. We do not know because Congress has ignored the challenge. It is time we considered what steps can properly be taken to enact one or more of these proposals. At least, let us try to produce a proper answer.

These are times when a handful of men can shut down an entire industry. In the recent rail strike, for example, a mere 2 percent of the 600,000 man rail force brought on the stoppage. A few men can throw a few switches and plunge a city into darkness.

To keep men at work and goods flowing is a matter of utmost importance to us all. It is the duty of this Congress to take steps now to make certain that proper legislation is passed which will take into account the delicate balance between the interests of labor and management and the interests of the Nation as a whole.

I urge speedy consideration of appropriate legislation to cope with this problem. The administration should always be able to move immediately into the problems which are brought on by serious work stoppages. Congress should not continually be required to react to pass emergency strike-ending legislation. There is nothing sound or satisfactory about the present situation. This is one of the Nation's major problems. It can not be solved with stop-gap legislation.

UNEMPLOYED VETERANS NEED HELP NOW

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, today there are many thousands of young men who are walking the streets in search of work.

I refer specifically to those of the estimated 370,000 Vietnam veterans who have returned to civilian life only to find there is no place for them in working society. The Nation has concern for all who are unemployed, but in particular do we have an interest in these young men whose careers were interrupted by the requirement for military service. It is very important that we officially do all in our power to help these men to get jobs. It must be done now and our help must be effective.

As we all know, there are forces at work in this country dedicated to destroying the Nation's faith in the armed services. One important way we can offset this kind of propaganda is to demonstrate that the United States takes care of those who wear the uniform and is concerned about them when their military service is completed.

The administration now has set a goal of assisting returning veterans in adjusting to civilian life. Educational programs are available. Other veterans' benefits are designed to help. Yet the key to successful reentry into civilian life is finding a meaningful job. I fully support the most recent move to find work for veterans. The administration's program is commendable, but only to the extent that it produces results in useful employment being found for those who seek it.

I believe the services have a responsibility to help train men for civilian jobs. A great many of our servicemen receive months of technical training at taxpayers' expense. Hopefully, these men will remain in the service. But those who choose to return to civilian life should be given special training as their enlistment end, to show them how to convert their military skills to civilian uses.

The business community should be made aware of military training convertible to their needs.

It is imperative every veteran be reached and helped in his efforts to find work.

It is tragic that the unemployment rate has soared to near record levels. The thousands thrown out of work by this trend need also to be helped.

But returning veterans need special attention. They have been taken out of the job market by their Nation, and their Nation should now go to special lengths to recycle these valuable young men back into the competitive labor market.

INTERIOR'S PUBLIC SERVICE AWARD GOES TO YOUNG APOLLO, PA., ANIMAL EXPERT

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, we are too often bombarded with commentary about how the youth of today has gone to pot; we are reminded daily that a certain segment of the younger population has renounced sanity, cooperation, and positive action in favor of violent radicalism. I remind you of these unpleasant facts in order to highlight the opposite situation and bring to your attention a truer representative of America's "young power."

I represent the community of Apollo, Pa., and it was a distinct pleasure to attend recent ceremonies at the Department of the Interior where Bernard L. Teeple was honored for his innovative work while at the Pittsburgh Zoological Society.

I wish all our colleagues could meet Bernard for I do not think one could find a better representative for the young people of this great Nation than in this 19-year-old animal expert.

Mr. Teeple, the youngest recipient of an award at the departmentalwide honors convocation, was granted the Public Service Award for his work in demonstrating the interrelationships of man with his surroundings. In short, Bernard conceived the idea of taking zoo animals directly to children who, otherwise, might never have an opportunity to see such animals. This summer Bernard will join the U.S. National Park Service's animal and environment caravan, stationed at the Oxon Hill, Md., Children's Farm, which is designed to bring nature studies to inner-city schools and playgrounds.

One must be impressed with the accomplishments of this young man, but I also want to pay a special tribute to his parents, Mr. and Mrs. Aaron M. Teeple, who came to Washington for the ceremony. I was proud of my young constituent, but the pride that shone in the parental faces as Secretary Morton read the citation was beyond adequate description. To have witnessed that much love and devotion expressed between parent and child was a moment to behold. One is tempted to reach for superlatives, but it is not necessary. We can reflect and know that young people such as Bernard Teeple make up the bulk of the coming generation and because there are such capable hands, his parents and I, and all parents, can rest assured that the future is bright with hope.

I have appended to my remarks a copy of the citation as given by Secretary of the Interior Morton on June 7, 1971:

U.S. DEPARTMENT OF THE INTERIOR 39TH HONOR AWARDS CONVOCATION

(Citation as given by Secretary of the Interior Rogers C. B. Morton on June 7, 1971)

While employed by the Pittsburgh Zoological Society, nineteen-year-old Bernard Teeple implemented his idea to bring live zoo animals to children in their classrooms. For many youngsters, it was their first exposure to certain species of wildlife. Bernard's innate ability with animals, coupled with his talent for reaching young folk, generated enthusiasm and interest in all wildlife. Perhaps these are the children whose future decisions will benefit the wildlife resources of our Nation. In appreciation for the time, energy, and talent expended in behalf of wildlife education, I present to you the Public Service Award of the Department of the Interior.

LOWEST VIETNAM TOLL IN 5 YEARS 19 AMERICANS DIED IN VIETNAM DURING WEEK ENDING JUNE 5

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, on Friday, June 11, the Washington Post reported the following: "19 GI's killed; lowest toll in five years."

The report went on to state that during the week ending June 5, 1971, American forces suffered fewer casualties than at any time since the third week of October 1965, when the United States was just starting to build its forces toward the 1969 peak of more than half a million men.

Mr. Speaker, again I take this opportunity to draw attention to the fact that President Nixon is keeping his word. The war in Vietnam is finally coming to a long overdue end—there can be no mistake about that.

Mr. Speaker, while we may all take heart from the fact that only 19 Americans died in combat during the week ending June 5, let us reflect for a moment on the grief which has been experienced by the families of these 19 American boys. For them, the tragic death of a loved one comes at a time when hope was the strongest—when they could reasonably expect that their son, brother, husband, or father would soon come home—to stay. It is no consolation to a young widow to know that her dearly loved husband was one of a very few Americans to die in combat during the week ending June 5, 1971.

Mr. Speaker, I have no doubt that all of the Members of this body share this view—a view which recognizes that the war in Indochina has persisted beyond the tolerance of a peace-loving people.

Accordingly, Mr. Speaker, several Members of this body will join with me tomorrow in reintroducing House Concurrent Resolution 321—expressing the sense of Congress that all American forces be withdrawn from Vietnam no later than November 30, 1971.

In taking this position, we who represent a war-weary Nation have an obligation to offer suggestions as to how best we can cooperate with the President in this most pressing dilemma. We have, therefore, specified in our resolution that the withdrawal of all Americans forces should be contingent upon three things: First, we have specified that there must be a cease-fire no later than August 15, 1971; second, our resolution calls for the return of all American prisoners of war no later than September 1, 1971; and finally, Mr. Speaker, we are asserting that all governments with foreign forces in South Vietnam—North Vietnam included—likewise commit themselves to a total withdrawal of their forces by November 30 of this year.

Mr. Speaker, we who will be reintroducing House Concurrent Resolution 321 also recognize that there must be some way to assure that once a cease-fire has been established and prisoners have been returned there will be no chance of rekindling the flames of war. Accordingly, we have specified that upon the return of all American prisoners, all American forces should withdraw to the perimeters of certain cities or military installations to be designated by the President—not to engage in any ground action or ground reconnaissance thereafter.

Mr. Speaker, there is only one way to respond to the families of those 19 American boys who died in combat during the week ending June 5, 1971, and that is to resolve that their deaths have made enough of an impact on those of us who represent them in Congress to move us to further action. To this end, Mr. Speaker, I invite the attention of the membership of this body to House Concurrent Resolution 321.

RESULTS OF QUESTIONNAIRES IN 14TH CONGRESSIONAL DISTRICT OF OHIO

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, last April I mailed to each postal patron in the 14th Congressional District of Ohio a questionnaire asking his or her opinion on some of the major issues facing our Nation.

This questionnaire was scientifically designed by the same professional pollsters who conducted surveys of the district during my campaign. It was designed to bring about as unbiased and objective results as possible. The response to this questionnaire was tremendous. I have received nearly 16,000 completed questionnaires, most of them filled out by both husbands and wives with the result that we have approximately 28,000 total replies.

One of the surprising results of the survey is that 77.5 percent of those who replied said that they did not think that Congress is meeting the basic needs of the country in areas such as housing, health care, education, jobs, and stable prices.

Only 12.2 percent said they thought Congress was meeting those needs.

Surely this dramatizes the crisis of confidence that exists between the Federal Government and the American people. It is also a clear indication that a very large majority of people desire to see Congress change our national priorities.

The results show that a vast majority—81.6 percent—favor withdrawal from Vietnam, and a sizable majority of these favor a declaration that all U.S. troops be withdrawn by the end of 1971. Fifty percent favor that policy while only 31.6 percent favor the Nixon policy of gradual withdrawal without a deadline.

Only 8.3 percent favor a policy of military victory.

From a choice of twelve issues, residents were asked to check the three issues they considered to be the most urgent national priorities. Ending the war in Vietnam was the top priority for more residents than any other issue.

At this time, then, I include the complete results of this questionnaire in the RECORD:

Question	Total yes	Total no
1. Do you think Congress is meeting the basic needs of the contry in areas such as housing, health care, education, jobs and stable prices?	[1] 12.2	77.5
2. Do you favor the Federal Government relieving states and local governments of responsibility for welfare payments?	39.9	45.6
3. Do you favor a plan to reform welfare by providing a minimum income for every American family, with incentives to encourage work?	59.7	29.3
4. Do you favor abolishing the draft and establishing an all volunteer army?	[2] 55.8	33.2
5. Do you favor continuing the Federal subsidy for the SST?	[3] 17.4	74.0
6. Do you favor the Federal Government establishing temporary wage and price controls to combat inflation?	70.1	20.0
7. Eighteen year olds can now vote in Federal elections. Do you favor an Amendment to the U.S. Constitution permitting them to vote in State and local elections?	55.7	38.0
8. Do you favor stricter Federal laws to control pollution even if it means higher prices for some products?	80.8	11.5
9. Should Congress pass stricter laws for the control of civil disturbances?	71.2	21.0
10. Do you favor a Federal law requiring registration of all guns and strict penalties for possession of unregistered guns?	[4] 57.8	35.0
11. Do you favor increased use of the U.N. by the United States in solving international probelms?	70.2	17.9
12. Do you favor increasing Social Security benefits, including an automatic cost-of-living increase, even if it means an increase in the Social Security tax?	70.0	19.9
13. Should Congress pass laws restricting stripmining?	80.3	8.3
14. Should members of Congress be required to retire when they reach a certain age?	80.2	13.2

	Percent
15. Which of the following atements is closest to your views on the need for a national health insurance program? (Check only one):	
A program should be established:	
Covering all expenses	38.3
Covering only major expenses	40.5
No program should be established	14.8
No answer or undecided	7.4
16. What policy do you support on the Vietnam War? (Check only one):	
Announce that all U.S. troops will be withdrawn by the end of 1971 [5]	50.0
Continue Nixon policy of gradual withdrawal (but no deadline)	31.6
Escalate as much as necessary for a military victory	8.3
Undecided or no answer	10.1
17. What is your position on the present level of military spending?	
To much	71.6
About right	11.8
Too little	3.5
Undecided or no answer	13.1
18. What do you think our nation's priorities should be? Please check the 3 that you believe are the most urgent.	
1. End the Vietnam War	50.0
2. Control pollution	35.3
3. Control inflation	33.1
4. Control crime	30.0
5. Reduce unemployment	28.0
6. Eliminate poverty and slums	20.6
7. Control drug abuse	15.7
8. Reduce military spending	14.5
9. Reduce cost of health care	13.2
10. Halt nuclear arms race	10.6
11. Improve consumer protection	7.2
12. Explore outer space	3.0

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[1] Breakdown by sex: Men, 14.1 percent; women, 10.2 percent.

[2] Breakdown by sex: Men, 54.6 percent; women 57.1 percent.

[3] Breakdown by sex: Men, 20 percent; women 14.7 percent.

[4] Breakdown by sex: Men, 52.7 percent; women 63 percent.

[5] Breakdown by sex: Men, 47.1 percent; women 53.2 percent.

Note: For questions 1 through 14, when total yes and total no are added to percentage of undecided and no response answers, the sum total is 100 percent for each question.

For question 18, the sum total is 300 percent when one accounts for those surveyed who did not answer or answered less than 3 items.

CHILDHOOD LEAD POISONING—ADMINISTRATION TO CUT STAFF OF HEW DIVISION DESIGNATED TO RUN LEAD POISONING PROGRAM

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, authorizes the Department of Health, Education, and Welfare to make grants to States and local communities to conduct screening, treatment, and eradication programs. The authorization for fiscal year 1972 for these grant programs is $25 million.

Within the Department of Health, Education, and Welfare, the Assistant Secretary of Health, Education, and Welfare has delegated responsibility for implementation of the act to the Bureau of Community Environmental Management. On March 18, the Bureau submitted an implementation plan for the act. This contemplated the addition of 47 people to fullfill these responsibilities.

In light of the prime importance of the Federal assault on childhood lead poisoning, and in light of the clear need for the Bureau for personnel to conduct this assault, I am particularly distressed that, rather than contemplating the addition of employees, the Department is planning a reduction in force, necessitated by the inadequate budget requests for fiscal year 1972 by the Department.

By memorandum of May 25, 1971, the Director of the Bureau informed all employees of this decision. I concur wholeheartedly in his statement that:

> It is most unfortunate that this decision has been reached because it means that staff associated with BCEM program operations must be cut severely.

Before the Lead-Based Paint Poisoning Prevention Act has even been satisfactorily implemented, it is in danger of a disastrous gutting. And this dire eventuality applies as well to the other programs conducted by the Bureau, such as the rat control program.

I have written to Secretary Richardson, strongly urging that he "take the necessary steps to avert the contemplated reduction in force." Surely, such a reduction would be a very adverse development.

A copy of the May 25 memorandum form the Director of the Bureau of Community Environmental Management, and a copy of my letter to Secretary Richardson follow.

Department of Health, Education,
and Welfare.

May 25, 1971.

Subject: Program Modification.

To: All Employees of Bureau of Community Environmental Management.

1. The DHEW budget submitted for F.Y. 1972 provided for significant reductions in the budget of the Bureau of Community Environmental Management. Accordingly, it will be impossible to continue all of the programs now being supported by these funds and the Department has determined that it will be necessary to initiate formal reduction-in-force procedures.

2. It is most unfortunate that this decision has been reached because it means that staff associated with BCEM program operations must be cut severely. However, please be assured that every effort will be made to retain with the Bureau as many positions as possible and to find reassignments for as many more as might be interested. Nevertheless, it is still probable that some official reduction-in-force actions may be necessary. It is planned that all employees will be kept abreast of future developments so that each might be informed of impending actions at the earliest possible date.

3. I would like to extend to each of you my sincere appreciation for the commendable manner in which you have executed your responsibilities for the Bureau's programs.

Robert E. Novick,
Director, Bureau of Community Environmental Management.

House of Representatives,
Washington, D.C., June 14, 1971.

Hon. Elliot L. Richardson,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: I am very much concerned regarding the budget requests for fiscal year 1972 for the Bureau of Community Environmental Management. This division of the Department of Health, Education, and Welfare was delegated responsibility on March 5, 1971, by the Assistant Secretary of Health, Education, and Welfare for implementation of the Lead-Based Paint Poisoning Prevention Act, P.L. 91-695.

Inasmuch as the Lead-Based Paint Poisoning Prevention Act authorizes $25 million of funds to be expended by the Department of Health, Education, and Welfare in fiscal year 1972, it is essential that the Bureau have sufficient staff to man the programs authorized by the Act. In fact, the implementation plan prepared by the Department, and dated March 18, 1971, requests 47 additional staff members for the lead poisoning prevention programs.

However, the budget requests of your department for fiscal year 1972 in fact reduce the budget of the Bureau of Community Environmental Management. Consequently, the Director of the Bureau has, by memorandum of May 25, informed all employees of the Bureau that "it will be necessary to initiate formal reduction-in-force procedures."

As the Director states in his memorandum, "It is most unfortunate that staff associated with BCEM program operations must be cut severely."

I most strongly urge that you take the necessary steps to avert the contemplated reduction in force. I particularly stress the need for such measures in light of the moneys which hopefully will be forthcoming from the Congress for implementation of the Lead-Based Paint Poisoning Prevention Act. It is not a reduction of employee numbers which should be contemplated, but rather an increase, so that that Act, and the other programs conducted by the Bureau, may be efficiently and adequately begun, maintained or expanded, as the case may be.

With best regards,

Sincerely,

William F. Ryan,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Gettys (at the request of Mr. Boggs), for Monday, June 14, through Thursday, June 17, on account of official business.

Mr. Jones of North Carolina (at the request of Mr. Boggs), for today on account of official business.

Mr. Helstoski (at the request of Mr. Boggs), for today through June 22, on account of official business.

Mrs. Grasso (at the request of Mr. Boggs), for the week of June 14, on account of death in the family.

Mr. Corman, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. Rooney of New York, today, for 30 minutes.

(The following Members (at the request of Mr. Young of Florida) to revise and extend their remarks and include extraneous material:)

Mr. McCloskey, for 1 hour, today.

Mr. Price of Texas, for 30 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Hosmer, for 10 minutes, Tuesday, June 15.

Mr. Chamberlain, for 15 minutes, Tuesday, June 15.

(The following Members (at the request of Mr. Link) to revise and extend their remarks and include extraneous material:

Mr. Rosenthal, for 10 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Boland, for 10 minutes, today.

Mr. Foley, for 10 minutes, today.

Mr. Holifield, for 25 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Van Deerlin, for 60 minutes, June 16.

Mr. Mitchell, for 60 minutes, June 17.

Mr. Vanik, for 20 minutes, June 15.

(The following Member (at the request of Mr. Sebelius), to revise and extend his remarks and include extraneous matter:)

Mr. Halpern, for 5 minutes, today.

(The following Members (at the request of Mr. Link) to revise and extend their remarks and include extraneous material:)

Mr. Randall, for 30 minutes, today.

Mr. Abourezk, for 10 minutes, today.

Mr. Purcell, for 10 minutes, today.

Mr. Aspin, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Saylor.

Mr. Edmondson in two instances.

Mrs. Green of Oregon in three instances, and to include extraneous material.

(The following Members (at the request of Mr. Young of Florida) and to include extraneous material:)

Mr. Broomfield in 10 instances.

Mr. McKinney.

Mr. Brown of Ohio.

Mr. Mills of Maryland.

Mr. Scherle in 10 instances.

Mr. Derwinski.

Mr. Price of Texas.

Mr. Baker.

Mr. Schwengel in three instances.

Mr. Horton.

Mr. Duncan in two instances.

Mr. McClory.

Mr. Thone.

Mr. Nelsen in two instances.

Mr. Pettis.

Mr. Myers.

Mr. Hunt in two instances.

Mr. Miller of Ohio.

Mr. Burke of Florida.

Mr. Vander Jagt.

Mr. Bray in two instances.

Mr. Reid of New York.

Mr. Chamberlain.

Mr. Gerald R. Ford in three instances.

Mr. Fulton of Pennsylvania in five instances.

(The following Members (at the request of Mr. Link) and to include extraneous material:)

Mr. Jacobs.

Mr. Stuckey in two instances.

Mr. Pucinski in six instances.

Mr. Murphy of New York.

Mr. Long of Maryland.

Mr. Begich in four instances.

Mr. Hamilton.

Mr. Conyers.

Mr. Foley in two instances.

Mr. Harrington in four instances.

Mr. Corman.

Mr. Boggs.

Mr. Rarick in three instances.

Mr. Charles H. Wilson.

Mr. Evins of Tennessee.

Mr. Hathaway in two instances.

Mr. Satterfield in three instances.

Mr. Minish in two instances.

Mr. Monagan in two instances.

Mrs. Abzug.

Mr. Dingell in two instances.

Mr. Hagan in two instances.

Mr. Udall in 10 instances.

Mr. Ryan in three instances.

Mr. Rangel.

Mr. Holifield.

Mr. Gonzalez in two instances.

Mr. Annunzio in two instances.

Mr. Cotter in five instances.

Mr. Aspin in two instances.

Mr. Waldie in three instances.

(The following Member (at the request of Mr. Sebelius) and to include extraneous matter:)

Mr. Schmitz.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 11, 1971 present to the President, for his approval, bills of the House of the following titles:

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets numbered 79–A, 153, 158, 209, and 231, and for other purposes; and

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, and for other purposes.

ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 15, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

837. A letter from the Chief Justice of the United States, transmitting the proceedings of the meeting of the Judicial Conference, March 15–16, 1971 (H. Doc. No. 92–124); to the Committee on the Judiciary and ordered to be printed.

838. A letter from the Secretary of Health, Education, and Welfare, transmitting the third report on the medicare program, pursuant to section 1875(b) of the Social Security Act (H. Doc. No. 92–125); to the Committee on Ways and Means and ordered to be printed with illustrations.

839. A letter from the Assistant Secretary of Defense (Comptroller), transmitting reports for the third quarter of fiscal year 1971 of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, pursuant to section 812 of Public Law 91–668, and of expenses involved in the production of lumber and timber products, pursuant to 10 U.S.C. 2665; to the Committee on Appropriations.

840. A letter from the Assistant Secretary of the Army (Installations and Logistics), transmitting a report on progress in the disposal of certain chemical munitions and bulk agents stored at several Army installations; to the Committee on Armed Services.

841. A letter from the Secretary of Transportation, the Commissioner of the District of Columbia, and the Chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority, transmitting a draft of proposed legislation to amend the National Capital Transportation Act of 1969 (83 Stat. 320) to provide for Federal guarantees of obligations issued by the Washington Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

842. A letter from the Deputy Secretary of Defense, transmitting the annual report and the annual audit for fiscal year 1970 of the American National Red Cross, pursuant to the act of incorporation, as amended; to the Committee on Foreign Affairs.

843. A letter from the Director of the Peace Corps, transmitting a draft of proposed legislation to further amend the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Affairs.

844. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed amendment to the concession contract for the provision and operation of certain concession facilities and services within the Mount Rainer National Park, Wash.; for the year ending December 31, 1971, pursuant at 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

845. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 270, *The Chickasaw Nation, Plaintiff* v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee Interior and Insular Affairs.

846. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 297, *The Cherokee Nation, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

847. A letter from the Secretary of Transportation, requesting the authorization of appropriations for the design, construction, and equipping of a compliance test facility, to test manufacturers' compliance with Federal motor vehicle safety standards, together with a prospectus for the proposed facility, pursuant to Public Law 91–265; to the Committee on Interstate and Foreign Commerce.

848. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

849. A letter from the Secretary of Health, Education, and Welfare, transmitting a report concerning grants approved by his Office which are financed wholly with Federal funds and subject to the reporting requirements of section 1120(b) of the Social Security Act, covering the 3 months ended March 31, 1971; to the Committee on Ways and Means.

850. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting an amended draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 9080. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

By Mr. BADILLO:

H.R. 9081. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 9082. A bill to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURLISON of Missouri:

H.R. 9083. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. DELLENBACK:

H.R. 9084. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of a plan to rehabilitate the Savage Rapids Dam and appurtenant facilities on the Rogue River in Jackson County, Oreg.; to the Committee on Interior and Insular Affairs.

By Mr. DICKINSON:

H.R. 9085. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces captured by hostile forces may accumulate leave without limitation during the period of their capture, and for other purposes; to the Committee on Armed Services.

H.R. 9086. A bill to amend the Livestock Transportation Act to include common carriers by motor vehicle, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H.R. 9087. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. HARVEY (for himself, Mr. Anderson of Illinois, Mr. Broyhill of North Carolina, Mr. Cederberg, Mr. Chamberlain, Mr. Conable, Mr. Dellenback, Mr. Derwinski, Mr. Devine, Mr. Erlenborn, Mr. Frelinghuysen, Mr. Frenzel, Mr. Frey, Mr. Gettys, Mr. Halpern, Mr. Harrington, Mr. Hosmer, Mr. Hutchinson, Mr. Keating, Mr. Keith, Mr. Lloyd, Mr. McClory, Mr. McCloskey, Mr. McDonald of Michigan, and Mr. Morse):

H.R. 9088. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY (for himself, Mr. Mosher, Mr. Rees, Mr. Robison of New York, Mr. Roybal, Mr. Schwengel, Mr. Shriver, Mr. Stafford, Mr. J. William Stanton, Mr. Vander Jagt, Mr. Whitehurst, Mr. Bob Wilson, and Mr. Zablocki):

H.R. 9089. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 9090. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9091. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself, Mr. Dulski, Mr. Udall, Mr. Daniels of New Jersey, Mr. Nix, Mr. Hanley, Mr. Charles H. Wilson, Mr. Waldie, Mr. White, Mr. William D. Ford, Mr. Hamilton, Mr. Brasco, Mr. Purcell, Mr. Bevill, and Mr. Chappell):

H.R. 9092. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California (for himself, Mr. Aspinall, Mr. Saylor, Mr. Hosmer, Mr. Haley, Mr. Edmondson, Mr. Baring, Mr. Taylor, Mr. Udall, Mr. Kyl, Mr. Skubitz, Mr. Don H. Clausen, Mr. Foley, Mr. Meeds, Mr. Vigorito, Mr. Lloyd, Mr. Dellenback, Mr. Kazen, Mr. McClure, Mr. Camp, Mr. Roncalio, Mr. Begich, Mr. McKevitt, Mr. Abourezk, and Mr. Córdova):

H.R. 9093. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MACDONALD of Massachusetts:

H.R. 9094. A bill to amend title 10 of the United States Code to prohibit the discharge or release from active duty from the Armed Forces of persons who are addicted to narcotics or dangerous drugs; to the Committee on Armed Services.

H.R. 9095. A bill to expand eligibility for the treatment of addiction to narcotics by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself, Mrs. Hicks of Massachusetts, Mrs. Grasso, Mr. Wolff, Mr. Saylor, Mr. Zwach and Mr. Wylie):

H.R. 9096. A bill to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 9097. A bill to define the terms, "widow," "widower," "child," and "parent," for servicemen's group life insurance purposes; to the Committee on Veterans Affairs.

By Mr. PERKINS (for himself and Mr. Pucinski):

H.R. 9098. A bill to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. PETTIS:

H.R. 9099. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. PRICE of Texas:

H.R. 9100. A bill to allow a 20-percent credit against the Federal individual income tax for State and local income taxes, and to increase substantially the credit against the Federal estate tax for State death taxes; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 9101. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. Haley, Mr. Gross, Mr. Waggonner, Mr. Satterfield, and Mr. Schmitz):

H.R. 9102. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. REID of New York:

H.R. 9103. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property; to the Committee on Ways and Means.

By Mr. RIEGLE (for himself, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Harrington, Mr. Halpern, Mr. Rosenthal, Mr. Gonzalez, Mr. Podell, Mrs. Chisholm, Mr. Rees, Mr. Roe, Mr. Waldie, Mr. Morse, Mr. Mitchell, Mr. Badillo, Mr. Denholm, Mr. Dellums, and Mrs. Abzug):

H.R. 9104. A bill to amend title 38 of the United States Code to provide public service employment for Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mr. ROSENTHAL (for himself, Mr. Addabbo, Mr. Burton, Mrs. Chisholm, Mr. Dent, Mr. Dellums, Mr. Donohue, Mr. Edwards of California, Mr. Eilberg, Mr. Esch, Mrs. Grasso, Mr. Halpern, Mr. Hansen of Idaho, Mr. Harrington, and Mr. Hawkins):

H.R. 9105. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced-rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Koch, Mr. Madden, Mr. McKevitt, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Nix, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Seiberling, Mr. Tiernan, Mr. Waldie, and Mr. Yatron):

H.R. 9106. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced-rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHMITZ:

H.R. 9107. A bill to permit deductions in certain cases for child-support payments to be made from the retired pay of former members of the Armed Forces; to the Committee on Armed Services.

By Mr. SIKES:

H.R. 9108. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. Wyatt, Mr. Adams, Mr. Begich, Mr. Pike, and Mrs. Reid of Illinois):

H.R. 9109. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself and Mr. Waldie):

H.R. 9110. A bill to equalize the retirement and life insurance benefits of certain Members of the 92d Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WAGGONNER:

H.R. 9111. A bill relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act; to the Committee on the Judiciary.

H.R. 9112. A bill to amend the act of December 22, 1944, relating to the sale of electric power from reservoir projects under the jurisdiction of the Secretary of the Army; to the Committee on Public Works.

By Mr. WATTS:

H.R. 9113. A bill to amend the Internal Revenue Code of 1954 to provide for reasonable additions to bad-debt reserves for qualifying real property loans by banks comparable to such additions by certain other financial institutions; to the Committee on Ways and Means.

By Mr. FISHER:

H.J. Res. 703. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. RHODES (for himself, Mr. Udall and Mr. Steiger of Arizona):

H.J. Res. 704. Joint resolution directing the Secretary of State and the Secretary of the Interior, through the Bureau of Reclamation, to study the economic and engineering feasibility of acquiring riparian rights from the Republic of Mexico to water in the Gulf of California for the piping and pumping of water from the Gulf of California to Arizona for irrigation purposes; to the Committee on Foreign Affairs.

By. Mr. STEELE (for himself, Mr. Archer, Mr. Baker, Mr. Conte, and Mr. Winn):

H.J. Res. 705. Joint resolution designation of the month of October of each year as "Drug Awareness Month"; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. Abourezk, Mr. Evans of Colorado, Mr. Green of Pennsylvania, Mr. Karth, Mr. Meeds, Mr. Reuss, and Mr. Tiernan):

H. Res. 477. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

213. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, requesting Congress to call a convention for the purpose of amending the Constitution to provide for intergovernmental sharing of Federal income tax revenues; to the Committee on the Judiciary.

214. Also memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the designation of August 15, 1971, as a "World Prayer for Peace Day"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRENZEL:

H.R. 9114. A bill for the relief of Edward C. Harley; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 9115. A bill for the relief of Hector Enrique Gonzales; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 9116. A bill for the relief of Maria Justina Soto-Castillo; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 9117. A bill for the relief of Nicola Femia; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 9118. A bill to authorize Lt. Comdr. Dallas E. Cassel, U.S. Navy, to accept employment with the Government of New Zealand; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

82. By the SPEAKER: Petition of the Board of Commissioners, Ramsey County, Minn., relative to appropriations for the war in Southeast Asia; to the Committee on Appropriations.

83. Also, petition of the City Council, Solon, Ohio, relative to restoring a bulk mail handling station to the Greater Cleveland area; to the Committee on Post Office and Civil Service.

84. Also, petition of the City Council, Redlands, Calif., realtive to Federal-State revenue sharing; to the Committee on Ways and Means.

SENATE—*Monday, June 14, 1971*

The Senate met at 12 o'clock noon and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our God, who hast established sovereignty by the people's will, we thank Thee for those in every age whom Thou hast raised up to defend our liberty, preserve our union, guide our decisionmaking, and maintain law and order. Give us wise and fearless leaders and commanders in every time of need. Enlighten by Thy spirit all whom we have set in authority over the Nation that they may lead with wisdom and strength and the Republic be preserved in peace, unity, strength, and honor. Take under Thy guidance and protection the President, the Governors, the lawmakers, the judges, the law enforcers, and all those in the diplomatic and military services, defending them from all evil and enriching them with all good so that the people may prosper in freedom beneath an equal law and this Nation may magnify Thy name in all the earth. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 14, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 11, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to convene at 11:30 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, upon completion of the recognition of the two leaders under the standing order tomorrow, that the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, following the remarks of the distinguished Senator from Missouri (Mr. SYMINGTON), and any other Senators for whom orders may subsequently be granted, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon completion of the routine morning business on tomorrow, the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LOBBYING IN LUXURY

Mr. SCOTT. Mr. President, last week we enjoyed the ministrations of the National Convocation of Lawyers To End the War. They were, of course, exercising their right to express their views on a public question to the Members of Congress.

An interesting and candid appraisal of this effort by Ernest B. Furgurson appeared in a recent issue of the Baltimore Sun.

Writes Mr. Furgurson:

> Ah, the luxury of being out of office. That is what the who's who of American bar is enjoying to the fullest as it tries this week to pressure Congress and the President to quit Vietnam, willy-nilly by New Year's Eve.

Mr. Furgurson makes the point that the convocation, although different in its choice of dress and verbiage, is asking just what the mass marchers and the bearded veterans and the Mayday tire-slashers were asking—get the war over with today or by a certain date in the near future, and don't give us any excuses about having to do it gradually and responsibly.

He notes this "slice of the Nation's legal establishment is heavily loaded with Democrats," and that there is a tinge of party politics in the effort.

The one difference between them and the administration is that—

> Mr. Nixon has the responsibility of seeing that withdrawal does not turn into panic, and that the effort to which we have devoted so much blood and money in Indochina does not collapse while our troopships are barely weighing anchor. As for the lobbying lawyers, they have the luxury of being out of office—and responsibility.

Mr. President, I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Baltimore Sun, June 8, 1971]

LOBBYING IN LUXURY

(By Ernest B. Furgurson)

Washington.—Ah, the luxury of being out of office.

That is what the who's who of the American bar is enjoying to the fullest as it tries this week to pressure Congress and the President into action to quit Vietnam willy-nilly by New Year's Eve. Their conception is that a carefully coiffed, custom-tailored collection of lawyers speaking legalese may get results where a mallful of other protesters with long dirty locks, surplus-store wardrobes and foul vocabularies had no luck a few weeks ago.

Logically, they might. They are, after all, addressing their peers. There are more lawyers than anything else in Congress. There are more lawyers than anything else in the administration, too, unless perhaps they are outnumbered by public relations and advertising men. Such men are impressed by exhaustively documented briefs and LL.B. degrees and the kind of confidence exuded by colleagues who long ago banked their first million in clients' fees. And they might even be lulled into a false sense of comradeship by the negative facts that the current petitioners do not come bearing Viet Cong flags and hurling garbage.

But in truth the National Convocation of Lawyers to End the War is asking just what the mass marchers and the bearded veterans and the Mayday tireslashers were asking—get the war over with, either today or by a certain date in the near future, and don't give us any excuses about having to do it gradually and responsibly.

And in additional truth, this slice of the nation's legal establishment is heavily loaded with prominent Democrats—former officeholders, dependable party contributors, selfless servers on boards and commissions—plus a few Republicans, mainly those publicly disillusioned with the present President.

The lawyers are, of course, only part of the week-long effort calling itself the Lobby of Americans, which includes businessmen, religious groups, civil rights and environmental groups, women's organizations, teachers, professionals and "senior citizens."

But the lawyers are the ones with the biggest names, and the ones most out of place in the context of earlier, less restrained antiwar campaigns.

Clark Clifford, for example. Adviser to Democratic presidents since Harry Truman in World War II. Chairman of the President's Foreign Intelligence Advisory Board during the years of the great Vietnam buildup. Secretary of Defense in the closing months of the Johnson administration.

It was in 1968 that Clifford was described as "the most influential advocate within the President's inner circle of a hard-line, hawk policy in Vietnam." He opposed Mr. Johnson's bombing pauses, and argued that only unremitting military pressure would convince Hanoi that the war was not worth its cost, and thus bring the fighting to an end.

Since then, he has described the change of heart he underwent while examining the military requests for more troops after the Tet campaign, and perhaps rightly he takes credit for influencing Mr. Johnson to do what he finally did.

But it was not until he and Mr. Johnson were six months out of office that he published his widely quoted *Foreign Affairs* article concluding that the United States should get out of the war by a "specified end point."

This is not to quarrel with his reappraisal, or its genuineness. Nor is it to say that men like him should not lobby for the cause of withdrawal; it is a welcome change to hear reason and experience substituted for clamor and arrogance.

Those listening, however, should put the lobbying effort, particularly what is said by this group of lobbying lawyers, into the perspective of party politics. That kind of perspective already makes clear Mr. Nixon's intentions as he continues gradual withdrawal of troops leading up to next year's presidential election.

If these prominent Democrats and their few Republican friends like the purged Senator Charles Goodell of New York allow the President to time the homeward movement of our forces as he would have it, then Mr. Nixon is indeed likely to run for re-election as a "peace President" in 1972. But if they lay down an emphatic record of having urged a total pullout months before the election, and the record shows that Mr. Nixon refused to meet that deadline, then they can maintain that he is the President who let the war drag on and on.

The difference between them is that Mr. Nixon has the responsibility of seeing that withdrawal does not turn into panic, and that the effort to which we have devoted so much blood and money in Indochina does not collapse while our troopships are barely weighing anchor. As for the lobbying lawyers, they have the luxury of being out of office—and responsibility.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Alaska (Mr. Gravel) for not to exceed 15 minutes.

DECISIONMAKING PROCESSES IN GOVERNMENT

Mr. GRAVEL. Mr. President, the weekend was a boon with respect to new information that came to light. Former Secretary of Defense McNamara will go down in the history of this Nation for the reason that he initiated a study that has brought to light the decisionmaking processes of this Government. I shall not have very much to say on it this morning, but I give notice to the Senate that I shall be giving my opinions on this study and its impact. It will be most salutary, in a system of representative government, for the American people to begin to find out how the decisions were made which led to our involvement in Vietnam, and how many people around the world knew what was going on, and that the last to know were the American people. A great service was rendered. I shall be asking unanimous consent to have printed in the Record a complete text of that study, and my comments on it, but first I wish to go to another interesting subject.

I noted in the Washington Post for June 12, 1971, an article entitled "Navy Fears United States Couldn't Counter Attacks on Israel, Korea Next Year." That was on the first page. On the runner-up page is, "Navy Sees Threat in Soviet Sea Power."

It is interesting that here we have an article which I am sure was circulated around the entire United States but does not have anyone's name attached to it. It just says, "The Navy's Top Leadership," and then continues in the article to talk about the "Navy's top leadership."

The first paragraph I will read:

> The Navy's top leadership says that the balance of power in the Mediterranean is tipping so rapidly in Russia's favor that in another year the U.S. would be unable to stop a joint Soviet-United Arab Republic thrust into Israel.

The whole import of the article is simple, if one understands the process of how this is done in this country. The idea is to show that we have a problem, that the Navy needs money, that we have a threat since Soviet power is growing in the Mediterranean and the Indian Ocean, and that if Congress does not hurry up and appropriate the money to the U.S. Navy bad things will happen to our posture in the world.

Mr. President, I ask unanimous consent to have the entire article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, June 12, 1971]

NAVY FEARS UNITED STATES COULDN'T COUNTER ATTACKS ON ISRAEL, KOREA NEXT YEAR

(By Michael Getler)

The Navy's top leadership says that the balance of power in the Mediterranean is tipping so rapidly in Russia's favor that in another year the U.S. would be unable to stop a joint Soviet-United Arab Republic thrust into Israel.

These high-ranking officials say that if such a situation developed after mid-1972, their recommendation to the President, based purely on military grounds, would be to let Israel be overrun.

While the President might overrule such advice, the Navy's view is that the time is fast approaching when the United States will not be able to stop such an attack across the Suez Canal and the Berai Desert.

These military leaders back their assessment by citing the build-up of new Russian ships, submarines and bases in the Mediterranean in contrast to the smaller and older U.S. Sixth Fleet and the loss of all U.S. air and naval bases in the Middle East.

They say the situation is further complicated because overt U.S. defense of Israel in a severe crisis would not involve NATO. Thus, U.S. allies in central and southern Europe might be reluctant to get involved by giving permission for American troops transports and fighter-bombers based in Europe to overfly their countries.

In last summer's Jordanian crisis, Navy leaders say U.S. plans to move troops from Germany and elsewhere involved long overwater detours around the centrol European land mass.

With the possible exception of Greece, there were indications, according to the Navy, that requests for flyovers would probably have been turned down by those NATO countries, including France, whose territory would have been crossed.

In an interview yesterday, Navy leaders expressed none of the optimism which has been apparent lately regarding the prospects for reduced military tensions between the U.S. and U.S.S.R.

On the recently announced attempt by Washington and Moscow to break the deadlock at the Strategic Arms Limitations Talks, the Navy view is that the United States seized on such an agreement "because it was the best one we could get."

The Navy believes that the Soviets already have clear superiority in a number of strategic areas—such as submarines, missile launchers and total warhead megatonnage—

and will eventually overcome the U.S. lead in multiple warheads.

The view from the Navy high command is that Soviet strategy over the next few years will seek to take advantage of what the Navy sees a steadily weakening U.S. military posture, especially at sea.

Officials say Israel is not the only possible flash point.

They say that a Soviet-backed move by North Korea against South Korea would also be extremely hard for the United States to counter with conventional weapons as the fleet and U.S. overseas bases continue to decline.

The Soviet strategy, as the Navy sees it, will be to focus on those areas—the Middle East, Indian Ocean and Asia—which do not involve NATO in order to keep the United States reasonably isolated from any additional support.

The Navy says that attacks against Israel and renewed action in Korea is not inevitable, but they cite these two examples as the type of thing likely to occur if the United States drops its defenses any lower.

Congressional sources confirm that the Navy's top military brass have expressed similar views in closed congressional hearings over the Navy's $21.3 billion fiscal 1972 budget.

Navy officials also believe that the Soviets will engage in a continuing series of actions in much less volatile areas to test U.S. resolve believe attempting anything on a larger scale.

High-ranking officers say they are convinced that the Russians want to keep the Middle East unstable as a way to insure their continued presence in Egypt.

Top Navy leaders say they were confident last summer in recommending that the United States not back away from a possible confrontation with Russia when Soviet-built tanks entered Jordan from Syria. But they say by next summer they could no longer make such a recommendation to face down the Russians over Israel.

The Navy's top-ranking leaders say such episodes as having to back down over Israel and Korea might well provide enough of a jolt to Americans to "get the country to rearm."

In their view, the current attitude of military retrenchment which the Navy sees as gripping much of America will last perhaps another four or five years and then it will end in some kind of a shock such as one involving Korea or Israel.

As to the comparative naval strengths in the Mediterranean, the Navy says it has about 46 ships, including submarines, in the Sixth Fleet compared to about 60 Soviet vessels, also including subs. The United States is said to have slightly more surface combatant ships in the Mediterranean than the Soviets, but the Russians have "more than twice as many submarines," according to the Navy.

The Soviets, however, have nothing to compare in firepower with the two U.S. attack aircraft carriers, and the fleet also has been strengthened recently by addition of a helicopter carrier whose choppers could take Marines inland. The Navy says that the growing Soviet ability to use airfields and seaports in the U.A.R. is the biggest counter to the U.S. carriers.

Worldwide, the Soviet fleet outnumbers the U.S. Navy. But there are big differences in the type of navy each superpower possesses, and a number of defense analysts, while conceding that Russian seapower is growing, do not share the Navy's alarm over the United States being outgunned.

The Soviets have about three times as many submarines as the United States, but the United States holds a substantial lead in the number and quality of ballistic-missile firing subs. Both countries have a total of about 92 nuclear-powered submarines of all types, though the Soviets are building them more rapidly.

The Russians have nothing to match the 16 U.S. aircraft carriers nor do they have any nuclear-powered surface ships to match the three all-nuclear task forces of the U.S. Navy which could operate at sea indefinitely.

The Russians have a big lead, however, in the number of missile-equipped of smaller surface vessels and submarines which could knock out U.S. carriers.

Mr. GRAVEL. Mr. President, this is not a new device which is being employed. It is just an unfortunate one. I can well understand how the one who made that statement, would not wish to have his name attached to it, and would rather stand under the anonymity of "the Navy's top leadership." Certainly no admiral in the United States today would put his career on the line, or have anything placed in the record saying that within a year the Soviet Union will have this kind of power in the Mediterranean.

The Soviets do not even have a carrier. Of course, since the Second World War, we have all recognized what it means to have airpower and how effective it can be as a balance in any kind of conflict.

To begin to talk of the equity or the parity of the Soviet navy in the Mediterranean because of sheer numbers, and in light of the fact that they do not have an attack aircraft carrier force when we have three attack aircraft carriers, really begs the question. But more importantly, there has been planted a new notion which will come to fruition in this country; it is an attempt to play upon the deep emotions that a large segment of the political community has, and a large segment the American community has, with respect to our commitment to Israel.

They use this emotional commitment. They take the logical commitment and then distort it with the emotional commitment in order to use this as a device to gain larger appropriations with which to feed the continuing paranoia we have with respect to the Soviet Union.

I think it will do great harm to our clear understanding of our commitment with Israel. I want to make it known at this particular point in time that in conversations I have had with other Senators—and I was not a Member of the Senate during the 6-day war—I have asked what would have happened had the balance tipped the other way. Every Senator whom I have asked said that we would have committed troops in an all-out effort to save Israel.

It is interesting that this is what people are being led to believe would have occurred if the balance had tipped in the struggle between Israel and the Arab States—that we would have sent American troops to defend Israel.

This also reveals the lack of knowledge concerning tactical questions involved, because a termination of a conflict in that area would have been so rapid that I doubt that we would have the capability to react within the necessary period of time. I have maintained that the safety of Israel lies within Israel itself, that we should provide her with the necessary wherewithal to meet any fundamental attack. Of course, it is within the realm of possibility, but I doubt that the Soviet Union would be so foolish as to be the cutting edge in such a situation. The events in 1967 got out of hand. It was obvious that it was no part of their plan. However, for those who seek appropriations for the U.S. Navy to raise the specter of total U.S. involvement in Israel, I think, is a devious way to approach the problem.

I would hope that we could analyze the needs of our Navy without recourse to this type of action and without our telling the American people how the Soviet Union is ahead of us.

Mr. President, just as an aside, it reveals our ability to thwart the Soviet Navy in the Pacific Ocean. The Soviet Union made an effort to move into the Indian Ocean, because we had done so.

I ask the simple question why we must have a base in the Indian Ocean. What interest do we have—as we did in Guantanamo Bay—that we should spend hundreds of millions of dollars on land that was acquired by the British Government so that we could build a base there. The Soviet Union, with foolhardiness equal to ours—and in order to match us in our race—feels that it also has to have presence in the Indian Ocean.

This is not in the Soviet Union's best interest, because anyone trapped in the Indian Ocean could be pinched off. There would be no way in which the ships could get back to a safe area. They are making a tactical mistake in trying to keep up with the Joneses, so to speak. It seems to indicate that if we do foolish things, they also do foolish things, and if they do foolish things, we do also.

Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Brezhnev Asks Talk on Navies," written by Dusko Doder, and published in the Washington Post of June 12, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

BREZHNEV ASKS TALK ON NAVIES; INDIAN OCEAN, MEDITERRANEAN LIMITS URGED

(By Dusko Doder)

Soviet leader Leonid Brezhnev offered yesterday to negotiate a mutual limitation of naval forces with the United States, specifically mentioning the Indian Ocean and the Mediterranean.

It was the first time that the issue of naval fleets was introduced in the complex web of current Soviet-American disarmament negotiations.

In a sweeping foreign policy statement, Brezhnev expressed readiness "to make an equal bargain" with the U.S. on limiting mutual naval forces, and blamed the West for failure to give "a clear-cut reply" to his proposal on troop and armaments reductions in Europe.

Brezhnev spoke at the Kremlin Palace of Congresses in Moscow, where he is running for election to the Soviet of the Russian Republic. Excerpts of the address were distributed in English by the official Soviet news agency Tass.

He took his vaguely worded proposal *on* Europe a step further by suggesting that Moscow was willing to negotiate cutbacks in both Soviet and satellite armed forces in Europe.

The presence of Soviet ships in the Mediterranean and the Indian Ocean has caused growing concern in Washington. Although the Soviet naval force is relatively, small, its objective seems to be essentially political—to impress unstable African and Asian regimes and to counteract U.S. and British influence.

"We have never thought and do not think now that it is an ideal situation when the navies of great powers are sailing for a long time at the other end of the world, away from their native coasts," Brezhnev said. "We are ready to solve this problem, but to make an equal bargain."

The burden of Brezhnev's speech was that the kremlin is sincerely interested in peace and that parity with the United States must be the basis for negotiations.

Claiming the Nixon administration "recognized in words" the principle of equal security, Brezhnev said:

"In the United States, for example, hue and cry are raised time and again about Soviet defense programs, particularly on the eve of adopting a new military budget in Washington.

"The measure we take to strengthen our defenses are depicted at the same time as something well nigh treachery, a direct threat to the success of the talks.

"But what grounds, we are entitled to ask, has Washington to expect from us renunciation of the already adopted programs if the American administration itself, during the period of the talks, has taken several very big decisions of building up its strategic forces?

"It is high time to discard this double standard," Brezhnev said.

Brezhnev was more conciliatory toward the United States than were Premier Alexei Kosygin and President Nikolai Podgorny, who made foreign policy speeches Wednesday and Thursday.

However, Brezhnev's address yesterday was the most authoritative Soviet foreign policy statement since his speech at the 24th party congress March 30.

Both Kosygin and Podgorny blamed the United States for its "resistance" to reducing tensions in Europe, expressing Kremlin disappointment over Western responses to Brezhnev's earlier proposals. At a meeting in Lisbon last week, NATO foreign ministers proposed country-to-country talks with Moscow "to determine whether common ground exists" for European land force cuts.

Brezhnev yesterday indicated he was still waiting for an answer, saying that "it is true (that) without large spending on defense we would have advanced our economy at a still faster rate."

His troops reduction proposal, Brezhnev said, had "great importance for a detente and lasting peace in Europe.

"But we do not yet have a clear-cut reply," he continued. "We confirm every time that we are ready to devote the proper attention to this entire important complex question. It is quite understandable that we will act in close contact with our allies."

In the excerpts published by Tass, Brezhnev made no mention of Indochina, Berlin and the Middle East, the principal points of international tension. Also absent from the Tass text were routine denunciations of Israel.

There has been unofficial discussion in this country of some of the issues raised by Brezhnev's naval proposal. Two months ago Prof. Howard Wriggins, director of Columbia University's Institute on Southeast Asian Studies and a member of the National Security Council staff in 1967-68, urged Moscow and Washington to agree on mutual naval forces limitations in the Indian Ocean.

Such an agreement, Wriggins argued, would eliminate the possibility of the two super-powers reaching the point of "likely risks" while competing for influence in the Indian Ocean area.

U.S. officials suggested yesterday that assessments of Soviet naval strength in the Mediterranean and the Indian Ocean have been somewhat exaggerated; simply because there were no Soviet, ships in these areas 15 years ago.

The Soviets still can't match the powerful U.S. 6th Fleet in the Mediterranean. Naval sources placed Soviet strength in the Indian Ocean at one submarine, one submarine tender, one large tank-landing ship, one tanker, several missile destroyers, four frigates and several surveillance trawlers.

For the past several years, however, the Russians have been engaged in a rapid and sustained naval buildup.

Mr. GRAVEL. Mr. President, the article quotes Brezhnev—I have not read the speech of Chairman Brezhnev—as offering to negotiate a mutual limitation of naval forces, not only military forces of NATO, but also naval forces in the Mediterranean and Indian Oceans.

I can understand his desire to negotiate an agreement in the Indian Ocean, because I think they have made a serious tactical blunder. However, I think that blunder is no greater than the blunder we have made in spending hundreds of million of dollars, and have plans to spend additional hundreds of millions of dollars, for a base in the Indian Ocean.

It is interesting to note that the Soviet Union, through Chairman Brezhnev, has taken the leadership in this role and has offered to negotiate the matter. We made the first offer, but nothing came of it. I think it could be said that the Soviets have us psychologically on the run.

That could be for two reasons. First, they do sincerely want to have lower force levels around the world. I am prepared to accept that at face value. However, a more cynical interpretation would be that they are doing it, because they may have noticed that there is no great desire on the part of the leadership of this great Nation to negotiate reductions; and since they detect that lack of desire, they have come out more flagrantly and with greater risk, knowing that these offers will not be accepted, and that equal offers will not be made.

I take the former position, that they simply want peace, as we do. I think there is room for the latter or more cynical interpretation, because of what happened in Lisbon and the position this country took, rather than coming out straightforwardly and expressing a desire to negotiate eyeball to eyeball and man to man. We used delaying tactics and fractionalized the effort.

We told the various NATO members that the Soviets wanted to negotiate force reduction, but that we were not sure they meant it. We told each of them to check with the Soviets and then to tell us if the Soviets really meant it.

This is a very obvious way of saying that we do not really want to negotiate, but that we want to delay negotiations for a long period of time.

I think there may have been some desire on the part of Mr. Brezhnev to tweet us again with additional offers to negotiate.

I think the leadership leaves us in a very insecure position with respect to world opinion in this matter.

I would have hoped that this Nation, which I consider to be a peace-loving nation, would have taken greater leadership and a more direct leadership in all forms of negotiations.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 3 minutes remaining.

NUCLEAR TESTS ON AMCHITKA ISLAND

Mr. GRAVEL. Mr. President, very briefly I would like to give notice that I will be appealing repeatedly on the floor of the Senate between now and October. A 5-megaton bomb blast is supposed to take place on Amchitka Island. We have had several reports of this, particularly over the last weekend.

Mr. President, it strikes me as odd that the Government would choose to pursue experimentation with a nuclear device that is already considered obsolete by members of the scientific community.

We had hearings in Alaska. These were called for by the Governor of Alaska and by 15 other Senators and myself.

At these hearings, there was testimony by people from Alaska and by scientists from around the world. Most of the people who testified spoke against this particular undertaking, because of the risks.

No one knows the degree of risks involved. However, we do know that there are some risks. It would be most unfortunate for the United States to go ahead and have a blast of a 5-megaton bomb in the face of this risk when the scientific gain from the defense picture will not be worth it. The tests involved relate to the tests of a warhead that will be obsolete and will not be used. I hope the President will realize the risks faced by Alaska and those countries which border the Pacific rim.

What ill effect it could have upon our posture in the world and our foreign policy should an accident occur that caused damage to Japan, or Canada, or California, or caused damage to China or the Soviet Union. How ridiculous a situation we would find ourselves in if something occurred, even though as a remote accident, that would cause us to fall into such disrepute in the world community as the result of indirectly causing some destruction of the Soviet mainland. This bombing test could trigger this eventuality.

I hope the President reconsiders, and I will be speaking in this Chamber repeatedly imploring him to reconsider the present course of action which his administration has chosen to undertake in this regard. I hope he changes his mind, because of what could happen to the people of Alaska in this area.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. BYRD of Virginia) laid before the Senate messages from the President of the United

States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the transaction of routine morning business with statements therein limited to 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Gravel). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED AMENDMENT TO PRESERVE THE NEIGHBORHOOD SCHOOL CONCEPT

Mr. BYRD of Virginia. Mr. President, the distinguished Senator from Tennessee (Mr. Brock) has submitted a proposed constitutional amendment to preserve the neighborhood school concept. His amendment would prohibit the assignment to public schools on the basis of race, creed, or color. The Senator from Virginia is a cosponsor of that measure. I think it would be a step in the right direction.

The Senator from Tennessee (Mr. Brock) in an interview published in the Nashville Banner in Tennessee stated that—

> The current actions of the Health, Education, and Welfare Department and Federal courts regarding school busing "are making the people mad at the Government, period."

I concur in that assertion by the distinguished Senator from Tennessee. I think the people are getting deeply concerned with the extremism of the Federal courts and the extremism of the Department of Health, Education, and Welfare in regard to the question of busing to achieve an artificial racial balance.

I say the busing of schoolchildren hither and yon for the purpose of achieving an artificial racial balance is unjust, unfair, and not in the public interest.

Mr. President, I ask unanimous consent to have printed in the Record the interview which the Senator from Tennessee (Mr. Brock) had with the Nashville Banner on Thursday, June 10, 1971, and an editorial from the Nashville Banner of June 10, 1971, entitled "A Pattern of Reason for School Assignment." Prior to the printing of those articles in the Record, I wish to note that the Nashville Banner is, in my judgment, doing an excellent job for the people of Nashville, the people of Tennessee, and the people of the United States for its forthright editorials discussing matters of public and national interest.

There being no objection, the article and the editorial were ordered to be printed in the Record, as follows:

HEW, Courts Are Making People Mad: Brock

(By Lee Bandy)

Washington.—Sen. Bill Brock, R-Tenn., today said the current actions of the Health, Education, and Welfare department and federal courts regarding school busing "are making the people mad at government, period."

Brock's comments were made during a wide-ranging press conference with Tennessee newsmen in his Washington office. He discussed among other things revenue sharing, proposals to end the Vietnam war, ways of providing food and nutritional programs for the poor and legislation providing a federal guarantee for a bank loan to bail out Lockheed Aircraft Corp.

In discussing the changes of his school amendment providing equal treatment of students regardless of race, the Tennessee lawmaker declined to discuss its chances of approval.

"I don't know how to predict what this Congress is going to do," he said. "Almost any bill, good or bad, is in jeopardy. This is the political season. I think it should pass."

Brock expressed the opinion, "that men of reason can support an amendment of this tone that doesn't have racial overtones."

Asked if HEW's massive busing plan for Nashville and the federal court's involvement would hurt President Nixon's re-election chances in Tennessee next year, the senator replied:

"Situations like this have to create some difficulty for those who hold public office today. People tend to assume too much power under the President. He gets blamed for everything. But Mr. Nixon cannot tell the court in Nashville what to do."

HEW's plan would require crosstown busing of an extra 14,500 students in Davidson County. Sens. Brock and Howard H. Baker, R-Tenn., have criticized the proposal.

Brock said people in the country don't like their children being bused across town to achieve some sociological balance.

Instead of transporting students in an effort to improve the quality of education, the junior senator suggested that more funds be spent to improve inner city schools. He voiced the opinion that improving the quality of schools was better than transporting students across town to destroy a good educational system.

Brock Amendment Timely: A Pattern of Reason for School Assignments

Sen. Bill Brock's proposed amendment to preserve the neighborhood school concept, for an enrollment pattern of reasoned convenience to the children—and forbidding assignment on the basis of race, creed or color—comes squarely to grips with, and would resolve equitably, a challenge and question deeply concerning the public school constituency, it involves far more than those of Tennessee, or of the South.

It addresses itself directly to the issue of busing—or transportation of students for a distance for the purpose of achieving racial balance. The step of redress proposed puts the responsibility of decision in the hands of the people, where it belongs.

It is not an oversimplification to say, as millions of citizens have said, and numerous public officials including President Nixon—that the neighborhood concept is best. It is the logical one, and relates the child to the immediate environs of his home community. It also avoids the multiplication of costs which would be increased by a needlessly enlarged bus program; the more unthinkable in a period when taxpayers are pleading for a reasonable reduction of costs. As has been pointed out, the money such needless busing would require would have to come out of a budget already strained, and at the expense of some essential educational service.

This newspaper has said that the vast majority of the American people oppose the busing proposal—whether it is inflicted as an idea, or an alternative, on the South exclusively, or on the North as well. And the opposition is not identified with a color line; the objection to it is irrespective of race.

The Brock amendment is joined by Tennessee Sen. Howard Baker, Virginia's Sen. Harry F. Byrd; James B. Allen, of Alabama; Strom Thurmond of South Carolina, John Tower of Texas; William B. Spong Jr., of Virginia; James O. Eastland of Mississippi, and Wallace F. Bennett of Utah. Unquestionably the Senate backing will grow—representative of the states which share a conviction both of sense and of justice.

No one has pointed out more clearly the logic of such a basic correction—and point of law within the obvious meaning of the Constitution. The fact underscored is that the busing idea would unmistakably reverse the basic premise of the 1954 Supreme Court ruling against segregation. In Sen. Brock's language:

"Seventeen years ago, in its landmark decision of 1954, the court prohibited pupil assignment to schools on the basis of race. Now it has chosen to reverse itself."

He interprets that fact alright. He has offered a timely and effective correction.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPAIN SHOULD BE INVITED TO BE NATO MEMBER

Mr. BYRD of Virginia. Mr. President, on May 6, I spoke in the Senate expressing my view that the time has come to invite Spain to become a member of the North Atlantic Treaty Organization.

Spain always has been of great importance in European defense plans. The United States recognized this as early as 1951, when diplomatic relations between this country and Spain were renewed after the interlude of World War II and the immediate postwar period.

In overall military power, only two of our NATO partners—West Germany and Turkey—clearly are stronger than Spain. Spanish membership in NATO clearly would represent a desirable strengthening of the alliance.

I think it would be a step in the direction of realism if Spain were to be admitted to NATO.

I was pleased to read in the New York Times of June 12, 1971, a dispatch from Madrid by Richard Eder entitled "United States Stepping Up Efforts for Spanish Link to NATO." I think that is a realistic and desirable thing to do.

Mr. President, I ask unanimous consent to have printed in the Record the speech which I made in the Senate on May 6, 1971, and the article entitled "United States Stepping Up Efforts for Spanish Link to NATO," published in the New York Times of June 12, 1971.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR HARRY F. BYRD, JR.

It is my view that the time has come to invite Spain to become a member of the North Atlantic Treaty Organization.

During the Easter recess of the Congress, I visited Spain, North Africa and NATO headquarters at Brussels in an effort to assess two things:

The extent and significance of Soviet penetration of the Mediterranean region, particularly North Africa;

And the situation concerning the commitments of the United States and our partners in the North Atlantic Treaty Organization in Europe.

I came away deeply impressed with the strategic importance of Spain in the defense of Europe and the Mediterranean.

Spain always has been of great importance in European defense plans. The United States recognized this as early as 1951, when diplomatic relations between this country and Spain were renewed after the interlude of World War II and the immediate postwar period.

In 1953 the United States negotiated its first base agreement with the Spanish government, which has been twice extended, with modifications.

Today the Spanish bases have greater importance than ever before.

One reason why this is so is the extensive penetration of the Middle East, the Mediterranean and North Africa by the Soviet Union. During my visit to that region, it was driven home to me that the Russians are seeking to become the dominant power in the entire Mediterranean area.

Not only do the Soviets maintain a sizable fleet in the Mediterranean waters, but they have become the major force supporting the Arab nations in their continuing struggle against Israel.

Today Egypt has become virtually a dependency of the Soviet Union. And just this month an Arab federation including Egypt, Libya and Syria was formed.

Actually, of the five nations on the African shore of the Mediterranean, only Tunisia and Morocco are friendly to the West. Algeria, while not yet in the Soviet orbit, is unfriendly to the Western allies and represents a fertile field for Russian penetration.

After a revolution deposed the former government of Libya, the United States was forced to close down the operations at Wheelus Air Base located in that country. These operations were moved to Zaragoza, one of two modern U.S. air bases in Spain. (A third air base is on a stand-by basis in Spain.)

The United States naval base at Rota, on the Spanish Atlantic coast near Gibraltar, is extremely important to the operations of the U.S. 6th Fleet in the Mediterranean Sea.

Given the present political and strategic situation in the Mediterranean region, it is clear that Spain is of critical importance to the South flank of the NATO alliance.

The exclusion of Spain from NATO results primarily from the opposition of powerful socialist parties in several European nations, notably Norway, Denmark, the Netherlands and Belgium.

Much of the opposition to Spanish entry into NATO can be traced to the role of Spain in the early years of World War II.

It seems to me that it is time for such matters to be forgotten. We should bear in mind that two of this nation's strongest allies are Japan and Germany, the nations who were the chief opponents of the Allies in World War II.

Portugal is already a member of NATO. Inclusion of Spain in the Alliance would extend NATO coverage across the Iberian peninsula. This in turn would greatly strengthen the position of NATO both in Europe and in the Mediterranean.

The peacetime army of Spain consists of five divisions and sixteen brigades. The mobilization potential of this army is considered to be 40 divisions.

Spain also has a navy of 80 ships and an air force of nearly 200 modern aircraft. Both the navy and the air force could be more than doubled in time of war.

In over-all military power, only two of our NATO partners—West Germany and Turkey—clearly are stronger than Spain. Spanish membership in NATO certainly would represent a desirable strengthening of the Alliance.

I think it would be a step in the direction of realism if Spain were to be admitted to NATO. Differences of political ideology within member countries of the Alliance have not destroyed it in the past, and there is no reason to suppose that the addition of Spain to the ranks of the allies would in any way weaken it.

We should bear in mind that the Soviet Union is never reluctant to cooperate with other nations whose governments are ideologically opposed to communism.

Realism suggests that the members of NATO should not attempt to insist that all members of the Alliance be models of democracy.

Addition of Spain to NATO could help reduce the burden on the United States of maintaining a huge contingent of forces in Europe. Today the United States has 300,000 servicemen and 200,000 dependents in the European area.

There has been a great deal of discussion in this country as to whether the United States should maintain its present level of troop commitments in Europe. In the Senate itself, Senator Mansfield has sponsored a resolution calling for a reduction in the U.S. troop level in Europe.

Addition of Spanish forces to NATO would help to make feasible a reduction in the American burden and would make a solid contribution to the strength of the Alliance.

Spain is a member of the West European family of nations. She belongs in the ranks of the Alliance which is the principal instrument of West European security.

[From the New York Times, June 12, 1971]

U.S. STEPPING UP EFFORTS FOR SPANISH LINK TO NATO

(By Richard Eder)

MADRID.—The United States has stepped up its efforts to establish formal links between Spain and the North Atlantic Treaty Organization.

When NATO's Defense planning committee met two weeks ago in Brussels, Secretary of Defense Melvin R. Laird submitted a paper that asserted that the protection of the Atlantic alliance's southern flank was seriously hampered by the lack of Spanish participation.

According to informed diplomats here, the paper stated emphatically that an arrangement to link Spain to the alliance must be worked out. No public mention of it has been made because of the sensitivity among some NATO members on the subject of Spain.

Spanish membership in NATO was first proposed by the Eisenhower Administration, but for many years the United States refrained from pushing the proposal. Opposition to the regime of Generalissimo Franco is a major tenet of many of Europe's democratic parties, and at various times it would have been politically impossible for Britain, West Germany, Belgium and Denmark to accept Spain.

FORMAL ARRANGEMENTS SOUGHT

The current American initiative, described by American and other sources as the most vigorous to date, does not call for full Spanish membership but rather for less public though formal arrangements between Spanish military commands and NATO's.

One such proposed arrangement would be the stationing of Spanish military representatives at NATO commands in Brussels and Lisbon. Another would be the integration into NATO's aircraft control and warning system of Spain's own network.

At present Spain's aircraft warning system is linked with United States commands in Europe through an arrangement provided by the agreement on military bases between the two countries. There is thus an indirect linkage to the NATO system, but the Americans argue that a direct hookup would be more effective.

American military authorities also want Spanish participation in naval patrolling by NATO forces in the western Mediterranean.

The renewed American interest in a Spanish tie to NATO dates from early in the Nixon Administration. It rests, at least in part, on a wide-ranging review of United States strategy made by David Packard, the Deputy Secretary of Defense.

SOVIET POWER CITED

The American argument cites the growth of Soviet power in the Mediterranean; the loss of United States bases in the area; doubts about the future of nonalignment of Morocco, Algeria and Tunisia, and the withdrawal of France from NATO's military commands, which took place in 1966.

To United States military planners, any doubts about the future of Spain after Franco are outweighed by the regime's present ideological firmness and by Spain's important geographical position—she is protected by distance and the Pyrenees from the Soviet Army, and dominates entry into the western Mediterranean.

American military planners, in some of their contingency plans, have regarded Spain as a possible last-ditch stronghold, where an American build-up could take place, should there be a Soviet offensive in Europe.

At last year's NATO meeting in Italy, United States officials informally urged the other NATO members to consider these questions. There was no strong argument advanced against the American position, according to European diplomats here, but no great enthusiasm either.

Mr. Laird's effort this year at Brussels, according to American and European sources, amounted to stepping up the pressure.

Spanish official opinion on creating ties with NATO is ambiguous. In the past, Spain has been eager to join, but more recently the Foreign Minister, Gregorio López Bravo, has voiced doubts about the future of the alliance and the usefulness to Spain of joining it.

COOLNESS VIEW AS TACTICAL

On the other hand, there is no sign that the earlier interest of Spain's armed forces—and probably of General Franco—in NATO has ebbed significantly. Mr. López Bravo's coolness is taken by American diplomats—his view is only partly shared by others—as mainly tactical, aimed at getting better terms in any arrangement falling short of full membership.

In any event, there is no current discussion of full Spanish membership. Aside from other members objections, it woud be difficult for Spain to accept this until her dispute with Britain over Gibraltor is settled. Spain lays claim to Gilbrator, but in 1967 an overwhelming majority in Gilbratar voted to retain the link with Britain rather than pass under Spanish sovereignty

At present, the United States is proceeding as though confident that if it can get its NATO allies to agree to an arrangement, General Franco and his generals will also agree, overruling any purely diplomatic doubts harbored by the Spanish Foreign Ministry.

In line with this policy, the Nixon Administration has made a point recently of publicly affirming its admiration for Spain's armed forces. The visit this week of Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, was the most pointed of these gestures.

Admiral Moorer was the Spanish Government's guest at the military parade Sunday marking the 32d anniversary of General Franco's victory in the Spanish Civil War.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia) laid before the Senate the following letters, which were referred as indicated:

REPORT ON DISPOSAL OF CERTAIN SURPLUS MILITARY SUPPLIES

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal or surplus military supplies, equipment, and materiel, for the third quarter of fiscal year 1971 (with an accompanying report); to the Committee on Appropriations.

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on the medicare program (with accompanying report); to the Committee on Finance.

PROPOSED AMENDMENT OF SECTION 466 OF TARIFF ACT OF 1930

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 466 of the Tariff Act of 1930 and the act of January 5, 1971, and for other purposes (with accompanying papers); to the Committee on Finance.

PROPOSED AMENDMENT TO CONCESSION CONTRACT AT MOUNT RAINIER NATIONAL PARK, WASHINGTON

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment of a concession contract at Mount Rainier National Park, Wash. (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION PROVIDED BENEFITS TO SURVIVORS OF POLICE OFFICERS

A letter from the Attorney General submitting proposed legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers killed in the line of duty (with accompanying papers); to the Committee on the Judiciary.

PROPOSED EXTENSION OF COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE

A letter from the Administrator of Veterans' Affairs submitting proposed legislation to amend chapter 19 of title 38 of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces (with accompanying papers); to the Committee on Veterans' Affairs.

PROPOSED AMENDMENT TO ATOMIC ENERGY COMMISSION AUTHORIZATION BILL

A letter from the Chairman of the Atomic Energy Commission submitting a proposed amendment providing an increase for the liquid metal fast breeder reactor program (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION No. 263

"A concurrent resolution memorializing the Congress of the United States of America to delete from the pending Social Security bill (H.R. 1) any provision therein that would prohibit the collection of usual and customary fees for medical services rendered by teaching physicians under the provisions of the Medicare program

"Whereas, the Ways and Means Committee of the United States House of Representatives has recently approved the Social Security bill (H.R. 1) containing a provision or provisions that would prohibit the collection of usual and customary fees for medical services rendered by teaching physicians; and

"Whereas, the Louisiana medical schools have significantly benefited from the collection of these fees; and

"Whereas, the monies collected from such fees have been used for paying the salaries of teaching personnel and other expenses of the Louisiana medical schools; and

"Whereas, the loss of the monies so collected from such fees would adversely affect the high quality of medical education provided by the Louisiana medical schools.

"Therefore be it resolved by the House of Representatives of the Legislature of the State of Louisiana, the Senate thereof concurring therein, that this Legislature respectfully petitions the Congress of the United States of America to delete from the pending Social Security bill (H.R. 1) any provision therein that would prohibit the collection of usual and customary fees for medical services rendered by teaching physicians under the Medicare program.

"Be it further resolved that a duly attested copy of this Resolution be immediately transmitted to the Speaker and Clerk of the House of Representatives of the Congress of the United States and to each member of the Congress from the State of Louisiana."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION No. 138

"A concurrent resolution requesting the Congress of the United States to call a convention for the purpose of amending the United States Constitution to provide for intergovernmental sharing of federal income tax revenues

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments; and

"Whereas, the federal government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the federal government and the state and local governments; and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; and

"Whereas, in the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention; and

"Whereas, the Congress of the United States is required by the Constitution to call such a convention upon receipt of applications from the legislatures of two-thirds of the several states.

"Now, therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that pursuant to Article V of the United States Constitution the Legislature of the State of Louisiana does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the United States Constitution shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such monies for any purpose not inconsistent with any other provision of the Constitution of the United States.

"Be it further resolved that this application shall constitute a continuing application for such convention pursuant to Article V until the Legislatures of two-thirds of the states shall have made like applications and such United States, unless previously rescinded by the Legislature of Louisiana.

"Be it further resolved that certified copies of this resolution shall be transmitted forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Legislatures of each of the several states attesting the adoption of this resolution by the Legislature of the State of Louisiana and to each member of the Congress from the State of Louisiana."

A resolution adopted by the Airport Land Use Commission, of Hayward, Calif., praying for the appropriation of certain funds as provided for in the Airport and Airway Development Act of 1970; to the Committee on Appropriations.

A resolution adopted by the town of Herndon, Va., praying for the enactment of legislation relating to revenue-sharing proposals; to the Committee on Finance.

A resolution adopted by the City Council of Philadelphia, Pa., praying for the enactment of legislation relating to a national shrine to Thaddeus Kosciusko; to the Committee on Interior and Insular Affairs.

A petition for a writ of information in the nature of quo-warranto by Moscow Minor 88928, State Farm, Virginia; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUGHES (for himself and Mr. Humphrey):

S. 2058. A bill to assist in community development, with particular reference to small communities. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASE:

S. 2059. A bill for the relief of Lt. Col. Robert L. King, retired. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 2060. A bill to amend the Railway Labor Act and the Railroad Unemployment Insurance Act so as to provide more effective means for protecting the public interest in labor disputes involving the transportation industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. ROTH:

S. 2061. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis. Referred to the Committee on Commerce.

By Mr. CURTIS:

S. 2062. A bill to change the name of the Nebraska National Forest to the Samuel R. McKelvie National Forest. Referred to the Committee on Agriculture and Forestry.

By Mr. MILLER (for himself and Mr. Brock):

S.J. Res. 113. A joint resolution proposing an amendment to the Constitution of the United States with respect to the maximum age at which an individual may serve as a Senator, Representative, or judge of the United States. Referred to the Committee on the Judiciary.

By Mr. CURTIS:

S.J. Res. 114. A joint resolution—Stable Purchasing Power Resolution of 1971. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGHES (for himself and Mr. Humphrey):

S. 2058. A bill to assist in community development, with particular reference to small communities. Referred to the Committee on Banking, Housing and Urban Affairs.

SMALL COMMUNITY DEVELOPMENT ACT OF 1971

Mr. HUGHES. Mr. President, today I am introducing a bill which was introduced by my colleague in the House, John Culver, which would assist small communities in construction and rehabilitation of multipurpose community centers and in renovation of small community business district. I am very pleased that Senator Humphrey, chairman of the Subcommittee on Rural Development of the Committee on Agriculture and Forestry, is cosponsoring this legislation with me.

The population of the United States continues to migrate toward the cities and large metropolitan areas. Rural areas have experienced a great decline in population in recent decades and we have seen it accelerate in the decade of the sixties. In my home State of Iowa, a majority of counties had a reduction in population between 1960 and 1970. The small town suffers the most from the rural migration.

The loss of people also means the loss of tax revenue for local governments. Many of these small communities are attempting to maintain their economic vitality, and they must provide governmental services to the inhabitants. These governmental services include police and fire protection, library facilities, city halls, health facilities, and recreational halls for use by both the elderly and the young people of the community. There is little chance that these communities will have the resources to build such facilities on their own. This proposed legislation would authorize the Secretary of Housing and Urban Development to make grants, pay interest rate subsidies, and undertake guarantees to small communities—towns would be those communities under 15,000 population and not part of a metropolitan area—and regional units—any grouping of governmental units which want to consolidate their public service functions—to assist in the construction or rehabilitation of multipurpose community facilities for health, recreation, library, public safety, and local government use.

The economic vitality of these small communities is dependent upon the appearance of the downtown business districts. Unattractive, older buildings are not an inviting place in which to work or shop. The buildings are old, and have been allowed to deteriorate, but are of basically sound structure. This legislation would also authorize the Secretary of Housing and Urban Development to make loans and grants to local, nonprofit development companies in order to assist them in the exterior rehabilitation, restoration, and beautification of small community business districts.

Mr. President, small communities are the backbone of our Nation and in many instances provide a certain quality of life that large cities cannot offer. At a time when we are concerned about the pollution of our environment and the congestion of humanity in large metropolitan areas, it seems to me it would be a wise investment for the future of the Nation and future generations to help make our small communities a more inviting place to live.

Mr. President, I ask unanimous consent that the section-by-section analysis and the bill be printed in the Record at this point.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2058

A bill to assist in community development, with particular reference to small communities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Community Development Act of 1971".

FINDINGS AND DECLARATION OF PURPOSE

The Congress hereby finds that many of the problems of the Nation's large metropolitan centers have their roots in and are directly related to the lack of full development opportunity in the small communities of the Nation which have development potential.

The Congress further finds that the critical lack of community facilities and services as well as the absence of potential revenue sources to provide for such facilities and services in small communities and regional units contributes to the lack of full opportunity for the citizens of such communities.

The Congress further finds that there is an urgent need for the exterior rehabilitation, restoration, and beautification of business districts in small communities to facilitate the overall development of small communities which have development potential.

The Congress further declares that this is a matter of serious national concern, and that there exists in the public and private sectors of the economy the resources and capabilities necessary to meet the community development needs of all the Nation's communities.

It is the purpose of this Act to provide, with a minimum of administrative burden on small communities, for the sound and orderly development of small communities by more effectively assisting small communities in meeting their needs for essential community facilities and services, and an attractive business district, in order to create an atmosphere which makes a community a pleasant and stimulating place to live and work in.

TITLE I—MULTIPURPOSE COMMUNITY FACILITIES

Sec. 101. It is the purpose of this title to assist small communities, and regional units created for the purpose of consolidating their services, in construction or rehabilitation of multipurpose community facilities which serve a variety of essential public service functions, including health, recreation, library, public safety, and local government.

Sec. 102. The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to provide assistance as specified in section 104 to any small community or regional arrangement in the United States to aid it in the construction or rehabilitation of a multipurpose community facility.

Sec. 103. As used in this title—

(1) The term "small community" means any community, municipality, town, or village which has a population of less than fifteen thousand according to the most recent decennial census, and is not part of a metropolitan area.

(2) The term "regional unit" means any grouping of counties, communities, municipalities, towns, or villages for the purpose of consolidating their public service functions.

(3) The term "metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget, subject, however, to such modifications or extensions as the Secretary deems to be appropriate for the purpose of this title.

(4) The term "community facility", with respect to any small community or regional arrangement, means a structure or related group of structures which is designed to provide and includes accommodations and facilities for all or substantially all of the officers, employees, and agencies, or the government, and which may also include either or both of the following:

(A) Accommodations for a central police station or fire station, or both.

(B) Accommodations for health, recreational, or library uses, or any combination thereof.

Sec. 104. (a) In providing assistance to any small community or regional arrangement to aid in the construction or rehabilitation of a multipurpose community facility as described in section 103 of this title, the Secretary (subject to subsection (b)) shall—

(1) guarantee the repayment in full by such small community or regional arrangement of any sums borrowed from any source to finance the cost of such construction; and

(2) make an annual grant to such small community or regional arrangement (under a contract entered into at the time of the guaranty) in the full amount of the interest due each year on the sums so borrowed.

(b) If the multipurpose community center to be constructed or rehabilitated by any small community or regional arrangement with assistance under this title includes accommodations described in paragraph (4) (B) of section 103, the Secretary shall—

(1) determine the excess of—

(A) the cost of the facility as so constructed or rehabilitated, over

(B) the estimated cost of the facility as it would be constructed without such accommodations;

(2) make a grant to such small community or regional arrangement in an amount equal to two-thirds of such excess; and

(3) guarantee the repayment in full by such small community or regional arrangement of any sums borrowed from any source to finance the remainder of the cost of construction with annual grants in the full amount of the interest due each year on the sums so borrowed as provided in subsection (a)(2).

Sec. 105. (a) Guarantees under this title, and any payments pursuant thereto, shall be made upon such terms and conditions, in such manner and form, and in accordance with such procedures as the Secretary may determine to be reasonable and prescribe in regulations. No fee or other charge shall be imposed for any guarantee under this title.

(b) The Secretary may set such further terms and conditions for assistance under this title as he determines to be desirable.

Sec. 106. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402 (except subsections (a) and (c)(2)) of the Housing Act of 1950.

TITLE II—BUSINESS DISTRICT RENEWAL

Sec. 201. It is the purpose of this title to assist local nonprofit development companies in the exterior rehabilitation, restoration, and beautification of small community business districts in order to encourage community development.

Sec. 202. The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to provide assistance as specified in section 204 to any local nonprofit development company in any small community in the United States to aid in the exterior rehabilitation, restoration, and beautification of small community business districts.

Sec. 203. As used in this title—

(1) The term "small community" means any community, municipality, town, or village, which has a population of less than fifteen thousand according to the most recent decennial census, and is not part of a metropolitan area.

(2) The term "metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget, subject however, to such modifications or extensions as the Secretary deems to be appropriate for the purpose of this title.

(3) The term "appropriate governmental unit" means the governmental unit which the Secretary determines to have continuous exercise of primary authority over the performance of public functions for the community, municipality, town, or village.

(4) The term "business district" means any area offering a diversity of commercial facilities not under single ownership.

Sec. 204. (a) In providing assistance to any local non-profit development company to aid in the exterior rehabilitation, restoration, and beautification of a community business district, the Secretary is authorized to make planning grants to local nonprofit development companies to help finance the planning and design of the exterior rehabilitation, restoration, and beautification of the community business district.

A planning grant under subsection (a) of this section shall not exceed two-thirds of the estimated cost of the planning work for which the grant is made.

Sec. 205. In providing assistance to any local nonprofit development company to aid in carrying out the plan for exterior rehabilitation, restoration, and beautification of the business district, the Secretary shall—

(1) loan to such local nonprofit development company an amount equal to two-thirds of the cost of rehabilitating, restoring, and beautifying the facade of the business district; and

(2) make grants to such local nonprofit development company in an amount equal to two-thirds the cost of rehabilitating, restoring, and beautifying the public areas of the district if the plan has been approved by the appropriate governmental unit.

Sec. 206. (a) Loans under this title, and any payments thereto, shall be made upon such terms and conditions, in such manner and form, and in accordance with such procedures as the Secretary may determine to be reasonable and proscribe in regulations.

(b) The Secretary may set such further terms and conditions for assistance under this title as he determines to be desirable.

Sec. 207. The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not approve any such assistance without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 276c of title 40.

Analysis of the Small Community Development Act of 1971

TITLE I—CONSTRUCTION OR REHABILITATION OF MULTI-PURPOSE COMMUNITY CENTERS

Authorize the Secretary of Housing and Urban Development to make grants, pay interest rate subsidies and undertake guarantees to small communities (towns under 15,000 and not part of a metropolitan area) and regional units (any grouping of governmental units which want to consolidate their public service functions) to assist in the construction or rehabilitation of multi-purpose community facilities for health, recreation, library, public safety, and local government use.

(1) A facility combining local government uses with public safety uses will be eligible for (a) a federal guarantee of the sums borrowed; and (b) an annual grant in the full amount of the interest due on the sums borrowed, e.g. a facility which houses local government offices and the central police and fire stations.

(2) A facility combining health, recreational, or library uses with local government uses or with local government and public safety uses will be eligible for (a) a federal guarantee of the sum borrowed; (b) an annual grant in the full amount of the interest due on the sums borrowed, and (c) a grant equal to two-thirds of the cost of the health, recreational and library accommodations, e.g., a facility which includes a library, health clinic, and recreational area which can be used by both the elderly and young members of the community.

TITLE II—BUSINESS DISTRICT RENEWAL

Authorize the Secretary of Housing and Urban Development to make loans and grants to local non-profit development companies in order to assist them in the exterior rehabilitation, restoration, and beautification of small community business districts.

(1) A local non-profit development company will be eligible for a federal grant to help finance the planning and design of the exterior rehabilitation, restoration and beautification of the community business district.

(2) A local non-profit development company will be eligible for a loan equal to two-thirds the cost of rehabilitating, restoring and beautifying the facade of the business district.

(3) A local non-profit development company will be eligible for a grant equal to two-thirds the cost of rehabilitating, restoring and beautifying the public areas of the business district, provided the plan has the approval of the communities governing unit.

By Mr. DOMINICK:

S. 2060. A bill to amend the Railway Labor Act and the Railroad Unemployment Insurance Act so as to provide more effective means for protecting the public interest in labor disputes involving the transportation industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, several weeks ago, in a national emergency situation, the Congress was forced to pass special legislation to prevent a strike in the railroad industry. Six times in the last 7 years Congress has had to act to prevent or end strikes in similar national emergency situations. On each occasion, there have been cries that Congress should not be in the strike settling business and that the Railway Labor Act should be overhauled. In response to this need, President Nixon, in February 1970, submitted a plan to the Congress which included the so-called final offer selection technique for resolving strike situations. Unfortunately, no action was taken on this proposal or any of the others before the 91st Congress.

The resolution of this complex issue is not one that can be achieved with any simple or quick answers. It is a difficult task to devise a mechanism which will provide the proper balance between the interests of employees, employers, and the American public.

As hard and as unpleasant as this task may be, we must find a solution soon. The President has again sent us his recommendations and a number of other proposals have been advanced in both Houses of Congress. All of the bills represent honest efforts to achieve finality in bargaining in the various transportation industries, without subjecting the public to a crippling strike.

Tomorrow the Labor and Public Welfare Committee will begin hearings on the various approaches to the problem. I am today introducing yet another alternative for consideration by the Congress. This approach will give the President the choice of four options for dealing with a railroad or airline strike. He can choose one of the following procedures: a neutral board to make nonbinding settlement recommendations; final and binding arbitration; a final offer selection mechanism—similar to the administration bill; do nothing and leave the parties to self-help.

Mr. President, I recognize that the final solution to this problem will probably be a combination of features from all of the bills before us. For that reason, I am not irrevocably wed to any of the provisions of the bill I am introducing. I think that this proposal should be given full study and consideration along with the other proposals. The fate of any bill is not important. The critical thing is to get the Congress out of the strike settling business and put it into the hands of the parties where it properly belongs. The achievement of this goal will be of great benefit to all of the American people.

I ask unanimous consent that the bill be printed in the Record along with a brief analysis of its provisions.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2060

A bill to amend the Railway Labor Act and the Railroad Employment Insurance Act so as to provide more effective means for protecting the public interest in labor disputes involving the transportation industry and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Transportation Labor Act of 1971."

TITLE I.—AMENDMENTS TO THE RAILWAY LABOR ACT

Sec. 101(a). Section 1, Second, of Title I of the Railway Labor Act is repealed and Section 1, Third and Fourth are redesignated as Section 1, Second and Third, respectively.

Sec. 101(b). Section 1, Fifth, of Title I of the Railway Labor Act is redesignated as Section 1, Fourth, and is amended by deleting the words, "or subordinate official" and "*Provided, however,* That," substituting a period for the colon after the words "existing orders"; and inserting "(1)" after the word "include" and the words, "employed as a supervisor or (2) any individual" before the words, "while such."

Sec. 101(c). Section 1, Sixth, of Title I of the Railway Labor Act is redesignated as Section 1, Fifth, and is amended by eliminating the period at the end thereof and adding the words, "with full authority to make agreements without ratification by those whom they represent."

Sec. 101(d). Section 1, Seventh, of Title I of the Railway Labor Act is redesignated as Section 1, Sixth, and is amended by using the words "United States District Court for'" in lieu of the words "Supreme Court of" and deleting the word "circuit."

Sec. 101. (e) Section 1 of title I of the Railway Labor Act is further amended by adding section 1, seventh, to read as follows:

"Seventh. The term 'supervisor' means any individual having authority, in the interest of a carrier or carriers, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

Sec. 102. (a) Section 2, second, of title I of the Railway Labor Act is amended by deleting at the end thereof the words, "respectively, by the carrier or carriers and by the employees thereof interested in the dispute" and adding in lieu thereof the words, "and to make agreements settling matters in dispute. All such representatives shall be vested with full authority to effect final settlement of disputes and all agreements entered into by such representatives shall be binding whether or not ratified or approved prior to or subsequent to execution."

Sec. 102. (b) Section 2, third, of title I of the Railway Labor Act is amended by adding as the ending of the first sentence the words, "except that any involved carrier will, upon request to the Mediation Board, be made a party to any representation dispute among its employees, and shall be permitted to participate as such in all proceedings, including but not limited to determination of the appropriate class or craft for representation purposes.".

Sec. 102. (c) Section 2, fourth, of title I of the Railway Labor Act is amended by adding to the end of the second sentence thereof the words "or to determine that no representative shall be chosen."; deleting the words "*Provided,* That," and the preceding colon; inserting in lieu of the colon, the words, "except as provided in section 2, eleventh, of this Act."; and capitalizing the word "Nothing" which would follow thereafter.

Sec. 102(d). Section 2, Ninth, of Title I of the Railway Labor Act is amended by inserting "(a)" after the word "Ninth."; inserting after the first word "employees" the words, "or between a carrier and its employees"; substituting the word "any" for the word "either" preceding the word "party" and adding after the word "party," the words, "including the carrier on which the dispute arises,"; substituting the word "the" for the word "both'" preceding the word "parties"; adding the words, "or that no representative has been selected," preceding the words "and certify"; adding the words ", if any," following the words, "so certified"; redesignating the last sentence as paragraph "(d)" to follow new paragraph to be designed "(c)"; adding to the sentence following the words "records of the" the words "labor organization and" and substituting the word "sections" for the word "paragraph" as the last word of new paragraph "(d)"; adding as the last sentence of paragraph "(a)" the words, "In each election conducted under this paragraph, employees shall be entitled to vote for representation by any labor organization or labor representative, or for no representation. "; and adding after paragraph "(a)" new paragraph "(b)" and "(c)" to read as follows:

"(b) If any dispute shall arise between a labor organization representing a craft or class of employees on a carrier and one or more other labor organizations representing a craft or class of employees on the carrier as to whether certain employees or prospective employees of the carrier come within the one craft or class or the other for purposes of this Act, it shall be the duty of the Mediation Board or of a committee of three neutral persons appointed by the Board to act in its behalf, upon request of any labor organization party to the dispute or of the carrier involved, to investigate such dispute and certify to the labor organizations and to the carrier involved, in writing within thirty days after the receipt by the Board of the invocation of its services, the craft or class within which the employees or prospective employees are included for purposes of representation under this Act. Upon receipt of a certification under this paragraph of the craft or class within which the employees or prospective employees are included, the carrier shall treat with the representative of the craft or class so certified as the representative of such employees or prospective employees for the purposes of this Act.

"(c) If a dispute arises that may be resolved under either paragraph (a) or paragraph (b) of this section, the carrier involved need not treat with anyone as the representative of the employees or prospective employees involved in the dispute prior to receipt of the certification provided for in paragraph (a) or paragraph (b), whichever is applicable."

Sec. 102(e). Section 2, Eleventh (c), of title I of the Railway Labor Act is amended by deleting from the first sentence thereof the words, "that is, an employee engaged in any of the services or capacities covered in section 3. First (h) of this Act defining the jurisdictional scope of the First Division of the National Railroad Adjustment Board," and by deleting the words "national in scope" wherever they appear in Section 2, Eleventh (c).

Sec. 103. Section 3 of title I of the Railway Labor Act is repealed in its entirety and substituted therefor is a new section 3 to read as follows:

"Section 3. (a) Any dispute or disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay. rules, or working conditions shall be handled in the usual manner up to and including the highest officer of the carrier designated to handle such disputes; but, if no adjustment is reached in this manner, the dispute or disputes may be referred by petition of the parties or by a party to a special board of adjustment established as hereinafter provided.

"(b) A special board of adjustment to resolve a dispute or disputes shall be established by a written request made upon an individual carrier by the representative of any craft or class of employees of such carrier, or by the carrier upon any such representative. The carrier or the representative upon whom such request is made shall join in any agreement establishing such board within thirty days from the date such request is made. The dispute or disputes which may be considered by such board shall be specified in the agreement establishing it. Such board shall consist of one person designated by the carrier and one person designated by the representative of the employees. If such carrier or representative fails to agree upon the establishment of such a board as provided herein, or to designate a member of the board, either the carrier or the representative may request the Mediation Board to designate a member of the board on behalf of the carrier or representative. Upon receipt of such request, the Mediation Board shall promptly designate and select an individual associated in interest with the carrier or the representative he is to represent. The members of the board so designated shall determine all matters not agreed upon by the carrier and the representative of the employees with respect to procedure and jurisdiction of the special board of adjustment, including the question as to whether an additional party or parties may have an interest in any of the unadjusted disputes to be considered by such board and the manner in which the expenses of the board and compensation of any neutral appointed will be shared by the parties. If they are unable to agree, such matters shall be determined by a neutral member of the special board of adjustment selected or appointed and compensated in the same manner hereinafter provided for the appointment of a neutral member when the board is unable to agree upon an award. Such neutral member shall cease to be a member of the board when he has determined such matters except as provided in paragraph (f).

"(c) If the members of the special board of adjustment are unable to agree upon an award disposing of a dispute or disputes they shall forthwith agree upon and select a neutral person, to be known as 'referee,' to be a member of the board for the consideration and disposition of such dispute or disputes. In the event the members of such board are unable, within ten days after their failure to agree upon an award, to agree upon the selection of such neutral person, either member of the board may request the Mediation Board to appoint such neutral person and upon receipt of such request, the Mediation Board shall promptly make such appointment. The Mediation Board shall be bound by the same provisions in the appointment of these neutral referees as are provided elsewhere in this Act for the appointment of arbitrators.

"(d) The special board of adjustment shall hold hearings on each dispute submitted to it. The parties may be heard either in person, by counsel, or by other representatives, as they may respectively elect. The parties may present, either orally or in writing, or both, statements of fact, supporting witnesses and other evidence, and argument of their respective positions with respect to each case. The board shall have authority to require the production of such additional evidence, either oral or written as it may desire from the parties.

"(e) If the special board of adjustment determines that an additional party or parties may have an interest in any unadjusted dispute submitted to it, such party shall be given due and reasonable notice of the time and place such dispute is to be heard by the board and an opportunity shall be afforded said third party to appear before the board and be heard and present evidence consistent with the rules and procedures adopted by the board, including the right to be present at any executive session of the board convened for the purpose of considering and adopting any proposed award. In a dispute where notice has been given to additional parties, the neutral member of the special board of adjustment shall be one of the two members of the board rendering an award.

"(f) The awards of the special board of adjustment shall be in writing. No award shall be rendered in a dispute involving additional parties unless it is resolved as to all parties involved. A copy of the awards shall be furnished to all parties including any additional parties and the awards shall be final and binding upon all parties to the dispute including such additional party or parties. In case a dispute arises involving an interpretation of the award, the special board of adjustment upon request of any party shall interpret the award in the light of the dispute. If in a judicial proceeding, an award is held not binding on one or more of the parties to the dispute, including additional parties, the award shall be deemed not binding on any of the parties.

"(g) Except as provided in paragraph (e) of this section, a majority vote of all members of the board shall be competent to make an award with respect to any unadjusted dispute submitted to it.

"(h) In case of an award in favor of the petitioner, the board shall make an order, to make the award effective and, if the award includes a requirement for the payment of money, to pay the said sum on or before a day named. In the event the board determines that an award favorable to the petitioner should not be made, the board shall make an order stating such determination.

"(i) If a party does not comply with an order of a board within the time limit specified by the board in its order, the petitioner, or any person for whose benefit such order was made, may file in the District Court of the United States for the district in which he resides or in which is located the principal operating office of a carrier, or through which the carrier operates, a petition setting forth briefly the case for which he claims relief, and the order of the board. Such suit shall proceed in all respects as other civil suits, except that on the trial of such suit, the findings of the board shall be conclusive on the parties. The district courts are empowered to make such order and enter such judgment as may be appropriate to enforce or set aside in whole or in part the order of the board or remand the proceedings to the board for such further action as it may direct; however, such order may not be set aside except for failure of the board to comply with the requirements of this Act, for failure of the order to conform, or confine itself to matters within the scope of its jurisdiction, or for fraud, or corruption by the neutral member of the board.

"(j) If any employee or group of employees, or any carrier, is aggrieved by any of the terms of an award, or by the failure of the special board of adjustment to include certain terms in such an award, such employee or group of employees or carrier may file in any United States District Court in which a petition under paragraph (i) of this section could be filed, a petition for review of the board's order. The petitioner shall file in the court the record of the board proceedings on which it bases its action. The court shall have jurisdiction to affirm the order of the board or to set it aside, in whole or in part, or it may remind the proceedings to the board for further action as it may direct. On such review, the findings of the board shall be conclusive on the parties, except that the order of the board may be set aside, in whole or in part or remanded to the board for failure of the board to comply with the requirements of this Act, for failure of the order to conform, or confine itself, to matters within the scope of the board's jurisdiction, or for fraud or corruption by the neutral member of the board making the order. The judgment of the court shall be subject to review as provided in section 1291 and 1254 of Title 28, United States Code.

"(k) All actions under (i) and (j) of this section shall be commenced within two years from the date of the board's award.

"(l) Each member of any special board of adjustment representing a carrier or its employees shall be compensated by the party he represents. All expenses incurred in connection with a board, including the compensation and incurred expenses of any neutral person, shall be paid for by the parties except that any additional party or parties shall not be required to share in such expenses.

"(m) The National Railroad Adjustment Board shall be dissolved within two years from the date of this Act or after it has processed to completion all of the disputes before it, whichever occurs first. Any party to a dispute now pending before the National Railroad Adjustment Board may, upon written notice to the other that he wishes to submit it to a special board of adjustment established as provided in this section, withdraw such a dispute from the National Railroad Adjustment Board. No dispute shall be referred to the National Railroad Adjustment Board commencing 60 days after the effective date of this Act.

"(n) Nothing in this section shall be construed to prevent any carrier, system, or group of carriers and any of its or their employees, all acting through their representatives, selected in accordance with the provisions of this Act, from mutually agreeing to the establishment of special boards of adjustment on a system, group or regional basis for the purpose of adjusting and deciding disputes of the character specified in this section. In the event that a party to such a special board of adjustment is dissatisfied with such arrangement, it may, upon ninety days' notice to the other party, terminate such arrangement and have its unadjusted disputes disposed of as otherwise provided in this section."

Sec. 104(a). Section 4, First, of Title I of the Railway Labor Act is amended by deleting the first and third sentence in the first paragraph; substituting the word "five" for the word "three" in the fourth sentence of the first paragraph; and deleting the second paragraph.

Sec. 104(b). Section 4, Third, of Title I of the Railway Labor Act is amended by deleting from the words in parentheses under "(3)" the words "Adjustment Board, Regional Adjustment Boards established under paragraph (x) of Section 3, and the boards of arbitration, in accordance with the provisions of this section and Sections 3 and 7, respectively," and deleting thereafter in the same sentence the words "in the Adjustment Board and in the boards of arbitration,".

Sec. 104(c). Section 4, Fifth, of Title I of the Railway Labor Act is repeated in its entirety.

Sec. 105. Section 5, First (b), of Title I of the Railway Labor Act is amended by deleting from the first sentence the words "referable to the National Railroad Adjustment Board" and substituting in lieu thereof the words "subject to resolution pursuant to Section 3 of this Act"; adding the word "an" preceding the last word of the first sentence of the third paragraph, and adding the words "which will settle the controversy or provide a means of reaching settlement" at the end of the sentence; and deleting the remainder of Section 5, First (b), following the word "once" in the second sentence of the third paragraph, substituting in lieu thereof the words "notify both parties in writing that its mediatory efforts have failed and shall notify the Secretaries of Labor, Commerce, and Transportation as required by Section 10 of this Act."

Sec. 106 (a). Section 7, Third (e), of Title I of the Railway Labor Act is amended by deleting the second sentence and substituting in lieu thereof the sentence, "All other expenses incurred in connection with a board of arbitration, including the compensation and expenses of any neutral person or arbitrator, shall be paid for by the parties."

Sec. 106 (b). Section 7, Third (g), of Title I of the Railway Labor Act is deleted and Section 7, Third (h) is redesignated Section 7, Third (g).

Sec. 107. Section 5, Third (b), Section 8(d), and Section 9, Fifth and Sixth, of Title I of the Railway Labor Act, are amended by deleting the word "circuit" from the phrase "circuit court of appeals."

Sec. 108. Section 10, of Title I of the Railway Labor Act is repealed in its entirety and substituted therefor is a new Section 10 to read as follows:

"Section 10, First. If a dispute between a carrier or carriers and its or their employees is not adjusted under the foregoing provisions of this Act, the Board shall at once notify the Secretaries of Labor, Commerce, and Transportation who shall, within ten days, jointly appoint a Transportation Labor Panel to investigate such dispute. The Panel shall be composed of such number of persons as the Secretaries may deem desirable, one of whom shall be designated as chairman. Such Panel shall be created separately in each instance.

"Second. The Panel shall not attempt to adjust the dispute through mediation or conciliation and shall not make any recommendations regarding the terms and conditions for settlement of the dispute, except as may otherwise be provided in this Act.

"Third. Following the Board's notification to the Secretaries of Labor, Commerce, and Transportation and for thirty days after exhaustion of the last procedure possible under this section, including the procedure under Sixth A, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.

"Fourth. Within fifteen days of the date of appointment of the Transportation Labor Panel, it shall, if the dispute has not been resolved, make a specific recommendation to the Secretaries of Labor, Commerce, and Transportation as to which of the procedures specified in paragraph Sixth of this section it believes to be most appropriate for the further handling of the dispute. The Panel shall, in determining its recommendation, give due consideration to the general purposes of this Act as stated in Section 2.

"Fifth. The three Secretaries shall accept and implement forthwith or reject the recommendation of the Transportation Labor Panel within five days. If the three Secretaries reject the Panel's recommendation, they shall, concurrently with such rejection, select and implement forthwith any one of the three remaining alternative procedures provided in paragraph Sixth of this section.

"Sixth. The Transportation Labor Panel shall, pursuant to paragraph Fourth of this section, recommend to the Secretaries of Labor, Commerce, and Transportation one of the procedures specified in the following subparagraphs for the further handling of the unadjusted dispute.

"A. Take no further action in the unadjusted dispute;

"B. Appoint a fact-finding board composed of three neutral members to further investigate the merits and facts of the dispute with a hearing in which the parties may participate and make within thirty days its recommendations as to the terms of settlement of the dispute;

"C. Direct the parties to the dispute to make an agreement to arbitrate the dispute in accordance with Sections 7 and 8 of this Act to the extent not inconsistent herewith.

"(1) If the parties are unable to agree upon the terms of an arbitration agreement within ten days after the date of such direction, the Transportation Labor Panel shall determine within ten days thereafter the terms under which the arbitration is to be conducted and such determination shall have the same effect, including the preclusion of resort to either strike or lockout, as an agreement to arbitrate arrived at by the parties to the dispute in accordance with Sections 7 and 8 of this Act.

"(2) The arbitration board shall consist of an odd number of members, not less than five, a majority of whom shall be public members appointed by the Secretaries of Labor, Commerce, and Transportation (one of whom shall be designated chairman), with the remaining members divided equally between and appointed by the carrier or carriers involved and the repersentative or representatives of the employees involved. If the parties so agree, the arbitration board shall consist of three members and the carrier or carriers, and the representatives of the employees shall each name one arbitrator; a third arbitrator, who shall be the chairman, shall be appointed by the three Secretaries. The number of members, including the number of public members, shall be designated in the arbitration agreement or in the determination of the Transportation Labor Panel.

"(3) The arbitration board shall make a just and reasonable award which, in its judgment, constitutes a fair and equitable settlement of the dispute.

"(4) An arbitration award made pursuant to this subsection shall be filed as provided in Section 8(k) of this Act, except that the United States District Court for the District of Columbia is hereby designated as the court in which the award is to be filed, and shall be subject to Section 9 of this Act. The award shall continue in force for such time as the arbitration board shall designate in its award, not to exceed two years from its effective date; unless the parties agree otherwise, and thereafter until changed in accordance with the provisions of this Act.

"D. Direct each party to submit its final offer with respect to the matters in dispute to the National Mediation Board within three days and transmit its offer or offers to the party or parties at the same time. Within three days after their initial submission and exchange of final offers, either party may submit an additional final offer.

"(1) If a party refuses to submit a final offer, the last offer made by such party during previous bargaining or mediation as determined by the National Mediation Board shall be deemed that party's final offer.

"(2) Each offer or additional offer submitted by a party pursuant to this section must constitute a complete resolution of all the issues involved in the dispute.

"(3) The parties shall continue to bargain collectively for a period of seven days after they receive the other parties' offer or offers. The National Mediation Board may act as mediator during such period.

"(4) If the parties reach an unconditional agreement on any part of the matters in dispute during such seven-day period, they may jointly advise the National Mediation Board that the final offer of offers submitted by them are to be revised to remove such matters therefrom.

"(5) If no settlement has been reached before the end of the period prescribed in subsection (3) of this subparagraph, the parties shall, within two days thereafter, select a three-member Final Offer Board, one member to be the chairman, to act as final offer selectors. If the parties are unable to agree on the composition of the board, the three Secretaries shall appoint such members, designating one member the chairman thereof.

"(6) The Final Offer Board shall conduct hearings in which the parties may participate. Such hearings shall be completed and the board shall make its determination as hereinafter provided within thirty days after the date on which the board was appointed.

"(7) The board shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

"(8) From the time of appointment of the board until it makes its determination, there shall be no communication by the members of the board with third parties concerning recommendations for settlement of the dispute.

"(9) The board shall select the final offer which it determines upon the basis of the record before it to be the most reasonable of the final offers submitted by the parties. The board shall not compromise or alter the final offer it selects.

"(10) The final offer selected by the board shall be deemed to represent the contract between the parties as to the matters in dispute and shall have the same effect, including the preclusion of resort to either strike or lockout, as though arrived at by the agreement of the parties under this Act.

"(11) The final offer selected by the board pursuant to this subsection shall be filed as provided in Section 8(k) of this Act, except that the United States District Court for the District of Columbia is hereby designated as the court in which the final offer selected is to be filed, and to the extent not inconsistent herewith, shall be subject to Section 9 of this Act.

"Seventh. Any panel or board established hereunder may act by majority vote. A vacancy on any board or panel established hereunder shall not impair the right of the remaining members to exercise all of the powers of the board or panel. In the event any member is unable or unwilling to serve or a vacancy occurs, his successor shall be selected in the same manner as in the original selection. Public or neutral members appointed to serve on any board or panel provided for by this section shall be paid reasonable compensation for their services in an amount to be fixed by the three Secretaries and shall be reimbursed for necessary traveling expenses and expenses actually incurred for subsistence while serving as such members. Members appointed by the three Secretaries shall be wholly disinterested in the controversy, impartial, without bias as between the parties, and shall not be financially or otherwise interested in any carrier or organization of employees. All expenditures of such board or panel shall be allowed and paid on the presentation of itemized vouchers approved by the chairman.

"Eighth. For the purpose of carrying out its functions under this Act, any panel or board which may be created under this section is authorized to employ experts and consultants or organizations thereof as authorized by Section 3109 of Title 5, U.S.C., and allow them, while away from their home or regular place of business, travel expenses (including per diem in lieu of subsistence) as authorized by Section 5703(b) of Title 5, U.S.C., for persons in the Government service employed intermittently while so employed.

"Ninth. Any panel or board which may be created under this section may, if the parties consent or agree thereto, extend any time limits contained in this Section."

Sec. 109. Title I of the Railway Labor Act is further amended by adding Section 15 to read as follows:

"Section 15 (a). It shall be unlawful for any person or labor organization or for any agent or member of such organization, to engage in, or to induce, encourage, or coerce any employee of any carrier to engage in a strike or refusal, in the course of his employment, to perform his regularly assigned duties, where an object thereof is to force, require, or induce any carrier or employee of any carrier to cease handling or transporting the property of, or to cease doing business with any person, or to cease its normal and regular interchange or other common carrier relations with any other carrier. Nothing contained in this section shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing.

"(b). Any United States District Court within the territorial jurisdiction of which any violation of this section shall have been committed or shall be threatened shall have jurisdiction, at the instance of any aggrieved carrier or person, to grant the remedy of injunction, prohibitive or mandatory, which may be appropriate in the premises; and in any such action or proceeding the provisions of Sections 6 and 20 of the Act of October 15, 1914, as amended (15 U.S.C. § 17, and 29 U.S.C., § 52), and the provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (29 U.S.C. §§ 101–115), shall not be deemed to apply."

Sec. 110. Amend Section 201 of Title II of the Railway Labor Act by deleting the words "or subordinate official" and adding at the end thereof the following:

"The term 'employee' shall not include any individual employed as a supervisor. The term 'supervisor' means any individual having authority, in the interest of a carrier or carriers, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The term 'employee' shall include any person employed as a pilot, copilot, or other flight crew member, or as a purser, who works in such capacity in commercial operations more than twenty per cent (20%) of his working time."

Sec. 111. Amend Section 204 of Title II of the Railway Labor Act by adding the word "special" following the words "lawfully exercised by" in the second paragraph thereof.

Sec. 112. Amend Section 204 of Title II of the Railway Labor Act by deleting all language following the first semicolon in the third paragraph and substitute a period therefor.

Sec. 113. Sections 205 and 206 are repealed in their entirety.

Sec. 114. Sections 207 and 208 are redesignated Sections 205 and 206.

TITLE II. AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Sec. 201 (a). Section 4(a–2)(iii) of the Railroad Unemployment Act is amended by deleting the words, "subject to the provisions of subsection (b) of this section," at the beginning of the paragraph; deleting the remainder of the paragraph after the word "employed"; and substituting a semicolon for the comma after the word "employed."

SEC. 201 (b). Section 4(a-2) of the Act is further amended by adding the following subsection:

"(iv) any day with respect to which the Board finds that, though not subject to the disqualification provided in paragraph (iii) he failed to report for work and perform his assigned duties during a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed."

SEC. 201 (c). Section 4(b) of the Act is repealed in its entirety, and sections 4(c), 4(d), and 4(e) are redesignated as sections 4(b), 4(c), and 4(d), respectively.

SUMMARY ANALYSIS—EMERGENCY TRANSPORTATION LABOR ACT OF 1971

I. Amend the Railway Labor Act to provide a new procedure for the handling of unresolved negotiating disputes. The amendments would:

A. Eliminate proffer of arbitration from current NMB procedures for processing major disputes.

B. Amend Section 10 of the Act to eliminate Presidential Emergency Boards and, in lieu thereof, to provide that the National Mediation Board would be required to notify the Secretaries of Labor, Commerce, and Transportation that a dispute has not been settled under the regular provisions of the Act and that it threatens to interrupt commerce or the operation of a carrier engaged therein.

1. The three Secretaries would then be required to name a three-member panel for the purpose of making a recommendation within 30 days to the Secretaries as to which of the following procedures should be used for further processing of the dispute:

a. A neutral board to make non-binding settlement recommendations;

b. Final and binding arbitration;

c. A final offer selection procedure (similar to Administration bill); or

d. Do nothing and leave the parties to self-help.

The panel would have no mediatory functions. The three Secretaries could, at their discretion, reject the panel's recommendation and select any of the available alternatives.

If final and binding arbitration or a final offer selection procedure is selected the three Secretaries could submit the dispute to the same panel or a new panel.

II. Amend Section 1, Sixth, and Section 2, Second, to prohibit any use of a ratification procedure as a condition precedent to a valid collective bargaining agreement.

III. Amend Section 1, Fifth, and Section 201, to eliminate supervisors from coverage of the Act. Add new Section 1, Seventh, to define the term supervisor.

IV. Amend Section 2, Third, and Section 2, Ninth, to make an involved carrier a party to representation proceedings.

V. Amend Section 2, Fourth, and Section 2, Ninth, to provide that it is not necessary that employees choose a representative.

VI. Amend Section 2, Ninth, to provide (a) that an involved carrier can raise the question of representation of its employees; (b) that the NMB resolve jurisdictional representation disputes even where an election is not required or held, insulating the NMB by giving it authority to appoint ad hoc neutrals to determine this type of dispute; (c) that, in any election, the ballot shall provide that the employees can vote for "no union."

VII. Amend the Act to prohibit *secondary boycotts* by adding Section 15.

VIII. Amend Section 4 of the Railroad Unemployment Insurance Act to prohibit unemployment insurance for employees (1) who are on strike; or (2) who fail to work because of a strike. Amend state laws in New York, Rhode Island, and any other states having similar laws.

IX. Amend Section 3 to abolish the National Railroad Adjustment Board and provide for the settlement of railroad "minor disputes" by non-government boards of adjustment.

X. Amend Section 4, First, to change the terms of office for National Mediation Board Members from three to five years.

XI. Amend Section 204 and 205 to eliminate provision for the creation of a National Air Transport Adjustment Board and references thereto.

XII. Miscellaneous technical amendments deleting obsolete language.

By Mr. ROTH:

S. 2061. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis. Referred to the Committee on Commerce.

REDUCED AIR FARES FOR THE ELDERLY

Mr. ROTH. Mr. President, in the past several years, we have heard a great deal about the economic crisis involving many of our elderly citizens in this country. Most of our elderly are on fixed incomes, and, quite naturally, they are the ones most affected by increases in prices. In May of this year, the airlines, by authorization of the Civil Aeronautics Board, increased the prices of passenger fares by approximately 6 percent. This jump probably did not seem particularly substantial to most of the flying public, but, to the elderly who must keep a close eye on their budgets, even a 6-percent increase can register an impact on limited funds.

Last year, on the floor of the House of Representatives, I introduced an amendment to the Federal Aviation Act of 1958 which would authorize reduced-rate transportation for elderly people on a space-available basis. This legislation was of special importance to our more than 19 million citizens over 65 years of age in 1970, and, in light of the recent fare increases, it is of even more concern in 1971.

Although the airlines extend a special fare to youths between the ages of 12 and 21, there is no provision for their counterparts at the other end of the age spectrum. A young person wishing to take advantage of this special rate need only show proof of his age and purchase a youth-fare card for a nominal fee from most of the major airlines. Then he checks with the airline to determine when there will be an extra seat available on the flight he wishes to take. The savings for the youth on a round trip from Washington to San Francisco will be approximately $104.

While I am firmly in favor of extending special air fare rates to youth, I can also understand what an enormous benefit this type of reduction could be to our elderly. Although many elderly Americans will still not be able to afford air fares even at these reduced rates, many others, with the advantage of reduced rates, would be able to afford the convenience of flying.

Furthermore, the airlines would stand to gain by this action. It is very unlikely that there would be any considerable transfer of present passengers from a higher to a lower fare category, since older people, with limited means, generally cannot afford air travel at standard-fare levels. Any such shift which might occur would be more than offset by the increased numbers of older people who would subsequently decide to fly.

With the larger aircraft or the jumbo jets which the airlines are now using and which they hope to use even more frequently in the future, the elderly person flying on a space-available basis would help to offset the cost of unused seats. If a plane is taking off and has 20 empty seats, those seats are earning nothing to cover the overall expense of the flight. A reduced fare, on a space-available basis, means utilization of some of these unused seats, and a contribution toward overall costs.

The Civil Aeronautics Board has recognized the validity of this reasoning and, in consequence, the Board, in 1964, established certain criteria to be followed in its review of discount fares. The fundamental points have been described by the Board, as follows:

> Discount fares are generally offered for a basic service to improve a carrier's net income by filling seats that would not otherwise be occupied. Their economic justification is that when they are not fully self-supporting, they can improve net earnings by reducing costs through a more even distribution of traffic, and/or generating traffic, provided the diversion of revenues from existing basic-fare traffic is more than offset by the cost savings and additional revenues. Thus discount fares should meet direct costs and make some contribution to overhead expenses, maximize revenues, enhance the carriers' profit position and ultimately afford a basis for reductions in the general fare level.

In my opinion, a reduced air fare for the elderly on a standby basis would more than satisfy the Board's requirements. But, to my mind, there is even a more compelling reason for extending this coverage to our senior citizens. They have worked for many years and are finally enjoying an abundance of leisure time, perhaps the only leisure they have had in their lives. Their children and friends are often located in distant places. What more fitting recompense could be made for their lifetimes of toil than aiding our elderly in meeting the cost of a visit to a friend or a loved one?

Mr. President, this bill, permitting the Board to allow reduced rates to the older segment of our population, has a special appropriateness, in my judgment. I introduce it in the hope that my colleagues will give it their earnest consideration.

By Mr. MILLER (for himself and Mr. BROCK):

Senate Joint Resolution 113. A joint resolution proposing an amendment to the Constitution of the United States with respect to the maximum age at which an individual may serve as a Senator, Representative, or judge of the United States. Referred to the Committee on the Judiciary.

Mr. MILLER. Mr. President, I introduce for myself and the Senator from Tennessee (Mr. BROCK) a proposed constitutional amendment to establish a mandatory retirement age for Members of Congress and Federal judges.

We hear a great deal these days about the subject of congressional and judicial reform. One of the simplest but most effective reforms we could make would be to set a mandatory retirement age for Members of Congress and members of the Federal judiciary. Because Federal judges can retire at full pay, a mandatory retirement age for them would seem to be even more compelling.

No Member of Congress needs to be told that the work and business of Congress are expanding. Our sessions have become yearlong ones; the number of record votes in the Senate has increased from 207 in 1961 to 315 in 1967 and 422 last year. All would attest to increases in caseloads and the volume of mail and other communications from constituents. The workload of most Federal judges has also been increasing. Unfortunately, old age does not bring with it increased capacity for work. Clogged legislative and court calendars are a deterrent to the best functioning of our system of government. Also, younger voices need to be heard in this system as the proportion of young voters grows larger in our country.

Under the present law a Federal judge who holds a life-tenure appointment can retire on full salary at the age of 70 after serving 10 years or at the age of 65 after serving 15 years. Moreover, unlike Members of Congress, a Federal judge does not have to pay into his retirement system. Undoubtedly, these provisions have encouraged some early retirements, but they clearly are not enough.

Modern-day private industry has set the pace when it comes to retirement. The great majority of industrial organizations makes retirement mandatory, generally at age 65. The reason is that greater efficiency means better profits. Why should not Government adopt a similar policy—recognizing that greater efficiency means better service for the people? Of course, a balance should be struck between "efficiency" and experience, both of which are needed for the best results. But a balance does not now prevail.

The traditional argument against a mandatory retirement age for members of Congress is that if the electorate of a State or congressional district wishes to elect an older person, that is their right. Of course such an argument has no relevance to judges. But there is an answer to the argument as far as members of Congress are concerned, namely that the right of the electorate within a State or congressional district should not take precedence over the general welfare of the Nation which depends in considerable degree on the efficiency of the Congress. A balance between such competing interests needs to be struck, because there is no balance now. My proposed constitutional amendment would strike a reasonable balance.

This constitutional amendment would not affect very many individuals. There are presently only 15 of the 435 Representatives who are 70 or over. In the Senate, only 14 Members are 70 or over. Of the 372 Federal district court judges, 24 are 70 or over. In the Federal circuit courts of appeal, six of 90 are 70 or over. Three Supreme Court justices are over 70. My proposal would require retirement at age 72.

Because of the sacrifices that many Members of Congress have made to enter public life, without knowledge of this proposal, I believe it would be equitable to allow present Members to complete the term for which they are elected. If over 72 at the end of their term, they could not be reelected.

Furthermore, sitting Federal judges who have not served the minimum number of years required by law to become eligible for their pension benefits, which is their salary for life, would be allowed to remain on the bench until the minimum time has been served.

I am hopeful that the committee to which this resolution is referred will hold hearings on the subject and act favorably on it.

I ask unanimous consent that the text of the joint resolution be printed in the Record at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 113

Joint resolution proposing an amendment to the Constitution of the United States with respect to the maximum age at which an individual may serve as a Senator, Representative, or judge of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"Section 1. No person shall serve as a Representative or Senator during any year after the year in which he attains the age of seventy-two years. Notwithstanding the preceding sentence, any person may serve for the remainder of any term as Senator or Representative to which he was elected prior to the date on which this article is ratified.

"Sec. 2. No person shall serve as a judge of the United States in regular active service during any year after the year in which he attains the age of seventy-two years. Any judge of the United States who is serving in regular active service on the date this article is ratified may continue in such service until the later of the following: the year after the year in which he attains such age; or the year after the year in which he has served the minimum number of years required by law, in effect on such date of ratification, as a condition of continuing to receive, during his lifetime, the salary of the office upon resignation or retirement from regular active service."

ADDITIONAL COSPONSORS OF A BILL

S. 1964

At the request of Mr. Roth, the Senator from Florida (Mr. Gurney) and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 1964, a bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Government.

NOTICE OF HEARINGS ON LAND-USE, PLANNING, AND MANAGEMENT PROGRAMS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs, will hold 3 days of hearings—June 28, 29, and 30, on the following:

First. Senate Joint Resolution 52—To increase the authorization for section 701 planning grants and open-space land grants;

Second. Title II of S. 1618—State and local planning and management programs;

Third. Progress of the President's Domestic Council in developing a national urban growth policy as required by title VII of the Housing Act of 1970; and

Fourth. Other legislative proposals involving land-use planning.

The hearings will be held in room 5302, New Senate Office Building, and will begin at 10 a.m. each day.

ADDITIONAL STATEMENTS

THE PRESS AND DEMOCRACY

Mr. GRIFFIN. Mr. President, recently the Detroit News carried a thought provoking article on the relationship of the press to our American democracy. I ask unanimous consent that the article written by Wilbur Elston, editorial page director of the Detroit News, be printed in the Record.

There being no objection the article was ordered to be printed in the Record as follows:

Press Accused of Damaging of Democracy

(By Wilbur Elston)

In a provacative and challenging article in the current issue of Commentary, former presidential adviser Daniel Moynihan contends that the American press, instead of being a bulwark of American democracy, is having a damaging impact upon it.

Such a charge runs counter to the newspaperman's concept of the workings of a free press, of course. The newsman regards the press as a major support of democracy by serving as the transmission belt between officialdom and the people and as the principal means by which the public is kept informed of what its officials, elected and appointed, are up to.

But the flap over the CBS documentary, "The Selling of the Pentagon," has renewed criticism of the press—especially TV—and has given new support to Moynihan's charge that "the culture of disparagement" has exerted an increasing influence on the tone of the national press in its dealings with the national government.

Moynihan contends that five basic circumstances have been working to reverse the old balance of power between the president and the press and that "if this balance should tip too far in the direction of the press, our capacity for effective democratic government will be seriously and dangerously weakened.

What are these five basic circumstances which seem to be tipping the balance of power in favor of the press?

1. An Ivy League elitism in the press which is more and more influenced by attitudes genuinely hostile to American society and American government.

2. A growing acceptance by the press of the simplistic notion of the near-omnipotence of the president and the feeling that he has only himself to blame if things go wrong.

3. An increasing reliance by the press on information from dissidents in the civil service bureaucracy who often take up the cudgel against the president in their own interests.

4. A tendency to report nonevents and spurious charges against the government in the name of objective coverage of the news:

5. The absence in the press "of a professional tradition of self-correction."

Moynihan is not the first to observe an elitism in the press that increasingly is separating it from support for middle class values and opening up a credibility gap between it and the general public.

Nor is he the first to note that the press, in its questioning of the President and his executive department heads, often seems to be more interested in a scalp than a scoop, more concerned about showing up the White House than in getting facts to report about it.

While the earliest criticism of the Vietnam war came from the uncensored Saigon press corps, some of the critics lacked the credentials to do more than surface reporting since since they knew little about the background of the country, the people or even U.S. participation in the war.

Moynihan agrees the relationship between the presidency has grown more troubled as a result of the war in Vietnam. But he contends it has been a matter of concern ever since the cold war began.

"At the close of World War II official press censorship was removed but the kinds of circumstances in which any responsible government might feel that events have to be concealed from the public did not go away," Moynihan writes

"The result was a contradiction impossible to resolve. The public interest was at once served and disserved by secrecy; at once served and disserved by openness. Whatever the case, distrust of government grew."

At any rate, Moynihan feels that as a result of these conditions, it is hard for the government to succeed and just as hard for government to appear to have succeeded when it has done so.

More important, he feels that this consistently negative picture of government is not good for democracy and that it is becoming a matter of national morale, or what Nathan Glazer has called a "loss of confidence and nerve."

Moynihan has little to prescribe in the way of correction but he does suggest the need for improved reporting, more thought by owners and editors and reporters as to what is good and bad about the country and what might be done to make things better, and also more concern by the press as to just how much elitist criticism is good for democracy.

On a more specific level, he recommends that the press do a better job of correcting its own errors and of keeping a critical eye on itself. He also urges that the government respond in specific terms to what it believes to be errors or mistaken emphasis in press coverage of its activities.

If these comments reflected only the fears of one former public official, even a highly intelligent one who has served three presidents, two Democratic and one Republican, newsmen and the public could dismiss them as stemming from the annoyance of a frustrated bureaucrat. But, unfortunately, criticism of this kind has become more common not only among the intelligentsia but among average readers.

Some of the criticism no doubt stems from the traditional antagonism toward the bearer of bad tidings and the feeling among large segments of the public that the press stresses bad news rather than good.

Some of it arises from mistakes by the press and the fact that a better educated, more literate public now is more aware of the errors made by the press.

But some of it also is prompted by the fact that the press exercises a great deal more freedom these days in reporting news about such controversial matters as pornography, abortion, church reforms, sexual issues and other matters that once were swept under the rug insofar as press coverage was concerned.

To some extent, critics who complain about the openness of the press in reporting such controversial matters are raising the same objections Moynihan does. They see the press as a negative force in society and one which often is out of touch with the average reader.

Many newspapermen, including this one, agree there is substance to these criticisms, especially the sneering at American institutions and accomplishments. This attitude of disparagement stems, in part, at least from a tendency to measure American institutions and accomplishments against the ideal of a perfect world rather than against the realities of an imperfect world.

But will the press in this country have to mute its criticism of democracy in order to save it, as Moynihan seems to be asking? Is there some solution other than the self-discipline that Moynihan and others suggest?

If a free press is curbed, in the name of protecting democracy, who then will serve as the public's eyes and ears in reporting the activities of the government's elected and appointed officials? And who, indeed, then will become the bulwark of our democratic system which requires an informed electorate if it is to function properly?

Unfortunately, Moynihan doesn't really try to answer those questions.

ERVIN HEARINGS ON PRIVACY—V: TESTIMONY OF ALEXANDER POLIKOFF

Mr. ERVIN. Mr. President, in continuation of my plan to put the more important and frequently requested statements from our hearings in the CONGRESSIONAL RECORD, I would like to enter today the statement of Mr. Alexander Polikoff.

Mr. Polikoff appeared before the Subcommittee on Constitutional Rights primarily to discuss the trial in Chicago of the lawsuit brought as a result of John M. O'Brien's December disclosures of Army intelligence activities in Illinois. Mr. Polikoff acted as counsel for the plaintiffs in American Civil Liberties Union against Laird. This case was dismissed after 5 days of evidentiary hearings and is presently on appeal.

At our hearings on Federal Data Banks, Computers, and the Bill of Rights Mr. Polikoff first summarized the testimony given by the witnesses in the Chicago trial. Then he analyzed for the subcommittee the legal principles applicable to the issues raised by military surveillance.

Mr. President, I think that in both aspects of his testimony Mr. Polikoff made valuable contributions to our understanding of the problem involved in Government data collection. I ask unanimous consent that his statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ALEXANDER POLIKOFF BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE COMMITTEE ON THF JUDICIARY, FEBRUARY 24, 1971

Mr. Chairman, it is a privilege to appear before the Subcommittee on Constitutional Rights, and I thank you for the opportunity to do so.

My name is Alexander Polikoff. Since April, 1970, I have been the full-time Executive Director of Businessmen for the Public Interest, a not-for-profit corporation in Chicago. For 17 years before that I was an associate and then a general partner with a large Chicago law firm.

On a volunteer basis I am one of the general counsel of the Illinois Division of the American Civil Liberties Union. In that capacity I acted as counsel for plaintiffs in the law suit entitled *American Civil Liberties Union, et al.*, v. *Laird, et al.*, in the Federal District Court in Chicago (No. 70 C 3191). That law suit, as you may know, concerned the Army's domestic civil disturbance intelligence activities. After five days of evidentiary hearings, from December 28, 1970 to January 5, 1971, Judge Richard B. Austin dismissed the suit. The dismissal order is now on appeal.

My principal purpose in being here today is to summarize for you some of the sworn testimony in the Chicago trial. Among the Army witnesses were Thomas Filkins, a civilian employee of the Army, who was the immediate superior of John O'Brien, the former Army military intelligence agent from whom you will also hear this morning. In addition, Ralph Stein and Richard Stahl, former Army military intelligence agents, testified for the plaintiffs. There were other witnesses, of course, but these are the principal ones whose testimony I will summarize, although I will be happy to answer questions about others.

I am going to refer hardly at all to John O'Brien's testimony. Partly, of course, the reason is that he is here to testify himself. More importantly, however, it is to give you an understanding of the Army's own testimony and of the uncontradicted testimony of some of its former agents other than O'Brien. Some effort has been made, at least in the press, to make it appear that there is a significant issue of credibility between Mr. Filkins and Mr. O'Brien. Indeed, some stories have suggested that there is a serious factual controversy about whether the Army carried on at all intelligence activities of the sort O'Brien described.

I hope, by telling you this morning of the testimony of the Army's own witness, to make it plain that this is not the case. The fact is that through Mr. Filkins the Army has substantially admitted practically everything Mr. O'Brien ever said about the nature of the Army's civil disturbance intelligence activities. The widely publicized differences over Senator Stevenson and Congressman Mikva are only partial differences, and in any event are differences of detail. The fundamental nature and extent of the Army's civil disturbance intelligence activities in the Chicago area was agreed to by witnesses from both sides.

I wish to make one preliminary observation. Much of the Army's intelligence activity consists of background investigations of civilian or military personnel for security clearance purposes. In the Chicago area these investigative activities were conducted by separate branches of the intelligence command called "PSI", Personnel Security Investigations, and, in certain specially sensitive cases, "SIB", Special Investigations Branch. Such investigative activities were separate and distinct from the civil disturbance intelligence activities and were carried out by different personnel. The trial in Chicago did not concern PSI or SIB at all. No question was raised about the propriety of those investigative activities, and the testimony I am going to summarize for you relates exclusively to the civil disturbance area, and not at all to background personnel investigations.

I will divide my statement this morning into two parts, first a summary of the evidence given in Chicago, and second a brief statement of what I believe to be the law applicable to that evidence. With the Chairman's permission, Mr. O'Brien will testify at the end of the factual portion, after which we will both be happy to answer questions on the facts before I turn to my brief remarks on the law. In the written statement I have submitted to the Subcommittee Counsel, the numbers in parenthesis are page references to the transcript of the Chicago trial.

ORGANIZATION OF REGION I OF THE 113TH MILITARY INTELLIGENCE GROUP

The 113th Military Intelligence Group, headquartered at Fort Sheridan, Illinois, covers a sizeable portion of the midwest and plains states. It is divided organizationally into Regions. One of these, Region I, to which both Mr. Filkins and Mr. O'Brien were assigned, covers the entire state of Illinois, except the East St. Louis area, and is headquartered in Evanston, Illinois, which immediately adjoins Chicago on the North.

Region I is divided into a number of branches or sections. Two of these I have already mentioned, Personnel Security Investigations and the Special Investigations Branch. Two other branches or sections were called, respectively, Special Operations and CONUS/Liaison, and they were the sections which carried on the civil disturbance intelligence activities at Region I. Special Operations engaged primarily in covert or undercover operations; CONUS/Liaison's intelligence gathering activities were primarily overt. Mr. Filkins was in charge of the Special Operations Section, to which Mr. O'Brien was also assigned, and a Mr. Richard Norusis was in charge of CONUS/Liaison. The two sections worked closely together and were physically located in immediately adjoining portions of the Region I Headquarters building.

Mr. Filkins was assigned to Region I in September, 1968 and had been there continuously since that time. He was a highly trained intelligence operations specialist. (517.) He had served for three years with the Army Security Agency (683), then attended the Area Studies Course at the Army's Intelligence Command Center at Fort Holabird, Maryland. (518.) Mr. Filkins then served for approximately 6 years (689) with military intelligence in Korea (518), after which he returned to Fort Holabird where he took the Military Intelligence Counter-Intelligence Specialist Course. (518). Mr. Filkins said that without permission from the National Security Agency he could not describe the activities of the Army Security Agency, or his own duties with it (684), that he could not divulge the nature of the Area Studies Course without trenching upon classified material (687), and that he could not divulge the nature of his work in Korea, although he did acknowledge it was intelligence activity. (689.) Nonetheless, it seems clear that Mr. Filkins was a highly trained and experienced intelligence specialist.

Mr. O'Brien, incidentally, was assigned to the Special Operations Section in June, 1969, and served directly under Mr. Filkins for about six months. He too, as you will hear from him directly, was a well trained, experienced intelligence agent.

I now propose to summarize the testimony, principally from Mr. Filkins, concerning the quantity of civil disturbance intelligence information collected by the Special Operations and CONUS Sections of Region I, the nature of the material collected, the manner in which it was collected and, finally, what was done with it.

QUANTITY OF CIVIL DISTURBANCE INTELLIGENCE COLLECTED BY REGION I

First, in the files maintained by the CONUS section at Region I there were approximately 800 dossiers, so-called, on individuals and organizations. (849.) The figure of approximately 800 was first mentioned by Mr. O'Brien and then confirmed by Mr. Filkins in a written report he wrote to the commanding officer of the 113th Military Intelligence Group. (Ex. 1, ¶M.) A dossier was described by Mr. Filkins as "a large voluminous file that contained all details on a person's life, background and history." (620.)

These files included, according to Mr. Filkins, reports on virtually every organization in the Chicago area. (845–46.) This was so, he went on, because under the Intelligence Collection Plan, the document pursuant to which Mr. Filkins said Special Operations and CONUS civil disturbance intelligence activities were conducted, CONUS was obliged to maintain coverage of and keep files on any organizations "intertwined either officially or unofficially" with groups which had engaged in violence and "related activities." (847.) To illustrate what this meant, Mr. Filkins said that if a "perfectly legitimate and peaceful organization like the American Friends Service Committee" co-sponsored a demonstration or other activity with another organization which had engaged in violence and "related activities," a file would be maintained on the American Friends Service Committee. (847–48.) Mr. Filkins also said that if an organization made a public statement in defense of a person who had engaged in violent activities or defended such a person legally, a file was established on such organization. (758.)

As to individuals, Mr. Filkins said that "any person who we had reason to believe was in a leadership position in a group that was or could be or reasonably expected to be involved in civil disturbance, he was then put in a file." (619.)

These various files, which were housed in roughly nine file cabinets (870), were exclusively CONUS files. In addition to and separate from the CONUS files materials were generated by the Special Operations Section. These were in the form of so-called agent reports, which were written reports of operations conducted by military intelligence undercover agents. (639–40.) A Special Operations Section file was prepared for each such individual undercover operation (639) consisting of one or more agent reports (640), and the file terminated with the termination of the specific operation. (640.)

The Special Operations Section at Region I had about seven persons engaged in undercover operations. (810.) Mr. Filkins was asked about the volume of reports generated by these undercover persons and he said that for the 6 month period during which Mr. O'Brien was assigned to Special Operations, that is, from June to December, 1969, an average of 15 such reports per month was generated. (883.) He said, incidentally, that although he could not remember, the volume of agent reports generated by the CONUS Section was "certainly more" than that. (885.)

Mr. Filkins said that when an undercover operation was completed the file was sealed and sent to Group Headquarters and that this was done within three to six months, "depending on the situation," after completion of the operation. (883–84.) Accordingly, at any point in time the Special Operations files at Region I represented only current or recently concluded operations. (884.) Mr. Filkins said that at June, 1970, there were about 175 Special Operations files at Region I. (642.)

NATURE OF CIVIL DISTURBANCE INTELLIGENCE COLLECTED BY REGION I

Let me turn to the nature of the material included in these Special Operations and CONUS files. I have already referred to Mr. Filkins' testimony that the CONUS dossiers contained "all details of a person's life, background and history." (620.) Ralph Stein, from whom you will hear a little later, and to whom this civil disturbance intelligence was forwarded, said that the details included such personal matters as financial condition and sexual conduct. (446–47.)

The sources of this information were various. One was the undercover operations of the Special Operations Section. Reports of these operations made up the Special Operations files, as already noted, but in addition the reports were sent to Group Headquarters (654–55) where extracts were prepared which were then placed in the CONUS files. (657.) Secondly, reports were received from other investigative agencies, including the FBI, the Secret Service, the Illinois State Police, the so-called Red Squad or subversives investigations unit of the Chicago Police Department, the Gang Intelligence Unit of the Chicago Police Department, suburban police departments, and, as Mr. Filkins put it, "almost any law enforcement agency in this area." (650–51.) Where such reports were of interest to the Army, copies were made for the CONUS files. (651.) Where the report was not of interest it was sent "forward" (presumably to Group Headquarters) with the recommendation either for retention or dispatching to Fort Holabird. (651.)

A third source of the information contained in CONUS files was the newspapers. The newspaper article, or a xerox copy, was normally mounted and attached to an exhibit cover sheet, which was in turn attached to an agent report written about the article on an official agent report form. (673–74.) The agent report included a brief synopsis of the information in the article and, if an individual on whom CONUS was reporting was mentioned in the article, identifying data on the individual, including the date and place of birth, social security number, and any previous involvement in civil disorders or disruptions. (675.)

These were the three basic sources of information contained in the Special Operations and CONUS files. Special Operations reports were all classified "confidential," and some but not all of the CONUS files were so classified. (670.)

NATURE OF CIVIL DISTURBANCE INTELLIGENCE COLLECTION ACTIVITIES AT REGION I

Next, mention should be made of the nature of the intelligence collection activities in the Special Operations Section at Region I. The newspaper clipping activity and receipt of investigative reports from other agencies speak for themselves; "special operations" perhaps does not.

Mr. Filkins defined an undercover operation at Region I as an operation "where a person is assuming an identity or a background or a raison d'etre, a reason for existence, other than the truth for the purpose of obtaining information" (646)—where "he misrepresents who he is" (646) and has "artificial, contrived or bogus" credentials. (646–48.) Undercover agents were utilized who were assigned to other branches of the military service (648–49), though Mr. Filkins could not say what other branches because that was classified. (648.) The agents, including Mr. O'Brien, used "cover" names. (694.) Both Mr. Filkins and Mr. O'Brien engaged in undercover operations, separately and together. (771.) Filkins and O'Brien went out on undercover operations together perhaps once each week. (771.) They also met undercover agents acting under supervision at pre-arranged meeting places (692–93), kept records of all such meetings (693), and prepared written reports of the information imparted by the agent. (656–57.)

Although both Mr. Filkins and the commanding officer of the 113th Military Intelligence Group, Colonel Joseph Walker, declined to disclose the nature of special operations activities at Region I because they said such information was classified (118, 589), Mr. Filkins did testify to coverage of demonstrations (891) and, so far as his own personal activities were concerned, of a peaceful debate on a college campus (892), surveillance of a meeting in a private home (560), following cars and taking down license numbers. (893.) Persons assigned to other sections in the Region I Headquarters were aware of the existence of Special Operations, Mr. Filkins said, but they were not authorized to know the details of Special Operations activities. (614.)

PERSONS AS TO WHOM CIVIL DISTURBANCE FILES WERE MAINTAINED AT REGION I

Since, as previously noted, Mr. Filkins acknowledged that CONUS files were maintained on virtually every organization in the Chicago area, no effort was made in the trial to have Mr. Filkins recall their names. Neither was Mr. Filkins asked for his recollection of all the individuals as to whom files were maintained. He did say that files were maintained on each of the individual plaintiffs, who were Jay Miller, the Executive Director of the Illinois Division of the American Civil Liberties Union (531), Jesse Jackson, the national director of the Operation Breadbasket arm of the Southern Christian Leadership Conference (538), two Chicago Aldermen, A. A. Rayner and William Cousins (537, 540), Gordon Sherman, a member and former chairman of Business Executives Move for Vietnam Peace (535), and Henry de Zutter, a Chicago newspaperman. (533–34).

During his testimony Mr. O'Brien was asked by the United States Attorney to recall names of persons in various occupational categories, such as clergymen, business leaders, university professors and newsmen, as to whom files were maintained. (258 et seq.) He did so, and his recollection was confirmed in the great majority of instances by Mr. Filkins. (531–68.) (Mr. Filkins also acknowledged (821–22) that CONUS files might have existed on a particular individual without his knowing it.) Two celebrated exceptions are Senator Adlai Stevenson III and Representative Abner Mikva. As to Senator Stevenson, Mr. Filkins said that no file was established (669) but he did testify that on an occasion when Senator Stevenson addressed a rally in Chicago "a notation was made of that fact in a spot report that was sent out to the Army Intelligence Commander at Fort Holabird." (667.) He also said that it was "feasible" that additional information on Senator Stevenson may have been collected by CONUS/Liaison without it coming to his attention. (668.) Similarly, although Mr. Filkins said that to his knowledge there was no file on Representative Mikva (821–22), he said that a CONUS spot report "may well have" noted that Representative Mikva had addressed a Chicago rally (822–23), and that there could have been a file on Representative Mikva without his knowing it. (822).

DISTRIBUTION OF CIVIL DISTURBANCE INTELLIGENCE

This completes my summary of the civil disturbance intelligence activities at Region I as testified to at the trial. I wish to emphasize that it is taken exclusively, except where I have explicitly noted otherwise, from Mr. Filkins' testimony. I have not summarized for you the testimony of John O'Brien or of other former military intelligence agents. I might note, however, that Richard Stahl, another former Region I agent, testified that he too engaged in civil disturbance intelligence gathering activities, including personal surveillance of such notables as Ralph Abernathy (1059) and Governor Lester Maddox (1060), as well as the entire Georgia Delegation at the 1968 Democratic National Convention. (1060.)

I wish now to turn briefly to what was done with the information thus collected in Special Operations and CONUS files. Here I leave Mr. Filkins, and turn principally to Mr. Ralph Stein, a military intelligence specialist who served for over a year from late 1967 to late 1968 in the counter-intelligence analysis branch of the office of the Assistant Chief of Staff for Intelligence. (434.) Prior to his service with CIAB, as it was called, Mr. Stein had graduated from the Military Intelligence Specialist Course at Fort Holabird (433) and then served for 13 months with military intelligence in Korea. (434.) Upon his discharge from the Army Mr. Stein was awarded a certificate stating that he "displayed exceptional ability as a counter-intelligence analyst while assigned to the domestic section of the Counter-Intelligence Analysis Branch," as well as many other nice things it would be immodest to repeat. (431.) Following Mr. Stein's direct testimony at the Chicago trial the United States Attorney chose not to cross examine, so Mr. Stein's testimony stands uncontradicted and unimpeached.

Mr. Stein testified that CIAB served as the analytical arm of the Assistant Chief of Staff for Intelligence, that it provided him with reports, briefed members of his staff and himself, and was responsible for receiving and analyzing incoming intelligence information. (435.) He said that CIAB was divided into sections, each of which was responsible for a particular area, and that he was assigned to the domestic intelligence section whose area of responsibility was the entire United States. (435.) The other sections were Latin America, Afro-Asian, International and Administrative. (436.)

Mr. Stein said his particular responsibility was left-wing activities (436) and that he was placed in charge of a so-called "left-wing desk" (438) with the responsibility for becoming thoroughly conversant with left-wing activity in the United States (438) and particularly with the information coming to CIAB from both its covert and overt sources. (439.) One of these sources was the military intelligence groups of the United States Army. (422.)

The information which flowed across his desk, Mr. Stein said, fell roughly into three categories. (444.) The first was information on individuals, including leaders of left-wing and anti-war groups but also individuals of no prominence who had attended meetings of such groups. (444–45.) Most of this information was in the form of Army agent reports on form number DA341 (446), the same form number Mr. Filkins testified was used at Region I. (673.) The reports contained information relating to political activities, thoughts, associations, travels, finances and other background data (444), and sometimes included information relating to extremely personal areas, such as sexual conduct and checking account balances. (446–47.)

The second category of information was data on organizations (448), and the third category was "incident" reports, that is, reports of particular events, "anything ranging from a massive nationally covered demonstration to a number of elderly people lighting candles in a vigil for peace in New England." (449.)

Mr. Stein said that, discounting newspaper articles, there were never fewer than one hundred reports per day crossing his desk and on some days the total was substantially higher. (451.) The material was screened, coded, placed in a microfilmed data bank, and, with particularly important material, maintained in a "hard copy" file at CIAB. (452.) Material not so retained was sent to Fort Holabird. (453.)

Mr. Stein said that CIAB prepared a book called the "Compendium"—the official name was Counter-Intelligence Research Project on Persons and Organizations of Civil Disturbance Interest (455)—which was an encyclopedic reference work of civil disturbance information for the use of units in the field. (456.) About 375 copies were sent to military intelligence groups for distribution to the regional level, as well as to other federal investigative agencies. (457.)

Mr. Stein said that a computerized index to the microfilm data bank was revised and updated every month. (457.) He said that the vast majority of the files maintained at CIAB consisted of reports from Army Intelligence Command agencies containing information not generally available to the public, which he illustrated by referring to the CIAB file on Jesse Jackson. (514–15.) This file, Mr. Stein said, contained a great deal of specific information on the conversations between Jackson and other members of the Southern Christian Leadership Conference. (515.) He said that the wording of the report made it obvious that the information was obtained by someone who was in the confidence of Mr. Jackson or other members of the SCLC.

AUTHORITY FOR CIVIL DISTURBANCE INTELLIGENCE ACTIVITIES

Let me now turn briefly to a last subject about which Mr. Filkins testified—the authority pursuant to which the Special Operations and CONUS activities were carried on.

Mr. Filkins said that the basic authority for opening, maintaining and distributing information from the CONUS files was the Intelligence Collection Plan I have referred to earlier. (622–23, 626.) This Plan did not, however, apply to Special Operations (626), and Special Operations files were opened only pursuant to directions from Fort Holabird. (626–27.)

Mr. Filkins said that in early 1969 Special Operations personnel were ordered not to go on the street to observe legal peaceful demonstrations. (889–90.) He said that a similar order was given with respect to CONUS approximately a year later, in about March, 1970. (890) Then, in mid-spring, 1970, Mr. Filkins said, CONUS was ordered to limit its reporting of civil disturbance information to incidents which might be beyond the capability of local and state authorities to control. (893–94.) Special Operations was not so ordered and was still authorized to report civil disturbance incidents which were within the control capability of local and State authorities. (895). Mr. Filkins said he recalled no order prior to June, 1970, to end the covert infiltration of civilian protest groups. (885–86.)

Mr. Filkins said that in June 1970 the Intelligence Collection Plan was rescinded and a directive was issued to destroy all files that did not have a "direct and clear bearing on the mission of the United States Army." (568.) He said that such files were destroyed (848–49) except that three or four files were sent to Fort Holabird to determine whether the destruction order applied to them (849), and that the file on Students for a Democratic Society was turned over to the Chicago Police Department. (850.) Under the new order, Mr. Filkins said, files continued to be maintained on the two Chicago aldermen who are plaintiffs in the Chicago case (537, 540) and on Gordon Sherman. (536.)

It may be relevant, as a final point, to note briefly the testimony of a newspaperman, Jared Stout, about a personal, on-the-record interview with Army General Counsel Robert Jordan, III, on December 4, 1970. (389.) According to Mr. Stout, Mr. Jordan said that he had inquired of the Commanding General of Intelligence as to the existence of computer data banks with respect to civil disturbance activities and had been told that such data banks did not exist. (396.) Mr. Jordan said he then went to Fort Holabird himself where he discovered that two such data banks in fact existed. (397.) Of the Commanding General of whom he had made the initial inquiry, Mr. Jordan said, "But I don't think he lied to me. I don't think he knew." (396.) Mr. Jordan also said that material relating to some aspects of the computer banks was not authorized by any Army regulations or directives of which he was aware (397), and that he later found two additional unauthorized data banks. (397–98.)

Finally, according to Mr. Stout, Mr. Jordan said he thought that information on individuals or groups associated with disorders was beyond the need of the Army (400–01), and that in February, 1969, then Undersecretary of the Army David E. McGiffert had issued a memorandum which, had it been followed, would have ended the surveillance of civilians. (401). He said that Mr. McGiffert had never imagined that the Army would collect the kind of data it was discovered to be collecting (401–02), and that the McGiffert memorandum of February, 1969, had ordered an end to all covert infiltration of civilian protest groups and to all direct observations of lawful demonstrations. (404–05.)

You may recall that Mr. Filkins said no such order as to covert infiltration was received prior to June, 1970, well over a year after the McGiffert memorandum, and that although Special Operations had been ordered to cease its observations of lawful demonstrations in early 1969, shortly after the date of the McGiffert memorandum, CONUS was not so ordered until a year later.

The final documentary item of evidence introduced in the case was a copy of the letter, dated February 25, 1970, from Mr. Jordan to the Chairman, Senator Ervin, with which I am sure the members of the Subcommittee are familiar. The letter is printed in the Congressional Record for March 2, 1970, and says, among other things,

"The Army's present policy is that reporting of civil disturbance information is limited to incidents which may be beyond the capability of local and state authorities to control and may require the deployment of Federal troops."

This completes my summary of some of the evidence given in the Chicago trial, exclusive as I indicated earlier of John O'Brien's testimony. I have a brief statement on the law to submit as well, but perhaps Mr. Chairman, before I turn to that, you would prefer to hear from Mr. O'Brien and then have any interrogation there may be on the factual aspects of the trial.

A VIEW OF THE APPLICABLE LAW

I turn to the subject of the law with some trepidation. Any discussion of First Amendment questions by a witness before a subcommittee chaired by Senator Ervin smacks of carrying coals to Newcastle. Nonetheless, since I have been asked to do so, I will briefly discuss what I think are the applicable legal principles.

It will be helpful to begin by posing the issue in a slightly hypothetical way. You know, of course, that the intelligence activities I have been discussing are rested on a statutory base—10 U.S.C. §§ 331, 332 and 333. These statutes say in effect that in stated circumstances the President shall use the Army to suppress domestic violence. Suppose the intelligence activities carried on by the Army, as disclosed by the Chicago testmony, were expressly authorized by those statutes. Suppose, in other words, that the statutes said that to prepare itself to respond to the President's call the Army should acquire all the information it could about possible domestic violence, such as where it was likely to occur, who was likely to foment it, and the like, and that in aid of that task the Army should collect and maintain extensive dossiers on individuals and organizations containing all sort of information, including as to individuals information relating to political activities, thoughts, associations, travels, finances and sexual conduct. Suppose also that the statutes authorized the collection of this information by "coverage" of lawful demonstrations and other public gatherings, surveillance of individuals attending such gatherings, infiltration of civilian protest groups, and the like. In short, suppose the statutes we are talking about expressly authorized the entire range of CONUS and Special Operations actvities which Mr. Filkins described. Would such statutes be constitutional?

I think the principles applicable to such a hypothetical law are set forth in a Supreme Court case decided in 1967, *United States* v. *Robel*, 389 U.S. 258. The *Robel* case dealt with a statute (§ 5(a)(1)(D) of the Subversive Activities Control Act of 1950) that prohibited a member of a so-called Communist-action organization from working in a "defense facility." Robel was a member of such an organization and worked in such a facility, but he argued that mere membership couldn't constitutionally be made a reason for prohibiting him from retaining his job. He said that he might be a mere passive or inactive member, not an active, knowing, member possessing the specific intent of furthering the unlawful goals of his organization, and that therefore there was no showing of possible harm to the country if he were to retain his defense facility job. Absent such a showing, the argument went, the statute would be unconstitutional because it indirectly affected Robel's First Amendment right of freedom of association, and a statute which trenches upon First Amendment rights must be very narrowly drawn to achieve only its legitimate objective. The *Robel* statute, it was argued, was too broad because it covered any type of membership.

The Supreme Court agreed and held the statute unconstitutional. "[P]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms," it said. And it added, "It is precisely because that statute sweeps indiscriminately across all types of association with Communist-action groups, without regard to the quality and degree of membership, that it runs afoul of the First Amendment." (389 U.S. at 265, 262.)

The Government argued that the legitimate interest it had in protecting defense facilities was very great, that there was a risk of internal subversion in plants on which the national defense depended, and that the statute was therefore based on the important and pervasive war power.

The Court responded that these considerations were insufficient to save the statute.

"[T]he phrase 'war power' cannot be invoked as a talismanic incantation to support any exercise of congressional power which can be brought within its ambit. '[E]ven the war power does not remove constitutional limitations safeguarding essential liberties.'" (389 U.S. at 263–64.)

"[T]his concept of 'national defense' cannot be deemed an end in itself, justifying any exercise of legislative power designed to promote such a goal. Implicit in the term 'national defense' is the notion of defending those values and ideals which set this Nation apart . . . It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties—the freedom of association—which makes the defense of the Nation worthwhile." (389 U.S. 264.)

The *Robel* statute, which the Court said "cut deeply into the right of association" (389 U.S. at 264), was a very narrow statute. It singled out a limited category of persons, members of Communist-action organizations, and it imposed a limited disability on them, namely, they they couldn't be employed in certain kinds of defense plants.

Here we are talking about a hypothetical statute that does not define narrowly the category of persons to whom it relates and does not impose a limited disability. Rather it covers very nearly all of the activities of an open-ended group of persons.

And so I think, in principle, our hypothetical statute should fare no better than the statute in *Robel*. Indeed, ours would be what the lawyers call an *a fortiori* case.

There are some differences, of course. *Robel* involved a criminal statute, and if we come back to the real world, we are not in the Army case talking about a statute at all, let alone a criminal statute—only about what I will call administrative activity. Nonetheless, I think the deterrent effect on the exercise of the freedom of association is clear, and the fact that the government activity takes the form of administrative activity rather than a criminal statute would not, I think, save the activity from being viewed as running afoul of the First Amendment.

I am reminded of a 1965 case, *Lamont* v. *Postmaster General of the United States*, 381 U.S. 301, in which the Supreme Court held that a statute unconstitutionally abridged the First Amendment right of free speech because it required recipients of a certain kind of mail—so called "communist political propaganda"—to request in writing that it be delivered. The abridgment of a First Amendment freedom there took the form, as it does here in the Army situation, of an administrative activity which had only an indirect impact on the right of free speech.

Lamont is an interesting and relevant case on the issue of impact as well. There it was argued that since an addressee taking the trouble to return a card would receive the publication named in it, only inconvenience and not an abridgment of First Amendment rights was involved, and that the Post Office procedure did not control the content of speech but only incidentally limited its unfettered exercise. (This view is analogous to Judge Austin's view in the Chicago trial that the Army's surveillance activities did not bear directly on the plaintiffs' first amendment rights and that they had no reason to be fearful or deterred in their exercise.) The *Lamont* court said:

"This requirement is almost certain to have a deterrent effect, especially as respects those who have sensitive positions. Their livelihood may be dependent on a security clearance. Public officials, like school teachers who have no tenure, might think they would invite disaster if they read what the Federal Government says contains the seeds of treason. Apart from them, any addressee is likely to feel some inhibition in sending for literature which federal officials have condemned as 'communist political propaganda.'" (381 U.S. at 307.)

Since his view that the Army's activities were no real threat to any First Amendment right was one of the two principal threads in Judge Austin's decision in the Chicago case, perhaps an additional word on the subject of threat or impact would be appropriate. One commentator has put very succinctly and well a common theme of some recent Supreme Court cases, namely, that a regulation "may run afoul of the Constitution not because it is aimed directly at free speech, but because in operation it may trigger a set of behavioral consequences which amount in effect to people censoring themselves in order to avoid trouble with the law." (Kalven, A Note on Free Speech and the Warren Court, 67 Mich. L.R. 289, 297.) Three illustrations were given. In *Speiser* v. *Randall*, 357 U.S. 513, the Court invalidated a state statute requiring affidavits on non-Communist affiliation as a condition for tax exemption because, fearful that he might otherwise prejudice his ability to bear his burden of persuasion, the taxpayer would restrict his own utterances. The Court said, "[T]his procedural device . . . can only result in a deterrence of speech which the Constitution makes free." (357 U.S. at 526.)

In *Smith* v. *California*, 361 U.S. 147, the Court struck down a statute which imposed strict criminal liability on sellers of obscene books, because "if the bookseller is criminally liable without knowledge of the contents . . . he will tend to restrict the books he sells to those he has inspected; and thus the State will have imposed a restriction upon the distribution of constitutionally protected as well as obscene literature." (361 U.S. at 153.) The Court concluded,

"The bookseller's self-censorship, compelled by the State, would be a censorship affecting the whole public, hardly less virulent for being privately administered." (361 U.S. at 154.)

Finally, in *Time, Inc.*, v. *Hill*, 385 U.S. 374, the Court held that Life Magazine could not be required to pay a libel judgment for a false story on a matter of public interest absent proof that it had knowledge of the falsity or published in reckless disregard of the truth. The reason was again the self-censorship concern—

"Fear of large verdicts in damage suits for innocent or merely negligent misstatement, even the fear of expense involved in their defense, must inevitably cause publishers 'to steer . . . wider of the unlawful zone . . .'"

The principle at work in *Speiser, Smith* and *Time, Inc.* seems to me equally applicable in the Army situation. Paraphrasing *Lamont*, anyone is likely to feel some inhibition in attending certain meetings or joining certain organizations if as a result the military arm of the government will compile and maintain an extensive dossier concerning his activities. The full and free exercise of the First Amendment right of freedom of association is likely to be the loser.

This is not to say, of course, that no surveillance of anyone under any circumstances is permissible. It is only to say that since surveillance is likely to have a restrictive effect upon First Amendment freedoms, the government's legitimate interests must be pursued by means which are not needlessly wasteful, as Professor Kalven has put it, of First Amendment values. In *Shelton* v. *Tucker*, 364 U.S. 479, a statute was voided which required each schoolteacher, as a condition of employment, to file annually an affidavit listing every organization to which he had belonged or contributed in the preceding five years. The Court said that although the state had a legitimate interest in the organizational commitments of its teachers, the statute overshot its target.

"[E]ven though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can more narrowly be achieved." (364 U.S. at 488.)

And in the concurring opinion in *Lamont*, Justice Brennan said, "In the area of First Amendment freedoms, government has the duty to confine itself to the least intrusive regulations which are adequate for the purpose." (381 U.S. at 310.)

Given Mr. Jordan's admission that the Army has no need of much of the information which it has been collecting, it seems to me almost beyond argument that these principles are applicable to the facts as disclosed by the testimony in the Chicago trial.

Once again, Mr. Chairman, I thank you for the opportunity to appear here today.

CONSUMER PRODUCT WARRANTY AND FEDERAL TRADE COMMISSION IMPROVEMENTS

Mr. COOK. Mr. President, currently before the Consumer Subcommittee is S. 986, the Consumer Product Warranty and Federal Trade Commission Improvements Act of 1971. As the ranking minority member of the subcommittee, I have been very much involved both in the hearings held on the bill, and in the recent executive sessions.

Basically, the bill would accomplish two things. Title I would establish Federal standards regarding the presentation, offer and fulfillment of warranties and warranty obligations. Title II would greatly expand the FTC's authority granting it legislative rulemaking authority which would give it unprecedented power.

As expected, the bill has aroused considerable controversy among consumer groups and industry representatives, as well as Members of Congress.

Recently, there appeared in the May 30 Louisville Courier Journal a story reportedly covering my alleged activities and feelings in regard to this legislation. To portray this article as merely misleading or an oversimplification of the proposed bill, and the facts surrounding it, would be a compliment that it unjustly deserves.

Because such inaccuracies should not go unanswered, I am taking the liberty of pointing out the most obvious errors.

> Just as vehemently . . . he [Cook] opposes . . . fines, for any unfair or deceptive practices.

Those who have been seriously following this legislation must know that I support an increase in the maximum civil penalty from $5,000 to $10,000 per violation.

> With one of the sweeping legalistic judgments . . . Cook declares the provision is unconstitutional and that it represents another abdication by Congress of its legislative role.

I do not apologize for being a lawyer. Title II of S. 986 gives to the FTC more authority than any executive agency has ever possessed. It would give this five-man appointed Commission the power to issue legislative rules. Article I of the Constitution clearly states that—

> *All* legislative powers herein granted shall be vested in a Congress of the United States . . . (emphasis added).

It is bewildering in this era of congressional reassertion of authority that there should be a clamor for the Congress to delegate any more of its constitutional functions.

Furthermore, these industrywide rules would be issued after an informal procedure that does not even guarantee the right of cross-examination.

Title II would also permit the FTC, when it deems necessary, to order specific consumer redress in the form of ancillary remedial orders entered in the Federal district courts. I have very serious reservations as to whether there are sufficient checks on the Commission's authority in this area.

> Cook's delaying tactics—seeking time for more witnesses, asking for postponements, failing to show up for meetings—have helped stall subcommittee action on the bill.

Of the several misrepresentations and erroneous allegations, this is the easiest to refute. Anyone who did not have sufficient interest to follow the hearings may have solicited the committee records to ascertain the correct facts.

I have never asked for a delay or a postponement of any meeting or hearing, except for a 1 day delay of an executive session scheduled for May 20, at 9:30 a.m., which request was prompted due to the fact that the Senate was in session until 11:29 p.m. on May 19. No objection was heard to this suggestion; it was readily accepted by the chairman.

I have never missed any meetings and thus delayed action because of a lack of a quorum. In fact, the Commerce record will show that I have not missed a single hearing day or executive session in regard to this legislation. Furthermore, I have chaired the hearings on one occasion when the chairman could not be present. This is certainly not the track record of an obstructionist.

The actual reason for the delay has been the heavy schedule of the Commerce Committee, which has considered S. 986, consumer class action legislation, "no fault" insurance legislation and campaign reform legislation, and several other matters all within the past 3 months.

I ask unanimous consent to insert in the Record at this point a letter from Fred Lordan, staff director of the Senate Commerce Committee, certifying my attendance in regard to meetings and hearings on S. 986. I also ask that a letter, disputing the Courier Journal article and signed by every member of the subcommittee, be inserted at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

June 4, 1971.

Hon. Marlow W. Cook,
U.S. Senate,
Washington, D.C.

S. 986: March 9—hearing—you did attend.
March 15—hearing—you did attend.
March 16—hearing—you did attend and preside.
March 22—hearing—you did attend.
May 21—executive session—you did attend.
June 2—executive session—you did attend.

Sincerely,

Frederick J. Lordan,
Staff Director.

Enclosures: Front pages of all hearings on said bills.

U.S. Senate,
Committee on Commerce,
Washington, D.C., June 7, 1971.

Hon. Marlow W. Cook,
Old Senate Office Building,
Washington, D.C.

Dear Marlowe: We, as members of the Consumer Subcommittee of the Committee on Commerce, have become aware of the Sunday, May 30, article in the Louisville Courier Journal entitled, "Marlow Cook draws the Fire of Consumer Groups."

> This article makes several misrepresentations concerning your activities in your capacity as ranking minority member of this Subcommittee.
>
> In particular, the article alleges that you have, by involving parliamentary and procedural rules, delayed and forestalled action on S. 986, "The Consumer Product Warranty and Federal Trade Commission Improvements Acts of 1971." As your colleagues we disapprove of and disagree with the erroneous allegations set forth in the article.
>
> We are writing this letter to clarify the misimpressions created by this story. For the record:
>
> (1) The article claims that you have been responsible for numerous and prolonged delays in the consideration of S. 986. To our knowledge you have never asked for a delay or a postponement of any meeting or hearing except for a one day delay of an executive session scheduled for May 20, at 9:30 a.m., which request was prompted due to the fact that the Senate was in session until midnight on May 19.
>
> (2) The article alleges that you have intentionally missed meetings and thus delayed action because you created the lack of a quorum. In fact we know you have not missed a single hearing day or executive session in regard to this legislation; and that you chaired the hearing on one occasion when the Chairman could not be present.
>
> (3) The article attributes the delays in action on S. 986 (over two months) to your activities, when the actual reason for the delay has been the heavy schedule of the Commerce Committee, which has considered S. 986, consumer class action legislation, "no fault" insurance legislation and campaign reform legislation, and several other matters all within the past three months.
>
> (4) The article claims that several members of the Subcommittee are displeased with your supposed delay tactics. None of us have ever made such a statement or such a suggestion.
>
> With best wishes.
>
> Sincerely,
>
> Frank E. Moss, Chairman, John O. Pastore, Daniel K. Inouye, William B. Spong, Philip A. Hart, Vice Chairman, Vance Hartke, James B. Pearson, Mark O. Hatfield, Ted Stevens, Norris Cotton.

Mr. COOK. Mr. President:

> Knowledgeable sources report that Pearson—a close personal friend of the Kentuckian—lectured Cook that he was making a "bad mistake" by attempting to stymie consumer legislation, and that such tactics could cost Republican politicians votes.

Again, by an unknown "source," a very serious allegation concerning my activities on consumer legislation was stated in the article. Once again, I can merely say that I have never attempted to "stymie" any consumer legislation. The so-called lecture by my good friend and distinguished colleague from Kansas was merely a talk in which he expressed concern that I might be unjustly labeled anticonsumer by various groups. How prophetic he turned out to be. Once again, I ask unanimous consent to insert at this point a letter of reply from Senator PEARSON.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> U.S. SENATE,
> COMMITTEE ON COMMERCE,
> *Washington, D.C., June 8, 1971.*
>
> Hon. MARLOW W. COOK,
> *Senate Office Building,*
> *Washington, D.C.*
>
> DEAR MARLOW: I have read with great interest the May 30 article in the Louisville *Courier Journal* concerning my alleged remarks about your views on many pending consumer proposals. To set the record straight, I must state that I never had any concern that you would "stymie" consumer legislation.
>
> However, I was worried then, as I am now, that your interest in obtaining more effective consumer laws and your tendency to ask the hard question, would put you in the position of being labeled unjustly as anti-consumer by some groups.
>
> As a matter of fact, your active and knowledgeable participation in shaping S. 986 reveals your great interest in the problems of the consuming public.
>
> Sincerely yours,
>
> JAMES B. PEARSON,
> *U.S. Senator.*

Mr. COOK. Mr. President:

> This bill has been heard now for 2 years . . . Any conscientious Congressman can vote on it today—all the consumer wants is for the Members of Congress to stand up and be counted.

This last quote is neither particularly important nor relevant. I merely quote it as an excellent example of journalistic innuendo designed to characterize one as "anti."

The period of time that a bill is before the Congress has, in fact, very little to do with its merits. In my brief 2½ years in the Senate, I have seen poor legislation become law quickly; likewise, many good measures have been pending for years without any committee consideration.

Title II of S. 986 which grants sweeping legislative rulemaking authority to the FTC is similar to title II of S. 3201 of a year ago. This proposal has been around for only 1 year as it was added by the Commerce Committee to S. 3201 in a closed and secret executive session after public hearings were closed. Actually, legislative rulemaking was substantially different in S. 3201 of the 91st Congress than S. 986 of this year. Every witness, including the bill's sponsor, at the hearings on S. 986 have testified to this material difference in the rulemaking proposal.

Thus, the demand that Congress stand up and be counted is one that in effect asks that Congress act hastily on new and far-reaching legislation.

Mr. President, as the only member of the subcommittee who has attended every hearing and every executive session in regard to this legislation; and as a member of the two committees, Commerce and Judiciary, which considered similar legislation in the last Congress, I feel I have a good understanding of the intent and the potential effects of this legislation.

Unfortunately, many consumer advocates have created the impression that any opposition to any provision of S. 986 is sufficient grounds to accuse the objector as anticonsumer.

However, I should like to point out that unlike many I do support a change in the present law increasing the FTC's authority to matters "affecting" commerce as well as "in commerce." I also firmly support the proposal allowing the Federal Trade Commission to seek a preliminary injunction or a temporary restraining order against an unfair or deceptive practice. I believe these changes are absolutely necessary to correct consumer abuses. I have always supported these proposals; I will continue to support them regardless of the position of any industry group.

I have been relatively outspoken, both in the hearings and executive session, in criticizing certain provisions of the bill. I have not attempted to hide behind closed doors the views that I hold. These criticisms have not been intended to deny needed protection to the consumer. Rather, I feel strongly that S. 986, as introduced, did not provide adequate protection to the consumer, and in some cases could actually work to his detriment. For example, certain provisions of title I would have placed requirements on industry that would probably have forced some small businesses to forgo the offering of warranties on their products. This was not the intent of the legislation. The intent was to allow the Federal Trade Commission to establish standards for warranties, not to force manufacturers to warrant. As a matter of fact, by forcing many companies out of business, the consumer will have his freedom of choice in the marketplace restricted. Monopolization will not benefit the consumers.

Recognizing these faults, I suggested several changes which have been accepted by the members of the subcommittee, and also by the bill's sponsor, Senator Moss, the chairman of the subcommittee.

As a matter of fact, every change that I have proposed in title I has been accepted. I believe this is ample evidence that all members of the subcommittee are vitally interested in producing a significant and effective bill in this area. I feel that title I of S. 986, now represents such a piece of legislation.

Mr. President, in spite of such ill-founded attacks, such as appeared in this article, I pledge to continue my efforts to enact truly effective consumer legislation.

ANSWER TO THE MAJOR OBJECTIONS TO THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, Arthur Goldberg is an ardent supporter of the International Convention on the Prevention and Punishment of the Crime of Genocide. He has served this Nation in many capacities. His terms on the Supreme Court and as Ambassador to the United Nations qualify him as an expert on both constitutional and international law.

The Senate ought to consider the arguments made by Arthur Goldberg in testimony before the ad hoc subcommittee on the Genocide Treaty. The Senate ought to ratify the Convention so stanchly supported by Mr. Goldberg.

I ask unanimous consent to have an excerpt of Mr. Goldberg's testimony printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Let me comment on the arguments that have been given particular prominence by the opponents of ratification:
>
> 1. The contention that the Constitution

prevents ratification of the Genocide Convention because Genocide is a "domestic" matter is without foundation.

It would be a curious result if the United States were constitutionally barred from ratifying a Convention already ratified by 75 other countries, including such friends and democracies as the United Kingdom, Canada, France, Mexico, the Scandinavian Countries and Israel. Fortunately, there is nothing in our Constitution that imposes such a unique disability upon us.

By any objective standard, Genocide is a matter of international concern and is, therefore, an appropriate subject for the exercise of the treaty-making power. In our shrinking world the massive destruction of a racial, religious or national group in one county has its impact on members of this group in other countries, stimulates demands for intervention, and inevitably troubles international relations. The fact that the United Nations General Assembly unanimously declared Genocide to be a crime under international law in 1949 and that 75 members of the United Nations are parties to the Genocide Convention is further evidence that Genocide can no longer be considered a matter wholly within domestic jurisdiction.

The protection of human rights is a matter of international concern. The United States has shown that it agrees with this view by ratifying the World War II peace treaties, the United Nations Charter, the Slavery Convention of 1926, and more recently the Supplementary Convention on Slavery (1967) and the Supplementary Convention on Refugees (1968). In the words of the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year, chaired by retired Supreme Court Justice Tom C. Clark: "Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making power of the United States . . . It may seem almost anachronistic that this question continues to be raised." I agree with my former colleague, Justice Clark, that there is no real basis for challenging the authority of our country under our Constitution to enter into the Genocide Convention. The constitutional arguments against the Convention are indeed, as the Committee said, anachronistic and without foundation in law.

2. The contention that the Genocide Convention would alter the balance of authority between the States and the Federal Government is unfounded.

The Constitution specifically gives Congress the power to "define and punish . . . offenses against the law of Nations." Genocide is an offense against the law of nations and is thus within the power of Congress to outlaw. Moreover, as the ABA's Section on Individual Rights and Responsibilities said in its report:

> "Ratification of the Convention will add no powers to those the Federal Government already possesses."

3. The contention that ratification of the Genocide Convention would subject American citizens to trial in foreign countries like North Viet Nam on trumped-up charges of Genocide is wholly false.

There is nothing in the Genocide Convention that would provide warrant for charges by North Viet Nam that our prisoners of war, being held under conditions in violation of the Geneva Convention, are guilty of Genocide. As the Foreign Relations Committee pointed out in its report, Hanoi can make trumped-up charges of Genocide against our servicemen, with or without reference to the Genocide Convention. In the words of the Committee:

> "Their peril will not be increased by approval of this convention while peril may be avoided for tens of millions by ratification of the convention."

Moreover, under the Genocide Convention, extradition would only take place in accordance wtih laws and treaties in force, and we have no extradition treaties with North Viet Nam. Nor do we make such treaties with countries whose legal systems do not afford basic procedural safeguards. Moreover, we do not grant extradition in any event unless a *prima facie* case is established against the accused and unless the accused will be afforded by the requesting state the due process provided by our own law.

In reading the testimony of the prior hearings I have noted the discussion of concurrent jurisdiction under the Convention—jurisdiction of the state of which the offender is a national as well as the state in which the offense of Genocide occurs. I noted the concern expressed on this matter by the senior Senator from Kentucky, Senator Cooper. Any expression from Senator Cooper deserves serious attention, and I have given it the serious attention that it warrants. I found in my own review of the legislative history that there was an agreed interpretation by the Legal Committee of the United Nations General Assembly that nothing in article VI shall affect the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside the state. The Foreign Relations Committee reached the same conclusion in its report. Nevertheless, I commend the Committee for meeting this concern by recommending an appropriate understanding on this point. I note further from the testimony of Administration witnesses that the Government could refuse to extradite where an accused American was standing trial in the United States or where the U.S. Government elected to try him here.

4. The argument that ratification of the Genocide Convention would subject the United States Government to irresponsible charges of Genocide arising out of Viet Nam or our treatment of American Negroes is without foundation.

Here again, ratification of the Genocide Convention does not alter the present situation to our disadvantage. Even without ratification, there is nothing to prevent a country from making baseless charges of genocide against this country in the U.N. If anything, ratification would improve our position, because the Convention requires an "intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such." The tragic events in Viet Nam and the terrible loss of life, both military and civilian, that has occurred there do not meet the treaty definition. Charges of Genocide in relation to the treatment of the Negro community in the United States, which admitedly has suffered widespread discrimination for many years, also are not within the scope of the Treaty. Ratification of the Convention would, if anything, help us rebut such charges by subjecting our behavior to a precise legal definition of Genocide.

5. The argument that provision for the settlement of disputes by the International Court of Justice would override the Connally Amendment and unreasonably limit our sovereignty is without substance.

This charge also lacks substance. The Connally Amendment applies only to our acceptance of Article 36 (2) of the Court's Statute, the so-called "optional clause" providing for compulsory jurisdiction across-the-board. Cases arising as a result of our adherence to the Genocide Convention would come under Article 36(1) of the Court's Statute, which covers the Court's jurisdiction as provided for in specific treaties. The United States has ratified many treaties containing the same type of provision for the settlement of disputes by the International Court as is contained in the Genocide Convention. Among such treaties are the Supplementary Convention on Slavery, the Antarctic Treaty, the Statute of the International Atomic Energy, and the Convention on the Privileges and Immunities of the United Nations ratified just last year. A list of these treaties is contained on page 215 of this Subcommittee's 1970 hearings. Indeed, our country in the ratification of many treaties has proposed that the International Court have jurisdiction over disputes. Interestingly enough, our efforts in this direction have frequently been frustrated by the Soviet Union, not Congress, whose members on numerous occasions have advocated increasing resort to the International Court.

This provision for the settlement of disputes over the interpretation of the Genocide Convention does not unreasonably limit our sovereignty. Our interests are better served by having any charges of Genocide against us considered in a judicial forum like the International Court, rather than more politically-motivated forums. Of course, by this provision we do undertake a commitment limiting our freedom of action in a limited sphere, as do the other parties to the Convention. This exchange of commitment is inherent in any treaty to which we become a party. Where the exchange of commitments serves our national interest, as it does here, it provides no valid basis for objecting to the treaty.

6. The argument that various provisions in the Convention—"in whole or in part", "mental harm," "direct and public incitement to commit genocide"—are loosely drafted and potentially harmful to our interests is without foundation.

Words in a statute or treaty are not self-interpreting. They must be read in the context of other provisions and in the light of the legislative or drafting history. The hypothetical interpretations of the Genocide Convention advanced by the critics are invalidated by the language of the Convention itself and by the records of the negotiation.

Thus "in whole or in part" does not mean that the killing of a single individual becomes Genocide. As the negotiating history makes clear, substantial numbers must be involved, and the acts of homicide must be joined by a common intent to destroy the group, for the definition of Genocide to be satisfied. The understanding recommended by the Foreign Relations Committee to confirm this point is wholly consistent with the drafting history.

"Mental harm," in turn, would not support propaganda charges of harrassment of minority groups, as charged by some critics, because mental harm becomes an element of Genocide only when done with an intent to destroy a group. Moreover, as the negotiating history shows, it was inserted for the narrow purpose of prohibiting the permanent impairment of mental facilities, as from the forcible application of narcotic drugs.

"Direct and public incitement to commit Genocide" does not cover constitutionally-protected speech. It covers speech which calls for the commission of mass murder, which is actionable under our Constitution as in other countries. As the Supreme Court declared in *Brandenburg* v. *Ohio*, 395 U.S. 444, "the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action." (emphasis added). In any case, no treaty can override a provision of the Constitution, and there is no doubt that the legislation passed in implementing the Genocide Convention will be interpreted in accordance with the First Amendment.

In conclusion, I find the objections to ratification of the Genocide Convention without substance. The reasons for ratification, as I suggested earlier, seem to me compelling. Some cynics doubt that the Genocide Convention really "matters". Some say it ranks at the bottom of our foreign policy priorities. Some even say it is "an exercise in futility."

I do not agree. We have heard this argument now for over twenty years. I believe the time has come to devote more of our energies and resources to the long-term task of constructing some kind of decent world order. Ratification of a convention outlawing the most blatant crime against humanity will not by itself provide the answer. But it is surely a good place to begin. It should be one of the foundations of the rule of law among nations—a rule of law which, in the long run, is the only assurance of lasting peace.

POSTAL RATES

Mr. YOUNG. Mr. President, every American is affected by the postal rate increases which went into effect several weeks ago. The most visible impact, of course, is the increase in first-class and airmail rates. Another part of the rate increase that will have a greater long-range impact of the American public is that for second-class mail.

This rate change has a direct and adverse impact on newspapers and newspaper subscribers throughout the Nation. In a rural area such as North Dakota, the impact is particularly severe. I know that many of our small weekly newspaper publishers have expressed concern over their ability to stay in business and all of our newspaper people are deeply concerned over the effect this will have on their business—both financially and their continued ability to present news and information to their readers at a cost that they can afford.

A recent editorial in the Grand Forks Herald, published at Grand Forks, N.D., details these difficulties very clearly and precisely. Since it is a matter of grave concern to each Member of the Senate, I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

The Postal Rate Commission is now in the process of analyzing these rate increases to determine whether they should be permitted to remain in effect or reduced. I am hopeful that they will consider carefully the very strong evidence being presented about the adverse effect these increases will have, not only on the newspaper industry, but on the general public.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE NEW MAIL RATES

Beginning today, new postal rate schedules are in effect. The new charges are called "temporary," since the Postal Rate Commission has not yet had time to take and consider testimony on the recommendation of the new quasi-public corporation, the U.S. Postal Service.

It now will cost eight cents instead of six to send a letter by regular mail, 11 cents instead of 10 to send it airmail, and six cents instead of five to send a postcard. Second and third class rates are increased by approximately 30 per cent.

One aspect of the new rates, not generally realized by the public, is the effect of the new rates upon smaller newspapers in this country, particularly in sparsely-settled areas such as North Dakota and northern Minnesota.

Especially important is the fact that the new second class rate schedules include an entirely new principle—a per-piece surcharge. Newspapers sent in bulk form, in bundles, have traditionally paid postage on the basis of weight, with a substantially higher charge for the advertising content than for the news content. This method of payment, including a minimum charge to insure adequate revenue from the smaller paper, is retained. In addition, however, the temporary increase adds a per-paper charge for each newspaper handled in the mail. The Grand Forks Herald mails more than 12,000 newspapers each day.

For years Congress has refused to support such a surcharge, which adds a second type of minimum charge to the existing minimum charge. Now that the USPS no longer is under the congressional wing, it has wasted no time in installing it. Newspapers feel this is particularly unfair, since they are being given no chance to testify against it before it is imposed. They will have an opportunity to testify before the rate commission, but not until after the surcharge is in effect. Those familiar with governmental bodies know the difficulty in eliminating an established practice, even if it is called temporary.

The entire effect of the proposal does not appear immediately. Because second class rates are increased so drastically, the Postal Service proposes to phase in the new rates over a five-year period. The proposal calls for an increase of 142 per cent over five years, which in itself sounds bad enough. However, with the per-piece surcharge, the smaller newspaper in a sparsely settled area will pay substantially more than this.

In our area, the second class postal increases will average 193 per cent for the Minot Daily News, 175 per cent for the Forum published at Fargo, and 188 per cent for the Grand Forks Herald. Many weekly newspapers will have even higher percentage increases.

The Postal Service says that second class mailers have been subsidized for years. Under the new corporate form, all classes of mail are required to become self-sustaining. However, the studies which established attributable costs were done on a sampling basis and do not reflect the situation which exists in this area, where much of the post office work is done by newspaper personnel in the newspaper plant.

Of the more than 12,000 papers mailed each day by the Grand Forks Herald, less than 500 ever enter the Grand Forks Post Office. Bundled, labeled and sacked in the Herald's mailroom, they are loaded on star route vehicles for delivery for outlying post offices. Most are for rural delivery, so they are given to the rural route driver for distribution. They are alphabetized for his convenience.

Other classes of mail are increased rather modestly compared to the proposed increases for second class.

The net effect may be to drive mailing costs, and thus mail subscription rates, beyond the reach of the average rural subsciber. Many rural families will be deprived of their main source of news.

Newspapers and other second class mail users are attempting to have the proposed increases scaled to more modest proportions. If they are unsuccessful, the day of the mailed subscription to the newspaper may be nearing the end.

DR. JAMES R. WASON'S OUTSTANDING SERVICES TO THE CONGRESS

Mr. ERVIN. Mr. President, I desire to pay tribute to a distinguished and dedicated public servant for his outstanding services to the Congress. I refer to Dr. James R. Wason, who, before his recent retirement, served as a specialist in labor economics and relations and industrial development with the Congressional Research Service of the Library of Congress.

I am personally acquainted with Dr. Wason's work, because of the valuable assistance he rendered to the Subcommittee on Separation of Powers in its study of the independent Government agencies and their impact on the doctrine of separation of powers. I should like to mention particularly Dr. Wason's work in preparing an important and scholarly document for the subcommittee—through the good offices of the Legislative Reference Service of the Library of Congress—entitled, "Separation of Powers and the Independent Agencies: Cases and Selected Readings." This compilation of cases and readings on separation of powers and the administrative process, comprising more than 1,700 pages, with an introduction by Dr. Wason, was carefully assembled and edited by Dr. Wason. The manuscript's 47 essays, articles, reports, and opinions trace the development of administrative law and theory since World War 1, and bring together valuable materials which are not collected in any other volume. It was printed as a Senate document on December 12, 1969, and it has been widely acclaimed as a significant study of governmental independent agencies. This fine and useful collection is one that will continue to be a valuable source of information for the Congress and for students and historians. During the time that Dr. Wason was engaged in the preparation of this manuscript, I and the subcommittee staff had many opportunities to confer with Dr. Wason, and we were invariably impressed with his ability and scholarship.

Dr. Wason was graduated with high honors from American International College, where he was a member of Alpha Chi Honor Society. He received his Ph. D. degree from American University. Prior to joining the Library of Congress in 1962, Dr. Wason served for a number of years with the Department of Labor. He also taught courses in economics and history in the evening division of the College of General Studies of George Washington University. Included in his professional affiliations are memberships in the American Economic Association, the Industrial Relations Research Association, the American Historical Society, and the Economic History Association.

In the fall of 1970, Dr. Wason was granted a leave of absence to accept a contract with the University of Maryland as lecturer in economics, and in that capacity conducted classes at military bases throughout the Pacific area.

It gives me much pleasure to express my admiration and regard for Dr. Wason and to wish him well in his retirement.

THE GENERAL ACCOUNTING OFFICE—ITS GOLDEN ANNIVERSARY

Mr. SYMINGTON. Mr. President, it is with pride that I join my colleagues in well-deserved commendation of the U.S. General Accounting Office. At the time of this, the 50th anniversary of the founding of that outstanding organization, it is fitting that we congratulate

GAO, a group of Americans who have done so much for their country.

While millions of Americans have heard of the GAO, their knowledge of the organization often scarcely goes beyond the name.

In a democracy the GAO could be compared to the press, serving as a balance against unlimited government, an independent auditor of power.

As Justice Sutherland once wrote about the press, the GAO, too, serves "as one of the greatest interpreters between men and government and the people." Its function is to hold for congressional examination and scrutiny the operations of government. Our Government attempts to solve the problems of today by means of programs administered by its various agencies. Due to the scope of those problems—urban rehabilitation, economic stability, military preparedness, and social betterment, to name but a few—this Government has become the largest and most diversified business in the world; and so as to cope with such vast size and span of operations, management improvement is a never-ending process.

The job of carrying out programs effectively, with a minimum of waste, takes many forms and calls for the foresight, efforts, and skills of everyone who is interested in the success of our system.

Through its review of Federal operations GAO contributes significantly to the solutions of these national problems. Its independent reviews and evaluations encompass the planning, implementation, and results of agency programs. Its reports provide needed information to our Congress for decisionmaking and give the President and all levels of management in the executive branch important feedback on program effectiveness and efficiency. Its recommendations often lead to improved management practices and restructured programs.

The GAO occupies a unique position within the Federal Government. It is an independent agency in our legislative branch, headed by the Comptroller General of the United States, Mr. Elmer B. Staats. The latter is responsible only to the Congress. It has numerous duties and responsibilities under various laws pertaining to accounting, and the making of audits and investigations of other Government agencies and Government contractors.

The responsibilities assigned to GAO represent one of the ways by which the Congress has made provision for exercising control over the activities of the executive departments and agencies.

Information reported to the Congress, acting as a third party representing, collectively, the people of the United States, is often used directly in congressional operations, such as considerations of appropriation requests, development of new legislation, and review of executive branch operations. On the other hand, reports rendered, based on audit work performed, may require no positive attention by the Congress, because no adverse conditions are reported. This type of activity also involves reliance on the work of the GAO in its role as part of the Government's overall system of checks and balances.

The Comptroller General allocates the manpower of the General Accounting Office primarily to those areas known or considered to be, of direct interest to the Congress; also, to areas which, in the Comptroller General's judgment, involve the greatest apparent need or potential benefit to the Government.

GAO assists effectively the discharge of two major congressional responsibilities; namely, exercising the legislative oversight and considering authorization and appropriation requests of the executive branch.

Its special audits, surveys, and investigations are frequently undertaken as a result of information obtained through its own operations, or volunteered by other organizations, employees, or private individuals; or as a result of interest expressed by Members or committees of Congress.

The specific factors bearing upon the decision of GAO to make an audit include statutory requirements, or congressional requests and indications of congressional interest, potential areas of Government operations in need of improvement, areas which have been identified as involving weaknesses in management controls and operations, deviation of agency policies from congressional intent, and programs with large sums to spend, assets, or revenues.

For five decades, the GAO has performed its responsibilities and pursued its prescribed objectives with determination and enthusiasm.

It is a pleasure to recall the rewarding relationship which I have enjoyed with GAO since I came into the Federal Government in 1945.

GAO efforts to locate needed information for the Congress have often been hampered by the agencies of the executive branch providing less than accurate, or incomplete information. Despite such backstage string-pulling and overly liberal use of security classification stamps in some cases, one can recall when GAO provided conclusive proof of funds being expended while at the time it was alleged no such expenditures had been made.

No doubt GAO's auditors do turn up in unlikely places, and agencies which wish to fool them need to do more than a little spring housecleaning. Sometimes also it is forgotten by other agencies that the GAO is capable in its determination as to what documents are relevant to its purposes; also that it is just as concerned with the protection of national interest as are various agencies and departments which sometimes are reluctant to provide access to their documents.

In summary, the General Accounting Office is a dedicated organization, dedicated to serving the United States. It is with a great deal of pride, therefore, that I congratulate its members on reaching this milestone. May it give many more years of useful service to a grateful Nation.

SUBSONIC CRUISE ARMED DECOY

Mr. GOLDWATER. Mr. President, on Monday, May 24, the Senator from Wisconsin (Mr. PROXMIRE) spoke to this body on the subject of the subsonic cruise armed decoy and the reengining of B-52 bombers. As has been and will be my custom, in debate on weapons, I am going to answer any inaccuracies as soon as I can on the floor of the Senate, because we are now entering a field that is understood by very few Members of this body. I do not say that in a derogatory way, it is just that outside of the Armed Services Committee there are very few Members of this body who are versed on the weapons systems in our military. Because of this, I want the RECORD to be abundantly clear and I continue my efforts in this field by pointing out just what the Air Force's position is relative to the subsonic cruise armed decoy which we call SCAD.

First of all, let me add my complete support to one of his main points:

> It is time we stopped stalling and move out on SCAD program.

Now, why am I sold on moving forward with the SCAD? Well, put simply, it is because this particular program offers as much potential for enhancing our deterrent posture as any other proposed development program we have before us—and it is one of the least expensive of the whole lot.

The reasons for SCAD's potential value were amply outlined by the Senator from Wisconsin, but a momentary reminder might, nevertheless, be in order.

First, the basic vehicle can function in three modes: First, as a decoy with electronics to make it look like a bomber to enemy radars; second, as an attack missile with good guidance and a warhead in a lightly defended area; and, third, as an armed decoy with both decoy electronics and warhead. As I understand it, these alternate payloads can be constructed in a modular fashion so that the fleet of SCAD's can be easily reconfigured to meet the mission and defense threat at hand. Now, I have heard a fair amount of the technical arguments as to when each of the three, or some specific combination, is appropriate. The arguments are, to say the least, involved and I do not pretend to have followed them in detail. However, the basic source of SCAD's value, in all three cases, is in presenting the defense with a large number of objects, be they decoys or missiles, to try to find and shoot down. Now that clearly puts the defense at a big disadvantage. I can understand that, you can understand that, and most importantly, the Soviets can understand that. And deterrence is, after all, based on insuring a Soviet perception that our retaliatory forces could get through to their targets.

Second, when there are so many worthwhile and important programs, both in the defense area and in the domestic area, which are in urgent need of funding, it is a source of satisfaction to know that one development and production program will provide three options in a simple building block approach. This means we will not have to buy a new set of penetration aids every time we get an inkling of some potential shift in the threat.

Third, SCAD can serve its role on both the B-52 and the future B-1. That means the dollars we spend today will continue to pay dividends for years to come.

Fourth, SCAD, either as an aid to bomber penetration or as a missile in its own right, preserves the aerodynamic cruise threat. As the Senator from Wisconsin put it:

> It (SCAD) would not be subject to a possible Soviet ABM system, and it would preserve the role of the bombers as the only one of our deterrents which is not.

These four points summarize, in general terms, what has convinced me that we ought to quit stalling and get on with SCAD forthwith. That there has been an undue delay is evident from the fact that it is now almost 4 years since the SCAD concept was first proposed, and we still do not have a full-scale development underway. However, I cannot in good conscience go along with the Senator from Wisconsin in laying the blame for this delay solely on the Air Force. The Congress, too, must share the blame. Let me explain why I say this.

Of the $50 million requested by the Air Force in fiscal years 1970 and 1971, the Congress finally approved only $10 million—that is only $5 million a year, hardly a way to build a moving program.

So right now, the ball is squarely on our side of the net and the Air Force cannot move out with a solid development program until we act on the fiscal year 1972 program.

The budget request of $10 million appears low at first glance in light of prior year requests for larger sums. However, there are several points that tend to support this figure.

I am advised that there is still approximately $3.2 million in prior year funds available which can be used upon the resolution of congressional intent to pursue SCAD. In addition, the Air Force proposes to perform a substantial part of the systems engineering effort with Government personnel thus reducing the R. & D. dollar requirement. Also, during the past year the Air Force has experienced considerable success in advanced development work in engine and decoy electronics as a result of which the amount of required first year effort in less than was provided for in earlier program plans. Moreover, several of the potential contractors for airframe, engine and electronics have pursued advanced design and development efforts in recent years, thus requiring less first year funding. And the program is structured according to the fly-before-buy concept which generally lowers expenditures prior to a production decision.

I believe we have covered the SCAD in fairly full fashion here. Now we can move on to what appears to be the underlying issue—the B–1 penetrating bomber. Notice I said penetrating bomber—because that is the real point of discussion. "Why can't the B–52 with SCAD act as a standoff bomber and negate the requirement for a B–1?" There is no doubt but that SCAD has a definite and valuable place in the manned strategic force. However, it does not have, and will never have, a really capability to replace the penetrating bomber. For one thing, it is too slow and too big to be expected to fly over Soviet terminal defenses unaided. Now the SRAM can do this, but that is because the SRAM is pencil thin, hugs the nap of the earth, and flies at supersonic speed. Before an enemy could pick it up on radar and shoot, the missile would have hit its target. To build a SRAM type missile which would have the range expected of a standoff weapon would mean a monstrosity 10 times the size of the SRAM—so big that the huge C–5 could only haul about five of them. Needless to say, the cost would also be prohibitive, 10 times the cost of a SRAM. And that is assuming no technological difficulties in developing such a complicated weapon.

Since the B–1 is the real issue here, let us look for a moment at what this airplane offers. Imagine yourself as an enemy planner trying to devise a foolproof defense against an aircraft which is barely detectable on radar, flies below your antiaircraft gun and missile radar or blinds the radar with its electronic gear, flies so fast that only your most modern interceptors can possibly overtake it and even these have only a marginal possibility of getting a successful shot at it. It can also release decoys which may be armed with nuclear warheads, thus saturating your defensive system, and once it gets close to the targets you want to defend, it fires a missile which your radar cannot even see. There you sit with what may be the most impenetrable ABM system imaginable—yet you still have to find a sure way to beat the B–1. This is true deterrence—forcing that planner to recognize that there is no way for him to escape the retaliatory power of the United States from any one of the TRIAD of weapon systems deployed against him.

Returning to the issue of SCAD, I am firmly convinced now, as I have been for some years, that the SCAD program is a must. I have taken time to recount what has happened in the past, since it seemed of interest to some. But for my money such retrospection has limited value except to understand clearly where we are today. Today the fact is that if the Nation is to have SCAD it is up to the Congress to make the next move.

The Air Force has made steady and substantial progress in reducing the technical risk in the program. They have testified that they are ready, indeed anxious, to get on with full-scale development of the armed and unarmed decoy versions in a form suitable for the B–52 and the B–1. That is what we want, too. Let us now join in giving them the support they need for the common cause.

Now turning to his suggestion that the B–52 can be refurbished and, therefore, destroy the requirements of the B–1, I will first point out that there is nothing new about this; it was suggested years ago and turned down by the Air Force, because of many factors the Senator did not get into. Metal fatigue today would be the biggest argument against this reengining and metal fatigue is going to happen a lot sooner than the Senator from Wisconsin believes. These airplanes are not designed for low level bombing. Consequently, the design is not comfortable with turbulence found at lower altitudes and undue strain and stress has been placed on these aged bombers.

The Air Force testified before the Senate and House Armed Services Committees this year on the possibility of reengining the B–52 G. & H. fleet. At the request of the Senate Armed Services staff, the Air Force has secured from Boeing a copy of their preliminary proposal and have provided it to the staff.

The Boeing Co.'s idea for reengining was originally briefed to the Air Force in January 1969, and represented the results of preliminary analyses which they had performed to increase the B–52's range/payload capability. Boeing's approach was to modify an Air Force B–52 with four TF–39 engines. Boeing, in 1969, estimated the prototype program would take 2 years and cost $6 to $10 million. Now, Boeing estimates the cost at approximately $40 million. Since no formal proposal was submitted, an official response was not made, however, the Air Force did consider the merits of the Boeing idea.

The B–52's are the mainstay of our bomber forces today. They were delivered to SAC during the 1955–62 period. The earlier models have already been phased out. Thus, by 1980, the remaining G. & H. models will be about 20 years old. The B–52's were not designed for sustained low altitude operations. Some $3 billion has already been spent over the years for structural modifications, capability improvements, and depot maintenance to keep them safe and effective. Since there are limitations to what can and should be done to an aging aircraft, the Air Force has carefully selected those modifications most urgently needed to maintain the B–52's combat capability in the face of a growing Soviet threat. Another decade of flight might well require more extensive and expensive modifications than in the past.

Boeing's idea would not preserve the B–52. Reengining the B–52 would not significantly enhance prelaunch survivability since the B–52 nuclear effects hardness and maximum allowable escape speed are unchanged. Additionally, the large engines would require much greater start time. It is not presently, possible to provide quick-starting capability on the TF–39 type engines. Boeing's data on reengining the B–52 included some structure modifications designed to support the engine installation and, therefore, would increase the airplane's maximum takeoff gross weight. A configuration change of this magnitude would not increase the B–52 flying hour service life, but would decrease the service life remaining.

Re-engining would not improve the B–52's survival during penetration of Soviet air defenses. Since the present aircraft are programed to carry all the payload of which it is capable, it was determined that the greatest enhancement to penetration could be achieved by other means. Therefore, the Air Force is planning to equip the B–52's with the short range attack missile—SRAM—the subsonic cruise armed decoy—SCAD—electro-optical visual sensors—EVS—and continuing improvements in electronics countermeasures—ECM.

For some time now, the Air Force has looked for a system that would perform the mission of the B–52, but without the deficiencies. The Air Force used its experience with the B–52 to design an airplane that would react faster to reach a safe escape distance, would take off at a closer interval on each runway, could be dispersed to more runways, and have a designed inventory life of 25 years. The B–1 bomber proposal was the result.

Through a combination of subsystems design and hardness to nuclear effects, the B–1 would reach a safe escape distance from a nuclear detonation over the base much faster than a B–52. The smaller dimensions of the B–1 would permit it to take off with a spacing interval between aircraft of one-half of that of the B–52. The shorter takeoff distance of the B–1 would make available about 150 more existing runways than are available to the B–52, thereby permitting greater dispersal and faster reaction by the alert force. Additionally, the B–1 would have a significant range-payload advantage over the B–52. The B–1 would be able to carry twice the bomb load capacity of the older B–52.

The B–1 would have a faster penetration speed, lower penetration altitude, reduced radar cross section and smaller infrared signature than the B–52. These factors combine to preclude a tail-chase intercept by the current Soviet manned interceptors—eliminating a major portion of the Soviet interceptors as a threat.

Finally, with respect to weapon delivery accuracies, the B–1—by virtue of better avionics—would be able to deliver its payload more accurately than the B–52.

Taking all factors into consideration, the Boeing idea to re-engine the B–52 will not improve the combat effectiveness or extend the life of the Boeing B–52 aircraft.

FREDERICK ARNOLD MIDDLEBUSH

Mr. SYMINGTON. Mr. President, on June 8, 1971, Dr. Frederick Arnold Middlebush, distinguished university educator and administrator, student of political science and international law, died at his home in Columbia, Mo., at the age of 80. He is survived by his gracious wife, Mrs. Catherine Middlebush.

Dr. Middlebush was for 20 years president of the University of Missouri during a time of great expansion and changes for that institution. Following his retirement from the presidency in July 1954, he continued to serve the community to which he was so devoted as president emeritus and director of the university's development fund. Dr. Middlebush's career included numerous posts as adviser to the Federal Government on educational affairs and as a member of leading national educational associations.

Born in Grand Rapids, Mich., Dr. Middlebush received his A.B., M.A., and Ph. D. degrees from the University of Michigan. He taught in country and public schools until 1912; was a member of the department of history and political science at Knox College, 1915–17; engaged in research work in London, Paris, and The Hague, 1920–21; joined the faculty of the University of Missouri in 1922 as associate professor of political science and public law. He later became acting dean, and then dean—1926—of the university's school of business and public administration, and president of the university—1935.

As an adviser to the U.S. Government, Dr. Middlebush was a member of the National Commission on Liberal Arts Colleges, 1942; the Navy Civilian Advisory Committee, 1946; the Board of Visitors, Naval Academy, 1946–48; the Citizens Committee on Reorganization of the Executive Branch of the Government, 1948–49; the Commission on Financing of Higher Education, and Research Service Academy Board, 1949–50; the Advisory Committee on Educational Opportunities in the Armed Forces, beginning 1952; the National Science Board, 1950–62.

Dr. Middlebush was a trustee of the Carnegie Foundation and the Midwest Research Institute; a member of the executive councils of the American Political Science Association, the American Society for International Law, the National Association of Land-Grant Colleges and State Universities; a past president of both the National Association of State Universities and the Association of American Universities.

When bills to establish the National Science Foundation as an independent Government agency were under consideration by the Congress in 1945–50, Dr. Middlebush, through his close personal friendship with President Truman and U.S. Representative from Missouri Clarence Cannon, was a valued advisor to groups in both the executive and legislative branches on the development of the National Science Foundation legislation, which was enacted into law in 1950. There followed the same year Dr. Middlebush's appointment by President Truman as a charter member of the National Science Board, the 24-member governing body of the National Science Foundation, and his reappointment by President Eisenhower to a second 6-year term. As a member of the National Science Board, Dr. Middlebush was instrumental in developing plans for the Foundation's support of the social sciences; in advising on the relationships between the Federal Government and educational institutions during a critical period for the Nation's colleges and universities; and in guiding the Foundation in its formative years.

Dr. Middlebush was highly respected by all those who were privileged to be associated with him during his long career. Our State has lost a distinguished leader and I have lost a friend. His influence in the university community will continue to live, however, through his devoted efforts toward excellence and creativity in American education.

HELIUM AND THE CLEAN ENERGY DEMAND

Mr. PEARSON. Mr. President, I rise to commend the message on energy delivered to the Congress by the President of the United States.

There is no single factor more important to the continued well-being of our people and our economic progress than sufficient supplies of energy in all forms.

One statistic illustrates the point. With only 6 percent of the world's population, we consume 40 percent of the energy used in the world. The fact that we have been, in the past, able to produce and use practically unlimited amounts of power is the base on which the standard of living of our people rests and is the source of our productive capacity.

We are inclined in this country to take a great deal for granted. One of the things we have always taken for granted is all the power we need at the turn of a knob or flip of a switch. The energy industry of our Nation has performed admirably in the past to provide this service for the Nation.

This situation is rapidly changing, however. We have had blackouts and brownouts and we face a dilemma today in which many natural gas distributors are unable to provide service to new customers for lack of the product.

The problem has been discussed eloquently by Members of this body. The Senate has taken, I believe, a strong and constructive forward step by authorizing a study by the Interior Committee of the total energy picture.

It is increasingly obvious that coordination of all efforts is essential if we are to produce the power required by our people and at the same time prevent degradation of the environment in which we all live. Very serious questions of energy production and environmental impact have been raised in many quarters. Newspaper articles about the impact of power generation in the Four Corners area of the Southwest show the public concern about our land, water, and air as we seek to meet the spiraling need for electricity to keep our industries operating and our homes lighted and comfortable.

The President pointed out that this is not the single responsibility of anyone or any group. It is a collective responsibility which will require the cooperation of the Congress, State and local governments, private industry, and of the consuming public.

It will require as well, I believe, a major research effort on new technology, which bears on the generation and transmission of power without harm to the environment.

I was pleased at the emphasis placed by the President on research and development of means to produce clean energy. Indeed, other nations are already moving in this direction.

In Germany, for example, research and development is proceeding on a high temperature, high efficiency nuclear reactor which will be cooled by helium gas and in which the helium gas will spin a turbine to produce electricity, hence eliminating thermal pollution. The Germans are working on a helium-cooled, fast-breeder reactor.

The President mentioned as well, research in such fields as fusion power, magnetohydrodynamic power generation, and the development of new and less expensive techniques for burying high voltage electric transmission lines underground.

In all of these areas, the science of cryogenics based on liquid helium has an important role to play. The magnetic fields necessary to contain the hot plasma produced in the fusion process will be created by superconducting magnets, made possible by liquid helium. Magnetic fields necessary for MHD generation also will depend on these superconducting magnets.

It is in the area of underground transmission that the helium-based science of cryogenics can play a decisive role. Certain metals lose all resistance to the movement of electricity if they are cooled to the super low temperatures, within a few degrees of absolute zero, produced by liquid helium. In other words, if a powerplant puts 600 megawatts of electricity into a superconducting underground transmission line, 600 megawatts of electricity come out the other end regardless of the distance involved. Scientists say that all the power needs of the city of New York can be supplied by one superconducting cable less than 20 inches in diameter buried underground. These cables can carry power from conventional plants producing electricity at the mine mouth to consuming centers without all the overhead transmission facilities currently necessary.

Mr. President, I predict the day will come when huge nuclear powerplants situated far from consuming centers will be cooled by helium, the heated helium will spin turbines to generate electricity, and the electricity will be sent underground through superconducting lines cooled by liquid helium to our cities. And all without impairing the quality of our air, our water, or our land.

It would seem clear that the Federal Government could, with the cooperation of private enterprise, provide the means to promote further research and exploration into the potential uses of helium. It would also seem clear that the refining and preservation of helium would be an essential step toward realization of this potential. Yet, the Department of Interior is now preparing to cancel its helium conservation program, and I submit that this decision deserves reconsideration and reevaluation, particularly in view of the President's actions.

It is true that we have approximately 28 billion cubic feet of helium in storage now. It is also true that Government witnesses at a hearing held before the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior and Insular Affairs Committee stated that no evaluation of the potential civilian use of and need for helium was made before the program was canceled. And it is true that when the program was conceived, the Government set a goal of accumulating 58 billion cubic feet of helium. Helium is a wasting natural resource found in some—not all—natural gas, and the United States is blessed with the free world's only known large supply. Upward of 90 percent of our known reserves are in one area—the Hugoton-Anadarko field on which the conservation program was based, but 20 years from now, all this helium will be gone, vented to the atmosphere, unless it is conserved now.

Mr. President, while the Government may have run into difficulties with the program which led to its termination, I submit that the potential of helium in the production and transmission of clean energy is so great, a fact which has been detailed by scientists from all over the country, including men working at the Los Alamos Scientific Laboratory and the Argonne National Laboratory, that some means of saving this resource should be achieved while the research and development work progresses. If not, we might some day discover that we have the technology to meet the energy problem but lack a supply of the essential natural resources to make the technology work. I believe that research and development in the cryogenics field can pay rich dividends to the Nation and that we should be able to effectively and economically conserve the element critical to cryogenics while it is readily available. Alternatives to conservation—such as extracting helium from the atmosphere—would not only be tremendously expensive but would also require huge amounts of power and contribute to pollution. That is precisely what we are attempting to avoid to solve our energy problem, and it is a strong and compelling argument in favor of a rescinding of the Department of the Interior's decision.

ESSAYS ON RURAL ELECTRIFICATION

Mr. CURTIS. Mr. President, the Nebraska Rural Electric Association has sponsored a youth tour to Washington for a number of years. The group is made up of those boys and girls who have been the winners of essay contests sponsored by their individual Nebraska rural power systems in cooperation with the Nebraska Rural Electric Association.

I ask unanimous consent to have three of these winning essays printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

RURAL ELECTRIFICATION AND THE VALUE OF ELECTRICITY IN THE HOME AND ON THE FARM

(By Harl Dixon)

Time represents a continuous pace of life, which must be kept up with today, as it has been in the past. The past decade formulated a progressive atmosphere for itself—looking into the future toward greater horizons. Comparably, rural electrification has certainly shown its sign in society for keeping up with the changing times.

Rural living today has nearly all of the conveniences and advantages of city living; electricity has helped close the gap between the differing modes of living that existed in past generations. To speak of only a few of the useful ways in which rural electrification can be used around the farm would include the use for lighting, shopwork, milking machines, farm pumps, small motors, and the increasing importance for energizing irrigation systems. While the farm home also greatly relies on the electricity today, the range of uses varies from electric heating installations to a handful of appliances, even the latest "trash smasher." Electric living has not only contributed in improving rural life, but it has made farm living more mechanized in all aspects.

Birth came to the Rural Electrification Administration in 1935, which marked the transition of a dark America into a lighted, thriving America. Electric power then replaced many old conventional sources of power, including much of the hand labor and the energy of the domesticated animal. Since that humble beginning, the R.E.A. has shown seemingly limitless ability in serving the farm and home in their role and purpose in our mechanized society of today. The extent of rural electric coverage is constantly increasing, but the significance lies in the fact that agricultural production is sharply increasing, while overall operating expenses diminish.

Since its beginning, electricity has brought new aids to the American farmer. Many power lines have been built, covering rural America with an intricate maze of wires, cables, and poles. Within only one year after REA had its beginning, over 25,000 miles of rural power lines had been put up, serving over 11,000 farms. Evidence shows that rapid growth in the very beginning has kept continuous pace through its developing years.

Nebraskans, as well as Americans, have a great asset to compliment in rural electrification. In Nebraska alone, the number of electrified farms has increased from 9,544 to over 74,000 in the span of years from 1935 to the present. But on the national level, it is even more promising; in 1935, the number was 717,347 compared to over 3,000,000 farms today.

From the beginning of time, man has depended upon agricultural practices to support his existence. Yet, today in our computerized, industrialized culture, the world still relies heavily upon agriculture to support the abundance of population. But where would agriculture be today without the aid and rapid growth of rural electrification? Everyday chores can now be performed on a large scale by the flick of a switch, the pushing of a button.

Electric living today is an accepted way of life on the farm. Its versatility and use had been applied to almost every time-saving, labor-saving device available to farm dwellers today, and the outlook is even more optimistic for tomorrow. Rural electrification in the 70's must meet the ever-growing and changing demands of an ever-growing and changing country. It will, no doubt, greatly influence the "shape of things to come."

THE DEVELOPMENT OF RURAL ELECTRIFICATION IN MY AREA

(By Kathryn Gaye Birt)

The idea of rural electrification was established in Senator George W. Norris' mind in August of the year 1888. His idea was not realistic until May 20, 1936, which was forty-five years later. Those who were very much in favor of the project had anticipated its birth more than fifteen months before its enactment. They started then to make applications for loan funds and M. E. Cadwallader circulated petitions that made Furnas County a part of the Southern Nebraska Public Power District. But in the June meeting of this organization, the men from Furnas, Harlan, Franklin, and Webster Counties were told that their counties had been dropped from the project because of the flood of that year. In 1936, the Dawson County Public Power District was asked of their interest in serving our area and none was shown. Finally, the McCook Public Power District displayed an interest in our counties, and this interest was followed by a survey and meter deposits. But after these actions were taken, the residents of this area were once again disappointed; nothing else happened.

When World War II began, the military realized how much food and manpower were needed to win the war. Electricity was needed for these war-winning sources; and therefore, the Rural Electric Administration was authorized to make loans. In January of

1944, representatives of Harlan, Furnas, Frontier, Red Willow, and Gosper Counties were invited to the office of Frank Butler in Franklin to discuss the beginning of an REA project. Before this meeting came to a close, a temporary organization was formed, with Frank Morrison as the members' attorney.

To receive membership in this area's REA, men went to the Coffey School on February 13, 1944, and thirty-two applications were signed. In a month, 750 men had signed. St. Louis, the REA headquarters in wartime, received these applications and now had to consider this location for a loan. On the same date as the successful invasion of France, June 6, 1944, a telegram arrived for approval of the applications from Danbury, Ragan, Lebanon, Wilsonville, and other rural areas. This "A" loan amounted to approximately $740,000 and would serve about 760 applicants. This was the biggest loan ever received from REA up to that time.

The Twin Valleys Public Power District came into existence on September 1, 1944. The project was small in its beginning stages, but it has increased in its power, miles of lines, and most of all, the number of consumers. It now serves all of Furnas and Harlan Counties, and parts of Gosper, Red Willow, and Frontier Counties. More than five million dollars have been spent toward this area's electrification, but it has not been wasted. It has gone for two worthy causes—the preservation and modernization of rural life. The development of rural electrification in my area has not come to an end, nor will it ever come to an end, because perfection is never accomplished.

The Development of REA In My Area

(By Kirk Fox)

"The trouble with the younger folks today is that they don't have to work like we had to." This phrase is commonly heard in America today. Many people believe that the youth have too many conveniences and luxuries. The truth is, however, that due to modernization and advancements in living, nearly all of the United States, not only the youth, have become accustomed to an easy style of living.

Electricity is one advancement that has helped to make life more comfortable and enjoyable for everyone. The extension of electricity into rural areas has greatly eased the strenuous labor once required for the farmer to maintain a substantial income. The Rural Electrification Administration is the organization that brought the farm communities out of seclusion. The REA was created on May 11, 1935, as a relief measure to supply work for non-military men during World War II. Then on May 20, 1936, the relief measure became a law, and memberships were quickly issued to awaiting applicants.

The REA, however, started slowly, and didn't reach southcentral Nebraska until January 10, 1944. On that day, Senator Hugh Butler and several guests met with Elmer Johnson, an REA representative, in Frank Butler's law office at Cambridge. From this meeting came the creation of the Twin-Valleys Electric Membership Associates, which was later re-organized into the Twin Valleys Public Power District. Eight months later, on September 2, 1944, the first Twin Valleys electrical pole was placed near Lebanon, Nebraska.

So, with the REA gaining roots in the Republican Valley area of Nebraska, modernization seemed destined to reach this region. Instantly, 1000 residents applied for memberships to the Twin Valleys organization. The government granted an "A" loan of $740,000 to Twin Valleys for the construction of 760 miles of line; but because of so many applications, the power district had to apply for "B" and "C" loans also.

Since its beginning twenty-seven years ago, Twin Valleys has greatly advanced its facilities. Nearly five million dollars have been borrowed from the government to aid in the building and improving of the REA. These loans have been used economically to extend energized lines to approximately 3200 consumers. Larger sub-stations, heavier conductors, higher voltages, greater transformers, and larger meters have all been installed constantly since the beginning of REA to meet the farmers' demends for electricity.

Advancement and development is a never-ending process. Since its beginning, there have been very few days that the Twin Valleys District hasn't improved its lines to produce more power. The "father" of REA, United States Senator George W. Norris, stated that "of all the laws that have ever been enacted in the history of the United States, I doubt if there has even been a law written that will bring to rural America the satisfaction, the pleasure, the comforts and all around benefits that the Rural Electrification Administration has brought and will bring." Those momentous words truthfully depict the satisfaction that the Rural Electrification Administration renders to each and every one of its consumers.

THE McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM

Mr. ALLEN. Mr. President, on June 5, 1971, the McClellan-Kerr Arkansas River Navigation System was formally dedicated by President Nixon. More than 25,000 persons from Arkansas, Oklahoma, and other States attended the opening of the Tulsa Port of Catoosa.

This 440-mile waterway, born and nurtured by our distinguished colleague, the senior Senator from Arkansas, Senator JOHN L. McCLELLAN, is truly one of the great engineering accomplishments of all time. The project received the invaluable assistance of the late Senator Robert S. Kerr. Certainly without his perseverance it would never have been completed.

One of the amazing facets of this river system is the foresight demonstrated by those whose energies were directed toward fulfilling their dream. Senator McCLELLAN introduced the first bill to authorize the project back in 1943. Finally authorized by the Rivers and Harbors Act of 1946. Senator McCLELLAN then spent 10 years seeking funds for its construction. Now, some 25 years after its authorization, Senator McCLELLAN's dream has become a reality.

Once dismissed by some as a fantasy, the total tonnage presently being carried is far surpassing all original estimates. In 1969, the first year the river became navigable, it carried two and one-half times the million tons predicted. The corps presently estimates that 13.2 million tons of cargo will move over the water each year—an annual saving to shippers of $40 million.

Mr. President, this waterway was described by the President as a "monument in action"—it certainly is a tribute to the monumental and tireless effort made on the part of Senators McCLELLAN and Kerr. The beneficial effects of this greatest civil works project ever undertaken will enure to countless generations.

Although Arkansas and Oklahoma will be the principal benefactors of this system, the entire South will for years to come share in the anticipated economic growth. Truly, one of the great advantages of this project will be to allow the Southern region to become more economically competitive with the rest of the Nation.

Mr. President, I again congratulate the senior Senator from Arkansas and in order that all of the Members may be aware of President Nixon's remarks, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows.

REMARKS OF THE PRESIDENT AT THE DEDICATION OF THE McMILLAN-KERR ARKANSAS NAVIGATION SYSTEM, TULSA (PORT CATOOSA), OKLA.

Mr. Speaker, Governor Hall, Governor Bumpers, Members of the United States Senate, Members of the Congress, all of the distinguished guests who are here on this platform, and all of the distinguished members of this great audience:

May I express first my appreciation for your wonderfully warm welcome. I am not speaking of the weather; I am speaking of the way you applauded a moment ago. And may I pass on a message to you that I bring directly from the White House. Mrs. Nixon said that of her many travels around this country, she has never had a warmer welcome than she had in Tulsa a few weeks ago.

And she would like to have come today, but, as you know, she is working on a White House wedding. I think she and Tricia will get through it, but I don't know whether I will make it.

I can assure you, too, that on this occasion, I only wish I could have been present for the earlier parts of the program. I read the scenario and I saw some of the wonderful numbers that were planned. I want to express appreciation to all of them, and I know that all of you will want to join in a round of applause for that, for everybody who has performed up to this point.

I particularly want to pay my respects to the Tulsa University Choir, and also to Mr. "Sugar Bowl" Al Hirt; and to the one that all of us know for her great work for all patriotic causes is really Miss America, Anita Bryant.

While you can well understand that on such an occasion like this it is a pleasure for me to be here on the Oklahoma seacoast. I remember when I visited Oklahoma in the campaign of 1968, being lobbied a bit on this project. I flew over all of this area. I remember on that occasion Louis Bartlett, Senator Bellmon, Bud Wilkinson, Page Belcher, talked to me about the enormous promise and, of course, the fact that this project was to be completed—and I must return to participate in this dedication. I promised to be back on the day when the Gulf of Mexico came up to Catoosa. I am delighted to make good on that promise. Here I am.

The friendliness of the people here, which you have demonstrated so eloquently today, the beauty of the lands that I have seen around us as we flew in on the helicopter, always makes me glad to return to what is Will Rogers country. But this is the first time I have had a chance to go one up on that great Cowboy Philosopher. You know, with him, and all of us will remember reading him—out in Los Angeles he had a little column, as he did all over the country and it was "must" reading for everyone, even in those days—the joke was usually, for Will Rogers, on the Government. One time in 1923 he was spoofing the Congress about its public works spending, and he made his point by saying that with all that money being passed out, he could probably even get himself a harbor built on the Verdigris River at Oologah. I think that is the way you pronounce it. I practiced it on the way out on the airplane.

Well, this magnificent new port is still a few miles downstream from Oologah, but it is close enough that this time the Corps of Engineers and the people of the supposedly landlocked Sooner State can have the last laugh. For years, there were many who dismissed the idea of an Arkansas River waterway as a foolish dream. But there were others, men like Senator Bob Kerr and John McClellan, who held it as a bold and achievable vision—and the completed project that we dedicate today has proved that they were right.

With the opening of this great navigation system, the new "Maritime States" of Oklahoma and Arkansas can look forward to a whole new era of growth and development. So too, can Kansas, which may one day have ports of its own on the Arkansas, and Colorado and all of the other States of this heartland region that will be sharing in the benefits of this waterway.

At the same time, speaking and representing all of the people of the United States as President of the United States, I can say that all the American people join you in celebrating this achievement, because it belongs to all of us and helps all the Nation. Because, you see, in a very real sense, the progress and prosperity it will bring you will mean added progress and prosperity to all of America.

We think, for instance, of the two-way savings water transportation is already beginning to bring the farm industry in this region. Lower shipping costs coming in mean that the farmer pays less for his fertilizer, machinery, and other supplies, and lower shipping costs going out mean that the farmer can pocket more of the market price of his crops and livestock.

In that way, farm income is boosted twice, and the benefits extend across America and around the world to everyone who depends on the beef, the wheat, the cotton, the soybeans, and all the other products of mid-America's agriculture.

I believe that what is good for the farmer is good for his customers and good for America, and this project proves it.

That is one big reason we are grateful to see this waterway go into operation.

As we assess the significance, we think, too, about the tremendously important oil and natural gas resources that have meant so much to the growth of Oklahoma and the industrial development of this country. We think about the major coal fields that will now become much more accessible along the Arkansas River in these two states. I realize there is legitimate concern about some of the serious environmental and pollution problems surrounding the production and use of coal and oil. But we must also remember that the energy they produce is indispensable to the economic strength of the United States and to the good life which the American people enjoy.

As this new waterway encourages growth and development, regional energy needs will increase even faster than the rapidly growing national needs. This will mean new opportunities and new challenges for petroleum and for coal, which are produced in this region. I can assure you, as I indicated in the Special Message on Energy Policy which I sent to the Congress yesterday, that the Federal Government will continue to recognize and support the vital role which these industries play.

But beyond agriculture, beyond oil, we are already seeing the first stages of a broad-based economic boom in the Arkansas River Basin. All sorts of new industries are on the way, bringing with them new jobs, new income, new vitality for communities throughout this region. Private investment planned along the waterway has passed the $800 million mark and should soon exceed the $1.2 billion in public funds spent in construction of this project.

Here again the beneficial impact will be felt not just in Tulsa, not just in the States of Oklahoma, Arkansas and others in the area, but it will be felt across America. For this great region, so ready for development, can provide part of the answer to the increasingly acute growth of congestion and uncontrolled growth in America's largest metropolitan areas. Let's look at America over the next 30 years, down to the year 2000, when some of the younger people in the year 2000 will be celebrating that millenium, a new year that comes once in a thousand years. What is America going to be like? One of the things that we know is that it is going to be a lot larger in terms of its people.

How are we going to provide for them? How will we assure to them and to the rest of us the abundance and the quality of life which we all deserve? And even more essential, where are they going to live? Are they going to pour into the cities of America? Are they going to add to the crime and congestion and pollution that are choking our cities to death?

Did you know that two-thirds of all the counties in this part of the country—and I do not refer to individual counties, but looking at them as a group—two-thirds of them have lost population over the past ten years, and they poured into the cities? And now the question is what of the future of growth of America? I think there is an answer.

I was talking to a young couple on a trip to North Dakota a few months ago. I found that they had left North Dakota to go to a major city in the East and then they had returned. I asked them why. They said, "The reason we left was that there wasn't adequate opportunity here, not good jobs, not adequate opportunity in business, so we went East. But then some opportunities opened and we came back because we really wanted to live here. We like this country. It is a beautiful country. It is a country where we want to raise our children. And that is why we came back."

So I say let people who want to live in the heartland of America have the opportunities, have the jobs that will let them stay here and not be drawn away. That is what this project means to America and to the world.

Let me tell you what it is going to look like here. You realize that over this next 30 years this region in which we are now standing could absorb as much as ten percent of that growth? In other words, 7 million more people. This region can become a new magnet for people seeking the good life, so that we begin to see a reversal of the decades-long migration trend from rural America to urban America—a trend which has too often acted to deplete the countryside and overburden the cities, to weaken the heart of America and to add to the fat which saps our strength.

There is virtually unlimited promise in the future of the Arkansas Basin—provided we take charge of the development process and guide it wisely. We know all too well that heedless and unplanned growth can become a bane rather than a blessing. That is why there is so much interest, particularly among our younger people, about the environment.

What will happen to our river, our countryside, if we simply have growth without planning? Questions are even being raised going to an extreme. They say why should we have growth at all. I understand the feelings that raise those questions. And yet, I think that they come sometimes, and perhaps most often, from people in regions that already have had their share, or more than their share, of American prosperity.

In this region, where you are really starting to come into your own, we cannot simply shrug off the benefits of economic growth and expanded prosperity. We need them—and we are going to continue to have them. Yet, it is still legitimate, and it is essential, to insist that quality keep pace with quantity as the Nation grows.

Looking at this project from an environmental standpoint, we can be grateful and proud that this river system today remains largely unpolluted when we look at it in comparison to others. Right now, as we dedicate this project, with industrial development along the waterway really beginning to take off, let us determine to hold the line on a clean and healthy river.

If we act now, we can make the Arkansas not only a continuing asset to this region but also an example of pollution prevention for the entire United States.

The dedication of this McClellan-Kerr Arkansas River Navigation System is an exceptional monument—a monument in action. It honors many things—it honors the leadership of the two Senators whose names it bears; it honors the leadership of the Congressmen like Page Belcher; Senators like Henry Bellmon and others who have also worked for this project. It honors the vision of many leaders of this region who are not in the Congress, the Senate or the House—the constructive partnership of economic development with environmental protection. This is a monument to American engineering and technological skill.

I think it is particularly fitting that this waterway has been dedicated to the youth of America for it is they who will benefit most from it. The surge of growth and prosperity which this region is certain to experience in decades ahead means a brighter future for the young people of these United States. And to the extent that you are able to set an example for the Nation in things like environmental planning and balanced growth, you will be doing a service to the next generation, not just regionally but throughout the United States.

But the most important consequence of this great achievement for American youth is, I believe, something that really cannot be measured in material terms. By undertaking a vast project that some called impossible and others called worthless, and making it a success, you have demonstrated once again the vitality of the American tradition of daring great things and achieving great things.

I have many memories of France's great leader, General deGaulle. He was a man with a rare understanding of what it takes to make a nation's spirit live and soar. And I remember that he often used to say that France is never her true self unless she is engaged in a great enterprise. Precisely the same is true of the United States.

The spirit that has tamed the Arkansas is the same spirit that forged the Union in 1776, that bought Louisiana in 1803, that bridged the continent with the rails in 1869, that settled the Oklahoma Territory in 1889, that developed the Tennessee Valley in the 1930's, and put men on the moon in 1969.

In an era when some voices urge Americans not to aim so high, to turn from the pursuit of greatness to the cultivation of comfort only, it is valuable for our young people, our future leaders, to have before them this dramatic example of the young spirit still at work in America. Without this spirit, all the wealth, all the ease, all the privilege, would be ashes for Americans. But with this spirit, all the future is ours, for what we want to make it.

It was the summer of 1946, 25 years ago, that Congress first authorized this project. I remember that summer well. Another man on this platform remembers it very well, too. That was the year I was lucky enough to win when I ran for Congress. He ran, too. He was elected from Oklahoma, I from California. And when I think of all the events that have taken place in the world in the quarter century since Speaker Albert and I were first elected to that 80th Congress, I realize what a momentous time in history this has been. And that doubles my pride in sharing with him and all the others on this platform, and all of those in this great audience, the dedication of this magnificent project—a project which was only a bold dream when we came to Congress 25 years ago, but now is a grand reality, and for generations to come it will be a living monument to what man and nature together can accomplish.

As I conclude today, I would like to conclude on a personal note of appreciation to all of those who have made this for me, personally and in my capacity as President of the United States, one of the most memorable days of my service in that office. Sometimes those of us who see the Nation only from Washington tend to get a distorted view. The reason is obvious. It is inevitable that bad news will drive out good news, not by deliberation but simply because bad news seems to make more news than good news.

Consequently, if you sit in Washington without getting out into the country, you get the impression in the country that everything is wrong, that America is an ugly country, ugly physically, ugly morally, ugly spiritually.

I want to thank all of you today, the people of Oklahoma, Arkansas, and all the others from the heartland States, for reminding us of some fundamental truths. America is a beautiful country, and the American people are a good people; they are a strong people with faith in God and faith in themselves.

The spirit that built America, the spirit of 1776, still lives. It is a spirit of hope, it is a spirit of idealism, it is a spirit of dare and achieve great things. And look at America's role in the world, we see a Nation, the strongest and the richest Nation in the world. But a Nation, I can tell you, that throughout the world is not feared by any who have freedom because we will never use our strength except to defend freedom; and it is not feared by any who love peace, because America will always use its strength to serve the cause of peace and not to break the peace.

And I say to you today, I thank you for reminding all of us on this day where we came from, of all of our great traditions, and some of the good things about America.

On this day let us all stand just a little taller, let us all stand taller and say we are proud to be Americans.

Ladies and gentlemen, you can see by this picture here that where the interests of the United States are really concerned, building a better America, we are not Democrats, we are not Republicans, we put this Nation first. We are all Americans, we really are.

GREEK ORTHODOX PRAYER FOR THE RELEASE OF PRISONERS OF WAR

Mr. PERCY. Mr. President, Archbishop Iakovos, primate of the Greek Orthodox Church in the Americas and one of this Nation's most distinguished clergymen, recently promulgated an encyclical letter to priests on the question of prisoners of war. He specifically mentioned the men of the American Armed Forces who have become prisoners of war in Vietnam and have suffered the most severe hardships.

Archbishop Iakovos asked priests to read the following prayer in all Greek Orthodox churches. I commend it to the attention of my colleagues and to all the American people, and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the prayer was ordered to be printed in the Record, as follows:

Greek Orthodox Prayer for the Release of Prisoners of War

Lord of reconciliation, slow to anger and quick to show mercy, you are the sovereign of all life. You have given to all things the gift of being; but in wisdom and love you have also graced us with the gift of well-being. So when we bow before your infinite goodness with hymns of praise and thanksgiving songs, do not turn away from us, nor reject our petitions for mercy; but from your holy dwelling place look on this vineyard, which your right hand planted, and sustain it; and deliver our brothers who are captives of war.

We pray and beseech you: hear the pleas of your people for the deliverance of our captive brothers. And Lord, spare us your wrath; do not remain in righteous indignation with us; for no man can stand before you, or make defense; no living person can ever justify himself in your sight. Ease then your anger against us, and return our brothers from wrongful bondage; and free us as well from the spiritual bondage of temptation. Be mindful, O Lord, of them and of us. Send them an angel to keep faithful watch, and put their lives in his hands, so that he may deliver them from the terror of violent death. And in the release of our imprisoned brothers we will glorify you: Father, Son and Holy Spirit, one God, one Kingdom, giving you glory and honor and worship forever. Amen.

RURAL ELECTRIFICATION PROGRAM—ANNUAL ESSAY CONTEST

Mr. CURTIS. Mr. President, on behalf of my colleague, Mr. Hruska, I ask unanimous consent to have printed in the Record a statement and some insertions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Hruska

Mr. President, one of the programs in which Nebraskans take a special pride is the Rural Electrification program.

The program has been a boon to Nebraska as it has to other rural states. But of equal importance to Nebraskans is the fact that the program was initiated largely through the efforts of the late Senator George Norris of Nebraska.

It is one of the greatest tributes to his long service in the Congress. It has made life in rural areas more livable and much more appealing.

It may be difficult for my colleagues from largely urban states to recognize the importance of such a program as Rural Electrification to states which are largely rural. It must be realized that this program has probably more than any other single thing brought comfort, convenience and pleasure to rural living.

Rural electrification and similar programs assume increased importance today in view of the emphasis which the Administration is placing upon rural revitalization and a restoration of the population balance between urban and rural areas.

Urbanologists are increasingly realizing, in my opinion, that one of the most effective means at their disposal for solving the problems of the cities is to disperse the population and get a reasonable share of the people back to rural areas. Naturally people will not be content to remain in rural areas without the conveniences which are found elsewhere.

Rural Electrification and similar programs therefore are essential to the efforts.

Since the program was inaugurated 36 years ago, REA loans to rural electric systems have provided service to an estimated 120,019 customers in Nebraska.

Loans which have been made to 36 REA electric borrowers, including 36 public power districts and four cooperatives, total $215,482,610.

As of January 1, REA had advanced $200,650,901 to the borrowers. Those funds have been invested in 64,740 miles of line.

The history of REA in Nebraska is a record of great pride for Nebraskans. As a means of emphasizing Nebraska's interest in and concern with the REA program, the Nebraska Rural Electrification Association sponsors an annual essay writing contest on rural electrification.

The subject this year was "Development of Rural Electrification in My Area." Hundreds of essays were submitted and the 16 judged to be superior have been selected to compete for the top prize of a $50 U.S. Savings Bond.

Authors of the 16 essays are in Washington at this time on an annual Nebraska Rural Electric Youth Tour.

Mr. President, I submit some of the winning entries from this year's competition.

Development of Rural Electrification in My Area

(By Colleen Babcock)

What does Rural Electrification mean in my area? It means an era of new living and comforts. Electrification benefits, though different, are one thing that all generations share.

Awakened by the ring of an alarm or soft music flowing from the clock radio you reluctantly crawl from beneath your electric blanket into the comfort of an electric home. At the flip of a switch—light. At the turn of a knob—warm water from which we all take for granted. Thus, a day of electrical living begins.

Students start the school day at the sound of a bell. Attending a rural, but ultimately modern school, I can experience the benefits of electricity. Delightful music sounds over the intercom during study hall. Light and sound facilities serve the Drama Society well. The home economics department could not exist without its fine electrical household appliances. Buffers, sanders, kilns and a variety of saws are among the essentials of the arts department. Reading machines and a large supply of slide, movie, and overhead projectors aid in the education of many students. The foreign language room is totally dependent on electrical equipment. The science classes also utilize electricity: incubators, microscopes and burners are among the benefits. Business courses and the administrative office depend on electricity for typewriters, adding machines, and various mimeographing mechanisms. A video tape player makes possible the taping of classes or other events. Students enjoy the amplified music of electric organs and guitars at school dances.

The housewife already seems to be quite liberated with all of her modern appliances: washers, dryers, dishwashers, refrigerator-freezers, ranges, mixers, knives, toasters can-openers steam irons, vacuum cleaners, etc. Electric scissors and sewing machines enable a new outfit to be a quick and simple production.

In addition to this, farming is quite dependent on electricity. It provides irrigation for crops, milking machines, and machines that help the farmer with his bookwork. Furthermore, it can provide a relaxing evening of color television or listening to the stereo in air-conditioned or heated comfort.

For these reasons, I can justifiably say that electricity means just about everything to everybody. How many times do we push a button, flip a switch, turn a knob or pull a cord? In contrast, how many times do we stop to realize and appreciate what is happening and who is responsible for such a magnificent occurance?

We should have sincere gratitude for men like Franklin, Edison, Franklin D. Roosevelt, who initiated the Rural Electrification Administration and former Nebraska Senator Norris who was co-author of the Rural Electrification Act. Also deserving appreciation are the Public Power Districts and the people who serve them.

Rural Electrification means that my generation has a greater opportunity for learning and living that those before us. By being aware of our electrical "powers" and utilizing them to our fullest capability we will improve life for future generations as Rural Electrification has improved it for us.

DEVELOPMENT OF RURAL ELECTRIFICATION IN MY AREA

(By Michael E. Goding)

"Sarah, I see that the Mexican government has a program for electrification of their rural areas," said the grey-haired farmer as he lowered his newspaper. "Remember how we got electricity?"

"I certainly do, Art. That was one of the most important things to happen to this country. In 1923 only 2.3% of the farms had electricity, and now over 98% of the farms are electrified. It all started as a part of President Roosevelt's New Deal," she stated.

Art interrupted, "Yes, the New Deal created the Tennessee Valley Authority, which set the example for the rest of the United States. The TVA authorized construction of transmission lines to farms and small villages in the Tennessee Valley so that everyone could have electricity. The Tennessee Valley Act, which was passed in 1933, was the government's first step to bring electricity to rural America."

"Remember the men who played major roles in rural electrification?" he continued. "There was Franklin D. Roosevelt, who created the TVA and set aside $100 million in the Emergency Appropriation Act for rural electrification. His executive order in 1935 created the Rural Electrification Administration, commonly known as the REA."

His wife broke in, "Then there was Morris L. Cooke, first administrator of the REA. He hastened rural electrification by contracting private utilities to begin the work, since they had the necessary equipment to start immediately."

"Yes, Mr. Cooke did much to speed up electrification, but to me George Norris, a Nebraskan, was more important. In 1936, he co-authored and introduced in the Senate a bill to make the REA a lending agency of the Federal Government. This act enabled the REA to lend money to finance, construct, and operate generating plants, transmission lines, and distribution lines. Loans were also made to finance home wiring and to purchase electrical appliances," Art added.

"I wonder if electricity will change the lives of the Mexicans as much as it did ours," pondered Sarah. "It does more work in the house than I do. The electric clothes washer and dryer work wonders with the new permanent-press clothes. All I have to do is put the dirty clothes in and then after a short time, hang them up. In the kitchen, electricity has changed what used to be a boring chore into an enjoyable task. The electric range, refrigerator, and dishwasher have taken all the work out of cooking. The house has been more comfortable and cleaner since we installed the electric furnace and air-conditioner. We also are more aware of the world around us with our radio and television."

Art nooded and added, "Electricity is the best hired man I've ever had. It is always at work keeping the livestock in, pumping water, lighting work areas, irrigating the corn, moving grain, or drying it.

Yes, the REA has given us a standard of living comparable to that of our city cousins. We in turn have been the source of a tremendous market for electrical goods and services which sparks the economy of the whole nation.

RURAL ELECTRIFICATION AND THE VALUE OF ELECTRICITY IN THE HOME AND ON THE FARM

(By Leah Riggs)

Electricity—the key to the huge doors of modern farms and homes. Without this key, we would not be able to open the doors to the progress that one sees on every hand. As the key turns in each lock, electricity speeds forward on its long journey into the future.

Statistics show that in Nebraska alone there are 107,324 consumers for 62,968 miles of electrical line; 74,700 of these consumers live on farms. An interesting comparison made to this shows that in the year 1935, only 9,544 farms were electrified. This is an increase from 7.1 per cent to 98.3 per cent or a little over 90 per cent of our farms have advanced to a modern age. Here is one of the largest doors electricity has started to unlock before continuing on its journey.

Look at modern homes from this point of view. Dairy and livestock producing farms have many uses for electricity, milking machines and coolers with hot water in abundance to clean these, light for the barns, and automatic waterers not only at the farmsteads but in pasture are just a few. The grain farmer depends on electricity to pump water for the irrigation of his crops and for the huge dryers to assure keeping his crops upon harvesting them. Modern pork-producing farms find electricity a must in the pig farrowing houses consisting of pig brooders, automatic waterers and feeders. Even the farms producing eggs and broilers need electricity for heat, running water and feeding. The Nebraska farms, all 74,700, use electricity with the amount being an average of 725 kwh monthly.

In reorganizing my thoughts, I observe another large door electricity has started to unlock in this new world—the door to a modern home for a modern family. But first, whom do we have to thank for this great key which opens these numerous doors? We find names, some everyone knows, some we should know, behind electricity: Franklin D. Roosevelt, George Norris, Morris Cooke and John Rankin to name just a few.

The new door represents many changes for the housewife, husband and children, individually and as a family. The housewife enjoys modern conveniences with electrical ranges, dishwashers, vacuums, and washing machines. The husband uses modern electrical typewriters, adding machines, and workshop tools such as drills and welders. The children use modern lighting for studying. As a family, electricity can give them many happy hours of entertainment through television, radio and stereo, and the conveniences of heat, light and air conditioning. The home is one door electricity should not forget.

There is an enormous future for the key, electricity, behind every door large or small. Scientists with new inventions, just as Benjamin Franklin used the insignificant key to bring electricity into being, are pushing forward opening many doors which will advance electricity. All who use this key for progress will find the value of electricity in the home and on the farm.

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will read.

The assistant legislative clerk read the bill by title, as follows:

> H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The pending question is on amendment No. 143 offered by the Senator from South Dakota (Mr. McGovern) and other Senators.

The Senator from South Dakota is recognized.

Mr. McGOVERN. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, after some 10 years of bloody conflict in Indochina, the fighting still goes on today, supposedly to give the South Vietnamese what has been described as a reasonable chance to defend themselves. That is the administration formulation. Under this present official posture. we do not guarantee the survival to the Thieu-Ky government, and it may very well collapse after our departure no matter when that departure date is set.

The combined military forces of the South Vietnamese, nevertheless, number over 1 million men. They outnumber the forces fielded by the enemy by a ratio of about 5 to 1. And even if the North Vietnamese entire reserve forces were committed to the South, the forces under the command of the Saigon government would still have at least a 2-to-1 advantage even after all American troops were withdrawn.

The Army of the South Vietnamese Government, beyond its superior numbers—it has a 5-to-1 advantage—is equipped with the most advanced American technology and with all the ammunition they can use in confrontations with a meagerly equipped enemy force that has been fighting all along without any air support, no airplanes, no helicopters, no other sophisticated weapons carriers and mechanical equipment of the kind that the South Vietnamese Army has in such great abundance.

And yet American men are still sent to Indochina supposedly to bolster the South Vietnamese Government's capacity for self-defense. The presumption is that if we were to withdraw now, that Government would inevitably collapse. Conversely, the theory is that if we stayed longer, they may—not necessarily will, but they may—survive, and that is the assumption, put bluntly, under which younger Americans are still dying in Vietnam. That is the assumption under which we continue to bomb not only in South Vietnam, but across the Indochina peninsula—on the possibility that if we continue those military operations indefinitely, the day may come when the South Vietnamese military force will be able to stand on its own feet.

I stress this description of our official objectives in Indochina, because I think it should be understood that no Member of Congress is insensitive to the cost and the carnage of this war. It surely cannot be that any one of us would calmly accept the weekly casualty reports from the Pentagon or that we see any reason to rejoice in the fact that "only" *x* number of American soldiers died in the preceding given week.

Before the vote on next Wednesday, I am sure that every single Senator will want to satisfy himself that the goal is worth the sacrifice of life, both the lives of Americans and the people in Indochina.

I would like to suggest today what the price will be simply in terms of what we are asking of the young men that we send to Indochina, and I wish for the next few minutes that we would focus on that issue alone. Tomorrow, I want to talk about the prisoner issue, but for this afternoon let us look primarily at the question of what the cost is to young Americans who are now in Vietnam, others who are on airplanes and ships en route to Vietnam, and to still others who will be sent as long as military operations continue.

We have just begun to perceive, for example, the enormity of the drug problem in Southeast Asia. I am not going to belabor that point, because it was discussed so well and so thoroughly by Senator HUGHES last week, but we do know that as many as 50,000 Americans currently serving in Vietnam are either already hopelessly addicted to heroin or are in the process of becoming addicted.

Columnist Stewart Alsop, in commenting on this problem, said that these young men, ranging in age from 18 to 21, who have become addicted to this terrible drug, are really worse off than the 50,000 young Americans who have been killed in Vietnam. The chances of recovery from this kind of hard drug addiction are so remote that these young men are condemned to come back to the United States to live a life of crime and early and premature death.

As Mr. Stewart Alsop put it, we ought to get our Army out of Vietnam with the same degree of urgency, in view of this fast spreading drug addiction, that we would bring to rescuing people from a burning building.

That is the way I have felt about this war for a long time—that it is all well and good for us to stand on the floor and debate day after day what the date ought to be, and to score these points about the viability of the South Vietnamese Government, but what we do know is that tens of thousands of young Americans are now caught up in a conflict where their own commitment to it is so shaky that they apparently turn to drugs as the only means of surviving.

For all of our research and all our attempts in this country in recent years, we have not discovered a reliable means of curing heroin addiction or rehabilitating those individuals who became dependent on this vicious drug. And so that problem alone, as Senator HUGHES put it so well last week, is one that I think calls for a new sense of urgency in removing our forces from South Vietnam.

More likely than not, today's addict is condemned to a lifetime of physical destruction and crime, and to an early death.

I should like to read into the RECORD a letter on this problem that has been called to my attention from a physician in Vietnam who is currently assigned to the amnesty program for drug addicts. This is what he writes:

> It is certainly disheartening to see 18–21-year-old troops "strung out" on deadly drugs (the vast majority of our addicts fall within this age group). What's more disconcerting is the fact that we can salvage only about one in 10 of these individuals—even in the most sophisticated facilities and regardless of whether these people snort (sniffing into the upper respiratory tract), smoke, or "mainline" their heroin. * * *
>
> In view of the latter, then, I am appalled at the "cure rate" statistics (40–60 percent) quoted by the Honorable Stanley Resor (Army Times, June 2, 1971). I can't imagine where Mr. Resor obtained his figures.
>
> In the past several months, heroin has become cheaper and easier to obtain. In the meantime, our drug problem has "snowballed" accordingly. Further, we're getting very little help from the Nationals in this country.

Meaning the Vietnamese—

> On curbing the current flow of heroin. Therefore, I cannot understand why we do not pull out before it's too late.

The author of that letter expressed the judgment that some 20 percent of all American forces in Vietnam have now become hard core addicts. His final plea in this letter is:

> If we don't get out soon, God help us.

And that, I think, is the concern that prompted Mr. Alsop to call upon Congress and the administration to remove our forces with the same urgency that we would rescue people from a burning building.

This, then, is one portion of the cost we must be willing to accept if we are to stay in Indochina.

And our willingness to bear it must be especially strong, since it is inflicted not by enemy soldiers, but by the very people on whose behalf our young men are committed to battle. Every study which has been made of this problem, including those by Members of Congress, by expert officials of the executive branch, and even by pro-government newspapers in South Vietnam, have agreed that involvement in the drug traffic which preys upon American youth extends into the high echelons of the South Vietnamese army and the South Vietnamese Government.

This is a sickening, sordid business. I find it incredible that the United States, after all of our sacrifice on behalf of that government, must now press and plead and cajole the Thieu-Ky regime into addressing this problem, after it has already consigned tens of thousands of young Americans to death or to lives of perpetual misery.

One of the things that I find so hard to understand about this sordid drug business is the difficulty we have had in getting the cooperation of the Thieu-Ky regime in coping with the problem, even to save the lives of American troops.

But, Mr. President, today I do not speak primarily of the failures of the Thieu-Ky regime.

The pending amendment calls on the Senate of the United States for its judgment on what is in our national interest. It does not call on us to predict the future of the Thieu-Ky regime. It does not call upon us to forecast the politics of South Vietnam, but to answer the question of whether it is in our national interest to continue an indefinite military operation in Indochina, or whether we should agree with the overwhelming majority of the American people, some 73 percent, who have said in recent polls that they want the Congress of the United States to stand up to its constitutional responsibilities and set a date for the termination of this war.

The goals described by President Nixon, even if they can be achieved, raise the question of whether it is worth the continued exposure of young Americans to the deadly dangers that they confront as long as this war continues, including the deadly menace of Southeast Asian drugs. How many twisted, broken lives must there be before we will conclude, at last, that the cost is too high?

This is a consequence of the war we have just recently come to understand. We have been counting all along the number of young Americans killed and wounded by the war itself. I think that we ought to consider, as this amendment moves toward a vote on Wednesday, that since last September 1, last year, when we voted on essentially the same proposal, 2,811 more Americans have died in that war. Another 11,250 have been wounded.

Mr. President, I do not want to be morbid about this matter, but I would hope that every Senator who voted against this amendment last September would ask himself whether he is really doing everything that he can to stop this continued destruction and wounding of American soldiers, which now involves some 14,000 more who have been either killed or wounded since we called the roll on this matter last September 1. Are we a more honorable and respected country today, because of those 14,000 young Americans who have either died or been wounded since September 1, when we last voted on this proposition? Are we in less danger of becoming what has been described as a "pitiful, helpless giant," because we continue this slaughter? Does the world now feel more secure about American leadership, because the war continues?

My own view is that the answer to all those questions is no. It is, of course, too late to do anything about the several thousand young Americans who have died and the other thousands who have been killed since we last voted on the pending proposal. We cannot change their fate. We cannot replace the limbs that have been lost. We cannot recover those who have died. We cannot even do very much about those forty or fifty thousand hopelessly addicted to heroin.

But there are lives we can save and there is suffering we can prevent. We can change the fate of those who still live in Indochina, and all other young Americans who may be sent there over the next year.

Mr. President, it is my view that the administration's Vietnamization formula puts American troops in greater danger than any other strategy we might pursue in withdrawing from Indochina. If we are committed to ultimate withdrawal, as administration spokesmen insist, then we should recognize it seems to me, that what is now needed is the safest possible withdrawal strategy. In my judgment, the one we are now following is the worst possible strategy and the most dangerous in terms of the security and the well being of American troops. If we are committed to ultimate withdrawal, we should recognize that this is the worst possible way to do it from the standpoint of our Armed Forces in Indochina.

I do not say this lightly. During the course of the past year several expert studies have been undertaken to determine how U.S. forces would fare under various alternative strategies for bringing them home. This is the conclusion of those studies.

While the actual meaning of "Vietnamization" remains unclear—and I want to say quite frankly, Mr. President, I have never really been sure just what Vietnamization does involve; I do not really see how you Vietnamize people who are already Vietnamese—it appears likely now that it contemplates withdrawal of all combat troops within a year or two, perhaps before the November 1972 election, leaving between 50,000 and 150,000 men to supply South Vietnam with such essential services as close air support, artillery support, and airlift.

A study by two authorities at the Center for Naval Analysis last year, Arthur L. Karp and retired Comdr. C. E. Everly, noted that it was difficult to judge at that time the size of the residual force planned by the administration. We keep hearing about this phrase, "the residual force" that is going to stay on even after our major combat role is terminated. But these two military experts noted that in any event, "the possibilities for disaster are quite high."

They noted that under the scenario described above—in other words, one that would reduce American forces over the next year or two to some 50,000 to 150,000 troops—under those circumstances—

> The remaining U.S. troops must depend on ARVN combat units for protection again NVA/VC harassment or assaults. Moreover, they will have to stay in South Vietnam, in a state of precarious dependence, for however many years the ARVN took to develop the required skills and experience.

Finally, Karp and Everly concluded:

> At worst, if ARVN fails, the U.S. forces will be in a very precarious situation. The vulnerability of the remaining U.S. support and protective troops should be clear when one realizes that in order to perform the previously stated services, they must be distributed among a number of locations, in relatively small units. It is not too difficult to envision a situation in which the President would be faced with an unhappy choice between a crash evacuation (and a large number of casualties), reintroducing large numbers of U.S. combat units, or employing advanced weapons.

Meaning nuclear weapons.

Another military expert, Arnold Kuzmack, formerly on the staff of the Office of the Assistant Secretary of Defense for Systems Analysis, calculated last year that under the lower residual force level of 50,000 men, the United States could expect the certain death of some additional 17,400 men, along with some 65,000 nonfatal casualties, by fiscal 1975.

In other words, under these calculations, let us assume that Vietnamization works, in the sense that the President is able to get all Americans out of there over the next year or two, except 50,000 who would stay on as residual forces to support the South Vietnamese effort. Even under those conditions, if that kind of withdrawal scenario were followed, we would lose, in killed in action, another 7,400 men and some 65,000 maimed or wounded. Those are the expert opinions of men who have studied this possibility, the consequences of the Vietnamization strategy.

I am not going to quarrel today with the fact that, since troops are being withdrawn, we have created a temporary incentive, apparently, against large-scale operations by the enemy against U.S. troops. No doubt that accounts in large measure for the relative decline in casualty figures.

It is interesting that, at least to date, in spite of all the forecasts of the dangers that might confront us if we stop the bombing of the north or reduce American troops, each reduction in our own military activity has been accompanied by a fall off in military activity on the other side.

So, to the credit of the administration, they have reduced American casualties during the last couple of years. At least, one is to think, with some logic, that if we could only commit ourselves to total withdrawal and give up the notion that we have to maintain a residual force there to sustain the Saigon regime, the probability is that our casualties would decline to zero, once that kind of commitment to total withdrawal were made, and we could save the 7,500 young men who are going to be killed and the 65,000 who are going to lose their arms or legs or faces over the next few years, under the Vietnamization formula we now pursue.

But once the withdrawals that are now taking place have stopped, at whatever level that takes place, whether it is 50,000 or 75,000 or 100,000, or whatever the administration has in mind, once that leveling off process takes place, and it becomes clear that we are staying there with a residual force to back up the Thieu-Ky regime, then it seems to me that the incentive on the part of the enemy to harrass and to attack the remaining forces will reappear in the strongest possible way. At that point, our forces will be in a state of extreme vulnerability, or what these two experts refer to as extreme danger. They will be almost totally dependent upon the South Vietnamese military forces for their protection. Their capacity for self-defense will be at its lowest ebb. Yet, there will be no commitment for withdrawal of those forces, no incentive on the part of the other side not to attack, provided we continue the posture of maintaining our troops there in support of the Thieu-Ky regime.

So I think it is fair to say that we can expect that they will become, as soon as the withdrawals have tapered off, top priority targets for an adversary bent on forcing the issue of our presence and bent on forcing the issue on who was going to control the government of Saigon.

Throughout this war we have heard complaints about the fact that civilian decisionmakers have been "tying the hands" of the military. We have been told that we would fare much better and might even achieve victory if we would just unleash our commanders in the field. To those who have expressed such concerns, I suggest that we can foresee today a much more dangerous sort of restriction. Whereas yesterday we limited the ability of the military to pursue the enemy, tomorrow we will have a small force deployed some 8,000 miles away, with virtually no capacity for self-defense.

So, again, I would pose this question to the Members of the Senate: Are the goals described by the President—not guaranteeing, but simply giving the hope of a "reasonable chance" for the survival of the Thieu-Ky regime—worth sending young men into such circumstances? Are they worth the 40,000 young Americans who are over there now addicted to heroin? Are they worth the 7,400 who are going to die in the next 2 years, if these projections are right? Are they worth the 64,000 who are going to be disfigured or maimed or wounded by this war, if we continue with the present Vietnamization formula?

Those numbers tell the size of the tragedy upon which we will cast our judgments on Wednesday, when the roll is called. But they do not really describe the full dimension of the tragedy. In fact, I suspect that no one of us is capable of doing that adequately. Perhaps the war has become such a distant matter and we have become so tired of it that we are almost numbed by the statistics that are repeated in the press day after day.

It might be helpful once in a while to look at this war in personal terms. Listen, for example, to the description of the father of a young Texas serviceman, written last year to a Member of Congress who had been discussing laws on obscenity. This is what this aggrieved Texas father said:

> I read the report about the struggle you are having about obscenity. I wish to report to you that I have seen the most obscene

> tragic spectacle imaginable: the shattered remains of our 20-year-old son.
>
> He left from Oakland, Calif., for duty in Vietnam on March 9. He was returned to Beaumont on April 9, too broken to be clothed. A uniform was laid out on top of the sack.
>
> He was not old enough to vote.
>
> He was not old enough to enjoy a beer.
>
> He was not old enough to decide, according to your standards, to see or not to see what you dscribe as obscene.
>
> But he was old enough, apparently, to be sent halfway around the world to be blown to bits. The buddies who gathered up what was left of our son were no older than he was.
>
> I submit to you this is obscenity.

Who among us can dismiss that father's letter by a simple expression of regrets or by a statement that war is a dreadful thing, but we have always had it?

I wish we would try to think of the 7,400 young men who may come back in the same fashion as this young man from Beaumont, Tex., who are going to die in this war if we do not act in accordance with the amendment pending before the Senate. I wonder which one of us really believes that a father's sorrow or a mother's sorrow will be any less if they know that other young men have since died in the same cause—to give the Thieu-Ky regime not a guarantee that it will survive, but simply one more chance to stay in power.

Who among us can feel any comfort in knowing that we must decide whether thousands more fathers and mothers and wives and sweethearts will feel the same sense of despair, the same sense of outrage, over young lives needlessly snuffed out?

Mr. President, Congress has the power to prevent this from happening. We have the power to take that Army out of there before more of them are addicted to heroin. We have the power to stop the killing of additional thousands who will lose their lives.

I quote again from the Karp-Everly study mentioned earlier:

> The systematic military withdrawal called for by the McGovern-Hatfield amendment is by all odds the safest method. In fact, in the absence of a ceasefire agreement, a conventional military withdrawal, in which combat and support echelons are withdrawn in the normal sequence as the forces conduct an orderly fallback centered on the final point of embarkation, is the only sound military method. Such a maneuver is a standard military operation and would be facilitated by favorable conditions present in South Vietnam.

Among the favorable conditions they cited were:

> (1) The war in South Vietnam is not such that large numbers of opposing forces are locked in fixed positions. Therefore, the initial breakoff of contact will not be difficult. . . . In Vietnam the U.S. force has a degree of mobility unsurpassed in military history. This mobility makes the initial breakoff of contact a routine matter.
>
> (2) The fall-back and withdrawal could take place with full tactical air support and complete air superiority. . . . Air power would be overwhelming to the end. Hence, there is no realistic danger of large scale attacks during withdrawal.
>
> (3) The rate of disengagement would be under the full control of the U.S. and could be adjusted to allow for orderly re-embarking of whatever equipment and supplies we wanted to remove. . . .
>
> (4) The amendment permits a coordinated fall-back on a final reembarkation port while maintaining the proper ratio between combat and support forces at all stages of the withdrawal. The success of the operation—

And this is crucial—

> would not be dependent upon the performance of the South Vietnamese forces. . . .

That, it seems to me, is the crucial difference. The Vietnamization formula, to succeed, places the American residual force in whatever size it is, solely in the hands of the South Vietnamese army; that is, the safety of our remaining forces would depend on how well the South Vietnamese forces perform under combat conditions, whereas the pending amendment would permit us a withdrawal schedule where we are in complete control of that withdrawal, where we sever any further commitment for military support to the government in Saigon involving American troops and American military operations, and where we could execute that withdrawal in an orderly and systematic fashion.

Continuing to quote:

> (5) The normal crucial stage of the withdrawal would be the removal of the final echelon of combat troops. In this case, with complete air superiority and floating helicopter platforms, the final stage should present no problem. A 3 brigade covering force of 16,000 men with its artillery could be lifted out by helicopter in only 9 hours. Thus, in this specific situation, there is no crucial final stage.

This is what our amendment proposes—a conventional military withdrawal operation, to be completed by December 31 of this year—not a pellmell race for the boats but a conventional military withdrawal operation. Even in the absence of a cease-fire—and I am convinced we could get a cease-fire if we agree to this total withdrawal—but even in the absence of that, it is the safest method available for bringing our forces home from Indochina.

But we must also recognize that under the formula we propose, the adversary has made the following pledge—and they have made this pledge publicly and privately—contained in the Provisional Revolutionary Government's position announced last September 18:

> In case the United States declares it will withdraw from South Vietnam all its troops and those of other foreign countries in the United States camp by June 30, 1971, the people's liberation army will refrain from attacking the withdrawing troops of the United States and those of the other foreign countries in the United States camp. . . .

They have subsequently indicated flexibility on the date, giving every indication that it must merely be within a reasonable time. They have said that if we do not like the June 30 date, to come up with an alternative date and they would consider it. I do not have the slightest doubt that former Secretary of Defense Clifford was absolutely right when he expressed the view last week that if we would set this deadline, we could quickly negotiate and arrange with the other side for the safety of our troops during withdrawals. They would have to be total idiots to attack American troops and harass them at a time when they were trying to get out of the country. But what puts our troops in danger is the continuance of the commitment to keep our forces in South Vietnam in a military posture in order to sustain the Thieu-Ky regime—a regime that I personally believe is not worth the life of a single American soldier.

There have been a great many attempts to misinterpret the position of the enemy, of North Vietnam and the Vietcong, and yet they have stated that position, it seems to me, with reasonable precision.

They have said they would negotiate the release of our prisoners without waiting for the total withdrawal of our forces if we will agree to a definite withdrawal date. They have said they will negotiate arrangement for the safety of our troops' direct withdrawal once that commitment, total withdrawal, is made.

I ask what more, at this stage of the war, can we hope to accomplish in negotiations other than the release of our prisoners and the safety of our forces during the withdrawal period? If the other side is willing to accept that, once we have set a definite terminal date for the withdrawal of our forces. I do not understand why this body will not exercise its constitutional responsibility to set such a date and stop this senseless slaughter and destruction that has been going on for far too long a time.

They have not said that the assurance of safety for our forces is conditional upon the fall of the Thieu-Ky government.

They have not said the assurances may grow out of discussions.

They have not called for the elimination of all U.S. assistance to South Vietnam.

They have simply declared unequivocally that they will refrain from attacking our men once the date for withdrawal has been set.

We have every reason to believe, therefore, that the killing of Americans can end within hours of our decision to require withdrawal of U.S. forces by the end of this year. We have the clear opportunity to choose, instead of at least 7,400 deaths and over 64,000 injuries, an immediate shrinkage to zero in these most painful measurements of American sacrifice.

It would be exceedingly foolish for the adversary to behave in any other way. Once the date has been set they will certainly lose any incentive for attacking withdrawing forces. In doing so they would invite added, needless casualties for themselves and they would risk reconsideration of our decision and a longer American presence. On that point, in fact, our amendment reaffirms the President's authority to provide full protection to our Armed Forces.

I recognize that there does exist some concern about the amount of time required for withdrawing all of our forces from Vietnam. The sponsors of this amendment have always remained open to suggestions on that point. We would be particularly interested in taking into account the recommendations of the administration on how long it will take to withdraw our troops and equipment.

In the absence of those recommendations let me make several observations.

First, last year we contemplated approximately 12 months for the withdrawal of a force totaling approximately half a million men. The Selective Service bill is expected to become law by July 1, when the old law expires, thereby leaving 6 months for the withdrawal of the some 250,000 men who will remain in Indochina on that date. Thus, we are talking about the same orderly rate of withdrawal which was under discussion last year.

Second, it is useful to recall some military history. For example, from VE Day on the 8th of May in 1945 and VJ Day on September 2 of that year, to the end of 1946, a period of approximately 18 months overall, we withdrew no less than 6,376,000 Army personnel from Europe and the Pacific—more than 25 times the number of Americans who will be in Vietnam by July 1.

In the peak month, December of 1945, some 834,470 men were returned to the United States. Over three times the number of forces to be withdrawn from Vietnam in 6 months' time under our amendment were brought home in a single month in 1945. Nearly all of those men were brought home in ships, since we had nowhere near the airlift capacity available today. Certainly there is no need to cite the vast growth since then in our capacity to move large numbers of troops in a short period of time.

Third, it is worth noting that the former commandant of the Marine Corps and one of this country's most respected and experienced military leaders, Gen. Earl Shoup, testified before the Senate Foreign Relations Committee a few weeks ago that the forces we have in Vietnam now could be withdrawn in as little as 15 days, given just a few weeks' notice.

We are, therefore, discussing an orderly, systematic and safe withdrawal from Indochina, with ample time for its completion. The term "precipitous" which has been used in recent weeks is simply out of place, because it cannot be applied to any proposal pending in the Senate.

Mr. President, the question of the safety of the young Americans who remain in Indochina today should be an overriding concern as we consider the two alternative methods of ending our involvement in Indochina.

Vietnamization carries other costs. It promises to continue the distortion of our economy and the theft of the resources from urgent domestic priorities. It offers the continued pounding of the tiny countries of Indochina, already ravaged by a total bombload of more than 280 times the Hiroshima and Nagasaki blasts. It guarantees still more death, destruction, and squalorous refugee camps for civilians in Vietnam, Laos, and Cambodia.

But there is nothing about this war that is more real than the tragic spectacle of young men coming home in green plastic body bags, encased in military coffins. And there is nothing more real than other young men returning with disfiguring scars, with missing arms or legs, with hearing or vision impaired, or with bodies which suffer constant torture unless a supply of heroin can be found.

Nothing can be gained through attempts to assess blame for suffering already incurred. I pray that from that suffering we can gain enough wisdom to assure that this monstrous mistake in Indochina will not be repeated.

But my plea today is for the Indochina war dead who are still alive.

We have the power to choose their future.

QUORUM CALL

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORSE THAN MYLAI

Mr. McGOVERN. Mr. President in my earlier remarks I referred to the article by Mr. Stewart Alsop in the Newsweek magazine of May 24 of this year, under the title, "Worse Than Mylai."

This is an article dealing with the heroin addiction problem in South Vietnam. I should like to read two or three pertinent paragraphs from this article.

The article opens with these words:

> In addition to the 55,000 Americans who have died in Vietnam, there are now many thousands more who might almost as well be dead. For according to a new and authoritative estimate—vividly supported by NEWSWEEK reporters (page 26)—there are between 30,000 and 40,000 servicemen in Vietnam who are heroin users. Most of these men, on return to civilian life, are condemned to a life of crime and an early death.

Mr. Alsop then goes on to say—

> The Americans forces in Vietnam no longer have a genuine combat mission, and in an army without a combat mission is an army without a real purpose. Of the more than 260,000 American troops now in Vietnam, only about a fifth are combat troops, and their principal mission now is to avoid combat. If you ask at the Pentagon what in heaven's name the other 200,000 are doing, you hear generalities about an "orderly withdrawal," or you are told the answer is secret.
>
> In fact, what most of the 200,000 are doing is virtually nothing, other than going mad with boredom. Under the President's withdrawal program, there will still be around 150,000 noncombat troops in Vietnam next November, still going mad with boredom. Soldiers will choose almost any escape from an army that has lost discipline, morale and purpose, and this has a lot to do with the heroin epidemic.

Mr. Alsop concludes—

> The United States has no obligation to continue to field a big non-fighting army in which tens of thousands of young men are becoming heroin addicts. The bulk of that non-fighting army must be withdrawn from Vietnam quickly and urgently, for the same reason that people in a burning house have to be gotten out quickly and urgently.

I hope that all Members of the Senate will read this article thoughtfully together with the supporting documents in this same issue of Newsweek that was compiled by Newsweek reporters in Vietnam on the basis of firsthand study and analysis of this situation.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek magazine, May 24, 1971]

WORSE THAN MYLAI

(By Stewart Alsop)

WASHINGTON.—In addition to the 55,000 Americans who have died in Vietnam, there are now many thousands more who might almost as well be dead. For according to a new and authoritative estimate—vividly supported by Newsweek reports (page 26)—there are between 30,000 and 40,000 servicemen in Vietnam who are heroin users. Most of these men, on return to civilian life, are condemned to a life of crime and an early death.

The horrifying new estimate was provided by the Provost Marshal's office in Saigon to an emissary of the House Foreign Affairs Committee, Rep. Robert Steele of Connecticut. If you think about its real meaning, it is the worst horror to emerge from the war—worse ever than My Lai.

According to the estimate, between 10 per cent and 15 per cent of the American troops in Vietnam are on hard drugs—meaning heroin in almost every case. This can only be an estimate, since where heroin is easily available, as it is in Vietnam, it is not hard to conceal an addiction. But the Provost Marshal's estimate is borne out by other evidence, including a study, based on anonymous polling techniques, of addiction in the Americal Division.

SKYROCKETING USE

In this study, 6.4 per cent of those polled admitted taking "heroin or opium," and 5.5 per cent said they took "cocaine." There is virtually no cocaine in Vietnam, and the word is undoubtedly a misnomer for heroin, which the GI's call "skag." This indicates a total of almost 12 per cent on heroin. The figure is very probably low, for two reasons. First, the poll was taken last September, and since then the use of heroin in Vietnam has skyrocketed. Second, even when promised anonymity, a good many GI drug takers undoubtedly play safe and deny that they take drugs.

Moreover, a considerable proportion of the GI addicts are unaware that they are addicts, and some do not even know that they are taking heroin. Among the young draftees in Vietnam, who are the chief victims of the heroin epidemic, there is a widespread belief that the Vietnamese skag is not addictive if it is smoked or "snorted."

In a study of servicemen addicts undergoing voluntary treatment it was found that 51 per cent of those who used heroin smoked it, mixed with tobacco in ordinary cigarettes, 43 per cent snorted (sniffed the powder out of the cupped hand), and only 6 per cent "mainlined," injecting the stuff directly into the veins. The notion that smoking or snorting is not addictive is tragically untrue.

It is especially untrue of "Number Four White," the brand of heroin produced for "the American market" in Burma, Laos and Northern Thailand. (Number Three Smoking Heroin, produced for the Asian market, is purplish in color.) Number Four White is 94 per cent to 97 per cent pure heroin, compared with 4 per cent to 6 per cent in heroin sold in the U.S.

EASY TO GET

The price in Vietnam varies widely, but it is very much lower than the New York price. Getting the stuff is no trouble at all. Representative Steele let it be known that he might be interested in buying a bag of skag, and in a twenty-minute walk in Saigon he was approached nine times.

Because the stuff is strong, cheap and easy to get, and also because of the myth that smoking or snorting does not cause addiction, there have been cases of young GI's taking leaves where heroin is not easily available—and suddenly suffering, to their own amazement, the horrors of withdrawal. According to the study of servicemen-addicts, their average age is a pathetic 20.5, and their average "length of habit" is only five months.

Secretary of the Army Stanley Resor and Narcotics Bureau director John Ingersoll both flew to Saigon recently to press the Thieu government to curb the heroin traffic. There is no doubt that highly placed Laotians and Vietnamese profit from the traffic, and some disciplinary gestures will doubtless be made. But the gestures can only be palliative—President Thieu can no more effectively control the drug traffic in Saigon than Mayor Lindsay can in New York.

More than gestures are needed. The first thing that has to be done is to deal with the problem of the servicemen who are already addicted, or are in danger of becoming so. Consider the situation of these men. With plenty of strong, cheap heroin available, they have no trouble supporting their habit in Vietnam. When they return to the United States, to support their addiction they will have to mainline, and they will have to find at least $40 a day. For most of them, the only way to get that kind of money is to steal.

Heroin addiction can be detected by urinalysis. It is the clear responsibility of the services to give urine tests to all Vietnam servicemen before returning them to civilian life, and to establish compulsory hospitalization centers to cure those who are still curable. But the cure rate is very low, and thousands of young men who have served in Vietnam are already, in effect, sentenced to a life of crime in the urban jungles.

Something else must also be done. Those young draftees who are the chief victims of the Vietnam heroin traffic must be gotten out of Vietnam as fast as possible. The heroin epidemic, which is a new phenomenon, reflects the erosion of discipline and morale in our forces in Vietnam.

NOTHING TO DO

The American forces in Vietnam no longer have a genuine combat mission, and an army without a combat mission is an army without a real purpose. Of the more than 260,000 American troops now in Vietnam, only about a fifth are combat troops, and their principal mission now is to avoid combat. If you ask at the Pentagon what in heaven's name the other 200,000 are doing, you hear generalities about an "orderly withdrawal," or you are told the answer is secret.

In fact, what most of the 200,000 are doing is virtually nothing, other than going mad with boredom. Under the President's withdrawal program, there will still be around 150,000 noncombat troops in Vietnam next November, still going mad with boredom. Soldiers will choose almost any escape from an army that has lost discipline, morale and purpose, and this has a lot to do with the heroin epidemic.

This country has a profound moral obligation to provide logistic support for the million-man South Vietnamese forces, which have been made pathetically dependent on American support for the defense of their country. But the United States has no obligation to continue to field a big non-fighting army must be withdrawn from Vietnam quickly and urgently, for the same reason that people in a burning house have to be gotten out quickly and urgently.

Mr. McGOVERN. Mr. President, I also ask unanimous consent that an article entitled, "GI Heroin Sales in Vietnam: Cheap, Fast, Ignored by the Police," written by Peter Osnos, and published in the Washington Post on June 13, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GI HEROIN SALES IN VIETNAM: CHEAP, FAST, IGNORED BY POLICE

(By Peter Osnos)

CANTHO, SOUTH VIETNAM.—The 10-year-old Vietnamese boy looked up at the three Americans sweating in the midday heat. He was a ragamuffin. In another war, he might have been asking for a chocolate bar.

"You want skag?" he asked. Skag is the most common name for heroin in South Vietnam.

The first price was 1,000 piasters (about $3.70 at the official exchange rate) for a large vial neatly encased in a plastic container. Too high. The boy came down to 600 piasters for a slightly smaller quantity.

The Americans said no. This time there was no deal.

The boy cursed at them in Vietnamese and walked a few feet away to his mother squatting on a stool beside a soup stand gossiping with her friends. It was still early and there would be many other customers.

The exchange, in full view of idling South Vietnamese police, took place on a crowded corner just off Hung Vuong Street in downtown Cantho, the neighborhood of bars and massage parlors catering to the 15,000 U.S. servicemen in this part of the Mekong Delta.

A reporter had asked two soldiers, junior enlisted men, to show him how to get heroin in Cantho these days, what with the oft-expressed official U.S. concern and the South Vietnamese government's crackdown on smuggling and drug dealing.

The soldiers laughed. "You can go anywhere, ask anyone, they'll get it for you. It won't take but a few seconds." It didn't. The boy, his mother, the bar girls, the cyclo drivers, even the police are potential pushers. All you have to do, the older of the GIs said, is ask.

It is no more difficult to get heroin now, say the young addicts here and the officers who work with them, than it was a few months ago, after the "skag" epidemic had begun but before the heat was on. And there has been no noticeable increase in price.

Some of the heroin may be a little less pure than it was, but the GI's think that the Vietnamese have discovered they can stretch out their supplies by doctoring the fine white powder ever so slightly. When its difference is between 95 per cent purity and 85 per cent, few soldiers will complain.

"Fat Mama's" and "Shabazz," the servicemen's names for two of the most notorious drug establishments in Cantho, have been raided several times and last week, American MPs were patrolling the area behind the local U.S.O., where the two homes are located.

But the proprietors have not been detained (the husband of one is reputed to be a police captain) and according to a number of GIs, they have simply adapted to the new circumstances, moving around, closing briefly and then reopening, but above all, staying in business.

A directive from the U.S. Military Command last month placed Vietnamese drug stores off limits and threatened to do the same for all bars and other hangouts where drugs were found. Enforcement so far, officers concede, has been a failure.

"It's nothing but a farce," said an officer here who spends nearly all of his time dealing with addicts.

The soldiers rarely relied on the drug stores for much of anything, except for the few stocking up on barbiturates and amphetamines. And as for the bars, the tawdry dank and dark rooms with names like "The New Yorker" and "007" seen as numerous as ever. Most have little signs out front signifying they are on limits.

"You go into most of these places and you'll see skag freaks," said one addict. "Mostly on the first floor its juicers (the drinkers, generally older noncommissioned officers) and on the second floor it's the heads (the dope users)."

With so much heroin around, ever larger quantities are said to be making their way onto military installations themselves, notwithstanding the frequent shakedowns of the GIs and the Vietnamese workers suspected of willingly supplying them. Even some of the MPs are not to be trusted.

Capt. Richard Callentine, a Protestant chaplain who works closely with Project Rebuild, the local rehabilitation center, told of one addict released from the center who was picked up an MP for carrying dope.

"But you and I hit up (smoked heroin) together last night," Callentine reported the soldier as saying. "That's okay," the MP replied, "you've had your amnesty. You're supposed to be off skag."

There are no U.S. ground combat troops in the Mekong Delta, so there are none in Cantho. But there are helicopter combat units, plus signal and engineer battalions as well as Air Force and Navy advisory teams. Estimates of how many of these soldiers use or have tried heroin vary so widely as to be inconclusive.

A random survey taken of junior enlisted men (far and away the most vulnerable to heroin) in one combat aviation battalion showed only 6.6 per cent admitting usage. On the other hand addicts claim the percentages in their units to be as high as 75 per cent.

Probably the most reliable guess is the one of between 15 and 25 per cent, made by officers who work with the drug users. This figure corresponds roughly to the numbers being reported throughout South Vietnam for a countrywide total of perhaps 50,000 men.

Similarly, the difficulties of dealing with the spread of heroin here correspond to those elsewhere. Curbing the flow of drugs is a complex process that begins far from Cantho on the ancient opium fields of Burma, Laos and Thailand.

But locally, among the greatest problems is clearly the undeniably poor work of the national police who should bear the largest responsibility for stopping the sellers. There could hardly be more flagrant negligence than the policemen who calmly watch the transactions on Hung Vuong Street.

American MPs can arrest GIs caught purchasing drugs, but their powers over the Vietnamese are strictly limited.

At a recent meeting of U.S. and Vietnamese officials called to discuss the drug situation, a senior national policeman startled the Americans when he confessed he could not recognize heroin. "Either he's a liar or a fool," said one U.S. participant.

Another major problem is the continuing confusion and lack of coordination in the U.S. command on how drug users are to be treated: courtmartialed and jailed, thrown out of the service, or rehabilitated. Whatever course is decided upon for each case takes time—time for the soldier to harden his habit.

The most thoughtful officers are quick to point out that the floundering of the military merely reflects the inability of American society at large to cope with the ever-expanding use of drugs.

The situation in South Vietnam is made even more difficult by the low cost and high quality of heroin (which usually eliminates the need for unpleasant injections) plus the human factors: the presence of a large number of bored, lonely, depressed young men at the lowest rungs of the military ladder.

"They are," said one Army psychiatrist,

"like people in ghettos, the scapegoats of society, hassled and harassed by everyone around them. The way to forget is to take drugs and drugs are everywhere." The services are under growing pressure to treat the addicts rather than jettison them or lock them up, if only to minimize the number of drug users returning to the United States. There are now nine rehabilitation centers in South Vietnam (a few weeks ago there were 10, but one in Danang closed. The centers near here at BinhThuy is said to be very shaky).

The centers operate independently and Project Rebuild, the one at Cantho, is said to be one of the best organized. Its purpose is to withdraw the addict and at the same time provide him with counselling and vocational therapy.

Ideally, a man would spend a week in the isolation ward, a second week in the "rebuild platoon" and would return to his unit the third week, continuing his therapy session at night. Sometimes it works, according to the officers who run the program; more often it does not.

The senior staff of Project Rebuild are well qualified: Chaplain Callentine; Capt. Brian Joseph, a doctor with a year of residence in psychiatry; and Capt. Herman Martin, a full-time social worker. They seem determined to do what they can, but the obstacles appear overwhelming.

The center is equipped to handle 11 men. Last week none began the program largely because a rumor has taken hold that records from the center are being turned over to the FBI. This week there are eight soldiers going through detoxification. At least five are technically ineligible for amnesty because they are pending court martials. A sixth has already been through the program once.

In the early days, said Dr. Joseph, the detoxification ward was badly hampered by the fact that soldiers were continuing to buy drugs from medics or to bring them in themselves (reportedly a critical problem at centers elsewhere in the country). Now the windows are nailed shut, and the ward is relatively free of heroin.

Two of the men in detoxification last week said they had previously worked as counselors in the program while they were using drugs.

All eight have been using heroin for more than six months; most said they started within two or three days of their arrival in Vietnam. Medical experts say motivation is an important factor in getting an addict to stay off drugs. To a man these soldiers said they expected to use drugs again.

Theoretically, marijuana is as illegal as heroin. But at Project Rebuild there appears to be a recognition that pot smoking has become so pervasive there is no point in trying to stop it.

"We've got to compromise," said Dr. Joseph, "We want them off all drugs for the two weeks and they know that marijuana is illegal. But really, its heroin were trying to get them off, not marijuana."

In the Rebuild Platoon barracks recently, officers found a cheap porcelain Buddha. In the hollowed-out shell was stashed the platoon's marijuana. "I suppose we'd be a lot better off," one officer confided, "if we could just get these guys to go back to pot—just pot."

The situation in Cantho is bad, but there is no reason to believe it is better elsewhere in South Vietnam. "I don't see any indication things are improving," said one military drug expert in Saigon," and if they're not improving then they are getting worse."

Mr. McGOVERN. Mr. President, one of the most moving descriptions of one aspect of the war that I have yet to read was written by Maj. Robert J. Glasser, who was a major in the U.S. Medical Corps from 1968 to 1970. He now practices medicine in Minneapolis.

This article is excerpted from his book "365 Days" to be published this summer. The article is entitled "The Burn Ward." It appears in the April 1971 issue of Washington Monthly. It describes these horribly wounded and burned soldiers who were flown out of Vietnam for treatment in Japan. This young major was in charge of the so-called burn unit for some years. He has vividly related the experience of watching young men 18, 19, and 20 years of age die in the hospital in Tokyo where he was stationed.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Monthly, April 1971]

THE BURN WARD

(By Ronald J. Glasser)

(EDITOR'S NOTE.—Ronald J. Glasser was a major in the U.S. Army Medical Corps, 1968–1970. He now practices medicine in Minneapolis. This article is excerpted from his book, "365 Days," to be published this summer by George Braziller. The story is true, but the names and dates have been changed.)

Edwards picked up his stethoscope from his desk. "Look," he said, "You can say what you want about the Army and its problems, but I learned this much from going home: the Army treats you better dead than alive. I know," he added quickly to keep the captain from talking. "I know, it was my fault. I shouldn't have got involved with taking the body back. But I did."

"It's coming," the corpsman said, stepping away from the window.

Edwards stuffed the stethoscope into his back pocket. "OK. Tell the ward master. Better fill the whirlpools. I'll be down at the landing pad." He pushed open the double doors to the burn unit.

The huge overhead lights were off, leaving only the night lights to flicker feebly across the shiny, tiled floor. He walked quietly down the center aisle of the ward, his footsteps echoing lightly ahead of him. The beds lining the wall were barely visible, the patients no more than lumps against the frames. From the far end of the ward came the faint mechanical hissing of a respirator. He stopped a moment near one of the steel-arched Stryker frames to listen. The machine's slow regular rhythm was almost soothing. How many times he'd heard it before. Someone had once said he'd signed more death certificates than any other doctor in Japan. Probably right, he thought, continuing on his way. At Kishine, the respirator was the sound of death, not life; in all his time there, he could not think of one patient who had got off the thing.

"Hi, Doc."

"Oh, Crowley," Edwards said, coming to a halt near the little cubicle at the back of the ward. "Sorry, I didn't see you in the dark."

The side curtain had been partially pulled. Stretched out on the bed, barely lit by the dials of the respirator, was a shadowy form.

"How's he doing, Sergeant," Edwards asked the ward master who was standing at attention by the machine that was slowly, insistently hissing air into and out of the charred body.

"Not too good, sir."

"What's his temperature?"

"105. It was 107 before we put him on the cooling blanket."

"Blood cultures growing out anything?"

"Yes, sir, the lab called back tonight—Pseudomonas pseudomallei. Major Johnson put him on IV [intravenous] chloromycetin and tetracycline."

Edwards bent over to look more closely at the restrained body spread-eagled across the frame. The air smelled sweet, like a dying orchard. "When did he come in?" he asked, peering at the grotesquely crusted body. Even the tips of his toes and fingers were charred and oozing, nothing had been spared.

"Four days after you left. Seventy per cent second degree and 15 per cent third. At least Major Johnson thought it was second degree, but it's beginning to look like it's all third."

Edwards examined the crust about the boy's swollen neck and chest. It had a sick metallic green cast to it. "When did he go sour?"

"He was doing fine until this morning. We had to give him demerol every time he went into the whirlpool, but he's very hard core. Nice kid. Then yesterday, he became confused and agitated. On the night shift his temp spiked and he became unconscious. The surgeons trached him today, and Dr. Johnson put him on the respirator this evening. The evacs should be in soon, Major."

"Yeah, that's where I'm going. I'll check on him later."

"No need, sir, you'll have your hands full. I'll have you called if anything changes."

As he walked away, Edwards could hear Crowley drawing the curtains closed behind him. The stairwell was empty and he walked slowly down to the first floor and out onto the concrete walkway.

It was summer outside and the night was as warm as indoors. He cut across the empty silent field separating the hospital's squat buildings from the helipad, where the red lights of the landing strip flickered softly in the misty dark. Far away he heard the muffled dull thudding of the chopper whopping its way through the heavy air, and suddenly he felt alone and desperately tired.

"Gentlemen: You have been assembled here at Yokota Air Base to escort these bodies home to the continental United States. Each body in its casket is to have, at all times, a body escort. Those caskets on the plane that do not at the present time have an escort will have them assigned at Oakland. Whatever the case, no casket will be allowed to leave the Oakland area without a proper escort. Escort duty is a privilege as well as an honor. An effort has been made to find an escort whose personal involvement with the deceased or presence with the family of the deceased will be of comfort and aid. Your mission as a body escort is as follows: to make sure that the body is afforded, at all times, the respect due a fallen soldier of the United States Army. Specifically it is as follows: 1) to check the tags on the caskets at every point of departure; 2) to insist if the tags indicate the remains as non-viewable that the relatives not view the body. Remember that non-viewable means exactly that—non-viewable. . . ."

Grimly, with the chopper coming nearer—louder—Edwards walked up a slight rise, past a small, dimly lit sign:

Kishine Barracks, 109th United States Army Hospital, United States Army, Japan, Burn Unit.

"Coastal Airlines loads the bodies on an angle. Be sure that if the body you are escorting is being carried by Coastal Airlines that the caskets are loaded head down—this will keep the embalming fluid in the upper body. If the body is loaded incorrectly, namely, feet down, the embalming fluid will accumulate in the feet, and the body may under appropriate atmospheric conditions begin to decompose."

By the time he reached the evac area, the floodlights were on and the chopper had landed. Coming in from the dark around the back of the evac building Edwards was dazzled by the sudden lights. The Huey, low and glistening, its rotors still whirling, sat like a toy exactly in the middle of the arc lights. Its crew chief and co-pilot were already in the open hatchway unstrapping the litters from their carrying hooks. Edwards watched unseen while the corpsmen hurried out to the chopper to off-load the patients. The choppers usually came in about 10 in the morning, but when a bad burn was evac'd to Japan, they were flown in the same night. Burns are a very special kind of wound, and no physician anywhere wants the responsibility of caring for them, not even for a little while. For openers, burns look bad and the patients die.

"Each of the next of kin listed in the deceased 201 file has already been visited by a survivor assistance officer. This was done in person by an officer in uniform from the nearest army unit. Every effort is made to pick an officer from a similar racial and economic background. These families have already been convinced of the death by either the presentation of personal effects or the relating of an eyewitness report from a member of the deceased's unit. You need not convince the deceased's relatives. The point to remember is that the survivor assistance officer has been there before you and the next of kin have already accepted the death."

He was standing in the reflected glare of the landing lights, with the windy noise of the chopper rushing past him.

"Sir. Sir?" one of the corpsmen was shouting above the whining of the motor. "One of 'em's got a head wound, the other is just burned."

"Call the neurosurgeon," Edwards shouted back. He gave the empty chopper one more look and then followed the medic into the air evac area. By the time he reached the building, the medics had placed the two litters on the movable stretcher racks and one of them, working on the patient nearest the door, was already setting up an IV.

"He's OK, Major," the air evac sergeant said. "The head injury's over there."

"One hundred and seventy," the corpsman said as Edwards approached the litter. The wounded soldier, his head wrapped, was lying unconscious on his back, with the blood pressure cuff still wrapped around his arm. "I figured I'd leave the cuff on, sir. He don't look too good."

"I'll give you that," Edwards said. He began to unwrap the gauze from around the patients head. The boy was breathing; other than that he looked dead. Edwards pinched his neck, but there was no response. As he unwound the gauze it became wet and then blood-soaked. Now he was down to the four-by-four surgical pads, and finally to the wound itself. Carefully he lifted up the last pack. Despite himself, he closed his eyes.

"He's 47 per cent burned," the sergeant said, reading the cover sheet of the soldier's medical record. "Took an AK round a little in front of the right eye. Removed the right eye, traversed the left orbit, removing the left eye and came out near the left temple, apparently blowing out the left side of his head."

"Don't worry. I'll be careful, Bob. Honest, I'll be careful. . . ."

"Send him to neurosurgery," Edwards said. "We'll treat his burns up there."

"An IV?"

"No, just send him up."

He walked across to the other wounded trooper. The corpsman had just got the IV started.

"Sorry it took so long, sir," he said. "Hard to find a vein."

The boy was awake, nervously looking at the needle the corpsman had stuck into the back of his hand.

"Hi," Edwards said. "How do you feel?"

The soldier looked up at him apprehensively. The skin on his face had been seared red and all his hair and eyebrows and lashes had been burnt away.

"I know you're nervous," Edwards said soothingly. "Just try to relax. I'm the chief of the burn unit. I'll be your doctor for a while until you get better." As he pulled back the blanket the soldier grimaced. "Sorry," he said, lifting the cover more carefully.

The burns, red and raw, ran the whole charred length of the boy's body. Unconsciously Edwards began adding up the percentages of burned area, tallying them in his mind. He suddenly realized what he was doing, and for a moment, as he stood there staring at the burns, he looked stricken. "How did it happen?" he asked gently, carefully dropping back the covers.

"I . . . I was carrying detonators. . . ."

"Dear Bob: We are fighting very hard now. I haven't written Mom and Dad about it. I don't want to worry them. But we are getting hit and badly. I'm the only first lieutenant in the company who hasn't been hit yet. And last week I lost two RTO's. They were standing right next to me. It gets a bit spooky. I know what you said about my flack vest, but you haven't been here and you just don't know how hot it can get. On the move, it's just too damn heavy. You can't carry a 60-pound rucksack in 110 degree heat and an 11-pound flack vest. I make the point wear his, but then someone else carries his gear. It's like your complaint about patients demanding penicillin—sometimes you just can't use it. It's the same with a flack vest. Besides, it wouldn't stop a round and that's what we've been getting lately. But I'll wear it when I can. By the way, you're beginning to sound like Mom. About what's been happening lately. I'm not complaining, don't get the wrong idea. There is honestly, something very positive about being over here. I can see it in myself and my men. Not the war itself, God knows that's hopeless enough, but what happens to you because of it. I'll never be the same again. I can feel myself growing. Unfortunately you only see one end of it. That's a bit sad, because there are other endings and even middles. A lot of guys get out of here OK, and despite what they say, they're better for it. I can see it in myself. I'm getting older over here in a way that I could never do at home or maybe anywhere. For the first time in my life, everything seems to count. All the fuzziness is gone, all the foolishness. I can't believe the things that used to bother me, or even that I thought were important. You really see yourself over here. It works on you, grinds you down, makes you better. Got to go. Thanks for the R & R. Say Hi to all the guys in the burn unit."

"What?" Edwards said.

"Detonators. I must have taken a round in my rucksack. They just blew up and then I was on fire. Tried to tear my gear off, but my hands. . . ."

"It's all right," Edwards said. The evac sergeant handed him the patient's medical jacket. Quickly turning the pages, he read: "Eighty per cent second degree and third degree. Debrided under general anesthesia at the 60 evac, Chu Ci. Six liters plasmonate . . . catheterized . . . furacin and sterile dressings. . . . Demerol . . . 64 mg q three hours." He looked on the cover sheet. David Jensen, MOS B11; 1/30 E–2, Fourth Division, 20 years old.

"Twenty years old," he thought, handing back the chart. Grant's age.

"David," he said wearily.

"Yes, sir."

"The first thing we're going to do is put you in a whirlpool bath to soak off your bandages and remove what dead skin we can. It's going to hurt."

"Yes, sir," David said, his voice wavering.

"If it hurts, just let us know. Is that understood?"

"Yes, sir."

"You don't have to call me sir."

"Yes, sir, thank you, sir."

"Take him to C-4," Edwards said to the corpsman. "Tell Sergeant Dorsey I'll be right there. and David. . . ."

"Yes, sir."

"Burns look and feel a lot worse than they are. You're going to get better."

"Yes, sir."

Edwards watched the corpsman wheel the boy out of the evac area, and then left the area himself to go to the neurosurgery ward. It was a long walk. Like all army hospitals, Kishine is fantastically spread out, its buildings and wards acres apart so that no one shell or bomb can get it all. By the time he got to the ward, the neurosurgeon was already in the treatment room. The patient, partially hidden by the nurse and doctor, was lying naked on the treatment table. There were blood-soaked clothes and bandages all over the floor. Cramer turned his head for a moment, looked at Edwards, and went back to work.

"His frontal lobe is torn up," Cramer said. "Im going to have to take him up to the operating room and save what I can. What do you think about his burns?"

Looking over Cramer's shoulder Edwards saw that the surgeon's fingers were deep inside the half shell of the boy's skull. "Don't worry about the burns," he said, turning to leave.

"Oh, Edwards," Cramer said as he reached the door. "I know how close you two'd become. I'm sorry."

"Regardless of the branch of service: The emblem of the Infantry, crossed rifles, will be carried on every coffin. The deceased, where the remains are viewable, will be buried in full military uniform. The emblems on his uniform will be that of the service to which he was attached at the time of his death."

He walked down the corridor to the elevator. Leaning wearily against the wall, he pressed the button, and without looking stepped in even as the door was opening, almost colliding with one of the patients. "Sorry," he said, moving over to the other side of the elevator. The patient, his bathrobe slung over his good shoulder—the other was wrapped in a plaster cast—smiled politely, and was about to look away when he saw the doctor's name plate on his uniform.

"Excuse me, sir."

"Yes?"

"Do you have any relatives in Nam?"

"Yes," Edwards said, "I do."

"First Air Cav?"

"Yes."

"Is his name Grant?"

Edwards nodded as the elevator suddenly slowed to a stop.

"Your brother?" The door opened. "I thought so," the trooper said, obviously pleased. "You sort of look like him."

"Come on," Edwards said pleasantly, holding the door.

"I saw him about three weeks ago. There isn't a better platoon leader in the whole cav. But I can tell you this, they were handing him some — to do, when I saw him. His unit was on their way to getting their — whipped."

"Are you sure, Grant? Why don't you go into Tokyo? You only have a few days for your R & R. You might as well have a good time."

"But I want to see what you're doing."

"It's not nice."

"And where do you think I've been?"

He had been suprised at how well Grant had handled himself in the burn unit. He had seen more than one visitor walking through the ward trying desperately to be natural, moving stiffly from bed to bed, smiling and talking as if the boys weren't burnt at all. When Grant visited, there were two ghastly 90 per cent burns stretched out, blistered and dying on their Stryker frames. Grant had stopped to talk to them and stayed with each much longer than he had to. He was very much at ease. He didn't ignore their wounds, or pretend not to see that they were so obviously dying. He simply talked to them, interestedly and honestly with a concern so palpable that no one could doubt his sincerity. He was one of them and, for a moment, watching his brother sitting by their frames, Edwards felt suddenly very much outside it all. He was very proud of his younger brother.

"I've seen worse, Bob. Really . . . a lot worse."

"Sir?"

"Yes, I know," Edwards said gently. "They did get whipped."

When he got back to the burn unit, he found David in the treatment area, already floating full length in one of the whirlpool baths, his head supported on a padded board to keep it above the waterline, the water gently churning about his burnt body. His IV bottle was still working, hanging down from a ceiling hook. A few of the dressings had already soaked off and the medic was picking them out of the water. Taking an admissions chart off the wall rack, Edwards sat down on a chair next to the huge tub.

"OK?" he asked.

David, clenching his teeth, nodded.

"David," he said, "we're going to debride you a bit—take off the dead skin. We are going to have to do it every day, a little bit at a time. That way it won't be as painful." David was looking anxiously at him. "Once you know what's going on, it won't be so bad. We're going to put you into the whirlpool every day and all the skin that is loose, or loosening, is going to be removed. It has to be done." He hesitated a moment and then went on matter-of-factly. "If we don't take it off, it just stays and decays, forming a place for bacteria to grow and divide, and you'll just get infected. That's what we want to avoid, because if the burns get infected no new skin will form. It's going to hurt, and I'll give you something for the pain when I think you need it."

"Yes, sir."

"I've been doing this a long time, David, and I know when it really hurts and when it doesn't. We're going to have to be doing this for some time and we don't want to make an addict out of you, so we're only going to use the pain medicine when we have to. I know you can do it. There have been a lot of troopers, just like you, through here, and I know you're as fine as they are."

David had been staring up at him the whole time. What was left of his lips were clamped tight against the pain of the water churning against his blistered skin. "Yes, sir," he said, his voice trembling.

"OK, John," Edwards said. David looked nervously from him to the corpsmen. Pieces of dead skin were already floating free. The corpsman, kneeling down beside the tub, began picking off those pieces that were still attached but had been loosened. "How long have you been in Nam, David?"

"Five . . . five months," David said, watching the corpsman pick a chunk of skin off his chest. He had to tug to get it off. David grimaced, barely suppressing a groan.

"How do you like the Vietnamese women?" the medic asked.

"Don't know," David said, painfully engrossed in watching the corpsman go after another piece of his skin. "Didn't meet any gooks."

"How come?" the medic asked, scooping a piece of skin out of the water.

"We killed em all."

Suddenly David let out a scream and the scream, echoing off the spotless tile walls, pierced Edwards to his heart. His eyes clenched tight, the boy was fighting valiantly for control. Blood began oozing from the new patch of raw skin on his chest, and Edwards could see the tears rolling down his burnt cheeks.

"Where you from, Doc?" the cab driver asked.

"Japan."

"Oh," the cabbie said, pulling away from the curb, "thought so, saw the Fuji patch on your sleeve. Nice place, huh?"

"No," Edwards said.

"I heard that Japan was paradise."

"I work in a burn unit."

"Oh, get many burns over there?"

"There's a war on. Remember?"

"You mean, you get those guys in Japan?"

"Yeah," Edwards said, "We get those guys. . . ."

"Major, Major?"

Edwards opened his eyes. It was the ward master. David was still there, sobbing.

"Excuse me, sir. Those flights back from the States are tough. I'm sure you haven't caught up with the time change. Why don't you take a sleeping pill and get some rest."

"Think I'll take your advice," Edwards said, closing his clipboard. He wrote a Demerol order for David and then went to his room. As tired as he was, though, he couldn't sleep. Every time he drifted off, he'd see Grant's tag: "Remains, non-viewable." And all that time in the States, he thought he could handle it. . . .

He woke up in the morning exhausted, put on his wrinkled uniform and went to the ward.

Johnson was already in the office. "Hi," he said, turning around from his desk. "You know you didn't have to work today—or yesterday, for that matter."

"I know," Edwards hung up his jacket. "There's really not much else to do."

Both he and Johnson had shared the same office for almost a year now. Johnson had been the plastic surgeon working with the burn unit at Duke University. He had been drafted and assigned to Kishine.

"You want to go on rounds?" Edwards asked.

Johnson pressed the button on the intercom. "Julian, we're gonna start rounds." He pushed himself away from the desk. "Let's go."

"How's the fellow on the respirator?"

"He died this morning," Johnson said, picking up his notes. "I told the corpsman to leave you alone."

After rounds, Edwards went down to the bacteriology lab and then to his office, Johnson had gone to X-ray to check on a few films. He sat down at his desk and looked at the two weeks of correspondence that had been piled neatly at the corner of his desk. He was reaching for the first letter when the intercom buzzed. "Major, Jensen's in the whirlpool."

"OK, be right there, thanks."

David was already in the tub, being debrided. Edwards knelt down by the side of the tub and checked the burns. At some places, on the thighs and chest, he could see down to the muscle fibers criss-crossing under the burnt fat. "David, I'm going to stop your IV," he said, straightening up. "You're going to have to start eating. The ward master told me you didn't touch your breakfast. Hurt?"

Chewing on what remained of his lips, David winced.

"Jessie, why don't you give him 25 of Demerol."

"Yes, sir," the corpsman said.

"Why didn't you eat?"

"No one was there to feed me," David said, watching the corpsman open the medicine cabinet and fill the syringe.

"We don't feed you here," Edwards said. "You feed yourself. You've got to start using your hands sometime." He waited while the medic searched for a place to give the injection. "In his arm," he said.

The corpsman found a small, unburnt area near the elbow and plunged the needle into the skin. David, watching him, visibly relaxed. He turned his head on the board and looked at Edwards.

"We can help you grow new skin, stop your infections, graft you—if it comes to that. But it will all be for nothing if you leave here with all your joints tied down by scar tissue. If you don't exercise and keep the scar tissue and new skin over your joints loose and flexible it will tie 'em down like iron. All that new skin and scar that will be forming has a tendency to contract with time. If you don't keep it loose, you'll leave here as much a cripple as if someone had shot off your arms and legs. Your hands aren't that bad, David. We'll start today with them."

"But I can't hold a fork."

"We'll put wooden blocks on them, and as you get used to handling one size, we'll make the blocks smaller. Understand?"

"Yes, sir."

"You married, David?" Edwards asked.

"No."

"Engaged?"

"Yes, sir."

"Would you like me to write her for you?"

David closed his eyes. "No, sir, I don't think so."

"All right. I'll check on you later."

That evening, despite the fact that Johnson was on call, he went back to the ward. All the patients had been settled in for the night. The ward master was in the treatment room, cutting adhesive tape into 12-inch strips.

"What's new, White?"

"Nothing, Doc, really. Same old thing."

"How's Jensen doing?"

White put his scissors back into his pocket. "He's doing all right. We drew two blood cultures on him this evening and sent a titer off for moniliasis. He had some difficulty using the blocks, but he got a few bites down; seems as if the sulfamyelon is bothering him. Stinging him. You never know who it's going to bother."

Edwards walked out into the unit. David was on a Stryker frame halfway down the ward, lying on his stomach. White sulfamyelon cream was smeared all over his burnt back, buttocks, and legs.

"How's it going?"

"Fine, sir."

"The ward master told me that you did all right at supper."

"Yes, sir."

Later that evening, one of David's blood cultures began to grow out Pseudomonas arinosa, a bacillus resistant to most antibiotics. The bacteriology lab called the ward and the ward master called Edwards. He told the ward master to restart "David's IV and put him on 200 mg of polymyxin every four hours.

The next morning, after rounds, Johnson got him alone. "About Jensen's polymyxin," he said. "Do you think his kidneys are good enough to handle that big dose?"

"What would you suggest?" Edwards said.

"You could destroy his kidneys with that much polymyxin."

"I could save him, too."

"If he's going to die," Johnson said, "he's going to die."

"You sure?"

"Well, he's 80 per cent burned and his blood culture is already growing out Pseudomonas."

When he came back to the ward, he found David lying on his back, and the corpsman was smearing on the last of the sulfamyelon, spreading it over David's charred stomach as if it were butter.

"This stuff stings, honest, Doc," David said. "It just keeps stinging."

"I know," Edwards said. "It does that sometimes, but it will get better with time. You sort of build up a tolerance to it. The point is that you need it now. It keeps your skin from getting infected and gives the new skin a chance to grow. Believe it or not sulfamyelon is one of the major breakthroughs in the treatment of burns."

"Can't I have something for the stinging?"

"No, David, I'm sorry."

That evening, down in the hospital bacteriology lab, his second blood culture started growing out another patch of pure Pseudomonas. When Edwards came to work up the new admissions, he stopped by to see David and found him on his stomach again.

"How does the skin grow back?" David asked, speaking to the floor. The day before he had mentioned there were 16 different colors in the floor tiles. "I mean, where's it gonna come from?"

"From you."

"Yeah," David said. "How?"

Edwards pulled up a chair. "You have enough, you don't really need very much," he explained. "The skin grows back from the areas around the hair follicles; the follicles go down pretty deep, down into the area below the skin. Below the burns the new skin grows out from the lining of these follicles, like grass out of a valley. These linings are like nature's reserves. The new skin just keeps growing out from them, creeping over the burned area, until all these little growing areas come together."

"Why am I going to have to be grafted then?" David said sullenly.

Edwards sensed the despair in his question. "Sometimes," he said, trying to sound reasonable, "if the burns are too deep, deep enough to destroy the follicles, then there is no skin to grow back, so we have to graft."

"Where are you going to get the skin for that?"

"From your friends, David," Edwards said gently, "from your friends."

The morning culture again grew out Pseudomonas. That afternoon they took David to the operating room and covered his legs and part of his stomach with cadaver skin. When Edwards visited him again that evening, he complained that his head hurt and sulfamyelon was stinging even more.

"What will you do when you get home?" Edwards asked.

David was sullen. "School, I guess."

"You've got to be more positive than that," Edwards said coaxingly.

"I was positive before I got burned."

"I'm telling you, you're going to be OK."

"I didn't see it," David said reproachfully. "I was just walking. I wasn't even point. I swear to God, I didn't even hear it. Can you believe that?" he said loudly. "I couldn't even goddamn hear it."

Within three days, the cadaver grafts failed, refused to take, and Edwards had to order it pulled off, like the rest of the dying skin. David, lying in the water, saw him as soon as he walked into the treatment room.

"I'm handling it, dammit," he said belligerently. "Just leave me alone, will you? Just goddam leave me alone."

That evening David ignored his presence.

"I saw you with some letters this afternoon," Edwards said, noting how the whitish scar tissue under David's chin had a pale greenish cast to it. "Nice handwriting. Your girl?"

"No, my family."

"What did they say?"

"It's in the drawer."

Edwards opened the drawer of the nightstand next to the frame. It was a rather bright letter, careful, measuredly written, filled with support and concern. There was a section about Carol, how much she loved David and how happy she was that he was finally out of the fighting.

"Did you answer?" Edwards asked.

"I didn't know how."

"They know you're burned." Edwards refolded the letter. "It seems to me they're holding up quite well. The least you could do is help them out."

David slowly turned his head. His eyes, hollow holes, stared coldly and defiantly at Edwards. "I've been throwing up all day. I can't keep anything down."

"Yes," Edwards said calmly, putting the letter back in the drawer. "I know."

"I'm not going to make it, am I? No, no, don't interrupt. I know I'm not. That stuff you keep putting into my IV bottle—the only other guys who get it are the ones on respirators. I know," he said, almost triumphantly. "I've checked on the way to the whirlpool. I know." It was all there in his eyes—the pain, the suffering, the loss of belief. It caught Edwards off guard.

"I told you about the pain, didn't I?" he said angrily. "Have I bullshitted you yet? Look, if you were going to die, I'd let you know. Right? I'd give you the chance to tie things up, understand?" A certain distance entered David's stare, a vague confusion that was more pathetic than his glaring hopelessness.

Edwards got up. "Now, dammit," he said, "I want you to think of an answer to that letter. I'll be back in the morning and I want an answer. Is that clear?"

Depressed and angry, he left the ward. Outside he passed groups of patients from the other wards, some standing around talking, others doing nothing, or being pushed around in wheelchairs by their buddies. Johnson was right, he thought. David would die. He was probably, all things considered, dead the moment the round hit the rucksack.

The phone woke him a little past three the next morning.

"Major!"

"Yeah." Edwards fumbled across the night table for the lamp switch.

"This is Sergeant Cramer. Jensen's temperature just spiked to 105."

"OK," Edwards said, switching on the light and sitting up. He cleared his throat. "I'll be right over." Even as he was hanging up, he was reaching under the bed for his shoes.

The ward master met him at the entrance to the unit and followed him hurriedly down the ward.

"He's becoming disoriented."

"What about the cultures?" Edwards asked quickly. "Still Pseudomonas?"

"No, this morning's grew out Klebsiella."

David was lying on the frame. All the covers were off and he was trembling.

"106," the medic said, reading the stool-smeared thermometer.

"Better add some kanamycin and Keflin to the chloromycetin. How's the blood pressure?"

"Stable."

"How much kanamycin and Keflin?" Cramer asked.

"A lot, a lot. Just get it!"

Cramer looked at him and quickly left to get the antibiotics.

"David, David," Edwards leaned over the frame. "David!"

Slowly he opened his eyes, but there was no light in them, no gleam.

"Listen," Edwards said, lowering his voice. "I'm going to have to put you on a cooling blanket. It's not going to be comfortable, but your temperature. . ."

"I can't think of anything," David said, closing his eyes again.

"He's been confused for the last hour," the medic said.

A moment later, the ward master came back with the antibiotics already drawn up into two syringes. While he shot the drugs directly into the IV bottle, Edwards said, "We'd better put in a central venous pressure. How's his urine output?"

"Down 60 cc in the last two hours."

"Does he have any blood cross-matched?"

"Four units."

"Respirator?"

"There's one down in central supply. We can get it any time."

"What about his moniliasis titers?"

"Still normal."

"White count?"

"The lab technicians are doing it now."

"Let's see his electrolytes."

"Doc."

Surprised, Edwards turned around. David had stopped shivering.

"Doc!"

Edwards hurriedly bent over the frame.

David stared up at him, his eyes strangely clear and deep. "You didn't have to come, not all the time."

"I wanted to," Edwards said.

"They told me about your brother and your taking him home." David was about to go on when, gasping, he suddenly bolted upright and, struggling against the restraints, vomited up a great flood of bright red blood.

Dying in the burn unit is not normally that dramatic. There is usually very little blood; burns die inside out, down at the cellular level, where the billions of struggling cells just simply give up. It is for the most part a kind of gentle going; breathing becomes labored and distant, circulation falls apart, hearts dilate, livers and spleens grow to twice their size, lungs gradually fill with fluid, and there is always a certain period of confusion. But after it, a comfortable time of unconsciousness, where nothing is done and everything—even the last breath—is rather a leisurely giving up.

Suddenly, with the blood still welling out of his lipless mouth, David went rigid and, arching backwards, collapsed against the frame. Edwards grabbed the suction off the wall and, pulling open David's jaw, began sucking out his mouth, trying to clear the blood and vomit out of his airway. The gasping stopped and there was the more comfortable sound of air moving in and out.

"Get the blood," Edwards ordered, reaching for the oxygen mask. He was turning up the oxygen flow, just as Cramer came running back with the blood.

"Call Johnson. Set up a cut-down tray, and get a tracheotomy set."

The ward master unhooked the IV from its bottles. "The blood is still ice cold," he said.

"Just hang it," Edwards ordered, holding open David's jaw, trying to get out more of the blood. "Just goddam hang it. And call the general surgeon. . . . David! David!" He pressed the oxygen mask over the boy's mouth and he could feel the new skin slipping away under the pressure of the mask's rubber edges. "David! David! Can you hear me? OK, listen, you have an ulcer. We might have to operate tonight. You have a lot of blood and stuff in your lungs. I'm going to have to put you on a respirator. It will help you breathe, so I'll have to make a little hole in your windpipe. It won't hurt." He looked up, checking the blood running down into the IV tubing. "It's just to help you breathe. Honest. Just to breathe."

The corpsman had set up the tracheotomy, and Edwards held the oxygen mask in place while the ward master quickly cleaned David's neck as best he could. The noise coming from inside the lungs was getting louder again. Even with the oxygen David was having to fight to breathe.

"I'm going to make the hole now," Edwards said, removing the mask. Little bits of skin came away with it.

"Doc," David gasped. "Take me home, too. . . . Please, Doc, I don't want to go alone. . . ."

Mr. GRAVEL. Mr. President, I wish to underscore what the Senator has said with respect to the article which has been printed in the RECORD. If the American people and the people of the world could read that article I doubt that any man would ever raise his arm to wage war again.

The major himself lost his boy, and he goes through a description that is difficult to read because of the emotional impact, what happens to these men, and how we are all participants.

I commend the Senator for placing the article in the RECORD.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. I yield 15 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mr. CRANSTON. Mr. President, it is now clear that the President's program of Vietnamization has not worked.

This policy of gradual withdrawal of American ground combat troops over an unspecified period of time offers no certain assurance of bringing our involvement in the war to an absolute end.

Last July I made the following remarks which are still sadly true today:

> I believe this policy, if pursued, will be a disaster—politically and militarily.
>
> First, because in essence Vietnamization means the military struggle will continue unabated as it has for the last five years.
>
> More American lives will be lost, more Vietnamese will die. And for no real purpose.
>
> Our opponents have repeatedly demonstrated that they will not be forced militarily into making political concessions.
>
> The struggle in Vietnam cannot and will not be won militarily—as Presidents Johnson and Nixon have both acknowledged.
>
> And yet we are still trying to use military force to win.
>
> Secondly, Vietnamization exposes our troops to grave dangers and raises the spectre of escalation and even nuclear war.
>
> As many of our combat forces leave and the war continues to rage, the time will come when our still remaining men will have to rely primarily on South Vietnamese troops for protection.
>
> These troops are poorly led and owe little allegiance either to us or the Thieu-Ky government.

We can take no satisfaction that these phrases are still valid. We can take no satisfaction in that fact that as of June 3, 1971, we still had 250,900 troops in Indochina. This represents, at the most, 150,540 combat and combat-support troops and about 100,360 non-combat-service troops.

Since last year, over 7,480 Americans have died and 36,635 Americans have been wounded. Billions of dollars have been drained from our economy. Division and dissension continue at home. And for no real purpose.

In October of 1969 Senator Goodell first introduced legislation to terminate funds for the war.

The date set at that time was December 1, 1970.

This legislation later became the basis for the "amendment to end the war" of which I was a principal sponsor.

The date set in this measure for the end of our involvement in Indochina was December 31, 1970.

Although 40 Senators supported this legislation, the Senate considered and defeated the bill last September.

In the interim many thousands of our men have died and have been wounded.

Now, again, we are considering a measure with another deadline.

Again the sponsors have been forced to extend the original deadline for another year.

The date set for the "Vietnam Disengagement Act" is now December 31, 1971, and there is some discussion that this date may have to be further extended to secure passage.

How many years are we to debate this war? How many more times will we be confronted with the decision of setting a deadline? The administration says it is winding down the war, but there is no definite end in sight.

Although we can assume that some day, possibly 20 years from now, we will have ended our involvement in Indochina, that time is not clear.

Are we to perpetuate an annual debate on the war as more of our men die and more return home wounded in body and spirit?

Next year at this time, are we again going to consider legislation to provide still another cutoff date for the war? The Congress finally must act to end our tragic involvement in this war on our own terms. The Vietnam Disengagement Act is the vehicle.

The present policy of continual but slow troop withdrawal from the war endangers our remaining troops. As the number of our men decreases, the chances of a sudden attack by the North Vietnamese or Vietcong increases.

Without setting a firm deadline for the end of our involvement, the North Vietnamese and Vietcong have no reason to trust us and no reason to bargain with us.

Recently the President stated:

> Our eventual goal is a total withdrawal of all outside forces. But as long as North Vietnam continues to hold a single American prisoner, we shall have forces in South Vietnam. The American prisoners of war will not be forgotten by their Government.

These remarks are directed at Hanoi.

With this as the official policy of the United States, Hanoi has no assurances of our future intentions. It may be to their advantage at some point when our troop strength is dangerously low to mount a surprise attack on our remaining forces. If they do attack, we would be unable to rush in reinforcements fast enough to stop them and we might have to rely on the ARVN troops for support.

These troops have not proven totally reliable in the past. Besides seriously endangering the safety of our men, the present policy perpetuates a general feeling of uncertainty and insecurity in our men—which can, in turn affect their fighting ability.

The administration has often raised the specter of a bloodbath if we set a date certain for an end to our involvement and withdraw our troops on a firm and fixed timetable.

Yet it has been estimated that since 1954, over 1 million Vietnamese have died in the war.

According to the Department of Defense, civilian casualties have risen to 33,000 as a result of terrorism alone.

Yet, a major portion of casualties comes from the indiscriminate bombing we have inflicted on Vietnam for so many years.

No figures are available on the countless thousands who have died in this manner.

Such figures contrast with approximately 650,000 American dead in the Civil War and 300,000 in World War II.

A bloodbath, I submit, has already occurred. It is just that the administration refuses to acknowledge it.

Furthermore, we risk a continual bloodbath if the North Vietnamese do attack our men when their numbers are vulnerable. One million South Vietnamese troops should be able to defend their own country by now.

I for one, do not want our men to be totally dependent upon the South Vietnamese for their safety.

Uncertainty thus exists in South Vietnam, in North Vietnam, in Paris, and at home. We must take immediate and significant steps to end this uncertainty.

Let us set a date certain for the end of our involvement in this tragic war. By so doing we will help to end the insecurity that our troops are experiencing and help them return safely; and we will pave the way for the release of our prisoners of war which the President continues to use as pawns for our continued involvement.

By setting a date certain, we will restore a sense of sanity to our foreign policy and end some of the deep divisions at home.

Again last year I said:

> A fixed timetable would leave the safety of our troops in our hands rather than in the hands of the South Vietnamese.
>
> A fixed timetable will remove the uncertainty about our intentions from the minds of our enemies and tell the Vietcong and the North Vietnamese that we are absolutely committed to withdrawal by a specific date. It would reduce the uncertainty on this side which otherwise might lead to more attacks and more American deaths and it would enable us to complete that withdrawal in a safe, orderly and systematic manner.

Last week Xuan Thuy stated that if the United States withdraws its troops on a fixed timetable, the North Vietnamese would negotiate the release of our prisoners.

Xuan Thuy said that the question of American prisoners could be "rapidly and easily" settled if President Nixon set a date for total U.S. withdrawal.

In addition Thuy said—

> If he does, and the date is reasonable, then there will be an appropriate response from our side.

Let us call their bluff—if it is indeed a bluff. Let us unequivocably state that we will withdraw our troops as provided by the McGovern-Hatfield amendment. There is little or no risk involved.

Rather if our troop strength decreases without taking this step, we will heighten the risk. We must take firm and immediate steps to insure the safety of our men and we must do so by passage of this legislation.

Furthermore, as the amendment provides:

> "(c) If, after 60 days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding

American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

"(1) the date in subsection (a) shall be extended for a period not to exceed 60 days, and

"(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war."

Let us put the burden of proof on North Vietnam. Let us confront them with concrete proposals by setting a date certain.

I do not believe that our prisoners of war will be released until such a date has been established or effected.

If we are seriously concerned about the plight of our prisoners—and of course we are—then we must set a deadline for our involvement in the war to end.

The Congress must finally respond to the wishes of the majority of the American people. The Congress must help assure the safety of our men remaining in Vietnam—and the Congress must meet its responsibility under the Constitution: end our involvement in this tragic and immoral war by setting December 31, 1971, as the deadline.

The overwhelming tragedy in Indochina continues and will continue—unless we pass this amendment. It is truly our responsibility.

Let us not find ourselves in June of 1972 once again debating endless tragedy.

[Applause in the public galleries.]

The PRESIDING OFFICER (Mr. HUGHES). There will be no demonstrations in the galleries.

Who yields time?

Mr. LONG. Mr. President, the Senator from Mississippi, who is necessarily absent from the floor at this time, has asked me to manage his time in his absence.

I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

RETIREMENT OF MISS HELEN LIVINGSTON

Mr. LONG. Mr. President, over the years, the Committee on Finance, the Senate, and the Nation have greatly benefited from the distinguished and dedicated efforts of Miss Helen Livingston, Assistant Chief of the Education and Public Welfare Division of the Congressional Research Service.

Helen is retiring after 25 years of patriotic and professional service to the Congress. She should not be an "unsung heroine," so I propose to "sing" just a little bit of the praise and gratitude she deserves from us all.

Helen Livingston's career and accomplishments stand as a model for present and future Congressional Research Service personnel. For many years she has served as a sensitive and knowledgeable source of reliable information and counsel. The social security laws and programs enacted over the past 20 years reflect her efforts and active participation in their formulation.

Helen fervently believed—and believes—that rational lawmaking requires that Congress be presented with all pertinent information relevant to a policy decision. And, furthermore, that the information should be unbiased, analytical—and, above all—understandable. Helen has never had much use for gobbledygook and "axe-grinders"—and has always sought to spare and save us from those impediments.

Helen Livingston joined the Legislative Reference Service in 1946 as a social welfare analyst. In 1948, she served as a professional staff member to the Committee on Finance's Advisory Council on Social Security. She actively assisted Finance Committee staff efforts in connection with the important social security bills in 1950 and 1954 and in the establishment of the disability insurance program as part of the 1956 Social Security Amendments.

During the following decade, Helen, along with Mr. Fred Arner, served as supplemental staff for the Finance Committee during an intense period of activity with respect to social security, medicare, and welfare legislation.

In 1957, Helen Livingston pioneered in the establishment of the Education and Public Welfare Division of the Legislative Reference Service. Her efforts were directed at combining the talents of lawyers, economists, and other social scientists in order to deal more effectively with complex and interrelated problems in health, education, welfare, crime, and associated areas. Since 1957 the Education and Public Welfare Division has grown in size, scope, and capacity to assist the Congress.

In Helen's first annual report on the then-new division, she anticipated needs and outlined objectives which have, in large part, been fulfilled by the Education and Public Welfare Division. In her report she said:

> I believe that the most important job for the future is to build up a staff of the most competent people we can find. Ours is necessarily a small staff dealing with very broad fields of interest to the Congress. If we serve the Members and Committees of Congress as they should be served, I anticipate a greatly increased demand for the kind of unbiased, imaginative, and dependable work which only highly competent people of unquestioned integrity can provide.

Those qualities which she described in her report are those which we of the Finance Committee have found in Helen Livingston. She is "highly competent," of "unquestioned integrity" and has provided us with "unbiased, imaginative, and dependable work."

Mr. President, Helen Livingston's career in public service exemplifies the best in American Government. We thank her for that service and wish her many years of pleasant life.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW AND WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the conclusion of the remarks by the distinguished Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from Virginia (Mr. BYRD) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that on Wednesday, following the remarks by the distinguished majority and minority leaders under the standing order, the distinguished Senator from Virginia (Mr. BYRD) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Iowa.

Mr. MILLER. I thank the Senator.

(The remarks of Mr. Miller when he introduced Senate Joint Resolution 113, proposing a constitutional amendment, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. LONG. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4724.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. PASTORE, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. PROUTY conferees on the part of the Senate.

CHANGE OF REFERENCE

Mr. STENNIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from consideration of the letter from the Commissioner, government of the District of Columbia, transmitting, pursuant to law, a report of the District of Columbia Office of Civil Defense, for the fiscal year 1970—with an accompanying report—and that the communication be referred to the Committee on the District of Columbia.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967, to increase military pay, to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER (Mr. HATFIELD). The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. Mr. President, I believe it is time in this debate to indicate specifically what progress has been made in ending American participation in the war in Vietnam. As long as any Americans must fight and die in that country we should not relax our efforts to bring an end to the war. But in our frustration with the sacrifices that these 6 years of conflict have brought we should not lose sight of the fact that American participation in the war in South Vietnam is steadily being brought to a close.

By almost any measure, American participation in the war has been sharply reduced. Let me turn first for a few moments to the redeployment of American troops.

During 1970, about 135,000 U.S. troops were redeployed. U.S. troop strength at the close of the year was 335,000 compared to the 543,000 peak strength in April 1969. As of June 5 there were about 251,000 troops in the country, an 84,000-man reduction since the beginning of the year, and 33,000 below the end-May strength target. In accordance with the President's April 7, 1971 announcement, by December 1, U.S. strength will be at or below 184,000 men—the lowest level since December 1965 and about one-third the peak strength of 2 years ago.

A careful look at the kinds of units that have been redeployed is revealing. By the end of this month—June 30, 1971—71 percent of the U.S. maneuver battalions and 70 percent of the tactical fighter squadrons in Vietnam will have redeployed. On the other hand, only a third of the helicopter units, 48 percent of the separate Army artillery battalions, and 46 percent of the Army engineer battalions will have left Vietnam by that date.

The reason for the imbalance becomes clear when we look at the Vietnamization strategy, which provides for the improvement and modernization of the Vietnamese armed forces. This program has three phases:

Phase I has concentrated on developing as much Vietnamese ground combat capability—riflemen and maneuver units—as possible in the shortest time possible. At the same time, work began on improving the Vietnamese Navy, Air Force, logistics and other complex elements of the forces as fast as the longer lead times in these areas would permit.

Phase II will concentrate on developing the Vietnamese capability to provide their own combat support in terms of helicopter and tactical Air sorties, artillery, logistics and other specialized areas.

Phase III calls for the reduction of U.S. advisers as the Vietnamese units become self-sufficient.

The program is proceeding in accordance with these phases. It is on schedule and producing notable results. U.S. redeployments as shown by the imbalances noted above, have been carefully keyed to complement and support the development of the Vietnamese forces.

Say what you will, Mr. President, this winding down of the war and the Vietnamization of the war is no small thing. It is not an easy matter. It is amazing, I think, everything considered, that Vietnamization has made as much progress as it has. It is ahead of schedule, a schedule to my way of thinking that I thought could not be maintained. I have to say that, so far as considering the program is concerned, and granted we are going to undertake the plan of winding down the war and terminating it, if we accept that plan, it is a remarkable success so far.

And this is how the program is actually working out. This summer, the Vietnamese will take over complete responsibility for offensive ground combat operations, and U.S. advisers will begin a gradual process of withdrawing from Vietnamese ground combat units—Phase III. As we have already seen, most of the U.S. maneuver battalions will be gone by that time.

The United States and Vietnamese programs were specifically designed to interact in this way—and to continue to do so until both are completed. For example, it takes longer to train and equip the Vietnamese Air Force to run helicopter operations than it does to train and equip a Vietnamese infantryman. So the plan calls for keeping enough U.S. helicopters in Vietnam to cover the Vietnamese Army's needs until the Vietnamese Air Force can take over helicopter operations.

That is just commonsense. If we are going to grant the system as being wise and sound then, I say again, it is making extraordinary progress and it is coming along in a splendid way.

The abrupt withdrawal of U.S. forces required by the McGovern amendment would completely disrupt the carefully worked out plan for reducing U.S. involvement. It would jeopardize our objective of giving the South Vietnamese a fair chance at determining their own future. It comes down to that. They have a problem and we have one. We have spent a lot of money and a great deal of blood. And things have not been going well. We all look forward to the day when we can get out, but we went into this plan of withdrawal and Vietnamization, as it is called, and they are holding up their end of the stick.

They are making definite progress, as I have already outlined. Now, just to turn and cut loose and pull out and withdraw our forces would completely disrupt the carefully worked out plans for our involvement there. One can take it as he pleases, it would just be running out on our promise.

It has been argued that even though participation of U.S. ground forces is declining the air war in Vietnam has been stepped up. The facts do not support such a contention.

So far this year, U.S. forces have flown about 10 percent of the sortie level expended during the peak first half of the 1968 period; 1971 sortie rates in South Vietnam are 12 percent of what was flown in the same period last year. And, despite a great deal of air support to Vietnamese forces in Laos this year, the Southeast Asian attack sortie rates are down almost 50 percent from the first half of last year. These sortie rates declined 36 percent in 1970, and almost 20 percent in 1969.

A third measure of the decline of U.S. participation in the war is the decline in the number of U.S. combat deaths.

As we said the other day, just one is more than anyone wishes, even one loss.

We are very happy that the U.S. combat deaths in 1971 are almost 90 percent below the peak levels reached in the first half of 1968; they are nearly 60 percent below the first half of 1970. Since the first of this year, U.S. combat deaths have averaged 48 per week, dropping as low as 19 in the week of May 30–June 5. They are expected to decline even further as activity takes its normal seasonal decline in the last half of the year. The lowered rate so far this year is even more important when one considers that it was experienced during the period when the enemy generally steps up the war. Noncombat deaths have declined at about the same rate as U.S. troops have redeployed.

Mr. President, I believe these figures indicate that by any reasonable measure we are making significant progress toward a full withdrawal from Vietnam. The question is not whether we are to withdraw. It is how. The question is, really, are we to withdraw from Vietnam in a steady, systematic manner—a manner which gives us the best opportunity to preserve the safety of our own men and some hope of a stable South Vietnamese society, or whether we are to withdraw so quickly and precipitately that these objectives are in danger.

There is another question involved here as I pointed out last week. Are we now in a precipitate way in our haste, although we want to get out as soon as possible, going to turn our backs upon the good we have done there? We have done some good there. We have given hope to the people of other countries. What we have done will be a continuing inspiration, a continuing encouragement, and a continuing pattern of hope for other people to try to get their freedom and try to govern themselves, in a way different from ours it is true, but at the same time to have a government in which there will be some measure of freedom and some independence and some self respect which are conditions that mean a chance for constructive growth and development.

Do we want to turn our backs on what we have done in this field—we have done something—and precipitately run? Do we want to turn our backs on the supreme sacrifice made by these thousands of men, each of which we sincerely mourn? Do we sincerely want to hurry and say that we will throw in the towel and throw it all back?

I do not think we really want to do that. Our first thought may be to get out in a hurry. But our judgment thought, our second thought, will be that we will not liquidate all that we have contributed in blood and money. We will not liquidate what they have done. We will keep the door open.

In that vein, in that spirit, I do not believe the majority of the Senate will agree to the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself an additional 3 minutes.

Mr. President, that will not detract one bit from the sincerity, the earnestness of those who sponsored the amendment or even those who may vote for it.

Mr. President, there is a point that looms very large in my mind. That concerns the future of this Nation, apart from this war and down the road in the decades ahead for us which are by no means rosy paths to peace.

I do not believe it well for the President of the United States to be forced by our branch of the Government, another branch, to fully disclose his hand, so to speak, as to what he is planning to do in this war that we all want to bring to an end. I am sure that he does, also.

Are we going to try to force his hand? I do not think we can make him tell what he has in his mind fully concerning his plans or what his ultimate action may be. We could certainly ruin his chance as the Chief Executive, and I am not talking about the gentleman named Richard Nixon. I am talking about the Chief Executive of this Nation. The same principle applies no matter who may be in office. If we ruin the chance of the Chief Executive to play the role of Chief Executive of our Nation, the man chosen by the people in times of stress and strain and war and try to show our hand and therefore make him disclose his plans, we take away from him his prerogatives.

I do not believe we want to set a precedent like that.

I believe it would plague us in after years.

I am going to stand on that. I have been standing on that principle and will continue to stand on it. I close with the thought that we should keep the responsibility right where it belongs, on the Chief Executive.

Mr. LONG. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG. Mr. President, what distresses me most is the fact that this Nation would make commitments to our allies in Vietnam. And if we think our policy requires that this Nation should withdraw its troops and leave South Vietnam to fight alone, it seems to me that in honor we have the right to expect that we not withdraw in a fashion that would deny our friends and allies a reasonable opportunity to defend themselves.

The President apparently is trying to withdraw in a fashion that would give Vietnam a chance to defend itself and survive.

Mr. STENNIS. The Senator is correct.

Mr. LONG. Mr. President, it seems to me that to ask the United States to do other than what we believe would be to our advantage would not be proper. That particular point impresses me more than anything else about this argument.

If we are going to withdraw and leave an ally in arms to defend himself alone, how do we do it? Do we do it in a fashion in which he can successfully defend himself or in a fashion in which he would have no chance to defend himself?

Mr. STENNIS. The Senator is eminently correct, as he is so frequently. Many of these questions we debate are matters of judgment, but the point the Senator brought up is a matter of principle. We have given our word.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. STENNIS. Mr. President, we have given our word and I think our second thought is we want to live up to it and we want the President to lose no time in hastening this day as much as he can when this will be fulfilled.

I appreciate the sentiments of the Senator from Louisiana. I think he has aptly and conclusively put the proper question.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HATFIELD). The Senator from Mississippi will state it.

Mr. STENNIS. Have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER. No, they have not.

Mr. STENNIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. I thank the Chair.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for 30 seconds?

Mr. STENNIS. I yield to the Senator from West Virginia.

ORDER FOR ADJOURNMENT TO 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

AMENDMENT OF ORDER RECOGNIZING SENATOR BYRD OF VIRGINIA TOMORROW AND WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order recognizing the distinguished senior Senator from Virginia (Mr. BYRD) tomorrow and on Wednesday for a period not to exceed 10 minutes on each occasion be amended to provide for recognition for not to exceed 15 minutes on each occasion.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the remarks of the distinguished Senator from Virginia (Mr. BYRD), the able Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPLICATION OF GERMANENESS RULE TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the fact that a time agreement has been reached on Amendment 143, and that debate will continue during tomorrow, I ask unanimous consent that the Pastore rule of germaneness be waived throughout the day tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Mr. President, the unanimous-consent agreement that was reached on this amendment now under consideration provided that the time would be equally divided between the manager of the bill and the authors of the amendment.

I would like to ask whether or not the time that has elapsed so far, as it relates to the days ahead until the vote is taken, is cumulative in nature or does each day stand on its own?

The PRESIDING OFFICER. Under the agreement entered into the time is to be equally divided on the amendment before the Senate. The time used so far is 304 minutes by the proponents of the amendment and 194 minutes by the opponents.

Mr. HATFIELD. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Would we have to have a unanimous-consent agreement at this point to make certain that on the last day, Wednesday, when this amendment will come to a vote, that the time be equally divided between the two opposing sides?

The PRESIDING OFFICER. The Chair will state that it would take unanimous consent to have that situation prevail on the last day, if at the beginning of the session on that day the time was not equal.

Mr. HATFIELD. I have no concern about the arrangement for that day, because we have worked very amicably with the manager of the bill, and I am sure that with his sense of fair play and equity, and in view of my personal discussions with him, I do not know if this should be a matter to be established and made firm or whether we should depend on informal agreements.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. STENNIS. Even though I can see that conditions could arise with respect to some amendments that we would need to tabulate and add time for day to day, my concept of this amendment all along has been that each day would stand on its own, and that each day was a new start. I would be glad to formally concede that tomorrow, Tuesday, the time be equally divided but that it not be carried over to the next day, and Wednesday, the time to be equally divided.

Mr. HATFIELD. I appreciate the Senator's proposals. I feel that they are fair and equitable.

Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. HATFIELD. Mr. President, now let me make it clear. We all want this war to end. Our differences are over the means for doing so. The position taken by those who have opposed a date certain to cut off funds for the war is that it is not the best means, the best strategy for ending the war. In fact, it has been asserted that such a move would actually prohibit chances for ending the war sooner than that date.

Perhaps we should allow the President to speak for himself on this point. On September 26, 1969, the President was asked: How do you feel about the various proposals to propose an arbitrary cut-off time on our military presence in Vietnam? He replied:

> I have considered a number of those proposals within the administration and, of course, have noted some of the references that have been made recently in the Senate in that regard. I know they were made with the best of intentions. However, it is my conclusion that if the administration were to impose an arbitrary cutoff time, say the end of 1970, or the middle of 1971, for the complete withdrawal of American forces in Vietnam, that inevitably leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective that I am trying to achieve, of ending the war before the end of 1970 or before the middle of 1971.

Later in the press conference the President was asked about Vietnam again, and he said:

> Once the enemy recognizes that it is not going to win its objective by waiting us out, then the enemy will negotiate and we will end this war before the end of 1970. That is the objective we have.

Finally, the President said later in that same press conference, in reference to Senator Goodell's proposal to cut off funds for the war by the end of 1970:

> I, of course, can't control the course of Senate hearings. . . . as far as those hearings are concerned, I believe that a discussion in the Senate of this matter, an open discussion, in which all the consequences of this very well-intentioned statement by Senator Goodell, all the consequences of it, the fact that it inevitably leads to the conclusion that the United States is going to be stuck in Vietnam until the end of 1970, that there is no hope of ending the war before then, that when that comes home, I think the Senate will overwhelmingly reject the Goodell proposition."

I know that the President was sincere when he made those statements. I know that he really believed that he could have the war ended by the end of 1970, or by the middle of 1971. But let us look at the record of history. The President's policy has faced the test of time, and it has failed in what he himself has stated as its objective. It has failed to end the war—by the end of last year, or by today.

The time has come to adopt an alternative. This is why the amendment has been brought before the Senate again. And why it is imperative that the real issues involved be understood by those in this body and the American people.

Mr. President, much of the debate over the amendment now before us has been characterized by slogans, phrasemaking, and misleading rhetoric which obscures, rather than clarifies, the real issues.

Yesterday the Nation had another example of this when the Secretary of Defense appeared on "Face the Nation." He was asked why the administration was against fixing a date for our total withdrawal from Indochina, and he replied that such a step would completely destroy any chance for the Paris negotiations to succeed.

So once again, the American people were told that the approach of this amendment was wrong—not just because it would end our involvement in the war, but because it would jeopardize negotiations which are ready to bear fruit.

Mr. President, it is time to explode the myth that this amendment will destroy negotiations that are on the verge of success. The truth is that this amendment is the one course of action likely to give any meaning and relevance to the talks in Paris.

When the amendment similar to this was considered last year, the most frequently mentioned argument against it was the concern that it could jeopardize the Paris negotiations. This was a reasonable judgment to make. At that time Ambassador David Bruce had just been appointed as our chief negotiator, and many had genuine hopes that there might be some real breakthrough at Paris. But the 9 months that have transpired since that time should make it clear to all that our adversaries are not going to suddenly give up the political goals they have been struggling for for the past 26 years and graciously accept the terms we have offered at Paris.

Now it is worth asking just what kind of progress, if any, ever could come out of Paris, and why the negotiations there have proven so fruitless.

When the administration says that our negotiations have not been successful, or that a date for withdrawal would destroy the chance for a negotiated settlement, what they really mean is that our adversary would not accept the terms we have currently offered, or ones close to it. For all practical purposes, we propose that our adversaries simply give up their objectives. But since they are not about to completely forfeit their political goals, we have remained steadfast in our military support of the Thieu-Ky regime, and continued the war against the foes of that regime.

As long as we persist in our military involvement to shore up that government, our adversaries will continue to fight, and there will be no negotiated settlement at Paris. It is really that simple. Our military efforts in support of the Thieu-Ky regime preclude a negotiated settlement of the war.

The only way our present policy would yield a negotiated settlement on terms acceptable to us would be if our adversaries yielded to our military pressure and succumbed. Now if there ever was any likelihood of that, it was during the Johnson administration, when we had over half a million troops in Vietnam and were incessantly bombing North Vietnam. Since our adversary did not buckle under that pressure, I can see no realistic grounds for believing or hoping that he will suddenly give in to our terms when we are in the midst of gradually withdrawing our troops from Vietnam. The chief lesson of the Johnson years of the war, perhaps, was that we simply could not bring the adversary to terms by relentlessly applying our military power. I would have hoped that this administration had learned that lesson. Yet, when its spokesmen talk of "destroying chances for a negotiated settlement," one can only assume they hold out the hope that the military pressure will still bring them around to our terms of a settlement.

The administration has suggested that our withdrawals do not undermine negotiations, because we are also building up the strength of the South Vietnamese. Administration officials are fond of pointing out that although we are leaving, the South Vietnamese will be there after our departure and will be more difficult for the North to deal with than we are. Thus, the administration reasons, the incentive is on the North Vietnamese to strike some deal with us while we are still there in force.

I find this all implausible and unconvincing. First, this suggests that we are actually headed for a complete withdrawal—including air power—and that if and when we finally achieve that, the South Vietnamese will be so formidable a force that their adversaries could not even consider the prospect of having to continue their struggle against them. Now, simple evidence refutes that possibility. The questionable performance of the South Vietnamese in the Laotian operation—where they had the benefit of over 150,000 U.S. air sorties in their support—the morale and desertion problems within the South Vietnamese army, and the continuing internal instability of that government all dampen any hope of the South Vietnamese, independent from our military pressure, presenting an unshakable and threatening force to the North Vietnamese. Hanoi is not about to come pleading to us for grace because of our supposed success in building an impregnable regime in the South.

Further, even if this were true, I find it difficult to believe that chances for negotiation would be enhanced. Actually, if we ever were successful in building a completely self-reliant government in the South, we would be the ones without any incentive to negotiate. To negotiate some lesser deal with the North Vietnamese in such a case, would be to sell the South Vietnamese down the river.

Therefore, I find no basis for believing that our present positions and intentions hold any hope for a negotiated settlement of the war.

Certainly these are questions of judgment. But look at the record of history; look at 116 futile negotiations sessions; look at our former chief negotiator, Mr. Harriman, now in favor of setting a public date for withdrawal; and look at the consistency of our adversary's position throughout the entire course of the war. It is illusionary to believe that any negotiated settlement to the conflict, under present conditions, will come about. Those who promise otherwise misread history and mislead the American people.

Let us consider what is likely to happen at Paris if the Congress passes the amendment under consideration.

First and foremost is that meaningful conversations would take place. The primary matter would be the prisoner issue, since our withdrawal would not be carried through without the arrangements being made for their release. So this would be the initial item for discussion. Next our adversaries have said that if we set a reasonable date for withdrawal, they will "refrain from attacking the withdrawing troops of the United States." Further, they have declared that "the question of insuring safety for the total withdrawal from South Vietnam of U.S. troops" would be immediately discussed. Thus, the other item to be worked out at Paris is the cease-fire between our forces and theirs.

Then, discussions would likely take place between the opposing Vietnamese forces themselves, first, regarding the possibilities for political accommodation between the factions. These are not matters which we could completely predetermine. Even the administration has said that it will not "impose" any kind of a settlement on the Vietnamese. However, setting a date for withdrawal will create the political environment in which all this can take place. Further, the option of giving military and economic aid to the South Vietnamese Government would remain as a means for the administration to exercise a degree of influence on these issues if they chose to do so and the Congress concurred by authorizing such aid.

My point in discussing the probable scenarios once this amendment is passed is this: The most immediate consequences, as far as the Paris talks are concerned, is that substantive matters would be placed on the table for discussion and negotiation. Suddenly, there would be issues, such as the prisoners, that had to be resolved at Paris and that would come under serious discussion.

Under present policy, the stalemate at Paris will persist, without any breakthrough. Once this amendment becomes law, there will be a new relevance and urgency to resolving issues at the Paris talks.

So it is not our amendment which jeopardizes chances for successful negotiations at Paris. Our amendment is the one reasonable way for those negotiations to take on meaning.

I am distressed by the spurious reasons which have been given to justify our Vietnam policy, and by the groundless arguments which have been advanced against this amendment.

Securing the release of our prisoners of war is not a reason for supporting present policy—it is a reason for voting for this amendment.

Likewise, it is not our amendment which jeopardizes a negotiated settlement to the war; it is our military support of the Thieu-Ky regime.

Let us frame the question correctly. Either we have given enough, fought enough, and sacrificed enough for the South Vietnamese Government, or we have not. Either we have given them every conceivable "chance" or we have not. Either enough Americans have died in Vietnam for whatever goals we have, or not.

And either our Constitution's principles designed to prevent patriarchal rule in matters of war and peace are valid, or they are not.

Those who oppose this amendment must do better than hide behind easy slogans; they must do better than assert that setting a date will destroy negotiations—when in truth, those negotiations are and will continue to be nothing more than a diversionary pantomime until our policy is altered.

Those who oppose this amendment must explain to the American people why more of our boys must die in Indochina.

We owe it to those whose lives are at stake to consider and debate the real issues involved. I am confident that when all understand the truth about the issues before us, the choice we as Members of this body must make will become clear and compelling.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business tomorrow not extend beyond 12:30 p.m.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the final quorum call for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. McGOVERN. Mr. President, I yield myself 10 minutes.

Documents are now coming to light, as reported in the New York Times yesterday and again today, which reveal perhaps better than anything else that we have seen to date the way in which our country became so deeply involved in the Indochina war. What those documents tell is a story of almost incredible deception—deception of the U.S. Congress and the American people by the highest officials in this Government, including even the President of the United States.

My own personal reaction to this, as one who has long been critical of our involvement, is nevertheless a reaction almost of disbelief. That this Government of what we have thought was the greatest country in the world would engage in that kind of cynical deception of its own people and of the Congress is almost beyond belief.

I think we should clearly understand that whatever the causes of our involvement as revealed by these documents, and whatever deception has been practiced aside from that, the reasons for setting a date for the withdrawal of all our forces and for ending U.S. military operations on and over Indochina remain absolutely valid. The best way to secure the return of our prisoners, to insure the safety of our forces during the withdrawal period, to end the menace of drug addiction for American men in Indochina and to bring about a political settlement is to set the date now.

But if these documents were to have any impact at all on the congressional consideration of the pending amendment, they certainly ought to underscore the need for this amendment—in other words, the need for Congress to assume a greater measure of responsibility and control over American foreign policy.

I think we can learn from the documents that have been released much about our own failures as Members of Congress. We must understand, at long last, that we cannot give to the executive branch the unlimited power to decide on all questions of war and peace.

I really do not see how any Senator reviewing the documents can ever again believe that it is safe, in terms of the national interest, to assume that the executive branch can conduct foreign policy and can make these crucial decisions about war and peace without full participation by Congress, as intended by the Constitution of the United States. The system of checks and balances was placed in the Constitution for a good reason, and if we have to learn that lesson the hard way, we need only read these documents for the proof.

What they show, for example, is that the United States deliberately planned to attack North Vietnam long before the Gulf of Tonkin incident and the ensuing resolution. They show that, as a matter of fact, the language of the Gulf of Tonkin resolution itself was drafted by Mr. Bundy, not in August or July, but the previous May, and then efforts were made to provoke the kind of sequence of events that led Congress to pass this resolution and, indeed, to the bombing attacks against North Vietnam. These documents show that as early as September 1964, plans had been made to bomb North Vietnam at precisely the same time when top administration officials were ridiculing Senator GOLDWATER for advocating that course. They show that a contingency plan was actually drawn up for finding an incident which could be made into a provocation for American bombing of the North, and for passage of such a document as the Gulf of Tonkin resolution.

One official, the late Mr. McNaughton, former Secretary of Defense McNamara's assistant, made the observation in one of these documents that many people in the United States thought the establishment—that is, the foreign policy establishment—had gone mad; and one wonders, after reading this document, if that was not a legitimate concern. Such a provocation brings to mind all too easily the plan for a simulated Polish attack on German forces which enabled the Nazis to invade Poland and launch World War II. I would have believed that this kind of cynical manipulation was completely unknown in American history. But now we see that it was not.

The leaders of Congress who had every right to know what was happening in Vietnam, who had every right to know exactly what policy they were called upon to support on this floor were clearly duped and misled.

It has been said that the continuing appropriation of funds for the war has represented congressional approval of that war. But now we learn, from a reading of these documents, that our congressional leadership has had to recommend support for the war without knowing the facts and, indeed, while being told things that were not true.

To cite just one example with which I am familiar, when I asked Senator FULBRIGHT, on this floor, on July 30, 1964, whether American ships were involved in military operations off the coast of North Vietnam, just prior to the alleged North Vietnamese PT boat attack on our destroyers, Senator FULBRIGHT said, in all good faith, acting as chairman of the Foreign Relations Committee, that he had been assured by the administration that American vessels were not involved in those harassment operations. The truth is that Senator FULBRIGHT had been told a lie, and that is revealed in these documents.

The executive branch, it seems to me, has no right to deceive the Members of Congress, to say nothing of the American public, in such a shameful fashion.

These documents, Mr. President, reaffirm what I have long believed and asserted about our involvement in Indochina. While they do not in any way reflect on the policy of the present administration—I am not making a partisan statement here today; quite the contrary, I am criticizing a previous administration of my own party—I believe that they stand as a warning to those of us now in Congress; and this foreign policy establishment and the Pentagon operation are not all that partisan. It functions with pretty much the same people, from administration to administration; and we would make a serious mistake to assume that the kind of deception revealed in these documents began and ended with a single administration. This whole war has been a misconceived operation from the very beginning, involving some four administrations.

If we do not now act to insure that Congress plays its full constitutional role relating to the war in Indochina, it seems to me that we are making ourselves the accomplices of any who would seek to deceive us again.

Both the President and many in Congress say they want to bring the war to an end. By adopting the McGovern-Hatfield amendment, we in the Senate will be acting in the one way we can act to make further deception and further delay impossible.

I urgently hope that all Senators who have not read these documents will take the time to do so. While admittedly an incomplete record, it is the most revealing record we yet have of the decisions that got us so hopelessly involved in this war.

Mr. President, I ask unanimous consent to have printed in the RECORD the article and the documents published in yesterday's and today's New York Times.

There being no objection, the article and the documents were ordered to be printed in the RECORD, as follows:

VIETNAM ARCHIVE: PENTAGON STUDY TRACES THREE DECADES OF GROWING U.S. INVOLVEMENTS

(By Neil Sheehan)

A massive study of how the United States went to war in Indochina, conducted by the Pentagon three years ago, demonstrates that four administrations progressively developed a sense of commitment to a non-Communist Vietnam, a readiness to fight the North to protect the South, and an ultimate frustration with this effort—to a much greater extent than their public statements acknowledged at the time.

The 3,000-page analysis, to which 4,000 pages of official documents are appended, was commissioned by Secretary of Defense Robert S. McNamara and covers the American involvement in Southeast Asia from World War II to May, 1968—the start of the peace talks in Paris after President Lyndon B. Johnson had set a limit on further military commitments and revealed his intention to retire. Most of the study and many of the appended documents have been obtained by The New York Times and will be described and presented in a series of articles beginning today.

Though far from a complete history, even at 2.5 million words, the study forms a great archive of government decision-making on Indochina over three decades. The study led its 30 to 40 authors and researchers to many broad conclusions and specific findings, including the following:

That the Truman Administration's decision to give military aid to France in her colonial war against the Communist-led Vietminh "directly involved" the United States in Vietnam and "set" the course of American policy.

That the Eisenhower Administration's decision to rescue a fledgling South Vietnam from a Communist takeover and attempt to undermine the new Communist regime of North Vietnam gave the Administration a "direct role in the ultimate breakdown of the Geneva settlement" for Indochina in 1954.

That the Kennedy Administration, though ultimately spared from major escalation decisions by the death of its leader, transferred a policy of "limited-risk gamble," which it inherited, into a "broad commitment" that left President Johnson with a choice between more war and withdrawal.

That the Johnson Administration, though the President was reluctant and hesitant to take the final decisions, intensified the covert warfare against North Vietnam and began planning in the spring of 1964 to wage overt war, a full year before it publicly revealed the depth of its involvement and its fear of defeat.

That this campaign of growing clandestine military pressure through 1964 and the expanding program of bombing North Vietnam in 1965 were begun despite the judgment of the Government's intelligence community that the measures would not cause Hanoi to cease its support of the Vietcong insurgency in the South, and that the bombing was deemed militarily ineffective within a few months.

That these four succeeding administrations built up the American political, military and psychological stakes in Indochina, often more deeply than they realized at the time, with large-scale military equipment to the French in 1950; with acts of sabotage and terror warfare against North Vietnam beginning in 1954; with moves that encouraged and abetted the overthrow of President Ngo Dinh Diem of South Vietnam in 1963; with plans, pledges and threats of further action that sprang to life in the Tonkin Gulf clashes in August, 1964; with the careful preparation of public opinion for the years of open warfare that were to follow; and with the calculation in 1965, as the planes and troops were openly committed to sustained combat; that neither accommodations inside South Vietnam nor early negotiations with North Vietnam would achieve the desired result.

The Pentagon study also ranges beyond such historical judgments. It suggests that the predominant American interest was at first containment of Communism and later the defense of the power, influence and prestige of the United States, in both stages irrespective of conditions in Vietnam.

And it reveals a great deal about the ways in which several administrations conducted their business on a fateful course, with much new information about the roles of dozens of senior officials of both major political parties and a whole generation of military commanders.

The Pentagon study was divided into chronological and thematic chapters of narrative and analysis, each with its own documentation attached. The Times—which has obtained all but one of nearly 40 volumes—has collated these materials into major segments of varying chronological length, from one that broadly covers the two decades before 1960 to one that deals intensively with the agonizing debate in the weeks following the 1968 Tet offensive.

The months from the beginning of 1964 to the Tonkin Gulf incident in August were a pivotal period, the study makes clear, and The Times begins its series with this phase.

VAST STUDY OF WAR TOOK A YEAR

(By Hedrick Smith)

In June, 1967, at a time of great personal disenchantment with the Indochina war and rising frustration among his colleagues at the Pentagon, Secretary of Defense Robert S. McNamara commissioned a major study of how and why the United States had become so deeply involved in Vietnam.

The project took a year to complete and yielded a vast and highly unusual report of Government self-analysis. It was compiled by a team of 30 to 40 Government officials, civilian and military, many of whom had helped to develop or carry out the policies that they were asked to evaluate and some of whom were simultaneously active in the debates that changed the course of those policies.

While Mr. McNamara turned over his job to Clark M. Clifford, while the war reached a military peak in the 1968 Lunar New Year offensive, while President Johnson cut back the bombing of North Vietnam and announced his plan to retire, and while the peace talks began in Paris, the study group burrowed through Government files.

The members sought to probe American policy toward Southeast Asia from World War II pronouncements of President Franklin D. Roosevelt into the start of Vietnam peace talks in the spring of 1968. They wrote nearly 40 book-length volumes backed up by annexes of cablegrams, memorandums, draft proposals, dissents and other documents.

MANY INCONSISTENCIES

Their report runs to more than 7,000 pages—1.5 million words of historical narratives plus a million words of documents—enough to fill a small crate.

Even so, it is not a complete or polished history. It displays many inconsistencies and lacks a single all-embracing summary. It is an extended internal critique based on the documentary record, which the researchers did not supplement with personal interviews, partly because they were pressed for time.

The study emerged as a middle-echelon and official view of the war, incorporating material from the top-level files of the Defense Department into which flow papers from the White House, the State Department, the Central Intelligence Agency and the Joint Chiefs of Staff.

Some important gaps appear in the study. The researchers did not have access to the complete files of Presidents or to all the memorandums of their conversations and decisions.

Moreover, there are other important gaps in the copy of the Pentagon study obtained by The New York Times. It lacks the section on the secret diplomacy of the Johnson period.

But whatever its limitations, the Pentagon's study discloses a vast amount of new information about the unfolding American commitment to South Vietnam and the way in which the United States engaged itself in that conflict. It is also rich in insights into the workings of government and the reasoning of the men who ran it.

Throughout the narrative there is ample evidence of vigorous, even acrimonious, debate within the Government—far more than Congress, the press and the public were permitted to discover from official pronouncements.

But the Pentagon account and its accompanying documents also reveal that once the basic objective of policy was set, the internal debate on Vietnam from 1950 until mid-1967 dealt almost entirely with how to reach those objectives rather than with the basic direction of policy.

The study related that American governments from the Truman Administration onward felt it necessary to take action to prevent Communist control of South Vietnam. As a rationale for policy, the domino theory—that if South Vietnam fell, other countries would inevitably follow—was repeated in endless variations for nearly two decades.

CONFIDENCE AND APPREHENSIONS

Especially during the nineteen-sixties, the Pentagon study discloses, the Government was confident that American power—or even the threat of its use—would bring the war under control.

But the study reveals that high officials in the Johnson Administration were troubled by the potential dangers of Chinese Communist intervention and felt the need for self-restraint to avoid provoking Peking, or the Soviet Union, into combat involvement.

As some top policy makers came to question the effectiveness of the American effort in mid-1967, the report shows, their policy papers began not only to seek to limit the military strategies on the ground and in the air but also to worry about the impact of the war on American society.

"A feeling is widely and strongly held that 'the establishment' is out of its mind," wrote John T. McNaughton, Assistant Secretary of Defense, in a note to Secretary McNamara in early May, 1967. Mr. McNaughton, who three years earlier had been one of the principal planners of the air war against North Vietnam, went on to say:

"The feeling is that we are trying to impose some U.S. image on distant peoples we cannot understand (any more than we can the younger generation here at home), and that we are carrying the thing to absurd lengths. Related to this feeling is the increased polarization that is taking place in the United States with seeds of the worst split in our people in more than a century."

At the end of June, 1967, Mr. McNamara—deeply disillusioned with the war—decided to commission the Pentagon study of Vietnam policy that Mr. McNaughton and other high officials had encouraged him to undertake.

Mr. McNamara's instructions, conveyed orally and evidently in writing as well, were for the researcher to pull together the Pentagon's documentary record and, according to one well-placed former official, to produce an "objective and encyclopedic" study of the American involvement.

BROADEST POSSIBLE INTERPRETATION

The Pentagon researchers aimed at the broadest possible interpretation of events. They examined not only the policies and motives of American administrations, but also the effectiveness of intelligence, the mechanics and consequences of bureaucratic compromises, the difficulties of imposing American tactics on the South Vietnamese, the governmental uses of the American press, and many other tributaries of their main story.

The authors reveal, for example, that the American intelligence community repeatedly provided the policy makers with what proved to be accurate warnings that desired goals were either unattainable or likely to provoke costly reactions from the enemy. They cite some lapses in the accuracy of reporting and intelligence, but give a generally favorable assessment of the C.I.A. and other intelligence units.

The Pentagon researchers relate many examples of bureaucratic compromise forged by Presidents from the conflicting proposals of their advisers.

In the mid-fifties, they found, the Joint Chiefs of Staff were a restraining force, warning that successful defense of South Vietnam could not be guaranteed under the limits imposed by the 1954 Geneva accords and agreeing to send in American military advisors only on the insistence of Secretary of State John Foster Dulles.

In the nineteen-sixties, the report found, both Presidents Kennedy and Johnson chose partial measures, overriding advice that some military proposals were valid only as packages and could not be adopted piecemeal.

In examining Washington's constant difficulties with the governments in Saigon, the study found the United States so heavily committed to the regime of the moment and so fearful of instability that it was unable to persuade the South Vietnamese to make the political and economic reforms that Americans deemed necessary to win the allegiance of the people.

Though it ranges widely to explain events, the Pentagon report makes no summary effort to put the blame for the war on any single administration or to find fault with individual officials.

The writers appear to have stood at the political and bureaucratic center of the period, directing their criticisms toward both left and right.

In one section, Senator Eugene J. McCarthy, the antiwar candidate for the 1968 Democratic Presidential nomination, is characterized as "impudent and dovish," and as an "upstart challenger." At another point in the same section the demands of Adm. U.S. Grant Sharp, commander of Pacific forces, for allout bombing of North Vietnam, are characterized as "fulminations."

For the most part, the writers assumed a calm and unemotional tone, dissecting their materials in detached and academic manner. They ventured to answer key questions only when the evidence was at hand. They found no conclusive answers to some of the most widely asked questions about the war, including these:

Precisely how was Ngo Dinh Diem returned to South Vietnam in 1954 from exile and helped to power?

Who took the lead in preventing the 1956 Vietnam elections required under the Geneva accords of 1954—Mr. Diem or the Americans?

If President Kennedy had lived, would he have led the United States into a full-scale ground war in South Vietnam and an air war against North Vietnam as President Johnson did?

Was Secretary of Defense McNamara dismissed for opposing the Johnson strategy in mid-1967 or did he ask to be relieved because of disenchantment with Administration policy?

Did President Johnson's cutback of the bombing to the 20th Parallel in 1968 signal a lowering of American objectives for the war or was it merely an effort to buy more time and patience from a war-weary American public?

The research project was organized in the Pentagon's office of International Security Affairs—I.S.A., as it is known to Government insiders—the politico-military affairs branch, whose head is the third-ranking official in the Defense Department. This was Assistant Secretary McNaughton when the study was commissioned and Assistant Secretary Paul C. Warnke when the study was completed.

'IT REMAINS MCNAMARA'S STUDY'

In the fall of 1968, it was transmitted to Mr. Warnke, who reportedly "signed off'" on it. Former officials say this meant that he acknowledged completion of the work without endorsing its contents and forwarded it to Mr. Clifford.

Although it had been completed during Mr. Clifford's tenure, "in everyone's mind it always remained Mr. McNamara's study," one official said.

Because of its extreme sensitivity, very few copies were reproduced—from 6 to 15, by various accounts. One copy was delivered by hand to Mr. McNamara, then president of the World Bank. His reaction is not known, but at least one other former policy maker was reportedly displeased by the study's candor.

Other copies were said to have been provided to President Johnson, the State Department and President Nixon's staff, as well as to have been kept for Pentagon files.

The authors, mostly working part-time over several months, were middle-level officials, drawn from I.S.A., Systems Analysis, and the military staffs in the Pentagon, or lent by the State Department or White House staff. Probably two-thirds of the group had worked on Vietnam for the Government at one time or another.

Both the writing and editing were described as group efforts, through individuals with academic qualifications as historians, political scientists and the like were in charge of various sections.

For their research, the Pentagon depended primarily on the files of Secretary McNamara and Mr. McNaughton. William P. Bundy, former Assistant Secretary of State for Far Eastern Affairs, provided some of his files.

For extended periods, probably the most serious limitation of the Pentagon history is the lack of access to White House archives. The researchers did possess the Presidential decision papers that normally circulated to high Pentagon officials, plus White House messages to commanders or ambassadors in Saigon. These provide insight into Presidential moods and motives, but only intermittently.

An equally important handicap is that the Pentagon researchers generally lacked records of the oral discussions of the National Security Council or the most intimate gatherings of Presidents with their closest advisers, where decisions were often reached.

As the authors themselves remark, it is common practice for the final recommendations drafted before a key Presidential decision to be written to the President's spoken specifications on the basis of his reactions to earlier proposals. The missing link is often the meeting of the Administration's inner circle.

Also, because the Pentagon history draws almost entirely on internal Government papers, and primarily papers that circulated through the Defense Department, the picture of so important a figure as Secretary of State Dean Rusk remains shadowy. Mr. Rusk was known as a man who rarely committed himself to paper and who, especially during the Johnson Administration, saved his most sensitive advice for solitary talks with the President.

In the late months of the Johnson Administration, the lack of records of such meetings is a considerable weakness because, as the historians comment, Mr. Johnson operated a split-level Government. Only his most intimate advisers were aware of the policy moves he was contemplating, and some of the most important officials at the second level of government—Assistant Secretaries of State and Defense—were late to learn the drift of the President's thinking.

The Pentagon account notes that at times the highest Administration officials not only kept information about their real intentions from the press and Congress but also kept secret from the Government bureaucracy the real motives for their written recommendations or actions.

"The lesson in this," one Pentagon historian observes, "is that the rationales given in such pieces of paper (intended for fairly wide circulation among the bureaucracy, as opposed to tightly held memoranda limited to those closest to the decision maker), do not reliably indicate why recommendations were made the way they were." The words in parentheses are the historian's.

Another omission is the absence of any extended discussion of military or political responsibility for such matters as civilian casualties or the restraints imposed by the rules of land warfare.

NECESSARILY FRAGMENTED ACCOUNT

The approach of the writers varies markedly from section to section. Some of the historians are analytical and incisive. Others offer narrative compendiums of the most important available documents for their periods, with little comment or interpretation.

As a bureaucratic history, this account is necessarily fragmented. The writers either lacked time or did not choose to provide a coherent, integrated summary analysis for each of the four administrations that became involved in Vietnam from 1950 to 1968.

The Pentagon account divides the Kennedy period, for example, into five sections—dealing with the key decisions of 1961, the strategic-hamlet programs, the build-up of the American advisory mission in Vietnam the development of plans for phased American withdrawal, and the coup d'état that ousted President Diem.

In the Johnson era, four simultaneous stories are told in separate sections—the land war in South Vietnam, the air war against the North, political relations with successive South Vietnamese government and the secret diplomatic search for negotiations. There is some overlapping, but no single section tries to summarize or draw together the various strands.

The over-all effect of the study, nonetheless, is to provide a vast storehouse of new information—the most complete and informative cental archive available thus far on the Vietnam era. (See text.)

TEXTS OF DOCUMENTS

Following are the texts of key documents accompanying the Pentagon's study of the Vietnam war, for the period December, 1963, through the Tonkin Gulf incident in August, 1964, and its aftermath. Except where excerpting is specified, the documents are printed verbatim, with only unmistakable typographical errors corrected.

MCNAMARA REPORT TO JOHNSON ON THE SITUATION IN SAIGON IN 1963

(Memorandum, "Vietnam Situation," from Secretary of Defense Robert S. McNamara to President Lyndon B. Johnson, Dec. 21, 1963.)

In accordance with your request this morning, this is a summary of my conclusions after my visit to Vietnam on December 19–20.

1. Summary. The situation is very disturbing. Current trends, unless reversed in the next 2–3 months, will lead to neutralization at best and more likely to a Communist-controlled state.

2. The new government is the greatest source of concern. It is indecisive and drifting. Although Minh states that he, rather than the Committee of Generals, is making decisions, it is not clear that this is actually so. In any event, neither he nor the Committee are experienced in political administration and so far they show little talent for it. There is no clear concept on how to re-shape or conduct the strategic hamlet program; the Province Chiefs, most of whom are new and inexperienced, are receiving little or no direction because the generals are so preoccupied with essentially political affairs. A specific example of the present situation is that General [name illegible] is spending little or no time commanding III Corps, which is in the vital zone around Saigon and needs full-time direction. I made these points as strongly as possible to Minh, Don, Kim, and Tho.

3. The Country Team is the second major weakness. It lacks leadership, has been poorly informed, and is not working to a common plan. A recent example of confusion has been conflicting USOM and military recommendations both to the Government of Vietnam and to Washington on the size of the military budget. Above all, Lodge has virtually no official contact with Harkins. Lodge sends in reports with major military implications without showing them to Harkins, and does not show Harkins important incoming traffic. My impression is that Lodge simply does not know how to conduct a coordinated administration. This has of course been stressed to him both by Dean Rusk and myself (and also by John McCone), and I do not think he is consciously rejecting our advice; he has just operated as a loner all his life and cannot readily change now.

Lodge's newly-designated deputy, David Nes, was with us and seems a highly competent team player. I have stated the situation frankly to him and he has said he would do all he could to constitute what would in effect be an executive committee operating below the level of the Ambassador.

As to the grave reporting weakness, both Defense and CIA must take major steps to improve this. John McCone and I have discussed it and are acting vigorously in our respective spheres.

4. Viet Cong progress has been great during the period since the coup, with my best guess being that the situation has in fact been deteriorating in the countryside since July to a far greater extent than we realized because of our undue dependence on distorted Vietnamese reporting. The Viet Cong now control very high proportions of the people in certain key provinces, particularly those directly south and west of Saigon. The Strategic Hamlet Program was seriously over-

extended in those provinces, and the Viet Cong has been able to destroy many hamlets, while others have been abandoned or in some cases betrayed or pillaged by the government's own Self Defense Corps. In these key provinces, the Viet Cong have destroyed almost all major roads, and are collecting taxes at will.

As remedial measures, we must get the government to re-allocate its military forces so that its effective strength in these provinces is essentially doubled. We also need to have major increases in both military and USOM staffs, to sizes that will give us a reliable, independent U.S. appraisal of the status of operations. Thirdly, realistic pacification plans must be prepared, allocating adequate time to secure the remaining government-controlled areas and work out from there.

This gloomy picture prevails predominantly in the provinces around the capital and in the Delta. Action to accomplish each of these objectives was started while we were in Saigon. The situation in the northern and central areas is considerably better, and does not seem to have deteriorated substantially in recent months. General Harkins still hopes these areas may be made reasonably secure by the latter half of next year.

In the gloomy southern picture, an exception to the trend of Viet Cong success may be provided by the possible adherence to the government of the Cao Dai and Hoa Hao sects, which total three million people and control key areas along the Cambodian border. The Hoa Hao have already made some sort of agreement, and the Cao Dai are expected to do so at the end of this month. However, it is not clear that their influence will be more than neutralized by these agreements, or that they will in fact really pitch in on the government's side.

5. Infiltration of men and equipment from North Vietnam continues using (a) land corridors through Laos and Cambodia; (b) the Mekong River waterways from Cambodia; (c) some possible entry from the sea and the tip of the Delta. The best guess is that 1000–1500 Viet Cong cadres entered South Vietnam from Laos in the first nine months of 1963. The Mekong route (and also the possible sea entry) is apparently used for heavier weapons and ammunition and raw materials which have been turning up in increasing numbers in the south and of which we have captured a few shipments.

To counter this infiltration, we reviewed in Saigon various plans providing for cross-border operations into Laos. On the scale proposed, I am quite clear that these would not be politically acceptable or even militarily effective. Our first need would be immediate U–2 mapping of the whole Laos and Cambodian border, and this we are preparing on an urgent basis.

One other step we can take is to expand the existing limited but remarkably effective operations on the Laos side, the so-called Operation HARDNOSE, so that it at least provides reasonable intelligence on movements all the way along the Laos corridor; plans to expand this will be prepared and presented for approval in about two weeks.

As to the waterways, the military plans presented in Saigon were unsatisfactory, and a special naval team is being sent at once from Honolulu to determine what more can be done. The whole waterway system is so vast, however, that effective policing may be impossible.

In general, the infiltration problem, while serious and annoying, is a lower priority than the key problems discussed earlier. However, we should do what we can to reduce it.

6. Plans for Covert Action into North Vietnam were prepared as we had requested and were an excellent job. They present a wide variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk. In accordance with your direction at the meeting, General Krulak of the JCS is chairing a group that will lay out a program in the next ten days for your consideration.

7. Possible neutralization of Vietnam is strongly opposed by Minh, and our attitude is somewhat suspect because of editorials by the New York Times and mention by Walter Lippmann and others. We reassured them as strongly as possible on this—and in somewhat more general terms on the neutralization of Cambodia. I recommend that you convey to Minh a Presidential message for the New Year that would also be a vehicle to stress the necessity of strong central direction by the government and specifically by Minh himself.

8. U.S. resources and personnel cannot usefully be substantially increased. I have directed a modest artillery supplement, and also the provision of uniforms for the Self Defense Corps, which is the most exposed force and suffers from low morale. Of greater potential significance, I have directed the Military Departments to review urgently the quality of the people we are sending to Vietnam. It seems to have fallen off considerably from the high standards applied in the original selections in 1962, and the JCS fully agree with me that we must have our best men there.

Conclusion. My appraisal may be overly pessimistic. Lodge, Harkins, and Minh would probably agree with me on specific points, but feel that January should see significant improvement. We should watch the situation very carefully, running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement.

1964 McNamara Report on Steps To Change the Trend of the War

(Excerpts from memorandum, "South Vietnam," from Secretary of Defense McNamara to President Johnson, March 16, 1964.)

I. U.S. OBJECTIVES IN SOUTH VIETNAM

We seek an independent non-Communist South Vietnam. We do not require that it serve as a Western base or as a member of a Western Alliance. Vietnam must be free, however, to accept outside assistance as required to maintain its security. This assistance should be able to take the form not only of economic and social pressures but also police and military help to root out and control insurgent elements.

Unless we can achieve this objective in South Vietnam, almost all of Southeast Asia will probably fall under Communist dominance (all of Vietnam, Laos, and Cambodia), accommodate to Communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not only explicitly Communist but likely then to become so (Indonesia taking over Malaysia). Thailand might hold for a period with our help, but would be under grave pressure. Even the Philippines would become shaky, and the threat to India to the west, Australia and New Zealand to the south, and Taiwan, Korea, and Japan to the north and east would be greatly increased.

All these consequences would probably have been true even if the U.S. had not since 1954, and especially since 1961, become so heavily engaged in South Vietnam. However, that fact accentuates the impact of a Communist South Vietnam not only in Asia, but in the rest of the world, where the South Vietnam conflict is regarded as a test case of U.S. capacity to help a nation meet a Communist "war of liberation."

Thus, purely in terms of foreign policy, the stakes are high. They are increased by domestic factors.

II. PRESENT U.S. POLICY IN SOUTH VIETNAM

We are now trying to help South Vietnam defeat the Viet Cong, supported from the North, by means short of the unqualified use of U.S. combat forces. We are not acting against North Vietnam except by a very modest "covert" program operated by South Vietnamese (and a few Chinese Nationalists)—a program so limited that it is unlikely to have any significant effect. In Laos, we are still working largely within the framework of the 1962 Geneva Accords. In Cambodia we are still seeking to keep Sihanouk from abandoning whatever neutrality he may still have and fulfilling his threat of reaching an accommodation with Hanoi and Peking. As a consequence of these policies, we and the GVN have had to condone the extensive use of Cambodian and Laotian territory by the Viet Cong, both as a sanctuary and as infiltration routes.

1964 Memo by Joint Chiefs of Staff Discussing Widening of the War

(Memorandum from Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, to Secretary of Defense McNamara, Jan. 22, 1964, "Vietnam and Southeast Asia.")

1. National Security Action Memorandum No. 273 makes clear the resolve of the President to ensure victory over the externally directed and supported communist insurgency in South Vietnam. In order to achieve that victory, the Joint Chiefs of Staff are of the opinion that the United States must be prepared to put aside many of the self-imposed restrictions which now limit our efforts, and to undertake bolder actions which may embody greater risks.

2. The Joint Chiefs of Staff are increasingly mindful that our fortunes in South Vietnam are an accurate barometer of our fortunes in all of Southeast Asia. It is our view that if the US program succeeds in South Vietnam it will go far toward stabilizing the total Southeast Asia situation. Conversely, a loss of South Vietnam to the communists will presage an early erosion of the remainder of our position in that subcontinent.

3. Laos, existing on a most fragile foundation now, would not be able to endure the establishment of a communist—or pseudo neutralist—state on its eastern flank. Thailand, less strong today than a month ago by virtue of the loss of Prime Minister Sarit, would probably be unable to withstand the pressures of infiltration from the north should Laos collapse to the communists in its turn. Cambodia apparently has estimated that our prospects in South Vietnam are not promising and, encouraged by the actions of the French, appears already to be seeking an accommodation with the communists. Should we actually suffer defeat in South Vietnam, there is little reason to believe that Cambodia would maintain even a pretense of neutrality.

4. In a broader sense, the failure of our programs in South Vietnam would have heavy influence on the judgments of Burma, India, Indonesia, Malaysia, Japan, Taiwan, the Republic of Korea, and the Republic of the Philippines with respect to US durability, resolution, and trustworthiness. Finally, this being the first real test of our determination to defeat the communist wars of national liberation formula, it is not unreasonable to conclude that there would be a corresponding unfavorable effect upon our image in Africa and in Latin America.

5. All of this underscores the pivotal position now occupied by South Vietnam in our world-wide confrontation with the communists and the essentiality that the conflict there would be brought to a favorable end as soon as possible. However, it would be unrealistic to believe that a complete suppression of the insurgency can take place in one or even two years. The British effort in Malaya is a recent example of a counterinsurgency effort which required approximately ten years before the bulk of the rural

population was brought completely under control of the government, the police were able to maintain order, and the armed forces were able to eliminate the guerrilla strongholds.

6. The Joint Chiefs of Staff are convinced that, in keeping with the guidance in NSAM 273, the United States must make plain to the enemy our determination to see the Vietnam campaign through to a favorable conclusion. To do this, we must prepare for whatever level of activity may be required and, being prepared, must then proceed to take actions as necessary to achieve our purposes surely and promptly.

7. Our considerations, furthermore, cannot be confined entirely to South Vietnam. Our experience in the war thus far leads us to conclude that, in this respect, we are not now giving sufficient attention to the broader area problems of Southeast Asia. The Joint Chiefs of Staff believe that our position in Cambodia, our attitude toward Laos, our actions in Thailand, and our great effort in South Vietnam do not comprise a compatible and integrated US policy for Southeast Asia. US objectives in Southeast Asia cannot be achieved by either economic, political, or military measures alone. All three fields must be integrated into a single, broad US program for Southeast Asia. The measures recommended in this memorandum are a partial contribution to such a program.

8. Currently we and the South Vietnamese are fighting the war on the enemy's terms. He has determined the locale, the timing, and the tactics of the battle while our actions are essentially reactive. One reason for this is the fact that we have obliged ourselves to labor under self-imposed restrictions with respect to impeding external aid to the Viet Cong. These restrictions include keeping the war within the boundaries of South Vietnam, avoiding the direct use of US combat forces, and limiting US direction of the campaign to rendering advice to the Government of Vietnam. These restrictions, while they may make our international position more readily defensible, all tend to make the task in Vietnam more complex, time-consuming, and in the end, more costly. In addition to complicating our own problem, these self-imposed restrictions may well now be conveying signals of irresolution to our enemies—encouraging them to higher levels of vigor and greater risks. A reversal of attitude and the adoption of a more aggressive program would enhance greatly our ability to control the degree to which escalation will occur. It appears probable that the economic and agricultural disappointments suffered by Communist China, plus the current rift with the Soviets, could cause the communists to think twice about undertaking a large-scale military adventure in Southeast Asia.

9. In adverting to actions outside of South Vietnam, the Joint Chiefs of Staff are aware that the focus of the counterinsurgency battle lies in South Vietnam itself, and that the war must certainly be fought and won primarily in the minds of the Vietnamese people. At the same time, the aid now coming to the Viet Cong from outside the country in men, resources, advice, and direction is sufficiently great in the aggregate to be significant—both as help and as encouragement to the Viet Cong. It is our conviction that if support of the insurgency from outside South Vietnam in terms of operational direction, personnel, and material were stopped completely, the character of the war in South Vietnam would be substantially and favorably altered. Because of this conviction, we are wholly in favor of executing the covert actions against North Vietnam which you have recently proposed to the President. We believe, however, that it would be idle to conclude that these efforts will have a decisive effect on the communist determination to support the insurgency; and it is our view that we must therefore be prepared fully to undertake a much higher level of activity, not only for its beneficial tactical effect, but to make plain our resolution, both to our friends and to our enemies.

10. Accordingly, the Joint Chiefs of Staff consider that the United States must make ready to conduct increasingly bolder actions in Southeast Asia; specifically as to Vietnam to:

a. Assign to the US military commander responsibilities for the total US program in Vietnam.

b. Induce the Government of Vietnam to turn over to the United States military commander, temporarily, the actual tactical direction of the war.

c. Charge the United States military commander with complete responsibility for conduct of the program against North Vietnam.

d. Overfly Laos and Cambodia to whatever extent is necessary for acquisition of operational intelligence.

e. Induce the Government of Vietnam to conduct overt ground operations in Laos of sufficient scope to impede the flow of personnel and material southward.

f. Arm, equip, advise, and support the Government of Vietnam in its conduct of aerial bombing of critical targets in North Vietnam and in mining the sea approaches to that country.

g. Advise and support the Government of Vietnam in its conduct of large-scale commando raids against critical targets in North Vietnam.

h. Conduct aerial bombing of key North Vietnam targets, using US resources under Vietnamese cover, and with the Vietnamese openly assuming responsibility for the actions.

i. Commit additional US forces, as necessary, in support of the combat action within South Vietnam.

j. Commit US forces as necessary in direct actions against North Vietnam.

11. It is our conviction that any or all of the foregoing actions may be required to enhance our position in Southeast Asia. The past few months have disclosed that considerably higher levels of effort are demanded of us if US objectives are to be attained.

12. The governmental reorganization which followed the coup d'etat in Saigon should be completed very soon, giving basis for concluding just how strong the Vietnamese Government is going to be and how much of the load they will be able to bear themselves. Additionally, the five-month dry season, which is just now beginning, will afford the Vietnamese an opportunity to exhibit their ability to reverse the unfavorable situation in the critical Mekong Delta. The Joint Chiefs of Staff will follow these important developments closely and will recommend to you progressively the execution of such of the above actions as are considered militarily required, providing, in each case, their detailed assessment of the risks involved.

13. The Joint Chiefs of Staff consider that the strategic importance of Vietnam and of Southeast Asia warrants preparations for the actions above and recommend that the substance of this memorandum be discussed with the Secretary of State.

III. THE PRESENT SITUATION IN SOUTH VIETNAM

The key elements in the present situation are as follows:

A. The military tools and concepts of the GVN–US efforts are generally sound and adequate.* Substantially more can be done in the effective employment of military forces and in the economic and civic action areas. These improvements may require some selective increases in the U.S. presence, but it does not appear likely that major equipment replacement and additions in U.S. personnel are indicated under current policy.

B. The U.S. policy of reducing existing personnel where South Vietnamese are in a position to assume the functions is still sound. Its application will not lead to any major reductions in the near future, but adherence to this policy as such has a sound effect in portraying to the U.S. and the world that we continue to regard the war as a conflict the South Vietnamese must win and take ultimate responsibility for. Substantial reductions in the numbers of U.S. military training personnel should be possible before the end of 1965. However, the U.S. should continue to reiterate that it will provide all the assistance and advice required to do the job regardless of how long it takes.

C. The situation has unquestionably been growing worse, at least since September:

1. In terms of government control of the countryside, about 40% of the territory is under Viet Cong control or predominant influence. In 22 of the 43 provinces, the Viet Cong control 50% or more of the land area, including 80% of Phuoc Tuy; 90% of Binh Duong; 75% of Hau Nghja; 90% of Long An; 90% of Kien Tuong; 90% of Dinh Tuong; 90% of Kien-Hoa and 85% of An Xuyen.

2. Large groups of the population are now showing signs of apathy and indifference, and there are some signs of frustration within the U.S. contingent. . . .

a. The ARVN and paramilitary desertion rates, and particularly the latter, are high and increasing.

b. Draft-dodging is high while the Viet Cong are recruiting energetically and effectively.

c. The morale of the hamlet militia and of the Self Defense Corps, on which the security of the hamlets depends, is poor and failing.

3. In the last 90 days the weakening of the government's position has been particularly noticeable. . . .

4. The political control structure extending from Saigon down into the hamlets disappeared following the November coup. . . .

5. North Vietnamese support, always significant, has been increasing. . . .

D. The greatest weakness in the present situation is the uncertain viability of the Khanh government. Khanh himself is a very able man within his experience, but he does not yet have wide political appeal and his control of the army itself is uncertain.

E. On the positive side, we have found many reasons for encouragement in the performance of the Khanh Government to date. Although its top layer is thin, it is highly responsive to U.S. advice, and with a good grasp of the basic elements of rooting out the Viet Cong. . . .

2. Retaliatory Action. For example:

a. Overt high and/or low-level reconnaissance over North Vietnam to assist in locating and identifying the sources of external aid to the Viet Cong.

b. Retaliatory bombing strikes and commando raids on a tit-for-tat basis by the GVN against NVN targets (communication centers, training camps, infiltration routes, etc.)

c. Aerial mining by the GVN aircraft (possibly with U.S. assistance) of the major NVN ports.

3. Graduated Overt Military Pressure by GVN and U.S. Forces.

This program would go beyond reacting on a tit-for-tat basis. It would include air attacks against military and possibly industrial targets. The program would utilize the combined resources of the GVN Air Force and the U.S. Farmgate Squadron, with the latter reinforced by three squadrons of B-57s presently in Japan. Before this program could be implemented it would be necessary to provide some additional air defense for South Vietnam and to ready U.S. forces in the Pacific for possible escalation.

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*Mr. McCone emphasizes that the GVN/US program can never be considered completely satisfactory so long as it permits the Viet Cong a sanctuary in Cambodia and a continuing uninterrupted and unmolested source of supply and reinforcement from NVN through Laos.

The analysis of the more serious of these military actions (from 2 (b) upward) revealed the extremely delicate nature of such operations, both from the military and political standpoints. There would be the problem of marshalling the case to justify such action, the problem of communist escalation, and the problem of dealing with the pressures for premature or "stacked" negotiations. We would have to calculate the effect of such military actions against a specified political objective. That objective, while being cast in terms of eliminating North Vietnamese control and direction of the insurgency, would in practical terms be directed toward collapsing the morale and the self-assurance of the Viet Cong cadres now operating in South Vietnam and bolstering the morale of the Khanh regime. We could not, of course, be sure that our objective could be achieved by any means within the practical range of our options. Moreover, and perhaps most importantly, unless and until the Khanh government has established its position and preferably is making significant progress in the South, an overt extension of operations into the North carries the risk of being mounted from an extremely weak base which might at any moment collapse and leave the posture of political confrontation worsened rather than improved.

The other side of the argument is that the young Khanh Government [two words illegible] reinforcement of some significant sources against the North and without [words illegible] the incountry program, even with the expansion discussed in Section [words illegible] may not be sufficient to stem the tide.

[Words illegible] balance, except to the extent suggested in Section V below, I [words illegible] against initiation at this time of overt GVN and/or U.S. military [word illegible] against North Vietnam.

C. Initiate Measures to Improve the Situation in South Vietnam.

There were and are sound reasons for the limits imposed by present policy—the South Vietnamese must win their own fight; U.S. intervention on a larger scale, and/or GVN actions against the North, would disturb key allies and other nations; etc. In any case, it is vital that we continue to take every reasonable measure to assure success in South Vietnam. The policy choice is not an "either/or" between this course of action and possible pressures against the North; the former is essential without regard to our decision with respect to the latter. The latter can, at best, only reinforce the former.

The following are the actions we believe can be taken in order to improve the situation both in the immediate future and over a longer-term period. To emphasize that a new phase has begun, the measures to be taken by the Khanh government should be described by some term such as "South Vietnam's Program for National Mobilization."

Basic U.S. posture

1. The U.S. at all levels must continue to make it emphatically clear that we are prepared to furnish assistance and support for as long as it takes to bring the insurgency under control.

2. The U.S. at all levels should continue to make it clear that we fully support the Khanh government and are totally opposed to any further coups. The Ambassador should instruct all elements, including the military advisors, to report intelligence information of possible coups promptly, with the decision to be made by the ambassador whether to report such information to Khanh. However, we must recognize that our chances would not be great of detecting and preventing a coup that had major military backing.

3. We should support fully the Pacification Plan now announced by Khanh (described in Annex B), and particularly the basic theory—now fully accepted both on the Vietnamese and U.S. sides—of concentrating on the more secure areas and working out from these through military operations to provide security, followed by necessary civil and economic actions to make the presence of the government felt and to provide economic improvements. . . .

V. POSSIBLE LATER ACTIONS

If the Khanh government takes hold vigorously—inspiring confidence, whether or not noteworthy progress has been made—or if we get hard information of significantly stepped-up VC arms supply from the North, we may wish to mount new and significant pressures against North Vietnam. We should start preparations for such a capability now. (See Annex C for an analysis of the situation in North Vietnam and Communist China.) Specifically, we should develop a capability to initiate within 72 hours the "Border Control" ** and "Retaliatory Actions," referred to on pages 5 and 6, and we should achieve a capability to initiate with 30 days' notice the program of "Graduated Overt Military Pressure." The reasoning behind this program of preparations for initiating action against North Vietnam is rooted in the fact that, even with progress in the pacification plan, the Vietnamese Government and the population in the South will still have to face the prospect of a very lengthy campaign based on a war-weary nation and operating against Viet Cong cadres who retain a great measure of motivation and assurance.

In this connection, General Khanh stated that his primary concern is to establish a firm base in the South. He favors continuation of covert activities against North Vietnam, but until such time as "rear-area security" has been established, he does not wish to engage in overt operations against the North.

In order to accelerate the realization of pacification and particularly in order to denigrate the morale of the Viet Cong forces, it may be necessary at some time in the future to put demonstrable retaliatory pressure on the North. Such a course of action might proceed according to the scenario outlined in Annex D. . . .

VII. RECOMMENDATIONS

I recommend that you instruct the appropriate agencies of the U.S. Government:

1. To make it clear that we are prepared to furnish assistance and support to South Vietnam for as long as it takes to bring the insurgency under control.

2. To make it clear that we fully support the Khanh government and are opposed to further coups.

3. To support a Program for National Mobilization (including a national service law) to put South Vietnam on a war footing.

4. To assist the Vietnamese to increase the armed forces (regular plus paramilitary) by at least 50,000 men.

5. To assist the Vietnamese to create a greatly enlarged Civil Administrative Corps for work at province, district and hamlet levels.

6. To assist the Vietnamese to improve and reorganize the paramilitary forces and increase their compensation.

7. To assist the Vietnamese to create an offensive guerrilla force.

8. To provide the Vietnamese Air Force 25 A–1H aircraft in exchange for the present T–28s.

9. To provide the Vietnamese Army additional M–113 armored personnel carriers (withdrawing the M–114s there), additional river boats, and approximately $5–10 million of other additional material.

10. To announce publicly the Fertilizer Program and to expand it with a view within two years to trebling the amount of fertilizer made available.

11. To authorize continued high-level U.S. overflights of South Vietnam's borders and to authorize "hot pursuit" and South Vietnamese ground operations over the Laotian line for the purpose of border control. More ambitious operations into Laos involving units beyond battalion size should be authorized only with the approval of Souvanna Phouma. Operations across the Cambodian border should depend on the state of relations with Cambodia.

12. To prepare immediately to be in a position on 72 hours' notice to initiate the full range of Laotian and Cambodian "Border Control" actions (beyond those authorized in Paragraph 11 above) and the "Retaliatory Actions" against North Vietnam, and to be in a position on 30 days' notice to initiate the program of "Graduated Overt Military Pressure" against North Vietnam.

U.S. PREPARATION FOR RETALIATION AND REJECTION OF OTHER ACTIONS

(Excerpts from National Security Action Memorandum 288, "U.S. Objectives in South Vietnam," March 17, 1964, as provided in the body of the Pentagon study. The words in brackets are the study's. The paragraph in italics is the paraphrase by a writer of the study.)

[The United States' policy is] to prepare immediately to be in a position on 72 hours' notice to initiate the full range of Laotian and Cambodian "Border Control actions" . . . and the "Retaliatory Actions" against North Vietnam, and to be in a position on 30 days' notice to initiate the program of "Graduated Overt Military Pressure" against North Vietnam. . . .

We seek an independent non-Communist South Vietnam. We do not require that it serve as a Western base or as a member of a Western Alliance. South Vietnam must be free, however, to accept outside assistance as required to maintain its security. This assistance should be able to take the form not only of economic and social measures but also police and military help to root out and control insurgent elements.

Unless we can achieve this objective in South Vietnam, almost all of Southeast Asia will probably fall under Communist dominance (all of Vietnam, Laos, and Cambodia), accommodate to Communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not now explicitly Communist but likely then to become so (Indonesia taking over Malaysia). Thailand might hold for a period without help, but would be under grave pressure. Even the Philippines would become shaky, and the threat to India on the West, Australia and New Zealand to the South, and Taiwan, Korea, and Japan to the North and East would be greatly increased.

All of these consequences would probably have been true even if the U.S. had not since 1954, and especially since 1961, become so heavily engaged in South Vietnam. However, that fact accentuates the impact of a Communist South Vietnam not only in Asia but in the rest of the world, where the South Vietnam conflict is regarded as a test case of U.S. capacity to help a nation to meet the Communist "war of liberation."

Thus, purely in terms of foreign policy, the stakes are high. . . .

**Authority should be granted immediately for covert Vietnamese operations into Laos, for the purposes of border control and of "hot pursuit" into Laos. Decision "hot pursuit" into Cambodia should await further study of our relations with that country.

We are now trying to help South Vietnam defeat the Viet Cong, supported from the North, by means short of the unqualified use of U.S. combat forces. We are not acting against North Vietnam except by a modest "covert" program operated by South Vietnamese (and a few Chinese Nationalists)—a program so limited that it is unlikely to have any significant effect. . . .

There were and are some sound reasons for the limits imposed by the present policy—the South Vietnamese must win their own fight; U.S. intervention on a larger scale, and/or GVN actions against the North, would disturb key allies and other nations; etc. In any case, it is vital that we continue to take every reasonable measure to assure success in South Vietnam. The policy choice is not an "either/or" between this course of action and possible pressure against the North; the former is essential and without regard to our decision with respect to the latter. The latter can, at best, only reinforce the former. . . .

Many of the actions described in the succeeding paragraphs fit right into the framework of the [pacification] plan as announced by Khanh. Wherever possible, we should tie our urgings of such actions to Khanh's own formulation of them, so that he will be carrying out a Vietnamese plan and not one imposed by the United States . . .

Among the alternatives considered, but rejected for the time being . . . were overt military pressure on North Vietnam, neutralization, return of U.S. dependents, furnishing of a U.S. combat unit to secure the Saigon area, and a full takeover of the command in South Vietnam by the U.S. With respect to this last proposal, it was said that

> . . . the judgment of all senior people in Saigon, with which we concur, was that the possible military advantages of such action would be far outweighed by adverse psychological impact. It would cut across the whole basic picture of the Vietnamese winning their own war and lay us wide open to hostile propaganda both within South Vietnam and outside.

CABLE FROM PRESIDENT TO LODGE ON ESCALATION CONTINGENCIES

(Cablegram from President Johnson to Henry Cabot Lodge, United States Ambassador in Saigon, March 20, 1964.)

1. We have studied your 1776 and I am asking State to have Bill Bundy make sure that you get our latest planning documents on ways of applying pressure and power against the North. I understand that some of this was discussed with you by McNamara mission in Saigon, but as plans are refined it would be helpful to have your detailed comments. As we agreed in our previous messages to each other, judgment is reserved for the present on overt military action in view of the consensus from Saigon conversations of McNamara mission with General Khanh and you on judgment that movement against the North at the present would be premature. We have [sic] share General Khanh's judgment that the immediate and essential task is to strengthen the southern base. For this reason our planning for action against the North is on a contingency basis at present, and immediate problem in this area is to develop the strongest possible military and political base for possible later action. There is additional international reason for avoiding immediate overt action in that we expect a showdown between the Chinese and Soviet Communist parties soon and action against the North will be more practicable after than before a showdown. But if at any time you feel that more immediate action is urgent, I count on you to let me know specifically the reasons for such action, together with your recommendations for its size and shape.

2. On dealing with de Gaulle, I continue to think it may be valuable for you to go to Paris after Bohlen has made his first try. (State is sending you draft instruction to Bohlen, which I have not yet reviewed, for your comment.) It ought to be possible to explain in Saigon that your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head and on this point I think that nothing is more important than to stop neutralist talk wherever we can by whatever means we can. I have made this point myself to Mansfield and Lippmann and I expect to use every public opportunity to restate our position firmly. You may want to convey our concern on this point to General Khanh and get his ideas on the best possible joint program to stop such talk in Saigon, in Washington, and in Paris. I imagine that you have kept General Khanh abreast of our efforts in Paris. After we see the results of the Bohlen approach you might wish to sound him out on Paris visit by you.

DRAFT RESOLUTION FOR CONGRESS ON ACTIONS IN SOUTHEAST ASIA

(Draft Resolution on Southeast Asia, May 25, 1964, as provided in the body of the Pentagon study. The major paragraphs of the resolution as approved by Congress appear in the article accompanying the texts today.)

Whereas the signatories of the Geneva Accords of 1954, including the Soviet Union, the Communist regime in China, and Viet Nam agreed to respect the independence and territorial integrity of South Viet Nam, Laos and Cambodia; and the United States, although not a signatory of the Accords, declared that it would view any renewal of aggression in violation of the Accords with grave concern and as seriously threatening international peace and security;

Whereas the Communist, regime in North Viet Nam, with the aid and support of the Communist regime in China, has systematically flouted its obligations under these Accords and has engaged in aggression against the independence and territorial integrity of South Viet Nam by carrying out a systematic plan for the subversion of the Government of South Viet Nam, by furnishing direction, training, personnel and arms for the conduct of guerrilla warfare within South Viet Nam, and by the ruthless use of terror against the peaceful population of that country;

Whereas in the face of this Communist aggression and subversion the Government and people of South Viet Nam have bravely undertaken the defense of their independence and territorial integrity, and at the request of that Government the United States has, in accordance with its Declaration of 1954, provided military advice, economic aid and military equipment;

Whereas in the Geneva Agreements of 1962 the United States, the Soviet Union, the Communist regime in China, North Viet Nam and others solemnly undertook to respect the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos;

Whereas in violation of these undertakings the Communist regime in North Viet Nam, with the aid and support of the Communist regime in China, has engaged in aggression against the independence, unity and territorial integrity of Laos by maintaining forces on Laotian territory, by the use of that territory for the infiltration of arms and equipment into South Viet Nam, and by providing direction, men and equipment for persistent armed attacks against the Government of (words illegible);

Whereas in the face of this Communist aggression the Government of National Unification and the non-Communist elements in Laos have striven to maintain the conditions of unity, independence and neutrality envisioned for their country in the Geneva Agreements of 1962;

Whereas the United States has no territorial, military or political ambitions in Southeast Asia, but desires only that the peoples of South Viet Nam, Laos and Cambodia should be left in peace by their neighbors to work out their own destinies in their own way, and, therefore, its objective is that the status established for these countries in the Geneva Accords of 1954 and the Geneva Agreements of 1962 should be restored with effective means of enforcement;

Whereas it is essential that the world fully understand that the American people are united in their determination to take all steps that may be necessary to assist the peoples of South Viet Nam and Laos to maintain their independence and political integrity.

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled:

That the United States regards the preservation of the independence and integrity of the nations of South Viet Nam and Laos as vital to its national interest and to world peace;

Sec. 2. To this end, if the President determines the necessity thereof, the United States is prepared, upon the request of the Government of South Viet Nam or the Government of Laos, to use all measures, including the commitment of armed forces to assist that government in the defense of its independence and territorial integrity against aggression or subversion supported, controlled or directed from any Communist country.

Sec. 3. (a) The President is hereby authorized to use for assistance under this joint resolution not to exceed $—— during the fiscal year 1964, and not to exceed $—— during the fiscal year 1965, from any appropriations made available for carrying out the provisions of the Foreign Assistance Act of 1961, as amended in accordance with the provisions of that Act, except as otherwise provided in this joint resolution. This authorization is in addition to other existing authorizations with respect to the use of such appropriations.

(b) Obligations incurred in carrying out the provisions of this joint resolution may be paid either out of appropriations for military assistance or appropriations for other than military assistance except that appropriations made available for Titles I, III, and VI of Chapter 2, Part I, of the Foreign Assistance Act of 1961, as amended, shall not be available for payment of such obligations.

(c) Notwithstanding any other provision of the Foreign Assistance Act of 1961, as amended, when the President determines it to be important to the security of the United States and in furtherance of the purposes of this joint resolution, he may authorize the use of up to $——— of funds available under subsection (a) in each of the fiscal years 1964 and 1965 under the authority of section 614 (a) of the Foreign Assistance Act of 1961, as amended, and is authorized to use up to $——— of such funds in each such year pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient [words illegible].

(d) Upon determination by the head of any agency making personnel available under authority of section 627 of the Foreign Assistance Act of 1961, as amended, or otherwise under that Act, for purposes of assistance under this joint resolution, any officer or employee so made available may be provided compensation and allowances at rates other than those provided by the Foreign Service Act of 1946, as amended, the Career Compensation Act of 1949, as amended, and the Overseas Differentials and Allowances Act to the extent necessary to carry out the purposes of this joint resolution. The President shall prescribe regulations under which such rates of compensation and allowances may be provided. In addition, the President may utilize such provisions of the Foreign Service Act of 1946, as amended, as he deems appropriate to apply to personnel of any agency carrying out functions under this joint resolution.

CABLE FROM TAYLOR WARNING ON THE "MARCH NORTH" CAMPAIGN

(Excerpts from cablegram from Ambassador Taylor in Saigon to the State Department, July 25, 1964.)

The GVN public campaign for "Marching North" (reported EMBTEL 201) may take several courses. In the face of US coolness and absence of evidence of real grassroots support outside certain military quarters, it may die down for a while although it is hardly likely to disappear completely. On the other hand, the proponents of a "Quick Solution" may be able to keep it alive indefinitely as an active issue, in which case it is likely to foment an increasing amount of dissatisfaction with the US (assuming that we continue to give it no support) to the serious detriment of our working relations with the GVN and hence of the ultimate chances of success of the in-country pacification program. In such a case, Vietnamese leaders in and out of government, unable to find a vent to their frustration in "Marching North" may seek other panaceas in various forms of negotiation formulas. General Khanh may find in the situation an excuse or a requirement to resign.

Finally, this "March North" fever can get out of hand in an act of rashness—one maverick pilot taking off for Hanoi with a load of bombs—which could touch off an extension of hostilities at a time and in a form most disadvantageous to US interests.

Faced with these unattractive possibilities, we propose a course of action designed to do several things.

We would try to avoid head-on collision with the GVN which unqualified US opposition to the "March North" campaign would entail. We could do this by expressing a willingness to engage in joint contingency planning for various forms of extended action against GVN (sic). Such planning would not only provide an outlet for the martial head of steam now dangerously compressed but would force the generals to look at the hard facts of life which lie behind the neon lights of the "March North" slogans. This planning would also gain time badly needed to stabilize this government and could provide a useful basis for military action if adjudged in our interest at some future time. Finally, it would also afford US an opportunity, for the first time, to have a frank discussion with GVN leaders concerning the political objectives which they would envisage as the purposes inherent in military action against the DRV. . . .

It would be important, however, in initiating such a line of action that we make a clear record that we are not, repeat, not assuming any commitment to supplement such plans. . . .

U.S. NOTE TO CANADA ON POINTS FOR ENVOY TO RELAY TO HANOI

(United States note delivered at the Canadian Embassy in Washington, Aug. 8, 1964, for transmission to J. Blair Seaborn, Canadian member of the International Control Commission.)

Canadians are urgently asked to have Seaborn during August 10 visit make following points (as having been conveyed to him by US Government since August 6):

A. Re Tonkin Gulf actions, which almost certainly will come up:

1. The DRV has stated that Hon Ngu and Hon Me islands were attacked on July 30. It should be noted that the USS *Maddox* was all of that day and into the afternoon of the next day, over 100 miles south of those islands, in international waters near the 17th parallel, and that the DRV attack on the *Maddox* took place on August 2d, more than two days later. Neither the *Maddox* or any other destroyer was in any way associated with any attack on the DRV islands.

2. Regarding the August 4 attack by the DRV on the two US destroyers, the Americans were and are at a complete loss to understand the DRV motive. They had decided to absorb the August 2 attack on the grounds that it very well might have been the result of some DRV mistake or miscalculation. The August 4 attack, however—from the determined nature of the attack as indicated by the radar, sonar, and eye witness evidence both from the ships and from their protecting aircraft—was, in the American eyes, obviously deliberate and planned and ordered in advance. In addition, premeditation was shown by the evidence that the DRV craft were waiting in ambush for the destroyers. The attack did not seem to be in response to any action by the South Vietnamese nor did it make sense as a tactic to further any diplomatic objective. Since the attack took place at least 60 miles from nearest land, there could have been no question about territorial waters. About the only reasonable hypothesis was that North Vietnam was intent either upon making it appear that the United States was a "paper tiger" or upon provoking the United States.

3. The American response was directed solely to patrol craft and installations acting in direct support of them. As President Johnson stated: "Our response for the present will be limited and fitting."

4. In view of uncertainty aroused by the deliberate and unprovoked DRV attacks this character, US has necessarily carried out precautionary deployments of additional air power to SVN and Thailand.

B. Re basic American position:

5. Mr. Seaborn should again stress that US policy is simply that North Vietnam should contain itself and its ambitions within the territory allocated to its administration by the 1954 Geneva Agreements. He should stress that US policy in South Vietnam is to preserve the integrity of that state's territory against guerrilla subversion.

6. He should reiterate that the US does not seek military bases in the area and that the US is not seeking to overthrow the Communist regime in Hanoi.

7. He should repeat that the US is fully aware of the degree to which Hanoi controls and directs the guerrilla action in South Vietnam and that the US holds Hanoi directly responsible for that action. He should similarly indicate US awareness of North Vietnamese control over the Pathet Lao movement in Laos and the degree of North Vietnamese involvement in that country. He should specifically indicate US awareness of North Vietnamese violations of Laotian territory along the infiltration route into South Vietnam.

8. Mr. Seaborn can again refer to the many examples of US policy in tolerance of peaceful coexistence with Communist regimes, such as Yugoslavia, Poland, etc. He can hint at the economic and other benefits which have accrued to those countries because their policy of Communism has confined itself to the development of their own national territories and has not sought to expand into other areas.

9. Mr. Seaborn should conclude with the following new points:

a. That the events of the past few days should add credibility to the statement made last time, that "US public and official patience with North Vietnamese aggression is growing extremely thin."

b. That the US Congressional Resolution was passed with near unanimity, strongly re-affirming the unity and determination of the US Government and people not only with respect to any further attacks on US military forces but more broadly to continue to oppose firmly, by all necessary means, DRV efforts to subvert and conquer South Vietnam and Laos.

c. That the US has come to the view that the DRV role in South Vietnam and Laos is critical. If the DRV persists in its present course, it can expect to continue to suffer the consequences.

d. That the DRV knows what it must do if the peace is to be restored.

e. That the US has ways and means of measuring the DRV's participation in, and direction and control of, the war on South Vietnam and in Laos and will be carefully watching the DRV's response to what Mr. Seaborn is telling them.

WILLIAM BUNDY MEMO ON ACTIONS AVAILABLE TO U.S. AFTER TONKIN

(Excerpts from second draft of a memorandum, "Next Courses of Action in Southeast Asia," by William P. Bundy, Assistant Secretary of State for Far Eastern Affairs, Aug. 11, 1964. A summary was cabled to the Pacific command and the embassies in Saigon and Vientiane on Aug. 14 with requests for comments. According to the Pentagon study, the full draft was edited in the office of Assistant Secretary of Defense John T. McNaughton. Words that were deleted at that time are shown below in double parentheses; words that were inserted at that time are shown in italics. Small cap type denotes underlining in the original document. Also, according to the McNaughton office's editing, the second paragraph, beginning "We have agreed . . .," was to be moved below, to follow the heading "Phase One—'Military Silence' (through August).")

I. INTRODUCTION

This memorandum examines the courses of action the U.S. might pursue, commencing in about two weeks, assuming that the Communist side does not react further the [sic] the events of last week.

We have agreed that the intervening period will be in effect a short holding phase, in which we would avoid actions that would in any way take the onus off the Communist side for escalation . . .

III. ESSENTIAL ELEMENTS OF U.S. POLICY

A. SOUTH VIET-NAM is still the main theater. Morale and momentum there must be maintained. This means:

1. We must devise means of action that, *for minimum risks*, get maximum results ((*for minimum risks*)) *in terms of morale in SVN and pressure on NVN.*

2. We must continue to oppose any Viet-Nam conference, and must play the prospect of a Laos conference very carefully. We must particularly avoid any impression of rushing to a Laos conference, and must show a posture of general firmness into which an eventual Laos conference would fit without serious loss.

3. We particularly need to keep our hands free for at least limited measures against the Laos infiltration areas. . . .

C. *Solution.* Basically, a solution in both South Viet-Nam and Laos will require a combination of *military* pressures and some form of communication under which Hanoi (and Peiping) eventually accept the idea of getting out.* Negotiation without continued pressure, indeed without continued military action will not achieve our objectives in the foreseeable future. But *military* pressure could be accompanied by attempts to com-

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Footnotes at end of article.

municate with Hanoi and perhaps Peiping—through third-country channels, through side conversations around a Laos conference of any sort—PROVIDED always that we make it clear both to the Communists and to South Viet-Nam that the pressure will continue until we have achieved our objectives. After, BUT ONLY AFTER, we have ((established a)) *know that North Vietnamese are hurting and that the* clear pattern of pressure *has dispelled suspicions of our motives,* we could ((then)) accept a conference broadened to include the Viet-Nam issue. (The UN now looks to be out as a communication forum, though this could conceivably change.)

IV. TIMING AND SEQUENCE OF ACTIONS

A. Phase One—"Military Silence" (*through August* (*see p. 1*)

(*A.*) *B. Phase Two—Limited pressures* (*September through December*)

There are a number of limited actions we could take that would tend to maintain the initiative and the morale of the GVN and Khanh, but that would not involve major risks of escalation. Such actions could be such as to fore-shadow stronger measures to come, though they would not in themselves go far to change Hanoi's basic actions.

1. 34A operations could be overtly acknowledged and justified by the GVN. Marine operations could be strongly defended on the basis of continued DRV sea infiltration, and successes could be publicized. Leaflet operations could also be admitted and defended, again on the grounds of meeting DRV efforts in the South, and their impunity (we hope) would tend to have its own morale value in both Vietnams. Air-drop operations are more doubtful; their justification is good and less clear than the other operations, and their successes have been few. With the others admitted, they could be left to speak for themselves—and of course security would forbid any mention of specific operations before they succeeded.

2. Joint planning between the US and the GVN already covers possible actions against the DRV and also against the Panhandle. It can be used in itself to maintain the morale of the GVN leadership, as well as to control and inhibit any unilateral GVN moves. With 34A outlined, it could be put right into the same framework. We would not ourselves publicize this planning but it could be leaked (as it probably would anyway) with desirable effects in Hanoi and elsewhere.

3. Stepped-up training of Vietnamese on jet aircraft should now be undertaken in any event in light of the presence of MIG's in North Vietnam. The JCS are preparing a plan, and the existence of training could be publicized both for its morale effect in the GVN and as a signal to Hanoi of possible future action.

4. Cross-border operations into the Panhandle could be conducted on a limited scale. To be successful, ground operations would have to be so large in scale as to be beyond what the GVN can spare, and we should not at this time consider major US or Thai ground action from the Thai side. But on the air side, there are at least a few worthwhile targets in the infiltration areas, and these could be hit by U.S. *and/or* (([deleted phrase illegible] and by)) GVN air. Probably we should use both (*query if US strike should be under a* [*word illegible*] cover) US & GVN; probably we should avoid publicity so as not to embarass Souvanna; the Communist side might squawk, but in the past they have been silent on this area. *The strikes should probably be timed and plotted on the map to bring them to the borders of North Vietnam at the end of December.*

5. DESOTO patrols could be reintroduced at some point. Both for present purposes and to maintain the credibility of our account of the events of last week, they must be clearly dissociated from 34A operations both in fact and in physical appearance. [Sentence deleted here is illegible.] In terms of course patterns, we should probably avoid penetrations of 11 miles or so and stay at least 20 miles off; whatever the importance of asserting our view of territorial waters, it is less than the international drawbacks of appearing to provoke attack unduly. [Previous sentence is marked in handwriting "disagree."]

6. Specific tit-for-tat actions could be undertaken for any *VC or DRV activity suited to the treatment.* [Deleted sentence illegible.] *These would be "actions of opportunity."* As Saigon 377 points out, the VC have "unused dirty tricks" such as mining (or attacks) in the Saigon River, sabotage of major POL stocks, and terrorist attacks on US dependents. The first two, at least, would lend themselves to prompt and precise reprisal, e.g., by mining the Haiphong channel and attacking the Haiphong POL storage. Terrorism against US dependents would be harder to find the right reprisal target, and reprisal has some disadvantages in that it could be asked why this was different from the regular pattern of terrorism against South Vietnamese. However, we should look at possible [deleted word is illegible] *classes for tit-for-tat situations.*

7. The sequence and mix of US and GVN actions needs careful thought. At this point, both the GVN role ((and)) *in the actions and the* rationales directly ((related)) *relating the actions* to what is being done to the GVN should be emphasized. Overt 34A actions should ((certainly)) be the first moves, and the GVN might go first in air attacks on the Panhandle. But there are advantages in other respects to actions related to US forces. If we lost an aircraft in the Panhandle ((or a U–2 over the DRV)) we could act hard and fast, and of course similarly for any attack on the DESOTO patrols. *The loss of a U–2 over NVN does not offer as good a case.* Probably the sequence should be played somewhat by ear.

Summary. The above actions are in general limited and controllable. However, if we accept—as of course we must—the necessity of prompt retaliation especially for attacks on our own forces, they could amount to at least a pretty high noise level that might stimulate some pressures for a conference. The problem is that these actions are not in themselves a truly coherent program of strong enough pressures either to bring Hanoi around or to sustain a pressure posture into some kind of discussions. Hence, while we might communicate privately to Hanoi while all this was going on, we should continue absolutely opposed to any conference.

(B.) *C. Phase Three*—More Serious Pressures. (*January 1965 and following*).

All the above actions would be foreshadowing systematic military action against the DRV, and we might at some point conclude that such action was required either because of incidents arising from the above actions or because of deterioration in the situation in South Viet-Nam, particularly if there were to be clear evidence of greatly increased infiltration from the north. However, in the absence of such major new developments, we should probably be thinking of a contingency date, as suggested by Ambassador Taylor, of 1 January 1965. Possible categories of action ((are)) *beginning at about that time, are:*

1. Action against infiltration routes and facilities is probably the best opening gambit. *It would follow logically the actions in the Sept.-Dec. Phase Two.* It could be justified by evidence that infiltration was continuing and, in all probability, increasing. The family of infiltration-related targets starts with clear military installations near the borders. It can be extended almost at will northward, to inflict progressive damage that would have a meaningful cumulative effect and would always be keyed to one rationale.

2. Action *in the DRV* against selected military-related targets would appear to be the next upward move. POL installations and the mining of Haiphong Harbor (to prevent POL import as its rationale) would be spectacular actions, as would action against key bridges and railroads. All of these could probably be designed so as to avoid major civilian casualties.

3. Beyond these points it is probably not useful to think at the present time. . . .

FOOTNOTES

•We have never defined precisely what we mean by "getting out"—what actions, what proofs, and what future guarantees we would accept. A small group should work on this over the next month. *The actions we want the DRV to take are probably these:*

(*a*) *Stop training and sending personnel to wage war in SVN and Laos.*

(*b*) *Stop sending arms and supplies to SVN and Laos.*

(*c*) *Stop directing and controlling military actions in SVN and Laos.*

(*d*) *Order the VC and PL to stop their insurgencies and military actions.*

(*e*) *Remove VM forces and cadres from SVN and Laos.*

(*f*) *See that VC and PL stop attacks and incidents in SVN and Laos.*

(*g*) *See that VC and PL cease resistance to government forces.*

(*h*) *See that VC and PL turn in weapons and relinquish bases.*

(*i*) *See that VC and PL surrender for amnesty or expatriation.*

••*This is in Phase One also.*

Summary of Taylor's Report Sent to McNamara by Joint Chiefs

(*Excerpts from Summary of Ambassador Taylor's first mission report from Saigon, on Aug. 10, 1964, as transmitted on Aug. 14 by Col. A. R. Brownfield, acting special assistant to the Joint Chiefs of Staff for counterinsurgency and special activities, to Secretary McNamara, through Col. Alfred J. F. Moody, the Secretary's military assistant. Colonel Brownfield's covering memorandum said this summary had also been supplied to Gen. Earle G. Wheeler, Chairman of the Joint Chiefs, and to Deputy Secretary of Defence Cyrus R. Vance, for their appearance before the House Armed Services Committee on Aug. 18.*)

. . . The basis of this report and monthly reports hereafter are the results of a countrywide canvass of responsible U.S. advisors and observers. The canvass dealt with: Army and public morale, combat effectiveness of military units US/GVN counterpart relationships, and effectiveness of GVN officials.

In broad terms, the canvass results are surprisingly optimistic at the operational levels of both the civil and military organizations. This feeling of optimism exceeds that of most senior US officials in Saigon. Future reports should determine who is right.

VIET CONG SITUATION

Strategy

The communist strategy as defined by North Vietnam and the puppet National Liberation Front is to seek a political settlement favorable to the communists. This political objective to be achieved by stages, passing first through "neutralism" using the National Liberation Front machinery, and then the technique of a coalition government.

Tactics

The VC tactics are to harass, erode and terrorize the VN population and its leadership into a state of demoralization without an attempt to defeat the RVNAF or seize and conquer terrain by military means. US/GVN progress should be measured against this strategy and these tactics.

Status

In terms of equipment and training the VC are better armed and led today than ever in the past.

VC infiltration continues from Laos and Cambodia.

No indication that the VC are experiencing any difficulty in replacing their losses in men and equipment.

No reason to believe the VC will risk their gains in an overt military confrontation with GVN forces, although they have a sizable force with considerable offensive capability in the central highlands.

GVN SITUATION

Political

The slow pace of the CI campaign and the weakness of his government has caused Khanh to use the March North theme to rally the homefront, and offset the war weariness.

US observers feel the symptoms of defeatism are more in the minds of the inexperienced and untried leadership in Saigon than in the people and the Army.

We may face mounting pressure from the GVN to win the war by direct attack on Hanoi which if resisted will cause local politicians to seriously consider negotiation or local soldiers to consider a military adventure without US consent.

For the present, the Khanh government has the necessary military support to stay in power.

It is estimated that Khanh has a 50/50 chance of lasting out the year.

The government is ineffective, beset by inexperienced ministers who are jealous and suspicious of each other.

Kanh does not have confidence or trust in most of his ministers and is not able to form them into a group with a common loyalty and purpose.

There is no one in sight to replace Khanh.

Khanh has, for the moment, allayed the friction between the Buddhists and Catholics.

Khanh has won the cooperation of the Hoa Hao and Cao Dai.

Khanh has responded to our suggestions for improved relations between GVN and US Mission.

The population is confused and apathetic.

Khanh has not succeeded in building active popular support in Saigon.

Population support in the countryside is directly proportionate to the degree of GVN protection.

There are grounds to conclude that no sophisticated psychological approach is necessary to attract the country people to the GVN at this time. The assurance of a reasonably secure life is all that is necessary.

The success of US attacks on North Vietnam, although furnishing a psychological lift to the GVN, may have whetted their appetite for further moves against the DRV . . .

Military

The regular and paramilitary personnel strengths are slowly rising and by January 1965 should reach 98% of the target strength of 446,000.

The RVNAF desertion rate has decreased to .572% or ½ the rate of last March.

Three VNAF squadrons of A–1H aircraft will be combat ready by 30 September 1964 and the fourth by 1 December 1964 with a two to one pilot to cockpit ratio.

The evaluation of RVNAF units reports the following number combat effective:

28 of 30 regiments.

100 of 101 infantry, marine and airborne battalions.

17 of 20 ranger battalions.

19 of 20 engineer battalions.

The principal defects are low present for duty strengths and weak leadership at the lower levels. Both are receiving corrective treatment.

Extensive intelligence programs are underway to improve our intelligence capability by the end of the year.

GVN OVERALL OBJECTIVE

Increase in percentage of population control represents progress toward stabilizing the in-country situation. Using July figures as a base, the following percentages should be attainable.

[In percent]

	Rural		Urban	
	July 31, 1964	Dec 31, 1964	July 31, 1964	Dec. 31, 1964
GVN control	33	40	44	47
VC control	20	16	18	14
Contested	47	44	42	39

US MISSION OBJECTIVES

Do everything possible to bolster the Khanh Government.

Improve the in-country pacification campaign against the VC.

Concentrating efforts on strategically important areas such as the provinces around Saigon (The Hop Tac Plan).

Undertake "show-window" social and economic projects in secure urban and rural areas.

Be prepared to implement contingency plans against North Vietnam with optimum readiness by January 1, 1965.

Keep the US public informed of what we are doing and why . . . .

PACIFIC COMMANDER'S EVALUATION OF WASHINGTON'S ACTION SCENARIO

(Excerpts from cablegram from Adm. U.S. Grant Sharp, commander of Pacific forces, to Joint Chiefs of Staff, "Next Courses of Action in Southeast Asia," Aug. 17, 1964.)

2. Recent U.S. military actions in Laos and North Vietnam demonstrated our intent to move toward our objectives. Our operations and progress in Laos constitute one step along the route. Our directness and rapidity of reaction in bombing North Vietnamese installations and deploying U.S. combat forces to Southeast Asia were others. Each step played a part. Their effect was to interrupt the continually improving Communist posture, catch the imagination of the Southeast Asian peoples, provide some lift to morale, however temporary, and force CHICOM/DRV assessment or reassessment of U.S. intentions. But these were only steps along the way. What we have not done and must do is make plain to Hanoi and Peiping the cost of pursuing their current objectives and impeding ours. As essential element of our military action in this course is to proceed in the development of our physical readiness posture: deploying troops, ships, aircraft, and logistic resources in a manner which accords a maximum freedom of action. This is the thrust we should continue to pursue, one which is intended to provide more than one feasible course for consideration as the changed and changing Southeast Asian situation develops. Remarks in the paragraphs which follow are submitted in light of this assesssment and with the view that pressures against the other side once instituted should not be relaxed by any actions or lack of them which would destroy the benefits of the rewarding steps previously taken in Laos and North Vietnam. . . .

3. Para I.

The proposed two weeks suspension of operations is not in consonance with desire to get the message to Hanoi and Peiping. Pierce Arrow showed both force and restraint. Further demonstration of restraint alone could easily be interpreted as period of second thoughts about Pierce Arrow and events leading thereto as well as sign of weakness and lack of resolve. Continuous and effective pressure should be implied to the Communists in both the PDJ and panhandle. Consequently, concur in continued RECCE of DRV, panhandle and PDJ. Concur in attempt to secure Phou Kout and continued T–28 and Triangle operations. Resumption of 34A actions and Desoto Patrols is considered appropriate. Each can be carefully conducted to avoid interference with the other. . . .

7. Para III A 1.

Concur that South Vietnam is current hot spot and main concern in S.E. Asia. RVN cannot be reviewed apart from S.E. Asia. It is merely an area in a large theater occupied by the same enemy. Action to produce significant results in terms of pressure on DRV and improvements of morale in RVN must entail risk. Temptation toward zero action and zero risk must be avoided. . . .

11. Para III C.

Concur with the thesis set forth that we make clear to all that military pressure will continue until we achieve our objectives. Our actions must keep the Communists apprehensive of what further steps we will take if they continue their aggression. In this regard, we have already taken the large initial step of putting U.S. combat forces into Southeast Asia. We must maintain this posture; to reduce it would have a dangerous impact on the morale and will of all people in Southeast Asia. And we must face up to the fact that these forces will be deployed for some time and to their need for protection from ground or air attack. RVN cannot provide necessary ground security without degraduation of the counterinsurgency effort and has little air defense capability. A conference to include Vietnam, before we have overcome the insurgency, would lose U.S. our allies in Southeast Asia and represent a defeat for the United States.

12. Para IV A 1

Knowledge of success of 34A operations would have a highly beneficial effect morale in the RVN. Suggest that these operations might be leaked to the press rather than overtly acknowledging them. 34A operations should be resumed to keep up external pressure on the DRV. . . .

20. In considering more serious pressure, we must recognize that immediate action is required to protect our present heavy military investment in RVN. We have introduced large amounts of expensive equipment into RVN and a successful attack against Bien Hoa, Tan Son Nhut, Danang, or an installation such as a radar or communication site would be a serious psychological defeat for U.S. MACV reports that inability of GVN to provide requisite degree of security and therefore we must rely on U.S. troops. MACV has requested troops for defense of the three locations mentioned above. My comments on this request are being transmitted by separate message. In addition to the above, consideration should be given to creating a U.S. base in RVN. A U.S. base in RVN would provide one more indication of our intent to remain in S.E. Asia until our objectives are achieved. It could also serve as a U.S. command point or control center in event of the chaos which might follow another coup. By an acknowledged concrete U.S. (as received) commitment, beyond the advisory effort, it informs the Communists that an overt attack on the RVN would be regarded as a threat to U.S. forces. Such a base should be accessible by air and sea, possessed of well developed facilities and installations, and located in an area from which U.S. operations could be launched effectively. Danang meets these criteria. . . .

22. In conclusion, our actions of August 5 have created a momentum which can lead to the attainment of our objectives in S.E. Asia. We have declared ourselves forcefully both by overt acts and by the clear readiness

to do more. It is most important that we not lose this momentum.

State Department Aide's Report on Actions Taken After Tonkin

(Part VIII, "Immediate Actions in the Period Prior to Decision," of an outline for Assistant Secretary Bundy, Nov. 7, 1964, Markings indicate that it was drafted by Deputy Assistant Secretary of State Marshall Green.)

The US, together with the RLG and GVN, are involved in a number of operations—34–A, Yankee Team, Recce, and RLAF T–28 ops—designed to warn and harass North Vietnam and to reduce enemy capabilities to utilize the Lao Panhandle for reinforcing the Vietcong in South Vietnam and to cope with PL/VM pressures in Laos. The US also has under consideration De Soto Patrols and Cross Border Ground Operations. The present status and outlook of these operations are described below, together with a checklist of outstanding problems relating to each of the field of operations.

In general the working group is agreed that our aim should be to maintain present signal strength and level of harassment, showing no signs of lessening of determination but also avoiding actions that would tend to prejudge the basic decision.

A. OPLAN 34–A

Although not all of Oplan 34–A was suspended after the first Tonkin Gulf incident, in effect little was accomplished during the remainder of August and the month of September. Several successful maritime and airborne operations have been conducted under the October schedule. A schedule for November is under discussion and will probably be approved November 7.

1. Maritime operations

Since the resumption of Marops under the October schedule, the following have been completed:

Recon L Day (Oct. 4) Probe to 12 miles of Vinh Sor.

Recon L + 2 (Oct. 10) Probe to 12 miles of Vinh Sor.

Loki IV L + 5 Junk capture failed 32 & 45 E L 8 (Oct. 28/29) Bombard Vin Son radar and Mui Dai observation post.

The following operation was refused approval:

44c L + 10 Demolition by frog men supported by fire team of bridge on Route 1.

Currently approved is:

34B L + 12 (Nov. 4, on) Bombardment of barracks on Hon Matt and Tiger Island.

The following maritime operations remain on the October schedule and presumably will appear on the November schedule along with some additional similar operations:

L + 13 Capture of prisoner by team from PTF.

L + 15 Junk capture.

L+19 Bombard Cap Mui Ron and Tiger Island.

L+25 Bombard Yen Phu and Sam Son radar.

L+28 Blow up Bridge Route 1 and bombard Cap Mui Dao.

L+30 Return any captives from L+1 15.

L+31 Bombard Hon Ne and Hon Me.

L+36 Blow up pier at Phuc Loi and bombard Hon Ngu.

L+38 Cut Hanoi-Vinh rail line.

L+41 Bombard Dong Hoi and Tiger Island.

L+24 Bombard Nightingale Island.

2. Airborne operations

Five teams and one singleton agent were in place at the beginning of October. Since then one of the teams has been resupplied and reinforced. The remaining four were scheduled to be resupplied and reinforced but weather prevented flights. These operations, plus the dropping of an additional team, will appear on the November schedule.

Two of the teams carried out successful actions during October. One demolished a bridge, the other ambushed a north Vietnamese patrol. Both teams suffered casualties, the latter sufficient to cast doubt on the wisdom of the action.

3. Psychological operations

Both black and white radio broadcasts have been made daily. Black broadcasts have averaged eight to ten hours weekly, white broadcasts sixty hours weekly.

Letters posted through Hong Kong have averaged about from 50 to 100 weekly.

During September and October only one leaflet delivery was made by air. This was done in conjunction with a resupply mission.

The November schedule will call for a large number of leaflet and deception operations.

Reconnaissance flights

An average of four flights per week have covered the bulk of Oplan 34–A targets.

Problems

1. Surfacing of Marops—The question of whether to surface Marops remains unresolved. While Washington has suggested this be done, General Khanh has been reluctant to do so. It is argued that surfacing the operations would enable the US to offer some protection to them; the counterargument postulates US involvement in North Vietnam and consequent escalation.

2. Security of Operations—The postponement of an operation, whether because of unfavorable weather or failure of Washington to approve at the last moment jeopardizes the operation. Isolation of teams presents hazards.

3. Base Security—After the Bien Hoa shelling some attention has been given to the security of the Danang base. Perimeter guard has been strengthened, but action remains to be taken for marine security, although a survey is underway.

4. Team welfare—In-place teams Bell and Easy have been in dire need of supplies for several weeks. Weather has prevented resupply, which will be attempted again during the November moon phase.

5. NVN Counteraction—The capability of the North Vietnamese against Marops has improved somewhat, although not yet sufficiently to frustrate these operations.

B. YANKEE TEAM OPERATIONS

For several months now the pattern of Yankee Team Operations has (words illegible) a two-week period and about ten flights during the same time interval (words illegible) for Panhandle coverage. Additionally, we have recently been authorized a maximum of two shallow penetration flights daily to give comprehensive detailed coverage of cross border penetration. We have also recently told MACV that we have a high priority requirement for night photo recce of key motorable routes in Laos. At present about 2 nights recce flights are flown along Route 7 areas within a two-week span.

YT supplies cap for certain T–28 corridor strikes. Cap aircraft are not authorized to participate in strike or to provide suppressive fire.

Pending questions include: (a) whether YT strikes should be made in support of RLAF T–28 corridor operations; (b) whether YT recce should be made of areas north of 20° parallel; (c) YT suppressive attacks against Route 7, especially Ban Ken Bridge; and (d) YT activity in event of large-scale ground offensive by PL (this issue has not arisen but undoubtedly would, should the PL undertake an offensive beyond the capabilities of Lao and sheep-dipped Thai to handle.)

C. T–28 OPERATIONS

There are now 27 T–28 (including three RT–28) aircraft in Laos, of which 22 are in operation. CINCPAC has taken action, in response to Ambassador Unger's request to build this inventory back up to 40 aircraft for which a pilot capability, including Thai, is present in Laos.

The T–28's are conducting the following operations:

1. General harassing activities against Pathet Lao military installations and movement, primarily in Xieng Khouang and Sam Neua Provinces. This also includes efforts to interdict Route 7.

2. Tactical support missions for Operation Anniversary Victory No. 2 (Saleumsay), the FAR-Meo clearing operation up Route 4 and north of Tha Thom.

3. Tactical support for Operation Victorious Arrow (Sone Sai), a FAR clearing operation in southern Laos.

4. Strikes on targets of opportunity, including in support of FAR defensive actions such as at Ban Khen northwest Thakhek.

5. Corridor interdiction program. The original targets under this program have been hit and plans are now underway to hit four additional targets (including in the Tehepone area), plus restriking some of the original 13 targets. Ambassador Unger has submitted for approval under this program 6 additional targets.

6. The Ambassador has been authorized to discuss with the RLAF RT–28 reconnaissance in northwest Laos along the area just north of and to the east and west of the line from Veng Phou Kha-Muong Sai.

In recent weeks the T–28's have been dropping a large number of surrender leaflets on many of their missions. These have already led, in some cases, to PL defections.

US participation in SAR operations for downed T–28's, is authorized.

We are faced by the following problems in connection with the T–28's:

1. Authority for Yankee Team aircraft to engage in suppressive strikes in the corridor area, in support of the T–28 strike program there, has not been given as yet.

2. Also withheld is authorization for YT suppressive fire attack on Ban Ken Bridge on Route 7.

3. We are investigating reports of greatly increased truck movement along Route 7 as well as enemy build-up of tanks and other equipment just across the border in NVN. Counteraction may be required involving attack on Ban Ken.

4. Thai involvement. Hanoi claims to have shot down a T–28 over DRV territory on August 18 and to have captured the Thai pilot flying the plane. Although the information the North Vietnamese have used in connection with this case seems to be accurate, it is not clear the pilot is alive and can be presented to the ICC. The possibility cannot be excluded, however, nor that other Thai pilots might be captured by the PL.

5. The DRV claims T–28's have violated North Vietnamese airspace and bombed/strafed NVM villages on August 1 and 2, and on October 16 and 17 and again on October 28. The charges are probably accurate with respect to the first two dates (along Route 7) and the last one (Mu Gia Pass area). The October 16 and 17 strikes were actually in disputed territory which was recognized by the 1954 Geneva Agreements as being in Laos.

6. The Pathet Lao has called to the attention of the ICC T–28 strikes in the corridor area and called for the ICC to stop them and inform the Co-Chairmen. The ICC has already agreed to investigate another PL charge concerning alleged US/SVN activities in the corridor area in violation of the Geneva Agreements.

D. DE SOTO PATROLS

Further DeSoto Patrols have been held in abeyance pending top-level decision. Ambassador Taylor (Saigon's 1378) sees no advantage in resuming DeSoto Patrols except for essential intelligence purposes. He believes we should tie our actions to Hanoi's support of Viet Cong, not to the defense of purely U.S. interests.

E. CROSS BORDER GROUND OPERATIONS

Earlier in the year several eight-man reconnaissance teams were parachuted into Laos as part of Operation Leaping Lena. All of these teams were located by the enemy and only four survivors returned to RVN. As a result of Leaping Lena, Cross Border Ground Operations have been carefully reviewed and COMUSMACV has stated that he believes no effective Cross Border Ground Operations can be implemented prior to January 1, 1965 at the earliest.

F. COVERT OPERATIONS IN LAOS

Consideration is being given to improving Hardnose (including greater Thai involvement) and getting Hardnose to operate more effectively in the corridor infiltration areas.

No change in status of Kha.

G. OTHER SENSITIVE INTELLIGENCE OPERATIONS

These include "Queen Bee", "Box Top", "Lucky Dragon" and "Blue Springs".

1964 Memo From the Joint Chiefs on September's Covert Raids

(Memorandum from Maj. Gen. Rollen H. Anthis, an Air Force aide to the Joint Chiefs of Staff, to Assistant Secretary of State Bundy and Assistant Secretary of Defense McNaughton, Aug. 27, 1964. The subject of the memorandum was given as "OPLAN 34A–September Schedule.")

1. Attached hereto is COMUSMACV'S proposed schedule of 34A actions for September.

2. All of the actions listed have either been specifically approved previously or are similar to such approved actions. For example, Action (3)(d) was specifically approved by consideration of JCSM–426–64 dated 19 May 1964, while Action (3)(b) is similar to a previously approved action against a security post.

3. The method of attack has been changed in some instances from destruction by infiltration of demolition teams to the concept of standoff bombardment from PTFs. These actions are so indicated in the attachment.

The proposed September 34A actions are as follows:

(1) INTELLIGENCE COLLECTION ACTION

(a) 1–30 September—Aerial photography to update selected targets along with pre and post-strike coverage of approved actions.

(b) 1–30 September—Two junk capture missions; remove captives for 36–48 hours interrogation; booby trap junk with anti-disturbance devices and release; captives returned after interrogation; timing depends upon sea conditions and current intelligence.

(2) PSYCHOLOGICAL OPERATIONS

(a) 1–30 September—In conjunction with approved overflights and maritime operations, delivery of propaganda leaflets, gift kits, and deception devices simulating resupply of phantom teams.

(b) 1–30 September—Approximately 200 letters of various propaganda themes sent through third country mail channels to North Vietnam.

(c) 1–30 September—Black Radio daily 30-minute programs repeated once, purports to be voice of dissident elements in North Vietnam.

(d) 1–30 September—White Radio broadcast of eight-and-one-half hours daily, propaganda "Voice of Freedom".

(3) MARITIME OPERATIONS

(a) 1–30 September—Demolition of Route 1 bridge by infiltrated team accompanied by fire support teams, place short-delay charges against spans and caissons, place antipersonnel mines on road approaches. (This bridge previously hit but now repaired).

(b) 1–30 September—Bombard Cape Mui Dao observation post with 81 MM mortars and 40 MM guns from two PTFs.

(c) 1–30 September—Demolition of another Route 1 bridge (see map), concept same as (3)(a) above.

(d) 1–30 September—Bombard Sam Son radar, same as (3)(b).

(e) 1–30 September—Bombard Tiger Island barracks, same as (3)(b).

(f) 1–30 September—Bombard Hon Ngu Island, same as (3)(b).

(g) 1–30 September—Bombard Hon Matt Island, same as (3)(b) and run concurrently with (3)(f).

(h) 1–30 September—Destruction of section of Hanoi-Vinh railroad by infiltrated demolition team supported by two VN marine squads, by rubber boats from PTF's, place short-delay charges and antipersonnel mines around area.

(i) 1–30 September—Bombard Hon Me Island in conjunction with (3)(a) above, concept same as (3)(b).

(j) 1–30 September—Bombard Cape Falaise gun positions in conjunction with (3)(h) above, concept same as (3)(b).

(k) 1–30 September—Bombard Cape Mui Ron in conjunction with junk capture mission, concept same as (3)(b). (4) Airborne Operations—Light-of-moon period 16–28 September.

(a) Four missions for resupply of inplace teams.

(b) Four missions for reinforcement of inplace teams.

(c) Four missions to airdrop new psyops/sabotage teams depending upon development of drop zone and target information. These are low-key propaganda and intelligence gathering teams with a capability for small-scale sabotage on order after locating suitable targets.

(5) Dates for actual launch of maritime and airborne operations are contingent upon the intelligence situation and weather conditions.

The Covert War

The Pentagon papers disclose that in this phase the United States had been mounting clandestine military attacks against North Vietnam and planning to obtain a Congressional resolution that the Administration regarded as the equivalent of a declaration of war. The papers make it clear that these far-reaching measures were not improvised in the heat of the Tonkin crisis.

When the Tonkin incident occurred, the Johnson Administration did not reveal these clandestine attacks, and pushed the previously prepared resolution through both houses of Congress on Aug. 7.

Within 72 hours, the Administration, drawing on a prepared plan, then secretly sent a Canadian emissary to Hanoi. He warned Premier Pham Van Dong that the resolution meant North Vietnam must halt the Communist-led insurgencies in South Vietnam and Laos or "suffer the consequences." [See text, Page 36.]

The section of the Pentagon study dealing with the internal debate, planning and action in the Johnson Administration from the beginning of 1964 to the August clashes between North Vietnamese PT boats and American destroyers—portrayed as a critical period when the groundwork was laid for the wider war that followed—also reveals that the covert military operations had become so extensive by August, 1964, that Thai pilots flying American T–28 fighter planes apparently bombed and strafed North Vietnamese villages near the Laotian border on Aug. 1 and 2.

Morever, it reports that the Administration was able to order retaliatory air strikes on less than six hours' notice during the Tonkin incident because planning had progressed so far that a list of targets was available for immediate choice. The target list had been drawn up in May, the study reports, along with a draft of the Congressional resolution—all as part of a proposed "scenario" that was to build toward openly acknowledged air attacks on North Vietnam.

Simultaneously, the papers reveal, Secretary McNamara and the Joint Chiefs of Staff also arranged for the deployment of air strike forces to Southeast Asia for the opening phases of the bombing campaign. Within hours of the retaliatory air strikes on Aug. 4 and three days before the passage of the Congressional resolution, the squadrons began their planned moves. [See text.]

PROGRESSIVELY ESCALATING PRESSURE

What the Pentagon papers call "an elaborate program of covert military operations against the state of North Vietnam" began on Feb. 1, 1964, under the code name Operation Plan 34A. President Johnson ordered the program, on the recommendation of Secretary McNamara, in the hope, held very faint by the intelligence community, that "progressively escalating pressure" from the clandestine attacks might eventually force Hanoi to order the Vietcong guerrillas and the Pathet Lao to halt their insurrections.

In a memorandum to the President on Dec. 21, 1963, after a two-day trip to Vietnam, Mr. McNamara remarked that the plans, drawn up by the Central Intelligence Agency station and the military command in Saigon, were "an excellent job."

"They present a wide variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk," Mr. McNamara wrote.

President Johnson, in this period, showed a preference for steps that would remain "noncommitting" to combat, the study found. But weakness in South Vietnam and Communist advances kept driving the planning process. This, in turn, caused the Saigon Government and American officials in Saigon to demand ever more action.

Through 1964, the 34A operations ranged from flights over North Vietnam by U–2 spy planes and kidnappings of North Vietnamese citizens for intelligence information, to parachuting sabotage and psychological-warfare teams into the North, commando raids from the sea to blow up rail and highway bridges and the bombardment of North Vietnamese coastal installations by PT boats.

These "destructive undertakings," as they were described in a report to the President on Jan. 2, 1964, from Maj. Gen. Victor H. Krulak of the Marine Corps, were designed "to result in substantial destruction, economic loss and harassment." The tempo and magnitude of the strikes were designed to rise in three phases through 1964 to "targets identified with North Vietnam's economic and industrial well-being."

The clandestine operations were directed for the President by Mr. McNamara through a section of the Joint Chiefs organization called the Office of the Special Assistant for Counterinsurgency and Special Activities. The study says that Mr. McNamara was kept regularly informed of planned and conducted raids by memorandums from General Krulak, who first held the position of special assistant, and then from Maj. Gen. Rollen H. Anthis of the Air Force, who succeeded him in February, 1964. The Joint Chiefs themselves periodically evaluated the operations for Mr. McNamara.

Secretary of State Dean Rusk was also informed, if in less detail.

The attacks were given "interagency clearance" in Washington, the study says, by coordinating them with the State Department and the Central Intelligence Agency, including advance monthly schedules of the raids from General Anthis.

The Pentagon account and the documents show that William P. Bundy, the Assistant Secretary of State for Far Eastern Affairs, and John T. McNaughton, head of the Pentagon's politico-military operations as the Assistant Secretary of Defense for International Security Affairs were the senior civilian officials who supervised the distribution of the schedules and the other aspects of interagency coordination for Mr. McNamara and Mr. Rusk.

The analyst notes that the 34A program differed in a significant respect from the relatively low-level and unsuccessful intelligence and sabotage operations that the C.I.A. had earlier been carrying out in North Vietnam.

The 34A attacks were a military effort under the control in Saigon of Gen. Paul D. Harkins, chief of the United States Military Assistance Command there. He ran them through a special branch of his command called the Studies and Observations Group. It drew up the advance monthly schedules for approval in Washington. Planning was done jointly with the South Vietnamese and it was they or "hired personnel," apparently Asian mercenaries, who performed the raids, but General Harkins was in charge.

The second major segment of the Administration's covert war against North Vietnam consisted of air operations in Laos. A force of propeller-driven T-28 fighter-bombers, varying from about 25 to 40 aircraft, had been organized there. The planes bore Laotian Air Force markings, but only some belonged to that air force. The rest were manned by pilots of Air America (a pseudo-private airline run by the C.I.A.) and by Thai pilots under the control of Ambassador Leonard Unger. [See text]

AID FOR THE BOMBING RAIDS

Reconnaissance flights by regular United States Air Force and Navy jets, code-named Yankee Team, gathered photographic intelligence for bombing raids by the T-28's against North Vietnamese and Pathet Lao troops in Laos.

The Johnson Administration gradually stepped up these air operations in Laos through the spring and summer of 1964 in what became a kind of preview of the bombing of the North. The escalation occurred both because of ground advances by the North Vietnamese and the Pathet Lao and because of the Administration's desire to bring more military pressure against North Vietnam.

As the intensity of the T-28 strikes rose, they crept closer to the North Vietnamese border. The United States Yankee Team jets moved from high-altitude reconnaissance at the beginning of the year to low-altitude reconnaissance in May. In June, armed escort jets were added to the reconnaissance missions. The escort jets began to bomb and strafe North Vietnamese and Pathet Lao troops and installations whenever the reconnaissance planes were fired upon.

The destroyer patrols in the Gulf of Tonkin, code-named De Soto patrols, were the third element in the covert military pressures against North Vietnam. While the purpose of the patrols was mainly psychological, as a show of force, the destroyers collected the kind of intelligence on North Vietnamese warning radars and coastal defenses that would be useful to 34A raiding parties or, in the event of a bombing campaign, to pilots. The first patrol was conducted by the destroyer Craig without incident in February and March, in the early days of the 34A operations.

SEPARATE CHAIN OF COMMAND

The analyst states that before the August Tonkin incident there was no attempt to involve the destroyers with the 34A attacks or to use the ships as bait for North Vietnamese retaliation. The patrols were run through a separate naval chain of command.

Although the highest levels of the Administration sent the destroyers into the gulf while the 34A raids were taking place, the Pentagon study, as part of its argument that a deliberate provocation was not intended, in effect says that the Administration did not believe that the North Vietnamese would dare to attack the ships.

But the study makes it clear that the physical presence of the destroyers provided the elements for the Tonkin clash. And immediately after the reprisal air strikes, the Joint Chiefs of Staff and Assistant Secretary of Defense McNaughton put forward a "provocation strategy" proposing to repeat the clash as a pretext for bombing the North.

Of the three elements of the covert war, the analyst cites the 34A raids as the most important. The "unequivocal" American responsibility for them "carried with it an implicit symbolic and psychological intensification of the U.S. commitment," he writes. "A firebreak had been crossed."

The fact that the intelligence community and even the Joint Chiefs also gave the program little chance of compelling Hanoi to stop the Vietcong and the Pathet Lao, he asserts, meant that "a demand for more was stimulated and an expectation of more was aroused."

WARNING BY THE JOINT CHIEFS

On Jan. 22, 1964, a week before the 34A raids started, the Joint Chiefs warned Mr. McNamara in a memorandum signed by the Chairman, Gen. Maxwell D. Taylor, that while "we are wholly in favor of executing the covert actions against North Vietnam . . . it would be idle to conclude that these efforts will have a decisive effect" on Hanoi's will to support the Vietcong.

The Joint Chiefs said the Administration "must make ready to conduct increasingly bolder actions," including "aerial bombing of key North Vietnam targets, using United States resources under Vietnamese cover," sending American ground troops to South Vietnam and employing "United States forces as necessary in direct actions against North Vietnam."

And after a White House strategy meeting on Feb. 20, President Johnson ordered that "contingency planning for pressures against North Vietnam should be speeded up."

"Particular attention should be given to shaping such pressures so as to produce the maximum credible deterrent effect on Hanoi," the order said.

The impelling force behind the Administration's desire to step up the action during this period was its recognition of the steady deterioration in the positions of the pro-American government in Laos and South Vietnam, and the corresponding weakening of the United States hold on both countries. North Vietnamese and Pathet Lao advances in Laos were seen as having a direct impact on the morale of the anti-Communist forces in South Vietnam, the central American concern.

This deterioration was also concealed from Congress and the public as much as possible to provide the Administration with maximum flexibility to determine its moves as it chose from behind the scenes.

'THE ROOT OF THE PROBLEM'

The United States found itself particularly unable to cope with the Vietcong insurgency, first through the Saigon military regime of Gen. Duong Van Minh and later through that of Gen. Nguyen Khanh, who seized power in a coup d'etat on Jan. 30, 1964. Accordingly, attention focused more and more on North Vietnam as "the root of the problem," in the words of the Joint Chiefs.

Walt W. Rostow, the dominant intellectual of the Administration, had given currency to this idea and provided the theoretical framework for escalation. His concept, first enunciated in a speech at Fort Bragg, N.C., in 1961, was that a revolution could be dried up by cutting off external sources of support and supply.

Where North Vietnam was concerned, Mr. Rostow had evolved another theory—that a credible threat to bomb the industry Hanoi had so painstakingly constructed out of the ruins of the French Indochina War would be enough to frighten the country's leaders into ordering the Vietcong to halt their activities in the South.

In a memorandum on Feb. 13, 1964, Mr. Rostow told Secretary of State Rusk that President Ho Chi Minh "has an industrial complex to protect: he is no longer a guerrilla fighter with nothing to lose."

The Administration was firmly convinced from interceptions of radio traffic between North Vietnam and the guerrillas in the South that Hanoi controlled and directed the Vietcong. Intelligence analyses of the time stated, however, that "the primary sources of Communist strength in South Vietnam are indigenous," arising out of the revolutionary social aims of the Communists and their identification with the nationalist cause during the independence struggle against France in the nineteen-fifties.

The study shows that President Johnson and most of his key advisers would not accept this intelligence analysis that bombing the North would have no lasting effect on the situation in the South, although there was division—even among those who favored a bombing campaign if necessary—over the extent to which Vietcong fortunes were dependent on the infiltration of men and arms from North Vietnam.

William Bundy and Mr. Rusk mentioned on several occasions the need to obtain more evidence of this infiltration to build a case publicly for stronger actions against North Vietnam.

Focus Turns to Bombing

As the Vietcong rebellion gathered strength, so did interest in bombing the North as a substitute for successful prosecution of the counterinsurgency campaign in the South, or at least as an effort to force Hanoi to reduce guerrilla activity to a level where the feeble Saigon Government could handle it.

This progression in Administration thinking was reflected in Mr. McNamara's reports to President Johnson after the Secretary's trips to Vietnam in December and March.

In his December memorandum recommending initiation of the covert 34A raids, Mr. McNamara painted a "gloomy picture" of South Vietnam with the Vietcong controlling most of the rice and population heartland of the Mekong Delta south and west of Saigon. "We should watch the situation very carefully," he concluded, "running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement."

Then, in his memorandum of March 16 on his latest trip, Mr. McNamara reported that "the situation has unquestionably been growing worse" and recommended military planning for two programs of "new and significant pressures upon North Vietnam."

The first, to be launched on 72 hours' notice, was described as "Border Control and Retaliatory Actions." These would include assaults by Saigon's army against infiltration routes along the Ho Chi Minh Trail network of supply lines through southeastern Laos, "hot pursuit" of the guerrillas into Cambodia, "retaliatory bombing strikes" into North Vietnam by the South Vietnamese Air Force "on a tit-for-tat basis" in response to guerrilla attacks, and "aerial mining . . . (possibly with United States assistance) of the major . . . ports in North Vietnam." The words in parentheses are Mr. McNamara's.

BEYOND A TIT-FOR-TAT BASIS

The second program, called "Graduated Overt Military Pressure," was to be readied to begin on 30 days' notice. "This program would go beyond reacting on a tit-for-tat basis," Mr. McNamara told the President. "It would include air attacks against military and possibly industrial targets." The raids would be carried out by Saigon's air force and by an American air commando squadron code-named Farmgate, then operating in South Vietnam with planes carrying South Vietnamese markings. To conduct the air strikes, they would be reinforced by three squadrons of United States Air Force B–57 jet bombers flown in from Japan.

President Johnson approved Mr. McNamara's recommendations at a National Security Council meeting on March 17, 1964, directing that planning "proceeds energetically."

Mr. McNamara had advocated trying a number of measures to improve the Saigon Government's performance first, before resorting to overt escalation. "There would be the problem of marshaling the case to justify such action, the problem of Communist escalation and the problem of dealing with pressures for premature or 'stacked' negotiations," he remarked in his March memorandum.

His description of negotiations echoed a belief in the Administration that the Government of General Khan was incapable of competing politically with the Communists. Therefore, any attempt to negotiate a compromise political settlement of the war between the Vietnamese themselves was to be avoided because it would result in a Communist take-over and the destruction of the American position in South Vietnam.

Similarly, any internal accommodation between the opposing Vietnamese forces under the vague "neutralization" formula for Vietnam that had been proposed by President Charles de Gaulle of France that June was seen as tantamount to the same thing, a Communist victory. In his March memorandum, Mr. McNamara mentioned the dangerous growth of "neutralist sentiment" in Saigon and the possibility of a coup by neutralist forces who might form a coalition government with the Communists and invite the United States to leave.

A "SOLUTION" IN DISFAVOR

William Bundy would later refer to this possibility as a "Vietnam solution" that must be prevented.

In a glimpse into the President's thoughts at this time, the study shows he was concerned with the problem. Mr. Johnson told Ambassador Henry Cabot Lodge in a cablegram to Saigon on March 20, 1964, that he was intent on "knocking down the idea of neutralization wherever it rears its ugly head, and on this point I think nothing is more important than to stop neutralist talk wherever we can by whatever means we can." [See text.]

Mr. Lodge was opposed to planning for "massive destruction actions" before trying what he described as "an essentially diplomatic carrot and stick approach, backed by covert military means".

This plan, which Mr. Lodge had been proposing since the previous October, involved sending a secret non-American envoy to Hanoi with an offer of economic aid, such as food imports to relieve the rice shortages in North Vietnam, in return for calling off the Vietcong. If the North Vietnamese did not respond favorably, the stick—unpublicized and unacknowledged air strikes, apparently with unmarked planes—would be applied until they did.

The President's message of March 20 shared Mr. Lodge's opinion that it was still too early for open assaults on the North.

"As we agreed in our previous messages to each other," Mr. Johnson cabled, "judgment is reserved for the present on overt military action in view of the consensus from Saigon conversations of McNamara mission with General Khanh and you on judgment that movement against the North at the present would be premature. We . . . share General Khanh's judgment that the immediate and essential task is to strengthen the southern base. For this reason, our planning for action against the North is on a contingency basis at present, and immediate problem in this area is to develop the strongest possible military and political base for possible later action."

Mr. Johnson added that the Administration also expected a "showdown" soon in the Chinese-Soviet dispute "and action against the North will be more practicable" then.

PUSHING, YET HESITATING

This and the other sporadic insights the study gives into Mr. Johnson's thoughts and motivations during these months leading up to the Tonkin Gulf incident in August indicate a President who was, on the one hand, pushing his Administration to plan energetically for escalation while, on the other, continually hesitating to translate these plans into military action.

The glimpses are of a Chief Executive who was determined to achieve the goal of an independent, non-Communist South Vietnam" he had enunciated in a national security action memorandum in March, yet who was holding back on action to achieve that goal until he believed they were absolutely necessary.

Above all, the narrative indicates a President who was carefully calculating international and domestic political conditions before making any of his moves in public.

By the latter half of April, 1964, accordingly, planning for further attacks against the North had matured sufficiently through several scenarios for Secretary Rusk, William Bundy and Gen. Earle G. Wheeler, the Army Chief of Staff, to review the plans with Ambassador Lodge at a Saigon strategy meeting on April 19 and 20.

The scenario envisioned escalation in three stages from intensification of the current clandestine 34A raids, to "covert U.S. support of overt . . . aerial mining and air strike operations" by Saigon to "overt joint . . . aerial reconnaissance, naval displays, naval bombardments and air attacks" by the United States and South Vietnam.

The analyst does not mention any provision in the April planning scenario for a Congressional resolution that would constitute authority to wage war; he refers instead to "Presidential consultations with key Congressional leaders." But the idea of a resolution was already current by then. The author reports its first emergence in discussions in the State Department in mid-February, 1964, "on the desirability of the President's requesting a Congressional resolution, drawing a line at the borders of South Vietnam." He cites a Feb. 13 letter to Secretary Rusk to this effect from Mr. Rostow, then chairman of the State Department's Policy Planning Council.

At the April Saigon meeting and in the weeks immediately afterward, the author says, "a deliberate, cautious pacing of our actions" prevailed over a near-term escalation approach being pressed by the Joint Chiefs and Mr. Rostow.

One reason for this, the study explains, was that the Administration recognized that it "lacked adequate information concerning the nature and magnitude" of infiltration of trained guerrilla leaders and arms from the North and was beginning a major effort to try to gather enough concrete evidence to justify escalation if this became necessary.

ROSTOW PLEA FOR CLARIFICATION

"For example," the study reports, "citing the 'lack of clarity' on the 'role of external intrusion' in South Vietnam, [chairman of the interagency Vietnam coordinating committee] on the eve of [a] March visit to attempt to 'come back from Saigon with as lucid and agreed a picture' as possible on the extent of the infiltration and its influence on the Vietcong."

The direct outcome of Mr. Rusk's April visit to Saigon was his agreement to try Ambassador Lodge's carrot-and-stick approach. On April 30, 1964, the Secretary flew to Ottawa and arranged with the Canadian Government for J. Blair Seaborn, Canada's new representative on the International Control Commission, to convey the offer of United States economic aid to Premier Dong when Mr. Seaborn visited Hanoi in June.

On May 4 General Khanh, sensing a decline in his fortunes and beginning to abandon the idea of strengthening his government to the point where it could defeat the Vietcong in the South, told Ambassador Lodge that he wanted to declare war quickly on North Vietnam, have the United States start bombing and send 10,000 Special Forces troops of the United States Army into the South "to cover the whole Cambodian-Laotian border." Mr. Lodge deflected the suggestions.

Secretary McNamara, on a visit to Saigon May 13, was instructed to tell General Khanh that while the United States did not "rule out" bombing the North, "such actions must be supplementary to and not a substitute for successful counter-insurgency in the South" and that "we do not intend to provide military support nor undertake the military objective of 'rolling back' Communist control in North Vietnam."

But on May 17, when the Pathlet Lao launched an offensive on the Plaine des Jarres that threatened to collapse the pro-American Government of Premier Souvanna Phouma and with it "the political underpinning of United States-Laotian policy," the study declares, this "deliberate, cautious approach" to escalation planning was suddenly thrown into "crisis management."

The Administration immediately turned the Laotian air operations up a notch by intensifying the T–28 strikes and, on May 21, by starting low-altitude target reconnaissance by United States Navy and Air Force jets over areas held by the Pathet Lao and the North Vietnamese.

In Washington, the chief planner, William Bundy, assisted by Mr. McNaughton and Mr. Sullivan, worked up a 30-day program culminating in full-scale bombing of the North. He submitted it as a formal draft Presidential memorandum for consideration by an executive committee of the National Security Council.

For a number of reasons, this May 23 scenario was never carried out as written. The President, in fact, delayed another nine months the scenario's denouement in an air war.

But the document is important because it reveals how far the Administration had progressed in its planning by this point and because a number of the steps in the scenario were carried out piece-meal through June and July and then very rapidly under the political climate of the Tonkin Gulf clash.

For the military side of the scenario, the President's order of March 17 to plan for retaliatory air strikes on 72 hours' notice and for full-scale air raids on 30 days' notice had borne fruit in Operation Plan 37–64.

This plan had been prepared in the Honolulu headquarters of Adm. Harry D. Felt, commander in chief of Pacific forces, or CINCPAC, and had been approved by the Joint Chiefs on April 17. It tabulated how many planes and what bomb tonnages would be required for each phase of the strikes, listed the targets in North Vietnam with damage to be achieved, and programed the necessary positioning of air forces for the raids. A follow-up operation plan, designated 32–64, calculated the possible reactions of China and North Vietnam and the American ground forces that might be necessary to meet them.

The Joint Staff had refined the bombing plan with more target studies. These estimated that an initial category of targets associated with infiltration, such as bridges and depots of ammunition and petroleum, could be destroyed in only 12 days if all the air power in the western Pacific were used.

For the political side of the scenario, recommendations from William Bundy and Mr. Rusk had produced more evidence of infiltration by the North for public release to justify escalation. William J. Jorden, a former correspondent of The New York Times who had become a State Department official, had gone to South Vietnam and had pulled together the data available there for a possible new State Department white paper.

PENTAGON VERSION OF SCENARIO

Here is the scenario as the Pentagon analyst quotes it. The words in parentheses—and the numbers designating the length of time to "D-day"—were in the original scenario and the words in brackets were inserted by the analyst for clarification:

"1. Stall off any 'conference [Laos or] Vietnam until D-Day.'

"2. Intermediary (Canadian?) tell North Vietnam in general terms that U.S. does not want to destroy the North Vietnam regime (and indeed is willing 'to provide a carrot') but is determined to protect South Vietnam from North Vietnam.

"3. (D–30) Presidential speech in general terms launching Joint Resolution.

"4. (D–20) Obtain joint resolution approving past actions and authorizing whatever is necessary with respect to Vietnam.

"Concurrently: An effort should be made to strengthen the posture in South Vietnam. Integrating (interlarding in a single chain of command) the South Vietnamese and U.S. military and civilian elements critical to pacification, down at least to the district level, might be undertaken.

"5. (D–16) Direct CINCPAC to take all prepositioning and logistic actions that can be taken 'quietly' for the D-Day forces . . .

"6. (D–15) Get Khanh's agreement to start overt South Vietnamese air attacks against targets in the North (see D-Day item 15 below), and inform him of U.S. guarantee to protect South Vietnam in the event of North Vietnamese and/or Chinese retaliation.

"7. (D–14) Consult with Thailand and the Philippines to get permission for U.S. deployments; and consult with them plus U.K., Australia, New Zealand and Pakistan, asking for their open political support for the undertaking and for their participation in the re-enforcing action to be undertaken in anticipation of North Vietnamese and/or Chinese retaliation.

"8. (D–13) Release an expanded 'Jordan Report,' including recent photography and evidence of the communication nets, giving full documentation of North Vietnamese supply and direction of the Vietcong.

"9. (D–12) Direct CINCPAC to begin moving forces and making specific plans on the assumption that strikes will be made on D-Day (see Attachment B* in backup materials for deployments).

"10. (D–10) Khanh makes speech demanding that North Vietnam stop aggression, threatening unspecified military action if he does not. (He could refer to a 'carrot.')

"11. (D–3) Discussions with allies not covered in Item above.

"12. (D–3) President informs U.S. public (and thereby North Vietnam) that action may come, referring to Khanh speech (Item 10 above) and declaring support for South Vietnam.

"13. (D–1) Khanh announces that all efforts have failed and that attacks are imminent. (Again he refers to limited goal and possibly to 'carrot.')

"14. (D-Day) Recome U.S. dependents.

"15. (D-Day) Launch first strikes. . . . Initially, mine their ports and strike North Vietnam's transport and related ability (bridge, trains) to move south; and then against targets which have maximum psychological effect on the North's willingness to stop insurgency—POL (petroleum, oil and lubricants) storage, selected airfields, barracks/training areas, bridges, railroad yards, port facilities, communications, and industries. Initially, these strikes would be by South Vietnamese aircraft; they could then be expanded by adding Farmgate, or U.S. aircraft, or any combination of them.

"16 (D-Day) Call for conference on Vietnam (and go to U.N.). State the limited objective: Not to overthrow the North Vietnam regime nor to destroy the country, but to stop D.R.V.-directed efforts in the South. Essential that it be made clear that attacks on the North will continue (i.e., no cease-fire) until (a) terrorism, armed attacks, and armed resistance to pacification efforts in the South stop, and (b) communications on the networks out of the North are conducted entirely in uncoded form."

THE ANALYST'S DEFINITION

The last paragraph was to provide a capsule definition of what the Administration meant when it later spoke publicly about "negotiations," a definition the analyst describes as "tantamount to unconditional surrender" for the other side.

The covering memorandum on the scenario pointed out that military action would not begin until after "favorable action" on the joint Congressional resolution. William Bundy drafted the resolution May 25.

Attached to the scenario were assessments of possible Soviet, Chinese and North Vietnamese reactions. These included a provision for reinforcing the South Vietnamese Army "by U.S. ground forces prepositioned in South Vietnam or on board ship nearby" if Hanoi reacted by intensifying Vietcong activity in the South.

After meetings on May 24 and 25, the Executive Committee of the National Security Council—including Secretaries Rusk and McNamara, John A. McCone, Director of Central Intelligence, and McGeorge Bundy, Presidential assistant for national security—decided to recommend to the President only piecemeal elements of the scenario. Among these were the sending of the Canadian emissary to Hanoi and the move for a joint Congressional resolution.

The documents do not provide a clear explanation for their decision, the analyst says, although an important factor seems to have been concern that "our limited objectives might have been obscured" if the Administration had begun a chain of actions to step up the war at this point.

Whether political considerations in an election year also prompted the President to limit the proposed escalation is a question that is not addressed by the study here. The narrative does attribute such motives to Mr. Johnson's similar hesitation to take major overt actions in the following month, June.

In any case, the account explains, the urgency was taken out of the Laos crisis by a Polish diplomatic initiative on May 27 for a new Laos conference that would not include discussions of Vietnam, a major fear of the Administration. The President instructed his senior advisers to convene another strategy conference in Honolulu at the beginning of June "to review for . . . final approval a series of plans for effective action."

On his way to the conference, after attending the funeral of Prime Minister Jawaharlal Nehru in New Delhi, Secretary Rusk stopped off in Saigon for conversations with General Khanh and Ambassador Lodge.

The Ambassador and Gen. William C. Westmoreland, who was replacing General Harkins as chief of the Military Assistance Command in Saigon, flew to Honolulu with Secretary Rusk for the strategy session at Admiral Felt's headquarters there on June 1 and 2, 1964. They were joined by William Bundy, Mr. McNamara, General Taylor, Mr. McCone and Mr. Sullivan.

While he had previously counseled patience, Mr. Lodge's chief recommendation at Honolulu reflected his growing nervousness over the shakiness of the Saigon regime. He argued for bombing the North soon.

The analyst writes: "In answer to Secretary Rusk's query about South Vietnamese popular attitudes, which supported Hanoi's revolutionary aims, the Ambassador stated his conviction that most support for the VC would fade as soon as some 'counterterrorism measures' were begun against the D.R.V."—the Democratic Republic of (North) Vietnam.

Admiral Felt's record of the first day's session quotes Mr. Lodge as predicting that "a selective bombing campaign against military targets in the North" would "bolster morale and give the population in the South a feeling of unity."

The Honolulu discussions concentrated on an air war, ranging over its entire implications, down to such details as the kind of antiaircraft guns North Vietnam had and how difficult these defenses might make attacks on particular targets. By now the Joint Chiefs had improved on Admiral Felt's Operation Plan 37–64 to the point of producing the first version of a comprehensive list of 94 targets, from bridges to industries, that Mr. McNamara and President Johnson would use to select the actual sites to be struck when sustained air raids began in the coming year.

Obtaining a Congressional resolution "prior to wider U. S. action in Southeast Asia" was a major topic. The analyst paraphrases and quotes from William Bundy's memorandum of record on the second day's talks to summarize the discussion concerning the resolution:

"Ambassador Lodge questioned the need for it if we were to confine our actions to 'tit-for-tat' air attacks against North Vietnam. However, Secretaries McNamara and Rusk and C.I.A. Director McCone all argued in favor of the resolution. In support, McNamara pointed to the need to guarantee South Vietnam's defense against retaliatory air attacks and against more drastic reactions by North Vietnam and Communist China. He added that it might be necessary, as the action unfolded . . . to deploy as many as seven divisions. Rusk noted that some of the military requirements might involve the calling up of reserves, always a touchy Congressional issue. He also stated that public opinion on our Southeast Asia policy was badly divided in the United States at the moment and that, therefore, the President needed an affirmation of support."

"General Taylor noted that there was a danger of reasoning ourselves into inaction," the memorandum goes on. "From a military point of view, he said the U.S. could function in Southeast Asia about as well as anywhere in the world except Cuba."

MORE TIME FOR ESTIMATES

The upshot of the conference, however, was that major actions "should be delayed for some time yet," the historian says. A separate briefing paper that William Bundy prepared for Secretary Rusk to use in communicating the conference's findings to the President at a White House meeting late on the afternoon of June 3 counseled more time "to refine our plans and estimates." Mr. Bundy emphasized the need for an "urgent" public relations campaign at home to "get at the basic doubts of the value of Southeast Asia and the importance of our stake there."

Secretary McNamara, General Taylor and Mr. McCone joined Secretary Rusk in making the June 3 report to the President on the Honolulu conference. A documentary record of this White House meeting is not available, but the study deduces the President's reaction and decisions from the subsequent actions taken by his senior advisers.

Where decisive military actions were concerned, "the President apparently recognized the need for more and better information, but did not convey a sense of urgency regarding its acquisition," the analyst says. He notes that on the same day as the White House meeting, "possibly just following," Secretary McNamara told the Joint Chiefs that he wanted to meet with them on June 8, five days later, "to discuss North Vietnamese targets and troop movement capabilities."

But one element of the May 23 scenario, the positioning of forces for later action, began to fall into place right after the White House meeting. The Pentagon study says that "noncommitting military actions . . . were given immediate approval."

On June 4 Mr. McNamara directed the Army to take "immediate action . . . to improve the effectiveness and readiness status of its materiel prestocked for possible use in Southeast Asia."

The Secretary's directive specifically ordered the Army to augment stocks previously placed with Thailand's agreement at Korat, a town south of the Laotian border, to support potential combat operations by a United States Army infantry brigade and to give "first priority at the Okinawa Army Forward Depot to stocking non-air-transportable equipment" that would be required by another Army infantry brigade flown to the island staging base on sudden notice.

The President also "apparently encouraged" the intensified public-relations campaign recommended by William Bundy and the other Honolulu conference participants, the study asserts.

"In June, State and Defense Department sources made repeated leaks to the press affirming U.S. intentions to support its allies and uphold its treaty commitments in Southeast Asia," the analyst explains, citing several articles that month in The New York Times. The Administration also focused publicity through June and into July on its military prepositioning moves. The augmentation of the Army war stocks at Korat in Thailand was given "extensive press coverage," the account says, citing a dispatch in The Times on June 21, 1964.

And what the analyst calls "the broad purpose of these positioning moves—to serve as steps in the operation plans—was not explained to the public.

DOWNING OF TWO NAVY JETS

The Administration did openly step up its air operations in Laos in mid-June, after the enemy provided it with a rationale of self-defense. On June 6 and 7 two Navy jets on low-altitude target reconnaissance flights were shot down by enemy ground fire. Washington immediately added armed escort jets to the reconnaissance flights and on June 9 the escort jets struck Pathet Lao gun positions and attacked a Pathet Lao headquarters.

A similar escalation of the T-28 operations and the involvement of Thai pilots was unofficially acknowledged in Washington, although the responsibility for these operations was laid to the Laotian Government. And subsequent strikes by the American escort jets against enemy positions were not made public.

At the end of June the Royal Laotian Air Force was secretly strengthened with more T-28's, and American planes began conducting troop transport operations and night reconnaissance flights for a successful counteroffensive by the Laotian Army to protect the key position of Muong Soui.

HIGHLIGHTS OF TONKIN PERIOD

Here, in chronological sequence, are highlights of the period covered in this article:

FEBRUARY, 1964

Start of Operation Plan 34A program of clandestine military operations against North Vietnam;

MARCH, 1964

Plans for "new and significant pressures on North Vietnam" urged by Mr. McNamara on return from Vietnam since new Government of Gen. Nguyen Khanh considered unable to improve South Vietnam outlook.

President Johnson approves; cables Henry Cabot Lodge, United States Ambassador in Saigon, that "our planning for action against the North is on a contingency basis at the present."

APRIL, 1964

Scenarios for escalation reviewed in Saigon by Mr. Lodge, William P. Bundy, Dean Rusk, Gen. Earle G. Wheeler. Plans cover details of stepping up United States military involvement to conform with Administration conviction that Hanoi controls Vietcong. Extent of Hanoi's involvement should be "proven to the satisfaction of our own public of our allies and of the neutralists," according to Mr. Rusk.

List of 94 potential targets for bombing in North drawn up by Joint Chiefs.

MAY, 1964

General Khanh asks United States attacks on the North, tells Mr. Lodge Saigon wants to declare war on North Vietnam. Mr. McNamara does not "rule out" possibility of bombing, but stresses "such actions must be supplementary to and not a substitute for" success against Vietcong in South. Mr. Lodge cables Mr. Rusk that United States cannot "expect a much better performance" from Saigon Government "unless something" in the way of United States action is forthcoming."

William Bundy sends President 30-day scenario for graduated military pressure against the North that would culminate in full-scale bombing attacks. Includes joint Congressional resolution "authorizing whatever is necessary with respect to Vietnam."

JUNE, 1964

Honolulu strategy meeting. Ambassador Lodge urges "a selective bombing campaign against military targets in the North" to bolster shaky morale in South. He questions need for Congressional resolution; Mr. Rusk, Mr. McNamara, John McCone of C.I.A., support it.

Preparatory military deployments under way in Southeast Asia.

J. Blair Seaborn, Canadian diplomat, meets secretly in Hanoi with Pham Van Dong, North Vietnam's Premier, warns of "the greatest devastation" that would result from escalation by North Vietnam.

President resists pressure to ask for Congressional resolution immediately and to step up the war effort.

Mr. Johnson queries C.I.A. on "domino theory." Agency replies only Cambodia is likely to "quickly succumb to Communism" if Laos and South Vietnam fall, but says U.S. prestige would be damaged.

JULY, 1964

General Khanh announces "March North" propaganda campaign.

South Vietnamese naval commandos raid two North Vietnamese islands in Gulf of Tonkin. Part of "growing operational capabilities" of 34A program, the pentagon study says.

AUGUST 1964

Destroyer Maddox, on Gulf of Tonkin intelligence patrol, attacked by North Vietnamese raiders. Joined by the C. Turner Joy, attacked again by torpedo boats, history reports.

Less than 12 hours after news of second attack reaches Washington, bombers on way to North Vietnam on reprisal raiders from carrier.

Tonkin Gulf resolution, drafted by Administration, introduced. Administration officials testify; Mr. McNamara disclaims knowledge South Vietnamese attacks on islands. Resolution passes.

What study calls "an important threshold in the war"—U.S. reprisal air strikes against North—crossed with "virtually no domestic criticism."

FIRMNESS, BUT RESTRAINT

President Johnson was projecting an image of firmness but moderation, the study notes. In early June, he first requested and then rejected a draft from Mr. Rostow for a major policy speech on Southeast Asia that took an "aggressive approach," and instead relied "on news conferences and speeches by other officials to state the official view," the account continues. "In contrast to the Rostow approach, [the President's] news conference on 23 June and Secretary Rusk's speech at Williams College, 14 June, emphasized the U.S. determination to support its Southeast Asian allies, but avoided any direct challenge to Hanoi and Peking or any hint of intent to increase our military commitment."

A formal question the President submitted to the C.I.A. in June also indicated what was on his mind. "Would the rest of Southeast Asia necessarily fall if Laos and South Vietnam came under North Vietnamese control?" he asked. The agency's reply on June 9 challenged the domino theory, widely believed in one form or another within the Administration.

"With the possible exception of Cambodia," the C.I.A. memorandum said, "it is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore, a continuation of the spread of Communism in the area would not be inexorable, and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

The C.I.A. analysis conceded that the loss of South Vietnam and Laos "would be profoundly damaging to the U.S. position in the Far East" and would raise the prestige of China "as a leader of world Communism" at the expense of a more moderate Soviet Union. But the analysis argued that so long as the United States could retain its island bases, such as those on Okinawa, Guam, the Philippines and Japan, it could wield enough military power in Asia to deter China and North Vietnam from overt military aggression against Southeast Asia in general.

SOME LEVERAGE AVAILABLE

Even in the "worst case," if South Vietnam and Laos were to fall through "a clear-cut Communist victory," the United States would still retain some leverage to affect the final outcome in Southeast Asia, according to the analysis.

It said that "the extent to which individual countries would move away from the U.S. towards the Communists would be significantly affected by the substance and manner of U.S. policy in the period following the loss of Laos and South Vietnam."

As in the case of the earlier C.I.A. analysis stating that the real roots of Vietcong strength lay in South Vietnam, the study shows that the President and his senior officials were not inclined to adjust policy along the lines of this analysis challenging the domino theory.

Only the Joint Chiefs, Mr. Rostow and General Taylor appear to have accepted the domino theory in its literal sense—that all of the countries of Southeast Asia, from Cambodia to Malaysia, would tumble automatically into the Communist camp if the linchpin, South Vietnam, were knocked out, and that the United States position in the rest of the Far East, from Indonesia through the Philippines to Japan and Korea, would also be irrevocably harmed.

Yet the President and most of his closet civilian advisers—Mr. Rusk, Mr. McNamara and McGeorge Bundy—seem to have regarded the struggle over South Vietnam in more or less these terms. [See text.]

In 1964, the Administration also feared an outbreak of other "wars of national liberation" in the Asian, African and Latin

American countries, and, Mr. McNamara wrote in his March 16 memorandum to the President, "the South Vietnam conflict is regarded as a test case."

THE THREAT OF CHINA

The struggle in South Vietnam was likewise bound up with the idea of "containing China," whose potential shadow over Southeast Asia was viewed as a palpable threat by Mr. Rusk because of his World War II experience in Asia and the victory of Mao Tse-tung's revolution in China.

But behind these foreign-policy axioms about domino effects, wars of liberation and the containment of China, the study reveals a deeper perception among the President and his aides that the United States was now the most powerful nation in the world and that the outcome in South Vietnam would demonstrate the will and the ability of the United States to have its way in world affairs.

The study conveys an impression that the war was thus considered less important for what it means to the South Vietnamese people than for what it meant to the position of the United States in the world.

Mr. McNaughton would later capsulize this perception in a memorandum to Mr. McNamara seeking to apportion American aims in South Vietnam:

"70 pct.—To avoid a humiliating U.S. defeat (to our reputation as a guarantor).

"20 pct.—To keep SVN (and then adjacent) territory from Chinese hands.

"10 pct.—To permit the people of SVN to enjoy a better, freer way of life.

"Also—To emerge from crisis without unacceptable taint from methods used.

"Not—To 'help a friend,' although it would be hard to stay in if asked out."

The words in parentheses are Mr. McNaughton's.

Thus, he had reasoned in another memorandum, even if bombing North Vietnam did not force Hanoi to call off the Vietcong, "it would demonstrate that U.S. was a 'good doctor' willing to keep promises, be tough, take risks, get bloodied and hurt the enemy badly."

CONFIDENCE AT THE TOP

And while the study shows doubt and worry in the Administration, it also reveals an underlying confidence among the decision makers at the top, whose attitude would count, that if this mightiest nation resolved to use its vast power, the other side would buckle.

Mr. Rostow would articulate this confidence in a memorandum to Secretary Rusk that fall: "I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome that flows from the simple fact that we are the greatest power in the world—if we behave like it."

Accordingly, in mid-June, the Administration carried out another element of the May 23 scenario, the element that had first been formulated by Ambassador Lodge as his "carrot and stick." On June 18, at the Administration's request, Mr. Seaborn, the new Canadian representative on the International Control Commission, paid the first of his two secret calls on Premier Dong in Hanoi.

Washington sought to convey to North Vietnam through Mr. Seaborn the more precise and threatening meaning of the preparatory military deployments to Southeast Asia that it was publicizing on a vaguer level in public. Back in May, Mr. Lodge had urged an unacknowledged air strike on some target in the North "as a prelude to his [Mr. Seaborn's] arrival" if the Vietcong had recently committed some terrorist act "of the proper magnitude" in the South, but the President apparently did not see fit to act on the suggestion by June.

The analyst says Mr. Seaborn stressed to Premier Dong that while the United States' ambitions in Southeast Asia were limited and its intentions "essentially peaceful," its patience was not limitless. The United States was fully aware of the degree to which Hanoi controlled the Vietcong, Mr. Seaborn said, and "in the event of escalation the greatest devastation would of course result for the D.R.V. itself."

NO REPORT ON THE 'CARROT'

The North Vietnamese Premier, the study relates, "fully understood the seriousness and import of the warning conveyed by Seaborn." Whether Mr. Seaborn also proferred the "carrot" of food and other economic aid is not reported.

At the June 3 meeting at the White House, the President had also apparently approved continued work for the Congressional resolution, the historian says, because planning for it continued apace. "Its intended purpose," the historian comments, "was to dramatize and make clear to other nations the firm resolve of the United States Government in an election year to support the President in taking whatever action was necessary to resist Communist aggression in Southeast Asia."

By June 10, there was "firm support" from most of the foreign-policy-making machinery of the Government for obtaining the resolution, although the account notes that at an interagency meeting that day "five basic 'disagreeable questions' were identified for which the Administration would have to provide convincing answers to assure public support."

"These included: (1) Does this imply a blank check for the President to go to war in Southeast Asia? (2) What kinds of force could he employ under this authorization? (3) What change in the situation (if any) requires the solution now? (4) Can't our objectives be attained by means other than U.S. military force? (5) Does Southeast Asia mean enough to U.S. national interests?"

Despite the prospect of having to answer these questions publicly, William Bundy wrote in a memorandum for a second interagency meeting on June 12, the Administration required a Congressional resolution immediately as "a continuing demonstration of U.S. firmness and for complete flexibility in the hands of the executive in the coming political months." While the United States did not expect "to move in the near future to military action against North Vietnam," he said, events in South Vietnam or Laos might force it to reconsider this position.

POSTPONED FOR THE PRESENT

But in the opinion of the analyst, the President in June, 1964, already felt "the political conventions just around the corner and the election issues regarding Vietnam clearly drawn," and so he recoiled at this time from the repercussions of major escalation and of seeking a Congressional resolution. At a high-level meeting on both subjects June 15, McGeorge Bundy, the historian says, brought Presidential guidance to Secretaries Rusk and McNamara in the form of a White House memorandum that postponed a decision for the present.

On July 19, he started a "March North" campaign of militant slogans and oratory at a "unification rally" in Saigon. The same day, as the analyst puts it, Air Marshal Nguyen Cao Ky, then chief of the South Vietnamese Air Force, "spilled the beans to reporters" on joint planning that the United States and the Saigon Government had secretly been conducting since June, with President Johnson's approval, for ground and air assaults in Laos. The planning envisioned eventual battalion-size attacks by Saigon's army and air strikes by the South Vietnamese against Communist infiltration routes along the Ho Chi Minh Trail network.

In an emotional meeting on July 23 with General Taylor, who had just replaced Mr. Lodge as Ambassador, General Khanh asserted that North Vietnamese draftees had been taken prisoner with Vietcong guerrillas in fighting in the northern provinces. The United States should realize, he said, that the war had entered a phase that called for new measures.

ANOTHER HEATED MEETING

During another heated meeting on July 24, General Khanh asked Ambassador Taylor whether to resign. The Ambassador asked him not to do so and cabled Washington urging that the United States undertake covert joint planning with the South Vietnamese for bombing the North.

The State Department, the study says, immediately authorized Ambassador Taylor "to tell Khanh the U.S. G. had considered attacks on North Vietnam that might begin, for example, if the pressure from dissident South Vietnamese factions became too great. He must keep this confidential."

To restrain the South Vietnamese military, the Ambassador was also authorized to undertake joint planning for an air campaign.

The Pentagon narrative skims over the last few days in July, 1964, but a summary of a command and control study of the Tonkin Gulf incident done by the Defense Department's Weapons System Evaluation Group in 1965, which the Times obtained along with the Pentagon narratives, fills in the events of these few days.

The study discloses that after a National Security Council meeting called on July 25, apparently to discuss these critical developments in Saigon, the Joint Chiefs proposed air strikes by unmarked planes flown by non-American crews against several targets in North Vietnam, including the coastal bases for Hanoi's flotilla of torpedo boats.

Assistant Secretary McNaughton sent the Joint Chiefs' memorandum to Secretary Rusk on July 30, the study reports, the same day that a chain of events was to unfold that would make it unnecessary to carry out the Joint Chiefs' plan, even if the President had wanted to accept it.

The Pentagon narrative now remarks that the clandestine 34A raids against North Vietnam—after getting off to what the Joint Chiefs had called "a slow beginning" in a report to Mr. McNamara on May 19—picked up in tempo and size during the summer, although the analyst provides few details. The Joint Chiefs had informed Mr. McNamara that trained sabotage teams, electronic-intelligence-gathering equipment, C–123 transport for the air-drops and fast PT boats for the coastal raids were giving the program "growing operational capabilities. (See text.)

ATTACK ON TWO ISLANDS

At midnight on July 30, South Vietnamese naval commandos under General Westmoreland's command staged an amphibious raid on the North Vietnamese islands of Hon Me and Hon Nieu in the Gulf of Tonkin.

While the assault was occurring, the United States destroyer Maddox was 120 to 130 miles away, heading north into the gulf on the year's second De Soto intelligence-gathering patrol. Her sailing orders said she was not to approach closer than eight nautical miles to the North Vietnamese coast and four nautical miles to North Vietnamese islands in the gulf.

The account does not say whether the captain of the Maddox had been informed about the 34A raid. He does state that the Maddox altered course twice on Aug. 2 to avoid a concentration of three North Vietnamese torpedo boats and a fleet of junks that were still searching the seas around the islands for the raiders.

The destroyer reached the northernmost point of her assigned patrol track the same day and headed south again.

"When the [North Vietnamese] PT boats began their high-speed run at her, at a distance of approximately 10 miles, the destroyer was 23 miles from the coast and heading further into international waters," the study says. "Apparently," it explains, "these boats . . . had mistaken Maddox for a South Vietnamese escort vessel."

In the ensuing engagement, two of the torpedo boats were damaged by planes launched from the aircraft carrier Ticonderoga, stationed to the south for reasons the study does not explain. A third PT boat was knocked dead in the water, sunk by a direct hit from one of the Maddox's five-inch guns.

NEW ORDERS FOR MADDOX

The next day, Aug. 3, President Johnson ordered the Maddox reinforced by the destroyer C. Turner Joy and directed that both destroyers be sent back into the gulf, this time with instructions not to approach closer than 11 nautical miles to the North Vietnamese coast. A second aircraft carrier, the Constellation, on a visit to Hong Kong, was instructed to make steam and join the Ticonderoga as quickly as possible..

The study terms these reinforcing actions "a normal precaution" in the light of the first attack on the Maddox and not an attempt to use the destroyers as bait for another attack that would provide a pretext for reprisal airstrikes against the North. "Moreover," it comments, "since the augmentation was coupled with a clear [public] statement of intent to continue the patrols and a firm warning to the D.R.V. that a repetition would bring dire consequences, their addition to the patrol could be expected to serve more as a deterrent than a provocation."

The study gives a clear impression that the Administration at this moment did not believe the North Vietnamese would dare to attack the reinforced destroyer patrol.

For on the night of Aug. 3, while the De Soto patrol was resuming, two more clandestine 34A attacks were staged. PT boats manned by South Vietnamese crews bombarded the Rhon River estuary and a radar installation at Vinhson. This time the Maddox and the Turner Joy were definitely warned that the clandestine assaults were going to take place, the documents show.

Apparently expecting the President to order a resumption of the patrol, the admiral commanding the Seventh Fleet asked General Westmoreland on Aug. 2 to furnish him the general location of the planned raids so that the destroyers could steer clear of the 34A force. There was a good deal of cable traffic back and forth between the two commanders through the Pentagon communications center in Washington to modify the patrol's course on Aug. 3 to avoid any interference with the raiders.

On the night of Aug. 4, Tonkin Gulf time, approximately 24 hours after this second 34A assault, North Vietnamese torpedo boats then attacked both the Maddox and the Turner Joy in what was to be the fateful clash in the gulf.

MOTIVES STILL UNCLEAR

The Pentagon account says that Hanoi's motives for this second attack on the destroyers are still unclear. The narrative ties the attack to the chain of events set off by the 34A raids of July 30, but says that Hanoi's precise motive may have been to recover from the embarrassment of having two torpedo boats damaged and another sunk in the first engagement with the Maddox, without any harm to the American destroyer.

"Perhaps closer to the mark is the narrow purpose of prompt retaliation for an embarrassing and well-publicized rebuff by a much-maligned enemy," the narrative says. "Inexperienced in modern naval operations, D.R.V. leaders may have believed that under the cover of darkness it would be possible to even the score or to provide at least a psychological victory by severely damaging a U.S. ship."

The study does not raise the question whether the second 34A raid on the night of Aug. 3, or the apparent air strikes on North Vietnamese villages just across the Laotian border on Aug. 1 and 2 by T–28 planes, motivated the Hanoi leadership in any way to order the second engagement with the destroyers.

Marshall Green, then the Deputy Assistant Secretary of State for Far Eastern Affairs, mentioned the apparent bombing of the villages in a lengthy memorandum to William Bundy dated Nov. 7, 1964, on United States covert activities in Indochina. [See text.]

Listing complaints that North Vietnam had been making to the International Control Commission over the T–28 operations with Thai pilots, Mr. Green noted charges by Hanoi that "T–28s have violated North Vietnamese airspace and bombed/strafed NVN villages on Aug. 1 and 2, and on Oct. 16 and 17 and again on Oct 28. The charges are probably accurate with respect to the first two dates (along Route 7) and the last one (Mugia Pass area)." The words in parentheses are Mr. Green's.

RAIDS POSSIBLY INADVERTENT

The context of the memorandum indicates that the raids on the North Vietnamese villages may have been inadvertent. But neither the narrative nor Mr. Green's memorandum says whether Hanoi thought this at the time the air strikes occurred.

Whatever the North Vietnamese motives for the second clash, President Johnson moved quickly now to carry out what the analyst calls "recommendations made . . . by his principal advisers earlier that summer and subsequently placed on the shelf."

Because of the Pacific time difference, the Pentagon received the first word that an attack on the Maddox and the Turner Joy might be imminent at 9:20 A.M. on the morning of Aug. 4, after the destroyers had intercepted North Vietnamese radio traffic indicating preparations for an assault. The flash message that the destroyers were actually engaged came into the communications center at 11 A.M.

The Joint Chiefs' staff began selecting target options for reprisal air strikes from the 94-target list, the first version of which was drawn up at the end of May. Adm. U. S. Grant Sharp, who had replaced Admiral Felt as commander in chief of Pacific forces, telephoned from Honolulu to suggest bombing the coastal bases for the torpedo boats.

Within 10 minutes, Mr. McNamara convened a meeting with the Joint Chiefs in his conference room on the third floor of the Pentagon to discuss possibilities for retaliation. Secretary Rusk and McGeorge Bundy came over to join them.

MEETING ALREADY SCHEDULED

Twenty-five minutes later the two secretaries and Mr. Bundy left for a previously scheduled National Security Council meeting at the White House. They would recommend reprisal strikes to the President, while the Joint Chiefs stayed at the Pentagon to decide on specific targets.

At 1:25 P.M., two and a half hour after the flash message of the engagement and possibly while Mr. McNamara, Mr. Rusk, Mr. McCone and McGeorge Bundy were still at lunch with the President, the director of the Joint Staff telephoned Mr. McNamara to say that the Chiefs had unanimously agreed on the targets. Fighter-bombers from the carriers Constellation and Ticonderoga should strike four torpedo boat bases at Hongay, Lochau, Phucloi and Quangkhe, and an oil storage depot near Vinh that held some 10 per cent of North Vietnam's petroleum supply.

At a second National Security Council meeting that afternoon, President Johnson ordered the reprisals, decided to seek the Congressional resolution immediately and discussed with his advisers the swift Southeast Asia deployment of the air strike forces designated in Operation Plan 37–64 for the opening blows in a possible bombing campaign against the North. His approval for these preparatory air deployments, and for the readiness of Marine Corps and Army units planned to meet any Chinese or North Vietnamese retaliation to a bombing campaign, was apparently given later that day, the study shows.

Mr. McNamara returned to the Pentagon at 3 P.M. to approve the details of the reprisal strikes, code-named Pierce Arrow. An execution order was prepared by the Joint Staff, but at 4 P.M. Mr. McNamara learned from Admiral Sharp in a telephone conversation that there was now confusion over whether an attack on the destroyers had actually taken place.

The Secretary told Admiral Sharp that the reprisal order would remain in effect, but that the admiral was to check and make certain that an attack had really occurred before actually launching the planes. At 4:49 P.M., less than six hours after the first message of the attack had flashed into the Pentagon communications center, the formal execution order for the reprisals was transmitted to Honolulu. Admiral Sharp had not yet called back with confirming details of the attack. The order specified that the carriers were to launch their planes within about two and a half hours.

The admiral called back at 5:23 P.M. and again a few minutes after 6 o'clock to say that he was satisfied, on the basis of information from the task group commander of the two destroyers, that the attack had been genuine. The study says that in the meantime Mr. McNamara and the Joint Chiefs had also examined the confirming evidence, including intercepted radio messages from the North Vietnamese saying that their vessels were engaging the destroyers and that two torpedo boats had been sunk.

By now Mr. McNamara and the Chiefs had moved on to discussing the prepositioning of the air strike forces under Operation Plan 37–64.

At 6:45 P.M., President Johnson met with 16 Congressional leaders from both parties whom he had summoned to the White House. He told them that because of the second unprovoked attack on the American destroyers, he had decided to launch reprisal air strikes against the North and to ask for a Congressional resolution, the study says.

The Pentagon study gives no indication that Mr. Johnson informed the Congressional leaders of United States responsibility for and command of the covert 34A raids on July 30 and Aug. 3.

Nor does the history give any indication that Mr. Johnson told the Congressional leaders of what the historian describes as "the broader purpose of the deployments" under Operation Plan 37–64, which Mr. McNamara was to announce at a Pentagon news conference the next day and describe as a precautionary move.

"It is significant," the analyst writes, "that few of these additional units were removed from the western Pacific when the immediate crisis subsided. In late September the fourth attack aircraft carrier was authorized to resume its normal station in the eastern Pacific as soon as the regularly assigned carrier completed repairs. The other forces remained in the vicinity of their August deployment."

PLANES LEAVE TICONDEROGA

At 8:30 P.M. on Aug. 4, Mr. McNamara returned to the Pentagon and at 11:30 P.M., after several telephone calls to Admiral Sharp, he learned that the Ticonderoga had launched her bomb-laden aircraft at 10:43 P.M. They were expected to arrive over their targets in about an hour and 50 minutes.

The carriers had needed more time to get into launching position than the execution order had envisioned. The Constellation, steaming from Hong Kong, was not to launch her planes for another couple of hours.

The President did not wait. Sixteen minutes after Mr. McNamara's last phone call to Admiral Sharp, at 11:36 P.M., he went on television to tell the nation of the reprisal strikes. He characterized his actions as a "limited and fitting" response. "We still seek no wider war," he said.

Almost simultaneously, the air deployments under Operation Plan 37–64 had begun.

The first F–102 Delta Dagger jet fighters were landing at Saigon's airport around the time Mr. McNamara described the deployments at a Pentagon news conference on Aug. 5. He had given a brief post-midnight conference the same day to describe the reprisal strikes. He reported now that 25 North Vietnamese patrol craft had been destroyed or damaged along with 90 per cent of the oil storage tanks near Vinh.

"Last night I announced that moves were under way to reinforce our forces in the Pacific area," he continued. "These moves include the following actions:

"First, an attack carrier group has been transferred from the First Fleet on the Pacific coast to the western Pacific. Secondly, interceptor and fighter-bomber aircraft have been moved into South Vietnam. Thirdly, fighter-bomber aircraft have been moved into Thailand. Fourthly, interceptor and fighter-bomber squadrons have been transferred from the United States into advance bases in the Pacific. Fifthly, an antisubmarine task force group has been moved into the South China Sea. And finally, selected Army and Marine forces have been alerted and readied for movement."

FULBRIGHT A SENATE SPONSOR

The study notes that the Administration drafted the Congressional resolution for the two men who would sponsor its passage through both houses for the President: Senator J. W. Fulbright of Arkansas, chairman of the Senate Foreign Relations Committee, and Representative Thomas E. Morgan of Pennsylvania, chairman of the House Foreign Affairs Committee.

Precisely who drafted this final version of the resolution is not mentioned. The wording was less precise than that of the resolution drafted by William Bundy for the May 23 scenario, but the key language making the resolution in effect a declaration of war remained:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approve and support the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. McNamara and Secretary Rusk both testified on behalf of the resolution in secret sessions of the Senate and House foreign relations committees on Aug. 6. In his narrative, the Pentagon Analyst occasionally quotes from and refers to portions of their testimony, which have never been made public by the Pentagon. Along with the study, The Times also obtained more extensive quotations from this portion of the hearing transcript. The following account of the testimony on Aug. 6 thus contains both quotations used by the Pentagon analyst and the fuller quotations obtained by The Times.

MORSE LEARNS OF ATTACKS

Senator Wayne Morse of Oregon had learned that boats manned by South Vietnamese crews had attacked the two North Vietnamese islands on July 30. Mr. Morse, one of two Senators who were to vote against the Tonkin Gulf resolution—the other was Ernest L. Gruening of Alaska—alleged during the secret hearing on Aug. 6 that Mr. McNamara had known about the raids and that the destroyers had been associated with it.

"First," Mr. McNamara replied, "our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese actions, if there were any. . . .

The Maddox was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times."

"I did not have knowledge at the time of the attack on the island," he said. "There is no connection between this patrol and any action by South Vietnam."

Mr. McNamara contended that whatever action had taken place against these North Vietnamese islands had been part of an anti-infiltration operation being conducted by a fleet of coastal patrol junks the United States had helped South Vietnam to organize in December, 1961.

"In the first seven months of this year they have searched 149,000 junks, some 570,000 people," he is quoted as telling the committee in this secret session. "This is a tremendous operation endeavoring to close the seacoasts of over 900 miles. In the process of that action, as the junk patrol has increased in strength, they have moved farther and farther north endeavoring to find the source of the infiltration.

"As part of that, as I reported to you earlier this week, [Mr. McNamara had testified before the committee in a secret session on Aug. 3 after the first attack on the Maddox], we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the parts they felt were associated with this infiltration.

"Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort," he said.

Senator Frank Church of Idaho then asked Secretary Rusk at the same secret session: "I take it that our government which supplied these boats . . . did know that the boats would be used for attacks on North Vietnamese targets, and that we acquiesced in that policy, is that correct?"

". . . In the larger sense, that is so, but as far as any particular detail is concerned we don't from Washington follow that in great detail," Mr. Rusk replied.

CHURCH PRESSES QUESTIONS

"They are doing it with our acquiescence and consent, is that correct?" Senator Church continued.

"But within very limited levels as far as North Vietnam is concerned," Mr. Rusk said.

At a Pentagon news conference after his testimony before the committee, Mr. McNamara spoke about the coastal patrol junks again and avoided any specific mention of the July 30 raid:

Q. Mr. Secretary

A. Yes?

Q. Have there been any incidents that you know involving the South Vietnamese vessels and the North Vietnamese?

A. No, none that I know of, although I think that I should mention to you the South Vietnamese naval patrol activities that are carried on to prevent in the infiltration of men and materiel from the North into the South.

In the last seven months of 1961, for example, about 1,400 men were infiltrated across the 17th Parallel from North Vietnam into South Vietnam. To prevent further infiltration of that kind, the South Vietnamese with our assistance have set up a naval patrol which is very active in that area which continues to inspect and examine junks and their personnel.

In one eight-month period that I can recall they discovered 140 Vietcong infiltrators.

Q. They operate on their own?

A. They operate on their own. They are part of the South Vietnamese Navy, commanded by the South Vietnamese Navy, operating in the coastal waters inspecting suspicious incoming junks, seeking to deter and prevent the infiltration of both men and materiel from North Vietnam into South Vietnam.

Q. Mr. Secretary. Do these junks go north into North Vietnam areas?

A. They have advanced closer and closer to the 17th Parallel and in some cases I think have moved beyond that in an effort to stop the infiltration closer to the point of origin.

Q. Do our naval vessels afford any cover for these operations?

A. Our naval vessels afford no cover whatsoever. Our naval personnel do not participate in the junk operations.

When Senator George S. McGovern of South Dakota subsequently brought up the July 30 attack on the islands during the Senate floor debate on the resolution, Senator Fulbright replied that he had been assured by the Administration that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that the destroyer patrol "was entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted."

The Congressional resolution passed on Aug. 7 by a vote of 88 to 2 in the Senate and 416 to 0 in the House.

The history shows that besides the May 19 progress report from the Joint Chiefs on the 34A Operations, Mr. McNamara had received other memorandums on the clandestine attacks from General Anthis, the special assistant to the Joint Chiefs, on June 13, July 1 and July 28, 1964. General Anthis drew up the advance monthly schedules of the covert operations for approval by William Bundy and Mr. McNaughton.

Where Mr. Rusk is concerned, the study reveals that he was kept reasonably well informed.

The study also makes it clear that there was no connection between the 34A raids and the coastal patrol junk fleet described by Mr. McNamara and referred to by Mr. Rusk.

TWO KEY ELEMENTS IN PLACE

Thus, in the space of three days, the Administration had put firmly into place two key elements of the May 23 scenario—prepositioning of major air strike forces and Congressional authorization for wider action.

Internal Administration planning for Congressional authorization to escalate also now disappears from the documentary record. The account notes that during the next round of planning "the question of Congressional authority for open acts of war against a sovereign nation was never seriously raised."

There was confusion in Congress, however, over precisely what the resolution meant, the historian says, commenting:

"Despite the nearly unanimous votes of support for the resolution, Congressional opinions varied as to the policy implications and the meaning of such support. The central belief seemed to be that the occasion necessitated demonstrating the nation's unity and collective will in support of the President's action and affirming U.S. determination to oppose further aggression. However, beyond that theme, there was a considerable variety of opinion. . . . Several spokesmen stressed that the resolution did not constitute a declaration of war, did not abdicate Congressional responsibility for determining national policy commitments and did not give the President carte banche to involve the nation in a major Asian war."

The Administration would now communicate the meaning of the resolution to Hanoi by carrying out in a more significant manner an element of the May 23 scenario that Washington had already used once in June when the Canadian emissary had paid his first visit to Hanoi.

SECOND SEABORN MISSION

On Aug. 10, Mr. Seaborn was sent back with a second message for Premier Dong, which concluded:

"a. That the events of the past few days should add credibility to the statement made last time, that 'U.S. public and official patience with North Vietnamese aggression is growing extremely thin.'

"b. That the U.S. Congressional resolution was passed with near unanimity, strongly reaffirming the unity and determination of the U.S. Government and people not only with respect to any further attacks on U.S. military forces but more broadly to continue to oppose firmly, by all necessary means, D.R.V. efforts to subvert and conquer South Viet-Nam and Laos.

"c. That the U.S. has come to the view that the D.R.V. role in South Vietnam and Laos is critical. If the D.R.V. persists in its present course, it can expect to continue to suffer the consequences. [The word "continue" referred to the reprisal air strikes that followed the Tonkin incident.]

"d. That the D.R.V. knows what it must do if the peace is to be restored.

"e. That the U.S. has ways and means of measuring the D.R.V.'s participation in, and direction and control of, the war on South Vietnam and in Laos and will be carefully watching the D.R.V.'s response to what Mr. Seaborn is telling them." [See text.]

Mr. McNaughton had drafted the message on the day the resolution was passed.

During this, as in his first meeting with Mr. Seaborn in June, the history says, "Pham Van Dong showed himself utterly unintimidated and calmly resolved to pursue the course upon which the D.R.V. was embarked to what he confidently expected would be its successful conclusion."

In the heat of the Tonkin clash, the Administration had also accomplished one of the major recommendations of the June strategy conference at Honolulu—preparing the American public for escalation.

'AN IMPORTANT FIREBREAK'

"The Tonkin Gulf reprisal constituted an important firebreak and the Tonkin Gulf resolution set U.S. public support for virtually any action," the study remarks.

Almost none of the "disagreeable questions" the Administration might have to answer about the resolution, which had given the President pause in mid-June, had been asked in the emotional atmosphere of the crisis."

And inside the Administration the planners were moving more quickly now.

On Aug. 10, three days after passage of the resolution, Ambassador Taylor cabled the President a situation report on South Vietnam. It said that the Khanh regime had only "a 50–50 chance of lasting out the year." Therefore, a major objective of the United States Mission in Saigon was to "be prepared to implement contingency plans against North Vietnam with optimum readiness by Jan. 1, 1965."

On Aug. 11, four days after passage of the resolution, William Bundy drew up a memorandum for a high-level State-Defense Departments policy meeting. The memorandum outlined graduated steps towards a possible full-scale air war against North Vietnam with "a contingency date, as suggested by Ambassador Taylor, of 1 January 1965." But until the end of August, Mr. Bundy said, there should be "a short holding phase, in which we would avoid actions that would in any way take the onus off the Communist side for escalation." [See text.]

On Aug. 14, a lengthy summary of Mr. Bundy's memorandum was cabled to Ambassador Taylor, Ambassador Unger in Vientiane, and to Admiral Sharp in Honolulu for comments that would permit "further review and refinement."

The Tonkin Gulf reprisal air strikes, the analyst writes, "marked the crossing of an important threshold in the war, and it was accomplished with virtually no domestic criticism, indeed, with an evident increase in public support for the Administration. The precedent for strikes against the North was thus established and at very little apparent cost."

"There was a real cost, however," he concludes, in that the Administration was psychologically preparing itself for further escalation. "The number of unused measures short of direct military action against the North had been depleted. Greater visible commitment was purchased at the price of reduced flexibility." And "for all these reasons, when a decision to strike the North was faced again, it was much easier to take."

Admiral Sharp, in his cable to Washington on Aug. 17 commenting on Mr. Bundy's memorandum, "candidly" summed up this psychological commitment, the analyst says.

"Pressures against the other side once instituted should not be relaxed by any actions or lack of them which would destroy the benefits of the rewarding steps previously taken," the admiral wrote.

VIETNAM ARCHIVE: A CONSENSUS TO BOMB DEVELOPED BEFORE 1964 ELECTION, STUDY SAYS

(By Neil Sheehan)

The Johnson Administration reached a "general consensus" at a White House strategy meeting on Sept. 7, 1964, that air attacks against North Vietnam would probably have to be launched, a Pentagon study of the Vietnam war states. It was expected that "these operations would begin early in the new year."

"It is important to differentiate the consensus of the principals at this September meeting," the study says, "from the views which they had urged on the President in the preceding spring. In the spring the use of force had been clearly contingent on a major reversal—principally in Laos—and had been advanced with the apparent assumption that military actions hopefully would not be required. Now, however, their views were advanced with a sense that such actions were inevitable."

The administration consensus on bombing came at the height of the Presidential election contest between President Johnson and Senator Barry Goldwater, whose advocacy of full-scale air attacks on North Vietnam had become a major issue. That such a consensus had been reached as early as September is a major disclosure of the Pentagon study.

The consensus was reflected, the analysis says, in the final paragraph of a formal national security action memorandum issued by the President three days later, on Sept. 10. This paragraph spoke of "larger decisions" that might be "required at any time."

The last round of detailed planning of various political and military strategies for a bombing campaign began "in earnest," the study says, on Nov. 3, 1964, the day that Mr. Johnson was elected President in his own right.

Less than 100 days later, on Feb. 8, 1965, he ordered new reprisal strikes against the North. Then, on Feb. 13, the President gave the order for the sustained bombing of North Vietnam, code-named Rolling Thunder.

This period of evolving decision to attack North Vietnam, openly and directly, is shown in the Pentagon papers to be the second major phase of President Johnson's defense of South Vietnam. The same period forms the second phase of the presentation of those papers by The New York Times.

The papers, prepared by a team of 30 to 40 authors in 1967–68 as an official study of how the United States went to war in Indochina, consist of 3,000 pages of analysis and 4,000 pages of supporting documents. The study covers nearly three decades of American policy on Southeast Asia. Yesterday The Times's first report on this study, and presentation of key documents, covered the period of clandestine warfare and planning before the Tonkin Gulf incidents in 1964.

In its glimpses into Lyndon B. Johnson's personal thoughts and motivations between the fateful September meeting and his decision to embark on an air war, the Pentagon study shows a President moving and being moved toward war, but reluctant and hesitant to act until the end.

But, the analyst explains, "from the September meeting forward, there was little basic disagreement among the principals (the term the study uses for the senior policy makers) on the need for military operations against the North. What prevented action for the time being was a set of tactical considerations."

The first tactical consideration, the analyst says, was that "the President was in the midst of an election campaign in which he was presenting himself as the candidate of reason and restraint as opposed to the quixotic Barry Goldwater," who was publicly advocating full-scale bombing of North Vietnam. The historian also mentions other "temporary reasons of tactics":

The "shakiness" of the Saigon Government.

A wish to hold the line militarily and diplomatically in Laos.

The "need to design whatever actions were taken so as to achieve maximum public and Congressional support. . . ."

The "implicit belief that overt actions at this time might bring pressure for premature negotiations—that is negotiations before the D.R.V. (Democratic Republic of (North) Vietnam) was hurting."

Assistant Secretary of Defense John T. McNaughton, the head of the Pentagon's Office of International Security Affairs, summed up these tactical considerations in the final paragraph of a Sept. 3 memorandum to Secretary of Defense Robert S. McNamara, in preparation for the crucial White House strategy session four days later:

"Special considerations during the next two months. The relevant audiences of U.S. actions are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as 'underwriters'), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). During the next two months, because of the lack of 'rebuttal time' before election to justify particular actions which may be distorted to the U.S. public, we must act with special care—signaling to the D.R.V. that initiatives are being taken, to the G.V.N. (Government of (South) Vietnam) that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint." The words in parentheses are Mr. McNaughton's.

RUSK CABLE TO EMBASSY IN LAOS ON SEARCH AND RESCUE FLIGHTS

(Cablegram from Secretary of State Dean Rusk to the United States Embassy in Vientiane, Laos, Aug. 26, 1964. A copy of this message was sent to the Commander in Chief, Pacific.)

We agree with your assessment of importance SAR operations that Air America pilots can play critically important role, and SAR efforts should not discriminate between rescuing Americans, Thais and Lao. You are also hereby granted as requested discretionary authority to use AA pilots in T-28's for SAR operations when you consider this indispensable rpt indispensable to success of operation and with understanding that you will seek advance Washington authorization wherever situation permits.

At same time, we believe time has come to view scope and control arrangements for T-28 operations extending into future. Such a review is especially indicated view fact that these operations more or less automatically impose demands for use of US personnel in SAR operations. Moreover, increased AA capability clearly means possibilities of loss somewhat increased, and each loss with accompanying SAR operations involves chance of escalation from one action to another in ways that may not be desirable in wider picture. On other side, we naturally recognize T-28 operations are vital both for their military and psychological effects in Laos and as negotiating card in support of Souvanna's position. Request your view whether balance of above factors would call for some reduction in scale of operations and-or dropping of some of better-defended targets. (Possible extension T-28 operations to Panhandle would be separate issue and will be covered by septel.)

On central problem our understanding is that Thai pilots fly missions strictly controlled by your Air Command Center with [word illegible] in effective control, but that this not true of Lao pilots. We have impression latter not really under any kind of firm control.

Request your evaluation and recommendations as to future scope T-28 operations and your comments as to whether our impressions present control structure correct and whether steps could be taken to tighten this.

RUSK QUERY TO VIENTIANE EMBASSY ON DESIRABILITY OF LAOS CEASE-FIRE

(Cablegram from Secretary of State Rusk to the United States Embassy in Laos, Aug. 7, 1964. Copies were also sent, with a request for comment, to the American missions in London, Paris, Saigon, Bangkok, Ottawa, New Delhi, Moscow, Pnompenh and Hong Kong, and to the Pacific command and the mission at the United Nations.)

1. As pointed out in your 219, our objective in Laos is to stabilize the situation again, if possible within framework of the 1962 Geneva settlement. Essential to stabilization would be establishment of military equilibrium in the country. Moreover, we have some concern that recent RLG successes and reported low PL morale may lead to some escalation from Communist side, which we do not now wish to have to deal with.

2. Limit now, Souvanna's and our position has been that military equilibrium would require Pathet Lao withdrawal from areas seized in PDJ since May 15 and that such withdrawal is also basic precondition to convening 14-nation conference. Question now arises whether territorial gains of Operation Triangle, provided they can be consolidated, have in practice brought about a situation of equilibrium and whether, therefore, it is no longer necessary to insist on Pathet Lao withdrawal from PDJ as precondition to 14-nation conference. This is in fact thought which has previously occurred to Souvanna (Vientiane's 191) and is also touched on in Secretary's letter to Butler (Deptel 88 to Vientiane). If Souvanna and we continued to insist on PDJ withdrawal other side would inevitably insist on our yielding Triangle gains, and our judgement is that such arrangement substantially worse than present fairly coherent geographical division. If withdrawal precondition were to be dropped, it could probably best be done at tripartie meeting where it might be used by Souvanna as bargaining counter in obtaining satisfaction on his other condition that he attend conference as head of Laotian Government. Remaining condition would be cease-fire. While under present conditions cease-fire might not be of net advantage to Souvanna—we are thinking primarily of T-28 operations—Pathet Lao would no doubt insist on it. If so, Souvanna could press for effective ICC policing of cease-fire. Latter could be of importance in upcoming period.

3. Above is written with thought in mind that Polish proposals [one word illegible] effectively collapsed and that pressures continue for Geneva [word illegible] conference and will no doubt be intensified by current crisis brought on by DRV naval attacks. Conference on Laos might be useful safety valve for these generalized pressures while at same time providing some deterrent to escalation of hostilities on that part of the "front." We would insist that conference be limited to Laos and believe that it could in fact be so limited, if necessary by our withdrawing from the conference room if any other subject brought up, as we did in 1961–62. Side discussions on other topics could not be avoided but we see no great difficulty with this; venue for informal corridor discussion with PL, DRV, and Chicoms could be valuable at this juncture.

4. In considering this course of action, key initial question is of course whether Souvanna himself is prepared to drop his withdrawal precondition and whether, if he did, he could maintain himself in power in Vientiane. We gather that answer to first question is probably yes but we are much more dubious about the second. Request Vientiane's judgement on these points. Views of other addresses are so requested, including estimated reactions host governments. It is essential that these estimates take account of recent development: military successes non-Communist forces in Laos and latest demonstration US determination resist Communist aggression in Southeast Asia.

SAIGON EMBASSY'S RESPONSE ON DRAWBACKS IN LAOS TALKS

(Cablegram from Ambassador Maxwell D. Taylor in Saigon to Secretary Rusk, Aug. 9, 1964, with copies to the embassies in Vientiane and Bangkok and the Pacific command.)

From our vantage point we can see positive disadvantages to our position in SEA in pursuing course of action outlined REFTEL.

1. In first place rush to conference table would serve to confirm to Chicoms that US retaliation for destroyer attacks was transient phenomenon and that firm Chicom response in form of commitment to defend NVN has given US "paper tiger" second thoughts. Moreover, much of beneficial effects elsewhere resulting from our strong reaction to events in Gulf of Tonkin would be swiftly dissipated.

2. In Vietnam sudden backdown from previous strongly held US position on PDJ withdrawal prior to conf on Laos would have potentially disastrous effect. Morale and will to fight, particularly willingness to push ahead with arduous pacification task and to enforce stern measure on Khanh's new emergency decree, would be undermined by what would look like evidence that US seeking to take advantage of any slight improvement in non-Communist position as excuse for extricating itself from Indochina via conf route. This would give strength to probable pro-Gaullist contention that GVN should think about following Laotian example by seeking negotiated solution before advantage of temporarily strengthened anti-Communist position recedes.

3. General letdown in Vietnam which would result from softening of our stand in Laos just after we had made great show of firmness vis-a-vis Communists would undoubtedly erode Khanh's personal position with prospects of increased political instability and coup plotting.

4. It should be remembered that our retaliatory action in Gulf of Tonkin is in effect an isolated US-DRV incident. Although this has relation, as Amb. Stevenson has pointed out, to larger problem of DRV aggression by subversion in Vietnam and Laos, we have not rpt not yet come to grips in a forceful way with DRV over the issue of this larger and much more complex problem. Instead, we are engaged, both in Vietnam and Laos, in proxy actions against proxy agents of DRV. If, as both Khanh and Souvanna hope, we are to parlay the consequences of our recent clash with the DRV into actions which specifically direct themselves against DRV violations of the 1954 and 1962 agreements, we must avoid becoming involved in political engagements which will tie our hands and inhibit our action. For example, any effort to undertake credible joint planning operations with GVN re interdictory air strikes upon infiltration network in southern DRV and especially in panhandle would be completely undercut if we were engaged in conf discussing the Laos territory in question.

5. Similarly, it would seem to us that Souvanna's willingness to hold fast on preconditions or substantive negotiations bears direct relationship to his assessment of US willingness to meet the problem where it originates—North Vietnam itself. This fact shines clearly through his recent brief letter to Pres. Johnson. Moreover, it would be folly to assume that Khanh, who is now in fairly euphoric state as result of our Gulf of Tonkin action, would do anything other than slump into deepest funk if we sought to persuade him to send GVN del to conf. [Two words illegible] is that he would resign rather than send [Two words illegible].

Intensified pressures for Geneva-type conf cited in REFTEL would appear to us to be coming almost entirely from those who are opposed to US policy objectives in SEA (except possibly UK which seems prepared jump on bandwagon). Under circumstances, we see very little hope that results of such conference would be advantageous to US. Moreover, prospects of limiting it to consideration of only Laotian problem appear at this time juncture to be dimmer than ever. Even though prior agreement reached to limit conf, we do not see how in actual practice we could limit discussion solely to Laos if others insist on raising other issues. To best our knowledge, we never "withdrew" from room when DRV attempted raise extraneous issues during 1961–1962 conf. Instead, we insisted to chair on point of order and had DRV ruled out of order. Prospect of informal corridor discussions with PL DRV and Chicoms is just what GVN would fear most and may well increase pressures on GVN to undertake negotiated solution so as to avoid their fear of being faced with "fait accompli" by US.

7. Rather than searching for "safety valve" to dissipate current "generalized pressures" SEA, it seems to us we should be looking for means which will channel those pressures against DRV; seems to us "safety valve," if needed (for example by Soviets), exists in current UNSC discussion. We should continue to focus attention in all forms on Communist aggressive actions as root cause of tension in SEA and reinforce our current stance. In the final analysis, this stance would be more valid deterrent to escalation by PL/VM than attempt seek accommodation within context Laos problem alone.

While not rpt not specifically within our province, we would point out that PL/VM appear to have capability of retaking territory regained by RLG in Operation Triangle at any time of their choosing and that therefore "territorial swap" envisaged in DEPTEL may be highly illusory. Moreover, any territorial deal which seems to confirm permanent PL/VM control over corridor as an arrangement acceptable to US would be anathema to GVN and indicate our willingness accept infiltration network as tolerable condition on GVN frontiers. Such situation would in their and US mission opinions vitiate against any hope of successful pacification of GVN territory.

U.S. Mission's Recommendations on Further Military Steps

(Cablegram from the United States Mission in Saigon to the State Department, Aug. 18, 1964.)

This is US Mission message.

In preparing our reply, we have found it simpler to produce a new paper which undertakes to state the problem in South Viet Nam as we see it in two possible forms and then to provide course of action responding to each statement of the problem.

Underlying our analysis is the apparent assumption of Deptel 439 (which we believe is correct) that the present in-country pacification plan is not enough in itself to maintain national morale or to offer reasonable hope of eventual success. Something must be added in the coming months.

Statement of the problem—A. The course which US policy in South Viet Nam should take during the coming months can be expressed in terms of four objectives. The first and most important objective is to gain time for the Khanh government to develop a certain stability and to give some firm evidence of viability. Since any of the courses of action considered in this cable carry a considerable measure of risk to the US, we should be slow to get too deeply involved in them until we have a better feel of the quality of our ally. In particular, if we can avoid it, we should not get involved militarily with North Viet Nam and possibly with Red China if our base in South Viet Nam is insecure and Khanh's army is tied down everywhere by the VC insurgency. Hence, it is our interest to gain sufficient time not only to allow Khanh to prove that he can govern, but also to free Saigon from the VC threat which presently reigns (as received) it and assure that sufficient GVN ground forces will be available to provide a reasonable measure of defense against any DRV ground reaction which may develop in the execution of our program and thus avoid the possible requirement for a major US ground force commitment.

A second objective in this period is the maintenance of morale in South Viet Nam particularly within the Khanh Government. This should not be difficult in the case of the government if we can give Khanh assurance of our readiness to bring added pressure on Hanoi if he provides evidence of ability to do his part. Thirdly while gaining time for Khanh, we must be able to hold the DRV in check and restrain a further buildup of Viet Cong strength by way of infiltration from the North. Finally, throughout this period, we should be developing a posture of maximum readiness for a deliberate escalation of pressure against North Viet Nam, using January 1, 1965 as a target D-Day. We must always recognize, however, that events may force US to advance D-Day to a considerably earlier date.

[Start of sentence illegible] we then need to design a course of action which will achieve the four objectives enumerated above. Such a course of action would consist of three parts: the first, a series of actions directed at the Khanh Government; the second, actions directed at the Hanoi Government; the third, following a pause of some duration, initiation of an orchestrated air attack against North Viet Nam.

In approaching the Khanh Government, we should express our willingness to Khanh to engage in planning and eventually to exert intense pressure on North Viet Nam, providing certain conditions are met in advance. In the first place before we would agree to go all out against the DRV, he must stabilize his government and make some progress in cleaning up his operational backyard. Specifically, he must execute the initial phase of the Hop Tac Plan successfully to the extent of pushing the Viet Cong from the doors of Saigon. The overall pacification program, including Hop Tac, should progress sufficiently to allow earmarking at least three division equivalents for the defense of I Corps if the DRV step up military operations in that area.

Finally we should reach some fundamental understandings with Khanh and his government concerning war aims. We must make clear that we will engage in actions against North Viet Nam only for the purpose of assuring the security and independence of South Viet Nam within the territory assigned by the 1954 agreements; that we will not (rpt not) join in a crusade to unify the north and south; that we will not (rpt not) even seek to overthrow the Hanoi regime provided the latter will cease its efforts to take over the south by subversive warfare.

With these understandings reached, we would be ready to set in motion the following:

(1) Resume at once 34A (with emphasis on Marine operations) and Desoto patrols. These could start without awaiting outcome of discussions with Khanh.

(2) Resume U–2 overflights over all NVN.

(3) Initiate air and ground strikes in Laos against infiltration targets as soon as joint plans now being worked out with the Khanh Government are ready. Such plans will have to be related to the situation in Laos. It appears to US that Souvanna Phouma should be informed at an appropriate time of the full scope of our plans and one would hope to obtain his acquiescence in the anti-infiltration actions in Laos. In any case we should always seek to preserve our freedom of action in the Laotian corridor.

By means of these actions, Hanoi will get the word that the operational rules with respect to the DRV are changing. We should perhaps consider message to DRV that shooting down of U–2 would result in reprisals. We should now lay public base for justifying such flights and have plans for prompt execution in contingency to shoot down. One might be inclined to consider including at this state tit-for-tat bombing operations in our plans to compensate for VC depredations to SVN. However, the initiation of air attacks from SVN against NVN is likely to release a new order of military reaction from both sides, the outcome of which is impossible to predict. Thus, we do not visualize initiating this form of reprisal as a desirable tactic in the current plan but would reserve the capability as an emergency response if needed.

Before proceeding beyond this point, we should raise the level of precautionary military readiness (if not already done) by taking such visible measures as [words illegible] Hawk units to Danang and Saigon, landing a Marine force at Danang for defense of the airfield and beefing up MACV's support base. By this time (assumed to be late fall) we should have some reading on Khanh's performance.

Assuming that his performance has been satisfactory and that Hanoi has failed to respond favorably, it will be time to embark on the final phase of course of action A, a carefully orchestrated bombing attack on NVN directed primarily at infiltration and other military targets. At some point prior thereto it may be desirable to open direct communications with Hanoi if this not been done before. With all preparations made, political and military, the bombing program would begin, using US reconnaissance planes, VNAF/Farmgate aircraft against those targets which could be attacked safely in spite of the presence of the MIG's and additional US combat aircraft if necessary for the effective execution of the bombing programs.

Pros and cons of course of action—A. If successful course of action A will accomplish the objectives set forth at the outset as essential to the support of US policy in South Viet Nam. I will press the Khanh Government into doing its homework in pacification and will limit the diversion of interest to the out-of-country ventures it gives adequate time for careful preparation estimated at several months, while doing sufficient at once to maintain internal morale. It also provides ample warning to Hanoi and Peking to allow them to adjust their conduct before becoming overcommitted.

On the other hand, course of action A relies heavily upon the durability of the Khanh government. It assumes that there is little danger of its collapse without notice or of its possible replacement by a weaker or more unreliable successor. Also, because of the drawn-out nature of the program it is exposed to the danger of international political pressure to enter into negotiations before NVN is really hurting from the pressure directed against it.

Statement of the Problem—B. It may well be that the problem of US policy in SVN is more urgent than that depicted in the foregoing statement. It is far from clear at the present moment that the Khanh Government can last until January 1, 1965, although the application of course of action A should have the effect of strengthening the government [rest of sentence illegible].

[Start of sentence illegible] we would have to restate the problem in the following terms. Our objective avoid the possible consequences of a collapse of national morale. To accomplish these purposes, we would have to open the campaign against the DRV without delay, seeking to force Hanoi as rapidly as possible to resist from aiding the VC and to convince the DRV that it must cooperate in calling off the VC insurgency.

Course of Action—B. To meet this statement of the problem, we need an accelerated course of action, seeking to obtain results faster than under course of action A. Such an accelerated program would include the following actions:

Again we must inform Khanh of our intentions, this time expressing a willingness to begin military pressures against Hanoi at once, providing that he will undertake to perform as in course of action A. However, US action would not await evidence of performance.

Again we may wish to communicate directly on this subject with Hanoi or awaiting effect of our military actions. The scenario of the ensuing events would be essentially the same as under Course A but the execucution would await only the readiness of plans to expedite relying almost exclusively on US military means.

Pros and cons of Course of Action B. This course of action asks virtually nothing from the Khanh Government, primarily because it is assumed that little can be expected from it. It avoids the consequence of the sudden collapse of the Khanh Government and gets underway with minimum delay the punitive actions against Hanoi. Thus, it lessens the chance of an interruption of the program by an international demand for negotiation by presenting a fait accompli to international critics. However, it increases the likelihood of US involvement in ground action since Khanh will have almost no available ground forces which can be released from pacification employment to mobile resistance of DRV attacks.

Conclusion: It is concluded that Course of Action A offers the greater promised achievement of US policy objectives in SVN during the coming months. However, we should always bear in mind the fragility of the Khanh Government and be prepared to shift quickly to Course of Action B if the situation requires. In either case, we must be militarily ready for any response which may be initiated by NVN or by Chicoms.

Miscellaneous: as indicated above, we believe that 34A operations should resume at once at maximum tempo, still on a covert basis; similarly, Desoto patrols should begin advance, operating outside 12-mile limit. We concur that a number of VNAF pilots should be trained on B–57's between now and first of year. There should be no change now with regard to policy on evacuation of US dependents.

Recommendation: It is recommended that USG adopt Course of Action A while maintaining readiness to shift to Course of Action B.

Joint Chiefs' Recommendations on Military Courses of Action

(Excerpts from memoranudm, "Recommended Courses of Action—Southeast Asia," from the Joint Chiefs of Staff to Secretary of Defense Robert S. McNamara, Aug. 26, 1964.)

3. The Joint Chiefs of Staff have considered Ambassador Taylor's statements of objectives and courses of action. In recognition of recent events in SVN, however, they consider that his proposed course of action B is more in accord with the current situation and consider that such an accelerated program of actions with respect to the DRV is essential to prevent a complete collapse of the US position in Southeast Asia. Additionally, they do not agree that we should be slow to get deeply involved until we have a better feel for the quality of our ally. The United States is already deeply involved. The Joint Chiefs of Staff consider that only significantly stronger military pressures on the DRV are likely to provide the relief and psychological boost necessary for attainment of the requisite governmental stability and viability.

4. Recently US military actions in Laos and against the DRV have demonstrated our resolve more clearly than any other US actions in some time. These actions showed force and restraint. Failure to resume and maintain a program of pressure through military actions could be misinterpreted to mean we have had second thoughts about Pierce Arrow and the events leading thereto, and could signal a lack of resolve. Accordingly, while maintaining a posture of readiness in the Western Pacific, the Joint Chiefs of Staff believe that the US program should have as concurrent objectives: (1) improvements in South Vietnam, including emphasis on the Pacification Program and the Hop Tac plan to clear Saigon and its surroundings; (2) interdiction of the relatively unmolested VC lines of communication (LOC) through Laos by operations in the Panhandle and of the LOC through Cambodia by strict control of the waterways leading therefrom; (3) denial of Viet Cong (VC) sanctuaries in the Cambodia-South Vietnam border area through the conduct of "hot pursuit" operations into Cambodia, as required; (4) increased pressure on North Vietnam through military actions. As part of the program for increased pressures, the OPLAN 34A operations and the Desoto patrols in the Gulf of Tonkin should be resumed, the former on an intensified but still covert basis.

5. The Joint Chiefs of Staff believe, however, that more direct and forceful actions than these will, in all probability, be required. In anticipation of a pattern of further successful VC and Pathet Lao (PL) actions in RVN and Laos, and in order to increase pressure on the DRV, the US program should also provide for prompt and calculated responses to such VC/PL actions in the form of air strikes and other operations against appropriate military targets in the DRV.

6. The Joint Chiefs of Staff recognize that defining what might constitute appropriate counteroperations in advance is a most difficult task. We should therefore maintain our prompt readiness to execute a range of selected responses, tailored to the developing circumstances and reflecting the principles in the Gulf of Tonkin actions, that such counteroperations will result in clear military disadvantage to the DRV. These responses, therefore, must be greater than the provocation in degree, and not necessarily limited to response in kind against similar targets. Air strikes in response might be purely VNAF; VNAF with US escort to provide protection from possible employment of MIG's; VNAF with US escort support in the offensive as well as the defensive role; or entirely US. The precise combination should be determined by the effect we wish to produce and the assets available. Targets for attack by air or other forces may be selected from appropriate plans including the Target Study for North Vietnam consisting of 94 targets, recently forwarded to you by the Joint Chiefs of Staff. . . .

"Plan of Action" Attributed to Assistant Secretary McNaughton

(Excerpts from memorandum, Sept. 3, 1964, "Plan of Action for South Vietnam," which the Pentagon study indicates was drawn up by Assistant Secretary of Defense John T. McNaughton.)

1. Analysis of the present situation. The situation in South Vietnam is deteriorating. Even before the government sank into confusion last week, the course of the war in South Vietnam had been downward, with Viet Cong incidents increasing in number and intensity and military actions becoming larger and more successful, and with less and less territory meaningfully under the control of the government. Successful ambushes had demonstrated an unwillingness of the population even in what were thought to be pacified areas to run the risk of informing on the Viet Cong. War weariness was apparent. The crisis of the end of August—especially since the competing forces have left the government largely "faceless" and have damaged the government's ability to manage the pacification program—promises to lead to further and more rapid deterioration. . . . The objective of the United States is to reverse the present downward trend. Failing that, the alternative objective is to emerge from the situation with as good an image as possible in US, allied and enemy eyes.

2. Inside South Vietnam. We must in any event keep hard at work inside South Vietnam. This means, inter alia, immediate action:

(a) to press the presently visible leaders to get a real government in operation;

(b) to prevent extensive personnel changes down the line;

(c) to see that lines of authority for carrying out the pacification program are clear.

New initiatives might include action:

(d) to establish a US Naval base, perhaps at Danang;

(e) to embark on a major effort to pacify one province adjacent to Saigon.

A separate analysis is being made of a proposal:

(f) to enlarge significantly the US military role in the pacification program inside South Vietnam—e.g., large numbers of US special forces, divisions of regular combat troops, US air, etc., to "interlard" with or to take over functions of geographical areas from the South Vietnamese armed forces. . . .

3. Outside the borders of South Vietnam. There is a chance that the downward trend can be reversed—or a new situation created offering new opportunities, or at least a convincing demonstration made of the great costs and risks incurred by a country which commits aggression against an ally of ours—if the following course of action is followed. The course of action is made up of actions outside the borders of South Vietnam designed to put increasing pressure on North Vietnam but designed also both to create as little risk as possible of the kind of military action which would be difficult to justify to the American public and to preserve where possible the option to have no US military action at all. . . .

Actions. The actions, in addition to present continuing "extra-territorial" actions (US U–2 recce of DRV, US jet recce of Laos, T–28 activity in Laos), would be by way of an orchestration of three classes of actions, all designed to meet these five desiderata—(1) from the US, GVN and hopefully allied points of view, they should be legitimate things to do under the circumstances, (2) they should cause apprehension, ideally increasing apprehension, in the DRV, (3) they should be likely at some point to provoke a military DRV response, (4) the provoked response should be likely to provide good grounds for us to escalate if we wished, and (5) the timing and crescendo should be under our control, with the scenario capable of being turned off at any time. . . .

4. Actions of opportunity. While the above course of action is being pursued, we should watch for other DRV actions which would justify [words illegible]. Among such DRV actions might be the following:

a. Downing of US recce or US rescue aircraft in Laos (likely by AA, unlikely by MIG).

b. MIG action in Laos or South Vietnam (unlikely).

c. Mining of Saigon Harbor (unlikely).

d. VC attacks on South Vietnamese POL storage, RR bridge, etc. (dramatic incident required).

e. VC attacks (e.g., by mortars) on, or take-over of, air fields on which US aircraft are deployed (likely).

f. Some barbaric act of terrorism which inflames US and world opinion unlikely). . . .

6. Chances to resolve the situation. Throughout the scenario, we should be alert to chances to resolve the situation:

a. To back the DRV down, so South Vietnam can be pacified.

b. To evolve a tolerable settlement:

I. Explicit settlement (e.g., via a bargaining-from-strength conference, etc.).

II. Tacit settlement (e.g., via piecemeal live-and-let-live Vietnamese "settlements," a de facto "writing off" of indefensible portions of SVN, etc.).

c. If worst comes and South Vietnam disintegrates or their behavior becomes abominable, to "disown" South Vietnam, hopefully leaving the image of "a patient who died despite the extraordinary efforts of a good doctor."

7. Special considerations during next two months. The relevant "audiences" of US actions are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as "underwriters"), and the US public (which must support our risk-taking with US lives and prestige). During the next two months, because of the lack of "rebuttal time" before election to justify particular actions which may be distorted to the US public, we must act with special care—signalling to the DRV that initiatives are being taken, to the GVN that we are behaving energetically despite restraints of our political season, and to the US public that we are behaving with good purpose and restraint.

Top Aides' Proposal to Johnson on Military Steps in Late 1964

(Memorandum from Assistant Secretary of State for Far Eastern Affairs, William P. Bundy, for President Johnson, Sept. 8, 1964. The memorandum was headed "Courses of Action for South Vietnam.")

This memorandum records the consensus reached in discussions between Ambassador Taylor and Secretary Rusk, Secretary McNamara and General Wheeler, for review and decision by the President.

THE SITUATION

1. Khanh will probably stay in control and may make some headway in the next two-three months in strengthening the Government (GVN). The best we can expect is that he and the GVN will be able to maintain order, keep the pacification program ticking over (but not progressing markedly) and give the appearance of a valid Government.

2. Khanh and the GVN leaders are temporarily too exhausted to be thinking much about moves against the North. However, they do need to be reassured that the US continues to mean business, and as Khanh goes along in his Government efforts, he will probably want more US effort visible, and some GVN role in external actions.

3. The GVN over the next 2–3 months will be too weak for us to take any major deliberate risks of escalation that would involve a major role for, or threat to, South Vietnam. However, escalation arising from and directed against U.S. action would tend to lift GVN morale at least temporarily.

4. The Communist side will probably avoid provocative action against the US, and it is uncertain how much they will step up VC activity. They do need to be shown that we and the GVN are not simply sitting back after the Gulf of Tonkin.

COURSES OF ACTION

We recommend in any event:

1. US naval patrols in the Gulf of Tonkin should be resumed immediately (about September 12). They should operate initially beyond the 12-mile limit and be clearly dissociated from 34A maritime operations. The patrols would comprise 2-3 destroyers and would have air cover from carriers; the destroyers would have their own ASW capability. 2. 34A operations by the GVN should be resumed immediately thereafter (next week). The maritime operations are by far the most important. North Vietnam is likely to publicize them, and at this point we should have the GVN ready to admit that they are taking place and to justify and legitimize them on the basis of the facts on VC infiltration by sea. 34A air drop and leaflet operations should also be resumed but are secondary in importance. We should not consider air strikes under 34A for the present.

3. Limited GVN air and ground operations into the corridor areas of Laos should be undertaken in the near future, together with Lao air strikes as soon as we can get Souvanna's permission.

These operations will have only limited effect, however.

4. We should be prepared to respond on a tit-for-tat basis against the DRV in the event of any attack on US units or any special DRV/VC action against SVN. The response for an attack on US units should be along the lines of the Gulf of Tonkin attacks, against specific and related targets. The response to special action against SVN should likewise be aimed at specific and comparable targets.

The main further question is the extent to which we should add elements to the above actions that would tend deliberately to provoke a DRV reaction, and consequent retaliation by us. Example of actions to be considered would be running US naval patrols increasingly close to the North Vietnamese coast and/or associating them with 34A operations. We believe such deliberately provocative elements should not be added in the immediate future while the GVN is still struggling to its feet. By early October, however, we may recommend such actions depending on GVN progress and Communist reaction in the meantime, especially to US naval patrols.

The aim of the above actions, external to South Vietnam, would be to assist morale in SVN and show the Communists we still mean business, while at the same time seeking to keep the risks low and under our control at each stage.

Further actions within South Vietnam are not covered in this memorandum. We believe that there are a number of immediate-impact actions we can take, such as pay raises for the police and civil administrators and spot projects in the cities and selected rural areas. These actions would be within current policy and will be refined for decision during Ambassador Taylor's visit. We are also considering minor changes in the US air role within South Vietnam, but these would not involve decisions until November.

MEMO ON JOHNSON'S APPROVAL OF RENEWED NAVAL OPERATIONS

(National security action memorandum from McGeorge Bundy, adviser to the President on national security, to Secretary of Defense McNamara and Secretary of State Rusk, Sept. 10, 1964.)

The President has now reviewed the situation in South Vietnam with Ambassador Taylor and with other advisers and has approved the following actions:

1. U.S. naval patrols in the Gulf of Tonkin will be resumed promptly after Ambassador Taylor's return. They will operate initially well beyond the 12-mile limit and be clearly dissociated from 34A maritime operations. The patrols will comprise two to three destroyers and would have air cover from carriers; the destroyers will have their own ASW capability.

2. 34A operations by the GVN will be resumed after completion of a first DeSoto patrol. The maritime operations are by far the most important. North Vietnam has already publicized them, and is likely to publicize them even more, and at this point we should have the GVN ready to admit that they are taking place and to justify and legitimize them on the basis of the facts of VC infiltration by sea. 34A air drop and leaflet operations should also be resumed but are secondary in importance. We should not consider air strikes under 34A for the present.

3. We should promptly discuss with the Government of Laos plans for limited GVN air and ground operations into the corridor areas of Laos, together with Laos air strikes and possible use of U.S. armed aerial reconnaissance. On the basis of these discussions a decision on action will be taken, but it should be recognized that these operations will in any case have only limited effect.

4. We should be prepared to respond as appropriate against the DRV in the event of any attack on US units or any special DRV/VC action against SVN.

5. The results of these decisions will be kept under constant review, and recommendations for changes or modifications or additions will be promptly considered.

6. The President reemphasizes the importance of economic and political actions having immediate impact in South Vietnam, such as pay raises for civilian personnel and spot projects in the cities and selected rural areas. The President emphasizes again that no activity of this kind should be delayed in any way by any feeling that our resources for these purposes are restricted. We can find the money which is needed for all worthwhile projects in this field. He expects that Ambassador Taylor and the country team will take most prompt and energetic action in this field.

7. These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decision are required at any time by a change in the situation, they will be taken.

CABLE AUTHORIZING AIR STRIKES ON LAOS INFILTRATION ROUTES

(Cablegram from the State Department and the Defense Department to the United States Embassy in Vientiane, Oct. 6, 1964. Copies of the cablegrams were sent to the United States Embassies in Saigon and Bangkok and to the commander in chief of Pacific forces. The embassy in Saigon was asked to relay the message to the United States Commander in Vietnam.)

You are authorized to urge the RLG to begin air attacks against Viet Cong infiltration routes and facilities in the Laos Panhandle by RLAF T–28 aircraft as soon as possible. Such strikes should be spread out over a period of several weeks, and targets should be limited to those deemed suitable for attacks by T–28s and listed Para. 8 Vientiane's 581, excluding Mu Gia pass and any target which Lao will not hit without U.S. air cover or fire support since decision this matter not yet made.

You are further authorized to inform Lao that Yankee Team suppressive fire strikes against certain difficult targets in Panhandle, interspersing with further T–28 strikes, are part of the over-all concept and are to be anticipated later but that such US strikes are not repeat not authorized at this time.

Report soonest proposed schedule of strikes and, upon implementation, all actual commitments of RLG T–28s, including targets attacked, results achieved, and enemy opposition. Also give us any views in addition to those in Vientiane's 581 as to any targets which are deemed too difficult for RLG air strikes and on which US suppressive strikes desired.

FYI: Highest levels have not authorized Yankee Team strikes at this time against Route 7 targets. Since we wish to avoid the impression that we are taking first step in escalation, we inclined defer decision on Route 7 strikes until we have strong evidence Hanoi's preparation for new attack in PDJ, some of which might come from RLAF operations over the Route. End FYI.

You may inform RLG, however, that US will fly additional RECCE over Route 7 to keep current on use being made of the Route by the PL and to identify Route 7 targets and air defenses. The subject of possible decision to conduct strikes on Route 7 being given study in Washington.

FYI: Cross border ground operations not repeat not authorized at this time.

WILLIAM BUNDY DRAFT ON HANDLING WORLD AND PUBLIC OPINION

(Draft section of a paper, "Conditions for Action and Key Actions Surrounding Any Decision," by Assistant Secretary of State Bundy, Nov. 5, 1964.)

1. Bien Hoa may be repeated at any time. This would tend to force our hand, but would also give us a good springboard for any decision for stronger action. The President is clearly thinking in terms of maximum use of a Gulf of Tonkin rationale, either for an action that would show toughness and hold the line till we can decide the big issue, or as a basis for starting a clear course of action under the broad options.

2. Congress must be consulted before any major action, perhaps only by notification if we do a reprisal against another Bien Hoa, but preferably by careful talks with such key leaders as Mansfield, Dirksen, the Speaker, Albert, Halleck, Fulbright, Hickenlooper, Morgan, Mrs. Bolton, Russell, Saltonstall, Rivers, (Vinson?), Arends, Ford, etc. He probably should wait till his mind is moving clearly in one direction before such a consultation, which would point to some time next week. Query if it should be combined with other topics (budget?) to lessen the heat.

3. We probably do not need additional Congressional authority, even if we decide

on very strong action. A session of this rump Congress might well be the scene of a messy Republican effort.

4. We are on the verge of intelligence agreement that infiltration has in fact mounted, and Saigon is urging that we surface this by the end of the week or early next week. Query how loud we want to make this sound. Actually Grose in the Times had the new estimate on Monday; so the splash and sense of hot new news may be less. We should decide this today if possible. . . . In general, we all feel the problem of proving North Vietnamese participation is less than in the past, but we should have the Jorden Report updated for use as necessary.

5. A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong Presidential noise to prepare a climate for an action statement is probably indicated and would be important in any event to counter any SVN fears of a softening in our policy. We should decide the latter today too if possible.

6. Secretary Rusk is talking today to Dobrynin. For more direct communication Seaborn can be revved up to go up the 15th if we think it wise. He is not going anyway, and we could probably hold him back so that the absence of any message was not itself a signal.

7. Our international soundings appear to divide as follows:

a. We should probably consult with the U.K., Australia, New Zealand, and possibly Thailand before we reach a decision. We would hope for firm moral support from the U.K. and for participation in at least token form from the others.

b. SEATO as a body should be consulted concurrently with stronger action. We should consult the Philippines a day or so before such action but not necessarily before we have made up our minds.

c. The NATO Council should be notified on the Cuban model. i.e., concurrently, by a distinguished representative.

d. For negative reasons, France probably deserves VIP treatment also.

e. In the UN, we must be ready with an immediate affirmative presentation of our rationale to proceed concurrently either with a single reprisal action or with the initiation of a broader course of action.

f. World-wide, we should select reasonably friendly chiefs of state for special treatment seeking their sympathy and support, and should arm all our representatives with the rationale and defense of our action whether individual reprisal or broader.

8. USIA must be brought into the planning process not later than early next week, so that it is getting the right kind of materials ready for all our information media, on a contingency basis. The same [word illegible] true of CIA's outlets.

McNaughton's November Draft on Vietnam Aims and Choices

(Second draft of a paper, "Action for South Vietnam," by Assistant Secretary of Defense McNaughton, Nov. 6, 1964.)

1. U.S. aims:

(a) To protect U.S. reputation as a counter-subversion guarantor.

(b) To avoid domino effect especially in Southeast Asia.

(c) To keep South Vietnam's territory from Red hands.

(d) To emerge from crisis without unacceptable taint from methods.

2. Present situation:

The situation in South Vietnam is deteriorating. Unless new actions are taken, the new government will probably be unstable and ineffectual, and the VC will probably continue to extend their hold over the population and territory. It can be expected that, soon (6 months? two years?), (a) government officials at all levels will adjust their behavior to an eventual VC take-over, (b) defections of significant military forces will take place, (c) whole integrated regions of the country will be totally denied to the GVN, (d) neutral and/or left-wing elements will enter the government, (e) a popular front regime will emerge which will invite the US out, and (f) fundamental concessions to the VC and accommodations to the DRV will put South Vietnam behind the Curtain.

3. Urgency:

"Bien Hoa" having passed, no urgent decision is required regarding military action against the DRV, but (a) such a decision, related to the general deteriorating situation in South Vietnam, should be made soon, and (b) in the event of another VC or DRV "spectacular," a decision (for at least a reprisal) would be urgently needed.

4. Inside South Vietnam:

Progress inside SVN is important, but it is unlikely despite our best ideas and efforts (and progress, if made, will take at least several months). Nevertheless, whatever other actions might be taken, great efforts should be made within South Vietnam: (a) to strengthen the government, its bureaucracy, and its civil-military coordination and planning, (b) to dampen ethnic, religious, urban and civil-military strife by a broad and positive GVN program designed (with US Team help) to enlist the support of important groups. and (c) to press the pacification program in the countryside.

5. Action against DRV:

Action against North Vietnam is to some extent a substitute for strengthening the government in South Vietnam. That is, a less active VC (on orders from DRV) can be matched by a less efficient GVN. We therefore should consider squeezing North Vietnam.

6. Options open to us:

We have three options open to us (all envision reprisals in the DRV for DVR/VC "spectaculars" against GVN as well as US assets in South Vietnam.)

Option A. Continue present policies. Maximum assistance within SVN and limited external actions in Laos and by the GVN covertly against North Vietnam. The aim of any reprisal actions would be to deter and punish large VC actions in the South, but not to a degree that would create strong international negotiating pressures. Basic to this option is the continued rejection of negotiating in the hope that the situation will improve.

Option B. Fast full squeeze. Present policies plus a systematic program of military pressures against the north, meshing at some point with negotiation, but with pressure actions to be continued at a fairly rapid pace and without interruption until we achieve our central present objectives.

Option C. Progressive squeeze-and-talk. Present policies plus an orchestration of communications with Hanoi and a crescendo of additional military moves against infiltration targets, first in Laos and then in the DRV, and then against other targets in North Vietnam. The scenario would be designed to give the US the option at any point to proceed or not, to escalate or not, and to quicken the pace or not. The decision in these regards would be made from time to time in view of all relevant factors.

7. Analysis of option A. (To be provided).

8. Analysis of Option B. (To be provided).

9. Analysis of Option C.

(a) Military actions. Present policy, in addition to providing for reprisals in DRV for DRV actions against the US envisions (1) 34A Airops and Marops, (2) deSoto patrols, for intelligence purposes, (3) South Vietnamese shallow ground actions in Laos when practicable, and (4) T28 strikes against infiltration-associated targets in Laos. Additional actions should be:

Phase one (in addition to reprisals in DRV for VC "spectaculars" in South Vietnam): (5) US strikes against infiltration-associated targets in Laos.

Phase two (in addition to reprisals in DRV against broader range of VC actions): (6) Low-level reconnaissance in southern DRV, (7) US/VNAF strikes against infiltration-associated targets in southern DRV.

Phase three: Either continue only the above actions or add one or more of the following, making timely deployment of US forces: (8) Aerial mining of DRV ports, (9) Naval quarantine of DRV, and (10) US/VNAF, in "crescendo," strike additional targets on "94 target list."

South Vietnamese forces should play a role in any action taken against the DRV.

(b) Political actions. Establish immediately a channel for bilateral US-DRV communication. This could be in Warsaw or via Seaborn in Hanoi. Hanoi should be told that we do not seek to destroy North Vietnam or to acquire a colony or base, but that North Vietnam must:

(1) Stop training and sending personnel to wage war in SVN and Laos.

(2) Stop sending arms and supplies to SVN and Laos.

(3) Stop directing and controlling military actions in SVN and Laos.

(4) Order the VC and PL to stop their insurgencies and military actions.

(5) Remove VM forces and cadres from SVN and Laos.

(6) Stop propaganda broadcasts to South Vietnam.

[(7) See that VC and PL stop attacks and incidents in SVN and Laos?]

[(8) See that VC and PL cease resistance to government forces?]

[(9) See that VC and PL turn in weapons and relinquish bases?]

[(10) See that VC and PL surrender for amnesty of expatriation?]

US demands should be accompanied by offers (1) to arrange a rice-barter deal between two halves of Vietnam and (2) to withdraw US forces from South Vietnam for as long as the terms are complied with.

We should not seek wider negotiations—in the UN, in Geneva, etc.—but we should evaluate and pass on each negotiating opportunity as it is pressed on us.

(c) Information actions. The start of military actions against the DRV will have to be accompanied by a convincing world-wide public information program. (The information problem will be easier if the first US action against the DRV is related in time and kind to a DRV or VC outrage or "spectacular", preferably against SVN as well as US assets.)

(d) VS/DRV/Chicom-USSR reactions. (To be elaborated later.) The DRV and China will probably not invade South Vietnam, Laos or Burma, nor is it likely that they will conduct air strikes on these countries. The USSR will almost certainly confine herself to political actions. If the DRV or China strike or invade South Vietnam, US forces will be sufficient to handle the problem.

(e) GVN Reactions. Military action against the DRV could be counter-productive in South Vietnam because (1) the VC could step up its activities, (2) the South Vietnamese could panic, (3) they could resent our striking their "brothers", and (4) they could tire of waiting for results. Should South Vietnam disintegrate completely beneath us, we should try to hold it together long enough to permit us to try to evacuate our forces and to convince the world to accept the uniqueness (and congenital impossibility) of the South Vietnamese case.

(f) Allied and neutral reactions. (To be elaborated later.) (1) Even if OPTION C failed, it would, by demonstrating US willingness to go to the mat, tend to bolster allied confidence in the US as an ally. (2) US military action against the DRV will probably prompt military actions elsewhere in the world—e.g., Indonesia against Malaysia or Timor, or Turkey against Cyprus.

Taylor's Briefing of Key Officials on Situation in November 1964

(Excerpts from prepared briefing by Ambassador Taylor, "The Current Situation in South Vietnam—November, 1964," delivered to the "principals"—the senior officials to whom the Southeast Asia working group reported—at a Washington meeting on Nov. 27, 1964.)

After a year of changing and ineffective government, the counter-insurgency program country-wide is bogged down and will require heroic treatment to assure revival. Even in the Saigon area, in spite of the planning and the special treatment accorded the Hop Tac plan, this area also is lagging. The northern provinces of South Viet-Nam which a year ago were considered almost free of Viet-Cong are now in deep trouble. In the Quang Ngai-Binh Dinh area, the gains of the Viet-Cong have been so serious that once more we are threatened with a partition of the country by a Viet-Cong salient driven to the sea. The pressure on this area has been accompanied by continuous sabotage of the railroad and of Highway 1 which in combination threaten an economic strangulation of northern provinces.

This deterioration of the pacification program has taken place in spite of the very heavy losses inflicted almost daily on the Viet-Cong and the increase in strength and professional competence of the Armed Forces of South Viet-Nam. Not only have the Viet-Cong apparently made good their losses, but of late, have demonstrated three new or newly expanded tactics: the use of stand-off mortar fire against important targets, as in the attack on the Bien Hoa airfield; economic strangulation on limited areas; finally, the stepped-up infiltration of DRV military personnel moving from the north. These new or improved tactics employed against the background of general deterioration offer a serious threat to the pacification program in general and to the safety of important bases and installations in particular.

Perhaps more serious than the downward trend in the pacification situation, because it is the prime cause, is the continued weakness of the central government. Although the Huong government has been installed after executing faithfully and successfully the program laid out by the Khanh government for its own replacement, the chances for the long life and effective performance of the new line-up appear small. Indeed, in view of the factionalism existing in Saigon and elsewhere throughout the country it is impossible to foresee a stable and effective government under any name in anything like the near future. Nonetheless, we do draw some encouragement from the character and seriousness of purpose of Prime Minister Huong and his cabinet and the apparent intention of General Khanh to keep the Army out of politics, at least for the time being.

As our programs plod along or mark time, we sense the mounting feeling of war weariness and hopelessness which pervade South Viet-Nam, particularly in the urban areas. Although the provinces for the most part appear steadfast, undoubtedly there is chronic discouragement there as well as in the cities. Although the military leaders have not talked recently with much conviction about the need for "marching North," assuredly many of them are convinced that some new and drastic action must be taken to reverse the present trends and to offer hope of ending the insurgency in some finite time.

The causes for the present unsatisfactory situation are not hard to find. It stems from two primary causes, both already mentioned above, the continued ineffectiveness of the central government, and the other, the increasing strength and effectiveness of the Viet-Cong and their ability to replace losses.

While, in view of the historical record of South Viet-Nam, it is not surprising to have these governmental difficulties, this chronic weakness is a critical liability to future plans. Without an effective central government with which to mesh the U.S. effort the latter is a spinning wheel unable to transmit impulsion to the machinery of the GVN. While the most critical governmental weaknesses are in Saigon, they are duplicated to a degree in the provinces. It is most difficult to find adequate provincial chiefs and supporting administrative personnel to carry forward the complex programs which are required in the field for successful pacification. It is true that when one regards the limited background of the provincial chiefs and their associates, one should perhaps be surprised by the results which they have accomplished, but unfortunately, these results are generally not adequate for the complex tasks at hand or for the time schedule which we would like to establish.

As the past history of this country shows, there seems to be a national attribute which makes for factionalism and limits the development of a truly national spirit. Whether this tendency is innate or a development growing out of the conditions of political suppression under which successive generations have lived is hard to determine. But it is an inescapable fact that there is no national tendency toward team play or mutual loyalty to be found among many of the leaders and political groups within South Viet-Nam. Given time, many of these [words illegible] undoubtedly change for the better, but we are unfortunately pressed for time and unhappily perceive no short term solution for the establishment of stable and sound government.

The ability of the Viet-Cong continuously to rebuild their units and to make good their losses is one of the mysteries of this guerrilla war. We are aware of the recruiting methods by which local boys are induced or compelled to join the Viet-Cong ranks and have some general appreciation of the amount of infiltration personnel from the outside. Yet taking both of these sources into account, we still find no plausible explanation of the continued strength of the Viet-Cong if our data on Viet-Cong losses are even approximately correct. Not only do the Viet-Cong units have the recuperative powers of the phoenix, but they have an amazing ability to maintain morale. Only in rare cases have we found evidences of bad morale among Viet-Cong prisoners or recorded in captured Viet-Cong documents.

Undoubtedly one cause for the growing strength of the Viet-Cong is the increased direction and support of their campaign by the government of North Viet-Nam. This direction and support take the form of endless radioed orders and instructions, and the continuous dispatch to South Viet-Nam of trained cadre and military equipment over infiltration routes by land and by water. While in the aggregate, this contribution to the guerrilla campaign over the years must represent a serious drain on the resources of the DRV, that government shows no sign of relaxing its support of the Viet-Cong. In fact, the evidence points to an increased contribution over the last year, a plausible development, since one would expect the DRV to press hard to exploit the obvious internal weaknesses in the south.

If, as the evidence shows, we are playing a losing game in South Vietnam, it is high time we change and find a better way. To change the situation, it is quite clear that we need to do three things: first, establish an adquate government in SVN; second, improve the conduct of the counterinsurgency campaign; and finally, persuade or force the DRV to stop its aid to the Viet-Cong and to use its directive powers to make the Viet-Cong desist from their efforts to overthrow the government of South Viet-Nam. . . .

In bringing military pressure to bear on North Viet-Nam, there are a number of variations which are possible. At the bottom of the ladder of escalation, we have the initiation of intensified covert operations, anti-infiltration attacks in Laos, and reprisal bombings mentioned above as a means for stiffening South Vietnamese morale. From this level of operations, we could began to escalate progressively by attacking appropriate targets in North Viet-Nam. If we justified our action primarily upon the need to reduce infiltration, it would be natural to direct these attacks on infiltration—related targets such as staging areas, training facilities, communications centers and the like. The tempo and weight of the attacks could be varied according to the effects sought. In its final forms, this kind of attack could extend to the destruction of all important fixed targets in North Viet-Nam and to the interdiction of movement on all lines of communication.

. . . We reach the point where a decision must be taken as to what course or courses of action we should undertake to change the tide which is running against us. It seems perfectly clear that we must work to the maximum to make something out of the present Huong government or any successor thereto. While doing so, we must be thinking constantly of what we would do if our efforts are unsuccessful and the government collapses. Concurrently, we should stay on the present in-country program, intensifying it as possible in proportion to the current capabilities of the government. To bolster the local morale and restrain the Viet-Cong during this period, we should step up the 34–A operations, engage in bombing attacks and armed recce in the Laotian corridor and undertake reprisal bombing as required. It will be important that United States forces take part in the Laotian operations in order to demonstrate to South Viet-Nam our willingness to share in the risks of attacking the North.

If this course of action is inadequate, and the government falls then we must start over again or try a new approach. At this moment, it is premature to say exactly what these new measures should be. In any case, we should be prepared for emergency military action against the North if only to shore up a collapsing situation.

If, on the other hand as we hope, the government maintains and proves itself, then we should be prepared to embark on a methodical program of mounting air attacks in order to accomplish our pressure objectives vis-a-vis the DRV and at the same time do our best to improve in-country pacification program. We will leave negotiation initiatives to Hanoi. Throughout this period, our guard must be up in the Western Pacific, ready for any reaction by the DRV or of Red China. Annex I suggests the train of events which we might set in motion. . . .

View of Chiefs' Representative on Options B and C

(*Memorandum from Vice Adm. Lloyd M. Mustin of the staff of the Joint Chiefs of Staff to Assistant Secretary Bundy as chairman of the Working Group on Southeast Asia, Nov. 14, 1964. The memorandum was headed "Additional Material for Project on Courses of Action in Southeast Asia."*)

References: a. Your memorandum of 13 November 1964 to the NSC Working Group
b. JCSM 902–64, dated 27 October 1964
c. JCSM 933–64, dated 4 November 1964
d. JCSM 955–64, dated 14 November 1964

1. Reference a requests JCS views spelling out Option "B" as a preferred alternative, with something like Option "C" as a fall-back alternative. Because of the way in which formal JCS views in the premises have been developed and expressed, this requires some degree of interpretation.

2. Reference b is the most recent recommendation by the Joint Chiefs of Staff for courses of action with respect to South Viet-

nam, framed in context of initiation "in cold blood." Various JCS papers, the most recent dated 22 October 1964, identify the corresponding recommendations with respect to Laos. Reference b specifically identifies certain of its listed actions to begin now, with the balance of them "implemented as required, to achieve US objectives in Southeast Asia."

3. Reference c formalized the most recent JCS recommendation for reprisal (hot blood) actions and reference d provided an analysis of DRV/CHICOM reactions to these strikes, and the probable results thereof. The proposed actions are essentially the same as in reference c except for the principal difference that the "hot blood" actions are initiated at a substantial higher level of military activity.

4. Only in that the courses of action in either of these sets of documents can be completed in minimum time consistent with proper conduct of military operations do they match Option "B" as defined for purposes of the NSC Working Group study. The distinction is that while the Joint Chiefs of Staff offer the capability for pursuing Option "B" as defined, they have not explicitly recommended that the operations be conducted on a basis necessarily that inflexible. All implementing plans do in fact explicitly recognize a controlled phase which would permit suspension whenever desired by national authority.

5. I believe my draft contribution to PART VI provides a reasonable application of the JCS recommendations to Option "B" as defined for the study, but this does not mean that the Joint Chiefs of Staff have recommended Option "B" as defined in the study.

6. There is in an advanced state of completion a JCS fall-back recommendation for a course of action which, subject to possible further modifications by the Joint Chiefs of Staff, will provide essentially the same military actions listed in my draft input to PART VII. These include the same military actions listed in the above, but without the stress upon starting forthwith, and with more specific emphasis on some extension of the overall time for execution of the complete list. Thus it imposes what amount to some arbitrary delays, which would provide additional intervals for diplomatic exchanges.

7. Because of the time delays which it reflects, it is specifically the JCS fall-back position.

8. For information, the analysis in referenced develops and supports the conclusion that the United States and its Allies can deal adequately with any course of action the DRV and/or CHICOMS decide to pursue. You may note that this conclusion is developed in the context of the most intense of all courses of action prepared by the Joint Chiefs of Staff. This reflects a position less pessimistic than some which have appeared in project drafts.

9. A final overall comment by the Joint Staff member of the Working Group:

We recognize quite clearly that any effective military action taken by the United States will generate a hue and cry in various quarters. The influence that this kind of "pressure" may have upon the United States acting in support of its national interests will be no more than what we choose to permit it to be. There are repeated expressions in various project draft materials indicating that this influence will necessarily be great. We do not agree. There are too many current examples of countries acting in what they presumably believe to be their own [word illegible] self-interest, in utter diregard for "world opinion," for us to accept the position that the United States must at all times conduct all its affairs on the basis of a world popularity contest. In short, we believe that certain strong US actions are required in Southeast Asia, that we must take them regardless of opinion in various other quarters, and that results of our failing to take them would be substantially more serious to the United States than would be any results of world opinions if we did take them. And as far as that goes, we do not believe that if we took the necessary actions the adverse pressures from other countries would prove to be very serious after all—at least from countries that matter to us.

FINAL DRAFT POSITION PAPER PRODUCED BY WORKING GROUP

("Draft Position Paper on Southeast Asia" circulated to the principal top-level officials concerned, Nov. 29, 1964. The draft was accompanied by memorandum from William Bundy saying: "I attach a draft action paper for review at the meeting at 1:30 on Monday in Secretary Rusk's conference room. Secretary Rusk has generally approved the format of these papers, and they have been given a preliminary review for substance by Ambassador Taylor and Messrs. McNaughton and Forrestal. However, I am necessarily responsible for the way they are now drafted." The Pentagon study says this paper was originally a draft national security action memorandum but that it was changed to a draft position paper at the instructions of the principals. Words and phrases that were deleted from the final version are shown in italics. Handwritten interpolations or revisions are shown in double parentheses.)

I. CONCEPT

A. US objectives in South Vietnam (SVN) are unchanged. They are to:

1. Get Hanoi and North Vietnam (DRV) support and direction removed from South Vietnam, and, to the extent possible, obtain DRV cooperation in ending Viet Cong (VC) operations in SVN.

2. Re-establish an independent and secure South Vietnam with appropriate international safeguards, including the freedom to accept US and other external assistance as required.

3. Maintain the security of other non-Communist nations in Southeast Asia including specifically the maintenance and observance of the Geneva Accords of 1962 in Laos.

B. We will continue to press the South Vietnamese Government (GVN) in every possible way to make the government itself more effective and to push forward with the pacification program.

C. We will join at once with the South Vietnamese and Lao Governments in a determined action program aimed at DRV activities in both countries and designed to help GVN morale and to increase the costs and strain on Hanoi, foreshadowing still greater pressures to come. Under this program the first phase actions (((see TAB D))) within the next thirty days will be intensified forms of action already under way, plus (1) US armed reconnaissance strikes in Laos, and already under way, plus (1) US armed reconnaissance strikes in Laos, and (2) GVN and possible US air strikes against the DRV, as reprisals against any major or spectacular Viet Cong action in the south, whether against US personnel and installations or not.

D. Beyond the thirty-day period, first phase actions may be continued without change, or additional military measures may be taken including the withdrawal of dependents and the possible initiation of strikes a short distance across the border against the infiltration routes from the DRV. In the later case this would become a transitional phase. (Be prepared to stop flow of dependents to SVN at [illegible word] time we start air strikes in force.)

E. Thereafter, if the GVN improves its effectiveness to an acceptable degree and Hanoi does not yield on acceptable terms, or if the GVN can only be kept going by stronger action the U.S. is prepared—at a time to be determined—to enter into a second phase program, in support of the GVN and RLG, of graduated military pressures directed systematically against the DRV. Such a program would consist principally of progressively more serious air strikes, of a weight and tempo adjusted to the situation as it develops (possibly running from two to six months). Targets in the DRV would start with infiltration targets south of the 19th parallel and work up to targets north of that point. This could eventually lead to such measures as air strikes on all major military-related targets, aerial mining of DRV ports, and a U.S. naval blockade of the DRV. The whole sequence of military actions would be designed to give the impression of a steady, deliberate approach, and to give the U.S. the option at any time (subject to enemy reaction) to proceed or not, to escalate or not, and to quicken the pace or not. Concurrently, the U.S. would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain U.S. objectives in an acceptable manner. The U.S. would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate.

HEADING ILLEGIBLE

A. A White House statement will be issued following the meeting with Ambassador Taylor, with the text as in Tab B, attached.

B. Ambassador Taylor will consult with the GVN promptly on his return, making a general presentation (in accordance with the draft instructions) as stated in Tab B, attached. He will further press for the adoption of specific measures as listed in the Annex to Tab B.

C. At the earliest feasible date, we will publicize the evidence of increased DRV infiltration. This action will be coordinated by Mr. Chester Cooper in order to insure that the evidence is sound and that senior government officials who have testified on this subject in the past are in a position to defend and explain the differences between the present estimates and those given in the past. The publicizing will take four forms:

1. An on-the-record presentation to the press in Washington, concurrently with an on-the-record or background presentation to the press in Saigon.

2. Available Congressional leaders will be given special briefings. (No special leadership meeting will be convened for this purpose).

3. The Ambassadors of key allied nations will be given special briefings.

4. A written report will be prepared and published within the next ten days giving greater depth and background to the evidence.

D. Laos and Thailand

The US Ambassadors in these countries will inform the government leaders ((in general terms)) of the concept we propose to follow and of specific actions requiring their concurrence or participation. In the case of Laos, we will obtain RLG approval of an intensified program of ((US armed)) reconnaissance strikes both in the Panhandle area of Laos and along the key infiltration routes in central Laos. These actions will not be publicized except to the degree approved by the RLG. It is important, however, for purposes of morale in SV, that their existence be generally known.

Thailand will be asked to support our program fully, to intensify its own efforts in the north and northeast, and to give further support to operations in Laos, such as additional pilots and possibly artillery teams.

E. Key Allies

We will consult immediately with the UK, ((DC)) Australia, New Zealand, ((Bundy)) and the Philippines, ((Humphrey?))

1. UK. The President will explain the concept and proposed actions fully to Prime Minister Wilson, seeking full British sup-

port, but without asking for any additional British contribution in view of the British role in Malaysia.

2. Australia and New Zealand will be pressed through their Ambassadors, not only for support but for additional contributions.

3. The Philippines will be particularly pressed for contributions along the lines of the program for approximately 1800 men already submitted to President Macapagal.

F. We will press generally for more third country aid, stressing the gravity of the situation and our deepening concern. A summary of existing third country aid and of the types of aid that might now be obtained is in Tab C, attached.

G. Communist Countries

1. We will convey to Hanoi our unchanged determination ((and)) our objectives, and that we have a growing concern at the DRV role, to see if there is any sign of change in Hanoi's position.

2. We will make no special approaches to Communist China in this period.

3. We will convey our determination and grave concern to the Soviets, not in the expectation of any change in their position but in effect to warn them to stay out, and with some hope they will pass on the message to Hanoi and Peiping.

H. Other Countries

1. We will convey our grave concern to key interested governments such as Canada, India, and France, but avoid spelling out the concept fully.

2. In the event of a reprisal action, will explain and defend our action in the UN as at the time of the Gulf of Tonkin incident. We do not plan to raise the issue otherwise in the UN. (The Lao Government may stress the DRV infiltration in Laos in its speech, and we should support this and spread the information.)

I. Intensified Military Actions

1. The GVN maritime operations (MAROPS) will be intensified, ((*including U.S. air protection of GVN vessels from attacks by MIGs or DRV surface vessels*)) *and we will urge the GVN to surface and defend these as wholly justified in response to the wholly illegal DRV actions.*

2. Lao air operations will be intensified, especially in the corridor areas and close to the DRV border. US air cover and flak suppression *will* ((may)) be supplied *where* ((if)) needed.

3. US high-level reconnaissance over the DRV will be stepped up.

4. US armed ((air)) reconnaissance ((and air)) strikes will be carried out in Laos, first against the corridor area and within a short time against Route 7 and other infiltration routes. *In a major operation to cut key bridges.* (These actions will be publicized only to the degree agreed with Souvanna.) ((At this time we prepare to stop flow of dependents to V.N.))

J. Reprisal Actions.

For any VC provocation similar to the following, a reprisal will be undertaken, preferably with 24 hours, against one or more selected targets in the DRV. GVN forces will be used to the maximum extent, supplemented as necessary by US forces. The exact reprisal will be decided at the time, in accordance with a quick-reaction procedure which will be worked out.

The following may be appropriate occasions for reprisals, but we should be alert for any appropriate occasion.

1. Attacks on airfields.
2. Attack on Saigon.
3. Attacks on provincial or district capitals.
4. Major attacks on US citizens.
5. Attacks on major POL facilities. ((expand))
6. Attacks on bridges and railroad lines after the presently damaged facilities have been restored and warning given.
7. Other "spectaculars" such as earlier attack on a US transport carrier at a pier in Saigon.

In these or similar cases, the reprisal action would be linked as directly as possible to DRV infiltration, so that we have a common threat of justification.

A flexible list of reprisal targets has been prepared running from infiltration targets in the southern part of the DRV up to airfields, ports, and naval bases also located south of the 19th parallel.

K. US/GVN joint planning will be initiated both for reprisal actions and for possible later air strikes-across the border into the DRV.

L. Major statement or speech. Depending on US public reaction, a major statement or speech may be undertaken by the President during this period. This will necessarily be required if a reprisal action is taken, but some other significant action, such as the stopping of the flow of US dependents, might be the occasion. Such a statement or speech would re-state our objectives and our determination, why we are in South Vietnam, and how gravely we view the situation. It should in any event follow the full publicizing of infiltration evidence.

M. Dependents. The flow of dependents to South Vietnam will be stopped [at an early date, probably immediately after Ambassador Taylor has consulted with the GVN] [at the start of the second phase], and this will be public announced.

N. Deferred Actions. ((See TAB D))

The following actions will not be taken within the thirty-day period, but will be considered for adoption in the transitional or second phases of the program:

1. Major air deployment to the area.

2. *Furnishing US air cover for CVN MAROOPS.*

((2)) *3.* ((Be required to resume)) Resuming destroyer patrols in the Gulf of Tonkin. If attacked, these would be an alternative basis for reprisals, and should be considered primarily in this light.

((5)) *4.* ((Be prepared to evacuate)) Evacuation of US dependents

((3)) *5.* US low-level reconnaissance into the DRV.

((4)) *6.* GVN/((LAO)) US air strikes across the border ((s)), initially against the infiltration routes and installations and then against other targets south of the 19th parallel.

NOTE.—The Joint Chiefs of Staff recommend initiation of sharply intensified military pressures against the DRV, starting with a sharp and early attack in force on the DRV, subsequent to brief operations in Laos and US low-level reconnaissance north of the boundary to divert DRV attention prior to the attack in force. This program would be designed to destroy in the first three days Phuc Yen airfield near Hanoi, other airfields, and major POL facilities, clearly to establish the fact that the US intends to use military force to the full limits of what military force can contribute to achieving US objectives in Southeast Asia, and to afford the GVN respite by curtailing DRV assistance to and direction of the Viet Cong. The follow-on-military program—involving armed reconnaissance of infiltration routes in Laos, air strikes on infiltration targets in the DRV, and then progressive strikes throughout North Vietnam—could be suspended short of full destruction of the DRV if our objectives were earlier achieved. The military program would be conducted rather swiftly, but the tempo could be adjusted as needed to contribute to achieving our objectives.

REPORT OF MEETING OF U.S. ENVOYS TO REVIEW OPERATIONS IN LAOS

(*Excerpts from cablegram, signed by Ambassador Maxwell D. Taylor, from United States Embassy in Saigon to State Department, Defense Department and Commander in Chief, Pacific, Sept. 19, 1964*)

Following is a summary, coordinated with Vientiane and Bangkok, of the conclusions of the meeting of the three posts held at Saigon September 11 to review air and limited ground operations of the Lao corridor:

1. Air operations in corridor. This involves attack of 22 targets for which folders available at Vientiane and Saigon. If objective is primarily military, i.e., to inflict maximum damage to targets, to prevent VN/PL dispersal and protective measures, and impede rapid VN/PL riposte, it was agreed that a series of sharp, heavy attacks must be made in a relatively short timespan, which would involve substantial U.S. and/or VNAF/Farmgate attacks. If objective primarily psychological, military disadvantages of attacks over longer time frame would be acceptable and chief reliance could be placed on RLAF T–28s with some Yankee team strikes against harder targets, e.g., five bridges. Estimated sortie requirements for this second option 188 T 28 sorties and 80 USAF sorties. Time required [number illegible] days. Vientiane representatives believe Souvanna would [words illegible] would probably wish [words illegible] such attacks spread out over considerable period of time. Also felt Souvanna would prefer VNAF not conduct air strikes in corridor. It was general consensus that best division of targeting for immediate future would be RLAF/YANKEE team mix.

Vientiane is very reluctant to see VNAF participation such strikes and would hope that by keeping GVN informed of actions being taken by RLAF and US in corridor, psychological needs of GVN could reasonably be met. Saigon will seek to do this, but if there are compelling reasons for covert VNAF participation Vientiane would be given prior info on necessity, timing, and place of such strikes.

Alternatively, it was agreed that, if possible, joint Lao, Thai, RVN, and US participation in a common effort against a common enemy would be desirable but, recognizing that, even if possible, arrangements for such an effort would take some time to achieve. If such negotiations are conducted, however, RLAF/Yankee team strikes should not be precluded. Vientiane has since stated it does not consider that it would be desirable to seek to formalize such four country participation in corridor operations as to do so would raise question of degree of Souvanna Phouma's knowledge and involvement which Vientiane feels would jeopardize success of operations.

2. Ground operations.

A. Although it was agreed that northern Route 9 area offered most profitable targets, conference proceeded on assumption that Vientiane would find operations astride Route 9 politically unacceptable at this time. However, Vientiane's 448 to dept. dispatched after return of conferees, now indicates that "shallow penetration raids (20 kilometers) . . . in Rte. 9 area . . . by company-sized units" would be acceptable and would not require clearance by the RLG.

F. It was the view of Saigon group that authority for U.S. advisors to accompany units is a prerequisite to successful operations. Without this US participation probability of success is judged so low that the advisability of conducting cross border operations would be questionable. Vientiane representatives were strongly opposed to presence US advisors because of difficulty with current SAR operations in Laos and political importance of US maintaining credible stance of adhering to provisions Geneva accords.

F. Embassy Vientiane had earlier indicated that they would insist on advanced clearance of cross border operations. All representatives agreed that this requirement would be met by Vientiane having opportunity to comment on all plans submitted to Washington for approval. Once approval to execute is received, Vientiane would be kept informed of day-to-day operations as information addressee on operational traffic between Saigon/Washington/CINCPAC. . . .

Account of Taylor's Meeting With Saigon Generals on Unrest

(*Excerpts from Saigon airgram to the State Department, Dec. 24, 1964, as provided in the body of the Pentagon study. Ambassador Taylor and his deputy, U. Alexis Johnson, met with the so-called Young Turk leaders, among them Generals Nguyen Cao Ky, Nguyen Van Thieu and Nguyen Chanh Thi and an Admiral identified as Cang.*)

Ambassador Taylor: Do all of you understand English? (Vietnamese officers indicated they did, although the understanding of General Thi was known to be weak.) I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Maybe this is because something is wrong with my French because you evidently didn't understand. I made it clear that all the military plans which I know you would like to carry out are dependent on governmental stability. Now you have made a real mess. We cannot carry you forever if you do things like this. Who speaks for this group? Do you have a spokesman?

General Ky: I am not the spokesman for the group but I do speak English. I will explain why the Armed Forces took this action last night.

We understand English very well. We are aware of our responsibilities, we are aware of the sacrifices of our people over twenty years. We know you want stability, but you cannot have stability until you have unity. . . . But still there are rumors of coups and doubts among groups. We think these rumors come from the HNC, not as an organization but from some of its members. Both military and civilian leaders regard the presence of these people in the HNC as divisive of the Armed Forces due to their influence.

Recently the Prime Minister showed us a letter he had received from the Chairman of the HNC. This letter told the Prime Minister to beware of the military, and said that maybe the military would want to come back to power. Also the HNC illegally sought to block the retirement of the generals that the Armed Forces Council unanimously recommended be retired in order to improve unity in the Armed Forces.

General Thieu: The HNC cannot be bosses because of the Constitution. Its members must prove that they want to fight.

General Ky: It looks as though the HNC does not want unity. It does not want to fight the Communists.

It has been rumored that our action of last night was an intrigue of Khanh against Minh, who must be retired. Why do we seek to retire these generals? Because they had their chance and did badly. . . .

Yesterday we met, twenty of us, from 1430 to 2030. We reached agreement that we must take some action. We decided to arrest the bad members of the HNC, bad politicians, bad student leaders, and the leaders of the Committee of National Salvation, which is a Communist organization. We must put the trouble-making organizations out of action and ask the Prime Minister and the Chief of State to stay in office.

After we explain to the people why we did this at a press conference, we would like to return to our fighting units. We have no political ambitions. We seek strong, unified, and stable Armed Forces to support the struggle and a stable government. Chief of State Suu agrees with us. General Knanh saw Huong who also agreed.

We did what we thought was good for this country; we tried to have a civilian government clean house. If we have achieved it, fine. We are now ready to go back to our units.

Ambassador Taylor: I respect the sincerity of you gentlemen. Now I would like to talk to you about the consequences of what you have done. But first, would any of the other officers wish to speak?

Admiral Cano: It seems that we are being treated as though we were guilty. What we did was good and we did it only for the good of the country.

Ambassador Taylor: Now let me tell you how I feel about it, what I think the consequences are: first of all, this is a military coup that has destroyed the government-making process that, to the admiration of the whole world, was set up last fall largely through the statesman-like of the Armed Forces.

You cannot go back to your units, General Ky. You military are now back in power. You are up to your neck in politics.

Your statement makes it clear that you have constituted yourselves again substantially as a Military Revolutionary Committee. The dissolution of the HNC was totally illegal. Your decree recognized the Chief of State and the Huong Government but this recognition is something that you could withdraw. This will be interpreted as a return of the military to power. . . .

Ambassador Taylor: Who commands the Armed Forces? General Khanh?

General Ky: Yes, sir . . .

General Thieu. In spite of what you say, it should be noted that the Vietnamese Commander-in-Chief is in a special situation. He therefore needs advisors. Wo do not want to force General Khanh; we advise him. We will do what he orders . . .

Ambassador Taylor: Would your officers be willing to come into a government if called upon to do so by Huong? I have been impressed by the high quality of many Vietnamese officers. I am sure that many of the most able men in this country are in uniform. Last fall when the HNC and Huong Government was being formed, I suggested to General Khanh there should be some military participation, but my suggestions were not accepted. It would therefore be natural for some of them now to be called upon to serve in the government. Would you be willing to do so? . . .

General Ky: Nonetheless, I would object to the idea of the military going back into the government right away. People will say it is a military coup.

Ambassador Taylor and Ambassador Johnson: (together) People will say it anyway . . .

Ambassador Taylor: You have destroyed the Charter. The Chief of State will still have to prepare for elections. Nobody believes that the Chief of State has either the power or the ability to do this without the HNC or some other advisory body. If I were the Prime Minister, I would simply overlook the destruction of the HNC. But we are preserving the HNC itself. You need a legislative branch and you need this particular step in the formation of a government with National Assembly . . .

Ambassador Taylor: It should be noted that Prime Minister Huong has not accepted the dissolution of the HNC . . .

General Thieu: What kind of concession does Huong want from us?

Ambassador Taylor again noted the need for the HNC function.

General Ky: Perhaps it is better if we now let General Khanh and Prime Minister Huong talk.

General Thieu: After all, we did not arrest all the members of the HNC. Of nine members we detained only five. These people are not under arrest. They are simply under controlled residence . . .

Ambassador Taylor: Our problem now, gentlemen, is to organize our work for the rest of the day. For one thing, the government will have to issue a communique.

General Thieu: We will still have a press conference this afternoon but only to say why we acted as we did.

Ambassador Taylor: I have real troubles on the US side. I don't know whether we will continue to support you after this. Why don't you tell your friends before you act? I regret the need for my blunt talk today but we have lots at stake . . .

Ambassador Taylor: And was it really all that necessary to carry out the arrests that very night? Couldn't this have been put off a day or two? . . .

In taking a friendly leave, Ambassador Taylor said: You people have broken a lot of dishes and now we have to see how we can straighten out this mess.

The Options Hardened

The September discussions had established a consensus that bombing of the North "would be required at some proximate future date for a variety of reasons" and individual and institutional pressures all tended to harden the options toward this end as they were finally presented to the National Security Council and then the President.

The analyst gives a number of examples of this stiffening process from the successive draft papers developed by the group during its three weeks of deliberations.

"The extreme withdrawal option was rejected almost without surfacing for consideration" because of its conflict with the policy memorandums. "Fallback positions" outlined in an original working-group draft suffered a similar fate.

FIRST FALLBACK POSITION

The first fallback position, the study says, "would have meant holding the line—placing an immediate, low ceiling on the number of U.S. personnel in SVN, and taking vigorous efforts to build on a stronger base elsewhere, possibly Thailand."

"The second alternative would have been to undertake some spectacular, highly visible supporting action like a limited-duration selective bombing campaign as a last effort to save the South; to have accompanied it with a propaganda campaign about the unwinnability of the war given the GVN's ineptness and, then, to have sought negotiations through compromise and neutralization when the bombing failed."

But because of "forceful objections" by Admiral Mustin, the Joint Chiefs representative, both of these possibilities were downgraded in the final paper presented to the National Security Council on Nov. 21. In effect they were "rejected before they were fully explored," the study says.

Thus all three options, labeled A, B and C, entailed some form of bombing, with "the distinctions between them" tending to blur as they evolved during the group's three weeks of deliberations, the analyst says. Mr. McNaughton and William Bundy collaborated closely on their formulation.

A similar convergence occurred on the question of negotiations.

THE MINIMUM POSITION

Here the minimum United States position was defined as forcing Hanoi to halt the insurgency in the South and to agree to the establishment of a secure, non-Communist state there, a position the analyst defines as "acceptance or else." Moreover, talks of any kind with Hanoi were to be avoided until the effects of bombing had put the United States into a position to obtain this minimum goal in negotiations.

"The only option that provided for bargaining in the usual sense of the word was Option C," the study says. Here the United States would be willing to bargain away international supervisory machinery to verify Hanoi's agreement.

'The policy climate in Washington simply was not receptive to any suggestion that U.S. goals might have to be compromised," the study comments.

These are the options in their final form as the study summarizes them:

"a. Within 24–36 hours Pacific Command (PACOM) forces take initial U.S. military actions as follows:

"(1) Conduct air strikes in Laos against targets No. 3 (Tchepone barracks, northwest), No. 4 (Tchepone military area), No. 19 (Banthay military area), No. 8 (Nape highway bridge), and the Banken bridge on Route 7.

"(2) Conduct low-level air reconnaissance of infiltration routes and of targets in North Vietnam south of Latitude 19 degrees.

"b. Prior to air attacks on the D.R.V., land the Marine special landing forces at Danang and airlift Army or Marine units from Okinawa to the Saigon-Tansonnhut-Bienhoa area, to provide increased security for US personnel and installations.

"c. Use aircraft engaged in airlift (subparagraph b, above) to assist in evacuation of U.S. dependents from Saigon, to commence concurrently with the daylight air strikes against the D.R.V. (subparagraph d, below).

"d. Assemble and prepare necessary forces so that:

"(1) Within 60 to 72 hours, 30 B–52's from Guam conduct a night strike on D.R.V. target No. 6 (Phucyen airfield). [Phucyen, 13 miles from Hanoi, is the principal North Vietnamese air base].

"(2) Commencing at first light on the day following subparagraph (1) above, PACOM air and naval forces conduct air strikes against D.R.V. targets No. 6 (Phucyen airfield) (daylight follow-up on the above night strike), No. 3 (Hanoi Gialam airfield), No. 8 (Haiphong Catbi airfield), No. 48 (Haiphong POL), and No. 49 (Hanoi POL). (POL is a military abbreviation for petroleum, oil and lubricants.)

"(3) Concurrently with subparagraph (2), above the Vietnamese Air Force (VNAF) will strike DRV target No. 36 (Vitthulu barracks).

"(4) Combat air patrols (CAP), flak suppressive fire, strike photographic reconnaissance, and search and rescue operations (S.A.R.) are conducted as appropriate.

"(5) The above actions are followed by:

"(a) Armed reconnaissance on infiltration routes in Laos.

"(b) Air strikes against infiltration routes and targets in the D.R.V.

"(c) Progressive PACOM and SAC [Strategic Air Command] strikes against the targets listed in 94 Target Study.

"(d) Thai bases be used as necessary in connection with the foregoing, with authority to be obtained through appropriate channels. . . .

"Recognizing that security of this plan is of critical importance, they [the Joint Chiefs] consider that external agencies, such as the VNAF, should be apprised only of those parts of the plan necessary to insure proper and effective coordination. The same limited revelation of plans should govern discussions with the Thais in securing authority for unlimited use of Thai bases."

CAUTION FROM SAIGON

From Saigon, Ambassador Taylor cabled for a more restrained response consisting of "retaliation bombing attacks on selected D.R.V. targets" using both American and South Vietnamese planes and for a "policy statement that we will act similarly in like cases in the future."

But the President felt otherwise for the moment. "Apparently, the decision was made to do nothing," the analyst says, adding that the documentary evidence does not provide an adequate explanation.

At a White House meeting the same day, the account continued, the President expressed concern that United States retaliatory strikes might bring counterretaliation by North Vietnam or China against American bases and civilian dependents in the South.

In briefing the press, Administration officials, unidentified in the study, drew a contrast "between this incident and the Tonkin Gulf attacks where our destroyers were 'on United States business.' "

"A second [White House] meeting to discuss possible U.S. actions was 'tentatively scheduled' for 2 November, but the available materials contain no evidence that it was held," the account continues. "President Johnson was scheduled to appear in Houston that afternoon, for his final pre-election address, and it may be that the second White House meeting was called off."

"One thing is certain," the writer concludes. "There were no retaliatory strikes authorized following the attack on the U.S. bomber base."

A PANEL UNDER BUNDY

But the President had not altogether declined to act on Nov. 1. He had appointed an interagency working group under William Bundy to draw up various political and military options for direct action against North Vietnam. This was the one "concrete result" of the Nov. 1 mortar raid on Bienhoa, the account reports.

The Bundy working group, as it would be unofficially called in the Government, held its first meeting at 9:30 A.M. on Nov. 3, the day that Mr. Johnson was elected to the Presidency in his own right by a huge landslide.

"Bienhoa may be repeated at any time," Mr. Bundy wrote in a memorandum to the group on Nov. 5. "This would tend to force our hand, but would also give us a good springboard for any decision for stronger action. The President is clearly thinking in terms of maximum use of a Gulf of Tonkin rationale, either for an action that would show toughness and hold the line till we can decide the big issue, or as a basis for starting a clear course of action under the broad options." [See text, McGeorge Bundy drafts, Nov. 5.]

Ostensibly, the Bundy group had a mandate to re-examine the entire American policy toward Vietnam and to recommend to the National Security Council a broad range of options. Its membership represented the entire foreign-policy-making machine of the Government—Mr. Bundy; Marshall Green; Michael V. Forrestal, head of the inter-agency Vietnam coordinating committee, and Robert Johnson of the State Department; Mr. McNaughton from the civilian hierarchy of the Pentagon; Vice Adm. Lloyd M. Mustin from the Joint Chiefs' staff and Harold Ford of the Central Intelligence Agency.

REMARKABLE LITTLE LATITUDE

But, the account says, "there appears to have been, in fact, remarkably little latitude for reopening the basic question about U.S. involvement in the Vietnam struggle."

The basic national objective of "an independent, non-Communist South Vietnam," established by the President's National Security Action Memorandum 288 of the previous March, "did not seem open to question."

Ambassadors Unger and Taylor both warned that the Laotian Government, without some participation by the American jets, would not persevere in attacking targets on the Communist infiltration routes. Accordingly, the day before the T–28 strikes began on Oct. 14 with Premier Souvanna Phouma's approval, Washington authorized the Yankee Team jets to fly combat air patrol over the T–28's to raise morale and protect them from any interference by North Vietnamese MIG's.

MINOR EXTENSION ONLY

Ambassador Taylor said in his cable that the combat air patrol missions could be achieved by "a relatively minor extension" of the current rules of engagement for American aircraft in Indochina.

The President also postponed for the present the planned ground forays into Laos by the South Vietnamese. Ambassador Taylor pointed out in a cable on Oct. 9 that these would not be possible "in foreseeable future" in any case because the South Vietnamese Army was so tied down fighting the guerrillas in its own country.

Several eight-man South Vietnamese reconnaissance teams were parachuted into Laos in an operation called Leaping Lena, but the Nov. 7 report to William Bundy on covert operations would note that "all of these teams were located by the enemy and only four survivors returned. . . ."

On Nov. 1, two days before the election, the Vietcong struck with a devastating mortar barrage on American planes and facilities at Bienhoa airfield near Saigon. The attack put the President under great internal pressure, the analyst says, to strike back openly, as he had said in his directive of Sept. 10 that he was prepared to do "in the event of any attack on U.S. units or any special D.R.V./VC action against SVN."

In the enemy's barrage, four Americans were killed, five B–57 bombers were destroyed and eight damaged. These were some of the B–57's that had earlier been sent from Japan to the Philippines at Mr. McNamara's suggestion as part of the preparations for possible bombing of the North. They had since been moved into South Vietnam, however, to try to shore up the Khanh Government's military position by bringing more air power to bear upon the Vietcong.

"As of the end of October (in anticipation of resumed De Soto patrols), elements of our Pacific forces were reported as 'poised and ready' to execute reprisals for any D.R.V. attacks on our naval vessels. Thus, there was a rather large expectancy among Administration officials that the United States would do something in retaliation," the analyst writes. The words in parentheses are his.

CHANGE OF GROUND RULES

The Joint Chiefs told Mr. McNamara that the Bienhoa attack had been "a deliberate act of escalation and a change of the ground rules under which the VC had operated up to now." Asserting that "a prompt and strong response is clearly justified," they proposed, on the same day as the incident, "that the following specific actions be taken" (the words in parentheses are those of the Joint Chiefs; words in brackets have been inserted by The Times for clarification):

BREAKDOWN IN NEGOTIATIONS

"It will be recalled that the latter point was the issue on which progress toward a cease-fire became stalled," the analyst remarks. The negotiations broke down in Paris late in September.

American mission representatives from Bangkok and Vientiane met in Saigon on Sept. 11 under Ambassador Taylor's auspices, however, and decided that the South Vietnamese Air Force should not participate in the stepped-up air action in Laos authorized by the President in his directive of Sept. 10.

A list of 22 targets in the Laotian panhandle had been drawn up during the summer for the possibility of such raids, including one on a control point at the Mugia Pass, just across the North Vietnamese border.

South Vietnamese air strikes would offend Premier Souvanna Phouma by complicating his political position, the meeting determined, so the air attacks would be confined to clandestine raids by the T–28's in Laos and the United States Navy and Air Force jets—code-named Yankee Team—operating over Laos. Accord was also reached that South Vietnamese troops, possibly accompanied by American advisers, would also make ground forays into Laos up to a depth of 20 kilometers, or 12 miles.

"The mission representatives agreed that, once the [air and ground] operations began, they should not be acknowledged publicly," the analyst writes. "In effect, then, they would supplement the other covert pressures being exerted against North Vietnam. Moreover, while the Lao Government would of course know about the operations of their T–28's, Souvanna was not to be informed of the GVN/U.S. [ground] operations. The unacknowledged nature of these operations would thus be easier to maintain."

JOINT DEPARTMENTAL MESSAGE

On Oct. 6, a joint State and Defense Department message authorized Ambassador

Unger in Laos to obtain Premier Souvanna Phouma's approval for the T-28 strikes "as soon as possible."

But as the analyst points out, the message showed that the President had decided to postpone the accompanying strikes by Yankee Team jets, the "U.S. armed aerial reconnaissance" mentioned in Mr. Johnson's National Security Action Memorandum 314.

Five of the targets in the Laotian panhandle, well-defended bridges, had been specifically marked for the American jets, and fire by the Yankee Team planes would also be required against antiaircraft batteries defending the Mugia Pass. The message from Washington excluded these targets from the list of 22.

"You are further authorized to inform Lao that Yankee Team suppressive-fire strikes against certain difficult targets in panhandle, interspersing with further T-28 strikes, are part of the over-all concept and are to be anticipated later, but that such U.S. strikes are not repeat not authorized at this time," the cable said. [See text, cable on Laos Strikes, Sept. 10.]

The U-2 spy plane flights over North Vietnam and the parachuting of supplies and reinforcements to sabotage and psychological warfare teams in the North continued throughout this period and had not been affected by the President's suspension of the coastal raids after the original Tonkin Gulf incident.

The covert step-up in the air operations in Laos ordered by the President did not take place until mid-October. The Pentagon account says that one reason for the delay was the Administration's need to "await the uncertain outcome" of negotiations then taking place in Paris between the right-wing, neutralist and pro-Communist factions in Laos. The objective of the talks was to arrange a cease-fire that might lead to a new 14-nation Geneva conference to end the Laotian civil war.

"However, a Laotian cease-fire was not compatible with current perceptions of U.S. interest," the analyst writes.

The Administration feared that during an ensuing Geneva conference on Laos, international pressures, particularly from the Communist countries, might force the discussions onto the subject of Vietnam. Negotiations in the present circumstances were considered certain to unravel the shaky anti-Communist regime in Saigon.

The Administration also believed that even the convening of a conference on Laos might create an impression in Saigon that Washington was going to seek a negotiated withdrawal from South Vietnam and set off a political collapse there and the emergence of a neutralist coalition regime that would ask the United States to leave.

The account notes that in his Aug. 11 high-level policy memorandum on Southeast Asia, William Bundy had "characterized U.S. strategy" toward the Paris talks with the statement that "we should wish to slow down any progress toward a conference and to hold Souvanna to the firmest possible position." Mr. Bundy had referred to a suggestion by Ambassador Leonard Unger that Prince Souvanna Phouma insist on three-faction administration of the Plaine des Jarres as "a useful delaying gambit."

"Significantly," the analyst says, "this proposal was advanced at Paris by Souvanna Phouma on 1 September—illustrating the fact that Souvanna was carefully advised by U.S. diplomats both prior to and during the Paris meetings. Other features of Souvanna's negotiating posture which apparently were encouraged as likely to have the effect of drawing out the discussions were insistence on Communist acceptance of (1) Souvanna's political status as Premier and (2) unhampered operations by the I.C.C. [International Control Commission]."

"Insistence on Souvanna's position is another point on which he should insist, and there would also be play in the hand on the question of free I.C.C. operations," Mr. Bundy wrote in his Aug. 11 memorandum.

Reactivation of the 34A coastal raids, this time after completion of the first De Soto patrol. The directive added that "we should have the GVN ready to admit they are taking place and to justify and legitimize them on the basis of the facts of VC infiltration by sea." The account explains, "It was believed that this step would be useful in establishing a climate of opinion more receptive to expanded (air) operations against North Vietnam when they became necessary." The word in parentheses is the historian's.

An arrangement with the Laotian Government of Premier Souvanna Phouma to permit "limited GVN air and ground operations into the corridor areas of [southeastern] Laos, together with Lao air strikes and possible use of U.S. armed aerial reconnaissance." Armed aerial reconnaissance is a military operation in which the pilot has authority to attack unprogramed targets, such as gun installations or trucks, at his own discretion.

The United States "should be prepared" to launch "tit for tat" reprisal air strikes like those during the Tonkin Gulf incident "as appropriate against the D.R.V. in the event of any attack on U.S. units or any special D.R.V.-VC action against SVN."

The President also ordered "economic and political actions" in South Vietnam, such as pay raises for Vietnamese civil servants out of American funds, to try to strengthen the Saigon regime.

The United States destroyers Morton and Edwards resumed the De Soto patrols in the Tonkin Gulf on Sept. 12, two days after Mr. Johnson's directive. They were attacked in a third Tonkin incident on the night of Sept. 18, and the President glossed over it.

However, he went ahead with his decision to resume the 34A coastal raids, still covertly, the account says. The order to reactivate them was issued by Mr. Johnson on Oct. 4, with the specification that they were to be conducted under tightened American controls.

Each operation on the monthly schedules now had to be "approved in advance" by Deputy Secretary of Defense Cyrus R. Vance for Secretary McNamara, Llewellyn A. Thompson, acting Deputy Under Secretary of State for Political Affairs, for Secretary Rusk, and McGeorge Bundy at the White House for the President.

During October, a subsequent report to William Bundy on covert activities said, the 34A coastal raids consisted of two shallow probes of North Vietnamese defenses, an attempt to capture a junk, and successful shellings of the radar station at Vinhson and the observation post at Muidao.

TWO SABOTAGE ACTIONS

Two of the sabotage teams that had previously been parachuted into the North also "carried out successful actions during October," the report said. "One demolished a bridge, the other ambushed a North Vietnamese patrol. Both teams suffered casualties, the latter sufficient to cast doubt on the wisdom of the action."

A BASE FOR WIDER ACTION

The Pentagon account concludes from the Sept. 7 strategy discussions that by now the Saigon regime was being regarded less and less as a government capable of defeating the Vietcong insurgency than "in terms of its suitability as a base for wider action."

Despite the pessimistic analyses of Ambassador Taylor and the Joint Chiefs for future escalation, some of those at the White House meeting hoped the Khanh regime could be somewhat stabilized. Citing handwritten notes of the meeting in the Pentagon files, the analyst quotes Mr. McNamara as saying that he understood "we are not acting more strongly because there is a clear hope of strengthening the GVN."

"But he went on," the account continues, "to urge that the way be kept open for stronger actions even if the GVN did not improve or in the event the war were widened by the Communists."

The handwritten notes of the meeting quote the President as asking, "Can we really strengthen the GVN?"

And in his memorandum of the consensus, William Bundy wrote: "Khanh will probably stay in control and may make some headway in the next 2-3 months in strengthening the Government (GVN). The best we can expect is that he and the GVN will be able to maintain order, keep the pacification program ticking over (but not progressing markedly), and give the appearance of a valid government."

On Sept. 10, therefore, the President ordered a number of interim measures in National Security Action Memorandum 314, issued over the signature of his special assistant, McGeorge Bundy. These were intended, in the words of William Bundy's memorandum of consensus, "to assist morale in SVN and show the Communists we still mean business, while at the same time seeking to keep the risks low and under our control at each stage."

A REFLECTION OF CONSENSUS

The most important orders Mr. Johnson gave dealt with covert measures. The final paragraph in the President's memorandum also reflected the consensus, the analyst finds, of the Sept. 7 meeting and other strategy discussions of the time—"the extent to which the new year was anticipated as the occasion for beginning overt military operations against North Vietnam."

This final paragraph read: "These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken." [See text, McGeorge Bundy memo, Sept. 10.]

The interim measures Mr. Johnson ordered included these:

Resumption of the De Soto patrols by American destroyers in the Tonkin Gulf. They would "operate initially well beyond the 12-mile limit and be clearly disassociated from 34A maritime operation," but the destroyers "would have air cover from carriers."

A resumption of the covert coastal raids on North Vietnam under Operation Plan 34A, which President Johnson had temporarily suspended since the Tonkin Gulf incident. The South Vietnamese Government would announce them publicly, declaring them "fully justified as necessary to assist in interdiction of infiltration by sea."

A resumption of patrols in the Gulf of Tonkin by United States destroyers, code-named De Soto patrols, although these would still be physically "disassociated" from the 34A attacks. Mr. McNaughton noted that "the U.S. public is sympathetic to reasonable insistence on the right of the U.S. Navy to ply international waters."

MAJORITY IN DISAGREEMENT

But a majority of the officials at the Sept. 7 White House strategy meeting disagreed. They decided for the present against adopting a provocation strategy for reprisal air attacks, precisely because the Khanh regime was so weak and vulnerable and the morale-lifting benefits of such strikes might be offset by possible Communist retaliation, the analyst says. The meeting was attended by the President; Secretary of State Dean Rusk; Secretary McNamara; Gen. Earle G. Wheeler, the new Chairman of the Joint Chiefs; Ambassador Taylor, who had flown in from Saigon, and John A. McCone, the Director of Central Intelligence.

"We believe such deliberately provocative elements should not be added in the immediate future while the GVN is still struggling to its feet," Assistant Secretary of State William P. Bundy wrote in a memorandum recording the consensus recommendations formally made to the President after the meeting.

"By early October, however, we may recommend such actions depending on GVN progress and Communist reaction in the meantime, especially to U.S. naval patrols." A resumption of the destroyer patrols was one outcome of the Sept. 7 meeting.

The analyst says that a similar reason was given for the decision against beginning a sustained bombing campaign against the North, with or without a provocation strategy, in the near future. "The GVN over the next 2–3 months will be too weak for us to take any major deliberate risks of escalation that would involve a major role for, or threat to, South Vietnam," the Bundy memorandum states.

Ambassador Taylor had acknowledged in his cable of Aug. 18 that bombing the North to prevent a collapse in the South if the Khanh regime continued to decline "increases the likelihood of U.S. involvement in ground action since Khanh will have almost no available ground forces which can be released from pacification employment to mobile resistance of D.R.V. attacks."

His cable was designated a joint United States mission message, meaning that Deputy Ambassador U. Alexis Johnson and Gen. William C. Westmoreland, chief of the United States Military Assistance Command, had concurred with the Ambassador's views.

On Aug. 26, three days before the President's speech at the barbecue in Stonewall, Tex., the Joint Chiefs of Staff submitted a memorandum to Secretary McNamara agreeing with Ambassador Taylor. They said that bombing under his second criterion, to stave off a breakdown in Saigon, was "more in accord with the current situation" in their view and added that an air war against the North was now "essential to prevent a complete collapse of the U.S. position in Southeast Asia."

The Joint Chiefs' memorandum was the first appearance, the account says, of a "provocation strategy" that was to be discussed at the Sept. 7 White House session—in the words of the narrative, "deliberate attempts to provoke the D. R. V. into taking actions which could then be answered by a systematic U.S. air campaign."

The memorandum itself is not this explicit, although it does seem to suggest attempting to repeat the Tonkin Gulf clashes as a pretext for escalation.

In a Sept. 3 memorandum to Secretary McNamara, however, Mr. McNaughton was specific. He outlined several means of provocation that could culminate in a sustained air war. In the meantime, they could be employed to conduct reprisal air strikes that would help hold the situation in South Vietnam together and, the analyst notes, permit postponing "probably until November or December any decision as to serious escalation."

DEFINES SERIOUS ESCALATION

This serious escalation Mr. McNaughton defined as "a crescendo of GVN-U.S. military actions against the D.R.V.," such as mining harbors and gradually escalating air raids.

He described his provocation program to Mr. McNamara as "an orchestration of three classes of actions, all designed to meet these five desiderata—(1) From the U.S., GVN and hopefully allied points of view they should be legitimate things to do under the circumstances, (2) they should cause apprehension, ideally increasing apprehension in the D.R.V., (3) they should be likely at some point to provoke a military D.R.V. response, (4) the provoked response should be likely to provide good grounds for us to escalate if we wished, and (5) the timing and crescendo should be under our control, with the scenario capable of being turned off at any time." [See text, McNaughton plan, Sept. 3.]

The classes of actions were:

South Vietnamese air strikes at enemy infiltration routes through southeastern Laos that would "begin in Laos near the South Vietnamese border and slowly 'march' up the trails and eventually across the North Vietnamese border."

The President was already communicating this sense of restraint to the voters. On the night of Aug. 29, in an address to a crowd at an outdoor barbecue a few miles from his ranch in Texas, when two tons of beef were served in a belated celebration of his 56th birthday, he made a statement that he was to repeat in numerous election speeches.

"I have had advice to load our planes with bombs," the President said, "and to drop them on certain areas that I think would enlarge the war and escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land."

The policy of the United States toward Vietnam, the President explained later in his speech was "to furnish advice, give counsel, express good judgment, give them trained counselors, and help them with equipment to help themselves."

IT IS A WAR AND A BIG WAR

"We are doing that," he said. "We have lost less than 200 men in the last several years, but to each one of those 200 men—and we lost about that many in Texas on accidents on the Fourth of July—to each of those 200 men who have given their life to preserve freedom, it is a war and a big war and we recognize it.

"But we think it is better to lose 200 than to lose 200,000. For that reason we have tried very carefully to restrain ourselves and not to enlarge the war."

Eleven days earlier, on Aug. 18, Ambassador Maxwell D. Taylor had cabled from Saigon that he agreed with an "assumption" now held in the Administration in Washington that the Vietcong guerrillas—the VC, as they were usually termed—could not be defeated and the Saigon Government preserved by a counterguerrilla war confined to South Vietnam itself.

"Something must be added in the coming months," the Ambassador said in his message. What General Taylor proposed to add was "a carefully orchestrated bombing attack on NVN [North Vietnam], directed primarily at infiltration and other military targets" with "Jan. 1, 1965, as a target D-Day."

The bombing should be undertaken under either of two courses of action, the Ambassador said. The first course would entail using the promise of the air attacks as an inducement to persuade the regime of Gen. Nguyen Khanh to achieve some political stability and get on seriously with the pacification program. Under the second course, the United States would bomb the North, regardless of whatever progress General Khanh made, to prevent "a collapse of national morale" in Saigon.

For the Ambassador cautioned that "it is far from clear at the present moment that the Khanh Government can last until Jan. 1, 1965." The Ambassador said that before bombing the North the United States would also have to send Army Hawk antiaircraft missile units to the Saigon and Danang areas to protect the airfields there against retaliatory Communist air attacks—assumed possible from China or North Vietnam—and to land a force of American Marines at Danang to protect the air base there against possible ground assaults.

Option A—Conduct U.S. reprisal air strikes on North Vietnam "not only against any recurrence of VC 'spctaculars' such as Bienhoa," intensify the coastal raids of Operation Plan 34A, resume the destroyer patrols in the gulf, step up the air strikes by T–28's against infiltration targets in Laos and seek reforms in South Vietnam.

Option B—What Mr. McNaughton called "a fast/full squeeze." Bomb the North "at a fairly rapid pace and without interruption," including early air raids on Phucyen Airfield near Hanoi and key bridges along the road and rail links with China until full American demands are met. "Should pressures for negotiations become too formidable to resist and discussion begin before a Communist agreement to comply," the analyst writes, "it was stressed that the United States should define its negotiating position 'in a way which makes Communist acceptance unlikely.' In this manner it would be 'very likely that the conference would break up rather rapidly,' thus enabling our military pressures to be resumed."

Option C—Mr. McNaughton's "slow squeeze"; the option he and William Bundy favored. Gradually increasing air strikes "against infiltration targets, first in Laos and then in the D.R.V., and then against other targets in North Vietnam" intended to "give the impression of a steady deliberate approach . . . designed to give the United States the option at any time to proceed or not, to escalate or not and to quicken the pace or not." This option also included the possibility of a "significant ground deployment to the northern part of South Vietnam" as an additional bargaining counter.

A SELECT COMMITTEE MEETS

On Nov. 24, a select committee of the National Security Council met to discuss the option papers formally presented to the council three days earlier. This group comprised Secretaries Rusk and McNamara, Mr. McCone, General Wheeler, McGeorge Bundy and Under Secretary of State George W. Ball. William Bundy attended to keep a record and to represent the working group.

In the account of this meeting, Mr. Ball makes his first appearance in the Pentagon history as the Administration dissenter on Vietnam. William Bundy's memorandum of record says Mr. Ball "indicated doubt" that bombing the North in any fashion would improve the situation in South Vietnam and "argued against" a judgment that a Vietcong victory in South Vietnam would have a falling-domino effect on the rest of Asia.

While the working-group sessions had been in progress, the study discloses, Mr. Ball had been writing a quite different policy paper "suggesting a U.S. diplomatic strategy in the event of an imminent GVN collapse."

"In it, he adovcated working through the U.K. [United Kingdom, or Britain] who would in turn seek cooperation from the U.S.S.R., in arranging an internation conference (of smaller proportions than those at Geneva) which would work out a compromise political settlement for South Vietnam," the analyst says. The words in parentheses are the analyst's.

Of those present at the November 24 meeting, the memorandum of record indicates, only Mr. Ball favored Option A. The study gives the impression this was conceived as a throwaway option by the Working Group. The group's analysis labeled it "an indefinite course of action" whose "sole advantages" were these:

"(a) Defeat would be clearly due to GVN failure, and we ourselves would be less implicated than if we tried Option B or Option C, *and failed*.

"(b) The most likely result would be a Vietnamese negotiated deal, under which an eventually unified Communist Vietnam would reassert its traditional hostility to Communist China and limit its own ambitions to Laos and Cambodia."

SECRETARY RUSK DISAGREES

At the Nov. 24 meeting, however, Mr. Rusk said that while he favored bombing

North Vietnam, he did not accept an analysis by Mr. McNaughton and William Bundy that if the bombing failed to save South Vietnam "we would obtain international credit merely for trying."

"In his view," the analyst writes, "the harder we tried and then failed, the worse our situation would be."

McGeorge Bundy demurred to some extent, the account goes on, but Mr. Ball "expressed strong agreement with the last Rusk point."

General Wheeler, reflecting the viewpoint of the Joint Chiefs, argued that the hard, fast bombing campaign of Option B actually entailed "less risk of a major conflict before achieving success," in words of the study, than the gradually rising air strikes of Option C.

The study adds that Mr. Bundy and Mr. McNaughton may have deliberately loaded the language of Option B to try to frighten the President out of adopting it lest it create severe international pressure for quick negotiations.

General Wheeler's argument presaged a running controversy between the Joint Chiefs and the civilian leadership after the bombing campaign began in the coming year.

The meeting on Nov. 24 ended without a clear majority decision on which option should be recommended to the President. The principals resumed when Ambassador Taylor reached Washington to join the strategy talks on Nov. 27, 1964.

TAYLOR'S THREE PURPOSES

In a written briefing paper, he told the conferees:

"If, as the evidence shows, we are playing a losing game in South Vietnam . . . it is high time we change and find a better way." He proposed gradually increasing air strikes, against the North for a threefold purpose:

"First, establish an adequate government in SVN; second, improve the conduct of the counterinsurgency campaign; finally persuade or force the D.R.V. to stop its aid to the Vietcong and to use its directive powers to make the Vietcong desist from their efforts to overthrow the Government of South Vietnam."

To improve anti-Communist prospects in the South, the Ambassador proposed using the lever of American air strikes against the North to obtain promises from the Saigon leaders that they would achieve political stability, strengthen the army and the police suppress dissident Buddhist and student factions, replace incompetent officials and get on with the war effort.

The analyst says that the Ambassador had thus revised his earlier view that Washington should bomb the North merely to prevent "a collapse of national morale" in Saigon. He still favored some form of bombing in an emergency, but now he wanted something solid from the Saigon leaders in exchange for a coherent program of rising air war.

In the course of discussions on Nov. 27, however, the Ambassador acknowledged that while bombing "would definitely have a favorable effect" in South Vietnam, ". . . he was not sure this would be enough really to improve the situation," the analyst reports, again quoting from William Bundy's memorandum of record.

"Others, including McNamara, agreed with Taylor's evaluation, but the Secretary [Mr. McNamara] added that 'the strengthening effect of Option C could at least buy time, possibly measured in years.' "

Ambassador Taylor proposed that the Administration therefore adopt a two-phase program culminating in the bombing of infiltration facilities south of the 19th Parallel in North Vietnam, in effect Option A plus the first stages of Option C. Phase I would consist of 30 days of the Option A type of actions, such as intensification of the coastal raids on the North, air strikes by American jets at infiltration routes and one or two reprisal raids against the North. Meanwhile, Ambassador Taylor would obtain the promises of improvement from the Saigon leadership.

At the end of the 30 days, with the promises in hand, the United States would then move into Phase II, the air war. The air raids were to last two to six months, during which Hanoi was apparently expected to yield.

The other agreed, and the proposal was redefined further at a meeting on Nov. 28. William Bundy was assigned the task of drawing up a formal policy paper outlining the proposal. The Cabinet-level officials agreed to recommend it to the President at a White House meeting scheduled for Dec. 1, right after Mr. Johnson's Thanksgiving holiday at his ranch.

On Nov. 28, the same day that his closest advisers made their decision to advise him to bomb North Vietnam, Mr. Johnson was asked at a news conference at the ranch:

"Mr. President, is expansion of the Vietnam war into Laos or North Vietnam a live possibility at this moment?"

"WHEN YOU CRAWL OUT"

"I don't want to give you any particular guide posts as to your conduct in the matter," Mr. Johnson told the newsmen about their articles. "But when you crawl out on a limb, you always have to find another one to crawl back on.

"I have just been sitting here in this serene atmosphere of the Pedernales for the last few days reading about the wars that you [speculating newsmen] have involved us in and the additional undertakings that I have made decisions on or that General Taylor has recommended or that Mr. McNamara plans or Secretary Rusk envisages. I would say, generally speaking, that some people are speculating and taking positions that I think are somewhat premature."

"At the moment," he concluded, "General Taylor will report to us on developments. We will carefully consider these reports. . . . I will meet with him in the early part of the week. I anticipate there will be no dramatic announcement to come out of these meetings except in the form of your speculation."

William Bundy's draft policy paper, written the next day, said the bombing campaign "would consist principally of progressively more serious air strikes, of a weight and tempo adjusted to the situation as it develops (possibly running from two to six months)." The words in parentheses are Mr. Bundy's.

The draft paper added: "Targets in the D.R.V. would start with infiltration targets south of the 19th Parallel and work up to targets north of that point. This could eventually lead to such measures as air strikes on all major military-related targets, aerial mining of D.R.V. ports, and a U.S. naval blockade of the D.R.V.

"Concurrently," it continued, "the U.S. would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain U.S. objectives in an acceptable manner." [See text, working group's draft, Nov. 29.]

Apparently at Mr. McNamara's suggestion, the analyst says, a final sentence in this paragraph was deleted; it read, "The U.S. would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate." Also removed, possibly during a final meeting of the top officials on Nov. 30 to review the policy paper and "apparently on the advice of McGeorge Bundy," was a proposal that the President make a major speech indicating the new direction that Washington's policy was taking.

Likewise deleted was a provision to brief "available Congressional leaders . . .(no special leadership meeting will be convened for this purpose)" on new evidence being compiled on North Vietnamese infiltration into the South, as a public justification of the bombing.

A separate recommendation from the Joint Chiefs for a series of major raids—like those in their retaliation proposal for the Vietcong mortar strike at Bienhoa air base on Nov. 1—was deleted for unspecified reasons, the analyst says, "in effect, presenting a united front to the President."

The paper that was sent to the President made no mention of American ground troops to provide security for airfields in the South when the bombing began, as General Wheeler had reminded the conferees on Nov. 24 would be necessary.

The writer notes the "gap" between the drastic concessions expected from Hanoi and the relatively modest bombing campaign that was expected to break Hanoi's will. He puts forward "two by no means contradictory explanations of this gap." This is the first:

CALCULATED "DOSES OF FORCE"

"There is some reason to believe that the principals thought that carefully calculated doses of force could bring about predictable and desirable responses from Hanoi. Underlying this optimistic view was a significant underestimate of the level of the D.R.V. commitment to victory in the South and an overestimate of the effectiveness of U.S. pressures in weakening that resolve."

A related factor, the account says, "which, no doubt, commended the proposal to the Administration was the relatively low cost—in political terms—of such actions." The context here indicates that the Administration thought the public would find an air war less repugnant than a ground war.

The President seems to have shared the view of his chief advisers, the analyst writes, that "the threat implicit in minimum but increasing amounts of force ('slow squeeze') would . . . ultimately bring Hanoi to the table on terms favorable to the U.S."

"McGeorge Bundy, as the President's assistant for national security affairs, was in a position to convey President Johnson's mood to the group," the account goes on. It adds that notes taken at a White House meeting on Dec. 1 when the senior officials met with Mr. Johnson to present the bombing plan "tend to confirm that the President's mood was more closely akin to the measures recommended" than to other, harsher bombing plans.

"A second explanation of the gap between ends and means is a more simple one," the account comments. "In a phrase, we had run out of alternatives other than pressures."

A memorandum by Assistant Secretary McNaughton on Nov. 6, 1964, made the point succinctly: "Action against North Vietnam is to some extent a substitute for strengthening the Government in South Vietnam. That is, a less active VC (on orders from D.R.V.) can be matched by a less efficient GVN. We therefore should consider squeezing North Vietnam." The words in parentheses are Mr. McNaughton's [See text.]

HIGHLIGHTS OF THE PERIOD

Between the Tonkin Gulf resolution of August, 1964, and the start of concentrated United States bombing of North Vietnam in 1965, the details of such an air war were being planned, discussed and debated in the Johnson Administration, according to the secret Pentagon chronicle.

Here, chronologically, are highlights of those months of decision-making.

AUGUST 1964

Ambassador Maxwell D. Taylor cables agreement with Administration "assumption" that something must be added in the coming months" to forestall "a collapse of national morale" in Saigon. Suggests "carefully orchestrated bombing attack" on North.

Joint Chiefs of Staff concur, call air war "essential to prevent a complete collapse of the U.S. position in Southeast Asia." Propose what study calls "provocation strategy."

SEPTEMBER 1964

John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, outlines provocation plan "to provide good grounds for us to escalate if we wished. . . ." Includes South Vietnamese air strikes on Laos infiltration routes; coastal raids on North; resumption U.S. destroyer patrols in Gulf of Tonkin.

White House strategy meeting. Analyst finds "general consensus" on necessity for early 1965 air strikes but says "tactical considerations" require delay. Cites President's "presenting himself as the candidate of reason and restraint," need for "maximum public and Congressional support," fear of "premature negotiations," Saigon weakness.

President orders low-risk interim measures, says William P. Bundy memo, "to assist morale . . . and show the Communist we still mean business. . . ." Coastal raids, destroyer patrols included.

OCTOBER 1964

Air strikes on Laos infiltration routes start, following delay awaiting outcome Laotian cease-fire talks. U.S. feared new Geneva conference. Analyst says this "not compatible with current perceptions of U.S. interest."

NOVEMBER 1964

Vietcong attack Bienhoa airfield. Joint Chiefs urge "prompt and strong response" including air strikes on North. Ambassador Taylor urges bombing "selected" targets.

President declines, directs interagency working group under Bundy to consider, recommend Vietnam options, policy.

Group's three recommended options all include bombing North. Analyst says group's deliberations showed "remarkably little latitude for reopening the basic questions about U.S. involvement."

Option A—reprisal air strikes, covert pressure intensified.

Option B—bomb North "at a fairly rapid pace and without interruption" till all U.S. demands met; U.S. to define negotiating position, chronicle says, "in a way which makes Communist acceptance unlikely," if U.S. pressed to negotiate "before a Communist agreement to comply."

Option C—graduated air war, possible deployment ground troops.

National Security Council select committee meets. George W. Ball, Under Secretary of State, indicates "doubt" about effectiveness bombing North, argues against domino theory, says Bundy memo. Mr. Ball's policy paper suggests diplomatic strategy-leading to international Vietnam conference.

DECEMBER 1964

President approves recommended plan—Option A for 30 days, then Option C. Stresses he feels "pulling the South Vietnamese together" basic to any other action.

Operation Barrel Roll—U.S. air strikes at infiltration routes Laotian panhandle—under way. National Security Council agrees to "no public statements" unless a plant is lost, then "to insist that we were merely escorting reconnaissance flights."

Air Marshal Nguyen Cao Ky and ex-Premier Nguyen Khanh attempt coup. Ambassador Taylor tells them U.S. is "tired of coups," warns that "all the military plans which I know you would like to carry out are dependent on government stability."

JANUARY 1965

Two U.S. jets lost over Laos. Press reports on "Barrel Roll."

South Vietnam forces trounced at Binhia. Study says Saigon "final collapse" and Vietcong take-over seem "distinct possibility."

Mr. Bundy, in memo, says "shaky" Saigon morale due partly to "widespread feeling that the U.S. is not ready for stronger action" and is "insisting on perfectionism" in Saigon. Urges "stronger action" despite "grave difficulties."

Robert S. McNamara, Secretary of Defense, Mr. McNaughton favor "initiating air strikes"; agree U.S. aim "not to 'help friend' but to contain China," chronicle says.

FEBRUARY 1965

Vietcong attack U.S. military advisers' compound at Pleiku. Study says this "triggered a swift, though long-contemplated Presidential decision to "give an 'appropriate and fitting response'."

Forty-nine U.S. jets in first reprisal strike, raid Conghoi.

Second reprisal strike follows guerrilla attack on U.S. barracks.

Operation Rolling Thunder—sustained air war—ordered.

Doubts at Two Poles

The two dissenters from the view that "calculated doses of forces" would bring Hanoi around were, at opposite poles, the Joint Chiefs and the intelligence agencies.

"The J.C.S. differed from this view on the grounds that if we were really interested in affecting Hanoi's will, we would have to hit hard at its capabilities," the account says. The Joint Chiefs wanted the United States to demonstrate a willingness to apply unlimited force.

Their bombing plan, deleted from the position paper before it was presented to the President, asserted that the destruction of all of North Vietnam's major airfields and its petroleum supplies "in the first three days" was intended to "clearly . . . establish the fact that the U.S. intends to use military force to the full limits of what military force can contribute to achieving U.S. objectives in Southeast Asia . . . The follow-on military program—involving armed reconnaissance of infiltration routes in Laos, air strikes on infiltration targets in the D.R.V. and then progressive strikes throughout North Vietnam—could be suspended short of full destruction of the D.R.V. if our objectives were achieved earlier."

The analyst remarks that the Joint Chiefs' plan was 'shunted aside because both its risks and costs were too high," but the author does not attempt to evaluate the possible effect of his plan on Hanoi's will.

Like Mr. Ball, the account says, the intelligence community "tended toward a pessimistic view" of the effect of bombing on the Hanoi leaders.

The intelligence panel within the Bundy working group, composed of representatives from the three leading intelligence agencies—the C.I.A., the State Department's Bureau of Intelligence and Research and the Pentagon's Defense Intelligence Agency—"did not concede very strong chances for breaking the will of Hanoi," the author writes.

ANALYSIS OF ENEMY POLICY

"The course of actions the Communists have pursued in South Vietnam over past few years implies a fundamental estimate on their part that the difficulties facing the U.S. are so great that U.S. will and ability to maintain resistance in that area can be gradually eroded—without running high risks that this would wreak heavy destruction on the D.R.V. or Communist China," the panel's report said.

If the United States now began bombing, the panel said, the Hanoi leadership would have to ask itself "a basic question" about how far the United States was willing to step up the war "regardless of the danger of war with Communist China and regardless of the international pressures that could be brought to bear. . . ." The decision of the Hanoi leadership was thus uncertain for a number of reasons, the panel cautioned, and "in any event, comprehension of the other's intentions would almost certainly be difficult on both sides, and especially as the scale of hostilities mounted."

The panel then cast doubt on the so-called Rostow thesis of how much Hanoi feared destruction of its industry. This thesis, named for its proponent. Walt W. Rostow, chairman of the State Department's Policy Planning Council, underlay much of the Administration's hope for the success of a bombing campaign.

The panel said: "We have many indications that the Hanoi leadership is acutely and nervously aware of the extent to which North Vietnam's transportation system and industrial plant is vulnerable to attack. On the other hand, North Vietnam's economy is overwhelmingly agricultural and, to a large extent, decentralized in a myraid of more or less economically self-sufficient villages. Interdiction of imports and extensive destruction of transportation facilities and industrial plants would cripple D.R.V. industry. These actions would also seriously restrict D.R.V. military capabilities, and would degrade, though to a lesser extent, Hanoi's capabilities to support guerrilla warfare in South Vietnam and Laos. We do not believe that such actions would have a crucial effect on the daily lives of the overwhelming majority of the North Vietnam population. We do not believe that attacks on industrial targets would so greatly exacerbate current economic difficulties as to create unmanageable control problems. It is reasonable to infer that the D.R.V. leaders have a psychological investment in the work of reconstruction they have accomplished over the last decade. Nevertheless, they would probably be willing to suffer some damage to the country in the course of a test of wills with the U. S. over the course of events in South Vietnam."

NO CHANGE OF POLICY

As in the case of earlier intelligence findings that contradicted policy intentions, the study indicates no effort on the part of the President or his most trusted advisers to reshape their policy along the lines of this analysis.

One part of the intelligence panel's report that the Administration did accept was a prediction that China would not react in any major way to a bombing campaign unless American or South Vietnamese troops invaded North Vietnam or northern Laos. The study indicates that this analysis eased Administration fears on this point.

Chinese reaction to systematic bombing of North Vietnam was expected to be limited to providing Hanoi with anti-aircraft artillery, jet fighters and naval patrol craft. The panel predicted that the Soviet role was "likely to remain a minor one," even where military equipment was concerned. However, the Russians subsequently sent large-scale shipments for formidable antiaircraft equipment to North Vietnam.

"Cautious and Equivocal"

Now that a decision to bomb North Vietnam was drawing near, the study says, Mr. Johnson became "cautious and equivocal" in approaching it. Two analyses of this period, in fact, differ in their characterization of his decision at the two-and-a-half-hour White House meeting on Dec. 1, 1964, a month after the election, when the bombing plan was presented to him.

One analyst says that at this meeting the President "made a tentative decision" to bomb, ordering the preparatory Phase I put into effect and approving Phase II, the air war itself, "in principle."

The second analyst says that while the President approved the entire bombing plan "in general outline at least . . . it is also clear that he gave his approval to implement only the first phase of the concept."

The President tied the actual waging of air war to reforms by the Saigon Government, this analyst says, and left an impression by the end of the meeting that he was "considerably less than certain that future U.S. actions against North Vietnam [the air war] would be taken, or that they would be desirable."

NO FOLLOWING MEMORANDUM

The study notes that "the precise nature of the President's decisions" at the meeting is not known because a national security action memorandum was not issued afterward.

"However," the study continues, "from handwritten notes of the meeting, from instructions issued to action agencies and from later reports of diplomatic and military actions taken, it is possible to reconstruct the approximate nature of the discussion and the decisions reached." The footnotes do not indicate who made the handwritten notes found in the Pentagon files, although the indication is that it was Mr. McNaughton or Mr. McNamara.

After a briefing by Ambassador Taylor on the situation in South Vietnam, the discussion turned to a draft statement, prepared by William Bundy, that the Ambassador was to deliver to the Saigon leaders. The statement explained the two-phase bombing plan and tied Phase II to a serious attempt by the Saigon leadership to achieve some political stability and get on with the war effort against the Vietcong.

In Saigon, General Khanh had nominally surrended authority to a civilian cabinet headed by Premier Tran Van Huong. The general was intriguing against the Huong Cabinet, however, as the ostensible commander in chief of the armed forces and head of a Military Revolutionary Committee of South Vietnamese generals. Within this council, a group headed by Air Vice Marshal Nguyen Cao Ky, the chief of the air force, was intriguing both with and against General Khanh.

Against this background, the study says of the White House meeting:

"The President made it clear that he considered that pulling the South Vietnamese together was basic to anything else the United States might do. He asked the Ambassador specifically which groups he [Ambassador Taylor] might talk to and what more we might do to help bring unity among South Vietnam's leaders. He asked whether we could not say to them 'we just can't go on' unless they pulled together. To this, Taylor replied that we must temper our insistence somewhat . . ."

WHICH ONES TO BRIEF

The meeting then moved into a discussion of which allied countries were to be briefed on the proposed air war. The President said he wanted "new, dramatic effective" forms of assistance from several, specifically mentioning Australia, New Zealand, Canada and the Philippines. These briefings by special envoys were included in the draft position paper laying out the bombing plan as the important diplomatic element in Phase I.

"In each case," the study says, "the representative was to explain our concept and proposed actions and request additional contributions by way of forces in the event the second phase of U.S. actions were entered."

The plan made no provision for similar consultations with Congressional leaders and there is no evidence in the study that Mr. Johnson conducted any.

In approving the statement General Taylor was to make to the Saigon leaders, the President also gave his assent to ready the military signal that was formally to sound the beginning of the 30 days of Phase 1—Operation Barrell Roll, air strikes by United States Air Force and Navy jets of Yankee Team against infiltration routes and facilities in the Laotian panhandle, which was to be the final step-up in the Laos air operations.

At the end of the meeting, the account continues, Ambassador Taylor "slipped out the White House rear entrance" to avoid the press and "only a brief, formal statement" was issued. This analyst, remarks that the White House press statement release immediately afterward "contained only two comments regarding any determinations that had been reached."

INSTRUCTIONS FOR TAYLOR

One said, "The President instructed Ambassador Taylor to consult urgently with the South Vietnamese Government as to measures that should be taken to improve the situation in all its aspects."

The other, the concluding paragraph, said the President had "reaffirmed the basic U.S. policy of providing all possible and useful assistance to the South Vietnamese people and Government in their struggle to defeat the externally supported insurgency and aggression being conducted against them."

The final sentence in this paragraph, the analyst notes, was one "specifically linking this policy" with Congress' Tonkin Gulf resolution. The sentence read: "It was noted that this policy accords with the terms of the Congressional joint resolution of Aug. 10, 1964, which remains in full force and effect."

Then, on Dec. 3, emerging from a second meeting with Mr. Johnson, "presumably having received the final version of his instructions," the account goes on, Ambassador Taylor told reporters assembled at the White House "that he was going to hold 'across-the-board' discussions with the GVN."

"Asserting that U.S. policy for South Vietnam remained the same, he stated that his aim would be to improve the deteriorating situation in South Vietnam. Although he hinted of changes 'in tactics and method,' he quite naturally did not disclose the kind of operations in which the United States was about to engage or any future actions to which immediate activity could lead."

The Administration now moved quickly. William Bundy left for Australia and New Zealand the next day, Dec. 4, to brief their governments on both phases of the bombing plan, the writer says.

WILSON VISITS WASHINGTON

Prime Minister Harold Wilson of Britain was "thoroughly briefed on the forthcoming U.S. actions" during a state visit to Washington Dec. 7 to 9, the narrative continues, while other envoys briefed the Canadians and the Asian allies. The writer notes that while Britain, Australia and New Zealand were given "the full picture," the Canadians were "told slightly less" and the Philippines, South Korea and the Chinese Nationalist Government on Taiwan were "briefed on Phase I only." What the Thais and the Laotians were told is not made explicit.

The New Zealand Government "expressed grave doubts" that the bombing would break Hanoi's will, the writer says, and predicted that it might increase infiltration to South Vietnam.

In meetings in Saigon on Dec. 7 and 9 with General Khanh and Premier Huong, Ambassador Taylor exacted the desired promises in exchange for the bombing. At the second meeting, the Ambassador presented them with a draft press release describing the desired improvements, including strengthening of the army and the police, which the Saigon Government released in its own name, at the United States' request, on Dec. 11.

William H. Sullivan, newly appointed as Ambassador to Laos, obtained Premier Souvanna Phouma's agreement on Dec. 10 to the American air strikes at infiltration routes along the Ho Chi Minh Trail supply network through the Laotian panhandle, and Operation Barrel Roll got under way on Dec. 14 with attacks by American jets on "targets of opportunity"—that is, unprogramed targets sighted by the pilots.

At a meeting of the National Security Council on Dec. 12, when the final details for Barrel Roll were reviewed and approved the study reports, it was "agreed that there would be no public operations statements about armed reconnaissance in Laos unless a plane were lost."

"In such an event the principals stated, the Government should continue to insist that we were merely escorting reconnaissance flights as requested by the Laotian Government."

LEVEL OF ATTACKS SET

McGeorge Bundy was quoted in the memorandum of record as stating that the agreed plan "fulfilled precisely the President's wishes."

On Dec. 18 Secretary McNamara set the level of Barrel Roll attacks for the 30 days of Phase I—the analyst indicates that he did so at the President's wishes—at two missions of four aircraft apiece each week.

The Administration also stepped up the raids by T–28 fighter planes in Laos with a joint message on Dec. 8 from Secretaries McNamara and Rusk to Ambassador Sullivan. The cable instructed him to have the Laotians intensify bombing "in the corridor areas and close to the D.R.V. border."

The analyst reports that in the three months between the beginning of October and the end of December there were 77 sorties by the T–28's in the panhandle area—a sortie is a strike by a single plane—and that by early December the air raids had "already precipitated several complaints from the D.R.V." to the International Control Commission "alleging U.S.-sponsored air attacks on North Vietnamese territory."

Events in Saigon had meanwhile gone awry. Political turmoil broke out there again with Buddhist and student demonstrations against Premier Huong's Cabinet.

On Dec. 20, in defiance of Ambassador Taylor's wishes, General Khanh, in a temporary alliance with the so-called Young Turks—the young generals led by Marshal Ky—announced the dissolution of the High National Council, a body that was supposed to be functioning as a temporary legislature to draw up a constitution for a permanent civilian government. They also made a large number of political arrests by night, seizing several members of the High National Council.

That day, Ambassador Taylor summoned the Young Turks to the embassy and, in the writer's words, read them "the riot act." They included Gen. Nguyen Van Thieu, now President of South Vietnam.

According to the embassy's cable to Washington, the conversation began like this:

"Ambassador Taylor: Do all of you understand English? (Vietnamese officers indicated they did . . .)

"I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Maybe this is because something is wrong with my French because you evidently didn't understand. I made it clear that all the military plans which I know you would like to carry out are dependent on government stability. Now you have made a real mess. We cannot carry you forever if you do things like this."

Marshal Ky and other Vietnamese generals denied that they had staged a coup and said they were trying to achieve unity by getting rid of divisive elements, the account goes on.

The Ambassador tried to persuade them to support the civilian regime of Premier Huong and apparently to restore the High National Council. The Vietnamese officers would not agree.

The embassy cable describes the end of the conversation:

"In taking a friendly leave, Ambassador Taylor said: 'You people have broken a lot of dishes and now we have to see how we can straighten out this mess.'" [See text, Taylor message, Dec. 12.]

By the end of the month, Ambassador Taylor, Deputy Ambassador Johnson and General Westmoreland had apparently despaired of trading a bombing campaign against the North for a stable Saigon Government that would prosecute the war in the South. On Dec. 31, the account continues, they sent a joint message to Washington saying, in effect, that the United States should go ahead with the air campaign against the North "under any conceivable alliance condition short of complete abandonment of South Vietnam."

A FIRMER BASE SOUGHT

The account indicates, however, that the President was reluctant to proceed into Phase II without at least the appearance of a firmer base in Saigon since the turmoil there was making it more difficult for him to justify escalation to the American public.

The writer remarks that at the meeting of the senior National Security Council Members on Dec. 24, Secretary Rusk "raised an issue that was high among Administration concerns—namely that the American public was worried about the chaos in the GVN, and particularly with respect to its viability as an object of increased U.S. commitment."

On Christmas Eve, the Vietcong planted a bomb in the Brinks, an officers billet in Saigon, killing two Americans in the blast and wounding 58 others; the President declined to authorize reprisal air strikes against the North despite vigorous recommendations from Ambassador Taylor, Admiral Sharp in Honolulu and the Joint Chiefs, who were now pressing hard for escalation.

"Highest levels today reached negative decision on proposal . . . for reprisal action," Mr. Rusk cabled the Ambassador on Dec. 29.

Five days earlier, Mr. Rusk had also instructed Ambassador Taylor to halt, until the turmoil in Saigon subsided, the planned, piecemeal release to the press of evidence of a major increase in infiltration from the North during 1964, the writer says. The Ambassador had first reported the increase to Washington in October, along with a report of the appearance of individual North Vietnamese Army regulars, and the Administration began leaking the information in November through background briefings.

Making a Case in Public

By this time, the Administration felt that it had sufficient information on infiltration to make a public case for bombing the North. The intelligence community had obtained evidence that a minimum of 19,000 and a maximum of 34,000 infiltrators, mostly former southerners who had fought against the French in the Vietminh, had entered the South since 1959. Chester L. Cooper, a former intelligence officer, had put together a major report on Hanoi's support and direction of the guerrillas, but the Administration had decided earlier in December against public disclosure of the document itself because this might create "undesirable speculation," and had instead instructed the Ambassador to continue the piecemeal approach. Now, the analyst says, Mr. Rusk wanted this halted as well for fear that more publicity might create pressure for action prematurely.

DEBATE GROWS IN CONGRESS

The political upheaval in Saigon, the writer continues, was fueling a Vietnam debate in Congress, which, while it did not exhibit much antiwar sentiment, did show considerable confusion and dismay, the writer says.

Secretary Rusk, on television on Jan. 3, 1965, felt it necessary to defend the Administration 'in the context of a year-end foreign policy report," the account adds.

Mr. Rusk did not hint at the Administration's plans for possible bombing of the North. "Ruling out either a U.S. withdrawal or a major expansion of the war," the writer says, "Rusk gave assurances that with internal unity, and our aid and persistence the South Vietnamese could themselves defeat the insurgency."

On Jan. 14, however, as a result of the loss of two American jets over Laos in Operation Barrell Roll, "accounts of U.S. air operations against Laotian infiltration routes gained wide circulation for the first time," the writer says. A dispatch from Laos by United Press International, he adds, "in effect blew the lid on the entire Yankee Team operation in Laos since May of 1964."

"Despite official State or Defense refusal to comment on the nature of the Laotian air missions, these disclosures added new fuel to the public policy debate," the writer continues. The disclosures were complicating matters for the President by giving ammunition to the very small minority of antiwar senators who were taking seriously the press speculation that the United States might be getting ready to bomb the North.

In a Senate speech on Jan. 19, the account goes on, Senator Wayne Morse of Oregon charged that the Yankee Team air strikes had ignored the 1962 Geneva accords on Laos and "violated the nation's belief in 'substituting the rule of law for the jungle law of military might.' Broadening his attack, he warned, that 'there is no hope of avoiding a massive war in Asia' if U.S. policy towards Southeast Asia were to continue without change."

Within the Administration in Washington, key policy makers were coming to the same conclusion that Ambassador Taylor and his colleagues had reached in Saigon—that it was desirable to bomb the North regardless of what state of government existed in the South.

The political turmoil in Saigon, the narrative says, appears "to have been interpreted in Washington as an impending sellout" to the National Liberation Front. Fear increased that a neutralist coalition government would emerge and invite the United States to leave.

VICTORY FOR THE VIETCONG

Washington's sense of crumbling in the military situation was heightened when Saigon's army suffered a "highly visible" setback in a ferocious battle at Binhgia, southeast of the capital, between Dec. 26 and Jan. 2. Vietcong guerrillas nearly destroyed two South Vietnamese Marine battalions.

"All evidence pointed to a situation in which a final collapse of the GVN appeared probable and a victorious consolidation of VC power a distinct possibility," the narrative says.

As the Hour Approached

William Bundy communicated the feeling in a memorandum he wrote to Secretary Rusk on Jan. 6 for a meeting Mr. Rusk was to have with the President that afternoon. Mr. Bundy explained that the memorandum encompassed besides his own thoughts, those of Michael V. Forrestal, head of the interagency Vietnam coordinating committee, and Ambassador Unger, who had recently been transferred back to Washington from Vientiane.

"I think we must accept that Saigon morale in all quarters is now very shaky indeed," he said in part, "and that this relates directly to a widespread feeling that the U.S. is not ready for stronger action and indeed is possibly looking for a way out. We may regard this feeling as irrational and contradicted by our repeated statements, but Bill Sullivan was very vivid in describing the existence of such feelings in October, and we must honestly concede that our actions and statements since the election have not done anything to offset it. The blunt fact is that we have appeared to the Vietnamese (and to wide circles in Asia and even in Europe) to be insisting on a more perfect government than can reasonably be expected, before we consider any additional action—and that we might even pull out our support unless such a government emerges.

"In key parts of the rest of Asia, notably Thailand, our present posture also appears weak. As such key parts of Asia see us, we looked strong in May and early June, weaker in later June and July, and then appeared to be taking a quite firm line in August with the Gulf of Tonkin. Since then we must have seemed to be gradually weakening—and, again, insisting on perfectionism in the Saigon Government before we moved.

"The sum total of the above seems to us to point—together with almost certainly stepped-up Vietcong actions in the current favorable weather—to a prognosis that the situation in Vietnam is now likely to come apart more rapidly than we had anticipated in November. We would still stick to the estimate that the most likely form of coming apart would be a government of key groups starting to negotiate covertly with the Liberation Front or Hanoi, perhaps not asking in the first instance that we get out, but with that necessarily following at a fairly early stage. In one sense this would be a 'Vietnam solution,' with some hope that it would produce a Communist Vietnam that would assert its own degree of independence from Peiping and that would produce a pause in Communist pressure in Southeast Asia. On the other hand, it would still be virtually certain than [sic] Laos would then become untenable and that Cambodia would accommodate in some way. Most seriously, there is grave question whether the Thai in these circumstances would retain any confidence at all our continued support. In short, the outcome would be regarded in Asia, and particularly among our friends, as just as humiliating a defeat as any other form. As events have developed, the American public would probably not be too sharply critical, but the real question would be whether Thailand and other nations were weakened and taken over thereafter.

"The alternative of stronger action obviously has grave difficulties. It commits the U.S. more deeply, at a time when the picture of South Vietnamese will is extremely weak. To the extent that it included actions against North Vietnam, it would be vigorously attacked by many nations and disapproved initially even by such nations as Japan and India, on present indications. Most basically, its stiffening effect on the Saigon political situation would not be at all sure to bring about a more effective government, nor would limited actions against the southern D.R.V. in fact sharply reduce infiltration or, in present circumstances, be at all likely to induce Hanoi to call it off.

"Nonetheless, on balance we believe that such action would have some faint hope of really improving the Vietnamese situation, and, above all, would put us in a much stronger position to hold the next line of defense, namely Thailand. Accepting the present situation—or any negotiation on the basis of it—would be far weaker from this latter key standpoint. If we moved into stronger actions, we should have in mind that negotiations would be likely to emerge from some quarter in any event, and that under existing circumstances, even with the additional element of pressure, we could not expect to get an outcome that would really secure an independent South Vietnam. Yet even on an outcome that produced a progressive deterioration in South Vietnam and an eventual Communist take-over, we would still have appeared to Asians to have done a lot more about it.

"In specific terms, the kinds of action we might take in the near future would be:

"a. An early occasion for reprisal action against the D.R.V.

"b. Possibly beginning low-level reconnaissance of the D.R.V. at once.

"Concurrently with a or b, an early orderly withdrawal of our dependents [from Saigon, but only if] stronger action [is contemplated]. If we are to clear our decks in this way—and we are more and more inclined to think we should—it simply must be, for this reason alone, in the context of some stronger action. . . .

"Introduction of limited U.S. ground forces into the northern area of South Vietnam still has great appeal to many of us, concurrently with the first air attacks into the D.R.V. It would have a real stiffening effect in Saigon, and a strong signal effect to Hanoi. On the disadvantage side, such forces would be possible attrition targets for the Vietcong."

A SIMILAR MEMORANDUM

Mr. McNaughton, Mr. Bundy's counterpart at the Pentagon, had given Mr. McNamara a similar memorandum three days earlier.

"The impact of these views can be seen in the policy guidance emanating from Washington in mid and late January, 1965," the Pentagon's narrative says.

In a cablegram to Saigon on Jan. 11, the writer goes on, Secretary Rusk instructed Ambassador Taylor "to avoid actions that would further commit the United States to any particular form of political solution" to the turmoil there. If another military regime emerged from the squabbling "we might well have to swallow our pride and work with it," Mr. Rusk said.

Another memorandum to Mr. McNamara from Mr. McNaughton, on Jan. 27, along with Mr. McNamara's penciled comments on it, "adds perspective to this viewpoint," the historian says. Mr. McNaughton stated "and Mr. McNamara agreed" that the United States objective in South Vietnam was "not to 'help friend' but to contain China," and "both favored initiating strikes against North Vietnam."

Paraphrasing the memorandum and Mr. McNamara's comments, the writer says, "At first they believed these [air attacks] should take the form of reprisals; beyond that, the Administration would have to 'feel its way' into stronger, graduated pressures. McNaughton doubted that such strikes would actually help the situation in South Vietnam, but thought they should be carried out anyway. McNamara believed they probably would help the situation, in addition to their broader impacts on the U.S. position in Southeast Asia."

"Clear indication that the Administration was contemplating some kind of increased military activity" had gone out to Saigon two days earlier in another cablegram from Mr. Rusk, the account goes on. "Ambassador Taylor was asked to comment on the 'departmental view' that U.S. dependents should be withdrawn to 'clear the decks' in Saigon and enable better concentration of U.S. efforts on behalf of South Vietnam."

THE SIGNAL FOR 'D-DAY'

Ever since the original bombing scenario of May 23, 1964, the evacuation of American women and children had been the signal for "D-Day."

"The Rusk cable made specific reference to a current interest in reprisal actions," the analyst says.

The initial blow came in about two weeks. The Vietcong attacked the United States military advisers' compound at Pleiku in the Central Highlands and an Army helicopter base at Camp Holloway, four miles away. Nine Americans were killed and 76 wounded.

"The first flash from Saigon about the assault came on the ticker at the National Military Command Center at the Pentagon at 2:38 P.M. Saturday, Feb. 6, Washington time," the narrative says. "It triggered a swift, though long-contemplated Presidential decision to give an 'appropriate and fitting' response. Within less than 14 hours, by 4 P.M. Sunday, Vietnam time, 49 U.S. Navy jets—A-4 Skyhawks and F-8 Crusaders from the Seventh Fleet carriers U.S.S. Coral Sea and U.S.S. Hancock—had penetrated a heavy layer of monsoon clouds to deliver their bombs and rockets upon North Vietnamese barracks and staging areas at Donghoi, a guerrilla training garrison 40 miles north of the 17th Parallel.

"Though conceived and executed as a limited one-shot tit-for-tat reprisal, the drastic U.S. action, long on the military planners' drawing boards under the operational code name Flaming Dart precipitated a rapidly moving sequence of events that transformed the character of the Vietnam war and the U.S. role in it."

Then the guerrillas attacked an American barracks at Quinhon, on the central coast, and on Feb. 11, the President launched a second and heavier reprisal raid, Flaming Dart II.

Two days later, on Feb. 13, he decided to begin Operation Rolling Thunder, the sustained air war against North Vietnam.

"As is readily apparent," the analyst concludes, "there was no dearth of reasons for striking North. Indeed, one almost has the impression that there were more reasons than were required. But in the end, the decision to go ahead with the strikes seems to have resulted as much from the lack of alternative proposals as from any compelling logic in their favor."

SOME KEY FIGURES IN THE PENTAGON NARRATIVE: WHO THEY ARE AND WHERE THEY ARE NOW

M'GEORGE BUNDY

Special assistant to Presidents Kennedy and Johnson for national security affairs, 1961–66 . . . since 1966, president of the Ford Foundation. Born Boston March 30, 1919 . . . graduated from Yale, 1940, majoring in classics and mathematics . . . ran as a Republican for seat on Boston City Council, 1941 . . . served as aid to Adm. Alan G. Kirk, World War II . . . foreign-policy adviser to Thomas E. Dewey, Republican Presidential candidate, 1948 . . . joined Harvard faculty, 1949 . . . became dean of Faculty of Arts and Sciences, 1953 . . . named by President Kennedy to White House post . . . often described as principal architect of U.S. Vietnam policy . . . was recalled briefly by President Johnson during the Arab-Israeli crisis in summer of 1967 . . . often seen as a potential Secretary of State . . . just as visible—and controversial—as foundation head as when directing foreign policy from White House basement office . . . now lives in New York.

WILLIAM PUTNAM BUNDY

From 1951 to end of Johnson Administration, "the other Bundy" held sensitive positions in government departments, from the Central Intelligence Agency to State Department . . . now a senior research associate at Center for International Studies of Massachusetts Institute of Technology and will assume editorship of Foreign Affairs, the quarterly, after October, 1972. Born in Washington, Sept. 24, 1917 . . . earned bachelor's degree from Yale, 1939; master's from Harvard, 1940; law degree from Harvard, 1947 . . . married to a daughter of Dean Acheson, former Secretary of State . . . practiced law, Washington, 1947–51 . . . a Democrat . . . with the C.I.A., 1951–61 . . . served consecutively as Assistant and Deputy Secretary of Defense for International Security Affairs, 1961–64 . . . Assistant Secretary of State for East Asian and Pacific Affairs, 1964–69 . . . always, compared with younger brother McGeorge, an anonymous figure . . . lives in Cambridge, Mass.

MICHAEL VINCENT FORRESTAL

White House specialist on Vietnam, 1962–65 . . . in private law practice New York now . . . newly elected chairman of board, Metropolitan Opera Guild. Born Nov. 26, 1927, in New York . . . graduated from Phillips Exeter Academy . . . studies at Princeton interrupted to serve on staff of W. Averell Harriman at Paris headquarters of Economic Cooperation Administration, 1948–50 . . . his father, late James V. Forrestal, was the first Secretary of Defense . . . received law degree from Harvard, 1953 and practiced in New York till 1960 . . . returned to firm of Shearman & Sterling, where he is partner, in 1965 . . . as Kennedy and Johnson aide, served on National Security Council . . . in July, 1964, appointed chairman White House interdepartmental Vietnam coordinating committee . . . accompanied Mrs. John F. Kennedy on 1967 visit to Cambodia . . . early supporter of the late Sen. Robert F. Kennedy's Presidential bid . . . member Council on Foreign Relations . . . lives in New York.

NGUYEN KHANH

South Vietnam's Premier—on and off—from February, 1964, through Mid-February, 1965. Since 1968, in exile in Paris. Born in Travinh, South Vietnam, Nov. 8, 1927 . . . educated military academy at Dalat, 1950, also in France, at U.S. Staff College, Fort Leavenworth, Kan. fought as guerrilla against French . . . sent to Saigon on mission . . . joined French colonial forces . . . paratrooper, reached rank of major . . . helped foil 1960 coup against Ngo Dinh Diem . . . stayed on sidelines during 1963 coup . . . ousted Gen. Duong Van Minh Jan. 30, 1964 . . . in August, assumed dictatorial powers led coup against incumbent . . . survived coup attempt February . . . is deposed as commander in chief by military . . . sent abroad as roving ambassador . . . a Buddhist, but not popular with Buddhists . . . short, jaunty, goateed . . . liked to wear paratrooper's red beret . . . fond of saying; "I am a fighter."

JOHN T. M'NAUGHTON

Mr. McNaughton, a close and trusted associate of Secretary of Defense Robert S. McNamara from 1961 to 1967, and his wife and their younger son died in plane collision near Ashville, N.C., July 19, 1967, a week before he was to be sworn in as Secretary of Navy. Born Nov. 21, 1921, in Bicknell, Ind. . . . graduated from DePauw University, 1942 . . . served four years in Navy during World War II . . . graduated from Harvard Law School, 1948 . . . studied at Oxford as Rhodes scholar, working with European Cooperation Administration in Paris during vacations . . . also wrote for Pekin (Ill.) Times, owned by father . . . two years as editor of that paper . . . returned to Harvard as assistant professor, 1953, professor, 1956 . . . chosen by Mr. McNamara in 1961 to serve as Deputy Assistant Secretary for International Security Affairs . . . general counsel to Defense Department, 1962 . . . Assistant Secretary of Defense for International Security Affairs, 1964–67, heading Pentagon's foreign-affairs planning staff.

MAXWELL DAVENPORT TAYLOR

Chairman of the Joint Chief of Staff, 1962–64; United States Ambassador to South Vietnam, 1964–65; special consultant to the President, 1965–69; now on the board of the Institute for Defense Analyses, chairman of Foreign Intelligence Advisory Board. Born Keytesville, Mo., Aug. 26, 1901 . . . graduated from United States Military Academy, 1922 . . . Command and General Staff School 1933 . . . Army War College 1940 . . . taught French, Spanish, at West Point . . . assistant military attaché, Pekin, 1937 . . . commander 101st Airborne Division, World War II . . . took part invasions Normandy, Holland . . . Superintendent United States Military Academy, 1945–49 . . . United States Commander, Berlin, 1950 Commander of Eighth Army, Korea, 1953 . . . Army Chief of Staff, 1955 . . . resigned 1959 in "limited war" strategy dispute . . . recalled as advisor by President Kennedy, 1961 . . . was influential in both Kennedy, Johnson administrations . . . scholarly, much-decorated . . . now living in Chevy Chase, Md.

GLOSSARY TERMS USED IN TEXT

ARVN—Army of the Republic of (South) Vietnam.

Black Radio—In psychological warfare, broadcasts by one side that are disguised as broadcasts by the other.

Blue Springs—Apparently a covert operation not further identified in the study of the documents.

Box Top—Apparently a code name for a covert project not further identified in documents.

Candy Machine—Code name for an allied operation in Vietnam not otherwise identified in the documents.

CAP—Combat air patrol.

CI—Counterinsurgency.

CHICOM—Chinese Communist.

CHINAT—Chinese Nationalist.

CINCPAC—Commander In Chief, Pacific. Position held by Adm. Harry D. Felt, 1958–64; Adm. U.S. Grant Sharp, 1964–68.

COMUSMACV—Commander, United States Military Assistance Command, Vietnam. Position held by Gen. Paul D. Harkins in 1964; Gen. William C. Westmoreland, 1964–68; Gen. Creighton W. Abrams since.

Country Team—Council of Senior United States officials in Vietnam, including Ambassador, commander of American forces, C.I.A. chief and others.

DEPTEL—State Department telegram.

De Soto Patrols—United States destroyer patrols in Tonkin Gulf.

EMBTEL—United States Embassy telegram.

Farmgate—Clandestine United States Air Force strike unit in Vietnam, 1964.

GVN—Government of (South) Vietnam.

Hardnose—Code name, apparently for a covert project, not otherwise identified in the documents.

I.C.C.—International Control Commission, established under 1954 Geneva accords, comprising representatives of Poland, Canada and India.

JCSM—Joint Chiefs of Staff memorandum.

Leaping Lena—Code name for an allied operation not further identified in the documents.

Lucky Dragon—Code name, apparently for a covert allied operation in Vietnam, not otherwise identified.

MACV—Military Assistance Command, Vietnam.

NSAM—National security action memorandum.

NVR—North Vietnam.

OPLAN—Operation Plan.

PDJ—Plaine des Jarres.

Pierce Arrow—Code name for the U.S. reprisal bombing of North Vietnam after the Gulf of Tonkin incidents.

PL—Pathet Lao.

PL/VM—Pathet Lao-Vietminh.

POL—Petroleum, oil, lubricants.

PSYOPS—Psychological operations.

Queen Bee—Code name for an allied operation not otherwise identified in the documents.

RECCE—Reconnaissance.

RLAF—Royal Laotian Air Force.

RLG—Royal Laotian Government.

RTG—Royal Thai Government.

RVNAF—Republic of (South) Vietnam Air Force; also Republic of (South) Vietnam armed forces.

SAR—Search and rescue.

SEPTEL—Separate telegram.

SVN—South Vietnam.

34A—Operation plan, 1964, covering covert ground, air and sea raids against North Vietnam.

Triangle—Code name for an operation in South Vietnam not otherwise identified in the documents.

USOM—United States Operation Mission, the American economic aid apparatus in Saigon.

VNAF—(South) Vietnam Air Force; (South) Vietnam armed forces.

Water Glass—Code name of an operation in Vietnam not otherwise identified in the documents.

White Radio—In psychological warfare, broadcasts that are openly attributed to the side transmitting them.

Yankee Team—Phase of the Indochina bomb action.

ORDER OF BUSINESS

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Mississippi (Mr. STENNIS) I yield 10 minutes to the Senator from Illinois.

Mr. PERCY. I thank the Senator.

GOV. RICHARD OGILVIE, OF ILLINOIS

Mr. PERCY. Mr. President, the Governor of Illinois, Richard Ogilvie, has been the subject of recent newspaper commentary; and I think the case is accurately summed up in a recent article in the Chicago Tribune of May 24, which I will ask to have printed in the RECORD at the conclusion of my remarks.

The article begins by saying:

> Dick Ogilvie may turn out to be the best one-term governor Illinois ever had.

The article closes by saying:

> As far as the income tax is concerned, those who are sure that Ogilvie cannot win next year are basing that judgment on the cynical view that most voters cannot, or will not, look beneath the surface of that issue.
>
> That, of course, is up to the electorate itself.

I seriously object to the cynical attitude of sometime writers and politicians, that the electorate will not return to public office a man who has had the courage to do that which is not only right, but which is also absolutely essential as in this particular case, merely because he has done what was considered at the time to be the unpopular thing. I think it underestimates the intelligence of the American electorate. It underestimates the ability of the average citizen to comprehend the problems we are facing as a nation, particularly those problems we face in our municipal and State governments, and that the services which are being demanded by the people have to be paid for.

As every public official knows who has served in the office of Governor or mayor, these are very difficult and sometimes thankless jobs. But there have been Governors who have done the right thing. I am happy to note that the present Presiding Officer of the Senate, the Senator from Oregon (Mr. HATFIELD), was a distinguished Governor who served his State well, who was elected with very large pluralities in what was considered to be a Democratic State, and who did many things that were not considered popular at the time. But the electorate chose to return him to office and to the Senate when they recognized, in retrospect, that he had done the things that were in the best interest of his State.

So, too, has the Governor of New York, Governor Rockefeller, been returned to office a record number of times. He has had to do many courageous and necessary things, for the State of New York to provide the services that people wanted and at the same time, to keep the State solvent.

I recall, also, that, in Michigan when Governor Romney was elected, he took over a State that was in a condition of bankruptcy. He did the things that were necessary and proper to make the State solvent once again, and his popularity remained undiminished.

So, too, I feel that in the State of Illinois, when we had to have an income tax, a tax on individuals as well as on corporations, this became an unpopular issue, and remains so today with some. But that tax never would have been possible without the assistance and cooperation and votes of the Democrats in the legislature. It was not an Ogilvie tax. It was a bipartisan tax, uniformally supported by virtually every civic organization in the State.

I believe that Governor Ogilvie can be rated today as one of the finest Governors our State has ever had. People will admit this even though they say today, "I do not know if I will vote for him because I do not like that income tax." I think that when the State sees the benefits that are going to come from providing those services which are crucial and necessary—raising the level of support for education; maintaining our mental institutions in a condition that is befitting a great State; funding penal reform and juvenile delinquency programs; building roads and reconstructing narrow highways; replacing dangerous bridges with safe structures—the voters of the State are going to realize that they have a man of courage, a man of vision, a man of determination—a man whose program is universally supported despite the fact that he had to raise the revenue necessary to carry out these programs.

I, therefore, ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the excellent article published in the Chicago Tribune and an editorial published in the Chicago Daily News, the Saturday-Sunday edition of May 22 and May 23, indicating that, once again, a courageous program on welfare reform has been instituted by Governor Ogilvie which is very much along the lines of the welfare reforms proposed by President Nixon.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. If we are ever to find a way out of the morass of the ever-increasing welfare rolls, which deprive people of their integrity and self-respect it will be these kinds of decisions that must be made, both at the State and National level, which offer people an opportunity of dignity. Governor Ogilvie has had the foresight and courage to do just that.

EXHIBIT 1

[From the Chicago Tribune, May 24, 1971]

GOVERNOR OGILVIE'S SUCCESSES BLAME FOR INCOME TAX OFFSETS

(By John Elmer)

(NOTE.—John Elmer, our Springfield correspondent, is writing about major Illinois state officials, their backgrounds and their influence over the daily lives of millions. This is another of his articles.)

SPRINGFIELD, ILL., May 23.—"Dick Ogilvie may turn out to be the best one-term governor Illinois ever had."

You hear it often now that the outcry over the state income tax has subsided to grudging acceptance and the pundits around the Capitol—those who live and breathe state politics—begin to take a second look at the overall record that Richard Buell Ogilvie has established during his first two years in the executive mansion.

They are convinced that Ogilvie's support of the new tax combined with some political mistakes, makes him a cinch to lose in 1972—if he decides to seek a second term—no matter who the Democrats choose to run against him.

SOME DISAGREE

A few observers—a very few—think the pundits could be premature, and absolutely wrong.

Almost to a man, however, they believe that the former World War II tank commander has done a good job for the people of Illinois.

When Ogilvie took office in January, 1969, the state was facing bankruptcy.

DEMANDS EXCEED CASH

Demands for more money for welfare, education and scores of other vital programs far exceeded anticipated revenue from existing state tax sources. In the previous biennium, spending exceeded income by more than $150 million. That deficit, along with new needs, meant the state could be short of funds by nearly $1 billion.

The options were few.

The sales tax, already high at 5 per cent, could not bring in enough revenue unless it was increased at least 3 cents on the dollar, a prospect both socially and politically abhorrent.

Most other tax sources were low-yield ones which could not possibly produce the necessary money.

INCOME TAX ONLY OPTION

An income tax was the only option. The alternative was fiscal irresponsibility—in everyday terms, closed schools and hungry children of welfare recipients.

So the Ogilvie administration proposed Illinois' first income tax. As adopted in July, 1969, it is a flat rate tax levied at 2½ per cent on individuals and 4 per cent on corporations.

Democrats in the Legislature helped pass the measure, but it was Ogilvie's income tax, an albatross he would have to carry for the rest of his political life, regardless of the circumstances of its birth.

PRODUCES $1.1 BILLION

The new tax produced $1.1 billion a year, and pulled the state out of the fiscal hole.

It enabled Ogilvie to upgrade several state programs, including a 30 per cent increase in state aid to public schools.

One-twelfth of the income tax revenue, or about $90 million a year, went to cities and counties under Ogilvie's new revenue sharing plan.

ADDS BUSINESS PROCEDURES

Meanwhile, Ogilvie was moving to cut costs by bringing businessmen and business procedures to state government.

According to John W. McCarter Jr., Ogilvie's budget director, more than $500 million worth of waste, inefficiency and duplication has been eliminated in the last two years.

Major new steps which the governor has taken include:

1. Establishing a three-pronged attack on air and water pollution thru new agencies under the Environmental Protection Act, under which the $750 million antipollution bond referendum of 1970 is being handled.

2. Setting up a new department to combat crime, a part of which is the Illinois Bureau of Investigation—Ogilvie's little FBI.

3. Creating a new agency to help solve local problems and administer the revenue sharing plan.

TRANSPORTATION PLAN

Currently, Ogilvie has legislation pending which would move on the problems of transportation—including highways and mass transit facilities, thru a $900 million bond issue.

The transportation package is important because it includes $600 million for interstate highways in downstate Illinois, where political observers say Ogilvie's fortunes are faring the worst.

One of his major political miscalculations has been taking a too-hard line with county chairman and other Republican leaders in the 101 counties outside Cook, observers contend.

SLOW ON DOWNSTATE AID

If Ogilvie had been freer with patronage and quicker to consult leaders in downstate Illinois, a Republican citadel, his political stock would be better now, they add.

Heightening that problem is that Ogilvie has surrounded himself with administrative aides whose origin is Cook County or outside Illinois, drawing very slightly from downstate.

A recent move which Ogilvie made to help assuage downstate dissatisfaction was appointment of John W. Lewis, a longtime Republican lawmaker from Marshall, as secretary of state upon the death of Paul Powell, the state's top downstate Democrat.

LEWIS SHOWS INTEREST

Tho at the time Lewis said he would not run for the office in 1972, leading to suggestions that Ogilvie wanted to pick the candidate himself, the former House speaker has since indicated an interest in the race.

In a recent interview, Ogilvie said he would welcome Lewis on the 1972 ticket.

Ogilvie is aware that the G.O.P. slate next year needs strength downstate, especially if all the present incumbents—himself, Sen. Percy and Atty. Gen. William J. Scott—seek reelection at the top of the ticket. All are from Cook County.

FROM COOK COUNTY

Ogilvie, 48, grew up politically with both Scott and Percy in Cook County Republican Party circles.

Born in Kansas City, Mo., he moved to Illinois with his parents in 1930. Ogilvie attended school in Evanston, but in 1939 the family moved east and he finished high school in Port Chester, N.Y.

After two years at Yale University, Ogilvie went to war.

World War II ended for him about two years later, when a high explosive shell sent shrapnel smashing into his mouth and jaw. Plastic surgery helped, but he still bears a scar on the left side of his face which makes smiling difficult.

GOT LAW DEGREE

Ogilvie then finished up at Yale, getting his bachelor's degree in 1947. He returned to Illinois and obtained his law degree from Kent College of Law in Chicago in 1949.

He married the former Dorothy Shriver of Oak Park in 1950. They have a daughter, Elizabeth, now 16.

After practicing law privately and working precinct politics in Evanston and Northfield, Ogilivie became a special assistant United States attorney in 1958. His work in that job led to the indictment and conviction of Anthony [Tony] Accardo, then Chicago crime syndicate boss.

ELECTED SHERIFF

In 1962, Ogilivie accomplished his first political miracle by beating the Democratic organization and being elected Cook County sheriff. He duplicated that feat in 1966 by winning the office of Cook County board president.

Those twin victories over Mayor Daley's machine made Ogilivie the logical G.O.P. choice for governor in 1968.

Ogilvie's tough-minded image was a winning formula in past elections. But the law and order issue wore thin in 1970, and the man Ogilvie named to succeed the late Sen. Dirksen—former House Speaker Ralph Tyler Smith of Alton—couldn't win with it last year.

INCOME TAX BLAMED

Many Republican legislators also lost last year, a development many politicians blamed on Ogilvie and "his" income tax and the choice of Smith to lead the ticket.

To add to Ogilvie's woes, there are even rumbles from Washington that President Nixon is not pelased with the idea of running in 1972 on an all-important Illinois ticket with someone whose political stock is as low as his own.

Smelling blood, several Democratic leaders have zeroed in on their party's nomination for governor—including Lt. Gov. Paul Simon and State Auditor Michael J. Howlett.

NOT READY TO QUIT

However, sources close to Ogilvie say he is far from ready to throw in the towel—not even for a federal appointment, a recurring rumor.

And, more and more, his sharpest critics are beginning to talk about the successes of Ogilvie's administration, rather than his political mistakes.

His ability to keep his vow to hold the line on taxes this year, despite a record $5.6 billion state budget, is of major importance for 1972.

As far as the income tax is concerned, those who are sure that Ogilvie cannot win next year are basing that judgment on the cynical view that most voters cannot, or will not, look beneath the surface of that issue.

That, of course, is up to the electorate itself.

[From the Chicago Daily News, May 22–23, 1971]

EVERYBODY'S WELFARE

Many of Gov. Ogilvie's proposed welfare reforms make sense. The program does not warrant the "Reaganesque" label. Though the long-range objective of the Ogilvie program is to reduce welfare rolls and expenditures, it differs sharply from the California governor's call for drastic measures to cut rolls and spending immediately. Ogilvie recognizes that costs cannot be realistically reduced at a time when unemployment has swelled the number of those eligible for help.

He is attentive to the plight of the jobless forced on relief, but he is also justified in proposing tighter surveillance against chiselers and cheats. His proposal to hire 900 more aid workers has raised eyebrows, but there can be no discipline or efficiency in the operation without adequate supervision.

Many of the new workers will be used to speed up the transfer of eligible recipients from the present state-financed general assistance program to federally funded rolls. Others will be used to enforce the present requirement that all able-bodied recipients accept such jobs as may be available.

Because private jobs are scarce, the governor, like Mayor Daley, proposes to employ the able-bodied in essential public projects as was done during Depression days. The governor believes that as many as 60,000 of the state's 827,000 recipients might be put to work in environmental projects, trash removal and park-policing jobs at the state and local levels. Many now on the general assistance rolls would doubtless welcome the opportunity to work rather than take a handout, and the Legislature ought to be able to evolve a wage formula that would be dignified and equitable. The success of such a program might well hinge on the enactment of related manpower legislation by Congress to free federal funds to help the states and cities meet their payrolls. One such measure was passed last year but vetoed by President Nixon, but with Ogilvie and other governors favoring such a program, its chances this year would be much better.

The governor's program would require various changes in federal welfare regulations, particularly in regard to Aid for Dependent Children benefits and medicaid—the latter being the fastest-growing of welfare expenditures. The outlook for such action at this time is far from good. But other welfare reforms now pending in Congress, including Rep. Wilbur Mills' bill, could help take up the slack in other ways.

The need is urgent. As Ogilvie pointed out, the new welfare budget of $1.12 billion is double the amount appropriated only three years ago, and spending for the following year could top $1.5 billion. Spiraling welfare costs will absorb 85 per cent of the growth in state revenues during the fiscal year starting July 1.

Like the welfare reforms proposed by President Nixon and those now incorporated in the Mills bill, Ogilvie's would initially involve more spending rather than less. But if it will finally lead to savings and give welfare recipients the opportunity many of them want to earn a decent livelihood, it will have been worthwhile. The governor's program deserves close study by the Legislature on its merits, for the containment of rampaging welfare costs is everybody's important business.

SENATOR BYRD OF VIRGINIA

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in the Washington Sunday Star magazine section, on our distinguished and beloved colleague, the Senator from Virginia (Mr. BYRD).

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARRY STILL MAKES HIS LIVING THERE IN THE CONGRESS, AND THE ROADS ARE GETTING BETTER ALL THE TIME

(By Josephine Franklin Caplan),

The old man in the Berryville diner said, sure, he knew the Byrds. Everyone did. They live right over there—he pointed to the Rosemont mansion—and the senator's family was over in Winchester. "Real nice people, real natural." He nodded his head toward Rosemont. "You ought to go by the Byrds' place in the spring. . . . it's real pretty and they like people to stop by." Did the Byrds still run Virginia? He poured some cream into his coffee. "Yes, Ma'am. Harry still makes his living there in the Congress, and the roads are getting better all the time."

To some people, the Byrds seem anything but "real nice," and the fact that the Byrd-Virginia phenomenon continues as the rest of the world seems to change is a mystery. The latest in 300 years of Virginia Byrds is the recently re-elected Sen. Harry F. Byrd, Jr., who managed to ignore liberals (to whom his very name is anathema) and the general structure of party politics in the United States in winning his seat in the Senate this last time around. He has a last name that tends to summon to mind volatile issues and stances, such as massive resistance to desegregation, tight-fisted economic policies, and in general a tradition so conservative as to strike his foes as an absolute anachronism. On top of that, his way of life is aristocratic in the mode of another century. The family history itself looms larger than life, interspersed with characters worthy of Faulkner.

The Byrds have managed to amass fortunes, lose fortunes, and amass them again. They founded cities, explored the Antarctic, scattered mansions across the face of Virginia. They created an apple empire from a few trees and started with one newspaper and wound up with four. All the while they ran the state from the governor's mansion or the senate or elsewhere. Eventually, people were repeating the adage, "Byrd is Virginia."

In fact, to many, the Byrds are what Virginians ought to be. They are a "good family," aristocrats in the Virginia style. One of them married a descendant of Charlemagne, and the rest have continually married into the other "good" Virginia families—the Armisteads, the Beverleys, the Booths, the Floods, etc. They've always lived the good life, riding with the hounds, playing polo, welcoming the visitors when the azaleas and the dogwoods bloom around the Rosemont mansion.

The whole style goes back to 1670, when William Byrd established himself in the correct manner of the times as a landowner, slave trader and fur, tobacco and spice dealer. He was followed by William II, who established himself in a correct enough manner as a wencher and a scholar and the founder of Richmond. Then the mantle fell on William III, who gambled and drank the whole fortune away. The history of the Byrds winds its way in and out and up and down from there, like the Harry Flood Byrd Highway, with the latest turn in the nexus being Harry Byrd Jr.'s improbable Senate victory.

"You know where he stands" was the campaign slogan. Judging by the vote, it seems that the greater majority of Virginians did, and that it coincided well enough with where they stood. Quipping that too much was spent on campaigning, Byrd Jr. dispensed with the greater part of that formality and just went around the state talking about things like cutting back the federal spending that's a drain on the wage earner's pocket. Saying that Congress ought to be checked up on to ascertain that welfare wasn't siphoned off by "able-bodied persons who refuse to work." Explaining that the ABM was "not a war-making machine" but a "prudent" safety measure. After condemning busing with the explanation that it not only took children away from their mothers and community, but also resulted in an "artificial racial balance." When confronted, upon election, with a hostile group of liberal Democratic colleagues who wished to renegotiate his five years worth of seniority on the Finance and the Armed Services Committees, the Senator fired back a retort that explained a little of the philosophy that drew his Virginia voters to him.

"Independence! That's the fundamental!" White hair, florid complexion, and little blue eyes, he leaned forward in his office chair, adjusting the cuff of his navy blue blazer. He was irritated.

"Sen. Harris (Fred R., D.-Okla.) called this meeting to . . . to chastise me, I suppose. Well, I certainly am not going to worry about that!" He sat back, looking piqued.

"I told them before—I'll support the Democrats when I think they are right and oppose them when they're wrong. And I'll do the same for the Republicans. That's the view the people of Virginia want me to take. Independence. Excuse me a minute." The senator answered his telephone. "Gerry Ford! Well, how you doing?" he boomed, beaming. "I'm calling as president of the Alfalfa Club, and we need a speaker!" As he spoke, he looked a great deal like his late father, Sen. Harry Byrd Sr., pictures of whom dotted the walls.

He returned adjusting his wide red tie, saying that he kept up with the mail, liked to keep in touch with the people. He knew what Virginians wanted. "Yes, sir. Independence. Virginia may just be doing a little pioneering in that respect—as a matter of fact, people all over the country are doing a little pioneering. The days of blind partisanship are over. This is individual liberty."

At that point, he seemed to decide it was in bad taste to talk on so about politics in front of a feminine interviewer. He decided to turn on his Virginia charm and tell a little story. He pointed to a wall. "See that clock up there? Now, isn't that a clever thing? These little buttons light up, and each means something different. They tell you whether the Senate is in session, whether there's a quorum. Quite a little device." And next, "How do you like the newspaper business, anyway? I've been in newspapers all my life, and government is like business—you've got to be alert to changing conditions but retain the fundamentals." He was silent for a moment. Then he looked up to one of the numerous pictures of his father. "My father was the greatest man in the history of the Senate. I think after him the other great men of the Twentieth Century would be Winston Churchill, Senator Taft and Al Smith—you know I always thought he'd make a good president."

If everyone, as the old man in the diner said, knows the Byrds, and if Harry Jr.'s preoccupation with independence doesn't strike too many Virginians as unusual, it is probably because of his father, whose politics and personality stirred up as much controversy as fame.

Independence being his trademark, too, Harry Sr. left school and put the family newspaper back in the black. (The Byrd fortune was in a slump at that time.) At the same time, he also bought up a few apple orchards. By 1962 he was the largest individual apple orchard owner in the world. In the course of years in politics he also managed to pull the state of Virginia out of the red—it being in nearly the same state of financial disrepair as his family's fortune. He also managed to put the state pretty much under his thumb. Starting as the youngest governor since Thomas Jefferson, at 38 years old, in 1925, he revamped the state constitution to modernize it, tighten it administratively, and also cut down on elected offices by allowing the governor to appoint most state officials. With this Harry Sr. began an era of "courthouse" politics, in which the state was run by Byrd-appointed officials in the courthouses around the state, and by Byrd at the top. Some called it the Byrd machine, and in any case it allowed, as a one-time Byrd tax commissioner put it, "like-minded" people to take control of Virginia. In 1933, Byrd Sr. went to the U.S. Senate, where he stayed for the next 32 years, leaving his brother Tom to run the apple business and another brother, Adm. Richard E., to explore Antarctica.

"Harry Byrd is the most gracious person you'd want to meet, but he does give us fits," noted President John F. Kennedy. Dressed in his famed white suit and red tie, Harry Sr. guarded his state's rights jealously and stood for what he viewed as individual liberty by opposing court orders to desegregate schools, and by asserting his distaste for the liberal candidates in the Democratic Party with a "golden silence." When the Democratic candidate for president was too liberal for Harry Sr., Harry Sr. would be too busy "picking apples" to endorse them.

His style seemed to delight the people of Virginia, too. Referring to another senator as a "skunk." Bringing his dog onto the Senate floor. Throwing spring parties as the azaleas bloomed at Rosemont, with Smithfield ham, fried chicken and strawberry shortcake for everyone. With his taste for the people, all sort of summed up in the "Visitors Welcome" sign in front of his mansion. Byrd Sr., the "country gentleman," became synonymous with Virginia politics, and with the lifestyle of the Virginia gentry, until he stepped down in 1965 and his son, Harry Jr., was appointed to fill the remainder of his term.

And the appeal of the "country gentleman" somehow has survived Virginia's slow change from the rural state it was in Harry Sr.'s time to the urban state it is today, along with the change in the voting structure to include youth and blacks. Neither the voters' penchant for Byrds nor the Byrds themselves have changed.

Driving on the Harry Flood Byrd Highway toward Winchester takes you past the Washington suburbs, past the Civil War battle markers, the stone cabins, the Goose Creek Country Club and the antique shops, down into the lush green and roll of the mountains and the Shenandoah Valley. And there is a young Harry Byrd III, this one apparently not interested in politics, living the life of the country gentry, growing apples, all hospitality and ready to drive you around in his green Chevy truck to see how the Byrds of the Valley live, which is indeed "real natural"—sometimes quite colorful as they pursue their own brand of "individual liberty."

An easy-smiling fellow of 28, he explained that he went to the University of Virginia and Woodbury Forest, where he majored in "fun" and came back and got "mixed up in apples." Took a trip to most of the apple places of the world—the state of Washington, Africa, Australia, New Zealand, Rhodesia. Now he was back doing some experimenting. He pointed out the large orchards as he approached. "Those are the Rosemont orchards, and that's Rosemont." He pointed toward a tremendous white mansion looming up from the trees. "It belonged to grandfather. Now Uncle Tom lives there." He says he spends his time "out here most of the time in the orchards. More or less, just see the men and the apples." He turned and patted Barbara on the knee. She is his fiance. "And I spend a little time with Barbara. Politics? No, I don't have any interest in politics. It conflicts with apple-picking time."

Harry wound along, and on the corner of the trees a log cabin began to appear, with little cubicles fenced off by chicken wire. As the truck pulled closer, a great, brown, dust-matted buffalo could be found dozing while a couple of other unusual-looking animals wandered around some of the apple trees.

"This is something that very few people know about. Uncle Beverley made a zoo on the premises here." He motioned his hand toward the buffalo.

"He thought that if you could take everything young enough and mix them all up together and treat them kindly it would work. They could live together, and you could cross-breed some of them." The buffalo rolled a mournful eye. "So he collected animals from Africa and other places, Lamas, yaks, camels, buffalo, and a lot of others." He enumerated some of the other species that he had brought to the zoo. "I don't know exactly what happened, but he tried to cross-breed them, and a lot of them sort of died off. And then the larger animals started taking advantage of the smaller animals, and I don't know what all. But anyway he decided to segregate what was left of his field." Harry looked at the buffalo for a minute. "You know, he's amazing. Winter or summer, hot or cold, he just sits right there." Harry got back into the truck. The time to come was in the springtime when the azaleas and dogwoods were in bloom, he said, which is exactly what Mrs. Byrd, who has no interest herself in politics either and feels it's the men's business, had said.

"Me? No, I'm not interested in all of that. I really don't know why they stay involved. That's just what they do. I guess the men are just interested in working in politics." She shooed off some of the hounds and led the way through the wide hallway, replete with chandeliers, mirrors, spiraling staircase and oriental rugs. "I used to be a reporter myself, she announced. Real hotshot." Her son started laughing at her, and she began to laugh herself. "I did the society column for my husband's newspaper—and sometimes even an obit would come along." Upon request, Mrs. Byrd, a slim woman with ash blonde hair, gave a casual tour of the old Georgian mansion. "Let me see, I guess you would say the house has 14 rooms. Or, I don't know—do you count the hallways or the closets, too? Anyway, it was built in 1898. Belonged to my sister-in-law. Not very old as Virginia standards go.

"This is where we have the spring luncheons. When it's nice out, we open it on to the porch." She pointed to a magnificent paneled dining room with a massive mahogany table and silver tea service. "Who's invited?" Oh, I don't know. Harry invites them. Mostly senators and congressmen, newspaper people, I guess. You know, Harry's friends from Washington."

She led the way to a sitting room with a large fireplace, overstuffed furniture and needle-point cushions, and said that she had to spend most of her time in Washington, and used up her time by doing things like Red Cross volunteer work and visiting with her friends, Norma, Sen. John T. McClellan's wife, and Martha Mitchell. Harry III laughed at her mention of Martha Mitchell. Mrs. Byrd replied, "You needn't make fun of Martha, because she's a great friend of mine. Has a good sense of humor."

She laughed at the story that she and Harry Jr. had met when she was Apple Blossom Queen. "A lot of nonsense. I've known Harry since I was 15. Married him when I was 23. And, anyway, our families have known each other for years." She thought back to her school years at the National Cathedral School in Washington. "Biology was the only course I was ever interested in at all. I was mainly interested in boys."

She introduced her son Tom, a pleasant looking fellow, who was going to uphold the newspaper interests of the family. "He's going to work at our paper, the *Winchester Star*." Tom, 25 years old, recently returned from Vietnam, nodded and added with a smile, "It's not at its peak." He was on his way to discuss his position there. "I've been working there since I was 10 years old. I started delivering papers, then got into the press room stuff, advertising. Right now I'm tending bar in Lynchburg after school. I'll graduate from Lynchburg College in May—I'm tending bar to earn a little money. It's just beer though—not mixed beverages."

They chattered on about family get-togethers. Grandmother dropped by. Tom's baby crawled over the floor. Servants puttered around. In general, they seemed to be somewhat amused at being asked to view themselves as a politically, or otherwise, famous family.

Would Tom carry on the family's political name? Mrs. Byrd thought about it and answered, "The old man just started another six years. That's all I can think about now." That seemed about all the senator back in Washington was busy witn too, although he had said that he "doubted" if any of his kids would go into politics.

To some, that will probably come as a hopeful sign that the overdue end of a Virginia era is in sight. But to others, it will be a shame, it's conceivable. Virginians like their Byrds. They feel comfortable with the Byrd lifestyle, the graciousness and the easy pace, where they might not be with some pushy northern type who was always worrying about getting legislation through. They like Harry Byrd Jr., who may spend most of his time in Washington, but who still belongs to Winchester.

To the Virginians who voted for him, and most of all to Harry Jr. himself, there is no mystery whatsoever. As a matter of fact, there wasn't even anything very peculiar about his chucking the Democratic party. The *Virginia Beach Sun* said he was merely being "what a Virginia Democrat has been for years—an independent conservative." Byrd explained his course of action by saying that the Virginia Democratic loyalty oath to support unpicked candidates for the presidency and the vice presidency imposed on his freedom too much. Some contended that it was simply a clever way to avoid a primary that would have been tough. But Byrd said no, that the people of Virginia would understand, because they felt imposed upon too—by Supreme Court decisions on desegregation and by the federal government meddling in their affairs through "a group of people who sit in Washington and say what ought to be done."

Mr. PERCY. Mr. President, many of my colleagues may have been out of town this weekend but I know that a great many people in Illinois, as well as many libraries and other institutions that get the CONGRESSIONAL RECORD, will find this article of great interest.

HARRY BYRD of Virginia is not just a well-known figure in Washington or in his great State of Virginia. He is a much beloved man throughout the country who is highly respected for his integrity, his sense of decency and fair play, and for the way he fights for his convictions.

I have not always agreed with him, but I have always admired and respected his dedication to public service, his dedication to public life.

I believe the country would like to know more of the way that HARRY BYRD and his family conduct their personal and private lives in Winchester, Va.

Mr. President, I yield the floor.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 a.m. Immediately following the recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each, and in the order stated: Mr. SYMINGTON, Mr. BYRD of Virginia, and Mr. GRAVEL.

At the conclusion of the remarks of these Senators, under the orders previously entered, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 12:30 p.m.

Upon conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531. The pending business will be the so-called McGovern-Hatfield amendment, No. 143, on which the yeas and nays have been ordered.

The vote will occur on amendment No. 143 not later than 5 p.m. on Wednesday next. Agreement has been entered into by which time on any amendment to the amendment will be limited to 1 hour.

In view of the fact that a time agreement has been entered into with respect to amendment No. 143, the Pastore rule of germaneness has been waived for the entire day on tomorrow.

ADJOURNMENT TO 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 2 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 15, 1971, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 1971:

U.S. DISTRICT COURTS

Edward R. Neaher, of New York, to be a U.S. district judge for the eastern district of New York, vice Joseph C. Zavatt, retired.

Robert E. DeMascio, of Michigan, to be a U.S. district judge for the eastern district of Michigan, vice Theodore Levin, deceased.

EXTENSIONS OF REMARKS

NATIONAL EDUCATIONAL TRUST FUND PROPOSAL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following material:

HARRISBURG, PA.,
June 8, 1971.

The PRESIDENT,
The White House
Washington, D.C.

MR. PRESIDENT: On June 2, 1971, I wrote to you about the financial problems facing the nation's educational system. I stressed the need for greater federal participation in this area.

Attached is a memorandum describing a way to make this increased participation feasible and beneficial: by establishing a National Educational Trust Fund. I wish to respectfully call this memorandum to your attention in hopes that you may find merit in it.

Sincerely,

MILTON J. SHAPP,
Governor.

PROPOSAL FOR A NATIONAL EDUCATION TRUST FUND

To: The President
From: Milton J. Shapp, Governor of Pennsylvania
Date: June 9, 1971

This memorandum deals with the need to adopt an entirely new concept to support the financial needs of the American Educational System.

At no time in the history of our nation has the need for financial innovation been greater.

The ever mounting cost of education is a principal factor in the fiscal crisis which faces government on every level. If we do not seek and find new ways of financing our educational system, then many of our local boards of education and the cities themselves will soon face bankruptcy.

It can no longer be argued that we can continue with present methods and to raise taxes at the State and local levels to meet the ever mounting cost of education. State and local taxes have reached such heights that the taxpayers have reached the limit of tolerance.

Yet we cannot abdicate our responsibility, cut back on funds for education and sit by while our educational system and our entire society erodes.

Already we are seeing the results of much present neglect. Crime and welfare are direct outgrowths of our inability to meet the human needs of our population. For every dollar we fail to put into education, we pay many times over in increased funds for protection and public assistance.

Therefore, I am proposing a new concept and a new method of financing the educational needs of our people.

The method is the creation of a National Education Trust Fund.

The concept is that education is not a cost item but an investment in the future growth of this nation.

As applied to the entire field of education this concept is extremely sound for there is no other investment that can be made in the public sector of our economy that will yield a direct and measurably higher yield. More and higher quality education leads to greater productivity. Greater productivity leads to higher personal and corporate earning power, in turn, produces more tax revenues. As a result, the initial investment in education pays off handsomely in future yield to the community and to the nation.

There is more than ample evidence to prove this contention. It has been estimated by some economists that the future tax yield that would be generated by a continuing policy of maximizing investment in education would be at least 10 times the investment.

The World War II G. I. Bill of Rights is a clear example of the economic returns that can be expected from Federal investment in education.

The increased tax yield expected from the higher lifetime earnings of the direct beneficiaries of the G.I. Bill will, alone, repay many times over the cost of the program.

It is not possible to calculate the additional economic gain to the nation that resulted from a whole new cycle of technological and economic development made possible by this massive educational breakthrough.

Yet, we continue to consider education as just another operating cost of government and we do so because we have become captives of a tradition.

If we are to break out of the financial chains that throttle educational progress, we can pattern a new mechanism along the lines of the Federal Highway Investment Fund originated during the Eisenhower-Nixon Administration.

The mechanism for handling our investment in education—and for guaranteed repayment of this investment by those who benefit from it—is at hand.

There is ample evidence that the Federal Highway Trust Fund, created in 1956 was not only financially wise, but supplied the major impetus for the modern highway system in America today.

I propose that we utilize this experience to create a National Education Trust Fund (NETF) which would invest in people just as the Highway Trust Fund invests in roads.

We can create a large scale revolving NETF fund by requiring those who would benefit most through increased educational opportunities to repay the fund with a small continuing surtax when they leave the educational system and become wage earners. This parallels the plan whereby relatively low Federal taxes on gasoline and some auto supplies replenish the Highway Trust Fund and pay for the construction of new highways.

It is obvious we would not have our modern interstate highway system today if we had left the task of financing and building new roads to our states, cities and townships. Yet this is precisely what we are doing with our present, fragmented system for financing education throughout the country.

The self-supporting National Education Trust Fund would call for:

1. An initial investment by the Federal government of $5 to $10 billion.

2. An annual surcharge on federal income taxes according to a formula based on earning power and years of schooling. That formula would be based upon a number of factors including:

(a) The level of education achieved by the individual taxpayer.

(b) The number of years he has been out of school and earning his livelihood.

(c) The amount of income he receives. (Thus, a Ph.D. in Physics, out of school for 20 years, might pay a higher surcharge on his federal income tax into the fund while a nurse out of school five years would pay considerably less. A person satisfied not to seek a college education might pay an even lower surtax.)

Normally, as long as a person was pursuing his education, he would pay no surcharge. He would not become liable until he had been out of school for several years, or until his income reached some selected minimum level.

I want to emphasize at this point that details of this program could be worked out in legislative committee and executive policy sessions. I am not wedded to specific figures or formulas, but the above proposals indicate that such formulations are certainly possible.

I do not envision such a program as an attempt at Federal control of education. I firmly believe that educational programs and policies should be decided at the local level as they are today. But I see no conflict between the proposed NETF and traditional local control.

At present, for example, the states pour vast amounts of money into local school districts. Yet, those districts retain their own School Boards and their autonomy. There is no reason why local autonomy cannot be retained while the Federal government establishes a fund and works within the States to assure survival and improvement of the present system.

Financing a self-supporting National Education Trust Fund would permit this nation to guarantee our future by the best business deal ever made—investing in education for all of our citizens, pre-schoolers, school children, college students, trade school and professional school enrollees. It could even supply the necessary funds for the increasingly critical area of on-going retraining and continuing adult education.

For example, the NETF might decide to finance the crucial pre-school years on a 90 per cent federal—10 per cent state and local fund basis—as we do for the principal interstate highways. The NETF might finance elementary and secondary school years on a 50–50 ratio and college and professional training on a 60–40 basis, or some other arrangement based upon more detailed economic studies. The percentages could be flexible, but the principle is clear. We can use this fund to give emphasis where needed in the national interest and the interest of society in general.

Philadelphia along with many other major cities now faces a severe crisis. We cannot afford to delay creation of the self-supporting National Education Trust Fund. The current method of financing education not only falls short of providing adequate funds, but actually leads to considerable financial waste.

Right now, the Federal Government is pouring millions of dollars into the highly successful Get Set pre-school preparatory program. Get Set has proven that it does help disadvantaged children do better when they get into kindergarten and elementary school.

But, because of the virtual bankruptcy of the Philadelphia School System, kindergarten may be eliminated next year—wiping out any beneficial effects of Get Set. In addition, the Philadelphia School Board is considering dropping all varsity and intramural sports next year, a situation which cannot help but worsen and already difficult teen-age gang problem in Philadelphia.

Without increased funding from the Federal government, the dollars now supplied by state and local governments will continue to be inadequate and city school systems will turn out a new "Lost Generation," ill-educated and unprepared to cope with the growing demands of a technological society.

At present, it costs the state and Federal governments in Pennsylvania about $3433 to support a welfare family of four for one year. Many families spend ten, twenty or even more years on welfare. In fact, there are some third generation families now on welfare, and the cost of their support is bound to rise.

The alternative I propose is an appealing one. It calls for investment now, and a continuing investment in a constructive policy of education that will create jobs. It will pay dividends on our society for many years to come and reduce the need for additional welfare funds in the future as we provide the opportunity to make a greater percentage of our population self-reliant.

This investment program must be accomplished on the national level because only the Federal government has the power to insure uniformity of taxation, and only the Federal government can absorb the initial cost of priming the self-supporting trust fund. Also, because of the increasing mobility of our society, investments by individual states and cities might never be repaid to those governments.

Our citizens have wide mobility, and it is wrong to penalize a city or state by forcing it to finance a major educational system for people who then move to other communities or states.

People ask: "Can we afford a National Education Trust Fund?" This answer is that we cannot afford not to invest in education.

FLAG DAY

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 14, 1971

Mr. SCHWEIKER. Mr. President, today, June 14, is Flag Day.

On January 26, 1971, I introduced a bill, S. 746, to provide that U.S. Flag Day shall be a legal public holiday. This bill is a reintroduction of S. 4250, which I originally introduced in the 91st Congress on August 17, 1970.

Although the United States is one of the world's youngest nations, the U.S. flag is one of the oldest national emblems, even predating the present Union Jack of Great Britain and the French and Italian flags.

The Continental Congress on June 4, 1777 while sitting in Philadelphia, resolved that the flag of the United States shall have—

> Thirteen strips of alternate red and white, with a union of thirteen stars of white in a blue field, representing the new constallation.

The design for the new national emblem had been developed by a distinguished committee of the Continental Congress named in 1775 and composed of Benjamin Franklin, Thomas Lynch, and Benjamin Harrison.

Flag Day has been celebrated for many years in this country but it has never been designated as a legal public holiday. I believe that it is appropriate for us to pause each year to commemorate the anniversary of our national flag and to have the opportunity to reflect on the timeless ideals of the Founding Fathers which have given this Nation its heritage of freedom and justice.

Mr. President, the Allentown Pennsylvania Flag Day Association, Inc., has thoughtfully provided me with desk-sized U.S. flags for each of my colleagues, and I will be distributing them in the near future as a reminder of the significance of Flag Day.

PROGRAMS FOR JOBLESS: A WORSENING MESS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. GERALD R. FORD. Mr. Speaker, the Detroit News views the proposed public service employment program as "another multibillion layer to the manpower mess." I think the News' editorial of June 4 is most instructive and commend it to my colleagues:

PROGRAMS FOR JOBLESS: A WORSENING MESS

We are sinking in a sea of manpower training programs, are about to be engulfed in a massive public service employment program and have barely made a ripple in solving the nation's basic unemployment problem.

President Nixon will soon be faced with the Hobson's choice of approving the mess or exercising a veto that could be twisted to mark him "insensitive" to the unemployment situation. We believe the insensitivity lies with Congress.

Manpower training is vital to the well-being of individuals. People must have some way of becoming employable or replacing skills no longer in demand. But what has government done in the name of manpower training?

Detroit and many other cities have over 30 separate federally-funded programs. Between the duplication and muddle of this agency alphabet soup, it's a wonder anyone is actually trained. Yet, Detroit is lucky: Washington, D.C. has 261 publicly funded programs in manpower-related areas.

Obviously, manpower training needs consolidation and simplification so that funds, now in excess of $3 billion annually, can buy something other than confusion and top-heavy administration. But Congress has passed no consolidating legislation.

Instead, the House and Senate will compromise on separately passed "public service employment" bills that will add another multibillion layer to the manpower mess. The House bill is the most generous with taxpayers' money. It calls for $5 billion over five years to provide jobs in schools, hospitals, parks, police and fire departments and social service agencies. The programs would be "triggered" whenever unemployment reached 4.5 percent of the labor force for three months in a row.

No one is quite sure what this legislation is supposed to do. Are these jobs supposed to help state and local government provide public services with federal financing? If so, the trigger device suggests extreme instability in the provision of public services.

Are these jobs supposed to provide short-term relief employment for workers displaced by the business cycle? If so, what evidence is there that the characteristics of the unemployed fit or even approximate the characteristics of the public service jobs?

While it could be argued that "anyone" can monitor a school lunchroom or push a pencil in a police station, is that the way we want to employ people? Or do we really want an economic program that improves opportunities for people in ordinary private jobs for which they are trained?

Moreover, once a public service employment program is instituted, what keeps it from becoming a vested interest, with employes insisting on "job rights" and Congress rushing to legitimize the claims with a permanently funded program? Once that happens, we could bankrupt the ordinary working man with taxes to pay for it.

The unemployed worker is a drowning man. He needs good programs. Why does Congress throw him a lead life ring?

CONGRESSMAN McCLORY'S POLL BACKS PRESIDENT NIXON'S DOMESTIC PROGRAM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. McCLORY. Mr. Speaker, a record response has been received to my 1971 poll of 12th Congressional District constituents. A total of 154,628 questionnaires were mailed to every postal patron in the 12th Congressional District, comprising Lake and McHenry Counties, and Hanover and Barrington Townships in Cook County. More than 30,000 questionnaires were returned to my office, representing an approximate 20-percent response—the largest response I have experienced during the almost 9 years I have served in the Congress.

Indeed, the response is, in fact, about double that of any previous year, since the questionnaires provided spaces for both husbands and wives to respond—and in most cases, they took advantage of their individual opportunities.

In addition to the generous response received in this biennial survey, it is particularly heartening to me to learn that President Nixon's domestic legislative programs received substantial support.

The most striking expression of support was in response to the question: "Do you feel that the President's plan to consolidate and update executive departments and Federal regulatory agencies has merit?" A total of 85.6 percent of the men and 85.4 percent of the women backed the President on the issue. In line with the popularity of this issue, it is gratifying to note that the House of Representatives has already given its approval to Reorganization Plan No. I, to consolidate the various voluntary programs, including the Peace Corps, Vista, and others, into a single agency, Action.

To the surprise of many, the President's family assistance plan, as an alternative to the existing and discredited welfare programs, received a 73-percent favorable response from the male voters and a 74.3-percent approval of the women voters.

Mr. Speaker, on the very large issue of revenue sharing, my constituents are backing the President by a majority of better than 2 to 1.

Mr. Speaker, it is not unexpected that a negative response has been recorded relative to our present Vietnam policy. The people of America are weary of this seemingly endless, expensive, and tragic war. The President has cut our Vietnam forces by more than 250,000 men, and reduced our casualties to a mere 10 percent of the level existing when he took office in 1969. But the American people want our withdrawal to be accelerated. Only 37.7 percent of the male voters gave their approval, while a mere 31.1 percent of the women feel that our present policy will be successful.

Without commenting further on each of the questions, I wish to add that the questionnaire generated a substantial number of individual replies estimated at more than 3,000 personally composed letters and cards which were returned with the answered questionnaires. I have benefited from these individual communications and have endeavored to respond to each of them.

Mr. Speaker, it goes without saying that the responses to my questionnaire have a great influence on my service and on the votes which I cast in the House of Representatives. But while influencing me, the responses are, of course, not binding—and some of my votes may be in conflict with the majority opinions.

Mr. Speaker, the questionnaire and the responses are indicated in the following summary:

RESULTS OF 1971 QUESTIONNAIRE OF CONGRESSMAN ROBERT MCCLORY

Total number of questionnaires mailed: 154,628.

Questionnaires returned: Approximately 30,000.

[Answers in percent]

	His		Hers	
	Yes	No	Yes	No
1. Do you favor, in principle, the proposed Revenue Sharing Program to return Federal tax funds to the States and communities with a minimum of strings attached?	66.5	33.5	68.0	32.0
2. Do you feel that we should abandon the research effort on the SST which was begun in 1965?	61.4	38.6	69.8	30.2
3. Do you favor the Family Assistance Plan, containing a guaranteed income floor and work incentives, to replace the existing welfare system?	73.0	27.0	74.3	25.7
4. Do you support additional Federal legislation to define and control obscenity and pornography?	62.4	37.6	65.4	34.6
5. Do you feel that the President's plan to consolidate and update executive departments and Federal regulatory agencies has merit?	85.6	14.4	85.4	14.6
6. Do you favor our policy of aid to Israel in order to maintain a balance of power in the Mid-East?	59.3	40.7	55.5	44.5
7. Do you think our present Vietnam policy will be successful in ending U.S. involvement in that conflict?	37.7	62.3	31.1	68.9
8. Would you favor an all-volunteer military as an alternative to the present draft system?	61.9	38.1	65.1	34.9
9. Do you favor direct Federal aid to private and parochial schools?	39.1	60.9	38.7	61.3
10. Do you approve the administration's plan to provide Federal assurance of health care services for all citizens?	62.2	37.8	63.4	36.6
11. Should the Federal Government impose mandatory wage and price controls as a method of stemming inflation	63.8	36.2	65.9	34.1
12. Do you feel that military intelligence activity with respect to civilians is justified?	41.1	58.9	38.0	62.0

Mr. Speaker, in addition to circulating these questionnaires to all the postal patrons throughout the 12th Congressional District, I took occasion to secure responses from a large number of high school seniors as well as from the students at the college of Lake County—almost all of whom will be eligible to vote in the national elections next year.

Mr. Speaker, while there was a substantial similarity of views with respect to the President's reform program on domestic issues, there were also some striking differences of opinion expressed by the high school and college students on such issues as first, support for additional Federal legislation to control obscenity and pornography and second, our present Vietnam policy, and, to a slightly lesser extent, third, our policy of aid to Israel. The responses from more than 2,000 high school students representing Highland Park High School, Zion-Benton High School, Grayslake High School, Waukegan Township High School, and 108 students from the college of Lake County are as follows:

	High school students		College of Lake County	
	Yes	No	Yes	No
1. Do you favor, in principle, the proposed Revenue-Sharing Program to return Federal tax funds to the States and communities with a minimum of strings attached?	69	31	67	33
2. Do you feel that we should abandon the research effort on the SST which was begun in 1965?	57	43	80	20
3. Do you favor the Family Assistance Plan, containing a guaranteed income floor and work incentives, to replace the existing welfare system?	71	29	73	27
4. Do you support additional Federal legislation to define and control obscenity and pornography?	42	58	23	77
5. Do you feel that the President's plan to consolidate and update executive departments and Federal regulatory agencies has merit?	67	33	63	37
6. Do you favor our policy of aid to Israel in order to maintain a balance of power in the Mid-East?	54	46	38	62
7. Do you think our present Vietnam policy will be successful in ending U.S. involvement in that conflict?	25	75	14	86
8. Would you favor an all-volunteer military as an alternative to the present draft system?	74	26	66	34
9. Do you favor direct Federal aid to private and parochial schools?	48	52	53	47
10. Do you approve of the administration's plan to provide Federal assurance of health care services for all citizens?	82	18	86	14
11. Should the Federal Government impose mandatory wage and price controls as a method of stemming inflation?	57	43	62	38
12. Do you feel that military intelligence activity with respect to civilians is justified?	29	71	12	88

IN HONOR OF FLAG DAY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. SCHMITZ. Mr. Speaker, in honor of Flag Day, I would like to share with my colleagues a chronicle concerning the attempts of one of my constituents to remove a North Vietnamese flag from a wall in the Physics-Chemistry Building of the University of California, San Diego.

The following letter from Mr. Steve Balkam, the man who has been attempting to have the enemy flag removed from the wall of the Physics-Chemistry Building, to the dean of student affairs at the University of California, San Diego, recounts the high points of this struggle.

I highly recommend the following story to all my colleagues. It shows that the righteous indignation of the American citizen is difficult to stem. Mr. Balkam possesses the determination which has made our Nation what it is today. It is because of people such as himself that our flag today stands as a symbol of freedom. It is tough to keep a free man down.

The letter follows:

MAY 23, 1971.

Dean GEORGE S. MURPHY, Jr.,
University of California-San Diego,
La Jolla, Calif.

DEAR DEAN MURPHY: Nearly a month has passed since I first queried you about the display, for over a year, of a facsimile of the North Vietnam flag on the west wall of Room # 2101 in the Physics-Chemistry Building at UCSD. It is my belief that certain matters connected therewith should be clarified and placed in clear perspective. I am certain that you will welcome same.

It is my sincere hope that you do not consider me as your adversary. My inability to talk with you on the telephone during the past week, coupled with the remarks heard on campus, i.e., "Balkam harrassed Murphy for a week before removing the flag and delivering it to the Dean last Monday afternoon," causes me some concern. I would far rather be counted as one of your supporters by standing strong with you for principles deeply rooted in our traditional American heritage.

In the interest of clarity, I recite the following chronological resume:

April 27: I was shocked to learn that the North Vietnam flag still hung in its apparent hallowed sanctuary on the west wall of Room #2101 of the Physics-Chemistry Building . . . shocked because I had been erroneously informed many months ago that said flag had been removed. I immediately went to that office and visited with the research and teaching assistants assigned therein. After a lengthy conversation with them, culminating with their strong statement of dedication to the flag of our enemy and to that for which the Hanoi government stands, I used their telephone and called Chancellor York's office and your office. As both Dr. York and yourself were not available, I advised each of your secretaries as to where I was and the purpose of my call.

April 28: You and I had a very pleasant discussion on the telephone in the morning. You expressed complete surprise to learn of the enemy flag, inquired as to its exact location and assured me that it would be removed within the hour. You expressed your appreciation to me for alerting you to this incredible display.

April 29: Noting that the flag still remained in place, I went to Room #2101 in mid-afternoon and took Poloroid pictures of it and of the anti-American propaganda covering walls and glass of the entrance doors on the exterior of the building. I then called on you in your office and inquired as to the status of the flag removal. You advised that it took quite a period of time to accomplish same and that you were very busy. I then offered to assist you by going back to Room #2101, removing the flag, giving a receipt for it, and then returning immediately to your office asking that you would then give me a receipt upon delivery. You pleaded with me not to do so and then positively assured me that you would call me, "the first thing tomorrow morning," advising, "mission accomplished."

April 30: No telephone call from you. In the afternoon I called your office but could not reach you. I called the Chancellor's office to remind the secretary of my previous request that Dr. York be apprised of my concern, upon his return to the campus on Monday, May 3rd. I was advised that jurisdiction over matters of this kind was entirely your responsibility as Dean of Student Affairs, as well as that of Vice Chancellor.

May 3: The 3' x 5' Hanoi flag remained on display. I went directly to Room #2101, the only occupant at the time being John Dobson, who yelled at me, stating that I had no right to enter. I walked right thru the office to the flag, removed it and offered a sign receipt to him which he refused, screaming that he would call the police. I suggested that he use the telephone to do so. While he was pleading with the operator to get the police, claiming an urgent emergency, I placed the receipt on the desk beside him and requested that he tell the police that I was proceeding to your office to deliver the flag to you personally. It was then fortunate that I found you in your office so that I could hand the flag to you, personnally, have you sign the receipt, expecting, of course, that this flag would never be seen again on the campus. After receiving the flag and signing the receipt, you then admonished me for taking such direct action and impressed upon me that you as an administrator were experienced and trained to handle such matters in the proper academic manner. You asked that I never do such a thing in the future. I then reminded you of your assurance to me, at 10:15 A.M., April 28th, that the flag would be removed "within the hour," then that it would be down "first thing in the morning" on April 30th, and that this was now May 3rd . . . 2:00 P.M. Your response to this statement was: "Wait a minute, don't you realize that this flag has been there for more than a year and I cannot understand what difference another week or more makes in getting it removed!"

After delivering the flag to you, I called the office of the Campus Police and talked to Sergeant Turner and to Chief Torrens. I offered to go to their office if they wanted me for any reason. They assured me that there was no necessity to appear.

May 12: I was shocked to find that the bloody North Vietnam flag was back in its prominent location on public property. Unable to reach you by telephone, I called Regent Dewitt Higgs and asked if he would be willing to try to reach you for an explanation and to ascertain as to whether it could conceivably be the same flag which I had delivered to you on May 3rd. He agreed and a call from Mr. Higgs later in the day revealed that it was the same flag and that you had felt it right to return to the Hanoi Advocates, as they clamed it to be private property. Mr. Higgs advised that he had also talked with Dr. York and with General Counsel.

One of my friends on campus called me late in the afternoon to advise me of a most preposterous rumor that was going around the campus. It essentially was a story of that "wild businessman" who tore the "tablecloth" down from the wall in Room #2101 after he had "harrassed Murphy for a full week" . . . and . . . that perhaps it may prove to be a blessing for it was that same "wildman" who "forced Murphy" to file charges against Sona Ali for his tearing up the "toy American flag" on April 26th in the gymnasium. This absurd story continued: "Well, when Balkam heard this morning that there was a warrant out for his arrest on the charge of larcency (removal of red flag), he rushed to Murphy and on bended knee he pleaded that he prevail upon the boys (#2101) to withdraw their larcency charges and, if so, that he would withdraw his charges against Soni Ali. We think that the deal to free Ali will be made in the morning."

May 13: By pure happenstance, as I passed three students on the campus, I overheard my name being mentioned so lingered near them. I heard essentially the same wild story from these men as that recounted by my friend the day before and recited in the paragraph above.

May 17 to May 21: As your secretary will confirm, I tried many times to reach you on the telephone from my office, from the airport and from the Capitol in Sacramento while there last week. My urgent desire to talk with you this past week concerned the above rumor. I am sure that you will be as anxious as I to set the record straight on this "deal" purported to have been negotiated by you in behalf of Soni Ali (or by whatever alias now used) and in my behalf. Frankly, I would be very willing to be a prosecution witness on the one hand and to defend myself on the other.

As it has been impossible to reach you by telephone, let me make a few remarks:

1. The reported "harrassment of Murphy" puzzles me for this rumor related to the period from April 28th to May 3rd only. During that time my contacts with you were limited to three occasions, as indicated above. How could any person or persons have dreamed up the charge of "harrassment" is beyond my comprehension. Can you possibly explain it?

2. After learning that you had returned the Hanoi flag, I have been at a loss to understand why you were so positive in your promises to me on April 28 and 29 that the wretched flag would be removed at once . . . and then have nothing happen until I took it upon myself to do so and deliver it to you.

3. On May 3 you equated my action to that of playing a game. Sir, I have never been more serious in my life . . . this is no game!

4. I do not understand why I did not receive a call from you as you returned the flag to explain your rationale making it right to support the advocacy of Hanoi. In our discussions on April 28 and 29, you fully agreed with my contention that the North Vietnam flag must come down at once from the wall of the property owned by the People of California. What happened?

Now, that I may set the record straight, I hereby categorically deny any contemplation, negotiation or even mention to anyone of making any "deal" whatsoever relative to the charges for desecration of our flag on April 26th. While I realize, as you do, that such a rumor is completely ridiculous, I feel I must put it in the record. I request that you direct a letter to me setting forth your denial, so that I may have it at hand should any public mention of it ever be made in the future.

The respect of the community for the University should be nurtured and not torn down. However, with such sufferance of support for North Vietnam is certainly not winning friends for UCSD. I found very serious concern exists at the Capitol when in Sacramento last week.

It is my conviction that the time has come for a forthright man-to-man meeting . . . one with every card face up on the table. The very basic question to which we must address ourselves is: Must we continue to coddle and retreat from those who would destroy us as exemplified by the permissiveness extended to the Hanoi propogandists?

In order to initiate deliberations on this vital question, I have set a meeting at 3:00 P.M. on Friday, May 28 at an appropriate location on the campus. By copies of this communication, I invite Chancellor York, Regent Higgs and Assemblyman Stull of the 80th Assembly District to join with us. I respectfully request a prompt confirmation of your acceptance of this invitation.

Inasmuch as the deadline has passed for the introduction of new legislation in the California Legislature, I am sure that you are as happy as I to learn that the Miller-Bow bill was introduced in the U.S. Congress on May 20, which would make this form of support for Hanoi a Federal crime. It appears to be directly on target and aimed at our specific problem of the moment.

I look forward to your prompt response to this letter.

Respectfully yours,

STEVE BALKAM.

A TRIBUTE TO SENATOR THOMAS DODD

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1971

Mr. RODINO. Mr. Speaker, it was with the deepest sense of sorrow that I mourned the death of my good friend Tom Dodd. Senator Dodd devoted nearly half of his life to public service and to representing his constituents. I am only too sad that he was unable to enjoy a little longer, his leisure and time with his family.

Though there is little that I can say that will lessen the profound feeling of grief over his loss, I sincerely extend my deepest felt sympathy to his grieving family and to his friends.

THE COTTER HEALTH PLAN

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. COTTER. Mr. Speaker, last month I introduced H.R. 8351, the "Comprehensive Health Care Act of 1971." Since then, my bill and several other health plans have been discussed in various health trade journals and in the general news media.

At the time of introduction I stated:

> Before I outline my proposals, I want to inform my colleagues about my general assumption and values.
>
> First, I represent the city of Hartford, the insurance capital of the Nation. It is estimated that thousands of my constituents are involved in health insurance. I am not willing to see those jobs shipped to Baltimore, the home of the Social Security Administration, until such time as it is shown that the insurance industry—scrupulously controlled as I will recommend—is unable to do the job.
>
> Second, from my position as the Insurance Commissioner for the State of Connecticut for 6 years, I have become familiar with the problems of both quality health care and public-private health insurance coverage. Thus, I have studied in detail the strength and weakness of our health delivery system.
>
> The proposal I am placing before the House today reflects this experienced study. I believe that there must be a partnership between private industry and government to assure the highest quality health care at the most reasonable cost.

I am pleased that this theme was endorsed by the Hartford Times in a thoughtful series of editorials which examined each of the major health plans. For the benefit of my colleagues who are studying this very issue, I include the three Times' editorials:

DELIVERING HEALTH CARE: TO AVOID INFLATION AND INSURE THE NATION'S HEALTH

Inflation has played a major part in the health-care crisis that now confronts the United States.

It is a special inflation, two or three times the cost increase of other goods and services during the past decade.

It is an inflation based in part on the age-old concept of supply and demand. Demand for health care has risen dramatically. Our growing affluence; the huge increase in private health insurance, often as part of employment fringe benefits; and growing governmental programs to meet the needs of aging and the poor, such as Medicare and Medicaid, all have contributed to the rising demand.

The supply has not kept pace. People are, in effect, competing for a limited supply of health care, and prices are "bid up".

That is not an entire explanation, but it is an important part.

Equally important has been our failure to reorganize the delivery of health-care services on a larger scale. Short-sighted insurance policies have often encouraged use of hospitals when walk-in clinics would have been just as effective and far less costly for many diagnostic procedures and even minor operations.

The use of pre-paid health plans has caught on very slowly. The medical profession has oversold the importance of the "personal" doctor-patient relationship. The values are real, but may be overshadowed, for many families, by the possibility of having total health care—and preventive health care—by receiving treatment from doctors in a group practice.

The medical profession must also accept some criticism for allowing—and in some cases encouraging—a shortage of trained personnel to persist. State legislatures have likewise been slow to beef up our medical schools.

And we are still exploring ways that nurses can give some of the care historically reserved to M.D.s, and roles for other "paramedical" people.

As we now debate some form of national health insurance, improving the delivery system deserves top priority—lest we touch off a new round of health-care inflation.

The insurance industry's "Health-care" bill would do this with a broad battery of incentives: Low-cost loans for medical students, payable "in kind" by post-graduate service in areas of need; grants and loan guarantees to stimulate walk-in clinics; more federal muscle to avoid duplication of costly facilities.

Rep. William Cotter (D-Hartford), in his bill, uses many of the same devices, and also would create three new medical and dental "academies", associated with existing military hospitals, to train people required to serve in medically disadvantaged areas.

Both the Cotter and Healthcare plans, and the Nixon Administration proposal, would also set up national minimum standards for health insurance, an indirect way of encouraging pre-paid plans and reorganization of our health care systems.

These are important steps toward overall solution. Other aspects—financing health care, and the role of the federal government—will be discussed in subsequent editorials.

PRIVATE HEALTH INSURANCE: EVERYBODY CAN BE COVERED

Most Americans now have some kind of health insurance.

It is not, for most people, enough. In very few cases do insurance plans cover dental care, mental health services, most "outpatient" care or the pre-paid health care plans where a group of doctors, in team practice, can focus on preventive medicine.

But all those improvements in private health insurance are coming.

They will not come free. Insurance premiums will climb to meet the new costs—although as an editorial yesterday pointed out, an improved health-delivery system may be able dramatically to improve care at a relatively small increase in cost.

Much of the additional cost—both for new insurance coverage, and for the many who now have only nominal insurance plans—will be met by employers through group plans. That will be an indirect cost—but very real—to the employee; it is money that might otherwise go into the pay envelope. It is also a cost that will be passed along to consumers in higher prices.

That leaves two major groups without coverage. The poor simply cannot afford private health insurance, and often can't afford medical care unless they already receive public assistance.

Others, the near-poor, don't work for companies with group plans, or else must pay the major share of such plans. Many feel they must gamble that they won't get sick, rather than paying in advance for care they may not need.

These are important groups to bring within the health-insurance system.

But they can be covered without abandoning the extensive private system that now exists—without going all the way to Senator Kennedy's AFL–CIO backed national health insurance.

The insurance industry's health-care plan, the Cotter plan, and the Nixon Administration proposal would all bring private health insurance to the poor (and also uninsurable risks) under a state-by-state, federally-subsidized program.

The Administration would require employers to provide group insurance, thus providing wholly-private insurance to the working poor. The Cotter and Healthcare plans would encourage employer plans through tax-reduction regulations.

The difference may be vital. Congress must do everything possible to provide universal coverage. The incentives for employer-paid group insurance, and the economic levels at which families will qualify for federally-subsidized insurance, deserve the most careful attention in the Congress.

FINANCING HEALTH CARE: "SOCIALIZED MEDICINE" SPUR TO A BETTER INSURANCE PLAN

The United States is on the verge of adopting a national health insurance plan: One that will guarantee really comprehensive coverage for everyone.

Politicians will be tempted to stall a decision past the next election; promises can be more alluring than realities.

But the national interest demands action during the 92d Congress.

The nation owes an enormous debt to the labor-based coalition, begun by the late Walter P. Reuther, that began a major drive nearly two years ago for a federally-financed, federally-operated health insurance plan.

Labor's bill is not the one that deserves passage. But without labor's insistence, the alternatives now available would not have evolved.

At the time the labor drive began, no one was seriously talking about solving the health-care crisis in anything less than a decade. The then-new Nixon Administration did not have a program—and in fact still does not have a detailed piece of legislation.

The principal alternative then being talked about was the American Medical Association's "Medicredit" plan. One of today's most promising approaches, the insurance industry's "Healthcare" plan, was still in the early "think" stage.

Since then, the insurance industry and far-sighted legislators have developed a program—or several programs, with minor variations but much in common—that can radically improve the nation's health without scrapping our private health insurance system.

There is self-interest in this approach, of course. No Hartford insurance executive (or clerk-typist) wants to see the nation's health insurance, involving tens of thousands of jobs, moved from Hartford and other cities to be administered by a new federal-bureaucracy complex near Washington.

But more is involved than simply a parochial insistence on keeping jobs in Hartford.

The greatest failing of the Kennedy-Griffith bill that has evolved from the Reuther committee is, ironically, its regressive funding.

It would have the federal government take over virtually the entire cost of health care, and would fund half of that staggering cost from payroll taxes (Social Security), the most regressive instrument in the arsenal of taxing devices. The other half of the funding would come from general revenues.

Even were a more progressive tax base in prospect, there is a strong argument for avoiding federalized health care: It would inevitably postpone the nation's willingness to tackle other pressing social problems. Each of us would pay so much more in taxes than we now do (even though we would save on private health-care costs) that we would resist further taxation for other priority needs.

Federalized medicine would also be less flexible than health care paid through a public-private insurance partnership. There is validity in the insurance industry's argument that we should encourage a variety of systems for delivering health care, and use federal minimum insurance standards as a "floor" upon which new approaches can be built.

"Socialized medicine," as embodied in the Kennedy-Griffith bill, is still anathema to many Americans.

But many of the soundest elements in the "socialized medicine" concept have now been embodied in the private-enterprise alternatives. In the two years since the Reuther drive began, American business has developed an approach that seems—on wholly pragmatic grounds—better.

With thoughtful analysis, and modification where necessary, the private insurance approach deserves the support of the 92d Congress—and of the nation.

RURAL ELECTRIC COOPERATIVES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. PICKLE. Mr. Speaker, on Monday, June 7, I was pleased to be joined by over 50 of my distinguished colleagues to discuss the prospects and problems of our rural electric cooperatives. I had hoped to have a full airing of the situation facing many of our cooperatives across the land, and I think that objective was fully achieved. I thank all those who participated in this discussion.

Mr. Speaker, the general manager of one of my own cooperatives has written me a letter which ably sets out once again many of the points which we discussed Monday. This is a description of how it is coming straight from the "horse's mouth," as the saying goes. I would like to reprint that letter at this time to add to Monday's discussion of our rural cooperatives.

The letter follows:

BLUEBONNETT ELECTRIC
COOPERATIVE, INC.,
Giddings, Tex., June 3, 1971.

Hon. J. J. PICKLE,
Congressman of the 10th District, Texas, 231 Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN: I certainly enjoyed our recent visit and conversation concerning our Cooperative. I sincerely appreciated the opportunity to discuss with you a few of our problems. In fact, I would like to pursue the matter a bit further and list briefly some of the problem areas that I might have overlooked in earlier discussion and correspondence.

In my opinion, in order to clearly understand our basic problem, we need to look back in time some 30 odd years to the birth of rural electrification and in particular to the conception of Bluebonnet Electric Cooperative.

In the beginning it was the philosophy of REA to construct as cheaply as possible the facilities required to serve the rather sparsely settled rural countryside. As a result the very minimum sizes of conductor and poles were installed with the distances between poles sometimes spanning as much as 1000 feet. At this point in time and for the next 10 years these facilities were adequate to serve the loads of the farmers and ranchers requiring electrical services. But then the picture began to change, many farmers and ranchers moved out of the country and into the cities seeking employment and higher wages and as a result many of the facilities constructed by the cooperatives were left idle bringing no revenues to assist in amortizing the investment required to construct the facilities. At present we have approximately 4100 idle services.

At about this same time those persons remaining in the rural areas began to buy appliances and equipment requiring more power than our creators had ever dreamed possible. These new demands required extensive heavying-up and complete rebuilding of lines in many instances.

The next big change came in the late 1950's and early 1960's and resulted from the more prosperous urbanites looking to the rural areas for weekend retreats, recreation, and retirement homes. It is a bit ironic, but one might be led to believe that the rural area is shouldering much of the burden in solving some of the problems confronting our cities today.

Now to the future. Congressman, if one can rely upon the projections made by our Engineers and by the industry in general the future growth and demands on the electrical industry is so awesome, it staggers one's imagination.

We have just completed a comprehensive 10 year financial forecast, based on projected growth which indicates that by 1980, our small rural system will need to supply more than double the present loading which will require an investment in plant of more than $10,000,000.00. The forecast also indicates that the year 1980 will see this Cooperative paying as much for purchased power as our total revenue will be for the year 1971. The projection further shows that in the very near future we will be required to construct costly transmission lines and substations with capacities of 138 thousand volts.

Another major and costly problem is that of obtaining the necessary right of way on which to construct these transmission lines and substations.

In short, there seems to be no end to our future growth rate and I suppose when one examines the nation's population growth it would naturally follow that the cities can only provide for a limited number and the balance out of necessity will have to spill over to the rural areas. To point this out, I recently learned that over 75% of all the land transactions in Washington County were made by residents of Harris County. It appears to me that our metropolitan Congressman have a larger stake in our welfare than they might now realize. In fact, a very large share of the problems we now face are being brought on by nomads from the cities.

Congressman, there are two major ingredients needed to meet our future needs and as you might suspect, they are time and money. Congress can exercise little control over the time element but they do exercise complete control over the money that is appropriated annually for rural electrification. I sincerely hope that somehow, someway, we will be able to convey to Congress this very real need for adequate construction funds in order to meet our current and future demands. Time is of the essence.

Thank you again for taking the time to listen to our problems and attempting to help in arriving at some of the solutions.

Best Regards, Bluebonnet Electric Cooperative, Inc.

HENRY UMSCHEID,
General Manager.

BLUEBONNET ELECTRIC
COOPERATIVE, INC.,
Giddings, Tex., June 3, 1971.

Hon. J. J. PICKLE,
Congressman of the 10th District, Texas, Cannon House Office Building, Washington, D.C.

DEAR JAKE: Below are a few statistics that might be of interest.

Month and year	Number of members	Member increase
December 1964	16,297	
December 1965	16,760	463
December 1966	17,063	303
December 1967	17,598	535
December 1968	18,059	461
December 1969	18,710	651
December 1970	19,591	881
Total		3,294

Our April member count was 19,737.

We currently have in service 6,386 miles of line averaging 3.10 members per mile.

Our current plant value as of December, 1970 is $17,409,327.00.

Should you like further information, please let me know.

Best regards, Bluebonnet Electric Cooperative, Inc.

HENRY UMSCHEID,
General Manager.

FREE WORLD FLAGSHIPS IN NORTH VIETNAM, 1971

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. CHAMBERLAIN. Mr. Speaker, during May there was a total of four vessels of non-Communist registry, all flying the British flag, arriving in North Vietnam, according to information made available to me by the Department of Defense. For the first 5 months of 1971 this amounts to a total of 25 such arrivals involving 13 ships under British or Somali Republic registry, which compares favorably to the 32 arrivals during January to May 1970 and to the 49 arrivals during the same period in 1969.

These figures are encouraging, indeed, and show the considerable progress that has been achieved in drying up sources of aid and comfort to the militaristic Communist regime in Hanoi. I commend the administration for its good mark and urge that a maximum effort continue until this traffic which supports Communist aggression through Indochina is completely choked off. Furthermore, while the British-flag vessels are allegedly owned and controlled by Red Chinese interests based in Hong Kong, I reiterate that it is time for the British Government to take new and effective measures to put an end to this flagrant abuse of their Union Jack which has become a cloak and passport for this trade in tyranny.

The statistics follow:

FREE WORLD FLAG SHIPS IN NORTH VIETNAM 1971

	United Kingdom	Somali	Total
January	3	1	4
February	5	1	6
March	3	2	5
April	5	1	6
May	4		4
Total	20	5	25

AIRCRAFT NOISE ABATEMENT AT J. F. K. INTERNATIONAL AIRPORT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. RYAN. Mr. Speaker, on Monday, June 7, the Department of Housing and Urban Development and the Department of Transportation released the first of a series of four studies of aircraft noise and its abatement.

The report, "Metropolitan Aircraft Noise Abatement Policy Study, John F. Kennedy International Airport," was prepared by the Tri-State Transportation Commission of New York under a research contract jointly funded by HUD and DOT. Other airport studies are being conducted to cover O'Hare International Airport, Chicago; Bradley International Airport, Hartford, Conn.; and Cape Kennedy Regional Airport, Melbourne, Fla.

These studies are designed to prepare recommendations for reducing aircraft noise problems in the affected communities. When completed, the four studies will be summarized for use in other airport impact situations. An airport environs planning manual will also be prepared for distribution to local officials and planning agencies.

The Tri-State Transportation Commission's study outlines a series of steps to deal with the tremendous aircraft noise problem near John F. Kennedy Airport. While cautioning that none of these steps alone would stop the noise, and that carrying out each to its fullest extent would be difficult, the study recommended that a start be made on such actions as:

Installing noise mufflers on commercial aircraft engines as possible.

Rapid development of the National Aeronautics and Space Administration's "quiet engine" for use in commercial aircraft.

Coordinating zoning to halt further residential construction or to acquire outright land near the noisiest areas of the airport.

Amplifying the State building code to require soundproofing in affected areas of new residences, schools, hospitals, and publicly assisted housing projects.

Offering financial incentives to owners of existing structures to soundproof their property.

The Tri-State Transportation Commission was assisted in this study by the New York City Planning Commission, the Nassau-Suffolk Regional Planning Board, and the Port of New York Authority, among other agencies.

Hopefully, the appropriate agencies will give full consideration to their recommendations. The hazards of aircraft noise can no longer be tolerated.

At this point I am including the "Metropolitan Aircraft Noise Abatement Policy Study for John F. Kennedy International Airport." I commend it to the attention of my colleagues.

METROPOLITAN AIRCRAFT NOISE ABATEMENT POLICY STUDY, JOHN F. KENNEDY INTERNATIONAL AIRPORT

PREFACE

The research and studies forming the basis of this report were conducted pursuant to a contract with the U.S. Department of Housing and Urban Development. The report is official government property and may not be published or reproduced (in toto, in verbatim excerpt, or in form approximating either of these) as an unofficial paper or article, without the express approval of the U.S. Department of Housing and Urban Development.

TRI-STATE TRANSPORTATION COMMISSION

The Tri-State Transportation Commission, an inter-state planning agency, defines and seeks solutions to immediate and long-range transportation, land use and comprehensive planning problems of the New York metropolitan region covering 22 counties in New York and New Jersey and six planning regions in southwest Connecticut.

Established by legislative action on the states of Connecticut, New Jersey and New York in 1965, the Commission succeeds the Tri-State Transportation Committee formed by the governments of these states in 1961.

Designated by the federal government as the official planning agency for the Tri-State Region, the Commission is also a central supporting resource for subregional and local planning. It provides assistance in solving problems that spread beyond local jurisdictional control. It also encourages coordination among all agencies charged with an interest in planning or providing transportation and other federally aided facilities within the Tri-State Region.

The three states and the federal government finance the work of the Commission. Federal funds come from highway planning and mass transportation grants provided by the Department of Transportation, and also from planning grants provided by the Department of Housing and Urban Development.

Commissioners representing the three states are appointed by the governors in accordance with the laws of their respective states. Federal representatives are appointed by the appropriate officer holding such authority within the Executive branch.

THE COMMISSION MEMBERS

John C. Kohl, Chairman, Commissioner, Department of Transportation, State of New Jersey.

D. David Brandon, Vice-Chairman, Director, Office of Planning Coordination, State of New York.

Frank M. Reinhold, Vice-Chairman, Chairman, Connecticut Transportation Authority.

Donald H. Elliott, Secretary, Chairman, New York City Planning Commission.

Charles J. Urstadt, Past Chairman, Commissioner, Division of Housing and Community Renewal, State of New York.

Frank A. Carboine, Chief, Airports Division, Eastern Region, Federal Aviation Administration, U. S. Department of Transportation.

George J. Conkling, Commissioner, Department of Transportation, State of Connecticut.

Michael N. Danielson, Professor, Woodrow Wilson School of Public and International Affairs, Princeton University.

Louis I. Gladstone, State Comptroller, State of Connecticut.

S. William Green, Regional Administrator, U. S. Department of Housing and Urban Development.

Harlan H. Griswold, Chairman, Connecticut Development Commission.

Edmund T. Hume, Commissioner, Department of Community Affairs, State of New Jersey.

Gerald D. Love, Regional Federal Highway Administrator, U. S. Department of Transportation.

Theodore W. Parker, Commissioner, Department of Transportation, State of New York.

William J. Ronan, Chairman, Metropolitan Transportation Authority.

Frank N. Zullo, Mayor of Norwalk, State of Connecticut.

J. Douglas Carroll, Jr., Executive Director.

Richard S. DeTurk, Deputy Executive Director.

TRI-STATE TRANSPORTATION COMMISSION

100 Church Street, New York, N. Y. 10007
(212) 433-4200.

CHAPTER 1. INTRODUCTION

The Tri-State Transportation Commission, under contract to the U.S. Department of Housing and Urban Development (HUD), has prepared this report as part of the Metropolitan Aircraft Noise Abatement Policy Studies (MANAPS) at four airports in different cities. This report considers alternative measures, or combinations of measures, to provide relief from aircraft noise in affected communities around John F. Kennedy International Airport, and offers recommendations for reducing aircraft-noise problems.

The Commission studied present land use, local development policies and codes, sound insulations of structures, redevelopment, future land-use alternatives, legal aspects and airport operations. Alternative methods of reducing noise at the source were furnished by the Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT). Costs are estimated for the alternative procedures considered.

In carrying out this study, the Commission has been guided by a technical advisory committee. Its members are listed at the bottom of this page.

The project manager for HUD was Richard H. Broun, acting director, Environmental Planning Division (Washington, D.C.), and, for Tri-State, Richard S. DeTurk, deputy executive director.

Arthur Kunz, planning coordinator, Nassau-Suffolk Regional Planning Board.

Ernest Hacker, principal planner, New York City Planning Commission.

Albert H. Odell, assistant chief, Aviation Technical Services Division, Port of New York Authority.

Louis DeRose, chief, Airports Planning Branch, regional office, Federal Aviation Administration.

Howard S. Quinn, director, New York City Office, New York State Office of Planning Coordination.

Roland K. Alexander, air safety consultant, New York State Department of Transportation.

Sheldon Gilbert, planning specialist, regional office, Department of Housing and Urban Development.

Background and limitations of the study

MANAPS, which is jointly funded by HUD and DOT, is being developed under the auspices of the Land Use/Airports Panel of the Interagency Aircraft Noise Abatement Program (of which HUD is chairman), which will study the causes, growth trends and the social and economic impact of aircraft-noise exposure on people and communities. The needs of those in the airport environs are to be examined in relation to airport needs and development. One major objective of the MANAPS program is to provide a methodology for evaluating noise exposure situations in other airport areas as well as providing recommendations that are applicable at other locations.

Because of the nature of the John F. Kennedy (JFK) Airport, and its vicinity, the MANAPS project as outlined by HUD emphasized remedial rather than preventive measures. HUD indicated the areas to be studied, set forth the study procedures and work elements, and provided the Commission with five alternative Noise Exposure Forecast (NEF) contour areas, based on varying aircraft operating assumptions, in which "on-the-ground" effects of alternate flight path and related operating procedures are examined. The NEF contours were prepared by Bolt, Beranek and Newman, under contract to the Department of Transportation. Other airports in the New York Metropolitan area and their affect on air traffic at JFK are not a part of this study.

History of JFK International Airport

In 1942, the City of New York started construction of an airport on 1100 acres of the former Idlewild Golf Course and a filled tidal marsh. The site was in southeast Queens County, about 16 miles from midtown Manhattan. The project was expanded to encompass over 4900 acres, but never completed by the city. In 1947, the Port of New York Authority (PONYA) signed a long-term lease with the city for Idlewild Airport. The PONYA commenced a construction program to complete and make subsequent improvements to the airport. In July 1948, Idlewild, or New York International Airport, opened to domestic and foreign commercial airline service.

Aircraft movements grew from 5900 in 1948 to 431,500 in 1968. Similarly, revenue passengers using the airport grew from 62,000 in 1948 to 19,600,000 in 1968. To meet this growth, the PONYA in February of 1955 began construction of a 655-acre terminal city. The terminal site is presently being expanded to 840 acres. In 1956, the airport Air Cargo Center opened on an 80-acre site, which has since doubled in size, for the handling of air freight. In December 1963, the airport was rededicated as the John F. Kennedy International Airport.

The airport today represents an investment by the city of $60 million and subsequently by the PONYA of about $485.5 million. It employs nearly 42,000 persons with an annual payroll of $480 million. Construction underway or planned will cost about $650 million, nearly $300 million of which will be spent in the terminal area alone. A rapid-transit link to the Manhattan business district is planned for the future.

CHAPTER 2. SUMMARY FINDINGS AND RECOMMENDATIONS

Existing land use

Examination of existing conditions shows that 55 square miles of land are significantly affected by aircraft noise from JFK airport, as defined by sound-level criteria of the Federal Aviation Administration. Within these 55 square miles stand 97,000 structures and accompanying land worth about $7.0 billion in real-estate market value. Within these buildings live approximately 550,000 people. Although these figures are taken from a 1963 survey, changes between then and 1970 have followed past patterns and do not significantly alter our general findings.

While we are thus faced with a heavily build-up community, not a newly developing area, it is significant that 11 square miles of developable land, or one fifth of the total, are vacant.

Considerable additional area under the noise contour is unoccupied swamp and water, but most of it is protected against future development by conservation regulations.

TABLE 1.—1968 NOISE EXPOSURE FORECAST CONTOURS [1]

	30 NEF	40 NEF	Total
Total land area:			
Square miles	38.25	17.19	55.44
Square feet	1,066,405,000	479,309,300	1,545,714,300
Vacant land area:			
Square miles	8.49	2.59	11.09
Square feet	236,924,100	72,442,600	309,366,700
Residential land area:			
Square miles	10.39	2.45	12.84
Square feet	289,778,600	68,369,000	358,147,600
Nonresidential land area:			
Square miles	19.35	12.14	31.50
Square feet	539,702,300	338,497,700	878,200,000
Number of residents	486,659	66,016	552,675
Number of structures/residential	72,111	12,918	85,029
Number of structures/nonresidential	9,901	1,856	11,757
Value of property	$5,160,176,648	$1,814,633,475	$6,974,810,123

[1] Noise exposure forecast is a composite index, developed by Bolt, Beranek & Newman for the Federal Aviation Administration, that is generally used to indicate intensity and frequency of noise and volume of air traffic. 30 NEF corresponds to a range of 84 to 105 PNdB, while 40 NEF includes the range of 99 to 115 PNdB. In a broad sense for comparison purposes, in terms of perceived noise decibels, traffic noise at a distance of 50 feet from a highway may range on an average from 75 to 100 PNdB, assuming that vehicles have been provided with adequate muffling devices.

Expected growth to 1975

Since 1963 construction continues on land near the airport and in Jamaica Bay, both in New York City and in Nassau County. These locations have been avoided in the past, partly because of aircraft noise, marshy soils and inaccessibility. City and country planning agencies estimate that the population in the noise-affected area will grow from 550,000 in 1963 to 680,000 by 1975, an increase of 24 percent. This land development has occurred and is now occurring in spite of the aircraft noise because: (a) there is a shortage of alternative land sites near Manhattan, (b) there is a demand by many for housing near the airport and (c) the network of roads has improved the access of many nearby sites. Of the 42,000 people employed at the airport, 3020 (7 percent) live in the noisy area.

Despite a long history of zoning and planning for orderly land development, no government agency with jurisdiction over the JFK environs has been able to achieve development that is compatible with aircraft noise.

Existing aircraft operations

All reasonable controls have been applied to airport operations at JFK for lessening the effects of aircraft noise on surrounding land in takeoffs, landing and ground operations. These procedures have reduced peak operations an estimated 5-to-10 percent.

Runway 4R–22L [1] is used primarily for landings under Instrument Flight Rules (IFR) requiring straight flight patterns. Parallel to it, runway 4L–22R is used primarily for takeoffs, and its use incorporates curved flight paths for departures to the northeast to avoid conflict with other airports and for noise abatement. For operations that affect the area southeast of the airport, landings are predominantly on Runway 31R and follow virtually a straight line; departures are predominantly on 13R and follow various headings, depending on their destinations. Landing and takeoff operations affecting the area northwest of the airport, with few exceptions, follow curved flight paths over the Shore Parkway and Jamaica Bay for noise abatement and to avoid conflict with traffic at other airports. Noise complaints reflect these flight patterns, as expected.

When weather and air traffic permit, visual approaches are conducted to parallel runways resulting in a dispersal of noise rather than concentrating approaches on a single runway. Also, Runway 22L is used for arrivals in combination with the approaches to Runway 13L and 13R during certain times of the day and weather conditions, which further disperses aircraft noise.

FUTURE OPERATIONAL ALTERNATIVES

The extent of aircraft noise on the lands around JFK Airport could be reduced substantially by altering aircraft engines. Four alternative sets of conditions in the form of Noise Exposure Forecast (NEF) contours furnished by the Federal Aviation Administration (FAA) illustrate the possibilities. For comparison, a map of 1975 noise contours is shown based on best estimates of aircraft expected to be in operation at that time and on flight volumes and time schedules also projected to 1975. The 1975 maps are not strictly comparable to the 1965 operations map due to differences in time base (peak-hour traffic for 1965 versus average-day traffic for 1975), recent FAA restrictions on total traffic and larger capacity aircraft expected to be in operation by 1975, but all 1975 maps are comparable. If aircraft engines remained unchanged (zero retrofit) but takeoff and landing procedures were changed to require power cutback soon after take-off and steep glide angle late in landing, the extent of noise-affected lands would not be reduced measurably. However, if in addition to revised takeoff and landing procedures, engine nacelles were lined for maximum sound absorption, the extent of noise-affected lands would be reduced 33 percent, affecting 38 percent fewer persons, based on noise contours furnished by the FAA. This could be completely by 1975 if started now. If new aircraft were equipped with a "quiet engine," presently in the experimental stage at the National Aeronautics and Space Administration (NASA), (and revised takeoff and landing procedures used), the noise-contour area might be reduced as much as 40 percent affecting 45 percent fewer persons. Although an effective date for the NASA engine is well beyond 1975, the study of such an alternative is pertinent in view of its eventual validity. The nacelle-treatment and quiet-engine alternatives include the application of these operational procedures.

Costs of compatible land use

Modification of the aircraft fleet and operating procedures would begin to bring a solution to the noise problem at JFK within the realm of practical consideration. Without engine modification the total cost of land treatment at JFK would be prohibitive, as the following estimates show:

A. To take all the measures necessary to achieve ideal standards for compatible land use recommended by Bolt, Beranek and Newman (BB&N) to the FAA would cost approximately $1.2 billion, if current trends of aircraft activity are continued to 1975. (See compatible land-use table.) This includes $0.6 billion for redevelopment—acquisition and demolition of residences, schools and hospitals in the noisiest location (40 NEF)—and $0.5 billion for sound insulation of residences, schools and hospitals in less noisy areas (30 NEF). Moreover, approximately 50,000 people would be displaced from their homes—ten times the largest urban renewal project ever undertaken. And finally, all the anticipated industrial development in Brooklyn, Queens and Nassau for the next 20 years would not be enough to use the acreage made available.

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[1] Runway titles designate direction. Here for example, 4R–224, equals 040 degrees right, and its reverse, 220 degrees left, for the aircraft pilot's right or left and compass bearings based on 360 degrees.

B. If commercial aircraft engines were retrofitted with "noise-mufflers," however, the cost of treating affected land areas would be much less-$0.5 billion instead of $1.2 billion. The number of people to be relocated is reduced to about 17,000. Even these costs, in dollars and human disruption, are too high; but they begin to suggest a possible improvement in compatibility between the airport and its neighbors.

C. If NASA's "quiet engine" became operational and were installed on new commercial aircraft, still further reductions in cost and population relocation would be possible—$0.4 billion and 12,000 people.

TABLE 2.—COSTS AND OTHER ELEMENTS

(Resulting from a comprehensive application of Bolt, Beranek and Newman guidelines for land-use control in noise-affected zones. Source is the Tri-State 1963 land-use inventory, unless noted otherwise)

[Dollars in millions]

	1975 baseline	Lined nacelles	Quiet engines
COSTS			
Vacant land acquisition (40 NEF)	$136	$45	$37
Total redevelopment (40 NEF)	560	230	143
Acquisition	491	204	125
Land	(182)	(57)	(38)
Buildings	(309)	(147)	(87)
Relocation	7	2	2
Demolition	11	4	3
Administration	51	21	13
Total sound insulation (30 NEF)	483	322	298
Existing structures	(407)	(224)	(199)
Future, on vacant land	(76)	(98)	(99)
Total cost	1,179	597	478
Proceeds from sale of land	128	93	94
Net cost	1,051	504	384
OTHER ELEMENTS			
People to be relocated (40 NEF):			
Population 1963	50,090	16,766	11,980
Households 1963	17,270	5,781	4,130
Total structures to be demolished (40 NEF)	10,860	3,739	2,505
Residential buildings	10,407	3,670	2,493
Hotels, motels	1	1	1
Schools and churches	64	18	8
Health facilities	3	2	0
Offices and other public buildings	383	47	2
Theaters, auditoriums	2	1	1
Land for noise-compatible uses (40 NEF):			
Industry and commerce (acres)	920	877	740
Parks and open space (acres)	1,932	0	0

Since it may not be possible to take *all* the measures recommended by BB&N for compatible land use, it may be constructive to establish a set of priorities for doing what can be done at a reasonable cost short of a more nearly ideal solution. For example:

A. Spot redevelopment of residential uses could be undertaken initially in blocks just off the end of each runway where noise levels are most extreme.

B. Where public improvements are programmed in noisy areas they could be tied in with noise-abatement measures.

C. Existing residences could be soundproofed, even in very noisy locations, rather than demolished.

D. Land-control programs could be keyed to the most optimistic noise contours, rather than the much larger (and costlier to accommodate) current contours.

E. A further reduction in noise-affected lands might be achieved by relocating Runway 13L–31R at JFK or by limiting it to use by lighter weight aircraft in conjunction with continued use of Runway 13R–31L and construction of a new Runway 13–31. This would entail construction in Jamaica Bay, thereby raising ecological questions. Examination of such an alternative is outside the scope of the present study.

Legal aspects of soundproofing

The legal consultants whom we retained for the purpose of studying the legal implications of compulsory soundproofing (Cleary, Gottlieb, Steen & Hamilton) conclude that extensive compulsory soundproofing requirements, at least in the highest noise areas, affecting such *new* privately owned structures as multiple dwellings, schools and hospitals and, perhaps, private residences, are likely to be upheld; but that such requirements for *existing* privately owned structures would not be likely to receive judicial support, except perhaps for multiple dwellings, schools and hospitals. They also concluded that such requirements could be enacted either by the affected municipalities, if state enabling legislation were made adequate, or by the state legislature in mandatory or optional form, but that at JFK state legislation would appear more promising.

Parts of New York City, the City of Long Beach, the Town of Hempstead, at least 14 incorporated communities within the Town of Hempstead, plus the Town of North Hempstead and two incorporated communities within that town are embraced within or are very near to the high-noise areas as defined for this report.

This fragmentation of jurisdictions is the major legal barrier to making required soundproofing in the high-noise areas effective at least on any consistent basis. The Port of New York Authority has no power to impose soundproofing requirements outside the boundaries of JFK and Nassau County has no such powers. However each of these 20 municipalities in the high-noise areas is autonomous in its power to zone and to adopt building codes. Meaningful and consist soundproofing measures for example, at end of each runway, would thus almost surely require state legislation.

Theoretically, with the approval of the state legislature, the local governmental units involved could adopt parallel legislation or even agree on a common compulsory soundproofing program. As a practical matter, however, their social, political and business orientations are likely to differ to such an extent that such action would not be probable. State legislation might take the form of either (1) a supervening compulsory soundproofing law, or (2) a law that would call for state intervention in any local government jurisdiction that did not meet specified standards by a certain time, or (3) provision of incentive financial help only to those units of government that met specific standards.

Engineering Aspects of Soundproofing

Our acoustical consultants (Goodfriend-Ostergaard Associates) feel that the sound-reducing constructions and their incremental cost per square foot of occupied floor area of the various building types, as stated in the design summary sheets, provide a feasible and applicable approach in attaining suitable noise reduction from aircraft noise in the 30 and 40 NEF zones in the vicinity of John F. Kennedy International Airport.

TABLE 3.—INSULATION INCREMENTAL COST (SQUARE FEET)

	Existing		New	
	30 NEF	40 NEF	30 NEF	40 NEF
Residential:				
Single family house	$3.00	(1)	$2.75	(1)
High rise	3.30	$4.30	3.00	$4.50
Row houses	3.30	4.30	3.00	4.50
Commercial:				
Stores	2.00	3.00	2.75	4.25
Office building	3.00	5.00	2.50	4.50
Hotels	3.00	5.00	2.50	4.50
Motels	3.00	5.00	2.50	4.50
Offices: public building	3.00	3.00	2.50	3.50
Schools and hospitals	3.00	3.00	2.50	3.50
Churches	3.00	4.00	2.50	3.00
Threatres and auditoriums	2.50	4.00	2.00	3.50
Industrial	2.50	4.00	2.00	3.50

[1] Not available.

Applying these unit costs to existing structures in the contour areas shows the following total costs:

TABLE 4.—TOTAL INSULATION COSTS

	30 NEF	40 NEF
1975 baseline:		
Residential	$356,491,800	$54,348,990
Schools, hospitals, churches	35,250,600	4,708,550
Commercial	37,245,250	3,315,600
Quiet engine:		
Residential	172,443,285	11,017,030
Schools, hospitals, churches	18,395,400	1,111,250
Commercial	12,656,250	558,000
Lined nacelles:		
Residential	195,962,130	17,192,260
Schools, hospitals, churches	19,664,400	2,230,200
Commercial	14,347,750	870,400

The consultant points that an alternative means of reducing intruding aircraft noise levels is available—by introducing a homogeneous background noise. This acoustical principle of "softening" unwanted noise has been used successfully in commercial buildings and is more practical than sound-reducing constructions. However, acceptance of this concept in residences is untested.

The electronic background-noise system consists of commercially available components, specifically, a power amplifier, approved noise generator and loudspeakers.

The estimated cost of this system, including installation, is based on the purchase price of the electronic "package" *plus* the purchase and installation of the loudspeakers. The costs, when applied to the varied building types, are as follows:

TABLE 5.—COSTS OF INTRODUCING BACKGROUND NOISE

Building type	Electronic package	Loudspeaker cost and installation	
		Existing	New
Residential single family	$2,800/house	$40/room [1]	$30/room.[1]
Residential high rise or row	$2,800/housing unit	do	Do.
Hospital, nursing home, hotel, motel rooms	$2,800/50 rooms or less	do	Do.
Commercial, office and public buildings	$2,800/20,000 sq. ft. or less or 50 offices or less	$40/400 sq. ft. or $40/office	$30/400 sq. ft. or $30/office.
Industrial	do	do	Do.

[1] Living, dining, kitchen, family room/den, and bedrooms.

Recommendations

The technical advisory committee respectfully submits the following findings and recommendations to the Tri-State Transportation Commission for transmittal to HUD and the Interagency Aircraft Noise Abatement Program:

A. The U.S. government should expedite its efforts to require that commercial aircraft engines be retrofitted with maximum sound absorption equipment as soon as possible. As with land-use control, this need not be an "all or nothing" effort. A start could be made on some aircraft now, the rest by 1975.

B. The U.S. government should continue development of the NASA "quiet engine" as rapidly as possible for application to commercial aircraft.

C. The government of New York State should amplify the state building code to require soundproofing and *new* residential structures, schools and hospitals, including publicly assisted projects, in noisy areas (30 NEF or above) around JFK airport and other commercial airports.

D. An appropriate government agency (U.S., New York State or an agency of either) should offer financial incentives to towners of *existing* residential structures, schools and hospitals in noisy areas (30 NEF or above) for soundproofing their property. In exchange for such financial aid, the agency would obtain a noise aviation easement. The cost of such financial aid should be recovered by appropriate means, including direct or indirect charges against the air traveler. Soundmasking should be tested and possibly offered as an alternative to soundproofing.

E. Where contiguous areas of residentially zoned vacant land totalling 10 acres or more are located within the noisiest zone (40 NEF), they should be foreclosed from residential development, either by rezoning to industrial or commercial use, or by acquisition for industrial, recreational or other nonresidential purposes. In either case action by the City of New York and the County of Nassau (or its towns and villages) would be necessary. A novel approach to this aspect of the problem requires coordinated zoning action upon request of the airport owner or operator, and requires guidelines by the state department of transportation. Even on parcels smaller than ten acres some effort should be made to prevent residential construction. To this end we recommend that federal and state agencies refuse mortgage commitments in the highest (40 NEF) noise contour.

There are a total of about 200 acres in four parcels (ten acres or more) in the 40 NEF contour area of the 1975 baseline map, and the total acquisition cost would be approximately $22,520,000. In the 1975 lined nacelles contour area there are 45 acres in only one parcel, which would cost $5,391,000, and in the "quiet engine" contour area, 50 acres in one parcel, costing $4,356,000.

While not within the contract guidelines, some further questions may be raised for review:

A. To what extent can the air-traffic pattern be dispersed (as opposed to highly concentrated in a single traffic lane) to distribute noise over a wider area, at a reduced frequency, at any single location?

B. To what extent can runway realignment or relocation reduce noise-affected areas and at what cost?

C. To what extent can revised operations (such as mobile lounges taking passengers to more isolated land strips in the ocean or bay) be substituted for current gate operations when noise reduction is possible?

Information compiled for this contract can supply a basis for measuring costs and benefits associated with optional ways of handling aircraft noise in highly urbanized areas.

THE LESSONS OF VIETNAM FOR EDUCATORS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. HUNT. Mr. Speaker, Ed McDonnell, a personal friend of mine and a junior high school English teacher, visited South Vietnam a year ago to see for himself what has occurred in that war-torn nation. Instead of taking on the political issues of the conflict itself, Mr. McDonnell molds his firsthand observations into a constructive message and challenge to the teachers of America whose responsibilities are unmatched with respect to preparing today's youth for tomorrow's world. In his words:

> As I see it—you and I—as teachers, are both burdened with an awesome responsibility, and yet blessed with a unique opportunity. In the final analysis, history will demonstrate that the American system survived or failed because we teachers were or were not able to inspire our students with a passionate love for democracy, freedom, and the American way of life.

Mr. Speaker, I would like to share Mr. McDonnell's thoughts as they appeared in the May 1971 issue of the NJEA Review.

THE LESSON OF VIETNAM FOR EDUCATORS

(By Edward T. McDonnell)

(NOTE.—Last summer, Edward McDonnell, English teacher at Collingswood Jr. H.S., made a trip to South Vietnam at his own expense. While not articulating at length the political pros and cons of the war effort, he feels Vietnam presents a lesson to teachers—a lesson that comes to grips with larger issues facing our nation and its schools today.)

I went to Vietnam last summer for a number of reasons, but the listing of those reasons is not my concern here. Instead, I would like to share with you some of the things I saw and learned on my trip.

In Vietnam, I saw things which moved me deeply, some because they were beautiful, others because they were incredibly horrible.

Our government is teaching the Vietnamese how to grow two crops of rice each year instead of one, and how to spare the female animals until they can reproduce themselves instead of slaughtering them so soon after birth.

We are teaching the people how to use the tractors we have given them. We had been finding the tractors rusting in the fields, because the village chieftains and elders believed it would offend the spirits to plow the land with a machine. In fact, a great deal of time, the most difficult task of all is to convince the villagers to try our new methods.

The really rewarding thing, however, is to see the wonderful work some of our American GIs are doing on their own time. Hundreds of them visit orphanages on their one day off each week. They play with the little children, most of whom are seriously undernourished, many of whom are victims of bubonic plague, malaria, polio, and a thousand other diseases we have long regarded as extinct.

While I was in South Vietnam I saw hundreds of such American men and women extending their hands and hearts to a people who survive in conditions we would have found utterly deplorable two centuries ago.

And yet, I saw other things, too. I saw the United States spending $1 million every half hour we are in Vietnam. Since our initial expression of interest in this far away place, we have invested $150 billion on our operations there. And in 1970, we were spending upwards of $40 million a day.

I saw, furthermore, that President Thieu was elected by only 35 per cent of the popular vote in the September 1967 election, and that Vice-President Nguyen Cao Ky was little more than a playboy before his election. And yet, we have expended 50,000 American boys to support that government, not to mention the thousands of American amputees and paraplegics this war has left. Some 300,000 men have been wounded.

At the Third Field Hospital, just outside of Tan Son Nhut Air Force Base, I saw rescue helicopters land with wounded Americans, and some of the 19 year olds did not look any older than the ninth graders I have taught.

But, they are the lucky guys. The unlucky guys are the ones who are taken off the helicopters in rubber sacks, similar to sleeping bags, but zippered all the way around.

The Vietnam situation may have its good side. It certainly has its horrible side. The essential question is whether or not the good being done is ultimately justifiable in light of the devastation being inflicted both in terms of human bloodshed and the resulting turmoil in our own nation. I don't really know the answer.

But, what does seem relevant today is one particular thought which did occur to me on the 12,000-mile journey home. The depressing thought that occurred to me was the insignificance of my job as an educator, and the utter futility of teaching nouns and adjectives and Shakespeare to 125 children while virtually the entire world is on the verge of chaos—from Saigon and Hanoi, to Israel and Egypt, to Kent State and Jackson State.

In the face of the really pressing problems all over the globe, to expound the virtues of a correct facing in Sewing I, or a correct tense in French II, suddenly seemed to me lunacy of the most uncompromising sort.

What could any of this do toward solving the truly monumental problems of the human race?

WORLD CAN BE STABLE

But now, I honestly think there is an answer. The place we educators occupy in the overall realm of world affairs—far from being microscopic—is in fact huge to the point of being awesome. After all is said and done, the world can only be as stable as each individual nation of which it is composed. And with the possible exception of parents themselves, no one has more to say about the future and stability of our nation than you and I, the teachers of America.

The evidence for this assertion is seen in the fact that millions of Americans of all ages can do little more than shake their heads in disgust and throw up their hands in frustration when college students resist "the system."

The college students of the future are waiting for you and me at the beginning of each day. If we teach them only English and sewing and French, then our jobs will indeed be insignificant, because we will be failures as educators. The proof will be seen when they are protesting three, four, or even 10 years from now.

For all the criticism educator's receive, our men on the moon and the fact that all of those kids are in college in the first place are testimony to our efficiency as teachers of science and reading and arithmetic. History teachers have clearly done an exquisite job of teaching the first 10 amendments to the Constitution. (There isn't a student in grades K through 12 who doesn't know precisely what his and our rights are.)

At the same time, however, I cannot help but think that our jobs would become truly significant and many of our nation's problems better understood and solved if we would emphasize to our students a constitutional theme often overlooked. The simple axiom: My freedom ends where the other guy's begins.

We need to make it clear to our students that you and I do not object to protest. Our country was founded as a result of protest. Reasonable protest is good for democracy. Without it, our government would become stagnant, our leaders inefficient.

USE OUR FREEDOMS

But, we also have to emphasize to our students that our founding fathers intended for us to use our freedoms with responsibility. It is reasonable to march in protest in front of a school, as long as I do not interfere with someone else's right to enter the school. It is completely acceptable to protest against even the President of the United States. But, it is definitely not acceptable to heckle that President when he attempts to deliver a speech, because my freedom of protest ends where his freedom of speech begins.

My right to condemn the ROTC ends where the other guy's right to participate in the ROTC begins, and so on. This is what freedom is all about. And even though campus and school unrest is only one problem in a world troubled with thousands of problems, every evil—from crime in the streets to war itself—is the result of one man or one nation disregarding the rights of another.

It took only a few days in a country like Vietnam—a country where it is not uncommon for a man to be cultivating his rice field one day and see his entire family massacred the next; a place where a man may be born, grow into adulthood, and die without ever having traveled five miles from his own hamlet, or eaten a meal consisting of anything but rice; a place where a large percentage of adult population is not aware that there is a relationship between dirt and disease, or the mosquito and malaria.

It took only a few hours in South Vietnam for me to realize, with shocking clarity, what a blessing it is to be born an American. Now I realize, as never before, the urgency with which you and I must work to insure the survival of the American system. For even with all its faults, our lives could be hell without it.

As I see it—you and I—as teachers, are both burdened with an awesome responsibility, and yet blessed with a unique opportunity. In the final analysis, history will demonstrate that the American system survived or failed because we teachers were or were not able to inspire our students with a passionate love for democracy, freedom, and the American way of life.

EXCHANGE CLUB LAUDS LOCAL LAW ENFORCERS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. NELSEN. Mr. Speaker, the Exchange Club of Washington, D.C., an organization representing a cross section of the business and professional community within the metropolitan area here, has provided me with a copy of a resolution it authorized concerning the recent demonstrations to shut down the American Government. The resolution commends all participating law enforcement personnel who were on the scene at the time to successfully maintain peace and order.

As ranking Republican on the House District of Columbia Committee, I certainly share the Exchange Club's appreciation of the law enforcement personnel who were on the job during this time to keep the Government open and operating and to protect law-abiding citizens from violent militant radicals. Their exemplary conduct under highly trying circumstances stands as a fine tribute to the general excellence of the Washington, D.C., police force as well as to the excellence of related participating civilian and military agencies.

For the information of congressional colleagues, I am pleased to insert the full text of the resolution at this point in my remarks:

RESOLUTION OF COMMENDATION

Whereas, during the past two days, certain subversive elements under the guise of peaceful demonstration have subjected our nation's capital to violence, property destruction and personal harassment in an attempt to disrupt the operation of the Federal Government; and

Whereas, the various Police jurisdictions within the City of Washington, D.C., in conjunction with a variety of military units and certain civilian agencies have successfully maintained peace and order permitting normal functioning of Government and the conduct of general business within the city; and

Whereas, these personnel have exercised great good humor, patience, politeness and skill in a very trying period, plus great restraint in the performance of their duties:

Now therefore be it resolved that we, the members of the Exchange Club of Washington, D.C. representing a cross section of the business and professional community within the metropolitan area, meeting in regular session, do unanimously commend each and every member of the participating law enforcement units, both civilian and military, together with personnel of the Judicial, Fire, Health and Sanitation Department of the District of Columbia for their high degree of professional efficiency in the exercise of their duties and responsibilities under these trying circumstances.

And further direct that this resolution be sent to appropriate officials within the Federal and local governments, and to all news media.

A CHANGE IN THE TAX LAWS RESTORING THE FULL CHARITABLE DEDUCTION TO CREATIVE ARTISTS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. REID of New York. Mr. Speaker, I am today introducing a bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property.

This amendment to the Internal Revenue Code was a part of the Tax Reform Act of 1969, and it concerns the contributions by artists, writers and composers of their own work to public institutions. Briefly, this section changed the law to permit an artist, writer or composer who contributes his own work to a public institution to take a charitable deduction equal only to the cost of the materials which went into the work. Prior to 1970, the law permitted a charitable deduction in such cases equal to the full market value of the work and, in fact, this benefit is still available to a collector who donates a work of art.

The change in the law has had a severe adverse effect on the financial situation of individual artists and on the receipt of gifts by museums and libraries. Donations by artists, writers and composers of their own works to some institutions have dropped by as much as 75 percent. The Library of Congress, for example, received only one-half the number of self-generated manuscript gifts in 1970 that it received in 1969, and only one-fourth the number of music manuscripts. Universities report a similar decline in their receipt of gifts—90 percent in the case of Columbia University and 75 percent in the case of Syracuse University.

It is generally not recognized that most artists and writers are not rich. In fact, the median income of artists from all sources in 1967 was $8,000, and nearly a quarter of those polled in one survey earned less than $5,000 annually. A survey of former participants in the MacDowell Colony showed that 74 percent of the writers and 88 percent of the painters and sculptors could not support themselves from the earnings of their art.

Thus, the change in the tax law has had a severe impact on the financial situation of individual artists. The bill I am introducing would restore the full charitable deduction which these creative artists enjoyed prior to 1970. Although our country is finally beginning to provide Government financial assistance to the arts on a meaningful level, we continue to neglect the plight of those who create our art.

I hope that favorable action will be possible during this session on this important measure.

FUTURE PROSPECTS FOR FREEDOM IN CHILE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. GERALD R. FORD. Mr. Speaker, Weston H. Agor, assistant professor of political science at Grand Valley State College, Allendale, Mich., has written an excellent article on Chile which has come to my attention. The article reviews events which have transpired in Chile since Marvist Salvador Allende Gossens was elected President and offers us an outlook on the prospects for freedom in Chile. I think my colleagues will find this article profitable reading:

FUTURE PROSPECTS FOR FREEDOM IN CHILE [1]

(By Weston Harris Agor)

INTRODUCTION

For the better part of the twentieth century, Chileans have enjoyed one of the most democratic and stable multi-party systems of government in Latin America. In a recent world index of democratization, Chile placed *fifth* behind Canada, England, the United States, and Switzerland, and well *ahead* of the important European nations of France, Italy, and Germany.

Many Chile watchers around the world are now increasingly concerned that the country's long tradition of democracy and freedom may gradually be eroded and eventually discontinued altogether. In a close race last September, Chileans shocked the world by electing as president Marxist Salvador Allende Gossens. Despite Allende's frequent assurances that neither he personally, nor the members of his *Unidad Popular* Coalition plan to install a totalitarian government in Chile, several analysts including former Christian-Democrat President Euardo Frei Montalva fear that teh left-wing government is in fact "installing a regime that will make democracy impossible."

Reluctance to accept President Allende's promises at face value is part due to contradictory statements he and other members of his coalition have made. For example, on the one hand Senator Volodia Teitelboim, one of the leading economic thinkers in the Communist Party, stresses the "need to come to terms with western capital and the local bourgeoisie" and criticizes the miristas and radical Socialists as "men who failed to self-criticize after September 4th." Yet, last month, Teitelboim told an audience of dignitaries at the theater of the labor confederation in Cuba that "we know we can count on the solidarity of Cuba. From now on, our destinies march together." Similarly, although Allende has said that "we do not intend to escape out of one field of gravity (United States paramountcy) only to fall into another (Russian paramountcy)," Carlos Altamirano, secretary-general of the Socialist party, has been quoted as saying he plans to make Chile, after Cuba, "the second free territory of America." Equally disconcerting is Allende's own apparent inconsistency. Le Monde Weekly quotes the president to have said:

> The important thing to remember is that what we are doing in Chile is being done in the legal framework of bourgeois legislation and under a democratic, bourgeois regime. We are committed to this procedure and we must honor that commitment.

But, the April 10, 1971 issue of The Economist notes that Dr. Allende has made no secret of his impatience with "relics of bourgeois legality," and has called for a "people's constitution" that would provide for a single-chamber congress and people's tribunals as a means of bypassing the independent judiciary.

Also revealing is the Soviet Union's call to developing countries to follow Chile's example and create united fronts of Communists and others favoring non-capital systems. In a recent issue of Kommunist, the Communist party's theoretical journal, Rostislav A. Ulyanovsky, the party's leading specialist on developing countries, said that such fronts provide opportunities to increase Communist influence gradually as the country breaks with its Western links. This statement is significant when combined with the fact Chile presently has an economic mission touring seven Eastern European countries and the Soviet Union to obtain economic aid for Chile's "construction of socialism".

Although it is easy to sympathize with President Allende's humanistic goals of providing a more equitable distribution of income than exists now, and more jobs, better food, housing, education, health, rest and recreation for the marginal groups (all consistent with the objectives of The Alliance for Progress of the 1960's), some observers feel that recent events in Chile suggest that these goals will be achieved (if at all) at the expense of individual freedom and liberty. They base their opinion in part on that fact that illegal seizure of more than 300 farms by rural laborers and peasants has been reported since Dr. Allende's Government took office in November. The Government has not taken any police measure to prevent occupancies or evict invaders. Dr. Jacques Chonchol, Minister of Agriculture, is quoted as saying: "This government cannot take up arms against the people. That would be to play into the hands of the reactionaries." Even though Jose Toha, Minister of Interior, announced that the Government would act vigorously against any armed groups operating in rural areas, Juan de Onis of *The New York Times* reports that in practice the Government has been "appointing state administrators and providing technical assistance and credit to peasant groups that seized properties in Cautin province. The farm owners have been unable to recover their properties, even small farms of 100 acres, despite orders issued by local judges for the eviction of invaders." The insecurity created by these illegal seizures is likely to bring a decline in farm production and create food shortages later this year.

Before taking office, President Allende agreed to a series of constitutional amendments guaranteeing among other things freedom of the press, the right to join labor unions and to strike, and an educational system free of official intervention. Although it is generally believed that Allende and the democratic factions of *Unidad Popular* who follow him are trying to respect these guarantees, there appears to be pressure from other quarters within the coalition not to take these commitments seriously. The Inter-American Press Society, composed mainly of the larger and more conservative newspapers in Latin America, has charged the Communist party cadres within the coalition of overtly threatening Chilean editors and menacing press freedom. It has been confirmed that Jorge Insunza, a Communist deputy, visited several radio stations that had not supported his candidacy and pressured them to hire party members. The suspension of Radio Mineira, a pro-Christian-Democrat station, and President Allende's own personal attack on two journalists (Raul Gonzales Alfaro and Rafael Otero) followed by cancellation of the latter's radio programs are but two more examples given.

More covertly, the Government also appears to have adopted a number of measures designed to bring about the economic asphyxiation of the opposition press. *El Mercuro*, the conservative daily, has almost been crippled by the loss of advertising. The strike that in November paralyzed the Zig Zag Publishing House (the most important in the country) resulting in its purchase by the government was encouraged by the political parties and organizations of the *Unidad Popular*. Furthermore, the Government has issued a weekly magazine of its own, *Ahora*, to compete with *Ercilla*, Chile's foremost news review. The latter move seems consistent with the coalition's recent statement that "communications media would be used for the free expression of differing points of view but also to contribute to the creation of a new culture and the rise of a new man." Summarizing these developments, the special correspondent of *The Economist* writes:

> Dr. Allende's strategy here has been to build up the pro-government press, to sponsor the formation of *Unidad Popular* cells in the unions of journalists and printing staff, and to count on economic factors (including the increasing importance of government advertising) to bring around some of the opposition papers or to drive them off the market.

Despite the fact that the Allende forces have also promised to permit strikes, there is no indication as to how far they will allow labor disputes to go. One clue is a recent statement by Luís Corvalán, Secretary-General of the Communist party. He explained that under previous non-Marxist governments, it was correct for unions to press for the highest possible wage increases. "Now that the workers have their own Government," he said, "demands for increases and other aspirations should be moderated to avoid causing it problems." As for educational autonomy, World Wide Information Services, Inc.'s recent report notes that Allende's government has started to revise some promises made during the election campaign last year:

> Notwithstanding the fact that Allende promised an educational system free of official intervention, the Ministry of Education has brought twenty-four specialists from Cuba to give advice in the reorientation of the Chilean educational system.
>
> It has also been alleged that the Ministry of Education has begun textbook revisions in the social sciences—especially in the school for teachers. In response to charges that Allende intended to close the French *lycée* in Santiago, he responded, "But why should we close it? In the morning it would give courses for paying students and in the afternoon lessons would be free, for the people. . . ."

In the economic sphere, shadows overshadow the Chilean economy according to Christian Science Monitor correspondent James Nelson Goodsell. Copper production is slowing down while world market prices also weaken, and nationalization legislation is likely to be approved by Congress by mid-year. However, the amount of compensation to be paid to American companies is not clear, and President Allende has threatened not to sign the bill unless the lower house of Congress reconsiders the composition of the five man compensation tribunal to provide for greater government representation. The official jobless total now is over nine percent (some unofficial estimates place the total between fifteen and twenty percent) due to a slump in the construction industry and a lag in government work projects.

The economic strategy of Pedro Vuskovic Bravo, Minister of Economy, has been primarily based not on sweeping expropriations but on indirect manipulation of prices, wages, and credit, plus administrative pressures and inducements that are bringing all important private business as well as banking activities under the control of state planners. Prices of consumer goods as well as raw materials have been frozen while allowing wage increases of 35 to 60 percent for workers. In cases of arbitration of wage disputes, the Government has taken the side of unions. The Government also refuses to permit layoffs, and the few plants that tried or have suspended production were taken over by a state administrator and a workers' council.

Many business leaders believe that eventually all private business will be organized along lines laid down by the State Planning Board and the State Development Corporation. With private banking being taken over by the State as well, there will be no independent source of credit, so it will disappear. Vuskovic and Orlando Letelier (Chile's Ambassador to the United States) deny that the Government plans to condemn the private sector to death, but they do admit that the Government wants to lessen its influence within a three-pronged economic establishment of State, mixed and private sectors. Dr. Allende himself has made clear his desire to "socialize the Chilean economy."

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[1] This article is based on an analysis of numerous books and periodicals over the last six months both domestic and foreign, personal interviews, some unpublished source and data gleaned from participation in the Department of State's "Scholar-Diplomat Seminar" in Washington, D.C. January 11–15, 1971.

Uncertain as to what the Government's long-run plans are, key personnel (both foreign and Chilean) have left or are in the process of secretly leaving the country, and the United States government has received an abnormally large number of requests for asylum in this country. Attempting to stem this flow, the Chilean Government has placed a 30 percent premium on the cost of purchasing foreign exchange to take abroad.

ALLENDE ON FREEDOM

In all fairness to the present administration, it should be noted that there are observers who scoff at the possibility that Allende would restrict freedom in Chile. Selden Rodman, a veteran Latin American observer, reports that although Edward M. Korry (the former United States Ambassador to Chile) is pessimistic about the country's future, he still characterizes Allende as a "populist" and a "humanist." The Peace Corps is said to regard the President as "a democrat at heart, firmly committed to carrying out vital social changes with a maximum of freedom." Some also believe that Allende himself opposes the creation of a socialist dictatorship for fear that the Communist Party, with its superior organization and control of the labor movement, would become the real boss. They also point out that Allende has granted asylum not only to *guerrilleros* of Brazil and Bolivia, but also to twenty-five rightiest military officers from Bolivia who fled their country after trying to overthrow Torres. Rodman adds that some *comerciantes* were somewhat reassured last fall when top editors of Chile's number two Communist newspaper, *Puro Chile*, were promptly jailed for openly advocating defiance of the law in the matter of property seizures, although he is quick to add that they were out on bail the following day.

Similarly, Claudio Véliz of the University of Chile, writing in the April, 1971 issue of *Foreign Affairs* argues that "Chile will not easily abandon the path of democratic legality which President Allende has so emphatically declared to be the one his government is determined to follow," and concludes that Chile, therefore, present not a threat, but a hope to the United States and the Western Hemisphere. He adds:

> Perhaps, if *Unidad Popular* succeeds, it would be well to ponder the advantages of a strong dose of domestic pragmatism to qualify the ideological rigidities which all too often inhibit the political arrangements of nations facing such challenging processes of change.

In a series of revealing interviews appearing in the *New York Times* and elsewhere, Allende himself asserts that, if anything, his regime is *increasing freedom*—both at the level of Chilean foreign policy and domestically by improving the social, economic and political status of the common man. As to the former, Dr. Allende argues that "the only thing we really want is our absolute independence. We are supporters of self-determination and non-intervention." By this he means that his coalition "wants to increase cultural and commercial relations with the United States," but also to be free to exercise "the right to open relations with Cuba" and other Eastern Bloc countries.

President Allende emphasizes that although Chile wants "the best—the very best relations with the United States" and will never do anything against the United States or contribute to injuring its sovereignty, "we do not accept from anyone, that they come and say, 'No, Sir, you can't have relations with Cuba.'" As for Chile's role in the Organization of American States (OAS), the President continues:

> It is a platform which we will use for saying what we think. If we approve of something, we shall say so, and if we disapprove, we shall say so too. *But, we shall neither leave it nor allow it to throw us out.* [Emphasis added]

Domestically, Allende defends his "nationalist, popular, democratic, and revolutionary government that will move toward socialism." "I think," he said, "Socialism frees man. . . . I believe that man is freed . . . when he has an economic position that guarantees him work, food, housing, health, rest, and recreation." Citing figures such as one-half of the children in Chile between birth and fifteen years of age are undernourished and that there are 600,000 children who are mentally retarded because they have not had enough protein, Allende states, "We can say that the facts, reality, point to the failure of capitalist governments and Frei's Christian Democratic reformism," and the need for a redistributive socialist revolution in Chile. However, Dr. Allende adds that by establishing three distinct economic sectors of state, mixed, and private enterprise, "there is no concentration or centralism here such as that in some socialist countries."

As for freedom of religion, President Allende is emphatic in guaranteeing that "There will be the widest religions pluralism . . . that will be absolutely respected." He continues, "The church . . . is going to be a factor in our favor because we are going to try to make a reality out of Christian thought." Referring to the Revolutionary Left Movement's (MIR) use of violence and their efforts to encourage peasants to illegally take over farm land, Allende asserts:

"We have said many times that we have no political agreement or understanding with the MIR The tactics that they have set . . . for themselves are strictly their own responsibility."

Responding to charges that freedom of the press is being threatened in Chile, Allende telegraphed the Inter-American Press Association (IAPA) that he had always "accepted the right of others to dissent" and assured the Association that in Chile there is "absolute respect" for the communications media. Asked in mid-April, 1971 (after his coalition won nearly 50 percent of the vote in the municipal elections) whether he planned to call a plebiscite to dissolve Congress and give him power to form a unicameral "people's legislature," Allende insisted that he had no intention of trying it at this time. "I expect that the Congress will meditate on the popular verdict. I expect cooperation. We are not going to become arrogant with the victory we have obtained."

FUTURE PROSPECTS FOR FREEDOM IN CHILE

With this backdrop of contrasting arguments, assertions, charges and countercharges, one of the prime tasks of Nathaniel Davis (new United States Ambassador to Chile) will be to monitor the direction of Allende's regime and estimate the future prospects for freedom in Chile. In what must be regarded as more of an "art" than a "science", the United States Embassy will probably use as one of its benchmark indicators (or indexes) amendments to the Chilean constitution strengthening the guarantees of civil liberties which Allende agreed to respect last fall in exchange for Christian-Democrat support in order to take office.

Particularly important to watch will be the rights of citizens to associate freely in the political parties of their choice; the access granted to state-controlled communications media for all the political parties; freedom of the domestic and foreign press (including the establishment of competing state organs), labor unions (particularly the right to strike) and civic associations; the independence of (or assaults upon) the judiciary; and an educational system free of political interference (e.g., existence of discrimination in admissions, revisions of textbooks, favoritism in the advancement of teachers). Also important to monitor will be possible covert attempts to indoctrinate and form political action groups in the lower levels of the military, in factories, offices of the mass media, universities and in neighborhoods. Possible censorship of domestic and international mail and controls placed upon international travel (by nationals and foreigners) should also be placed high on any index attempting to measure the expansion or contraction of freedom in Chile.

But, as President Allende correctly emphasized, it seems to me, such an index should *also* seek to measure the progress of mitigating and alleviating circumstances which encourage the "alienation" of the average or marginal man in Chile. For example, the following question should be asked as objectively and the response measured as accurately as possible, "Is the present regime providing jobs, food, housing, education, health, rest and recreation to more Chileans at a faster pace than ever before?" Also, it should be asked, "Is the present government functioning to move Chile from a client state status (either of the United States or Russia) to a position of a "floater" (i.e., independent or neutral foreign policy)?"

The results of such an exercise in measurement including all of the factors I have mentioned above should give us all a better understanding of the future prospects for "freedom" in its broadest sense in Chile.

WE MOURN FOR OUR BALTIC FRIENDS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. PATTEN. Mr. Speaker, for 30 years June 14 has been a day of mourning for the Baltic people. On this date in 1941 over 60,000 men, women, and children from the Baltic States of Estonia, Latvia, and Lithuania were herded like animals onto trains and shipped off to desolate regions of the Soviet Union.

This practice continues down to the present day. While the numbers are not so great, citizens of the Baltic States still live in terror of a knock on their door during the night after which they are not heard from again. In the concentration camps to which they are shipped, the Baltic people worked under brutal guard supervision in conditions where they were underclothed, undernourished, and poorly housed. Families were separated. Most of these fine people died, while their efforts went into building showcases where dignitaries are now guided through on their trips to Siberia. Is it any wonder that Baltic people all over the world mourn their lost friends and loved ones?

Mr. Speaker, the purges of the Baltic States by the Russians are having a telling effect on these countries. The latest census figures from the Soviet Union indicate that the native population in Estonia, Latvia, and Lithuania is declining while the influx of ethnic

Russians continues. We must work to stop this trend.

I have come to know many of the immigrants who came to America from the Baltic states. They are hard-working, industrious people. They loved their independence and struggled to maintain it under the auspices of the League of Nations. The Russian occupation forces, however, proved to be too strong, and the tiny Baltic nations were conquered.

Now, 30 years later, we still mourn for the Baltic people, but we also continue to speak out for their freedom from Russian suppression. I would like to take this opportunity to assure my friends of Estonian, Latvian, and Lithuanian descent that I will continue to direct my efforts toward the restoration of their homeland.

VIRGINIA LT. GOV. J. SARGEANT REYNOLDS

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. SATTERFIELD. Mr. Speaker, Virginia is saddened today by the loss of one of her young sons who has played such a large part in her government, business and civic life. Our distinguished Lieutenant Governor, J. Sargeant Reynolds, was taken away yesterday at the youthful age of 34 after a courageous fight against an inoperative brain tumor. In August of 1970 Sargeant Reynolds learned for the first time of his tragic condition. With an indomitable determination to master this ailment he submitted himself for intensive treatment to overcome what many thought had already brought an end to his service to Virginia.

In the face of almost insurmountable odds, and serious doubt as to his ability to return to an active career, Sarge Reynolds did come back. He made a pledge to be in Richmond for the opening of the Virginia General Assembly in January of 1971. He kept that promise. As presiding officer of Virginia's Senate, he was there, gavel in hand, effectively leading that legislative body.

Not only did he guide the Senate through its deliberations but he further continued his schedule of public appearances and speeches throughout the Commonwealth of Virginia.

Now, on the eve of greater heights of service, Sarge Reynolds has put aside his gavel. Knowing of his determination and stamina I am sure he fought hard to the last against this most final adjournment.

Virginia has indeed lost a promising son and we are sorrowed. His untimely passing, in the prime of life, while still on the threshold of his career, has deprived Virginians of a valuable public servant who gave unselfishly and energetically of his time and talents in their behalf. He will be missed.

Mr. Speaker, I insert the following editorial from the Monday, June 14, 1971, issue of the Richmond Times-Dispatch in the RECORD at this point:

J. SARGEANT REYNOLDS

Nothing seems more tragic than the death of a young man of promise. Julian Sargeant Reynolds was such a man, and his untimely passing at the age of 34 grieves all Virginians who recognized him as a talented leader dedicated to the proposition that the state's future is as rich as its past was glorious. Not even Mr. Reynolds' most determined political adversaries could challenge his devotion to Virginia.

Almost as soon as he entered politics in 1966, Mr. Reynolds became one of the brightest stars in Virginia's political galaxy. Astute, eloquent and captivating, he quickly revealed qualities of leadership that enabled him to eclipse older and more experienced men of influence in his Democratic party. Many men who soar to political prominence often alienate those they pass along the way; but Sarge Reynolds was a man of grace, and at the time of his death he was one of the most highly respected men in the Democratic party. Indeed, he was one of the few men who possessed enough stature and appeal to reunite his party, riven by the bitter battles of 1969. Had he lived and retained good health, Mr. Reynolds almost surely would have marched at the head of his party as it entered the gubernatorial campaign of 1973. And more than one political observer is convinced that this able young man, who rose from a seat in the House of Delegates to the post of lieutenant governor of Virginia in four years, would have been unbeatable.

Mr. Reynolds was, then, a young man of promise. But this is not to say that his past was empty, for his contributions in such important areas of concern as public education, mental health, local government finances, industrial development and constitutional reform were extensive and significant. Thus even as Virginians mourn Mr. Reynolds' death as a loss to their state, they can rejoice in the fact that Virginia surely gained from his tragically short life.

ADMINISTRATION WITHDRAWS ITS SUPPORT FOR A MID-DECADE CENSUS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, on June 10 of this year the Subcommittee on Census and Statistics of the Post Office and Civil Service Committee, which I have the honor to chair, held what we had hoped to be the last in a series of hearings on the establishment of a mid-decade census.

The members of our subcommittee were led to believe that the administration understood the importance of and the need for a mid-decade census. We were, therefore, shocked when Dr. George H. Brown, Director of the Bureau of the Census, representing the administration, testified that the administration "does not recommend a mid-decade census." The members of the subcommittee were deeply disappointed and very perplexed by the administration's refusal to endorse the mid-decade census. Quite frankly, Mr. Speaker, I cannot understand how the administration can oppose the mid-decade census when all levels of the Federal Government, along with State and local governments and including recognized national organizations representing statistical users of all types, have told us of their unqualified support for a mid-decade census.

Our census subcommittee has heard from hundreds of witnesses over a period of 2 and a half years without hearing one single witness oppose the mid-decade census. Recognizing that a mid-decade census could cost around $140 million, it must be emphasized that our Nation distributes over $10 billion in Federal funds using census data as a guide. There is no doubt in my mind that relying on old data from the decennial census later in the decade costs our Government considerably more than $140 million. Therefore, Mr. Speaker, I plan to contact every witness who has appeared before us—Governors, mayors, county supervisors, representatives of census user organizations, and members of the business community—asking them to contact the President advising him of their desperate need for a mid-decade census. Let me make it perfectly clear that if our Nation goes without a mid-decade census, it is the fault of the administration—not Congress. The President will have to accept the responsibility of robbing our Nation, especially our minority citizens and our other citizens in our newly developed suburban areas, of a tool which would develop data of great need while saving our citizens millions in tax dollars.

Hopefully, Mr. Speaker, our subcommittee can be instrumental in making the need for a mid-decade census known to the President. I refuse to believe that this administration with its plans to aid our cities would kill the only chance we have to develop the desperately needed data that a mid-decade census would provide.

In conclusion, I include in the RECORD an excellent article written by Jack Rosenthal of the New York Times clearly outlining the administration's change of position on the establishment of a mid-decade census:

ADMINISTRATION, IN SURPRISE, WITHDRAWS SUPPORT FOR ANY KIND OF SPECIAL CENSUS IN 1975

(By Jack Rosenthal)

WASHINGTON, June 10.—In a reversal of policy that astonished members of a House committee, the Nixon Administration withdrew its support today for any kind of special census in 1975.

The move was immediately characterized as incomprehensible by Representative Charles H. Wilson, California Democrat, chairman of the House Census subcommittee.

"It means the President is denying growing suburbs as well as central cities the needed information for planning and for Federal funds," Mr. Wilson said.

The Administration previously had endorsed a mid-decade census, as did an array of governors, mayors, scholars and commercial users of census data.

Their major reason is that about $10-billion a year in Federal funds is allocated according to the most recent population figures. But these figures, now developed for the Census Bureau every 10 years, are increasingly obsolete, particularly for rapidly growing areas.

Speaking at the White House last Nov. 30 after a meeting with the President, Secretary of Commerce Maurice H. Stans said, "This Administration has already given its endorsement to a five-year census."

But today, the Census Bureau director, George H. Brown, told Representative Wilson's committee that "at this time the Administration does not recommend a mid-decade census."

The committee, which in two years of hearings has heard him and hundreds of other witnesses support the idea, was caught by surprise. Mr. Wilson said he would launch a broad campaign to appeal to the President for reversal.

The explanation for the abrupt turn around, it appeared was financial.

In an interview, Mr. Brown said that the change reflected a desire to explore the possibility of using school enrollment, Medicare, and other administrative statistics as an alternative to mid-decade census.

Speaking privately, however, an official of the White House Office of Management and Budget said that "budgetary reasons were the principal factor" in the policy change. It was decided, he said, not in the Census Bureau but "at a very high level."

In his testimony today, Mr. Brown said a 1975 census would cost from $150-million to $250-million, depending on the extent of coverage.

Representative Wilson, in an interview later, discounted the potential economy. "There is no doubt in my mind that relying on old data from the 1970 census later in the decade will cost our Government considerably more."

Further, he said, the cost would likely be spaced out over five years. "A saving of $25 or $30-million a year?" he asked with irony, referring to the $10-billion a year that is allocated according to population.

Mr. Brown, a sandy-haired man with a calm, professional manner, was described by spectators as visibly nervous when he testified today. He read only that half of his prepared text that described alternate types of special census and stating the new Administration position.

The rest of the text, submitted for the record, contained a series of strong arguments for gathering the kinds of information that would result from a mid-decade census.

"The use of data based on benchmarks which are 6 to 10 years old creates the possibility of serious inequities," the statement said. Equitable distribution of Federal funds "requires current information on the population of small areas."

This need, the statement continued, will become even greater because the President's proposed special revenue-sharing programs would allocate billions of dollars in part on the basis of population.

Surveys can produce national and broad regional data, the statement said, but they cannot now give detailed information on minority groups or on smaller cities and towns.

Similarly, the statement continued, there are great difficulties in making good estimates for such places. "Here the margins of possible error are so great that neither the Census Bureau, nor any other organization, has been able to make estimates with the accuracy that is needed to permit their use for administrative purposes."

Later in answer to questions, Mr. Brown said that there was no inconsistency between this position and the Administration's latest stand.

COMPARISON OF H.R. 1 AND AID TO FAMILIES WITH DEPENDENT CHILDREN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. RANGEL. Mr. Speaker, the bill H.R. 1, as recently reported out of the House Ways and Means Committee after months of intricate deliberation presents to many of us a most formidable document to scrutinize.

Unfortunately, some Members are going to vote for the bill simply because they know that the number of AFDC recipients soared from 7,501,000 in January 1970 to 9,773,000 in January 1971 and this bill has been reported to them as a way to get loafers off the rolls and working. Others will vote against the bill because they believe that the Federal benefit level of $2,400 a year for a family of four represents a guaranteed annual income, a principle about which they have great forebodings. Still others are going to vote for or vote against the bill according to what it does for the treasuries in their respective States. What everyone seems to forget is the effect that this bill will have on the recipients themselves.

Most of the recipients—in fact 19,400,000 of the estimated 25,600,000 in 1973—will be persons in the family category covered by title IV of H.R. 1. Only 6,200,000 will be included under the aged, blind, and disabled category under this bill. It, therefore, seems most appropriate that title IV family category be closely compared with the system it purports to replace to see just how much of an improvement this legislation offers to the poor themselves.

The black caucus will shortly be reporting on their detailed analysis title IV of the bill. Until that time, I think it appropriate to commend to the attention of my colleagues an analysis of title IV by lawyers of the Columbia Center on Social Welfare. The analysis follows:

COMPARISON OF H.R. 1 AND AID TO FAMILIES WITH DEPENDENT CHILDREN, TITLE IV OF THE SOCIAL SECURITY ACT

LEGISLATIVE PURPOSE

AFDC

The purpose is "to help maintain and strengthen family life" and to assist parents in achieving self support to the maximum "consistent with the maintenance of continued parental care and protection . . ." § 401

The emphasis is on permitting parents to raise their children at home by eliminating economic hardships which might force them to seek alternatives.

H.R. 1

The purpose is to provide for needy families "the man-power services, training, employment, child care and related services which are necessary to prepare them for employment" in return for income maintenance. § 210

Little emphasis is placed on preserving family life.

ADMINISTRATIVE STRUCTURE FOR PROVIDING BENEFITS

AFDC

All eligible families are under the jurisdiction of a single state agency, which is subject to the federal Department of Health, Education and Welfare. § 402(a)(3). In the Work Incentive Program (WIN), the counterpart of the H.R. 1 work requirement, developing jobs and training, and placement therein, is done by the Secretary of Labor. § 433. Eligibility, referral to WIN, and benefit payments remain under the state welfare agency and HEW.

H.R. 1

Families in which any member is deemed employable are under the jurisdiction of the Secretary of Labor. Other families are under the jurisdiction of the Secretary of Health, Education and Welfare. Any change in circumstances affecting eligibility (e.g. childbirth, family break-up) requires a new determination of eligibility and benefit levels, and a possible shift from the jurisdiction of Labor to HEW and vice-versa. This could result in frequent loss or delay in receipt of payment and possible conflicting grant determinations. § 2102.

APPLICATION PROCEDURES

AFDC

Application by the declaration method—affidavit of the applicant with spot checks by administrators—is required on an experimental basis and has been used successfully by many states. Instances of incorrect administrative determination are found to exceed recipient error. 45 C.F.R. § 205.20(a)(2)

H.R. 1

Application procedures are left within Secretarial discretion. § 2171(e). The House Ways and Means Committee has stated, however, that "there will be no simple declaration process." The Committee instead wishes to institute extensive documentation and verification of eligibility.

ELIGIBLE FAMILIES

AFDC

A family is defined as a child of an absent, disabled, dead or unemployed parent in the care of a relative, regardless of whether or not the child is legally dependent on such relative and regardless of whether his residence is maintained by a family member as his or her own home. § 406(a) The family must have total countable resources of less than $2,001 *per person*, 45 C.F.R. § 233.20(a)(3), and total countable income of less than the state standard of need. § 402(a)(7), (8), 45 C.F.R. § 233.20. (For purposes of initial eligibility only, in considering income, student earnings and the $30 and a third work incentive, as described under item 7, *infra*, are not disregarded. As also noted in item 7, families may accumulate resources to meet "future identifiable needs" of a child; this would include purchase of life insurance on the caretaker relative payable to the child, educational trusts, etc. § 402(a)(8). Income of a stepparent is assumed to be available if stepparents in that state are generally obligated to support their stepchildren under state law. 45 C.F.R. § 203.1, § 233.20(a)(3)(iv).

Residency requirements are prohibited, *Shapiro* v. *Thompson*, 394 U.S. 618 (1969).

Receipt of food stamps has no effect on eligibility for or the amount of benefits. 45 C.F.R. § 233.20(a)(4)(ii).

Persons "essential to the well being" of a recipient and living in the same home as a recipient may receive aid. 402(a)(7).

H.R. 1

An eligible famliy is defined as two or more related persons, at least one of whom is a child dependent on a family member, living in a residence maintained by a family member as his or their own home. The family must have total countable resources of less than $1,501, and total countable family income of less than the federal benefit amount. (This includes income and resources of a stepparent, regardless of whether or not he is obligated to support his stepchildren under state law. See item 15). § 2155(d).

Persons returning to the U.S. after an absence of 30 days must meet a 30-day residence requirement. The requirement does not apply when absence is due to employment or military service. § 2155(a)(4)(B).

The family may not receive food stamps. § 502.

Self-employed families, e.g. farmers, may be excluded on the basis of "large" gross income, regardless of their net income. § 2152(f).

The head of household cannot be regularly attending college. (See item 12, *infra*.)

If a state supplements it may impose a residence requirement. (See item 13, *infra.*) and exclude ADC–U type families and the "working poor" § 2156(b)(2). (See item 5.)

A family must take all steps to qualify for any other benefits which it could receive. Failure of any member to do so results in the ineligibility of the entire family. § 2152(g).

There is no concept of "essential persons."

The requirement of "own home raises a significant barrier to coverage of migrant workers, and may also preclude coverage of families living in the home of a non-related individual. The lowering of resource standards would severely limit eligibility as well as prevent any subsequent efforts by recipients to accumulate savings or provide for the future through life insurance (the cash-surrender value of life insurance is included as a resource). Without state supplementation, families in high cost of living states who are presently eligible but have countable income above the new federal level will be dropped from the rolls. The assumption of income of stepparents does not take into consideration the fact that a stepparent's income may be reduced by required support of his own children or spouses, not living in an eligible family unit. It also imposes a special support burden on the poor which is not applicable to the population as a whole.

AMOUNT OF BENEFITS

AFDC

Federal: There is no federal level of benefits or maximum on payments. Benefits are matched by the federal government up to certain ceilings but in no event is matching less than 50% of total payment.

State: The state sets the standard of need based on the cost of items required for daily maintenance. Benefits may equal the difference between countable income and the standard, i.e., meet full need. 45 C.F.R. §233.20. States may pay less than full need by imposing a maximum on payments or paying a percentage of the determined need. 45 C.F.R. §233.20(a)(2), (a)(6)(iii) States may also adjust standards to reflect cost of living increases; at least one such adjustment was required by §402(a)(23).

Currently 29 states and the District of Columbia have payment levels which exceed $2400 for a family of 4; payment levels and food stamps combined exceed $2400 in 45 states and D.C. This accounts for 89.9% of the AFDC population.

H.R. 1

Federal: Payments would equal the income guarantee set out below, minus countable income: $2400 for a family of 4 with a $3,600 maximum for families of eight or more (Formula: $800 for each of the first 2 persons, $400 for each of the next 3 persons, $300 for each of the 2 persons and $200 for any and all additional persons) 2152.

State: State supplementation is optional. The federal government will hold the States harmless against any increases in cost above 1971 benefits level due to increases in the welfare population. However, the states will not be held harmless for any increases in costs which are due to an increase in benefit levels above the federal floor or the extension of eligibility to persons not covered under AFDC, e.g., the employed or unemployed poor. The allowable state level is measured by the actual grants to persons with no income, not by state needs levels. § 2156.

In the 45 states and the District of Columbia where current combined welfare-food stamp levels exceed federal benefits, lack of federal matching will result in pressure to forego supplementation entirely or, at least, reduce standards as a result of fiscal necessity and the negative effect of propaganda that the federal program meets the need. In 21 states, benefit losses could be $100 or more a month for a family of four. In addition, those states which now do not pay full need can be expected to continue not to do so, if they supplement at all. Those states which do supplement will not be able to make cost-of-living increases unless they are willing to pay the full cost thereof out of state funds.

States would also probably not supplement AFDC-U and/or the working poor as they could not receive any federal money (for AFDC–U they could receive federal money only if they previously had an AFDC–U program) therefor regardless of costs.

Thus H.R. 1 only perpetuates the present inequities in receipt of payments related to need.

PAYMENT AND DETERMINATION OF BENEFITS

AFDC

Payments in all states are made at least monthly and must be paid to "all eligible individuals." § 402(a)(10). Regulations have interpreted this to mean that a family demonstrating present economic need must have its needs met, without reduction for past or future presumed income. 45 C.F.R. § 233.20.

H.R. 1

Benefits are to be paid at least quarterly. § 2151(d)(1). Income received during the previous 3 quarters, in excess of benefit levels, must be applied to reduce grants for the current quarter, regardless of whether a family received benefits during those quarters. Thus a family which suddenly loses its source of income, with no cash assets, may wait up to 9 months before receiving benefits, because it is presumed to have saved all prior income in excess of H.R. 1 grant levels § 2152(d)(2) and (3).

This provision demonstrates that H.R. 1 is a substantial departure from current law in that eligibility for assistance is no longer based on need.

INCOME DISREGARDED IN DETERMINING ELIGIBILITY

1. The following amounts of earned income are disregarded in the following:

A. All earnings of child/student, plus all earnings of a child under 14 regardless of whether he or she is a student. 45 C.F.R. § 233.20(a)(iii)

B. Irregular income is fully excluded from consideration by the available income rule, 45 C.F.R. § 233.20(a)(3)(ii)(C)

C. WIN (the Work Incentive Program—see paragraph entitled "the work requirement" which appears later in this article.) training allowances and income from special work projects.

D. Thirty dollars a month plus 1/3 of the remainder of any other income (applied to gross income). 45 C.F.R. § 233.20(a)(7).

E. From the amount remaining after D, deduct (1) child care costs as actually paid or based on a schedule presumably related to expenses incurred, 45 C.F.R. § 233.20(a)(3)(iv)(A), and (ii) work expenses, e.g. transportation, taxes, lunches.

F. States may also disregard a flat sum of $5 per month and any income set aside to meet future identifiable needs of a child. 45 C.F.R. § 233.20(a)(4) and (a)(11)(iv).

G. Where income is from self-employment, a reasonable proportion may be disregarded to be used to increase capital assets and thereby increase production. 45 C.F.R. § 233.20(a)(3).

2. The following amounts of unearned income are disregarded:

A. Irregular income is excluded as in 1.B. above.

B. Scholarships and fellowships are excluded 45 C.F.R. § 233.20(a)(3)(iv).

C. States may disregard any assistance received which is for a purpose or items different from the assistance grant. 45 C.F.R. § 233.20(a)(3)(vii).

D. Home produce. § 233.20(a)(3)(iv).

E. Child support may be considered only to the extent it is regularly received. 45 C.F.R. § 233.20(a)(3)(v).

F. Payments for the care of a foster-child.

G. Food Stamps. 45 C.F.R. § 233.20(a)(4)(ii).

H. The value of surplus commodities. 45 C.F.R. § 233.20(a)(4)(ii).

I. Relocation assistance. 45 C.F.R. §233.20(a)(4)(ii).

H.R. 1

1. The following amounts of earned income are disregarded in the following order:

A. Earnings of a child/student up to a maximum to be set by the regulations.

B. Irregular income of less than $31 a quarter.

C. Child care costs, as limited by a schedule to be established by the regulations.

D. The combined disregard for the above three items may not exceed $2,000 for a family of 4; an additional $200 is allowed for each individual family member up to a maximum of $3,000.

E. Training allowances.

F. The remaining income at the rate of $720 per year plus ⅓ of the remainder.

2. The following amounts of unearned income are disregarded:

A. Irregular income of less than $61 per quarter, subject to the ceiling in 1. D. above.

B. The tuition part of scholarships and fellowships.

C. Public or private assistance benefits based on need, except veterans' pensions.

D. Home produce.

E. One third of child support and alimony.

F. Payments for the care of foster children.

It is unclear how states which supplement are to apply the disregards in determining payments to a family with income under the state level but in excess of the federal level, §2156(b)(B).

The appearance of a higher disregard, i.e., $60 a month plus ⅓ of the remainder, disguises a significantly lower disregard which results from the individual and combined effect of the application of the disregard to net rather than gross income, ceilings on costs now fully disregarded, and omission of any disregard for work expenses. For example, child care costs alone could well use up the $2000 ceiling for a family of 4; all other income would then be counted subject only to the $60 plus ⅓ disregard.

Consideration of irregular income, in addition to the financial effect, will impose an administrative problem which would probably result in suspensions "pending" determinations.

As noted in item 4, *supra*, loss of food stamp eligibility the value of which is now disregarded in determining need, substantially lessens the grant.

Families will have no opportunity to conserve any earnings for the future education of a child or for the special needs of a physically or mentally handicapped child.

SPECIAL NEEDS

AFDC

States may (and many do) provide grants for special needs, either for non-recurring needs such as a major household appliance or a winter coat, or for recurrring needs, such as specially enriched diet. These are reimbursed by the federal government at the same rate as basic needs (approximately 50%). 45 C.F.R. § 233.20(a)(2)(v).

H.R. 1

There is no provision for meeting acute or unusual family needs. Loss of property due to fire or other disaster, special diets for diabetics or pregnant women, new clothing or school eqiupment for children must all be provided out of the family's basic grant.

EMERGENCY ASSISTANCE

AFDC

Emergency assistance is authorized in any amount, to avoid destitution and provide living arrangements for dependent children. It may be furnished for up to 30 days per year. The federal government pays 50% of such assistance. § 406(3), 403(a)(5). This aid is not deducted from any future benefits.

H.R. 1

Emergency assistance is available only to families initially applying for benefits and who show an emergency which must be met before their application is fully processed. They must be presumtively eligible for assistance, and the amount of emergency aid is limited to $100. This amount is deducted from future benefits. § 2171(a)(4).

BIENNIAL REAPPLICATION

AFDC

Termination of benefits is permitted only if the family is no longer needy (or because of the death, disappearance, or voluntary disappearance, or voluntary withdrawal from the program of a recipient). Benefits may in any event not be terminated without a prior hearing. 45 C.F.R. § 205.10.

H.R. 1

Termination of benefits is automatic after two years. Families must then reapply for aid and will be treated as new applicants. § 2152(e). This is expected to cause extensive hardship in the form of missed benefits, even in families where need is unquestioned.

THE WORK REQUIREMENT

AFDC

The Work Incentive Program contains no mandatory standards for referral. Regulations provide that only unemployed fathers and dependent children and essential persons over age 16 who are not in school, at work or in training and for whom there are no vocational plans under consideration for implementation within the next 3 months must be referred. 45 C.F.R. section 220.35 (a)(iv). States specifically may not refer even those persons (or others) if they are (1) persons who are ill, incapacitated, or of advanced age, (2) persons living too far from any WIN project, (3) children who are full-time students or (4) persons who are required to care for another in their own homes (includes mothers without adequate child care, 45 C.F.R. 220.35(a)(2)(v)), Section 402(a)(19). These persons are deemed not "appropriate" for referral, and an individual has a right to a hearing to determine his or her "appropriateness." 45 C.F.R. section 220.35(a)(15).

Work may be refused because the offer was not bona fide or there is "good cause" to refuse. Several reasons which constitute "good cause" are as follows: 1. It takes too long to commute from home to work; 2. Adequate medical care for participation in the program has not been given; 3. The job does not pay enough (does not meet the wage rate requirements set by the Department of Labor); 4. The job is available because of a labor dispute; 5. The job is too difficult for the person; 6. Acceptance of the job would interrupt the person's own plans for permanent rehabilitation or re-employment at his or her regular work; 7. Acceptance of the assignment would be bad for the economic welfare of the family, or the family life of the individual. Department of Labor WIN Handbook section 412(E). An individual has a right to a hearing on whether the offer was bona fide or whether he or she has "good cause" to refuse work. 45 C.F.R. section 220.35(a)(16). If an individual refuses WIN participation payments are continued for 60 days, during which time he or she receives counseling or other services to encourage participation. Section 402(a)(19)(F).

Training, as well as work is encouraged.

H.R. 1

All persons must register for referral for jobs, training, public work programs or vocational rehabilitation, except 1) persons unable to work because of illness, incapacity or age; 2) mothers of children under 3 (under 6 until July 1, 1974); 3) mothers or caretakers of children if an adult male in the family has registered; 4) children under 16 or under 22 and in school; or 5) persons required to care for an ill or incapacitated member of their household. There is a right to a hearing on whether an individual is "appropriate" under these standards. § 2171(c).

Work may be refused because there is "good cause" to refuse, but "good cause" is not defined. Language in the original bill which defined suitable employment with reference to an individual's health, travel distance, etc. has been taken out. The only reasons specifically listed for which an individual may refuse work are 1) the position is vacant due to a labor dispute, 2) the wages and other conditions are less than applicable federal, state or local minimums or are less favorable to the individual than those prevailing for similar work in the locality, or are less than $1.20 an hour, three-fourths of the federal minimum wage, 3) as a condition of employment the individual must join a company union or refrain from joining a labor organization, or 4) the individual has the *demonstrated* capacity of securing capacity of securing better work. 2111. There is a right to a hearing on whether there is "good cause" to refuse work. § 2171(c).

Whereas in the WIN program a person is eligible for benefits and only thereafter referred to employment or training, under H.R. 1 an individual must register for referral before benefits will be paid. In addition, persons "appropriate" for work now include all mothers of children over 3 years of age. A person may be forced to work for as little as $1.20 an hour, and there is no definition in the bill of what constitutes "good cause" to refuse a job.

A. CHILD CARE

AFDC

Under the WIN guidelines a parent is to be consulted in any decision as to use of child care facilities. 44.3 Work may be refused because adequate child care is not available. 45 C.F.R § 220.35(a)(2)(v). Child care is a fully disregarded work expense (See item 7, *supra*).

H.R. 1

The Secretary of Labor is to provide child care to persons participating in the work program. However a family may not choose for itself the type of care it feels is adequate, and lack of acceptable child care is not a basis for refusal of employment or training. There are no legislative standards for the quality of child care, and recipients may have to pay for part of the cost of child care. § 2112. There is a maximum on the amount of child care costs which may be disregarded (see item 7, *supra*).

B. PRIORITIES FOR REFERRAL TO JOBS OR TRAINING

AFDC

Under the WIN program states must refer to available jobs and training in the following order: 1) unemployed fathers participating in particular training programs, 2) other unemployed fathers, 3) mothers and other caretaker relatives who volunteer and are participating or have participated in particular training programs, 4) dependent children and essential persons who are over 16 and not in school, at work, or in training, and for whom there are no educational plans under consideration for implementation within the next three months, 5) mothers and others who volunteer but are not participating in a training program and have no pre-school children, 6) any others determined by the state to be appropriate. 45 C.F.R. § 220.35(a)(3).

H.R. 1

The Secretary of Labor is given discretion to establish priorities for referral. § 2114(a) First priority is to be given to mothers and pregnant women under 19 years of age. Further priorities are to be set by the Secretary of Labor. § 2114(a). The emphasis is clearly not on maximum use of resources to increase employability, but on forced work for those who may be most unable and unwilling to enter the labor market.

C. COMPULSORY VOCATIONAL REHABILITATION

AFDC

There is no compulsory referral to vocational rehabilitation services.

H.R. 1

Persons not required to register because of incapacity must accept referral to vocational rehabilitation services or lose their benefits. A quarterly review must be conducted on the individual's incapacity. §§ 2117, 2132.

EXCLUSION OF COLLEGE STUDENTS

AFDC

There is no exclusion of students. Welfare mothers regularly attend college under the WIN program in order to ultimately achieve maximum self-support.

H.R. 1

Benefits are denied to any family, the head of which is a regular student at a college or university even though he or she is also employed or in the labor market and studies at a free public institution. § 2155(a)(4)(A). This section severely inhibits upward mobility.

DURATIONAL RESIDENCE REQUIREMENT

AFDC

Durational residence requirements for the receipt of welfare benefits have twice been outlawed by the United States Supreme Court. *Shapiro v. Thompson*, 395 U.S. 618 (1969); *Gaddis v. Wyman*, 304 F. Supp. 717 (S.D. N.Y. 1969), *aff'd per curiam sub nom Wyman v. Bowens*, 397 U.S. 49 (1970).

H.R. 1

Any individual who has been out of the United States for thirty days, other than because of employment or military service, is subject to a thirty day residence requirement. § 2155(a)(4)(B). In addition, the federal government, in administering any supplemental benefits on behalf of a state, would be required to recognize a residency requirement if the state decided to impose one. § 2156(c).

OBLIGATION OF DESERTING PARENTS

AFDC

The states are required to attempt to secure support from deserting parents. However, the states may secure such support only through law enforcement officials and not through threatening the family with a loss of benefits if they do not cooperate in locating and securing support from the absent parent. § 402(a)(11)(21), and (22); 45 C.F.R. § 235.70 (Feb. 27, 1971).

H.R. 1

When a person is alleged to have abandoned his spouse or child, he is made liable to the federal government for any welfare benefits made to such spouse or child. This obligation may be satisfied out of any amounts owed to such person by any U.S. agency, such as Social Security benefits. No judicial determination of the debt or the underlying support obligation is necessary. § 2175. Parents traveling inter-state to avoid child support are additionally subject to a $1000 fine, a year in prison, or both. § 2176.

STEPPARENT OBLIGATION

AFDC

No state may require stepparents to support their stepchildren by applying their income to the family, unless state law requires all stepparents to support their stepchildren. 45 C.F.R. § 233.90(a).

H.R. 1

Stepparents will be presumed to contribute all their income to their spouse's family. This imposes a liability for the support of stepchildren who are receiving welfare and discourages family stability by imposing this burden on a person who marries a FAP recipient. § 2155(d).

PENALTIES FOR FAILURE TO REPORT INFORMATION

AFDC

States may require reporting of changes in income, but no automatic penalty is imposed for failure to report. Recovery is permitted when current assets exceed needs (see below), but only after a fair hearing.

H.R 1

Families must report all income and expenses for a quarter within 30 days of its close, or automatically lose their benefits. They must also report any change in circumstances which might affect their benefits, as these changes occur.

Failure to so report or a delay in reporting subjects them to a penalty of $25 for the first failure, $50 for the second, and $100 thereafter, even when failure to report resulted in *fewer* benefits being paid to the family. § 2171(e).

RECOVERY OF OVERPAYMENTS

AFDC

No recovery is required. States may recover, but current assistance payments may be reduced because of prior overpayments only if the recipient, has income or resources currently available in the amount by which the agency proposes to reduce payments. *Cooper v. Laupheimer*, 316 F.Supp. 264 (E.D. Pa. 1970).

H.R. 1

Overpayments, whatever their source, may be recovered out of future grants, so long as members of a family who were without fault are not penalized, and recovery will not defeat the purpose of the act, be against equity, or against good conscience, or be inefficient. § 2171(b).

HEARINGS

AFDC

Hearings must be held prior to termination or reduction of benefits. Procedures must comport with due process, including adequate notice and the opportunity to confront adverse witnesses and present argument in rebuttal. The decision must rest on evidence presented at the hearing. *Goldberg v. Kelly*, 397 U.S. 254 (1970) 45 C.F.R. § 205.10. In the event of an adverse decision, benefits paid pending a prior hearing are not recovered.

Judicial review is permitted in federal courts if the amount in controversy exceeds $10,000 or a constitutional issue is presented. Review of any issue is also permitted in most state courts, where findings of fact can be challenged as arbitrary or as not supported by substantial evidence.

H.R. 1

A family may challenge any determination against it at a hearing but the bill does not require that they continue to get benefits pending a decision. § 2171(c). The Ways and Means Committee Report states that *if* payments during the hearing process were continued, they would be considered overpayments if the Secretary's initial determination were sustained.

Although the bill does not specify standards for conducting hearings according to due process, the Committee Report indicates that hearings are to be conducted in accordance with the requirements of the Administrative Procedure Act.

Judicial review of the hearing decision is permitted in federal court, but there is no review of any factual determination. § 2171(c).

The absence of a provision clearly guaranteeing the right to a prior hearing is in violation of the Supreme Court's decision in *Goldberg v. Kelly*, 397 U.S. 254 (1970 in addition to being a substantial departure from the protections contained in the current A.F.D.C. regulation 45 C.F.R. § 205.10. This is not cured by the Committee's reference to the standards contained in the APA, as the APA does not provide for prior hearings.

The limitation of judicial review is also a change in current law.

REPRESENTATION OF CLAIMANTS

AFDC

Recipients are guaranteed their right to a completely free choice of representative, including a friend or relative. This representative may assist the recipient in all contacts with the agency. 45 C.F.R. §206.10. Recipients are, in fact, often ably represented by laymen or friends, without fee.

H.R. 1

Rules governing who may represent recipients before administrative officials are left to the discretion of the Secretary. He may require that representatives be of "good character and in good repute" and able to render "valuable service." Those who fail to follow the Secretary's rules will be disqualified from further practice before him. § 2171 (d).

ADVISORY COMMITTEES

AFDC

AFDC advisory committees must be established in all states to advise on policy development and program administration. These committees must include representatives of other state agencies concerned with services, representatives of professional and civil organizations, private citizens with experience in service programs, and recipients of assistance or services who shall constitute at least one-third of the membership. 45 C.F.R. § 220.4

H.R. 1

Advisory committees would be established composed of representatives of labor, business and the general public, to evaluate the OFF and FAP programs. § 2178(a)

This provision does not permit input by recipients—those most affected by the programs and their administration. Rather it assumes that groups at best only tangentially concerned with public assistance have the greatest right to influence the way in which it is administered.

COST ESTIMATES (WAYS AND MEANS COMMITTEE FIGURES)

AFDC

(In billions)

1973:	
Federal	3.9
State	3.3
Food stamps	2.3
Total	9.5

Number of families, 3.1 million.
Amount per family, $3,065.
Number of families, 12.1 million.
Amount per person, $785.

H.R. 1

(In billions)

1973:	
Federal	5.5
"Hold harmless"	1.0
State	3.1
Total	10.3

Number of families, 4.0 million.
Amount per family, $2,575.
Number of families, 19.4 million.
Amount per family, $531.

NEW YORK TIMES VIETNAM DOCUMENTS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. HARRINGTON. Mr. Speaker, the New York Times this week is making public key documents from a previously secret Department of Defense study of American participation in the Vietnam war. This vast study, commissioned by former Secretary of Defense Robert McNamara, lays bare many of intimate details of how and why the United States became so deeply involved in Indochina.

There are many lessons to be learned from a careful examination of these documents, not the least of which is the harmfulness of congressional passivity. Never again should Congress sit back in blissful ignorance and permit the executive branch to involve this country in foreign adventures in the name of secretly acquired commitments. I will be offering an amendment to the military procurement bill this week that will assist in the reassertion of congressional control over and interest in U.S. foreign policy and commitments.

At this point in the RECORD I would like to include the New York Times documents and several accompanying articles:

MCNAMARA REPORT TO JOHNSON ON THE SITUATION IN SAIGON IN '63

(Memorandum, "Vietnam Situation," from Secretary of Defense Robert S. McNamara to President Lyndon B. Johnson, Dec. 21, 1963.)

In accordance with your request this morning, this is a summary of my conclusions after my visit to Vietnam on December 19–20.

1. Summary. The situation is very disturbing. Current trends, unless reversed in the next 2-3 months, will lead to neutralization at best and more likely to a Communist controlled state.

2. The new government is the greatest source of concern. It is indecisive and drifting. Although Minh states that he, rather than the Committee of Generals, is making decisions, it is not clear that this is actually so. In any event, neither he nor the Committee are experienced in political administration and so far they show little talent for it. There is no clear concept of how to reshape or conduct the strategic hamlet program; the Province Chiefs, most of whom are new and inexperienced, are receiving little or no direction because the generals are so preoccupied with essentially political affairs. A specific example of the present situation is that General [name illegible] is spending little or no time commanding II Corps, which is in the vital zone around Saigon and needs full-time direction. I made these points as strongly as possible to Minh, Don, Kim, and Tho.

3. The Country Team is the second major weakness. It lacks leadership, has been poorly informed, and is not working to a common plan. A recent example of confusion has been conflicting USOM and military recommendations both to the Government of Vietnam and to Washington on the size of the military budget. Above all, Lodge has virtually no official contact with Harkins. Lodge sends in reports with major military implications without showing them to Har-

kins, and does not show Harkins important incoming traffic. My impression is that Lodge simply does not know how to conduct a coordinated administration. This has of course been stressed to him both by Dean Rusk and myself (and also by John McCone), and I do not think he is consciously rejecting our advice; he has just operated as a loner all his life and cannot readily change now.

Lodge's newly-designated deputy, David Nes, was with us and seems a highly competent team player. I have stated the situation frankly to him and he has said he would do all he could to constitute what would in effect be an executive committee operating below the level of the Ambassador.

As to the grave reporting weakness, both Defense and CIA must take major steps to improve this. John McCone and I have discussed it and are acting vigorously in our respective spheres.

4. Viet Cong progress has been great during the period since the coup, with my best guess being that the situation has in fact been deteriorating in the countryside since July to a far greater extent than we realized because of our undue dependence on distorted Vietnamese reporting. The Viet Cong now control very high proportions of the people in certain key provinces, particularly those directly south and west of Saigon. The Strategic Hamlet Program was seriously overextended in those provinces, and the Viet Cong has been able to destroy many hamlets, while others have been abandoned or in some cases betrayed or pillaged by the government's own Self Defense Corps. In these key provinces, the Viet Cong have destroyed almost all major roads, and are collecting taxes at will.

As remedial measures, we must get the government to re-allocate its military forces so that its effective strength in these provinces is essentially doubled. We also need to have major increases in both military and USOM staffs, to sizes that will give us a reliable, independent U.S. appraisal of the status of operations. Thirdly, realistic pacification plans must be prepared, allocating adequate time to secure the remaining government-controlled areas and work out from there.

This gloomy picture prevails predominantly in the provinces around the capital and in the Delta. Action to accomplish each of these objectvies was started while we were in Saigon. The situation in the northern and central areas is considerably better, and does not seem to have deteriorated substantially in recent months. General Harkins still hopes these areas may be made reasonably secure by the latter half of next year.

In the gloomy southern picture, an exception to the trend of Viet Cong success may be provided by the possible adherence to the government of the Cao Dai and Hoa Hao sects, which total three million people and control key areas along the Cambodian border. The Hoa Hao have already made some sort of agreement, and the Cao Dai are expected to do so at the end of this month. However, it is not clear that their influence will be more than neutralized by these agreements, or that they will in fact really pitch in on the government's side.

5. Infiltration of men and equipment from North Vietnam continues using (a) land corridors through Laos and Cambodia; (b) the Mekong River waterways from Cambodia; (c) some possible entry from the sea and the tip of the Delta. The best guess is that 1000-1500 Viet Cong cadres entered South Vietnam from Laos in the first nine months of 1963. The Mekong route (and also the possible sea entry) is apparently used for heavier weapons and ammunition and raw materials which have been turning up in increasing numbers in the south and of which we have captured a few shipments.

To counter this infiltration, we reviewed in Saigon various plans providing for cross-border operations into Laos. On the scale proposed, I am quite clear that these would not be politically acceptable or even militarily effective. Our first need would be immediate U-2 mapping of the whole Laos and Cambodian border, and this we are preparing on an urgent basis.

One other step we can take is to expand the existing limited but remarkably effective operations on the Laos side, the so-called Operation HARDNOSE, so that it at least provides reasonable intelligence on movements all the way along the Laos corridor; plans to expand this will be prepared and presented for approval in about two weeks.

As to the waterways, the military plans presented in Saigon were unsatisfactory, and a special naval team is being sent at once from Honolulu to determine what more can be done. The whole waterway system is so vast, however, that effective policing may be impossible.

In general, the infiltration problem, while serious and annoying, is a lower priority than the key problems discussed earlier. However, we should do what we can to reduce it.

6. Plans for Covert Action into North Vietnam were prepared as we had requested and were an excellent job. They present a wide variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk. In accordance with your direction at the meetings, General Krulak of the JCS is chairing a group that will lay out a program in the next ten days for your consideration.

7. Possible neutralization of Vietnam is strongly opposed by Minh, and our attitude is somewhat suspect because of editorials by the New York Times and mention by Walter Lippmann and others. We reassured them as strongly as possible on this—and in somewhat more general terms on the neutralization of Cambodia. I recommend that you convey to Minh a Presidential message for the New Year that would also be a vehicle to stress the necessity of strong central direction by the government and specifically by Minh himself.

8. U.S. resources and personnel cannot usefully be substantially increased. I have directed a modest artillery supplement, and also the provision of uniforms for the Self Defense Corps, which is the most exposed force and suffers from low morale. Of greater potential significance, I have directed the Military Departments to review urgently the quality of the people we are sending to Vietnam. It seems to have fallen off considerably from the high standards applied in the original selections in 1962, and the JCS fully agree with me that we must have our best men there.

Conclusion. My appraisal may be overly pessimistic. Lodge, Harkins, and Minh would probably agree with me on specific points, but feel that January should see significant improvement. We should watch the situation very carefully running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement.

1964 MEMO BY JOINT CHIEFS OF STAFF DISCUSSING WIDENING OF THE WAR

(Memorandum from Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, to the Secretary of Defense McNamara, Jan. 22, 1964, "Vietnam and Southeast Asia")

1. National Security Action Memorandum No. 273 makes clear the resolve of the President to ensure victory over the externally directed and supported communist insurgency in South Vietnam. In order to achieve that victory, the Joint Chiefs of Staff are of the opinion that the United States must be prepared to put aside many of the self-imposed restrictions which now limit our efforts, and to undertake bolder actions which may embody greater risks.

2. The Joint Chiefs of Staff are increasingly mindful that our fortunes in South Vietnam are an accurate barometer of our fortunes in all of Southeast Asia. It is our view that if the US program succeeds in South Vietnam it will go far toward stabilizing the total Southeast Asia situation. Conversely, a loss of South Vietnam to the communists will presage an early erosion of the remainder of our position in that subcontinent.

3. Laos, existing on a most fragile foundation now, would not be able to endure the establishment of a communist—or pseudo neutralist—state on its eastern flank. Thailand, less strong today than a month ago by virtue of the loss of Prime Minister Sarit, would probably be unable to withstand the pressures of infiltration from the north should Laos collapse to the communists in its turn. Cambodia apparently has estimated that our prospects in South Vietnam are not promising and, encouraged by the actions of the French, appears already to be seeking an accommodation with the communists. Should we actually suffer defeat in South Vietnam, there is little reason to believe that Cambodia would maintain even a pretense of neutrality.

4. In a broader sense, the failure of our programs in South Vietnam would have heavy influence on the judgments of Burma, India, Indonesia, Malaysia, Japan, Taiwan, the Republic of Korea, and the Republic of the Philippines with respect to US durability, resolution, and trustworthiness. Finally, this being the first real test of our determination to defeat the communist wars of national liberation formula, it is not unreasonable to conclude that there would be a corresponding unfavorable effect upon our image in Africa and in Latin America.

5. All of this underscores the pivotal position now occupied by South Vietnam in our world-wide confrontation with the communists and the essentiality that the conflict there would be brought to a favorable end as soon as possible. However, it would be unrealistic to believe that a complete suppression of the insurgency can take place in one or even two years. The British effort in Malaya is a recent example of a counterinsurgency effort which required approximately ten years before the bulk of the rural population was brought completely under control of the government, the police were able to maintain order, and the armed forces were able to eliminate the guerrilla strongholds.

6. The Joint Chiefs of Staff are convinced that, in keeping with the guidance in NSAM 273, the United States must make plain to the enemy our determination to see the Vietnam campaign through to a favorable conclusion. To do this, we must prepare for whatever level of activity may be required and, being prepared, must then proceed to take actions as necessary to achieve our purposes surely and promptly.

7. Our considerations, furthermore, cannot be confined entirely to South Vietnam. Our experience in the war thus far leads us to conclude that, in this respect, we are not now giving sufficient attention to the broader area problems of Southeast Asia. The Joint Chiefs of Staff believe that our position in Cambodia, our attitude toward Laos, our actions in Thailand, and our great effort in South Vietnam do not comprise a compatible and integrated U.S. policy for Southeast Asia. U.S. objectives in Southeast Asia cannot be achieved by either economic, political, or military measures alone. All three fields must be integrated into a single, broad U.S. program for Southeast Asia. The measures recommended in this memorandum are a partial contribution to such a program.

8. Currently we and the South Vietnamese are fighting the war on the enemy's terms. He has determined the locale, the timing, and the tactics of the battle while our actions are essentially reactive. One reason for this is the fact that we have obliged ourselves to

labor under self-imposed restrictions with respect to impeding external aid to the Viet Cong. These restrictions include keeping the war within the boundaries of South Vietnam, avoiding the direct use of U.S. combat forces, and limiting U.S. direction of the campaign to rendering advice to the Government of Vietnam. These restrictions, while they may make our international position more readily defensible, all tend to make the task in Vietnam more complex, time-consuming, and in the end, more costly. In addition to complicating our own problem, these self-imposed restrictions may well now be conveying signals of irresolution to our enemies—encouraging them to higher levels of vigor and greater risks. A reversal of attitude and the adoption of a more aggressive program would enhance greatly our ability to control the degree to which escalation will occur. It appears probable that the economic and agricultural disappointments suffered by Communist China, plus the current rift with the Soviets, could cause the communists to think twice about undertaking a large-scale military adventure in Southeast Asia.

9. In adverting to actions outside of South Vietnam, the Joint Chiefs of Staff are aware that the focus of the counterinsurgency battle lies in South Vietnam itself, and that the war must certainly be fought and won primarily in the minds of the Vietnamese people. At the same time, the aid now coming to the Viet Cong from outside the country in men, resources, advice, and direction is sufficiently great in the aggregate to be significant—both as help and as encouragement to the Viet Cong. It is our conviction that if support of the insurgency from outside South Vietnam in terms of operational direction, personnel, and material were stopped completely, the character of the war in South Vietnam would be substantially and favorably altered. Because of this conviction, we are wholly in favor of executing the covert actions against North Vietnam which you have recently proposed to the President. We believe, however, that it would be idle to conclude that these efforts will have a decisive effect on the communist determination to support the insurgency; and it is our view that we must therefore be prepared fully to undertake a much higher level of activity, not only for its beneficial tactical effect, but to make plain our resolution, both to our friends and to our enemies.

10. Accordingly, the Joint Chiefs of Staff consider that the United States must make ready to conduct increasingly bolder actions in Southeast Asia; specifically as to Vietnam to:

a. Assign to the US military commander responsibilities for the total US program in Vietnam.

b. Induce the Government of Vietnam to turn over to the United States military commander, temporarily, the actual tactical direction of the war.

c. Charge the United States military commander with complete responsibility for conduct of the program against North Vietnam.

d. Overfly Laos and Cambodia to whatever extent is necessary for acquisition of operational intelligence.

e. Induce the Government of Vietnam to conduct overt ground operations in Laos of sufficient scope to impede the flow of personnel and material southward.

f. Arm, equip, advise, and support the Government of Vietnam in its conduct of aerial bombing of critical targets in North Vietnam and in mining the sea approaches to that country.

g. Advise and support the Government of Vietnam in its conduct of large-scale commando raids against critical targets in North Vietnam.

h. Conduct aerial bombing of key North Vietnam targets, using US resources under Vietnamese cover, and with the Vietnamese openly assuming responsibility for the actions.

i. Commit additional US forces, as necessary, in support of the combat action within South Vietnam.

j. Commit US forces as necessary in direct actions against North Vietnam.

11. It is our conviction that any or all of the foregoing actions may be required to enhance our position in Southeast Asia. The past few months have disclosed that considerably higher levels of effort are demanded of us if US objectives are to be attained.

12. The governmental reorganization which followed the coup d'etat in Saigon should be completed very soon, giving basis for concluding just how strong the Vietnamese Government is going to be and how much of the load they will be able to bear themselves. Additionally, the five-month dry season, which is just now beginning, will afford the Vietnamese an opportunity to exhibit their ability to reverse the unfavorable situation in the critical Mekong Delta. The Joint Chiefs of Staff will follow these important developments closely and will recommend to you progressively the execution of such of the above actions as are considered militarily required, providing, in each case, their detailed assessment of the risks involved.

13. The Joint Chiefs of Staff consider that the strategic importance of Vietnam and of Southeast Asia warrants preparations for the actions above and recommend that the substance of this memorandum be discussed with the Secretary of State.

1964 McNamara Report on Steps To Change the Trend of the War

(Excerpts from memorandum, "South Vietnam," from Secretary of Defense McNamara to President Johnson, March 16, 1964.)

I. U.S. OBJECTIVES IN SOUTH VIETNAM

We seek an independent non-Communist South Vietnam. We do not require that it serve as a Western base or as a member of a Western Alliance. Vietnam must be free, however, to accept outside assistance as required to maintain its security. This assistance should be able to take the form not only of economic and social pressures but also police and military help to root out and control insurgent elements.

Unless we can achieve this objective in South Vietnam, almost all of Southeast Asia will probably fall under Communist dominance (all of Vietnam, Laos, and Cambodia), accommodate to Communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not now explicitly Communist but likely then to become so (Indochina taking over Malaysia). Thailand might hold for a period with our help, but would be under grave pressure. Even the Philippines would become shaky, and the threat to India to the west, Australia and New Zealand to the south, and Taiwan, Korea, and Japan to the north and east would be greatly increased.

All these consequences would probably have been true even if the U.S. had not since 1954, and especially since 1961, become so heavily engaged in South Vietnam. However, that fact accentuates the impact of a Communist South Vietnam not only in Asia, but in the rest of the world, where the South Vietnam conflict is regarded as a test case of U.S. capacity to help a nation meet a Communist "war of liberation."

Thus, purely in terms of foreign policy, the stakes are high. They are increased by domestic factors.

II. PRESENT U.S. POLICY IN SOUTH VIETNAM

We are now trying to help South Vietnam defeat the Viet Cong, supported from the North, by means short of the unqualified use of U.S. combat forces. We are not acting against North Vietnam except by a very modest "covert" program operated by South Vietnamese (and a few Chinese Nationalists)—a program so limited that it is unlikely to have any significant effect. In Laos, we are still working largely within the framework of the 1962 Geneva Accords. In Cambodia we are still seeking to keep Sihanouk from abandoning whatever neutrality he may still have and fulfilling his threat of reaching an accommodation with Hanoi and Peking. As a consequence of these policies, we and the GVN have had to condone the extensive use of Cambodian and Laotian territory by the Viet Cong, both as a sanctuary and as infiltration routes.

III. THE PRESENT SITUATION IN SOUTH VIETNAM

The key elements in the present situation are as follows:

A. The military tools and concepts of the GVN-US efforts are generally sound and adequate.[1] Substantially more can be done in the effective employment of military forces and in the economic and civic action areas. These improvements may require some selective increases in the U.S. presence, but it does not appear likely the major equipment replacement and additions in U.S. personnel are indicated under current policy.

B. The U.S. policy of reducing existing personnel where South Vietnamese are in a position to assume the functions is still sound. Its application will not lead to any major reductions in the near future, but adherence to this policy as such has a sound effect in portraying to the U.S. and the world that we continue to regard the war as a conflict the South Vietnamese must win and take ultimate responsibility for. Substantial reductions in the numbers of U.S. military training personnel should be possible before the end of 1965. However, the U.S. should continue to reiterate that it will provide all the assistance and advice required to do the job regardless of how long it takes.

C. The situation has unquestionably been growing worse, at least since September:

1. In terms of government control of the countryside, about 40% of the territory is under Viet Cong control or predominant influence. In 22 of the 43 provinces, the Viet Cong control 50% or more of the land area, including 80% of Phuoc Tuy; 90% of Binh Duong; 75% of Hau Nghia; 90% of Long An; 90% of Kien Tuong; 90% of Dinh Tuong; 90% of Kien-Hoa and 85% of An Xuyen.

2. Large groups of the population are now showing signs of apathy and indifference, and there are some signs of frustration within the U.S. contingent. . . .

a. The ARVN and paramilitary desertion rates, and particularly the latter, are high and increasing.

b. Draft-dodging is high while the Viet Cong are recruiting energetically and effectively.

c. The morale of the hamlet militia and of the Self Defense Corps, on which the security of the hamlets depends, is poor and failing.

3. In the last 90 days the weakening of the government's position has been particularly noticeable. . . .

4. The political control structure extending from Saigon down into the hamlets disappeared following the November coup. . . .

5. North Vietnamese support, always significant, has been increasing. . . .

D. The greatest weakness in the present situation its the uncertain viability of the Khanh government. Khanh himself is a very able man within his experience, but he does not yet have wide political appeal and his control of the army itself is uncertain . . .

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[1] Mr. McCone emphasizes that the GVN/US program can never be considered completely satisfactory so long as it permits the Viet Cong a sanctuary in Cambodia and a continuing uninterrupted and unmolested source of supply and reinforcement from NVN through Laos.

E. On the positive side, we have found many reasons for encouragement in the performance of the Khanh Government to date. Although its top layer is thin, it is highly responsive to U.S. advice, and with a good grasp of the basic elements of rooting out the Viet Cong. . . .

2. Retaliatory Actions. For example:

a. Overt high and/or low-level reconnaissance flights by U.S. or Farmgate aircraft over North Vietnam to assist in locating and identifying the sources of external aid to the Viet Cong.

b. Retaliatory bombing strikes and commando raids on a tit-for-tat basis by the GVN against NVN targets (communication centers, training camps, infiltration routes, etc.)

c. Aerial mining by the GVN aircraft (possibly with U.S. assistance) of the major NVN ports.

3. Graduated Overt Military Pressure by GVN and U.S. Forces.

This program would go beyond reacting on a tit-for tat basis. It would include air attacks against military and possibly industrial targets. The program would utilize the combined resources of the GVN Air Force and the U.S. Farmgate Squadron, with the latter reinforced by three squadrons of B-57s presently in Japan. Before this program could be implemented it would be necessary to provide some additional air defense for South Vietnam and to ready U.S. forces in the Pacific for possible escalation.

The analysis of the more serious of these military actions (from 2 (b) upward) revealed the extremely delicate nature of such operations, both from the military and political standpoints. There would be the problem of marshalling the case to justify such action, the problem of communist escalation, and the problem of dealing with the pressures for premature or "stacked" negotiations. We would have to calculate the effect of such military actions against a specified political objective. That objective, while being cast in terms of eliminating North Vietnamese control and direction of the insurgency, would in practical terms be directed toward collapsing the morale and the self-assurance of the Viet Cong cadres now operating in South Vietnam and bolstering the morale of the Khanh regime. We could not, of course, be sure that our objective could be achieved by any means within the practical range of our options. Moreover, and perhaps most importantly, unless and until the Khanh government has established its position and preferably is making significant progress in the South, an overt extension of operations into the North carries the risk of being mounted from an extremely weak base which might at any moment collapse and leave the posture of political confrontation worsened rather than improved.

The other side of the argument is that the young Khanh Government [two words illegible] reinforcement of some significant sources agaist the North and without [words illegible] the in-country program, even with the expansion discussed in Section [words illegible] may not be sufficient to stem the tide.

[Words illegible] balance, except to the extent suggested in Section V below, I [words illegible] against initiation at this time of overt GVN and/or U.S. military [word illegible] against North Vietnam.

C. Initiate Measures to Improve the Situation in South Vietnam.

There were and are sound reasons for the limits imposed by present policy—the South Vietnamese must win their own fight; U.S. intervention on a larger scale, and/or GVN actions against the North, would disturb key allies and other nations; etc. In any case, it is vital that we continue to take every reasonable measure to assure success in South Vietnam. The policy choice is not an "either/or" between this course of action and possible pressures against the North; the former is essential without regard to our decision with respect to the latter. The latter can, at best, only reinforce the former.

The following are the actions we believe can be taken in order to improve the situation both in the immediate future and over a longer-term period. To emphasize that a new phase has begun, the measures to be taken by the Khanh government should be described by some term such as "South Vietnam's Program for National Mobilization."

Basic U.S. posture

1. The U.S. at all levels must continue to make it emphatically clear that we are prepared to furnish assistance and support for as long as it takes to bring the insurgency under control.

2. The U.S. at all levels should continue to make it clear that we fully support the Khanh government and are totally opposed to any further coups. The Ambassador should instruct all elements, including the military advisors, to report intelligence information of possible coups promptly, with the decision to be made by the ambassador whether to report such information to Khanh. However, we must recognize that our chances would not be great of detecting and preventing a coup that had major military backing.

3. We should support fully the Pacification Plan now announced by Khanh (described in Annex B), and particularly the basic theory—now fully accepted both on the Vietnamese and U.S. sides—of concentrating on the more secure areas and working out from these through military operations to provide security, followed by necessary civil and economic actions to make the presence of the government felt and to provide economic improvements. . . .

V. POSSIBLE LATER ACTIONS

If the Khanh government takes hold vigorously—inspiring confidence, whether or not noteworthy progress has been made—or if we get hard information of significantly stepped-up VC arms supply from the North, we may wish to mount new and significant pressures against North Vietnam. We should start preparations for such a capability now. (See Annex C for an analysis of the situation in North Vietnam and Communist China.) Specifically, we should develop a capability to initiate within 72 hours the "Border Control"[2] and "Retaliatory Actions" referred to on pages 5 and 6, and we should achieve a capability to initiate with 30 days' notice the program of "Graduated Overt Military Pressure." The reasoning behind this program of preparations for initiating action against North Vietnam is rooted in the fact that, even with progress in the pacification plan, the Vietnamese Government and the population in the South will still have to face the prospect of a very lengthy campaign based on a war-weary nation and operating against Viet Cong cadres who retain a great measure of motivation and assurance.

In this connection, General Khanh stated that his primary concern is to establish a firm base in the South. He favors continuation of covert activities against North Vietnam, but until such time as "rear-area security" has been established, he does not wish to engage in overt operations against the North.

In order to accelerate the realization of pacification and particularly in order to denigrate the morale of the Viet Cong forces, it may be necessary at some time in the future to put demonstrable retaliatory pressure on the North. Such a course of action might proceed according to the scenario outlined in Annex D. . . .

VII. RECOMMENDATIONS

I recommend that you instruct the appropriate agencies of the U.S. Government:

1. To make it clear that we are prepared to furnish assistance and support to South Vietnam for as long as it takes to bring the insurgency under control.

2. To make it clear that we fully support the Khanh government and are opposed to further coups.

3. To support a Program for National Mobilization (including a national service law) to put South Vietnam on a war footing.

4. To assist the Vietnamese to increase the armed forces (regular plus paramilitary) by at least 50,000 men.

5. To assist the Vietnamese to create a greatly enlarged Civil Administrative Corps for work at province, district and hamlet levels.

6. To assist the Vietnamese to improve and reorganize the paramilitary forces and increase their compensation.

7. To assist the Vietnamese to create an offensive guerrilla force.

8. To provide the Vietnamese Air Force 25 A-1H aircraft in exchange for the present T-28s.

9. To provide the Vietnamese Army additional M-113 armored personnel carriers (withdrawing the M-114s there), additional river boats, and approximately $5-10 million of other additional material.

10. To announce publicly the Fertilizer Program and to expand it with a view within two years to trebling the amount of fertilizer made available.

11. To authorize continued high-level U.S. overflights of South Vietnam's borders and to authorize "hot pursuit" and South Vietnamese ground operations over the Laotian line for the purpose of border control More ambitious operations into Laos involving units beyond battalion size should be authorized only with the approval of Souvanna Phouma. Operations across the Cambodian border should depend on the state of relations with Cambodia.

12. To prepare immediately to be in a position on 72 hours' notice to initiate the full range of Laotian and Cambodian "Border Control" actions (beyond those authorized in Paragraph 11 above) and the "Retaliatory Actions" against North Vietnam, and to be in a position on 30 days' notice to initiate the program of "Graduated Overt Military Pressure" against North Vietnam.

GLOSSARY TERMS USED IN TEXT

ARVN—Army of the Republic of (South) Vietnam.

BLACK RADIO—In psychological warfare broadcasts by one side that are disguised as broadcasts by the other.

BLUE SPRINGS—Apparently a covert operation not further identified in the study of the documents.

BOX TOP—Apparently a code name for a covert project not further identified in documents.

CANDY MACHINE—Code name for an allied operation in Vietnam not otherwise identified in the documents.

CAP—Combat air patrol.

CI—Counterinsurgency.

CHICOM—Chinese Communist.

CHINAT—Chinese Nationalist.

CINCPAC—Commander in Chief, Pacific. Position held by Adm. Harry D. Felt, 1958-64; Adm. U.S. Grant Sharp, 1964-68.

COMUSMACV—Commander, United States Military Assistance Command, Vietnam. Position held by Gen. Paul D. Harkins. In 1964; Gen. William C. Westmoreland, 1964-68; Gen. Creighton W. Abrams since.

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[2] Authority should be granted immediately for covert Vietnamese operations into Laos, for the purposes of border control and of "hot pursuit" into Laos. Decision on "hot pursuit" into Cambodia should await further study of our relations with that country.

COUNTRY TEAM—Council of Senior United States officials in Vietnam, including Ambassador, commander of American forces, C.I.A. chief and others.

DEPTEL—State Department telegram.

DE SOTO PATROLS—United States destroyer patrols in Tonkin Gulf.

EMBTEL—United States Embassy telegram.

FARMGATE—Clandestine United States Air Force strike unit in Vietnam, 1964.

GVN—Government of (South) Vietnam.

HARDNOSE—Code name apparently for a covert project, not otherwise identified in the documents.

I.C.C.—International Control Commission, established under 1954 Geneva accords, comprising representatives of Poland, Canada and India.

JCSM—Joint Chiefs of Staff memorandum.

LEAPING LENA—Code name for an allied operation not further identified in the documents.

LUCKY DRAGON—Code name, apparently for a covert allied operation in Vietnam, not otherwise identified.

MACV—Military Assistance Command, Vietnam.

NSAM—National security action memorandum.

NVN—North Vietnam.

OPLAN—Operation Plan.

PDJ—Plaine des Jarres.

PIERCE ARROW—Code name for the U.S. reprisal bombing of North Vietnam after the Gulf of Tonkin incidents.

PL–Pathet Lao.

PL/VM—Pathet Lao/Vietminh.

POL—Petroleum, oil, lubricants.

PSYOPS—Psychological operations.

QUEEN BEE—Code name for an allied operation not otherwise identified in the documents.

RECCE—Reconnaissance.

RLAF—Royal Laotian Air Force.

RLG—Royal Laotian Government.

RTG—Royal Thai Government.

RVNAF—Republic of (South) Vietnam Air Force; also Republic of (South) Vietnam armed forces.

SAR—Search and rescue.

SEPTEL—Separate telegram.

SVN—South Vietnam.

34A—Operation plan, 1964, covering covert ground, air and sea raids against North Vietnam.

TRIANGLE—Code name for an operation in South Vietnam not otherwise identified in the documents.

USOM—United States Operations Mission, the American economic aid apparatus in Saigon.

VNAF—(South) Vietnam Air Force; (South) Vietnam armed forces.

WATER GLASS—Code name of an operation in Vietnam not otherwise identified in the documents.

WHITE RADIO—In psychological warfare, broadcasts that are openly attributed to the side transmitting them.

YANKEE TEAM—Phase of the Indochina bombing operation.

U.S. PREPARATION FOR RETALIATION AND REJECTION OF OTHER ACTIONS

(Excerpts from National Security Action Memorandum 288, "U.S. Objectives in South Vietnam," March 17, 1964, as provided in the body of the Pentagon study. The words in brackets are the study's. The paragraph in italics is the paraphrase by a writer of the study.)

[The United States' policy is] to prepare immediately to be in a position on 72 hours' notice to initiate the full range of Laotian and Cambodian "Border Control actions" . . . and the "Retaliatory Actions" against North Vietnam, and to be in a position on 30 days' notice to initiate the program of "Graduated Overt Military Pressure" against North Vietnam. . . .

We seek an independent non-Communist South Vietnam. We do not require that it serve as a Western base or as a member of a Western Alliance. South Vietnam must be free, however, to accept outside assistance as required to maintain its security. This assistance should be able to take the form not only of economic and social measures but also police and military help to root out and control insurgent elements.

Unless we can achieve this objective in South Vietnam, almost all of Southeast Asia will probably fall under Communist dominance (all of Vietnam, Laos, and Cambodia), accommodate to Communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not now explicitly Communist but likely then to become so (Indonesia taking over Malaysia). Thailand might hold for a period without help, but would be under grave pressure. Even the Philippines would become shaky, and the threat to India on the West, Australia and New Zealand to the South, and Taiwan, Korea, and Japan to the North and East would be greatly increased.

All of these consequences would probably have been true even if the U.S. had not since 1954, and especially since 1961, become so heavily engaged in South Vietnam. However, that fact accentuates the impact of a Communist South Vietnam not only in Asia but in the rest of the world, where the South Vietnam conflict is regarded as a test case of U.S. capacity to help a nation to meet the Communist "war of liberation."

Thus, purely in terms of foreign policy, the stakes are high. . . .

We are now trying to help South Vietnam defeat the Viet Cong, supported from the North, by means short of the unqualified use of U.S. combat forces. We are not acting against North Vietnam except by a modest "covert" program operated by South Vietnamese (and a few Chinese Nationalists)—a program so limited that it is unlikely to have any significant effect. . . .

There were and are some sound reasons for the limits imposed by the present policy—the South Vietnamese must win their own fight; U.S. intervention on a larger scale, and/or GVN actions against the North, would disturb key allies and other nations; etc. In any case, it is vital that we continue to take every reasonable measure to assure success in South Vietnam. The policy choice is not an "either/or" between this course of action and possible pressure against the North; the former is essential and without regard to our decision with respect to the latter. The latter can, at best, only reinforce the former. . . .

Many of the actions described in the succeeding paragraphs fit right into the framework of the [pacification] plan as announced by Khanh. Wherever possible, we should tie our urgings of such actions to Khanh's own formulation of them, so that he will be carrying out a Vietnamese plan and not one imposed by the United States. . . .

Among the alternatives considered, but rejected for the time being . . . were overt military pressure on North Vietnam, neutralization, return of U.S. dependents, furnishing of a U.S. combat unit to secure the Saigon area and a full takeover of the command in South Vietnam by the U.S. With respect to this last proposal, it was said that

. . . the judgment of all senior people in Saigon, with which we concur, was that the possible military advantages of such action would be far outweighed by adverse psychological impact. It would cut across the whole basic picture of the Vietnamese winning their own war and lay us wide open to hostile propaganda both within South Vietnam and outside.

CABLE FROM PRESIDENT TO LODGE ON ESCALATION CONTINGENCIES

(Cablegram from President Johnson to Henry Cabot Lodge, United States Ambassador in Saigon, March 20, 1964.)

1. We have studied your 1776 and I am asking State to have Bill Bundy make sure that you get out latest planning documents on ways of applying pressure and power against the North. I understand that some of this was discussed with you by McNamara mission in Saigon, but as plans are refined it would be helpful to have your detailed comments. As we agreed in our previous messages to each other, judgment is reserved for the present on overt military action in view of the consensus from Saigon conversations of McNamara mission with General Khanh and you on judgment that movement against the North at the present would be premature. We have [sic] share General Khanh's judgment that the immediate and essential task is to strengthen the southern base. For this reason our planning for action against the North is on a contingency basis at present, and immediate problem in this area is to develop the strongest possible military and political base for possible later action. There is additional international reason for avoiding immediate overt action in that we expect a showdown between the Chinese and Soviet Communist parties soon and action against the North will be more practicable after than before a showdown. But if at any time you feel that more immediate action is urgent, I count on you to let me know specifically the reasons for such action, together with your recommendations for its size and shape.

2. On dealing with de Gaulle, I continue to think it may be valuable for you to go to Paris after Bohlen has made his first try. (State is sending you draft instruction to Bohlen, which I have not yet reviewed, for your comment.) It ought to be possible to explain in Saigon that your mission is precisely for the purpose of knocking down the idea of nutralization wherever it rears its ugly head and on this point I think that nothing is more important than to stop neutralist talk wherever we can by whatever means we can. I have made this point myself to Mansfield and Lippmann and I expect to use every public opportunity to restate our position firmly. You may want to convey our concern on this point to General Khanh and get his ideas on the best possible joint program to stop such talk in Saigon, in Washington, and in Paris. I imagine that you have kept General Khanh abreast of our efforts in Paris. After we see the results of the Bohlen approach you might wish to sound him out on Paris visit by you.

DRAFT RESOLUTION FOR CONGRESS ON ACTIONS IN SOUTHEAST ASIA

(Draft Resolution on Southeast Asia, May 25, 1964, as provided in the body of the Pentagon study. The major paragraphs of the resolution as approved by Congress appear in the article accompanying the texts today.)

Whereas the signatories of the Geneva Accords of 1954, including the Soviet Union, the Communist regime in China, and Viet Nam agreed to respect the independence and territorial integrity of South Viet Nam, Laos and Cambodia; and the United States, although not a signatory of the Accords, declared that it would view any renewal of aggression in violation of the Accords with grave concern and as seriously threatening international peace and security;

Whereas the Communist regime in North Viet Nam, with the aid and support of the Communist regime in China, has systematically flouted its obligations under these Accords and has engaged in aggression against the independence and territorial integrity of South Viet Nam by carrying out a systematic plan for the subversion of the Government of South Viet Nam, by furnishing direction, training, personnel and arms for the conduct of guerrilla warfare within South Viet Nam, and by the ruthless use of terror against the peaceful population of that country;

Whereas in the face of this Communist aggression and subversion the Government and people of South Viet Nam have bravely undertaken the defense of their independence and territorial integrity, and at the request of that Government the United States has, in accordance with its Declaration of 1954, provided military advice, economic aid and military equipment;

Whereas in the Geneva Agreements of 1962 the United States, the Soviet Union, the Communist regime in China, North Viet Nam and others solemnly undertook to respect the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos;

Whereas in violation of these undertakings the Communist regime in North Viet Nam, with the aid and support of the Communist regime in China, has engaged in aggression against the independence, unity and territorial integrity of Laos by maintaining forces on Laotian territory, by the use of that territory for the infiltration of arms and equipment into South Viet Nam, and by providing direction, men and equipment for persistent armed attacks against the Government of (words illegible);

Whereas in the face of this Communist aggression the Government of National Unification and the non-Communist elements in Laos have striven to maintain the conditions of unity, independence and neutrality envisioned for their country in the Geneva Agreements of 1962;

Whereas the United States has no territorial, military or political ambitions in Southeast Asia, but desires only that the peoples of South Vietnam, Laos and Cambodia should be left in peace by their neighbors to work out their own destinies in their own way, and, therefore, its objective is that the status established for these countries in the Geneva Accords of 1954 and the Geneva Agreements of 1962 should be restored with effective means of enforcement;

Whereas it is essential that the world fully understand that the American people are united in their determination to take all steps that may be necessary to assist the peoples of South Viet Nam and Laos to maintain their independence and political integrity.

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled:

That the United States regards the preservation of the independence and integrity of the nations of South Viet Nam and Laos as vital to its national interest and to world peace;

Sec. 2. To this end, if the President determines the necessity thereof, the United States is prepared, upon the request of the Government of South Viet Nam or the Government of Laos, to use all measures, including the commitment of armed forces to assist that government in the defense of its independence and territorial integrity against aggression or subversion supported, controlled or directed from any Communist country.

Sec. 3. (a) The President is hereby authorized to use for assistance under this joint resolution not to exceed $—— during the fiscal year 1964, and not to exceed $—— during the fiscal year 1965, from any appropriations made available for carrying out the provisions of the Foreign Assistance Act of 1961, as amended, in accordance with the provisions of that Act, except as otherwise provided in this joint resolution. This authorization is in addition to other existing authorizations with respect to the use of such appropriations.

(b) Obligations incurred in carrying out the provisions of this joint resolution may be paid either out of appropriations for military assistance or appropriations for other than military assistance except that appropriations made available for Titles I, III, and VI of Chapter 2, Part I, of the Foreign Assistance Act of 1961, as amended, shall not be available for payment of such obligations.

(c) Notwithstanding any other provision of the Foreign Assistance Act of 1961, as amended, when the President determines it to be important to the security of the United States and in furtherance of the purposes of this joint resolution, he may authorize the use of up to $—— of funds available under subsection (a) in each of the fiscal years 1964 and 1965 under the authority of section 614(a) of the Foreign Assistance Act of 1961, as amended, and is authorized to use up to $—— of such funds in each such year pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient [words illegible].

(d) Upon determination by the head of any agency making personnel available under authority of section 627 of the Foreign Assistance Act of 1961, as amended, or otherwise under that Act, for purposes of assistance under this joint resolution, any officer or employee so made available may be provided compensation and allowances at rates other than those provided by the Foreign Service Act of 1946, as amended, the Career Compensation Act of 1949, as amended, and the Overseas Differentials and Allowances Act to extent necessary to carry out the purposes of this joint resolution. The President shall prescribe regulations under which such rates of compensation and allowances may be provided. In addition, the President may utilize such provisions of the Foreign Service Act of 1946, as amended, as he deems appropriate to apply to personnel of any agency carrying out functions under this joint resolution.

CABLE FROM TAYLOR WARNING ON THE "MARCH NORTH" CAMPAIGN

(Excerpts from cablegram from Ambassador Taylor in Saigon to the State Department, July 25, 1964.)

The GVN public campaign for "Marching North" (reported EMBTEL 201) may take several courses. In the face of US coolness and absence of evidence of real grassroots support outside certain military quarters, it may die down for a while although it is hardly likely to disappear completely. On the other hand, the proponents of a "Quick Solution" may be able to keep it alive indefinitely as an active issue, in which case it is likely to foment an increasing amount of dissatisfaction with the US (assuming that we continue to give it no support) to the serious detriment of our working relations with the GVN and hence of the ultimate chances of success of the in-country pacification program. In such a case, Vietnamese leaders in and out of government, unable to find a vent to their frustration in "Marching North" may seek other panaceas in various forms of negotiation formulas. General Khanh may find in the situation an excuse or a requirement to resign.

Finally, this "March North" fever can get out of hand in an act of rashness—one maverick pilot taking off for Hanoi with a load of bombs—which could touch off an extension of hostilities at a time and in a form most disadvantageous to US interests.

Faced with these unattractive possibilities, we propose a course of action designed to do several things.

We would try to avoid head-on collision with the GVN which unqualified US opposition to the "March North" campaign would entail. We could do this by expressing a willingness to engage in joint contingency planning for various forms of extended action against GVN [sic]. Such planning would not only provide an outlet for the martial head of steam now dangerously compressed but would force the generals to look at the hard facts of life which lie behind the neon lights of the "March North" slogans. This planning would also gain time badly needed to stabilize this government and could provide a useful basis for military action if adjudged in our interest at some future time. Finally, it would also afford US an opportunity, for the first time, to have a frank discussion with GVN leaders concerning the political objectives which they would envisage as the purposes inherent in military action against the DRV. . . .

It would be important, however, in initiating such a line of action that we make a clear record that we are not repeat not assuming any commitment to supplement such plans. . . .

U.S. NOTE TO CANADA ON POINTS FOR ENVOY TO RELAY TO HANOI

(United States note delivered at the Canadian Embassy in Washington, Aug. 8, 1964, for transmission to J. Blair Seaborn, Canadian member of the International Control Commission.)

Canadians are urgently asked to have Seaborn during August 10 visit make following points (as having been conveyed to him by US Government since August 6):

A. Re Tonkin Gulf actions, which almost certainly will come up:

1. The DRV has stated that Hon Ngu and Hon Me islands were attacked on July 30. It should be noted that the USS Maddox was all of that day and into the afternoon of the next day, over 100 miles south of those islands, in international waters near the 17th parallel, and that the DRV attack on the Maddox took place on August 2nd, more than two days later. Neither the Maddox or any other destroyer was in any way associated with any attack on the DRV islands.

2. Regarding the August 4 attack by the DRV on the two US destroyers, the Americans were and are at a complete loss to understand the DRV motive. They had decided to absorb the August 2 attack on the grounds that it very well might have been the result of some DRV mistake or miscalculation. The August 4 attack, however—from the determined nature of the attack as indicated by the radar, sonar, and eye witness evidence both from the ships and from their protecting aircraft—was, in the American eyes, obviously deliberate and planned and ordered in advance. In addition, premeditation was shown by the evidence that the DRV craft were waiting in ambush for the destroyers. The attack did not seem to be in response to any action by the South Vietnamese nor did it make sense as a tactic to further any diplomatic objective. Since the attack took place at least 60 miles from nearest land, there could have been no question about territorial waters. About the only reasonable hypothesis was that North Vietnam was intent either upon making it appear that the United States was a "paper tiger" or upon provoking the United States.

3. The American response was directed solely to patrol craft and installations acting in direct support of them. As President Johnson stated: "Our response for the present will be limited and fitting."

4. In view of uncertainty aroused by the deliberate and unprovoked DRV attacks this character, US has necessarily carried out precautionary deployments of additional air power to SVN and Thailand.

B. Re basic American position:

5. Mr. Seaborn should again stress that US policy is simply that North Vietnam should contain itself and its ambitions

within the territory allocated to its administration by the 1954 Geneva Agreements. He should stress that US policy in South Vietnam is to preserve the integrity of that state's territory against guerrilla subversion.

6. He should reiterate that the US does not seek military bases in the area and that the US is not seeking to overthrow the Communist regime in Hanoi.

7. He should repeat that the US is fully aware of the degree to which Hanoi controls and directs the guerrila action in South Vietnam and that the US holds Hanoi directly responsible for that action. He should similarly indicate US awareness of North Vietnamese control over the Pathet Lao movement in Laos and the degree of North Vietnamese involvement in that country. He should specifically indicate US awareness of North Vietnamese violation of Laotian territory along the infiltration route into South Vietnam.

8. Mr. Seaborn can again refer to the many examples of US policy in tolerance of peaceful coexistence with Communist regimes, such as Yugoslavia, Poland, etc. He can hint at the economic and other benefits which have accrued to those countries because their policy of Communism has confined itself to the development of their own national territories and has not sought to expand into other areas.

9. Mr. Seaborn should conclude with the following new points:

a. That the events of the past few days should add credibility to the statement made last time, that "US public and official patience with North Vietnamese aggression is growing extremely thin."

b. That the US Congressional Resolution was passed with near unanimity, strongly reaffirming the unity and determination of the US Government and people not only with respect to any further attacks on US military forces but more broadly to continue to oppose firmly, by all necessary means, DRV efforts to subvert and conquer South Vietnam and Laos.

c. That the US has come to the view that the DRV role in South Vietnam and Laos is critical. If the DRV persists in its present course, it can expect to continue to suffer the consequences.

d. That the DRV knows what it must do if the peace is to be restored.

e. That the US has ways and means of measuring the DRV's participation in, and direction and control of, the war on South Vietnam and in Laos and will be carefully watching the DRV's response to what Mr. Seaborn is telling them.

WILLIAM BUNDY MEMO ON ACTIONS AVAILABLE TO U.S. AFTER TONKIN

(Excerpts from second draft of a memorandum, "Next Courses of Action in Southeast Asia," by William P. Bundy, Assistant Secretary of State for Far Eastern Affairs, Aug. 11, 1964. A summary was cabled to the Pacific command and the embassies in Saigon and Vientiane on Aug. 14 with requests for comments. According to the Pentagon study, the full draft was edited in the office of Assistant Secretary of Defense John T. McNaughton. Words that were deleted at that time are shown below in double parentheses; words that were inserted at that time are shown in italics. Small Caps denotes underlining in the original document. Also, according to the McNaughton office's editing, the second paragraph, beginning "We have agreed . . ." was to be moved below, to follow the heading "Phase One—'Military Silence' (through August).")

I. INTRODUCTION

This memorandum examines the courses of action the US might pursue, commencing in about two weeks, assuming that the Communist side does not react further the [sic] the events of last week.

We have agreed that the intervening period will be in effect a short holding phase, in which we would avoid actions that would in any way take the onus off the Communist side for escalation . . .

III. ESSENTIAL ELEMENTS OF U.S. POLICY

A. South Viet-Nam is still the main theater Morale and momentum there must be maintained This means:

1. We must devise means of action that, *for minimum risks,* get maximum results ((*for minimum risks*)) *in terms of morale in SVN and pressure on NVN*

2. We must continue to oppose any Viet-Nam conference, and must play the prospect of a Laos conference very carefully. We must particularly avoid any impression of rushing to a Laos conference, and must show a posture of general firmness into which an eventual Laos conference would fit without serious loss.

3. We particularly need to keep our hands free for at least limited measures against the Laos infiltration areas. . . .

C. *Solution.* Basically, a solution in both South Viet-Nam and Laos will require a combination of *military* pressures and some form of communication under which Hanoi (and Peiping) eventually accept the idea of getting out.[1] Negotiation without continued pressure, indeed without continued military action will not achieve our objectives in the foreseeable future. But *military* pressure could be accompanied by attempts to communicate with Hanoi and perhaps Peiping—through third-country channels, through side conversations around a Laos conference of any sort—PROVIDED always that we make it clear both to the Communists and to South Viet-Nam that the pressure will continue until we have achieved our objectives. After, BUT ONLY AFTER, we have ((established a)) *know that North Vietnamese are hurting and that the* clear pattern of pressures *has dispelled suspicions of our motives,* we could ((then)) accept a conference broadened to include the Viet-Nam issue. (The UN now looks to be out as a communication forum, though this could conceivably change.)

IV. TIMING AND SEQUENCE OF ACTIONS

A. PHASE ONE—"Military Silence" (through August) (see p. 1)

(A.) B. PHASE TWO—Limited pressures (September through December)

There are a number of limited actions we could take that would tend to maintain the initiative and the morale of the GVN and Khanh, but that would not involve major risks of escalation. Such actions could be such as to foreshadow stronger measures to come, though they would not in themselves go far to change Hanoi's basic actions.

1. 34A. OPERATIONS could be overtly acknowledged and justified by the GVN. Marine operations could be strongly defended on the basis of continued DRV sea infiltration, and successes could be publicized. LEAFLET OPERATIONS could also be admitted and defended, again on the grounds of meeting DRV efforts in the South, and their impunity (we hope) would tend to have its own morale value in both Vietnams. AIR-DROP OPERATIONS are more doubtful; their justification is good and less clear than the other operations, and their successes have been few. With the others admitted, they could be left to speak for themselves—and of course security would forbid any mention of specific operations before they succeeded.

2. JOINT PLANNING[2] between the US and the GVN already covers possible actions against the DRV and also against the Panhandle. It can be used in itself to maintain the morale of the GVN leadership, as well as to control and inhibit any unilateral GVN moves. With 34A outlined, it could be put right into the same framework. We would not ourselves publicize this planning but it could be leaked (as it probably would anyway) with desirable effects in Hanoi and elsewhere.

3. STEPPED-UP TRAINING OF VIETNAMESE ON JET AIRCRAFT should now be undertaken in any event in light of the presence of MIG's in North Vietnam. The JCS are preparing a plan, and the existence of training could be publicized both for its morale effect in the GVN and as a signal to Hanoi of possible future action.

4. CROSS-BORDER OPERATIONS INTO THE PANHANDLE could be conducted on a limited scale. To be successful, GROUND OPERATIONS would have to be so large in scale as to be beyond what the GVN can spare, and we should not at this time consider major US or Thai ground action from the Thai side. But on the AIR SIDE, there are at least a few worthwhile targets in the infiltration areas, and these could be hit by U.S. *and/or* (([deleted phrase illegible] and by)) GVN air. Probably we should use both *(query if US strike should be under a [word illegible] cover)* US & GVN; probably we should avoid publicity so as not to embarrass Souvanna; the Communist side might squawk, but in the past they have been silent on this area. *The strikes should probably be timed and plotted on the map to bring them to the borders of North Vietnam at the end of December.*

5. DESOTO patrols could be reintroduced at some point. Both for present purposes and to maintain the credibility of our account of the events of last week, they must be clearly dissociated from 34A operations both in fact and in physical appearance. [Sentence deleted here is illegible.] In terms of course patterns, we should probably avoid penetrations of 11 miles or so and stay at least 20 miles off; whatever the importance of asserting our view of territorial waters, it is less than the international drawbacks of appearing to provoke attack unduly. [Previous sentence is marked in handwriting "disagree."]

6. SPECIFIC TIT-FOR-TAT ACTIONS could be undertaken for any *VC or DRV activity suited to the treatment.* [Deleted sentence illegible.] *These would be "actions of opportunity."* As Saigon 377 points out, the VC have "unused dirty tricks" such as mining (or attacks) in the Saigon River, sabotage of major POL stocks, and terrorist attacks on US dependents. The first two, at least, would lend themselves to prompt and precise reprisal, e.g., by mining the Haipong channel and attacking the Haipong POL storage. Terrorism against US dependents would be harder to find the right reprisal target, and reprisal has some disadvantages in that it could be asked why this was different from the regular pattern of terrorism against South Vietnamese. However, we should look at possible [deleted word is illegible.] *classes of tit-for-tat situations.*

7. THE SEQUENCE AND MIX OF US AND GVN actions need careful thought. At this point, both the GVN role ((and)) *in the actions and the* rationales directly ((related)) *relating the actions* to what is being done to the GVN should be emphasized. Overt 34A actions should ((certainly)) be the first moves, and the GVN might go first in air attacks on the Panhandle. But there are advantages in other respects to actions related to US forces. If we lost an aircraft in the Panhandle ((or a U-2 over the DRV)) we could act hard and fast, and of course similarly for any attack on the DESOTO patrols. *The loss of a U-2 over NVN does not offer as good a case.* Probably the sequence should be played somewhat by ear.

Summary. The above actions are in general limited and controllable. However, if we accept—as of course we must—the necessity of prompt retaliation especially for attacks on our own forces, they could amount to at least a pretty high noise level that might stimulate some pressures for a conference. The problem is that these actions

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Footnotes at end of article.

are not in themselves a truly coherent program of strong enough pressures either to bring Hanoi around or to sustain a pressure posture into some kind of discussions. Hence, while we might communicate privately to Hanoi while all this was going on, we should continue absolutely opposed to any conference.

((B)) *C. Phase Three*—More Serious Pressures. (*January 1965 and following*).

All the above actions would be foreshadowing systematic military action against the DRV, and we might at some point conclude that such action was required either because of incidents arising from the above actions or because of deterioration in the situation in South Viet-Nam, particularly if there were to be clear evidence of greatly increased infiltration from the north. However, in the absence of such major new developments, we should probably be thinking of a contingency date, as suggested by Ambassador Taylor, of 1 January 1965. Possible categories of action ((are)) *beginning at about that time, are:*

1. ACTION AGAINST INFILTRATION ROUTES AND FACILITIES is probably the best opening gambit. *It would follow logically the actions in the Sept.-Dec. Phase Two.* It could be justified by evidence that infiltration was continuing and, in all probability, increasing. The family of infiltration-related targets starts with clear military installations near the borders. It can be extended almost at will northward, to inflict progressive damage that would have a meaningful cumulative effect and would always be keyed to one rationale.

2. ACTION *in the DRV* against selected military-related targets would appear to be the next upward move. POL installations and the mining of Haiphong Harbor (to prevent POL, import as its rationale) would be spectacular actions, as would action against key bridges and railroads. All of these could probably be designed so as to avoid major civilian casualties.

3. BEYOND THESE POINTS it is probably not useful to think at the present time. . . .

FOOTNOTES

[1] We have never defined precisely what we mean by "getting out"—what actions, what proofs, and what future guarantees we would accept. A small group should work on this over the next month. *The actions we want the DRV to take are probably these:*

(*a*) *Stop training and sending personnel to wage war in SVN and Laos.*

(*b*) *Stop sending arms and supplies to SVN and Laos.*

(*c*) *Stop directing and controlling military actions in SVN and Laos.*

(*d*) *Order the VC and PL to stop their insurgencies and military actions.*

(*e*) *Remove VM forces and cadres from SVN and Laos.*

(*f*) *See that VC and PL stop attacks and incidents in SVN and Laos.*

(*g*) *See that VC and PL cease resistance to government forces.*

(*h*) *See that VC and PL turn in weapons and relinquish bases.*

(*i*) *See that VC and PL surrender for amnesty or expatriation.*

[2] *This is in Phase One also*

Summary of Taylor's Report Sent to McNamara by Joint Chiefs

(Excerpts from Summary of Ambassador Taylor's first mission report from Saigon, on Aug. 10, 1964; as transmitted on Aug. 14 by Col. A. R. Brownfield, acting special assistant to the Joint Chiefs of Staff for counterinsurgency and special activities, to Secretary McNamara, through Col. Alfred J. F. Moody, the Secretary's military assistant. Colonel Brownfield's covering memorandum said this summary had also been supplied to Gen. Earle G. Wheeler, Chairman of the Joint Chiefs, and to Deputy Secretary of Defense Cyrus R. Vance, for their appearance before the House Armed Services Committee on Aug. 18.)

. . . The basis of this report and monthly reports hereafter are the results of a country-wide canvass of responsible U.S. advisors and observers. The canvass dealt with: Army and public morale, combat effectiveness of military units, U.S./GVN counterpart relationships, and effectiveness of GVN officials.

In broad terms, the canvass results are surprisingly optimistic at the operational levels of both the civil and military organizations. This feeling of optimism exceeds that of most senior U.S. officials in Saigon. Future reports should determine who is right.

VIET CONG SITUATION

Strategy: The communist strategy as defined by North Vietnam and the puppet National Liberation Front is to seek a political settlement favorable to the communists. This political objective to be achieved by stages, passing first through "neutralism" using the National Liberation Front machinery, and then the technique of a coalition government.

Tactics: The VC tactics are to harass, erode and terrorize the VN population and its leadership into a state of demoralization without an attempt to defeat the RVNAF or seize and conquer terrain by military means. U.S./GVN progress should be measured against this strategy and these tactics.

Status: In terms of equipment and training, the VC are better armed and led today than ever in the past.

VC infiltration continues from Laos and Cambodia.

No indication that the VC are experiencing any difficulty in replacing their losses in men and equipment.

No reason to believe the VC will risk their gains in an overt military confrontation with GVN forces, although they have a sizable force with considerable offensive capability in the central highlands.

GVN SITUATION

Political: The slow pace of the CI campaign and the weakness of his government has caused Khanh to use the March North theme to rally the homefront, and offset the war weariness.

US observers feel the symptoms of defeatism are more in the minds of the inexperienced and untried leadership in Saigon than in the people and the Army.

We may face mounting pressure from the GVN to win the war by direct attack on Hanoi which if resisted will cause local politicians to seriously consider negotiation or local soldiers to consider a military adventure without US consent.

For the present, the Khanh government has the necessary military support to stay in power.

It is estimated that Khanh has a 50–50 chance of lasting out the year.

The government is ineffective, beset by inexperienced ministers who are jealous and suspicious of each other.

Khanh does not have confidence or trust in most of his ministers and is not able to form them into a group with a common loyalty and purpose.

There is no one in sight to replace Khanh.

Khanh has, for the moment, allayed the friction between the Buddhists and Catholics.

Khanh has won the cooperation of the Hoa Hao and Cao Dai.

Khanh has responded to our suggestions for improved relations between GVN and US Mission.

The population is confused and apathetic.

Khanh has not succeeded in building active popular support in Saigon.

Population support in the countryside is directly proportionate to the degree of GVN protection.

There are grounds to conclude that no sophisticated psychological approach is necessary to attract the country people to the GVN at this time. The assurance of a reasonably secure life is all that is necessary.

The success of US attacks on North Vietnam, although furnishing a psychological lift to the GVN, may have whetted their appetite for further moves against the DRV. . . .

Military: The regular and paramilitary personnel strengths are slowly rising and by January 1965 should reach 98% of the target strength of 446,000.

The RVNAF desertion rate has decreased to .572% or ½ the rate of last March.

Three VNAF squadrons of A–1H aircraft will be combat ready by 30 September 1964 and the fourth by 1 December 1964 with a two to one pilot to cockpit ratio.

The evaluation of RVNAF units reports the following number combat effective:

28 of 30 regiments

100 of 101 infantry, marine and airborne battalions

17 of 20 ranger battalions

19 of 20 engineer battalions

The principal defects are low present for duty strengths and weak leaderships at the lower levels. Both are receiving corrective treatment.

Extensive intelligence programs are underway to improve our intelligence capability by the end of the year.

GVN OVERALL OBJECTIVE

Increase in percentage of population control represents progress toward stabilizing the in-country situation. Using July figures as a base, the following percentages should be attainable.

[In percent]

	Rural		Urban	
	July 31, 1964	Dec. 31, 1964	July 31, 1964	Dec. 31 1964
GVN control	33	40	44	47
VC control	20	16	18	14
Contested	47	44	42	39

US MISSION OBJECTIVES

Do everything possible to bolster the Khanh Government.

Improve the in-country pacification campaign against the VC.

Concentrating efforts on strategically important areas such as the provinces around Saigon (The Hop Tac Plan).

Undertake "show-window" social and economic projects in secure urban and rural areas.

Be prepared to implement contingency plans against North Vietnam with optimum readiness by January 1, 1965.

Keep the US public informed of what we are doing and why. . . .

Pacific Commander's Evaluation of Washington's Action Scenario

(Excerpts from cablegram from Adm. U. S. Grant Sharp, commander of Pacific forces to Joint Chiefs of Staff, "Next Courses of Action in Southeast Asia," Aug. 17, 1964)

2. Recent U.S. military actions in Laos and North Vietnam demonstrated our intent to move toward our objectives. Our operations and progress in Laos constitute one step along the route. Our directness and rapidity of reaction in bombing North Vietnamese installations and deploying U.S. combat forces to Southeast Asia were others. Each step played a part. Their effect was to interrupt the continually improving Communist posture, catch the imagination of the Southeast Asian peoples, provide some lift to morale, however temporary, and force CHICOM/DRV assessment or reassessment of U.S. intentions. But these were only steps along the way. What we have not done and must do is to make plain to Hanoi and Peiping the cost of pursuing their current objectives and impeding ours. An essential element of our military action in this course is to proceed in the development of our physical readiness posture: deploying troops, ships, aircraft, and logistic resources in a manner which accords a maximum freedom of action.

This is the thrust we should continue to pursue, one which is intended to provide more than one feasible course for consideration as the changed and changing Southeast Asian situation develops. Remarks in the paragraphs which follow are submitted in light of this assessment and with the view that pressures against the other side once instituted should not be relaxed by any actions or lack of them which would destroy the benefits of the rewarding steps previously taken in Laos and North Vietnam. . . .

3. PARA I

The proposed two weeks suspension of operations is not in consonance with desire to get the message to Hanoi and Peiping. Pierce Arrow showed both force and restraint. Further demonstration of restraint alone could easily be interpreted as period of second thoughts about Pierce Arrow and events leading thereto as well as sign of weakness and lack of resolve. Continuous and effective pressure should be implied to the Communists in both the PDJ and panhandle. Consequently, concur in continued RECCE of DRV, panhandle and PDJ. Concur in attempt to secure Phou Kout and continued T-28 and Triangle operations. Resumption of 34A actions and Desoto Patrols is considered appropriate. Each can be carefully conducted to avoid interference with the other. . . .

7. PARA III A 1

Concur that South Vietnam is current hot spot and main concern in S.E. Asia. RVN cannot be reviewed apart from S.E. Asia. It is merely an area in a large theater occupied by the same enemy. Action to produce significant results in terms of pressure on DRV and improvements of morale in RVN must entail risk. Temptation toward zero action and zero risk must be avoided. . . .

11. PARA III C

Concur with the thesis set forth that we make clear to all that military pressure will continue until we achieve our objectives. Our actions must keep the Communists apprehensive of what further steps we will take if they continue their aggression. In this regard, we have already taken the large initial step of putting U.S. combat forces into Southeast Asia. We must maintain this posture; to reduce it would have a dangerous impact on the morale and will of all people in Southeast Asia. And we must face up to the fact that these forces will be deployed for some time and to their need for protection from ground or air attack. RVN cannot provide necessary ground security without degradation of the counterinsurgency effort and has little air defense capability. A conference to include Vietnam, before we have overcome the insurgency, would lose U.S. our allies in Southeast Asia and represent a defeat for the United States.

12. PARA IV A 1

Knowledge of success of 34A operations would have a highly beneficial effect morale in the RVN. Suggest that these operations might be leaked to the press rather than overtly acknowledging them. 34A operations should be resumed to keep up external pressure on the DRV.

20. In considering more serious pressure, we must recognize that immediate action is required to protect our present heavy military investment in RVN. We have introduced large amounts of expensive equipment into RVN and a successful attack against Bien Hoa, Tan Son Nhut, Danang, or an installation such as a radar or communication site would be a serious psychological defeat for U.S. MACV reports that inability of GVN to provide requisite degree of security and therefore we must rely on U.S. troops. MACV has requested troops for defense of the three locations mentioned above. My comments on this request are being transmitted by separate message. In addition to the above, consideration should be given to creating a U.S. base in RVN. A U.S. base in RVN would provide one more indication of our intent to remain in S.E. Asia until our objectives are achieved. It could also serve as a U.S. command point or control center in event of the chaos which might follow another coup. By an acknowledged concrete U. (as received) commitment, beyond the advisory effort, it informs the Communists that an overt attack on the RVN would be regarded as a threat to U.S. forces. Such a base should be accessible by air and sea, possessed of well developed facilities and installations, and located in an area from which U.S. operations could be launched effectively. Danang meets these criteria. . . .

22. In conclusion, our actions of August 5 have created a momentum which can lead to the attainment of our objectives in S.E. Asia. We have declared ourselves forcefully both by overt acts and by the clear readiness to do more, it is most important that we not lose this momentum.

STATE DEPARTMENT AIDE'S REPORT ON ACTIONS TAKEN AFTER TONKIN

(Part VIII, "Immediate Actions in the Period Prior to Decision," of an outline for Assistant Secretary Bundy, Nov. 7, 1964. Markings indicate that it was drafted by Deputy Assistant Secretary of State Marshall Green.)

The US, together with the RLG and GVN, are involved in a number of operations—34-A, Yankee Team, Recce, and RLAF T-28 ops—designed to warn and harass North Vietnam and to reduce enemy capabilities to utilize the Lao Panhandle for reinforcing the Vietcong in South Vietnam and to cope with PL/VM pressures in Laos. The US also has under consideration De Soto Patrols and Cross Border Ground Operations. The present status and outlook of these operations are described below, together with a checklist of outstanding problems relating to each of the field operations.

In general the working group is agreed that our aim should be to maintain present signal strength and level of harassment, showing no signs of lessening of determination but also avoiding actions that would tend to prejudge the basic decision.

A. OPLAN 34–A

Although not all of Oplan 34–A was suspended after the first Tonkin Gulf incident, in effect little was accomplished during the remainder of August and the month of September. Several successful maritime and airborne operations have been conducted under the October schedule. A schedule for November is under discussion and will probably be approved November 7.

1. Maritime operations

Since the resumption of Marops under the October schedule, the following have been completed:

Recon L Day (Oct. 4) Probe to 12 miles of Vinh Sor.

Recon L + 2 (Oct. 10) Probe 12 miles of Vinh Sor.

Loki IV L + 5 Junk capture failed.

32 & 45 E L 8 (Oct. 28/29) Bombard Vin Son radar and Mui Dai observation post.

The following operation was refused approval:

44c L + 10 Demolition by frog men supported by fire team of bridge on Route 1.

Currently approved is:

34B L + 12 (Nov. 4, on) Bombardment of barracks on Hon Matt and Tiger Island.

The following maritime operations remain on the October schedule and presumably will appear on the November schedule along with some additional similar operations:

L + 13 Capture of prisoner by team from PTF.

L + 15 Junk capture.

L + 19 Bombard Cap Mui Ron and Tiger Island

L + 25 Bombard Yen Phu and Sam Son radar

L + 28 Blow up Bridge Route 1 and bombard Cap Mui Dao

L + 30 Return any captives from L + 1 15

L + 31 Bombard Hon Ne and Hon Me

L + 36 Blow up pier at Phuc Loi and bombard Hon Ngu

L + 38 Cut Hanoi-Vinh rail line

L + 41 Bombard Dong Hoi and Tiger Island

L + 24 Bombard Nightingale Island.

2. AIRBORNE OPERATIONS

Five teams and one singleton agent were in place at the beginning of October. Since then one of the teams has been resupplied and reinforced. The remaining four were scheduled to be resupplied and reinforced but weather prevented flights. These operations, plus the dropping of an additional team, will appear on the November schedule.

Two of the teams carried out successful actions during October. One demolished a bridge, the other ambushed a North Vietnamese patrol. Both teams suffered casualties, the latter sufficient to cast doubt on the wisdom of the action.

3. PSYCHOLOGICAL OPERATIONS

Both black and white radio broadcasts have been made daily. Black broadcasts have averaged eight to ten hours weekly, white broadcasts sixty hours weekly.

Letters posted through Hong Kong have averaged about from 50 to 100 weekly.

During September and October only one leaflet delivery was made by air. This was done in conjunction with a resupply mission.

The November schedule will call for a large number of leaflet and deception operations.

4. RECONNAISSANCE FLIGHTS

An average of four flights per week have covered the bulk of Oplan 34–A targets.

PROBLEMS

1. Surfacing of Marops—The question of whether to surface Marops remains unresolved. While Washington has suggested this be done, General Khanh has been reluctant to do so. It is argued that surfacing the operations would enable the US to offer some protection to them; the counterargument postulates US involvement in North Vietnam and consequent escalation.

2. Security of Operations—The postponement of an operation, whether because of unfavorable weather or failure of Washington to approve at the last moment, jeopardizes the operation. Isolation of teams presents hazards.

3. Base Security—After the Bien Hoa shelling some attention has been given to the security of the Danang base. Perimeter guard has been strengthened, but action remains to be taken for marine security, although a survey is underway.

4. Team welfare—In-place teams Bell and Easy have been in dire need of supplies for several weeks. Weather has prevented resupply, which will be attempted again during the November moon phase.

5. NVN Counteraction—The capability of the North Vietnamese against Marops has improved somewhat, although not yet sufficiently to frustrate these operations.

B. YANKEE TEAM OPERATIONS

For several months now the pattern of Yankee Team Operations has [words illegible] a two-week period and about ten flights during the same time interval [words illegible] for Panhandle coverage. Additionally, we have recently been authorized a maximum of two shallow penetration flights daily to give comprehensive detailed coverage of cross border penetration. We have also recently told MACV that we have a high priority requirement for night photo recce of key motorable routes in Laos. At present about 2 nights recce flights are flown along Route 7 areas within a two-week span.

YT supplies cap for certain T-28 corridor strikes. Cap aircraft are not authorized to participate in strike or to provide suppressive fire.

Pending questions include: (a) whether YT strikes should be made in support of RLAF T-28 corridor operations; (b) whether YT recce should be made of areas north of 20° parallel; (c) YT suppressive attacks against Route 7, especially Ban Ken Bridge; and (d) YT activity in event of large-scale ground offensive by PL (this issue has not arisen but undoubtedly would, should the PL undertake an offensive beyond the capabilities of Lao and sheep-dipped Thai to handle).

C. T-28 OPERATIONS

There are now 27 T-28 (including three RT-28) aircraft in Laos, of which 22 are in operation. CINCPAC has taken action, in response to Ambassador Unger's request to build this inventory back up to 40 aircraft for which a pilot capability, including Thai, is present in Laos.

The T-28's are conducting the following operations:

1. General harassing activities against Pathet Lao military installations and movement, primarily in Xieng Khouang and Sam Neua Provinces. This also includes efforts to interdict Route 7.

2. Tactical support missions for Operation Anniversary Victory No. 2 (Saleumsay), the FAR-Meo clearing operation up Route 4 and north of Tha Thom.

3. Tactical support for Operation Victorious Arrow (Sone Sail), a FAR clearing operations in southern Laos.

4. Strikes on targets of opportunity, including in support of FAR defensive actions such as at Ban Khen northwest Thakhek.

5. Corridor interdiction program. The original targets under this program have been hit and plans are now underway to hit four additional targets (including in the Tchepone area), plus restriking some of the original 13 targets. Ambassador Unger has submitted for approval under this program 6 additional targets.

6. The Ambassador has been authorized to discuss with the RLAF RT-28 reconnaissance in northwest Laos along the area just north of and to the east and west of the line from Veng Phou Kha-Muong Sai.

In recent weeks, the T-28's have been dropping a large number of surrender leaflets on many of their missions. These have already led, in some cases, to PL defections.

US participation in SAR operations for downed T-28's, is authorized.

We are faced by the following problems in connection with the T-28's:

1. Authority for Yankee Team aircraft to engage in suppressive strikes in the corridor area, in support of the T-28 strike program there, has not been given as yet.

2. Also withheld is authorization for YT suppressive fire attack on Ban Ken Bridge on Route 7.

3. We are investigating reports of greatly increased truck movement along Route 7 as well as enemy build-up of tanks and other equipment just across the border in NVN. Counteraction may be required involving attack on Ban Ken.

4. Thai involvement, Hanoi claims to have shot down a T-28 over DRV territory on August 18 and to have captured the Thai pilot flying the plane. Although the information the North Vietnamese have used in connection with this case seems to be accurate, it is not clear the pilot is alive and can be presented to the ICC. The possibility cannot be excluded, however, nor that other Thai pilots might be captured by the PL.

5. The DRV claims T-28's have violated North Vietnamese airspace and bombed/strafed NVN villages on August 1 and 2, and on October 16 and 17 and again on October 28. The charges are probably accurate with respect to the first two dates (along Route 7) and the last one (Mu Gia Pass area). The October 16 and 17 strikes were actually in disputed territory which was recognized by the 1954 Geneva Agreements as being in Laos.

6. The Pathet Lao has called to the attention of the ICC T-28 strikes in the corridor area and called for the ICC to stop them and inform the Co-Chairmen. The ICC has already agreed to investigate another PL charge concerning alleged US/SVN activities in the corridor area in violation of the Geneva Agreements.

D. DESOTO PATROLS

Further DeSoto Patrols have been held in abeyance pending top-level decision. Ambassador Taylor (Saigon's 1378) sees no advantage in resuming DeSoto Patrols except for essential intelligence purposes. He believes we should tie our actions to Hanoi's support of Viet Cong, not to the defense of purely US interests.

E. CROSS BORDER GROUND OPERATIONS

Earlier in the year several eight-man reconnaissance teams were parachuted into Laos as part of Operation Leaping Lena. All of these teams were located by the enemy and only four survivors return to RVN. As a result of Leaping Lena, Cross Border Ground Operations have been carefully reviewed and COMUSMACV has stated that he believes no effective Cross Border Ground Operations can be implemented prior to January 1, 1965 at the earliest.

F. COVERT OPERATIONS IN LAOS

Consideration is being given to improving Hardnose (including greater Thai involvement) and getting Hardnose to operate more effectively in the corridor infiltration areas.

No change in status of Kha.

G. OTHER SENSITIVE INTELLIGENCE OPERATIONS

These include "Queen Bee", "Box Top", "Lucky Dragon" and "Blue Springs".

1964 MEMO FROM THE JOINT CHIEFS ON SEPTEMBER'S COVERT RAIDS

(Memorandum from Maj. Gen. Rollen H. Anthis, an Air Force aide to the Joint Chiefs of Staff, to Assistant Secretary of State Bundy and Assistant Secretary of Defense McNaughton, Aug. 27, 1964. The subject of the memorandum was given as "OPLAN 34A—September Schedule.")

1. Attached hereto is COMUSMACV'S proposed schedule of 34A actions for September.

2. All of the actions listed have either been specifically approved previously or are similar to such approved actions. For example, Action (3) (d) was specifically approved by consideration of JCSM-426-64 dated 19 May 1964, while Action (3) (b) is similar to a previously approved action against a security post.

3. The method of attack has been changed in some instances from destruction by infiltration of demolition teams to the concept of standoff bombardment from PTFs. These actions are so indicated in the attachment.

The proposed September 34A actions are as follows:

(1) INTELLIGENCE COLLECTION ACTION

(a) 1-30 September—Aerial photography to update selected targets along with pre and post-strike coverage of approved actions.

(b) 1-30 September—Two junk capture missions; remove captives for 36-48 hours interrogation; booby trap junk with anti-disturbance devices and release; captives returned after interrogation; timing depends upon sea conditions and current intelligence.

(2) PSYCHOLOGICAL OPERATIONS

(a) 1-30 September—In conjunction with approved overflights and maritime operations, delivery of propaganda leaflets, gift kits, and deception devices simulating resupply of phantom teams.

(b) 1-30 September—Approximately 200 letters of various propaganda themes sent through third country mail channels to North Vietnam.

(c) 1-30 September—Black Radio daily 30-minute programs repeated once, purports to be voice of dissident elements in North Vietnam.

(d) 1-30 September—White Radio broadcast of eight-and-one-half hours daily, propaganda "Voice of Freedom".

(3) Maritime Operations.

(a) 1-30 September—Demolition of Route 1 bridge by infiltrated team accompanied by fire support teams, place short-delay charges against spans and caissons, place antipersonnel mines on road approaches. (This bridge previously hit but now repaired).

(b) 1-30 September—Bombard Cape Mui Dao observation post with 81 MM mortars and 40 MM guns from two PTFs.

(c) 1-30 September—Demolition of another Route 1 bridge (see map), concept same as (3) (a) above.

(d) 1-30 September—Bombard Sam Son radar, same as (3) (b).

(e) 1-30 September—Bombard Tiger Island barracks, same as (3) (b).

(f) 1-30 September—Bombard Hon Ngu Island, same as (3) (b).

(g) 1-30 September—Bombard Hon Matt Island, same as (3) (b) and run concurrently with (3) (f).

(h) 1-30 September—Destruction of section of Hanoi-Vinh railroad by infiltrated demolition team supported by two VN marine squads, by rubber boats from PTFs, place short-delay charges and antipersonnel mines around area.

(i) 1-30 September—Bombard Hon Me Island in conjunction with (3) (a) above, concept same as (3) (b).

(j) 1-30 September—Bombard Cape Falaise gun positions in conjunction with (3) (h) above, concept same as (3) (b).

(k) 1-30 September—Bombard Cape Mui Ron in conjunction with junk capture mission, concept same as (3) (b).

(4) Airborne Operations—Light-of-moon period 16-28 September.

(a) Four missions for resupply of inplace teams.

(b) Four missions for reinforcement of inplace teams.

(c) Four mission to airdrop new psyops/sabotage teams depending upon development of drop zone and target information. These are low-key propaganda and intelligence gathering teams with a capability for small-scale sabotage on order after locating suitable targets.

(5) Dates for actual launch of maritime and airborne operations are contingent upon the intelligence situation and weather conditions.

VIETNAM ARCHIVES PENTAGON STUDY TRACES THREE DECADES OF GROWING U.S. INVOLVEMENT

(By Neil Sheehan)

A massive study of how the United States went to war in Indochina, conducted by the Pentagon three years ago, demonstrates that four administration progressively developed a sense of commitment to a non-Communist Vietnam, a readiness to fight the North to protect the South, and an ultimate frustration with this effort—to a much greater extent than their public statements acknowledged at the time.

The 3,000-page analysis, to which 4,000 pages of official documents are appended, was commissioned by Secretary of Defense Robert S. McNamara and covers the American involvement in Southeast Asia from World War II to May, 1968—the start of the peace talks in Paris after President Lyndon B. Johnson had set a limit on further military commitments and revealed his intention to retire. Most of the study and many of the appended documents have been obtained by The New York Times and will be described and presented in a series of articles beginning today.

Though far from a complete history, even at 2.5 million words, the study forms a great archive of government decision-making on Indochina over three decades. The study led its 30 to 40 authors and researchers to many broad conclusions and specific findings, including the following:

That the Truman Administration's decision to give military aid to France in her colonial war against Communist-led Vietminh directly involved" the United States in Vietnam and "set" the course of American policy.

That the Eisenhower Administration's decision to rescue a fledgling South Vietnam from a Communist takeover and attempt to undermine the new Communist regime of North Vietnam gave the Administration a "direct role in the ultimate breakdown of the Geneva settlement" for Indochina in 1954.

That the Kennedy Administration, though ultimately spared from major escalation decisions by the death of its leader, transformed a policy of "limited-risk gamble," which it inherited, into a "broad commitment" that left President Johnson with a choice between more war and withdrawal.

That the Johnson Administration, though the President was reluctant and hesitant to take the final decisions, intensified the covert warfare against North Vietnam and began planning in the spring of 1964 to wage overt war, a full year before it publicly revealed the depth of its involvement and its fear of defeat.

That this campaign of growing clandestine military pressure through 1964 and the expanding program of bombing North Vietnam in 1965 were begun despite the judgment of the Government's intelligence community that the measures would not cause Hanoi to cease its support of the Vietcong insurgency in the South, and that the bombing was deemed militarily ineffective within a few months.

That these four succeeding administrations built up the American political, military and psychological stakes in Indochina, often more deeply than they realized at the time, with large-scale military equipment to the French in 1950; with acts of sabotage and terror warfare against North Vietnam beginning in 1954; with moves that encouraged and abetted the overthrow of President Ngo Dinh Diem of South Vietnam in 1963; with plans, pledges and threats of further action that sprang to life in the Tonkin Gulf clashes in August, 1964; with the careful preparation of public opinion for the years of open warfare that were to follow; and with the calculation in 1965, as the planes and troops were openly committed to sustained combat, that neither accommodation inside South Vietnam nor early negotiations with North Vietnam would achieve the desired result.

The Pentagon study also ranges beyond such historical judgments. It suggests that the predominant American interest was at first containment of Communism and later the defense of the power, influence and prestige of the United States, in both stages irrespective of conditions in Vietnam.

And it reveals a great deal about the ways in which several administrations conducted their business on a fateful course, with much new information about the roles of dozens of senior officials of both major political parties and a whole generation of military commanders.

The Pentagon study was divided into chronological and thematic chapters of narrative and analysis, each with its own documentation attached. The Times—which has obtained all but one of nearly 40 volumes—has collated these materials into major segments of varying chronological length, from one that broadly covers the two decades before 1960 to one that deals intensively with the agonizing debate in the weeks following the 1968 Tet offensive.

The months from the beginning of 1964 to the Tonkin Gulf incident in August were a pivotal period, the study makes clear, and the Times begins its series with this phase.

THE COVERT WAR

The Pentagon papers disclose that in this phase the United States had been mounting clandestine military attacks against North Vietnam and planning to obtain a Congressional resolution that the Administration regarded as the equivalent of a declaration of war. The papers make it clear that these far-reaching measures were not improvised in the heat of the Tonkin crisis.

When the Tonkin incident occurred, the Johnson Administration did not reveal these clandestine attacks, and pushed the previously prepared resolution through both houses of Congress on Aug. 7.

Within 72 hours, the Administration, drawing on a prepared plan, then secretly sent a Canadian emissary to Hanoi. He warned Premier Pham Van Dong that the resolution meant North Vietnam must halt the Communist-led insurgencies in South Vietnam and Laos or "suffer the consequences." [See text, Page 36.]

The section of the Pentagon study dealing with the internal debate, planning and action in the Johnson Administration from the beginning of 1964 to the August clashes between North Vietnamese PT boats and American destroyers—portrayed as a critical period when the groundwork was laid for the wider war that followed—also reveals that the covert military operations had become so extensive by August, 1964, that Thai pilots flying American T–28 fighter planes apparently bombed and strafed North Vietnamese villages near the Laotian border on Aug. 1 and 2.

Moreover, it reports that the Administration was able to order retaliatory air strikes on less than six hours' notice during the Tonkin incident because planning had progressed so far that a list of targets was available for immediate choice. The target list had been drawn up in May, the study reports, along with a draft of the Congressional resolution—all as part of a proposed "scenario" that was to build toward openly acknowledged air attacks on North Vietnam.

Simultaneously, the papers reveal, Secretary McNamara and the Joint Chiefs of Staff also arranged for the deployment of air strike forces to Southeast Asia for the opening phases of the bombing campaign. Within hours of the retaliatory air strikes on Aug. 4 and three days before the passage of the Congressional resolution, the squadrons began their planned moves. [See text.]

"PROGRESSIVELY ESCALATING PRESSURE"

What the Pentagon papers call "an elaborate program of covert military operations against the state of North Vietnam" began on Feb. 1, 1964, under the code name Operation Plan 34A. President Johnson ordered the program, on the recommendation of Secretary McNamara, in the hope, held very faint by the intelligence community, that "progressively escalating pressure" from the clandestine attacks might eventually force Hanoi to order the Vietcong guerrillas and the Pathet Lao to halt their insurrections.

In a memorandum to the President on Dec. 21, 1963, after a two-day trip to Vietnam, Mr. McNamara remarked that the plans, drawn up by the Central Intelligence Agency station and the military command in Saigon, were "an excellent job."

"They present a wide variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk," Mr. McNamara wrote.

President Johnson, in this period, showed a preference for steps that would remain "noncommitting" to combat, the study found. But weakness in South Vietnam and Communist advances kept driving the planning process. This, in turn, caused the Saigon Government and American officials in Saigon to demand ever more action.

Through 1964, the 34A operations ranged from flights over North Vietnam by U-2 spy planes and kidnappings of North Vietnamese citizens for intelligence information, to parachuting sabotage and psychological-warfare teams into the North, commando raids from the sea to blow up rail and highway bridges and the bombardment of North Vietnamese coastal installations by PT boats.

These "destructive undertakings," as they were described in a report to the President on Jan. 2, 1964, from Maj. Gen. Victor H. Krulak of the Marine Corps, were designed "to result in substantial destruction, economic loss and harassment." The tempo and magnitude of the strikes were designed to rise in three phases through 1964 to "targets identified with North Vietnam's economic and industrial well-being."

The clandestine operations were directed for the President by Mr. McNamara through a section of the Joint Chiefs organization called the Office of the Special Assistant for Counterinsurgency and Special Activities. The study says that Mr. McNamara was kept regularly informed of planned and conducted raids by memorandums from General Krulak, who first held the position of special assistant, and then from Maj. Gen. Rollen H. Anthis of the Air Force, who succeeded him in February, 1964. The Joint Chiefs themselves periodically evaluated the operations for Mr. McNamara.

Secretary of State Dean Rusk was also informed, if in less detail.

The attacks were given "interagency clearance" in Washington, the study says, by coordinating them with the State Department and the Central Intelligence Agency, including advance monthly schedules of the raids from General Anthis.

The Pentagon account and the documents shows that William P. Bundy, the Assistant Secretary of State for Far Eastern Affairs, and John T. McNaughton, head of the Pentagon's politico-military operations as the Assistant Secretary of Defense for International Security Affairs, were the senior civilian officials who supervised the distribution of the schedules and the other aspects of interagency coordination for Mr. McNamara and Mr. Rusk.

The analyst notes that the 34A program differed in a significant respect from the relatively low-level and unsuccessful intelligence and sabotage operations that the C.I.A. had earlier been carrying out in North Vietnam.

The 34A attacks were a military effort under the control in Saigon of Gen. Paul D. Harkins, chief of the United States Military Assistance Command there. He ran them through a special branch of his command called the Studies and Observations Group. It drew up the advance monthly schedules for approval in Washington. Planning was done jointly with the South Vietnamese and it was they or "hired personnel," apparently Asian mercenaries, who performed the raids, but General Harkins was in charge.

The second major segment of the Administration's covert war against North Vietnam consisted of air operations in Laos. A force of propeller-driven T–28 fighter-bombers, varying from about 25 to 40 aircraft, had been organized there. The planes bore Laotian Air Force markings, but only some belonged to that air force. The rest were manned by pilots of Air America (a pseudo-private airline run by the C.I.A.) and by Thai pilots under the control of Ambassador Leonard Unger. [See text]

AID FOR THE BOMBING RAIDS

Reconnaissance flights by regular United States Air Force and Navy jets, code-named Yankee Team, gathered photographic intelligence for bombing raids by the T–28's against North Vietnamese and Pathet Lao troops in Laos.

The Johnson Administration gradually stepped by these air operations in Laos through the spring and summer of 1964 in what became a kind of preview of the bombing of the North. The escalation occurred both because of ground advances by the North Vietnamese and the Pathet Lao and because of the Administration's desire to bring more military pressure against North Vietnam.

As the intensity of the T–28 strikes rose, they crept closer to the North Vietnamese border. The United States Yankee Team jets moved from high-altitude reconnaissance at the beginning of the year to low-altitude reconnaissance in May. In June, armed escort jets were added to the reconnaissance missions. The escort jets began to bomb and strafe North Vietnamese and Pathet Lao troops and installations whenever the reconnaissance planes were fired upon.

The destroyer patrols in the Gulf of Tonkin, code-named De Soto patrols, were the third element in the covert military pressures against North Vietnam. While the purpose of the patrols was mainly psychological, as a show of force, the destroyers collected the kind of intelligence on North Vietnamese warning radars and coastal defenses that would be useful to 34A raiding parties or, in the event of a bombing campaign, to pilots. The first patrol was conducted by the destroyer Craig without incident in February and March, in the early days of the 34A operations.

SEPARATE CHAIN OF COMMAND

The analyst states that before the August Tonkin incident there was no attempt to involve the destroyers with the 34A attacks or to use the ships as bait for North Vietnamese retaliation. The patrols were run through a separate naval chain of command.

Although the highest levels of the Administration sent the destroyers into the gulf while the 34A raids were taking place, the Pentagon study, as part of its argument that a deliberate provocation was not intended, in effect says that the Administration did not believe that the North Vietnamese would dare to attack the ships.

But the study makes it clear that the physical presence of the destroyers provided the elements for the Tonkin clash. And immediately after the reprisal air strikes, the Joint Chiefs of Staff and Assistant Secretary of Defense McNaughton put forward a "provocation strategy" proposing to repeat the clash as a pretext for bombing the North.

Of the three elements of the covert war, the analyst cites the 34A raids as the most important. The "unequivocal" American responsibility for them "carried with it an implicit symbolic and psychological intensification of the U.S. commitment," he writes. "A firebreak had been crossed."

The fact that the intelligence community and even the Joint Chiefs also gave the program little chance of compelling Hanoi to stop the Vietcong and the Pathet Lao, he asserts, meant that "a demand for more was stimulated and an expectation of more was aroused."

WARNING BY THE JOINT CHIEFS

On Jan. 2, 1964, a week before the 34A raids started, the Joint Chiefs warned Mr. McNamara in a memorandum signed by the Chairman, Gen. Maxwell D. Taylor, that while "we are wholly in favor of executing the covert actions against North Vietnam . . . it would be idle to conclude that these efforts will have a decisive effect" on Hanoi's will to support the Vietcong.

The Joint Chiefs said the Administration "must make ready to conduct increasingly bolder actions," including "aerial bombing of key North Vietnam targets, using United States resources under Vietnamese cover," sending American ground troops to South Vietnam and employing "United States forces as necessary in direct actions against North Vietnam."

And after a White House strategy meeting on Feb. 20, President Johnson ordered that "contingency planning for pressures against North Vietnam should be speeded up."

"Particular attention should be given to shaping such pressures so as to produce the maximum credible deterrent effect on Hanoi," the order said.

The impelling force behind the Administration's desire to step up the action during this period was its recognition of the steady deterioration in the position of the pro-American government in Laos and South Vietnam, and the corresponding weakening of the United States hold on both countries. North Vietnamese and Pathet Lao advances in Laos were seen as having a direct impact on the morale of the anti-Communist forces in South Vietnam, the central American concern.

This deterioration was also concealed from Congress and the public as much as possible to provide the Administration with maximum flexibility to determine its moves as it chose from behind the scenes.

"THE ROOT OF THE PROBLEM"

The United States found itself particularly unable to cope with the Vietcong insurgency, first through the Saigon military regime of Gen. Duong Van Minh and later through that of Gen. Nguyen Khanh, who seized power in a coup d'état on Jan. 30, 1964. Accordingly, attention focused more and more on North Vietnam as "the root of the problem," in the words of the Joint Chiefs.

Walt W. Rostow, the dominant intellectual of the Administration, had given currency to this idea and provided the theoretical framework for escalation. His concept, first enunciated in a speech at Fort Bragg, N.C., in 1961, was that a revolution could be dried up by cutting off external sources of support and supply.

Where North Vietnam was concerned, Mr. Rostow had evolved another theory—that a credible threat to bomb the industry Hanoi had so painstakingly constructed out of the ruins of the French Indochina War would be enough to frighten the country's leaders into ordering the Vietcong to halt their activities in the South.

In a memorandum on Feb. 13, 1964, Mr. Rostow told Secretary of State Rusk that President Ho Chi Minh "has an industrial complex to protect: he is no longer a guerrilla fighter with nothing to lose."

The Administration was firmly convinced from interceptions of radio traffic between North Vietnam and the guerrillas in the South that Hanoi controlled and directed the Vietcong. Intelligence analyses of the time stated, however, that "the primary sources of Communist strength in South Vietnam are indigenous," arising out of the revolutionary social aims of the Communists and their identification with the nationalist cause during the independence struggle against France in the nineteen-fifties.

The study shows that President Johnson and most of his key advisers would not accept this intelligence analysis that bombing the North would have no lasting effect on the situation in the South, although there was division—even among those who favored a bombing campaign if necessary—over the extent to which Vietcong fortunes were dependent on the infiltration of men and arms from North Vietnam.

William Bundy and Mr. Rusk mentioned on several occasions the need to obtain more evidence of this infiltration to build a case publicly for stronger actions against North Vietnam.

VAST STUDY OF WAR TOOK A YEAR

(By Hedrick Smith)

In June, 1967, at a time of great personal disenchantment with the Indochina war and rising frustration among his colleagues at the Pentagon, Secretary of Defense Robert S. McNamara commissioned a major study of how and why the United States had become so deeply involved in Vietnam.

The project took a year to complete and yielded a vast and highly unusual report of Government self-analysis. It was compiled by a team of 30 to 40 Government officials, civilian and military, many of whom had helped to develop or carry out the policies that they were asked to evaluate and some of whom were simultaneously active in the debates that changed the course of those policies.

While Mr. McNamara turned over his job to Clark M. Clifford, while the war reached a military peak in the 1968 Lunar New Year offensive, while President Johnson cut back the bombing of North Vietnam and announced his plan to retire, and while the peace talks began in Paris, the study group burrowed through Government files.

The members sought to probe American policy toward Southeast Asia from World War II pronouncements of President Franklin D. Roosevelt into the start of Vietnam peace talks in the spring of 1968. They wrote nearly 40 book-length volumes backed up by annexes of cablegrams, memorandums, draft proposals, dissents and other documents.

MANY INCONSISTENCIES

Their report runs to more than 7,000 pages—1.5 million words of historical narratives plus a million words of documents—enough to fill a small crate.

Even so, it is not a complete or polished history. It displays many inconsistencies and lacks a single all-embracing summary. It is an extended internal critique based on the documentary record, which the researchers did not supplement with personal interviews, partly because they were pressed for time.

The study emerged as a middle-echelon and official view of the war, incorporating material from the top-level files of the Defense Department into which flow papers from the White House, the State Department, the Central Intelligence Agency and the Joint Chiefs of Staff.

Some important gaps appear in the study. The researchers did not have access to the complete files of Presidents or to all the memorandums of their conversations and decisions.

Moreover, there are other important gaps in the copy of the Pentagon study obtained by The New York Times. It lacks the section on the secret diplomacy of the Johnson period.

But whatever its limitations, the Pentagon's study discloses a vast amount of new information about the unfolding American commitment to South Vietnam and the way in which the United States engaged itself in that conflict. It is also rich in insights into the workings of government and the reasoning of the men who ran it.

Throughout the narrative there is ample evidence of vigorous, even acrimonious, debate within the Government—far more than Congress, the press and the public were permitted to discover from official pronouncements.

But the Pentagon account and its accompanying documents also reveal that once the basic objective of policy was set, the internal debate on Vietnam from 1950 until mid-1967 dealt almost entirely with how to reach those objectives rather than with the basic direction of policy.

The study related that American governments from the Truman Administration onward felt it necessary to take action to prevent Communist control of South Vietnam. As a rationale for policy, the domino theory—that if South Vietnam fell, other countries would inevitably follow—was repeated in endless variations for nearly two decades.

CONFIDENCE AND APPREHENSIONS

Especially during the nineteen-sixties, the Pentagon study discloses, the Government was confident that American power—or even the threat of its use—would bring the war under control.

But the study reveals that high officials in the Johnson Administration were troubled by the potential dangers of Chinese Communist intervention and felt the need for self-restraint to avoid provoking Peking, or the Soviet Union, into combat involvement.

As some top policy makers came to question the effectiveness of the American effort in mid-1967, the report shows, their policy papers began not only to seek to limit the military strategies on the ground and in the air but also to worry about the impact of the war on American society.

"A feeling is widely and strongly held that 'the Establishment' is out of its mind," wrote John T. McNaughton, Assistant Secretary of Defense, in a note to Secretary McNarama in early May, 1967. Mr. McNaughton, who three years earlier had been one of the principal planners of the air war against North Vietnam, went on to say:

"The feeling is that we are trying to impose some U.S. image on distant peoples we cannot understand (any more than we can the younger generation here at home), and that we are carrying the thing to absurd lengths. Related to this feeling is the increased polarization that is taking place in the United States with seeds of the worst split in our people in more than a century."

At the end of June, 1967, Mr. McNamara—deeply disillusioned with the war—decided to commission the Pentagon study of Vietnam policy that Mr. McNaughton and other high officials had encouraged him to undertake.

Mr. McNamara's instructions, conveyed orally and evidently in writing as well, were for the researcher to pull together the Pentagon's documentary record and, according to one well-placed former official, to produce an "objective and encyclopedic" study of the American involvement.

BROADEST POSSIBLE INTERPRETATION

The Pentagon researchers aimed at the broadest possible interpretation of events. They examined not only the policies and motives of American administrations, but also the effectiveness of intelligence, the mechanics and consequences of bureaucratic compromises, the difficulties of imposing American tactics on the South Vietnamese, the governmental uses of the American press, and many other tributaries of their main story.

The authors reveal, for example, that the American intelligence community repeatedly provided the policy makers with what proved to be accurate warnings that desired goals were either unattainable or likely to provoke costly reactions from the enemy. They cite some lapses in the accuracy of reporting and intelligence, but give a generally favorable assessment of the C.I.A. and other intelligence units.

The Pentagon researchers relate many examples of bureaucratic compromise forged by Presidents from the conflicting proposals of their advisers.

In the mid-fifties, they found, the Joint Chiefs of Staff were a restraining force, warning that successful defense of South Vietnam could not be guaranteed under the limits imposed by the 1954 Geneva accords and agreeing to send in American military advisers only on the insistence of Secretary of State John Foster Dulles.

In the nineteen-sixties, the report found, both Presidents Kennedy and Johnson chose partial measures, overriding advice that some military proposals were valid only as packages and could not be adopted piecemeal.

In examining Washington's constant difficulties with the governments in Saigon, the study found the United States so heavily committed to the regime of the moment and so fearful of instability that it was unable to persuade the South Vietnamese to make the political and economic reforms that Americans deemed necessary to win the allegiance of the people.

Though it ranges widely to explain events, the Pentagon report makes no summary effort to put the blame for the war on any single administration or to find fault with individual officials.

The writers appear to have stood at the political and bureaucratic center of the period, directing their criticisms toward both left and right.

In one section, Senator Eugene J. McCarthy, the antiwar candidate for the 1968 Democratic Presidential nomination, is characterized as "impudent and dovish," and as an "upstart challenger." At another point in the same section the demands of Adm. U. S. Grant Sharp, commander of Pacific forces, for all-out bombing of North Vietnam, are characterized as "fulminations."

For the most part, the writers assumed a calm and unemotional tone, dissecting their materials in detached and academic manner. They ventured to answer key questions only when the evidence was at hand. They found no conclusive answers to some of the most widely asked questions about the war, including these:

Precisely how was Ngo Dinh Diem returned to South Vietnam in 1954 from exile and helped to power?

Who took the lead in preventing the 1956 Vietnam elections required under the Geneva accords of 1954—Mr. Diem or the Americans?

If President Kennedy had lived, would he have led the United States into a full-scale ground war in South Vietnam and an air war against North Vietnam as President Johnson did?

Was Secretary of Defense McNamara dismissed for opposing the Johnson strategy in mid-1967 or did he ask to be relieved because of disenchantment with Administration policy?

Did President Johnson's cutback of the bombing to the 20th Parallel in 1968 signal a lowering of American objectives for the war or was it merely an effort to buy more time and patience from a war-weary American public?

The research project was organized in the Pentagon's office of International Security Affairs—I.S.A., as it is known to Government insiders—the politico-military affairs branch, whose head is the third-ranking official in the Defense Department. This was Assistant Secretary McNaughton when the study was commissioned and Assistant Secretary Paul C. Warnke when the study was completed.

"IT REMAINED M'NAMARA'S STUDY"

In the fall of 1968, it was transmitted to Mr. Warnke, who reportedly "signed off" on it. Former officials say this meant that he acknowledged completion of the work without endorsing its contents and forwarded it to Mr. Clifford.

Although it had been completed during Mr. Clifford's tenure, "in everyone's mind it always remained Mr. McNamara's study," one official said.

Because of its extreme sensitivity, very few copies were reproduced—from 6 to 15, by various accounts. One copy was delivered by hand to Mr. McNamara, then president of the World Bank. His reaction is not known, but at least one other former policy maker was reportedly displeased by the study's candor.

Other copies were said to have been provided to President Johnson, the State Department and President Nixon's staff, as well as to have been kept for Pentagon files.

The authors, mostly working part-time over several months, were middle-level officials drawn from I.S.A., Systems Analysis, and the military staffs in the Pentagon, or lent by the State Department or White House staff. Probably two-thirds of the group had worked on Vietnam for the Government at one time or another.

Both the writing and editing were described as group efforts, though individuals with academic qualifications as historians, political scientists and the like were in charge of various sections.

For their research, the Pentagon depended primarily on the files of Secretary McNamara and Mr. McNaughton. William P. Bundy, former Assistant Secretary of State for Far Eastern Affairs, provided some of his files.

For extended periods, probably the most serious limitation of the Pentagon history is the lack of access to White House archives. The researchers did possess the Presidential decision papers that normally circulated to high Pentagon officials, plus White House messages to commanders or ambassadors in Saigon. These provide insight into Presidential moods and motives, but only intermittently.

An equally important handicap is that the Pentagon researchers generally lacked records of the oral discussions of the National Security Council or the most intimate gatherings of Presidents with their closest advisers, where decisions were often reached.

As the authors themselves remark, it is common practice for the final recommendations drafted before a key Presidential decision to be written to the President's spoken specifications on the basis of his reactions to earlier proposals. The missing link is often the meeting of the Administration's inner circle.

Also, because the Pentagon history draws almost entirely on internal Government papers, and primarily papers that circulated through the Defense Department, the picture of so important a figure as Secretary of State Dean Rusk remains shadowy. Mr. Rusk was known as a man who rarely committed himself to paper and who, especially during the Johnson Administration, saved his most sensitive advice for solitary talks with the President.

In the late months of the Johnson Administration, the lack of records of such meetings is a considerable weakness because, as the historians comment, Mr. Johnson operated a split-level Government. Only his most intimate advisers were aware of the policy moves he was contemplating, and some of the most important officials at the second level of government—Assistant Secretaries of State and Defense—were late to learn the drift of the President's thinking.

The Pentagon account notes that at times the highest Administration officials not only kept information about their real intentions from the press and Congress but also kept secret from the Government bureaucracy the real motives for their written recommendations or actions.

"The lesson in this," one Pentagon historian observes, "is that the rationales given in such pieces of paper (intended for fairly wide circulation among the bureaucracy, as opposed to tightly held memoranda limited to those closest to the decision maker), do not reliably indicate why recommendations were made the way they were." The words in parentheses are the historian's.

Another omission is the absence of any extended discussion of military or political responsibility for such matters as civilian casualties or the restraints imposed by the rules of land warfare.

NECESSARILY FRAGMENTED ACCOUNT

The approach of the writers varies markedly from section to section. Some of the historians are analytical and incisive. Others offer narrative compendiums of the most important available documents for their periods, with little comment or interpretation.

As a bureaucratic history, this account is necessarily fragmented. The writers either lacked time or did not choose to provide a coherent, integrated summary analysis for each of the four administrations that became involved in Vietnam from 1950 to 1968.

The Pentagon account divides the Kennedy period, for example, into five sections—dealing with the key decisions of 1961, the strategic-hamlet programs, the build-up of the American advisory mission in Vietnam, the development of plans for phased American withdrawal, and the coup d'etat that ousted President Diem.

In the Johnson era, four simultaneous stories are told in separate sections—the land war in South Vietnam, the air war against the North, political relations with successive South Vietnamese government and the secret diplomatic search for negotiations. There is some overlapping, but no single section tries to summarize or draw together the various strands.

The over-all effect of the study, nonetheless, is to provide a vast storehouse of new information—the most complete and informative central archive available thus far on the Vietnam era. [See text.]

FOCUS TURNS TO BOMBING

As the Vietcong rebellion gathered strength, so did interest in bombing the North as a substitute for successful prosecution of the counterinsurgency campaign in the South, or at least as an effort to force Hanoi to reduce guerrilla activity to a level where the feeble Saigon Government could handle it.

This progression in Administration thinking was reflected in Mr. McNamara's reports to President Johnson after the Secretary's trips to Vietnam in December and March.

In his December memorandum recommending initiation of the covert 34A raids, Mr. McNamara painted a "gloomy picture" of South Vietnam, with the Vietcong controlling most of the rice and population heartland of the Mekong Delta south and west of Saigon. "We should watch the situation very carefully," he concluded, "running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement."

Then, in his memorandum of March 16 on his latest trip, Mr. McNamara reported that "the situation has unquestionably been growing worse" and recommended military planning for two programs of "new and significant pressures upon North Vietnam."

The first, to be launched on 72 hours' notice, was described as "Border Control and Retaliatory Actions." These would include assaults by Saigon's army against infiltration rountes along the Ho Chi Minh Trail network of supply lines through southeastern Laos, "hot pursuit" of the guerrillas into Cambodia, "retaliatory bombing strikes" into North Vietnam by the South Vietnamese Air Force "on a tit-for-tat basis" in response to guerrilla attacks, and "aerial mining . . . (possibly with United States assistance) of the major . . . ports in North Vietnam." The words in parentheses are Mr McNamara's.

BEYOND A TIT-FOR-TAT BASIS

The second program, called "Graduated Overt Military Pressure," was to be readied to begin on 30 days' notice. "This program would go beyond reacting on a tit-for-tat basis," Mr. McNamara told the President. "It would include air attacks against military and possibly industrial targets." The raids would be carried out by Saigon's air force and by an American air commando squadron code-named Farmgate, then operating in South Vietnam with planes carrying South Vietnamese markings. To conduct the air strikes, they would be reinforced by three squadrons of United States Air Force B-57 jet bombers flown in from Japan.

President Johnson approved Mr. McNamara's recommendations at a National Security Council meeting on March 17, 1964, directing that planning "proceed energetically."

Mr. McNamara had advocated trying a number of measures to improve the Saigon Government's performance first, before resorting to overt escalation. "There would be the problem of marshaling the case to justify such action, the problem of Communist escalation and the problem of dealing with pressures for premature or 'stacked' negotiations," he remarked in his March memorandum.

His description of negotiations echoed a belief in the Administration that the Government of General Khanh was incapable of competing politically with the Communists. Therefore, any attempt to negotiate a compromise political settlement of the war between the Vietnamese themselves was to be avoided because it would result in a Communist take-over and the destruction of the American position in South Vietnam.

Similarly, any internal accommodation between the opposing Vietnamese forces under the vague "neutralization" formula for Vietnam that had been proposed by President Charles de Gaulle of France that June was seen as tantamount to the same thing, a Communist victory. In his March memorandum, Mr. McNamara mentioned the dangerous growth of "neutralist sentiment" in Saigon and the possibility of a coup by neutralist forces who might form a coalition government with the Communists and invite the United States to leave.

A SOLUTION IN DISFAVOR

William Bundy would later refer to this possibility as a "Vietnam solution" that must be prevented.

In a glimpse into the President's thoughts at this time, the study shows he was concerned with the problem. Mr. Johnson told Ambassador Henry Cabot Lodge in a cablegram to Saigon on March 20, 1964, that he was intent on "knocking down the idea of neutralization wherever it rears its ugly head, and on this point I think nothing is more important than to stop neutralist talk wherever we can by whatever means we can." [See text.]

Mr. Lodge was opposed to planning for "massive destruction actions" before trying what he described as "an essentially diplomatic carrot and stick approach, backed by covert military means."

"This plan, which Mr. Lodge had been proposing since the previous October, involved sending a secret non-American envoy to Hanoi with an offer of economic aid, such as food imports to relieve the rice shortages in North Vietnam, in return for calling off the Vietcong. If the North Vietnamese did not respond favorably, the stick—unpublicized and unacknowledged air strikes, apparently with unmarked planes—would be applied until they did.

The President's message of March 20 shared Mr. Lodge's opinion that it was still too early for open assaults on the North.

"As we agreed in our previous messages to each other," Mr. Johnson cabled, "judgment is reserved for the present on overt military action in view of the consensus from Saigon conversations of McNamara mission with General Khanh and you on judgment that movement against the North at the present would be premature. We . . . share General Khanh's judgment that the immediate and essential task is to strengthen the southern base. For this reason, our planning for action against the North is on a contingency basis at present, and immediate problem in this area is to develop the strongest possible later action."

Mr. Johnson added that the Administration also expected a "showdown" soon in the Chinese-Soviet dispute "and action against the North will be more practicable" then.

PUSHING, YET HESITATING

This and other sporadic insights the study gives into Mr. Johnson's thoughts and motivations during these months leading up to the Tonkin Gulf incident in August indicate a President who was, on the one hand, pushing his Administration to plan energetically for escalation while, on the other, continually hesitating to translate these plans into military action.

The glimpses are of a Chief Executive who was determined to achieve the goal of an "independent, non-Communist South Vietnam" he had enunciated in a national security action memorandum in March, yet who was holding back on actions to achieve that goal until he believed they were absolutely necessary.

Above all, the narrative indicates a President who was carefully calculating international and domestic political conditions before making any of his moves in public.

By the latter half of April, 1964, accordingly, planning for further attacks against the North had matured sufficiently through several scenarios for Secretary Rusk, William Bundy and Gen. Earle G. Wheeler, the Army Chief of Staff, to review the plans with Ambassador Lodge at a Saigon strategy meeting on April 19 and 20.

The scenario envisioned escalation in three stages from intensification of the current clandestine 34A raids, to "covert U.S. support of overt . . . aerial mining and air strike operations" by Saigon to "overt joint . . . aerial reconnaissance, naval displays, naval bombardments and air attacks" by the United States and South Vietnam.

The analyst does not mention any provision in the April planning scenario for a Congressional resolution that would constitute authority to wage war; he refers instead to "Presidential consultations with key Congressional leaders." But the idea of a resolution was already current by then. The author reports its first emergence in discussions in the State Department in mid-February, 1964, "on the desirability of the President's requesting a Congressional resolution, drawing a line at the borders of South Vietnam." He cites a Feb. 13 letter to Secretary Rusk to this effect from Mr. Rostow, then chairman of the State Department's Policy Planning Council.

At the April Saigon meeting and in the weeks immediately afterward, the author says, "a deliberate cautious pacing of our actions" prevailed over a near-term escalation approach being pressed by the Joint Chiefs and Mr. Restow.

One reason for this, the study explains, was that the Administration recognized that it "lacked adequate information concerning the nature of magnitude" of infiltration of trained guerrilla leaders and arms from the North and was beginning a major effort to try to gather enough concrete evidence to justify escalation if this became necessary.

ROSTOW PLEA FOR CLARIFICATION

"For example," the study reports, "citing the 'lack of clarity' on the 'role of external intrusion' in South Vietnam, [chairman of the interagency Vietnam coordinating committee] on the eve of [a] March visit to attempt to 'come back from Saigon with as lucid and agreed a picture' as possible on the extent of the infiltration and its influence on the Vietcong."

The direct outcome of Mr. Rusk's April visit to Saigon was his agreement to try Ambassador Lodge's carrot-and-stick approach. On April 30, 1964, the Secretary flew to Ottawa and arranged with the Canadian Government for J. Blair Seaborn, Canada's new representative on the international control Commission, to convey the offer of United States economic aid to Premier Dong when Mr. Seaborn visited Hanoi in June.

On May 4 General Khanh, sensing a decline in his fortunes and beginning to abandon the idea of strengthening his government to the point where it could defeat the Vietcong in the South, told Ambassador Lodge that he wanted to declare war quickly on North Vietnam, have the United States start bombing and send 10,000 Special Forces troops of the United States Army into the South "to cover the whole Cambodian-Laotian border." Mr. Lodge deflected the suggestions.

Secretary McNamara, on a visit to Saigon May 13, was instructed to tell General Khanh that while the United States did not "rule out" bombing the North, "such actions must be supplementary to and not a substitute for successful counter-insurgency in the South" and that "we do not intend to provide military support nor undertake the military objective of 'rolling back' Communist control in North Vietnam."

But on May 17, when the Pathet Lao launched an offensive on the Plaine des Jarres that threatened to collapse the pro-American Government of Premier Souvanna Phouma and with it "the political underpinning of United States-Laotian policy," the study declares, this "deliberate, cautious approach" to escalation planning was suddenly thrown into "crisis management."

The Administration immediately turned the Laotian air operations up a notch by intensifying the T-28 strikes and, on May 21, by starting low-altitude target reconnaissance by United States Navy and Air Force jets over areas held by the Pathet Lao and the North Vietnamese.

In Washington, the chief planner, William Bundy, assisted by Mr. McNaughton and Mr. Sullivan, worked up a 30-day program culminating in full-scale bombing of the North. He submitted it as a formal draft Presidential memorandum for consideration by an executive committee of the National Security Council.

For a number of reasons, this May 23 scenario was never carried out as written. The President, in fact, delayed another nine months the scenario's dénouement in an air war.

But the document is important because it reveals how far the Administration had progressed in its planning by this point and because a number of the steps in the scenario were carried out piecemeal through June and July and then very rapidly under the political climate of the Tonkin Gulf clash.

For the military side of the scenario, the President's order of March 17 to plan for retaliatory air strikes on 72 hours' notice and for full-scale air raids on 30 days' notice had borne fruit in Operation Plan 37-64.

This plan had been prepared in the Honolulu headquarters of Adm. Harry D. Felt, commander in chief of Pacific forces, or CIN CPAC, and had been approved by the Joint Chiefs on April 17. It tabulated how many planes and what bomb tonnages would be required for each phase of the strikes, listed the targets in North Vietnam with damage to be achieved, and programed the necessary positioning of air forces for the raids. A follow-up operation plan, designated 32-64, calculated the possible reactions of China and North Vietnam and the American ground forces that might be necessary to meet them.

The Joint Staff had refined the bombing plan with more target studies. These estimated that an initial category of targets associated with infiltration, such as bridges and depots of ammunition and petroleum, could be destroyed in only 12 days if all the air power in the western Pacific were used.

For the political side of the scenario, recommendations from William Bundy and Mr. Rusk had produced more evidence of infiltration by the North for public release to justify escalation. William J. Jorden, a former correspondent of The New York Times who had become a State Department official, had gone to South Vietnam and had pulled together the data available there for a possible new State Department white paper.

PENTAGON VERSION OF SCENARIO

Here is the scenario as the Pentagon analyst quotes it. The words in parentheses—and the numbers designating the length of time to "D-day"—were in the original scenario and the words in brackets were inserted by the analyst for clarification:

"1. Stall off any 'conference [Laos or] Vietnam until D-Day.'

"2. Intermediary (Canadian?) tell North Vietnam in general terms that U.S. does not want to destroy the North Vietnam regime (and indeed is willing 'to provide a carrot') but is determined to protect South Vietnam from North Vietnam.

"3. (D-30) Presidential speech in general terms launching Joint Resolution.

"4. (D-20) Obtain joint resolution approving past actions and authorizing whatever is necessary with respect to Vietnam.

"Concurrently: An effort should be made to strengthen the posture in South Vietnam. Integrating (interlarding in a single chain of command) the South Vietnamese and U.S. military and civilian elements critical to pacification, down at least to the district level, might be undertaken.

"5. (D-16) Direct CINCPAC to take all preposition and logistic actions that can be taken 'quietly' for the D-Day forces. . . .

"6. (D-15) Get Khanh's agreement to start over South Vietnamese aid attacks against targets in the North (see D-Day item 15 below), and inform him of U.S. guarantee to protect South Vietnam in the event of North Vietnamese and/or Chinese retaliation.

"7. (D-14) Consult with Thailand and the Philippines to get permission for U.S. deployments; and consult with them plus U.K., Australia, New Zealand and Pakistan, asking for their open political support for the undertaking and for their participation in the re-enforcing action to be undertaken in anticipation of North Vietnamese and/or Chinese retaliation.

"8. (D-13) Release an expanded 'Jorden Report,' including recent photography and evidence of the communication nets, giving full documentation of North Vietnamese supply and direction of the Vietcong.

"9. (D-12) Direct CINCPAC to begin moving forces and making specific plans on the assumption that strikes will be made on D-Day (see Attachment B* in backup materials for deployments).

"10. (D-10) Khanh makes speech demanding that North Vietnam stop aggression, threatening unspecified military action if he does not. (He could refer to a "carrot.')

"11. (D-3) Discussions with allies not covered in Item above.

"12. (D-3) President informs U.S. public (and thereby North Vietnam) that action may come, referring to Khanh speech (Item 10 above) and declaring support for South Vietnam.

"13. (D-1) Khanh announces that all efforts have failed and that attacks are imminent. (Again he refers to limited goal and possibly to 'carrot.')

"14. (D-Day) Remove U.S. dependents.

"15. (D-Day) Launch first strikes. . . . Initially, mine their ports and strike North Vietnam's transport and related ability (bridge, trains) to move south; and then against targets which have maximum psychological effect on the North's willingness to stop insurgency—POL (petroleum, oil and lubricants) storage, selected airfields, barracks/training areas, bridges, railroad yards, port facilities, communications, and industries. Initially, these strikes would be by South Vietnamese aircraft; they could then be expanded by adding Farmgate, or U.S. aircraft, or any combination of them.

"16. (D-Day) Call for conference on Vietnam (and go to U.N.). State the limited objective: Not to overthrow the North Vietnam regime nor to destroy the country, but to stop D.R.V.-directed efforts in the South. Essential that it be made clear that attacks on the North will continue (i.e., no cease-fire) until (a) terrorism, armed attacks, and armed resistance to pacification efforts in the South stop, and (b) communications on the networks out of the North are conducted entirely in uncoded form."

THE ANALYST'S DEFINITION

The last paragraph was to provide a capsule definition of what the Administration meant when it later spoke publicly about "negotiations," a definition the analyst describes as "tantamount to unconditional surrender" for the other side.

The covering memorandum on the scenario pointed out that military action would not begin until after "favorable action" on the joint Congressional resolution. William Bundy drafted the resolution on May 25.

Attached to the scenario were assessments of possible Soviet, Chinese and North Vietnamese reactions. These included a provision for reinforcing the South Vietnamese Army "by U.S. ground forces prepositioned in South Vietnam or on board ship nearby" if Hanoi reacted by intensifying Vietcong activity in the South.

After meetings on May 24 and 25, the Executive Committee of the National Security Council—including Secretaries Rusk and McNamara, John A. McCone, Director of Central Intelligence, and McGeorge Bundy, Presidential assistant for national security—decided to recommend to the President only piecemeal elements of the scenario. Among these were the sending of the Canadian emissary to Hanoi and the move for a joint Congressional resolution.

The documents do not provide a clear explanation for their decision, the analyst says, although an important factor seems to have been concern that "our limited objectives might have been obscured" if the Administration had begun a chain of actions to step up the war at this point.

Whether political considerations in an election year also prompted the President to limit the proposed escalation is a question that is not addressed by the study here. The narrative does attribute such motives to Mr. Johnson's similar hesitation to take major overt actions in the following month, June.

In any case, the account explains, the urgency was taken out of the Laos crisis by a Polish diplomatic initiative on May 27 for a new Laos conference that would not include discussions of Vietnam, a major fear of the Administration. The President instructed his senior advisers to convene another strategy conference in Honolulu at the beginning of June "to review for . . . final approval a series of plans for effective action."

On his way to the conference, after attending the funeral of Prime Minister Jawaharlal Nehru in New Delhi, Secretary Rusk stopped off in Saigon for conversations with General Khanh and Ambassador Lodge.

The Ambassador and Gen. William C. Westmoreland, who was replacing General Harkins as chief of the Military Assistance Command in Saigon, flew to Honolulu with Secretary Rusk for the strategy session at Admiral Felt's headquarters there on June 1 and 2, 1964. They were joined by William Bundy, Mr. McNamara, General Taylor, Mr. McCone and Mr. Sullivan.

While he had previously counseled patience, Mr. Lodge's chief recommendation at Honolulu reflected his growing nervousness over the shakiness of the Saigon regime. He argued for bombing the North soon.

The analyst writes: "In answer to Secretary Rusk's query about South Vietnamese popular attitudes, which supported Hanoi's revolutionary aims, the Ambassador stated his conviction that most support for the VC would fade as soon as some 'counterterrorism measures' were begun against the D.R.V."—the Democratic Republic of (North) Vietnam.

Admiral Felt's record of the first day's session quotes Mr. Lodge as predicting that "a selective bombing campaign against military targets in the North" would "bolster morale and give the population in the South a feeling of unity."

The Honolulu discussions concentrated on an air war, ranging over its entire implications, down to such details as the kind of antiaircraft guns North Vietnam had and how difficult these defenses might make attacks on particular targets. By now the Joint Chiefs had improved on Admiral Felt's Operation Plan 37–64 to the point of producing the first version of a comprehensive list of 94 targets, from bridges to industries, that Mr. McNamara and President Johnson would use to select the actual sites to be struck when sustained air raids began in the coming year.

Obtaining a Congressional resolution prior to wider U.S. action in Southeast Asia was a major topic. The analyst paraphrases and quotes from William Bundy's memorandum of record on the second day's talks to summarize the discussion concerning the resolution:

"Ambassador Lodge questioned the need for it if we were to confine our actions to 'tit-for-tat' air attacks against North Vietnam. However, Secretaries McNamara and Rusk and C.I.A. Director McCone all argued in favor of the resolution. In support, McNamara pointed to the need to guarantee South Vietnam's defense against retaliatory air attacks and against more drastic reactions by North Vietnam and Communist China. He added that it might be necessary, as the action unfolded . . . to deploy as many as seven divisions. Rusk noted that some of the military requirements might involve the calling up of reserves, always a touchy Congressional issue. He also stated that public opinion on our Southeast Asia policy was badly divided in the United States at the moment and that, therefore, the President needed an affirmation of support."

"General Taylor noted that there was a danger of reasoning ourselves into inaction," the memorandum goes on. "From a military point of view, he said the U.S. could function in Southeast Asia about as well as anywhere in the world except Cuba."

MORE TIME FOR ESTIMATES

The upshot of the conference, however, was that major actions "should be delayed for some time yet," the historian says. A separate briefing paper that William Bundy prepared for Secretary Rusk to use in communicating the conference's findings to the President at a White House meeting late on the afternoon of June 3 counseled more time "to refine our plans and estimates." Mr. Bundy emphasized the need for an "urgent" public relations campaign at home to "get at the basic doubts of the value of Southeast Asia and the importance of our stake there."

Secretary McNamara, General Taylor and Mr. McCone joined Secretary Rusk in making the June 3 report to the President on the Honolulu conference. A documentary record of this White House meeting is not available, but the study deduces the President's reaction and decisions from the subsequent actions taken by his senior advisers.

Where decisive military actions were concerned, "the President apparently recognized the need for more and better information, but did not convey a sense of urgency regarding its acquisition," the analyst says. He notes that on the same day as the White House meeting, "possibly just following," Secretary McNamara told the Joint Chiefs that he wanted to meet with them on June 8, five days later, "to discuss North Vietnamese targets and troop movement capabilities."

But one element of the May 23 scenario, the positioning of forces for later action, began to fall into place right after the White House meeting. The Pentagon study says that "noncommitting military actions . . . were given immediate approval."

On June 4 Mr. McNamara directed the Army to take "immediate action . . . to improve the effectiveness and readiness status of its materiel prestocked for possible use in Southeast Asia."

The Secretary's directive specifically ordered the Army to augment stocks previously placed with Thailand's agreement at Korat, a town south of the Laotian border, to support potential combat operations by a United States Army infantry brigade and to give "first priority at the Okinawa Army Forward Depot to stocking non-air-transportable equipment" that would be required by another Army infantry brigade flown to the island staging base on sudden notice.

The President also "apparently encouraged" they intensified public-relations campaign recommended by William Bundy and the other Honolulu conference participants, the study asserts.

"In June, State and Defense Department sources made repeated leaks to the press affirming U.S. intentions to support its allies and uphold its treaty commitments in Southeast Asia," the analyst explains, citing several articles that month in The New York Times. The Administration also focused publicity through June and into July on its military prepositioning moves. The augmentation of the Army war stocks at Korat in Thailand was given "extensive press coverage," the account says, citing a dispatch in The Times on June 21, 1964.

And what the analyst calls "the broad purpose" of these positioning moves—to serve as steps in the operation plans—was not explained to the public.

DOWNING TWO NAVY JETS

The Administration did openly step up its air operations in Laos in mid-June, after the enemy provided it with a rationale of self-defense. On June 6 and 7 two Navy jets on low-altitude target reconnaissance flights were shot down by enemy ground fire. Washington immediately added armed escort jets to the reconnaissance flights and on June 9 the escort jets struck Pathet Lao gun positions and attacked a Pathet Lao headquarters.

A similar escalation of the T–28 operations and the involvement of Thai pilots was unofficially acknowledged in Washington, although the responsibility for these operations was laid to the Laotian Government. And subsequent strikes by the American escort jets against enemy positions were not made public.

At the end of June the Royal Laotian Air Force was secretly strengthened with more T–28's, and American planes began conducting troop transport operations and night reconnaissance flights for a successful counteroffensive by the Laotian Army to protect the key position of Muong Soui.

HIGHLIGHTS OF TONKIN PERIOD

Here, in chronological sequence, are highlights of the period covered in this article:

FEBRUARY 1964

Start of Operation Plan 34A program of clandestine military operations against North Vietnam;

MARCH 1964

Plans for "new and significant pressures on North Vietnam" urged by Mr. McNamara on return from Vietnam; since new Government of Gen. Nguyen Khanh considered unable to improve South Vietnam outlook.

President Johnson approves; cables Henry Cabot Lodge, United States Ambassador in Saigon, that "our planning for action against the North is on a contingency basis at the present."

APRIL 1964

Scenarios for escalation reviewed in Saigon by Mr. Lodge, William P. Bundy, Dean Rusk, Gen. Earle G. Wheeler. Plans cover details of stepping up United States military involvement to conform with Administration conviction that Hanoi controls Vietcong. Extent of Hanoi's involvement should be "proven to the satisfaction of our own public, of our own allies and of the neutralists," according to Mr. Rusk.

List of 94 potential targets for bombing in North drawn up by Joint Chiefs.

MAY 1964

General Khanh asks United States attacks on the North, tells Mr. Lodge Saigon wants to declare war on North Vietnam. Mr. McNamara does not "rule out" possibility of bombing, but stresses "such actions must be supplementary to and not a substitute for" success against Vietcong in South. Mr. Lodge cables Mr. Rusk that United States cannot "expect a much better performance" from Saigon Government "unless something" in the way of United States action is forthcoming.

William Bundy sends President 30-day scenario for graduated military pressure against the North that would culminate in full-scale bombing attacks. Includes joint Congressional resolution "authorizing whatever is necessary with respect to Vietnam."

JUNE 1964

Honolulu strategy meeting, Ambassador Lodge urges "a selective bombing campaign against military target in the North" to bolster shaky morale in South. He questions need for Congressional resolution; Mr. RUSK, Mr. McNamara, John McCone of C.I.A., support it.

Preparatory military deployments under way in Southeast Asia.

J. Blair Seaborn, Canadian diplomat, meets secretly in Hanoi with Pham Van Dong, North Vietnam's Premier, warns of "the greatest devastation" that would result from escalation by North Vietnam.

President resists pressure to ask for Congressional resolution immediately and to step up the war effort.

Mr. Johnson queries C.I.A. on "domino theory." Agency replies only Cambodia is, likely to "quickly succumb to Communism" if Laos and South Vietnam fall, but says U.S. prestige would be damaged.

JULY 1964

General Khanh announces "March North" propaganda campaign.

South Vietnamese naval commandos raid two North Vietnamese islands in Gulf of Tonkin. Part of "growing operational capabilities" of 34A program, the Pentagon study says.

AUGUST 1964

Destroyer Maddox, on Gulf of Tonkin intelligence patrol, attacked by North Vietnamese PT boats seeking South Vietnamese raiders. Joined by the C. Turner Joy, attacked again by torpedo boats, history reports.

Less than 12 hours after news of second attack reaches Washington, bombers on way to North Vietnam on reprisal raiders from carrier.

Tonkin Gulf resolution, drafted by Administration, introduced. Administration officials testify; Mr. McNamara disclaims knowledge South Vietnamese attacks on islands. Resolution passes.

What study calls "an important threshold in the war"—U.S. reprisal air strikes against North—crossed with "virtually no domestic criticism."

Firmness, But Restraint

President Johnson was projecting an image of firmness but moderation, the study notes. In early June, he first requested and then rejected a draft from Mr. Rostow for a major policy speech on Southeast Asia that took an "aggressive approach," and instead relied "on news conferences and speeches by other officials to state the official view," the account continues. "In contrast to the Rostow approach, [the President's] news conference on 23 June and Secretary Rusk's speech at Williams College, 14 June, emphasized the U.S. determination to support its Southeast Asian allies, but avoided any direct challenge to Hanoi and Peking or any hint of intent to increase our military commitment."

A formal question the President submitted to the C.I.A. in June also indicated what was on his mind. "Would the rest of Southeast Asia necessarily fall if Laos and South Vietnam came under North Vietnamese control?" he asked. The agency's reply on June 9 challenged the domino theory, widely believed in one form or another within the Administration.

"With the possible exception of Cambodia," the C.I.A. memorandum said, "it is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore, a continuation of the spread of Communism in the area would not be inexorable, and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

The C.I.A. analysis conceded that the loss of South Vietnam and Laos "would be profoundly damaging to the U.S. position in the Far East" and would raise the prestige of China "as a leader of world Communism" at the expense of a more moderate Soviet Union. But the analysis argued that so long as the United States could retain its island bases, such as those on Okinawa, Guam, the Philippines and Japan, it could wield enough military power in Asia to deter China and North Vietnam from overt military aggression against Southeast Asia in general.

SOME LEVERAGE AVAILABLE

Even in the "worst case," if South Vietnam and Laos were to fall through "a clear-cut Communist victory," the United States would still retain some leverage to affect the final outcome in Southeast Asia, according to the analysis.

It said that "the extent to which individual countries would move away from the U.S. towards the Communists would be significantly affected by the substance and manner of U.S. policy in the period following the loss of Laos and South Vietnam."

As in the case of the earlier C.I.A. analysis stating that the real roots of Vietcong strength lay in South Vietnam, the study shows that the President and his senior officials were not inclined to adjust policy along the lines of this analysis challenging the domino theory.

Only the Joint Chiefs, Mr. Rostow and General Taylor appear to have accepted the domino theory in its literal sense—that all of the countries of Southeast Asia, from Cambodia to Malaysia, would tumble automatically into the Communist camp if the linchpin, South Vietnam were knocked out, and that the United States position in the rest of the Far East, from Indonesia through the Philippines to Japan and Korea, would also be irrevocably harmed.

Yet the President and most of his closest civilian advisers—Mr. Rusk, Mr. McNamara and McGeorge Bundy—seem to have regarded the struggle over South Vietnam in more or less these terms. [See text.]

In 1964, the Administration also feared an outbreak of other "wars of national liberation" in the Asian, African and Latin American countries, and, Mr. McNamara wrote in his March 16 memorandum to the President, "the South Vietnam conflict is regarded as a test case."

THE THREAT OF CHINA

The struggle in South Vietnam was likewise bound up with the idea of "containing China," whose potential shadow over Southeast Asia was viewed as a palpable threat by Rusk because of his World War II experience in Asia and the victory of Mao Tse-tung's revolution in China.

But behind these foreign-policy axioms about domino effects, wars of liberation and the containment of China, the study reveals a deeper perception among the President and his aides that the United States was now the most powerful nation in the world and that the outcome in South Vietnam would demonstrate the will and the ability of the United States to have its way in world affairs.

The study conveys an impression that the war was thus considered less important for what it meant to the South Vietnamese people than for what it meant to the position of the United States in the world.

Mr. McNaughton would later capsulize this perception in a memorandum to Mr. McNamara seeking to apportion American aims in South Vietnam:

"70 pct.—To avoid a humiliating U.S. defeat (to our reputation as a guarantor).

"20 pct.—To keep SVN (and then adjacent) territory from Chinese hands.

"10 pct.—To permit the people of SVN to enjoy a better, freerer way of life.

"Also—To emerge from crisis without unacceptable taint from methods used.

"NOT—To 'help a friend,' although it would be hard to stay in if asked out."

The words in parentheses are Mr. McNaughton's.

Thus, he had reasoned in another memorandum, even if bombing North Vietnam did not force Hanoi to call off the Vietcong, "it would demonstrate that U.S. was a 'good doctor' willing to keep promises, be tough, take risks, get bloodied and hurt the enemy badly."

CONFIDENCE AT THE TOP

And while the study shows doubt and worry in the Administration, it also reveals an underlying confidence among the decision makers at the top, whose attitude would count, that if this mightiest nation resolved to use its vast power, the other side would buckle.

Mr. Rostow would articulate this confidence in a memorandum to Secretary Rusk that fall: "I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome that flows from the simple fact that we are the greatest power in the world—if we behave like it."

Accordingly, in mid-June, the Administration carried out another element of the May 23 scenario, the element that had first been formulated by Ambassador Lodge as his "carrot and stick." On June 18, at the Administration's request, Mr. Seaborn, the new Canadian representative on the International control Commission, paid the first of his two secret calls on Premier Dong in Hanoi.

Washington sought to convey to North Vietnam through Mr. Seaborn the more precise and threatening meaning of the preparatory military deployments to Southeast Asia that it was publicizing on a vaguer level in public. Back in May, Mr. Lodge had urged an unacknowledged air strike on some target in the North "as a prelude to his [Mr. Seaborn's] arrival" if the Vietcong had recently committed some terrorist act "of the proper magnitude" in the South, but the President apparently did not see fit to act on the suggestion by June.

The analyst says Mr. Seaborn stressed to Premier Dong that while the United States' ambitions in Southeast Asia were limited and its intentions "essentially peaceful," its patience was not limitless. The United States was fully aware of the degree to which Hanoi controlled the Vietcong, Mr. Seaborn said, and "in the event of escalation the greatest devastation would of course result for the D.R.V. itself."

NO REPORT ON THE 'CARROT'

The North Vietnamese Premier, the study relates, "fully understood the seriousness and import of the warning conveyed by Seaborn." Whether Mr. Seaborn also proffered the "carrot" of food and other economic aid is not reported.

At the June 3 meeting at the White House, the President had also apparently approved continued work for the Congressional resolution, the historian says, because planning for it continued apace. "Its intended purpose," the historian comments, "was to dramatize and make clear to other nations the firm resolve of the United States Government in an election year to support the President in taking whatever action was necessary to resist Communist aggression in Southeast Asia."

By June 10, there was "firm support" from most of the foreign-policy-making machinery of the Government for obtaining the resolution, although the account notes that at an interagency meeting that day "five basic 'disagreeable questions' were identified for which the Administration would have to provide convincing answers to assure public support."

"These included: (1) Does this imply a blank check for the President to go to war in Southeast Asia? (2) What kinds of force could he employ under this authorization? (3) What change in the situation (if any) requires the resolution now? (4) Can't our objectives be attained by means other than U.S. military force? (5) Does Southeast Asia mean enough to U.S. national interests?"

Despite the prospect of having to answer these questions publicly, William Bundy wrote in a memorandum for a second interagency meeting on June 12, the Administration required a Congressional resolution immediately as "a continuing demonstration of U.S. firmness and for complete flexibility in the hands of the executive in the coming political months." While the United States did not expect "to move in the near future to military action against North Vietnam," he said, events in South Vietnam or Laos might force it to reconsider this position.

POSTPONED FOR THE PRESENT

But in the opinion of the analyst, the President in June, 1964, already felt "the political conventions just around the corner and the election issues regarding Vietnam clearly drawn," and so he recoiled at this time from the repercussions of major escalation and of seeking a Congressional resolution. At a high-level meeting on both subjects June 15, McGeorge Bundy, the historian says, brought Presidential guidance to Secretaries Rusk and McNamara in the form of a White House memorandum that postponed a decision for the present.

On July 19, he started a "March North" campaign of militant slogans and oratory at a "unification rally" in Saigon. The same day, as the analyst puts it, Air Marshal Nguyen Cao Ky, then chief of the South Vietnamese Air Force, "spilled the beans to reporters" on joint planning that the United States and the Saigon Government had secretly been conducting since June, with President Johnson's approval, for ground and air assaults in Laos. The planning envisioned eventual battalion-size attacks by Saigon's army and air strikes by the South Vietnamese against Communist infiltration routes along the Ho Chi Minh Trail network.

In an emotional meeting on July 23 with General Taylor, who had just replaced Mr. Lodge as Ambassador, General Khanh asserted that North Vietnamese draftees had been taken prisoner with Vietcong guerrillas in fighting in the northern provinces. The United States should realize, he said, that the war had entered a new phase that called for new measures.

ANOTHER HEATED MEETING

During another heated meeting on July 24, General Khanh asked Ambassador Taylor whether to resign. The Ambassador asked him not to do so and cabled Washington urging that the United States undertake covert joint planning with the South Vietnamese for bombing the North.

The State Department, the study says, immediately authorized Ambassador Taylor "to tell Khanh the U. S. G. had considered attacks on North Vietnam that might begin, for example, if the pressure from dissident South Vietnamese factions became too great. He must keep this confidential."

To restrain the South Vietnamese military, the Ambassador was also authorized to undertake joint planning for an air campaign.

The Pentagon narrative skims over the last few days in July, 1964, but a summary of a command and control study of the Tonkin Gulf incident done by the Defense Department's Weapons System Evaluation Group in 1965, which The Times obtained along with the Pentagon narratives, fills in the events of these few days.

The study discloses that after a National Security Council meeting called on July 25, apparently to discuss these critical developments in Saigon, the Joint Chiefs proposed air strikes by unmarked planes flown by non-American crews against several targets in North Vietnam, including the coastal bases for Hanoi's flotilla of torpedo boats.

Assistant Secretary McNaughton sent the Joint Chiefs' memorandum to Secretary Rusk on July 30, the study reports, the same day that a chain of events was to unfold that would make it unnecessary to carry out the Joint Chiefs' plan, even if the President had wanted to accept it.

The Pentagon narrative now remarks that the clandestine 34A raids against North Vietnam—after gettiing off to what the Joint Chiefs had called "a slow beginning" in a report to Mr. McNamara on May 19—picked up in tempo and size during the summer, although the analyst provides few details. The Joint Chiefs had informed Mr. McNamara that trained sabotage teams, electronic intelligence-gathering equipment, C–123 transports for the airdrops and fast PT boats for the coastal raids were giving the program "growing operational capabilities. [See text.]

ATTACK ON TWO ISLANDS

At midnight on July 30, South Vietnamese naval commandos under General Westmoreland's command staged an amphibious raid on the North Vietnamese islands of Hon Me and Hon Nieu in the Gulf of Tonkin.

While the assault was occurring, the United States destroyer Maddox was 120 to 130 miles away, heading north into the gulf on the year's second De Soto intelligence-gathering patrol. Her sailing orders said she was not to approach closer than eight nautical miles to the North Vietnamese coast and four nautical miles to North Vietnamese islands in the gulf.

The account does not say whether the captain of the Maddox had been informed about the 34A raid. He does state that the Maddox altered ocurse twice on Aug. 2 to avoid a concentration of three North Vietnamese torpedo boats and a fleet of junks that were still searching the seas around the islands for the raiders.

The destroyer reached the northernmost point of her assigned patrol track the same day and headed south again.

"When the [North Vietnamese] PT boats began their high-speed run at her at a distance of approximately 10 miles, the destroyer was 23 miles from the coast and heading further into international waters," the study says. "Apparently," it explains, "these boats . . . had mistaken Maddox for a South Vietnamese escort vessel."

In the ensuing engagement, two of the torpedo boats were damaged by planes launched from the aircraft carrier Ticonderoga, stationed to the south for reasons the study does not explain. A third PT boat was knocked dead in the water, sunk by a direct hit from one of the Maddox's five-inch guns.

NEW ORDERS FOR MADDOX

The next day, Aug. 3, President Johnson ordered the Maddox reinforced by the destroyer C. Turner Joy and directed that both destroyers be sent back into the gulf, this time with instructions not to approach closer than 11 nautical miles to the North Vietnamese coast. A second aircraft carrier, the Constellation, on a visit to Hong Kong, was instructed to make steam and join the Ticonderoga as quickly as possible.

The study terms these reinforcing actions "a normal precaution" in the light of the first attack on the Maddox and not an attempt to use the destroyers as bait for another attack that would provide a pretext for reprisal air strikes against the North. "Moreover," it comments, "since the augmentation was coupled with a clear [public] statement of intent to continue the patrols and a firm warning to the D.R.V. that a repetition would bring dire consequences, their addition to the patrol could be expected to serve more as a deterrent than a provocation."

The study gives a clear impression that the Administration at this moment did not believe the North Vietnamese would dare to attack the reinforced destroyer patrol.

For on the night of Aug. 3, while the De Soto patrol was resuming, two more clandestine 34A attacks were staged. PT boats manned by South Vietnamese crews bombarded the Rhon River estuary and a radar installation at Vinhson. This time the Maddox and the Turner Joy were definitely warned that the clandestine assaults were going to take place, the documents show.

Apparently expecting the President to order a resumption of the patrol, the admiral commanding the Seventh Fleet asked General Westmoreland on Aug. 2 to furnish him the general location of the planned raids so that the destroyers could steer clear of the 34A force. There was a good deal of cable traffic back and forth between the two commanders through the Pentagon communications center in Washington to modify the patrol's course on Aug. 3 to avoid any interference with the raiders.

On the night of Aug. 4, Tonkin Gulf time, approximately 24 hours after this second 34A assault, North Vietnamese torpedo boats then attacked both the Maddox and the Turner Joy in what was to be the fateful clash in the gulf.

MOTIVES STILL UNCLEAR

The Pentagon account says that Hanoi's motives for this second attack on the destroyers are still unclear. The narrative ties the attack to the chain of events set off by the 34A raids of July 30, but says that Hanoi's precise motive may have been to recover from the embarrassment of having two torpedo boats damaged and another sunk in the first engagement with the Maddox without any harm to the American destroyer.

"Perhaps closer to the mark is the narrow purpose of prompt retaliation for an embarassing and well-publicized rebuff by a much-maligned enemy," the narrative says. "Inexperienced in modern naval operations, D.R.V. leaders may have believed that under the cover of darkness it would be possible to even the score or to provide at least a psychological victory by severely damaging a U.S. ship."

The study does not raise the question whether the second 34A raid on the night of Aug. 3, or the apparent air strikes on North Vietnamese villages just across the Laotian border on Aug. 1 and 2 by T–28 planes, motivated the Hanoi leadership in any way to order the second engagement with the destroyers.

Marshall Green, the the Deputy Assistant Secretary of State for Far Eastern Affairs, mentioned the apparent bombing of the villages in a lengthy memorandum to William Bundy dated Nov. 7, 1964, on United States covert activities in Indochina. [See text.]

Listing complaints that North Vietnam had been making to the International Control Commission over the T–28 operations with Thai pilots, Mr. Green noted charges by Hanoi that "T–28's have violated North Vietnamese airspace and bombed/strafed NVN villages on Aug. 1 and 2, and on Oct. 16 and 17 and gain on Oct. 28. The charges are probably accurate with respect to the first two dates (along Route 7) and the last one (Mugia Pass area)." The words in parentheses are Mr. Green's.

RAIDS POSSIBLY INADVERTENT

The context of the memorandum indicates that the raids on the North Vietnamese villages may have been inadvertent. But neither the narrative nor Mr. Green's memorandum says whether Hanoi thought this at the time the air strikes occurred.

Whatever the North Vietnamese motives for the second clash, President Johnson moved quickly now to carry out what the analyst calls "recommendations made . . . by his principal advisers earlier that summer and subsequently placed on the shelf."

Because of the Pacific time difference, the Pentagon received the first word that an attack on the Maddox and the Turner Joy might be imminent at 9:20 A.M. on the morning of Aug. 4, after the destroyers had intercepted North Vietnamese radio traffic indicating preparations for an assault. The flash message that the destroyers were actually engaged came into the communications center at 11 A.M.

The Joint Chiefs' staff began selecting target options for reprisal air strikes from the 94-target list, the first version of which was drawn up at the end of May. Adm. U.S. Grant Sharp, who had replaced Admiral Felt as commander in chief of Pacific forces, telephoned from Honolulu to suggest bombing the coastal bases for the torpedo boats.

Within 10 minutes, Mr. McNamara convened a meeting with the Joint Chiefs in his conference room on the third floor of the Pentagon to discuss possibilities for retaliation. Secretary Rusk and McGeorge Bundy came over to join them.

MEETING ALREADY SCHEDULED

Twenty-five minutes later the two secretaries and Mr. Bundy left for a previously scheduled National Security Council meeting at the White House. They would recommend reprisal strikes to the President, while the Joint Chiefs stayed at the Pentagon to decide on specific targets.

At 1:25 P.M., two and a half hours after the flash message of the engagement and possibly while Mr. McNamara, Mr. Rusk, Mr. McCone and McGeorge Bundy were still at lunch with the President, the director of the Joint Staff telephoned Mr. McNamara to say that the Chiefs had unanimously agreed on the targets. Fighter-bombers from the carriers Constellation and Ticonderoga should strike four torpedo boat bases at Hongay, Lochau, Phucloi and Quangkhe, and an oil storage depot near Vinh that held some 10 per cent of North Vietnam's petroleum supply.

At a second National Security Council meeting that afternoon, President Johnson ordered the reprisals, decided to seek the Congressional resolution immediately and discussed with his advisors the swift Southeast Asia deployment of the air strike forces designated in Operation Plan 37–64 for the opening blows in a possible bombing campaign against the North. His approval for these preparatory air deployments, and for the readiness of Marine Corps and Army units planned to meet any Chinese or North Vietnamees retaliation to a bombing campaign, was apparently given later that day, the study shows.

Mr. McNamara returned to the Pentagon at 3 P.M. to approve the details of the reprisal strikes, code-named Pierce Arrow. An execution order was prepared by the Joint Staff, but at 4 P.M. Mr. McNamara learned from Admiral Sharp in a telephone conversation that there was now confusion over whether an attack on the destroyers had actually taken place.

The Secretary told Admiral Sharp that the reprisal order would remain in effect, but that the admiral was to check and make certain that an attack had really occurred before actually launching the planes. At 4:49 P.M., less than six hours after the first message of the attack had flashed into the Pentagon communications center, the formal execution order for the reprisals was transmitted to Honolulu. Admiral Sharp had not yet called back with confirming details of the attack. The order specified that the carriers were to launch their planes within about two and a half hours.

The admiral called back at 5:23 P.M. and again a few minutes after 6 o'clock to say that he was satisfied, on the basis of information from the task group commander of the two destroyers, that the attack had been genuine. The study says that in the meantime Mr. McNamara and the Joint Chiefs had also examined the confirming evidence, including intercepted radio messages from the North Vietnamese saying that their vessels were engaging the destroyers and that two torpedo boats had been sunk.

By now Mr. McNamara and the Chiefs had moved on to discussing the pre-positioning of the air strike forces under Operation Plan 37–64.

At 6:45 P.M., President Johnson met with 16 Congressional leaders from both parties whom he had summoned to the White House. He told them that because of the second unprovoked attack on the American destroyers, he had decided to launch reprisal air strikes against the North and to ask for a Congressional resolution, the study says.

The Pentagon study gives no indication that Mr. Johnson informed the Congressional leaders of United States responsibility for and command of the covert 34A raids on July 30 and Aug. 3.

Nor does the history give any indication that Mr. Johnson told the Congressional leaders of what the historian describes as "the broader purpose of the deployments" under Operation Plan 37–64, which Mr. McNamara was to announce at a Pentagon news conference the next day and describe as a precautionary move.

"It is significant," the analyst writes, "that few of these additional units were removed from the western Pacific when the immediate crisis subsided. In late September the fourth attack aircraft carrier was authorized to resume its normal station in the eastern Pacific as soon as the regularly assigned carrier completed repairs. The other forces remained in the vicinity of their August deployment."

PLANES LEAVE TICONDEROGA

At 8:30 P.M. on Aug. 4, Mr. McNamara returned to the Pentagon and at 11:30 P.M., after several telephone calls to Admiral Sharp, he learned that the Ticonderoga had launched her bomb laden aircraft at 10:43 P.M. They were expected to arrive over their targets in about an hour and 50 minutes.

The carriers had needed more time to get into launching position than the execution order had envisioned. The Constellation, steaming from Hong Kong, was not to launch her planes for another couple of hours.

The President did not wait. Sixteen minutes after Mr. McNamara's last phone call to Admiral Sharp, at 11:36 P.M., he went on television to tell the nation of the reprisal strikes. He characterized his actions as a "limited and fitting" response. "We still seek no wider war," he said.

Almost simultaneously, the air deployments under Operation Plan 37–64 had begun.

The first F–102 Delta Dagger jet fighters were landing at Saigon's airport around the time Mr. McNamara described the deployments at a Pentagon news conference on Aug. 5. He had given a brief post-midnight conference the same day to describe the reprisal strikes. He reported now that 25 North Vietnamese patrol craft had been destroyed or damaged along with 90 per cent of the oil storage tanks near Vinh.

"Last night I announced that moves were under way to reinforce our forces in the Pacific areas," he continued. "These moves include the following actions:

"First, an attack carrier group has been transferred from the First Fleet on the Pacific coast to the western Pacific. Secondly, interceptor and fighter-bomber aircraft have been moved into South Vietnam. Thirdly, fighter-bomber aircraft have been moved into Thailand. Fourthly, interceptor and fighter-bomber squadrons have been transferred from the United States into advance bases in the Pacific. Fifthly, and antisubmarine task force group has been moved into the South China Sea. And finally, selected Army and Marine forces have been alerted and readied for movement."

FULBRIGHT A SENATE SPONSOR

The study notes that the Administration drafted the Congressional resolution for the two men who would sponsor its passage through both houses for the President: Senator J. W. Fulbright of Arkansas, chairman of the Senate Foreign Relations Committee, and Representative Thomas E. Morgan of Pennsylvania, chairman of the House Foreign Affairs Committee.

Precisely who drafted this final version of the resolution is not mentioned. The wording was less precise than that of the resolution drafted by William Bundy for the May 23 scenario, but the key language making the resolution in effect a declaration of war remained:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approve and support the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. McNamara and Secretary Rusk both testified on behalf of the resolution in secret sessions of the Senate and House foreign relations committees on Aug. 6. In his narrative, the Pentagon Analyst occasionally quotes from and refers to portions of their testimony, which have never been made public by the Pentagon. Along with the study, The Times also obtained more extensive quotations from this portion of the hearing transcript. The following account of the testimony on Aug. 6 thus contains both quotations used by the Pentagon analyst and the fuller quotations obtained by The Times.

MORSE LEARNS OF ATTACKS

Senator Wayne Morse of Oregon had learned that boats manned by South Vietnamese crews had attacked the two North Vietnamese islands on July 30. Mr. Morse, one of two Senators who were to vote against the Tonkin Gulf resolution—the other was Ernest L. Gruening of Alaska—alleged during the secret hearing on Aug. 6 that Mr. McNamara had known about the raids and that the destroyers had been associated with it.

"First," Mr. McNamara replied, "our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese actions, if there were any. . . . The Maddox was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times."

"I did not have knowledge at the time of the attack on the island," he said. "There is no connection between this patrol and any action by South Vietnam.'

Mr. McNamara contended that whatever action had taken place against these North Vietnamese islands had been part of an anti-infiltration operation being conducted by a fleet of coastal patrol junks the United States had helped South Vietnam to organize in December, 1961.

"In the first seven months of this year they have searched 149,000 junks, some 570,000 people," he is quoted as telling the committee in this secret session. "This is a tremendous operation endeavoring to close the seacoasts of over 900 miles. In the process of that action, as the junk patrol has increased in strength, they have moved farther and farther north endeavoring to find the source of the infiltration.

"As part of that, as I reported to you earlier this week, [Mr. McNamara had testified before the committee in a secret session on Aug. 3 after the first attack on the Maddox], we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the ports they felt were associated with this infiltration.

"Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort," he said.

Senator Frank Church of Idaho then asked Secretary Rusk at the same secret session: "I take it that our government which supplied these boats . . . did know that the boats would be used for attacks on North Vietnamese targets, and that we acquiesced in that policy, is that correct?"

". . . In the larger sense, that is so, but as far as any particular detail is concerned we don't from Washington follow that in great detail," Mr. Rusk replied.

CHURCH PRESSES QUESTIONS

"They are doing it with our acquiescence and consent, is that correct?" Senator Church continued.

"But within very limited levels as far as North Vietnam is concerned," Mr. Rusk said.

At a Pentagon news conference after his testimony before the committee, Mr. McNamara spoke about the coastal patrol junks again and avoided any specific mention of the July 30 raid:

Q. Mr. Secretary

A. Yes?

Q. Have there been any incidents that you know involving the South Vietnamese vessels and the North Vietnamese?

A. No, none that I know of, although I think that I should mention to you the South Vietnamese naval patrol activities that are carried on to prevent the infiltration of men and materiel from the North into the South.

In the last seven months of 1961, for example, about 1,400 men were infiltrated across the 17th Parallel from North Vietnam into South Vietnam. To prevent further infiltration of that kind, the South Vietnamese with our assistance have set up a naval patrol which is very active in that area which continues to inspect and examine junks and their personnel.

In one eight-month period that I can recall they discovered 140 Vietcong infiltrators.

Q. They operate on their own?

A. They operate on their own. They are part of the South Vietnamese Navy, commanded by the South Vietnamese Navy, operating in the coastal waters inspecting suspicious incoming junks, seeking to deter and prevent the infiltration of both men and materiel from North Vietnam into South Vietnam.

Q. Mr. Secretary. Do these junks go north into North Vietnam areas?

A. They have advanced closer and closer to the 17th Parallel and in some cases I think have moved beyond that in an effort to stop the infiltration closer to the point of origin.

Q. Do our naval vessels afford any cover for these operations?

A. Our naval vessels afford no cover whatsoever. Our naval personnel do not participate in the junk operations.

When Senator George S. McGovern of South Dakota subsequently brought up the July 30 attack on the islands during the Senate floor debate on the resolution, Senator Fulbright replied that he had been assured by the Administration that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that the destroyer patrol "was entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted."

The Congressional resolution passed on Aug. 7 by a vote of 88 to 2 in the Senate and 416 to 0 in the House.

The history shows that besides the May 19 progress report from the Joint Chiefs on the 34A Operations, Mr. McNamara had received other memorandums on the clandestine attacks from General Anthis, the special assistant to the Joint Chiefs, on June 13, July 1 and July 28, 1964. General Anthis drew up the advance monthly schedules of the covert operations for approval by William Bundy and Mr. McNaughton.

Where Mr. Rusk is concerned, the study reveals that he was kept reasonably well informed.

The study also makes it clear that there was no connection between the 34A raids and the coastal patrol junk fleet described by Mr. McNamara and referred to by Mr. Rusk.

TWO KEY ELEMENTS IN PLACE

Thus, in the space of three days, the Administration had put firmly into place two key elements of the May 23 scenario—prepositioning of major air strike forces and Congressional authorization for wider action.

Internal Administration planning for Congressional authorization to escalate also now disappears from the documentary record. The account notes that during the next round of planning "the question of Congressional authority for open acts of war against a sovereign nation was never seriously raised."

There was confusion in Congress, however, over precisely what the resolution meant, the historian says, commenting:

"Despite the nearly unanimous votes of support for the resolution, Congressional opinions varied as to the policy implications and the meaning of such support. The central belief seemed to be that the occasion necessitated demonstrating the nation's unity and collective will in support of the President's action and affirming U.S. determination to oppose further aggression. However, beyond that theme, there was a considerable variety of opinion . . . Several spokesmen stressed that the resolution did not constitute a declaration of war, did not abdicate Congressional responsibility for determining national policy commitments and did not give the President carte blanche to involve the nation in a major Asian war."

The Administration would now communicate the meaning of the resolution to Hanoi by carrying out in a more significant manner an element of the May 23 scenario that Washington had already used once in June when the Canadian emissary had paid his first visit to Hanoi.

SECOND SEABORN MISSION

On Aug. 10, Mr. Seaborn was sent back with a second message for Premier Dong, which concluded:

"a. That the events of the past few days should add credibility to the statement made last time, that 'U.S. public and official patience with North Vietnamese aggression is growing extremely thin.'

"b. That the U.S. Congressional resolution was passed with near unanimity, strongly reaffirming the unity and determination of the U.S. Government and people not only with respect to any further attacks on U.S. military forces but more broadly to continue to oppose firmly, by all necessary means, D.R.V. efforts to subvert and conquer South Viet-Nam and Laos.

"c. That the U.S. has come to the view that the D.R.V. role in South Vietnam and Laos is critical. If the D.R.V. persists in its present course, it can expect to continue to suffer the consequences. [The word "continue" referred to the reprisal air strikes that followed the Tonkin incident.]

"d. That the D.R.V. knows what it must do if the peace is to be restored.

"e. That the U.S. has ways and means of measuring the D.R.V.'s participation in, and direction and control of, the war on South Vietnam and in Laos and will be carefully watching the D.R.V.'s response to what Mr. Seaborn is telling them" [See text.]

Mr. McNaughton had drafted the message on the day the resolution was passed.

During this, as in his first meeting with Mr. Seaborn in June, the history says, "Pham Van Dong showed himself utterly unintimidated and calmly resolved to pursue the course upon which the D.R.V. was embarked to what he confidently expected would be its successful conclusion."

In the heat of the Tonkin clash, the Administration had also accomplished one of the major recommendations of the June strategy conference at Honolulu—preparing the American public for escalation.

AN IMPORTANT FIREBREAK

"The Tonkin Gulf reprisal constituted an important firebreak and the Tonkin Gulf resolution set U.S. public support for virtually any action," the study remarks.

Almost none of the "disagreeable questions" the Administration might have to answer about the resolution, which had given the President pause in mid-June, had been asked in the emotional atmosphere of the crisis."

And inside the Administration the planners were moving more quickly now.

On Aug. 10, three days after passage of the resolution, Ambassador Taylor cabled the President a situation report on South Vietnam. It said that the Khanh regime had only "a 50–50 chance of lasting out the year." Therefore, a major objective of the United States Mission in Saigon was to "be prepared to implement contingency plans against North Vietnam with optimum readiness by Jan. 1, 1965."

On Aug. 11, four days after passage of the resolution, William Bundy drew up a memorandum for a high-level State-Defense Departments policy meeting. The memorandum outlined graduated steps towards a possible full-scale air war against North Vietnam with "a contingency date, as suggested by Ambassador Taylor, of 1 January 1965." But until the end of August, Mr. Bundy said, there should be "a short holding phase, in which we would avoid actions that would in any way take the onus off the Communist side for escalation." [See text.]

On Aug. 14, a lengthy summary of Mr. Bundy's memorandum was cabled to Ambassador Taylor, Ambassador Unger in Vientiane, and to Admiral Sharp in Honolulu for comments that would permit "further review and refinement."

The Tonkin Gulf reprisal air strikes, the analyst writes, "marked the crossing of an important threshold in the war, and it was accomplished with virtually no domestic criticism, indeed, with an evident increase in public support for the Administration. The precedent for strikes against the North was thus established and at very little apparent cost."

"There was a real cost, however," he concludes, in that the Administration was psychologically preparing itself for further escalation. "The number of unused measures short of direct military action against the North had been depleted. Greater visible commitment was purchased at the price of reduced flexibility." And "for all these reasons, when a decision to strike the North was faced again, it was much easier to take."

Admiral Sharp, in his cable to Washington on Aug. 17 commenting on Mr. Bundy's memorandum, "candidly" summed up this psychological commitment, the analyst says.

"Pressures against the other side once instituted should not be relaxed by any actions or lack of them which would destroy the benefits of the rewarding steps previously taken," the admiral wrote.

Vietnam Archive: A Consensus To Bomb Developed Before 1964 Election, Study Says

(By Neil Sheehan)

The Johnson Administration reached a "general consensus" at a White House strategy meeting on Sept. 7, 1964, that air attacks against North Vietnam would probably have to be launched, a Pentagon study of the Vietnam war states. It was expected that "these operations would begin early in the new year."

"It is important to differentiate the consensus of the principals at this September meeting," the study says, "from the views which they had urged on the President in the preceding spring. In the spring the use of force had been clearly contingent on a major reversal—principally in Laos—and had been advanced with the apparent assumption that military actions hopefully would not be required. Now, however, their views were advanced with a sense that such actions were inevitable."

The administration consensus on bombing came at the height of the Presidential election contest between President Johnson and Senator Barry Goldwater, whose advocacy of full-scale air attacks on North Vietnam had become a major issue. That such a consensus had been reached as early as September is a major disclosure of the Pentagon study.

The consensus was reflected, the analysis says, in the final paragraph of a formal national security action memorandum issued by the President three days later, on Sept. 10.

This paragraph spoke of "larger decisions" that might be "required at any time."

The last round of detailed planning of various political and military strategies for a bombing campaign began "in earnest," the study says, on Nov. 3, 1964, the day that Mr. Johnson was elected President in his own right.

Less than 100 days later, on Feb. 8, 1965, he ordered new reprisal strikes against the North. Then, on Feb. 13, the President gave the order for the sustained bombing of North Vietnam, code-named Rolling Thunder.

This period of evolving decision to attack North Vietnam, openly and directly, is shown in the Pentagon papers to be the second major phase of President Johnson's defense of South Vietnam. The same period forms the second phase of the presentation of those papers by The New York Times.

The papers, prepared by a team of 30 to 40 authors in 1967–68 as an official study of how the United States went to war in Indochina, consist of 3,000 pages of analysis and 4,000 pages of supporting documents. The study covers nearly three decades of American policy on Southeast Asia. Yesterday The Times's first report on this study, and presentation of key documents, covered the period of clandestine warfare and planning before the Tonkin Gulf incidents in 1964.

In its glimpses into Lyndon B. Johnson's personal thoughts and motivations between the fateful September meeting and his decision to embark on an air war, the Pentagon study shows a President moving and being moved toward war, but reluctant and hesitant to act until the end.

But, the analyst explains, "from the September meeting forward, there was little basic disagreement among the principals [the term the study uses for the senior policy makers] on the need for military operations against the North. What prevented action for the time being was a set of tactical considerations."

The first tactical consideration, the analyst says, was that "the President was in the midst of an election campaign in which he was presenting himself as the candidate of reason and restraint as opposed to the quixotic Barry Goldwater," who was publicly advocating full-scale bombing of North Vietnam. The historian also mentions other "temporary reasons of tactics":

The "shakiness" of the Saigon Government.

A wish to hold the line militarily and diplomatically in Laos.

The "need to design whatever actions were taken so as to achieve maximum public and Congressional support . . ."

The "implicit belief that overt actions at this time might bring pressure for premature negotiations—that is negotiations before the D.R.V. [Democratic Republic of (North) Vietnam] was hurting."

Assistant Secretary of Defense John T. McNaughton, the head of the Pentagon's Office of International Security Affairs, summed up these tactical considerations in the final paragraph of a Sept. 3 memorandum to Secretary of Defense Robert S. McNamara, in preparation for the crucial White House strategy session four days later:

"Special considerations during the next two months. The relevant audiences of U.S. actions are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as 'underwriters'), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). During the next two months, because of the lack of 'rebuttal time' before election to justify particular actions which may be distorted to the U.S. public, we must act with special care—signaling to the D.R.V. that initiatives are being taken, to the G.V.N. [Government of (South) Vietnam] that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint." The words in parentheses are Mr. McNaughton's.

Rusk Cable to Embassy in Laos on Search and Rescue Flights

(Cablegram from Secretary of State Dean Rusk to the United States Embassy in Vientiane, Laos, Aug. 26, 1964. A copy of this message was sent to the Commander in Chief, Pacific.)

We agree with your assessment of importance SAR operations that Air America pilots can play critically important role, and SAR efforts should not discriminate between rescuing American, Thais and Lao. You are also hereby granted as requested discretionary authority to use AA pilots in T–28's for SAR operations when you consider this indispensable to success of operation and with understanding that you will seek advance Washington authorization wherever situation permits.

At same time, we believe time has come to review scope and control arrangements for T–28 operations extending into future. Such a review is especially indicated view fact that these operations more or less automatically impose demands for use of US personnel in SAR operations. Moreover, increased AA capability clearly means possibilities of loss somewhat increased, and each loss with accompanying SAR operations involves chance of escalation from one action to another in ways that may not be desirable in wider picture. On other side, we naturally recognize T–28 operations are vital both for their military and psychological effects in Laos and as negotiating card in support of Souvanna's position. Request your view whether balance of above factors would call for some reduction in scale of operations and-or dropping of some of better-defended targets. (Possible extension T–28 operations to Panhandle would be separate issue and will be covered by septel.)

On central problem our understanding is that Thai pilots fly missions strictly controlled by your Air Command Center with [word illegible] in effective control, but that this not true of Lao pilots. We have impression latter not really under any kind of firm control.

Request your evaluation and recommendations as to future scope T–28 operations and your comments as to whether our impressions present control structure correct and whether steps could be taken to tighten this.

Rusk Query to Vientiane Embassy On Desirability of Laos Cease-Fire

(Cablegram from Secretary of State Rusk to the United States Embassy in Laos, Aug. 7, 1964. Copies were also sent, with a request for comment to the American missions in London, Paris, Saigon, Bangkok, Ottawa, New Delhi, Moscow, Phompenh and Hong Kong, and to the Pacific command and the mission of the United Nations.)

1. As pointed out in your 219, our objective in Laos is to stabilize the situation again, if possible within framework of the 1962 Geneva settlement. Essential to stabilization would be establishment of military equilibrium in the country. Moreover, we have some concern that recent RLG successes and reported low PL morale may lead to some escalation from Communist aide, which we do not now wish to have to deal with.

2. Until now, Souvanna's and our position has been that military equilibrium would require Pathet Lao withdrawal from areas seized in PDJ since May 15 and that such withdrawal is also basic precondition to convening 14-nation conference. Question now arises whether territorial gains of Operation Triangle, provided they can be consolidated, have in practice brought about a situation of equilibrium and whether, therefore, it is no longer necessary to insist on Pathet Lao withdrawal from PDJ as precondition to 14-nation conference. This is in fact thought which has previously occurred to Souvanna (Vientiane's 191) and is also touched on in Secretary's letter to Butler (Deptel 88 to Vientiane). If Souvanna and we continued to insist on PDJ withdrawal other side would inevitably insist on our yielding. Triangle gains, and our judgment is that such arrangement substantially worse than present fairly coherent geographical division. If withdrawal precondition were to be dropped, it could probably best be done at tripartite meetings where it might be used by Souvanna as bargaining counter in obtaining satisfaction on his other condition that he attend conference as head of Laotian Government. Remaining condition would be cease-fire. While under present conditions cease-fire might not be of net advantage to Souvanna—we are thinking primarily of T–28 operations—Pathet Lao would no doubt insist on it. If so, Souvanna could press for effective ICC policing of cease-fire. Latter could be of importance in upcoming period.

3. Above is written with thought in mind that Polish proposals [one word illegible] effectively collapsed and that pressures continue for Geneva [word illegible] conference and will no doubt be intensified by current crisis brought on by DRV naval attacks. Conference on Laos might be useful safety valve for these generalized pressures while at same time providing some deterrent to escalation of hostilities on that part of the "front." We would insist that conference be limited to Laos and believe that it could in fact be so limited, if necessary by our withdrawing from the conference room if any other subject brought up, as we did in 1961–62. Side discussions on other topics could not be avoided but we see no great difficulty with this; venue for informal corridor discussion with PL, DRV, and Chicoms could be valuable at this juncture.

4. In considering this course of action, key initial question is of course whether Souvanna himself is prepared to drop his withdrawal precondition and whether, if he did, he could maintain himself in power in Vientiane. We gather that answer to first question is probably yes but we are much more dubious about the second. Request Vientiane's judgment on these points. Views of other addresses are so requested, including estimated reactions host governments. It is essential that these estimates take account of recent development: military successses non-Communist forces in Laos and latest demonstration US determination resist Communist aggression in Southeast Asia.

Saigon Embassy's Response on Drawbacks in Laos Talks

(Cablegram from Ambassador Maxwell D. Taylor in Saigon to Secretary Rusk, Aug. 9, 1964, with copies to the embassies in Vientiane and Bangkok and the Pacific command.)

From our vantage point we can see positive disadvantages to our position in SEA in pursuing course of action outlined REFTEL.

1. In first place rush to conference table would serve to confirm to Chicoms that US retaliation for destroyer attacks was transient phenomenon and that firm Chicom response in form of commitment to defend NVN has given US "paper tiger" second thoughts. Moreover, much of beneficial effects elsewhere resulting from our strong reaction to events in Gulf of Tonkin would be swiftly dissipated.

2. In Vietnam sudden backdown from previous strongly held US position on PDJ withdrawal prior to conf on Laos would

have potentially disastrous effect. Morale and will to fight, particularly willingness to push ahead with arduous pacification task and to enforce stern measure on Khanh's new emergency decree, would be undermined by what would look like evidence that US seeking to take advantage of any slight improvement in non-Communist position as excuse for extricating itself from Indochina via conf route. This would give strength to probable pro-Gaullist contention that GVN should think about following Laotian example by seeking negotiated solution before advantage of temporarily strengthened anti-Communist position recedes.

3. General letdown in Vietnam which would result from softening of our stand in Laos just after we had made great show of firmness vis-a-vis Communists would undoubtedly erode Khanh's personal position with prospects of increased political instability and coup plotting.

4. It should be remembered that our retaliatory action in Gulf of Tonkin is in effect an isolated US-DRV incident. Although this has relation, as Amb. Stevenson has pointed out, to larger problem of DRV aggression by subversion in Vietnam and Laos, we have not rpt not yet come to grips in a forceful way with DRV over the issue of this larger and much more complex problem. Instead, we are engaged, both in Vietnam and Laos, in proxy actions against proxy agents of DRV. If, as both Khanh and Souvanna hope, we are to parlay the consequences of our recent clash with the DRV into actions which specifically direct themselves against DRV violations of the 1954 and 1962 agreements, we must avoid becoming involved in political engagements which will tie our hands and inhibit our action. For example, any effort to undertake credible joint planning operations with GVN re interdictory air strikes upon infiltration network in southern DRV and especially in panhandle would be completely undercut if we were engaged in conf discussing the Laos territory in question.

5. Similarly, it would seem to us that Souvanna's willingness to hold fast on pre-conditions or substantive negotiations bears direct relationship to his assessment of US willingness to meet the problem where it originates—in North Vietnam itself. This fact shines clearly through his recent brief letter to Pres. Johnson. Moreover, it would be folly to assume that Khanh, who is now in fairly euphoric state as result of our Gulf of Tonkin action, would do anything other than slump into deepest funk if we sought to persuade him to send GVN del. to conf. [Two illegible] is that he would resign rather than send [Two words illegible].

Intensified pressures for Geneva-type conf. cited in REFTEL would appear to us to be coming almost entirely from those who are opposed to US policy objectives in SEA (except possibly UK which seems prepared jump on bandwagon). Under circumstances, we see very little hope that results of such conference would be advantageous to US. Moreover, prospects of limiting it to consideration of only Laotian problem appear at this time juncture to be dimmer than ever. Even though prior agreement reached to limit conf., we do not see how in actual practice we could limit discussion solely to Laos if others inisist on raising other issues. To best our knowledge we never "withdrew" from room when DRV attempted raise extraneous issues during 1961–1962 conf. Instead, we insisted to chair on point of order and had DRV ruled out of order. Prospect of informal corridor discussions with PL, DRV and Chicoms is just what GVN would fear most and may well increase pressures on GVN to undertake negotiated solution so as to avoid their fear of being faced with "fait accompli" by US.

7. Rather than searching for "safety valve" to dissipate current "generalized pressures" SEA, it seems to us we should be looking for means which will channel those pressures against DRV; seems to us "safety value," if needed (for example by Soviets), exists in current UNSC discussion. We should continue to focus attention in all forms on Communist aggressive actions as root cause of tension in SEA and reinforce our current stance. In the final analysis, this stance would be more valid deterrent to escalation by PL/VM than attempt seek accommodation within context Laos problem alone.

While not rpt not specifically within our province, we would point out that PL/VM appear to have capability of retaking territory regained by RLG in Operation Triangle at any time of their choosing and that therefore "territorial swap" envisaged in DEPTEL may be highly illusory. Moreover, any territorial deal which seems to confirm permanent PL/VM control over corridor as an arrangement acceptable to US would be anathema to GVN and indicate our willingness infiltration networks as tolerable condition on GVN frontiers. Such situation would in their and US mission opinions vitiate against any hope of successful pacification of GVN territory.

U.S. Mission's Recommendations on Further Military Steps

(Cablegram from the United States Mission in Saigon to the State Department, Aug. 18, 1964.)

This is US Mission message.

In preparing our reply, we have found it simpler to produce a new paper which undertakes to state the problem in South Viet Nam as we see it in two possible forms and then to provide course of action responding to each statement of the problem.

Underlying our analysis is the apparent assumption of Deptel 439 (which we believe is correct) that the present in-country pacification plan is not enough in itself to maintain national morale or to offer reasonable hope of eventual success. Something must be added in the coming months.

Statement of the problem—A. The course which U.S. policy in South Viet Nam should take during the coming months can be expressed in terms of four objectives. The first and most important objective is to gain time for the Khanh government to develop a certain stability and to give some firm evidence of viability. Since any of the courses of action considered in this cable carry a considerable measure of risk to the US, we should be slow to get too deeply involved in them until we have a better feel of the quality of our ally. In particular, if we can avoid it, we should not get involved militarily with North Viet Nam and possibly with Red China if our base in South Viet Nam is insecure and Khanh's army is tied down everywhere by the VC insurgency. Hence, it is our interest to gain sufficient time not only to allow Khanh to prove that he can govern, but also to free Saigon from the VC threat which presently reigns (as received) it and assure that sufficient GVN ground forces will be available to provide a reasonable measure of defense against any DRV ground reaction which may develop in the execution of our program and thus avoid the possible requirement for a major US ground force commitment.

A second objective in this period is the maintenance of morale in South Viet Nam particularly within the Khanh Government. This should not be difficult in the case of the government if we can give Khanh assurance of our readiness to bring added pressure on Hanoi if he provides evidence of ability to do his part. Thirdly while gaining time for Khanh, we must be able to hold the DRV in check and restrain a further buildup of Viet Cong strength by way of infiltration from the North. Finally, throughout this period, we should be developing a posture of maximum readiness for a deliberate escalation of pressure against North Viet Nam, using January 1, 1965 as a target D-Day. We must always recognize, however, that events may force US to advance D-Day to a considerably earlier date.

[Start of sentence illegible] we then need to design a course of action which will achieve the four objectives enumerated above. Such a course of action would consist of three parts: the first, a series of actions directed at the Khanh Government; the second, actions directed at the Hanoi Government; the third, following a pause of some duration, initiation of an orchestrated air attack against North Viet Nam.

In approaching the Khanh Government, we should express our willingness to Khanh to engage in planning and eventually to exert intense pressure on North Viet Nam, providing certain conditions are met in advance. In the first place before we would agree to go all out against the DRV, he must stabilize his government and make some progress in cleaning up his operational backyard. Specifically, he must execute the initial phases of the Hop Tac Plan successfully to the extent of pushing the Viet Cong from the doors of Saigon. The overall pacification program, including Hop Tac, should progress sufficiently to allow earmarking at least three division equivalents for the defense in I Corps if the DRV step up military operations in that area.

Finally we should reach some fundamental understanding with Khanh and his government concerning war aims. We must make clear that we will engage in actions against North Viet Nam only for the purpose of assuring the security and independence of South Viet Nam within the territory assigned by the 1954 agreements; that we will not (rpt not) join in a crusade to unify the north and south; that we will not (rpt not) even seek to overthrow the Hanoi regime provided the latter will cease its efforts to take over the south by subversive warfare.

With these understandings reached, we would be ready to set in motion the following:

(1) Resume at once 34A (with emphasis on Marine operations) and Desoto patrols. These could start without awaiting outcome of discussions with Khanh.

(2) Resume U-2 overflights over all NVN.

(3) Initiate air and ground strikes in Laos against infiltration targets as soon as joint plans now being worked out with the Khanh Government are ready. Such plans will have to be related to the situation in Laos. It appears to US that Souvanna Phouma should be informed at an appropriate time of the full scope of our plans and one would hope to obtain his acquiescence in the anti-infiltration actions in Laos. In any case we should always seek to preserve our freedom of action in the Laotian corridor.

By means of these actions, Hanoi will get the word that the operational rules with respect to the DRV are changing. We should perhaps consider message to DRV that shooting down of U-2 would result in reprisals. We should now lay public base for justifying such flights and have plans for prompt execution in contingency to shoot down. One might be inclined to consider including at this state tit-for-tat bombing operations in our plans to compensate for VC depredations in SVN. However, the initiation of air attacks from SVN against NVN is likely to release a new order of military reaction from both sides, the outcome of which is impossible to predict. Thus, we do not visualize initiating this form of reprisal as a desirable tactic in the current plan but would reserve the capability as an emergency response if needed.

Before proceeding beyond this point, we should raise the level of precautionary military readiness (if not already done) by taking such visible measures as [word illegible] Hawk units to Danang and Saigon, landing a Marine force at Danang for defense of the airfield and beefing up MACV's support base. By this time (assumed to be late fall) we should have some reading on Khanh's performance.

Assuming that his performance has been satisfactory and that Hanoi has failed to respond favorably, it will be time to embark on the final phase of course of action A, a carefully orchestrated bombing attack on NVN directed primarily at infiltration and other military targets. At some point prior thereto it may be desirable to open direct communications with Hanoi if this has not been done before. With all preparations made, political and military, the bombing program would begin, using U.S. reconnaissance planes, VNAF/Farmgate aircraft against those targets which could be attacked safely in spite of the presence of the MIG's and additional U.S. combat aircraft if necessary for the effective execution of the bombing programs.

Pros and cons of course of action—A. If successful course of action A will accomplish the objectives set forth at the outset as essential to the support of U.S. policy in South Viet Nam. I will press the Khanh Government into doing its homework in pacification and will limit the diversion of interest to the out-of-country ventures it gives adequate time for careful preparation estimated at several months, while doing sufficient at once to maintain internal morale. It also provides ample warning to Hanoi and Peking to allow them to adjust their conduct before becoming overcommitted.

On the other hand, course of action A relies heavily upon the durability of the Khanh government. It assumes that there is little danger of its collapse without notice or of its possible replacement by a weaker or more unreliable successor. Also, because of the drawn-out nature of the program it is exposed to the danger of international political pressure to enter into negotiations before NVN is really hurting from the pressure directed against it.

Statement of the Problem—B. It may well be that the problem of U.S. policy in SVN is more urgent than that depicted in the foregoing statement. It is far from clear at the present moment that the Khanh Government can last until January 1, 1965, although the application of course of action A should have the effect of strengthening the government [rest of sentence illegible].

[Start of sentence illegible] we would have to restate the problem in the following terms. Our objective avoid the possible consequences of a collapse of national morale. To accomplish these purposes, we would have to open the campaign against the DRV without delay, seeking to force Hanoi as rapidly as possible to resist from aiding the VC and to convince the DRV that it must cooperate in calling off the VC insurgency.

Course of Action—B. To meet this statement of the problem, we need an accelerated course of action, seeking to obtain results faster than under course of action A. Such an accelerated program would include the following actions:

Again we must inform Khanh of our intentions, this time expressing a willingness to begin military pressures against Hanoi at once, providing that he will undertake to perform as in course of action A. However, US action would not await evidence of performance.

Again we may wish to communicate directly on this subject with Hanoi or awaiting effect of our military actions. The scenario of the ensuing events would be essentially the same as under Course A but the execution would await only the readiness of plans to expedite relying almost exclusively on US military means.

Pros and cons of Course of Action B. This course of action asks virtually nothing from the Khanh Government, primarily because it is assumed that little can be expected from it. It avoids the consequence of the sudden collapse of the Khanh Government and gets underway with minimum delay the punitive actions against Hanoi. Thus, it lessens the chance of an interruption of the program by an international demand for negotiation by presenting a fait accompli to international critics. However, it increases the liklihood of US involvement in ground action since Khanh will have almost no available ground forces which can be released from pacification employment to mobile resistance of DRV attacks.

Conclusion: It is concluded that Course of Action A offers the greater promised achievement of US policy objectives in SVN during the coming months. However, we should always bear in mind the fragility of the Khanh Government and be prepared to shift quickly to Court of Action B if the situation requires. In either case, we must be militarily ready for any response which may be initiated by NVN or by Chicoms.

Miscellaneous: as indicated above, we believe that 34A operations should resume at once at maximum tempo, still on a covert basis; similarly, Desoto patrols should begin advance, operating outside 12-mile limit. We concur that a number of VNAF pilots should be trained on B–57's between now and first of year. There should be no change now with regard to policy on evacuation of US dependents.

Recommendation: It is recommended that USG adopt Course of Action A while maintaining readiness to shift to Course of Action B.

Joint Chiefs' Recommendation On Military Courses of Action

(Excerpts from memorandum, "Recommended Courses of Action- -Southeast Asia," from the Joint Chiefs of Staff to Secretary of Defense Robert S. McNamara, Aug. 26, 1964.)

3. The Joint Chiefs of Staff have considered Ambassador Taylor's statements of objectives and courses of action. In recognition of recent events in SVN, however, they consider that his proposed course of action B is more in accord with the current situation and consider that such an accelerated program of actions with respect to the DRV is essential to prevent a complete collapse of the US position in Southeast Asia. Additionally, they do not agree that we should be slow to get deeply involved until we have a better feel for the quality of our ally. The United States is already deeply involved. The Joint Chiefs of Staff consider that only significantly stronger military pressures on the DRV are likely to provide the relief and psychological boost necessary for attainment of the requisite government stability and viability.

4. Recent US military actions in Laos and against the DRV have demonstrated our resolve more clearly than any other US actions in some time. These actions showed force and restraint. Failure to resume and maintain a program of pressure through military actions could be misinterpreted to mean we have had second thoughts about Pierce Arrow and the events leading thereto, and could signal a lack of resolve. Accordingly, while maintaining a posture of readiness in the Western Pacific, the Joint Chiefs of Staff believe that the U.S. program should have as concurrent objectives: (1) improvements in South Vietnam, including emphasis on the Pacification Program and the Hop Tac plan to clear Saigon and its surroundings; (2) interdiction of the relatively unmolested VC lines of communication (LOC) through Laos by operations in the Panhandle and of the LOC through Cambodia by strict control of the waterways leading therefrom; (3) denial of Viet Cong (VC) sanctuaries in the Cambodia-South Vietnam border area through the conduct of "hot pursuit" operations into Cambodia, as required; (4) increased pressure on North Vietnam through military actions. As part of the program for increased pressures, the OPLAN 34A operations and the Desoto patrols in the Gulf of Tonkin should be resumed, the former on an intensified but still covert basis.

5. The Joint Chiefs of Staff believe, however, that more direct and forceful actions than these will, in all probability, be required. In anticipation of a pattern of further successful VC and Pathet Lao (PL) actions in RVN and Laos, and in order to increase pressure on the DRV, the US program should also provide for prompt and calculated responses to such VC/PL actions in the form of air strikes and other operations against appropriate military targets in the DRV.

6. The Joint Chiefs of Staff recognize that defining what might constitute appropriate counteroperations in advance is a most difficult task. We should therefore maintain our prompt readiness to execute a range of selected responses, tailored to the developing circumstances and reflecting the principles in the Gulf of Tonkin actions, that such counter-operations will result in clear military disadvantage to the DRV. These responses, therefore, must be greater than the provocation in degree, and not necessarily limited to response in kind against similar targets. Air strikes in response might be purely VNAF; VNAF with US escort to provide protection from possible employment of MIG's; VNAF with US escort support in the offensive as well as the defensive role; or entirely US. The precise combination should be determined by the effect we wish to produce and the assets available. Targets for attack by air or other forces may be selected from appropriate plans including the Target Study for North Vietnam consisting of 94 targets, recently forwarded to you by the Joint Chiefs of Staff. . . .

"Plan of Action" Attributed to Assistant Secretary McNaughton

(Excerpts from memorandum, Sept. 3, 1964, "Plan of Action for South Vietnam," which the Pentagon study indicates was drawn up by Assistant Secretary of Defense John T. McNaughton.)

1. Analysis of the present situation. The situation in South Vietnam is deteriorating. Even before the government sank into confusion last week, the course of the war in South Vietnam had been downward, with Viet Cong incidents increasing in number and intensity and military actions becoming larger and more successful, and with less and less territory meaningfully under the control of the government. Successful ambushes had demonstrated an unwillingness of the population even in what were thought to be pacified areas to run the risk of informing on the Viet Cong. War weariness was apparent. The crisis of the end of August—especially since the competing forces have left the government largely "faceless" and have damaged the government's ability to manage the pacification program—promises to lead to further and more rapid deterioration. . . . The objective of the United States is to reverse the present downward trend. Failing that, the alternative objective is to emerge from the situation with as good an image as possible in US, allied and enemy eyes.

2. Inside South Vietnam. We must in any event keep hard at work inside South Vietnam. This means, inter alia, immediate action:

(a) to press the presently visible leaders to get a real government in operation;

(b) to prevent extensive personnel changes down the line;

(c) to see that lines of authority for carrying out the pacification program are clear.

New initiatives might include action:

(d) to establish a US Naval base, perhaps at Danang;

(e) to embark on a major effort to pacify one province adjacent to Saigon.

A separate analysis is being made of a proposal:

(f) to enlarge significantly the US military role in the pacification program inside South Vietnam—e.g., large numbers of US special forces, divisions of regular combat troops, US air, etc., to "interlard" with or to take over functions of geographical areas from the South Vietnamese armed forces.

3. Outside the borders of South Vietnam. There is a chance that the downward trend can be reversed—or a new situation created offering new opportunities, or at least a convincing demonstration made of the great costs and risks incurred by a country which commits aggression against an ally of ours—if the following course of action is followed. The course of action is made up of actions outside the borders of South Vietnam designed to put increasing pressure on North Vietnam but designed also both to create as little risk as possible of the kind of military action which would be difficult to justify to the American public and to preserve where possible the option to have no US military action at all. . . .

Actions. The actions, in addition to present continuing "extra-territorial" actions (US U-2 recce of DRV, US jet recce of Laos, T-28 activity in Laos), would be by way of an orchestration of three classes of actions, all designed to meet these five desiderata—(1) points of view, they should be legitimate from the US, GVN and hopefully allied things to do under the circumstances, (2) they should cause apprehension, ideally increasing apprehension, in the DRV, (3) they should be likely at some point to provoke a military DRV response, (4) the provoked response should be likely to provide good grounds for us to escalate if we wished, and (5) the timing and crescendo should be under our control, with the scenario capable of being turned off at any time. . . .

4. Actions of opportunity. While the above course of action is being pursued, we should watch for other DRV actions which would justify [words illegible]. Among such DRV actions might be the following:

a. Downing of US recce or US rescue aircraft in Laos (likely by AA, unlikely by MIG).

b. MIG action in Laos or South Vietnam (unlikely).

c. Mining of Saigon Harbor (unlikely).

d. VC attacks on South Vietnamese POL storage, RR bridge, etc. (dramatic incident required).

e. VC attacks (e.g., by mortars) on, or take-over of, air fields on which US aircraft are deployed (likely).

f. Some barbaric art of terrorism which inflames US and world opinion (unlikely). . . .

6. Chances to resolve the situation. Throughout the scenario, we should be alert to chances to resolve the situation:

a. To back the DRV down, so South Vietnam can be pacified.

b. To evolve a tolerable settlement:

I. Explicit settlement (e.g., via a bargaining-from-strength conference, etc.).

II. Tacit settlement (e.g., via piecemeal live-and-let-live Vietnamese "settlements," a de facto "writing off" of indefensible portions of SVN, etc.).

c. If worst comes and South Vietnam disintegrates or their behavior becomes abominable, to "disown" South Vietnam, hopefully leaving the image of "a patient who died despite the extraordinary efforts of a good "doctor."

7. Special considerations during next two months. The relevant "audiences" of US actions are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as "underwriters"), and the US public (which must support our risk-taking with US lives and prestige). During the next two months, because of the lack of "rebuttal time" before election to justify particular actions which may be distorted to the US public, we must act with special care—signalling to the DRV that initiatives are being taken, to the GVN that we are behaving energetically despite the restraints of our political season, and to the US public that we are behaving with good purpose and restraint.

Top Aide's Proposal to Johnson on Military Steps in Late '64

(Memorandum from Assistant Secretary of State for Far Eastern Affairs, William P. Bundy, for President Johnson, Sept. 8, 1964. The memorandum was headed "Courses of Action for South Vietnam.")

This memorandum records the consensus reached in discussions between Ambassador Taylor and Secretary Rusk, Secretary McNamara and General Wheeler, for review and decision by the President.

THE SITUATION

1. Khanh will probably stay in control and may make some headway in the next two-three months in strengthening the Government (GVN). The best we can expect is that he and the GVN will be able to maintain order, keep the pacification program ticking over (but not progressing markedly) and give the appearance of a valid Government.

2. Khanh and the GVN leaders are temporarily too exhausted to be thinking much about moves against the North. However, they do need to be reassured that the US continues to mean business, and as Khanh goes along in his Government efforts, he will probably want more US effort visible, and some GVN role in external actions.

3. The GVN over the next 2-3 months will be too weak for us to take any major deliberate risks of escalation that would involve a major role for, or threat to, South Vietnam. However, escalation arising from and directed against U.S. action would tend to lift GVN morale at least temporarily.

4. The Communist side will probably avoid provocative action against the US, and it is uncertain how much they will step up VC activity. They do need to be shown that we and the GVN are not simply sitting back after the Gulf of Tonkin.

COURSES OF ACTION

We recommend in any event:

1. US naval patrols in the Gulf of Tonkin should be resumed immediately (about September 12). They should operate initially beyond the 12-mile limit and be clearly dissociated from 34A maritime operations. The patrols would comprise 2–3 destroyers and would have air cover from carriers; the destroyers would have their own ASW capability. 2. 34A operations by the GVN should be resumed immediately thereafter (next week). The maritime operations are by far the most important. North Vietnam is likely to publicize them, and at this point we should have the GVN ready to admit that they are taking place and to justify and legitimize them on the basis of the facts on VC infiltration by sea. 34A air drop and leaflet operations should also be resumed but are secondary in importance. We should not consider air strikes under 34A for the present.

3. Limited GVN air and ground operations into the corridor areas of Laos should be undertaken in the near future, together with Lao air strikes as soon as we can get Souvanna's permission.

These operations will have only limited effect, however.

4. We should be prepared to respond on a tit-for-tat basis against the DRV in the event of any attack on US units or any special DRV/VC action against SVN. The response for an attack on US units should be along the lines of the Gulf of Tonkin attacks, against specific and related targets. The response to special action against SVN should likewise be aimed at specific and comparable targets.

The main further question is the extent to which we should add elements to the above actions that would tend deliberately to provoke a DRV reaction, and consequent retaliation by us. Example of actions to be considered would be running US naval patrols increasingly close to the North Vietnamese coast and/or associating them with 34A operations. We believe such deliberately provocative elements should not be added in the immediate future while the GVN is still struggling to its feet. By early October, however, we may recommend such actions depending on GVN progress and Communist reaction in the meantime, especially to US naval patrols.

The aim of the above actions, external to South Vietnam, would be to assist morale in SVN and show the Communists we still mean business, while at the same time seeking to keep the risks low and under our control at each stage.

Further actions within South Vietnam are not covered in this memorandum. We believe that there are a number of immediate-impact actions we can take, such as pay raises for the police and civil administrators and spot projects in the cities and selected rural areas. These actions would be within current policy and will be refined for decision during Ambassador Taylor's visit. We are also considering minor changes in the US air role within South Vietnam, but these would not involve decisions until November.

Memo on Johnson's Approval of Renewed Naval Operations

(National security action memorandum from McGeorge Bundy, adviser to the President on national security, to Secretary of Defense McNamara and Secretary of State Rusk, Sept. 10, 1964.)

The President has now reviewed the situation in South Vietnam with Ambassador Taylor and with other advisers and has approved the following actions:

1. U.S. naval patrols in the Gulf of Tonkin will be resumed promptly after Ambassador Taylor's return. They will operate initially well beyond the 12-mile limit and be clearly disassociated from 31A maritime operations. The patrols will comprise two or three destroyers and would have air cover from carriers; the destroyers will have their own ASW capability.

2. 34A operations by the GVN will be resumed after completion of a first DeSoto patrol. The maritime operations are by far the most important. North Vietnam has already publicized them, and is likely to publicize them even more, and at this point we should have the GVN ready to admit that they are taking place and to justify and legitimize them on the basis of the facts of VC infiltration by sea. 34A air drop and leaflet operations should also be resumed but are secondary in importance. We should not consider air strikes under 34A for the present.

3. We should promptly discuss with the Government of Laos plans for limited GVN air and ground operations into the corridor areas of Laos, together with Lao air strikes and possible use of U.S. armed aerial reconnaissance. On the basis of these discussions a decision on action will be taken, but it should be recognized that these operations will in any case have only limited effect.

4. We should be prepared to respond as appropriate against the DRV in the event of any attack on US units or any special DRV/VC action against SVN.

5. The results of these decisions will be kept under constant review, and recommendations for changes or modifications or additions will be promptly considered.

6. The President reemphasizes the importance of economic and political actions having immediate impact in South Vietnam, such as pay raises for civilian personnel and spot projects in the cities and selected rural areas. The President emphasizes again that no activity of this kind should be delayed in any way by any feeling that our resources for these purposes are restricted. We can find the money which is needed for all worthwhile projects in this field. He expects that Ambassador Taylor and the country team will take most prompt and energetic action in this field.

7. These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken.

Cable Authorizing Air Strikes On Laos Infiltration Routes

(Cablegram from the State Department and the Defense Department to the United States Embassy in Vientiane, Oct. 6, 1964. Copies of the cablegram were sent to the United States Embassies in Saigon and Bangkok and to the commander in chief of Pacific forces. The embassy in Saigon was asked to relay the message to the United States commander in Vietnam.)

You are authorized to urge the RLG to begin air attacks against Viet Cong infiltration routes and facilities in the Laos Panhandle by RLAF T-28 aircraft as soon as possible. Such strikes should be spread over a period of several weeks, and targets should be limited to those deemed suitable for attack by T-28's and listed Para. Vientiane's 581, excluding Mu Gia pass and any target which Lao will not hit without U.S. air cover or fire support since decision this matter not yet made.

You are further authorized to inform Lao that YANKEE TEAM suppressive fire strikes against certain difficult targets in Panhandle, interspersing with further T-28 strikes, are part of the over-all concept and are to be anticipated later but that such US strikes are not repeat not authorized at this time.

Report soonest proposed schedule of strikes and, upon implementation, all actual commitment of RLG T-28s, including targets attacked, results achieved, and enemy opposition. Also give us any views in addition to those in Vientiane's 581 as to any targets which are deemed too difficult for RLG air strikes are on which US suppressive strikes desired.

FYI: Highest levels have not authorized YANKEE TEAM strikes at this time against Route 7 targets. Since we wish to avoid the impression that we are taking first step in escalation, we inclined defer decision on Route 7 strikes until we have strong evidence Hanoi's preparation for new attack in PDJ, some of which might come from RLAF operations over the Route. END FYI.

You may inform RLG, however, that US will fly additional RECCE over Route 7 to keep current on use being made of the Route by the PL and to identify Route 7 targets and air defenses. The subject of possible decision to conduct strikes on Route 7 being given study in Washington.

FYI: Cross border ground operations not repeat not authorized at this time.

William Bundy Draft on Handling World and Public Opinion

(Draft section of a paper, "Conditions for Action and Key Actions Surrounding Any Decision," by Assistant Secretary of State Bundy, Nov. 5, 1964.)

1. Bien Hoa may be repeated at any time. This would tend to force our hand, but would also give us a good springboard for any decision for stronger action. The President is clearly thinking in terms of maximum use of a Gulf of Tonkin rationale, either for an action that would show toughness and hold the line till we can decide the big issue, or as a basis for starting a clear course of action under the broad options.

2. Congress must be consulted before any major action, perhaps only by notification if we do a reprisal against another Bien Hoa, but preferably by careful talks with such key leaders as Mansfield, Dirksen, the Speaker, Albert, Halleck, Fulbright, Hickenlooper, Morgan, Mrs. Bolton, Russell, Saltonstall, Rivers, (Vinson?), Arends, Ford, etc. He probably should wait till his mind is moving clearly in one direction before such a consultation, which would point to some time next week. Query if it should be combined with other topics (budget?) to lessen the heat.

3. We probably do not need additional Congressional authority, even if we decide on very strong action. A session of this rump Congress might well be the scene of a messy Republican effort.

4. We are on the verge of intelligence agreement that infiltration has in fact mounted, and Saigon is urging that we surface this by the end of the week or early next week. Query how loud we want to make this sound. Actually Grose in the Times had the new estimate on Monday; so the splash and sense of hot new news may be less. We should decide this today if possible. . . . In general, we all feel the problem of proving North Vietnamese participation is less than in the past, but we should have the Jorden Report updated for use as necessary.

5. A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong Presidential noise to prepare a climate for an action statement is probably indicated and would be important in any event to counter any SVN fears of a softening in our policy. We should decide the latter today too if possible.

6. Secretary Rusk is talking today to Dobrynin. For more direct communication Seaborn can be revved up to go up the 15th if we think it wise. He is not going anyway, and we could probably hold him back so that the absence of any message was not itself a signal.

7. Our international soundings appear to divide as follows:

a. We should probably consult with the U.K., Australia, New Zealand, and possibly Thailand before we reach a decision. We would hope for firm moral support from the U.K. and for participation in at least token form from the others.

b. SEATO as a body should be consulted concurrently with stronger action. We should consult the Philippines a day or so before such action but not necessarily before we have made up our minds.

c. The NATO Council should be notified on the Cuban model, i.e., concurrently, by a distinguished representative.

d. For negative reasons, France probably deserves VIP treatment also.

e. In the UN, we must be ready with an immediate affirmative presentation of our rationale to proceed concurrently either with a single reprisal action or with the initiation of a broader course of action.

f. World-wide, we should select reasonably friendly chiefs of state for special treatment seeking their sympathy and support, and should arm all our representatives with the rationale and defense of our action whether individual reprisal or broader.

8. USIA must be brought into the planning process not later than early next week, so that it is getting the right kind of materials ready for all our information media, on a contingency basis. The same [word illegible] true of CIA's outlets.

McNaughton's November Draft on Vietnam Aims and Choices

(Second draft of a paper, "Action for South Vietnam," by Assistant Secretary of Defense McNaughton, Nov. 6, 1964.)

1. U.S. aims:

(a) To protect US reputation as a counter-subversion guarantor.

(b) To avoid domino effect especially in Southeast Asia.

(c) To keep South Vietnamese territory from Red hands.

(d) To emerge from crisis without unacceptable taint from methods.

2. Present situation:

The situation in South Vietnam is deteriorating. Unless new actions are taken, the new government will probably be unstable and ineffectual, and the VC will probably continue to extend their hold over the population and territory. It can be expected that, soon (6 months? two years?), (a) government officials at all levels will adjust their behavior to an eventual VC take-over, (b) defections of significant military forces will take place, (c) whole integrated regions of the country will be totally denied to the GVN (d) neutral and/or left-wing elements will enter the government, (e) a popular from regime will emerge which will invite the US out, and (f) fundamental concessions to the VC and accommodations to the DRV will put South Vietnam behind the Curtain.

3. Urgency:

"Bien Hoa" having passed, no urgent decision is required regarding military action against the DRV, but (a) such a decision, related to the general deteriorating situation in South Vietnam, should be made soon, and (b) in the event of another VC or DRV "spectacular," a decision (for at least a reprisal) would be urgently needed.

4. Inside South Vietnam:

Progress inside SVN is important, but it is unlikely despite our best ideas and efforts (and progress, if made, will take at least several months). Nevertheless, whatever other actions might be taken, great efforts should be made within South Vietnam; (a) to strengthen the government, its bureaucracy, and its civil-military coordination and planning, (b) to dampen ethnic, religious, urban and civil-military strife by a broad and positive GVN program designed (with US team help) to enlist the support of important groups, and (c) to press the pacification program in the countryside.

5. Action against DRV:

Action against North Vietnam is to some extent a substitute for strengthening the government in South Vietnam. That is, a less active VC (on orders from DRV) can be matched by a less efficient GVN. We therefore should consider squeezing North Vietnam.

6. Option open to us:

We have three options open to us (all envision reprisals in the DRV for DRV/VC "spectaculars" against GVN as well as US assets in South Vietnam.

Option A. Continue present policies. Maximum assistance within SVN and limited external actions in Laos and by the GVN covertly against North Vietnam. The aim of any reprisal actions would be to deter and punish large VC actions in the South, but not to a degree that would create strong international negotiating pressures. Basic to this option is the continued rejection of negotiating in the hope that the situation will improve.

Option B. Fast full squeeze. Present policies plus a systematic program of military pressures against the north, meshing at some point with negotiation, but with pressure actions to be continued at a fairly rapid pace and without interruption until we achieve our central present objectives.

Option C. Progressive squeeze-and-talk. Present policies plus an orchestration of communications with Hanoi and a crescendo of additional military moves against infiltration targets, first in Laos and then in the DRV, and then against other targets in North Vietnam. The scenario would be designed to give the US the option at any point to proceed or not, to escalate or not, and to quicken the pace or not. The decision in these regards would be made from time to time in view of all relevant factors.

7. Analysis of Option A. (To be provided)
8. Analysis of Option B. (To be provided)
9. Analysis of Option C.

(a) Military actions. Present policy, in addition to providing for reprisals in DRV for DRV actions against the US, envisions (1) 34A Airops and Marops, (2) deSoto patrols, for intelligence purposes, (3) South Vietnamese shallow ground actions in Laos when practicable, and (4) T28 strikes against infiltration-associated targets in Laos. Additional actions should be:

Phase one (in addition to reprisals in DRV for VC "spectaculars" in South Vietnam): (5) US strikes against infiltration-associated targets in Laos.

Phase two (in addition to reprisals in DRV against a broader range of VC actions): (6) Low-level reconnaissance in southern DRV, (7) US/VNAF strikes against infiltration-associated targets in southern DRV.

Phase three: Either continue only the above actions or add one or more of the following, making timely deployment of US forces: (8) Aerial mining of DRV ports, (9) Naval quarantine of DRV, and (10) US/VNAF, in "crescendo," strike additional targets on "94 target list."

South Vietnamese forces should play a role in any action taken against the DRV.

(b) Political actions. Establish immediately a channel for bilateral US–DRV communication. This could be in Warsaw or via Seaborn in Hanoi. Hanoi should be told that we do not seek to destroy North Vietnam or to acquire a colony or base, but that North Vietnam must:

(1) Stop training and sending personnel to wage war in SVN and Laos.

(2) Stop sending arms and supplies to SVN and Laos.

(3) Stop directing and controlling military actions in SVN and Laos.

(4) Order the VC and PL to stop their insurgencies and military actions.

(5) Remove VM forces and cadres from SVN and Laos.

(6) Stop propaganda broadcasts to South Vietnam.

[(7) See that VC and PL stop attacks and incidents in SVN and Laos?]

[(8) See that VC and PL cease resistance to government forces?]

[(9) See that VC and PL turn in weapons and relinquish bases?]

[(10) See that VC and PL surrender for amnesty of expatriation?]

US demands should be accompanied by offers (1) to arrange a rice-barter deal between two halves of Vietnam and (2) to withdraw US forces from South Vietnam for so long as the terms are complied with.

We should not seek wider negotiations—in the UN, in Geneva, etc.—but we should evaluate and pass on each negotiating opportunity as it is pressed on us.

(c) Information actions. The start of military actions against the DRV will have to be accompanied by a convincing world-wide public information program. (The information problem will be easier if the first US action against the DRV is related in time and kind to a DRV or VC outrage or "spectacular", preferably against SVN as well as US assets.)

(d) VS/DRV/Chicom-USSR reactions, (To be elaborated later.) The DRV and China will probably not invade South Vietnam, Laos or Burma, nor is it likely that they will conduct air strikes on these countries. The USSR will almost certainly confine herself to political actions. If the DRV or China strike or invade South Vietnam, US forces will be sufficient to handle the problem.

(e) GVN Reactions. Military action against the DRV could be counter-productive in South Vietnam because (1) the VC could step up its activities, (2) the South Vietnamese could panic, (3) they could resent our striking their "brothers", and (4) they could tire of waiting for results. Should South Vietnam disintegrate completely beneath us, we should try to hold it together long enough to permit us to try to evacuate our forces and to convince the world to accept the uniqueness (and congenital impossibility) of the South Vietnamese case.

(f) Allied and neutral reactions. (To be elaborated later.) (1) Even if OPTION C failed, it would, by demonstrating US willingness to go to the mat, tend to bolster allied confidence in the US as an ally. (2) US military action against the DRV will probably prompt military actions elsewhere in the world—e.g., Indonesia against Malaysia or Timor, or Turkey against Cyprus.

Taylor's Briefing of Key Officials on Situation in November 1964

(Excerpts from prepared briefing by Ambassador Taylor, "The Current Situation in South Vietnam—November, 1964," delivered to the "principals"—the senior officials to whom the Southeast Asia working group reported—at a Washington meeting on Nov. 27, 1964.)

After a year of changing and ineffective government, the counter-insurgency program country-wide is bogged down and will require heroic treatment to assure revival. Even in the Saigon area, in spite of the planning and the special treatment accorded the Hop Tac plan, this area also is lagging. The northern provinces of South Viet-Nam which a year ago were considered almost free of Viet-Cong are now in deep trouble. In the Quang Ngai-Binh Dinh area, the gains of the Viet-Cong have been so serious that once more we are threatened with a partition of the country by a Viet-Cong salient driven to the sea. The pressure on this area has been accompanied by continuous sabotage of the railroad and of Highway 1 which in combination threaten an economic strangulation of northern provinces.

This deterioration of the pacification program has taken place in spite of the very heavy losses inflicted almost daily on the Viet-Cong and the increase in strength and professional competence of the Armed Forces of South Viet-Nam. Not only have the Viet-Cong apparently made good their losses, but of late, have demonstrated three new or newly expanded tactics: the use of stand-off mortar fire against important targets, as in the attack on the Bien Hoa airfield; economic strangulation on limited areas; finally, the stepped-up infiltration of DRV military personnel moving from the north. These new or improved tactics employed against the background of general deterioration offer a serious threat to the pacification program in general and to the safety of important bases and installations in particular.

Perhaps more serious than the downward trend in the pacification situation, because it is the prime cause, is the continued weakness of the central government. Although the Huong government has been installed after executing faithfully and successfully the program laid out by the Khanh government for its own replacement, the chances for the long life and effective performance of the new line-up appear small. Indeed, in view of the factionalism existing in Saigon and elsewhere throughout the country it is impossible to foresee a stable and effective government under any name in anything like the near future. Nonetheless, we do draw some encouragement from the character and seriousness of purpose of Prime Minister Huong and his cabinet and the apparent intention of General Khanh to keep the Army out of politics, at least for the time being.

As our programs plod along or mark time, we sense the mounting feeling of war weariness and hopelessness which pervade South Viet-Nam, particularly in the urban areas. Although the provinces for the most part appear steadfast undoubtedly there is chronic discouragement there as well as in the cities. Although the military leaders have not talked recently with much conviction about the need for "marching North," assuredly many of them are convinced that some new and drastic action must be taken to reverse the present trends and to offer hope of ending the insurgency in some finite time.

The causes for the present unsatisfactory situation are not hard to find. It stems from two primary causes, both already mentioned above, the continued ineffectiveness of the central government, and the other, the increasing strength and effectiveness of the Viet-Cong and their ability to replace losses.

While, in view of the historical record of South Viet-Nam, it is not surprising to have these governmental difficulties, this chronic weakness is a critical liability to future plans. Without an effective central government with which to mesh the U.S. effort the latter is a spinning wheel unable to transmit impulsion to the machinery of the GVN. While the most critical governmental weaknesses are in Saigon, they are duplicated to a degree in the provinces. It is most difficult to find adequate provincial chiefs and supporting administrative personnel to carry forward the complex programs which are required in the field for successful pacification. It is true that when one regards the limited background of the provincial chiefs and their associates, one should perhaps be surprised by the results which they have accomplished, but unfortunately, these results are generally not adequate for the complex task at hand or for the time schedule which we would like to establish.

As the past history of this country shows, there seems to be a national attribute which makes for factionalism and limits the development of a truly national spirit. Whether this tendency is innate or a development growing out of the conditions of political suppression under which successive generations have lived is hard to determine. But it is an inescapable fact that there is no national tendency toward team play or mutual loyalty to be found among many of the leaders and political groups within South Viet-Nam. Given time, many of these [words illegible] undoubtedly change for the better, but we are unfortunately pressed for time and unhappily perceive no short term solution for the establishment of stable and sound government.

The ability of the Viet-Cong continuously to rebuild their units and to make good their losses is one of the mysteries of this guerrilla war. We are aware of the recruiting methods by which local boys are induced or compelled to join the Viet-Cong ranks and have some general appreciation of the amount of infiltration personnel from the outside. Yet taking both of these sources into account, we still find no plausible explanation of the continued strength of the Viet-Cong if our data on Viet-Cong losses are even approximately correct. Not only do the Viet-Cong units have the recuperative powers of the phoenix, but they have an amazing ability to maintain morale. Only in rare cases have we found evidences of bad morale among Viet-Cong prisoners or recorded in captured Viet-Cong documents.

Undoubtedly one cause for the growing strength of the Viet-Cong is the increased direction and support of their campaign by the government of North Viet-Nam. This direction and support take the form of endless radioed orders and instruction and the continuous dispatch to South Viet-Nam of trained cadre and military equipment over infiltration routes by land and by water. While in the aggregate, this contribution to the guerrilla campaign over the years must represent a serious drain on the resources of the DRV, that government shows no sign of relaxing its support of the Viet-Cong. In fact, the evidence points to an increased contribution over the last year, a plausible development, since one would expect the DRV to press hard to exploit the obvious internal weaknesses in the south.

If, as the evidence shows, we are playing a losing game in South Viet-Nam, it is high time we change and find a better way. To change the situation, it is quite clear that we need to do three things: first, establish an adequate government in SVN; second, improve the conduct of the counterinsurgency campaign; and finally, persuade or force the DRV to stop its aid to the Viet-Cong and to use its directive powers to make the Viet-Cong desist from their efforts to overthrow the government of South Viet-Nam. . . .

In bringing military pressure to bear on North Viet-Nam, there are a number of variations which are possible. At the bottom of the ladder of escalation, we have the initiation of intensified covert operations, anti-infiltration attacks in Laos, and reprisal bombings mentioned above as a means for stiffening South Vietnamese morale. From this level of operations, we could begin to escalate progressively by attacking appropriate targets in North Viet-Nam. If we justified our action primarily upon the need to reduce infiltration, it would be natural to direct these attacks on infiltration—related targets such as staging areas, training facilities, communications centers and the like. The tempo and weight of the attacks could be varied according to the effects sought. In its final forms, this kind of attack could extend to the destruction of all important fixed targets in North Viet-Nam and to the interdiction of movement on all lines of communication.

We reach the point where a decision must be taken as to what course or courses of action we should undertake to change the tide which is running against us. It seems perfectly clear that we must work to the maximum to make something out of the present Huong government or any successor thereto. While doing so, we must be thinking constantly of what we would do if our efforts are unsuccessful and the government collapses. Concurrently, we should stay on the present in-country program, intensifying it as possible in proportion to the current capabilities of the government. To bolster the local morale and restrain the Viet-Cong during this period, we should step up the 34–A operations, engage in bombing attacks and armed recce in the Laotian corridor and undertake reprisal bombing as required. It will be important that United States forces take part in the Laotian operations in order to demonstrate to South Viet-Nam our willingness to share in the risks of attacking the North.

If this course of action is inadequate, and the government falls then we must start over again or try a new approach. At this moment, it is premature to say exactly what these new measures should be. In any case, we should be prepared for emergency military action against the North if only to shore up a collapsing situation.

If, on the other hand as we hope, the government maintains and proves itself, then we should be prepared to embark on a methodical program of mounting air attacks in order to accomplish our pressure objectives vis-a-vis the DRV and at the same time do our best to improve in-country pacification program. We will leave negotiation initiatives to Hanoi. Throughout this period, our guard must be up in the Western Pacific, ready for any reaction by the DRV or of Red China. Annex I suggests the train of events which we might set in motion. . . .

View of Chief's Representative On Options B and C

(Memorandum from Vice Adm. Lloyd M. Mustin of the staff of the Joint Chiefs of Staff to Assistant Secretary Bundy as chairman of the Working Group on Southeast Asia, Nov. 14, 1964. The memorandum was headed "Additional Material for Project on Courses of Action in Southeast Asia.")

References: a. Your memorandum of 13 November 1964 to the NSC Working Group.

b. JCSM 902–64, dated 27 October 1964

c. JCSM 933–64, dated 4 November 1964

d. JCSM 955–64, dated 14 November 1964

1. Reference a requests JCS views spelling out Option "B" as a preferred alternative, with something like Option "C" as a fall-back alternative. Because of the way in which formal JCS views in the premises have been developed and expressed, this requires some degree of interpretation.

2. Reference b is the most recent recommendation by the Joint Chiefs of Staff for courses of action with respect to South Vietnam, framed in context of initiation "in cold blood." Various JCS papers, the most recent dated 22 October 1964, identify the corresponding recommendations with respect to Laos. Reference b specifically identifies certain of its listed action to begin now, with the balance of them "implemented as required, to achieve US objectives in Southeast Asia."

3. Reference c formalized the most recent JCS recommendation for reprisal (hot blood) actions and reference d provided an analysis of DRV/CHICOM reactions to these strikes, and the probable results thereof. The proposed actions are essentially the same as in reference c except for the principal difference that the "hot blood" actions are initiated at a substantial higher level of military activity.

4. Only in that the courses of action in either of these sets of documents can be completed in minimum time consistent with proper conduct of military operations do they match Option "B" as defined for purposes of the NSC Working Group study. The distinction is that while the Joint Chiefs of Staff offer the capability for pursuing Option "B" as defined, they have not explicitly recommended that the operations be conducted on a basis necessarily that inflexible. All implementing plans do in fact explicitly recognize a controlled phase which would permit suspension whenever desired by national authority.

5. I believe my draft contribution to PART VI provides a reasonable application of the JCS recommendations to Option "B" as defined for the study, but this does not mean that the Joint Chiefs of Staff have recommended Option "B" as defined in the study.

6. There is in an advanced state of completion a JCS fall-back recommendation for a course of action which, subject to possible further modifications by the Joint Chiefs of Staff, will provide essentially the same military actions listed in my draft input to PART VII. These include the same military actions listed in the above, but without the stress upon starting forthwith, and with more specific emphasis on some extension of the over-all time for execution of the complete list. Thus it imposes what amounts to some arbitrary delays, which would provide additional intervals for diplomatic exchanges.

7. Because of the time delays which it reflects, it is specifically the JCS fall-back position.

8. For information, the analysis in reference d develops and supports the conclusion that the United States and its Allies can deal adequately with any course of action the DRV and/or CHICOMS decide to pursue. You may note that this conclusion is developed in the context of the most intense of all courses of action prepared by the Joint Chiefs of Staff. This reflects a position less pessimistic than some which have appeared in project drafts.

9. A final overall comment by the Joint Staff member of the Working Group:

We recognize quite clearly that any effective military action taken by the United States will generate a hue and cry in various quarters. The influence that this kind of "pressure" may have upon the United States acting in support of its national interests will be no more than what we choose to permit it to be. There are repeated expressions in various project draft materials indicating that this influence will necessarily be great. We do not agree. There are too many current examples of countries acting in what they presumably believe to be their own [word illegible] self-interest, in utter disregard for "world opinion," for us to accept the position that the United States must at all times conduct all its affairs on the basis of a world popularity contest. In short, we believe that certain strong US actions are required in Southeast Asia, that we must take them regardless of opinion in various other quarters, and that results of our failing to take them would be substantially more serious to the United States than would be any results of world opinions if we did take them. And as far as that goes, we do not believe that if we took the necessary actions the adverse pressures from other countries would prove to be very serious after all—at least from countries that matter to us.

Glossary of Terms Used in Texts

CHICOM—Chinese Communists.

DEPTEL—State Department telegram.

D.R.V.—Democratic Republic of (North) Vietnam.

GVN—Government of (South) Vietnam.

H.N.C.—High National Council.

I.C.C.—International Control Commission.

J.C.S.—Joint Chiefs of Staff.

J.C.S.M.—Joint Chiefs of Staff memorandum.

MACV—Military Assistance Command, Vietnam.

MAROPS—Marine Operations.

NSC—National Security Council.

OPERATION TRIANGLE—Code name for an operation not otherwise identified.

P.D.J.—Plaines des Jarres.

P.L. Pathet Lao.

P.O.L.—Petroleum, oil, lubricants.

RECCE—Reconnaissance.

R.L.A.F.—Royal Laotian Air Force.

R.L.G.—Royal Laotian Government.

RVNAF—Republic of (South) Vietnam Armed (or Air) Forces.

SEA—Southeast Asia.

SVN—South Vietnam.

U.S.G.—U. S. Government.

VM—Vietminh.

SVAF—(South) Vietnamese Armed Forces.

Final Draft Position Paper Produced by Working Group

"Draft Position Paper on Southeast Asia" circulated to the principal top-level officials concerned, Nov. 29, 1964. The draft was accompanied by a memorandum from William Bundy saying "I attach a draft action paper for review at the meeting at 1:30 on Monday in Secretary Rusk's conference room. Secretary Rusk has generally approved the format of these papers, and they have been given a preliminary review for substance by Ambassador Taylor and Messrs. McNaughton and Forrestal. However, I am necessarily responsible for the way they are now drafted." The Pentagon study says this paper was originally a draft national security action memorandum but that it was changed to a draft position paper at the instructions of the principals. (Words and phrases that were deleted from the final version are shown in italics. Handwritten interpolations or revisions are shown in double parentheses.)

I. CONCEPT

A. US objectives in South Vietnam (SVN) are unchanged. They are to:

1. Get Hanoi and North Vietnam (DRV) support and direction removed from South Vietnam, and, to the extent possible, obtain DRV cooperation in ending Viet Cong (VC) operations in SVN.

2. Re-establish an independent and secure South Vietnam with appropriate international safeguards, including the freedom to accept US and other external assistance as required.

3. Maintain the security of other non-Communist nations in Southeast Asia including specifically the maintenance and observance of the Geneva Accords of 1962 in Laos.

B. We will continue to press the South Vietnamese Government (GVN) in every possible way to make the government itself more effective and to push forward with the pacification program.

C. We will join at once with the South Vietnamese and Lao Governments in a determined action program aimed at DRV activities in both countries and designed to help GVN morale and to increase the costs and strain on Hanoi, foreshadowing still greater pressures to come. Under this program the first phase actions (((see TAB D))) within the next thirty days will be intensified forms of action already under way, plus (1) US armed reconnaissance strikes in Laos, and (2) GVN and possible US air strikes against the DRV, as reprisals against any major or spectacular Viet Cong action in the south, whether against US personnel and installations or not.

D. Beyond the thirty-day period, first phase actions may be continued without change, or additional military measures may be taken including the withdrawal or dependents and the possible initiation of strikes a short distance across the border against the infiltration routes from the DRV. In the latter case this would become a transitional phase. ((Be prepared to stop flow of dependents to SVN at (illegible word) time we start air strikes in force.))

E. Thereafter, if the GVN improves its effectiveness to an acceptable degree and Hanoi does not yield on acceptable terms, *or if the GVN can only be kept going by stronger action* the US is prepared—at a time to be determined—to enter into a second phase program, in support of the GVN and RLG, of graduated military pressures directed systematically against the DRV. Such a program would consist principally of progressively more serious air strikes, of a weight and tempo adjusted to the situation as it develops (possibly running from two to six months). Targets in the DRV would start with infiltration targets south of the 19th parallel and work up to targets north of that point. This could eventually lead to such measures as air strikes on all major military-related targets, aerial mining of DRV ports, and a US naval blockade of the DRV. The whole sequence of military actions would be designed to give the impression of a steady, deliberate approach, and to give the US the option at any time (subject to enemy reaction) to proceed or not, to escalate or not, and to quicken the pace or not. Concurrently, the US would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain US objectives in an acceptable manner. *The US would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate.*

HEADING ILLEGIBLE

A. A White House statement will be issued following the meeting with Ambassador Taylor, with the text as in Tab B, attached.

B. Ambassador Taylor will consult with the GVN promptly on his return, making a general presentation ((in accordance with the draft instructions)) as stated in Tab B, attached. He will further press for the adoption of specific measures as listed in the Annex to Tab B.

C. *At the earliest feasible date, we will publicize the evidence of increased DRV infiltration. This action will be coordinated by Mr. Chester Cooper in order to insure that the evidence is sound and that senior government officials who have testified on this subject in the past are in a position to defend and explain the differences between the present estimates and those given in the past. The publicizing will take four forms:*

1. An on-the-record presentation to the press in Washington, concurrently with an on-the-record or background presentation to the press in Saigon.

2. Available Congressional leaders will be given special briefings. (No special leadership meeting will be convened for this purpose).

3. The Ambassadors of key allied nations will be given special briefings.

4. A written report will be prepared and published within the next ten days giving greater depth and background to the evidence.

D. Laos and Thailand.

The US Ambassadors in these countries will inform the government leaders ((in general terms)) of the concept we propose to follow and of specific actions requiring their concurrence or participation. In the case of Laos, we will obtain RLG approval of an intensified program of ((US armed)) reconnaissance strikes both in the Panhandle area of Laos and along the key infiltration routes in central Laos. These actions will not be publicized except to the degree approved by the RLG. It is important, however, for purposes of morale in SV, that their existence be generally known.

Thailand will be asked to support our program fully, to intensify its own efforts in the north and northeast, and to give further support to operations in Laos, such as additional pilots and possibly artillery teams.

E. Key Allies.

We will consult immediately with the UK, ((DC)) Australia, New Zealand, ((Bundy)) and the Philippines ((Humphrey?))

1. UK. The President will explain the concept and proposed actions fully to Prime Minister Wilson, seeking full British support, but without asking for any additional British contribution in view of the British role in Malaysia.

2. Australia and New Zealand will be pressed through their Ambasadors, not only for support but for additional contributions.

3. The Philippines will be particularly pressed for contributions along the lines of the program for approximately 1800 men already submitted to President Macapagal.

F. We will press generally for more third country aid, stressing the gravity of the situation and our deepening concern. A summary of existing third country aid and of the types of aid that might now be obtained is in Tab C, attached.

G. Communist Countries.

1. We will convey to Hanoi our unchanged determination ((and)) our objectives, and that we have a growing concern at the DRV role, to see if there is any sign of change in Hanoi's position.

2. We will make no special approaches to Communist China in this period.

3. We will convey our determination and grave concern to the Soviets, not in the expectation of any change in their position but in effect to warn them to stay out, and with some hope they will pass on the message to Hanoi and Peiping.

H. Other Countries.

1. We will convey our grave concern to key interested governments such as Canada, India, and France, but avoid spelling out the concept fully.

2. In the event of a reprisal action, we will explain and defend our action in the UN as at the time of the Gulf of Tonkin incident. We do not plan to raise the issue otherwise in the UN. (The Lao Government may stress the DRV infiltration in Laos in its speech, and we should support this and spread the information.)

I. Intensified Military Actions.

1. The GVN maritime operations (MA ROPS) will be intensified, ((*including U.S. air protection of GVN vessels from attacks by MIGs or DRV surface vessels*)) *and we will urge the GVN to surface and defend these as wholly justified in response to the wholly illegal DRV actions.*

2. Lao air operations will be intensified, especially in the corridor areas and close to the DRV border. US air cover and flak suppression will ((may)) be applied where (if)) needed.

3. US high-level reconnaissance over the DRV will be stepped up.

4. US armed ((air)) reconnaissance ((and air)) strikes will be carried out in Laos, first against the corridor area and within a short time against Route 7 and other infiltration routes, *in a major operation to cut key bridges*. (These actions will be publicized only to the degree agreed with Souvanna.) ((At this time we prepare to stop flow of dependents to V.N.))

J. Reprisal Actions.

For any VC provocation similar to the following, a reprisal will be undertaken, preferably with 24 hours, against one or more selected targets in the DRV. GVN forces will be used to the maximum extent, supplemented as necessary by US forces. The exact reprisal will be decided at the time, in accordance with a quick-reaction procedure which will be worked out.

The following may be appropriate occasions for reprisals, but we should be alert for any appropriate occasion.

1. Attacks on airfields.
2. Attack on Saigon.
3. Attacks on provincial or district capitals.
4. Major attacks on US citizens.
5. Attacks on major POL facilities.
((expand))
6. Attacks on bridges and railroad lines after the presently damaged facilities have been restored and warning given.
7. Other "spectaculars" such as earlier attack on a US transport carrier at a pier in Saigon.

In these or similar cases, the reprisal action would be linked as directly as possible to DRV infiltration, so that we have a common threat of justification.

A flexible list of reprisal targets has been prepared running from infiltration targets in the southern part of the DRV up to airfields, ports, and naval bases also located south of the 19th parallel.

K. US/GVN joint planning will be initiated both for reprisal actions and for possible later air strikes across the border into the DRV.

L. *Major statement or speech. Depending on US public reaction, a major statement or speech may be undertaken by the President during this period. This will necessarily be required if a reprisal action is taken, but some other significant action, such as the stopping of the flow of US dependents, might be the occasion. Such a statement or speech would re-state our objectives and our determination, why we are in South Vietnam, and how gravely we view the situation. It should in any event follow the full publicizing of infiltration evidence.*

M. *Dependents. The flow of dependents to South Vietnam will be stopped [at an early date, probably immediately after Ambassador Taylor has consulted with the GVN] [at the start of the second phase], and this will be publicly announced.*

N. Deferred Actions ((See TAB D))

The following actions will not be taken within the thirty-day period, but will be considered for adoption in the transitional or second phases of the program:

1. Major air deployment to the area.

2. *Furnishing US air cover for CVN MAROPS.*

((2)) 3. ((Be required to resume)) Resuming destroyer patrols in the Gulf of Tonkin. If attacked, these would be an alternative basis for reprisals, and should be considered primarily in this light.

((5)) *4.* ((Be prepared to evacuate)) Evacuation of US dependents

((3)) *5.* US low-level reconnaissance into the DRV.

((4)) *6. GVN/*((LOA/)) US air strikes across the border ((s)), initially against the infiltration routes and installations and then against other targets south of the 19th parallel.

Note.—The Joint Chiefs of Staff recommend immediate initiation of sharply intensified military pressures against the DRV, starting with a sharp and early attack in force on the DRV, subsequent to brief operations in Laos and US low-level reconnaissance north of the boundary to divert DRV attention prior to the attack in force. This program would be designed to destroy in the first three days Phuc Yen airfield near Hanoi, other airfields, and major POL facilities, clearly to establish the fact that the US intends to use military force to the full limits of what mlitary force can contribute to achieving US objectives in Southeast Asia, and to afford the GVN respite by curtailing DRV assistance to and direction of the Viet Cong. The follow-on-military program—involving armed reconnaissance of infiltration routes in Laos, air strikes on infiltration targets in the DRV, and then progressive strikes throughout North Vietnam—could be suspended short of full destruction of the DRV if our objectives were earlier achieved. The military program would be conducted rather swiftly, but the tempo could be adjusted as needed to contribute to achieving our objectives.

Report of Meeting of U.S. Envoys To Review Operations in Laos

Excerpts from cablegram, signed by Ambassador Maxwell D. Taylor, from United States Embassy in Saigon to State Department, Defense Department and Commander in Chief, Pacific, Sept. 19, 1964.

Following is a summary, coordinated with Vientiane and Bangkok, of the conclusions of the meeting of the three posts held at Saigon September 11 to review air and limited ground operations of the Lao corridor:

1. Air operations in corridor. This involves attack of 22 targets for which folders available at Vientiane and Saigon. If objective is primarily military, i.e., to inflict maximum damage to targets, to prevent VN/PL dispersal and protective measures, and impede rapid VN/PL riposte, it was agreed that a series of sharp, heavy attacks must be made in a relatively short time span, which would involve substantial U.S. and/or VNAF/Farmgate attacks. If objective primarily psychological, military disadvantages of attacks over longer time frame would be acceptable and chief reliance could be placed on RLAF T-28s with some Yankee team strikes against harder targets, e.g., five bridges. Estimated sortie requirements for this second option 188 T-28 sorties and 80 USAF sorties. Time required [number illegible] days. Vientiane representatives believe Souvanna would [words illegible] would probably wish [word illegible] such attacks spread out over considerable period of time. Also felt Souvanna would prefer VNAF not conduct air strikes in corridor. It was general consensus that best division of targeting for immediate future would be RLAF/Yankee team mix.

Vientiane is very reluctant to see VNAP participation such strikes and would hope that by keeping GVN informed of actions being taken by RLAF and US in corridor, psychological needs of GVN could reasonably be met. Saigon will seek to do this, but if there are compelling reasons for covert VNAF participation Vientiane would be given prior info on necessity, timing, and place of such strikes.

Alternatively, it was agreed that, if possible, joint Lao, Thai, RVN, and US participation in a common effort against a common enemy would be desirable but, recognizing that, even if possible, arrangements for such an effort would take some time to achieve. If such negotiations are conducted, however, RLAF/Yankee team strikes should not be precluded. Vientiane has since stated it does not consider that it would be desirable to seek to formalize such four country participation in corridor operations as to do so would raise question of degree of Souvanna Phouma's knowledge and involvement which Vientiane feels would jeopardize success of operations.

2. Ground operations.

A. Although it was agreed that northern Route 9 area offered most profitable targets, conference proceeded on assumption that Vientiane would find operations astride Route 9 politically unacceptable at this time. However, Vientiane's 448 to dept, dispatched after return of conferees, now indicates that "shallow penetration raids (20 kilometers) . . . in Rte 9 area . . . by company-sized units" would be acceptable and would not require clearance by the RLG.

F. It was the view of Saigon group that authority for US advisors to accompany units is a prerequisite to successful operations. Without this US participation probability of success is judged so low that the advisability of conducting cross border operations would be questionable. Vientiane representatives were strongly opposed to presence of US advisors because of difficulty with current SAR operations in Laos and political importance of US maintaining credible stance of adhering to provisions Geneva accords.

F. Embassy Vientiane had earlier indicated that they would insist on advanced clearance of cross border operations. All representatives agreed that this requirement would be met by Vientiane having opportunity to comment on all plans submitted to Washington for approval. Once approval to execute is received, Vientiane would be kept informed of day-to-day operations as information addressee on operational traffic between Saigon/Washington/CINCPAC. . . .

Account of Taylor's Meeting With Saigon Generals on Unrest

Excerpts from Saigon airgram to the State Department, Dec. 24, 1964, as provided in the body of the Pentagon study. Ambassador Taylor and his deputy, U. Alexis Johnson met with the so-called Young Turk leaders, among them Generals Nguyen Cao Ky, Nguyen Van Thieu and Nguyen Chanh Thi and an Admiral identified as Cang.

Ambassador Taylor. Do all of you understand English? (Vietnamese officers indicated they did, although the understanding of General Thi was known to be weak.) I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Maybe this is because something is wrong with my French because you evidently didn't understand. I made it clear that all the military plans which I know you would like to carry out are dependent on governmental stability. Now you have made a real mess. We cannot carry you forever if you do things like this. Who speaks for this group? Do you have a spokesman?

General Ky. I am not the spokesman for the group but I do speak English. I will explain why the Armed Forces took this action last night.

We understand English very well. We are aware of our responsibilities, we are aware of the sacrifices of our people over twenty years. We know you want stability, but you cannot have stability until you have unity. . . But still there are rumors of coups and doubts among groups. We think these rumors come from the HNC, not as an organization but from some of its members. Both military and civilian leaders regard the presence of these people in the HNC as divisive of the Armed Forces due to their influence.

Recently the Prime Minister showed us a letter he had received from the Chairman of the HNC. This letter told the Prime Minister to beware of the military, and said that maybe the military would want to come back to power. Also the HNC illegally sought to block the retirement of the generals that the Armed Forces Council unanimously recommended be retired in order to improve unity in the Armed Forces.

General Thieu. The HNC cannot be bosses because of the Constitution. Its members must prove that they want to fight.

General Ky. It looks as though the HNC does not want unity. It does not want to fight the Communists.

It has been rumored that our action of last night was an intrigue of Khanh against Minh, who must be retired. Why do we seek to retire these generals? Because they had their chance and did badly . . .

Yesterday we met, twenty of us, from 1430 to 2030. We reached agreement that we must take some action. We decided to arrest the bad members of the HNC, bad politicans, bad student leaders, and the leaders of the Committee of National Salvation, which is a Communist organization. We must put the trouble-making organizations out of action and ask the Prime Minister and the Chief of State to stay in office.

After we explain to the people why we did this at a press conference, we would like to return to our fighting units. We have no political ambitions. We seek strong, unified, and stable Armed Forces to support the struggle and a stable government. Chief of State Suu agrees with us. General Khanh saw Huong who also agreed.

We did what we thought was good for this country; we tried to have a civilian government clean house. If we have achieved it, fine. We are now ready to go back to our units.

Ambassador Taylor. I respect the sincerity of you gentlemen. Now I would like to talk to you about the consequences of what you have done. But first, would any of the other officers wish to speak?

Admiral Cang. It seems that we are being treated as though we were guilty. What we did was good and we did it only for the good of the country.

Ambassador Taylor. Now let me tell you how I feel about it, what I think the consequences are: first of all, this is a military coup that has destroyed the government-making process that, to the admiration of the whole world, was set up last fall largely through the statesman-like acts of the Armed Forces.

You cannot go back to your units, General Ky. You military are now back in power. You are up to your neck in politics.

Your statement makes it clear that you have constituted yourselves again substantially as a Military Revolutionary Committee. The dissolution of the HNC was totally illegal. Your decree recognized the Chief of State and the Huong Government but this recognition is something that you could withdraw. This will be interpreted as a return of the military to power. . . .

Who commands the Armed Forces? General Khanh?

General KY. Yes, sir. . .

General THIEU. In spite of what you say, it should be noted that the Vietnamese Commander-in-Chief is in a special situation. He therefore needs advisors. We do not want to force General Khanh; we advise him. We will do what he orders. . .

Ambassador TAYLOR. Would your officers be willing to come into a government if called upon to do so by Huong? I have been impressed by the high quality of many Vietnamese officers. I am sure that many of the most able men in this country are in uniform. Last fall when the HNC and Huong Government was being formed, I suggested to General Khanh there should be some military participation, but my suggestions were not accepted. It would therefore be natural for some of them now to be called upon to serve in the government. Would you be willing to do so? . . .

General KY. Nonetheless, I would object to the idea of the military going back into the government right away. People will say it is a military coup.

Ambassador TAYLOR and Ambassador JOHNSON. (together) People will say it anyway. . . .

Ambassador TAYLOR. You have destroyed the Charter. The Chief of State will still have to prepare for elections. Nobody believes that the Chief of State has either the power or the ability to do this without the HNC or some other advisory body. If I were the Prime Minister, I would simply overlook the destruction of the HNC. But we are preserving the HNC itself. You need a legislative branch and you need this particular step in the formation of a government with National Assembly . . .

It should be noted that Prime Minister Huong has not accepted the dissolution of the HNC . . .

General THIEU. What kind of concession does Huong want from us?

Ambassador Taylor again noted the need for the HNC function.

General KY. Perhaps it is better if we now let General Khanh and Prime Minister Huong talk.

General THIEU. After all, we did not arrest all the members of the HNC. Of nine members we detained only five. These people are not under arrest. They are simply under controlled residence . . .

Ambassador TAYLOR. Our problem now, gentlemen, is to organize our work for the rest of the day. For one thing, the government will have to issue a communique.

General THIEU. We will still have a press conference this afternoon but only to say why we acted as we did.

Ambassador TAYLOR. I have real troubles on the US side. I don't know whether we will continue to support you after this. Why don't you tell your friends before you act? I regret the need for my blunt talk today but we have lots at stake . . .

And was it really all that necessary to carry out the arrests that very night? Couldn't this have been put off a day or two? . . .

In taking a friendly leave, Ambassador Taylor said: You people have broken a lot of dishes and now we have to see how we can straighten out this mess.

Not To Enlarge the War

The President was already communicating this sense of restraint to the voters. On the night of Aug. 29, in an address to a crowd at an outdoor barbecue a few miles from his ranch in Texas, when two tons of beef were served in a belated celebration of his 56th birthday, he made a statement that he was to repeat in numerous election speeches.

"I have had advice to load our planes with bombs," the President said, "and to drop them on certain areas that I think would enlarge the war and escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land."

The policy of the United States toward Vietnam, the President explained later in his speech, was "to furnish advice, give counsel, express good judgment, give them trained counselors, and help them with equipment to help themselves."

IT IS A WAR AND A BIG WAR

"We are doing that," he said. "We have lost less than 200 men in the last several years, but to each one of those 200 men—and we lost about that many in Texas on accidents on the Fourth of July—to each of those 200 men who have given their life to preserve freedom, it is a war and a big war and we recognize it.

"But we think it is better to lose 200 than to lose 200,000. For that reason we have tried very carefully to restrain ourselves and not to enlarge the war."

Eleven days earlier, on Aug. 18, Ambassador Maxwell D. Taylor had cabled from Saigon that he agreed with an "assumption" now held in the Administration in Washington that the Vietcong guerrillas—the VC, as they were usually termed—could not be defeated and the Saigon Government preserved by a counterguerrilla war confined to South Vietnam itself.

"Something must be added in the coming months," the Ambassador said in his message. What General Taylor proposed to add was "a carefully orchestrated bombing attack on NVN [North Vietnam], directed primarily at infiltration and other military targets" with "Jan. 1, 1965, as a target D-Day."

The bombing should be undertaken under either of two courses of action, the Ambassador said. The first course would entail using the promise of the air attacks as an inducement to persuade the regime of Gen. Nguyen Khanh to achieve some political stability and get on seriously with the pacification program. Under the second course, the United States would bomb the North, regardless of whatever progress General Khanh made, to prevent "a collapse of national morale" in Saigon.

For the Ambassador cautioned that "it is far from clear at the present moment that the Khanh Government can last until Jan. 1, 1965." The Ambassador said that before bombing the North the United States would also have to send Army Hawk antiaircraft missile units to the Saigon and Danang areas to protect the airfields there against retaliatory Communist air attacks—assumed possible from China or North Vietnam—and to land a force of American Marines at Danang to protect the air base there against possible ground assaults.

His cable was designated a joint United States mission message, meaning that Deputy Ambassador U. Alexis Johnson and Gen. William C. Westmoreland, chief of the United States Military Assistance Command, had concurred with the Ambassador's views.

On Aug. 26, three days before the President's speech at the barbecue in Stonewall, Tex., the Joint Chiefs of Staff submitted a memorandum to Secretary McNamara agreeing with Ambassador Taylor. They said that bombing under his second criterion, to stave off a breakdown in Saigon, was "more in accord with the current situation" in their view and added that an air war against the North was now "essential to prevent a complete collapse of the U.S. position in Southeast Asia."

The Joint Chiefs' memorandum was the first appearance, the account says, of a "provocation strategy" that was to be discussed at the Sept. 7 White House session—in the words of the narrative, "deliberate attempts to provoke the D. R. V. into taking actions which could then be answered by a systematic U.S. air campaign."

The memorandum itself is not this explicit, although it does seem to suggest attempting to repeat the Tonkin Gulf clashes as a pretext for escalation.

In a Sept. 3 memorandum to Secretary McNamara, however, Mr. McNaughton was specific. He outlined several means of provocation that could culminate in a sustained air war. In the meantime, they could be employed to conduct reprisal air strikes that would help hold the situation in South Vietnam together and, the analyst notes, permit postponing "probably until November or December any decision as to serious escalation."

DEFINES SERIOUS ESCALATION

This serious escalation Mr. McNaughton defined as "a crescendo of GVN-U.S. military actions against the D.R.V.," such as mining harbors and gradually escalating air raids.

He described his provocation program to Mr. McNamara as "an orchestration of three classes of actions, all designed to meet these five desiderata—(1) From the U.S., GVN and hopefully allied points of view they should be legitimate things to do under the circumstances, (2) they should cause apprehension, ideally increasing apprehension, in the D.R.V., (3) they should be likely at some point to provoke a military D.R.V. response, (4) the provoked response should be likely to provide good grounds for us to escalate if we wished, and (5) the timing and crescendo should be under our control, with the scenario capable of being turned off at any time." [See text McNaughton plan, Sept. 3.]

The classes of actions were:

South Vietnamese air strikes at enemy infiltration routes through southeastern Laos that would "begin in Laos near the South Vietnamese border and eventually across the North Vietnamese border."

A resumption of the covert coastal raids on North Vietnam under Operation Plan 34A, which President Johnson had temporarily suspended since the Tonkin Gulf incident. The South Vietnamese Government would announce them publicly, declaring them "fully justified as necessary to assist in interdiction of infiltration by sea."

A resumption of patrols in the Gulf of Tonkin by United States destroyers, code-named De Soto patrols, although these would still be physically "disassociated" from the 34A attacks. Mr. McNaughton noted that "the U.S. public is sympathetic to reasonable insistence on the right of the U.S. Navy to ply international waters."

MAJORITY IN DISAGREEMENT

But a majority of the officials at the Sept. 7 White House strategy meeting disagreed. They decided for the present against adopting a provocation strategy for reprisal air attacks, precisely because the Khanh regime was so weak and vulnerable and the morale-lifting benefits of such strikes might be offset by possible Communist retaliation, the analyst says. The meeting was attended by the President; Secretary of State Dean Rusk; Secretary McNamara; Gen. Earle G. Wheeler, the new Chairman of the Joint Chiefs; Ambassador Taylor, who had flown in from Saigon, and John A. McCone, the Director of Central Intelligence.

"We believe such deliberately provocative elements should not be added in the immediate future while the GVN is still struggling to its feet," Assistant Secretary of State William P. Bundy wrote in a memorandum recording the consensus recommendations formally made to the President after the meeting.

"By early October, however, we may recommend such actions depending on GVN progress and Communist reaction in the meantime, especially to U.S. naval patrols." A resumption of the destroyer patrols was one outcome of the Sept 7 meeting.

The analyst says that a similar reason was given for the decision against beginning a sustained bombing campaign against the North, with or without a provocation strategy, in the near future. "The GVN over the next 2–3 months will be too weak for us to take any major deliberate risks of escalation that would involve a major role for, or threat to, South Vietnam," the Bundy memorandum states.

Ambassador Taylor had acknowledged in his cable of Aug. 18 that bombing the North to prevent a collapse in the South if the Khanh regime continued to decline "increase the likelihood of U.S. involvement in ground action since Khanh will have almost no available ground forces which can be released from pacification employment to mobile resistance of D.R.V. attacks."

A BASE FOR WIDER ACTION

The Pentagon account concludes from the Sept. 7 strategy discussions that by now the Saigon regime was being regarded less and less as a government capable of defeating the Vietncong insurgency than "in terms of its suitability as a base for wider action."

Despite the pessimistic analyses of Ambassador Taylor and the Joint Chiefs for future escalation, some of those at the White House meeting hoped the Khanh regime could be somewhat stabilized. Citing handwritten notes of the meeting in the Pentagon files, the analyst, quotes Mr. McNamara as saying that he understood "we are not acting more strongly because there is a clear hope of strengthening the GVN."

"But he went on," the account continues, "to urge that the way be kept open for stronger actions even if the GVN did not improve or in the event the war were widened by the Communists."

The handwritten notes of the meeting quote the President as asking, "Can we really strengthen the GVN?"

And in his memorandum of the consensus, William Bundy wrote: "Khanh will probably stay in control and may make some headway in the next 2-3 months in strengthening the Government (GVN). The best we can expect is that he and the GVN will be able to maintain order, keep the pacification program ticking over (but not progressing markedly), and give the appearance of a valid government."

On Sept. 10, therefore, the President ordered a number of interim measures in National Security Action Memoradnum 314, issued over the signature of his special assistant, McGeorge Bunday. These were intended, in the words of William Bundy's memorandum of consensus, "to assist morale in SVN and show the Communists we will mean business, while at the same time seeking to keep the risks low and under our control at each stage."

A REFLECTION OF CONSENSUS

The most important orders Mr. Johnson gave dealt with covert measures. The final paragraph in the President's memorandum also reflected the consensus, the analyst finds, of the Sept. 7 meeting and other strategy discussions of the time—"the extent to which the new year was anticipated as the occasion for beginning overt military operations against North Vietnam."

This final paragraph read: "These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken." [See text, McGeorge Bundy memo, Sept. 10.]

The interim measures Mr. Johnson ordered included these:

Resumption of the De Soto patrols by American destroyers in the Tonkin Gulf. They would "operate initially well beyond the 12-mile limit and be clearly disassociated from 34A maritime operations," but the destroyers "would have air cover from carriers."

Reactivation of the 34A coastal raids, this time after completion of the first De Soto patrol. The directive added that "we should have the GVN ready to admit they are taking place and to justify and legitimize them on the basis of the facts of VC infiltration by sea." The account explains, "It was believed that this step would be useful in establishing a climate of opinion more receptive to expanded (air) operations against North Vietnam when they became necessary." The word in parentheses is the historian's.

An arrangement with the Laotian Government of Premier Souvanna Phouma to permit "limited GVN air and ground operations into the corridor areas of [southeastern] Laos, together with Lao air strikes and possible use of U.S. armed aerial reconnaissance." Armed aerial reconnaissance is a military operation in which the pilot has authority to attack unprogramed targets, such as gun installations or trucks, at his own discretion.

The United States "should be prepared" to launch "tit for tat" reprisal air strikes like those during the Tonkin Gulf incident "as appropriate against the D.R.V. in the event of any attack on U.S. units or any special D.R.V.-VC action against SVN."

The President also ordered "economic and political actions" in South Vietnam, such as pay raises for Vietnamese civil servants out of American funds, to try to strengthen the Saigon regime.

The United States destroyers Morton and Edwards resumed the De Soto patrols in the Tonkin Gulf on Sept. 12, two days after Mr. Johnson's directive. They were attacked in a third Tonkin incident on the night of Sept. 18, and the President glossed over it.

However, he went ahead with his decision to resume the 34A coastal raids, still covertly, the account says. The order to reactivate them was issued by Mr. Johnson on Oct. 4, with the specification that they were to be conducted under tightened American controls.

Each operation on the monthly schedules now had to be "approved in advance" by Deputy Secretary of Defense Cyrus R. Vance for Secretary McNamara, Llewellyn A. Thompson, acting Deputy Under Secretary of State for Political Affairs for Secretary Rusk, and McGeorge Bundy at the White House for the President.

During October, a subsequent report to William Bundy on covert activities said, the 34A coastal raids consisted of two shallow probes of North Vietnamese defenses, an attempt to capture a junk, and successful shellings of the radar station at Vinhson and the observation post at Muidao.

TWO SABOTAGE ACTIONS

Two of the sabotage teams that had previously been parachuted into the North also "carried out successful actions during October," the report said. "One demolished a bridge, the other ambushed a North Vietnamese patrol. Both teams suffered casualties, the latter sufficient to cast doubt on the wisdom of the action."

The U–2 spy plane flights over North Vietnam and the parachuting of supplies and reinforcements to sabotage and psychological warfare teams in the North continued throughout this period and had not been affected by the President's suspension of the coastal raids after the original Tonkin Gulf incident.

The covert step-up in the air operations in Laos ordered by the President did not take place until mid-October. The Pentagon account says that one reason for the delay was the Administration's need to "await the uncertain outcome" of negotiations then taking place in Paris between the right-wing, neutralist and pro-Communist factions in Laos. The objective of the talks was to arrange a cease-fire that might lead to a new 14-nation Geneva conference to end the Laotian civil war.

"However, a Laotian cease-fire was not compatible with current perceptions of U.S. interest," the analyst writes.

The Administration feared that during an ensuing Geneva conference on Laos, international pressures, particularly from the Communist countries, might force the discussions onto the subject of Vietnam. Negotiations in the present circumstances were considered certain to unravel the shaky anti-Communist regime in Saigon.

The Administration also believed that even the convening of a conference on Laos might create an impression in Saigon that Washington was going to seek a negotiated withdrawal from South Vietnam and set off a political collapse there and the emergence of a neutralist coalition regime that would ask the United States to leave.

The account notes that in his Aug. 11 high-level policy memorandum on Southeast Asia, William Bundy had "characterized U.S. strategy" toward the Paris talks with the statement that "we should wish to slow down any progress toward a conference and to hold Souvanna to the firmest possible position." Mr. Bundy had referred to a suggestion by Ambassador Leonard Unger that Prince Souvanna Phouma insist on three-faction administration of the Plaine des Jarres as "a useful delaying gambit."

"Significantly," the analyst says, "this proposal was advanced at Paris by Souvanna Phouma on 1 September—illustrating the fact that Souvanna was carefully advised by U.S. diplomats both prior to and during the Paris meetings. Other features of Souvanna's negotiating posture which apparently were encouraged as likely to have the effect of drawing out the discussions were insistence on Communist acceptance of (1) Souvanna's political status as Premier and (2) unhampered operations by the I.C.C. [International Control Commission]."

"Insistence on Souvanna's position is another point on which he should insist, and there would also be play in the hand on the question of free I.C.C. operations," Mr. Bundy wrote in his Aug. 11 memorandum.

BREAKDOWN IN NEGOTIATIONS

"It will be recalled that the latter point was the issue on which progress toward a cease-fire became stalled," the analyst remarks. The negotiations broke down in Paris late in September.

American mission representatives from Bangkok and Vientiane met in Saigon on Sept. 11 under Ambassador Taylor's auspices, however, and decided that the South Vietnamese Air Force should not participate in the stepped-up air action in Laos authorized by the President in his directive of Sept. 10.

A list of 22 targets in the Laotian panhandle had been drawn up during the summer for the possibility of such raids, including one on a control point at the Mugia Pass, just across the North Vietnamese border.

South Vietnamese air strikes would offend Premier Souvanna Phouma by complicating his political position, the meeting determined, so the air attacks would be confined to clandestine raids by the T–28's in Laos and the United States Navy and Air Force jets—code-named Yankee Team—operating over Laos. Accord was also reached that South Vietnamese troops, possibly accompanied by American advisers, would also make ground forays into Laos up to a depth of 20 kilometers, or 12 miles.

"The mission representatives agreed that, once the [air and ground] operations began, they should not be acknowledged publicly," the analyst writes. "In effect, then, they would supplement the other covert pressures being exerted against North Vietnam. Moreover, while the Lao Government would of course know about the operations of their

T-28's Souvanna was not to be informed of the GVN/U.S. [ground] operations. The unacknowledged nature of these operations would thus be easier to maintain."

JOINT DEPARTMENTAL MESSAGE

On Oct. 6, a joint State and Defense Department message authorized Ambassador Unger in Laos to obtain Premier Souvanna Phouma's approval for the T-28 strikes "as soon as possible."

But as the analyst points out, the message showed that the President had decided to postpone the accompanying strikes by Yankee Team jets, the "U.S. armed aerial reconnaissance" mentioned in Mr. Johnson's National Security Action Memorandum 314.

Five of the targets in the Laotian panhandle, well-defended bridges, had been specifically marked for the American jets, and fire by the Yankee Team planes would also be required against antiaircraft batteries defending the Mugia Pass. The message from Washington excluded these targets from the list of 22.

"You are further authorized to inform Lao that Yankee Team suppressive-fire strikes against certain difficult targets in pandle, interspersing with further T-28 strikes, are part of the over-all concept and are to be anticipated later, but that such U.S. strikes are not repeat not authorized at this time," the cable said. [See text, cable on Laos Strikes, Sept. 10.]

Ambassadors Unger and Taylor both warned that the Laotian Government, without some participation by the American jets, would not persevere in attacking targets on the Communist infiltration routes. Accordingly, the day before the T-28 strikes began on Oct. 14 with Premier Souvanna Phouma's approval, Washington authorized the Yankee Team jets to fly combat air patrol over the T-28's to raise morale and protect them from any interference by North Vietnamese MIG's.

"MINOR EXTENSION" ONLY

Ambassador Taylor said in his cable that the combat air patrol missions could be achieved by "a relatively minor extension" of the current rules of engagement for American aircraft in Indochina.

The President also postponed for the present the planned ground forays into Laos by the South Vietnamese. Ambassador Taylor pointed out in a cable on Oct 9 that these would not be possible "in forseeable future" in any case because the South Vietnamese Army was so tied down fighting the guerrillas in its own country.

Several eight-man South Vietnamese reconnaissance teams were parachuted into Laos in an operation called Leaping Lena, but the Nov. 7 report to William Bundy on covert operations would note that "all of these teams were located by the enemy and only four survivors returned. . . ."

On Nov. 1, two days before the election, the Vietcong struck with a devastating mortar barrage on American planes and facilities at Bienhoa airfield near Saigon. The attack put the President under great internal pressure, the analyst says, to strike back openly, as he had said in his directive of Sept. 10 that he was prepared to do "in the event of any attack on U.S. units or any special D.R.V./VC action against SVN."

In the enemy's barrage, four Americans were killed, five B-57 bombers were destroyed and eight damaged. These were some of the B-57's that had earlier been sent from Japan to the Philippines at Mr. McNamara's suggestion as part of the preparations for possible bombing of the North. They had since been moved into South Vietnam, however, to try to shore up the Khanh Government's military position by bringing more air power to bear upon the Vietcong.

"As of the end of October (in anticipation of resumed De Soto patrols), elements of our Pacific forces were reported as 'poised and ready' to execute reprisals for any D.R.V. attacks on our naval vessels. Thus, there was a rather large expectancy among Administration officials that the United States would do something in retaliation," the analyst writes. The words in parentheses are his.

CHANGE OF GROUND RULES

The Joint Chiefs told Mr. McNamara that the Bienhoa attack had been a "deliberate act of escalation and a change of the ground rules under which the VC had operated up to now." Asserting that "a prompt and strong response is clearly justified," they proposed, on the same day as the incident, "that the following specific actions be taken" (the words in parentheses are those of the Joint Chiefs; words in brackets have been inserted by The Times for clarification):

"a. Within 24-36 hours Pacific Command (PACOM) forces take initial U.S. military actions as follows:

"(1) Conduct air strikes in Laos against targets No. 3 (Tchepone barracks northwest), No. 4 (Tchepone military area), No. 19 (Banthay military area), No. 8 (Nape highway bridge), and the Banken bridge on Route 7.

"(2) Conduct low-level air reconnaissance of infiltration routes and of targets in North Vietnam south of Latitude 19 degrees.

"b. Prior to air attacks on the D.R.V., land the Marine special landing forces at Danang and airlift Army or Marine units from Okinawa to the Saigon-Tansonnhut-Bienhoa area, to provide increased security for US personnel and installations.

"c. Use aircraft engaged in airlift (subparagraph b, above) to assist in evacuation of U.S. dependents from Saigon, to commence concurrently with the daylight air strikes against the D.R.V. (subparagraph d, below).

"d Assemble and prepare necessary forces so that:

"(1) Within 60 to 72 hours, 30 B-52s from Guam conduct a night strike on D.R.V. target No. 6 (Phucyen airfield). [Phucyen, 13 miles from Hanoi, is the principal North Vietnamese air base].

"(2) Commencing at first flight on the day following subparagraph (1) above, PACOM air and naval forces conduct air strikes against D.R.V. targets No. 6 (Phucyen airfield) (daylight follow-up on the above night strike), No. 3 (Hanoi Gialam airfield), No. 8 (Haiphong Catbi airfield), No. 48 (Haiphong POL), and No. 49 (Hanoi POL). [POL is a military abbreviation for petroleum, oil and lubricants.]

"(3) Concurrently with subparagraph (2), above the Vietnamese Air Force (VNAF) will strike DRV target No. 36 (Vitthulu barracks).

"(4) Combat air patrols (CAP), flak suppressive fire, strike photographic reconnais-(S.A.R.) are conducted as appropriate.

"(5) The above actions are followed by:

"(a) Armed reconnaissance on infiltration routes in Laos.

"(b) Air strikes against infiltration routes and targets in the D.R.V.

"(c) Progressive PACOM and SAC [Strategic Air Command] strikes against the targets listed in 94 Target Study.

"(c) Thai bases be used as necessary in connection with the foregoing, with authority to be obtained through appropriate channels. . . .

"Recognizing that security of this plan is of critical importance, they [the Joint Chiefs] consider that external agencies, such as the VNAF, should be apprised only of those parts of the plan necessary to insure proper and effective coordination. The same limited revelation of plans should govern discussions with the Thais in securing authority for unlimited use of Thai bases."

CAUTION FROM SAIGON

From Saigon, Ambassador Taylor cabled for a more restrained response consisting of "retaliation bombing attacks on selected D.R.V. targets" using both American and South Vietnamese planes and for a "policy statement that we will act similarly in like cases in the future."

But the President felt otherwise for the moment. "Apparently, the decision was made to do nothing," the analyst says, adding that the documentary evidence does not provide an adequate explanation.

At a White House meeting the same day, the account continued, the President expressed concern that United States retaliatory strikes might bring counterretaliation by North Vietnam or China against American bases and civilian dependents in the South.

In briefing the press, Administration officials, unidentified in the study, drew a contrast "between this incident and the Tonkin Gulf attacks where our destroyers were 'on United States business.' "

"A second [White House] meeting to discuss possible U.S. actions was 'tentatively scheduled' for 2 November, but the available materials contain no evidence that it was held," the account continues. "President Johnson was scheduled to appear in Houston that afternoon, for his final pre-election address, and it may be that the second White House meeting was called off."

"One thing is certain," the writer concludes. "There were no retaliatory strikes authorized following the attack on the U.S. bomber base."

A PANEL UNDER BUNDY

But the President had not altogether declined to act on Nov. 1. He had appointed an interagency working group under William Bundy to draw up various political and military options for direct action against North Vietnam. This was the one "concrete result" of the Nov. 1 mortar raid on Bienhoa, the account reports.

The Bundy working group, as it would be unofficially called in the Government, held its first meeting at 9:30 A.M. on Nov. 3, the day that Mr. Johnson was elected to the Presidency in his own right by a huge landslide.

"Bienhoa may be repeated at any time," Mr. Bundy wrote in a memorandum to the group on Nov. 5. "This would tend to force our hand, but would also give us a good springboard for any decision for stronger action. The President is clearly thinking in terms of maximum use of a Gulf of Tonkin rationale, either for an action that would show toughness and hold the line till we can decide the big issue, or as a basis for starting a clear course of action under the broad options." [See text McGeorge Bundy drafts, Nov. 5.]

Ostensibly, the Bundy group had a mandate to re-examine the entire American policy toward Vietnam and to recommend to the National Security Council a broad range of options. Its membership represented the entire foreign-policy-making machine of the Government—Mr. Bundy; Marshall Green; Michael V. Forrestal, head of the interagency Vietnam coordinating committee, and Robert Johnson of the State Departmont; Mr. McNaughton from the civilian hierarchy of the Pentagon; Vice Adm. Lloyd M. Mustin from the Joint Chiefs' staff and Harold Ford of the Central Intelligence Agency.

"REMARKABLE LITTLE LATITUDE"

But, the account says, "there appears to have been, in fact, remarkably little latitude for reopening the basic question about U.S. involvement in the Vietnam struggle."

The basic national objective of "an independent, non-Communist South Vietnam," established by the President's National Security Action Memorandum 288 of the previous March, "did not seem open to question."

THE OPTIONS HARDENED

The September discussions had established a consensus that bombing of the North "would be required at some proximate future date for a variety of reasons" and individual and institutional pressures all tended to harden the options toward this end as they were finally presented to the National Security Council and then the President.

The analyst gives a number of examples of this stiffening process from the successive draft papers developed by the group during its three weeks of deliberations.

"The extreme withdrawal option was rejected almost without surfacing for consideration" because of its conflict with the policy memorandums. "Fallback positions" outlined in an original working-group draft suffered a similar fate.

FIRST FALLBACK POSITION

The first fallback position, the study says, "would have meant holding the line—placing an immediate, low ceiling on the number of U.S. personnel in SVN, and taking vigorous efforts to build on a stronger base elsewhere, possibly Thailand."

"The second alternative would have been to undertake some spectacular, highly visible supporting action like a limited-duration selective bombing campaign as a last effort to save the South; to have accompanied it with a propaganda campaign about the unwinnability of the war given the GVN's ineptness and, then, to have sought negotiations through compromise and neutralization when the bombing failed."

But because of "forceful objections" by Admiral Mustin, the Joint Chiefs representative, both of these possibilities were downgraded in the final paper presented to the National Security Council on Nov. 21. In effect they were "rejected before they were fully explored," the study says.

Thus all three options, labeled A, B and C, entailed some form of bombing, with "the distinctions between them" tending to blur as they evolved during the group's three weeks of deliberations, the analyst says. Mr. McNaughton and William Bundy collaborated closely on their formulation.

A similar convergence occurred on the question of negotiations.

THE MINIMUM POSITION

Here the minimum United States position was defined as forcing Hanoi to halt the insurgency in the South and to agree to the establishment of a secure, non-Communist state there, a position the analyst defines as "acceptance or else." Moreover, talks of any kind with Hanoi were to be avoided until the effects of bombing had put the United States into a position to obtain this minimum goal in negotiations.

"The only option that provided for bargaining in the usual sense of the word was Option C," the study says. Here the United States would be willing to bargain away international supervisory machinery to verify Hanoi's agreement.

"The policy climate in Washington simply was not receptive to any suggestion that U.S. goals might have to be compromised," the study comments.

These are the options in their final form as the study summarizes them:

OPTION A—Conduct U.S. reprisal air strikes on North Vietnam "not only against any recurrence of VC 'spectaculars' such as Bienhoa," intensify the coastal raids of Operation Plan 34A, resume the destroyer patrols in the gulf, step up the air strikes by T–28's against infiltration targets in Laos and seek reforms in South Vietnam.

OPTION B—What Mr. McNaughton called "a fast/full squeeze." Bomb the North "at a farily rapid pace and without interruption," including early air raids on Phucyen Airfield near Hanoi and key bridges along the road and rail links with China until full American demands are met. "Should pressures for negotiations become too formidable to resist and discussion begin before a Communist agreement to comply," the analyst writes, "it stressed that the United States should define its negotiating position 'in a way which makes Communist acceptance unlikely.' In this manner it would be 'very likely that the conference would break up rather rapidly,' thus enabling our military pressures to be resumed."

OPTION C—Mr. McNaughton's "slow squeeze"; the option he and William Bundy favored. Gradually increasing air strikes "against infiltration targets, first in Laos and then in the D.R.V., and then against other targets in North Vietnam" intended to "give the impression of a steady deliberate approach . . . designed to give the United States the option at any time to proceed or not, to escalate or not and to quicken the pace or not." This option also included the possibility of a "significant ground deployment to the northern part of South Vietnam" as an additional bargaining counter.

A SELECT COMMITTEE MEETS

On Nov. 24, a select committee of the National Security Council met to discuss the option papers formally presented to the council three days earlier. This group comprised Secretaries Rusk and McNamara, Mr. McCone, General Wheeler, McGeorge Bundy and Under Secretary of State George W. Ball. William Bundy attended to keep a record and to represent the working group.

In the account of this meeting, Mr. Ball makes his first appearance in the Pentagon history as the Administration dissenter on Vietnam. William Bundy's memorandum of record says Mr. Ball "indicated doubt" that bombing the North in any fashion would improve the situation in South Vietnam and "argued against" a judgment that a Vietcong victory in South Vietnam would have a falling-domino effect on the rest of Asia.

While the working group sessions had been in progress, the study discloses, Mr. Ball had been writing a quite different policy paper "suggesting a U.S. diplomatic strategy in the event of an imminent GVN collapse."

"In it, he advocated working through the U.K. [United Kingdom, or Britain] who would in turn seek cooperation from the U.S.S.R., in arranging an international conference (or smaller proportions than those at Geneva) which would work out a compromise political settlement for South Vietnam," the analyst says. The words in parentheses are the analyst's.

Of those present at the November 24 meeting, the memorandum of record indicates, only Mr. Ball favored Option A. The study gives the impression this was conceived as a throwaway option by the Working Group. The group's analysis labeled it "an indefinite course of action" whose "sole advantages" were these:

"(a) Defeat would be clearly due to GVN failure, and we ourselves would be less implicated than if we tried Option B or Option C, *and failed*.

"(b) The most likely result would be a Vietnamese negotiated deal, under which an eventually unified Communist Vietnam would reassert its traditional hostility to Communist China and limit its own ambitions to Laos and Cambodia."

SECRETARY RUSK DISAGREES

At the Nov. 24 meeting, however, Mr. Rusk said that while he favored bombing North vietnam, he did not accept an analysis by Mr. McNaughton and William Bundy that if the bombing failed to save South Vietnam "we would obtain international credit merely for trying."

"In his view," the analyst writes, "the harder we tried and then failed, the worse our situation would be."

McGeorge Bundy demurred to some extent, the account goes on, but Mr. Ball "expressed strong agreement with the last Rusk point."

General Wheeler, reflecting the viewpoint of the Joint Chiefs, argued that the hard, fast bombing campaign of Option B actually entailed "less risk of a major conflict before achieving success," in words of the study, than the gradually risking air strikes of Option C.

The study adds that Mr. Bundy and Mr. McNaughton may have deliberately loaded the language of Option B to try to frighten the President out of adopting it lest it create severe international pressure for quick negotiations.

General Wheeler's argument presaged a running controversy between the Joint Chiefs and the civilian leadership after the bombing campaign began in the coming year.

The meeting on Nov. 24 ended without a clear majority decision on which option should be recommended to the President. The principals resumed when Ambassador Taylor reached Washington to join the strategy talks on Nov. 27, 1964.

TAYLOR'S THREE PURPOSES

In a written briefing paper, he told the conferees:

"If, as the evidence shows, we are playing a losing game in South Vietnam . . . it is high time we change and find a better way." He proposed gradually increasing air strikes against the North for a threefold purpose:

"First, establish an adequate government in SVN; second, improve the conduct of the counterinsurgency campaign; finally persuade or force the D.R.V. to stop its aid to the Vietcong and to use its directive powers to make the Vietcong desist from their efforts to overthrow the Government of South Vietnam."

To improve anti-Communist prospects in the South, the Ambassador proposed using the lever of American air strikes against the North to obtain promises from the Saigon leaders that they would achieve political stability, strengthen the army and the police, suppress dissident Buddhist and student factions, replace incompetent officials and get on with the war effort.

The analyst says that the Ambassador had thus revised his earlier view that Washington should bomb the North merely to prevent "a collapse of national morale" in Saigon. He still favored some form of bombing in an emergency, but now he wanted something solid from the Saigon leaders in exchange for a coherent program of rising air war.

In the course of discussions on Nov. 27, however, the Ambassador acknowledged that while bombing "would definitely have a favorable effect" in South Vietnam, ". . . he was not sure this would be enough really to improve the situation," the analyst reports, again quoting from William Bundy's memorandum of record.

"Others, including McNamara, agreed with Taylor's evaluation, but the Secretary [Mr. McNamara] added that 'the strengthening effect of Option C could at least buy time, possibly measured in years.' "

Ambassador Taylor proposed that the Administration therefore adopt a two-phase program culminating in the bombing of infiltration facilities south of 19th Parallel in North Vietnam, in effect Option A plus the first stages of Option C. Phase I would consist of 30 days of the Option A type of actions, such as intensification of the coastal raids on the North, air strikes by American jets at infiltration routes and one or two reprisal raids against the North. Meanwhile, Ambassador Taylor would obtain the promises of improvement from the Saigon leadership.

At the end of the 30 days, with the promises in hand, the United States would then move into Phase II, the air war. The air raids were to last two to six months, during which Hanoi was apparently expected to yield.

The others agreed, and the proposal was redefined further at a meeting on Nov. 28. William Bundy was assigned the task of drawing up a formal policy paper outlining the proposal. The Cabinet-level officials agreed to recommend it to the President at a White House meeting scheduled for Dec. 1, right after Mr. Johnson's Thanksgiving holiday at his ranch.

On Nov. 28, the same day that his closest advisers made their decision to advise him to bomb North Vietnam, Mr. Johnson was asked at a news conference at the ranch:

"Mr. President, is expansion of the Vietnam war into Laos or North Vietnam a live possibility at this moment?"

"WHEN YOU CRAWL OUT . . .

"I don't want to give you any particular guide posts as to your conduct in the matter," Mr. Johnson told the newsmen about their articles. "But when you crawl out on a limb, you always have to find another one to crawl back on."

"I have just been sitting here in this serene atmosphere of the Pedernales for the last few days reading about the wars that you [speculating newsmen] have involved us in and the additional undertakings that I have made decisions on or that General Taylor has recommended or that Mr. McNamara plans or Secretary Rusk envisages. I would say, generally speaking, that some people are speculating and taking positions that I think are somewhat premature."

"At the moment," he concluded, "General Taylor will report to us on developments. We will carefully consider these reports . . . I will meet with him in the early part of the week. I anticipate there will be no dramatic announcement to come out of these meetings except in the form of your speculation."

William Bundy's draft policy paper, written the next day, said the bombing campaign "would consist principally of progressively more serious air strikes, of a weight and tempo adjusted to the situation as it develops (possibly running from two to six months)." The words in parentheses are Mr. Bundy's.

The draft paper added: "Targets in the D.R.V. would start with infiltration targets south of the 19th Parallel and work up to targets north of that point. This could eventually lead to such measures as air strikes on all major military-related targets, aerial mining of D.R.V. ports, and a U.S. naval blockade of the D.R.V."

"Concurrently," it continued, "the U.S. would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain U.S. objectives in an acceptable manner." [See text, working group's draft, Nov. 29.]

Apparently at Mr. McNamara's suggestion, the analyst says, a final sentence in this paragraph was deleted; it read, "The U.S. would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate." Also removed, possibly during a final meeting of the top officials on Nov 30 to review the policy paper and "apparently on the advice of McGeorge Bundy," was a proposal that the President make a major speech indicating the new direction that Washington's policy was taking.

Likewise deleted was a provision to brief "available Congressional leaders . . . (no special leadership meeting will be convened for this purpose)" on new evidence being compiled on North Vietnamese infiltration into the South, as a public justification of the bombing.

A separate recommendation from the Joint Chiefs for a series of major raids—like those in their retaliation proposal for the Vietcong mortar strike at Bienhoa air base on Nov. 1—was deleted for unspecified reasons, the analyst says, "in effect, presenting a united front to the President."

The paper that was sent to the President made no mention of American ground troops to provide security for airfields in the South when the bombing began, as General Wheeler had reminded the conferees on Nov. 24 would be necessary.

The writer notes the "gap" between the drastic concessions expected from Hanoi and the relatively modest bombing campaign that was expected to break Hanoi's will. He puts forward "two by no means contradictory explanations of this gap." This is the first:

CALCULATED 'DOSES OF FORCE'

"There is some reason to believe that the principals thought that carefully calculated doses of force could bring about predictable and desirable responses from Hanoi. Underlying this optimistic view was a significant underestimate of the level of the D.R.V. commitment to victory in the South and an overestimate of the effectiveness of U.S. pressures in weakening that resolve."

A related factor, the account says, "which, no doubt, commended the proposal to the Administration was the relatively low cost—in political terms—of such action." The context here indicates that the Administration thought the public would find an air war less repugnant than a ground war.

The President seems to have shared the view of his chief advisers, the analyst writes, that "the threat implicit in minimum but increasing amounts of force ('slow squeeze') would . . . ultimately bring Hanoi to the table on terms favorable to the U.S."

"McGeorge Bundy, as the President's assistant for national security affairs, was in a position to convey President Johnson's mood to the group," the account goes on. It adds that notes taken at a White House meeting on Dec. 1 when the senior officials met with Mr. Johnson to present the bombing plan "tend to confirm that the President's mood was more closely akin to the measures recommended" than to other, harsher bombing plans.

"A second explanation of the gap between ends and means is a more simple one," the account comments. "In a phrase, we had run out of alternatives other than pressures."

A memorandum by Assistant Secretary McNaughton on Nov. 6, 1964, made the point succinctly: "Action against North Vietnam is to some extent a substitute for strengthening the Government in South Vietnam. That is, a less active VC (on orders from D.R.V.) can be matched by a less efficient GVN. We therefore should consider squeezing North Vietnam." The words in parentheses are Mr. McNaughton's. [See text.]

HIGHLIGHTS OF THE PERIOD

Between the Tonkin Gulf resolution of August, 1964, and the start of concentrated United States bombing of North Vietnam in 1965, the details of such an air war were being planned, discussed and debated in the Johnson Administration, according to the secret Pentagon chronicle.

Here, chronologically, are highlights of those months of decision-making.

AUGUST 1964

Ambassador Maxwell D. Taylor cables agreement with Administration "assumption" that "something must be added in the coming months" to forestall "a collapse of national morale" in Saigon. Suggests "carefully orchestrated bombing attack" on North.

Joint Chiefs of Staff concur, call air war "essential to prevent a complete collapse of the U.S. position in Southeast Asia." Propose what study calls "provocation strategy."

SEPTEMBER 1964

John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, outlines provocation plan "to provide good grounds for us to escalate if we wished. . . ." Includes South Vietnamese air strikes on Laos infiltration routes; coastal raids on North; resumption U.S. destroyer patrols in Gulf of Tonkin.

White House strategy meeting. Analyst finds "general consensus" on necessity for early 1965 air strikes but says "tactical considerations" require delay. Cites President's "presenting himself as the candidate of reason and restraint," need for "maximum public and Congerssional support," fear of "premature negotiations," Saigon weakness.

President orders low-risk interim measures, says William P. Bundy memo, "to assist morale . . . and show the Communists we still mean business. . . ." Coastal raids, destroyer partols included.

OCTOBER 1964

Air strikes on Laos infiltration routes start, following delay awaiting outcome Laotian cease-fire talks. U.S. feared new Geneva conference. Analyst says this "not compatible with current perception of U.S. interest."

NOVEMBER 1964

Vietcong attack Bienhoa airfield. Joint Chiefs urge "prompt and strong response" including air strikes on North. Ambassador Taylor urges bombing "selected" targets.

President declines, directs interagency working group under Bundy to consider, recommend Vietnam options, policy.

Group's three recommended options all include bombing North. Analyst says group's deliberations showed "remarkably little latitude for reopening the basic questions about U.S. involvement."

Option A—reprisal air strikes, covert pressure intensified.

Option B—bomb North "at a fairly rapid pace and without interruption" till all U.S. demands met; U.S. to define negotiating position, chronicle says, "in a way which makes Communist acceptance unlikely" if U.S. pressed to negotiate "before a Communist agreement to comply."

Option C—graduated air war, possible deployment ground troops.

National Security Council select committee meets. George W. Ball, Under Secretary of State, indicates "doubt" about effectiveness bombing North, argues against domino theory, says Bundy memo. Mr. Ball's policy paper suggests diplomatic strategy leading to international Vietnam conference.

DECEMBER 1964

President approves recommended plan—Option A for 30 days, then Option C. Stresses he feels "pulling the South Vietnamese together" basic to any other action.

Operation Barrel Roll—U.S. air strikes at infiltration-routes Laotian panhandle—under way. National Security Council agrees to "no public statements" unless a plane is lost, then "to insist that we were merely escorting reconnaissance flights."

Air Marshal Nguyen Cao Ky and ex-Premier Nguyen Khanh attempt coup. Ambassador Taylor tells them U.S. is "tired of coups," warns that "all the military plans which I know you would like to carry out are dependent on government stability."

JANUARY 1965

Two U.S. jets lost over Laos. Press reports on "Barrel Roll."

South Vietnam forces trounced at Binhia. Study says Saigon "final collapse" and Vietcong take-over seem "distinct possibility."

Mr. Bundy, in memo, says "shaky" Saigon morale due partly to "widespread feeling that the U.S. is not ready for stronger action" and is "insisting on perfectionism" in Saigon. Urges "stronger action" despite "grave difficulties."

Robert S. McNamara, Secretary of Defense, Mr. McNaughton favor "initiating air strikes"; agree U.S. aim "not to 'help friend' but to contain China," chronicle says.

FEBRUARY 1965

Vietcong attack U.S. military advisers' compound at Pleiku. Study says this "triggered a swift, though long-contemplated Presidential decision to give an 'appropriate and fitting response'."

Forty-nine U.S. jets in first reprisal strike, raid Conghoi.

Second reprisal strike follows guerrilla attack on U.S. barracks.

Operation Rolling Thunder—sustained air war—ordered.

DOUBTS AT TWO POLES

The two dissenters from the view that "calculated doses of force" would bring Hanoi around were, at opposite poles, the Joint Chiefs and the intelligence agencies.

"The J.C.S. differed from this view on the grounds that if we were really interested in affecting Hanoi's will, we would have to hit hard at its capabilities," the account says. The Joint Chiefs wanted the United States to demonstrate a willingness to apply unlimited force.

Their bombing plan, deleted from the position paper before it was presented to the President, asserted that the destruction of all of North Vietnam's major airfields and its petroleum supplies "in the first three days" was intended to "clearly . . . establish the fact that the U.S. intends to use military force to the full limits of what military force can contribute to achieving U.S. objectives in Southeast Asia . . . The follow-on military program—involving armed reconnaissance of infiltration routes in Laos, air strikes on infiltration targets in the D.R.V. and then progressive strikes throughout North Vietnam—could be suspended short of full destruction of the D.R.V. if our objectives were achieved earlier."

The analyst remarks that the Joint Chiefs' plan was "shunted aside because both its risks and costs were too high," but the author does not attempt to evaluate the possible effect of his plan on Hanoi's will.

Like Mr. Ball, the account says, the intelligence community "tended toward a pessimistic view" of the effect of bombing on the Hanoi leaders.

The intelligence panel within the Bundy working group, composed of representatives from the three leading intelligence agencies—the C.I.A., the State Department's Bureau of Intelligence and Research and the Pentagon's Defense Intelligence Agency—"did not concede very strong chances for breaking the will of Hanoi," the author writes.

ANALYSIS OF ENEMY POLICY

"The course of actions the Communists have pursued in South Vietnam over the past few years implies a fundamental estimate on their part that the difficulties facing the U.S. are so great that U.S. will and ability to maintain resistance in that area can be gradually eroded—without running high risks that this would wreak heavy destruction on the D.R.V. or Communist China," the panel's report said.

If the United States now began bombing, the panel said, the Hanoi leadership would have to ask itself "a basic question" about how far the United States was willing to step up the war "regardless of the danger of war with Communist China and regardless of the international pressures that could be brought to bear. . . ." The decision of the Hanoi leadership was thus uncertain for a number of reasons, the panel cautioned, and "in any event, comprehension of the other's intentions would almost certainly be difficult on both sides, and especially as the scale of hostilities mounted."

The panel then cast doubt on the so called Rostow thesis of how much Hanoi feared destruction of its industry. This thesis, named for its proponent, Walt W. Rostow, chairman of the State Department's Policy Planning Council, underlay much of the Administration's hope for the success of a bombing campaign.

The panel said: "We have many indications that the Hanoi leadership is acutely and nervously aware of the extent to which North Vietnam's transportation system and industrial plant is vulnerable to attack. On the other hand, North Vietnam's economy is overwhelmingly agricultural and, to a large extent, decentralized in a myriad of more or less economically self-sufficient villages. Interdiction of imports and extensive destruction of transportation facilities and industrial plants would cripple D.R.V. industry. These actions would also seriously restrict D.R.V. military capabilities, and would degrade, though to a lesser extent, Hanoi's capabilities to support guerrilla warfare in South Vietnam and Laos. We do not believe that such actions would have a crucial effect on the daily lives of the overwhelming majority of the North Vietnam population. We do not believe that attacks on industrial targets would so greatly exacerbate current economic difficulties as to create unmanageable control problems. It is reasonable to infer that the D.R.V. leaders have a psychological investment in the work of reconstruction they have accomplished over the last decade. Nevertheless, they would probably be willing to suffer some damage to the country in the course of a test of wills with the U.S. over the course of events in South Vietnam."

NO CHANGE OF POLICY

As in the case of earlier intelligence findings that contradicted policy intentions, the study indicates no effort on the part of the President or his most trusted advisers to reshape their policy along the lines of this analysis.

One part of the intelligence panel's report that the Administration did accept was a prediction that China would not react in any major way to a bombing campaign unless American or South Vietnamese troops invaded North Vietnam or northern Laos. The study indicates that this analysis eased Administration fears on this point.

Chinese reaction to systematic bombing of North Vietnam was expected to be limited to providing Hanoi with anti-aircraft artillery, jet fighters and naval patrol craft. The panel predicted that the Soviet role was "likely to remain a minor one," even where military equipment was concerned. However, the Russians subsequently sent large-scale shipments of formidable antiaircraft equipment to North Vietnam.

"CAUTIOUS AND EQUIVOCAL"

Now that a decision to bomb North Vietnam was drawing near, the study says, Mr. Johnson became "cautious and equivocal" in approaching it. Two analysts of this period, in fact, differ in their characterization of his decision at the two-and-a-half-hour White House meeting on Dec. 1, 1964, a month after the election, when the bombing plan was presented to him.

One analyst says that at this meeting the President "made a tentative decision" to bomb, ordering the preparatory Phase I put into effect and approving Phase II, the air war itself, "in principle."

The second analyst says that while the President approved the entire bombing plan "in general outline at least . . . it is also clear that he gave his approval to implement only the first phase of the concept."

The President tied the actual waging of air war to reforms by the Saigon Government, this analyst says, and left an impression by the end of the meeting that he was "considerably less than certain that future U.S. actions against North Vietnam [the air war] would be taken, or that they would be desirable."

NO FOLLOWING MEMORANDUM

The study notes that "the precise nature of the President's decisions" at the meeting is not known because a national security action memorandum was not issued afterward.

"However, the study continues, "from handwritten notes of the meeting, from instructions issued to action agencies and from later reports of diplomatic and military actions taken, it is possible to reconstruct the approximate nature of the discussion and the decisions reached." The footnotes do not indicate who made the handwritten notes found in the Pentagon files, although the indication is that it was Mr. McNaughton or Mr. McNamara.

After a briefing by Ambassador Taylor on the situation in South Vietnam, the discussion turned to a draft statement, prepared by William Bundy, that the Ambassador was to deliver to the Saigon leaders. The statement explained the two-phase bombing plan and tied Phase II to a serious attempt by the Saigon leadership to achieve some political stability and get on with the war effort against the Vietcong.

In Saigon, General Khanh had nominally surrendered authority to a civilian cabinet headed by Premier Tran Van Huong. The general was intriguing against the Huong Cabinet, however, as the ostensible commander in chief of the armed forces and head of a Military Revolutionary Committee of South Vietnamese generals. Within this council, a group headed by Air Vice Marshal Nguyen Cao Ky, the chief of the air force, was intriguing both with and against General Khanh.

Against this background, the study says of the White House meeting:

"The President made it clear that he considered that pulling the South Vietnamese together was basic to anything else the United States might do. He asked the Ambassador specifically which groups he (Ambassador Taylor) might talk to and what more we might do to help bring unity among South Vietnam's leaders. He asked whether we could not say to them 'we just can't go on' unless they pulled together. To this, Taylor replied that we must temper our insistence somewhat. . . ."

WHICH ONES TO BRIEF

The meeting then moved into a discussion of which allied countries were to be briefed on the proposed air war. The President said he wanted "new, dramatic effective" forms of assistance from several, specifically mentioning Australia, New Zealand, Canada and the Philippines. These briefings by special envoys were included in the draft position paper laying out the bombing plan as the important diplomatic element in Phase I.

"In each case," the study says, "the representative was to explain our concept and proposed actions and request additional contributions by way of forces in the event the second phase of U.S. actions were entered."

The plan made no provision for similar consultations with Congressional leaders and there is no evidence in the study that Mr. Johnson conducted any.

In approving the statement General Taylor was to make to the Saigon leaders, the President also gave his assent to ready the military signal that was formally to sound the beginning of the 30 days of Phase I—Operation Barrel Roll, air strikes by United States Air Force and Navy jets of Yankee Team against infiltration routes and facilities in the Laotian panhandle, which was to be the final step-up in the Laos air operations.

At the end of the meeting, the account continues, Ambassador Taylor "slipped out the White House rear entrance" to avoid the press and "only a brief, formal statement" was issued. The analyst, remarks that the White House press statement released immediately afterward "contained only two comments regarding any determinations that had been reached."

INSTRUCTIONS FOR TAYLOR

One said, "The President instructed Ambassador Taylor to consult urgently with the South Vietnamese Government as to measures that should be taken to improve the situation in all its aspects."

The other, the concluding paragraph, said the President had "reaffirmed the basic U.S. policy of providing all possible and useful assistance to the South Vietnamese people and Government in their struggle to defeat the externally supported insurgency and aggression being conducted against them."

The final sentence in this paragraph, the analyst notes, was one "specifically linking this policy" with Congress's Tonkin Gulf resolution. The sentence read: "It was noted that this policy accords with the terms of the Congressional joint resolution of Aug. 10, 1964, which remains in full force and effect."

Then, on Dec. 3, emerging from a second meeting with Mr. Johnson, "presumably having received the final version of his instructions," the account goes on, Ambassador Taylor told reporters assembled at the White House "that he was going to hold 'across-the-board' discussions with the GVN."

"Asserting that U.S. policy for South Vietnam remained the same, he stated that his aim would be to improve the deteriorating situation in South Vietnam. Although he hinted of changes 'in tactics and method,' he quite naturally did not disclose the kind of operations in which the United States was about to engage or any future actions to which immediate activity could lead."

The Administration now moved quickly. William Bundy left for Australia and New Zealand the next day, Dec. 4, to brief their governments on both phases of the bombing plan, the writer says.

WILSON VISITS WASHINGTON

Prime Minister Harold Wilson of Britain was "thoroughly briefed on the forthcoming U.S. actions" during a state visit to Washington Dec. 7 to 9, the narrative continues, while other envoys briefed the Canadians and the Asian allies. The writer notes that while Britain, Australia and New Zealand were given "the full picture," the Canadians were "told slightly less" and the Philippines, South Korea and the Chinese Nationalist Government on Taiwan were 'briefed on Phase I only." What the Thais and the Laotians were told is not made explicit.

The New Zealand Government "expressed grave doubts" that the bombing would break Hanoi's will, the writer says, and predicted that it might increase infiltration to South Vietnam.

In meetings in Saigon on Dec. 7 and 9 with General Khanh and Premier Huong, Ambassador Taylor exacted the desired promises in exchange for the bombing. At the second meeting, the Ambassador presented them with a draft press release describing the desired improvements, including strengthening of the army and the police, which the Saigon Government released in its own name, at the United States' request, on Dec. 11.

William H. Sullivan, newly appointed as Ambassador to Laos, obtained Premier Souvanna Phouma's agreement on Dec. 10 to the American air strikes at infiltration routes along the Ho Chi Minh Trail supply network through the Laotian panhandle, and Operation Barrel Roll got under way on Dec. 14 with attacks by American jets on "targets of opportunity"—that is, unprogramed targets sighted by the pilots.

At a meeting of the National Security Council on Dec. 12, when the final details for Barrel Roll were reviewed and approved, the study reports, it was "agreed that there would be no public operations statements about armed reconnaissance in Laos unless a plane were lost."

"In such an event, the principals stated, the Government should continue to insist that we were merely escorting reconnaissance flights as requested by the Laotian Government."

LEVEL OF ATTACKS SET

McGeorge Bundy was quoted in the memorandum of record as stating that the agreed plan "fulfilled precisely the President's wishes."

On Dec. 18 Secretary McNamara set the level of Barrel Roll attacks for the 30 days of Phase I—the analyst indicates that he did so at the President's wishes—at two missions of four aircraft apiece each week.

The Administration also stepped up the raids by T–28 fighter planes in Laos with a joint message on Dec. 8 from Seccretaries McNamara and Rusk to Ambassador Sullivan. The cable instructed him to have the Laotians intensify bombing "in the corridor areas and close to the D.R.V. border."

The analyst reports that in the three months between the beginning of October and the end of December there were 77 sorties by the T–28's in the panhandle area—a sortie is a strike by a single plane—and that by early December the air raids had "already precipitated several complaints from the D.R.V." to the International Control Commission "alleging U.S.-sponsored air attacks on North Vietnamese territory."

Events in Saigon had meanwhile gone awry. Political turmoil broke out there again with Buddhist and student demonstrations against Premier Huong's Cabinet.

On Dec. 20, in defiance of Ambassador Taylor's wishes, General Khanh, in a temporary alliance with the so-called Young Turks—the young generals led by Marshal Ky—announced the dissolution of the High National Council, a body that was supposed to be functioning as a temporary legislature to draw up a constitution for a permanent civilian government. They also made a large number of political arrests by night, seizing several members of the High National Council.

That day, Ambassador Taylor summoned the Young Turks to the embassy and, in the writer's words, read them "the riot act." They included Gen Nguyen Van Thieu, now President of South Vietnam.

According to the embassy's cable to Washington, the conversation began like this:

Ambassador Taylor: Do all of you understand English? (Vietnamese officers indicated they did . . .)

I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Maybe this is because something is wrong with my French because you evidently didn't understand. I made it clear that all the military plans which I know you would like to carry out are dependent on government stability. Now you have made a real mess. We cannot carry you forever if you do things like this.

Marshal Ky and other Vietnamese generals denied that they had staged a coup and said they were trying to achieve unity by getting rid of divisive elements, the account goes on.

The Ambassador tried to persuade them to support the civilian regime of Premier Huong and apparently to restore the High National Council. The Vietnamese officers would not agree.

The embassy cable describes the end of the conversation:

"In taking a friendly leave, Ambassador Taylor said: 'You people have broken a lot of dishes and now we have to see how we can straighten out this mess.'" [See text, Taylor message, Dec 12.]

By the end of the month, Ambassador Taylor, Deputy Ambassador Johnson and General Westmoreland had apparently despaired of trading a bombing campaign against the North for a stable Saigon Government that would prosecute the war in the South. On Dec. 31, the account continues, they sent a joint message to Washington saying, in effect, that the United States should go ahead with the air campaign against the North "under any conceivable alliance condition short of complete abandonment of South Vietnam."

A FIRMER BASE SOUGHT

The account indicates, however, that the President was reluctant to proceed into Phase II without at least the appearance of a firmer base in Saigon since the turmoil there was making it more difficult for him to justify escalation to the American public.

The writer remarks that at the meeting of the senior National Security Council Members on Dec. 24, Secretary Rusk "raised an issue that was high among Administration concerns—namely that the American public was worried about the chaos in the GVN, and particularly with respect to its viabilty as an object of increased U.S. commitment."

On Christmas Eve, the Vietcong planted a bomb in the Brinks, an officers billet in Saigon, killing two Americans in the blast and wounding 58 others; the President declined to authorize reprisal air strikes against the North, despite vigorous recommendations from Ambassador Taylor, Admiral Sharp in Honolulu and the Joint Chiefs, who were now pressing hard for escalation.

"Highest levels today reached negative decision on proposal . . . for reprisal action," Mr. Rusk cabled the Ambassador on Dec. 29.

Five days earlier, Mr. Rusk had also instructed Ambassador Taylor to halt, until the turmoil in Saigon subsided, the planned, piecemeal release to the press of evidence of a major increase in infiltration from the North during 1964, the writer says. The Ambassador had first reported the increase to Washington in October, along with a report of the appearance of individual North Vietnamese Army regulars, and the Administration began leaking the information in November through background briefings.

Making a Case in Public

By this time, the Administration felt that it had sufficient information on infiltration to make a public case for bombing the North. The intelligence community had obtained evidence that a minimum of 19,000 and a maximum of 34,000 infiltrators, mostly former southerners who had fought against the French in the Vietminh, had entered the South since 1959. Chester L. Cooper, a former intelligence officer, had put together a major report on Hanoi's support and direction of the guerrillas, but the Administration had decided earlier in December against public disclosure of the document itself because this might create "undesirable speculation," and had instead instructed the Ambassador to continue the piecemeal approach. Now, the analyst says, Mr. Rusk wanted this halted as well for fear that more publicity might create pressure for action prematurely.

DEBATE GROWS IN CONGRESS

The political upheaval in Saigon, the writer continues, was fueling a Vietnam debate in Congress, which, while it did not exhibit much antiwar sentiment, did show considerable confusion and dismay, the writer says.

Secretary Rusk, on television on Jan. 3, 1965, felt it necessary to defend the Administration "in the context of a year-end foreign policy report," the account adds.

Mr. Rusk did not hint at the Administration's plans for possible bombing of the North. "Ruling out either a U.S. withdrawal or a major expansion of the war," the writer says, "Rusk gave assurances that with internal unity, and our aid and persistence the South Vietnamese could themselves defeat the insurgency."

On Jan. 14, however, as a result of the loss of two American jets over Laos in Operation Barrel Roll, "accounts of U.S. air operations against Laotian infiltration routes gained wide circulation for the first time," the writer says. A dispatch from Laos by United Press International, he adds, "in effect blew the lid on the entire Yankee Team operation in Laos since May of 1964."

"Despite official State or Defense refusal to comment on the nature of the Laotian air missions, these disclosures added new fuel to the public policy debate," the writer continues. The disclosures were complicating matters for the President by giving ammunition to the very small minority of antiwar senators who were taking seriously the press speculation that the United States might be getting ready to bomb the North.

In a Senate speech on Jan. 19, the account goes on, Senator Wayne Morse of Oregon charged that the Yankee Team air strikes had ignored the 1962 Geneva accords on Laos and "violated the nation's belief in 'substituting the rule of law for the jungle law of military might.' Broadening his attack, he warned, that 'there is no hope of avoiding a massive war in Asia' if U.S. policy towards Southeast Asia were to continue without change."

Within the Administration in Washington, key policy makers were coming to the same conclusion that Ambassador Taylor and his colleagues had reached in Saigon—that it was desirable to bomb the North regardless of what state of government existed in the South.

The political turmoil in Saigon, the narrative says, appears "to have been interpreted in Washington as an impending sellout" to the National Liberation Front. Fear increased that a neutralist coalition government would emerge and invite the United States to leave.

VICTORY FOR THE VIETCONG

Washington's sense of crumbling in the military situation was heightened when Saigon's army suffered a "highly visible" setback in a ferocious battle at Binhgia, southeast of the capital, between Dec. 26 and Jan. 2. Vietcong guerrillas nearly destroyed two South Vietnamese Marine battalions.

"All evidence pointed to a situation in which a final collapse of the GVN appeared probable and a victorious consolidation of VC power a distinct possibility," the narrative says.

As the Hour Approached

William Bundy communicated the feeling in a memorandum he wrote to Secretary Rusk on Jan. 6 for a meeting Mr. Rusk was to have with the President that afternoon. Mr. Bundy explained that the memorandum encompassed, besides his own thoughts, those of Michael V. Forrestal, head of the interagency coordinating committee, and Ambassador Unger, who had recently been transferred back to Washington from Vientiane.

"I think we must accept that Saigon morale in all quarters is now very shaky indeed," he said in part, "and that this relates directly to a widespread feeling that the U.S. is not ready for stronger action and indeed is possibly looking for a way out. We may regard this feeling as irrational and contradicted by our repeated statements, but Bill Sullivan was very vivid in describing the existence of such feelings in October, and we must honestly concede that our actions and statements since the election have not done anything to offset it. The blunt fact is that we have appeared to the Vietnamese (and to wide circles in Asia and even in Europe) to be insisting on a more perfect government than can reasonably be expected, before we consider any additional action—and that we might even pull out our support unless such a government emerges.

"In key parts of the rest of Asia, notably Thailand, our present posture also appears weak. As such key parts of Asia see us, we looked strong in May and early June, weaker in later June and July, and then appeared to be taking a quite firm line in August with the Gulf of Tonkin. Since then we must have seemed to be gradually weakening—and, again, insisting on perfectionism in the Saigon Government before we moved.

"The sum total of the above seems to us to point—together with almost certainly stepped-up Vietcong actions in the current favorable weather—to a prognosis that the situation in Vietnam is now likely to come apart more rapidly than we had anticipated in November. We would still stick to the estimate that the most likely form of coming apart would be a government of key groups starting to negotiate covertly with the Liberation Front or Hanoi, perhaps not asking in the first instance that we get out, but with that necessarily following at a fairly early stage. In one sense this would be a "Vietnam solution," with some hope that it would produce a Communist Vietnam that would assert its own degree of independence from Peiping and that would produce a pause in Communist pressure in Southeast Asia. On the other hand, it would still be virtually certain than [sic] Laos would then become untenable and that Cambodia would accommodate in some way. Most seriously, there is grave question whether the Thai in these circumstances would retain any confidence at all in our continued support. In short, the outcome would be regarded in Asia, and particularly among our friends, as just as humiliating a defeat as any other form. As events have developed, the American public would probably not be too sharply critical, but the real question would be whether Thailand and other nations were weakened and taken over thereafter.

"The alternative of stronger action obviously has grave difficulties. It commits the U.S. more deeply, at a time when the picture of South Vietnamese will is extremely weak. To the extent that it included actions against North Vietnam, it would be vigorously attacked by many nations and disapproved initially even by such nations as Japan and India, on present indications. Most basically, it stiffening effect on the Saigon political situation would not be at all sure to bring about a more effective government, nor would limited actions against the southern D.R.V. in fact sharply reduce infiltration or, in present circumstances, be at all likely to induce Hanoi to call it off.

"Nonetheless, on balance we believe that such action would have some faint hope of really improving the Vietnamese situation, and, above all, would put us in a much stronger position to hold the next line of defense, namely Thailand. Accepting the present situation—or any negotiation on the basis of it—would be far weaker from this latter key standpoint. If we moved into stronger actions, we should have in mind that negotiations would be likely to emerge from some quarter in any event, and that under existing circumstances, even with the additional element of pressure, we could not expect to get an outcome that would really secure an independent South Vietnam. Yet even on an outcome that produced a progressive deterioration in South Vietnam and an eventual Communist take-over, we would still have appeared to Asians to have done a lot more about it.

"In specific terms, the kinds of action we might take in the near future would be:

"a. An early occasion for reprisal action against the D.R.V.

"b. Possibly beginning low-level reconnaissance of the D.R.V. at once.

"Concurrently with a or b, an early orderly withdrawal of our dependents [from Saigon, but only if] stronger action [is contemplated]. If we are to clear our decks in this way—and we are more and more inclined to think we should—it simply must be, for this reason alone, in the context of some stronger action. . . .

"Introduction of limited U.S. ground forces into the northern area of South Vietnam still has great appeal to many of us, concurrently with the first air attacks into the D.R.V. It would have a real stiffening effect in Saigon, and a strong signal effect to Hanoi. On the disadvantage side, such forces would be possible attrition targets for the Vietcong."

A SIMILAR MEMORANDUM

Mr. McNaughton, Mr. Bundy's counterpart at the Pentagon, had given Mr. McNamara a similar memorandum three days earlier.

"The impact of these views can be seen in the policy guidance emanating from Washington in mid and late January, 1965," the Pentagon's narrative says.

In a cablegram to Saigon on Jan. 11, the writer goes on, Secretary Rusk instructed Ambassador Taylor "to avoid actions that would further commit the United States to any particular form of political solution" to the turmoil there. If another military regime emerged from the squabbling "we might well have to swallow our pride and work with it," Mr. Rusk said.

Another memorandum to Mr. McNamara from Mr. McNaughton, on Jan. 27, along with Mr. McNamara's penciled comments on it, "adds perspective to this viewpoint," the historian says. Mr. McNaughton stated "and Mr. McNamara agreed" that the United States objective in South Vietnam was "not to 'help friend' but to contain China," and "both favored initiating strikes against North Vietnam."

Paraphrasing the memorandum and Mr. McNamara's comments, the writer says, "At first they believed these [air attacks] should take the form of reprisals; beyond that, the Administration would have to 'feel its way' into stronger, graduated pressures. McNaughton doubted that such strikes would actually help the situation in South Vietnam, but thought they should be carried out anyway. McNamara believed they probably would help the situation, in addition to their broader impacts on the U.S. position in Southeast Asia."

"Clear indication that the Administration was contemplating some kind of increased military activity" had gone out to Saigon two days earlier in another cablegram from Mr. Rusk, the account goes on. "Ambassador Taylor was asked to comment on the 'departmental view' that U.S. dependents should be withdrawn to 'clear the decks' in Saigon and enable better concentration of U.S. efforts on behalf of South Vietnam."

THE SIGNAL FOR "D-DAY"

Ever since the original bombing scenario of May 23, 1964, the evacuation of American women and children had been the signal for "D-Day."

"The Rusk cable made specific reference to a current interest in reprisal actions," the analyst says.

The initial blow came in about two weeks. The Vietcong attacked the United States military advisers' compound at Pleiku in the Central Highlands and an Army helicopter base at Camp Holloway, four miles away. Nine Americans were killed and 76 wounded.

"The first flash from Saigon about the assault came on the ticker at the National Military Command Center at the Pentagon at 2:38 P.M. Saturday, Feb. 6, Washington time," the narrative says. "It triggered a swift, though long-contemplated Presidential decision to give an 'appropriate and fitting' response. Within less than 14 hours, by 4 P.M. Sunday, Vietnam time, 49 U.S. Navy jets—A-4 Skyhawks and F-8 Crusaders from the Seventh Fleet carriers U.S.S. Coral Sea and U.S.S. Hancock—had penetrated a heavy layer of monsoon clouds to deliver their bombs and rockets upon North Vietnamese barracks and staging areas at Donghoi, a guerrilla training garrison 40 miles north of the 17th Parallel.

"Though conceived and executed as a limited one-shot tit-for-tat reprisal, the drastic U.S. action, long on the military planners' drawing boards under the operational code name Flaming Dart precipitated a rapidly moving sequence of events that transformed the character of the Vietnam war and the U.S. role in it."

When the guerrillas attacked an American barracks at Quinhon, on the central coast, and on Feb. 11, the President launched a second and heavier reprisal raid, Flaming Dart II.

Two days later, on Feb. 13, he decided to begin Operation Rolling Thunder, the sustained air war against North Vietnam.

"As is readily apparent," the analyst concludes, "there was no dearth of reasons for striking North. Indeed, one almost has the impression that there were more reasons than were required. But in the end, the decision to go ahead with the strikes seems to have resulted as much from the lack of alternative proposals as from any compelling logic in their favor."

SOME KEY FIGURES IN THE PENTAGON NARRATIVE: WHO THEY ARE AND WHERE THEY ARE NOW

M'GEORGE BUNDY

Special assistant to Presidents Kennedy and Johnson for national security affairs, 1961–66 . . . since 1966, president of the Ford Foundation. Born Boston March 30, 1919 . . . graduated from Yale, 1940, majoring in classics and mathematics . . . ran as a Republican for seat on Boston City Council, 1941 . . . served as aide to Adm. Alan G. Kirk, World War II . . . foreign-policy adviser to Thomas E. Dewey, Republican Presidential candidate, 1948 . . . joined Harvard faculty, 1949 . . . became dean of Faculty of Arts and Sciences, 1953 . . . named by President Kennedy to White House post . . . often described as principal architect of U.S. Vietnam policy . . . was recalled briefly by President Johnson during the Arab-Israeli crisis in summer of 1967 . . . often seen as a potential Secretary of State . . . just as visible—and controversial—as foundation head as when directing foreign policy from White House basement office . . . now lives in New York.

WILLIAM PUTNAM BUNDY

From 1951 to end of Johnson Administration, "the other Bundy" held sensitive positions in government departments, from the Central Intelligence Agency to State Department . . . now a senior research associate at Center for International Studies of Massachusetts Institute of Technology and will assume editorship of Foreign Affairs, the quarterly, after October, 1972. Born in Washington, Sept. 24, 1917 . . . earned, bachelor's degree from Yale, 1939; master's from Harvard, 1940; law degree from Harvard, 1947 . . . married to a daughter of Dean Acheson, former Secretary of State . . . practiced law, Washington, 1947–51 . . . a Democrat . . . with the C.I.A., 1951–61 . . . served consecutively as Assistant and Deputy Secretary of Defense for International Security Affairs, 1961–64 . . . Assistant Secretary of State for East Asian and Pacific Affairs, 1964–69 . . . always, compared with young brother McGeorge, an anonymous figure . . . lives in Cambridge, Mass.

MICHAEL VINCENT FORRESTAL

White House specialist on Vietnam, 1962–65 . . . in private law practice New York now . . . newly elected chairman of board, Metropolitan Opera Guild. Born Nov. 26, 1927, in New York . . . graduated from Phillips Exeter Academy . . . studies at Princeton interrupted to serve on staff of W. Averell Harriman at Paris headquarters of Economic Cooperation Administration, 1948–50 . . . his fater, late James V. Forrestal, was the first Secretary of Defense . . . received law degree from Harvard, 1953 and practiced in New York till 1960 . . . returned to firm of Shearman & Sterling, where he is a partner, in 1965 . . . as Kennedy and Johnson aide, served on National Security Council . . . in July, 1964, appointed chairman White House interdepartmental Vietnam coordinating committee . . . accompanied Mrs. John F. Kennedy on 1967 visit to Cambodia . . . early supporter of the late Sen. Robert F. Kennedy's Presidential bid . . . member Council on Foreign Relations . . . lives in New York.

NGUYEN KHANH

South Vietnam's Premier—on and off—from February, 1964, through Mid-February, 1965. Since 1968, in exile in Paris. Born in Travinh, South Vietnam, Nov. 8, 1927 . . . educated military academy at Dalat, 1950, also in France, at U.S. Staff College, Fort Leavenworth, Kan. . . . fought as guerrilla against French . . . sent to Saigon on mission . . . joined French colonial forces . . . paratrooper, reached rank of major . . . helped foil 1960 coup against Ngo Dinh Diem . . . stayed on sidelines during 1963 coup . . . ousted Gen. Duong Van Minh Jan. 30, 1964 . . . in August, assumed dictatorial powers . . . forced out . . . remained Army chief . . . led coup against incumbent . . . survived coup attempt February . . . is deposed as commander in chief by military . . . sent abroad as roving ambassador . . . a Buddhist, but not popular with Buddhists . . . short, jaunty, goateed . . . liked to wear paratrooper's red beret . . . fond of saying: "I am a fighter."

JOHN T. M'NAUGHTON

Mr. McNaughton a close and trusted associate of Secretary of Defense Robert S. McNamara from 1961 to 1967, and his wife and their younger son died in plane collision near Asheville, N.C., July 19, 1967, a week before he was to be sworn in as Secretary of Navy. Born Nov. 21, 1921, in Bicknell, Ind. . . . graduated from DePauw University, 1942 . . . served four years in Navy during World War II . . . graduated from Harvard Law School, 1948 . . . studied at Oxford as Rhodes scholar, working with European Cooperation Administration in Paris during vacations . . . also wrote for Pekin (Ill.) Times, owned by father . . . two years as editor of that paper . . . returned to Harvard as assistant professor, 1953, professor, 1956 . . . chosen by Mr. McNamara in 1961 to serve as Deputy Assistant Secretary for International Security Affairs . . . general counsel to Defense Department, 1962 . . . Assistant Secretary of Defense for International Security Affairs, 1964–67, heading Pentagon's foreign-affairs planning staff.

MAXWELL DAVENPORT TAYLOR

Chairman of the Joint Chiefs of Staff, 1962–64; United States Ambassador to South Vietnam, 1964–65; special consultant to the President, 1965–69. Now on the board of the Institute for Defense Analyses, chairman of Foreign Intelligence Advisory Board. Born Keytesville, Mo., Aug. 26, 1901 . . . graduated from United States Military Academy, 1922 . . . Command and General Staff School, 1933 . . . Army War College, 1940 . . . taught French, Spanish, at West Point . . . assistant military attaché, Peking 1937 . . . commander 101st Airborne Division, World War II . . . took part invasions. Normally, Holland . . . Superintendent United States Military Academy, 1945–49 . . . United States Commander, Berlin, 1950 Commander of Eighth Army, Korea, 1953 . . . Army Chief of Staff, 1955 . . . resigned 1959 in "limited war" strategy dispute . . . recalled as adviser by President Kennedy, 1961 . . . was influential in both Kennedy, Johnson administrations . . . scholarly, much-decorated . . . now living in Chevy Chase, Md.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

COMDR. ROBERT W. COLLINS, U.S. NAVY RESERVE, RETIRED, ADDRESSES A LETTER TO MEMBERS OF THE HOUSE REGARDING THE AMERICAN FLAG

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. BOGGS. Mr. Speaker, a patriot is a man who loves his country. Few men fit that description better than Comdr. Robert W. Collins, U.S. Naval Reserve, retired, of Yazoo City, Miss. Commander Collins is an authority on the American flag, and believes that a chart should be published which depicts the various stages of Old Glory. He has addressed a letter to the Members of the House, and I am inserting it in the RECORD and calling it to the attention of my colleagues:

WHAT THIS COUNTRY NEEDS: A CHART PORTRAYING THE 27 AUTHORIZED U.S. FLAGS

YAZOO CITY, MISS.,
June 7, 1971.

To the Members of the House from all the States of our Union: June 14 is Flag Day. On June 14 the House will mark the 194th anniversary of Flag Day. For many years the House has had proper observations commemorating the Resolution of the Continental Congress of June 14, 1777, which gave us our first national flag and ensign known as the Stars and Stripes.

Congress has enacted only two statutes regulating our national flag and ensign: the flag law of January 8, 1794, effective May 1, 1795, and our permanent flag law of April 4, 1818, effective July 4, 1818. It is still in effect and has given our Nation the design for all of our flags and ensigns since the 20-star flag and ensign of July 4, 1818, to our present flag and ensign of 50 stars and 13 stripes of July 4, 1960, to date.

At this time permit me to urge the Members of the House from all our States to direct their attention to the laws on the design of our flags and ensigns, the symbols of our great Nation. Herewith is a compilation of those laws which I call Our Flag Laws—A Chronology.

No illustrated chart of the flags and ensigns of the United States of America authorized by law is to be found anywhere. The time has come for such a chart. What this country needs is an illustrated chart portraying the authorized flags and ensigns of our great Nation. Our Bi-Centennial is near at hand. Accordingly, the premises considered, the Members of the House from all the States are urged as strongly as politeness and tact will permit that the House enact a Resolution authorizing and directing the Public Printer to produce a chart portraying the Grand Union Flag which General Washington hoisted over his headquarters at Cambridge, Massachusetts, on January 1, 1776, and the 27 National Flags and Ensigns authorized by the Continental Congress and the Congress from 1794 to date.

OUR FLAG LAWS—A CHRONOLOGY

(By Comdr. Robert W. Collins, U.S. Naval Reserve, Retired)

THE STARS AND STRIPES

(Continental Congress, June 14, 1777)

Resolved, That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, while in a blue field, representing a new constellation.

THE STAR SPANGLED BANNER, MAY 1, 1795

(U.S. Flag Law, January 8, 1794)

Be it enacted, That from and after the 1st day of May, A.D. 1795, the flag of the United States be fifteen stripes, alternate red and white. That the Union be fifteen stars, white in a blue field.

OUR PERMANENT FLAG LAW, APRIL 4, 1818

Be it enacted, That from and after the 4th day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white; that the union have twenty stars, white in a blue field. That on the admission of every new State into the Union, one star be added to the union of the flag; and that such addition shall take effect on the 4th of July next succeeding such admission.

NELLO FERRARA RECEIVES ISRAEL PRIME MINISTER'S MEDAL

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. ANNUNZIO. Mr. Speaker, yesterday evening at the Chateau Royale in Chicago, Nello Ferrara, president of the Ferrara Pan Candy Co., 7301 West Harrison Street, Chicago, was honored by the State of Israel. Hundreds of people attended the dinner to pay tribute to one of Chicago's distinguished citizens and to witness the presentation of the Israel Prime Minister's Medal to him for his humanitarian endeavors.

Nello, whom I have known for many, many years, has always been vitally concerned with the best interests of our community, and has extended his best efforts in behalf of his fellow man, regardless of race, color, nationality or origin. Not only has he been a leader in our community in civic affairs, but he also has been a national leader in the confectionery industry and has played a prominent role in this field. In America today we need more outstanding and dedicated men like Nello Ferrara who unselfishly concern themselves with the plight of others.

Through the State of Israel Bonds Tribute Banquet in honor of Nello Ferrara, over half a million dollars was raised to help insure the continuation of Israel's freedom and well-being by protecting and encouraging her economic development. All of us know that Israel has been fighting for her very life and existence, and today, she is still under siege by the Arab people and the Soviet Union. Yet, despite the great odds, Israel stands firm against the enemies which threaten her freedom and her democratic government.

Israel presently is a bulwark against totalitarianism and communism in the Middle East, and her courageous stand has made the world a safer place in which to live. I know that Americans will never accept a totalitarian state, but will stand side by side to protect in every way possible the freedom-loving peoples of the world. I am, therefore, confident that the future will bring a just and lasting peace to Israel with the full status and rights of a sovereign nation that she deserves and the territorial integrity that this status entails.

It gives me great pleasure to extend warmest congratulations to Nello Ferrara on receiving the Israel Prime Minister's Medal, to his lovely wife, Marilyn, to his wonderful mother, Serafina, and to his children, and also my best wishes for continuing good health and good fortune in the years ahead.

HOMEOWNERS DESERVE TAX RELIEF

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. BROOMFIELD. Mr. Speaker, amidst all the talk of reducing fiscal pressures on State, county, and city governments we have lost sight, I believe, of the one segment of our society most in need of financial relief: The individual citizen and, more particularly, the individual homeowner. Federal, State and local taxation on real estate has increased dramatically over the last decade, leaving homeowners to bear the brunt of our new revenue efforts. More and more Americans, burdened by heavy taxation at all levels of government and forced to be mobile under changing employment opportunities and conditions, are exchanging the stability of homeownership for the flexibility of apartment-style living.

In the meantime, the owner of residential rental property continues to prosper with the significant tax advantages he has over the individual homeowner. In another day, Federal tax laws designed to promote corporate interests at the expense of the individual were probably necessary and useful; today they are just plain unrealistic.

Individual homeowners can and should be given tax breaks similar to those we give corporate owners. That is the purpose of the bill I am cosponsoring today, and I trust it will receive the full attention of this body.

Under this legislation, entitled the Home Owners' Tax Relief Act of 1971, a citizen can depreciate the investment in his home in the same manner as residential property held for rental purposes can be depreciated. The deduction is limited to $1,500, so that it will not be used for tax writeoff purposes by wealthy taxpayers purchasing homes they will not live in. But even with this limit the depreciation should be of great help to the middle-class homeowner.

A related provision authorizes the taxpayer to utilize the standard deduction as well as the proposed deductions for homeownership—including real estate taxes and home finance interest charges. At the present time these are deductible only if the standard deduction is not taken. In operation, therefore, this section also gives the homeowner parallel tax status with the investor in residential rental property.

A third provision of the bill would allow a taxpayer 65 or older to take a $1,000 deduction, if he has a life interest in a retirement home which represents an investment of at least $5,000. Under present regulations a life interest in a retirement home does not constitute a "principal residence" as defined by the tax code. An elderly taxpayer should not be denied tax relief just because he does not hold legal title to his residence.

In another vein, my bill would enable a taxpayer to deduct up to $1,000 for home repairs and maintenance, thereby giving the middle-class homeowner a chance to expand and improve his residence, should he lack the finances to acquire a larger home. This provision should go a long way toward cleaning up many of our decayed residential areas.

A fifth section of the proposed legislation would allow the taxpayer to deduct as a capital loss any economic loss up to $5,000 resulting from the sale of his home. While this $5,000 limit helps alleviate the problems of an individual who must buy and sell his home within a short space of time, it is low enough to minimize potential abuse as a tax loophole.

Finally, the bill would eliminate the regressive taxation of those over 65 who elect nonrecognition of gain in the sale of their home. At the present time, many older persons frequently end up paying more taxes by choosing nonrecognition than they would have had they waived the privilege.

In addition to eliminating this abuse, my bill would raise the nonrecognition limitation for the sale of a home by persons over 65 from $20,000 to $40,000. This increase represents a much needed adjustment in the face of inflation's higher costs.

Clearly, Mr. Speaker, this legislation is absolutely necessary, if the individual homeowner is to continue to play a major part in our Nation's development. The man who owns his home tends to have a greater interest in local affairs and community life than a renter or transient. Even more important, the man who owns his home has invested in the future, assuring himself the financial security he will need in his later years.

Mr. Speaker, we cannot allow the individual homeowner to be discouraged by the high cost of government. This tax relief package deserves immediate consideration by the House of Representatives.

BALTIC STATES' GENOCIDE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. DERWINSKI. Mr. Speaker, today is Genocide Day, the 30th anniversary of the mass deportation of people from Estonia, Latvia, and Lithuania to slave labor camps in Siberia and other sections of the Soviet Union. This terrible instance of Communist brutality occurred in 1941, shortly before National Socialist Germany's armed forces invaded Communist Russia, its erstwhile ally.

The three Baltic republics had enjoyed

a short-lived freedom, having secured their independence shortly after the end of World War I, only to lose it soon after the National Socialists and the Communists collaborated to trigger World War II. The territory of the three small countries was invaded first by Soviet troops and then by their Nazi counterparts.

Toward the end of World War II when Soviet troops reoccupied the Baltic States, the U.S.S.R. illegally incorporated these three nations into its structure, an action which our Government has never recognized. Since then, the Baltic peoples have suffered from the collectivization of their farms and the nationalization of their industries. They have suffered religious persecution and their children have been subject, through Communist educational institutions, to Communist brainwashing.

Hundreds of thousands of Estonians, Letts, and Lithuanians were shipped from their homelands like cattle, to be replaced by peoples from other parts of the Soviet Empire. This wholesale exchange of populations has radically altered the ethnic compositions of Estonia, Latvia, and Lithuania.

Mr. Speaker, it is not pleasant to have to invite the House's attention to such an occasion as Genocide Day. Unfortunately, we must take note of it, so long as the Soviet Union continues to treat the Baltic peoples as colonials to be exploited, as chattels to be exported, and as inferior creatures to be exterminated. Genocide is wrong, no matter who practices it, no matter who the victims are, and regardless of whether they be many or few.

However, I direct the attention of the Members to the fact that throughout the free world the peoples of Estonia, Lithuanian, and Latvian origins maintained their traditional civic, cultural, and church organizations and continue their efforts on behalf of their enslaved compatriots held captive within the U.S.S.R. The legitimate spokesmen for the Baltic peoples are found in the free world rather than the Russian puppets in the three so-called Soviet Socialist Republics. I am confident, Mr. Speaker, that the perseverance of the Baltic peoples will triumph over communism and that freedom will ultimately be restored to Lithuania, Latvia, and Estonia.

A SPECIAL SALUTE TO J. EDGAR HOOVER

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. STUCKEY. Mr. Speaker, it is a privilege for me to be able to serve the Eighth Congressional District of Georgia in the Congress. The people of our district are concerned with the affairs of the Government, and they are informed on important issues. At this point in the RECORD I would like to include a letter to the editor of the Telfair Enterprise in McRae, Ga. And, I would like to commend Mr. Emory B. Hulett who wrote the letter and the editor of the Telfair Enterprise who published the letter. It is seldom that a private citizen takes the time to publicly praise a dedicated public official. I believe that Mr. Hulett's remarks on Mr. J. Edgar Hoover's 47 years of service with the Federal Bureau of Investigation deserve recognition.

The remarks follow:

[From Telfair Enterprise (McRae, Ga.) May 13, 1971]

A SPECIAL SALUTE TO J. EDGAR HOOVER

(By Emory B. Hulett, Telfair County Coroner, Milan, Ga.)

On May 10, 1971, Mr. J. Edgar Hoover, head of the Federal Bureau of Investigation, marked 47 years with the FBI.

He has served under seven Presidents and 16 Attorney Generals. Mr. Hoover has served the FBI very well. In the last 47 years he has given the best of his life to his country.

Under the leadership of J. Edgar Hoover the FBI has come a long ways and has done an excellent job. Mr. Hoover has operated this department in a way in which great Americans appreciate. When Mr. Hoover makes a public statement, people listen and what he says remains in their minds and his statements are solid and trust-worthy.

The FBI has a 10 "most wanted" criminal and law violators list that is compiled on the 10 "most wanted" criminals in the United States, whether it be plane Hi-jackers, bank robbers, kidnapping or President assassins, the FBI lends a helping hand and goes wherever is necessary to serve.

Many attacks are directed at Mr. Hoover and the way he operates the FBI Department. Some critics accuse his department of wire tapping and some have to do with him driving a new Cadillac.

Many critics have their names in the news with their charges at Mr. Hoover, but without evidence and weight to stand, only to end up with embarrasement to the critics themselves.

Mr. Hoover has served well and I only hope that he remains with the department just as long as he is able to serve and operate it in the manner he has for the past 47 years. As the old saying goes, "one bird in the hand is worth two in the bush." Congratulations for an excellent job.

PEACE SYMBOL? ARE YOU SURE?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. HUNT. Mr. Speaker, sometimes lightly referred to as the footprint of the American chicken, the so-called peace symbol has a much more sinister meaning as manifested by those who frequently sport it in place of the American flag.

For those who have wondered about the derivation of the symbol, the following explanation was printed in the May 1971 issue of the Pennsauken Résumé:

This is the symbol worn by many of today's young people and is known as the "Peace Symbol." We wonder how many of them, or you, for that matter, know the real meaning of this Symbol?

The "Peace Symbol" is not something that is the product of today's restless youth. It was well known back in the Middle Ages and was known either as the "Crow's Foot" or the "Witch's Foot." Now are you ready for the real shock? This was the sign of those who were opposed to Christianity! It was (and is) the Anti-Christ symbol. Look at it closely. What do you see? It is a Broken Cross turned upside down. Now do you see why it is a subtle sign of those who are opposed to Christianity?

It is used today as a central part of the national symbolism of Communist Russia. It appears the Communists are winning their battle for the minds of our youth. They are making special efforts to capture the attention of today's youth in America. Many young people are familiar with the "Peace Symbol" and wear it as jewelry and even paint it on their cars.

There are those in the garment industry who have the Broken Cross embroidered on their jackets and many other garments. It is manufactured as a metal trinket and worn on a chain and many young people wear it as a "Fad Gadget," not realizing they are supporting the emblem of the Anti-Christ, the Broken Cross.

Be sure of this—every person who knowingly or thoughtlessly wears this emblem is bringing joy to the hearts of those dedicated to the destruction of everything we hold dear.

The Communists are gleeful when they see this symbol worn by Americans. It is the mark of athesism.

PROBLEMS FACING OUR RURAL ELECTRIC COOPERATIVES

HON. OMAR BURLESON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1971

Mr. BURLESON of Texas. Mr. Speaker, I join with my colleagues to discuss the problems facing our rural electric cooperatives. As we all know, of course, the Rural Electrification Administration has continued to receive funds for loans to cooperatives at the same level, while demands for service have been increasing by leaps and bounds.

In a recent survey of 61 electric cooperatives in Texas, the needs of the Texas Electric Cooperative for fiscal year 1972 were shown. The average basic need, for distribution cooperatives only is $65,823,835. This average multiplied by the 986 nationwide cooperatives would show a need for $842,887,030 for fiscal year 1972, while the administration has requested only $345 million.

If a cooperative has a reserve higher than 8 percent as the desired working capital they are not eligible for a new loan and not eligible to submit a requisition for funds previously approved. The 8-percent limitation is dangerously low. This survey shows the average Texas cooperative now has reserved at the 4.3-percent level. Since this is only an average we can conclude that some of the fast-growing cooperatives may have no reserves at all and there is a likelihood of a deterioration of service as they struggle with their present financial situation.

A rural America without adequate electricity would be a step backward. All of us know what these electric cooperatives have meant to areas such as the west Texas area I represent—progress—the ability to feed the Nation. The need for additional funds is quite apparent. These funds are loans, not grants or gifts, and our cooperatives have an outstanding record for repayment.

CORPS OF ENGINEERS PROVES ITS WORTH

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. EDMONDSON. Mr. Speaker, the many great achievements of the U.S. Army Corps of Engineers in the fields of flood control and navigation projects are well known to the American public.

What is less well-known, however, is the great capability of the Corps to assist and advise local governments in times of critical emergencies.

No greater example can be found of the Corps' ability to act quickly and decisively to avert a major crisis than the events which occurred last week in New York City. During the attempted blockade of the city by striking New York City employees, the Corps made its engineering expertise available to the city's highway department employees, who in turn were successful in restoring a smooth flow of traffic in and out of the city.

This tremendous effort by the Corps of Engineers, and the true story of how important the Corps is to America, is well documented in a very fine article written by Alice Widener which appeared in the Tulsa Tribune of June 12. I insert this story of the Corps' remarkable efforts during the New York City crisis in the RECORD at this point:

RESCUE BY CORPS OF ENGINEERS

(By Alice Widener)

NEW YORK.—Seems as how the U.S. Army is good for nothing, anytime, anywhere, until it's vitally needed. Then, folks, it shows what it is, thank Heaven! And believe you me, we New Yorkers learned that lesson in nothing flat when illegally striking workers left the drawbridges open and virtually shut down the city, endangering lives and imperiling essential city services.

At 3 p.m. Monday, Mayor Lindsay phoned U.S. Army Corps of Engineers Col. James W. Barnett in New York City with an urgent request for "technical assistance" to highway department employes who were going to attempt to close the 29 drawbridges left open by strikers and thus open them up for traffic.

Col. Barnett, 44, a West Pointer and Vietnam combat veteran, assisted by Maj. Robert S. Lindsay, 33, a graduate of Clemson University and Vietnam combat veteran, immediately organized four advisory teams, each composed of four experts in the technical fields required for closing the bridges, an extremely hazardous enterprise owing to the high voltage electrical equipment used to operate the bridges and to other very dangerous factors.

Col. Barnett and Maj. Lindsay were charged with the heaviest kind of responsibility in insuring the safety of those working on the bridges under their direction and in re-establishing the safety of the bridges to support heavy traffic.

The feats accomplished by the Corps of Engineers were well nigh miraculous. Under Public Law 90577, which restrains the Army from any kind of strike-breaking activity, the Corps experts had to keep their hands in their pockets while directing workers carrying out wholly unprecedented and dangerous operations.

Not knowing what sabotage might have been committed, the engineers had to analyze each individual bridge situation during the night to determine what had to be done. Two of the four teams were forced to conduct operations from boats because the bridges are accessible only by water.

The bridge rescue operation began at 6 p.m. Monday. By early Tuesday morning, eight of the bridges were closed and in perfect condition for heavy traffic, including three of the four principal bridges. The competence and heroism of the Army and of the men working under its direction were truly exceptional.

In the middle of the night, men had to go along catwalks to release bridge brakes by hand. In the middle of the night, men had to locate and replace hundreds and hundreds of blown fuses.

It is an absolutely remarkable fact that not a single Army team expert or a single worker advised by the teams of experts was injured in the entire undertaking, one that shut 14 out of 18 essential bridges in time for 5 p.m. rush hour traffic on Tuesday, within 26 hours after the mayor's "S.O.S."

Perhaps, now, out of New York City's travail, the entire American people, as well as New Yorkers, have had a chance to learn about the competence, efficiency, courage and command-decision capability of the U.S. Army and give it due credit. If that happens, then the tragic example given to the nation by the New York City crisis might turn out to have been a blessing.

Doesn't it seem strange that the tv networks and New York Times haven't told the public the thrilling story? It so happens that this month marks the 196th anniversary of the Corps of Engineers, founded, June 16, 1775, by Gen. George Washington.

Folks, without the great U.S. Army—and Navy and Air Force—where would we be? There's only one answer: We'd be helpless victims of domestic and foreign aggressors, anarchists and dictators.

HONEST TAXICAB DRIVER RETURNS PACKAGE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. PETTIS. Mr. Speaker, in a time when we decry the lack of general courtesy and kindness shown by people in contemporary society, it is refreshing to learn of an instance where an individual displays a bountiful amount of these virtues. My wife, Shirley, experienced an overwhelming act of personal thoughtfulness that was totally unsolicited, and I feel that such an action should not go unrecognized.

She and a companion inadvertently left a package in a taxicab in Washington last week during the course of a shopping tour. They believed it was misplaced forever.

However, Mr. Paul W. Ford, the taxi driver, discovered the package in his cab and went out of his way to discover the owner's identity and to return it. He went to the store where he dispatched them, and then to a second one before learning the purchaser's name. Mr. Ford refused to take the package to the cab company's office where it would be routinely processed. Instead, he drove all the way to our home in Northwest Washington to make sure that it was safely and expeditiously returned.

It is highly unusual when something of this extraordinary nature occurs, and I thus want to take this opportunity to thank and commend Mr. Ford and to let him be an example to all of us.

A SECOND CHANCE ON THE WORK-STUDY PROGRAM

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. HARRINGTON. Mr. Speaker, all of us like to believe that America is a land of opportunity. We generally perceive of education as a springboard for such opportunity. Recently, however, the House jeopardized the ability of thousands of individuals to afford a college education by passing the education appropriation bill with inadequate funding for the college work-study program.

Work-study is the major financial aid program for many of our Nation's colleges and universities. It offers employment, both during the school year and during the summer, in important university, community, and government jobs. Students earn enough money via work-study to help pay for their college educations, while important programs are able to continue only as a result of work-study funding. The Federal Government pays 80 percent of the students' salaries, while employers pay 20 percent.

This year, work-study programs have been cut as a result of inadequate funding. Massachusetts colleges have lost an average of 40 to 50 percent of the work-study funds they have traditionally been granted. At Salem State College, in my own district, work-study funds were cut by 65 percent; the same reduction took place at Boston College as well. As a result, both colleges had to cancel their summer work-study programs. At Salem State College alone, this meant that 60 people suddenly found themselves without summer jobs. I need not remind anyone of how difficult it will be for these individuals to find employment, given the current economic situation.

Cutting off funds for work-study has also meant cutting off funds for other valuable programs. Important community-action programs have been threatened as a result of cuts in work-study funding. The acting director of the model cities program of Cambridge, Mass., has informed me that if that program is not able to count on work-study students next year, "the agency will be compelled to eliminate some of its work, and service to people of the community will be curtailed."

This past year, over 250 new colleges have sought to participate in the work-study program. Within each college, more and more students are applying for work-study grants. Continuing to fund these programs with the same allotment as in years past will not meet the growing needs of the work-study program. We must increase significantly the funding of this program.

Unfortunately, we failed to do this last April. The House passed an education bill which would fund work-study for the next 2 academic years with a total of $442 million. This is not enough. Fortunately, our colleagues in the Senate recognized this fact and appropriated an additional $75.4 million for work-study, thus allotting a total of $517.4 million.

Soon the education appropriation bill, with its allotment for work-study, will be before a joint House-Senate conference committee. We, in the House, can make up for our previous error by urging members of the conference committee to agree to the Senate work-study allotment of $517.4 million. Only by urging this full appropriation can we insure that work-study programs for this fall will be able to survive.

Work-study benefits thousands of individual students who would not be able to afford a college education without such a program. In helping individuals, however, work-study also makes a significant contribution to society as a whole. John F. Tierney, president of the class of 1973 at Salem State College, has written:

> At a time when the need for people with leadership qualities and honorable directions is so amplified, I hardly think that we can afford to abort their attempts at seeking the necessary foundation for their future efforts.

Work-study is a future-oriented program that will build both individuals and society as a whole. We must insure that it receives its adequate appropriation when the conference committee meets to discuss its funding for the next 2 years.

MRS. MOLLIE PARKS, 102, PASSES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. LONG of Maryland. Mr. Speaker, one of my constituents, Mr. Joseph B. Culbreth, Route 15, Box 154, Baltimore, Md. 21220, wrote me that his mother-in-law, Mrs. Mollie Parks, passed away on May 21, 1971, at the age of 102. Born in 1869, Mrs. Parks saw much of our country's history unfold before her eyes, and was a source of great wisdom and understanding to her family. Mr. Culbreth wrote me a very touching letter about his mother-in-law—a lady who was never too busy to help her family and friends in times of need. It is a pleasure to pay tribute to this very fine lady's full and active life by including Mr. Culbreth's eulogy in the CONGRESSIONAL RECORD:

> JUNE 4, 1971.
>
> CONGRESSMAN LONG: The following is a resume of the life of Mrs. Mollie Parks who passed away on May 21, 1971 in Pulaski, Virginia at the age of 102, years, 3 months, 2 week and 4 days.
>
> Mrs. Parks, born February 3, 1869, was the first child of Mr. and Mrs. Robert Boyles, Grayson County, Virginia. On November 26, 1888 she married William Sanford Parks. Ten children were born to this union. Three died in infancy. Six children survived Mrs. Parks at her death, i.e., Mrs. Beatrice Culbreth, Baltimore, Maryland, Mrs. Addie Bell, Mrs. Georgia Phillips, Mrs. Mettie Doss, Mrs. Juanita Mayo and Mr. William S. Parks, Jr., all of Pulaski, Virginia. Also surviving are fourteen grandchildren, thirty-two great grandchildren and twenty great-great grandchildren.
>
> She was a member of the Thornspring Methodist Church and was a Charter Member of the Women's Society of Christian Service. When she was 100 years old, Mrs. Parks gave permission to the Pulaski newspaper to publish her Social Security benefits. This was done to call attention to the Social Security Program for which she was a beneficiary. She received $40.00 per month "Special Age 72" benefits. She was also covered by Medicare from its' beginning in July 1966, but had not used it when she was 100 years old. When she was 100 years old, she received a birthday card from President Nixon.
>
> Mrs. Parks was a special kind of person with a very alert mind. She could recall with vivid detail an earthquake when she was six years old; also the flu epidemic of 1918. Her formal education was sparse, but her self-taught education never stopped.
>
> She could be counted on during any emergency. If someone wanted a wedding gown made, Mrs. Parks made it; if a baby was coming with no doctor there, she delivered it; and if someone passed away, Mrs. Parks could make the shroud and 'lay out the body'.
>
> Mrs. Parks remained active until December 1970 when she first became ill. She was confined to her bed most of the time from then until she passed away. However, she remained mentally alert and talked to members of her family a few moments before her death.
>
> She was truly an inspiration to all who were fortunate enough to know her.
>
> Yours truly,
>
> JOSEPH B. CULBRETH.

REMARKS OF SECRETARY OF THE INTERIOR, ROGERS C. B. MORTON, WASHINGTON COLLEGE COMMENCEMENT, CHESTERTOWN, MD.

HON. WILLIAM O. MILLS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. MILLS. Mr. Speaker, on Sunday, June 6, the Secretary of the Interior, Rogers C. B. Morton, spoke at the commencement of Washington College in Chestertown, Md. This timely and excellent speech brings home to us the need for all of us to stop and consider the part we must play in the protection of our environment. Realizing the importance of Secretary Morton's speech, I am inserting it in the RECORD:

REMARKS OF SECRETARY OF THE INTERIOR, ROGERS C. B. MORTON, WASHINGTON COLLEGE COMMENCEMENT, CHESTERTOWN, MD.

It would be easy for me to begin with the story of what is happening around us—to the land—to the waters of the world—to the air. I could even join those who have speculated on the survival of man as a relatively short term reality.

There is no doubt that there is reason for concern. Much of the price for what we have in the way of works and machines which ease the burden of living has been paid by other life systems—by the symmetry and balance of nature—or expressed another way—by the degradation of the world's environment.

This is just a plain fact. We have known it for years. The tendency now is to wring our hands—to scream at ourselves in anger and self incrimination—to hang the blame on industry and government. In short we have become aware of what has been going on for a long time because we are beginning to feel the pinch.

Our eyes are running.

Our lungs are burning.

Our sense of beauty is offended.

Our fishing creels are empty.

Something within our spirit is dying.

We are mad and we are sacred. But mostly we are mad at each other and not at ourselves. This gives us an individual pang of conscience and adds to our being sacred.

Added to our malajustment to the biosphere is our uneasiness and discomfort with our individual positions in the humanisphere. Poverty, dispair, crime, ignorance, and discrimination are too elements of our environment. When and if we can, we leave them for others to worry about. We flock together in our own societal enclaves and build around ourselves a protective life style. This leaves a smoldering, malignant, turbulence mostly in the center cities. Some describe this as a force in the society to be reckoned with. More accurately, like the erosion of the physical environment, it is part of—and a great part of—the price we are paying for our energy, our mobility, our leisure, and the sophisticated materialism of our culture.

All this being true and in spite of the fear and apprehension of trends and conditions seemingly beyond our control—there is no reason to lose confidence in our ability to make the adjustments in the course of our civilization that will reverse the failures of the past. We have the capability—we understand the technology. I believe we are endowed with the compassion and the motivation to pay the full price for a life as we seek it in this great country.

The price is not the loss of our freedom.

The price is not the abandonment of our system of government.

The price is not the sacrifice of a generation of peace which is our immediate goal.

The price is not the dynamics of our economy.

The price is not the use of energy which releases us from an over powering struggle for existence.

The price is one that we can pay. It is a matter of welding your idealism to the knowledge and technology of your time. The sacrifices that have been made in the biosphere and in the patterns of humanity have resulted in your generation—the most educated and best equipped generation of all time. The price is a little more from each of us.

There is no mystery about good housekeeping in our communities or in our countryside. There is no vast unknown to be conquered in the husbandry of the land or the waters. The know how is at hand to hold clean the air. What remains is the decision—the confidence—the action—the discipline—and too the sacrifice from which will come the rich personal reward of success.

Already we are on the road to restoration. In January 1970 the President laid it foresquarely before the Congress. He said:

"Restoring nature to its natural state is a cause beyond party and beyond factions. It has become a common cause of all people of this country. It is of particular concern to young Americans—because they, more than we, will reap the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later."

There has been a great response in government across the board. New initiatives and priority changes have brought direction and action toward:

More parks to the people—close at hand.

More wilderness set aside—1.8 million acres for 1972.

More historical preservation.

More open space in the cities and towns.

More facilities for handling sewage and waste.

More, much more, research, for clean energy.

More action in every sector against pollution, and

At last a realistic effort to achieve a national land use plan.

All of this and more is only a beginning. We are at least recognizing that this world and most of its resources are finite. For man this earth is all there is.

There is a long difficult but fascinating and exciting road ahead. No generation has been better prepared to cope with the difficulties or to enjoy the rewards. You have no alternative but to exercise great care and self control.

In the great Department of the Interior where I work, I feel the excitement in our lives generated by the realization that we are in the dawn of a new era in the relationship between man and his environment.

For us then, there is a new goal. A goal as rewarding as the freedom of America for the people who came here to find it.

We are now ready and eager to share this planet with the rest of nature—with its beauty—with its land—with its devine life systems—with its sky—with its music—and with its silence.

Are we prepared to share it fully with each other—other nations—other creeds—other races? If we are the imperfections of the past have been protocol to this civilization. We can accept them. We can deal with them.

Each day as I join hands with you to move against the great task to which I have been assigned, I feel more of your wisdom and more of your strength. I am becoming confident in your willingness and desire to share your environment with your fellow man.

Though we may be further in the night, I believe the day is near for mankind and a higher order. Your parents, your neighbors, this institution, and mostly yourselves have brought you to the most challenging and exciting opportunity in man's time on earth. Don't let it escape.

BALTIC STATES FREEDOM COMMEMORATION

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. MINISH. Mr. Speaker, this week we mark with sadness the 30th anniversary of the mass deportation to Russia of thousands of Estonians, Latvians, and Lithuanians.

Although the Soviet Government in 1920 had signed treaties with the independent Baltic States and had renounced all sovereignty to these Republics, nonetheless Russian troops forcefully invaded and overran these free nations on June 14, 1941.

Mass deportations of men, women, and children to the slave labor camps of Siberia ensued, and thousands of the Baltic peoples were thus ruthlessly herded and taken from their native land.

Mr. Speaker, I believe it is necessary to mark this anniversary to insure that the history of Estonia, Latvia, and Lithuania is known to all, in order to prevent similar atrocities from happening in the future. Moreover, by recalling the history of the proud Baltic peoples, we thereby demonstrate that their suffering is not in vain and will not be forgotten by freedom-loving peoples elsewhere.

In recognition of the proud history of the Baltic States, the 89th Congress of the United States unanimously passed House Concurrent Resolution 416. This measure urges the U.S. President to bring the question of the Baltic States to the United Nations, in an attempt to restore the freedom of the Baltic States citizens. For the information of my colleagues, I include below a copy of this measure, which was passed by the House on June 21, 1965, and by the Senate on October 22, 1966:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing.

Sp4c. James H. Turner, U.S. Army, RA11711595, Columbus, Ohio. Married and the father of two children. The son of Mr. and Mrs. John M. Turner, Sr., Columbus, Ohio. Officially listed as missing October 9, 1969. As of today, Specialist Fourth Class Turner has been missing in action in Southeast Asia for 613 days.

THE EXCELLENCE OF OUR VA HOSPITALS MUST BE MAINTAINED

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. BEGICH. Mr. Speaker, at the end of the First World War, this Nation undertook a commitment to establish a system of medical care for our veterans. In its early years, that system was not, unfortunately, all that might have been wished for over the years, though, it has been improved and expanded until today it can fairly be called one of the world's largest and finest medical care delivery systems.

The primary role of the VA hospital system, is of course, to furnish medical care for our veterans: first for those with service-connected disabilities and then, as space is available, for veterans with disabilities not related to their services. In addition to fulfilling this basic commitment to our veterans, the VA has also profoundly influenced the state of medical care in America generally through its many major medical research projects and by serving as a prime training ground for a substantial proportion of the doctors and other medical care personnel who serve the health needs of the people of this country.

I am, therefore, deeply disturbed to find indications that the VA hospital system is being downgraded. In the past year or two, a number of experts in the health care field including such prestigious persons as Dr. Philip Lee, the former HEW Assistant Secretary for Health and Scientific Affairs, have called attention to deficiencies which have developed in the VA medical system. To some extent, it is understandable that deficiencies have developed. Great pressure has been placed on the VA system by the rapidly growing veteran population which is now increasing at a rate of several hundred thousand per year and by the soaring costs of medical services. But, now that these deficiences have been recognized, one would expect that the VA hospital system would be expanded at least sufficiently to meet the increased demands upon it. One would expect that sufficient resources would be devoted to that system to offset rising costs so that the quality of care could be, if not improved, at least maintained.

But, as I look at the Federal budget for fiscal 1972, I am shocked to learn that what one might reasonably expect is not what one will in actuality find. The administration has requested a 1972 appropriation in the basic VA medical care category of $2,027,750,000. In absolute dollars, this is an increase over this year's budget of some $125 million. But, in terms of what the money will buy, it is a step backward.

In fiscal year 1970, the average daily patient census in VA hospitals was 85,500. The budget estimates show an expected decline in this number for 1971 to 83,000, and a further decrease is projected for 1972 to 79,000. Thus over the 2-year period, the average number of patients being treated in VA hospitals on any given day has been cut by a total of 6,500.

Thus, the administration's budget not only fails to expand the VA hospital system to meet the increased demands upon it but actually calls for cutting it back from its present level to one that is even more inadequate. This is truly incredible. It is hard to see how the returning veteran, who faces many other problems including an extremely high prospect of unemployment, can view this cutback as anything other than a failure of gratitude on the part of the Nation in whose uniform he so generously served. And it is hard to see how any citizen who is at all aware of the health crisis our Nation faces can view the VA cutback as anything but a colossal misordering of priorities. I earnestly hope that the Congress will augment the President's requested appropriation for VA medical care by an amount sufficient to assure that that Agency will again be able adequately to provide our veterans with care of the very highest quality.

POSTAL REFORM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. UDALL. Mr. Speaker, many of my colleagues have heard and have voiced complaints concerning the Postal Reorganization Act that we passed last year. An editorial has appeared in the recent issue of Federal Times which rightly points out that improvement cannot come overnight. There are many problems to be solved, but the Postal Service has taken steps to bring about change.

I direct the attention of my colleagues to this editorial for it points up two major needs: the Service must move to implement changes, and we in the Congress and the public we represent must give the system a chance to begin its operations and then to function. The editorial follows:

POSTAL REFORM

Even the most optimistic observers now realize that postal reorganizations is not going to bring improvement over night. It might be fair at this point to ask if it ever was realistic or reasonable to expect so miraculous a transformation.

It took many years for the postal service to reach a point where reform was not only desirable but mandatory. It is going to take several more years before effective change can be fully accomplished.

It will be easier if the postal situation were static. But, that isn't the case. The mail load is growing, as are the demands for service. A public, upset by a huge increase in postage costs without a corresponding increase in service, is adding to the problem by demanding immediate action.

Let's look at some of the changes and see if any real progress is being made.

The patronage system has been abolished. This not only gave a boost to the merit system, it also broke the long drought during which thousands of postmaster vacancies went unfilled.

The reduction of the number of postal regions and the recruitment of top executives to fill major slots is bound to bring at least a new approach to the solution of the postal service problems.

There have been moves to decentralize authority and allow some decision making at the operational level. This is a step needed, not only in the postal service, but throughout the entire civil service system.

The postal service is taking a new look at its manpower needs. The results are sure to anger some of the employe organizations. The department would have done well to have been a little less glib in its early promises that no jobs would be cut. This may prove to be an exercise in semantics. Maybe no jobs will be cut, but there are bound to be changes in types of service offered and consequent reassignment of people now rendering those services. As more regional mail handling centers develop, for instance, it seems inevitable that people will have to be transferred and some offices closed or reduced.

The plan to finance building costs through a bond issue is a big step. Haphazard methods in the past left many areas without new buildings or even modernization of existing facilities. Some postal people work in deplorable conditions. There was no chance for improvement under the old system.

Electronic mail sorting systems now are a reality in about two dozen post offices. This is progress from the time when the equipment was limited to "experimental" stations.

The postal service is gathering statistics which will pinpoint bottlenecks and thus speed delivery.

For the first time, postmasters in 172 offices will have a chance to assemble their own operating budgets. Thus, the men responsible for getting the job done will be able to control some of the factors which make it possible for them to meet this responsibility.

Postmaster General Blount has his work cut out for him. Congress will part with its postal authority with the greatest reluctance.

Blount has added fuel to the argument by his apparent unwillingness to play word games with the legislators.

The labor organizations are indicating that their pay and other demands will be high. They have much catching up to do before postal conditions are at a level commensurate with the demands on the employes.

So, the postal planners are faced not only with the problem of improving service. They also must pay past debts and make provision for meeting higher costs.

In the light of these developments, two courses of action seem imperative. First, the postal service must move with "deliberate speed" to implement the changes. Second, the Congress—and the public they represent—must give the new system a chance to work.

The time for meaningless criticism is past. The time for constructive action is now.

EULOGY TO SENATOR THOMAS J. DODD

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1971

Mr. McKINNEY. Mr. Speaker, from time to time, men of insight walk among us, men who see before others see, warn us of danger before it is upon us; unusual men, men of foresight, men of vision, men of whom we see too few in a generation.

Mr. Speaker, Thomas J. Dodd was one of these men. As a champion of civil rights, a prosecutor of Nazis, a distinguished Member of this House, and a two-term Member of the other body. Tom Dodd devoted most of his adult life to the service of people, all of the people but most importantly those in his beloved Connecticut.

His resoluteness and steadfastness to his beliefs won him the respect of those he came in contact with, though they may occasionally disagree, they did not deny him his courage.

As you know, Mr. Speaker, he has now passed from our midst. He served long and he was willing to give more. He will be missed by many. Mrs. McKinney has joined me in extending our deepest sympathy to Mrs. Dodd and her family.

TRIBUTE TO CHARLES A. BERNS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. MURPHY of New York. Mr. Speaker, I wish to insert in the RECORD a eulogy delivered at the funeral services for Charles A. Berns who was described as one of the "true New Yorkers." The eulogy was delivered by one of his many close friends, Joseph T. P. Sullivan, on the 24th of February, 1971.

Charles Berns was cherished by his friends who were legion, and revered by thousands more who knew him for his charitable work, his civic activity, and his lengthy public career.

CHARLES A. BERNS, 1901–71

It is with deep humility that I raise my voice to speak of Charlie Berns.

I shall not dwell upon his public career, his charities—civic or other activities but rather I shall speak of the private Charlie Berns I knew.

He was the true New Yorker—born, educated, married, raising his family, and establishing his business interests in this city. He knew New York, its people, their habits, customs, tastes and desires better than any man of his time.

An adoring and devoted husband, he was a patient, understanding, concerned, and loving father.

He had an inexhaustible capacity for friendship—he never lost a friend—and he had more friends in more segments of New York, and throughout the country, than any man I know. His friendships were lasting—the best example of this was his friendship with the Kriendler Family that endured through success, tragedy and stresses and strains of daily contact for over 45 years—and there were many other friendships of long standing.

What about the 21 Club and 21 Brands. Did they make him a success? Of course not—he fashioned them. It was he who gave them character—direction and continuity. They were merely the reflection of the man—the man who would have been a success in any field.

He was a happy man—with a zest for life, which really means that he loved people and wanted to share with them the happiness, excitement, beauty and all other phases of life. Wherever he went, he brought joy and gaiety—laughter and good fellowship. Though his humor was gentle, not biting, he ridiculed pomposity and hypocrisy, for he had that wonderful intuitive sense that penetrated sham; his sympathy quick—never lagging—his understanding keen and intelligent—his kindness without end and his charity broad and deep excluding no one.

He was a compassionate man. Thirty years ago I was bereaved by the loss of my wife. For two years I rattled around aimlessly and almost in despair; then Charlie took me to his heart and put his arms around me and he never let go of me—not until the hour of his death. I know that Charlie did comparable things for countless others in many and varying ways.

It is written in the Bible, Second Kings, Verse 18, "And David went in and sat before the Lord and said who am I, O Lord God, and what is my house that Thou has brought me thus far." I can just hear Charlie saying this very same thing. Though Charlie may not have been of the lineage of David—surely he is a spirtual son of David—for he loved God and he practiced his religion not only publicly but in the intermost privacy of his life—with deep reverence and devotion.

Many of us have been able to tell him in his lifetime how dear and vital he was to us—but now, what do we do now. We can and should enshrine him in our hearts—keeping the memory of him green and alive by often and regularly looking inward so that we may still enjoy the warmth and assurance of his smile.

A great man is a rarity—but rarer still is a great and good man.

Charlie was a great and good man.

He was my friend and I loved him.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on the Nation's health care crisis:

WASHINGTON REPORT

(By Congressman LEE HAMILTON, Ninth District, Indiana)

One of the major debates in Congress this year is focusing on the Nation's health care crisis. At its best, our health care system is spectacular. But there has been a growing disparity between the system's capabilities and the availability of adequate health care to large numbers of Americans.

Before any solutions are considered, a statement of the problems may be helpful:

THE STATUS OF HEALTH CARE

At the outset, it should be said that there has been a long-term trend of improvement. Life expectancy in this country has been lengthened by some 30 percent in the last 50 years. Infant mortality rates have declined sharply in recent years, and days of disability because of illness have been reduced.

The crisis in health care is to be found in its disparities. While American medicine has achieved dramatic breakthroughs in the treatment of tuberculosis, the prevention of polio, measles and rubella, the poor and the isolated still suffer a higher rate of chronic and debilitating illness, higher infant and maternal mortality rates and a lesser life expectancy.

The differences between the U.S. and other nations in several important indicators of national health suggest that the U.S. is not performing as well as other advanced nations. For example, the U.S. ranks 13th in infant mortality.

HEALTH CARE MANPOWER

While the supply of health manpower and facilities is catching up to our population growth, there are disparities in the distribution of those services. Rural areas are chronically short of physicians. The primary care physician is in increasingly short supply as more and more medical students have gone into specialized fields.

ORGANIZATION OF HEALTH SERVICES

Improper management of our available health care resources contributes to the crisis in care. While the "para-medic" concept is getting limited acceptance, physicians continue to be burdened with tasks which could be performed by trained assistants. The National Pediatric Council reports that 75 percent of the tasks now performed by pediatric physicians could be performed by assistants. The productivity of dentists could be increased by 50 percent through the use of an assistant. Nurses in hospitals still spend 65 percent of their time in administrative duties.

Studies of hospital use also have shown varying percentages of patients who should be using more appropriate facilities—patients who could be treated in physician's office or getting laboratory services from clinics instead of occupying hospital beds. Others could be equally well cared for in extended care facilities or nursing homes. The studies also showed that many hospitals have expensive, sophisticated equipment that is used too rarely to justify its expense.

FINANCING

While 75 percent of the U.S. population is covered by some form of health insurance, only about one-third of its medical bills are paid through insurance. Many forms of coverage do not include preventative medicine and services and outpatient care, and most particularly, protection from catastrophic incidents.

The key problems are the financial barriers to getting adequate care for large numbers of the working poor, and inadequate protection for many who do have private insurance or are covered by Medicare or Medicaid. This system of financing health care has tended to reinforce the system of delivering health care, including its defects.

COSTS

In Fiscal Year 1970, the Nation spent $67 billion on health, nearly three-fifths again as much as had been spent only four years earlier. In the decade of the 1960s, medical care prices rose far more rapidly than prices in general. The spiraling health costs have been prompted by poor utilization of our health care resources, incentives for the use of the highest cost facilities, and a lack of cost control measures, inadequate health care information, and lagging productivity.

EDUCATION

A large number of the Nation's medical and dental schools are in a financial crisis, and at a time when they are being urged to expand enrollments to meet health service needs. While there have been efforts in recent years to prune and reform curriculums and reduce the length of medical education, there is need for more incentive for efficiency in the educational process.

IT IS UP TO CITIZENS TO DEMAND LAW ENFORCEMENT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. DUNCAN. Mr. Speaker, a young lady from my district had an interesting idea in her recent letter to the editor of the Knoxville, Tenn., News-Sentinel. Here follows a letter worth our attention:

What ever happened to law enforcement? Why is a policeman punished for using his gun? I'm surprised they're allowed to even carry bullets! Perhaps cap pistols would be more appropriate.

Why have National Guard protection if the only law enforcement they can carry out is to carry an unloaded gun (or if loaded, never use it), grit their teeth and try to ignore the bottles, rocks, and bricks thrown at them and while telling the "dear" rioters that what they are doing is a "no-no." If that's all the protection and law enforcement they can give—thanks for nothing!

A citizen can no longer even protect himself. If he does, he's punished! The one protecting himself gets the blame and the real criminal practically gets a merit badge! Sick, sick, sick!

Maybe if we citizens would wake up and demand law enforcement, we would get it.

ROSEMARY CAMERON.

FIRST DISTRICT EDUCATION VIEWS ON SCHOOL ISSUES

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. SCHWENGEL. Mr. Speaker, each year it seems that the challenge of education becomes even greater. The issues involving education become more complex. The problem of adequate financing for education becomes more critical.

The responsibility for quality education is shared by many people. School board members, administrators, and teachers share the immediate responsibility at the local level. Needless to say, State legislatures and State departments of public instruction or education have assumed more important roles. The passage of the Elementary and Secondary Education Act—ESEA—of 1965 firmly and irrevocably placed a large measure of the responsibility on the Congress and the U.S. Office of Education.

Obviously, it has become more critical that open lines of communication exist for those at all levels of education.

As a former teacher and as former chairman of the schools committee when I was in the State legislature, my interest in elementary and secondary education is considerable and continuing in nature.

To help maintain a high degree of awareness of the views of educators and in order to stay abreast of the current issues I asked the teachers and school administrators in the First District of Iowa to give me their views on several questions concerning elementary and secondary education. Their views and thoughts were very helpful to me and increased my understanding of the problem.

The questions along with the answers and some typical comments of the educators in my district follow.

ELEMENTARY AND SECONDARY EDUCATION: YOUR VIEWS

1. President Nixon has proposed a $3.0 billion Education Revenue Sharing program. It would combine over 30 categorical programs into one and automatically distribute funds to the States on the basis of total school age population in each State, the number of students whose parents live or

work on Federal property, and the number of students from low income families.

Do you favor this proposal?

	Percent
Favor	69
Oppose	21
Unsure	10

One educator commented:

Yes, *if* the federal government doesn't insist on administering it. We always have to pay so many administrators that there is never any money left for what it is meant for.

Another said:

Yes, I believe I would, providing it was a simple formula whereby each Superintendent and Board could figure to the penny what was coming. Too often there is the fear of monies being dribbled away in the process of going from Federal to State to local community.

2. Some education leaders have and continue to advocate year-round school terms. What are your views on this issue.

	Percent
Favor	51
Oppose	46
Unsure	3

An educator from Fairfield, Iowa, said:

Only for those districts which have a large population, money for air conditioning, and provide time for instructors to attend college as they do now during the summer.

Another commented:

I believe schools should offer the following during the summer—enrichment courses, vocational training, many types of courses a student is interested in but can't work into his schedule during the regular year, and special problems that students have. For the most part it ought to be voluntary for the student.

3. Do you favor Federal funding to help upgrade State Departments of Public Instruction or Education?

	Percent
Favor	78
Oppose	16
Unsure	6

Several educators commented in the following way:

I believe its going to be necessary. Most state legislatures are too archaic to properly fund the state department properly.

One stated that he favored:

This proposal as a method to help local schools receive guidance for their particular problem in their particular locality.

4. Do you believe teachers should have the right to strike?

	Percent
Yes	67
No	31
Unsure	2

A favorite comment to this question was "teachers should strike only as a last resort and only under the most extreme of conditions." One gentleman said:

Yes, I do believe teachers have the right to strike, but professionally they should not exercise this right because it can only cause more hard feelings than it can help. After all, we are here to educate the children of our community and how can we do it if we are not here.

5. How would you rate the effectiveness of present Federal education programs?

	Percent
Excellent	2
Good	24
Fair	54
Poor	20

6. If Educational Revenue Sharing is not adopted, what do you feel the thrust of Federal programs in elementary and secondary education should be?

Most comments to this question were along the lines of establishing a Cabinet-level Department of Education in the Federal Government. Other often-repeated suggestions were improving teacher education, equalizing school districts, and providing better schooling for handicapped and ghetto children.

7. President Nixon has also proposed the creation of a National Institute of Education to do research and experimentation in education. How important do you consider this proposal?

	Percent
Very important	41
Of some importance	22
Of no importance	37

It was again demonstrated with the responses to this question that most educators feel the extreme necessity for a Department of Education on the Federal level. One educator commented:

This proposal is critically important in theory, but I feel a cabinet level Department of Education with a Secretary level of leadership (as already presented in Congress) is the only practical answer.

Another said:

If an effective central organization, such as the creation of a Department of Education in the President's cabinet could occur, I would favor the work proposed in this National Institute of Education. However, I feel it would be a flop without the strength and assistance offered through a cabinet post.

It appears to this Congressman that educators in the First District of Iowa overwhelmingly favor the President's proposed $3 billion education revenue sharing program. They are even more overwhelming in their support for Federal funding to help upgrade State departments of public instruction or education. It has been strongly suggested by these educators that education is a priority in Federal spending and should maintain a level of Cabinet-level importance in our Federal structure. The right to strike by teachers has been upheld by the educators in the First District of Iowa, however, the most prevalent view was that teachers should strike only as a last resort and only under the most extreme of conditions.

The educators in my district believe that to solve the problems facing our Nation today in the area of education of our children we need realistic solutions. They feel that there is not enough reality in our actions today. More must be done to improve the quality of education that our children are receiving. One teacher summed it up in the following way:

We would not allow a man who is supposed to be a surgeon operate on our children without first serving an internship in practical work under the guidance of an experienced surgeon for at least a year or more. We do, however, allow a person to teach your children, my children and all other children with only six weeks practice teaching experience. Our children are our most important commodity and anything in the education field will presently do for them—sloppy teaching, poor college training, and so on. Having a degree in education and a teachers certificate does not make an educator—somehow and somewhere along the line and through the years, however, we have been led to believe it does.

It has been my consistent feeling that we in Congress and at home must strive to upgrade the quality of our children's education. To raise and maintain the quality of our educational system, local control by school boards and administrators is essential. It has been and will continue to be my duty as an elected representative of the people to try to insure our children a quality education.

SEA LAMPREY—MENACE TO GREAT LAKES FISH

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. VANDER JAGT. Mr. Speaker, I wish to call my colleagues' attention to an informative account of the continuing battle against the sea lamprey which is conducted under the auspices of the Great Lakes Fishery Commission.

The program was initiated in 1958 under a treaty between the United States and Canada. Accordingly, the U.S. portion is covered in the State Department budget, while the Fish and Wildlife Service of the Interior Department administers the American participation in the program.

There are alarming indications that the lamprey program, having shown marked success throughout its history, is now beginning to fall short of its task. Many more fish currently being taken in the Great Lakes bear lamprey scars than was the case 2 years ago. Among the bigger and older fish, approximately 80 percent of the current catch have been attacked by this parasite.

The major problem is that appropriations have not kept pace with the expanding breadth of the program and increasing costs. Over a span of 12 years, the U.S. allocation has increased just 14 percent, while costs have risen by over 50 percent.

Extensive plantings of trout and salmon have laid the groundwork for a revival of fishing on the Great Lakes. But the success of that program depends upon controlling the lamprey threat, through procedures which are effective, economical, and compatible with rigorous standards of environmental protection.

I commend the following article by Mr. Tom Dammann of the Grand Rapids Press to my colleagues' attention:

LAMPREY IN GREAT LAKES RETURN AS FUNDS DWINDLE

(By Tom Dammann)

CHARLEVOIX—Contrary to some widely held opinions, control of the parasitic and deadly sea lamprey has not been achieved in the Great Lakes, and all could still be lost in the campaign to stock these waters with great fighting game fish.

That's the unhappy view of Myrl Keller, biologist in charge of the state Department of Natural Resources station here, who notes that federal sources are cutting back badly needed funds for lamprey control just when they should be increased.

Keller points out that lamprey scars on lake trout of the 24 to 32-inch size have been running more than 50 per cent, far over the level of just a couple of years ago. Among the bigger and older fish, wounding runs up to 80 per cent.

Not many of the fish 17 inches and under have lamprey wounds, but fish biologists are not sure whether this means the lamprey do not attack the smaller fish—or kill them when they do.

SHORTSIGHTED ECONOMY

It had appeared that a great day was coming in Great Lakes fishing, with the heavy plantings of coho and chinook salmon, steelhead trout, brown trout and coaster brooks, but federal shortsightedness may well wreak havoc with the plans.

"A great job has been done, but we still have a problem," Keller says. "The wound rate is far too high. And it is not only among lake trout. Last year almost every salmon taken in Lake Huron had been attacked by the sea lamprey."

Keller emphasizes that the success of the gigantic efforts of Canada and the United States and the various individual states to restore the Great Lakes fishery depends on control of the sea lamprey.

"There is no use carrying on large plantings of trout and salmon unless we can control the sea lamprey," he says. "The public, the state Legislature and Congress must realize that more money is needed to fund the control program."

The program is conducted by the Great Lakes Fishery Commission, representing the United States, Canada and Great Lakes states.

The United States puts up 69 per cent of the costs, Canada 31 per cent. Because the program was worked out in a treaty between the two nations the U.S. share of the money comes from the State Department. The Fish and Wildlife Service of the Department of the Interior, acting as a contractor for the commission, executes the U.S. part of the program. If the United States cuts back its funds, Canada reduces its share accordingly, thus multiplying the loss.

"But the State Department is too busy with the Vietnam War and international crises to care much about a fishery problem, so we have difficulty getting enough money," Keller says.

Another difficulty is that there has been relatively little increase in the amount of money allocated to sea lamprey control since it was initiated in Lake Superior in 1958, despite the fact that the program now covers Lakes Michigan and Huron and will soon include Lake Ontario.

Still another worry is caused by the fact that the chemical TFM, used to kill off the lamprey larvae, now must undergo rigid testing by the Federal Food and Drug Administration to determine whether it conforms to new antipollution standards.

"If FDA finds it doesn't, then we'll have to begin all over again," Keller points out.

Robert Saalfeld, executive secretary of the Great Lakes Fishery Commission, Ann Arbor, supports Keller in most respects.

Saalfeld says that the United States allocated $1,339,000 for the Lake Superior program in 1958, the first year. In 1970 it allocated $1,948,000 to cover Lakes Superior, Michigan and Huron.

"There has been a 14 per cent increase in funds, while our costs have risen by more than 50 percent, which means we've had to reduce some very important research, such as on larvae in river estuaries," Saalfeld says. And now top federal authorities are talking of cutting the budget further.

Nevertheless, Saalfeld feels that if the sea lamprey population can be checked at its present level, the program is on the way to success.

"Another $300,000 to $400,000 a year would do that," Saalfeld says.

The sea lamprey is not a true eel, as is so often said, according to Keller. It lacks the jaw and teeth. It has a disc mouth which fastens on to the side of its prey, like a suction cup, and sucks out the blood of the victim.

This parasite entered the Great Lakes via the Welland Canal about 1921. By 1950 it had virtually wiped out lake trout stocks in Lakes Superior, Michigan and Huron, a commercial fishery which had yielded an annual production of 15.5 million pounds.

Like rainbow trout, coho and chinook, the lamprey spawns in streams. The female lays some 60,000 eggs. The resultant larvae spend five years in river bottom mud. They then move into the lakes, spending a year and a half to two years feeding on trout, salmon and white fish before returning to the rivers to spawn.

At first an electronic shock method was used to kill the adult lamprey as they swam upstream. But this was replaced by the heavy chemical, TFM, which works into the river bottoms and kills the larvae.

There are some experts, including Keller, who feel that now is the time to devote more effort to locating the natural enemy of the sea lamprey as the most ecologically safe and effective way of controlling it.

LOUISIANA JUSTICE OPPOSES NATIONALIZATION OF STATE SUPREME COURTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. RARICK. Mr. Speaker, on June 4, 1971, I spoke out on the real threat of a national judiciary system that faced the American people through a revenue-sharing plan conducted by the LEAA, CONGRESSIONAL RECORD, 18343.

Today, I received a copy of correspondence to the Louisiana Commission of Law Enforcement and Administration of Criminal Justice from an associate justice of the Supreme Court of Louisiana, the Honorable Frank W. Summers.

Justice Summers in his letter of opposition to the receipt of Federal funds for the Supreme Court of Louisiana states:

> Federal grants will not strengthen our local governmental units . . . this Court particularly . . . but in time the Federal help will bring with it Federal domination.
>
> If the LEAA "on-going" plan is permitted to involve this Court, it is only a question of time until we find ourselves so much enmeshed in Federal "help" and then "control," which inevitably follows, that the Court's identity as a State institution will have ceased to exist.
>
> I submit that the independence we have heretofore enjoyed as a State Court will be impaired by the requested grant, the purpose of the Act will not be served, and this Court will enjoy no benefit by the use of Federal funds.

I am proud that a member of the supreme court of my State recognizes and warns our people of the inherent dangers to the Federal system in a procedure that will nationalize our State judiciary and courts.

I insert at this point the full text of Associate Justice Frank W. Summers, bearing the concurrence of Associate Justice Walter B. Hamlin, both of the Supreme Court of Louisiana:

NEW ORLEANS, LA.,
June 10, 1971.

Lt. Gen. DAVID WADE,
Chairman, Louisiana Commission of Law Enforcement, and Administration of Criminal Justice, Baton Rouge, La.

DEAR SIR: This will refer to my letter of June 8 requesting additional time within which to file a response in opposition to the application of the Judicial Administrator, dated June 7, on behalf of four members of this Court for "Grants for Law Enforcement Purposes" purportedly authorized by Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" (Public Law 90–351; 82 Stat. 197, as amended). Because I consider this application unauthorized by the Crime Control Act and not founded on facts warranting a grant, and because justices of this Court are elected officials operating as the court of last resort in the State judicial system, responsible to their constituents, I am compelled to point out that I do not subscribe to the application made by the Judicial Administrator of this Court on behalf of four of its members.

Ordinarily it may be suggested that if I do not choose to avail myself of these grant funds, I have only to refuse to use them or the facilities they provide. But, the joint use we make of facilities in this Court is so indispensable to economy, efficiency and the physical plan of the courthouse, I cannot envision how, under this sharing plan, I can avoid the use of facilities provided by the requested grant. For instance, using a prosaic example, there will be no designation under existing regulations under the Act, I am sure, as to which of the books in our libraries are purchased with Federal funds and which are purchased with State funds. I do not feel that it is unreasonable for the sake of economy to request that the justices accommodate themselves to this plan. However, leaving this and other considerations aside, the most important consideration involves the integrity of this Court as a State institution.

I seriously question that the funds available under Title I of P.L. 90–351, as amended by P.L. 91–644, are intended to be utilized in accordance with the proposed uses set out in the Judicial Administrator's letter of June 7. Section 4, Subsection (1) of P.L. 91–644 refers to "criminal courts." This Court, as you are undoubtedly aware, has both criminal and civil jurisdiction and it does not properly fall within a reference to "criminal courts" as such.

Under "Grants for Correctional Institutions and Facilities", "Correctional Institutions" are defined in Part E of the Act to mean "any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses " It seems farfetched to contend that this court falls within the intendment of this language.

First, answering the application seriatim, I question the legal correctness of paying more than 50% of the salaries of law clerks with funds provided by your agency. Section 301 (d) of the Act seems to require that "not more than one-third of grant made under this part may be expended for the compensation of personnel." By the proposal of four members of this Court, the $33,000 requested for law clerks would necessarily exceed the one-third limitation. The representation that "60% of the work of the Supreme Court is involved in criminal writs of habeas corpus" is questionable. I am not aware that any accurate calculation has been made to substantiate this statement. I would say that we do not devote 66% of our time to criminal writs of habeas corpus.

Second, at this time, each chamber of each justice of this Court is furnished with a complete set of Louisiana Reports, the official reports of the Court; a subscription to

Southern Reporter 2d Series and advance sheets; Corpus Juris Secundum; American Jurisprudence; West Louisiana Digest; West Louisiana Statutes, Codes and Constitution Annotated; Shephard's Louisiana Citator; the Acts of the Legislature as they are promulgated and published; and, from time to time, a limited number of special treatises. These are the reference works we use 98% of the time.

In addition, due to the efficient arrangement of the building, a conference library is located on the same floor within very close proximity (a few feet) to each chamber. This conference library, available to all justices and their law clerks, contains two complete sets of the Louisiana Reports; a complete set of Southern Reporter 2d Series; a set of West Louisiana Digest; the New Louisiana Digest, and all other Louisiana Digests; Shepard's Louisiana Citator; West Louisiana Statutes, Codes and Constitution Annotated; Louisiana Law Review; Tulane Law Review; Loyola Law Journal; Acts of the Legislature of the State of Louisiana (Complete); a complete set of American Law Reports, and American Law Reports 2d and 3d Series, Corpus Juris Secundum; Shepard's U.S. Citations; U.S. Supreme Court Reports, Lawyer's Edition; U.S. Code Annotated; a set of Words and Phrases for which shelving will be provided; and a limited number of special works.

In order to make room for the ever-growing existing publications, it has been necessary to transfer some books, not mentioned here, from the conference library to the basement for storage.

All facilities of the Louisiana State Law Library, one of the most complete and comprehensive law libraries in the State, are available from the conference library by a small elevator on which any book can be sent up quickly. In isolated instances when rare or unusual books are not available when needed, the law libraries at Tulane University and Loyola University will probably have the book. I have found them willing to permit use of their library.

Third, the Louisiana Law Library, on the first floor of the Supreme Court Building, below the justices' chambers, is accessible by elevator just down the hall. The design of the Supreme Court Building is such that access to any book is available in the shortest practicable time. There is little available space for duplication of books on hand without a redesign of the existing plan of the building. In fact, funds provided by the State referred to in the Judicial Administrator's letter are, in my opinion, more than adequate for our present needs. There is, therefore, no justification even under "E.9" of your regulations to buy books, which can hardly be referred to as "Equipment Purchases".

Insofar as the purchase of new books for the Louisiana State Law Library is concerned, I feel the legislative appropriation of $40,000 is entirely adequate. I suggest that a minimum justification for the expenditure of public funds would require documentation of books alleged to be needed, which has not been done by the applicants.

As Richard W. Velde, Associate Administrator of LEAA wrote recently, "Unlike the National Crime Commission, which went out of existence after completing its report, this new effort (of LEAA) will be an *on-going* one." To substantiate this statement, he points out that block action grants have grown from $25 million in fiscal 1969, to $183 million in fiscal 1970, to $340 million this year (1971). Velde states, "We are asking Congress for block grants totaling $413 million in the year starting July 1." 54 Judicature 433 (1971).

No showing has been made that this Court's function has been responsible in any way for "the high incidence of crime in the United States," which Congress found, in the Declarations and Purpose of the Act, "threatens the peace, security, and general welfare of the Nation and its citizens." Absent a finding to this effect, I submit that any grants to this Court will not serve to carry out the purposes of Title I. This Court enjoys the enviable reputation of ranking high among State Courts of last resort in prompt disposition of its case load.

It is my view, and the Congress was careful to point out, that the functions of this Court and like state units are a local problem to be solved by local officials responsible, in this case, to the people of Louisiana. Federal grants will not strengthen our local governmental units—this Court particularly—but in time the Federal help will bring with it Federal domination. That the Federal program is "on-going" is graphically illustrated by the annual marked increase in grants to which I have already referred. That the Federal help will supplant, rather than strengthen local systems, is illustrated by the action of four members of this court petitioning LEAA for funds to supplant the Louisiana Legislature's considered determination that stated amounts were adequate for the purposes these Federal grants will serve. Thus, under our State governmental structure, the legislative prerogative of fixing, and limiting, amounts this Court can expend has been supplanted. Thereby one of our legislature's basic functions, the appropriation of funds, will have been supplanted, at least insofar as this Court is concerned. If the LEAA "on-going" plan is permitted to involve this Court, it is only a question of time until we find ourselves so much enmeshed in Federal "help" and then "*control*," which inevitably follows, that the Court's identity as a State institution will have ceased to exist. Witness the enlarged scope of activities authorized by the 1970 amendment to the Act, just two years after the initial enactment, and other examples of Federal intervention into State affairs, too numerous to mention.

I submit that the independence we have heretofore enjoyed as a State Court will be impaired by the requested grant, the purpose of the Act will not be served, and this Court will enjoy no benefit by the use of Federal funds.

I have sought heretofore not to resort to outside-of-conference activities involving this Court, except when I find the members of this Court or others initiate activity outside our Court conferences which I consider inimical to the interest of our Court, our State and our Nation. The application in question I believe, poses such a problem. I respectfully urge you to earnestly consider this response in opposition to the request and deny any LEAA grants.

Finally, I make reference to a resolution of the State Senate adopted June 8 requesting that this Court *not* apply for Federal grants, a copy of which will be furnished when available.

Very truly yours,

FRANK W. SUMMERS.

I concur in the above statements.

WALTER R. HAMLIN,
Associate Justice.

FLAG TOWN U.S.A.

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. MYERS. Mr. Speaker, as we pause to salute the flag of the United States this day I wish to pay tribute to Mellott, Ind., which has earned a nationwide reputation as Flag Town U.S.A. for its promotion of the sale and display of the flag. It was my honor to participate in Flag Appreciation Day ceremonies in Mellott yesterday which drew several thousand persons to this small rural community of just over 300.

I am proud to report that patriotism is not dead in the heartland of America. I would like to share with my colleagues the following tribute to Mellott and to James L. Helgers, commander of the American Legion Post there, who has nourished this dream of Flag Town U.S.A. into a reality:

"FLAG TOWN U.S.A."

(By John Kell (Former Township Trustee of Richland Township))

There is a little town named Mellott,
You might have had to look twice to see the spot.
But that day is in the past,
For it has made a place upon the map;
For a man they call Jim,
Began to reign
And with his imagination and determination
His brain storm took on formation.
So he set to work with just an idea
Of seeing Old Glory flying near,
He started out to test his plot,
And soon had a flag pole on every lot,
With our colors flying all over Mellott,
It makes one stop and think alot,
Of our nation strong and brave
That our boys did not die in vain.
So Mellott has gained it's fame
And a trademark to it's name.
We call it Flag Town U.S.A.
And will for many a day.

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COMMUNITY: FOUR WINNING ESSAYS BY NEBRASKA TEENAGERS

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. THONE. Mr. Speaker, it is my pleasure to request inclusion in the CONGRESSIONAL RECORD of four essays written by Nebraska teenagers who have been competing for a place on the annual Nebraska Rural Electric Youth Tour of Washington. The essays all concern the impact that electricity has in the modern agriculture community, and explain in a very personal way the vital and continuing role that our electrical systems play in rural America.

These four young people were selected as winners in their respective public power districts. It is my pleasure to have these winning essays inserted in the RECORD:

THE VALUE OF RURAL ELECTRIFICATION TO OUR HOME AND COMMUNITY

(By DeMaris Brosh)

As a teenage girl of today, I have never been without electricity in my home and I find I take this convenience for granted. I must admit, listening to my ancestors talk about the days before they had rural electrification makes me more appreciative of electricity.

Rural electrification has done a wonderful job of making a more meaningful way of life for the rural people. The farmer can enjoy his country home with all the benefits that are found in the city. At the same time he is away from air pollution, riots, racial problems and slums.

Dad might swelter in the fields on a summer afternoon, but he can sleep in coolness at night. Mom might still can, but she can work in an air-conditioned kitchen over a cooler range than the old cookstove. Automatic washers make laundry a daily talk instead of a weekly chore. There is no comparison in the old sadiron and today's thermostatically controlled light-weight iron and permanent press clothing.

Today's higher standard of living demands more water. Perhaps the pressure water system is one of the most used electrical appliances. It does so many jobs by providing water for drinking, cooking, cleaning and bathing. Automatic washers and dishwashers need an abundant supply of water. High pressure hoses for cleaning feedlots, modern dairy sanitation and general farm cleanup all make greater demands on the farm water system.

With irrigation, drying bins, and REA service, the farmer has a combination that gives him better yields in his crops and lets him store his grain without loss. New electric farm equipment makes farming more profitable when used effectively.

To a teenage girl, rural electrification means just about all the comforts of life. It means light at the flick of a switch, music at the turn of a dial and softly dried towels at the press of a button. It means drying your hair in a jiffy or typing up a term paper with the speed of an electric typewriter. When electricity is off for even ten minutes, all activity on the farm stops and I realize how much I depend on this friend.

The list of jobs made easier by electricity—rural electrification—is endless; but the effect on the farmer, his family, his work, and his leisure is very evident. Modern conveniences give us leisure time to take part in community affairs, church activities, and to share in Nebraska's growing recreational opportunities.

Cultural development has also followed with new found leisure time. Rural Nebraskans read more, attend training sessions, register for college evening classes, and travel. Through radio and television we are kept informed of all state, national, and world happenings. The entertainment world is brought to our homes and we enjoy the performances of master artists.

The value of rural electrification to our home and community will never end. Rural Americans and rural Nebraskans can be healthier and happier, more comfortable and secure with rural electrification. Electricity can be our ever-more useful servant throughout our lifetime.

What Rural Electrification Means to Me and My Community

(By Bonnie Hain)

Rural electrification has done a wonderful job of making a more meaningful way of life for the rural people, especially the farmer. He can now retire in his country home with all the benefits that are found in the city. At the same time he is away from air pollution, riots, racial problems and slums.

He can stay on the farm where his heart is and where his neighbors and friends are nearby. He is not drawn into the hustle and bustle of the city, but at the same time he has all the conveniences found in the city.

Rural Electrification means an entirely new world. The change from kerosene lamps to electric lights is a miracle. Now light is throughout the whole room, not in just one small area. No smelly kerosene, no need to worry about the lamp being tipped over and starting a fire—no need for carrying a lamp from one room to another. Just step inside the room, flip a switch and behold, the whole room is lit up.

Electricity is also money making for the rancher and cattle man. The average steer drinks about five-thousand gallons of water by the time he reaches market weight of 1,000 pounds. That's about 41 times as much water as the steer weighs. You can see that water is big business. Fortunately it's also cheap and plentiful throughout most of Nebraska. Efficient electric pumps can provide an automatic supply at a cost of pennies a day with low-cost electricity.

Knowing how to use electricity wisely can save endless labor. Many farm jobs can not only be mechanized but can be automated so that no one has to spend his time tending a machine, just as he no longer has to scoop corn, ensilage or manure.

Where does my electricity come from? Most people expect a simple answer such as "Electricity for this area is generated one mile north of the Marietta Church." But it's not that simple. At this moment your electricity probably is coming from several sources.

Your rural electric system does not generate electricity. It buys electricity at wholesale rates, distributes it throughout its service area and sells it to you at retail rates.

In the eastern two-thirds of Nebraska, rural electric systems buy electricity from Nebraska Electric Generation and Transmission Cooperative of Columbus. This agency buys from Nebraska Public Power District (NPPD). NPPD operates a statewide network of high-voltage transmission lines that connect many generation stations in Nebraska and sources outside the state. This network—called a grid—delivers electricity to 27 rural electric systems some municipal electric systems and some large industries.

The NPPD grid, which supplies most of rural Nebraska, receives electricity from hydroelectric plants on the Platte and Loup Rivers and from steam-powered plants at Lincoln, Hallam, Bellevue, and Lexington.

All in all our Willie Wirehand was a true blessing and can be called our right hand.

What Rural Electrification Means to Me and My Community

(By Jennie Herink)

In the days of ancient Rome, Julius Caesar had a palace full of servants, ready to satisfy his every need. Today, man has a servant working for him too—more efficient and more reliable than anyone in Caesar's Empire. We call this modern day servant "Electric Power." He serves almost every home, farm, store and factory in the United States. He works 24 hours a day, seven days a week—never takes a coffee break and seldom a vacation. He demands very little in wages.

While practically everyone uses electricity, few people realize how it affects their lives. Electricity can mean the difference between life and death to a patient in a hospital. Electricity is a miracle for a pilot attempting to land his aircraft on a foggy night. Electricity is a feeling of warmth and security for everyone during a raging blizzard. Yes, "Electric Power" is truly man's most useful servant.

Electricity has raised the standard of living for every family in my community. Before electrification came to the rural areas, a typical Midwestern farm and farm couple looked like Grant Wood's painting, "American Gothic." Today thanks to the progress of electricity, farming is an efficient and profitable business. The majority of farmers in my community have doubled and even tripled their farming operation over the past 10 years. This has been made possible through advanced mechanization and that ever-dependable hired hand, "Electric Power." The farmer's wife has also profited from this improved standard of living. In my community new homes are being built and old homes remodeled to contain every modern conceivable—manned by that faithful servant, "Electricity."

An estimated total of 2,895,000 farms will be operated during 1971. This is the lowest number in a century and represents a decline of 2.6 percent from 1969 and 27 percent from 1960. For the past 35 years, United States farms have declined in number.

Yet, because of modern efficiencies, today's fewer farmers produce more food of higher quality for more people than ever before. Impossible? Not when you realize that when the Rural Electrification Administration (REA) was established in 1935, fewer than 11 out of every 100 farms in the United States had electric service. Today REA provides electric service to about 5,100,000 customers in nearly all the states, Puerto Rico, and the Virgin Islands. Electric power has aided the economic development of rural communities by increasing farm production and encouraging the establishment of local businesses and industries.

In spite of the rising cost of labor, seed, feed, fertilizer, and machinery, the price of electricity has stayed the same because American farmers have increased their use of electricity enough in the last decade to keep the cost from rising and even lower it. As farming continues to grow, we can be certain that rural electrification will continue to serve us, ever growing and expanding.

In evaluating my community and this great nation of ours, I realize that thanks to the foresight of Senator George W. Norris 36 years ago, rural electrification has changed the farming profession from a state of meager existence to the largest business in America. No wonder we say "Live Better—Electrically.'

The Value of Rural Electrification in Our Home and Community

(By Barbara Luhr)

Rural electricity has a very high value in our home and community. It plays an enormous role in our lives today, larger than we think! Without electricity, most of us would not have running water, heat, lights, ranges, refrigerators, deep freeze, dishwashers, clothes washers and dryers, irons, vacuum cleaners, mixers, blenders, clocks, radios, sewing machines, toasters, irrigation pumps, air compressors or milkers. This list could practically go on forever!

Thanks to the Rural Electrification Act of 1936, this equipment is found in rural homes and communities today. This Act provides that the administrator can loan money to finance the building of power plants, transmission of electricity, and for constructing power lines to new rural areas. These loans can be made to people, corporations, territories, states and subdivisions.

This Rural Electrification Act was supported by Nebraska's Senator George Norris and Representative Sam Rayburn of Texas. It was passed during the depression, when many people were without a job and regular income. By passing this law, several things were accomplished. Many people were given a job, the farmers' standards of living were raised by bringing electricity to the rural farms and communities. In raising the standard of living for the farmer, many improvements have been made over the years. A refrigerator and deep freeze are found in the home keeping the food cold, a stove is there to cook and bake the food, a television and stereo are the entertainment center of the home, and push-button feeding is seen in the cattle yards to feed the livestock.

Before the act was passed, 10% of rural farms and communities had electricity. Today, close to 98% of rural areas have electricity.

Rural electrification means more to me than having a refrigerator, deep freeze or stove. In the winter, it means waking up to a heated room with electric lights to see to get dressed. In the summer, it means being cool and comfortable on a hot and humid day. Staying up late to finish some work or getting up early to start a new project is no problem now because of electric lights in your home and security lights in your yards. You no longer have to wait for Mother Nature, for you can see without her. Yes, rural electrification can mean more than refrigerators, stoves, and deep freezes—a lot more!

Every day since 1936 we have come to depend on electricity more and more. We keep adding new equipment and luxuries to our ownership, such as a color television, an electric adding machine, a hair dryer, an organ, or a can opener are found in the home. Such things as welders, drying bins, augers, drills for the farm are added to make life a little easier. Automatic egg breakers in our local egg plant have made work faster and more mechanized and computers are added in many other communities each day to ease the workload.

Many people do not think it would be hard to live without electricity. Being without electricity for a short time would make people quickly realize the great value of electricity. It is hard to estimate the amount of electricity used until we just sit down and think about it. Rural electricity has a great value in our rural home and community, and it's growing—every day!

NO WONDER WE ARE BROKE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. BAKER. Mr. Speaker, a constituent of mine, D. F. Black, of Chattanooga, has called my attention to the Warner & Swasey Co. advertisement which appeared in U.S. News & World Report on May 24, 1971. This advertisement lists the countries and the amounts in American dollars which each has received under our foreign aid program.

Just in case any of my colleagues missed seeing this list, I think it is important to have it appear in the CONGRESSIONAL RECORD along with the copy in the advertisement under the headline, "No Wonder We're Broke."

I should also include Mr. Black's comment when he sent the copy of the advertisement to me. He noted, "This is real revenue sharing."

The advertisement follows:

NO WONDER WE'RE BROKE

Here is the tragic list of 138 billion dollars (one hundred and thirty-eight *billion!*) this country has been giving or "loaning to foreign countries, 1946 through 1969 (even higher today). We have *borrowed* billions so we could give them away—the interest alone on our debt is now in the billions of dollars every year! And we are *still* borrowing *more* to give *more* away.

Yet every few days we hear that another one of these nations has insulted Americans, stolen even more of our property, driven us out of its country which we saved and rebuilt.

What—*what*—have all these American billions accomplished?

Afghanistan	$407,000,000
Ceylon	165,600,000
Cyprus	22,200,000
Greece	3,886,500,000
India	8,246,700,000
Iran	2,336,000,000
Iraq	102,000,000
Israel	1,226,100,000
Jordan	643,000,000
Kuwait	50,000,000
Lebanon	93,000,000
Nepal	137,500,000
Pakistan	3,721,600,000
Sauda Arabia	93,200,000
Syrian Arab Republic	60,500,000
Turkey	5,600,400,000
United Arab Republic (Egypt)	$912,200,000
Yemen	42,600,000
Central Treaty Organization	54,100,000
Near East and South Asia Regional	1,510,600,000
Argentina	888,000,000
Bahamas	35,100,000
Barbados	100,000
Bolivia	548,100,000
Brazil	3,779,300,000
British Honduras	5,300,000
Chile	1,704,300,000
Colombia	1,205,500,000
Costa Rica	191,500,000
Cuba	52,100,000
Dominican Republic	463,900,000
Ecuador	311,200,000
El Salvador	135,200,000
Guatemala	331,000,000
Guyana	61,000,000
Haiti	118,700,000
Honduras	119,000,000
Jamaica	74,800,000
Mexico	1,168,200,000
Nicaragua	176,000,000
Panama	246,300,000
Paraguay	135,700,000
Peru	759,400,000
Surinam	10,500,000
Trinidad and Tobago	62,900,000
Uruguay	162,200,000
Venezuela	490,600,000
Other West Indies	8,000,000
Central America Regional	144,200,000
Latin America Regional	1,891,300,000
Vietnam	5,895,400,000
Burma	100,500,000
Cambodia	341,300,000
China (Republic of)	5,141,800,000
Hong Kong	43,700,000
Indochina Undistributed	1,535,200,000
Indonesia	1,128,300,000
Korea	7,829,000,000
Laos	641,100,000
Malaysia	90,200,000
Philippines	2,078,800,000
Ryukyu Islands	387,400,000
Singapore	40,000,000
Thailand	1,192,400,000
Western Samoa	1,500,000
East Asia Regional	767,100,000
Algeria	185,300,000
Botswana	16,500,000
Burundi	6,800,000
Cameroon	32,900,000
Central African Republic	5,000,000
Chad	8,700,000
Congo (Brazzaville)	2,100,000
Congo (Kinshasa)	430,700,000
Dahomey	12,200,000
Ethiopia	375,700,000
Gabon	7,500,000
Gambia	2,200,000
Ghana	267,300,000
Guinea	107,800,000
Ivory Coast	73,400,000
Kenya	66,200,000
Lesotho	4,800,000
Liberia	272,100,000
Libya	229,700,000
Malagasy Republic	13,200,000
Malawi	25,000,000
Mali, Republic of	25,300,000
Mauritania	3,300,000
Mauritius	1,500,000
Morocco	758,900,000
Niger	16,600,000
Nigeria	289,100,000
Rwanda	6,900,000
Senegal	38,100,000
Sierra Leone	43,100,000
Somali Republic	76,800,000
Southern Rhodesia	7,000,000
Sudan	104,800,000
Swaziland	700,000
Tanzania	65,000,000
Togo	15,100,000
Tunisia	$627,100,000
Uganda	36,000,000
Upper Volta	12,700,000
Zambia	40,800,000
Central and west Africa regional	8,000,000
East Africa regional	26,400,000
Africa regional	165,300,000
Malta	8,200,000
Spain	2,228,100,000
Yugoslavia	2,890,700,000
Oceania-Trust Territory of the Pacific Islands	230,800,000
British Oceania	1,500,000
Nonregional	6,610,400,000
Albania	20,400,000
Austria	1,166,600,000
Belgium-Luxembourg	2,005,200,000
Czechoslovakia	193,000,000
Denmark	919,600,000
East Germany	800,000
Finland	151,500,000
France	9,415,900,000
Germany (Federal Republic)	5,020,300,000
Berlin	131,900,000
Hungary	31,500,000
Iceland	89,300,000
Ireland	193,000,000
Italy	6,043,000,000
Netherlands	2,470,300,000
Norway	1,253,300,000
Poland	577,300,000
Portugal	534,400,000
Sweden	188,100,000
United Kingdom	9,697,500,000
U.S.S.R.	186,400,000
Europe regional	2,763,900,000
Japan	4,137,900,000
Republic of South Africa	*150,600,000
Canada	51,600,000
Oceania-Australia	825,900,000
Oceania-New Zealand	88,100,000
Nonregional	1,434,000,000
Grant total	138,028,500,000

Source: Agency for International Development, U.S. State Department.

* Repaid in full with interest. Some other countries have paid some interest and principal (18½ billion) on some of their borrowings from the United States.

"Charity begins at home", and that always seems to mean America. Maybe it should have stayed here.

POW RESOLUTION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

THEODORE FRED KUPER, A GREAT JEFFERSON SCHOLAR, IS HONORED

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. HOLIFIELD. Mr. Speaker, it is my great pleasure to announce that Theodore Fred Kuper, a resident of Whittier, Calif., was honored by the Thomas Jefferson Memorial Foundation for his 48 years of devotion to the memory and the ideals of Thomas Jefferson. During his first 12 years on the Thomas Jefferson Memorial Foundation, from 1923, to 1935, Kuper served as national director, planning and conducting the nationwide educational and fund raising campaign that saved the home and burial place of the author of the Declaration of Independence and established his beloved Monticello as a self-supporting patriotic shrine. During the years since 1935, Kuper continued his research, writing, and publishing widely circulated to the American people, school children especially, all without any profit to himself.

Kuper's first little book, "Thomas Jefferson the Giant," with an introduction by the late Claude G. Bowers, sold over 250,000 copies from 1925 to 1968 for the benefit of Monticello.

Then in 1968 with Monticello fully paid for and with the approaching bicentennial of the Declaration of Independence, Kuper felt that today's children and adults needed a reminder of their American heritage. So, to help even in a small way, he decided to produce his present booklet, using for its title "Thomas Jefferson Still Lives," the dying words of John Adams, the champion of the Declaration.

Kuper explains that he was encouraged by Kenney E. Williamson and his Jefferson Birthday Committee of Peoria, Ill., where financial institutions in the downtown area of Jefferson Avenue corner Liberty Street, have contributed funds each year since 1962 to celebrate Jefferson's birthday with a civic luncheon and the presentation of a copy of Kuper's booklet on Jefferson to every member of every senior class in every high school in Peoria.

Irving Dillard, former editor of the editorial page of the St. Louis Post Dispatch and now at Princeton University as Ferris professor of journalism and senior fellow in the Council of the Humanities, contributed the introduction to the new booklet as the late American Ambassador, journalist, and biographer, Claude G. Bowers, had done for the first book by Kuper.

The Arthur Price Foundation, a New York nonprofit corporation which has gathered a definitive collection of printed matter pertaining to our late President Kennedy for presentation to an outstanding library or university, undertook to be the publisher. Even the Atlee Printing Co. of New York, which had printed Kuper's first book, offered to assume part of the cost of the designing and first printing.

When asked to explain why he never takes any royalties for his Jefferson writings, Kuper says:

> My family learned the hard way to appreciate the American heritage. I was born in Moscow, Russia. When I was about three years old, I witnessed the tyranny of the Czar's soldiers, surrounding our home and my father's business next door to examine all our passports, including those of our household and our factory workers. Then in October 1891, at age 5, I was one of the many thousands who emigrated to America because of Russian religious persecution. As the ship sailed up New York Harbor, my mother took my older sister, brother and me up on deck, pointed to the Statue of Liberty and explained the blessings the United States had in store for us. Father lost practically all he had in the business and our big home in Moscow, so we moved into a basement apartment in New York's lower East Side. My father got a job in Newark, New Jersey, at $7 a week. My mother ran a soda water stand outside a corner beer saloon.

Kuper added:

> Fortunately, for us immigrant kids, the Educational Alliance on East Broadway in New York's lower East Side provided special classes, one of which I attended for a few months until I learned enough English to enter public school. No one dared to dream then that one day I would assist the President of the United States in the White House at the organization meeting of the commission created by Act of Congress to celebrate the 150th anniversary of the Declaration of Independence, or that I should have the privilege of being one of the working founders of Monticello.

Kuper continued:

> On East Broadway corner Jefferson Street in New York, I started my education at the Educational Alliance. Eighty years later, my wife and I live on East Broadway in Whittier, California, and I am writing and lecturing about Jefferson and our American heritage! My little books and my lectures are only a tiny payment on account of the great debt I owe my country.

Gilbert Chinard, author of "Thomas Jefferson, the Apostle of Americanism", writes:

> This little book, "Thomas Jefferson Still Lives," has an extraordinary value and impact for young minds that do not yet know Jefferson. I am showing it eagerly to my friends and all of them want copies.

Writes Richard B. Morris, author of "The American Revolution Reconstructed" and editor "Encyclopedia of American History":

> Mr. Kuper's little book should be in the hands of every school child in the land.

The little book of 32 pages is handsomely illustrated with a chart headed "Thomas Jefferson, the Architect of our American Heritage" printed on the two center pages, a gold medalion of Jefferson embossed on the front cover and the following as "Jefferson's Advice to Youth," printed on the back cover:

> Adore God.
> Reverence and cherish your parents.
> Love your neighbor as yourself,
> Love your neighbor as yourself, and your country more than yourself.
> Be just. Be true.

At the 48th annual meeting meeting of the Thomas Jefferson Memorial Foundation, resolutions were adopted honoring Kuper. A copy of those resolutions, signed by Charles Barham, Jr., president of the foundation, was presented to Kuper at the Jefferson Birthday Dinner held in Jefferson's beloved home, Monticello, on April 12, in Jefferson's dining room and at Jefferson's dining table, with only candle light. Mr. and Mrs. Kuper, their daughter Mrs. Terry Kirker, and their granddaughter Janet Kirker, age 12, all from Whittier, Calif., were guests of the Jefferson Foundation.

The text of the resolutions, is as follows:

> THOMAS JEFFERSON MEMORIAL FOUNDATION
>
> Whereas, Theodore Fred Kuper prepared and filed in April, 1923, the Certificate of Incorporation of the Thomas Jefferson Memorial Foundation, which he subsequently served until 1936 as National Director, conducting with selfless dedication its successful nation-wide educational and fund raising campaigns, establishing Monticello as an independent patriotic shrine; and whereas he has continued during the succeeding thirty-five years to serve the memory of Thomas Jefferson in essays and books widely circulated without profit to himself to the American public;
>
> Be it resolved by the Board of Directors on this 228th anniversary of the birth of Thomas Jefferson, the 48th anniversary of our happy association with Theodore Fred Kuper, that we express to him our great appreciation of his devoted services to the Foundation and of his fidelity through these many years to the noble aims to which it is dedicated;
>
> Be it resolved further, that we extend to him our best wishes upon his approaching 85th birthday and our deep pleasure in the prospect of continued association with him as a cherished friend.

WHAT TENNESSEE WOULD GAIN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. DUNCAN. Mr. Speaker, revenue sharing is an important issue at this time, of course, with our Committee on Ways and Means conducting hearings people throughout the country are showing greater interest.

I would like to share an editorial from the Knoxville, Tenn., Journal of May 31, 1971:

> WHAT TENNESSEE WOULD GAIN
>
> In Congress President Nixon faces an expanded brand of the obstructionism that has plagued Gov. Winfield Dunn in regard to virtually every proposed program.
>
> In both cases the automatic opposition is definitely partisan in nature and often lacking in logic. In both cases the Democrats in

control of the legislative process have chosen to put forth their own proposals—meaning that they recognize the problem but choose to disagree on the method of solution.

One example of this can be found in proposed federal solutions to the problems of state and local governments which are financial in nature and relate, more often than not, to the ever expanding welfare burden.

The President has proposed two primary programs in this area: welfare reform and revenue sharing.

Under the latter proposal Tennessee would receive more than $80 million during the first year of revenue sharing, to be divided among local governments for use in areas of need.

One phase of the welfare reform proposal has been approved by the House Ways and Means Committee, with backing by the President. Passage by the full House and the Senate, however, appears quite doubtful, due simply to the obstructionism prevailing in the two bodies.

This particular phase of the welfare reform proposal would save $1.6 billion for the states in fiscal 1973 by removing some of their present burdens. Tennessee would receive $31 million to $38 million in "relief." This would mean that Tennessee would have this amount of money to put into other programs.

Only an obstructionist Congress stands in the way.

ADMINISTRATION'S NUCLEAR POWER PLAN OVERS IMPLIED

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. HATHAWAY. Mr. Speaker, earlier this month the Nixon administration sent a message to Congress calling for $2 billion to hasten development of an atomic power reactor that breeds its own fuel. Last week, the Atomic Energy Commission proposed radiation standards for nuclear powerplants said to be several times more strict than those recommended by even the most severe nuclear power critics. The AEC is to be congratulated for its courageous proposal, for the proposal seems to comprise an admission on the part of the Commission of its past overpromotion of nuclear energy and its present regret over having participated in this misleading campaign. The unfortunate results of AEC's overpromotion are detailed in a letter I received recently from the National Committee To Stop Environmental Pollution, and in an article authored by Robert Gillette which appears in a recent issue of Science magazine. Both the letter and the article appear at the conclusion of my remarks. But let me first address another effect of the AEC's announcement: that of pointing up the oversimplification of the earlier administration message.

What the administration has told us, in effect, is that nuclear power is the answer to all the Nation's power needs. We have been told that it can produce electric energy cheaply and cleanly, and we have been asked to endorse its development to the virtual exclusion of all other power sources. The Atomic Energy Commission proposal, on the other hand, tells us that nuclear power sources are not safe, and that until their safety can be guaranteed, their use will threaten large segments of the American population with deadly radiation. There are also strong indications that the present level of nuclear-power technology is insufficient to meet present and future power needs. The AEC is now reviewing nuclear-plant design problems which could cause delay in making five atomic plants operational, shut down the 21 plants now operating, and push back plans to get 51 more plants off the drawing boards. These plants account for more than 42,000,000 kilowatts of planned power and delays would cause further power shortages all across the Nation.

The upshot of all this is that, contrary to what the administration has suggested, the time has not come to put all our power eggs in one nuclear basket. There is a very great role for nuclear power in the future and the Government should invest sizable funds in its development. But that future day when nuclear-plant design is perfected and nuclear-plant safety assured may be 10 to 20 years away. For the present, we must continue to rely on what we know can do the job, and this includes inland hydroelectric power sources, such as the proposed Dickey-Lincoln project in northern Maine, and possibly even coastal hydro facilities, such as that once proposed to harness the huge tides which surge and recede through Maine's Passamaquoddy and Cobscook Bays.

The National Committee To Stop Environmental Pollution letter and Science magazine article follow:

NATIONAL COMMITTEE TO STOP
ENVIRONMENTAL POLLUTION
Washington, D.C., June 3, 1971.

DEAR CONGRESSMAN HATHAWAY: The United States is about to experience the consequences of the overpromotion of nuclear power by the Atomic Energy Commission. In spite of the warning sounded by the Joint Committee on Atomic Energy in April 1969—that utilities should not depend on this new technology for essential power requirements, this summer large experimental reactors will be called on to perform reliably.

The squeeze is on. More plants are needed—in a hurry. Impatient with long construction delays, utilities are pressuring the AEC and the Joint Committee to speed the licensing process, which appears to have virtually broken down.

At the same time, we have become aware of grave deficiencies in reactor research and development. The Advisory Committee on Reactor Safeguards has called attention to the failure to do adequate studies on the safety of large reactors. Now about 15 of these huge nuclear furnaces are nearing completion. Many of them are close to populated areas because AEC erroneously assumed that the all-important safety systems would function as designed.

To accommodate utilities who wanted nukes sited close to load centers, the AEC gave "credits" for these "engineered safeguards," reducing the distance which should separate large reactors from major population centers according to siting guidelines. The Emergency Core Cooling System and the Spray Removal System must come into operation immediately following an accident to forestall a meltdown. If they don't work a cloud of deadly radioactive fission products—far more intense than from any nuclear bomb—could move downwind killing thousands, injuring hundreds of thousands, requiring the evacuation of millions and causing damage in the billions of dollars.

These systems have never been functionally tested. No prototypes have been built. The Loss-of-Fluid Test facility in Idaho, which was to have been completed years ago, is not going to be ready to test these systems before 1975.

Late last year small-scale tests of simulated equipment showed the margin of performance for these safety systems was below that expected. They don't work. A senior task force has been named by the AEC to review this situation and the agency has asked Congress for more money for "accelerated research," bringing to $38 million the amount sought for nuclear safety in FY 1972.

The AEC has also proposed an expanded $100 million program to develop a sodium-cooled fast neutron reactor. This "breeder" is so hazardous it has been condemned by many scientists, but in New York State Governor Rockfeller is trying to ram a bill through the Legislature to allow "fast-breeders" to be started. Estimates for the first demonstration plant run up to $800 million.

In the light of so many unresolved safety and economic questions, there is a need for full-scale Public Hearings on Nuclear Safety by the Joint Committee on Atomic Energy.

Sincerely,

LARRY BOGART.

NUCLEAR REACTOR SAFETY: A SKELETON AT THE FEAST?

(By Robert Gillette)

The nation's electrical utilities are engaged in a nuclear buying spree this year, apparently undeterred by a running controversy among industrial and government authorities over the adequacy of a crucial emergency safeguard system used on nearly every nuclear power plant.

Since January, power companies have ordered 13 new reactor units, in contrast with 14 during all last year and 7 in 1969. The Atomic Energy Commission (AEC) predicts that, if the utilities sustain their purchasing pace, then by 1980 nuclear power will be producing 150,000 megawatts of electricity or one-fifth the nation's demand.

Such enthusiasm, however, tends to obscure the fact that important technical issues of reactor safety—quite apart from those of thermal or radioactive pollution—still remain to be settled.

EMERGENCY COOLING

Currently the most controversial of these lingering safety issues concerns the adequacy of the emergency core cooling systems (ECCS) used on light water reactors. Since March, a newly created "senior task force" of four AEC executives has been evaluating recent research which suggests to some authorities that the backup cooling systems of these reactors might not perform satisfactorily. The research in question is said to be especially disquieting in regard to pressurized water reactors, although the task force has asked manufacturers for performance information on backup coolers for boiling-water reactors as well. All of the reactors aboard the Navy's nuclear-powered vessels are the pressurized water type, as are nine of the 22 civilian nuclear plants in operation as of the end of March.

The AEC task force was established to "provide overall management review of important safety issues," the commission chairman, Glenn T. Seaborg, has said. The group expects to finish its scutiny of cooling systems sometime in June.

Until then, the issue's significance to public safety will remain difficult to judge, although some AEC officials are frankly skeptical that it has more than remote bearing on the public interest. Milton Shaw, AEC's director of reactor development and technology, scoffs that the issue of backup cooling performance has been exaggerated by "some people who have taken a little data and made a big thing out of it." Shaw contends that "this is just part of a debate that has gone on for 2 or 3 years" concerning the development of more stringent design codes for reactor emergency cooling. He also suggests that talk among researchers who are worried that their reactor safety work may be phased out for lack of money might have helped inflate the importance to public safety of this "little data."

But the AEC's official responses to the cooling system "flap" may be the best measure of its significance. The agency has held up operating license hearings and one safety review for five big new power reactors until the task force finishes its work. (Harold Price, the AEC's director of regulation, declines to speculate as to how ten other reactors scheduled to begin operating this year, or the 22 now generating electricity, may be affected by the deliberations.) In addition, the AEC asked Congress this month for an extra $2 million in fiscal 1972 for research on the safety of light water reactors. This would be above and beyond $36 million requested for the entire safety program in 1972. A staff member of the Joint Committee on Atomic Energy describes this constellation of events as "not unheard of" but still "uncommon."

The issue of backup cooling performance bubbled up into public view early this month when the joint Committee released a letter that Seaborg had written to Senator John O. Pastore (D.-R.I.), vice chairman of the committee, on 27 April. In the letter, Seaborg said he anticipated reactor licensing delays while the new task force took a long, hard look at emergency cooling systems. The reasons for this scrutiny, as Seaborg explained them were that:

"The use of recently developed improved techniques for calculating fuel cladding temperatures following postulated loss-of-coolant accidents, and the results of recent preliminary safety research experiments, have indicated that the predicted margins of ECCS performance may not be as large as those predicted previously."

Emergency core cooling systems are intended to quench a reactor's extremely hot core in the unlikely event that it loses its normal bath of cooling water through a ruptured pipe, a broken weld, or a key valve opened in error. Deprived of cooling water, a reactor's core temperature would quickly rise to the melting point of fuel element metals. A scenario of an uncooled reactor's fate, composed several years ago by an AEC advisory group, depicts the 250-ton core of a large reactor as dripping and finally slumping into a molten pool at the bottom of the reactor vessels within an hour after the reactor has lost its coolant.

Experts saw that a loss of neutron-moderating water would prevent a nuclear "excursion" from occurring, but residual heat in the core—plus heat released by decaying fission products in the fuel and by violent chemical reaction between metal and remaining water—could still amount to 50 megawatts. This would be more than enough to allow the core to melt through the steel reactor vessel, and to carry it through tons of concrete beneath, within another hour or so. Beyond this point, nuclear engineers speak, half tongue-in-cheek, of the "Chinese Syndrome," a term derived from the presumption that the core would continue melting its way into the earth, in the general direction of Asia.

UNEXPECTED RESULTS

As a final result, steam explosions and gas pressure could breach the reactor containment building, scattering radioactive material. Or, as the scenario script delicately phrased it, there might be "subsequent deposition at undesirable locations" of fission-product material.

In the view of responsible nucelar scientists and engineers, emergency cooling systems now in use make such events highly improbable. Last year, however, a series of small-scale experiments which the AEC conducted at its National Reactor Testing Station near Arco, Idaho, indicated to some researchers that emergency cooling water might have unexpected difficulty in entering a reactor that had lost its normal cooling water. The experiments, which were performed in November and December, used a 9-inch mock-up of a reactor pressure vessel containing electrically heated "fuel" elements bathed in cooling water. In half a dozen tries, investigators found that when they allowed 30 to 100 percent of the tiny vessel's cooling water to escape—as it would in a "loss-of-coolant accident"—high steam pressures inside the vessel kept all but about 10 percent of "emergency" cooling water from entering. A brief description of the work which the AEC filed with the Joint Committee in March indicated that the high-pressure steam in the vessel blew the remainder of the "emergency" water through an outlet before it reached the "core."

The experiments were part of preliminary work leading up to research with the Loss of Fluid Test (LOFT) facility in Idaho, a $35-million domelike structure in which the AEC will progressively starve a 55-megawatt reactor of cooling water and measure its behavior. The LOFT experiments, which are scheduled to begin in 1975, will provide the first test of an emergency core cooling system under actual operating conditions.

A second point of concern which Seaborg's letter touched upon involves new analytical evidence showing that temperatures of some of the long, thin fuel elements in reactor cores may go higher during loss of coolant than previously believed. This is a matter of concern because the higher a fuel element's temperature rises, the more likely it is to fracture, spilling intensely radioactive fission products into the reactor vessel. Moreover, the higher temperature of the fuel rods, which are typically clad in zirconium alloy, would intensify a chemical reaction between the metal and quenching water. This would release hydrogen, generate still more heat, and thus place an even heavier demand on the emergency cooling system.

WHEN A CORE RUNS DRY

A power reactor's core typically consists of a bundle of thin metal tubes, or fuel elements, containing uranium dioxide. The tubes are suspended vertically inside a thick steel vessel as tall (inside) as 72 feet, with a diameter of as much as 21 feet. Heat generated by a controlled fission reaction among the fuel elements is removed by circulating ordinary water around and between the elements. Normal operating temperature of the elements is about 315° C, but in the absence of cooling water the temperature would rise to the melting point of zirconium (1800° C) in 1 minute or less. Water-metal reactions are said to become "significant" at about 1100° C.

Shaw insists these findings have little direct bearing on the safety of nuclear reactors. While some fuel elements may be hotter than would be expected during loss of coolant, he says that others may be cooler, leaving no net effect on safety. As for the Idaho experiments, he points out that their objective was to help refine mathematical models to be used for predicting the course of LOFT experiments, and not to evaluate systems used on real reactors. The 9-inch vessel was not meant to fully simulate a reactor, he said in an interview. "You can't use that phraseology. It's just not in that ball game."

SAFETY DATA LACKING

Nevertheless, Seaborg and a delegation of AEC executives appeared before the Joint Committee in supplemental authorization hearings on 13 May to request, among other things, $2 million more for next year to "help resolve significant technical issues" of water reactor safety. George M. Kavanagh, the assistant general manager for reactors, explained in part that, "Heavy reliance has been placed on engineering safety features such as the ECCS, where the technology is complex. . . . Some of the information needed to confirm convincingly the adequacy of such systems, which are intended to arrest the course of hypothetical large primary system failures is not yet available."

Kavanagh told the committee that limited AEC budgets and a certain reluctance on the part of industry to support more research have prevented gathering all the technical information necessary to fully confirm the adequacy of reactor safeguards.

The committee had already been briefed on the apparent import of the Idaho experiments and the activities of AEC's senior task force, so there was understandably little discussion of such matters in the day-long hearing. Kavanagh, however, did mention that "limited experiments' supported by the AEC at its Idaho test site "have not resolved some of the areas of major uncertainty raised by differences among the analyses [furnished by reactor manufacturers] particularly with regard to their evaluation of the operating effectiveness of emergency core cooling."

His remark prompted Senator Howard H. Baker (R-Tenn.) to ask what "differences" he was talking about. This question led to the following interchange:

Kavanagh: ". . . [The experiments] have had results which have not been confirmatory of what the people doing those experiments thought might happen. Now, they are not conclusive. . . ."

Baker: ". . . meaning that it was worse than you thought?'

Kavanagh: "Yes, worse. If it were better we might not have been allowed to come up here asking for money. But they [the results] are not conclusive. In other words, the experiment was done on something far from a reactor. . . . It is difficult to draw conclusions from those experiments. . . . What we want to do are more of those experiments."

Little else was said during the May hearing, but the subject is sure to come up again in nuclear reactor safety hearings, which the Joint Committee expects to hold late in June. "We couldn't avoid the issue if we wanted to," a committee staff member said.

It remains to be seen whether an obscure research project in a desolate corner of Idaho has indeed uncovered a flaw in nuclear reactor safeguards, or whether it has merely triggered a troublesome false alarm. In either instance, the current controversy has at least served to illuminate a chronic complaint from the AEC's division of reactor development that its safety research program is being shortchanged. That complaint will be discussed in another article.

JUDD REJECTS APPEASEMENT OF CHINA

REMARKS OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. CRANE. Mr. Speaker, at this time when our policy with regard to Communist China is experiencing a reappraisal in Washington it is important that we listen to the words of one of our foremost China experts.

Dr. Walter Judd, for many years a Representative from Minnesota and a leading member of the House Foreign

Affairs Committee, has served as a medical missionary in China and is fluent in the languages of China. His 10 years of residence in China and his frequent trips to Asia make his a voice to be heard in the current debate.

It is Dr. Judd's view that—

> To admit Communist China to the United Nations now would be the most cynical and dishonorable act in American history and would turn out to be the most disastrous.

Dr. Judd points out that far from being resigned to communism, the Chinese people maintain their culture, their civilization, and their desire to be free. He said:

> Just a few weeks ago 200 escaped within ten days. Mao taught them to swim and that's what they're doing.

The projected policy of reconciliation with Communist China is viewed by Dr. Judd, who now heads the Committee of One Million Against the Admission of Communist China to the United Nations, as one of "appeasement of a lawless element," the hopelessness of which we should understand from our experience at the Paris peace talks.

Recently Dr. Judd was interviewed by Solveig Eggerz. Miss Eggerz, an able reporter who is on the staff of the Washington Daily News and contributes to a variety of newspapers and magazines, presents a report of this interview in the June 12, 1971, issue of Human Events.

Dr. Judd's words are so important that I want to share them with my colleagues, and place this article in the RECORD at this point:

WALTER JUDD ON NIXON'S RED CHINA POLICY: "APPEASEMENT OF A LAWLESS ELEMENT"

(By Solveig Eggerz)

While President Nixon basks in the afterglow of his ping-pong diplomacy and plans rapprochement to Communist China after 22 years of non-recognition, there's at least one veteran observer of communism who views these events with great skepticism.

The dissenting voice is that of Dr. Walter Judd, a former Republican congressman, a medical doctor and a medical missionary to China for ten years.

"To admit Communist China to the United Nations now would be the most cynical and dishonorable act in American history and would turn out to be the most disastrous," says Judd, who chairs the Committee of One Million Against the Admission of Communist China to the United Nations.

While the media expound now almost daily on how "happy" the Mainland Chinese are, how they've "accepted" the Communist regime as the benefactor of "the greatest revolution the world has ever known," Judd—like a man shouting in a vacuum, says, "it's just not true. The people are obviously unhappy."

Notes Judd, "Whenever the Chinese people bend to say they've accepted Communism. The Oriental saying goes 'the wise man bends' but the oak which refuses to bend is pulled up by the roots."

As proof of the opposition to the regime, Judd cites the steady flow of escapees willing to swim the six miles to get away from the mainland.

"They're escaping from communism wherever they can," he says. "Just a few weeks ago 200 escaped within ten days. Mao taught them to swim and that's what they're doing. The weather got warm early this year so they began swimming earlier."

He speaks of one escape story as "the best use for ping pong I've yet heard of." Two young men, says Judd, left the mainland, one with an inner tube and the other with a plastic bag full of ping-pong balls, which he used as a buoy to get across the channel.

Judd views Nixon's Red China policy as one of "appeasement of a lawless element," the hopelessness of which we should understand from our experience at the Paris Peace Talks.

"Nixon's been sold the line that China's hostile because we've isolated her," says Judd. "Whereas the fact is that we had to isolate them because they were hostile and they're hostile because they're Communist bent on world communization."

Judd attributes Nixon's policies largely to "a lot of the old pros in the State Department whom he never cleaned out."

"When they've run out of one argument they use another." "Now the line is 'be nice to Communist China, make concessions and they will modify.' Johnson followed this policy and stopped bombing the North and now we've been negotiating for three years with Viet Nam without one bit of progress."

If appeasement doesn't work and relations don't improve, says Judd, Nixon "wants to be able to say, 'we tried our level best,' which to me is no argument at all."

Dourly he says, "When you know ahead of time for certain there isn't going to be any concession on their part, then we have no business weakening our position and that of our allies in the hope that the most unlikely of all probabilities in the world is going to occur."

The Peking regime looks more stable from the outside than it did during the Cultural Revolution, but Judd doesn't believe it's "basically" more stable inside.

"They've purged even their allies and gotten a more united hierarchy, but it's been at the price of accepting military dominance. Mao has always said the party must control the gun and the gun must never control the party, but he had to accept the military so that they appear superficially more stable."

The potential unrest, says Judd, is due to the fact that "the military never likes, in any country, to be dominated by a bunch of theoreticians who spend their time or Mao Tse Tung's little Red Book without any attention to the art and science of warfare."

Judd feels that those here who insist that once Peking has been recognized and admitted to the United Nations the United States will stand by Taiwan and prevent her fall are "kidding themselves and the people."

"Taiwan can't survive under those conditions," says Judd, "and then those people will come running up and say, 'Well, we were going to stand by Taiwan but the Taiwanese didn't stand by themselves.'"

The Orientals, says Judd, are fatalists and therefore will say to themselves, "If the big countries like the United States can't stand up, how can we small countries do it?"

He predicts that Taiwan will "go back to Peking" before it accepts being placed under the United Nations Trusteeship Council as some advocates of the Albanian Resolution have suggested be done to protect the Taiwanese.

"That would be the most insulting thing of all," he says. "Why don't they put Peking under the Trusteeship Council, since she's the one in violation of the [UN] Charter? Nobody can say that the Republic of China on Taiwan has violated any principles of the Charter."

Judd says there are at least three reasons Chou chooses to smile at this particular time and invites us for ping-pong:

"First of all," says Judd, "he invites in a team so that they can beat us. And don't underestimate the thrill that goes through hundreds of millions of non-Caucasian hearts when they see the white man under whom they've suffered defeated. Their second team defeated our first."

Secondly, he notes "they want to whet the appetite of the commercial forces in our country. I've been told that the greatest pressure on the President came from commercial interests. They want to get into Peking, Shanghai and Canton, but nobody seems to ask what the Chinese regime is going to use for payment. They've got endless amounts of opium, maybe they can pay with opium.

"You know what Lenin said, 'We can always count on the cupidity of the capitalists.' Offer them trade, they say, but as soon as they get their political objectives trade goes down."

"In 1933," Judd adds, "they took Roosevelt down this road. We recognized the Soviet Union and our trade went down. We never had as much trade with the Soviet Union a single year after we recognized them as we had the five years before."

The third reason behind Chou's sudden friendliness and his "real" objective, says Judd, "is to set the American people against their own government."

"They're convinced that the American people are sick and tired and, just given a little hope, will coerce the Administration into a deal. They intend, by these means, to win in America the war for Asia that they can't win out there. Mao Tse-tung's operation right now is more for Viet Nam than it is for China."

Judd would rather not speculate on whether Taiwan would leave the United Nations were Peking to be admitted.

"When I call in a patient," he says. "I don't say to him 'you'll have to make up your mind what undertaker I'm to send your body to if I fail.' No, I don't intend to speculate on that because I don't intend to send the body to an undertaker."

Judd says the Chinese have a "much greater dedication to principle than we have" and "to bring Taiwan under the mainland would be one of the most indefensible, most cruel acts of history."

About the Taiwanese he says, "They think it's no disgrace to be defeated but it's a disgrace to default on your princples."

IMPORTANCE OF RURAL ELECTRIC COOPERATIVES

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1971

Mr. CULVER. Mr. Speaker, it is a great pleasure for me to have this opportunity to discuss the importance of rural electric cooperatives. I wish to commend the gentleman from Texas (Mr. PICKLE), and the gentleman from Montana (Mr. MELCHER), for organizing this special program to focus attention on the problems our rural electric cooperatives are facing, their prospects for the future, and the role of Congress in that future.

An adequate, reliable, and low-cost source of electricity is essential for rural development. Rural electric systems have met the challenge so far. They understand the importance of area coverage—even the most remote rural areas must be provided with a dependable source of electricity. And in order for the coverage to be maintained, electricity must be reliably provided in the quantity demanded and when it is required.

Thirty-five years ago, when the Rural Electricification Administration was first created, less than 15 percent of the farms in Iowa were receiving electrical service. Today, as a result of the growth of rural electric systems, over 99 percent of Iowa's farms are electrified. Almost 544,000 people are now being served. Over 60,193 miles of line have been erected to extend electric service to the most remote regions of the State and 57 electric system borrowers hold a total plant investment of over $241 million with 1,287 employees throughout the State. Moreover, it is important to note that over $2 million in taxes are being paid by the systems to the State each year. Iowa's rural electrification program is among the largest in the Nation and we rank third among the States in the number of borrowers. For the Nation as a whole, during the 1960's, nearly 4,100 commercial, industrial, and community facility projects were assisted by REA borrowers with the result that an estimated 186,000 jobs were directly created in rural America in addition to 120,000 more jobs which were created indirectly by these projects.

Certainly that is a record about which we can be justifiably proud. But rather than looking back to past accomplishments, we must look forward to the enormous challenges which lie ahead; impressive as this record is, we must focus on the tasks remaining.

It has been estimated that rural electric cooperatives will need about 67 million feet of underground cable in calendar year 1973—almost twice the amount purchased just 2 years ago. In addition, it has been calculated that 776,000 new poles and replacements for another 312,000 poles will be needed to supply new consumers which are increasing at a rate of between 150,000 and 225,000 each year.

Furthermore, power demands in general are increasing at an awesome rate. The Rural Electric Association has calculated that average monthly consumption per residential customer almost doubled between 1960 and 1970. To these new demands for the future must be added the backlog of unfunded loans which have been accumulating at a seriously increasing rate. This backlog has been estimated at almost $300 million in December of 1970 by the NRECA with an increase to $435 expected by the beginning of fiscal year 1972.

According to the NRECA's annual loan fund survey for 1972, Iowa finished 1970 with a loan backlog of more than $3.8 million. That same survey indicated that Iowa rural electrics intended to submit, during the first 6 months of calendar 1971, loan requests of more than $3.1 million. And in the 12 months beginning in July of this year, Iowa co-ops have indicated they will submit additional loan requests of more than $11.5 million.

Moreover, the loans that are being made too often are funded far below the request made. In my own State of Iowa for example, one co-op requested $380,000 but received only half that amount—$190,000; another even less than half—$292,000 compared to a request for $550,000; and still another only $286,000 for a request totaling $755,000. The result is simply false economy. While needed services are denied, the ultimate cost of providing them increases with the delay.

Nevertheless, despite the accumulating backlog and increasing new demand, appropriations to handle these needs have remained relatively stagnant in recent years at about $350 million annually. This funding inadequacy was seriously compounded by the administration freezing $15 million of last years funds.

Even now that the administration has responded to substantial pressure to release those frozen funds—to allow the loan program for fiscal year 1971 to be funded at the full $360 million authorized by Congress—this level of funding falls far short of the $555 million proposed to fund fully expected needs for fiscal 1972—$530 for anticipated applications and $25 million to begin reducing the backlog projected to reach $435 million by July 1.

Those of us from States such as Iowa, and increasingly urban dwellers as well, have long realized the importance of developing our rural areas—to keep our young men and women with their talents, their energies, and their education in these areas. Moreover, in our interdependent society and economy, there can be no national progress if one section of the country or segment of the population is left behind. As we look for answers to the problems of our cities, we must also find a way to slow the movement of people to them, for already 70 percent of our people are jammed into just 1 percent of our land and migration from the countryside continues at a rate of more than half a million a year.

To reverse this trend, in the best interests of rural and urban America alike, rural America must be developed as an attractive alternative to urban living. And it should go without saying that electrical service to those areas is one of the bare minimums if we are to accomplish that end.

RURAL ELECTRIC COOPERATIVE FINANCIAL WOES

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, I am deeply grateful to the gentleman from Texas (Mr. Pickle) and the gentleman from Montana (Mr. Melcher) for taking the time to discuss the plight of the local rural electric cooperatives in special orders.

For 7 years, the REA program for making loans to local cooperatives has been held down to an authorization of $350 million per year despite the fact that the co-ops are handling the increase load of 150,000 rural members per year, and operating on facilities which were the subject of loans 20 to 25 years ago.

Many of the small cooperatives in rural and agricultural areas are operating at a reserve funding level of as low as 2 percent, although a 15-percent level was suggested by REA in a study made several years ago. In the event of a natural disaster, an earthquake or severe storm, the financial strain could conceivably push these small co-ops over the brink into bankruptcy.

And again this year, we find that the fiscal 1972 budget contains a figure for loan purposes which is substantially below the needs of the Nation's utility users, who will look to REA to discriminate and select only a small portion of loan requests for approval out of a total of $800 million requested.

Two years ago, faced with the increasing loan demands and low REA funding, a number of cooperatives banded together to form an independent credit institution, the National Rural Utilities Cooperative Finance Corp., to provide financing to members. At present, about 80 percent of the Nation's rural electric cooperatives are members of this self-help project; yet it cannot continue to meet the daily and long-term needs of power users without a much more substantial funding program from REA.

Until a union of the cooperatives, such as the CFC effort, can put the utilities on solid financial footing, with access to reasonably priced capital, the Government, through REA, must continue to offset the increasing costs of maintenance of old equipment and new construction needed by electric utilities in rural America.

At the present level of authorization, the REA loan program cannot continue to be a good banker for these small and fledgling rural enterprises. It is imperative that Congress, in determining its funding priorities, give close scrutiny to the needs of local utilities for access to capital, and that it appropriate a much larger sum to this end than that which is proposed in the budget. In this day when aid to foreign governments is at an alltime high, it is difficult to understand why our rural residents from our own country should have to come hat in hand to an administration which will not recognize the need for a growing energy crisis within our own borders.

REMARKS OF DEAN OF SCHOOL OF LAW OF VANDERBILT UNIVERSITY ON THE OCCASION OF THE INVESTITURE CEREMONIES OF THE GRADUATING CLASS OF 1971

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Dean John Wade, of the School of Law of Vanderbilt University, made some very interesting remarks on the occasion of the investiture ceremony of the graduating class of May 30, 1971.

He said:

> To function effectively, law requires civility. It can impose and enforce order, but it cannot insure or create civility or amiability.

He pointed out that—

> Advocacy and the adversary system require enthusiasm and zeal. They do not require or justify invective . . . nastiness or disruption of courtroom procedures.

Because of the importance of these remarks and their timeliness it gives me great pleasure to insert his remarks in the Record:

VANDERBILT UNIVERSITY SCHOOL OF LAW: REMARK OF THE DEAN AT THE INVESTITURE CEREMONY FOR THE GRADUATING CLASS OF 1971

You have surely heard the metaphor: Law is the cement which holds civilization together. And the statement: Law is the technique of peace—providing the means for adjusting of disputes without violence. But even in a law-regulated society like ours, law sometimes breaks down and violence occurs. At Kent State, for example, the Guard "fired into the crowd" and four students were killed. This act was preceded by other violent acts. All of them went back to a polarization of viewpoints produced by incivility between conflicting groups.

To function effectively, law requires civility. It can impose and enforce order, but it cannot insure or create civility or amiability. What is civility? Is it mere etiquette or outward politeness? If it were confined to that, it would still be vital. The suggestion has been made that the etiquette of diplomacy—its somewhat artificial politeness—has "avoided more wars than all the generals ever won."

But civility is more, for it enables us to carry on rational discussion, reach understandings and make balanced decisions. True civility involves respect for the other party—respect for the individual, his dignity, his right to his own opinion (even his privilege to be wrong) and a sincere desire to understand his position. Civility also involves respect for one's self—as a being possessing dignity and relying upon rational mental processes, rather than self-denigrating invective. The man who will not listen to a view which disagrees with his own, or allow it to be presented to others, bespeaks a lack of confidence in himself and his position. It is not without significance that we use the word civil, including its meaning of politeness and considerateness, and then speak of becoming civilized and of civilization.

There is abroad today a pervasive sense of frustration which we all feel and which we are inclined to vent on somebody else. Violence is not uncommon. Incivility is rife. The rhetoric is vituperative. Rather than conferences, we seek confrontations. "Neo-negotiable demands" are promulgated. The attitude often is, I don't agree with you but I insist that you agree with me, and there is no point in discussing it. Are we becoming less civilized? Or is this a temporary period of unusual growth in which new ideas must force their way in because the "establishment" is not ready to listen to them? The implications are two-fold: (1) If manners are utilized simply as a means of preserving the status quo, they are doomed to failure and disruption. The "ins" must listen to the new ideas understandingly and assess them objectively. (2) The "outs" must consider carefully how to present their ideas—whether as demands to be rammed down the throat of their adversaries, or as rational propositions to be thoughtfully considered.

The generation gap seems wider now than we have known it to be. Vituperation and recrimination, with closed minds on both sides, seem almost to be expected. Yet, as a distinguished educator suggests, the gap is not dangerous, so long as there are bridges across it so that the generations may visit each other occasionally.

"There would be something wrong, something signifying stagnation and despair, if the young always agreed with us, and something wrong, signifying irresponsibility and abdication, if we always agreed with them. We can agree to disagree on many issues. But if we can talk or even shout across the gap, the process of orderly change will be served. It's when we start 'shooting into the crowd' that we have failed."

What does all of this mean for you as graduates in the Class of 1971? It affects you, first, in your daily life. You are a part of the younger generation, starting today to become a part of the establishment. You are going out as citizens who will surely take a position of leadership in your communities. It affects you, second, in your profession. Consider now the role which civility plays in the practice of law.

As a law student, you have normally been free to reach your own decisions as to the proper resolution of a legal issue—you have learned to use your reasoning powers, and your trained instincts for justice and your knowledge of human nature and human endeavors to select the side of the issue to espouse. It will be different, henceforth, for most of you. You will be representing a client. You will be an advocate. You will be participating in the adversary system. You are aware of all this, of course. But knowing of it is not experiencing it. Do not allow the change to stampede you.

Advocacy and the adversary system require enthusiasm and zeal. They do not require—or justify—invective, or biting sarcasm, or nastiness or disruption of courtroom procedures and other manners. The lawyer of mean disposition soon alienates the judges and his fellow members of the bar, and comes to be a loner. His brow-beating tactics frequently alienate the jury, too, and lose his case. Sometimes these tactics and the use of invective may impress his client; but the principal advantage of this is to make it easier to explain why they lost the case."

Listen to the Chief Justice of the United States, speaking less than a fortnight ago:

"[T]he most brilliant legal intellect we can train is a grave menace to the administration of justice in a free and open society if he has not learned how to act and how to behave. This is so because in a free democratic society the most crucial restraints are not those imposed by the constitutions and statutes, but the restraints free men and women impose on themselves. Nowhere is this more crucial than in the administration of justice."

He would seek to "locate responsibility for regulating what is inherently a contentious profession and then place rigorous powers of discipline wherever we place the responsibility." I need not go as far on this occasion. What I am doing is counselling with you, and telling you that your alma mater expects you to be courteous and civil in your professional career.

Another great chief justice, with a name appropriate for this occasion—that of Vanderbilt—epitomized what I have in mind:

"All advocacy involves conflict and calls for the will to win. But the conflicts of advocacy proceed under very definite rules, the first of which is that the contestants must be gentlemen. They must have character. This means that they have certain standards of conduct, of manners, and of expression that are so habitually theirs that they do not have to stop in an emergency to argue with themselves as to whether or not they should conform to them. They are free to concentrate on the task at hand."

If civility is required in the courtroom, even to the point of being enforced by disciplinary action, still more is it necessary in the other activities of the lawyer. You see, lawyers do not deal with legal problems so much as they deal with human problems in a legal context. The basic principle in human relations is mutual respect. This respect requires civility and tact. Tact is the ability to respect others even while disagreeing with them, and to convey that respect. Let me quote for you one more statement, this time from a man with the more prosaic name of Smith:

"[M]any of our severest battles are with our own clients; anger and vengeance have to be extirpated from their minds, and a sense of justice instilled. We have to teach them the limits of law; that, for example, no statute or code can rekindle the flame of love that has been extinguished between a husband and wife. We learn that all opposing parties are not rogues and liars; that there is much on their side—sometimes too much. We learn that opposing counsel are not only able and alert, but also in most cases, with only tragic exceptions, prove to be honorable gentlemen. We learn that misunderstanding rather than greed or spite, is at the root of many quarrels."

As you go forth into the honorable practice of the law, I urge you to be better citizens and better lawyers by making civility instinctive with you. And I offer you the Rule of Z's: Be zealous for your cause; do not become a zealot for it.

ADMINISTRATION IGNORES PROPOSAL TO HELP UNEMPLOYED VIETNAM VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. TEAGUE of Texas. Mr. Speaker, it has been quite evident for some time that returning Vietnam era veterans were encountering problems of major proportions in obtaining jobs after discharge from military service. According to recent reports, veterans are being released at the rate of 1.1 million each year and about 370,000 are now unemployed. The rate of unemployment among these veterans is almost 11 percent whereas the national unemployment rate approximates about 7 percent. Congress is presently in the final stages of enacting legislation to help relieve this problem on a national basis and the pending legislation contains a provision for veterans preference.

Mr. Speaker, in early April of this year I wrote to the Director of the Office of Management and Budget and the Administrator of Veterans' Affairs recommending that one positive step be taken to make a major breakthrough in helping relieve the problem of jobless veterans. I have not even had the courtesy of an acknowledgment of my letter to Director Schultz, and while an acknowledgement of my communication was received from the Veterans' Administration, no substantive reply has been forthcoming from that agency.

Mr. Speaker, in my communication to these administration officials I pointed out steps which could be taken which would produce positive and immediate results. The on-job training program for veterans functions primarily with small employers with 10 employees or less in smaller towns and cities throughout the country. It is a program that especially fits the small employer. It gives the small employers some assistance during the early training phase when an employee is not productive.

Mr. Speaker, I am convinced that this program is not being sufficiently exploited because of the undue budgetary restrictions imposed on certain aspects of the program by the Office of Management and Budget. Approval of job training is accomplished by the State approving agencies of the various States on a contract basis with the Veterans' Administration. The fiscal 1972 budget recommends $7 million for this activity. Under existing contracts the State approving agencies are funded only for approvals where a veteran has been employed. They are not permitted to make advance approval so that an employer could establish his training program before seeking to recruit veterans. State approving agencies are not provided funds for any promotional or development programs.

Mr. Speaker, the personnel of these State agencies have vast experience in developing job training programs. They travel through their respective States making daily contacts with employers and logically they are the best equipped groups to promote the job training programs and obtain positive results at minimum expense.

Mr. Speaker, in early April I requested the administration to add $1.5 million to the VA budget to permit expanded service of the State approving agencies as outlined above. Much valuable time has already been lost. The administration's answer to my request has been virtual silence. If the administration is truly interested in making some meaningful and simple effort to launch a new "intensive effort" to find jobs or provide training for returning Vietnam veterans as reported today in the news media, I suggest that they act on the suggestion I made in April which they have so far chosen to ignore.

PROUD TO BE AN AMERICAN

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. BROWN of Ohio. Mr. Speaker, young Americans today are conscious of their great heritage and realize that although this country faces many problems, America is still a nation of which they can be proud.

This thought was pointed out recently by students of the Saville Elementary School, Madriver Township, Montgomery County, in the Seventh Ohio District. Mrs. Jeannette Freed, principal of Saville Elementary School, sent me four outstanding essays written by 4th, 5th and 6th grade students entitled "Why I Am Proud to be an American." I was greatly impressed with the thought and care which went into the writing of these essays and want to share these thoughts with my colleagues:

WHY I AM PROUD TO BE AN AMERICAN

(By Ted Voise, 6th Grade)

I sat at my desk in my comfortable bedroom, chewing my pencil and trying to think of the reasons why I am proud to be an American. What could I, a 12 year old boy, say? I live with my parents, brothers and sisters in a cozy and comfortable house not far from my school. I had never known hardship and Christmas time and birthdays always meant lots of cheer and many toys. I have many friends and my parents allow me to roam the woods nearby. Yes, I was happy with my way of life, but could this be a reason to say that I am proud to be an American? I wasn't so sure. I never had reason to think about such a profound thought before. I guess when you don't have to think about such things, you don't.

Then my mother walked in. She looked over my shoulder and read what I had written. Then she sat down and told me something that made me change my mind altogether. Here's approximately what she told me—"When I was a little girl, I was caught up in the middle of World War II. The war was awful, but somehow didn't seem as bad as the iron rule of the country that had occupied most of Europe at that time. You weren't allowed to speak the truth, you weren't allowed to write the truth, because all your letters to friends were censored. You were afraid to trust your friends. You didn't have a chance to do anything, but to follow someone nobody elected. You lived in constant fear." Then she left.

And as I sat and thought about it, suddenly it occurred to me what my problem was—I was taking everything for granted. I had not known any other way of life, except the American way. I was so busy enjoying it that I had never stopped to think that there was any other way to live. Now that I have been given a comparison, I suddenly knew the reason why I am proud to be an American is: the freedom to write, to speak, the chance to elect someone we want to be our president, but most of all the choice and freedom to live in a country we want to live in and love, my home. Yes, these are my reasons.

Funny somehow, some familiar words just come to my mind from a song I learned long ago. America! America! God shed His grace on thee. And crown thy good with brotherhood from sea to shining sea.

WHY I AM PROUD TO BE AN AMERICAN

(By Susan Lewis, 5th grade)

There are many different reasons why I'm proud to be an American. I can say what I want to say and do what I want to do, as long as I don't hurt anyone.

When I am at a certain age I can vote. I can vote for the man I want to be President. I can go to the church of my choice. I can go to any part of the United States to visit or live. I'm proud to be an American because of the beautiful scenery; the valleys, the mountains, the various trees, flowers and streams.

God Bless America!

WHY I AM PROUD TO BE AN AMERICAN

(By Jimmy North, 5th grade)

I am proud to be an American because: the United States is a free country and the people of the United States have certain rights and privileges given to them in the Declaration of Independence, which other countries of the world do not have.

I am also proud to be an American because: the United States is not as old as some of the other countries of the world, but we are among the most advanced.

I am proud to be an American because: the United States has helped other countries not only at wartime, but at peace time.

I am also proud to be an American because: the United States offers a better education than some of the other countries of the world. I am especially proud because a man from the United States was the first man to walk on the moon.

WHY I AM PROUD TO BE AN AMERICAN

(By Shirlann Knight, 6th grade)

Being an American is a little more than being proud, it is an honor.

But before I go on telling how proud I am to be one, I would like to say this. Sometimes it is a little hard to be so proud when people are not treated free and equal. When just because you are an Indian, you are put on a reservation. Or because you are of a different color, you can't get work.

These are a few of our nation's problems. All nations have some. Despite these problems, our country has struggled and has come a long way. Because we have freedom of speech, religion and can live our lives the way we choose, it is a peaceful nation.

We have reserve parks, animals, and nature scenes. We have sympathetic people who try to help each other best they can. We have intelligent scientists who are discovering new things to improve our country and I thank God I am an American. Most of all I am very proud to be an American.

THE SOIL CONSERVATION SERVICE: FIGHTER FOR AMERICA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. NELSEN. Mr. Speaker, the Worthington Globe, Worthington, Minn., recently put in perspective the enormous importance of the U.S. Soil Conservation Service to the American people. The SCS is, indeed, in the front ranks of those fighting to preserve America's natural resources. Its skilled cadre of personnel too infrequently receive the public acclaim to which they are entitled. I include the full text of the Globe editorial at this point in my remarks:

AGENCY TO SAVE AMERICA LACKING FUNDS

An official of the new Environmental Protection Agency (EPA) advised this week that his commission is both in action and anxious for more action in the nation's unfolding war against pollution. Citizens of Birmingham, Ala., were advised by EPA regarding a five-day-old air pollution crisis that, "If we had known about it earlier we'd have had a Justice Department lawyer down there so fast it would make your head swim."

Governmental machinery to combat the air, soil and water pollution which threatens to foul the continent is under contruction. The first gears are beginning to turn. The profound and universal insistence that "something must be done" is receiving response.

Meanwhile—to introduce both an element of irony and another concern—the nation has been advised that all the conditions which created the Dust Bowl and the stifling dirt blizzards of the 1930's are again coming together in ominous coincidence. Through the first four months of this year Texas has experienced 22 dust storms. Dirt is beginning to fill ditches and to drift along fence lines from Texas and Oklahoma through Kansas and into South Dakota. A great part of the winter wheat crop has been lost to drought.

In the dust-filled, dry winds sweeping the continent is heard the wail, "Something must be done . . . something must be done . . ." Action from EPA? A new national program? Emergency appropriations?

The note of irony: There is an existing and highly-effective agency dedicated to conservation and experienced in the battle to preserve natural resources which is prepared to pursue its urgent task but which continues to be restrained and hamstrung by inadequate appropriations.

The agency is the U.S. Soil Conservation Service which, along with the rest of the beleagured Department of Agriculture, has been pulling its belt tighter year by year. Since 1967 the SCS work force has been reduced 10 percent. All the while the remaining SCS staff, the most experienced and knowledgeable conservation work force in the nation, has listened with dismay and frustration as the clamor has mounted for meaningful efforts to preserve and restore the natural environment.

The achievements of the SCS through three decades have been monumental. (To cite a single example: every inch of the topsoil of Nobles county has been mapped. This chore, at once tiny and enormous, was the necessary first step in governing and controlling a part of the pollution which threatens man and beast and the earth they inhabit. Through vast areas this mapping has not been done. In some areas it may be too late.)

Through long years before the nation generally was concerned, SCS was concerned for what was happening to America's land, air and water. It sounded alarms which went unheeded. And it suffered continuing setbacks in its quest for funding.

The cadre and skeletal machinery which SCS has brought together and which could be mobilized for swift and meaningful efforts to conserve and preserve the environment is suggested by a partial listing of its branches and divisions:

Watershed planning; watershed operations; resource development; engineering—hydrology branch, design branch, water supply forecasting branch, construction, irrigation, sedimentation geology, groundwater geology; plant science division—agronomy, range conservation, biology, woodland conservation; soil survey operations, soil survey classification and correlation.

The need is for expanded funding.

From its beginning, SCS was given staggering challenges. "Stop the dust storms; don't let them recur," as an example. It was akin to challenging, "Put men on the moon." The problem was (and is) there has never been funding which even approaches the funds lavished on the moonshot and space programs.

Now the Dust Bowl stirs again. Pollution threatens to overwhelm us all.

The directors and technicians of SCS know what needs to be done. Their need is funds and personnel—plus some sharpened dentures for existing laws.

All who are concerned with preserving the environment should lend support to the perennially forlorn effort of SCS and USDA to receive significantly increased appropriations. In the order of priorities, SCS has an urgency greater than aircraft carriers, commercial airliners or moon walks.

SCS is a great part of what the battle to preserve America—land, air and water—is all about.

RESOLUTION OF ALASKA STATE LEGISLATURE GIVES THANKS TO SENATORS JACKSON AND ALLOTT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. BEGICH. Mr. Speaker, presently the State of Alaska is concerned with two major issues. The first is the construction of the Alaska oil pipeline and the second, the Alaska native land claims.

As you know, there are various native land claims bills pending before the House of Representatives. Each bill is the result of many long and tedious hours of discussion, debate, and research. Whatever the outcome is concerning the just settlement of the native land claims, two Senators have devoted endless hours of research, study and have held hearings regarding this issue. Senator HENRY JACKSON, of Washington, and Senator GORDON ALLOTT, of Colorado, have spent much time in careful consideration of each bill. The Alaska State Legislature has recently passed a resolution thanking the two distinguished Senators for their painstaking review and study of the native land claims question and expressing confidence that the final settlement will be forthcoming at the earliest possible time. I would like to take this opportunity to include that resolution into the RECORD.

SENATE RESOLUTION NO. 12, RELATING TO NATIVE LAND CLAIMS LEGISLATION

Be it resolved by the Senate:

Whereas settlement of the Native land claims is of the highest priority for the State of Alaska and its citizens; and

Whereas various proposals have been introduced in Congress which proposes solutions to the Native land claims question; and

Whereas the U.S. Congress is divided, to a great extent, over the merits of these legislative proposals; and

Whereas irrespective of their views concerning what a proper settlement of the Native land claims should entail, two senators have devoted endless hours to research, study, and the holding of hearings regarding the Native land claims; and

Whereas, as a result of their obvious interest and concern in seeking out all pertinent information and their willingness to listen to all persons and organizations concerned with the Native land claims, Alaska and Alaskans can only benefit from the fruits of this arduous task;

Be it resolved by the Alaska Legislature, That it commends Senators Henry Jackson of Washington and Gordon Allott of Colorado for their painstaking review and study of the Native land claims question and expresses its confidence that, largely through the efforts and devotion to duty of these two men, a final settlement of the Native land claims will be forthcoming at the earliest possible time.

SUMMER INTERN PROGRAM

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. STUCKEY. Mr. Speaker, when the summer program giving students the opportunity to work in their Nation's Capital was discontinued in 1968, I continued to offer the young people of my congressional district the chance of working in Washington.

Each year the presidents of the four colleges located in the Eighth Congressional District select two students who live in the Eighth District, regardless of where they attend college or vocational training school, to work in my Washington office. These young people are selected on the basis of their academic standing and their activities outside the classroom.

I cannot say how proud I am of each and every young man and woman who has participated in this program, and I intend to continue it as long as I am in the Congress.

I would like to enclose at this point in the RECORD a clipping from the Valdosta Daily Times newspaper. The young man that the article refers to is Laurence Day. Laurence was one of the first interns I had in my office after the Congress discontinued the official program and the funding for it.

I am proud of Laurence Day. I am proud of the young people of the Eighth District of Georgia. I wish they all had the opportunity to work in Washington and better understand our Government and how it works.

I am, indeed, happy that we have seen fit to reinstate the summer intern program, and I hope that we can continue this program for many years to come.

The article follows:

[From Valdosta Daily Times, June 4, 1971]

DOUGLAS STUDENT IS TOPS AT VSC

With a perfect overall grade-point average of 4.0 to his credit, Laurence Virgil Day of Douglas is the top honor graduate at Valdosta State College this year.

VSC president Dr. S. Walter Martin said the history major is also the winner of the Rotary Club's annual award to the student graduate with the highest scholarship average.

Day received a $100 check from the local club Wednesday at the group's weekly luncheon meeting, said Martin.

His name has been engraved on the Rotary Scholarship Award plaque located in Nevins Hall on campus. His perfect average is the highest among the 438 June graduates.

Besides graduating Summa Cum Laude, Day is also the recipient of several of the college's top honors. He is a member of Omicron Delta Kappa, highest national leadership fraternity for college men, Who's Who in American Colleges and Universities and Sigma Alpha Chi Honor society.

The son of Mr. and Mrs. Virgil Day of Douglas, he was associate justice of the student court and this year's winner of the history and political science department award.

He was named Mac of the senior college this year, designating him the most all round man in the junior and senior classes on campus.

Day attended South Georgia College in Douglas for two years before transferring to VSC. He received the top academic average awards in both his freshman and sophomore years with 4.0 averages.

He is to enter the University of Georgia law school in Athens this fall.

"He is one of the most outstanding young men we've had on this campus. Laurence is one of those unusual persons who excels in anything he attempts," said Dr. William Gabard head of the department of history and political science.

SENATE—*Tuesday, June 15, 1971*

The Senate met at 11:30 a.m. and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, whose glory transcends all that is human, yet abidest with man, make this day luminous with Thy presence. Spare us from being little souls wrapped in the narrow confinement of our own selfish ways. But make us big enough for our age, wise enough to solve our problems, great enough for our times.

Open to us, O Lord, the vision of the world that is yet to be when strife, contention, and injustice are no more, when life for all is full and free, and all people live in the peace and joy of Thy kingdom. Fit us for our place in Thy service. Equip us for our duties and use us for Thy holy purposes.

When the shadows flee away and the new day dawns, grant us grateful hearts to render to Thee all the praise and the glory, for it is in Thee we trust and in Thy strength we labor. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 15, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. MIKE GRAVEL, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 14, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HIGH-SPEED GROUND TRANSPORTATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 144, S. 979.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 979) to extend the act of September 30, 1965, as amended by the act of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation by removing the termination date thereof and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 1, in line 3, after "(a)" insert the words "the first sentence in";

And after line 8, insert the following new language:

(c) Section 8(a) of such Act is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting before such paragraphs the following:

"(2) In considering proposals or applications for research and development and demonstration projects under this Act the Secretary shall give highest priority to those proposals or applications which will substantially increase employment in labor areas (as those areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations).

"(A) which are experiencing a rate of unemployment of 9 per centum or more of the area's work force, or a rate of unemployment of 150 per centum or more of the federally determined unemployment rate for the entire United States; or

"(B) which have experienced a 1 per centum increase in unemployment as determined by the Secretary of Labor of the available work force as a result of the termination of a federally financed or supported program and such increase in unemployment continues to exist.

In the event that two or more entities from the same labor area are in competition for assistance under this Act, priority shall be given to the proposal or application deemed by the Secretary to have the greatest potential impact in reducing the amount of unemployment in such labor area"; and

(2) by striking out "To" in such redesignated paragraph (3) and inserting in lieu thereof "Except as provided in paragraph (2) and to".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence in section 11 of the Act of September 30, 1965, as amended (49 U.S.C. 1641), is further amended by striking all after the word "Act" and inserting in lieu thereof a period.

(b) Section 12 of such Act (49 U.S.C. 1642) is repealed.

(c) Section 8(a) of such Act is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting before such paragraphs the following:

"(2) In considering proposals or applications for research and development and demonstration projects under this Act the Secretary shall give highest priority to those proposals or applications which will substantially increase employment in labor areas (as those areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations).

"(A) which are experiencing a rate of unemployment of 9 per centum or more of the area's work force, or a rate of unemployment of 150 per centum or more of the federally determined unemployment rate for the entire United States; or

"(B) which have experienced a 1 per centum increase in unemployment as determined by the Secretary of Labor of the available work force as a result of the termination of a federally financed or supported program and such increase in unemployment continues to exist.

In the event that two or more entities from the same labor area are in competition for assistance under this Act, priority shall be given to the proposal or application deemed by the Secretary to have the greatest potential impact in reducing the amount of unemployment in such labor area"; and

(2) by striking out "To" in such redesignated paragraph (3) and inserting in lieu thereof "Except as provided in paragraph (2) and to".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–147), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND AND NEED

The bill reported favorably herewith has as its purpose the elimination of the limit on authorization and the elimination of the termination date now contained in the High Speed Ground Transportation Act of 1965, as amended. A committee amendment to the bill will require the Secretary of Transportation to give highest priority to areas experiencing unusually high rates of unemployment in the awarding of contracts for research and development and demonstration projects.

Removal of the termination provisions will enable the Department to engage in more comprehensive long-range planning of its research and development and demonstration projects undertaken pursuant to the act.

The Committee report on legislation extending the High Speed Ground Transportation Act in the 91st Congress (S. Rept. No. 91–1036) summarized the programs under this act as follows:

The programs instituted under this act have been threefold. First, the research and development program has begun investigations of linear induction propulsion, tracked air cushion vehicles, vertical and short take-off landing aircraft (VTOL and STOL), tube vehicle systems, tunneling techniques, and the like.

Second and perhaps the most visible program has been the northeast corridor demonstration project which includes the Metroliner service between Washington, D.C., and New York, N.Y. Another part of this same project has been the Turbo-Train, operating one round trip daily between New York and Boston. The Metroliner service has been widely heralded as the answer to improving transportation services, especially in densely populated corridors where neither the airplane nor the automobile provide suitable transportation for millions of people. The apparent success of these demonstration projects has revitalized interest in rail passenger service and in the potential for moving large numbers of persons on the ground at high speeds.

Despite the acclaim, the Metroliner and TurboTrain have had problems. But much has already been learned from the experiments. People will use fast and efficient train service even with little effort at marketing.

The third undertaking pursuant to the act was the northeast corridor transportation project report which was released by the Department of Transportation in April of 1970. The report took 5 years to complete and contains some very valuable information. From it should come some analytical tools which, if properly used, should produce better understanding of transportation problems and, hence, better planning for a balanced system—not only in the northeast corridor, but throughout the country.

For the most part the above comments on implementation of the act are still accurate, but there have been some changes worth noting. Last year when the committee favorably reported the extension of the act, the Metroliner experiment had not yet officially begun. On October 1, 1970, demonstration services between Washington and New York, under contract with the Penn Central Transportation Co., finally got underway. A substantial amount of information had been gathered even before the formal demonstration began, but the demonstration is still necessary and the committee urges the Secretary to pursue the original goals of this project. During this same period the Turbo Train demonstration project providing service between New York and Boston, which had commenced April 8, 1969, under an agreement expiring October 22, 1970, was extended for an additional period of 2 years.

The committee is aware that the new National Railway Passenger Corporation under contract with the Penn Central has recently assumed some measure of operational responsibility for the Metroliner and TurboTrain. However, this development in no way alters the Secretary's duty to carry out the purposes of the act with respect to these projects.

A new high-speed ground test facility is now being constructed in Pueblo, Colo. Provisions are reportedly being made for testing the tracked air cushion research vehicle, the linear induction motor research vehicle, tube vehicle systems, network controls, suspended vehicle systems, both high-speed and conventional railroading technology, and other subsystems and components. The Secretary reports that, in addition, "research will continue in the fields of systems engineering and cost analysis, communication tunneling and guideways, wayside distribution and collection of electric power, obstacle detection, and power-conditioning."[1]

The committee reiterates the comments set forth in the report of the last Congress on S. 3730 (see. S. Rept. No. 91–1036 "Committee Views" beginning at p. 2) in which the committee stated that greater attention should be paid toward bringing to bear additional resources to meet the needs of today's traveler.

The committee determined that it would be in the best interests of the country and could greatly assist in achieving the goals of the act to provide, insofar as possible, for the improved utilization of available talent. In recent months the aerospace industry in particular has been hard hit by reduced demand for new aircraft and a reduced emphasis on space exploration. The result has been a vast number of highly skilled engineers, scientists, systems analysts, and the like who, incredibly, find themselves without work. There has been much discussion about transferring those unused talents to the task of solving the everyday transportation problems on the ground.

The act contemplates the expenditure of substantial sums of money for research and development and demonstration projects. If the Secretary heeds the desires of this committee, a large proportion of the available money will go toward transportation improvements which will serve people now; this could mean the undertaking of demonstration projects in areas where there is both a transportation need and where there is at the same time a surplus of highly skilled talent. In addition, there is, of course, considerable amount of research and development work which can be done wherever the surplus talent can be found.

With these goals in mind the committee added an amendment to the original bill which would require the Secretary of Transportation to give highest priority to those proposals or applications which would substantially increase employment in areas experiencing unusually high rates of unemployment. Such areas are described in the bill as areas experiencing unemployment at 9 percent or at 150 per centum of the national unemployment rate or areas which have experienced a 1 per centum increase in unemployment as a result of the termination of a federally financed or supported program.

The committee amendment is not intended to suggest that use of the Pueblo, Colo., facility for research should be curtailed. The committee did intend, however, by the amendment to provide for the location of actual development and demonstration projects in economically depressed areas. The committee's intent is simply to accomplish the goals of the High Speed Ground Transportation Act using excess capacity in the labor force where available.

While passage of this legislation would eliminate the need for the Secretary or his designee to come before the committee each year and request an authorization, the committee in no way intends to diminish its interest. Section 10 of the act requires the Secretary to report to Congress no less frequently than annually with respect to his actions thereunder. Moreover, section 136(a) of the Legislative Reorganization Act of 1946, as amended by section 18(a)(1) of the Legislative Reorganization Act of 1970 (Public Law 91–510), requires each standing committee of the Senate to review and study on a continuing basis the application, administration and execution of laws the subject matter of which is within the jurisdiction of that committee. Thus, it will be the policy of the committee to review continuously progress under the High Speed Ground Transportation Act and to recommend to the Senate any changes in the law which from time to time may seem appropriate.

SUMMARY OF LEGISLATION

The legislation does three things—it amends the High Speed Ground Act of 1965 by:

1. Eliminating the specific dollar limitation in the authorization and eliminating the periodic authorization. As in the past appropriated funds will remain available until expended.

2. Eliminating the termination date.

3. Requiring that highest priority be given to proposals and applications that would reduce unemployment in areas with a high unemployment rate.

The bill as amended.

> "A bill To extend the Act of September 30, 1965, as amended by the Acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence in section 11 of the Act of September 30, 1965 as amended (49 U.S.C. 1641), is further amended by striking all after the word "Act" and inserting in lieu thereof a period.

(b) Section 12 of such Act (49 U.S.C. 1642) is repealed.

(c) Section 8(a) of such Act is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting before such paragraphs the following:

"(2) In considering proposals or applications for research and development and demonstration projects under this Act the Secretary shall give highest priority to those proposals or applications which will substantially increase employment in labor areas (as those areas are described by the Secretary of Labor in Title 41 of the Code of Federal Regulations).

"(A) which are experiencing a rate of unemployment of 9 percent or more of the area's work force, or a rate of unemployment of 150 per centum or more of the Federally determined unemployment rate for the entire United States; or

"(B) which have experienced a one per centum increase in unemployment as determined by the Secretary of Labor of the available work force as a result of the termination of a Federally financed or supported program and such increase in unemployment continues to exist.

In the event that two or more entities from the same labor area are in competition for assistance under this Act, priority shall be given to the proposal or application deemed by the Secretary to have the greatest potential impact in reducing the amount of unemployment in such labor area"; and

(2) by striking out "To" in such redesignated paragraph (3) and inserting in lieu thereof "Except as provided in paragraph (2) and to".

COST

Since S. 979 would simply amend the High Speed Ground Transportation Act of 1965 to eliminate its authorization limit and termination date, S. 979 would not, of itself, have any implication for the Federal budget. S. 979 would not change the existing budgetary impact of the High Speed Ground Transportation Act.

COMMENCEMENT ADDRESS BY SENATOR MANSFIELD AT BOSTON COLLEGE

Mr. MANSFIELD. Mr. President, on yesterday I had the distinct honor and privilege to give the commencement address at Boston College and, at the same time with 10 other recipients, to receive an honorary degree. Among those with whom I was honored on this occasion was our former, beloved colleague, the Honorable Leverett Saltonstall. I am happy to report to the Senate that he is in excellent health and that he and Mrs. Saltonstall wished to be remembered to all their friends in the Senate.

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[1] See "Fourth Report on the High Speed Ground Transportation Act of 1965," a portion of which is included herewith as appendix A.

I ask unanimous consent that a list of those who received honorary degrees from Boston College on yesterday and the commencement address which I made at that time be incorporated in the Record at this point.

There being no objection, the list and address were ordered to be printed in the Record, as follows:

Honorary Degrees

Walter Jackson Bate, *Doctor of Humanities,* Abbott Lawrence Lowell Professor of the Humanities, Harvard University: Oft has he travelled in the realms of gold! Abbott Lawrence Lowell Professor of the Humanities at Harvard, Pulitzer Prize winning biographer, Walter Jackson Bate is that rare example of the contemporary man for whom scholarship is teaching and teaching is scholarship. His life has been truly an allegory: the example of what he professes.

Andrew Felton Brimmer, *Doctor of Social Science,* Member, Board of Governors, Federal Reserve System: Distinguished economist, champion of human rights, and an outstanding public servant who has shot like the star that he is, high in the skies of our government, Andrew Felton Brimmer has brought clarity, vigor and scholarship to public policy debate and, in this rejection of separatism as a path to economic development, has given courage to controversy.

Reverend Monsignor George William Casey, *Doctor of Letters,* Pastor, St. Brigid's Parish, Lexington, Massachusetts: For more than half a century of priesthood, George William Casey has embraced the people of God in a unique ministry of wisdom and charity. As curate, chaplain, pioneer ecumenist, pastor and journalist, he has taught tough truth to three generations of his fellow men, commanding their respect, and winning their love. The God who gave joy to his youth has given youth to his age.

Mircea Eliade, *Doctor of Religion,* Sewell L. Avery Distinguised Service Professor and Professor of History of Religion, University of Chicago: Bridge-builder between the religious histories of the East and the West, translator of the myths of ancient covenants, Mircea Eliade has shown us the chain of being and belief that links Chartres, Stonehenge and Ur of the Chaldees. We gratefully acknowledge his affirmation of the unity of worship, the unity of love, and, in a dark hour, the unity of hope.

Eli Goldston, *Doctor of Laws,* President, Eastern Gas and Fuel Associates, Boston: Brilliant lawyer and industrialist in the national and international marketplace, this fourfold son of Harvard has set the pace for his fellow businessmen in community affairs, and in constant challenge to the social problems of our age. Fast friend of the Far East, and protector of us all from the rigors of the Montreal Express, his imaginative ideas and irrepressible spirit leave breathless competitors and colleagues alike.

Elma Lewis, *Doctor of Fine Arts,* Director, Elma Lewis School of Fine Arts, Boston: Performer, teacher and inspiration for nearly thirty years, she has put the children of Roxbury on dancing feet and Boston's businessmen on their toes. In a school where a kindness is spoken she has taught thousands the language of pride and the beauty of black. Not by might, not by power but by her spirit she has captured the park, the synagog and the nation.

The Honorable Michael Joseph Mansfield, *Doctor of Laws,* Majority Leader, United States Senate: As a university founded and fostered by immigrant sons, Boston College today welcomes an immigrant son from the rugged West. Working always for peace, this silent, stoic and steadfast Senator has given votes to the young and security to the old in a catholic concern for every citizen of the United States. With his strength, simplicity and integrity, he leads by example not only his colleagues in the Capitol, but all Americans.

William James McGill, *Doctor of Social Science,* President, Columbia University: Foe of cynicism and apathy, friend of scholarly tradition and the humane society, this new man at an old ivy stand is uniquely sensitive to the wide range of people, politics and problems which make a university. He has fostered fresh hope in the future with his firm belief that intellectual and professional skills achieve their true purpose not for profit or power, but where they are needed most, for the benefit of all mankind.

Most Reverend Humberto Sousa Medeiros, *Doctor of Sacred Theology,* Archbishop of Boston: Hospitable, gentle, reserved, just, holy and faithful: these Pauline ideals, set forth for Bishops in the church twenty centuries ago, are happily fulfilled in the person of Boston's fourth Archbishop and seventh Ordinary. A champion of his brothers whether in high station or low, Humberto Sousa Medeiros graces this State and See by his exemplary quest for the Kingdom of God in our midst.

Walter George Muelder, *Doctor of the Science of Theology,* Dean, School of Theology, Boston University: A civil defender of liberty, a dean among theologians, a member of that first friendly cabal that grew into the Boston Theological Institute, a man of whom Ignatius of Antioch would say (as he did of himself): *one bent on unity,* Walter George Muelder is a neighbor whom we greet today with the familiar words which he knows and lives: "If we cannot as yet think alike in all things, at least we may love alike."

The Honorable Leverett Saltonstall, *Doctor of Laws,* Former United States Senator: This distinguished citizen of Massachusetts has served his community, state and nation as Alderman, Assistant District Attorney, Legislator, Speaker of the Massachusetts House of Representatives, Governor, and United States Senator during a large part of this century. For his high ideals, his selfless efforts, and his dedication to the common weal, the people of Massachusetts have given him their unswerving support and permanent affection.

Before the Book Is Closed on Vietnam

(By Senator Mike Mansfield)

It is a good place to be, today, here in this city and at this University. Boston is out of a chapter of liberty written a long time ago. Boston College is from a transcendent experience of love almost 2,000 years old. These two streams of human enlightenment flow together in today's commencement.

There are young people here and old. Whatever the differences in our years, we are brought face-to-face by these graduates. While chronological gaps between the generations are inevitable, credibility gaps are not pre-ordained. I shall try my best to avoid one in what I have to say to the class of 1971.

My remarks will be directed to what we have in common. Whatever we may not have, we have the United States in common and at a most difficult moment in history. Clearly, we are not passing through the best of times. Clearly, this is not freedom's finest hour.

Do not look to me, however, to condemn an older generation for the present state of affairs. Do not look for me, either, to blame the nation's plight on the young. Young people did not make the situation in which, together, we find ourselves; they have not yet had that opportunity. As for older generations, it is to be noted only that they have had time to add to the mistakes which they inherited when they were younger.

So, I will not lead this commencement in a search for scapegoats. Let me try, instead, to set forth where I think we are, how we have arrived at this point, and where we may hope to go from here. These questions cannot be considered except in the context of Viet Nam. Viet Nam is a book not yet closed. It is, this unfinished war, the roadblock to the future. It remains a funnel into which is drawn a great segment of the nation's ideals, energies and expectations.

What has transpired in Viet Nam is a tragic story told again and again. My own views have been placed before three Presidents. They have been stated in public on many occasions during the past five years—and before. For these remarks today, it is sufficient to note that fifty-five thousand Americans are dead in Viet Nam, cut out of life at an age not much different from that of this graduating class. The wounded are three hundred thousand. Well over $100 billion of public funds have been spent to support the war. Before the final reckoning (all the bills will not be paid until into the next century), the cost undoubtedly will have doubled and doubled again.

A large part of the national economy has been diverted to support this venture in Southeast Asia. What has needed doing at home by government has not been done or not done very well. In the name of security against threats from Viet Nam, the inner security of the nation has been neglected.

We find ourselves, now with an economy that spurts and sputters but seems not able to hold a reliable momentum. Heavy unemployment is notable, especially among young people and returning veterans. A persistent inflation plagues us even as it erodes confidence in our currency abroad.

We find ourselves, too, living uneasily in a badly abused environment, with some scientists even dubious of the capacity of air, water and earth to continue to sustain us. Not only in pollution-control but in all public services—safety, transportation, education, sanitation, drug-regulation and whatever—shortcomings have been tolerated to the point of breakdown. The deterioration is especially serious in the urban complexes where, together, with the unabated tensions of race and poverty, it casts a profound uncertainty over the inner stability of the nation.

These problems cry out for concentrated public attention. They call for an input of young energy, new leadership and fresh resources. It has not been forthcoming in adequate supply. That it has not is due in no small part to the diversions abroad.

Whatever may have led us into the conflict in Southeast Asia, it is now clear that the involvement has hit us where it hurts most—in the nation's inner unity. The war opened with a Presidential call for support of the Commander-in-Chief; it was met by a patriotic affirmation of national unity. Before the war is over, however, we will have gone through deeper divisions than any since the Civil War. In the end, the restoration of the nation's unity may well come again only in the common revulsion with the war.

For the present, the involvement goes on. Even as the President has sharply cut back the U.S. troop levels in Viet Nam—and he is to be commended for doing so—the actual involvement has spread from Viet Nam into Cambodia and Laos into an all Indochina war. We remain deeply enmeshed. We have yet to extricate ourselves.

It is now apparent that even though we may have thought to enter the war as welcomed liberators, circumstances are otherwise. We find, instead, that our policies have cast us in the role of military arbitrator of a brutal conflict which concerns other peoples. We find, too, that the conflict is not subject to resolution by the military intervention unless, indeed, Indochina is to be "saved" by being "destroyed" utterly.

We know now what we did not know at the outset. The involvement does not serve the interests of this nation or the Vietnamese people.

That is the bitter reality of this frustrating experience. We have pursued a well-intentioned but impossible dream. In its pursuit, the lands and peoples of Indochina have been torn and battered almost beyond recognition. Young Americans have died in the tens of thousands. Vietnamese, Laotians and Cambodians—men, women and children—have died in the hundreds of thousands. Three simple rice cultures—Viet Nam, Cambodia and Laos—have been overwhelmed by the technology of modern warfare. Millions have fled the paddy fields, villages and hill-towns to escape the bombs and crossfire. They huddle in the cities, there to live in one way or another—including the widespread trafficking in heroin—off the troops. The swollen urban populations are fed, in part, by imported rice paid for by U.S. aid programs—ironically, in what is one of the richest rice surplus areas of the world.

Why? To what end? What impelled us into this illfated enterprise? What keeps us in it? How can we continue to order young men to war in Indochina?

These are questions which cannot be put aside. We have an obligation to clarify what we have been about in Viet Nam. That is an obligation which is owed to the living generations as well as to the future. It is a way of keeping faith with the men whom we sent to Viet Nam and who have not come back. Unless the questions are resolved in all honesty, this nation's historic purpose will emerge under the permanent cloud of the war. On the other hand, if an understanding of the tragic experience assures that this is, indeed, the last Viet Nam, then the sacrifices which have been asked will not be without meaning.

It is pointless, in this connection, to try to put the finger of responsibility on one President or another, on one party or the other, on the Defense Department, the State Department or some other. We are all involved. There is no evading a national responsibility.

If the war is pursued, today, under a Republican Administration, it is not to be forgotten that the military escalation begun under a Democratic Administration. If there are, now, Democratic Senators and Congressmen who seek to bring the war to a close forthwith, there are also Republicans whose dedication is to the same purpose. There are many who today are disenchanted with the conflict; there were very few at the outset, either Republicans or Democrats, who opposed the ever deepening involvement. Indeed, who did not support or acquiesce in it?

In short, Viet Nam did not spring suddenly out of partisan politics. Nor did it begin just a few years ago, in 1969, 1966, 1964 or even 1961. In my judgment, the present involvement is a culmination of a foreign policy which was born before this graduating class was born.

Parents here, today, will remember a great war and its aftermath a quarter of a century ago. They will remember a tremendous military power assembled by a united people, a power which overwhelmed a tyranny in Europe and another in Asia.

This nation moved into the post-World War II era, intact and dynamic in contrast with vast areas of the world which lay in ruins around us, hungry, exhausted and bankrupt. In the circumstances, the international leadership of the United States was sought by friend and former enemy even as it was opposed by the Soviet Union. As we saw it, then, this nation's economic strength was the only hope for the recovery of what came to be called the "free world." As we saw it, too, this nation's military supremacy, including an atomic monopoly, was the principal bulwark against the aggressive spread of what was termed "monolithic Communism."

There began an era of foreign policy based on those premises. Tens of billions of dollars of materials, services and credits poured out of the United States into other countries. Aid went to Western Europe, to Asia, to Latin America and eventually, to Africa. In the name of the United Nations, a war was fought and financed by this country to hold back Communism in Korea. We led the United Nations into a boycott of the revolutionary Chinese People's Republic and worked to exclude the Peking government from the World community. Multiple alliances were built which wove us into a common NATO defense of Western Europe and linked us in some sort of defense arrangements with about fifty nations. Hundreds of thousands of Americans in uniform went abroad, into military garrisons and bases in Europe and Japan and elsewhere. Tens of billions of dollars worth of construction, equipment and weapons and nuclear warheads went with them.

These policies were devised in the name of national security and world peace. They were called accurately bipartisan and were described less accurately as a mutual security program. The fact is that the policies were and to this day remain largely a one-sided effort of the United States. They rest now as they have long rested on the readiness of this nation to carry the preponderant burdens of cost.

For years, there was little reason to question these policies. Congress was predisposed to accept the leadership of the President during a period of cold war. By the same token, allied nations were predisposed to accept the leadership of the United States which alone had the capacity to sustain this postwar system.

To be sure, there were flaws in the structure but they were not readily visible in the exuberance of the times. In the first place, the security system relied so heavily on military power to maintain peace that an undue burden of responsibility was consigned to the Armed Services and an excessive drain was attached to the national economy. A zeal for a new-found internationalism, moreover, led us, beyond essential national needs and humanitarian considerations, into an incautious involvement in almost every area of the world either in the name of "fighting Communism" or "promoting progress." This worldwide projection involved heavy expenditures for all kinds of aid-programs and the creation of elaborate U.S. official establishments abroad. Moreover, it prompted us to take on, as allies, a number of governments who were dependents in all but name. The great vitality of the postwar economy also created an erroneous belief in its inexhaustibility. Even as late as the onset of Viet Nam, we proceeded as though the nation could have not only guns and butter but also pay for fat and trimmings.

We pursued these policies, flaws and all, with little change for many years. We pursued, them, however, in a world which was changing greatly. The nation's atomic monopoly came to an end. The myth of "monolithic Communism" disappeared in the political shifts of Eastern Europe and in the upheaval in the Chinese-Soviet relationship. Numerous new states appeared in the underdeveloped areas, as colonialism was being reduced to an historic relic. Europe recovered and went far beyond recovery to new heights of well-being. New economic dynamisms emerged, notably in Germany and Japan, even as our own economy showed signs of overwork if not exhaustion.

It was in these changed circumstances that we became involved in Viet Nam. We became involved for what had long been accepted as highly worthwhile ends. We became involved in the name of resisting "aggressive Communism," in the name of "safeguarding international peace," and in the name of "honoring commitments" to a weak and dependent government.

We went into Viet Nam, in short, on the wheels of the same policy and for many of the same reasons that we had gone into Korea a decade and a half earlier. We did so, however, almost as an habituated response, with far less understanding of the actual situation in Indochina, unmindful of the changes in this nation, in Asia and in the world.

Viet Nam was a mistake, a tragic mistake.

To persist in it now is to add outrage to the sacrifices of those who have suffered and who have died in this conflict.

To persist in it now is to do violence to the welfare of the nation.

The need is to terminate the mistake not to prolong it. No national commitments of this nation remain to be discharged to the governments in Indochina. We have done our share—far more than our share—to inject them with the elements of survival. What last ditch effort, as we are withdrawing, is likely to do anything more? Can the dragging out of the withdrawal do other than add to the tragedy?

What is needed forthwith is a redoubled effort to terminate the military involvement. What is needed is an end to the further accumulation of casualties, costs and prisoners of war. What is needed is to bring about the safe return of U.S. forces and all prisoners of war. And when the guns fall still, what will be needed is to help restore the devastation of the war.

So far as I can see, initiatives which might serve these purposes have yet to be taken in the negotiations at Paris. It would be my hope, therefore, that the President with the cooperation of the Senate would seek in some appropriate negotiating forum an immediate cease-fire throughout Indochina on the basis of:

(1) providing for a series of phased and more rapid U.S. withdrawals in return for a series of phased releases of prisoners of war; and

(2) a coupling of the final release of all U.S. prisoners with the final withdrawl of all U.S. forces by a specific date in the near future.

An agreement on this basis, it seems to me, could act to close out this ill-fated involvement. It would also bring about, I believe, the end of an era in the nation's international relations. Mistakes have been made during the past quarter of a century in the conduct of these relations. Do not think for a moment, however, that it has all been a mistake. Much that has been done had to be done, in the enduring interests of this nation. Much that is being done now needs still to be done.

A vast web of trade and cultural relationships, for example, has been woven with the rest of the world. It serves for the mutual enrichment and contentment of hundreds of millions of people. By the same token, a sudden rupture of the web could bring upheavals and conflicts of a most disastrous kind. We have also begun to perceive in these twenty-five years, I believe, the dimensions of the problem of maintaining permanent peace. We have come, too, to a greater awareness of the significance of human interdependency and mutual concern if the world is ever to know stablility. Moreover, rudimentary machinery which can give expression to that awareness is now in existence.

It would compound the tragedy if, in the bitter aftermath of Viet Nam, we were to turn our backs on this advance. It would be a step backward if we were to veer from what has been an excess of international involvement to an extreme of disinvolvement.

I hope it will be recognized, therefore, that it is possible to withdraw from Viet Nam without seceding from the world. If we make that distinction—and I believe the people of this nation will make it—then it should be possible to withdraw militarily not only from Indochina but from the Southeast Asian peninsula without abandoning our vital national interest in what transpires on the periphery and I emphasize the word "periphery"—of the Asian mainland.

Similarly, we should be able to reduce sharply the United States deployment of over half a million armed forces and dependents in Western Europe a quarter of a century after World War II without forsaking the essential mutual pledges of the North Atlantic Treaty Alliance. We should be able, too, to exercise a firm and discriminating control over the enormous expenditures which are made in the name of national defense and, at the same time, still provide adequately for the defense of the nation. We should find it feasible to curb the corruption and carelessness which have filtered into the Armed Forces without demeaning and discouraging the millions of dedicated men and women who wear the uniform. We should be capable of shutting down obsolescent and over-extended aid programs without losing a human compassion for the other people with whom we share the earth.

These adjustments involve, in the words of President Nixon, "lowering the profile" of the nation abroad. If they are to be made effectively, it seems to me that they must be accompanied by a new and vigorous effort of American diplomacy. That effort should be aimed at securing agreements with other nations which make international stability more dependent on mutual understandings and undertakings and less on the unilateral commitment of the military power of this or any other nation. Such agreements in the Far Pacific, for example, would have to involve not only the United States and Japan, but also the People's Republic of China, the Soviet Union, the Philippines and other nations.

In Europe, a new and updated approach would presuppose, a substantial shift of the burden of NATO from this nation to Western Europe—a step which, incidentally, is long overdue and will be pressed, and pressed hard and continuously, in the Senate until it is taken.

It will also call for agreements embracing both East and West Europe and the anomalous situation at Berlin, Indeed, in a new approach to the security of Europe it might be helpful if the Soviet Union and this nation were to stand to the side for a time and let the lead pass to the smaller European states on both sides of the divide. The efforts of the two super-powers might well be concentrated, instead, on ending the game of musical chairs with regard to disarmament, mutual reductions of their forces in Europe, and the control of nuclear weapons which has been pursued for so many years. In this connection, some risks for peace are clearly indicated if we are to reduce the ever-present and immediate risk of the collapse of human civilization that is inherent in international nuclear anarchy. In matters of aid and assistance we will accept our share of responsibility for the well-being of the world but it will be a proportionately lower share than in the past and it will be discharged in cooperation with others.

In short, in the era ahead, we will get away from the excess of unilateral internationalism which has characterized our policies for the past two decades and try to recast our relations with others to the end that they are multilateral in substance as well as in name, to the end that the common burdens of the world are more equitably shared.

This transition will derive from Presidential leadership but not Executive fiat. It will depend, rather, on a concerted effort in which the President is joined by the Senate and the Congress, with each respectful of the Constitutional sensibilities and responsibilities of the other. Most of all, it will depend on a government which can be trusted by an informed people because it is credible in what it says and does and because it is alert and responsive to their needs.

You who graduate, today, and your counterparts throughout the nation, loom large in what may be anticipated during the decades ahead. You have the vote, thanks to the determined effort of the distinguished senior Senator from Massachusetts, Mr. Kennedy and his amendment and, therefore, are in a position to make your weight felt in the conduct of the government. That is a highly important aspect of your role in shaping the nation's future. Beyond it, however, there is the part which young people will have played in ending the tragedy of the involvement in Indochina.

That tragedy will be terminated; I would hope that it will be terminated very soon. The responsibility for bringing it to an end rests heavily on those of us who are the "old hands" of another generation. To move beyond Viet Nam into a future of peace will devolve just as heavily on you. To open a new era of constructive cooperation with the rest of the human race, to act with compassion and with high purpose, that is your opportunity, you who are the "new hands" of tomorrow. It is your life which lies ahead. It is your nation. It is your world. May you make the most of them all.

Mr. SCOTT. Mr. President, I congratulate the distinguished doctor majority leader on one additional honor. As we know, he has many prescriptions for the health of the Nation, and I hope he will continue to offer more prescriptions, whether we swallow them or not.

Mr. MANSFIELD. Mr. President, may I express my deep personal thanks to the distinguished minority leader and to express the hope that not only will both of us together be able to find prescriptions for the ills which confront the Nation, but, hopefully, some cures as well.

FORTHCOMING MESSAGE FROM THE PRESIDENT ON DRUG ADDICTION

Mr. SCOTT. Mr. President, the President will, on Thursday, send to Congress a message on drug addiction which will include the establishment of a White House office to coordinate all activities concerning treatment, research, education, law enforcement, and attempts to cut off the source of dangerous drugs from Americans, whether in civilian or military life. This will be a very important and innovative proposal, which I sincerely believe meets with the approval of the vast majority, if not all, of the Members of Congress. I, therefore, express my personal satisfaction in the fact that such an important message is shortly to be sent to us.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, we ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. THURSDAY, JUNE 17, 1971, AND 10 A.M. FRIDAY, JUNE 18, 1971

Mr. MANSFIELD. I ask unanimous consent that when the Senate completes its business on Wednesday and Thursday it stand in adjournment until the hour of 10 o'clock on Thursday and Friday of this week.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Missouri (Mr. SYMINGTON) for not to exceed 15 minutes.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 160

(Ordered to be printed and referred to the Committee on Armed Services.)

THAILAND AND LAOS—THE SECRET WAR

Mr. SYMINGTON. Mr. President, I intend to talk briefly this morning on a subject entitled "Thailand and Laos—The Secret War." Prior to reading the text of my remarks, I would note the degree of general lack of knowledge of just what has actually been going on in Laos over recent years is further illustrated in an article by Neil Sheehan in the New York Times last Monday, June 14, in connection with the publication of documents drawn from a study of the Vietnam war. I ask unanimous consent that a part of this story having to do with covert air operations in Laos as long ago as 1964 be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 14, 1971]

THAILAND AND LAOS—THE SECRET WAR

The covert step-up in the air operations in Laos ordered by the President did not take place until mid-October. The Pentagon account says that one reason for the delay was the Administration's need to "await the uncertain outcome" of negotiations then taking place in Paris between the right-wing, neutralist and pro-Communist factions in Laos. The objective of the talks was to arrange a cease-fire that might lead to a new 14-nation Geneva conference to end the Laotian civil war.

"However, a Laotian cease-fire was not compatible with current perceptions of U.S. interest," the analyst writes.

The Administration feared that during an ensuing Geneva conference on Laos, international pressures, particularly from the Communist countries, might force the discussions onto the subject of Vietnam. Negotiations in the present circumstances were considered certain to unravel the shaky anti-Communist regime in Saigon.

The Administration also believed that even the convening of a conference on Laos might create an impression in Saigon that Washington was going to seek a negotiated withdrawal from South Vietnam and set off a political collapse there and the emergence of a neutralist coalition regime that would ask the United States to leave.

The account notes that in his Aug. 11 high-level policy memorandum on Southeast Asia, William Bundy had "characterized U.S. strategy" toward the Paris talks with the statement that "we should wish to slow down any progress toward a conference and to hold Souvanna to the firmest possible position." Mr. Bundy had referred to a suggestion by Ambassador Leonard Unger that Prince Souvanna Phouma insist on three-faction administration of the Plaine des Jarres as "a useful delaying gambit."

"Significantly," the analyst says, "this proposal was advanced at Paris by Souvanna Phouma on 1 September—illustrating the fact that Souvanna was carefully advised by U.S. diplomats both prior to and during the Paris meetings. Other features of Souvanna's negotiating posture which apparently were encouraged as likely to have the effect of drawing out the discussions were insistence on Communist acceptance of (1) Souvanna's political status as Premier and (2) unhampered operations by the I.C.C. [International Control Commission]."

"Insistence on Souvanna's position is another point on which he should insist, and there would also be play in the hand on the question of free I.C.C. operations," Mr. Bundy wrote in his Aug. 11 memorandum.

BREAKDOWN IN NEGOTIATIONS

"It will be recalled that the latter point was the issue on which progress toward a cease-fire became stalled," the analyst remarks The negotiations broke down in Paris late in September.

American mission representatives from Bangkok and Vientiane met in Saigon on Sept. 11 under Ambassador Taylor's auspices, however, and decided that the South Vietnamese Air Force should not participate in the stepped-up air action in Laos authorized by the President in his directive of Sept. 10.

A list of 22 targets in the Laotian panhandle had been drawn up during the summer for the possibility of such raids, including one on a control point at the Mugia Pass, just across the North Vietnamese border.

South Vietnamese air strikes would offend Premier Souvanna Phouma by complicating his political position, the meeting determined, so the air attacks would be confined to clandestine raids by the T–28's in Laos and the United States Navy and Air Force jets—code-named Yankee Team—operating over Laos. Accord was also reached that South Vietnamese troops, possibly accompanied by American advisers, would also make ground forays into Laos up to a depth of 20 kilometers, or 12 miles.

"The mission representatives agreed that, once the [air and ground] operations began, they should not be acknowledged publicly," the analyst writes. "In effect, then, they would supplement the other covert pressures being exerted against North Vietnam. Moreover, while the Lao Government would of course know about the operations of their T–28's, Souvanna was not to be informed of the GVN/U.S. [ground] operations. The unacknowledged nature of these operations would thus be easier to maintain."

JOINT DEPARTMENTAL MESSAGE

On Oct. 6, a joint State and Defense Department message authorized Ambassador Unger in Laos to obtain Premier Souvanna Phouma's approval for the T–28 strikes "as soon as possible."

But as the analyst points out, the message showed that the President had decided to postpone the accompanying strikes by Yankee Team jets, the "U.S. armed aerial reconnaissance" mentioned in Mr. Johnson's National Security Action Memorandum 314.

Five of the targets in the Laotian panhandle, well-defended bridges, had been specifically marked for the American jets, and fire by the Yankee Team planes would also be required against antiaircraft batteries defending the Mugia Pass. The message from Washington excluded these targets from the list of 22.

"You are further authorized to inform Lao that Yankee Team suppressive-fire strikes against certain difficult targets in panhandle, interspersing with further T–28 strikes, are part of the over-all concept and are to be anticipated later, but that such U.S. strikes are not repeat not authorized at this time," the cable said. [See text, cable on Laos Strikes, Sept. 10.]

Ambassadors Unger and Taylor both warned that the Laotian Government, without some participation by the American jets, would not persevere in attacking targets on the Communist infiltration routes. Accordingly, the day before the T–28 strikes began on Oct. 14 with Premier Souvanna Phouma's approval, Washington authorized the Yankee Team jets to fly combat air patrol over the T–28's to raise morale and protect them from any interference by North Vietnamese MIG's.

"MINOR EXTENSION" ONLY

Ambassador Taylor said in his cable that the combat air patrol missions could be achieved by "a relatively minor extension" of the current rules of engagement for American aircraft in Indochina.

The President also postponed for the present the planned ground forays into Laos by the South Vietnamese. Ambassador Taylor pointed out in a cable on Oct. 9 that these would not be possible "in forseeable future" in any case because the South Vietnamese Army was so tied down fighting the guerrillas in its own country.

Several eight-man South Vietnamese reconnaissance teams were parachuted into Laos in an operation called Leaping Lena, but the Nov. 7 report to William Bundy on covert operations would note that "all of these teams were located by the enemy and only four survivors returned. . . .

Mr. SYMINGTON. Mr. President, in recent days the Senate has learned far more about the precise details of the extent and the costs of U.S. activities in Laos than we in the Congress have ever been told by the executive branch.

What we have learned demonstrates the apparent futility of previous legislative efforts to limit the scope of the cost of the American commitment in Laos.

During the past 2 years, despite all these promises to end the war and despite the growing demand of the American people that this ending be accomplished, the executive branch has assumed the new burden of supporting the Cambodian Government and has assumed ever greater expenses on behalf of the Government of Laos.

Both of these governments today are totally dependent upon the United States.

The actual cost to the United States of the wars in Cambodia and Laos, exclusive of the cost of bombing in the Ho Chi Minh trail area, would now appear to exceed $1 billion a year. Military and economic assistance programs in Cambodia alone will amount to over $300 million in the coming year, a figure which does not include any of the cost of continuous American combat air support for Cambodian forces, or for South Vietnamese air and ground forces in Cambodia.

In the case of Laos one is unable to cite a figure for the total cost of this war to the United States. First, because what the United States is doing, and the cost of what we are doing, continues to be cloaked with official secrecy by the executive branch. Second, one cannot cite a figure for the total cost to us of the war in Laos because, it must be said in all frankness, neither you, nor I, nor any other Member of Congress is in position to know what those costs actually are.

Two years ago the Senate placed an overall ceiling on Defense Department expenditures in support of Vietnamese and free world forces in Vietnam and in support of local forces in Laos and Thailand. Last year, we sought to tighten that provision by making it unlawful—we thought—for the United States to hire troops of other nations to defend the governments of Laos or Cambodia.

Many of us honestly believed that these restrictions would make it impossible for the United States to become more deeply involved in Laos and Cambodia.

That was the clear intent of these restrictions.

Nothing, however, demonstrates with more clarity the difficulty of devising adequate legislative controls of the clandestine military undertakings of the executive branch, or the executive's utter disregard of the will of the legislative branch, than the presence today of U.S. financed Thai troops in Laos.

If there should be any lingering doubt on either of these points one need only consider the dubious rationale recently put forward by the State Department in an attempt to justify the legality of paying for the Thai troops in Laos. In a statement issued on the day of the secret session in which the Senate was told the facts regarding the Thai troops in Laos, the State Department acknowledged for the first time that the United States was providing Thai "volunteers" with financial and material support.

The deceptive nature of this characterization of the recruitment and payment of Thai soldiers to fight in Laos will be all too evident to any Member of the Senate who reads the report on U.S. activities in Laos that was prepared by the staff of the Subcommittee on United States Security Agreements and Commitments Abroad; and it is with such thoughts in mind that we earnestly hope this report will be promptly declassified so the information now presented to the Senate will also be made available to the public. The distinguished minority leader has joined me in urging this be done at the earliest possible date.

At the same State Department briefing preceding the closed Senate session, the Department's spokesman maintained that the payment of Thai troops was legal because it antedated the enactment of the amendments which had been designed to prohibit it.

Now let us examine this question of legality.

If the hiring of Thai troops to fight in Laos is legal, why has the executive branch gone to such lengths to keep it a secret from the Congress?

If the hiring of Thai troops to fight in Laos is legal, why did the State Department feel the need to point out that this practice had begun prior to the passage of laws designed to prohibit it?

If the hiring of Thai troops to fight in Laos is legal, why has it been necessary for administration supporters to argue that this practice is within the law, on the grounds that the law in question applied only to funds expended by the armed services, while the Thais are being paid from other than Defense Department funds?

If the hiring of Thai troops to fight in Laos is legal, because they are volunteers, or because the arrangements antedated the congressional prohibitions, what difference would it make what funds they were paid from?

To us such tortured and contradictory augmentation can mean only one thing: The executive branch clearly understood the intent of Congress in passing the laws in question but was determined to find a way to circumvent the will of the Congress; and under the cover of secrecy, they succeeded.

The result is precisely that which the Senate sought to avoid: The United States is involved more deeply than ever in the defense of the Government of Laos; and the United States has assumed the responsibility for, as well as the costs of, Thailand's military involvement in Laos—an involvement which the Government of Thailand itself refuses to acknowledge.

The executive branch has been misleading the American people in order to spare the Thai Government the necessity of acknowledging to its own citizens, and to its neighbors, the direct participation of that government in the furnishing of Thai troops to fight in Laos.

Having reviewed previous efforts on the part of the Congress to put an end to such practices, we have concluded that there is but one solution to this problem; and that is to place in the law a ceiling on the amount of money that can be spent by any and all departments and agencies for any purpose in Laos, with a single exception limited to the use of U.S. combat air operations in the area of the Ho Chi Minh Trail complex in southern Laos.

Based on the above facts, we are introducing an amendment to the Defense Administration bill which imposes a ceiling of $200 million in the fiscal year 1972 "for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, services, personnel, or advisers in, to, for, or on behalf of Laos."

This amount is a good deal more than the executive branch has requested for the fiscal year 1972, through the normal appropriations process, for economic and military assistance to that country.

This amendment also provides that if for some reason the executive branch does not consider $200 million to be sufficient to the fund operations which it wishes to undertake in Laos, the executive branch should thereupon come before the Congress and request the additional money on the basis of a specified description of, with the justification for, the uses to which such additional funds will be put.

In order to give the Congress an added degree of assurance that this amendment and previous restrictive provisions of the law will be complied with, my amendment also includes a provision requiring the executive branch to report to the Congress every 90 days, in an appropriate manner, the purposes for which it is spending public funds in Laos. My amendment will further provide that such detailed justifications would henceforth also have to be made each year at the time when funds for the next fiscal year are requested from Congress.

We propose this amendment in the belief that it constitutes the most effective means for the Congress to achieve meaningful knowledge about where, how, and when the funds it has appropriated have been used; and also to insure that the executive branch take account of the advice of the Congress with respect to U.S. activities in Laos.

The purpose of this amendment is to present the position of the Congress; namely, that the administration cannot continue to prosecute the war in Laos as though cost were no object, cannot continue to prosecute this war with the premise that the will of the Congress counts for nothing, cannot continue as if any commitment can be assumed, or risk taken, regardless of the Congress.

Mr. President, I send to the desk, therefore, an amendment to S. 939, a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and for other purposes.

I ask that the amendment be printed.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and appropriately referred.

Mr. SYMINGTON. As explained above, this amendment is designed to insure that no funds authorized or appropriated by S. 939 or any other act "may be obligated or expended in any amount in excess of $200 million for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, services, personnel or advisors in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972."

Mr. President, I yield back the remainder of my time. Before doing so, however, I also ask unanimous consent that said amendment be printed in the RECORD at this point.

There being no objection, the amendment (No. 160) was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 160

At the end of the bill add a new section as follows:

SEC. 502. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be obligated or expended in any amount in excess of $200 million for the purpose of carrying out directly or indirectly any economic or military assitsance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, services, personnel, or advisors in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972.

(b) No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated or expended for any such purpose during such fiscal year.

(c) The provisions of subsections (a) and (b) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations over the so-called Ho Chi Minh trails in southern Laos, and over areas immediately adjacent to such trails, by U.S. military forces.

(d) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be expended in such fiscal year.

(e) The President shall submit to the Congress within 30 days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Laos during the preceding quarter by the U.S. Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for each such purpose.

The ACTING PRESIDENT pro tempore. Under a previous order, the Senator from Virginia (Mr. BYRD) is recognized for not to exceed 15 minutes.

THE PENTAGON'S VIETNAM STUDY

Mr. BYRD of Virginia. Mr. President, for the past 3 days the New York Times has been publishing a series of articles from a secret study, made in the Pentagon, of American participation in the Vietnam war.

The document was labeled "Top Secret."

The Justice Department has asked the New York Times to refrain from further publication on the ground that it will cause "irreparable injury to the defense interest of the United States."

The Times has refused to withhold publication.

Two thoughts come to the mind of the Senator from Virginia:

One, since the material covers a period that ended in 1968—and thus in a sense is a history of the early years of the war—why should it continue to be labeled top secret?

Probably there are good reasons why it should be accorded this high classification, but the reason should be made known clearly by the Department of Defense.

The second thought that comes to mind is drawn from the following telegram from Attorney General John N. Mitchell, addressed to the Times' publisher, Arthur Ochs Sulzberger.

The text of the telegram follows:

> ARTHUR OCHS SULZBERGER,
> *President and Publisher,*
> *The New York Times,*
> *New York, N.Y.*
>
> I have been advised by the Secretary of Defense that the material published in The New York Times on June 13, 14, 1971 captioned "Key Texts From Pentagon's Vietnam Study" contains information relating to the national defense of the United States and bears a top secret classification.
>
> As such, publication of this information is directly prohibited by the provisions of the Espionage Law, Title 18, United States Code, Section 793.
>
> Moreover, further publication of information of this character will cause irreparable injury to the defense interest of the United States.
>
> Accordingly, I respectfully request that you publish no further information of this character and advise me that you have made arrangements for the return of these documents to the Department of Defense.
>
> JOHN N. MITCHELL,
> *Attorney General.*

Since the document bears a top secret classification and since publication of this information is directly prohibited by the espionage law, according to the Attorney General, the Defense Department has an obligation to make known to the American people immediately just how this highly classified report became available for publication.

Secretary of Defense Laird stated yesterday that since there are few copies of the report—

> It won't be hard to track down who is responsible.

He said the disclosure—

> Violated the security regulations of the United States.

Jerry W. Friedheim, a Pentagon briefing officer, stated that it had been determined that there were—

> A dozen or so copies of the paper, and half of these at the Defense Department, have remained under extremely tight control.

As a Member of the Senate, I urge the Department of Defense to make a clear and unequivocal statement to the American people as to just why this early history of the Vietnam war should continue to be classified top secret; and, secondly, to name the individual or individuals responsible for violating the espionage law, and those responsible for violating the security regulations of the United States.

If a document such as this, which the Defense Department regards as top secret, can be stolen and disseminated, how do we know what other top secret documents affecting our national security are being taken from the vaults?

The Senator from Virginia has read carefully the series of articles as published by the New York Times, I found little of a surprising nature. From testimony in committee by high officials or in confidential talks with high officials, the broad substance of the information published by the Times was generally known to me.

While I do not want at this time, to pass judgment on the Department of Defense assertion that publication of the Pentagon study of the early years of the Vietnam war will cause "irreparable injury to the defense interest of the United States," I do think that all information possible should be made available to the American people.

I believe, too, that unless the Defense Department makes known promptly just how this document was stolen, and by whom, it will forfeit additional confidence in the effectiveness and forthrightness of the Department of Defense.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Yesterday, in a hearing, I reminded the Secretary of Defense that the Foreign Relations Committee had known of this document and had requested the committee be allowed to receive it on a classified basis, but that request had been turned down. Then I asked, inasmuch as it is now being published, would the Secretary have any reservations about supplying it now to the Foreign Relations Committee, inasmuch as much of it obviously deals with foreign policy. The Secretary said no, he did not think even now it should be given to the committee, even on a classified basis.

Would the Senator comment on that development?

Mr. BYRD of Virginia. Yes. It seems to me that the questions put to the Secretary of Defense by the Senator from Missouri were most appropriate.

I see no reason in the world why the Defense Department should not make available to the Foreign Relations Committee of the U.S. Senate and to the Armed Services Committee of the U.S. Senate the full text of this document. Obviously, the text has been stolen and made available to a certain publication of this Nation, the New York Times.

For the Secretary of Defense to say that he will not give a copy of this document to the Foreign Relations Committee, which has responsibility in regard to foreign policy, and to the Armed Services Committee, which has responsibility in regard to foreign and military policy, seems to me to be not at all logical. Of course, it could be given to the committees on a top secret basis, if the Secretary so wishes.

I certainly join with the distinguished senior Senator from Missouri in urging that the Defense Department make available the complete text of this document, which the Senator from Missouri has already requested for the Foreign Relations Committee, and I will now request that it be made available to the Committee on Armed Services.

I think the Senator from Missouri has rendered a service in asking that this document be made available to the committee on which he serves.

Mr. President, it seems to me that the Defense Department needs to present to Congress and to the American people a detailed statement as to just why this document, reviewing the early history—not the current history, but the early history—of the Vietnam war, should now have the classification of "Top Secret." I do not say it should not have such classification. I think the Defense Department owes it to Congress and the American people to say why the document should have such classification.

The Defense Department owes it to the American people, too, to make known promptly just how that document was stolen, by whom it was stolen, and what action will be taken in prosecuting those who steal top secret documents from the files of the U.S. Government.

Mr. SYMINGTON. I thank the able senior Senator from Virginia for his comments, and respectively congratulate him on the constructive statement he has made this morning.

Mr. BYRD of Virginia. I thank the Senator from Missouri.

Mr. GRAVEL. I would like to congratulate the distinguished Senator from Virginia for his comments relative to the official disclosures of the documents which are the source for the New York Times series. It demonstrates the disparity between the knowledge that officials are giving not only to the American people but also, of course, to Congress.

TRIBUTE TO SENATOR HUGHES

Mr. BYRD of Virginia. Mr. President, Parade, the nationally syndicated newspaper supplement, contained an interesting and well-written article in its June 13 issue on our distinguished colleague from Iowa, Mr. HUGHES.

The article was written by Lloyd Shearer.

Prior to coming to the Senate 2 years ago, HAROLD HUGHES compiled an outstanding record as Governor of his State, to which position he was elected three times. In the Senate, he already has rendered effective and valuable service, especially concerning the grave problem of drug abuse.

One does not need to agree with all the political positions taken by the Senator from Iowa to recognize him as a man with the highest integrity and dedication.

The Senator from Virginia being somewhat more conservative, differs a bit on many matters from the Senator from Iowa.

But never have I had cause to doubt the fairness and the deep conviction of my friend and deskmate, Harold Hughes.

I ask unanimous consent to have printed in the Record Mr. Shearer's biographical sketch of the Senator from Iowa and his family.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Harold Hughes—Dark Horse From Iowa

(By Harold Shearer)

U.S. Senator Harold Hughes of Iowa, 49, darkest of the dark horses seeking the 1972 Democratic Presidential nomination, suffers from three major handicaps:

(1) He has little campaign money.

(2) He is relatively unknown.

(3) He is invariably mistaken for the hermit-billionaire, Howard Hughes, with whom, name aside, he has nothing in common except gender. "Even my best friends," he wanly admits, "frequently call me Howard."

Hughes, however, has several assets actively working for him.

He is a tall, rugged, Gibraltar of a man, 6 feet 3, 240 pounds, with a handsome craggy face, deep-set understanding eyes, and a leonine, wavy-haired head. He is luckily and naturally photogenic without having been coached in television techniques. He not only looks solid, secure, and reliable, he is.

One of the best speakers in the Senate, he communicates to audiences of every stripe a spirit of honesty, independence, and deep inner strength.

Women find themselves particularly susceptible to his physique and manner. "He's as friendly as a big wet pup . . . I knew him back in Iowa and I can tell you he's the kind of man you want behind you in a crisis."

'WHAT NATION NEEDS—'

With five salaried professionals and a handful of volunteers, Hughes is campaigning for the nomination—"I'm not actually campaigning. I'm just trying to find out if I can strike a responsive chord in people"—on one simple platform: "What this nation needs more than anything else is a new era of forgiveness and reconciliation—hope, not helplessness."

He believes strongly that the war in Vietnam has shredded the fabric of U.S. society and he advocates the withdrawal of all U.S. troops from Vietnam by the end of the year. He feels that Nixon is not leveling with a war-weary public entitled to the full truth. "How long," he asks, "are American residual troops going to be kept in Vietnam? Are we going to let it become another Thirty Years War? How much longer can we continue to brutalize and divide the spirit of the nation?"

Hughes knows it sounds corny, Lincolnesque, and even melodramatic, but he proposes to people who will listen to him, a community of all Americans determined to work out together the problems of their time. "Our mission is not merely to defeat Richard Nixon. Our mission is to save this nation."

A recovered alcoholic who has not touched a drop since 1954, a Methodist lay preacher who can generate a quasi-evangelistic fervor as he warms up to his message, Hughes feels sincerely that he can provide the glue to bind the nation. With an inexplicable mystique and an impassioned sincerity, he views himself as a man with a mission. "He is the Abe Lincoln of 1972," declares one woman reporter who's traveled with him. "He has the common touch. He crosses ideological boundaries. Everyone says I'm an idiot. But I've seen the way people identify with Hughes. He's one of them. Nobody but I mean nobody comes from a more impoverished background. This guy was dirt poor, had to trap his own food. He started out in life as a truck driver. He's come the whole way by himself, and I am not fooling, given a few breaks, this guy can make it to the White House."

Harold Hughes is accustomed to long odds.

SCHOOL ATHLETE

The day he was born, Feb. 10, 1922, his family's farmhouse burned down. Hughes was reared in Ida County, Iowa, and in the hill country of eastern Kentucky. His father, Lewis, was a construction worker and farmer. There was never enough money to go around, and Hughes got his first complete suit of clothes only when he was graduated from Ida Grove High School where he played football, basketball, won the scholastic discus-throwing title and was runner-up in the statewide tuba competition.

Following graduation, at the ripe age of 19 he fell in love, left the State University of Iowa, got married to Eva Mae Mercer, and was shortly after drafted into the Army.

CONFLICTING VALUES

Trained as a Browning automatic rifleman, he saw 14 months of combat in Tunisia, Sicily, and on the Anzio beachhead where he contracted malaria and was shipped back to Africa.

"As a child," he explains, "I was taught it was wrong to kill. But in the Army I was taught it was right, the more killed the better. It was extremely difficult for me to reconcile killing with my religious beliefs, and that confused me for a long while. It may possibly have had something to do with my subsequent drinking. I don't really know. I do know, however, that by 1954 I'd drunk enough liquor to last me a lifetime."

Hughes joined Alcoholics Anonymous in the early 1950's and has abstained from alcohol ever since. He believes that few people will hold his intemperance as a young man against him.

Following World War II, Hughes supported his family by driving a creamery truck, and organizing the Iowa Better Trucking Bureau. His entrance into politics was accidental.

When the Iowa Commerce Commission refused to investigate his complaints about laxity in enforcing the state's trucking laws, he changed his party affiliation from Republican to Democratic, ran for and was elected to the commission. Two years later he ran unsuccessfully for Governor, but in 1962 he was elected to the first of his three gubernatorial terms, a Democratic Governor in traditionally Republican Iowa.

In 1968 he became Iowa's first Democratic Senator in 20 years.

On the campaign issues Hughes generally agrees with the other Democratic candidates: Senators George McGovern, Edward Kennedy, Hubert Humphrey, Birch Bayh, and Edmund Muskie. They are all against the war, pollution, inflation, and unemployment, all in favor of restructing national priorities.

Prospecting for the nation's No. 1 job, Harold Hughes understandably prefers to occupy a centrist position. "I have never really viewed myself," he says, "from the standpoint of liberal or conservative."

"DYED-IN-WOOL LIBERAL"

Others have, however, especially his colleagues on the Banking and Labor committees who describe him as "a dyed-in-the-wool liberal," pointing out that he voted against the nomination of Judge Harrold Carswell to the Supreme Court, opposed the safeguard antimissile system, supported a viable school desegregation policy.

With little money, a small campaign staff in a nondescript building at 41 Ivy St., S.E., near the Capitol, with no power base to speak of (Iowa has eight electoral votes), Hughes at the moment is testing the political waters.

If Senator McGovern, his ideological twin and to date the Democratic Party's only announced candidate, should falter in the polls or early primaries, along with front-runner Ed Muskie, then the junior Senator from Iowa will probably make his move. A long shot, on the outside, closing fast.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. MANSFIELD. I join in the remarks just made by the distinguished Senator from Virginia relative to our colleague the distinguished Senator from Iowa (Mr. Hughes).

May I say briefly that his heart is as big as his body.

Mr. BYRD of Virginia. I concur in the statement just made by the distinguished majority leader.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Bentsen). Under the previous order, the distinguished Senator from Alaska (Mr. Gravel) is now recognized for 15 minutes.

OUR FOUR-STAR MILITARY MESS

Mr. GRAVEL. Mr. President, published in yesterday's Life magazine is an article entitled "Our Four-Star Military Mess." The subtitle is "The Blunt Fact Is That We Are About To Become No. 2."

Mr. President, I ask unanimous consent to have this article printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAVEL. Mr. President, I do not agree with all the facets of the article, but I think it is a fine one. The area of my disagreement is with the fact that we could become No. 2.

But more to the point of today's occurrences and the occurrences of the past month, the description of the mess we are in with respect to our defense posture is most interesting as handled by this very distinguished gentleman, the author, George P. Hunt, who not only as a publicist and an editorial writer, but also as a military man himself, has a great deal of direct and personal experience.

The mess is, of course, not simply the number of troops but, as he so cogently lays out in his article, the simple fact that we have too many troops under arms, and that, in itself, causes waste.

He does not simply make the case that we are not spending enough money, although he does make that case in some respects, while in other respects he demonstrates that we are spending too much money. In fact, the net effect of his thesis is that we can save about $3.5 billion on our defense expenditures of today, over and above the expenditures of about $10 billion a year which we spend in Indochina.

He refers to a comment I had addressed myself to earlier after the briefing we had with Admiral Zumwalt. Namely, as a result of the Vietnam war, we have cannibalized the capital improvements that should have been taking place in our Navy, and since the improvements have not been made, we are threatened with having our Navy not as efficient and not up to its total world capability, and yet doing the best job that could be done for the American people.

I disagree that this means we are in a dire emergency and in danger of becoming a second-rate power. I think that is not the case. If we become a second-rate power, it will be because we have lost our economic fiber through long-term erosion.

There is not sufficient emphasis given to the fact that we have superiority in missiles, not in the count of missiles themselves, but in the number of warheads that we can deliver upon the Soviet Union or any other enemy. The lead we have is a pronounced one. If the figures do not escape me, I think we have the ability to destroy the Soviet Union, prior to MIRV'ing, 15 times while they have the capability to destroy us eight times. With MIRV'ing, that capability moves up to 41 times by the United States, and by the Soviet Union, to 20 times against us. Even after MIRV'ing, we will have an almost 2-to-1 ratio of capability over the Soviet Union. That, I think, should be borne in mind when we talk about the fact of our falling behind.

It is interesting that in the logic pursued here, which I think has a broader aspect than just the missiles themselves, one of the suggestions to improve the capability of our Armed Forces is to cut down the size of the Army from—I believe his proposal is from 1,300,000—what it was a year ago—to 900,000, which is the recommendation of the Armed Services Committee, or thereabouts.

Also, he talks in terms of cutting the number of forces and personnel by 40,000 in the Air Force.

Thus, it is interesting that a military man who makes a compelling argument to improve the defense posture of this Nation recommends that we actually cut the number of people in the armed services, while we stand here quibbling, as part of debate on H.R. 6531, whether it is 30,000 or 50,000 that will cause difficulties in going from a conscripted military force to a volunteer military force.

I note a paragraph in one of his other recommendations for improving the capability of this country, which I would like to quote, because I think it is accurate. He talks in terms of doing away with the ABM, which obviously Mr. Hunt feels is a waste of money at this particular point.

> Safeguard is a limited ABM system to protect Minuteman and a few other prime targets. It should be canceled. The U.S. figures Minuteman can penetrate the Soviet ABM network with adequate megatonnage, and it is logical that the reverse would be just as true. The key to deterrence is the threat of annihilating offense—not a defense against it.

Mr. President, this is an interesting case, because whereas he can conclude we save about $3.5 billion—I have not read behind the figures, I do not know what the exact arithmetic is—if the ABM figure which is in excess of $1 billion this year is added on to the $3.5 billion, then we have a total saving of not $3.5 billion, but $4.5 billion, or more. That is, of course, if he has not already computed that into the savings—and I have no way of knowing that from this particular article.

The conclusion he draws is that we need a total reevaluation of what we are doing in this regard; and in the absence of that we go merrily on our way thinking that we are purchasing an impenetrable defense when, in fact, we are not. This is in fact what many opponents of the draft have been attempting to do in the dialog of the past few weeks.

This is what I would hope we could do after consideration of this legislation. Because if we do develop a sense of poor security and a not very creditable defense, this could lead us to make some very serious misjudgments that could impair the security of the Nation.

I hope that the Senate in its wisdom would give consideration to the article. I emphasize again that it is a fine article, but is one which I do not agree with in its entirety. However, it is one that is worthy of consideration.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

OUR FOUR-STAR MILITARY MESS: THE BLUNT FACT IS THAT WE ARE ABOUT TO BECOME NO. 2

(By George P. Hunt)

In past weeks, several developments have freshened hopes for international disarmament. After months of deadlock, the U.S. and Russia agreed in Vienna on an agenda for future Strategic Arms Limitation Talks (SALT). Then, quite unexpectedly, Soviet party chief Leonid Brezhnev opened up the possibility that mutual troop and weapons reductions might be negotiated between NATO and the Warsaw Pact nations. Against this background, we should take a hard look at the present state and future prospects of our armed forces.

The truth is that the U.S. military establishment is in ragged shape—lagging in technology, undermined by inflation, by worn-out strategies, by entrenched old ways of top direction and allocating budget money. The Vietnam war has ravaged it—gnawing at morale and discipline. The war has bred a disturbing dislike for the politician in the career officer, who believes the politician let him down over there and kept him from a victory. Into the civilian world has seeped the poison of suspicion—even scorn—for military men, who in turn resent the attitude bitterly; and in the wake of public revulsion to PX scandals and atrocities, there has lately surged the turmoil over the Calley trial.

The world saw the outcome of the Cuban missile crisis in 1962 as a victory for John F. Kennedy; and Nikita Khrushchev never forgot it. The Soviet leader was confronted by two-to-one superiority in nuclear missiles and by an overwhelming naval majority on the high seas. Indeed, the fantastic spurt in growth of both Russia's missilery and her fleet dates from that humiliating experience.

Khrushchev probably had no intention of using the missiles in Cuba but rather of waving the threat of them at us—90 miles from our coast; the missile beachhead would have given him a powerful new negotiating stance. But when his challenge was met, Khrushchev could hardly go to war about it, since no major Soviet national interest was at stake; indeed, in retrospect, the political situation was not so nightmarish that a genuine nuclear confrontation was plausible. More, the U.S. could—and did—mass from all directions a convincingly superior force at the strategic spot, Khrushchev had to back down.

Q. Could we still mass a convincingly superior force off Cuba today?

A. No. In some eight years Russia has caught up and is now going ahead of us in many categories of missile strength. She could today concentrate off Cuba a powerful surface fleet, newer, faster than ours and equipped with weapons we do not have and an underwater fleet outnumbering ours by many times. It will surprise most Americans that today, as opposed to 1962, we are the ones who could find ourselves at a military disadvantage.

It will take fast and skillful work to put the military back in shape. The Pentagon's budget for the fiscal year beginning this month calls for $76 billion, of which roughly $10 billion is directly attributable to the Vietnam war. By this time next year, as the war diminishes, our commitment in Southeast Asia should cost one-half as much—$5 billion for the next fiscal stretch. However, the non-Vietnam cost, $66 billion, will inexorably increase by about 10% because of climbing service-pay scales and the effect of inflation on the price of materiel and new technology. Thus, the price of maintaining our defenses as they now stand is bound to balloon, without even taking into account the cost of the sizable amount of modernization they need. Right there, if the Pentagon gets its way, we dash the hopes of Americans that all the money saved by ending the Vietnam war—the "peace dividend" will be available for the troubles of the home front.

What kind of military establishment we have, how strong and how effective it should be and how much it should cost are major problems that concern all of us. The military, of course, is primarily a supporting arm of our foreign policies which, as they shift in purpose or method, naturally affect the shape and posture of our defenses. Perhaps, in the years to come, changes will occur in international affairs—intelligent steps taken, new ground rules established, agreements signed—which will ease or even sharply cut military demands and stresses. But until such things happen, if they ever do, we are faced with some stern realities: a monstrously big, yet apparently inadequate, defense budget, and a military which, in large part, is in a mess.

Obviously, bold and fundamental changes must be made in the military—in its strategies, in its overall structure and in the way it spends its money. This is one reporter's investigative assessment of the condition of each of our military services, of what must be done, and how to do it in such a way as to achieve an efficient modern defense and at the same time save money desperately needed for domestic problems.

NUCLEAR POWER

A review of our military status must begin with a look at our nuclear arsenal—our most powerful and most dangerous weapons. In the intercontinental nuclear competition between the U.S. and the Soviet Union the balance has shifted to Russian superiority in sheer weight of numbers: 1,900 Soviet ICBMs and submarine-launched missiles. Furthermore, while the U.S. is superior in long-range bomber strength (552 to 175 planes), the Russians also have about 1,200 intermediate-range bombers. In the event of a nuclear exchange, it has been assumed, some of them could make one-way bombing runs, landing in Cuba.

The U.S. defines its nuclear force as "second-strike" or "retaliatory," effective enough to deter through the threat of powerful response: 1,710 missiles now being improved. We calculate that if only 200 of our warheads or bombs can penetrate the Soviet defenses and hit the mark, the destruction of major cities and the deaths of so many Russians would make the Russians hesitate to attack us.

On both sides the competition is in the varieties of ICBM delivery sites—land, sea, air; in the accuracy of guidance; and in two sharply diverging technologies: the defense against missiles (ABM), and a new form of missile attack (MIRV—the Multiple Independently Targetable Reentry Vehicle). MIRV is a missile-launched package which, on approaching the enemy's defenses, aims and fires its many warheads at preselected targets. It not only multiplies firepower and the chances of penetration, but it carries the surprise of unpredictable numbers.

The overall U.S. nuclear force is called "the Triad" since it is composed of three delivery systems, each capable of large-scale thermonuclear destruction: the air force's land-based Minuteman (ICBM) and its manned bombers (Strategic Air Command or SAC), and the navy's underwater Polaris system. The Minuteman II force now in place throughout the U.S. is being augmented by Minuteman III, which fires the MIRV warhead. The Polaris submarines are also being converted to carry a MIRVed missile called the Poseidon.

The concept of the Triad is itself becoming controversial. As the navy perfects its missile systems, it advocates ask: why not move all U.S. ICBM out to sea, on ships and in submarines, where sites are less vulnerable—mobile or hidden or both—and where survivability is more assured? The air force argues that technologies of surveillance, detection and guidance may develop to the point where missiles at sea would become as vulnerable to attack as on land, that concentrating on only one system is dangerous.

For the navy, Rear Adm. George H. Miller: "Instant retaliation is not credible unless weapons can survive relatively intact. If they can't do that, you don't have a deterrent. If most of our missiles are deployed at sea, then we're forcing the enemy to invest in countermeasures other than ICBMs aimed at the U.S.A. What you're doing is trying to preserve your country by keeping it out of the line of fire."

For the air force, Maj. Gen. Leslie W. Bray: "We need land-based as well as sea-based systems. The manned bomber, for instance, can be launched on warning, is subject to recall and can be reused. Our mix of weapons actually beefs up our deterrent threat because it compounds the enemy's defense task. It also complicates his offensive problems. With three systems to cope with, he may catch us with a technological surprise in one of them, but not in all three."

Of course, both countries also have thousands of small nuclear warheads, designed for tactical combat, which might be tempting to an embattled field commander. But the decision to use such weapons is the President's, and he would have to be ready for eye-for-an-eye retaliation; the succeeding exchanges could become hideous. It would take an insanely provocative act to compel a Soviet premier or an American President to pull any nuclear trigger—tactical or strategic—and cause mutual near annihilation.

A nuclear square-off deters both sides. It has created in effect a nuclear umbrella, sometimes described as a shield, under which daily life nonnuclear-style goes on as before. Peace can flourish, yet wars can too—nonnuclear or comparatively "safe" wars fought with conventional arms.

Since 1946 there have been 57 "conventional" armed conflicts on this earth. In the U.S. those charged with conventional fighting are called the "general purpose forces"— the elements of the military services not involved in the Triad.

THE ARMY

Condition: Because of Vietnam, the most criticized, even vilified, of the services; morale reeling but beginning to steady itself as withdrawal from Vietnam proceeds, seeking new definitions and fulfillment. Mission: All-out emphasis on support of NATO and on other troop commitments on foreign soil; military aid to treaty countries; counterinsurgency; defense of the Minuteman system and of selected U.S. targets through the "Safeguard" Anti-Ballistic Missile (ABM) program; continental defense against attack. Budget: $21.5 billion for fiscal 1972 as against $22 billion in 1971, $24 billion in 1970 and the decade high of $25 billion in 1968. Strength: 1.1 million men, but reducing to 900,000 by the end of 1972. Most Urgent Needs: Rebuilding purpose, morale and discipline; faster, heavier tanks, improved aircraft for front-line support of infantry, new battlefield technology, antitank inventions to counter massive numbers of Russian tanks.

Lt. Gen. William E. DePuy is assistant vice chief of staff of the army, a job which involves, among other far-reaching matters, the dilemma of the budget. Slim, articulate, he has the alert, impatient manner of an officer inundated with piles of paper and compelled to get to the point fast.

He swings around in his desk chair and says with brisk gloom: "1970 was a bad year for the army, one of the worst since before World War II. Aside from Vietnam we can't put a full-strength corps in the field. We're so short of money we have hundreds of trucks on blocks because we can't afford to keep them running. In NATO we are supposed to have four and one-third divisions, but some of the rifle squads and tank crews are at zero strength."

Lt. Gen. Richard G. Stilwell, deputy chief of staff for operations, tough, but punctiliously courteous, fixes blue eyes on his guest and says: "Yes sir, NATO is our first mission. The President and Mr. Laird have instructed us to bring those divisions up to strength and modernize them. This is a political decision as much as a military one, but vital either way. We have a lot of work to do."

It is current doctrine that the possibility of conventional war with Russia or its satellites or both on the plains of Europe must be assumed. To prepare for such a war, says the army, is to help prevent it. After the implausible confusions of Vietnam, the army is pointing with a sigh of relief toward the renascence of its NATO role, where its charge is clear. There is blunt disagreement about this role in the other services. Snorts a marine. "The army is streaking out for that big NATO thing like a goosed cavalry horse with blinders on."

The army envisions an "automated battlefield" which would use some of the equipment being employed in Vietnam: combat helicopters and, to detect approaching enemy, hidden radio reconnaissance sensors whose antennas can be disguised to look like hay, weeds or anything indigenous to the countryside. The sensors signal back to mortar, artillery or air headquarters, which quickly calculate the range to the sensors' known locations. Another device recently being used in Vietnam is a laser range finder for artillery; it is unerringly accurate at pinpointing distances to known enemy positions.

What the army imagines ultimately is almost here technologically: a battlefield reconnoitered by hundreds of disguised sensors chattering silently to mobile computers which—in seconds—would calculate ranges, then aim and fire automatically sighted artillery. Front-line troops would be protected by mobile air-defense units firing surface-to-air missiles. Wary of Soviet armor, the army intends to use swarms of little helicopters, unmanned and remote-controlled, firing a new antitank missile.

Close air support is as crucial for the infantry as mortars and artillery. Since 1946 the air force has had this supportive role, but elements within the army are increasingly dissatisfied. An impassioned exchange of memoranda has exploded in the Pentagon. The air force wants to build a new close-supported plane (the A–X); but the army has already built the prototype of an armored 250-mph helicopter, the Cheyenne. Given the classic battlefield confrontation, the army wants to draw a line 300 yards beyond the front and say to the air force, "You interdict the battlefield from that point on, give us air cover. But we'll take care of the action inside that line." The air force flatly refuses such a plan: "close air support" is its assigned job in the formal roles and missions of the services.

Traditionally, it is a "citizens' army," but the citizenry is fed up with the draft; so the President promised an all-volunteer army. But will 900,000 Americans eventually volunteer? General Stilwell says, "It's a long chance, but we're going to do our damnedest to make it work."

The air force and navy are perturbed by the whole idea. Their volunteers mostly sign up to escape being drafted into the army. Since the draft has recently been extended, their fears for the moment have been alleviated, but should it ever be dropped, the temptation to join their services is likely to disappear too.

Comment on the army—by a young lieutenant colonel in charge of a Pentagon group assigned to study army problems, and suggest solutions to the top command. He is a tank officer, veterans of Vietnam, graduate of West Point and a former professor there. He is both loyal and irreverent, and here prefers to remain anonymous.

"As an institution the army is confused," he says. "It doesn't really know where it's going. Bright individuals in the army do, but it's hard to swing the whole thing around. Our basic problem is people. Things have happened outside this building which affect these people, and we have to figure out how to do what's right. The volunteer army is a big question mark and it's not the final answer anyway. Even if we were to have a volunteer force, we would still have many problems concerning how we organize, train and motivate people. It's up to us to seize on new standards of command that will give us the discipline to form up the new divisions. The talk about 'Mickey Mouse' regulations is on the surface. The trouble is deeper and we have to be deeper too."

THE AIR FORCE

Condition: Morale good to lively; firm direction in its missions; seriously weak in certain tactical missiles; key planes obsolescent; badgered by interservice rows with army and navy. Mission: Strategic nuclear deterrence—ICBMs and intercontinental bombers (SAC); continental defense in the air; in tactical combat, interdiction of battlefield, close air support, airlift for the army. Budget: $22.8 billion for fiscal 1972 as against $22.9 billion in 1971, $24 billion in 1970 and $25 billion in 1968. Strength: 757,000 right now, to be reduced to 747,000 by 1973; 54 Titan IIs (liquid-fueled ICBMs, the largest weapon in our nuclear arsenal); 1,000 Minutemen (solid-fueled); 552 strategic bombers; 2,600 fighter and attack planes; 17 cargo and troop-lift squadrons. Most Urgent Needs: New sophisticated tactical bombs and missiles to penetrate Russian antiaircraft defenses from points out of range of Soviet AA projectiles; more airlift capacity for troops (C5As); two new planes: a strategic bomber to replace the aging B–52, and a fighter to replace the old F4E. (The new B–1 bomber, supersonic, operational in 1978, will be smaller, faster than the B–52 with twice the arsenal; the new F–15 fighter, operational in 1973, will be an air-superiority plane, faster, more maneuverable than the F4E, with updated close-in guns and rockets.)

The air force is young, uninstitutionalized, and it does not suffer from great brooding self-examinations. It has relatively few people problems. Its membership has always thought itself special. Rich in budget money over the years, it has provided comfortable living quarters which are the envy of the other services. Conditions are relaxed, discipline nonformat.

The man who presides over this service as chief of staff is a direct-talking, broad-shouldered, 55-year-old officer who grew up in SAC. In the tradition of his office, Gen. John D. Ryan offers his visitor a cigar. Then, committing a heresy that would make his cigar-smoking predecessors wince, he proceeds to light up a cigarette and puff on it as though it were, in fact, a cigar. He responds succinctly to the question: what does the air force need most?

"Modernization."

Down along Pentagon corridor "E" is the office of the director of defense research and engineering, Dr. John S. Foster, physicist, craftsman in nuclear configurations. He is wiry, 48 years old, and a shock of light brown hair is carefully smoothed back from the top of his forehead. In his shirt sleeves he sits down at the head of a conference table, leans back in a straight-back chair and talks, his face wrinkling and contorting as he makes his points.

"It seems to me that we'll have to have strategic bombers in our inventory for the foreseeable future. The B-52s are about 17 years old and they'll be more than 25 years old before we can replace them with the B-1."

The strategic missile picture?

Foster walks to the other end of the table where missile models stand like a forest. He starts pushing them around like chessmen. As he moves each Soviet missile, he places the U.S. equivalent beside it.

"Here is the SS-13. It's their first solid-propulsion ICBM and about the size of our Minuteman. These here are the Russian intermediate missiles—shorter ranges. And this big one [meticulously painted green with thin red stripe and hammer and sickle] is the SS-9, the largest ICBM in existence. It's like our Titan. They have less than 300 of them. If they were to deploy, say, another 125 of them, and the whole force were MIRVed with three warheads apiece, they'd have the capability of taking out almost every one of our Minutemen."

Prowling around the end of the table, Foster reaches to push a black-and-white ICBM model into place. "But now we're putting in Minuteman III, and that's a MIRVed missile."

The tactical picture?

"Do you know that we haven't built a really new fighter plane since 1955? The Russians turn one out every year. They've just shown a family of six new planes that have more maneuverability and acceleration than anything we have. But we're taking action to get two first-class fighters—the F-14 for the navy and the F-15 for the air force."

Foster doodles on a white scratch pad, drawing arrows from one side to the other. "We've got to arm our air force planes with 'smart' bombs and air-to-ground missiles. We have to be able to penetrate the Russians' air defenses. We certainly don't want to have to resort to throwing our aircraft and pilots against all that fire. I think a far better tactic is to stand off at a safe distance and fire missiles which will home in on their defenses and knock them out. We don't have any such missiles in operation now."

A go-ahead for SAC's new B-1 bomber would be controversial: opponents argue that it is redundant with Minuteman. However, a human crew has the initiative and judgment a missile does not have. SAC is an elite command, and normally it keeps a 40% ground alert: within 15 minutes of warning, 200 nuclear-armed bombers and airborne tankers would be off the ground. When real trouble is imminent, SAC goes on a 40% air alert: 200 planes airborne, the remaining 300 ready on the runways.

One cannot be as sure as that about the Minutemen emplaced inland in the U.S. The missile cannot be tested in the silo from which it is meant to be fired, for fear that a down-range mishap would kill people and damage property.

"This is a serious matter," says Dr. Foster. "Let's face it, since we haven't done it yet, we can't be sure the Minuteman will fire from its operational silo. We test it every other way. It should fire. But we haven't proved it." The navy, he adds, "doesn't have the problem because it can test-fire Polaris and Poseidon at sea."

Several years ago the air force tried to test Minuteman publicly. It figured out a way to test-fire a Minuteman in North Dakota so that, only several seconds after launch, it would drop harmlessly into a nearby field. VIPs were invited out to watch, as the event promised to be an occasion. The great silo cover rolled back; the switch was turned on. Flame and smoke spewed from the silo; there was a rumble of noise. The missile didn't budge. Two more times at other sites the air force tried again and, to its embarrassment, the same thing happened. Official explanation: unique conditions; the launching mechanism had to be disconnected from the established nationwide hookup and specially wired for the test. Says a colonel, pained by the memory, "Oh, those seven-second tests! We should never have done the damn things. The system isn't designed for them."

Since the air force cannot test-fire Minutemen from operational sites, it does so from two silos at Vandenberg Air Force Base in California, where they are shot out to sea. The exercise works in lottery style. At any moment, without warning, a Minuteman crew at any silo anywhere in the country receives the order to take its missile to Vandenberg. By truck trailer and cargo plane they fly it to the coast where they themselves do the firing in the Vandenberg silo. There, the firing record has been good.

But the doubt continues that the unused inland silos are precisely the same as the proven ones at Vandenberg. Though it firmly believes they are precisely the same, the air force has a plan to stake out a firing range from the north midland states (where numerous Minutemen are emplaced) into the Rocky Mountains. Carrying it out would entail moving people, cattle and sheep away from the line of fire and would cost $30 million, an expense the air force says it cannot now afford.

The air force is dueling with the army on one flank and tilting with the navy on the other. There are several high-ranking officers in charge of repelling hostile boarders, and one of them is Maj. Gen. Leslie Bray, the enthusiastic and voluble 50-year-old spokesman for air force doctrine. Two of his current worries:

"The army wants its own helicopters for close air support. Okay in a benign environment like Vietnam, where the enemy has no air power, but even there they're losing a hell of a lot of choppers. Against a modern army with artillery and planes, the army's Cheyenne is a duck on the pond. An air force plane can loiter over the battleground and still have the speed and power to fight off air attack.

"As you know, the navy is pushing to take the ICBMs out of the silos and out to sea. I've even heard it suggested that our Minutemen be transferred to freighters roaming forever around the oceans. Certainly the navy, with its underwater missiles, should play a big role in our overall strategy. Submarines are hidden and mobile and, I agree, have good survivability. But a sizable share of our missile strength has to stay on terra firma."

Why?

Bray shrugs. "If we move all or most of our force to sea, we could face a protracted war at sea, a nonnuclear war of slow attrition. One of our subs is suddenly reported missing. How do we react? A week later another mysteriously disappears, and two weeks later a third fails to return home. Stop and dwell on this. It raises all sorts of possibilities, none of them good."

THE NAVY

Condition: Morale fair to very good; vulnerable; without more money and congressional-civilian support, potential disaster ahead; only military service confronting—day by day, ship against ship—the power of the Soviet Union. Mission: Responsible for Polaris system; for attack by sea, for sea-lane control, for world "presence." Budget: $21.5 billion for fiscal 1972 as against $19.6 billion in 1971, $20 billion in 1970, and $18.3 billion in 1968; 1972 figure up from this year's, but not enough to regain strength and decisive superiority. Strength: Challenged by Soviet navy in numbers, technology and fleet profile; outnumbered three-to-one underwater, but in nuclear subs about even; superior in carriers (the Russians have none); seriously weak in missiles to attack enemy ships; many surface ships too old and too slow; 11 aging air wings, but Russians have no shipborne naval air. Most Urgent Needs: Crash development of sophisticated missiles and bombs to attack enemy ships; vastly improved techniques in antisubmarine warfare; electronic interception systems to protect surface ships against Soviet missiles; development of high-speed surface ships; new fighter to replace the Phantom (the F-14, faster with more range and firepower, will be operational in 1973).

Adm. Elmo R. Zumwalt, chief of naval operations, is forward-looking, dynamic, strikingly handsome. He has shaken up naval rigidity about beards and sideburns (his are long and flecked with gray); he is trying to make the navy an inviting place to work.

Sitting in his office, leaning forward with his elbows on his knees, chin slightly jutting, he deals with his implicit constant worry: that on some hideous day in the onrush of history his navy will not be able to concentrate the superiority it needs in a confrontation with Admiral Gorshkov's navy. In the last two years the U.S. fleet has been cut from 900 to 700 ships, and Zumwalt has personally presided over the liquidation of 108 of them—most of them, fortunately, obsolescent.

"Our ship construction has declined. The downward trend was accelerated by Vietnam. Go out and look at our ships, old tin cans and cruisers built in World War II. See for yourself how patched up they are. We should have been spending at least $3 billion a year on new construction just to replace our obsolete ships. Instead, because of Vietnam, we averaged less than two-thirds of that amount from '64 through '71."

He speaks of the navy's role as a four-part assignment: first, "Strategic Force"—putting our missile clout underwater, away from the homeland; second, "Sea Control"—keeping the shipping lanes open and getting the supplies through; third, "Projection"—attacking across the cleared oceans, carrying planes, marines, soldiers, cargo; and fourth, in peace or war. "Presence"—showing the flag.

Presence. Here is the suggestive arm of diplomacy—gesture of friendship, note of assurance, implication of threat, glimpse of power. The Soviet navy has learned about presence. Its fleet already is in the Mediterranean, the Caribbean, the Indian Ocean, the Red Sea, the Persian Gulf, along the coasts of Africa and, in time, probably will be in Chile: stopping at ports, establishing bases, offering its support and friendship. It is moving out into the world in a kind of neocolonialism, with people and equipment following along behind to firm up the arrangements made—to build the bases from which they can operate ships, submarines, planes, and from which the expansion continues.

"The President and Secretary Laird believe in the navy. They're cooperative. But it's up to the Congress. Last year it cut us back $800 million and that was a serious blow. Now we've asked for $1 billion more. Will they give it to us?" Zumwalt shrugs his shoulders, arms spread out. "The Congress represents the people, and when the Congress says no—as happened last year—that must be what the people want. And the people seem to be against what we're trying to do."

The Soviet navy began in World War II as a defensive coastal fleet with a strong emphasis on the submarine. In the late '50s the Russians started their nuclear underwater development, pouring billions into it. They erected huge construction yards which, on a one-shift basis, built at least one nuclear sub a month. (The U.S. production rate is about five a year.) They have now matched the U.S. fleet in two categories: nuclear attack submarines (each about 50) and the even more critical strategic subs (with long-range ballistic missiles). In 1968 they revealed their new Yankee (NATO designation) nuclear-powered sub, which is similar to the latest model of the Polaris and can fire a missile almost as far. At least 17 Yankee-class subs are now prowling the seas, some regularly patrolling both U.S. coasts, and more are being built at the rate of eight a year. These figures do not include some 250 diesel-powered subs of modern design, which were built in the '50s and '60s. Besides converting Polaris to Poseidon, the U.S. Navy is beginning to build 17 nuclear attack submarines, at $170 million apiece, to start coming off the ways in 1974; final delivery in 1977.

Eyeing the U.S. surface fleet right after the 1962 Cuban missile crisis, the Russian admirals noted that its primary striking power lay in the capabilities of the carrier task force. Instead of building carriers and planes to fight carriers and planes, they decided to build the world's most modern system of tactical guided missiles. Their ships now bristle with them.

The Russians, on defense, can fling up around their ships a deep, broad antiaircraft missile screen designed to hit attacking U.S. planes at a distance before they can get close enough to strike. On offense, one dangerous weapon of the Soviet tactical missile system is a stand-off, air-to-ship guided missile fired from big, land-based intermediate-range attack planes. Another more ominous weapon is its ship-to-ship "cruise missile"; there are at least six types with accurate ranges of up to 200 miles. They are launched from surface vessels but, most important, they can also be fired from submerged submarines.

The U.S. carrier, always vulnerable to underwater attacks, is now wide open from this new direction and its power thereby blunted. Worse, our navy has no cruise missile of its own. If it did, it could wield the same offensive threat the Russians now have, plus the thrust of an air arm the Russians do not have.

It will be two to three years before the navy gets its first true cruise missile, to be called the Harpoon. The navy is now testing an interim cruise weapon, the Standard, which is a short-range antiaircraft missile fired from an antisubmarine rocket-launcher. It will be operational by the end of this year.

Vice Adm. Gerald Miller, newly named commander of the Mediterranean's Sixth Fleet, sits in a deep sofa in the living room of his Norfolk home. He wears brown slacks and a tan jacket. At 51, he is one of the youngest and most junior of his rank. Ebullient, impulsive, words alternately flow and burst out of him.

What about the Soviet navy?

"They've become good seamen. They handle their ships well and seem to be pretty nice people, at least from signal distance. They're cooperative about our keeping track of them around Cuba. The other day a new Soviet destroyer appeared there for the first time, and the skipper of one of our destroyers flashed a blinker message in Russian asking him to report his position every day. The Soviet skipper answered back in amiable English, agreeing and congratulating my man on his Russian.

"Gorshkov! I don't know how he did it. He must be a genius. He is a genius. He started 14 years ago and now he's got a first-class fleet. And his ships make us drool—new, beautifully equipped, fast. He's a man I'd certainly like to meet."

Sixty days on patrol, 30 at home, then the cycle repeats—way of life of a Polaris crew. Eugene Parks Wilkinson, vice admiral and commander of the Atlantic submarine fleet, was the first naval officer to skipper a nuclear sub and take her to sea. In the tradition of his service, he tells little of what goes on under the sea. But he says enough to let one know that it is an evolving mutual search for the other side's subs, an eerie game of watch and be watched, of trail and be trailed, of hiding and listening in the valleys of the ocean floor. "Yes, we think we know where the Russian subs are, but can you ever be sure?" The accelerations of a smartly handled nuclear submarine are swift and elusive.

Our Polaris submarines navigate for 60 days without surfacing—by charts of the sea bottom, by inertial guidance, by loran C, by fathometer, by satellite. All calculations pour into computers which, in seconds, tabulate the position. At any given moment a patrol must know where it is within 200 yards. Should it have to fire its missiles, accuracy of aims depends on knowing the position of the firing.

It is reliable scuttlebutt around the Atlantic fleet that on maneuvers Wilkinson's submarines regularly penetrate our own "antisubmarine warfare" defenses. The navy has sub-killer teams of destroyers and helicopters, antisub projectiles, sonar, and detection buoys dropped from planes or helicopters.

But the trouble is, the technology of the submarine has outdistanced the technology of defense. The nuclear submarine is faster than most surface ships; it is more silent, more maneuverable, more accurate with its sonar, more deadly in its armament. New antisubmarine destroyers are being built, but even these have stirred a controversy about whether they are already outdated. At the moment, and probably for some time to come, the best antisubmarine weapon is another submarine. The final answer may be a surface ship so fast that a sub cannot catch it. The hydrofoil is under increased study; so is the hovercraft.

Dr. John Foster gazes at the ceiling of his office overlooking the Potomac, and dreams. His new U.S. fleet would travel on foils and on a cushion of jet-produced air to lift it above the sea, be propelled by equally powerful air jets in its stern. "It is," he says, "what technology is all about—getting ahead uniquely and surely. If we can make this work, it will keep us a jump ahead of the Russians. Imagine a 70-knot navy; 50 knots in heavy seas: big ships. Carriers. A fleet transformed!"

MARINES

Condition: Excellent; roles limited and sharply directed; traditional stress on professionalism; morale high and down-to-business. Mission: Readiness for anything that comes along, planned or unplanned, including full-scale amphibious assault; autonomous yet allied to the navy. Budget: $1.8 billion in fiscal 1972, down from $2.2 billion in 1971, $2.7 billion in 1970; most fighting efficiency for dollars spent. Strength: 220,000, but coming down to 206,000 by the end of 1971—or three divisions and three wings. Most Urgent Needs: A vertical-take-off close air-support jet fighter, a new landing vehicle, a new navy-provided ship to deliver a 2,000-man amphibious force, complete with helicopters and landing craft. All three are in the works.

"General Chaisson's quarters?"

"Please get out, sir, and wait for your escort."

From the darkness emerges a six-foot-six captain with white cap and belt, dress sword, dark-blue heavy coat, gold hilt, buckle and buttons gleaming even in the dim light. The officer of the day, he marches along the concrete walk with such an erect and contagious military swing that anyone next to him, even with civilian coat flopping around below the knees, must fall into step.

Hup, two, three, four . . .

"Like this duty?"

"It's great."

Hup, two, three, four . . .

"Where were you stationed before?"

"Vietnam; been here six months."

Hup, two, three, four . . .

"Here's the general's quarters. Have a good evening, sir."

"Thank you."

Lt. Gen. John R. Chaisson is deputy chief of staff of the Marine Corps. Son of a New England boat builder, graduate of Harvard, he has fought in three wars and is the rising intellect in the corps, a brilliant and blunt man. He feels "good" about the corps. "We're amphibious shock troops, emissaries, police, whatever comes up. We are prepared to move elements of a division from either coast in a matter of hours, with the whole force following within a few days."

Chaisson is wearing gray flannels and a tweed jacket. Highball next to him, feet up on a stoll, he launches forth on today's kids.

"They'll listen if they get facts, not pap. I'm called on a lot to give speeches in colleges. There might be 700 kids in the hall wondering what this jerk from the military is going to say. I start out this way; 'If I were to tell you that the Russians have as many intercontinental missiles as we have, or maybe more, you wouldn't be surprised. If I were to tell you that the Russians have a bigger army than we have, you still wouldn't be surprised. But if I were to tell you that the Russians have a navy which is almost as powerful as our navy in some ways and more powerful in others, you would be damn well surprised. Well, that's what I'm telling you.'

"It grabs them."

Until recently Ray Davis, general USMC, wore three stars on his shoulders and was in command of Marine Corps Schools and the Development Center in Quantico, Va. He has been promoted to the second job in the corps, assistant commandant. A slim man with a gentle southern intonation in his voice, he does not at first reveal the tough fibers within him. The ribbons on his chest reveal some of it: two Silver Stars, the Navy Cross, the Congressional Medal of Honor won in Korea during the retreat from the Chosin Reservoir (Ray Davis, a general said, "brought the 7th Regiment out on his back").

Davis: "I gave a talk the other day to the class of second lieutenants. I told them, 'If you gentlemen are interested in the length of your hair, or your sideburns, beards or mustaches, you're in the wrong service.'"

The corps reflects the personality of its commandant. Gen. Leonard F. Chapman is a 57-year-old southerner, an erect, somewhat aloof officer who demands elegance of detail in performance. Since taking over as commandant in 1968, he has carried the corps through a potentially disruptive time and brought it out ahead. Ugly rivalries between the marines and the army, accusations about diverging tactical choices and different fighting styles in Vietnam boiled, but stopped short of erupting. Chapman publicly ignored them, privately muffled them and kept the corps about its business. While the army and the navy eased their disciplines, Chapman told his marines to toughen up. The military haircut is very much in evidence around his headquarters, and some of his officers are reviving the Sam Browne belt, though he himself is not yet wearing his.

Toughening up reflects Chapman's personal belief. But it is also aimed at recruiting. Chapman is counting on a backlash civilian sentiment against permissiveness in an elite fighting force. So far it is working. The marines need 35,000 enlisted volunteers and 2,000 officers a year, and they are meeting recruiting quotas in every U.S. city except New York.

The commandant: "I'm determined to preserve our manners and bearing. I've just gotten the okay from defense to make our blue uniform regular issue for enlisted men. I want to see a whole division parading in 'blues'. What a sight!"

PROPOSAL

The money we are spending for military defense—$66 billion a year exclusive of Vietnam—is not enough to even maintain parity with the Soviet Union, let alone regain the superiority we are losing or have already lost in critical military categories. That's a lot to spend—to the detriment of domestic problems which demand the same money and more—only to lose out. If we are serious about defense vis-à-vis Russia (and, in a decade or so, China), we must either go on paying more and more, or figure something else out.

The following proposal is an effort to figure something else out.

There is hope that the Strategic Arms Limitations Talks (SALT) between U.S. and Soviet representatives will save the day and cut the costs for everyone. If that happens, everybody will gain. If it doesn't happen, what are we to do?

This proposal is based on new strategies, technologies and strengths, all to be completed and in operation (except for SAC requirements) by June 1974. It is based, too, on a change in the way the military has for years divided up the money. Each of the four services has its own money bin. As strategy is made and money allocated each year, these bins rise and fall proportionately. If an economy drive is on, all bins dwindle proportionately; if spending is in the air, they increase proportionately. Only occasionally does one bin swell above the proportionate allocations to the others. Bin-levelling has become practically institutionalized since its start in the late '40s. We should change the relative sizes of the bins and re-shape the strategy whose demands fill them.

The Triad, for the most part, should be let alone. Its role as a deterrent, a retaliatory system, is essential. But there is danger in relying entirely on the technology of missilery, so it would be a mistake to let SAC and the manned bomber fade away into obsolescence with the B–52. The new B–1 bomber must be built and should begin, as already planned to take over in 1978. With the completion of the MIRVed Minuteman III program, the U.S. will have enough sophisticated land-based ICBMs. After that, any new ICBM weaponry should go to sea. The navy's Undersea Long-Range Missile System (ULMS), future successor to Poseidon, promises to be such a weapon. The decision on whether or not to press ahead with it awaits results of the SALT talks. We should press ahead with research and development anyway. If SALT turns up with good news, we can cancel ULMS.

Safeguard is a limited ABM system to protect Minuteman and a few other prime targets. It should be canceled. The U.S. figures Minuteman can penetrate the Soviet ABM network with adequate megatonnage, and it is logical that the reverse would be just as true. The key to deterrence is the threat of annihilating offense—not a defense against it.

The Army is already reducing from 1.3 million men to 900,000 (13 divisions), but it should reduce further—to 500,000 skilled men, furnishing six superbly equipped reinforced divisions. They would constitute a highly mobile force organized for air or sea lift and have the accouterments of the automated battlefield. Instead of supporting treaty countries with garrisoned troops, this army would provide support, as needed, through swift movement from the U.S.—and thereby preserve its strategic options and eliminate the logistical costs, the human problems and the dangers of unnecessary involvement arising from being scattered permanently around the world. They would become elite divisions summoning up the spirit of the former army. Soon, we may hope, they would be genuine volunteer forces. Equipped with the Cheyenne helicopter, they would pilot and control their own close air support. They would be backed by a knuckled down U.S. Army Reserve and National Guard.

Only one reinforced army division would continue to be deployed overseas—in NATO whose countries exclusive of the U.S. can put into the field a force of more than a million men. The recent U.S. decision to maintain 4⅓ divisions in NATO is largely political and sets a base of troop strength from which to negotiate with the Russians. One division would be as much of a showpiece, underlining U.S. support, as the understrength, underequipped divisions now there.

The Air Force is spread over the world. It has a vast network of 50 bases, and it keeps many tactical squadrons watching for long periods of time when there may be nothing to watch. The air force should cut back its number of tactical wings from 21 to 14, a personnel cut of 40,000, an aircraft cut of 700. Excluding strategic air defense areas, it should shut down 43 bases in favor of the strategy of swift, long-range movement of its squadrons from U.S.-centered pools. The deserted airfields should, by arrangement with the countries involved, be kept ready for potential use.

The air force is already working on long-range tactical movement. Known as the "Bare Base" operation, studies and exercises are going on at Langley Field under the command of Gen. William Momyer. Momyer is preparing to move entire tactical wings by in-flight refueling to any threatened location or combat zone within 48 hours at most. They arrive complete with meshed runways (if needed), water, fuel, food, ammunition and parts for the first two days of fighting, after which more logistics are flown in.

Capacity for troop lift is a key to this proposal because the success of the reduced army will depend on efficient and ready mobility. The air force should be able to lift in 48 hours one light army division to any foreign area, and in theaters as close as Europe in a day or less. It is a crucial demand and, aside from the technology and organization needed, it succeeds or fails on the teamwork—or lack of it—between the two services.

In conjunction with the navy, the air force should develop the critical "smart" missile or bomb needed to cope with the screens the Soviets fling up around their land targets and ships. To provide close air support for treaty-country troops, something like the A–X—with firepower punch and loitering capability—should be built in limited numbers for "bare-base" operations.

So far, under this proposal, the money bins of the army and air force are reduced; but the navy's would be filled higher.

The Navy should proceed with what it is doing now, but faster:

Press a crash program to develop Harpoon and other cruise missiles to match the Soviet cruise weapons.

Press perfection of a compact missile defense system to protect carrier task forces against enemy cruise and air-to-air missiles.

Build a fleet of fast, cheap sub-killers.

Develop hydrofoil and surface-effect ships.

Continue modernization of the carrier force for use in antisubmarine warfare and as a way of deploying ready, ocean-roaming airstrips.

Keep building subs.

The Marines are on the right azimuth. But the corps will be too big, even when it has reduced its strength from 300,000 to 195,000—three divisions and three wings. That size is the legal floor for the Marine Corps, set by act of Congress in 1953—a level the Congress should be willing to lower. Two divisions and two wings of that remarkable corps—about 150,000 men—are sufficient: one division on each coast, providing three seaborne battalions in the Atlantic, three in the Pacific.

Strategically, a defense posture with naval emphasis is sensible for a country which, by geography and history, is a maritime nation, dependent on the seas for much of its protection, for most of its international trade, and in large part for the safety of its alliances and interests abroad. No one can control all the seas; but the power which is able to mass a convincing superiority at the point of confrontation can sway diplomatic decisions, the course of history—and do it without a fight.

Today the U.S. Navy is the service bearing the brunt of Soviet confrontation. It is challenged and vulnerable. The logical approach is not to cut the navy back, which is what has been happening, but to put a fast, sure and serious rebuilding effort into it.

The proposal for military redesign just described will save a total of $9.5 billion a year. However, $6 billion of this, through 1974, will have to be plowed back—mostly into the navy, some into the army and air force. Thus, we achieve a defense which gives us not only an effective strategy and a stronger defense in the critical areas but a net saving of $3.5 billion to start with. Once new costs have been funded and a start made in paying for them, the net savings, which are based on permanent manpower cuts, will begin to increase. And this does not include additional savings that are possible in another area where costs can and should be cut: the Pentagon itself, which is monstrously overstaffed and overorganized.

The treaty countries from whom we withdraw our forces would at first be distressed. But the withdrawals, to be completed by mid-1974, would take place gradually, giving the countries time to adjust to the fact that their own armed forces must bear the initial responsibility if trouble arises. The U.S. would have the strategic option to help: first with its enlarged, faster navy, including carriers and marines, and second, with forces swiftly lifted and "bare-based" in from the U.S. To assure the treaty countries that U.S. support is as implicit in the new system as in the old garrison concept, we would be able to execute timely maneuvers in a given country or alliance, forcefully demonstrating the modern techniques.

For the most of our history, our military stance has been inconsistent. Its size and shape have varied with the peaks and valleys of war and peace. As our involvement in Vietnam subsidies, the temptation, as we look down into another welcoming valley, is to breath another marvelous sigh of relief. That would be a mistake. Until the international realities change, we must keep ourselves militarily fit and progressive. But we should make a serious effort to do it with intelligence, imagination and efficiency. The old way is obsolete, wasteful and hopelessly expensive. Besides, it isn't working.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12:30.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

H.R. 2592. An act to amend the act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928;

H.R. 8589. An act to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Art, and for other purposes; and

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police Force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police Force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

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QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following letters, which were referred as indicated:

APPROVAL OF LOANS BY THE RURAL ELECTRIFICATION ADMINISTRATION

Two letters from the Administrator of the Rural Electrification Administration furnishing information, pursuant to law, regarding the approval of two loans to the South Mississippi Electric Power Association of Hattiesburg, Miss. (with accompanying papers); to the Committee on Appropriations.

REPORT ON FINAL DETERMINATION WITH RESPECT TO INDIAN CLAIM CASE

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final detemination with respect to docket No. 270, the Chickasaw Nation, plaintiff, versus the United States, defendant (with accompanying papers); to the Committee on Appropriations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements of the Government National Mortgage Association for fiscal year 1970, Department of Housing and Urban Development, dated June 14, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improving the neighborhood health services program for the poor administered by St. Luke's Hospital Center, New York City, Office of Economic Opportunity, dated June 15, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT AT LEES FERRY SITE, GLEN CANYON NATIONAL RECREATION AREA, ARIZ.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract at Lees Ferry Site, Glen Canyon National Recreation Area, Ariz. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT BY THE ADVISORY COUNCIL ON HISTORIC PRESERVATIONS

A letter from the Chairman of the Advisory Council on Historic Preservation submitting, pursuant to law, its report on an action taken during its May 5–6, 1971, meeting with regard to plans affecting Pennsylvania Avenue National Historic Site, Washington, D.C. (with accompanying letter); to the Committee on Interior and Insular Affairs.

PROPOSED CONVEYANCE OF CERTAIN FEDERALLY OWNED LAND

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to convey certain federally owned land to the Twenty-nine Palms Park and Recreation District (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF PROCEEDINGS OF JUDICIAL CONFERENCE

A letter from the Chief Justice of the United States, transmitting, pursuant to law, a report on the proceedings of the meeting of the Judicial Conference held in Washington, D.C., on March 15–16, 1971 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED CORRECTION OF DEFICIENCIES RELATING TO CERTAIN CRIMES

A letter from the Postmaster General, transmitting a draft of proposed legislation to correct deficiencies in the law relating to the crimes of counterfeiting and forgery (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GRAVEL):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 138

"A concurrent resolution requesting the Congress of the United States to call a convention for the purpose of amending the United States Constitution to provide for intergovernmental sharing of federal income tax revenues

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments; and

"Whereas, the federal government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the federal government and the state and local government; and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; and

"Whereas, in the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislature of two-thirds of the several states to the Congress, calling for a constitutional convention; and

"Whereas, the Congress of the United States is required by the Constitution to call such a convention upon receipt of applications from the legislatures of two-thirds of the several states.

"Now, therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that pursuant to Article V of the United States Constitution the Legislature of the State of Louisiana does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the United States Constitution shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such monies for any purpose not inconsistent with any other provision of the Constitution of the United States.

"Be it further resolved that this application shall constitute a continuing application for such convention pursuant to Article V until the Legislatures of two-thirds of the states shall have made like applications and such United States, unless previously rescinded by the Legislature of Louisiana.

"Be it further resolved that certified copies of this resolution shall be transmitted forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Legislatures of each of the several states attesting the adoption of this resolution by the Legislature of the State of Louisiana and to each member of the Congress from the State of Louisiana."

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GRIFFIN:

S. 2063. A bill to amend title 38, United States Code, in order to authorize the Administrator of Veterans' Affairs to make advance educational assistance payments to veterans accepted for enrollment at colleges and universities, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. PERCY:

S. 2064. A bill to authorize the Office of Management and Budget and the Domestic Council to establish standards and procedures governing the operation of existing Government advisory committees and the creation of new ones; to provide consumer representation on certain Federal advisory committees to expand public access to advisory committee deliberations, and for other purposes. Referred to the Committee on Government Operations.

By Mr. McGOVERN:

S. 2065. A bill for the relief of Roger L. Oehler. Referred to the Committee on the Judiciary.

By Mr. CHURCH:

S. 2066. A bill to extend the provisions of the Act of October 23, 1962, relating to relief for occupants of certain unpatented mining claims. Referred to the Committee on Interior and Insular Affairs.

By Mr. BEALL:

S. 2067. A bill to authorize the construction of a low diversion structure or dam cn the Potomac River, Md. Referred to the Committee on Public Works.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2068. A bill to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont. Referred to the Committee on Interior and Insular Affairs.

By Mr. ELLENDER:

S. 2069. A bill for the relief of Ivo Mador; and

S. 2070. A bill for the relief of Mijo Franicevic. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2071. A bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam. Referred to the Committee on the Judiciary.

By Mr. SCOTT:

S.J. Res. 115. A joint resolution instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY:

S. 2064. A bill to authorize the Office of Management and Budget and the Domestic Council to establish standards and procedures governing the operation of existing government advisory committees and the creation of new ones; to provide consumer representation on certain Federal advisory committees to expand public access to advisory committee deliberations, and for other purposes. Referred to the Committee on Government Operations.

FEDERAL ADVISORY COMMITTEE EFFICIENCY ACT

Mr. PERCY. Mr. President, there has been a growing concern about committees created to advise the executive branch. This concern has been of two kinds. First is a belief that standards and procedures for establishing and managing advisory committees have been inadequate, and that as a result there exists a very large number of such committees, many of which have been of marginal usefulness. Several thousand advisory committees of one type or another are estimated to exist, though it actually seems to have proven impossible to make an accurate count. In March 1970, it was estimated by a House subcommittee that at least five Presidential advisory committees had no chairman and were inactive; at least 12 had not met in over 3 years; that the Secretaries of Agriculture and Commerce were in theory members of 43 advisory committees and that on average each Cabinet member served on 30 advisory committees.

Thus, though advisory committees may be useful and desirable in giving Federal officials and agencies the benefit of expert advice and counsel, there seems to be a consensus and a convincing body of evidence that Federal advisory committees—whether formed to advise the agencies of the executive branch or formed to advise the President—are too numerous, too costly, overlapping and often unnecessary and obsolete.

There is another kind of concern about Federal advisory committees—a belief that these committees do not adequately and fairly represent the public interest, that they may be biased toward one point of view or interest, and that their proceedings are unnecessarily closed to the public. This concern has been specifically expressed about the group of 16 committees formed to advise the Office of Management and Budget under the Federal Reports Act of 1942. These committees perform the limited function of advising OMB on the questionnaires Government agencies send to industry. They are organized by type of industry, and are composed exclusively of industry representatives. Industry participation in these committees is organized by the Advisory Committee on Federal Reports which describes itself as OMB's "official business consultant." Though the mandate of these committees might seem insignificant, in fact they have the ability to frustrate and otherwise block a Federal agency from receiving OMB permission to ask questions of industry that might be embarrassing, even though these questions might be entirely legitimate.

PREVIOUS HEARINGS

Hearings were held on Federal advisory committees by the Subcommittee on Special Studies of the House Government Operations Committee in March 1970, and by the Subcommittee on Intergovernmental Relations of the Senate Government Operations Committee in October 1970. The Senate subcommittee opened additional hearings on June 10. The subcommittee is considering mainly two bills. One is S. 1964, a bill introduced by my able colleagues, Senators ROTH and BROCK, which would provide standards and procedures for agency and Presidential advisory committees. The other is S. 1637, introduced by Senator METCALF, to provide for more open public access to the proceedings and reports of advisory committees.

I am today introducing a bill that I hope will address both concerns. It would provide for procedures and standards to govern creation of new, and review of existing, advisory committees, and it would require advisory committees to be more open to public scrutiny, more representative of and more responsive to the broader public interest. I hope that this bill, the Federal Advisory Committee Efficiency Act, will be considered by the subcommittee, but I in no way intend it as a substitute for the other legislative proposals being considered by the subcommittee. While I am acting ranking member of the full Government Operations Committee, I am not a member of the Subcommittee on Intergovernmental Relations. Therefore, I commend this approach to my colleagues, and ask merely that they consider it as one of the proposals before them.

SUMMARY OF THE BILL

The bill declares congressional policy in section 2 that advisory committees are useful devices, but that they should be used more efficiently and responsively.

Section 3 defines two types of advisory committees, a distinction central to understanding this problem and this bill. The two types of advisory committees are "agency advisory committees" and "Presidential advisory committees." Agency advisory committees are committees of citizens and Government officials to advise agencies in the Federal Government apart from the President or Congress. This category includes a special group of advisory committees set up under the Federal Reports Act to advise the Office of Management and Budget on questionnaires Government agencies can send to business. Presidential advisory committees are committees which include private citizens, which are created to advise the President or Congress, or both.

Section 4 requires congressional committees to make a continuing review of the activities of advisory committees under their jurisdictions, requires that in establishing new advisory committees Congress insure that they are not overlapping with existing advisory committees, and that new advisory committees have a clearly defined mission.

Section 5 gives the OMB jurisdiction over agency advisory committees, and instructs the Director of OMB to evaluate the existing committees and make recommendations to the heads of the agencies that have created them to continue them, revise their mandates, or discontinue them. Agency heads are required to report annually on the operation of advisory committees reporting to them. The Director shall provide management assistance and provide administrative guidelines for agency advisory committees.

Sections 6 and 7 apply to the special group of advisory committees that advise OMB on the administration of the Federal Reports Act. It requires that such committees, established to advise the OMB in this capacity, contain representatives of consumers, labor, and small business, as well as large industry.

Section 8 makes the Domestic Council the watchdog for Presidential advisory committees, and asks it to make annual reports on the status and work product of each of them.

Section 9 creates a depository for the reports and working papers of Presidential advisory committees in the Library of Congress.

Section 10 instructs agency heads to cooperate with the OMB in establishing uniform systems for administering agency advisory committees.

Section 11 directs that each existing advisory committee shall terminate 1 year from passage of the act, unless the appropriate action is taken to continue the committee. It establishes as general practice that each committee shall terminate after 2 years, unless specifically extended.

Section 12 establishes uniform rates of compensation for advisory committee members, requires uniform accounting of funds expended for advisory committees, makes minutes of advisory committee meetings mandatory, and opens them to public inspection. Records of funds expended for advisory committees must be kept.

Section 13 amends the Freedom of Information Act to make verbatim transcripts of agency proceedings more freely available to the public. The private stenographic services that record the hearings now contract for the right to sell them at very high rates, making them, in effect, unavailable to the general public.

Section 14 provides for judicial review; section 15 provides that inconsistent Executive orders and regulations are superseded by the act; and section 16 provides that the act becomes effective 90 days after enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2064

A bill to authorize the Office of Management and Budget and the Domestic Council to establish standards and procedures governing the operation of existing government advisory committees and the creation of new ones; to provide consumer representation on certain Federal advisory committees to expand public access to advisory committee deliberations, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Advisory Committee Efficiency Act."

FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that committees of citizens formed to advise the President, Congress, and the agencies of the Executive Branch are frequently a useful and beneficial means of bringing to bear the expert advice, ideas, and diverse opinions existing in the private community on government decision-making. However, Congress also finds and declares:

(1) that a large but undetermined number of such committees, boards, commission, councils, and similar groups exist which were established to advise officers and agencies in the executive branch of the Federal Government or the Congress or both, and that the present need for some of these bodies has not been established;

(2) that standards and procedures are necessary to govern the administration, operation, and termination of advisory committees,

(3) that new committees be established only when they are determined to be necessary to provide needed advisory functions,

(4) that their number be kept to the minimum necessary,

(5) that they be representative of the broad interest of the society including the consumer interest, rather than of a narrow, parochial interest, and

(6) that their meetings and proceedings be open to public scrutiny, and their reports retained in an accessible depository for public reference.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "agency advisory committee" means a committee, council, board, commission, task force, or similar group established or organized under a statute, an Executive order, or any other means, to advise and make recommendations to an officer or agency of the executive branch of the Federal Government, but such term excludes standing or special committees of the Congress, any local civic group whose primary function is that of rendering a public service in relation to a Federal program, as well as any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

(3) The term "Presidential advisory committee" means an advisory committee any members of which are private citizens appointed by the President, and which advise the President or the Congress.

RESPONSIBILITIES OF COMMITTEES OF CONGRESS

SEC. 4. (a) In the exercise of its legislative review function, each standing committee of the Senate and House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction with a view to determining whether the responsibilities assigned it should be revised, whether it should be merged with any other advisory committee or whether it any longer performs a necessary function. The committee shall take appropriate action to obtain the enactment of the legislation necessary to effectuate the results of its reviews under this subsection.

(b) In its consideration of legislation creating, or authorizing the creation of, an advisory committee, each standing committee of the Senate and of the House of Representatives shall have the responsibility of satisfying itself and certifying to the Senate and House of Representatives that the new committee is necessary, and of assuring that no advisory committee will be created if its functions are being or will be performed by an advisory committee already in existence, or could be performed by enlarging the mandate of an existing advisory committee, or by the committee itself, and that any such legislation—

(1) shall contain a clearly defined mission for the advisory committee,

(2) shall require the membership of the advisory committee to be representative of all those who are legitimately interested in the responsibilities and functions of the committee,

(3) shall contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority, but will instead be the result of its independent judgment,

(4) shall contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, the publication of reports and other materials, and the authorization for, and limitation on the use of, subpenas, to the extent that the standing committee determines the provisions of section 12 dealing with such matters to be inadequate,

(5) shall contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds to meet its other necessary expenses.

RESPONSIBILITIES OF THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SEC. 5. (a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be the principal agency within such office having responsibility for matters relating to advisory committees both agency and Presidential.

(b) The Director shall, immediately upon the enactment of this Act, institute in cooperation with agency heads a comprehensive review of the activities and responsibilities of each agency advisory committee then in existence with a view to determining what results have been achieved and whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised; whether it should be merged with other advisory committees; and whether it should be disestablished. Upon the completion of the Director's review he shall make recommendations to the Secretary of the relevant department with respect to action he believes should be taken. Thereafter, the head of each agency shall carry out a similar review annually under the direction of the Director.

(c) The Director shall (to the extent permitted by statute) prescribe administrative guidelines and management controls to be applicable to agency advisory committees. The Director shall, to the maximum extent feasible, provide advice, assistance, guidance, and leadership to agency advisory committees with a view to improving their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of the advisory committees advising him. The Director shall cooperate with the Civil Service Commission in carrying out the Intergovernmental Personnel Act with respect to training members and staffs of agency advisory committees.

(d) The Director shall include in budget recommendations the sums he deems necessary for the expenses of agency and Presidental advisory committees, including the expenses for publication of their reports where appropriate.

Sec. 6. (a) That Section 3506 of title 44 of the United States Code (Federal Reports Act) is amended by inserting "(a)" before the word "Upon" and by adding at the end thereof the following new subsections:

"(b) No advisory committee which includes among its members individuals who represent the interests of business or commercial enterprises may be used by the Director to assist or advise him in or with respect to the administration of this Act unless that advisory committee includes among its members one or more individuals who are chosen from private life to represent the economic interests of consumers, labor, and small business within the United States. Not less than one-third of the membership of any such advisory committee which is comprised of three or more members shall be individuals so chosen to represent the economic interests of consumers.

"(c) All records, minutes, and other information of any advisory committee appointed to carry out the provisions of this chapter shall be available for public inspection and copying in accordance with regulations established by the Director.

"(d) In addition to publication in the Federal Register, the Director shall establish procedures for giving timely, conspicuous public notice, by such means as he deems appropriate, to persons interested in the conduct of the business of advisory committees appointed under this chapter."

Sec. 7. That section 3509 of title 44 of the United States Code is amended by inserting "(a)" before the words "A Federal agency" and by adding the following new subsections:

"(b) A determination of disapproval by the Director shall be accompanied by a statement detailing the reasons therefor."

"(c) Any collection of information, which has been referred to the Director of the Office of Management and Budget pursuant to section 3506 of title 44 or to subsection (a) of this section shall be acted upon within 90 days or approval shall be implied."

RESPONSIBILITIES OF THE PRESIDENT AND THE DOMESTIC COUNCIL

Sec. 8. (a) The President shall assign to the Domestic Council responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees (except to the extent that they deal with national security matters).

(b) Within one year after a Presidential advisory committee has submitted such a public report to the President, the Domestic Council shall make a public report to the President containing its views on recommendations contained in such advisory committee report and specifying either its proposals for action with respect to the recommendations or its reasons for proposing inaction.

(6) The President shall, not later than March 31 of each calendar year (after the year in which this Act is enacted), make an annual report to the Congress on the activities, status, and changes in the composition of Presidential advisory committees. The report shall contain the name of every such advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and affiliations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of advisory committees established by statute which the President has recommended abolishing, together with his reasons therefor and the recommendations made to the President by the Director of the Office of Management and Budget, together with resultant action.

RESPONSIBILITIES OF LIBRARY OF CONGRESS

Sec. 9. At least one copy of each report made by every Presidential advisory committee and where appropriate papers prepared by consultants and other studies and working papers shall be submitted to the Library of Congress. The Librarian of Congress shall establish a depository for such reports where they shall be available to public inspection and use. When the Librarian of Congress requests such consultant papers, studies, and working papers, the advisory committee will supply them.

RESPONSIBILITIES OF AGENCY HEADS

Sec. 10. Each head of a department or agency of the United States shall, subject to applicable statutes, establish at the direction of the Director of the Office of Management and Budget uniform administrative guidelines and management controls for advisory committees set up to advise him, which shall be consistent with directives of the Director under section 5(c). A uniform informational system relating to agency advisory committees and their operation shall be maintained within each department or agency.

TERMINATION OF EXISTING ADVISORY COMMITTEES

Sec. 11. (a) Each agency and Presidential advisory committee in existence on the date of enactment of this Act is hereby discontinued, effective on the last day of the first calendar year which begins after the date of enactment of this Act, unless prior thereto the creating authority has by appropriate action continued the existence of such committee. The property, funds, and unexpended balance of appropriations of advisory committees discontinued by this section shall be assigned to the use of the Committee Management Secretariat.

(b) Except as otherwise provided by law, an agency advisory committee shall cease to exist not later than two years after the date of its establishment, unless the head of the Federal agency which established that committee determines in writing not more than sixty days prior to the expiration of such two-year period that its continued existence is necessary to the performance of duties imposed on such agency by law.

ADMINISTRATION OF ADVISORY COMMITTEES

Sec. 12 (a) The Director after study and consultation with the Civil Service Commission, shall establish uniform fair rates of pay for comparable services of members, staffs, and consultants of agency and Presidential advisory committees respectively, in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Unless otherwise provided by statute, no member of such advisory committees or of their staffs shall be paid compensation for his services at a rate in excess of the rate specified at the time of such (service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of such advisory committees away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(b) Unless otherwise provided by law or by the agency head which creates it, each agency advisory committee shall meet at the call of its chairman but not less than two times each year. Minutes of each meeting of each agency advisory committee shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by such advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(c) Each Federal agency shall keep such records as will fully disclose the disposition of any funds which may be at the disposal of agency advisory committees it creates or which report to it, and the nature and extent of the committee's activities in carrying out its functions.

(d) Each Federal agency shall make available to the public for inspection and copying the records and files, including agenda, transcripts, studies, analyses, reports, and any other data compilations and working papers, which were made available to or prepared for or by each agency advisory committee (except to the extent they deal with national security matter). Such records shall be maintained at a single location in each agency for a period of 2 years after the committee ceases to exist; thereafter the Librarian of Congress may secure them and retain them in the Library of Congress.

(e) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of each agency advisory committee.

(f) Each advisory committee is authorized to request from any department, agency, or independent establishment of the Government any information it deems necessary to carry out its functions; and each such department, agency, and instrumentality is authorized to furnish such information to such committee upon an official request therefor.

AMENDMENT TO FREEDOM OF INFORMATION ACT

Sec. 13. Section 552 of title V of the United States Code is amended by adding the following new subsection. (a) Any contract entered into, on or six months after the date of enactment of this Act, for supplying stenographic services for transcribing agency proceedings including the proceedings of advisory committees, shall contain provisions adequate to assure that 15 days after any agency proceeding is completed, for which such services were performed, that agency is not prohibited from furnishing copies of the transcript to any person requesting such copies.

(b) Each agency shall, 15 days after any agency proceeding is completed, furnish a copy, at cost of duplication, of the transcript of such proceeding to any person requesting such a transcript. Notwithstanding any other provision of law, any funds received pursuant to this subsection shall be deposited in the Treasury of the United States to be credited to the agency furnishing such copies.

(c) This section shall not apply to any

matters set forth in section 553 (b) of title 5, United States Code.

(1) "agency means any agency as defined in section 551 (1) of title 5 United States Code; and

(2) "agency proceeding" means any proceeding as defined in section 551 (12) of such title.

JUDICIAL REVIEW

SEC. 14. (a) Any person may bring a suit for injunction against a Federal agency if—

(1) that person is or was adversely affected or aggrieved by an action of a Federal agency; and

(2) that action is or was pursuant to a recommendation of an agency advisory committee subject to the provisions of this Act; and

(3) that agency advisory committee is improperly constituted or was otherwise not operating in accordance with the provisions of this Act.

Any such suit may be brought in the United States district court for the district in which the person bringing such suit resides or has his principal place of business or in the United States District Court for the District of Columbia.

(b) The court having jurisdiction of a suit brought under this section may enter such order as may be appropriate to enforce compliance with the provisions of this Act, and to set aside any agency action in violation of such provisions.

EXECUTIVE ORDERS AND REGULATIONS

SEC. 15. To the extent that any Executive Order or regulation is inconsistent with provisions of this Act, such Executive Order or regulation is superseded.

EFFECTIVE DATE

SEC. 16. This Act shall become effective ninety days after the date of its enactment.

By Mr. CHURCH:

S. 2066. A bill to extend the provisions of the act of October 23, 1962, relating to relief for occupants of certain unpatented mining claims. Referred to the Committee on Interior and Insular Affairs.

EXTENSION OF THE MINING CLAIMS OCCUPANCY ACT

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to extend the provisions of the act of October 23, 1962, relating to relief for occupants of certain unpatented mining claims.

Representative HAROLD T. "BIZZ" JOHNSON and I sponsored this legislation in the 87th Congress to provide relief for certain people who have lived for years in homes on some unpatented mining claims.

The period for making application under the act was extended by the 90th Congress from October 30, 1967, until June 30, 1971. This bill provides for a 3-year extension. Representative JOHNSON is sponsoring a similar bill in the House.

In many instances in the West, persons have staked or bought claims and lived for many years on the land without making a discovery of valuable minerals in order to "prove up" on the property. Sometimes such claims have been mined out without patent and are no longer valid. Persons unfamiliar with the mining laws often have purchased quitclaim deeds to unpatented claims mistakenly believing they were obtaining fee title to such property.

Through Public Law 87-851 persons living on such claims, under certain circumstances can acquire an interest in the land.

While the Public Land Law Review Commission has made its report and recommendations regarding the mining laws, it will be some time before the Congress can obtain a permanent solution to such problems. This emphasizes the need to extend this program, Mr. President, and I hope the Congress will agree to do so.

By Mr. MOSS:

S. 2071. A bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam. Referred to the Committee on the Judiciary.

VIETNAMESE-AMERICAN WAR ORPHANS

Mr. MOSS. Mr. President, there is no more tragic consequence of that most unwanted war in Vietnam than the illegitimate child who is an offspring of an American father and a Vietnamese mother.

The child is not recognized officially by either the U.S. Government or the Vietnamese Government. It is truly a child in limbo—stateless and homeless.

But this little bit of human flotsam bears an even greater burden than that of being a "child without a country." It is both illegitimate and of mixed blood. Illegitimacy carries more of a stigma in Vietnam than it does in most other places. When an illegitimate child is not of pure blood in race-conscious South Vietnam—when it is half white or half black—then it faces a degree of disgrace and ostracism which is insurmountable. The child of an American father and a Vietnamese mother born out of wedlock is an outcast, and it has no hope of ever being fully accepted in Vietnamese society.

I believe that such a child is an American responsibility. It is as much a casualty of war as a soldier who has been killed or wounded, a peasant who has been shot, or a group of villagers whose homes have been burned down.

Even more so, perhaps, because if America had not embarked on its Vietnam venture, this little halfbreed American-Vietnamese child would not have been born.

We cannot—we must not—leave these children to shift for themselves. The Department of Defense has informed me that it has a survey underway to find out how many illegitimate children of American and Vietnamese parentage are now stranded in Vietnam. Results should be available shortly.

It will not be an easy count to make. Parentage will be difficult to prove. Even what kind of mixed heritage a child has will be questionable in some instances. And the children are everywhere—with their Vietnamese mother, or some member of her family, or some friend or neighbor, in orphanages, abandoned in the streets, discarded into garbage cans as mere infants.

More than often their fathers do not even know they exist, although in some instances their American fathers are helping out financially.

As soon as these children can be found and authenticated, especially if they are abandoned or are orphans, or if they have a parent who is unable to provide for them and is willing to give them up, they should be brought to the United States where their heritage will not be despised and where they can be adopted into American families and grow up on an equal basis with other American children.

Purity of race is not an issue in this "melting pot" country of ours. We already have millions of citizens of mixed heritage—citizens of all races, colors, and creeds, and all combinations of them. We have opened our arms to the homeless and the hopeless and oppressed in the past; now we must open our arms again to these war orphans who were born a part of us. They will have a chance for a decent life in America.

We can learn much from France, which faced the same problem America now faces in Vietnam, during French colonial rule and the later French military action. The French met their problem with admirable dispatch and practicality. When a child of French Vietnamese paternity was found to be unwanted, it was repatriated to France through a French children's association which is supported by the Government.

Some 5,000 children were sent to France under this program with the massive evacuation taking place in 1954 and 1955 at the end of French colonial rule. The children were dispersed throughout France in several hundred religious or lay schools in groups of two or three so they could learn to mix with French children. Many are now being given scholarships to universities. The children who remained in Vietnam with their mothers have been sent to French schools there. Thus, the French have accepted the responsibility for this human consequence of French colonialism and war.

We can do no less than accept into our country the children who are half American. They are on our conscience as much as is their war-scarred country, and their burned villages, which we are attempting to rehabilitate. They are one of the hazards of war and they must be treated as such.

I am, therefore, today introducing a bill to authorize the President or his designee to negotiate with the Vietnamese Government to release these children, to admit them to the United States, and to care for them and place them in the hands of private and State agencies for adoption. Those who are not adopted are to be housed and educated until they are 22 years of age. Immigration quotas are relaxed to allow the permanent admission of the children into this country. Later they may choose to become citizens.

Mr. President, I must point out that the desperate situation of the half-breed American-Vietnamese child in South Vietnam was called to my attention by TV broadcasts—first by the National Broadcasting Co., and later by the Columbia Broadcasting System. I commend these two broadcast facilities for this type of coverage of the war; it is a service to the American people.

I ask unanimous consent that the bill I am introducing be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2071

A bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that a child of an American father and a Vietnamese mother, born out of wedlock, is as much a consequence of the United States participation in the war in Vietnam as an American soldier who has been killed or wounded, or a peasant who has been shot, or a group of villagers whose village has been destroyed. The United States has accepted responsibility for these soldiers and for making reparations to these Vietnamese peasants. Therefore, it is a matter of conscience that the United States should likewise accept the responsibility for these orphaned children.

Sec. 2. (a) The President or his designee shall establish and administer a program providing for the care, housing, education, training, and adoption of any child who—

(1) was born in Vietnam on or after August 5, 1964:

(2) is determined, by the President or designee—

(A) to have been born of one alien parent and one United States citizen parent; and

(B) to be an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss, from both parents, or for whom the sole or surviving parent has in writing irrevocably relinquished all parental rights to the child; and

(3) is in Vietnam at the time the child is brought under the program.

Such children shall be brought to the United States as soon as practicable. In administering the program, every effort shall be made to arrange for the adoption of such children.

(b) A child shall remain in the program only until he is adopted or attains the age of 22 years of age, whichever occurs first.

(c) The President or his designee is authorized to enter into agreements and to make grants, on such terms and conditions as he considers appropriate, to State and local government agencies and private organizations to assist in administering the program and in arranging for the adoption of such children and to provide for the care, housing, education, and training authorized under the program.

(d) The care, housing, education, and training shall be made available only in the United States except to the extent that such care, housing, education, and training is necessary to be made available in Vietnam until such children are brought to the United States.

Sec. 3. The President or his designee should enter into negotiations with the Government of South Vietnam with respect to ascertaining and determining which children are entitled to the benefits of the program and bringing those children within the program, arranging for the immediate care, housing, education, and training of such children, and arranging for the departure of those children to the United States as soon as circumstances permit.

Sec. 4. Without regard to any provision of the Immigration and Nationality Act, any such child is entitled, for purposes of such Act, to be issued an immigrant visa and admitted to the United States as an alien lawfully admitted for permanent residence. Any immigrant visa issued under this section shall not be counted as part of any numerical limitation or allocation under sections 201–203 of such Act.

Sec. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. SCOTT:

Senate Joint Resolution 115. A joint resolution instructing the Secretary of State to call for an additional moratorium of 10 years on the killing of all species of whales. Referred to the Committee on Foreign Relations.

WHALING MORATORIUM

Mr. SCOTT. Mr. President, I introduce a joint resolution instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. The whales—Cetacea—include 80 species from the mighty blue whale, the largest mammal on earth, to the playful dolphin, called "cousin to man" by the undersea diver, Robert Stenuit, who knows these friendly and helpful creatures intimately.

In the last decade more whales were killed than ever before in the history of the world—so many that species after species have been reduced to a pathetic remnant of once great numbers. With helicopters, radar, mechanized devices to terrorize the whales, explosive harpoons that cause terrible pain, often long drawn out, with 20-knot whale catchers working from factory ships that can dispose of an 80-ton whale in half an hour, the Cetacea stand no chance at all unless a halt is called to the killing to allow the population to recover.

Every year more younger or smaller whales are killed to produce less oil. For example, in 1930–31 some 43,000 whales yielded 3.5 million barrels of oil. In 1966–67, 52,000 whales yielded a mere 1.5 million barrels. Even porpoises are being netted. The factory ships are driving themselves out of business, and in the process they are destroying whole populations of some of the most fascinating creatures the world has ever seen. We know almost nothing about whales except what can be learned from their dead bodies, but such studies as have, at least, been done in observation of live whales at sea hint at the most remarkable potentialities.

For example, the undersea recordings made by Dr. Roger Payne and entitled "The Songs of the Humpback Whale" have an instant appeal for large numbers of people, both young and old. They have inspired serious musical works and and popular ballads alike. It seems incredible that human beings should press forward in a ruthless mechanized destruction of whales for such purposes as cosmetics and mink food, while at the same time a whale voice is being featured by the New York Philharmonic Orchestra in a composition by Alan Hovhaness. It seems appalling that the dolphins who are known to have befriended human beings in distress since the time of the ancient Greeks should now be destroyed for mere commercial products which can and are substituted for without difficulty. By concerted international action, every species of Cetacea can be preserved.

The International Whaling Commission begins its deliberations on June 21 here in Washington. Delegations from Argentina, Australia, Canada, England, France, Iceland, Japan, Norway, Panama, South Africa, the Soviet Union, and the United States will attend the week-long meetings.

Our country has taken world leadership in the past year in protecting whales. Former Secretary of the Interior Walter Hickel placed baleen and sperm whales on the endangered species list thus stopping importation into our country of products made from these whales. Secretary of Commerce Maurice Stans this spring moved to end the last whaling by our own citizens. We can be proud of these important actions, and I urge that these praiseworthy precedents be followed by asking other nations to refrain from the killing of all species of Cetacea for 10 years. Such a moratorium is the only hope, for the attempts to conserve stocks of whales by a quota system has failed to prevent the same precipitous downward trend of population of every species commercially hunted by the highly mechanized modern methods.

No single nation or group of nations can lay sole claim to these majestic creatures of the deep, some of which are now heading for extinction. Their plight is desperate. I urge this body to pass this joint resolution promptly and send it to the Secretary of State for presentation to the International Whaling Commission at its meetings during the week of June 21.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed at this point in the Record:

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 115

Joint resolution instructing the Secretary of State to call for an international moratorium of ten years on the killing of all species of whales

Whereas, the blue whale, the largest creature on earth, has been reduced by the whaling industry to a point of near extinction, and

Whereas, despite the fact that the International Whaling Commission has placed it in a totally protected category, numbers of these and other endangered species of whales continue to be taken in error by whalers, and

Whereas, the severely endangered gray whale has increased its numbers successfully after years of protection, and

Whereas, whales are mammals with large brains and a complex social life and produce fascinating and complex sounds which have inspired serious musical works, and

Whereas, much remains to be learned about these unique creatures through scientific study of their behavior, and

Whereas, it is the intent of the Endangered Species Act to prevent conditions that could lead to the extinction of animals, and

Whereas, even those species of whales which are not in imminent danger of extinction will become so if present hunting pressures are continued, and

Whereas, whales form a resource which may prove of importance to mankind in the future if their numbers are not decimated now, and

Whereas, the United States of America has led the world in placing the baleen and sperm whales on the endangered species list so that products made from these and other endangered species may not be imported, and has also moved to end the last whaling by its nationals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of State is instructed to call for an international moratorium of ten years on the killing of all species of whales.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 907

At the request of Mr. McCLELLAN, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 907, a bill to consent to the Interstate Environment Compact.

S. 987

At the request of Mr. HANSEN, the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 987, to amend the Social Security Act, to provide for a medical and hospital care system popularly known as "Medicredit."

S. 1188

At the request of Mr. CHURCH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1188, a bill to amend the Foreign Aid Assistance Act.

S. 1408

At the request of Mr. MUSKIE, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor to S. 1408, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1580

At the request of Mr. PERCY, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 1580, a bill providing increased employment opportunities for middle-aged and older workers, and for other purposes.

S. 1742

At the request of Mr. BROCK, the Senator from South Carolina (Mr. THURMOND), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from Kansas (Mr. DOLE), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1742, a bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin.

S. 1846

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that at the next printing the names of the senior Senator from Nevada (Mr. BIBLE), the junior Senator from Minnesota (Mr. HUMPHREY), the junior Senator from Maine (Mr. MUSKIE), and the junior Senator from West Virginia (Mr. BYRD) be added as cosponsors of S. 1846, a bill to establish a Coal Gasification Development Corp., and for other purposes.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

S. 1932

At the request of Mr. MATHIAS, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1932, a bill to amend the Federal Meat Inspection Act to provide that State inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title 1.

SENATE JOINT RESOLUTION 102

At the request of Mr. BROCK, the Senator from South Carolina (Mr. THURMOND), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Joint Resolution 102, to authorize the President to designate the period from October 12 through October 19 of each year as "National Patriotic Education Week."

SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from North Carolina (Mr. ERVIN) and the Senator from Utah (Mr. BIBLE) were added as cosponsors of Senate Joint Resolution 112, an amendment to the Constitution of the United States relating to open admissions to public schools.

SENATE RESOLUTION—SUBMISSION OF A RESOLUTION REQUESTING A NEGOTIATING CONFERENCE RELATING TO THE PRICES OF WHEAT

(Referred to the Committee on Foreign Relations.)

Mr. McGEE. Mr. President, the Senate Foreign Relations Committee has had referred to it by President Nixon a new International Wheat Agreement. The agreement was adopted on February 20, 1971, by the United Nations Wheat Conference in Geneva, Switzerland.

The agreement recommended to the Senate for its approval does not include any provisions relating to the prices at which the signatory nations to the agreement agree to export and import wheat. Moreover, the agreement also fails to include the designation of reference wheat, basing points or definition of importers' and exporters' obligations. As nearly as I can understand it, Mr. President, the agreement as it now stands is a mere statement of the good intentions among the major wheat traders of the world. No doubt this is a sentiment that is appreciated throughout the wheat trade by all but the most churlish, yet I somehow believe it is not of such significance as to merit its being enshrined in a formal agreement. The disturbing aspect of such a toothless agreement is that it does not come to grips with the problems of the trade—problems which inspired the original wheat agreement more than 20 years ago, and which have kept it alive all these years.

Mr. President, the Committee on Foreign Relations has, over the past year, received numerous inquiries from farmers and farm organizations relating to their concern for the operation of the present International Grains Arrangement, which will expire on June 30 of this year. They and the committee have been disappointed that the present agreement has not lived up to the expectations we had for it when the Senate approved its ratification 3 years ago.

I have been concerned over the reported unilateral price-cutting that was going on in violation of the terms of the agreement. I have also been concerned over the seeming reluctance of the United States to adhere to the provisions of the agreement, by failing to insist the violations of the agreement be presented before the Prices Review Committee.

The Secretary of Agriculture's responses have been long on explanation of the reasons for violations of the agreement, but short on langauge which might convince me that the U.S. Department of Agriculture was in earnest in pursuing its obligations under the agreement. I invite Senators to examine correspondence in this connection; it is included in the remarks of the senior Senator from Alabama in the CONGRESSIONAL RECORD for January 20, 1970.

We are told, Mr. President, that several factors combined to prevent the inclusion of provisions for price, basing points, and other vital elements in the agreement. We are told that most of a 3-week period during the February negotiations was spent in trying to reach agreement on a reference wheat and a basing point. Neither the United States nor Canada wanted their wheat or shipping points so designated. Compromises such as an average of the collective reference wheats, or combinations of wheats also failed to find approval among negotiators in large part perhaps, because U.S. representatives were not given proper instructions. There are reports that our negotiators offered such a low-price minimum that it dampened the prospects for success at a very early stage in the proceedings.

Reports from a recent conference of the International Federation of Agriculture Producers where representatives of more than 40 nations attended indicate that broad agreement exists for renewing efforts to negotiate meaningful pricing provisions. They recognize that international commodity agreements without minimum price features are little more than statements of good faith. An agreed range of price movement with an established minimum price would help to stabilize the world market and protect all concerned.

International representatives of producers are increasingly mindful that the world is shrinking, both politically and economically. The need to expand world trade in agriculture commodities has, in a real sense, internationalized farmers' problems. No longer can a nation ignore urgent economic concerns of producers in other countries. Where the same crops are grown under different terms and conditions, it is imperative that accord be reached if trade expansion is to continue.

Western European countries are criticized for high price support levels and the maintenance of a policy of price support designed to keep 12 to 14 percent of their population engaged in agricultural production. These policies are promulgated out of political and economic considerations. The U.S. Congress also continues to take action to protect primary producers out of political and economic concerns. Such policies will continue.

The proper route to expanding trade is not trade war, but trade negotiation and agreements.

I trust that our Government is not unmindful of the views of other nations.

I trust that our Government has not abandoned the sensible approaches to international trade in wheat that past agreements made possible for over 20 years.

I trust that the Members of this body will recall the dedicated support that former Senator Frank Carlson of the great wheat State of Kansas gave to past agreements. I pay tribute also to our present colleagues from wheat States who understand the importance of supporting international trade in wheat by negotiating sets of rules that protect producers from low and fluctuating prices.

Mr. President, I cannot accept the position that this new wheat agreement is the best that Secretary Hardin or President Nixon can get.

That position could be justified only if the objective is to bring an end to a meaningful and effective wheat agreement. That position could be justified only if there is callous disregard to the economic welfare of wheat growers who have benefitted in the past from higher, firmer and more stable prices, domestically and internationally.

Therefore, I am proposing action that will serve to express the concern of the Senate and to serve to express the sense of the Senate that the President should request through the International Wheat Council further negotiations aimed at getting agreement or pricing provisions which the new wheat agreement now totally lacks. The text of the resolution is as follows:

SENATE RESOLUTION 136

Resolved, That it is the sense of the Senate that the President should request the International Wheat Council, at the earliest possible date, to request the Secretary-General of UNCTAD to convene a negotiating conference as provided in Article 21 of the International Wheat Agreement, concluded at Geneva on February 20, 1971, with a view toward the negotiation of provisions relating to the prices of wheat and to the rights and obligations of members in respect of international trade in wheat.

As the resolution states, such action is in keeping with article 21 of the new wheat agreement which reads as follows:

> The Council shall at an appropriate time examine the questions of prices and related rights and obligations. When it is judged that these matters are capable of successful negotiation with the objectives of bringing them into effect within the life of this Convention, the Council shall request the Secretary-General of UNCTAD to convene a negotiating conference.

Mr. President, the resolution is being introduced as a means of inviting a full expression of views leading up to public hearing of a Special Subcommittee of the Senate Foreign Relations Committee of which I am a member. Senate approval of the resolution will be sought subject to approval of the Senate Foreign Relations Committee. It is my hope that the text of the resolution will be made a part of the statement of ratification which will accompany the wheat agreement to the Senate floor.

I offer this course of reasoned, responsible action to the Senate because I believe the wheat agreement as it comes to the Senate from the administration to be a hollow and meaningless document.

The Senate should not blindly proceed to give its advice and consent to it without pointing up the urgent need to correct an obvious deficiency in the agreement.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 161

(Ordered to be printed and to lie on the table.)

Mr. CHILES submitted an amendment in the nature of a substitute intended to be proposed by him to amendment No. 143 proposed to H.R. 6531, an act to amend the Military Selective Service Act of 1967, to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

NOTICE OF HEARINGS ON THE WHEAT AGREEMENT

Mr. SPARKMAN. Mr. President, as Chairman of the Ad Hoc Subcommittee on the International Wheat Agreement I wish to announce that the subcommittee will hold a public hearing on the Wheat Agreement on Thursday, June 17, 1971, at 2 p.m., in room 4221, of the New Senate Office Building.

Interested persons should communicate with the Clerk of the Foreign Relations Committee, Mr. Arthur Kuhl, without delay.

NOTICE OF BRIEFING

Mr. JACKSON. Mr. President, I would like to inform the Senate of a briefing on June 21, 1971, to be conducted by Department of the Interior and Bureau of Indian Affairs officials for the full Committee on Interior and Insular Affairs. The briefing is open to the public and will commence at 10 a.m. in room 3110 New Senate Office Building.

The purpose of the briefing is to apprise the committee of recent developments in the reorganization of the Bureau of Indian Affairs and to report on developments in major program areas administered by the Bureau for the benefit of Indian people.

NOTICE OF HEARINGS OF THE ARMS CONTROL SUBCOMMITTEE OF THE SENATE COMMITTEE ON FOREIGN RELATIONS

Mr. MUSKIE. Mr. President, the American people want to spend less on nuclear forces which can only be used to destroy civilization. The SALT negotiations, if they are successful, will be a step in that direction. But in the meantime, the arms race goes on. We and the Soviets continue to plan and to build additional strategic forces which may reduce the security of both nations, which waste billions of dollars, and which increase the difficulties of negotiating arms limitation agreements.

We cannot afford to go on this way. We must examine our military budget decisions today to see if we can slow down the arms race of tomorrow. Once weapons systems are deployed, it is difficult to dismantle them, causing more problems in obtaining arms limitation agreements.

This means that we must carefully examine our military deployment decisions before they are made. We must know, before we agree to build a weapon, that it is needed to protect our security and that it will not fuel the arms race or preclude the chances of meaningful arms agreements in the future. We cannot wait until a system is tested or deployed before beginning to ask ourselves what its implications are.

We need to approach this task with a fundamental understanding of the fact that buying more arms does not necessarily lead to more security, and that the control of arms can provide us with a more stable peace and more security than the best weapons that money can buy.

In order to explore these questions as they affect our present choices about the strategic weapons systems of tomorrow, the Foreign Relations Subcommittee on Arms Control will open on June 16 the set of hearings which I discussed before the Senate on May 6. The initial 2 days of hearings will focus on the nuclear triad. We will be exploring the questions raised by our decision to maintain three separate strategic systems each capable of destroying the Soviet Union. I approach the hearings with an open mind about what we should do, but with questions about whether our systems should not be altered to emphasize the types of weapons that do not speed up an endless arms race.

We will have testifying before the subcommittee, in addition to Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, and Dr. John S. Foster, Jr., Director of Defense Research and Engineering, a group of distinguished Americans who have thought long and hard about these questions. The witnesses were selected because of their expertise and their concern with these issues; they represent a wide range of views on the questions we plan to explore.

These witnesses will include Dr. Herbert York, first Director of Defense Research and Engineering under President Eisenhower, and Dr. Carl Kaysen, formerly Deputy Assistant for National Security Affairs to President Kennedy.

On June 17, testimony will be heard on the various components of the nuclear "triad": Dr. Charles M. Herzfeld, former Director of the Advanced Research Projects Agency, Department of Defense—ARP—will analyze overall military requirements. He will be followed by

Dr. John P. Craven, formerly Chief Scientist of the Polaris project, who will testify on sea-based weapons systems. Dr. Marvin Goldberger, Chairman of the Federation of American Scientists, will discuss bombers. Mr. Fred Hoffman, a former Deputy Assistant Secretary of Defense for Systems Analysis, will analyze the land-based ICBM deterrent. Testimony for the 2 days of hearings will be concluded by Senator Joseph Clark.

I am deeply disappointed that the Secretary of Defense, Melvin Laird, and the Deputy Secretary of Defense, David Packard, could not appear before the subcommittee. These hearings will explore decisions that will determine whether the arms race will accelerate during the next decade, wasting billions of dollars and perhaps undermining our security. For this reason, I had hoped the Secretary of Defense could appear to discuss the impact of his Department's budget on the prospect of a continued upward spiral of weapons spending.

We expect the various witnesses to disagree with each other and with members of the subcommittee. Out of this give and take, I hope will emerge clearer answers to some difficult questions:

What is the effect of having these three systems, in their present and planned configurations, on the possibilities for arms control agreements?

Does our desire to have a triple deterrent add greatly to the difficulties of negotiating an agreement with the Soviet Union now and in the long run?

What, from an arms control point of view, should be the priority given to each of the three systems?

How did we get the three systems in the first place, and for what reasons?

Is the present mix in the triad still the best?

How fast should the present system be modernized?

NOTICE OF CONTINUATION OF HEARINGS ON GOVERNMENT ADVISORY COMMITTEES

Mr. METCALF. Mr. President, I wish to announce that the Subcommittee on Intergovernmental Relations will continue its hearings on S. 1637, the Open Advisory Committee Act, and S. 1964, the Federal Advisory Committees Standards Act, on Tuesday, June 22, and Wednesday, June 23.

Those who wish to testify or submit statements should get in touch with Subcommittee Counsel E. Winslow Turner, room 357, Old Senate Office Building, phone 225-4718.

NOTICE OF HEARINGS BY THE COMMITTEE ON GOVERNMENT OPERATIONS ON THE PRESIDENT'S EXECUTIVE REORGANIZATION PROPOSALS

Mr. McCLELLAN. Mr. President, I wish to announce that the Committee on Government Operations will hold a hearing June 22, 1971, at 10 a.m., in room 3302 of the New Senate Office Building on S. 1430, S. 1431, S. 1432, and S. 1433. This is a continuation of the administration's general presentation in support of these four bills. Witnesses scheduled to appear are the Secretary of the Treasury, Mr. John B. Connally, Jr., and Mayor Richard G. Lugar of Indianapolis.

ADDITIONAL STATEMENTS

CARL HAYDEN

Mr. McGEE. Mr. President, there recently appeared in the Los Angeles Times an article entitled "Carl Hayden—Man of History and Few Words." The article gives considerable insight into a former colleague whom most of us were privileged to know and respect.

Carl Hayden, during his tenure as a public servant spanning nearly six decades, was the personification of dedication. He was totally devoted to his State and Nation. His legislative accomplishments were not only impressive but also far reaching in their impact. Carl Hayden's farsightedness will continue to influence the course of American history for decades to come.

This article is indeed a tribute to a very remarkable man. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STILL BUSY AT 93: CARL HAYDEN—MAN OF HISTORY AND FEW WORDS

(By Jerry Cohen)

TEMPE, ARIZ.—When last seen on the floor of the U.S. Senate, he seemed merely hunched and withered. Now, two-and-half years later, he is bent and shriveled.

The agate-bald scalp stretches like a tightly drawn parchment across his skull. Crinkled hands tremble. The eyes often lose focus behind thick spectacles perched uncertainly on a bony nose.

As he strains to catch a question with his hearing aid, the head bobs slackly. When he walks, he wobbles. When he stands, he leans heavily on a walking stick bearing a little metal crest: Stanford University, Junior Class, 1900.

"An old man ought to have a cane," he says, and the smile deepens the hollows of the shrunken cheeks.

But the mind remains as bright as the hot Arizona sun splashing the fairways of the Shalimar Country Club just outside the old man's smart, Spanish-style townhouse here.

CONTRASTING LIFE-STYLE

How odd, it occurs to the visitor, that a politician who spent more years than any other at the center of national power should be content in this setting—so far removed from Capitol Hill where once he exercised majestic influence.

But retired Arizona Democratic Sen. Carl Hayden, who will be 94 next October, finds it not at all remarkable.

"I never liked the climate in Washington," he said in a voice still deep, still firm. "I don't like cold weather. It can't compare with the nice climate we have back here."

A surprising confession from one who served 57 years in the Congress (15 as a representative, the remainder a senator).

But only a slim truth.

The real truth is that Carl Hayden, despite two-thirds of a lifetime in the rarified air of the nation's capital, never did shake the Arizona desert from his hightop shoes.

PIONEER PARENTS

Hayden, son of a prominent Arizona pioneer, was the first white child born in this suburb of Phoenix, and it is here that his heart and thoughts, if not his presence, always remained.

It was here in Maricopa County, too, that his political acuity was shaped. Even before he became Arizona's first (and only, at that time) member of the House of Representatives when the state became the 48th admitted to the union, he had been elected county treasurer ("We paid salaries in gold then") and sheriff ("I never had to shoot anybody").

So when he finally decided not to campaign for an eighth term in the Senate, he was not tempted to linger at the scene of past glories, a weakness common to many retired or defeated federal legislators. To Hayden, the only logical thing to do was to "come home."

When he did quit public life, he left behind an impressive record of legislative accomplishment, particularly in land reclamation and transportation, that changed the face of the nation and will continue to alter it for decades to come. During his long years as a public servant, he influenced the very course of American history.

He also relinquished a seat of enormous power, the extent of which was largely unrecognized by the public. But that was the way Carl Hayden, who had an absolute genius for the unspectacular, wanted it.

"In a temple dedicated to windbaggery," the Associated Press' Arthur Edson wrote in 1966, "he has kept his mouth shut while astutely pushing out invisible tectacles of power."

That power rested in no political charisma. Hayden almost never called a press conference, rarely spoke from the Senate floor. "It's no fun making a speech," he said the other day. "I never made them unless I had to."

Rather Hayden's vast "invisible" power reposed partly in seniority, which is so respected among senators, partly in the web of friendships he wove through the years with other influential politicians.

COMMITTEE CHAIRMAN

But most important of all was his chairmanship for 14 years of the Senate Appropriations Committee (he was a member for 30) whose control of the federal purse makes it all-powerful. He presided over the appropriation of untold billions needed to run the nation, and as the late Times columnist Bill Henry wrote:

". . . He has assisted so many pet projects for so many senators that when old Carl wants something for his beloved Arizona, his fellow senators fall all over themselves giving him a hand. They'd probably vote landlocked Arizona a navy if he asked for it."

Today, Hayden jokes about his decision to retire and give up all that. "It was high time to quit," he says. But he admits that it was a wrenching experience to let go. And on May 6, 1968, at age 90, he quite literally sobbed after he paraphrased the Old Testament in announcing he would not seek reelection:

"There is a time of war and a time of peace, a time of keep and a time to cast away, a time to weep and a time to laugh, a time to stand and a time to step down."

Says a longtime friend: "Carl's greatest goal for all those years had been to retain his membership in the 'club' (the Senate)."

But when Hayden did quit no man ever was more resolved to make his decision stick. Associates say that today the onetime "senators' senator" is "the most retired of retired politicians."

He still reads the daily Senate summary in the Congressional Record and scans the newspapers. Otherwise, he devotes himself to private matters.

His personal wants are attended to by the housekeeper, Miss Frances Doll, who came into his employ as a nurse for his wife in the mid-1940s. His wife, the former Nan Downing of Los Angeles, died in 1961, and Hayden spent his last years in Washington in an apartment house a block from the Senate Office Building.

He reads a wide assortment of books and articles dealing with Arizona and Western history. Though enfeebled, he takes short walks daily for exercise.

ANSWER MAIL

He keeps a steady flow of correspondence going by "scribbling" notes at home, then three times a week visiting an office provided for him in the Charles Trumbull Hayden Memorial Library (named for his father) on the Arizona State University campus here. There he turns the notes over to a typist.

Most of the correspondence is with nonpolitical friends or former constituents who still seek his help and advice.

"That always was one of Carl's great political assets," said a friend. "He always paid attention to the folks back home. He saw that every letter was answered promptly, and he tried to fill every request. He never was what you would call a great statesman, but he was a dedicated servant of the people."

Today, added the friend, politicians on all levels seek to exploit Hayden's reputation. "They try to get him to make speeches or public appearances in their behalf. But he won't do it. He's retired and he means it."

SELF-DEPRECATING

Hayden said he resists such blandishments, usually by saying good-humoredly, "I'm not reliable any more."

He remains true to his personal creed, that of the taciturn Westerner.

"He never has been a man critical of others. He always has been guarded and cautious in his comment," said a close friend.

"He always conducted himself in a manner to assure reelection by avoiding trouble and controversy. He was always a workhorse, not a showhorse; always followed the Boy Scout practice of holding a wet finger up to find out which way the wind blew.

"He's still as cautious as a man who is going to run for office tomorrow."

Ask 93-year-old Carl Hayden today to evaluate this or that President under whom he worked and he will smile like a schoolboy and reply:

"I wouldn't want to rate them. That's not good business. All were men of ability."

But with more logic than evasiveness, he explains:

"There is no way to compare two Presidents. I served under 10, beginning with Taft. No two are alike. So you can't put a yardstick to them. It's not fair to say one or two Presidents were better than the others. Each had different problems, each came along at a different time in history."

PRESIDENTIAL SCORE

If asked about specific Chief Executives, his replies are equally noncommittal but not unenlightening:

"Roosevelt? I don't know who could have done better in wartime."

"I knew Lyndon (Johnson) when he first came into the House, and later when he came into the Senate we became good friends. I think he was a good President."

"President Nixon? I think he's handicapped by the war. But he is doing his best to get us out. I got well acquainted with him when he was Vice President and presided over the Senate. I think he's a man of ability, and I think he's doing the best he can."

Without judging the man from Missouri's place in history, Hayden admits to a personal favorite. "I liked Harry Truman the best of all the Presidents," he said. "We got to be such good friends in the Senate.

"Harry was a fighter, and you've got to admire a fighter. He took a point and stuck to it, and he had a sense of humor."

ROOSEVELT DEATH

"I remember I was there that day in the Senate when someone came and called him to the telephone because the President had died. Harry got up and he never came back."

Hayden rose slowly from a chair in his office in his library, clutched his cane and walked over to one of the photo-lined walls. The pictures are of him with other political giants of the last five decades.

He tapped one showing him with President Truman and former House Speaker John W. McCormack, all three top-hatted and sitting in an open limousine.

"John and I rode with Harry from the White House to the Capitol that day for his inauguration."

Nearby hung a picture of Hayden and a smiling young man, inscribed: "To Carl Hayden, one of the best I have met along the way. John F. Kennedy."

On Hayden's desk sit busts of both Presidents Kennedy and Johnson, given him by the two former Chief Executives.

There is a frequently told story related originally by the late President himself about an early encounter between Mr. Kennedy and Hayden, who always went out of his way to be friendly to new senators.

When Mr. Kennedy arrived in the Senate, he struck up a conversation with the Arizonan by asking the difference between the modern Senate and that of 30 years earlier.

Hayden, who favors a corn-cob pipe today, chomped on his cigar and replied: "Young men didn't talk so much then."

When the young President was assassinated, Hayden, who never nursed ambitions beyond the Senate, was third in line as president pro tem of that body after Vice President Johnson and House Speaker McCormack.

Asked by an aide what he would do if either Mr. Johnson or McCormack were disabled, Hayden, taking note of his advanced years, replied with typical dryness.

"I'd call Congress together, have the House elect a new speaker, and then I'd resign and let him become President."

RUSSELL FRIEND

As he has a favorite President in Harry Truman, Hayden also had a favorite colleague in the Senate, the late Richard B. Russell of Georgia.

"He was the one I liked best and had the most respect for. If Dick Russell had come from the North, he would have been President of the United States," Hayden said.

"He just had a lot of good common sense and the ability to express himself. He had the courage to take unpopular positions."

Without ever abandoning the celebrated Hayden constraint, the old senator during two days of interviews in his home and office made the following comments on issues of current national interest:

The Vietnam war: "It's very unfortunate that Dulles (John Foster Dulles, secretary of state under President Dwight D. Eisenhower) got us into it. We should never have been there. What was happening there at the time never was a concern of the American people. President Nixon had a job on his hands getting us out."

The state of the nation: "I don't think we're sick. I think this nation is living and growing. I have no complaint about the drift we've taken. I don't think we're more violent than any other."

The state of the world: "I can't see any blowup in sight."

Race: "I think the situation has improved. I think the rights of the colored are respected more than they used to be."

Spending for space exploration: Hayden would not commit himself, but said: "I think it will be done for a long time to come. I think we'll continue to try to get information about space."

The SST program: "I would have voted for it. I think we need a real high-speed plane." His view probably reflects the abiding interest he always had in transportation.

A woman as President: "It's all right with me. It's possible. But I doubt it will happen. I don't know if any lady would want it. It's a terrible responsibility, you know."

MISSED COMBAT

As he looks back, Hayden says he has one major regret. A longtime Arizona National Guardsman, he accepted an Army commission as a major near the end of World War I. "We were a well-trained unit and ready to go. Then the Kaiser quit."

Because of his father's death, Carl Hayden did not complete his education at Stanford, where he played football.

His devotion to family and Arizona cost him a singular distinction, but one which never has caused him regret.

He explained: "I could have played center on the first Rose Bowl team. But I thought it was more important to come home for the Christmas holidays than play some Eastern team."

Besides, he doubts if his presence would have made much difference in the outcome. Michigan beat Stanford, 49–0.

LITHUANIA

Mr. SCOTT. Mr. President, it was 31 years ago that the black cloud of communism shrouded the Baltic State of Lithuania.

In East Europe's continuing struggle to free itself from Russian domination, this country has suffered greatly, struggling for freedom and praying that the determination of its people will prevail.

June 15, 1940, was the beginning of mass deportation of native Lithuanians to settlements far away from their beloved homeland. The reason for Stalin's cruel methods was to quiet the resistance of the large revolutionary population by simply transporting them to "safe" areas inside the Soviet Union.

Today, the scars of broken families combined with continuous terror by the secret police are ever present in Lithuania. However, the spirit to be free is still thriving within this Baltic nation. The plea for assistance is made within Lithuania itself, as well as here in the United States. Their voices must be heard by the U.S. Congress and the American people. Their voices cry for liberty, justice, and an end to oppression.

NEED FOR ADDITIONAL REA LOAN FUNDS

Mr. ALLEN. Mr. President, it is a source of great satisfaction to me that many of my colleagues in the Senate have joined in a recommendation to the Appropriations Committee for a substantial increase in loan funds for rural electrification in fiscal year 1972. Parenthetically, may I say that I am proud to have been one of the early proponents and signers of the letter carrying the recommendation to which I have referred.

Our objective in a budgetary sense is to provide funds to cover the applications which the rural electric systems must submit during the next fiscal year, and to begin whittling down the backlog of loan requirements which have been piling higher each year. The total recommended program for fiscal 1972 is $555 million, representing $530 million for new applications and $25 million to start reducing the backlog. The actual need listed by the rural electric systems is $804 million. However, this figure includes a backlog built up over several years as a result of our failure to meet needs on an annual basis, and it is not feasible within the confines of a tight budget to make up in 1 year the deficiencies of several years. It is feasible to make a dent in the backlog, and that is what many of us are proposing.

Having described our objective in terms of budget, let me now remind my colleagues of the broader objectives—economic and social goals of our people.

After all, the rural electrification program was created not merely as a banking operation but as a means of meeting urgent needs of individuals and families and communities.

Electricity not only relieves people of some of the burdens of hard labor—it not only enables people to enjoy many of the amenities of modern living—it increases farm productivity, powers the wheels of industry, creates jobs. With an abundant supply of electric power and reliable service at reasonable rates economic progress is possible. Without an abundance of power or without reliability of service, almost nothing is possible.

To me, as one who has long preached the doctrine that rural development is essential to progress on urban problems, it is particularly gratifying that my colleagues and many other leaders of both major political parties are evidencing concern for rural America.

I rejoiced when President Nixon recently offered a "salute to agriculture" by inviting farm leaders and their wives to the White House and the Department of Agriculture for ceremonies recognizing how important it is to the United States and the world that we have a highly productive and efficient agriculture. By this act, the President was responding to his detractors who charged that he and his administration are not interested in agriculture. I commend him for it.

He responded even more effectively in recent weeks by releasing $15 million which the Office of Management and Budget had impounded from the funds appropriated by Congress for rural electrification loans in the current fiscal year. Like other advocates of rural development, I had been greatly distressed by the impounding of those funds. I cheered the President for releasing what had been withheld.

I should like to cheer him for more affirmative action.

By the simple act of supporting our proposed increase in loan funds for rural electrification, the President could demonstrate his understanding of the needs of rural America in the most unmistakable terms. He would need make no speeches, he would need issue no White House invitations, he would need no $75,000 exhibits on the White House lawn to tell rural America that he understands and that he cares.

In Alabama our rural electric cooperatives as the major suppliers are vitally interested in promoting the comprehensive economic and industrial growth of Alabama. By furnishing dependable electric service at lowest possible cost, they have made a gigantic contribution to the economic and industrial growth of Alabama by transforming rural Alabama into an attractive area or business, industry, and residential development. They have become directly involved in industrial development through employee training seminars, State Development office assistance, extensive Alabama promotional campaigns, and membership in the North Alabama Industrial Development Association.

When the first REA loan in Alabama was approved in 1935, only 4 percent of our farms had electric service. Now 98 percent are electrified. Our co-ops have repaid more than $55 million of approximately $158 million in loan funds they have received, and have paid more than $26 million in interest on those loans. They are sound, progressive business institutions.

It would be almost impossible to overestimate the potential contribution they can make to the future of our communities, our State, and the Nation. But they do need much more capital than they are now able to obtain.

The backlog of their applications for REA loans at the end of December 1970, plus the applications to be submitted during the first 6 months of this year amounted to more than $8¼ million. So far, this total has been reduced by a loan of $701,000 to the Coosa Valley Electric Cooperative at Talladega. At the end of last calendar year, Alabama co-ops were planning to submit new applications during fiscal year 1972 totaling about $24½ million, including an application from Alabama Electric Cooperative of Andalusia for $15 million for transmission line and generating plant improvements. As it turns out the $15 million application has been filed this fiscal year rather than waiting for next year. In any event, the amount needed in Alabama between January 1 of this year and June 30, 1972, just a year from now, is more than $32 million out of the national total of $804 million.

Now it is alleged by some that these are fantastic figures dreamed up by extremists. But the fact is that these are totals of capital requirements reported by the managers of utilities operating as a part of our private enterprise system. REA Administrator Hamil, while supporting the administration budget of $345 million, acknowledges that REA expects to consider applications totaling $810 million during fiscal year 1972. This figure, of course, includes a backlog which he recently estimated would reach $360 million at the end of this fiscal year despite the fact that REA has unilaterally decided to reduce many applications and to refuse applications from cooperatives with reserves that REA considers more than adequate.

The prodigious backlog owes its existence to the fact that loan funds have fallen short of the need year after year.

It is time that we started reducing the backlog which is blocking the wheels of progress.

I call upon the President to recognize this fact and to demonstrate his concern for rural America by supporting the substantial, but modest increase in rural electrification loan funds that many of us in the Senate have called for.

I call upon those of my colleagues not yet committed to this objective to join those of us who are already so committed and to support an appropriation of $555 million for fiscal year 1972.

THE LIEUTENANT GOVERNOR OF CALIFORNIA ON THE PROBLEM OF WELFARE

Mr. HANSEN. Mr. President, the Honorable Ed Reinecke, the Lieutenant Governor of the State of California, on May 19 addressed the National Federation of Independent Business in Washington, D.C., on a subject of great concern to all of us and of critical importance to the Nation.

Mr. Reinecke's speech was entitled "Social Welfare and the Work Ethic," and it pointed out some of the dangers to the United States if the present trend toward bigger and costlier welfare programs for those mentally and physically capable of getting jobs is continued.

The Lieutenant Governor, using only a 9-year period, was able to cite some dramatic statistics. He noted that in 1960, with the national population at about 180 million, total expenditures for public assistance were a little more than $4 billion.

By 1969, he said, with the population at around 202 million, the United States spent $12 billion on public assistance programs—or, with a 10-percent increase in people, there was a 300-percent increase in the cost of welfare.

Mr. Reinecke continued that while a part of the cost is attributable to abuse of the program, "Abuse is in most cases legal use," and "Reform must be aimed at the system—not the recipient."

He objected strongly to the creation of a public service corporation to be financed by Federal dollars to provide legal services attorneys a permanent establishment. He said:

> Legal services attorneys would no longer be responsible to the President, and the veto power which Governors presently have over programs active in their States would be eliminated by all of the proposals currently being discussed in Washington.

Mr. Reinecke protested the inclination of many in the Congress and elsewhere to turn over State welfare problems to the U.S. Department of Health, Education and Welfare, and to Congress. He expressed his position that—

> Welfare is not a national problem. Welfare is a local problem that occurs in every one of the 50 States. And unless we think of welfare recipients as individuals who have real problems and personal difficulties which must be overcome, we will end up with a spiritless army of national dependents. We will have a corps of people existing on federal handouts, people who are no longer considered to be local responsibilities. I can think of no more inhuman and callous method of handling the very deep social and personal difficulties which afflict our welfare clients.

Mr. President, I believe the concern expressed here for the future of the individual welfare recipient and the incentives that must be provided so that he can and will become self-sustaining are well worth our consideration. I ask unanimous consent that the address by the Lieutenant Governor of California be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Social Welfare and the Work Ethic: Introductory Remarks—Acknowledgments

(By Lt. Gov. Ed Reinecke)

We hear a great deal these days about how our society is systematically destroying its environment and it's true. Our air, land, and water have, during recent years, been subjected to unprecedented abuse. It has taken us a long time to come to our senses, but finally, we are starting to do something about pollution. Yet as serious as pollution is, I am not here to talk about it, but about what I consider to be a more potentially disastrous problem.

Our country may be faced with a form of pollution, governmental pollution—more insidious, more destructive, and in many respects, more dangerous to the future of our society than all of the abuses committed on our natural resources. Too many people would just as soon ignore the fact that our society is rapidly becoming a welfare state—a society in which the dole replaces the paycheck: where food stamps substitute for employment: and where those working for a living are supporting an ever increasing governmental burden.

Welfare in this Nation seems to have no goal—no direction—and more important, no foreseeable end—only an expanding future. In my years in Washington, I was very much aware of the tendency to raise the ante on every welfare type program. That tendency is still continuing. I read recently that an investigation by Senator Carl Curtis of Nebraska showed that if all the welfare bills introduced in the present Congress were put in effect, the cost for the new bills alone would far exceed the national budget. It is too easy for organized pressure groups to secure continuing increases in programs which emanate from a single source; that is, from Washington. The best protection for true welfare reform is to see to it that the welfare needs of each State are set by the State legislatures and not by the United States Congress. Let each of the 50 States control their own programs and the way will be open for true reform.

Welfare is, in my opinion, the single most important factor in the destruction of the work ethic in this country, as well as causing the financial crises facing all levels of government. How serious is the welfare problem? I think a few figures will give you an idea.

In 1960 there were about 180 million people in this country. The total expenditures for public assistance were just over $4 billion. A little arithmetic tells us that this equates to roughly $20 per man, woman, and child living in the United States. Now let's take a look at 1969. The population had grown to 202 million. Welfare expenditures had also grown.

In 1969 this country spent $12 billion to support its public assistance programs. The population had increased about 10 percent, but the cost of welfare had increased 300 percent.

We are watching carefully the proposals which are coming out of the House Ways and Means Committee. We do not know all of the full details, but we are concerned by some of the things we hear. According to newspaper accounts, the State of California would "save" $166 million under this proposal. However, the overall Federal program is estimated to cost another $5 billion per year within two years. Since California pays approximately 10 percent of all Federal taxes, it appears that a $166 million saving may cost California taxpayers 10 percent of the $5 billion national increase—or save $166 million to spend $500 million. News accounts also indicate that present eligibility of 15.8 million persons will increase to about 26 million—the naive must assume that these costs will be pulled back from other Federal programs. My experience here in Washington does not indicate that we can realistically find reductions of this magnitude in other programs.

As all of you businessmen know, our society has had a traditional work ethic. 1 think you will agree that this work ethic has been a key element in this Nation's development and prosperity. The fact that this country is the most highly developed industrial Nation in the world suggests rather strongly to me that we didn't get to this point by looking for handouts from anyone.

The irony of this progress is now before us—it has been through this very development that we have been able to support the growth of welfare. We have taken more and more from those who work so that we could support more and more of those who do not or cannot. We have created a system that not only fails to help people to help themselves, but has damaged their spirit and has removed the incentives to work. Why are so many people apparently willing to accept welfare rather than employment?

Some would have us believe that the dramatic increases in caseload are the result of inflation. Others tell us that unemployment is the cause. Some social scientists tell us that the concept of the family unit has eroded. The acceptability of rising divorce rates, the increase in the number of illegitimate children, and unmarried households suggest that the family as we know it today may not long exist. I am convinced that all of these factors contribute to the welfare problem. I am not convinced, however, that they account for all of the increases in welfare rolls. Abuse is in most cases legal use. Reform must be aimed at the system—not the recipient.

Let me give you my theory. Over the years this Nation has prospered and living standards have risen commensurate with our rapid growth. At the same time that men and women like yourselves have been building this Nation, there has been a less productive element that has nonetheless asked that the system support them. These nonproductive individuals have exerted continuous and increasing pressure on the system in an effort to close the rapidly expanding gap between the working taxpayers' standard of living and their own. As all levels of government yield to the increasing militancy of recipients and their pressure groups, the last vestiges of meaningful standards of eligibility and control of welfare expenditures are being destroyed.

This continued agitation of the so-called "welfare rights organization" and other self-appointed lobbies for the poor have set as their present objective to achieve a $6,500 a year minimum income for a family of four from public funds. As a result of such agitation, the feeling is developing in certain areas of society that welfare is really a permanent form of national income redistribution. Even by their own propaganda, the welfare rights groups calmly expect at least 25 percent of the population nationally to be supported by the government without working. Naturally they don't say how long they expect such a situation to continue before national bankruptcy sets in.

Closely allied to the welfare rights lobby has been the problems created by the legal services program. As a result of suits filed on behalf of their clients, these so-called poverty lawyers have struck down many of the reasonable restrictions and eligibility requirements. The key case was the Supreme Court decision which said that duration of residency in a locality cannot be a welfare requirement—despite the clear intention of Congress to allow a residency requirement to be instituted. It is the height of folly for one agency of government to employ lawyers to attack the policies of another agency, or even of the State governments. In the State of California alone, seven court cases already resolved will cost State, county and Federal Governments $112.2 million. There are four more cases still pending which, if decided adversely, will cost the three levels of government $732.8 million, for a total of $845 million. In other words, this kind of activity against the welfare system will cost the taxpayers nearly a billion dollars alone.

I am deeply disturbed when I see proposals before the Congress which would not only legitimize such activity but would institutionalize it and insulate it from effective control. I am referring particularly to the proposal to set up the legal services program as an independent corporation.

Creating the Public Service Corporation, financed by Federal dollars, of course, gives to these legal services attorneys what they have sought since the beginning of the program, namely, a permanent home.

Legal services attorneys would no longer be responsible to the President, and the veto power which Governors presently have over programs active in their States would be eliminated by all of the proposals currently being discussed in Washington.

Without Congress, the President or State Governors to oversee the work of the Legal Services Corporation, the kind of activity we are presently witnessing in some areas, where taxpayers are in effect helping to finance their own destruction, would become the rule of the day.

Just one example of how "far" the Legal Services Corporation would be protected from scrutiny: even the one element which has been built into the Public Service Corporation proposals supposedly to protect the Government—the audit by the Government Accounting Office (GAO)—will be subject to the so-called attorney-client privilege" of nondisclosure of details even for normal auditing procedures.

This kind of shield for ethical attorneys as well as radicals and revolutionaries of all kinds is what is provided for in the legislation now under consideration.

When a doctor applies for a medicare or medicaid payment, he must supply every detail of the care he provided the patient. He must include, of course, the patient's name, address, etc. But in addition, he must describe at great length the services performed.

Certainly, the doctor-patient relationship is of equal importance with the client-attorney relationship. Yet nobody has suggested that by filling out medicare forms, the doctor is violating his relationship with his patient who must seek Federal assistance to meet his doctor bill. Why then cannot the same rules apply to those who must depend on Federal dollars for their legal assistance, especially when there is good cause for investigation?

We have seen how strongly forged the chain has become, and the difficulties we face in trying to break the cycle.

Many Members of Congress take the same attitude. They feel that the best way they can serve their own States is to help out their friends who are administrators in the State governments by turning the problem over to H.E.W. and to the Congress. They throw up their hands and say that welfare is a national problem and therefore the Federal Government should handle it.

But welfare is not a national problem. Welfare is a local problem that occurs in every one of the 50 States. And unless we think of welfare recipients as individuals who have real problems and personal difficulties which must be overcome, we will end up with a spiritless army of national dependents. We will have a corps of people existing on Federal handouts, people who are no longer considered to be local responsibilities. I can think of no more inhuman and callous method of handling the very deep social and personal difficulties which afflict our welfare clients.

It is for this reason that the Reagan administration has always been wary of schemes which promote increased federalization of the welfare system. The governor, when he transmitted his welfare reform program to the State Legislature, laid this down as a fundamental principle. He said,

"The idea of simply surrendering our authority and administrative machinery to the same huge Federal system that created the crisis in the first place is simply unacceptable to me."

Very few people fully understand the degree and extent to which the Federal Government is responsible for this mess. There is little comprehension of the problems which Federal regulations have caused us. As you know, for a State to participate in the Federal programs, it must adhere to the regulations handed down by the Secretary of Health, Education and Welfare. Over the years the interpretation of these regulations has become consistently more extreme. To put it bluntly, the State of California and other States have had practically no control over the kind of program which they want to administer in their own States. Under the HEW regulations, the State either does it Washington's way or there will be no money to do it at all. The HEW position has been simply to force the States into ever increasing caseloads and widening eligibility requirements. As a result, the State itself has no control over the level of State funds which must be poured into these programs. The single most important factor in the threatened bankruptcy in many of our State treasuries has been the unreasonable regulations of HEW.

In California, we are attempting to redirect welfare and to give it a purpose of moral as well as financial reform. Our basic reforms are:

Increase assistance to the truly needy.

Require recipients who are able to work to seek employment; train for a job or serve the community if asked as a condition for receiving welfare.

Make medical benefits comparable to the health coverage available to most working men and women.

I think the explanation was very clearly given by the governor when he said:

"The working men and women in California who pay for this program are providing a level of health care for others, that they can't possibly afford for themselves. Most health care plans or industrial and union programs offer no more than eight services with the individual paying part of the cost for each of those. Medi-cal offers 20 totally free services with no restrictions whatsoever on utilization. . . The per capita health cost per year for the average citizen is $312. The average cost per medi-cal recipient was $517 last year."

Strengthen family responsibility as the basic element in our society.

Develop an automated pension type system of paying grants to the aged, totally and permanently disabled and the blind who cannot work.

We are trying to break the welfare cycle by providing a system with the specific goal of employment and job training required for all able-bodied welfare recipients. Untrained recipients will be provided public service jobs to develop their employment skills. This will not be another WPA program, for it will have as its goal the development of skills and eventual employment in the private sector.

California has already identified thousands of temporary jobs in its State government that need being done and that will provide job training for recipients. In addition, we are asking local governments to inventory their needs so that we may provide even more opportunities for recipient training. It should be understood at this juncture that we will not be requiring recipients to "work off their grants"—this, the Federal Government says, is against the law—rather we are going to provide temporary on-the-job work-training.

California does not intend to be swallowed up by the welfare monster. We are, in spite of the promised coming of the federal family assistance plan, moving ahead with a number of welfare reforms in an attempt to slow the growth of the welfare rolls and to provide increased assistance to the truly needy. Left unchecked, the welfare bill for California for fiscal year 1971–72 will reach nearly $3 billion. Where will these billions come from? I know you have the answer—the working taxpayers and businessmen. Whether it is tax from local property, retail sales, business inventories, withholding, or income tax, it is the same people who pay. Let me make one more point concerning taxes—It doesn't make one iota of difference as to who distributes this money—Federal-State or local governments—it still remains tax monies paid in by you. I am convinced that no amount of reform will solve all of the problems of welfare, but I do believe we can make a significant impact on many of the more glaring problems confronting us. We are moving ahead in California: New York has a similar program and other states are watching to see how we fare. We have a massive job—no, a massive opportunity ahead of us not only in California, but in the nation as a whole. We must give welfare a meaningful goal and we must resist the easy answer of raising taxes. I call on each of you to join with me in seeking a meaningless and lasting solution in the welfare problem. I ask each of you to express your opinions and concerns to your state and federal legislators—finally, I ask you to help rebuild the attitudes toward the dignity of work that has been the corner stone of our country. Thank you.

COMING CLEAN ON THE AD CLAIMS

Mr. McGOVERN. Mr. President, the Federal Trade Commission has recently announced that it will proceed on an industry-by-industry basis to require that advertising claims be substantiated. I am pleased that it has taken this action at the urging of Ralph Nader.

But the FTC will only be able to handle part of the task. Literally thousands of claims are made each day by all variety of advertisers. A single Government regulatory agency will not be able to cope with all of these claims. The FTC has implicitly recognized that fact in adopting the industry-by-industry approach.

For this reason and because we believe that the consumer should be able to take direct action, without the intervention of the Federal bureaucracy, to protect himself against false claims, I have introduced with Senator Moss the Truth in Advertising Act. It is now cosponsored by Senators Harris, Gravel, Humphrey, Hart, Cranston, Pell and Montoya.

I was pleased to read in the Washington Post of June 14 that the editors of that paper support the McGovern-Moss bill. Because of the clear case that the editorial makes for such legislation in addition to FTC action, I ask unanimous consent that the editorial "Coming Clean on the Ad Claims" be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Coming Clean on the Ad Claims

How many times have unsuspecting consumers bought a product because they read an advertisement touting it as "longer lasting" than another brand, or having "more flavor to the ounce," or "a leading study says . . ." or because it "cuts the grime twice as fast"? A safe guess is that large numbers have been lured by the claims. In many cases, though, the advertising has proven false, deliberately misleading or confusing. The consumer, getting far less than what he paid for, is stuck with the product. Moreover, burned once, he has no way of knowing whether the next ad he comes on is the genuine article or a curve ball. In a positive and much-needed move, the Federal Trade Commission announced it will begin making advertisers submit evidence to back up claims made about their products.

Specifically, advertisers will be asked to submit to the agency any tests, studies or other data to support claims on safety, performance, efficacy, quality or comparative prices of the product. In turn, the information will be available to the public. Presumably, the latter will then have the facts to choose wisely among products, knowing that when, say, an ad for a tire says that it "stops three times as fast," it actually does stop three times as fast. (That would be some tire.) Putting a bridle on all the wild-horse claims in ads will take time, so the FTC plans to work its way toward the truth industry-by-industry. The automobile makers will be first.

The FTC decision showers little credit on either the corporate world or the advertising community. Many members of both—though by no means all—have treated the public rudely and unfairly in its advertising efforts to make a sale. It is hardly surprising that alienation and resentment are predominant moods among large numbers of consumers regarding business. Although complaints from advertisers are now bound to be heard against "Big Brother in Washington," the FTC regulations come largely because the industry refused to regulate itself effectively in the first place.

Because the FTC is a small agency with limited manpower, there is merit to the legislation now before the Senate Subcommittee for Consumers of the Commerce Committee that would require the advertiser to fully substantiate his claims directly to an inquiring consumer without waiting for FTC action. This is only fair. The toothpaste maker who claims, for example, his brand "strengthens your gums while it brightens your teeth," ought to be willing to back up that statement with proof.

The decision of the FTC and the McGovern-Moss bill in the Commerce Committee may strike some as mean-minded ways to harass business. Yet, the opposite is closer to the truth: it is the consumer who has been harassed, by too many shoddy or unsafe products and by ads that gull or dupe him into wasting his money.

THE BALTIC NATIONS

Mr. PERCY. Mr. President, in mid-June 1940, the Soviet Union overran and seized the nations of Lithuania, Latvia and Estonia. Proud peoples fell under the control of the Soviet Union. Today, 31 years later, this deplorable occupation continues. The peoples of Lithuania, Latvia, and Estonia have not regained their freedom.

No rational man would suggest that the Baltic States should be part of the Soviet Union. Theirs are independent peoples with important cultures and rich religious heritages. For 31 years, against all odds, they have struggled to maintain their customs and traditions. They have been held by force, but their spirit has not been conquered.

On this occasion I would remind my colleagues of the concurrent resolution—House Concurrent Resolution 416—which was agreed to by this body on October 22, 1966. In that resolution, which was also adopted by the House, the Senate urged that the United States should direct the attention of world opinion to the denial of the rights of self-determination for the Baltic peoples and to bring the force of world opinion to bear for the restoration of those rights.

Today we recall and reemphasize the provisions of that resolution so that all may know where the American people stand on this issue.

FAILURE TO STOP ILLEGAL DRUGS

Mr. CHURCH. Mr. President, on March 11, 1971, I introduced S. 1188, a bill to ban economic aid to those countries that fail to take appropriate steps to stop the flow of illegal narcotics to the United States.

Since I first introduced this bill, I have been joined in cosponsorship by the following colleagues: Senators BAYH, BENTSEN, BIBLE, CANNON, DOLE, ERVIN, HOLLINGS, HUMPHREY, INOUYE, JORDAN of Idaho, KENNEDY, MCCLELLAN, MCINTYRE, MONDALE, MOSS, MUSKIE, PELL, PROXMIRE, and RANDOLPH. A companion bill has been introduced in the House of Representatives by Congressman LEE HAMILTON of Indiana, and cosponsored by more than 60 others. Other bills aimed at drying up the sources of illegal narcotics have also been introduced by Senators FANNIN, MONDALE, MUSKIE, and PACKWOOD. Widespread Congressional concern about the need to cut off the flow of illegal narcotics—namely, opium and its derivatives—has led to these proposals for corrective legislation.

The bill that I have introduced, S. 1188, would amend the Foreign Aid Assistance Act to ban the provision of economic aid to those countries that fail to take appropriate steps to stop the flow of illegal narcotics to the United States. The determination as to whether these countries were taking appropriate steps would be made by the Comptroller General of the United States, an agent of the Congress. It is in this particular that my bill differs from other legislation introduced in the Congress. Many other bills suggest that the determination as to whether a country was taking appropriate steps should be made by the executive branch. I doubt that such an approach will work.

If the Congress passes legislation leaving the decision with the executive branch as to whether economic aid should be continued to countries that fail to stop the flow of illegal narcotics to the United States, I very much fear that economic aid will continue to flow. The executive branch does not see the drug problem in our communities as being serious enough to warrant cutting off aid to those countries that fail to cooperate with us in this task. But those of us who are in direct contact with the situation cannot fail to appreciate its seriousness. We are told continually by the executive branch, for example, about the progress they are making in stopping the flow of narcotics to the United States. Yet, the flow of drugs is increasing, not decreasing, for all the talk about the good job that is being done.

Earlier this week, I received a letter from Mr. C. E. Barnett, executive secretary of the Idaho Board of Pharmacy and Director of the Bureau of Drug Control, concerning the importation of illegal narcotics into the State of Idaho. As he says:

> Within the last few years we have seen more and more heroin imported from France, Mexico and Southeast Asia. We are also starting to see the evidence of the importation in Idaho of cocaine.

He goes on to offer his support for S. 1188. I ask that his letter be inserted at this point in the RECORD as evidence of the seriousness of the drug problem even in my State of Idaho.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IDAHO STATE BOARD OF PHARMACY,
Boise, Idaho, June 9, 1971.

Hon. FRANK CHURCH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you for your letter of June 2 and the enclosed Senate Bill 1188. As director of the Idaho Bureau of Drug Control, I am vitally concerned with the importation of illicit drugs into the United States and subsequently into the State of Idaho.

Within the last few years we have seen more and more heroin being imported from France, Mexico, and Southeast Asia. We are also starting to see the evidence of the importation in Idaho of cocaine. During my many years in drug law enforcement and prior to that as a practicing pharmacist, I had never seen illicit cocaine in the State of Idaho. Many old-time Bureau of Narcotic agents had never seen cocaine until just recently, imported into the United States in quantity.

You may certainly count on my support of S. 1188 and that of the Board of Pharmacy and the Idaho State Pharmaceutical Association. I hope that you will keep us informed on the current progress of this bill so that we may confer with our congressional delegation at the right time to give it full support.

Sincerely yours,
C. E. BARNETT, R. Ph.,
Executive Secretary, Idaho Board of Pharmacy, Director, Bureau of Drug Control.

Mr. CHURCH. Mr. President, hearings on my bill, S. 1188, and related measures have been tentatively scheduled for June 23, 1971, before the Senate Foreign Relations Committee. If the necessary arrangements can be completed, we will hear testimony from a number of witnesses concerning the need to cut off the flow of illegal narcotics at the source. I am hopeful that we can complete hearings on the alternative proposals and that my amendment will be reported favorably by the Foreign Relations Committee.

THE CROWN OF ST. STEPHEN

Mr. DOLE. Mr. President, it has recently been brought to my attention by the American Hungarian Federation that a question has been raised regarding the custody of the crown of St. Stephen of Hungary.

In order to clarify the matter, I requested the Department of State to provide me the U.S. position on the crown of St. Stephen. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., June 2, 1971.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: I have your letter of May 10 referring to the interest of the Right Reverend Dr. Zoltan Beky and Dr. Z. Michael Szaz of the American Hungarian Federation in the Crown of St. Stephen of Hungary and inquiring about present United States policy in this matter.

The Crown is the property of the Hungarian nation and a Hungarian national treasure. It came into United States custody toward the end of World War II. Unsettled conditions within Hungary and chronic strains in United States-Hungarian relations made consideration of the Crown's return to Hungary inappropriate and inopportune over a long period of years. It has therefore remained in United States trust and safekeeping.

We are fully aware that our prolonged custody of the Crown and the question of its ultimate return to Hungary have many delicate aspects. We are mindful not only of the unique character of the Crown as an historic relic of great symbolic and constitutional significance to the Hungarian people but also of the political and emotional sensibilities with which Hungarian emigres and many Hungarian Americans regard the Crown. Clearly, these and other sensitive factors must be taken into careful consideration.

The United States Government recognizes and has full diplomatic relations with the Government of Hungary. The Hungarian Government has raised the matter of the Crown's return in recent years as relations have gradually improved between the United States and Hungary. Discussions are continuing on a broad range of bilateral problems which remain outstanding in United States-Hungarian relations. Although we have no present plans for the return of the Crown, we understand the Hungarian Government's interest in this question. We are properly concerned that any eventual action with regard to the Crown should serve the objective of general goodwill rather than discord and should take place in circumstances and at a time appropriately marked by some further substantial improvement in the atmosphere and course of our relations with Hungary.

In view of the sensitive nature of the problem, however, we do not believe that it would usefully serve our foreign policy interests for us to comment directly on the views expressed by particular individuals or organizations on the subject or to speculate at this time on the explicit circumstances under which the Crown's return might be opportune and appropriate.

I hope that you will find the foregoing information and comments responsive to your inquiry and helpful in replying to Dr. Beky and Dr. Szaz. Please continue to call on us whenever you believe we might be of assistance.

Sincerely yours,
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

WEAPONS SYSTEMS IN THE PROPOSED 1972 DEFENSE BUDGET

Mr. MUSKIE. Mr. President, on June 10, Dr. Morton H. Halperin testified before the Defense Subcommittee of the House Appropriations Committee concerning a variety of weapons systems in the proposed 1972 Defense budget. Dr. Halperin is the author of a variety of books and articles on strategic subjects, and he has had practical experience in the higher councils of Government as a Deputy Assistant Secretary for Arms Control and Policy Planning under President Johnson, and on the National Security Council Staff in the present administration.

In his recent testimony, Dr. Halperin raised questions concerning such systems as ABM, AWACS, ULMS, aircraft carriers, B-1 bombers, Minuteman III, Poseidon, and the F-14, and urged Congress to provide the executive branch with better guidelines for future Defense Department budgets. His thoughtful analysis of a recurring dilemma—how to determine how much defense spending is enough—can usefully be studied by all students of national security.

Mr. President, I ask unanimous consent that Dr. Halperin's testimony of June 10 be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF MORTON H. HALPERIN ON THE FY 1972 DEFENSE BUDGET BEFORE THE DEFENSE SUBCOMMITTEE OF THE U.S. HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEE, JUNE 10, 1971

Mr. Chairman, it is a great privilege for me to appear before this distinguished committee.

I propose to discuss the question of how to approach the problem of the size and shape of the defense budget. I do so with considerable deference. I fully recognize that you and other members of this committee have been concerned with the problem of keeping defense expenditures under control long before it became publicly fashionable to do so, and that the members of this committee have had considerable experience in dealing with defense programs. Nevertheless, I thought there might be some use in stepping back and trying to look at the problem of deciding on the size and shape of the defense budget in a systematic way. I will emphasize throughout the difficulties in making sensible calculations and the need, in the end, for political judgments based on simple insights. During the course of this presentation I will make a number of specific suggestions for reducing defense expenditures; these recommendations have been approved by the Executive Committee of the Federation of American Scientists and in the case of strategic programs by its Strategic Weapons Committee. In most cases, the Federation has already presented to various Congressional Committees, analyses of those systems, and I will attempt only to summarize such discussions.

As the Committee is well aware, there has been much discussion of late about national priorities and about the need to reduce defense spending. In many cases discussion has focused on whether a particular weapons system was or was not needed. Those desiring to control defense spending frequently assume that by cutting out particular weapons systems they can control the size of the defense budget. Others have sought to set a ceiling on total defense spending without any concern for how the money appropriated might be spent.

It is important for understanding the problem to keep separate the two questions of (1) how much we should spend on defense and (2) what we should spend it on. We must be concerned both with the size and the shape of the defense program but the efforts to influence each must proceed in parallel.

We cannot assume that by canceling or reducing particular programs we can control the overall size of the budget. Nor is it sufficient to set an overall ceiling if we wish to have a military force which contributes effectively to our security. Let me first consider the question of the size of the defense budget.

HOW MUCH FOR DEFENSE?

There is, in my view, no clear way to determine how much is enough to spend on defense. Conceptually the question is one of marginal utility. How much value do we get on the last defense dollar we spend as compared to the value we might get by other governmental or private expenditures? Even at the present relatively high level of defense expenditures, there is no doubt that additional money spent wisely would increase security. At the same time, there is no question that if we cut wisely and carefully we can make even reasonably substantial reductions in defense expenditures and have little or no detrimental impact on our security. On the other hand, some increases in expenditures could detract from our security by increasing risks and some reductions might actually increase our security.

There is no methodology that I am aware of that enables us to compare the payoff from expenditures on, for example, strategic programs with those for general purpose forces; nor is there any way that we can compare the payoffs of either of these programs with the payoff on domestic programs or from returning the money to the taxpayers to permit additional private consumption. Thus the question of the size of the defense budget is—within wide limits—essentially arbitrary.

There have been a number of attempts to come to grips with the problem of the size of the defense budget by proposing changes in our foreign or defense policy. However, alterations of American policy within conceivable limits will not necessarily bring about reductions in defense spending. One cannot translate a decision to change general foreign or defense policy into a clear directive as to how to cut defense expenditures.

For example, the Nixon Administration with some fanfare announced a change in our general purpose forces requirements from the so-called two and a half war strategy to the so-called one and a half war strategy. While to some this meant a substantial reduction in defense expenditures would be possible, the view of many military men was quite different. A number of military planners concluded that the gap between the forces required to meet our stated objectives and the forces we had available was now substantially reduced. They nevertheless argued that we still needed a substantial increase rather than a reduction in general purpose forces. The uncertainty surrounding the forces required to meet any contingency are, in fact, far greater than the difference between planning for two and a half wars and planning for one and a half wars. Thus a change of doctrine unless accompanied by an arbitrary ceiling on general purpose force expenditures need not lead to any change to the overall defense budget.

To take another example, there has been considerable discussion of the so-called triad, that is, the three separate strategic systems—land-based missiles, sea-based missiles and bombers—designed to deter a Soviet nuclear attack on the United States. Many have advocated that we go from a triad to a diad or even to a single strategic system usually in the form of a sea-based deterrent. However, again, a change of this kind will not translate directly into a change into the budget. For example, if we decided to go to two systems, and chose to maintain the bombers along with the sea-based missiles, there would be substantially increased pressures to go forward with accelerated production of the B-1 bomber and perhaps for an ABM system to protect bomber bases. These steps could more than wipe out the saving from phasing out the land-based missiles. Similarly if we went to a single sea-based system the pressure to proceed immediately with ULMS would be very great and there would undoubtedly be a substantial increase in ASW Research and Development.

The alternative method of cutting particular programs would be no more successful in leading automatically to reductions in the defense budget. Of course, in any given year the overall budget can be cut by cutting particular programs but the reductions will not be permanent. The Navy budget for tactical air well illustrates this point. The cancellation of the F-111B in 1968 might have been expected to lead to substantial savings but in fact it led to an accelerated F-14 program which over a five-year period will not yield any net reduction in Navy expenditures. Even when the trade-off is not that direct, there are numerous programs within the defense budget which military planners believe are under-financed and which would sop up any funds saved from any particular program unless there is at the same time an overall ceiling.

Thus, I believe that one is forced to the conclusion that an arbitrary ceiling on defense budget authorizations and annual expenditures is necessary to control the size of defense spending.

It is interesting to note that all of our post-war Presidents and Secretaries of Defense have concluded that the only way they could control the size of the defense budget was to provide the military services with an arbitrary ceiling based on Presidential calculations of revenue and domestic needs. Presidents Truman, Eisenhower and Nixon have explicitly provided the services with budget ceilings. During the 1960's there was an attempt to deny that ceilings existed; however, I believe that a close look at how the defense budget was developed reveals that there was an explicit ceiling provided to the Secretary of Defense by Presidents Kennedy and Johnson. If Secretaries of Defense and Presidents, with their substantially greater access to information, have concluded that the only way to get a handle on the total size of the defense budget is to provide an arbitrary ceiling, then I believe the case for the same approach is much stronger for Congressional committees and for the general public.

Relying on an evaluation of expected government revenues and expected required expenditures for domestic programs it is possible to come up with an estimate of revenues that might be available for defense and to relate these to possible defense programs taking into account the likely waste in the defense budget. On this basis, *I believe it would be useful if the relevant committees of Congress, particularly this committee and its counterpart in the Senate would provide each year an estimate of the trends it foresees in defense spending perhaps including an indication of the ceilings which it believes Congress should impose on defense funds.*

FOR WHAT FORCES?

I wish now to turn to the question of the shape of the defense program. Setting a ceiling is not, in my view, sufficient. We must be concerned about how the money is spent. Here our problems are no simpler. *There is no known way to determine the impact on our security, the probability of war, or the outcome if war occurs, of different force structures. Nor should we leave these decisions to the military, or to bar-*

gaining between civilian and military leaders in the executive branch.

The experience of the post-World War II period, and in particular the last two or three years, suggests that giving authority to the military services to determine how the defense budget will be spent will produe three or four separate military strategies and force structures rather than an overall structure based on a unified view. The services will tend to divide the funds available by arbitrary percentages. Each service will emphasize programs related to what it sees as the essence of its activity. Each will tend to emphasize sophisticated hardware for combat operations at the cost of cutting manpower. They will tend to ignore the capabilities of other services and interservice programs such as air and sealift for the Army. For example, in determining requirements for carrier-based air the Navy will tend to ignore Air Force tactical air and the reverse will be true for the Air Force. These problems, which were well understood in the 1950's, seem to be emerging again with the tendency to delegate authority for the shape of the defense budget to the military services. Such a delegation will not produce the most effective military capability within any given budget ceiling.

Allowing the shape of the defense budget to be determined by bargaining between senior officials of the executive branch and the military is also unsatisfactory. Certainly this is true when, as at present, the civilian leadership has explicitly abdicated to the Services the primary responsibility for determining the allocation of resources within a fixed ceiling. But even if civilian leaders in the Pentagon and the White House are reviewing particular programs, Congress and the public can and should make their own evaluations. The experience of the military and the analytic techniques of the civilians are not, separately or even together, an adequate substitute for political judgment. Congress and the public must make their own assessments of the great uncertainties involved, and determine which risks the American people should run.

In thinking about the shaping of the defense budget I believe it is useful to identify in one's own mind three categories of weapons which, at the risk of sounding frivolous, I will label the "good," "bad," and the "just wasteful."

By "good" I mean those programs which have a high marginal return, and enhance stability, and which should be maintained even if defense budgets are cut. Such programs must be protected as changes are made in the size of the defense budget. The military services may attach less importance to them than someone with a broader perspective would. They also must be protected against the danger that Congress will cut them because they are visible. It is my own personal view, for example, that substantially reducing military forces in Europe would be cutting out the part of the defense budget which has perhaps the highest return to our security objective.

The "bad" refers to those programs which one believes make a negative contribution to our security. For example, many believe that the MIRV and ABM programs by stimulating the strategic arms race, in fact increase the danger of nuclear war rather than reducing it.

The "wasteful" refers to those programs which, at current levels, appear to be excessive to our needs and hence could be cut; however, they are not programs which seem to reduce our security by increasing the probability of war or by stimulating an arms race.

In seeking to cut the overall size of the defense budget, it is important to be sure that cuts in overall spending do not lead the services or the Congress to cut out programs which are good. It is also important to note that reductions in defense spending may not lead to the elimination of programs that one considers "bad." For example, President Nixon, in 1969, substantially reduced spending on strategic programs and nevertheless continued the MIRV and ABM programs which, as I have said, many people think in fact reduce our security. Some weapons programs may be relatively inexpensive and yet threaten stability. For example, programs to improve the accuracy of our missiles are not costly but by threatening the Soviet deterrent they could stimulate a further arms race. Thus, in considering the shape of the defense program one needs to focus particularly on (1) those "good" programs which need to be protected as the budget is cut; (2) those "bad" programs which need to be eliminated even if their cost is small; and (3) "wasteful" programs.

In turning to a discussion of the criteria by which one can evaluate specific programs I would like to emphasize the very limited nature of the insights available to use. We can ask which programs are good, which bad, and which just wasteful, but we are not in a position to say with any precision how changes in defense policy, or in the design of our forces, will affect our security. In some cases we can make a decision by comparing two weapons systems. For example, if we first decide that we wish to have a manned bomber force through the 1970's then we can compare the B-52 with the B-1. Such analyses are important but concentration on them can lead to ignoring the more fundamental questions which can affect the probability of war or the results if war occurs. In considering our requirements for general purpose and strategic forces we need to keep in mind these two objectives and our limited understanding of what affects them.

Deterrence depends on influencing the decisions of other governments. We have a very poor understanding of how our force structure is perceived by potential adversaries and affects their decisions.

War outcome calculations are exceedingly difficult to make and fraught with uncertainties. In the case of strategic forces, the calculations of war outcome used to test their adequacy arise from the unlikely scenario in which the Soviets fire all of their weapons at American forces and we respond by firing all of our weapons at their cities. In the case of general purpose forces, there is no agreed methodology for doing any calculations. We simply do not know how war outcomes are affected by alternative force structures.

These general points regarding the shape of our forces will be illustrated by considering first general purpose forces and then strategic forces. Where changes in force structure are recommended, possible budgetary savings will be indicated. However, these should be taken as only general estimates keeping in mind that force structure decisions cannot determine the level of defense spending. Sensible decisions on specific matters, coupled with a ceiling on overall spending, would increase the probability that money is spent where it has a high marginal return, that bad programs are avoided, and that waste is held to a minimum.

I will consider first the general purpose force programs and then the strategic programs.

GENERAL PURPOSE FORCES

General purpose forces, excluding expenditures for Vietnam, account for approximately 65% of the current defense budget. Since these forces are designed to protect countries other than the United States, the requirement for these forces depends basically on political decisions about which nations we wish to be in a position to defend against what threats. Fundamental changes in our perspective on those questions could lead to very substantial changes in the defense budget. For example, if the United States made a firm decision that it would never fight again on the Asian mainland (or would fight only in Korea) this could lead to substantial reduction in force requirements. However, short of such fundamental change, alterations in foreign policy have very little impact on the required size of the defense budget.

At a slightly less general level of what one might call defense policy, there are a number of key issues requiring judgment which can have substantial impact on the requirements for general purpose forces. Some of these are:[1]

1. *Tactical nuclear weapons.*—During the 1950's American defense policy was derived from a decision to rely on the use of tactical nuclear weapons in the event of any combat which involved a substantial number of American forces. If the U.S. were to return to such a position, and if we were to conclude that tactical nuclear weapons could be used effectively against enemy attacks in likely contingencies, then it would be possible to substantially reduce the size of general purpose forces and spending for general purpose forces could be reduced from its current level of $50 billion.

The major uncertainties here concern both the political implications of using tactical nuclear weapons and the likely effect of their use particularly in circumstances in which the potential opponent also has nuclear weapons available. The evidence of the past two decades is that there may be military pressure to use nuclear weapons but there will also be enormous political pressures against the use of nuclear weapons in any limited war situation; thus it would appear reckless to rely on a Presidential decision that such weapons would be used. Moreover, continuing analysis of the problem suggests that even "tactical" nuclear weapons could cause enormous damage to friendly territory, that they are less effective than some may have believed, and that there is no particular advantage to the U.S. in using them in a situation in which the potential opponent also has access to nuclear weapons.

2. *Simultaneity of Requirements.*—The decision to go from a two-and-a-half-war to a one-and-a-half-war strategy did not reflect a determination to prepare for war only in Europe. Rather it was a decision not to prepare for war in Europe and Asia at the same time. The judgment was apparently made that wars in Europe and Asia were not likely to begin simultaneously in view of the substantially reduced possibility that there be a coordinated Chinese and Soviet attack. Decisions about simultaneity are by themselves significantly less important than other factors being discussed here in determining the size of the general purpose force budget. They are also essentially arbitrary.

3. *Length of War.*—The Department of Defense does not appear to have made a firm and clear decision about how long a war it is preparing for in either Europe or Asia. On the central front in Europe most of our allies seem to assume that a conventional war would be over in a very few days. American planning, particularly for the procurement of ammunitions, seems to be based on the assumption that a war in Europe might last as long as 90 days but no longer. However, other components of our forces are procured as if a war in Europe might go on indefinitely. For example, an Army division of 16,000 fighting men requires an additional 16,000 men for initial support for a period of up to 90 days but requires a second increment of 16,000 men for sustained support over an extended period of time. Both increments are maintained for all of our NATO-oriented divisions. Our requirements for naval forces

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[1] I am indebted to an unpublished paper of Mr. Arnold Kuzmack for many of the points made in this section.

are also based on an assumption that a war in Europe might go on indefinitely. A serious decision to act on the assumption that a conventional war in Europe could not possibly last more than 90 days would permit substantial savings. On the other hand, if we took seriously the need to be able to fight indefinitely in Europe, and sought to get our allies to agree, there would be requirements for substantially increased expenditures. The costs involved in not preparing to fight for more than 90 days must be weighed against the effect, if any, on deterrance and possible outcomes if war occurs.

4. *Mobilization Lead Time.*—Our emphasis in post-World War II period has, by and large, been on forces available on the day that a war begins. In the past, of course, the United States relied very substantially on mobilization to develop needed capabilities in war time. If the political judgment was reached that a war in Europe or Asia, in which the U.S. would wish to be involved, would develop only slowly with a period of considerable political warning, the United States could reduce its number of active divisions and rely on mobilization of reserve divisions for combat. Here again, the decision involves a broad political judgment: Will our leaders be able to determine in advance that the probability of war has substantially increased and will they be prepared to act on the basis of such a warning.

5. *Forward Defense.*—Another critical criteria which affects the required size of general purpose forces is where we wish to hold ground. For example if, in the event of a Soviet attack in Europe, we want to hold at the Eastern German border—or in the case of a Chinese attack on Thailand on the Thai-Chinese border—requirements for general purpose forces, particularly forces in being, are substantially larger than if we are willing to plan on holding an alternative line which involves some substantial retreat. We would, in the latter case, plan to mobilize and counterattack. Would such a posture increase the risk of war? How do we weigh peacetime costs of preparing to hold a forward line against the increased wartime costs of capturing lost territory?

6. *Confidence Levels.*—Military planning to develop requirements for any particular contingency is generally based on very conservative assumptions about the limited capability of allied forces and the substantial capability of enemy forces. The "requirements" also assume that one's objective is to have high confidence that one could defeat the enemy and defend the territory under attack. An alternate possible criteria is to view the problem as one of deterrence. If we need sufficient forces to deter the enemy from launching an attack, it is possible that we need only to deny the enemy any substantial confidence that his attack would be successful. Such a change in requirement would focus on forces large enough so that the enemy could not calculate that victory was at all likely in any finite period. Such an approach could lead to significantly reduced requirements for general purpose forces.

Judgments about simultaniety, length of war, mobilization lead time, forward defense, and confidence levels can lead to specific decisions in some limited areas such as ammunition requirements. However, they can have only a limited impact on determining overall force requirements because of a lack of any agreed method for determining the relationship between opposing force structures and war outcomes. For example, the question of the relative balance of forces on the Central Front in Europe has been studied more often, more intensively, and by more groups, than any other defense question. Yet the differences of opinion remain enormous—ranging from the view that NATO forces are in all important respects equal to those of the Warsaw Pact to the view that the Soviets could sweep across Western Europe in a matter of a few days. To take another example, we have recently been warned of the dangerous growth in Soviet naval power. Comparing the two navies, we find that the United States continues to spend the bulk of its naval funds to procure, maintain, and defend aircraft carriers while the Soviets have only two small helicopter carriers. Would likely war outcomes be improved by switching to a force which imitated that of the Soviet Navy? Few Naval officers would favor such a move and yet they remain concerned about the Soviet forces.

Even more uncertain is the relationship between force structures and deterrence of attack. We do not know what the Soviet evaluation of forces on the Central Front is, nor how it would be affected by possible changes in force structure. In Asia where we have several potential opponents the relation is even less clear. Certainly the substantial American build-up of our capability to intervene in conventional and insurgency warfare in the early 1960's did not deter enemy moves in Vietnam.

These uncertainties do not mean that meaningful choice is impossible. It does mean that choice is a matter of broad judgment based on a combination of simple decision rules and careful computations when relevant.

In the general purpose area the key choices concern: (1) the size and deployment of Army ground forces, (2) the size and shape of tactical air forces, and (3) naval force design.

Army ground forces

The tendency of the military to seek to maintain an authorized force structure at the expense of ready forces tends to be particularly acute in the area of ground combat units. Experience has shown that political leaders wish to have forces available quickly in a crisis. Thus both executive branch and legislative oversight will be needed to ensure that some ready combat capability is maintained as forces decline.

An illustration, I believe, of the tendency to ignore the "good" in efforts to cut the defense budget is the high interest in cutting troops in Europe. Indeed, if one wanted to cut manpower one could, with smaller impact on military effectiveness, reduce the forces maintained in the United States that are earmarked for European defense or the central reserve. My own personal judgement is that the keeping of one American division in Korea, and the maintaining of the current number of American divisions in Europe, would yield high payoff in terms of reducing the likelihood of war and permitting a political evolution favorable to the United States.

Tactical air

Most analysts believe that the evidence of the Korean war and the Vietnam war indicates that deep interdiction does not produce any substantial payoff for the large sums invested in it. In Asian theatres the ability to move goods by using large amounts of manpower over primitive trails means that interdiction cannot put an effective limit on the size of military operations. In the European theatre, the redundancy of supply systems suggests the great difficulty of having deep interdiction play a decisive role. Thus despite the difficulty of calculating likely war outcomes it is possible to conclude that we have overemphasized interdiction capabilities. If these observations are correct the F–15 is poorly designed and too sophisticated assuming it is needed at all.

Naval forces

If the United States proceeds according to current plans for the size of its Naval forces there will need to be a major increase in spending for construction because of the age of the current fleet. Budgets for ship construction could vary from $600 million to over $5 billion per year for the next five years depending on the choices we make. These largely turn on whether we decide to maintain aircraft carriers for bombing operations against the Soviet Union, and whether we decide to maintain substantial capability to protect shipping, using sea-based systems in the event of prolonged war with the Soviet Union.

The key issue of affecting carriers centers around whether or not we can count on carriers to operate off the shores of Europe in the event of a Soviet-American conventional war. Most analysts, except those in the Navy, have concluded that the vulnerability of aircraft carriers to Soviet land-based and sea-based missile systems is so great that carriers are likely to be put out of operation rather quickly in the event of an all out Soviet-American war. If this is true, then buying the F–14, which will increase the carrier's ability to defend itself against Soviet airplanes, is a totally wasteful step since the carriers will remain vulnerable to Soviet sea-based and land-based missile systems. If we are going to confine carriers to limited war situations outside of Europe, and to crisis diplomacy, it would appear that the number of carriers can be reduced to nine.

The United States would operate one carrier on station in Europe with two back-ups, and two carriers on station in the Far East with four back-up carriers. This would mean that we should build no additional carriers, and as the current carriers wear out, phase down to a fleet of nine carriers. It would also mean that we would not need to procure the F–14 since it is not needed to protect carriers against countries other than the Soviet Union.

The role of carriers in ASW operations has also come increasingly under question. Two issues arise here. The first concerns whether or not we should maintain large expensive forces on the assumption that a war at sea is conceivable and needs to be deterred again. The second question concerns whether sea-based systems make a significant contribution to ASW activities. In virtually all areas in which we want to conduct ASW operations, land-based airplanes can operate fully. A decision to phase down the ASW role of the Navy would permit the cancellation of the S–3A aircraft.

STRATEGIC FORCES

While general purpose force issues mainly raise questions of waste, strategic forces raise crucial questions of good and bad consequences. The amount of money which can be saved by likely and reasonable alterations in strategic programs is not very large in the context of the total defense budget. Moreover, more than half of the cost of strategic forces are indirect costs for intelligence and communications, R&D, and support, and it is difficult to relate reductions in these expenses to changes in the direct costs which involve only 7.6 billion of the total of 19.7 billion in the FY–72 budget for strategic forces. The range of plausible strategic budgets would appear to go from 13 billion for a single weapons system with limited modernization to perhaps 22 or 23 billion for a triad with extensive modernization and a new bomber and a nation-wide ABM system.

Our major objective in designing strategic forces is to reduce the probability of a Soviet nuclear attack on the United States. In order to do calculations we make two major simplifying assumptions. We assume that the Soviet leaders' decision to launch nuclear war will depend on the amount of damage the United States can inflict on the Soviet Union after a Soviet first strike. We also assume that the Soviets calculate war outcomes in the same way that we do. Although the SALT discussions have to some extent clarified Soviet views, we still have no real basis for determining how our strategic force decisions affect the probability of nuclear war. For example, our calculations do not take into account at all the damage which our airplanes based in Europe, or on carriers, could inflict on the Soviet Union. Yet the Soviet leaders are sufficiently concerned about these forces to insist that they be included in any comprehensive arms control agreement. Nor do we really know how to calculate war outcomes, if indeed such calculations have any meaning in a war in which more than 40 million Americans would be killed.

Despite the changes made by the Nixon Administration in developing the concept of sufficiency, the cornerstone of strategic policy remains the notion of Assured Destruction—confidence in our ability to kill many Russians after a Soviet first strike. We maintain three separate strategic systems—the land-based ICBM base, ballistic missiles and intercontinental bombers, each separately capable of inflicting massive damage on the Soviet Union amounting to at least 25% of the population and 50% of Soviet industry. Each of the three forces is now invulnerable to a Soviet attack. The Soviets have no way of locating and destroying American Polaris submarines. Their intercontinental missile force is neither large enough nor accurate enough to destroy our fixed land-based missiles. Our bombers are capable of getting up in the air in less than 15 minutes and hence they can be airborne upon receiving warning of Soviet ICBM attack. As the Soviet fleet of submarines carrying ballistic missiles increases, a large part of our bomber force will be subject to destruction on the ground since they would get less than 15 minutes warning. In the long run if the Soviets develop accurate MIRVs for their SS-9 missiles the Minuteman force could become vulnerable to destruction.

These threats to the bomber and land-based missile forces have raised the question of whether or not the United States needs to continue to maintain a triad. The argument for the triad is that it adds to our confidence that we can deter Soviet attack and prevents the Soviets from concentrating their R&D in a single area in order to achieve a breakthrough which would make the single force vulnerable. On the other side it is argued that there is no prospect of the submarine force becoming vulnerable and that destruction that can be done by even a small number of surviving submarines is sufficient to deter a Soviet attack.

One way to proceed would be to rely primarily on the Polaris missile force as the backbone of the American deterrent to maintain the other two systems without spending substantial sums on their modernization or improvement. The specific force issues in the strategic field concern: (1) MIRV; (2) ULMS; (3) Bombers; (4) ABM; and (5) Air Defense.

MIRV

Our MIRV decisions illustrate the importance of focusing on those elements of our force posture which may actually reduce our security. Many now believe that an effort should have been made to ban MIRVs before the United States began to test them (in the summer of 1968) and to deploy them (beginning in the summer of 1970). MIRVs are destabilizing in that they pose a threat that the side deploying them can develop the capability to destroy the other side's fixed land based missiles in a first strike. The threat of Soviet MIRVs has led to the U.S. Safeguard ABM program and to R&D for a system to replace Minuteman. The Soviets must be equally concerned with our testing and deployment of MIRV. The Administration has argued that the Soviets need not be concerned because our MIRVs are not accurate or large enough to pose a threat to their missiles. However, the calculations which affect the arms race in this case are those made by the Soviets and they almost certainly are as conservative as we are. If so, they must assume that our MIRVs will be made accurate enough to destroy their missiles.

At the present time there is no justification for proceeding further with the deployment of MIRVs. The Soviets are not now deploying an area ABM system which the MIRVs are designed to penetrate. If they do begin to deploy such a system we could deploy MIRVs much more quickly. Moreover if the SALT negotiations do lead to an agreement holding ABM to very low levels, MIRV will, at best, be "wasteful" and, at worst, be "bad" insofar as it makes more difficult the negotiations of an offensive arms limitation agreement. While halting the deployment of MIRV, we should also review our R&D programs to ensure that we are not developing a first strike capability by improving accuracies.

ULMS

ULMS primarily raises an issue of waste. As long as our current submarines are invulnerable to a Soviet attack, there is no need to go forward with a new system. ULMS also may illustrate the tendency of the military to go forward with new systems which incorporate all of the available new technology regardless of cost or need. If a large Soviet ABM posed a threat to Poseidon's ability to penetrate, or if a Soviet advance in ASW posed a threat to the survivability of the submarines, we should proceed with ULMS. However, until we know what the threat might be, we have no way of sensibly designing the new submarine. The current design for a bigger, more sophisticated, boat with more and larger missiles is almost certain not to be the optimum solution. We need to slow down the program while exploring a range of possible designs.

Bomber

The question of a new manned bomber is almost entirely a matter of waste since the issue is not whether the bomber should be maintained, but whether one needs at this time to procure a new bomber. Secretary Laird has indicated that the B-52's can last at least until the early 1980's. There appears to be little doubt that their life could be prolonged further by reducing the number of flying hours. The Air Force appears to have conceded that the issue is not whether the B-52's can be kept flying. It is now arguing that the B-1 would be cheaper than continuing to operate the B-52's. However, this is only true if one assumes that the B-1 will operate for 17 years or longer and if the current cost estimates on the B-1 hold firm. Since costs are certain to grow substantially, it appears to be the case that the B-52's can be operated for considerable number of additional years and at less cost than the B-1. Moreover the B-1 has no significant operational advantage over the B-52. Thus, at this time, a B-1 program should be continued only at the level of design studies.

To these arguments regarding the relative effectiveness of the B-52 and the B-1 must be added concern about the likely Soviet reaction to an American decision to deploy a new manned bomber. It appears that the Soviets take our bomber capabilities more seriously than we do; we know that they spend large sums on air defense. An American decision to build the B-1 could complicate efforts to negotiate an offensive freeze at SALT.

ABM

ABM raises not only the issue of waste but also of the impact of the American and Soviet ABM programs on the arms race, and on the problems of deterring nuclear war. Large ABM systems on both sides would vastly increase the value of a first strike and raise the danger of a situation in which leaders on both sides might conclude, in a crisis, that they must strike first. They might come to believe that a first strike could saturate the enemy defense and destroy the enemy society while his ragged strike back could not penetrate the existing defense. For this reason, avoiding ABMs on both sides deserves the high priority it has now been given at SALT.

The only current issue is whether to proceed with the 2-4 sites designed to protect Minuteman. Since Secretary Laird has conceded that the system makes sense only against a narrow range of Soviet threats, it would appear prudent to delay any additional expenditure until the results of the SALT negotiations become clear.

Air defense

The American air defense program dramatically illustrates the waste which results from routinely seeking to develop the most sophisticated system available, without asking how it relates to deterring an attack or reducing damage if war occurs. The Administration proposes to proceed with AWACs, a complicated and sophisticated system designed to enable the United States to develop an effective air defense against a possible (but thus far non-existent) new Soviet bomber. However, the United States has decided that it cannot, and should not, build an ABM system against the much larger Soviet ICBM force which is fully capable of destroying the United States. It makes no sense to defend against Soviet bombers at great cost when we cannot stop their missiles. AWACs should be canceled and the remaining air defense system phased down to a "coast guard" type capability.

SUMMARY OF RECOMMENDATIONS

1. An overall ceiling on Defense Expenditures should be established. Based on expected revenues, on competing domestic priorities, and on cuts in specific weapon systems pinpointed by FAS, the often mentioned expenditure limit of $68 billion on FY 72 would be feasible. Declining limits could be established for succeeding years.

2. The Congressional Appropriations Committees should publish their estimate of the likely level of Defense expenditures, and appropriations, which they believe Congress should approve over the next five years.

3. The continued Procurement of Minuteman III, and Minuteman Force Modernization, be canceled with a saving of $839 million.[2]

4. The conversion of SLBMs to Poseidon Configuration be deferred with a saving of up to $800 million.

5. Further research on advanced MIRV guidance systems for improved accuracy be halted, and the $87 million proposed for ABRES be reduced appropriately.

6. Defer a decision to move forward with the B-1 by deleting $300 million of the $370 million requested, thereby keeping the program at its previous level of effort and delaying the procurement of a prototype. Explore alternative designs for a new bomber for the mid-1980's.

7. Withhold or escrow all additional funds for the first two ABM sites and appropriate no funds for the third and fourth sites pending the results of the SALT negotiations. Proceed with Prototype Development of Hard-Site Defenses. Those actions would result in a saving of about $1.2 billion.

8. The AWACS program be canceled with a saving of $145 million; continue to phase out obsolescent and costly components of the existing defense system.

9. Defer any decisions on design of ULMS, and do not plan to deploy until a clear threat to existing submarines develops. This approach should permit some reduction of the $110 million requested.

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[2] Note: Savings refer to FY 72 appropriations; total savings in each case would be considerably larger, but would not necessarily yield equal reductions in overall defense expenditures.

10. Maintain only a total of nine carriers. Phase out three CVS's and the six oldest carriers as the two additional nuclear carriers enter the fleet. Phase down related ships and costs as appropriate and cancel the F–14 program with a saving of $1 billion.

11. Delay a decision to procure the F–15 with a saving of $415 million. Direct the Services to investigate either an improved F–4 or an alternative relatively unsophisticated follow-on fighter.

NATIONAL EDITORIAL SUPPORT FOR EXECUTIVE REORGANIZATION

Mr. PERCY. Mr. President, I am pleased to call attention to an editorial in the Washington Post of June 12 strongly supporting the President's departmental reorganization proposals. The Post said that—

> If the Federal Government is ever going to be controlled again by elected representatives of the whole people, a reorganization of this scale simply must occur sooner or later.

As chief Senate sponsor of the four bills to create new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs—S. 1430–1433—I am glad to report that there has been an overwhelmingly favorable editorial response to the reorganization plans by newspapers in every part of the country.

This widespread support is very encouraging to those of us who are committed to this effort to make the Federal Government Establishment more responsive and more effective. The majority of editorials have supported the reorganization on grounds that there must be an effort to make the Federal governmental apparatus more responsible and responsive. Some editorials have applauded the President's reorganization proposals but have expressed deep scepticism about the possibility that such a major reorganization could overcome the combined opposition of these groups that prefer to retain the status quo. Almost none have opposed the reorganization.

I have selected from among dozens of favorable editorials a few that reflect the tenor of the Nation's concern about the Federal Government's effectiveness, and demonstrate the popular support for the reorganization proposals.

For example, the Boston Herald Traveler, which in earlier editorials had also praised the reorganization, on May 24 again supported the reorganization and cited examples of overlapping and wasteful Federal programs which would be avoided by more rational Government organization. One of these was a case in which the independent Small Business Administration financed a salmon freezing plant in Alaska, while an agency of the Commerce Department loaned a group of Eskimos money for a similar facility to be located nearby. Combining the SBA with the economic development programs of the Commerce Department in the proposed Department of Economic Affairs would likely prevent such duplication.

The Herald Traveler said—

> Everyone of course, deplores and no one defends such ludicrous examples of bureaucracy. Most people, too, realize that these are not just silly, isolated incidents; unfortunately, they happen all too often in the huge and complex Federal jungle.

The St. Louis Globe Democrat on May 15 said—

> From what we hear and read we are convinced that most Americans attach a high priority to making government more efficient, more responsive and more economical.

And asked that Congress respond to this need.

The Waukegan, Ill., News-Sun on April 27 asked that the bills—

> Be passed by Congress for the good of the Nation

Arguing that the proposals—

> should systemize and consolidate Government efforts to achieve the results planned for the improvement of a whole spectrum of living conditions in the United States.

The Springfield, Ill., State Journal on February 5 said that—

> Whatever the obstacles it encounters from vested interests the President's program for reorganization of the executive branch of government should be pursued tenaciously. Nothing would instill public confidence in government more than the thought that their interests should take precedence over special interests.

The Boise, Idaho, Statesman on May 4 expressed doubt that Congress would enact any of the proposals during this Congress, a conclusion with which I disagree. But the Statesman did not question the desirability of the reorganization and cited some excellent examples of the need for it. For example, it said that the Interior Department's Bureau of Land Management, and the Agriculture Department's Forest Service, administer much of Idaho's land.

> Good land management is not helped by the boundaries between the jurisdiction of one agency and another. What happens in the forest affects what happens on lower ground, and in the entire watershed.

The Statesman concluded that—

> With consolidation, it should be easier to apply and enforce policies, easier to correlate the work on behalf of one energy source with another. It should not take ten years for one agency to discover and apply the knowledge of another.

Mr. President, I think these editorials are instructive for all of us. As I have talked with people in my own State and pursued these and many other editorials I have become convinced that people are extremely disillusioned and suspicious about their Government and that they want change and improvement. We do have, in my judgment, a strong mandate from the people to proceed with the departmental reorganization proposals in hearings and Senate and House action.

I am very pleased in this regard that Chairman HOLIFIELD and the members of the House Government Operations Committee are actively pursuing very intensive hearings on the overall impact of the reorganization bills. The Senate Government Operations Committee has held 2 days of hearings on May 25 and 26, and plans to schedule another day on June 22 at which time we will hear Secretary John Connally and other witnesses. Hopefully we can move further ahead with our work during July.

I ask unanimous consent that the editorials referred to be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 12, 1971]

THE PRESIDENT'S REORGANIZATION PLAN

President Nixon was quite right last March when he remarked in a special message to Congress, "At this moment in our history, most Americans have concluded that government is not performing well. It promises much, but it does not deliver what it promises." One of his solutions to this problem was a sweeping reorganization of the Executive Branch which would dissolve seven of the existing departments and re-distribute their operations, along with some functions of the independent agencies, among four new departments—Human Resources, Natural Resources, Community Development and Economic Affairs. The idea is not new—serious students of the federal government have been suggesting something along this line for years—but that does not make it any less appealing. If the federal government is ever going to be controlled again by elected representatives of the whole people, a reorganization of this scale simply must occur sooner or later.

We note now that there is at least a glimmer of interest on Capitol Hill in the President's proposals. We put it that way because most of the initial reaction was almost entirely negative. Representative Holifield, whose committee handles reorganization proposals in the House, was quoted last March as calling the Nixon plan "political grandstanding" and describing it as so complicated that his committee would need "at least four years" to process the legislation. We assume that Mr. Holifield was engaging in some grandstanding of his own since a serious Congress could handle the matter in far less time than that and since the major objection to the plan is that it will reduce the power of Congress inside the bureaucracy and will give the President a better chance to run the branch of government he is supposed to run.

It is true, of course, that the federal bureaucracy looks quite different from Capitol Hill than it does from the White House or from Main Street. Most Americans grew up being taught that Cabinet secretaries ran their departments and made the major decisions. Most Presidents would like to think that was so but the truth is quite different. John Gardner was not wrong when he testified recently:

"As everyone in this room knows but few people outside of Washington understand, questions of public policy nominally lodged with the Secretary are often decided far beyond the Secretary's reach by a trinity consisting of representatives of an outside lobby, middle level bureaucrats and selected members of Congress, particularly those concerned with appropriations. In a given field these people may have collaborated for years. They have a durable alliance that cranks out legislation and appropriations in behalf of their special interest."

That is one of the practices that the reorganization plan would curtail, so it is understandable that some members of Congress are reluctant even to consider it seriously. But, equally important, enactment of the reorganization plan would curtail the growth of the Executive Office of the President. It has ballooned in size in recent years because there is no other way in which a President can attempt to manage the government. His Cabinet officers generally lack the management tools they need inside their departments and there is no effective device to coordinate the activities of the various departments except through White House masterminding.

One would think that every would-be presidential candidate in Congress would back this reorganization proposal eagerly. Joseph A. Califano, who was Lyndon Johnson's right-hand man, testified before the Senate Government Organization Committee that "any Democratic presidential candidate, who might be successful in winning the White House in 1972 or thereafter, will be immeasurably helped in his ability to put into effect the policies upon which he is elected if President Nixon's reorganization proposals are adopted by the Congress."

Although old ways die hard both on the Hill and inside the bureaucracy, we hope that all the members of Congress will take the time to read and study the recent testimony given by George Schultz, Roy L. Ash, Ben W. Heineman and Charles L. Schultze, as well of that Messrs. Gardner and Califano. Their testimony makes it crystal clear that the need for reorganization, like the need for campaign spending limitations, is desperate and that Congress must enact both if this democratic government is going to have much chance to operate effectively and responsibly.

[From the Springfield (Ill.) State Journal, Feb. 5, 1971]

FUNCTIONAL AND SOUND: NIXON'S CABINET PLAN

Because expansion is the natural order for the federal government, President Nixon's State-of-the-Union proposal to consolidate seven executive departments into four faces an uncertain fate.

Powerful forces already are mobilizing to protect their vested interests in the departments scheduled to be merged out of existence. Senate Majority Leader Mike Mansfield predicts that the President's plan will bring out a "combination of lobbies the like of which the Congress has never seen."

The Congress itself, which must authorize the changes, has a reason for maintaining the status quo. Congressional committees, such as Agriculture, Commerce and Interior, which are tied to the present Cabinet organization, would likely be numerically decreased.

Nevertheless, the consolidation of the administration proposed by President Nixon is functional and sound. He would establish four Cabinet posts, one for economic development, one for human resources, one for community development and finally a Department of Natural Resources. With the transfer of the Post Office Department into a government-private corporation this year, this would reduce the Cabinet from 12 to 8 departments.

The concept is bold in two respects. It would establish a precedent, and it would begin the long process of limiting a federal bureaucracy that feeds upon itself, often without regard to the public need.

Unfortunately, any streamlining of government is usually token, and an exception rather than the rule. For example, the Commerce and Labor Departments were combined at one time, but an attempt by President Johnson to merge them again was quickly buried.

The Department of Defense was formed from the Navy, War Department and the Air Force during the Truman administration in 1947. On the other hand, in recent years we have seen the addition of the Departments of Health, Education and Welfare, Housing and Urban Development and Transportation, without any corresponding reduction in numbers of the bureaucracies they were to have replaced.

The result has been a weakening of the Cabinet and a growth of the federal establishment which has made it unresponsive even to the executive branch of the government itself. This has occurred at a time when the need for a strong Cabinet of advisers to the President is the greatest in history because of the increasingly complex times.

Whatever the obstacles it encounters from vested interests the President's program for reorganization of the executive branch of government should be pursued tenaciously. Nothing would instill public confidence in government more than the thought that their interests should take precedence over special interests.

Organizing the federal government around functional purposes would serve this end.

[From the Boston (Mass.) Herald Traveler, May 24, 1971]

FEDERAL LABYRINTH: NO EXIT?

Some time ago, a large vocational education and training center was built in a city out West with funds provided by the federal Department of Health, Education and Welfare. Almost simultaneously, an identical center was constructed only three blocks away in the very same city with funds provided by the federal Department of Labor. Incredibly, officials of the two Cabinet agencies seem to have had no idea they were duplicating each other's efforts.

At the same time that the Small Business Administration was financing the construction of a plant to freeze and store salmon in Alaska, an agency of the Commerce Department loaned $650,000 to a group of Eskimos to put up a similar facility not far away on an off-shore barge. Again, the agencies were unaware that they were competing with each other.

These are just two of many tragi-comic examples of bureaucracy submitted in a report to Congress on behalf of President Nixon's proposal to reorganize the executive branch of the federal government.

Another example cited the fact that although the Department of Agriculture stations many of its employes on a full-time basis at hundreds of plants across the country to inspect eggs, meat and dairy products, the Food and Drug Administration regularly sends its inspectors to the same plants to do the same job.

Cities seeking federal funds for sewer construction, the report noted, are confronted with the choice (and the confusion) of applying to four different Washington agencies. Even a rancher who wants to graze his stock on federal land sometimes has to apply for a permit from the Bureau of Land Management in the spring and the U.S. Forest Service in the summer.

Everyone, of course, deplores and no one defends such ludricrous examples of bureaucracy. Most people, too, realize that they are not just silly, isolated incidents; unfortunately they happen all too often in the huge and complex federal jungle.

Many months ago, however, President Nixon finally proposed to do something about the problem. He asked Congress to authorize a sweeping overhaul of the executive branch, including the elimination of several Cabinet departments and the reorganization of other agencies so that waste and duplication of effort could be more easily spotted and held to a minimum.

So far, Congress hasn't shown much interest in enacting the reorganization measure, mainly perhaps because that would require a similar reshuffling and reduction of the congressional committee structure. And that is something which has generated no enthusiasm from the powerful ladies and gentlemen who preside over those committees now, and who have carved out their own spheres of influence and comfortable working relationships with the existing bureaucracy.

[From the St. Louis Globe-Democrat, May 15, 1971]

IMPREGNABLE WASHINGTON BUREAUCRACY?

President Nixon's proposal to streamline the federal bureaucracy by reducing the 12 Cabinet Departments to eight has drawn little interest from Congress.

Why should this be so?

For if there is a pressing need in Washington, it is to overhaul the sprawling, unresponsive sea of bureaus that engulf the capital. From what we hear and read we are convinced that most Americans attach a high priority to making government more efficient, more responsive and more economical.

Then why the lethargy in Congress to get on with the restructuring?

There is no single answer to this. Perhaps the main reason is that the reorganization which has been delayed so long would be such a monumental job. Congress shies away from the sheer size of the job.

Another formidable barrier is the self-perpetuating nature of the federal bureaus. They have so much money to spend, are so deeply entrenched and so well versed in warding off unfavorable congressional actions that they amount to a second, unofficial government.

Nevertheless, the job must be done.

To illustrate the amount of red tape it takes to apply for just one typical urban program, HUD Secretary George Romney recently brought with him to a press conference a 2½-foot, 56-pound stack of papers.

This is just one reason why the number of government employes have gone up 51 per cent in the 10-year period between 1960 and 1970, and the civilian payroll in the federal government has risen from $12.6 billion in 1960 to $30 billion now.

Equally disturbing is the paralyzing effect the huge, uncontrollable bureaucracy has on the nation. President Richard M. Nixon, in a recent speech, said the "anonymous, musclebound" federal bureaucracy "too often forgets that the purpose of governments is not budgets and programs and guidelines, but people."

The record of the past 30 years is that gigantic federal departments have been long on promises but short on performance. The results from the spending of billions of dollars through federal aid programs often have been almost invisible.

Members of Congress, who supposedly represent the view of the average citizen, should become as enthusiastic as President Nixon about reorganizing this unresponsive, expensive Goliath. Perhaps then the streamlining would come about.

[From the Waukegan (Ill.) News-Sun, Apr. 27, 1971]

PASS PERCY'S BILLS FOR CABINET REORGANIZATION

Reorganization of the structure of the executive branch of the government as proposed by President Nixon in a message to Congress is being advanced by Sen. Charles H. Percy who has submitted four landmark bills to implement the reorganization.

Little has been said about the President's plan, possibly because any effort to combine and systematize government operations means the elimination of some political jobs, and is bitterly opposed by those congressmen who want to guard the partisan prerogatives of the bureaucrats in control of innumerable government agencies.

Sen. Percy's proposed legislation would implement the more efficient handling of government programs through combining agencies and bureaus into four executive departments with cabinet rank.

The Percy bills would create a department of Community Development for both rural and urban communities; would create a Department of Natural Resources to assure preservation and balanced use of the vital resources of our physical environment; would establish a Department of Economic Affairs to promote economic prosperity and steady economic growth and finally, create a Department of Human Resources to meet the social needs of individuals and families.

The reorganization program has been proposed by a succession of advisory commissions which urged the programs to Presidents Roosevelt, Truman, Eisenhower and Johnson, and President Nixon is the first to really move toward accomplishment.

* * * * *

The reorganization package, to become law, must be passed by both the Senate and the House, and therein lies the danger that it will be cut to pieces by congressmen with partisan political interest in maintaining the status quo to protect the innumerable political plums that are theirs in the maze of bureaus and agencies now operating, often duplicating if not actually competing with other bureaus and agencies in carrying on the vast proliferation of government programs.

Obviously, the reorganization will eliminate scores of presently operating bureaus and agencies, and if the new, streamlined executive branches work as they should, duplicating and competing programs will be combined and efficiently managed in order that the goal of services for the people will be actually carried out for the benefit of the people and not for those involved in building their own empires of governmental agencies for the protection of their own jobs and those of their political cronies.

Much more of the benefit designed for the people should therefore reach the people without dilution of the benefits through the handling of innumerable bureaus and agencies.

It should mean more and better relief programs for those in need of public welfare funds, and should systematize and consolidate government efforts to achieve the results planned for the improvement of a whole spectrum of living conditions in the United States.

The Percy bills should be passed by Congress for the good of the nation, but their fate lies in the partisan political grasp of the congressional membership.

The proposed new Department of Community Development would take on many of the functions of the present Department of Housing and Urban Development and, in addition, would assume the urban and rural community development programs of the Office of Economic Opportunity; the rural community development programs from the Department of Agriculture; many of the public facilities construction programs for the Health, Education, and Welfare Department; the financing and planning of public works from the Commerce Department; disaster relief programs, and most functions relating to highways and urban ground transportation.

A Department of Natural Resources would consolidate responsibility for both planning and management of natural resources. It would absorb the present Department of the Interior with the addition of the Forest Service; Watershed and flood prevention, and soil and water conservation from the Agriculture Department; assume the work of the Water Resources Council, and certain civilian power functions of the Atomic Energy Commission.

It would also take over the oil and gas pipeline safety programs of the Department of Transportation; the funding and planning of civic water resources programs from the Corps of Engineers, and the National Oceanic and Atmospheric Administrations from the Department of Commerce.

The Department of Human Resources would assume most of the activities of HEW with the addition of the food and nutrition services of the Agriculture Department; the manpower administration and Bureau of Employes Compensation from the Labor Department; the nutrition and manpower training programs and Head Start from the Office of Economic Opportunity; the drug abuse program of the Justice Department; the Railroad Retirement Board and the Civil Service Retirement and Liability Fund.

The Department of Economic Affairs would absorb most of the offices of the Department of Labor, Department of Agriculture and the Department of Commerce with the addition of the Small Business Administration, the Commodity Credit Corporation, the Federal Crop Insurance Program, the federal administration, the Coast Guard and the other national transportation programs.

[From the Boise (Idaho) Statesman, May 4, 1971]

Too Many Resource Agencies

President Nixon's ambitious plans to reorganize and "streamline" the executive branch appears to be going nowhere in this session of Congress. Even if Congress were inclined to act, it has a backlog of other business.

Sooner or later, though, it must face the issues posed by reorganization. Undeniably the vast bureaucracy is guilty of the evils the President identifies.

Reorganization is no total panacea. The vast Health, Education and Welfare organization is often described as unmanageable. The gigantic Pentagon generates sighs and shudders among those who admire efficient, effective organizations.

The President is right, we believe, in advocating a Department of Natural Resources—combining land, water, mineral, oceanic and atmospheric agencies.

In Idaho the Bureau of Land Management, under the Interior Department, and the Forest Service, under the Department of Agriculture, administer much of the state's land. While the forest lands are mostly forested and the BLM lands are mostly not forested, they do basically the same things.

They work cooperatively, but they also disagree. Good land management is not helped by the boundaries between the jurisdiction of one agency and another. What happens in the forest affects what happens on lower ground, and in the entire watershed.

Sometimes agencies work at cross purposes. This happens within Interior or Agriculture now, and presumably wouldn't be eliminated by consolidation. But there should be less of it. More of the conflicts should be resolved in the planning stage.

The outlook is for more public disagreement over land management and resource issues. Conflict wouldn't be eliminated by putting the land in a single agency, but it might be lessened.

Certain stream channel projects by the Department of Agriculture have been protested by the Department of Interior. We have three national water project agencies—Interior, Agriculture and the U.S. Army. Six agencies administer federal recreation areas.

Some agencies are more attuned than others to environmental considerations.

With consolidation, it should be easier to apply and enforce policies, easier to correlate the work on behalf of one energy source with another. It should not take 10 years for one agency to discover and apply the knowledge of another.

Simply combining existing agencies does not insure perfection. Nor does it necessarily mean a dollar savings. There are so many existing agencies doing similar work in the land and resource field that the basic problem is to get them together and to apply consistent policies.

THE BALTIC NATIONS

Mr. MUSKIE. Mr. President, one of the tragedies of modern history was the invasion and subsequent fall of the Baltic nations of Lithuania, Latvia, and Estonia on this day 31 years ago. The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. The sudden extinction of their national sovereignty and their brutal absorption into the Soviet Union was an injustice which still burns in the memory of thousands upon thousands of these dispossessed peoples.

Mr. President, we have in recent years been coming to the end of a period of widespread colonialism in the world. Yet we sometimes forget that these countries of the Baltic are still colonies. I pray that they might some day regain their independence and freedom, and that the peace-loving peoples of the area who have been scattered throughout the world can return—and find once again their national identity.

ACCOMPLISHMENTS OF THE 92D CONGRESS

Mr. SAXBE. Mr. President, my pessimism regarding the slow, ineluctable pace of Congress is shared by Norman C. Miller in today's Wall Street Journal. His thesis is that the partisanship and posturing on issue after issue results in one loser: The public interest. At the beginning of the year I initiated along with Senators Schweiker, Cranston, and Hughes rule changes to help expedite many of the Senate's day-to-day procedures. What is now needed is a bipartisan effort on the part of all my colleagues to attack the problems confronting us today.

Mr. President, I ask unanimous consent to have this article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, June 15, 1971]

Congress: Grinding Toward Deadlock

(By Norman C. Miller)

Washington.—Congress is notoriously slow-starting, and so it is not particularly ominous that the 92nd Congress has huffed and puffed and accomplished very little in its first five months. But ominous indeed are signs that the first five months may set the pattern for the 92nd's entire two years.

Deadlock between President Nixon and the Democrats commanding Capitol Hill looms on Vietnam and economic issues. Partisan maneuvering may make it difficult to develop a revenue-sharing compromise. Infighting poses possibly fatal threats to important bills with fragile bi-partisan backing, such as campaign spending reform and welfare reform. Delay jeopardizes prospects for comprehensive health insurance and reorganiza- of Cabinet departments.

PARTISANSHIP AND POSTURING

There is a potential for stalemate, in short, and excessive partisanship is its root cause. On issue after issue, the politicians seem more intent on posturing than compromising partisan differences in an effort to solve problems. There may or may not be a winner in such a campaign-oriented game, but there is one loser: the public interest.

To be sure, the war is one issue in which an increasingly partisan debate may well have a policy impact, even though it is almost impossible for Congress to force "end-the-war" legislation on the President. Still, the dove Democratic presidential contenders and their backers in Congress clearly are generating mounting pressure on Mr. Nixon to make good sooner rather than later on his pledge to end direct U.S. military involvement in Vietnam.

But congressional debate counts for little when it comes to critical domestic problems. Everyone can agree that the 6.2% unemployment rate is deplorable. Everyone can agree that something is drastically wrong with the way government at all levels is working when cities lurch toward chaos despite program after program of federal aid. There's also widespread agreement on the need for welfare reform, meaningful campaign spending laws and national health insurance.

So it ought to be possible for Congress to agree with the administration on legislation dealing with at least some of these pressing domestic problems. The inevitable tensions arising from divided control of government don't have to have a paralyzing effect, even with a presidential election year in sight. Yet the early record indicates that partisan gamemanship may prevent much of anything from being accomplished.

There are, it is true, some signs of movement on perhaps the most important domestic legislation of all: revenue sharing. Arkansas Democratic Rep. Wilbur Mills, archfoe of the President's revenue-sharing plan, now is talking about an alternative bill that would emphasize some $3.5 billion of new aid to cities instead of dividing $5 billion among states, counties and cities as the President proposes.

The still-fuzzy Mills plan may open the way for compromise with the White House—though the Ways and Means chairman doesn't encourage such hopes by continuing to state publicly that "there is no compromise" possible on the Nixon plan. Furthermore, it isn't particularly encouraging that Rep. Mills and other Democratic leaders in private strategy sessions seem to be trying to shape a bill that could be labeled a *Democratic* alternative to Mr. Nixon's revenue-sharing plan.

If the issue of new aid to cities and states is cast in such partisan terms it may well kill chances of enacting any plan. For there is a danger of a standoff developing if the Democrats insist on channeling the great bulk of the money to the Democratic-controlled cities, while Republicans insist on a sizable share for states and suburban jurisdictions where their party is stronger.

The potential for partisanship blocking compromise on the revenue-sharing issue was illustrated by the recent House battle over "special" revenue-sharing legislation in the manpower area. This involved one of six Nixon bills that seek to untie federal strings on existing federal programs. The "general" revenue-sharing bill before the Mills committee, in contrast, would earmark a percentage of federal revenues to provide new federal aid.

Constructive compromise on the manpower bill would have seemed entirely possible for two important purposes: easing unemployment and getting the President's revenue-sharing program moving. Unfortunately, the outcome of this first test suggested that each side would rather have a standoff.

Both Democrats and Republicans approach the manpower issue with laudable, and not necessarily conflicting, goals. The Democrats urge a frontal attack on unemployment by authorizing federal subsidies to create "public service" jobs; the idea is to help state and local governments hire the unemployed for street and park maintenance and the like. The Republicans, on the other hand, urge reform of the existing array of federal job-training programs by passing President Nixon's manpower revenue-sharing plan; it would eliminate many federal restrictions and allow state and municipal governments to tailor Washington's aid to their local job-training needs.

NO EFFORT AT COMPROMISE

Good arguments can be made for both proposals. But there was no effort by either side to put together a compromise package. Instead, the Democrats "won" in the House, as they did earlier in the Senate, but their victory isn't likely to bring cheer to the jobless. Nixon aides predict flatly that the President will veto the Democratic job-creation scheme when it reaches his desk because he believes it would establish "dead-end WPA-type" jobs. And he probably can make a veto stick.

If so, it will come as no surprise to congressional Democrats; the President rejected a similar bill last year on the same grounds, and his veto was sustained. Against this background it is possible to conclude that the point of the whole Democratic exercise on this year's bill was to maneuver the President into another veto that could be exploited as a campaign issue. That may be clever politics, but it does nothing for the unemployed.

The Democrats could easily have offered the President and his Republican backers an incentive to accept the public-service jobs plan. It would have been quite possible to combine the job-creation measure with revenue-sharing-type reforms of job-training programs.

True, such a compromise package was attempted last year and still drew a veto because of the President's objection to the job-creation plan. But the President subsequently softened his stand, expressing willingess to accept a program of temporary public service jobs for the unemployed. He might have moved even further to embrace the Democratic plan if in return he had been given the job-training reforms he wanted. Instead, House Democrats made it quite clear they had no interest in accommodating Mr. Nixon.

For their part, House Republicans and White House agents did nothing to allay Democratic suspicions that their job-creation plan would be vetoed regardless of any concessions. GOP spokesmen insisted on labeling the Democratic bill as a scheme to expand the public payroll permanently, and said they couldn't accept this as a matter of "principle." Their rhetoric ignored the fact that the bill provides that job subsidies would remain available only while the national unemployment rate was 4.5% or more.

Furthermore, the White House alienated many Northern Democrats through the divisive lobbying tactics it used in pushing for job-training reforms through a revenue-sharing bill. Instead of wooing urban Democrats who tend to favor the revenue-sharing concept, Nixon agents tried to appeal to Southern Democrats with a racial argument. Privately, they warned Southerners that the job-creation bill fashioned by liberal Democrats contained provisions expanding federal civil-rights enforcement powers.

These tactics not only failed to win over most Southerners, but they intensified the suspicions of many liberal Democrats regarding the array of Nixon revenue-sharing proposals. Such suspicion may make it more difficult for liberal Democrats and the White House to reach a compromise on the keystone "general" revenue-sharing plan—and a compromise between these forces is essential to the passage of any bill.

Moreover, many power-holders in Congress are intent on burying revenue sharing in any event, and this group includes Republicans as well as Democrats. Some undoubtedly are sincere in objecting to the concept of no-strings aid, but a lot also are opposed for gut political reasons that have nothing to do with the merits of the issue.

Quite simply, revenue sharing threatens the power of members of Congress. As long as Congress controls a grab-bag of aid programs, governors and mayors and other aid-seekers must come to Capitol Hill for help. Switching to block grants and earmarking a portion of the federal tax take for states and cities goes a long way toward cutting Congress out of the action.

"I'll tell you what revenue-sharing means," storms a border-state House Democrat. "It means that there will be governors or mayors cutting the ribbons when the local projects are opened instead of Congressmen or Senators. You don't think we're ever going to allow that, do you?"

BIPARTISAN COALITION NEEDED

Such opposition can only be overcome by a bipartisan coalition backing legislation that gives both Republicans and Democrats somethink they want. At the moment, all six of the Nixon "special" revenue-sharing bills seem doomed by the absence of a bipartisan approach.

The possible development of compromise on the "general" revenue-sharing legislation could encourage accommodations on special revenue sharing and other important bills. But, though the 92nd Congress is still relatively young, the time available for constructive compromise before the election year already is getting short.

For the closer the election comes, the harder it will be to work out compromises. And the more likely it becomes that 1972 will subject the public to a sorry spectacle: rival politicians blaming one another for a long list of problems that worsened while they wrangled.

NELSON CRUIKSHANK AND THE NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. CHURCH. Mr. President, recently I had the honor to participate in the 10th annual convention of the National Council of Senior Citizens.

There, in the presence of approximately 2,000 delegates, I once again had the pleasure of observing Mr. Nelson Cruikshank, president of the NCSC, in his leadership role for that organization. As always, his emphasis was on actions that will make the United States a better place for Americans of all ages, including the elderly. His philosophy and his immediate and long-range goals were well expressed in the President's report he delivered on June 11. I ask unanimous consent that this report be printed at the conclusion of my remarks.

I would also like to have inserted into this RECORD a copy of an excellent article, written by John Herlin for the May 20 issue of the Washington Daily News. This column gives another portrait of Nelson Cruikshank at work, giving a message of great importance directly to the President of the United States and others who gathered recently in the White House.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S REPORT

(By Nelson H. Cruikshank, president, National Council of Senior Citizens)

It is the genius of American democracy that citizens seeking governmental aid in resolving social and economic problems that concern them will be heard if they stand together and speak with one voice.

Using this democratic principle, the National Council of Senior Citizens has achieved a certain degree of success in representing the 3,000,000 members of affiliated clubs that make up the Council.

The National Council helped win enactment of Medicare, the Federal program of health insurance for the elderly, the Older Americans Act which is the enabling act for the U.S. Administration on Aging, and was successful in its efforts to win three Social Security increases in the 1960's.

This would be an impressive record of accomplishment were it not for the fact that millions of men and women age 65 or over are still without adequate income, many of them lacking even the cash necessary to participate in the Medicare program. These unfortunate men and women are generally ill-housed and, because of the high cost of transportation—or the lack of transportation—they are permanently separated from their friends of former years and, many of them, even from their children and grandchildren.

Nevertheless, the National Council of Senior Citizens have indeed made progress in gaining needed benefits for the nation's 20,000,000 older Americans. It is true that these gains were too little and came too late for many of our aged—but there can be no doubt that we are succeeding in getting people at all levels of government—Federal, State and local—to consider the problems of our older Americans.

Looking back over our first ten years' of activity, we can take pride in the fact that the National Council of Senior Citizens has established a record of credibility and sincerity throughout Congress and in the Executive Branch of the Government.

The year that has elapsed since the National Council's 1970 convention has been an eventful one. It has been a period of great pressure on the National Council leadership and on the small staff at the National Council headquarters.

SOCIAL SECURITY AND RAILROAD RETIREMENT

The need to increase Social Security benefits was of primary concern to delegates to the National Council's 1970 annual convention and the National Council headquarters.

On behalf of the National Council membership and in line with the 1970 convention delegate's instructions, I urged in testimony before the Senate Finance Committee an increase of 10 per cent immediately and a further increase of 20 per cent in Social Security benefits effective in January, 1972, with a more substantial increase in the minimum benefit to $120 a month, or nearly double the minimum at that time.

To assure future retirees of benefits more reasonably related to past earnings, I urged on behalf of the National Council raising the amount of wages subject to the Social Security payroll tax to $15,000 a year and with a greater use of Federal general funds to improve Social Security benefits.

You know the rest. The Senate Finance Committee and subsequently the Senate added various extraneous amendments to the House-approved Social Security bill during the closing weeks of the 91st Congress, forcing the National Council to act in the interest of the elderly by urging that the resulting measure be abandoned and new legislation calling for an improved Social Security increase be considered as a first order of business in the 92nd Congress which convened last January.

Congress adopted this course and the 10 per cent Social Security increase payable this month retroactive to last January was enacted early in this Congress.

The National Council has consistently urged improvements in the benefit structure of the Railroad Retirement system commensurate with improvements in Social Security. Railroad Retirement provides the economic security for hundreds of thousands of workers in our transportation industry. Improvements in the system must not be neglected.

Recently, the House Ways and Means Committee reported a Social Security-Medicare-Medicaid-family assistance measure which would raise Social Security benefits an additional 5 per cent effective July 1, 1972, and make a great many other significant changes in the Social Security system, Medicare, Medicaid and welfare.

The position of the National Council of Senior Citizens of this comprehensive measure—which goes under the designation House Resolution One—will be spelled out by delegates to this convention. There is much that is good in the bill—and much we must seek to correct when the bill goes to the Senate.

NATIONAL HEALTH INSURANCE

Delegates to the National Council's 1970 annual convention went on record unanimously for a program of national health insurance for all Americans. Accordingly, the National Council has come out strongly for what has come to be known as the Health Security bill sponsored in the Senate by 25 Senators and in the House of Representatives by 75 Congressmen.

This legislation—designated as S-3 in the Senate and NR-22 in the House—would insure at least 70 per cent of the health costs of all Americans including the elderly. The main reason our organization supports the Health Security bill before Congress is our concern for all age groups.

We are not and never have been merely a special interest group for the elderly. Our objective is a better life for all Americans including the elderly. In a word, what is good for all our citizens is good for senior citizens.

With the present horse-and-buggy health care system cruelly by-passing growing millions of low- and moderate-income citizens, it is increasingly evident that there is a desperate need for a sytsem that makes modern health services available to all our people without regard to social position, race, creed or color.

The pending Health Security bill would do this.

HOUSING FOR THE ELDERLY

The housing needs of the elderly cry out for attention and action, delegates to the 1970 National Council convention warned.

In line with our 1970 convention resolution on housing I have asked on behalf of our 3,000,000 membership a five-year goal of 100,000 housing units a year for the low- and moderate-income elderly. This contrasts with the shamefully inadequate 37,000 housing units completed each year over the past 10 years for and on behalf of the elderly.

The National Council has likewise asked the President to reinstate the program known as Section 202 of the Federal Housing Act which over the last 10 years has enabled non-profit organizations to borrow directly from the Federal Treasury to build housing for the low- and moderate-income elderly.

Unfortunately, the Section 202 program was abandoned by the Nixon Administration last year in favor of a loan program that requires non-profit organizations to compete with commercial borrowers in a tight, high interest money market for housing construction funds.

JOBS FOR OLDER WORKERS

Millions of older Americans seek to supplement inadequate Social Security and pension benefits with gainful employment.

There were high hopes at the conclusion of the 1970 National Council convention that legislation then pending in Congress would help make available in every locality community service jobs under public agencies for elder Americans willing and able to be gainfully needed legislation.

The National Council of Senior Citizens has special knowledge of the tremendous need for community services jobs on the part of older Americans—knowledge gained through the operation over a three-year period of the National Council's Senior AIDES community service job program. I am pleased to report that this program recently was refunded for another year by the U.S. Labor Department. More on this later on.

TRANSPORTATION

Nearly all of us here and the millions of other older Americans face a transportation crisis of major proportions as the Senate Special Committee on Aging has pointed out in a recent report on this difficult situation. The National Council has during the past year urged the President and Congress to support Federal aid programs to meet the transportation needs of the elderly including the need for uniform standards of auto insurance coverage and reduced fares for the elderly on local and national transportation systems.

MEETING WITH PRESIDENT

Representatives of the National Council of Senior Citizens and three other national organizations of older Americans met with the President at the White House May 14 to alert him to the desperate problems of the low income elderly across the nation.

Each organization had five minutes for an oral presentation of the needs of the elderly and I made the presentation on behalf of the National Council. I also left with the President a detailed statement of the National Council's legislative goals.

This is summarized in a report on this White House meeting in the June issue of Senior Citizens News which you have in your convention kits.

WHITE HOUSE CONFERENCE ON AGING

Because of the National Council of Senior Citizens was born out of an idea circulated among participants at the first White House Conference on Aging in 1961—it is perhaps understandable that our organization would have a very special interest in the second White House Conference on Aging scheduled to begin on November 29, 1971.

We enthusiastically supported the proposal for this new White House Conference when it was first introduced by our good friend Senator Harrison A. Williams of New Jersey, during the 90th Congress.

But during the past year we have felt it necessary to speak out publicly, and to the U.S. Congress, concerning preparations for the 1971 Conference.

Frankly, we believe the best politics at a White House conference, is no politics at all. When we heard that some technical and gerontological experts who were Democrats had been removed or passed over in selection of Technical Committees of the Conference and their places taken by Republicans who had little or no expertise in the subject matter involved; and that so-called "White House" clearance had delayed the appointment of the committees, we felt that someone in the White House was seeking to make this Conference a political carnival to promote the Nixon Administration.

At the same time we decided to publicize the fact that the Conference planners were allocating two delegates for each national organization invited to participate—two delegates allocated to the three-million member National Council of Senior Citizens, for example, and an equal number of delegates allocated to a "provider" organization of commercial nursing home proprietors.

As most of you who read Senior Citizens News know, we raised these issues in testimony before Congressional Committees and in public speeches. And you'd be surprised how many other organizations all over America told us they felt similar concerns. Some of them told us that if we would sound the trumpet they would join us in setting up another National Conference on Aging which would be under less political control from the White House.

We are hopeful now that it will not be necessary to sound that trumpet. There already have been a number of changes in the arrangements for the upcoming conference and we suspect there may be more changes in the future.

We commend the Administration for asking Dr. Arthur Flemming, distinguished former Secretary of HEW, to serve as the full-time Chairman of the Conference and we have offered him our fullest cooperation in organizing the kind of conference which will stimulate action on the problems of the elderly and not mere rhetoric.

The National Council of Senior Citizens has now been asked to send a total of 26 national delegates to the Conference and, of course, many more NCSC members will be selected by the Governors of the states. Dr. Flemming—who had asked me to serve on a small key policy committee of the 1961 Conference has invited me to serve in a similar capacity for the 1971 Conference.

You may be assured that we will do everything to assist Dr. Flemming in ensuring fair representation for the elderly and a successful conference. I want to thank you all for the way you turned out for the White House community forums and the State White House Conferences which have been held to date.

As you all know, we reorganized the policy committees of this convention to match the Committee format of the White House Conference. The resolutions which have emerged from these policy committees and which will be discussed this afternoon, this evening and tomorrow, will become the official positions of the National Council of Senior Citizens to be submitted to the White House Conference on Aging.

CONSUMER PROTECTION

The National Council of Senior Citizens has been in the forefront of the battle for adequate consumer protection. The elderly are hit hardest by fraud practiced in the marketplace.

Consumer Federation of America speaks for the National Council in this critical area. The National Council helped launch Consumer Federation and my colleague, Bill Hutton, the National Council's Executive Director, is on the Consumer Federation Board of Directors.

Working with Consumer Federation, organized labor and other humanitarian groups, we have won truth-in-lending and truth-in-packaging legislation. We seek improvement of these measures and new legislation to give consumers a better break.

One of the very important legislative goals we seek is a measure to enable consumers to join in class action suits on behalf of themselves and others who are defrauded for damages and court costs where manufacturers or merchants are convicted practicing fraud against customers.

In the area of consumer protection, my colleague, Bill Hutton, has testified before the House Commerce Committee in favor of Federal legislation to set up no fault auto insurance replacing the present system under which blame must be established no matter what the circumstances of the accident.

The present costly auto insurance system permits drivers who are elderly to be arbitrarily branded sub-standard insurance risks even when they have perfect driving records. The system must be improved and no fault car insurance would be a step in the right direction.

NURSING HOMES

Safety in nursing homes has been an ongoing concern of the National Council. Pressure for higher standards in nursing homes receiving Federal funds for patient care has been increasingly exerted by National Council, organized labor, the American Association of Homes for the Aging and other humanitarian groups.

In company with these groups, the National Council has helped expose the brutality and neglect often occurring in U.S. nursing homes.

Recently, the General Accounting Office, the watchdog agency that reports directly to Congress, has documented the widespread failure at the Federal, State and local levels of government to maintain proper standards in nursing homes generally.

Hopefully this report, covering the States of New York, Michigan and Oklahoma, will help arouse Congress and the nation to the desperate plight of thousands of elderly patients in nursing homes and homes for the aged across the nation.

RESEARCH INTO THE CAUSES OF AGING IN HUMANS

Amounts invested in research into the causes of aging among humans can be expected to yield untold dividends in improved health. So, I have testified on behalf of the National Council membership before the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare.

Dr. Marot Sinex, Chairman of the Department of Biochemistry at the Boston University School of Medicine, estimates that a single breakthrough in the delay of senile dementia (senility) might save over a billion dollars a year not to mention the prevention of a most pitiable form of disability.

The National Council of Senior Citizens strongly supports legislation—S-887—to provide for establishment of a National Institute of Gerontology as part of the Government's National Institutes of Health.

Today, it is generally recognized that the aging problem is a very minor aspect of the Government's National Institute of Child Care and Human Development. The National Council seeks establishment of a National Institute of Gerontology and financial support for its operation that is many times what now is available for research into the causes of aging in humans. I presented these views in testimony before the Senate two weeks ago.

The President is opposed to this approach to the problem on the ground that he is opposed to consolidating rather than increasing programs of this kind. I think he is wrong in his approach. I have called it his numbers game.

Why I oppose on behalf of the National Council membership this numbers game approach to scientific research is best illustrated in his recent action of budgeting $100 million for a crash program of cancer research over and above the amount originally budgeted for the Government's National Cancer Institute for the coming year.

Impressive as the proposed crash program of cancer research sounds, the amount budgeted for it is actually less than the amount recommended for the first year's program by the National Panel of Consultants on the Conquest of Cancer.

As Dr. Michael DeBakey, the internationally known heart surgeon has pointed out, these Consultants insist "it is of utmost importance that the financing of this (center) program not result in cutbacks in other health programs."

The President has not chosen to follow this course but instead has ordered sharp cutbacks in other Government health research programs, presumably to pay for the crash program in cancer.

I shall not detain you with the financial details but merely say that there is an urgent need for a higher level of funding for the Government's Institutes of Health and, especially, for a meaningful program of research into the causes of aging in humans.

In my testimony at this Senate hearing, I also urged legislation to expand substantially programs to provide low cost, nutritious meals for the elderly.

SENIOR AIDES

I am happy to announce that the Labor Department has continued for a fourth year the Senior AIDES program which currently employs 1,150 men and women age 55 or over with limited incomes on community service jobs in their own localities.

The Labor Department will provide out of anti-poverty funds under its jurisdiction $3,077,000 and local sponsors will provide an additional $390,000 for operation of the program through May 21, 1972.

The Senior AIDES program operates in 21 communities across the nation. The Senior AIDES work 20 hours a week for pay averaging $2.15 an hour. Jobs available under the program range from preparation and service of low cost, nutritious meals for the elderly to outreach activities to help bring the isolated elderly back into the mainstream of community life.

The Senior AIDES program has demonstrated to me and to all who are familiar with its operation that there is a real need for this type of program in every community across the nation.

Legal Research and Services to the Elderly (LRSE)

LEGAL RESEARCH AND SERVICES TO THE ELDERLY (LRSE)

The National Council of Senior Citizens' Legal Research and Services to the Elderly (LRSE) program awaits action by the Office of Economic Opportunity, the anti-poverty agency, on whether it will be continued another year.

This program helps the elderly by various types of legal advocacy on their behalf including preparation of materials on the legal rights of elderly citizens and through training the elderly in representing fellow elderly citizens in need before Federal agencies.

The LRSE program recently published an excellent handbook containing 40 model State and local statutes to benefit the elderly. It was prepared for LRSE under contract with the University of Michigan Law School's Legislative Research Center.

This handbook is in the process of being distributed to State Commissions on Aging and attorneys for the poor in the hope States and localities will adapt the model statutes to their needs.

The program has the strong support of the Senate Special Committee on Aging which devoted a chapter to it in the Committee's report entitled "Developments in Aging, 1970."

Since our 1970 convention, I have testified many times before Congress and Federal administrative agencies as have my colleagues Bill Hutton and Rudolph Dandstedt.

Research essential to the preparation of testimony of this kind taxes the very small staff at the National Council headquarters. We are fortunate in having a loyal, dedicated staff at our headquarters.

In addition to research required in preparation of testimony before Congress, the National Council officers and staff require much research for speeches that occupy a great deal of my time and that of my colleague Bill Hutton.

Last but not least, the National Council officers and staff are deluged with mail from Senators and Congressmen, from members and from the public on the matters relating to problems of the elderly. We use the latest office equipment to expedite replies to this welcome correspondence but we should have a larger staff to do our job well.

The National Council of Senior Citizens helped realize some gains for the elderly over the past year but, as you are all aware, we have a long, long road to travel before we can relax.

[From the Washington Daily News, May 20, 1971]

MILITANT ELDER

(By John Herling)

It is hard to think of Nelson Cruikshank as a senior citizen, no less as president of the three million member National Council of Senior Citizens. But there he is at 68, a man who, in Shakespeare's words, can "coo like a lion and roar like a dove." He wears his "gray beret" jauntily which gives a sassy look to the leadership of this "golden years" enterprise.

In the jungle of national affairs, he is both a highly sophisticated infighter and an ardent advocate. A graduate of Union Theological Seminary, by way of Fostoria, Ohio, and Ohio Wesleyan, he at first combined preaching and the picketline in the 1930's when the unemployed and the unorganized needed a friend. He gave up the ministry for more direct activity.

After working with Will Alexander and the Farm Security Agency, organizing and housing migrant workers, he became top man, and for a time the only one, in the American Federation of Labor's department of social security. Then Lane Kirkland, (now secretary-treasurer of the AFL–CIO), fresh out of the water was put on as his assistant, in the burgeoning field of social insurance.

In this area, Mr. Cruikshank became a spokesman for labor. As time went on, and social legislation was nursed, passed and improved upon, it became clear to observers that he had left his personal and organizational mark. Thru his work he became a friend of both Wilburs (Wilbur Cohen, later secretary of health, education and welfare, and Wilbur Mills, chairman of the House Ways and Means Committee) and won a place on key advisory committees in the Social Security field. Several years back, he retired from the AFL–CIO. Some retirement!

Not long after he was tapped by the National Council of Senior Citizens as successor to the legendary John W. Edelman. Since then, he has been speeding around like a Johnny Appleseed, spraying the countryside with hope and urgency.

All of which leads to the White House where Mr. Cruikshank appeared last week, at the invitation of the President, with representatives of four other organizations in the "aging" field. For several months, now, plans have been under way for organizing a White House Conference on Aging, scheduled for this November. Arthur Flemming a former HEW secretary and a college classmate, is chairman. And so, Mr. Cruikshank came to 1600 Pennsylvania-av. to inform the President.

As one who had learned to speak his piece with the most articulate men under heaven—including Reinhold Niebuhr, Norman Thomas, and more recently, George Meany—Mr. Cruikshank talked frankly to President Nixon. His convictions were not mollified by blandishments. He didn't quite nail his theses to the door of the White House, but when he got thru, the President was aware of having received a hard-hitting statement on the problems of the elderly. (Another column will report on the specific items presented).

Addressing Mr. Nixon, Mr. Cruikshank wound up as follows: "We are aware that in some instances we have been rather blunt in our expressions to you, Mr. President. This reflects no disrespect for you or your high office. We have stated our views as we have because when you invited us to the White House you wanted us to present our needs fully and frankly."

The President kept taking notes.

THE URBAN PRECEPTORSHIP PROGRAM AND THE URBAN DOCTORS' PROGRAM

Mr. PERCY. Mr. President, during the 92d Congress, this Chamber has heard again and again that this country faces a health crisis. I said it when Senator Scott and I introduced S. 1598, the Health Rights Act. Today, I am repeating this familiar phrase, adding that the real health crisis is manpower, and that the gut of this health manpower crisis is maldistribution.

Within the United States, the physician/population ratios vary widely from State to State and from region to region. For example, the East South-Central region of the country—Alabama, Kentucky, Mississippi, and Tennessee—has only 95 physicians per 100,000 population. The East North-Central region—Illinois, Indiana, Michigan, Ohio, and Wisconsin—has 135 physicians per 100,000 population. The Middle Atlantic States—New Jersey, New York, and Pennsylvania—on the other hand, have 190 physicians per 100,000 people.

Moreover, the President pointed out in his health message to Congress that in over one-third of the counties of America the physician/population ratio is less than one-third the national average, that more than 130 counties have no private physicians at all. This tragic situation is worsening rather than improving. Chicago's inner city neighborhoods, for example, have some 2,000 fewer physicians now than 40 years ago.

The ailing American medical care system challenges the conscience, commitment, and skill of our great university medical centers to meet the needs of their communities and to provide their students with medical experiences that will prepare them to respond to the demands and responsibilities of the modern-day physician.

The demand for social relevance in medical education is growing, and I am very happy and proud to announce that two of the finest university medical centers in this country—the University of Illinois Medical Center and the Northwestern University Medical Center—have risen to the challenge. They have both initiated exciting and innovative health education programs that will increase opportunities for medical training and will help meet the critical health care needs of our poverty areas. The University of Illinois' urban preceptorship program provides a unique educational experience for its medical students. The program mingles student nurses, psychologists, community organizers, and physicians. Students may proceed from a full day seminar on the financing of medical care led by the vice president of the National Blue Cross Association, to an on-site dialog with the Chicago community board of the Betances Free Health Clinic, to a morning with the top administrative personnel of the American Medical Association, to a busy afternoon with the staff of the Michael Reese Hospital Emergency Room.

The program has been extremely popular. Two students took the course 21 months ago. This spring, 23 students from across the country were selected from over 60 excellent applicants. Several medical school representatives have visited the course to bring its concepts and methodology to their own campuses.

One of the proudest achievements of the urban preceptorship program is the development of the urban doctors' program by one of its students. This far-reaching plan to educate students from Chicago's poverty areas as physicians who would then practice in their own communities is now a cooperative plan run by Northwestern University's Medical School and Central YMCA Community College. The program hopes that recruiting students from needy areas and training them while they remain in their neighborhoods would help the participants maintain existing social and emotional ties during the long process of becoming physicians and encourage them to practice in their original communities.

This program has won plaudits from every major Chicago paper, from the New York Times, from the New Physician, the official journal of the Student American Medical Association, and from American Medical News, the official publication of the American Medical Association. I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be prined in the Record, as follows:

[From the New Physician, November 1970]

Doctors of the People, by the People, for the People: A Bold Proposal for Minority Recruitment and Medical Education

(By John Daugirdas)

Residents of urban poor communities suffer not only from the general shortage of physicians, but also from the maldistribution of the few doctors there are. For example, a Chicago area study has pointed out that there are more physicians practicing in one suburban medical building than in an entire West Side ghetto of more than 300,000 blacks. In the Kenwood-Oakland area, on Chicago's South Side, the physician-population ratio was 1:260 persons in 1930. Today the neighborhood is all black. The physician-population ratio is 1:9000. Vast tracts of ghetto land in our cities might aptly be described as medical wastelands, where only relics of doctors remain. Forced to see an incredible number of patients a day, the few physicians who do work in these areas are accused of running "production line" practices and of giving cursory and inadequate care. In the inner city, the personal care that private practitioners specialize in providing is a thing of the past. Hospitals serving in the ghetto areas share in the manpower shortage. Several such hospitals in the Chicago area are threatening to close. Neighborhood health centers relate to one common problem: their difficulty in attracting and holding a staff of full-time, dedicated physicians who see the full trajectory of their careers in a single center. Lack of career commitment at these centers is reflected by moonlighting, absenteeism, and tardiness.

Schemes for rectifying this maldistribution and supplying doctors to urban poor communities have met with doubtful success. Some have maintained that an inner city practice involves too much of a monetary sacrifice; that to induce doctors to practice in ghetto areas, one needs to offer them higher pay. Yet the staffing shortage in the inner cities exists despite a payment scale at Office of Economic Opportunity Centers, for example, of $18,000–$28,000 a year. It is difficult to envision how higher pay would produce many more urban doctors. In fact, doubts may be raised concerning the quality and dedication of the doctors such inducements would attract.

Others advocate the concept of "forgiveness on loans" in exchange for service in specified areas. This idea has been tried as an answer to the shortage of doctors in rural areas. Applied to urban poor communities, the idea is that a medical student practicing in an inner city area for a year or two would "get to like it there." The idea has been tried in Puerto Rico and Mexico, and it has been grossly inadequate in both. Along similar lines, most clinics in the Chicago area oppose forced rotation of interns and residents through their services.

To still others, it appears that the maldistribution between non-poverty areas and the ghettos will only be corrected after the former become saturated with doctors. Only then, following the laws of supply and demand will physicians practice in the inner city. "More medical schools!" is the cry of this group. However, increased numbers of doctors per se will not solve the problems of medical care to the urban poor communities for some time to come. The population in non-poverty communities is growing, and the increased numbers of physicians new medical schools graduate will be predisposed to satisfying this demand.

The hard facts are that few physicians have chosen to practice in urban poor communities. They can neither be bought nor coerced into doing so. It becomes increasingly clear that quantitative changes are not enough. What is needed is a *qualitative* change in the type of physicians the medical schools are producing. To bring about such a qualitative change, a committee of students and faculty at Northwestern University Medical School has proposed an Urban Doctors Program.

The authors of the Urban Doctors Program maintain that the best physician for an urban poor community would be a person who comes from that community. Such a physician could speak the language of the community. He could better communicate with its patients and better identify with their needs. Such a physician would also have invaluable fore-knowledge of the social and cultural structure of his community. He could use this knowledge to plan an effective practice and serve as a valuable collaborator to health planners of the area; ultimately he could assume the time-honored role that the physician has always enjoyed as a leader of that community.

INDIGENOUS PHYSICIANS

With these factors in mind, the goal of the Urban Doctors Program is to foster health care for the urban poor by providing indigenous physicians to the poverty communities of Chicago. The program proposes to identify well-motivated high school graduates from these communities, to further their education for two or three years at a community college, and to secure admission to a Chicago medical school for those who have completed this training. By helping participants to maintain existing social and emotional ties during the long process of becoming a physician, the program will encourage potential doctors to remain members of their original community. Maintenance of long-standing neighborhood ties will be facilitated by utilizing local institutions for both premedical and medical training, thereby minimizing physical and cultural dislocation. Community orientation will be further reinforced by a curriculum emphasizing urban health needs and by a continuing relationship of UDP students with health services in their areas. Locally oriented by its very nature, the program is being developed as a pilot project. It will serve as a model for all cities that contain poor communities.

To contrast the Urban Doctors Program view of medical education with traditional concepts, we consider the hypothetical case of a black poverty community resident, for example, who is interested in becoming a doctor. At the time he is a senior in high school, the University of Kentucky, under student and federal pressure, might decide to begin a campaign to increase black enrollment. The University offers financial support, so our future black doctor decides to go there for his undergraduate training. After he spends four years in Kentucky, Harvard Medical School grabs him up. Four years later he gets his MD. Then he may do his internship in San Francisco, and a residency in Dallas. The point is that in the process of becoming a doctor, a student from an urban poor community is separated from that community for as long as 10 years! This displacement is true of the other professions as well and, unfortunately, has grave consequences. After these 10 years, our black doctor returns to his old community, even if only for a visit. What does he find? He is a complete stranger there. All of his old friends have married or moved away. Instead of his old home he finds a housing project, or more likely, an expressway. Yet people expect him to put up his shingle and practice there. In this way the ghetto is stripped of its brightest people, of the very leaders that could rebuild it.

The Urban Doctors Program would in no way coerce the students into practice in urban poor communities, by means of forgiveness on loans nor by any other means. What the program would do is minimize the displacement of people. One would no longer need to speak of returning to the community; the UDP students would always maintain contact with their communities. The first two years of the program would be at a community college to which the students would commute. There would be no displacement from the community during this period. The students would have the option of living at home during the medical school years of the program, though they would not be encouraged to do so. In either case, dislocation from the community would be at most a matter of a half-hour subway ride. In this way, existing social and emotional ties between the students and their communities would be preserved. Furthermore, these ties would be enhanced and redefined in terms of the health care delivery system in these communities. UDP students would maintain contact with clinics in their neighborhoods by means of site visits, "rap sessions" with staff, and work experience at paraprofessional and then professional levels. The curriculum of the program concerning urban health care would emphasize both theory and actual "field work" in the community. This field work may take the form of performing health surveys, training paramedical personnel, or working with physicians practicing in the inner city. As the training of a UDP student progresses, he would be able to take on increasing amounts of medical responsibility in the health care delivery system in his community until he is finally ready to assume the role of an urban doctor.

PIE ON THE TABLE

Aside from the concepts of regional recruitment and continued contact with community health services, the Urban Doctors Program incorporates several other features which may have widespread implications. The first is the principle of guaranteed admission to medical school to high school graduates. A participating medical school would grant a candidate admission to the program with the understanding that a place in the medical school would be reserved for him, providing he performs in the premedical part of the program to the medical school's satisfaction. To potential applicants for the program this represents an offer of "pie-on-the-table" rather than the all-too-common "pie-in-the-sky."

Since the Urban Doctors Program recruits high school graduates, it has implications for hospital workers. Many high school graduates from urban poor communities who are highly motivated toward the health careers are working in city hospitals as orderlies, technicians, and inhalation therapists. This is especially true of those people who had the misfortune of graduating from high school before the idea of "minority recruitment" came into vogue. A similar program for hospital workers might well be set up on a larger scale on a work-study basis. The concept of upward mobility for hospital workers would then finally become a reality.

The Urban Doctors idea is also attractive to those who advocate group practice in the inner city. In the course of their medical education the UDP students would establish close social and professional ties with each other and with other students in medical school. Group practices in the Chicago area, involving both UDP and non-UDP students, are the logical extension of these ties.

Funding for the UDP would include all tuition and costs for the six years of the program. These funds should be obtained from sources separate from those that medical schools normally use for scholarships and loans. This is to insure that (1) funds will not be taken from the present scholarships and loans of other students in medical school, (2) all medical schools in the Chicago area could participate regardless of their financial situation, and (3) UDP students would be taken in addition to, and not in place of, minority students admitted through normal channels. Preliminary estimates set the total cost of the program at $35,000 per UDP physician.

To recapitulate, the purpose of the Urban Doctors Program is to supply indigenous physicians to the poverty communities of Chicago. The authors of the program have recognized that all medical schools in the Chicago area share in this responsibility and that coordination of individual effort is necessary. The option for such cooperation is built into the Urban Doctors Program. Only one medical school is required to initiate the program. Its responsibility will consist of the following: (1) serving on the Adminission-Promotions Committee, (2) guaranteeing admission to all students of the program who have successfully completed their premedical training, and (3) helping to develop and teach the premedical curriculum. All medical schools in the Chicago area will be encouraged to enter into similar contractual agreements with the program. The community college chosen for the premedical phase of the program, Central YMCA Community College, is not directly affiliated with any medical school. The physical location of the college is also such that it would not tend, a priori, to associate with one medical school more than another. Thus, such a comprehensive program involving all the medical schools in the Chicago area.

Whereas the first entering class has been tentatively set at 25, this number will, of course, expand as inter-institutional cooperation becomes a reality. Ultimately, the authors envision funding at a leval of several million dollars, involving five medical schools and graduating well over 100 indigenous physicians a year.

Northwestern University presently is exploring potential sources of funds for the program. Government agencies and foundations are being approached while the details of the program are being worked out.

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[From the Chicago-Sun Times, Apr. 24, 1971]

DOCTORS FOR THE POOR

Central YMCA Community College and Northwestern University have created an admirable plan to educate 25 physicians annually from Chicago's poor neighborhoods. Recruiting will begin in July for the Urban Doctors Program, as it is called. The effort deserves the encouragement and financial support of all citizens.

The seriousness of the effort is highlighted when one notices that 25 students would comprise about a sixth of a class at the university's medical school. It is hoped that by recruiting students from needy areas and educating them while they remain in those neighborhoods will result in students willing to stay there after graduation.

The planners of the project admitted in their announcement that there is no guarantee such young doctors will return to their neighborhoods. After all, many inevitably will be ambitious to improve themselves materially by seeking wealthier patients. That doesn't make the project unworthy. The quality of medical care for the poor is a disgrace and efforts such as this by Northwestern-Community College deserve a hearty welcome.

[From the American Medical News, May 3, 1971]

AMA Aids Inner-City MD Program

The American Medical Association Education and Research Foundation has donated $10,000 to Northwestern U. Medical School and the Central YMCA Community College of Chicago for an experimental program to increase the supply of inner-city physicians.

Richard H. Kessler, MD, director of the Urban Doctors Program and associate dean of the Northwestern U. Medical School, says it will cost an estimated $5,000-a-year-per-student to operate the program. Of the total, $2,000 is for tuition and the balance for living expenses.

Northwestern says it will reserve one-sixth, or 25 admission places annually, for qualified graduates of a new pre-medical division to be established at the community college, beginning July, 1972.

Dr. Kessler said students will be recruited from poverty areas; will maintain community ties by commuting to school; will have counselor-tutors; and will serve in community health facilities as part of their training. "The team approach," he added, "will help the students maintain group identity in medical school and encourage post-medical school group practice."

The two schools, along with community groups, will select highly motivated youths to enter the program. The students will attend special courses at the college for two years, including summer sessions, and be guaranteed admittance to Northwestern upon satisfactorily completing the college phase of the program.

James Eckenhoff, MD, Northwestern U. Medical School dean, stressed Northwestern would have "the same academic expectations of these students that we have of all our other students."

Based on a proposal by John T. Daugirdas, Northwestern student of the class of 1973, the Urban Doctors Program was developed in concert with Leon Dingle Jr., assistant dean of human services at the "Y" college, as well as with medical educators, minority recruitment directors, and community agencies in the Chicago area.

Daugirdas pointed out, "Traditionally, in the process of becoming a doctor, a student from an urban poor community is separated from his community for as long as 10 years and may lose all connection with it. The new program will allow a six-year education with no break in community relationship."

Dr. Kessler said, "We already have a substantial amount of support for the program." He indicated half the funds have been collected, primarily through the Illinois State Board of Higher Education, with the balance to be sought through private sources.

Besides its financial contribution, the AMA will work with the university and college through a two-man liaison team of C. H. William Ruhe, MD, director of the Division of Medical Education, and W. R. Barclay, MD, assistant executive vice president.

"This is an experimental program," said Dr. Barclay. "It's not a solution to the problem but a search for a solution. It's aimed at training a cadre of people who are interested in giving service to the inner city."

Dr. Barclay said the AMA is not soliciting funds for the program, but added, "If doctors want to send money to the AMA–ERF and mark it for this specific use, that's fine."

[From the Chicago Tribune, Apr. 20, 1971]

New Doctor Course for Poor Told

(By Ronald Kotulak)

A program designed to lift the financial barrier that frequently prevents disadvantaged youths in poor neighborhoods from becoming doctors has been inaugurated by Northwestern University Medical School and the Central YMCA Community College, officials announced yesterday.

The experimental program, which will begin with 25 students in July, 1972, will pay the full educational costs plus a living allowance to the inner city youths, said Dr. Richard Kessler, associate dean of the Northwestern medical school.

The program will also speed their medical training so that they can graduate as doctors in six years instead of the usual eight, he said.

The overall goal of the program is to encourage these youths, after they become doctors, to practice in ghetto areas, he said.

$5,000 A YEAR FOR EACH

"We are interested in giving an educational opportunity to youngsters, who for financial reasons, couldn't consider medical school," Dr. Kessler said in a press conference at the YMCA College, 211 W. Wacker Dr.

Each student will receive about $5,000 a year, of which $2,000 will go for tuition and other school needs and $3,000 will be available for living expenses, he said.

Half of the funds for the program have been collected, primarily thru the Illinois State Board of Higher Education, Dr. Kessler said. Most of the remaining funds will be sought thru private sources.

Northwestern, the YMCA College and community groups will select highly motivated youths to enter the program. They will attend special courses at the college for two years, including summer sessions. This two-year period will be equal to 3½ years of undergraduate education.

CLINICAL TRAINING PROGRAMS

In the two years at the college and the four years at the medical school, students will be involved in clinical training programs at neighborhood health centers for hospitals in poverty areas.

Dr. Kessler said students who successfully complete the two-year course will be guaranteed admission to Northwestern medical school. Other Chicago medical schools have expressed an interest in the program, he said.

[From the Chicago Daily News, Apr. 22, 1971]

Training Urban Doctors

Northwestern University and Central YMCA Community College could be blazing an important trail with their joint effort to find and train 25 physicians a year in Chicago's poverty-ridden neighborhoods. This pilot program could point the way toward two desirable ends: salvaging talented youngsters who might otherwise never have a chance, and turning their talents to improving health care in the ghettos.

The Urban Doctors Program, scheduled to begin in the summer of 1972, grew from an idea advanced by an NU medical student, John Daugirdas. It calls for Central YMCA College to spot students with the potential to make good physicians, even though their schooling to that point has not been the best. With counseling, tutoring and other special help, they would get a two-year premedical course, then go on to Northwestern's medical school.

The plan calls for the trainees to commute to school and retain their roots in their own community, in the expectation that they will then apply their medical skill in the home neighborhood where it is needed.

Such a program involves risks all along the way, particularly in the early identification of talent in disadvantaged youths, and in the final stage where a fully trained doctor might decide to leave the inner city to find a more lucrative practice. It also will require more money than is presently available. Extensive scholarship aid will be needed.

But the possibilities in this plan make it well worth the risks. Northwestern and Central YMCA College deserve the support of the community, both in spirit and in substance, as they try to work it out.

[From the Chicago Today, Apr. 20, 1971]

Doctors for the Ghetto

One of the most urgent needs in the ghetto is medical care. The most promising hope yet for providing this appears to be a program sponsored by the Northwestern University Medical School and the Central Y.M.C.A. Community College to recruit 25 ghetto high school seniors annually for courses leading to M.D. degrees.

The program was conceived by John T. Daugirdas, a Northwestern medical student, who pointed out its unique potential for putting doctors in poverty areas. Urban students generally are separated from their communities while becoming physicians, but the Chicago program will allow them to complete medical school without leaving home. Their tuition will be paid for them, and they will receive stipends to encourage them to continue.

First classes under the program are to begin in June, 1972. Financing has not been completed, but Daugirdas hopes it will come from such sources as private foundations, medical societies and alumni. We hope it will be supported enthusiastically. We can imagine no worthier cause than bringing to the city's poor the medical attention of which they've been deprived for so long.

[From the New York Times, May 9, 1971]

Medical School: A Plan To Get M.D.'s Into the Ghettos

(By Fred M. Hechinger)

Medical education has, with occasional exceptions, remained the preserve of the well-to-do because of the time and expense involved in preparing for the M.D. This situation, in turn, has aggravated the problem of providing proper medical care for the poor, particularly in the decaying inner cities.

For one thing, not many well-to-do doctors have shown a desire to set up practice in poverty areas. For another, it is difficult for doctors with a middle-class background to establish rapport with ghetto-dwellers.

Last week, a new educational program was announced in Chicago as a step toward easing the problem. If successful, the program could point the way to a voluntary redistribution of medical services in the cities.

NATURE OF PLAN

Northwestern University's medical school committed itself to an Urban Doctors Program that, beginning in mid-1972, will annually admit 25 carefully selected inner-city high school graduates to a six-year educational program leading to the M.D. The students will spend two years in an intensive premedical program at the Central Y.M.C.A. Community College, which is located near poverty areas of Chicago and has had considerable experience with special programs for the underprivileged. Then they will enter medical school at Northwestern for 4 more years.

The program is in line with a general thrust in the country to increase opportunities for medical training. The Nixon Administration, for example, has called for legislation that would reduce the length of medical training and offer special bonuses to medical schools which increase their entering classes to speed the production of doctors.

Those who planned the Northwestern program contend that the problem is attributable not to a shortage of doctors but to maldistribution of M.D.'s. They point out that, for example, the Kenwood-Oakland area on Chicago's South Side had a ratio of one physician for every 260 residents in 1930;

but now that the neighborhood is a black ghetto, there is one doctor for every 9,000.

The planners also insist that the problem will not be solved merely by sending young people from poverty areas to existing medical schools on scholarships. Most of them lose contact with their former home areas. Trying to get them and others to serve in deprived centers by offering financial bonuses, these experts say, has not proven productive.

The key to the experiment, therefore, is the student's continuing relationship with his community during the program. Throughout the six-year period, he will commute from home and will constantly be involved in health and medical services in his own home area.

This is how the program is intended to work:

Through a combination of interviewing, counseling, and tests, high school students with a high potential in medicine and empathy with the problems of the poor will be selected. A majority of the students will be black, but some will come from other disadvantaged minorities, including poor whites

Most of the students will attend the community college for two calendar years, including 3 summers, and will complete the equivalent of a full four-year premedical course. A few may take three years. Their entire curriculum will be tailored to their needs, with the Northwestern medical faculty taking the responsibility for much of their training.

"When these students enter our medical school, they will be on their own, no different from any of the other students," said Dr. Richard H. Kessler, associate dean of the medical school and director of the new program.

"The ghettos can't wait for the production of the increased numbers of doctors that may eventually be encouraged by Federal grants," Dr. Kessler added. "We are trying to see if we can't succeed with a program of 'Doctors from the people, for the people.' "

Funding will be largely private, although some Federal aid is anticipated. The annual cost is estimated at $800,000, and the cost of educating one student during the full six-year period is estimated at $40,000.

Beyond the service aspects of the plan, its supporters believe it offers a chance to reassess medical education in general and to re-educate medical faculties, both in terms of professional and human values. They emphatically do not see it as a black doctors' program.

Some critical observers have warned not to expect all, or perhaps even most, of these special students to remain in the ghettos once they are successful doctors. Dr. Kessler concedes this. Neither he nor anyone else in the program suggests the slightest effort at coercion. Equal opportunity, they insist, includes the equal right to determine one's career.

But Dr. Kessler is optimistic that the student who remains in close touch with his origins is far more likely to respond to the needs he knows.

Four other medical schools in the Chicago area have already indicated to Northwestern that they might eventually be interested in joining the program, and this holds out the prospect of eventually graduating more than 100 "indigenous" physicians a year.

ENVIRONMENT AND THE BUREAUCRACY

Mr. McGOVERN. Mr. President, Senator HART and I have introduced the Environmental Protection Act which would give individuals the right to bring suit against those who pollute our environment.

This bill has been the object of determined and unreasonable opposition by administration officials. An excellent answer to the administration arguments is found in an article in the New Republic of June 19, 1971, by Prof. Joseph L. Sax entitled "Environment and the Bureaucracy."

Professor Sax' article is an excellent statement of the case for the Environmental Protection Act.

I hope that Senators will be able to examine it carefully in anticipation of a vote on this proposal. I ask unanimous consent that the text of Professor Sax' article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENT AND THE BUREAUCRACY

Just over a year ago, Senators Philip Hart and George McGovern introduced a little-noted bill entitled the Environmental Protection Act. Similar legislation has been introduced in the House by Congressmen John Dingell of Michigan, Morris Udall of Arizona and others. While the general public is almost wholly unaware of the bill's existence, it has been the subject of intense interest among a small but powerful group of federal officials who are determined that it not become law. The government's chief environmental lawyer, Assistant Attorney General Shiro Kashiwa, testified at length against it. Then the President's prestigious Council on Environmental Quality added its powerful opposition, despite a recommendation favoring the bill issued by the Council's own legal advisory committee—a citizen group of environmental law experts. At a time when public officials are climbing all over each other to support almost anything that can be called environmental legislation, it is natural to be curious about a bill that has engendered such vigorous opposition from leading members of the Administration's environmental quality team.

The Hart-McGovern bill is an uncharacteristically brief and plain speaking piece of legislation. In essence it authorizes any person to bring suit against a private person, corporation or governmental agency, claiming that the defendant's conduct will result in "unreasonable pollution, impairment, or destruction of the air, water, land or public trust of the United States." If the plaintiff can establish such an effect, the court is authorized to enter a cease and desist order, unless the defendant can prove that there is no feasible and prudent alternative less likely to harm the environment and, in addition, that the challenged activity is consistent with the public health, safety and welfare.

If enacted, the bill would modify traditional law in three vital respects. It would permit initiative in law enforcement to be taken by private citizens, thus ending the virtual monopoly now held by government regulatory agencies over the determination of the public interest. It would permit suits to be brought against government agencies themselves, abolishing the ancient defense of sovereign immunity—a quaint legal fiction embodying the premise that "the King can do no wrong." And it would establish an effective remedy against environmental wrongs by allowing citizens to obtain a court order prohibiting activity that adversely affects the environment; no citizen today has such an enforceable right to environmental justice.

Had such a law been on the books at the time of the notorious Santa Barbara oil spill of 1968, local citizens—who were very dubious about the oil leasing project—would have been able to obtain detailed judicial scrutiny of the proposal prior to the spill. Instead they were compelled to accept Interior Department publicity-release assurances saying, as one Santa Barbara resident later recalled, that the oil companies "had perfected shutoff devices that were foolproof even in such disasters as a ship running into the platform, or an earthquake." No legal action could have been taken at Santa Barbara in 1968; not only would the Interior Department have asserted that it was "immune" from citizen challenge, but it would have noted as well that neither it nor the oil companies had violated any existing law or regulation.

If the government's answer to proposals like the Hart-McGovern bill is deceptively simple. If Congress sees an environmental problem, they say, it should legislate explicit standards covering that situation; then private and administrative agency conduct can be tested against a specific statutory standard, rather than against the broad mandate of the Hart-McGovern bill.

The difficulty is that except in a relatively few stiuations, environmental control cannot be reduced to some statutory formula that automatically covers all situations. Government agencies, for example, must pass each year on thousands of timber cutting, dredging, oil, and highway projects. Each situation presents its own special problems. Unless the Congress were totally to bar timber in the national forests, or all oil drilling on submerged lands (an unlikely eventuality), a judgment must be made in each case as to whether the environmental risks are serious, the available alternatives that are less destructive, and the costs of adopting an alternative solution.

These judgments are not made, and cannot be made, by the President or the Congress. They are made, day in and day out, by relatively low level officials in some regional office of the Forest Service or the Bureau of Public Roads. It is the cumulative effect of these decisions that determines our environmental status, and not the high-sounding rhetoric that flows out of Cabinet offices in Washington. Santa Barbara was the product of such decision-making; so are the present pesticide situation, the high-way behemoth and the wretched condition of our nation's air and water.

So long as such discretionary decisions of governmental agencies are immunized from citizen challenge in the courtroom, government officials will retain their practical monopoly over the business of implementing the public interest. No matter how many laws Congress enacts dealing with environmental problems, there will always remain the question of implementation in the particular case. The Hart-McGovern bill is a direct response to this problem; and it is in this respect that officialdom views the bill as a dangerous innovation.

As a defensive tactic, the Administration has now devised its own "citizen lawsuit" proposal. The differences between it and the Hart-McGovern bill indicate how sharply the issue is drawn. In the pending water pollution bill supported by the Administration (S. 1014), citizens may bring suit against the federal administrator—but they are prohibited from challenging any decision that is "discretionary." The administrator's "discretion," however, appears to cover all questions as to whether the levels of treatment or the time set for compliance is "practicable." Everyone who has any experience with the regulatory process knows that it is in negotiation over the practicability of compliance with the law that the greatest danger of administrative faltering lies. It is not the formal standards that are ordinarily challenged, but the rigor with which they should be applied in a particular case.

The Administration's proposal thus lets citizens challenge everything but what counts. The administrator remains the boss; members of the public are viewed as officious meddlers in the government's business.

It is extraordinary for government to take the position that citizens—who have the most direct stake—should have no significant role to play in the determination of their environmental destiny. Is pursuit of the public interest to be the exclusive preserve of a professional bureaucracy? This is the question raised by the Hart-McGovern bill; and it is one to which the Administration gives a resounding positive answer.

To be sure, the official testimony against the bill is not stated in these terms. It is said that a bill phrased in such broad terms is unworkable. Yet the entire common law tradition is built upon just such concepts as those that underlie the Hart-McGovern bill. The law of privacy, of accidents, of unfair trade, is based upon no explicit code of rules, but evolves from judicial determinations of prudence and reasonableness as applied to the situation before the court.

Indeed, one of the most significant federal laws ever enacted, the Sherman Antitrust Law, simply says: "Every contract, combination . . . or conspiracy in restraint of trade or commerce . . . is hereby declared to be illegal." The Sherman Act was subjected to the same criticism that is leveled against the Hart-McGovern bill. But in upholding it, Chief Justice Hughes of the Supreme Court said, in language that ought to be taken to heart by the Administration: "As a charter of freedom, the Act has a generality and an adaptability comparable to that found to be desirable in Constitutional provisions. It does not go into detailed definitions which might either work injury to the legitimate enterprise, or through particularization defeat its purpose by providing loopholes for escape. The restrictions the Act imposes are not mechanical or artificial. Its general phrases, interpreted to attain its fundamental objects, sets up the essential standard of reasonableness. . . . In applying this test a close and objective scrutiny of particular conditions and purposes is necessary in each case. Realities must dominate the judgment."

It is also said that courts are not competent to deal with the complex and technical matters that so often arise in environmental controversies. Yet there come before courts every day issues of medical malpractice, industrial accidents and intricate commercial dealing. A judge need not be a physician to try a malpractice case or a Thalidomide case; nor need he be an engineer to try an auto defect case. Cases are decided by the presentation of expert testimony, on both sides, which the court must hear and evaluate. Nothing in any environmental case is more complex or exotic than those matters which comprise the judiciary's daily workload.

As a matter of fact, complex environmental questions already come before the courts under particular statutes. In a recent case in the Colorado federal court a judge had to decide whether a certain area in the national forest possessed the qualities of a "wilderness." The present federal water pollution law authorizes the courts to determine "the practicability and feasibility" of abating pollution if the polluter challenges a clean-up order on grounds it's too burdensome.

Nothing in the Hart-McGovern Bill would impose more difficult duties than these on the courts. Ironically, while a polluter can now come into court and challenge the administrator of the water quality laws for being too tough, no citizen may come into court and challenge him for being too lenient. The Hart-McGovern bill would permit judicial power to be made available to those who want more, rather than fewer, environmental controls. Such legislation is already on the books in Michigan and Connecticut.

As to whether it's needed, perhaps the last word is best left to former Interior Department Secretary Stewart Udall, reflecting on the events at Santa Barbara: "I have to say . . . that at the time we made the Santa Barbara decision there was no dissent in the department . . . The Budget Bureau was hungry for revenue . . . This was a sort of conservation 'Bay of Pigs,' you might say . . ."

Joseph L. Sax.

Mr. Sax, professor of law at the University of Michigan, is the author of "Defending the Government: A Strategy for Citizen Action."

THE HELLS CANYON-SNAKE RIVER AREA

Mr. PACKWOOD. Mr. President, over Memorial weekend I had an opportunity to make an environmental inspection of the Hells Canyon-Snake River area. I shall never forget that experience. As the raft on which I floated the river slithered through the rushing white water, I literally held on for dear life, and lifted my eyes to the majestic expanse of Hells Canyon. It is impossible to express in words the feeling one gets when he views this magnificent handiwork of nature. It is not easy to explain the emptiness one feels when he realizes that there are those who would destroy this deepest gorge on the earth for the purpose of building yet another dam.

It has been said that you could take the entire Teton Range, its length, breadth, and height, and put it into this gorge and still have room to spare.

A party of 30 made this trip with me, including my wife and administrative assistant, and many of my friends in the conservation and fishing organizations, and personnel from the Forest Service. It was covered by UPI and CBS, as well as local affiliates of ABC, and local columnists. On Sunday evening, June 6, the Roger Mudd newscast ran film of this journey, and since that time I have received mail from across the country from people who share my desire to preserve Hells Canyon.

Mr. President, I have chosen six of these incoming letters at random, and ask unanimous consent that they be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

June 7, 1971.

To: Richard M. Nixon
Through: Robert Packwood

I have lived, and do live in areas where many of the Dams have been constructed by the Army Corp of Engineers, and they do not need more dams constructed, especially there in the Snake river area.

Let's slow down the construction of river dams!

At the Grand Coulee Dam in Washington they are now building more generators that could have been built years ago. There is only three (3) generators now at Gavins Point Dam here in South Dakota and there is room for more generators to be built in many of the presently operating dams in the U.S.

I do understand that people, like those with the Corp of Engineers need jobs, but why couldn't they help in cleaning the air and water pollution in the United States rather than building those two dams on the Snake River.

Anything I may do to help stop the construction of those two dams please let me know.

George Woodhouse II.

June 6, 1971.

Hon. Senator Packwood,
Washington, D.C.

Sir: I fully realize I am a very "wee small voice", but nevertheless, I want you to know I stand fully behind you in your opposition to the Hells Canyon Projects of the power companies. I feel that if we are to save this land, we must stop the destruction of it's natural resources now.

Please consider this as a vote for the protection of the Snake River against further misuse.

Respectfully submitted,

Joe D. Perdue.

June 6, 1971.

Dear Senator Packwood: Our family just finished watching C.B.S. news with Roger Mudd and are extremely angry at the news documentary about Hell's Canyon and Snake River. I've heard Arthur Godfrey speak about the natural beauty of this area and how there are so few of these beautiful places left. If this damming project is allowed to go through, we'll be wiping out another wildlife sanctuary in this country because of our selfish need for electricity and power. If people would stop buying these ridiculous electrical gadgets, and using power so much, we wouldn't need more power plants and electricity. We're strangling ourselves with electrical wires from coffee pots, rotisseries, can openers, toasters, frying pans, not to mention foot warmers, air conditioners, and other housewife needs.

We may never get to see this Snake River and Hell's Canyon, but it would be a comfort to me and others to know that this country has learned its lesson and start preventing atrocities like this. It's time to put our foot down and say "no" to these big business tycoons who say we need electricity to create more jobs and feed people. This project will not feed starving children in Appalachia. It will fatten up the rich and kill wildlife once more. Another "buck" in some executive's pocket.

It's time for the people to get together and fight this project with all it can.

All I can say is if you fail fighting this damming up, it will only be because you have not tried hard enough.

Stuff it down our throats until we gag. But get results and get it done. Scare the Bureaucrats out of their chairs and make them do something to earn their keep for a change on my tax money. I'm sick and tired of paying salaries to lobbyists and "do nothings," including President Nixon himself, who recently praised the opening of the Arkansas tributary into the Mississippi River. Within 1 year the whole artery will be just another polluted river, with all those dams and industries dirtying up the water. People will flood this area from the cities and there will be a population explosion and more electricity and more cars and more industry and where does this man get off condoning this ridiculous project. We don't condone this. We think the government should do things in the interest of the people and not their pockets. The people have the power, they must use it and throw the Bureaucrats out of Washington, D.C., then we can roll up our sleeves and get the work done that has to be done. If we'd get out of Viet Nam and spend money to conserve our wildlife and stop pollution, we'd be doing something good for man.

This is only one letter but if everyone who saw that program gets as mad as I am now, they'll do something and we can make a stand and stop pollution.

Sincerely,

Mrs. Daniel Haig,
Mrs. Andrew Brumbaugh.

P.S.—Any information pertaining to this subject which we, as citizens, should know would be greatly appreciated and used to wake people up to the facts.

JUNE 6, 1971.

Senator ROBERT PACKWOOD
U.S. Senate
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you for opposing the construction of new hydroelectric dams on the Snake River. Me and wife were pleased to see you on the CBS Evening News tonight advocating a rational approach to the use of the Snake River.

You also have our whole-hearted support for your attempts to bring the population growth of the U.S. to zero.

Very truly yours,
TERRY R. LASH.

JUNE 7, 1971.

Re Hell's Canyon
Hon. ROBERT PACKWOOD,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: I viewed the telecast relative to the proposal to dam the Snake River through Hell's Canyon for the sake of electrical power. I shall probably never get to Oregon and shall probably never enjoy the beautiful Snake River. I envy those that can and support their right to do so.

By copy of this letter, I ask that my representatives support your fight to keep the know.

If I can help in any way, please let me dams off the Snake River.

Very truly yours,
DONALD H. FIDLER.

JUNE 7, 1971.

Mr. ROBERT PACKWOOD,
Congress of the United States Senate,
Washington, D.C.

DEAR SIR: I write regarding the proposal you are making to keep the Hell's Canyon free of future dams. As a recent citizen of Idaho, and formerly of Oregon, I am seeing first-hand what destructiveness past greed has done. Idaho recently voted in a new governor who follows your lead in wanting wild areas and beautiful sections of our country left alone.

It is my intention here to give my support to you and urge that you continue supporting the Hell's Canyon system as it is, without the "damning" influence Power companies and others want. The northwest is about the last free area of our country with natural resources unavailable elsewhere. They've already flooded sections of Colorado, Utah and Arizona with dams, destroying beauty and wildlife. I hope that the future does not see a fifty-mile long lake behind the Hell's canyon.

I am a member of the Mazamas and because of that have climbed most of Oregon's and Washington's peaks and hiked much of these two state's trails. I'm seeing here in Idaho what mining interests and others have done and want to continue to do. I'm not against mining or use of the natural resources, but damming the Snake does not contribute to the kind of environment I want to live in.

We've had enough of pollution and its destructiveness. Please let me know where I can be of service to you in your support of the free-running Snake River through Hell's Canyon. Thank you for your continued support of this project.

Sincerely,
GLENN A. WALTMAN, *Pastor*.

Mr. PACKWOOD. Mr. President, just prior to the trip that I made, another one was made by newsmen. One who went along for that tour was Kenneth Rystrom, who subsequently wrote his feelings in an article which appeared in the Vancouver Columbian of May 21, 1971; and I ask unanimous consent that Mr. Rystrom's article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THROUGH THE DEPTHS OF HELLS CANYON

(By Kenneth Rystrom)

I now know what "cultural shock" means.

After spending a week in New York City and Washington, D.C., with a stopover in Pittsburgh, I plunged immediately into the depths of Hells Canyon on the Snake River.

In the time it took to drop off at home one set of clothes, pick up a wholly different set and drive to Enterprise, Ore., I made the switch from the problem of saving our overcrowded cities to the problem of saving our last remaining wilderness. The quick trip from Harlem to Hells Canyon provided dramatic illustration of the almost incomprehensive contrasts that make up this vast nation of ours.

Yet, in spite of the vastness, no spot is immune to change—to destruction—by man.

During four days on the Snake River, I saw only half a dozen people, aside from the 10 to 12 of us who were on a tour conducted by the U.S. Forest Service. Except for a homestead here and there, and trails along the two sides of the river, we saw little evidence of the handiwork of man.

But if the utilities of the Pacific Northwest have their way, every inch of the canyon through which we traveled will be changed. Instead of rushing, often cascading white water, the Snake River would be turned into a docile pool held by a high dam. The Pacific Northwest Power Co. (PNP) and the Washington Public Power Supply System have proposed various sites for dams on the middle Snake in the last 17 years. Each of the dams, or combination of dams, would produce about a million kilowatts of power, twice the capacity of Bonneville Dam and about equal to one year's increase in the power demands of the Northwest.

All sites now under consideration would raise the level of the river to the 1,510-foot elevation. "Fifteen-ten" became the watchword of our group as we cruised down the river (via jet boat) with our hosts from the Wallowa-Whitman National Forest and the Oregon Game Commission.

Where would "15–10" put the water level at this spot? That was our most frequent question. At the head of the canyon, at the base of Hells Canyon Dam, 15–10 would put the reservoir 25 feet or so up the base of the dam. Five miles downstream, at Battle Creek, 15–10 would inundate the site where we camped the first night. It was an old homestead where a family named Barton had eked a living on one of the few reasonably flat areas in the canyon.

As we progressed downstream it became clear that 15–10 would flood nearly every reasonably flat spot on both sides of the river. Nearly every spot at which camping now is possible would disappear beneath the waters.

Promoters of the dams argue that creation of a reservoir would increase the recreational value of the Snake. It might make it possible for more boats, and boats of smaller power, to negotiate the river. But the recreationists had better be on Sunday afternoon excursions. Or hang their sleeping beds from the rocks. All the bars, where homesteading and camping have been possible, would be gone.

Navigating the Snake is not for everyone. The sporting way to traverse it is by rubber raft, or horseback. We went the easy way—by jet boat and, for about three miles around rapids, by foot.

A single engine jet boat took us from Hells Canyon Dam to our first camping spot and then a few more miles the next morning. Then from Wildsheep Rapids to Saddle Creek we walked. So much water was coming down the Snake that parts of the trail were flooded, and we had to scramble over rocks and along cliffs. A double-engine jet boat, owned by the Oregon Game Commission, met us at Saddle Creek. It was large and powerful enough to carry all of us and our gear, and still run up and down through most of the rapids as though they barely existed. It drew only a few inches of water, reducing greatly any danger of hitting submerged rocks.

The second night we pulled our boat in at Sand Creek, about 20 miles below Hells Canyon Dam. The game commission has a fully equipped cabin here. Our Forest Service hosts found it convenient for charcoaling steaks and frying pancakes for us, but most of the party chose to sleep outside, in tents or under the stars.

Our final night, another 25 miles or so downstream, was at Cat Creek, another homestead. The farm house there had only recently been vacated. It was still equipped with dishes and furniture, including stove and refrigerator. We shared the site with two cowboys who had been rounding up cattle.

A MILE DEEP—BUT FOR HOW LONG?

Hells Canyon is deep, deep, deep. It would be hell to hike up out of. At one point, where the river elevation is somewhat less than 1,400 feet, you can look straight up Sluice Creek Canyon and see Hat Point, elevation 6,982. That is more than one mile up!

Downstream, near the proposed dam sites, a nearby peak (Mountain Sheep, after which one of the proposed dams is named) is 3,818 feet in elevation while the river is about 900 feet. That's a difference of a little less than 3,000 feet. If one of the dams is built, the river would be 15–10, and the difference would be 2,300 feet. High Mountain Sheep Dam would be 600 feet high.

At the site of each proposed dam yellow marks have been painted on the canyon walls to show exactly how high (15–10) the water would be behind the dam. Six hundred feet up a canyon wall is a long way.

Fortunately, the utilities aren't the only ones who have plans for the canyon. Senators Frank Church and Len Jordan, D- and R-Idaho, respectively, have proposed a seven-year moratorium on dam construction.

The most comprehensive legislation has been introduced by Sen. Robert Packwood, R-Ore. It would establish the Hells Canyon-Snake National River under the jurisdiction of the Forest Service. More than 700,000 acres would be reserved for "scenic, wilderness, recreational cultural, historic and other values contributing to public enjoyment." Dams would be forbidden, and so would mining and timber harvesting. Grazing would be permitted. Hunting and fishing would be encouraged.

Packwood's bill would provide $10 million for federal acquisition of private lands within the national river boundaries and $40 million to improve three roads to provide better public access. One road goes from Imnaha, Ore., to Hat Point lookout. One, now hazardous to travel, goes from Imnaha to Dug Bar on the Snake. The third goes from White Bird, Idaho, to Pittsburg Landing on the Snake. Another $10 million would provide for recreation facilities (principally campgrounds) along the three roads and a visitors' center at Hat Point.

Finding the proper balance between preserving and developing the wild canyon of the middle Snake won't be easy. The developers and the conservationists can't all be satisfied. But I found that thinking about the problems of Hells Canyon was a welcome alternative to the problems of New York City and Washington, D.C. Those cities have got to undo mistakes of the past before they can begin to catch up with demands of the present.

On the middle Snake we at least have a chance to prevent mistakes before they are made. But we may not have that chance for long.

Mr. PACKWOOD. In addition to the destruction for all time of the natural terrain, one of the main concerns of those who support my position regarding further dams on the Snake River, is the lethal nitrogen problem resulting from those dams already in place. I have spoken often about this catastrophe and the great loss to the Pacific Northwest salmon runs; and I have labored together with the National Marine Fisheries Service, the Corps of Engineers, the Governors of the States involved, the Environmental Protection Agency and the Interior Department in trying to find a solution. When a proposal was made to install slotted bulkheads in the skeleton bays at Little Goose and Lower Monumental Dams, I sought to have the funding provided for these.

Mr. President, I ask unanimous consent that an article from the Lewiston, Idaho, Morning Tribune of May 30, 1971, by Sylvia Harrell be printed in the Record, for it gives us a report on the progress being made on the nitrogen problem, and makes some telling points about this whole problem.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Lewiston (Idaho) Morning Tribune, May 30, 1971]

Snake Nitrogen Gates: Monuments or Tombstones?

(By Sylvia Harrell)

Pacific Northwest newsmen got their first look last week at one of the slotted gates which Army Engineers and fisheries biologists alike hope will provide the answer to a problem which threatens the survival of salmon and steelhead in the Columbia and Snake river systems.

The problem, of course, is the much-discussed nitrogen supersaturation.

As the jet-propelled boat carrying the newsmen moved rapidly to the upper end of the Lower Monumental pool on the Snake, the slotted gate loomed darkly above the crest of Little Goose Lock and Dam.

The big gate or bulkhead, removed temporarily for inspection, is one of three installed experimentally at Little Goose Dam.

Was the gate, held erect by a big traveling crane, a monument to the dedicated efforts of many who have joined to help solve the problem? Or was it a symbolic tombstone that marked the end of the fish runs as the result of seven dams built on the Snake and Columbia rivers?

And what about the eighth dam—Lower Granite—now under construction 35 miles upstream? If the seven hadn't ended the runs, would the eighth sound the final death knell when it is completed less than four years from now?

At the outset of the Army Corps of Engineers' annual Snake River Editors Conference, Col. Richard M. Connell, the corps' Walla Walla district engineer, had announced the three slotted gates, installed May 11, are "structurally and hydrologically successful."

But in touring Little Goose Dam with newsmen later when they viewed one of the 100-ton structures and its rectangular, funnel-shaped holes through which water and young fish pass, the district engineer voiced another worry:

"What we don't know is what the slotted gates will do to the small fish passing through them. How many will be damaged or killed by the shearing force of the water passing through the orifices?"

There's no simple way to find out the answer to that question, he said.

According to Raymond C. Oligher, chief biologist for the corps' Walla Walla district, nitrogen supersaturation is not a new problem.

"Only our recognition of the problem is new," he told newsmen. "It has been known to occur in hatcheries to very young fish almost since their operation began. It was not known to be a problem . . . in the open river, however, until recently."

Nitrogen supersaturation occurs when water plunges over a high structure, a natural waterfall or a dam, into a deep pool below. Air is captured by the water as it plunges and the gases are absorbed into solution under pressure.

Nitrogen forms about 75 percent of the air by weight, about 79 per cent by volume. Normally, surface water contains about 18.5 parts per million of nitrogen gas at 50 degrees Fahrenheit. This is considered 100 per cent saturation.

At a depth of 33 feet, water is under twice the surface pressure or two atmospheres. That water can absorb twice the volume of gas. At a depth of 66 feet, it can absorb three times the volume of gas without exceeding 100 per cent saturation.

At some places, plunge pools below dam spillways are 70 feet deep.

As the deeper water churns to the surface, the excess gases absorbed under pressure create a supersaturated condition. If water plunging over a spillway is discharged into an open stream, its turbulence exposes the water to the air at normal atmospheric pressure. The supersaturated gases readily come out of solution as the normal equilibrium is attained.

But when the spillway water is discharged into a relatively quiet pool, the supersaturated condition appears to remain from one project to another.

This is the theory accepted by fisheries agencies and the corps alike.

But one of the major problems faced in trying to solve nitrogen supersaturation is that no one knows what conditions existed before the dams were built.

Early investigators had observed gas bubbles in adult fish after some of the first dams were built and had remarked that it appeared similar to the gas bubble disease found in hatcheries. But there still were many stretches of open water between the dams and the investiagtors' observations were too infrequent to cause concern.

It was not until the closure of John Day Dam on the Columbia in 1968, just prior to the spring chinook migration, that studies began in earnest.

No generators were operating at the time of closure and the entire river flow was passed over the spillway. Dead and dying fish were found below the dam and investigation showed they had gas bubbles under their skins and in their mouth tissues. Water samples showed nitrogen saturation of about 140 per cent.

The Lower Monumental pool on the Snake was filled in 1969 with one turbine and generator in operation and the rest of the water plunging over the spillway. But the high runoff period was short that year and only a few dead fish of all kinds were found below the dam.

When the pool behind Little Goose Lock and Dam, next upstream, was filled last spring, only one of the three initial generators was in operation. The spring runoff was long and a substantial number of dead fish appeared below the project during the flood season. Water sampling showed nitrogen supersaturation as high as 135 per cent.

Fish biologists decided 120 per cent seemed to be the lethal level.

The pattern seemed fairly obvious. But some puzzling factors are adding complications to the mix.

The upstream fish count over Bonneville Dam, farthest downstream on the Columbia, in the years between 1938 and 1954 when it was the only dam on the river, averaged about 73,000 annually. The average count for the 10 years ending in 1970 was 98,500. As of last midweek, the count over Bonneville was 116,903.

Yet the last figure would have been influenced by the problems encountered after the closure of John Day Dam when these fish were moving downstream.

Oligher feels that initially, inundation of Celilo Falls by The Dalles Dam on the Columbia may have helped the problem. At least the dam spilled water only in spring instead of year-around. In any case, spectacular increases in fish counts at projects upriver hid any problem which the dam may have caused.

Consider also the results of these tests for nitrogen conducted May 18. At the Little Goose forebay, just before the water reaches the dam, the percentage of saturation was 99.2 per cent at the surface, 106.4 per cent at a 33-foot depth; at the surface of the spillway tailwater, 132.4 per cent.

At Lower Monumental, the figures were: forebay surface, 124.5 per cent, forebay at 33-foot depth, 125.9 per cent, tailwater surface, 134.5 per cent.

At Ice Harbor; forebay surface, 123 per cent; forebay at 33-foot depth, 122.5 per cent; tailwater at surface, 125.2 per cent.

At McNary Dam, the figures on the Washington shore were 114.9 per cent, 113.8 per cent and 140.3 per cent, respectively, but on the Oregon shore they were 117.1 per cent, 118.8 per cent and 127.5 per cent, respectively.

At John Day, where almost all the generators the dam is designed for are already installed, the figures were 110.6 per cent at the forebay, 116.2 at a 33-foot forebay depth, and the same 116.2 per cent at the tailwater.

At The Dalles, the figures were 129.8, 127.1 and 125.6 per cent, respectively. At Bonneville, they were 121.9, 127.4 and 132.2 per cent.

But why did the water at Astoria, Ore., with 140 miles of open river between it and the nearest upstream dam, register 120.6 per cent nitrogen saturation on that same day?

And why did Environmental Protection Agency test at Lewiston earlier this spring show a nitrogen supersaturation of about 120 per cent at Lewiston? Below Hells Canyon Dam, the level was about 135 per cent. But about 115 miles of open river lie between it and Lewiston.

Army Engineers, who agree with nitrogen supersaturation is the single greatest problem facing them, are frank to admit they don't know all the answers.

Construction at Lower Granite Lock and Dam is speeding ahead and it won't be long before the project reaches the 25 per cent of completion mark.

Work on changes in the design of that dam's spillway is under way.

Studies also are being conducted by the National Marine Fisheries Service (formerly Bureau of Commercial Fisheries) on a program to trap and transport the young downstream migrant fish around the dams.

If the traveling screens that help to trap the fish can be made to travel and that program is deemed successful, that federal service will recommend installation of additional screens at Little Goose Dam. With them, perhaps 70 per cent of the fish reaching Little Goose could be caught and transported to below Bonneville Dam.

Meanwhile, the corps is pinning other hopes on the slotted gates. So confident is it, in fact, that the program will work, it has recommended an additional $15 million appropriation by Congress for construction and installation of the gates at all of the spaces where turbines are to be added at Little Goose, Lower Monumental and Ice Harbor dams.

QUIET PASSAGE

With the gates in place, the water would pass through them in much the same relatively quiet manner it does when discharged from turbines—which don't appear to contribute to the nitrogen problem.

Hovering in the background of all this concerted activity is a suit filed by the Northwest Steelheaders chapter of Trout Unlimited. It asks the federal courts to stop construction at Lower Granite and further planning of Asotin Dam, authorized in 1962 but not funded except for planning work in earlier years.

The fisherman-conservationist group, joined in the suit by the Washington State Game Department, contends Army Engineers have violated federal environmental laws and that further dam construction and the resulting nitrogen problem could mean extinction of migrating fish runs.

As to the problem itself, research will continue. But with the lack of any meaningful studies or statistics before the dams were constructed, time itself may provide the only real answer.

Mr. PACKWOOD. In addition, Mr. President, I ask unanimous consent that an article by Mary Jean Haley in the publication, "Clear Creek," June, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Slackwater Imperialism—The Killing of the Columbia

(By Mary Jean Haley)

In the spring of 1970, a form of pollution called nitrogen supersaturation caused by too many dams too close together on the Columbia and Snake rivers in the State of Washington killed 70 to 80 per cent of the downstream migrant salmon and steelhead trout. The problem centered on the lower Snake river. The shiny new Washington State Department of Ecology announced that an estimated 2.8 million chinook salmon were killed by Army Corps of Engineers' dams. An additional 43,000 non salmonoid fish were estimated killed. It was the largest single fish kill in the nation and the Department of Ecology said the kill could be "defined as serious enough to threaten the future success of any trout or salmon return to this area." A D. of E. biologist, Harry Tracy, said three years of such a heavy kill would mean there would be "no more fish in the river." The 1971 downstream migration has already begun and biologists and engineers are frantically searching for solutions. This is the critical year. There are no more chances.

Rising as a stream in Yellowstone National Park, the Snake River flows across Idaho and turns north to form the border with Oregon before it joins the Clearwater at Lewiston, the lowest point in Idaho. It crosses southeastern Washington where it drains into the Columbia. The Snake was a highway of early mankind and its banks have long been a rich hunting ground for archeologists. The Marmes Rock Shelter near the confluence of the Palouse and Snake rivers dates back some 11,000 years and contains the oldest known remains of humans in the western hemisphere.

Time out of mind the Columbia river system has also been the lifeline of the big anadromous fish, the salmon and steelhead trout which return from the sea each year to spawn in fresh water. The Snake, with its tributaries such as the Clearwater, Salmon and Grande Ronde have been rich, life-giving breeding grounds for the fish that reproduced in such abundance that they fed man and other flesh eaters along the shores and still returned year after year.

After a mysterious two or three years in the sea, no one really knows where the steelhead go, but they do not seem to share the salmon's great Pacific circle; the fish return to the mouth of the Columbia. From tiny six or eight inch fingerlings they have matured to two or three feet. For a few weeks they linger in the low salinity water that mixes at the mouth of the river, undergoing a wonderful change. Their silver and black coloring changes to the rainbow coloring of the freshwater trout. Their scales thicken and harden for the long journey upstream, and the males acquire the hooked beak, prolonged teeth and head hump that marks their readiness to breed.

Those with the longest journey ahead begin to arrive in fresh water in late spring. They spend nearly a year in fresh water and move to spawning areas the following March through May. Those with shorter treks arrive later, but all hatching occurs from April to June.

The legendary homing instinct of anadromous fish is awe inspiring. Fighting swift currents, flinging themselves at all barriers, the big fish drive upstream until they arrive at the very spot where they were born. There they spawn and in the case of salmon, die. Steelhead may return to the sea and live to complete another cycle.

When the spring runoff sends great torrents rushing through the streams, swelling the Snake and other tributaries which pour into the Columbia's grand rush to the Pacific, the tiny, newly hatched salmon and steelhead are swept along. Too small and weak to make such a long journey themselves, they let the racing waters carry them to the sea they must reach in order to live to maturity.

But the Columbia and its tributaries no longer rush to the sea. There are 11 dams on the mainstem Columbia and many more on the other rivers. The spring waters now pour through turbines and over man made concrete cliffs. When large volumes of water are sent over the spillway of a dam, air mixes with the plunging water. The pressure of the falling column of water in the pool below forces the air, much of it nitrogen, into solution. 100% nitrogen saturation is normal. Super saturation up to 142% has been measured below dam spillways. 125% saturation is fatal to fish.

The gas enters the fish's system in deep water through the skin and gills. The gas expands when the fish enters shallower water. The same sort of thing happens to deep sea divers who get the bends. Mild nitrogen pollution causes bubbles and breaks under the skin which leaves the fish susceptible to secondary infection. In more severe cases there is extensive internal bleeding and the fish's eyes are blown out of its head by the pressure. Many die immediately. Salmon with their eyes blown out have beaten themselves to death on the barrier of a dam they could no longer see.

Nitrogen supersaturation occurs in nature at the base of waterfalls, but the gas is released in the turbulence of a river as it runs downstream. When the water is impounded by a dam, nitrogen takes longers to dissipate and builds up to fatal levels. The pollution is acute along the lower Snake because the Army Corps of Engineers has built three of a series of four dams which back the pool of one dam up to the base of the next to provide slackwater navigation.

DAM NATION

The project, which eliminates 139 miles of free flowing river, was first proposed in the 1930's. Its object is to make inland ports of the sister towns of Lewiston, Idaho, and Clarkston, Washington, which face each other across the confluence of the Snake and Clearwater rivers, 470 miles from the sea. The ports would ship the timber and paper products, grain, meat products and mineral ores of Idaho, Montana and eastern Washington and Oregon. Approval was granted in the 40's and construction of an altered form of the project was begun in the 60's. First came Ice Harbor dam, a few miles from the mouth of the Snake, which backed up 32 miles of the river, then Lower Monumental, which created 29 miles of slack water and flooded the Marmes Rock Shelter archeological site despite a Corps of Engineers dike. Then in 1968, the pool was raised behind Little Goose dam to flood 37 more miles.

Sportsmen and fish-and-game officials began to realize that thousands of acres of habitat for elk, deer, game birds, and small mammals as well as spawning grounds had been inundated and more would be lost when Lower Granite dam was completed in 1975. Already under construction, Lower Granite will complete the navigation project and back up 39 miles of water to the site of the proposed Asotin dam on the Snake and to an existing power dam on the Clearwater. It will impound the last stretch of free flowing Snake River in Washington. The authorized, but not yet funded Asotin dam will inundate the mouth of the Grand Ronde, now famed for its fishing. More dams are planned on into Idaho, even for spectacular Hell's Canyon, an awe inspiring rush of white water through a gorge deeper than the Grand Canyon.

BONEHEAD VS. STEELHEAD

The Northwest Steelheaders Association, which recently merged with Trout Unlimited, is a group of sportsmen whose major interest is the preservation of anadromous fish. Steelheader president, Art Solomon, a 43 year old bridal shop proprietor in Spokane,, Washington, stresses that they are a "conservation, not a preservation, organization" with respect to many environmental controversies. Alarmed by the rapid dwindling of free flowing water and the realization that steelhead fishing is nearly impossible in slackwater, they moved to halt the construction of Lower Granite and Asotin dams. They filed suit in U.S. District Court in Spokane asking for an injunction to stop construction on Lower Granite and Asotin dams and for several million dollars in mitigation for losses occassioned to fish and wildlife. In view of the recent decision against the Sierra Club in the Mineral King dispute by the 9th Circuit Court, which has jurisdiction in Spokane, the Steelheaders have amended their appeal to include property owners who will be affected by the dams.

At this writing construction of Lower Granite continues even though funds have run out and no more money can be obtained until July. The contractor is paying for the work himself during the interim.

Pleading for the survival of the fish, Art Solomon says, "If you leave a hose running in your backyard, sooner or later the Corps will be at your door offering to build an impoundment or dam. We've come to a place where we say we've got to take a stand. The Corps is immensely powerful, and it's to their credit that they've beaten back three presidents, but people have got to step back and take a look at what they're doing. We don't necessarily want the dam stopped, but if it's necessary to stop the dam to preserve the fish, then that's the answer people will have to come up with."

The Steelheaders were joined by many sportsmen's groups and by some conservation groups including the Sierra Club and Friends of the Earth. Then the Washington State Department of Game and Department of Fisheries joined a portion of the suit. They charge that the Corps failed to comply with the Fish and Wildlife Coordination Act when it did not consult state agencies about studies for the projects or provide funds for such studies. They too are asking for money to mitigate for fish and wildlife losses.

Larry Coniff, assistant attorney general who represents both Departments is very cautious about the press. "They've tried to screw us 15 different ways. They won't negotiate with our attorneys. They send their local people to our local people and say 'hey, I've got a program we want you to get started on right away," and pretty soon we're down the primrose path. We've got a case pending!"

RIVER ROULETTE—THE NEW MEGASPORT

Despite the beaurocratic tangle there are known facts about the effects of dams on rivers in addition to nitrogen pollution. The physical barrier of a dam impedes upstream migration since it takes fish time to find the fish runs. Downstream migrants may be fatally slowed by the lack of current or drawn into turbines and chopped to chum. A large body of water retains heat up to a month longer than a running stream and the temperature change affects salmon spawning. Of course, the spawning grounds are inundated and some fish wander on and on upstream until they die, searching for a spot that no longer exists.

The shores of a power dam become a broad expanse of bare mud flat since the water level is raised and lowered in short periods of time to meet power needs. This prevents reestablishment of the vegetation which provides winter browse for deer and elk and necessary cover for many birds during the hot, dry summers. The insects which live in the vegetation and feed many birds and fish are also destroyed. Safe sand bars and small islands where many waterfowl nest are also lost. The Lower Granite pool, for example, will cover 13 islands which produce about 550 Canada geese annually. This riparian habitat cannot be replaced or repaired.

Asked if wildlife can migrate elsewhere, Bureau of Sport Fisheries biologist Glenn Brackett said, "Wipe that out of my mind!" Any other suitable area is already occupied to capacity and an influx of displaced wildlife will overload and deplete the habitat which may result in further population reductions.

The recreational benefits of reservoirs are highly praised by dam touters, but fishermen tell another story. Steelhead seldom bite in slack water. A study conducted by the Tri-State Steelheaders showed that it took 26 man hours to catch *one* fish, and they tried everything they knew. Sturgeon and other game fish are driven from the area. Boating is often dangerous on the big impoundments where there is nothing to break the wind that whips the water to whitecaps. The muddy, sterile beaches are unattractive and messy and, since they are former canyon walls, often too steep for access. Siltation is another problem. The yacht harbor at McNary Dam at the mouth of the Walla Walla became a mud flat in less than nine years.

There are two more potential problems in the case of Lower Granite dam. Neil Neshein of Clarkston, Washington, reports that he and other orchard owners in an area that will be flooded used DDT extensively in past years. He estimates some 30 tons were used in a 10 year period and much of it is still in the soil. According to Glenn Brackett, once the ground is flooded the DDT will cause a shock effect in its immediate vicinity and then thin out through the system. Cinnabar mines and past gold mining operations, along with products formerly used at pulp mills upstream, have left mercury in the river. The heavy metal may collect on the bottom of the impoundments and be converted to toxic methyl mercury by tiny organisms which thrive in slack water. The Idaho Fish and Game Department has already suggested that some species of fish from Brownlee and American Falls reservoirs not be eaten.

Though the Lower Snake suffers environmentally from the dams, it must be remembered that they serve the purpose of bringing slackwater navigation to Lewiston and Clarkston as well as producing power. William C. Behrens, Manager of the Port of Clarkston and a former Corpsman says, "we have $7 million in projects and programs which depend on slackwater." This figure covers stationary facilities. Though he said he was confident slackwater navigation would bring a surge of industry to the area, Mr. Behrens, in a conversation which he tape recorded, was reluctant to make any estimate at all of the amount of money he expected to be added to the economy yearly. He was equally unwilling to state what industries he expected to locate in the area, saying that negotiations were still in progress.

A year ago, Earle Ausmann, past president of the Lower Snake River Ports Association was less cautious. Warning that the Ports planned to sue the Steelheaders for damages caused by any delay in construction of Lower Granite he added, "We estimate that each year of delay means a loss of at least $5 million to the area in economic values." The need for such a suit has not yet arisen.

Mr. Behrens derided reports of environmental defects in the Lower Granite project. He said the river "bounces up and down like a yo yo" now and the fluctuations for power dams won't be that different. The dams will regulate flooding, he asserted, as well as bringing in money, power production and many recreational facilities.

It has been proposed that lowering the pool of Lower Granite dam would reduce the amount of water going over the spillway and thus nitrogen super saturation. It would also keep the slack water out of Lewiston and Clarkston and make dikes unnecessary. Many residents fear the dikes will not work though the Corps is confident there will be no problem. Lowering the pool would move port facilities down the river and Mr. Behrens said, "I don't think it's any possibility and is basically a foolish proposition."

Ernie Heimgarten, who owns the Lancers bar and restaurant in Clarkston, sees it another way. He is disturbed by the prospect of the dikes the Corps will have to build along the backed up river to prevent the downtown area of Lewiston from being flooded. "I have a restaurant and bar on a well traveled street. I *know* how many people stop here and then go on up the river. We've been lied to about the recreation use the river gets now. You can start here and run a boat up river for 125 miles. See if you can find one boat, *one boat*, on those reservoirs. People come for the river. Why do we have to ship the town down the drain to make things handy for the industrialists?

"With those dikes all you'd see is that rip rap rock. It wouldn't be worth a damn. We're doing away with everything that is really good. A few greedy people are taking my river, your river, and putting it in their pocket. I HAVE to pay the taxes that are building that thing."

Dan Sly has a restaurant and bar in Asotin, Washington, which was in the take line for Lower Granite dam. The Corps estimates the impoundment will swallow $12.5 million worth of real estate including some shoreline development. Unable to agree to a Corps offer of $15,000 "which was less than I still owed on the place," Mr. Sly went to court and got $18,300. "The Corps crippled me. It was unscrupulous. They didn't want to see my records. All they wanted was that little piece of property. I'd done $67,000 in a year in that place, I had three girls who'd been with me for years. I lost my apartment too. They said it didn't count unless I rented it out.

"I was born and raised around here. I started fishing in this river when I was seven years old. I've lived on it and loved it. I don't know enough about slack water, but wild water's getting to be a real rare thing. I'd oppose any future dams."

The Army Corps of Engineers is the villain of the piece in the estimation of many people. They built the dams, created the nitrogen pollution and tamed the river nearly to extinction. Their mistakes come from treating a river as a hydroelectric resource rather than an integral part of an ecosystem. Their December, 1970 report on the environmental aspects of Lower Granite dam has drawn so much criticism from federal and state agencies and the public for its wording, underlying assumptions and inaccuracies that Colonel Richard M. Connell, District Engineer for the Walla Walla District, crying "It's a *draft!*" is manifestly sick of the subject.

Colonel Connell explains that the Corps is very concerned about nitrogen super saturation and wishes they could act more quickly. "We don't know all the answers, we agree it's serious." The Corps has earmarked $1.6 million through 1975 to attempt to truck migrant salmon and steelhead from Little Goose dam downsream below polluted areas. Biologists have hopes for the program since studies indicate that transport does not severly affect the homing instincts of salmon. Less is know about the effect on steelhead.

HOLY GATES?

The Corps is researching, among other possibilities, what it calls the Holy Gate program which cuts spillway flow by running water through three slotted gates in empty generator bays in the dams. There are three such bays in each of the three existing dams on the lower Snake. One experimental gate will be installed in April, and if it works, the others will be added at a cost of nearly $9 million. One potential problem is that the fish may be injured by the velocity of the water as it pours through the gates at 80 feet per second.

At a conference on nitrogen studies in February of this year, the Corps' C. E. Hildebrand said that it was not feasible to run all turbines 24 hours a day during spring run-off or to install remaining generators to cut down on water going over the spillway. The power simply could not be used, especially at this time of year. Power from the Pacific Northwest goes into an eleven state grid including an intertie line which serves Los Angeles. Washington also seems prepared to make more commitments to nuclear power.

Colonel Connell really couldn't say why more dams are being proposed for power when none of the lower Snake dams and few of the Columbia River dams are operating to capacity. He said, "Gee, I don't know how to answer that one," and later, "I reject the question," but finally obliged by saying "It may be more valuable in terms of total value to the total system to have the next structure built. It's not necessarily in the best public interest to put in all of the generators now. In anticipation of what may happen tomorrow, you build now."

The Corps has been criticized severely, and ineffectually, for its powers and methods of operation by public officials from FDR's Secretary of the Interior, Harold L. Ickes, to Justice William O. Douglas who called the Corps "public enemy number one" in 1969, and he made it clear he realized they had plenty of competition. But the Corps seems to be convincing some people that they are making an honest effort to change. Dr. Robert Zeller, Director of the River Basin Planning Program of the Environmental Protection Agency said, "I personally feel that the Corps of Engineers are coming around—in this area." He added that the Holy Gate project is a risk, but he concluded, "I'm satisfied that they're doing the best they can under the circumstances."

Perhaps with two recent setbacks, the cross Florida barge canal, and the Gillham Dam in Arkansas, the Corps is considering its projects more profoundly, yet with the nitrogen pollution problem unsolved, the work continues on Lower Granite Dam.

"Sometimes we're painted with very black hats," said Colonel Connell. "We are seriously concerned about the pluses and minuses of what we do. You plan with the best of today's knowledge and hope that tomorrow will prove you right."

The Colonel sounds like an eminently reasonable man, and in the flesh he manifests none of the satanic characteristics that opponents have attributed to him as a representative of the Corps. Yet he began the interview by suggesting that perhaps the fish might adapt to nitrogen supersaturation. Just testing?

A winter of heavy snows is resulting in an unusually heavy run-off this spring which means more water over the spillways and more nitrogen entrained. The downstream migrants are running and, except for those caught for transporting, many can be expected to die along with the non-migratory fish in the river.

The fish losses of 1970 and 1971 will mean some barren years ahead. This year's studies may well bring the solution. If not, man will again have destroyed what he sought to improve upon.

A dam lasts 50 to 100 years. After that the equipment is worn, the pool silted and the dam must be modified or abandoned. Properly managed, wildlife resources will renew themselves indefinitely. Stu Murrell of the Idaho Fish and Game Department posed the real question. "How do you measure the worth of an indefinitely renewable resource against the worth of a dam that lasts 50 to 100 years?" The salmon and steelhead have been running up the rivers for thousands of years. I asked Colonel Connell if he ever thought in terms of a thousand years when he planned a project. He answered, "I really can't think that far ahead." Few of us can. It's time we tried.

Mr. PACKWOOD. Mr. President, perhaps it is time to stop in our unparalled rush toward technological, economic, and industrial utopia, and consider the side effects all this is having. Are we going to continue to have a dam Nation? Or are we going to honor our obligation to the citizens of the 21st century by preserving and passing along to them the few wild rivers and natural wonders and resources we have left?

On February 23, 1971, presiding examiner William C. Levy's decision to license the construction of Pleasant Valley-Low Mountain Sheep dams on the Snake River, rang as a death knell. It was unbelievable that such a decision could be made following the intelligent brief filed by the Federal Power Commission's own staff counsel. Even though an extension of time was granted to allow interested parties until June 21 to file exceptions to the decision, I found it rather disturbing that it took until my Monday morning mail this week to receive a "draft" environmental impact statement.

I was told that FPC was in the midst of preparing one, however late it might be. But not until this week did it come forth. In my estimation not only did the FPC take rather lightly the intent of the Environmental Protection Act, but rather ignored the ruling of the Supreme Court which directed the Commission in good faith to consider the true impact of the project upon the environment.

Mr. President, in addition, it seems to me that the presiding examiner is erroneous in issuing a license by date of February 23, 1971, authorizing the beginning of construction as of September 30, 1975. (Sec. 13 of the Federal Power Act, 41 Stat. 1071; 16 U.S.C. 806.)

Section 13 recites as follows:

That the licensee shall commence the construction of the project works within the time fixed in the license which shall *not be more than two years from the date thereof* . . .

Has the examiner taken it upon himself to arbitrarily disregard this requirement of the statute? It is within his power to change section 13 to read 4½ years rather than 2 years?

Mr. President, I further believe that the granting of a license in the form in which the presiding examiner has chosen does not follow the required steps in conformity with section 21(b) of the Federal Water Pollution Control Act, as amended by the Water Quality Act of 1970. That section provides that applicants for Federal licenses or permits, including those of the Federal Power Commission, shall not be granted until a certification has been obtained from whichever one is the proper certifying agency of the following: First, the State in which discharges of water originates; second, an interstate water pollution control agency having jurisdiction over navigable waters at the point where the discharge originates; or third, the Administrator of the Environmental Protection Agency, if neither of the other agencies are the competent certifying agencies.

Mr. President, in a memorandum prepared by Mr. Leon Jourolman, regional general counsel, region X, Department of the Interior, dated May 24, 1971, the above points are cited along with others as good reasons for the Environmental Protection Agency actively entering the proceedings in this case before the Federal Power Commission. Mr. Jourolman has written an intelligent and very persuasive memorandum with valid arguments as to why the presiding examiner's decision is erroneous. It is my hope that the Environmental Protection Agency will enter into the proceedings.

But far more important than any of the above arguments and actions is the need for the Congress to do its job in protecting this one-of-a-kind natural treasure by establishing it as a national river, and bequeathing it intact to the generations that follow us.

THE GENOCIDE CONVENTION AND INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, the Genocide Convention is a small block in the foundation of international law. But it is an essential one.

Arthur Goldberg argued this point in testimony before the Senate Foreign Relations Subcommittee on the Genocide Convention. Mr. Goldberg, a former Supreme Court Justice and Ambassador to the United Nations, believes ratification of the Convention will be a step toward world peace.

I ask the Senate to heed the words of Arthur Goldberg and put aside the "nitpicking objections" and ratify the Genocide Convention. I ask unanimous consent to have an excerpt of Mr. Goldberg's testimony printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

How are we going to move to the area of expanding international law so that our posterity can live under a rule of law? I don't see much hope for the world if we don't get that. Unilateral decisionmaking, I think, is about played out, and I don't care how big a defense budget is adopted, I still think it is played out, and it seems to me that the main thrust of this treaty is to expand the dimensions of the growth of law to protect human dignity. That is the main dimension. Will it achieve the result tomorrow? No. I think the committee report very wisely said that, and we might as well be frank about it, the answer is no.

The future? Perhaps yes, perhaps yes. I cannot say it will, but we are a country devoted to the rule of law. Why are we hesitating over nit-picking objections? I say that very deliberately, because they are most nitpicking objections. We will adopt an implementing statute. That will take care of all the questions that this committee has raised and dealt with properly in its understandings and declarations. The Senate and indeed the Congress, the House when we adopt enabling legislation, will have plenty of time and the declaration covers that—the instrument of ratification will not be filed until appropriate implementing legislation is adopted.

REVENUE SHARING

Mr. HANSEN. Mr. President, in recent months much has been said on the subject of revenue sharing. The President has sent his revenue sharing program to the Congress. In addition, several Members of the Congress both in the Senate and House of Representatives have introduced variations of the President's revenue sharing proposal.

Last week, I received a copy of a letter sent to the Honorable WILBUR MILLS, chairman of the House Ways and Means Committee, by the president of the Wyoming Association of Municipalities, Robert W. Sievers.

Mr. Sievers, in a well prepared statement, set forth just how important the President's revenue sharing program is to the small towns in the State of Wyoming. His point of reference is his own hometown of Pinedale, Wyo. In reading through his letter, it becomes clear just how vital and important it is for the Congress to take early and favorable action on the President's revenue sharing proposals.

Mr. President, I am confident that all Members of the Congress will find the letter of Mr. Sievers most enlightening, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REVENUE SHARING—A SMALL TOWN VIEWPOINT

(By Robert W. Sievers)

Hon. WILBUR MILLS,
Longworth Building,
Washington, D.C.:

General Premises: Apparently, there are several Revenue Sharing plans being considered by the Ways and Means Committee. My remarks are based on the Nixon Administration's proposal on General Revenue Sharing, as that is the only one on which I have facts and figures. However, I would assume that these statements might be equally appropriate to the entire principle of revenue sharing.

Recent news reports of the first committee hearings on this matter indicate some concern as to whether Revenue Sharing need cover all *small towns,* or should only be applicable to large cities and metropolitan areas. I am sure there will be great volumes of testimony to show the needs of the large metropolitan areas, which I don't intend to either support or minimize. Wyoming has no cities in excess of 50,000 population, so will only concern myself with the area of small towns and rural counties.

Wyoming's Share: According to the proposed General Revenue Sharing plan, Wyoming will receive the smallest amount of any state except Alaska, in the amount of $11,435,913. This is proper inasmuch as Wyoming has one of the smallest populations of any state. However, Wyoming, per capita, will receive the largest amount of any state. This is because Wyoming is presently taxing at the highest per capita rate in the nation. We are doing all we can, but it still is not enough. Of this amount, about 14%, or $1,598,621 is scheduled to pass through to the cities and towns of the state. About 30%, or $3,479,462, should pass through the state to the counties. Although the percentages of pass-through are subject to change later, these are the funds in which I am particularly interested.

Small Town Problems: My home town is Pinedale, in Sublette County, Wyoming. It is a typical small western town, of about 1000 people. The problems of Pinedale are similar to all small towns in the intermountain west. Although it has its share of poor people and families receiving some form of public assistance, it has no slums, massive crime problems or acute dope epidemics, and a minimum of organized civil disobedience. Why, then, should Pinedale, and towns in similar circumstances need Revenue Sharing?

Present Tax Effort: As was stated earlier, Wyoming presently has the highest per capita tax effort in the nation. All of the towns are also caught in the same tax bind. 74% of all ad valorem taxes, statewide, go into the school and education system. The remaining 26% is divided between the state, county, and cities and towns, with a maximum of 8 mills allowed by constitution to towns, and about 12 mills to the counties. To raise additional revenues, cities, towns and counties in Wyoming have all sorts of taxes, many collected statewide, such as sales tax, cigarette tax, gasoline tax, use tax, etc. Also, individually, the cities and towns have all sorts of nuisance taxes, such as occupation taxes, license taxes, etc. They still cannot provide the services demanded or even vitally necessary from a health standpoint.

Streets and Sidewalks: Again, I use Pinedale as an example but I am sure most small towns have many of the same problems. We have no sidewalks in town, except around public buildings and in front of a few businesses and residences. The only paved streets are one constructed and maintained as a through highway, and one other, jointly oiled by the town and county on an experimental basis several years ago. Consequently, school children walking back and forth to school, to school lunch room, etc., and any pedestrians, walk in the mud, snow and ice in the streets in winter and in the dust in summer, which, in addition to being uncomfortable, is quite a dangerous traffic hazard.

Water and Sewer: We also have a grossly inadequate and unsafe water and sewer problem, and this system only with past federal help. The water system was first started in 1935 with the help of W.P.A. labor and the government furnished materials. Although this system had a use expectancy of thirty years, most of it is still in use and the main part of the over-all water systems. However, even today, water is not furnished to many areas within the town limits. The old sewer system, long outgrown, used to dump almost raw sewage into Pine Creek, a tributary of the famous Green River. In 1957, a sewer revenue bond, a sewer general obligation bond and a water general obligation bond issue was passed, and with a government grant, the water system enlarged and a sewer lagoon system installed. All of these bond issues are still outstanding, although current.

The source of the town water is still Pine Creek, an open stream. The water is chlorinated, but not adequately filtered and consequently, some periods of the year, it has a green scum of algae and an odor which makes it unfit for any domestic use.

Transportation: Pinedale is the farthest town from a railroad in the United States, has no scheduled air service, and the only public transportation is by bus, which only runs once a week nine months out of the year. Although we have a fine, small airport, it is not large enough for commercial air lines. Even with state and federal airport financial assistance, as we have had in the past, it would be difficult to raise the town's share of matching funds. The town's share of presently existing airport improvements was raised by donations.

Police Protection: Pinedale, as well as almost all small towns anywhere, does not have 24-hour police protection. Two full-time policemen, with part time assistance during peak times, just cannot work a 168 hour week. Further, Pinedale never has had a jail, and uses the county's jail, which is grossly inadequate. In today's troubled times, this is indeed a dangerous situation, too obvious for further elaboration.

Rural County Problems: Sublette County, also, is typical of rural counties in the intermountain region. The total permanent population is about 3700 people. Only about 13% of all lands within the county are privately owned. Upon this small tax basis of people and property, the county must provide all services required of counties.

Roads and Communications: There are approximately 800 miles of county roads, maintained by the county, mostly graveled but none paved. Consequently, rural roads are poor, at best, and impassable during inclement weather. Some isolated ranches are without town access months at a time.

Hospital and Medical: Sublette County is the only county in the State of Wyoming, and, as far as this writer knows, the only county in the nation without hospital facilities. The nearest hospital, over mountain roads, is 78 miles, and the next, over better roads, is 100 miles away. Many attempted bond issues, application for Hill-Burton funds, etc. have been unsuccessful or thwarted for one reason or another. Complete medical attention and sufficient staff of doctors is most difficult without adequate hospital facilities, nor do we have nursing care for the aged and infirm.

Crime and detention: Sublette County's jail was constructed in the mid-thirties, probably again by P.W.A. or similar organization. It cannot be certified for federal prisoners, has been subject to recent jail breaks and is most inadequate. It also is used for all of Pinedale's prisoners and other towns within the county. There are absolutely no facilities within the county jail for female prisoners or juveniles. Bond issues for improvement of this situation have failed.

Migration to Cities: If things are so dangerous and unhealthy why do people stay in the area? Why don't they improve the situation?

To answer the first question, they are *not* staying in this type of rural area. That is one of the greatest problems of both urban and rural America today. You just can't keep people down on the farm with such a lack of conveniences and necessities. They are moving to urban areas, where problems then are greatly complicated. Pinedale and Sublette County, one of the most beautiful areas in the United States, lost population in the last decade, and I am not sure all the figures are in for the State of Wyoming. However, surely one of the best ways to help the huge metropolitan areas of United States is to make rural living more attractive; give the people some reason to migrate back to rural America.

Self-help Exhausted: Why, then, don't we improve our own lot? Of course, a great many dedicated people have been trying to do just that. Lack of funds is not the only problem, but it surely is a great one.

The Federal Government owns much of the land area in the mountain states—about 50% of the land area in Wyoming. In addition, much of the rest of Wyoming's land is not highly productive, with a small tax base. People are few and far between, transportation high, with little or no manufacturing or heavy industry. Wyoming is already taxing its people more than any state in the Union. How can one expect bond issues to pass to raise capital for improvements, or tax more for day to day expenses of local governments? Nor will taking over part or all of the welfare burden help the cities or towns. Some scheme whereby credit is given for state income tax also is no help to Wyoming. We have no state income tax. What is there left to tax?

Conclusion: It is evident from the foregoing that rural counties and towns are not supplying the basic necessities required or expected by the population. It is equally evident that all of the existing sources of revenue have been exhausted. The proposed Revenue Sharing law appears to be the logical answer.

JUNE SOCIAL SECURITY CHECKS REFLECT 10-PERCENT INCREASE

Mr. CHURCH. Mr. President, approximately 26.7 million social security beneficiaries recently received their first monthly check reflecting a long overdue 10-percent increase in benefits.

In addition, each of the beneficiaries will receive a second check on June 22 to cover the 10-percent raise retroactive to January. This will add nearly 40 percent more to the payments received on June 3.

And in my own State of Idaho, the 10-percent boost will provide an additional $12 million in annual benefits for 95,000 individuals.

In terms of dollars and cents for the Nation, the new law will have the following effects:

Raising monthly benefits for the average retired couple from $199 to $219;

Increasing monthly income for the typical retired worker from $118 to $131; and

Raising average monthly benefits for widows from $102 to $113.

For many aged persons struggling to make ends meet, this stop-gap measure will provide welcome relief. But there is another dividend to be derived from this long-awaited action, a shot in the arm for our lagging economy. Over the next 12 months the 10-percent raise will provide $3.6 billion in added purchasing power.

In most cases, this money will be used for noninflationary, everyday essentials—such as more food for the table.

But welcome as the 10-percent raise is, it is still only a temporary measure to prevent elderly persons from slipping further behind in their desperate race with inflation. Further reforms are urgently needed now if our social security system is to come to grips with the retirement income crisis which affects millions of older

Americans, and threatens to engulf many more nearing retirement age.

Soon the House of Representatives will consider an omnibus proposal, H.R. 1, which will make far-reaching changes in social security, medicare, medicaid, and old age assistance.

With poverty on the rise for persons over 65, the need for comprehensive reform becomes all the more urgent.

To help provide more detailed information about the measures in H.R. 1, I ask unanimous consent that a summary—prepared by the Senate Committee on Aging—of the major provisions in the bill be included at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS IN HOUSE WAYS AND MEANS SOCIAL SECURITY BILL

SOCIAL SECURITY

Provisions

1. *Benefit Increase:* 5 percent, effective June 1972.

2. *Special Minimum:* Provided for people who worked 15 or more years under Social Security. Equal to $5 multiplied by the number of years of covered employment. The highest minimum benefit under the new provision would be $150 per month for a single person.

3. *Automatic Adjustments:* Benefits would be adjusted annually according to rises in the cost-of-living provided (1) the Consumer Price Index increased by at least 3 percent and (2) legislation increasing Social Security benefits had neither been enacted nor become effective during the previous year. To finance the automatic benefit raises, the wage base would be automatically adjusted according to the rise in average wages covered under the Social Security program.

4. *Full Benefits for Widows:* Widows aged 65 and older would be entitled to benefits equal to 100 percent of their spouses' primary insurance amount.

5. *Increased Benefits for Persons Delaying Retirement:* Benefits would be increased by 1 percent for each year a worker does not receive benefits because he is working after age 65.

6. *Age–62 Computation Point for Men:* Special advantages for women would be eliminated by applying the same rules to men as now apply to women. Phased in over three-year period.

7. *Additional Dropout Years:* One additional year of low earnings—in addition to the five years provided under present law—for each 15 years of covered work would be dropped in computing benefits. Effective date January 1972, and applied prospectively.

8. *Working Wives:* A working couple would be able to combine their wages for purposes of computing benefits if this would result in higher payments, provided they each had at least 20 years of covered earnings after their marriage.

9. *Liberalization of the Retirement Test:* Major changes include: (1) The annual earnings limitation would be raised from $1,680 to $2,000. (2) For earnings in excess of $2,000, $1 in benefits would be withheld for each $2 of earnings (Under present law the $1 for $2 feature applies only to the $1,200 band above $1,680; thereafter, benefits are reduced for each dollar of earnings above $2,880). (3) The earnings limitation would be adjusted automatically by the same percentage by which the wage base is automatically adjusted.

10. *Waiting Period for Disability Benefits:* The existing 6 month waiting period to qualify for disability benefits would be reduced to 5 months.

MEDICARE

Provisions

1. *Extending Medicare to Disabled:* Medicare would be broadened to include disabled beneficiaries under age 65, provided they have been receiving disability benefits for at least two years.

2. *Part B Deductible:* Deductible for Supplementary Medical Insurance would be increased from $50 to $60.

3. *Coinsurance under Hospital Insurance:* Beginning with the 31st day and continuing through the 60th, the patient would be subject to a charge of $7.50 per day for hospitalization. Under present law, the patient is subject to a $60 deductible. After satisfying this requirement, the patient pays nothing for his hospital bill through the first 60 days.

4. *Increasing Lifetime Reserve:* The lifetime reserve, under which the patient pays $30 per day, would be increased from 60 to 120 days.

5. *Hospital Insurance for Uninsured:* Persons reaching age 65 who are ineligible for Part A (Hospital Insurance) of Medicare could enroll under the program for $31 per month. Additionally, States and other organizations could enter into agreement with the Secretary of HEW to purchase such protection on a group basis for their retired or active employees 65 and older.

6. *Part B Premiums:* Premiums for the elderly for supplementary medical insurance—now $5.30 per month but scheduled to rise to $5.60 in July—will be increased only if Social Security benefits have been raised.

7. *Health Maintenance Organizations:* Medicare patients would be able to elect to have their covered care provided by a prepaid group or other capitation plan.

8. *Protection Against Retroactive Denial of Payments:* Under present law, the determination of whether a patient qualifies for post hospital extended care is usually made after the services are rendered. As a consequence, coverage is frequently denied retroactively—causing hardship for the patient, the nursing home, and the physician. To help provide a solution for this problem, the Secretary of HEW would be authorized to establish minimum periods of time after hospitalization during which a patient would be presumed to require extended care.

9. *Social Services Requirement:* The existing requirement for social services in extended care facilities would be removed.

10. *Elimination of Three Year Requirement to Enroll in Part B:* Aged persons would now be permitted to enroll in the Medicare supplementary medical insurance program (under present law, individuals must enroll within three years after first becoming eligible).

11. *Chiropractic Care:* A study, utilizing the experiments and experience under the Medicaid program, would be undertaken to determine the desirability of extending Medicare coverage to include chiropractic services.

MEDICAID

Provisions

1. *Repeal of Comprehensive Medicaid Requirement:* The bill would repeal the existing provision requiring States to have comprehensive Medicaid programs by 1977.

2. *Reductions in Medicaid Care and Services:* States would be permitted to eliminate or reduce the scope and extent of health care services which are optional under the Medicaid law such as dental care, eyeglasses and out-patient prescription drugs.

3. *Disincentives for Long Stays in Institutions:* Federal matching funds for Medicaid would be cutback by one-third after (1) 60 days of care in general or tuberculosis hospitals, (2) 60 days of care in a skilled nursing home unless the State establishes an effective utilization review program or (3) 90 days of care in a mental hospital.

4. *Incentives for Comprehensive Care:* Federal matching funds for Medicaid programs would be increased by 25 percent when a State is under contract with a health maintenance organization or other comprehensive health care organization.

5. *Patient Costs under Medicaid:* Medically indigent patients under Medicaid could be subject to a premium charge based on income. Moreover, States would be authorized to make the medically indigent subject to copayment provisions which would not be based on income. In addition, States would be permitted to establish cost sharing arrangements for categorically needy recipients—the aged, blind, and disabled—but only for services not required to be provided under the State program.

FINANCING PROVISIONS

	Employees and employers, each				
Year	OASDI percent	HI percent	Total percent	Maximum wage base	Maximum tax
1971	4.6	.6	5.2	$7,800	$405.60
1972–74	4.2	1.2	5.4	10,200	450.80
1975–76	5.0	1.2	6.2	10,200	632.40
1977 and after	6.1	1.3	7.4	10,200	754.80

WELFARE REFORM

Provisions

1. *Old Age Assistance:* The Existing Federal-State adult categorical assistance programs (Aid to the Aged, Blind and Disabled) would be replaced by a new Federal program (effective July 1972), administered by the Social Security Administration. Under the new program, the Social Security Administration would be required to make payments sufficient to bring an individual's monthly income up to $130 ($195 for a couple). For an aged person, the first $60 of monthly earnings would be excluded in determining his monthly income. States would also be permitted to make supplemental payments in addition to the Federal income standard.

MISCELLANEOUS

Provisions

1. *Updating the Retirement Income Credit:* The retirement income credit would be modernized by raising the maximum amount for computing the 15 percent credit for a single person from $1,524 to $2,500 (for an elderly couple, the maximum amount would be raised from $2,286 to $3,500). Additionally, the exempt earnings limitation under the law would be liberalized to correspond to the new retirement test under Social Security—a flat $2,000 exemption with a $1 reduction in benefits for each $2 of earnings.

SECRETARY CONNALLY'S ADDRESS AT THE INTERNATIONAL BANKING CONFERENCE IN MUNICH

Mr. BENNETT. Mr. President, one of the important speeches made this year on U.S. economic policy was given not in this country, but in West Germany. It spelled out the concerns of our Government on matters involving both the international monetary situation and international commerce. I refer, of course, to the speech made by the Secretary of the Treasury at Munich on May 28, before an international banking conference.

In that speech Mr. Connally said:

> I want without arrogance or defiance to make it abundantly clear that the Nixon Administration is dedicated to assuring the integrity and maintaining the strength of

the dollar. We are not going to devalue. We are not going to change the price of gold.

And he made a good many other important points which I would like to call to the attention of the distinguished Members of this body.

For that reason, I ask unanimous consent to have printed in the RECORD the full text of the Secretary's remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF JOHN B. CONNALLY

The opportunity to participate in this monetary conference has been of great value to me. It is a privilege, and I'm greatly honored by the invitation to share some of my thoughts with you at this closing session.

The hospitality of our Bavarian hosts is alone enough to make it worthwhile being here.

But we are here on serious business at a serious time. We are aware of the strains upon the monetary framework upon which we all depend to carry on our international commerce.

These monetary tensions are a warning. Elements of international monetary cooperation, built with so much effort in the postwar period, are being questioned.

There are also questions about the direction of our policies in the United States. I intend to deal with these questions openly and frankly, lest doubts corrode our purposes and our success. Most importantly, we need to recognize that the disturbances on the surface of the exchange markets are only symptomatic of deeper issues of national and international economic policies.

No group is more aware than bankers that our post World War II prosperity has relied on the close integration of the world economy and money markets. We have seen nothing less than an economic revolution, with benefits widely shared.

In our exhil(ration over the gains, let us not forget that there are costs. Rapid progress in trade and investment has meant vast changes—changes with an uneven impact. As a result, particular industries and even entire countries face difficult adjustment problems.

By definition, an allied international economy implies some squeeze on independent national action.

Basic elements of economic and political power, and responsibilities for leadership, have drastically shifted since the main outlines of postwar policy were shaped a generation ago.

We must recognize, respond and adapt to these new realities.

Internal stability and social tranquillity are legitimate goals of every society, yours and mine. But along the road there are temptations. It is easy to understand how one country or another can be tempted to shirk its responsibilities to the international community, including the maintenance of monetary order.

A stable monetary order requires nations to know and accept the "rules of the game." But let us not confuse cause and effect. It has been wisely said that money is but a veil. Monetary disturbances could help speed the processes of economic nationalism and disintegration. But we would be unrealistic to anticipate workable monetary solutions for essentially non-monetary problems.

There is no magic that can reconcile incompatible objectives. Money is not a substitute for productive efficiency and competitive strength. It cannot assure fair and equitable trading conditions. The plain danger is that, by expecting too much from the monetary system alone, we may fail to address the underlying need for change in other aspects of our economic life and policies.

What matters most is the spirit and attitude we each bring to this task. Here, I believe we in the United States have a special responsibility to make our approach and intentions crystal clear. I hope I do so.

Our economy is large and rich. We have a high level of trade. Our markets are relatively open. Our currency is a world currency.

Obviously, what we do matters a great deal—not just to our 200 million citizens, but to others as well. The manner in which we in the United States pursue our interests is crucial to any effort of the world community to move ahead together in a constructive, cooperative way. What can be expected of the U.S. in the years ahead? That early patriot, Patrick Henry, once shrewdly observed, "I know of no way of judging the future but by the past." If there are those who doubt our basic intentions and motivations, I commend that standard to you. You will find, I believe, our record to be a proud and constructive one, aimed not at dominance but at mutual growth and strength.

Even before the end of World War II—with the cooperation of many, but primarily with American initiative and support—the foundations of the present monetary system were set out at Bretton Woods. Today, only monetary historians may recall that this approach was not adopted without a struggle. An important segment of American opinion favored the so-called "key currency" approach. Arguing essentially that the economic ascendancy of the United States justified enshrining a kind of informal dollar-sterling standard with other currencies assuming a more or less permanent subsidiary role.

But policy-makers embraced another line of thought. It led to the International Monetary Fund—a thoroughly multilateral system, with proportional participation and voting by all members.

The same issue was posed—and answered in the long debate over the introduction of Special Drawing lights. Again, the United States joined enthusiastically in a deliberate decision to seek a broader, multilateral base for reserve creation, building on the mechanism of the IMF.

I recognize, of course, that the monetary system established at Bretton Woods did not abrogate the reality that the U.S. emerged from World War II as the principal producer of many goods in a war-shattered world. Our allies and former enemies alike lacked the financial resources to buy those goods or rebuild their economies.

Our interests and compassion combined to provide vast resources devoted to reconstruction through the Marshall Plan and otherwise. New trading arrangements were put in place and codified in the General Agreement on Tariffs and Trade.

The competitive recovery of other countries was speeded by a series of large devaluations of other currencies in 1949 and thereafter. We came to acquiesce in restrictive practices by many countries. Investments by our industry overseas were strongly encouraged by our tax and other policies. And, as the need for financial assistance tapered off in Europe, we pioneered in assistance to the developing world. At this point, there was a shortage of, and a cry for, the U.S. dollar.

I recite this brief record not to elicit either praise or thanks. My point is simple. We have consistently felt through the years that our basic national interest lies in an outward orientation of economic policy—alert and responsive to the needs of others.

Today:

The U.S. continues as the major capital exporter;

We make heavy outlays for defense costs in Europe;

The aid burden remains large, despite increasing participation by others.

As any nation, it might have been possible for us to redress our payments balance sharply and decisively by turning inward:

By heavily protecting our markets;

By sharply cutting our aid, and

By retreating into a "Fortress America."

But we refrained.

Our markets have remained among the most open in the world, in the face of massive increases in imports. We have supported the growth of the Common Market, despite its commercial and economic costs. We led repeated efforts to cut tariffs multilaterally, while continuing to accept the pleas of Japan and the Common Market that major areas of their economies should be shielded from international competition.

I leave it to others to judge whether the policies of the United States for more than the past quarter century have been benign. But I submit they have not been policies of neglect.

We are now dealing with not one but two problems simultaneously in the interest of the monetary system and, more broadly, a liberal trading order.

I refer first to our underlying deficit—running at $2 to $3 billion a year.

The second problem is one of enormous short-term money flows. In a sense, it grows out of the success in achieving broad, fluid, and integrated international capital and money markets throughout the free world. But now we see signs that the child of success is threatening the mother that nurtured it—the system of fixed exchange rates and freely convertible currencies.

Neither of these problems is uniquely American. We must all be concerned with the stability of the system, and the stability of the dollar that is a cornerstone of the system—whether we planned it or not and whether we like it or not.

The relevant issue is not to fix blame for how we got where we are—and then engage in destructive recriminations. We need a more constructive approach. Let us fix national responsibilities to deal with the problem now and in the future—responsibilities that can realistically be met because they are well rooted in present circumstances and present capabilities—not those of the first Postwar decade.

Let us, too, identify and undertake those joint actions necessary to deal with short-term flows—without in the process tearing apart the essential fabric of the system and institutions that serve us all.

Our own responsibilities are clear enough. The largest trading nation and custodian of the reserve currency is properly asked to meet high standards of economic performance. Prosperity and price stability are essential ingredients of that performance.

In the late 1950's and early 1960's we did achieve virtual price stability. Our current account reflected the benefits. I fully recognize that in more recent years our record has been a less happy one.

But the fact is that we had the will and the courage during the past 2½ years to bring our inflation under control by stern fiscal and monetary policies. Specifically, we raised taxes, and in 1969 and early 1970 money was tighter and interest rates higher than in any time in the last 100 years.

The domestic cost has been heavy. Excess demand has given way to economic slack, low profits, and unemployment of five million people, more than the entire labor force of the Netherlands, Belgium or Switzerland.

Inflation has been slow to yield—but it is yielding. Now tight money and fiscal restraint have been replaced by ease and stimulation. In the circumstances, is this wrong? I think not. Certainly, it would make little sense to ask for high interest rates in the United States at the expense of more unemployment, and at the same time bless higher rates of interest abroad because other nations believe it is in their interest to use that weapon to combat inflation.

Inflation has contributed to the prolongation of our balance of payments deficit. But it is far from the only factor.

Specifically, we today spent nearly 9 percent of our Gross National Product on defense—nearly $5 billion of that overseas, much of it in western Europe and Japan. Financing a military shield is a part of the burden of leadership; the responsibilities cannot and should not be cast off. But 25 years after World War II, legitimate questions arise over how the cost of those responsibilities should be allocated among the free world allies who benefit from that shield. The nations of western Europe and Japan are again strong and vigorous, and their capacities to contribute have vastly increased.

I find it an impressive fact, and a depressing fact, that the persistent underlying balance of payments deficit which causes such concern, is more than covered, year in and year out, by our net military expenditures abroad, over and above amounts received from foreign military purchases in the U.S.

A second area where action is plainly overdue lies in trading arrangements. The comfortable assumption that the United States should—in the broader political interests of the free world—be willing to bear disproportionate economic costs does not fit the facts of today. I do not for a moment call into question the worth of a self-confident cohesive, Common Market, a strong Japan, and a progressing Canada, to the peace and prosperity of the free world community.

The question is only—but the only is important—whether those nations, now more than amply supplied with reserves as well as with productive power, should not now be called upon for fresh initiative in opening their markets to the products of others.

Is it natural or inevitable that fully 30 percent of Japanese exports go to the U.S. market—or do restrictions in Europe help account for the direction of that flow?

After years of income growth averaging more than ten percent, should not the Japanese consumer have free access to the products of the outside world?

Must Canada maintain tariffs on private purchases of U.S. autos at a time when a balance of payments surplus has resulted in a "floating" exchange rate?

Is it right that United States agricultural products find access to the densely populated continent of Europe increasingly limited?

I would suggest that all of these, and more, are proper matters for negotiation and resolution among us on a more equitable basis.

On the side of financial policy, I think we have all become more aware of the limitations placed on coordinated action by domestic policy requirements. Repeated reference has been made in this conference to the difficulties—with the best will in the world—of synchronizing international monetary and fiscal policies. The hard fact is that the business cycle is not uniform from country to country—indeed, it is perhaps fortunate that it is not.

In these circumstances it is still a dream—a worthy dream to be sure, but no more than that—to achieve a common level of interest rates. There are large disparities today—there have been before—and there will be again. If we are not all to take refuge behind a shield of comprehensive exchange controls or split exchange rates, money will move from nation to nation, and often in larger volume and faster than we would like to see.

Here is a clear and present danger to our monetary system. We must reconcile the stability needed to facilitate trade and investment with the flexibility needed to cope with massive flows of funds, actual and potential.

I am convinced the solution cannot be one-dimensional. And I will not now attempt to set forth a finished blueprint for a comprehensive approach.

But two lines of attack seem to me both promising and potentially practical. In combination, they could go a long way.

Flexibility is essential. This requires a certain elasticity in financing. Much has been done already on an ad hoc basis.

In the present situation the U.S. has made clear its willingness to help by absorbing some funds from the Eurodollar market or elsewhere, recycling these funds to the U.S. before they reach official hands abroad. The recent short-term borrowings of $3 billion by the Treasury and the Export-Import Bank are a case in point. In specific instances, additional dollar investment outlets tailored to the needs of central banks might have a useful subsidiary role. At the same time, we have a right to anticipate that other central banks will not themselves add to the market supply of dollars by contributing to the multiplication of Eurodollars.

Further exploration of these matters needs, and is receiving, urgent attention. Moreover, in the interest of both equity and financial order, we must ask ourselves whether the Eurodollar market should be accorded a position free of supervision and regulation which we deny to our domestic banking systems.

Secondly, in the light of recent pressures, the question of codifying a degree of additional flexibility with regard to exchange rate practices is clearly relevant. De facto events have brought some elements of flexibility. But I doubt that any of us could be satisfied with the variety of response to the imperatives of speculative pressures.

The danger is plain. To revert to the use of exchange rates as a supplementary tool of domestic policy is fraught with danger to the essential stability and sustainability of the system as a whole.

As time and events change, we must respond with a recognition of mutual needs and confidence. We all recognize there is no more room for monetary or economic isolation.

It is to our mutual interest to work out the world's monetary problems so that trade and commerce may expand and thus support national needs.

Helpful to the solution of any problem is the understanding that there are necessarily some unalterable positions of any participant. Believing this, I want without arrogance or defiance to make it abundantly clear that: the Nixon Administration is dedicated to assuring the integrity, and maintaining the strength of the dollar.

We are not going to devalue.

We are not going to change the price of gold.

We are controlling our inflation. We also are stimulating economic growth at a pace which will not begin new inflation.

So far as other nations are concerned: We fully recognize you are not willing to live with a system dictated by the United States.

But, as you share in the system, we have the right to expect more equitable trading arrangements.

We also expect you to accept the responsibility to share more fully in the cost of defending the free world.

Finally:

No longer does the U.S. economy dominate the free world. No longer can considerations of friendship, or need, or capacity justify the United States carrying so heavy a share of the common burdens.

And, to be perfectly frank, no longer will the American people permit their government to engage in international actions in which the true long-run interests of the U.S. are not just as clearly recognized as those of the nations with which we deal.

And it is with this understanding that I say to you that increased cooperation among us all must play a key role in maintaining a stable monetary system.

You can be assured that we will do our part.

THIRTY-FIRST ANNIVERSARY OF THE DEPORTATION OF LITHUANIANS TO SIBERIA

Mr. PROXMIRE. Mr. President, in June of 1940, 31 years ago this month, the armed might of Soviet Russia overran the Republic of Lithuania and wiped out the independence of the small nation. It was the tragic climax to 22 years of independence, won by the Lithuanian people in 1918–19 after centuries of alien rule.

The occupation of Lithuania was a prelude to the grim days in which the land became a battleground for German and Russian Armies. Continued Soviet occupation following World War II has perpetuated the eclipse of freedom in Lithuania.

An especially tragic aspect of that first Soviet conquest 31 years ago was the ruthless deportation of innumerable thousands of Lithuanian citizens to the prison camps of Siberia. It was on June 15, 1940, that the deportations began. Inevitably, much of what happened took place in secret, closed off to the outside world. It is clear, however, that there was a concerted policy to destroy the foundation of Lithuanian national, cultural, and political independence. It must be said today that, despite this sad story, that policy has failed.

The spirit of freedom is alive in captive Lithuania and among Lithuanians everywhere who share that fierce pride in language and tradition which, under God, has preserved the Lithuanian heritage. The memory of the victims of the 1940 deportations is fresh among Lithuanians throughout the world. We pray that their suffering shall not have been in vain, and that the spirit of freedom which they embodied may continue to flourish until at last the Lithuanian people are able to enjoy their rightful heritage among the free peoples of the world.

CONSUMER BANKRUPTCIES

Mr. SAXBE. Mr. President, I, along with many of my colleagues, have frequently taken the floor of this body to decry the runaway costs of medical care in the country today. I have also discussed the problems connected with delivering health care to those who need it most, and I have called for new legislation affording some kind of national health insurance that goes well beyond what is available today.

In that connection, I want to call attention to a letter I received recently from a bankruptcy referee in my own State. The letter and a group of cases included in it point up one of the aspects of the problem today. In brief, the letter notes that of 60 consumer bankruptcy cases heard in the writer's district during a random week, 16 were directly due to hospital, doctor, and prescription bills. Moreover, in each of the cases, the medical bills result from no medical insurance or inadequate coverage. Further to update this letter, its author informs me that eight cases out of 30 heard Monday and Tuesday of this week have resulted from insufficient insurance coverage.

I ask unanimous consent that the letter be printed in the Record, along with the 16 cases covered.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 18, 1971.

Hon. William B. Saxbe,
U.S. Senator,
U.S. Courthouse,
Columbus, Ohio

Dear Senator Saxbe: As a part of my duties as Referee in Bankruptcy, I am required to inquire into the causes of the bankruptcies that come before me. Aware of your sponsorship of pending Senate Bill S-3, I surveyed the 60 consumer bankruptcy cases heard in this district and division of the Court during the week of April 12 through 16 and thought you might be interested in the results.

As the appended list shows, of the 60 consumer bankruptcy cases 16 were directly due to hospital, doctor and prescription bills. I have included only those cases where the bankrupts said that were it not for medical bills they would not have been forced into bankruptcy and where the medical bills themselves totalled more than half the bankrupt's unsecured debts. In each of these cases the medical bills result from no medical insurance or inadequate coverage.

My experience over the past four years indicates that this is a typical week's cases. Moreover, the list does not include those cases where the bankrupt has gone to a finance company or a credit union to obtain an unsecured loan to get the hospitals off his back and later the collection tactics of the finance company cause bankruptcy, nor does it include cases where the bankrupt mortgaged his car or furniture for a secured loan to pay his medical bills and then cannot keep up the payments, nor does it include cases where the bankrupts say medical bills were the cause, but such direct bills are less than half their unsecured debts, nor does it include cases where the collection practices of hospitals have forced the bankrupt to this Court to save his job threatened by garnishment, nor does it include those cases where hospitalization was adequate, but the family went into debt while the breadwinner was off work. All of these latter situations are frequent causes of bankruptcy, but cannot be as easily documented in the short time we have for hearings. In other words, this list is the top of the iceberg which as a whole would include all those persons who have been forced to the ultimate extreme of bankruptcy because of inability to provide for unexpected medical bills. These are persons who would have been able to pay their other creditors, but for the pres-to provide for unexpected medical bills. themselves. Having taken bankruptcy, nearly all their debts are discharged, much to the distress of many of their other creditors, as well as the bankrupts themselves who stand to lose a great deal in these proceedings.

I trust this information may be of some use to you.

Sincerely,

John J. Dilenschneider.

In the U.S. District Court for the Southern District of Ohio, Eastern Division

Bankruptcy cases heard April 12-15, by Referee John Dilenschneider.

Total cases heard—60.

Cases in which medical bills were primary cause of bankruptcy—20.

Cases listed below where bankrupt had no hospitalization or inadequate hospitalization—16 out of the 20:

Case No. 1, unemployed at time of illness so no hospitalization.

Case No. 2, husband was employee of a small painting contractor who did not offer hospitalization.

Case No. 3, bartender, no hospitalization.

Case No. 4, "We had old Blue Cross plan. It hardly paid anything."

Case No. 5, factory worker, unclear whether employer did not offer or he did not take hospitalization.

Case No. 6, his company was a self-insurer, and he was on strike when his wife had the baby with complications. Company would not cover medical bills.

Case No. 7, claims that he had insurance, but that it was insufficient.

Case No. 8, four jobs in the last two years. "Did not hold a job long enough to get hospitalization."

Case No. 9, nine children—no hospitalization. Total unsecured bills—$4723.11; total medical bills—$3339.60.

Name	Total unsecured bills	Medical bills	Comment of bankrupt
Case No.:			
10......	$6,240	$3,492	Cemetery worker, no hospitalization.
11......	5,437	4,185	State employee, hospitalization no sufficient.
12......	3,726	3,200	Worked for auto wrecking firm, hospitalization not available.
13......	3,276	1,809	Worked for Marietta Metal. Aetna coverage was $19 a day. Room cost $34 a day.
14......	2,233	2,042	Insurer refused to cover these bills.
15......	2,014	1,931	Medical bills from nervous breakdown. Blue Cross-Blue Shield would not cover.
16......	1,800	1,750	Worked for a small lumber company that did not offer hospitalization.

GENERAL REVENUE SHARING

Mr. STEVENSON. Mr. President, when I opened the Washington Post this morning, I found in the letters column a communication by Wilbur Cohen on the subject of general revenue sharing. Mr. Cohen, the former Secretary of Health, Education, and Welfare, has been in the forefront of many successful efforts to design and legislate intergovernmental programs in health, education, and income maintenance. With his many years of experience, Mr. Cohen strenuously questions the desirability of general revenue sharing.

Mr. President, I ask unanimous consent that the text of Mr. Cohen's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Former HEW Secretary Cohen on General Revenue Sharing

According to the advocates of general revenue sharing, it is legislation to provide federal funds to states and localities *without any string attached,* without any standards.

I am unalterably opposed to such legislation.

It is unconscionable, in my opinion, to support federal legislation to give governors and mayors, and their legislative bodies, absolutely complete discretion to spend federally raised money any way they see fit without any standards, requirements, criteria, or accountability to the Federal Congress.

With all the tremendous social and economic needs we have in this country, there must be some priorities and conditions in any federal revenue sharing legislation to guide the state and local people who will spend the federal money.

In addition, why should federal taxes go to help a state like Ohio when they don't have a state income tax and have the lowest tax effort in relation to income of any state? General revenue sharing as now proposed would help those who don't help themselves. Before any general federal funds are given, the state should at least have a state income tax. Under general revenue sharing a state could use the new federal money to reduce or eliminate its state personal income or corporation tax if it wished. This doesn't make sense. It sets up the wrong incentives.

There is no guarantee in general revenue sharing proposals that minority groups would get their fair share of the federal funds. Nor is there any guarantee that the poor and disadvantaged would get their fair share. All the federal funds could be used for high income persons or for low priority projects or as a substitute for existing state and local expenditures.

In my opinion, any federal revenue sharing proposal should include requirements for merit selection of personnel, and ways to effectively trace the federal funds, and performance or budgeting requirements. The requirement in most pending proposals is that the federal money be spent or given away in almost any manner whatsoever. Is this a responsible way of developing federalism in terms of effective federal-state-local partnership? Of course not. It would probably result in graft, collusion, misunderstanding, and undermining faith in federal as well as state and local government. It is a most unsound, unfair, and corrosive proposal being advocated by people who otherwise are arguing for responsibility and specificity in business contracts. Why not apply these same principles to general federal revenue sharing?

I am strongly in favor of additional federal aid to the states and localities but only on condition that the ways in which the federal money can be used are clearly specified in the federal law and there is accountability by the states and localities to the Congress and the General Accounting Office as to the use of the money.

I sincerely hope the Congress will not vote to enact general federal revenue sharing as long as the principles and specifics of any proposals are unsound, unwise, and unpolitic, as those which existing proposals appear to advocate.

Wilbur J. Cohen,
Dean, School of Education, The University of Michigan.
Ann Arbor.

UNITED STATES-JAPAN RELATIONS DISCUSSED BY PRESIDENT OF KEIDANREN

Mr. HATFIELD. Mr. President, today Mr. Kogoro Uemura, president of the Japan Federation of Economic Organizations—known as the Keidanren—addressed the Eighth Japan-United States Businessman's Conference, which is meeting in Washington.

Mr. Uemura has had a distinguished career as a Japanese businessman, and is a highly respected gentleman. His remarks discussed the state of United States-Japanese relations today, and he addresses some points of misunderstanding among people in this country about the role of Japan in the world business community.

I believe Mr. Uemura's remarks are worthy of our thoughtful review and consideration. As a Senator from the Northwest, I will pay particular attention to the points he makes. We in Oregon have deep ties, both on a business and a personal basis, to Japan.

I call the attention of my colleagues to Mr. Uemura's comments. I ask unanimous consent that the speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CHALLENGE FOR RESPONSIBLE PARTNERSHIP

(By Kogoro Vemura)

Ladies and Gentlemen: I am very honored to have the opportunity to speak to such a distinguished audience. It is particularly gratifying to talk with people who share the same concerns, if not the same viewpoints, on U.S.-Japanese relations. What I offer today is my share of bricks to help construct a balanced consensus on economic relationships across the Pacific. Believing as I do that honesty is the shortest route to understanding, I intend to avoid fancy rhetoric and grandiose words. Instead, I will frankly bare my thoughts on the serious concerns held by the Japanese on the current state of our bilateral relationship.

My prime concern is this: a growing number of people in your country apparently view Japan as an emerging super economic power seeking to dominate world markets. According to this view, the Japanese government instructs and helps business interests to attack overseas on a market-by-market basis, subsidizing exports while protecting its own market from trade and investment from abroad. The government is seen as imposing an all-encompassing web of administrative guidance. Japanese announcements of liberalization are viewed as inadequate at best, and a mockery at worst. Japan, the criticism continues, aspires to dominate the U.S. economically and eventually the world.

I sincerely hope that the U.S. does not base its policy on such a distorted view of the realities of Japan. Let me ask you to join with me in shaping a sound sense of realities on both sides of the Pacific. In my view, this is the greatest challenge facing us today.

JAPANESE ECONOMY

There seems to exist a puzzling contrast between the views of Americans and Japanese regarding the economic power of our two nations. On the one hand there is the towering trillion dollar economy of the United States supported by 200 million Americans. On the other hand, we Japanese wonder how 100 million Japanese, with five times as long a history of civilization, have only reached one fifth of the economic size of the U.S. in 1970. And we ask why do Americans seem to have such a sense of alarm at the prospect of being caught or even surpassed by a small island nation with practically no natural resources?

The real GNP increase of the U.S. for this year is estimated at $40 billion, twice the increase ever attained by Japanese economy. Indeed the United States economy, in simple dollar and cents terms, is steadily outgrowing and outdistancing Japan. The absolute gap in GNP between the two countries has widened from $461 billion in 1960 to $765 billion in 1970, and during the same period the gap in per capita income widened from $1,938 to $2,505. The average productive capacity of the Japanese, as expressed by per capita GNP, is still lower than West Germany, France and Great Britain.

The Japanese economy is now facing new challenges on three fronts: labor shortages, severe environmental problems, and an increasing difficulty in finding an adequate supply of industrial resources at stable price levels. The problem of pollution in Japan is even more difficult than in the U.S. because of our sharply limited land area. Japan is smaller than the state of Montana, and only 16 percent of the land is flat space, within which all manufacturing plants are located. (Moreover, many pollutants are in essence unused raw materials, which we simply cannot afford to lose.)

Japanese are becoming keenly sensitive to improving the "quality of life". The government is formulating a new indicator showing net national welfare (NNW), reflecting general dissatisfaction with the GNP. Our limited space reduces our capacity to import coal, lumber and pulp and many types of minerals and oil, simply because we don't want to clog our ports, harbors and inlets. Countries with rich natural resources are increasingly reluctant to part with them in crude form. Clearly the trend is towards less-polluting and less-energy consuming types of industries.

The prospect is that knowledge, information, education and communication will become key industrial terms in Japan, not only because they satisfy the increasingly sophisticated needs of industry and society, but also because they are highly adapted to a country with stringent limits on domestically available industrial space and resources. Growth rates will gradually decline as Japan shifts from a manufacturing-oriented economy to a service-oriented economy. Government expenditures on social infra-structure and personal consumption will soon outrank industrial investment as a factor in economic growth.

The extension this August of preferential tariff cuts by Japan to developing economies will accelerate this metamorphosis of the Japanese economy. We are already exporting jobs to developing countries, and we consider this to be a sound policy.

A consultative body of the Ministry of International Trade and Industry, of which I am the current Chairman, recently came out with a proposal calling for a shift of national priorities from growth-seeking to growth-utilizing. It urges reducing the work week to 35 hours, spending $500 billion this decade to improve the infrastructure, putting 8 percent of new investment into anti-pollution facilities, and greatly expanding university attendance and investment in research and development. It also recommends an increase in economic assistance to less developed countries to about $7.5 billion by 1980. I anticipate that there aims will be realized.

The rate of private investment in productive facilities within the country is now seen as stabilizing after rising steadily during the past two decades. Instead, more and more productive facilities will be transferred to developing countries. It is estimated that Japan will have exported $26 billion of capital abroad by 1980.

We have never failed to appreciate the fact that during our process of economic development we have been greatly indebted to the liberal trade policy of the United States. We will try our utmost to do the same to help the developing countries, being keenly aware that our own peace and prosperity depend on the economic stability of our neighbors. Our annual aid to LDGs is currently close to half that of the U.S. and we will more than triple our efforts in this area by the end of this decade.

FOREIGN TRADE

The impact of this trend on Japanese trade is obvious. Japan is already becoming a large importer of labor-intensive goods. As trade liberalization proceeds, coupled with the starting of preferential tariff cuts, this trend will be extended to more sophisticated light industrial products and then to all manufactured goods. We intend to deal with the short-term domestic disallocations caused by these developments through adjustment assistance and shifts to higher technology industries.

In the past, Japan extended substantial efforts to export in order to pay for imports of food and raw materials needed to sustain the life of her people. Nevertheless, Japan's current ratio of exports to GNP is less than 10 percent, lower than any industrial nation in Europe. Japan actually ranks no higher than 62nd in this respect among 76 member nations of the IMF. Clearly, then, the current image of Japan in this country as an export-crazy nation is a serious distortion. And as the structural shift of our economy proceeds, the Japanese preoccupation with keeping enough dollars in foreign exchange reserves to protect the people and industry in case of emergency will rapidly recede.

UNITED STATES-JAPANESE TRADE

Now I enter a difficult area. Japan's bilateral trade balance with the United States has been steadily in our favor since 1965. The trade balance, however, should be viewed multilaterally as well as in conjunction with other balance of payments factors.

As the pattern of U.S. balance of payments steadily approaches the stage where net income from overseas investments exceeds the net outflow for overseas investment, the economies of other countries, especially those in developing regions, will increasingly be strained if the U.S. insists on having a large surplus in its trade account. It is also important to remember that when Japan imports oil and minerals in third countries, in many cases we are paying the U.S. subsidiaries located in these countries.

However, we are not unmindful of the U.S. wish to restore its bilateral balance with Japan. I will be delighted to see more imports from the U.S. This is already happening. Last year U.S. exports to Japan jumped 33 percent over the previous year. In fact, the rate of increase in U.S. exports to Japan between 1960 and 1970 far surpassed that to any single important trading partner of the U.S. The competitive ability of the U.S. is undoubtedly strong. Even in the inflationary year of 1970, the U.S. increased its total exports by $5.2 billion, while Japan's record annual increase last year was far lower at $3.4 billion. The liberalization of 40 items by September, coupled with the expected upturn in the Japanese economy in the second half of this year, is bound to help U.S. exports to Japan.

Aside from the balance of payments, the U.S. has a legitimate concern about unemployment due partially to imports. In such cases, the importing country has an obligation to provide assistance to affected workers in accordance with its own domestic regulations. When the importing country has explored the possible means of adjustment and relief, and the problem still persists, the exporting country (or industry) should render reasonable cooperation. It is in this spirit that the Japanese steel industry has voluntarily restrained its exports to the United States for three years, and is now negotiating a two-year extension of restraints in cooperation with the U.S. It is also in this spirit that Keidanren is now proposing "responsible marketing", taking into full account the business environment for trade.

Now the Japanese textile industry has announced its intention of restraining exports to the U.S. The industry did this despite great reservations. It was not convinced that Japanese textile imports, which amount to less than two percent of the U.S. market, could be a major cause of economic problems, nor was it persuaded that the existing avenues for domestic relief had been fully explored.

The Japanese government is supporting the plan and is going to extend compensation to domestic textile firms which will be affected by the restraints. It plans to spend over $200 million from the national budget for this purpose. In other words, each Japanese citizen is paying two dollars to the government to defray the commercial costs of restraining textile exports. Moreover, Canada, Australia and South Africa are already demanding that Japanese restraints on textile exports be extended to them. While these restrictions are being prepared, Japan's imports of textiles products have been increasing by 46 percent annually in the last five years.

TRADE BARRIERS

In a broader area of U.S.-Japan trade, I must flatly deny any allegation that Japan is using unfair practices in pushing exports and curbing imports. The whole array of tax incentives to export which were once so necessary to us have been steadily dwindling since 1964. They were sharply cut again in April of this year. In financing, the continued lowering of general interest rates in the past two years has reduced to a negligible amount the preferential margin between export and regular financing. Within a matter of weeks the government will announce the complete removal of the remaining preferential margin.

I am frankly perplexed at the image being created here that Japanese government officials instruct private firms on where and how to concentrate their export efforts. If business decisions and technological development were as easy as bureaucratic desk work, and if the so-called "Japan, Inc." exerted the power now being attributed to it, Japan would by now have attained the world's highest ratio of exports to GNP. No administrative guidance instructed Japanese electronic producers to make small TV receivers. Neither do I know of any government official who directed shipbuilding companies to develop unique welding techniques. The man-hours required in producing one ton of steel is now lower for Japan than in the U.S. There is no government intervention involved here.

On the import side, we are rapidly reducing both tariff and non-tariff barriers. Japan carried out its accelerated implementation of the final stage of Kennedy Round tariff cuts on April 1 of this year. In addition, Japan has unilaterally lowered the duties on 38 important items, such as color film, TV, automobiles, glass, cooking heaters, refrigerators, etc. to levels far lower than agreed during the Kennedy Round.

On non-tariff barriers, we have labored hard in the past two years to reduce the number of restricted items from 120 to 80. The number will go down to 60 within a few weeks and then to 40 at the end of September this year. The government is now formulating a schedule for the removal of 10 additional items from restriction. I admit that the tempo of liberalization was slow until 1969. We started liberalization in 1960, when our annual per capita income was $356, or less than one tenth of the U.S. level today. But we will have gotten rid of restrictions on nearly all of 1,097 items by September of this year. Beyond that we are determined to push for post-Kennedy Round reductions in tariff levels and the removal of remaining non-tariff barriers. We will do so, multilaterally, bilaterally *and unilaterally*.

Some Japanese cite dozens of European quotas aimed specifically at Japanese imports, and we feel less guilty about Japan's own trade restrictions. I think this is a backward view. Other Japanese cite the considerable list of U.S. restrictions against Japanese imports in the form of voluntary restraint arrangements including steel, cotton textiles and sundries. About seventy items are involved, and after July 1 the number will reach nearly a hundred when textile export restraints go into effect. I contend, however, that if we maintain our trade restrictions simply because other countries do so, we are only penalizing ourselves by reducing the efficiency of our national economy. Every trade barrier is an invisible tax on consumers and on industries in need of imports.

DIRECT INVESTMENT

Of a total of about 600 industrial categories, 530 are now open for foreign capital investment—77 for 100 percent foreign ownership and the rest for 50 percent ownership. The U.S. is urging equal treatment in direct investment, pointing out that Japanese can build plants anywhere in the U.S. quite freely. But most Japanese companies do not feel they have the financial, technological, managerial or personnel resources to set up plants in the U.S. Some do not see any wisdom in doing so. I can't deny the fact that Japanese enterprises are still awed by the sheer size of U.S. corporations. As late as last year, the largest Japanese firm had annual sales of less than one fifth the largest U.S. firm. In fact there are only a dozen plants in the U.S. of modest scale owned either singly or jointly by Japanese firms, while there are already hundreds of manufacturing plants in Japan either singly or jointly owned by U.S. firms. Current U.S. direct investment in Japan is estimated at about $1.5 billion, while Japan's direct investment in the U.S. is about one eighth of this level.

Nonetheless, we are not averse to opening the door wider to foreign capital. Within two months the government will implement the fourth round of liberalization, which opens almost all industrial activities for foreign investment, except public utilities, real estate, nuclear power, security-related products and a very few other industrial activities. The U.S. also restricts foreign participation in most of these industries either by Federal or state laws.

The merit of the free movement of goods and services in international trade is well established, but the picture in investments is not so clear. An increase in real income in the host country (or indeed, even in the home country of the investor) may or may not result. And even where the economic merit is proven, there is still a deep-rooted concern over a "cultural takeover" of the Japanese way of life by a foreign way of life. Transnational investments are indeed transfers of the totality of managerial resources, and are bound to have influence on local business practices, employment patterns, working rules, community relations and the sense of participation among workers. This is a profound social and political hurdle in such a homogenous nation as ours. This cultural and psychological factor also explains the Japanese insistence on equal ownership. The principle is frankly based on the belief that foreign influence can be moderated by this formula. We ourselves want to proceed on this formula when we invest abroad.

I also believe it to be commercial wisdom on the part of incoming enterprises to accept the 50–50 principle for the time being. The Japanese business environment is so different that U.S. enterprises can learn a great deal from Japanese partners about local customs, and surely the Japanese partner has much to learn from the U.S. partner. Let me assure you, however, that after the fourth round of liberalization, 100 percent foreign ownership will progressively be open for additional industrial categories, as the process of cultural assimilation proceeds. In the meantime, I urge restraint on the part of international corporations. As first-class citizens of the business world and roving ambassadors for free trade, they should be constantly seeking to harmonize with the communities in which they operate.

DOLLAR AND YEN

If there is any single major country whose economic destiny is inextricably tied to the strength of the dollar, it is Japan. We can't afford to rock the dollar boat. Many countries have a golden life preserver, but our gold holdings are less than 10 percent of our foreign exchange reserves. The Bank of Japan thus has a great stake in supporting the value of the dollar.

On the other hand, if we continue to allow wage increases to exceed productivity increases and to align exchange rates to the currency of a country where the gap between wages and productivity is substantial, some day we will find the currencies of the free economies depreciated against those of the planned economies. The major nations of the world should not benignly neglect the world-wide problem of inflation, but should cooperate in removing its cause and in preventing its contagion.

It is also important to maintain some sort of restraint on the free movement of hot money. Although I support the case for liberalization of long-term investments, I have serious reservations about freely permitting national economies to be affected by a whimsical international flow of short-term capital. Suggestions as to a change in dollar-yen parity disregard the fact that such a move would not have any impact on the 50 billion Euro dollars currently threatening international monetary stability.

CONCLUSIONS

In conclusion I urge the Japanese and American business communities to exert moderation and restraint in pushing their respective economic interests, whether they be in exports or in direct investment, lest we undermine the social, cultural and political environment for business in both countries needed for steady economic progress. I am not seeking to create a clubhouse of mutually indulgent friends. We welcome challenge, but at the same time it is the responsibility of the two business worlds not to endanger the greater possibilities for our two nations to play a joint role in helping developing countries, in building bridges between ideologies and in exploring unknown potentials in space, sea and earth. Beyond that, we are anxious to have close spiritual ties with the people of the United States. All our efforts here and in Tokyo are based on the belief that an awakening of the sense of common destiny transcends all other interests, however important they may seem to be.

LITHUANIA

Mr. CURTIS. Mr. President, just 31 years ago today—on June 15, 1940—a sequence of events was set in motion ending in one of the great, silent tragedies of modern history.

Perhaps history has ignored the destruction of Lithuania because the victim was such a small nation. Or perhaps historians have simply turned their heads, preferring to look in the other direction when these sad events are brought up for examination.

Whatever the reason, Mr. President, the fact remains that too few remember or commemorate the death of Lithuania. Even fewer care to consider the agonies of that tiny country during its death throes.

To put the events of June and July 1940 in their proper perspective, it must be noted that Lithuania has had a long and cruel history. Caught as it was between the warring armies of the great powers of Europe—Russia, Poland, Germany—the Lithuanians for a millennium fought bravely and continuously to establish their freedom and their sense of identity.

Not until the close of World War I did the Lithuanian people gain their freedom. They became at long last a nation with its borders guaranteed by the great powers of the world.

Such guarantees had little meaning, however, when the rapacious eyes of the Soviet Union fell upon its small neighbor. In 1920 Russia "annexed" the Province of Vilnius.

At the outset of World War II, when Stalin and Hitler partitioned Poland, the Soviet Union forced upon the Baltic countries—Lithuania, Estonia, and Latvia—so-called mutual assistance treaties. The idea was to "protect" these countries from Germany. Under these treaties Lithuania was forced to accept a garrison of Soviet troops under the pretense they were protecting Lithuania from the Nazis.

Even these pretenses fell away, in June of 1940. Soviet propaganda against Lithuania was stepped up. The Lithuanians were accused of conspiring against their friends and protectors.

Finally, on June 15 the blow fell. Lithuania was given an ultimatum to form a new government that supported the Soviet Union.

Antanas Smetona, President of Lithuania, fled to the West and came to the United States. Others in the Government were not as fortunate. They were captured by the Soviet Army and transported to Siberia where they were placed in forced labor camps.

They were soon joined in those hideous slave camps by thousands upon thousands of their countrymen in one of the worst mass transportations of population in modern history. Nobody knows exactly how many hundreds of thousands of Lithuanians were forced from their homes and their homeland and removed to the bleak and desperate climate of Siberia to be worked as slaves in coal mines, lumber mills, and on farms. The wastelands around Vorkuta Prison Camp are filled with the unmarked graves of countless Lithuanians who died of starvation, overwork, or exposure to the vicious elements.

Mr. President, June 15 is an infamous date for the Lithuanian people. It is a day all free men should recall if only to remind themselves that freedom is a precious thing, and that freedom is fragile. It is too easily lost, and too easily shattered.

Lithuania has largely been repopulated by Russians. It is incorporated, physically, within the Soviet Union and has no political or geographic identity of its own.

But in the hearts and minds of many thousands of Americans of Lithuanian extraction, that tiny country still lives. They hope against hope that freedom once again will be restored to their people. They work to that end.

We must never forget these people, nor must we ever forget the deep and burning desire that remains within them to see freedom once again flourish.

PRESIDENT NIXON'S CALL FOR A NATIONAL CONFERENCE ON CORRECTIONS

Mr. HRUSKA. Mr. President, President Nixon has called upon the Attorney General to plan for a National Conference on Corrections this fall. I have a letter from the Attorney General enclosing a copy of the President's memorandum to him on the subject, and noting that the conference grows out of discussions on the subject this Senator has had with the Attorney General and others in the past.

I ask unanimous consent, Mr. President, to have printed at this point in my remarks the text of the Attorney General's letter, and the President's memorandum of June 10.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 10, 1971.

Hon. ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: I am enclosing a copy of a memorandum I have received from the President requesting that I begin planning for a National Corrections Conference to be held in the Fall.

This conference, as you know, grows out of the discussions you and I have had regarding the need to share with the criminal justice community the progress made over the last few years and plan for a course for the future. Because of your leadership in this important area, I will again be asking for your advice and assistance as we proceed with the plans for the conference.

It is our hope that the conference can achieve the splendid success enjoyed by the recent National Conference on the Judiciary held this Spring in Williamsburg, in which you were a participant.

With warm personal regards,
Sincerely,

JOHN MITCHELL,
Attorney General.

THE WHITE HOUSE,
Washington, June 10, 1971.

MEMORANDUM FOR THE ATTORNEY GENERAL

In my memorandum to you of November 13, 1969, I noted that the American system for correcting and rehabilitating criminals presented a convincing sense of failure.

In that memorandum I directed you to take action across a broad front to improve the situation.

As you have advised me, we have organized federal efforts for a total attack on this problem, and there already have been substantial achievements. For the first time in the history of our country the Federal Government is not only committed to improving our entire corrections system, but has acted as well.

I am, therefore, requesting you to convene a National Conference on Corrections this fall, similar to the National Conference on the Judiciary I attended earlier this year at Williamsburg, Virginia.

Interest in and concern about the state of our jails, prisons and correctional programs is widespread. The Chief Justice, the Congress, professional groups such as the American Bar Association, and state and local governments all share our desire to achieve progress in this important area. We should build on this community of interest.

As we well know, progress cannot be measured by expenditures alone. Yet it is encouraging to note that the Bureau of Prisons has increased its funding from $69 million in Fiscal 1969 to a request of $194 million in Fiscal 1972, and is moving ahead at my direction to make our federal prison system a model for the nation. The Law Enforcement Assistance Administration is writing a splendid chapter in corrections improvement. LEAA funding for corrections has increased from $2 million in Fiscal 1969 to $59 million last year to $178 million this year. As those figures show, LEAA has made corrections improvements one of its top priorities.

Other departments are also increasing their commitment to these and related problems. It is time we shared this progress more fully with representatives of state and local criminal justice planning bodies, professional groups in the corrections field, and a variety of public service organizations. They should all be aware of what has been accomplished in the past two years, what is being done at present, and what is planned for the future through joint, federal, state and local efforts.

RICHARD NIXON.

Mr. HRUSKA. Mr. President, improving the correctional systems of this Nation from the first moment of confinement until parole or probation should be one of the high priority items for action by all levels of government—local, State, and Federal.

As Chief Justice Burger recently said:

> When a sheriff or a marshal takes a man from a courthouse in a prison van and transports him to confinement for two or three years, this is our act. We have tolled the bell for him. And, whether we like it or not, we have made him our collective responsibility. We are free to do something about him; he is not. If we fail, that bell tolls for all of us.

From the very early days of this Nation we have been guided too long, and unfortunately, by the basic philosophy that the best and most effective way to deal with criminal elements in our society is to lock them behind bars for long periods of time and do little or nothing for them during their imprisonment. We have paid far too little attention to attempt developing and implementing rehabilitative procedures that will pay dividends by returning useful and law abiding citizens to society, in such instances where such a result is likely or probable.

President Nixon commented on this failure of society when he said:

> Nineteen out of every 20 persons who are sent to prison eventually return to society. What happens to them while they are in confinement is a tremendously important question for this country.
>
> Are they effectively rehabilitated? In some instances, the answer is yes. But in an appalling number of cases, our correctional institutions are failing.
>
> The American system for correcting and rehabilitating criminals presents a convincing case for failure. No realistic program to substantially reduce crime can ignore the appalling deficiencies of our prisons and rehabilitation efforts.
>
> Today at least 40 percent of all offenders released from custody eventually return to prison.

This sentiment was echoed by Dr. Karl Menninger, the distinguished psychiatrist and author:

> Prison walls do not make people better. At worst they are crime schools. At best they give little opportunity for improved outlook during confinement and renewed hope for the future after release.

REHABILITATION VERSUS PUNISHMENT

Mr. President, experience has shown that far too many of our jails and prisons corrupt rather than correct; contaminate rather than rehabilitate. All too often, these institutions are socially infectious breeding places that stimulate criminal careers rather than instilling acceptable patterns of behavior and preparing convicts to return to a useful role in society.

Confining men under conditions which encourage idleness, brutality, and homosexuality can only serve to foster criminal behavior. So long as we permit recidivism to be the rule rather than the exception, crime will continue to increase.

Correcting criminal behavior is, and should be, the primary goal of our prison systems.

A recent poll seems to indicate that at long last the great bulk of our citizens are coming to realize that the primary goal of correctional institutions is to rehabilitate. Seventy-two percent indicate agreement with that philosophy in contrast to 7 percent who believe that punishment should be the chief goal.

Unless we change the offender while he is incarcerated, the prospects of his returning to society as a law-abiding and contributing citizen are remote indeed. The endless cycle of arrest, imprisonment, release, and rearrest has plagued this Nation for too long. It must be reversed.

The ability of a man who has committed a crime to stay out of trouble once he is released is directly tied to his ability to get and hold a job. Yet, the success of prisons in training convicts for jobs and their ability to get one in the field of that training has been notoriously low. Coupled with this has been the inability of the entire correctional process to get either the money or the staff to do the kind of work it ought to be doing.

The Joint Commission on Correctional Manpower and Training, created by the Congress 5 years ago, recommended that national and State leaders must appropriate much more tax revenue to the entire field of corrections. Its point is very simple: the number of men who make a career out of crime is not going to be reduced until the institutions of the correctional process—jails and prisons, parole and probation agencies—have the funds and the personnel to rehabilitate—rather than just confine and harass—those convicted of crime. The report says:

> The public and their legislators must understand . . . that there can be no solution to the problem of recidivism as long as harsh laws, huge isolated prisons, token program resources, and discriminatory practices which deprive offenders of employment, education, and other opportunities are tolerated.

CONGRESSIONAL INITIATIVE

Congress has recently taken two very important steps to try to accomplish this goal. In 1968, the Omnibus Crime Control and Safe Streets Act made limited resources available to the States for the improvement of prison facilities. However, under this act the greater emphasis was put on a wide range of law-enforcement activities, which of necessity meant that very little money was available for correction. During the first years of this program there was simply not enough money appropriated for the law-enforcement assistance program to make much of a dent in this very serious problem.

PART E FUNDING

Last year Congress approved the Omnibus Crime Control Act of 1970 which added a new part E to the 1968 act which authorized greater emphasis and priority for corrections. Under the terms of this section an amount equal to not less than 20 percent of the funds allocated for action grants must be devoted to "comprehensive statewide programs for construction, acquisition, or renovation of correctional institutions—and the improvement of correctional programs and policies." For the current fiscal year this means that almost $50 million will be available from part E funds for grants to States for corrections.

This figure for part E funds is expected to double next year and increase still more over the coming years as the moneys appropriated for LEAA increase. Fifty percent of these funds are to be used as block grants to State planning agencies; 50 percent are for LEAA discretionary grants.

One statistic will go far to illustrate the problems we face: The National Council on Crime and Delinquency reports that there are 358 State penal and correctional facilities for adults in the United States. Of these 61 were opened before 1900; 25 of those are more than 100 years old.

Less than 10 percent of the prison population of this Nation is housed in our Federal prison system. The great need is at the State and local level where an estimated 10,000 separate custodial institutions exist. Congress has taken, as I have said, two important steps to provide additional funds for the upgrading of these facilities and their programs. We will continue to do all that we are able. However, the public and elected officials at all levels must become aware of the magnitude of this problem and see that constructive action is taken.

Unfortunately, there are already more demands on our dollars than we can presently meet. This, of course, means that to allocate more money for corrections some other programs must be trimmed. In addition, prison reform is not a particularly potent issue; its constituency lacks influence. We must make it otherwise. Regardless of these two disadvantages, for the sake of justice, decency, and humanity this Nation must find a solution to the corrections problem.

CORRECTIONS CONFERENCE

It is for this reason that I have discussed with the Attorney General the possibility of a National Conference on Corrections—to discuss all of the components of this aspect of the criminal justice system.

The purpose of this conference—patterned after the very successful National Conference on the Judiciary held earlier this year in Williamsburg, Va.—would be to focus national attention on the state of many of our corrections systems, to take note of progress and also to forge support for continued improvement in programs and facilities dealing with probation, imprisonment, and parole. Another reason for calling such a conference would be to provide an opportunity for leaders in the criminal justice field to hear of and exchange the most modern and progressive ideas in corrections.

It is this Senator's belief that notwithstanding the efforts of Congress to authorize and appropriate substantial funds for the new part E of the LEAA legislation, many of the State and local officials who could call on these resources for assistance in financing local prison and corrections reform projects are not aware of their existence. This is just one additional reason for calling such a conference so that efforts could be made to acquaint these leaders with the amounts and types of funds available and the methods which have been set up for their dispersal.

This conference would reflect the importance national leaders attach to this project and would be entirely consistent with the administration's commitment to a comprehensive, across-the-board assault on crime. As President Nixon has stated, 40 percent of all offenders released from custody eventually return to prison. If by improving our rehabilitation efforts and job training programs for persons spending time in correctional institutions we are able to cut that figure in half—to perhaps 20 percent—we will have accomplished a great deal not only for human dignity but for dramatically reduced crime statistics as well.

Mr. President, I congratulate the President and the Attorney General for their foresight and dedication to this important conference. I urge my colleagues to lend their continuing support.

AND THE MEEK SHALL INHERIT THE EARTH

Mr. McGOVERN. Mr. President, National Educational Television this week once again performed a valuable public service with its production "And the Meek Shall Inherit the Earth." This film study tells with considerable success the folly of the now rejected policy of "termination" of our Indian citizens.

"And the Meek Shall Inherit the Earth" explains in vivid detail how economic chaos and personal tragedy followed the termination of the Menominee Tribe of Wisconsin.

In telling the story of the Menominee Tribe, the production also tells us much about our past failures in dealing with the American Indians. More than anything else, this film shows the wisdom of the recent policy statements adopted by this body calling for Indian self-determination, not termination.

The greatest need of our Indian citizens living on reservations today is the assurance that we here in Washington will permit them to be the masters of their own fate, but through programs designed at the grassroots level and not by a bureaucracy here in Washington. Had we given the Menominees of Wisconsin a voice in their fate, for example, they would not have been terminated but instead would be flourishing.

In our past legislation aimed at Indians, we have too often failed to consider the vast cultural differences between the mainstream society and the Indian. We have attempted in too many instances to make the Indian over in our own image. The Indian, however, has resisted these changes. This cultural view is quite accurately told in "And the Meek Shall Inherit the Earth." It clearly shows the need for taking these cultural differences into account in any legislation we might consider.

I commend writer and producer Ann Delaney for once again bringing us a reliable view of the problems of the American Indian. Because all Americans who are genuinely concerned with the problems of the American Indian should be aware of the contents of this production, I ask unanimous consent that the text of the NET production "And the Meek Shall Inherit the Earth" be printed at this point in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

". . . AND THE MEEK SHALL INHERIT THE EARTH"

(Narrated by E. G. Marshall—Written and produced by Ann Delaney)

Earl Wescott. Menominee . . they were . . a tribe that liked to wander back and forth throughout the State of Wisconsin . . they traveled with the seasons. You had sturgeon in Koshena Falls early in the spring. The sturgeon were literally by the thousands, they came up to spawn and the people, more or less, could just reach in with their hands, get 'em and smoke 'em and preserve 'em for the year, see. The same way with the deer, and the people migrated with these animals and each little group had what we'd call a chief. But gradually these white settlers . . were demanding this as their property, the government was buying this land. The Oneidas were moved over here; they're originally New York Indians. They were going to move . . the Menominees west . . the Menominees said, no, they said . . we'll take the poorest land . . swamp land, the thing that the white man doesn't want . . and that's where we'll live, we'll do our hunting and fishing.

Then there were two or three bills introduced in Congress to establish national parks or national forests out of the Menominee reservation and again the tribes strongly opposed these moves. Then of course came the allotment act passed by Congress, but the Menominees again resisted that. To perpetuate the forests they adopted a proposal which eventually became law . . of only selective logging, cutting only the fully ripe and mature timber. The old pine ring back in the old lumber jack days was very much interested in getting in here and cutting the pines. So it's been a constant fight to hang on to the land and the timber and the resources.

Richard Dodge. The emotional part of the Indian, his whole . . his culture, his everything is tied to that land. And everywhere I've been in this United States among Indians, their feeling is if they have no land they no longer exist. This is very deep-rooted.

Sandy Wabanascum. There are several tribes that believe that the Indian came from the earth and from the earth came the corn and his teeth was made of the corn . . . and his legs were given strength from the lightening from the skies. That his hair was the grass of the earth, and his voice is made from the thunder and that his eyes came from the stars.

NARRATION

In 1854, the Menominees signed their seventh treaty with the United States government. It established this forest area as their reservation—their permanent homeland. During the next one hundred years, they developed a successful lumber operation with a sawmill that gave them employment and made enough profit to provide schools, a hospital, welfare and pay for the costs of the local Indian Agency.

In 1953, Congress passed House Concurrent Resolution 108 which established as Congressional policy the termination of certain Indian tribes from federal supervision and control "as rapidly as possible". The following year, 1954, the Menominee Indians were terminated.

Jerry Grignon was a Menominee delegate to Congressional termination hearings.

Jerome Grignon. It was the Congress', the Senate especially, their objective to start getting out of the Indian business, as they termed it. The Interior Committee on Indian Affairs told the Commissioner of Indian Affairs to pick out the tribes in their order that he thought could be terminated. And, of course, I think the Klamaths were the first and the Menominees were second. When the termination came on why . . . you had say 900 adults . . . yet you only had about 300 jobs. So a lot of people had to leave the reservation, you know, to get work. Of course they left with insufficient amount of education and very, very few finished college and very few had a trade. So it was mighty hard for a big majority of 'em to try to make a livin'.

Richard Dodge. The protection that the Menominee tribe had had . . . under a trust status with the federal government, whereby all the lands and the assets of the Menominees were held in trust. Consequently this kept the tribal assets, within the State of Wisconsin confines, out of the tax structure. There were no taxes imposed upon the Menominees Indians or their assets. Prior to termination, if a wrong decision was made we always had a back-up . . . so to speak, where a final decision was reached in Washington in the B.I.A. Termination meant that there no longer would be this arrangement, that the Menominees would be responsible for their own assets, they would be responsible to pay the taxes within the confines of the State of Wisconsin: the county structure, the town structure. All tribal assets, all lands of the tribe became the assets of Menominee Corporation, Inc., Menominee Enterprises, Inc. Instead of my being a tribal member, post termination, I became a one hundred share stockholder in Menominee Enterprises, Inc.

NARRATION

Richard Dodge was Chairman of the first County Welfare Board.

Richard Dodge. Everybody had kind of emotional feelings about this. What's going to happen? What's going to occur next week? What's going to happen tomorrow morning? So . . . that final night of reservation status I went to bed and the next morning I got up and jumped in my car and drove down town and looked around and . . . I said, well nothing is really changed. And the thing that really struck me I think was that . . . I felt I had education and had been outside working and had come home and . . . been able to look at this total picture objectively, and here I was, you know, emotionally disturbed over the whole thing and I begin to feel, my gosh, what's going to happen to the rest of the people who haven't . . . who have never been away from here, who didn't have the education? As a boy growing up here my attitude about the mill was, if I went to Neopit and saw a lot of logs piled up I knew we were making money; I didn't know how it was made, where it came from or how dollars wound up where. But if I saw a lot of logs, we were making money; I saw no logs I got concerned.

Carol Dodge. When the government terminated the Menominees they talked in terms of Menominees not existing any more, because the way they define an Indian is, you have to be a fourth Indian blood, you have to be on the tribal role and you have to be under the B.I.A. And see the . . . the only criteria that the Menominees don't come up to is being under the B.I.A., but this is a big one. So they just say Menominees are no longer Indians.

John Gauthier. What we're trying to do is thousands and thousands of years as a life style to change that with termination. We have our life style that was maintained . . . to live with the land and not to tear down trees and put up an industry. I think a good example is before termination, here on the reservation the mill employed a lot of the men around here and I know my father worked at the mill quite a few times, and he'd quit to go trapping for a certain number of months . . . he'd come back and he'd get a job. Now this is the Indian life style, not to work until you're 65 and then die but to enjoy life while you're young.

Richard Dodge. They were never trained to punch a clock. You were trained to hunt and fish when the necessity was there. And if you had killed two or three deer and there was plenty of meat you didn't have to go out, so you did something else. So you had to shift from that whole approach. And then the reservation status, with the subsistence and the helps and this type of thing . . . hand outs coming down from the great white father . . . never necessitated having to be at a certain place at a certain time, and so this was never developed. Right here, prior to termination, we used to have tremendous problems in terms of fellows either missing Monday and Tuesday and coming Wednesday and being fired, and then walking around the mill yard, around to another foreman and say, you got any openings? And the guy says, yeah, I just fired two guys. So he starts there. And it took a real lot of training and I think they're not over it yet.

INDIAN ECHOES (SONG)

I've seen people look at me,
And think in their mind that there goes an Indian,
And he's not our kind.
I wanted to run and hide, but I held my head up high.
I run ragged and I should not be seen.
I should be treated right because I'm a human being.
People don't seem to see the side,
The side that's really me.
They're blind, in their mind.
You've got to live with us to see how we get by.
It's not a pretty sight,
I think that you will cry.
So come and be my friend and we'll bring an end
To all the hating people who despise the Indian.
We've got to win this fight for a cause that's only right.
Help us fight.
If we succeed our pride will be revived
And our children will hold their heads up high.
I don't want them to be despised,
Despised like you and I.

NARRATION

"You've got to live with us to see how we get by." We lived with the Menominees for several months. They told us about their culture, their history, their termination from federal control, and the current divisions within the tribe over the land sale to support the county. Except for mine, the voices you hear are the Menominees telling you their story.

The Menominees have been more fortunate than many Indian tribes. Their leaders were able to negotiate a reservation within the boundaries of their original homeland. According to their sacred folklore, they came from a Great Bear which emerged from the

Menominee River, less than 100 miles from their present county.

For centuries they lived in their wigwam villages in the heart of the wild rice region around Green Bay. Their name Namomen is an Algonquin word for wild rice.

Twenty thousand other Indians were forced around Lake Michigan into the Menominee area by European migrations in the sixteen hundreds. With these Indians came the French, who brought guns, liquor, knives, utensils, ribbons and beads. The transition to a new life style that would replace the thousands of years of Indian traditions began.

Their villages dissolved into small bands of fur trappers and their Chiefs, who traced their ancestry to the Great Bear, were replaced by leaders who could make the best deals with the French fur traders. Fur traders, soldiers and government officials entered tribal life and inter-married.

Today the old Menominee culture, with the secret medicine lodge religion, the shaman or medicine man, and an elaborate system of root medicine is gone. Few speak the language any more, and Zoar, the last village of Menominees who preferred to live the traditional Indian way, is disappearing.

Irene Mack. They migrated over there solely for the purpose of getting away from civilization. Buses would come in and load the kids up and take them to the different government schools where they were taught English. And they were brought back again during vacation. In Zoar nothing but Menominee was spoken. And when they went back to school in September they had to learn to speak English all over again. There the people . . . followed the tradition, the rituals, the dances, the different feasts . . . that were a part of the tribal heritage.

Their burial ceremonies are different than the outsiders, you might say, because they have the little huts that they build, the little shelters . . . with the opening now where you can feed or bring a gift to that person so that gift will enable them, in our tradition, to make the crossing from here to the other side. Then, when once he gets to the other side, he has his offering of tobacco to make to the great spirit.

Johnson Arwanopay. Now the religious part . . . just the members are wanted in there, see . . . what they call the medicine dance, we don't have that any more because . . . all the old timers that . . . that knew the rules and regulations of this passed away. And as far as my generation is concerned, most of the time I was away to school and I didn't have the time with my father so that he could tell me different things to learn me.

The South Wind Dance, the 49, the Squaw Dance, those are old, old, old . . . they're not religious dances, they're social. People used to get together, they used to dance practically all night just to be sociable. You give gifts to one another. Some old gentleman or old lady would come towards us . . . offer us something . . . gift . . . you got up and dance. Well some of them would give ponies away. Of course now they . . . most this now is just for show business, you know.

NARRATION

The French came to exploit the fur trade and not to colonize. For 90 years they secured Indian loyalty and cooperation through a steady flow of presents.

But the Americans wanted the land and they established a system of control that developed into the Bureau of Indian Affairs, the B.I.A.

At first they recognized the tribes as independent Nations. The first Menominee treaty with the American Government in 1817 said: "There shall be perpetual peace and friendship between all citizens of the United States and all individuals of the Menominee Nation."

Forty years later, still proclaiming perpetual peace and friendship, the United States government bought the last of the Menominee Nation's aboriginal homeland. Over 300,000 settlers had moved into Wisconsin.

When their chiefs surveyed the Minnesota area where they were to be moved, they realized they would not survive among the more powerful plains tribes and they negotiated this reservation—one third the size but with the emotional ties of home.

Munro Weso. Indian always did live in this area. The group that was down around Lake Poygan, Oshkosh, in through that area—Appleton, Fox River valley. The army made 'em move up here. These Indians were forced to paddle their way up the Wolf River. Fall rains had already settled in, makin' the water quite high. These people done that with their families—old people, grandparents and that. A lot of older people, they couldn't make it. A lot of people drowned, a lot of Indian people drowned along the way. Boats tipped over and they couldn't save some of the children. When they landed at Keshena, the Catholic converts landed on the north bank of Keshena, the present village of Keshena, and the priest that was along with them—missionary—opened a mission there and got a village started that way.

NARRATION

Today Keshena, fifty miles west of Green Bay, Wisconsin, is the county seat of Menominee County.

For the last 150 years missionaries have lived with the Menominees. They opened the first schools, and a hospital, paid for by the tribe and free to all Menominees. At termination this hospital had to be closed because it could not meet the rigid state standards and the costs as a private hospital would be too high.

Today the Menominees are 80 per cent Catholic.

But Catholic influence with the Menominees dates back to the French. The first whites to live with them were the French Jesuits who arrived in 1669.

It was also the French who first involved the Menominees in the white man's wars. They encouraged the tribes to live at peace with each other and fight with them against the British. Both the French and the Menominees fought with the British against the Americans in the War of 1812.

Twenty years later the Menominees had switched their allegiance to the American government. They have fought in every American war since.

They sent two companies to fight with the Union forces in the Civil War. And like other Americans they have honored their war dead with Memorial Day services since the establishment of this national holiday in 1868.

Sandy Wabonascuni. Every time I look at the flag . . . you know there's 50 stars on there, and then the . . . the 13 stripes, and I always think of all the men that are dying now in Viet Nam, all the Indian men. And then I think back to when my ancestors, my forefathers . . . fought against the flag. Why aren't we mentioning those men that died centuries ago that died in inter-tribal wars? Where is that staff of eagle feathers that belongs out there along side of the United States flag? I don't know. I just can't understand . . . how our people can forget all that.

NARRATION

After 100 years of Indian Affairs supervision, Congress gave the Menominees three years to take over the administration of their own Affairs.

The few Menominees who had finished high school had little management experience. An even smaller number who had gone to college had found jobs elsewhere.

The average educational level for all Indians under federal supervision is only five school years. Indian drop-out rates are twice the national average. On national tests Indian children score lower than white children at every grade level.

Most Indian schools are elementary schools. Children wanting to go to high school have to travel from ten to forty miles to a local public school, or several hundred miles to an Indian boarding school where they stay for nine months. Few of their parents could afford to bring them home for the Christmas holidays.

Only since termination have programs begun to attack the Menominee educational problems. A Community Action summer program concentrates on reading difficulties.

Two Head Start programs help pre-school and kindergarten children adjust to school.

And a Title Three program under the supervision of the University of Wisconsin, in 1967, began study of the learning difficulties. Their conclusions attribute much of the problem to the Indian child's lack of identity. He is in a vacuum. His own culture has been destroyed and the new culture in which he finds himself does not include him.

Carol Dodge is the only Menominee teacher in the county. She set-up the Head Start program and has worked with the Title Three program. She talked to us about the problems they found and the changes they are making in the curriculum.

Carol Dodge. One of the reasons for bringing in the Title Three program to locate specific learning problems or difficulties of children in Menominee County . . . we're way below even the district norms. I . . . think it's . . . mostly the materials they have found . . . and some of it was the teachers' attitudes.

What they're doing now is working up a curriculum . . . using different types of materials. And then they are trying to incorporate the . . . Indian culture into as many phases of the curriculum as possible. Some of it has been instrumental in getting some of these children to read. Take, for instance, the unit on transportation. We start out with what old time Indians used, or why they used the canoe and the showshoe, and then contrasting that with present day Indians . . . and what they are using. We're not just staying with the old culture, we're bringing them up to today.

NARRATION

The program used local Indians to teach their language and talk about the culture.

Coral Dodge. It'll help children in making the adjustment from the grade school here to the Junior High in Shawano. I think it's this . . . not putting the Indian into the society. But in fact they don't do this with any of the minorities, they don't put them into the society and in the history books it's always focused totally on what the Europeans . . . how great it was for them to come over.

When they're here in the community nothing is said to them about being Indian. And all your friends are Indians, your relatives are Indians, so you never really think about it. And when you're in the grade schools nothing is . . . they don't prepare you. They teach the old time Indians . . . and they teach that they were savages . . . the bad things they did to the white people and the little children and all this sort of thing. But then they cut these units off, they don't bring the Indian up to today. They know their ancestors were Indians but then they don't see themselves as being this type of an Indian.

A child is a product of his environment. These children here comes from an Indian community . . . and they are different . . . than what you would find in a child from a white community.

NARRATION

Ripon College in Oshkosh and Wisconsin State University at Stevens Point have summer and winter Upward Bound programs to help Menominee students in local high schools with academic and cultural problems.

Robert Grignon. Upward Bound is a federally funded program to work with disadvantaged youth, the group that . . . there's a chance that they could go on to higher education. We try to take ten percent of your best students . . . ten percent of your worst students, and then the rest from in . . . in between. (classroom) What's the sum of four times the number and two times the number?

Robert Grignon. When we find out where they're weak and where they're strong and . . . one of the main purposes I think of Upward Bound is to see that these kids become aware of these . . . of these other alternatives when they leave high school . . . and especially the . . . with the . . . your college, you know, to get them into the college education, into college . . . system.

It's knowing that you can go on to college. You don't have to be a . . . well, you don't have to be a machinist . . . you don't have to be a laborer, things like this.

Wesley Martin. One thing were . . . we were really mad about was there was 18 Indians on the University of Wisconsin campus . . . and there're 36 thousand students there. They tried to recruit but . . . they couldn't find any. And then we took . . . we had a conference last year and we . . . we found 500 Indian kids, high school kids that are interested in coming down for an educational are (??) in this program. And they couldn't believe we found 500.

But it's becoming more and more apparent that . . . Indian study programs are becoming feasible. Like there's one at Minnesota, there's one at Berkeley . . . Albuquerque . . . Missoula, Denver. The language that's required to get a degree, say like in Minnesota, it's Chippewa; Albuquerque it's . . . whatever tribe you happen to be, Navajo, things like this. And these kids are finding out that they can go on to college and they can compete down there, once they're brought up to that level.

NARRATION

In their earlier Algonquin culture, the Menominees hunted, fished, gathered berries and maple sugar, and raised small gardens. But their principal food was wild rice.

When the government moved them to their reservation, they were confined to a much smaller area and the wild rice lakes were owned by whites.

The government's intention was to stop their roving by making the Menominees a tribe of farmers. Under the terms of the Menominee treaty, the Indian Agency supplied tools, seed, stock and a farm advisor. But the government settled them in sandy soil and within fifteen years the soil was depleted. The Menominees who wanted to farm had to move to new areas, clear new fields and begin again. Today there are two farms in Menominee County.

Mrs. Otradovec. We own . . . 225 acres.

Ann Delaney. And how much of that did you and your husband clear yourselves?

Mrs. Otradovec. Well, I would say about 70 acres.

Ann Delaney. And how did you clear it?

Mrs. O. Fradouec. He chopped the trees down and I helped him, you know, pile 'em up and burn 'em . . . burn the brush.

Ann Delaney. Do you raise most of the food and can it and everything?

Mrs. O. Fradouec. Yes. I freeze an awful lot now; I used to can an awful lot. I . . . I imagine I've had . . . well, about 900 quarts of . . . vegetables and fruit, like berries and raspberries and apple sauce and jams. Now it's only mister and I who pick berries. So this year all I got was 8 quarts of raspberries.

Ann Delaney. How big was your family all together?

Mrs. O. Fradouec. We had . . . 20 children . . . 20 children and . . . with the grandchildren now it adds up to quite a few. We have 65 now . . . have a . . . maybe . . . I got three grandchildren staying with me now. So it's like that every summer, we always have a house full.

Mrs. Otradovec. Years ago when my father was young they . . . the government tried to encourage them into farming. And practically every . . . there must have been about fifty or sixty farms right here in South Branch area. And they all had about fifteen or twenty acres. I know my father had about twenty-five acres. But he used to raise mostly hay and oats because he logged a lot in the wintertime, see. At that time it was really different logging than they do now, you know. It was all team work and when he was logging, well they used to give out . . . everybody could get a contract for about . . . ten thousand feet of logs to log out.

NARRATION

The Menominees were not allowed to cut or sell their timber until 1872. Then they were permitted to log in winter if they farmed in summer. . . .

But the Menominees had a constant battle to protect their forest from white lumbermen. In 1908 a Congressional bill forbid Indian Bureau contracts with white loggers. To protect the Menominees and their forest, this bill, introduced by Senator Robert LaFollette, established sustained-yield cutting—no more than twenty million board feet, and only fully grown timber. It also approved a sawmill to be built with Menominee money.

Because of Bureau mismanagement of their forest, the Menominees, in 1935, brought five lawsuits against the federal government. In 1951, they won eight and one-half million dollars in settlement of these claims. This brought their tribal account to ten and a half million and made them a candidate for termination. Menominee delegates told Congress their mill was old and the forest would not grow as much timber as the government studies indicated.

Jerry Grignon explains.

Jerry Grignon. When the government was basing their justification for terminating the Menominees was the fact that they said their studies showed that the forest, on a sustained-yield, would yield around thirty million. That's not true. It's down to twenty-two or twenty-four million. So you lost, well that'd be six or eight million feet that you'd figure on could help sustain local government, which we lost.

I haven't changed my opinion. When I testified before the Senate Interior Committee that if we had to carry the full responsibility of a county it'd just be impossible with just so few people and such a small area. It's fortunate that we're integrated with Shawano for education, law and order, and so forth. All you got here is an old mill. That was one of the things we said which has proven right, that you are limited to what you can make with this old mill. I would say it was built in 1926. Well, that's quite a few years old. Instead of the mill itself trying to put some money—what they earn and become modern, why all it went for was taxes.

When we try to get industry in here it's to build the tax base. They want the business to come in there and they give them a break on taxes. Of course, you're competing with all the other towns that give them a break on taxes. They don't have to pay taxes. They even put up buildings for 'em and so forth.

Gordon Dickie. In testifying before the Joint Committee of the House and Senate on Indian Affairs, we pointed out that our gravest concern was the economy. That we needed new sources of income, new opportunities of employment. We needed diversification of our industry and better utilization of our raw materials.

NARRATION

While Congress required tribes to make termination plans, they frequently ignored tribal suggestions. In some cases they neglected to notify states governments where the tribes were located. Gordon Dickie was on the Menominee planning commission.

Gordon Dickie. We organized the Planning Commission in 1953, and we were extremely concerned and worried about this situation; we didn't know where to turn. We finally turned to the Governor of the State of Wisconsin, former Governor Koehler. And the State Government, none of its agencies had any idea what was going on on this termination. The federal government had at no time contacted them to bring them up to date as to what was taking place.

Even our proposals, as they finally were adopted by the tribe, were not followed out completely by the Congress. Originally we'd proposed taking over just certain parts of the operation, a step at a time, in an orderly manner, so that the secretary would still be in the picture to check periodically as to how we were doing and what mistakes we were making, and how he could be of assistance to us. But this was not done.

NARRATION

The Menominee Termination Act called for the termination of the tribe from federal supervision by 1956. But the Menominees managed to get two extensions. On May 15th, 1960 the delegation seeking the final extension arrived on Capitol Hill. Irene Mack Quijano was a member of the delegation.

Irene Mack. We went to every Senator, every Congressman to try to bring our problem to them, to tell them about the termination, what it was going to mean to our people. We were trying to get an extension of time. We thought we could get a two or three year extension, which we believed was the most feasible thing. But . . . as the result we had to settle for only 6 months and then . . . we had some good friends who had to do some horse-trading to get that for us.

Earl Wescott. We had our own hospital system, we had our own . . . welfare system for our people, our sick and needy . . . we had our own police department.

Mrs. Skubitz. Here we were, a group of Indian people . . . that was able to provide all these community services for ourselves, and we paid for them, they were not paid, as some people understand on the outside, by the . . . the tax payers.

Earl Wescott. We sued the government for 8 and a half million dollars and we beat 'em. And when we beat Uncle Sam that was, more or less, our downfall; they said, well, we'll have to terminate these guys . . . they got enough money.

John Gauthier. I . . . I seen the hospital close down, I seen the court house close down, I seen the jail close down . . . the dental and medical services, they they . . . they're gone.

Mr. Blumrich. And then we have no ambulance which we always did have before termination. And I have to pay anywhere from 4 dollars to 6 dollars and travel 20 miles to see my doctor.

Mrs. Fowler. We can't do anything 'cause I wrote to Senators and Congressmen and sent those petitions to the President thinkin' it would help . . . nothing.

NARRATION

The concept of termination: remove government restrictions only when Indians believe they can manage their own affairs.

In the fifties, the policy shifted to pressuring tribes to accept termination. Eleven major tribes were terminated before this policy was dropped. Untrained in managing their own assets, some were told by Congress to put their land in trusts controlled by private banks more restrictive than the Bureau. Others sold their land and some were on local welfare within a few years.

In an attempt to hold on to their land, the Menominees incorporated their reservation. But they knew they were inexperienced and their own termination plan called for a non-Indian president and a board of directors with a non-Indian majority.

Forty-two percent of the Menominees were under 21. As guardian of these minors, the First Wisconsin Trust Company of Milwaukee voted forty-two percent of the stock.

The motivating force behind termination was Senator Arthur Watkins of Utah. Elected in a Republican sweep of 1946, this Junior Senator became Chairman of the Indian subcommittee. The committee promptly began termination hearings. But the Democrats soon regained control of Congress and the issue was dropped.

In 1953 there was again a Republican majority. It now took the Indian sub-committee only two months to get House Concurrent Resolution 108, the termination policy through both houses of Congress.

Gordon Dickie. In 1953, a simple per capita bill was introduced by former Congressman Mel Laird asking for distribution of tribal funds. In the Senate under the Chairmanship of former Senator Arthur V. Watkins there were thirteen amendments to that simple bill that provided for termination of the tribe by 1956.

When I was acting chairman of the tribal council, I called an open meeting in the village of Neopit. And the tribe in the largest vote in my memory voted one hundred ninety-seven to nothing not to accept the per capita payment as long as these termination provisions had been inserted into the original bill.

NARRATION

Despite their vote against termination, Menominee leaders suspected that any plan to use their ten and a half million dollars would be blocked until they agreed to termination.

All Indians must get the approval of Congress before they can spend their tribal funds. The Menominees wanted to spend their claim settlement in three ways: mill improvement and new business; investments; a fifteen hundred dollar payment to each tribal member.

In 1952, the proposal was rejected by the Bureau of Indian Affairs because it did not include a termination plan.

In 1953, the same bill was stopped by the Indian sub-committee for the same reason.

Tribal leaders invited Senator Watkins to explain termination to a general council at the reservation. At the end of the Senator's two-hour visit, not only the leaders, but individual tribal members believed that they would not get their fifteen hundred dollars until they voted for termination.

They voted one hundred sixty-nine to five in favor of termination. Over ninety percent of these people made less than $1,000 a year.

In addition to fifteen hundred dollars, each Menominee at termination received one hundred shares of stock in Menominee Enterprises and a three thousand dollar bond.

Under the plan, ownership of all Menominee lands now passed to Menominee Enterprises. Many individual Menominees only realized later that they no longer owned any land. They had to buy back the land on which they had built their homes, land where their families had lived for generations.

Wesley Martin, Jr. The Indians are going to lose the land. I mean they've lost it already. What did they get, fifteen hundred dollars? And they had to buy back their property. I guess my parents got fifteen hundred dollars and then . . . it cost them twenty-two hundred dollars to buy back their property.

So they're seven hundred dollars into debt already. Or like either they took their bonds or . . . and sold them or put them in hock, things like this, see. You know, they had to get the money to pay their taxes. They had to pay taxes now. They never had to pay before. Their hospital is gone. So now they have to go to Shawano after termination. And then, you know, a lot of them couldn't pay. They're not used to payin' a doctor's bill . . . and then if they couldn't pay it . . . then . . . they couldn't go back. The only way . . . a lot of 'em paid was that they gave 'em their bonds. Even this one lawyer's got a quarter of a million dollars worth of bonds down there now, just for legal fees. And he collects 120 dollars for every one of them bonds . . . not the Indian.

NARRATION

Over 70 percent of the people still make less than the $3,000 a year poverty level. Manpower training and community action programs provide training but there are few jobs in the county and most of the factories are 50 to 60 miles away. Like most poverty people, the Menominees cannot depend on their old cars to make this daily trip.

For over a hundred years the Menominee Indians had cost the federal government almost nothing. Since 1954 the Menominees have received nearly 10 million dollars in special grants for housing, schools, sewers, roads, and health and welfare. In 1970 the welfare costs were nearly $700,000. The unemployment rate average was 20 percent.

MUSIC OVER FAIR FOOTAGE

Since 1911 the Menominees have held a summer "homecomings" for members working off the reservation. Today it is the Menominee County Fair.

The Indian's cultural attitude toward nature is a combination of affinity and necessity. To him nature is a brother as well as a provider. The forest provides shelter for the animals, and without clear streams the fish cannot survive. The Indian kills only what he needs for food. And while he thanks the Great Spirit for providing the deer, he also apologizes to the deer for needing the food.

Non-Indian Americans have polluted their streams and clear-cut their forests. Now they find that what they set aside for National Parks can no longer accommodate their exploding population.

Both the State of Wisconsin and the federal government want to buy the land along the Wolf River. The federal government had designated it as a wild and scenic river, and the National Parks Service is in negotiation with the Menominees for its purchase. The State of Wisconsin pays Menominee Enterprises $250,000 a year for public fishing and camping rights.

Menominee County has no capital to develop this recreational potential. The Economic Development Administration and the Upper Great Lakes Regional Commission granted one million dollars for tourist facilities. The motel and restaurant, which represent the greatest potential for jobs and income, are still in the planning stage. But the nature and cultural buildings were opened in October of 1970.

Menominee County became the 72nd County in Wisconsin and the first Indian County in the United States on May 1st, 1961. Of their 10 and a half million dollars less than 2 million was left.

Since there were no industries and no other large taxpayers Menominee Enterprises, as owner of the mill and most of the land, paid over 90 percent of the taxes for the support of the county.

They had no money left for expansion. They could not pay dividends on their stock. And the first years they could not pay the interest on their bonds.

If they did not become a viable economy they could not continue as a county. If they did not pay dividends the shareholders would sell when the stock became negotiable. If the corporation could not buy the shares the State could turn Menominee County into a state park.

Four independent studies recommended the development of a summer home project around the lakes in the southern part of the county. The lots would be sold to non-Menominee taxpayers.

In partnership with a Wisconsin developer, Menominee Enterprises combined several small lakes to make Legend Lakes.

Ted Boyd. Menominee Enterprises would be on the brink of bankruptcy right now if we had not gone into this program. The Legend Lake development was necessary in the respect that it will relieve our tax burden. The project involves 2,600 properties that will add at least 25 million dollars to our tax base. It is estimated that it'll take up down to around 40 percent, perhaps less. But this will be 40 percent, again, of an increasing tax levy. Now this is not because of services so much as it is because of school cases. The people who are buying the Legend Lake properties will not add appreciably to the cost of school operation because they're a seasonal-type resident. We formed a going venture named "Lakes of the Menominees." "Lakes of the Menominees" owns and operates Legend Lake. The joint venture is a 50–50 arrangement. We split the profits 50–50 with N. E. Isaacson.

James Frechette. In the first years when we talked about developing the lakes; we wanted to do it on a lease basis. Most of the people that were interested also wanted to acquire the land. I was absolutely opposed to issuing a deed to the property to other than a Menominee Indian.

NARRATION

James Frechette has been a tribal leader for forty years.

James Frechette. So I challenged them and told them that if the board of directors would call a council of the shareholders just for this one purpose, I would be willing to abide by any decision that they made. The people who attended the council, which was a good size council, decided to issue the deed along with the property—or a deed to the property.

Ed Vigue. The way we decided to go was to try to keep the property private and kind of appeal to people that could pay taxes and let them share our heritage or our land. The situation is unique. You don't find a private enterprise supporting a whole county. With the amount of people that are coming into Wisconsin, this is an ideal recreation area.

NARRATION

When Menominee County was a reservation, all of the Menominees owned all of the land. They were the only people allowed to fish or canoe on the Wolf River. They were free to go to any lake at any time and to build there if they wished.

Today Menominee Enterprises own the land and the Menominees are shareholders in a complicated, legal entity called a corporation, which they don't understand and over which many feel they have no control. They have received no dividends on their shares.

The first lake to be ringed by lots, owned by non-Menominees, was Lake Moshawquit—their most beautiful lake and their favorite spot.

There are only 500 Menominee families living in the county. Few can afford the five to seven thousand dollars for the lake lots. Within two years 1200 lots had been sold at Legend Lake. As the Menominees watched the homes being built many feared that the outsiders were building retirement homes. If only 25 percent of the Lake families became permanent residents they will outnumber the Menominees. As permanent residents they will be able to vote and to run for office.

Jim White. My fellow Menominees, let me just ask you a few questions. Are you really satisfied with what's happening today? Are you satisfied? Do you want to do something about it? Okay, that's why we're here. (Shouts.)

NARRATION

In 1970 the Menominees fear of losing their land erupted in a summer of weekend demonstrations, emotional meetings and renewed bitterness of termination. On the 4th of July a group of Indian children who were swimming near the sales office were chased off by a salesman. Within an hour they were back to picket.

Connie Deer. I've been kicked off the lake. I used to go swimming there whenever I wanted to—anytime, and there weren't any people there to tell me that I couldn't. I used to go hunting there—ducks and fishing. And there isn't a person out there that can't say that that hasn't changed. I want my land back and I don't want all these people around, and I have the right to do this.

Shirley Dailey. The reason that many of my people voted to remain a separate county is because they wanted to maintain their separateness and their identity. But now we are being beset and beseiged by white settlers. We are the minority . . . we are going to become second-class citizens in our own back yard. These are some of my feelings on the termination act, which was designed to supposedly free the Indian from federal supervision, to make him equal to other U.S. citizens. In actual practice all that it amounted to was to force the Indian to pay taxes on his land.

Mrs. Weso. You as a Menominee should be that proud Menominee who owns a hundred shares of stock, whether you feel that it's a worthless piece of paper or not, but it entitles me to one hundred votes.

Jim White. I know that some of you have either sold your bond or put it in pawn . . . and this is a necessity, I realize this. But remember one thing, you do not lose that vote when you sell that bond. The votes lie in the stocks that you hold, which can't be sold yet. So you own that vote and you're entitled to that vote regardless of the status of your bond.

Menominee Enterprise, that's the only place I ever worked . . . and I want to . . . want to keep workin' there, continual . . . now we bring (?) up the lakes here. Some of you people were out there last Sunday demonstrating. Did it get you any place? Look at it this way, a lot of 'em . . . a lot of little lakes. So what they did is made one big lake and bringin' in money; now yous are hollering.

Agnes. I didn't give this land up, this land belongs to the Menominee Indian people and I . . . I don't believe they have a right to sell our land; we want to keep our land. We love our homeland here, it's valuable to us, this is all we have and we don't want anybody selling it.

William Pywosit. In lieu of what I had to say, I would like to sing a song, if it's all right with ya. It's about . . . it's about Koshena . . . the way I look at it.

(An Indian Legend by Arthur L. Fischer)

In a land of azure waters
Where virgin pines grew tall,
It is said, God made a garden . . .
Most wonderful of all.

For the Red Man He created it
On Earth when time began;
It was serene and beautiful,
In truth, Paradisian.

A land of sparkling rivers
Where hills were ever green,
A place of purest happiness,
And sorrow never seen.

Here fruit grew in abundance,
No lack of fish or game,
Birds warbled in the treetops
And praised their Maker's name.

Munro Weso. . . . gave 5 million acres for a promise, for a home to hold as Indian land is held . . . tax free. It took 5 million acres to do that. If the federal government did not violate any of our treaties why should we be selling that land in order to pay our taxes?

Ted Boyd. I think Menominee Enterprises was saddled with an unusual responsibility. We were told to go out . . . and make a profit. From a pure business standpoint, the Lakes of the Menominees was the logical and the only way to go. There are 5 thousand 170 acres included in . . . the Lakes of the Menominee project, but this 2 percent of our land will benefit the remaining lands, it will enable us to pay our taxes, enable the county government to function as it should. But from a social standpoint, no matter what success it achieved in Lakes of the Lakes of the Menominees it's not going to be accepted.

John Gauthier. It just seems so impossible that a land so rich can't support 2700 people. There must be some way, and I think it's almost crazy for an Indian to buy his own land. I mean, you know, like we were discussing what aboriginal rights were and I feel that land is definitely an aboriginal right for the Indian.

Richard Dodge. Obviously the hundred and some odd years that the reservations have existed under the federal government certainly has not been a success when we look at the problems that exist today. The unemployment, the housing, the drinking, the lack of job opportunities. If this is what a reservation has to be then I think it's been a complete failure. We should be looking in terms of another direction.

Whether termination is a success for the Menominees, we're at least another 10 years from that answer. If it means having to sell more land than we presently have sold then I would say it's a failure. It's an absolute failure. Anyone in business today will tell you you don't sell your assets and stay in business. You retain your assets and you build your assets. You don't sell them. And, as I say, the feeling of the Indian for the land, and if that goes then . . . then our . . . everything we're worked for is gone.

PENSIONS

Mr. TAFT. Mr. President, America's working men and women should be able to look toward their years of retirement with a sense of financial security. That security in large part is dependent upon 33,000 private pension plans which affect 30 million participants. A tragically large number of employees, however, never receive their expected benefits.

If a plant closes, or if an employee changes his job after long years of service, he may find that he has no benefits or that his benefits have been sharply reduced below expected levels. Other employees may approach retirement age only to discover that their pension plan's assets are insufficient to provide anticipated benefits. A study has been undertaken by the Labor Subcommittee of a sample 51 pension plans with no vesting provisions or vesting provisions requiring 11 years of service or more. That study indicates that since 1950, only 5 percent of the participants who left those plans obtained any benefits whatever.

Even where benefits are vested, employees may be in for a rude awakening. When Studebaker closed its doors in South Bend, most employees who had vested pension benefits were paid only 15 cents on the dollar.

In some cases irregular and outrageous investment policies and the misuse of pension funds also have been brought to light.

Other pension plans reduce benefits to wipe out social security increases.

Because this problem is of such critical importance to America's working men and women, I think it is important for us to act now to make anticipated pension benefits a reality for our retired workers.

The first problem relates to the stringent vesting provisions of many pension plans. When the Fruehauf Trailer plant in Avon Lake, Ohio, closed its doors, many workers who had been with the company as long as 11 years found that they had no vested pension benefits whatever. Their hopes for financial security upon retirement were dashed. The closing of this facility and the transfer of its operations to other company plants ended the hopes of many of those employees for pension benefits in their later years. Other plant closings in Ohio and other parts of the Nation have illustrated this tragic situation.

Employees who voluntarily leave one job to accept a better position with another firm often may not recognize, until it is too late, that by upgrading their salaries they have, in effect, eliminated their pensions.

There are also employees who can never hope to qualify for a pension because of the cyclical nature of their employment, or the mobile nature of their job opportunities.

In all of these situations tax deductible contributions on behalf of these employees have been made into a pension fund. These contributions are supposed to have provided employees with retirement security. But in far too many instances overly restrictive vesting requirements have resulted in a complete forfeiture of the pension money credited to the employee's account.

The Senate Subcommittee on Labor, under the able leadership of Senator Williams and Senator Javits, has undertaken a landmark study of the extent of forfeitures in private pension plans. The study looked at 51 sample plans which either had no vesting provisions or required 11 years or more service for vesting. These 51 plans ranged in size from 100 participants to over 100,000 active participants. These plans represented various important segments of the American economy including manufacturing, communications, finance, oil, gas, wholesale and retail, insurance, maritime, construction and services. These 51 plans had total assets in excess of $10 billion and involved 6,900,000 participants. Since 1950, approximately 5,200,000 of these participants have left their employment for various reasons. Of those 5,200,000, 92 percent forfeited their pension benefits. For every two employees who received a benefit, one employee with more than 15 years of service forfeited his pension benefit.

The study also examined another 36 private pension plans which made provision for vesting after 10 years of service or less. Out of a sample covering 2.9 million participants since 1950, 73 percent of those who left their jobs through retirement or other reasons received no pension benefits.

A large oil company with 42,000 active employees has pension plan assets of more than $450 million. Under this plan, however, an employee is not fully vested of his pension benefits until he has 25 years of service. Of the 105,000 persons participating in this plan since 1950 more than 61,000 have left their jobs without any pension benefits whatever.

A large communications company with 57,000 active employees has pension plan assets exceeding $229 million. Of the 320,124 persons who have participated in this pension plan since 1950, more than 231,000 have left the plan without any pension benefits whatever.

A large data processing manufacturer has a plan with 169,030 active participants. Of the 89,652 employees who left the scope of this plan since 1951, 82,326 left without any pension benefits. It is interesting to note that this particular pension plan has invested more than $41 million of its assets in unsecured loans.

Another pension plan in the communications industry covers many separate employers. Of the 206,000 employees who left their jobs under this plan since 1950, 202,665 left without any vested pension benefits.

It has been estimated that only one of every 10 workers covered by pension plans in several low-wage industries will ever receive pension benefits. Dick Barnes has reported in the Buffalo Courier-Express on July 13, 1970 that:

> A sheet metal worker from the Northwest who for years alternated between two union locals because of work availability found when he reached age 70 he would get a pension from neither.
>
> A retired hat worker in Manhattan was notified by her pension plan that payments would be suspended for a year because the fund was not taking in enough money.
>
> A business executive quit his firm after 18 years, thinking he had pension benefits he could draw at age 65. But when he went to work for a competitor, his original company canceled the pension right.
>
> A woman who worked 37 years in New York was forced out of her job by a shop shutdown and was told to temporarily withdraw from her union. Later, when she sought her pension, she was told the withdrawal had cost her the pension.

Even where pension benefits are vested, employees may find their hopes for a secure retirement frustrated. In some cases this is because the pension plan was actuarily unsound. There was simply not enough money being put into the plan to pay the expected benefits.

When Studebaker closed its plant and terminated its pension plan on November 1, 1964, it had been employing nearly 7,000 men and women at its South Bend plant. Tragically there was not enough money in the fund to make full provision for all vested benefits of the employees. After making provision for those who had already retired and those employees who would be age 60 by the projected termination date, the plan was able to pay only 15 cents on the dollar of the "vested" benefits of 4,500 employees, ages 40 to 59, who had 10 years or more of service. What a rude shock it must have been for a 59-year-old man to lose his job and then find that his vested pension would not be paid and that he would receive only 15 cents on the dollar.

Unfortunately, the Studebaker situation is not unique. When Fruehauf closed its Avon Lake plant, one employee aged 53, was laid off after 23 years of service. At age 65, he will draw only $50 a month, and because of his age he will probably not be able to qualify for another pension with another employer.

The problem of insufficient assets and consequently the potential of another Studebaker situation was also illustrated by the Labor Subcommittee's study. For example, the subcommittee noted a steel fabricating company in Pennsylvania with a collectively bargained pension plan. This plan has $25.3 million in assets but over $48 million in vested benefit liabilities. If this company were to go out of business, its employees with "vested" pensions would receive little more than 50 cents on the dollar.

As a consequence, even if better provision is made with respect to vesting, there will be only slight improvement for America's retirees, unless pension plans are made actuarily sound. There must be an adequate level of funding.

I have received a number of letters from barbers who have been contributing to their pension plan for many years and are ready to retire. Now they are concerned that they will not receive the benefits which they had anticipated for their later years.

Some pension plans such as the Studebaker plan were cut short because of inadequate funding. Other pension plans are suffering from scandalous investment practices and insider transactions. When Secretary of Labor George P. Shultz testified before the House Subcommittee on General Labor on April 16, 1970, he offered illustrations of manipulation, insider dealing, and exorbitant fees that have affected the viability of many pension funds.

He observed that as to one fund, four of the five employer appointed trustees borrowed from the fund and one trustee owed over $62,000, having made no principal or interest payments for more than a year. In another instance, five officers of a corporation, who were the trustees of their pension plan, formed other corporations to retail shoes. The money to finance their outside activities was obtained by loans of up to $460,000 from the pension plan. These trustees had borrowed more than two-thirds of the pension plan assets to finance their own private ventures.

Another small profit-sharing trust had more than 90 percent of its assets loaned back to the employer corporation. When the employer corporation went bankrupt the employees and retirees were the ones who suffered because the loans to the employer were worthless.

The trustees of another pension fund placed $16 million in a questionable investment, which was secured by a mortgage on a proposed golf course. After the project had gotten underway, the management was turned over to a man who 3 months earlier had been released from Federal parole. When the mortgagor went bankrupt the pension fund suffered a loss of $6.7 million.

In his article which I have cited earlier Mr. Barnes also reports that—

> The Employees Savings and Profit Sharing Fund of the Kropp Forge Co. of Chicago purchased 206,318 shares of the company's stock from two departing company officers for $3 a share. The stock was worth $1.875 a share at the time, according to a report the fund filed with the Labor Dept.
>
> * * * * *
>
> The administrator of the Painters Pension Fund of Suffolk County, N.Y., was indicted on charges of embezzlement and bribery in connection with the purchase of fund office equipment. The same fund paid $19,184 in insurance commissions to a man whose wife worked for the fund. He had little previous insurance experience.
>
> Pension trustees who also were officers of the McCrory Corp., which maintained the plan, purchased shares of McCrory stock for the fund while they sold their own holdings. When the fund quit buying, the stock prices dropped by two-thirds. The fund lost $4.5 million in this and other securities transactions.
>
> A local Teamsters' fund contracted for land in a remote area to build housing for retired people but couldn't get a federally guaranteed loan after the government found 20 of the 26 acres were under water and nearly half the rest consisted of a rock outcropping.

In another instance, all of the liquid assets of two pension funds were placed in a bank and then used as security for a loan in excess of $4 million made to the director of the bank who was also a contributing employer.

What do these figures mean? In simple terms they mean that many pension plan trustees have been using the pension fund assets for their own personal business ventures and dealings. They have been putting their own speculative schemes ahead of the security of the employees and pensioners. This is a practice which must be stopped now by Federal law.

Other trustees have been very eager to milk the pension trusts through exorbitant fees. In one instance, five trustees administered the pension and profit-sharing plans of a corporation. Three of the five were past or present officers of the corporation. In 1 year, these five trustees received more than $300,000 in trustees' fees alone, from the corporation's pension and profit-sharing plans. In addition, this pension and profit-sharing plan paid more than $130,000 to a separate corporation controlled by these same trustees which was established to administer and invest the funds.

The vice president of an international union has participated in the administration of two welfare funds. In a single year he received $19,555 as vice president of the union plus $19,500 from one welfare fund and $6,100 from another, or a total of $45,150.

Another officer of the union also held three similar positions with salaries totaling $42,850.

The son of one of these officials also held three positions and received an aggregate of $23,000.

A classic case of mismanagement was brought to light in the recent litigation with respect to the United Mine Workers' welfare and retirement fund. In the case of Blankenship et al., against Boyle et al., the U.S. District Court for the District of Columbia found that the union held 74 percent of the stock of a Washington bank. The trustees of the union's welfare and retirement fund then deposited as much as $75 million, or 44 percent of the fund's total resources, in this bank at no interest. The court found that—

> The money remained at the Bank on demand to the bank's advantage but earning nothing for the Fund.

The court also said that—

> The beneficiaries were not in any way assisted by these cash accumulations, while the Union and the Bank profited.

The court also found that the trustees were utilizing the fund's assets primarily to advance the collateral interests of the union instead of advancing the interests of the beneficiaries. In this regard the union was purchasing large blocks of electric utility stocks and lending money to Cyrus Eaton to do the same. The union and Eaton would then pressure the management of these utilities to buy only union-mined coal. While there is nothing wrong with a union promoting the use of union-mined coal, it should not do so with trust funds which must be held solely for the purpose of maximizing security for its beneficiaries. In other words, trust funds should not be used to promote the separate interest of the trustees. Trust funds must be invested solely with the objective of safeguarding the interests of the beneficiaries.

In promoting these collateral interests the court found that—

> These activities present a clear case of self-dealing on the part of trustees Lewis and Schmidt and constituted a breach of trust.

The trustees also failed to collect the royalties from the West Kentucky Coal Co., promptly. This was a large coal operator controlled by the union in conjunction with Cyrus Eaton. This delinquency was as high as $700,000 in 1961. The court said that the union's heavy stock interest in West Kentucky should have disqualified Lewis from participating as a trustee in decisions involving royalty collections from that company. In other words, the union was placing its own proprietary interests in conflict with the interests of its trust fund beneficiaries.

We should also examine the wisdom of permitting employers to invest trust fund assets in their own company's stock. The profit-sharing plan of one of America's largest retailers holds more than 21 percent of the stock of that company.

One large packaging company has invested more than 99 percent of its pension fund assets in its own stock.

If it is wrong for a union to use trust fund assets to advance its collateral interests, it should also be wrong for an employer either to buy its own stock or to lend itself money from the pension fund.

How can we be sure a trustee-employer is putting the interest of the beneficiary first, if he is allowed to play the stock market and buy the company's own stock with pension fund assets?

Another problem of concern to many retirees involves those pension plans which provide for a corresponding reduction in benefits every time there is an increase in social security. I recently received a letter from a constituent in Westerville, Ohio, which speaks more eloquently than I could about this problem. Part of that letter is as follows:

> The purpose of this letter is to seek your support in the Congress in doing something about the unfair offset-integrated insurance plans versus social security benefits, which are adequately defined in the enclosed newspaper article.
>
> My family and myself have been plagued with this problem since 1965 at which time I went on formal medical leave from the Columbus Division of the North American Rockwell Corporation. This particular contract between North American and the Aetna Insurance Company "allows Aetna to reduce their payments to me by Social Security increases as you can see on the enclosed note and check which I received from Aetna for the month of March 1971. In August of 1965 the Aetna Insurance Company started paying me $667.03 per month long term disability benefits. With the introduction of Social Security payments and the three increases since 1965 Aetna has been able to reduce their payment to $221.13 per month. It appears that a couple more increases in Social Security benefits will eliminate the Aetna Insurance Company from any burden at all. As indicated in the Dispatch Article nobody gains from the Social Security increases but the insurance carriers. In my particular case the insurance company is saving approximately $500.00 per month or $6,000.00 per year. When you multiply this times all the disabled under such contracts the insurance carriers are making a bundle. It may not have been intended this way, but all Social Security is doing is subsidizing the insurance carriers.
>
> I have no quarrel with North American Rockwell in this situation. They have been wonderful. My pay check was in the mail every Friday during the first six months of my disability. I don't think that they planned on Social Security playing such a role in the contract.
>
> Your help is needed.

In my judgment it is time for Congress to take affirmative steps to protect the pension rights of America's working men and women. We must act now to assure more reasonable vesting provisions, assure actuarial soundness, eliminate self-dealing on the part of the trustees, and prevent pensions from being reduced to wipe out social security increases. Only through these measures can the employees of this Nation be assured that they will receive the retirement benefits which they have earned.

I ask unanimous consent to have printed in the RECORD an article entitled "Increasing Lay-Offs Rob Many of Their Pensions as Well as Their Jobs" written by Jim Hyatt, which appeared in the November 4, 1970, issue of the Wall Street Journal, and an article entitled "Your Pension: Does It Provide Real Protection" written by Lawrence Hillock, which appeared in the Lorain, Ohio, Journal, on June 6, 1971.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 4, 1970]

OUT IN THE COLD: INCREASING LAYOFFS ROB MANY OF THEIR PENSIONS AS WELL AS THEIR JOBS

(By Jim Hyatt)

AVON LAKE, OHIO.—At first glance 33-year-old Edward Herrera didn't fare too badly last April when he was laid off here by Fruehauf Corp. He eventually found a job paying $50 a week more at a nearby Ford Motor Co. plant.

Despite the higher pay, however, Mr. Herrera is still bitter about losing his old job. "I put in 11 years for nothing," he says. Because he was laid off well before age 40, when he would have become eligible for an eventual pension, Mr. Herrera took nothing with him when he left Fruehauf but his final paycheck.

As layoffs reach the highest levels in six years, and as corporations tighten their belts by closing plants, many workers like Mr. Herrera are learning that they're losing more than just their current jobs. Years of potential eligibility toward pensions are also evaporating. As far as earning a pension is concerned, many workers are, in fact, having to start their working careers over.

Private pension plans hold well over $100 billion in assets. About 17,000 such plans covering about 21 million workers are on file with the Labor Department, and several million workers are thought to be in plans not reported to the department: Pension plan coverage has become increasingly generous over the years—yet Congressional committees and others looking into pensions are discovering that because of high industry turnover even in good times, stringent eligibility requirements and today's widespread layoffs many workers "covered" by such plans will never be eligible to collect a penny.

HIGH CASUALTY RATE

Just how many workers lose out is a hotly debated question and no exact figures are available. "My very rough estimate is that it is quite possible that over one-third of all workers in pension plans will never get anything from them," says Michael S. Gordon, special minority counsel for pensions for a Senate subcommittee. "In some industries the ratio will be much higher."

Union officials estimate that Fruehauf laid off more than 1,000 workers in the final year of manufacturing at the plant here and say that at least 350 of them were let go short of pension eligibility requirements—age 40 and 10 years on the job.

Companies often try to save pension rights by liberal recall provisions or by offering workers jobs at other plants. But those choices often create a variety of problems. A Dallas man in his 30s was laid off recently by Texas Instruments Inc., where pension eligibility begins at 50. But he says it has been difficult finding another job because prospective employers fear he'll go back to TI if a recall occurs.

Other workers say alternate jobs are seldom offered on the best of terms. John Voss, a 38-year-old engineering aide, is two years short of pension eligibility at a General Dynamics Corp. division in Rochester, N.Y., and stands to lose perhaps $100 a month in potential pension when he is laid off late this year under a previously announced schedule. He says he might be able to get on with a nearby General Dynamics plant, "but I'd have to take a lot less pay." He also complains that "there's no telling when the other plant will lay off, too."

SMALL COMFORT

Industry-wide "portable" pension plans often keep pension rights intact for workers who move to similar jobs, but in the current economy such plans are little comfort to many so covered. Evelyn W., a 40-year-old

Cleveland woman lost a job last January as a packer at a sausage plant. Because of the business slowdown, "a lot of the other plants wouldn't even take an application," she says. She is 10 years short of being old enough to establish a pension right and figures she has lost a pension worth $70 a month at retirement. Currently, she's taking accounting and secretarial courses at a junior college.

Layoffs hit especially hard at older workers who are dismissed short of retirement age. Jesse Stockton, 53, laid off after 23 years at Fruehauf, figures he'll never be eligible for another pension. At 65, he'll draw about $50 a month but working to 65 could have added another $36 a month to his check, union officials say.

Plant closings often take an even harsher toll on pensions already earned. An unexpected and sudden closing can leave a pension fund that doesn't even cover the built-up obligations already due workers. A classic instance: The 1963 closing of Studebaker Corp.'s South Bend, Ind., operations in which several thousand workers with earned pension rights received only a small portion of the money they had expected.

Today's wave of plant closings is creating thousands of similar cases. Metals Forming Co., a unit of Gulf & Western Industries, is in the process of closing a plant in Ecorse, Mich., that employs about 175 workers. United Auto Workers officials say that because of the unexpected shutdown, only the most senior employes will get a pension.

WASHED OUT

In a letter to Congress last July, Leonard Woodcock, UAW president, asserted that "among the victims of that closing are a man and a woman, both 52 years old, each with 37 years of service. Their entire 37 years with the company were washed out as far as pension benefits are concerned."

A Gulf & Western spokesman says only that the company "intends to honor all provisions of its contract" and adds that "employes will receive the benefits to which they are entitled." That's true enough, the union says. The problem is that what they're "entitled to" is precious little.

The United Steelworkers of America says it recently talked one company into forking over an extra $35 million to bring a subsidiary's pension fund into balance after the subsidiary folded. Such instances are not isolated. Melvin Glasser, director of the UAW's social security department, says in one recent week alone the union had "four requests to terminate pension plans from employers going out of business." Some benefits will almost certainly be lost, he adds.

Some workers find, unhappily, that their employer's pension plans are so restricted that virtually no benefits are available. Olga Jensen worked about 18 years for a San Francisco marine transportation company that suddenly was liquidated a couple of years ago. She was 47 at the time and expected that she would receive some settlement from a pension fund for her years of service.

To her surprise, Miss Jensen found that the fund only paid a pension to employees working to the age of 65 and that when the plan terminated, her expected Social Security benefits were deducted before any pension was calculated. As a result, she got nothing. "It was more than shabby," she says. She worked for a time at another company but decided the risks of losing another pension were too great. Taking a pay cut, she moved to the U.S. Customs Office, where the pension provisions were more liberal.

Lower-level workers aren't the only employes encountering pension problems. "The loss of pension credits is spreading into new sectors," say Merton C. Bernstein, an Ohio State University law professor. "Manufacturers are laying off white-collar managerial people."

A 49-year-old middle-management official at Texas Instruments is less than a year away from meeting the age 50 pension eligibility requirement, but he figures his chances are "less than 50–50" of making it in the face of major layoffs by the Dallas company. "It's like being in an artillery barrage when they have you zeroed in," he says.

WIPED OUT

One 58-year-old bank executive in the Midwest was recently fired just 18 months short of having 10 years on the job, a requirement for a pension. Bitter about the treatment, he calls such requirements "archaic and obsolete." He adds: "A place like this constantly reminds you that maybe you don't get much pay but a big percentage of your overall compensation is in various benefits, including the pension plan. When they forfeit the pension they fatten their own purse."

A 44-year-old Cleveland banker, fired after seven and a half years, frets that "I'm half way through my working career and I'm starting over again on another potential pension. If you change jobs every 10 years or so, you're not a job skipper in any sense of the word. Yet two or three moves and you can effectively end up without anything at all."

Such problems are especially widespread among professional and technical people out of work due to defense spending cutbacks. "We're getting some pretty pathetic letters," says one California job retraining specialist. "Because of the ups and downs of our business, they suddenly find themselves near retirement, laid off, with no pensions." One study found the average engineer spends less than six years at any single job, far short of most pension eligibilty requirements.

TAKING REMEDIAL ACTION

In boom times, of course, high-salaried engineers didn't worry about pensions. "I've been buying a little real estate and thought I wouldn't worry about pensions very much," says John R. Goodwin, 49, an aeronautical engineer who has had 11 employers in his career but has never qualified for a private pension. He lost his last job, which paid $17,500 a year, just three months short of qualifying for a plan.

With hundreds of his colleagues out of work, however, he finds his real estate holdings, including his own $45,000 home in a Los Angeles suburb, impossible to sell. He has taken some temporary $3-an-hour drafting jobs and hopes to do some consulting work, but he figures he has lost any chance of ever earning a pension. "As far as I'm personally concerned," he says, "I think the game is up."

Alarmed at such developments, unions are taking increasingly tough stances in negotiations, seeking to improve pensions even at the sacrifice of current wages. "Unions are saying it is senseless to stick money in the pay envelope just to let Uncle Sam get it," says Robert F. Rainey, supervisor of pensions and trusts for H. K. Porter Co., Pittsburgh, an industrial equipment concern. He figures his company's pension costs have almost doubled in two years.

The United Rubber Workers Union this year boosted pension benefits to $7.75 a month per year of service, almost 50% higher than the previous level. In October Owens-Illinois Inc., Toledo, signed a new three-year contract with the Glass Bottle Blowers Association that will boost pension benefits in 1973 to $7 a month from $4 a month currently for each year of service. The union represents most of the company's 20,000 employes in 18 glass container plants.

But fatter pensions alone don't protect workers from layoffs, so unions are also seeking more liberal eligibility requirements. A major issue in the current strike against General Motors is a UAW demand for a full pension of $500 a month after 30 years. GM has offered such terms for workers at age 58 " 'Thirty and out' could double pension costs," says one corporate official.

Pension disillusionment has led to considerable pressure in Congress for tighter Federal controls and looser eligibility requirements. One measure sponsored by Sen. Jacob Javits of New York would set up a reinsurance fund to pay benefits that employers couldn't cover in the event they are forced to go out of business. It would also create an independent pension commission, similar to the Securities and Exchange Commission, to handle pension regulatory matters.

Moreover, a number of unions and employes are seeking fully "portable" pensions. Such a system, already used by some unions with industry-wide contracts, permits workers to simply change jobs and carry their accrued pension benefits with them. White-collar workers caught in the economic downturn are particularly interested in such a plan. The American Chemical Society is exploring portability for its members, and an official of the American Institute of Aeronautics and Astronautics says: "I know of four companies that six months ago would have shot you if you stood on their property and uttered the words 'portable pensions.' These companies are now investigating it. The climate is changing."

YOUR PENSION: DOES IT PROVIDE REAL PROTECTION?

(By Lawrence Hillock)

When Fruehauf Trailer Co. pulled out of Avon Lake last spring it left Ted Godek at loose ends.

Godek, 55, and with a limp he's had since childhood, found job hunting a singularly unprofitable occupation.

"I'd walk in, they'd take one look at me and say they didn't have a job. Then a kid would walk up, a kid with long hair, and they'd say: 'When can you start.' "

But Godek had an ace-in-the-hole. At least he thought he had. After all, he had labored 24 years for Fruehauf—"first inspector in and last out"—and was entitled to a pension. He decided to retire early.

What Ted (Theodore) Godek got for his 20.7 years of credited service (they counted only the years after age 35) was $27.32 a month.

Godek was astounded. He wrote Fruehauf headquarters in Detroit asking for an explanation, and he got one. It was straightforward enough: Since he had elected early retirement, 112 months early to be exact, his benefit would be reduced 56 percent.

Had he waited until 1980—until 65—Godek, who lives at 5780 W. Erie Ave., Lorain, would have got the full retirement benefit. That, the company letter said, would be $62.10 per month.

Godek said he didn't understand it but one thing was clear: He needed a job.

The breakthrough finally came months later when an ex-Fruehauf co-worker leaving a job, tipped Godek off. Godek landed in his departing friend's still warm work boots.

At 55, Godek was beginning again as a janitor. But his humor hadn't deserted him.

"I haven't had a beer for so long I could be caught for drunken dreaming," he quipped. "But my wife ain't pregnant. I can be thankful for that."

The tragedy in Godek's case is the size of the benefit and that because of his age he may never be eligible for another pension.

Actually, he is luckier than most of the estimated 25,000 men and women whose pension plans are dropped because of consolidation, merger or business failure each year.

When Studebaker went out of business in 1963, for example, about 4,000 employees, some older than Godek, drew only 15 cents for each dollar of accrued pension rights. Only those over 60 got full pension.

At Fruehauf, those who really lost out

were the long-term employees just under 50 who left just before the company closed up shop in Avon Lake. The rule was up to May 15, 1970, that an employe had to be 50 and have at least 10 years of service to earn a right to a pension.

Former Labor Secretary George P. Shultz estimated before a House Labor Subcommittee in April, 1970 that one third of the 30 million workers covered by pension plans in the United States would never see their pension. He was referring primarily to only one type of loss—that caused by restrictive rules.

Take the case of Charles N. Evelyn. For 41 years he worked as a mechanic for a Newark, N.J. chemical factory, and was looking forward to a moderate $100 a month pension. Just two years before he was scheduled to retire—at age 63—a larger concern bought out the company, and laid him off. Because of a rule saying he must be 65 to qualify for a pension, Evelyn was turned out without a penny.

Edward Herrera of Sheffield Lake was only 33 when he was laid off by Fruehauf, and had no trouble landing another job at Ford, paying $50 more a month. But he was still bitter about losing his pension credit.

"I put in 11 years for nothing," he said at the time.

Herrera didn't really lose a thing by going to Ford. If he stays 10 years he will earn a pension worth about $75 a month, at least $10 greater than a 21-year Fruehauf pension. And he can retain his right to it if he leaves Ford anytime after 10 years.

Ford and the other auto companies have especially lucrative pension schemes when compared to other big firms in this area; U.S. Steel pays about $1 less a month for each year of service; others on the average are another $1.50 less. And although most have vesting, there are age limitations.

As of October, this is how an auto worker's pension will work if he has had 30 years on the job: At age 58 he can retire and draw $500 a month. At 62, this would drop to $450 but the 80 percent Social Security benefit could be used to take up the slack. By age 65, the company subsidy—roughly half of the $450—would be dropped but the worker would now be getting full Social Security.

There wasn't a trace of rancor in his voice, but Milton Lyons, 65, of 1098 Jefferson St., Vermilion, wondered why the auto worker would soon get $500 a month when his pension amounts to $33.

Why, he asked, is there that "awful inequity, that big discrepancy in the union movement pension field. It seems the bigger they are, the more noise they make, the better the pension."

Milton, too, worked 30 years. He didn't job hop. All those years were spent with the same company, a small lamp and fixture firm in Vermilion taken over a few years back by the giant, IT & T.

Lyons wasn't complaining about his own condition. His wife is younger, still works, and his Social Security is "pretty good." But, he says, some former workmates haven't fared as well.

What is the answer?

Milton Lyons put his this way: "I don't like government intervention. But if we can't survive without government control, I say let's have it."

Oddly enough, controls—though of a different nature—are being proposed by one of those big unions Lyons considers so well off—the one-million member strong United Steelworkers of America.

Less than two months ago, union leader I. W. Abel went to Washington and declared:

"We are advocating that the Congress of the United States protect the pension security of the men and women who have spent their lives in service to our nation's economy . . ."

Abel testified in support of a bill before the House General Subcommittee on Labor that would require permitting an employe to transfer his accrued pension after 10 years service if he changed jobs or was laid off or fired; require compulsory funding of pension funds by employers; and create a federal insurance corporation to guarantee worker pensions if firms go bankrupt.

Under Secretary of Labor Laurence H. Silberman talked at length on the subject of proposed pension legislation on Dec. 8, 1970. In essence what Silberman said was that vesting and other points raised by Abel were under study, but that a thrust against only one aspect of the pension problem had White House backing.

This, he said, was a bill aimed at demanding "fiduciary responsibility from pension fund administrators, and designed primarily to halt the growing number of schemes to bilk workers of their pensions.

One incident of this type cropped up recently as last February. Some 67,000 barbers began worrying about their benefits when a Chicago federal grand jury returned indictments against Joseph N. DePaola, president of the Journeymen Barbers Union; Thomas A. Shaheen Jr., a union financial adviser; and Max Block Jr., a New York City attorney.

Because of questionable loans, the pension plan was estimated to be up to $3 million short, and on the way to bankruptcy within 15 years. The government charged DePaola received $29,000 in kickbacks and Shaheen at least $42,800 for approving a $350,000 loan to a dry cleaning firm.

"I expect we'll get shortchanged somehow," commented Henry Baker, 59, of Baker's Barber Shop, Vermilion shortly after the disclosure. He had invested $600 since 1966.

The list is long, and unions are not always involved.

Some examples:

A plumbers' union local in Asbury Park, N.J., anxious to gain control of $720,000 in pension fund assets, paid the insurance company administering the plan $66,000 in penalties to regain control of the assets.

In San Francisco, two members of a painters' union local—Dow Wilson and Lloyd Green—were killed to cover thefts from union pension funds.

A company appointed trustee of a Chicago manufacturer put $250,000—69 percent—of the assets of the employe pension fund into the company's preferred stock. A year later the stock was worthless and the fund's assets had dwindled to $13,500.

For those not represented by the largest and most reputable unions and organizations what the pension promise boils down to, according to Sen. Harrison A. Williams Jr. (D-N.J.), is this:

"If you manage to get a job with a company that has a private pension plan, if you stay with that same company (in some cases, same industry) for 25 years without being laid off or discharged, if you survive to age 65, if the company does not go out of business and if the pension fund does not suffer losses in its investments—you may be lucky enough to get an adequate pension."

Faced with this pension uncertainty in private industry, some fled to safer ground. Olga Jensen did. At 47 and after 18 years with a San Francisco marine transportation company, she found herself out of a job because the company was liquidated, and out of a pension because only those who worked until age 65 were entitled to benefit.

Olga worked for a time with another private firm, but decided the risks were too great. Although it meant a cut in pay, she went to work for the U.S. Customs Office.

The government at all levels, while asking its people to pay a share toward their pension future, takes care of its own.

No one realized this more than Jean Lawless of Vermilion who has spent 36 years as a librarian, 34 in the Lorain Library system. In years gone by, she passed up the lure of faraway places and more pay to protect her future. "Youngsters can't see the benefit of staying in a system for 20 or 25 years. They want results now," she remonstrated.

Her wait will pay off at the end of August when she retires at 63 with a pension she estimates will be in the neighborhood of $425 a month.

Other public service jobs pay off in pensions as good, if not better, and in addition most have vesting after 5 years, plus a cost-of-living adjustment. Ohio teachers, with 35 years or more of service, averaged a $7,475 annual benefit or 76 percent of final average salary. The annual pension benefit for all state teachers was pegged at $5,176.

Jean Lawless was satisfied. "With careful planning I'll get by on the pension," she said.

Theodore Godek and Milton Lyon could not truthfully say the same.

A PROPOSED INSTITUTE OF HEALTH-CARE DELIVERY

Mr. BEALL. Mr. President, I had the pleasure of keynoting the Maryland Hospital Credit Associates' meeting on June 10 at Gaithersburg, Md. In this speech I proposed the establishment of a National Institute of Health Care Delivery which I believe is needed.

I ask unanimous consent that the full text of this speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Senator J. Glenn Beall, Jr.

Almost two years ago President Nixon warned the nation that America's health care system faced a "massive crisis".

This crisis can be seen: in the spiraling medical costs, in shortages of medical personnel, and in the maldistribution of doctors and services.

Before reminding this sophisticated gathering of what is wrong with our health system, it is important—and only fair—to recall that there is also much that is good about health care in the United States.

America's medical *research* crowned by the outstanding work done at nearby NIH is unequalled in the world. Our laboratories have developed vaccines and drugs for the control of polio, of diphtheria, or TB, mumps, measles, and chickenpox. New drugs have even been discovered which have helped to dramatically reduce the number of patients in mental hospitals.

Let us not forget, either, the miracle-like transplants of vital organs such as hearts and kidneys.

We should also note that since 1950:

Life expectancy in the United States has increased by 3½%.

Infant death rates have dropped 2½%.

Maternal death rates have fallen 66½%.

Neonatal death rates have gone down 19½%.

The last decade has seen a 6% drop in the number of days each year that Americans are disabled.

We should keep in mind that we have done well in meeting new hospital needs, thanks to the Hill-Burton program. Between 1963 and 1968 the number of hospital beds per 1,000 citizens has increased from 12.4 to 13.5.

We can and should take pride in such accomplishments of medical science and the dedicated men and women who labor to make them possible. There clearly then is much that is *right* with medical care in the United States; but there is also much that is *wrong*.

Let us now turn to those problems:

HEALTH COSTS AND FINANCING

One of the most pervasive problems is spiraling medical costs. Health has become America's second largest industry with expenditures of approximately $70 billion. In the last decade health costs have climbed 170%—from $26 billion just a decade ago.

Since 1960, medical costs have risen twice as fast as the cost of living. Hospital costs have climbed 5 times as fast as other prices. Today in many urban areas, the average cost of a single day's stay in the hospital is $100.

Disturbingly, future cost projections (if changes do not take place) are neither comforting nor encouraging. The Social Security Administration has projected medical costs for 1975 between $111 and $120 billion. This should make health in 1975 the single largest industry in our society.

Those projections were based on the assumption that business as usual will continue. That cannot be.

Too many problems in our society need to be solved. The medical crisis is only one among several. We will never have enough money to do everything that needs to be done. Resources wasted in one area cannot be tolerated. Just as there is growing scrutiny of the Defense budget, there will be growing examinations of spending in the health area. It is for you and others in the health field to prove the projections wrong. We must face the harsh facts that, for a growing number of Americans, health care costs are becoming prohibitive. Even for middle-income Americans, a prolonged illness may spell financial disaster.

Did you read the story in the "Wall Street Journal" last year of the little daughter of a young executive who was stung by a bee? The cost after four years of treatment following complications was $57,794. Last week Time Magazine cited similar case histories including one of an industry salesman who sought to protect his family by buying the "best policy" his company had to offer—a policy with a $40,000 limit.

His son, a student at Cornell University, hurt his neck during a football game and became paralyzed. Seven months later, his bills of $6,000 a month had exhausted his insurance.

Medical costs are something that I as a consumer know something about. As you may know, I recently had an appendectomy. Although this first-hand look at our health care system was useful, I can assure you this was no planned field trip. I was impressed by the dedication and service; and the quality of care could not have been better. I must say, however, that there are post-operative "pains" other than those from the operation itself. I just received the bill. Now that hurt! $1500 in hospital costs alone, and I haven't even received the doctor's bill yet. Fortunately, my insurance coverage was good, but for many Americans with inadequate or no coverage, this financial pain must be the biggest of all.

Much progress has been made in the financing of medical care. But in perspective it would seem we have just commenced. In 1950 only 50% of our population had health insurance. Today 80% of our population is protected with some kind of coverage. The problem is that it is often inadequate.

The great health debate that is now underway in the Congress is primarily centered on the financing of health care. For the first time in the Nation's history, the President of the United States has sent legislation to the Congress to improve health care for all Americans, wherever they live.

The President's financial proposal would mandate minimum insurance coverage for all employees, including catastrophic illness protection up to $50,000. In addition, the President proposes a family health insurance plan to provide the basic health insurance protection for all low-income families with children not covered under the mandated employer plan.

Basically, the President's proposal builds on the existing system with improvements and regulations. The legislation to spell out these regulations will be submitted to Congress next month.

Competing proposals include the Kennedy Plan, which would, in effect, have the Government take over health insurance completely; a comprehensive proposal by the insurance industry; and the American Medical Association's plan which relies on tax credits to assure availability of care to all.

Frankly, although much of the Congress and the country's attention has been focused on the financing issue, I am convinced that this aspect of the health care crisis will be resolved even though the implications of that decision both for the Nation and the health care system are staggering.

I look for legislation to be enacted which will build on the present structure. I doubt, however, that a comprehensive proposal for financing will pass this year—although legislation to deal with the catastrophic illness problem might make it.

Catastrophic illness is truly a serious problem . . . One that haunts every American family. I have joined Sen. Boggs of Delaware in introducing S. 191, the National Catastrophic Illness Protection Act, to deal with this problem.

In any event, I look for a consensus to emerge on the financing question and, certainly, I foresee financing legislation being enacted by the end of the next Congress at the latest.

MANPOWER PROBLEMS

Another serious problem in the health care system is the scarcity of medical manpower and its maldistribution.

There is a severe shortage in this country of doctors, nurses, and other members of the health professions. It is generally agreed that we need 50,000 additional doctors in this country today. The serious problem of maldistribution of doctors and other health professionals, though, may be an even more difficult problem than the one of shortage. One American Medical Association study in 1970 identified 134 counties in the United States without a single physician. 36 counties have been added to the doctorless list since 1963.

Some medical authorities estimate that as many as 30 to 40 million Americans do not have access to a private physician. This number includes not only the many poor in our cities or in our rural areas, but also some middle-income Americans living in 5,000 rural towns believed to not have a doctor in residence.

This national picture is reflected in Maryland. 16 census tracts of Baltimore's inner city show 174,000 citizens, primarily disadvantaged, are totally lacking in primary care physicians.

Access to care is becoming more difficult for more and more people. The doctor who makes a house call is almost a disappearing species.

There are many reasons for these problems. Specialization is one; the technology explosion is another; the federal government's emphasis on medical research is still another; with medical manpower following the migration patterns of the larger society—out of rural areas, out of the central city, to the suburbs as probably the most troublesome of all.

To improve this situation we obviously must greatly increase the supply of doctors and other health professionals. As a part of the solution, medical schools must re-examine their curriculum to see if they cannot shorten the training time.

The Administration's health proposal attempts to create an incentive for curriculum reform by basing medical school application grants on a per-graduate basis. Thus, the schools would receive the same amount of money per student whether the medical school was of three or four year variety.

In February I introduced S. 790, the Family Physicians Scholarship and Fellowship Act. This bill provides scholarships and fellowships to young men and women who agree to serve as primary-care doctors in physician-shortage areas.

23 members of the Senate have added their names as co-sponsors of this bill.

NEW NATIONAL INSTITUTE OF HEALTH CARE DELIVERY

For a variety of reasons—costs, inadequate financing, manpower shortages—the fact that emerges is that for all too many Americans, quality medical care is simply not available when it is needed, where it is needed, and at a price they can afford. These Americans marvel at the miracle of medical science and the medical team, but their plea is not for heart transplants or other more dramatic breakthroughs. They simply plead for access to the methods and procedures developed by our laboratories and research over the last quarter to one-half century.

Developing the capabilities to deliver the benefits of research to Americans in need wherever they are located is the tough test facing the nation and the health industry in this decade.

Our success in solving the health care crisis will depend to a great deal on our ability to improve our delivery system. I am convinced that without bold initiatives and without substantial investments to improve our health care delivery, that health care will remain unsatisfactory and its costs will continue to rise.

It is for that reason that I today propose that this nation create a new National Institute of Health Care Delivery. The goal of this Institute and its labs will be to do for health care delivery what the National Institutes of Health have done for medical research. Its objective is to make the United States the leader in health care delivery just as we are widely recognized as a leader in health research.

Four ingredients are essential for such an institute to carry out its mission. They are: Adequate resources, talented men and women, proper organization, and wise management.

There is no question that substantial resources will be needed if we are going to improve our capabilities in health care delivery. Since WWII the United States has invested over $20 billion in biomedical research.

Comparatively little has been spent on health delivery research. In 1970, for example, the nation invested $1.6 billion for biomedical research but only $18 million in research on health delivery. Perhaps this disparity in research spending between biomedical and health care delivery explains the reason for the healthy condition and preeminence of medical research in the United States on the one hand, and the need for major surgery on our health care delivery system on the other.

What is needed is a think-tank and developmental lab or labs to deliver the promise of this medical research to the patient. Our achievements in technology, such as in space, transportation, communications, and data-processing have been amazing. Yet, much of our health system continues to employ the same manual procedures used at the turn of the century. 20th century technology and 20th century research must be combined to provide 21st century health care delivery in this decade!

The charter of the organization I propose should be very broad. It should examine our existing health care system and design and test components of a new one. It should be encouraged to overlook no potentially promising avenue of improving the quality of care and the efficiency of our health care system.

The Institute, as I envision it, would be staffed by multi-disciplinary teams from medicine, engineering, accounting, social sciences, architecture, law, and the management sciences. The Institute would provide a stable environment wherein teams can focus upon developing our new health care system. It should have a flexible personnel system modeled on other Federal research and development agencies to enable it to hire competent staffs from many disciplines and backgrounds in competition with the industry and universities and other research and development agencies.

Obviously, the organization of any institution is critically important and this is particularly true of the proposed National Institutes of Health Care Delivery. While one can only sketch its skeleton shape, such agencies should be located within the government, perhaps comparable to research and development agencies such as NIH and NASA. In considering the Institute and lab we should also examine carefully such organizations as the Rand Corporation and like industries who have played important roles in improving military efficiency. Certainly similar agencies should be able to develop better health care delivery systems.

I believe the Institute should examine all means of improving the quality and efficiency of our health care system.

The Institute must be able to do a complete system study of health. Sweden, for example, has 83 doctors per 100,000 citizens—compared to the United States with 140 doctors per 100,000 citizens.

Yet, the death rate among middle aged men in Sweden is only ½ that of the United States. Why? That would be a likely question for the new Institute.

The Institute of Health Care Delivery must be able to systematically study and analyze the tasks performed by doctors and other members of the medical professions to see what tasks could be delegated and performed just as well by para-medical personnel. It is generally agreed that doctors spend too much time on routine tasks—including 25% of their time on business such as bookkeeping, billing, ordering supplies, etc. Also, it has been estimated that nurses spend up to 25% of their time on paper work.

With respect to any illness we can combine the talents of medical personnel in various ways. Take a routine physical examination: It may be performed entirely by a doctor, by a doctor/nurse combination with the nurse taking the medical history and patient's temperature, or by doctor/nurse/technician team where the technician performs many of the tests and the doctor's role is limited to the interpretation of the results from such practices as multi-phasic screening. These different approaches to the routine physical examination may produce medical care of equal quality. But they carry vastly different implications, both in terms of costs and the utilization of physicians' scarce time.

Similarly, experts tell us that many of the routine visits to the pediatrician could be performed by trained physician's assistants, such as a nurse.

The National Institute of Health Care Delivery must be able to study the various certification requirements to determine which are necessary to protect the public and which are merely preventing effective use of paramedical personnel. In this context, it is important to note that at one time many tasks such as the drawing of blood and the giving of intravenous injections of anesthesia, all of which are handled quite confidently by allied health personnel today, was legally required to be performed by the doctor.

The National Institute of Health Care Delivery should also be able to examine the malpractice issue. President Nixon proposed a commission for this purpose. An examination of this issue is critical not only because of skyrocketing costs to doctors for such insurance which, of course, is passed on to the patient; but also because doctors are forced to practice "defensive medicine".

The Institute of Health Care Delivery could use the Federal government's public health hospitals and outpatient clinics if licensing laws proved to be an obstacle to care delivery experimentation. Successful experiments of these federal facilities should then encourage wide-spread re-examination of the licensing laws.

The National Institute of Health Care Delivery should examine data processing, which has become standard in other segments of society. One of the nation's aerospace firms did a study of the famed Mayo Clinic. They found that in a $1,000 hospital bill, $300 went to non-productive information handling and filing. And, significantly, they found that with all of the red tape required—12 different human operations merely for an x-ray picture—there was one chance in six that the hospital test had some error in it! !

The potential of data processing can be illustrated by recent developments in Maryland where the Maryland Blue Cross and 18 of its member hospitals installed a new direct-line computer communication, the effect of which has been to enable Blue Cross to cut its cost of processing patient admissions and claims by 30%. This computer link cut admissions costs from $3.60 per claim to $2.52 per claim. The time required for the processing of admissions and transmitting data back and forth between hospitals and Blue Cross has been reduced from as long as four days under the previous manual system to less than one minute. The potential of data processing seems to be there; all we have to do is prove it and utilize it.

The Institute of Health Care Delivery should examine the efficiency and management of our health facilities, including such items as hospital admissions, accounting procedures, and cost finding techniques. An effort should be made to find a uniform accounting system. Some medical experts estimate that as many as 30% of the hospital admissions are unnecessary. Part of this problem has been insurance policies that "pay off" only if treatment takes place in hospitals.

We know of the problems of community and professional competition for the most advanced and expensive equipment often leads to unnecessary duplication. Open heart surgery is such an example. One hospital director has estimated that open heart surgery requires a team of 12 doctors, nurses, and technicians . . . on constant stand-by. Approximately 50 operations are needed a year because of the complexities and the constant changing procedures in order to keep the team at its maximum effectiveness and efficiency. eYt, of the 800 hospitals equipped to to this surgery, one-third do not have a single operation in a year, let alone 50!

I am convinced that cooperation of the hospitals and doctors can be achieved on a voluntary basis. I think we should employ financial incentives to encourage such cooperation such as raising the federal percentage of Hill-Burton construction participation for facilities agreeing to cooperate in needed undertakings. Also, public health and defense medical facilities are available and would be ideal for experimentation. There is a way—provided we are not short on imagination—provided the needed resources are made available.

The Institute of Health Care Delivery mandate should include a promotion of preventive medicine through the employment of techniques to improve the diagnosis and treatment of diseases. Medical Research has given us some of the possibilities. We need now to implement them. For example, heart attacks are the leading cause of deaths in the country. Most such deaths occur before the patient reaches the hospital. If we can find ways of getting these patients to the hospitals more rapidly, tens of thousands of lives could be saved yearly. The technology is not lacking as demonstrated by our emergency facilities and highly organized techniques, including helicopters employed by the military in Vietnam or even the heart-mobile as in Montgomery County. Mobile delivery systems would seem to have a great deal of potential for health maintenance and preventive care. Improving delivery arrangements for heart attack and other emergency victims could be organized on some regional system. Development of such plans and procedures would have a great deal of potential also for rural residents and for the thousands of travelers who because of accidents or acute illness need emergency assistance.

In addition, the President has launched an accelerated attack on cancer which strikes one out of four families. It is already theoretically possible to develop semi-automatic systems to spot cancer's early warning signs. Hopefully, new breakthroughs will come in the cancer area as a result of the President's new proposal. The Institute could help to make certain that the fruits of such research will reach the people.

My proposal for a National Institute of Health Care Delivery attempts to make health care delivery a field of research of its own. This is an area in my judgment where breakthroughs are urgently needed. With adequate money, with talented men and women from many disciplines, and with proper management I believe the potential is there for making America's health care delivery system as excellent as our research.

I believe that it needs to be emphasized that health problems cannot be viewed in the context of medical care alone. This is particularly true for disadvantaged citizens for such items as housing, education, nutrition, the environment.

Debate now rages in the Congress not on the issue of *whether* to alter the medical system to more adequately meet the country's medical needs, but *how* to alter it. Republicans, Democrats, AMA, the conservatives, liberals, are all agreed change is imperative. But how? To what degree? What should be the proper Federal role? All of these questions have yet to be answered.

The Chinese word of crisis is made up of two characters . . . one character stands for danger and the other, opportunity. That is how I view the health care crisis in this country today. Notwithstanding the dangers of the present situation, I am optimistic. There are enough people concerned, enough people agreeing that change is needed, that change will come, demonstrating once again how this great Nation converts situations of danger into new opportunities, the opportunity to provide quality medical care to all of our citizens.

To seize the opportunity, the cooperation of all of us is needed: public and private organizations of all types. It will necessitate examining old ways and looking for new.

Most of all, it will require commitment.

General Bernard Shriver, who helped organize the Nation's space program, said that the most important single step in that complex endeavor was the original decision of commitment. I believe that the commitment is evident in the health field as seen by the interest of you here today. If we as a nation make those necessary commitments dealing with the financing, manpower, and the establishment of a National Institute so that we can do for health care delivery what NIH has done for medical research, we will indeed be seizing the opportunity provided us by the present health care crisis. I challenge you, and others associated in the health field, to join in making the necessary commitment: a commitment that will insure quality in health care to all of our people—wherever they live and at the price they can afford.

EAST PAKISTAN RELIEF

Mr. GRIFFIN. Mr. President, all of us have been concerned about the very grave plight of the East Pakistani refugees.

Their suffering and the serious outbreak of cholera among them called for immediate and emergency action.

I am pleased to note that this Government has acted promptly and that over the past weekend the State Department announced several steps to bring food and medical supplies to the refugees and relocate many of them in less crowded areas.

I ask unanimous consent that the text of the State Department announcement, dated June 12, be printed at this point in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

EAST PAKISTAN RELIEF

The Department of State announced today that three U.S. Air Force C–130 aircraft would leave Pope Air Force Base in North Carolina at 11:30 p.m., June 12, to join a fourth aircraft already in India, to carry out an airlift of East Pakistani refugees from the crowded Indian state of Tripura.

These aircraft, which were requested by the Government of India through the United Nations High Commissioner for Refugees, will carry one million doses of cholera vaccine produced in the United States to help contain the serious cholera outbreak which has occurred among refugees in eastern India.

The Department also announced that the U.S. has agreed to provide all transport for up to 300 tons of rehydration fluid and other anticholera supplies being assembled by the World Health Organization in Geneva.

In addition, the U.S. has agreed to provide to the Government of Japan, on a reimbursable basis, U.S. Air Force aircraft for transporting to India ten Jeep ambulances which the Japanese Red Cross is donating for medical work among the refugees in eastern India.

In connection with these announcements, Joseph J. Sisco, Assistant Secretary of State for Near East and South Asian Affairs, explained three basic elements of US policy in regard to the situation in East Pakistan. "The first", he said, "is that we are fully supporting international efforts to provide humanitarian relief assistance to the peoples of East Pakistan who have been affected by the civil strife. We are also providing full support to the international efforts to provide such relief assistance to the refugees from East Pakistan in India. Second, because of the possibility that the situation in East Pakistan and eastern India could escalate dangerously, we have counseled restraint on both sides. Third, we have made clear our belief that normalcy can be restored in East Pakistan only within the context of a peaceful political accommodation."

In regard to the last point, Sisco explained that a political accommodation in East Pakistan is important both to stem the flow of refugees and to create conditions in East Pakistan conducive to their return. In this connection, he noted the current visit to Pakistan and India of Prince Sadruddin Aga Khan, the United Nations High Commissioner for Refugees, and hoped it would be helpful in seeking resolution of the refugee problem.

Summarizing U.S. participation in international relief efforts in East Pakistan and India, Sisco said that the US has now announced contributions of $17.5 million worth of relief assistance for East Pakistani refugees in India.

This U.S. Relief Program is being coordinated by an inter-agency committee on Pakistani refugee relief chaired by Frank L. Kellogg, Special Assistant to the Secretary for Refugee and Migration Affairs, who departed for Geneva June 11 for discussions with the UNHCR. Following these discussions, Kellogg will be visiting India for discussions with relief officials there and for an on-the-spot examination of the problem.

The U.S. will provide food for 1,250,000 refugees and provide other assistance, such as medical supplies, shelter, and transportation. In Pakistan, the U.S. has urged the Government of Pakistan to request, and the United Nations to coordinate, a prompt and effective international relief effort. "We have been encouraged by reports of productive conversations this week between Pakistani officials and Mr. Ismat Kittani, the Special Representative of United Nations Secretary General U Thant, and indications that a coordinated international relief operation in East Pakistan is being organized," Mr. Sisco said.

Within the framework of this international effort, the U.S. this week has signed an agreement with the Government of Pakistan to provide $1 million in grant assistance for the charter of boats with crews from third countries to deliver food grains and other essential relief supplies to the cyclone affected areas in East Pakistan where serious food shortages now threaten. The U.S. stands ready promptly to provide additional assistance in water transport, food and other supplies as may be required in East Pakistan.

THE DESIRE OF THE LITHUANIAN PEOPLE FOR NATIONAL SOVEREIGNTY

Mr. MAGNUSON. Mr. President, Congress cannot forget—as many Americans cannot forget—the seizure of Lithuania by the Soviet Union over 30 years ago today. On June 15, 1940, Lithuania was occupied and subsequently annexed to the U.S.S.R. I wish now to call to mind the valiant people who remain under Communist domination these many years. We have not forgotten them.

The United States recognized the establishment of an independent Lithuanian Government in 1922, and it has never recognized that nation's incorporation into the Soviet Union. Thirty-one years have not erased memories of independence nor the desire of the Lithuanian people for national sovereignty. They have retained their own ancient language and their sense of identity throughout years of foreign domination.

On this day it is only fitting that we in the Congress of the United States reaffirm our support of the right to self-determination for all peoples held captive by the Communists. Our continued refusal to recognize the status quo as imposed upon Lithuania and our manifested support for the just aspiration of her people for freedom and independence demonstrates our sincere hope that liberty will once again return to Lithuania.

EMERGENCY STRIKES IN THE TRANSPORTATION INDUSTRY

Mr. GRIFFIN. Mr. President, this morning chairman of the Labor and Public Welfare Committee, Senator WILLIAMS, opened hearings on proposals to improve the machinery available to deal with national strikes, particularly those in the transportation industry.

The lead-off witness was Hon. James D. Hodgson, Secretary of Labor, who presented testimony supporting S.560, a bill which I introduced in the 91st Congress, and which I introduced again in this Congress on behalf of the administration.

Mr. President, I ask unanimous consent that the text of the Secretary's statement before the committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JAMES D. HODGSON

Mr. Chairman and Members of the Subcommittee, I am glad you have given me this opportunity to be with you this morning to discuss the Administration's proposal to deal with the problems of emergency labor disputes in the transportation industry. It was just last month that I was here discussing with you the crisis brought about by a threatened walkout of the railway signalmen. As the President said in his Message to Congress of May 17th concerning that crisis—

"The time has long since passed for active consideration and action by the Congress on the proposals which I have twice presented to it to resolve emergencies such as this in an equitable and conclusive manner and, thus to preclude the necessity of congressional action on each individual dispute."

The examination which this Subcommittee begins today will, and must, I believe, result in much needed statutory reform in a critical area of labor relations policy:

Reform which will redound to the benefit of labor and management, alike;

Reform which will ease the burden on the Congress and the courts;

Reform which will rationalize labor relations in the transportation industry, serve the public need for critical services and enhance free collective bargaining in one of our Nation's most basic industries.

The members of this Subcommittee are very aware of the extraordinarily difficult time experienced in recent years in transportation industries in general, and the railroad industry in particular, in the negotiation of collective bargaining agreements. The Railway Labor Act has proven incapable of establishing a meaningful collective bargaining atmosphere. The Taft-Hartley Act—though its record is clearly better—has not always been able to prevent national emergency work stoppages in the sectors of the transportation industry it covers.

It is to correct these deficiencies and to provide more effective protection for the public against the harmful, disruptive effects of major work stoppages in the transportation industry that I am here today to urge passage of S. 560, the Administration's Emergency Public Interest Protection Act.

To understand the critical situation in which we find collective bargaining in the transportation industry, let us look at the historical experience we have had over the years with the Taft-Hartley Act and the Railway Labor Act. To make a judgment on these two statutes we must ask the question—how effective have they been in providing a climate for the private settlement of labor disputes in the transportation industry?

Turning first to the Taft-Hartley Act, we find that most major industries except railroads and airlines are subject to its emergency procedures.

Briefly, these procedures empowers the President to appoint a Board of Inquiry when he believes that a work stoppage or a threat of one imperils the Nation's health or safety. After the Board of Inquiry has reported on the issues involved in the dispute, the President may direct the Attorney General to petition a Federal District Court to enjoin the strike for an eighty-day cooling-off period. During the eighty-day period, the Board of Inquiry makes a second finding of fact and the employees are given the opportunity to vote on the employer's last offer.

If at the end of the eighty-day period, the parties still have not resolved the dispute, the injunction expires—the string runs out. Unless the parties voluntarily agree to continue negotiation there will either be a strike or Congress will have to be asked hastily to enact ad hoc legislation proscribing any work stoppage. In its twenty-four year history, these Taft-Hartley emergency disputes provisions have been invoked twenty-nine times. In four instances, the disputes were settled before an injunction was issued. With respect to the remaining twenty-five disputes, thirteen were settled within the eighty-day cooling-off period and twelve were settled afterward.

Of those settled after the expiration of the cooling-off period, five of the twelve were settled without resort to a strike while seven were settled after strikes of varying duration. Of the seven disputes involving strikes, six occurred in the longshore and one in the maritime industries. Among these were a three-month shutdown of Pacific Coast shipping and several partial and total shutdowns of East Coast ports whose duration ranged from ten days to three months.

It may be concluded from this brief statistical history that the Taft-Hartley emergency disputes provisions warrant high marks for its successes. With the exception of longshore and maritime industries, it can be credited with preventing many potential and actual work stoppages some of which could have had a deleterious effect on the health and safety of the country.

Therefore it is not our position that the framework provided by the Taft-Hartley Act for encouraging collective bargaining has collapsed or has been unresponsive to the public interest. Rather, we believe that this framework can serve as a basis upon which to build a more effective and responsive structure for the transportation industry.

Let us now turn to the other side of the ledger and review our historical experience with the Railway Labor Act. As you know, the Railway Labor Act is the older of the two statutes and provides emergency procedures for work stoppages in the railroad and airline industries. When a railroad or airline and its employee bargaining representative are unable to resolve their differences in negotiations, the National Mediation Board is empowered to enter the bargaining on its own initiative, and work to assist the parties. If unsuccessful the Board is required to proffer voluntary arbitration to the parties. If either refuses, the Board issues a written notice that its mediation efforts have failed and withdraws from the case. For the next thirty days, the parties may neither strike nor lockout.

Should the National Mediation Board decide that a strike or lockout threatens major disruption to essential transportation services nationally or in any section of the country, it may so inform the President. The President may in his discretion appoint an Emergency Board to study the conditions surrounding the dispute, ascertain the positions of both parties and make recommendations for settlement. A strike or lockout is proscribed for up to thirty days while the Emergency Board studies the dispute and for an additional 30 days following its report. If at the expiration of this period no settlement has occurred, then the options available to the President are narrowed to requesting special legislation from Congress or letting a work stoppage occur.

How well have these procedures encouraged collective bargaining and dispute-settlement during the forty-five year history of the Railway Labor Act?

It should be noted at the outset that there have been only three nationwide rail strikes, each lasting but a few days and only one major airline strike lasting forty-three days.

But beneath this statistical tranquility lies a history of deadlock and discord, replete with Presidential seizures, evermore emergency legislation by the Congress, and the expenditure of uncounted hours and manpower resources in efforts to resolve these disputes and protect the public interest.

The history of the Act reveals that its machinery has failed time and time again. Only strong individually applied measures by the Chief Executive and Congress have averted major rail disruptions.

In 1943, President Roosevelt seized the railroads and arbitrated a dispute that the machinery of the Act had failed to settle. In 1946, President Truman seized the railroads and a strike still occurred. In that dispute, President Truman even asked Congress for the authority to draft the strikers. In both 1948 and 1950, seizures and injunctions were again employed to avert a nationwide rail strike.

More recently, the Railway Labor Act has been buffeted by some of the most tumultuous labor disputes in its history. In 1967, the wage dispute between six shop craft unions and most of the major rail lines forced Congress to act no less than three times to avert a nationwide rail strike. The "Firemen Manning" dispute first came to Congress in 1963 at which time a Joint Resolution requiring arbitration of the dispute seemed to settle the matter. Since that time, however, the issue has been reopened in bargaining and has resulted in litigation; the basic dispute remains unsettled and is subject to strike action at any time.

Congress acted again to legislate a settlement, without strike, in the Shop Craft negotiations of 1970. Again in December of 1970, Congress halted a nationwide strike involving three nonoperating unions and the United Transportation Union. The dispute involving the UTU is now object to strike action. In the Signalmen's dispute of a few weeks ago, Congress was called upon to act to avert a nationwide strike, at least until October, 1971. Over the history of this Act, we can actually point to 190 emergency boards being created to deal with transportation crises; this is an average of more than four per year.

Thus, while only a few major rail strikes have occurred during the history of the Railway Labor Act, the national trauma which accompanies each such crisis brings with it economic disruption, bitterness, and public disenchantment with the collective bargaining system. We have seen this especially in the last two years, where one threatened shutdown has followed another and where the governmental processes could respond only through last-minute efforts to stave off disaster. This activity clearly shows that our nation cannot sustain a nationwide disruption of essential service and therefore has effectively removed from labor one of its most powerful economic weapons, the national strike.

We must develop a better system for dealing with labor relations problems in the transportation industry. I think S. 560, the Emergency Public Interest Protection Act, is a good bill and can do the job. I would like this morning to discuss this bill with you—the philosophy which shaped its provisions and why we feel it is superior to other alternatives.

In developing this proposal, there were essentially two routes open to us: a procedure aimed at terminating emergency work stoppages once they have begun or the development of a proposal, the primary emphasis of which is to encourage settlement without such a stoppage but providing the means for terminating emergencies in the event that they do occur. In our judgment the latter approach is more sound and is consistent with the two objectives stressed by the President in submitting this proposal to the 91st Congress.

The first is that the health and safety of the nation must be protected against damaging widespread stoppages.

The second is that collective bargaining should be as free as possible from Government interference and that any legislation should serve to enhance, rather than reduce, the incentives to such bargaining.

With these factors in mind, the emergency disputes provisions of the bill would build on the Taft-Hartley Act, supplying the President with three new options for all transportation industries which would be available at the end of the present Taft-Hartley procedures. The options are:

(1) extension of the cooling-off period;

(2) partial operation of the troubled industry; and

(3) a procedure of final-offer selection.

To create a new climate for collective bargaining, the bill would also substantially reform the procedures of the Railway Labor Act.

(a) It would require that collective bargaining agreements run for a specified term.

(b) It would substitute private grievance and arbitration procedures during the term of agreements and would abolish the National Railroad Adjustment Board.

(c) In place of the present emergency provisions, the procedures under the amended Taft-Hartley Act would apply, and the mediation function of the National Mediation Board would be transferred to the Federal Mediation and Conciliation Service.

In addition, the bill also eliminates the provision in the Railroad Unemployment Insurance Act which allows striking railway employees to secure unemployment compensation benefits and establishes a National Special Industries Commission to make a comprehensive study of industries subject to emergency disputes.

In determining what procedures would be desirable for dealing with emergency situations, it is our view that the mere availability of a carefully selected range of options will yield a degree of uncertainty as to the possibility and the type of governmental intervention, and will influence the disputants to bargain earnestly from the beginning of the dispute.

Thus, each option has been selected not only as an effective response to a specific type of situation, but also as one element in a total package of options, the purpose of which is to encourage the parties to bargain and, thus, to settle the dispute themselves short of emergency work stoppages.

The President would also have greater flexibility in dealing with emergency disputes; several alternatives would be available to him to tailor action to the needs of specific situations. Under the Administration's proposal, the president is only empowered to deal with disputes which threaten national health and safety, as in the present Taft-Hartley provisions. This is deemed more desirable in terms of furthering private bargaining than the present Railway Labor Act procedure which may be activated by a regional emergency.

In sum, the proposal establishes options which will deal effectively with emergencies so as to protect the Nation's health and safety and which, intrinsically and by reason of their multiplicity and form provide an incentive to collective bargaining.

Accordingly, when national health and safety is threatened, the president would have the authority, subject to Congressional veto, to choose any one, but only one, of the following three options after the eighty-day cooling-off period has run its course.

First, he would be authorized to order an additional thirty-day cooling-off period in which no strike or lockout would be permitted. An extended cooling-off period might be used when it appeared that the parties were close to an agreement when time ran out on them. For instance, if settlement prospects were near and the circumstances were such that the parties were reluctant to agree voluntarily to an extension of time, this option could be selected. Also, there might be times when the President, electing neither partial operation or final offer selection, would want to delay a work stoppage up to thirty days while Congress considered the matter.

Second, the President could appoint a Board to determine whether partial or selective operation of the troubled industry could be implemented. The Board would determine the scope of the partial operation which could be in effect for a period of not more than 180 days. Its task would be to determine by means of a hearing whether and under what conditions partial operation of the affected industry would be consistent with the provision of services minimally necessary to the national health and safety. Two conditions are imposed on partial operation. One is that the Board must believe that the economic pressure resulting from the partial shutdown would be sufficient to encourage the parties to resolve the dispute. The other is that partial operation must not place a greater economic burden on any party than would a complete shutdown. Before and during the period of partial operation, no change could be made in the terms and condition of employment, except by agreement of the parties or action of the Board. Where substantial bargaining is obviously necessary and the use of the traditional strike and lockout pressures would be beneficial to the furtherance of negotiations consistent with the national health and safety, such an option might well be selected.

Third, the President could select a procedure which provides for the empaneling of a Final Offer Selection Board whose task would be to determine by means of a hearing which final offer, submitted by a party to the dispute, shall comprise the collective bargaining agreement between the parties. Preliminary to this process, each party would be directed by the President to submit one or two final offers, as the parties wish, to the Secretary of Labor. Each final offer must amount to a complete labor contract, resolving all the issues in the dispute. After the submission of offers, there would occur a mandatory, five-day period of bargaining. If the dispute remains unresolved at the end of this period, the Board would determine which final offer is the most reasonable. Such offer, without alteration, would comprise the collective bargaining agreement of the parties.

The "final offer selection" alternative is one of the most innovative concepts in the labor law field. It would have the effect, when chosen by the President, of forcing the positions of the parties closer together since it requires a selection without modification of the most reasonable offer of a party.

The parties would be pushed toward the middle ground—the zone of disagreement would be narrowed—because the penalty imposed for a party's maintaining an extreme position would be the likelihood of rejection of its offer by the Panel. The presence of this option will encourage collective bargaining in the early stage of negotiation, thus providing greater possibility of an early settlement.

In selecting the options to place at the President's disposal, it was our goal to develop a range of alternatives which would encourage settlement of the dispute by the parties themselves. It is the purpose of our new statutory structure to limit government intervention in free collective bargaining to an absolute minimum consistent with the public interest.

This philosophy led to the formulation of the range of options that you find in the Administration's bill, and led to the rejection of certain other proposals.

For instance, compulsory arbitration is not included among the options because of the "position distancing" influence it exerts on the bargaining process. It is inconsistent with a philosophy of our options, that of encouraging collective bargaining, narrowing the issues and the zone of disagreement, and of limiting government intervention to a minimum. The threat of compulsory arbitration tends to maximize rather than minimize the differences between the parties since the general expectation is that the arbitrator tends to split the difference between the parties. Some observers have argued that if compulsory arbitration were mixed among other options, these effects would be somewhat diluted. However, in this sense "final offer selection" has the opposite effect from compulsory arbitration in that it has a tendency to narrow the issues and stimulate collective bargaining, and the inclusion of compulsory arbitration would clearly diminish the true value as a possible option.

Similarly, we decided against the inclusion of a so-called "seizure" provision. We foresee grave problems with any plan which provides for government takeover and operation of a part of the transportation industry during a crisis situation. The inherent difficulty is in designing a system of seizure that would encourage collective bargaining; that is, one which exerts sufficient pressure on both sides without advantaging one side or the other.

As a companion to the emergency disputes provision of the bill, and equally important, is the reform we propose for the Railway Labor Act.

The procedures of the Railway Labor Act which most obviously undermine, rather than strengthen, collective bargaining are the bargaining and emergency disputes provisions of the Act. Under the procedures of the Act, collective bargaining agreements are not required to have termination dates and are unchangeable by either side unless and until the procedures of the Act are fulfilled; that is, formal notice, conferences, mediation, and finally, release by the National Mediation Board. Until the Board determines that a settlement cannot be reached through mediation, the parties are barred from resorting to strike or lockout. Often these procedures result in "negotiation" for months or years, thus, unreasonably deferring employee wage and benefit increases and carrier operating changes. The result is hardening of positions, and inevitable delay, all with no discernible termination date to bargaining. The combination of these two factors makes effective bargaining increasingly difficult and helps explain the failure of the process and the ultimate reliance upon governmental action to resolve disputes.

What is needed are procedures that will serve to provide an incentive for real voluntary negotiation—and to assist the parties in resolving their disputes rather than serving as a steppingstone for further governmental intervention.

The Administration's bill would make major changes in these procedures. Specific contract termination dates would be required. Parties desiring a change in the contract would be required to serve written notice thereof at least prior to the expiration date of the contract. After expiration of the contract, the parties would be free to resort to self-help, and if that action threatened national health and safety, the emergency provisions of Taft-Hartley, as amended by this bill, would be available.

In addition, and of particular importance in establishing an effective collective bargaining atmosphere, our proposal seeks to equalize the economic pressures of any strike, and, thus increase the incentive to agree in order to avoid a strike. The bill, therefore, eliminates the provisions of the Railroad Unemployment Insurance Act which allows striking railroad employees to secure unemployment insurance benefits.

Thus, our proposal eliminates unreasonable delay and creates the salutory pressure of a meaningful deadline, all in furtherance of the collective bargaining process.

Presently, grievances arising under the provisions of existing collective bargaining agreements are handled in the railroad industry by the National Railroad Adjustment Board, a government-supported board. Our proposal would eliminate the Board over a two-year period and replace it with a private grievance and arbitration mechanism, not only to eliminate government intervention but also to reduce the strains on the bargaining relationships between labor and management occasioned by the Board's case backlog which is estimated to exceed 3,000 cases.

If the provisions of this bill are to be effectively utilized and improved, it is important to understand why these labor crises affecting the national health and safety tend to be concentrated in certain industries. It is essential that we establish a better framework of information on this problem.

For this reason, we have proposed in our bill that a Special Industries Commission be established to study and make recommendations to the President as to the best ways to remedy the weaknesses of collective bargaining in industries marked by critical labor relations problems.

In summary, we believe that the most effective approach to this problem is one which will support and strengthen free collective bargaining in the nation, that will provide for a minimum of government interference with that process and yet provide a range of measures to protect the Nation's health and safety. We consider this a matter of the highest priority and urge prompt and favorable action on S. 560.

As the President reiterated in his most recent Message to Congress recommending the enactment of the Emergency Public Interest Protection Act:

> I urge that this time we not wait for the next emergency, but rather join together in acting upon it now.

DELINQUENT TAXPAYER ACCOUNTS

Mr. BENNETT. Mr. President, for the past 16 years Senator John Williams of Delaware brought to the attention of both the Senate and the country a report by the Commissioner of the Internal Revenue Service on the delinquent accounts of some taxpayers.

In presenting the report this year, I want to make it perfectly clear that I am not doing it in an attempt to embarrass anyone, but rather to make public a record of those individuals or corporations who do not pay their taxes and must be marked off or set aside as uncollectable.

These accounts are designated as delinquent only after a series of earlier efforts to collect the taxes have proven unsuccessful. I was pleased to note that through the efforts of the collection division the number of delinquent accounts has gone down during 1970. However, the total tax dollar amount that remains unpaid has increased over the same time period.

There are four attachments to Commissioner Thrower's letter that I will include in the Record. The first attachment is the year end inventory broken down by the various tax groups and showing the inactive accounts.

The second attachment contains a district by district tabulation of accounts classified as uncollectable in 1970. The classification of an account as uncollectable does not necessarily mean that the revenue is lost to the Government, but rather it means that the accounts are those that make collection so unlikely that it is unwise to devote further manpower to them. When the IRS receives subsequent information that indicates an improved possibility of collection, action is then resumed.

Accounts that have been classified as uncollectable increased in both number and amount during 1970. This was a nationwide trend and includes large assessments made on marihuana. The western region reported that 58 percent of the uncollectable dollar amount was a result of marihuana assessments.

The third attachment is a listing of the names of taxpayers who had obligations to the Government in excess of $25,000 which were designated as uncollectable in 1970.

The fourth attachment contains a tabulation of abatements which are different from the uncollectable accounts.

I want to thank Commissioner Thrower for making this information available and ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Internal Revenue Service,
Washington, D.C., June 4, 1971.
Hon. Wallace F. Bennett,
U.S. Senate,
Washington, D.C.

Dear Senator Bennett: In response to your request, we are undertaking to furnish you the type information dealing with our collection work which for many years was given to Senator Williams. We share your view that the active interest shown by Senator Williams in securing and publishing this information has served a constructive purpose, and we welcome the fact you plan to continue this interest.

This letter will provide information on accounts classified as uncollectible in the 58 district offices throughout the country. We also plan to furnish you a separate listing of the hundred largest compromise settlements; these data are now being compiled and will be sent you in the near future.

By way of background, you will appreciate that an account is considered by the Service to be delinquent only after a series of earlier efforts to collect the tax—typically including the mailing of three or four notices of tax due—have proved unsuccessful. At that stage, the Service has no choice but to consider an account as delinquent and at this point it becomes a responsibility of our Collection Division.

The following table summarizes as of December 31, 1969 and 1970, the taxpayer delinquent accounts broken down as to active and inactive status. Accounts in the inactive category are those in which collection action has been deferred pending the outcome of audit examinations, court cases or other contingent actions.

TDA INVENTORY

	Active	Inactive	Total
AMOUNT (THOUSANDS)			
Dec. 31, 1969	$1,366,820	$651,969	$2,018,789
Dec. 31, 1970	1,529,999	631,592	2,161,591
Change from Dec. 31, 1969 to Dec. 31, 1970	+163,179	−20,377	+142,802
Percent of change	+12	−3	+7
NUMBER			
Dec. 31, 1969	964,510	100,672	1,065,182
Dec. 31, 1970	952,660	69,508	1,022,168
Change from Dec. 31, 1969 to Dec. 31, 1970	−11,850	−31,164	−43,014
Percent of change	−1	−31	−4

The above statistics show that although accounts in inventory have declined, their dollar value has increased significantly. During 1970, limited additional manpower resources were made available by our appropriations committees which permitted us to throw manpower into the work. As a result, substantially more cases were closed, despite an increasing number of issuances; thus, the inventory reduction in number. At the same time, however, the average dollar value per delinquent account issued in 1970 was $1,336, some $144 more per account than issued in 1969. Equally important, the average dollar value per delinquent account closed in 1970 was $1,277 or $150 more per account than closed in 1969.

The following table shows the increase in delinquent accounts issued and closed in 1969 vis-a-vis 1970. The increase in inventory dollar value reflects the factors discussed above, coupled with the steady growth in taxable income.

[Dollars in millions]

Delinquent Accounts	Number, calendar year		Amount, calendar year	
	1969	1970	1969	1970
Issued	2,689,203	2,742,999	$3,208	$3,666
Closed	2,470,741	2,763,817	$2,786	$3,531

Attachment 1 is the year-end inventory broken down by the various tax groups and showing the inactive accounts in the column to the right. The figures in the inactive category are included in the figures shown in the columns under the various tax groups as well as in the total column. All offices were current in their issuances as of December 31, 1970.

Attachment 2 contains a district-by-district tabulation of accounts classified as uncollectible in 1970. As we have explained in previous reports, the classification of accounts as uncollectible does not necessarily mean that the potential revenue is irrevocably lost to the government. Rather, uncollectible accounts are those on which the likelihood of collection is so remote that it would be unwise to devote further manpower to them when it can be better used on more productive work. Typical of these are no asset cases, taxpayers who cannot be located, and those where collection would cause undue hardship to the taxpayer or his family. Under stringent controls and procedures, these accounts are classified as uncollectible. When subsequent information is developed that indicates the possibility of collecting such accounts, collection action is resumed. Even where there is no indication of the taxpayer's capability to resume periodic payments, which would justify reactivating the accounts, the Service does frequently recover all or part of the amount due from refunds that later come due.

In total, accounts classified as uncollectible increased sharply in both number (+83,000) and amount (+$148 million) in 1970 when compared to 1969. This was a nationwide trend; in fact, only 7 of 58 districts showed a decline in the number of accounts classified as uncollectible, and only 9 of 58 districts showed a decline in their dollar value. Moreover, not a single district had a decline in both number and amount. General economic conditions caused some of the gain. Marihuana assessments, which are traditionally uncollectible, were also a factor. In fact, our Western Region has reported that 58% of their large dollar amounts classified as uncollectible is due to marihuana assessments.

While the Service has no control over the taxpayer's ability to pay, our Data Processing system does give us an efficient and expeditious means of recovering such monies due when the economic status of the taxpayer brightens. Our Data Processing system analyzes subsequent returns filed by taxpayers who have accounts classified as uncollectible. If a refund is due, it is offset against the uncollectible amount; if uncollectible because taxpayer could not be located and a new address is shown, or if uncollectible because of inability to pay and income is in excess of a predetermined level (based upon the taxpayer's financial circumstances) the accounts are reissued for further collection effort.

Attachment 3 is a listing of the names of taxpayers who had obligations to the government in excess of $25,000 which in 1970 were designated as uncollectible, together with the type of tax involved and the district office in which this action took place. In other words, the enclosure is a listing of accounts of such size—taking into account the volume of collection activity in the various districts—as would require special identification. You will appreciate therefore that the enclosure represents a partial listing.

Because of practical limits on the Service's ability to report and make use of all the information available, the data reported includes no addresses, nor does it include every account over $25,000. The reason for the latter is that levels of reporting vary from district to district and are set in light of our purpose to identify accounts included in the district total that are large enough to distort that district's total. For example, a large account could wrap entirely one's appreciation of the total value of the accounts written off as uncollectible in a small district, whereas, the same account would not have this effect in a large district. Thus, in a small district we might provide that all accounts over $25,000 be reported, but in a large district we might set this amount at $75,000.

Attachment 4 contains a district-by-district tabulation of abatements which are of course entirely different from uncollectibles. Except in the case of offers in compromise, an assessment is abated only if it is in excess of the tax amount actually due and legally owing at the time. These cannot be reinstated except through a subsequent assessment. The following types of assessment qualify for abatement:

1. Assessments in excess of the amount legally due as determined by audit examination.

2. Assessments in excess of the amount accepted on an offer in compromise.

3. Jeopardy assessments later determined by court ruling to be excessive.

4. Jeopardy assessments when it is administratively determined that jeopardy does not exist.

5. Transferee assessments in excess of the basic transferor assessments.

6. 100 percent penalty assessments in excess of the basic corporate assessment.

I trust the information furnished will be helpful to you. It has been my purpose to communicate the standing of the various facets of our collection work in a way that will bring out its scope and range. In that light, therefore, I will welcome any thoughts you may have as to how we might further improve this report. Once again, I appreciate your interest in this vital phase of the Service's activities.

With kind regards,

Sincerely,

RANDOLPH W. THROWER,
Commissioner.

ATTACHMENT 1—INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS IN HANDS OF FIELD FORCE FOR COLLECTION ACTION, DECEMBER 1970 AND 1969

[Dollar amounts in thousands]

	Tax groups									
	Income				Employment				Other	
	Number		Amount		Number		Amount		Number	
	1970	1969	1970	1969	1970	1969	1970	1969	1970	1969
Total	648,432	688,904	$1,110,965	$1,155,371	324,026	323,721	$703,291	$545,924	49,710	62,557
North-Atlantic	127,380	148,246	273,382	319,498	76,836	77,098	213,145	170,643	9,450	9,576
Mid-Atlantic	108,695	114,192	149,504	136,648	45,732	47,498	125,585	86,402	7,575	7,468
Southeast	95,609	92,038	115,384	117,479	45,425	42,356	74,547	50,670	5,417	5,820
Central	65,392	95,165	98,627	122,878	38,126	42,714	69,318	64,817	5,573	6,431
Midwest	65,174	67,348	88,848	88,122	34,174	31,112	68,837	40,159	6,225	7,177
Southwest	71,034	76,701	163,225	153,211	40,411	39,154	68,776	46,939	5,681	6,111
Western	86,344	87,901	149,857	151,659	38,603	40,026	77,212	81,086	9,537	9,814
International operations	8,744	7,313	72,138	65,876	4,719	3,763	5,870	5,208	252	160
North-Atlantic region:										
Albany	6,492	9,164	4,541	8,960	4,019	4,074	8,180	7,616	375	463
Augusta	2,868	2,988	1,569	4,530	1,462	1,502	1,750	1,351	211	211
Boston	22,822	24,712	27,454	35.357	11,846	12,143	29,831	23,724	3,615	1,533
Brooklyn	28,315	33,097	53,218	58,501	14,907	14,988	47,515	35,691	1,215	1,823
Buffalo	12,593	14,886	18,133	13,665	8,397	8,296	15,799	14,278	952	1,111
Burlington	1,438	1,267	1,145	1,985	1,072	821	1,412	773	186	123
Hartford	13,189	14,224	20,479	30,292	6,478	6,131	14,497	10,227	607	790
Manhattan	34,952	42,605	140,713	160,298	25,365	26,012	88,153	72,398	1,953	3,166
Portsmouth	2,460	2,661	2,094	2,232	1,446	1,300	2,338	1,587	146	131
Providence	2,251	2,562	4,037	3,678	1,844	1,831	3,669	2,998	190	225
Mid-Atlantic region:										
Baltimore	28,510	31,512	36,751	34,216	7,972	7,787	14,188	12,218	1,332	1,102
Newark	27,218	27,299	58,149	46,292	14,149	14,432	41,956	23,750	2,075	1,744
Philadelphia	20,902	23,496	26,772	28,628	9,419	9,964	45,245	19,391	1,610	2,134
Pittsburgh	11,569	11,723	13,783	11,503	5,765	6,346	12,038	10,857	1,196	1,137
Richmond	17,231	16,430	11,732	13,611	7,460	7,845	11,124	13,042	1,155	1,124
Wilmington	3,265	3,732	2,316	2,398	967	1,124	1,034	1,144	210	227
Southeast region:										
Atlanta	13,057	13,918	11,193	9,367	6,045	6,599	9,616	7,218	878	1,023
Birmingham	9,294	8,781	6,782	6,489	4,169	4,707	6,837	5,390	692	886
Columbia	8,163	8,648	5,587	5,073	3,385	3,169	3,610	2,882	542	287
Greensboro	18,005	15,627	12,376	11,716	6,186	5,407	12,166	6,250	730	616
Jackson	4,834	5,194	4,215	3,811	2,889	2,836	3,164	2,653	343	310
Jacksonville	25,205	24,652	59,194	68,267	14,452	12,938	30,397	20,247	1,438	1,807
Nashville	17,111	15,218	16,038	12,756	7,499	6,640	9,107	6,030	788	891
Central region:										
Cincinnati	12,946	16,580	9,891	11,367	5,332	6,167	8,130	8,189	695	1,004
Cleveland	14,968	17,436	21,935	33,773	6,716	7,584	12,313	13,453	855	1,038
Detroit	30,345	32,831	33,715	35,736	12,670	14,185	25,692	24,113	2,232	2,124
Indianapolis	13,147	13,121	10,259	27,687	7,466	7,931	14,221	10,844	911	1,149
Louisville	10,375	11,521	10,469	9,997	4,009	4,617	5,862	5,330	530	715
Parkersburg	3,611	3,676	44,297	4,318	1,933	2,230	3,100	2,888	350	401
Midwest region:										
Aberdeen	1,361	1,443	971	942	625	703	415	470	155	153
Chicago	21,157	24,269	44,882	43,617	10,296	9,754	26,810	17,415	1,859	1,933
Des Moines	5,091	4,536	4,466	3,492	2,874	2,769	3,037	2,187	679	668
Fargo	1,295	1,239	928	925	736	646	602	811	151	132
Milwaukee	8,747	7,772	8,145	7,686	4,302	3,747	7,465	4,370	693	676
Omaha	2,586	2,550	4,065	6,365	1,378	1,118	2,005	1,058	274	295
St. Louis	13,303	13,195	14,747	14,723	6,986	6,187	17,095	6,995	1,156	2,140
St. Paul	6,523	6,170	6,229	5,968	4,127	3,463	6,956	4,181	719	542
Springfield	5,111	6,172	4,415	4,404	2,850	2,725	4,452	2,672	539	638
Southwest region:										
Albuquerque	1,915	2,408	4,183	4,977	1,453	1,516	1,784	1,595	183	204
Austin	16,948	18,734	49,545	43,035	9,813	9,039	16,801	11,301	1,227	1,440
Cheyenne	978	1,027	689	601	662	630	828	576	102	132
Dallas	18,679	19,420	69,900	65,920	9,500	7,298	17,901	9,320	1,346	1,220
Denver	6,526	6,389	6,148	8,372	3,784	3,516	6,814	4,810	931	921
Little Rock	4,519	4,747	4,882	4,307	2,656	2,741	2,935	2,260	312	300
New Orleans	7,727	9,615	12,122	11,982	5,063	7,163	9,772	8,937	493	742
Oklahoma City	7,409	8,050	7,066	6,199	4,267	4,033	7,512	4,886	515	657
Wichita	6,333	6,311	8,690	7,818	3,133	3,218	4,429	3,254	572	495
Western region:										
Anchorage	855	813	736	1,074	422	510	1,132	1,489	73	54
Boise	1,416	1,454	1,057	1,408	756	811	960	921	101	125
Helena	1,922	1,775	2,022	1,467	996	852	1,125	711	190	227
Honolulu	1,860	1,557	2,347	2,469	890	952	1,938	2,452	155	187
Los Angeles	27,750	30,998	64,736	74,450	13,317	13,600	32,333	37,093	2,455	2,425
Phoenix	4,982	4,720	10,030	6,151	2,437	2,460	4,155	4,440	418	358
Portland	8,826	8,477	12,522	9,076	2,981	3,972	4,572	4,917	910	958
Reno	1,989	1,993	6,197	8,477	1,081	1,218	1,959	3,068	208	489
Salt Lake City	2,135	2,201	4,632	3,425	1,310	1,387	2,239	2,090	190	202
San Francisco	25,779	25,086	31,477	31,469	9,469	10,015	18,509	17,348	4,176	2,101
Seattle	8,850	8,829	14,103	12,193	4,944	4,249	8,270	6,547	661	688
International operations:										
Puerto Rico	1,429	1,121	1,713	1,444	4,033	3,199	2,991	2,505	67	4
All other	7,315	6,192	70,425	64,432	686	564	2,879	2,703	165	156

ATTACHMENT I.—INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS IN HANDS OF FIELD FORCE FOR COLLECTION ACTION, DECEMBER 1970 AND 1969—Continued

[Dollar amounts in thousands]

	Tax groups									
			Total				Inactive			
	Other amounts		Number		Amount		Number		Amount	
	1970	1969	1970	1969	1970	1969	1970	1969	1970	1969
Total	$347,335	$317,497	1,022,168	1,065,182	$2,161,591	$2,018,789	69,508	100,672	$631,592	$651,969
North-Atlantic	72,555	68,956	213,666	234,920	559,082	559,105	12,761	21,102	140,117	161,238
Mid-Atlantic	41,304	31,316	162,002	169,158	316,473	245,367	9,758	14,074	85,530	86,311
Southeast	27,319	19,237	146,511	140,214	217,251	187,386	10,878	13,768	55,682	55,210
Central	24,462	31,208	129,091	144,310	192,408	218,903	6,576	11,136	38,908	44,221
Midwest	17,598	16,768	105,573	106,637	175,284	145,047	6,861	13,807	35,374	43,278
Southwest	51,022	49,951	117,126	121,966	203,023	250,101	8,970	11,012	134,222	115,154
Western	106,576	94,438	134,484	137,741	333,644	327,184	11,239	12,963	110,210	112,799
International operations	6,419	5,614	13,715	11,236	84,427	76,696	2,465	1,920	31,541	33,758
North Atlantic region:										
Albany	934	785	10,886	13,701	13,656	17,361	383	983	1,481	2,542
Augusta	682	249	4,541	4,701	4,001	6,130	358	474	952	527
Boston	10,120	5,233	38,283	38,368	67,405	64,314	1,989	2,179	12,184	9,973
Brooklyn	9,558	11,789	44,437	49,908	110,290	105,960	2,205	5,023	30,400	36,171
Buffalo	3,380	2,828	21,942	24,293	37,311	30,771	1,151	1,444	7,302	5,904
Burlington	241	152	2,696	2,211	2,798	2,910	216	226	453	229
Hartford	5,650	17,103	20,274	21,145	40,626	57,622	958	1,643	7,840	22,202
Manhattan	41,259	30,282	62,270	71,863	270,125	262,978	4,921	8,183	75,244	80,317
Portsmouth	103	56	4,052	4,092	4,535	3,875	186	432	810	1,079
Providence	629	488	4,285	4,618	8,335	7,164	394	515	3,361	2,294
Mid-Atlantic region:										
Baltimore	4,222	3,392	37,814	40,401	55,161	49,826	1,874	2,904	16,558	17,757
Newark	21,304	15,119	43,440	43,475	121,409	91,162	3,188	4,678	40,681	37,923
Philadelphia	5,486	6,586	31,931	35,594	77,504	54,605	2,081	3,109	16,790	14,444
Pittsburgh	3,430	2,733	18,529	19,206	29,251	25,093	1,290	1,899	7,925	7,859
Richmond	6,601	3,162	25,846	25,399	29,457	29,815	1,029	1,862	3,056	7,776
Wilmington	341	324	4,442	5,083	3,692	3,866	296	432	527	552
Southeast region:										
Atlanta	8,529	3,645	20,780	21,540	29,339	20,230	1,640	2,041	5,465	5,146
Birmingham	1,677	779	14,155	14,374	15,296	12,658	1,783	2,036	,394	3,741
Columbia	1,436	513	12,090	12,104	10,184	8,468	590	871	1,837	2,134
Greensboro	1,753	1,328	24,927	21,650	26,295	19,294	1,374	1,812	10,004	6,839
Jackson	408	322	8,066	8,340	7,787	6,785	613	872	1,766	1,878
Jacksonville	11,964	11,336	41,095	39,457	101,655	99,851	2,317	3,711	27,611	32,433
Nashville	1,552	1,314	25,398	22,749	26,697	20,100	2,561	2,425	4,605	3,039
Central region:										
Cincinnati	3,541	4,465	18,973	23,751	21,563	24,020	1,575	1,887	3,512	3,089
Cleveland	3,465	9,164	22,539	26,058	37,773	56,391	1,146	2,143	5,395	9,232
Detroit	8,618	9,753	45,247	49,140	68,025	69,602	1,153	2,861	9,217	14,133
Indianapolis	3,549	2,697	21,524	22,201	36,030	41,227	1,104	1,745	12,380	9,141
Louisville	4,006	3,672	14,914	16,853	20,338	19,000	1,173	1,833	5,897	6,153
Parkersburg	1,282	1,457	5,894	6,307	8,679	8,663	425	667	2,507	1,473
Midwest region:										
Aberdeen	1,171	713	2,141	2,299	2,558	2,124	206	228	819	667
Chicago	6,073	7,196	33,312	35,956	77,766	68,228	1,123	5,467	10,968	20,291
Des Moines	1,473	1,244	8,644	7,975	8,976	6,923	748	942	1,774	2,133
Fargo	204	128	2,182	2,017	1,734	1,864	188	320	271	788
Milwaukee	2,770	2,156	13,742	12,195	18,380	14,211	714	1,348	3,403	4,147
Omaha	589	731	4,238	3,963	6,659	8,154	317	668	2,809	4,820
St. Louis	2,052	2,500	21,445	21,522	33,894	24,218	1,513	2,150	10,028	5,196
St. Paul	2,058	1,062	11,369	10,175	15,242	11,211	1,217	1,649	3,138	3,010
Springfield	1,209	1,038	8,500	9,535	10,075	8,114	835	1,035	2,164	2,226
Southwest region:										
Albuquerque	713	601	3,551	4,128	82,681	7,373	230	464	1,008	3,133
Austin	15,815	15,633	27,958	29,213	82,161	69,969	1,805	2,004	49,660	41,942
Cheyenne	161	99	1,742	1,789	1,677	1,276	194	291	222	287
Dallas	24,656	21,338	29,606	27,938	112,457	96,577	2,168	2,323	59,519	47,269
Denver	2,933	2,730	11,241	10,826	15,895	15,913	885	1,150	2,595	3,426
Little Rock	546	452	7,487	7,788	8,363	7,018	760	979	2,942	2,414
New Orleans	2,413	2,513	13,283	17,520	24,307	23,433	1,217	1,683	9,118	8,115
Oklahoma City	2,355	5,178	12,191	12,740	16,933	16,263	763	1,039	3,309	3,436
Wichita	1,430	1,207	10,038	10,024	14,549	12,279	948	1,079	5,041	5,132
Western region:										
Anchorage	461	173	1,330	1,377	2,329	2,736	95	136	509	649
Boise	69	125	2,273	2,390	2,106	2,453	308	365	556	679
Helena	348	65	3,108	2,852	3,494	2,244	230	304	636	700
Honolulu	421	478	2,906	2,696	4,706	5,399	261	353	1,009	820
Los Angeles	36,417	46,352	43,522	47,023	133,485	157,895	2,848	3,793	48,097	63,596
Phoenix	23,283	6,759	7,637	7,538	37,468	17,350	612	708	15,214	5,854
Portland	3,965	1,642	12,717	13,407	21,059	15,635	1,040	1,036	5,152	2,385
Reno	6,819	5,841	3,278	3,700	14,975	17,395	388	494	7,817	8,327
Salt Lake City	1,206	611	3,635	3,790	8,078	6,126	534	526	2,334	2,487
San Francisco	30,070	30,289	39,424	39,202	80,056	79,107	3,645	3,794	21,569	20,599
Seattle	3,516	2,103	14,455	13,766	25,889	20,644	1,278	1,444	7,317	6,703
International operations:										
Puerto Rico	420	309	5,529	4,324	5,124	4,257	582	840	1,187	1,662
All other	5,998	5,305	8,186	6,912	79,302	72,439	1,883	1,080	30,354	32,076

Note: Rounded figures may not add to the totals which are based on unrounded figures.

ATTACHMENT 2.—TAXPAYER DELINQUENT ACCOUNTS REPORTED AS UNCOLLECTABLE, CALENDAR YEARS 1970 AND 1969

	Uncollectable			
	Number		Amount (thousands of dollars)	
	1970	1969	1970	1969
Total	317, 472	234, 455	376, 979	227, 71
North-Atlantic	68, 160	48, 333	69, 568	44, 60
Mid-Atlantic	37, 566	30, 970	35, 233	26, 975
Southeast	43, 660	34, 035	51, 259	27, 715
Central	36, 662	26, 328	49, 399	20, 353
Midwest	36, 179	27, 354	35, 013	22, 802
Southwest	39, 959	28, 160	39, 772	26, 275
Western	51, 451	36, 978	90, 010	58, 440
International operations	3, 835	2, 297	6, 725	1, 539
North-Atlantic region:				
Albany	2, 817	1, 611	3, 647	2, 966
Augusta	1, 142	666	402	191
Boston	10, 551	5, 591	9, 084	5, 352
Brooklyn	20, 350	18, 421	20, 617	11, 823
Buffalo	6, 786	4, 352	3, 035	2, 167
Burlington	602	501	308	195
Hartford	3, 203	2, 167	13, 391	1, 318
Manhattan	20, 310	13, 164	17, 024	18, 667
Portsmouth	913	833	892	681
Providence	1, 486	1, 027	1, 168	1, 247
Mid-Atlantic region:				
Baltimore	8, 994	6, 754	5, 976	3, 878
Newark	8, 559	7, 073	11, 471	5, 381
Philadelphia	8, 920	7, 998	9, 544	10, 681
Pittsburgh	3, 983	3, 333	3, 444	3, 404
Richmond	6, 218	5, 128	4, 380	3, 362
Wilmington	892	684	418	270
Southeast region:				
Atlanta	7, 278	4, 764	4, 468	4, 856
Birmingham	4, 056	3, 245	3, 621	2, 259
Columbia	2, 851	2, 544	1, 500	1, 416
Greensboro	6, 482	6, 941	3, 693	3, 108
Jackson	3, 020	2, 913	2, 733	1, 931
Jacksonville	14, 343	8, 941	32, 300	10, 473
Nashville	5, 630	4, 687	2, 944	3, 674
Central region:				
Cincinnati	8, 103	5, 309	4, 355	3, 532
Cleveland	9, 348	6, 107	25, 119	5, 895
Detroit	7, 080	6, 836	7, 706	4, 119
Indianapolis	6, 416	4, 265	6, 664	3, 749
Louisville	4, 452	2, 558	3, 942	2, 188
Parkersburg	1, 263	1, 253	1, 613	870
Midwest region:				
Aberdeen	533	369	240	274
Chicago	15, 271	12, 158	17, 878	13, 191
Des Moines	1, 963	1, 573	1, 318	704
Fargo	491	486	204	109
Milwaukee	4, 785	3, 145	4, 281	2, 491
Omaha	1, 101	996	3, 225	450
St. Louis	5, 520	4, 139	5, 032	3, 203
St. Paul	3, 964	2, 510	2, 560	1, 159
Springfield	2, 551	1, 978	275	1, 222
Southwest region:				
Albuquerque	1, 020	877	1, 586	1, 262
Austin	9, 252	6, 607	9, 043	10, 128
Cheyenne	571	381	340	249
Dallas	9, 278	7, 338	11, 359	4, 758
Denver	3, 356	2, 658	5, 898	1, 760
Little Rock	2, 495	1, 713	1, 228	811
New Orleans	7, 164	3, 688	5, 324	3, 908
Oklahoma City	4, 428	3, 406	3, 627	1, 932
Wichita	2, 395	1, 492	1, 367	1, 468
Western region:				
Anchorage	540	641	783	704
Boise	648	527	711	229
Helena	862	662	846	474
Honolulu	546	563	908	654
Los Angeles	18, 501	12, 840	39, 382	29, 569
Phoenix	2, 322	1, 867	7, 456	1, 505
Portland	3, 653	1, 482	2, 878	650
Reno	906	1, 011	5, 123	1, 229
Salt Lake City	1, 633	1, 277	2, 989	1, 535
San Francisco	16, 869	12, 997	23, 676	19, 963
Seattle	4, 971	3, 111	5, 258	1, 930
International operations:				
Puerto Rico	778	798	1, 380	234
All other	3, 057	1, 499	5, 345	1, 306

Note: Rounded figures may not add to the totals which are based on unrounded figures.

ATTACHMENT 3.—LARGE DOLLAR ACCOUNTS REPORTED AS UNCOLLECTABLE IN CALENDAR YEAR 1970

[By taxpayer, type of tax, and balance uncollectable as of December 31, 1970]

NORTH-ATLANTIC REGION

Albany

Aetna Contracting Corp., 1120, $32,697.

Albany A & W Inc., 941(5), $26,534.

Bennett Steel Erectors, 941(3), $41,411.

Castwell Foundry Co., Inc., 941(11), $96,11

Chodikee Construction Co., Inc., 940/941 (4), $29,892.

Frank Cocca, 1040(4), $72,805.

Component Construction Corp., 940/941 (3), $67,003.

Consolidated Devices & Development, Inc., 1120(4), $142,467.

Douglas C. Burton, Dec'd. & Louise Burton, 1040(4), $164,722.

Duso Drywall Insulation & Decorating Co., Inc., 941(9), $27,412.

Paul F. Fitts, 941(2), $25,819.

Daniel L. Keefe, Jr., Dec'd., 1040(2), $125,957.

Lac Leasing Corp., 941(5), $47,567.

Joseph G. & Ruth K. Lease, 1040(3), $64,126.

Loco Contracting Corp., 941(5), $36,800.

Frank Martin, 1040(6), $45,918.

George A. Marcus, Dec'd., 1040(9), $46,712.

Monroe Concrete Corp., 940/941(3), $34,492.

Northland Paper Co., 941(2), $30,993.

Nelson & Judith Schaub, 1040(2), $737,670.

J. J. Serafini & Sons, Inc., 941(3), $62,569.

Estate of Charles A. Simmons and Charles A. Simmons, 1040(7), $172,857.

Troyling, Inc., 940/941(7), $56,673.

Tri-Cities Fabricating Co., 940(2)/941(5), $69,526.

Warren Aggregates, 940/941(3), $135,007.

White Eagle Bakery, 940/941(3), $70,943.

Augusta

Lucien Therrien, 730/1040(2), $39,949.

Harold S. Little, Mari., $29,200.

Marcel A. Robert, 100% Penalty, $34,350.

Paris Manufacturing Co., 941(3), $49,536.

Robert H. King, Mari., $29,200.

Boston

Sandra Borden, Mari., $345,600.

Richard G. Cutler, Mari., $484,724.

Gerald S. Sherman, Mari., $228,500.

Monument Mills, Inc., 1120, $208,582.

John J. Halloran, Mari., $101,791.

Richard E. Williamson, 941, $205,945.

Ravi Rickhye, Mari., $919,122.

DiGregorio & Cassis, Inc., 941(9), $337,639.

International Railway Equipment Corp., 1120(2), $129,759.

Ambrosia Construction Co., Inc., 941(9), $104,879.

National Security Services, Inc., 941(13), $143,978.

Ponderosa Restaurant Branding Iron, 941 (6), $101,657.

Brooklyn

John Barry Hastings, 3780(4)/1040, $3,617,801.

Daniel Parker, 941(2), $204,920.

Peter & Marian Castellano, 1040(5), $365,567.

Jesse M. Schneider, 941, $123,320.

John J. Giammalvo, 1040(3), $386,706.

Honeydale Ltd., 1120(2), $110,873

Richland Securities, Inc., 1120(2), $2,034,024.

Frank & Dorothy Kleinman, 1040(2), $813,408.

Harry Pickman, 1040(5), $744,092.

Gus Verdi, 1040(2), $113,612.

J. Harry & Phyllis Pincus, 1040(8), $142,851.

Geo. F. & Anita Krieger, 1040(2), $185,370.

Irving Ross, 1040(12)/941(6), $200,155.

Arthur & Lucy Pandeloglou, 1040, $107,266.

Irving Cohen, 1040(5), $169,328.

Buffalo

Harry & Delores Kaplan, 1040(2), $109,079.

Stanley J. Bauer, 1040(8), $135,399.

Parsons Ford, Inc., 941(4), $80,479.

Bernard Freling, Inc., 941(16), $93,137.

Burlington

Andrea Kenneth Mormile, Inc., 941(3), $37,703.

Hartford

The State Glass Company, 941(3)/940, $37,556.

Dennis Fusaro, 100% Penalty, $35,672.

Thames Valley Transit, Inc., 941(5)/940 (2), $46,677.

Henry Scharf, 3780(6)/941(2)/1040, $12,417,934.

R. & S. Construction, Inc., 941(4), $41,618.

W. J. Leonard, Inc., 941(5)/940, $38,892.

Richards & Jessup Co., Inc., 941(7), $111,079.

Manhattan

Atpecker, Sanford & Pauline, 1040, $107,387.

Atlas Research & Export Corp. of America, 1120, $1,639,776.

Bloomfield Ticket Service, Inc., 1120(5)/720(17), $1,247,518.

D'Amato, Constantine, 1040(7), $452,078.

Est. of Constance I. Morris, 706(3), $138,223.

Est. of David Schmuckler, 706, $135,297.

Gifts for Thrift of Nevada, Inc., 1120(4), $418,121.

Hibriten Furniture Co., Inc., 1120(3), $640,026.

Holland, Richard Henry, Mari., $228,500.

Horowitz, Michael (dec'd) & Mable, 1040 (3), $486,643.

Howard International, Inc., 1120, $347,691.

John T. Clark & Son, 941/940, $145,737.

Loanow, S. Lonnie, 1040, $143,592.

Steinman, Paul K., 1040(6), $429,343.

Portsmouth

J & J Sweeney, 1040(3), $25,483.

G & C McDermott, 1040(2), $293,156.

Providence

Frank Morelli, 1040, $151,585.

William & Carolina Sequino, 1040(4), $60,517.

Regal Construction, 941(3), $27,368.

New England Industries, Inc., 941(5), $72,844.

McKeen Builders Service, Inc., 941(5), $95,473.

McKeen Builders Co., 941(3), $30,856.

George & Mildred McKeen, 941(3), $103,049.

Glocester Yarn, Inc., 941(7), $37,683.

Royal Hackett (AKA James H. Hackett), 941(13), $29,875.

John A. Ramos, Jr., 1040(2), $30,956.

Bruce G. Carline, 1040(2), $108,390.

Robert J. Conley, 1040(6), $46,280.

MID-ATLANTIC REGION

Baltimore

Larry Sitnick & Benjamin Meyers, T/A The Avenue Musical Bar, 720, $121,460.

Bernard J. Redd, Mari., $106,903.

Herman Wilensky, 1040, $113,643.

Glenna C. J. Willerup, 1040, $66,950.

Reginald Cosens, 1040(2), $102,413.

John Gurn Kelbaugh, Jr. (Kelbaugh & Co.), 941(3)/940, $93,000.

Herman W. Neumyer, Jr., 730(5), $240,970.

Richard C. Darnell, 1040(2), $83,988.

515 Park Avenue, Inc., 941(4), $145,185.

Glenda Garvin, 1040(5), $180,231.

Myron Buckner, 1040, $96,000.

Don Reynolds Associates, Inc., 1120(5), $149,147.

Newark

Angel R. Millan, Mari., $1,848,000.

Toby Boyd, 730(2), $505,177.

Andrew Gerado, 730(2), $504,780.

F & E Alper, 1040, $268,681.

Himmel Distillery, 2527(8), $118,139.

Sara Sera Batista, Mari., $1,246,150.

Est. Richard D. Powers, Dec'd., 1040(11), $831,660.

Lillian M. Powers, Dec'd., 1040(9), $806,816.

Juan H. Rodriguez, Mari., $543,400.

Philadelphia

N. T. & L. A. Marr, 1040(4), $158,061.

J. H. & G. J. Calabrese, 1040, $157,331.

William DiRugeris, 730, $1,572,041.

Charles McDevitt, 730, $364,382.

H. & A. Karasow, 1040, $446,609.

Micronics Corp. of America, 1120(2), $187,158.

Reading Finance Corp., 1120(3), $228,867.

Edwin H. Koons, 1040(2), $104,035.

Benito Tedesco, 1040(2), $105,982.

John Lynch AKA Jack Lynch, 1040/940/941, $141,725.

Pittsburgh

Hobart & Beryl Darling, 1040(2), $109,741.

Donohoes, Inc., 941(5), $124,778.

James R. Ferrese, 1040, $211,928.

Mark Kunf, 941(4), $48,857.

Mark & Frank Kunf, 941(4)/940(2), $76,226.

William F. McDonough, 730(9)/11(2), $253,139.

George & Mary H. Pennington, 1040(2), $70,682.

Pittsburgh Industrial Engineering Co., 941(3), $62,057.

Rose Iron Works, Inc., 941(6)/940, $73,333.

Truck Owners & Operating Nat'l. Assn., 941(5)/940, $127,302.

W. J. Brothers, Inc., 941(12)/940, $58,211.

W. J. Thiele & Sons, Inc., 1120(5)/720(22), $598,295.

Willowbrook Coal Co., 941 (5)/940, $82,703.

Richmond

William M. Jennings, Jr., 941, $50,266.

Stephen D. Carnes, Jr., 1040(3), $84,314.

Elmer Charles Muddiman, Mari., $102,108.

Consolidated Masonry & Fireproofing, Inc., 940(2)/941(4), $73,797.

James T. Benn, 1040(4), $347,194.

Melvin W. & Opal Fox, 1040, $53,430.

Jacob C. Knupp, Inc., 940/941(6), $66,580.

O'Grady Construction Co. (A Corp.), 941 (10)/940, $45,453.

Associated Electric Co., Inc., 941(5), $59,784.

Centreville Underground Construction Co., Inc., 940(2)/941(3), $64,924.

Kitchen Transportation, Inc., 1120, $51,223.

Bilton Insulation & Supply, Inc., 940/941(3), $180,659.

American Scientific Corporation, 940(2)/941(4), $65,337.

Aetna Van Lines, Inc., 940(2)/941(13), $105,260.

Wilson & Nye Masonry Contractors, Inc., 941(4), $39,238.

William R. Albertson, 941(7), $54,587.

Morris Sandel, Jr., 1040(4), $41,426.

C. James & Barbara Curry, Jr., 1040(5), $54,475.

Wilmington

Joseph A. Barlow, Mari, $28,100.

F. Giovannozzi & Son, Inc., 941(3), $30,498.

SOUTHEAST REGION

Atlanta

R. P. Moore; Joe Melvin Chester; Mrs. B. M. Chester; Sue Marie Chester; Betty J. Moore, 730(4), $429,795.

R. H. Flowers, 1040(3), $90,652.

Herbert C. Broyhill, 1040(8), $100,657.

A. R. Sr. and C. G. Abbett, Robert Abbett, Jr., 730, $402,413.

North American Leasing Corporation, 941 (4), $149,240.

Norman & Marguerite Tyrone, 1040(3), $100,569.

Ellis Guthas, 11C(2)/730, $142,816.

Birmingham

O. M. Cummings, 1040(12), $57,536.

Kyle K. Vess, 1040(5), $840,805.

Algernon J. Cooper, Sr. (Dec'd), 1040(6), $740,206.

G. C. McCullough, 941, $163,890.

J. W. & Virginia Lemmond, 1040(3), $62,387.

Hubert F. & L. F. Baughn, 1040(3), $64,973.

J. T. & Ruth D. Barton, 1040(3), $52,900.

Ashland Industries, 941(3)/940, $52,354.

Jett Oil & Gas Co., Inc., 1120(4), $146,183.

McGowin-Lyons Hardware & Supply Co., 1120(3), $253,691.

George E. Hocutt, 941(15)/940(4), $65,355.

Columbia

L. L. Green, Jr., 100% Pen., $120,046.

Charles H. Tanner, 1040/941(3)/940, $35,723.

E. T. & Marion L. Nelson, 1040(4), $285,317.

Philip R. & Sydneth E. Permenter, 1040(8), $45,688.

E. R. Kellett & Company, Inc., 941(4)/2290, $46,414.

Greensboro

Dolan E. Fields, 730(22), $111,843.

Hugh F. Lunsford, 730(4), $433,475.

Northern Installation, 940(2)/941(7), $84,056.

Southern Installers, 940(2)/941(12), $236,537.

Tru-Ft Installer, 940(2)/941(7), $91,795.

United Installers, 940(2)/941(7), $96,408.

Glen Edward McGraw, Mari., $79,247.

Edward C. Callis, 1040, $59,294.

Larry B. Nunnery & Charles J. Woodward, Mari., $55,000.

Julius M. Demay, 100% Pen. (3), $63,960.

W. A. Rhodes, 1040(4), $17,648.

W. A. & Russell Rhodes, 941(12)/940(4), $42,640.

Rhodes & Rhodes, Partners, 941(8), $19,165.

Jackson

Ernest O. Allen, Jr., Transferee, 1040(4)/1120, $65,843.

Glen D, Broadus, Liquor/2290(7), $60,062.

Brookhaven Culvert & Supply Co., 1120(6), $314,009.

Clyde L. & Norma J. Collins, 1040(4), $69,086.

Copiah Contractors, 940/941(4), $35,765.

Curtis O. Dedeaux, 1040, $201,607.

Curtis O. & Peggy M. Dedeaux, 1040(2), $292,023.

Jean Guillaume, 941(5), $31,072.

James E., Jr. & Willie Rae Hicks, 941 $84,998.

Hicks Steel Forms, Inc., 940(2)/941(5), $119,750.

Charles R. & Myra M. Hirstius, 1040(2), $92,781.

Imperial Industries, Inc., 940/941(3), $26,459.

J. C. Murray, Jr., deceased, 1040(15)/940 (6)/941(26), $67,385.

Max Payment, Jr., 730(72), $162,582.

Jimmy Macias, 730(58)/11C(6), $91,136.

Hudson M. Puckett, 1040(5), $37,715.

W. A. & W. Weathersby, 1040(4), $31,588.

W. A. Weathersby, 940(4)/941(15), $25,106.

Jacksonville

Robert & Regina Ball, 1040(3), $3,275,998.

Leonard M. Bernard (Transferee), 1120 (10)/1040(5), $356,064.

Leonard M. & Estate of Loraine Bernard, 1040(6), $72,499.

Charles Wilson Blount, 730(17), $120,631.

Irwin & Beatrice Brenner, 1040(4), $2072,101.

Irwin Brenner, 730(12)/11C(2), $584,178.

J. Charles Burden, 941(20), $118,122.

C. & W. Contracting Co. Inc., 941(3)/940, $132,001.

Dennis D. & Blanche S. Carlin, 1040(16), $160,429.

James G. & Ruth L. Cross, 1040(6), $288,097.

David B. Dice, Jr. (Dec'd), 1040(5), $417,567.

D. B. Jr. & J. R. Dice & J. W. Hayes, 730, $708,275.

J. R. Dice & J. W. Hayes, 730, $9,836.

James R. & Barbara Dice, 1040, $75,153.

James R. Dice, 1040(4), $313,144.

Eastern Erectors Inc, 941(2), $123,172.

Randolph C. & Dorothy Fernon, 1040(4), $333,980.

John E. Foster, 941, $128,026.

Ernest R. & Jessie Gaw, 1040, $98,257.

Jimmie W. Hayes, 1040(5), $387,318.

Charles Heyman, 730(20), $119,282.

Jacard Industries, 941(2)/940, $265,451.

John W. & Thelma M. Jamison, 1040(6), $425,623.

John W. & Thelma M. Jamison, 1040(3), $118,008.

Betty K. Light (Tripp), 1040(2), $117,023.

Dave Marcus, 730(17), $106,506.

Raymond C. McLendon, 730(13), $181.151.

Robert E. Morgan, 1040(3), $189,525.

W. R. Motley, 11C(4)/730, $315,463.

J. O. Nettles, 11C(3)/730, $102,317.

Ra-Dor Industries, 1120(2), $129,573.

Jack T. Rainwater, 1040(3), $133,218.

Vesta Rainwater, 1040(2), $102,115.

James E. Rizzuto, 1040(3), $207,305.

Sayve Corp. of America, 1120(2), $289,305.

Robert W. Sherman, 941, $159,499.

James B. Torphy, 1040(13), $580,011.

U.S. Land Corp., 1120(2), $382,345.

H. R. Vann & L. S. Vann, 730/11C, $128,375.

Varnum & Associates Inc., 941(4), $150,038.

James C. Wadsworth, 1040(6), $303,403.

Robert Vaio Wells, Mari., $407,648.

White Top Cab Co., 940(3)/941(16), $236,723.

Edwin E. & Frances Wiggins, 1040(3), $190,276.

The Wingreen Company, 941(3), $135,442.

Nashville

Kenneth R. Childs, 1040(2), $42,334.

William E. Westcott, Jr., 1040(3)/1120(3), $192,697.

Dr. James A. Vaughn, 709, $112,325.

Little Pigs of America, Inc., 1120, $47,492.

Albert T. Lowe, 1040(5), $42,233.

Ransom Enterprises, Inc., 941(7)/940(2), $81,264.

Sam Sims, Jr., 1040(2)/730(25), $87,372.

Donlon Construction Co., Inc., 1120(5) $348,811.

Oley F. Wolfe, 1040, $51,985.

Mid State Service Co., Inc., 941(4)/940, $56,579.

CENTRAL REGION

Cincinnati

Uffelmann Baking Co., 941(6), $90,905.

Marion E. Branstetter, 1040(6), $102,958.

Estate Jay R. Scott, 1040(5), $82,391.

Cleveland

Southway Plaza, Inc., 1120, $207,736.

Northwest Plaza Realty, Inc., 1120, $250,639.

Charles Corp., 941(6)/940, $123,602.

Tas Tee Catering, 941(5), 205,770.

John, George, Joseph and Sam Besase, Angelo Perna, Sam Rappaport & Ted Maison, 730, $925,805.

John, George and Sam Besase, Angelo Perna, Sam Rappaport & Ted Maison, 730, $121,749.

Sam and Ann Besase, 1040(2), 2,439.

Angelo and Ann Perna, 1040(3), $2,659.

John Besase, 1040(3), $2,389.

Green Acres Plaza, Inc., 1120, $336,767.

Lincoln Knolls Plaza, Inc., 1120(3), $636,989.

Concrete Construction Service, Incorporated, 941(3)/940, $153,636.

Joseph Naples, Jr., 730, $240,860.

Maple Crest Plaza, Inc., 1120, $203,956.

Sidney L. and Estelle Albert, 1040(2), $3,511,656.

Sidney Albert, 1040(8), $9,992,112.

Estelle Albert, 1040(5), $533,437.

Dog House, Inc., 941(3)/1120(2)/940(2), $747,293.

Frank & Esther Pfaff, 1040(11), $223,605.

Arthur Babet, 941(14)/940(3), $145,265.

A. A. & M. Naiman, 1040(2), $236,756.

Gary G. Shamas, 1040/941(2), $171,434.

Gary G. & Virginia Z. Shamas, 1040, $29,942.

Estate of William Finegan, 1040(3), $132,892.

Kay Tire Distributors, 1120(5), $197,393.

Silvestri & Silvestri, 941(2), $117,621.

Ben H. Williams, 1040(23), $135,212.

Sam Rendina & Son, Inc., 941(4)/940, $149,690.

Dominick E. & Donna Bartone, 1040(3), $798,468.

Francis F. Green, 941, $140,770.

Roland Getz, Inc., 940/941(2)/720(2), $167,290.

Detroit

Roy Hazeal, 3780(2), $3,178,712.

Alphonso P. Coy, Jr., 1040(8), $113,904.

George A. Greenlee, 1040(4), $461,409.

Indianapolis

Judd Weller, 940/941(5)/720(8), $88,274.

John Gravesen, 940(5)/941(2)1040(15), $83,359.

Herman C. Smithhart, 1040(4), $79,928.

Town & Country Foods, 1120(4), $439,535.

Sixth & Broadway Hotel Corp., 941(10), $148,326.

Lawrence Stickel, 1040, $456,938.

Julia Stickel, 1040, $457,088.

Carl W. Sauer and Alice J. Wickstrom, 1040(2), $310,302.

George P. Manley, Jr., 941(5), $60,289.

Pascal and Ethel Smith, 1040(5), $117,285.

Louisville

S. K. S. Wrecking Co., Inc., 941(5)/1120, $74,102.

Masonry Unlimited, Inc., 941(4), $52,158.

Consumer's Research Consultants, Inc., 1120, $41,639.

Shannon Self, 720(18), $262,960.

Larry Motors, Inc., 941(3)/1120(4), $251,724.

Electronic Service Corp., 1120(7), $88,778.

Cavex Corp., 720(9)/1120(4), $113,739.

Stephen A. and R. W. Cisler, 1040(7), $239,376.

Edward D. McFarland, 1040(4), $103,521.

Carl and Maxine Eley, 1040(5)/720, $207,792.

Bernard H. Shircliff, 1040(4)/941(27)/940(5), $81,320.

Robert F. Brawner, 941(14)/940(4), $54,949.

Barbara N. Hartung, 1040, $57,338.

David M. Carr, Jr., 1040(4), $88,847.

Victor Martin, 1040(3), $87,062.

Kentucky Esco Coal Co., Inc., 941(6)/940(2), $68,345.

Central Quality Coal Co., Inc., 941(6)/940, $75,326.

Parkersburg

P. E. and K. R. Dennis, 1040, $90,331.

Paul E. Dennis, 1040(2), $300,722.

Harold E. Harbin, 730, $502,558.

Dorothy Mae Goodman, Mari., $32,200.

Okey Hudson, 730(30), $235,970.

MIDWEST REGION

Aberdeen

Steel Builders, Inc., 941(3), $26,846.

Walter V. & Ferne L. Wenckus, 1040(3), $40,000.

Nettleton Commercial College, 1120(9), $167,702.

Soo Plating, Inc., 941(10), $36,428.

Chicago

Lewis C. and Ruby Billingsley, 1040(2), $716,279.

Charles and Jacqueline Bray, 1040, $100,474.

C. C. Carr, 1040(6), $138,002.

Edward J. and Jean L. Chanda, 1040(2), $201,158.

Coatings Unlimited, Incorporated, 941(4)/940, $109,245.

Otto H. Haack; Charles J. Stapleton; Edmund T. Stapleton, 941(14), $91,012.

Earle H. Koopman, 1040(11), $102,808.

John S. Koziel, 1040(6), $662,864.

Lark Sales Company, 1120(4), $366,332.

Melvin Building Corporation, 1120(2), $377,911.

Charles Oran and Mary Mensik, 1040(13), $2,454,339.

Mercury Builders, Incorporated, 941(2), $183,447.

Roberts Lounge, Incorporated, 720, $394,407.

Thomas G. and Judith C. Salinas, Mari., $400,000.

Charles E. St. Louis, 1040(3), $1,494,352.

Fritzie Testa, 1040, $923,872.

Robert Foster White, Alfred Allen Pascoe, William Edward White, Mari., $480,500.

Des Moines

Associated Lithographers, 941(4)/940, $27,243.

Bishop, Gene R. & Mary J., 1040(5), $43,142.

Glenwood Packing Co., 941(2)/940, $40,496.

Hanlon, Bernard John, 941(11), $12,066.

Hanlon, Bernard J. & Monna, 1040(5), $14,911.

Impact Milling Co. Inc., 941(3)/940(2), $30,713.

Irvin, Fred, 941(24)/940(6), $43,877.

Irvin, Fred & Verna, 1040(5), $7,935.

James, William, 941(9)/940(4), $45,490.

Jerry McElderry Painting, 941(5), $30,445.

Joseph, Arnold I., 1040(5), $65,643.

Krage, R. Sam, 941(6)/940(2), $54,118.

Payne Freight Lines Inc., 941(4), $59,070.

Rommel, Elmer & Esther, 1040(5), $27,089.

Sparg, John (Dec'd) & Maigue, 1040(4), $29,445.

Thompson, Orville O., 941(3)/940, $28,878.

Tickal Construction, 941(3), $32,491.

W. J. Digby Inc. of Iowa, 2290, $40,503.

Roger F. Hahn, 1040(2), $91,031.

Roger F. & Winifred Hahn, 1040, $33,508.

Ray Cummings, 100% Penalty, $43,834.

Fargo

Hauck Industries, Inc., 941(4)/940, $39,075.

Milwaukee

Adams, Daniel V., 100% Penalty, $32,982.

Beranek, Wm., 941(14)/1040(7) $51,036.

Braden, Ralph E., 1040, $57,711.

Browning Mfg. Co., 1120(7), $212,184.

Cantrell, Charles E., 730/11C(5), $37,344.

Elco Tool & Mfg. Co., 941(3)/1120(3), $39,891.

George, Ramon C., 100% Penalty(4), $36,729.

George, Ramon C. & Mary Ann, 1040, $2,522.

Hoskins, George W., Jr., 1040(2), $9,094.

Hoskins, George W., Jr. & Selma, 1040(3) $24,544.

Latimer, Stuart, 1040(5), $47,433.

Milway, Inc., 941(4)/940, $37,278.

Molgaard, Leah, 730(2), $93,099.

Mueller, Karl J., 100% Penalty, $31,617.

Northern Hardwoods, Inc., 941(9)/940(2), $30,786.

Permanent Construction Co., 941(3)/940(2), $78,075.

Pollock, Earl & Alice, 1040(8), $342,597.

Shovers, Marvin & Evelyn, 1040(2), $39,906.

Stingl, Charles F., 100% Penalty, $38,217.

Verdone, Blanche, 1040(3), $34,118.

Verdone, Anthony & Blanche, 1040, $26,611.

Verdone, Anthony, 1040(2), $10,958.

Weller, Elyert, Jr., 1040(3), $42,067.

Wolinsky, Abraham, 1040(6), $583,606.

Wolinsky, Abraham & Jeannette, 1040(6), $189,084.

Zurich, Nicholas O. & Theresa, 1040(4), $58,452.

Omaha

Fred Aye, 1040(4), $45,855.

Erma Hirsch, 941/1040(6), $31,642.

Harry & Maxine Bostwick, 1040(3), $57,468.

Richard L & Nadine I. Davenport, 1040(11), $1,800,992.

Nadine I. Davenport, 1040(4), $645,900.

Joseph R. & Charlotte Crawford, 1040, $107,112.

Metropolitan Sanitation Co., 941/2290, $27,727.

Charles Graziano, 940/941(3), $26,370.

John W. Lane, 1040(5), $36,212.

John W. & Roberta Lane, 1040, $401.

St. Louis

Rolla Alfred Bass, 1040, $260,276.

Janice B. Bell Estate, 706, $63,191.

Roy O. Brown, 941(11), $55,448.

Certified Gas Sales, 720(9), $64,640.

Theodore M. & Virginia Ewing, Jr., 1040(5), $183,255.

Robert Harris, 730(117)/11C(11)/1040(10) $385,612.

James Hourmouzus and John Lewis, 720(9)/941, $72,260.

Harlan L. Kelley, 1040(14), $121,474.

Arthur Lewis, 941(4), $57,647.

Jason Newton, 941(5), $130,811.

Lola Perkins, 1040(4), $440,581.

William M. Wider, 1040(5), $70,073.

Fred E. Winsor, 1040(8), $196,221.

Bennett Realty Corp., 1120(3), $38,636.

St. Paul

Patrick P. Carver, 1040(3), $36,089.

Dorr D. Beale, 1120, $39,655.

Highland Terrace Inc., 941(5)/940(2), $29,130.

Murlyne A. Norris, 1040(5), $42,921.

American Foods Inc., 1120, $35,825.

M. R. and J. H. Brown, 1040(5), $33,930.

Minn. Pipers Inc., 941(4), $52,526.

Nelson Aluminum Co., 941(6), $24,095.

Sivanich Concrete, 1120/941/940(4), $69,948.

Style Line Greetings, 941(6), $56,611.

A. V. Hoyess, 1040(2), $31,341.

Modern Metalcraft, 940/941(5), $97,053.

A. J. and J. A. Parsons, 1040(3), $35,305.

J. E. Uebelacker, Mari. $39,750.

Springfield

CTO Decorating, Inc., 941(3), $26,205.

Wm. J. Dieterich, 1040(7), $31,249.

Gold Star Sales Corp., 941/1120(3)/940, $27,642.

Harold Broverman, 1040(2), $40,744.

Everett A. Smith (Dec'd), 730, $35,740.

Charles F. Rowland, 1040(3)/941(13)/940, $59,177.

Charles F. & Patricia Rowland, 1040(2), $2,680.

Carl & V. Newland, 1040(3), $128,280.

Alert Contractor, Inc., 941(3)/940, $28,181.

George W. McClelland Est., 706, $25,529.

David & Cora Major, 1040(6)/941(3), $32,580.

Alan L. Bennett, Mari., $38,403.

SOUTHWEST REGION

Albuquerque

R. B. Wright, 100% Pen., $126,508.

W. Rodney DeVilliers, 1040(3), $93,687.

W. Rodney & Betty June DeVilliers, 1040(2), $384,192.

Robert William Smith, Mari., $103,063.

Robert Scott Massey & Christopher D. Taylor, Mari., $71,400.

Henry Clyde Hatcher III & Robert Bruce French, Mari., $71,400.

Dee, Bob Corp. of New Mexico, 941(3)/940, $60,752.

Joseph E. & Agnes Montoya, 1040, $37,934.

The Rectory, Inc., 941(5)/940, $28,238.

Albert Wahl, 941(4), $65,629.

Austin

Michael Duane Kilpatrick & Ernest Crueger, Mari. (2), $168,865.

Roger D. Brown, Mari., $891,704.

John R. Mayfield, 11C(2)/730(13), $898,434.

Jeri T. Long, 941(2), $201,248.

Thelma P. Myers, 1040(4), $312,157.

William Raork Chasson, Mari., $277,664.

Juan Montemayor, Jr., Mari., $162,903.

Lincoln Liberty Leasing Corp., 1120, $136,318.

Alex M. Phillips, 1120(2)/720, $80,600.

Alex M. & Rosetta T. Phillips, 1040(4), $73,609.

Jesse P. Daley, 1040(4), $72,428.

Jesse P. & Dorothy G. Daley, 1040, $94,737.

Cheyenne

Dr. N. E. Morad, 100% Pen. (4), $37,140.

Dallas

William C. Bonney, 941(2)/1040(4), $168,550.

A. L. Busby, Individually & as administrator of Estate of Barbara J. Busby, 1040(4), $200,590.

Ray H., Jr. & Lois M. Carroll, 1040(5), $312,151.

Bob DeLee, 1040(4), $248,933.

Billy Edward Drake, 730(28), $116,559.

Hoople Jowdan Const., Inc., 1120(2), $135,775.

Isadore Miller, 730(3), $177,401.

Truman Hendrix, 1040(6)/730, $298,813.

Turnbull, Inc., Transferee, 1120, $221,719.

Patsy, D. Estes, 1040, $711,455.

R. D. Ryno Motor Co., Inc., 720(11), $113,518.

Allen Wright, 1040(4), $269,042.

Rozelle McSpadden, 1040(2), $1,891,545.

Denver

Paul C. Villano, 730(19), $74,030.

Marvin Hayutin, 1120/1040, $266,814.

Andy C. and Mary A. Romero, 1040(5), $51,140.

Carl C. Schold, 941, $50,376.

James Thomas Wilkey and Timothy Lee O'Neill and Stephen Allen Reed, Mari., $119,360.

Charles N. Berardi, 940/941/1040(23), $69,686.

Jerry Lee Johnson AKA, Jerry John Jacquish, Mari.(2), $998,400.

Philip and Marion Shaiman, 1040, $243,108.

Harvey H. Day, Mari., $319,281.

Cindy Lou Day, Mari., $325,430.

Merlyn D. L. Jones and Geoffery B. Smith, Mari., $62,400.

Dale W. Crippen, 1040(2), $212,654.

Carl L. Martin, 1040(2), $57,795.

Denver Building Supply Co., 940/941(4), $58,607.

Gable Drilling Company, Inc., 940/941(5), $71,237.

Richard M., Sr. and Celeste C. Barnholt, 1040(6), $443,520.

Little Rock

J. C. and Carole Cox, 1040, $49,320.

Times Corporation, 1120, $62,870.

Success Corporation, 1120(2), $59,050.

Jones Masonry Co., Inc., 941(6)/940(3), $27,510.

Turney Woods Products, Inc., 941(2), $66,763.

George R. Golden, 1040(3), $55,065.

Universal Securities Corp., 1120(2), $295,055.

Mid South Siding Wholesale, Inc., 941(4)/940, $21,502.

Kalmor Steel Corporation, 941(4)/940, $52,313.

May Company Construction, 941(6)/940/1120, $56,114.

New Orleans

Livingston S. and Doris D. Hiern, 1040(7), $86,280.

James J. Hand, 730/11C, $325,888.

William Joseph Straughan, Inc., 941(3), $87,713.

Donnell Const. Co., Inc., 940/941(7), $112,634.

John J. Gregory, 730/11C(4), $96,456.

S. Dantoni, Inc., 941(3), $81,037.

Paul B. Fasullo, 730(21), $121,342.

Fiesta Pools, Inc., 941/940(10), $112,258.

Robert D. Gibbens, 941(2), $84,849.

White Painting Co., Inc., 941/940/1120(14) $74,774.

Oklahoma City

White House Packing Co., 941(7)/940(2)/1120, $54,849.

Stephen Neil Gladstein, Mari., $480,500.

Skyway Oil Corp., 720(6)/941(5)/940, 2229.(4), $73,559.

Leroy D. Hines, 730(64)/1040(2), $827,152.

Russell Cobb, Jr., Inc., 1120, $64,425.

Baker Plumbing Co., Inc., 941(5)/940(2), $55,600.

Richard M. Morris, 720(15)/941(2)/1040/940, $50,353.

Wichita

F. D. & S. P. Rice, 1040(3), $61,287.

WESTERN REGION

Anchorage

Leo G. Gellings, 100% Pen., $58,689.

Jack & K. Snyder, 100% Pen./941(6)/940, $93,837.

Edward A. Hosford, 941(3), $73,897.

Boise

Nearing Logging, Incorporated, 941(4)/940(2), $55,201.

Helena

Jack L. Young, Mari., $133,000.

D & M Lumber Co. Inc., 941(5)/940(2), $36,541

Douglas Walker, 100% Pen./2290, $29,592.

Honolulu

Robert John Ah Choy, Mari., $124,800.

Roland Kaina Lovell, Mari., $124,800.

The Academy, 940/941(5), $27,881.

Yoshio Miyashiro, 940(3)/941(13), $50,701.

Hawaii Jet Air Hawaii Ltd., 720(5)/941/940, $80,515.

Thomas A. Roberts (100% Pen.), 941, $28,554.

Harry Sudo (100% Pen.), 941, $34,761.

Lawrence Santos, (Dec'd), 1040, $62,561,

Moses & Rebecca Kim, 1040(15), $35,249.

MFL Inc., 1120(2), $37,120.

Gil Scott & Associates, Inc., 940/941(4), $64,563.

DSW Masonry Ltd., 941(4)/940, $30,936.

Los Angeles

Forrest Hawthorne, 1040, $110,504.

Valkana Constantin, Mari., $810,985.

Diane Kim Dunn, Mari., $341,944.

Helen Sherman, 1040(4), $339,028.

Kitchel Morales, Etc., Mari.(4), $272,576.

William Keyes, Jr., Mari., $195,700.

Valley National Mtge., 1120, $126,592.

Marcus Lee Roe, Mari., $319,743.

Doris Betty Palmer, 1040, $833,473.

K. & G. Greenhill, 1040(5), $199,788.

Marian Kusham, 1040(6), $183,719.

Rosemary C. Ferrer, 1040(7), $167,203.

Alven Seidenberg, Mari., $103,000.

Wilberta Ramos, Mari., $352,382.

Alfred Guerra-Esparza, Mari., $240,000.

Howard A. & Erna Burk, 1040, $116,137.

Frank E. Kelly, 1040(5), $570,517.

Glen H. Wheeler, Mari., $376,000.

Bernard Zito, Etc., Mari., $265,580.

Harold D. Gibbs, Mari., $134,000.

Sydney Schwartz, Mari., $111,291.

Walter T. Foster, Mari., $105,900.

Grantray Lawrence Animation Inc., 941(3), $102,761.

James Lewis, Mari., $314,822.

Charles L. Beck, Mari., $273,945.

Terry L. Ward, Mari., $202,249.

Stephen Mandell, 941, $178,475.

A & V Willinbring, 1040(3) $174,180.

Fidel Rodriguez-Martinez, Mari., $364,800.

Estate of Elwyn Ley & Helen Ley, 1040, $340,450.

Larry Allen Slocum, Mari., $290,600.

Michael I. Knifong, Mari., $184,000.

Bernard Cohen, 730, 125,902.

Aitchison, C. B. & Est. of R. B., 1040(2), $664,983.

Aitchison, C. B., Jr., 1040(4), $658,490.

Roger Williams, 1040, $336,400.

Lenahan, William J., Mari., $264,500.

R. O. Pyke, Mari., $125,636.

Henry Albachter, 1040, $1,000,539.

Albachter, H & R, 1040(2), 705,572.

Danny Klein, Mari., $205,551.

Barnett, Ross, Etc. & Robert Napolitano, Mari., $364,800.

Joe & George Inc., 1120(3), $206,616.

Marriott, Mari., $195,700.

Lewis, Lilbern, Mari., $620,800.

Sette-Noonan Corp., 941, $106,323.

C. W. & Ruby Carlstrom, 1040(8), $271,047.

Hodson & Goralski, Mari., $162,000.

Cooley Bros., 1120(5), $127,244.

Lee, Adam and Marg., 1040(4), $655,307.

Hernandez, E. J., Mari., $1,520,000.

First Church Chr. Am., 1120, $541,607.

Ashmann, Chas. R., 1040(4), $441,367.

Abrams, Gertrude, 1040(2), $298,645.

Burrows, Wesley, 1040(4), $204,609.

Levitt, Alvin C., 1040(12), $186,000.

Davis, Dan J., Mari., $176,370.

Reed, Carlisle, 941, $166,945.

Shafer, Russell, Etc. & Aldo Falossi, Mari., $151,700.

Taylor, John F., 1040(4), $126,158.

Dicon Company, Inc., 941(3), $116,057.

May Finley Lewis, Mari., $138,600.

Kenneth Ray Carter, Mari., $359,057.

Joe Ortiz Fernandez, Mari., $1,825,915.

Elvira Galvan Rodriguez, Mari., $134,000.

Edward Pierce, Mari., $248,439.

Joseph Jaimes, Mari., $211,500.

Patushin Industries, 1120, $118,461.

Jerome E. Sandusky, 1040, $791,295.

George P. Rios, 1040, $304,860.

Phoenix

Ernest R. & Anna L. Babbage, 1040, $34,517.

Paul & Cynthia Simon, Mari., $38,900.

Julian Joseph Zebrowski, Jr., Mari., $290,600.

Robert (Dec'd) & Jeanne Davis, 1040(5), $72,585.

Bernadette C. Gelvan, Mari., $237,700.

Charles Quentin Bufe, Mari., 44,796.

Archie A. Harrison, Jr., Mari., $55,200.

Jose Manuel Sanabria, Mari., $38,000.

Cleatus M. Wood, 1040(4)/942(7), $128,486.

Glenda Lee Ahlstrom, Mari., $90,100.

James C. McCormick, 1040, $145,433.

James C. & Mercy McCormick, 1040, $36,287.

John L. Freed, 1040, $36,681.

Albert R. Wahl, 941(4), $65,629.

Stewart Management Co., 1120, $65,375.

Morris Herman Sterngast, Patrick Wm. Caid & Ernest Ramon Basurto, Jr., Mari., $61,900.

Robert G. & Opal L. Cody, 1040(2), $59,706.

Russell Bryan Lamb, Mari. (2), $102,000.

William P. Humphries, Alex Haefler, III, & Barry Ross Cowan, Mari., $76,400.

A. W. (Dec'd) & Edith Komarek, 1040(7), $227,280.

Jose Maria Verduga Medina, Mari., $478,990.

Paul A. Sandblom, 1040(2), $2,251,076.

Jerome & Gladys Garland, 1040, $80,175.

Gary Roger Brazil, Mari. (2), $616,129.

Jerry Coats, Mari., $487,060.

Air Conditioning Supply, 1120(2), $91,884.

Welton Farms, Inc., 1120, $38,298.

Portland

William L. Uebelacker, Mari., $39,750.

Paul Clyde Westerfield, Mari., $39,750.

Howard & B. Raymond, 1040, $61,225.

Western Transport Leasing Inc., 1120(2), $160,056.

Robert Stephen Derry, 941, $30,924.

Robert A. Woodring, 1040, $71,561.

Reno

R. L. & T. Morrison, 941(5)/1040(4), $108,719.

W. & I. Bush, 1040(2), $36,577.

Marie Rich, 1040(9), $147,790.

Eldon Dynes Terry, Mari., $44,800.

Alan R. Green, Mari., $1,055,940.

Kenneth F. Johnson, II, 1040(2), $54,904.

New Pioneer Club, Inc., 941(2), $47,791.

Gus Thiros, 941(3), $54,233.

Harry & Rose Bloomfield, 1040(5), $329,264.

Johnie E. Lane, 730, $167,932.

Johnie E. Lane & George P. Stillwaugh, 730, $68,061.

Johnie E. Lane & Byron A. Tannahill, 730, $204,639.

Billy & Carmen Levitt, 1040(2), $1,610,187.

Ira Herzog, 1040(4), $28,145.

Charles E. & Jean C. Webb, 1040(3), $378,215.

Morton Paul & Rada Kane, 1040(5), $28,616.

Geri Ann Culley, Mari., $31,300.

Paul George Culley, Mari., $30,839.

George Abdo, 730(4), $92,222.

Salt Lake City

Sales Promotion & Mgmt., Inc., 1120, $36,553.

Magnum Trusts, Inc., 1120, $58,698.

Lawrence Samuel Bagley and Cathleen Rita Connor Bagley, Mari., $160,000.

Francis N. & Leona E. Noble, 1040, $46,009.

Dean H. Rasmussen, 1040, $114,521.

Memorial Estates, Inc., 1120, $64,611.

Lloyd Earl Shepard, Mari., $96,400.

Earl Ray Butler, Mari. $1,070,000.

San Francisco

William Anthony Sayre, Mari., $3,202,421.

Warren R. Giles, Mari., $101,663.

Michael Paul Giles, Mari.(3), $102,597.

Charles P. Barrett, Mari., $412,850.

Stanley Mulligan, Mari., $412,850.

A. Monroe Blakely, 1040/1120, $183,849.

Lillian L. Michaels, 1040(2), $179,767.

Joseph Dominio, Jr., Mari., $238,392.

William Robert Trautz, Mari., $104,700.

Cruz Garfield Torres, Mari. $437,800.

George Earl Rush, Mari., $117,900.

Charles Clarance Garcia, Jr., Mari., $639,080.

Thomas & Hazel Valerga, 1040(2), $139,595.

Paul Stanton Gladman, Mari., $115,100.

Robert Leighton Leoni, Mari., $106,300.

Dennis Lee Keppler, Mari., $151,282.

Terry Nicholas Tsegeletos, Mari., $106,300.

Robert F. Long, 1040, $171,184.

Leonard Clarence Lavine, Mari., $141,200.

Michael J. Gilliland, M. E. Prince, J. J. Hafner, E. F. Sooten, Kathleen Murphey, Mari., $588,263.

Bruce John Baker, Mari., 202,270.

Roger J. Walker, Mari., $825,500.

Daniel Joseph Cissel, Mari., $204,030.

Jeffrey Scott Meller, Mari., $423,000.

Reyes Bojorquez Lopez, Mari., $121,200.

Robert A. Cochran & Daniel H. Shafer, Mari., $104,700.

Seattle

Frank M. Staley, 1040(4), $93,395.

Nicholas E. Pappas, Mari., $1,058,304.

Nellie Curtis, 1040(8), $198,502.

Peter Antovich, Mari., $60,220.

Brian J. Fitzpatrick, Mari., $211,080.

Linda Marie Gerke, Mari., $126,400.

Kathleen Marie Ihler, Mari., $126,400.

Danny B. McIntruff, Mari., $728,500.

Roger Dean Weber, Mari., $57,600.

Transvan, Inc., 941(3)/940 $61,603.

Gene Shuck, Inc., 941(4), $59,474.

Soine, Leslie, 941(21)/940(5)/1040(5), $89,468.

OIO

Puerto Rico

V. M. Clark Jr. & Celeda R. Clark, 1040/941 (3), $44,100.

Octavia Mestre M. Morera, Maria, $237,661.

Philip & Diana Perlman, 1040(4), $808,480.

Consolidated Contractors, Inc., 941/940(6), $57,154.

Washington

Talib & Dakota Staton Dawud, 1040(9), $112,051.

Javier Verduz, Maria, $263,914.

Charles J. Lytle, 1040(7), $430,241.

Jesus Bojorquez Esprui, Maria, $194,101.

Sigmun Janas, 1040(6), $287,835.

Claude Bordeau, 1040, $79,000.

Raymond B. & Clarice Cortez, 1040(3), $247,158.

Santiago Jovenich, Maria., $195,200.

Carroll S. & Est. of Charlotte Hardester, 1040(3), $961,134.

Carroll S. Hardester, 1040, $150,400.

Neville Levinson, 1040B(4), $70,769.

Joel J. & Caryl Bloch, 926, $57,552.

TAXPAYER DELINQUENT ACCOUNTS REPORTED AS ABATED

[Calendar years 1970 and 1969]

	Abated			
	Number		Amount (thousand dollars)	
	1970	1969	1970	1969
Total	69,754	125,848	311,865	325,012
North Atlantic	11,411	19,542	75,675	66,206
Mid-Atlantic	9,944	19,728	26,331	33,947
Southeast	10,446	16,849	41,260	49,504
Central	8,178	19,329	38,931	37,743
Midwest	7,973	14,719	28,686	27,803
Southwest	8,062	14,175	28,471	26,378
Western	11,231	19,447	69,707	79,605
International operations	2,509	2,059	2,804	3,829
North-Atlantic region:				
Albany	1,019	1,165	2,817	2,546
Augusta	240	472	286	1,118
Boston	2,401	3,573	11,845	8,249
Brooklyn	2,463	4,519	11,779	10,347
Buffalo	1,036	2,465	5,696	7,673
Burlington	264	498	274	661
Hartford	916	1,562	5,755	10,998
Manhattan	2,583	4,417	36,330	23,273
Portsmouth	207	332	803	660
Providence	282	539	662	681
Mid-Atlantic region:				
Baltimore	2,376	4,101	3,553	5,067
Newark	2,523	5,268	7,311	9,966
Philadelphia	1,966	4,559	7,035	7,736
Pittsburgh	1,345	2,458	3,631	5,125
Richmond	1,529	2,918	4,310	5,066
Wilmington	205	424	491	987
Southeast region:				
Atlanta	1,458	3,125	3,866	5,130
Birmingham	1,303	1,837	3,966	2,441
Columbia	1,044	1,563	1,711	2,668
Greensboro	2,080	2,949	6,206	4,388
Jackson	783	1,064	1,163	1,358
Jacksonville	2,399	4,201	21,384	31,521
Nashville	1,379	2,110	2,964	1,997
Central region:				
Cincinnati	1,189	3,097	1,938	5,094
Cleveland	1,658	3,560	11,452	12,344
Detroit	1,485	5,747	9,192	10,362
Indianapolis	1,782	3,505	13,202	5,777
Louisville	1,687	2,383	2,420	2,717
Parkersburg	377	1,037	727	1,446
Midwest region:				
Aberdeen	162	286	275	330
Chicago	1,894	4,169	11,766	12,992
Des Moines	685	1,475	1,001	2,587
Fargo	291	414	240	227
Milwaukee	1,179	2,005	3,266	2,260
Omaha	528	997	978	610
St. Louis	1,649	2,444	6,916	4,482
St. Paul	748	1,496	2,984	2,852
Springfield	837	1,433	1,260	1,463
Southwest region:				
Albuquerque	412	639	1,456	1,454
Austin	1,586	2,867	6,010	5,957
Cheyenne	178	383	172	438
Dallas	2,081	3,064	10,109	5,727
Denver	704	1,520	2,169	2,485
Little Rock	823	1,103	1,218	3,908
New Orleans	706	1,711	3,034	3,054
Oklahoma City	738	1,555	3,156	1,907
Wichita	834	1,333	1,147	1,449
Western region:				
Anchorage	83	201	654	546
Boise	239	648	1,479	2,575
Helena	312	590	397	1,184
Honolulu	217	444	758	1,058
Los Angeles	4,226	6,110	36,216	49,133
Phoenix	647	1,142	4,119	3,154
Portland	802	1,523	4,851	4,469
Reno	348	463	1,170	1,316
Salt Lake City	436	690	981	969
San Francisco	2,532	5,468	15,217	12,686
Seattle	1,389	2,168	3,865	3,514
International operations:				
Puerto Rico	1,198	917	824	720
All other	1,311	1,142	1,980	3,109

Note: Rounded figures may not add to the totals which are based on unrounded figures.

ABORTION: A HUMAN CHOICE

Mr. PACKWOOD. Mr. President, at long last we as individuals and as a society are summoning the courage to face the very difficult questions implicit in the debate over our abortion laws. Because of the wide variety of ethical and moral standards within our pluralistic society, we find a great diversity of views on the abortion issue. Too frequently, however, discussions on the legal status of abortion evolve into arguments on the morality or immorality of abortion. What is too often lost sight of, and what must always be remembered, is that the question of abortion is an ethical-moral one which, in my view, should be left to the individual conscience, and not regulated by law.

Pregnancy and abortion elicit strong emotional reactions among most people, making rational debate difficult, sometimes impossible. Though we may disagree in our conclusions, I am sure we would all wish sincerely to examine this issue thoroughly and rationally. I am gratified to see the increasing number of responsible medical, social, and religious groups which are examining the issue of abortion and addressing themselves to the questions we will all be called upon to answer. Most recently the Board of Christian Social Concerns of the United Methodist Church has issued a publication entitled, "Abortion: A Human Choice." This statement provides a thoughtful analysis of the abortion issue from a religious point of view. I commend it to my colleagues for their reading and for their fuller understanding of this vitally important issue. I ask unanimous consent to have this statement printed at this point in the RECORD.

There being no objection, the publication was ordered to be printed in the RECORD, as follows:

ABORTION: A HUMAN CHOICE

Published jointly by the Division of General Welfare and the Department of Population Problems, Board of Christian Social Concerns of The United Methodist Church, May 1971.

FOREWORD

The problem of abortion has troubled the mind of man throughout the ages primarily because it is a question which does not admit of absolute certainty or dogmatic answers. Pregnant women and brilliant theologians, churches and states have been deeply involved in the questioning and have come to differing—and sometimes changing—answers.

The currents of recent times have swelled the debate anew. There has come a greater awareness of the terrible toll in human suffering throughout the world caused by illegal and self-inflicted abortions; an increased understanding of the tragedy of existence for unwanted and unloved children; a knowledge that abortion is very likely the most widely used form of birth control; a growing realization that laws have never stopped the practice of abortion but have only sent it underground; a belief by many women that laws against abortion deprive them of the fundamental right to make decisions regarding their own lives and welfare; a questioning of whether the state should compel the birth of children in these days of burgeoning numbers of people. All these elements have combined to bring about a reexamination of the moral, legal and personal aspects of abortion.

As a result of this searching reappraisal, the United Methodist Church along with a number of other Protestant denominations, has called for removing the regulation of abortion from the criminal code, placing it instead under regulations similar to those guiding other medical practices (see back cover). This stand was approved by an overwhelming majority of the delegates to the General Conference of the United Methodist Church in 1970. However, the debate revealed the heartfelt doubts that troubled the minority, and illustrated that deeply religious and equally concerned people can differ on this issue.

Even as laws, denominational stances, and personal attitudes are changing, the debate continues. It is with the hope of helping to make this reexamination of abortion and the laws regarding it both searching and responsible, sensitive to human needs yet in accordance with the divine will, that this booklet is offered.

The writers present some of the reasoning that lay behind adoption of the position that abortion should be a decision between a woman and her physician. They write from different points of view—the individual woman's, the ethical and theological, the legal. We hope readers will find both knowledge and guidance as they share the writers' thoughts.

GROVER C. BAGBY,
Division of General Welfare.
RODNEY SHAW,
Department of Population Problems.

About the authors—

Tilda Norberg . . . born in Alabama, raised in Michigan . . . B.A. from Michigan State University in sociology . . . B.D. from Union Theological Seminary . . . ordained by United Church of Christ . . . trained as Gestalt therapist . . . long active in women's liberation movement . . . a founder of and still active on New York Task Force on Status of Women in the United Methodist Church . . . currently leading therapy groups sponsored by St. Clement's Episcopal Church in Manhattan.

John M. Swomley, Jr. . . . native of Harrisburg, Pennsylvania . . . B.A. from Dickinson College, M.A. and S.T.B from Boston University, Ph. D. in political science from the University of Colorado . . . a minister of the United Methodist Church in Kansas East Conference . . . Director of the National Council Against Conscription, 1944–52 . . . Executive Secretary of the Fellowship of Reconciliation, 1953–60 . . . since 1960, Professor of Christian Ethics at Saint Paul School of Theology, Kansas City, Missouri . . . a member of the Committee of Civil and Religious Liberty of the National Council of Churches, member of National Board of the American Civil Liberties Union, member of the General Board of Christian Social Concerns of the United Methodist Church . . . for 10 years editor of *Current Issues* . . . author of many books and articles including *American Empire: The Political Ethics of 20th Century Conquest* (Macmillan, 1970).

Allen J. Moore . . . native of Waco, Texas . . . B.A. from Southwestern University, Georgetown, Texas, M.A. in sociology from Baylor University, Ph. D. from Boston University . . . ordained Methodist minister, serving churches in Texas and Massachusetts . . . Administrative Director and Professor of Religion at Wesley Foundation and Bible Chair, North Texas State University and Texas Women's University, Denton, Texas . . . in 1958 became National Director of the Methodist Young Adult Work and Young Adult Research Project of the General Board of Education of the United Methodist Church . . . in 1963 joined faculty of School of Theology, Claremont, California . . . also Dean of Students there, 1964–68 . . . now Professor of Religion and Personality and Christian Education at Claremont and also member of Religion and Society faculty at Claremont Graduate School . . . published writings include over 100 articles.

FEMALE ANGUISH AND ABORTION

(By Tilda Norberg)

Most of the voluminous writing, thinking, lawmaking and moralizing about abortion has come from men.[1] Yet just as no white person can ever fully understand what it means to be a black, no man can ever comprehend the experience of a woman who is pregnant and doesn't want to be. In large measure because of this, the "rights of the fetus" have traditionally taken precedence over the rights, wishes, and even health of the woman.

Society has largely ignored the anguish and fear of a woman who is carrying an unwanted fetus. Sadly, even the Church's efforts to be sensitive to human suffering have not extended to women faced with this agonizing problem.

This article is by a woman, and about the woman's side of the issue. As a minister and a member of the Clergy Consultation Service on Abortion, I have listened to countless stories of needless suffering. Let me share some case histories which are typical of many women's experience.

THESE ARE THE WOMEN—

A fifteen-year-old girl, self-conscious and awkward though an honor roll student, became pregnant because she felt that the way to the popularity she longed for was to do whatever the boys wanted. Her foolish and immature action (how many of us are mature at 15?) condemned her to further shame and self-hatred through the only course which seemed open to her at first: to "visit an aunt" for six months. But both she and her parents were sure that everyone would know the actual reason for such prolonged absence, and so all three agreed that the only humane way out of an already emotionally damaging situation would be for her to have an abortion.

A Negro woman who had just decided to get a divorce found out that she was pregnant by her husband. Out of her hatred for her abusive spouse, she was already feeling disgust for the fetus. She knew that a Negro baby has little chance of being adopted, and to keep the child would mean going on welfare. She had just received a scholarship to attend college, something she had always dreamed of. An abortion meant the possibility of a more creative life for herself. She expressed the hope of one day marrying and having a child with a person she truly loved. In the meantime she was willing to sell her furniture (the only valuable possessions she had) to pay the exorbitant fee of an illegal abortionist.

A 45-year-old woman who had spent her married life caring for four children found she was pregnant just as her youngest child left for college. She had been looking forward to the time when she would have some independence and freedom to pursue long-delayed vocational goals. She felt physically sick at the thought of "starting all over again with the diapers and bottles and 2 a.m. feedings." She was convinced that she hadn't the energy to care for another infant, that she would resent the child, and that with two children in college she couldn't afford the additional expense of another child.

A woman with four children, all under seven, found herself pregnant again. With her husband making only $125 per week, and her six-year-old needing an operation on his legs, she and her husband felt that another child would be an unbearable financial hardship.

Having counselled many of these women as a minister, I recently perceived in a more personal way something of the terrible turmoil they go through. I am a happily married woman. My husband is also a minister, and both of us are deeply committed to our work. At the beginning of our marriage, we decided that for emotional and financial as well as vocational reasons, we were not yet ready to have children. We continue to reaffirm our decision every time we talk it over. When we do have children, they will be deeply wanted and we plan to share equally in raising them.

Recently I began to suspect that, despite our great care in the use of contraceptives, I was pregnant.

I felt miserable, victimized, and angry. Because of a contraceptive failure (it couldn't have been anything else), my husband and I were being prevented from carrying out our careful decision about planning our family. I felt trapped by my own biology. And even though it was easily within the capacity of medical science to help, the laws prohibited this and forced me simply to accept the consequences—consequences which would profoundly affect the rest of my life.

Fortunately, it turned out that I was not pregnant after all. But what of those women who find similar fears confirmed?

THE AGONIZING CHOICE

Under the present laws in most states, a woman such as one of those whose case histories I have given, having wrestled with what having a child then would mean in her life and having concluded that an abortion would be best, faces an agonizing choice. She could serve the sentence of bearing her unwanted child. She could try to secure a safe but illegal and enormously expensive abortion done in a doctor's office. She could choose to go through the degrading process of begging for a therapeutic hospital abortion, with the odds against approval, perhaps finding herself "too far gone" to seek help elsewhere by the time the board refused her. She could try to find the money for a trip overseas. She could risk her life and health in a "back alley" operation. Or, frantic with despair, not knowing where to turn for help, she could choose the cruel route of attempting self-abortion.

Both married and unmarried women share the suffering, for motherhood is not always desirable for married women either. In fact, most abortions are performed for married women.[2]

It should be pointed out that for rich women a solution to the dilemma is much easier. They either pay substantial fees to their doctors and/or certain private hospitals or travel to another country where abortions are routinely performed in hospitals.

As usual, it is the poor who suffer the most. One indication of this was a nationwide survey by Dr. Robert E. Hall which showed that the rate of therapeutic abortions in hospitals was 3.6 times higher on their private services than on their wards.[3]

There are a few courageous doctors who will perform safe abortions in their offices, but the poor most often lack both the resources for locating them and the money to pay their high fees.[4]

Some argue that, with modern contraceptives, there is no excuse for any woman to become pregnant against her will. This simply is not true. The medical profession tells us that no contraceptive is absolutely foolproof, not even the pill. The United States Food and Drug Administration reports that the intra-uterine device, one of the most effective contraceptives available today, has a failure rate of 1.5% to 3%. This means that, if all married women in the United States could and did use this contraceptive, there would still be between 350,000 and 700,000 unintended pregnancies each year among married women alone.

LIMITED ROLES FOR WOMEN

Aside from contraceptive failure, there are other complex reasons for a woman becoming pregnant even when she knows pregnancy is contrary to her best interests. The Women's Liberation Movement is helping us understand that women are discriminated against in our society and limited to certain approved roles.

By and large, little girls are taught to think that marriage and motherhood are their natural and most important roles. High school and college girls gain status and achieve "success" when they are dating exciting men. Those failing to do so are urged by the ads to try a new hairdo, a new dress, a certain perfume, or a certain method of dieting. A girl learns that her body is good if it pleases men, bad when it does not.

Pastors and counselors tell them to "act more like a woman," i.e., to build up *his* ego, be interested in whatever *he* is interested in. The message comes through strong and clear: "Do anything to please him." Anything, that is, except get yourself pregnant—even though

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Footnotes at end of article.

contraceptives are not totally reliable nor easily available to unmarried women.

Women are defined in terms of "being," men in terms of "doing." A woman is considered important according to whose wife she *is*. A man is rated according to what he *does*, i.e., what his work is. Just observe how often the question put to a woman is "How many children do you have"? "What does your husband do?" while the man is usually asked, "What do you do for a living?"

With these attitudes so pervasive in society, it is not surprising that some women become pregnant because they think that will help them please or catch a man, only to realize later that the pregnancy is a terrible mistake.

The level of vindictiveness in our society toward a women who wishes to end an unwanted pregnancy is sometimes startling. One hears, even from Christian lips, "If she is going to play around, she deserves the punishment she gets." The educational system, the mass media, institutions of all kinds have prescribed that every woman's highest function is to become a mother and that she naturally and instinctively wants motherhood. If a woman, for whatever reason, decides against motherhood after she conceives, she is often treated as an exception to the natural order

THE STRENGTH OF SOCIAL PRESSURES

This means that even the most responsible of women, with valid reasons for not having a child, taking the most effective of available steps to prevent conception, are nonetheless treated as irresponsible children once pregnancy occurs. Still too often society, through law and institutions, says to such women, "You have no further right to control your own bodies. *We* will decide for you"—the "we" being overwhelmingly male.

And to the young, the ignorant, and the confused, society says, "You must bear even an unwanted child, no matter what damage it does to you, or to the unwanted offspring, or to society as a whole, as punishment for being young and ignorant and confused."

Forgotten is the fact that the abortion laws came into being to protect women from the dangers of early surgery Now the discussion is couched almost solely in terms of protecting the fetus, and almost no weight or concern is given to the welfare of the mother and of others who may be concerned in her fate. Not even lip service is given to her dignity as an adult person capable of making her own moral choices

The role of the male partner in an unwanted pregnancy is quite different. He can easily step out of the problem and continue living his life undisturbed. Meanwhile the woman must experience the shame, humiliation, physical danger, guilt, and loss of freedom of choice. She must also face the need to care for an unwanted child for 17 or more years.

In view of the vehemence of the social pressures and legal strictures against abortion, it is astonishing that so many women have had the determination, even the desperation, to accomplish one. The number of illegal abortions in the U.S. can only be estimated but it is surely high, and may range up to one million a year.[5]

Let me tell you about one woman's actual experience in seeking an illegal abortion. After she had made the decision to get the abortion, she began to "ask around" for a way to get in touch with this underworld. She finally received a phone number and instructions to call at a certain hour. When the woman called, she was asked her name and where she worked and given another number to call 24 hours later. Meanwhile, she discovered later, the abortion ring was checking with her employer to make certain she wasn't a policewoman.

Upon calling the second number, she was given instructions that made her feel more like a criminal than a woman in need of medical help. She was told she must go to a city about 150 miles from her home and stand on a particular street corner at a specified time. She must go alone and carry $500 in cash. She was told to wait there until a man drove up and identified himself as "Mike," who would take her to an unknown destination where the operation would be performed. She was assured only that the one performing the operation "knew what he was doing." She knew neither whether he was a doctor or not, nor what kind of procedure would be used, nor if there would be an anesthetic.

She related her experience in these words: "I was standing on that corner almost paralyzed with fear. I couldn't think, and I almost couldn't stand up. I was well aware that I could be going to my death instead of to a simple operation. But even in my terror, I felt desperate enough to go through with it . . . and it was only when a car drove up and a man leaned out that I turned and ran for a taxi to take me back to the train."

Finally she got her abortion by taking out a large loan and going to another country. But what of other women who stand on that corner and are so desperate that they get in the car and go with the man named Mike?

WHAT CURRENT PRACTICES ENTAIL

Estimates vary as to how many women die from illegal abortions ineptly performed. But whether it is 500 or 1,000 who die each year, their deaths are totally unnecessary when abortion is a safe and potentially inexpensive medical procedure.

The women who fear to risk an illegal abortion and attempt to obtain a legal therapeutic abortion in a hospital also choose a difficult route. In many states a legal abortion is next to impossible, and women who have received one have reported that the experience is degrading, anxiety-provoking and expensive.

The procedure in some states requires her to persuade several doctors to "sponsor" her case in order for it to come before an abortion panel. In others she must prove that she is either suicidal, mentally incompetent or the victim of rape. Often this "proof" consists of finding one or more psychiatrists who will write letters to the abortion board, for which the customary fee is up to $100. The woman must go before the abortion panel of the hospital for their decision concerning her eligibility. The decision is entirely out of her hands.

Most hospitals have some kind of quota system for abortions so that they do not get the reputation for performing "too many." A woman may try several hospitals and perhaps be refused by them all. By the time she may have spent four or five weeks pursuing all these channels, she may be ten to twelve weeks pregnant, with rapidly diminishing chances to secure a safe illegal abortion in some doctor's office.

Under some of the recently liberalized laws, women are still experiencing long delays, contemptuous treatment from hospital personnel, demands for unreasonable fees and an avalanche of red tape tantamount to refusal. Requirements that abortions must be performed in hospitals or hospital clinics greatly increase the problem in securing a prompt abortion. The consequent delays sometimes take the pregnant woman past the time when abortions can be performed.

Many doctors feel that abortions need not ordinarily be performed in hospitals. They contend that in the early stages of pregnancy it could be a safe office procedure which would make the cost considerably lower. Some doctors have even recommended that medical personnel other than doctors could be trained to do routine abortions, much as midwives attend births. Yet the medical profession as a whole has consistently refused to consider these options.

THE CONSEQUENCES

Because so many women fail in their attempt to get an abortion or are discouraged from even trying, many unwanted children continue to be born. The consequences are serious, both economic and social, as well as personal. For families in Appalachia and Harlem, unwanted children can mean the difference between self-support and welfare, between an adequate diet and hunger, between pride and shame. A study done in Sweden found that children who were born after their mothers had requested an abortion and been refused compared unfavorably with wanted children in mental health, social adjustment and education level.[6]

Some studies show a close correlation between criminal activity and rejection as a child.[7] Statistics on physical abuse of children in the U.S. are troubling. But there is more than one way to injure a child, and most ways do not result in physical injury or death. Rather, unwanted children tend to grow up feeling rejected and unloved, with the mother compensating for her sense of guilt either by smothering the child with solicitousness and extravagant freedom, or with unreasonable rules and restrictions and verbal abuse. Some psychiatrists draw the logical conclusion that one of the most important goals of preventive psychiatry is the prevention of unwanted children.[8]

Because society has for so long refused to face up to this tragic situation, I say that women are angry. We protest being victimized by lawmakers and doctors who say we have no voice in what happens in our bodies. We protest being treated as children. We protest the complex restrictions, red tape and high cost of what is usually a simple medical procedure. We protest the way we are taught to please men and to look forward to motherhood as an exclusive occupation. We protest the double standard which says that the men responsible for pregnancy in unmarried women do not have to bear any of the responsibility for the consequences.

But our anger is not just "against." We believe it has helped us to see more clearly that woman too is destined to live in responsible freedom according to the Christian view and to act to achieve that destiny.

We believe that abortion poses moral choices which do not belong to the doctor and the lawyer, but must be faced by the pregnant woman herself. We believe the needs of the living person must be considered as well as the rights of the human tissue which has the potentiality of becoming a person.

The Board of Christian Social Concerns of the United Methodist Church, in its resolution on "Responsible Parenthood," affirms that "Personhood develops as one is loved, responds to love, and in that relationship comes to wholeness as a child of God. . . . Because life is distorted without the qualities of being wanted and loved, parents seriously violate their responsibility when they bring into the world children for whom they cannot provide love."

In this context, assuring women the right to exercise full adult responsibility in regard to decisions on abortion affirms the wholeness of their personhood. Such an affirmation will initiate a healing process for the whole society.

FOOTNOTES

[1] An example is a recent legislative hearing for the reform of the New York State abortion law, where those invited to speak included fourteen men and only one woman—a nun. See the *New York Times*, February 1, 1969, p. 42.

[2] Callahan, Daniel, *Abortion: Law, Choice and Morality*. New York: The Macmillan Company, 1970, p. 292.

[3] *Ibid*, p. 137.

[4] Rev. Howard Moody, spokesman for the Clergy Consultation Service on Abortion, reports that in 1965, 94% of the abortion deaths in New York City occurred among Negroes and Puerto Ricans.

[5] Callahan, *op. cit.*, pp. 131–2. The estimates range from 200,000 to 1,500,000 illegal abortions per year in the United States.

[6] Forssman, H., and Thuwe, I.: "One Hundred and Twenty Children Born After Application for Therapeutic Abortion Refused." *Acta Psychiatrica Scandinavica,* vol. 42, 1966, pp. 71–78.

[7] For example, Dr. Leon N. Shapiro, a Boston specialist who set up the Massachusetts mental health clinics for courts and prisons, has said that most of the criminals he has met were products of unwanted pregnancies.

[8] Fleck, S., M.D., in an unpublished paper entitled "Some Psychiatric Aspects of Abortion," presented to the Connecticut Medical Society, May 2, 1968, stated: "Preventive psychiatry's single most effective tool is the prevention of unwanted offspring. . . ."

ABORTION AND CIVIL LIBERTY

(John Swomley, Jr.)

In a secular state, such as the United States, laws relating to abortion must have a validity apart from church doctrine or religious dogma. This means that if a local, state or national government adopts legislation about abortion, it may do so constitutionally only because abortion affects the public health or welfare, and not because a church or denomination is convinced that abortion is an appropriate or inappropriate course of action. Churches have the same rights as secular groups to argue for or against legislation, but they have no right to impose upon the entire society laws which are justified solely by their theological assumptions.

On the other hand, laws reflect a view of man and the nature of the universe which religious groups have helped formulate. The idea that men and women as individuals have certain rights over against government is in part derived from the Jewish-Christian emphasis on the sacredness of personality and in part from Greek and Roman ethics and legal traditions.

A state which is limited in its competence or its powers by rights reserved to people, including those to persons as individuals, is said to be democratic because it is prohibited from curtailing the liberties that persons need for maximum development of their personality and for the well-being of the community.

A fundamental question with respect to laws about abortion is whether they are in harmony with the civil liberties set forth in the Constitution. Civil liberties are determined not simply by an individual's rights but also by the rights of others which must be balanced against them. A right to free speech, for example, does not mean an absolute right in the sense that anyone may invade a hospital ward to shout political slogans to patients in need of sleep. Society also has rights. These societal rights were the reason for the first laws with respect to abortion.

HEALTH INTERESTS OF THE STATE

The earliest abortion law in England was adopted in 1803. Prior to that, abortion seems to have been regarded chiefly as a church offense to be punished only by religious penalties. In the United States, Connecticut (1821), Illinois (1827) and New York (1830) were the first states to adopt abortion statutes. Prior to such efforts the English common law was in effect. It permitted abortion before fetal movement or "quickening," which was generally detectable after the sixteenth week of pregnancy.

Available evidence indicates that the laws against abortion introduced in the nineteenth century were not to prevent the termination of pregnancy or the killing of an embryo but to protect women against the dangers of abortional surgery. These laws were public health measures and not inspired by theological considerations. The state laws generally assumed that the preservation of the woman's life was more important than preserving the embryo, which was not viewed as a co-equal or human being.

The health interest of the state is evident in legislative and court statements of the time. In this contex a nineteenth century New Jersey case, *State* v. *Murphy,* is significant because it explains the purpose of the state statute which was signed on March 1, 1849 by Governor Daniel Haines. Nine years later Governor Haines participated in the first case which construed the statute. That decision included the following:

"The design of the statute was not to prevent the procuring of abortions, so much as to guard the health and life of the mother against the consequences of such attempts. . . . It is immaterial whether the fetus is destroyed, or whether it has quickened or not . . .

"The offence of third persons, under the statute, is mainly against her life and health. The statute regards her as the victim of crime, not as the criminal, as the object of protection, rather than of punishment." [1]

The New York statute, like that of New Jersey, was adopted in the context of an intention to protect women. The New York legislature at the time the abortion statute was proposed also considered a bill which would have punished "any surgical operation" unless it "was necessary for the preservation of life. . . ." [2]

The reason given for introducing these bills was the "rashness of many young practitioners in performing the most important surgical operations for the mere purpose of distinguishing themselves." It was asserted that the "loss of life occasioned by the practice is alarming." [3]

Similarly in an Orange County, California case (1970), the judge stated:

"At the inception of the old abortion law in 1850, the state had a compelling state interest in the preservation of the health of women involved. Abortion operations were dangerous with a high incidence of infection and death resulting. Due to the advance of medical science, this is no longer true. An abortion, properly done, is one of the safest operations with virtually no incidence of fatality. There is less danger to a woman from an abortion than from carrying the pregnancy to birth. Thus this state interest is no longer present." [4]

FETAL INTERESTS OF THE STATE

State laws, even when reworded since their initial passage, do not view the woman and the fetus as of equal value. Illegal abortion is viewed as a felony rather than a homicide, whereas the death of the woman as a result of an illegal abortion is viewed as a homicide.

Ethical, biological and legal precision all require the recognition that a zygote is a zygote, an embryo an embryo, and a fetus a fetus. Nothing is gained by equating any of these biological stages with a baby or a child that can survive in independence of its mother. It is possible to speculate theologically that a fetus is a child but, as retired Justice Tom Clark has asserted:

". . . the law deals in reality, not obscurity—the known rather than the unknown. When sperm meets egg, life may eventually form, but quite often it does not. The law does not deal in speculation." [5]

New York in its homicide statute defines a "person when referring to the victim of a homicide (as) a human being who has been born and is alive." [6] The Federal Constitution also makes birth a prerequisite to citizenship and the various protections of the fourteenth amendment when it confers citizenship on "persons born or naturalized in the United States. . . ."

One Protestant ethicist, Paul Ramsey, at this point paralleling the papal position, uses the term "feticide/infanticide" to describe an abortion, as if the state already has determined that an embryo or fetus is human, and abortion therefore the equal of homicide. He writes that "the state . . . has an interest in directing the legal order so that the value of human life will not be further eroded." [7]

If the state had an interest in fetal life as such, it should make an effort to prevent spontaneous or accidental abortions just as it seeks to prevent accidental death on the highway, but it leaves the prevention of spontaneous abortion entirely to the medical profession.

Paul Ramsey, in seeking to show that a fetus is a person, asserts that "a fetus can inherit" property. What he neglects saying is that "In point of fact, although an unborn child has certain rights under property law, his enjoyment of those rights is contingent upon being born alive." [8]

Paul Ramsey also refers to the one case which asserts fetal rights beyond those of the pregnant woman, wherein a Jehovah's Witness was required to have a blood transfusion to save a fetus.[9] Ramsey does not, however, acknowledge that this case is distinguished by lateness of pregancy (about 8 months) wherein abortion by definition relates to early pregnancy. If Ramsey had acknowledged the lateness in pregnancy in this case, his legal argument would have been destroyed since the courts have stated that the killing of a viable fetus—one capable of life outside the mother's womb—can involve prosecution for murder. Before such viability, the fetus is not considered a human being or alive.[10]

A California decision in *People* v. *Robb* cited above deals with the question of fetal rights to life:

"The primary contention of compelling state interest advanced on this issue is that the law is necessary to preserve the life of an unborn. This argument will not stand the test of logic, however. When is there life present in the eyes of the Law? Certainly not at conception. If there were life present at conception abortions would not be permitted in cases of rape or incest, or the other exceptions, any more than it would be permitted to terminate the life of a one-year-old whose life had come as the result of rape or incest. We also see no suggestions that intrauterine devices or "morning after" pills, both of which are abortive devices, are illegal."

If State law does not recognize the right of an embryo or a fetus in the first trimester of pregnancy over against the right of a woman on whom it is dependent, then we must next ask whether an abortion poses any dangers to society.

THE STATE'S CONCERN FOR HUMAN LIFE

There is no evidence that states or nations which permit abortions are less concerned with human life than those which do not. It is not even possible to correlate personal opposition to abortion with personal opposition to all killing. Thus we can see some persons deeply opposed to wartime killing but also involved in campaigning for women's rights, including the right to abortion. At the same time, one can find many others strongly opposed to abortion on the ground that potential life is sacred and yet equally strong supporters of the nation's wars.

It is possible to believe logically that a permissiveness with respect to abortion will lead to infanticide or homicide, that there is no evidence to sustain such a belief. For example, no court that tolerates abortion will therefore tolerate infanticide or the killing of a recently born baby. Daniel Callahan, after exhaustive research in the field of abortion, comes to the conclusion that "it

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Footnotes at end of article.

is simply not possible to prove that basic values would be undermined" by abortion. "The uniqueness of the abortion situation—where it is a question of potential human life . . . means that it is all but impossible to extrapolate from attitudes toward fetal life attitudes toward existing human life." [11]

THE STATE'S CONCERN FOR THE SPECIES

If there is no evidence that abortion endangers the value of life there is, however, evidence that abortion may enhance the prospects of survival of the species by reducing the birth rate in a world that is already overpopulated.

The literature on overpopulation is extensive. It need only be noted here that the population of the United States exceeds 205 million and that of the world 3.5 billion. It is commonly estimated that the world population will double by the year 2000. This, according to ecologists, raises serious questions about the capability of the environment to sustain life in such numbers. Abortion, in addition to contraceptive measures, in such an overpopulated situation may actually contribute to the saving of the species even though this is not its purpose.

It would be argued that nearly effective contraception plus supplementary abortion could further decrease or eliminate a small North American Indian population, but it is not convincing to argue that a worldwide white minority or a black minority as large as 20 million persons in the United States is endangered by permissive abortion. Certainly the human species today is not threatened by legal abortion when it managed to survive for about 5,000 years following the earliest recorded case of abortion.

Since there is no compelling evidence that the health of women as a group, the survival of the human species, or the concern of society for human life is threatened, we are free to explore whether abortion is a right that should not be prohibited by legislation.

RIGHTS OF WOMEN

Laws which deny women the right to an abortion deprive them of the right to decide whether to bear children and therefore, in some cases, of the right to life due to the inherent risk of childbirth. Under many state laws the woman is compelled to remain pregnant and to bear a child once conception takes place.

The only justification for an abortion in some states is to "preserve the life of the woman." This phrase, which once had meaning in light of the medical and surgical limitations of earlier times, is now vague in relation to modern medical practice. The phrase is vague both because a judgment must be made during the first few months of pregnancy as to the dangers in late pregnancy, and because it can be interpreted as meaning the mere survival of the woman irrespective of the damage done to her physically or psychologically.

It is an infringement of a woman's liberty to give to the physician and possibly the court the sole power to decide whether her survival is threatened by a pregnancy. Their decision may compel her to remain pregnant at every cost to herself except her physical survival.

Women, however, are not compelled to become pregnant. The right to privacy as set forth in the Ninth amendment has been construed in *Griswold* v. *Connecticut* as including the right not to have children by using contraceptives.[12] If a woman is physically unable to use contraceptives or uses an ineffective one, should she thereby be compelled to carry the fetus to term, bear an unwanted child and perhaps be forced to care for it for 17 to 20 years? Most methods of birth control are less than 100% effective, including the birth control pill.

Former Justice Tom C. Clark has indicated that the logic which recognizes the right to use contraceptives should extend to abortion.

"Abortion falls within that sensitive area of privacy—the marital relation. One of the basic values of this privacy is birth control, as evidenced by the Griswold decision. Griswold's act was to prevent formation of the fetus. This, the court found, was constitutionally protected. If an individual may prevent conception, why can he not nullify that conception when prevention has failed?" [13]

There are, of course, many other possible reasons than contraceptive failure for a decision to terminate a pregnancy, such as the existence of an impending divorce; rape; serious marital problems caused by the unwanted pregnancy itself; extreme youth or advanced age making it difficult for the woman to care for a child; an incurable or terminal disease; reasonable belief that a woman is bearing a deformed fetus.

Dr. Louis M. Hellman cites a case heard in the United States District Court for the Southern District of New York which involved contraceptive failure.[14] The family already included three children. Both parents worked, yet their combined income was low. Another child would make it necessary for them to "go on relief" and thus jeopardize the stability of the family. New York law at the time, however, prevented a medical abortion in spite of the woman's pleas.

In states where rape is a legal reason for abortion, hospital committees or physicians often do not approve abortions unless rape can be proven by police reports. Yet for one reason or another, perhaps a threat of death from the rapist if the police are notified or unwillingness to testify publicly in court, some women do not report to the police.

In states where incest is ground for abortion, a woman may not want to cite the evidence of incest and thereby incriminate both herself and the male relative. The fifth amendment to the Constitution provides that no one can be compelled to incriminate herself, yet this may be the only way for some women to get a legal abortion.

A young unmarried woman who becomes pregnant because, not intending sexual relations, she did not use contraceptive measures, is in most states unable to secure a legal abortion. The birth of a child might be an intolerable burden given her family background, the danger of alienation from her family, and her inability to hold a job during pregnancy and the months following childbirth. If the woman, in a spirit of desperation, seeks an illegal abortion she makes herself vulnerable to quacks, perhaps to those who would exploit her desperation. Possibly she may turn to self-induced procedures. Medical doctors have testified under oath to such facts as 2,500 patients a year coming to a single hospital with incomplete abortions, bleeding and feverish. Those women have used soap or coat hangers or knitting needles or other devices in an attempt to self-abort.

A law which forces a woman to choose between such a procedure and bearing an unwanted child is in effect compelling her to undergo cruel and unusual punishment, which the Eighth Amendment to the Constitution was intended to preclude. Thus the Superior Court of California held in *Shively* v. *Board of Medical Examiners,* the case of a woman exposed to German measles early in pregnancy, that the Eighth Amendment assured this woman the right to abortion.[15]

However, it cannot be asserted that a woman can generally seek relief in the courts. It is well to note what happened to Sherri Finkbine, an Arizona housewife who had used Thalidomide and subsequently became aware of its deforming effects. When her desire for an abortion was publicized, she received "thousands of pieces of hate mail" and "the official Vatican newspaper . . ." castigated "her (and her husband) in very bold print as murderers." The Superior Court of Arizona refused to hear her case and she had to go to Sweden for her abortion.[16]

A Missouri attorney, Charlotte Thayer, has pointed out that:

"A pregnant woman is generally in no position to undertake protracted litigation to establish her right to an abortion. The task of judicial liberation requires more than an isolated pregnant patient may have and the obvious eventuality of mootness is a factor the defense can rely upon with certainty."

She concludes that "Pregnant women should not be forced into the embarrassment, cost, emotional and physical strain, and delay of their claims at the mercy of those exigencies which surround their individual case." [17]

If it is neither feasible nor wise for the courts to determine the validity of each request for abortion, it is similarly undesirable and unjustifiable for legislatures to try to determine when an abortion is to be permitted.

It is extremely difficult, when circumstances vary so widely from woman to woman, to devise a legal policy which would justly recognize some abortion requests as valid while denying others. As Daniel Callahan puts it:

"In a great majority of cases, only the pregnant woman can judge the validity of her own reasons. . . . In the absence of concrete evidence of the social harm done by abortion, the law cannot presume to judge the validity of a woman's personal motivations; it must step aside.[18]

Modern medical care is not concerned only with the physical survival of a patient but with her well being as a person. A woman is a whole human being whose health is affected by emotions, relationships, prospective difficulties, and socio-economic conditions as well as by disease, so that the quality of life rather than the bare facts of existence must become the concern of society.

In the light of this understanding, the original reason for having laws prohibiting abortions—namely, to protect the health of women—can now be seen as a reason for not having laws prohibiting abortions. If the laws are removed, the state would cease to be indirectly responsible for the thousands of illegal abortions and for other damage to the health of women.

EQUAL PROTECTION OF THE LAW

Another compelling reason for repealing or invalidating state laws prohibiting abortion is the discriminatory impact of abortion laws. Theoretically, abortion laws make no distinction on the basis of a woman's race, social status, or economic position. In practice, the poor, blacks, Puerto Ricans and other minority groups are denied safe abortions while others more advantaged find ways of circumventing the law. The report of the Governor's Commission appointed to review New York State's abortion law stated:

"The present law places an unfair discrimination on the poor in that persons with money may obtain safe abortions either by travelling to other jurisdictions, by going to high-priced competent though illegal abortionists, or by obtaining legal abortions here based on sophisticated indication.[19] "

The phrase "sophisticated indications" refers to certificates from psychiatrists indicating that continued pregnancy might lead to suicide.

A number of studies by competent scholars document the discrimination. Robert Hall reports that between 1960 and 1962 in New York City:

"The ratio of therapeutic abortions to live births in the proprietary hospitals was 1:250; on the private services of the voluntary hospitals, 1:400; on the ward services of the same voluntary hospitals 1:1,400; and in the municipal hospital 1:10,000. The same in-

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equity pertains to ethnic origin. The rate of therapeutic abortions per live births among white women in New York is 1 per 380, among nonwhite 1 per 2,000, and among Puerto Ricans 1 per 10,000.[20]

Another study showed that during the period 1960–62, 55.6% of the deaths associated with child-bearing in New York City among Puerto Ricans were due to illegal abortion. Among nonwhites the rate was 49.4%, but among whites (non-Puerto Ricans) the figure was only 25.2%.[21]

The indigent woman may get her first information about abortion from a clerk or aide at a hospital who may routinely tell her that none are legal. She has no private physician who will go to the trouble of referring her to a psychiatrist or of presenting her case to the hospital's therapeutic abortion committee. Every physician knows that a patient with financial means is not limited to a neighborhood hospital or indeed to any particular hospital or physician. She can more readily find a psychiatrist who will indicate there is risk of suicide from a continued pregnancy than can a poor patient who lacks knowledge about such matters and contacts with other doctors or hospitals.

If state abortion laws specifically limited therapeutic abortions to those able to afford rooms in private hospitals, it would be clearly unconstitutional. In practice, poverty imposes limitations that middle and upper income women do not have to accept.

The discrimination in these cases arises not only from the inequalities of status and inequitable distribution of wealth but from governmental action or refusal to act. Public hospitals do not provide information, diagnostic services or access to therapeutic abortions to the same degree that private hospitals do. Instead of providing these services at the outset, the government frequently completes the abortion and pays the expenses of the poor woman who enters the hospital bleeding from a self-attempted "coat-hanger" abortion.

The fact that the laws prohibiting abortion lead to the discrimination discussed above makes the state responsible. In *Griswold* v. *Connecticut* Justice White in his concurring opinion said that:

". . . the clear effect of these statutes . . . as enforced, is to deny disadvantaged citizens of Connecticut, those without either adequate knowledge or resources to obtain private counselling, access to medical assistance and up to date information in respect to proper methods of birth control. . . . In my view, a statute with these effects bears a substantial burden of justification when attacked under the Fourteenth Amendment.[22]"

It seems clear that the liberalization of laws so as to permit women to have a medical abortion under certain circumstances will not end the discrimination, particularly if the law requires consultation with one or more psychiatrists or if public hospitals are too crowded or their staff too busy to permit an increased number of abortions.

In recent years protection cases have often been resolved by requiring states to remove inequities even when the state did not create them. The poor man, for example, must be provided with legal counsel, free transcripts and free appellate counsel if the state grants the right to appellate review as it did in the circumstances present in *Griffin* v. *Illinois*.[23]

Today the poor women who may suffer more from the birth of another child than the rich women may be unable to find relief. This means that there will only be equal protection for women when the laws prohibiting abortion are removed from the statute books so that there are no longer loopholes for the affluent only. It may mean that the poor must receive free counselling and therapeutic abortions provided by the public.

RIGHTS OF PHYSICIANS

State laws prohibiting abortions also interfere with the rights of physicians. Rather than being able to make decisions regarding abortions on the basis of their medical skill and judgment, doctors must consider whether their decisions can be successfully defended if the state decides to contest them.

In some states, Missouri for example, physicians, ministers and others are unable legally to advise anyone on how to procure an abortion. This prohibition includes advice about how to secure an abortion in another state or country where it is legal to terminate a pregnancy. Such restrictions accompanied by legal penalties deny the right of physicians, ministers, etc. to free speech.

Presumably, in a public speech, one might tell an audience that abortion is legal in other states and that those desiring abortions could consult an obstetrician in specified cities in those states. If, however, a medical doctor, in the form of information and advice, tells a patient that a specific doctor at a specific address could help the patient, he is liable under the law. In two New York cases, *People* v. *Phelps* and *People* v. *Lovell*, a person was free to give a woman advice about an abortion, provided she did not get the abortion. If, however, she succeeded, her physician or minister could be held as a party to the crime.[24]

Not only is freedom of speech denied to the physician, but also the kind of privileged relationship traditionally and constitutionally granted to attorneys and clients. The First Amendment presumably guarantees both freedom of association and privacy in those associations as evident of *NAACP* v. *Alabama*.[25]

The laws prohibiting abortion also restrict the physician's freedom to practice his chosen profession, thus depriving him of personal freedom as well as of the fee by which he earns his living. The Fourteenth Amendment speaks specifically to those rights of liberty and property. *United States* v. *Freund* invalidates the Act of Congress regarding prohibition, wherein a physician was restricted in the amount of alcohol he could prescribe. The court said:

"It is an extravagant and unreasonable attempt to subordinate the judgment of the attending physician to that of Congress, in respect to matters with which the former alone is competent to deal, and infringes upon the duty of the physician to prescribe in accord with his honest judgment, and upon the right of the patient to receive the benefit of the judgment of the physician of his choices.[26]"

Abortion laws are virtually unique in restricting a physician in his practice of medicine. If he honestly believes a patient's health would be improved by an abortion or jeopardized by not having one, he cannot, as in other diagnoses, do what he believes is advisable or necessary.

Physicians are vulnerable at two or three levels. They are subject to criminal prosecution not simply for willfully violating the law but for incorrectly interpreting it in any given situation. They are also subject to having their license to practice medicine revoked.

In addition, hospital committees have developed in various states to police hospitals so that a physician who believes he has a legitimate case must receive permission from the committee. Physicians, especially those who are relatively young, are not likely to ask permission again and again from hospital committees after adverse rulings. Physicians, like other professionals, want to have their judgment respected by their colleagues even if no disciplinary penalties are involved in the proposal of abortions judged to be illegal.

The net result of state laws largely directed at physicians is that they and hospital committees tend to become the adversaries of women seeking abortion rather than medical men seeking to help their patients. This further means that a woman who wants an abortion is deprived of "due process of law" guaranteed in the Fourteenth Amendment. She is deprived because the physician has a vested interest in immunity from prosecution, and therefore she cannot receive an impartial consideration or judgment with respect to her desire for a therapeutic abortion.

The physician not only has a vested interest in immunity from prosecution but in his reputation. Publicity or rumor to the effect that a medical doctor has been involved in illegal abortion carries overtones not only of improper backroom conduct but also of seeking fees which are presumably larger than for medical activity engaged in openly. The individual physician thus becomes the indirect agent of the state, as hospital committees of physicians are more directly the agents of the state in denying women their right not to have to bear children.

ESTABLISHMENT OF RELIGION

It seems clear that one of the chief reasons existing abortion laws have remained on the statute books is the religious teaching of the Roman Catholic Church. There is no public health reason for making medical abortions illegal. With the subsidence of the health rationale, laws prohibiting abortions have been reinterpreted and defined on different grounds, chiefly by those with doctrinal religious interests that have also changed over time. In earlier times, some distinction was allowed between the unformed and the quickened fetus.

Roman Catholic teaching on this subject has been reaffirmed by Pope Paul VI in *Humanae Vitae*, his encyclical of July 29, 1968. He wrote

". . . that the direct interruption of the generative process already begun, and above all, directly willed and procured abortion, even if for therapeutic reasons, are to be absolutely excluded as licit means of regulating birth."

Daniel Callahan, a Catholic layman, in his monumental book *Abortion: Law, Choice and Morality*, states:

"In the United States the hierarchy as a whole as well as local hierarchies, have been adamant in their opposition to movements designed to change the generally restrictive American state laws. In both England and the United States, Catholic legislators, doctors and lawyers have been vocal in support of hight laws.[27] "

It is not necessary to labor the case to suggest that the maintenance of abortion laws solely or chiefly because they are espoused by one or more religious groups is a violation of the spirit and letter of the Establishment Clause in the First Amendment.

A number of Roman Catholics and persons from other churches or faiths who are opposed in principle to abortion nevertheless recognize that it is one thing to hold a religious conviction about abortion and another thing to try to impose it on others (perhaps a majority in each state) who do not share that conviction. They recognize that the state should not enforce a religious conviction unless it has a secular validity that is obvious to those of other religious groups and to those who hold no sectarian position.

CIVIL LIBERTIES OF ALL CONCERNED

There is no way to protect the civil liberties of women, physicians, clergymen and others who are directly or indirectly involved in the process of seeking, advising or performing abortions by laws which prohibit abortions even when certain exceptions are made. If abortions are prohibited, those

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who advise criminal acts or assist in them are presumably vulnerable.

The civil liberties of all concerned can be protected only when abortion laws are repealed or otherwise invalidated, so that the woman and her physician are free to make the necessary decision. This does not and should not preclude regulatory laws which require that abortions like other operations be performed in safe and sanitary settings such as clinics, hospitals and doctors' offices. Where a law requires hospital abortions, the state has a duty to see that church hospitals do not by their refusal to accept abortion patients nullify the intent of the law. Many, if not most, church hospitals by accepting public funds have become semi-public institutions.

Regulatory laws may also acknowledge that physicians whose religious convictions or consciences prevent their performing abortions do not have to do so except in emergency situations where other physicians are not immediately available.

Regulatory laws, in other words, should be so framed as to preserve the civil liberties of women, physicians, the poor, and others who are at present deprived of their rights either by laws prohibiting abortions or by socio-economic conditions which discriminate against them.

FOOTNOTES

[1] 27 N.J.L. (3 Dutcher) 1858 at 114–15.

[2] 6 Revisers Notes pt. IV, Ch. 1, tit. 6, 8, 28 at 75 (1828). Also see Means, *The Law of New York Concerning Abortion and the Status of the Foetus, 1664–1968: A Case of Cessation of Constitutionality,* 14 N.Y.L.F. 450–51 (1968).

[3] *Ibid.*

[4] *People of State of California* v. *Robb,* Case 149005, Case 159061, Central Orange County Judicial District, January 9, 1970.

[5] Tom Clark, "Religion, Morality, and Abortion: A Constitutional Appraisal," 2 Loyola University of L.A., L. Rev. 1 (1969), pp. 9–10.

[6] N.Y. Rev. Penal Law 125.05.

[7] Paul Ramsey, "Feticide/Infanticide Upon Request," *Religion in Life,* Summer 1970. Nashville: Abingdon Press.

[8] 24 N.Y. 2d at 485, 248 N.E. 2d at 904, 301 N.Y.S. 2d at 70, 31 N.J. 353, 157 A. 2d 497.

[9] 42 N.J. 421, 201 A. 2d 537 (per curiam), cert. denied, 377 U.S. 985 (1964).

[10] *Keeler* v. *Amador County, California,* Superior Court, 276 A.C.A. 324.

[11] Daniel Callahan, *Abortion: Law, Choice and Mortality.* New York: The Macmillan Company, 1970, p. 475.

[12] 381 U.S. 479 (1965).

[13] Clark, *op. cit.,* p. 9.

[14] (69 Civil 4284).

[15] No. 590333, California Superior Court, San Francisco, September 24, 1968.

[16] Sherri Finkbine, "The Lesser of Two Evils" in A. Guttmacher, ed., *The Case for Legalized Abortion Now.* Berkeley: The Diablo Press, 1967, p. 15–20.

[17] *Rodgers, et al* v. *Danforth,* U.S. District Court for the Western District of Missouri, Cause No. 18360–2.

[18] Callahan, *op. cit.,* p. 479.

[19] March 1968, p. 17.

[20] Robert E. Hall, "Abortion in American Hospitals," *American Journal of Public Health,* November 1967, p. 1934.

[21] Gold, Erhardt, Jacobziner and Nelson, "Therapeutic Abortions in New York City: A 20 Year Review," *American Journal of Public Health,* July, 1965, p. 964 (Table 1).

[22] 381 U.S. 479, 503 (1965).

[23] 351 U.S. 12 (1956).

[24] *People* v. *Phelps,* 15 N.Y.S. 440 (3d Dep't 1891) aff'd, 133 N.Y. 267, 30 N.E. 1012 (1892). *People* v. *Lovell,* 40 Misc. 2d. 458, 242 N.Y.S. 2d 958 (Oneida Cty. Ct., 1963).

[25] 357 U.S. 449, 462 (1958).

[26] 290 Fed. 411 (D. Mont. 1923).

[27] Callahan, *op. cit.,* p. 434.

Abortion: A Human Choice

(By Allen J. Moore)

God has not only given man and woman the gift of life, but has also placed upon them the responsibility for choosing how life is to be lived. To be human is to have the responsibility for making moral choices that are sometimes difficult and are often made up of conflicting claims.

To be faced with an unwanted pregnancy in which abortion is an option is one of those experiences that confronts us with the human necessity to choose between the preservation of unborn life and the general welfare of a particular woman and the society in which she lives.

Consciously or not, what such a decision requires is a sorting out of theological beliefs and ethical values which inform the choice which will finally be made.

A popular slogan of the anti-abortionists has within it an element of truth. "To make it legal does not make it right." For after the law has insured the right of a woman to have an abortion and the physician has indicated that medically an abortion is feasible and possibly even a necessity, the woman herself is faced with the very human act of making a moral choice.

Among the several concerns of theology is the question of what it means to be a person before God. To be a person is to be both free and limited, and it is in the act of making a moral decision that we come to realize how free we are to choose and how limiting the choices become. There are few questions in our time that call forth as fully our theological understanding of who we are as persons and our ethical responsibility for all of life as does the abortion issue.

This is not, however, a new question. From almost the beginning of mankind, the unwanted pregnancy has been a problem. As man and woman have evolved from primitive to more advanced forms of human relationships, they have been faced with the necessity to find effective means to control reproduction. Even vigorous religious opposition and social and legal prohibitions have not deterred their attempts to separate human sexual relations from procreation.

As humans have increased in their self-consciousness, they have sought to transcend the impulse to copulate blindly and to bring to sexual union controls that will either prevent conception or interrupt it if it should occur. Man and woman are decision-making beings and it is this mark of humanity that allows them to choose how their sexual and procreative functions are to serve their welfare and that of their society.

THE ABORTION PROBLEM IN HISTORY

The use of abortion as a solution to the problem of unwanted pregnancies has varied from society to society and from one historical period to another. Anthropological data indicate that both induced abortion and infanticide have been practiced to some degree in all societies as a means of controlling the birth rate and for disposing of infants who are believed deformed or bewitched or who are felt to be a potential burden to society.

Heavy sanctions have been imposed in some societies to prevent the practice of abortion and to encourage the growth of the population. Other societies have either tolerated abortion or have made it mandatory that certain pregnancies be aborted.[1]

In many primitive societies, abortion was practiced because the nomadic life style made children something of a handicap for a wandering people. Eugenic concerns and an excess of children led to the widespread acceptance of abortion in the Roman world. Here as in most of the ancient societies abortion and infanticide were not basically moral issues, mainly because there did not exist the same sense of reverence and respect for human life that came to be characteristic of Christian thought.

There is no prohibition in the Old Testament and there seems to be no consensus in Jewish tradition as to the morality of voluntary abortion. Hebrew law viewed a miscarriage caused by another as an injury to the family, and not an offense against the unborn. Traditionally, a fetus was the property right of the father and one causing it to be aborted against his will was required to pay damages. It was this tradition that laid the basis for the moral worth and value of unborn life.

The New Testament is silent on the matter of abortion and although the Christian church generally forbade its practice, it was also tolerated at times as a moral necessity. Documents dated as early as 100 A.D. counseled Christians not to submit to abortion, but did not suggest that the practice of abortion was a serious sin or a crime worthy of punishment. Apparently many Christians continued to follow the custom of their times and sought abortions in spite of some church opposition.

CHURCH VIEWS OF MARRIAGE AND SEX

Quite early the Church came to affirm that marriage was primarily for procreation and to believe that sexual pleasures should be repressed if at all possible. This view eventually led to an elevation of celibacy and the belief that nature, including sexual desire, was fundamentally faulty and had to be regulated by reason and in obedience to God.

This idea is illustrated by Augustine who saw every sexual act as intrinsically evil, redeemed only by a good intention, mainly that of procreation. Marriage, therefore, served the purpose of bringing forgiveness to the carnal desires of man and woman. The sexual act, therefore, became a minor sin when the couple was motivated by the desire to conceive a child. The extent to which the early Fathers understood sex as a natural sin is explained by Sherwin Bailey in the following statement:

> "While intention to procreate relieves coition of its sinfulness to the extent that blame is not imputed to husband and wife, the act itself still remains the channel by which concupiscenece and guilt on account of Man's first transgression are transmitted from parents to child; hence the need of baptism in which the guilt is washed away—though the lustful impulse remains." [2]

Two other factors influenced Christian teachings. It was a common practice in the Roman world for parents to destroy unwanted infants at the time of birth. Pregnant women sometimes received little more attention than that given to livestock. This disregard for human life incensed the Christians and in 318 A.D. Constantine decreed the killing of infants to be a crime. This new regard for infant life carried over to fetal life and some early Fathers came to look upon abortion as an act of murder.[3]

A second reason that abortion was opposed by the Church was more sociological and, as is often the case with theologians, practical considerations became the motivation for the formulation of doctrinal guides. In its need to expand and to strengthen its position in the West, the Church encouraged large families as evidence that the husband and wife were faithful to the commandments of God. From almost the beginning the Church welcomed children as a sign that God was increasing the number of new Christians in the world. This value placed upon children as a "gift of God" was undoubtedly a factor in the development of a theology of nascent life and contributed to evolution of the idea that abortion was a sin against nature.

Moral theologians have long given attention to the question as to when human life

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begins. In the ancient world, a distinction was made between a formed and unformed fetus and Aristotle held that the fetus did not actually receive a spiritual or human soul until forty days after conception for the male and eighty days for the female. This view of "infusion" was apparently held by Thomas Aquinas, and it was not until the 17th century that Roman Catholics in general came to the view that infusion of the soul takes place at conception.

Because of these doubts as to the precise point at which human life begins, some moral theologians up until the sixteenth century apparently tolerated abortions.[4] But in response to the Reformation and as counter influence to worldly trends, Pope Sixtus V placed stringent restraints upon all carnal practices, including abortion. Although his directions were later modified by the Papacy, the Roman Catholic Church came increasingly to teach that abortion was moral sin because of the spiritual nature of nascent life.

THE PROTESTANT REFORMATION

The Protestant reformers of the 16th century did not initially depart greatly from the customs of their time or the teachings of the Roman Catholic church on matters of sex. What did occupy the reformers was the reinterpretation of faith and its demands upon men. The result was the formulation of classical Protestant principles that eventually came to be the basis of a new humanism and a new understanding of the nature of the moral life.

The emphasis was no longer on human virtues or on the church as a basis for ethics, but on the responsible decisions that every individual must make in the light of his best understanding of the Christian faith.[5] Because ethics came to find its content in the realization of faith and not in natural law, it became possible for Protestants to believe that one could change one's mind about moral practices and thus for Protestant theology to be open to new truth and to the reinterpretation of scripture in the light of changing circumstances. This is what Paul Tillich describes as an ethic for "the right time"—the concrete fulfillment of love and faith in a particular time in history.[6]

The reformers did come to change their mind about sex and quite early attacked celibacy with its emphasis upon the virtue of sexual continence. The status of marriage was thus enhanced and came to be understood as a social relationship designed for the sexual needs of men and women.

Some of the reformers continued to fear the pleasures inherent in sexual intercourse. Luther, in spite of his attempt to elevate marriage to a vocation at least as valid as celibacy, could not resolve completely his own conflicts with the flesh. Marriage, as he understood it, was at most an answer to sexual desire—"A medicine," a "hospital for the sick," and the only effective remedy to the desires of the flesh which preoccupied mankind. For him, procreation remained the most justified consequence for sexual intercourse.

Fortunately, Calvin was somewhat more positive in his belief that the sexual act was "undefiled, honorable and holy, because it is a pure institution of God." Although he did not emphasize the enjoyments of sex, he did reject the proposition that the act itself was a source of sin.

Even while retaining the influence of "puritanism," Protestantism began to recover the sense of joy and passion inherent in the sexual act and came increasingly to see sexual intercourse in a larger context than procreation. Sex came to be understood by the later reformers as a "blessing" and as a one-flesh union that serves for "procreation, remedy against sin, mutual society, and comfort."

Jeremy Taylor along with others articulated an appreciation for the relational dimensions of marriage and suggested that sexual intercourse serves to "lighten and ease the cares and sadness of household affairs," and "to endear each other." [7]

This emphasis upon marriage as a fellowship contributed, in time, to a shifting of rank order in the purposes of sexual intercourse. The needs of the personal relationship came to be first, while procreation moved to second place. It was undoubtedly easier for Protestants to begin to see abortion as a moral option after they came to believe that procreation was not the primary function of marriage.

The present advocacy of some Protestants of the right of women to abortion and the clergy-sponsored abortion-counseling services are currently illustrations of the historical Protestant emphasis upon the primacy of personal conscience in matters of morals, even when the exercise of conscience is in conflict with a social policy that is believed to be good for the majority.

THE DEBATE TODAY

In recent times, Roman Catholic opposition to abortion has been based primarily upon the view that the fetus is innocent life and therefore should not be destroyed by other human beings. Pope John XXIII in particular placed the issue of abortion within the view that all human life is sacred. The Second Vatican Council, under his influence, said that "whatever is opposed to life itself," including abortion, "are infamies indeed." Today, the Roman Catholic doctrine views even therapeutic abortion as an "unspeakable crime," as "direct killing" of human life, and as "inconsistent . . . with an absolute valuation of fetal life." [8]

Few Protestant theologians have actually addressed themselves to the problem of abortion. Some of those who have done so come close, in whole or in part, to the official Roman Catholic position. Paul Ramsey and Helmut Thielicke are two who assert that the sanctity and *humanness* of nascent life are established at the time of conception, and are inviolable. Since both nascent and maternal lives have equal sanctity, the only justification for *direct* abortion, in Ramsey's thought, is in those rare situations when both child and mother would die without the benefit of a therapeutic abortion.[9]

Thielicke argues that a man and woman are not in the process of becoming parents but have in fact become parents at the moment of impregnation. He does recognize that abortions may at times be required, but whenever an abortion does take place it must be subject to the forgiveness of God.[10]

Karl Barth, in a more intermediate position, recognizes the theological risks involved in making a decision on abortion. Typically, decision-making for him takes place almost always within a dialectic—a conflict of values. When yes is said to one value, another value is simultaneously modified or negated.

What is inescapable, in Barth's thinking, is the fact that a decision cannot be avoided or put off; it must be made now. He acknowledges the autonomy of fetal life, but at the same time suggests that it does not have absolute claim over other lives.[11]

Out of the current reexamination, various Protestant denominations have moved and others are moving to a position which views abortion as a possible moral option in confronting a difficult problem.

THE ROLE OF SEX IN HUMAN LIFE

As in the past, the present discussion on abortion focuses on two fundamental issues. The first of these is the role that sex is to have in human life. The second is the moral dilemma inherent in the competing claims of nascent and mature life. As we have observed, Protestantism has contributed, in part at least, toward the humanization of the sexual impulse and has come increasingly to place sexual intercourse in the context of serving the cause of love and the needs of personal realization.

However, theologians look at it, a large part of the opposition to abortion in general society seems to stem from the belief that the risk of pregnancy remains one of the chief deterrents to sexual license, and that to permit abortion will only lead to sexual promiscuity, especially among the young.

This negative ethic that believes one should be punished for sexual enjoyment and that the woman especially must take the consequence for sexual "sin" is not based either on sociological fact or theological insight. Evidence seems to indicate that the majority of those seeking abortion are married women who are either overburdened with children or are afraid that their unborn child may be deformed.

Furthermore, unmarried girls who engage in sexual intercourse are often acting out of psychological needs that are not reached by moral prohibitions.

All sexual behavior, like any other human behavior, has its risks, disappointments, and failures. The real evidence that a sexual act has resulted in a human failure may be represented in ways other than the fact that an unwanted pregnancy has occurred. It may be that the more severe consequence of the failure is the maiming of dignity and personhood, as well as body, that thousands of women undergo each year at the hands of the criminal abortionists.

Or more severe may be the rejection that thousands of young girls suffer by peers, parents, and adult society because they have been "caught" with an illegitimate pregnancy.

Or the number of deformed children born each year whose possibility for a meaningful life is greatly reduced by the growing inability of society to provide adequate institutions for their care.

Or the unwanted additions to the growing population problem which threatens the ability of the natural environment to support future generations.

Or the fact that pregnancy has come to represent for thousands of women a negation and their personhood, particularly when social structures and legal codes remove from them the right to control the procreative capabilities of their own lives.

What is at issue here are complex claims of human needs that are no longer resolved by turning to the claims of fetal life alone. New and urgent questions have emerged, including what an unwanted pregnancy might come to represent for the man and woman involved as well as for the human society of which they are a part. Possibly what is at issue in the negation of the sexual act by placing upon it the responsibility of procreation alone is best summed up in the words of Erik Erikson.

"It is essential, therefore, that the control of procreation be guided not only by an acknowledgment of man's psychosexual needs, but also by a universal sense of generative responsibility toward all human beings brought planfully into this world. This would include (beyond contraceptives and food packages) the joint guarantee to each child for a chance for . . . development." [12]

Furthermore, our past preoccupation with the idea of sex as sin has not permitted a full exploration of the redemption that is also possible when a sexual relation has failed. Grace and forgiveness as gifts of God come finally to realization in the concrete expressions of a human community fully committed to the renewal of life. Abortion may not on every occasion be the most appropriate act of redemption, but it should never be ruled out as such a possibility. Legal restrictions and moral prohibitions based upon a disparagement of the sexual act serve to eliminate medical science and a health-caring

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community as a redemptive force in an unwanted pregnancy.

Human gestures, be those expressed in a sexual act itself, or as a consequence of a sexual act, finally derive their moral significance from the reconciling or the alienating purposes they serve. Abortion may always include the possibility of serving human wholeness and of making life more human. It may also include the risk of misuse and dehumanization of life at several levels. This ambiguity is inescapable for the ethicist.

As we have argued, the question of abortion is closely related to the theological understanding of the nature and purpose of the sexual act. If sex is to serve primarily the purpose of human relationships, then the next question is how are the options of pregnancy going to be met. In the majority of cases, the husband and wife will at best look upon the occasion with joy and at worst will view another pregnancy as an inconvenience.

It is in those other situations in which the sexual act was itself invalid to begin with or in which the fact of pregnancy is a threat to emotional or physical health and to the welfare of the family and community that abortion at the hands of a concerned physician may become a redemptive gesture.

WHEN DOES LIFE BECOME HUMAN?

This brings us back to the second great issue of the moral choices that an abortion represents. It must be recognized that the fetus is a person in the making and is not yet a fully formed human being. The fetus has no autonomous life during the first few months following conception and is incapable of surviving apart from the mother's womb prior to 20 to 28 weeks. It is in fact human tissue, unique tissue, that is in the process of becoming a human life.

Life is present at the moment of conception, but the significant issue is this: when does life become human. The time cannot be fixed and the traditional attempt to locate the beginning of human life must now be discarded in the light of modern embryology. There is no single reality that marks the beginning of the "personal." What we can say is that it is a process, rather than a fixed point in biological development. For practical purposes, at least, abortion would most appropriately occur prior to viability—the point at which the fetus is capable of independent existence.

We accept the value which Roman Catholics place upon unborn life and recognize that Protestants also affirm the preciousness of life and thus have traditionally looked upon conception as a gift of God. The concept of "soul" which characterized early Catholic theology continues to have symbolic meaning today. As Harmon Smith has written, soul "is not a substance; rather it is best understood as a word which signifies the lasting value-in-relationships which we attach and attribute to human beings." [13]

The traditional concept of the "infusion of the soul" is symbolically more than a magical event or a doctrine that needs to be limited to a literal interpretation. Rather, it points to the significance that conception and birth hold for those who believe that mankind has a share in the ongoing creation of God.

THE NECESSITY OF DECISION

Yet when this is said, and however much we wish man were not faced with such agonizing moral alternatives, the unwanted pregnancy, the threatening pregnancy, represent one of those unavoidable situations in which the options are severely limited and in which an honest decision is required. Harmon Smith expresses this when he writes that an abortion at best is always a "genuinely regrettable alternative to unwanted pregnancy" and that in such a decision the value which fetal life has "is inescapably relative to the cluster of other values which impinge upon the decision to abort or not to abort a given pregnancy." [14]

Protestants believe fully that the value of human life is grounded in God, but I would also assert that God values other aspects of life than the biological, and that, under no condition, has the fetus obtained the full worth of a human being. In the ambiguity of competing values, the challenge of making an ethical decision is required, however risky it may be.

The very fact that parenthood is so fundamentally important a matter demands that it arise only out of the personal freedom to make moral decisions. It is theologically and ethically responsible to affirm that, when all the related human values are taken into account, a decision to have an abortion may be the most appropriate choice a person can make.

FOOTNOTES

[1] Paul H. Gebhard, Wardell B. Pomeroy, Clyde E. Martin and Cornelia V. Christenson. *Pregnancy, Birth and Abortion*. New York: Harper and Brothers, 1958, pp. 189 ff.

[2] Sherwin Bailey, *Sexual Ethics*. New York: The Macmillan Company, 1962 p. 28.

[3] Daniel Callahan, *Abortion: Law, Choice and Morality*. New York: The Macmillan Company, 1970, pp. 410–411.

[4] *Ibid*, pp. 412–413.

[5] James Sellers, *Theological Ethics*. New York: The Macmillan Company, 1966, p. 13.

[6] Paul Tillich, *Morality and Beyond*. New York: Harper & Row, London: Routledge and Paul Kegan, Ltd., 1963. p. 89.

[7] See S. Bailey, *op. cit.*, chapter 4.

[8] Callahan, *op. cit.*, pp. 414–416.

[9] Paul Ramsey, "The Morality of Abortion," in Daniel H. Labbey, ed., *Life or Death: Ethics and Options*. Seattle: University of Washington Press, 1968, pp. 60–93. Cf. "Feticide/Infanticide Upon Request," *Religion in Life*, Summer 1970, pp. 170–186.

[10] Helmut Thielicke, *The Ethics of Sex*. New York: Harper & Row, 1964, pp. 226–247.

[11] Karl Barth, *Church Dogmatics* III/4 Edinburgh: T. & T. Clark, 1961, pp. 415 ff.

[12] Erik Erikson, *Insight and Responsibility*. New York: Norton 1964, p. 131.

[13] Harmon L. Smith, *Ethics and the New Medicine*. New York and Nashville: Abingdon Press, 1970, p. 50.

[14] *Ibid*, p. 54.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will read.

The assistant legislative clerk read the bill by title, as follows:

> H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The pending question is on amendment No. 143, offered by the Senator from South Dakota (Mr. McGovern) and other Senators.

WAIVER OF GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, the Pastore rule of germaneness has been waived with respect to the entire day, has it not?

The PRESIDING OFFICER. The Senator is correct.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, is morning business concluded?

The PRESIDING OFFICER. The Senator is correct. Morning business is concluded, and we are under controlled time.

Mr. TALMADGE. Mr. President, what is the pending question?

The PRESIDING OFFICER. Amendment No. 143 is pending before the Senate.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield briefly, I will take the liberty, on behalf of the distinguished manager of the bill, Mr. Stennis, of yielding time to the Senator from Georgia. How much time does the able Senator want?

Mr. TALMADGE. Not over 8 minutes.

Mr. BYRD of West Virginia. I yield 10 minutes to the distinguished Senator from Georgia.

Mr. TALMADGE. I thank the acting majority leader.

Mr. President, I would like to take a few moments to express my position concerning the pending McGovern-Hatfield amendment. It is a position which I have arrived at after considerable and difficult deliberation.

The Vietnam war is a war that is killing our young men, making drug cripples of them, devouring our economy, and tearing this country apart.

The American people are weary to the bone and fed up with this ill-conceived conflict. It has placed a dangerous drain on a precious reservoir which we once thought bottomless—the unity of spirit and purpose which has made this Nation great.

And daily, this toll continues to mount with the tragedy at My Lai and the never-ending stream of dead and wounded flowing back to America's homes from that remote corner of the world.

Now we learn that many of our young men who are returning with whole bodies are caught in the iron grasp of drug addiction, which almost certainly will pull them into a life of crime and ever-growing despair.

Mr. President, as regular as the flow of the dead and wounded from Vietnam is the flow of mail into my office concerning the consequences of this conflict regarding its direct and indirect influence on the U.S. society.

And this mail is unanimous in its message. Americans have reached the end of their patience. There is a rising tide of sentiment in our land against this war.

We have honored our commitment to the South Vietnamese many times over, at a cost which is staggering. Families are shattered and torn apart by the war, and the ideological divisions it has created.

How, then, do we heal these divisions? This amendment says that the Senate should set a date ending the war.

I believe such a date should be set. If it is, we will begin to see light at the end of this miserable and winding tunnel. As we move toward this date, perhaps we would move closer together and begin to heal the wounds to our spirit as we heal the wounds to our flesh.

I wish I could support this amendment. But I cannot. The Constitution clearly defines the role of the President as our Commander in Chief. The setting of a withdrawal date is his prerogative, and his alone.

Too many times in the past, people swept up in the grasp of strongly held convictions have twisted and distorted the Constitution to accomplish their ends. They have left it in a shape which can hardly be recognized. I deplored such actions when they occurred and I cannot do now what I condemned then.

But, let no one interpret my vote as an endorsement of the prolonging of this war. The administration's policy of Vietnamization is dragging. While the constitutional convictions which I expressed earlier make it impossible for me to support this amendment, neither can I ignore the heartfelt expressions of emotion that reach me daily from the people of my State.

The President has stated that if we were to "declare peace" in Vietnam and begin a complete process of disengagement today, the process of withdrawal would consume about a year.

Speaking as a U.S. Senator from Georgia, and the elected representative of Georgians, I today implore the President from the floor of this Senate to negotiate a release of our prisoners and announce a policy of complete and total disengagement to begin now, and to terminate 1 year from today. This would, in my view, allow him to meet any logistical problem he might encounter in such a process.

I urge the President in the strongest possible terms to take this step. It is time to put an end to this cruel and unusual war which we have never tried to win, and which is tearing at the basic fabric that holds this country together.

I also would not wish this statement to be interpreted as a call for unilateral disarmament, and a withdrawal from our responsibilities as freedom's last defender.

There are many who urge in loud voices that we are no longer worthy to be referred to as the last true hope of freedom. If they doubt the existence of freedom in America, I invite them to journey to the lands of communism, and direct toward those governments their bitter denunciations. They might be alarmed by their reception.

In conclusion, Mr. President, let me say that, because I love my country and her people, I urge the President to set a date of termination for this war 1 year from this date. But, because I love with equal fervor the Constitution which made us great, I cannot vote to set this date for him.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I yield myself 20 minutes.

Mr. President, on yesterday I addressed myself to the question which concerns, I think, all Members of the Senate with reference to the war, and that is the safety and well-being of American forces during this period when the war is being reduced, and hopefully ended; and I argued in those remarks on yesterday that the course now being pursued by the administration is not one that provides maximum security for American forces, but, indeed, invites attack from the other side so long as we remain in a posture of supporting the Thieu-Ky regime with American forces, however reduced those forces might be.

Indeed, one could argue that each reduction in American military manpower, so long as we retain the same political objective, which is the support of the regime in Saigon, increases the danger of our troops, and that a far more prudent course would be to set a definite terminal date, which has already prompted both Hanoi and the National Liberation Front to give broad public and private assurances that if such a definite date were set, they would then enter into negotiations providing for the safe withdrawal of our troops.

Today I should like to address another aspect of this question that is surely on the mind of every Member of the Senate, and that is the question of what course is best calculated to bring about the release of American prisoners now being held by Hanoi.

To my knowledge, there is not a single Member of the Congress, in either the Senate or the House of Representatives, who has not been directly involved in some effort to secure humane treatment of American prisoners of war, and full knowledge concerning those listed as missing in action, as required by the Geneva Convention Relative to the Treatment of Prisoners of War of 1949.

As Members of the Senate know, North Vietnam acceded to that agreement in 1957. It was ratified by the United States in 1955, and South Vietnam agreed that it was bound by the convention in 1965.

I recall that as long ago as July of 1966, I joined with a number of other Senators, led by the Senator from Idaho (Mr. CHURCH) in a message entitled "A Plea for Sanity," which addressed reports that North Vietnam was planning to try and perhaps execute captured American pilots on the ground that they were war criminals, thus falling under their claimed reservation to the Geneva Agreements.

We addressed this message to the government at Hanoi in July of 1966:

> So, before the last remnants of reason are irrevocably abandoned, we call upon the Hanoi government to refrain from any act of vengeance against the American airmen. They are prisoners of war, fully entitled to the protection extended to men in uniform when captured in the performance of their duty. Their execution would drastically reduce the influence of all those in the United States who have tried to curtail the fighting. It would incite a public demand for retaliation swift and sure, inflicting new levels of suffering and sorrow, and fixing more firmly still the seal of implacable war.

In August of 1969, speaking in the Senate, I publicly condemned North Vietnam's violations of the standards established in Geneva, pointing out that the agreement constitutes an expression that the existence of an armed dispute between nations is not a reason for inhumane treatment of those who are helpless, who pose no threat, and who have no means of defending themselves.

I said further at that time, some 2 years ago:

> No American, regardless of his views on the war, can condone the North Vietnamese handling of prisoners of war . . . I call upon the North Vietnamese to prove to the American people—particularly to those of us who have opposed the war—that we have a common bond of revulsion against needless human suffering.

Those same views were reflected in Senate Concurrent Resolution 43, which I sponsored with other Senators in 1969, which adopted the International Red Cross position that the Geneva standards do apply to all parties to the Indochina conflict. The House version of that resolution was approved unanimously by the Congress.

The application of the 1949 Geneva Convention is, therefore, one aspect of this war on which to the best of my knowledge there is no disagreement, partisan or otherwise. There never has been a disagreement on this point. Efforts to assure that those standards are respected should continue, and I expect to continue participating in them.

There is, however, one fundamental matter with respect to the prisoner issue upon which our amendment takes sharp issue with administration policy. That is on the steps the United States should take to assure that the prisoners will at long last be returned to their homes and families.

We have proposed in our amendment specific action to deal with that problem in connection with the prisoners being held by North Vietnam and, to a lesser extent, in the South by the Vietcong forces. In recent months the President has also spelled out how he proposes to handle it under the Vietnamization formula. The difference between the two approaches could not be more clear and it could not be more profound, and is one of the crucial matters we ought to be focusing on today and during the time tomorrow before the rollcall at 5 o'clock on the amendment pending.

Since we all agree that the Geneva Convention does apply on this point, it is useful to begin by examining its actual terms.

Article 109 requires a party to return all "seriously wounded and seriously sick prisoners of war after having cared for them until they are fit to travel."

Article 110 suggests a voluntary transfer, not mandatory, for internment in a neutral country, of wounded and sick prisoners whose recovery may be expected within 1 year, and of prisoners whose physical or mental health is seriously threatened by continued captivity in cases where the threat might be removed by the transfer to a neutral country.

Article 109 further provides that the parties "may" make agreements for either repatriation or internment in a neutral country of "able bodied prisoners of war who have undergone a long period of captivity."

Certainly the first mentioned provision has application to the Indochina war. It creates a clear obligation for the North Vietnamese to return those prisoners who are seriously sick and wounded.

The other two provisions also have a bearing, particularly the latter one. Lt. Everett Alvarez, the first known U.S. serviceman to become a prisoner of North Vietnam, has been in captivity since August 5, 1964, a period of nearly 7 years. Surely the provision allowing repatriation or internment in a neutral country should apply in his case, as well as in the case of others who have been held nearly as long, many of the pilots, particularly, having been held since 1965 and 1966, the early years of aerial operations over North Vietnam.

But even if there were a clear method of enforcing the agreement, we would be helpless on this point because article 109 is a voluntary provision. The sad fact is that the North Vietnamese have refused to negotiate an agreement affecting those who have suffered long periods of captivity, notwithstanding the compelling humanitarian justification for such an agreement, and the article creates no explicit obligation for them to do so.

Finally, we should consider article 118, which contains the general provision on repatriation. It simply says:

> Prisoners of war shall be released and repatriated without delay after the cessation of hostilities.

This is the crucial point that I think many people reading the present President's words do not understand—that nothing in the Geneva accord requires the release of prisoners so long as hostilities are in progress.

In other words, when the President says, "We will maintain military operations in Indochina until the prisoners are released," he is standing the issue on its head. He is, in effect, saying to the other side, "Release the prisoners while the war is still in progress," when the Geneva Convention puts it the other way:

> Prisoners of war shall be released and repatriated without delay after the cessation of hostilities.

This is the provision which creates what I believe to be insurmountable problems in the President's Vietnamization formula, and that is where the Vietnamization formula breaks down, when it is attached to the prisoner-of-war issue.

The fact is that except for the individual cases I have mentioned, the convention creates no obligation at all for the return of prisoners until after the war is over.

Now, what is the prospect under the President's Vietnamization formula? He has described it, and his advisers have described it as a two-track approach. On the one hand, we keep trying to negotiate an end to the war; and Ambassador Bruce is still in Paris, although there has been no evidence of forward movement in those negotiations over the past several years. But while keeping the door open to negotiation, the other part of the track is that we also keep on trying to enhance the military capacity of the South Vietnamese Government to continue the fighting, hopefully with reduced direct involvement of American forces.

But however the Vietnamization formula works, whether with reduced American forces or even with all our combat forces removed, so long as we continue military and tactical support for the Thieu-Ky regime, no one can argue that hostilities will cease. That being the case, it is difficult to see why Hanoi would find it in their interest to release American prisoners of war.

I may say, parenthetically, on this point, that it has always been difficult for me to understand why American policymakers would expect the North Vietnamese to release American prisoners as long as our bombers are ranging across the face of Indochina day after day, dumping bomb loads that are in excess of those we unleashed in World War II. I think logic would lead us to the conclusion that one safety that North Vietnam has against saturation bombing is the fact that they hold these hostages, in the form of several hundred American prisoners.

So the first assurance, it would seem to me, that must be given to bring about the release of these prisoners is that we are going to terminate all American military operations, both in the air and on the ground; and that, of course, is the thrust of the McGovern-Hatfield amendment.

Most of us recognize that negotiations, which represent one side of the two-track approach, have become a hopeless enterprise. They have gone on now for some 116 weekly sessions, with nothing of consequence decided since the distant date when, after months of wrangling, they finally worked out the shape of the table. But no progress has been made since that time. The positions are frozen on both sides.

As U.S. forces decline, we must expect that our influence on the negotiations and on any of the parties to the negotiations inevitably will decline as well. So we are left with the hope that the fighting can be turned over some day to the South Vietnamese, and that is the basic thrust of the Vietnamization posture of the administration. What it is, Mr. President, is a formula for continued warfare, even if it succeeds. What then would happen to our prisoners, whose return is not required by the 1949 Geneva Convention until hostilities have ceased? I do not ask any Member of the Senate to rely on me for the answer to that question. I think we can all figure out the answer for ourselves, and it is a sad answer, indeed. But the administration has supplied its own answer.

Last December, in hearings of the Committee on Foreign Relations, Chairman Fulbright posed the following question to Secretary of State Rogers:

> It seems to me one tragic thing about it is that I see no way the prisoners of war are to be released by a Vietnamization program. How do you deal with the prisoners of war by Vietnamization?

Secretary Rogers replied:

> Well, you raise an extremely difficult question that has caused all kinds of difficulty. That is one of the reasons the President made the decision he did about the prisoner of war camp. . . . I wish we had the answer. We do not have the answer to that.

Senator Fulbright then asked:

> So the prisoners could stay there indefinitely, if there is no negotiated settlement; is that not correct?

And Secretary Rogers affirmed:

> Well, I hate to say that as a fact because it is such a tragic fact, but I do not know what else to do.

Let me also cite on this point the judgment of Mrs. Louis F. Jones, the wife of an Air Force pilot missing in Laos. Mrs. Jones said a few days ago, as reported in the Washington Evening Star, that among relatives of prisoners of war now—

> There is a strong feeling that any existing programs to save these men are hopelessly doomed as long as our forces remain active.

Then this distressed lady said further:

> History has shown that prisoners are not released until the war is ended.

Mr. President, the logic of that simple observation seems so clear to me that I find it very difficult to understand how high officials of our Government, including even the President, can argue that the way to release our prisoners is to keep our military forces there until the prisoners are released. Surely, the position spelled out by this wife of one of our prisoners—as Members of the Senate know, this has come to be the position of more and more of the wives of these prisoners—is much more realistic in arguing that until we set a date for ending the war, there is very little hope of negotiations leading to the release of our prisoners.

We cannot escape the conclusion that unless a different course is pursued—all the while these men have been held in North Vietnam, some of them going back to 1964 and 1965—the men who languish in those prisons will be there for the rest of their lives, and in some cases that may not be much longer. One wonders how long human beings can sustain the kind of difficult situation these men have been under.

Mr. President, I do not suggest that there is a lack of concern about this prospect within the administration. The President has repeatedly addressed himself to it. His plans were spelled out in his press conference the week of April 19, when he answered a question about whether U.S. forces will remain in Vietnam after the Vietnamization process has been completed. He said:

> We do not have as a goal a permanent residual force such as we have in Korea at the present time.
>
> But it will be necessary for us to maintain forces in South Vietnam until two important objectives are achieved: one, the release of

> the prisoners of war held by North Vietnam in North Vietnam and other parts of Southeast Asia, and two, the ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover, not the sure capacity, but at least the chance."

Certainly that statement indicates that the President is deeply concerned about this problem, as we all are.

But it also raises a question. Would the President withdraw all of our troops from Vietnam now, if he could be assured that doing so would guarantee the return of all American prisoners of war?

In other words, is the concern central enough to the welfare of these men that the President would terminate the war if Hanoi should today agree to release the prisoners?

The answer is "no." He would not unless he changes his mind, because he said in the statement I just quoted that he believes the forces must remain in any event until the South Vietnamese have the chance to defend themselves, whenever that might come to pass. The prisoners must wait until such time as General Thieu and General Ky, or whoever is in power in Saigon, are capable of conducting the war without American forces—and God only knows how long that may be.

At the very best, therefore, it is clear that the Vietnamization priority scale places continued combat help to the Thieu-Ky government above the release of our prisoners.

I submit, further, that Vietnamization places the keys to the prisons in which those American men are held squarely in the hands of the Thieu-Ky regime. All that Government need do to perpetuate American forces in South Vietnam is exhibit its weaknesses; all it need do is continue its policy of repression against its own citizens which will deprive it of the kind of public support necessary so that the Government can survive without American forces; all it need do is everything it can to prolong the American presence, and Vietnamization says we will stay there to prop it up. We will stay there even in the sure knowledge that it means continued indefinite confinement for the American prisoners of war in Hanoi and continued indefinite suffering for our prisoners of war.

But what if Vietnamization succeeds? What if we someday reach a judgment that a government to our liking has a chance to survive, at least for a time, without U.S. Armed Forces?

The prospect is still no better for the release of our prisoners.

In that case we will have a shrunken, vulnerable force in the South to be used as a bargaining lever to get the prisoners back from the North.

Today we have something like 250,000 American men in Indochina. We have had as many as 580,000 there. We have subjected North Vietnam to incredible bombing. We have inflicted horrible damage. We have pounded them mercilessly.

One has only to ask, "Has all of this led to the release of American prisoners of war?" The answer, of course, is "No."

The PRESIDING OFFICER (Mr. HART). The time of the Senator from South Dakota has expired.

Mr. McGOVERN. Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 10 additional minutes.

Mr. McGOVERN. Mr. President, during debate on this amendment last Thursday, the junior Senator from Kansas described the administration's plans in the following terms:

> As we continue to withdraw, at a point in the near future the troop level will reach a number too small to be militarily significant and will be useful only for bargaining purposes, to get the prisoners out and help get a settlement.

I repeat, he said that our remaining troop level will be too small to be militarily significant.

Mr. President, if all of the fantastic military power we have applied to Vietnam has not brought the return of the prisoners, how can we possibly expect to bring pressure for the release of our prisoners and to do so with a troop level that is too small to be militarily significant.

If it is too small to be militarily significant, where then is the bargaining leverage in that kind of operation that would frighten the North Vietnamese into releasing our prisoners that they have been unwilling to release even when they were under savage bombing attacks?

Surely we must see that the present policy, regardless of its good intentions on this point, is a policy of abandonment for American prisoners of war and missing in action.

It will add to their numbers—as some 400 Americans have been added to the prisoner-of-war and missing-in-action list since this administration took office.

And it will not get them back.

Talk about "false hopes."

A CLEAR TEST

I hope every Senator has had an opportunity to read the precise terms of the amendment we propose, and to compare it carefully with the Vietnamization formula.

We would require that within 60 days after passage of the amendment, North Vietnam and other adversary forces holding American prisoners arrange for their release and repatriation by the end of this calendar year.

Since passage of the bill is expected by July 1, that means that satisfactory arrangements would have to be made by the beginning of September.

If that were not done, the amendment provides explicitly for further action by the Congress. In effect, it invites the administration to submit additional recommendations for dealing with this issue, and it provides for speedy attention to those recommendations by the Congress.

In other words, we are not running out on the prisoners of war. We are saying to the North Vietnamese Government and the Vietcong leaders, "You have told us that if we will set a definite date for withdrawal of American forces, negotiations can begin immediately for release of the prisoners and safe withdrawal of all American forces. Now we will test you. We have passed this amendment and have enacted it into law. We will test you on that point. You have 60 days to show your good faith. If that is not completed within that length of time, the amendment provides effective fallback action under which the length of time for withdrawal can be extended."

Beyond that, it creates an automatic extension for troop withdrawals, so that if the adversary has announced arrangements for prisoner release but has failed to implement them completely by the end of the year, then we would still have a number of troops in South Vietnam and there would still be a 60-day period for further action.

There is not the slightest question that Congress would move swiftly to take this matter up again if our hopes on the prisoner issue are not realized.

It is my conviction, however, that the safety clauses in this amendment would never have to be employed.

Since last September 18, the adversary has pledged that as soon as a date for the withdrawal of U.S. forces have been set, discussions on the prisoner issue can being "at once."

On April 21 of this year, North Vietnam's chief spokesman at the Paris peace talks said, according to the Associated Press, that—

> There will be no problem about rapid repatriation of all American prisoners held by Hanoi after the announcement of a deadline for total withdrawal of all American forces from South Vietnam.

More recently than that, Representative ROBERT LEGGETT reported, based on discussions with the second-ranking member of the National Liberation Front delegation in Paris on May 31, that if the parties agree on a date for total withdrawal of all American forces, we can expect the immediate release of a list of all prisoners and the release of all prisoners before the final withdrawal date.

Beyond this, there is another indication that has been almost completely overlooked.

The Defense Department lists over 300 pilots missing in action in Laos, as a consequence of the enormous air war we have conducted over that country. We can presume that a number of those men are held by the Pathet Lao. One official estimate lists the number of prisoners at 100.

The Pathet Lao leader, Prince Souvannouvong, has made a public offer to settle the question of returning those men—

> Immediately after the United States stops its intervention and aggression in Laos, (and) first and foremost ends the bombing of Laos territory.

That offer has been broadcast over Pathet Lao radio. It was repeated to a group of American wives of prisoners of war who traveled to Vientiane a little over a month ago. It has been confirmed by foreign journalists.

I believe the other side would make good on those pledges. I believe that, not because of any blind trust in their word, but simply because they would have no reason not to and because it would be in their own self-interest to comply. If they did not they would invite continued military action from the United States, this time directed toward an issue upon which all Americans can unite.

What we propose is a clear test of their willingness to release the prisoners.

Some Members of the Senate have indicated that they would support a deadline for withdrawal from this war if they could be assured that all prisoners of war would be returned.

Why not test it?

Administration spokesmen have alleged that discussions on the relationship between a withdrawal date and prisoner release have raised "false hopes."

Why not prove it?

Mr. President, we know in some detail the means by which the administration aims to get the prisoners back. This issue is completely out in the open, where it ought to be. We can draw a clear comparison between the two alternatives—the Vietnamization strategy and the McGovern-Hatfield amendment.

We can see the glaring weaknesses of the administration's strategy.

At present it leaves the fate of those men completely beyond our control, in the hostile hands of our adversary in Hanoi and the uncaring hands of our so-called allies in Saigon.

It guarantees that our demands for release, as well as our demands for humane treatment, impotent as they have been, will become still less potent as more and more forces are withdrawn.

Instead of bringing the prisoners back, it assures that still more Americans will be captured.

And ultimately it will, at best, keep tens of thousands of young Americans mired in Indochina—it will keep them, too, as "prisoners" of this war—a force "too small to be militarily significant," dispatched to a combat zone, completely vulnerable to a raging war, to bleed and die, all for the purpose of futile bargaining.

I think the Congress has an obligation to make its own judgments, and to place them into effect.

These men have languished in their prisons too long. Their families have suffered too long. The tragic spectacle has played on too long, to virtually no effect.

No Member of this body would disagree with the premise that achieving return of American prisoners of war is a cause worth fighting for.

If that were the issue we would demand it of the President. We would insist upon it.

Should we not, then, be equally willing to stop the fighting, if that is what it takes, to achieve precisely the same goal?

Mr. President, I do not want to burden the Senate further with this issue, other than to say that the position I have outlined is strongly supported by some of the most thoughtful and experienced men who have served in the U.S. Government.

Testifying on May 25, 1971, before the Committee on Foreign Relations, former Ambassador Averell Harriman had this to say about the prisoner-of-war issue:

> Secondly, of prime importance is the negotiation of an agreement on the release of our men who are prisoners of war. This must be accomplished before the final withdrawal of our forces. The normal time for the return of prisoners is when the fighting stops. Continuing the war through Vietnamization would condemn our prisoners to continuing captivity.

Then he goes on to outline the reasons for supporting the pending amendment.

Mr. President, I ask unanimous consent that the entire text of Mr. Harriman's statement be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Hart). Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed at this point in the Record an excellent article entitled, "Nixon's Bombing Halt Issue," written by Flora Lewis, and published in the Los Angeles Times on May 15, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon's Bombing Halt Issue

(By Flora Lewis)

New York.—The issue of a bombing halt, which swelled during President Johnson's Administration and was finally decided just before the 1968 election, is arising at about the same point in President Nixon's term of office.

This time, however, it isn't about the bombing of Vietnam but of Laos, and the offer isn't in return for future negotiations but for release of American prisoners of war.

Nobody knows how many Americans are prisoners in Laos. Official Defense Department figures list three pilots captured and 300 missing in action. (Except for a handful of advisers and men captured on attempted rescue missions, it is acknowledged that almost all of those missing are pilots, despite the long denial that the United States was intensively bombing the parts of Laos held by the Pathet Lao.)

One unofficial guess is that the Pathet Lao is holding about 100 American POWs, but it is only a guess. The Laotian Communists now seem to be offering to release these men in return for a bombing halt in Laos.

The offer was made officially by their leader Prince Souvannouvong, in an interview with Swedish journalist Erik Eriksson, broadcast by the Pathet Lao radio and repeated by the Pathet Lao's representative in Vientiane to a visiting group of American wives of POWs. The broadcast was on April 11, and the meetting in Vientiane was a few weeks later.

But it was a somewhat ambiguous offer. In answer to the reporter's question about his policy toward captured American pilots, Souvannouvong said the issue "will be settled immediately after the United States stops its intervention and aggression in Laos, (and) first and foremost ends the bombing of Laos territory."

The background indicates, however, that it is a serious probe and that this may be an initial bargaining position intended to evoke a counteroffer from the United States.

Since last summer, Lao Prime Minister Prince Souvanna Phouma has been involved in exchanges seeking to get peace negotiations started with Souvannouvong, his half-brother. They were broken off by the Communists at the time of the South Vietnamese invasion of Laos earlier this year. But now the go-between, Souk Voungsai, has returned to the Lao capital of Vientiane.

That means the exchanges, conducted with full American knowledge and approval, are starting up again. They were made possible in the first place because the Pathet Lao changed its old stand that it required an end of all U.S. bombing in Laos before it would get down to serious peace talks with the Royal Lao government. That was unacceptable to the United States because Washington had no intention of calling off bombing of the Ho Chi Minh Trail in southern Laos.

But when the Pathet Lao said it would settle for a bombing halt in the rest of the country, the United States gave Souvanna Phouma a green light to go ahead and seek terms.

Therefore, though he didn't say so, it is reasonable to think the Pathet Lao leader might also be willing to scale down his condition for release of U.S. prisoners to a bombing halt over Pathet Lao-held areas in the north.

The U.S. Administration is well aware of these implications and is closely watching the progress of contacts between government and Communist leaders in Laos. The POW issue, which President Nixon has repeatedly stressed in his policy toward Hanoi, now comes up in the context of the negotiations in Vientiane.

There is as yet no indication that the Administration is seriously considering an end to the bombing of northern Laos in return for release of the prisoners. On the contrary, the bombing has been stepped up with what appears to be the regular use of B–52s over the area.

Although it was long kept secret, the United States has been bombing Laos outside the Ho Chi Minh Trail area with great intensity since it stopped regular bombing in North Vietnam in late 1968. Last year the rate was 100 sorties (one plane on one mission) a day. At least 600,000 civilian refugees (in a country of 3 million total population) have been "generated," as officialese puts it, by U.S. bombing in Laos, and nobody knows how many have been killed. But the Communist side is stronger than ever and holds more territory.

Now, in return for stopping an operation that has been futile as well as shockingly destructive of innocent lives, the United States is apparently being offered the release of its prisoners. One would expect an administration, which has been calling so urgently for negotiations to free American POWs in North Vietnam, to respond eagerly with at least an investigation of this offer. So far there is no sign of a response.

DOCUMENTS ON U.S. INVOLVEMENT IN INDOCHINA

Mr. McGOVERN. Mr. President, for the information of Senators and others, I am submitting for inclusion in the Record the text of documents and accompanying articles relating to American military involvement in Indochina as published in today's New York Times.

In view of the controversy arising about these documents, I would merely note the futility of trying to maintain a security classification on documents which have appeared in the press.

It has been said that publication of these documents represents a possible breach of the national security of this country. Since they relate to events that have already run their course, the only security question that appears to remain is the way in which the documents reveal our decisionmaking process on the vital issues of war and peace. I believe that the security of our Nation is best served by letting our citizens and the Congress know the capricious, deceitful, and dangerous way these decisions were made.

Let these documents stand as a warning to us all. Unless we act to end the war, we leave ourselves open to additional deception. These documents contain the clear warning that we cannot give the executive branch the untrammeled right to decide the questions of war and peace.

Mr. President, I ask unanimous consent that the documents and articles in today's New York Times relating to U.S. involvement in Indochina be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VIETNAM ARCHIVE: STUDY TELLS HOW JOHNSON OPENED WAY TO GROUND COMBAT

(By Neil Sheehan)

President Johnson decided on April 1, 1965, to use American ground troops for offensive action in South Vietnam because the Administration had discovered that its long-planned bombing of North Vietnam—which had just begun—was not going to stave off collapse in the South, the Pentagon's study of the Vietnam war discloses. He ordered that the decision be kept secret.

"The fact that this departure from a long-held policy had momentous implications was well recognized by the Administration leadership," the Pentagon analyst writes, alluding to the policy axiom since the Korean conflict that another land war in Asia should be avoided.

Although the President's decision was a "pivotal" change, the study declares, "Mr. Johnson was greatly concerned that the step be given as little prominence as possible."

The decision was embodied in National Security Action Memorandum 328, on April 6, which included the following paragraphs:

"5. The President approved an 18-20,000 man increase in the U.S. military support forces to fill out existing units and supply needed logistic personnel.

"6. The President approved the deployment of two additional Marine Battalions and one Marine Air Squadron and associated headquarters and support elements.

"7. The President approved a change of mission for all Marine Battalions deployed to Vietnam to permit their more active use under conditions to be established and approved by the Secretary of Defense in consulation with the Secretary of State."

The paragraph stating the President's concern about publicity gave stringent orders in writing to members of the National Security Council:

"11. The President desires that with respect to the actions in paragraphs 5 through 7, premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the direct approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy." [See text, action memorandum on change of mission, April 6, 1965, Page 21.]

The period of increasing ground-combat involvement is shown in the Pentagon papers to be the third major phase of President Johnson's commitment to South Vietnam. This period forms another section of the presentation of those papers by The New York Times.

The papers, prepared by a large team of authors in 1967–68 as an official study of how the United States went to war in Indochina, consist of 3,000 pages of analysis and 4,000 pages of supporting documents. The study covers nearly three decades of American policy toward Southeast Asia. Thus far The Times's reports on the study, with presentation of key documents, have covered the period of clandestine warfare before the Tonkin Gulf incidents in 1964 and the planning for sustained bombing of North Vietnam to begin early the next year.

In the spring of 1965, the study discloses, the Johnson Administration pinned its hopes on air assaults against the North to break the enemy's will and persuade Hanoi to stop the Vietcong insurgency in the South. The air assaults began on a sustained basis on March 2.

"Once set in motion, however, the bombing effort seemed to stiffen rather than soften Hanoi's backbone, as well as the willingness of Hanoi's allies, particularly the Soviet Union, to work toward compromise," the study continues.

"Official hopes were high that the Rolling Thunder program . . . would rapidly convince Hanoi that it should agree to negotiate a settlement to the war in the South. After a month of bombing with no response from the North Vietnamese, optimism began to wane," the study remarks.

"The U.S. was presented essentially with two options: (1) to withdraw unilaterally from Vietnam leaving the South Vietnamese to fend for themselves, or (2) to commit ground forces in pursuit of its objectives. A third option, that of drastically increasing the scope and scale of the bombing, was rejected because of the concomitant high risk of inviting Chinese intervention."

And so within a month, the account continues, with the Administration recognizing that the bombing would not work quickly enough, the crucial decision was made to put the two Marine battalions already in South Vietnam on the offensive. The 3,500 marines landed at Danang on March 8—bringing the total United States force in South Vietnam to 27,000. The restricted mission of the marines had been the static defense of the Danang airfield.

ORDERS PUT IN WRITING

As a result of the President's wish to keep the shift of mission from defense to offense imperceptible to the public, the April 1 decision received no publicity "until it crept out almost by accident in a State Department release on 8 June," in the words of the Pentagon study.

The day before, the hastily improvised static security and enclave strategies of the spring were overtaken by a request from Gen. William C. Westmoreland, the American commander in Saigon, for nearly 200,000 troops. He wanted these forces, the Pentagon study relates, to hold off defeat long enough to make possible a further build-up of American troops.

"Swiftly and in an atmosphere of crisis," the study says, President Johnson gave his approval to General Westmoreland's request a little more than a month later, in mid-July. And once again, the study adds, Mr. Johnson concealed his decision.

But the President, the narrative continues, was now heeding the counsel of General Westmoreland to embark on a full-scale ground war. The study for this period concludes that Mr. Johnson and most of his Administration were in no mood for compromise on Vietnam.

As an indication of the Administration's mood during this period, the study cites "a marathon public-information campaign" conducted by Secretary of State Dean Rusk late in February and early in March as sustained bombing was getting under way.

Mr. Rusk, the study says, sought "to signal a seemingly reasonable but in fact quite tough U.S. position on negotiations, demanding that Hanoi 'stop doing what it is doing against its neighbors' before any negotiations could prove fruitful.

"Rusk's disinterest in negotiations at this time was in concert with the view of virtually all of the President's key advisers, that the path to peace was not then open," the Pentagon account continues. "Hanoi held sway over more than half of South Vietnam and could see the Saigon Government crumbling before her very eyes. The balance of power at this time simply did not furnish the U.S. with a basis for bargaining and Hanoi had no reason to accede to the hard terms that the U.S. had in mind. Until military pressures on North Vietnam could tilt the balance of forces the other way, talk of negotiation could be little more than a hollow exercise."

A POSITION OF COMPROMISE

The study also says that two of the President's major moves involving the bombing campaign in the spring of 1965 were designed, among other aims, to quiet critics and obtain public support for the air war by striking a position of compromise. But in fact, the account goes on, the moves masked publicly unstated conditions for peace that "were not 'compromise' terms, but more akin to a 'cease and desist' order that, from the D.R.V./VC point of view, was tantamount to a demand for their surrender." "D.R.V." denotes the Democratic Republic of Vietnam; "VC" the Vietcong.

In Mr. Johnson's first action, his speech at the Johns Hopkins University in Baltimore on April 7, he offered to negotiate "without posing any pre-conditions" and also held out what the study calls a "billion-dollar carrot" in the form of a regional economic-development program for the Mekong Delta, financed by the United States, in which North Vietnam might participate.

The second action was the unannounced five-day pause in bombing in May, during which the President called upon Hanoi to accept a "political solution" in the South. This "seemed to be aimed more at clearing the decks for a subsequent intensified resumption than it was at evoking a reciprocal act of deescalation by Hanoi," the study says, Admiral Raborn, in his May 6 memorandum, had suggested a pause for this purpose and as an opportunity for Hanoi "to make concessions with some grace."

The air attacks had begun Feb. 8 and Feb. 11 with reprisal raids, code-named Operations Flaming Dart I and II, announced as retaliation for Vietcong attacks on American installations at Pleiku and Quinhon.

In public Administration statements on the air assaults, the study goes on, President Johnson broadened "the reprisal concept as gradually and imperceptibly as possible" into sustained air raids against the North, in the same fashion that the analyst describes him blurring the shift from defensive to offensive action on the ground during the spring and summer of 1965.

The study declares that the two February strikes—unlike the Tonkin Gulf reprisals in August, 1964, which were tied directly to a North Vietnamese attack on American ships—were publicly associated with a "larger pattern of aggression" by North Vietnam. Flaming Dart II, for example, was characterized as "a generalized response to 'continued acts of aggression,'" the account notes.

"Although discussed publicly in very muted tones," it goes on, "the second Flaming Dart operation constituted a sharp break with past U.S. policy and set the stage for the continuing bombing program that was now to be launched in earnest."

In another section of the study, a Pentagon analyst remarks that "the change in ground rules . . . posed serious public-information and stage-managing problems for the President."

It was on Feb. 13, two days after this second reprisal, that Mr. Johnson ordered Operation Rolling Thunder. An important influence on his unpublicized decision was a memorandum from his special assistant for national security affairs, McGeorge Bundy, who was heading a fact-finding mission in Vietnam when the Vietcong attack at Pleiku occurred on Feb. 7. With Mr. Bundy were

Assistant Secretary of Defense John T. McNaughton and Deputy Assistant Secretary of State Leonard Unger.

"A policy of sustained reprisal against North Vietnam" was the strategy advocated by Mr. Bundy in his memorandum, drafted on the President's personal Boeing 707, Air Force One, while returning from Saigon the same day. [See text, Bundy memorandum, Feb. 7, 1965.]"

The memorandum explained that the justification for the air attacks against the North, and their intensity, would be keyed to the level of Vietcong activity in the South.

"SUSTAINED PRESSURE" SOUGHT

"We are convinced that the political values of reprisal require a continuous operation," Mr. Bundy wrote. "Episodic responses geared on a one-for-one basis to 'spectacular' outrages would lack the persuasive force of sustained pressure. More important still, they would leave it open to the Communists to avoid reprisals entirely by giving up only a small element of their own program. . . . It is the great merit of the proposed scheme that to stop it the Communists would have to stop enough of their activity in the South to permit the probable success of a determined pacification effort."

The analyst notes, however, that Mr. Bundy's memorandum was a "unique articulation of a rationale for the Rolling Thunder policy" because Mr. Bundy held out as the immediate benefit an opportunity to rally the anti-Communist elements in the South and achieve some political stability and progress in pacification. "Once such a policy is put in force," Mr. Bundy wrote, in summary conclusions to his memorandum, "we shall be able to speak in Vietnam on many topics and in many ways, with growing force and effectiveness."

It was also plausible, he said, that bombing in the North, "even in a low key, would have a substantial depressing effect upon the morale of Vietcong cadres in South Vietnam."

Mr. Bundy, the study remarks, thus differed from most other proponents of bombing. These included Ambassador Maxwell D. Taylor, who despaired of improving the Saigon Government's effectiveness and who wanted bombing primarily as a will-breaking device "to inflict such pain or threat of pain upon the D.R.V. that it would be compelled to order a stand-down of Viet Cong violence," in the study's words.

As several chapters of the Pentagon study show, a number of Administration strategists—particularly Walt W. Rostow, chairman of the State Department's Policy Planning Council—had assumed for years that "calculated doses" of American air power would accomplish this end.

Mr. Bundy, while not underrating the bombing's "impact on Hanoi" and its use "as a means of affecting the will of Hanoi," saw this as a "longer-range purpose."

"THIS PROGRAM SEEMS CHEAP"

The bombing might not work. Mr. Bundy acknowledged. "Yet measured against the costs of defeat in Vietnam," he wrote, "this program seems cheap. And even if it fails to turn the tide—as it may—the value of the effort seems to us to exceed its cost."

President Johnson informed Ambassador Taylor of his Rolling Thunder decision in a cablegram drafted in the White House and transmitted to Saigon late in the afternoon of Sunday, Feb. 13.

The cable told the Ambassador that "we will execute a program of measured and limited air action jointly with the GVN [the Government of Vietnam] against selected military targets in D.R.V. remaining south of the 19th Parallel until further notice."

"Our current expectation," the message added, "is that these attacks might come about once or twice a week and involve two or three targets on each day of operation." [See text of White House cable, Feb. 13.]

Mr. Johnson said he hoped "to have appropriate GVN concurrence by Monday if possible. . . ."

The study recounts that "Ambassador Taylor received the news of the President's new program with enthusiasm. In his response, however, he explained the difficulties he faced in obtaining authentic GVN concurrence 'in the condition of virtual nongovernment' which existed in Saigon at that moment."

Gen. Nguyen Khanh, the nominal commander of the South Vietnamese armed forces, had ousted the civilian cabinet of Premier Tran Van Huong on Jan. 27. Led by Air Vice Marshal Nguyen Cao Ky, a group of young generals—the so-called Young Turks—were in turn intriguing against General Khanh.

(A footnote in the account of the first reprisal strikes, on Feb. 8, says that Marshal Ky, who led the South Vietnamese planes participating in the raid, caused "consternation" among American target controllers by dropping his bombs on the wrong targets. "In a last minute switch," the footnote says, Marshal Ky "dumped his flight's bomb loads on an unassigned target in the Vinhlinh area, in order, as he later explained, to avoid colliding with U.S.A.F. aircraft which, he claimed, were striking his originally assigned target when his flight arrived over the target area." Adm. U. S. Grant Sharp, Commander of United States forces in the Pacific, reported the incident to the Joint Chiefs.)

CABLES TO THE EMBASSIES

Referring to the political situation in Saigon, the account says: "This Alice-in-Wonderland atmosphere notwithstanding, Taylor was undaunted."

"It will be interesting to observe the effect of our proposal on the internal political situation here," the Ambassador cabled back to Mr. Johnson in Washington about the bombing. "I will use the occasion to emphasize that a dramatic change is occurring in U.S. policy, one highly favorable to GVN interests but demanding a parallel dramatic change of attitude on the part of the GVN. Now is the time to install the best possible Government as we are clearly approaching a climax in the next few months."

Ambassador Taylor apparently obtained what concurrence was possible and on Feb. 8 another cable went out from the State Department to London and eight United States Embassies in the Far East besides the one in Saigon. The message told the ambassadors of the forthcoming bombing campaign and instructed them to "inform head of government or State (as appropriate) of above in strictest confidence and report reactions." [See text, cable to U.S. envoys, Feb. 18.]

Both McGeorge Bundy and Ambassador Taylor had recommended playing down publicity on the details of the raids. "Careful public statements of U.S.G. [United States Government], combined with fact of continuing air actions, are expected to make it clear that military action will continue while aggression continues," the cable said. "But focus of public attention will be kept as far as possible on DRV aggression; not on joint GVN/US military operations.

The President had scheduled the first of the sustained raids, Rolling Thunder I, for Feb. 20. Five hours after the State Department transmitted that cable, a perennial Saigon plotter, Col. Pham Ngoc Thao, staged an unsuccessful "semi-coup" against General Khanh and "pandemonium reigned in Saigon," the study recounts. "Ambassador Taylor promptly recommended cancellation of the Feb. 20 air strikes and his recommendation was equally promptly accepted" by Washington, the Pentagon study says.

The State Department sent a cablegram to the various embassies rescinding the instructions to notify heads of government or state of the planned air war until further notice "in view of the disturbed situation in Saigon."

The situation there, the study says, remained "disturbed" for nearly a week while the Young Turks also sought to get rid of General Khanh.

"The latter made frantic but unsuccessful efforts to rally his supporters," the study says, and finally took off in his plane to avoid having to resign as commander in chief. "Literally running out of gas in Nhatrang shortly before dawn on Feb. 21, he submitted his resignation, claiming that a 'foreign hand' was behind the coup. No one, however, could be quite certain that Khanh might not 're-coup' once again, unless he were physically removed from the scene."

This took three more days to accomplish, and on Feb. 25 General Khanh finally went into permanent exile as an ambassador at large, with Ambassador Taylor seeing him off at the airport, "glassily polite," in the study's words. "It was only then that Taylor was able to issue, and Washington could accept, clearance for the long-postponed and frequently rescheduled first Rolling Thunder strike."

Less than three weeks earlier, in his memorandum to the President predicting that "a policy of sustained reprisal" might bring a better government in Saigon, McGeorge Bundy had said he did not agree with Ambassador Taylor that General Khanh "must somehow be removed from the . . . scene."

"We see no one else in sight with anything like his ability to combine military authority with some sense of politics," the account quotes Mr. Bundy as having written.

In the meantime two more Rolling Thunder strikes—II and III—had also been scheduled and then canceled because, the study says, the South Vietnamese Air Force was on "coup alert," in Saigon.

During part of this period, air strikes against North Vietnam were also inhibited by a diplomatic initiative from the Soviet Union and Britain. They moved to reactivate their co-chairmanship of the 1954 Geneva conference on Indochina to consider the current Vietnam crisis. Secretary Rusk cabled Ambassador Taylor that the diplomatic initiative would not affect Washington's decision to begin the air war, merely its timing.

According to the Pentagon study, the Administration regarded the possibility of reviving the Geneva conference of 1954, which had ended the French Indochina War, "not as a potential negotiating oportunity, but as a convenient vehicle for public expression of a tough U.S. position."

But, the account adds, this "diplomatic gambit" had "languished" by the time General Khanh left Saigon, and the day of his departure Mr. Johnson scheduled a strike, Rolling Thunder IV, for Feb. 26.

The pilots had been standing by, for nearly a week, with the orders to execute a strike being canceled every 24 hours.

But the order to begin the raid was again canceled, a last time, by monsoon weather for four more days.

Rolling Thunder finally rolled on March 2, 1965, when F–100 Super Sabre and F–105 Thunderchief jets of the United States Air Force bombed an ammunition depot at Xombang while 19 propeller-driven A–1H fighter-bombers of South Vietnam struck the Quangkhe naval base.

The various arguments in the Administration over how the raids ought to be conducted, which had developed during the planning stages, were now revived in sharper form by the opening blow in the actual air war.

Secretary McNamara, whose attention to management of resources and cost-effectiveness is cited repeatedly by the study, was concerned about improving the military efficacy of the bombing even before the sustained air war got under way.

He had received bomb damage assessments on the two reprisal strikes in February, reporting that of 491 buildings attacked, only 47 had been destroyed and 22 damaged. The information "caused McNamara to fire off a rather blunt memorandum" to General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, on Feb. 17, the account says.

"I AM QUITE SATISFIED"

"Although the four missions [flown during the two raids] left the operations at the targets relatively unimpaired, I am quite satisfied with the results," Mr. McNamara began. "Our primary objective, of course, was to communicate our political resolve. This I believe we did. Future communications or resolve, however, will carry a hollow ring unless we accomplish more military damage than we have to date. . . . Surely we cannot continue for months accomplishing no more with 267 sorties than we did on these four missions." A sortie is a flight by a single plane.

General Wheeler replied that measures were being taken to heighten the destructiveness of the strikes and said that one way to accomplish this was to give the operational commander on the scene "adequate latitude" to attack the target as he saw fit, rather than seeking to control the details from Washington.

One measure approved by the President on March 9 was the use of napalm in North Vietnam.

And the day before, the day that 3,500 marines came ashore at Danang to protect the airfield there, Ambassador Taylor had already expressed, in two cables to Washington, what the historian describes as "sharp annoyance" with the "unnecessarily timid and ambivalent" way in which the air war was being conducted.

No air strikes had been authorized by the President beyond the initial Rolling Thunder raids that began on March 2, and, according to the study, the Ambassador was irritated at "the long delays between strikes, the marginal weight of the attacks and the great ado about behind-the-scenes diplomatic feelers."

GENERAL WESTMORELAND CONCURS

With the concurrence of General Westmoreland, Ambassador Taylor proposed "a more dynamic schedule of strikes, a several week program relentlessly marching north" beyond the 19th Parallel, which President Johnson had so far set as a limit, "to break the will of the D.R.V."

Ambassador Taylor cabled: "Current feverish diplomatic activity particularly by French and British" was interfering with the ability of the United States to "progressively turn the screws on D.R.V."

"It appears to me evident that to date D.R.V. leaders believe air strikes at present levels on their territory are meaningless and that we are more susceptible to international pressure for negotiations than they are," the Ambassador said. He cited as evidence a report from J. Blair Seaborn, the Canadian member of the International Control Commission, who, in Hanoi earlier that month, had performed one of a series of secret diplomatic missions for the United States.

Mr. Seaborn had been sent back to convey directly to the Hanoi leaders an American policy statement on Vietnam that had been delivered to China on Feb. 24 through its embassy in Warsaw.

"NO DESIGNS" ON THE D.R.V.

In essence, the Pentagon study reports, the policy statement said that while the United States was determined to take whatever measures were necessary to maintain South Vietnam, it "had no designs on the territory of North Vietnam, nor any desire to destroy the D.R.V."

The delivery of the message to the Chinese was apparently aimed at helping to stave off any Chinese intervention as a result of the forthcoming bombing campaign.

But the purpose in sending Mr. Seaborn back, the study makes clear, was to convey the obvious threat that Hanoi now faced "extensive future destruction of . . . military and economic investments" if it did not call off the Vietcong guerrillas and accept a separate, non-Communist South.

Premier Pham Van Dong of North Vietnam, who had seen Mr. Seaborn on two earlier visits, declined this time, and the Canadian had to settle for the chief North Vietnamese liaison officer for the commission, to whom he read Washington's statement.

The North Vietnamese officer, the account says, commented that the message "contained nothing new and that the North Vietnamese had already received a briefing on the Warsaw meeting" from the Chinese Communists.

This treatment led the Canadian to sense "a mood of confidence" among the Hanoi leaders, Ambassador Taylor told Washington in a cablegram, and Mr. Seaborn felt "that Hanoi has the impression that our air attacks are a limited attempt to improve our bargaining position and hence are no great cause for immediate concern."

"Our objective should be to induce in U.S. objectives in as short a time as possible in order to avoid a build-up of international pressure to negotiate," the Ambassador said.

Therefore, he went on, it was necessary to "begin at once a progression of U.S. strikes north of 19th Parallel in a slow but steadily ascending movement" to dispel any illusions in Hanoi.

"If we tarry too long in the south [below the 19th Parallel], we will give Hanoi a weak and misleading signal which will work against our ultimate purpose," he said.

The next Rolling Thunder strikes, on March 14 and 15, were the heaviest of the air war so far, involving 100 American and 24 South Vietnamese planes against barracks and depots on Tiger Island off the North Vietnamese coast and the ammunition dump near Phuqui, 10 miles southwest of Hanoi.

For the first time, the planes used napalm against the North, a measure approved by Mr. Johnson on May 9 to achieve the more efficient destruction of the targets that Mr. McNamara was seeking and to give the pilots protection from antiaircraft batteries.

"MOUNTING CRESCENDO" URGED

But the Ambassador regarded these, too, as an "isolated, stage-managed joint U.S./GVN operation," the Pentagon study says. He sent Washington another cable, saying that "through repeated delays we are failing to give the mounting crescendo to Rolling Thunder which is necessary to get the desired results."

Meanwhile, Admiral Sharp in Honolulu and the Joint Chiefs in Washington were quickly devising a number of other programs to broaden and intensify the air war now that it had begun.

On March 21, Admiral Sharp proposed a "radar busting day" to knock out the North Vietnamese early-warning system, and a program "to attrite, harass and interdict the D.R.V. south" of the 20th Parallel by cutting lines of communication, "LOC" in official terminology.

The "LOC cut program" would choke off traffic along all roads and rail lines through southern North Vietnam by bombing strikes and would thus squeeze the flow of supplies into the South.

"All targets selected are extremely difficult or impossible to bypass," the admiral said in a cable to the Joint Chiefs. "LOC network cutting in this depth will degrade tonnage arrivals at the main 'funnels' and will develop a broad series of new targets such as backed-up convoys, offloaded materiel dumps and personnel staging areas at one or both sides of cuts."

These probable effects might in turn "force major D.R.V. log flow to sea-carry and into surveillance and attack by our SVN [South Vietnamese] coastal sanitization forces," the admiral added.

In Washington at this time, the narrative goes on, the Joint Chiefs were engaged in an "interservice division" over potential ground-troop deployments to Vietnam and over the air war itself.

Gen. John P. McConnell, Chief of Staff of the Air Force adopted a "maverick position" and was arguing for a short and violent 28-day bombing campaign. All of the targets on the original 94-target list drawn up in May 1964, from bridges to industries, would be progressively destroyed.

"He proposed beginning the air strikes in the southern part of North Vietnam and continuing at two-to six-day intervals until Hanoi was attacked," the study continues.

The raids would be along the lines of the mighty strikes, including the use of B–52 bombers, that the Joint Chiefs had proposed in retaliation for the Vietcong mortar attack in Beinhoa airfield on Nov. 1, 1964, the narrative says. General McConnell contended that his plan was consistent with previous bombing proposals by the Joint Chiefs.

The general abandoned his proposal, however, when the other members of the Joint Chiefs decided to incorporate Admiral Sharp's "LOC cut program" and some of General McConnell's individual target concepts into a bombing program of several weeks. They proposed this to Mr. McNamara on March 27.

This plan proposed an intense bombing campaign that would start on road and rail lines south of the 20th Parallel and then "march north" week by week to isolate North Vietnam from China gradually by cutting road and rail lines above Hanoi. In later phases upon which the Joint Chiefs had not yet fully decided, the port facilities were to be destroyed to isolate North Vietnam from the sea. Then industries outside populated areas would be attacked "leading up to a situation where the enemy will realize that the Hanoi and Haiphong areas will be the next logical targets in our continued air campaign."

But the President and Mr. McNamara declined to approve any multiweek program, the study relates. "They clearly preferred to retain continual personal control over attack concepts and individual target selection."

ALTERNATE TARGETS APPROVED

In mid-March, after a Presidential fact-finding trip to Vietnam by Gen. Harold K. Johnson, the Army Chief of Staff, the President did regularize the bombing campaign and relaxed some of the restrictions. Among the innovations was the selection of the targets in weekly packages with the precise timing of the individual attacks left to the commanders on the scene. Also, "the strikes were no longer to be specifically related to VC atrocities" and "publicity on the strikes was to be progressively reduced," the study says.

The President did not accept two recommendations from General Johnson relating to a possible ground war. They were to dispatch a division of American troops to South Vietnam to hold coastal enclaves or defend the Central Highlands in order to free Saigon Government forces for offensive action against the Vietcong. The social proposal was to create a four-division force of American and Southeast Asia Treaty Organization troops, who, to interdict infiltration, would patrol both the demilitarized zone along the border separating North and South Vietnam and the Laotian border region.

Better organization for the air war meant that concepts such as Admiral Sharp's "LOC cut program" and his "radar busting" were now incorporated into the weekly target packages. But President Johnson and Secretary McNamara continued to select the targets and to communicate them to the Joint Chiefs—and thus, eventually, to the operating strike forces—in weekly Rolling Thunder planning messages issued by the Secretary of Defense.

HOPES WERE WANING

Operation Rolling Thunder was thus being shifted from an exercise in air power "dominated by political and psychological considerations" to a "militarily more significant, sustained bombing program" aimed at destroying the capabilities of North Vietnam to support a war in the south.

But the shift also meant that "early hopes that Rolling Thunder could succeed by itself" in persuading Hanoi to call off the Vietcong were also waning.

"The underlying question that was being posed for the Administration at this time was well formulated," the study says, by John McNaughton in a memorandum drafted on March 24 for Secretary McNamara in preparation for the April 1–2 National Security Council meetings.

"Can the situation inside SVN be bottomed out (a) without extreme measures against the DRV and/or (b) without deployment of large numbers of U.S. (and other) combat troops inside SVN?"

Mr. McNaughton's answer was "perhaps, but probably no." (See Text, McNaughton action plan, March 24.)

General Westmoreland stated his conclusions in a half-inch-thick report labeled "Commander's Estimate of the situation in SVN." The document, "a classic Leavenworth-style analysis," the analyst remarks, referring to the Command and General Staff College, was completed in Saigon on March 26 and delivered to Washington in time for the April 1–2 strategy meeting.

The Saigon military commander and his staff had begun working on this voluminous report on March 13, the day after General Johnson left Vietnam with his ground war proposals of an American division to hold enclaves and a four-division American and SEATO force along the borders, the study notes.

General Westmoreland predicted that the bombing campaign against the North would not show tangible results until June at the earliest, and that in the meantime the South Vietnamese Army needed American reinforcements to hold the line against growing Vietcong strength and to carry out an "orderly" expansion of its own ranks.

And, paraphrasing the report, the study says that the general warned that the Saigon troops, "although at the moment performing fairly well, would not be able in the face of a VC summer offensive to hold in the South long enough for the bombing to become effective."

General Westmoreland asked for reinforcements equivalent to two American divisions, a total of about 70,000 troops, counting those already in Vietnam.

They included 17 maneuver battalions. The general proposed adding two more Marine battalion landing teams to the two battalions already at Danang in order to establish another base at the airfield at Phubai to the north; putting an Army brigade into the Bienhoa-Vungtau area near Saigon, and using two more Army battalions to garrison the central coastal ports of Quinhon and Nhatrang as logistics bases. These bases would sustain an army division that General Westmoreland proposed to send into active combat in the strategic central highlands inland to "defeat" the Vietcong who were seizing control there.

General Westmoreland said that he wanted the 17 battalions and their initial supporting elements in South Vietnam by June and indicated that more troops might be required thereafter if the bombing failed to achieve results.

The Saigon military commander and General Johnson were not alone in pressing for American ground combat troops to forestall a Vietcong victory, the study points out.

On March 20, the Joint Chiefs as a body had proposed sending two American divisions and one South Korean division to South Vietnam for offensive combat operations against the guerrillas.

Secretary McNamara, the Joint Chiefs and Ambassador Taylor all discussed the three-division proposal on March 29, the study relates, while the Ambassador was in Washington for the forthcoming White House strategy conference.

The Ambassador opposed the plan, the study says, because he felt the South Vietnamese might resent the presence of so many foreign troops—upwards of 100,000 men—and also because he believed there was still no military necessity for them.

The Joint Chiefs "had the qualified support of McNamara," however, the study continues, and was one of the topics discussed at the national security council meeting.

CONCERN WITH DEPLOYMENT

Thus, the study says, at the White House strategy session of April 1–2, "the principal concern of Administration policy makers at this time was with the prospect of major deployment of U.S. and third-country combat forces to SVN."

A memorandum written by McGeorge Bundy before the meeting, which set forth the key issues for discussion and decision by the President, "gave only the most superficial treatment to the complex matter of future air pressure policy," the Pentagon analyst remarks.

The morning that Ambassador Taylor left Saigon to attend the meeting, March 29, the Vietcong guerrillas blew up the American Embassy in Saigon in what the study calls "the boldest and most direct Communist action against the U.S. since the attacks at Pleiku and Quinhon which had precipitated the Flaming Dart reprisal airstrikes."

Admiral Sharp requested permission to launch a "spectacular" air raid on North Vietnam in retaliation, the narrative continues, but the "plea . . . did not fall on responsive ears" at the White House.

"At this point, the President preferred to maneuver quietly to help the nation get used to living with the Vietnam crisis. He played down any drama intrinsic in Taylor's arrival" and refused to permit a retaliation raid for the embassy bombing.

"After his first meeting with Taylor and other officials on March 31, the President responded to press inquiries concerning dramatic new developments by saying: "I know of no far-reaching strategy that is being suggested or promulgated."

"But the President was being less than candid," the study observes. "The proposals that were at that moment being promulgated, and on which he reached significant decision the following day, did involve a far-reaching strategy change: acceptance of the concept of U.S. troops engaged in offensive ground operations against Asian insurgents. This issue greatly overshadowed all other Vietnam questions then being reconsidered."

The analyst is referring to the President's decision at the White House strategy conference on April 1–2 to change the mission of the marine battalions at Danang from defense to offense.

McGeorge Bundy embodied the decision in National Security Action Memorandum 328, which he drafted and signed on behalf of the President on April 6. The analyst says that this "pivotal document" followed almost "verbatim" the text of another memorandum that Mr. Bundy had written before the N.S.C. meeting to outline the proposals for discussion and decision by the President.

The Pentagon study notes that the actual landing of 3,500 marines at Danang the previous month had "caused surprisingly little outcry."

Secretary of State Dean Rusk had explained on a television program the day before the marines came ashore that their mission was solely to provide security for the air base and "not to kill the Vietcong," in the words of the study. Thus initial mission for the marines was later to be referred to as the short-lived strategy of security that would apply only to this American troop movement into South Vietnam.

"A DEAD LETTER" QUICKLY

The President's decision to change their mission to offense now made the strategy of base security "a dead letter," the study says, when it was less than a month old.

At the April 1–2 meeting, Mr. Johnson had also decided to send ashore two more marine battalions, which General Westmoreland had asked for in a separate request on March 17. Mr. Johnson further decided to increase support forces in South Vietnam by 18,000 to 20,000 men.

The President was "doubtless aware" of the general's additional request for the equivalent of two divisions, and of the Joint Chiefs' for three divisions, the Pentagon account says, but Mr. Johnson took no action on these requests.

"The initial steps in ground build-up appear to have been grudgingly taken," the study says, "indicating that the President . . . and his advisers recognized the tremendous inertial complications of ground troop deployments. Halting ground involvement was seen to be a manifestly greater problem than halting air or naval activity.

"It is pretty clear, then, that the President intended, after the early April N.S.C. meetings, to cautiously and carefully experiment with the U.S. forces in offensive roles," the analyst concludes.

National Security Action Memorandum 328 did not precisely define or limit the offensive role it authorized, and Ambassador Taylor, who had attended the National Security Council meeting during his visit to Washington, was not satisfied with the guidance he received from the State Department. Therefore, on his way back to Saigon on April 4, the Ambassador, formerly President John F. Kennedy's military adviser and Chairman of the Joint Chiefs, sent a cable from the Honolulu headquarters of the commander of Pacific forces to the State Department, saying:

"I propose to describe the new mission to [Premier Pham Huy] Quat as the use of marines in a mobile counter-insurgency role in the vicinity of Danang for the improved protection of that base and also in a strike role as a reserve in support of ARVN operations anywhere within 50 miles of the base. This latter employment would follow acquisition of experience on local counter-insurgency missions."

Ambassador Taylor's 50-mile limit apparently became an accepted rule-of-thumb boundary for counterinsurgency strikes.

And so, the analyst sums up, with the promulgation of National Security Action Memorandum 328, "the strategy of security effectively becomes a dead letter on the first of April," and the strategy of enclave begins.

Texts of Documents

Following are texts of key documents accompanying the Pentagon's study of the Vietnam war, covering the opening of the sustained bombing campaign against North Vietnam in the first half of 1965. Except where excerpting is indicated, the documents are printed verbatim, with only unmistakable typographical errors corrected.

Letter From Rostow Favoring Commitment of Troops by United States

(Personal letter from Walt W. Rostow, chairman of the State Department's Policy Planning Council, to Secretary McNamara, Nov. 16, 1964, "Military Dispositions and Political Signals.")

Following on our conversation of last night I am concerned that too much thought is being given to the actual damage we do in the North, not enough thought to the signal we wish to send.

The signal consists of three parts:

a) damage to the North is now to be inflicted because they are violating the 1954 and 1962 accords;

b) we are ready and able to go much further than our initial act of damage;

c) we are ready and able to meet any level of escalation they might mount in response, if they are so minded.

Four points follow.

1. I am convinced that we should not go forward into the next stage without a U.S. ground force commitment of some kind:

a. The withdrawal of those ground forces could be a critically important part of our diplomatic bargaining position. Ground forces can sit during a conference more easily than we can maintain a series of mounting air and naval pressures.

b. We must make clear that counter escalation by the Communists will run directly into US strength on the ground; and, therefore the possibility of radically extending their position on the ground at the cost of air and naval damage alone, is ruled out.

c. There is a marginal possibility that in attacking the airfield they were thinking two moves ahead; namely, they might be planning a pre-emptive ground force response to an expected US retaliation for the Bien Hoa attack.

2. The first critical military action against North Vietnam should be designed merely to install the principle that they will, from the present forward, be vulnerable to retaliatory attack in the north for continued violations for the 1954 and 1962 Accords. In other words, we would signal a shift from the principle involved in the Tonkin Gulf response. This means that the initial use of force in the north should be as limited and as unsanguinary as possible. It is the installation of the principle that we are initially interested in, not tit for tat.

3. But our force dispositions to accompany an initial retaliatory move against the north should send three further signals lucidly:

a. that we are putting in place a capacity subsequently to step up direct and naval pressure on the north, if that should be required;

b. that we are prepared to face down any form of escalation North Vietnam might mount on the ground; and

c. that we are putting forces into place to exact retaliation directly against Communist China, if Peiping should join in an escalatory response from Hanoi. The latter could take the form of increased aircraft on Formosa plus, perhaps, a carrier force sitting off China distinguished from the force in the South China Sea.

4. The launching of this track, almost certainly, will require the President to explain to our own people and to the world our intentions and objectives. This will also be perhaps the most persuasive form of communication with Ho and Mao. In addition, I am inclined to think the most direct communication we can mount (perhaps via Vientiane and Warsaw) is desirable, as opposed to the use of cut-outs. They should feel they now confront an LBJ who has made up his mind. Contrary to an anxiety expressed at an earlier stage, I believe it quite possible to communicate the limits as well as the seriousness of our intentions without raising seriously the fear in Hanoi that we intend at our initiative to land immediately in the Red River Delta, in China, or seek any other objective than the re-installation of the 1954 and 1962 Accords.

MEMO FROM ROSTOW ADVOCATING GROUND TROOPS AND AIR ATTACKS

(Memorandum from Mr. Rostow to Secretary Rusk, Nov. 23, 1964, "Some Observations as We Come to the Crunch in Southeast Asia.")

I leave for Lima this Saturday for the CIAP and CIES meetings. I presume that in early December some major decisions on Southeast Asia will be made. I should, therefore, like to leave with you some observations on the situation. I have already communicated them to Bill Bundy.

1. We must begin by fastening our minds as sharply as we can around our appreciation of the view in Hanoi and Peiping of the Southeast Asia problem. I agree almost completely with SNIE 10-3-64 of October 9. Here are the critical passages:

"While they will seek to exploit and encourage the deteriorating situation in Saigon, they probably will avoid actions that would in their view unduly increase the chances of a major US response against North Vietnam (DRV) or Communist China. We are almost certain that both Hanoi and Peiping are anxious not to become involved in the kind of war in which the great weight of superior US weaponry could be brought against them. Even if Hanoi and Peiping estimated that the US would not use nuclear weapons against them, they could not be sure of this. . . .

"In the face of new US pressures against the DRV, further actions by Hanoi and Peiping would be based to a considerable extent on their estimate of US intentions, i.e., whether the US was actually determined to increase its pressures as necessary. Their estimates on this point are probably uncertain, but we believe that fear of provoking severe measures by the US would lead them to temper their responses with a good deal of caution. . . .

"If despite Communist efforts, the US attacks continued, Hanoi's leaders would have to ask themselves whether it was not better to suspend their support of Viet Cong military action rather than suffer the destruction of their major military facilities and the industrial sector of their economy. In the belief that the tide has set almost irreversibly in their favor in South Vietnam, they might calculate that the Viet Cong could stop its military attacks for the time being and renew the insurrection successfully at a later date. Their judgment in this matter might be reinforced by the Chinese Communist concern over becoming involved in a conflict with US air and naval power."

Our most basic problem is, therefore, how to persuade them that a continuation of their present policy will risk major destruction in North Viet Nam; that a preemptive move on the ground as a prelude to negotiation will be met by US strength on the ground; and that Communist China will not be a sanctuary if it assists North Viet Nam in counter-escalation.

2. In terms of force dispositions, the critical moves are, I believe, these.

a. The introduction of some ground forces in South Viet Nam and, possibly, in the Laos corridor.

b. A minimal installation of the principle that from the present forward North Viet Nam will be vulnerable to retaliatory attacks for continued violation of the 1954–1962 Accords.

c. Perhaps most important of all, the introduction into the Pacific Theater of massive forces to deal with any escalatory response, including forces evidently aimed at China as well as North Viet Nam, should the Chinese Communists enter the game. I am increasingly confident that we can do this in ways which would be understood—and not dangerously misinterpreted—in Hanoi and Peiping.

3. But the movement of forces, and even bombing operations in the north, will not, in themselves, constitute a decisive signal. They will be searching, with enormous sensitivity, for the answer to the following question: Is the President of the United States deeply committed to reinstalling the 1954–1962 Accords; or is he putting on a demonstration of force that would save face for, essentially, a US political defeat at a diplomatic conference? Here their judgment will depend not merely on our use of force and force dispositions but also on the posture of the President, including commitments he makes to our own people and before the world, and on our follow-through. The SNIE accurately catches the extent of their commitments and their hopes in South Viet Nam and Laos. They will not actually accept a setback until they are absolutely sure that we really mean it. They will be as searching in this matter as Khrushchev was before he abandoned the effort to break our hold on Berlin and as Khrushchev was in searching us out on the Turkish missiles before he finally dismantled and removed his missiles from Cuba. Initial rhetoric and military moves will not be enough to convince them.

4. Given the fundamental assessment in this SNIE, I have no doubt we have the capacity to achieve a reinstallation of the 1954–1962 Accords if we enter the exercise with the same determination and staying power that we entered the long test on Berlin and the short test on the Cuba missiles. But it will take that kind of Presidential commitment and staying power.

5. In this connection, the SNIE is quite sound in emphasizing that they will seek, if they are permitted, either to pretend to call off the war in South Viet Nam, without actually doing so; or to revive it again when the pressure is off. (We can see Castro doing this now in Venezuela.) The nature of guerrilla war, infiltration, etc., lends itself to this kind of ambiguous letdown and reacceleration. This places a high premuim on our defining precisely what they have to do to remove the pressure from the north. It is because we may wish to maintain pressure for some time to insure their compliance that we should think hard about the installation of troops not merely in South Viet Nam south of the seventeenth parallel, but also in the infiltration corridor of Laos. The same consideration argues for a non-sanguinary but important pressure in the form of naval blockade which will be easier to maintain during a negotiation or quasi-negotiation phase than bombing operations.

6. The touchstones for compliance should include the following: the removal of Viet Minh troops from Laos; the cessation of infiltration of South Viet Nam from the north; the turning off of the tactical radio network; and the overt statement on Hanoi radio that the Viet Cong should cease their operations and pursue their objectives in South Viet Nam by political means. On the latter point, even if contrary covert instructions are given, an overt statement would have important political and psychological impact.

7. As I said in my memorandum to the President of June 6, no one can be or should be dogmatic about how much of a war we still would have—and for how long—if the external element were thus radically reduced or eliminated. The odds are pretty good, in my view, that, if we do these things in this way, the war will either promptly stop or we will see the same kind of fragmentation of the Communist movement in South Viet Nam that we saw in Greece after the Yugoslav frontier was closed by the Tito-Stalin split. But we can't proceed on that assumption. We must try to gear the whole operation with the best counter-insurgency effort we can mount with our Vietnamese friends outside the country; and not withdraw US forces from Viet Nam until the war

is truly under control. (In this connection, I hope everyone concerned considers carefully RAND proposal of November 17, 1964, entitled "SIAT: Single Integrated Attack Team, A Concept for Offensive Military Operations in South Viet-Nam.")

8. I do not see how, if we adopt this line, we can avoid heightened pressures from our allies for either Chinese Communist entrance into the UN or for a UN offer to the Chinese Communists on some form of two-China basis. This will be livable for the President and the Administration if—but only if—we get a clean resolution of the Laos and South Viet Nam problems. The publication of a good Jordan Report will help pin our allies to the wall on a prior re-installation of the 1954 and 1962 Accords.

9. Considering these observations as a whole, I suspect what I am really saying is that our assets, as I see them, are sufficient to see this thing through if we enter the exercise with adequate determination to succeed. I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome which flow from the simple fact that at this stage of history we are the greatest power in the world—if we behave like it.

10. In the President's public exposition of his policy, I would now add something to the draft I did to accompany the June 6 memorandum to the President. I believe he should hold up a vision of an Asian community that goes beyond the Mekong passage in that draft. The vision, essentially, should hold out the hope that if the 1954 and 1962 Accords are reinstalled, these things are possible:

a. peace;

b. accelerated economic development;

c. Asians taking a larger hand in their own destiny;

d. as much peaceful coexistence between Asian Communists and non-Communists as the Communists wish.

11. A scenario to launch this track might begin as follows:

A. A Presidential decision, communicated to but held by the Congressional leaders. Some leakage would not be unhelpful.

B. Immediate movement of relevant forces to the Pacific.

C. Immediate direct communication to Hanoi to give them a chance to back down before faced with our actions, including a clear statement of the limits of our objectives but our absolute commitment to them.

D. Should this first communication fail (as is likely) installation of our ground forces and naval blockade, plus first attack in North, to be accompanied by publication up-dated Jordan Report and Presidential speech.

McGeorge Bundy Memo to Johnson on "Sustained Reprisal" Policy

(Annex A, "A Policy of Sustained Reprisal," to memorandum to President Lyndon B. Johnson from McGeorge Bundy, Presidential assistant for national security, Feb. 7, 1965.)

I. INTRODUCTORY

We believe that the best available way of increasing our chance of success in Vietnam is the development and execution of a policy of *sustained reprisal* against North Vietnam—a policy in which air and naval action against the North is justified by and related to the whole Viet Cong campaign of violence and terror in the South.

While we believe that the risks of such a policy are acceptable, we emphasize that its costs are real. It implies significant U.S. air losses even if no full air war is joined, and it seems likely that it would eventually require an extensive and costly effort against the whole air defense system of North Vietnam. U.S. casualties would be higher—and more visible to American feelings—than those sustained in the struggle in South Vietnam.

Yet measured against the costs of defeat in Vietnam, this program seems cheap. And even if it fails to turn the tide—as it may—the value of the effort seems to us to exceed its cost.

II. OUTLINE OF THE POLICY

1. In partnership with the Government of Vietnam, we should develop and exercise the option to retaliate against *any* VC act of violence to persons or property.

2. In practice, we may wish at the outset to relate our reprisals to those acts of relatively high visibility such as the Pleiku incident. Later, we might retaliate against the assassination of a province chief, but not necessarily the murder of a hamlet official; we might retaliate against a grenade thrown into a crowded cafe in Saigon, but not necessarily to a shot fired into a small shop in the countryside.

3. Once a program of reprisals is clearly underway, it should not be necessary to connect each specific act against North Vietnam to a particular outrage in the South. It should be possible, for example, to publish weekly lists of outrages in the South and to have it clearly understood that these outrages are the cause of such action against the North as may be occurring in the current period. Such a more generalized pattern of reprisal would remove much of the difficulty involved in finding precisely matching targets in response to specific atrocities. Even in such a more general pattern, however, it would be important to insure that the general level of reprisal action remained in close correspondence with the level of outrages in the South. We must keep it clear at every stage both to Hanoi and to the world, that our reprisals will be reduced or stopped when outrages in the South are reduced or stopped—and that we are *not* attempting to destroy or conquer North Vietnam.

4. In the early stages of such a course, we should take the appropriate occasion to make clear our firm intent to undertake reprisals on any further acts, major or minor, that appear to us and the GVN as indicating Hanoi's support. We would announce that our two governments have been patient and forebearing in the hope that Hanoi would come to its senses without the necessity of our having to take further action; but the outrages continue and now we must react against those who are responsible; we will not provoke; we will not use our force indiscriminately; but we can no longer sit by in the face of repeated acts of terror and violence for which the DRV is responsible.

5. Having once made this announcement, we should execute our reprisal policy with as low a level of public noise as possible. It is to our interest that our acts should be seen—but we do not wish to boast about them in ways that make it hard for Hanoi to shift its ground. We should instead direct maximum attention to the continuing acts of violence which are the cause of our continuing reprisals.

6. This reprisal policy should begin at a low level. Its level of force and pressure should be increased only gradually—and as indicated above should be decreased if VC terror visibly decreases. The object would not be to "win' an air war against Hanoi, but rather to influence the course of the struggle in the South.

7. At the same time it should be recognized that in order to maintain the power of reprisal without risk of excessive loss, an "air war" may in fact be necessary. We should therefore be ready to develop a separate justification for energetic flak suppression and if necessary for the destruction of Communist air power. The essence of such an explanation should be that these actions are intended solely to insure the effectiveness of a policy of reprisal, and in no sense represent any intent to wage offensive war against the North. These distinctions should not be difficult to develop.

8. It remains quite possible, however, that this reprisal policy would get us quickly into the level of military activity contemplated in the so-called Phase II of our December planning. It may even get us beyond this level with both Hanoi and Peiping, if there is Communist counter-action. We and the GVN should also be prepared for a spurt of VC terrorism, especially in urban areas, that would dwarf anything yet experienced. These are the risks of any action. They should be carefully reviewed—but we believe them to be acceptable.

9. We are convinced that the political values of reprisal require a *continuous* operation. Episodic responses geared on a one-for-one basis to "spectacular" outrages would lack the persuasive force of sustained pressure. More important still, they would leave it open to the Communists to avoid reprisals entirely by giving up only a small element of their own program. The Gulf of Tonkin affair produced a sharp upturn in morale in South Vietnam. When it remained an isolated episode, however, there was a severe relapse. It is the great merit of the proposed scheme that to stop it the Communists would have to stop enough of their activity in the South to permit the probable success of a determined pacification effort.

III. EXPECTED EFFECT OF SUSTAINED REPRISAL POLICY

1. We emphasize that our primary target in advocating a reprisal policy is the improvement of the situation in *South* Vietnam. Action against the North is usually urged as a means of affecting the will of Hanoi to direct and support the VC. We consider this an important but longer-range purpose. The immediate and critical targets are in the South—in the minds of the South Vietnamese and in the minds of the Viet Cong cadres.

2. Predictions of the effect of any given course of action upon the states of mind of people are difficult. It seems very clear that if the United States and the Government of Vietnam join in a policy of reprisal, there will be a sharp immediate increase in optimism in the South, among nearly all articulate groups. The Mission believes—and our own conversations confirm—that in all sectors of Vietnamese opinion there is a strong belief that the United States could do much more if it would, and that they are suspicious of our failure to use more of our obviously enormous power. At least in the short run, the reaction to reprisal policy would be very favorable.

3. This favorable reaction should offer opportunity for increased American influence in pressing for a more effective government—at least in the short run. Joint reprisals would imply military planning in which the American role would necessarily be controlling, and this new relation should add to our bargaining power in other military efforts—and conceivably on a wider plane as well if a more stable government is formed. We have the whip hand in reprisals as we do not in other fields.

4. The Vietnamese increase in hope could well increase the readiness of Vietnamese factions themselves to join together in forming a more effective government.

5. We think it plausible that effective and sustained reprisals, even in a low key, would have a substantial depressing effect upon the morale of Viet Cong cadres in South Vietnam. This is the strong opinion of CIA Saigon. It is based upon reliable reports of the initial Viet Cong reaction to the Gulf of Tonkin episode, and also upon the solid general assessment that the determination of Hanoi and the apparent timidity of the mighty United States are both major items in Viet Cong confidence.

6. The long-run effect of reprisals in the South is far less clear. It may be that like

other stimulants, the value of this one would decline over time. Indeed the risk of this result is large enough so that we ourselves believe that a very major effort all along the line should be made in South Vietnam to take full advantage of the immediate stimulus of reprisal policy in its early stages. Our object should be to use this new policy to effect a visible upward turn in pacification, in governmental effectiveness, in operations against the Viet Cong, and in the whole U.S./GVN relationship. It is changes in these areas that can have enduring long-term effects.

7. While emphasizing the importance of reprisals in the South, we do not exclude the impact on Hanoi. We believe, indeed, that it is of great importance that the level of reprisal be adjusted rapidly and visibly to both upward and downward shifts in the level of Viet Cong offenses. We want to keep before Hanoi the carrot of our desisting as well as the stick of continued pressure. We also need to conduct the application of force so that there is always a prospect of worse to come.

8. We cannot assert that a policy of sustained reprisal will succeed in changing the course of the contest in Vietnam. It may fail, and we cannot estimate the odds of success with any accuracy—they may be somewhere between 25% and 75%. What we can say is that even if it fails, the policy will be worth it. At a minimum it will damp down the charge that we did not do all that we could have done, and this charge will be important in many countries, including our own. Beyond that, a reprisal policy—to the extent that it demonstrates U.S. willingness to employ this new norm in counter-insurgency—will set a higher price for the future upon all adventures of guerrilla warfare, and it should therefore somewhat increase our ability to deter such adventures. We must recognize, however, that that ability will be gravely weakened if there is failure for any reason in Vietnam.

IV. PRESENT ACTION RECOMMENDATIONS

1. This general recommendation was developed in intensive discussions in the days just before the attacks on Pleiku. These attacks and our reaction to them have created an ideal opportunity for the prompt development and execution of sustained reprisals. Conversely, if no such policy is now developed, we face the grave danger that Pleiku, like the Gulf of Tonkin, may be a short-run stimulant and a long-term depressant. We therefore recommend that the necessary preparations be made for continuing reprisals. The major necessary steps to be taken appear to us to be the following:

(1) We should complete the evacuation of dependents.

(2) We should quietly start the necessary westward deployments of [word illegible] contingency forces.

(3) We should develop and refine a running catalogue of Viet Cong offenses which can be published regularly and related clearly to our own reprisals. Such a catalogue should perhaps build on the foundation of an initial White Paper.

(4) We should initiate joint planning with the GVN on both the civil and military level. Specifically, we should give a clear and strong signal to those now forming a government that we will be ready for this policy when they are.

(5) We should develop the necessary public and diplomatic statements to accompany the initiation and continuation of this program.

(6) We should insure that a reprisal program is matched by renewed public commitment to our family of programs in the South, so that the central importance of the southern struggle may never be neglected.

(7) We should plan quiet diplomatic communication of the precise meaning of what we are and are not doing, to Hanoi, to Peking and to Moscow.

(8) We should be prepared to defend and to justify this new policy by concentrating attention in every forum upon its cause—the aggression in the South.

(9) We should accept discussion on these terms in any forum, but we should *not* now accept the idea of negotiations of any sort except on the basis of a stand down of Viet Cong violence. A program of sustained reprisal, with its direct link to Hanoi's continuing aggressive actions in the South, will not involve us in nearly the level of international recrimination which would be precipitated by a go-North program which was not so connected. For this reason the international pressures for negotiation should be quite manageable.

DRAFT BY WILLIAM BUNDY ON RESULTS OF POLICY IN 1965

(Draft paper by William Bundy, "Where Are We Heading?," Feb. 18, 1965. An attached note, dated June 25, says, "Later than November paper, and unfinished.")

This memorandum examines possible developments and problems if the U.S. pursues the following policy with respect to South Viet-Nam:

a. Intensified pacification within South Viet-Nam. To meet the security problem, this might include a significant increase in present U.S. force strength.

b. A program of measured, limited, and spaced air attacks, jointly with the GVN, against the infiltration complex in the DRV. Such attacks would take place at the rate of about one a week, unless spectacular Viet Cong action dictated an immediate response out of sequence. The normal pattern of such attacks would comprise one GVN and one U.S. strike on each occasion, confined to targets south of the 19th parallel, with variations in severity depending on the tempo of VC action, but with a slow upward trend in severity as the weeks went by.

c. That the U.S. itself would take no initiative for talks, but would agree to cooperate in consultations—not a conference—undertaken by the UK and USSR as Co-Chairmen of the Geneva Conference. As an opening move, the British would request an expression of our views, and we would use this occasion to spell out our position fully, including our purposes and what we regard as essential to the restoration of peace. We would further present our case against the DRV in the form of a long written document to be sent to the President of the United Nations Security Council and to be circulated to members of the UN.

1. Communist responses.

a. Hanoi would almost certainly not feel itself under pressure at any early point to enter into fruitful negotiations or to call off its activity in any way. They would denounce the continued air attacks and seek to whip up maximum world opposition to them. Within South Viet-Nam, they might avoid spectacular actions, but would certainly continue a substantial pattern of activity along past lines, probably with emphasis on the kind of incidents we have seen this week, in which Communist agents stirred up a village "protest" against government air attacks, and against the U.S. Basically, they would see the situation in South Viet-Nam as likely to deteriorate further ("crumble", as they have put it), and would be expecting that at some point someone in the GVN will start secret talks with them behind our backs.

b. Communist China might supply additional air defense equipment to the DRV, but we do not believe they would engage in air operations from Communist China, at least up to the point where the MIGs in the DRV were engaged and we had found it necessary to attack Fukien or possibly—if the MIGs had been moved there—Vinh.

c. The Soviets would supply air defense equipment to the DRV and would continue to protest our air attacks in strong terms. However, we do not believe they would make any new commitment at this stage, and they would probably not do so even if the Chicoms became even more deeply involved—provided that were not ourselves attacking Communist China. At that point, the heat might get awfully great on them, and they would be in a very difficult position to continue actively working as Co-Chairman. However, their approach to the British on the Co-Chairmanship certainly suggests that they would find some relief in starting to act in that role, and might use it as a hedge against further involvement, perhaps pointing out to Hanoi that the Co-Chairman exercise serves to prevent us from taking extreme action and that Hanoi will get the same result in the end if a political track is operating and if, in fact, South Viet-Nam keeps crumbling. They might also argue to Hanoi that the existence of the political track tends to reduce the chances of the Chicoms having to become deeply involved—which we believe Hanoi does not want unless it is compelled to accept it.

2. Within South Viet-Nam the new government is a somewhat better one, but the cohesive effects of the strikes to date have at most helped things a bit. The latest MACV report indicates a deteriorating situation except in the extreme south, and it is unlikely that this can be arrested in any short period of time even if the government does hold together well and the military go about their business. We shall be very lucky to see a leveling off, much less any significant improvement, in the next two months. In short, we may have to hang on quite a long time before we can hope to see an improving situation in South Viet-Nam—and this in turn is really the key to any negotiating position we could have at any time.

3. On the political track we believe the British will undertake their role with vigor, and that the Soviets will be more reserved. The Soviet can hardly hope to influence Hanoi much at this point, and they certainly have no leverage with Communist China. In the opening rounds, the Soviets will probably fire off some fairly sharp statements that the real key to the situation is for us to get out and to stop our attacks, and the opposing positions are so far apart that it is hard to see any useful movement for some time to come. We might well find the Soviets—or even the Canadians—sounding us out on whether we would stop our attacks in return for some moderation in VC activity. This is clearly unacceptable, and the very least we should hold out on is a verified cessation of infiltration (and radio silence) before we stop our attacks. Our stress on the cessation of infiltration may conceivably lead to the Indians coming forward to offer policing forces—a suggestion they have made before—and this would be a constructive move we could pick up. But, as noted above, Hanoi is most unlikely to trade on this basis for a long time to come.

4. In sum—the most likely prospect is for a prolonged period without major risks of escalation but equally without any give by Hanoi. If, contrary to our present judgment, the GVN should start to do better.

WHITE HOUSE CABLE TO TAYLOR ON THE ROLLING THUNDER DECISION

(Excerpts from cablegram from the State Department to Ambassador Taylor, Feb. 13, 1965, as provided in the body of the Pentagon study. The words in brackets are those of the study. The narrative says this message was drafted at the White House.)

The President today approved the following program for immediate future actions in follow-up decisions he reported to you in Deptel 1653. [The first Flaming Dart reprisal decision.]

1. We will intensify by all available means the program of pacification within SVN.

2. We will execute a program of measured and limited air action jointly with GVN against selected military targets in DRV, re-

mainting south of 19th parallel until further notice.

FYI. Our current expectation is that these attacks might come about once or twice a week and involve two or three targets on each day of operation. END FYI.

3. We will announce this policy of measured action in general terms and at the same time, we will go to UN Security Council to make clear case that aggressor is Hanoi. We will also make it plain that we are ready and eager for 'talks' to bring aggression to an end.

4. We believe that this 3-part program must be concerted with SVN, and we currently expect to announce it by Presidential statement directly after next authorized air action. We believe this action should take place as early as possible next week.

5. You are accordingly instructed to seek immediate GVN agreement on this program. You are authorized to emphasize our conviction that announcement of readiness to talk is stronger diplomatic position than awaiting inevitable summons to Security Council by third parties. We would hope to have appropriate GVN concurrence by Monday [Feb. 14th] if possible here.

In presenting above to GVN, you should draw fully, as you see fit, on following arguments:

a. We are determined to continue with military actions regardless of Security Council deliberations and any 'talks' or negotiations when [words illegible]. [Beginning of sentence illegible] that they cease [words illegible] and also the activity they are directing in the south.

b. We consider the UN Security Council initiative, following another strike, essential if we are to avoid being faced with really damaging initiatives by the USSR or perhaps by such powers as India, France, or even the UN.

c. At an early point in the UN Security Council initiative, we would expect to see calls for the DRV to appear in the UN. If they failed to appear, as in August, this will make doubly clear that it is they who are refusing to desist, and our position in pursuing military actions against the DRV would be strengthened. For some reason we would now hope GVN itself would appear at UN and work closely with US.

d. With or without Hanoi, we have every expectation that any 'talks' that may result from our Security Council initiative would in fact go on for many weeks or perhaps months and would above all focus constantly on the cessation of Hanoi's aggression as the precondition to any cessation of military action against the DRV. We further anticipate that any detailed discussions about any possible eventual form of agreement returning to the essentials of the 1954 Accords would be postponed and would be subordinated to the central issue. . . .

Cable to U.S. Envoys in Asia Announcing Sustained Bombing

(Cablegram from State Department to heads of nine United States diplomatic missions in the Far East, Feb. 18, 1965, as provided in the body of the Pentagon study.)

Policy on Viet-Nam adopted today calls for the following:

1. Joint program with GVN of continuing air and naval action against North Viet-Nam whenever and wherever necessary. Such action to be against selected military targets and to be limited and fitting and adequate as response to continuous aggression in South Viet-Nam directed in Hanoi. Air strikes will be jointly planned and agreed with GVN and carried out on joint basis.

2. Intensification by all available means of pacification program within South Viet-Nam, including every possible step to find and attack VC concentrations and headquarters within SVN by all conventional means available to GVN and US.

3. Early detailed presentation to nations of world and to public of documented case against DRV as aggressor. Forum and form this presentation not yet decided, but we do not repeat not expect to touch upon readiness for talks or negotiations at this time. We are considering reaffirmation our objectives in some form in the near future.

4. Careful public statements of USG, combined with fact of continuing air action, are expected to make it clear that military action will continue while aggression continues. But focus of public attention will be kept as far as possible on DRV aggression; not on joint GVN-US military operations. There will be no comment of any sort on future actions except that all such actions will be adequate and measured and fitting to aggression. (You will have noted President's statement of yesterday, which we will probably allow to stand.)

Addressees should inform head of government or State (as appropriate) of above in strictest confidence and report reactions. In the case of Canberra and Wellington [several words illegible] subject to security considerations of each operation as it occurs, as we did with respect to operations of February 7 and 11.

McNaughton Draft for McNamara on "Proposed Course of Action"

(First draft of "Annex—Plan for Action for South Vietnam," appended to memorandum from John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, for Secretary of Defense Robert S. McNamara, March 24, 1965.)

1. US aims:

70%—To avoid a humiliating US defeat (to our reputation as a guarantor).

20%—To keep SVN (and the adjacent) territory from Chinese hands.

10%—To permit the people of SVN to enjoy a better, freer way of life.

ALSO—To emerge from crisis without unacceptable taint from methods used.

NOT—To "help a friend," although it would be hard to stay in if asked out.

2. The situation: The situation in general is bad and deteriorating. The VC have the initiative. Defeatism is gaining among the rural population, somewhat in the cities, and even among the soldiers—especially those with relatives in rural areas. The Hop Tac area around Saigon is making little progress; the Delta stays bad; the country has been severed in the north. GVN control is shrinking to the enclaves, some burdened with refugees. In Saigon we have a remission: Quat is giving hope on the civilian side, the Buddhists have calmed, and the split generals are in uneasy equilibrium.

3. The preliminary question: Can the situation inside SVN be bottomed out (a) without extreme measures against the DRV and/or (b) without deployment of large numbers of US (and other) combat troops inside SVN? The answer is perhaps, but probably no.

4. Ways GVN might collapse:

(a) VC successes reduce GVN control to enclaves, causing:

(1) insurrection in the enclaved population,

(2) massive defections of ARVN soldiers and even units,

(3) aggravated dissension and impotence in Saigon,

(4) defeatism and reorientation by key GVN officials,

(5) entrance of left-wing elements into the government,

(6) emergence of a popular-front regime,

(7) request that US leave,

(8) concessions to the VC, and

(9) accommodations to the DRV

(b) VC with DRV volunteers concentrate on I and II Corps.

(1) conquering principal GVN-held enclaves there,

(2) declaring Liberation Government,

(3) joining the I & II Corps areas to the DRV, and

(4) pressing the course in (a) above for rest of SVN.

(c) While in a temporary funk, GVN might throw in sponge:

(1) dealing under the table with VC,

(2) asking the US to cease at least military aid,

(3) bringing left-wing elements into the government,

(4) leading to a popular-front regime, and

(5) ending in accommodations to the VC and DRV.

(d) In a surge of anti-Americanism, GVN could ask the US out and pursue course otherwise similar to (c) above.

5. The "trilemma": US policy appears to be drifting. This is because, while there is consensus that efforts inside SVN (para 6) will probably fail to prevent collapse, all three of the possible remedial courses of action have so far been rejected:

a. Will-breaking strikes on the North (para 7) are balked (1) by flash-point limits, (2) by doubts that the DRV will cave and (3) by doubts that the VC will obey a caving DRV. (Leaving strikes only a political and anti-infiltration nuisance.)

b. Large US troop deployments (para 9) are blocked by "French-defeat" and "Korea" syndromes, and Quat is queasy. (Troops could be net negatives, and be besieged.)

c. Exit by negotiations (para 9) is tainted by the humiliation likely to follow.

Effort inside South Vietnam: Progress inside SVN is our main aim. Great, imaginative efforts on the civilian political as well as military side must be made, bearing in mind that progress depends as much on GVN efforts and luck as on added US efforts. While only a few of such efforts can pay off quickly enough to affect the present ominous deterioration, some may, and we are dealing here in small critical margins. Furthermore, such investment is essential to provide a foundation for the longer run.

a. Improve spirit and effectiveness (fill out further, drawing from State memo to the President).

(1) Achieve governmental stability

(2) Augment the psy-war program.

(3) Build a stronger pro-government infrastructure.

b. Improve physical security, (fill out)

c. Reduce infiltration. (fill out)

STRIKES ON THE NORTH (PROGRAM OF PROGRESSIVE MILITARY PRESSURE)

a. Purposes:

(1) to reduce DRV/VC activities by affecting DRV will.

(2) To improve the GVN/VC relative "balance of morale."

(3) To provide the US/GVN with a bargaining counter.

(4) To reduce DRV infiltration of men, and materiel.

(5) To show the world the lengths to which US will go for a friend.

b. Program: Each week, 1 or 2 "mission days" with 100-plane high-damage US-VNAF strikes each "day" against important targets, plus 3 armed recce missions—all moving upward in weight of effort, value of target or proximity to Hanoi and China.

Alternative one: 12-week DRV-wide program shunning only "population" targets.

Alternative two: 12-week program short of taking out Phuc Yen (Hanoi) airfield.

c. Other actions:

(1) Blockade of DRV ports by VNAF/US-dropped mines or by ships.

(2) South Vietnamese-implemented 34A MAROPS.

(3) Reconnaissance flights over Laos and the DRV.

(4) Daily Barrel Roll armed recce strikes in Laos (plus T-28s).

(5) Four-a-week Barrel Roll chokepoint strikes in Laos.

(6) US/VNAF air & naval strikes against VC ops and bases in SVN.

(7) Westward deployment of US forces.

(8) No de Soto patrols or naval bombardment of DRV at this time.

d. Red "flash points." There are events which we can expect to imply substantial risk of escalation.

(1) Air strikes north of 17°. (This one already passed.)

(2) First US/VNAF confrontation with DRV MIGs.

(3) Strike on Phuc Yen MIG base near Hanoi.

(4) First strikes on Tonkin industrial/population targets.

(5) First strikes on Chinese railroad near China.

(6) First US/VNAF confrontation with Chicom MIGs.

(7) First hot pursuit of Chicom MIGs into China.

(8) First flak-suppression of Chicom or Soviet-manned SAM.

(9) Massive introduction of US ground troops into SVN.

(10) US/ARVN occupation of DRV territory (e.g., Ile de Tigre).

(11) First Chi/Sov-US confrontation or sinking in blockade.

e) Blue "flash points." China/DRV surely are sensitive to events which might cause us to escalate.

(1) All of the above "red" flash point.

(2) VC ground attack on Danang.

(3) Sinking of a US naval vessel.

(4) Open deployment of DRV troops into South Vietnam.

(5) Deployment of Chinese troops into North Vietnam.

(6) Deployment of FROGs or SAMs in North Vietnam.

(7) DRV air attack on South Vietnam.

(8) Announcement of Liberation Government in I/II Corps area.

f. Major risks:

(1) Losses to DRV MIGs, and later possibly to SAMs.

(2) Increased VC activities, and possibly Liberation Government.

(3) Panic or other collapse of GVN from under us.

(4) World-wide revulsion against us (against strikes, blockades, etc.)

(5) Sympathetic fires over Berlin, Cyprus Kashmir, Jordan waters.

(6) Escalation to conventional war with DRV, China (and USSR?)

(7) Escalation to the use of nuclear weapons.

g. Other Red moves:

(1) More jets to NVN with DRV or Chicom pilots.

(2) More AA (SAMs?) and radar gear (Soviet-manned?) to MVN.

(3) Increased air and ground forces in South China.

(4) Other "defensive" DRV retaliation (e.g., shoot-down of a U-2).

(5) PL land grabs in Laos.

(6) PL declaration of new government in Laos.

(7) Political drive for "neutralization" of Indo-China.

h. Escalation control. We can do three things to avoid escalation too-much or too-fast:

(1) Stretch out. Retard the program (e.g., 1 not 2 fixed strikes a week).

(2) Circuit breaker. Abandon at least temporarily the theory that our strikes are intended to break DRV will, and "plateau" them below the "Phuc Yen Airfield" flash point on one or the other of these tenable theories:

(a) That we strike as necessary to interdict infiltration.

(b) That our level of strikes is generally responsive to the level of VC/DRV activities in South Vietnam.

(3) Shunt. Plateau the air strikes per para (2) and divert the energy into:

(a) A mine—and/or ship-blockade of DRV ports.

(b) Massive deployment of US (and other?) troops into SVN (and Laos?):

(1) To man the 'enclaves", releasing ARVN forces.

(2) To take over Pleiku, Kontum, Darlac provinces.

(3) To create a (word illegible) sea-Thailand infiltration wall.

i. Import miscellany:

(1) Program should appear to be relentless (i.e., possibility of employing "circuit-breakers" should be secret).

(2) Enemy should be kept aware of our limited objectives.

(3) Allies should be kept on board.

(4) USSR should be kept in passive role.

(5) Information program should preserve US public support.

PROGRAM OF LARGE U.S. GROUND EFFORT IN SVN AND SEA

a. Purposes:

(1) To defeat the VC on the ground.

(2) To improve GVN/VC relative "morale balance."

(3) To improve US/GVN bargaining position.

(4) To show world lengths to which US will go to fulfill commitments.

b. Program:

(1) Continue strike-North "crescendo" or "plateau" (para 7 above.)

(2) Add any "combat support" personnel needed by MACV; and (3) Deploy remainder of the III Marine Expeditionary Force to Danang; and (4) Deploy one US (plus one Korean?) division to defeat VC in Pleiku-Kontum-Darlac area, and/or (5) Deploy one US (plus one Korean?) division to hold enclaves (Bien Hao/Ton Son Nhut, Nha Trang, Qui Non, Pleiku); and/or (6) Deploy 3-5 US divisions (with "international" elements) across Laos-SVN infiltration routes and at key SVN population centers.

c. Advantages:

(1) Improve (at least initially) manpower ratio vs. the VC.

(2) Boost GVN morale and depress DRV/VC morale.

(3) Firm up US commitment in eyes of all Reds, allies and neutrals.

(4) Deter (or even prevent) coups in the South.

d. Risks:

(1) Deployment will suck Chicom troops into DRV.

(2) Deployment will suck counter-balancing DRV/Chinese troops into SVN.

(3) Announcement of deployment will cause massive DRV/Chicom effort preemptively to occupy new SVN territory.

(4) US losses will increase.

(5) Friction with GVN (and Koreans?) over command will arise.

(6) GVN will tend increasingly to "let the US do it."

(7) Anti-US "colonialist" mood may increase in and outside SVN.

(8) US forces may be surrounded and trapped.

e. Important miscellany:

(1) There are no obvious circuit breakers. Once US troops are in, it will be difficult to withdraw them or to move them, say, to Thailand without admitting defeat.

(2) It will take massive deployments (many divisions) to improve the GVN/US:VC ration to the optimum 10+:1.

(3) In any event, our Project 22 planning with the Thais for defense of the Mekong towns must proceed apace.

EXIT BY NEGOTIATIONS

a. Bargaining counters:

(1) What DRV could give—

(a) Stop training and sending personnel to SVN/Laos.

(b) Stop sending arms and supplies into SVN/Laos.

(c) Stop directing military actions into SVN/Laos.

(d) Order the VC/PL to stop their insurgencies.

(e) Stop propaganda broadcasts to South Vietnam.

(f) Remove VM forces and cadres from SVN and Laos.

(g) See that VC/PL stop incidents in SVN and Laos.

(h) See that VC/PL cease resistance.

(i) See that VC/PL turn in weapons and bases.

(j) See that VC/PL surrender for amnesty/expatriation.

(2) What GVN/US could give:

(a) Stop (or not increase) air strikes on DRV.

(b) Remove (or not increase) US troops in SVN.

(c) Rice supply to DRV.

(d) Assurance that US/GVN have no designs on NVN.

(e) Assurance that US/GVN will not demand public renunciation by the DRV of Communist goals.

(f) Assurance thta "peaceful coexistence (e.g., continuation of Red propaganda in SVN) is acceptable.

(g) Capitulation: Leftists in GVN, coalition government, and eventual incorporation of SVN into DRV.

b. Possible outcomes.

(1) Pacified non-Communist South Vietnam.

(2) "Laotian" solution, with areas of de facto VC dominion, a "government of national unity," and a Liberation Front ostensibly weened from DRV control.

(3) Explicit partition of SVN, with each area under a separate government.

(4) A "semi-equilibrium"—a slow-motion war—with slowly shifting GVN–VC lines.

(5) Loss of SVN to the DRV.

c. Techniques to minimize impact of bad outcomes. If/when it is estimated that even the best US/GVN efforts mean failure ("flash" or defeat), it will be important to act to minimize the after-damage to US effectiveness and image by steps such as these:

(1) Publicize uniqueness of congenital impossibility of SVN case (e.g., Viet Minh held much of SVN in 1954, long sieve-like borders, unfavorable terrain, no national tradition, few administrators, mess left by French, competing factions, Red LOC advantage, late US start, etc.).

(2) Take opportunity offered by next coup or GVN anti-US tantrum to "ship out" (coupled with advance threat to do so if they fail to "shape up"?).

(3) Create diversionary "offensives" elsewhere in the world (e.g., to shore up Thailand, Philippines, Malaysia, India, Australia; to launch an "anti-poverty" program for underdeveloped areas).

(4) Enter multi-nation negotiations calculated to shift opinions and values.

d. Risks. With the physical situation and the trends as they are the fear is overwhelming that an exit negotiated now would result in humiliation for the US.

Evaluation: It is essential—however badly SEA may go over the next 1-3 years—that US emerge as a "good doctor." We must have kept promises, been tough, taken risks, gotten bloodied, and hurt the enemy very badly. We must avoid harmful appearances which will affect judgments by, and provide pretexts to, other nations regarding how the US will behave in future cases of particular interest to those nations—regarding US policy, power, resolve and competence to deal with their problems. In this connection, the relevant audiences are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as "underwriters") and the US public (which must support our risk-taking with US lives and prestige).

Urgency: If the strike-North program (para 7) is not altered: we will reach the

MIG/Phuc Yen flash point in approximately one month. If the program is altered only to stretch out the crescendo: up to 3 months may be had before that flash point, at the expense of a less persuasive squeeze. If the program is altered to "plateau" or dampen the strikes: much of their negotiating value will be lost. (Furthermore, there is now a hint of flexibility on the Red side: the Soviets are struggling to find a Gordian knot-cutter; the Chicoms may be wavering (Paris 5326).)

POSSIBLE COURSE

(1) Redouble efforts inside SVN (get better organized for it).

(2) Prepare to deploy US combat troops in phases, starting with one Army division at Pleiku and a Marine MEF at Danang.

(3) Stretch out strike-North program, postponing Phuc Yen until June (exceed flash points only in specific retaliations).

(4) Initiate talks along the following lines, bearing in mind that formal partition, or even a "Laos" partition, is out in SVN; we must break the VC back or work out an accommodation.

Phase one talks:

(A) When: Now, before an avoidable flash point.

(B) Who: US–USSR, perhaps also US–India. (Not with China or Liberation Front; not through UK or France or U Thant; keep alert to possibility that GVN officials are talking under the table.)

(C) How: With GVN consent, private, quiet (refuse formal talks).

(D) What:

(1) Offer to stop strikes on DRV and withhold deployment of large US forces in trade for DRV stoppage of infiltration, communications to VC, and VC attacks, sabotage and terrorism, and for withdrawal of named units in SVN.

2. Compliance would be policed unilaterally. If as is likely, complete compliance by the DRV is not forthcoming, we would carry out occasional strikes.

(3) We make clear that we are not demanding cessation of Red propaganda nor a public renunciation by Hanoi of its doctrines.

(4) Regarding "defensive" VC attacks—i.e., VC defending VC-held areas from encroaching ARVN forces—we take the public position that ARVN forces must be free to operate throughout SVN, especially in areas where amnesty is offered (but in fact, discretion will be exercised).

(5) Terrorism and sabotage, however, must be dampened markedly throughout the country, and civilian administrators must be free to move and operate freely, certainly in so-called contested areas (and perhaps even in VC base areas).

Phase two talks:

(A) When: At the end of Phase One.

(B) Who: All interested nations.

(C) How: Publicly in large conference.

(D) What:

(1) Offer to remove US combat forces from South Vietnam in exchange for repatriation (or regroupment?) of DRV infiltrators and for erection of international machinery to verify the end of infiltration and communication.

(2) Offer to seek to determine the will of the people under international supervision, with an appropriate rejection of those who favor the VC.

(3) Any recognition of the Liberation Front would have to be accompanied by disarming the VC and at least avowed VC independence from DRV control.

Phase three talks: Avoid any talks regarding the future of all of Southeast Asia. Thailand's future should not be up for discussion; and we have the 1954 and 1962 Geneva Accords covering the rest of the area.

c. Special Points:

(1) Play on DRV's fear of China.

(2) To show good will, suspend strikes on North for a few days if requested by Soviets during efforts to mediate.

(3) Have a contingency plan prepared to evacuate US personnel in case a para-9-type situation arises.

(4) If the DRV will not "play" the above game, we must be prepared (a) to risk passing some flash points, in the Strike-North program, (b) to put more US troops into SVN, and/or (c) to reconsider our minimum acceptable outcome.

McCone Memo to Top Officials on Forcefulness of Air War

(Memorandum from John A. McCone, Director of Central Intelligence, to Secretary Rusk, Secretary McNamara, McGeorge Bundy and Ambassador Taylor, April 2, 1965, as provided in the body of the Pentagon's study. Paragraphs in italics are the study's paraphrase or explanation.)

McCone did not inherently disagree with the change in the U.S. ground-force role, but felt that it was inconsistent with the decision to continue the air strike program at the feeble level at which it was then being conducted. McCone developed his argument as follows:

I have been giving thought to the paper that we discussed in yesterday's meeting, which unfortunately I had little time to study, and also to the decision made to change the mission of our ground forces in South Vietnam from one of advice and static defense to one of active combat operations against the Viet Cong guerrillas.

I feel that the latter decision is correct only if our air strikes against the North are sufficiently heavy and damaging really to hurt the North Vietnamese. The paper we examined yesterday does not anticipate the type of air operation against the North necessary to force the NVN to reappraise their policy. On the contrary, it states, "We should continue roughly the present slowly ascending tempo of ROLLING THUNDER operations ———," and later, in outlining the types of targets, states, "The target systems should continue to avoid the effective GI range of MIG's," and these conditions indicate restraints which will not be persuasive to the NVM and would probably be read as evidence of a U.S. desire to temporize.

I have reported that the strikes to date have not caused a change in the North Vietnamese policy of directing Viet Cong insurgency, infiltrating cadres and supplying material. If anything, the strikes to date have hardened their attitude.

I have now had a chance to examine the 12-week program referred to by General Wheeler and it is my personal opinion that this program is not sufficiently severe and [words illegible] policy.

On the other hand, we must look with care to our position under a program of slowly ascending tempo of air strikes. With the passage of each day and each week, we can expect increasing pressure to stop the bombing. This will come from various elements of the American public, from the press, the United Nations and world opinion. Therefore time will run against us in this operation and I think the North Vietnamese are counting on this.

Therefore I think what we are doing is starting on a track which involves ground force operations, which, in all probability, will have limited effectiveness against guerrillas, although admittedly will restrain some VC advances. However, we can expect requirements for an ever-increasing commitment of U.S. personnel without materially improving the chances of victory. I support and agree with this decision but I must point out that in my judgment, forcing submission of the VC can only be brought about by a decision in Hanoi. Since the contemplated actions against the North are modest in scale, they will not impose unacceptable damage on it, nor will they threaten the DRV's vital interests. Hence, they will not present them with a situation with which they cannot live, though such actions will cause the DRV pain and inconvenience.

I believe our proposed track offers great danger of simply encouraging Chinese Communists and Soviet support of the DRV and VC cause, if for no other reason than the risk for both will be minimum. I envision that the reaction of the NVN and Chinese Communists will be to deliberately, carefully, and probably gradually, build up the Viet Cong capabilities by covert infiltration on North Vietnamese and, possibly, Chinese cadres and thus bring an ever-increasing pressure on our forces. In effect, we will find ourselves mired down in combat in the jungle in a military effort that we cannot win, and from which we will have extreme difficulty in extracting ourselves.

Therefore it is my judgment that if we are to change the mission of the ground forces, we must also change the ground rules of the strikes against North Vietnam. We must hit them harder, more frequently, and inflict greater damage. Instead of avoiding the MIG's, we must go in and take them out. A bridge here and there will not do the job. We must strike their airfields, their petroleum resources, power stations and their military compounds. This, in my opinion, must be done promptly and with minimum restraint.

If we are unwilling to take it this kind of a decision now, we must not take the actions concerning the mission of our ground forces for the reasons I have mentioned [words illegible].

Terms in Texts

ARVN—Army of Republic of (South) Vietnam.
A.S.A.P.—As soon as possible.
B.L.T.—Battalion landing team.
CINPAC—Commander in Chief, Pacific.
DEPTEL—Department telegram.
D.O.D.—Department of Defense.
DRV—Democratic Republic of (North) Vietnam.
EMBTEL—Embassy telegram.
ISA—International Security Agency.
JCS—Joint Chiefs of Staff.
L.O.C.—Lines of communication.
MACV—Military Assistance Command, Vietnam.
NFL—National Liberation Front.
NLFSVN—National Front for Liberation of South Vietnam.
PAVN—People's Army of (North) Vietnam.
P.I.—Philippine Islands.
P.L.—Pathet Lao.
P.O.L.—Petroleum, oil, lubricants.
R.O.K.—Republic of (South) Korea.
RVNAF—Republic of (South) Vietnam Armed Forces.
SAM—Surface-to-air missile.
SEA—Southeast Asia.
SVN—South Vietnam.
U.S.G.—U.S. Government.
VM—Vietminh.

April 1965, Order Increasing Ground Force and Shifting Mission

(National Security Action Memorandum 328, April 6, 1965, signed by McGeorge Bundy and addressed to the Secretary of State, the Secretary of Defense and the Director of Central Intelligence.)

On Thursday, April 1, The President made the following decisions with respect to Vietnam:

1. Subject to modifications in light of experience, to coordination and direction both in Saigon and in Washington, the President approved the 41-point program of non-military actions submitted by Ambassador Taylor in a memorandum dated March 31, 1965.

2. The President gave general approval to the recommendations submitted by Mr. Rowan in his report dated March 16, with the exception that the President withheld approval of any request for supplemental funds at this time—it is his decision that this program is to be energetically supported by all agencies and departments and by the re-

programming of available funds as necessary within USIA.

3. The President approved the urgent exploration of the 12 suggestions for covert and other actions submitted by the Director of Central Intelligence under date of March 31.

4. The President repeated his earlier approval of the 21-point program of military actions submitted by General Harold K. Johnson under date of March 14 and re-emphasized his desire that aircraft and helicopter reinforcements under this program be accelerated.

5. The President approved an 18–20,000 man increase in U.S. military support forces to fill out existing units and supply needed logistic personnel.

6. The President approved the deployment of two additional Marine Battalions and one Marine Air Squadron and associated headquarters and support elements.

7. The President approved a change of mission for all Marine Battalions deployed to Vietnam to permit their more active use under conditions to be established and approved by the Secretary of Defense in consultation with the Secretary of State.

8. The President approved the urgent exploration, with the Korean, Australian, and New Zealand Governments, of the possibility of rapid deployment of significant combat elements from their armed forces in parallel with the additional Marine deployment approved in paragraph 6.

9. Subject to continuing review, the President approved the following general framework of continuing action against North Vietnam and Laos:

We should continue roughly the present slowly ascending tempo of Rolling Thunder operations being prepared to add strikes in response to a higher rate of VC operations, or conceivably to slow the pace in the unlikely event VC slacked off sharply for what appeared to be more than a temporary operational lull.

The target systems should continue to avoid the effective GGI range of MIGs. We should continue to vary the types of targets, stepping up attacks on lines of communication in the near future, and possibly moving in a few weeks to attacks on the rail lines north and northeast of Hanoi.

Leaflet operations should be expanded to obtain maximum practicable psychological effect on North Vietnamese population.

Blockade or aerial mining of North Vietnamese ports need further study and should be considered for future operations. It would have major political complications, especially in relation to the Soviets and other third countries, but also offers many advantages.

Air operation in Laos, particularly route blocking operations in the Panhandle area, should be stepped up to the maximum remunerative rate.

10. Ambassador Taylor will promptly seek the reactions of the South Vietnamese Government to appropriate sections of this program and their approval as necessary, and in the event of disapproval or difficulty at that end, these decisions will be appropriately reconsidered. In any event, no action into Vietnam under paragraphs 6 and 7 above should take place without GVN approval or further Presidential authorization.

11. The President desires that with respect to the actions in paragraphs 5 through 7, premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the direct approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy.

Taylor Cable to Washington on Step-Up in Ground Forces

(Cablegram April 17, 1965, from Ambassador Maxwell D. Taylor in Saigon to Secretary of State Dean Rusk, with a copy to the White House for the attention of McGeorge Bundy.)

This message undertakes to summarize instructions which I have received over the last ten days with regard to the introduction of third-country combat forces and to discuss the preferred way of presenting the subject to the GVN.

As the result of the meeting of the President and his advisors on April 1 and the NSC meeting on the following day, I left Washington and returned to Saigon with the understanding that the reinforcement of the Marines already ashore by two additional BLT's and a F–4 squadron and the progressive introduction of IIAWPNPPP support forces were approved but that decision on the several proposals for bringing in more US combat forces and their possible modes of employment was withheld in an offensive counterinsurgency role. State was to explore with the Korean, Australian and New Zealand govts the possibility or rapid deployment of significant combat elements in parallel with the Marine reinforcement.

Since arriving home, I have received the following instructions and have taken the indicated actions with respect to third-country combat forces.

April 6 and 8. Received GVN concurrence to introduction of the Marine reinforcements and to an expanded mission for all Marines in Danang-Phu Bai area.

April 8. Received Deptel 2229 directing approach to GVN, suggesting request to Australian govt for an infantry battalion for use in SVN. While awaiting a propitious moment to raise the matter, I received Deptel 2237 directing approach be delayed until further orders. Nothing further has been received since.

April 14. I learned by JCS 009012 to Cincpac of apparent decision to deploy 173rd airborne brigade immediately to Bein Hoa-Vung Tau. By Embtel 3373, delay in this deployment was urgently recommended but no reply has been received. However, Para 2 of Doc 152339 apparently makes reference to this project in terms which suggest that is something less than as an approved immediate action. In view of the uncertainty of its status, I have not broached the matter with Quat.

April 15. Received Deptel 2314 directing that embassy Saigon discuss with GVN introduction of Rok regimental combat team and suggest GVN request such a force Asap. Because of Quat's absence from Saigon, I have not been able to raise matter. As matter of fact, it should not be raised until we have a clear concept of employment.

April 16. I have just seen state-defense message Dod 152339 cited above which indicates a favorable attitude toward several possible uses of US combat forces beyond the NSC decisions of April 2. I am told to discuss these and certain other non-military matters urgently with Quat. The substance of this cable will be addressed in a separate message. I can not raise these matters with Quat without further guidance.

Faced with this rapidly changing picture of Washington desires and intentions with regard to the introduction of third-country (as well as US) combat forces, I badly need a clarification of our purposes and objectives. Before I can present our case to GVN, I have to know what that case is and why. It is not going to be easy to get ready concurrence for the large-scale introduction of foreign troops unless the need is clear and explicit.

Let me suggest the kind of instruction to the AMB which it would be most helpful to receive for use in presenting to GVN what I take to be a new policy of third-country participation in ground combat.

"The USG has completed a thorough review of the situation in SVN both in its national and international aspects and has reached certain important conclusions. It feels that in recent weeks there has been a somewhat favorable change in the overall situation as the result of the air attacks on DRV, the relatively small but numerous successes in the field against the VC and the encouraging progress of the Quat govt. However, it is becoming increasingly clear that, in all probability, the primary objective of the GVN and the USG of changing the will of the DRV to support the VC insurgency cannot be attained in an acceptable time-frame by the methods presently employed. The air campaign in the North must be supplemented by signal successes against the VC on the South before we can hope to create that frame of mind in Hanoi which will lead to the decisions we seek.

"The JCS have reviewed the military resources which will be available in SVN by the end of 1965 and have concluded that even with an attainment of the highest feasible mobilization goals, ARVN will have insufficient forces to carry out the kind of successful campaign against the VC which is considered essential for the purposes discussed above. If the ground war is not to drag into 1966 and even beyond, they consider it necessary to reinforce GVN ground forces with about 23 battalion equivalents in addition to the forces now being recruited in SVN. Since these reinforcements can not be raised by the GVN, they must inevitably come from third-country sources.

"The USG accepts the validity of this reasoning of the JCS and offers its assistance to the GVN to raise these additional forces for the purpose of bringing the VC insurgency to an end in the shortest possible time. We are prepared to bring in additional US ground forces provided we can get a reasonable degree of participation from other third countries. If the GVN will make urgent representation to them, we believe it entirely possible to obtain the following contributions; Korea, one regimental combat team; Australia, one infantry battalion; New Zealand, one battery and one company of tanks; PI, one battalion. If forces of the foregoing magnitude are forthcoming, the USG is prepared to provide the remainder of the combat reinforcements as well as the necessary logistic personnel to support the third-country contingents. Also, it will use its good offices as desired in assisting the GVN approach to these govts.

"You (the Ambassador) will seek the concurrence of the GVN to the foregoing program, recognizing that a large number of questions such as command relationships, concepts of employment and disposition of forces must be worked out subsequently." Armed with an instruction such as the foregoing, I would feel adequately equipped to initiate what may be a sharp debate with the GVN. I need something like this before taking up the pending troop matters with Quat.

Johnson's Message to Taylor on the May 10 Halt in Bombing

(Message from President Johnson to Ambassador Taylor, May 10, 1965, as provided in the body of the Pentagon study.)

I have learned from Bob McNamara that nearly all Rolling Thunder operations for this week can be completed by Wednesday noon, Washington time. This fact and the days of Buddha's birthday seem to me to provide an excellent opportunity for a pause in air attacks which might go into next week and which I could use to good effect with world opinion.

My plan is not to announce this brief pause but simply to call it privately to the attention of Moscow and Hanoi as soon as possible and tell them that we shall be watching closely to see whether they respond in any way. My current plan is to report publicly after the pause ends on what we have done.

Could you see Quat right away on Tuesday and see if you can persuade him to concur in this plan. I would like to associate him with me in this decision if possible, but I would accept a simple concurrence or even willingness not to oppose my decision. In general, I think it important that he and I should get together in such matters, but I have no desire to embarrass him if it is politically difficult for him to join actively in a pause over Buddha's birthday.

[Words illegible] noted your [words illegible] but do not yet have your appreciation of the political effect in Saigon of acting around Buddha's birthday. From my point of view it is a great advantage to use Buddha's birthday to mask the first days of the pause here, if it is at all possible in political terms for Quat. I assume we could undertake to enlist the Archbishop and the Nuncio in calming the Catholics.

You should understand that my purpose in this plan is to begin to clear a path either toward restoration of peace or toward increased military action, depending upon the reaction of the Communists. We have amply demonstrated our determination and our commitment in the last two months, and I now wish to gain some flexibility.

I know that this is a hard assignment on short notice, but there is no one who can bring it off better.

I have kept this plan in the tightest possible circle here and wish you to inform no one but Alexis Johnson. After I have your report of Quat's reaction I will make a final decision and it will be communicated to senior officers concerned.

Rostow Memorandum on "Victory and Defeat in Guerrilla Wars"

(Memorandum from Walt W. Rostow, chairman of the State Department's Policy Planning Council, for Secretary of State Rusk, "Victory and Defeat in Guerrilla Wars: The Case of South Vietnam," May 20, 1965, as provided in the body of the Pentagon's study.)

In the press, at least, there is a certain fuzziness about the possibility of clear-cut victory in South Viet-nam; and the President's statement that a military victory is impossible is open to misinterpretation.

1. Historically, guerrilla wars have generally been lost or won cleanly: Greece, China mainland, North Viet-Nam, Malaya, Philippines. Laos in 1954 was an exception, with two provinces granted the Communists and a de facto split imposed on the country.

2. In all the cases won by Free World forces, there was a phase when the guerrillas commanded a good part of the countryside and, indeed, placed Athens, Kuala Lumpur, and Manila under something close to siege. They failed to win because all the possible routes to guerrilla victory were closed and, in failing to win, they lost. They finally gave up in discouragement. The routes to victory are:

a) Mao Stage Three: going to all-out conventional war and winning as in China in 1947–49;

b) Political collapse and takeover: North Viet-Nam;

c) Political collapse and a coalition government in which the Communists get control over the security machinery; army and/or police. This has been an evident Viet Cong objective in this [rest illegible].

d) Converting the bargaining pressure generated by the guerrilla forces into a partial victory by splitting the country: Laos. Also, in a sense, North Viet-Nam in 1954 and the Irish Rebellion after the First World War.

3. If we succeed in blocking these four routes to victory, discouraging the Communist force in the South, and making the continuance of the war sufficiently costly to the North there is no reason we cannot win as clear a victory in South Viet-Nam as in Greece, Malaya, and the Philippines. Unless political morale in Saigon collapses and the ARVN tends to break up, case c), the most realistic hope of the VC, should be avoidable. This danger argues for more rather than less pressure on the North, while continuing the battle in the South in such a way as to make VC hopes of military and political progress wane.

4. The objective of the exercise is to convince Hanoi that its bargaining position is being reduced with the passage of time; for even in the worst case for Hanoi, it wants some bargaining position (rather than simply dropping the war) to get U.S. forces radically reduced in South Viet-Nam and to get some minimum face-saving formula for the VC.

5. I believe Hanoi understands its dilemma well. As of early February it saw a good chance of a quiet clean victory via route c). It now is staring at quite clear-cut defeat, with the rising U.S. strength and GVN morale in the South and rising costs in the North. That readjustment in prospects is painful; and they won't in my view, accept its consequences unless they are convinced time has ceased to be their friend, despite the full use of their assets on the ground in South Viet-Nam, in political warfare around the world, and in diplomacy.

6. Their last and best hope will be, of course, that if they end the war and get us out, the political, social, and economic situation in South Viet-Nam will deteriorate in such a way as to permit Communist political takeover, with or without a revival of guerrilla warfare. It is in this phase that we will have to consolidate, with the South Vietnamese, a victory that is nearer our grasp than we (but not Hanoi) may think.

George Ball Memo for Johnson on "A Compromise Solution"

(Memorandum, "A Compromise Solution in South Vietnam," from Under Secretary of State George W. Ball for President Johnson, July 1, 1965.)

(1) A Losing War: The South Vietnamese are losing the war to the Viet Cong. No one can assure you that we can beat the Viet Cong or even force them to the conference table on our terms, no matter how many hundred thousand white, foreign (U.S.) troops we deploy.

No one has demonstrated that a white ground force of whatever size can win a guerrilla war—which is at the same time a civil war between Asians—jungle terrain in the midst of a population that refuses cooperation to the white forces (and the South Vietnamese) and thus provides a great intelligence advantage to the other side. Three recent incidents vividly illustrate this point: (a) the sneak attack on the Da Nang Air Base which involved penetration of a defense perimeter guarded by 9,000 Marines. This raid was possible only because of the cooperation of the local inhabitants; (b) the B52 raid that failed to hit the Viet Cong who had obviously been tipped off; (c) the search and destroy mission of the 173rd Air Borne Brigade which spent three days looking for the Viet Cong, suffered 23 casualties, and never made contact with the enemy who had obviously gotten advance word of their assignment.

(2) The Question to Decide: Should we limit our liabilities in South Vietnam and try to find a way out with minimal long-term costs?

The alternative—no matter what we may wish it to be—is almost certainly a protracted war involving an open-ended commitment of U.S. forces, mounting U.S. casualties, no assurance of a satisfactory solution, and a serious danger of escalation at the end of the road.

(3) Need for a Decision Now: So long as our forces are restricted to advising and assisting the South Vietnamese, the struggle will remain a civil war between Asian peoples. Once we deploy substantial numbers of troops in combat it will become a war between the U.S. and a large part of the population of South Vietnam, organized and directed from North Vietnam and backed by the resources of both Moscow and Peiping.

The decision you face now, therefore, is crucial. Once large numbers of U.S. troops are committed to direct combat, they will begin to take heavy casualties in a war they are ill-equipped to fight in a non-cooperative if not downright hostile countryside.

Once we suffer large casualties, we will have started a well-nigh irreversible process. Our involvement will be so great that we cannot—without national humilitation—stop short of achieving our complete objectives. Of the two possibilities I think humiliation would be more likely than the achievement of our objectives—even after we have paid terrible costs.

(4) Compromise Solution: Should we commit U.S. manpower and prestige to a terrain so unfavorable as to give a very large advantage to the enemy—or should we seek a compromise settlement which achieves less than our stated objectives and thus cut our losses while we still have the freedom of maneuver to do so.

(5) Costs of a Compromise Solution: The answer involves a judgment as to the cost to the U.S. of such a compromise settlement in terms of our relations with the countries in the area of South Vietnam, the credibility of our commitments, and our prestige around the world. In my judgment, if we act before we commit substantial U.S. troops to combat in South Vietnam we can, by accepting some short-term costs, avoid what may well be a long-term catastrophe. I believe we tended grossly to exaggerate the costs involved in a compromise settlement. An appreciation of probable costs is contained in the attached memorandum.

(6) With these considerations in mind, I strongly urge the following program:

(a) Military Program

(1) Complete all deployments already announced—15 battalions—but decide not to go beyond a total of 72,000 men represented by this figure.

(2) Restrict the combat role of the American forces to the June 19 announcement making it clear to General Westmoreland that this announcement is to be strictly construed.

(3) Continue bombing in the North but avoid the Hanoi-Haiphong area and any targets nearer to the Chinese border than those already struck.

(b) Political Program

(1) In any political approaches so far, we have been the prisoners of whatever South Vietnamese government that was momentarily in power. If we are ever to move toward a settlement, it will probably be because the South Vietnamese government pulls the rug out from under us and makes its own deal or because we go forward quietly without advance prearrangement with Saigon.

(2) So far we have not given the other side a reason to believe there is any flexibility in our negotiating approach. And the other side has been unwilling to accept what in their terms is complete capitulation.

(3) Now is the time to start some serious diplomatic feelers looking towards a solution based on some application of self-determination principle.

(4) I would recommend approaching Hanoi rather than any of the other probable parties, the NLF—or Peiping. Hanoi is the only one that has given any signs of interest in discussion. Peiping has been rigidly opposed. Moscow has recommended that we negotiate with Hanoi. The NLF has been silent.

(5) There are several channels to the North Vietnamese but I think the best one is through their representative in Paris, Mai Van Bo. Initial feelers of Bo should be directed toward a discussion both of the four points we have put forward and the four points put forward by Hanoi as a basis for negotiation. We can accept all but one of Hanoi's four points, and hopefully we should be able to agree on some ground rules for serious negotiation—including no preconditions.

(6) If the initial feelers lead to further secret, exploratory talks, we can inject the concept of self-determination that would permit the Viet Cong some hope of achieving some of their political objectives through local elections or some other device.

(7) The contact on our side should be handled through a non-governmental cutout (possibly a reliable newspaper man who can be repudiated).

(8) If progress can be made at this level a basis can be laid for a multinational conference. At some point, obviously, the government of South Vietnam will have to be brought on board, but I would postpone this step until after a substantial feeling out of Hanoi.

(9) Before moving to any formal conference we should be prepared to agree once the conference is started:

(a) The U.S. will stand down its bombing of the North

(b) The South Vietnamese will initiate no offensive operations in the South, and

(c) the DRV will stop terrorism and other aggressive action against the South.

(8) The negotiations at the conference should aim at incorporating our understanding with Hanoi in the form of a multinational agreement guaranteed by the U.S., the Soviet Union and possibly other parties, and providing for an international mechanism to supervise its execution.

PROBABLE REACTIONS TO THE CUTTING OF OUR LOSSES IN SOUTH VIETNAM

We have tended to exaggerate the losses involved in a complete settlement in South Vietnam. There are three aspects to the problem that should be considered. First, the local effect of our action on nations in or near Southeast Asia. Second, the effect on our action on the credibility of our commitments around the world. Third, the effect on our position of world leadership.

A. Free Asian Reactions to a Compromise Settlement in South Vietnam Would Be Highly Parochial.

With each country interpreting the event primarily in terms of (a) its own immediate interest, (b) its sense of vulnerability to Communist invasion or insurgency, and (c) its confidence in the integrity of our commitment to its own security based on evidence other than that provided by our actions in South Vietnam.

Within this framework the following groupings emerge:

(1) The Republic of China and Thailand: staunch allies whose preference for extreme U.S. actions including a risk of war with Communist China sets them apart from all other Asian nations;

(2) The Republic of Korea and the Philippines: equally staunch allies whose support for strong U.S. actions short of a war with Communist China would make post-settlement reassurance a pressing U.S. need;

(3) Japan: it would prefer wisdom to valor in an area remote from its own interests where escalation could involve its Chinese or Eurasian neighbors or both;

(4) Laos: a friendly neutral dependent on a strong Thai-U.S. guarantee of support in the face of increased Vietnamese and Laos pressures.

(5) Burma and Cambodia: suspicious neutrals whose fear of antagonizing Communist China would increase their leaning toward Peiping in a conviction that the U.S. presence is not long for Southeast Asia; and

(6) Indonesia: whose opportunistic marriage of convenience of both Hanoi and Peiping would carry it further in its overt aggression against Malaysia, convinced that foreign imperialism is a fast fading entity in the region.

JAPAN

Government cooperation (words illegible) essential in making the following points to the Japanese people:

(1) U.S. support was given in full measure as shown by our casualties, our expenditures and our risk taking;

(2) The U.S. record in Korea shows the credibility of our commitment so far as Japan is concerned.

The government as such supports our strong posture in Vietnam but stops short of the idea of a war between the U.S. and China.

THAILAND

Thai commitments to the struggle within Laos and South Vietnam are based upon a careful evaluation of the regional threat to Thailand's security. The Thais are confident they can contain any threats from Indochina alone. They know, however, they cannot withstand the massive power of Communist China without foreign assistance. Unfortunately, the Thai view of the war has seriously erred in fundamental respects. They believe American power can do anything, both militarily and in terms of shoring up the Saigon regime. They now assume that we really could take over in Saigon and win the war if we felt we had to. If we should fail to do so, the Thais would initially see it as a failure of U.S. will. Yet time is on our side, providing we employ it effectively. Thailand is an independent nation with a long national history, and unlike South Vietnam, an acute national consciousness. It has few domestic Communists and none of the instability that plague its neighbors, Burma and Malaysia. Its one danger area in the northeast is well in hand so far as preventive measures against insurgency are concerned. Securing the Mekong Valley will be critical in any long-run solution, whether by the partition of Laos with Thai-U.S. forces occupying the western half or by some (word illegible) arrangement. Providing we are willing to make the effort. Thailand can be a foundation of rock and not a bed of sand in which to base our political/military commitment to Southeast Asia.

With the exception of the nations in Southeast Asia, a compromise settlement in South Vietnam should not have a major impact on the credibility of our commitments around the world . . . Chancellor Erhard has told us privately that the people of Berlin would be concerned by a compromise settlement of South Vietnam. But this was hardly an original thought, and I suspect he was telling us what he believed we would like to hear. After all, the confidence of the West Berliners will depend more on what they see on the spot than on (word illegible) news or events half-way around the world. In my observation, the principal anxiety of our NATO Allies is that we have become too preoccupied with an area which seems to them an irrelevance and may be tempted in neglect to our NATO responsibilities.

Moreover, they have a vested interest in an easier relationship between Washington and Moscow. By and large, therefore, they will be inclined to regard a compromise solution in South Vietnam more as new evidence of American maturity and judgment than of American loss of face . . . On balance, I believe we would more seriously undermine the effectiveness of our world leadership by continuing the war and deepening our involvement than by pursuing a carefully plotted course toward a compromise solution. In spite of the number of powers that have—in response to our pleading—given verbal support from feeling of loyalty and dependence, we cannot ignore the fact that the war is vastly unpopular and that our role in it is perceptively eroding the respect and confidence with which other nations regard use. We have not persuaded either our friends or allies that our further involvement is essential to the defense of freedom in the cold war. Moreover, the men we deploy in jungles of South Vietnam, the more we contribute to a growing world anxiety and mistrust.

[Words illegible] the short run, of course, we could expect some catcalls from the sidelines and some vindictive pleasure on the part of Europeans jealous of American power. But that would, in my view, be a transient phenomenon with which we could live without sustained anguish. Elsewhere around the world I would see few unhappy implications for the credibility of our commitments. No doubt the Communists will to gain propaganda value in Africa, but I cannot seriously believe that the Africans care too much about what happens in South Asia. Australia and New Zealand are, of course, special cases since they feel lonely in the far reaches of the Pacific. Yet even their concern is far greater with Malaysia than with South Vietnam, and the degree of their anxiety would be conditioned largely by expressions of our support for Malaysia.

[Words illegible] Quite possibly President de Gaulle will make propaganda about perfidious Washington, yet even he will be inhibited by his much-heralded disapproval of our activities in South Vietnam.

South Korea—As for the rest of the Far East the only serious point of concern might be South Korea. But if we stop pressing the Koreans for more troops to Vietnam (the Vietnamese show no desire for additional Asian forces since it affronts their sense of pride) we may be able to cushion Korean reactions to a compromise in South Vietnam by the provision of greater military and economic assistance. In this regard, Japan can play a pivotal role now that it has achieved normal relations with South Korea.

New Warnings of Failure

Before the opening of the air war in the spring warnings were sounded high in the Administration that it would not succeed. Now there were warnings that a ground war in the South might prove fruitless. The warnings came not only from Under Secretary of State George W. Ball, long known as a dissenter on Vietnam, but also from John A. McCone, Director of Central Intelligence, who felt the actions planned were not strong enough.

On April 2 Mr. McCone circulated a memorandum within the National Security Council asserting that unless the United States was willing to bomb the North "with minimum restraint" to break Hanoi's will, it was unwise to commit ground troops to battle.

"In effect," he said, "we will find ourselves mired down in combat in the jungle in a military effort that we cannot win and from which we will have extreme difficulty extracting ourselves." [See text, McCone memorandum, April 2, 1965.]

It is not clear from the documentary record whether President Johnson read this particular memorandum, but the Pentagon study says Mr. McCone expressed these same views in a personal memorandum to the President on April 28.

In a separate intelligence estimate for

the President on May 6, Vice Adm. William F. Raborn Jr., Mr. McCone's successor, indicated agreement with Mr. McCone.

Mr. Ball's dissent came from the opposite side. He believed that neither bombing the North nor fighting the guerrillas in the South nor any combination of the two offered a solution and said so in a memorandum circulated on June 28, the study reports.

"Convinced that the U.S. was pouring its resources down the drain in the wrong place," the account goes on, Mr. Ball proposed that the United States "cut its losses" and withdraw from South Vietnam.

"Ball was cold-blooded in his analysis," the study continues, describing the memorandum. "He recognized that the U.S. would not be able to avoid losing face before its Asian allies if it staged some form of conference leading to withdrawal of U.S. forces. The losses would be of short-term duration, however, and the U.S. could emerge from this period of travail as a 'wiser and more mature nation.'"

BALL OFFERS "A COMPROMISE"

On July 1, the analyst says, Mr. Ball reiterated his proposal for withdrawal in a memorandum to the President entitled "A Compromise Solution for South Vietnam." [See text, Ball memorandum, July 1, 1965.]

Prime Minister Wilson's Warning to Johnson on Petroleum Raids

(Excerpts from cablegram to President Johnson from Prime Minister Harold Wilson of Britain, June 3, 1965, as provided in the body of the Pentagon's study.)

I was most grateful to you for asking Bob McNamara to arrange the very full briefing about the two oil targets near Hanoi and Haiphong that Col. Rogers gave me yesterday. . . .

I know you will not feel that I am either unsympathetic or uncomprehending of the dilemma that this problem presents for you. In particular, I wholly understand the deep concern you must feel at the need to do anything possible to reduce the losses of young Americans in and over Vietnam; and Col. Rogers made it clear to us what care has been taken to plan this operation so as to keep civilian casualties to the minimum.

However . . . I am bound to say that, as seen from here, the possible military benefits that may result from this bombing do not appear to outweigh the political disadvantages that would seem the inevitable consequence. If you and the South Vietnamese Government were conducting a declared war on the conventional pattern . . . this operation would clearly be necessary and right. But since you have made it abundantly clear—and you know how much we have welcomed and supported this—that your purpose it to achieve a negotiated settlement, and that you are not striving for total military victory in the field, I remain convinced that the bombing of these targets, without producing decisive military advantage, may only increase the difficulty of reaching an eventual settlement . . .

The last thing I wish to add to your difficulties, but, as I warned you in my previous message, if this action is taken we shall have to disassociate ourselves from it, and in doing so I should have to say that you had given me advance warning and that I had made my position clear to you . . .

Nevertheless I want to repeat . . . that our reservations about this operation will not affect our continuing support for your policy over Vietnam, as you and your people have made it clear from your Baltimore speech onwards. But, while this will remain the Government's position, I know that the effect on public opinion in this country—and I believe throughout Western Europe—is likely to be such as to reinforce the existing disquiet and criticism that we have to deal with.

McNaughton Memo to Goodpaster On "Forces Required to Win"

(Excerpts from memorandum from Assistant Secretary McNaughton to Lieut. Gen. Andrew J. Goodpaster, assistant to the Chairman of the Joint Chiefs of Staff, July 2, 1965, "Forces Required to Win in South Vietnam," as provided in the body of the Pentagon study.)

Secretary McNamara this morning suggested that General Wheeler form a small group to address the question, "If we do everything we can, can we have assurance of winning in South Vietnam?" General Wheeler suggested that he would have you head up the group and that the group would be fairly small. Secretary McNamara indicated that he wanted your group to work with me and that I should send down a memorandum suggesting some of the questions that occurred to us. Here are our suggestions:

1. I do not think the question is whether the 44-battalion program (including 3d-country forces) is sufficient to do the job although the answer to that question should fall out of the study. Rather, I think we should think in terms of the 44-battalion build-up by the end of 1965, with added forces—as required and as our capabilities permit—in 1966. Furthermore, the study surely should look into the need for forces other than ground forces, such as air to be used one way or another in-country. I would hope that the study could produce a clear articulation of what our strategy is for winning the war in South Vietnam, tough as that articulation will be in view of the nature of the problem.

2. I would assume that the questions of calling up reserves and extending tours of duty are outside the scope of the study.

3. We must make some assumptions with respect to the number of VC. Also, we must make some assumptions with respect to what the infiltration of men and material will be especially if there is a build-up of US forces in South Vietnam. I am quite concerned about the increasing probability that there are regular PAVN forces either in the II Corps area or in Laos directly across the border from II Corps. Furthermore, I am fearful that especially with the kind of build-up here envisioned, infiltration of even greater numbers of regular forces may occur. As a part of this general problem of enemy build-up, we must of course ask how much assistance the USSR and China can be expected to give to the VC. I suspect that the increased strength levels of the VC and the more "conventional" nature of the operations implied by larger force levels may imply that the often-repeated ratio of "10 to 1" may no longer apply. I sense that this may be the case in the future, but I have no reason to be sure. For example, if the VC, even with larger forces engaged in more "conventional" type actions, are able to overrun towns and disappear into the jungles before we can bring the action troops to bear, we may still be faced with the old "ratio" problem.

4. I think we might avoid some spinning of wheels if we simply assumed that the GVN will not be able to increase its forces in the relevant time period. Indeed, from what Westy has reported about the battalions being chewed up and about their showing some signs of reluctance to engage in offensive operations, we might even have to ask the question whether we can expect them to maintain present levels of men—or more accurately, present levels of effectiveness.

5. With respect to 3d-country forces, Westy has equated the 9 ROK battalions with 9 US battalions, saying that, if he did not get the former, he must have the latter. I do not know enough about ROK forces to know whether they are in all respects "equal to" US forces (they may be better in some respects and not as good in others). For purposes of the study, it might save us time if we assumed that we would get no meaningful forces from anyone other than the ROKs during the relative time frame. (If the Australians decide to send another battalion or two, this should not alter the conclusions of the study significantly.) . . .

9. At the moment, I do not see how the study can avoid addressing the question as to how long our forces will have to remain in order to achieve a "win" and the extent to which the presence of those forces over a long period of time might, by itself, nullify the "win." If it turns out that the study cannot go into this matter without first getting heavily into the political side of the question, I think the study at least should note the problem in some meaningful way.

10. I believe that the study should go into specifics—e.g., the numbers and effectiveness and uses of the South Vietnamese forces, exactly where we would deploy ours and exactly what we would expect their mission to be, how we would go about opening up the roads and providing security for the towns as well as protecting our own assets there, the time frames in which things would be done, command relationships, etc. Also, I think we should find a way to indicate how badly the conclusions might be thrown off if we are wrong with respect to key assumptions or judgments. . . .

McNamara's Memo on July 20, 1965, on Increasing Allied Ground Force

(Excerpts from memorandum from Secretary McNamara for President Johnson, drafted on July 1, 1965, and revised on July 20, as provided in the body of the Pentagon's study. Paragraphs in italics are the study's paraphrase or explanation.)

In a memorandum to the President drafted on July 1 and then revised on July 20, immediately following his return from a week-long visit to Vietnam, he recommended an immediate decision to increase the U.S.-Third Country presence from the current 16 maneuver battalions (15 U.S., one Australian), and a change in the mission of these forces from one of providing support and reinforcement for the ARVN to one which soon became known as "search and destroy"—as McNamara put it, they were "by aggressive exploitation of superior military forces . . . to gain and hold the initiative . . . pressing the fight against VC–DRV main force units in South Vietnam to run them to ground and destroy them." . . .

His specific recommendations, he noted, were concurred in by General Wheeler and Ambassador-designate Lodge, who accompanied him on his trip to Vietnam, and by Ambassador Taylor, Ambassador Johnson, Admiral Sharp and General Westmoreland, with whom he conferred there. The rationale for his decisions was supplied by the CIA, whose assessment he quoted with approval in concluding that 1 July version of his memorandum. It stated:

Over the longer term we doubt if the Communists are likely to change their basic strategy in Vietnam (i.e., aggressive and steadily mounting insurgency) unless and until two conditions prevail: (1) they are forced to accept a situation in the war in the South which offers them no prospect of an early victory and no grounds for hope that they can simply outlast the US and (2) North Vietnam itself is under continuing and increasingly damaging punitive attack. So long as the Communists think they scent the possibility of an early victory (which is probably now the case), we believe that they will persevere and accept extremely severe damage to the North. Conversely, if North Vietnam itself is not hurting, Hanoi's doctrinaire leaders will probably be ready to carry on the Southern struggle almost indefinitely. If, however, both of the conditions outlined above should be brought to pass, we believe Hanoi probably would, at least for a period of time, alter its basic strategy and course of action in South Vietnam.

McNamara's memorandum of 20 July did not include this quotation, although many of these points were made elsewhere in the paper. Instead, it concluded with an optimistic forecast:

The overall evaluation is that the course of action recommended in this memorandum—if the military and political moves are properly integrated and executed with continuing vigor and visible determination—stands a good chance of achieving an acceptable outcome within a reasonable time in Vietnam.

Never again while he was Secretary of Defense would McNamara make so optimistic a statement about Vietnam—except in public.

This concluding paragraph of McNamara's memorandum spoke of political, as well as military, "vigor" and "determination." Earlier in the paper, under the heading "Expanded political moves," he had elaborated on this point, writing:

Together with the above military moves, we should take political initiatives in order to lay a groundwork for a favorable political settlement by clarifying our objectives and establishing channels of communications. At the same time as we are taking steps to turn the tide in South Vietnam, we would make quiet moves through diplomatic channels (a) to open a dialogue with Moscow and Hanoi, and perhaps the VC, looking first toward disabusing them of any misconceptions as to our goals and second toward laying the groundwork for a settlement when the time is ripe; (b) to keep the Soviet Union from deepening its military [sic] in the world until the time when settlement can be achieved; and (c) to cement support for US policy by the US public, allies and friends, and to keep international opposition at a manageable level. Our efforts may be unproductive until the tide begins to turn, but nevertheless they should be made.

Here was scarcely a program for drastic political action. McNamara's essentially procedural (as opposed to substantive) recommendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively facesaving surrender when he decided that the game had grown too costly. This was, in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a "political settlement." (As McNamara noted in a footnote, even this went too far for Ambassador-designate Lodge, whose view was that "any further initiative by us now [before we are strong] would simply harden the Communist resolve not to stop fighting." In this view Ambassadors Taylor and Johnson concurred, except that they would maintain "discreet contracts with the Soviets.")

McNamara's concluding paragraph spoke of "an acceptable outcome," Previously in his paper he had listed "nine fundamental elements" of a favorable outcome. These were:

(a) VC stop attacks and drastically reduce incidents of terror and sabotage.

(b) DRV reduces infiltration to a trickle, with some reasonably reliable method of our obtaining confirmation of this fact.

(c) US/GVN stop bombing of North Vietnam.

(d) GVN stays independent (hopefully pro-US, but possibly genuinely neutral).

(e) GVN exercises governmental functions over substantially all of South Vietnam.

(f) Communists remain quiescent-in Laos and Thailand.

(g) DRV withdraws PAVN forces and other North Vietnamese infiltrators (not regroupees) from South Vietnam.

(h) VC/NLF transform from a military to a purely political organization.

(i) US combat forces (not advisors or AID) withdraw.

HIGHLIGHTS OF THE PERIOD

"Within a month of the start of Operation Rolling Thunder, the Pentagon study says, the Johnson Administration had made the first of the decisions that were to lead, in the next months. to American assumption of the major burden of the ground war in South Vietnam.

Here, in chronological order, are the highlights of this period of debate and decision:

MARCH, 1965

First "Rolling Thunder" air strike at ammunition depot and naval base. The two Marine battalions deployed in Vietnam.

APRIL, 1965

President approves 18,000–20,000-man increase in "military support forces" and "a change of mission" for marines "to permit their more active use. . . ." Memo notes his desire for "all possible precautions" against "premature publicity" and to "minimize any appearance of sudden changes in policy."

John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, urges deployment of 173d Airborne Brigade also.

Ambassador Maxwell D. Taylor, calls this "hasty and ill-conceived."

Honolulu strategy meeting, Conferees agree to urge increase to 82,000 U.S. troops.

George W. Ball, Under Secretary of State, proposes United States "cut its losses" and withdraw instead, history says.

MAY, 1955

Vietcong "summer offensive" begins, history says. About 200 Marine casualties during April, May.

JUNE, 1965

Gen. William C. Westmoreland, commander in Vietnam, says United States must "reinforce our efforts . . . as rapidly as practical." Asks total of 44 battalions.

State Department announces that United States troops are "available for combat support."

First major ground action by United States forces northwest of Saigon.

Gen. Westmoreland, in reply to Joint Chiefs, makes "big pitch . . . for a free hand to maneuver the troops around . . ." analyst says.

Ambassador Taylor "confirms the seriousness of the military situation" and "very tenuous hold" of new Government, study goes on.

General Westmoreland given authority to use U.S. forces in battle when necessary "to strengthen" South Vietnam forces.

Mr. Ball, analyst writes, opposes ground-troop increase. Says it gives "absolutely no assurance" of success, risks "costly and indeterminate struggle". Urges "base defense and reserve" strategy "while the stage was being set for withdrawal."

William Bundy, history says, urges President avoid "ultimatum aspects" of either Ball or Westmoreland proposal. Says United States troops should be held to supporting "reserve reaction" role.

JULY, 1965

President at first approves deployment of 34 battalions, about 100,000 men; 44 battalions finally agreed on; total 193,887 troops.

History says this decision "perceived as a threshold—entrance into Asian land war . . ."

By year's end, history notes, United States forces in South Vietnam total 184,314.

CONFUSION AND SUSPICION

There was some confusion, suspicion and controversy about the President's approval of an 18,000–20,000 increase in support troops, which, he explained, was meant "to fill out existing units and supply needed logistic personnel."

On April 21, Secretary McNamara told the President that 11,000 of these new men would augment various existing forces, while 7,000 were logistic troops to support "previously approved forces."

"It isn't entirely clear from the documents exactly what the President did have in mind for the support troop add-ons," the study comments. "What is clear, however, . . . was that the J.C.S. were continuing to plan for the earliest possible introduction of two to three divisions into RVN." The analyst cites a memorandum from Mr. McNamara to General Wheeler on April 6 as evidence of this planning.

Later, on May 5, the study continues, Assistant Secretary of Defense, McNaughton would send a memorandum to Deputy Secretary of Defense Cyprus Vance, saying that "the J.C.S. misconstrued the [support] add-ons to mean logistic build-up for coastal enclaves and the possible later introduction of two to three divisions." (These were the divisions the Joint Chiefs had requested on March 20.)

RELATIVELY LOW RISK

The enclave stragtegy had as its object the involvement of United States combat units at "relatively low risk." It proposed that U.S. troops occupy coastal enclaves, accept full responsibility for enclave security, and be prepared to go to the rescue of the RVNF as far as 50 miles outside the enclave. . . .The intent was not to take the war to the enemy but rather to deny him certain critical areas," the study says.

To prove the viability of its reserve reaction," the analyst goes on, the enclave strategy required testing, but the rules for committing United States troops under it had not been worked out by the time it was overtaken by events—a series of major military victories by the Vietcong in May and June that led to the adoption of the search-and-destroy strategy.

Search and destroy, the analyst says, was "articulated by Westmoreland and the J.C.S. in keeping with sound military principles garnered by men accustomed to winning. The basic idea . . . was the desire to take the war to the enemy, denying him freedom of movement anywhere in the country . . . and deal him the heaviest possible blows." In the meantime, the South Vietnamese Army "would be free to concentrate their efforts in populated areas."

From April 11 through April 14, the additional two marine battalions were deployed at Hue-Phubai and at Danang, bringing the total maneuver battalions to four.

"The marines set about consolidating and developing their two coastal base areas, and, although they pushed their patrol perimeters out beyond their tactical wire and thereby conducted active rather than passive defense, they did not engage in any offensive operations in support of ARVN for the next few months," the study says.

At this point, the Defense Department, the Joint Chiefs and General Westmoreland collaborated—as it turned out, successfully—in what the study calls "a little cart-before-horsemanship." It involved the deployment to South Vietnam of the 173d Airborne Brigade, two battalions that were then situated on Okinawa in a reserve role.

General Westmoreland had had his eye on the 173d for some time. On March 26, in his "Commander's Estimate of the Situation," in which he requested the equivalent of two divisions, he also recommended that the 173d Airborne Brigade be deployed to the Bienhoa-Vungtau areas "to secure vital U.S. installations." This recommendation, like that for two divisions, was not acted upon by the National Security Council in the April 1–2 meeting.

On April 11, General Westmoreland cabled Admiral Sharp, the Pacific commander, that he understood from the National Security Council's meetings and Ambassador Taylor's discussions in Washington at the beginning of the month that his requested divisions were not in prospect. But, he said, he still wanted the 173d Airborne Brigade.

AHEAD IN TWO AREAS

This message, the study says, set in motion "a series of cables, proposals and false starts which indicated that Washington was well ahead of Saigon in its planning and in its anxiety."

The upshot of all this communication was that at a meeting in Honolulu of representatives of the Joint Chiefs and the Pacific command from April 10 to April 12, the deployment of the 173d Airborne Brigade was recommended. On April 14, the Joint Chiefs of Staff ordered the deployment to Bienhoa-Vungtau, and the replacement of the brigade by one from the United States.

"This decision to deploy the 173d apparently caught the Ambassador flatfooted," the study says, "for he had quite obviously not been privy to it."

On the day of the Joint Chiefs' decision, Ambassador Taylor cabled the State Department that "this [decision on the deploying the brigade] comes as a complete surprise in view of the understanding reached in Washington [during his visit] that we would experiment with the marines in a counterinsurgency role before bringing in other U.S. contingents." He asked that deployment of the brigade be held up until matters were sorted out.

However, the study notes, Ambassador Taylor "held the trump card" because the proposed action had to be cleared with Premier Quat, and General Taylor told his superiors on April 17 that he did not intend to tell the Premier "without clearer guidance explaining Washington's intentions." [See text, Taylor cable, April 17, 1965.]

"That Washington was determined, with the President's sanction, to go beyond what had been agreed to and formalized in NSAM 328 was manifested unmistakably in a cable under joint Defense/State auspices by Mr. McNaughton to the Ambassador on 15 April," the Pentagon study says.

In the cablegram, Mr. McNaughton said: "Highest authority [the President] believes the situation in South Vietnam has been deteriorating and that, in addition to actions against the North, something new must be added in the South to achieve victory." He then listed seven recommended actions, including the introduction of military-civil affairs personnel into the air effort and the deployment of the 173d Airborne Brigade to Bienhoa-Vungtau "as a security force for our installations and also to participate in counterinsurgency combat operations" according to General Westmoreland's plans.

Reacting to that cable on April 17, Ambassador Taylor protested to McGeorge Bundy in the White House against the introduction of military-civilian affairs personnel into the aid effort. The Ambassador's cablegram continued by saying that the McNaughton message "shows a far greater willingness to get into the ground war than I had discerned in Washington during my recent trip."

"Mac, can't we be better protected from our friends?" the Ambassador asked. "I know that everyone wants to help, but there's such a thing as killing with kindness." [See text, Taylor cable, April 17.]

EXACT DATE IS UNCERTAIN

Discussing the contretemps between the Pentagon and General Taylor, the study says: "The documents do not reveal just exactly when Presidential sanction was obtained for the expanded scope of the above [McNaughton] proposals. It is possible that [on the approval for deploying the brigade] the Ambassador may have caught the Defense Department and the J.C.S. in a little cart-before-horsemanship."

In any event, on April 15, the day after it had ordered the deployment of the brigade, the J.C.S. sent a memorandum to Secretary McNamara dealing with the Ambassador's objections and still insisting that the brigade was needed.

"Whether or not the J.C.S. wrote that memorandum with red faces," the study remarks, "the Secretary of Defense dates approval for final deployment of the 173d as of the 30th of April."

PRESSURE FROM MILITARY

The strategy of base security having been ended by National Security Action Memorandum 328, a high-level meeting began in Honolulu on April 20 to "sanctify" and "structure", as the Pentagon analyst puts it "an expanded enclave strategy."

Present at the meeting were Secretary of Defense McNamara; William Bundy, Assistant Secretary of State for Far Eastern Affairs; Assistant Secretary of Defense McNaughton; Ambassador Taylor; Admiral Sharp; Gen. Earle G. Wheeler, Chairman of the Joint Chiefs, and General Westmoreland.

"Some of these men had helped produce the current optimism in situation reports and cables," the Pentagon study says, "and yet the consensus of their meeting was that the then-present level of Vietcong activity was nothing but the lull before the storm.

The situation which presented itself to the Honolulu conferees was in many ways the whole Vietnam problem in microcosm. What was needed to galvanize everyone to action was some sort of dramatic event within South Vietnam itself. Unfortunately, the very nature of the war precluded the abrupt collapse of a front or the loss of large chunks of territory in lighting strokes by the enemy. The enemy in this war was spreading his control and influence slowly and inexorably but without drama. The political infrastructure from which he derived his strength took years to create, and in most areas the expansion of control was hardly felt until it was a fait accompli."

IN A REAR-GUARD ACTION

Of the conferees, the study says, "by far the most dogged protagonist of the enclave strategy was Ambassador Taylor." It had already become apparent, however, and was to become manifestly clear at Honolulu, that the Ambassador was fighting a rear-guard action against both civilian and military officials in the Pentagon and were bent on expansion of U.S. forces in South Vietnam and an enlargement of their combat mission.

On March 18, in a message to Washington, Ambassador Taylor had suggested that if a division were sent to South Vietnam as had been proposed by the Army Chief of Staff, Gen. Harold K. Johnson, then consideration should be given to deploying it in either a highland or coastal enclave.

When he got no response, Ambassador Taylor sent another message on March 27, stating that if United States forces were to come, his preference was, as the study says, that they be used in a combination of defensive or offensive enclave plus reserve for an emergency, rather than in "territorial clear and hold" operations.

The Ambassador, the study notes, interpreted the pivotal National Security Action Memorandum as supporting his position, because in it the President seemed to make plain that he "wanted to experiment very carefully with a small amount of force before deciding whether or not to accept any kind of ground war commitment."

FOR GUERRILLAS, TANKS

Therefore, the study says, "the Ambassador was surprised to discover that the marines [the two additional battalions that landed April 11–14] had come ashore with tanks, self-propelled artillery, and various other items of weighty equipment not 'appropriate for counterinsurgency operations.' "

In his April 17 cable to McGeorge Bundy, Ambassador Taylor had also protested the "hasty and ill-conceived" proposals for the deployment of more forces with which he was being flooded.

"Thus was the Ambassador propelled into the conference of 20 April 1965, only one step ahead of the Washington juggernaut, which was itself fueled by encouragement from Westmoreland in Saigon," the study comments. "Taylor was not opposed to the U.S. build-up *per se*, but rather was concerned to move slowly with combat troop deployments . . . He was overtaken in Honolulu."

According to Mr. McNaughton's minutes, the conference in preliminary discussions on April 20 agreed that:

"(1) The D.R.V. was not likely to quite within the next six months; and in any case, they were more likely to give up because of VC failure in the South than because of bomb-induced 'pain' in the North. It could take up to two years to demonstrate VC failure.

"(2) The level of air activity through Rolling Thunder was about right. The U.S. did not, in Ambassador Taylor's words, want 'to kill the hostage.' Therefore, Hanoi and environs remained on the restricted list. It was recognized that air activity would not do the job alone.

"(3) Progress in the South would be slow, and great care should be taken to avoid dramatic defeat. The current lull in Vietcong activity was merely the quiet before a storm.

"(4) The victory strategy was to 'break the will of the D.R.V./VC by denying them victory.' Impotence would lead eventually to a political solution."

6,700 MEN BELOW STRENGTH

At the time of the Honolulu conference, the study notes, "the level of approved U.S. forces for Vietnam was 40,200,'" but 33,500 were actually in the country at that time.

"To accomplish the 'victory strategy' described above," the study continues, the conferees agreed that U.S. ground forces should be increased from 4 to 13 maneuver battalions and to 82,000 men. The United States, they agreed, should also seek to get additional troops from Australia and South Korea that would bring the so-called third-country strength to four maneuver battalions and 7,250 men.

Thus, the Honolulu conferees proposed raising the recommended United States-third country strength to 17 battalions.

The conferees also mentioned but did not recommend a possible later deployment of 11 U.S. and 6 South Korean battalions, which, when added to the approved totals, would bring the United States-third country combat capability to 34 battalions. In this later possible deployment was included an Army airmobile division.

Secretary McNamara forwarded the Honolulu recommendations to the President on April 21, together with a notation on possible later deployment of the airmobile division and the Third Marine Expeditionary Force.

DETAILED DEPLOYMENT PLAN

On April 30 the Joint Chiefs presented a detailed program for deployment of some 48,000 American and 5,250 third-country soldiers. "Included were all the units mentioned in the Honolulu recommendations plus a healthy support package," the study says.

The Joint Chiefs said that these additional forces were "to bolster GVN forces during their continued build-up, secure bases and installations, conduct counterinsurgency combat operations in coordination with the RVNAF, and prepare for the later introduction of an airmobile division to the central plateau, the remainder of the third M.E.F. (the marine force) to the Danang area, and the remainder of a ROK (Republic of Korea) division to Quangngai."

From the thrust of this memorandum by the Joint Chiefs, the analyst comments, "it is apparent that the enclave strategy was no stopping place as far as the Chiefs were concerned. They continued to push hard for the earliest possible input of three full divisions of troops. They were still well ahead of the pack in that regard."

THE ENEMY RESPONDS

The question of final Presidential approval of the 17-battalion recommendations now became academic as the enemy started attacks that provided the Pentagon and General Westmoreland with a battlefield rationale for their campaign to have American troops take over the major share of the ground war.

As the manpower debates continued in March and April, the study portrays the military situation: "The Vietcong were unusually inactive throughout March and April. There had been no major defeat of the enemy's forces and no signs of any major shift in strategy on his part. Hence it was assumed that he was merely pausing to regroup and to assess the effect of the changed American participation in the war embodied in air strikes and in the marines." the first two battalions deployed at Danang on March 8.

"There were, however, plenty of indications in the early spring of 1965 of what was to come," the study continues. . . . "From throughout the country came reports that Vietcong troops and cadres were moving into central Vietnam and into areas adjacent to the ring of provinces . . . around Saigon."

"A SOBERING HARBINGER"

"Finally and most ominous of all," the study says, a memorandum by the Central Intelligence Agency and the Defense Intelligence Agency on April 21, 1965, "reflected the acceptance into the enemy order of battle of one regiment of the 325th PAVN [People's Army of Vietnam] division said to be located in Kontum province. The presence of this regular North Vietnamese unit, which had been first reported as early as February, was a sobering harbinger. . . ."

On May 11, when the Vietcong attacked Songbe, the capital of Phuclong Province, using more than a regiment of troops, "the storm broke in earnest," the study says. The enemy overran the town and the American advisers' compound, causing heavy casualties. After holding the town for a day, the Vietcong withdrew, the study relates.

Later in May, in Quangngai Province in the northern part of South Vietnam, a battalion of Government troops—the Army of the Republic of Vietnam—was ambushed and overrun near Bagia, west of Quangngai. Reinforcements were also ambushed.

"The battle," the study says, "dragged on for several days and ended in total defeat for the ARVN. Two battalions were completely decimated. . . . From Bagia came a sense of urgency, at least among some of the senior U.S. officers who had been witness to the battle."

TWO REGIMENTS ATTACK

Then in June, two Vietcong regiments attacked an outpost at Dongxoai and when Government reinforcements were committed "piecemeal" they were "devoured by the enemy" the Pentagon study says.

"By mid-June, 1965," it asserts, "the Vietcong summer offensive was in full stride." By mid-July, the Vietcong were "systematically forcing the GVN to yield what little control it still exercised in rural areas outside the Mekong Delta."

On June 7, after the attack on Bagia, General Westmoreland sent a long message on the military situation and his needs to the Pacific Commander for relay to the Joint Chiefs.

"In pressing their campaign," the general said, "the Vietcong are capable of mounting regimental-size operations in all four ARVN corps areas, and at least battalion-sized attack in virtually all provinces.

"ARVN forces on the other hand are already experiencing difficulty in coping with this increased VC capability. Desertion rates are inordinately high. Battle losses have been higher than expected; in fact, four ARVN battalions have been rendered ineffective by VC action in the I and II Corps zones. . . .

"Thus, the GVN/VC force ratios upon which we based our estimate of the situation in March have taken an adverse trend. You will recall that I recommended the deployment of a U.S. division in II Corps to cover the period of the RVNAF build-up and to weight the force ratios in that important area. We assumed at that time that the ARVN battalions would be brought to full strength by now and that the force build-up would proceed on schedule. Neither of these assumptions has materialized. . . .

"In order to cope with the situation outlined above, I see no course of action open to us except to reinforce our efforts in SVN with additional U.S. or third country forces as rapidly as is practical during the critical weeks ahead."

THE "44-BATTALION REQUEST"

What General Westmoreland asked for added up to a total force of 44 battalions and the June 7 message became known as the "44-battalion request."

Just as intense internal debate was beginning on the request, there was a "credibility" flare-up deriving from President Johnson's injunction of secrecy on the change of missions for the marines authorized on April 1 in National Security Action Memorandum 328.

"The long official silence between the sanction for U.S. offensive operations contained in NSAM 328 and the final approval [in negotiations with Saigon] of the conditions under which U.S. troops could be committed was not without cost," the study asserts. "The President had admonished each of the N.S.C. members not to allow release of provisions of the NSAM, but the unduly long interregnum inevitably led to leaks." In addition, the marines had 200 casualties, including 18 killed, as they went about "tidying up," as the study puts it, their newly assigned area in April and May.

"The Commandant of the Marine Corps," the study continues, "raised the tempo of speculation by saying to the press during an inspection trip to Vietnam in April that the marines were not in Vietnam to 'sit on their dittyboxes'—and they were there to 'kill Vietcong.'

"An honest and superficially innocuous statement by Department of State Press Officer Robert McCloskey on 8 June to the effect that 'American forces would be available for combat support together with Vietnamese forces when and if necessary' produced an immediate response [in the press].

"BY ITS OWN PETARD"

"The White House was hoisted by its own petard. In an attempt to quell the outcry, a statement was issued on the 9th of June which, because of its ambiguity, only served to exacerbate the situation and to widen what was being described as 'the credibility gap'."

The White House statement said: "There has been no change in the mission of United States ground combat units in Vietnam in recent days or weeks. The President has issued no order of any kind in this regard to General Westmoreland recently or at any other time. The primary mission of these troops is to secure and safeguard important military installations like the air base at Danang. They have the associated mission of . . . patrolling and securing actions in and near the areas thus safeguarded.

"If help is requested by the appropriate Vietnamese commander, General Westmoreland also has authority within the assigned mission to employ those troops in support of Vietnamese forces faced with aggressive attack when other effective reserves are not available and when, in his judgment, the general military situation urgently requires it."

Discussing this statement, the Pentagon analyst says: "The documents do not reveal whether or not the ground rules for engagement of U.S. forces had actually been worked out to everyone's satisfaction at the time of the White House statement. There is good indication that they had not." The analyst also notes that during the battles of Bagia and Dongxoai, the Government forces "were desperately in need of assistance," but that United States forces were not committed although the marines were available for Bagia and the 173d Airborne Brigade for Dongxoai.

THE FIRST MAJOR ACTION

The study reports that the first major ground action by United States forces took place northwest of Saigon from June 27 to June 30, and involved the 173d Airborne Brigade, an Australian battalion and South Vietnamese forces.

"The operation could by no stretch of definition have been described as a reserve reaction," the study says. "It was a search and destroy operation into Vietcong base areas. . . . The excursion was a direct result of the sanction given to General Westmoreland . . . [as a result of National Security Action Memorandum 328 and the enemy offensive] to 'commit U.S. troops to combat, independent of or in conjunction with GVN forces in any situation in which the use of such troops is requested by an appropriate GVN commander and when in [General Westmoreland's] judgment, their use is necessary to strengthen the relative position of GVN forces'."

However, as the study notes, "At that juncture the 44-battalion debate was in full swing and the enclave strategy, as a means to limit the amount and use of U.S. combat force in Vietnam, was certainly overcome by events." and by "a much more ambitious strategy sanctioned by the President."

Recapitulating the situation just before the debate, the study gives this picture of deployment: At the beginning of June, the enclave strategy was in its first stages with Marine Corps forces at Phubai, Danang and Chulai, and Army forces in Vungtau. Other enclaves were under consideration. Approved for deployment—but not all arrived in South Vietnam yet—were approximately 70,000 troops in 13 maneuver battalions; with third-country forces the total came to 77,250 men and 17 maneuver battalions.

This was the situation when, on June 7, General Westmoreland asked for reinforcements "as rapidly as possible."

General Westmoreland's message, the Pentagon study says, "stirred by a veritable hornet's nest in Washington," because his request for large reinforcements and his proposed strategy to go on the offensive "did not contain any of the comfortable restrictions and safeguards which had been part of every strategy debated to date."

"In such a move," the study continues "the specter of U.S. involvement in a major Asian ground war was there for all to see."

Just as Ambassador Taylor had consistently resisted involvement of United States forces, the study says, so General Westmoreland had been equally determined to get the troops into the war and have "a free hand" in using them.

At the time of his message, the general had available in Vietnam seven Marine and 2 Army maneuver battalions, plus an Australian battalion. Now, he was asking for a total of 33 battalions, and if the 173d Airborne Brigade's two battalions—which were on temporary assignment—were added, the total came to 35. But in a subparagraph, General Westmoreland also identified nine other United States battalions that he might request at a later date. Thus the total of 44 battalions, and hence the name given the request. In the total was included an airmobile division of nine battalions to be formed later.

Admiral Sharp favored the request in a message to the Joint Chiefs on June 7, saying, "We will lose by staying in enclaves defending coastal areas."

THE CHIEFS IN FAVOR

The Joint Chiefs, the Pentagon analyst says, favored bolstering the United States troop commitment. As far back as March 20, the Joint Chiefs had advocated sending three divisions—two American and one Korean—with the objective of "destroying the Vietcong."

Now, the study states, General Westmoreland's request "altered drastically the role of the J.C.S. in the buildup debate.

"Up to that time," the study continues, "the J.C.S. had, if anything, been ahead of General Westmoreland in advocating allied forces for Vietnam. The 27 battalions of their three-division plan were in themselves more than Westmoreland ever requested until 7 June. After that date, the big push came from Westmoreland in Saigon, and the J.C.S. were caught in the middle between the latter and the powerful and strident opposition his latest request for forces had surfaced in Washington."

On June 11, the Joint Chiefs cabled Admiral Sharp that something less than General Westmoreland's request was close to approval, but they wanted to know, the study says, "where Westmoreland intended to put this force in Vietnam."

He replied on June 13 in detail and the study comments: "This message was extremely important, for in it [he] spelled out the concept of keeping U.S. forces away from the people. The search and destroy strategy for U.S. and third country forces which continues to this day and the primary focus of RVNAF on pacification both stem from that concept. In addition, Westmoreland made a big pitch in this cable for a free hand to maneuver the troops around inside the country. . . ."

CONFIRMATION BY TAYLOR

Ambassador Taylor, in a report on June 17, "confirmed the seriousness of the military situation as reported by General Westmoreland and also pointed up the very tenuous hold the new government had on the country." This was the Government of President Nguyen Van Thieu and Premier Nguyen Cao Ky.

"This report apparently helped to remove the last obstacles to consideration of all of the forces mentioned in Westmoreland's request of 7 June," the analyst says.

On June 22, General Wheeler cabled General Westmoreland and asked if the 44 battalions were enough to convince the enemy forces that they could not win. General Westmoreland replied, the study says, "that there was no evidence the VC/DRV would alter their plans regardless of what the U.S. did in the next six months."

"The 44-battalion force should, however, establish a favorable balance of power by the end of the year," the study quotes the general as having said. "If the U.S. was to seize the initiative from the enemy, then further forces would be required into 1966 and beyond. . . ."

On June 26, the general was given authority to commit U.S. forces to battle when he decided they were necessary "to strengthen the relative position of GVN forces."

"This was about as close to a free hand in managing the forces as General Westmoreland was likely to get," the analyst says. "The strategy was finished, and the debate from then on centered on how much force and to what end."

Divergent Views at Home

The opposition to General Westmoreland had "its day in court," late in June and early in July, the study says. The embassy in Saigon, "while recognizing the seriousness of the situation in South Vietnam, was less than sanguine about the prospects for success if large numbers of foreign troops were brought in."

Another critic of General Westmoreland's recommendations, the account reports, was Under Secretary of State Ball who was "convinced that the U.S. was pouring its resources down the drain in the wrong place."

"In Ball's view," the account continues, "there was absolutely no assurance that the U.S. could with the provision of more ground forces achieve its political objectives in Vietnam. Instead, the U.S. risked involving itself in a costly and indeterminate struggle. To further complicate matters, it would be equally impossible to achieve political objectives by expanding the bombing of the North. . . ."

WILLIAM BUNDY IN THE MIDDLE

Assistant Secretary William P. Bundy, the study says, "like so many others found himself in between Westmoreland and Ball."

In a memorandum to the President on July 1, Mr. Bundy gave his position, as summarized in the Pentagon study:

"The U.S. needed to avoid the ultimatum aspects of the 44 battalions and also the Ball withdrawal proposal. . . . The U.S. should adopt a policy which would allow it to hold on without risking disasters of scale if the war were lost despite deployment of the full 44 battalions. For the moment, according to Bundy, the U.S. should complete planned deployments to bring in-country forces to 18 maneuver battalions and 85,000 men. . . . The forces in Vietnam, which Bundy assumed would be enough to prevent collapse, would be restricted to reserve reaction in support of RVNAF. This would allow for some experimentation without taking over the war effort—a familiar theme." [See text, George Ball memo, July 1.]

As for Secretary McNamara's views, the study comments: "It is difficult to be precise about the position of the Secretary of Defense during the build-up debate because there is so little of him in the files."

"There are plenty of other indications in the files that the Secretary was very carefully and personally insuring that the Defense Establishment was ready to provide efficient and sufficient support to the fighting elements in Vietnam," the study continues. "From the records, the Secretary comes out much more clearly for good management than he does for any particular strategy."

The Secretary went to South Vietnam for a four-day inspection starting July 16. The study says that while he was in Saigon on July 17, he received a cable from Deputy Secretary of Defense Vance informing him that the President had decided to go ahead with the plan to deploy 34 battalions.

"The debate was over," the analyst says. "McNamara left Saigon bearing Westmoreland recommendations for an even greater increase in forces. . . ."

The study says 34 battalions. This is not entirely clear, because in his request General Westmoreland had asked for a total of 33, and if the battalions of the 173d Airborne Brigade were added, the total would be 35. The explanation apparently is that when the Airmobile Division was finally organized, it had eight rather than nine battalions. The 34 battalions were, of course, to be supplied immediately. The nine others were to be requested later if needed.

The Pentagon analyst apparently did not have access to White House memoranda, so he is able to give only a sketchy account of Mr. Johnson's role. But he says: "There is no question that the key figure in the early 1965 buildup was the President."

On May 4, the President asked Congress for a $700-million supplemental appropriation "to meet mounting military requirements in Vietnam."

"Nor can I guarantee this will be the last request," he said in a message. "If our need expands I will turn again to the Congress. For we will do whatever must be done to insure the safety of South Vietnam from aggression. This is the firm and irrevocable commitment of our people and nation."

On July 28, the President held a press conference in which he said, "The lesson of history dictated that the U.S. commit its strength to resist aggression in South Vietnam."

As for the troop increases, the President said:

"I have asked the commanding general, General Westmoreland, what more he needs to meet this mounting aggression. He has told me. We will meet his needs.

"I have today ordered to Vietnam the Airmobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as requested . . .

"I have concluded that it is not essential to order Reserve units into service now."

"IT DOES NOT IMPLY CHANGE"

During the questioning after the announcement, this exchange took place:

"Q. Mr. President, does the fact that you are sending additional forces to Vietnam imply any change in the existing policy of relying mainly on the South Vietnamese to carry out offensive operations and using American forces to guard installations and to act as emergency back-up?

"A. It does not imply any change in policy whatever. It does not imply change of objective."

On July 30, the Joint Chiefs approved 44 maneuver battalions for deployment, involving a total of 193,887 United States troops. By the end of the year, United States forces in South Vietnam numbered 184,314.

"The major participants in the decision knew the choices and understood the consequences," the study says in summation. The decision taken in mid-July to commit 44 battalions of troops to battle in South Vietnam "was perceived as a threshold—entrance into an Asian land war. The conflict was seen to be long, with further U.S. deployments to follow. The choice at that time was not whether or not to negotiate, it was not whether to hold on for a while or let go—the choice was viewed as winning or losing South Vietnam."

Cancer: Crusade to conquer, E5446.

Accompanying this decision to give General Westmoreland enough troops to embark on the first phase of his search-and-destroy strategy "was a subtle change of emphasis," the study says.

"Instead of simply denying the enemy victory and convincing him that he could not win, the thrust became defeating the enemy in the South. This was sanctioned implicitly as the only way to achieve the U.S. objective of a non-Communist South Vietnam.

"The acceptance of the search-and-destroy strategy . . . left the U.S. commitment to Vietnam open-ended. The implications in terms of manpower and money are inescapable.

"Final acceptance of the desirability of inflicting defeat on the enemy rather than merely denying him victory opened the door to an indeterminate amount of additional force."

Precisely what President Johnson and Secretary of Defense McNamara expected their decisions of July to bring within the near term "is not clear," the study says, "but there are manifold indications that they were prepared for a long war."

NEW YORK TIMES ENDORSES THE MCGOVERN-HATFIELD AMENDMENT

Mr. McGOVERN. Mr. President, I was pleased to see in today's New York Times that the editors of that paper have endorsed the McGovern-Hatfield amendment, which is scheduled to come to a vote in the Senate tomorrow.

The Times has long been advocating negotiations as the course we should follow in withdrawing from Vietnam. That is a position shared by many Members of the U.S. Senate and with which I can have a great deal of sympathy. But, as the New York Times points out, the administration has failed to adopt a realistic negotiating position. The Times notes:

> But as long as Mr. Nixon follows his present policy of withdrawing troops while pursuing the elusive goal of security for Saigon, it is the President who is giving away leverage while holding the prisoners hostage to an interminable conflict.

The New York Times editorial goes right to the heart of the present debate on the McGovern-Hatfield amendment. We know that the President's Vietnamization policy has not brought the return of one single prisoner of war. We know that the other side has offered to return our prisoners if we will set a withdrawal date.

The choice before us lies between despair of bringing our prisoners home and hope that the words "home for Christmas" can be made a reality.

Sponsors of the McGovern-Hatfield amendment appreciate the support of the New York Times, and I commend their editorial to the attention of the Senate.

Mr. President, I ask unanimous consent that the Times' editorial "Withdrawal When?" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Withdrawal When?

The brusque rejection by the White House of former Defense Secretary Clark M. Clifford's proposal to set a fixed date for withdrawal of all American forces from Indochina in return for the release of American prisoners reinforces doubts about the Administration's policies in respect both to negotiation and Vietnamization.

White House spokesmen argue that Communist negotiators in Paris have not yet agreed to do anything more than *discuss* prisoner release after a withdrawal date has been set. But the Administration is evidently unwilling to test the contention of Mr. Clifford and others that Hanoi is indeed ready to accept such an arrangement. Furthermore, the President seems clearly to believe that the United States has not redeemed a pledge on which he has previously insisted as a condition of American withdrawal: "that we give the South Vietnamese a reasonable chance to defend themselves against Communist aggression." Many millions of Americans, including this newspaper, believe on the contrary that the United States long ago more than fulfilled whatever obligations it may have had in this respect.

If, after years of deep and direct American commitment, a one-million-man South Vietnamese army, trained and equipped by the United States, cannot now deal with a numerically inferior foe, it never will. The President's insistence that ultimate American withdrawal be contingent upon South Vietnamese self-sufficiency is a formula for indefinite involvement.

Speaking for the Administration in Senate debate the other day, Senator Dole of Kansas charged that the McGovern-Hatfield amendment, which in its present form closely parallels Mr. Clifford's proposal, would give away the leverage the President still possessed to obtain release of American prisoners. This might be a persuasive argument if realistic negotiations were going on for prisoner release. But as long as Mr. Nixon follows his present policy of withdrawing troops while pursuing the elusive goal of security for Saigon, it is the President who is giving away leverage while holding the prisoners hostage to an interminable conflict.

The failure of the Administration to adopt a more realistic negotiating position, as advocated by Mr. Clifford and others, materially strengthens the argument of supporters of the McGovern-Hatfield amendment, which will be voted on tomorrow in the Senate. Under the circumstances, while retaining our belief that negotiation represents the preferable way of terminating hostilities, we have been driven to the conclusion that the amendment ought to be approved as an expression by the Senate of this country's determination to bring an honorable and speedy end to this futile, wasteful and divisive war.

Mr. McGOVERN. Mr. President, I yield the floor.

Exhibit 1

Statement by W. Averell Harriman

Mr. CHAIRMAN: I appreciate greatly the opportunity to testify before this Committee on the subject of ending the war in Vietnam. The President's program of Vietnamization is one of perpetuation rather than termination of the fighting. Therefore I feel strongly that the Congress must take action if the objective of ending this tragic war is to be achieved.

Looking back, it seems apparent that we should not have become so involved. President Roosevelt stated in my presence on several occasions during World War II that he had no intention of allowing the French to return to Indochina. He sent an order to the Pentagon not to make plans for this area after the defeat of Japan, but he did not define the political moves he had in mind.

Unfortunately, the French were allowed back and failed in their attempt to come to an agreement for the independence of Indochina. As the French war in Indochina grew, we gave them increasing military assistance.

Even more unfortunately, when French military efforts failed and Ho Chi Minh's forces got control of North Vietnam through the Geneva Accords of 1954, we took over from France in South Vietnam and undertook political, economic and military responsibilities to support the Diem regime. To do our military justice, I understood that General J. Lawton Collins, forcer Chief of Staff of the United States Army, cautioned that the situation in South Vietnam might not be militarily viable. But step by step we became more and more involved. Our position now is untenable.

The choice of ending the war is not, as the President asserts, between his policy of Vietnamization of the war as one alternative and "bugging out" as the other. There can and should be a viable policy of responsible prompt withdrawal.

The first step is to negotiate with the other side for the safe withdrawal of all American forces by a definite date, preferably the end of this year. Since the President, in defiance of the desire of the great majority of the American people, refuses to follow this course, I strongly believe that the situation is so serious and the need for prompt action so overwhelming that the Congress should assert its constitutional authority to control the expenditure of funds to compel complete withdrawal. This would force the administration to enter negotiations for such withdrawal.

Obviously, in the negotiations for the withdrawal of our forces, specific arrangements should be made for their safe departure. Both North Vietnam and the National Liberation Front have stated that this could be done.

Secondly, of prime importance is the negotiation of an agreement on the release of our men who are prisoners of war. This must be accomplished before the final withdrawal of our forces. The normal time for the return of prisoners is when the fighting stops. Continuing the war through Vietnamization would condemn our prisoners to continuing captivity.

The President constantly attempts to justify his expansion and continuation of the war as necessary to protect American lives and to obtain the release of our prisoners of war. Surely the way to save American lives is to end the fighting, bring the troops home safely, and secure freedom for the prisoners. We should not depend on assurances by the other side. If their actions are not satisfactory, the scheduled withdrawal would not be carried out.

The third subject on which agreement should be reached would be to provide that there be no reprisals by either side against adherents of the other, with some form of international supervision. This is one of the points that the other side has proposed. Arrangements should be considered for appropriate asylum for some.

The future of South Vietnam should be left to negotiations among the Vietnamese themselves. Unfortunately, the evidence indicates that the Thieu Government is not interested in a compromise settlement. In late October of 1968, an understanding was reached with the North Vietnamese that permitted President Johnson to stop the bombing of the north and provided for the beginning of substantive talks which would include the Thieu Government and the NLF. One of the essential points on which it was most difficult to obtain agreement from the North Vietnamese was the participation of the Saigon Government. However, to President Johnson's surprise, President Thieu at the very last moment refused to participate. We were aghast in Paris. As Secretary of Defense Clifford stated, our understanding with the Government in Saigon that it would participate in Paris "was as clear as two partners can have."

If the talks had begun as scheduled in early November, one of the first subjects for discussion, as Secretary Clifford stated, would have been the reduction in the level of combat and violence. We were encouraged to believe that progress in this direction could be made. In late October and early November, the North Vietnamese had taken 90 per cent of their troops out of the northern two provinces of I Corps. Half of these troops had been withdrawn above the 20th Parallel—some two hundred miles to the north. Fighting almost stopped in this area, which had previously been one of the most active. Because of this, General Abrams was able to move the First Air Cavalry Division from I Corps to III Corps to strengthen our position there.

Even after President Thieu some weeks later at last permitted his representatives to join the talks in Paris, the opening of negotiations was delayed further by their raising of fantastic procedural questions, such as the shape of the table. When these matters were finally settled before I left Paris in January 1969, we then expected serious negotiations to commence. My associate, Cyrus Vance, at considerable personal inconvenience, remained in Paris to assist in smoothing the way for Ambassador Lodge. However, Thieu pulled the rug out from under the talks. He announced that his representatives would not take part in private meetings with the NLF, claiming that would give them undue prestige, although he knew full well that it was only in the private meetings that any progress could be made. Two months later he was finally persuaded to agree to participate, but at the same time he announced that he would not in any circumstance agree to a coalition government or permit the communists to become a political party in South Vietnam. By then the NLF refused to sit down privately with his representatives and it has stubbornly maintained that position.

No progress has been made in Paris since.

Agreement on a definite date for complete American withdrawal will compel the Thieu Government to undertake serious negotiations for a responsible settlement. Those political elements desiring peace must be brought into the government in Saigon and a team fielded in Paris willing and able to negotiate for a compromise solution. Under these circumstances, serious negotiations would become possible.

During the previous administration pressure was put on Thieu to broaden the base of his government to include civilians representing the non-communist political elements. After negotiations in Paris had been agreed to, in May of 1968 Thieu brought in some representative civilians, including as Prime Minister Tran Van Houng, who had been a leading presidential candidate. Thieu seemed to be making an effort to increase his popular support in preparation for serious negotiation. However, after the meeting with President Nixon on Midway Island, he replaced Houng with General Khiem, a military officer who was one of his personal followers.

Since then no effort has been made to bring together the non-communist groups. It is hard to envisage a satisfactory solution unless the government is broadened to include representatives of the majority of the people of South Vietnam who unquestionably want peace—the Buddhist groups, the liberal Catholics, the Cao Dai, the Hoa Hao, labor unions and other non-communist groups. The South Vietnamese should be encouraged (instead of prevented) to bring together a non-communist coalition capable of negotiating a viable political settlement and of having a reasonable chance of winning the contests that will come after the end of hostilities.

The fourth matter on which it is important for us to come to an agreement with Hanoi is for some program, along the lines of President Johnson's Johns Hopkins speech of April 1965 for reconstruction and regional development of the area. This should be an international effort which would include participation by the United States and the North Vietnamese. We must recognize that the North Vietnamese did not keep their Laos agreement of 1962 for a single day and some arrangements must be reached that they will find it in their interest to keep for a period of years. Economic arrangements would provide an incentive for North Vietnam to work cooperatively with its neighbors and maintain peace in the area. Moreover, having been involved in creating the devastation, we have an inescapable obligation to assist in the restoration.

From the many private discussions I had with the North Vietnamese in Paris, I learned one thing. They are fiercely nationalistic. Though they want to be friendly with China, they do not want to be dominated by her. With this in mind, they established friendly relations with the French after the war with France ended. Now, after our war is ended, they want similar relations with the United States.

Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful communist neighbor. They want technical information from us. They showed real interest in miracle rice, which they hoped would make them independent of Chinese imports running as high as 300,000 tons a year.

The Administration's aim in Vietnam is to support a pro-Western military government regardless of local opposition. This is quite impossible without the continued presence of large United States forces, vast expenditures and perpetual fighting. Indochina is so close to the Chinese border that this policy is provocative and as in the case of Laos, will be considered by China as a threat to its security. If we looked at this area dispassionately, we could not avoid the conclusion that neutral, non-aligned, hopefully non-communist governments, obviously with the exception of North Vietnam, are the best we can expect, and in the long run compatible with our interests.

In spite of the reduction in American forces and American casualties, we must recognize that the war is not now on its way to being ended.

As the President's State of the World message admits, his policy of Vietnamizing the war "cannot, except over a long period, end the war altogether." He stated that unless the other side agrees to a settlement, Vietnamization will lead to "perpetuating the war." Since the President has indicated that he does not expect a negotiated solution, the Administration's policies offer the prospect of endless war.

The President has told us that "not our power but our will and character" are being tested in world opinion. This appraisal is not correct. What is being tested is our judgment and the wisdom of our actions.

The slow troop reduction now promised by the Administration will withdraw only two-thirds of our forces in Vietnam after three years in office. There has been no assurance given about the balance. We do not know how much longer American air and logistic support or advisers will remain in Vietnam. We have no indication when our B-52's and our other planes in Thailand and on carriers will stop bombing North Vietnam, South Vietnam, Laos and Cambodia. We have received no estimate of the vast sums that will be needed for continued military and economic aid to the Thieu Government if the Vietnamization of the war is continued. With the expansion of the war into Cambodia, substantial sums have also been committed to that nation. Even though American casualties have declined, South Vietnamese soldiers are dying in larger numbers and civilian casualties are continuing. Pursuit of present policies would result in a conflict of indefinite duration.

The program for Vietnamizing the war is based on the dubious proposition that the South Vietnamese military will improve to the point where they can accomplish without 540,000 American troops what they could not accomplish with them. Furthermore, it is dependent on an unpopular and repressive military government.

In 1967, despite their influence as military and governmental leaders, President Thieu and Vice President Ky received less than thirty-five per cent of the votes cast. Over sixty per cent of the votes were cast for civilian candidates who had some sort of peace plank in their platforms. The senatorial elections last August gave further evidence of the desire of the people to end the war. The anti-government and pro-peace Buddhist slate headed by Vu Van Mau received the highest number of votes. These elections confirmed that the people of South Vietnam want peace and not a continuation of the war.

I said on several occasions in Paris, with the approval of Washington, that the United States was against imposition of a government on the people of South Vietnam either by Hanoi or Washington. Are we not now, through our unqualified support of the unpopular and repressive Thieu Government, in fact attempting to impose that military regime on the people of South Vietnam?

Presidential elections will take place in South Vietnam in October, following legislative elections in August. If the people of South Vietnam are given an uninhibited opportunity to express their will, I do not believe that President Thieu would be returned to office. I would expect the election of a candidate dedicated to seeking a compromise peace. There are, however, a number of factors which indicate the unlikeliness of an unmanaged election. Thieu has jailed a number of those opposed to his policies, including the man who came in second in the 1967 presidential election, and even a member of the lower house—in violation of his constitutional immunity and a Supreme Court ruling. Incidentally he has replaced the judge who made this ruling. After his return from Midway, President Thieu announced that he would severely punish all advocates of a compromise government. Newspapers in opposition have been closed down. The election procedures do not protect against manipulation.

I believe it is important that the Congress take action to subject the fairness of the forthcoming elections to careful scrutiny. Observers should be dispatched as soon as possible, for what happens between now and the elections will be more important than what takes place on election days. While the observers should, of course, look for signs of improper use of American influence, they must also be able to report on the activities of Thieu's military and political machine.

The presence of American observers might inhibit efforts to manipulate the elections. If, as I fear, the elections are nonetheless controlled, the committee report would make the American people aware of the facts and dispel any illusions of a popular choice.

In conclusion, I urge this Committee to support legislation by the Congress: 1) to use its power over the purse to compel a responsible withdrawal of all our forces from Vietnam, preferably by the end of this year; and 2) to send a mission to observe the forthcoming South Vietnamese elections, and to report on whether the South Vietnamese are in fact being given an opportunity to freely determine their own future. The Committee could help to achieve the second objective by sending promptly members of its staff to South Vietnam to observe and report. Visits by members of the Committee could focus public attention on what is occurring.

QUORUM CALL

Mr. STENNIS. Mr. President, I ask unanimous consent that there be a brief quorum call and that the time be equally divided between both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. HART) laid before the Senate a message from the President of the

United States submitting the nomination of Robert F. Froehlke, of Wisconsin, to be Secretary of the Army, which was referred to the Committee on Armed Services.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I yield 25 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 25 minutes.

HOW TO LOSE THE WAR IN ONE EASY AMENDMENT

Mr. GOLDWATER. Mr. President, once again we find the Senate engaged in a heated debate over whether or not we should pass legislation to restrict the President's actions in the field of foreign affairs; whether we should take legislative action to actually usurp Presidental authority to negotiate the peace in Southeast Asia, to negotiate the fate of American prisoners of war, and to use American forces as an instrument of national policy.

Mr. President, I am not a lawyer and I am not an expert on the Constitution. But I do revere that document and have spent considerable time as a layman studying it and trying to make myself familiar with its various provisions. It is for that reason I am very unhappy at seeing the Senate attempt to clarify in a legislative fashion just where Congressional powers begin and leave off and where Executive powers take over in the field of foreign and military affairs.

Mr. President, I am particularly upset when I see us approaching legislatively the whole question of the conduct of foreign policy in an area of the world where an actual state of war exists. I get an unhappy feeling that we are here not only attempting to limit the power of the Executive, but we are in effect announcing to the whole world that we question the wisdom of his policy and the course of action being followed by the United States because of actions his predecessors are accused of taking.

But, Mr. President, I would remind Senators that we are not today debating the wisdom of entering the conflict in Southeast Asia. We are not here concerned with the manner in which this country became deeper and deeper immersed in expanding hostilities. We are not here voting on who conducted the most straight-forward campaign in 1964.

Instead, we shall be voting directly on the issue of whether or not the U.S. Congress approves of the steps being taken by President Nixon to disengage from Vietnam with honor. We also shall be squarely facing the question of whether or not this is the time, or it is ever the time, when we are conducting armed conflict with an enemy to go about in a legislative fashion to question the actions of our President or the course of our Government.

For this reason, Mr. President, I shall discuss the so-called end the war amendment today from the standpoint of its constitutional weaknesses. For the plain fact is that Congress is here attempting to change the Constitution by congressional edict. The authors of the amendment actually propose to ban all U.S. military operations in or over a major segment of the world by a simple directive of Congress. They would do this despite the fact that a full-blown war exists in the area in which the United States is deeply involved. Irregardless, they argue, Congress can force the President, against his independent judgment, to remove our forces from that conflict.

But, Mr. President, there is no court record and no constitutional record or historical record that supports this view. The truth is the sponsors of the amendment say Congress has the power to do these things, but they offer no court decision backing them up. They say the war in Vietnam is illegal, but they mention no court holding in which this has been decided.

In other words, Mr. President, we are being asked to buy an extreme legislative proposal which seeks to make the most fundamental kind of change in our constitutional arrangements without one single judicial ruling guaranteeing our action would be valid. The cold fact is we are being presented with no more than an artificial, self-proclaimed interpretation of the Constitution which represents the wishful thinking of those people whose own policies depend upon such a construction.

It is true the Constitution gives Congress the power "to declare war." However, no U.S. court ever has held that these words entrust Congress with a dominant power over matters of making war or ending war. No court ever has announced that the only way in which our country can enter war is through a declaration enacted by Congress. And no court ever has decided Congress can control the deployment of troops during an ongoing hostility.

Mr. President, these are merely theoretical postulates, unfounded in either judicial precedents or sound reasoning. They might provoke an interesting academic bull session, but their inflexible rationale is ill suited to the tests of survival in the real world we live in.

In fact, by yielding to the impulse for a quick path to peace, as the McGovern-Hatfield amendment promises, we will be increasing the likelihood of our involvement in an even greater conflict.

No less an authority than Prof. James MacGregor Burns, who is one of this country's finest political historians, believes proposals of this kind which encumber the President's ability to respond and adjust to changing world situations as he determines proper will remove the one essential ingredient preventing World War III—flexibility. One year ago, when he appeared before the House Subcommittee on National Security Policy, Dr. Burns argued that to make the present international balance of power work "calls for immense flexibility on the part of the States involved in order to maintain the trembling equilibrium of rival nations."[1]

Dr. Burns warned that:

> Artificial restrictions on Executive discretion may not lead to peace but to war, as foreign adversaries estimate that the United States will not respond to a threat to world peace because of legislative restrictions on the executive.[2]

Dr. Burns stressed how important it is that:

> The Soviet Union should be amply clear ahead of time that President Nixon would have extensive power to take what responses he would feel would be necessary, just as it was important back in 1962 in the missile crisis that the people in Moscow knew that President Kennedy had extensive power to develop all sorts of options and reserve options in the face of its intervention or activity in Cuba.[3]

Thus has a recent Pulitzer Prize winner and liberal Democratic author argued for broad Executive discretion as the best means for avoiding World War III. And thus have American Presidents acted throughout our Nation's history.

Mr. President, there is an enormous number of historical precedents supporting the power of the President to commit American troops beyond our borders in the national interests of this country. There are at least 155 occasions when the President has committed U.S. forces to military operations abroad without any declaration of war.[4] Contrary to common impressions, almost 70 of these actions have taken place outside the Western Hemisphere[5] and over half were initiated without any prior approval from Congress.[6]

What is the significance of this chain of events? Well, according to the U.S. Supreme Court, a long-continued practice of Presidential actions can confirm the existence of a power in the President to take the very action under review.[7]

When one of America's top constitutional historians looked over a summary of these military incidents a few years ago, he decided it gave ample evidence for regarding the President's powers as policy forming powers which are independent of direction by Congress. Prof. Edward Corwin, whom Congress selected to edit the authoritative Constitution Annotated, has written:

> The list demonstrates beyond peradventure the power of the President, as Chief Executive and Commander in Chief, to judge whether a situation requires the use of available forces to support American rights abroad and to take action in accordance with that decision.[8]

Mr. President, Professor Corwin has identified two of the powers which now enable the President to act in Vietnam without any grant of authority from Congress. First the President may rely upon the broad scope of functions which has been granted to him under the first sentence of article II of the Constitution which states that:

> The executive power shall be vested in a President of the United States of America.[9]

Footnotes at end of article.

Second, the President may rely upon his function as Commander in Chief of the Armed Forces of the United States. This power is specified in article II, section 2, of the Constitution.

Writing about the distinction between this power and the war power of Congress, the Supreme Court has stated that congressional power—

> Necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander-in-chief.[10]

Mr. President, if ever there was any legislation which was guaranteed not to prosecute a war with "vigor and success," but to interfere "with the command of the forces," the McGovern-Hatfield amendment is it. In my opinion, it squarely fits the limitation which the Nation's highest court has so clearly put on legislative authority.

Though there are few other cases in which the courts have spoken on this issue they all are consistent with the rule laid down above.[11] For example, in 1897, the Supreme Court affirmed the language of the Court of Claims which had held "Congress cannot in the disguise of 'rules for the government' of the army impair the authority of the President as Commander in Chief."[12]

A half century later the Supreme Court announced it is not the function of the judiciary to entertain private litigation which challenges the legality, the wisdom, or the propriety of the Commander in Chief in sending our Armed Forces abroad or to any particular region.[13] "This issue," the Court declared, "involves a challenge to conduct of diplomatic and foreign affairs, for which the President is exclusively responsible."[14]

Mr. President, there are yet two other powers which the President can claim to keep U.S. fighting forces in Vietnam. These include the role of the President as the exclusive representative of the Nation in foreign relations[15] and the right of the President to execute the laws of the land,[16] a power which encompasses international law as well as domestic law.[17]

In short, Mr. President, actual practice under the Constitution shows that the President holds a broad and independent mandate to send U.S. troops abroad in order to protect the Nation's security, and that he does not need to rely on an act of Congress to do it. Accordingly, I think President Nixon would be entirely within his rights if he simply stuffed the McGovern-Hatfield amendment in the waste heap should we be unwise enough to pass it.

Mr. President, not only does the amendment challenge the whole course of past constitutional experience, but it is a radical shift away from the orderly system of policymaking which Congress has established for matters of national defense. I would remind my colleagues that it is we who have charged the Department of Defense with the primary responsibility of developing a comprehensive program for the security of the United States. For when Congress enacted the National Security Act of 1947, it created a whole new kind of defense organization which is meant to better equip each President to set military and foreign policies within a unified scheme of national goals and means.[18]

Also, I should remind us that it is we who created the National Security Council and charged it by law with the responsibility—

> To assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security.[19]

Furthermore, it might be helpful, Mr. President, if we took a fresh look at the law in which Congress thrust upon the Joint Chiefs of Staff the duty to serve as "the principal military advisers to the President, the National Security Council, and the Secretary of Defense."[20] We might also notice that it was we in Congress who directed that the Joint Chiefs shall "prepare strategic plans and provide for the strategic direction of the Armed Forces."[21]

And yet, Mr. President, I have the unhappy feeling we are now being asked to tear down this comprehensive system and to erect in its stead an ad hoc, unstable method of forming major strategic decisions based upon the emotional impulses of the moment. We are being asked to do no less than establish a congressional command center which will issue the supreme orders governing tactical and strategic affairs.

Taken as a whole the various amendments being rained upon us would pinpoint where in the world American forces can be stationed, determine the precise number which can be sent there, define the adjacent boundaries which our troops might enter or are restricted from in the progress of hostile operations, and direct the timing for an end of American activities in an ongoing war.

Strangely enough, Mr. President, these moves come at a time when the Gallup poll shows 72 percent of the public affirmatively support President Nixon in his own plan for ending the war in Vietnam.[22] They are shoved forward when the same poll shows 55 percent of the public oppose a withdrawal of U.S. troops if it means a Communist takeover of South Vietnam.[23] And they occur on the heels of a courageous record of planned withdrawals during which President Nixon has reduced the number of American servicemen in Vietnam by nearly 300,000 men in the space of 2½ years.

In other words, while the doves in our midst are preaching, the President is performing. And while the critics are snipping at his heels, the American public is shown to be firmly in back of the President's intentions to bring the war in Southeast Asia to an honorable conclusion.

Mr. President, the pending amendment will not be in the best interest of the American people. It will not serve the cause of American fighting men, but will repudiate every sacrifice they have made. It is utterly contrary to American constitutional traditions. It is an illusory sedative promising the wonder of peace, but assured to undermine the only system capable of achieving it. It must be rejected.

I thank my distinguished friend from Mississippi for yielding to me.

FOOTNOTES

[1] Congress, the President, and the War Powers, Hearings before the Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, U.S. House of Representatives; June 24, 1970; p. 82.

[2] *Ibid*, p. 83.

[3] *Ibid*, p. 110.

[4] See summary of 153 U.S. military actions abroad set forth at pp. 11917–11923, Cong. Rec. daily ed. of April 26, 1971. To this list should be added the action of President Wilson in February of 1917, when he armed U.S. merchant vessels with guns and gunners assigned from the Navy, and the move by President Johnson in June of 1967, during the Arab-Israeli war, when he deployed the U.S. 6th Fleet to within 50 miles off the Syrian Coast as a sign to the Soviet Union it "would have to deal with us" if it entered the conflict.

[5] Cong. Rec., daily ed. of April 26, 1971, p. 11924.

[6] *Ibid*.

[7] *United States v. Midwest Oil Company*, 236 U.S. 459, 469 (1915).

[8] Corwin, "Who has the Power to Make War?," N.Y. Times Magazine, July 31, 1949, p. 41.

[9] This declaration has been judicially interpreted to vest in the President all the executive powers of a sovereign nation with the capacity to uphold the rights and obligations inferable under the law of nations. *In re Neagle*, 135 U.S. 1, 64 (1889).

[10] *Ex parte Milligan*, 71 U.S. 139 (1866).

[11] See *Durand* v. *Hollins*, 4 Blatch 451 (1860) and *Warner, Barnes and Co.* v. *U.S.*, 40 Court of Claims 1, 32 (1904).

[12] *Swain* v. *U.S.*, 28 Court of Claims 173, 221 (1897); 165 U.S. 553 (1897).

[13] *Johnson* v. *Eisentrager*, 339 U.S. 763, 789 (1950).

[14] Ibid. Writing about the same subject in his three volume work on Constitutional law, Professor Willoughby observed:

"There has been no question as to the constitutional power of the President of the United States, in time of war, to send troops outside of the United States when the military exigencies of the war so require. This he can do as commander-in-chief of the Army and Navy, and his discretion in this respect can probably not be controlled or limited by Congress." W. Willoughby, *The Constitutional Law of the United States*, p. 1567 (2d ed. 1929, Vol. III).

[15] The Supreme Court has expressly found the power of the President in the field of foreign relations "does not require as a basis for its exercise an act of Congress." *U.S.* v. *Curtis-Wright Corp.*, 299 U.S. 304, 319–320 (1936).

[16] Alexander Hamilton argued that the power of the President to judge for the United States "what rights the law of nature and nations gives . . . serves as an example of the right of the executive, in certain cases, to determine the condition of the nation, though it may, in its consequences, affect the exercise of the power of the legislature to declare war." Hamilton, *The Gazette of the United States*, as reported in Corwin, *The President: Office and Powers*, Chapter V, 1957.

Also see *In re Neagle*, in which the Supreme Court held that the power of the President to enforce the laws extends to "the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the government under the Constitution." (135 U.S. 1, 64 (1889).

[17] According to Professor Corwin, it is the President himself who may make his own reading of our international obligations, without awaiting action either by Congress or the Courts. Corwin, *The President: Office and Powers*, Chapter V, 1957.

[18] 50 U.S.C. 401.

[19] 50 U.S.C. 402.

[20] 10 U.S.C. 141(b).

[21] 10 U.S.C. 141(d)(1).

[22] Opinion Research Corp. national survey taken May 1–2, 1971, question 1.

[23] Ibid., question 3.

Mr. STENNIS. I thank the Senator from Arizona for a very fine contribution to the debate. He is a scholar of a special type and looks into things before he speaks. He comes here with a prepared statement that is a challenge to all of us.

Mr. GOLDWATER. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 8 minutes left.

Mr. GOLDWATER. I have nothing further to say, Mr. President, except to thank my chairman for his kind remarks and to add something that I think is overlooked in the amendment proposed to bring all Americans home from South Vietnam by the end of this year. I think I can categorically state that that is not possible. If we utilized every aircraft that flies the airways of America and every ship we have that plies the waters of the world, we could not move that many men in that length of time. So I would hate to see us adopt the amendment and then find out we could not accomplish its terms. In my humble judgment, it would take more than a year to transport that many men home from Southeast Asia.

I yield back the remainder of my time.

Mr. HART. Mr. President, tomorrow we will vote on setting a date certain for withdrawal of U.S. forces from Indochina.

An affirmative vote should not be cast lightly, for indeed the McGovern-Hatfield amendment is a departure—welcome, in my view—from what has become the norm in relations between the President and the Congress on foreign policy.

But neither should a negative vote be cast lightly or on the unquestioned assumption that the norm should not be tampered with.

In a very real sense, we vote not only on whether to end a foreign adventure, but also on whether we can signal the start of a too-long-delayed adventure at home.

For those who believe that war remains a viable instrument of foreign policy, the decision to continue participation in a war, no less than the decision to enter one, should be a matter of balancing costs and gains.

On the cost side of the ledger, any nation should consider:

Lives lost and money spent.

Results of diverting energy and resources from peaceful pursuits.

A nation which values, however imperfectly, freedom of dissent and government by democracy must also consider the effect of a war on the conscience and unity of its people.

And a nation which professes a belief in value of each member of the human race must also assess the cost to the people and to the land of the country in which it decides to fight.

Against these items must be weighed the national interest and, yes, even the chance that the cause of peace and freedom might be furthered through war.

And in the case of a nation balancing the question of whether to discontinue a particular war, that nation, if it indeed believes in the intrinsic value of each individual, must be concerned about the return of men it ordered into battle but now held prisoners by a foreign government.

The costs break down like this:

Our Nation has lost 55,000 persons and spent more than $125 billion. Nearly 300,000 Americans have been wounded.

More than 300,000 Vietnamese civilians have been killed, more than 1 million wounded, and 4 million made homeless.

Those are awesome figures standing by themselves, but they take on added dimension when measured against what this Nation has not done at home in the decade of the war.

There are sections of our major cities which look like Dresden after the World War II bombing, but in the cases of our cities, it has been neglect rather than explosives which have resulted in gutted buildings and debris-filled lots.

There are sections of our countryside which look like the victims of a policy designed to "bomb them back to the stone ages," but in these cases, it has been neglect rather than explosives which have created these deserts of despair.

We still pay people not to grow food, but somehow cannot find the resources to get what we do grow to the hungry of our land.

We have heard from the Kerner Commission on Civil Disorders but have neglected its warning that we were in fact becoming a two-part society—one part white, one part black.

We have read the report of the Eisenhower Commission on the Causes and Prevention of Violence, but have refused to act in meaningful ways to reverse its predicted trend toward a nation of armed, affluent suburbs, and decaying, savage cities.

The tasks before us are immense.

We must do no less to save our cities and countryside than we were willing to do to help rebuild Europe after World War II.

The task will demand the best of each of us, but can a nation be united in the search for greatness at home while divided by a winless effort abroad?

Can a nation aspire to greatness at home with a deeply troubled conscience about policies abroad?

And surely this Nation has a troubled conscience about its action in Indochina.

Why else would so many have reacted as they did initially to the conviction of an Army lieutenant for war crimes in Vietnam? Surely not because they thought what he did was correct, but because to many the conviction seemed unfair in light of the war policies we have pursued in Southeast Asia.

As Burke Marshall, deputy dean of the Yale Law School, wrote in the April 10 edition of the New York Times:

> We know, or at least should know, that our war in Indo-China is based on killing civilians. We know, or at least we should know, that the number of civilians that we are responsible for having killed, or disabled or made parentless, or made childless, is far greater proportionately, and maybe even absolutely than in any war.

The Nation's troubled conscience will not be eased by a large reduction of U.S. troops in Vietnam while bombing continues, for I believe this Nation will, in the long run, excuse neither a Mylai by land nor by air.

Again, as Mr. Marshall wrote:

> The only possible such act that meets the needs of our moral crisis would be an immediate cessation by the United States of all war-making in Indo-China.

It is hard to imagine what gains to the national security or to the cause of peace and freedom would outweigh those costs.

Certainly the Saigon Government has demonstrated no commitment to the ideals for which we have sent men into battle before.

Certainly, no one can say that we have not gone further than the last mile to honor any commitment, real or imaginary, we might have had to someone in South Vietnam.

Most certainly, the national security is threatened more by our bombed-out cities, by our devastated countrysides, by our troubled consciences and divided spirit than it could by whatever government eventually takes over in Saigon.

And certainly a nation which says it believes in the worth of an individual cannot support continued killing of men, women, and children in the name of protecting American honor, or demonstrating that we are a great power, or forestalling a possible, acrimonious political debate at home.

It is time to bring all the troops and airplanes home.

It is time to take action to restore the Nation's unity of purpose and direct it to the awesome task we face at home.

And yes, it is time to take an initiative which may lead to the return of men held prisoners by Hanoi.

Enactment of the McGovern-Hatfield amendment, which would prohibit the expenditure of funds for military action in or over Indochina, would be such a step.

The amendment also gives North Vietnam and other forces holding U.S. personnel prisoners 60 days to make arrangements for their release if the withdrawal is to proceed on schedule.

This provision puts the pressure on North Vietnam to respond favorably on the questions of returning our prisoners of war.

The two main arguments against setting a date certain for withdrawal are that it would make more difficult the efforts to secure return of our men and that it would undermine chances for the program of Vietnamization to succeed.

Frankly, I fail to see the logic of those arguments, particularly inasmuch as this Nation has announced an "irreversible policy" of withdrawing troops.

Hanoi knows of that policy, and Hanoi knows, as we should, that our bargaining position becomes weaker with each new troop withdrawal.

Why not put the pressure on Hanoi now rather than when our only options will be either to hope that the Saigon Government cares as much about our men held prisoners as we do, or to increase bombing of North Vietnam.

Increased bombing will be our only option to buck up the Vietnamization program if it flounders, as it may well as long as it is more dedicated to keeping the present regime in office than it is to allowing the people of South Vietnam, through their own political system and compromises, to work out their destiny.

Increased bombing means more killing, more civilian casualties, more Mylais by air, more divisiveness at home.

Let us then take a stand tomorrow in favor of ending the killing, or at least our participation in it.

Let us take a step which holds the best chance for encouraging a political solution to the conflict.

I make this plea as one who has come to this position over the years.

This plea is made not in any sense of rancor or partisanship but with the hope that we in this body, regardless of party, can take a step to eliminate one source of discord in our Nation.

Perhaps elimination of that discord will signal the start of a long-delayed adventure at home, an adventure which will require unity of purpose and spirit.

Mr. STENNIS. Mr. President, I yield myself 2 minutes on another matter. I understand the Pastore rule has been waived.

The PRESIDING OFFICER. The Senator is correct.

APTITUDE TEST MAY HOLD KEY

Mr. STENNIS. Mr. President, on Monday, June 14, the Washington Evening Star carried an article by the noted columnist and writer, David Lawrence, entitled "Aptitude Test May Hold Key."

The article is based upon the fact that the Senator from West Virginia (Mr. BYRD) introduced an amendment, and got it adopted last week to an appropriation bill, regarding an in-depth study and survey with reference to the aptitudes of high school students concerning the activities they would most probably fit into with interest and intention of using as a life's vocation. At that time the Senator from West Virginia said as follows:

> What we need in our schools is more emphasis on aptitude testing and a greater effort made to familiarize our young people with the many career choices that are available. I am convinced that if this were done, more youths would find their education relevant, fewer would pursue training for which they are not equipped, and our society would experience less of the anti-social behavior—riots, drug addictions, and the lowering of personal moral standards—which may result from the frustrations of bad life choices.

Mr. President, this amendment provided $7 million for demonstration or pilot programs to test students in junior high school and senior high school as to their natural aptitudes, so as to provide the students and their parents with a meaningful evaluation of the kinds of careers the students might successfully pursue.

Such tests, in my view, are badly needed. Our young people are faced, as never before, with a proliferation of ways in which they might shape their future lives. They are subject to social and family pressures in making their choices. They need assistance, and it is within the competence of testing techniques to provide it.

Such tests can provide answers to some questions that are of utmost importance to a young person and to his or her family. First, should the student proceed, after high school, to higher education? If so, toward what kind of a degree? If not, in what vocation should the student be trained? These questions cause a great deal of anxiety to our young people and their parents. Lack of answers can cause great expense and disappointment to the parents, and disillusionment, despair, and rebellion among the students.

A student who is to go on to college must have the motivation to undertake this learning effort, and the mental equipment to carry it out successfully. Otherwise, he is one of many who should choose a vocational career instead. Let this not be considered a downgrading of his abilities, or anything but a wise choice on his part. Some of the most outstanding individuals our country has produced have been those who were ideally suited to their vocations, in contrast to hundreds of thousands who pursued higher education without ever achieving inner satisfaction or material accomplishment.

The national tendency, brought on us in times of great national prosperity, to believe that all, or most, young people should go to college has gotten us into some deep national trouble. I refer to the situation on the campuses of our institutions of higher learning.

In some universities and colleges, there simply are too many young people there that should not be there. They are not equipped or motivated to be there. They lack goals and the ability to attain them. In aimless desperation they turn to activism or idleness, in seeking their places in society.

Some have come to view extended years of education as a goal in itself. It is not. It is not a path to success, or contentment, and it is too often the road to unhappiness and social disorientation.

Aptitude tests in our schools, continuing through high school, have a tremendous potential toward helping our young people recognize their goals at an early age and follow the most direct path toward them. I advocate a very strong and active program toward this end.

Mr. President, other points were made by the distinguished Senator from West Virginia and other points were made in the article. I highly commend the Senator from West Virginia for his act in getting the amendment adopted, for the words that he spoke on that occasion, and I would very much like to be associated with his reasoning, logic, and purposes. I believe this would be a tremendous step forward toward a sounder foundation for our educational system, as well as a better way of life for innumerable people.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APTITUDE TEST MAY HOLD KEY

(By David Lawrence)

The Senate has just added to an appropriation bill a $7 million provision for research and development to be given to local educational agencies in elementary and secondary schools. It may prove to be the most significant step America has taken to aid frustrated youth and restless boys and girls, many of whom should not necessarily go to college.

Sen. Robert Byrd, D.-W. Va., who introduced the amendment, made some pertinent remarks about how a large number of the students in colleges really are not suited for courses there and would be happier if they were trained for particular occupations to which their aptitudes pointed.

He told the Senate: "What we need in our schools is more emphasis on aptitude testing and a greater effort made to familiarize our young people with the many career choices that are available. I am convinced that if this were done, more youths would find their education relevant, fewer would pursue training for which they are not equipped, and our society would experience less of the anti-social behavior—riots, drug addictions, and the lowering of personal moral standards—which may result from the frustrations of bad life choices. . . .

"Currently, there are no career education programs funded as such. Most schools do have some type of testing program which indicates aptitudes, and whether or not the student is college material, but that is where the program stops. Many schools, responding to the pleas of parents, suggest that all students go to college, because they have no alternatives to offer. The demonstration projects I am proposing would start testing as early as junior high school, provide the student with information regarding occupations which he could pursue, including the furthering of his academic education, if that course is indicated."

Byrd went on to say that there are too many young people in college today who are not interested in their courses and really should not be in college at all.

For several years this correspondent has been familiar with the work of the Human Engineering Laboratories, which are located in some of the principal cities of the country and were set up by the Johnson O'Connor Research Foundation, a non-profit organization. An emphasis has been placed on "born gifts." These aptitudes, it is contended, cannot be acquired. Tests have been given to young people for a number of years and the young person has generally found that he or she was on the wrong track or was pursuing the right course. In the latter case, the satisfaction in learning that one's objectives have been confirmed is very helpful in removing uncertainty and frustration.

These tests have brought surprises. In one case, a young man who was graduating from Harvard with honors was seeking a job in journalism but it was suggested that he first take the aptitude tests.

He did and said afterwards: "I never was so surprised. The results of the tests indicated teaching. And that's exactly what I will do. I'll get a Ph.D. and become a member of a faculty."

In another instance, a father was unhappy that his son wanted to drop out of law school. Aptitude tests were suggested. It turned out that the category indicated for him was in the field of business and finance. He went to a large bank in New York the next day, got a job in one of its branches overseas, and now is occupying an important place in the institution abroad.

There have been many similar cases. The State of Washington makes tests of this kind available to high school seniors, particularly those planning to go to college. Some other states are beginning to do the same and to use them in employment agencies.

The tests are relatively expensive, and the government should finance their use for high school students. Nobody should be compelled to follow the advice given, nor should those who do not want to go to college feel in any way demeaned. The important thing is to come forth with scientific counseling that will aid our youth in determining the jobs or occupations or college courses for which they are best suited.

The days of compulsory curriculums should be over, and high school students who see an opportunity to perform useful service without attending college should have the freedom to do so. Parents should cooperate, and they will once some method of verifying the direction their sons or daughters should go is revealed by aptitude tests.

The action of Congress on Byrd's proposal ought to be interesting to the educational world, for it is a significant step to help the frustrated youth of our land to see daylight.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I suggest the absene of a quorum. I will charge the time to my side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, today I want to discuss openly and straightforwardly an issue that has previously been mentioned only quietly. I refer to the effect which a rapid withdrawal from Vietnam—forced by the Congress—would have on our own society, especially if this withdrawal were followed by serious military reverses for the South Vietnamese.

I want to discuss this issue openly, because I believe that too often the really central questions in a debate of this importance are left unaddressed—and I believe that it has happened in part in this debate.

Let me begin by stressing what I pointed out yesterday in the debate. I do not believe that the issue which divides the supporters of the amendment from the rest of us is the question of whether or not the United States should continue the war in Vietnam. That issue has been decided. It is now clearly our national policy to end American involvement in the Vietnam war and on that issue the President, virtually every Member of this body, and most of the public, are unanimous. The issue which divides us is when this involvement is to end. There is also the closely related question of whether or not it is wise for Congress, acting alone, to set a date for the termination of American involvement against the clearly expressed wishes and position of the Commander in Chief.

As I pointed out yesterday, I believe the statistics indicate that the President, as Commander in Chief, is moving steadily to withdraw our forces and terminate American involvement in the war. I believe he is proceeding—and will proceed—to do this as quickly as he can while still working to give the South Vietnamese some basic capability to defend themselves against aggression from the North. I do not believe that these objectives are incompatible. During our phased withdrawal we are working as quickly as we can to train the South Vietnamese to take over the responsibility of defending themselves. It would, of course, be physically possible for us to leave more quickly and to abandon completely this second objective. That is the sum and substance of the amendment before us.

I believe that reasonable men can differ about whether or not the Vietnamization program will be successful. We cannot yet know whether we will be successful in training the Vietnamese to take over their own defense and we cannot know whether the extra months which this will require will eventually prove to be worth their cost. It may be that even with an extra year of training and assistance from our forces the army of South Vietnam will not be able to withstand the attacks from the North after we leave. But it is almost certainly true that we will improve their chances of being able to do so by our current policy—a steady withdrawal of American forces coupled with Vietnamization. I do not know, and I do not believe that anyone knows, whether this last few months of effort on our part will make the difference, or whether going this last mile will salvage all our earlier efforts. But whatever chance the South Vietnamese have of being able to survive as an independent government, this last effort on our part can only improve that chance.

I mention these obvious points because I believe they illumine a very serious potential condition in our own country. If South Vietnam is able to continue to exist as a free nation after U.S. forces leave, I believe it is fair to say that our national reaction will be one of relief, as well as pride. This relief will be coupled with sorrow, for many brave men have died and much money has been used to support an involvement which most of us realize now was initially a mistake.

I believe it is also fair to say that if South Vietnam falls to the Communists the anguish in this Nation will be great. It will be the anguish of parents and wives who have lost sons and husbands in a cause that was unsuccessful. It will be the anguish of citizens who realize that, without any clear vote being taken in Congress and without war being constitutionally declared, the Nation became involved in a war that it could not win. But if we have worked together our anguish will not divide us. Perhaps we will even learn from it, and I emphasize that, Mr. President, with the fervent hope and prayer that we shall learn from it.

These are somber thoughts, but I would ask each of my colleagues to consider very seriously that there is a third possibility which is even more unpleasant, and that is the possibility which acceptance of this amendment would create. If the Congress cuts off funds for a war while American men are still in the field, and if that war is lost, then the very greatest and most serious of all possible divisions within our society could be created. I do not suggest this matter lightly. If the Congress cuts off funds for American troops in the field at a time when their Commander in Chief had clearly stated that their safe withdrawal and the chance of a successful conclusion to the war depends upon those funds, many would be likely to say that Congress, not the President, would bear the major share of the responsibility for the outcome of that war. I say now as seriously as I possibly can that we want to keep the responsibility for the termination of this war where it belongs—in the hands of the Commander in Chief.

I accept any part of the blame that belongs at my doorstep for things that have happened in the past with reference to the beginning of the war and with reference to the weaponry and matters of that kind; but under the circumstances now existing, I do not want to be a party, as long as I have faith in the present Chief Executive's effort to carry out the program that he has been successful in so far, to derailing or frustrating that plan, or causing it not to work, and thereby bring down upon our heads the burdens and the problems that I think such a condition would create in the decades ahead. If Congress should cut off the funds for this war and South Vietnam should subsequently fall to the Communists, I believe that there is little that any of us could do to hold back the wave of bitter recrimination across America. Party would be set against party, the executive branch against the Congress, and those who support the military against those who oppose and distrust it. These divisions now exist to some degree, of course, but I fear that the fissures created by a disaster of this type could be deeper than any which have existed in American society since 1865.

I speak with all deference to the participants of earlier disputes about American foreign policy when I remind my colleagues that the charge of "who lost China" and the recriminations which followed from that charge were not a pleasant chapter in American history. By way of analogy only, I would also mention that one of the major reasons why the social and political fabric of Germany was shattered in the 1920's and 1930's was because many citizens were led to believe that parliamentary leaders had unnecessarily caused Germany to lose World War I; this "stab in the back" legend was a cancer which continued to grow and poison the German political system for 25 years.

Let me say in conclusion that I do not enjoy making such unhappy analogies or such dismal suggestions, but I sincerely believe that every Senator should stop and think, before he supports or votes for this amendment, about the possible consequences to American society of an angry and emotional debate over who is responsible for the loss of the Vietnam war, if that war does not produce a viable and strong South Vietnam Government. Such a concern about our own society is not the only issue which is relevant to this debate, but it is one which I feel has not been sufficiently addressed.

And if the Senate should be so unwise as to adopt this amendment, it is one which many would wish we had considered more seriously.

Let me close, Mr. President, with the thought that however the war ends, and with whatever degree of success, we will all have much work to do to bind up this country's wounds. I urge my fellow Senators to resist attempts to divide us and to begin today to plan how we can all contribute to that healing.

Mr. President, with reference to the power of Congress, I want to make it clear that all my thought and all my points in this debate are consistent with and recognize the fact that I believe Congress does have the authority, does have the power, to cut off this appropriation. There is no doubt about that in my mind. There is no question about the constitutional power of Congress to withhold appropriations. As a matter of fact, the only branch of our Government that can originate an appropriation is Congress. The President of the United States cannot appropriate one dime. He cannot originate $1 of appropriation. Neither the Supreme Court nor any other part of the judicial branch of Government can initiate an appropriation of as much as $5. Congress has the power to raise money and the power to appropriate money. The President can veto an appropriation bill, but he cannot originate an appropriation bill.

I am totally opposed to this amendment, but I stand firmly on the ground that Congress does have the power to consider appropriations and to put such conditions on them as it does, consistent with the basic law of our Constitution.

So this amendment would be a limitation on the use of appropriations, a limitation on appropriated funds. It is clear to me that there is a constitutional basis for this amendment. I think I have strengthened my argument against the amendment by saying that, to my mind, this constitutional question is not involved.

Mr. President, I am charged with the time I have used, and I have told the Senator from South Carolina that if he were here, I would yield to him.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 2 minutes to the Senator from Wyoming.

REREFERRAL OF A BILL

Mr. HANSEN. Mr. President, on behalf of the senior Senator from Washington (Mr. MAGNUSON) and myself, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of the bill (S. 123) relating to the operation of the Kortes unit of the Missouri River Basin project, and that the bill be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HANSEN. The proposed legislation deals with the operation of a Bureau of Reclamation project. Since a modification is being made for fishery purposes it is understandable that it would appear the bill should be assigned to the Commerce Committee. However, a closer look reveals that the bill more properly belongs before the Interior Committee. Indeed, in the 90th and 91st Congresses this legislation was referred to the Interior Committee and it is appropriate that the legislation be referred to the Interior Committee in the 92d Congress.

I am grateful to the distinguished chairman of the Committee on Commerce for his understanding and cooperation.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. JAVITS. Mr. President, I ask unanimous consent, so that we may have——

Mr. STENNIS. I will yield to the Senator.

Mr. JAVITS. I need approximately 20 minutes.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from New York, with the understanding that he will request the Senator from South Dakota to yield.

Mr. JAVITS. I thank the Senator.

Mr. President, I ask unanimous consent that, at the conclusion of my remarks, I may call for a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMPERATIVENESS OF FULL WITHDRAWAL

Mr. JAVITS. Mr. President, I have chosen this time to report to the Senate on my visit to Vietnam very recently, because I think it bears critically and directly upon the vote on the McGovern-Hatfield amendment.

My visit to Vietnam on May 23, 24, and 25, which was my third visit there—the second within 18 months—convinced me that there is nothing further to be gained there commensurate with the price we are paying at home and abroad, to justify the continued presence of U.S. troops there. The South Vietnamese are now in as good a position as they are ever likely to be to stand on their own feet. I found several indications that the survivability of South Vietnam might actually be increased by a total U.S. withdrawal as soon as possible.

The new political ferment in Vietnamese thinking and attitudes, catalyzed by substantial U.S. troop reductions—for which the President is entitled to all credit—and the upcoming elections for members of the National Assembly and for President was the most hopeful thing I encountered. If Vietnamese leaders felt confident of continued U.S. aid on the order of magnitude of $2 billion per year, it is my impression—and this is my profound conclusion from my visit there—that their resistance to a rapid and complete U.S. withdrawal would diminish significantly.

A factor of very great importance is the heroin epidemic among U.S. servicemen in Vietnam. It is a monstrous and unacceptable situation. Unless it is rapidly brought under control, the American people may feel they have no choice but to demand the immediate withdrawal of all U.S. forces to save their sons from the tragic and debasing fate of heroin addiction.

Another factor of critical importance is the real worry about deteriorating morale and discipline in U.S. forces. This is epitomized by "fragging" incidents, and is extracting a real toll. U.S. national security could be jeopardized in future years by the continuance of our Armed Forces in Vietnam due to the deep damage to our military services—especially the Army—now being inflicted by the dissension and indiscipline which is a serious problem in Vietnam.

Full withdrawal of U.S. forces from Vietnam at the earliest feasible date is an imperative, in my judgment. That is why I am a cosponsor of the Hatfield-McGovern amendment and why I am confirmed rather than dissuaded by my recent visit to Vietnam that we must establish a date certain for full U.S. military withdrawal. I cannot favor a residual or transitional force as now planned by the administration. It is an invitation to massive reentry by U.S. forces. I feel the ARVN—the Army of the Republic of Vietnam—can find means other than such a U.S. presence in Vietnam to maintain security, provided South Vietnam develops—a viable sense of nationhood.

My visit to Vietnam was part of a very recent six-nation fact-finding tour undertaken as a member of the Senate Foreign Relations Committee. While in Vietnam I had discussions with the following: President Thieu, who received me very courteously; Vice President Ky; Foreign Minister Lam; General Duong Van ("Big") Minh, the much discussed possible other opponent to the President; Senators Chieu, Vu Van Mau, Tran Van Don; Professors Bong and Huy of the Captien Party, and high-ranking Vietnamese civil servants.

I also saw our own people, Ambassador Bunker; Deputy Ambassador Berger; General Abrams; Ambassador Colby, Director of CORDS; AID Director Mossler; JUSPAO Director Nickel; Economic Counsellor Cooper; III Corps Adviser Funkhouser; Embassy Political Officer Calvin Mehlert and others. Subsequently, in Paris, I had a meeting with Ambassador Habib of our Vietnam negotiating mission.

The major findings of my trip to Vietnam are summarized under the following.

VIETNAMESE POLITICAL SITUATION

The Vietnamese parliamentary elections scheduled for August—and especially the presidential election scheduled for October—have stimulated considerable political activity, interest and expectancy in South Vietnam. This is the case not only for the Thieu regime and its parliamentary allies now in power but also for the anti-Communist opposition which seems to be able to function within the present political system. I noticed that because it is noteworthy and significant.

The political plans and activities of the Communist opposition, as well as of the non-Communist opposition which may not be functioning openly, were not well known, or at least not much discussed. However, I was told that the Vietcong had "legitimatized" significant numbers of its cadre, through the GVN's Chieu Hoi ("Reconciliation") program for defectors and there was speculation that Vietcong sympathizers would be instructed to vote for the leading "peace" candidates.

The American role in the Vietnamese presidential election was a subject of great interest, speculation, and suspicion. It is just assumed that the U.S. is somehow favoring President Thieu for reelection. In this regard, I learned that U.S. personnel have received strict, detailed instruction to be completely non-partisan. Nonetheless, the very close working relationship between President Thieu and the leading U.S. official necessary for the conduct of business has engendered widespread suspicion of U.S. impartiality and of U.S. intentions as regards the Vietnamese electoral process.

I do not counsel that our people stop these relations. They cannot do so. But it does make it important for the United States to show is neurality in every way possible in respect to this election—and not just on the date of the polling.

In this regard, the presidential election law recently maneuvered through the assembly by President Thieu—which reportedly is designed to prevent Vice President Ky and others from qualifying as candidates—ought properly to be a matter of grave concern to our Government.

There are two views on the election. The U.S. officialdom is quite optimistic about the prospects for achieving political stability through the upcoming Vietnamese presidential election. It is felt that the achievements of the last 4 years, in terms of improved military security, political stability, and economic improvement and rural reforms, will be reflected positively in the October polling. The expectation is that a strong new mandate will be given to the winner, enabling the government to survive the U.S. withdrawal. It is assumed in this calculation that there will be a residual force and large-scale aid.

Skeptics and opponents of the Thieu government—of whom there seem to be many more than there were a year ago—are much less sanguine. Corruption and social injustice are the two most prevalent charges leveled at the Thieu government and the administrative competence of the government is sharply disputed. Three pessimistic scenarios for the election are heard in Saigon. The first is that President Thieu will egregiously "steal" the election—while the U.S. Embassy looks the other way—and morale will collapse as a result. Second, is that General Minh will defeat Thieu in a three way race which includes Marshal Ky and that the succeeding government will lack the strength to stand up against the Communist assault. Third, is that President Thieu's election law will backfire by leaving him without any opponent—thus discrediting Thieu and the Americans, and provoking a strong adverse reaction in U.S. public opinion to accelerate the U.S. withdrawal.

I do not necessarily subscribe to any of these theories. But I think that this election law is a danger so far as the United States is concerned. I hope very much that we will keep that sharply in mind. That could be the change which could be decisive in respect of the attitude the world takes towards the election.

War weariness is said to be very widespread in Vietnam. Nonetheless, I gained the impression—and I advance this to my colleagues only as an impression—of a certain sense of buoyancy and optimism among Vietnamese. This is related to an understandable sense of release from the massive and pervasive tutelage of the Americans, with their western ways, now that it is accepted that the United States is withdrawing, and has already done so in substantial numbers. It is said that anti-Americanism is now more open and widespread but few thought it would be a major issue in the foreseeable future.

MILITARY SITUATION AND VIETNAMIZATION

I found general agreement regarding the steady improvement of the conventional military situation in South Vietnam since my last visit 18 months ago. The level of fighting is reduced, security has improved and expanded, the ARVN is better equipped, better trained and more effective in combat. There are grounds for skepticism on several counts, however. The performance of ARVN units in Laos, and more recently in Cambodia, resulting in retreats, which the press has widely characterized as disorganized, has raised questions regarding the capacity of the ARVN to stand up to North Vietnamese regular forces when American support units have been withdrawn.

Within South Vietnam, the Communists have, for the most part, scaled down the level of fighting to protracted, or guerrilla, war and terrorism. Despite the scaling down of the fighting, and despite the large expansion and impressive equipping of the local self-defense forces, I learned that the level of Vietcong terror incidents had not been reduced in the past year. One recent survey indicated that Communist infiltration into the local self-defense forces was an important suspected cause of the poor showing against local incidents and terror. This situation throws some doubt on official claims that the Vietcong political-military apparatus was severely, if not mortally, decimated during the 1968 Tet offensive and subsequent fighting.

Vietnamization is said to be proceeding well and on schedule, laying the base for increased rates of U.S. withdrawal.

In terms of time, the major bottleneck in Vietnamization is the Vietnamese Air Force—VNAF—where the lead time on training and equipment is longest. Indications are that Vietnamization of the VNAF may not be completed before the end of 1973—calling for a prolonged stay and combat role for U.S. Air Force units, according to opinion in Vietnam and press reports.

President Nixon has pledged to reduce American forces to 184,000 by December 1, 1971. His plans for further reductions after that date have not been announced and probably have not yet been decided.

There is much discussion in Washington and Saigon of a "residual" or "transitional" force, of perhaps 40,000 to 50,000. Both Vietnamese and Americans in Saigon profess that such a residual U.S. force could be decisive as regards the ability of the South Vietnamese Government to survive politically following the withdrawal of other U.S. forces.

The large quantities of valuable material to be returned to the United States is clearly an important factor in planning U.S. withdrawal schedules. Security, advisory, and command and control units are other elements. There can be little doubt that the sheer logistical problems of withdrawal of the massive U.S. presence—men and equipment—is formidable, indeed, if it is to be accomplished in an orderly and efficient way. Political necessity is likely to prove overriding, however, in determining the schedule for U.S. disengagement. I believe that the psychological gains at home and in Vietnam to be gained from early withdrawal should be overriding. I believe it can be made consistent with withdrawal of the very large amounts of valuable materiel which are now in Vietnam.

DRUG AND MORALE PROBLEMS OF U.S. FORCES

It is very apparent in Saigon that U.S. forces in Vietnam are in the throes of a drug crisis—a heroin epidemic is said to have gripped an estimated 15 percent of our servicemen, while use of marihuana, and other narcotics, is said to be very prevalent. The heroin epidemic among U.S. servicemen in Vietnam is fed by very cheap and plentiful supplies of 95 percent heroin—skag—which is smuggled in from expanded new opium poppy fields in Laos, Thailand, and Burma.

Efforts by the Vietnamese authorities to halt the smuggling of heroin into Vietnam, and to crack down on its quasi-open availability around U.S. base areas and in Saigon, have been so far largely ineffective or nonexistent. We received testimony from three representatives on this matter the other day before the Committee on Labor and Public Welfare. These representatives actually had personal experience of the situation.

A new, high-priority plan to attack the heroin availability problem has recently been formulated by United States and Vietnamese authorities. We must assume that they are acting in good faith. The results have yet to be recorded.

Detection, treatment, and rehabilitation programs for addicts are very inadequate. Procedures are being changed and new crash programs adopted, but one legacy of Vietnam may still well be the dumping of thousands of new heroin addicts back into civilian life in the United States. I am very regretful to say that such a burden would fall heaviest on cities like New York and Los Angeles which are the main centers in the United States for heroin distribution. On top of its present unbearable load of problems, another 10,000 to 20,000 heroin addicts could be the straw which could literally break the back of New York City.

Only slightly less serious than the heroin epidemic among our servicemen in Vietnam is the critical decline of morale and discipline. Fragging is said to be a fact of life. "Fragging" is a generic term used to denote a variety of coercive acts of indiscipline employed against officers and noncoms. In its original and stricter meaning, "fragging" relates to the use of fragmentation grenades to kill or maim officers who are unpopular or who issue what some of their men might consider dangerous or otherwise undesired orders.

Racial tensions are reportedly high among U.S. servicemen and are said to be a factor also in some of these fragging incidents.

POSTWITHDRAWAL AID

Mr. President, the main thing I bring back to report to the Senate concerns the question of postwithdrawal aid.

The economic situation in Vietnam is said to be much improved, though far from satisfactory. In a recent press interview, Ambassador Bunker is reported to have said he is more concerned over economic problems than over military problems in Vietnam. It is said inflation is being contained without stagnating the economy. United States and Vietnamese planners are optimistic that a base can—and is being—built for a rapid expansion and modernization of the still largely subsistence agricultural economy of South Vietnam.

However, the steady decline in the U.S. presence—and U.S. spending—in Vietnam is bringing to a head many crises in a war-inflated and war-distorted economy. Few believe that the Saigon government can survive after the United States withdraws without some $2 to $3 billion in annual assistance from the United States for at least several years. Let us remember that Vietnam is now a State whose main occupation is war.

I was informed that planning figures run in the $2 to $3 billion range, and that this would include military, as well as economic and budget support assistance. I condition my willingness to vote for an aid program of this magnitude on four criteria: First, fair elections in Vietnam; second, a government that could maintain military security and domestic order; third, a government which effectively promotes social justice, economic reform, and an acceptable level of honesty; and, fourth, a government which respects the freedoms and democratic rights of its citizenry.

On this basis I felt that I could support congressional appropriations in the $2 billion range for Vietnam, following the U.S. withdrawal, and I advanced the view that I felt Congress would approve it.

Some have questioned whether these conditions are either too stringent to be achieved or too vague to be enforced. I do not accept this view. In my judgment, and the judgment of many others, the first fatal mistake of the United States in Vietnam was our failure to enforce the conditions for the U.S. aid set forth in President Eisenhower's famous letter to President Diem of October 1, 1954. The letter asks Diem's government "to give assurances as to the standards of performance it would be able to maintain in the event such aid were supplied." It says that the United States "expects" that "needed reforms" would be undertaken, and calls for a government "so enlightened in purpose and effective in performance that it will be respected at home and abroad."

I have purposely made the "conditions" I have mentioned more precise and specific than those in President Eisenhower's letter. I believe that they should be specifically included in the necessary aid legislation, together with reporting and evaluating procedures to insure that the conditions established legislatively are met.

I base my support for an assistance program of this magnitude on two major considerations. First, I feel that the United States has acquired an obligation to the millions of Vietnamese who have been drawn into the massive U.S. operations within Vietnam and that a Vietnamese government which can meet reasonable standards of performance set would be entitled to our continued financial assistance.

Second, I have the impression that if the Vietnamese government leaders felt confident of receiving continued large-scale U.S. assistance of the magnitude I have indicated after U.S. withdrawal, the resistance of the Vietnamese government to early, full withdrawal of U.S. forces would be greatly reduced.

Mr. President, I hope that these observations based on my visit to Vietnam will be of use to my colleagues in this debate. I repeat my intention to vote in support of the McGovern-Hatfield amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

QUORUM CALL

Mr. JAVITS. Mr. President, we had unanimous consent for a quorum call. I ask unanimous consent that there be a quorum call and that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without obection, it is so ordered.

Mr. STENNIS. Mr. President, I am happy to yield to the Senator from Maine (Mrs. SMITH) for 8 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SMITH. Mr. President, the Hatfield-McGovern proposal asserts that the issue is either complete withdrawal in less than 7 months or continued escalation—that there is no alternate between these two extremes.

It is, in essence, an argument for polarization—a contention that the choice is clearly between a black of continued escalation or a white of quick and complete withdrawal—a simple choice between war and peace—between morality and immorality.

Is this valid? Is there no other choice than continued escalation or sudden, complete withdrawal? Is there no middle course?

I don't think it is valid. I think there is another choice—a middle course. That course is an uninterruptedly accelerated reduction of our military forces from Vietnam concurrently with South Vietnam taking over its own defense.

The Hatfield-McGovern amendment is nothing less than the advocacy of a self-inflicted policy and declaration of unconditional surrender by the United States and abrupt abandonment.

Are those who vote for the Hatfield-McGovern amendment for quick and complete military withdrawal by December 31, 1971, in favor of not only terminating any military assistance program but as well any economic assistance to South Vietnam? If the Hatfield-McGovern amendment is adopted, how then could economic assistance be justified?

The Hatfield-McGovern amendment fails to address itself to the conditions of peace. We can cut off funds—but we surely cannot legislate the purposes of Hanoi. By adoption of the Hatfield-McGovern amendment, we can turn this crisis into a clockwatchers' operation in which we can trigger a collapse of will on our part and a complete intransigence by a Hanoi chanting a countdown as the last seconds tick away.

There is another course than the total cut-and-run advocated by the Hatfield-McGovern amendment. It is the steady downward deescalation of our involvement that still provides the opportunity for negotiation and a substantive policy as distinguished from political expediency, however popular and tempting it may currently be.

Perhaps the President's course can be faulted—but surely total and immediate withdrawal is not the responsible way of faulting him.

Mr. STENNIS. Mr. President, will the Senator yield?

Mrs. SMITH. I yield.

Mr. STENNIS. Mr. President, first I wish to thank the Senator very much for a very fine contribution. Even though it has been short in length, it is a very powerful argument.

I wish to point out for emphasis, as the Senator from Maine stated just now, we can cut off funds, we can limit appropriations, or we can refuse to appropriate, but we cannot legislate a peace or legislate leadership in negotiating for terms.

I think the Senator from Maine has summed up the entire problem and put the matter very succinctly. We have a choice in this matter, as she so well outlined, and as she so well stated.

Again I thank the Senator from Maine. As always, her remarks were to the point.

Mrs. SMITH. Mr. President, I appreciate the chairman's very fine words.

I wonder how many Senators have given thought to the fact that if all funds are cut off for Vietnam, how far they are going to get with the foreign assistance we have been talking about for their needs in the future.

Mr. STENNIS. The Senator is correct. The Senator's word abandonment describes the situation totally—abandoning not only the promise, but abandoning the people.

Mrs. SMITH. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mrs. SMITH. I yield.

Mr. JAVITS. Mr. President, as always I listened to the Senator from Maine not only with respect but with the dedication to read her remarks again and again and to let them persuade me, if it is at all possible, I think so much of Mrs. SMITH of Maine.

I wish to note that I just made a report regarding my own visit to Vietnam, in which I said I would support money appropriations in the amount of $2 billion to $3 billion a year. That is a lot of money, but I realize this is a nation at war and if it is to be maintained in the position of fighting for its own freedom, I think we have that responsibility.

I note what the Senator said about the possible inconsistency of voting for the McGovern-Hatfield measure—which is what I said I would do—and that kind of support.

I wish to state that the McGovern-Hatfield amendment, and this is very much at my request and some others who are cosponsors, provides on page 2, lines 13 to 15:

> To provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

I gather that the point the Senator raises is consistent with this section in making the point about inconsistency or possible inability under McGovern-Hatfield to do what I said I would do.

I just wish to assure the Senator from Maine that, if McGovern-Hatfield should be approved, then I would join with other Senators in any amendment required to make it crystal clear that we are free to and will give economic support to enable these people to sustain themselves, with all the resources we have already shed. If the economic support will help them continue that, I shall certainly stand for it. I wanted the Senator to have my view.

Mrs. SMITH. I thank the Senator from New York. As always, he comes through with a response.

My concern is that if we abandon those people, cut off all funds, it may be some time before we can get to the point of finding a way of getting those funds the Senator has referred to.

Mr. JAVITS. I agree, and I lend myself to that purpose, if McGovern-Hatfield should be adopted.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. STENNIS. Mr. President, I yield 7 minutes to the Senator from Maryland (Mr. MATHIAS).

The PRESIDING OFFICER. The Senator from Maryland is recognized for 7 minutes.

Mr. MATHIAS. Mr. President, in rising to support the Hatfield-McGovern amendment this year, as I did last year, I am not going to repeat the arguments that have been made so well by our colleagues during the past weeks. They have pointed out that our present policy has brought neither peace nor a negotiated settlement. They have shown that since the repeal of the Gulf of Tonkin resolution, there is no constitutional authority for prosecuting the war. And, most importantly, they have made it clear that a concern for our prisoners of war makes adoption of this amendment essential.

What I want to do is give expression to a feeling of deep anxiety for the future of America, for, as we approach the vote tomorrow on the Hatfield-McGovern amendment, I am fearful that Congress fails to appreciate the full dimension of the problems just over the horizon.

Can it be, as some of our young people say, our system is not working? I think I can say with conviction the system is working. The fact that there is going to be a vote tomorrow on the Hatfield-McGovern amendment, a vote on ending the war, is evidence that the system is operating. And because the result is not palatable to everyone does not mean the system has not done its job. It may mean that Members of the Senate have not done their job, because the responsibility for the outcome rests squarely on the Members of the Senate, and we bear that burden.

Mr. President, those who come to us, write to us, visit with us, communicate in every way they can with their representatives in Congress, ask, "How can we continue business as usual when this tragedy continues in Asia?" It is hard to answer that question. It is hard to answer the fact that in numerous public-opinion polls the American people show their dissatisfaction with the course of the war, and yet we in Congress provide the means, the men, and the money to keep it going.

Let us look for just a moment at a few of the circumstances that have crept into this debate this year that were not in the debate last year. For example, there was an article in the June 7, 1971, issue of the Armed Forces Journal, written by Col. Robert D. Heinl, Jr., from which I quote:

> The morale, discipline and battle-worthiness of the U.S. Armed Forces are, with a few salient exceptions, lower and worse than at any time in this century and possibly in the history of the United States.
>
> By every conceivable indicator, our army that now remains in Vietnam is in a state approaching collapse, with individual units avoiding or having refused combat, murdering their officers and noncommissioned officers, drug-ridden, and dispirited where not near-mutinous.

I think one of the great tragedies of this whole problem is that this has brought discredit to American arms. This is not just what it has done in Vietnam; it is what it has done to our whole profession of arms in America. I think it has discredited the concept of service—professional military service—in the eyes of a significant number of the American people.

Let us look at the drug problem. It is everywhere in Vietnam. Our troops are daily accosted by street peddlers and pushers, and it is not simply marihuana.

According to reports cited in Newsweek on May 24, "Some 30 to 40,000 of our servicemen in Vietnam are heroin addicts—which means roughly 10 to 15 percent of all G.I.'s in the country."

A young veteran recently wrote me about this problem, and I would like to read from his letter:

> Both marijuana and heroin are freely available in all parts of Vietnam where I traveled. I was solicited to purchase drugs on almost a daily basis . . . even though most pushers avoided commissioned officers. Enlisted men . . . are solicited on a much more intensive basis than I was. Even when I was in Khe Sanh during operation Lam Son 719, there were incidents of ARVN troops selling drugs to American forces.

And, of course, this has an effect on our forces. I quote again from the same letter:

> The Vietnamese people regard drug use as a vice and a personal weakness, and consequently have a low opinion of U.S. drug users, whom they categorically classify as "U.S. Enlisted Men." It is my opinion that drug abuse on the part of U.S. forces has seriously hampered the objective of Vietnamization and destroyed relations because of the shoddy example that many U.S. troops set while in Vietnam.

It is obvious that a great deal of this activity is taking place with the connivance of those whom we are in Vietnam to help. I think it is obvious, again, that the returning addicts will represent not only a tragedy for themselves but a burden on our society for a generation to come. Yet as we thrash about for ways to cope with this problem, the depths of which are still uncharted, we have thus far failed to invoke the most obvious preventive solution to the nightmare, which is to get out of Vietnam.

Mr. President, if we fail to take that step, I wonder what is going to become of us.

Beyond the drug problem let us consider the question of death——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for an additional 5 minutes.

Mr. MATHIAS. Moving beyond the drug problem, let us now consider the question of death. It is interesting to note that the current death rate in Vietnam from noncombat causes exceeds those resulting from combat. Figures are not available on how many deaths resulted from drugs. However, figures are available on the horrible practice of "fragging," the practice of murder or attempted murder of strict or unpopular officers and noncoms. Let me quote again from Col. Heinl's recent article in the Armed Forces Journal:

> With extreme reluctance the Pentagon has now disclosed that fraggings in 1970 (209) have more than doubled those of the previous year (96).
>
> Word of the deaths of officers will bring cheers at troop movies or in bivouacs of certain units. In one such division—the morale-plagued Americal—fraggings during 1971 have been authoritatively estimated to be running about one a week.
>
> Bounties, raised by common subscription in amounts running anywhere from $50 to $1,000 have been widely reported put on the heads of leaders whom the privates and SP4's want to rub out.

These acts represent the boiling over of the pot of frustration and hopelessness which is the Vietnam war. Under the circumstances, it is easy to see why there are so few applicants for ROTC. Clearly such circumstances tend to sour even the most stalwart officer candidate.

And young draftees, already plagued with moral concerns over the war, are seeking to avoid induction. Failure to report for induction has become epidemic. In May of this year, of 33,908 draftees called, only 21,933 reported for induction. That means over a third of those called failed to appear.

But this cancer also afflicts our military services. Our army in Vietnam has become an unhappy, unwilling, and unreliable instrument. Let me quote again from Colonel Heinl:

> The issue of "combat refusal," an official euphemism for disobedience of orders to fight—the soldier's gravest crime—has only recently been again precipitated on the frontier of Laos by Troop B, 1st Cavalry's mass refusal to recapture their captain's command vehicle containing communication gear, codes and other secret operation orders.
>
> "Search and evade" (meaning tacit avoidance of combat by units in the field) is now virtually a principle of war.
>
> That "search-and-evade" has not gone unnoticed by the enemy is underscored by the Viet Cong delegation's recent statement at the Paris Peace Talks that communist units in Indochina have been ordered not to engage American units which do not molest them. The same statement boasted—not without foundation in fact—that American defectors are in the VC ranks.

And so the proud American traditions of honor, valor, and service to the country have become tarnished in the black markets, the brothels, the drugs, the fragging, and the outright refusal of combat. Yet we continue to view these disastrous signals as if they were transitory lapses; easily dispelled, and not worthy of really deep concern.

Mr. President, the United States has long laid claim to higher moral purposes. Certainly we are among the very few nations in the world capable of spilling the blood of its youth, spending vast sums of its wealth and sacrificing much of its domestic program for the principle of collective security. But have we not fulfilled our commitment to the people of South Vietnam? I believe we have. Let us look at the facts.

We have armed and trained 1 million South Vietnamese soldiers. We have provided them with vast supplies of economic and military aid. We have helped foster a constitutional form of government in South Vietnam. We have long since fulfilled our commitment and can leave now in an orderly way with honor and a sense of accomplishment. For if the South Vietnamese cannot make it now, they never will; and we had better learn this now rather than thousands of American lives later.

But if we continue to remain in Vietnam, it will only indicate that we distrust our ally, and it will confirm the enemy's charges of American imperialism.

If we stay on, we increase our already heavy responsibility for internal problems in South Vietnam: the black markets, the corruption in office, the delay in land reform, the inflation, the prostitution, the destruction of villages and countryside, and the awful rate of civilian death. If we stay on, we rob the South Vietnamese of the opportunity and initiative to defend themselves.

If we stay on, we condemn our boys to the hazards of drug addiction, and to face death not only in combat but also by fragging and by fire from those they have been sent to defend.

But let us for a moment look beyond the tragedy in Indochina and consider the strategic commitments of this Nation elsewhere in the world.

To those who argue that our international credibility will suffer if we do not stay on, I must reply that the opposite is the case: our credibility will suffer if we do stay on. It is well known to our embassies in Europe that our allies are seriously concerned about us; but they are concerned not over our ability to meet our commitments, but over our judgment—over our ability to draw rational conclusions based on evident facts.

In a recent letter to my office, one correspondent put it very succinctly in saying:

> I am sure that our friends the English and the French think that we have gone off our rocker to continue a war that can only result in more caskets coming back to the United States.

An equally far-reaching cost of our continued preoccupation in Southeast Asia lies in the prospect of losing the military and strategic edge to the Soviet Union. Let us look at the role Russia is playing.

The total Soviet-Chinese combined contribution to the war has probably never exceeded $3 billion per year. The Russian share was never higher than $1.5 billion and it is now likely less than that. By contrast, the war has been costing us up to $30 to $35 billion annually, or more than 10 times the yearly combined cost to Moscow and Peking, and more than 20 times the yearly cost to Russia alone. This does not contemplate the cost to the United States of the social and economic impact at home which is not felt by the Soviet Union.

Understandably, the Russians are taking full advantage of this situation. They are using the money they are not spending on Indochina to modernize and expand their armed forces. Their navy is improving in quality and growing in size. Their air force and missile system are near parity with ours. The preponderance of power the United States had in 1960 no longer exists. We could no longer pull off another Cuban missile crisis because we no longer have the edge.

Instead of keeping up our strategic arms advantage by modest annual progress, we have dropped our effort in the jungles of Vietnam. In the absence of success in the SALT talks and in mutual force level reductions in Europe, we will have to choose between huge defense budgets or living in a world where we have lost the initiative.

Even if we decide to spend what it takes, there is no way to make up the lost time. A Poseidon submarine begun today would not sail for 5 years. A new submarine class cannot be operational before 1980.

President Nixon is painfully alert to the altering balance of power in the Mediterranean and the consequences that this could have for Israel, for Mideast stability, and for world peace. If the relative deterioration of our total military structure continues, however, it will not be possible for us to hold the line in these places or in new points of stress like South America and Africa.

In short, it is time to get our eye on the ball and the ball is not in Vietnam.

We now stand at an historic crossroad. And as we ponder what evil afflictions have beset the land of the free and the home of the brave and what awesome responsibilities we must fulfill, let us seriously consider whether we can afford once again to defeat the Hatfield-McGovern amendment—indeed, whether we can survive such a defeat. History is a hard and implacable judge. Unless we take determined action now to get out of Indochina, history will record this year as the one in which the United States, ignoring all the signs, took the road of inexorable demise. If we do not enact this amendment, history will record this as the year in which Congress tried but failed to reassume its responsibility for war and peace—as the year in which Congress finally and irrevocably lost the confidence of the people. Let us, therefore consider the Hatfield-McGovern amendment as if the fate of this great Nation hung in the balance. For, in truth, it does.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. HATFIELD. I express my deep appreciation to the Senator from Maryland (Mr. MATHIAS) for his comments and his very eloquent presentation today regarding our amendment.

I think when the Senator from Maryland speaks to the point of what it is doing to the young service personnel in Vietnam, not just the fact that they are there risking their lives as far as gun fire and shell fire are concerned, but that they are risking their lives as far as their health is concerned, he has brought us a great deal of perspective on the drug problem, which is increasing at a phenomenal rate, even according to the rather scattered statistics we have been able to obtain.

I would suggest there is a further point that relates to health, and that is some very interesting and unknown strains of malaria which have appeared. This not only affects the individual lives of those who have contracted malaria and other such diseases, such as new strains of the venereal diseases which do not respond to sulfa drugs and the other ordinary medications, but it results in bringing back into this country and exposing many communities to these strains of malaria and other diseases not known to the average practicing physician.

So we are paying a price for our involvement far beyond the terrible tragedy of the statistics of death and disability and the loss of equipment and morale with which we are all familiar. We are paying a continuing price, which will last long after the last of these young men have come back to their communities.

Mr. MATHIAS. The Senator is absolutely correct. We heard from the Chief of Naval Operations the other day about what he considered to be the depleted condition of the Navy, and the inability of the United States to carry out its national policies because of the depleted condition of the Navy. His statement was that if he had a tiny fraction of what is actually spent in Vietnam, he could repair that deficiency in naval forces.

So what is the true cost of this war with reference to the security of the Nation?

Mr. HATFIELD. I appreciate the Senator's point, because not only does it relate to the security of this Nation as we sense it in connection with the well-being of our Air Force, our Army, and our Navy, but also the real security of any nation, which is found within its people.

When you consider the utter neglect we have today in this country as related to the medical needs, the housing needs, and the educational needs of our people because of our overcommitment in Southeast Asia, we find, again, that this is an additional cost we are paying for that involvement: a real weakening of our national security at that point which is the very heart of the security of any nation—the strength of its people.

This war has been a cancer, as I have often called it, eating at the very soul of America, when we consider what it is doing to us as far as division, dissension, and the tearing apart of this Nation are concerned.

I ask the Senator from Maryland, does he know how many more men we have to slaughter and kill in Vietnam to fulfill our military commitment? How many more men have to lose their lives, both on the American and the Vietnamese side, before it can be said that we have fulfilled our word, our sacred honor, and our commitment?

How many more men have to die under the process of Vietnamization? How many men have to die before we can say we will be completely out of Vietnam? I ask the Senator from Maryland if he has any further information that I do not have as to how long it is going to take the Vietnamization process to be completed.

Mr. MATHIAS. I think the real answer to the Senator's question is that not one more man has to die if that decision is made by the United States. We could make that decision.

The point of what I am saying is that that burden rests on us as individuals. The system is working. The system is giving us both the opportunity and the responsibility to make that decision, and that is really the question that is going to be answered tomorrow: Is this killing going to continue indefinitely?

The President has said we are withdrawing, and I believe him; he is a man of conscience. The decision has been made to get out. I think the burden rests on those who oppose the Hatfield-McGovern amendment to say why we should stretch it out. What is the policy benefit to the United States of stretching it out? What is it?

I do not think that case has been made yet. I have asked the question at the White House. I have listened to the discussions here on the Senate floor. I have not heard the answer. But the Senator from Oregon has exactly pinpointed the question which will be decided on this floor, not by any failure of the system, but by the operation of the system, and the men and women of the Senate will make that decision: Why should the killing continue? And will it?

I thank the Senator.

Mr. HATFIELD. Just one further question, if the Senator will yield. Does the Senator from Maryland know of any information or have any reason to believe that there is a plan which is going to trigger a settlement or some type of negotiation for the release of the prisoners of war, under the policy we are presently following?

Mr. MATHIAS. I know the President is doing all within his power. I have talked at great length with both Ambassador Bruce and Ambassador Habib, who are charged by the President with responsibility for the negotiation.

But I think what is most clear is that we are not getting anywhere. The policy is barren, and it is time for a change in policy. The thing that I think is indicated is a change to the policy advocated in the Hatfield-McGovern amendment.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. MATHIAS. If I have the floor.

Mr. STENNIS. I just want to remind the Senator that I yielded the Senator 7 minutes on an emergency basis. I asked the Senator from South Carolina to defer.

Mr. MATHIAS. The Senator is exactly correct, and I have encroached on his good nature because of the questions asked by the Senator from Oregon. But I am entirely ready to yield the floor.

Mr. HATFIELD. Mr. President, may I at this time yield back 27 minutes to the manager of the bill, in order to fulfill our debt and clear the record, so that we will return to the time situation as allocated under the unanimous-consent agreement?

Mr. STENNIS. I thank the Senator and will not charge him any interest at this time.

Mr. President, I yield 30 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the McGovern-Hatfield amendment to H.R. 6531. As the world knows now, this amendment has provisions which would restrict expenditure of Government funds to support military operations in or over Indochina after December 31, 1971.

In my judgment, it is a basic mistake to attempt to direct foreign policy and military operations by legislative actions. This amendment is a trap that plays on human emotions and ignores real world conditions. Its approval in the Senate could jeopardize the lives of our fighting men, and cause thousands of military and civilian casualties among the South Vietnamese.

In terms of human life, it is cruel. In terms of military operations, it is ridiculous. In terms of the conduct of international affairs, it is a mockery.

If this amendment is adopted, it would seriously undermine the Government of South Vietnam and would give a tremendous psychological and military boost to the enemy. The United States would forever be the subject of scorn by other nations, and the U.S. role as a responsible world leader would be in serious jeopardy.

Mr. President, let me explain my opposition to the McGovern-Hatfield amendment in more detail.

AMENDMENT IS MILITARILY IMPRACTICAL AND LOGISTICALLY UNREALISTIC

In my judgment, the withdrawal of the remaining 250,000 troops in the next 6 months is militarily impractical and logistically unrealistic. A sudden, accelerated disengagement with little or no prior planning would cause disorder and mass confusion and would greatly endanger the safety of our forces. This amendment is just another unilateral concession to the enemy. It is obvious that the proponents of the amendment have no practical conception of military operations and logistics.

Perhaps some of my distinguished colleagues would like to legislate that our aircraft and ships go faster. Perhaps they would like to legislate that the 100,000 Hanoi forces in South Vietnam not attack. Perhaps they would like to legislate that our facilities in Vietnam have greater capacities. These proposals show the fallacy of this amendment.

More than 40,000 troops per month would have to be processed and moved through embarkation facilities in Vietnam to meet the December deadline. These facilities are not geared to handle such immediate mass evacuations, especially while still engaged in combat. Such a stampede would result in chaos. Personnel would be truly herded like cattle when their vulnerability to attack would be at a height. Never before in the history of the world has such a mass evacuation taken place while a nation was still engaged in combat.

PRIOR PLANNING OF MILITARY OPERATIONS IS MANDATORY TO AVOID CHAOS

Mr. President, only through advance military planning and orderly execution, as presently provided for in the Commander in Chief's operation's order, can a logistical exercise of such magnitude be successful. This plan now provides for the withdrawal of more than 66,000 in the next 5 months. Any great increase of this number would seriously jeopardize the safety of our men and risk the collapse of the withdrawal operation. Almost 300,000 have been orderly withdrawn, so why risk disaster when the current military operational plan is being successfully executed?

It is time for the Senate to stop trying to operate as a military command post. It is time for Senators to stop trying to be "arm chair generals." The Commander in Chief said:

> Our goal is a total withdrawal from Vietnam.

Those are the words of the Commander in Chief, the President. I repeat them:

> Our goal is total withdrawal from Vietnam.

He is rapidly achieving this goal.

It appears to me that those who are trying to accelerate the time-table are yielding to political pressures. Some are running scared because the President is ending the war honorably and successfully. Some are willing to endanger this success by abridging military feasibility.

If my colleagues wish to help end the war, then the best way to achieve a more rapid conclusion would be a unanimous vote of confidence by the Senate to support the President's current withdrawal plan. This unity of purpose would have a much greater impact on Hanoi than any other single action this esteemed body could take. It is the divisiveness on this issue that gives Hanoi hope.

I can see no useful purpose for the amendment. It is an action which plays into the hands of the enemy. In my view, it is but another instrument of political expediency to divide the country on a very emotional and critical issue. Our country was united in behalf of the safety of our men held prisoners. Now this amendment confuses and divides this unity.

AMENDMENT IS AMBIGUOUS

Mr. President, the amendment being proposed today is militarily unsound and ambiguous. It appears to be the concoction of amateur strategists. The amendment instructs the President to "provide for the safety of American armed forces during their withdrawal," but it voids the President's previous and well-calculated military plan to accomplish this by greatly reducing available troops for this vital mission.

Under the amendment, approximately 80,000 troops would have to be withdrawn the first 60 days, which is more than twice the number planned under the present withdrawal operations. Consequently, 50,000 troops desired by our military experts would not be available for protective, rear-guard, and defensive missions to provide safety for withdrawing forces.

If my distinguished colleagues think that Hanoi is going to make any deal on the POW's during that first 60 days, as provided for in the amendment, when there will still be 170,000 U.S. forces in Vietnam, then they are engaging in a pipedream.

The amendment is ambiguous in that it provides for a total withdrawal by December 31, but it also allows for assistance to the nations of Indochina. In my military judgment, it is not feasible to provide assistance in the way of equipment, training, support, and technical help without a residual of American military personnel as advisers. The takeover of all ground and air combat missions by South Vietnam is not something that is legislated with an amendment. The operation of sophisticated military equipment, helicopters and aircraft is not something that is legislated.

SACRIFICE TREMENDOUS INVESTMENT

Some of those billions of dollars we have spent on the war would certainly go down the drain under the proposed amendment. I would not like to be a witness, or share the responsibility for what would happen to billions of dollars worth of equipment and facilities if 250,000 troops walked away before the Vietnamese are ready and capable of utilizing this valuable military asset. Why should we forfeit a conflict in the last quarter when we are winning? Why risk losing much of this equipment to the enemy?

AMENDMENT FAVORS THE ENEMY

Mr. President, another point. This amendment says no funds may be expended after December 31, 1971, to—

> Support the deployment of United States military operations in or over Indochina.

This meets the requirements laid down by North Vietnam that this country abandon completely the people of South Vietnam. The North Vietnamese demand not only that all American forces get out but that air and naval support be halted also.

The proposed McGovern-Hatfield amendment would accomplish this goal of North Vietnam. It would prohibit the use of American airpower from bases in adjoining or nearby countries to provide air support to the South Vietnamese any time after December 31, 1971.

It is not my suggestion that U.S. naval and air power continue to support South Vietnamese troops indefinitely. However, this country would throw away the efforts and sacrifices of the past 6 years if air and naval support are cut off before the South Vietnamese can adequately assist themselves.

The requirement in the McGovern-Hatfield amendment that this support end December 31 strikes at the heart of the Vietnamization program. That program calls for a step-by-step assumption of all military activities by the South Vietnamese.

To date, the Vietnamization program is succeeding and has even exceeded the time schedule laid down by President Nixon.

Mr. President, to understand the damage this amendment would do to the Vietnamization program, we must first know the structure of that program.

VIETNAMIZATION GOALS

In 1969, when President Nixon took office, he announced the three phases of his Vietnamization policy and placed in operation steps to achieve these goals at the earliest time consistent with safety. This action followed visits to South Vietnam by Defense Secretary Melvin Laird.

The three phases of Vietnamization are as follows:

Phase 1—The turning over to South Vietnam of the ground combat responsibility against Vietcong/North Vietnamese forces. This phase will be completed this summer, although American ground combat forces will remain in a security role to protect U.S. forces as phase II progresses.

Phase 2—Developing within South Vietnam the air, naval, artillery, logistics, and other support capabilities necessary to maintain effective independent security. Phase II has been in process concurrently with phase I, but it will take longer to complete because of the complex training involved.

Phase 3—Reducing the American presence to a military advisory mission, together with whatever small security forces are needed to protect this mission. Further reductions of our assistance and advisory presence will then continue, under the Nixon Doctrine, as South Vietnam continues to grow in national strength and self-reliance until no more U.S. military presence is required.

Next, the Senate should ask whether or not the Vietnamization policy offered by the President in 1969 is succeeding. It is my view that this policy is succeeding, and, therefore deserves the support of the Congress.

By any measurement, the role of involvement of this country in Vietnam is declining. As evidence of this decline, I would like to submit to the Senate the following points:

First. American combat deaths are down from as high as 500 a week to an average of below 50 a week. Of course, none of us will be satisfied until that figure is zero.

Second. U.S. troop strength in Vietnam has dropped to around 250,000 as compared to 549,500 when President Nixon took office. At the end of November, monthly withdrawals will bring the number to 184,000 U.S. troops and continued reductions in 1972 will reduce forces to an advisory status.

Third. American air sorties in Indochina during 1970 were down more than 50 percent from the peak levels of 1968.

Fourth. American war costs for Southeast Asia have been cut in half since 1968 and are continuing to decline.

Mr. President, in summary, U.S. involvement in Vietnam since President Nixon took office has been cut back sharply by almost any measure. All major parts of our involvement—casualties, manpower levels, costs, operations—are down significantly.

Thus, the question arises as to why the success of the Vietnamization program should be jeopardized by the precipitate action proposed in this amendment?

AMENDMENT THREATENS VIETNAMIZATION PROGRAM

The South Vietnamese Air Force and Navy have already advanced to the point where their ability to carry the air support role has been demonstrated.

However, training of pilots and technicians to maintain and operate complex airplanes and weapon systems requires time. Passage of this amendment would deny the South Vietnamese the time they need to build up strength in the airpower role. It would interrupt and possibly negate the progress already made in this area. Evidence of this progress is shown by the following data:

The number of aircraft under control of the South Vietnamese has risen 70 percent since Vietnamization began. The number of sorties flown by the South Vietnamese in 1970 over 1969 represented an increase of 64 percent.

Conversely, the U.S. air role in Indochina is declining. In 1970, U.S. planes flew 36 percent fewer attack sorties than in 1969 and 48 percent less than in 1968. Ammunition expenditures by the Air Force showed a similar downtrend.

When looking at U.S. airpower applied in South Vietnam alone, the decline is even greater than the decline throughout Indochina. This is because the South Vietnamese are making strides to assume their own air support role. U.S. air sorties in South Vietnam in 1970 were 52 percent fewer than in 1969.

Therefore, Mr. President, there is clear evidence that the South Vietnamese are making the necessary advances to assume the full burden of the war.

The picture as concerns the Vietnamese Navy is even more encouraging. The majority of U.S. naval assets in the Vietnamese Navy have been turned over to the Vietnamese and presently this Nation's role is limited to an advisory and support status.

However, the Vietnamese Navy consists mainly of small boats which patrol the inland waterways. This part of the Vietnamization program was more rapid because training in operation of these boats was easier than training and operation of complex airplanes and helicopters.

Returning to my original point, the Senate should recognize that to refuse Navy and Air Force air support to Vietnam by the end of this year would be unrealistic. While the South Vietnamese Air Force and Navy have made great progress, the Air Force especially is not yet ready to assume the full air support role.

Further, the Congress should realize the early part of next year will be the likely period the North Vietnamese will launch new attacks from their sanctuaries bordering Vietnam. The tet offensive of 1968 began in late January and similar North Vietnamese attacks seem to favor this time of the year.

Thus, if this amendment is passed, the United States would leave our allies in South Vietnam without sufficient airpower to cope with the Communist forces within their country and along its borders.

EFFECT ON OUR ALLIES

Mr. President, another point should be made reference the impact of this amendment. If passed, the allied nations which joined with the United States in aiding South Vietnam would also be forced out by the end of the year.

The troop commitments of South Korea, Australia, Thailand, New Zealand, and the Philippines are all related to the U.S. troop commitment.

If the sudden withdrawal called for by the McGovern-Hatfield amendment comes to pass, then the approximately 66,400 allied troops in South Vietnam will withdraw also.

This would increase the adverse impact on South Vietnam. The numbers of troops each of these countries would withdraw are approximately as follows: Korea, 48,000; Australia, 7,000; Thailand, 12,000; Philippines, 100; and New Zealand, 300.

POW'S

The next point I would like to address, Mr. President, is the prisoner of war issue. This amendment suggests that arrangements for the return of U.S. prisoners of war could be accomplished within 60 days. If this is not done, an extension of the withdrawal date by 60 days is proposed. Finally, if a POW return arrangement cannot be reached after 4 mounths, then the amendment allows that—

> Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

Mr. President, the Senate is trying to make itself a peace conference and a command post at the same time. The President has already offered to withdraw American troops while at the same time work on the prisoner return problem.

The United States is presently conducting a unilateral troop withdrawal from Vietnam while at the same time the North Vietnamese refuse to take any more humanitarian position towards our prisoners of war or their return.

At present there are an estimated 1,630 soldiers, sailors, marines, and airmen either prisoners of war in North Vietnam or missing in action. The United States has reason to believe that at least 480 of these men are prisoners.

Three years ago the enemy indicated a willingness to discuss prisoner-of-war releases if the United States would stop the bombing of North Vietnam. The bombing was stopped and all this Nation received was a peace table in Paris from which the Communists spew forth their propaganda.

Supporters of this amendment tell us the North Vietnamese will release our prisoners if we withdraw all our troops and halt air power support by December 31, 1971.

This is the same one-sided approach the Communists have taken throughout this long and difficult involvement in Vietnam. The halt of the bombing by the United States and unilateral troop withdrawals have accomplished nothing in behalf of our prisoners.

Mr. President, we have long maintained that the prisoner issue is humanitarian and should not be related to other aspects of the conflict. This factor was emphasized in the President's October peace proposal wherein he urged the immediate release of prisoners by both sides. The enemy, on the other hand, has taken the opposite position and has sought at every opportunity to link the prisoner issue to the military situation and to the political negotiations for a settlement of the conflict.

Any agreement to link the prisoner and the political issues might well establish a precedent that would make it more difficult to ever satisfactorily resolve the prisoner problem. An offer to connect prisoner release to U.S. troop withdrawals would formally establish their hostage value—a situation the enemy has sought to achieve.

There is still another aspect to be considered. We should not discount the value of the help given by various intermediary countries which have interceded with the enemy in behalf of our men missing or captured. The efforts of third parties have in my view had some effect and might still provide the catalyst for obtaining some agreement on the release of our men. In all cases, intermediaries have been willing to assist us solely on the basis of humanitarian considerations. Linking the prisoner issue to the political aspects of the conflict would in all probability remove this possible means of achieving the return of our men.

Finally, on the POW issue, subsection 2 of the amendment states that if the men are not returned as we wish, then the President may take some action approved by joint resolution of the Congress.

In other words, if after withdrawing tens of thousands of troops and placing our remaining men in Vietnam in an untenable military position, then if the POW problem is still unsolved the President can act should Congress approve his plan.

Here we can easily see the weakness of this amendment. If the North Vietnamese do not perform as the advocates of this amendment indicate then the whole mess is dumped back in the President's lap. I doubt any President could come up with a solution under the circumstances which would be prevailing at that time. However, in the event he should have a solution it must come back to Congress for approval as a joint resolution.

HANOI MIGHT AGREE TO POW RELEASE AFTER TOTAL WITHDRAWAL

Before closing my comments on the POW issue it should be pointed out that this amendment calls for a total unilateral commitment by the United States while Hanoi has pledged absolutely nothing. Hanoi's answer to the proposed amendment after the first 60 days in regard to POW's can be predicted without reservation.

The answer would be that Hanoi might agree—I repeat, might agree—to discuss the release of our prisoners. The answer will be the same until the U.S. participation in the war is ended. The North Vietnamese will use the U.S. prisoners as political pawns until the last step of any unilateral withdrawal action is completed. That such would be the case has been amply demonstrated by the actions of Hanoi in the past few years.

Hanoi has rejected all reciprocal actions.

Hanoi refuses even to consider allied proposals as agenda items at the Paris talks.

Hanoi refuses to negotiate with the Government of South Vietnam, despite their promises.

Hanoi demands that the United States commit itself unconditionally and unilaterally to: Total withdrawal of all troops and war material and the dismantling of all U.S. bases without any reciprocal action by North Vietnam.

Hanoi demands the overthrow of the leaders of the Government of Vietnam.

Hanoi has continued to reject offers to verify open elections in the South or international verification.

Hanoi demands the arbitrary imposition of a so-called coalition government established prior to any elections and in the absence of international verification.

Hanoi has rejected an exchange of Vietnamese prisoners.

Hanoi has not accepted a proposal for moving all prisoners of both sides to a neutral country.

Hanoi has rejected international Red Cross inspection of POW camps while allied camps are open to inspection and have been inspected in accordance with the Geneva Convention.

Mr. President, there is some question as to how the American people feel on this issue. I would like to call attention to a poll that was taken on this subject.

The highly respected Opinion Research Corp., of Princeton, N.J., ran a national survey not long ago in an effort to find out what the American people really thought about our presence in Southeast Asia. I have the results of that national poll, and I can tell you that you are not likely to read or hear about these results from anyone who advocates peace-at-any-price.

This survey asks four questions. The first question was, "Do you support President Nixon in his plan to end the war in Southeast Asia?" Of those polled, 72 percent said "yes," only 18 percent said "no," and 10 percent had no opinion.

The second question was, "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?" Sixty-eight percent said they favored this proposal, 20 percent said they did not, and 12 percent had no opinion.

Now if the poll had stopped right there, we might have some reason to think that a majority of our citizens wanted us out of Southeast Asia as quickly as possible under any circumstances, for surely President Nixon has made great strides toward extricating us from the war under acceptable conditions, and we know that public opinion supports this. But it is a malicious distortion of truth to claim that Americans support a pullout without regard to the consequences.

This statement is supported by the answers to the third and fourth questions asked by the Opinion Research Corp.

The third question was, "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist takeover of South Vietnam?" Now get the response to this one: 29 percent said "yes," 55 percent said "no," and 16 percent had no opinion. In other words, a majority of those polled do not want us to leave that small isolated Asian country if it means abandoning the cause that took us there in the first place—namely, the curtailment of Communist aggression, and self-determination for South Vietnam.

The fourth question was, "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it threatened the lives or safety of U.S. POW's held by North Vietnam?" Only 11 percent responded in the affirmative to that one. An overwhelming 75 percent said "no." Fourteen percent had no opinion.

So, you see—when confronted with the realities that face us in Southeast Asia, the great majority of Americans do not favor an early unilateral pullout.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 additional minutes.

Mr. THURMOND. Mr. President, the realities that face us are obvious. If we pulled out prematurely, there would be a Communist take-over of South Vietnam, and there would be a blood bath as the North Vietnamese and the Vietcong systematically eliminated all remaining resistance to complete Communist domination of the small country.

President Nixon's withdrawal plan is based on the safety of our men in Vietnam, consideration of the prisoners of war held captive by the Communists, and the ability of the South Vietnamese to defend themselves.

History will show that this plan is both prudent and honorable. It provides for order and security in Vietnam and assures that the 50,000 Americans who died there did not die in vain.

Mr. President, in conclusion, the McGovern-Hatfield amendment is legislative madness. It makes the Senate a command post and our prisoners political pawns. It purports to accomplish through legislative means what the world's best diplomats have been unable to accomplish through endless negotiations. It ignores the nature of our enemy—Communism.

Mr. STENNIS. Mr. President, I yield myself one additional minute so that I may compliment and thank the Senator from South Carolina for a very fine contribution in this debate. He has emphasized that this amendment would take out all of the air power authorization that the President might see fit to use. That would be a complete runout upon the understanding we had with these people months ago.

I compliment the Senator for emphasizing that point, as well as the other matters he emphasized in his speech.

Mr. THURMOND. I thank the distinguished Senator from Mississippi.

Mr. HATFIELD. Mr. President, I yield 20 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognzed for 20 minutes.

Mr. STEVENSON. Mr. President, we have the right to ask how much longer this war must go on, and for what purpose. I hear Americans asking who will be the last of our children to die or be made lifeless by wounds or by drug addiction. They ask why the last of our young has not already fallen, why we have not long since discharged any obligation we ever had in South Vietnam, and for what purpose the dying goes on.

It may seem, after all the years of desperate fighting and agonizing debate an empty exercise to try to return to the meaning and origin—the purpose—of our intervention in Southeast Asia. Yet, I believe we need to do so. Nothing in the past has so divided this Nation as the debate about our purpose in Vietnam. Nothing perhaps gives us a better base for new directions in the future. Policies which become divorced from their intent can acquire their own capricious and destructive momentum. This has happened in Southeast Asia.

The people of the United States did not engage their arms and resources in Southeast Asia—their young have not fallen—in pursuit of narrow, greedy or ignoble ends. The direct economic interests of the United States in Vietnam are not worth the cost of a day's war. The area itself, a cockpit of violence and instability for two millennia, is about as essential to our prosperity or national security as the Lower Niger.

We will not bind up our wounds and get on with our business by heaping rancor upon ourselves and scorn upon a nation already tormented by anger and doubt and guilt. It behooves us to abandon the charges and countercharges, to learn from our mistakes and to move on. It would be wiser, and more accurate, to recognize that for all our mistakes and transgressions, our Vietnam involvement proceeds from our national belief that nations and citizens have inalienable rights, among them, free choice and self determination.

Admittedly for a century and more we did little about this perception in our global politics. But its beginnings are as old as the Republic. There is a substratum of it in the Monroe Doctrine, a specific formulation of it in Woodrow Wilson's 14 points, and it is one of the principles upon which we believe the charter of the United Nations to be based. Our commitment has not been perfect in practice. But self determination is one of the conditioners of our experience, an aspiration of our collective life and a part of our national purpose which has always excluded such other formulations as "might is right" or "power grows from the end of a gun" or the exultation of "blood and iron."

Since the end of World War II we have associated the defense of the principle of self-determination with the need to check Communist expansionism. Communism has not expanded through free elections. Containment as a response to possible Stalinist adventurism made sense in Europe. It underpinned the cooperative European effort to self-defense and in fact preserved the postwar settlement.

A direct American military involvement in Korea under the United Nations umbrella once again preserved the postwar status quo.

From these experiences it was hazardous, but not entirely irrational, to see America as the only Nation powerful enough to police the world against Communist expansionism.

Now with the benefit of hindsight we can see that such a policy can make small nations in peripheral areas pawns in great power struggles and that then local rights to self-determination can become swamped in a wider contest of wills and power and interest. A risk of "protection" by the world's great powers is that the whole effort gets out of scale.

What begins by being protected ends by being destroyed.

If there is any passion loose in the world, including Indochina, it is not capitalism or communism, it is nationalism. It is a passion for self-determination we ourselves first set loose in the world some two centuries ago when we declared those inalienable rights of people everywhere to be free and self-governing.

The North Vietnamese preeminence in the fundamental fight against French colonialism and the bitter experiences of unremitting nationalist struggle, not communism, explain the battle worthiness of the North Vietnamese and their determination not to be beaten by any other incoming white western nation. The political instability of the South has followed from the ambiguity of its politics. Lacking a nationalist focus, South Vietnam has been led by men weakened by minority positions. We fight now for President Thieu and Marshal Ky, catholics in a buddhist land, men who fought for the French. They were elected in 1967 with only 35 percent of the vote. In the Senate elections last fall their slate of candidates finished behind a Buddhist peace slate.

And now to all of the intrinsic weaknesses of this regime are added rampant inflation, the infiltration of the NLF, corruption and severe military setbacks as in the recent Laotian incursion. Vice President Ky says of the Thieu regime:

> Corruption is rampaging. It is so widespread that corrupt officials have a price list for every transaction, big or small, requiring their services. Jungle law rules in all government echelons. Corruption has become public, open, and as it were, an incurable disease.

President Thieu responds by ramming legislation through the South Vietnamese national assembly to effectively prevent the vice president from seeking election to the presidency. And all the while the South Vietnamese social order, fragmented to begin with, and its primitive economy crumble under the damage and destruction and uprooting, the floods of refugees, the overwhelming weight of the American presence, the needs of the widows, the orphaned and the crippled, the great swaths of death and despair.

It is against this backdrop that we debate the McGovern-Hatfield amendment. If we set December 31, 1971—or a later date if necessary—as the terminal date for our military presence, we could without much doubt then negotiate schedules for the withdrawal of all American forces and for the return of all American prisoners by such a date. That is how the French got out of Vietnam. The North has indicated we could, too. The way to win the return of our prisoners is to end the war—not prolong it. I, therefore, am glad to support the McGovern-Hatfield amendment. It could get negotiations started.

The administration says that to set a deadline for withdrawal would weaken our hand at the bargaining table even though it has effectively set such a date. If its scheduled withdrawals are projected, the last American forces will be out of South Vietnam just before the 1972 elections in the United States.

The administration also says that we will not withdraw all our forces until the last of our prisoners are released. But Hanoi may not give up its trump card—at least until a deadline for American withdrawal is established. So the administration seems prepared to accept a standoff on the prisoner issue. We will not get out until the prisoners are released. Hanoi will not release them until we do get out. Mr. Nixon persists in his refusal to set the withdrawal date which would lead to the return of our prisoners.

If the return of the prisoners means that little to the administration, it must have some other purpose for remaining in South Vietnam. And it does. The presidential press secretary says the South Vietnamese must be given the opportunity to defend themselves and to determine their own future. He has made it crystal clear that support of the government of South Vietnam, as well as the return of our prisoners, is the reason for our continuing presence and the continued killing.

Marshal Ky says it will take 15 or 20 years before the South Vietnamese can defend themselves. If the Saigon regime could not win the war with 500,000 well-trained and well-equipped American troops it could not win the war without them. Are we really to stay that long, propping up a regime in South Vietnam with our men and guns and dollars? I doubt it. We have better things to do than to support Mr. Thieu in an endless war against a stubborn enemy. That was not our purpose—and it shall not be our purpose.

We should let the people of South Vietnam determine their own future as the administration suggests. But the people of South Vietnam can have that chance in the October elections this year—more than 2 months before the McGovern-Hatfield deadline for withdrawal. Why do not we let the people choose their government in this election and negotiate the return of prisoners and the withdrawal of all American forces by the end of the year?

Why, instead of supporting the right of the people to self-determination, are we supporting Mr. Thieu's attempts at self-perpetuation? Of all the possible candidates for President of South Vietnam, we are, it appears, supporting the one man most clearly committed to war. Instead of maintaining a policy of noninterference in the elective politics of South Vietnam we are helping reelect Mr. Thieu. Instead of permitting the long-suffering people of South Vietnam a chance to elect a government committed to peace and reconciliation, U.S. resources, including sophisticated survey-research techniques, the U.S.-supported propaganda apparatus, and the U.S.-financed police, intelligence, and prison systems, are all available to Mr. Thieu's campaign.

One undeclared South Vietnamese presidential candidate, the present Vice President, refers to the American Ambassador in South Vietnam as "Governor-General Bunker"—the title used by the former French colonial governor. In April the other major Vietnamese presidential candidate, General Minh, was quoted as saying:

> Ambassador Bunker is the king here, and the people know it.

Instead of learning from the mistakes of the past we are repeating them.

The Government of South Vietnam is now attempting to disqualify the candidacy of its own Vice President, Marshal Ky. This is the corrupt government which is unable, and perhaps unwilling, to stop the sale of heroin to American troops. And this is the unpopular government the United States is perceived to be supporting in the forthcoming Vietnamese elections after all our protestations about self-determination.

This is where we have gone astray. We have forgotten our purpose. We let our actions be governed by short-term expediencies, instead of by principle.

It is no wonder the Nation is torn by doubt—and the Vietnamese are turning against us. Instead of supporting the people of Vietnam in their fight for self-determination we are supporting a corrupt and autocratic regime in its fight for self-perpetuation.

Tomorrow the Senate will have a chance to vote on the McGovern-Hatfield amendment. Later it will have a chance to reaffirm U.S. neutrality in the forthcoming South Vietnamese elections. It will have a chance to create a congressional commission to enforce a policy of neutrality in those elections. It will have a last chance in this last South Vietnamese presidential election during our military involvement to let the people of South Vietnam choose their government—or in the words of the Presidential press secretary—to determine their future.

The people of South Vietnam, given a chance, can exercise their rights as a self-governing people this October. Given a chance, the long-suffering people of South Vietnam can elect a government committed to peace, instead of to war. And if the Congress accepts the McGovern-Hatfield amendment, we can negotiate the phased withdrawal of American forces and the return of our prisoners—all before the end of this year. We can leave behind a government dependent for its survival upon the people of South Vietnam—and not the people of the United States.

Mr. **GAMBRELL**. Mr. President, our involvement in the war in Indochina is the No. 1 problem facing this country today. Its effects upon our people in material, emotional, and spiritual terms are enormous. Our participation in the war must be brought to a rapid conclusion.

The McGovern-Hatfield amendment which is to be voted on Wednesday proposes to require withdrawal of all our forces from Indochina by December 31, 1971, with protective provisions in regard to the return of our prisoners of war and the provision of asylum for our allies. If such a policy were to be announced by the President as Commander in Chief, I would support it and would hope that the schedule could be improved upon.

The time has passed when any fruitful purpose can be served by our continued participation in armed combat in Southeast Asia. Termination of our involvement would not only tend to relieve the tensions among our people here at home but might also contribute to the immediate return of our prisoners of war.

The Government of South Vietnam, and its armies, should now be capable of standing by themselves after having had the benefit of nearly 5 years of enormous support from this country. If they are not able to continue, further support by the United States would be of no avail.

For these reasons, I believe our Government should at an early date terminate our combat role on land, sea, and air in Indochina, and in addition proceed rapidly toward withdrawal of all forces except those required to protect American civilians and American property. An announcement by the President of such a plan should specify target dates during 1971 for a cease-fire and withdrawal, and should be conditioned upon an immediate return of our prisoners of war.

I urge the President to take immediate steps along this line, as a positive demonstration of our intention to withdraw, both to the American people and to other nations of the world from whom we seek cooperation and support.

At the same time, as long as the President is pursuing a withdrawal policy which is not inconsistent with the guidelines I suggest, I cannot vote for a statutory restriction on his authority as Commander in Chief to execute military tactics and foreign policy.

A current statement of the administration's aim would help resolve any doubts as to our policy.

Mr. **BENNETT.** Mr. President, I have listened to or read much of the debate on the McGovern-Hatfield amendment. I still intend to vote against the amendment because I think it is unnecessary and a mistake at this time when the President of the United States is resolving the Vietnam problem in a successful way. I think the best description of the McGovern-Hatfield amendment is one of futility. President Nixon has announced several times that he will totally withdraw American forces from South Vietnam, but he rightly refuses to set a date for that withdrawal. The question is asked, why? I think if you take that route and say to the enemy that on a certain day, all American forces will leave South Vietnam, you have destroyed the last incentive for the enemy to negotiate an end to this war at the conference table.

I think we should review again, so there is no confusion about the issue, the steps the United States has taken for peace and the complete intransigence of the Communist in response to those steps. I remember well the 1968 election where in Salt Lake City the Democratic candidate for the Presidency announced that he favored a halt of American bombing of Communist military targets as a step toward peace in Vietnam. Shortly thereafter, then President Johnson took that step and it was hailed in many circles as the move that would bring peace to Southeast Asia. Next, we were told if the United States and South Vietnam would allow the National Liberation Front to participate in the Paris talks, this would bring peace. Then, we were told that if the United States Government agreed to the principle of troop withdrawals, this would bring peace. The next argument was that if the United States would cut back in a variety of military ways, progress could be made and, finally, if a new senior negotiator was assigned to Paris, this would result in a successful conclusion of the war at the negotiating table.

I hope the American people and the people of the world will never forget that the United States has taken all of these steps unilaterally. Unfortunately, the only thing we have been able to resolve from the long negotiations in Paris is the shape of the conference table and nothing more. We have confronted an enemy who initiated this conflict by violating the rights and the independence of the people of South Vietnam and they have made no effort to meet the allied powers even half way to find a negotiated settlement. History proves that point and no amount of elaborated excuses or attempts to explain it away will change the failure of North Vietnam to respond to American peace initiatives. Consequently, Mr. President, I am highly suspicious of those Americans who come to the Congress and go to the American people saying "now if we will only set a date for withdrawal, our POW's will be released and the war can be brought to a conclusion." History is not on their side. The facts do not support their position and I think they are being naive.

As we all know, there has been a major TV and radio campaign in support of the McGovern-Hatfield amendment. That is a privilege of the supporters of this legislation. However, I think it has been false in its efforts and somewhat deceptive in its approach. There has been reference to the fact that 72 percent of the American people support this legislation. I think that should be clarified and the record set staright. In a recent poll taken by the Opinion Research Corporation at Princeton, N.J., the following results were found. By an overwhelming margin of 72 percent to 18 percent, the American people support President Nixon in his plan to end the war in Southeast Asia. I point out that his plan is one with honor. It is a plan that gives to South Vietnam a reasonable opportunity to defend its territory and people and for the final withdrawal of all American troops. The poll which has been referred to in the past by the backers of this amendment has failed to take into consideration the other aspects of our Vietnam policy. There is no reason to believe, in spite of repeated assurances, that a December 31 withdrawal date will guarantee the release of American prisoners of war. Well over half of the American people have expressed opposition to any plan that would allow a Communist takeover of South Vietnam. We should also never forget that this is a war of aggression by Communist North Vietnam.

I find it ironical that these confrontations with the President are taking place. Mr. Nixon was elected in 1968 partly on his promise that he would find a solution to the Vietnam problem. From his long experience in government and foreign affairs he realized then, as he does now, that this most difficult foreign policy issue cannot be resolved overnight, nor could it be wished away with simple solutions. He has emphasized the Vietnamization program with considerable success. President Nixon has never denied the fact that we are there to preserve for the South Vietnamese their inherent right and privilege to choose freely without outside military force their own system of government. This they have begun to do in several free and successful elections since 1965. The armed forces of the South, while they still have some areas of concern, have proven to be well-qualified and well-trained soldiers. They have proved themselves in Cambodia, in Laos, and within their own borders. I believe there is a timetable in the administration designed to turn over the entire defense load to the South Vietnamese government. When that time is reached perhaps in the next several months, American forces will be able to leave South Vietnam totally and completely.

President Nixon has received a great deal of abuse over his Vietnam policy, which I think is unjustified. Not only has he reduced American casualties to an alltime low, he has withdrawn nearly half of the American troops which were in that country when he assumed office. There has also been a great deal of progress in South Vietnam in the past 2 years. The security of the people and the security of the land is greater than at any time since the insurgency began in the early 1960's. The economy of the country is making tremendous progress. The ability of the people to govern themselves at the village, district, and national levels, has increased manyfold. These facts, I think, go largely unnoticed in America. There is a tendency in this country to decry and to run down the South Vietnamese, but I think the time is coming when history will record that their experiment in self-government, their efforts to forge a democratic and free way of life were accomplished under the most difficult circumstances. We should never forget that President Nixon has never violated a promise which he made concerning South Vietnam. He entered the White House when it faced a tremendous credibility gap. He came there to assume the responsibilities of Vietnam from an administration and from a Secretary of Defense that had repeatedly promised that American forces would be home by this Christmas, or that Christmas, or this date, or that date, and we know now none of these promises came true. But since President Nixon began to implement his phased and controlled withdrawal policies, he has never gone back on one of his announcements or one of his promises. In light of that performance, I find it unthinkable that the Congress should try to impose upon him a withdrawal date such as the McGovern-Hatfield amendment would do. It is also unnecessary and improper. The President is withdrawing from South Vietnam and he has the support of the American people and the people of Utah. This amendment is ill-conceived and untimely, and I repeat my strong conviction that its passage will in no way enhance or improve the chances of those brave and unfortunate Americans who find themselves prisoners of war in Communist North Vietnam.

In closing, may I repeat the results of a survey tabulated by my close friend and colleague in the House of Representatives, Mr. Sherman P. Lloyd. In a poll of the Second Congressional District of Utah, he has received 1,133 answers on the question of a specific withdrawal date of American troops from Vietnam. Seven hundred and sixty-four favored President Nixon's program, while 347 supported a specific date and 22 offered no definite opinion. Mr. President, I stand with President Nixon on this crucial issue. The people of Utah, by a 2 to 1 majority, back the President, and I believe that sentiment is also nationwide.

THE ETHIC OF RESPONSIBILITY AND ONE PERSON'S CONCERN

Mrs. SMITH. Mr. President, I think that many of us in this Chamber may be suspect of political partisanship in our position on the Hatfield-McGovern amendment, even though it is bipartisan in its sponsorship. I am sure that I am suspect—and rightly so.

It may not be a division so much on the lines of Democratic and Republican affiliation as it is on opposition to the President from the elements of the liberal wing of both parties with presidential ambitions. In saying this, I do not mean in the slightest to question their sincerity or honesty.

Surely in my opposition to the McGovern-Hatfield amendment, I am suspect for my support of the President just as much as they may be suspect for their opposition to the President.

Consequently, a potentially far more credible opinion would be that of a longtime political liberal and Democrat such as the eminent and widely respected political scientist, Paul Seabury, professor at the University of California in Berkeley, Calif.

He has stated the case against the McGovern-Hatfield amendment far more eloquently and perceptively than I can. He did so in a letter of March 30, 1971 to John W. Gardner, the chairman of the Common Cause. Because I would hope that every Member of this body would read and study Professor Seabury's letter, I ask unanimous consent that his letter be placed in the Record at this point and I urge that it be studied not alone by my colleagues but by the public and the news media as well.

There being no objection, the letter was ordered to be printed in the Record, as follows:

March 30, 1971.

Mr. John W. Gardner,
Chairman, Common Cause,
Washington, D.C.

Dear Mr. Gardner: Some weeks ago you wrote me a kind letter, which went to many other Americans, asking whether as a longtime liberal I would be interested in joining Common Cause. I appreciate your invitation, and I have thought about this for a long time. My interest in your organization springs from a basic agreement with you that our country needs a joining place for centrists concerned about the divisive forces which are tearing it internally. In fact, the idea of such an organization occurred to *me* five years ago! While I wish you success, I must explain why as of now I cannot in good conscience join.

It will not surprise you, I'm sure, that the reason I cannot is that I am deeply troubled about your position in the Vietnam war. It seems to me that in foreign policy especially there is what Max Weber once referred to as an "ethic of responsibility" which enters into judgments about what to do, and that this ethic is one which concerns itself with the consequences of moral actions. Any public affairs organization which addresses itself to important policy matters needs to pay a great deal of attention to this ethic, which is as important as the other ethic which Weber concerned himself with, the ethic of ultimate values and ends.

Like many other Americans, I share with you the grief over this war. Like the 73 percent of the Americans polled by Gallup, whom you mention, I wish we could somehow wipe it away as a bad dream. I have special reasons for feeling this way, shared with large numbers of other people; like many, I have sons nearing what someone has called the age of dissent; of draft age, their feelings about the war are no different from many others who already have "opted out" because of it. Also, I live in a badly divided community in which the views which I hold about the war are not widely shared. I teach in a university where, in fact, the militance of opposition to the war is so forceful that in the past five years no one has dared publicly to speak about it in rational terms and where, in this respect at least, free speech is no longer a viable norm. Also, I as a scholar have my "calling"—namely, the study of foreign affairs and international policies—and so, for the past six years, I have witnessed this crucial area of public-policy study progressively "Vietnamized," as so many other crucial foreign policy goals have been eroded by our psychic preoccupation with the war. Finally, as a political liberal and a Democrat, I find myself in a strange position of dissenting from the dominant views of my party's leadership, including the views of some, like Senator Humphrey, Senator Muskie, and others whom I deeply respect. It would be far simpler for me, I can assure you, for all these reasons to accommodate myself to these domineering features of my life and "get with it" as the jargon goes.

Still, I cannot. And I cannot either accept the new position which your organization has now announced on the war. I cannot, because my judgment about the consequences of the course of action you recommend is that they would be disastrous; that they would endanger our international position; and would for that reason breed even greater divisions in our society than those which concern you and me so much: divisions which might in fact paralyze the ability of *any* Administration to conduct our foreign relations wisely and imperil our security as a strong, free society and thus threaten the precarious peace which we now—Vietnam aside—enjoy.

Edmund Burke once said that in a discordancy of sentiments it is better to look to the nature of things than to the humors of men. You say that Congress can legislate an end to this war. But certainly this cannot be what you mean—Congress certainly can cut off the funds necessary to the conduct of the war on our side, but it does not lie in the power of Congress, or of our Administration either, to legislate the purposes of Hanoi. War, as you and I know, involves a testing of wills, and it is not by any known statutes legislated on Capitol Hill that this war can be brought to an end, any more than it lay in the power of Congress in 1937 to legislate a guarantee of American neutrality at that time. It is the intention of our opponents in this war which must be affected, not simply our own, if some stable equivalent of peace is to be gotten in Southeast Asia; will they be more inclined to accept a bargained peace, or to seriously commence negotiations towards one, if they calculate that they can can obtain their forceful victory at some later time when an embittered and angry America might follow the advice you argue for now? But suppose it did lie in our power (*my* power, as you suggest, for "I" am also the person to whom your advertisement of 28 March speaks to) to end the war: what then? In all previous wars which this nation has fought, there has been much attention paid during the fighting to the *conditions* of peace which would, or might, follow. For one does not fight a war simply to fight, nor seek to end a war simply to end it.

Your advertisement does not address itself to that central question. Unless one adopts what some Frenchman once called a "policy of gestures," one certainly must speak to these conditions; otherwise, by a convoluted perversion of a bad American habit which in the past we have inflicted only on our enemies, we may come to practice it on ourselves: the policy of unconditional surrender.

I am sure that at some time you have thought of these conditions of peace—what they might be—and that in thinking about them you have thought of some calculus, of possible costs and benefits, hazards and opportunities, from one or another course of action. Yet whatever course of action is undertaken, it is a course of action, and must be seen as entailing, not some end-state calendar act such as that which you propose, but measures which precede and ensue from, a single act and which also justify it. I am sure that you have thought deeply into the likely consequences of what would ensue in Vietnam were, for instance, your proposal adopted by the Congress. I am not referring to the supposed "Dunkerque" which some pessimists say would befall our troops; I suppose they could somehow fight their way out without such disaster and might save much of their equipment from falling into enemy hands. But I am referring to the likely collapse of will which this kind of an act would trigger. The merit of Vietnamization as a policy does not seem preposterous, costly as it may be in time, and certainly provides a wiser course, and much safer than that of abrupt abandonment. I am sure, too, that you must have weighed the consequences of a *general* political collapse which such swift evacuation would encourage—both as this spectacle would bear upon conditions within the entire region, Thailand and Malaysia included, and as it would bear upon our general posture in the world. We are not at the end of the time in which our national will will be probed and tested by those who seek to obtain goals at our expense, and it behooves us to imagine the repercussions which the actions you suggest would set in motion. Surely, also, such a train of circumstances would do very little to soften the bitter rancor which now exists in the country; in all likelihood it would protract that mood. Depending upon the depth of the disaster, it easily could even more bitterly divide us among ourselves and present to the world a spectacle which could cause acute concern among our friends and allies.

In fact, it is precisely because of considerations such as these that the course of action you now propose would prove unacceptable to Congress and would not be tested. There are, as you and I know, many—too many—of us who flirt with the "unacceptable," however preposterous it might seem, simply knowing that others will pursue a more prudent, if unpopular, course of action and leave us with the honor of having been virtuous "in vain." But, as a course of action which might assuage our reputations in the short run, surely it could not be consistently held to.

The coming Presidential elections will provide another time for our parties and their candidates to broadly examine the goals of our foreign policy. I do not think that the climate for such rational debate would in any way be improved were this proposal—by then having served to divide and embitter our legislators—lingering then to poison the quality of the ensuing Presidential campaign. I know that this is not what you intend, but it is in the nature of things that this surely would be the consequence.

In conclusion, I might add that these comments do not diminish my regard for the broad purposes which Common Cause asserts. I might not have troubled to write you otherwise. It is because an organization such as yours—bipartisan and nonpartisan—is needed, that I convey my concern as "one person" who knows his limitations as a legislator of peace.

PAUL SEABURY,
Professor.

QUORUM CALL

Mr. STENNIS. Mr. President, I ask unanimous consent that we may have a quorum call with the time equally charged to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 575) entitled "An Act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended."

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, tomorrow the Senate will vote on the McGovern-Hatfield amendment, which would terminate funds for prosecution of the war in Vietnam by U.S. forces after December 31, 1971.

From the very beginning, I stated that it was a grave error of judgment for the United States to become involved in a ground war in Asia. Yet, when President Johnson, under his authority as Commander in Chief, sent troops to Indochina, I consistently supported those troops.

It was nearly 5 years ago that I began to speak out against the Americanization of the war in Indochina.

It was nearly 5 years ago that I began to continually call the attention of the Senate and the Nation to our combat casualties. I did this almost weekly for several years.

It was nearly 5 years ago, too, that I stressed the need to deemphasize America's role in this war, the need to encourage the Asians to fight their own battles.

So I do not speak as one who ever has been an advocate of the Vietnam war. I speak as one who feels strongly—strongly—that U.S. involvement in Vietnam must be brought to an end.

When President Nixon came to office in January, 1969—only a little more than 2 years ago—he was faced with a critical situation not of his making. At that time, 540,000 Americans were in Vietnam.

President Nixon has reversed the Johnson-McNamara program of sending more and more men to Asia, and instead began a program of steady withdrawal.

Instead of 540,000 Americans in Vietnam, President Nixon has reduced that figure by more than 50 percent.

He is continuing his withdrawal program, and at the same time, he is concentrating on developing the Vietnamese to a point where they have a reasonable chance to hold their own against invaders from the north.

So I say the facts are—and the figures show—that President Nixon, in a short period of time, has made progress in bringing about American disengagement.

If one is convinced that the Commander in Chief is sincerely determined to bring this war to a conclusion—and it must be brought to a conclusion—then, is not the best way out to give support to the Commander in Chief in such endeavors?

I, for one, am convinced that the President is sincere in wanting to bring this war to an end at the earliest possible time. With those who take the contrary view I shall not quarrel, but for myself, I am convinced that he, as Commander in Chief, wants to bring this war to an end, and the facts show that in a short period of time he has reduced the number of Americans in Vietnam by more than 50 percent.

Those who continually condemn the President for not moving fast enough should, I feel, give him credit for what he has done.

President Nixon has stated loud and clear that he wants this war brought to an end, and he has taken firm, clear, precise, and definite steps to bring American involvement to an end.

If the facts were otherwise, this amendment would have more appeal than it does at the present time.

I doubt that it is practical to legislate our way out, lest we subject our troops to great and unforeseen jeopardy.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, in his very fine way, which is his usual way, the Senator from Virginia has brought us a very concise, pointed explanation of the true situation here regarding this amendment. He has not only stated his own position well, but I think he has stated the position of the great majority of the people of this country. If they knew the facts as the Senator from Virginia knows them, that conclusion is inescapable.

These are things we do not want to do, that we do not like to do, we want the other result, but we want above all the end result of concluding this war. At the same time, there is a rational, reasonable, practicable way to do it. I think the Senator from Virginia has pointed up that way exactly, and I commend him highly for his customary conscientious and very practical thinking and analysis on these problems with which we have to deal.

Mr. BYRD of Virginia. I am grateful to my friend from Mississippi for his very generous and kind words.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I am happy to yield 15 minutes to my distinguished colleague from Indiana (Mr. BAYH).

Mr. BAYH. Mr. President, I have listened with a great deal of interest to the debate on this floor today. It has been most perceptive and sincere. I say sincere because I have listened to some of my colleagues with whom I vigorously disagree, but I think the record of their concern and the quality of their character would lead any of us in this body, while perhaps we may challenge their judgment or their position, in no way to question their sincerity.

Much has been said here today about what should be done relative to the amendment which is before us—the amendment which bears the name of my distinguished colleague and friend from Oregon (Mr. HATFIELD) and my distinguished friend and colleague from South Dakota (Mr. MCGOVERN). Some have argued eloquently that the amendment should be passed. Others with equal eloquence have argued that that would be wrong.

I suggest to my colleagues that if we look at history, neither political party has been faultless. Unfortunately, if we look at the votes of all of us in the Senate, I think each of us would have to say that there have been times when we have erred. As we look back at the actions taken on Vietnam, few of us would say that our foresight 6 or 7 years ago was better than our hindsight is today. How much wiser we might have been if the vote on the Gulf of Tonkin resolution were today or tomorrow instead of in 1964. So I suggest that little is to be gained by trying to say who is to blame.

We can look back to the period of history shortly following World War II. We can see the development of a strategy which was based on the situation as it was seen at that time. We can see a treaty commitment entered into by a great President—and his Secretary of State—of another political faith than that of the Senator from Indiana. We can see the early implementation of that commitment by that President's administration, followed by his successor. We can see the ultimate intensification of our commitment by President Johnson and then the inheritance of that policy by our present President.

I listened to the Senator from Virginia speak about the Johnson-McNamara war. I have read with concern, as I am certain all of us have, about the formulation of certain plans that have just been published. It is clear from the history of the mid-1950's that the position taken then by the present President of the United States was much different from his posture now. That fact has been pointed out in this debate.

But I see little to be gained by dwelling on anyone's past mistakes. If anything is to be gained by reciting the history of our involvement in Vietnam, it should not be in an attempt to garner partisan political advantage but, rather, to try to learn a lesson and to gain enough wisdom to keep us from making similar wrong decisions at some future time.

Our purpose should not be to try to second guess decisions that were made by other well-intentioned Members of this body or well-intentioned members of the executive branch but, rather, to decide on a national policy—not by presidential policy or senatorial policy—through which we can demonstrate the wisdom, the strength and the courage necessary to end the war as quickly and as wisely as possible. That is what the whole debate on the Hatfield-McGovern amendment is about.

I have been asked a number of times whether I am concerned about the feeling of some that the timetable for withdrawing our troops seems to be related to the political calendar in this country and that this calls into question the motivation of the President. I do not care to discuss that here today. I cannot look into the President's mind and judge his motives. But I am willing to accept the fact that the President's motives are proper. However, whether they are right or wrong, the question before the Senate is one of policy, not motives.

I am here to stress as vigorously as I can with one voice and one vote, that motives are not in question, that policy is in question, and that I am concerned that the policy is wrong.

Mr. President, at the end of 1968 the situation—both in Indochina and in the United States—gave clear evidence as to the proper course for American policy in the Vietnam war. That course was to end American involvement and negotiate a reasonable settlement.

Three and a half years of massive American buildup, of intensive bombing of supply lines and of brutal attrition on the battlefield, had not altered the fact that an end to the fighting was no nearer. The Tet offensive showed that while our enemy could not overpower us, we had not vanquished him. While American soldiers, sailors, and fliers had fought bravely and well, there was a growing understanding that the immense effort and sacrifices they had made had not brought a final victory in sight. Most members of the Johnson administration —and the American people—had become convinced that more of the same would not bring about the defeat of the North Vietnamese forces and the Vietcong.

Furthermore, we had recognized that the massive application of modern weaponry was destroying the very land we had sought to save. It was taking an unjustifiable toll in lives—South Vietnamese as well as American, civilian as well as combatant. We were beginning to understand that the sudden infusion of an overawing American presence was delaying the Vietnamese from facing up to the responsibility for their own political destiny and their own self-protection.

Beyond that, the war had taken an increasingly unsupportable toll on America. First was the sacrifice of tens of thousands of young American lives—tragic even in a war that the American people believed to be right and necessary, but unbearably painful in a war which a large and growing proportion of the American people had come to see as an endless, purposeless mistake.

Looking through the prism of this experience, many Americans—particularly the young—discerned a grave distortion in national priorities, priorities which took tens of billions of dollars each year from the pressing needs of our cities, our poor, our schools, our health services, and our environment to waste them in destructiveness in distant jungles and rice paddies. The impulse for a change in Vietnam and for a change in America was clear in this country by the end of 1968.

In 1968 most Americans agreed that since the responsibility for the situation in Vietnam was at least partly ours, we could not simply pack up and go home. Richard Nixon indicated to the American people that he understood the need—both for American disengagement and for a settlement in Vietnam. He told us he had a plan for peace—and he was elected President. When his administration entered office, the American people expected him to seek an end to the war and a realistic political settlement. With 500,000 men in Vietnam, the opportunity to bargain for such a settlement was there—given a skillful and understanding approach to the process of negotiation.

To be sure, even the most flexible and subtle effort in Paris might have produced no acceptable solution. It is possible that the settlement of one point might have resulted only in new demands by the other side. No one can be sure it would not have. But the reality is that the administration has failed to approach the negotiation in an manner likely to produce positive results.

When this administration came into office procedural questions had been resolved and substantive negotiations were to begin. But instead of taking advantage of the momentum of understandings already created, the Thieu-Ky government refused to sit down in private with the Communists. The Nixon administration acquiesced in that attitude. No private talks were held for more than two months. In the meantime the understandings painfully arrived at began to wither away.

Since then the talks in Paris have been similarly unproductive. For more than half a year the Nixon administration left the top spot on the U.S. delegation vacant—creating a convincing impression that it had little interest in negotiation during that period.

Furthermore, the administration altered the basic dimensions of the problem of negotiations on Vietnam by invading two other countries. By one-sided redefinitions of the 1968 understandings and the unilateral addition of new "understandings," the administration stepped away from rather than toward negotiations.

Negotiations about so complex and desperate a problem stand little chance of succeeding if conducted in the bright glare of the public eye. Accommodation between embattled opponents, with longstanding, deeply held differences, require continuous, quiet, and private diplomacy. Concurrent with the posturing inevitable in the public meetings at the Hotel Majestic, quiet undisclosed discussions at which the real work of negotiation could go forth were essential. This, after all, was the only way in which even the procedural issues had been settled. Yet, if we are to believe observors of the Paris talks, the Nixon administration has contented itself largely with public proposals.

Beyond that, the negotiating strategy has been singularly inept. For example, the matter of prisoners. Even though American boys in North Vietnamese prisons are uppermost in the minds of all of us, the administration's attempt to obtain their release prior to settling other matters has always seemed at best naive—and at worst merely a public relations exercise. First, the other side is well aware of our concern for these men. It has proven itself willing to use them heartlessly for leverage upon other issues; namely, our withdrawal. Second, there is little in international law or historical precedent to support a demand, however, heartfelt, that uninjured and healthy prisoners be exchanged prior to the end of the conflict. Clearly, the fastest and surest way to get our boys back is what it has always been: Negotiate an end to the fighting.

The Secretary of Defense in his TV interview on Sunday indicated that there is a "right" way and a "wrong" way to get a settlement, that rigid adherence to the proper form of negotiations is at least as important as the results. The American people do not care whether the other side's position is set forth in the Hotel Majestic or in an interview. They want the administration to respond favorably to every possibility for a reasonable agreement. They want results.

This is not to say that the other side bears no responsibility for the failure of the talks. It most certainly does. Nevertheless, we as a nation, made a decision in 1968 that serious negotiations, however disagreeable and difficult, were necessary to our national interest.

The Nixon administration has ignored that decision. It has frittered away our leverage by reducing our forces in Vietnam in response to American public opinion without driving the negotiations to a decisive conclusion. It has refused to set a date for our withdrawal when we had enough troops in Vietnam to make that initiative truly significant for bargaining purposes. It has waited instead—and continues to wait—until the residual force with which we bargain can command little in return. In so doing we have lost, as well, much of our capacity to influence the South Vietnamese Government to seek a reasonable settlement which might permit its own people to live in peace.

It would have been far more preferable if the President had set such a date long ago, making it dependent upon return of our own prisoners and, perhaps, at that earlier time, on other conditions as well. But he did not. It would be much better if he would set such a date today, contingent on the return of our men. But he has made it clear that he will not. Because he has not negotiated a settlement, because he has made it plain that he will not set a final date—despite the manifest desire of the American people to end the war—the responsibility has devolved upon us to set that date—and to set it now.

For 2 years the Nixon administration indicated that there was another track to a Vietnam solution if the Paris talks were not fruitful—Vietnamization. One administration scenario was that as Vietnamization proceeded it would lead to negotiated peace. The North Vietnamese, increasingly faced by the eventuality of having to negotiate with an implacable South Vietnamese Government along would come to terms.

It has always puzzled me how the South Vietnamese alone could coerce Hanoi when the South Vietnamese plus a half million Americans could not. On April 7 the President told us that Vietnamization had "succeeded." Whatever that means, it plainly has not resulted in forcing the Communists to come more docilely to terms.

Although I questioned from the outset the wisdom and effectiveness of the Laotian invasion, for the sake of argument I would have been prepared to accept the President's insistence that Vietnamization has succeeded and that the Laos operation proved this. But serious questions come to mind:

If Vietnamization has succeeded, why was American air power the only thing that prevented a South Vietnamese rout from becoming a massacre in Laos?

If Vietnamization has succeeded, why will 136,000 Americans still be fighting in Vietnam on Christmas Day?

Is the accelerated withdrawal rate due to the realities of the Laotian operation or to domestic political pressures?

Furthermore, we were told that the Laos operation would temporarily disrupt supply lines and, as was argued in the Cambodian case, buy several more months for Vietnamization and U.S. safe withdrawal. But the weeks following Laos have made it clear that the South Vietnamese are no closer than before to real victory.

Those weeks seem only to reinforce the conviction that expanding the war does not bring the enemy to terms, that leaving the South Vietnamese two more ways to help fight does not make their own war more winable.

In fact, there is increasingly incontrovertible evidence that the military situation is deteriorating. In a series of engagements around fire bases in the northern part of South Vietnam, the ARVN have taken heavy losses. To many observers the retreat from Snoul, 2 weeks ago had all the earmarks of another Laos disaster. As in Laos there were reports that the North Vietnamese massed their antiaircraft fire and made the air over the battlefield almost prohibitively dangerous for our helicopter gunships. This development has grim implications indeed for the time when the South Vietnamese will have to rely on their own air support.

There is increasing concern that the North Vietnamese and Vietcong can score significant military victories in the I Corps and perhaps the II Corps area as well.

And from the Mekong Delta, which had been used as the example of pacification success last year, reports are coming both from press and military sources that pacification is slipping in many areas, that the VC infrastructure has not been destroyed, that it has only gone underground, its influence largely intact.

Vietnamization has not achieved military success. And there is no reason to expect that our presence for another 6 months or a year or two will bring such success if our advice and assistance for 17 years—since 1954—has failed to do so.

The administration has emphasized that we will keep a residual force in Vietnam until every American prisoner of war is returned. We understand that residual force would be supplemented by air units based outside Vietnam but still fully involved in combat in that country. Together those air and ground forces could mean more than 100,000 Americans fighting and dying in and over Vietnam. It would mean more American prisoners. In the effort to protect the South Vietnamese army and our own diminished forces the administration has already indicated it would apply that airpower intensively.

Let us remember we are now completing our first decade of active involvement in Vietnam. But South Vietnam is not South Korea. In South Vietnam there will be no ceasefire. There will be no clear line to separate opposing armies. Of course we will be assured about security measures at U.S. bases—until those bases prove themselves, as in the past, insecure if the enemy is willing to pay the price to penetrate them. We will be told how much the ongoing loss of 15, or 20, or 30 American lives each week concerns our officials. But in the next breath we will be reminded how much better that is than losing 250 Americans a week as we had several years before. We will be reminded that the eventual objective still is total U.S. withdrawal.

But we should not delude ourselves. A residual force can mean endless, if reduced U.S. casualties. It might help for a time to prop up a weakening and unpopular Saigon regime, but I cannot believe it is the best way to accomplish its principle avowed objective—the return of our prisoners.

Why should Hanoi feel compelled to purchase the withdrawal of such a force at the price of releasing our prisoners? They might simply ignore their presence and go about the business of fighting the government forces. Or, more likely, they could make them the focus of attacks in the expectation that the American people would not long support a residual force if that force were taking heavy casualities.

In short it is unrealistic to expect 50,000 men to do what 500,000 men could not do. An American residual force left as a bargaining counter for our prisoners of war would be more likely to become a hostage of the enemy than leverage upon him.

Until recently that has been the rationale for our continued involvement in Vietnam—we had to stay there until our prisoners were returned. But last week the Presidential press secretary informed us that even if an agreement could be reached for POW return and withdrawal by the end of this year, the administration would not accept it. We would not accept it because, according to Mr. Ziegler, such a withdrawal date would not give the South Vietnamese adequate time to develop their own military capabilities. It thus appears that the real reason why the administration will not set a final date is not release of POW's, but the desire to assure the continuation of the Thieu regime.

It is clear now, too, that the current policy has as its result—if not its intention—the indefinite continuation of the conflict. That continuation is not in the interest of the South Vietnamese people for it is evident that above all else they want peace. It is not in the interest of the American people. The longer we remain in that conflict, the longer our prisoners will stay in North Vietnamese prisons.

This fact is now so obvious that many of the prisoner of war wives have been moved to act on it. For years these courageous women, restrained by the self-discipline, sense of duty and obedience that is their husband's code, have held their silence out of respect for the President as Commander in Chief. In the meantime they have been callously used to score political points—not merely in the just insistence that Hanoi adhere to the Geneva Convention in its treatment of prisoners—but in the hope of cultivating in the American people the will to continue a war they now know to be a mistake. Finally, they, too, have spoken out, and they urge that a specific withdrawal date be set and adhered to if our prisoners are returned. I fail to see how reasonable men can resist the tragedy of their situation or the logic of their proposal.

I believe we have fulfilled whatever commitment we might have had to the people of South Vietnam. We have spent more than $125 billion in Vietnam and have trained and equipped a 1-million-man army. If that army cannot defend itself against a North Vietnamese force less than half its size, it may be that they are unsure of what it is they are defending. In that case, we should not be defending it for them.

I believe we have no commitment to the Thieu government—or to any particular government in South Vietnam.

Other governments may exist in this world whose officials trade in narcotics to sell to young Americans. Other governments may exist which violate their own laws and constitutions to keep political opponents in jail. Other governments may put people in tiger cages for talking of peace. They may rig elections so their continuance of power is assured. They may be rotten to the core with corruption and arrogantly insensitive to their own citizens human needs. They may persist on a path of war when their own people cry out for peace. But this is the only such government that young Americans are now dying to defend.

America's continued involvement in Vietnam has diverted our energies and resources from critical needs here at home and seared our moral conscience. It has torn our country apart. For the first time since the Civil War we stand in danger of becoming a house divided, a Nation polarized into different societies—each with its separate ideology and world view. Americans of all ages—but particularly the young—grow embittered, cynical about every tradition, every value and about the prospects for rational change.

The only way for us to restore faith in ourselves and in our institutions is to end that involvement. And the only way left to end that involvement, to get our prisoners home safely, and hopefully, to negotiate an end to the fighting is for Congress to set a date for American withdrawal.

In recent days there have been a number of reports and statements from Paris and elsewhere suggesting that the North Vietnamese and the Vietcong might make an agreement to release our prisoners in return for withdrawal of all our troops. North Vietnamese officials have stated explicitly that the prisoner release would be tied solely to withdrawal and "to no other questions." They have indicated that they are not linking such a release either to the dismantlement of the Thieu government or to matters of military or economic assistance. They have stated publicly that once an agreement is reached and our troops are withdrawing, hostilities between their forces and ours will cease.

It is high time we put these indications, these pronouncements, to the test. It is time to name a date and call on the other side to agree to a prisoner release.

Some who oppose this say they are concerned that Hanoi might not make such an agreement but would hold out instead for even better terms. How can we know until we try?

Plainly such an agreement now, with more than 200,000 Americans still in Vietnam, would be in Hanoi's interest to make and carry out. As the legislation currently before the Senate indicates, if they did not live up to their part of the bargain we would not have to live up to ours. Even if adherence to cessation of hostilities was imperfect, the security conditions for our smaller and more vulnerable force would be no worse than if there were no such agreement. Furthermore, if Hanoi violated agreed arrangements, the influence of world opinion and powers friendly to them could be brought to bear, with significant impact.

The announcement of an end to American involvement in Vietnam would be a clear signal to both Hanoi and Saigon.

To Hanoi it would signal the abandonment of the search for military victory, whether by Americanization or Vietnamization, and create an incentive for the return of prisoners. It would prove that what Hanoi has said it does not believe is true—we are going to get out of Vietnam and we are serious about negotiations.

To Saigon it would signal that we no longer were committed to propping up the Thieu regime. To that Government and the people of South Vietnam, many of whom do not now believe the United States actually will withdraw, such an announcement would be a clear advance notice. It might force Thieu to seriously consider negotiating a compromise. It would encourage Vietnamese to begin the task of finding the accommodations among themselves so that they might have the chance to live together in the same country.

Furthermore, the South Vietnamese presidential election is scheduled for this October. If truly free and open, it could result in the election of a popular leader reflecting the desire of the Vietnamese people for peace. A popularly elected peace candidate who sought a compromise settlement would promote precisely the opportunity for self-determination for the Vietnamese and an honorable withdrawal for the United States which have been for so long the announced goal of U.S. policy.

We became engaged in Vietnam in an effort to give South Vienam the opportunity to provide for itself what is fundamental in a free society; namely, self-determination. I suggest to you, Mr. President, that it is impossible for the South Vietnamese to truly have self-determination as long as they believe the military might of the United States is arrayed in support of Thieu. There is very little to be gained at this time by our reconsideration at length of what the original commitment may or may not have been to the South Vietnamese. But I suggest that it was not a commitment to the generals or to any other particular regime.

When Secretary of State John Foster Dulles put his signature on behalf of the United States to the Southeast Asia Treaty, he was not committing the United States to Diem or to Thieu or Ky or any one specific regime in South Vietnam, but to the people of South Vietnam.

Mr. HATFIELD. Mr. President, will the Senator from Indiana yield at that point?

Mr. BAYH. I yield.

Mr. HATFIELD. Is it not also true that before Secretary of State Dulles put his signature to the treaty, in testimony before the Foreign Relations Committee he was asked the question whether the treaty would commit American manpower to an Asian conflict; and Secretary of State Dulles responded in this kind of language, that it commits the United States only to use its deterrent forces and does not commit manpower to a land war in Asia, it only permits the United States to commit its deterrent forces, which would include missiles and other sophisticated weapons of our deterrent force.

I know that the Senator from Indiana is a student of history, and he is aware of the fact that the Secretary made it very clear it did not imply nor did it commit this Nation to putting men into a quicksand in Asia.

Mr. BAYH. The distinguished Senator from Oregon has hit on an important point, that the original step was like that first step in quicksand. After it, we thrashed around trying to find a way out, but instead of getting closer to the shore we got deeper in.

I pointed out the fact that the original commitment, whatever it was, was not to any one regime; Thieu was not even on the scene at the time.

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator from Indiana has expired.

Mr. HATFIELD. Mr. President, I yield 5 additional minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 additional minutes.

Mr. BAYH. I am concerned that we not consider as part of our rationale for refusing to support the laudable amendment of the Senator from Oregon, the delusion we have a commitment to the present regime. I think that one of the clear signals that would result from our Government's establishing a time certain would be a message to Thieu and his administration, and all the people in South Vietnam, that they must take the steps necessary to put together a broad-based popular government that has some chance of standing after we have left.

It is my judgment, that as long as a handful of politicians and generals in South Vietnam feel that the United States will support them, they are not going to take the steps necessary to let political prisoners out of prison, bring to South Vietnam a popular-based government that will be truly representative of the people, and permit a really free election in which candidates advocating a reasonable settlement could run.

Now, Mr. President, if such a candidate were elected, it is expected he would negotiate for a compromise settlement with the Liberation Front; and the Front has let it be known that such an individual would be an acceptable negotiating partner.

We should remember that over 60 percent of the votes in the 1967 election were not cast for Thieu-Ky. They were cast for candidates running on various peace platforms. We should remember, too, that an avowedly pro-peace slate sponsored by the An Quang Buddhists placed first—ahead of a pro-government slate—in last August's senatorial elections. Thus, if the coming election is even as fair as last year's were, a peace candidate could win.

This is not a brief for General Minh or for any other candidate. The American Embassy in Saigon should not dump Thieu and support Minh or Ky. The United States should not support anyone or anything in Vietnam other than free and fair elections.

It was, after all, in the name of the principle of self-determination that we involved ourselves in Vietnam. If our having been there is to be more than a bitter legacy—for Vietnamese and for Americans—it is important that we not condone or cooperate in the violation of that principle as we leave. It is for that reason that I am a cosponsor of the Stevenson amendment to establish a commission to report to the Congress on the election campaign and its results.

But even more important to the chance that the election might be a truly free expression of the popular will would be Vietnamese awareness that our dominating presence—heretofore the decisive element in their internal politics—was now definitely coming to an end.

Finally, to both Hanoi and Saigon the fixing of a date certain would signal our intention to end the war, thus setting in motion an adjustment to the reality of a Southeast Asia without American combat power. It is that reality alone that can lead to a political settlement, and only a political settlement can lead to peace.

There may be some Vietnamese who might fear for their personal safety under such circumstances. If so it is imperative that we provide them the opportunity to seek asylum elsewhere. The proposal we are now considering recognizes that responsibility and would make available funds to fulfill it.

What troubles me deeply now is that the longer we wait to set a date, the more difficult an agreement for withdrawal and prisoners exchange may become. The kind of agreement the evidence shows we can have today, we may not be able to negotiate 6 months or a year from now. Taken together our delays and our gradual withdrawals have already lost us too much time and leverage. We have badly overplayed our hand in Paris. What concerns me most is that the North Vietnamese may now be tempted to overplay theirs.

Whether we leave Vietnam on Christmas Day, 1971—or an election eve 1972, no one can be certain what might happen there when we depart. But I am far more concerned about what might happen here if we do not.

No one can be certain what will happen in South Vietnam when we depart. I must admit that I am far more concerned as to what will happen right here in the United States if we do not.

Even the President's closest advisers admit that there is no stemming the rising tide of public opinion, that we are on our way out of Vietnam. The only question is how soon. I say it should be now. There is no honor to be won and no glory to be gained by continuing. There are only more lives to be lost.

While I have criticized this administration—a Republican one—for its policy in Vietnam, I also criticized its Democratic predecessor. As the current New York Times series makes dramatically evident, many Democrats, too, badly misjudged the nature of the problem we faced in Vietnam and what we could do about it. One of the distinguished sponsors of the amendment now before us is himself a Republican, and a number of his Republican colleagues support his proposal. The issue we face, therefore, is not a partisan one. It should be decided on its merits, not on its politics.

The most recent polls show that more than 2 out of every 3 Americans believe Vietnam was a mistake. Few of us would contest that view. What is important now is that out of that mistake we achieve something positive.

What we can achieve is a clearer understanding of what our vital interests are and what they are not; what the capabilities of our military power are and what they are not. To set a date now would be the proof that we have gained a new understanding and a new maturity.

We have been told repeatedly that the credibility of our commitments elsewhere is in the balance in Vietnam. But to most of our friends around the world, our persistence in continuing on a path we ourselves admit to have been mistaken is a dismaying embarrassment. Our allies and many Americans, too, fear it has sapped our capacity to fill our truly vital commitments—not reinforced it.

We have been told, too, that what is at stake in Vietnam is our will and our determination. The truth is that it is not our will or our determination that are being tested there now. What is being tested—here today—is our decency, our good sense, and our wisdom. We must not fail that test.

As we begin the final preparations for the vote on this amendment, I think we should remind ourselves just what is at stake, just what the war has cost us. I do not suppose there is anyone in this body who can say that he is really happy about what has happened in Vietnam. Perhaps no one can say he would regard as ideal the results of this amendment. But this amendment is much better, in my judgment, than any other alternative available to us at this time.

The Vietnam war has cost us over 53,000 American lives, and other tens of thousands of young men who will never be the same. It has cost us untold billions of dollars. Even more tragic is the frustration, hatred, fear, suspicion, and division that exists today in this country and that can be directly attributed, I suggest, to our course in Vietnam. We have to bring all these costs to an end.

Let us put aside past mistakes. Let us refuse to yield to the temptation of political expediency and second guessing. Let us realize that what happens tomorrow is much more important now than what happened yesterday. All of us will stand more accountable from now on for our actions today—and tomorrow— than for those we may have taken in yesteryear. I, for one, want to be held accountable for supporting the valiant effort being made by the distinguished Senator from Oregon (Mr. HATFIELD) and the Senator from South Dakota.

Mr. President, I will cast my vote for the end-the-war amendment on tomorrow.

Mr. HATFIELD. Mr. President, will the Senator yield to me?

Mr. BAYH. Mr. President, I am glad to yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I think the record will show that point by point the proponents of the amendment, as in the case of the distinguished Senator from Indiana today, answered the objections and the questions which have been raised by those who oppose the amendment.

I commend the Senator from Indiana for his contribution to this debate. I call attention again to one or two very salient and fundamental facts. The Senator from Indiana asked the question today, "What is our commitment?" He then proceeded to give the accurate, historical answer.

I need not bring to the mind of anyone who has any question about this amendment, the simple understanding that we do not have a commitment which can be perpetrated as a means of justifying political policies.

The question has been raised, "What good will America's word be in the world if we renege and cut and run from Vietnam?"

All of the answers that have been made indicate that somehow we have some solemn commitment. We do not have, and the Senator from Indiana pointed that out very clearly.

I congratulate the Senator from Indiana because he brings the matter into sharp focus concerning exactly how long and what kind of sacrifice we will have to make to hold up and to give support to the Thieu-Ky regime.

The Senator has said, in effect, as I understand his presentation today, that, first of all, we have no formal commitment which we would be disavowing or reneging on. Secondly, he points out that the present regime has done nothing to establish for itself a political base which would deserve or elicit the support of its own people and the American military presence.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself such additional time as I have.

Mr. BAYH. Mr. President, as the Senator knows, there have been a succession of elections in Vietnam. In the last presidential election President Thieu was opposed by candidates who were running on peace slates. They got over 60 percent of the votes. If those votes had not been split 10 different ways, a peace candidate could have had a landslide victory.

By setting a date and making it clear we are getting out, we can make it more certain that we do not influence the election. Right now the average South Vietnamese citizen would be justified in believing that our present course is to stay in Vietnam and to support Mr. Thieu.

Mr. HATFIELD. Mr. President, does not the Senator agree that the so-called electoral reform law which has just been passed gives ample evidence to the very simple proposition that the Thieu regime is frightened and is concernd about its ability to perpetuate itself with the laws that existed up to that time and that therefore they have been doing what the Senate indicated, and that is grasping for some political base of support?

Mr. BAYH. Mr. President, the Senator is correct. I suppose that if one can eliminate the opposition, that is a shrewd move to make. However, from our standpoint—from the American standpoint—it is a most unfortunate development. My feelings on that matter could be the subject of another hour of discussion, because I am very disturbed about that development.

Mr. HATFIELD. Does the Senator from Indiana agree that we should delineate between the political support and the military power base of the South Vietnamese Government? As the Senator knows, there are over 1 million South Vietnamese trained and equipped and under arms with American support and American trained personnel, as contrasted to about 200,000 from the North who are down South and the remainder of the South Vietnamese who are north of the line. There is therefore ample evidence to indicate that they have the military posture in that regard to immediately sustain themselves, but they have not the political base on which to move forward and have any better chance to maintain itself in power. Would the Senator from Indiana agree?

Mr. BAYH. Mr. President, I agree partially, and partially I simply do not know. The Senator from Oregon accurately states the numerical equation in military terms.

I have been disturbed for many months that the United States could make such a significant commitment of its sons and its material wealth and spend as much time as we have in training as many South Vietnamese as we have—all with rather dismal results in South Vietnamese military performance.

I believe that freedom is pretty important. I am not an advocate of communism. I am against it. If we can help people resist it, I am for that. However, the time comes when we must ask ourselves, are we really accomplishing that goal. And what is it costing us?

When I look at that matter squarely, the results I see from the battlefields in Vietnam cause me to conclude that it is costing us a great deal and we are not accomplishing much.

I am fully convinced that the South Vietnamese military is not what it should be, considering our investment. When we realize that, it reinforces my belief that all our effort has been of little reward. If that much investment in manpower and materiel by this country's part does not accomplish more, I wonder if we are not dealing with some inherent problems in South Vietnam which are beyond our capacity to remedy.

Mr. HATFIELD. Mr. President, I certainly do agree with the statement made by the Senator. However, I would like to point out that in this colloquy today we have the distinction being made between what is the effect of Vietnamization from its withdrawal side and from its political commitment side, the political commitment to the Thieu-Ky regime. Here, I think the American people have the right to have a question answered, and that is how long must we keep this so-called commitment that has been made, not by decree, not by a Senate resolution, or any act of the Congress, not by any action of the people of this country, but by a political policy sustained and maintained and perpetuated from the White House.

We have a right to know how long we will have to maintain American personnel there, and how many more men have to die in order to fulfill whatever that commitment might be.

Let me remind the Senator from Indiana that, as I am sure he is aware, on July 1, 1970, the President of the United States said this is an interview with Howard K. Smith:

> Now, by winning a just peace, what I mean is not victory over North Viet-Nam—we are not asking for that—but it is simply the right of the people of South Viet-Nam to determine their own future without having us impose our will upon them, or the North Vietnamese or anybody else outside impose their will upon them. . . . If the United States, after all of this effort, if we were to withdraw immediately, as many Americans would want us to do—and it would be very easy for me to do it. . . .

"It would be very easy for me to do it," said the President, about withdrawing American troops. But he went on to point out that it is the commitment he has to make sure the South Vietnamese Government can maintain itself.

Now, I think many people in this country think Vietnamization means withdrawal because we hear statistics in this Chamber day after day about how many troops were in Vietnam when this administration came into office and how many have been withdrawn. Therefore Vietnamization has been presented only in the context of withdrawal action.

The Senator and I both know the President has not been evasive at all. He has been very forthright and stated time after time that withdrawal is not the simple objective, but that he has some kind of commitment to the South Vietnamese Government that he has made as the President, and only as the President. I emphasize that without the authorization of Congress, which goes beyond the powers of the Commander in Chief in the Constitution; Congress has to pass on this kind of foreign commitment.

Mr. BAYH. If I might pursue that a bit further, as I look back on what happened on the floor of the Senate, I wish I could change my vote on the Gulf of Tonkin resolution. There has been much effort made to try to rationalize why certain individuals supported it and why others felt it was not wise. Some say it was wise at the time, and others say they voted for it only because of misinformation. I think any of us who read that resolution had to know we were giving rather broad power. Most of us realize that decision was a mistake. But we cannot undo that decision now. We cannot change what is past.

I remember the impression I received when I visited Vietnam in January 1968, almost on the day the Tet offensive broke out. That was a rather sobering experience. I came back with the feeling that what we had to do was to disengage ourselves from that military commitment and see if the South Vietnamese had the self-reliance that was required of them.

I felt then, and I felt until well into the term of the present administration that this was primarily a responsibility of the executive branch, particularly when we had a President who was elected after stressing the importance of his plan for peace. I would much have preferred to see the President sit down with President Thieu and say, "All right. This is what it is going to be, Mr. President, and this is why."

I became completely disenchanted with what this administration was doing not only with respect to South Vietnam but also with its invasion of Cambodia and Laos. It appeared we were following policies based on the misconception that in Vietnam we could have our cake and eat it, too. We made tragic mistakes, and they can only be compounded by ignoring the existence of those mistakes. We cannot undo past mistakes, but we can support the amendment of the Senator from Oregon to keep us from continuing them and from making future mistakes.

Mr. HATFIELD. Mr. President, once again I wish to express my appreciation to the Senator for his comments and I hope his comments will be carefully read by all of my colleagues.

When he mentions the President of the United States, I find it difficult to disagree and take exception. It is probably more difficult as a member of the same political party and as a personal friend.

Mr. BAYH. Let me say that the Senator from Oregon has exhibited unprecedented courage. It is much more difficult for a member of the President's own party to disagree with him. This is not a unique example of the Senator from Oregon's independence of judgment. But, as he knows, the Senator from Indiana has been highly impressed by the courage exhibited by the Senator from Oregon on the Vietnam problem, for it is a difficult legislative issue.

Mr. HATFIELD. I thank the Senator. I would like to add one thought in conclusion. I believe that here again we see an example of how a President very sincerely reviewed a situation and expected it to develop in a certain way. I wish to place in the RECORD what the President said on September 26, 1969, when he was asked to comment on a proposal then advocated by Senator Goodell of New York about setting a date certain. The President replied in these words:

> I believe that a discussion in the Senate of this matter, an open discussion, in which all the consequences of this very well-intentioned statement by Senator Goodell, all the consequences of it, the fact that it inevitably leads to the conclusion that the United States is going to be stuck in Vietnam until the end of 1970, that there is no hope of ending the war before then, that when that comes home, I think the Senate will overwhelmingly reject the Goodell proposition.

I wish to quote another statement in that same press conference:

> However, it is my conclusion that if the administration were to impose an arbitrary cutoff time, say the end of 1970, or the middle of 1971, for the complete withdrawal of American forces in Vietnam, that inevitably leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective that I am trying to achieve, of ending the war before the end of 1970 or before the middle of 1971.

I believe the President had every commitment to that goal and objective, but obviously something went wrong. Obviously he could not achieve the goal that he was committed to at that time—dedicatedly committed.

So when we hear today that if we set a date by December 1971, the South Vietnamese will not be ready to take on their responsibilities, well, the President expected them to be ready by the end of 1970 or the middle of 1971 and they were not ready by that schedule. What is the schedule date, if it is not December 31, 1971? What date is it?

I think here again the Senator is assisting a great deal in this debate in putting his finger on this point of what date and what commitment we have to the Thieu-Ky regime. Is that cost more sacrifice of American prisoners and more spending of American money? I think we have a right to know. It is not telegraphing the enemy but it is telegraphing the American people, and I am of the opinion that that is their right. We are the ones being challenged, not the President. We are the representatives of the people who should demand and receive this information, or in the absence of it we should indicate the responsibilities that are ours under the Constitution to appropriate funds. That is the whole constitutional basis of this amendment.

The Senator has placed his finger on the responsibility we have.

Mr. BAYH. I concur wholeheartedly with the Senator from Oregon. I want to emphasize one additional point that we touched on earlier. That is in setting a date certain we would be conveying the message to the South Vietnamese people themselves prior to that election, so they could take steps necessary to put together the kind of government representative of what they want and not what we want or Thieu or Ky wants.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recoginized for 15 minutes.

Mr. HATFIELD. Mr. President, last year the New York Times advised against the approval of the amendment to specify a date for withdrawal from Indochina. They did so because they believed the alternative way to withdrawal was through a negotiated settlement. However, like many others, the Times now asserts that under present policy, there is no hope for a negotiated settlement at Paris. Thus, they now recommend that the amendment before the Senate be passed as the best means for terminating this war. I ask unanimous consent that the New York Times editorial of last year and of today be inserted in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 31, 1970]

SOUND MOTIVE, DUBIOUS METHOD

The Senate will vote tomorrow on the Hatfield-McGovern amendment to set a timetable for ending the war in Vietnam, an objective devoutly wished by millions of Americans. The framers of the measure have labored responsibly and creatively to extend the deadline for withdrawal of American forces and to allow the President flexibility in applying that deadline.

The question the Senate must decide is whether adoption of the resolution will enhance the prospects of negotiating an honorable settlement in Paris and genuinely extricating the United States from its disastrous adventure in Vietnam.

It is an excruciatingly difficult question for those who deplore—as we do—the lack of candor and the outright deception practiced by this and the two previous Administrations with regard to the American involvement in this Asian morass. And there can be no doubt that in the course of this ill-starred adventure the Executive has often bypassed or ignored the Congress.

There is genuine danger for the American system in Vice President Agnew's reckless assaults on Senators Hatfield and McGovern and their allies, honorable men whose records refute his "pacifist" and "isolationist" labels. They have long agonized over ways to help free this country honorably from a fruitless and divisive involvement and they deserve better than to be attacked as architects of "a blueprint for the first defeat in the history of the United States."

The basic question remains, however: is this amendment the right way either to redress the imbalance of power in the Government or to advance the prospects for American withdrawal and peace in Vietnam?

The argument is used that the timetable in the amendment is roughly the one the President has set for himself; and that its passage would thus be a contribution toward a joint Executive-Legislative policy. But the President is careful to preserve his options and it seems unwise to fix a withdrawal schedule for him by law, even one that contains the loopholes now put into it by the measure's sponsors.

Most important, in our view, is the probable effect of a withdrawal deadline on the peace talks in Paris. Mr. Nixon insists that, despite the lack of a new negotiating brief, David Bruce has been given latitude to explore all possible avenues to a satisfactory settlement. It is just such vagueness that has caused many Senators to despair that American troops will ever be out of Vietnam unless Congress applies an independent prod.

A prod undoubtedly would be useful; the question is what kind it should be. That Hanoi has been stonewalking in Paris is no excuse for Washington's failure to take the initiative there.

Our own belief is that the best way to end the stalemate in Paris is through prompt United States sponsorship of a proposal for a standstill cease-fire by all forces in Vietnam. A Senate resolution to this effect might help to end the war. The Hatfield-McGovern plan, which differs merely in timetable from the Administration's Vietnamization objective, would only end the American involvement—and assure that the war goes on. For there will be little incentive for Hanoi to negotiate a settlement if the President is under Congressional mandate to meet a deadline for evacuation, however diluted.

The sponsoring Senators have labored overtime to make their amendment more reasonable and flexible, but we cannot believe that its adoption will bring closer the goal they seek.

[From the New York Times, June 15, 1971]

WITHDRAWAL WHEN?

The brusque rejection by the White House of former Defense Secretary Clark M. Clifford's proposal to set a fixed date for withdrawal of all American forces from Indochina in return for the release of American prisoners reinforces doubts about the Administration's policies in respect both to negotiation and Vietnamization.

White House spokesmen argue that Communist negotiators in Paris have not yet agreed to do anything more than *discuss* prisoner release after a withdrawal date has been set. But the Administration is evidently unwilling to test the contention of Mr. Clifford and others that Hanoi is indeed ready to accept such an arrangement. Furthermore, the President seems clearly to believe that the United States has not redeemed a pledge on which he has previously insisted as a condition of American withdrawal: "that we give the South Vietnamese a reasonable chance to defend themselves against Communist aggression." Many millions of Americans, including this newspaper, believe on the contrary that the United States long ago more than fulfilled whatever obligations it may have had in this respect.

If, after years of deep and direct American commitment, a one-million-man South Vietnamese army, trained and equipped by the United States, cannot now deal with a numerically inferior foe, it never will. The President's insistence that ultimate American withdrawal be contingent upon South Vietnamese self-sufficiency is a formula for indefinite involvement.

Speaking for the Administration in Senate debate the other day, Senator Dole of Kansas charged that the McGovern-Hatfield amendment, which in its present form closely parallels Mr. Clifford's proposal, would give away the leverage the President still possessed to obtain release of American prisoners. This might be a persuasive argument if realistic negotiations were going on for prisoner release. But as long as Mr. Nixon follows his present policy of withdrawing troops while pursuing the elusive goal of security for Saigon, it is the President who is giving away leverage while holding the prisoners hostage to an interminable conflict.

The failure of the Administration to adopt a more realistic negotiating position, as advocated by Mr. Clifford and others, materially strengthens the argument of supporters of the McGovern-Hatfield amendment, which will be voted on tomorrow in the Senate. Under the circumstances, while retaining our belief that negotiation represents the preferable way of terminating hostilities, we have been driven to the conclusion that the amendment ought to be approved as an expression by the Senate of this country's determination to bring an honorable and speedy end to this futile, wasteful and divisive war.

Mr. HATFIELD. Mr. President, I believe this further substantiates the fact that present policy has been given all reasonable time, and every reasonable chance to succeed in ending the war; but it has failed. The time has come for Congress to adopt the alternative now before us.

Mr. President, the Oregon Journal is a leading and distinguished newspaper in Portland, Oreg. In past years, its editorial policy on the war differed from my own view. Last year, for example, when an amendment to set a date for our withdrawal was offered before the Senate, the Oregon Journal took the position that the Congress should not adopt that proposal. However, like other newspapers, such as the New York Times, and like several State legislatures and like millions of Americans, the Oregon Journal now has advocated the passage of the amendment before us. Further, they make special note of the modification we have made with reference to the prisoner of war issue.

Mr. President, I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Oregon Journal, June 11, 1971]

A REALISTIC WITHDRAWAL PLAN

Sen. Mark Hatfield has added an ultimatum feature to his controversial "Amendment to End the War" soon due for Senate debate. It turns that proposal from a vain hope into a realistic plan which Congress should adopt.

His revision would force North Vietnam itself to make a clear choice—yes or no—on the troop withdrawal and prisoner of war issues.

In this sense, the revised amendment would remove the unrealistic unilateral approach of the original. It also would deal concisely with the most agonizing enigma to those who demand withdrawal—what to do about American prisoners.

As originally introduced, this year and last, the "Amendment to End the War" would insist that American troops get out of Vietnam by the end of this year. That is about all it said, save for a rather vague exception to deal with the prisoner issue.

The revision would set the same withdrawal date, but it would also do this: It would give North Vietnam just 60 days from the time of passage (and before withdrawal of most troops) to make arrangements for the return of prisoners.

Arrangements would be just that—specific plans. They must go beyond the best offer yet heard from the North Vietnamese, which is to discuss prisoner return after a withdrawal date has been set.

If North Vietnam does not respond as directed, Congress would be free to approve by joint resolution the policy of President Nixon. In other words, we would be where we are now, but so would the enemy.

This, then, is an amendment that has some reality to it. It places a burden of performance on the enemy. It doesn't rely on a promise almost certain to be broken.

It is an imaginative approach that is a credit to its authors, Hatfield and Sen. George McGovern, D-S.D.

It should be improved to guarantee the prisoner release. One means could be the transfer of prisoners to a neutral country prior to the withdrawal deadline. Another could follow the subsequent suggestion of former Defense Secretary Clark Clifford for the actual prisoner release within a specified time (Clifford said 30 days) after agreement was reached.

Whether this amendment will attract enough votes to pass is a question. An impressive string of amendments to the draft bill (to which Hatfield-McGovern is now attached) has been successfully resisted.

Hatfield's staff reports a nose count that is cautiously optimistic. Last year the original amendment, which lost 39-55, had 20 sponsors among the 100 senators, including only two Republicans. This year it has 30 co-sponsors, including five Republicans. Hatfield is counting on 39 votes, with another 12 or 14 senators undecided.

The vote is expected next Wednesday. The revision could, and should, attract enough votes to pass. It has made practical an impractical dream, made hopeful a hopeless scheme.

Mr. HATFIELD. Mr. President, it has been repeatedly stated, from many sources, on many occasions, that ending the war is something that poses great problems in logistics. We had the statement by Secretary Laird on television last Sunday indicating it would take a year to provide the time necessary to get the withdrawal completed, if withdrawal by a specific date became our commitment.

Mr. President, many Americans who want to see us terminate our involvement have wondered whether this can be done in the time period suggested by our amendment. Further, many have said that the President is withdrawing our troops, and he must know best how to accomplish that; therefore, who are we to presume that the withdrawal can be accomplished more quickly than the President's plan?

However, the President himself has indicated that a decisive, rapid, and complete withdrawal could come about if he chose to make that decision. On July 1 of last year, Howard K. Smith asked the President:

> What authority do you have for keeping troops there other than protecting the troops that are there fighting?

The President answered:

> . . . It isn't just a case of seeing that the Americans are moved out in an orderly way. If that were the case, we could move them out more quickly . . ."

And later, the President said:

> If we were to withdraw immediately as many Americans want me to do—and it would be very easy for me to do it . . .

Thus, the President has acknowledged it would be possible to withdraw forces far more rapidly than at present if withdrawal were our only objective. On other occasions I have pointed out that this raised grave constitutional questions, for I do not believe the President has the constitutional authority to do anything other than withdraw the troops.

Today, however, I want to draw the attention of the Senate to an important study done by reputable experts on the logistics of withdrawal by December 31. The study has been done by Arthur L. Karp, Comdr. G. E. Everly, and James J. O'Leary. All are members of the Center for Naval Analysis.

I should like to read a summary of their biographies into the Record:

> Arthur L. Karp is a graduate of M.I.T. (B.S. physics) and New Mexico State College (M.S., mathematics), and has studied at the University of California, Berkeley and the Georgetown University Law Center. He has done research at the Naval Ordnance Laboratory, the Hughes Aircraft Corporation, and the White Sands Proving Ground. Since 1956 he has been with the Center for Naval Analyses where he has directed studies on a number of problems of naval interest. He has also served as a systems analyst on the staffs of the Commander Seventh Fleet, Commander Task Force Seventy Seven, Commander-in-Chief Atlantic Fleet, and the Commandant of the Marine Corps.
>
> Commander G. E. Everly, USN (Ret.), served on active duty in the U.S. Navy from February 1941 until September 1965. During World War II Cdr. Everly served on destroyer duty in the North Atlantic and submarine duty in the Pacific. In the postwar years his sea duties included command tours in both the destroyer and submarine forces. Cdr. Everly holds the Silver Star, Presidential Unit Citation, Navy Letter of Commendation (with combat "V"), and Submarine Combat Insignia (six successful patrols). In 1965, Cdr. Everly joined the professional staff of the Center for Naval Analyses.
>
> James J. O'Leary is a graduate of Queens College (B.A. political science) and has studied at George Washington University. For several years he was an operations research analyst at Grumman Aerospace Corporation. Recently, he has participated in systems analysis studies at the Center for Naval Analyses.

Mr. President, these experts have concluded that the withdrawal of all our troops and of a substantial portion of our equipment is not only entirely possible by the end of the year, but is also the safest method for disengagement.

The authors point out that:

> If our disengagement is protracted over a number of years, we can expect continued, substantial casualties and conceivably even a military disaster. However, a purely military withdrawal, with an established terminal date, could take place with very low risk.

Concerning the actual logistics involved, the authors discuss withdrawal by both sea and air. In summary, they demonstrate that only 44 of our 100 amphibious assault ships could easily accomplish the withdrawal in 4 months time. In fact, they suggest this lift could even be accomplished in 2 months. In making these. projections, the authors allow 2 months time—until September—simply for planning the withdrawal.

Further, the study points out that if we choose to use aircraft to accomplish the withdrawal, then in only 1 month's time, one-third of our C-141's could airlift to Okinawa 61 percent more than the total number of troops expected to be in Vietnam on September 1—215,000.

Finally, the study points out that a major portion of all our equipment could be accomplished through the use of the ships under the Military Sealift Command that currently carry supplies to Vietnam.

Therefore, this definitive study makes it absolutely clear that if withdrawal is our only objective, that can be accomplished easily in a matter of months, and can be completed by the end of this year with time to spare.

I urge the Members of the Senate to study this document with care, and ask unanimous consent that it be printed in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

The Withdrawal of American Troops From Indo-China by 31 December 1971; Considerations of Safety and Logistics

(By Arthur L. Karp, Cdr. G. E. Everly, U.S.N. (Ret.), James J. O'Leary)

It has been proposed that all U.S. military forces be withdrawn from Indo-China by the end of calendar year 1971. This paper examines two questions the proposal might raise:

(1) Can it be done safely?

(2) Can it be done at all?

A systematic military withdrawal over a relatively short time span is by all odds the safest method to withdraw U.S. troops from Indo-China. In fact, in the absence of a cease fire agreement, a conventional military withdrawal, in which combat and support echelons are withdrawn in a normal sequence as the forces conduct an orderly fall-back centered on a final port of embarkation, is the only sound military method. Such a maneuver is a standard military operation and would be facilitated by favorable conditions present in South Vietnam, as will be discussed shortly.

Stated in a somewhat overly simplified form, we have two basic options as to the method of our disengagement (again assuming no negotiated cease fire):

(1) A standard military withdrawal of all personnel timed to terminate on a specific date.

(2) Withdrawal of all or almost all combat troops, leaving essentially only support troops (probably about 50,000 men) to supply the South Vietnamese with those services which have brought about the current relatively favorable military balance, and which the ARVN cannot itself supply. These services include such central functions as close

air support (by helicopters and tactical air), artillery support, and airlift. Under this option, the remaining U.S. troops must depend on ARVN combat units for protection against NVA/VC harassment and assaults. Moreover, they would have to stay in South Vietnam, in a state of precarious dependence, for however many years the ARVN took to develop the desired level of skills and experience.

Administration policy appears to be Option #2. Public statements have been vague on the matter of U.S. protective forces remaining with an unspecified number of support forces. The possibilities for disaster are quite high. At best, if ARVN continues to improve and functions moderately efficiently in the years to come, enemy harassment-type attacks could easily keep the U.S. casualty rate above 100 per week for as long as we keep troops here. At worst, if ARVN fails, the U.S. forces will be in a very precarious situation. The vulnerability of the remaining U.S. support and protective troops should be clear when one realizes that in order to perform the previously stated services, they must be deployed to a number of locations, in relatively small units. It is not too difficult to envisage a situation in which the President would be faced with an unhappy choice between a crash evacuation (with the possibility of a large number of casualties), reintroducing large numbers of U.S. combat units, or employing advanced (read nuclear) weapons.

Thus, if our disengagement is protracted over a number of years, we can expect continued, substantial casualties, and conceivably even a military disaster. However, a purely military withdrawal, with an established terminal date, could take place with very low risk. The principal reasons supporting this assertion follow.

(1) The war in Indo-China does not involve large numbers of opposing forces locked in fixed positions. Therefore, the initial break-off of contact would not be difficult. Furthermore, U.S. forces can withdraw from their positions without fighting a rearguard action against overwhelming enemy forces, as they had to do in Korea when the Chinese crossed the Yalu. In Vietnam, the U.S. force has a degree of mobility unsurpassed in military history. The mobility makes the initial break-off of contact a routine matter.

(2) The fall-back and withdrawal could take place with full tactical air support and complete air superiority. The air support would not need to diminsh as the force perimeters become small in the final stages. Our heavy bombers are based outside of Indo-China, we have tactical air in Thailand, carrier-based air is available in large quantity, and if needed during final stages, helicopter gun ships can be supported on some of the LPH's (helicopter assault carriers). For the past 2 years or more, the North Vietnamese forces have not been able to move as large units in South Vietnam, primarily due to U.S. air power and extremely effective, antipersonnel air-to-ground weapons. The situation would not change during the withdrawal. Air power would be overwhelming to the end. Hence, there is no realistic danger of large scale attacks during withdrawal.

(3) A date certain permits a coordinated fall-back on a final re-embarkation port while maintaining the proper ratio between combat and support forces at all stages of the withdrawal. The success of the operation would not be dependent upon the performance of the South Vietnamese forces. To whatever degree they can and do take over the defense of their country, the operation would, of course, be that much simpler. However, their success or failure in taking over the defense would not be a major factor affecting our successful withdrawal.

(4) The normal crucial stage of a withdrawal would be the removal of the final echelon of combat troops. In this case, with complete air superiority and floating helicopter platforms, the final stage should present no problem. A three-brigade covering force of 16,000 men with its artillery could be lifted out by helicopter in only 9 hours.[1] Thus, in this specific situation, there is no crucial final stage.

In summary, if withdrawal is viewed in purely military terms, a systematic, planned and vigorous military withdrawal is the safest way to disengage. Any other method could only result from political considerations and would impose greater military risks, allowing the number of American casualties to depend on the South Vietnamese performance. Once fully commited to other than a systematic military withdrawal, the U.S. will gradually lose control of the situation. A failure on the part of the South Vietnamese forces could confront the U.S. with the choice between very high casualties or re-entry into the country with a rescue force. A straightforward military withdrawal runs no such risks.

But do we have the logistic resources to withdraw some 255,000 men before the end of this year? This question is answered in appendices B and C. The basic assumptions of these appendices are:

(1) The withdrawal has to be accomplished for the most part after 1 September; June, July, and August are planning months in which the assumed withdrawal rate of 14,000 men per month is somewhat below its present level.

(2) No reserve aircraft or ships (except 2 aircraft ferries) are to be activated, nor are military postures elsewhere to be seriously affected.

In appendix B, it is shown that 44 of the fleet's 100 amphibious assault ships could, in the allowed 4-month period, easily lift the remaining U.S. military personnel from Vietnam to Okinawa. In fact, the lift could probably be accomplished in about 2 months.

Alternatively, the Military Airlift Command, using only one-third of its C–141 aircraft, could lift to Okinawa 61% more men in a single month than we expect to have in Indo-China on 1 September. Or instead, in 4 months, using the same aircraft, 54% more men than present could be airlifted to San Francisco. A third alternative would use one-third of the long-range aircraft in the Civil Reserve Air Fleet. This would suffice to accomplish the withdrawal to San Francisco in a few days over 2 months.

Appendix C shows that one-half of the ships controlled by the Military Sealift Command could lift the estimated quantity of equipment in Vietnam on 1 September to Okinawa in the allotted 4 months—without even using the capability of the amphibious force.

In summary, then, the task of removing all U.S. military forces from Indo-China by 31 December 1971 seems to be well within the capability of the military mobility forces that we maintain.

Appendix A

OUR ABILITY TO QUICKLY AND SAFELY EXTRACT THE COVERING FORCE

This appendix illustrates one method for quickly and safely extracting the combat force which covers the final withdrawal of U.S. troops from Vietnam. Such an operation can be done in a number of different ways depending on the resources made available and the circumstances that apply. The particular mode of extraction described here would be appropriate if hostile action were a problem—otherwise simple dockside embarkation would suffice.

To carry out the withdrawal, a portion of the amphibious assault fleet is made available. Table A–1 shows the composition of this fleet and the ships assumed to be assigned to the operation. Less than half of the active fleet (and no ships from the reserve fleet) are used. Of the newer ships with speeds of 20 knots or more, 27 of 53 ships are used. For only one category—LPH's—is more than 50 percent of the active ships used. Thus, the plan described in this appendix does not require that the Atlantic Fleet be seriously drawn down.

A covering force of 3 Brigades, each with 5 Maneuver Battalions and 1 Artillery Battalion, will be assumed. This force, roughly equivalent to a division is shown below to consist of almost 16,000 men and includes 54 howitzers, all to be helo-lifted from the withdrawal area.

TABLE A–1.—AMPHIBIOUS ASSAULT SHIPS ASSIGNED TO THE WITHDRAWAL OPERATION

Type and class	Number in active fleet [1]	Number assigned to withdrawal	Troop spaces per ship	Speed in knots
LPH: Iwo Jima	7	5	2,090	20.0
LPD:				
Austin-A	5	3	930	20.0
Austin-B	6	3	840	20.0
Raleigh-A	2	1	930	20.0
Raleigh-B	1	0	860	20.0
LSD:				
New	3	1	[2] 313	20.0
Thomaston	8	4	[2] 313	24.0
Casa Grande	3	0	[2] 226	15.4
LKA:				
Charleston	5	3	300	20.0
Tulare	1	0	135	20.0
Rankin	3	0	[3] 135	16.5
Andromeda	3	0	[3] 135	15.5
LPA:				
Paul Revere	2	1	[4] 1,500	20.0
Haskell	0	0	1,560	17.7
Bayfield	2	0	1,600	[5] 17.7
LST:				
Newport	13	6	430	20.0
Suffolk City-A	2	1	430	17.5
Suffolk City-B	5	2	575	17.5
Terrebonne Parish	14	7	395	15.0
Other (older)	15	7	147	11.6
Total	100	44		

Note: Data from Jane's 1970–71 (reference A–a) unless otherwise noted.

[1] Includes ships commissioned in "early" 1971; excludes ships commissioned in "middle" 1971 or later.

[2] LSD troop capacities based on reference (A–b).

[3] Not specified in Jane's; assumed to be the same as for Tulare class.

[4] Reference (A–c).

[5] Not specified in Jane's; assumed to be the same as for Haskell class.

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[1] See appendix A.

A Separate Infantry Brigade consists of 2,196 men in headquarters and support units to which infantry or tank battalions are attached. (Reference (A-d)) The majority of the supporting units would be withdrawn before the last day. In particular, the Armored Cavalry Troop, the Aviation Company, the Engineer Company, and the Support Battalion are assumed to be gone. This leaves the Brigade Headquarters and Headquarters Company (287 men) and a Battalion of 105 mm towed howitzers (540 men). In addition, a Separate Brigade Medical Company (125 men) is attached. (Reference (A-e)) These remaining support units include 962 men and 18 howitzers. From 3 to 5 maneuver battalions are attached to the headquarters and support units to form a brigade. In this case, the maximum of 5 battalions will be assumed. Since each infantry battalion consists of 849 men, (reference (A-f)) the total strength of the Separate Infantry Brigade is 5,197 men.

To lift the whole covering force of 3 brigades, then, requires that 15,591 men and 54 howitzers be helo-lifted.

Each of the "Iwo Jima" Class LPH's (Amphibious Assault Ships) carries 20–24 CH–46 and 4 CH–53 helicopters and can berth 2,090 troops.[2] A complement of 22 CH–46 and 4 CH–53 helicopters and an average helicopter availability of 75% will be assumed. This results in 17 CH–46's and 3 CH–53's available per LPH or a total of 85 CH–46's and 15 CH–53's for all 5 LPH's. The CH–46's and 5 of the CH–53's would carry troops and 10 CH–53's would carry howitzers and other equipment.

Each CH–46A can carry 17 to 25 troops to a combat radius of 115 miles at 150 miles an hour.[3] For this paper, 21 troops per lift will be assumed. The CH–53A carries 38 combat equipped troops; a later modification, the CH–53D carries 64 in a high density arrangement. In this appendix, 38 troops will be assumed per lift. The CH–53 can also carry a 105 mm howitzer and carriage in lieu of troops. The CH–54 radius is given as 125 miles; the cruising speed, 170 miles per hour.

The helicopters from the 5 LPH's can simultaneously lift 1975 troops and 10 howitzers. For a one-way flight distance of about 50 miles, the round-trip flying time—at the slower CH–46 speed—is about 40 minutes. If 20 minutes is allowed for loading and unloading troops, refueling, etc., the cycle time is 60 minutes and the lift per hour is just the simultaneous lift capability, i.e., 1975 troops and 10 howitzers per hour.

Thus, in 9 hours (about 3 hours per brigade) the troop-carrying helicopters could lift out 17,775 men, somewhat more than the 15,591 men in the 3-brigade covering force. (Actual time to withdraw the covering force is from first lift-off to final lift-off of forces from Vietnamese soil. Thus, only 8 hours are required. On the other hand, some allowance should be made for sequencing waves; thus, the 9-hour estimate.) Similarly, the 10 CH–53 helicopters could, in the same 9 hour period, lift the 54 howitzers with 36 sorties to spare.

Are there spaces aboard the ships for this number of troops? The 5 LPH's carry 10,450 troops. These berths would be filled by 498 of the 662 CH–46 trips made during the nine hours. (Based on our assumptions 768 CH–46 trips can be made, but only 662 are needed to carry the troops not lifted by CH–53's.) The remaining trips could be made to LPD's. The LPD's have room for only about one operating helicopter at one time, so spacing helicopter arrivals 12 minutes apart; to give time for offloading, allows 5 arrivals per hour on each LPD, or 45 during 9 hours. This means a total of 315 landings could be made on the 7 LPD's assumed to be available—but only 299 are required after the LPH's are filled. Of these 90 could be CH–53's carrying equipment, leaving 45 CH–53 and 164 CH–46 arrivals with troops. This would mean a total troop delivery of

$$(45\times38)+(164\times21)=1710+3444=5154$$

The total of 5,154 troops on the LPD's plus 10,450 on the LPH's is 15,604; or just about the number to be lifted. And, the 7 LPD's can accommodate more than the 5,154 troops—6,240 in fact.

If more than 9 hours was allowed for the final extraction by helicopter, an even larger covering force would be possible. Alternatively, the 9 hour extraction time could be held constant and part of the covering force could be withdrawn over the beach, i.e., by landing craft, amphibious vehicles, and directly into beached LST's. The total troop capacity of the assault ships assigned to the withdrawal is 28,609 men. For a short trip (such as 4 or 5 days to Okinawa) this total capacity could be doubled by the time-honored method of "hot bunking".

REFERENCES FOR APPENDIX A

(A-a) *Jane's Fighting Ships, 1970–71,* McGraw-Hill Book Co., New York.

(A–b) *Staff Officers' Field Manual, Organization, Technical and Logistic Data. Unclassified Data,* Department of the Army Field Manual FM 101–10–1 dated January 1969.

(A-c) *Jane's Fighting Ships, 1968–69,* McGraw-Hill Book Co., New York.

(A-d) *Separate Infantry Brigade,* TOE 7–100G dated 31 August 1966.

(A-e) *Separate Brigade Medical Company,* TOE 8–147E in Army Field Manual FM 101–10–2 dated January 1965.

(A-f) *Infantry Battalion, Separate Infantry Brigade,* TOE 7–15G dated 31 March 1966.

(A-g) *Jane's All the World's Aircraft, 1970–71,* McGraw-Hill Book Co., New York.

APPENDIX B

WITHDRAWAL OF THE TROOPS

At the end of May 1971, there were still over a quarter of a million United States military forces in Indo-China. Table B–1 shows the breakdown of this force. This appendix shows that there is no difficulty in removing these men from Indo-China in accord with the proposed Hatfield-McGovern schedule.

TABLE B–1—*United States military personnel in Indo-China on 27 May 1971*

Army	200, 100
Navy	11, 300
Air Force	38, 400
Coast Guard	100
Marine Corps	5, 800
Total	255, 700

Source: Department of Defense

To simplify the calculations, we shall ignore any special mobility resources the separate services have and merely treat the problem as if all the men were Army ground forces.

We assume that there is no increase in withdrawal rates before September. Thus, conservatively, only 42,000 men will be withdrawn in June, July, and August, leaving 213,700 men to be withdrawn in the 122 day period: 1 September to 31 December 1971.

First, we examine the capability of the amphibious assault fleet to move troops from Indo-China to Okinawa a distance of about 1600 miles (Saigon to Okinawa: 1,573 miles).

Table B–2 shows the number of round trips that can be completed in 122 days. A conservative approach has been used in choosing a speed of advance significantly less than the ships' sustained speed. The day and a half estimate for loading or unloading the ships is also conservative; amphibious assault ships can normally load or unload in a matter of hours—even without port facilities.

TABLE B-2.—NUMBER OF CYCLES IN 122 DAYS FOR A 3,200-MILE ROUND TRIP

Ship's speed capability (knots)	Assumed speed of advance (knots)	Round trip travel time (days)	Loading plus unloading time (days)	Number of round trips
20 or more	15	8.9	3	10.3
17.5	14	9.5	3	9.8
15	12	11.1	3	8.7
11.6	9	14.8	3	6.9

Table B–3 shows the total lift capability using the ships assumed to be available in the previous appendix (table A–1), i.e., 44 of the 100 amphibious assault ships in the active fleet. Note that the number of lifts in table B–3 is determined by rounding *up* the number of round trips computed in table B–2. This is because the ships are assumed to be ready to load on 1 September and because the last, incomplete round trip still counts as a lift since the troops are embarked. (Moreover, for the last trip, a half of a round trip will suffice since it delivers the troops to Okinawa.)

TABLE B-3.—NUMBER OF TROOPS THAT CAN BE LIFTED FROM INDOCHINA BY AVAILABLE AMPHIBIOUS ASSAULT SHIPS, SEPT. 1 TO DEC. 31

Ship's speed capability (knots)	Troop capacity per lift of available ships	Number of lifts	Total number of troops lifted
20 or more	23, 235	11	255, 585
17.5	1, 580	10	15, 800
15	2, 765	9	24, 885
11.6	1, 029	7	7, 203
Total			303, 473

As can be seen, 44 of the 100 ships in the active amphibious assault fleet will easily suffice to lift 213,700 men from Indo-China. With some "hot bunking", certainly feasible for a 5 to 7 day trip, these 44 ships alone could provide well over twice the required lift capability.

At present, returning American troops are being flown out of Vietnam. This suggests an alternative mode of withdrawal.

Reference (B–a) states that on 1 July 1969 the airlift inventory of the Military Airlift Command (MAC) consisted of the following unit equipment (UE) aircraft:

C–124	48
C–133	38
C–141	242

In the posture statement for FY 1971 (reference (B–b)), Secretary Laird stated the following plan for the end of FY 1971 (i.e., 30 June 1971):

	Squadrons
C–133	2
C–141	14
C–5A	3

The C–141 estimate is based on the statement "[t]he C–141 force reached its programmed strength of 14 squadrons in FY 1968 and we plan to maintain the force at that level".

In reference (B–c), the FY 1972 posture statement, the strategic airlift capability at the end of FY 1972 is given as:

	Squadrons
C–141 (275 a/c)	13
C–5A (65 a/c)	4

It is not clear, comparing these references, exactly how many C–141 UE aircraft will be in the MAC inventory in the later part of this year. To be very conservative, however, we:

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[2] In this appendix, ship data is from *Jane's Fighting Ships 1970–71,* reference (A-a).

[3] In this appendix, helicopter data is from *Jane's All the World's Aircraft 1970–71,* reference (A–g).

(1) make a low estimate of the number of UE aircraft (240),

(2) assume only one-third of these aircraft are available to lift out troops (80), and

(3) completely disregard any capability provided by the C–133 and C–5A aircraft in the MAC inventory.

Table B–4 shows that the assumed 80 aircraft could lift about 345,000 men from Indo-China to Okinawa in a single month. Alternatively, in 4 months over 330,000 men could be airlifted to San Francisco. These 2 cases represent, respectively 61% and 54% more men than the 213,700 expected to be in Indo-China on 1 September 1971.

In reference (B–c), Secretary Laird points out, "In a rapid deployment, we also rely on the approximately 330 commercial aircraft in the Civil Reserve Air Fleet (CRAF) to move troops and a portion of the worldwide resupply requirements". Reference (B–a) gives the long-range aircraft composition of the CRAF on 1 July 1969 as:

DC–8/CU–880	112
B707	240
Total	352

Assume that one-third of the lower estimate is made available for withdrawal, i.e., 110 aircraft. Reference (B–d) specifies the block speed for both aircraft as between 430 and 440 knots; assume 430. Reference (B–d) gives the number of passengers carried by the B707 as between 128 and 165 and between 139 and 219 for the DC–8. Assume 130 for both aircraft. Then, repeating the calculations of table B–4, results in an estimate of over 397,000 men lifted from Indo-China in 4 months. Putting it differently, one-third of the CRAF could fly all 213,700 men to San Francisco in a few days over 2 months.

Note that neither of these estimates use any tactical or military reserve airlift forces. Note also that the number of landings and departures should not overtax the available air facilities. In the most extreme of the above examples, there would be 80 landings and take-offs per day in Indo-China or only 3.3 per hour.

The estimates given above are in accord with past experience. In CY 1968, military and commercial aircraft carried military passengers overseas as indicated below:

CONUS to Worldwide	1, 446, 300
CONUS to RVN	574, 100

Converting these figures to average rates for a 4-month period:

CONUS to Worldwide	482, 000
CONUS to RVN	191, 000

Thus, the suggested rate of withdrawal of 214,000 men in 4 months is only about 44 percent of the rate at which military passengers were flown overseas in 1968 and only 12 percent higher than the rate at which men were flown to Vietnam in that year.

TABLE B-4.—COMPUTATION OF C-141 AIRLIFT CAPABILITY

	Airlift to Okinawa	Airlift to San Francisco
A. Flying hours per day per A/C [1]	8	
B. Flying days per month per A/C [2]	28	
C. Flying hours per month per A/C (A×B)	224	
D. Block speed in knots [3]	415	
E. Miles per A/C per month (C×D)	92, 960	
F. Round trip distance in miles from Saigon	3, 146	13, 756
G. Round trips per month per A/C (E÷F)	28	6. 7
H. Number of A/C made available	80	
I. Troop capacity per A/C	154	
J. Lift capacity (troops) per month (G×H×I)	344, 960	82, 544
K. 4-month lift capacity troops		330, 176

[1] One of the measures the Military Airlift Command took to meet Vietnam requirements was to increase its flying hour program to 8 hours per day per aircraft. (Reference (B-a).)

[2] Estimated, based on general data in reference (B-d).

[3] Reference (B-d).

REFERENCES FOR APPENDIX B

(B–a) *Logistic Support in the Vietnam Era,* Monograph 18: *Transportation and Movement Control,* A Report by the Joint Logistics Review Board.

(B–b) *Fiscal Year 1971 Defense Program and Budget,* Statement of Secretary of Defense Melvin R. Laird before a Joint Session of the Senate Armed Services and Appropriations Committee, February 20, 1970.

(B–c) *Fiscal Year 1972–76 Defense Program and the 1972 Defense Budget,* Statement of Secretary of Defense Melvin R. Laird before House Appropriations Committee, March 4, 1971.

(B–d) *Logistics Strategic Mobility Planning,* Headquarters, Military Traffic Management and Terminal Service, MTMTSR 700–1 of 18 March 1968.

APPENDIX C

WITHDRAWAL OF SUPPLIES AND EQUIPMENT

Troop withdrawal, in appendix B, was based on:

(1) 213,700 men to be withdrawn,

(2) all men assumed to be Army ground forces, and

(3) withdrawal to begin on 1 September 1971 and to be completed by 31 December.

This appendix, which examines the withdrawal of supplies and equipment, will use these same 3 estimates.

The chief problem is the withdrawal of vehicular equipment. In part, this is because vehicles are inefficiently stowed on a ship; they cannot be piled on top of each other like a stack of boxes. Also, for the particular situation being examined, a large quantity of supplies would not be withdrawn at all. Rations, ammunition, and much else would presumably be turned over to the South Vietnamese Army. What is not turned over, could be transported in the returning vehicles and need not be separately considered.

To exaggerate the difficulty of the task, and thus to err on the safe side, the force to be withdrawn will be treated as if it were composed entirely of mechanized infantry divisions.

The equipment for a mechanized infantry division consists of 125,842 measurement tons (MT's) of vehicles, impedimenta, and aircraft. (Reference (C–a)) Its aggregate strength is 17,994 men for a typical division. (Reference (C–b)) Thus, the 213,700 men to be withdrawn are equivalent to 11.9 mechanized infantry divisions with which we associate just under 1.5 million MT's of vehicles.

The Military Sealift Command (MSC) provides the nation's sealift capability, delivering much of the cargo that supports the overseas deployment of U.S. forces, including the troops in S.E. Asia. At present, based on references (C–c) and (C–d), the composition of the MSC break-bulk fleet is as shown in table C–1.

TABLE C-1.—COMPOSITION OF THE MSC ACTIVE AND AVAILABLE BREAK-BULK FLEET

	Speed range (knots)	Number of ships	Total capacity (millions of metric tons)
Nucleus fleet	15–18	22	. 245
	20	1	. 024
Time charters	20–25	16	. 311
	15–17	68	1. 103
Total			1. 683

To allow for the inefficiencies involved in stowing vehicles, only 40% of the capacity shown in table C–1 will be considered useable. Moreover, only 50% of the ships will be assumed available. Thus, the available capacity drops to 20% of that shown in table C–1, i.e., 0.337 million MT's.

Assume, as in the previous appendix, that Okinawa is used as a staging point. Then the round-trip journey is about 3200 miles. Using a 14 knot speed of advance for all the ships, the steaming time will be under 10 days. Allow 5 days each for loading and unloading, making a total round trip time of 20 days. Thus, in the 122 days available, 6 to 7 lifts can be made. Using the lower estimate, this means 2.02 million MT's of vehicles withdrawn or about one-third more than the required 1.5 million MT's.

Note that the port capacities in South Vietnam would seem to be sufficient to handle this much capacity. Reference (C–e) gives the total through-put capacity for 13 South Vietnamese ports as 41,266 short tons of general cargo per day (quoting a MACV survey of February 1969). For 100 days, this amounts to 4.1 million short tons. Using the conversion factors for an average of all commodities (as given in reference (C–a)), this is equivalent to 10.7 million MT's. Using the factors for light and heavy vehicles, the equivalence is to 28.7 and 14.4 million MT's, respectively. These port capabilities compare quite favorably with the estimate of 1.5 million MT's of vehicles to be withdrawn.

Overland movement, of course, should be no problem. Most U.S. forces are located on or near the coast. Deeper forces are usually moved by helicopter. Moreover, South Vietnam is so narrow that the distances to be traversed are, in any case, quite small considering the movement time available (i.e., 50 to 100 days).

The only item of equipment that might be separately considered is the helicopter. There are perhaps 4,000 U.S. helicopters in South Vietnam today. (According to reference (C–f), the number of helicopters peaked at 3842 in May 1969.) The LPH's normally carry about 25 helicopters; for transport purposes, they should be able to carry at least 50 each or 250 for the 5 assumed to be participating. On 11 trips, then, they could withdraw about 2750 aircraft. In addition, there are 2 INDEPENDENCE-Class aircraft transports in the Navy reserve fleet. These are 32 knot ships which can carry 40 or more aircraft. (Reference (C–g)) They would suffice to withdraw another 1200 or so helicopters. (There are still another 13 aircraft ferries in the Navy reserve fleet. These are 18 knot ships and could carry over 30 aircraft each.) Thus, there appears to be no real problem in withdrawing the helicopters.

In table A–1, it was suggested that some 44 amphibious assault ships might be made available for the withdrawal. Except for the LPH's discussed in the previous paragraph, these have not yet been considered with respect to their capacities to withdraw vehicles. A very rough estimate should suffice.

It was shown earlier that one-half of the MSC-controlled fleet (about 54 ships) making 6 trips could lift about 2 million MT's of vehicles. The 324 ship trips can be compared to the 373 lifts made by the amphibious assault ships, exclusive of the LPH's and LPA. (Computed from tables A–1 and B–3.) Since the MSC ships lift about 2 million MT's compared to the requirement of 1.5 million MT's, it is clear, without detailed calculations, that the amphibious assault ships could, by themselves, withdraw at least a substantial fraction of the vehicles.

REFERENCES FOR APPENDIX C

(C–a) *Logistics Strategic Mobility Planning,* Headquarters, Military Traffic Management and Terminal Service, MTMTSR 700–1 of 18 March 1968.

(C–b) *Staff Officers' Field Manual. Organization, Technical, and Logistic Data. Unclassified Data,* Department of the Army Field Manual FM 101–10–1 dated January 1969.

(C–c) *Merchant Ship Register,* Military Sealift Command, Department of the Navy, MSC P504 dated April 1971.

(C–d) *Weekly Schedule of MSC Cargo Ships,* Military Sealift Command, Department of the Navy, MSC Report 3120–17 dated 4 June 1971.

(C–e) *Logistic Support in the Vietnam Era*, Monograph 18: *Transportation and Movement Control*, A Report by the Joint Logistics Review Board.

(C–f) *Logistic Support in the Vietnam Era*, Volume II, A Report by the Joint Logistics Review Board.

(C–g) *Jane's Fighting Ships, 1970–71*, McGraw-Hill Book Co., New York.

Mr. HATFIELD. Mr. President, in conclusion I would like to say simply this: In World War II, we withdrew over 800,000 American troops from Europe in a matter of a month. We had the capacity to execute that withdrawal without endangering lives or abandoning our equipment. So I think again that unless there is other evidence that we can rely upon, this represents the first analysis with careful study and detail involved, and it indicates clearly that such a withdrawal could take place in far less time than these generalized statements that we have heard.

I would ask any source, the President, the Pentagon, the Army, the Navy, the Secretary of Defense, or the manager of the bill—anyone who could—to come up with a detailed analysis that would match the precise data we have here on the question of how long it would actually take to withdraw our forces and equipment, and what sort of planning and logistics it would require.

I think we have a right to know in specific terms, and not just the generalities, "Oh, a year," or "Around 9 months" that we have been hearing from so many sources.

Mr. President, in presenting this analysis point by point, the proponents and advocates of this amendment have provided, not opinions, illusions, or generalities in response to the pointed questions that have been raised about our amendment, but we have presented data, statistics, and very definite analyses that have been evaluated, rather than generalities or appeals to emotion. I hope the Senate will see fit to agree to the amendment tomorrow.

Mr. STENNIS. Mr. President, I yield myself 5 minutes, or so much thereof as I may use.

My remarks now will pertain to the debate and the disposition of amendments tomorrow and for the remainder of the week. But as a preliminary matter, Mr. President, this debate has gone on now since the 6th day of May, if my memory is correct as to the exact date, and we have had, as I have understood, more than 150 amendments. A great number of them have been disposed of, and a great many of those remaining are duplicates or near duplicates.

We have already had three key votes as to the period of extension of the draft. One was for no extension at all, another was for 12 months, and a third for 18 months. The committee bill provides for 24 months.

We have one amendment still pending on this period of extension. There has already been an agreed time limit set on it. It provides for an extension of 20 months. That is the only one that I know of that has been filed dealing with the period of extension, though it is reported to me that one Senator has an amendment to provide for an extension of 22½ months. He and I are usually on the same side, but there will be a parting of the ways when he puts that one in.

At any rate, we have had very fine debates on all of them, and we have this termination of the war debate to be disposed of tomorrow. We have had amendments regarding the personnel levels and the ceiling on the draft. We have an amendment coming up, I think, if it is pushed, relating to the number of draftees that could be inducted in an emergency. We have other amendments passing on most of the major parts of the bill.

Mr. President, without going into the reasons again, I have emphasized from the beginning that our own safety and security here at home are at stake, and that, in my opinion, the safety of this Nation would be imperiled if we do not pass a realistic bill. This is not something that can be treated leisurely or indefinitely; the fact is that we do not have any real choice as to whether or not we pass a bill.

I have always opposed the imposition of cloture, but I have always said that if in my opinion the national security was ever involved, security should come first. I think it would be involved here, very definitely. I am not thinking in terms of the war in Vietnam nor the security of Western Europe. I am thinking about our own people here at home.

For that reason, I shall not only vote for cloture, but I shall encourage any colleague who feels that he possibly can join in when this motion is filed to do so, and I think it will be. Though I defer to the leadership in making that judgment, I think it will be filed next Monday.

That would mean, if cloture is imposed, that all pending amendments are caught up in it and, of course, will be disposed of, then, under rule XXII. I mention this now as the very opposite of a threat, but just to call the attention of anyone who has an amendment, to come on and let us see if we can not take it up tomorrow afternoon after this amendment is disposed of, when we shall have some time.

We can come in Thursday morning early and get busy on these matters, and Friday we can do the same thing. I am willing to get here very early, and stay for the full length of the debate, if there is really an effort to call up the amendments and get them disposed of. But there is no use for us to all stay here all these long days waiting for a plane to get here from somewhere so someone can vote, or waiting for anything of that kind that does not dispose of our business.

I do not want anyone to have an amendment of any kind that does not have a chance to be considered here, so long as it is offered subject to the interpretation that it is relevant and germane, and has to do with the point at issue. But I hope Senators will come in and get these amendments up, agree to reasonable time limits, and then get them disposed of, so that if cloture is imposed, it will not be to the detriment of anyone. It might be to his displeasure, but not to his detriment.

In disposing of this matter, I think we have got to meet the situation. We do not have a rule of germaneness in the Senate except in limited cases.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

But if amendments keep coming in that are really repeaters or do not go to the major purposes of this bill, I would feel free, after a reasonable time, to move to table the amendment, and thereby get the business disposed of.

Now, Mr. President, I am glad to yield such time as——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield first to the Senator from West Virginia?

Mr. STENNIS. Mr. President, I yield to the Senator from West Virginia, who has rendered fine service to all sides—I did not say "both sides," because this is a many-sided debate—during the weeks we have been here. I thank him.

Mr. BYRD of West Virginia. I thank the Senator for making these very pertinent remarks with respect to the need for getting on with action on amendments which have been offered, and certainly with reference to the amendments on which time agreements have been reached.

May I say that it will be the purpose of the leadership on this side of the aisle—and I am authorized to speak for the majority leader—to line up as many Senators as possible who have offered amendments and concerning which amendments time agreements have been entered into. We will line up as many as possible for action on Thursday and Friday, so that we will have a full day on Thursday. We will convene at 10 a.m. on Thursday—that order is subject to change, and if it is changed, it will be for an earlier hour rather than a later hour—and go as late as we can, as long as we are making progress, and come in at an early hour on Friday and continue until perhaps 3 o'clock in the afternoon on Friday.

I think we will be able to complete action on several amendments. We have a goodly number of amendments on which time agreements have been entered into.

So the leadership on this side of the aisle joins with the able manager of the bill in expressing the hope that Senators will be ready to offer their amendments and, hopefully, will be willing to reduce the time that has been agreed upon. For example, perhaps the time on amendments on which 3 hours have been agreed upon can be reduced to 2 hours or 1 hour on each amendment.

The manager of the bill will have the support of the leadership on this side of the aisle in the effort to press for action on as many amendments as possible on Thursday and Friday.

I will not impose further on the time of the manager of the bill. I ask whether the Senator would be willing at this time to enter into a unanimous-consent agreement on the amendment by the Senator from Iowa (Mr. MILLER). I have discussed this matter with the Senator, and it is my understanding that the mover of the amendment would be willing to agree to 20 minutes on the amendment, to be equally divided.

Mr. STENNIS. I have not seen the full text of that amendment, but it seems to me that it should be worth 15 minutes to a side. I will agree to that.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the amendment (No. 156) by the distinguished Senator from Iowa (Mr. Miller) be limited to 30 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

> *Ordered further*, That debate on amendment No. 156 by the Senator from Iowa (Mr. Miller) be limited to 30 minutes to be equally divided and controlled between the mover of the amendment and the manager of the bill.

Mr. STENNIS. I say to the Senator that I know the general trend and substance of the amendment.

I thank the Senator for what he has said. May I ask the Senator, what is the program for Monday? I suggest that we open the doors early Monday morning and see which Senators really want to come here and have their amendments disposed of.

Mr. BYRD of West Virginia. Mr. President, in response to the inquiry, may I say that it will be the intention of the leadership on this side of the aisle to press on Monday and Tuesday in the same manner we hope to press for action on Thursday and Friday of this week. We hope that Senators will be ready with their amendments.

It is still the understanding of the leadership that a cloture motion will be offered on Monday; and, of course, under the rule, a vote would occur thereon the following Wednesday. But it would be the intention of the leadership to press for action in the meantime on as many amendments as can be called up and acted upon on Monday and Tuesday.

Mr. STENNIS. I thank the Senator from West Virginia.

In the event that Senators who have submitted amendments will not be present, unless there is some unavoidable circumstance which is explained, if necessary, I will feel free to call up the amendment and move to table it, because something must be done to bring this matter to a head.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

Mr. BYRD of West Virginia. As always, the Senator is very reasonable and very courteous. He is putting the membership on notice as to his intentions.

On behalf of the majority leader, I should like to remind Senators that every effort will be made to reach rollcall votes on Thursday and Friday of this week and on Monday and Tuesday of next week on the amendments to H.R. 6531.

AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS—CHANGE IN MEMBERSHIP OF CONFERENCE

Mr. LONG. Mr. President, because of urgent duties of some of the Senators on the conference on H.R. 4724, a bill to authorize appropriations for certain maritime programs of the Department of Commerce, it is necessary to ask for a change in the membership of that conference.

I, therefore, ask unanimous consent that the chair be authorized to appoint the following conferees: Mr. Long, Mr. Hollings, Mr. Inouye, Mr. Griffin, and Mr. Stevens.

The PRESIDING OFFICER (Mr. Beall). Without objection, the Chair appoints Mr. Long, Mr. Hollings, Mr. Inouye, Mr. Griffin, and Mr. Stevens as conferees on H.R. 4724 to replace the conferees who were appointed on that bill on yesterday.

Mr. STENNIS. Mr. President, I am glad to yield 5 minutes to the Senator from Virginia (Mr. Byrd).

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

THE EFFECT OF THE VOTING RIGHTS ACT ON THE STATE OF VIRGINIA

Mr. BYRD of Virginia. Mr. President, the Voting Rights Act of 1970 is an unjust statute which singles out for discriminatory treatment a handful of States, nearly all in the South.

The law imposes Federal regulation on every phase of the electoral process in six Southern States.

No change in election laws, no matter how enlightened or progressive, may be made in these States without approval from the U.S. Department of Justice—which means that a Federal official may sit in judgment on the acts of the legislatures of supposedly sovereign States.

Today I noted that Shenandoah County in Virginia, a rural county of only about 23,000 inhabitants, is revising the boundaries of its 15 voting precincts.

Under the Voting Rights Act, that change probably will have to be reviewed by the U.S. Department of Justice. I think that is a good illustration of how far this act reaches in the Federal control over local affairs.

How ridiculous can Congress get?

Indeed, it appears that the law may provide the basis for a new form of discrimination between the North and the South, one quite similar to the pattern followed in school integration cases.

In the school cases, the Federal courts have imposed busing of students to achieve artificial racial balance in southern districts, while leaving unchanged the admittedly segregated patterns of school attendance outside the South. The senior Senator from Connecticut (Mr. Ribicoff) has consistently called the Senate's attention to the hypocrisy of requiring racial balance in the South and doing nothing about it in the North.

Now an eminent law professor has suggested that a similar practice may be evolving in connection with the apportionment of representation in State legislatures.

Last week, the U.S. Supreme Court reversed an Indiana redistricting decision. The lower court decision had required establishment of single-member electoral districts, on the grounds that multimember districts diluted the voting strength of racial minorities.

The Supreme Court held that this was a theory not proven in fact.

Yet, only a few days earlier, the same Supreme Court had ruled that single-member districts were necessary to afford proper representation to black voters in a Mississippi county.

These decisions are of great importance in my State of Virginia, because Virginia's most recent reapportionment is now before a four-judge Federal court, and the question of single-member districts is one of the central issues.

Looking at the Mississippi and Indiana decisions, Prof. Robert G. Dixon, Jr., of the George Washington University Law School, made this comment in an interview with the Norfolk Virginian-Pilot:

> It seems to me, after reading Monday's decision, that this ruling says to the Virginia General Assembly: "If you were in the North, and not under the Voting Rights Act, you would be home free." But Virginia is under the Voting Rights Act, and that in itself could be considered a presumption of discrimination that the court found lacking in the Indiana case.

Professor Dixon also said that the Supreme Court may be constructing a "North-South model" on redistricting as it did in the school desegregation cases.

I think that Professor Dixon is correct in saying that the Voting Rights Act has been interpreted as "a presumption of discrimination." That is precisely what is wrong with the act, because it is a false presumption.

The laws of Virginia do not discriminate among voters. No such evidence has ever been presented. I repeat: No such evidence ever has been presented.

Furthermore, if there are instances of discriminatory voting laws in any of the States, the Voting Rights Act is not needed to strike them down. Discriminatory voting laws would violate the Constitution of the United States.

The Voting Rights Act already has created great harm and injustice. If it is now used to build up a whole body of discriminatory law, the harm and injustice will be multiplied.

This unwise, unjust law—the so-called Voting Rights Act—should be stricken from the statute books. All the 50 States should be treated alike. A few should not be singled out for unjust treatment.

Mr. STENNIS. Mr. President, I commend highly the remarks of the Senator from Virginia (Mr. Byrd) on this subject. I did not get to hear all of them but I got the substance. He is timely in pointing out the operation of the Voting Rights Act as being unfair and unjust, discriminatory and punitive. It is also humiliating. I am glad there are many other Senators who do not believe in it, either.

Mr. BYRD of Virginia. If Congress wants to pass such legislation, let it apply to all the 50 States. It is unfair and unjust to single out just a few States and have the law apply only to them.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the remarks of the able Senator from Virginia (Mr. Byrd), the distinguished Senator from New York (Mr. Javits) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I now announce the final quorum call for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RULE OF GERMANENESS WAIVED TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the fact that there is a time limit on amendment No. 143, on which the Senate will vote by yeas and nays on tomorrow at not later than 5 p.m., I ask unanimous consent that the Pastore rule of germaneness be waived for the entire day tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from New York (Mr. Javits) on tomorrow, there be a period for the transaction of routine morning business, not to exceed 15 minutes, and that the conclusion of the period for the transaction of routine business on tomorrow, the unfinished business, H.R. 6531, be laid before the Senate.

The PRESIDING OFFICER. Does the Senator wish the statements made to be limited to 3 minutes?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements made during the period for the transaction of routine morning business on tomorrow be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m. May the Record show that the change in the convening time has been authorized by the distinguished majority leader after a discussion with the Senator from Oregon (Mr. Hatfield) and the manager of the bill, the Senator from Mississippi (Mr. Stennis).

Immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. Byrd) will be recognized for not to exceed 15 minutes. He will be followed by the distinguished senior Senator from New York (Mr. Javits), who will be recognized for not to exceed 15 minutes.

At the conclusion of those orders, there will be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to exceed 15 minutes, following which the unfinished business, H.R. 6531, will be laid before the Senate.

The pending business will be amendment No. 143, offered by the Senator from South Dakota (Mr. McGovern), the Senator from Oregon (Mr. Hatfield), and others.

A time agreement has been entered into and the time will be under the control of the mover of the amendment and the manager of the bill. A yea-and-nay vote is to occur thereon not later than 5 p.m. on tomorrow.

Amendments to the amendment may be offered in the meantime, and the time will be limited thereon to 1 hour on perfecting amendments or substitute amendments. The Senators in control of the time on amendment No. 143 may yield time under their control to any Senator who wishes to have additional time on any amendment to the amendment.

The Pastore germaneness rule has been waived for the entire day tomorrow.

Under the previous order, when the Senate completes its business on tomorrow, it will stand in adjournment until 10 a.m. on Thursday next. That order, of course, is subject to change.

Does the distinguished minority whip have anything further? If not, I will make the motion that the Senate adjourn.

ADJOURNMENT TO 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I move in accordance with the previous order that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 13 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 16, 1971, at 10:30 a.m.

NOMINATION

Executive nomination received by the Senate June 15, 1971:

Department of Defense

Robert F. Froehlke, of Wisconsin, to be Secretary of the Army.

HOUSE OF REPRESENTATIVES—*Tuesday, June 15, 1971*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

God is our refuge and strength, a very present help in trouble.—Psalm 46: 1.

Almighty and eternal God, source of life, fountain of love, and the giver of all goodness, we pause this moment to open our hearts unto Thee ere we continue the work of this day. We pray not for light burdens, but for strength to carry all our burdens; not for superficial answers to the questions life raises, but for clear insight to see the right and for courage to make the right come to life in our day.

Bless our Nation as she struggles to find the way to justice by all, to good will among all, and to freedom for all. Leave us not to walk our way alone, but now and always be to us a refuge and strength, a very present help.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 4724) entitled "An act to authorize appropriations for certain maritime programs of the Department of Commerce," disagreed to by the House; agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long, Mr. Pastore, Mr. Hollings, Mr. Griffin, and Mr. Prouty to be the conferees on the part of the Senate.

CONGRESSIONAL MEDAL OF HONOR WINNER VISITS

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, it was my rare privilege and honor to welcome to my office today CWO Michael J. Novosel, of Fort Walton Beach, who is in Washington for ceremonies at the White House during which he was awarded the Congressional Medal of Honor by the President.

Chief Warrant Officer Novosel's son, Michael J. Novosel, Jr., is also a chief warrant officer and both father and son have served in combat in Vietnam together as medical evacuation pilots. They are probably the only father-son flying team in the Army. Between the two of them, they have evacuated over 8,000 individuals wounded in combat during the course of their duties in Vietnam.

I was very pleased and proud to visit with this outstanding representative of the Army and to extend to him my warmest congratulations on his being awarded the highest honor this country can bestow to a member of our Armed Forces.

WELCOME WILLY?

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, West German Chancellor Willy Brandt is now in Washington to confer with the President and other administration officials on the status of Berlin, the future of NATO, and various ramifications of his "ostpolitik."

As an interested Member of Congress and especially as an American, I can only wish Mr. Brandt well in these discussions. I sincerely hope and trust that his negotiations here will be more successful than those he has conducted with Moscow and Warsaw.

Americans should understand that what Mr. Brandt is discussing with President Nixon concerns them directly. The President has made it clear that the United States does not intend to make vital concessions on Berlin. Mr. Brandt has been told as much for some time now, yet he persists in weakening the position of the West German Government, therefore, putting the allies, including the United States in a difficult position. Perhaps Mr. Nixon will succeed in making clear to Mr. Brandt what ought to be crystal clear to him as West Germany's head of state; namely, that by refusing to insist on the political integration of West Berlin with West Germany and by abandoning the link between an acceptable Berlin settlement and the ratification of the Moscow and Warsaw treaties, Mr. Brandt is giving up all of our cards before the game has really begun.

More than anyone else, Mr. Brandt is aware of the growing strength of the political opposition to his policies in Germany. Thus, the President, and even the State Department will not be fooled when Mr. Brandt tries to tell them that the ratification of the Warsaw and Moscow treaties is "inevitable."

Mr. Speaker, Mr. Brandt has adopted a most unrealistic course with his "ostpolitik" which has gained nothing for the West and has already, even without ratification of the treaties, amounted to a significant gain for the East. All we can hope is that his meetings here in Washington will bring him and his Government back to reality. Reality is that the Soviet threat in Eastern Europe is greater than ever.

DISPENSING WITH CALL OF PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar.

Mr. JAMES V. STANTON. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CALL OF THE HOUSE

Mr. BOLLING. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 132]

Abbitt
Abernethy
Abourezk
Alexander
Andrews,
N. Dak.
Badillo
Bevill
Brown, Ohio
Camp
Casey, Tex.
Celler
Chamberlain
Chisholm
Clark
Clay
Conte
Corman
Davis, S.C.
Dellums
Denholm
Dennis
Dent
Donohue
Downing
Dulski
Dwyer
Edwards, La.
Fish
Flynt
Foley
Fulton, Tenn.
Gallagher
Gettys
Grasso
Gray
Halpern
Hays
Helstoski
Hogan
Jarman
Lent
Long, La.
McClory
McCulloch
Mathias, Calif.
Melcher
Murphy, N.Y.
Nix
Pelly
Railsback
Rangel
Reid, N.Y.
Robinson, Va.
Rogers
Rooney, Pa.
Rostenkowski
Runnels
Satterfield
Scherle
Scheuer
Stratton
Talcott
Veysey
Wampler
Whitehurst
Wyatt
Wyman
Zablocki

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 575, PUBLIC WORKS ACCELERATION ACT, PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT, AND APPALACHIAN REGIONAL DEVELOPMENT ACT EXTENSIONS

Mr. BLATNIK. Mr. Speaker, I call up the conference report on the bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 2, 1971.)

Mr. BLATNIK (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. The gentleman from Minnesota is recognized for 1 hour.

Mr. BLATNIK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset may I express my appreciation to all my colleagues who served as House conferees on S. 575 for their fine participation in the discussion we have had with the other body on the conference report which is before us today.

I would in particular single out each and every member of the conference, the distinguished member from Alabama (Mr. JONES), the leading expert on the Appalachian program; the gentleman from Oklahoma (Mr. EDMONDSON), who is so familiar with the economic development program; the gentleman from Illinois (Mr. GRAY), who was a bulwark of support throughout the conference for our position; and, despite their differences with us—and, they were honest differences, may I add—the ranking minority member from Ohio (Mr. HARSHA) and his colleagues, the gentleman from New Hampshire (Mr. CLEVELAND) and the gentleman from Iowa (Mr. SCHWENGEL).

The conference report we have before us today is in essence the bill that passed this body back on April 22.

We are in a period of increasing economic difficulty. Inflation moves ever upward.

The average unemployment level across the country today is 6.2 percent. Let me emphasize the word "average"—in many areas of this Nation that figure is much higher. Since January 1970, unemployment in this country has risen every month.

We are now in the 18th month of high unemployment. The record is clear. A major effort must be made to cut back on these drastic unemployment figures and to curtail this inflationary spiral.

To my right as I stand here and speak is a chart of headlines prepared by the Library of Congress which spells out most vividly the basic problem we face today. Look at these headlines and the dates. I will cite a few:

First. "Burns Warns of More Joblessness: Gloomy Economic Data Are Released," from the Wall Street Journal of May 15, 1970.

Mr. Burns was quite correct. The news was gloomy then and it is even more gloomy now. Look at the next headlines that follow in sequence. They speak for themselves.

Second. "Youth Jobless Rate Hits 16 Percent—Highest Since 1964," from the Washington Post, August 17, 1970.

Third. "31 Large Cities Have Substantial Unemployment," from the Washington Post, August 28, 1970.

Fourth. "Hardest Hit Cities Facing Problem of Jobless," from the New York Times, September 5, 1970.

Fifth. "Full Employment Not Seen Until 1972," from the Washington Post, October 16, 1970.

Sixth. "Unemployment Rate Hits 5.6 Percent," from the Evening Star, November 6, 1970.

Seventh. "Jobless Rate Rises to Nine Year High," from the Washington Post, January 9, 1971.

Eighth. "Jobless Rate Rises to 7.9 Percent Among Vietnam Veterans," from the Washington Post, January 1971.

Ninth. "Jobless Rate Rises to 6.1 Percent," from the Evening Star, May 7, 1971.

Tenth. "Unemployment Wholesale Prices Rose Last Month," from the Wall Street Journal, May 1971.

Here it is, step by step, in chronological order; a problem of unemployment that is mounting day by day, week by week, month by month, and year by year.

What has the President of the United States been doing during this period to concern himself with the fact than many, many millions of our fellow Americans are without work? He has put forth various proposals to decrease inflation and to reduce unemployment. There has been no real tangible results in this area. If there were, and if an effort had been made by the executive branch, I am certain we would not be in this economic crisis we now face.

I do not question the sincerity of the President's proposals. I do question the effort that has been made by him and by those around him to face up to these problems.

I note with interest that in matters affecting the Penn Central, the Lockheed Corp., and the SST, this administration has moved promptly and swiftly to attempt to assist these various programs, and has pushed as hard as it could the legislative proposals that would accomplish these goals.

All this may be fine. But, yet, it ignores the major problem that faces us day in and day out.

The fact is that our American citizens, those who wish to work and who need to work to preserve their dignity as human beings, are not being helped to achieve that goal.

The Congress, let me point out, has acted—and acted in an affirmative fashion. The Committee on Public Works reported promptly legislation that would provide immediate relief to many areas of our Nation where unemployment is high, and also reported out legislation in the same bill that would continue two very effective programs that provide continuing help and assistance to many regions and areas of our Nation where there has been chronic unemployment.

That bill passed this House by a resounding margin; it passed the other body; it went to conference. The conference report has been passed by the other body and it is before us today.

That legislation is embodied in the conference report on S. 575 which we are now considering. There is no need for me to point out the effectiveness of the programs embodied in the conference report. They are all proven programs.

The Accelerated Public Works Act of 1962, which we are amending to face up to the realities of 1971, has a record during another period of high unemployment of providing immediate assistance where needed.

That record can be equaled again at this particular time. Here is a program that is ready and set to go. There is a fantastic backlog of public works projects that will be eligible for immediate help under the accelerated public works program, and at this point I place this backlog of projects in the Record:

[In millions of dollars]

	Applications	Federal funds	Total project cost
Waste treatment plants, EPA	3,000	2,100	5,900
Water and sewer (HUD)	900	485	970
Hospitals, public health centers (HEW)	1,919	2,000	4,900
Farmers Home Administration	1,076	82	164.6
Loans	1,809	235.2	235.2
Total	8,704	4,902,000	12,170,000

Here, if someone wants to do something about this problem is one of the answers. I repeat: a program that has worked, that is ready to go—for which there is a backlog. It is obvious that if this is used, there will be immediate and widespread effects on our unemployment figures on a downward scale.

Mr. Speaker, under further leave to extend my remarks, I place in the Record at this time a brief summary of the conference report and the authorizations contained thereunder:

Summary of Conference Report

Title I: Public Works Acceleration Act. Same as the House Amendment. Authorizes $2 billion.

Title II: The Public Works and Economic Development Act of 1965. Substantially the same as the House Amendment except one of the new "Special impact" criterion that would have made areas affected by a natural disaster eligible was deleted because there is other legislation that deals with the problems resulting from natural disaster. Authorizes $1,945,500,000.

Title III: Appalachian Regional Development Act of 1965. Substantially the same as the Senate bill but there is only an increase of $2.2 million over the authorizations in the House Amendment as a result of a compromise in the authorization of administrative expenses of the Appalachian Commission.

Senate provisions not in House Amendment accepted in Conference are:

New program for airport safety improvements

Expands authority:

Health demonstration program—to allow combining funds for child development services under Social Security Act without requirement of statewide program. Also permits combining appalachian funds with other Federal funds for planning grants for health projects.

Mining area restoration—permits grants for controlling or abating mine drainage pollution.

Housing fund—permits mortgage assistance payments as provided under Sec. 235 of National Housing Act and grants up to 10% of cost for site development and off site improvements. It also allows the Commission to provide or contract for technical assistance.

Vocational education—permits planning, construction and operating grants for Vocational education demonstration projects to public non-profit institutions.

Supplementary grants—permits "first money" grants when funds are unavailable under the basic grant-in-aid program.

Research and demonstrations—permits construction projects necessary to carry out research and demonstrations.

Authorizes $1,547,000,000.

New Total Authorization of Bill—$5,492,500,000.

AUTHORIZATION—CONFERENCE REPORT: SECTION OF S.575 AS REPORTED OUT OF CONFERENCE

TITLE I—PUBLIC WORKS ACCELERATION ACT

[In thousands of dollars; fiscal year]

	Purpose	Amount
102(5)	For grants and supplementary grants beginning with fiscal year 1971, a total not to exceed	2,000,000

TITLE II—THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

	Purpose	Amount
202	Grants and supplementary grants:	
	1972	550,000
	1973	550,000
	Subtotal	1,100,000
203	Public works and business loans, maximum for:	
	1972	170,000
	1973	170,000
	Subtotal	340,000
204	Technical assistance and research:	
	1972	50,000
	1973	50,000
	Subtotal	100,000
207	Assistance for economic development centers and 10 percent bonus for districts:	
	1972	50,000
	1973	50,000
	Subtotal	100,000
208	Assistance for title V regions:	
	1972–73	305,000
209	Planning, Alaska Federal Field Commission:	
	1972–73	500
	Total of title II	1,945,500

TITLE III—APPALACHIA REGIONAL DEVELOPMENT ACT OF 1965

	Purpose	Amount
302	Commission expenses:	
	Fiscal year 1972–73	2,700
	Fiscal year 1974–75	3,300
	Subtotal	6,000
304	Development highways, access roads:	
	Fiscal year 1973	[1] 10,000
	Fiscal year 1974	180,000
	Fiscal year 1975	185,000
	Fiscal year 1976	185,000
	Fiscal year 1977	185,000
	Fiscal year 1978	180,000
	Subtotal	925,000
305	Appalachian airport safety improvements: 1972–75.	40,000
307	Nonhighway programs:	
	Fiscal year 1972–73	282,000
	Fiscal year 1974–75	294,000
	Subtotal	576,000
	Total of Title III	1,547,000
	Title I	2,000,000
	Title II	1,945,500
	Title III	1,547,000
	Total authorizations in conference report.	5,492,500

[1] Increase.

The second section of the conference report, amendments to the Economic Development Act of 1965, continues another effective program that is nationwide in its scope.

The third section, the Appalachian regional program, has received the unanimous support of every Governor in the Appalachian region, regardless of party. It has received the support of all other State and local officials. It is a program we can be proud of because it is doing the job it was supposed to do—which was to open up this vast region of our Nation so that some 15 million of our citizens could return to the mainstream of American life.

Let me say that if the President does not recognize the merits of these proven and tested programs, this Congress surely has and does.

If he does not realize the dreadful impact unemployment has on the Nation's economy and on the lives of our citizens, this Congress surely does.

I trust the rumors and reports I have heard that the President will veto this bill are not factual. I believe a veto would be a tragedy.

This is good legislation. It is needed. All of us, regardless of party, recognize this fact.

This legislation will allow a man to be able to satisfy, out of his honest toil, the needs of his family for food and shelter.

It will restore dignity to millions of our American citizens.

There is a vital need for this legislation. I am proud to support it. I would sincerely hope that the executive branch will recognize its importance so that all of us together—the legislative and the executive—can work toward reaching the common goal all of us desire which is full employment, a job for every American, so that he can live with dignity and decency in this great Nation of ours, and contribute his share, along with all of us, to maintaining the strength and vitality of our Nation.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I shall be happy to yield to the distinguished gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, Chairman BLATNIK and the members of the House Public Works Committee must be commended for the time and work their committee devoted by successfully submitting and having enacted by the House and Senate one of the most outstanding pieces of legislation for the benefit of the American economy since the devastating depression of the early 1930's. For over a year we have been receiving reports from the administration outlining optimistic reports concerning the upturn of employment and business conditions but we find that these reports are merely for public consumption and are not supported by the facts. Unemployment is spreading, inflation increasing and business conditions are continuing in a slowdown trend.

Approximately 6.2 percent are unemployed throughout the country, as of the most recent report from the Labor Department. Considering our increased population of 206 million compared to 135 million in the early 1930's this depression is gradually moving into a condition comparable to the early 1930's depression.

This 92d Congress, through this pending public works legislation, and several other economic programs now pending, will succeed in making great strides toward restoring reasonable employment, business conditions and prosperity throughout the Nation. It is highly incumbent that both political parties work together to put the jobless back to work. It is indeed unfortunate that the vote in the Senate on this measure seemed to be divided almost strictly along partisan lines which indicates that the administration is not completely in agreement with all provisions set out in this outstanding public works legislation.

Although some of the opposition has signified a possible Presidential veto of this legislation, I firmly believe that when the White House hears from the public throughout the Nation they will go along and cooperate in this great step to aid our economy.

Programs of this type were highly successful in the early 1960's when the Democratic administration was confronted with persistent unemployment. This bill is designed to provide jobs in all segments of our economy and initiate make-work programs. It is a program that will instill enthusiasm and vitality, especially in urban communities throughout the Nation where public service and construction projects have lagged far behind because of the financial conditions of the municipal governments in urban areas.

Mr. Speaker, the economic depression and our unemployment rate is now gradually approaching a 35-year high and the Members of Congress must work together in unison to put the jobless back to work. This conference report we are now considering was adopted in the Senate last week by a vote of 45 to 33 and the vote was, unfortunately, strictly along party lines with only one Democrat and two Republicans lined up against the bill. It is indeed fortunate that we had excellent bipartisan cooperation when the bill passed the House to enact this accelerated public works legislation. I do hope the House adopts this conference report by almost unanimous majority and when the President looks at the vote in the House and Senate he will sign this measure so that we can have a uniform front in the fight to restore our economy and full employment.

Mr. BLATNIK. I thank the gentleman from Indiana and I want to show how appreciative and indebted we are to the gentleman from Indiana for the leadership he has played in getting this bill through the Committee on Rules.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. Mr. Speaker, I yield to the distinguished gentleman from Oklahoma (Mr. EDMONDSON) who has played a leading role in the development of this program.

Mr. EDMONDSON. Mr. Speaker, I wish to join my friend, the distinguished gentleman from Indiana (Mr. MADDEN), in commending the chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK), for the leadership which he has given to the Congress in the effort to deal with the growing unemployment problem in this country.

Mr. Speaker, one of the headlines which the distinguished chairman has exhibited reads that our jobless rate has risen to a 9-year high. This is a critical and severe problem calling for emergency measures by the Congress.

Mr. Speaker, I earnestly hope that the conference report will be overwhelmingly approved by the House of Representatives and that the President will sign it and make it possible for us to get on, without delay, with the urgent problem of dealing with massive unemployment in our country.

Mr. Speaker, would the chairman yield further for a brief discussion of title II?

Mr. BLATNIK. I yield such time as he may consume to the distinguished gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, as a member of the conference on the House side which is submitting this conference report for House approval today, I strongly urge its adoption.

At the outset, I believe the conferees on the House side have successfully upheld the House position on most points. The House amendment of title II was substantially adopted as passed by the House. The title provides for a 2-year extension and authorization of the Public Works and Economic Development Act of 1965. In addition, it modifies and adds new criteria to identify areas of distress that will become eligible for assistance as redevelopment areas.

This act provides Federal assistance in cooperation with the States to communities, areas, and regions in the United States which are suffering from excessive unemployment or underemployment. It provides financial and technical assistance needed for the creation of new jobs and emphasizes long-range planning for the development of long-term employment and economic growth. The success of the EDA programs has been established by indepth studies of our subcommittee as well as by a thorough evaluation made by the administration itself at the request of the President.

PUBLIC WORKS

Grants and supplementary grants are authorized by this legislation for needed public works, public service, or development facilities, including related machinery and equipment. It authorizes supplementary grants to enable the States and other entities to take advantage of other Federal grant-in-aid programs which, because of their condition of high unemployment, they cannot supply the required matching share.

Last year, a total of 274 public works projects that had been completed for at least 1 year were evaluated by consultants for the Economic Development Administration. These projects generated the equivalent of 33,486 industrial, commercial, and supporting jobs at an average annual salary of $6,500. The total EDA public works investment in these projects was $76.5 million. The EDA cost per job averaged $2,290. EDA's share of the total cost of these projects was about 61 percent.

This extension will authorize a continuation of the grant program for public works and development facilities needed for economic growth. The annual authorization of $500 million is extended and increased by $50 million to provide both basic and supplementary grants for existing airports to enhance airport safety.

BUSINESS LOANS

The business loan program authorizes loans up to 100 percent of project cost to assist in financing public works and development facilities and authorizes business development loans up to 65 percent for the purchase or development of land and facilities. Working capital guarantees are authorized up to 90 percent of private working capital loans made in connection with direct loan projects.

Fifty-two business loan projects approved prior to the fiscal year 1970 were analyzed by consultants for the Economic Development Administration. It is estimated that 25,000 direct and indirect jobs have been located by EDA business loans, with an annual payroll of over $130 million and an average wage per job of $5,300. The findings indicate that the agency's cost per job averaged $1,248.

Under this bill the public facility loans and industrial and commercial loan programs are extended at the existing annual authorization of $170 million.

TECHNICAL ASSISTANCE

The technical assistance provisions of the act provide for a broad range of assistance that is useful in alleviating or preventing conditions of excessive unemployment or underemployment where the Secretary of Commerce finds there is substantial need for such assistance. The program includes a wide variety of projects designed to meet two basic needs: First, to enable a community to find solutions to problems that retard industrial growth and a generation of new jobs; and, second, to help pay for the expertise needed to plan, implement, and coordinate local development programs.

The findings of the evaluations on the technical assistance program indicate that it has helped initiate a broad range of business activity in distressed areas and has provided coordination between communities in need of aid and organizations that can furnish various forms of support and training.

This bill extends the technical assistance program at its existing annual authorization of $50 million.

ECONOMIC DEVELOPMENT DISTRICTS

The economic development district program has provided a new approach in creating job opportunities and providing alternatives to the relocation of the unemployed or underemployed to large urban areas. The evaluations conducted by the Economic Development Administration found that the strategy was most effective when growth centers were located within commuting distance of redevelopment areas.

This bill extends the $50-million annual authorization for grant and loan assistance to economic development centers and the 10-percent bonus for projects in redevelopment areas within designated economic development districts. There is widespread belief that growth center strategy should be viewed as a critical component of any future national growth policy.

REGIONAL ACTION PLANNING COMMISSIONS

Title V of the act authorizes the designations of appropriate economic development regions within the United States and procedures for establishment of appropriate multistate regional commissions. The form and responsibility of these commissions were patterned after those of the Appalachian Regional Commission. To date, five regional commissions have been established.

This bill would extend the authorization for the regional commission for an additional 2 years in the amount of $305 million for this period. Fifty million dollars of this authorization is intended for projects relating to airport safety.

ALASKA FIELD COMMITTEE

The conference report also authorizes $500,000 for the 2-fiscal-year period ending June 30, 1973, for the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs and projects in Alaska in cooperation with the government of the State of Alaska.

CRITERIA

The modifications and additions to the redevelopment area criteria in the House amendment have been substantially retained. The only change made in title II by the conferees was a deletion of one source of eligibility for the special impact area definition which was broadened in the House amendment. The conference substitute eliminates from the redefined "special impact" areas those with severe economic distress due to occurrence of a national disaster, since other legislation is more appropriate to deal with the problems resulting from natural disasters.

The total amount of the authorization for the extension of the Public Works and Economic Development Act of 1965 is the same as in the House amendment which provides a total of $1,945,500,000 over the next 2 fiscal years.

Mr. Speaker, I strongly support all of the provisions of this conference report and urge its prompt passage.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield.

Mr. BLATNIK. I yield to the gentleman from Alabama such time as he may consume.

Mr. JONES of Alabama. Mr. Speaker, I shall address myself briefly to title III of the bill, the Appalachian section of the bill. It will not be necessary for me to repeat the history of this legislation, since it has been carefully considered by the House over the recent years.

Mr. Speaker, the conferees devoted a great deal of time in resolving the differences between the House and the Senate before reaching agreement. The conference report which has emerged has produced what I believe the best features of the legislation produced by both Houses. The provisions of title III, as passed by the House, have essentially been preserved. This title of the bill basically extends the Appalachian development highway and access road program for an additional period of 5 years through fiscal year 1978. The other Appalachian programs have been broadened and extended for a period of 4 years through fiscal year 1975.

The Appalachian program has enjoyed remarkable support during the past 6 years. The reason for this support and success can be attributed to a great extent to the partnerhip that has been established between the Federal and State Governments. The enthusiasm demonstrated by the Governors and local authorities and the people themselves has brought about this success. The remarkable efforts which have started to improve the development of the region must be carried forward.

This bill provides the necessary tools and authorizations to carry forward these efforts to boost the development of the region so that it will be on par with the rest of the country in the future.

I would like to highlight and comment briefly on the substance of this legislation and discuss the significant changes recommended in the conference report before us.

ADMINISTRATIVE EXPENSES

The Senate bill provided an open-ended authorization for administrative expenses of the Commission. The House amendment extended the current 2-year fiscal authorization of $1,900,000 for 2 additional fiscal bienniums, fiscal years 1971–73 and fiscal years 1974–75. Of each such 2-year authorization, $475,000 was provided for the expenses of the Federal cochairman, his alternate, and his staff.

The conference substitute authorizes administrative expenses of $2,700,000 for the fiscal years 1972 and 1973, not to exceed $525,000 for the expenses of the Federal cochairman, his alternate, and his staff. In addition, it authorizes $3,300,000 for the fiscal years 1974 and 1975, not to exceed $575,000 for the expenses of the Federal cochairman, his alternate, and his staff.

HIGHWAY PROGRAM

The total new authorization of $925,000,000 is provided for the extension of the highway program which is extended for 5 more years through fiscal 1978. This provision was the same in both the House amendment and the Senate bill.

AIRPORT SAFETY IMPROVEMENT

A new section was adopted in conference which provides grants for the removal of hazards, safety equipment, navigation aids, land and air space acquisition for safety at existing airports, and $40 million is authorized over a 4-fiscal year period through June 1975 for this purpose. The House amendment had provided this same kind of assistance through the use of the supplemental grant provisions of the act.

HEALTH DEMONSTRATION PROGRAMS

The health demonstration program is broadened by the conference report to give authority for health and child development services as provided in the Social Security Act without the requirement that these services be offered on a "statewide basis." Planning grants are also authorized to be combined with other Federal grant funds to raise the Federal share to 75 percent. There was no such provision in the House amendment.

MINING AREA RESTORATION

The authority in this section was broadened to include grants for the purpose of controlling or abating mine drainage pollution. There was no such provision in the House amendment. A provision in the House amendment was retained which makes the reasonable value, including donations of planning, engineering, and land eligible as project costs in mining restoration projects.

HOUSING

A Senate amendment is contained in the conference report which permits mortgage assistance payments as provided under section 235 of the National Housing Act. Also accepted was a provision which permits grants up to 10 percent of costs for site development and offsite improvements, such as water and sewer extensions, when they are essential to the feasibility of housing projects designed for low- and moderate-income families.

VOCATIONAL EDUCATION

A compromise was reached on a Senate amendment which will now permit planning, construction, and operating grants for vocational education demonstration projects to public, nonprofit institutions. The Appalachian States need to improve the quality of technical education provided in their facilities. This authority will permit assistance in operating these programs and should greatly facilitate the alleviation of this deficiency.

THE SUPPLEMENTARY GRANTS

Greater flexibility has been given under the supplementary grant program to permit the use of funds to make basic grants when the basic grant funds available under the authorizing act are insufficient. First money grants will now be available under this section. The supplemental grant program, by its nature, depends on sufficient funds being available in those basic Federal grant programs. When the trust funds under the basic grant-in-aid programs are inadequate to meet the region's identified needs, "first dollar money" will insure that the flexibility now provided by the Appalachian program could be maintained and strengthened.

RESEARCH AND DEMONSTRATION PROJECTS

The use of technical assistance, research and demonstration funds are now permitted for construction when necessary to carry out such programs. Occasionally some physical construction is involved in a particularly useful demonstration.

OTHER PROGRAM MONEYS

Authorizations for the Appalachian programs other than the highway program and airport safety program are $282 million for the fiscal years 1972 and 1973 and $294 million for the fiscal years 1974 and 1975.

The total new authorizations provided in the conference report for title III is $1,547,000,000.

CALL OF THE HOUSE

Mr. DANIEL of Virginia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 133]

Abbitt
Abernethy
Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Badillo
Blanton
Brown, Ohio
Byrnes, Wis.
Camp
Carey, N.Y.
Casey, Tex.
Celler
Chappell
Clark
Clay
Conte
Conyers
Corman
Danielson
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Dulski
Dwyer
Eckhardt
Edwards, La.
Evins, Tenn.
Fascell
Fish
Flynt
Foley
Fulton, Tenn.
Gallagher
Gettys
Grasso
Gude
Hanna
Hays
Hébert
Helstoski
Howard
Jonas
Jones, Tenn.
Karth
Kyros
Lent
Long, La.
McClory
McCulloch
Mathias, Calif.
Melcher
Metcalfe
Mills, Ark.
Mizell
Monagan
Murphy, N.Y.
Pelly
Podell
Purcell
Quillen
Reid, N.Y.
Robinson, Va.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Runnels
Ryan
St Germain
Satterfield
Scherle
Schmitz
Sisk
Stratton
Stuckey
Talcott
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Vander Jagt
Veysey
Wampler
Whitehurst
Wilson, Bob
Winn
Wyman
Zablocki

The SPEAKER. On this rollcall 337 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 575, PUBLIC WORKS ACCELERATION ACT, PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT, AND APPALACHIAN REGIONAL DEVELOPMENT ACT EXTENSIONS

Mr. BLATNIK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Johnson).

Mr. JOHNSON of California. Mr. Speaker, I rise in strong support of the conference report on S. 575.

This bill passed the House by a resounding vote in the early part of April and is before us today for final congressional approval before it is submitted to the President for signature.

As one of the ranking members of the Committee on Public Works, I have sat through the hearings on this legislation and am fully familiar with the operation of all titles of the bill and, in particular, title I dealing with renewal of the accelerated public works program, and title II which is a 2-year extension of the basic titles of the Economic Development Act of 1965.

These two titles are good legislation. They have a previous record of accomplishment. In 1962, when we passed the original accelerated public works program, the problem of hard-core unemployment existed in many sections of our Nation. The percentage of unemployment in many areas of the country were far beyond even the normal unemployment figures. People were out of work with no place to turn. In 1962, the accelerated public works program presented an effort to put onto the payrolls as quickly as possible many of our citizens who needed help desperately. After its passage it was implemented almost immediately with proper funding, and it worked. The record is clear that it worked.

The same situation exists today in 1971. The same problem of hard-core unemployment is with us. Something must be done immediately to break through this logjam. Accelerated public works is not a panacea, but it is an answer. It will help. It will put people to work. It will restore the dignity to a man who is capable of work and who wants to work. It will not only provide that intangible value whereby every American who needs to preserve his right to be meaningfully employed can do this, it will also bring about the construction of needed and necessary public works such as sewage treatment plants, Federal buildings, highway improvements, and so forth. I supported it in 1962; I support it now.

Today, 14 of the 20 counties that encompass my congressional district are eligible for assistance under the Economic Development Act. I know what this program can do. It is another performance program. It combines public works, grants, loans, and technical assistance to allow areas to move forward singly or jointly to develop the economy of the area so that it will once again be put into the mainstream of the American economy. Under the Accelerated Public Works Act Amendments of 1971, these counties will be eligible not only for economic development but for relief under the Accelerated Public Works Act.

Let me repeat. Here are two worthwhile programs that will help alleviate and cut down the pressing problem of unemployment we now face in many areas of the country. Here are two programs that are on the books and can be made to work immediately. The answer is obvious. There should be strong support for these programs. This Congress should pass them today; send them to the President; he should sign this into law so we can go ahead with the job that all of us want and that is to give every able-bodied American who wants to work the opportunity to so do.

Mr. BLATNIK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. McFall).

Before I yield, may I point out that the gentleman from California (Mr. McFall) has been one of the leaders in the field of providing relief to our American citizens who are now without employment. He was the chief sponsor on the House side of that section of S. 575 which is now title I, the Public Works Acceleration Act Amendments of 1971.

Throughout the years he has shown deep concern for the problems of those who are jobless. He has not only supported accelerated public works, he has also been a strong supporter of economic development and the Appalachian program. I take this opportunity to commend him for his efforts and to thank him for the invaluable assistance he has given to us on this legislation.

Mr. McFALL. Mr. Speaker, I extend my congratulations to the Public Works Committee and its Chairman, the gentleman from Minnesota (Mr. BLATNIK).

It is gratifying to me, and I know the 150 cosponsors of the accelerated public works bill in the House join me. We are glad to have the provisions of that bill included as title I of S. 575 which has been approved in its amended form by this body. Title I, together with titles II and III, to extend the Economic Development and Appalachia Acts, make up most meritorious and important legislation.

All three elements of this bill are aimed at shoring up our sagging economy which, in spite of glowing reports and optimistic forecasts from administration spokesmen, has not taken a significant upturn. The most serious threat to our economy is persistent unemployment, and no administration program has offered any substantial relief for the 5 million unemployed. The Accelerated Public Works Act would bring direct and immediate relief to the areas of highest unemployment by providing $2 billion in Federal funds for public works projects that have been planned by local governments but delayed for lack of funding.

This is a sensible approach and a proven program. It worked effectively in the 1960's when a Democratic administration was confronted with persistent unemployment. It is designed to provide meaningful jobs, not make-work jobs. It is a program that can create new vitality in communities where public service and construction projects have lagged far behind need because of the financial condition of local governments in this period of recession brought on by misguided economic policies at the national level.

Mr. Speaker, the unemployment rate is now at a 9-year high, at 6.2 percent, and it is incumbent on both parties to work together to put the jobless back to work. But in spite of this need to work together, the word appears to have gone out that the administration opposes this bill.

There seems to be a buildup to prepare us for the veto message. Are we to hear the President again denounce spending Federal funds in the interest of the people as "inflationary"?

Mr. Speaker, I hope that is not the case. I hope the President looks at the vote in the House and the Senate, and looks at the need of his countrymen, and signs this measure promptly so that its benefits can begin reaching our people as quickly as possible.

But if he does exercise the veto, as press reports have hinted, I sincerely hope the Congress acts promptly and decisively to override that veto.

As the original sponsor of the revised accelerated public works legislation in the Congress, I am cognizant of the inflation problems this administration must face in dealing with job-creating spending programs. I recognize the need for balance and economic discipline and joined with my colleague, Congressman JOHN MONAGAN, of Connecticut, in introducing legislation to establish a temporary emergency guidance board to set us voluntary wage-price guidelines which have been advocated by Arthur Burns, Chairman of the Federal Reserve Board. This legislation is now pending before the House Banking and Currency Committee and I hope it will receive early consideration.

It is important to call the attention to the wide range of bipartisan support the APW proposal received during the course of hearings in the House Committee on Public Works. Few congressional proposals in recent times have received more broad-based support than this bill when it was identified as H.R. 5376. Many Governors—Democrats and Republicans—appeared in person or filed statements supporting this bill. Organized labor produced their No. 1 spokesman, Mr. George Meany, who testified at length in favor of title I. He was followed by many Members of the House of Representatives—Democrats and Republicans—who presented favorable bipartisan testimony. The committee also heard from mayors, businessmen, noted economists, county governments' representatives, farmers and environmentalist spokesmen, League of Cities and U.S. Conference of Mayors representatives, city managers, and others. The list is long. My cursory review of the record of these hearings revealed that only administration spokesmen opposed this bill.

Mr. Speaker, for the record I wish to list the witnesses who appeared personally as well as those who submitted statements for the record when committee hearings were held by the Special Subcommittee on Economic Development Programs of the Committee on Public Works in the House of Representatives.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I rise to speak in favor of the conference report on S. 575. As an original sponsor of the accelerated public works bill in the 91st Congress I again joined with Congressman McFALL in this Congress in cosponsoring this much needed legislation which I am pleased has been included as title I of the legislation we are considering today.

The national rate of unemployment has reached a 9-year high according to figures recently released by the Department of Labor. The unemployment rate now stands at 6.2 percent which means nearly 6 million persons are out of work. The most serious threat to our economy is this persistent unemployment.

With nearly 6 million Americans out of work across the country, Congress must take concrete action to stimulate our stagnant economy and get people back to work. It is my firm belief that this bill provide a major impetus in this direction. It is not a panacea. It will focus only on the hardest hit areas where unemployment is the highest. Acceleration of public works is a proven method of providing jobs where the need is greatest.

As you know, Seattle-King County, Wash., where my district is located is one of those hit hardest by the downturn. King County has been designated an economic development area by the Department of Commerce. The whole metropolitan area has been designated a distressed labor market by the Department of Labor.

Unemployment in the Seattle area is over 13 percent and climbing. The major factor behind the excessively high unemployment has been the tightening of Federal spending and the contraction in employment in the aerospace and lumber products industries, which represent over one-half of the total basic employment in King County. We need jobs for our people, and this bill will help.

Seattle is not alone; there are over 150 areas in the United States suffering high unemployment. This legislation is essential if we are to provide both the means and the funds to create the jobs where they are needed.

At the same time this bill will emphasize the type of project which will provide the basis for further industrial development and stimulation of the local economy.

I believe this legislation with the additions approved by the conference and the Senate last week provide a vehicle to accomplish these purposes. I urge its passage.

Mr. HICKS of Washington. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Washington.

Mr. HICKS of Washington. Mr. Speaker, I want to concur in the remarks made by the gentleman from California (Mr. McFALL) and to commend the gentleman for his interest and work on this bill.

Mr. Speaker, I wish to express my support for the conference report to S. 575 and H.R. 5376, which extends the Public Works Acceleration, Economic Development, and Appalachian Regional Development Acts. As you know, the conference report has been approved in the Senate by a vote of 45 to 33.

At the present time the most serious threat to our economy is persistent unemployment. As we are all painfully aware, during the past 2½ years unemployment in the country has nearly doubled. In January of 1969, the national unemployment rate stood at 3.3 percent. Since that time it has climbed steadily to where it has now reached 6.2 percent—the highest figure in 9 years. And despite continuing optimistic reports and predictions by the administration, many economists are saying that the situation may get worse before it gets better.

Unfortunately, these figures tell only half the story. The tragedy of 5½ million American workers without jobs is compounded by the fact that some areas have been especially hard hit with loss of jobs. They have virtually become pockets of economic depression.

For example, in the Sixth Congressional District of Washington, which I represent, there is no question that the most pressing problem is jobs. Over 12 percent of the workforce in Pierce County and 10 percent in Kitsap County are without jobs, and in my view, it is essential that we do everything possible to help get these men and women back to work.

Mr. Speaker, all three titles of the legislation before us today are aimed at shoring up our economy. Title I, the Public Works Acceleration Act, which I joined as a cosponsor with our colleague from California (Mr. McFall), would bring direct and immediate relief to these areas of high unemployment by providing $2 billion in Federal funds for public works projects that have been planned by local governmental units but delayed for lack of funding.

I know of several projects in my district that remain on the drawing board, victims of the financial condition of local government in this period of recession. All are essential to the district, not only because they will provide immediate employment, but because they are projects of high priority in the growth and development of these communities.

As you know, Mr. Speaker, the Public Works Acceleration Act of 1962 proved to be a highly successful economic tool for the Kennedy administration. I would today join the cosponsors of this measure in urging that the House overwhelmingly adopt this conference report to better help Congress to deal with some of the economic problems of 1971.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Speaker, I wish to congratulate the gentleman from Minnesota (Mr. Blatnik), the chairman of the committee, and the gentleman from California (Mr. McFall), as well as my colleagues, the gentlemen from Washington (Mr. Adams and Mr. Hicks), for their remarks.

Mr. Speaker, continued stagnation of the economy, which has forced a small but growing minority of our population to bear the full burden of administration attempts to curb inflation, must be ended.

Forgetting, if we could, the reduced national production and revenue caused by unemployment levels which are running at 6.2 percent nationally and double that in my own State of Washington, we cannot forget the hardships imposed on our jobless citizens and their families. We cannot forget the adverse effect this must be having on the morale of the hard-hit communities.

Congress has chosen to do something about it. I am proud to have been cosponsor of some of the legislation we have processed to shore up our sagging economy—to provide Federal help for public works projects which will speed up construction of needed facilities and put thousands of unemployed persons to work at the same time.

It is inconceivable to me that there would be any doubt about the future of this legislation. Both the House and Senate have passed it. We are now about to give the final congressional touches to it. But there are persistent rumors that the President plans to veto the bill.

Before the House passed the bill originally, I had the opportunity of conducting a 1-day conference in Yakima in the Fourth Congressional District of Washington on the need for new public facilities and the need for employment opportunities in counties or communities hardest hit by unemployment. City and county officials from throughout the district appeared and reaffirmed the fact that many projects are ready to be undertaken if there is financing available, and that only through this route is there the opportunity for immediate action.

I urge the President to sign this bill without delay and release these Federal funds to begin relieving the miseries of unemployment which are afflicting our Nation.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Washington (Mr. Meeds).

Mr. MEEDS. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I rise to urge approval of the conference report on the accelerated public works bill. Holding down prices and getting people back to work is our most urgent domestic priority. The accelerated works program in this bill, of which I am a cosponsor, is a needed response to the deterioration of the national economy.

The most depressing mail I receive from the Pacific Northwest comes in the form of unemployment statistics. Behind bland numbers and escalating percentages lie thousands of individual human tragedies. By mid-May, unemployment in the State of Washington was at 11.7 percent. The rate of unemployment in parts of the Second Congressional District is nearly double that.

But those percentages include only the persons fortunate enough to be drawing unemployment compensation. Thousands more are on welfare or not seeking work because of this depression. I use the word "depression" on purpose, because it is the economic term best suited to the situation. The unemployment rate in the worst areas of my district equals the rate of unemployment there during the depression of the 1930's.

In 1930, President Herbert Hoover said:

> We have passed the worst and shall rapidly recover.

In 1970, President Richard Nixon said:

> Our policies have been planned to avoid a recession. I do expect that the present rate of inflation will continue to decline and that we will be able to control inflation without a recession.

Well, it is now mid-1971 and we have an incipient depression. You cannot pay off the mortgage with optimism. You cannot expect the kids to stop eating when dad loses his job. You cannot keep a payroll going on hope. But you can pay more for groceries when you're out of a job, and that is where the Nixon administration has taken us.

All of us, particularly those of us who remember from personal experience, know what happened after Mr. Hoover's misplaced optimism in 1930. In the depths of the depression, shantytowns of despair shamed our cities and were called "Hoovervilles."

In 1971, both the cities and the countryside know the despair of unemployment rivaling that of 40 years ago. For that reason, I think we should call our cities and high unemployment areas, "Nixonvilles."

The White House has been strangely quiet lately about the constant rise in joblessness in those "Nixonvilles." Perhaps the administration is fearful that espousal of programs to increase employment will focus attention on the ineffectiveness of present programs.

But while the White House dawdles, Congress has acted. With the approval of this bill and earlier, of the emergency employment bill now before the other body, Congress has again demonstrated compassion and responsiveness in dealing with the jobless in "Nixonvilles."

This bill will provide $2 billion immediately for projects in areas of 6-percent unemployment or worse. The Federal share in these projects would be 80 percent.

In Washington's Second Congressional District there are more than 200 public works projects already planned and lacking only funds. Among them are water and sewer efforts, flood control, docks, bridges, erosion prevention, street construction improvement, and harbor projects.

These projects would solve a dual purpose of cutting unemployment and providing communities with basic and long-neglected facilities. Obviously, these are not leaf-raking or make-work projects.

Accelerating public works projects is not a cure-all. It does not pretend to be a permanent solution. But it does offer a way of handling the problem until we get our economy going again and develop other measures necessary to solve our unemployment problem.

I think the causes and severity of this depression obligate the Government—at least the responsible branches of it—to take necessary steps to promote recovery. Administration policies have transformed parts of our Nation into "Nixonvilles." Now, it is time to try something else.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of the conference report on S. 575, the Accelerated Public Works Act.

This measure, which I was pleased to coauthor in the House version with my colleague, John McFall, is aimed at putting people to work on projects which have been planned by local governments, but delayed for lack of funding.

My area, Mr. Speaker, has been particularly hard hit by unemployment, and the jobless rate has risen to 7.7 percent. These people sincerely seek work, but cannot find it. They want to provide for their families; they want to keep their self-respect; they do not want welfare—they want jobs.

The Public Works Acceleration Act, first employed in 1962, provided useful work for the unemployed, and opened areas for industrial and commercial development by providing public facilities. In its 2-year history, this act accounted for the construction of 7,769 needed projects, such as sewage treatment plants, hospitals, nursing homes, community buildings, as well as urgently needed work in our national parks and recreation areas.

The Public Works Acceleration Act, title I of S. 575, would authorize the appropriation of $2 billion immediately to be made available to the President for accelerated public works employment through both Federal and local government projects.

Projects for assistance in the construction of basic public works for which there is an urgent and vital public need are given priority, and only Federal projects which have been specifically authorized by the Congress, or other projects which are eligible for Federal aid, are qualified for this program.

Grants can be used for three purposes: First, a grant can be used to start a project; second, to supplement an original grant made by a Federal agency; or, third, to contribute to the local share of a project to be built by a Federal agency. In the case of grant-in-aid for local public works involving local cost sharing, a grant can be made to cover up to 80 percent of the cost of such projects with a further proviso that a 100-percent grant can be made if the State or local government has exhausted its effective taxing and borrowing capacity for such purposes and, as a result, does not have the financial capability to assume all of the additional financial obligations required.

Projects are authorized for areas designated by the Secretary of Commerce as a redevelopment area or as economic development centers. In addition, an area would be eligible if the Secretary of Labor found that the rate of unemployment is 6 percent or more, and that the unemployment rate will remain at, or exceed, 6 percent during the next 2 months.

Title II of S. 575 amends the Public Works and Economic Development Act to provide Federal help in conjunction with the States—to assist communities, areas, and regions which are suffering from unemployment, by providing financial and technical assistance needed for the creation of new jobs. Its long-range objective is to enhance domestic prosperity by establishing stable and diversified local economics.

Mr. Speaker, there is a need for jobs in this country, but there is also a need for public works projects. In the President's manpower report, released in April 1971, the Department of Labor states that—

> Less than one-third of the Nation's population is served by sewage systems as well as adequate waste treatment plants . . . solid waste facilities are inadequate and antiquated. It is estimated that 94 percent of existing land disposal operations and 75 percent of incinerator facilities are substandard.

This legislation is designed to meet the needs of our Nation by stimulating the construction of Federal and local public works for the dual purpose of increasing employment in areas of greatest need and helping communities to provide the basic facilities, such as water and sewer works, hospitals, road improvements, public buildings, and waste disposal facilities. This legislation would meet the current needs of our citizens and, at the same time, pave the way for the further expansion of employment.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am proud to have been a cosponsor of the accelerated public works legislation incorporated as title I of the conference report we have just adopted.

I would like to take this occasion to also salute the outstanding leadership of our colleague, Congressman McFALL, in first introducing and then rallying the forces that brought about enactment of this measure.

I know what APW did for my own San Diego area, during my first years in this body. The program literally helped put my city back on its feet, after it was clobbered by massive layoffs in the local aerospace industry.

This money was carefully placed to do the most good, while avoiding the mistake of overemphasis on airframe and related industries which led directly to the San Diego area recession of the early 1960's.

Some $4 million in APW funds was applied to the construction of a modern new marine terminal in National City, adjacent to San Diego and also within my district. This terminal promises to become the genesis for a major industrial complex based on a flourishing world trade—economic diversification of the purest sort.

Considering our current economic difficulties, the logic of the gentleman from California (Mr. McFALL) and his more active cosponsors in promoting a revival of the accelerated public works program is impeccable.

By the same token, the reports that the President may veto this bill are, to me at least, inexplicable.

I hope these reports prove inaccurate, but on this point I am not very optimistic. Something has to be behind the increasing partisanship which has been demonstrated here and in the other body as our consideration of this legislation has proceeded.

A veto of this bill would be the most blatant kind of false economizing.

And while I am not very sanguine about what Mr. Nixon might do, I remain confident that if the worst should happen the House and Senate will do the right thing and override the veto.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I commend the gentleman from California (Mr. McFALL) and also the Chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK) their persistent and effective work in including the Public Works Acceleration program in this conference report. I hope this conference report will receive strong support from all over our Nation, because it contains legislation that will benefit not only the Appalachian area, but it will provide jobs throughout the entire Nation and furnish the necessary stimulus to the economy which will help all our people.

Mr. Speaker, I hope that this report receives overwhelming support.

Last March I had the opportunity to testify before the Subcommittee on Economic Development of the House Public Works Committee on behalf of the Accelerated Public Works Act. This program will not only provide useful and constructive work for those who need it, but also furnish water and waste disposal systems and other public works improvements to the areas that so badly need them.

I think that most of my colleagues are aware of the highly successful Accelerated Public Works program of the 1960's that this bill would reinstitute. The program is clearly an alternative to revenue sharing, in that it will enable States and municipalities, as well as public service districts in unincorporated rural areas, to build badly needed facilities which they do not have the financial capacity to afford.

The Senate has passed the conference report on this measure, and suddenly the news is filled with rumors of a Presidential veto on this important legislation. This recalls to me similar threats that were made not too long ago when the Federal Coal Mine Health and Safety Act was overwhelmingly approved by Congress and then sat on the President's desk while reports circulated on an impending Presidential veto. The happy ending to that story is now history, but it took a great deal of effort on the part of many people to persuade the President to sign that bill. I am ready to exert the same effort today on behalf of the Accelerated Public Works provision of this bill which will greatly benefit the unemployed in my home State of West Virginia and other areas of high unemployment.

I include at this point the text of my statement before the Public Works Subcommittee on the accelerated public works program:

STATEMENT OF REPRESENTATIVE KEN HECHLER

Recently, I introduced a bill to ban the strip mining of coal, which has ruined the top-soil, polluted our streams, ripped out the guts of our hills and spilled them down urgly gullies. Next week will be the first week of spring and thousands of people who ordinarily welcome rain are waiting in apprehension and fear of what the spring rains will do in further damage to their land and homes.

Of course, there are thousands of people employed in the strip mining industry, and their employers have mounted a well-financed advertising campaign which contends that with the stroke of a pen I propose to wipe out an entire industry and take bread from the mouths of those who work in it. At the end of World War II, when we had over 10 million men in the armed forces, we didn't say: "Let's continue the war in order to keep these men on the Federal payroll." Instead, we decided to put them to constructive work in the peacetime economy. Likewise, strip mining is war on the environment and we must seek more constructive work for those engaged in that war.

This is one of the reasons why I so strongly support the legislation before this committee to re-institute the highly successful Accelerated Public Works program which operated nearly a decade ago. This program not only will provide useful and constructive work for those who need it, but also benefits the nation and the communities thereof by furnishing badly-needed water systems, waste disposal, and other public works improvements.

This program is clearly an alternative to revenue-sharing, in that it will enable states and municipalities, as well as public service districts in unincorporated rural areas, to build badly-needed facilities which they do not have the financial capacity to afford, In our fight against water pollution, for example, the people should not be forced to drink contaminated water downstream of a community which does not have the financial capacity to build a modern waste treatment plant. At the time the accelerated public works program of the 1960's was terminated, there were still 79 West Virginia municipalities dumping raw and untreated sewage into the Ohio River and its tributaries.

It is for this reason that I hope this committee writes into the bill a priority for the award of accelerated public works grants which relate to water and sewer systems, and any project which has the effect of reducing air and water pollution or improving the environment.

Mr. KEE. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from West Virginia (Mr. Kee).

Mr. KEE. Mr. Speaker, I thank the distinguished gentleman from California for yielding.

Mr. Speaker, as a member of the Committee on Public Works I have had the privilege and the honor and the responsibility to serve on the two subcommittees under the unsurpassed leadership of our distinguished chairman, the gentleman from Minnesota (Mr. Blatnik), and I cannot too strongly urge the passage of this legislation.

Mr. Speaker, this legislation does one thing: it is simply an investment in the future of the America we love.

(Mr. KEE asked and was given permission to revise and extend his remarks.)

Mr. Speaker, I would like to again commend our distinguished chairman, the Honorable John Blatnik, and the conferees for their tremendous efforts in bringing to the floor today this conference report. With minor changes, this report contains the provisions of the bill we debated here on April 21 and 22, and passed by an overwhelming majority. It is my deepest desire that we not only repeat the voting pattern of last April, but persuade by justification and logic, the active support of all Members of the House.

During the debate on April 21, many of our colleagues advocated passage and cited the grim economic statistics which made this proposal mandatory if we were to begin to attack our problems. Since that time, official statistics of the U.S. Government reveal that unemployment has reached a 9-year high, with a 6.2 percent of the labor force seeking work. This is double the unemployment figure of only 2 years ago. The way things are going, there are many in West Virginia who would feel such a figure to be an improvement—however, we must eliminate this tragic situation. Coupled with the use in unemployment is the continued and alarming rise of the Consumer Price Index. The administration suggests that inflation is being slowed down. But, if the mortgage rate figure is deleted from the items on which the CPI is based—there is, in fact, no slowing down of this economic cancer. Experts contend that these rates will creep back up in the immediate future, offsetting any anti-inflationary trends.

As has been pointed out previously, the legislation before us contains three essential elements. Each of these has been tested by time or previous experience. Title I—the Accelerated Public Works Act—is an urgent extension of a program which proved its value after passage of the legislation in 1962. The proven results of that act are a matter of record—a matter of accomplishments.

Title II, in extending the Public Works and Economic Development Act for 2 years, the sponsors demonstrated their wisdom in supporting a program that is making headway in assisting economically depressed areas to develop productive job opportunities across the United States. Here, too, the evidence is overwhelming in favor of continuation of a program that is putting human beings back to work, while at the same time bringing into being critically needed public works.

Then there is title III. If those of you who would oppose continuation of the Appalachian Regional Development Act for another 4 years would visit the 13-State area covered by this title and see the great strides we have made already—looking backward to what our economic conditions were at the time of passage of the original act and what these conditions are today—I am sure your opposition would evaporate. But, as good as it has been, it is just a positive beginning. Much more is to be done—and must be done if the distressed people of this great area are to be relieved of their chronic problems. It has been accurately noted before that the entire State of West Virginia is under the provisions of the Appalachian Act, the only one of the 13 participating States. I know what has been done in my State. I know what must be done. Without this humanitarian bill, I am deeply concerned that our beloved Nation will slip backward, and eventually be in a more critical condition than we were in when it was first enacted.

I plead with you from the very bottom of my heart to support this forward-looking and greatly needed economic helping hand. To those of you who have successfully fought the battle—I am in your debt.

Mr. Speaker, the enactment of this conference report—properly administered—is sound investment in the future of our younger generation and those yet to come. Recorded history in the years ahead will determine the degree of our success—history will determine the degree of our failure. Therefore, Mr. Speaker, let history clearly demonstrate the fact that we are worthy of our responsibilities—and that our successors will have responsible freedom—not the bondage of anarchy. Hand in hand—we can do the job we have been elected to do.

Mr. McFALL. Mr. Speaker, I yield to the gentleman from Kansas (Mr. Skubitz).

(Mr. CONTE, at the request of (Mr. Skubitz), was granted permission to extend his remarks in the Record at this point.)

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 5376. As a cosponsor, along with 150 of my colleagues, of legislation to amend the Public Works Acceleration Act, I am most gratified that the House and the Senate have taken swift action to continue the lifeline assistance embodied in this Act.

The job situation in the United States grows increasingly critical. Throughout every section of the country, more and more people are experiencing the frustration and humiliation of being without a means of earning a livelihood.

The original 1962 legislation was a great boon to communities throughout the Nation that were plagued by high unemployment rates. It eased their financial burdens by providing needed public facilities that made these communities better places in which to live and work. Title I of the bill we are considering today, with the $2 billion in grants it authorizes, would stimulate a flaccid economy, put jobless people back to work, and enable local communities to proceed with long-delayed public works programs.

No one is asserting that this legislation is a long-range answer to the long-range problems that affect our economy. But the millions of persons that have been thrown out of work and are struggling to survive and maintain their human dignity cannot afford to wait for long-range solutions. Congress must meet its responsibility now by implementing immediate relief while it searches for more complex solutions that will provide the long-range economic stability that this Nation so desperately needs.

For communities that are ready with a firm plan for a badly needed permanent public facility and that are willing to begin almost immediate construction, this bill would provide the necessary impetus of Federal assistance. The construction of such facilities as municipal buildings and sewer facilities would make local areas more attractive to industry without overburdening their local tax rates.

I wholeheartedly support this vital legislation and urge my colleagues to approve the conference report on this bill.

Mr. McFALL. Mr. Speaker, I yield to the gentleman from Illinois (Mr. Gray).

Mr. GRAY. Mr. Speaker, nearly 2 months ago this body debated a House-sponsored bill, a bill which listed 150 cosponsors including myself. Most of us, indeed a vast majority of us, felt at that time that this was necessary legislation and voted accordingly. Now in so short a time the compelling need for passage has been evidenced by recently released data which shows that unemployment has passed well above the 5 million mark, while inflation continues to gallop at a fast pace. Soon, if matters harming the economy are not halted and reversed, we will see more than 6 million human beings seeking and not finding work. The welfare and unemployment compensation costs of all this economic chaos will hover around $5.5 billion, hardly any of these funds contributing to the well-being of the Nation.

Today, I again urge my colleagues to vote for this legislation, by agreeing with the conference report submitted to us for consideration. We can repeat our show of confidence in the programs contained therein. Time has proved that Accelerated Public Works Acts have been both job and project productive. The Public Works and Economic Development Act has been reviewed by the administration and they agree that it is an effective act. As to the needs of Appalachia, that region of 13 States has already shown an improvement in its economy in many areas. Some communities in Appalachia have been in a chronic state of depression for nearly a century. Imagine that, in the greatest Nation in the world, where just 2 short years ago we were enjoying an economic boom which startled the world. Where did it all go? What can we do to reverse the trend? Someone has to do something—and I suggest that the "someone" has to be in the plural in the form of the U.S. Congress. By passing this one bill we will have taken a crucial and necessary step in correcting our economic ills. There are others which will come before us for consideration in the coming months. These will be progressive and humane suggestions which should receive our deepest consideration, and if they will serve our people during their current stress, we should pass them, too.

As one of the conferees on the bill I want to commend our distinguished chairman the gentleman from Minnesota (Mr. BLATNIK), and the other members of the Committee on Public Works for their hard work on this important measure. We labored to keep the key provisions of the House resolution en toto. We have succeeded. I believe the best way for us to show our appreciation would be to accept this report by a far greater margin than we did H.R. 5376. Southern Illinois and the Nation will be the beneficiaries.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority Members of the House conferees urge the rejection of the conference report on S. 575. We do so in the hope that the bill will be returned to a conference between the House and the Senate in order that an amended version may be agreed upon—one which eliminates title I, the Accelerated Public Works Act Amendments of 1971.

First, let me say that the conference report insofar as title I is concerned is exactly as title I appeared in the House bill, and there are no changes therein. Title II again is predominantly the same version that passed the House with no significant change except in the criteria established for determining redevelopment areas. The conference report eliminates from the redefined special impact areas those with severe economic distress due to an occurrence of a national disaster which was one of the criteria making an area eligible because other legislation more appropriately dealt with the problems resulting from natural disasters. Otherwise title II is the same as the original House version.

Title III, the so-called Appalachian Regional Development Act Amendments of 1971, has several changes in it from the form in which this phase of S. 575 passed the House. While as I have indicated there are several changes in title III which the chairman has explained, I think, by and large, they are improvements over the House version. Therefore, I will not dwell further on them except to answer any questions my colleagues might have concerning them.

In voicing opposition to the accelerated public works title, let me make it perfectly clear that I am not misunderstood in my support of the balance of the bill. I am a strong supporter of titles II and III, the extensions of the Appalachian and economic development programs. Both are ongoing, successful efforts to stem rural outmigration, to curb unemployment, and to provide much-needed capital facilities by promoting long-range development of economically lagging areas.

If this conference report is voted down, we can then return to a conference and report out an amended version of S. 575 without title I but retaining titles II and III so that we can continue both of these effective programs.

I do not want to overburden you with a repetition of the reasons why I was opposed to title I when we debated the issue originally in the House. But let me just make a few additional points to amplify my previous reasons and the reasons set forth in the report on the bill as it came out of the House Public Works Committee.

Prior to reporting the accelerated public works bill out of the House Public Works Committee, the minority had several meetings with White House officials going over the matter set out in title I, and we were told in no uncertain terms that title I was totally and wholly unacceptable to the administration. As a result, we offered several counterproposals and suggestions to modify title I in an effort to find an area to deal with this problem that would be acceptable to the administration. On each occasion we were advised that none of these suggestions or proposals was acceptable and that if the bill included an accelerated public works program, a recommendation would be made to the President to veto the bill. Reasonable minds could come to no other conclusion that if S. 575 included title I, it would be vetoed by this administration.

Acting on this assumption, the minority party proceeded accordingly. Every effort that could possibly be made was made to strike title I from the bill both during committee consideration and during floor debate and during the conference. That is one of the reasons the minority did not sign the conference report. We were of the firm opinion that if this conference report passes with title I in it, the bill will be vetoed by the administration, and we will be sacrificing two successful, ongoing programs—the Appalachian and the economic development programs.

Let me suggest to the administration that after this effort to try to find some area of compromise with the administration, after our efforts to offer the administration alternatives, after the administration's representatives indicated in unequivocable terms that the bill would be vetoed, if by some strange sequence of events the administration does not veto the bill, then insofar as I personally am concerned, there will be a great and tremendous credibility gap between the administration, its representatives, and myself.

Now let me point out to my colleagues some additional reasons why title I is not good legislation. In the first place, it is basically a resuscitation of the 1962 Accelerated Public Works Act which failed to accomplish its ultimate objectives. A total of $1.7 billion was expended as a result of the 1962 act which created, at its peak, some 46,000 onsite jobs 2 years after the enactment of the bill. So, obviously, there is no immediate effect on unemployment if the history of the Accelerated Public Works Act is any criteria. In addition to that, we have now environmental considerations which we did not have to consider before which will further delay implementation. But as in 1962 the locus of the jobs to be created will be extended throughout the entire Nation without regard to any need for the particular types of jobs that will be created and irrespective of existing full employment in the construction industry within areas eligible for assistance which obviously will have an inflationary impact. The bill makes no effort to concentrate assistance on areas of sudden rise of unemployment on critical types of unemployment.

Let me point out to you that back in 1964 when the accelerated public works program employed at its peak some 46,000 people, it cost conservatively $20,000 per onsite job for 1 year. Now since that time, construction costs have increased by at least 60 percent, and, therefore, we are talking about an onsite job involving the expenditure of somewhere between $30,000 and $35,000 per year. Thus the $2 billion authorized in title I will produce approximately the same number of jobs that resulted from the $900 million authorized by the 1962 act.

So what we are talking about is a program that may 2 years hence from now create 46,000 onsite jobs with the expenditure of between $1.7 and $2 billion. This in relation to the over 5 million people that are unemployed will not even bring about an appreciable percentage reduction to the unemployment figures of this Nation. But it will have a tremendous impact on the inflationary problems of this Nation and conceivably could result in further unemployment. But most certainly it will mean a lower level of living for those who are hit by an increasing inflationary spiral and this will hurt many times the number of people conceivably aided by this program.

Certainly, there are more economical methods, more effective methods, and more successful methods of finding work for the unemployed than this particular program.

I have stated repeatedly that resuscitation of a program that was designed originally to combat the type of unemployment prevalent in the country 9 years ago is a questionable approach for combating the kind of unemployment we have today. Furthermore, this is one of the few areas where professional economists are in agreement on the point that Federal public works expenditures are totally ineffective as a means of increasing employment quickly.

Now let me give you some other reasons why this program is not going to be a meaningful one and why it is a cruel hoax on the unemployed to paint a glowing picture of vast expenditures of Federal money giving the impression that this will alleviate the unemployment immediately and give the unemployed cause to have increased hopes. All of this will have the ultimate effect of greater disappointment than ever before when they finally realize that this is not the answer to their problem and when they fail to get a job from this program.

Assuming for argument's sake that it will be as effective as the 1962 program, then we are talking about at one period of time 46,000 jobs—which will be some time from now. But inasmuch as this bill does not endeavor to localize or focus its effect on areas of critical, professional, and technical unemployment which is the principal problem today but is scattered throughout the Nation, we are talking about an average of less than 900 jobs per State. Now what kind of impression is that going to have on unemployment in the State of Washington where you have many thousands of men and women in the aerospace industry out of work? The answer is obvious. It will have very little, if any, and it is a cruel hoax on the unemployed to offer this bill as having a significant resolution to their problems.

Let us not further complicate the problem. Let us not further add to unemployment by having titles II and III also vetoed because of the inclusion of this unacceptable and unneeded, unworkable and ineffective title I in this bill.

I urge my colleagues to reject the conference report and let us get on with the business of continuing the Appalachian and economic development programs. Do not sacrifice these two ongoing, successful measures.

Mr. Speaker, I yield 5 minutes to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Speaker, the conference report before us really brings three issues before the House.

Title I is the Accelerated Public Works Act.

Title II is the Public Works and Economic Development Act.

Title III is for Appalachia.

As one who has supported the Public Works and Economic Development Act, I find myself in a difficult position of voting against the conference report which will include that program.

My feelings about Appalachia have been made clear on several occasions, and I shall not go into that aspect of the problem at this time. As Members know, I have frequently pointed out that although the Appalachia program has enjoyed some success, it is objectionable to me, at least, because it is somewhat unfair. It discriminates against those regions of the country that are not included in its purview, yet need the same type of help.

I have frequently pointed out that perhaps northern New England needs this type of support. It is true that has been partially taken care of by the regional concept. However, the New England regions get very little when compared to Appalachia. As recently as 2 months ago, when we adopted this legislation, the House refused to include northern New York in the Appalachia region. This highlights the fact that the Appalachia legislation is discriminatory. Northern New York is not even in one of the poorly financed regions.

The first section of the legislation which is most objectionable is the Accelerated Public Works Act. The ranking Republican member of the Public Works Committee, the gentleman from Ohio (Mr. HARSHA), has ably set forth the reasons why this legislation is unwise, why it is unwarranted, why it is hopelessly expensive, and why it will not accomplish what its stated purpose is.

There is a good deal of discussion now about the credibility gap, and a good deal of discussion about the fact that people are losing respect for our institutions, such as the Congress, the White House, large businesses and other of our institutions.

I always feel sad when the Congress aids and abets this credibility gap by passing legislation that does not do what we say it is going to do.

Mr. Speaker, we have an important debate coming up later in the afternoon. In the interest of time I ask unanimous consent to include in the RECORD at this point the minority views on H.R. 5376, as they set forth in some further detail some of the objections to the Accelerated Public Works Act.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

The minority views are as follows:

MINORITY VIEWS ON H.R. 5376

We favor the basic objective of title I of H.R. 5376, which is to alleviate the unemployment in depressed areas of the Nation, but we are opposed to enactment of this title as it is now written. We endorse the extension of the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 under titles II and III of the bill. The programs under these two acts have proven to be effective for their purpose of offering long-range economic planning and development to the lagging areas of the country. Both programs are under sound management, and the original acts have been refined to deal with the complex problems they are designed to relieve.

Title I attempts to relieve today's unemployment problems by use of a 9-year-old law. The present funding of this emergency type legislation, which was enacted in response to specific problems existing in 1962, cannot possibly meet today's needs which are substantially different. Bare unemployment statistics are approximately the same today as they were in 1962, but the types of unemployment are different. Title I of H.R. 5376 is an attempt to find a simplistic solution to a complex question. Simplistic solutions just don't solve complex problems. In our opinion, the objectives of title I, however commendable and worthwhile, cannot be obtained by this legislation. Good intentions are not an acceptable substitute for good legislation.

We are opposed to the enactment of title I, which would resurrect and amend the 1962 Public Works Acceleration Act, for the following reasons:

1. It will provide little help for those who have lost their jobs in aerospace, defense, and other technical industries, as a result of the transition from a war-time to a peace-time economy.
2. Implementing and statutory time delays will prevent any real acceleration of public works construction.
3. It will thwart efforts to curb inflation.
4. The President's budget for fiscal year 1972 already provides for a $1.4 billion public works outlay increase over the previous fiscal year, which will produce accelerated public works spending for fiscal year 1972. The President has additionally requested $2 billion waste treatment plant construction grant authorizations for each of the fiscal years 1972, 1973, and 1974, which annual authorizations are double the amount appropriated for fiscal year 1971.
5. It is feared that high hopes of the unemployed will later be dashed to disillusionment when the highly advertised job expectancy is not realized.

LITTLE HELP FOR UNEMPLOYED IN AEROSPACE, DEFENSE, AND TECHNICAL INDUSTRIES

Title I addresses itself to the national unemployment problems of today. This title takes an aggregate view of the problems, and the remedies it offers imply that the types of unemployment are the same throughout the country. But unemployment problems in rural areas are not the same as the unemployment problems in the urban areas; nor are the problems the same throughout the country. Indiscriminant Federal spending would be applied to the construction of public works projects in areas statistically lagging in employment, in the unsupported hope that such spending will solve short-range unemployment. We do not think this is sound reasoning. We cannot conceive of such a simple program employing at the same time unemployed unskilled laborers and unemployed aerospace engineers and other persons highly skilled in specific limited functions.

For example, at recent hearings on H.R. 5376, witnesses from the States of Kansas and Washington described the economic plights of people in these two States. These two witnesses insisted that accelerated public works was the answer to their respective problems. But what was omitted from their testimony was emphasis on unemployment in their areas' basic industry—aerospace. Wichita is the site of many aircraft companies, which employ 56 percent of the total work force in the area, and 25 percent of the total work force are employed on Government projects alone. With such a large portion of the work force employed by a single industry, it is little wonder that this town in Kansas would clamor for aid when fluctuations occur in this particular industry. Public works construction projects are no substitute for aerospace programs.

Washington, particularly Seattle, is plagued by the same problem. The city's economy is closely tied to the aerospace industry. And when that industry sneezes, Seattle gets pneumonia.

There are other areas in this country suffering from high unemployment which do need public works projects. Such projects, referred to by economists as social overhead capital, aid an area tremendously in maintaining and expanding their long-range economy. Street improvement, sewage lines, water systems, and the like are basic criteria for multilevel economic growth. Unemployment, however, follows a pattern independent of the need for social overhead capital. Title I does not take into account these complexities. It assumes, erroneously, that existing short-range unemployment will be substantially alleviated by public works construction projects, and this assumption, as pointed out earlier, is largely based on the premise that substantial numbers of the unemployed are construction workers.

At best, it appears that only 1 percent to 2 percent of those unemployed would be employed by the proposed accelerated public works projects, because the skills of the unemployed labor force in many areas cannot be easily adapted to the construction trades. Additionally, since the construction industry is extremely mobile, construction laborers may be imported to take the jobs created by such accelerated public works construction projects.

If the efforts of this committee in favorably reporting this legislation are aimed at reaching the hard block of unemployed people, it will not succeed, because of the large group of new unemployed from the aerospace, defense-oriented, and other technical industries.

Many of these people are highly skilled; they are trained for more advanced work than unskilled and semiskilled employees on public works construction projects.

We believe that the great bulk of the new unemployed identified by most of the witnesses who testified before the subcommittee will not be helped by this particular legislation.

TIME DELAYS

A second, and equally important, point is that construction projects by title I will not, to any appreciable extent, provide new jobs immediately. Significant employment gains under the Public Works Acceleration Act, enacted in 1962, did not occur until 9 months after the Act was signed into law. The time lag resulted from administrative and planning delays that apparently could not be avoided in implementing the program. This obviously would not meet the objective of the committee or the sponsors of the legislation—to provide immediate short-range employment. Certainly, with a time lag of 9 months, or more, the Accelerated Public Works Act would not meet that objective.

We foresee, in fact, even greater delays in the commencement of construction of projects as a result of environmental legislation. For example, Section 102(1)(C) of the National Environmental Policy Act of 1969 requires that the applications for all major projects significantly affecting the quality of the human environment must be accompanied by an environmental impact statement, which includes:

(1) the environmental impact of the proposed action;

(2) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) alternatives to the proposed action;

(4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

These highly technical and detailed statements require careful preparation and often require voluminous supporting data, which may take months to develop by engineers, environmentalists, psychologists, and other specialists. The act further provides that prior to making a detailed statement, the responsible officials shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of the statement and comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, are required to be made available to the President, the Council on Environmental Quality, and to the public, and all of these documents must accompany the project application through the agency review process. These statutory requirements, alone, can add many months to the time required for the processing and approval of project applications.

The immediate creation of public works construction jobs, to relieve short-range unemployment, appears impossible to achieve under title I of this bill.

INFLATIONARY PRESSURES

Title I would primarily stimulate activity in the construction industry. Average hourly earnings in the construction industry increased 8.4 percent from 1968 to 1969, and 9.2 percent from 1969 to 1970; whereas the average hourly earnings increases in the manufacturing industry for the same periods were 6.0 percent and 5.3 percent respectively. Thus, the construction industry not only experienced a much larger increase in average hourly earnings for the same period, but a growing increase as well. There are many inflationary pressures in the construction industry, and to add a $2 million 2-year construction program, as proposed by this title, would dampen efforts being taken by the administration to combat inflation.

Since public works construction projects to be financed by title I would take up to 3 years, after initiation of applications, to complete, substantial portions of the $2 billion authorized to be appropriated for the 2-fiscal-year period 1972 and 1973 would enter the economy during fiscal years 1973 and 1974. This can overheat the economy at a time when there may be far less unemployment. In addition, the wages that will ultimately flow from these construction projects may go into areas that are depressed today, but which will have achieved greater economic strength at the time of actual construction. The President's full employment budget for fiscal year 1972, which includes an increase of $3.2 billion over fiscal year 1970 for public works construction, and the President's efforts to stimulate the economy through fiscal and monetary policy, also will have their most significant impact on the economy during this period. The President's program is calculated to achieve full employment with price stability. The addition of the $2 billion public works program authorized by title I of H.R. 5376 will add substantial fuel to the fires of inflation and thus counteract many of the beneficial long-range effects of the President's program.

PRESIDENT'S ACCELERATION OF PUBLIC WORKS CONSTRUCTION

We would further emphasize that the President's budget for fiscal year 1972, which has been submitted to the Congress and which will be implemented beginning July 1 of this year, provides its own acceleration of public works construction.

It contains a $1.4 billion increase in outlays for public works projects in fiscal year 1972 over corresponding outlays for fiscal year 1971. This increased expenditure in 1972 will be reflective of action already taken by the President to combat unemployment.

Also, the President has submitted to Congress a request for authorizations for appropriation of $2 billion for construction of waste treatment works for each of the fiscal years 1972, 1973, and 1974. Recognizing the importance of the environmental protection and enhancement that will result from the construction of these projects, he has further requested that the entire $2 billion to be authorized for fiscal year 1972 be appropriated.

This is twice the amount ever appropriated for this program for any year heretofore, and, when coupled with the $1.4 billion increased public works spending previously referred to, presents a far more adequate method of funding an accelerated public works program than that contained in title I of this bill.

HIGH HOPES TO DISILLUSIONMENT

The Comptroller General of the United States reviewed 497 projects constructed under the Public Works Acceleration Act, which was passed in 1962. The review disclosed that drastic overstatements of expected employment had been made for these projects. Whereas 50,853 man-months of onsite employment had been estimated to be created by these projects, only 27,345 man-months were actually realized.

A report of this review, which was submitted to the Congress, shows, first, that the administration of the Public Works Acceleration Act did not produce the results hoped for and, second, that Congress cannot rely upon the validity of estimates of expected successes and accomplishments to be realized from this program.

Much propaganda accompanied the introduction of this legislation in an effort to convince the public that it will expeditiously meet the current unemployment problem. We are gravely concerned that many people will be disillusioned when their needs are not met by this legislation.

It would be most unfortunate, even cruel, if the hopes of the unemployed were raised by heralded announcements of bounteous jobs under title I only to be struck down later by the reality of unemployable specialized skills, statutory delays, and inflated expectations.

William H. Harsha.
James C. Cleveland.
Fred Schwengel.
Wilmer (Vinegar Bend) Mizell.
John H. Terry.
Charles Thone.
LaMar Baker.

Supplemental Views on H.R. 5376

We respectfully disagree with the frequently tenuous and, at times, partisan rationales set forth in the majority report to justify enactment of title I of H.R. 5376. In our view, the fundamental causes of the employment difficulties, which the accelerated public works title seeks to alleviate, antedate this administration. As we see it, they are three in number:

1. A failure, extending over many decades, to formulate and implement effective programs to overcome the social and economic handicaps faced by literally millions of undereducated, undertrained, undervalued and underemployed Americans:

2. Fiscal irresponsibilities over the better part of the last decade which had the effect of unleashing almost unbearable inflationary pressures and strains which the present administration has struggled valiantly, and with some success, to overcome; and

3. The welcome scaling down of our involvement in Vietnam and the consequent agonies of shifting from a war to a peacetime economy.

Foreign policy involvements, specifically as they relate to defense, influence the economic activity and condition of the country. A recent history shows, our economy experiences expansion during war and a slowdown immediately following deescalation of a war. The economic slumps of 1946 and 1953, for example, were the result of the slowdown in military spending on war-related goods. Foreign policy also affects fiscal policy. Both influence the economy, although they do not control it. Defense production played a major role in stimulating the Nation's economy in the sixties, largely because of the escalation of the war in Indochina. Although the economy prospered and the Nation enjoyed a low level of unemployment, the Federal budget soared as increased expenditures were financed by deficit spending.

In addition, during this feverish period, certain sectors of the economy grew too rapidly. The rate of investment grew much faster than the rate of consumption. Artificial support was given to many war-related materials and facilities. When these stimuli and supports were removed as a result of deescalation of the war, and when we began returning to a peacetime production, the entire economy had to shift gears. As the demand for guns shifted to a demand for butter, investment tapered off and plants began producing at less than capacity. Our present economic difficulties are, in large measure, the result of this changeover of the Nation's priorities.

Unfortunately, the shift of the economy from wartime to peacetime production could not take place overnight. Investment in new plant construction and visible demand for peacetime goods takes time to emerge, both in the private and the public sector. We applaud the administration for its courageous stand in winding down the war, although we deeply regret the hardships caused by the interruption of production of war-related goods and the loss of jobs in defense industries it has necessarily occasioned. Regrettably, the report on title I of H.R. 5376 does not give adequate recognition to these factors.

The promotion of economic growth requires good judgment. All things considered, we believe that outlook for the economy is bright. Further, we believe the President's prediction of an improving and expanding economy is realistic. The administration has formulated sound goals for stimulating greater private consumption and lessening emphasis on war-related public consumption. It has recognized the need to combat the present rate of inflation.

Moreover, just as we recognize the loss of jobs through cutbacks in defense-related production, so too must we recognize the high level of skills that such jobs require. Thus it is not prudent to predict success of this program to alleviate unemployment without taking into account the types of skills the unemployed we seek to help possess. We must bear in mind that skilled technicians, as well as the young, the untrained and the uneducated, are the ones for whom this program is designed.

At the same time, we must bear in mind the admitted shortcomings of the Accelerated Public Works Act of 1962. Skepticism of the effectiveness of that measure to provide jobs for the jobless and to stimulate consumer income and expenditures has already been noted in the majority report. It was also highlighted in a report of the Comptroller General of the United States which stated that, as of November 1, 1963, a review of projects showed an overstatement of actual onsite man-months of employment realized from the program of from 83 to 128 percent, depending on the size of the project. Such discrepancies between promise and performance must be borne in mind if the $2 billion of the taxpayers' money this committee has authorized is to be wisely spent.

Our caution in this regard is prompted by the fact that no compilation of actual accomplishments was ever made of the Accelerated Public Works Act of 1962. Nor is it known how many direct and indirect jobs were actually created by the program. In-depth studies were never undertaken. We believe they should have been.

We therefore urge that if this measure is enacted into law it be considered a test of the viability of the accelerated public works concept and that continuous and careful legislative oversight should mark its implementation at all levels.

A final observation is in order. No accelerated public works program can possibly succeed unless we deal forthrightly with the question of environmental impacts. Administrative delays in complying with environmental standards which the Congress has established would undoubtedly slow the initiation of countless projects. Required approval procedures are cumbersome and time-consuming. While the President may be able to streamline them somewhat, they cannot be dispensed with. Thus, if we are serious about alleviating unemployment through accelerated public works, we must come to grips with the environmental impacts problem.

An amendment was offered in the executive session of the committee to do just that. Under its provisions, the five criteria of section 102(1)(c) of the National Environmental Policy Act of 1969 would be considered to have been met if the Governor of the State in which the proposed project is located certified that priority construction was in the best public interest. We believe that such an exception is mandatory. As a practical matter, it is inconceivable that this program can succeed without such a provision.

James R. Grover, Jr.
Don H. Clausen.
M. G. (Gene) Snyder.
Roger H. Zion.
Jack H. McDonald.
John Paul Hammerschmidt.
Clarence E. Miller.

Mr. CLEVELAND. Mr. Speaker, for the benefit of those Members who will not have an opportunity to read in detail the views I have just inserted in the Record, I should like to point out there would be little help in the Accelerated Public Works Act for the type of unemployment that plagues many parts of the country the worst. The defense-related industries are the most noticeable example.

In my own district I might point out that the highest rate of unemployment is coming not only in the defense-related industries but also in those areas where foreign imports, built with very low wages under labor conditions which are shocking, are gradually putting people out of work, and far faster than any other single cause. I refer to the electronics industry, the ball bearing industry, the textile industry, and the shoe industry as notable examples.

I would suggest to my colleagues in the Democratic Party that if they are really interested in unemployment, they should get to work and pass trade legislation which would cope with this very difficult problem. The delays in time which were so explicitly touched on by the gentleman from Ohio (Mr. Harsha) are detailed in the minority report, and I will not discuss them.

There is one additional point I would like to make as I conclude my remarks. The President has already asked for a far greater expenditure in public works than has been the case in recent years. He has also asked for an additional $1 billion for the construction of water pollution abatement plants. The President, in other words, has already asked for about the same sum as in the Accelerated Public Works Act, but for proven, ongoing programs. That is the point I want to make in concluding my remarks. The battle against water pollution alone could absorb the skills and men who are out of work due to the transition toward a peacetime economy.

We have here a great irony. The Public Works Committee, both the full committee, under the chairmanship of the gentleman from Minnesota (Mr. Blatnik), and the oversight committee, under the chairmanship of the gentleman from Texas (Mr. Wright), at the present time are investigating the delays in the construction of public works because of redtape, because of Government agency duplication, and because of requirements which are imposed by the Congress or by the agencies.

The SPEAKER. The time of the gentleman has expired.

Mr. HARSHA. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. CLEVELAND. The Public Works Committee is exercising at long last this very important oversight function. As a result of the hearings, as the record stands at the present time, it is an indisputable and undeniable fact that most of the Federal programs that would be accelerated under the Accelerated Public Works Act are already so bogged down in Federal requirements, congressional requirements, and redtape that the purpose of this act could not be conceivably implemented within the next 12 months, if then.

I suggest to Members of Congress, if they really want to help the unemployed, they should devote themselves, as the Committee on Public Works is doing now, to the fact that our Government is becoming so complicated, so top heavy, with a piling up of power on the banks of the Potomac, and so unresponsive to the needs of the people that we cannot implement the programs which we now have, let alone start up a new one. It is a sad commentary that Congress after all our years of experience stoops now to the sorry expedient of just passing another program. Instead, we should get to work on the hard task of making some of the programs we already have work as they are meant to.

Mr. HARSHA. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Iowa (Mr. Schwengel).

Mr. SCHWENGEL. Mr. Speaker, I rise in opposition to the report.

I cannot present any better arguments than already have been presented by the gentleman from Ohio (Mr. Harsha), who has been our leader in this fight, nor the others who have already spoken on this subject today and previously.

The principal argument by those on the other side in promoting this report is that we are going to deal with unemployment. I yield to no one in my desire to deal with the unemployment problem in America. Neither does any other person on this side or, for that matter, any Member of Congress. However, I think there are factors that have to be noted here to be sure we are doing the right thing the right way.

One thing that bothers me about the approach in this legislation is what it will do to our fiscal matters in this country. I sincerely believe and many competent people believe that the inflation which this bill will cause will penalize more people and diminish the income of more people than it will help.

Mr. Speaker, any penalty which we impose in this manner upon the 22 million people on social security is a tragedy.

At best—and the testimony has been presented to us already very well—somewhere between 1 and 2 percent of those unemployed would get jobs as a result of the adoption of this conference report at some later date, probably a much later date.

So, Mr. Speaker, this program that we call the accelerated public works program is not accelerating very much.

Mr. Speaker, I would like to have the Members of Congress give real serious thought to this and to what it will do and probably you then will agree that it is, as our leader has said, the gentleman from Ohio (Mr. Harsha), a cruel hoax, holding out hope for the unemployed that will never be realized. There are better answers to this problem. The gentleman from New Hampshire just put his finger on the monetary situation when he pointed out that we are discovering in our oversight hearings the complications and the irresponsibilities, the cumbersomeness which prevails in Government which makes it impossible for us to use funds now available that could be used to deal more effectively with unemployment while we are making a public contribution to the welfare of this country.

Mr. Speaker, I strongly urge the Members of this House to vote against this conference report and let us get on with the two most important sections of this legislation which have proven themselves.

Mr. HARSHA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me explain the parliamentary situation which exists on the floor at the present time. The other body has already adopted the conference report. We have only two votes; that is, either a "yea" or "nay" vote here. A "nay" vote does not mean we are voting to kill the programs contained in titles II and III. If the "no" vote is sustained, under the parliamentary procedure as I understand it, the chairman of the full committee would ask for the appointment of new conferees and they would then return to meet with the conferees of the other body and report out another version of this bill.

I just wanted to point out that a "no" vote does not mean a vote to kill titles II and III.

Mr. EDMONDSON. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, first, let me congratulate the chairman of the Committee on Public Works and the members of that committee for this very excellent conference report.

The report incorporates much of what was in the original bill introduced by the gentleman from California (Mr. McFall) and cosponsored by 150 Members of this body on both sides of the aisle.

Mr. Speaker, the main attack here is made on title I. Let us for a moment see what title I seeks to do and ascertain whether or not it is as bad as the opposition makes it out to be.

Mr. Speaker, I have heard over and over again for many years the expressions "wasteful spending," "pork barrel projects," ill-considered programs," and others.

Mr. Speaker, these terms do not apply to this bill. These projects have passed the test of economic value, and have been soundly planned and engineered on the local level, both for the large cities and the small rural towns all over the United States.

This bill seeks to make it possible for these communities to go forward with their projects for sewerage, drainage, public buildings, necessary transportation facilities, and so forth.

Mr. Speaker, local communities are not able to meet these obligations today. We have experienced exorbitant interest rates in the United States in the past 2 years. These rates are so high that one of two things has been happening in most cities of this country: Either a community cannot sell its bonds to finance its projects because the cost of money exceeds its constitutional limitation, or it has become so impoverished because of unemployment, economic stagnation, and all the related problems that confront us today in this country that it is unable to raise the necessary funds.

I heard the distinguished gentleman from Ohio and some of his colleagues say that this bill would not really do anything. He used several figures on the number of jobs that it would produce. I am not in a position to affirm or deny the gentleman's figures, but I would say this: even if it were very few, never mind the figures the gentleman from Ohio mentioned, it would still be meritorious legislation.

The tragedy of unemployment in this country, Mr. Speaker, is that it should occur at a time when so much needs to be done. We can approach this problem from one of two points of view. We can continue to allow what we have now; namely, unemployment increasing and interest rates continuing to go up. Incidentally, I made a statement here about a month ago about interest rate increases and some of my colleagues on the other side of the aisle stood up and denied it. Well, the interest rates have continued to go up. They went up yesterday and the stock market went down, and so did the bond market.

So I say, Mr. Speaker, we can either stand by or we can take constructive steps such as in this bill, and in the Public Service Employment Act we passed last week, and in other bills that will soon come before us here like welfare reform. We can do it this way, constructively, bringing back into the labor force the people who are now unemployed—because each job here generates four of five additional jobs—we can do that, which is a tradition in our free enterprise system, or we can go ahead and increase the rolls of the unemployed, extend unemployment insurance from 4 or 5 weeks to 7 or 8 weeks, and bring no help or hope to the unemployed.

So, Mr. Speaker, I say that we should do it the way this bill proposes to do it. I hope this conference report is overwhelmingly agreed to.

Mr. HARSHA. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, my good friend, the distinguished majority leader, has said that these are good projects that would be constructed all over the country. Certainly there has been no effort on our part to criticize the type of projects that are to be constructed, or the type of facilities that are to be constructed. They are worthwhile facilities. Our criticism is directed at the ineffective way of getting at the unemployment problem.

The distinguished majority leader says that these would be constructed all over the United States—well, if this program is as effective as the last program we will have an average of 900 jobs in each State. That conceivably could not make any imprint or cause a decline in the total unemployment in this Nation.

It is not the question that 46,000 jobs are unimportant, because they are important. The point is that there are more effective and efficient ways to spend $2 billion to try to generate jobs. Certainly, when we spend from $30,000 to $35,000 per year to generate one job, that is a very inefficient and ineffective method of doing it. It can only compound the inflationary problems of this Nation. It will mean that those least able to pay for this extravaganza are forced into a lower standard of living. It will further erode the meager income of those on fixed incomes, those existing on social security and other retirement programs. It will harm far more people than it will help and probably compound our present economic problems.

Let me point out again to my colleagues on the other side that the contractors and the construction people who do this sort of work are what you might call mobile employers and employees. They do a job here and then they take another job over here and they do not necessarily have any impact on unemployment in fixed local areas because they are from other areas and they move from job to job. So you are not getting at the local unemployment through this.

Then let me make one further point, Mr. Speaker, and that is this—the distinguished majority leader mentioned, if I understood him correctly, that school construction could be provided by this program.

In the legislation itself it says that no part of any allocation made by the President under this act shall be available for any planning of or construction directly or indirectly of any school or other educational facility. So, it will not bring any relief to the need for additional school facilities, Mr. Speaker.

The SPEAKER. The gentleman from Ohio (Mr. Harsha) has consumed 3 minutes.

Mr. HARSHA. Mr. Speaker, I yield to the distinguished gentleman from New Hampshire (Mr. Cleveland) 1 minute.

Mr. CLEVELAND. Mr. Speaker, I would like to comment on the remarks of the distinguished majority leader, the gentleman from Louisiana (Mr. Boggs). He spoke of not only this approach which I do not feel is the right approach to the unemployment problem, but he spoke of other legislative proposals, some of which we have already dealt with and some of which we will deal with in the future. Although he did not mention it today, I hope he will include in his roster of legislative approaches some sound trade legislation. In my district, and I am sure in many other parts of the country, much of the unemployment besides that caused by shifting from a wartime to a peacetime economy, is caused by cheap foreign imports. These imports are putting out of business many of our industries. They are putting out of work many people, even in highly skilled and technological fields. Until we face up to this problem there will be no long-term solution to unemployment.

Mr. KLUCZYNSKI. Mr. Speaker, as we debate this conference report today, let us remember that while the national rate of unemployment has reached 6.2 percent of the total labor force, many communities have much higher rates than this national average. In some areas this percentage has reached the horrendous figure of one-third of the available work force. Now no community, or economic area, can afford such a state of affairs. Should this rate of joblessness continue for any length of time entire tax bases will evaporate. Public services will suffer. Communities will not even be able to raise money through bonding authority—a condition which already exists in many places.

I support all three titles contained in S. 575, as shown in the conference report. However, I would like to discuss the merits of title I of that proposal. It is to those communities which I mentioned and which we can justifiably describe as economic disaster areas that title I is addressed.

When, in 1962, the Public Works Acceleration Act was enacted, the criteria for Federal financial participation varied form 50 to 75 percent for those areas considered to be special hardship cases. At that time we realized the need for an economic shot-in-the-arm to turn around what was becoming a years-on-end drop in the construction of vital and necessary public works and a growing unemployment rate in these places. With the act in being we saw that an economic turnaround was accomplished in many of these communities, and that these benefits continued right on until 2 years ago. But experience revealed that even as generous as we considered the 1962 act, many communities still were not brought along, since they could not even match a 75 to 25 percent participation rate. Realizing this the sponsors of this legislation have written provisions into the new extension of the act to provide for a 100 percent Federal financing where communities have exhausted their taxing and bonding limits, while raising the 50 percent minimum to 80 percent. Authorizing the expenditure of $2 billion over 2 years, this money will create thousands upon thousands of jobs, take people off the relief rolls, enable human beings to regain their dignity, and result in the construction of thousands of badly needed public works.

Remember that no one group is immune today from the blight of unemployment. Not only laborers, skilled and otherwise, but skilled construction workers, engineers, physicists, planners, managers and executives are searching for employment, many so desperate they are willing to do anything to earn sufficient money to care for their families. These are bleak times for more than 9 million unemployed in this country, not to mention the millions of others who constitute their families. When the time comes to vote on this conference report, remember that for many of them you are offering a way back to productivity and self-respect.

Mr. O'NEILL. Mr. Speaker, today the House must act on a measure which is important to hundreds of thousands of unemployed Americans. I refer to the conference report on the Accelerated Public Works Act cosponsored by Senator JENNINGS RANDOLPH and Congressgressman JOHN MCFALL. I was proud to have sponsored this far-reaching bill in the House. It was gratifying to see the House move swiftly and efficiently in preparing this legislation for consideration by the Members. Now, there is but one last hurdle to overcome in making this drastically needed measure a working reality, and that is the vote in the House today and the President's signature.

Mr. Speaker, this is a proposal which received overwhelming bipartisan support in the House, and it is clear to me that if such a resounding majority of the elected Representatives of the people of this Nation are in favor of this measure, it should be implemented as soon as humanly possible. We have heard how this bill is inflationary, how it creates make-work jobs, and how it does not fulfill the promises which served as its impetus. Yet, the simple truth is that public works has always played an integral part in the economic development of this country since the early days of the Republic. Through 1960, Federal appropriation to the Corps of Engineers for construction and maintenance of navigation, flood control, and multipurpose projects totaled about $13 billion. The point is simple. Public works programs have always been part and parcel of the American way of life. The measure before the House today continues that tradition. The Randolph-McFall accelerated public works bill allocates money to high unemployment areas, where municipalities have already definite plans for badly needed permanent public facilities, where communities are able to finance the local share of construction, and where communities can guarantee that a high percentage of the construction cost will be labor. This bill is no substitute for sound fiscal and monetary policies which must provide the long-range cure for curbing unemployment and inflation. But it can serve to generate economic activity and relieve the anguish and misery of unemployment now plaguing millions of our people.

I ask my colleagues to direct their attention to the unemployed people of our Nation, who seem to have been forgotten. People who are skilled and eager to use these skills in the construction of projects beneficial to the entire community. People who are tired of listening to hollow excuses about the inflationary risk of public works legislation. And people who must be reassured that the Congress of the United States is committed to a program of assistance and encouragement which will provide them with some sort of security for the future.

There have been reports from supposed high administration sources that if this measure passes the House, the President will use the veto power to thwart the Congress. I ask that my distinguished colleagues from both sides of the aisle ignore this Executive sword of Damocles and act in good conscience. I ask that the House of Representatives take action which will preserve its integrity and instill in the American people confidence in their elected Representatives.

This body has a mandate from the people. As a coequal branch of government, it can and must act in a way which will justify the implicit faith conveyed with that mandate. The Randolph-McFall accelerated public works bill should be recorded as one of the plus marks of the 92d Congress. If we are to be recorded as a Congress that cares, we must meet the task before us and give our unequivocal support to this desperately needed legislation.

Mr. STAGGERS. Mr. Speaker, I rise to urge speedy action on the conference report presented by our conferees on the Public Works Acceleration Act. I have full confidence in the good judgment and discretion of our conferees, and I believe they have produced the best bill that can be enacted at this time.

In a written statement to the House subcommittee working on this bill back in March, I emphasized the necessity of sustaining the forward drive of industrial development in my home State of West Virginia. Numerous small enterprises were being started, and there was good hope for general improvement all over the State. Rising unemployment tended to place a damper on business confidence, however, and it was my contention that a speedup in public works projects was the best—and only—way of taking up the slack in demand for workmen.

Since March we have been shocked by additional business reverses and consequent layoffs. Railroad passenger service cancellations and Lockheed suspensions are examples. The situation is critical. We need job openings. It would be wrong to permit our State and all the other States to slide back into a really serious depression again.

Public works projects are ready for funding immediately. At least 46 of our 55 counties have already developed rural water and sewer programs. They have been approved for action. If funded immediately, the transfusion of Federal money would put new life into a weakening economy. In addition, several major projects involving internal waterways, if accelerated, would put paydays where they are needed.

I support the conference report.

Mr. ULLMAN. Mr. Speaker, it was almost 6 months ago when I joined 150 of my colleagues in cosponsoring a bill to amend the Public Works Acceleration Act. Although provisions of that bill, which this House approved 320 to 67, have since been included in title I of S. 575, as amended, the situation which originally prompted us to initiate that legislation has, it appears, changed very little. If anything, in fact, it has worsened.

At that time unemployment stood at 6 percent. Now, 6 months later, it is more than 6 percent. We are all of us inured to statistics, and to many 6 percent is merely another statistic. But I would like to remind you that statistics have a way of translating themselves into people—in this case, millions of people who desperately need and want jobs. This statistic has also translated itself into an increase of nearly another million persons who have had to turn to public welfare in the last year to sustain themselves. Finally, it has translated itself into a vast and growing sum of money which must be paid in unemployment compensation.

I would also like to remind you of what the President said in his state of the Union message back at the time this legislation was first proposed. He said, and I quote:

> By spending as if we were at full employment, we will help bring about full employment.

Now, I am led to believe, there are indications the President may veto this legislation—legislation specifically aimed at increasing employment opportunities while spurring the construction of long-overdue public projects. Frankly, I find this difficult to understand.

First of all, legislation of this type has proven extremely effective in the recent past. This is not a new or pioneering effort the administration might be reluctant, for some reason, to undertake. Second, it is likely to allow the construction of public works and systems which are now 2 and 3 years behind schedule. In the case of sewer systems, I might add, the damage caused by 2 years of neglect often requires 10 years and much more money to overcome. Finally, the proposed legislation is geared to accelerate public works—and employment—in the very areas of this country where the physical and moral damage caused by high unemployment is most prevalent.

I know there are some who have referred to the results this legislation will accomplish as mere "cosmetic treatment." They claim it will not serve the needs of many of the highly skilled who are currently unemployed. But the work this bill is designed to create is not make-work. It will require skills in all professions and the trades. Furthermore, I know in my State, Oregon, where there are some areas with unemployment substantially above 6.2 percent, that these people need an opportunity to earn a living, and they need it now.

Consequently, Mr. Speaker, I hope it is the will of this body to indicate a commitment to the proposed legislation strong enough to preclude any Presidential inclination to veto it. I hope also that if and when he considers it, the President has the insight to look not only at the expressed will of Congress but beyond the statistics to the people themselves.

Mr. ALEXANDER. Mr. Speaker, I take enormous pleasure in the House of Representatives' approval today of the conference report on S. 575. This bill, which extends the vitally needed programs authorized under the Economic Development Act and the Appalachian Regional Commission, has another equally—and to my State, possibly more—important aspect.

I refer to title I, the provisions of the Accelerated Public Works Act, of which I am a cosponsor with the Honorable JOHN J. MCFALL, of California, and more than a third of the other Members of the House of Representatives.

Efforts to have the Accelerated Public Works Act amended to provide urgently needed relief to economically depressed areas have been underway for nearly 6 months. The support in the House for the measure was gratifyingly bipartisan, as was the bill's sponsorship.

There has been growing support in many segments of our national life for enactment and operation of the accelerated public works title of this bill, as well as the other titles.

For that reason, recent developments relating to the portion of this legislation which would directly increase the stimulation of a flabby economy are especially alarming. I refer, of course, to the character of the Senate vote favoring the conference report on this legislation. First, the count was 45 to 33 in favor of the report. This seems a poor showing of support for the thousands of deserving persons who would directly benefit from the expenditure of the $2 billion authorized under title I of the bill alone.

More importantly, the Senate conference report vote was almost entirely along partisan lines, with the Republicans opposing it. This, combined with some of the unjustified reservations about the bill voiced by its Senate opponents and persistent reports in the mass media that President Nixon may veto the bill is alarming.

In the past, under Democratic administrations, the accelerated public works program has worked to strengthen a sagging economy while providing urgently needed public facilities. I find it difficult indeed to understand why a knowledgeable public official would oppose reasoned, logical and proven programs which deal only in public good.

This bill has been 6 months in reaching this stage. The aid it would provide is needed now—not at the end of some undetermined time which would be required for passage of a substitute proposal which might be the favorite of the administration.

The Congress, I feel, is to be congratulated for taking this situation in hand and passing this legislation. I would urge even speedier and more positive action should President Nixon choose to veto this bill.

Mrs. GRASSO. Mr. Speaker, the conference committee report on the Accelerated Public Works Act of 1971 deserves our approval.

While we consider other measures to strengthen the economy, the critical need at the moment is to ease the burden of unemployment. The Sixth District in Connecticut, which I represent, is experiencing severe economic depression and joblessness which accounts for three of the largest cities having an unemployment rate in excess of 12 percent.

The Accelerated Public Works Act of 1971 is designed to aid those unemployment impacted communities as designated by the Secretary of Labor. The bill includes Federal assistance to many cities and towns not previously eligible. It also provides that core areas within cities can get Federal help even if the city as a whole is not eligible.

These provisions make this bill a particularly significant one. However, the prospect of a Presidential veto looms heavily over this vital legislation which would bring direct and immediate relief to the areas of highest unemployment in the Nation.

In recent days "high, unnamed administration sources" have been quoted as predicting that the President will veto the bill. Does this mean we are being prepared for another Presidential veto? Are hundreds of thousands of unemployed workers, including many in the Sixth District of Connecticut, going to be denied this opportunity to secure good jobs during a time of urgent need?

I hope this is not the case. Public works legislation has provided needed employment in the past. The current economic distress nationwide demands a revitalization of the Accelerated Public Works Act to push forward public works projects that are needed and have been denied in many communities.

If the President vetoes this important legislation, I will work hard to have the Congress help our unemployed by overriding that veto.

Mr. DULSKI. Mr. Speaker, I support fully and enthusiastically the conference report on S. 575, the accelerated public works bill.

This is a vitally important measure to deal with the heavy unemployment conditions which have developed in many of our communities across the Nation in recent months.

There has been a steady increase in the number of areas in our country—including my own area of Buffalo and the Niagara Frontier—where unemployment has risen to the crisis level.

Indeed, unemployment has reached a 9-year high of 6.2 percent and it is incumbent upon all of us to work together to put the jobless back to work. The bill as it emerged from the House had bipartisan support which is an indication of the realization on the part of Members from all parts of the country of the need for Federal action to deal with the acute unemployment problem.

Data from the Labor Department shows unemployment continuing to increase in labor markets across the country and there are now 55 major areas included in the some 700 labor markets which have an excess of 6 percent unemployment. Included among the major areas is my own metropolitan area of Buffalo, N.Y.

Mr. Speaker, the House and the Senate supported this measure in differing versions and the conference committee has come up with a very reasonable and acceptable compromise which I believe merits the support of every Member of the House.

I urge the adoption of the conference report.

Mr. BEGICH. Mr. Speaker, it is with pleasure that I rise to join a great number of my distinguished colleagues in support of the conference report on S. 575. This legislation, which includes the Public Works Acceleration Act, the Economic Development Act extension, and the Appalachia Development Act extension, represents a major effort by Congress to do for the economy what the administration has promised but failed to do.

The programs proposed in this legislation are in direct response to a national economic crisis. Specifically, this bill is aimed at reducing the highest unemployment the United States has experienced in a decade. The programs are straightforward and proven by prior practice. I think the House recognized these virtues when it passed parts of this bill by large majorities earlier in this session.

It is strange, then, that we meet today to consider this important bill with the knowledge that our actions very possibly will be vetoed by the President. While I fervently hope this does not happen, and believe it would be a great tragedy if it did, I urge all Members of the House to pass the bill by such a wide margin that the administration can only undertake a veto in the knowledge that it is destroying something of very great value to our country.

Because so many able men have spoken on all aspects of this bill, I do not intend to dwell on those aspects which have been discussed so ably already. I would, however, call attention to section 209 of the bill which deals with the extension of the Federal Field Committee for Development Planning in Alaska. This lesser-known feature of the bill is both important for Alaska and representative of a sound approach to development planning in any area.

The Field Committee was created in 1964 to study development factors in Alaska with special regard to the way in which different levels of government and different agencies could function together to best contribute to a sound pattern of development. In the years since that time, the Field Committee has become an important contributor to the life of Alaska, and it would be with the greatest regret that I would see its role terminated.

From the beginning, the Field Committee had the advantage of being only a planning agency without programs or grant funds to administer. The value of this status was demonstrated repeatedly, and could serve as a lesson for the establishment of future regional development planning agencies.

The Field Committee has also benefited from a cooperative membership of nearly every Federal department having major responsibilities in Alaska. This includes HEW, HUD, Transportation, Labor, the sponsoring Commerce Department, and several others. The benefits of this interagency approach cannot be overstated.

Finally, the Field Committee operates cooperatively with all levels of the State and local government, and with the academic and private sectors. The final result is a web of cooperating arrangements which permit an extremely well informed and comprehensive approach.

At the conclusion of all this, the question is: What is the Field Committee? Clearly, it is a succesful experiment in the effort to provide Federal assistance in regional development planning. It has made contributions in nearly every phase of Alaskan life by providing high quality information and thought on a wide range of subjects.

The material produced by the committee has been the basis for State and Federal legislation, and in the past few weeks, the committee has published a major work on the economic outlook for Alaska and a strategy for future economic development.

That the Field Committee is included for your consideration in S. 575 is a tribute to the House Public Works Committee, and its able chairman, Mr. JOHN BLATNIK, who recognized the merits of continuing the operation of this valuable agency. Were it not for this special effort, the administration would have buried the Field Committee long ago. The fact is that the Bureau of the Budget is committed to the idea that there is no further function for the Field Committee to serve in Alaska, and continues to oppose the appropriation of any funds to continue its operation.

In view of the record of service of the Field Committee and the job that remains to be done in Alaska, I am at a loss to understand opposition to what is an extremely modestly funded program. If investments are to be judged by future returns, then the Federal Field Committee is a bargain of the first rank.

I would make it very clear that this innovative organization for development planning will not remain unchanged. It is certainly my intent, as well as that of others from Alaska, that the Field Committee eventually be integrated into two important areas of concern for Alaska. The first is the implementation of the recommendations of the Public Land Law Review Commission, which will have a strong impact on the vast public land area of Alaska. The second is the settlement of the Alaska Native land claims, and the integration of the settlement into the pattern of life in Alaska.

In my view, the most desirable course would be for the Field Committee to offer the vehicle of transition into whatever organization is formed to deal with these two important areas of concern. Passage of this bill today brings this desire very close to reality.

In summary, both the major parts of this act—S. 575—and section 209, which is so important to Alaska, offer similar virtues and are extremely timely in view of serious needs. Both are threatened by administration disapproval.

When the vote on this question is over, I feel certain that the conference report on S. 575 will have been approved by an overwhelming margin. The result will be that Congress will have done its job in providing responsible solutions to severe economic problems. Should the administration still seek to veto these measures, then the responsibility for that action will be clear. I strongly urge approval of this legislation, and commend the gentleman from both Houses who labored in the conference room.

Mr. TIERNAN. Mr. Speaker, I am extremely pleased to rise in support of the conference report on S. 575, which includes title I of the House-passed Accelerated Public Works Act.

While I have no doubt that this body will adopt the conference report, I am concerned over the partisan nature of the Senate vote and the possibility of a similar vote here. Unemployment is not a partisan issue. It exists in every corner of every State in this Nation. The unemployment rate is presently 6.2 percent, a 9-year high, and it is imperative that we work together to provide additional jobs.

Two days ago President Nixon directed Secretary of Labor James Hodgson to "launch a new intensive effort to find jobs or provide training for returning Vietnam veterans." In a letter to the Secretary, Mr. Nixon stated:

> This is an effort which I consider to be of the highest priority in federal manpower and training programs, and of such importance that every available program should be used to the maximum toward achieving its goals.

I would remind my colleagues that this conference report before us is wholly consonant with the President's directive. It was my amendment to title I which included those areas with unemployment of Vietnam veterans 25 percent above the national average rate of all unemployment for 3 consecutive months or more, as one of the eligible areas for assistance under this bill. The rate for veterans 20 to 29 years old, including 85 percent of our Vietnam veterans, for the first quarter of 1971 was 10.8 percent. This certainly meets the criteria in the bill.

I urge my Republican colleagues to support the conference report on S. 575 and to urge the President to sign it into law.

Mr. FUQUA. Mr. Speaker, there are 150 Members of the House who have cosponsored the accelerated public works bill in the House. This would have the provisions of that bill included as title I of S. 575.

Certainly, titles II and III which extend the Economic Development and Appalachia Acts are important.

These provisions are designed to help our sagging economy which has not taken a significant upturn in my opinion.

Persistent unemployment, as has been pointed out time and again, is the most serious threat to our economy. We believe that no program which has been offered offers substantial relief for the 5 million Americans who are unemployed.

Most of the measures which we are asked to consider are simply applying a band-aid to a major illness.

The Accelerated Public Works Act is a proven program which would bring direct and immediate relief to the areas of highest unemployment.

It would provide meaningful jobs and allow construction of needed public works projects which will be of lasting benefit.

Our unemployment rate is at a 9-year high.

It is my hope that this bill will pass, and it is my further hope that it will not be vetoed, as has been rumored.

This measure is an important one, and its passage is important to the economy of this Nation.

Mr. MIZELL. Mr. Speaker, I rise at this time to express my support for the motion to recommit the accelerated public works bill to the conference committee for the purpose of striking title I from that bill.

There are two excellent reasons for deleting that provision from the bill. First, title I is an irresponsible, costly, and ill-conceived effort to reduce unemployment by creating dead-end jobs at an estimated average cost of $35,000 to $40,000 per job.

Despite the great amount of money that would be expended in this project, it would have no real impact on the unemployment problem. Until we begin to revamp our entire manpower approach, rather than attacking unemployment with expensive, ineffective stopgap measures like this one, we can hold little hope for success.

The second reason that title I should be eliminated from the bill is the fact that by its inclusion the entire bill, which provides for continuation of some of the Government's finest programs, will be placed in jeopardy.

The Appalachian Regional Commission, the title V regional commissions, and the Economic Development Administration must all be extended by the Congress within 15 days, or their authorizations will expire.

I would hate to see the 92d Congress become the executioner for a group of programs, born in such great hope and now maturing with such great success.

But this could be the case. There are indications that President Nixon will veto this bill if title I is not taken out. He believes, as I do, that title I is not the remedy for unemployment its sponsors say it is.

I see no reason why this controversy should have to involve the development programs that have proven themselves effective to Members on both sides of this aisle.

I sponsored legislation to extend the Appalachian Commission for another 4 years, because I believe it is the best all-around agency of the Federal Government and deserves the right to complete its mission—the social and economic redevelopment of the vast Appalachian region.

To let this program and its worthy companions go by the wayside because of the title I controversy would be a disservice to the people these agencies serve so well and to the agencies themselves.

I urge my colleagues to join with me in supporting this motion to recommit the bill, strike out title I, and then bring out a clean measure for regional development that all of us can enthusiastically support.

Mr. PRICE of Illinois. Mr. Speaker, I urge the approval of the conference report of S. 575, extending the Appalachia and Economic Development Acts. Title I of this act includes the provisions of the Accelerated Public Works Act which I cosponsored. It is of particular significance because it attacks our serious unemployment problem.

In spite of frequently expounded official statements concerning an upturn in the American economy, the gross national product declined in 1970 for the first time in 12 years. Unemployment now stands at a 9-year high of 6.2 percent. As compared with the unemployment figure from the first quarter of 1969, the first quarter of 1971 shows a 73.5 percent increase. There are presently over 5 million unemployed nationwide, while in January 1969 this number was 2.6 million. The 24th Congressional District has not escaped the administration's mishandling of the economy. As of mid-February, unemployment was 9.1 percent of the civilian work force which is a 2.1 percent increase over the figure of 1 year ago.

Title I of S. 575 is a weapon which can be utilized to combat difficulties in two areas of the domestic sphere. This bill is designed to assist economic development areas, major labor market areas, and "poverty pockets" that have a history of persistent unemployment reaching the level of 8.75 percent and above. As a pump-priming proposal, it would filter over $1 billion into local areas for the building of facilities such as sewer plants and municipal buildings which would act as added incentives to industrial development in the areas to be served by this legislation. Thus, this proposal would act to improve the national employment situation by creating more jobs at the local level. In addition, it would help alleviate the financial burden which many communities are facing in attempting to satisfy the needs of their citizens for improved facilities.

Although reports and rumors have conveyed the President's proposed intention of vetoing this bill, I cannot believe that in good conscience he can ignore the plight of our unemployed, the unmet needs of our communities, and the faltering performance of our economy. The economic situation of this country is too dire to allow the enactment of remedial legislation to be stymied by political considerations.

Mr. SIKES. Mr. Speaker, the public works bill now before us contains several sections aimed directly at helping boost our sagging economy and helping local people help themselves.

Title I is known as the accelerated public works program which will touch directly those local government projects now awaiting funding. What this means in terms of local impact is best demonstrated in terms of thousands of meaningful jobs which will be generated.

With unemployment now at a 9-year high, it is significant that a similar approach to nagging unemployment was employed in the early 1960's and it worked.

Also contained in this bill are provisions to extend the Economic Development and Appalachia Acts. Both of these programs have proven their worth and are effective in the kind of self-help efforts which mean so much to people.

Despite these worthy provisions, there are reports this fine legislation faces the veto.

I hope this is not the case. This measure is not inflationary. To the contrary, it is anti-inflationary in that it will provide jobs, give a boost to local economies, and will make available badly needed local facilities.

To make these things available is not inflationary. It is an example of a concerned government acting in the interests of all the people.

It should be passed by this body and it should become law with the President's signature.

Mr. BRADEMAS. Mr. Speaker, I rise in support of the conference report on S. 575, legislation extending the Appalachia and Economic Development Acts and including a major provision which would revive the accelerated public works program.

This latter proposal is especially significant during the present period of high nationwide unemployment because it is designed to put unemployed men and women back to work on constructive projects in the public interest.

The accelerated public works concept—which makes additional Federal funds available for construction and improvement of public facilities—was successful in combating high unemployment a decade ago. Other achievements of the program—the public buildings and facilities constructed under accelerated public works projects—still stand today as a symbol of its success.

I am pleased to say, Mr. Speaker, that I served as a cosponsor of the new Accelerated Public Works Act when it was introduced in the House earlier this year. I wholeheartedly endorse it now.

So it is distressing to me, Mr. Speaker, to hear warnings that President Nixon may veto this badly needed legislation.

Unemployment in America should not be a partisan political issue. With nationwide unemployment now at a 9-year high of 6.2 percent of the work force, and with a seasonally adjusted unemployment rate of 7.3 percent in my hometown of South Bend, Ind., I say to you, Mr. Speaker, that it is time Congress acted to arrest spiraling unemployment.

I would hope, Mr. Speaker, that the administration would agree that it is time to act and give its full support to desperately needed legislation to create employment in America, such as the Accelerated Public Works Act and another important measure, the Emergency Employment Act.

The President, in vetoing the employment and manpower bill last December, cast a Christmas chill over the millions of jobless men and women in America.

As you know, Mr. Speaker, the unemployment situation has worsened since then.

I call on the President, and both Democrats and Republicans in Congress to give serious thought to the plight of the jobless in America as they consider the measure before us today.

Indeed, Mr. Speaker, I urge that we all give our strong support to this conference bill so that we can begin to get these men and women off of unemployment rolls and into a productive role building a greater America.

Mr. McKAY. Mr. Speaker, the House today passed the conference report on a vital piece of legislation designed to relieve communities in economic distress, thereby doing all that can be done by this body in this vital area—the Randolph-McFall accelerated public works measure.

I hope the administration heeds the views of the House on this bill. It deserves the support of all persons concerned with our present economic problems. Unemployment is immeasurably destructive to those affected by it, and that is why I have supported public works acceleration from the beginning of this Congress. When the Senate passes on the conference report the Congress will have taken all the steps it can. It will then be up to the President. In my opinion it would be unthinkable for the President to veto this bill if he is genuinely concerned about unemployment. The bill has the broadest support from labor, industry, and local government officials and will provide Federal grants to go for approved public works projects. This will be of great value to the people of my district where unemployment problems are on the increase.

This is not a giveaway program. Rather, it provides needed public works projects, thereby giving emergency relief long-term benefits. The capacity of communities to accommodate future economic growth is thus increased and the long-term tax base broadened.

Areas designated as redevelopment areas or economic development centers as well as those areas that have suffered substantial unemployment will receive needed funds with the money going to the areas that are most in need.

In my State of Utah—this program will be of great benefit to the majority of the counties in my district. Weber and Carbon Counties are examples of areas now having significant unemployment problems.

This bill should also create jobs for young people in our rural areas and reduce the concentration of jobseekers in congested urban areas where competition is keen and opportunities are limited.

I would urge the President to take prompt action on the accelerated public works bill as a step in getting at the causes of our present economic woes.

Mr. MATSUNAGA. Mr. Speaker, I strongly support the conference report on S. 575, the Appalachian Regional Development Program Extension.

As is well known, the bill before us now contains a great deal more than an extension of the Appalachian Regional program, important as that program is. Titles I and II of the pending bill would extend the Economic Development Act and the Public Works Acceleration Act. In most important respects, the conference report is identical to the House version, H.R. 5376, which the House passed on May 22 by an overwhelming vote of 319–67.

Most of the discussion about S. 575 has centered around title I, the Public Works Acceleratiton Act activation. What we are addressing in these provisions, Mr. Speaker, are two of the most urgent domestic problems: unemployment which has reached a 9-year high, and pressing need for public facilities in communities throughout the Nation.

This title authorizes the appropriation of $2 billion immediately for accelerated public works projects of various kinds. It has been estimated that this part of the measure alone would generate about 420,000 jobs. Moreover, the public facilities to be constructed are themselves badly needed, but the communities involved cannot afford them.

There have been indications, Mr. Speaker, that administration opposition to title I of this bill might bring about a Presidential veto of the entire package. This threat, if real, is unfortunate, especially in view of the strongly bipartisan nature of the group of House Members who supported the bill originally. Expressed in the most favorable way possible, the administration seems to be saying, "Yes, we are concerned about unemployment, but this is not exactly the way we want to deal with it." The only proper response to that is to note the disagreement but to insist that action be taken. The Congress cannot, must not, sit idly by, waiting for Presidential initiatives, while 5 million Americans who want to work cannot find jobs.

Mr. Speaker, this bill will create subtantial numbers of jobs. It will create needed public facilities of many kinds. Perhaps most importantly, it will create a sense of hope among those millions of presently unsuccessful job-seekers, because the Congress is addressing and responding to their problems.

Therefore, Mr. Speaker, I urge the immediate and overwhelming approval of the conference report on S. 575.

Mr. MINISH. Mr. Speaker, I rise in strong support of the conference report to H.R. 5376, the Public Works Acceleration Act. The Congress, by moving this vital legislation toward enactment in such an expeditious manner, has demonstrated its firm commitment to the reduction of our tragically high level of unemployment.

Unemployment now stands at a 9-year high of 6.2 percent. Despite glowing reports and optimistic forecasts from administration spokesmen, the economy continues to stagnate. The executive branch has yet to offer any constructive program to assist the Nation's 5 million unemployed.

The Accelerated Public Works Act will bring direct and immediate relief to the areas of highest unemployment by providing Federal funds for vital public works projects.

Mr. Speaker, I sincerely hope reports which indicate that this measure will fall victim to a veto are incorrect. The plight of our jobless millions should not be the subject of partisan controversy.

Mr. MOLLOHAN. Mr. Speaker, the persistent unemployment which many parts of our Nation have been experiencing for several years now has festered beyond a hardship confined solely to the unemployed and their families. It has become a cancer which is eroding away the economic vitality of our Nation and undermining the revenues available for public projects and services.

The impact of this persistent unemployment has been that many of our States and local governments have fallen behind in their services to the public. Communities across the Nation need such vital projects as sewage and water treatment plants to meet the increased pressures for cleaner water, and those needing these projects the most are those communities whose spending efforts are crippled by unemployment. Furthermore, many of these communities also have immediate needs for more public service workers, and they cannot afford to pay them.

Only the daily administration of sound economic principles to encourage business investment and hence more jobs can attack unemployment head on. All of the best advice of the Congress and the public cannot assure that this will be done.

But, it seems to me, that we, here in the Congress, can break this cycle of unemployment by treating its effects. We can stimulate more construction of public facilities and we cannot help local and State governments hire more public service workers.

By treating these symptoms of unemployment, we can—and I stress, with a massive program beyond mere first aid—revitalize our economy and create more jobs.

Governmental investment in the public sector is a recognized means for stimulating economic growth. With national unemployment soaring to 6.2 percent, there should be no doubt that now is the time for the Federal Government to give the economy a transfusion, and that is why I urge that we pass the Accelerated Public Works Act.

Mr. LLOYD. Mr. Speaker, this conference report is brought to us by the majority party as legislation to help cure the unemployment problem, and we all know that there is no more sensitive political issue than the matter of jobs. It would be a simple and cheap political trick to equate opposition to this conference report with lack of concern for the creation of job opportunity, and it would, therefore, be very tempting to vote for this conference report for political gain.

However, I have enough confidence in the people to believe they will see the difference between fundamentally sound legislation and that which is not.

I am of course in favor of the extension of the economic development program, which is title 3 of the bill. It is title I to which I object. Title I is basically a recap job on the 1962 Accelerated Public Works Act which failed to accomplish its objective. It is reliably reported that a total of $1.7 billion was spent under that 1962 act, which at its peak resulted in the creation of only 46,000 onsite jobs. This was a tax cost of $20,000 per onsite job for 1 year.

Construction costs have increased by 60 percent since that time. Therefore, the creation of one onsite job today would mean the expenditure of over $30,000 per year. Thus, we are now called upon to authorize the expenditure of $2 billion, which, on the basis of past experience, would create these 46,000 onsite jobs in 2 years. These 46,000 jobs should be contrasted against the 5 million unemployed people, and thus contrasted, it is obvious that there would not be sufficient employment created to even affect the percentage of unemployed.

Utah has one-half of 1 percent of the Nation's population. One-half of 1 percent of 46,000 is a mere 230 jobs which just might be created. The effect upon unemployment obviously does not justify the expenditure of $2 billion, which would agitate inflationary pressures, thereby endangering present jobs and further adding onerous tax burdens upon those people now employed.

It is politically tempting to vote for this bill, and then shout that it is a vote in favor of jobs and against unemployment. However, to cast a vote for political gain would obviously be a political fraud.

Mr. ROYBAL. Mr. Speaker, thank you for the opportunity to express my support of the amendment to the Public Works Acceleration Act which would make the full benefits of this act available to workers in areas of very high unemployment. As a cosponsor of the bill, I believe the House should take immediate action in assuring that those laborers in severe economically depressed trades will be assured of productive employment in the public sector when the private economy fails to employ their talents. With over 40 major labor market areas now experiencing substantial unemployment, compared to only six a year ago, passage of this bill is essential in order that local communities be permitted to employ these workers in projects of benefit to the local area which have not been undertaken due to lack of funds.

By providing 80 percent grants-in-aid to assist these communities to initiate such badly needed public improvements as sewer plants, municipal buildings, and recreation areas, the Federal Government will also be relieving the increasing burden on the local tax rate. It is important to note, however, that this program will be of limited duration and is not intended as a long-range cure for the alarmingly high unemployment rate. Rather, the legislation is intended to stimulate local communities to make permanent improvements in their public facilities and to foment the development of local industries by making these areas more attractive places for people to live and work.

I urge my fellow Members to support this innovative approach to ameliorating the effects of our current economic crisis, and recognize that the time has come to seek new remedies for the chronic illness of high unemployment plaguing our economy.

Mr. COTTER. Mr. Speaker, I rise in strong support of the conference report on the Accelerated Public Works Act, the EDA extension and the Appalachian regional development programs.

I know that there are threats that the President will veto this necessary legislation, but I support this conference report and I will work to override any veto. Quite truthfully, Mr. Speaker, I do not know how there could be a veto of this necessary legislation. We have all heard that the current national level of unemployment is 6.2 percent and, unfortunately, my district exceeds this national average.

It is heartless to throw men and women out of work to support an "economic game plan" that has proven so inadequate in combating inflation. The administration's game plan has created a recession and an employment crisis. The administration has striven for relief of special big business groups through preferential tax breaks and now proposes to bail out Lockheed.

The President has not utilized the power voted to him by Congress to control inflation by across-the-board wage-price and profit controls, but has relied instead on tight money and unemployment to cool off inflation. The result is that there continues to be tragically high unemployment, continuing inflation and a foreign money crisis.

In light of our economic situation, I believe that the President would be ill-advised to veto legislation that attempts to provide some tangible relief from the ravages of pressing economic problems.

This conference report forwards the effort to relieve the economic distress assailing our Nation. First, it provides State and local governments with the ability to continue the construction of vital public works projects. At a time when State and local governments are concerned that they will have to cut off necessary projects because of other demands, this legislation offers the means to fund such projects. By gearing these projects to areas of high unemployment, the bill assists in lessening the unemployment crisis that afflicts many of our States, cities, and towns.

Mr. Speaker, I was privileged to join with other Members in introducing this legislation and it has my strong support.

The other programs, EDA and Appalachian regional development, continue to demonstrate that they are effective means to combat economic stagnation. They should be approved.

I urge the strongest support for this conference report and I am confident that the President will sign these bills given our economic problems.

These bills are not partisan attempts to make political capital, but they reflect the best in the American tradition of nonpartisan effort to face our current economic crisis. These bills are soundly conceived and can be supported. For this reason, I believe that this conference report should be passed by an overwhelming vote today.

Mr. DIGGS. Mr. Speaker, updating the Public Works and Economic Development Act of 1965 would serve as a boon to the economically hard-pressed areas of the Nation. The economic slowdown, which is taking heavy tolls across the country, strikes an alarming high in the poverty pockets of America.

With the present unemployment at 6.2 percent, the black and the poor are the hardest hit. Historically, blacks have comprised 20 percent of the Nation's unemployed, although they comprise only 11 percent of the labor force. In recent years, the rise in unemployment has been phenomenal. In 1969, unemployment among blacks totaled 517,000 and, by 1970, had reached 750,000.

As of May 1971, in Detroit alone, figures show that 139,000 of the total working force are unemployed. This statistic represents 8 percent of the total Detroit working force. Blacks account for one-third of this number—an estimated 45,000 unemployed.

Support of S. 575, which provides for $2 billion in Federal funds for local public works projects is one way of combating the startling unemployment situation. If the bill were updated and amended, it could be an effective tool in easing the strain of rising unemployment by providing much-needed jobs in the area of the construction trades.

It is not sufficient to hope that the economy will take an upswing and automatically eradicate the woes of unemployment. It is imperative that we set into motion legislative measures designed to bring about needed changes.

It is my contention that S. 575, which proposes to provide jobs in the area of public works, will bring about a measure of relief for those who have felt the ravages of recession the most.

GENERAL LEAVE

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in connection with the conference report on S. 575.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BLATNIK. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. HARSHA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 275, nays 104, not voting 54, as follows:

[Roll No. 134]

YEAS—275

Abourezk
Abzug
Adams
Addabbo
Anderson,
  Calif.
Anderson,
  Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Broomfield
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen,
  Don H.
Clawson, Del
Conyers
Cotter
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Diggs
Dingell
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Ford,
  William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.

Griffin
Griffiths
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyros
Landrum
Leggett
Link
Long, Md.
Lujan
McCloskey
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Spence
Stafford
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Watts
Whalen
White
Whitten
Widnall
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zwach

NAYS—104

Anderson, Ill.
Archer
Arends
Ashbrook
Baker
Belcher
Betts
Blackburn
Bow
Bray
Brotzman
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cleveland
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dowdy
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Frelinghuysen
Goldwater
Goodling
Gross
Grover
Haley
Hall
Harsha
Hosmer
Hutchinson
Jarman
Johnson, Pa.
Jonas
Kyl
Landgrebe
Latta
Lent
Lloyd
McClure
McCollister
McKevitt
Mailliard
Martin
Mayne
Michel
Minshall
Mizell
Montgomery
Myers
Nelsen
Poff
Powell
Price, Tex.
Quie
Rarick
Reid, Ill.
Rhodes
Rousselot
Ruth
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Teague, Calif.
Terry
Thone
Ware
Whalley
Whitehurst
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Young, Fla.
Zion

NOT VOTING—54

Abbitt
Abernethy
Alexander
Andrews, N. Dak.
Brown, Ohio
Camp
Casey, Tex.
Cederberg
Clay
Collier
Collins, Ill.
Conte
Corman
Dellums
Denholm
Dent
Donohue
Dow
Dwyer
Edwards, La.
Flynt
Foley
Fulton, Tenn.
Gallagher
Gettys
Grasso
Hays
Helstoski
Kuykendall
Lennon
Long, La.
McClory
McCulloch
Mathias, Calif.
Melcher
Mitchell
Pelly
Purcell
Rangel
Robinson, Va.
Rogers
Rooney, Pa.
Rostenkowski
Runnels
Ruppe
Satterfield
Scherle
Stokes
Stratton
Talcott
Veysey
Wampler
Wyman
Zablocki

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Andrews of North Dakota for, with Mr. Robinson of Virginia against.

Mrs. Dwyer for, with Mr. Collier against.

Mr. Hays for, with Mr. Camp against.

Mr. Dent for, with Mr. Abbitt against.

Until further notice:

Mr. Abernethy with Mr. Brown of Ohio.

Mr. Corman with Mr. Pelly.

Mr. Zablocki with Mr. Cederberg.

Mr. Casey of Texas with Mr. Kuykendall.

Mr. Donohue with Mr. McClory.

Mr. Rogers with Mr. Talcott.

Mr. Rooney of Pennsylvania with Mr. Wyman.

Mrs. Grasso with Mr. Conte.

Mr. Gettys with Mr. Wampler.

Mr. Flynt with Mr. Mathias of California.

Mr. Foley with Mr. Ruppe.

Mr. Helstoski with Mr. Scherle.

Mr. Alexander with Mr. Veysey.

Mr. Dow with Mr. Collins of Illinois.

Mr. Gallagher with Mr. Stokes.

Mr. Stratton with Mr. Clay.

Mr. Fulton of Tennessee with Mr. Satterfield.

Mr. Purcell with Mr. Lennon.

Mr. Melcher with Mr. Rangel.

Mr. Rostenkowski with Mr. Dellums.

Mr. Denholm with Mr. Edwards of Louisiana.

Mr. Runnels with Mr. Long of Louisiana.

Mr. **BURLESON** of Texas changed his vote from "yea" to "nay."

Mr. **RARICK** changed his vote from "yea" to "nay."

Mr. **O'KONSKI** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. **DULSKI**. Mr. Speaker, I have missed several rollcall votes. Had I been present and voting I would have voted "yea" on rollcall No. 106.

I would have voted "nay" on recorded teller vote No. 113 and on rollcall vote No. 114; I would have voted "yea" on rollcalls Nos. 115, 116, 117, 119, 120, 121, 122, and 131.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. **YOUNG** of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH AUTHORIZATIONS, 1972

Mr. **YOUNG** of Texas. Mr. Speaker, by direction of the Committee on Rules and on behalf of my distinguished chairman, the gentleman from Mississippi (Mr. COLMER), I call up House Resolution 470 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 470

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER**. The gentleman from Texas is recognized for 1 hour.

Mr. **YOUNG** of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 470 provides an open rule with 4 hours of general debate for consideration of H.R. 8687, the military procurement authorization bill for fiscal year 1972.

The purpose of H.R. 8687 is to authorize appropriations for fiscal year 1972 for military procurement, research and development, reserve strength, and other purposes.

A total of $13,911,900,000 is authorized for procurement. Of this amount, $6,532,500,000 is authorized for aircraft for the Army, Navy, Marine Corps, and the Air Force; $3,645,300,000 is authorized for missiles for the several branches of service; $3,328,900,000 is authorized for naval vessels, of which $14.6 million is for advanced procurement for the nuclear-powered guided-missile frigate; $176,400,000 is for tracked combat vehicles; $193,500,000 is for torpedoes; and $35,300,000 is for other weapons.

The legislative committee reduced procurement funds for the main battle tank program $59.1 million; increased procurement funds for the F-111 aircraft $112 million; reduced the request for the Minuteman intercontinental ballistic missile $92.5 million; reduced the Navy's authorization for aircraft $24.4 million; reduced the Navy's request for torpedoes and related support equipment by $12 million; and made several other deletions and revisions in proposed spending authority.

A total of $7,963,312,000 is authorized for research, development, test, and evaluation, as follows: for the Army, $1,933,256,000; for the Navy—including the Marine Corps—$2,460,469,000; for the Air Force, $3,030,144,000; for the Defense agencies, $489,443,000. Also included is $50 million for the Department of Defense for use as an emergency fund for research, and so forth.

The legislation sets the strength of the Reserve forces and provides that the average strength of any Reserve component shall be proportionately reduced under certain conditions, dependent on the strength of units on active duty.

Not to exceed $2.5 billion of the funds appropriated are authorized to support South Vietnam, other free-world forces in South Vietnam, Laos, and Thailand.

Mr. Speaker, I urge the adoption of House Resolution 470 in order that H.R. 8687 may be considered.

Mr. SMITH of California. Mr. Speaker, House Resolution 470 provides an open rule with 4 hours of debate on H.R. 8687, the military procurement, research, and development authorization bill for 1972.

The purposes of the bill are, first, to include the authorization of appropriations for fiscal year 1972 in the areas of military hardware procurement and also for military research, development and testing projects for new weapons systems; second, to authorize personnel levels for the Selected Reserves of our Armed Forces for fiscal 1972; and, third, to continue existing authority for emergency military assistance to South Vietnam, Laos, and Thailand.

The total authorization contained in the bill is $21,875,212,000, a total which is $18,555,000 below figures requested by the Department of Defense.

In authorizing $3,328,900,000, the full amount requested by the administration, for ship construction, the report sets forth the continuing rapid growth, both in quality and quantity of the Russian Navy. To meet this ever growing threat, destroyers, attack submarines, and missile firing nuclear frigates which will protect our carriers are necessary, and they are authorized by this bill.

The bill authorizes $1,084,000,000 for the Safeguard ABM system.

There are some other major decisions which this distinguished committee has included: First, a denial of all procurement funds for the new Army tank;

Second, an authorization of $277,400,000 to purchase F–111 aircraft, $112,000,000 more than was requested by the Department of Defense, to insure that the production line remains open.

Third, an authorization of $193,500,000 for the new MK–48 torpedo, which is claimed to be the most effective antisubmarine weapon available;

Fourth, a denial of procurement funds for the Cheyenne helicopter pending completion of a departmental study of the matter;

Fifth, an authorization of $357,200,000 to insure continued production of the already ordered 81 C–5A aircraft;

Sixth, an authorization of $806,100,000 for continued development of the Navy's new F–14 aircraft;

Seventh, an authorization of $370,300,000 for continued development of the B–1 manned bomber prototypes.

Mr. Speaker, the bill was reported by the committee by a vote of 31 to 4.

There have been a number of additional views filed.

I assume there will be a number of amendments offered when we get into the 5-minute rule. The one amendment which we have all heard about is the so-called Nedzi-Whalen amendment to cut off funds for Southeast Asia as of January 1, 1972.

Mr. Speaker, I urge adoption of the rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Speaker, the bill we have before us today, brought to us from the Armed Services Committee, is an annual bill. But the regularity with which we see this legislation in no way lessons its importance, nor diminishes its significance to our security. If it represents only one in a series of steps toward the defense and protection of our country, it is still a step that must be taken.

I have gone through the report that accompanies the bill, and its depth and completeness is witness to the care with which our defense is being studied in the Armed Services Committee. But I do not rise to speak about this bill, as important as it is; I will leave that to others who have sat through the long hearings that have produced the legislation. Rather, Mr. Speaker, I rise to say a few words about the new chairman of the Armed Services Committee.

First, he is my friend, and I therefore confess to a certain amount of partiality when I speak of him.

Through some circumstance of fate or destiny the Armed Services Committee has had, since its beginning, the great good fortune to be headed by a succession of men who, because of towering personality, unbounded leadership, strong character, and an absolute dedication to our country, have made and kept America strong.

From Carl Vinson to Dewey Short to Mendel Rivers to EDDIE HÉBERT the pattern is unbroken.

Each has been his own man. Each has been vastly different from the others, but a pattern of excellence, a consistent theme of dedicated patriotism matched with wisdom, has been the constant hallmark of this great committee.

And now the committee is again headed by a man of unique personality. Important as this particular bill is, it represents only a detail in the rich mosaic of the life of the man who brings it to the floor today. Student, newspaperman, editor, Congressman, and—most of all—American. That is EDDIE HÉBERT.

The world is changing and the Congress is changing. Keeping full pace with the increased complexity of our weapon systems is a new complexity in the leadership of a committee. Greater than ever before is the demand that a chairman be a leader. Every committee has its "Young Turks," and EDDIE's committee is no exception. But when you see the loyal opposition, when you see the "Young Turks" vying with each other in praising the fairness and objectivity of their chairman, you know—you have to know—that, however it is put, you are hearing about character and leadership in capital letters.

Probably there has never been a more colorful man serve in the Congress of the United States than EDDIE HÉBERT. He is already the subject of a biography that is little short of inspiring to read because it is a biography of a man who understands the basic traditions of our country.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from Illinois (Mr. ROSTENKOWSKI) to preside over the Committee of the Whole, and the Chair requests the gentleman from Texas (Mr. YOUNG), to take the Chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8687, with Mr. YOUNG of Texas (Chairman pro tempore) in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Louisiana (Mr. HÉBERT) will be recognized for 2 hours, and the gentleman from Illinois (Mr. ARENDS) will be recognized for 2 hours.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may consume.

Today, on behalf of the Committee on Armed Services, I submit the annual authorization to procure weapons and to provide research and development for our Armed Forces and to provide the strength of the Reserve forces for the coming year.

I would appreciate it very much if I be allowed to continue with the full text of this prepared statement. It is in detail and I shall not yield while I am presenting it. However, at the conclusion of its presentation I shall be very happy to yield to any member of the committee who desires to ask any question. In the interest of an orderly procedure and a continuity of thought I ask that I not be interrupted.

The bill authorizes appropriations totaling $21,875,212,000. Of this total, $7,963,312,000 is for R.D.T. & E.; and $13,911,900,000 is for procurement of aircraft, missiles, ships, tracked combat vehicles, torpedoes, and other weapons.

COMMITTEE CONSIDERATION

The bill comes to the House from your Committee on Armed Services after the most intensive scrutiny. We had 18 days of full committee hearings on the bill and 3 additional days for markup. In addition, the Research and Development Subcommittee held 22 hearing sessions and the Reserve Subcommittee held seven sessions.

The hearings, which have been available to all Members of the House, cover 2,460 pages. I hope many Members of the House have taken time to read substantial portions of the hearings. There is an enormous amount of information in them on our national defense.

As I am managing this bill for the first time as chairman of the Committee on Armed Services, I wish to particularly express my appreciation to all of the members of the committee for the conscientious and thorough manner in which they have attended to their duties.

The subcommittee under the gentleman from Illinois (Mr. PRICE) which considered research and development and the subcommittee under the gentleman from Texas (Mr. FISHER) which considered Reserve strength went into their portions of the bill at great length and at the same time allowed the members of the full committee to devote more attention to the procurement portion of the legislation. The members of the committee were diligent in their attendance, probing in their questions and independent in their judgments.

They have produced a bill of which all members of the committee can be proud and which would not have been possible without all members contributing.

When we brought the draft bill to the House earlier in the year, I told the Members of the House that I would make no move to cut off debate because I believe that all Members of the House should have an opportunity to express their views on such vital legislation. I make the same pledge today. And I shall be here for as long as Members of the House desire to discuss this legislation.

THE PURPOSE OF THE BILL

Mr. Chairman, a study of history shows that all wars are followed by a turning away from military solutions to international problems and by a tendency, of a greater or lesser degree, to antimilitarism. That tendency is accentuated today as we come to the end of perhaps the most uncertain war of our history, a terrible experience that has left a scar upon the spirit of America.

It is perhaps understandable in such a time that people get the needs of basic defense confused with the policies that led to involvement in a particular war and a particularly unpopular war.

Such a confusion, however, is not acceptable on the part of those of us who are called upon to be legislators and lawmakers.

I ask you, above all, to keep in mind that the fundamental purpose of this bill is to provide for the future strategic security of the United States.

It is not for financing the involvement in Vietnam. It is not to authorize the financing of some future Vietnam.

The major portion of the procurements that this bill would authorize and the major portion of the R.D.T. & E. it would authorize are for systems to deter aggression against the United States itself and to assure that in the future we will continue to be able to deter such potential aggression beyond any peradventure of doubt.

FUTURE PREPAREDNESS

Let me ask the Members of this House to also keep in mind that America's ability to defend itself is often based on decisions made as much as a decade earlier. It is no exaggeration to say that the decisions we make on this bill will start us on the path to determine the kind and the adequacy of the national defense we have in the 1980's.

I ask you to remember that many of the new systems that we are recommending are not for the defensive needs of today but are to allow us to be in a position to meet the threat that could develop in the years ahead.

Many of these major expensive systems will not be available until the late 1970's. The Safeguard system, the B–1, the SAM–D air defense system, the undersea long-range missile system—ULMS—the airborne warning and control system—AWACS—the F–15, and other key systems will not actually be in the inventory in any numbers until the late 1970's—even, in some cases, the 1980's. It may be that when we reach the time for a decision on their actual procurement and deployment, some of these systems may turn out not to be needed and that we may be able to discontinue them. But if they are needed at the end of this decade, the development work has to be done now.

Candor compels me to tell you that in some instances the development has been delayed beyond the advisable point so that in some cases, if current trends continue, the desirable defensive systems may not be ready by the time the threat becomes a reality.

So I ask you to keep in mind this factor of long leadtime requirements which is always present in these very complicated modern weapons systems. You can stop the development of a weapons system at any time. But if you find you need it and you do not have it, there is no way that you can buy the time that is lost.

As we debate this bill, let us remember one other thing. We also know the legislative situation in the House of Congress. What we do on this bill represents the upper limit of the defense we can provide.

Now let me turn to some details in the bill itself.

COMMITTEE REDUCTIONS

The committee made a number of significant reductions:

We cut $59.1 million from the Army's main battle tank—MBT–70—which deletes all procurement funds. Our committee is not willing to let this tank go into production until the Army can present better justification.

We did allow $27.5 million to continue R.D.T. & E.

Frankly, there was a great deal of sentiment in the committee for killing the program entirely in view of the high cost and what appeared to be a marginal increase in effectiveness over a combination of presently available tanks. However, the majority voted to continue R. & D. rather than to cut off the development program at this late date.

The committee eliminated $24.4 million the Navy had requested for transport aircraft for fleet logistic support. This would have been the beginning of a substantial program to replace propeller-driven aircraft. The committee believes more economical means of providing new transport planes should first be explored by the Navy.

The committee also reduced the Navy's torpedo authorization by $12 million to eliminate the procurement of the MK–113 fire control system modification. We did not think it was required.

The committee deleted $13.2 million for advanced procurement funds for the Cheyenne helicopter. The procurement decision for this system is still pending.

I would stress that this is not an expression of committee opposition to the Cheyenne. The system represents important technical advancements and the development is very near completion. There are R.D.T. & E. and procurement funds from prior years to complete development work. But we decided to delay further funding until present Department of Defense studies are finished and a decision is made by the Department.

F–14

The bill as reported by the committee contains $806.1 million for the procurement of the F–14 aircraft for the Navy.

However, at the appropriate time, I shall, with the committee support, offer an amendment to delete this $806.1 million.

Now let me explain this very significant action.

The printed committee hearings will reveal that the committee went into great depth in questioning this new aircraft program. It was ascertained by the committee's review that the F–14 was experiencing technical difficulties and cost-increase problems.

Because it was clear that the program needed more intensive review, I directed our investigative subcommittee to inquire into the program with particular emphasis on the recent crash of one F–14 aircraft.

At this juncture, the committee chose to approve the authorization request of the Department of Defense, recognizing that a new airplane is badly needed by our carrier fleet.

Subsequent to the committee's action, the Deputy Secretary of Defense, Mr. Packard, directed a restudy of the Navy's planned program for the F–14. In view of this new study, coupled with the problems uncovered by our committee, I advised the Deputy Secretary of Defense that I wanted the results of this restudy and his recommendations prior to the time this bill was brought to the floor of the House. The Deputy Secretary has had to advise me, in turn, that the extensive review of the F–14 program that he has directed could not be completed before the scheduled House consideration of the bill. I, therefore, recommend to the Committee on Armed Services the deletion of the entire procurement authorization for this aircraft for fiscal 1972 and the committee, after reviewing the facts, authorized me to offer such an amendment on the floor of the House on behalf of the committee.

I shall, therefore, when the bill is open for amendments, offer an amendment to delete $806.1 million from the authorization for procurement of aircraft for the Navy.

Let me emphasize that this action is taken without prejudice to the ultimate decision on this aircraft. In a letter to me dated June 10, 1971, the Secretary of Defense expressed his belief that there is an urgent requirement for a new Navy fighter. He pointed out that the review of the F–14 program which Deputy Secretary Packard has asked the Secretary of the Navy to conduct, will be carried out on a priority basis. As soon as this review is completed a detailed explanation of the decisions of the Secretary concerning the program will be made available to the Congress.

If the decision is to go ahead with the procurement program of the F–14 and strong justification for that decision can be provided, prior to the time that congressional action on this bill is completed, funds may be restored for the F–14. That is to say, if the Senate, after reviewing the results of the Department's study, determines that the money should be restored and if the explanation of the Secretary of Defense is equally convincing to us, we will be prepared to consider a restoration of the funds in conference, at which time we shall be in a position to report back to the House.

Therefore, I say that the deletion of the $806.1 million is without prejudice at the present time. However, our committee believes it would be derelict in its responsibilities to the House if we recommended approval of an authorization of this magnitude, until the problems and questions raised by the Department's study are resolved.

COMMITTEE ADDITION

In only one instance did the committee add funds above the amount requested by the Department of Defense. We added $112 million to continue production of the F–111 aircraft.

This was done to provide an additional 12 aircraft and to keep open, on a minimum basis, a production line that is a valuable national defense resource.

I will not take extensive time to go into this matter because I know other members of the committee wish to discuss the subject. But the essential point that should be stressed is that you are considering the need and the authorization for an airplane—not for a contract. Try to keep separate in your thinking the F–111 contract difficulties from the airplane itself.

The F–111 is unique. It is the best all-weather interdiction aircraft in the world, and we need more in our inventory. Even with the additional 12 authorized here, we are still far below the initial buy planned for the program. In addition to being an outstanding all-weather interdiction aircraft, the F–111 provides us with valuable interim bomber capability until such time as we get the B–1 in our inventory.

The committee vote on this addition of $112 million was 27 to 8.

R.D.T. & E.

There are two areas in the bill where the committee approved authorization requests which are substantially above what was provided last year.

One is R.D.T. & E. We authorized $7,963,200,000. This is $974,967,000 more than the appropriation for this fiscal year. R. & D. is the cutting edge of our national defense. We believe it is time to reverse the downward trend in R. & D. and to provide a level of effort commensurate with long term needs. We are still trailing the Soviets in this area.

I am not going to say anything more about the subject now because, the gentleman from Illinois (Mr. PRICE), the chairman of our Research and Development Subcommittee, will address the subject in the course of this debate.

SHIP CONSTRUCTION

The other area showing a major increase is ship construction. We authorized $3,328,900,000 for 19 new ships and nine conversions. The program is $863,500,000 above last year's apropriation.

This includes $14.6 million of shipbuilding funds which, however, can be used only for the nuclear-powered guided-missile frigate DLGN–41. For some reason the Department of Defense keeps trying to reduce the number of frigates even though we do not have enough for escorts for our present nuclear carriers. Our committee is convinced these frigates should be built.

Look at the discussion of the Soviet naval threat in the committee's report and you will understand why this ship authorization is the minimum we can provide.

There is no carrier in this bill. The Department of Defense has a habit of favoring carriers but not favoring spending the money for them. If the Defense Department has requested the CVAN–70, I believe our committee would have supported it. I hope the ship can be authorized next year.

STRATEGIC SYSTEMS

Our committee has told the House many things about national defense. We have never told you that it is inexpensive.

The major strategic systems for which funding is provided are costly programs, but they are the principal deterrents to global warfare. A study of the developing threat convinces our committee anew that our three-pronged deterrent of land-based missiles, submarine-launched missiles and manned strategic aircraft is the best insurance against being strategically outflanked.

The authorizations in the bill includes $489.4 million for the Minuteman ICBM missiles, plus $270.5 million for modernization of the Minuteman force; $54.7 million for the submarine-launched Poseidon missile, the follow-on to the Polaris; and $370.3 million for research and development for the B–1 bomber. There is also included in the bill $1,084 million for the Safeguard antiballistic missile system.

The funds for the B–1 in this bill are for research and development only and are not a commitment to production. The procurement decision is still 4 years away. When the fiscal year for which we are authorizing this research and development money is included, it will mark the end of a decade since the last B–52 came off the production line. These B–52's are our present manned strategic system, but they cannot last forever and we are far behind schedule in developing a true intercontinental manned bomber.

I know there will be amendments attacking the Safeguard ABM system. This system, which has had tremendous success in its tests during the past year, is one of the principal chips the President has in his hand at the SALT and provides for needed strategic protection if SALT fails.

NEW SOVIET ICBM CONSTRUCTION

Since there has been much public discussion and many press reports concerning developments in the Soviet missile threat to the United States, it is time to set the record straight.

First, there is no disagreement between the Central Intelligence Agency and the Defense Intelligence Agency. Both agencies agree fully that there is not one but two, different ICBM programs involved in the activity presently underway in the Soviet Union. I can also assure you that the CIA and the DIA have been and are still in agreement since the first information on this construction activity became available.

Late last year, the Soviet Union began a program of expansion of its intercontinental missile system. The limited information initially available indicated new construction at SS–9 complexes and the SS–9 R. & D. test facility. This suggested the deployment of one large missile system. More recent data confirms an expanded ICBM program, with new construction also occurring at SS–11 complexes and the SS–11 R. & D. test facility. It now appears that two different ICBM systems may be under development.

The Soviets have under construction more than the 58 new missile silos reported by the news media. Approximately two-thirds of these are located at SS–11 complexes, and one-third at SS–9 complexes. The pace of construction is comparable with earlier ICBM deployment programs.

Evidence now available does not permit a conclusion on the kind of missiles that will be deployed in the new silos. There are many possibilities and combinations: Additional SS–9's and SS–11's could be deployed; or a modified version of the SS–9 and SS–11 could be installed at the new sites. It is also possible that two completely new ICBM's could be deployed.

Regardless of the kind of ICBM's to be installed, the evidence indicates that both types of silos will be harder and more survivable than existing Soviet ICBM silos.

The dimensions and magnitude of the new Soviet ICBM program cannot be determined at this time. One conclusion is inescapable. The new Soviet program represents an increased threat to the United States.

SOUTHEAST ASIA SUPPORT

Members of the House will note that this is not a "Christmas tree" bill. There is only one general provision: Section 401, an authorization of several years' standing, which allows Defense Department funds to be made available to Vietnamese and other friendly forces in Vietnam, Laos, and Thailand, subject to various limitations.

This authorization of funds for Asian forces is in harmony with the program of withdrawing American forces from Southeast Asia and is strongly supported by our committee.

The provision authorizes "not to exceed $2.5 billion" to be made available for the support of Southeast Asia forces. This is an upper limit and does not mean that that amount will necessarily be spent. The present estimate is that the cost in fiscal year 1972 will be about $2.3 billion.

RESERVE STRENGTH

The bill sets the authorized average annual strength of the Reserve Forces, including the National Guard, for the coming fiscal year. The strengths authorized are identical to the administration's request in all cases except two. The committee added 182 slots to the Air Force Reserve and 10,000 to the Coast Guard Reserve.

The administration, in a singularly insupportable move, attempted to gut the Coast Guard Reserve. Our committee is not willing to permit this.

These matters will be discussed in detail during the debate by the gentleman from Texas (Mr. Fisher), chairman of the subcommittee which considered the Reserve authorizations.

CONCLUSION

Mr. Chairman, I could take several hours discussing the bill and still not tell you all that you should know about our national defense. It is necessary for the Members to read our very comprehensive committee report and hearings to appreciate all of the facts and all of the details that are involved in these very complex programs that are authorized by H.R. 8687. When antidefense protagonists suggest cutting the defense budget—I recommend they read the table on page 10 of the report.

When someone refers to newspaper articles that seek to placate the American people concerning our declining seapower, I refer them to pages 13 to 19 of the report. I hope every Member has a chance to read these pages.

There are many Members who wish to be heard, and I want to provide time to as many as possible.

Let me conclude with this thought: it does not take a lot of courage to vote against defense programs. It has unfortunately become the easy and popular thing to do. In a time when public opinion is running high against things military, it is possible to score points with some constituents by voting against major military programs. But providing for national security is the first function of a lawmaker and requires that he be not just a mirror to changing opinion. It requires making the hard judgments and having the courage of leadership to make the necessity for these judgments known to the people.

The great Edmund Burke said:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

Are the programs authorized in this legislation necessary for the present and the future security of the United States? That question, and that question only, should be the basis on which you make your judgment on this bill. When you do that, I know that you will support the actions of your Committee on Armed Services.

Mr. ARENDS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Chairman, this is a bill which authorizes procurement of almost $22 billion in arms. It is a bill which has become the object of some of the most intensive nationwide lobbying that I have witnessed in my 19 years' experience as a Member of this body. It is a bill which has been advertised as a vehicle which might be used to bring the war in Southeast Asia to an end.

In looking around the Chamber I have only seen 42 Members present, and included in that number I see very few of those who have gotten most of the publicity for their opposition to the war.

I, therefore, suggest that a quorum is not present, Mr. Chairman, and make the point of order that a quorum is not present.

The CHAIRMAN pro tempore (Mr. Roberts). The Chair will count.

Forty-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 135]

Abernethy
Abourezk
Addabbo
Alexander
Andrews, N. Dak.
Ashley
Blatnik
Brown, Mich.
Brown, Ohio
Buchanan
Byron
Camp
Casey, Tex.
Cederberg
Celler
Chappell
Clark
Clausen, Don H.
Clay
Conte
Conyers
Corman
Dellums
Denholm
Dent
Diggs
Donohue
Dorn
Dowdy
Dwyer
Edwards, Calif.
Edwards, La.
Eilberg
Evins, Tenn.
Flynt
Foley
Fraser
Fulton, Tenn.
Gallagher
Garmatz
Gettys
Grasso
Gray
Halpern
Hansen, Wash.
Hays
Helstoski
Horton
Kastenmeier
Kyros
Long, La.
Long, Md.
McClory
McCulloch
McKay
McMillan
Mathias, Calif.
Melcher
Mikva
Mitchell
Morse
Pelly
Podell
Pryor, Ark.
Purcell
Rangel
Rarick
Reid, N.Y.
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Runnels
Sarbanes
Scherle
Scheuer
Schmitz
Seiberling
Springer
Stanton, James V.
Steiger, Ariz.
Stokes
Stratton
Symington
Talcott
Thompson, N.J.
Veysey
Wilson, Bob
Wright
Wyman
Zablocki

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Roberts, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8687, and finding itself without a quorum, he had directed the roll to be called, when 341 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of our committee, the gentleman from Louisiana (Mr. Hébert), has summarized very cogently the important changes that our committee made in the procurement and R.D.T. & E authorizations requested by the administration. I will not plow the same ground, but I do want to pinpoint some of the considerations which influenced our committee in its actions on the bill and which you should be aware of in voting on it.

The bill as reported by the committee, providing an authorization of $21,875,212,000, was $18,555,000 below the Department of Defense request. The committee was able to make these reductions even though the bill as submitted by the administration was one of the most austere authorization requests that I have seen in my many years in the House. Quite simply, the leadership of the Defense Department, in struggling to hold down the fiscal year 1972 budget, has been more stringent with the Armed Forces than has been true of similar leadership in the past.

In addition, as the chairman has explained to you, we will offer at the appropriate time a committee amendment to delete $806,100,000 of procurement funds for the F–14 aircraft. With this reduction, our bill will be $824,655,000 below the administration's request.

I think it should be emphasized, however, that the deletion of the procurement funds for the F–14 at this time is, as the chairman said, without prejudice. A review of the F–14 procurement rate is now being conducted by Deputy Defense Secretary Packard and other officials of the Department. We know the Navy needs a new-generation carrier aircraft, and we believe the F–14 is going to prove to be an outstanding plane. However, we do not believe that we can give a blank check to the Department until the pace of their procurement is firmly established. Our committee, therefore, will offer this amendment to delete the procurement funds at this time.

I would emphasize for the Members of the House that we are taking the only course we can prudently take while the matter is still under study.

The authorization still must be approved by the Senate; and the pace of work in that body being what it is, it may be some time before the legislation is cleared for the President. If, in that time, the Department of Defense completes its review and comes to a firm recommendation on the level of procurement it believes desirable in fiscal year 1972, and if it can convince the Senate committee of the wisdom of putting those funds back into the bill, we will be ready to give it every consideration in conference.

The fate of the F-14, therefore, depends in large part on the conclusions of Mr. Packard's study and the speed with which those conclusions can be made available to the Congress.

TORPEDOES AUTHORIZED FOR THE FIRST TIME

When contemplating the cost totals in the bill, it should be kept in mind that this is the first year in which the committee has been required to authorize appropriations for procurement of torpedoes for the Navy.

The bill provides $193,500,000 for procurement of torpedoes.

Therefore, in considering the total authorization in the bill, remember that it includes $193,500,000 for items that did not require authorization in the past.

SOUTHEAST ASIA SUPPORT

The legislation contains a general provision which continues the practice of several years' standing of authorizing support to friendly forces in Southeast Asia through the Defense Authorization Act.

I hope the Members of the House will heed the point made by the chairman that the purpose of this bill is to provide for the long-range strategic security of the United States and will not attempt to use the bill to make instant foreign policy.

I hope the Members of the House will forget political considerations in approaching this aspect of the bill.

Mr. Chairman, all of us are frustrated and weary with this long and costly war. Some people, in their impatience to seek and end, fail to give credit to the President for the remarkable progress he has made in bringing American involvement to a close—and doing it in such a way that our sacrifices will not have been in vain.

The manner in which we became involved in this conflict was a serious mistake. Ironically, some of the same officials who participated in the decisions involving the war, as part of earlier administrations, are now urging upon us the grave mistake of legislating a fixed withdrawal date.

I cannot think of a worse step for this House to take than to tie the President's hands in negotiations by setting a fixed date of withdrawal of troops from Vietnam.

An amendment to do that was offered in our committee and was rejected by a vote of 33 to 6.

Since I know the subject will come up on the floor again, I ask the Members to consider that such an amendment, contrary to what many people are led to believe, will not force a withdrawal by December 31 of this year, or whatever date is fixed. Such an amendment applies only to funds authorized to be appropriated by the present bill.

The appropriations authorized by the present bill will not be voted on for months at the very earliest, and it will be months after that before contracts can be let for the procurements which the bill authorizes.

Operations of U.S. military forces in Vietnam are financed in large part by operation and maintenance appropriations which are not subject to authorization in this bill. And the weapons procurement authorized by this bill will not be completed until well after the supposed termination date.

As a practical matter, therefore, the amendment is meaningless as far as forcing withdrawal from the Vietnam war is concerned. But if it is adopted, it would adversely affect the President's efforts to negotiate a settlement.

I hope, therefore, that Members of the House will not fall prey to the political temptations of a Vietnam withdrawal amendment.

One other point which I believe all of us will want to keep particularly in mind is the question of our prisoners of war in North Vietnam and those who are prisoners of Vietcong somewhere in South Vietnam. Certainly none of us here in the House are willing to abandon those POW's. And it is going to take the most skillful negotiations on the part of the President to obtain their release.

To say that we are going to set a fixed date for withdrawal without any quid pro quo from the other side seems to me almost tantamount to abandoning the POW's. Considering the record of intractability and duplicity on the part of the North Vietnamese, it is impossible for me to understand how anybody could feel any sense of assurance that they would release our prisoners of war once U.S. forces are withdrawn.

SHIPBUILDING

Last year, when we brought the authorization bill to the floor, I devoted an extensive part of my time to discussing the Soviet missile threat. The chairman of our committee, the gentleman from Louisiana, has brought you up to date on the new Soviet ICBM construction and the results of some of the latest intelligence concerning new types of Soviet silos.

While I will not go into great detail at this time, I would like to particularly urge the Members of the House to read the portion of the committee's report dealing with the Soviet naval threat. The report goes to considerable length to spell out the tremendous advances the Soviets have made in developing a worldwide surface fleet, in creating an unmatched shipbuilding capability, and in developing the largest submarine fleet in the history of the world.

The Soviets have one shipyard which can construct as many submarines in a year as all of our U.S. shipyards put together.

The Soviets have more than twice as many submarines as the United States. Included in their total are 37 nuclear-powered cruise missile submarines and 28 non-nuclear-powered cruise missile submarines. The United States does not have any cruise missile submarines.

It may interest Members of the House to know that the Soviets have given away or scrapped submarines of more recent vintage than some U.S. submarines which are still operating.

Not only are the Soviets ahead of us in the total number of submarines, but they have now passed us in the number of nuclear submarines.

There are areas where our naval force, of course, is still superior. And the Soviets do not yet have a submarine missile capability equal to our Poseidon. But they are gaining on us at an alarming rate. And when one considers the extraordinary age of the U.S. surface fleet, it becomes quite clear that we have to start a long-range program of revitalizing our Navy if we are not to be outflanked on the oceans of the world.

It is with these thoughts in mind that the Committee has approved a ship-construction authorization $863,500,000 above what was appropriated last year. The authorization in the bill, of $3,328,900,000, will provide for 19 new ships and 9 conversions.

Quite frankly, I think we should be constructing ships at a faster rate. Certainly this minimum ship-construction program should receive the support of all Members of the House.

NATO

In our report the committee expressed concern for the financial impact on the U.S. taxpayer of our commitment to NATO. And it also expressed the belief that the Western European members of NATO must begin gradually taking on a greater share of the burden of providing funds and personnel for NATO forces.

However, I hope we will not fall prey to proposals to precipitously reduce our forces in Europe in such a way as to threaten the very existence of this great alliance.

Let us not forget that for all its faults the NATO alliance has secured peace in Western Europe for the last quarter century.

I have been part of the U.S. delegation to the NATO Parliamentarians' Conference on nine occasions. On each of those occasions I have joined in calling attention to the failure of some member countries to meet their military pledges and in emphasizing that there is a limit to what the United States should do and can do. So I am not impressed by the "Johnny-come-latelys" in calling for a greater Western European contribution to NATO.

Actually, the European members of NATO have begun to recognize their shortcomings. Last year the European members established a new defense improvement program and made commitments for the improvement of their armed forces which will mean an additional billion dollars for NATO over the next 5 years.

I believe that we should look for an even greater European contribution in the years ahead and for all feasible reductions in the U.S. commitment. But the way to bring about a reduction of our forces is not by legislative fiat. It should be done through consultation with our NATO allies, keeping in mind the impact on negotiations which might be undertaken with the Russians and the Warsaw Pact countries. To force a specific withdrawal now would weaken our negotiating position at the very time the Russians are indicating a willingness to begin negotiations.

SAFEGUARD

Mr. Chairman, I have urged Members not to weaken the President's hands in negotiations relating to Vietnam or negotiations relating to Western Europe. I urge you with equal vigor not to weaken the President's hands in negotiations for strategic arms limitations. Any move to reduce or eliminate the Safeguard ABM system would be holding back the best chip the President has to play at the strategic arms limitation talks—SALT.

Our committee has provided an authorization of $1,084 million for the Safeguard ABM system for the coming fiscal year. The first ABM site will not be operational until late 1974 and the full four-site protection for our Minuteman force will not be operational until late 1977. If SALT fails, the system will be needed by that time to assure protection against the Soviet threat.

Our committee has provided the authorization for the system whch we believe provides the President maximum flexibility in regards to SALT while at the same time providing the standby defensive capability required.

CONCLUSION

Mr. Chairman, I think the committee has brought to the floor a good bill. All of the reductions we have made have been specifically justified; we have not taken a meatax approach to the legislation. What is left is a minimum program to guarantee our national security, not just in the coming fiscal year but in the decade ahead.

The bill has been subject to months of scrutiny, and I am proud of the great deal of plain hard work that members of our committee on both sides of the aisle have contributed.

I urge all Members of the House to suppport the bill. It is as important as any legislation you will vote on in this Congress.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, the fiscal year 1972 defense research, development, test, and evaluation budget recommended by the Armed Services Committee totals $7,963,312,000. This is $12,545,000 more than the Department request; however, it includes transfer from the missile procurement accounts of the Navy and Air Force totaling $34.4 million. So, without that transfer from procurement to R. & D., the amount recommended would be approximately $22 million below the request of the Department of Defense.

The R.D.T. & E. budget recommended by the committee is approximately $987 million more than the Congress appropriated last year. At first look this appears to be a substantial increase; however, when compared with previous years levels of efforts, it is actually less than that of fiscal year 1964, commonly referred to as the last peacetime year before the Vietnam buildup. According to testimony received by the committee, the level of effort supported by the fiscal year 1964 R. & D. budget in terms of fiscal year 1972 dollars would be $9.3 billion, or approximately $1.4 billion more than the effort that can be supported by the amounts included in this bill.

Approximately 40 percent of the dollar increase over last year's appropriation is required for new R. & D. Initiatives in the coming fiscal year. Another 40 percent of the increased amount will be consumed by inflation. The remaining 20 percent of the increase is needed to support a number of major programs which have reached a more advanced stage of development and require greater levels of effort in terms of technical man-hours and material fabrication.

According to information received by the subcommittee reviewing the R. & D. authorization request, the cost index for a research and development technical man-year increased over 7 percent during the last calendar year and has increased over 30 percent in the past 5 years. So again, I point out that even though there is a dollar increase in the Defense R. & D. budget proposed for the coming fiscal year, the amount recommended will support less R. & D. effort than that of fiscal year 1964—and is only slightly above the more recent years.

Congressional appropriations for Defense R. & D. over the past 7 years reflect net reductions totaling more than $2.2 billion from the amounts requested by the President in his yearly budgets.

Testimony received from Defense witnesses indicate that during this same period, Soviet research and development efforts were increasing at a steady rate and have now surpassed us in yearly expenditures for military R. & D.

This increased rate of expenditure by the Soviets is projected to eliminate or drastically reduce U.S. technological superiority during the decade of the 1970's unless greater effort is exerted by the United States and adequate funds are provided by the Congress.

We need a strong R. & D. program to maintain technological superiority over all of our competitors, especially in view of the secrecy surrounding military R. & D. efforts behind the Iron Curtain. We need superiority—not parity—to cope with technological surprises sprung on us in the form of prototype hardware exhibited from time to time by the Soviets, such as the display of six new fighter aircraft at an air show in July 1967. Decisions to initiate such prototype developments are said to precede the actual appearance of the hardware at an air show or in conspicuous testing by 2 to 3 years. According to Dr. John S. Foster, Jr., Director of Defense Research and Engineering:

> Given the uncertainties in measuring technological lead, a 2–3 year U.S. technological lead at the prototype stage of development appears necessary to offset Soviet RDT&E secrecy. From the Soviet point of view, given the relative openness of the U.S. R&D and our decision process, being a year behind (with little uncertainty in position) might be acceptable and being equal would be to their advantage.

The R. & D. funds in the fiscal year 1972 Defense authorization bill will not provide weapons systems, either defensive or offensive, in fiscal year 1972 and very few if any during fiscal year 1973. As our former great chairman, the gentleman from Georgia, Mr. Vinson, used to say:

> R&D efforts are the seed corn for our future Defense Posture.

Out of R. & D. for today comes the weapons systems for the next decade or two. Our aircraft of today such as the F–4 were born during the decade of the fifties. The aircraft in this year's authorization bill are for the latter part of this decade and on into the nineties.

In my opinion, the amount contained in this bill for research and development will allow us to maintain our technological superiority and develop the weapons systems necessary for a defense posture that continues to provide a valid deterrent.

B–1 STRATEGIC BOMBER

During the committee's markup of this bill, several amendments were offered which would have a significant long-term impact upon the ability of this Nation to underwrite its strategy of deterrence. The authors of these amendments have indicated that they would offer the same amendments on the House floor.

One of the amendments offered would eliminate the entire amount included in the bill for the development of the B–1 bomber, $370.3 million. The other amendment proposed a limit of $200 million for the B–1 during fiscal year 1972. Both amendments were overwhelmingly defeated in the committee markup—7 to 28 and 13 to 23.

Mr. Chairman, the merit of the proposed amendments can be evaluated by answering three fundamental questions:

First. Do we need manned bombers in our strategic offensive forces in the post-1980 time period?

Second. Given the need for manned bombers, will the B–1 possess the requisite characteristics?

Third. Does the proposed B–1 development program justify the request for $370.3 million in R.D.T. & E. funds for fiscal year 1972?

Mr. Chairman, these questions are not rhetoric in nature but the true gut issues which underlie the proposed amendments. I submit that each of these questions is deserving of an affirmative response and I will discuss briefly the reasoning which the committee used in arriving at that decision.

In respect to the need for manned bombers as an essential element of our strategic forces after 1980, we must consider the long lead times involved in the development and production of major new weapon systems. In essence, we must project our thinking at least 10 to 15 years into the future. By that time, new and totally unanticipated vulnerabilities may appear in one element or another of our strategic forces, just as they have in the past. The only way in which we can insure that these unanticipated vulnerabilities—both prelaunch and postlaunch—will not fatally weaken our deterrent before we can act to offset them is to maintain at all times well diversified forces in which each element has distinctly different survival and penetration characteristics.

We currently have such forces. They consist of three primary elements—bombers of which a large proportion are maintained on continuous ground alert, land-based missiles deployed in hardened underground silos that are dispersed in the central part of the United States, and sea-based missiles deployed in submarines, a large proportion of which are maintained on station within range of their targets at any particular time.

By having a diversified force, one can tolerate a temporary vulnerability in any one element. We can counter the vulnerability with deliberate, well thought-out actions because we have confidence that the other elements of our forces will still work. On the other hand, if we put all of our deterrent in a single force element then we would have to be absolutely certain that there would never be any gap in the survivability of that force, however temporary. Without diversification, we would be compelled to react strongly to every Soviet R. & D. program—actual or potential—that could conceivably be a more dangerous or different threat to our single force.

In addition to these benefits of diversified strategic forces and the role which manned bombers have as an element of those forces, there are other ways in which bombers make a unique and important contribution to our national security.

First, bombers provide the essential insurance against presently unanticipated, but possible, failures in our missile systems. Extensive operational testing has given us considerable confidence in the reliability and dependability of our strategic missile systems—but neither the United States nor any other nation has ever used them in combat or in a nuclear environment.

A second unique contribution of bombers to our national security is the degree of flexibility which they lend to our strategic forces. Missiles, once launched, are essentially committed and they impose on the opponent a very compressed reaction time—both of which serve to invite uncontrolled escalation. Bombers, in contrast, can be launched, redirected, or recalled over a period of hours, always remaining fairly unambiguous with respect to the area they are threatening. Thus, they provide the opponent with much more time to consider his response, or to react in a deliberate, carefully controlled manner.

A third contribution of bombers is that they are particularly useful in third area conflicts, both in a nuclear and conventional bombing role. In contrast to missiles, bombers can be recycled repeatedly, and because air defenses in those areas are far less formidable than in the Soviet Union, bombers could be employed in sustained campaigns—at least in selected areas—with the expectation that losses can be kept to acceptable levels.

Fourth, in contrast to missiles, bombers can also be used in nonnuclear wars. In this respect, they are unique among our strategic weapon systems. They, alone, have the flexibility and capability to support our national objectives across a wide range of possible conflicts—from a quick show of force, to small-scale conventional wars, to global nuclear wars.

Finally, a mixed force of bombers and missiles provides the United States with a greater degree of flexibility in any disarmament negotiations. SALT is still in an early stage—except for ABM's, no specific weapon system proposals have as yet been presented by the Soviet delegation. Until agreement is reached on the limitation of specific weapon systems, which may take some time to negotiate, it would be highly imprudent for us to prejudge the outcome. Nevertheless, it is reasonable to speculate that, because bombers are not very good "first strike" weapons, their retention by both sides, at the expense of missiles, would be a logical provision to include in any agreement designed to enhance stability.

From these comments on the advisability of retaining manned bombers in our strategic forces in the post-1980 time frame, it is only reasonable to conclude that manned bombers will continue to be an indispensable element of our strategic deterrent for as far into the future as we can discern the threat. In combination with land- and sea-based missiles, they provide a hedge against future technological developments which might severely degrade the capabilities of any one of the major elements of our strategic offensive forces. They provide insurance against an unlikely, but possible, gross failure in our strategic missile system. They are more appropriate and useful than strategic missiles for less than all-out nuclear wars, and they comprise the only major element of our strategic offensive forces which can be used in conventional wars. Finally, their presence in the force provides the United States with a greater degree of flexibility in arms negotiations.

These points, I believe, substantiate the need for the manned bomber in our strategic forces of the future. I can now address the second question: Will the B–1 possess the characteristics necessary to counter the threats postulated for the 1980's and 1990's?

Obviously, to serve the purpose of underwriting our strategy of deterrence, the bomber force must be able to survive a surprise attack, and then go on to penetrate the attacker's air defenses. In respect to the first imperative, the prelaunch survivability of our bomber force could be threatened if the Soviets deploy submarines very close to our shores with missiles that can be fired on greatly depressed trajectories. Although we have no evidence that the Soviets are developing depressed trajectory submarine launched ballistic missiles—SLBM's, or that they would risk stationing their ballistic missile submarines close to our shores, we must take these possibilities into account in our forward planning.

This means that, in addition to a quick engine start and other prompt reaction characteristics, a new bomber should have a faster takeoff, acceleration, and fly-out speed, as well as a greater degree of hardness to overpressure and other nuclear effects than the B–52. The B–1, through a combination of appropriate airframe, engine and sub-system design, will have these essential characteristics.

Also, the shorter takeoff distance required by the B–1 will permit that aircraft to be operated from about 150 more existing runways than are now available to the B–52. Consequently, the bomber/tanker force could be dispersed over a greater number of bases, with fewer aircraft per runway, thus further improving the reaction time of the alert force as a whole.

Given the greater number of existing bases available to the B–1 and its significantly shorter safe escape time, it would be possible to deploy safely a sizable force of these bombers on bases outside the deep interior of the United States. The most interior bases could then be utilized for the KC–135 tankers—or for B–52's—which have a longer safe escape time.

In short, a force of B–1's would have a considerably higher degree of prelaunch survivability than the B–52's against even the most severe Soviet SLBM threats postulated for the future.

With regard to penetration, a new bomber should be able to cope with much more advanced Soviet air defenses than exist at the present time. It should have sufficient operational flexibility to preclude the Soviets from concentrating their air defense resources against just one mode of bomber attack, for example, standoff only. And, it should be relatively insensitive to unanticipated changes in Soviet air defenses.

The U.S. counter to the numerous medium and high altitude capable Soviet surface-to-air missiles is to penetrate with the bombers at low altitude. The B–1, due to its greater low altitude speed, smaller radar cross-section, and its advanced avionics, could do even better than the B–52 against both the SA–3 or a new low altitude SAM. The greater speed and smaller radar cross-section would shorten the reaction time available to the SAM defenses. The advanced avionics would permit the B–1 to deliver a short range attack missile—SRAM—with even greater accuracy than the B–52.

The penetration aids planned for the B–1 are similar to those currently planned for the B–52. However, because of its far more advanced design, the B–1 will be less dependent on electronic countermeasures, decoys—SCAD's—and other aids for penetration than the B–52. For example, it is predicted that the B–1 without penetration aids could successfully penetrate at low altitude against current Soviet fighters—which do not have a "look-down, shoot-down" capability—even when the capabilities of these fighters are improved by the deployment of large numbers of Soviet AWACS. The B–52, against the same threat, would still need penetration aids.

Against a more advanced threat, both the B–1 and B–52 will need SCAD's, but the B–1 will require a lesser number to achieve the same probability of success. Or, alternatively, using the same number of SCAD's, the probability of success for the B–1 would be about 1½ times as great as the B–52. This means that even ignoring the other advantages—greater internal payload, and so forth—a B–1 force could deliver to the same targets up to 50 percent more SRAM's than a B–52 force of equal size, where both forces start from a common penetration point with the same number of SRAM's and fly at low altitude over the same routes.

In this connection, it should be borne in mind that refitting the B–52 G's and H's with new and more efficient engines would increase their low-altitude range, but would not otherwise improve their penetration capabilities. And, even so, we would still be left with a very old aircraft which might well require very extensive structural modifications in the 1980's and thereafter to keep it in a safe operable condition.

So, in respect to the first two questions which must be answered to evaluate the proposed amendments, we see that—

First. Diversified strategic forces will continue to be essential to the maintenance of our deterrent as far as we can see into the future—with or without a SALT agreement.

Second. Bombers will continue to be an indispensable element of these deterrent forces.

Third. Given the age of the B–52 G and H force and the Soviet air defenses postulated for the late 1970's, it is not too early now to proceed with the development of a new bomber on an orderly and deliberately paced schedule.

The third issue pertinent to a decision on these proposed amendments focuses on the nature of the B–1 development program. Phrased as a question, have the excesses been trimmed from the proposed development program to justify the funding of $370 million during fiscal year 1972? Or conversely, can we safely reduce the proposed funding by $170 million without impacting unfavorably upon the efficient and orderly progression of the development program?

The Air Force wants to build the B–1 in an orderly and deliberate manner. An integral part of such a development schedule is a minimum number of disruptions to the scheduled pace and tempo of development activities, thereby minimizing the time required to reach a sustaining rate of obligation and increasing the likelihood of an efficient application of funds during the life of the program.

In an effort to keep the B–1 production on a more realistic schedule, the Air Force made several changes in the program. These changes are a part of an innovative approach to management that minimizes the total funding commitment by the Air Force prior to a production decision. All effort not directly contributing to reaching a logical production decision will be deleted or deferred until after the decision is made. This permits a reduction in total development costs and a reduction in total Government commitment prior to the production decision.

To be more specific, the number of flight test aircraft has been reduced from five to three. The static test airframe, as usually conceived, has been eliminated, and in its place major airframe components have been included in the preproduction verification testing, which will be essentially completed prior to the first flight. Also, the number of engines for R.D.T. & E. have been reduced from 40 to 27. A flight test program which combines elements of contractor and Air Force testing will allow objectives to be accomplished with a significant reduction in the number of test hours. A full year will be provided between first flight of the aircraft and the production decision, instead of the 6 months previously established. This will insure that all the necessary and pertinent data are in hand at the time a production decision is made.

So far, $324 milion have been appropriated for the AMSA/B–1 project. For the 13-month period from the start of the full-scale development in June 1970 through June 1971 some $180.2 million will be expended. Of this, $75 million is from the fiscal year 1971 appropriation and the remainder is from prior year funds. During the last quarter of fiscal year 1971, funds are being expended and committed at an annual rate of about $270 million. The 1972 request is $370.3 million. The principal activities in fiscal year 1972 will include the design, fabrication, and testing of component parts for test aircraft and engines; the design, development, and testing of static test subassemblies; the fatigue test of aircraft components; the sled testing and aerial drop of the crew module; 400 hours of engine testing; and wind tunnel tests for the airframe and the engine.

The criticality of these development efforts to the total program should be apparent. It is desirable from the standpoint of total program cost to reach a sustaining rate of Government obligation in the least time consistent with an orderly and efficient buildup of contractor effort. The arbitrary restriction of funds in the hope of cutting costs would cause unpredictable disruptions in the scheduled sequence of development activities; create unanticipated delays and contractual difficulties; cause an increase in total program cost as a result of the program stretchout and the associated turmoil within the development program.

In short, the proposed reduction of funding for the B–1 during fiscal year 1972 might create the illusion of being an effective economy measure. However, the ultimate effect of such an action would be an increase in total program costs.

So, in summary, Mr. Chairman, I suggest that each Member of this body evaluate the proposed amendments in the context of the three questions which I have posed. I submit that the result of such an evaluation will be the resounding defeat of these proposed amendments and the reaffirmation by the Congress that manned bombers in general and the B–1 in particular will be an essential part of our strategic deterrent posture for as far into the future as we can currently perceive the threat.

Mr. Chairman, I urge the Members of the House to support the E.D.T. & E. portion of this bill as reported by the Committee on Armed Services.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. CLANCY).

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 8687. This resolution authorizes appropriations to continue the military defense of the United States and for the research and development of better and more efficient weapons to insure the safety of our Nation in the future.

This bill authorizes the allocation of 21 billion, 875 million dollars for military procurements in fiscal year 1972. While that figure staggers the imagination, let me point out that it is urgently necessary. There are logical, strong arguments for appropriating even more money than this.

And, while the sum still seems like a monumental expenditure, it is nevertheless a smaller amount than the Congress appropriated to our defenses a year ago. The Armed Services Committee actually has cut $18,555,000 from the requests of the Department of Defense.

Today's authorizations indicate that we really are winding down the war in Southeast Asia. For fiscal year 1971 now ending, military spending accounted for 22.4 percent of the expenditures of all of America's governments. The authorizations before us represent 21.3 percent of America's net public spending. The authorizations for fiscal year 1972 are 7.9-percent less than were spent in 1968 which was the most costly year of our involvement in Vietnam.

Look at it still another way. This year, defense spending will be 32.1 percent of the Federal budget compared to 42.5 percent in 1968. This year's authorizations are 6.8 percent of the gross national product, but back in 1968, defense spending amounted to 9.5 percent of the gross national product.

These figures show clearly that we are indeed making reductions in military spending and that the recommendations make it possible for other urgent matters to receive the attention that they need. It is important that we thus demonstrate that we are very much interested in other matters at this time.

But it is imperative that we remain aware of the actions, interests and threats of other nations. The motivations of some are obviously less humane and honorable than those of the United States. America in this generation has proven to be the most powerful in world history. That power makes us a target for nations which would succeed us and, I suspect, which would dominate us and enslave our people.

Witnesses before the Armed Services Committee testified that other nations devote more of their budgets to military spending than we do. Defense Secretary Melvin R. Laird told us that the Soviets are spending, in terms of percentages, about twice as much as we are on strategic offensive weapons. Note—that is "offensive" weapons; not defensive.

We were also told in committee that only 10 years ago, the United States held undisputed nuclear and strategic superiority in the world. We did not strive to maintain or improve that superiority gap. And now, Secretary Laird tells us that we are on a strategic nuclear parity with the Soviets. If we continue to maintain or decelerate our defense spending, while the Soviets continue to increase at their present rate, they will have undisputed nuclear and strategic superiority in the world by 1981.

Allow me to discuss two items in these authorizations with you for a moment.

First, the Safeguard antiballistics missile system. This year, we woulld authorize $68 million more than a year ago. The total needed to continue the work already begun on the system through the next fiscal year is $1,084,000,000.

This is a defensive mechanism. It is not designed to strike first. Its missiles would be on constant guard to blast off and knock approaching enemies from the sky. The Safeguard would be deployed to protect what we call our land-based strategic deterrent.

Deployment is already underway at Grand Forks, N. Dak., and Malmstrom, Mont. This authorization woulld continue deployment at Whiteman Air Force Base at Knob Noster, Mo., which we initiated in last year's authorization. It would provide advanced preparations at Francis E. Warren Air Force Base near Cheyenne, Wyo. The first Safeguard site would be ready by October 1974. The last would be operational sometime in 1977.

The sum asked for Safeguard is purposefully not generous. It allows work to go on for those sites. But it also permits us to halt deployment or revise our defense posture quickly. The value of these options, it is hoped, will give America greater flexibility in the strategic arms limitation talks.

Today, you are being asked to authorize $370.3 million to develop three prototype B–1 bombers. The B–1 is a member of our "Triad" or triple deterrent. We already have, as deterrents against attacks from enemies, the land-based Minuteman missiles and sea-based Polaris/Poseidon missiles. It is conceivable that an enemy attack might avoid or disarm two of the Triad. The B–1 is needed to insure us against a surprise attack. B–1 bombers would replace and be a great improvement over the B–52's which have been such an effective deterrent.

If the B–1 is developed as expected, it will be able to fly lower, higher, faster, and farther while carrying a bigger load than the old, reliable B–52. It would be designed and constructed to permit extremely swift takeoffs in event the scramble order was ever given. With these refinements, it could quickly strike and decimate the strategic bases and forces of any enemy who decided numerical arms superiority could conquer America.

The authorization sought here today is the first substantial step toward development of the B–1. Even if we authorize that step, it will be April of 1975 before we will have to decide if a fleet of B–1's should be constructed to defend America.

These authorizations, it seems to me, are logical and reasonable. To ask for less would be to neglect the safety of our people and to lower the defenses of our Nation. These sums will allow us to maintain our vigil against attack while sharpening new weapons to match the buildup of offensive weapons which we know is going on in other countries. And, because it is a lessening amount of our national economy, it illustrates to the world and our countrymen that America is still a peace-loving Nation.

I urge passage of this measure.

Mr. LEGGETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I rise in support of H.R. 8687. As chairman of the subcommittee which looked into the status of our Reserve Forces, I would particularly like to direct my remarks to title III of the bill which pertains to the Reserve Forces. I am going to direct my remarks primarily to the Reserve Forces. My distinguished colleague, the Honorable ALEXANDER PIRNIE of New York, will discuss with you the Selected Reserve of the Coast Guard.

We used these hearings as an opportunity to make a comprehensive review of the posture of the Reserve Forces, as well as scrutinize the strength authorization request for the Selected Reserve for fiscal year 1972. Several general observations appear appropriate at this time.

First, the intent of Congress as expressed in the Reserve Forces Bill of Rights and Vitalization of Act of December 1, 1967 is finally being implemented as exemplified by the total force concept instituted this fiscal year by the Secretary of Defense.

In any future emergency requiring a rapid and substantial expansion of the Active Forces, Guard and Reserve Forces, rather than draftees, will be the initial and primary source for augmentation of the Active Forces. This means that the Guard and Reserve have been assigned a vital national security mission. It also means that the Selected Reserve must be manned, trained and equipped for mobilization should the need arise. It means that men should join the units because they want to be a part of this military mission, and not to avoid real military service.

Second, the Department of Defense and the military services have embraced the total force concept and have moved forward in plans, programs, and logistics affecting the Guard and Reserve during this fiscal year. This is in sharp contrast to the years 1965 through 1969 when virtually all the equipment purchased by the Army for Guard and Reserve Forces was diverted to support the war in Southeast Asia. In addition to these diversions, other equipment was withdrawn from the Army Guard and Reserve to meet Vietnam requirements. The result was a net change in the equipment inventory of the Army Guard and Reserve in the period 1965–69 of minus $72 million. But the picture has changed sharply. In 1970, equipment with a value of $300 million was issued to the Army Guard and Reserve and in the first 9 months of fiscal 1971, additional equipment with a value of just under $500 million has been issued or allocated to the Army Guard and Reserve. Much more will be added through the depot rebuilding programs.

Thus, by the beginning of fiscal year 1972, nine National Guard and Reserve brigades are expected to be capable, both by equipment on hand and personnel readiness, to meet mobilization requirements.

In the Navy, World War II destroyers assigned to the Naval Reserve have been replaced with combat-serviceable ships. The Navy and Marine Corps Air Reserves programs have been reoriented to make such units possess a much greater degree of readiness with combat deployable aircraft.

Modernization of the Air National Guard and Air Force Reserve is proceeding with C–130's, F–101's and R.F. 101's replace older model aircraft. Further modernization is programed as equipment becomes available through Active Air Force reductions.

It is significant that the administration budget for fiscal year 1972 includes $3.1 billion for the Guard and Reserve. This is 50 percent greater than the fiscal year 1969 budget. This means funds to assure the maintenance of Selected Reserve strengths, funds to reduce backlogs of enlistees awaiting training, funds to increase technician support for units receiving more sophisticated equipment, and funds to bring repairable equipment in Army stocks to combat-serviceable standards for issue to Guard and Reserve units.

Third, while substantial progress is being made to equip and modernize the Guard and Reserve Forces, an almost staggering amount remains to be done. In order to fully equip the Guard and Reserves with equipment comparable to the Active Forces by fiscal year 1974, $5-072,600,000 in appropriations or that amount of equipment assigned from existing resources will be required. Yet, if the total force concept is to be a realistic one, such will be necessary.

Fourth, even with the full equipping of the Guard and Reserves, the total force concept approach requires manpower to accomplish its goals. With an estimate of 70 percent of the new entries into the Guard and Reserve Force draft-motivated, serious attention must be focused on the recruitment and retention problems as the way is pointed to zero-draft calls. This may require legislation providing additional incentives in order to maintain the strength essential to assigned missions.

There are three particular areas to which we would call the attention of the House; First, little has been accomplished during this past year in increasing participation by minority groups in the Guard and Reserve program. The committee pursued the efforts made by the Guard and Reserve to increase that participation but agree with the witnesses that as desirable as the goal of proportional participation by minority groups may be, it is an unrealistic goal unless it also becomes the goal of the minority communities. Second, we pursued the subject of training and utilization of National Guardsmen since the unfortunate incident at Kent State last year. We believe the overall record of the Guard in the area of riot control is an outstanding one, and are pleased with the increased emphasis on riot control training. Third, we are extremely concerned over the attempts of some within the Government to seek lands from the Department of Defense so that such lands may be converted into other uses. Naturally, the Committee does not want the Department of Defense to have excess land but would call attention that if we are to have a viable and effective Reserve

Force, there must be adequate land on which to train for the assigned mission. In other words, there is no sense in assigning Reservists tanks unless they have terrain on which to train. To require a Reservist to go 300 to 400 miles to a training site on a weekend would be to waste essential time that should be spent in training.

During the hearings, the Air Force requested that their original request be adjusted upward by 182, thus making their request now 49,634. Since the original request was formulated, two changes have taken place which require these additional authorizations. The C–124 unit at Homestead, Fla., will now convert to the EC–121 instead of converting to C–130's, and an additional C–130 unit will be activated at Eglin Air Force Base, Fla., in fiscal year 1972. The Committee agreed that the increase was essential if these units were to function as described.

We added a section which incorporates a change in existing law recommended by the Committee on Armed Services. The committee was concerned with the practice of the Department of Defense and the individual services which results in requiring reservists to perform annual active duty training periods of approximately 14 days despite the fact that the individual reservist or National Guard member will within 120 days or less, no longer, have an obligation to remain in a Ready Reserve status. The involuntary ordering of such personnel to annual active duty training is designed to maintain the individual reservist's military proficiency with a view toward his possible utilization in a mobilized status. However, it is less than realistic to justify this expenditure if the member will shortly, after completing his annual active duty training period, be transferred from a Ready Reserve status and no longer be available for mobilization. The language does not preclude the voluntary ordering of such individuals to active duty for training. Moreover, the general prohibition applies only in the instance of those reservists and Guard personnel who have spent a year or more on active duty. Thus, the so-called 6-month trainee who have never been on extended active duty would not be included in this proviso.

The bill provides that for the year beginning July 1, 1971, and ending June 30, 1972, the Selected Reserve will be programed to obtain an average strength of not less than the following:

Army National Guard of the United States	400,000
Army Reserve	260,000
Naval Reserve	129,000
Marine Corps Reserve	45,849
Air National Guard	88,191
Air Force Reserve	49,634
Coast Guard Reserve	15,000

Mr. Chairman, I now yield to the gentleman from New York (Mr. PIRNIE) who, through both the meetings of the subcommittee and the full committee, led the in-depth inquiry into the action of the Secretary of Transportation in attempting to phase out the Selected Reserve of the Coast Guard during this coming fiscal year. Mr. PIRNIE will explain the unanimous position of the members of the Armed Services Committee in this area.

Mr. HÉBERT. Mr. Chairman, it is with particular pleasure that I yield 10 minutes to the distinguished gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. I thank you very much, Mr. Chairman.

Mr. Chairman, I want to thank the chairman very much for yielding me this time to generally apprise the effect of the pending legislation.

First, I would like to say a word again in praise of the excellent management of the committee and the work of the chairman as well as the work of the dedicated staff of the House Armed Services Commitee. I particularly am pleased with the work which we have done over the past 5 months on the pending bill.

Mr. Chairman, this is an expensive bill. Any particular item contained therein could be talked about for hours. We have escalations, we have expensive programs, we have the C–5 aircraft that we saw in Paris just a week ago, which was the hit of the International Air Show. It took off, I believe, in less than 1,000 feet unloaded. But, certainly, there was considerable appreciation of the American air might around the world.

These vehicles, though, are not cheap. I believe the development cost now stands at about $56 million each.

Mr. Chairman, there is money contained in this bill for the B–1 bomber, which is built in my home State, costing about $46 million each, with $24 million of contained missilery amounting to $70 million in development program cost. The estimate unit cost itself is $245 million. I intend to offer an amendment at the appropriate time to reduce and hold back this total purchase which I believe is extremely expensive, considering the current economic condition of the United States.

I fully support the chairman in his efforts to hold back on the funding of the F–14 aircraft. I think we need a new Navy F–14 fighter aircraft and I would certainly hope that whatever we do in the House and the Senate does not abrogate the contract which we currently have with Grumman Aircraft which is currently causing Grumman considerable discomfiture because they apparently are losing on the order of $100 million net on the first 65 aircraft.

Mr. Chairman, I hope whatever we do we can maintain the benefit of bargaining and make some adjustments to keep this program going, perhaps with modifications, at the cheapest possible cost.

The subcommittee chairman, the gentleman from Illinois (Mr. PRICE), on research and development has done some very excellent work in touring the country and seeing some of this hardware being constructed all over the country. We have not found escalation in every single program. As an example, the F–15, the fighter aircraft, developed almost simultaneously with the Navy fighter aircraft, is not going into the $50 million unit cost, but the unit cost they are talking about is more like $5.6 million or $5.8 million.

So, though it is possible I believe at this time to develop aircraft within some kind of a reasonable limitation without breaking the bank.

We have not talked much to date about the effect of the strategic arms limitation talks that are going on in Helsinki, Warsaw, and Vienna. I would certainly hope that whatever we do in this legislation does not waste funds that are going to be summarily rejected by international agreements that are made at these international symposiums.

At the proper time I intend to offer an additional amendment to call for a small step in the reduction of the total NATO posture. As you know at the present time we have some 300,000 troops in both the Army and the 6th Fleet in Germany, and in perhaps 1,000 bases in western Europe. I believe that it is this expenditure of funds, perhaps only a few hundred million dollars, which are contributing to our deficit balance of payments which has caused the United States considerable embarrassment with regard to the stability of the American dollar. We have devalued the American dollar by revaluation of the mark only a few weeks ago, and this 5-percent revaluation has lost the American traders on the order of $5 billion already to date.

So the amendment that I have in mind with respect to that item would call for a unilateral 10-percent reduction in this total force which would not be front-line forces, but would be primarily support forces. I believe that this would have a reciprocal and salutary effect, particularly in view of the speeches made by Mr. Kosygin, Mr. Brezhnev, and Mr. Gromyko, which I intend to refer to at the proper time when I offer the amendment.

I would like to commend the chairman on the additions we have included in the budget for the U.S. Navy. We have got at least a one-third increase in the items which were programed from last year. Unfortunately, we do not buy 30 percent more because naval ships are more expensive than they were last year. I tend to think that with carriers costing nearly $1 billion per unit we have almost priced ourselves out of the capacity to build these very large, multipurpose billion-dollar monsters. I tend to think we need to proliferate our capability more than we have in the past, even though I have been a great disciple of our nuclear force.

Unfortunately, its simply not possible for each of us to represent the daily demands of the thousands of people that we each represent, attend the social functions, visit our districts, see people, attend to other committee functions and also do what could be described as a thorough credible professional review of a $21 billion authorization bill which indirectly affects total defense expenditures now being made at the $76 billion annual monthly rate.

We work hard. We do as best we can. We did a darn good job on MEL PRICE'S R. & D. subcommittee. We rely on our professionals, the newspapers, the writers, yes even CBS, NBC and the thousands of periodicals with which we are daily familiar. We work with rumors, local bar information, secret and top secret information and in the end try to synthesize some kind of a rational result that we can sell to the American people—which we call national defense policy.

If you consider the administrative budget of $169 billion only, defense expenditures comprise $80 billion directly, $11 billion for veterans, $19 billion for the debt interest of past wars and $3 billion for military aid, atomic warheads and space camouflaged items—over 70 percent of administrative budget.

When we win wars and friends and save freedom, we are the world's saviors.

When we dump $200 billion down the drain with 45,000 American kids in Southeast Asia to upgrade a $3 billion economy, and our main bargain in getting out is to get our POW's returned and not have our troops fired on as they leave, when we obligate ourselves for another $200 billion veteran benefits to the year 2050, then we are not the saviors—we are perhaps the world's clowns.

We have retired a President and several Secretaries of Defense that developed this policy with our congressional connivance. Though I have generally opposed our escalation—I did vote for the Tonkin Gulf resolution and today I am frankly embarrassed and sick.

Nixon should be praised for getting us out. He is doing it though hardly victorious and with a bare amount of honor.

I intend to talk later on the Nedzi-Whalen amendment how we can further either adopt the Leggett-Riegle program of proportional repatriation setting a date 6–8 months away to totally wind up the American Southeast Asian misplaced effort.

Some years ago in August of 1967 I sent words to the President as follows:

> Unfortunately I see little real blue sky on the horizon during 1968. The problem simply is not credibility gap but the fact that the Bureau of the Budget simply is not geared to provide oversight of the Department of Defense. What is needed is some agency actually able to exercise heavy restraint on Defense spending such that the size and nature of our foreign military operations could be controlled. . . .
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> I firmly believe we have escalated to no place. In the face of continuous recommendations from General Westmoreland that the war will go on indefinitely, I have failed to understand the theory of escalation. When we in the States have assumed that our force level at 150,000 or 250,000 was at the outer limit considering that a $750 billion economy was fighting a $1 billion economy without modern transportation, a Navy or airpower, we have always assumed that the large buildup had some kind of foreseeable victory in mind. . . .
>
> I would say then that the better part of valor at the present time would be for the administration to be deadly serious with itself as to where we have been and where we are going. It will profit us little as a nation if we exhaust ourselves economically on North Vietnam only to find that our curtailment and lack of attention to the rest of the world, including the Americas, has allowed a Communist foundation to be dug on our hemispheric mainland. While our policy in Vietnam at one time was a matter of choice, at the present time it is monumentally compulsive.
>
> How should the United States resolve our current international dilemma? First we should recognize that we are escalating to nowhere. We should resist escalation at all costs unless we know the escalated result. We have played too much blind man's bluff on a major scale too long. We should unilaterally scale down our cost and size of operations in South Vietnam and keep the burden of the conflict on the Vietnamese themselves. We should recognize, I believe, that the alternative to being pushed into the Tonkin Gulf in 1965 is not wholesale, all-out war in 1967 especially when our commander in the battlefield has no predictions for victory whatsoever in the foreseeable future.
>
> In some encounters in the past perhaps we had not the option to reason why, only to do and suffer the consequences. Today we are involved in a new kind of undeclared war which is concerned not so much with a mad dictator's lust for power, but with a surge of people to better their plight. While we can destroy a dictator, you cannot destroy a whole people.
>
> It is inevitable, therefore, that the present conflict be concluded with some kind of an accommodation by the people on both sides of the encounter looking toward their mutual development. The United States has been, perhaps, too ready with the olive branch in the past and now grows weary of offering to negotiate. In time, I believe tensions will relax to the point when Ho Chi Minh will talk. It is to American interests that the balance of world, free and Communist, not become too exercised or alarmed in the meantime.
>
> Indirectly our effort in Southeast Asia is related to domestic strife and both matters are related to your tax message.
>
> We are concerned in recent months about lawlessness in our urban streets. The Congress has responded with the Riot Control Bill and the Justice Department's Law Enforcement and Criminal Justice Assistance Act. The fact is that better trained police and National Guardsmen can give us a better level of peace control, but there is little they can do to resolve the widespread underlying domestic discontent.
>
> Our poor and minorities are certainly better employed, welfarized and anti-povertized than ever before. Unfortunately, however, they just can't evolve a plan of co-existence with their rats and ghettos. The blighted cities of America are crying out for a plan of redevelopment while white America has evacuated to suburbia. We must recognize that our currently operative Poverty Programs simply do not offer the requisite record of success and hope for the future that America needs. . . .
>
> To make our American cities over again on their obsolete historical site locations would require a program of multi-billion dollar magnitude. Such a program is obviously not feasible current overseas military drain.
>
> I can envision an Administration postulating a five-year Federal program that would cut across state restrictive legislation; that would be operative with the consent of the Governors only; that could be enriched by state and private funds; that would envision fee ownership and rental homes ratably constructed all over the Great Society. This is the multi-billion dollar plan spoken of by Senator Abraham Ribicoff—a program we obviously can't afford with our enormous, uncontrolled overseas expenditures, a program which properly outlined and bi-partisanly supported would offer real hope for urban masses even though it might not be accomplished for five-to-ten years.
>
> To restate my position: It will gain us little to drain our economy over the next decade, wearing Ho Chi Minh into submission, only to find that we have stimulated the creation of a class-against-class struggle in our own nation and particularly in our neighboring Americas because we have paid too little attention to developing truly effective domestic programs.
>
> For the foregoing reasons and for fear of future consequences, I want to be recorded against the high overseas military dollar drain and the resultant 10 percent tax surcharge.
>
> Record me for a revitalized domestic program of home ownership and effective reorganization of our cities.

While the military situation in the field is open to question, I do believe that in spite of the fact that the Paris negotiations appear to be stalemated, we are making progress.

I spoke on the floor June 18, 1969, as follows:

> Mr. Speaker, I do wish to discuss one or two more items. We, of course, must wait for the next move. Hopefully, President Nixon's "open door to mutual deescalation" will be seen by the enemy. I know the reaction by the enemy. I know the reaction by the North Vietnamese and Vietcong in Paris was one of cynicism. This might be because Asiatics do not fight or negotiate according to Marquis of Queensbury rules. We have long experienced a series of tirades from the enemy after each piece move on our part. I believe we should ignore the spoken word and rely on actions of our adversary to determine their true response. The North Vietnamese reductions I have already cited are an example of response we might anticipate. If the reductions continue on both sides—ours publically and theirs privately—I think we are on the road to peace. If American reductions matched the North Vietnamese reductions over the past year, already we should have withdrawn 140,000 men—a 25-percent reduction.
>
> However, I doubt that American presence in South Vietnam will totally evaporate until there is a thread of political settlement in the south.
>
> It is possible that President Nixon has finally found a way out of the deadlock. The President's televised message on May 14, 1969, prior to the Midway Conference, contained a number of suggestions which could, if seriously implemented, start the final settlement. The suggestions, I feel, that have merit are as follows—as taken from the transcript of the President's speech:
>
> "In this spirit, let me be explicit about several points:
>
> "We seek no bases in Vietnam.
>
> "We insist on no military ties.
>
> "We are willing to agree to neutrality if that is what South Vietnamese people freely choose.
>
> "We believe there should be an opportunity for full participation in the political life of South Vietnam by all political elements that are prepared to do so without the use of force or intimidation."
>
> He means here that the SVN Constitution must be revised.
>
> "We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves."
>
> He means here that we must have a new Constitution, and new election.
>
> "We have no intention of imposing any form of government upon the people of South Vietnam, nor will we be a party to such coercion."
>
> He means we do not support the existing SVN Constitution.

While it is true that there were only 10,000 North Vietnamese in the South in 1965 when the United States began its apparently preconceived plan of bombing, those enemy figures did escalate to 190,000 south of the 19th parallel in June of 1968 prior to the bombing halt. In 1969, the level reduced to 150,000. Last year the President announced that the level had further reduced to 100,000—a 50-percent reduction.

American forces today are now down also almost 50 percent from the 1968 high level of the Johnson years.

Unfortunately, in the self-determination area mentioned by President Nixon at Guam, there is little progress being made.

The Thieu-Ky ticket representing 35 percent of the voters in the last election is now fragmenting with efforts being made by Theiu to disqualify Vice President Ky. Tran Vin Dinh, who received nearly one-third of the votes in the 1968 elections, unfortunately still basks in jail for fostering in public the self-determination principles mentioned by Nixon in 1969.

A vast segment of the Vietnam population is still disqualified from participating in the election franchise. Unfortunately with the political bravado now in vogue in this small country, there will be no progress toward a self-determination political settlement until the United States finally decides to sever the maternal cord.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, on April 29 of last year, I stood in the well of the House and warned you of the budget proposal to phase out the Selected Reserve of the Coast Guard, and the reasons why the Armed Services Committee had unanimously rejected that recommendation. Fortunately, for the defense of this Nation, the committee position was sustained, and the Coast Guard Selected Reserve is in existence today.

But, despite congressional rejection of the budget approach of last year, the same proposal, in essence, came before the Armed Services Committee again this year. In other words, the President this year asked for a strength of only 5,000 to enable him to phase out the Selected Reserve of the Coast Guard by the end of fiscal year 1972.

I am reluctant to criticize my President and his administration but I am compelled to speak out again this year on a policy which is wrong. In essence, this is a move initiated within the Office of Management and Budget so as to reduce the Department of Transportation's budget. It was undertaken without any regard to our Nation's security and in contradiction of conclusions reached by independent studies.

Initially, some budgetary planners assumed that if the functions, roles, and missions now assigned by the Joint Chiefs of Staff to the Coast Guard Selected Reserve were transferred to the Department of the Navy, the Navy could absorb this cost within the current Navy Reserve budget. This assumption was made prior to consultation with any responsible official in the Department of Defense, Department of the Navy, or in the Coast Guard.

Our hearings brought out the fact that if the Navy were required to assume these functions without a substantial increase in budget, the Navy would have to degrade its Naval Reserve programs to an unacceptable level. Thereafter, these budgetary planners adopted a new theory as justification for the elimination. The new theory is that since the Selected Reserve of the Coast Guard would become part of the Navy under a wartime situation, the needed manpower would be provided within the Naval Reserve appropriation.

I understand that legislation is now being formulated within the Department of Transportation to transfer the function of port security from the Selected Reserve to the Department of the Navy. In my opinion, this is recognition of the validity of the decision of the entire Congress last year and of our committee this year that the mission of port security remains vital to America.

When we questioned the Secretary of Transportation as to the Navy plans for assuming the functions now assigned to the Coast Guard Reserve, he admitted that the Navy had not made plans or established procedures for inclusion of the Selected Reserve function as part of the Navy Reserve, but that he would turn over to the Navy the documentation on how the Coast Guard operates its programs. He also acknowledged that it is "virtually impossible to detail the size, structure and operations of these portions of the Selected Reserve functions which the Navy will perform."

This answer by the Secretary of Transportation supports the committee premise that as of now, there are really no plans by which the important dual missions of port security and fleet augmentation could be undertaken in the early days of full mobilization—a risk found to be unacceptable to the Joint Chiefs of Staff and the Commandant of the Coast Guard—those military men who are responsible for this phase of our national security.

It is shocking that on matters affecting national security, budgetary planners within the Office of Management and Budget attempt to ride roughshod over those who are responsible for these missions.

Last year, I detailed for you the roles of the Coast Guard Selected Reserve, and I will not take up your time by doing it again. However, I do point out that two independent studies since 1960 have examined into those roles and missions, and found them to be valid and that no study to the contrary has been completed by the Joint Chiefs of Staff or any other branch of the Government.

There is no doubt that if the Navy were required to undertake the functions currently assigned to the Selected Reserve of the Coast Guard, they could sometime in the future develop a program which could accomplish the mission, but the Chief of Naval Personnel told the committee that the Navy was not now expert in the matter of port security and it would take several years to develop that expertise and, even then, it would probably cost more for the Navy to perform that mission than if it were to remain in the Selected Reserve of the Coast Guard.

To destroy that which has been created and is now functioning effectively, in the hope of establishing something that might do as well in the future, is to waste current assets. Since there will be no cost savings to the Government, it would appear the proposed elimination of the Selected Reserve of the Coast Guard is based only on a desire to shift from the Department of Transportation the cost of this program. But there is no saving to the Government—merely by transferring obligations from the Department of Transportation to the Department of the Navy.

Even the administration agrees that the functions now performed by the Selected Reserve of the Coast Guard are essential. It is clear that it is wise to retain the Selected Reserve at the strength authorized last year; that is, at 15,000.

I am not going to take further time, because if you will refer to page 68 and thereafter in the committee report, you will find well documented some of the questions and answers which were considered by this committee in reaching the conclusion which is embodied in this bill and which is supported by my remarks.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I rise in support of H.R. 8687.

The report of the Armed Services Committee starting on page 13 shows the Soviet naval threat and comparison of the U.S. Navy. This comparison is frightening. However, I want to bring to your attention today a comparison that was published by the Seapower Subcommittee on the Status of Shipyards. This comparison shows the total strengths of the United States, the United Kingdom and U.S.S.R. both now and in 1950 just before the start of the Korean war.

In 1950 the United States had a total of 663 combat ships with an average age of 5.4 years. There were 163 submarines in the fleet. There was a reserve fleet of 1,958 ships with an average age of 6.5 years. There was a total fleet of 2,621. In 1950 the United Kingdom had a total combat fleet of 421 ships. A reserve fleet of 673. There was a total fleet of 1,094.

Therefore, in 1950 the combined fleets of the United States and the United Kingdom were 3,715 effective combatant ships. In 1950 the U.S.S.R. had 1,785 combat ships of which 350 were submarines.

Now let us look at 1971. In 1971 the United States has a total combat ship fleet of 642 with an average ship age of 15 years. There are 142 submarines in the fleet. There are 431 ships in the reserve fleet with an average age of over 25 years for a total of 1,081.

The United Kingdom now has 143 ships in its active fleet. Thirty-eight in its reserve for a total of 181. Between the United States and United Kingdom the grant total is 1,261.

Now, however, the U.S.S.R. has a total combat fleet of 1,604 with an average age of 8.8 years and a submarine fleet of over 356. What has happened then is very clear. The United States and the United Kingdom fleets have been greatly reduced. What is left is made up in large part of old ships. The U.S.S.R. on the other hand, has a fleet with an average age of 8.8 years. This is a new fleet with new capabilities in weapons, propulsion and command and control.

In our report on the status of shipyards we very clearly pointed out that this momentum of the Soviets in the construction of a new fleet started with the construction and modernization of the Soviet shipyards in World War II and shortly thereafter. Without those new yards the Soviets would not now be able to have a fleet of 1,604 ships with an average age of 8.8 years. To this fleet there should be added 500 amphibious, mine warfare and auxiliary ships, to get a complete picture of the Soviet fleet.

Mr. Chairman, the momentum with which the Soviets have carried on their shipbuilding gives me great concern. They have the new ships, they are building more. They are building more surface ships and they are building more submarines. In the meantime our ships have been allowed to deteriorate. Our naval shipyards are now manned at less than minimum efficient level and our private shipyards have been reduced to the point where many of the famous old names in shipbuilding are not even constructing naval ships any more.

Mr. Chairman, the Armed Services Committee reported without change the shipbuilding program of $3,328,900,000 in ship construction that was requested by the President. This is the largest shipbuilding request that has come up from the executive department in recent years. However, let me remind you that even as large as this bill is the Chief of Naval Operations has said in testimony to this committee that we really should have a shipbuilding program of $4 billion and that there are still risks associated with a shipbuilding program of this size.

This shipbuilding program includes five nuclear attack submarines, one nuclear-powered guided-missile frigate, seven destroyers of the *Spruance* class, one replenishment oiler, two attack submarine tenders, three salvage and rescue ships and service craft. It also provides for the conversion of six Polaris submarines to Poseidons, for the conversion of two guided-missile frigates to have more effective surface to air missile systems and for one deep ocean survey ship to provide for support of the new submarine fleet.

Mr. Chairman, I want to point out one item in particular in connection with this program. In the Presidential request there was included the sum of $14.6 million for the long-lead time items for nuclear guided-missile frigate DLGN 41. At the time that we had the construction program under consideration we got word that maybe the Department of Defense did not want to proceed with the DLGN program any further.

If you will remember, Mr. Chairman, the *Truxtun*, one of the two nuclear-powered guided-missile frigates that is now in existence as escorts for the *Enterprise*, was made nuclear powered by the Congress in the fiscal year 1962 program, when this frigate was originally requested as a conventionally powered frigate. It took a mandate in the law, that nuclear-powered frigates shall be built unless the President finds their construction is in the national interest, to have the *California*, and the *South Carolina* built.

Following that mandate the Department of Defense announced plans for a five-ship DLGN program. Moneys in the present bill would provide for the completion of the construction of DLGN 40. This would be three of the five. With the *Truxtun*, the *Bainbridge*, the *California*, and the *South Carolina*, the Navy would have at least four frigates which would be able to escort the *Enterprise*. The *Nimitz* is coming along. The DLGN 38, 39, and 40 would provide three of the four escorts for the *Nimitz*. The DLGN would complete the group for the *Nimitz*. This still leaves the Eisenhower as a nuclear-powered attack carrier for which at the moment there would appear to be no plans for nuclear powered escorts.

Since it has been the history of the Congress that it has insisted on nuclear-powered frigates, the Committee on Armed Services again inserted in the bill that mandatory language which was used before and which reads:

> For naval vessels: for the Navy, $3,328,000,000, of which $14,600,000 is authorized only for advance procurement for the nuclear powered guided-missile frigate DLGN 41. The contract(s) for advance procurement for the DLGN 41 shall be entered into as soon as practicable unless the President fully advises the Congress that its construction is not in the national interest.

In other words, people say in these days that Congress does not take the initiative in the things that it should, particularly in the national defense. This is an illustration of where this Congress has taken the initiative through the years to force on the department what it knows is lacking but hesitates to ask for because of the dollars initially involved in construction. Nuclear-powered vessels on the sea, ships, submarines, and so forth, are an economy in the long run when everything is taken into consideration over the period of the life of a ship, to say nothing of the defense value which would be added by this.

So in this particular part of the bill, at least, Congress is taking the initiative in asking the country to go vigorously forward in this particular part of the program.

Mr. ARENDS. Mr. Chairman, I yield the gentleman from Ohio (Mr. WHALEN) as much time as he desires.

Mr. WHALEN. Mr. Chairman, at the appropriate time, Mr. NEDZI of Michigan will introduce an amendment which has now become well known as the Nedzi-Whalen amendment. I am not going to use this time this afternoon to advance argument in behalf of this amendment. This will be done at the appropriate time during the course of debate on that amendment.

Mr. Chairman, I am very concerned by the fact that there appears to me to be some misunderstanding regarding the effect of this amendment both on the part of some Members of this body as well as on the part of those who have been writing and calling the Members in support of the Nedzi-Whalen amendment. Therefore, I would like to take these few minutes this afternoon to explain to the Members of this body the scope of this amendment.

In doing so, I shall cover three points. First, I think it is necessary, if we are to understand this amendment, to understand the jurisdiction of the Committee on Armed Services and the scope of the bill that is presently before us. Secondly, with this background I shall briefly explain what the Nedzi-Whalen amendment proposes to do. Third, I shall explain by using illustrations what the amendment will not do.

First, what is the jurisdiction of the Armed Services Committee? What is the scope of this bill that this body is presently considering? Among other things, the Committee on Armed Services has the responsibility for authorizing the procurement of various defense weapons systems.

Mr. Chairman, the committee is exercising its prerogative in bringing this bill to the floor of the House of Representatives.

The bill before us provides for research and development. In fact, about one-third of the funds authorized in this measure are for that purpose. The other two-thirds of the funds go for military equipment, including aircraft, missiles, armored and tracked vehicles as well as naval vessels.

Mr. Chairman, this is an authorization bill. It is not an appropriation bill.

I would point out further that the committee's jurisdiction does not extend to the payment of military personnel. This is the responsibility of the House Committee on Appropriations. Nor does the committee jurisdiction extend to the appropriations for ammunition. This, too, comes within the purview of the House Appropriations Committee.

Second, with this background, what does the Nedzi-Whalen amendment propose to do? Simply this: It prohibits the use after December 31, 1971, of equipment authorized by this bill in and above South Vietnam, North Vietnam, Laos, and Cambodia. I repeat, it prohibits use of the equipment authorized by this bill in or above the four countries of what was formerly known as Indochina.

Third, what does it not do? Let me just state some specific examples of things that the Nedzi-Whalen amendment will not accomplish.

First, it will not require that troops be withdrawn from South Vietnam after December 31 of this year.

Second, the Nedzi-Whalen amendment will not cut off the pay from any American troops remaining in South Vietnam after the effective date of December 31.

Also, it will not deny American troops the use of equipment and weapons systems that are already in South Vietnam. Nor, will it deny the use of weapons systems authorized in previous procurement programs. Nor does it deny to the administration the right to provide military assistance to our three allies in Indochina.

Nor, as I examine my and Mr. NEDZI's amendment would it prohibit the use of the equipment authorized by this bill by South Vietnamese, or Laotian, or Cambodian troops.

I wanted to make these points clear because, as I stated earlier, I think there has been a misunderstanding to the effect that the passage of this amendment will remove troops from South Vietnam after December 31 of this year. This it will not do.

This being the last, some may question whether this amendment is very meaningful. I think it is. I say that because passage of the Nedzi-Whalen amendment, to me would represent a very clear message from the people of the United States through their elected Representatives that we want our troops out of Indochina.

Despite the fact that this amendment does have its limitations, I agreed with the gentleman from Michigan (Mr. NEDZI) to cosponsor it. I did so for two reasons.

First, Mr. Chairman, I firmly believe that the legislative branch is coequal with the executive branch of Government. I feel that we in the Congress have a responsibility for considering and for providing solutions to the problems confronting our country. In my opinion, the biggest problem facing us today, and the major problem which has confronted us for the past 5 or 6 years, is our involvement in Vietnam.

Second, in keeping with this philosophy I agreed to consponsor this amendment, because I felt that I should do everything possible within my limited jurisdiction as a member of the House Committee on Armed Services.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I shall be glad to yield to the gentleman from Indiana.

Mr. DENNIS. Am I correct, that your amendment contains a section which says that the amendment shall not be construed to affect the constitutional powers of the President as Commander in Chief?

Mr. WHALEN. That is correct.

Mr. DENNIS. Then I put this proposition to the gentleman from Ohio: Since the whole problem in this field is, really, one as to the extent of the broad constitutional powers the President has as Commander in Chief, and as to where those powers end, and those of the Congress begin, or vice versa, then I make the suggestion that, since that is the case, that when you present an amendment, the design and effect of which is to limit support for the deployment of troops by the Commander in Chief, and at the same time say, "However, my amendment in no way affects his powers as Commander in Chief of the Armed Forces," That you are coming rather close, actually, to saying that your amendment does not mean anything at all. Is that not so?

Mr. WHALEN. Not at all. Certainly Congress cannot preempt that responsibility or that power of the President in any way. But I would point out the fact that we are certainly operating within our jurisdiction, within our congressional responsibilities, when we submit this amendment and when we act upon this amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I appreciate the gentleman's frankness and candor in explaining all of the things that his amendment will not do. I must say that I am somewhat troubled, as was the previous gentleman, that if this amendment is not going to do all these things, whether all the phone calls, letters, and telegrams and petitions that I have been receiving, as well as many other Members of the House, that these people have been under the wrong impression.

The gentleman says the only meaning that this amendment has is that it is going to give a signal of the American people's intentions. A signal to whom? A signal of what? Who is the signal going to be received by? If Hanoi reads the transcript of today's proceedings here and reads our colleague's frank, honest, and discerning statement on what the Nedzi-Whalen amendment is not going to do, I do not believe Hanoi is going to be very troubled with this amendment, regardless of what happens to it on the floor of the House. So who are we signaling, and with what?

Mr. WHALEN. To answer the question specifically, I think certainly we are signaling to the executive branch of the government our desire and our concern. Let me reiterate what I stated during my previous remarks. That is, I believe that there is a misunderstanding regarding the effect of this amendment. There is, therefore, a responsibility upon the part of the authors of this amendment to make perfectly clear the effect of it. Now, I do not make this statement as an apology, nor do I make the statement in an effort to solicit votes on the part of those who say, "Well, since it does have these limitations, I feel I can go along with it."

I just want to set the record straight. And, Mr. Chairman, I appreciate this opportunity to do that very thing.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I am confused, and that is really the reason I am asking this question concerning the meaning of the Nedzi-Whalen amendment. I might say that I read in the committee report, where the gentleman from Ohio and the gentleman from Michigan (Mr. NEDZI) have submitted additional views, and I will read the first paragraph that you gentlemen submitted to the report:

> During Committee consideration of H.R. 8687, the Defense Procurement Bill for Fiscal 1972, we introduced an amendment to prohibit the expenditure of new funds, after January 1, 1972, to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos. We intend to re-introduce the amendment during the forthcoming House debate on this bill.

You state very clearly new funds to be cut off after January 1, 1972.

Mr. WHALEN. If the items that are authorized in this bill are not funded, obviously, they would not find their way to South Vietnam anyway. So this amendment certainly conforms to that language in the committee report and vice versa.

Mr. MONTGOMERY. I thank the gentleman.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may desire to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I have listened attentively to the remarks of the gentleman from Ohio, who has stated that tomorrow he will be one of the coauthors of the celebrated and much-publicized amendment to end the Vietnam war on December 31, 1971.

It has been my privilege to sit as a member of the House Armed Services Committee with the gentleman from Michigan (Mr. NEDZI), who will be the first to offer the so-called end-the-war amendment. I regard him as a friend, and certainly as a very able member of the House Armed Services Committee. While his coauthor was in the well, I sat at the committee table and had the privilege to listen out of one ear to the gentleman from Ohio and out of the other ear to the gentleman from Michigan.

From my conversation at the committee table and from the remarks of the gentleman in the well, I think I learned quite a lot about what the Nedzi-Whalen amendment will do, what it will not do, and what is the real issue expressed by this amendment.

First of all, unlike the McGovern-Hatfield proposal, this amendment does not provide for the withdrawal of troops. It does simply provide that no funds authorized by this act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of military operations in or over South Vietnam, North Vietnam, Cambodia or Laos. With this wording in mind, and with the knowledge that of the nearly $28 billion in the bill only about $2.5 billion will be spent for procurement in fiscal year 1972, the amendment is thus brought into a better perspective. I suppose that in its strictly legal effort the amendment would have less application in fiscal 1972 than in future years, because the funds which we authorize in H.R. 8687 will actually be spent by the Pentagon as far away as July 1, 1978.

The mail which I have received and the calls which have been made to my office indicate that people believe, or I should say assume, that the Nedzi-Whalen amendment means withdrawal. That is not true, as I find from my conservation with the gentleman from Michigan (Mr. NEDZI), and as I gather from the remarks of the gentleman from Ohio (Mr. WHALEN). I think that an interested observer would be entitled to inquire, what then is the significance of the Nedzi-Whalen amendment? One of the authors answered my question to indicate, "We are saying we want this thing over with." Surely neither of the authors of this amendment are any more interested in having the Vietnam conflict over with than the great majority of the Members of the House of Representatives. It will be my intention to offer my own amendment, or support an amendment of another Member which will have the same effect and the same result except perhaps for fixing a date. Interested in the importance of a date to the authors of this amendment, I inquired, "Why is the date of December 31, 1971, so important?" Their answer was that it is a matter of symbolism and if you take out the date there is nothing left.

Mr. Chairman, I think we should look carefully at this amendment. There are some good things in it which I can support without reservation, but there are some things in it which I cannot accept. First, I am not sure of the effectiveness of this amendment, because it would not impair the right or power of the President to take equipment or military hardware from anywhere else in the world and send it to be used in Vietnam. The President can draw on inventories of military hardware anywhere, either here in the United States or from our NATO commitments or elsewhere, and send it to Vietnam. Certainly the amendment could not affect the equipment in Vietnam now, nor could it in any way affect authorizations of military equipment made in previous bills, nor could it deny military assistance to our allies.

As I read the amendment, there would be nothing to prevent the President from taking a ship or a plane that might be stationed somewhere else in the world and sending it to Vietnam, and replacing that military hardware with funds procured from this authorization. Certainly the amendment itself states that it is not meant to be construed to affect the constitutional power of the President as Commander in Chief. We all know that the House Armed Services Committee has no authority to affect military pay, because that is purely a matter of law and action by the Appropriations Committee. We also know that the Armed Services Committee has no direct authority over ammunition, as that is again a matter of an amount to be approved by the Appropriations Committee.

There are so many things that the amendment does not do. I am not sure to whom it is meaningful, or just what the clear meaning may be. It is a limited amendment. I would not be one to say that it has no meaning at all. If it has a symbolism, as one of its authors has said, it is to express the clear message that we want our troops out of Indochina at the earliest possible date, and we want this war over with just as soon as possible. Once again, Mr. Chairman, I repeat that the authors of this amendment have no monopoly on this objective or this desire. I, too, along with the great majority have this same objective. It is my intention to participate before this debate is over in the support of an amendment which will express this intention and desire and this symbolism, just as well and perhaps better than the amendment offered by the gentleman from Michigan and the gentleman from Ohio.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I, too, rise in support of H.R. 8687.

There are two areas in the committee's recommendations to which I would like to address my attention. One area is the submarine program and one is the Army's main battletank.

Within the shipbuilding program brought before you today for your approval there is included $767.5 million to complete the construction of five nuclear attack submarines. There is also included $113.5 million for the long-lead-time items for the construction of the five more nuclear attack submarines to be funded next year. In addition, there are $265.4 million for the conversion of six Polaris submarines to Poseidon, and there are $136.3 million for the long-lead-time items for six more conversions next year. That means that there are nearly $1.3 billion in this program for nuclear submarine work of one kind or another. That sounds like a lot of money and it is.

However, I want to remind you that the Soviets have a submarine fleet of over 356 submarines, compared to our fleet of 142. While they have, at the moment, only 25 nuclear attack submarines compared to our 51, nevertheless, they have 211 nonnuclear attack submarines compared to our 50. Over 25 nuclear ballistic submarines, compared to our 41. Twenty-five nonnuclear ballistic submarines, compared to our zero. Thirty-seven nuclear cruise-missile submarines, compared to our zero, and 28 nonnuclear-missile submarines, compared to our zero. When you count them all up, Mr. Chairman, we have 92 nuclear submarines and the Soviets now have over 92. By 1975 the Soviets will probably add at least 70 nuclear submarines, for a total of 145 to 153, giving them an advantage of over 50 percent in nuclear submarines. On the other hand, the U.S. program through 1975 is essentially fixed by budget and procurement decisions already made. Here we have been thinking that we would have the edge because of our nuclear submarines, and we no longer even have numerical superiority. When I last saw the figures, the Soviets, with a smaller submarine fleet and no surface fleet, had 50 percent more nuclear shaft horsepower than we had with all our submarines and our surface fleet. I shudder to think what it is now.

Mr. Chairman, Soviet submarines are not only more numerous but they are improving in all aspects of their capability. It is now known that Soviet submarines are much faster than our planners originally believed. The Soviets have also made significant improvements in other areas such as quietness of operation, reliability, crew performance, and operating efficiency.

We are still trying to push forward with our submarine technology. The *Glenard P. Lipscomb,* SSN 685, a submarine named in honor of our late colleague who did so much to foster the nuclear naval fleet, will have new advances in quietness. The submarine of the SSN 668 class will have new advantages in speed. There is also presently undergoing extensive evaluation of the underseas launch missile system—ULMS—for which there is an additional $110 million provided in the research and development portion of the bill.

Even with all of this we are still not doing enough. The Soviets can build 20 nuclear submarines a year on one shift. The United States can, with its present yards in an all-out effort, build only 10 or perhaps 12. The Soviets have one yard that alone can build more than that number. Our present rate of five nuclear attack submarines a year is still too low—and to think that the systems analysis people would have cut off the nuclear submarine lines completely a couple of years ago if they had their way.

Let me remind you that the Soviets have 65 submarines capable of firing cruise missiles—of which 37 are nuclear and 28 are nonnuclear. Both Admiral Rickover and Secretary Laird are now saying that we too must have the cruise missile firing submarine.

Mr. Chairman, what we have brought forward in the bill for submarine work is everything that has been requested by the President in his budget submission but it still is a long way from seeing that our country will be adequately defended against the superior Soviet submarine threat.

The other matter is the so-called MBT–70. As you know, the Army, for the last 10 years, has been trying to develop a new main battle tank. Beginning in 1963 this tank was known as the MBT–70. It started out as a joint program with the Federal Republic of Germany. However, after many delays and greatly increasing costs, the United States made a decision in January of 1970 to develop the tank unilaterally. At this point it became known as the XM803, but the basic tank remained the same.

To date Congress has appropriated $293.3 million for the development of the MBT–70/XM803. And although the Army, under the prodding of the Department of Defense, has, for the past year, been trying for an austere version of the MBT–70, they have barely made a dent in the cost of the system. As a matter of fact, the Army estimates the program unit cost of an XM803 at almost $1 million—and there are indications that that price will go even higher. In addition, the program is 6 years behind schedule and further possible slippages are visible on the horizon.

This year the Army is requesting $59.1 million in procurement funds for advanced production engineering and continuation of the fabrication of six pilot tanks. It is also requesting $27.5 million for further research and development. The committee recommends the denial of the $59.1 million for procurement funds. This recommendation stems from the committee's considered judgment that the Army has a more than adequate alternative means of meeting the Warsaw Pact threat—the threat for which the MBT–70 was originally designed. That alternative is the Army's M60A1E2 tank, which can be produced at less than one-half the cost of the XM803—$447,000 versus $1 million.

You may recall that 8 or 9 years ago

the Army sought to give its proven M60A1 tank a missile firing capability. To do this required the design and installation of a new turret and 152-millimeter gun tube. The tank was to be known as the M60A1E2. Unfortunately, the Army began production before all engineering and service testing was completed and ran into a very serious stabilization problem. According to reports which we have been given by the Army, this problem now appears to have been licked.

Comparing the M60A1E2 with the XM803, we find that they can both fire on the move and that they can both fire the Shillelagh missile with identical accuracy and effectiveness. Both also fire the 152 millimeter caseless cartridge. With respect to cruising range and speed, the XM803 has a slight edge on the E2, but not significantly so. It is true that the XM803 fires a kinetic energy round and the E2 does not. However, for those who may consider this important, I would like to point out that the M60A1, which is the Army's present main battle tank, also fires the kinetic energy round; and in this respect the XM803 would not be adding anything new to our inventory. So, on balance, it is clear that the Army can get virtually the same performance out of the M60A1E2 that it can out of the XM803, and at a much lower cost.

However, there is another very important point which was considered by the committee before making its decision in this matter—it has to do with the future of tank warfare. There are many military experts who believe that the tank is nearing the end of its era of usefulness. This obsolescence has been brought about by new antitank weapons, including missiles, and there is reason to believe that the Soviets could have such weapons ready to offset the XM803 when put in the field. This possibility is certainly enough to give one pause, particularly in view of the Army's estimated cost of that tank program. That cost is estimated to be $2.4 billion.

I think it should also be pointed out that both Russia and Germany are placing increasing emphasis on light, hard hitting antitank vehicles and weapons. In this connection, it should be noted that Russia's heavy tank is no longer in production and is being gradually phased out of inventory. These developments suggest that other countries also recognize the diminishing usefulness of heavy tanks.

In any event, the Army's M60A1 and M60A1E2 are more than a match for any Russian tank now in the field, or anticipated in the foreseeable future. Therefore, the denial of the XM803 procurement funds should have little effect on our country's military posture. And, as the committee report points out:

> In view of these circumstances, the Army may consider it advisable to utilize the FY 72 research and development funds to develop a weapons system designed to counter the growing antitank capability which threatens to outmode the MBT-70/XM803 even before it is in inventory.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. STRATTON. I am glad to yield to the gentleman.

Mr. PUCINSKI. What happened to the excellent suggestion the gentleman made here the other day for releasing the RB-70 from the aeromuseum and using it to test the effect of the SST on the ecology—and whether or not there is anything in this bill or that should be in this bill to make such a move possible—I do not know but I am really asking the question because I thought the gentleman made an excellent suggestion here the other day.

Mr. STRATTON. I am grateful for the gentleman's comments. I have received an acknowledgment from the White House to whom I sent the suggestion, but there is no money in this bill that deals with that matter.

Mr. HÉBERT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

THE EXTINCTION OF THE BLUE WHALE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, in 1930, ocean whalers caught and killed some 30,000 blue whales, by all accounts the largest creature the world has ever known. Today, a mere 40 years later, we are fortunate if 1,000 specimens of the blue whale continue to survive the onslaught of modern technology's terrible new weapons; the radar and helicopters which track them, the 20-knot whale catchers which overtake them, and the massive factory ships which carve them up in half an hour. As this magnificent species approaches extinction, the words of Herman Melville over a century ago must take on an entirely new cast for us. Then he said:

> The moot point is, whether Leviathan can long endure so wide a chase and so remorseless a havoc; whether he must not at last be exterminated from the waters.

The tragedy, Mr. Speaker, is that these questions are no longer moot; the whale, all species of whale, will not survive unless we take steps to safeguard his existence.

The worldwide agency charged with guaranteeing his survival, the International Whaling Commission, apparently has little taste for its job. In 1967-68, after the Commission had decided that all hunting of the blue whale must cease, there were still 66 of them killed. And just this year the Commission voted behind closed doors to increase by 20 percent the kill quotas for all species recommended by its own scientific committee.

In fact, Mr. Speaker, the United States alone among the nations of the world has taken the initiative in this area of conservation. In December of last year the Department of the Interior placed several groups of whales on the Endangered Species List, thereby ending the importation of their products into this country. And just this March the Department of Commerce effectively ended whaling by U.S.-based concerns.

These are useful and important steps, Mr. Speaker, but they are not enough. While the United States does import between 25 and 30 percent of the world's market for whale products, we do not have much of a role in whaling itself. Most of that activity, 85 percent, is undertaken by Japan and the Soviet Union, and there is no assurance that the unilateral actions taken by the Departments of Interior and Commerce will deter them one bit from their relentless attack on the whale.

For that assurance we must work through international channels, even the aforementioned IWC. The joint resolution I am introducing today would require just that, instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whale. Under the present circumstances, no less will save him.

Not only the blue whale, but the humpback, bowhead and wight whale species are rapidly nearing extinction. While the latter two, like the blue, are supposed to be totally protected by the IWC, they continue to be killed "accidentally." Considering the wholesale slaughter that went on before their "protection," we can only wonder whether there are enough of them left for males to find females across the great oceans, whether their numbers are so low that the death rate from natural causes may, in fact, be greater than the birth rate.

Meanwhile, the chase after the 80-foot finback is intensifying. The Antarctic now yields 2,500 of these whales a year compared to the 1961 harvest of 30,000. As the finbacks diminish, the whalers are going after the smaller sperm and sei whales. The figures are as illuminating as they are saddening: In 1930-31, some 43,000 whales yielded 3.5 million barrels of oil; in 1966-67, 52,000 whales yielded little more than 1.5 million.

A few years ago an annual harvest of 10,000 finback whales, for example, could have gone on indefinitely. But with the mindless slaughter of the last decade I should doubt whether that many even continue to exist.

The only possible solution is a moratorium on the killing of whales for minimum of 10 years, so that all their species could build themselves up to breeding levels that would eventually permit a stable annual harvest. What we have lost for the next decade can be regained as long as we abstain from whaling for those 10 years and supervise it carefully after that period. It is not too much to ask that the United States take the lead in this area.

The International Whaling Commission is conducting its annual meeting in

Washington later this month. Let the Secretary of State urge the Commission to fulfill its 1946 charter and begin the massive effort to conserve a dying race. And if there is no response here, the call should be made through our diplomatic offices around the world. The matter is too important to let drop.

Since 1900, Mr. Speaker, an average of one species of animal per year has become extinct. It is one thing to kill an individual member of a species, for nature can recover that loss in time. But to exterminate an entire race of animals is to lose them forever; it means that nature has lost one of its essential components, one which played a role in the interrelationship of life on earth. Here the cycle of birth and death ends, here there is no chance to begin again.

I urge the Members of this House to recognize the urgency of the whales' special situation, and to pass this resolution immediately. The whale has no lobby in Congress or around the world. It is up to us to see that he is protected from the "remorseless havoc" man has brought upon his existence.

A CHALLENGE TO THE AMERICAN BANKERS ASSOCIATION TO EXPLAIN ITS PRESS RELEASES

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for some time, I have contended that the American Bankers Association—the giant lobby which operates in Washington, D.C.—has little or no contact with its members across the Nation.

Last week, the ABA's new president, Mr. Clifford C. Sommer, proved my point by disclaiming any knowledge of lending practices obviously followed by thousands of his organization's members.

Mr. Sommer issued a news release—which was carried by a number of newspapers—denying that commercial banks have used a bobtailed, 360-day calendar to calculate extra interest charges on 1-year and 5-year loans. Mr. Sommer stated:

> The implication of the charge is that one-year and five-year loans are subject to the 360-day computation practice. This is untrue.

These are the words of Mr. Sommer as distributed to the Nation's press.

At the time that Mr. Sommer made this statement, I was in posession of a survey conducted by the Federal Reserve Board plainly establishing that the practice is indeed widespread on all types of loans including the 1-year and 5-year loans referred to by Mr. Sommer.

The Federal Reserve's figures, of course, are based on questionnaires filled out by the banks themselves—banks which are members of Mr. Sommer's organization—the American Bankers Association.

Yet, Mr. Sommer tells the Nation's press under the letterhead of the American Bankers Association that, "This is untrue."

It is easy to understand why the American Bankers Association would want to hide the facts about the use of the 360-day calendar, but it is regrettable that a national organization would attempt to palm off such a statement on the Nation's press. Mr. Sommer's denial had no factual basis—it was completely contrary to the facts furnished by the banks themselves.

The Federal Reserve, at my request, sent questionnaires to 370 banks across the Nation. The questionnaire asked specifically about the maturities of the loans on which the 360-day calculation is used. The survey determined conclusively that the 360-day year is used extensively on 1-year, 5-year, and even longer term loans.

To be specific, 105 banks responding to the survey—or 45 percent—stated that they used the 360-day calculation on personal loans of from 1 to 5 years. Another 122 banks—or approximately 53 percent—stated that they used the 360-day calculation on business loans of from 1 to 5 years. And 107—or 46 percent of the respondents—indicated that they used the calculation for commercial and industrial loans of more than 5 years.

Overall, of course, 82 percent of the respondents stated that they used the calculation on some types of loans.

As I have stated previously, the use of the 360-day calendar is allowing the commercial banking system to overcharge the American consumer by more than $150 million annually. Mr. Sommer, however, describes the overcharges "insignificant." Only a banker could display such arrogance.

The denial of the president of the American Bankers Association is amazing in light of the facts. Mr. Sommer has either deliberately attempted to mislead the press or he is woefully ignorant of the practices followed by the banks which are members of his association.

Since the publication of the Federal Reserve survey, I have received dozens of letters from all parts of the Nation—from consumers and businessmen who have been victimized by the practice. Many of these writers have documented their cases and I have in my possession copies of a number of loan contracts which were based on the bobtailed 360-day year.

In addition, Mr. Speaker, suits have been filed against banks in Illinois, Oregon, and California over the 360-day calculations.

Mr. Speaker, I have written Mr. Sommer asking he explain publicly the denial which he issued to the press on June 7. I sent my letter to Mr. Sommer on Wednesday, June 9. As yet, Mr. Sommer has not replied to my letter nor has he made any public explanation about the ABA statement.

Once again, I challenge Mr. Sommer and the American Bankers Association to back up the denial which they issued to the Nation's press on June 7.

PRESIDENT NIXON AIDING THE FAMILIES OF POLICEMEN

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, President Nixon is the first President in the history of the United States that has taken an honest and forthright step toward aiding the families of policemen killed in the line of duty. His proposal to provide the widows with $50,000 is highly commendable.

These men are on the front lines of our domestic war—a war whose casualty rate has increased astronomically during the last few years. Without a doubt, the criminal element has declared an open season on policemen.

While steps must be taken to protect these men from loss of life—and I have proposed them—we must also be sure that the families of those who have died in the line of duty are taken care of in the same way they would have been had their husbands and fathers still been alive.

I strongly praise the President for his action and hope that with his support legislation will be passed to aid these widows and children. As a former 23-year veteran of the New York Police Force who has been wounded 11 times in the line of duty, I kow what it is to live in constant fear of being killed. The fear is not so much for yourself, but of what will happen to your wife and children after you are gone.

For this reason I am serving as chairman of the New York's Bravest and Finest Foundation which is dedicated to helping the widows and children of policemen and firemen killed in the line of duty. I have also joined with my colleague from Indiana (Mr. JACOBS) in introducing legislation that would provide death and disability benefits for the families of policemen and firemen.

Moreover, I will soon introduce legislation that will pay the tuition costs for the child of any deceased or disabled policeman who would otherwise be unable to go to college.

We have long provided benefits for the widows of veterans who have fought wars on foreign soil. We can do no less for the families of men who have laid down their lives protecting the institutions of freedom and liberty here at home. The peril on the domestic front is far greater today than ever before. Let us give courage to the men and families that are on the front lines of that war.

Mr. Speaker, I would also ask my colleagues to give their support to my legislation aimed at preventing the gunning down of policemen in the first place. I have introduced a bill to make killing a police officer a Federal crime and a bill to provide a mandatory death sentence for those convicted of killing a police officer.

These bills, too, merit support if we are to stop this continued carnage of the defenders of our rights and privileges against a foe who seeks anarchy as an alternative. None of us would ask for less if we were the ones fighting the war in our streets.

A LETTER FROM AN EX-FARMER'S WIFE

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, those of us in the Congress who represent rural constituencies are well aware that we are in the minority; that we have been fighting a losing battle in trying to explain to the American people—the big-city people—that their life, their welfare, the future of the economy of the Nation—are all tied up with what is happening down on the farm.

Last week I received a letter from a farmer's wife, or perhaps more accurately, an ex-farmer's wife, for this farm family has left the farm. Her letter is in response to a question dealing with the farm problem contained in a 20-part questionnaire I have recently sent my constituents. To date I have received almost a thousand separately written letters on these farm questions alone.

Because it is eloquent and touching, because it explains the farm problem in simple but powerful words and imagery that all can understand, because it makes very clear what is ahead in America, I think it should appear in the Congressional Record. It is my earnest hope that my colleagues from the cities will read this letter from Mrs. R. C. Doornbos of El Dorado, Kans. Perhaps they will realize, as Mrs. Doornbos phrases it, that a farmer "is not someone who stands around with a straw in his mouth and not much more in his head."

El Dorado, Kans.

Congressman Joe Skubitz: In answer to question 19 on your recent questionnaire: Please permit me a few comments of a Kansas homemaker and "ex-farmer's" wife. These thoughts came to me a day after our complete dispersal sale, March 24, 1970. We have lived on this farm for seventeen years, and today, it's very lonely and everything seems unreal. There's a sadness everywhere. This was a going farm business just 12 hours ago, but now, emptiness and nothing!

I look towards the barn and notice there is no gate across from the corral. As I start off the porch, thinking, "someone left the gate open, and the cows will get out," I suddenly remember, that where we had a herd of fat glossy Angus cows with frolicking calves by their side only yesterday, now there is nothing but empty pens, and empty pastures. Our only livestock today is Molly, a tangle-haired Springer-Spaniel, and a white mother cat with one blue and one green eye. This is all—there is no need for a gate at the barn.

In a grassy patch across from the House, where our modern efficient line of machinery was lined up, awaiting the auction, there is only one piece of equipment left waiting for its buyer to return and tow it off. On the only beautiful, warm day in March we had our sale—gone out of business!

More than any other profession, and farming is a profession, a farming business is a family business. Our three children always felt they would surely dry up and wither away if they had to live in town; even a small town such as Ed Dorado would be too restraining, just nothing to do! With their 4-H projects of baby lambs and garden produce, they learned to love the growing crops and livestock and respect the modern machinery of a busy farm.

There was no "generation gap" here; everyone helped! Often, in the early summer, their daddy would rise at 4:00 A.M. to cultivate the row crops until the dew dried off the wheat by 9:30 or 10:00, so he could combine the grain. He never complained about the long hours, for he really was happiest in this work.

Why, then, should he decide to sell everything, turn in his dungarees and quit?—1941 prices for our crops and 1970 costs for machinery, repairs, fuel, tires, taxes and everything we buy—that's why!

It will just never balance out, and we decided, we had better get out while there was something for ourselves, because a "dreaded drought," even just one dry season, could put us in a position where selling out would barely pay our creditors, and our 29 years of labor would be for nothing.

It is reported that farmers are borrowing more money than ever, and their mortgages are the largest ever. This isn't a sign of prosperity; it's a sign that their backs are to the wall and they are borrowing money on their real estate and its inflated value, for operating expenses. There's got to be a time of repayment, or they lose their property.

There's a wail about cattle and beef prices being outrageously high. This even brings out boycotts and marching housewives. We sold fat steers in 1952 for $31.50 per hundred and in 1958 fat steers sold for $33.50 per hundred and—that's 1970 prices now! Back then bread was, very likely, 15c a loaf, haircuts, 75c, private hospital rooms $8.00–$9.00 per day. So what are cattle prices high in relation to?

What laboring man is working today for 1958 wages? Hospital administrators speak of $100.00 to $150.00 a day rooms and the only reason they need is to say, "It costs more to operate; for more labor, more for maintenance, more for more sophisticated machines."

The modern farmer, too, has all these increases, but the market prices of his produce keep going down! I mentioned to a professional man's wife of our inflated costs and her comment was, "everyone has to live with inflation these days." But if her husband's expenses go up, he increases his charges to cover them. Even in our small town, people don't know and don't care about the farmer's predicament. I hear no complaints of the price of new cars, whiskey, entertainment—but food!

A good portion of consumer's grocery bills is for "instant" products and frozen foods and they are actually buying maid-service, and they blame the high cost of living on food prices. Most foreign countries' citizens pay as much as 50% of their dollar for food. In the U.S., 17–18%! Isn't that a bargain? Isn't it a production miracle that 6% of the population feeds the other 94%, and could possibly feed the world? The Federal Land Banks have labeled the American farmer "Providers of Plenty," they might well add, "Receivers of Nothing."

As a combined group, the farming industry buys more tires, gasoline, oil, manufactured goods, steel products, chemicals (fertilizers, etc.) than any other industry in America today. But the way labor forces up the prices of machinery on every hand you'd never know their living depends to a great extent on the prosperity of the farmer. What a pity labor can't see that they are eliminating their own jobs; i.e., not one sewing machine is made in this country now. It is cheaper to build factories overseas and ship the product back here to sell than pay the outrageous prices than labor demands!

To replace a diesel tractor that cost $3300.00 in 1950, a similar tractor, now, costs $12,000.00, and what can you do with a tractor alone? Nothing! You need another $12,000 or $15,000 of other tools to pull behind it, and a $14,000 combine to harvest the crops you have grown. These machines can never pay for themselves, let alone make you a profit.

Compare our crop prices of today to this—wheat prices in 1952, $2.18 per bu.—1969, $1.32 per bu. and the government subsidy doesn't make it a paying crop as urban dwellers believe, so that we are not being "kept." No wonder wheat land isn't even leasable any more. It won't pay expenses to grow the crop. Other crops' prices have done similarly. A family whose sole income is from the land cannot possibly buy real estate now, with the return you get from it, you'd never live long enough to pay for it.

Every college ag. expert and every fertilizer specialist at every meeting ever attended, keeps saying, "If farmers just hang on three or four more years, they've got it made!" With the population explosion people have got to have food, and it would certainly seem that "they've got it made!"

You know, you can run so fast, and operate just so much land and you can't possibly hang on forever. Since our dispersal sale, we have traveled considerably, and farmers generally congregate together at campgrounds. From Brownsville, Texas, to Dawson Breek, British Columbia, they are saying. "Every year we borrow more money and pay back less. We're going to try to hang on just this one more year." Obviously, when you borrow more each year and pay back less, eventually, what comes to the surface is a big fat zero! Is it any wonder farmers are selling out as fast as they can tack up the sale bills? The local auctioneers are the ones who really have it made. We've had enough of paying 8½% interest for the privilege of working ourselves to death and going bankrupt.

Farmers aren't dummies. This idea that a farmer is someone who stands around with a straw in his mouth, and not much in his head, just isn't true! Farmers are the best of several professions, or they wouldn't be operating as long as they have been. They are bankers, managers, veterinarians, weather prophets, mechanics, big equipment operators, carpenters, cowboys, chemists, soil experts, seed experts . . . and more.

I think, big companies will be doing the farming in the future, and their stand will be—You can have our crop for our cost, plus a fair profit—and isn't this as it should be? For us, the idea of a corporation was studied. Then a $700,000 appropriation for land acquisition in fiscal 1970 for El Dorado Reservoir was allowed, so that would take the very best land we operate and give a corporation no time to prove itself.

Right now, I wouldn't care if the grocery shelves stand empty, the dairy bars dry up, the bakery goes without flour. We'll be on the buying end, if prices are ever forced up by scarcity, but, so be it. The American farmer has to have a fair return on his investment, just as every business. The only answer, I believe, is organize and power. But, for individual farmers, this is already too late. They just won't do it! They believe they are too independent, but, really, they can't look up long enough from chasing their dwindling dollar to see the actual good it would do them. The speaker at a Texas Christian University graduation program, at Fort Worth, recently said, "We are just 24 meals away from savagery." Something to think about. So how could there be a more vital industry than producing food for our country?

You'll never know the anguish that went into our decision to sell out. On that day I helped the cashier with records, and I did all right, keeping my mind busy, as strangers came through paying for equipment we had been 29 years accumulating. All of a sudden, I heard the old combine motor start. It had a certain bellow none of the other motors had, and I could really see my husband swinging in through the driveway, perhaps, ahead of a rain storm, or just at the end of a beautiful Indian summer day, and open up the throttle as he came rolling in home. It hit me this was the last time I'd ever hear that sound, and I burst out in tears, for this was my life, too, and I loved our farm.

CONGRESSMAN FLETCHER THOMPSON SPEAKS OUT

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, today you are witnessing the dilemma of a Congressman who sincerely desires to support his President and the Republican Party, but feels a much stronger obligation to speak out on behalf of the people whom he serves.

Only yesterday, I received a statement of President Nixon relative to equal housing opportunities. In this statement, the President made it amply clear that he would not have his administration force upon people publicly subsidized low-income housing which they did not want in their area.

To quote the President:

> In terms of site selection for a housing development, the Federal role is one of agreeing or not agreeing to provide Federal subsidies for projects proposed by local authorities or other developers.

He also said:

> A municipality that does not want federally assisted housing should not have it imposed from Washington by bureaucratic fiat; this is not a proper Federal role.

In his opening statement, President Nixon said:

> Through the ages, men have fought to defend their homes.

After making these comments, the President makes it amply clear that he would not "countenance the use of economic measures as a subterfuge for racial discrimination."

The Supreme Court in a decision only 1-month old involving a California law to allow local referendums on the issue of whether or not tax payer-subsidized low-income housing would be placed in a neighborhood, ruled that such a law was constitutional, and further held that although most residents of low-income publicly subsidized housing are black, this does not constitute racial discrimination, since the decision is not whether to allow blacks in the community, but whether to allow low-income publicly subsidized housing.

After reading these statements of President Nixon, I was astounded to hear on television last night, statements made by Governor Romney and Attorney General Mitchell, who were speaking on behalf of the administration. Attorney General Mitchell announced the filing of a lawsuit against a newly incorporated community in Missouri, because that community had adopted a zoning ordinance which precluded the inclusion of taxpayer subsidized low-income housing in the incorporated area. Governor Romney, in one of the most masterful portrayals of doubletalk I have seen, stated that HUD would not withhold funds to communities that did not have low-income housing as part of their plans, but would set up criteria whereby, if a community did not include plans for low income public housing, they could not get any Federal money for sewers and other projects.

Gentleman, the time has come for the Nixon administration to stop trying to curry favor on both sides with regard to the housing and school issues. I, for one, am fed up with doubletalk and double-dealing, which permeates the entire Nixon administration so far as social issues are concerned. To use the President's own terms: Let me make myself amply clear—I do not favor discrimination against any person because of race, creed, or color, and my record supports this stand. However, I refuse to remain silent even though, by speaking out, I may be called a destructive force in my own party, because the American people have a right to more than glittering generalities and shining platitudes. They have a right to a consistent statement and policy from the administration on school and housing issues. In my personal opinion, the actions of the Nixon administration on school and housing matters is best described as "schizophrenic."

To give an example, although Congress precluded the closing of schools to force racial balance, the Nixon administration has forced the closing and abandonment of a quarter of a billion dollars worth of school facilities in the South, paid for with taxpayers' dollars earned by the sweat of taxpayers' brows. Then they state that this has not been done to achieve racial balance, but rather to desegregate. I do not care how you slice the cake, it comes out the same not withstanding the doubletalk. The schoolchild's education and the taxpayer are the victims. Then, although President Nixon says that he is opposed to busing children out of their neighborhoods, against their will, to achieve racial balance, in the recent case of Charlotte-Mecklenburg schools, the Solicitor General of the United States appeared to make only halfway arguments before the Supreme Court in defense of the administration's publicly stated policy. The Court went on to rule, in effect, that in order to achieve equal protection under the law for black children, white children may be forced to attend schools outside their neighborhoods.

In his recent statement, President Nixon said:

> Freedom has two essential elements: the right to choose and the ability to choose.

He also said:

> We cannot be free, and at the same time be required to fit our lives into prescribed places on a racial grid—whether segregated or integrated, and whether by some mathematical formula or by automatic assignment. Neither can we be free, and at the same time be denied—because of race—the right to associate with our fellow-citizens on a basis of human equality.

Obviously, this is just more administration doubletalk, because public statements such as these simply do not jive with actions of the administration. The President allows HEW to apply the same standards as set in the recent Supreme Court decision allowing busing to areas not even involved in litigation. In short, it appears to me that his public statements notwithstanding, President Nixon's actions have been to support those elements that favor busing.

Yes, the American public is confused as to where the Nixon administration stands, and I am dismayed by this political doubletalk. It is unconscionable to me that a President would make a statement that he would not force people to accept taxpayer subsidized low-income housing, and then have an agency of his administration, such as George Romney's HUD, use blackjack tactics and stating that if a community does not adopt standards which include plans for low-income housing payed for by the taxpayers, then that community will not receive any of its tax dollars back, for sewers and other grants. And to top it all, Governor Romney has the audacity and gall to say that Federal funds will not be withheld from communities that do not want low-income publicly subsidized housing.

In conclusion, as I have stated, I want to support my President and the head of my party, but I cannot remain silent when I witness the hypocritical statements that are being made. I, for one, do not believe that anyone in the American public will be fooled. The administration will not gain the support of advocates of integration or advocates of a nondiscriminatory policy, such as myself, by the use of schizophrenic, double-dealing methods.

H.R. 9102—BRAILLE DENOMINATIONS ON PAPER MONEY TO HELP THE BLIND

(Mr. RARICK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, yesterday I introduced H.R. 9102, a bill to benefit the blind by providing for printing in braille the denominations on the paper money of the United States.

I feel that this action would be a great asset to the blind in handling money and in making change by permitting them to "see" by feeling the amount of the paper bills without having to accept the word of someone else.

Each of us knows individuals who are physically and mentally sound and, except for their blindness or impaired vision, would enjoy normal activity. Likewise, we are all aware that Congress and most of the States are appropriating sizable sums of money to train and rehabilitate our blind and visually impaired citizens so that they might be self-employed and know the freedom of financial independence. In federal buildings and most other public buildings the concession counters are usually manned by the blind.

According to the 1968 National Health Service figures 5.6 out of every 1,000 persons are blind—or over 1 million.

The idea of using braille on money is not new. The Netherlands uses this braille system of denomination identification on their currency.

I fully realize that problems may be created because of the stockpile of printed currency at the Federal Reserve and that it might be years before all currency in circulation would carry the braille figures. But H.R. 9102 provides for a progressive and constructive step forward. The sooner we get started, the sooner we give this help to our blind citizens.

I urge our colleagues who are understanding of the problem and want to help the blind to introduce like legislation.

I insert the text of H.R. 9102 at this point in the RECORD.

H.R. 9102

A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there shall appear on the face of all paper money of the United States which is printed after January 1, 1972, a designation in braille indicating the denomination thereof.

(b) The Secretary of the Treasury shall carry out the provisions of this Act, and for such purpose he may establish such rules and regulations as he determines appropriate.

BENEFITS FOR SURVIVORS OF POLICE OFFICERS KILLED IN ACTION

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, I have today cosponsored legislation with my esteemed colleague on the Judiciary Committee, the gentleman from Virginia (Mr. POFF) to amend the Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers killed in the line of duty.

In today's rebellious atmosphere, policemen must not only cope with an alarming and increasing crime problem, they are also forced to defend their very lives. The slayings of police officers in New York City and in Washington, D.C., in recent weeks show the degree of violent danger faced daily by our police.

Mr. Speaker, the bill which I am cosponsoring today would give to the spouse and dependents of a police officer killed in the line of duty a payment of $50,000, payable from funds appropriated to the Law Enforcement Assistance Administration for that purpose.

As a member of the District of Columbia Committee during the last Congress, I supported a measure which instituted a similar benefit for the dependents of District of Columbia police officers killed in the line of duty. This proposal for the District of Columbia is now a provision of Public Law 91-509, signed by President Nixon last year.

Because of the disparity in survivors' benefits throughout our 50 States, I think it fitting that the Federal Government provide this payment to the families of these police officers who have made the supreme sacrifice for their fellow men. This stipend would serve as a Federal floor for survivors' benefits and would be in addition to any other benefits due the family. Because the security of the United States is involved in attacks on police officers, I think there is ample justification for Federal legislation in this area.

The law enforcement officer today bears a heavier burden, faces more frustrations, and is second-guessed more than ever before. The public asks more and expects more of the present-day policeman because the public need for protection is greater. When a policeman is assaulted or slain, the criminal significance of the incident extends far beyond the victim officer. It extends to the door of every law-abiding citizen and to the very security of the United States.

Mr. Speaker, I think this is the significance of legislation such as we are introducing today. Police slayings, attacks on J. Edgar Hoover, criticism of the Attorney General—all of these, Mr. Speaker, are more than mere acts against a single individual. These are examples of blatant, outright attacks on the entire law enforcement community in this country. And this we cannot tolerate.

Man cannot live in this complex, bewildering society of ours without a system of laws, and this system is doomed to destruction unless these laws are enforced. The enforcement officer is rendered totally ineffective unless his efforts to maintain the peace and protect life and property are supported by the government and the people.

The price of enforcing the law is costly. Perhaps, no one knows just how costly except the slain policeman's family and fellow officers.

I am hopeful, Mr. Speaker, that this legislation will indicate to these families and officers that most Americans do care and that, as a society, we are grateful that there are men and women who will take the ultimate risk, who do recognize the high glory that is attached to service in the law enforcement community.

Mr. Speaker, I am hopeful that this legislation will be favorably received and that committee action will be rapidly forthcoming.

TRANSFER OF SPECIAL ORDER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the special order that I had scheduled for today be transferred to Monday next after the termination of all legislative business.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

OPERATION HELPING HAND

The **SPEAKER.** Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, on several previous occasions, I spoke of a joint civilian-U.S. Navy program called Operation Helping Hand, a program designed to upgrade the standard of living of the Vietnamese Navymen and their dependents.

Today, I would like briefly to discuss the food supplement aspect which is intended to provide the Vietnamese Navy family with a well-balanced diet as well as a means of obtaining additional income. Like the dependent shelter program, the food supplement projects are progressing well and are visibly successful.

The need for this dual purpose program arose when it became readily apparent that pay raises were not solving the economic problems plaguing the Vietnamese sailors. As a matter of fact, pay raises were promptly and drastically outstripped by the fast pace of inflation in an already deteriorating economic situation. During the past 6 years Vietnamese Navy personnel received pay increases amounting to almost 50 percent. That sounds pretty good until you compare it to the cost of living index which rose 800 percent at the same time. So you can see that pay raises have not only failed to remedy the navyman's problem, but the adverse effects of cost of living escalations have deepened the economic distress of these sailors and their families.

With this in mind, the U.S. Navy sought to establish a program which would benefit the members of the Vietnamese Navy community without effecting the overall economy in South Vietnam. The program developed involves raising pigs, chickens, ducks, goats, and rabbits as well as a variety of vegetables.

The overall program is affectionately referred to by our sailors in Vietnam as the "pigs and chickens program," since this was the pilot project. The animals were imported from the Philippines, then bred, raised, and distributed among Navy families. Concurrently, U.S. Navy advisers, all having a background in animal husbandry, were teaching their counterparts to care for and breed the animals. Aside from the initial outlay of funds, the program is designed to be self-sufficient and self-sustaining. Once in the hands of the individual families, they continue to breed and raise the animals for later consumption and sale to a Navy commissiary. A similar procedure is followed in the agronomy portion of the program.

In addition to the animal husbandry and agriculture projects, a fishing program has been initiated at the An Thoi and Vung Tau Naval bases. At these two sea locations, Vietnamese Navymen fish in quantity using the deep line fishing method. The catches are then shipped to the various Navy commissionaries throughout the country for sale at a greatly reduced price. For the most part, food purchased at commissaries can be obtained for about one-fifth of the open market price.

I believe that it is quite apparent that these programs will have a beneficial and lasting effect on the economic situation of the Vietnamese Navy personnel. They will help create within these forces, a strong, loyal, career-oriented cadre of personnel which is so vital to the preservation of a fighting force.

However, as I have stated in the past, these programs are limited because of the shortfall of appropriated funds and the Operation Helping Hand Foundation is seeking privately donated money and material to advance the effort of these two Navies. Material contributions are constantly being received by Navy bases throughout the United States and sent to the Navy's West Coast Project Handclasp Director in San Diego for transshipment to Vietnam. To date, over $25,000 has been contributed in money and material by private organizations and citizens who, as members of the silent majority, finally received an opportunity to lend a helping hand in support of our strife for peace in Southeast Asia.

The Navy League of the United States has helped greatly to forward the work of Operation Helping Hand and operates to channel contributions in cash and kind to the end beneficiaries.

TAX INCENTIVE FOR CONTROLLING URBAN BLIGHT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 15 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, as we in the Congress continue to concern ourselves with the serious problems of the inner cities and urban blight, perhaps the time has come to look at our tax laws and to ask if we are in fact compounding problems rather than solving them.

Presently we are committed to a program of urban renewal whereby public tax dollars are channeled into an area to tear down slums and encourage new building. But as we encourage this effort we should make certain that we are making the proper use of existing private capital which might readily be channeled toward urban renewal objectives.

For example, I know of one business in Michigan's sixth district that has indicated its willingness to invest in new construction in the downtown sections of several communities, except that present tax policies virtually preclude such a possibility. Under present tax law neither the cost of an old building nor the cost of demolition in preparation for construction of a new facility can be deducted as a business expense or added to the cost of the new building and depreciated. Rather, these costs are included in the value of the land with only the prospect of regaining such costs upon the sale of the land at a future date. I am sure that as many businesses find that it is not economically sound to invest in new construction in downtown areas under the present ground rules and this encourages businesses to flee to the suburbs with their open spaces and more attractive land prices.

I believe the time has come to recruit and encourage rather than penalize the forces of private enterprise in the rebuilding of our cities, and it is for that reason I am today introducing legislation to amend the Internal Revenue Code to provide a tax incentive for the razing of old buildings which scar the business areas of so many of our communities. At a time when so many problems are being brought to the doorstep of the Federal Treasury, I suggest that we consider action to reinvigorate local and private initiative in combating the problem of urban blight.

DEFENSE DEPARTMENT REFUSES TO RELEASE PHOTOGRAPHS OF LAOTIAN VILLAGES

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McCLOSKEY) is recognized for 5 minutes.

Mr. McCLOSKEY. Mr. Speaker, yesterday I addressed the House alleging certain items of deception pursued by the administration with respect to Air Force bombing of villages in Laos. Commencing 3 months ago, I had directed a number of letters to the Defense Department requesting photographs of representative villages in the area occupied or contested by the Pathet Lao during the past 9 years. After receipt of several letters from the Defense Department, I received today what appears to be the final response, from the Deputy Assistant Secretary for International Security Affairs, Dennis J. Doolin, concluding:

> I cannot see that the cause of the civilians in Laos will be advanced by our further exchange of photographs.

So that my colleagues might have the complete record of at least one congressional attempt to obtain full disclosure as to conditions existing in a country with which we are not at war, I am pleased to insert in the RECORD at this point the Department of Defense letter of June 11, 1971, together with the correspondence which preceded it. I am also appending, for the edification of the House, some information published in today's New York Times, with reference to the Defense Department's 1968 Vietnam Task Force Study which was referred to in pages 19563 to 19603 of the CONGRESSIONAL RECORD of June 14, 1971.

The material follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 14, 1971.

Hon. PAUL N. McCLOSKEY, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. McCLOSKEY: Mr. Johnson has asked me to reply to your letter of 19 May 1971.

I have reflected on your various requests for photographs of villages in Laos. Your understandably humane interest in the effect of the war on the civilian population in Laos is shared by the many in the Defense Department who over the years have wrestled with this problem. I hope our basic agreement on motives is not obscured by the differences we may have over issues of management.

With regard to management, we have explained repeatedly that we have established restrictions up to the limits of the safety of our pilots in order to minimize the effects of the war on civilian populations. Ambassador Sullivan, along with knowledgeable and competent witnesses from State, AID, and Defense, has discussed the refugee situation thoroughly with cognizant bodies in the Congress. As you know, we are convinced that the overwhelming cause of refugees in Laos is the offensive military activity of the North Vietnamese Army. Finally, when civilians have been caught up unavoidably in the web of warfare, we have given strong support through AID to ameliorative programs.

It is neither feasible nor useful to go beyond these steps to furnish extended photography of Laos. Much of Laos is inhabited by itinerant groups who establish their villages temporarily and then move on. The abandoned villages, in various stages of decrepitude, dot the countryside. Those which have suffered military damage may be indistinguishable from those ravaged by the weather; those which have suffered identifiable military damage may have been struck by the enemy rather than by US bombs; finally, even if it appears from current photography that US bombs might have damaged a village, we come back to our assertion that only valid military targets come under attack as an unavoidable consequence of enemy activity, an assertion which you implicitly are challenging.

In sum, I cannot see that the cause of the civilians in Laos will be advanced by our further exchange of photographs. The public record is as complete regarding our efforts to minimize the effect of the war on Laotian civilians as we can make it without disclosing information which the enemy would certainly use further to endanger the lives of our pilots. Let me assure you that we are resisting a ruthless and aggressive enemy as humanely as the circumstances permit.

Sincerely,

DENNIS J. DOOLIN,
Deputy Assistant Secretary.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 19, 1971.

Mr. RADY JOHNSON,
Assistant to the Secretary,
Department of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. JOHNSON: In your letter of May 13, responding to my letter of April 29 to your predecessor, Mr. Richard G. Capen, no mention is made of the photographs requested from the Air Force in my earlier letters to Mr. Capen and to Major General Giraudo.

Specifically, in as much as the Air Force has referred all priority inquiries to your office for response, I would like to reiterate the following request for photographs:

1. *The most recent photographs taken of the 196 villages on the attached list.* All of such villages are located in the Plain of Jars area and testimony has been received from a number of refugees from that area that their homes were damaged or destroyed by the United States bombing in 1969. This information was previously requested of the Air Force in my letter of April 20, 1971, addressed to Major General John C. Giraudo, a copy of which was enclosed in the letter of April 29 to which you partially responded in your letter of May 13.

2. *The two photographs of Laotian villages handed to me for examination on April 1, by Major General Evans, Commander 13th Air Force, Udorn, Thailand.* These are the photographs which General Evans discussed with General Clay on April 16 in Saigon and which Major General Hardin on the same day advised me that General Clay had decided to refuse release, suggesting that I should request the pictures from the Air Force Liaison Office in Washington. I made such request to Major General Giraudo in my letter of April 19, a copy of which was enclosed in the letter to your predecessor, Mr. Capen.

3. *A copy of the photograph of an F–105 bombing four huts with a direct hit with white phosphorous, such photograph being the one formerly hanging in the office of the Vice Commander, 7th Air Force, and from which the present oil painting behind General Hardin's desk was copied.* This photograph was also referred to in my letter of April 19 to General Giraudo, aforesaid.

From a personal inspection of your photographic records in Udorn I am satisfied that it is a simple matter for the Air Force to collect the photographs in question from those records and forward them forthwith.

The Air Force had no difficulty whatsoever in furnishing us with 12 recent pictures of Laotain villages, these being the following:

1. Ban Toumlan, photograph dated 14 November 1970.

2. Ban Le, photograph dated 27 February 1971.

3. Ban Khe Louong, photograph dated 21 February 1971.

4. Ban Donbouag, photograph dated 14 November 1970.

5. Ban Khammouan, photograph dated 15 February 1971.

6. Ban Nambak, photograph dated 1 April 1971.

7. Ban Toumlan, photograph date 14 November 1970.

8. Ban Nanhang, photograph dated 1 April 1971.

9. Pak Beng, photograph dated 1 April 1971.

10. Mahaxai, photograph dated 15 February 1971.

11. Saravan, photograph dated 14 November 1970.

12. Attopeu, photograph date 14 November 1970.

None of these villages were named in the list previously requested, however, at least to the best of our knowledge.

Needless to say, this request is made with the understanding that no photographic missions should be flown nor lives placed in jeopardy for photographs not already in your files. It was my understanding that you already have a complete and comprehensive file of photographs for each village located along lines of communication (LOC's) in Laos.

If photographs of any of these villages are unavailable in your files I would appreciate being immediately so advised.

Respectfully,

PAUL N. MCCLOSKEY, Jr.

APRIL 29, 1971.

Mr. RICHARD G. CAPEN, Jr.
Assistant to the Secretary for Legislative Affairs, Department of Defense, The Pentagon, Washington, D.C.

DEAR MR. CAPEN: Requests to the Department of the Air Force for information on activities in Southeast Asia have resulted in a letter to me from Major General John C. Geraudo suggesting that further inquiries on this matter be addressed directly to your office.

Accordingly, I would like to request the following information:

1. The identification of the villages and populated which have been hit by American air strikes since 1963.

2. The types of ordnance and the tonnage thereof which have been used against such targets.

3. A description of the ground combat operations directed or supported by American personnel in northern Laos during the period 1965–1967.

4. The number of current or former American military officers presently engaged in current combat operations in northern Laos, and the agency or contractor of the federal government which employs such individuals.

I am enclosing copies of letters sent by this office to the Air Force on March 3, 17, 22, April 19 and 20, 1971.

Thank you for your courtesy.

Respectfully,

PAUL N. MCCLOSKEY, Jr.

APRIL 20, 1971.

Maj. Gen. JOHN C. GIRAUDO,
Office of Legislative Liaison, U.S. Air Force, The Pentagon, Washington, D.C.

DEAR GENERAL GIRAUDO: Supplemental to my letter to you of yesterday, April 19, I would like to request the most recent aerial photographs taken of the villages listed in the attached list. All of such villages are located in the Plain of Jars area, Testimony has been received from residents of a majority of these villages that they were partially or totally destroyed by aerial bombing in 1969.

If there are target folders for one or more of these villages I would appreciate the opportunity to review such target folders at your convenience.

Thank you for your courtesy.

Respectfully,

PAUL N. MCCLOSKEY, Jr.

[Exhibit A]

MARCH 17, 1971.

Maj. Gen. JOHN C. GIRAUDO,
Director of Legislative Liaison,
Department of the Air Force,
Washington, D.C.

DEAR GENERAL GIRAUDO: In recent weeks, my office staff has repeatedly requested the following information from either the Department of Defense and/or the Department of State, thus far without response:

1. The identification of the villages and populated areas in northern Laos which have been hit by American air strikes since 1965.

2. The types of ordnance and the tonnage thereof which have been used against such targets.

3. A description of the ground combat operations directed or supported by American personnel in northern Laos during the period 1965–1971.

4. The number of current or former American military officers presently engaged in current combat operations in northern Laos, and the agency or contractor of the federal government which employes such individuals.

As we have previously stated to your Congressional Liaison personnel, I will be glad to have my own staff go over any records which are so voluminous as to make it difficult for the immediate collection of this material. To the extent that the information is classified, I will of course respect the classification restrictions imposed.

Paul LaFond, Colonel, United States Marine Corps (Ret.), of my staff holds a Top Secret security clearance, and as a Colonel in the Ready Reserves of the United States Marine Corps, I hold a Secret clearance.

I would appreciate your early response.

Respectfully,

PAUL N. MCCLOSKEY, Jr.

[Exhibit B]

MARCH 22, 1971.

Maj. Gen. JOHN C. GIRAUDO,
Director of Legislative Liaison,
Department of the Air Force,
Washington, D.C.

DEAR GENERAL GIRAUDO: In response to my letter of March 17, I received on March 18 a letter labelled "Secret" which gave me the descriptions and characteristics of the ordnance used in Southeast Asia by the United States Air Force since 1957. I was also furnished with a map of Laos showing a dividing line between "North Laos and South Laos" and the unclassified statement: "North Laos. In 1957, sorties were very light. In 1968 the sortie rate nearly doubled. 1969 was the peak year. In 1970, the sortie rate decreased 27%."

This information does not answer the questions in my letter to you of March 17, to wit:

1. The identification of the villages and populated areas in northern Laos which have been hit by American air strikes since 1965.

2. The types of ordnance and the tonnage thereof which have been used against such targets.

3. A description of the ground combat operations directed or supported by American personnel in northern Laos during the period 1965–1971.

4. The number of current of former American military officers presently engaged in current combat operations in northern Laos, and the agency or contractor of the federal government which employs such individuals.

May I kindly have a detailed response to these questions, preferably with a map large enough to identify the villages and populated areas and a description of the weapons and tonnage thereof used in each area. I would particularly like to have, as to North Laos, South Laos, Cambodia, South Viet Nam and North Viet Nam, the number of sorties flown each month, the percentages of antipersonnel bombs, fire bombs and other ordnance, making up the monthly bomb loads and the total damage, enemy KIA, tracks, trucks, bridges, etc., destroyed, and civilian casualties estimated to have been caused each month since 1965.

In the past, it has been my privilege to sit in on individual debriefings where individual pilots reported these statistics. Frankly, it is difficult for us to understand why the Air Force has thus far been unable to furnish me with this detailed information. As I mentioned in my earlier letter, I will be glad to have my own staff go over any records which are so voluminous as to make it difficult for the immediate collection of this material.

Thank you for your courtesy.

Respectfully,

PAUL N. MCCLOSKEY, Jr.

[EXHIBIT C]

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 19,1971.

Maj. Gen. JOHN C. GIRAUDO,
Office of Legislative Liaison
U.S. Air Force,
The Pentagon,
Washington, D.C.

DEAR GENERAL GIRAUDO: On April 13 and 15, I was privileged to meet with Major General Evans, Commander 13th Air Force, and on April 16 with Major General Hardin, Vice Commander, 7th Air Force. General Evans confirmed to me that current rules in Northern Laos require that no bombing take place within 500 meters of an "active village," an active village being defined as one hut.

At the April 13 meeting, I circled eight villages in Northern Laos at random and asked for aerial photographs of such villages. General Evans said he would be glad to have such photographs located and enlarged. On April 15, General Evans advised me that his staff had located only two of the villages in question, and showed me two photographs blown up to approximately 24" square. It was clear from the photographs, and General Evans confirmed, that these two villages were no longer in existence in the circled areas indicated.

I asked General Evans for the photographs and he replied that he would first like to get permission for their release from his superior, General Clay, Commander, 7th Air Force, in Saigon. He stated he was going to Saigon the following morning and request permission from General Clay for their release to me prior to my scheduled departure from Saigon at 1700 the following day, April 16.

In the early afternoon of April 16, I called at 7th Air Force Headquarters at Saigon and was referred to General Hardin, who advised me that General Clay had decided to refuse release of the pictures to me, and that I should request the pictures and any other Air Force data and information from your office in Washington.

This I now do.

I would also like to request further information as follows:

1. A list of the villages bombed in Northern Laos in "Barre Roll" operations since 1965, reflecting the date or dates of bombing such villages.

2. A copy of the photograph of an F–105 bombing four huts with a direct hit with white phosphorous, such photograph being the one formerly hanging in the office of the Vice Commander, 7th Air Force, and from which the present oil painting behind General Hardin's desk was copied.

These requests are made because of the widespread and uniform statements by Laotian refugees that their villages were destroyed by Air Force bombing in 1969. Such destruction is described in the U.S.I.S. memo of July 10, 1970, a copy of which is attached, and it is apparent that such bombing was in direct violation of the rules of target designation described by Ambassador William Sullivan in his testimony to the Senate Judiciary Committee Subcommittee on May 7, 1970. A copy of the Ambassador's partial testimony in this regard is attached hereto for your reference.

General Evans confirmed expressly to me on April 13, 1971, that during his seven months tenure as Commander, 13th Air Force, he has followed the targeting procedures directed by Ambassador Godley, and that to his knowledge, no Laotian villages have been destroyed by U.S. Air Force.

In the personal interviews with refugees from seven different villages in Xieng Khouang Province on April 15, 1971, by Congressman Waldie and myself, it was conclusively established that all seven villages were completely destroyed by T-28 and jet aircraft during 1969. The villagers described both SBU cluster bombers and white phosphorous as the ordnance which was used, and we personally observed several persons whose scars were consistent with such ordnance.

From the foregoing, it seems reasonable to believe that sometime between March 1969, when Ambassador Sullivan was replaced by Ambassador Godley, and the fall of 1970 when General Evans took command of 13th Air Force, at least seven, and presumably more, villages were destroyed by 13th Air Force aircraft and/or Royal Laotian Government T-28's.

It is likewise clear that if any such villages were destroyed, they were destroyed under the control and direction of the United States Ambassador to Laos who personally confirmed to me on April 13 and 15 that any villages destroyed in Northern Laos were destroyed either at his direction or with his consent, excepting only the relatively few occasions where a mistake may have been made.

I would much appreciate your comprehensive evaluation and comments on the matters set forth above, together with your early forwarding of the photographs and information requested.

Respectfully,

PAUL N. MCCLOSKEY, Jr.

KEY TEXTS FROM PENTAGON'S VIETNAM STUDY

Following are texts of key documents accompanying the Pentagon's study of the Vietnam war, covering the opening of the sustained bombing campaign against North Vietnam in the first half of 1965. Except where excerpting is indicated, the documents are printed verbatim, with only unmistakable typographical errors corrected.

LETTER FROM ROSTOW FAVORING COMMITMENT OF TROOPS BY UNITED STATES

(Personal letter from Walt W. Rostow, chairman of the State Department's Policy Planning Council, to Secretary McNamara, Nov. 16, 1964, "Military Dispositions and Political Signals.")

Following on our conversation of last night I am concerned that too much thought is being given to the actual damage we do in the North, not enough thought to the signal we wish to send.

The signal consists of three parts:

a) damage to the North is now to be inflicted because they are violating the 1954 and 1962 accords;

b) we are ready and able to go much further than our initial act of damage;

c) we are ready and able to meet any level of escalation they might mount in response, if they are so minded.

Four points follow.

1. I am convinced that we should not go forward into the next stage without a US ground force commitment of some kind:

a. The withdrawal of those ground forces could be a critically important part of our diplomatic bargaining position. Ground forces can sit during a conference more easily than we can maintain a series of mounting air and naval pressures.

b. We must make clear that counter escalation by the Communists will run directly into US strength on the ground; and, therefore the possibility of radically extending their position on the ground at the cost of air and naval damage alone, is ruled out.

c. There is a marginal possibility that in attacking the airfield they were thinking two moves ahead; namely, they might be planning a pre-emptive ground force response to an expected US retaliation for the Bien Hoa attack.

2. The first critical military action against North Vietnam should be designed merely to install the principle that they will, from the present forward, be vulnerable to retaliatory attack in the north for continued violations for the 1954 and 1962 Accords. In other words, we would signal a shift from the principle involved in the Tonkin Gulf response. This means that the initial use of force in the north should be as limited and as unsanguinary as possible. It is the installation of the principle that we are initially interested in, not tit for tat.

3. But our force dispositions to accompany an initial retaliatory move against the north should send three further signals lucidly:

a. that we are putting in place a capacity subsequently to step up direct and naval pressure on the north, if that should be required;

b. that we are prepared to face down any form of escalation North Vietnam might mount on the ground; and

c. that we are putting forces into place to exact retaliation directly against Communist China, if Peiping should join in an escalatory response from Hanoi. The latter could take the form of increased aircraft on Formosa plus, perhaps, a carrier force sitting off China distinguished from the force in the South China Sea.

4. The launching of this track, almost certainly, will require the President to explain to our own people and to the world our intentions and objectives. This will also be perhaps the most persuasive form of communication with Ho and Mao. In addition, I am inclined to think the most direct communication we can mount (perhaps via Vientiane and Warsaw) is desirable, as opposed to the use of cut-outs. They should feel they now confront an LBJ who has made up his mind. Contrary to an anxiety expressed at an earlier stage, I believe it quite possible to communicate the limits as well as the seriousness of our intentions without raising seriously the fear in Hanoi that we intend at our initiative to land immediately in the Red River Delta, in China, or seek any other objective than the re-installation of the 1954 and 1962 Accords.

MEMO FROM ROSTOW ADVOCATING GROUND TROOPS AND AIR ATTACKS

(Memorandum from Mr Rostow to Secretary Rusk, Nov. 23, 1964, "Some Observations as We Come to the Crunch in Southeast Asia")

I leave for Lima this Saturday for the CIAP and CIES meetings. I presume that in early December some major decisions on Southeast Asia will be made. I should, therefore, like to leave with you some observations on the situation. I have already communicated them to Bill Bundy.

1. We must begin by fastening our minds as sharply as we can around our appreciation of the view in Hanoi and Peiping of the Southeast Asia problem. I agree almost completely with SNIE 10-3-64 of October 9. Here are the critical passages:

"While they will seek to exploit and encourage the deteriorating situation in Saigon, they probably will avoid actions that would in their view unduly increase the chances of a major US response against North Vietnam (DRV) or Communist China. We are almost certain that both Hanoi and Peiping are anxious not to become involved in the kind of war in which the great weight of superior US weaponry could be brought against them. Even if Hanoi and Peiping estimated that the US would not use nuclear weapons against them, they could not be sure of this. . . .

"In the face of new US pressures against the DRV, further actions by Hanoi and Peiping would be based to a considerable extent on their estimate of US intentions, i.e., whether the US was actually determined to increase its pressures as necessary. Their estimates on this point are probably uncertain, but we believe that fear of provoking severe measures by the US would lead them to temper their responses with a good deal of caution. . . .

"If despite Communist efforts, the US attacks continued, Hanoi's leaders would have to ask themselves whether it was not better to suspend their support of Viet Cong military action rather than suffer the destruction of their major military facilities and the industrial sector of their economy. In the belief that the tide has set almost irreversibly in their favor in South Vietnam, they might calculate that the Viet Cong could stop its military attacks for the time being and renew the insurrection successfully at a later date. Their judgment in this matter might be reinforced by the Chinese Communist concern over becoming involved in a conflict with US air and naval power."

Our most basic problem is, therefore, how to persuade them that a continuation of their present policy will risk major destruction in North Vietnam; that a preemptive move on the ground as a prelude to negotiation will be met by US strength on the ground; and that Communist China will not be a sanctuary, if it assists North Viet Nam in counter-escalation.

2. In terms of force dispositions, the critical moves are, I believe, these.

a. The introduction of some ground forces in South Viet Nam and, possibly, in the Laos corridor.

b. A minimal installation of the principle that from the present forward North Viet Nam will be vulnerable to retaliatory attacks for continued violation of the 1954–1962 Accords.

c. Perhaps most important of all, the introduction into the Pacific Theater of massive forces to deal with any escalatory response, including forces evidently aimed at China as well as North Viet Nam, should the Chinese Communists enter the game. I am increasingly confident that we can do this in ways which would be understood—and not dangerously misinterpreted—in Hanoi and Peiping.

3. But the movement of forces, and even bombing operations in the north, will not, in themselves, constitute a decisive signal. They will be searching, with enormous sensitivity, for the answer to the following question: Is the President of the United States deeply committed to reinstalling the 1954–1962 Accords; or is he putting on a demonstration of force that would save face for, essentially, a U.S. political defeat at a diplomatic conference? Here their judgment will depend not merely on our use of force and force dispositions but also on the posture of the President, including commitments he makes to our own people and before the world, and on our follow-through. The SNIE accurately catches the extent of their commitments and their hopes in South Viet Nam and Laos. They will not actually accept a setback until they are absolutely sure that we really mean it. They will be as searching in this matter as Khrushchev was before he abandoned the effort to break our hold on Berlin and as Khrushchev was in searching us out on the Turkish missiles before he

finally dismantled and removed his missiles from Cuba. Initial rhetoric and military moves will not be enough to convince them.

4. Given the fundamental assessment in this SNIE, I have no doubt we have the capacity to achieve a reinstallation of the 1954–1962 Accords if we enter the exercise with the same determination and staying power that we entered the long test on Berlin and the short test on the Cuba missiles. But it will take that kind of Presidential commitment and staying power.

5. In this connection, the SNIE is quite sound in emphasizing that they will seek, if they are permitted, either to pretend to call off the war in South Viet Nam, without actually doing so; or to revive it again when the pressure is off. (We can see Castro doing this now in Venezuela.) The nature of guerrilla war, infiltration, etc., lends itself to this kind of ambiguous letdown and reacceleration. This places a high premium on our defining precisely what they have to do to remove the pressure from the north. It is because we may wish to maintain pressure for some time to insure their compliance that we should think hard about the installation of troops not merely in South Viet Nam south of the seventeenth parallel, but also in the infiltration corridor of Laos. The same consideration argues for a non-sanguinary but important pressure in the form of naval blockade which will be easier to maintain during a negotiation or quasi-negotiation phase than bombing operations.

6. The touchstones for compliance should include the following: the removal of Viet Minh troops from Laos; the cessation of infiltration of South Viet Nam from the north; the turning off of the tactical radio network; and the overt statement on Hanoi radio that the Viet Cong should cease their operations and pursue their objectives in South Viet Nam by political means. On the latter point, even if contrary covert instructions are given, an overt statement would have important political and psychological impact.

7. As I said in my memorandum to the President of June 6, no one can be or should be dogmatic about how much of a war we still would have—and for how long—if the external element were thus radically reduced or eliminated. The odds are pretty goood, in my view, that, if we do these things in this way, the war will either promptly stop or we will see the same kind of fragmentation of the Communist movement in South Viet Nam that we saw in Greece after the Yugoslav frontier was closed by the Tito-Stalin split. But we can't proceed on that assumption. We must try to gear this whole operation with the best counter-insurgency effort we can mount with our Vietnamese friends outside the country; and not withdraw US forces from Viet Nam until the war is truly under control. (In this connection, I hope everyone concerned considers carefully RAND proposal of November 17, 1964, entitled "SIAT: Single Integrated Attack Team, A Concept for Offensive Military Operations in South Viet-Nam.)

8. I do not see how, if we adopt this line, we can avoid heightened pressures from our allies for either Chinese Communist entrance into the UN or for a UN offer to the Chinese Communists on some form of two-China basis. This will be livable for the President and the Administration if—but only if—we get a clean resolution of the Laos and South Viet Nam problems. The publication of a good Jordan Report will help pin our allies to the wall on a prior reinstallation of the 1954 and 1962 Accords.

9. Considering these observations as a whole, I suspect what I am really saying is that our assets, as I see them, are sufficient to see this thing through if we enter the exercise with adequate determination to succeed. I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome which flows from the simple fact that at this stage of history we are the greatest power in the world—if we behave like it.

10. In the President's public exposition of his policy, I would now add something to the draft I did to accompany the June 6 memorandum to the President. I believe he should hold up a vision of an Asian community that goes beyond the Mekong passage in that draft. The vision, essentially, should hold out the hope that if the 1954 and 1962 Accords are reinstalled, these things are possible:

a. peace;

b. accelerated economic development;

c. Asians taking a larger hand in their own destiny;

d. as much peaceful coexistence between Asian Communists and non-Communists as the Communists wish.

11. A scenario to launch this track might begin as follows:

A. A Presidential decision, communicated to but held by the Congressional leaders. Some leakage would not be unhelpful.

B. Immediate movement of relevant forces to the Pacific.

C. Immediate direct communication to Hanoi to give them a chance to back down before faced with our actions, including a clear statement of the limits of our objectives but our absolute commitment to them.

D. Should this first communication fail (as is likely) installation of our ground forces and naval blockade, plus first attack in North, to be accompanied by publication of up-dated Jordan Report and Presidential speech.

McGEORGE BUNDY MEMO TO JOHNSON ON "SUSTAINED REPRISAL" POLICY

(Annex A, "A Policy of Sustained Reprisal," to Memorandum to President Lyndon B. Johnson From McGeorge Bundy, Presidential Assistant for National Security, Feb. 7, 1965.)

I. INTRODUCTION

We believe that the best available way of increasing our chance of success in Vietnam is the development and execution of a policy of *sustained reprisal* against North Vietnam—a policy in which air and naval action against the North is justified by and related to the whole Viet Cong campaign of violence and terror in the South.

While we believe that the risks of such a policy are acceptable, we emphasize that its costs are real. It implies significant U.S. air losses even if no full air war is joined, and it seems likely that it would eventually require an extensive and costly effort against the whole air defense system of North Vietnam. U.S. casualties would be higher—and more visible to American feelings—than those sustained in the struggle in South Vietnam.

Yet measured against the costs of defeat in Vietnam, this program seems cheap. And even if it fails to turn the tide—as it may—the value of the effort seems to us to exceed its cost.

II. OUTLINE OF THE POLICY

1. In partnership with the Government of Vietnam, we should develop and exercise the option to retaliate against *any* VC act of violence to persons or property.

2. In practice, we may wish at the outset to relate our reprisals to those acts of relatively high visibility such as the Pleiku incident. Later, we might retaliate against the assassination of a province chief, but not necessarily the murder of a hamlet official; we might retaliate against a grenade thrown into a crowded cafe in Saigon, but not necessarily to a shot fired into a small shop in the countryside.

3. Once a program of reprisals is clearly underway, it should not be necessary to connect each specific act against North Vietnam to a particular outrage in the South. It should be possible, for example, to publish weekly lists of outrages in the South and to have it clearly understood that these outrages are the cause of such action against the North as may be occurring in the current period. Such a more generalized pattern of reprisal would remove much of the difficulty involved in finding precisely matching targets in response to specific atrocities. Even in such a more general pattern, however, it would be important to insure that the general level of reprisal action remained in close correspondence with the level of outrages in the South. We must keep it clear at every stage both to Hanoi and to the world, that our reprisals will be reduced or stopped when outrages in the South are reduced or stopped—and that we are not attempting to destroy or conquer North Vietnam.

4. In the early stages of such a course, we should take the appropriate occasion to make clear our firm intent to undertake reprisals on any further acts, major or minor, that appear to us and the GVN as indicating Hanoi's support. We would announce that our two governments have been patient and forebearing in the hope that Hanoi would come to its senses without the necessity of our having to take further action; but the outrages continue and now we must react against those who are responsible; we will not provoke; we will not use our force indiscriminately; but we can no longer sit by in the face of repeated acts of terror and violence for which the DRV is responsible.

5. Having once made this announcement, we should execute our reprisal policy with as low a level of public noise as possible. It is to our interest that our acts should be seen—but we do not wish to boast about them in ways that make it hard for Hanoi to shift its ground. We should instead direct maximum attention to the continuing acts of violence which are the cause of our continuing reprisals.

6. This reprisal policy should begin at a low level. Its level of force and pressure should be increased only gradually—and as indicated above should be decreased if VC terror visibly decreases. The object would not be to "win" an air war against Hanoi, but rather to influence the course of the struggle in the South.

7. At the same time it should be recognized that in order to maintain the power of reprisal without risk of excessive loss, an "air war" may in fact be necessary. We should therefore be ready to develop a separate justification for energetic flak suppression and if necessary for the destruction of Communist air power. The essence of such an explanation should be that these actions are intended solely to insure the effectiveness of a policy of reprisal, and in no sense represent any intent to wage offensive war against the North. These distinctions should not be difficult to develop.

8. It remains quite possible, however, that this reprisal policy would get us quickly into the level of military activity contemplated in the so-called Phase II of our December planning. It may even get us beyond this level with both Hanoi and Peiping, if there is Communist counter-action. We and the GVN should also be prepared for a spurt of VC terrorism, especially in urban areas, that would dwarf anything yet experienced. These are the risks of any action. They should be carefully reviewed—but we believe them to be acceptable.

9. We are convinced that the political values of reprisal require a continuous operation. Episodic responses geared on a one-for-one basis to "spectacular" outrages would lack the persuasive force of sustained pressure. More important still, they would leave it open to the Communists to avoid reprisals entirely by giving up only a small element of their own program. The Gulf of Tonkin affair produced a sharp upturn in morale in South Vietnam. When it remained

an isolated episode, however, there was a severe relapse. It is the great merit of the proposed scheme that to stop if the Communists would have to stop enough of their activity in the South to permit the probable success of a determined pacification effort.

III. EXPECTED EFFECT OF SUSTAINED REPRISAL POLICY

1. We emphasize that our primary target in advocating a reprisal policy is the improvement of the situation in South Vietnam. Action against the North is usually urged as a means of affecting the will of Hanoi to direct and support the VC. We consider this an important but longer-range purpose. The immediate and critical targets are in the South—in the minds of the South Vietnamese and in the minds of the Viet Cong cadres.

2. Predictions of the effect of any given course of action upon the states of mind of people are difficult. It seems very clear that if the United States and the Government of Vietnam join in a policy of reprisal, there will be a sharp immediate increase in optimism in the South, among nearly all articulate groups. The Mission believes—and our own conversations confirm—that in all sectors of Vietnamese opinion there is a strong belief that the United States could do much more if it would, and that they are suspicious of our failure to use more of our obviously enormous power. At least in the short run, the reaction to reprisal policy would be very favorable.

3. This favorable reaction should offer opportunity for increased American influence in pressing for a more effective government—at least in the short run. Joint reprisals would imply military planning in which the American role would necessarily be controlling, and this new relation should add to our bargaining power in other military efforts—and conceivably on a wider plane as well if a more stable government is formed. We have the whip hand in reprisals as we do not in other fields.

4. The Vietnamese increase in hope could well increase the readiness of Vietnamese factions themselves to join together in forming a more effective government.

5. We think it plausible that effective and sustained reprisals, even in a low key, would have a substantial depressing effect upon the morale of Viet Cong cadres in South Vietnam. This is the strong opinion of CIA Saigon. It is based upon reliable reports of the initial Viet Cong reaction to the Gulf of Tonkin episode, and also upon the solid general assessment that the determination of Hanoi and the apparent timidity of the mighty United States are both major items in Viet Cong confidence.

6. The long-run effect of reprisals in the South is far less clear. It may be that like other stimulants, the value of this one would decline over time. Indeed the risk of this result is large enough so that we ourselves believe that a very major effort all along the line should be made in South Vietnam to take full advantage of the immediate stimulus of reprisal policy in its early stages. Our object should be to use this new policy to effect a visible upward turn in pacification, in governmental effectiveness, in operations against the Viet Cong, and in the whole U.S./GVN relationship. It is changes in these areas that can have enduring long-term effects.

7. While emphasizing the importance of reprisals in the South, we do not exclude the impact on Hanoi. We believe, indeed, that it is of great importance that the level of reprisal be adjusted rapidly and visibly to both upward and downward shifts in the level of Viet Cong offenses. We want to keep before Hanoi the carrot of our desisting as well as the stick of continued pressure. We also need to conduct the application of force so that there is always a prospect of worse to come.

8. We cannot assert that a policy of sustained reprisal will succeed in changing the course of the contest in Vietnam. It may fail, and we cannot estimate the odds of success with any accuracy—they may be somewhere between 25% and 75%. What we can say is that even if it fails, the policy will be worth it. At a minimum it will damp down the charge that we did not do all that we could have done, and this charge will be important in many countries, including our own. Beyond that, a reprisal policy—to the extent that it demonstrates U.S. willingness to employ this new norm in counter-insurgency—will set a higher price for the future upon all adventures of guerrilla warfare, and it should therefore somewhat increase our ability to deter such adventures. We must recognize, however, that that ability will be gravely weakened if there is failure for any reason in Vietnam.

IV. PRESENT ACTION RECOMMENDATIONS

1. This general recommendation was developed in intensive discussions in the days just before the attacks on Pleiku. These attacks and our reaction to them have created an ideal opportunity for the prompt development and execution of sustained reprisals. Conversely, if no such policy is now developed, we face the grave danger that Pleiku, like the Gulf of Tonkin, may be a short-run stimulant and a long-term depressant. We therefore recommend that the necessary preparations be made for continuing reprisals. The major necessary steps to be taken appear to use to be the following:

(1) We should complete the evacuation of dependents.

(2) We should quietly start the necessary westward deployments of [word illegible] contingency forces.

(3) We should develop and refine a running catalogue of Viet Cong offenses which can be published regularly and related clearly to our own reprisals. Such a catalogue should perhaps build on the foundation of an initial White Paper.

(4) We should initiate joint planning with the GVN on both the civil and military level. Specifically, we should give a clear and strong signal to those now forming a government that we will be ready for this policy when they are.

(5) We should develop the necessary public and diplomatic statements to accompany the initiation and continuation of this program.

(6) We should insure that reprisal program is matched by renewed public commitment to our family of programs in the South, so that the central importance of the southern struggle may never be neglected.

(7) We should plan quiet diplomatic communication of the precise meaning of what we are and are not doing, to Hanoi, to Peking and to Moscow.

(8) We should be prepared to defend and to justfy this new policy by concentrating attention in every forum upon its cause—the aggression in South.

(9) We should accept discussion on these terms in any forum, but we should *not* now accept the idea of negotiations of any sort except on the basis of a stand down of Viet Cong violence. A program of sustained reprisal, with its direct link to Hanoi's continuing aggressive actions in the South, will not involve us in nearly the level of international recrimination which would be precipitated by a go-North program which is not so connected. For this reason the international pressures for negotiation should be quite manageable.

Draft by William Bundy on Results of Policy in 1965

Draft paper by William Bundy, "Where Are We Heading?," Feb. 18, 1965. An attached note, dated June 25, says, "Later than November paper, and unfinished."

This memorandum examines possible developments and problems if the US pursues the following policy with respect to South Viet-Nam:

a. Intensified pacification within South Viet-Nam. To meet the security problem, this might include a significant increase in present US force strength.

b. A program of measured, limited, and spaced air attacks, jointly with the GVN, against the infiltration complex in the DRV. Such attacks would take place at the rate of about one a week, unless spectacular Viet Cong action dictated an immediate response out of sequence. The normal pattern of such attacks would comprise one GVN and one US strike on each occasion, confined to targets south of the 19th parallel, with variations in severity depending on the tempo of VC action, but with a slow upward trend in severity as the weeks went by.

c. That the US itself would take no initiative for talks, but would agree to cooperate in consultations—not a conference—undertaken by the UK and USSR as Co-Chairmen of the Geneva Conference. As an opening move, the British would request an expression of our views, and we would use this occasion to spell out our position fully, including our purposes and what we regard as essential to the restoration of peace. We would further present our case against the DRV in the form of a long written document to be sent to the President of the United Nations Security Council and to be circulated to members of the UN.

1. COMMUNIST RESPONSES

a. Hanoi would almost certainly not feel itself under pressure at any early point to enter into fruitful negotiations or to call off its activity in any way. They would denounce the continued air attacks and seek to whip up maximum world opposition to them. Within South Viet-Nam, they might avoid spectacular actions, but would certainly continue a substantial pattern of activity along past lines, probably with emphasis on the kind of incidents we have seen this week, in which Communist agents stirred up a village "protest" against government air attacks, and against the U.S. Basically, they would see the situation in South Viet-Nam as likely to deteriorate further ("crumble", as they have put it), and would be expecting that at some point someone in the GVN will start secret talks with them behind our backs.

b. Communist China might supply additional air defense equipment to the DRV, but we do not believe they would engage in air operations from Communist China, at least up to the point where the MIGs in the DRV were engaged and we had found it necessary to attack Fukien or possibly—if the MIGs had been moved there—Vinh.

c. The Soviets would supply air defense equipment to the DRV and would continue to protest our air attacks in strong terms. However, we do not believe they would make any new commitment at this stage, and they would probably not do so even if the Chicoms became even more deeply involved—provided that we were not ourselves attacking Communist China. At that point, the heat might get awfully great on them, and they would be in a very difficult position to continue actively working as Co-Chairman. However, their approach to the British on the Co-Chairmanship certainly suggests that they would find some relief in starting to act in that role, and might use it as a hedge against further involvement, perhaps pointing out to Hanoi that the Co-Chairman exercise serves to prevent us from taking extreme action and that Hanoi will get the same result in the end if a political track is operating and if, in fact, South Viet-Nam keeps crumbling. They might also argue to Hanoi that the existence of the political track tends to reduce the chances of the Chicoms having to become deeply involved—which we believe Hanoi does not want unless it is compelled to accept it.

2. Within South Viet-Nam the new government is a somewhat better one, but the cohesive effects of the strikes to date have at most helped things a bit. The latest MACV report indicates a deteriorating situation except in the extreme south, and it is unlikely that this can be arrested in any short period of time even if the government does hold together well and the military go about their business. We shall be very lucky to see a leveling off, much less any significant improvement, in the next two months. In short, we may have to hang on quite a long time before we can hope to see an improving situation in South Viet-Nam—and this in turn is really the key to any negotiating position we could have at any time.

3. On the political track we believe the British will undertake their role with vigor, and that the Soviets will be more reserved. The Soviets can hardly hope to influence Hanoi much at this point, and they certainly have no leverage with Communist China. In the opening rounds, the Soviets will probably fire off some fairly sharp statements that the real key to the situation is for us to get out and to stop our attacks, and the opposing positions are so far apart that it is hard to see any useful movement for some time to come. We might well find the Soviets—or even the Canadians—sounding us out on whether we would stop our attacks in return for some moderation in VC activity. This is clearly unacceptable, and the very least we should hold out on is a verified cessation of infiltration (and radio silence) before we stop our attacks. Our stress on the cessation of infiltration may conceivably lead to the Indians coming forward to offer policing forces—a suggestion they have made before—and this would be a constructive move we could pick up. But, as noted above, Hanoi is most unlikely to trade on this basis for a long time to come.

4. In sum—the most likely prospect is for a prolonged period without major risks of escalation but equally without any give by Hanoi. If, contrary to our present judgment, the GVN should start to do better.

WHITE HOUSE CABLE TO TAYLOR ON THE ROLLING THUNDER DECISION

Excerpts from cablegram from the State Department to Ambassador Taylor, Feb. 13, 1965, as provided in the body of the Pentagon study. The words in brackets are those of the study. The narrative says this message was drafted at the White House.

The President today approved the following program for immediate future actions in follow-up decisions he reported to you in Deptel 1653. [The first FLAMING DART reprisal decision.]

1. We will intensify by all available means the program of pacification within SVN.

2. We will execute a program of measured and limited air action jointly with GVN against selected military targets in DRV, remaining south of 19th parallel until further notice.

FYI. Our current expectation is that these attacks might come about once or twice a week and involve two or three targets on each day of operation. END FYI.

3. We will announce this policy of measured action in general terms and at the same time, we will go to UN Security Council to make clear case that aggressor is Hanoi. We will also make it plain that we are ready and eager for 'talks' to bring aggression to an end.

4. We believe that this 3-part program must be concerted with SVN, and we currently expect to announce it by Presidential statement directly after next authorized air action. We believe this action should take place as early as possible next week.

5. You are accordingly instructed to seek immediate GVN agreement on this program. You are authorized to emphasize our conviction that announcement of readiness to talk is stronger diplomatic position than awaiting inevitable summons to Security Council by third parties. We would hope to have appropriate GVN concurrence by Monday [Feb. 14th] if possible here.

In presenting above to GVN, you should draw fully, as you see fit, on following arguments:

a. We are determined to continue with military actions regardless of Security Council deliberations and any 'talks' or negotiations when [words illegible]. [Beginning of sentence illegible] that they cease [words illegible] and also the activity they are directing in the south.

b. We consider the UN Security Council initiative, following another strike, essential if we are to avoid being faced with really damaging initiatives by the USSR or perhaps by such powers as India, France, or even the UN.

c. At an early point in the UN Security Council initiative, we would expect to see calls for the DRV to appear in the UN. If they failed to appear, as in August, this will make doubly clear that it is they who are refusing to desist, and our position in pursuing military actions against the DRV would be strengthened. For some reason we would now hope GVN itself would appear at UN and work closely with US.

d. With or without Hanoi, we have every expectation that any 'talks' that may result from our Security Council initiative would in fact go on for many weeks or perhaps months and would above all focus constantly on the cessation of Hanoi's aggression as the precondition to any cessation of military action against the DRV. We further anticipate that any detailed discussions about any possible eventual form of agreement returning to the essentials of the 1954 Accords would be postponed and would be subordinated to the central issue. . . .

CABLE TO U.S. ENVOYS IN ASIA ANNOUNCING SUSTAINED BOMBING

Cablegram from State Department to heads of nine United States diplomatic missions in the Far East, Feb. 18, 1965, as provided in the body of the Pentagon study.

Policy on Viet-Nam adopted today calls for the following:

1. Joint program with GVN of continuing air and naval action against North Viet-Nam whenever and wherever necessary. Such action to be against selected military targets and to be limited and fitting and adequate as response to continuous aggression in South Viet-Nam directed in Hanoi. Air strikes will be jointly planned and agreed with GVN and carried out on joint basis.

2. Intensification by all available means of pacification program within South Viet-Nam, including every possible step to find and attack VC concentrations and headquarters within SVN by all conventional means available to GVN and US.

3. Early detailed presentation to nations of world and to public of documented case against DRV as aggressor. Forum and form this presentation not yet decided, but we do not repeat not expect to touch upon readiness for talks or negotiations at this time. We are considering reaffirmation our objectives in some form in the near future.

4. Careful public statements of USG, combined with facts of continuing air action, are expected to make it clear that military action will continue while aggression continues. But focus of public attention will be kept as far as possible on DRV aggression; not on joint GVN-US military operations. There will be no comment of any sort on future actions except that all such actions will be adequate and measured and fitting to aggression. (You will have noted President's statement of yesterday, which we will probably allow to stand.)

Addressees should inform head of government or State (as appropriate) of above in strictest confidence and report reactions. In the case of Canberra and Wellington [several words illegible] subject to security considerations of each operation as it occurs, as we did with respect to operations of February 7, and 11.

MCNAUGHTON DRAFT FOR MCNAMARA ON "PROPOSED COURSE OF ACTION"

(First draft of "Annex—Plan for Action for South Vietnam," appended to memorandum from John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, for Secretary of Defense Robert S. McNamara, March 24, 1965.)

1. US aims: 70%—To avoid a humiliating US defeat (to our reputation as a guarantor).

20%—To keep SVN (and the adjacent) territory from Chinese hands.

10%—To permit the people of SVN to enjoy a better, freer way of life.

ALSO—To emerge from crisis without unacceptable taint from methods used.

NOT—To "help a friend," although it would be hard to stay in if asked out.

2. The situation: The situation in general is bad and deteriorating. The VC have the initiative. Defeatism is gaining among the rural population, somewhat in the cities, and even among the soldiers—especially those with relatives in rural areas. The Hop Tac area around Saigon is making little progress; the Delta stays bad; the country have been severed in the north. GVN control is shrinking to the enclaves, some burdened with refugees. In Saigon we have a remission: Quat is giving hope on the civilian side, the Buddhists have calmed, and the split generals are in uneasy equilibrium.

3. The preliminary question: Can the situation inside SVN be bottomed out (a) without extreme measures against the DRV and/or (b) without deployment of large numbers of US (and other) combat troops inside SVN? The answer is perhaps, but probably no.

4. Ways GVN might collapse: (a) VC successes reduce GVN control to enclaves, causing:

(1) insurrection in the enclaved population,

(2) massive defections of ARVN soldiers and even units,

(3) aggravated dissension and impotence in Saigon,

(4) defeatism and reorientation by key GVN officials.

(5) entrance of left-wing elements into the government,

(6) emergence of a popular-front regime,

(7) request that US leave,

(8) concessions to the VC, and

(9) accommodations to the DRV.

(b) VC and DRV volunteers concentrate on I and II Corps,

(1) conquering principal GVN-held enclaves there.

(2) declaring Liberation Government * * *.

(3) joining the I & II Corps areas to the DRV, and

(4) pressing the course in (a) above for rest of SVN.

(c) While in a temporary funk, GVN might throw in sponge:

(1) dealing under the table with VC,

(2) asking the US to cease at least military aid,

(3) bringing left-wing elements into the government,

(4) leading to a popular-front regime, and

(5) ending in accommodations to the VC and DRV.

(d) In a surge of anti-Americanism, GVN could ask the US out and pursue course otherwise similar to (c) above.

5. The "trilemma": US policy appears to be drifting. This is because, while there is consensus that efforts inside SVN (para 6) will

probably fail to prevent collapse, all three of the possible remedial courses of action have so far been rejected:

a. Will-breaking strikes on the North (para 7) are balked (1) by flash-point limits, (2) by doubts that the DRV will cave and (3) by doubts that the VC will obey a caving DRV. (Leaving strikes only a political and anti-infiltration nuisance.)

b. Large US troops deployments. (para 9) are blocked by "French-defeat" and "Korea" syndromes, and Quat is queasy. (Troops could be net negatives, and be besieged.)

c. Exit by negotiations (para 9) is tainted by the humiliation likely to follow.

Effort inside South Vietnam: Progress inside SVN is our main aim. Great, imaginative efforts on the civilian political as well as military side must be made, bearing in mind that progress depends as much on GVN efforts and luck as on added US efforts. While only a few of such efforts can pay off quickly enough to affect the present ominous deterioration, some may, and we are dealing here in small critical margins. Furthermore, such investment is essential to provide a foundation for the longer run.

a. Improve spirit and effectiveness. (fill out further, drawing from State memo to the President)

(1) Achieve governmental stability.

(2) Augment the psy-war program.

(3) Build a stronger pro-government infrastructure.

b. Improve physical security. (fill out)

c. Reduce infiltration. (fill out)

STRIKES ON THE NORTH

(Program of Progressive Military Pressure)

a. Purposes:

(1) to reduce DRV/VC activities by affecting DRV will.

(2) To improve the GVN/VC relative "balance of morale."

(3) To provide the US/GVN with a bargaining counter.

(4) To reduce DRV infiltration of men and materiel.

(5) To show the world the lengths to which US will go for a friend.

b. Program: Each week, 1 or 2 "mission days" with 100-plane high-damage US–VNAF strikes each "day" against important targets, plus 3 armed recce missions—all moving upward in weight of effort, value of target or proximity to Hanoi and China.

ALTERNATIVE ONE: 12-week DRV-wide program shunning only "population" targets.

ALTERNATIVE TWO: 12-week program short of taking out Phuc Yen (Hanoi) airfield.

c. Other actions:

(1) Blockade of DRV ports by VNAF/US-dropped mines or by ships.

(2) South Vietnamese-implemented 34A MAROPS.

(3) Reconnaissance flights over Laos and the DRV.

(4) Daily BARREL ROLL armed recce strikes in Laos (plus T-28s),

(5) Four-a-week BARREL ROLL choke-point strikes in Laos.

(6) US/VNAF air & naval strikes against VC ops and bases in SVN.

(7) Westward deployment of US forces.

(8) No de Soto patrols or naval bombardment of DRV at this time.

d. Red "flash points." There are events which we can expect to imply substantial risk of escalation.

(1) Air strikes north of 17°. (This one already passed.)

(2) First US/VNAF confrontation with DRV MIGs.

(3) Strike on Phuc Yen MIG base near Hanoi.

(4) First strikes on Tonkin industrial/population targets.

(5) First strikes on Chinese railroad near China.

(6) First US/VNAF confrontation with Chicom MIGs.

(7) First hot pursuit of Chicom MIGs into China.

(8) First flak-suppression of Chicom or Soviet-manned SAM.

(9) Massive introduction of US ground troops into SVN.

(10) US/ARVN occupation of DRV territory) (e.g., Ile de Tigre).

(11) First Chi/Sov-US confrontation or sinking in blockade.

e. Blue "flash points." China/DRV surely are sensitive to events which might cause *us* to escalate.

(1) All of the above "red" flash points.

(2) VC ground attack on Danang.

(3) Sinking of a US naval vessel.

(4) Open deployment of DRV troops into South Vietnam.

(5) Deployment of Chinese troops into North Vietnam.

(6) Deployment of FROGs or SAMs in North Vietnam.

(7) DRV air attack on South Vietnam.

(8) Announcement of Liberation Government in I/II Corps area.

f. Major risks:

(1) Losses to DRV MIGs, and later possibly to SAMs.

(2) Increased VC activities, and possibly Liberation Government.

(3) Panic or other collapse of GVN from under us.

(4) World-wide revulsion against us (against strikes, blockades, etc.).

(5) Sympathetic fires over Berlin, Cyprus, Kashmir, Jordan waters.

(6) Escalation to conventional war with DRV, China (and USSR?).

(7) Escalation to the use of nuclear weapons.

g. Other Red moves:

(1) More jets to NVN with DRV or Chicom pilots.

(2) More AA (SAMs?) and radar gear (Soviet-manned?) to MVN.

(3) Increased air and ground forces in South China.

(4) Other "defensive" DRV retaliation (e.g., shoot-down of a U–2).

(5) PL land grabs in Laos.

(6) PL declaration of new government in Laos.

(7) Political drive for "neutralization" of Indo-China.

h. Escalation control. We can do three things to avoid escalation too-much or too-fast:

(1) Stretch out. Retard the program (e.g., 1 not 2 fixed strikes a week).

(2) Circuit breaker. Abandon at least temporarily the theory that our strikes are intended to break DRV will, and "plateau" them below the "Phuc Yen Airfield" flash point on one or the other of these tenable theories:

(a) That we strike as necessary to interdict infiltration.

(b) That our level of strikes is generally responsive to the level of VC/DRV activities in South Vietnam.

(3) Shunt. Plateau the air strikes per para (2) and divert the energy into:

(a) A mine—and/or ship-blockade of DRV ports.

(b) Massive deployment of US (and other?) troops into SVN (and Laos?):

(1) To man the "enclaves", releasing ARVN forces.

(2) To take over Pleiku, Kontum, Darlac provinces.

(3) To create a [word illegible] sea-Thailand infiltration wall.

i. Important miscellany:

(1) Program should appear to be relentless (i.e., possibility of employing "circuit-breakers" should be secret).

(2) Enemy should be kept aware of our limited objectives.

(3) Allies should be kept on board.

(4) USSR should be kept in passive role.

(5) Information program should preserve US public support.

PROGRAM OF LARGE U.S. GROUND EFFORT IN SVN AND SEA

a. Purposes:

(1) To defeat the VC on the ground.

(2) To improve GVN/VC relative "morale balance."

(3) To improve US/GVN bargaining position.

(4) To show world lengths to which US will go to fulfill commitments.

b. Program:

(1) Continue strike-North "crescendo" or "plateau" (para 7 above.)

(2) Add any "combat support" personnel needed by MACV; and (3) Deploy remainder of the III Marine Expeditionary Force to Danang; and (4) Deploy one US (plus one Korean?) division to defeat VC in Pleiku-Kontum-Darlac area, and/or (5) Deploy one US (plus one Korean?) division to hold enclaves (Bien Hoa/Ton Son Nhut, Nha Trang, Qui Non, Pleiku); and/or (6) Deploy 3–5 US divisions (with "international" elements) across Laos-SVN infiltration routes and at key SVN population centers.

c. Advantages:

(1) Improve (at least initially) manpower ratio vs. the VC.

(2) Boost GVN morale and depress DRV/VC morale.

(3) Firm up US commitment in eyes of all Reds, allies and neutrals.

(4) Deter (or even prevent) coups in the South.

d. Risks:

(1) Deployment will suck Chicom troops into DRV.

(2) Deployment will suck counterbalancing DRV/Chinese troops into SVN.

(3) Announcement of deployment will cause massive DRV/Chicom effort preemptively to occupy new SVN territory.

(4) US losses will increase.

(5) Friction with GVN (and Koreans?) over command will arise.

(6) GVN will tend increasingly to "let the US do it."

(7) Anti-US "colonialist" mood may increase in and outside SVN.

(8) US forces may be surrounded and trapped.

e. Important miscellany:

(1) There are no obvious circuit-breakers. Once US troops are in, it will be difficult to withdraw them or to move them, say, to Thailand without admitting defeat.

(2) It will take massive deployments (many divisions) to improve the GVN/US:VC ratio to the optimum 10+:1.

(3) In any event, our Project 22 planning with the Thais for defense of the Mekong towns must proceed apace.

EXIT BY NEGOTIATIONS

a. Bargaining counters.

(1) What DRV could give:

(a) Stop training and sending personnel to SVN/Laos.

(b) Stop sending arms and supplies into SVN/Laos.

(c) Stop directing military actions into SVN/Laos.

(d) Order the VC/PL to stop their insurgencies.

(e) Stop propaganda broadcasts to South Vietnam.

(f) Remove VM forces and cadres from SVN and Laos.

(g) See that VC/PL stop incidents in SVN and Laos.

(h) See that VC/PL cease resistance.

(i) See that VC/PL turn in weapons and bases.

(j) See that VC/PL surrender for amnesty/expatriation.

(2) What GVN/US could give:

(a) Stop (or not increase) air strikes on DRV.

(b) Remove (or not increase) US troops in SVN.

(c) Rice supply to DRV.

(d) Assurance that US/GVN have no designs on NVN.

(e) Assurance that US/GVN will not demand public renunciation by the DRV of Communist goals.

(f) Assurance that "peaceful coexistence (e.g., continuation of Red propaganda in SVN) is acceptable.

(g) Capitulation: Leftists in GVN, coalition government, and eventual incorporation of SVN into DRV.

b. Possible outcomes.

(1) Pacified non-Communist South Vietnam.

(2) "Laotian" solution, with areas of de facto VC dominion, a "government of national unity," and a Liberation Front ostensibly weened from DRV control.

(3) Explicit partition of SVN, with each area under a separate government.

(4) A "semi-equilibrium"—a slow-motion war—with slowly shifting GVN-VC lines.

(5) Loss of SVN to the DRV.

c. Techniques to minimize impact of bad outcomes. If/when it is estimated that even the best US/GVN efforts mean failure ("flash" or defeat), it will be important to act to minimize the after-damage to US effectiveness and image by steps such as these:

(1) Publicize uniqueness of congential impossibility of SVN case (e.g., Viet Minh held much of SVN in 1954, long sieve-like borders, unfavorable terrain, no national tradition, few administrators, mess left by French, competing factions, Red LOC advantage, late US start, etc.)

(2) Take opportunity offered by next coup or GVN anti-US tantrum to "ship out" (coupled with advanced threat to do so if they fail to "shape up"?)

(3) Create diversionary "offensives" elsewhere in the world (e.g., to shore up Thailand, Philippines, Malaysia, India, Australia; to launch an 'anti-poverty" program for underdeveloped areas).

(4) Enter multi-nation negotiations calculated to shift opinions and values.

d. Risks. With the physical situation and the trends as they are the fear is overwhelming that an exit negotiated now would result in humiliation for the US.

Evaluation: It is essential—however badly SEA may go over the next 1–3 years—that U.S. emerge as a "good doctor." We must have kept promises, been tough, taken risks, gotten bloodied, and hurt the enemy very badly. We must avoid harmful appearances which will affect judgments by, and provide pretexts to, other nations regarding how the U.S. will behave in future cases of particular interest to those nations—regarding U.S. policy, power, resolve and competence to deal with their problems. In this connection, the relevant audiences are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as "underwriters") and the U.S. public (which must support our risk-taking with U.S. lives and prestige).

Urgency: If the strike-North program (para 7) is not altered: we will reach the MIG/Phuc Yen flash point in approximately one month. If the program is altered only to stretch out the crescendo: up to 3 months may be had before that flash point, at the expense of a less persuasive squeeze. If the program is altered to "plateau" or dampen the strikes: much of their negotiating value will be lost. (Furthermore, there is now a hint of flexibility on the Red side: the Soviets are struggling to find a Gordian knot-cutter; the Chicoms may be wavering (Paris 5326).)

POSSIBLE COURSE

(1) Redouble efforts inside SVN (get better organized for it).

(2) Prepare to deploy U.S. combat troops in phases, starting with one Army division at Pleiku and a Marine MEF at Danang.

(3) Stretch out strike-North program, postponing Phuc Yen until June (exceed flash points only in specific retaliations).

(4) Initiate talks along the following lines, bearing in mind that formal partition, or even a "Laos" partition, is out in SVN; we must break the VC back or work out an accommodation.

Phase One talks:

(A) When: Now, before an avoidable flash point.

(B) Who: U.S.–U.S.S.R., perhaps also U.S.–India. (Not with China or Liberation Front; not through UK or France or U Thant; keep alert to possibility that GVN officials are talking under the table.)

(C) How: With GVN consent, private, quiet (refuse formal talks).

(D) What:

(1) Offer to stop strikes on DRV and withhold deployment of large U.S. forces in trade for DRV stoppage of infiltration, communications to VC, and VC attacks, sabotage and terrorism, and for withdrawal of named units in SVN.

2. Compliance would be placed unilaterally. If as is likely, complete compliance by the DRV is not forthcoming, we would carry out occasional strikes.

(3) We make clear that we are not demanding cessation of Red propaganda nor a public renunciation by Hanoi of its doctrines.

(4) Regarding "defensive" VC attacks—i.e., VC defending VC-held areas from encroaching ARVN forces—we take the public position that ARVN forces must be free to operate throughout SVN, especially in areas where amnesty is offered (but in fact, discretion will be exercised).

(5) Terrorism and sabotage, however, must be dampened markedly throughout the country, and civilian administrators must be free to move and operate freely, certainly in so-called contested areas (and perhaps even in VC base areas).

Phase two talks:

(A) When: At the end of Phase One.

(B) Who: All interested nations.

(C) How: Publicly in large conference.

(D) What:

(1) Offer to remove US combat forces from South Vietnam in exchange for repatriation (or regroupment?) of DRV infiltrators and for erection of international machinery to verify the end of infiltration and communication.

(2) Offer to seek to determine the will of the people under international supervision, with an appropriate reflection of those who favor the VC.

(3) Any recognition of the Liberation Front would have to be accompanied by disarming the VC and at least avowed VC independence from DRV control.

Phase Three talks: Avoid any talks regarding the future of all of Southeast Asia, Thailand's future should not be up for discussions; and we have the 1954 and 1962 Geneva Accords covering the rest of the area.

c. Special Points:

(1) Play on DRV's fear of China.

(2) To show good will, suspend strikes on North for a few days if requested by Soviets during efforts to mediate.

(3) Have a contingency plan prepared to evacuate US personnel in case a para-9-type situation arises.

(4) If the DRV will not "play" the above game, we must be prepared (a) to risk passing some flash points, in the Strike-North program, (b) to put more US troops into SVN, and/or (c) to reconsider our minimum acceptable outcome.

McCONE MEMO TO TOP OFFICIALS ON FORCEFULNESS OF AIR WAR

(Memorandum from John A. McCone, Director of Central Intelligence, to Secretary Rusk, Secretary McNamara, McGeorge Bundy and Ambassador Taylor, April 2, 1965, as provided in the body of the Pentagon's study. Paragraphs in italics are the study's paraphrase or explanation.)

McCone did not inherently disagree with the change in the U.S. ground-force role, but felt that it was inconsistent with the decision to continue the air strike program at the feeble level at which it was then being conducted. McCone developed his argument as follows:

I have been giving thought to the paper that we discussed in yesterday's meeting, which unfortunately I had little time to study, and also to the decision made to change the mission of our ground forces in South Vietnam from one of advice and static defense to one of active combat operations against the Viet Cong guerrillas.

I feel that the latter decision is correct only if our air strikes against the North are sufficiently heavy and damaging really to hurt the North Vietnamese. The paper we examined yesterday does not anticipate the type of air operation against the North necessary to force the NVN to reappraise their policy. On the contrary, it states, "We should continue roughly the present slowly ascending tempo of ROLLING THUNDER operations ——," and later, in outlining the types of targets, states, "The target systems should continue to avoid the effective GCI range of MIG's," and these conditions indicate restraints which will not be persuasive to the NVM and would probably be read as evidence of a U.S. desire to temporize.

I have reported that the strikes to date have not caused a change in the North Vietnamese policy of directing Viet Cong insurgency, infiltrating cadres and supplying material. If anything, the strikes to date have hardened their attitude.

I have now had a chance to examine the 12-week program referred to by General Wheeler and it is my personal opinion that this program is not sufficiently severe and [words illegible] the North Vietnamese to [words illegible] policy.

On the other hand, we must look with care to our position under a program of slowly ascending tempo of air strikes. With the passage of each day and each week, we can expect increasing pressure to stop the bombing. This will come from various elements of the American public, from the press, the United Nations and world opinion. Therefore time will run against us in this operation and I think the North Vietnamese are counting on this.

Therefore I think what we are doing is starting on a track which involves ground force operations, which in all probability, will have limited effectiveness against guerrillas, although admitedly will restrain some VC advances. However, we can expect requirements for an ever-increasing commitment of U.S. personnel without materially improving the chances of victory. I support and agree with this decision but I must point out that in my judgment, forcing submission of the VC can only be brought about by a decision in Hanoi. Since the contemplated actions against the North are modest in scale, they will not impose unacceptable damages on it, nor will they threaten the DRV's vital interests. Hence, they will not present them with a situation with which they cannot live though such actions will cause the DRV pain and inconvenience.

I believe our proposed track offers great danger of simply encouraging Chinese Communists and Soviet support of the DRV and VC cause, if for no other reason than the risk for both will be minimum. I envision that the reaction of the NVN and Chinese Communists will be to deliberately, carefully, and probably gradually, build up the Viet Cong capabilities by covert infiltration of North Vietnamese and, possibly, Chinese cadres and thus bring and ever-increasing pressure on our forces. In effect, we will find ourselves mired down in combat in the jungle in a military effort that we cannot win, and from which we will have extreme difficulty in extracting ourselves.

Therefore it is my judgment that if we are to change the mission of the ground forces, we must also change the ground rules of the strikes against North Vietnam. We must hit them harder, more frequently, and inflict greater damage. Instead of avoiding the MIG's, we must go in and take them out. A bridge here and there will not do the job. We must strike their airfields, their petroleum resources, power stations and their military compounds. This, in my opinion, must be done promptly and with minimum restraint.

If we are unwilling to take this kind of a decision now, we must not take the actions concerning the mission of our ground forces for the reasons I have mentioned [words illegible].

Terms in Texts

ARVN—Army of Republic of (South) Vietnam.

A.S.A.P.—As soon as possible.

B.L.T.—Battalion landing team.

CINCPAC—Commander in Chief, Pacific.

DEPTEL—Department telegram.

D.O.D.—Department of Defense.

DRV—Democratic Republic of (North) Vietnam.

EMBTEL—Embassy telegram.

ISA—International Security Agency.

JCS—Joint Chiefs of Staff.

L.O.C.—Lines of communication.

MACV—Military Assistance Command, Vietnam.

NLF—National Liberation Front.

NLFSVN—National Liberation Front for South Vietnam.

PAVN—People's Army of (North) Vietnam.

P.I.—Philippine Islands.

P.L.—Pathet Lao.

P.O.L.—Petroleum, oil, lubricants.

R.O.K.—Republic of (South) Korea.

RVNAF—Republic of (South) Vietnam Armed Forces.

SAM—Surface-to-air missile.

SEA—Southeast Asia.

SVN—South Vietnam.

U.S.G.—U.S. Government.

VM—Vietminh.

April 1965, Order Increasing Ground Force and Shifting Mission

(National Security Action Memorandum 328, April 6, 1965, signed by McGeorge Bundy and addressed to the Secretary of State, the Secretary of Defense and the Director of Central Intelligence.)

On Thursday, April 1, The President made the following decisions with respect to Vietnam:

1. Subject to modifications in light of experience, to coordination and direction both in Saigon and in Washington, the President approved the 41-point program of non-military actions submitted by Ambassador Taylor in a memorandum dated March 31, 1965.

2. The President gave general approval to the recommendations submitted by Mr. Rowan in his report dated March 16, with the exception that the President withheld approval of any request for supplemental funds at this time—it is his decision that this program is to be energetically supported by all agencies and departments and by the reprogramming of available funds as necessary within USIA.

3. The President approved the urgent exploration of the 12 suggestions for covert and other actions submitted by the Director of Central Intelligence under date of March 31.

4. The President repeated his earlier approval of the 21-point program of military actions submitted by General Harold K. Johnson under date of March 14 and re-emphasized his desire that aircraft and helicopter reinforcements under this program be accelerated.

5. The President approved an 18–20,000 man increase in U.S. military support forces to fill out existing units and supply needed logistic personnel.

6. The President approved the deployment of two additional Marine Battalions and one Marine Air Squadron and associated headquarters and support elements.

7. The President approved a change of mission for all Marine Battalions deployed to Vietnam to permit their more active use under conditions to be established and approved by the Secretary of Defense in consultation with the Secretary of State.

8. The President approved the urgent exploration, with the Korean, Australian, and New Zealand Governments, of the possibility of rapid deployment of significant combat elements from their armed forces in parallel with the additional Marine deployment approved in paragraph 6.

9. Subject to continuing review, the President approved the following general framework of continuing action against North Vietnam and Laos:

We should continue roughly the present slowly ascending tempo of Rolling Thunder operations being prepared to add strikes in response to a higher rate of VC operations, or conceivably to slow the pace in the unlikely event VC slacked off sharply for what appeared to be more than a temporary operational lull.

The target systems should continue to avoid the effective GGI range of MIGs. We should continue to vary the types of targets, stepping up attacks on lines of communication in the near future, and possibly moving in a few weeks to attacks on the rail lines north and northeast of Hanoi.

Leaflet operations should be expanded to obtain maximum practicable psychological effect on North Vietnamese population.

Blockade or aerial mining of North Vietnamese ports need further study and should be considered for future operations. It would have major political complications, especially in relation to the Soviets and other third countries, but also offers many advantages.

Air operation in Laos, particularly route blocking operations in the Panhandle area, should be stepped up to the maximum remunerative rate.

10. Ambassador Taylor will promptly seek the reactions of the South Vietnamese Government to appropriate sections of this program and their approval as necessary, and in the event of disapproval or difficulty at that end, these decisions will be appropriately reconsidered. In any event, no action into Vietnam under paragraphs 6 and 7 above should take place without GVN approval or further Presidential authorization.

11. The President desires that with respect to the actions in paragraphs 5 through 7, premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the direct approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy.

Taylor Cable to Washington on Step-Up in Ground Forces

Cablegram April 17, 1965, from Ambassador Maxwell D. Taylor in Saigon to Secretary of State Dean Rusk, with a copy of the White House for the attention of McGeorge Bundy.

This message undertakes to summarize instructions which I have received over the last ten days with regard to the introduction of third-country combat forces and to discuss the preferred way of presenting the subject to the GVN.

As the result of the meeting of the President and his advisors on April 1 and the NSC meeting on the following day, I left Washington and returned to Saigon with the understanding that the reinforcement of the Marines already ashore by two additional BLT's and a F–4 squadron and the progressive introduction of IIAWPNPPP support forces were approved but that decision on the several proposals for bringing in more US combat forces and their possible modes of employment was withheld in an offensive counterinsurgency role. State was to explore with the Korean, Australian and New Zealand govts the possibility of rapid deployment of significant combat elements in parallel with the Marine reinforcement.

Since arriving home, I have received the following instructions and have taken the indicated actions with respect to third-country combat forces.

April 6 and 8. Received GVN concurrence to introduction of the Marine reinforcements and to an expanded mission for all Marines in Danang-Phu Bai area.

April 8. Received Deptel 2229 directing approach to GVN, suggesting request to Australian govt for an infantry battalion for use in SVN. While awaiting a propitious moment to raise the matter, I received Deptel 2237 directing approach be delayed until further orders. Nothing further has been received since.

April 14. I learned by JCS 009012 to Cincpac of apparent decision to deploy 173rd airborne brigade immediately to Bien Hoa-Vung Tau. By Embtel 3373, delay in this deployment was urgently recommended but no reply has been reecived. However, Para 2 of Doc 152339 apparently makes reference to this project in terms which suggest that is something less than as an approved immediate action. In view of the uncertainty of its status, I have not broached the matter with Quat.

April 15. Received Deptel 2314 directing that embassy Saigon discuss with GVN introduction of Rok regimental combat team and suggest GVN request such a force Asap. Because of Quat's absence from Saigon, I have not been able to raise matter. As matter of fact, it should not be raised until we have a clear concept of employment.

April 16. I have just seen state-defense message Dod 152339 cited above which indicates a favorable attitude toward several possible uses of US combat forces beyond the NSC decisions of April 2. I am told to discuss these and certain other non-military matters urgently with Quat. The substance of this cable will be addressed in a separate message. I can not raise these matters with Quat without further guidance.

Faced with this rapidly changing picture of Washington desires and intentions with regard to the introduction of third-country (as well as US) combat forces, I badly needed a clarification of our purposes and objectives. Before I can present our case to GVN, I have to know what that case is and why. It is not going to be easy to get ready concurrence for the large-scale introduction of foreign troops unless the need is clear and explicit.

Let me suggest the kind of instruction to the AMB which it would be most helpful to receive for use in presenting to GVN what I take to be a new policy of third-country participation in ground combat.

The USG has completed a thorough review of the situation in SVN both in its national and international aspects and has reached certain important conclusions. It feels that in recent weeks there has been a somewhat favorable change in the overall situation as the result of the air attacks on DRV, the relatively small but numerous successes in the field against the VC and the encouraging progress of the Quat govt. However, it is becoming increasingly clear that, in all probability, the primary objective of the GVN and the USG of changing the will of the DRV to support the VC insurgency can not be attained in an acceptable time-frame by the methods presently employed. The air campaign in the North must be supplemented by signal successes against the VC on the South before we can hope to create that frame of mind in Hanoi which will lead to the decisions we seek.

"The JCS have reviewed the military resources which will be available in SVN by the end of 1965 and have concluded that even with an attainment of the highest feasible mobilization goals, ARVN will have insufficient forces to carry out the kind of successful campaign against the VC which is considered essential for the purposes discussed above. If the ground war is not to drag into 1966 and even beyond, they consider it necessary to reinforce GVN ground forces with about 23 battalion equivalents in addition to the forces now being recruited in SVN. Since these reinforcements cannot be raised by the GVN, they must inevitably come from third-country sources.

"The USG accepts the validity of this reasoning of the JCS and offers its assistance to the GVN to raise these additional forces for the purpose of bringing the VC insurgency to an end in the shortest possible time. We are prepared to bring in additional US ground forces provided we can get a reasonable degree of participation from other third countries. If the GVN will make urgent representations to them, we believe it entirely possible to obtain the following contributions; Korea, one regimental combat team; Australia, one infantry battalion; New Zealand, one battery and one company of tanks; PI, one battalion. If forces of the foregoing magnitude are forthcoming, the USG is prepared to provide the remainder of the combat reinforcements as well as the necessary logistic personnel to support the third-country contingents. Also it will use its good offices as desired in assisting the GVN approach to these govts.

"You (the Ambassador) will seek the concurrence of the GVN to the foregoing program, recognizing that a large number of questions such as command relationships, concepts of employment and disposition of forces must be worked out subsequently." Armed with an instruction such as the foregoing, I would feel adequately equipped to initiate what may be a sharp debate with the GVN. I need something like this before taking up the pending troop matters with Quat.

Johnson's Message to Taylor on the May 10 Halt in Bombing

(Message from President Johnson to Ambassador Taylor, May 10, 1965, as provided in the body of the Pentagon study.)

I have learned from Bob McNamara that nearly all ROLLING THUNDER operations for this week can be completed by Wednesday noon, Washington time. This fact and the days of Buddha's birthday seem to me to provide an excellent opportunity for a pause in air attacks which might go into next week and which I could use to good effect with world opinion.

My plan is not to announce this brief pause but simply to call it privately to the attention of Moscow and Hanoi as soon as possible and tell them that we shall be watching closely to see whether they respond in any way. My current plan is to report publicly after the pause ends on what we have done.

Could you see Quat right away on Tuesday and see if you can persuade him to concur in this plan. I would like to associate him with me in this decision if possible, but I would accept a simple concurrence or even willingness not to oppose my decision. In general, I think it important that he and I should get together in such matters, but I have no desire to embarrass him if it is a politically difficult for him to join actively in a pause over Buddha's birthday.

[Words illegible] noted your [words illegible] but do not yet have your appreciation of the political effect in Saigon of acting around Buddha's birthday. From my point of view it is a great advantage to use Buddha's birthday to mask the first days of the pause here, if it is at all possible in political terms for Quat. I assume we could undertake to enlist the Archbishop and the Nuncio in calming the Catholics.

You should understand that my purpose in this plan is to begin to clear a path either toward restoration of peace or toward increased military action, depending upon the reaction of the Communists. We have amply demonstrated our determination and our commitment in the last two months, and I now wish to gain some flexibility.

I know that this is a hard assignment on short notice, but there is no one who can bring it off better.

I have kept this plan in the tightest possible circle here and wish you to inform no one but Alexis Johnson. After I have your report of Quat's reaction I will make a final decision and it will be communicated promptly to senior officers concerned.

Rostow Memorandum on "Victory and Defeat in Guerrilla Wars"

(Memorandum from Walt W. Rostow, chairman of the State Department's Policy Planning Council, for Secretary of State Rusk, "Victory and Defeat in Guerrilla Wars: The Case of South Vietnam," May 20, 1965, as provided in the body of the Pentagon's study)

In the press, at least, there is a certain fuzziness about the possibility of clear-cut victory in South Viet-nam; and the President's statement that a military victory is impossible is open to misinterpretation.

1. Historically, guerrilla wars have generally been lost or won clearly: Greece, China mainland, North Viet-Nam, Malaya, Philippines. Laos in 1954 was an exception, with two provinces granted the Communists and a de facto split imposed on the country.

2. In all the cases won by Free World forces, there was a phase when the guerrillas commanded a good part of the countryside and, indeed, placed Athens, Kuala Lumpur, and Manila under something close to siege. They failed to win because all the possible routes to guerrilla victory were closed and, in failing to win, they lost. They finally gave up in discouragement. The routes to victory are:

a) Mao Stage Three: going to allout conventional war and winning as in China in 1947–49;

b) Political collapse and takeover: North Viet-Nam;

c) Political collapse and a coalition government in which the Communists get control over the security machinery; army and/or police. This has been an evident Viet Cong objective in this (rest illegible).

d) Converting the bargaining pressure generated by the guerrilla forces into a partial victory by splitting the country: Laos. Also, in a sense, North Viet-Nam in 1954 and the Irish Rebellion after the First World War.

3. If we succeed in blocking these four routes to victory, discouraging the Communist force in the South, and making the continuance of the war sufficiently costly to the North there is no reason we cannot win as clear a victory in South Viet-Nam as in Greece, Malaya, and the Philippines. Unless political morale in Saigon collapses and the ARVN tends to break up, case c), the most realistic hope of the VC, should be avoidable. This danger argues for more rather than less pressure on the North, while continuing the battle in the South in such a way as to make VC hopes of military and political progress wane.

4. The objective of the exercise is to convince Hanoi that its bargaining position is being reduced with the passage of time; for, even in the worst case for Hanoi, it wants some bargaining position (rather than simply dropping the war) to get U.S. forces radically reduced in South Viet-Nam and to get some minimum face-saving formula for the VC.

5. I believe Hanoi understands its dilemma well. As of early February it saw a good chance of a quiet clean victory via route c). It now is staring at quite clear-cut defeat, with the rising U.S. strength and GVN morale in the South and rising costs in the North. That readjustment in prospects is painful; and they won't in my view, accept its consequences unless they are convinced time has ceased to be their friend, despite the full use of their assets on the ground in South Vietnam, in political warfare around the world, and in diplomacy.

6. Their last and best hope will be, of course, that if they end the war and get us out, the political, social, and economic situaction in South Viet Nam will deteriorate in such a way as to permit Communist political takeover, with or without a revival of guerrilla warfare. It is in this phase that we will have to consolidate, with the South Vietnamese, a victory that is nearer our grasp than we (but not Hanoi) may think.

George Ball Memo for Johnson on "A Compromise Solution"

(Memorandum, "A Compromise Solution in South Vietnam," from Under Secretary of State George W. Ball for President Johnson, July 1, 1965.)

(1) A Losing War: The South Vietnamese are losing the war to the Viet Cong. No one can assure you that we can beat the Viet Cong or even force them to the conference table on our terms, no matter how many hundred thousand white, foreign (U.S.) troops we deploy.

No one has demonstrated that a white ground force of whatever size can win a guerrilla war—which is at the same time a civil war between Asians—in jungle terrain in the midst of a population that refuses cooperation to the white forces (and the South Vietnamese) and thus provides a great intelligence advantage to the other side. Three recent incidents vividly illustrate this point: (a) the sneak attack on the Da Nang Air Base which involved penetration of a defense perimeter guarded by 9,000 Marines. This raid was possible only because of the cooperation of the local inhabitants: (b) the B52 raid that failed to hit the Viet Cong who had obviously been tipped off; (c) the search and destroy mission of the 173rd Air Borne Brigade which spent three days looking for the Viet Cong, suffered 23 casualties, and never made contact with the enemy who had obviously gotten advance word of their assignment.

(2) The Question to Decide: Should we limit our liabilities in South Vietnam and try to find a way out with minimal long-term costs?

The alternative—no matter what we may wish it to be—is almost certainly a protracted war involving an open-ended commitment of U.S. forces, mounting U.S. casualties, no assurance of a satisfactory solution, and a serious danger of escalation at the end of the road.

(3) Need for a Decision Now: So long as our forces are restricted to advising and assisting the South Vietnamese, the struggle will remain a civil war between Asian people. Once we deploy substantial numbers of troops in combat it will become a war between the U.S. and a large part of the population of South Vietnam, organized and directed from North Vietnam and backed by the resources of both Moscow and Peiping.

The decision you face now, therefore, is crucial. Once large numbers of U.S. troops are committed to direct combat, they will begin to take heavy casualties in a war they are ill-equipped to fight in a non-cooperative if not downright hostile countryside.

Once we suffer large casualties, we will have started a well-nigh irreversible process. Our involvement will be so great that we cannot—without national humiliation—stop short of achieving our complete objectives. *Of the two possibilities I think humiliation would be more likely than the achievement of our objectives—even after we have paid terrible costs.*

(4) Compromise Solution: Should we commit U.S. manpower and prestige to a terrain so unfavorable as to give a very large advantage to the enemy—or should we seek a compromise settlement which achieves less than our stated objectives and thus cut our losses while we still have the freedom of maneuver to do so.

(5) Costs of a Compromise Solution: The answer involves a judgment as to the cost to the U.S. of such a compromise settlement in terms of our relations with the countries in the area of South Vietnam, the credibility of our commitments, and our prestige around the world. In my judgment, if we act before we commit substantial U.S. troops to combat in South Vietnam we can, by accepting some short-term costs, avoid what may well be a long-term catastrophe. I believe we tended grossly to exaggerate the costs involved in a compromise settlement. An appreciation of probable costs is contained in the attached memorandum.

(6) With these considerations in mind, I strongly urge the following program:

(a) Military Program

(1) Complete all deployments already announced—15 battalions—but decide not to go beyond a figure of 72,000 men represented by this figure.

(2) Restrict the combat role of the American forces to the June 19 announcement, making it clear to General Westmoreland that this announcement is to be strictly construed.

(3) Continue bombing in the North but avoid the Hanoi-Haiphong area and any targets nearer to the Chinese border than those already struck.

(b) Political Program

(1) In any political approaches so far, we have been the prisoners of whatever South Vietnamese government that was momentarily in power. If we are ever to move toward a settlement, it will probably be because the South Vietnamese government pulls the rug out from under us and makes its own deal or because we go forward quietly without advance prearrangement with Saigon.

(2) So far we have not given the other side a reason to believe there is *any* flexibility in our negotiating approach. And the other side has been unwilling to accept what *in their terms* is complete capitulation.

(3) Now is the time to start some serious diplomatic feelers looking towards a solution based on some application of a self-determination principle.

(4) I would recommend approaching Hanoi rather than any of the other probable parties, the NLF—or Peking. Hanoi is the only one that has given any signs of interest in discussion. Peking has been rigidly opposed. Moscow has recommended that we negotiate with Hanoi. The NLF has been silent.

(5) There are several channels to the North Vietnamese but I think the best one is through their representative in Paris, Mai Van Bo. Initial feelers of Bo should be directed toward a discussion both of the four points we have put forward and the four points put forward by Hanoi as a basis for negotiation. We can accept all but one of Hanoi's four points, and hopefully we should be able to agree on some ground rules for serious negotiation—including no preconditions.

(6) If the initial feelers lead to further secret, exploratory talks, we can inject the concept of self-determination that would permit the Viet Cong some hope of achieveing some of their political objectives through local elections or some other device.

(7) The contact on our side should be handled through a non-government cutout (possibly a reliable newspaper man who can be repudiated).

(8) If progress can be made at this level a basis can be laid for a multinational conference. At some point, obviously, the government of South Vietnam will have to be brought on board, but I would postpone this step until after a substantial feeling out of Hanoi.

(7) Before moving to any formal conference we should be prepared to agree once the conference is started:

(a) The U.S. will stand down its bombing of the North.

(b) The South Vietnamese will initiate no offensive operations in the South, and

(c) the DRV will stop terrorism and other aggressive action against the South.

(8) The negotiations at the conference should aim at incorporating our understanding with Hanoi in the form of a multinational agreement guaranteed by the U.S., the Soviet Union and possibly other parties, and providing for an international mechanism to supervise its execution.

PROBABLE REACTIONS TO THE CUTTING OF OUR LOSSES IN SOUTH VIETNAM

We have tended to exaggerate the losses involved in a complete settlement in South Vietnam. There are three aspects to the problem that should be considered. First, the local effect of our action on nations in or near Southeast Asia. Second, the effect on our action on the credibility of our commitments around the world. Third, the effect on our position of world leadership.

A. Free Asian Reactions to a Compromise Settlement in South Vietnam Would Be Highly Parochial.

With each country interpreting the event primarliy in terms of (a) its own immediate interest, (b) its sense of vulnerability to Communist invasion or insurgency, and (c) its confidence in the integrity of our commitment to its own security based on evidence other than that provided by our actions in South Vietnam.

Within this framework the following groupings emerge:

(1) The Republic of China and Thailand: staunch allies whose preference for extreme U.S. actions including a risk of war with Communist China sets them apart from all other Asian nations;

(2) The Republic of Korea and the Philippines: equally staunch allies whose support for strong U.S. action short of a war with Communist China would make post-settlement reassurance a pressing U.S. need;

(3) Japan: it would prefer wisdom to valor in an area remote from its own interests where escalation could involve its Chinese or Eurasian neighbors or both;

(4) Laos; a friendly neutral dependent on a strong Thai-U.S. guarantee of support in the face of increased Vietnamese and Laos pressures.

(5) Burma and Cambodia; suspicious neutrals whose fear of antagonzing Communist China would increase their leaning toward Peiping in a conviction that the U.S. presence is not long for Southeast Asia; and

(6) Indonesia: whose opportunistic marriage of convenience of both Hanoi and Peiping would carry it further in its overt aggression against Malaysia, convinced that foreign imperialism is a fast fading entity in the region.

JAPAN

Government cooperation [words illegible] essential in making the following points to the Japanese people:

(1) U.S. support was given in full measure as shown by our casualties, our expenditures and our risk taking;

(2) The U.S. record in Korea shows the credibility of our commitment so far as Japan is concerned.

The government as such supports our strong posture in Vietnam but stops short of the idea of a war between the U.S. and China.

THAILAND

Thai commitments to the struggle within Laos and South Vietnam are based upon a careful evaluation of the regional threat to Thailand's security. The Thais are confident they can contain any threats from Indochina alone. They know, however, they cannot withstand the massive power of Communist China without foreign assistance. Unfortunately, the Thai view of the war has seriously erred in fundamental respects. They believe American power can do anything, both militarily and in terms of shoring up the Saigon region. They now assume that we really could take over in Saigon and win the war if we felt we had to. If we should fail to do so, the Thais would initially see it as a failure of U.S. will. Yet time is on our side, providing we employ it effectively. Thailand is an independent nation with a long national history, and unlike South Vietnam, an acute national consciousness. It has few domestic Communists and none of the instability that plague its neighbors, Burma and Malaysia. Its one danger area in the northeast is well in hand so far as preventive measures against insurgency are concerned. Securing the Mekong Valley will be critical in any long-run solution, whether by the partition of Laos with Thai-U.S. forces occupying the western half or by some [word illegible] arrangement. Providing we are willing to make the effort, Thailand can be a foundation of rock and not a bed of sand in which to base our political/military commitment to Southeast Asia.

With the exception of the nations in Southeast Asia, a compromise settlement in South Vietnam should not have a major impact on the credibility of our commitments around the world . . . Chancellor Erhard has told us privately that the people of Berlin would be concerned by a compromise settlement of South Vietnam. But this was hardly an original thought, and I suspect he was telling us what he believed we would like to hear. After all, the confidence of the West Berliners will depend more on what they see on the spot than on [word illegible] news or event halfway around the world. In my observation, the principal anxiety of our NATO Allies is that we have become too preoccupied with an area which seems to them an irrelevance and may be tempted in neglect to our NATO responsibilities. Moreover, they have a vested interest in an easier relationship between Washington and Moscow. By and large, therefore, they will be inclined to regard a compromise solution in South Vietnam more as new evidence of American maturity and judgment than of American loss of face . . . On balance, I believe we would more seriously undermine the effectiveness of our world leadership by continuing the war and deepening our involvement than by pursuing a carefully plotted course toward a compromise solution. In spite of the number of powers that have—in response to our pleading—given verbal support from feeling of loyalty and dependence, we cannot ignore the fact that the war is vastly unpopular and that our role in it is perceptively eroding the respect and confidence with which other nations regard us. We have not persuaded either our friends or allies that our further involvement is essential to the defense of freedom in the cold war. Moreover, the men we deploy in the jungles of South Vietnam, the more we contribute to a growing world anxiety and mistrust.

[Words illegible] the short run, of course, we could expect some catcalls from the sidelines and some vindictive pleasure on the part of Europeans jealous of American power. But that would, in my view, be a transient phenomenon with which we could live without sustained anguish. Elsewhere around the world I would see few unhappy implications for the credibility of our commitments. No doubt the Communists will to gain propaganda value in Africa, but I cannot seriously believe that the Africans care too much about what happens in Southeast Asia. Australia and New Zealand are, of course, special cases since they feel lonely in the far reaches of the Pacific. Yet even their concern is far greater with Malaysia than with South Vietnam, and the degree of their anxiety would be conditioned largely by expressions of our support for Malaysia.

[Words illegible] Quite possibly President de Gaulle will make propaganda about perfidious Washington, yet even he will be inhibited by his much-heralded disapproval of our activities in South Vietnam.

South Korea—As for the rest of the Far East the only serious point of concern might be South Korea. But if we stop pressing the Koreans for more troops to Vietnam (the Vietnamese show no desire for additional Asian forces since it affronts their sense of pride) we may be able to cushion Korean reactions to a compromise in South Vietnam by the provision of greater military and economic assistance. In this regard, Japan can play a pivotal role now that it has achieved normal relations with South Korea

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McNaughton Memo to Goodpaster on "Forces Required To Win"

(Excerpts from memorandum from Assistant Secretary McNaughton to Lieut. Gen. Andrew J. Goodpaster, assistant to the Chairman of the Joint Chiefs of Staff, July 2, 1965, "Forces Required to Win in South Vietnam," as provided in the body of the Pentagon's study.)

Secretary McNamara this morning suggested that General Wheeler form a small group to address the question, "If we do everything we can, can we have assurance of winning in South Vietnam?" General Wheeler suggested that he would have you head up the group and that the group would be fairly small. Secretary McNamara indicated that he wanted your group to work with me and that I should send down a memorandum suggesting some of the questions that occurred to us. Here are our suggestions:

1. I do not think the question is whether the 44-battalion program (including 3d-country forces) is sufficient to do the job although the answer to that question should fall out of the study. Rather, I think we should think in terms of the 44-battalion build-up by the end of 1965, with added forces—as required and as our capabilities permit—in 1966. Furthermore, the study surely should look into the need for forces other than ground forces, such as air to be used one way or another in-country. I would hope that the study could produce a clear articulation of what our strategy is for winning the war in South Vietnam, tough as that articulation will be in view of the nature of the problem.

2. I would assume that the questions of calling up reserves and extending tours of duty are outside the scope of this study.

3. We must make some assumptions with respect to the number of VC. Also, we must make some assumptions with respect to what the infiltration of men and material will be especially if there is a build-up of U.S. forces in South Vietnam. I am quite concerned about the increasing probability that there are regular PAVN forces either in the II Corps area or in Laos directly across the border from II Corps. Furthermore, I am fearful that especially with the kind of build-up here envisioned, infiltration of even greater numbers of regular forces may occur. As a part of this general problem of enemy build-up, we must of course ask how much assistance the USSR and China can be expected to give to the VC. I suspect that the increased strength levels of the VC and the more "conventional" nature of the operations implied by larger force levels may imply that the often-repeated ratio of "10 to 1" may no longer apply. I sense that this may be the case in the future, but I have no reason to be sure. For example, if the VC, even with larger forces engaged in more "conventional" type actions, are able to overrun towns and disappear into the jungles before we can bring the action troops to bear, we may still be faced with the old "ratio" problem.

4. I think we might avoid some spinning of wheels if we simply assumed that the GNV will not be able to increase its forces in the relevant time period. Indeed, from what Westy has reported about the battalions being chewed up and about their showing some signs of reluctance to engage in offensive operations, we might even have to ask the question whether we can expect them to maintain present levels of men—or more accurately, present levels of effectiveness.

5. With respect to 3d-country forces, Westy has equated the 9 ROK battalions with 9 US battalions, saying that, if he did not get the former, he must have the latter. I do not know enough about ROK forces to know whether they are in all respects "equal to" US forces (they may be better in some respects, and not as good in others). For purposes of the study, it might save us time if we assumed that we would get no meaningful forces from anyone other than the ROKs during the relative time frame. (If the Australians decide to send another battalion or two, this should not alter the conclusions of the study significantly.). . . .

9. At the moment, I do not see how the study can avoid addressing the question as to how long our forces will have to remain in order to achieve a "win" and the extent to which the presence of those forces over a long period of time might, by itself, nullify the "win." If it turns out that the study cannot go into this matter without first getting heavily into the political side of the question, I think the study at least should note the problem in some meaningful way.

10. I believe that the study should go into specifics—e.g., the numbers and effectiveness and uses of the South Vietnamese forces, exactly where we would deploy ours and exactly what we would expect their mission to be, how we would go about opening in the roads and providing security for the towns as well as protecting our own assets there, the time frames in which things would be done, command relationships, etc. Also, I think we should find a way to indicate how badly the conclusions might be thrown off if we are wrong with respect to key assumptions or judgments. . . .

Prime Minister Wilson's Warning To Johnson on Petroleum Raids

(Excerpts from cablegram to President Johnson from Prime Minister Harold Wilson of Britain, June 3, 1965, as provided in the body of the Pentagon's study.)

I was most grateful to you for asking Bob McNamara to arrange the very full briefing about the two oil targets near Hanoi and Haiphong that Col. Rogers gave me yesterday. . . .

I know you will not feel that I am either unsympathetic or uncomprehending of the dilemma that this problem presents for you. In particular, I wholly understand the deep concern you must feel at the need to do anything possible to reduce the losses of young Americans in and over Vietnam; and Col. Rogers made it clear to us what care has been taken to plan this operation so as to keep civilian casualties to the minimum.

However, . . . I am bound to say that, as seen from here, the possible military benefits that may result from this bombing do not appear to outweigh the political disadvantages that would seem the inevitable consequence. If you and the South Vietnamese Government were conducting a declared war on the conventional pattern . . . this operation would clearly be necessary and right. But since you have made it abundantly clear—and you know how much we have welcomed and supported this—that your purpose is to achieve a negotiated settlement, and that you are not striving for total military victory in the field, I remain convinced that the bombing of these targets, without producing decisive military advantage, may only increase the difficulty of reaching an eventual settlement. . . .

The last thing I wish is to add to your difficulties, but, as I warned you in my previous message, if this action is taken we shall have to dissociate ourselves from it, and in doing so I should have to say that you had given me advance warning and that I had made my position clear to you. . . .

Nevertheless I want to repeat . . . that our reservations about this operation will not affect our continuing support for your policy over Vietnam, as you and your people have made it clear from your Baltimore speech onwards. But, while this will remain the Government's position, I know that the effect on public opinion in this country—and I believe throughout Western Europe—is likely to be such as to reinforce the existing disquiet and criticism that we have to deal with.

McNamara's Memorandum on July 20, 1965, on Increasing Allied Ground Force

(Excerpts from memorandum from Secretary McNamara for President Johnson, drafted on July 1, 1965, and revised on July 20, as provided in the body of the Pentagon's study. Paragraphs in italics are the study's paraphrase or explanation.)

In a memorandum to the President drafted on 1 July and then revised on 20 July, immediately following his return from a week-long visit to Vietnam, he recommended an immediate decision to increase the U.S.-Third Country presence from the current 16 maneuver battalions (15 U.S., one Australian) and a change in the mission of these forces from one of providing support and reinforcement for the ARVN to one which soon became known as "search and destroy"—as McNamara put it, they were "by aggressive exploitation of superior military forces . . . to gain and hold the initiative . . . pressing the fight against VC–DRV main force units in South Vietnam to run them to ground and destroy them." . . .

His specific recommendations, he noted, were concurred in by General Wheeler and Ambassador-designate Lodge, who accompanied him on his trip to Vietnam, and by Ambassador Taylor, Ambassador Johnson, Admiral Sharp and General Westmoreland, with whom he conferred there. The rationale for his decisions was supplied by the CIA, whose assessment he quoted with approval in concluding that 1 July version of his memorandum. It stated:

Over the longer term we doubt if the Communists are likely to change their basic strategy in Vietnam (i.e., aggressive and steadily mounting insurgency) unless and until two conditions prevail: (1) they are forced to accept a situation in the war in the South which offers them no prospect of an early victory and no grounds for hope that they can simply outlast the US and (2) North Vietnam itself is under continuing and increasingly damaging punitive attack. So attack. So long as the Communists think they scent the possibility of an early victory (which is probably now the case), we believe that they will persevere and accept extremely severe damage to the North. Conversely, if North Vietnam itself is not hurting, Hanoi's doctrinaire leaders will probably be ready to carry on the Southern stuggle almost indefinitely. If, however, both of the conditions outlined above should be brought to pass, we believe Hanoi probably would, at least for a period of time, alter its basic strategy and course of action in South Vietnam.

McNamara's memorandum of 20 July did not include this quotation, although many of these points were made elsewhere in the paper. Instead, it concluded with an optimistic forecast:

The overall evaluation is that the course of action recommended in this memorandum—if the military and political moves are properly integrated and executed with continuing vigor and visible determination—stands a good chance of achieving an acceptable outcome within a reasonable time in Vietnam.

Never again while he was Secretary of Defense would McNamara make so optimistic a statement about Vietnam—except in public.

This concluding paragraph of McNamara's memorandum spoke of political, as well as military, "vigor" and "determination." Earlier in the paper, under the heading "Expanded political moves," he had elaborated on this point, writing:

Together with the above military moves, we should take political initiatives in order to lay a groundwork for a favorable political settlement by clarifying our objectives and establishing channels of communications. At the same time as we are taking steps to turn the tide in South Vietnam, we would make quiet moves through diplomatic channels (a) to open a dialogue with Moscow and Hanoi, and perhaps the VC, looking first toward disabusing them of any misconceptions as to our goals and second toward laying the groundwork for a settlement when the time is ripe; (b) to keep the Soviet Union from deepening its military [sic] in the world until the time when settlement can be achieved; and (c) to cement support for US policy by the US public, allies and friends, and to keep international opposition at a manageable level. Our efforts may be unproductive until the tide begins to turn, but nevertheless they should be made.

Here was scarcely a program for drastic political action. McNamara's essentially procedural (as opposed to substantive) recommendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively facesaving surrender when he decided that the game had grown too costly. This was in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a "political settlement." (As McNamara noted in a footnote, even this went too far for Ambassador-designate Lodge, whose view was that "any further initiative by us now [before we are strong] would simply harden the Communist resolve not to stop fighting." In this view Ambassadors Taylor and Johnson concurred, except that they would maintain "discreet contacts with the Soviets.")

McNamara's concluding paragraph spoke of "an acceptable outcome." Previously in his paper he had listed "nine fundamental elements" of a favorable outcome. These were:

(a) VC stop attacks and drastically reduce incidents of terror and sabotage.

(b) DRV reduces infiltration to a trickle, with some reasonably reliable method of our obtaining confirmation of this fact.

(c) US/GVN stop bombiing of North Vietnam.

(d) GVN stays independent (hopefully pro-US, but possibly genuinely neutral).

(e) GVN exercises governmental functions over substantially all of South Vietnam.

(f) Communists remain quiescent in Laos and Thailand.

(g) DRV withdraws PAVN forces and other North Vietnamese infiltrators (not regroupees) from South Vietnam.

(h) VC/NLF transform from a military to a purely political organization.

(i) US combat forces (not advisors or AID) withdraw.

VIETNAM ARCHIVE: STUDY TELLS HOW JOHNSON SECRETLY OPENED WAY TO GROUND COMBAT

(By Neil Sheehan)

President Johnson decided on April 1, 1965, to use American ground troops for offensive action in South Vietnam because the Administration had discovered that its long-planned bombing of North Vietnam—which had just begun—was not going to stave off collapse in the South, the Pentagon's study of the Vietnam war discloses. He ordered that the decision be kept secret.

"The fact that this departure from a long-held policy had momentous implications was well recognized by the Administration leadership," the Pentagon analyst writes, alluding to the policy axiom since the Korean conflict that another land war in Asia should be avoided.

Although the President's decision was a "pivotal" change, the study declares, "Mr. Johnson was greatly concerned that the step be given as little prominence as possible."

The decision was embodied in National Security Action Memorandum 328, on April 6, which included the following paragraphs:

"5. The President approved an 18–20,000 man increase in U.S. military support forces to fill out existing units and supply needed logistic personnel.

"6. The President approved the deployment of two additional Marine Battalions and one Marine Air Squadron and associated head quarters and support elements.

"7. The President approved a change of mission for all Marine Battalions deployed to Vietnam to permit their more active use under conditions to be established and approved by the Secretary of Defense in consultation with the Secretary of State."

The paragraph stating the President's concern about publicity gave stringent orders in writing to members of the National Security Council:

"11. The President desires that with respect to the actions in paragraphs 5 through 7, premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the direct approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy." [See text, action memorandum on change of mission, April 6, 1965, Page 21.]

The period of increasing ground combat involvement is shown in the Pentagon papers to be the third major phase of President Johnson's commitment to South Vietnam. This period forms another section of the presentation of those papers by The New York Times.

The papers, prepared by a large team of authors in 1967–68 as an official study of how the United States went to war in Indochina, consist of 3,000 pages of analysis and 4,000 pages of supporting documents. The study covers nearly three decades of American policy toward Southeast Asia. Thus far The Times' reports on the study, with presentation of key documents, have covered the period of clandestine warfare before the Tonkin Gulf incidents in 1964 and the planning for sustained bombing of North Vietnam to begin early the next year.

In the spring of 1965, the study discloses, the Johnson Administration pinned its hopes on air assaults against the North to break the enemy's will and persuade Hanoi to stop the Vietcong insurgency in the South. The air assaults began on a sustained basis on March 2.

"Once set in motion, however, the bombing effort seemed to stiffen rather than soften Hanoi's backbone, as well as the willingness of Hanoi's allies, particularly the Soviet Union, to work toward compromise," the study continues.

"Official hopes were high that the Rolling Thunder program . . . would rapidly convince Hanoi that it should agree to negotiate a settlement to the war in the South. After a month of bombing with no response from the North Vietnamese, optimism began to wane," the study remarks.

"The U.S. was presented essentially with two options: (1) to withdraw unilaterally from Vietnam leaving the South Vietnamese to fend for themselves, or (2) to commit ground forces in pursuit of its objectives. A third option, that of drastically increasing the scope and scale of the bombing, was rejected because of the concomitant high risk of inviting Chinese intervention."

And so within a month, the account continues, with the Administration recognizing that the bombing would not work quickly enough, the crucial decision was made to put the two Marine battalions already in South Vietnam on the offensive. The 3,500 marines landed at Danang on March 8—bringing the total United States force in South Vietnam to 27,000. The restricted mission of the marines had been the static defense of the Danang airfield.

ORDERS PUT IN WRITING

As a result of the President's wish to keep the shift of mission from defense to offense imperceptible to the public, the April 1 decision received no publicity "until it crept out almost by accident in a State Department release on 8 June," in the words of the Pentagon study.

The day before, the hastily improvised static security and enclave strategies of the spring were overtaken by a requirement from Gen. William C. Westmoreland, the American commander in Saigon, for nearly 200,000 troops. He wanted these forces, the Pentagon study relates, to hold off defeat long enough to make possible a further build-up of American troops.

"Swiftly and in an atmosphere of crisis," the study says, President Johnson gave his approval to General Westmoreland's request a little more than a month later, in mid-July. And once again, the study adds, Mr. Johnson concealed his decision.

But the President, the narrative continues, was now heeding the counsel of General Westmoreland to embark on a full-scale ground war. The study for this period concludes that Mr. Johnson and most of his Administration were in no mood for compromise on Vietnam.

As an indication of the Administration's mood during this period, the study cites "a marathon public-information campaign" conducted by Secretary of State Dean Rusk late in February and early in March as sustained bombing was getting under way.

Mr. Rusk, the study says, sought "to signal a seemingly reasonable but in fact quite tough U.S. position on negotiations, demanding that Hanoi 'stop doing what it is doing against its neighbors' before any negotiations could prove fruitful.

"Rusk's disinterest in negotiations at this time was in concert with the view of virtually all of the President's key advisers, that the path to peace was not then open," the Pentagon account continues. "Hanoi held sway over more than half of South Vietnam and could see the Saigon Government crumbling before her very eyes. The balance of power at this time simply did not furnish the U.S. with a basis for bargaining and Hanoi had no reason to accede to the hard terms that the U.S. had in mind. Until military pressures on North Vietnam could tilt the balance of forces the other way, talk of negotiation could be little more than a hollow exercise."

A POSITION OF COMPROMISE

The study also says that two of the President's major moves involving the bombing campaign in the spring of 1965 were designed, among other aims, to quiet critics and obtain public support for the air war by striking a position of compromise. But in fact, the account goes on, the moves masked publicly unstated conditions for peace that "were not 'compromise' terms, but more akin to a 'cease and desist' order that, from the D.R.V./VC point of view, was tantamount to a demand for their surrender." "D.R.V." denotes the Democratic Republic of Vietnam; "VC" the Vietcong.

In Mr. Johnson's first action, his speech at the Johns Hopkins University in Baltimore on April 7, he offered to negotiate "without posing any preconditions" and also held out what the study calls a "billion-dollar carrot" in the form of a regional economic-development program for the Mekong Delta, financed by the United States, in which North Vietnam might participate.

The second action was the unannounced five-day pause in bombing in May, during which the President called upon Hanoi to accept a "political solution" in the South. This "seemed to be aimed more at clearing the decks for a subsequent intensified resumption than it was at evoking a reciprocal act of deescalation by Hanoi," the study says. Admiral Raborn, in his May 6 memorandum, had suggested a pause for this purpose and as an opportunity for Hanoi "to make concessions with some grace."

The air attacks had begun Feb. 8 and Feb. 11 with reprisal raids, code-named Operations Flaming Dart I and II, announced as retaliation for Vietcong attacks on American installations at Pleiku and Quinhon.

In public Administration statements on the air assaults, the study goes on, President Johnson broadened "the reprisal concept as gradually and imperceptibly as possible" into sustained air raids against the North, in the same fashion that the analyst describes him blurring the shift from defensive to offensive action on the ground during the spring and summer of 1965.

The study declares that the two February strikes—unlike the Tonkin Gulf reprisals in August, 1964, which were tied directly to a North Vietnamese attack on American ships—were publicly associated with a "larger pattern of aggression" by North Vietnam. Flaming Dart II, for example, was characterized as "a generalized response to 'continued acts of aggression,'" the account notes.

"Although discussed publicly in very muted tones," it goes on, "the second Flaming Dart operation constituted a sharp break with past U.S. policy and set the stage for the continuing bombing program that was now to be launched in earnest."

In another section of the study, a Pentagon analyst remarks that "the change in ground rules . . . posed serious public-information and stage-managing problems for the President."

It was on Feb. 13, two days after this second reprisal, that Mr. Johnson ordered Operation Rolling Thunder. An important influence on his unpublicized decision was a memorandum from his special assistant for national security affairs, McGeorge Bundy, who was heading a fact-finding mission in Vietnam when the Vietcong attack at Pleiku occurred on Feb. 7. With Mr. Bundy were Assistant Secretary of Defense John T. McNaughton and Deputy Assistant Secretary of State Leonard Unger.

"A policy of sustained reprisal against North Vietnam" was the strategy advocated by Mr. Bundy in his memorandum, drafted on the President's personal Boeing 707, Air Force One, while returning from Saigon the same day. [See text, Bundy memorandum, Feb. 7, 1965.]"

The memorandum explained that the justification for the air attacks against the North, and their intensity, would be keyed to the level of Vietcong activity in the South.

SUSTAINED PRESSURE SOUGHT

"We are convinced that the political values of reprisal require a continuous operation," Mr. Bundy wrote. "Eposodic responses geared on a one-for-one basis to 'spectacular' outrages would lack the persuasive force of sustained pressure. More important still, they would leave it open to the Communists to avoid reprisals entirely by giving up only a small element of their own program. . . . It is the great merit of the proposed scheme that to stop it the Communists would have to stop enough of their activity in the South to permit the probable success of a determined pacification effort."

The analyst notes, however, that Mr. Bundy's memorandum was a "unique articulation of a rationale for the Rolling Thunder policy" because Mr. Bundy held out as the immediate benefit an opportunity to rally the anti-Communist elements in the South and achieve some political stability and progress in pacification. "Once such a policy is put in force," Mr. Bundy wrote, in summary conclusions to his memorandum," we shall be able to speak in Vietnam on many topics and in many ways, with growing force and effectiveness."

It was also plausible, he said, that bombing in the North, "even in a low key, would have a substantial depressing effect upon the morale of Vietcong cadres in South Vietnam."

Mr. Bundy, the study remarks, thus differed from most other proponents of bombing. These included Ambassador Maxwell D. Taylor, who despaired of improving the Saigon Government's effectiveness and who wanted bombing primarily as a will-breaking device "to inflict such pain or threat of pain upon the D.R.V. that it would be compelled to order a stand-down of Viet Cong violence," in the study's words.

As several chapters of the Pentagon study show, a number of Administration strategists—particularly Walt W. Rostow, chairman of the State Department's Policy Planning Council—had assumed for years that "calculated doses" of American air power would accomplish this end.

Mr. Bundy, while not underrating the bombing's "impact on Hanoi" and its use "as a means of affecting the will of Hanoi," saw this as a "longer-range purpose."

THIS PROGRAM SEEMS CHEAP

The bombing might not work. Mr. Bundy acknowledged. "Yet measured against the costs of defeat in Vietnam," he wrote, "this program seems cheap. And even if it fails to turn the tide—as it may—the value of the effort seems to us to exceed its cost."

President Johnson informed Ambassador Taylor of his Rolling Thunder decision in a cablegram drafted in the White House and transmitted to Saigon late in the afternoon of Sunday, Feb. 13.

The cable told the Ambassador that "we will execute a program of measured and limited air action jointly with the GVN [the Government of Vietnam] against selected military targets in D.R.V. remaining south of the 19th Parallel until further notice."

"Our current expectation," the message added, "is that these attacks might come about once or twice a week and involve two or three targets on each day of operation." [See text of White House cable, Feb. 13.]

Mr. Johnson said he hoped "to have appropriate GVN concurrence by Monday if possible. . . ."

The study recounts that "Ambassador Taylor received the news of the President's new program with enthusiasm. In his response, however, he explained the difficulties he faced in obtaining authentic GVN concurrence 'in the condition of virtual nongovernment' which existed in Saigon at that moment."

Gen. Nguyen Khanh, the nominal commander of the South Vietnamese armed forces, had ousted the civilian cabinet of Premier Tran Van Huong on Jan. 27. Led by Air Vice Marshal Nguyen Cao Ky, a group of young generals—the so-called Young Turks—were in turn intriguing against General Khanh.

(A footnote in the account of the first reprisal strikes, on Feb. 8, says that Marshal Ky, who led the South Vietnamese planes participating in the raid, caused "consternation" among American target controllers by dropping his bombs on the wrong targets. "In a last minute switch," the footnote says, Marshal Ky "dumped his flight's bomb loads on an unassigned target in the Vinhlinh area, in order, as he later explained, to avoid colliding with U.S.A.F. aircraft which, he claimed, were striking his originally assigned target when his flight arrived over the target area." Adm. U.S. Grant Sharp, Commander of United States forces in the Pacific, reported the incident to the Joint Chiefs.)

CABLES TO THE EMBASSIES

Referring to the political situation in Saigon, the account says: "This Alice-in-Wonderland atmosphere notwithstanding, Taylor was undaunted."

"It will be interesting to observe the effect of our proposal on the internal political situation here," the Ambassador cabled back to Mr. Johnson in Washington about the bombing: "I will use the occasion to emphasize that a dramatic change is occurring in U.S. policy, one highly favorable to GVN interests but demanding a parallel dramatic change of attitude on the part of the GVN. Now is the time to install the best possible Government as we are clearly approaching a climax in the next few months."

Ambassador Taylor apparently obtained what concurrence was possible and on Feb. 8 another cable went out from the State Department to London and eight United States Embassies in the Far East besides the one in Saigon. The message told the ambassadors of the forthcoming bombing campaign and instructed them to "inform head of government or State (as appropriate) of above in strictest confidence and report reactions." [See text, cable to U.S. envoys, Feb. 18.]

Both McGeorge Bundy and Ambassador Taylor had recommended playing down publicity on the details of the raids. "Careful public statements of U.S.G. [United States Government], combined with fact of continuing air actions, are expected to make it clear that military action will continue while aggression continues," the cable said. "But focus of public attention will be kept as far as possible on DRV aggression; not on joint GVN/US military operations.

The President had scheduled the first of the sustained raids, Rolling Thunder I, for Feb. 20. Five hours after the State Department transmitted that cable, a perennial Saigon plotter, Col. Pham Ngoc Thao, staged an unsuccessful "semicoup" against General Khanh and "pandemonium reigned in Saigon," the study recounts. "Ambassador Taylor promptly recommended cancellation of the Feb. 20 air strikes and his recommendation was equally promptly accepted" by Washington, the Pentagon study says.

The State Department sent a cablegram to the various embassies rescinding the instructions to notify heads of government or state of the planned air war until further notice "in view of the disturbed situation in Saigon."

The situation there, the study says, remained "disturbed" for nearly a week while the Young Turks also sought to get rid of General Khanh.

"The latter made frantic but unsuccessful efforts to rally his supporters," the study says, and finally took off in his plane to avoid having to resign as commander in chief. "Literally running out of gas in Nhatrang shortly before dawn on Feb. 21, he submitted his resignation, claiming that a 'foreign hand' was behind the coup. No one, however, could be quite certain that Khanh might not 're-coup' once again, unless he were physically removed from the scene."

This took three more days to accomplish, and on Feb. 25 General Khanh finally went into permanent exile as an ambassador at large, with Ambassador Taylor seeing him off at the airport, "glassily polite," in the study's words. "It was only then that Taylor was able to issue, and Washington could accept, clearance for the long-postponed and frequently rescheduled first Rolling Thunder strike."

Less than three weeks earlier, in his memorandum to the President, predicting that "a policy of sustained reprisal" might bring a better government in Saigon, McGeorge Bundy had said he did not agree with Ambassador Taylor that General Khanh "must somehow be removed from the . . . scene."

"We see no one else in sight with anything like his ability to combine military authority with some sense of politics," the account quotes Mr. Bundy as having written.

In the meantime two more Rolling Thunder strikes—II and III—had also been scheduled and then canceled because, the study says, the South Vietnamese Air Force was on "coup alert," in Saigon.

During part of this period, air strikes against North Vietnam were also inhibited by a diplomatic initiative from the Soviet Union and Britain. They moved to reactivate their co-chairmanship of the 1954 Geneva conference on Indochina to consider the current Vietnam crisis. Secretary Rusk cabled Ambassador Taylor that the diplomatic initiative would not affect Washington's decision to begin the air war, merely its timing.

According to the Pentagon study, the Administration regarded the possibility of reviving the Geneva conference of 1954, which had ended the French Indochina War, "not as a potential negotiating opportunity, but as a convenient vehicle for public expression of a tough U.S. position."

But, the account adds, this "diplomatic gambit" had "languished" by the time General Khanh left Saigon, and the day of his departure Mr. Johnson scheduled a strike, Rolling Thunder IV, for Feb. 26.

The pilots had been standing by, for nearly a week, with the orders to execute a strike being canceled every 24 hours.

But the order to begin the raid was again canceled, a last time, by monsoon weather for four more days.

Rolling Thunder finally rolled on March 2, 1965, when F-100 Super Sabre and F-105 Thunderchief jets of the United States Air Force bombed an ammunition depot at Xombang while 19 propeller-driven A-1H fighter-bombers of South Vietnam struck the Quangkhe naval base.

The various arguments in the Administration over how the raids ought to be conducted, which had developed during the planning stages, were now revived in sharper form by the opening blow in the actual air war.

Secretary McNamara, whose attention to management of resources and cost-effectiveness is cited repeatedly by the study, was concerned about improving the military efficacy of the bombing even before the sustained air war got under way.

He had received bomb damage assessments on the two reprisal strikes in February, reporting that of 491 buildings attacked, only 47 had been destroyed and 22 damaged. The information "caused McNamara to fire off a rather blunt memorandum" to General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, on Feb. 17 the account says.

"I AM QUITE SATISFIED"

"Although the four missions [flown during the two raids] left the operations at the targets relatively unimpaired, I am quite satisfied with the results," Mr. McNamara began. "Our primary objective, of course, was to communicate our political resolve. This I believe we did. Future communications to resolve, however, will carry a hollow ring unless we accomplish more military damage than we have to date. . . . Surely we cannot continue for months accomplishing no more with 267 sorties than we did on these four missions." A sortie is a flight by a single plane.

General Wheeler replied that measures were being taken to heighten the destructiveness of the strikes and said that one way to accomplish this was to give the operational commander on the scene "adequate latitude" to attack the target as he saw fit, rather than seeking to control the details from Washington.

One measure approved by the President on March 9 was the use of napalm in North Vietnam.

And the day before the day that 3,500 marines came ashore at Danang to protect the airfield there, Ambassador Taylor had already expressed, in two cables to Washington, what the historian describes as "sharp annoyance" with the "unnecessarily timid and ambivalent" way in which the air war was being conducted.

No air strikes had been authorized by the President beyond the initial Rolling Thunder raids that began on March 2, and, according to the study, the Ambassador was irritated at "the long delays between strikes, the marginal weight of the attacks and the great ado about behind-the-scenes diplomatic feelers."

GENERAL WESTMORELAND CONCURS

With the concurrence of General Westmoreland, Ambassador Taylor proposed "a more dynamic schedule of strikes, a several week program relentlessly marching north" beyond the 19th Parallel, which President Johnson had so far set as a limit, "to break the will of the D.R.V."

Ambassador Taylor cabled: "Current feverish diplomatic activity particularly by French and British" was interfering with the ability of the United States to "progressively turn the screws on D.R.V."

"It appears to me evident that to date D.R.V. leaders believe air strikes at present levels on their territory are meaningless and that we are more susceptible to international pressure for negotiations than they are," the Ambassador said. He cited as evidence a report from J. Blair Seaborn, the Canadian member of the International Control Commission, who, in Hanoi earlier that month, had performed one of a series of secret diplomatic missions for the United States.

Mr. Seaborn had been sent back to convey directly to the Hanoi leaders an American policy statement on Vietnam that had been delivered to China on Feb. 24 through its embassy in Warsaw.

"NO DESIGNS" ON THE D.R.V.

In essence, the Pentagon study reports, the policy statement said that while the United States was determined to take whatever measures were necessary to maintain South Vietnam, it "had no designs on the territory of North Vietnam, nor any desire to destroy the D.R.V."

The delivery of the message to the Chinese was apparently aimed at helping to stave off any Chinese intervention as a result of the forthcoming bombing campaign.

But the purpose in sending Mr. Seaborn back, the study makes clear, was to convey the obvious threat that Hanoi now faced "extensive future destruction of . . . military and economic investments" if it did not call off the Vietcong guerrillas and accept a separate, non-Communist South.

Premier Pham Van Dong of North Vietnam, who had seen Mr. Seaborn on two earlier visits, declined this time, and the Canadian had to settle for the chief North Vietnamese liaison officer for the commission, to whom he read Washington's statement.

The North Vietnamese officer, the account says, commented that the message "contained nothing new and that the North Vietnamese had already received a briefing on the Warsaw meeting" from the Chinese Communists.

The treatment led the Canadian to sense "a mood of confidence" among the Hanoi leaders, Ambassador Taylor told Washington in a cablegram, and Mr. Seaborn felt "that Hanoi has the impression that our air strikes are a limited attempt to improve our bargaining position and hence are no great cause for immediate concern."

"Our objective should be to induce in D.R.V. leadership an attitude favorable to U.S. objectives in as short a time as possible in order to avoid a build-up of international pressure to negotiate," the Ambassador said.

Therefore, he went on, it was necessary to "begin at once a progression of U.S. strikes north of 19th Parallel in a slow but steadily ascending movement" to dispel any illusions in Hanoi.

"If we tarry too long in the south (below the 19th Parallel), we will give Hanoi a weak and misleading signal which will work against our ultimate purpose," he said.

The next Rolling Thunder strikes, on March 14 and 15, were the heaviest of the air war so far, involving 100 American and 24 South Vietnamese planes against barracks and depots on Tiger Island off the North Vietnamese coast and the ammunition dump near Phuqui, 100 miles southwest of Hanoi.

For the first time, the planes used napalm against the North, a measure approved by Mr. Johnson on May 9 to achieve the more efficient destruction of the targets that Mr. McNamara was seeking and to give the pilots protection from antiaircraft batteries.

"MOUNTING CRESCENDO" URGED

But the Ambassador regarded these, too, as an "isolated, stage-managed joint U.S./GVN operation," the Pentagon study says. He sent Washington another cable, saying that "through repeated delays we are failing to give the mounting crescendo to Rolling Thunder which is necessary to get the desired results."

Meanwhile, Admiral Sharp in Honolulu and the Joint Chiefs in Washington were quickly devising a number of other programs to broaden and intensify the air war now that it had begun.

On March 21, Admiral Sharp proposed a "radar busting day" to knock out the North Vietnamese early-warning system, and a program "to attrite harass and interdict the D.R.V. south" of the 20th Parallel by cutting lines of communication, "LOC" in official terminology.

The "LOC cut program" would choke off traffic along all roads and rail lines through southern North Vietnam by bombing strikes and would thus squeeze the flow of supplies into the South.

"All targets selected are extremely difficult or impossible to bypass," the admiral said in a cable to the Joint Chiefs. "LOC network cutting in this depth will degrade tonnage arrivals at the main 'funnels' and will develop a broad series of new targets such as backed-up convoys, offloaded materiel dumps and personnel staging areas at one or both sides of cuts."

These probable effects might in turn "force major D.R.V. log flow to sea-carry and into surveillance and attack by our SVN [South Vietnamese] coastal sanitization forces," the admiral added.

In Washington at this time, the narrative goes on, the Joint Chiefs were engaged in an "interservice division" over potential ground-troop deployments to Vietnam and over the air war itself.

Gen. John P. McConnell, Chief of Staff of the Air Force adopted a "maverick position" and was arguing for a short and violent 28-day bombing campaign. All of the targets on the original 94-target list drawn up in May, 1964, from bridges to industries, would be progressively destroyed.

"He proposed beginning the air strikes in the southern part of North Vietnam and continuing at two- to six-day intervals until Hanoi was attacked," the study continues.

The raids would be along the lines of the mighty strikes, including the use of B-52 bombers, that the Joint Chiefs had proposed in retaliation for the Vietcong mortar attack in Beinhoa airfield on Nov. 1, 1964, the narrative says. General McConnell contended that his plan was consistent with previous bombing proposals by the Joint Chiefs.

The general abandoned his proposal however, when the other members of the Joint Chiefs decided to incorporate Admiral Sharp's "LOC cut program" and some of General McConnell's individual target concepts into a bombing program of several weeks. They proposed this to Mr. McNamara on March 27.

This plan proposed an intense bombing campaign that would start on road and rail lines south of the 20th Parallel and then "march north" week by week to isolate North Vietnam from China gradually by cutting road and rail lines above Hanoi. In later phases upon which the Joint Chiefs had not yet fully decided, the port facilities were to be destroyed to isolate North Vietnam from the sea. Then industries outside populated areas would be attacked "leading up to a situation where the enemy will realize that the Hanoi and Haiphong areas will be the next logical targets in our continued air campaign."

But the President and Mr. McNamara declined to approve any multiweek program, the study relates. "They clearly preferred to retain continual personal control over attack concepts and individual target selection."

ALTERNATE TARGETS APPROVED

In mid-March, after a Presidential fact-finding trip to Vietnam by Gen. Harold K. Johnson, the Army Chief of Staff, the President did regularize the bombing campaign and relaxed some of the restrictions. Among the innovations was the selection of the targets in weekly packages with the precise timing of the individual attacks left to the commanders on the scene. Also, "the strikes were no longer to be specifically related to VC atrocities" and "publicity on the strikes was to be progressively reduced," the study says.

The President did not accept two recommendations from General Johnson relating to a possible ground war. They were to dispatch a division of American troops to South Vietnam to hold coastal enclaves or defend the Central Highlands in order to free Saigon Government forces for offensive action against the Vietcong. The second proposal was to create a four-division force of American and Southeast Asia Treaty Organization troops, who, to interdict infiltration, would patrol both the demilitarized zone along the border separating North and South Vietnam and the Laotian border region.

Better organization for the air war meant that concepts such as Admiral Sharp's "LOC cut program" and his "radar busting" were now incorporated into the weekly target packages. But President Johnson and Secretary McNamara continued to select the targets and to communicate them to the Joint Chiefs—and thus, eventually, to the operating strike forces—in weekly Rolling Thunder planning messages issued by the Secretary of Defense.

HOPES WERE WANING

Operation Rolling Thunder was thus being shifted from an exercise in air power "dominated by political and psychological considerations" to a "militarily more significant, sustained bombing program" aimed at destroying the capabilities of North Vietnam to support a war in the south.

But the shift also meant that "early hopes that Rolling Thunder could succeed by itself" in persuading Hanoi to call off the Vietcong were also waning.

"The underlying question that was being posed for the Administration at this time was well formulated," the study says, by John McNaughton in a memorandum drafted on March 24 for Secretary McNamrara in preparation for the April 1-2 National Security Council meetings.

"Can the situation inside SVN be bottomed out (a) without extreme measures against the DRV and/or (b) without deployment of large numbers of U.S. (and other) combat troops inside SVN?"

Mr. McNaughton's answer was "perhaps, but probably no." [See Text, McNaughton action plan, March 24.]

General Westmoreland stated his conclusions in a half-inch-thick report labeled "Commander's Estimate of the situation in SVN." The document, "a classic Leavenworth-style analysis," the analyst remarks, referring to the Command and General Staff College, was completed in Saigon on March 26 and delivered to Washington in time for the April 1-2 strategy meeting.

The Saigon military commander and his staff had begun working on this voluminous report on March 13, the day after General Johnson left Vietnam with his ground war proposals of an American division to hold enclaves and a four-division American and SEATO force along the borders, the study notes.

General Westmoreland predicted that the bombing campaign against the North would not show tangible results until June at the earliest, and that in the meantime the South Vietnamese Army needed American reinforcements to hold the line against growing Vietcong strength and to carry out "orderly" expansion of its own ranks.

And, paraphrasing the report, the study says that the general warned that the Saigon troops, "although at the moment performing fairly well, would not be able in the face of a VC summer offensive to hold in the South long enough for the bombing to become effective."

General Westmoreland asked for reinforcements equivalent to two American divisions, a total of about 70,000 troops, counting those already in Vietnam.

They included 17 maneuver battalions. The general proposed adding two more Marine battalion landing teams to the two battalions already at Danang in order to establish another base at the airfield at Phubai to the north; putting an Army brigade into the Bienhoa-Vungtau area near Saigon, and using two more Army battalions to garrison the central coastal ports of Quinhon and Nhatrang as logistics bases. These bases would sustain an army division that General Westmoreland proposed to send into active combat in the strategic central highlands inland to "defeat" the Vietcong who were seizing control there.

General Westmoreland said that he wanted the 17 battalions and their initial supporting elements in South Vietnam by June and indicated that more troops might be required thereafter if the bombing failed to achieve results.

The Saigon military commander and General Johnson were not alone in pressing for American ground combat troops to forestall a Vietcong victory, the study points out.

On March 20, the Joint Chiefs as a body had proposed sending two American divisions and one South Korean division to South Vietnam for offensive combat operations against the guerrillas.

Secretary McNamara, the Joint Chiefs and Ambassador Taylor all discussed the three-division proposal on March 29, the study relates, while the Ambassador was in Washington for the forthcoming White House strategy conference.

The Ambassador opposed the plan, the study says, because he felt the South Vietnamese might resent the presence of so many foreign troops—upwards of 100,000 men—and also because he believed there was still no military necessity for them.

The Joint Chiefs "had the qualified support of McNamara," however, the study continues, and was one of the topics discussed at the national security council meeting.

CONCERN WITH DEPLOYMENT

Thus, the study says, at the White House strategy session of April 1-2, "the principal concern of Administration policy makers at this time was with the prospect of major deployment of U.S. and third-country combat forces to SVN."

A memorandum written by McGeorge Bundy before the meeting, which set forth the key issues for discussion and decision by the President, "gave only the most superficial treatment to the complex matter of future air pressure policy," the Pentagon analyst remarks.

The morning that Ambassador Taylor left Saigon to attend the meeting, March 29, the Vietcong guerrillas blew up the American Embassy in Saigon in what the study calls "the boldest and most direct Communist action against the U.S. since the attacks at Pleiku and Quinhon which had precipitated the Flaming Dart reprisal airstrikes."

Admiral Sharp requested permission to launch a "spectacular" air raid on North Vietnam in retaliation, the narrative continues, but the "plea . . . did not fall on responsive ears" at the White House.

"At this point, the President preferred to maneuver quietly to help the nation get used to living with the Vietnam crisis. He played down any drama intrinsic in Taylor's arrival" and refused to permit a retaliation raid for the embassy bombing.

"After his first meeting with Taylor and other officials on March 31, the President responded to press inquiries concerning dramatic new developments by saying: "I know of no far-reaching strategy that is being suggested or promulgated."

"But the President was being less than candid," the study observes. "The proposals that were at that moment being promulgated, and on which he reached significant decision the following day, did involve a far-reaching strategy change: acceptance of the concept of U.S. troops engaged in offensive ground operations against Asian insurgents. This issue greatly overshadowed all other Vietnam questions then being reconsidered."

The analyst is referring to the President's decision at the White House strategy conference on April 1-2 to change the mission of the marine battalions at Danang from defense to offense.

McGeorge Bundy embodied the decision in National Security Action Memorandum 328, which he drafted and signed on behalf of the President on April 6. The analyst says that this "pivotal document" followed almost "verbatim" the text of another memorandum that Br. Bundy had written before the N.S.C. meeting to outline the proposals for discussion and decision by the President.

The Pentagon study notes that the actual landing of 3,500 marines at Danang the previous month had "caused surprisingly little outcry."

Secretary of State Dean Rusk had explained on a television program the day before the marines came ashore that their mission was solely to provide security for the air base and "not to kill the Vietcong," in the words of the study. This initial mission for the marines was later to be referred to as the short-lived strategy of security that would apply only to this American troop movement into South Vietnam.

"A DEAD LETTER" QUICKLY

The President's decision to change their mission to offense now made the strategy of base security "a dead letter," the study says, when it was less than a month old.

At the April 1–2 meeting, Mr. Johnson had also decided to send ashore two more marine battalions, which General Westmoreland had asked for in a separate request on March 17. Mr. Johnson further decided to increase support forces in South Vietnam by 18,000 to 20,000 men.

The President was "doubtless aware" of the general's additional request for the equivalent of two divisions, and of the Joint Chiefs for three divisions, the Pentagon account says, but Mr. Johnson took no action on these requests.

"The initial steps in ground build-up appear to have been grudgingly taken," the study says, "indicating that the President . . . and his advisers recognized the tremendous inertial complications of ground troop deployments. Halting ground involvement was seen to be a manifestly greater problem than halting air or naval activity.

"It is pretty clear, then, that the President intended, after the early April N.S.C. meetings, to cautiously and carefully experiment with the U.S. forces in offensive roles," the analyst concludes.

National Security Action Memorandum 328 did not precisely define or limit the offensive role it authorized, and Ambassador Taylor, who had attended the National Security Council meeting during his visit to Washington, was not satisfied with the guidance he received from the State Department. Therefore, on his way back to Saigon on April 4, the Ambassador, formerly President John F. Kennedy's military adviser and Chairman of the Joint Chiefs, sent a cable from the Honolulu headquarters of the commander of Pacific forces to the State Department, saying:

"I propose to describe the new mission to [Premier Pham Huy] Quat as the use of marines in a mobile counterinsurgency role in the vicinity of Danang for the improved protection of that base and also in a strike role as a reserve in support of ARVN operations anywhere within 50 miles of the base. This latter employment would follow acquisition of experience on local counter-insurgency missions."

Ambassador Taylor's 50-mile limit apparently became an accepted rule-of-thumb boundary for counterinsurgency strikes.

And so, the analyst sums up, with the promulgation of National Security Action Memorandum 328, "the strategy of security effectively becomes a dead letter on the first of April," and the strategy of enclave begins.

The strategy of base security having been ended by National Security Action Memorandum 328, a high-level meeting began in Honolulu on April 20 to "sanctify" and "structure", as the Pentagon analyst puts it, "an expanded enclave strategy."

Present at the meeting were Secretary of Defense McNamara; William Bundy, Assistant Secretary of State for Far Eastern Affairs; Assistant Secretary of Defense McNaughton; Ambassador Taylor; Admiral Sharp; Gen. Earle G. Wheeler, Chairman of the Joint Chiefs, and General Westmoreland.

"Some of these men had helped produce the current optimism in situation reports and cables," the Pentagon study says, "and yet the consensus of their meeting was that the then-present level of Vietcong activity was nothing but the lull before the storm.

"The situation which presented itself to the Honolulu conferees was in many ways the whole Vietnam problem in microcosm. What was needed to galvanize everyone to action was some sort of dramatic event within South Vietnam itself. Unfortunately, the very nature of the war precluded the abrupt collapse of a front or the loss of large chunks of territory in lightning strokes by the enemy. The enemy in this war was spreading his control and influence slowly and inexorably but without drama. The political infrastructure from which he derived his strength took years to create, and in most areas the expansion of control was hardly felt until it was a fait accompli."

IN A REAR-GUARD ACTION

Of the conferees, the study says, "by far the most dogged protagonist of the enclave strategy was Ambassador Taylor." It had already become apparent, however, and was to become manifestly clear at Honolulu, that the Ambassador was fighting a rear-guard action against both civilian and military officials in the Pentagon who were bent on expansion of U.S. forces in South Vietnam and an enlargement of their combat mission.

On March 18, in a message to Washington, Ambassador Taylor had suggested that if a division were sent to South Vietnam as had been proposed by the Army Chief of Staff, Gen. Harold K. Johnson, then consideration should be given to deploying it in either a highland or coastal enclave.

When he got no response, Ambassador Taylor sent another message on March 27, stating that if United States forces were to come, his preference was, as the study says, that they be used in a combination of defensive or offensive enclave plus reserve for an emergency, rather than in "territorial clear and bold" operations.

The Ambassador, the study notes, interpreted the pivotal National Security Action Memorandum as supporting his position, because in it the President seemed to make plain that he "wanted to experiment very carefully with a small amount of force before deciding whether or not to accept any kind of ground war commitment."

FOR GUERRILLAS, TANKS

Therefore, the study says, "the Ambassador was surprised to discover that the marines [the two additional battalions that landed April 11–14] had come ashore with tanks, self-propelled artillery, and various other items of weighty equipment not 'appropriate for counterinsurgency operations.'"

In his April 17, cable to McGeorge Bundy, Ambassador Taylor had also protested the "hasty and ill-conceived" proposals for the deployment of more forces with which he was being flooded.

"Thus was the Ambassador propelled into the conference of 20 April 1965, only one step ahead of the Washington juggernaut, which was itself fueled by encouragement from Westmoreland in Saigon," the study comments. "Taylor was not opposed to the U.S. build-up *per se*, but rather was concerned to move slowly with combat troop deployments . . . He was overtaken in Honolulu."

According to Mr. McNaughton's minutes, the conference in preliminary discussions on April 20 agreed that:

"(1) The D.R.V. was not likely to quit within the next six months; and in any case, they were more likely to give up because of VC failure in the South than because of bomb-induced 'pain' in the North. It could take up to two years to demonstrate VC failure.

"(2) The level of air activity through Rolling Thunder was about right. The U.S. did not, in Ambassador Taylor's words, want 'to kill the hostage.' Therefore, Hanoi and environs remained on the restricted list. It was recognized that air activity would not do the job alone.

"(3) Progress in the South would be slow, and great care should be taken to avoid dramatic defeat. The current lull in Vietcong activity was merely the quiet before a storm.

"(4) The victory strategy was to 'break the will of the D.R.V./VC by denying them victory.' Impotence would lead eventually to a political solution."

6,700 MEN BELOW STRENGTH

At the time of the Honolulu conference, the study notes, "the level of approved U.S. forces for Vietnam was 40,200," but 33,500 were actually in the country at that time.

"To accomplish the 'victory strategy' described above," the study continues, the conferees agreed that U.S. ground forces should be increased from 4 to 13 maneuver battalions and to 82,000 men. The United States, they agreed, should also seek to get additional troops from Australia and South Korea that would bring the so-called third-country strength to four maneuver battalions and 7,250 men.

Thus, the Honolulu conferees proposed raising the recommended United States-third country strength to 17 battalions.

The conferees also mentioned but did not recommend a possible later deployment of 11 U.S. and 6 South Korean battalions, which, when added to the approved totals, would bring the United States-third country combat capability to 34 battalions. In this later possible deployment was included an Army airmobile division.

Secretary McNamara forwarded the Honolulu recommendations to the President on April 21, together with a notation on possible later deployment of the airmobile division and the Third Marine Expeditionary Force.

DETAILED DEPLOYMENT PLAN

On April 30 the Joint Chiefs presented a detailed program for deployment of some 48,000 American and 5,250 third-country soldiers. "Included were all the units mentioned in the Honolulu recommendations plus a healthy support package," the study says.

The Joint Chiefs said that these additional forces were "to bolster GVN forces during their continued build-up, secure bases and installations, conduct counterinsurgency combat operations in coordination with the RVNAF, and prepare for the later introduction of an airmobile division to the central plateau, the remainder of the third M.E.F. [the marine force] to the Danang area, and the remainder of a ROK [Republic of Korea] division to Quangngai."

From the thrust of this memorandum by the Joint Chiefs, the analyst comments, "it is apparent that the enclave strategy was no stopping place as far as the Chiefs were concerned. They continued to push hard for the earliest possible input of three full divisions of troops. They were still well ahead of the pack in that regard."

New Warnings of Failure

Before the opening of the air war in the spring warnings were sounded high in the Administration that it would not succeed. Now there were warnings that a ground war in the South might prove fruitless. The warnings came not only from Under Secretary of State George W. Ball, long known as a dissenter on Vietnam, but also from John A. McCone, Director of Central Intelligence, who felt the actions planned were not strong enough.

On April 2 Mr. McCone circulated a memorandum within the National Security Council asserting that unless the United States was willing to bomb the North "with minimum restraint" to break Hanoi's will, it was unwise to commit ground troops to battle.

"In effect," he said, "we will find ourselves mired down in combat in the jungle in a military effort that we cannot win and from which we will have extreme difficulty extracting ourselves." [See text, McCone memorandum, April 2, 1965.]

It is not clear from the documentary record whether President Johnson read this particular memorandum, but the Pentagon study says Mr. McCone expressed these same views in a personal memorandum to the President on April 28.

In a separate intelligence estimate for the President on May 6, Vice Adm. William F. Raborn Jr., Mr. McCone's successor, indicated agreement with Mr. McCone.

Mr. Ball's dissent came from the opposite side. He believed that neither bombing the North nor fighting the guerrillas in the South nor any combination of the two offered a solution and said so in a memorandum circulated on June 28, the study reports.

"Convinced that the U.S. was pouring its resources down the drain in the wrong place," the account goes on, Mr. Ball proposed that the United States "cut its losses" and withdrawal from South Vietnam.

"Ball was cold-blooded in his analysis," the study continues, describing the memorandum. "He recognized that the U.S. would not be able to avoid losing face before its Asian allies if it staged some form of conference leading to withdrawal of U.S. forces. The losses would be of short-term duration, however, and the U.S. could emerge from this period of travail as a 'wiser and more mature nation.'"

BALL OFFERS 'A COMPROMISE'

On July 1, the analyst says, Mr. Ball reiterated his proposal for withdrawal in a memorandum to the President entitled "A Compromise Solution for South Vietnam." [See text, Ball memorandum, July 1, 1965.]

The Series So Far

Events before Tonkin Gulf: Passage of the Tonkin resolution, the Pentagon account says, "set U.S. public support for virtually any action," but its passage was the culmination of months of covert U.S. military involvement and detailed preparation for escalation. This covert war, the narrative relates, included Plan 34A—a program of clandestine military operations against North Vietnam—and the development of precise scenarios for escalation leading up to the full-scale bombing of the North.

Planning the bombing: The months between the Tonkin Gulf incident and the March 1965, start of Operation Rolling Thunder were months of planning how to carry out the "general consensus" on the necessity of an air war against the North, which the study says was reached in September, 1964. "Tactical considerations"—including the Presidential campaign, the study says—required delay, and low-risk interim measures, including coastal raids and U.S. air strikes at infiltration routes in Laos, were ordered "to assist morale . . ."

Highlights of the Period

Within a month of the start of Operation Rolling Thunder, the Pentagon study says, the Johnson Administration had made the first of the decisions that were to lead, in the next months, to American assumption of the major burden of the ground war in South Vietnam.

Here, in chronological order, are the highlights of this period of debate and decision:

MARCH 1965

First "Rolling Thunder" air strike at ammunition depot and naval base. The two Marine battalions deployed in Vietnam.

APRIL 1965

President approves 18,000–20,000-man increase in "military support forces" and "a change of mission" for marines "to permit their more active use. . . ." Memo notes his desire for "all possible precautions" against "premature publicity" and to "minimize any appearance of sudden changes in policy."

John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, urges deployment of 173d Airborne Brigade also.

Ambassador Maxwell D. Taylor, calls this "hasty and ill-conceived."

Honolulu strategy meeting. Conferees agree to urge increase to 82,000 U.S. troops.

George W. Ball, Under Secretary of State, proposes United States "cut its losses" and withdraw instead, history says.

MAY 1965

Vietcong "summer offensive" begins history says. About 200 Marine casualties during April, May.

JUNE 1965

Gen. William C. Westmoreland, commander in Vietnam, says United States must "reinforce our efforts . . . as rapidly as practical." Asks total of 44 battalions.

State Department announces that United States troops are "available for combat support."

First major ground action by United States forces northwest of Saigon.

Gen. Westmoreland, in reply to Joint Chiefs, makes "big pitch . . . for a free hand to maneuver the troops around . . .," analyst says.

Ambassador Taylor "confirms the seriousness of the military situation" and "very tenuous hold" of new Government, study goes on.

General Westmoreland given authority to use U.S. forces in battle when necessary "to strengthen" South Vietnam forces.

Mr. Ball, analyst writes, opposes ground-troop increase. Says it gives "absolutely no assurance" of success, risks "costly and indeterminate struggle". Urges "base defense and reserve" strategy "while the stage was being set for withdrawal."

William Bundy, history says, urges President avoid "ultimatum aspects" of either Ball or Westmoreland proposal. Says United States troops should be held to supporting "reserve reaction" role.

JULY 1965

President at first approves deployment of 34 battalions, about 100,000 men; 44 battalions finally agreed on; total 193,887 troops.

History says this decision "perceived as a threshold—entrance into Asian land war . . ."

By year's end, history notes, United States forces in South Vietnam total 184,314.

Confusion and Suspicion

There was some confusion, suspicion and controversy about the President's approval of an 18,000–20,000 increase in support troops, which, he explained, was meant "to fill out existing units and supply needed logistic personnel."

On April 21, Secretary McNamara told the President that 11,000 of these new men would augment various existing forces, while 7,000 were logistic troops to support "previously approved forces."

"It isn't entirely clear from the documents exactly what the President did have in mind for the support troop add-ons," the study comments. "What is clear, however, . . . was that the J.C.S. were continuing to plan for the earliest possible introduction of two to three divisions into RVN." The analyst cites a memorandum from Mr. McNamara to General Wheeler on April 6 as evidence of this planning.

Later, on May 5, the study continues, Assistant Secretary of Defense, McNaughton would send a memorandum to Deputy Secretary of Defense Cyrus Vance, saying that "the J.C.S. misconstrued the [support] add-ons to mean logistic build-up for coastal enclaves and the possible later introduction of two to three divisions." (These were the divisions the Joint Chiefs had requested on March 20.)

"RELATIVELY LOW RISK"

The enclave strategy had as its object the involvement of United States combat units at "relatively low risk." It proposed "that U.S. troops occupy coastal enclaves, accept full responsibility for enclave security, and be prepared to go to the rescue of the RVNF as far as 50 miles outside the enclave. . . . The intent was not to take the war to the enemy but rather to deny him certain critical areas," the study says.

To prove the viability of its "reserve reaction," the analyst goes on, the enclave strategy required testing, but the rules for committing United States troops under it had not been worked out by the time it was overtaken by events—a series of major military victories by the Vietcong in May and June that led to the adoption of the search-and-destroy strategy.

Search and destroy, the analyst says, was "articulated by Westmoreland and the J.C.S. in keeping with sound military principles garnered by men accustomed to winning. The basic idea . . . was the desire to take the war to the enemy, denying him freedom of movement anywhere in the country . . . and deal him the heaviest possible blows." In the meantime, the South Vietnamese Army "would be free to concentrate their efforts in populated areas."

From April 11 through April 14, the additional two marine battalions were deployed at Hue-Phubai and at Danang, bringing the total maneuver battalions to four.

"The marines set about consolidating and developing their two coastal base areas, and, although they pushed their patrol perimeters out beyond their tactical wire and thereby conducted active rather than passive defense, they did not engage in any offensive operation, in support of ARVN for the next few months," the study says.

At this point, the Defense Department, the Joint Chiefs and General Westmoreland collaborated—as it turned out, successfully—in what the study calls "a little cart-before-horsemanship." It involves the deployment to South Vietnam of the 173d Airborne Brigade, two battalions that were then situated on Okinawa in a reserve role.

General Westmoreland had had his eye on the 173d for some time. On March 26, in his "Commander's Estimate of the Situation," in which he requested the equivalent of two divisions, he also recommended that the 173d Airborne Brigade be deployed to the Bienhoa-Vungtau areas "to secure vital U.S. installations." This recommendation, like that for two divisions, was not acted upon by the National Security Council in the April 1–2 meeting.

On April 11, General Westmoreland cabled Admiral Sharp, the Pacific commander, that he understood from the National Security Council's meetings and Ambassador Taylor's discussions in Washington at the beginning of the month that his requested divisions were not in prospect. But, he said, he still wanted the 173d Airborne Brigade.

AHEAD IN TWO AREAS

This message, the study says, set in motion "a series of cables, proposals and false starts which indicated that Washington was well ahead of Saigon in its planning and in its anxiety."

The upshot of all this communication was that at a meeting in Honolulu of representatives of the Joint Chiefs and the Pacific command from April 10 to April 12, the deployment of the 173d Airborne Brigade was recommended. On April 14, the Joint Chiefs of Staff ordered the deployment to Bienhoa-

Vungtau, and the replacement of the brigade by one from the United States.

"This decision to deploy the 173d apparently caught the Ambassador flatfooted," the study says, "for he had quite obviously not been privy to it."

On the day of the Joint Chiefs' decision, Ambassador Taylor cabled the State Department that "this [decision on the deploying the brigade] comes as a complete surprise in view of the understanding reached in Washington [during his visit] that we would experiment with the marines in a counterinsurgency role before bringing in other U.S. contingents." He asked that deployment of the brigade be held up until matters were sorted out.

However, the study notes, Ambassador Taylor "held the trump card" because the proposed action had to be cleared with Premier Quat, and General Taylor told his superiors on April 17 that he did not intend to tell the Premier "without clearer guidance explaining Washington's intentions." [See text, Taylor cable, April 17, 1965.]

"That Washington was determined, with the President's sanction, to go beyond what had been agreed to and formalized in NSAM 328 was manifested unmistakably in a cable under joint Defense/State auspices by Mr. McNaughton to the Ambassador on 15 April," the Pentagon study says.

In the cablegram, Mr. McNaughton said: "Highest authority [the President] believes the situation in South Vietnam has been deteriorating and that, in addition to actions against the North, something new must be added in the South to achieve victory." He then listed seven recommended actions, including the introduction of military-civil affairs personnel into the air effort and the deployment of the 173d Airborne Brigade to Bienhoa-Vungtau "as a security force for our installations and also to participate in counter-insurgency combat operations" according to General Westmoreland's plans.

Reacting to that cable on April 17, Ambassador Taylor protested to McGeorge Bundy in the White House against the introduction of military-civilian affairs personnel into the aid effort. The Ambassador's cablegram continued by saying that the McNaughton message "shows a far greater willingness to get into the ground war than I had discerned in Washington during my recent trip."

"Mac, can't we be better protected from our friends?" the Ambassador asked. "I know that everyone wants to help, but there's such a thing as killing with kindness." [See text, Taylor cable, April 17.]

EXACT DATE IS UNCERTAIN

Discussing the contretemps between the Pentagon and General Taylor, the study says: "The documents do not reveal just exactly when Presidential sanction was obtained for the expanded scope of the above [McNaughton] proposals. It is possible that [on the approval for deploying the brigade] the Ambassador may have caught the Defense Department and the J.C.S. in a little cart-before-horsemanship."

In any event, on April 15, the day after it had ordered the deployment of the brigade, the J.C.S. sent a memorandum to Secretary McNamara dealing with the Ambassador's objections and still insisting that the brigade was needed.

"Whether or not the J.C.S. wrote that memorandum with red faces," the study remarks, "the Secretary of Defense dates approval for final deployment of the 173d as of the 30th of April."

The Enemy Responds

The question of final Presidential approval of the 17-battalion recommendations now became academic as the enemy started attacks that provided the Pentagon and General Westmoreland with a battlefield rationale for their campaign to have American troops take over the major share of the ground war.

As the manpower debates continued in March and April, the study portrays the military situation: "The Vietcong were unusually inactive throughout March and April. There had been no major defeat of the enemy's forces and no signs of any major shift in strategy on his part. Hence it was assumed that he was merely pausing to regroup and to assess the effect of the changed American participation in the war embodied in air strikes and in the marines," the first two battalions deployed at Danang on March 8.

"There were, however, plenty of indication in the early spring of 1965 of what was to come," the study continues . . . "From throughout the country came reports that Vietcong troops and cadres were moving into central Vietnam and into areas adjacent to the ring of provinces . . . around Saigon."

"A SOBERING HARBINGER"

"Finally and most ominous of all," the study says, a memorandum by the Central Intelligence Agency on April 21, 1965, "reflected the acceptance into the enemy order of battle of one regiment of the 325th PAVN [People's Army of Vietnam] division to be located in Kontum province. The presence of this regular North Vietnamese unit, which had been first reported as early as Febuary, was a sobering harbinger. . . ."

On May 11, when the Vietcong attacked Songbe, the capital of Phuoclong Province, using more than a regiment of troops, "the storm broke in earnest," the study says. The enemy overran the town and the American advisers' compound, causing heavy casualties. After holding the town for a day, the Vietcong withdrew, the study relates.

Later in May, in Quangngai Province in the northern part of South Vietnam, a battalion of Government-troops—the Army of the Republic of Vietnam—was ambushed and overrun near Bagia, west of Quangngai. Reinforcements were also ambushed.

"The battle," the study says, dragged on for several days and ended in total defeat for the ARVN. Two battalians were completely decimated. . . . From Bagia came a sense of urgency, at least among some of the senior U.S. officers who had been witnesses to the battle."

TWO REGIMENTS ATTACK

Then in June, two Vietcong regiments attacked an outpost at Dongxoai and when Government reinforcements were committed "piecemeal" they were "devoured by the enemy" the Pentagon study says.

"By mid-June, 1965," it asserts, "the Vietcong summer offensive was in full stride." By mid-July, the Vietcong were "systematically forcing the GVN to yield what little control it still exercised in rural areas outside the Mekong Delta."

On June 7, after the attack on Bagia, General Westmoreland sent a long message on the military situation and his needs to the Pacific Commander for relay to the Joint Chiefs.

"In pressing their campaign," the general said, "the Vietcong are capable of mounting regimental-size operations in all four ARVN corps areas, and at least battalion-sized attack in virtually all provinces. . . .

"ARVN forces on the other hand are already experiencing difficulty in coping with this increased VC capability. Desertion rates are inordinately high. Battle losses have been higher than expected; in fact, four ARVN battalions have been rendered ineffective by VC action in the I and II Corps zones. . . .

"Thus, the GVN/VC force ratios upon which we based our estimate of the situation in March have taken an adverse trend. You will recall that I recommended the deployment of a U.S. division in II Corps to cover the period of the RVNAF build-up and to weight the force ratios in that important area. We assumed at that time that the ARVN battalions would be brought to full strength by now and that the force build-up would proceed on schedule. Neither of these assumptions has materialized. . . .

"In order to cope with the situation outlined above, I see no course of action open to us except to reinforce our efforts in SVN with additional U.S. or third country forces as rapidly as is practical during the critical weeks ahead."

THE "44-BATTALION REQUEST"

What General Westmoreland asked for added up to a total force of 44 battalions and the June 7 message became known as the "44-battalion request."

Just as intense internal debate was beginning on the request, there was a "credibility" flare-up deriving from President Johnson's injunction of secrecy on the change of missions for the marines authorized on April 1 in National Security Action Memorandum 328.

"The long official silence between the sanction for U.S. offensive operations contained in NSAM 328 and the final approval [in negotiations with Saigon] of the conditions under which U.S. troops could be committed was not without cost," the study asserts. "The President had admonished each of the N.S.C. members not to allow release of provisions of the NSAM, but the unduly long interregnum inevitably led to leaks." In addition, the marines had 200 casualties, including 18 killed, as they went about "tidying up," as the study puts it, their newly assigned area in April and May.

"The Commandant of the Marine Corps," the study continues, "raised the tempo of speculation by saying to the press during an inspection trip to Vietnam in April that the marines were not in Vietnam to 'sit on their dittyboxes'—and they were there to 'kill Vietcong.'

"An honest and superficially innocuous statement by Department of State Press Officer Robert McCloskey on 8 June to the effect that 'American forces would be available for combat support together with Vietnamese forces when and if necessary' produced an immediate response [in the press].

"BY ITS OWN PETARD"

"The White House was hoisted by its own petard. In an attempt to quell the outcry a statement was issued on the 9th of June which, because of its ambiguity, only served to exacerbate the situation and to widen what was being described as 'the credibility gap'."

The White House statement said: "There has been no change in the mission of United States ground combat units in Vietnam in recent days or weeks. The President has issued no order of any kind in this regard to General Westmoreland recently or at any other time. The primary mission of these troops is to secure and safeguard important military installations like the air base at Danang. They have the associated mission of . . . patrolling and securing actions in and near the areas thus safeguarded.

"If help is requested by the appropriate Vietnamese commander, General Westmoreland also has authority within the assigned mission to employ those troops in support of Vietnamese forces faced with aggressive attack when other effective reserves are not available and when, in his judgment, the general military situation urgently requires it."

Discussing this statement, the Pentagon, analyst says: "The documents do not reveal whether or not the ground rules for engagement of U.S. forces had actually been worked out to everyone's satisfaction at the time of the White House statement. There is good indication that they had not." The analyst also notes that during the battles of Bagia and Dongxoai, the Government forces "were desperately in need of assistance," but that United States forces were not committed although the marines were available for Bagia and the 173d Airborne Brigade for Dongxoai.

THE FIRST MAJOR ACTION

The study reports that the first major ground action by United States forces took place northwest of Saigon from June 27 to June 30, and involved the 173d Airborne Brigade, an Australian battalion and South Vietnamese forces.

"The operation could by no stretch of definition have been described as a reserve reaction," the study says. "It was a search and destroy operation into Vietcong base areas. . . . The excursion was a direct result of the sanction given to General Westmoreland . . . [as a result of National Security Action Memorandum 328 and the enemy offensive] to 'commit U.S. troops to combat, independent of or in conjunction with GVN forces in any situation in which the use of such troops is requested by an appropriate GVN commander and when in [General Westmoreland's] judgment, their use is necessary to strengthen the relative position of GVN forces'."

However, as the study notes, "At that juncture the 44-battalion debate was in full swing and the enclave strategy, as a means to limit the amount and use of U.S. combat force in Vietnam, was certainly overcome by events," and by "a much more ambitious strategy sanctioned by the President."

Recapitulating the situation just before the debate, the study gives this picture of deployment. At the beginning of June, the enclave strategy was in its first stages with Marine Corps forces at Phubai, Danang and Chulai, and Army forces in Vungtau. Other enclaves were under consideration. Approved for deployment—but not all arrived in South Vietnam yet—were approximately 70,000 troops in 13 maneuver battalions; with third-country forces the total came to 77,250 men and 17 maneuver battalions.

This was the situation when, on June 7, General Westmoreland asked for reinforcements "as rapidly as possible."

General Westmoreland's message, the Pentagon study says, "stirred up a veritable hornet's nest in Washington," because his request for large reinforcements and his proposed strategy to go on the offensive "did not contain any of the comfortable restrictions and safeguards which had been part of every strategy debated to date."

"In such a move," the study continues "the specter of U.S. involvement in a major Asian ground war was there for all to see."

Just as Ambassador Taylor had consistently resisted involvement of United States forces, the study says, so General Westmoreland had been equally determined to get the troops into the war and have "a free hand" in using them.

At the time of his message, the general had available in Vietnam seven Marine and 2 Army maneuver battalions, plus an Australian battalion. Now, he was asking for a total of 33 battalions, and if the 173d Airborne Brigade's two battalions—which were on temporary assignment—were added, the total came to 35. But in a subparagraph, General Westmoreland also identified nine other United States battalions that he might request at a later date. Thus the total of 44 battalions, and hence the name given the request. In the total was included an airmobile division of nine battalions to be formed later.

Admiral Sharp favored the request in a message to the Joint Chiefs on June 7, saying, "We will lose by staying in enclaves defending coastal areas."

THE CHIEFS IN FAVOR

The Joint Chiefs, the Pentagon analyst says, favored bolstering the United States troop commitment. As far back as March 20, the Joint Chiefs had advocated sending three divisions—two American and one Korean—with the objective of "destroying the Vietcong."

Now, the study states, General Westmoreland's request "altered drastically the role of the J.C.S. in the buildup debate.

"Up to that time," the study continues, "the J.C.S. had, if anything, been ahead of General Westmoreland in advocating allied forces for Vietnam. The 27 battalions of their three-division plan were in themselves more than Westmoreland ever requested until 7 June. After that date, the big push came from Westmoreland in Saigon, and the J.C.S. were caught in the middle between the latter and the powerful and strident opposition his latest request for forces had surfaced in Washington."

On June 11, the Joint Chiefs cabled Admiral Sharp that something less than General Westmoreland's request was close to approval, but they wanted to know, the study says, "where Westmoreland intended to put this force in Vietnam."

He replied on June 13 in detail and the study comments: "This message was extremely important, for in it (he) spelled out the concept of keeping U.S. forces away from the people. The search and destroy strategy for U.S. and third country forces which continues to this day and the primary focus of RVNAF on pacification both stem from that concept. In addition, Westmoreland made a big pitch in this cable for a free hand to maneuver the troops around inside the country. . . ."

CONFIRMATION BY TAYLOR

Ambassador Taylor, in a report on June 17, "confirmed the seriousness of the military situation as reported by General Westmoreland and also pointed up the very tenuous hold the new government had on the country." This was the Government of President Nguyen Van Thieu and Premier Nguyen Cao Ky.

"This report apparently helped to remove the last obstacles to consideration of all the forces mentioned in Westmoreland's request of 7 June," the analyst says.

On June 22, General Wheeler cabled General Westmoreland and asked if the 44 battalions were enough to convince the enemy forces that they could not win. General Westmoreland replied, the study says, "that there was no evidence the VC/DRV would alter their plans regardless of what the U.S. did in the next six months."

"The 44-battalion force should, however, establish a favorable balance of power by the end of the year," the study quotes the general as having said. "If the U.S. was to seize the initiative from the enemy, then further forces would be required into 1966 and beyond. . . ."

On June 26, the general was given authority to commit U.S. forces to battle when he decided they were necessary "to strengthen the relative position of GVN forces."

"This was about as close to a free hand in managing the forces as General Westmoreland was likely to get," the analyst says. "The strategy was finished, and the debate from then on centered on how much force and to what end."

Divergent Views at Home

The opposition to General Westmoreland had "its day in court," late in June and early in July, the study says. The embassy in Saigon, "while recognizing the seriousness of the situation in South Vietnam, was less than sanguine about the prospects for success if large numbers of foreign troops were brought in."

Another critic of General Westmoreland's recommendations, the account reports, was Under Secretary of State Ball who was "convinced that the U.S. was pouring its resources down the drain in the wrong place."

"In Ball's view, the account continues," there was absolutely no assurance that the U.S. could with the provision of more ground forces achieve its political objectives in Vietnam. Instead, the U.S. risked involving itself in a costly and indeterminate struggle. To further complicate matters, it would be equally impossible to achieve political objectives by expanding the bombing of the North. . . ."

WILLIAM BUNDY IN THE MIDDLE

Assistant Secretary William P. Bundy, the study says, "like so many others found himself in between Westmoreland and Ball."

In a memorandum to the President on July 1, Mr. Bundy gave his position, as summarized in the Pentagon study:

"The U.S. needed to avoid the ultimatum aspects of the 44 battalions and also the Ball withdrawal proposal. . . . The U.S. should adopt a policy which would allow it to hold on without risking disasters of scale if the war were lost despite deployment of the full 44 battalions. For the moment, according to Bundy, the U.S. should complete planned deployments to bring in-country forces to 18 maneuver battalions and 85,000 men. . . . The forces in Vietnam, which Bundy assumed would be enough to prevent collapse, would be restricted to reserve reaction in support of RVNAF. This would allow for some experimentation without taking over the war effort—a familiar theme." [See text, George Ball memo, July 1.]

As for Secretary McNamara's views, the study comments: "It is difficult to be precise about the position of the Secretary of Defense during the buildup debate because there is so little of him in the files."

"There are plenty of other indications in the files that the Secretary was very carefully and personally insuring that the Defense Establishment was ready to provide efficient and sufficient support to the fighting elements in Vietnam," the study continues. "From the records, the Secretary comes out much more clearly for good management than he does for any particular strategy."

The Secretary went to South Vietnam for a four-day inspection starting July 16. The study says that while he was in Saigon on July 17, he received a cable from Deputy Secretary of Defense Vance informing him that the President had decided to go ahead with the plan to deploy 34 battalions.

"The debate was over," the analyst says. "McNamara left Saigon bearing Westmoreland recommendations for an even greater increase in forces. . . ."

The study says 34 battalions. This is not entirely clear, because in his request General Westmoreland had asked for a total of 33, and if the battalions of the 173rd Airborne Brigade were added, the total would be 35. The explanation apparently is that when the Airmobile Division was finally organized, it had eight rather than nine battalions. The 34 battalions were, of course, to be supplied immediately. The nine others were to be requested later if needed.

The Pentagon analyst apparently did not have access to White House memoranda, so he is able to give only a sketchy account of Mr. Johnson's role. But he says: "There is no question that the key figure in the early 1965 buildup was the President."

On May 4, the President asked Congress for a $700-million supplemental appropriation "to meet mounting military requirements in Vietnam."

"Nor can I guarantee this will be the last request," he said in a message. "If our need expands I will turn again to the Congress. For we will do whatever must be done to insure the safety of South Vietnam from aggression. This is the firm and irrevocable commitment of our people and nation."

On July 28, the President held a press conference in which he said, "The lesson of history dictated that the U.S. commit its strength to resist aggression in South Vietnam."

As for the troop increases, the President said:

"I have asked the commanding general,

General Westmoreland, what more he needs to meet this mounting aggression. He has told me. We will meet his needs.

"I have today ordered to Vietnam the Airmobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as requested . . .

"I have concluded that it is not essential to order Reserve units into service now."

IT DOES NOT IMPLY CHANGE

During the questioning after the announcement, this exchange took place:

"Q. Mr. President, does the fact that you are sending additional forces to Vietnam imply any change in the existing policy of relying mainly on the South Vietnamese to carry out offensive operations and using American forces to guard installations and to act as emergency back-up?

"A. It does not imply any change in policy whatever. It does not imply change of objective."

On July 30, the Joint Chiefs approved 44 maneuver battalions for deployment, involving a total of 193,887 United States troops. By the end of the year, United States forces in South Vietnam numbered 184,314.

"The major participants in the decision knew the choices and understood the consequences," the study says in summation. The decision taken in mid-July to commit 44 battalions of troops to battle in South Vietnam "was perceived as a threshold—entrance into an Asian land war. The conflict was seen to be long, with further U.S. deployments to follow. The choice at that time was not whether or not to negotiate, it was not whether to hold on for a while or let go—the choice was viewed as winning or losing South Vietnam."

Accompanying this decision to give General Westmoreland enough troops to embark on the first phase of his search-and-destroy strategy "was a subtle change of emphasis," the study says.

"Instead of simply denying the enemy victory and convincing him that he could not win, the thrust became defeating the enemy in the South. This was sanctioned implicitly as the only way to achieve the U.S. objective of a non-Communist South Vietnam.

"The acceptance of the search-and-destroy strategy . . . left the U.S. commitment to Vietnam open-ended. The implications in terms of manpower and money are inescapable.

"Final acceptance of the desirability of inflicting defeat on the enemy rather than merely denying him victory opened the door to an indeterminate amount of additional force."

Precisely what President Johnson and Secretary of Defense McNamara expected their decisions of July to bring within the near term "is not clear," the study says, "but there are manifold indications that they were prepared for a long war."

MITCHELL SEEKS TO HALT SERIES ON VIETNAM BUT TIMES REFUSES—COURT STEP LIKELY—RETURN OF DOCUMENTS ASKED IN TELEGRAM TO PUBLISHER

(By Max Frankel)

WASHINGTON, June 14.—The Justice Department asked The New York Times this evening to refrain from further publication of documents drawn from a Pentagon study of the Vietnam war on the ground that it will cause "irreparable injury to the defense interests of the United States."

If the paper refuses, the department said, it will try to forbid further publication by court action tomorrow.

The Times refused to halt publication voluntarily.

The department's request and intention to seek a court enjoinder were conveyed by Robert C. Mardian, Assistant Attorney General in charge of the internal security division, to Harding F. Bancroft, executive vice president of The Times.

They spoke by telephone at about 7:30 P.M., which was some two hours before the first edition of today's issue of the paper was scheduled to go to press, with the third installment of the articles about the Pentagon study.

The Times issued the following statement:

"We have received the telegram from the Attorney General asking The Times to cease further publication of the Pentagon's Vietnam study.

"The Times must respectfully decline the request of the Attorney General, believing that it is in the interest of the people of this country to be informed of the material contained in this series of articles.

"We have also been informed of the Attorney General's intention to seek an injunction against further publication. We believe that it is properly a matter for the courts to decide. The Times will oppose any request for an injunction for the same reason that led us to publish the articles in the first place. We will of course abide by the final decision of the court."

TELEGRAM FROM MITCHELL

The following telegram from Attorney General John N. Mitchell was received at The New York Times, addressed to The Times' publisher, Arthur Ochs Sulzberger:

PRESIDENT AND PUBLISHER,
The New York Times,
New York, New York:

I have been advised by the Secretary of Defense that the material published in The New York Times on June 13, 14, 1971 captioned "Key Texts From Pentagon's Vietnam Study" contains information relating to the national defense of the United States and bears a top secret classification.

As such, publication of this information is directly prohibited by the provisions of the Espionage Law, Title 18, United States Code, Section 793.

Moreover, further publication of information of this character will cause irreparable injury to the defense interests of the United States.

Accordingly, I respectfully request that you publish no further information of this character and advise me that you have made arrangements for the return of these documents to the Department of Defense.

JOHN N. MITCHELL,
Attorney General.

The Justice Department's request was the first direct contact between the Government and The Times about the publication of the Pentagon papers. It was also the most direct Government response to the first two installments of articles and documents.

The first group of materials, published Sunday, covered the clandestine warfare against North Vietnam before the Tonkin Gulf incident in August, 1964. The second installment, in this morning's issue, covered the decision to begin open bombing of North Vietnam in February, 1965.

Before Mr. Mardian's call, the Administration had said only that the Justice Department was investigating the disclosures, at the request of the Defense Department.

Secretary of Defense Melvin R. Laird said the disclosure violated the security regulations of the United States."

The Secretary implied a difference between the violation of security regulations—by officials subject to these regulations—and violation of a law. He said he had asked the Justice Department to determine the legal implications.

This morning, a formal Pentagon statement expressed concern about "this violation of security" but left determination of legal action to the Justice Department.

At the Justice Department this afternoon, a spokesman said the subject was still under consideration by Attorney General Mitchell. "We have yet to determine whether or not there is something to investigate," the spokesman added, explaining that Mr. Mitchell was dealing today with a statement on housing discrimination and had not yet considered the matter fully.

As of that time, there was said to have been no order for any Justice investigation, but other agencies of government reported intensive inquiries into the affair.

Mr. Mitchell, Secretary Laird and White House officials began to confer on the disclosures to The Times on Sunday.

No official here challenged the authenticity of the Pentagon study and the documents printed in The Times. Only a few members of Congress commented on their content. One of them, Senator Barry M. Goldwater, the Republican candidate for the Presidency against Lyndon B. Johnson in 1964, said he knew at the time of secret plans to widen the war and accused Mr. Johnson of having lied to the country.

The White House referred to the Pentagon all questions on the circumstances of the disclosure. Under vigorous questioning about the documents, it chose to emphasize that President Nixon had developed a "new Vietnam policy" and decided when he took office in 1969 "not to engage ourselves in a continuation or justification" of the policies of earlier administrations, which are the subject of the Pentagon papers.

Ronald L. Ziegler, the President's press secretary, said that a copy of the 1967–68 Pentagon study was brought to the White House this morning from the Defense Department.

Although Mr. Nixon and his aides were said to be unfamiliar with this "internal" archive, Mr. Ziegler stressed that the basic documents and information contained therein had been available to the new Administration and were fully considered in its own policy review in early 1969.

Asked whether The Times had informed the White House of its publishing plans, Mr. Ziegler said the newspaper "did not at any time check with us." Asked whether the President was concerned about the publication of secret documents, he replied:

"I'm not going to build up, by White House comment, the exposure of classified information."

The only formal statement was that by the Pentagon referring the matter to the Justice Department. But this came after Secretary Laird was drawn into a discussion of the affair by Senator Stuart Symington, Democrat of Missouri, at a hearing of the Senate Foreign Relations Committee on foreign aid.

Senator Symington announced his intention to propose a "full examination of the origins of the war" for the benefit of future generations. Mr. Laird opposed the idea, arguing that a debate of the past "would not serve the interests of the country and would not help us disengage from Vietnam."

Stating a theme that he apparently hoped would dominate the reaction to the Times' disclosures, Mr. Laird said that "the divisions caused by debate of the past actions would not serve a useful purpose today." He has been trying to shift focus away from "why Vietnam," he said, to the means of disengaging in an honorable way.

DISCLOSURE UNAUTHORIZED

Mr. Laird said the disclosure of the Pentagon papers was "unauthorized" and "violates the security regulations of our Government." Although the study covers information only to 1968, he added, the information "remains sensitive" and its publication does not serve "a useful purpose." The Secretary said the documents would remain classified and would not be made available to the Foreign Relations Committee.

Senator Symington observed that the committee had tried several times to obtain the material, on a confidential basis. He said it was "shocking" that Congress had been kept ignorant of the materials and that even now he had to read about them in the newspapers.

Asked whether he knew who might have passed the materials to the Times, Mr. Laird said, "No, I don't yet know." But since there were so few copies, he added, "it won't be hard to track down whoever was responsible.

"This is highly sensitive information and should not have been made public," he declared.

Shortly afterward, Jerry W. Friedheim, the Pentagon briefing officer, read a statement that had been worked out after 24 hours of consultation among Mr. Mitchell, Mr. Laird, some White House officials and lawyers of the Defense and Justice Departments. Inferentially, the statement made a distinction between violation of Government security regulations and possible violations of law. It said:

"The Department of Defense must be and is concerned about the disclosure of publication of highly classified information affecting national security.

"The material remains classified and sensitive despite the fact that it covers a period that ended in 1968.

"It is our responsibility to call this violation of security to the attention of the Justice Department. We have done so.

"The Government has the responsibility to determine what individual or individuals, if any, violated the laws relating to national security information by unauthorized disclosure of classified material."

Mr. Friedheim said officials of the Justice and Defense Departments had had various discussions of the matter, face to face and also by telephone, since Sunday, when The Times began publication of its series of articles.

He said the relevant law was Title 18 of the United States Code, Section 798, noting that is contained "certain ambiguities" as to whether it applies to publications or only to their sources of secret information.

"Some lawyers are of the opinion that the publication is liable to prosecution as well as the official [source]," the spokesman said, "but there appears no precedent to establish that point. Justice is studying the whole matter to decide who, if anyone, to charge with law violation."

DEFINITION OF CLASSIFIED DATA

The cited legal section states: "Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information . . . shall be fined not more than $10,000 or imprisoned not more than 10 years, or both."

The section contains a list and definition of classified information as bearing on codes, weapons and materials, intelligence activities and material obtained from the communications of foreign governments. Government attorneys are said to have found no case in which the law had been applied to a publication.

Mr. Friedheim said the Pentagon had determined that there were "a dozen or so copies of the papers and that half of these at the Defense Department, have remained under extremely tight control." He said he did not believe the Pentagon's copies had either been duplicated or shown to unauthorized persons. He refused to say where the other copies had been kept.

There is a possibility, the spokesman remarked, that unauthorized copies were made at some point, "or even that a set of the study was stolen at some point." The materials run to about 7,000 pages of analysis and documentation.

As a practical matter, Mr. Friedheim said, the Pentagon regards individuals with authorized clearance to classified information as primarily responsible for the protection of such information.

He said Secretary Laird had been aware of the secret Pentagon study since he came into office in 1969 and had even once referred to its existence in public testimony before the Senate Foreign Relations Committee.

The spokesman then emphasized again Mr. Laird's "philosophical" conviction that it was more important to consider ways of disengaging from Vietnam than to "rake over the coals" of past policies.

At the State Department, a spokesman said he could not comment "on the accuracy of—or make any useful comment on the substance of—these papers until we have had an opportunity to check the original."

Checking is difficult, the spokesman, Charles W. Bray 3d, added, because the department has not had time to locate its copy of the report, or even to determine whether it has one.

"Anyone familiar with the volume and dimension of our files could understand that," Mr. Bray said.

"Can you rule the possibility that State 'lost' its copy to The Times?" he was asked.

"Yes, I am on fairly safe ground ruling that out," he replied.

Secretary of State William P. Rogers had no comment but is likely to be asked about the materials at a news conference tomorrow.

In Congress, there were only a few other comments on the matter and no indication that disclosure of the Vietnam materials would significantly influence the Senate vote Wednesday on legislation that would require withdrawal of American forces from the war zone by the end of this year.

Senator George S. McGovern of South Dakota, a cosponsor of that measure and candidate for the Democratic Presidential nomination, said the documents, told a story of "almost incredible deception" of Congress and the American people by the highest officials in Government, including the President.

He said that he did not see how any Senator could ever again believe it was safe to permit the executive branch to make foreign policy alone, and added:

"We would make a serious mistake to assume the kind of deception revealed in these documents began and ended with the Johnson Administration."

Senator Hugh Scott of Pennsylvania, the Republican leader, said that the "release" of the documents was "a bad thing, it's a federal crime." But he described their content as "very instructive and somewhat shocking."

"I think the American people have never been told as much as they could digest about the war until President Nixon assumed office," he added. "He has been more than candid. This President has taken the people into his confidence more than anyone else."

Asked whether The Times should continue publication of its articles, Senator Scott said the paper would have to decide "on its good judgment."

Representative Paul N. McCloskey Jr. of California, who has talked of challenging Mr. Nixon for the Presidency in the Republican primaries next year, discussed The Times articles and underlying Pentagon papers on the floor of the House.

He said " the issue of truthfulness in Government is a problem as serious as that of ending the war itself." He also complained of "deceptive," "incomplete and misleading" briefings given to him on a recent visit to Southeast Asia, often, he said, with officers who knew the statements to be incorrect standing mute in his presence.

"This deception is not a matter of protecting secret information from the enemy," Mr. McCloskey said. "The intention is to conceal information from the people of the United States as if we were the enemy."

Robert S. McNamara, the former Secretary of Defense, who commissioned the Pentagon study in 1967, was reported to have sent the copy later delivered to him to the National Archives.

Mr. McNamara turned down several invitations to make a public comment today on the ground that this was inappropriate to his present duties as President of the International Bank for Reconstruction and Development—the World Bank.

DEATH BENEFITS FOR POLICE OFFICERS

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 5 minutes.

Mr. POFF. Mr. Speaker, in the general discussion about the problem of crime in our society, we are required to think in impersonal terms—in terms of crime statistics, in terms of complex legislative responses, in terms of governmental budgets. Consequently, we often overlook the tragic impact of crime on the individual and his family.

Law enforcement officers throughout the Nation risk their lives daily in combatting crime. Recent slayings in New York City and in Washington, D.C., underscore the severity of that risk. Clearly, society cannot ignore the plight of the families of peace officers that are left husbandless and fatherless when the law officers are killed performing the duties society has asked them to perform. We cannot ask these officers to risk their lives and the welfare of their families and then ignore the consequences of their deaths.

Mr. Speaker, today in company with colleagues on the Committee on the Judiciary, I am introducing a bill that would require society to pay part of the social costs of these deaths. The bill would authorize the Law Enforcement Assistance Administration to grant $50,000 to the spouse and dependent children of a law enforcement officer killed in the line of duty.

Mr. Speaker, I include the letter of transmittal from the Attorney General and the sectional analysis prepared by the Department of Justice be included in the RECORD at this point together with the bill:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 11, 1971.
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty."

The slaying of police officers in New York City and in Washington, D. C. in recent weeks has shown to America the risk of lethal violence faced daily by peace officers in city after city across the country. The nature of the dangers police officers confront and the disparity in survivors benefits from State to State have led us to conclude that the Federal Government should provide a gratuity to the families of each municipal or State police officer killed while in the performance of duty, to serve as a federal floor for survivors benefits, and to be in addition to any other benefits due the family. The 91st Congress authorized a payment of $50,000 to survivors of police and other public safety officers slain in the line of duty here in the District of Columbia.

On behalf of the President of the United States, I am transmitting the enclosed legislative proposal to give to the spouse and dependents of a police officer killed in the line of duty a gratuity of $50,000, payable from funds appropriated to the Law Enforcement Assistance Administration for that purpose.

I urge early consideration and prompt enactment of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

H.R. —

An act to amend the Omnibus Crime Control and Safe Street Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled that this Act may be cited as the "Police Officers Benefits Act of 1971."

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new Part:

"Part J—POLICE OFFICERS DEATH BENEFITS

"SEC. 701. (a) Under regulations issued by the administration under Part F of this title, upon certification to the administration by the Governor of any State that a police officer employed on a full-time basis by that State or a unit of general local government within the State to enforce the criminal laws has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the police officer at the time of his death, including a stepchild, an adopted child, or a posthumous child, and who is—

"(1) under 18 years of age; or

"(2) over 18 years of age and incapable of self-support because of physical or mental disability; or

"(3) over 18 years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"SEC. 702. The gratuity payable to any person under this Part is in addition to any benefits to which he may be entitled under any other law.

SEC. 3. Section 520 of the Omnibus Crime Control Act of 1968, as amended, is amended by adding at the end of the section the following sentence:

"In addition there are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of Part J."

SEC. 4. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding: "except that for the purposes of Part J the term does not include the District of Columbia".

SECTIONAL ANALYSIS

SECTION 1 is the short title.

SEC. 2 would add a new Part J to Title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968. The new part would consist of two new sections, 701 and 702.

Proposed section 701 would authorize the Law Enforcement Assistance Administration to pay a lump sum gratuity of $50,000 to the spouse, dependent children or parents of police officers who are killed in the line of duty. It is intended that the latter term be construed to provide payment to the survivors of a police officer who dies as the proximate result of injuries sustained in or on account of the performance of his official duties. Payments would be made under regulations promulgated by the Administration upon certification of the applicable facts to LEAA by the Governor of the State concerned. Where the police officer leaves both a surviving spouse and one or more dependent children, the spouse would receive $25,000 and the children $25,000, divided equally. Otherwise, the spouse or children would receive the entire $50,000. If there are neither children nor a spouse surviving the officer, the money would go to the dependent parents of the officer. The term "dependent for support" in the section is intended to mean more than one-half of the support of the dependent concerned.

Proposed section 702 would make clear that the new benefits are in addition to any other benefits.

SEC. 3 of the bill would amend section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to authorize appropriation of such sums as are necessary to carry out the program.

SEC. 4 of the bill would amend the definition of "State" in the Omnibus Crime Control and Safe Streets Act of 1968 so as to exclude the District of Columbia from the coverage of the bill. Survivors of police and other public safety officers of the District of Columbia killed in the line of duty are entitled to a $50,000 death benefit by virtue of Public Law 91-509, approved October 26, 1970.

A NEW LOOK AT THAILAND AND SOUTH VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE) is recognized for 5 minutes.

Mr. RUPPE. Mr. Speaker, I have recently returned from Southeast Asia where I was able to visit both Thailand and South Vietnam. My experiences there, as well as the specific responses I received to the questions I asked, have led me to conclude that there are two basic directions American policy must now follow.

First, I am firmly convinced that, with the exception of air support units, and for a short period of time, some artillery support units, we should remove all combat units from South Vietnam, accelerating our present withdrawal rate. I do not believe that American ground combat troops are vital or essential to the security of South Vietnam.

Second, we must make the South Vietnamese leadership understand that there are definite, definable limits to our economic and military assistance programs. We must determine what is essential to maintain a national government in South Vietnam, and what they could not reasonably be expected to supply for themselves. Only when the South Vietnamese have exhausted their best efforts, should we determine what assistance should be forthcoming from the American people.

Mr. Speaker, I believe that American combat forces now assigned to I Corps and II Corps in the Northern half of South Vietnam could well be replaced by South Vietnamese units. It was evident that such units were available in other Corps areas, and that South Vietnam must initiate the necessary redeployment—regardless of the resistance offered by the Generals involved. In my mind, this redeployment will only come about if American forces are withdrawn.

South Vietnam has over 1 million men under arms. We have now spent in excess of $130 billion in that country and I must presume that the South Vietnamese are well trained and equipped.

If there is any lack of motivation on the part of the South Vietnamese military, then I feel the Saigon government must undertake the necessary reforms of its armed forces. These reforms must include the elimination of the corruption which is so much a part of the South Vietnamese military system. We simply cannot support a military organization that tolerates the sale of provisions, rations, promotions, and personnel transfers. The glaring corruption of some South Vietnamese province and district chiefs is a national scandal that no longer can be supported or protected by American military might.

America has already suffered 54,833 deaths, 299,924 wounded, and some 1,492 prisoners of war and missing in action. Now the spector of widespread drug addiction has been added to the list. Conservative estimates indicate that 10 percent of the American men in Vietnam are addicted to heroin. That means that some 25,000 to 30,000 confirmed heroin addicts will be returning home in the next year. The cost in terms of human suffering, and in terms of care and, hopefully, rehabilitation, will be staggering. Too long have we responded to requests for military assistance with a blanket commitment of men and materiel. From this date on, let us supply only what is absolutely essential—only what cannot be supplied by an honest, dedicated, and motivated South Vietnamese Government.

I will support the retention of American air and artillery support units, but only if and when their need can be documented and proven to my satisfaction.

Mr. Speaker, I am vitally interested in the maintenance of an independent non-Communist South Vietnam. It is deadly important for the millions of South Vietnamese who have fought for freedom and have sacrificed so much in the struggle for independence. These people have merited our assistance and I am proud, as an American, that we have fought and sacrificed in their behalf. However, I strongly believe that the time has come when the likelihood of South Vietnam's survival as an independent nation can only be achieved if the South Vietnam Government is forced to live up to its military, political, and economic responsibilities.

Only when the Saigon government uses its resources effectively, only when it initiates land and tax reform and curbs its obvious abuses and corruption can it secure the kind of broad-based, popular support necessary for an independent democratic state. If they carry out these reforms and if they mobilize their resources, then I believe the goal of a stable secure South Vietnamese Government can be achieved. Millions of Vietnamese now support the Thieu government, but millions more antigovernment nationalists could only be impressed with a government that was free of corruption and reconciliation.

It has been suggested that some $2.5 billion annually would provide the essential military and economic assistance to South Vietnam. I am prepared to support such a commitment, but only when I have been assured that South Vietnam has taken the necessary steps to eliminate internal corruption and utilize its own resources to the maximum extent. I will support only those efforts which are truly beyond the best efforts of the South Vietnamese themselves—and only when those efforts produce the kind of progress that can be clearly measured by this Congress. We must constantly monitor our assistance effort and be prepared to terminate those parts of the program which are touched with corruption or inefficiency.

The ability of this Congress to effectively monitor our policies and assistance efforts is crucial. At this point, we are sadly lacking in this ability. Perhaps the most shocking aspect of my trip was the complete lack of candor on the part of our Government's representatives in Southeast Asia. My questions about the extent of American involvement in Laos, about our military strengths there and elsewhere, inquiries about the goals and costs of our assistance programs, all went unanswered. I had the distinct impression that I was considered an intruder in someone's private domain of interest, an interloper who could not be trusted with knowledge of American policy in Southeast Asia. If that is the considered treatment of the U.S. Congress, then Mr. Speaker, it is no wonder that the American people feel misled, frustrated, and angry. The people who elected me have not sent their representative to be a tourist in Vietnam, blithely following a crucial war policy with only a tourist's knowledge of what is going on.

JOBS FOR VETERANS

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL), is recognized for 20 minutes.

Mr. RANDALL. Mr. Speaker, the subject of my remarks, "Jobs for Veterans," in my judgment will be repeated again and again in this House in the weeks and months ahead. I say this because not nearly enough has been said on this important matter, and, up to this time, almost nothing has been done.

When those important three key words are used, although not always expressed, the clear reference is to jobs for returning Vietnam veterans. I asked for this time today to make these remarks, because of the announcement of the President that he has assigned to Secretary of Labor Hodgson the responsibility for the six-point program to be developed in the weeks and months ahead. Along with just about every Member of this House, I applaud the President for his statement that this new job drive for our former GI's should be of the highest priority and that every available program now on the books as well as any new programs that may be needed should be used to the very maximum to achieve the goal to find either jobs for or to provide training for these returning veterans. I noted with interest the words of our President, "intensive effort," and that is exactly the way it should be.

As I understand it, the President directed the Secretary of Labor to concentrate his efforts on six separate fronts either to find the needed jobs or to provide training which would later lead to jobs. These six directions were as follows:

1. Work with the National Alliance of Businessmen to increase the participation of business in providing new job opportunities for veterans.

2. Work with the Defense Department to "expand substantially" the job training and counseling program offered to veterans in the final weeks of their service.

3. Increase veteran participation in special manpower assistance programs and on-the-job training.

4. Require listing of all job openings with the U.S. Employment Security by all agencies and contractors under Federal contract. Hodgson said this would be one of the most valuable parts of the new program by helping to match veterans with jobs.

5. Increase the effectiveness of U.S. training and employment service in placing veterans in jobs. "Each returning veteran must be reached and served by this effort," the President said.

6. Provide special Labor Department-Veterans' Administration services for veterans who have been unemployed for three months or longer.

It has been said that statistics can prove a good thing to be bad or a bad thing to be much worse. I suppose the latest statistics for unemployment among veterans would be those for the first quarter of 1971. At the end of April the Department of Labor statistics indicated there were almost 400,000 Vietnam veterans unemployed. Unfortunately, this was nearly twice the number recorded during the corresponding period of the previous year.

It would seem that the older veterans are somewhat better off than the younger veterans, because the unemployment rate among the veterans between the ages of 20 and 29 was 10.8 percent while the unemployment rate for the young men in the under-20 age bracket stands at 14.6 percent. While it is difficult to assemble statistics for minority veterans of the Vietnam war, the jobless rate has been frequently estimated to be twice that of their white counterparts. No amount of statistics, however, can ever convey the frustration, the disappointment, disillusionment, despair, the headaches, and the heartaches that these young Americans experience when they return from combat in Southeast Asia and then find it is impossible to obtain employment. Think how depressed a young man must feel when he has risked his life in an unpopular war and returns to his home, only to find not only that employment is not available, but that the door of employment opportunity may be closed to him.

Within the next few days or weeks I shall devote a lot of my time to the preparation of legislation and extensive consideration of what the Congress can do about the Vietnam veterans unemployment problem.

There are, of course, several approaches, and I announce at this time that I will be determined to try to find out which will give the quickest and best relief for our deserving Vietnam veterans. Of course, one approach is to provide unemployment compensation such as the special legislation enacted by the Congress after World War II and the Korean war. Then, as we so well remember, it was called the "52–20 Club," which provided relief of $20 per week for 52 weeks for the unemployed veterans. Within the framework of the present inflationary trend, "52–75" would be somewhat comparable today.

Another approach is to try to encourage the private sector to do its very best to find jobs for our returnees. This kind of action could, of course, be encouraged and promoted by providing a tax credit to employers who hire unemployed Vietnam veterans. No one will suggest that this approach is a panacea, but it seems to me it would represent a step toward the objective of full employment of what could now be said to be our erstwhile Vietnam heroes who at present seem to be our forgotten former GI's.

Yet another approach will be in the area of manpower and training programs for those who may not possess the skills required for certain job openings and who may not be possessed of all the qualifications to hold some jobs which may be available. Certainly expansion of training programs is one kind of thrust that cannot be neglected, but it must be a gigantic, coordinated, concerted drive sufficient enough to provide jobs for our Southeast Asia veterans.

Mr. Speaker, as I tried to make clear at the beginning of these remarks, in the days and weeks ahead I may seem to be repetitive and somewhat tiresome to my colleagues, but so far as I am concerned, there is no higher priority project that any of us in the Congress can work on than to do something for these men.

In a day or two, we are going to debate an amendment to the defense procurement bill which will cause a cutoff date of December 31, 1971, as to all funds for Vietnam. Regardless of our views on that kind of an amendment, all of us who support such a cutoff date and those who oppose it should join together and close ranks in an effort to do something for those veterans who have served their time and who have been honorably discharged and are now coming home to discover it is impossible to find a job.

TRUTH IN FOOD LABELING

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Rosenthal), is recognized for 10 minutes.

Mr. ROSENTHAL. Mr. Speaker, 29 colleagues are joining me today in reintroducing the Truth in Food Labeling Act to require that all ingredients in a food product be listed on the label in order of their predominance.

Cosponsors of this bill are Mr. Aspin, Mr. Badillo, Mr. Burton, Mrs. Chisolm, Mr. Daniels of New Jersey, Mr. Edwards of California, Mr. Eilberg, Mr. Gray, Mrs. Green of Oregon, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Howard, Mr. Koch, Mr. Madden, Mr. Melcher, Mr. Mitchell, Mr. Moorhead, Mr. Patten, Mr. Pike, Mr. Podell, Mr. Rees, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Roybal, Mr. Ryan, Mr. Sarbanes, Mr. Seiberling, Mr. Stokes and Mr. Vanik.

The purpose of this bill is to protect the consumer's right to know what he is eating.

This is especially important in this day of widespread usage of chemical additives, some of which might prove injurious to certain individuals. Knowing the ingredients is particularly essential for persons with allergies, high cholesterol levels, and other dietary problems.

Hundreds of food items are permitted to be sold with only a partial statement of ingredients or even none at all.

This bill would amend the Food, Drug, and Cosmetic Act. When Congress enacted that law in 1938, it stated that the purpose was to "promote honesty and fair dealing in the interest of the consumer." My bill would seek to insure that the original intention of Congress is followed.

I originally introduced this bill on May 24, 1971, as H.R. 8670.

THE BORDEN REPORT ON THE TRANS-ALASKA PIPELINE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin), is recognized for 30 minutes.

Mr. ASPIN. Mr. Speaker, today I am inserting into the Record a report which casts further doubts on the advisability of the proposed trans-Alaska pipeline. The report, written by Ted Borden, deputy director of Alaska Industrial Development Division, has apparently been suppressed. It appears to have been written in the fall of 1970.

In brief, the report contends that a Canadian pipeline could be $1.85 billion more profitable for the State of Alaska than the trans-Alaska pipeline. Mr. Borden bases this contention on the fact that the west coast could consume only 0.5 million of the 2.5-million-barrel-per-day capacity of the trans-Alaska line, thus necessitating construction of an additional pipeline to transport the 2-million-barrel-per-day excess to the midwest where both demand and price for oil are higher.

The Borden report maintains that construction of a railroad to transport the 500,000 barrels a day that is needed for the west coast would be as profitable a way of shipping oil as the trans-Alaska pipeline would be.

Among the major advantages of a railroad, as opposed to a pipeline, for transporting Alaska's North Slope oil, Mr. Borden lists the fact that construction of a railroad would provide more employment for Alaskans than construction of a pipeline, as well as providing more permanent jobs. A railroad would also encourage further development of Alaska's northern areas more than a pipeline would.

In addition, by sending only 500,000 barrels a day to the west coast rather than 2 to 2.5 million barrels a day, you would avoid depressing the price for oil on the West Coast. In other words, if you dump 1.5 to 2 million unneeded barrels of oil per day on the west coast, the price for oil is obviously going to go down and thus Alaska's profits on the royalties would be considerably less.

By taking only 500,000 barrels out a day you would avoid that, as well as provide a steady income to the State of Alaska for a much longer period of time. Also, Alaska would have the enormous benefits a railroad would bring.

Mr. Borden is also critical of the manner in which Alyeska is organized. Alyeska, the pipeline consortium of seven oil companies who have interests in the North Slope oil, is not organized as a single corporate entity but, rather, is organized as a pipeline system or joint venture. It has thus been very difficult for the State of Alaska to obtain the necessary information concerning transportation costs on which the State's own profits are partially based.

The report states:

> We should be suspicious of every effort on the part of the oil or pipeline companies to hide behind any plea that certain information is proprietary.

Although most previous arguments against construction of the trans-Alaska pipeline have been based on environmental concerns, this report is yet additional proof that the trans-Alaska pipeline is not the most practical, economical, or generally desirable way of transporting the North Slope oil to the Lower 48.

Because I believe that Mr. Borden's report is critical to understanding the pipeline issue in its totality, I am inserting it along with appendixes, in the Record today, and invite my colleagues to examine it:

A Proposal To Promote Extension of the Alaska Railroad

(By Ted Borden, Deputy Director, Industrial Development Division)

It is my understanding that when Congress authorized construction of the Alaska Railroad the avowed purpose was to open up mineral development in Alaska. It is also my understanding that the mileage of track authorized was nearly double the miles constructed. This, I believe, gives Alaska a strong position to have legislation enacted to appropriate Federal funds to extend the Alaska Railroad to the North Slope oil fields and into the Seward Peninsula.

Alaska possesses petroleum, gas, and minerals which during the next twenty years will be in critical supply. The entire nation may depend upon Alaska's resources to maintain the present standard of living.

The fact that the Federal Government will own 90% of Alaska, even after the Native Land Claim is settled, poses an obligation on the United States to assist in the development of these resources.

According to some published reports, the proposed 48 inch pipeline from Prudhoe Bay to Valdez would have a maximum transmission capacity of 2.5 million barrels per day. Other reports indicate that the present West Coast market for North Slope is roughly .5 million barrels per day, so that maximum utilization of TAPS capacity would depend upon construction of a 48 inch pipeline from the Seattle area to the Chicago area.

Attempting to obtain factual information relative to almost any phase of the pipeline is difficult. However, revenue which will accrue to Alaska from oil production will be directly related to the expense of transporting North Slope oil to market, and before any plans for moving the oil are finalized, Alaska has every right to know, with reasonable limits of error, exactly how much of the market value of the oil will be charged to transportation. Alaska's royalty and severance tax will be based upon the wellhead value of the oil. The wellhead value will be the market value less the cost of transportation. The State has the option of taking its revenue in cash or in oil, and before a determination of which option to take it must have complete information. We should be suspicious of every effort on the part of the oil or pipeline companies to hide behind any plea that certain information is proprietary.

The original cost estimate for the construction of the Trans Alaska Pipeline was approximately a billion dollars. Some reports presently indicate the cost may be nearer two billion dollars.

Estimates on the cost of transporting oil by tanker from Valdez to Seattle vary from 21 cents per barrel as reported in the July issue, 1970, of Alaska Construction and Oil Report to about 37 cents as indicated in a letter from George Hughes, junior, project manager for TAPS, on August 27, 1970 (exhibit No. 1). In a letter dated September 25, 1970, Tom Brennan, of Atlantic Richfield, stated "The actual cost of operating a RCO-owned and chartered vessel is proprietary information and not for publication." (exhibit No. 2). The only published information I have seen relative to the cost of transporting oil by pipeline from Seattle to mid-continent markets was in Alaska Construction and Oil Report for July, 1970. The cost figure given here is subject to serious question because the length of this proposed pipeline was listed as 1700 miles, but railroad companies operating between Seattle and Chicago have been contacted for use of right of way for this pipeline and the shortest rail route is 2300 miles (exhibit No. 3).

Another fact, the importance of which I am not prepared to presently determine, is the "common ownership undivided interest" structure (exhibit No. 4), referred to me by John Manley, Manager of Alaska Railroad, author not identified, raises some questions relating to the State's ability to actually determine pipeline transportation costs.

Construction of TAPS, with only a West Coast market for .5 million barrels of oil per day, and without construction of the pipeline from Seattle to Chicago would result in utilizing only one-fifth the maximum transmission capacity of the Alaska section. We certainly need to know transmission costs by pipeline operating at one-fifth capacity.

Although the previous administration was totally committed to construction of a highway and pipeline to the North Slope, the NORTH Commission which was appointed by that administration recognized the feasibility of a railroad as an alternate or parallel means of transporting oil, as well as opening up the Interior to mineral exploration and development.

John Manley, Manager of the Alaska Railroad, submitted a study to the NORTH Commission which indicated that a railroad, amortized over a 30 year period, could transport petroleum from Prudhoe Bay to an Alaskan Southern seaport for less than sixty cents per barrel on a 500,000 barrel per day capacity. Based upon this volume, employment would be provided for 1,050 employees in operation and maintenance, in addition to the present labor force. Manley stated that well over the 500,000 barrel figure could be handled at a decreasing cost per barrel.

Assuming that the market value less transportation cost would be only $2.00 per barrel and that only 500,000 barrels would be transported daily, the annual revenue to the State would be nearly $70 million on the basis of 12½% royalty and 6% severance.

Since a major transportation system would be beneficial to Native villages along the route and would open up scenic and recreational areas, it is my belief that securing right-of-way would not be a problem and that conservation orgnaizations would be less opposed to the railroad than to the pipeline.

I see several advantages of a railroad over a pipeline which would accrue to the people of Alaska:

1. Construction of the railroad would provide more employment for Alaskans than a pipeline.

2. After the completion of construction the railroad would employ many more people than the pipeline.

3. The railroad would provide low cost transportation of supplies and equipment for the development of existing and future oil fields.

4. A means would be available for transporting minerals to tidewater at ⅐th the cost of a highway.

5. Settlements will follow the railroad.

6. Preliminary work on the railroad could be started immediately to relieve our critical unemployment problem.

7. A railroad could be operated year-round, where a highway could not.

8. It is entirely possible that a railroad could be in operation several years before the pipeline could be completed and the oil revenues would begin to accrue to the State.

9. The present undivided ownership concept for companies proposing the pipeline construction will create problems in determining transportation costs through the pipeline.

The Canadians and some United States' companies have proposed an alternate pipeline route from Prudhoe Bay to the Chicago area. This line would be 3,250 miles in length and would relieve the necessity of constructing 2,300 miles of pipeline east from Seattle. See map (exhibit #3). This proposed Canadian route would be only fifty miles longer than the TAPS Alaskan section plus the Seattle to Chicago section, but would eliminate the cost of tanker transportation between Valdez and Seattle for the portion of North Slope oil destined for the mid-continent market.

Assuming that transportation of Prudhoe Bay oil by the more direct route would reduce transmission costs by only 25 cents per barrel, and assuming the Alaskan Arctic Slope has a total reserve of 40 billion barrels, the actual financial advantage to Alaska over the life of the field would be 25 cents per barrel (less cost of transmission) X 40 billion barrels X 18½% (royalty plus severance tax) or a total of $1,850,000,000, based only upon the saving in transmission cost via Canada as compared to a route from Alaska-to-Seattle-to-Chicago.

The next Congress will be controlled by the Democrats, and with Alaska having a Democrat in each of the Congressional Houses, the chances of getting legislative action for Federal construction of the railroad are the best in history. I would strongly recommend that the Governor and Alaska's Congressional Delegation make every immediate effort in this direction.

On November 6, 1970, I visited the Anchorage offices of Mitsubishi International, C. Itoh and Company, and Nissho-Iwai. The manager of each of those Japanese corporations indicated his interest in developing Alaska's mineral resources and pledged financial participation if necessary in the development of a transportation system which would provide a means of opening our mineralized regions. In the event the Federal Government will not provide funds for the construction of the railroad, I believe the State should start negotiations immediately with these companies, as well as with domestic oil and mining companies to begin construction of a railroad. If a major railroad company could be interested in constructing the railroad either with or without the financial participation by other industries, this might be preferable to having the State become involved, but as a last resort, the State should, I believe, take any steps necessary to develop a railroad system which would permit and expedite development of our mineral resources.

Exhibits Nos. 5, 6, 7 are editorials relative to the need for a railroad copies from Daily News Miner.

Exhibit No. 8—excerpt from article by David Brower, President of Friends of the Earth indicating that conservation groups would favor railroad over pipeline.

Exhibit No. 9—Proposed extension of Alaska Railroad in report to North Commission by EBS Management Consultants Incorporated.

Exhibit No. 10—Excerpt from Laird report to North Commission.

APPENDIX A

ATLANTIC RICHFIELD CO.,
Anchorage, Alaska, September 25, 1970.

Mr. THERON F. BORDEN,
Deputy Director, Department of Economic Development, Juneau, Alaska.

DEAR MR. BORDEN: I must apologize for the delay in replying to your letter of August 14, 1970, requesting information on the cost of transporting a barrel of oil by tanker from Valdez to a Washington port. In Joe FitzGerald's absence I asked our operations people to give us a figure on such costs.

I have now received a memorandum explaining that it is not feasible to quote a rate that would reflect an average cost, because rates vary greatly, depending upon the size of the vessel, seasonal demands, whether the tanker is owned or chartered, and other factors. Unfortunately, the company's ruling is that, "The actual cost of operating ARCO-owned and chartered vessels is proprietary information and not for publication."

Our best advice to you is therefore to contact Commissioner of Natural Resources Tom Kelly, who may be able to give you an approximate figure that would serve your purposes.

Again, I regret the delay and our inability to give you a useful reply.

Sincerely yours,

TOM BRENNAN.

APPENDIX B

TRANS ALASKA PIPELINE SYSTEM,
Houston, Tex., August 27, 1970.

Mr. THERON F. BORDEN,
Deputy Director, State of Alaska, Department of Economic Development, Juneau, Alaska

DEAR MR. BORDEN: Your August 14 letter to David Henderson requesting information on the estimated cost of transporting crude oil by tanker from Valdez to Seattle has been referred to me for handling.

Since no costs are available from Valdez to Seattle, I will give you the American Tanker Rate Schedule from Nikishka (Cook Inlet) to west coast ports. This is the the flat schedule and today's tanker market is 10 to 15% above this schedule. Tanker rates fluctuate widely and are obviously affected by the supply demand situation in world-wide tanker operations; you may apply your best estimate to what the rate will be at any future time.

From Cook Inlet to:

	Per ton
Los Angeles	$3.45
San Francisco	2.95
Seattle	2.40

A conversion factor of 7.2 barrels per ton may be used to convert this price to cents per barrel.

It is hoped that this information will be sufficient for your use.

Yours very truly,

GEORGE G. HUGHES, JR.,
Project Manager.

APPENDIX C

BP ALASKA INC.,
Anchorage, Alaska, September 28, 1970.

Mr. THERON F. BORDEN,
Deputy Director, Industrial Development Division, Department of Economic Development, Juneau, Alaska.

DEAR MR. BORDEN: My apologies for not having replied to your letter of September 14, 1970 earlier.

I am authorized to advise you that neither the Standard Oil Company (Ohio), for whom we are operators of their North Slope leases nor our parent company, The British Petroleum Company Ltd., have any plans for moving crude oil produced from the Prudhoe Bay leases other than via the Trans Alaska Pipeline System, the responsibility for the construction and operation of which has been vested in the Alyeska Pipeline Service Corporation by the various participating parties.

With regard your request for information relating to the economics of moving oil from Prudhoe Bay to Valdez, Seattle and Chicago, we are unable to assist you as we have not been involved in any such economic studies.

Yours sincerely,

J. G. COOPER,
General Manager.

APPENDIX D

THE SYSTEM APPROACH

As we understand it, the Trans-Alaskan pipeline will not be organized as a single corporate entity. It will rather exist as what is variously known as a "pipeline system", a "joint venture", or in legal parlance, a "common ownership undivided interest" line. This means that rather than existing as a single corporate entity in Alaska, the Trans-Alaskan Pipeline will instead be owned by eight separate and independent corporate entities, consisting of each of the various pipeline subsidiaries of the oil companies associated in TAPS. Each pipeline subsidiary will essentially own a proportionate share of TAPS's physical properties, the assets, costs, and revenues associated with the latter being consolidated into the accounts of each subsidiary. For all intents and purposes, one may visualize eight different pipelines which together will form the unit known as TAPS. Each of these pipelines will independently post a tariff for the transportation of crude oil from the North Slope to Valdez and each will separately be responsible for insuring that its portion of the TAPS transportation capacity is effectively utilized. The question, then, is what are the implications of this organizational framework on the effectiveness of ICC pipeline regulation.

IMPLICATIONS OF A "SYSTEM" APPROACH

7% dividend limitation arising from "consent decree" will not be directly applicable to TAPS.

Financial accounts filed with ICC will not reflect the isolated operations of TAPS.

Although the ICC could conceivably audit the cost figures of the agent in charge of TAPS, it will not be in possession of fully disclosed cost and revenue figures to judge the appropriateness of proposed tariff changes.

A summary answer to this question is shown in the above exhibit. If TAPS does organize itself on a system basis, this implies that the 7% dividend limitation arising from the 1941 consent decree will not be applicable directly to TAPS, since the latter will not exist as a revenue collecting and dividend distributing entity. Each of the various pipeline companies owning a part of the TAPS system will, of course, continue to be subject to the 7% consent decree. This dividend constraint, however, will apply not to their isolated operations in Alaska, but rather to their consolidated pipeline ownership throughout the United States.

A further implication is that since TAPS does not exist as a separate corporate entity it will not itself be required to file financial accounts with the ICC. Rather, the assets, costs and revenues associated with the Trans-Alaskan operation will be consolidated on a proportionate basis into the financial accounts of the various pipeline companies associated in TAPS, and it is these consolidated accounts which will be filed with the ICC. The financial records of TAPS will thus tend to be lost within the consolidated figures of the eight companies interested in the Trans-Alaskan line. To this extent the job of the State, and for that matter of the ICC itself, in monitoring the financial activities of TAPS will be far more difficult than would have been the case if the Trans-Alaskan Pipeline were established on a corporate basis.

Although a corporate identity for TAPS would simplify the regulatory problem, we do not by any means want to imply that the reason behind the choice of a system approach for TAPS was either to obscure the latter's financial returns or to dilute the regulatory constraints imposed either by the ICC or associated with the 1941 consent decree. In all probability the choice of a system approach was motivated by the desire to minimize the pipeline companies' federal income tax liabilities. Because of the possibility of taking accelerated depreciation allowances for federal income tax purposes. It can be advantageous under certain conditions for a company to be able to supply the depreciation allowance associated with a new investment, such as TAPS, against it earnings from other existing pipeline properties in the United States. It is likely that such a fiscal incentive was the dominant one behind the choice of a systems approach for TAPS, rather than a desire to evade regulatory disclosure requirements.

Nevertheless, the fact remains that as a result of the system approach, and given the present nature of ICC disclosure requirements, the State of Alaska will not have access to the financial information necessary to judge the appropriateness of any tariff proposed for the TAPS line. To the extent that transportation charges are reflected in oil wellhead values, this implies that the State will not be in possession of sufficient information to judge whether the basis of assessment for its severance tax and royalty revenues is reasonable. It would consequently appear to be in the State's interest to determine what measures it can take to ensure that it will have access to all information which could have a material impact on its royalty and tax revenues.

APPENDIX E

A study (Alaskan Transportation Opportunities, *no author indicated*, no date) made for the NORTH Commission presents some interesting comparisons of the cost of transporting a barrel of oil through a pipeline built without a railroad, as compared to similar costs with a railroad already in existence. These comparisons are presented below and are a compilation of the data from the above mentioned report.

TABLE I.—TRANSPORTATION COSTS PER BARREL

Throughput in thousands of barrels	Pipeline only; no railroad	Railroad only	Pipeline after railroad; railroad costs not included	Pipeline after railroad; railroad costs included
50		$2.03		
100	$4.64	1.18	$1.54	$2.15
150		.89		
200	2.47	.75	.82	1.12
300	1.73		.57	.78
400	1.32		.44	.59
500	1.09	.59	.36	.48
1,000	.72		.25	.31
1,500			.22	

Due to the fact I do not know who wrote this or what data source was used in making these evaluations, it is impossible for me to know the correctness of these assumptions. However, in absence of any data, I will have to accept the conclusions as valid.

It is obvious that the cheapest transportation as far as costs per barrel are concerned in the 500,000 barrels per day range would be the pipeline built after the railroad in which the cost of construction of the railroad is not included. The 500,000 barrel per day figure is chosen as that is reported to be the initial plans for the operation of the proposed Trans Alaska Pipeline undoubtedly as the development of the field warrants it, this capacity could be more than doubled by the addition of more pumping stations.

MEDAL OF HONOR

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana, Mr. RARICK, is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, I have just returned from the White House where I was honored to be present during a ceremony in which the President in the name of Congress presented the Congressional Medal of Honor—the Nation's highest combat decoration—to Pfc. Raymond M. Clausen, Jr., USMC, for service as set forth in the following citation which I am proud to read:

CITATION

The President of the United States in the name of The Congress takes pleasure in presenting the MEDAL OF HONOR to Private First Class Raymond M. Clausen, Jr., United States Marine Corps.

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving with Marine Medium Helicopter Squadron 263, Marine Aircraft Group 16, First Marine Aircraft Wing, during operations against enemy forces in the Republic of Vietnam on 31 January 1970. Participating in a helicopter rescue mission to extract elements of a platoon which had inadvertently entered a minefield while attacking enemy positions, Private First Class Clausen skillfully guided the helicopter pilot to a landing in an area cleared by one of several mine explosions. With eleven Marines wounded, one dead, and the remaining eight Marines holding their positions for fear of detonating other mines. Private First Class Clausen quickly leaped from the helicopter and, in the face of enemy fire, moved across the extremely hazardous, mine-laden area to assist in carrying casualties to the waiting helicopter and in placing them aboard. Despite the ever-present threat of further mine explosions, he continued his valiant efforts, leaving the comparatively safe area of the helicopter on six separate occasions to carry out his rescue efforts. On one occasion while he was carrying one of the wounded, another mine detonated, killing a corpsman and wounding three other men. Only when he was certain that all Marines were safely aboard did he signal the pilot to lift the helicopter. By his courageous, determined and inspiring efforts in the face of the utmost danger, Private First Class Clausen upheld the highest traditions of the Marine Corps and of the United States Naval Service.

Raymond M. Clausen, Jr., was born October 14, 1947, in New Orleans, La. He graduated from high school in 1965 and then attended college for 6 months. He enlisted in the Marine Corps Reserve in New Orleans on March 30, 1966. After 2 months in the Marine Corps Reserve, he was discharged to enlist in the Regular Marine Corps.

Upon completion of recruit training at San Diego and individual combat training at Camp Pendleton, he prepared himself further for combat by completing a course in the aviation mechanical fundamental school and a basic helicopter course.

Upon completion of his training in April 1967, he spent 7 months on active duty in the United States.

In December 1967, Private Clausen was ordered overseas where he was to serve as a jet helicopter mechanic throughout almost all of his active duty service.

Private Clausen was returned to stateside duty in August 1969, where he remained for 3 months.

In November 1969 he began his second tour of duty in Vietnam. He was released from active duty upon his return to the United States on August 19, 1970.

A complete list of his medals and decorations include: the Air Crewman Insignia and the Air Medal, both with three Gold Stars, the Combat Action Ribbon, the Purple Heart, the Presidential Unit Citation, the Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal with one Silver Star and one Bronze Star, the Republic of Vietnam Cross of Gallantry with Palm, the Vietnam Campaign Medal with device, and the Rifle Sharpshooter Badge.

Raymond's parents are Mr. and Mrs. Raymond M. Clausen, Sr., of Route No. 2, Box 117, Hammond, La.

Raymond Clausen, his mother, and his five brothers and sisters attended the ceremony. His father, at sea with the merchant marine, was unable to attend. Two of Raymond's brothers, Erdwin and Carl, have also served their country.

Erdwin remains disabled from his combat wounds received in Vietnam. We Americans can be justly proud of Raymond Clausen as well as of his wonderful family.

NOTICE OF AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota, Mr. FRASER, is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, pursuant to section 119 of the Legislative Reorganization Act of 1970, notice is hereby given that I intend to introduce the following amendment to H.R. 8687 to amend the Defense Procurement Authorization Act:

AMENDMENT

Title IV, General Provisions, of H.R. 8687 (FY 1972 Defense Procurement Authorization Bill) is amended by adding the following new section:

"Sect. 402. The Secretary of the Treasury shall place in a special account established by him—

(1) the amount of the funds which may be appropriated under the authority of this Act for the production or deployment, or both, of multiple independently-targetable re-entry vehicles (MIRV's), and

(2) the amount of all appropriations made before the date of the enactment of this Act for such production or deployment, or both, which remain unexpended or unobligated on the date of the enactment of this Act to the extent that the sum of the amounts in clauses (1) and (2) exceed the sum of—

(3) the cost required to complete the conversion of 16 nuclear-powered submarines to the POSEIDON missile system, and

(4) the cost of the number of MIRV systems required to equip the launchers for the 16 nuclear-powered submarines referred to in clause (3), and

(5) the cost of the number of MIRV systems for which appropriations were obligated on the date of the enactment of this Act for equipping MINUTEMAN III missiles.

The funds and prior appropriations required to be placed in the special account under the preceding sentence shall be held in such account and not further obligated or expended until and unless the President reports to Congress that the Strategic Arms Limitations Talks (SALT) have not, and in his best judgment will not, provide an agreement which would enable the United States to cease further deployment of MIRV's and that continued testing and deployment by the Union of Soviet Socialist Republics of additional defensive or offensive strategic nuclear weapons systems require that such funds and prior appropriations be expended by the United States for the purposes for which they were appropriated."

AMERICAN POW'S

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. FOUNTAIN) is recognized for 15 minutes.

Mr. FOUNTAIN. Mr. Speaker, on March 26, 1964, Capt. Floyd Thompson became the first American prisoner of war in South Vietnam. This was 7 years and 81 days ago.

During this entire period of time the North Vietnamese, the Vietcong, and the Pathet Lao have paid no attention to the provisions of the Geneva Convention on prisoners of war. We have not even been permitted the right to inspect their prison camps nor to get an onsite confirmation as to which prisoners are still alive. Because of the impact of public opinion in this country, the enemy finally permitted some mail to get through.

Obviously the enemy are using our men as political pawns in the hope that public opinion in this country will force us to unilaterally withdraw all of our forces and completely cease participation in the Vietnam war. This attitude on the part of the enemy is actually prolonging the war because they would still have our men, and more and more demands by them would be in the making.

Of course, all the world knows by now that our men being held prisoner are subjected to unbelievably harsh treatment. Some are imprisoned in North Vietnam in ancient French prisons, seldom if ever catching sight of another American. One of the wives called it "concrete captivity."

Some are imprisoned in bamboo cages in South Vietnam's jungles, constantly suffering from tropical weather and heat, disease and filth.

Some are imprisoned in Laos and Cambodia under the same conditions. Some are, reportedly, even confined in 20-foot-deep pits in the ground; 1971 will certainly be a critical year for these American POW's, some of whom have been held since the early 1960's. I firmly believe that every possible avenue for solving this problem should be explored. Like the war itself in Vietnam, the time has long since come for a permanent and lasting solution, one which will soon bring our American fighting men home again and put an end to the killing and suffering.

New approaches are needed in our effort to solve the POW/MIA problem—and even they may fail. But one idea being suggested is contained in a resolution which calls for us to release unconditionally 1,600 of the North Vietnamese prisoners now being held in South Vietnam. I thought this was an idea worth exploring, and so I joined in cosponsoring this resolution. This idea was recently tried on a more limited basis by South Vietnam. Apparently, most of the prisoners refused the opportunity—but the passage of such a resolution publicized all over the world, followed by appropriate action, may be worth a try.

The resolution calls for the North Vietnamese soldiers to be released simultaneously at one point near the demilitarized zone. Each one would be given a supply of rations and allowed to head north on foot. At the same time, allied officials would make appropriate public appeals to Hanoi, the National Liberation Front, and the Pathet Lao for similar treatment of American POW's. All of this would be under the supervision of the International Red Cross.

Unquestionably, if this ever takes place, it would be front-page news all over the world and the Communists would be under additional world pressure to treat our men humanely, and to comprehend the depth of American feeling and concern for our men.

The release of prisoners on such an unprecedented scale would dramatize the contrast between the way POW's are being treated north and south and just might be the trigger needed to push Hanoi in a more responsible direction. Then again, it might not be, but at any rate it seems worth trying. Col. Frank Borman, the President's Special Representative for Prisoners of War, testified in favor of the measure and urged "that it be accomplished with maximum haste."

Of course, such a novel move would bring some risks with it, but conceivably, as remote as the possibility may be, it could cause Hanoi to respond in kind. At the very least, it would put Hanoi on trial in the court of world opinion.

Releasing so many prisoners of war would be one of the most compassionate acts ever committed by any nation. It would reaffirm in a most effective and dramatic way our Nation's willingness to promote the safety and freedom of our men.

In any event, I hope and pray that this war can and will soon be over, and that America will soon be able to stop spending its blood and treasure on foreign shores and start spending them here at home in an effort to reunite a dangerously divided America.

THE EFFECTIVENESS OF THE GUN CONTROL ACT—"SATURDAY NIGHT SPECIAL" LOOPHOLE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 20 minutes.

Mr. MURPHY of New York. Mr. Speaker, I rise to report on two developments in the area of firearms control. The first concerns a report I received from the Treasury Department on the effectiveness of the Gun Control Act of 1968 which I sponsored in the House; the second development concerns a group of gun manufacturers in America who are blatantly and intentionally violating the spirit and intent of the Gun Act.

I asked for the Treasury study because die-hard opponents of the law have insisted that if the traffic in firearms is controlled, only criminals will have guns. Guided by that simple slogan, efforts are being made by the gun lobby to convince the U.S. Congress that the legislation is ineffective and should be repealed.

Contrary to what the gunrunners say, in the 26 months since the effective date of the act, December 16, 1968, the Treasury Department agents have made 6,188 cases resulting in 4,447 arrests. This is compared to 1,851 cases and 878 arrests made during the 27 months prior to the act under the old Federal firearms laws. This means there has been a remarkable 409-percent increase in arrests and a 234-percent increase in cases made.

I think this is an exceptional record. And this is especially so in view of the fact that in the bulk of these cases an actual crime of violence had not yet been committed. That means crimes against persons or property might have been carried out if it had not been for the gun law we passed in Congress in 1968.

The record of the law is all the more

remarkable when it is realized that many organized criminals who have violated every other law on the books for years and who successfully avoided prosecution, have now been put behind bars for violating the Gun Control Act. Significant arrests of every type of criminal known—holdup artists, rapists, extortionists, murderers—have been made under this law, but perhaps one of the most important was the arrest on February 10, 1970, of an individual who is regarded as a presidential security risk by the U.S. Secret Service.

These facts are incontrovertible—gun legislation does reduce crime and contribute to its prevention.

Despite this excellent record, the intent and integrity of the law is being threatened by a few shady gunrunners who tooled up to mass produce a cheap handgun right here in America, the domestic "Saturday night special" which was banned from overseas importation by the law we passed in 1968. I have sent a letter to Congressman Emanuel Celler, calling on him to convene immediate hearings of the House Judiciary Committee on my bill, H.R. 8394, to plug this leak in the law that threatens to flood the country with 2½ million cheap, killer guns within the next year.

I told Congressman CELLER that we are now faced with a serious threat to the effectiveness of the Federal gun laws by a group of shady business entrepreneurs in the United States who are producing these cheap guns in makeshift factories such as converted garages, basements, and even a church.

These fast-buck merchants of death are accomplishing this in three ways:

The first group is producing these cheap "manstoppers" from prefabricated parts manufactured entirely in the United States. There are seven of these "quickie" gun operations and they are rapidly approaching the 1 million mark in terms of annual production.

The second group is comprised of five former importers of the "Saturday night specials" who are now importing only handgun parts minus the frame or receiver which they produce themselves. To date they have been authorized to import enough parts to assemble 1½ million guns of the kind that we outlawed 2 years ago.

The third and perhaps most dangerous method of violating the intent of the act involves five importers of sporting revolvers that actually are importable under the law, but which are then altered by sawing off the barrel to a "snub-nosed" length to make them easily concealable for hoodlums and bank robbers. Not only does this defy the intent of the law, but the nefarious practice of barrel shortening has hindered enforcement agencies because the identification markings of the importer are removed or obliterated during the alteration process. Homicides involving these modified killer guns have been recorded in New York City and in Missouri.

Production of these domestic "manstoppers" is now approaching a staggering 2½ million in the 1971–72 period. If this trend continues, we can expect substantial numbers of these guns to be involved in crimes of violence.

In fact, information I have from 73 of the Nation's police chiefs shows that there was an 87-percent increase in crimes involving just four domestically produced "Saturday night specials" from 1969 to 1970. These crimes ran the gamut of criminal activity up to and including murder.

That is why I have asked the House Judiciary Committee to act to assure our citizens an additional measure of safety from armed delinquents and hoodlums. The enactment of my bill, which will prohibit the sale of the domestic "Saturday night special" will, I am certain, guarantee that measure of safety.

No one knows more than I of the political sensitivity of the gun control issue. The gun lobby and the "gunrunner" magazines are all applauding each other in taking credit for having defeated Senators and Congressmen who were advocates of the Gun Act that I helped pass.

And the day after I introduced my recent amendment, my office began to receive hate mail from "gun nuts" and was flooded with threatening telephone calls from the gunrunners and the publishers of gun magazines who depend on advertising revenues from these merchants of death.

The firearms lobby in the United States made me one of their primary targets on Capitol Hill because I tried to keep firearms out of the hands of hoodlums, delinquents, lunatics, and presidential assassins.

But I will not be intimidated by them because I am convinced that this loophole in the law is a tragic one, one that will cause in the next year alone, the deaths of between 3,000 and 4,000 people.

I am not willing to wait for a rash of assassinations, murders, assaults, and armed robberies before I attempt to get the Congress to act.

The Congress must act decisively and it must act now before we lose more loved ones or another Congressman or even another President.

Chairman CELLER has written me an encouraging letter that the Judiciary Committee will shortly consider the amendment, H.R. 8394, which will close a serious gap in the Gun Control Act of 1968. I ask Members to join me in this fight to keep these cheap "killer guns" from the hands of criminals and assassins.

I include two reports to me including a letter dated May 12, 1971, from Ralph H. Alkire of the Alcohol, Tobacco and Firearms Division and a report entitled "Deviations From the Intent of the Gun Control Act of 1968," at this point in the RECORD:

INTERNAL REVENUE SERVICE,
Washington, D.C., May 12, 1971.

Hon. JOHN M. MURPHY,
House of Representatives,
Washington, D.C.

DEAR MR. MURPHY: Secretary Connally has asked us to reply to your letter of April 29, 1971, requesting certain information to assist you in evaluating the effectiveness of the Gun Control Act of 1968, legislation which you sponsored in the House of Representatives.

The following table provides a statistical breakdown, by titles, of the cases and arrests made for 27 month periods prior and subsequent to the effective date of the Act and includes similar data for Title VII of the Omnibus Crime Control and Safe Streets Act, as amended by Title III of the Gun Control Act. It is not possible to provide such data for the 28 month periods you requested since the statistics for April 1971, have not yet been compiled.

Prior to Gun Control Act		Subsequent to Gun Control Act	
(October 1966 to December 1968)		(January 1969 to March 1971)	
Statute	Cases made	Statute	Cases made
		Title—	
FFA	496	I	1,627
NFA	1,290	II	2,393
FFA–NFA	65	VII	871
		I–II	193
		I–VII	771
		II–VII	273
		I–II–VII	60
Total	1,851		6,188

Note: Increase of 234.3 percent.

HON. JOHN M. MURPHY

Statute	Arrests	Statute	Arrests
		Title—	
FFA	258	I	967
NFA	573	II	1,728
FFA-NFA	47	VII	476
		I–II	209
		I–VII	484
		II–VII	524
		I–II–VII	83
Total	878		4,477

Note: Increase of 409.9 percent.

As a matter of information, the letters FFA and NFA, as shown in the above table, stand for the Federal Firearms Act and the National Firearms Act. The "Cases Made" category includes cases pending judicial action, such as indictment, as well as cases in which arrests have already been accomplished. Therefore, the number of arrests always lag behind the number of cases made during a particular period.

In view of our development of over 6,000 cases since passage of the Gun Control Act, you can appreciate that it would be impossible to list all of the firearms cases which might be considered as major or significant. However, to answer your request for summaries, we have selected the following cases to best demonstrate the scope and flavor of the Act's contribution to law enforcement. Please note that we have included several cases pointing up the value of the new firearms laws, especially Title VII, as tools in the Organized Crime Drive.

In Montana, police responded to a call—a shooting in a bar. They found a body, a foreign handgun on the floor, and customers who avowed no knowledge of the shooting. Ordinarily, this might have been the beginning and the end of the investigation. In this instance, Montana authorities decided to take advantage of the "State Assistance" features of the Gun Control Act of 1968, and a request for assistance was made to the Billings, Montana, office of the Alcohol, Tobacco and Firearms Division. The ATF Firearms Control Section traced the foreign handgun from Germany through Mississippi and finally to Montana. A special investigator continued the investigation and identified the last known owner—a customer who had carried the firearm into the bar the night of the shooting and was present when police arrived. The killer was subsequently convicted of homicide in State Court. (Barcrofft-Billings, Montana P.D.)

In a joint operation conducted by the Alcohol, Tobacco and Firearms Division and the Bureau of Narcotics and Dangerous Drugs, five firearms were purchased from Carl McFarland in a parking lot in Indianapolis, Indiana. Three of the five weapons had been previously reported as stolen. A search of McFarland's car revealed an additional 36 firearms, 14 of which turned out to be stolen. McFarland pled guilty to violations of the Gun Control Act and was sentenced to a total of 10 years in prison. (Indiana S–3215—McFarland)

Harry Weiler, a convicted felon, was arrested by ATF investigators on February 10, 1970, for allegedly purchasing and possessing a firearm. Mr. Weiler is regarded as a Presidential Security Risk by the United States Secret Service and is the local president of the National Association for the Advancement of White People. The arrest and seizure resulted from the cooperation of a licensed New Jersey firearms dealer. Mr. Weiler has sought an injunction from the courts to halt harassment and is suing the Commissioner of Internal Revenue, the District Director, Philadelphia, and two ATF Special Investigators, for civil damages. (Pa.—E–6726, T–I–VII)

Police investigation of a bizzare, brutal, sex-murder case revealed that a suspect might have recently purchased a firearm. An ATF Special Investigator was notified and through extensive records search found a record of a firearm sale to the suspect, who was prohibited from purchasing a firearm by virtue of his record as a felon. It was determined that the suspect had concealed this fact in purchasing the firearm by falsely executing Form 4473 Firearm Transaction Record. He was arrested and jailed. The Special Investigator, working alone, developed conclusive and final evidence as to the subject's guilt for the murder. After initial contact with the subject, police officers had written him off as a "harmless nut." (Texas—N–4508 (T–I))

A significant court decision was recently rendered in Federal Court, Springfield, Illinois, when Ronald E. Shafer was convicted for ten violations of the Gun Control Act. This case is significant since it involved the *sale of* firearm *components sufficient to make destructive devices*. Shafer was alleged to be a principal supplier of grenades and firearms to East St. Louis militant groups. In addition, he was responsible for the sale of 300 cheap import pistols in the St. Louis metropolitan area. Thirty-five of these firearms have subsequently been recovered in connection with crimes of violence. Shafer received a ten year prison sentence. (Ill. S–1311—Shafer)

A major stolen property fence in the Macon, Georgia Area, William Price Campbell, Jr. and his mother, Betty Douglas Ludlow, were charged with violation of the firearms statutes on June 13, 1969. Campbell had a notorious record in the Macon, Georgia area for dealing in all types of stolen property. He allegedly took orders for property which would then be stolen by thieves and burglars working in conjunction with him. The operation was broken by undercover purchases of unregistered automatic weapons from Campbell and Ludlow. Campbell was convicted in the U.S. District Court on October 31, 1969, and sentenced to a term of five years imprisonment in spite of the fact that Campbell is a virtual invalid. (Ga.—M–12, 849 (T–II))

An unusual seizure both in terms of size and diversity of articles was made on November 30, 1970, in the Birmingham, Alabama area when a trailer portion of a tractor trailer rig used as a storage and manufacturing plant for firearms, explosive devices and incendiary devices was raided. The seizure included 140 rifles, 1 60mm Mortar, 2 cases of partially prepared Molotov cocktails, 2 cases of re-worked surplus military hand grenades, a quantity of explosives, including dynamite, nitra-mon and Flex X, 200 dynamite caps, 3 rolls of detonator cord, a dozen cans of black powder, more than 100 hand grenades, a large number of bayonet and combat knives, thousands of empty shotgun shells and a quantity of lead used for molding slugs.

More firearms were seized the following day in a search of the residence of the defendant, a prominent professional man in Birmingham, Alabama. Additional articles, including a quantity of unarmed military grenades, were seized from another house owned by the defendant. The evidence in these cases indicates that the defendant has been engaged in supplying firearms, destructive devices, incendiary devices, bombs and similar articles to extremist groups of both the left and right, including the KKK, Black Panthers, Black Muslims, SDS (Weatherman faction), and others. The defendant has been a suspect in weight reducing rackets for a long time. The quantity of material seized from him was enough to start a small war. This case is currently pending prosecution. (Ala. N–15,578 (T–II), 15,579 (IL, T–XI) and 15,580 (T–II))

ATFD National Office Laboratory technology recently came to the aid of Virginia law enforcement officials when, on January 11, 1970, a bomb exploded under an unoccupied vehicle owned by the Dean of Men, Emory and Henry College, Emory, Virginia. An adjacent occupied dormitory was damaged. On January 22, two individuals, both students at Emory and Henry College, were arrested on State warrants charging felonious use of explosives. The bomb contained gunpowder identified in the Alcohol, Tobacco and Firearms Division National Office Laboratory as "Hercules 2400". The Laboratory examination was conducted on the material recovered at the bomb scene, a piece of burnt safety fuse, a hubcap, a hubcap rime, and a piece of asphalt. The State prosecution of the defendant will rest solely on evidence developed by ATFD.

Russell Payne, a felon on appeal for a manslaughter conviction, was convicted in Wyoming District Court for transporting a *registered* firearm in interstate commerce without the authorization of the Assistant Regional Commissioner, ATF, in violation of Section 922(a)(4), Chapter 44, Title 18, U.S.C. Payne was sentenced to five years imprisonment. This is believed to be the first conviction in the Nation under this particular section of law which was a new provision enacted under the Gun Control Act of 1968. (Wyo. 450 (T–II)—Payne).

On August 19, 1969, when ATF served a search warrant at the home of Joseph Aiuppa, an organized crime figure, Chicago, Illinois, they discovered twenty-nine (29) firearms secreted behind a wooden panel in the basement. He was indicted on August 26, 1969, and the case is now pending in Federal Court.

A Senate Congressional Record dated August 12, 1969, reflects one Felix (Milwaukee Phil) Alderisio as the "Consigliere" of the Chicago La Cosa Nostra structure. On January 23, 1970, Alerisio was sentenced to two years in prison for violation of Title VII of the Omnibus Crime Control and Safe Streets Act. (Ill. N–7343–T–VII)

During August 1970, ATF undercover special investigators infiltrated an organized gang of hijackers and burglars who utilized fences associated with organized crime figures. The undercover special investigators learned a $50,000 load of cigarettes moving in interstate commerce on September 4, 1970, was hijacked at gunpoint. The gun was stuck in the nose of the driver of the truck owned by Lasham Revere Motors, Inc. Following the arrest of three men by the Illinois Bureau of Investigation for the hijacking, interrogation by ATF special investigators disclosed that Leo Rugendorf participated in the arrangements for the hijacking. On October 16, 1970, he was arrested by ATF on a charge of conspiracy to violate the Gun Control Act of 1968. This infamous Leo Rugendorf of Chicago, Illinois, is an alleged juiceman, "Scam" operator and close associate of Sam Battaglia, Felix Alderisio, Marshall Caifano, Jackie Cerone, Albert Frabotta and many other Chicago crime figures. Rugendorf allegedly is the vehicle through which money acquired illegally by the crime syndicate is moved into quasi-legitimate businesses, a function most vital to the continued success of the organization.

Santo Perrone was one of six subjects arrested in Detroit in June 1969 on Title VII firearms charges. He has been known to enforcement officers as an alleged strike breaker, extortionist, bootlegger, financier of illegal enterprises and many times a suspect in murders, bombings, and the smuggling of aliens. He lost his right leg in a mysterious bombing of his car in January 1964 and was a suspect in the 1948 attempted assassination of Walter P. Reuther, UAW President. In 1963 Perrone was named as one of the "big men" in the crime syndicate in testimony before the United States Senate Crime Investigating Committee. At the time of Perrone's arrest in his home in Grosse Pointe Woods, Michigan, special investigators found a total of eight firearms, one firearm in each room having an outside window. On November 14, 1969, AFT arrested Santo Perrone for the second time for possession of a firearm.

The fate of one Joseph Vincent Bisogno, a member of the New York Gambino Family, points up the syndicate's total disregard for human life. Mr. Bisogno was indicted on May 28, 1969, in Miami, Florida, the charge being the possession of a firearm by a felon. The court allowed Bisogno's return to New York where on August 12, 1969, he was found murdered.

We trust that you will find the foregoing responsive to your request and that it will assist you in evaluating the impact of the Gun Control Act. If we can be of further service, please let us know.

Sincerely yours,

Ralph H. Alkire,
Acting Director, Alcohol, Tobacco and Firearms Division.

Deviations From the Intent of the Gun Control Act of 1968

The Gun Control Act of 1968, now in its third year, has exhibited certain inadequacies which were not envisioned by the Congress of the United States at the time of enactment. These inadequacies fall into the category of intentional deviations on the part of United States importers and manufacturers, enhanced to a degree by certain foreign manufacturers.

The placing of stringent importation controls on firearms, namely sub-quality handguns, caused a rising demand in the United States for this type of commodity. The dwindling supply, coupled with the rising demand, created three options for the enterprising United States firearms entrepreneur. All three options are presently being widely exercised.

United States manufacturers of firearms, consisting of both the long-established quality corporations as well as the opportune non-reputable makers, commenced the manufacture of cheap handguns of the type which were precluded from importation. Although some fall marginally into the quality category, they nevertheless would not be classified as "sporting purpose" firearms. At the present time, a total of not less than 22 variations of sub-quality or non-sporting type handguns are being manufactured in this country, all having had their inception since the advent of the Gun Control Act of 1968. These are prefabricated from parts manufactured entirely in the United States and, although current production figures are not available, the 1,000,000 mark should be rapidly approaching.

United States importers, in consort with European manufacturers, approached the problem in a different vein. Those with a potential manufacturing capability initiated contracts with their previous suppliers to import only handgun parts, less the frame or the receiver, and would subsequently assemble the firearms in the United States, using domestically manufactured "frames or receivers." This endeavor is presently being carried out by 5 large volume United States manufacturers and/or importers. To date, sufficient parts have been authorized for importation which will allow for the assembling of 1,433,800 handguns of the precluded type. This method of manufacture has seen 19 additional variations of otherwise non-importable handguns appear on the scene, again since the start of Public Law 90–618.

The final method of deviation involves the importation of sanctioned sporting type revolvers with the importer, special jobber or eventual dealer accomplishing alterations to the weapon by cutting off the barrel to a desirable "snub-nose" length. This practice is commonplace to a minimum of 5 leading importers. In addition to defying the intent of the law, the barrel shortening process has hindered enforcement agencies in that the identification markings of the importer are sometimes removed or obliterated during the alteration process. The investigation surrounding recent homicides in both New York City and St. Claire County, Missouri, encountered firearms of the above-described modified variety.

Starter guns, which were a source of readily convertible firearms prior to the implementation of the Gun Control Act of 1968, have vastly diminished as a potential threat. New methods of manufacture which require the incorporation of design changes to defy conversion of these devices has been one of the notable achievements of the cited Act.

Submitted herewith are samples of some of the categories of firearms referenced above.

A TRADE REFORM ACT IS ESSENTIAL

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, last week this House passed the Sugar Act of 1971. This week, it is my understanding that we are to consider the extension of the U.S. participation in the International Coffee Agreement. What do both of these acts have in common? They both will mean that for the next few years both sugar and coffee will be governed by the strictest system of import quotas.

In listening to the debate on the Sugar Act, I was struck by the fact that very few of those Members who announced their intention to vote against the act listed as their principal reason a philosophic objection to a system of quotas. Most of the controversy centered around the allocation of the quotas to one foreign country or another.

Very few words were said, and then only in passing, about the fact that the American consumer may well be paying more for sugar as a result of the sugar quota system. Considerable importance was attached by the supporters of the act on the need for protecting the jobs of American workers against the threat of a flood of cheap foreign imports in the absence of a quota system.

I am sure that most of the Members of this House are aware that one of the reasons for the delay in the forthcoming legislation extending this country's participation in the International Coffee Agreement is the fact that considerable pressure was brought to bear on the Brazilians to agree to abandon or restrict their policies favoring the export of instant coffee at prices considerably lower than that charged by the American manufacturers of the same product. The manufacturers of instant coffee, in other words, were able to influence our Government to the extent that negotiations have been going on for the last 4 years with the Brazilians and other coffee consumers to protect their interests—that is, the interests of the American instant coffee manufacturers.

At times, the negotiations were bitter and with one side or the other threatening to break-off negotiations. In all of this, the diplomatic relationship and, indeed, the friendship between this country and Brazil was put squarely on the line. The United States was accused in the Brazilian press of over-reaction to a rather insignificant threat posed by a few million dollars worth of foreign imports.

The irony in all of this, of course, was that for years the Government's message to the developing countries of Latin America was to encourage industrial development. I think if the truth were known in this case, it could be established that the instant coffee manufacturing plants were specifically encouraged and supported with U.S. financial assistance to encourage the Brazilians to take advantage of their principal agricultural commodity and diversify into manufacture.

My point in delving into all this is simply to show how at last one American interest was able to bring sufficient pressure to bear in high places that Brazilian-American relations notwithstanding, our Government successfully negotiated a restriction on the import of such products into this country.

My next point, in all of this, is to add that the threat from the import of Brazilian instant coffee is not nearly as ominous or serious as the continued unbridled import of textiles and shoes into this country; and yet, in sharp contrast to this Government's determined effort to do something for General Foods, there has been a noticeable lack of purposeful action in the area of textiles or shoes—whether at the international conference table or in the halls of this Congress.

Despite the fact that the President promised in his election campaign to strongly support a modest piece of quota legislation for textiles, the commitment to this promise can only be considered somewhat lukewarm and considerably less than 100 percent. What are the statistics? Secretary Stans, on May 31 in his speech before the International Wool Textile Organization, confessed:

> Over 100,000 jobs in the textile and apparel industry were lost in the last year and 549 plants closed in the past two years. Imports now account for 28% of the total U.S. market for wool products . . . and this is now truly a depressed industry.

By the President's own admission, the situation with shoes is even more serious. If nothing is done by way of legislation this year, and that will be an uphill battle, there is a very real prospect that further imports will account for close to 50 percent of the domestic market for nonrubber footwear.

In other words, my purpose for rising today in between consideration by this House of the Sugar Act and the International Coffee Agreement Act is to remind the Members of this body that the Trade Reform Act of 1969 if examined closely would be found to be a much more modest piece of legislation than either of these two acts.

Furthermore, that there is nothing novel in quota legislation. The books are full of legislative quotas. The oil industry is a well-protected industry indeed in this country, in more ways than one. Domestic airlines are protected against foreign competition with reciprocity demanded for the landing and takeoff of every foreign flight into or out of this country.

The point is, gentlemen, that the unemployment figures in this country show that with each passing day this country is exporting jobs. The balance-of-trade figures tell the same story. Japan's balance of trade with this country soars to new heights while ours sinks to new lows. We are not asking the Japanese to give up their full employment or their favorable balance of trade with us—simply trying to control its future expansion.

This country can no longer afford to ignore the serious plight of its own domestic economy in the name of free trade. Whatever happened to the idea of reciprocity in all of this?

The restrictions on imports into Japan are too well known to need repetition here. I think it is time that this country serve notice to the Japanese, who can afford to be told this much more than the Brazilians, that this country's days of unrestricted foreign aid to the third ranking economy in the world are over. Our days of watching the yen go up and up in value and the dollar down and down are over. The New York Times reported on May 24 that consideration is being given in administration circles to imposing a special tariff on goods from Japan.

While such action may seem drastic, the fact that it is being discussed indicates what I have been saying all along, that if we do not act soon, the medicine is going to have to be much stronger than the doctor was recommending a short time ago. And I have only discussed textiles and shoes. There are other industries which are being hurt increasingly each day, steel and electronics, to mention two of the most important. It is estimated now that by 1975 the Japanese will succeed the United States as the world's leading steel producer.

With the announcement this weekend that Chrysler is to invest in Mitsubishi and that Ford and GM are in the midst of similar negotiations with other companies, another threat is on the horizon. The major multi-national American corporations with this kind of foothold in Japan are going to make it that much more difficult for any strong action by this country to redress the imbalance of trade with the Japanese.

Once again, it is becoming apparent that behind this country's dismal trading performance is the story of the export of billions of dollars of capital overseas by the multi-national corporations to take advantage of foreign investment opportunities and lower foreign labor costs. With those dollars, jobs are being exported. With those joint venture announcements and licensing arrangements, American technology and knowhow is being exported at the expense of our balance-of-trade figures.

I seriously question whether this Nation can any longer afford to maintain its traditional laisse faire attitude toward the export of American capital overseas. Reluctantly, I am coming to the conclusion that we owe it to the American worker to protect domestic protection. It is no wonder then that as Time Magazine reports, the "new protectionism" is increasingly in vogue. It is always the case that traditional policies and attitudes are re-examined in trying times and, believe me, these are trying times.

In 1970 alone, while American unemployment was going from 2,628,000 to 4,636,000 the outflow of U.S. capital for overseas investment increased $900 million, or almost 25 percent. This year, the Commerce Department estimates that spending abroad will increase another 16 percent to $15.3 billion. While this may rebound in the form of profits for the shareholders of these major corporations, domestic plants are faced with reduced working hours or shut down altogether.

The next weeks should bear out a suspicion I have long held. What irritated the American corporations the most about Japan in the past has been its restrictions on U.S. investment in Japan, not trade with that country. Now that the Japanese have opened up to Chrysler and later on will do the same for Ford and GM, I am convinced that we will hear a lot more about the threat of Japanese retaliation from the free trade lobby. What they will be concerned about, however, will not be retaliation on U.S. exports which are little enough in the manufactured sector as it is, but threats against these sizable U.S. investments.

At the present moment, the book value of American corporate enterprises abroad stands at close to $75 million. I understand the concern of the major corporations about possible retaliation in view of these figures, but as a Congressman I must be more concerned about the threat to the security of the American worker in his job and the future, life, and prosperity of communities across this country. I am tired of hearing about the value of unrestricted exports of capital for the interest rate structure of this country and about the value of unchecked imports into this country as a possible depressant on inflation.

Faced with a bias toward rising interest rates and inflation, I think we are paying a high price for a policy that does not work. Other factors have to be taken into consideration which have been neglected far too long. Again, I see the time to act is now before something much more drastic than a Trade Reform Act along the lines of that of 1969 is the only solution.

SOVIET UNION VISITED

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 30 minutes.

Mr. PODELL. Mr. Speaker, on June 10 of last week I documented to my colleagues the problems encountered in just obtaining a visa to visit the Soviet Union. Today, I would like to continue my story of the Russian harassment and intimidation.

I finally arrived in Moscow late in the afternoon of May 22. I was met by a representative of the U.S. Embassy, who was extremely capable and who escorted me to the Nationale Hotel in Moscow. I noted during our drive to the hotel that he constantly was peering into the back window as if to see what was behind our vehicle. I asked him almost in jest whether or not someone was following us. I was surprised when he answered, "Yes" and pointed to an automobile some distance behind, which had followed us from the airport. From this moment on, no less than two cars of secret police followed my every move. Night or day, wherever I went; and this was the beginning of a period of intimidation and harassment such as I have never witnessed before.

Upon checking into the Nationale Hotel, I was given a special suite, which I was told had more bugs in it than any meeting of the Soviet presidum. In other words, "big brother" was watching me and listening to me even in my own hotel room.

During dinner, I was watched. When I went for a walk, I was followed. My every action was made note of. It is difficult for an individual who is brought up in a free democracy to truly understand the intimidation that one feels when his every action and word are being observed and recorded. To the last day as I left on a plane to Paris, I saw the lineup of Russian goons watching me as I boarded the plane. Perhaps the one pleasure I received was immediately before entering the airplane; I signaled to them and accorded them the "Brooklyn salute." During my second day in Moscow, I asked my escort to confirm my tickets to Leningrad and was then advised that my reservations had to be cancelled because there was no longer any hotel accommodations. I displayed my confirming reservation at the Astoria Hotel in Leningrad where they treated me with utter disdain and were further apologetic when I indicated that I would be happy to fly to Leningrad in the morning and return that evening without the need for hotel accommodations; and they advised me that they were sorry, but there were no seats available on the plane. When I protested firmly that I had confirming reservations and tickets paid for in advance, they merely indicated there was nothing further that they could do.

This example of Russian "hospitality" turned to open hostility when I asked permission to visit other national cities, and they advised me in no uncertain terms to enjoy the sights of Moscow, go to the theater, and then go home.

On the Monday after my arrival in Moscow, I visited with Ambassador Beam and asked him what Soviet officials had he made appointments with me to visit during my stay. Ambassador Beam apologized and told me that he could not make any appointments with any Soviet officials as none would see me. I found this incredible and demanded a complete list of the individuals that he or his office had contacted. The list is set forth herein in detail as well as the results.

As a further indication of Russian "hospitality," on May 28 immediately after my departure, Mr. Martin A. Wenick of our Embassy in Moscow had all four tires punctured, rendering his automobile inoperative.

In Mr. Wenick's letter to me he stated:

> While dining in the restaurant of the hotel the evening of May 28 with some friends, some "unidentified" individuals punctured all four tires rendering the vehicle inoperative.

I wonder just how much outcry our State Department has made in connection with this obvious act of vandalism against one of its' employees. I wonder what would be said if Ambassador Dobrynin's tires or those of one of his assistants were to be slashed in the same way.

The arrogance of the Russian attitude would be a delight of any hardened boor. I am positive that if any of the treatment I received were given to a Soviet official visiting the United States, not only would terse diplomatic notes be exchanged, but United States-Soviet relations would surely be affected in an adverse manner.

On the plane returning from Moscow I reflected on the trip, the treatment and the trepidation I experienced. It can be said without reservation that Russia is definitely a world power in such necessary areas as: arrogance, unnecessary bureaucracy, bugging of conversations, shadowing of people's movements, puncturing of tires, and general harassment.

If this kind of treatment is representative of Russian civilization, then their national symbol should no longer be a bear but a boar.

The following is a documentation of the appointments requested for me and the results of this request:

Appointments Requested for Representative Bertram Podell

DATE, INDIVIDUAL, AND RESULT

May 18: Professor S. Zivs (Vice President of Association of Soviet Jurists). Call back 5/20.

May 18: Moscow City Hall (Meeting with Mayor or one of Deputy Mayors followed by meetings with city transportation officials). Will call back. Embassy should inform Ministry of Foreign Affairs about request. (Never called back.)

May 19: A Deputy Chairman of the House of Nationalities of Supreme Soviet or any member of the House of Nationalities who present in Moscow. Call back 5/20.

May 19: Judge Anashkin, USSR Supreme Court. Call back 5/24. Judge out of town.

May 19: President of Inyurkollegiya. Call back 5/21.

May 19: Political Counselor called USA

Division of Ministry of Foreign Affairs (MFA) requesting assistance in arranging program. Letter confirming call sent same day. Note taken of request.

May 20: Professor Zivs. In principle could receive Congressman but request should be made through MFA.

May 21: House of Nationalities of Supreme Soviet. (Second call.) Arrangements must be requested through MFA.

May 21: President of Inyurkollegiya. President out of town. Appointment with his Deputy set for 5/24.

May 22: Political Counsellor told Mr. Fedoseyev of Ministry of Foreign Affairs that Embassy would renew its request for assistance in arranging for appointments on May 24. No comment.

May 24: Acting Political Counsellor called Mr. Fedoseyev and renewed request for appointments. Additionally asked for meetings with member of Premier Kosygin's staff and with Foreign Minister Gromyko. Indicated appointments unlikely to be forthcoming.

May 24: Judge Anashkin. Still out of town.

May 24: Mr. Fedoseyev or other member of USA Section of Ministry of Foreign Affairs. Appointment with Mr. Isakov set for 10:00 a.m. 5/25.

May 24: Mr. Rudenko, USSR Prosecutor-General. Arrangements must be made through MFA.

May 25: Congressman met with Mr. Isakov of MFA and personally requested assistance in arranging meetings. Congressman told that Soviet officials would not be interested in meeting with him.

May 25: USA Institute. No one available to meet with Congressman.

Next week I would like to describe in detail some of my conversations with the Jewish families in Moscow, which I am sure you will find of interest.

THE UPSTREAM WATERSHED ACT

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE), is recognized for 5 minutes.

Mr. KEE. Mr. Speaker, I had the pleasure of attending the 18th National Watershed Congress in Tampa, Fla., June 7, 8, and 9, 1971. It was an illuminating experience, one which I shall long remember. The highlight, as far as I am concerned, came on Tuesday, June 8, when our colleague, the Honorable W. R. (BOB) POAGE of Texas, was the principal speaker. I feel that every Member should read his thought-provoking address, so I am placing his speech in the RECORD at this point:

THE UPSTREAM WATERSHED ACT

(Remarks of Hon. W. R. Poage)

Mr. Chairman, my good friend and former colleague, Cliff McIntire, and distinguished delegates and guests of the 18th National Watershed Congress. I want each of you to know how honored I am to be with you today.

It has been quite a while since I have visited in the great State of Florida and especially in the District so ably represented by your Congressman—Honorable Sam Gibbons. I first met Sam in connection with the approval of the Upper Tampa Bay Watershed Project. This makes me ever more happy to be here. I have followed with much regret the terrible drought which has ravaged the southern part of this State. Of course, coming from Texas, I can claim to be somewhat of an expert on dry weather. We have a lot of it, and this year has been one of the driest in our history—just as it is in Florida.

Drought, my friends, is a major cause of pollution. When the ground is powder dry, the wind carries away our valuable soil—creating a form of air pollution. When our brush, grass or timber is dangerously dry from lack of rain, we have the setting for disastrous fires, which may blacken huge areas, destroying valuable wildlife, grass and timber. Nothing then remains to hold the soil intact, and when the rains finally do come, the soil races into the creeks and rivers, becoming the silt which clogs and chokes our rivers and lakes, destroying water life just as surely as would the most potent poison. This is surely an example of water pollution at its worst.

When we speak of pollution control, we must recognize the great work which has been done by the splendid cooperation between you folks and the Soil Conservation Service of the United States Department of Agriculture, but intriguing as the subject is, I am not going to give you another talk on either pollution or on ecology, I am going to talk about the Watershed Protection and Flood Prevention Act.

But since I have mentioned the Department of Agriculture I had just as well state for the record here and now, that I am flatly opposed to any consolidation, reorganization, or bureaucratic manipulation which would deny American Agriculture a representative in the President's Cabinet and a Federal agency whose primary mission is to work for and with the American farmer and Rural America.

You know, many years ago, I was attending a meeting in a school house in my own District in Texas. We were talking about ways we could combat flooding on the tributaries of our smaller streams, which has always caused so much grief for farmers. I remember I used the term "flood control", and an old boy stood up in the back of the room and said: "Congressman Poage, we're not interested in flood 'control', we want flood 'prevention'." And, of course, he was right, and we have that kind of program today in the Watershed Protection and Flood Prevention Act.

I have had the unpleasant experience of rowing a boat across a pasture during a flood to see whether I had any cattle left, and I know many of you have done the same thing. That was before we had a Flood Prevention Program in my area. This program has saved human lives, saved farm stock, and has prevented the destruction of millions of dollars in crops and real estate. I think this is a great program for all of America and, barring none, it is one of the most outstanding pollution prevention programs we have on the books.

This program not only helps rural America, but it helps urban America as well. Whenever we can keep water and silt from going downstream, we help the great cities below our mighty rivers. When we can make water sink into the ground it becomes an unmixed blessing. When we let water run over the surface it becomes a curse.

I was honored to be an original sponsor of the Flood Prevention Act and I have been priviledged to see it become a reality throughout America. It worked well in the mudslide areas of California, in the gully regions of Wisconsin, in the suburban areas of the Northeast, in the bayou areas of the Southeast, and in many areas of Texas and the Southwest where the creeks flow only a few days after a rain. It also serves in this area where drainage is normally your basic problem.

While we have a flexible and versatile program, we have not been without our problems. Naturally we need more money. Hundreds of projects need to be constructed, while many others are still in the planning stages. Actually, there are 223 fully authorized projects now awaiting funding. Certainly there are far more which are still only the dreams of folks who need help badly. The watershed program, just as many others, has been hurt by inflation and higher priorities on Federal spending, but it is alive and kicking. I think the Soil Conservation Service has utilized watershed money well. I wish we had more to spend, and I am confident that we will, one of these days. As I see it, we should be spending at least $100 million per year on this program.

Now, if I may, I would like to review the experiences of the Small Watershed Program over the past few years. It seems to me that the last five years or so has been a critical period in the life of the program. We have encountered many obstacles and we have overcome most of them. You know, both the House Agriculture Committee, and our Conservation and Credit Subcommittee, of which I have retained the chairmanship, have been criticized a great deal for taking a very hard and close look at each watershed project which comes before us. We are constantly reminded that our counterpart in the other Body routinely passes each project. I do not mean to criticize anyone, but we have often been cast as the villain who refuses to automatically approve each and every project sent to us. However, I believe that our policy of setting high standards for each project has served to strengthen the program a great deal, and has spread the benefits to the most deserving projects. We have tried to keep the program on the right track, and I believe we have been quite successful.

You may recall that a few years back we were confronted with a number of projects sent to us from the Department of Agriculture which were primarily irrigation projects. We felt this was an extremely dangerous trend, and we so stated in a Watershed Policy Statement issued by our Committee on July 31, 1967, and forwarded to the Secretary of Agriculture. This statement served notice that, while we would do our best to be fair to those irrigation projects caught as they were in the middle, we would not approve projects in the future whose primary purpose was not flood prevention. The Department of Agriculture has cooperated with us on this. There are other Federal programs for irrigation and certainly our Committee is not against irrigation. It is one of Agriculture's useful tools, but we do not intend to see the Small Watershed Program become ineffective by spreading it too thin in too many areas.

This has happened to too many of our Federal programs already. When you have but a limited amount of money, it seems to us that it should be spent where it will do the most good. We have, therefore, used some very rough guidelines. For instance, we have generally refused to approve projects where the cost per benefited acre was more than $200 per acre—unless it was shown that some very unusual circumstances justified a different course. We have approved an expenditure in excess of this in locations like Hawaii where land values were in the thousands of dollars. If we had more money we would doubtless raise our limits.

Another thing which has brought us criticism is that our Committee has tried to hold the approval of the more expensive projects to a reasonable rate, recognizing that we must take into consideration the amount of funds on hand and how they can best be utilized. We feel it would be unfair to use all available money for a handful of very large projects. On some occasions we have approved only one of two closely related projects, allowing work to start only on the most important one. Then at a later date we have approved the second project. Thus we are able to keep more projects going over the country.

For many years, a problem of great concern was how we could be assured that proper land treatment measures would be implemented on Forest Service or Bureau of Land Management lands. With the help of the Soil Conservation Service, we arrived at a standard procedure to assure that the same cooperation would be expected from these agencies as that which is expected from private individuals who own land in a watershed. And this is only fair. We have achieved equal success so far where other Federal, State, and public lands are concerned. We are proud of this achievement.

Probably the most difficult trial the Small Watershed Program has ever undergone was the crisis which arose as a result of the position taken by the Executive Branch that Public Law 566 was unconstitutional. That's right—"unconstitutional". While I felt that this contention was totally unfounded, the deadlock between the Executive Branch and the Congress brought the program to a total standstill. We were told that we had to amend Public Law 566, so that the committees of the Congress could not disapprove specific projects, if we were to ever see the program resumed; but we held firm, because we were right. This fight involved three Attorneys General, before it was finally resolved in our favor, and I want to commend the present Attorney General for recognizing that the Watershed Protection and Flood Prevention Act is not an infringement on the President's power, but is a sound and honest program with no evil intent whatsoever.

We have gone through a critical period, but new challenges lie ahead. As I said before, our program is flexible and can serve in many ways to develop rural America. We have amended it through the years to provide for drainage, recreation, and other features. I think these changes have been good, but more amendments will be necessary to enable the Program to keep pace with the times.

Our program simply cannot continue unless we can have urban support. Most of the people of America live in our cities. If we are to have their votes we must show them some tangible benefits. Of course, we know that the Small Watershed Program benefits the whole ecology. This should be enough to city people—but I fear it is not. As I see it, we must greatly expand our program so as to provide a more direct and tangible connection with the needs of our cities. This means a tremendous increase in our costs. To give Los Angeles alone the Flood Prevention Program it seeks would possibly cost a quarter of a billion dollars.

And the implications go much further. Not only will the cost multiply many fold, but as we spend a larger part of the money on non-farm projects, the demand that the planning and control of these programs be turned over to some agency other than the Soil Conservation Service will become more and more insistent. I fear that we may be approaching the destruction of a most helpful program simply because it has been so successful—and yet I recognize that we must work out some practical solutions to the problems. In doing this, we need your help.

Before I invite questions, I do want to briefly discuss a key role to be played by Public Law 566. "Rural Development" is a term we hear a great deal about these days. Our Committee now has before it many important issues, but in my judgment none is as vital as the need to develop Rural America. I need not go into the great problems of our cities which have been created to a great extent by the mass exodus from the countryside to the ghetto. We all know about that. The problem has been "discussed to death". What we need is action.

In the near future, I plan to introduce some form of Rural Development legislation designed to help preserve our small towns and communities and to encourage the farmer to stay where he belongs—on the land into which he has put so much of his life. While I have not completed the drafting of this legislation, I can assure you of one thing—I plan to make the Watershed Protection and Flood Prevention Act an integral part of any proposal I introduce.

Rural Development can become a reality only if we can create industrial development in the countryside. Industry needs water, doesn't it? We must expand our recreational opportunities in Rural America and, of course, this involves water. We all know that we must combat water pollution and the Small Watershed Program is an outstanding tool which can and must be used in this area. Rural Development must come, and it will—just as sure as we are here today—and Public Law 566 is destined to be in the forefront of the revitalization of our countryside.

We have seen, throughout the years, a great deal of honest disagreement between many of the 33 organizations represented here today. It's also no secret that many of you have fought me on some issues, and in many cases, whipped me soundly. Maybe you were right. But we have all survived our battles and I think it is significant that we have pretty well all agreed on the basics of the Small Watershed Program. I look forward to working with you in the days ahead, because we have a rough road in front of us. I almost am tempted to say that I have enjoyed our battles together in the past, but I am reminded of the fact that while waching his troops win a great victory at Fredericksburg, a jubilant General Lee said, "It is well that war is so terrible, else we would grow too fond of it." And, goodness knows, we can certainly make better use of our time by working toward the betterment of not only Rural America, but of all America, than by fighting among ourselves.

Thank you each and all for letting me be here today.

Now if there are any specific questions I can answer I will be glad to try.

SUPPORTS HELP FOR DEPRESSED AREAS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, the subject before this Chamber today is approval or disapproval of the conference report on S. 575, which would amend and extend the Public Works Acceleration Act of 1962, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965. As one of the cosponsors of the Accelerated Public Works bill, which was included as title I of S. 575, I feel it is essential that we pass this conference report.

All three titles of S. 575 help depressed areas. Each title attempts to help depressed areas in a different way in order to treat the varied causes which have retarded their economies.

Temporary help to depressed areas is found in title I of S. 575 which amends the 1962 Accelerated Public Works Act. The Accelerated Public Works program will help relieve the economic distress and unemployment caused by the current recession by employment on public works. It is aimed nationwide. It will help areas which have high unemployment even in the best of times, but which because of the current economic difficulties have acute unemployment problems. It will also help areas which are normally prosperous, but which because of cutbacks in consumer spending and industry layoffs are experiencing high unemployment rates.

The current 6.2-percent rate of unemployment, and the fact that the national unemployment rate has been around 6 percent since November 1970 has caused hardship for many Americans. Something short term and immediate needs to be done to help these people. In the Chicago area alone, which I represent along with several other distinguished Members, there were 140,000 unemployed in March. In Illinois in the same month, there were 246,000 unemployed. In some cities such as Wichita, Grand Rapids, and Seattle the March unemployment rate was over 9 percent. For this reason I feel that title I is important. It will provide $2 billion in Federal funds, which along with State and local matching funds will be used to build hospitals, roads, schools, and other needed public works in areas burdened by substantial unemployment and other employment.

This public works construction will provide direct employment to, among others, engineers, lawyers, and construction workers engaged on these projects. It will provide indirect employment to those who make the cement, bricks, steel, and other materials used on these projects, as well as create jobs for salesmen, clerks, and repairmen who will provide the goods and services for those working on the public works projects.

Title II of S. 575 provides additional authorizations and amends certain programs of the Public Works and Economic Development Act of 1965. This 1965 bill created the Economic Development Administration whose prime purpose is to promote the long-term growth of rural depressed areas throughout the country. It provides grants and loans for the construction of public works, loans, and loan guarantees to private industry in redevelopment areas, and technical assistance. Long-term growth is a slow process. It takes years of work and much Federal and local effort to bring prosperity to depressed areas. I feel that the work of the Economic Development Administration is extremely important and that for this reason alone it is essential to pass S. 575.

Title III of S. 575 deals with authorizations and amendments to the Appalachian Regional Development Act of 1965. The Appalachian Regional Commission provides assistance to parts of 12 States and all of West Virginia. The Appalachian region extends from New York to Alabama and Mississippi. The goal of the Appalachian Regional Commission is to promote the economic growth of the area.

The Appalachian programs include highway construction in order to make Appalachia more accessible, as well as programs dealing with education, health, housing, and conservation. I feel that the Appalachian program has been extremely effective in helping an area which for decades has been economically depressed. It is bringing Appalachia into the mainstream of the economy. It is a test to see if the Federal Government can help a severely depressed area. I, therefore, urge the passage of S. 575.

My concern with the economic health of the Nation and depressed areas is the interest of every American. Unemployment and underemployment bring untold misery and hardships to millions of people. S. 575 will help solve these problems. As a former union official and former director of labor in the State of Illinois under Governor Stevenson, I have always been concerned and acutely aware of the problems faced by working Americans, and the need to help relieve unemployment through public works construction and long-range economic development programs.

The threat of President Nixon to veto S. 575 is unfair in view of the current 6.2 percent rate of unemployment, which is a 9-year high. No administration bill will help relieve unemployment in the way the accelerated public works amendment will. The long-term programs of EDA and the ARC are needed to make many depressed areas more economically viable. Thus, S. 575 should have the full support of the House.

KEENE, N.H., STATE COLLEGE PRESIDENT LEO F. REDFERN POINTEDLY QUESTIONS THE VALUE AND EXPENSE OF FEDERAL REQUESTS FOR REPORTS, SURVEYS, AND OTHER PAPERWORK

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, in my mail the other day I received an eloquent commentary on the burdens piled on State and local governments, private industry, and private citizens by Federal requests for information.

In an ever increasing stream, requests for information, data, statistics, and so forth, have been flooding out of Washington, without regard to the burden on the recipients. Though there is undoubtedly a need for much of this material, it is also clear that the requesting agencies are often insensitive to the burden they are creating. One reason is that the Federal agencies do not have to pay for the cost of compiling the information. All their cost-accounting shows is the cost to the agency itself.

Leo F. Redfern, president of Keene, N.H., State College in my district, recently received such a request for information from a Federal agency. His eloquent answer speaks well for itself. It is my pleasure to be able to share it with my colleagues.

The letter follows:

Keene State College,
Keene, N.H., June 2, 1971.

Mr. John R. Pasta,
Head, Office of Computing Activities,
National Science Foundation,
Washington, D.C.

Dear Mr. Paste: I have before me a letter from you, undated, together with a number of forms to be filled out in connection with an NSF survey on Inventory of Computers. In glancing over these forms and accompanying instructions, I estimate it would cost Keene State College $125.00 to complete and return this Inventory. Therefore, upon receipt of this amount we will complete and return these forms to you.

Otherwise, this is not worth our time to complete, particularly in view of the fact that the latest published report in this series is the *Inventory of Computers, 1966–67*, which can hardly be considered current in view of the rapidly changing field of computer usage in higher education. I question the effectiveness, considering the expense involved, of this entire Inventory of Computers, but nevertheless will find staff to complete and return the forms to you upon payment of the above mentioned $125.00.

Sincerely yours,
Leo F. Redfern,
President.

THE 30TH ANNIVERSARY OF THE AGGRESSION AGAINST THE BALTIC STATES

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, we pause today to commemorate the 30th anniversary of the mass deportations from Lithuania, Latvia, and Estonia which occurred in June of 1941.

Although the people of Lithuania, Latvia, and Estonia had regained their freedom at the end of the First World War, and for 20 years thereafter enjoyed the fruits of that hard-earned independence, the Second World War unfortunately brought disaster and tragedy to these three Baltic Republics.

Most unfortunately for the hopes of the Baltic Nations, they had a powerful neighbor with intentions of controlling the territory of each—not only could Soviet Russia not allow a nation knowing political freedom to border its country, but Lithuania, Latvia, and Estonia controlled a major portion of the Baltic Sea, a vital trade and shipping route the Russians felt they must have. How to gain control of these countries, each of which had a treaty of friendship and guarantee of sovereignty with Russia, was an easily solved problem for the Kremlin.

Quickly overpowering each weakened government, the Russians established their militia in each country and began a brutal campaign of mass deportations. On June 14, 1941, the wave of deportations reached its peak, continuing in Lithuania for five more nights. Fifteen thousand Latvian men, women, and children were rounded up by Soviet secret police during a single night and transported in cattle cars to the slave labor camps of Siberia. Thousands of Lithuanians and Estonians were similarly rounded up and deported under equally inhuman conditions.

Today very little is known of the fate of these innocent and helpless souls whose only crime was their opposition to Communism. Many have undoubtedly died, while others still suffer under cruel Communist control clinging to the hope for eventual freedom.

National independence was no more in the Baltic countries—it died through Russian domination. However, the primary goal of the mass deportations—the physical and spiritual destruction of these three small nations—was never realized. In this respect Soviet Russia failed, for the people of Lithuania, Latvia, and Estonia have never lost their identity and their love of liberty which live on in the hearts and minds of the Baltic peoples.

The Captive Nations Friends Committee, with headquarters in Chicago, represents a large number of Lithuanians, Latvians, and Estonians, many of whom reside in the Seventh Congressional District of Illinois which I have the honor to represent. At this point in my remarks, I would like to include a press release which I received from that organization's able and dedicated executive chairman, Mr. Viktors Viksnins:

MASS EXECUTIONS AND DEPORTATIONS OF THE BALTIC STATES—ESTONIA, LATVIA, AND LITHUANIA

The Baltic States Estonia, Latvia and Lithuania proclaimed their independence in 1918. The Soviet Union signed a peace treaty solemnly pledging to forever respect the Sovereignty of independence of the Baltic States.

On June 16, 1940, the Soviet Union presented to the Baltic States an ultimatum demanding the establishment of a new government . . . friendly to the Soviet Union. On June 17, 1940, the following ultimatum . . . the Soviet army marched into and occupied Estonia and Latvia. Lithuania was occupied one day earlier.

The rape of the Baltic republics by the Kremlin was recognized by the Axis powers and a few neutrals. Most of the free western democracies, however, followed the lead of the United States, which, issued a declaration by Sumner Welles, Under Secretary of State, declining recognition.

After arbitrary incorporation into the Soviet Union, a Constitution shaped on the Red pattern was imposed upon the nations.

The incorporation of the Baltic States by the Union of Soviet Socialist Republics is not recognized by the government of the United States of America.

The Soviet government had begun planning for mass extermination of the Baltic people soon after the conclusion of the Molotov-Ribbentrop pact that was signed on August 23, 1939. The clear evidence is found in NKVD Order No. 001223, regarding the "deportation of anti-Soviet elements Lithuanians, Latvians and Estonians".

According to this order, lists of those to be deported and supervise the arrest of these people and their transportation to the "loading stations" at railroad facilities.

Next the order stated that at the time of arrest the deportees were under no circumstances to be told that family heads would later on be separated from the rest of the families. When the order was actually executed, all adult men—married or unmarried—were placed in separate railroad cars destined for special slave labor camps. In practical terms, this meant not only separation, but the destruction of the family unit as children were torn not only from fathers and mothers, but also, from their nation, to be brought up as Russians.

The first large-scale mass deportations from Latvia, Lithuania and Estonia took place simultaneously the night of June 13, 1941. During that single night thousands of families were dragged from their beds, forced into trucks and sent in railway cattle cars to forced labor camps in the most adverse parts of the Soviet Union. The families thus separated lost track of each other's whereabouts. Wherever the Soviet regime enters as invader or unwelcome guest, it inevitably introduces an "agrarian reform" as a stepping stone to ultimate collectivization.

Estonia: Arrested, deported, June 13, 1941 10,205.

Lithuania: Arrested, deported, June 13, 1941 34,260.

Latvia: Arrested, deported, June 13, 1941 14,693.

Baltic Confenance Representatives,
Viktors Viksnins,
President, Chicago Latvian Association.
August Parts,
President, Estonian Society.
Dr. Kazys Bobelis,
President, Lithuanian American Council.

Today, 30 years after the mass deportations from Lithuania, Latvia, and Estonia, the situation remains unchanged. It is therefore our just and rightful duty to give recognition to the peoples of the Baltic Nations in their struggle to overcome opposition and to regain freedom in their homelands. On January 22, 1971, I introduced House Concurrent Resolution 7 which expresses the sense of the Congress with respect to the incorporation of Lithuania, Latvia, and Estonia into the Union of the Soviet Socialist Republic. At this time I would like to include in my remarks the text of that bill:

H. CON. RES. 7

Whereas the Government and the people of the United States of America have maintained and enjoyed excellent and friendly relations with the Governments and peoples of the Baltic States Republics of Latvia, Lithuania, and Estonia, during the years of independence of these Republics; and

Whereas the concept of liberty and freedom of choice of government is still alive in this country, as it has been constantly since the Declaration of Independence; and

Whereas the evidence produced at the hearings of the select committee of the House of Representatives to investigate the incorporation of the Baltic States into the Union of Soviet Socialist Republics overwhelmingly tends to prove that the actions of the Union of Soviet Socialist Republics in relation to these free and independent Baltic Republics were contrary to the principles of international law and the principles of freedom; and

Whereas the people of this Nation have consistently shown great sympathy for the peoples of these three Republics, especially as a result of their enslavement and as a result of the inhuman exile and deportation of great numbers of law-abiding persons from their native lands to imprisonment in slave labor camps in the Union of the Soviet Socialist Republics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President of the United States of America should continue the American policy of nonrecognition of the unlawful absorption of the Baltic States Republics of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics, and continue the recognition of the diplomatic and consular officers of these Republics, as the lawful representatives of these three nations in the United States of America; and

(2) the President should take such steps as may be appropriate, through the United States delegation to the United Nations, to raise in the United Nations the question of the forced incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics and request the United Nations to conduct an investigation of conditions in the said Baltic Republics to the intent and purpose that Soviet armed forces, agents, and colonists be withdrawn therefrom, and that the exiled peoples of these Republics be returned thereto in freedom, and that free plebiscites and elections be held therein, under the supervision of the United Nations to let the people, in freedom, make their own election and choice as to goverment.

We speak today in memory of this sad occasion and call attention to the heroism of the peoples and nations involved. The mass deportations of 1941, however painful, have strengthened their determination to resist continuing efforts to extinguish all traces of their national character and spirit. It is therefore with great pride that I commend the peoples of the Baltic nations, and express the fervent hope that one day they will resume their rightful place in the community of free nations.

VIETNAM VETS INTERESTED IN DRUG BILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on May 10, I introduced H.R. 8216, "The Armed Forces Drug Abuse Control Act of 1971." Since this bill was filed, interest has been demonstrated in many quarters.

The distinguished gentleman from Louisiana (Mr. HÉBERT) as chairman of the House Armed Services Committee, has assured me that the committee will consider scheduling hearings on my bill and the general subject of drug abuse in the military after the position of the Department of Defense on this subject is determined.

Today, I would like to direct the attention of the Members to a letter received by me from the Danbury-Waterbury chapter of Vietnam Veterans Against the War.

The letter suggests two specific areas where implementation of any drug rehabilitation program is likely to encounter difficulty. The first is the likelihood that command influence may block the orderly and just administration of such a program. The suggested solution is the inclusion of civilian medical personnel in the program. The second problem concerns the communication gap between officer program administrators and the enlisted participants which is likely to exist and to impede rehabilitation. Here the Vietnam Veterans Against the War suggest that enlisted personnel administer and control the rehabilitation program.

Mr. Speaker, these veterans have served their country in Vietnam and have intimate knowledge of the drug situation there. Their observations and suggestions should be carefully weighed by individual Members and during hearings examining this problem. I include the letter with my remarks.

VIETNAM VETERANS AGAINST THE WAR, DANBURY-WATERBURY AREA CHAPTER
Bethel, Conn., May 17, 1971.

Hon. JOHN S. MONAGAN,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR SIR: We read with interest your proposed rehabilitation bill and we wish to commend you on your interest and initiative in this grave issue. The problem of drug abuse is more widespread than anyone realizes, and the consequences will manifest themselves in the next few years.

However, we wish to take issue on a few points. One in particular is the composition of the Drug Abuse Controls in the armed services. All governing members are officers of company grade or higher. The strongest drug they have ever encountered is alcohol, and while this is a problem, it is of a completely different nature. "Junkies" cannot relate to "lifters" just as officers cannot relate to "junkies". The program will turn into an escape from the brig, and it will not serve any rehabilitation purpose. Put the problem in the hands of enlisted men, preferably ex-addicts who can relate to the "junkie head".

Another problem is going to be too much military influence, which tends to scare off people from seeking out help. The gap between the modern soldier and the antiquated Army is indeed a wide one. Allow civilian medical personnel to have the deciding say in the final disposition of the patient, and you will find addicts free from fear of command influence.

Thank you for your concern, and we applaud your proposed amendment to the Uniform Code of Military Justice. We will be following the progress of the bill closely.

Sincerely yours,

PHILIP A. LOWE,
STEPHEN WILSON,
WILLIAM D. LEO, Jr.

REDTAPE HEARINGS

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, during the debate earlier today on the Accelerated Public Works bill I pointed out that the Public Works Committee is now holding oversight hearings on the problem of redtape in Federal programs. This afternoon I myself appeared as a witness. I think my opening remarks and my testimony are relevant today and are also of general interest.

It does not make much sense to me to start a new program like Accelerated Public Works when we have not even made existing programs work efficiently. To pile a new program on ones that our investigations have found bogged down in redtape is not being responsible or responsive to the needs of our Nation.

Although my testimony deals with one incident involving a highway, it is typical of other examples of redtape delays involving other federally assisted programs which have been placed in the record of our hearings.

The statements follow:

OPENING STATEMENT OF HON. JAMES C. CLEVELAND, RANKING REPUBLICAN MEMBER

Thank you, Mr. Chairman—I would like to make a few comments at this time.

I am very glad these hearings are getting underway. Red Tape in Government—with all its attendant problems—has been a major concern for some time. In New Hampshire, we have too often been confronted with its burdens. Time and again I have tried to help my constituents—State and local officials, as well as private citizens—cut through the ever-present web of red tape facing them in their dealings with the Federal Government. Quite frankly, I find it one of the most frustrating aspects of Government. So much so, in fact, that I plan during the course of these hearings to assume the role of witness myself and outline for the record some of the specific red tape aggravations we in New Hampshire have struggled with in connection with projects and programs within the jurisdiction of the Public Works Committee.

It is certain that potential recipients of Federal assistance—those very ones for whom we have designed the programs—become frustrated and confused by the proliferation of paperwork requirements, the changes in regulations which often negate many hours of work they have performed in fulfilling Federal requirements, and the procrastinated decisions which often occur in the Federal establishment. Is it any wonder that some question whether it is worthwhile to even request assistance from their Government?

I have also noted with growing concern that simple paragraphs in the law, which require some agreement from a potential recipient of Federal aid, too often, in bureaucratic splendor of interpretation, catapult from this small paragraph size to an impressive and frightening super document of many thousands of words. If our aim is to offer assistance on a catch-me-if-you-can basis, we seem to be heading in the right direction.

Regrettably, red tape has been a Government-wide problem for a long time. Over the years there have been many efforts to eliminate—or at least curb—its burdensome effects. Many studies and surveys have been conducted, some on a one-shot basis, others on a continuing or oversight basis. One of the more famous studies of the significance of the problem was conducted by the second Hoover Commission, back in 1955. In its report on paperwork and red tape, there was a particularly interesting observation concerning paperwork costs. An analysis prepared by management consultants revealed that, in government and in industry, the minimum cost of processing each 5 character word or 5 digit number by each person preparing a report was 1¢ per word. Apply that to the trillions of words put on paper and it's a pretty staggering thought. Remember, that was in 1955! Today, I estimate that the 1¢ figure has increased over 100%, and the cost would be something over 2¢ per word. In estimating this figure, I kept all other factors constant and up-dated only the average clerical salary. When you consider the growth in the size of government generally, the increased number of grant-in-aid programs, and the amount of paperwork involved, the dimensions of the problem reach awesome proportions!

To carry this thought even further, would it be impossible to assume that recipients of Federal aid, in complying with Federal regulations, might reach the point where the cost of their required paperwork exceeds the amount of assistance being requested? Think about it, it's not as ridiculous a question as it may seem at first.

Yet, from such studies have come recommendations which, in turn, have led to legislative and administrative changes dealing with the Federal management process and intergovernmental cooperation. But, in spite of the steps which have been taken to combat the size and complexity of Government, to meet the needs of the Nation, to solve some of its problems in as reasonable, timely, and efficient a manner as possible, the red tape complaints continue.

I think the real value of this Subcommittee's investigations may be measured in two ways. Not only are we zeroing in on the general programs and projects within our own Committee's purview, but we are also zeroing in on those specific problems which have delayed these projects and added so greatly to the cost in terms of money, time, paperwork, and headaches. I hope we can reassess our old answers, ask ourselves some new questions, and find some really significant solutions. If we don't find some means of eliminating the red tape and paperwork involved in our own programs, we may yet reach that point where the cost exceeds the amount of assistance. Certainly, we will fall far short of achieving the Committee's goals, and more importantly, the goal of meeting the Nation's needs.

Hopefully, the time will also come when hard-working and capable State officials will be treated with the respect and consideration they deserve. One reason that so many of our programs work so poorly is that the advice and experience of State officials is not sought and/or listened to as much as it should be. These people with a wealth of experience and knowledge are just not consulted before decisions are made; rather, all-knowing Washington officials hand down unworkable rules and make ill-considered decisions. Despite their well-meant intentions, the results are all too often waste, delay, and failure of programs to solve problems.

STATEMENT OF HON. JAMES C. CLEVELAND, SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT, REDTAPE HEARINGS, RE FRANCONIA NOTCH

Mr. Chairman, I take the witness stand to present to this Subcommittee a documented picture of one State's frustration resulting from delay initiated by the Federal establishment. Most particularly I refer to a 10-mile section of I–93 in my own State of New Hampshire which, after twelve years of careful development with the environment in mind and with Federal approval at each step of the way, was placed in pre-construction limbo over a year ago with no hope for assured completion.

This section is a needed link in New Hampshire's and the Nation's Interstate system. Its absence would create a serious safety hazard. It is also of vital importance to an important industry in New Hampshire—tourism—and to the economic development of the economically-disadvantaged North Country of New Hampshire. The expenditure of several hundred thousand dollars in studies and plans and several thousand man hours had resulted in bringing this section to approval by the Federal Government and by all conservation groups involved. The location was specifically authorized by the statutes of the State.

I have attached to this statement a brief chronology of the development of this highway and a copy of a letter I have received from R. H. Whitaker, Commissioner of the Department of Public Works and Highways in New Hampshire, which outlines the development of the highway in more detail. These documents reveal how an environmentally-minded State took every conceivable precaution in planning and designing a section of highway, complying with Federal requirements and the wishes of its citizenry. After years of compliance it has found the ground cut out from under it by an all-powerful Federal bureaucracy, which is unwilling to trust or respect the judgment of conscientious State officials.

FRANCONIA NOTCH I–93

1944—Interstate & Defense Highway System created.

1947—General location of Interstate System located (40,000 Miles).

1956—Interstate Highway Act—13 year period.

December 1958—Route study completed by Clarkeson Engineering Company. Proved conclusively the feasibility of a location thru Notch. It put forth a scheme which would accomplish this without damage to the Notch's natural and points of interest while at the same time it provided a means of access to the area's important features.

May 1959—Following many information meetings, the State Legislature by Laws of 1959 authorized the Commissioner to construct I–93 thru the Notch.

March 30, 1966—Formal Public Hearing in Lincoln for complete 30 mile layout held (Campton to Franconia).

March 30, 1966—Ad Hoc Committee formed to advise the Department.

April 29, 1966—Governor King and Executive Council approved Special Committee report from Campton northerly to the Lincoln-Woodstock Town Line. Governor King also directed Commissioner John Morton to engage a competent consultant geologist to study Notch and submit a Geological Report by December 1, 1966.

June 1966—Drs. Casagrande and Deere engaged for geological study.

June 21, 1966—Bureau of Public Roads approved layout (Campton to Woodstock).

July 27, 1966—Clarkeson engaged to design section—Campton to Thornton.

November 30, 1966—Governor King and Executive Council approved the remainder of the Special Committee report for layout thru Notch.

November 30, 1966—Governor King and Executive Council appointed a Citizens Advisory Committee (Governor Adams, Mrs. Jean Hennessey, Paul Bofinger, Mr. Carter, and Dr. McDade).

Adams, Hennessey and Bofinger were former members of "Ad Hoc" Committee formed at Lincoln Public Hearing. Committee was charged to act in an advisory capacity toward preserving the scene beauty and recreational values of the Notch during the planning phase.

December 1, 1966—Drs. Casagrande and Deere submitted their report. Gave assurance that there were no geological reasons which would preclude construction thru Notch.

Recommended Cut and Cover protection at Profile Lake.

March 31, 1967—Governor and Council authorized State Parks Director Russell Tobey to hire Wirth Associates of Billings, Montana to prepare a master plan for Franconia State Park. Wirth Associates presented their preliminary report to the Advisory Committee in Lincoln on September 8, 1967. Recommendations were negative to Clarkeson's proposal and recommended a westerly route, bypassing the Notch. On October 17, 1967 the Department presented a rebuttal to Wirth's suggestion. Would create serious indirection, steep grades exceeding 5% in Bog Pond area.

August 1, 1967—Fay, Spofford and Thorndike engaged to design the Woodstock section.

September 8, 1967—Wirth submitted their report (see above). Westerly route or Tunnel under Eagle Cliff.

October 25, 1967—Clarkeson engaged to design Lincoln section.

January 17, 1968—Conference with Parks Division. Proposed plan from Flume to Profile Lake approved. Negotiations initiated with Edwards and Kelcey for design of this section.

March 1968—U.S. Coast and Geodetic Survey engaged to monitor Profile ($90,000).

June 6, 1968—Edwards and Kelcey engaged for study and design ($385,000). Subcontracts by Parsons, Brinckerhoff, Quade and Douglas for Tunnel feasibility study—Bolt, Beranek and Newman for noise environment study and Dr. Deere for geological studies.

October 2, 1968—Edwards and Kelcey instructed to add tunnel study ($62,000).

December 5, 1968—Edwards and Kelcey presented studies to Department and D.R.E.D. 3 Studies presented:

Eagle Cliff Route $88.2 million—9000′ Tunnel.

Single Interchange Route 3 $28.3 million.

Slide Protection Structure 2200′—500′ open—1400′.

Double interchange Route 3 $26.1 million.

December 16, 1968—Edwards and Kelcey presented report of studies to Governor King and Council. Governor and Council approved the following Resolution:

Resolved that: Governor and Council in furtherance of their action at their meeting of November 30, 1966 accept the recommendations made by Edwards and Kelcey, i.e., the surface route with double interchange, on this date for the treatment of I–93 through the Franconia Notch area. Such acceptance subject to receipt and considerations of the Franconia Notch Advisory Committee provided same is placed before the Governor and Council on or before December 20, 1968.

December 23, 1968—The Governor and Council accepted the report submitted by the Franconia Notch Advisory Committee and noted its contents and were in agreement without qualification.

January 17, 1969—B.P.R. approval of design concept (Profile Lake at Echo Lake).

January 1969—Department initiated negotiations with Edwards and Kelcey for design of the section from Profile Lake north.

June 16, 1969—Governor and Council approved Edwards and Kelcey's agreement for design.

Estimated Construction Cost, $26,000,000.

Consultant Fee, $1,230,000 Part A Design; 200,000 Part B Soils.

Completion Date—March 1, 1972.

June 30, 1969—Bureau of Public Roads approval of Edwards and Kelcey's agreement.

August 6, 1969—Edwards and Kelcey gave formal presentation of Notch Study, to representatives of White Mountain Region Association, Forestry and Recreation, A.M.C. Chapter, Councilor Smith, North Alternate Route Committee, N.H. Good Roads Association, N.H. Federation of Garden Club, Audubon Society of New Hampshire, Appalachian Mountain Club, National Park Service, Sierra Club, White Mountain "93" Association, U.N.H. Outing Club.

September 2, 1969—Edwards and Kelcey started soil borings.

October 1969—Preliminary negotiations with Edwards and Kelcey for single interchange at Echo Lake and road west of Echo Lake ($15,000).

November 19, 1969—E. & K. submitted soils study re: feasibility slide protection structure.

December 12, 1969—Meeting arranged by Councilor Smith to review I-93 from Flume to Echo Lake including Park Service Road. Those attending—Councilor Smith, Richard Hamilton of Ski 93, Paul Bofinger of Society for Protection of N.H. Forests, John Colby of Littleton Courier and Terrance Briggs of Plymouth Record. This group very much in favor of a continuous Park Service Road from the Flume to Lafayette Campground.

December 22, 1969—E. & K. submitted Echo Lake Study.

December 31, 1969—Park Service Road plan reviewed with D.R.E.D.

January 8, 1970—Commissioner Whitaker, Councilor Smith to Washington, D.C. to discuss I-93—Franconia Notch with Volpe and Turner.

January 8, 1970—Webb and Brunel reviewed Park Service Road with Paul Bofinger, Comstock, Tobey and Thomas.

January 9, 1970—At Loon Mt.—General Meeting to discuss Park Service Road and Echo Lake interchange and road to the west of the Lake. Those attending:

Advisory Committee—Governor Adams, Bofinger, Hennessey, Carter.

D.R.E.D.—Tobey, Sullivan, Thomas and Carpenter.

Department—Webb, Langley, Brunel and Roberts.

Councilor Smith, Mr. Paul McGoldrick.

January 8, 1970—Briefing memo from F. C. Turner thru J. D. Braman to John A. Volpe.

February 2, 1970—Resolution to Asst. Sec. Braman from Appalachian Mt. Club and Society for the Protection of N.H. Forests.

February 4, 1970—Letter from Crowley to Commissioner confirming alignment at Whitehouse Bridge and the Basin.

March 2, 1970—Received telephone call from Editor of Engineering-News Record that their Washington Office had advised them that I-93 Franconia Notch was indefinitely postponed.

March 2, 1970—4:25 P.M. Telephone call from Volpe's Office (Joe Boscoe) advising that I-93 be discontinued.

March 3, 1970—4:55 P.M. Telephone call from Love advising I-93 discontinued.

March 6, 1970—Letter dated March 2, 1970 from Volpe confirming I-93 discontinuance.

March 13, 1970—Letter to Volpe from Commissioner Whitaker to reconsider his decision of March 2, 1970 re: discontinuance of I-93 Franconia Notch.

March 17, 1970—Letter dated 3-17-50 from Comstock, B.P.R. together w/ltr. dated 3-13-70 from R. T. Messer, Washington requesting data on Interstate Corridor Comparisons.

April 28, 1970—Copy of letter from John Volpe to F. C. Turner re: action taken on I-93 Franconia Notch. Also attached letter from E. H. Bartelink dated 3-13-70 to J. D. Braman together with letter dated 3-20-70 from J. D. Braman to Administrator, Federal Highway Administration.

May 7, 1970—Letter was signed by the Secretary 5-5-70 and addressed to Hon. George H. Fallon, Washington relative to sections in question on the 1970 Interstate System Cost Estimate. Franconia Notch-New Hampshire included.

June 13, 1970—New Release from the Office of the Secretary re-affirming the Department of Transportation's decision not to build and Interstate Highway through New Hampshire's Franconia Notch.

STATE OF NEW HAMPSHIRE,
Concord, N.H., May 12, 1971.

Hon. JAMES C. CLEVELAND,
Member, Subcommittee on Investigations and Oversight, 1112 Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN CLEVELAND: This letter will supplement information which Governor Peterson has forwarded to Congressman Jim Wright, Chairman of your Subcommittee. It is designed basically to provide you with a chronology of events which led up to the fiasco of Interstate 93 in Franconia Notch.

In 1958, the Department, with Federal concurrence, engaged the Clarkeson Engineering Company of Boston to make a study designed to determine the optimum location for Interstate Route 93 between Plymouth, N.H. and Franconia, N.H. The report of this study was delivered to the Department late in that year. It established the Pemigewasset Valley-Franconia Notch location for the highway after careful evaluation of all alternatives. It justified an imaginative utilitarian and environment-oriented plan for handling the route through the Notch itself

The Clarkeson firm's report was widely circulated and presented to interested groups on a Statewide basis through a long series of informal meetings. It was accepted by the Federal government and the Department. In May of 1959 New Hampshire's General Court placed in the statutes Chapter 90 of the Laws of 1959 which is quoted for convenience as follows: "90:1 Highway Authorized. The commissioner of public works and highways is hereby authorized to lay out, construct and maintain as a part of the interstate and defense highway system a parkway type of public highway through Franconia Notch from the towns of Lincoln and Woodstock to Franconia Village in accordance with the recommendations in respect thereto contained in the report of the Clarkson Engineering Company, Inc. of Boston, Massachusetts dated December 8, 1958, as funds may be appropriated and programmed for this purpose 90:2 Takes Effect. This act shall take effect sixty days after its passage."

Following this action of the Legislature the prosecution of surveys and designs leading to construction in this area remained dormant. In the interim, New Hampshire's Interstate funds were applied to a logical development of Interstate 93 northward from Salem, N.H. and to other sections of Interstate highway which could replace the most deficient sections of the then existing highway system. During the latter months of 1965, preliminary plans were formulated for the location and design of a thirty mile section of Interstate 93 from Compton northerly to Franconia.

In October of 1965 a full scale informal public informational meeting was held in the auditorium of the Lin-Wood High School in Lincoln, N.H. This meeting was attended by several hundred interested citizens. In January of 1966 a similar meeting was held in the Thornton vestry in the Town of Thornton. It, too, was heavily attended by interested citizens. A petition bearing upwards of 500 names of New Hampshire citizens was offered in support. On March 30, 1966, the formal public hearing was held in the Lin-Wood High School at Lincoln. This hearing was attended by from 700 to 800 interested citizens, some 67 or 68 of whom testified for the record. Of this latter number, at least sixty people spoke in favor of the proposal which I have neglected to state was based on the Clarkeson plan as concerns the Franconia Notch area. The hearing itself lasted some six or seven hours and was preceded by a two-hour period during which engineers of the Department gave individual explanations to all interested citizens. The hearing was presided over by a special committee made up of three members of the Governer's Executive Council. It was chairmaned by the Councilor from that District, the late William Stiles of Groveton, assisted by Councilor James H. Hayes of District No. 5 and Councilor Austin Quinney of District No. 2.

On April 29, 1966, following a detailed route inspection by Governor King and the five Executive Councilors, the special committee's report in favor of the proposed location, was reviewed by the Governor and the Executive Council. The Executive body approved the report of the special committee for the road from its southerly terminus in Campton northerly as far as the Lincoln-Woodstock town line. As a precedent to further approval, the Department was directed to engage a competent consulting geologist to study the Notch area and report the results of this study back to the Executive body.

As a result, in June of 1966, the Department engaged two internationally famous engineering geologists: Dr. Arthur Casagrande of Harvard University, and Dr. Don U. Deere of the University of Illinois.

On June 21, 1966, the Department received the approval of the U.S. Bureau of Public Roads of the layout from Campton to the Lincoln-Woodstock town line, and surveys and designs were initiated. In the interim, studies were made of the area by the geologists referred to above.

On November 30, 1966, the findings of the geologists were presented to the regular meeting of Governor King and the Executive Council. The report of Doctors Casagrande and Deere gave assurance that there were no geological reasons which would preclude construction of the highway through the Notch. The report also gave assurance that such minor blasting (the valley floor is composed largely of earth and boulders) as might be involved could be conducted without endangering the integrity of the "Old Man."

Upon receipt of this information, at the same meeting, Governor King and the Council approved the remainder of the special committee's recommendations for a layout of the highway through Franconia Notch. Coincidentally, Governor King and the Council appoint a Citizens' Advisory Committee composed of leading New Hampshire conservationists. This committee was chairmaned by Governor Sherman Adams of Lincoln, and supported by Mrs. Jean Hennessey, Chairman of the Governor's Committee on Natural Beauty, Mr. Paul Bofinger of the Society for the Protection of N.H. Forests, Mr. John Carter of the architectural firm of Carter and Woodruff, and Dr. Harry McDade of Littleton. It should be noted at this point that Governor Adams, Mrs. Hennessey, and Mr. Bofinger were also members of a so-called ad hoc committee which had constituted itself immediately following the public hearing at Lincoln and which had worked with the Department from that time on. The new committee which was appointed on November 30 was charged with the responsibility for acting in an advisory capacity to the Department during the planning phase for the purpose of preserving the scenic beauty and recreational values of the Notch.

During the early months of 1968 a series of conferences was held between the members of the Advisory Committee and the State's Park Division. Among other things, the recommendations of the Parks Division's planning consultant for an extensive tunnel under the entire area was considered. During the month of March the services of the U.S. Coast and Geodetic Survey were called upon through the Bureau of Public Roads to provide a continuous seismographic monitoring of the "Old Man's" profile, at an estimated cost of $90,000. When removed two years later the system had provided substantial proof that natural forces acting on the Profile are far greater than those created by man.

On June 6, 1968, the firm of Edwards and Kelcey of Boston was engaged to provide designs and contract plans in the State park area up to a point just below the Notch proper. This same agreement provided for an extremely detailed study of the Notch itself. In the process of executing this latter study, Edwards and Kelcey called upon the services of the internationally known tunnel firm, Parsons, Brinckerhoff, Quade and Douglas, for a tunnel feasibility study and on the firm of Bolt, Beranek and Newman in connection with the environmental effect of highway noise. Edwards and Kelcey also engaged the services of the same Dr. Deere previously referred to, for a geological review of their designs. From June until December, Edwards and Kelcey proceeded with the study of the Notch area in conjunction with representatives of this Department and representatives of the Department of Resources and Economic Development. Each important step in the study was presented to and reviewed by the Advisory Committee. The Committee placed its veto on several of the initial schemes under consideration and provided very substantial input on the development of the consultant's final recommendations. All accepted steps were approved by the Bureau of Public Roads.

On December 5 of 1968, Edwards and Kelcey presented the results of their studies to the Department and to the Department of Resources and Economic Development. Three studies were presented: The Eagle Cliff tunnel route (9000′ in length) and favored by DRED, was estimated to cost 88.2 million dollars. The single interchange proposal (north of Echo Lake) and favored by the Advisory Committee, was estimated to cost 28.3 million dollars. This proposal embodied a slide protection structure or so-called cut and cover tunnel, a form of which was originally proposed by the geologists. The third study provided for two interchanges in the Notch and was estimated to cost 26.1 million dollars. This proposal was not favored by the Advisory Committee.

On December 16, 1968, the Edwards and Kelcey people presented their report and recommendations to the Governor and Council in regular session. Following the presentation, the Executive group adopted the following resolution: "Resolved that: Governor and Council in furtherance of their action at their meeting of November 30, 1966, accept the recommendations made by Edwards and Kelcey, i.e., the surface route with double interchange, on this date for the treatment of Interstate 93 through the Franconia Notch area. Such acceptance subject to receipt and consideration of the report of the Franconia Notch Advisory Committee provided same is placed before Governor and Council on or before December 20, 1968."

On December 23, 1968, the Governor and Council accepted the report submitted by the Franconia Notch Advisory Committee, noted its contents, and were in agreement with the qualifications. On January 17, 1969, the Bureau of Public Roads gave its approval to the design concept recommended by Edwards and Kelcey as approved by the Governor and Council and the Franconia Notch Advisory Committee.

The Department at once initiated negotiations with Edwards and Kelcey for the design of the highway through the Notch proper. On June 30 of 1969 the Bureau of Public Roads gave its approval to the agreement developed by this Department and Edwards and Kelcey for the design and provision of contract plans through the Notch area. On August 6, 1969, representatives of Edwards and Kelcey made a formal presentation in the John O. Morton building of its study to representatives of the following groups: White Mountain Region Association, Forestry and Recreation, A.M.C. Chapter, Çouncilor Smith, North Alternate Route Committee, N.H. Goods Roads Association, N.H. Federation of Garden Clubs, Audubon Society of New Hampshire, Appalachian Mountain Club, National Park Service, Sierra Club, White Mountain "93" Association, U.N.H. Outing Club. Following this presentation, field work and the preparation of plans proceeded forthwith.

On November 7, 1969, the Department received telephone notice from the Bureau of Public Roads of a visit to Franconia by the Department of Transportation's Assistant Secretary for Environmental and Urban Systems, Mr. J. D. Braman. It (the Department) was asked to send a representative to meet with Mr. Braman in Franconia on November 10, 1969. The writer, in company with Governor Sherman Adams, Executive Councilor Stephen Smith, and Planning Engineer Robert Kenevel, participated in an impromptu meeting of conservationists conducted by Mr. Braman in the basement of the Tramway Base Station on that date.

Following this meeting, the Department received indications from the Bureau of Public Roads that further approvals were being withheld in compliance with informal instructions from Mr. Braman. As a result of this situation, Councilor Stephen Smith and the writer obtained an appointment with Secretary Volpe on January 8, 1970. While this meeting was an entirely cordial one, no really conclusive information or action resulted from it. The first indication of formal action by the Secretary to tie up the ten mile section of Interstate 93 under Section (4f) came on March 2, 1970—not through official channels—but through a telephone call to the writer from the editor of the Engineering News Record who indicated he had just received information to the effect that the Secretary had "demapped" a section of Interstate 93 at the end of construction near the Jack O'Lantern in Woodstock to Franconia. Later, on the same day, this information was confirmed by a telephone call from Secretary Volpe's office. On March 6, the writer received a letter confirming this under date of March 2.

Following this action by the Secretary, Governor Peterson, Executive Councilor Smith, Governor Peterson's aide, Alexander Taft, and the writer traveled to Washington where they were joined by Senators Cotton, McIntyre, Congressmen Cleveland and Wyman, in a meeting with Secretary Volpe and members of his staff. The Secretary's action in connection with Franconia Notch was very strongly protested.

Following this meeting in the Secretary's office, Secretary Volpe paid a visit to New Hampshire on June 13, 1970, and was flown over the Franconia Notch area in company with Governor Walter Peterson and the writer. After this flight he held a prearranged press conference at the Concord Airport and announced his decision to permit continuance of Interstate 93 to an interchange with Route 3A between Woodstock and Lincoln, with a two-lane transition route to be constructed back to a connection with existing Route 3 about a half mile north of "Clark's Bear Ranch," with any further work on either designs or construction to be indefinitely postponed for the ten mile section of 93 leading through Franconia Notch. The Secretary's decision of that date still stands.

Thus, twelve years of study, planning, and logical step by step procedure, each of which had received the unqualified approval and funding participation of the Federal government, have gone down the drain. Several hundred thousand dollars in studies and plans have been placed on the shelf to gather dust, together with several thousand man-hours of study, planning, coordination and informational effort. All these things added up to a fully approved effort. Fully approved means just that—by the Federal government, by all conservation agencies involved, including those of the Federal government and those conservationists active on the New Hampshire scene, and perhaps most important, by the Advisory Committee which worked with the Department and its consultants and had given its blessing to the whole matter. Should time permit, you may wish to review a copy of Secretary Volpe's letter stopping all work, together with copies of letters from various conservation agencies and other pertinent documents which are attached.

I am most grateful for the opportunity to make this lengthy presentation of this important subject for the consideration of your Committee.

Sincerely,

R. H. WHITAKER, P.E.

NAUM GABO WINS NEW HONOR

Mr. MONAGAN. Mr. Speaker, I was permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I was honored last week to attend a conferring upon Naum Gabo of Middlebury, Conn., of the Order of the British Empire at ceremonies at the British Embassy here in Washington. Gabo is a friend and former constituent and we in Connecticut are proud of his artistic achievements and happy that this well-deserved honor has come to him.

A summary of his career and achievements by Charles Dixon appeared in the Waterbury American and I include that article herewith for those who are acquainted with Gabo's outstanding position in the world of modern art.

I also include a complimentary editorial which appeared in the Waterbury American of June 10, 1971:

[From the Waterbury American, June 9, 1971]

FAMED SCULPTOR WINS HIGH BRITISH HONOR

(By Charles Dixon)

MIDDLEBURY.—Eighty-year-old Sculptor Naum Gabo, of Middlebury, who helped to revolutionize the art 50 years ago, today will receive one of the highest honors Great Britain can bestow.

On orders of Queen Elizabeth, Gabo will become an honorary Knight Commander of the Most Excellent Order of the British Empire in ceremonies at the British Embassy in Washington.

The knighting ritual will be conducted on the Queen's behalf by the Earl of Cromer, British ambassador to the United States. The ceremonies are scheduled for 5 p.m.

Gabo, a native of Russia has lived in this area since 1946, first in Woodbury, and since 1953 on Breakneck Hill in Middlebury.

He said Monday he was informed last month that his name would appear on the list of the Queen's Birthday Honors, but that the honor must remain confidential until today.

Gabo and his brother, Antoine Deusner of Paris, ushered in the constructivist school of scupture with publication of their "Realistic Manifesto" in Russia in 1920.

With the constructivist method, forms are constructed with plastic and metals instead of by the traditional carving and modeling in wood, stone and clay.

A world-renowned artist for many years, Gabo was made an honorary doctor by the Royal College of Art in 1967. He won the grand prize in sculpture in Dusseldorf, Germany, the following year. Several years ago the British Broadcasting Co. came to Middlebury to film a Gabo television documentary.

Gabo said he has been told the honorary knighthood he will receive today is of the highest type England can bestow on a foreigner. Actual knighthood is granted only to British subjects.

Gabo, who displays an unusual vigor and energy for his years, continues to work in his field, "What can I do else?" he asked.

A traveling exhibition containing 54 pieces of his work is currently in Hanover, West Germany, having already appeared in Copenhagen, Oslo and West Berlin. Also on its itinerary is the Museum of Modern Art in Paris.

His works also are displayed in a number of leading museums in the United States, including the Museum of Modern Art and the Whitney Museum in New York City.

His largest work is an 81-foot-tall steel and bronze construction in Rotterdam, which commemorates the city's resurrection following World War II.

Gabo, who became an American citizen in 1953, left the Soviet Union shortly after publication of his manifesto. He later lectured in Germany and first exhibited in the United States in 1926. He then went to London where he met and married New York artist Marian Israels.

The Gabos spent World War II in England, coming to Woodbury when the war ended.

[From the Waterbury American, June 10, 1971]

DESERVED HONOR FOR GABO

Connecticut and Middlebury were signally honored with the conferring on the talented Naum Gabo of the highest rank that Great Britain awards a person not of British ancestry. Gabo, who is certainly at the top of his profession as a sculptor, was made an Honorary Knight Commander of the Most Excellent Order of the British Empire. The ceremony was held in Washington with the British ambassador to the United States, presiding.

The Waterbury area has been singularly blessed by the presence of Gabo in our midst since 1946. His work has been lauded in the local press as it has in all manner of publication and by his fellow artists and admirers of the school of art that he and a brother introduced to the world a great many years ago.

It is a pleasure to join with friends and others in congratulating Naum Gabo on his well-deserved honor.

MAYOR EDWARD D. BERGIN

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in the passing of Mayor Edward Bergin of Waterbury on May 30, I lost a friend since boyhood and a political associate of many years. In addition, our party lost a faithful adherent and our city lost a chief executive whose devotion to its welfare could never be questioned.

An appreciation of Mayor Bergin's career appeared in the Waterbury Republican on May 31. Since this newspaper was not always the strongest supporter of Mayor Bergin during his career this appraisal is particularly dispassionate.

I include the editorial with my remarks as a fair statement of the outstanding career of Mayor Edward D. Bergin:

MAYOR EDWARD D. BERGIN

The sudden and completely unexpected death of Mayor Edward D. Bergin is a shock to the city. Both friend and foe must be moved by his passing at the age of 59.

To recount the activities in which Mayor Bergin was involved would only result in a statistical listing which would include such obvious loves as his church, the Knights of Columbus, and many other organizations of all kinds, but it would hardly tell the story of his life.

Mayor Bergin was a politician. It was, aside from his family, probably his first love. Politics to him was far more than a hobby; it was a way of life.

He never backed off from a political fight. He enjoyed them. Naturally, he enjoyed winning, but he was never one to sulk at a loss. There was always another day, and Bergin made many a comeback in his career. He was declared politically dead on a number of occasions, but confounded his enemies and astonished his friends by reappearing, almost from nowhere, and winning.

Mr. Bergin was a state-wide figure even though he only sought state office once in his life. He ran for state comptroller in 1954. It was the wrong year politically because of all the Democratic candidates on the state ticket that year, only Abraham A. Ribicoff was elected. That defeat never bothered Mr. Bergin. Some wondered if he really had his heart in election to any state post.

Mr. Bergin made his presence felt on the state level. He sought to reward his political friends by having them appointed judges or to state jobs. He was never reluctant to fight the state party leaders in order to insure proper representation for the city on the state ticket.

To describe him as strong willed is an understatement. He never objected to taking on any and all comers—even the entire city—if he felt he was right and others were wrong.

His severest critics always had respect for his ability and proficiency in convincing the voters to view things as he did. Mayor Bergin was always at his best when he was extemporaneous in his speaking. On the occasions when he was forced to use a text, he was rarely as forceful and recognized it himself.

He had the unique capacity of being able to keep up with virtually every phase of city government, particularly in earlier years when it was not as complex as today. Because of that familiarity, he was able to withstand the attacks of critics, often blasting their arguments to smithereens.

Mr. Bergin always had a soft spot in his heart for the city's educational system. It stemmed from the 12 years he served on the Board of Education. After becoming mayor he often attended School Board meetings and presided over them because of his interest.

There was never any question about Mr. Bergin being a Democrat. It was almost a way of life with him. That did not mean he always agreed with the philosophies of the party locally, in the state or even nationally. If he lived elsewhere in the country, he might have been a Republican. His views were generally most conservative.

Some politicians tend to bend with the prevailing winds. Mr. Bergin stood for principles as he saw them and fought to bend others to his ways. He was successful more often than not, particularly in his early political years.

Except in recent weeks when he was apparently recovering successfully from an illness, Bergin maintained a personal schedule which would exhaust most men. He attended as many city board meetings as possible. He was in City Hall early and stayed late. And he went to all kinds of municipal functions.

The sudden death of Mayor Bergin will leave a void in the city's political scene which no person can fill. It will cause a political upheaval which will involve the careers of many people. It will result in the kind of political battling which he always enjoyed, although this may exceed the biggest he ever witnessed in his life.

Mayor Bergin devoted his adult life to the city government of Waterbury. His family deserves the sincerest sympathies of all.

HORTON LEGISLATION BANS SALE OF MAILING LISTS BY FEDERAL AGENCIES FOR SOLICITATIONS, PROTECTS FREEDOM ON INFORMATION

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, on June 3, I introduced H.R. 8903, to limit the sale or distribution of mailing lists by Federal agencies. The bill is very similar to the one I introduced last year which was cosponsored by over 75 of my colleagues.

H.R. 8930 is the result of an in-depth study I conducted of mailing list sales by the Federal Government. The study unearthed a serious gap in our Federal laws that encourages the invasion of an individual's right to privacy and, in some cases, his safety.

A survey of 50 departments and agencies revealed that there is no established Government policy on the sale of mailing lists. Some agencies provide such lists routinely; others do not. Curiously, all cite the Freedom of Information Act as the basis for their decisions.

The Freedom of Information Act was enacted in 1967 to provide the public with as complete access as possible to public records. Its purpose is to prevent Government agencies from unjustifiably withholding information that should be reasonably available to the public. Certain information can be withheld if it involves national security, proprietary business information, investigatory files, or personnel or medical files. Other statutes protect the confidentiality of income tax and census data.

However, the act overlooks completely the mailing lists compiled by Federal agencies in carrying out their proper roles. I do not believe that the Freedom of Information Act was passed as a license for commercial organizations to invade an individual's privacy or to aid those with illegal intent.

The mailing list problem was brought to my attention by Dr. Wendell Ames, director of the Monroe County Health

Department. Dr. Ames, a gun collector, was required to register with the Internal Revenue Service under the 1968 Gun Control Act. Shortly after registering, he began receiving solicitations from a sports supply shop in Ohio. These solicitations used the identical address label used by the IRS for its own mailings to licensees.

When I first looked into this, the IRS claimed it was forced to sell the list, containing the names and addresses of 143,000 gun collectors and dealers, under provisions of the Freedom of Information Act. IRS said it had to sell the list to anyone who wanted it and who paid the $140 charge set by the agency. This amounts to less than a tenth of a cent per name and address.

Dr. Ames' complaint was that his home had been placed in jeopardy, without his knowledge, by the sale of the list. The list would have made it easy for anyone to locate and steal supplies of weapons kept unprotected in private homes across the country.

As a result of my inquiry, IRS Commissioner Randolph W. Thrower reviewed this practice and stopped the distribution of names of gun collectors. However, IRS continues to sell the list of gun dealers.

There are other examples of how Federal agencies aid the invasion of privacy of our citizens. The Federal Communications Commission sells at cost the names of all licensed ham radio operators, numbering about 265,000. The Federal Aviation Administration sells the lists of licensed pilots with approximately 680,000 names. The Coast Guard sells the names of registered boat owners.

H.R. 8930 will correct this serious breach of privacy by amending the Freedom of Information Act to prohibit the Government from selling mailing lists for commercial purposes or other solicitations or for any illegal purpose. It will prohibit the sale or distribution of any list of names of Federal employees, past or present members of the Armed Forces, or persons who are licensed or required to register with any Federal agency unless there is a certification that such a list will not be used for commercial or other solicitation or for any unlawful purpose.

Let me emphasize, Mr. Speaker, that H.R. 8930 will not prevent legitimate access to agency information. Nor will it undermine in any way the carefully forged statutes of the Freedom of Information Act. It will, however, clearly establish the intent of Congress that mailing lists will not be used for purposes of affecting individual safety or privacy.

A critic of my original bill claimed that it would "prohibit a reporter from writing stories about hundreds of Federal licensees—ranging from whisky distillers to airline pilots—unless he wrote for a nonprofit publication." I feel there would be no such prohibition since the language of the bill bars only the release of mailing lists to be used for commercial or other solicitations. To make this absolutely clear, however, I have amended the language of my original bill by adding that "commercial or other solicitation shall not include publication of lists, or parts thereof where such publication does not have as its purpose the solicitation, by mail or otherwise, of persons whose names and addresses are contained in the published list."

The need for a Government-wide policy on the question of mailing lists is clear. H.R. 8930 will provide the missing policy while maintaining a positive balance between the public's right to know and the individual's right to privacy.

Mr. Speaker, at this point I insert the language of my bill:

H.R. 8930

A bill to limit the sale or distribution of mailing lists by Federal agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) (1) Notwithstanding subsection (a), no agency may distribute, sell, or otherwise make available to any person any list of names and addresses of—

"(A) employees, or former employees, of any agency,

"(B) persons licensed by any agency,

"(C) persons registered or required to file information with any agency, or

"(D) members, or former members, of the Armed Forces,

except in accordance with paragraph (2) or (3).

"(2) An agency may make available a list of names and addresses of persons referred to in paragraph (1)—

"(A) if the person to whom such list is made available certifies (in such manner as the agency shall by regulation prescribe) that—

"(i) such list will not be used for purposes of commercial or other solicitation, and

"(ii) such list will not be used for any purpose which is unlawful under any State or Federal law, or

"(B) if the list is made available by the agency as a necessary part of its statutory functions or requirements (other than requirements imposed by this section).

"(3) Any agency may make available a list of names and addresses if specifically authorized to do so by statute (other than this section).

"(4) For purposes of this subsection, 'commercial or other solicitation' shall not include publication of lists, or parts thereof where such publication does not have as its purpose the solicitation, by mail or otherwise, of persons whose names and addresses are contained in the published list.

"(5) Any person whose name and address is on any list made available under paragraph (2) (A) and who is solicited in a communication mailed to him the address of which is obtained from such list may request the person who addressed such communication to remove his name from such list. Upon receipt of such request, the person addressing the communication shall remove such name from such list.

"(6) Any person—

"(A) who uses a list for a purpose for which he has certified under paragraph (2) (A) that it will not be used,

"(B) who uses a list, obtained by another person under paragraph (2) (A), for purposes of commercial or other solicitation, or

"(C) who fails to remove a name from a list in accordance with paragraph (5),

shall be imprisoned for not more than one year, or fined not more than $10,000, or both."

SEC. 2. The amendment made by the first section of this Act shall apply only to lists made available by an agency after the date of enactment of this Act.

SEC. 3. Subsection (c) of section 552 is redesignated as subsection (d).

COL. WILLIAM J. KING—HIS CONCERN IS FOR PEOPLE

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, becoming a U.S. citizen can be the happiest experience of one's life. Often, it is the culmination of years of saving hard-earned money and the reuniting of loved ones after long separations. Seeking citizenship may also be a terrifying time, as the prospective citizen, confronted with seeminngly endless forms and applications, tries to make his needs known with only scant familiarity with English.

Fortunately, for thousands seeking citizenship to the United States each year, there is a man who understands both the joy and trepidation which fill this event. He has tried to insure that this is a happy culmination to their dreams.

For the past 14 years, Col. William J. King has been director of Immigration and Naturalization for District 7, which includes all of New York State north of Ulster, Dutchess, and Sullivan Counties. It is believed that during the summer months more foreigners enter the United States through the Niagara frontier than anywhere else in this country.

At the end of May, Colonel King retired after 43 years of service with the U.S. Immigration Service. I would like to share with my colleagues some of his accomplishments for I know the fate of immigrants and visitors to this country is the concern of us all.

As seventh district director, Colonel King has responsibility not only for the citizenship and naturalization process, but also for U.S. citizens crossing the Canadian-United States border as travelers. He oversees inspection checks at bridges, airports, and ports at points of entry.

Colonel King has been more than a district director with oversight responsibility for the immigration and naturalization process in the Seventh District; he has taken the time to personally attend the problems of many immigrants and travelers. He has not only instructed his staff to give every consideration to those who seek aid from his office, but, moreover, he has instilled in them the compassion, understanding, and human concern that have characterized his own dealings with immigrants and travelers to this country over the years.

Colonel King has taken innovative steps to insure that the citizenship process is made as simple and carefree as possible. Colonel King and his staff cooperated with the New York State Department of Adult Education to facilitate preparation for citizenship. His office played a part in preparing textbooks and films on citizenship for prospective citizens and for teachers of foreign born.

He continues to take an active interest in many of our new citizens after they have arrived in this country to make sure they are happy and have found jobs compatible with their interests and skills.

He has tried to make border crossings comfortable and easy for thousands traveling between the United States and Canada. Behind the scenes, he suggested policy that would expedite procedures at the checkpoints.

As a Representative of the 36th Congressional District in upstate New York, thousands of my constituents cross the Canadian-United States border every year. Many have relatives who have come to the United States from other countries.

As a result, many have written or spoken to me about the kind treatment they have received from U.S. immigration officials.

My office handles many cases which requires contacting Colonel King and his staff. I have always received their fullest cooperation.

I know my colleagues join me in praising Colonel King for his years of dedication and service to the United States and for the deep concern for people he has shown.

I share with my colleagues two articles about Colonel King, which give some additional insights into the way he has approached his job:

Immigration Director Says New Quotas to Benefit United States

(By Anne McIlhenney Matthews)

The bill to provide new immigration quotas, now being heatedly debated in Congress, will mean increased work and business for Col. William King, district director of the Immigration and Naturalization Service and his staff, no matter what form it finally takes.

But, in many ways, he welcomes this. Because this former Army executive is outstanding in the way he enforces quota problems. He has utilized understanding, sympathy and humanity to solve involved situations and there are many brides, bridegrooms and reunited families in Buffalo who add his name to their prayers of thanksgiving.

ASSISTANCE OFFERED

King took the President's directive to facilitate travel to the United States to his heart and in his Seventh District, which has a total of 14 points of entry, immigration inspectors are charged with definite responsibility to extend a welcome to travelers and to offer all possible assistance over and above the regular inspection.

Under the new quotas, King is particularly hoping for an influx of tailors from Italy, Greece or Spain. He says there is no such thing as a great American-trained tailor.

"For every first class tailor admitted, this country will put 25 people to work," said King. "One tailor means that number in seamstresses, pressers, salesmen and others. All industries want the specialists, the well-trained, the European designers, particularly hand-crafters. The old timers are dying off and there are no skilled American replacements. Last year, we couldn't fill 20 per cent of the requests for notification when people of such accomplishments crossed the border."

SHORTAGE OF CHEFS

There is a crying need for experts to make prescription shoes. There is a shortage of chefs . . . of physicists (and Italy has many eager to come here), he states. The popularity of foreign cars has created a demand for mechanics able to service them. But most of all King is concerned with enlarged quotas in order to reunite families. He said that normally England, Ireland, France and sometimes Germany do not use up their quotas and these can be spread now to others.

Col. King's domain extends to Rouses Point on the north end of Lake Champlain. He points out that Rainbow Bridge in Niagara Falls has more foot travelers than any other bridge in the world. In the fiscal year ending in July, the total number of persons examined in this district was 3,950,262. Vessels boarded totaled 1,226 and aircraft, 883.

Immigration Official Sees Summer Increase

(By H. Katherine Smith)

FOREIGN VISITORS

During June, July, and August, a larger number of foreigners enter the United States through Niagara Frontier ports than anywhere else in the country.

This statement was made by William J. King, director of Immigration and Naturalization for District No. 7 which includes all of this State north of Ulster, Duchess and Sullivan counties.

FROM CANADA

The majority of the millions of foreigners who come here through local ports of entry are visitors, predominantly from Canada. White foreign born residents of the Buffalo area registered at Immigration and Naturalization Headquarters in the U.S. Court Building number nearly three quarters of a million, Buffalo has received no influx of refugees from Communist China, Mr. King reports.

Most of the Hungarian immigrants who settled here after the 1956 revolt have become U.S. citizens. Foreign born children automatically become citizens through the naturalization of their parents. Only older immigrants do not apply for citizenship. Mr. King believes they are deterred by the difficulty of learning English and the literacy test that must be passed.

TEXT BOOK

Mr. King and his subordinates co-operate with the New York State Department of Adult Education to facilitate preparation for citizenship. The naturalization staff produced a textbook covering the subjects new citizens are required to know and a film on preparation for citizenship. Frank Pompi, an officer of Mr. King's district, plays a part in the motion picture.

"It is designed to aid teachers of the foreign born and to alleviate the latters' fear of that test that results in citizenship or disappointment," said Mr. King.

JOB PROMISE

The film is shown throughout this country. Half our quota of immigrants are persons proficient in skills of which the U.S. has a shortage. Several tailors from Italy have settled in Western New York lately. Foreign physicists also find ready employment here.

Before entering the U.S. these men must show a promise of employment from an American corporation or institution. Spouses of American citizens can come here to live without regard to quota.

ILLEGAL ENTRY

Thirty-four years ago, Mr. King joined the staff of the U.S. Immigration Service. Illegal entry into this country was attempted so frequently that border officers had to train their ears to detect the slightest foreign accent.

Today, Mr. King says Canada and other countries offer so many opportunities for employment to immigrants that this country has become merely one of several where the European can make a new start. Therefore, illegal entry attempts have been reduced greatly.

CHECK CREWS

In addition to the routine border inspection at bridges familiar to most Western New Yorkers, local immigration officers check passengers and crew of ships and planes arriving from foreign posts. An office is maintained at the Toronto Air Port for examination of persons flying from Canada to the United States. In June, 228 ships and 514 planes came under the watchful eye of our immigration officers.

Mr. King has lived in 26 American cities from Honolulu to New York, and also in London and several cities of West Germany. Shortly after moving to our Queen City, five years ago, he said:

"Buffalo is by far the friendliest place I have called home."

He and his wife still hold that opinion.

LAST OUTPOST

"The only place comparable to Buffalo in friendliness is Ireland," Mr. King says, adding, "Ireland is the last outpost of leisurely living and love of culture. The slightest good fortune is a reason for a party, and if no reason can be found, the party is given anyway."

The southern coast of Ireland, where palm trees and other semi-tropical verdure flourish, is the place to which Mr. King dreams of retiring. His progenitors came from Ireland to New England in 1812. If Mr. King fulfills his dream, he will reverse their procedure and, after decades of ministering to immigrants, become an immigrant himself. The lure of the British Isles is due in large measure to the residence in London of Mr. King's only daughter, Mrs. Peter Thwaites, and her three children.

JOINED ARMY

Born in Springfield, Mass., Mr. King married his high school sweetheart, who has moved with him to cities circling half the world. A graduate of the Foreign Service School of Georgetown University, Washington, he speaks German fluently. During World War II he enlisted in the U.S. Army in which he served 14 years, attaining the rank of colonel.

He organized and commanded the Criminal Investigation Division of the U.S. Army in Europe. During several years in England, he was attached to Scotland Yard. His division investigated crimes of GIs all the way from petit larceny to homicide.

DICKENS FAN

In 1954, he returned to the Immigration and Naturalization Service.

Every day Mr. King swims at the Buffalo Athletic Club, of which he became a member shortly after arriving in Buffalo. He reads widely in the field of history and biography. While stationed in England, he joined the devotees of Dickens for the annual Christmas Eve walk from Scrooge's office to the vicinity of the home of Bob Cratchit of the immortal "Christmas Carol."

WIDE CIRCLE

Our District Director of Immigration and Naturalization has made several trips to England to renew friendships there. He plans to visit his daughter and friends in October.

He likes people and finds it a privilege to know a wide variety of them through his work. As District Director of Immigration, he has met the President of Finland and Queen Elizabeth of England. A longtime member of the International Assn. of Police Chiefs, he regularly attends that organization's conventions.

IS THE NEW YORK TIMES ABOVE THE LAW?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, is the New York Times above the law?

The hierarchy of the Times has taken it upon itself to publish a secret Pentagon report, sensationalizing it, and leaving the impression that preplanning by the military is an evil which must be stopped.

We are all familiar with the track record of the New York Times. It is among the far left of the major publications. It was the New York Times, you will recall, which assured the world that Fidel Castro is a Cuban patriot, and it scoffed at suggestions that he had Communist leanings.

The New York Times has engaged in violent attacks upon public figures, reserving its most vicious language for those who urge a strong, free, and sound America. Many of its utterances would have been held libelous had not the U.S. Supreme Court bailed out all such publications by ruling that they are free to lie about public figures.

Now comes the ultimate. The Times has somehow gained access to a secret document. With utter disregard for the security of the United States, with disdain for the lives of American servicemen, and with open scorn for the espionage laws of this Nation, the Times people have published the contents of the document.

In the past, those of us who have opposed the far-left rantings of the Times writers were willing, at least, to allow them their right to espouse whatever "down with America" philosophy struck them at the moment.

But now, Mr. Speaker, the Times has gone too far.

There are specific laws covering the handling of classified documents. Despite the fact someone obviously fed a copy of this document to the newspaper, the Times should have declined to publish it.

No such action was taken. The contents of the document are being spread across the front pages of the Times.

If this is the Times' concept of news that is fit to print, then no secret in this Nation is secure from scrutiny by any enemy willing to spend a few cents for a copy of the Times.

But, again, Mr. Speaker, there are laws which govern these matters and I repeat my question: Is the New York Times above the law?

Whatever the Times may seek to make of its "expose," the simple fact is that the Department of Defense must make contingency plans in order to have some degree of preparation for any emergency which may develop. This includes plans for small or large wars in most parts of the world—Vietnam included. It includes possible actions which conceivably could become necessary in meeting whatever defense requirements are thrust upon us. We would find ourselves in a sad state indeed if staff planning for each defense action was not initiated until after there was an actual requirement.

There is no reason that anyone should be shocked at the fact that plans are made in advance to protect our Nation in time of trouble. Those who engage in this type of planning are doing their jobs. They deserve high credit. It is a job which must be carried on under every administration, for contingency plans must constantly be updated. Obviously a World War II plan would be of little value in most parts of the world under the circumstances which would govern combat operations in 1971 or 1980. This does not mean we are about to embark on military adventures all over the globe. It means that we want to have basic staff work available whenever emergencies develop.

No, Mr. Speaker, there is nothing shocking about plans which are made for America's security.

What should be shocking is that someone, apparently with access to the highest of this Nation's secrets, disclosed those secrets in direct violation of the law and at the peril of the security of the United States. This is ample cause for congressional investigation and for direct action by the Department of Justice.

THE PARKERS—A FINE OLD WEST FLORIDA FAMILY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, west Florida history is replete with records of the contributions of individual families. One of these, the Parker family, has been identified with and has contributed to the development of west Florida for as long as Florida has been a State. Members of the Parker family are identified with all counties and most communities in west Florida. As is the case in such families, most of the Parkers are related, although very distantly so in some cases. The annual Parker family reunion is to be held on June 20 at Chipley.

The name Parker comes from England, where in medieval times most of the lords had portions of their estates set aside as parkland, hunting preserves, or deer parks. One member of their official household was in charge of this preserve and was known by the title "gamekeeper" or "parker." The present day surname Parker owes its origin to this occupation or position.

The word itself comes from the Old French, "Parquier, Parchair," meaning a gamekeeper. Its French roots indicate that the surname evolved after the Norman conquest of England in 1066. Notable American Parkers have included Dorothy Parker, the writer; Isaac Parker, the American jurist who was instrumental in the creation of the Harvard Law School, and Theodore Parker, Massachusetts Unitarian clerkyman, who was a leading 19th century abolitionist.

In west Florida today there is one municipality named Parker. There is also a community named Parker in neighboring Escambia County, Ala., just north of the Florida-Alabama line. Nearby across the Conecuh River is Parker Bridge and nearby also is Parker Springs. The name has been identified with good citizenship and positions of responsibility, from McDavid to Blountstown and from Mexico Beach to Pensacola.

Of particular interest is the branch of the family descended from W. W. Parker, pioneer settler in the Jackson County area. Some members of this family also were long identified with the Holmes-Geneva County border area, near Black, Ala.

W. W. "William Wiley" Parker was born in 1851 and helped organize the Damascus Baptist Church near Graceville in 1865, when he was only 14 years of age. He married Elizabeth White in 1872. To them were born 13 children, some of whom died in infancy.

Brothers and sisters of William Wiley included Mary Jane, James Jasper, Thomas Jefferson, Lucinda, Queen Victoria, Edward Robert, and John Jr.

Descendants of W. W. Parker held their first reunion at Damascus Baptist Church, 1 mile south of Graceville, in 1951. Henry Parker and Cleatus Golden were among the leaders of that gathering. On the motion of D. C. Whiddon, with a second by Isaac Crutchfield, the 67 relatives in attendance voted to make the reunion an annual event. D. C. Suggs was named chairman of the reunion committee, and Irma Suggs was named secretary.

Only four of the W. W. Parker children were still living at the time of the first reunion. They were Henry, a retired army man, then living in Pensacola; Walter of Chipley, a retired International Paper Co. employee, and Nettie Halaway also of Pensacola, and John Hiram, of the Holmes-Jackson County area.

The second reunion was held September 21, 1952 at Damascus, with 50 children and grandchildren of W. W. Parker in attendance, not to mention more distant relatives, in-law and friends. J. Ed Stokes, State representative from Bay County, was the speaker. He told of his fellowship with members of the W. W. Parker family throughout the years.

Still in possession of the family is W. W. Parker's old ledger, in which he kept the accounts of Damascus Baptist Church. He was church treasurer for several years.

Included also are some of the old gentlemen's personal accounts, showing that in 1898 corn was selling for less than 50 cents per bushel, peas for 50 cents per bushel, pork at 4 cents per pound and fish for 5 cents per pound. A barrel of flour, however, cost $5.50. Sheeting cost 6 cents per yard and calico 5 cents per yard.

W. W. Parker was a justice of the peace in the Graceville area for many years, including the period before the railroad came to the community. His ledger contains the record of many of his court cases. Surely this document should be preserved for its historical interest. Future scholars will find in it some of the flavor of frontier west Florida. It also tells something of the character of the patriarch of one of west Florida's pioneer families. The Parker family has contributed many leaders during this long and illustrious history. The family reunion is certain to be a fine gathering which will contribute to family knowledge and family pride.

MEDICAL CARE IN THE UNITED STATES

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, legislation affecting health delivery services in the United States is a prime concern of Congress this year. This current and proposed legislation has stimulated a great deal of interest in current medical practices in the United States.

In connection with this problem I am including for the benefit of my colleagues the report of the Exchange Mission to the U.S.S.R. on Health Planning and Medical Education. This mission, led by Dr. John A. D. Cooper, president of the Association of American Medical Colleges, surveyed the medical teaching facilities in the Soviet Union from May 15 to June 3, 1970.

They report that Soviet medical education starts immediately after secondary school, and continues for 7 years. Six years are devoted to lecture and clinical studies and 1 year to internship. Specialization follows this program. At present, 45,000 students are in Soviet medical schools, and the current ratio of doctors to population is 1 to 370. In 5 years they expect this ratio to improve to 1 to 300. Contrasted to the situation in the United States, we see that the Soviet citizen has far greater access to a doctor, as the doctor-patient role in the United States runs from 1 to 600 at the top of the scale, 1 to 1,100 at the bottom.

The report also noted however, that the quality of medical care in the United States is still far superior to the quality in the Soviet Union.

At a time when the major superpowers are facing up to the demands for a restructuring of priorities we should closely follow the actions taken by other countries.

I include the full text of the report:

REPORT ON EXCHANGE MISSION TO U.S.S.R. ON HEALTH PLANNING AND MEDICAL EDUCATION, MAY 15 TO JUNE 3, 1970

(By John A. D. Cooper, M.D., president, Association of American Medical Colleges)

INTRODUCTION

In 1958, the U.S.S.R. and the United States entered into a formal agreement for cultural, educational and scientific cooperation. One aspect of this program involved the exchange of information and promotion of better understanding between the two countries through cultural missions. These exchange missions have included the areas of health care, biomedical research and the education of health professionals and research scientists.

Even before the inception of official missions, however, there had been unofficial visits after the withdrawal of the U.S.S.R. from WHO in 1950. Both the unofficial and official visits have been described in some detail by Joseph R. Quinn in "Anatomy of East-West Cooperation: U.S.-U.S.S.R. Public Health Exchange Program 1958–1967."[1] In 1956 and 1957, there were four missions to the U.S.S.R. and three missions from the U.S.S.R. With the Lacy-Zorubin agreement on January 27, 1958 and its subsequent extensions, there have been 23 U.S.A. missions to the U.S.S.R. and 22 from the U.S.S.R. to the U.S.

In 1969, a Soviet delegation visited the United States to become better acquainted with our health planning methods. The present mission was organized to make a similar study of health planning in the U.S.S.R. as a part of the exchange agreement. It was decided that individuals with knowledge and interest in the planning process, in medical education and research, and the delivery of health care would be included as members.

Originally, Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs, DHEW, was to head the delegation, but pressing affairs in the Department made necessary a change in plans and Dr. Jesse L. Steinfeld, Deputy Assistant Secretary and Surgeon General, traveled from the meeting of the World Health Organization Governing Board in Geneva to serve as chairman. Mr. Frederick Malek, Deputy Under Secretary, was also unable to participate in the mission. The final membership of the delegation was as follows:

Dr. Jesse L. Steinfeld, Deputy Assistant Secretary for Health and Scientific Affairs and Surgeon General, Chairman.

Dr. John A. D. Cooper, President, Association of American Medical Colleges.

Dr. Robert Q. Marston, Director, National Institutes of Health.

Dr. Russell B. Roth, Speaker of the House of Delegates, American Medical Association.

Dr. Patrick B. Storey, Professor of Community Medicine, Hahnemann Medical College.

Mrs. Jean Roth accompanied Dr. Roth on the trip and participated in most of the social activities during the visit. Dr. Storey had previous experience in the U.S.S.R. and speaks the Russian language. The other members of the delegation were visiting the country for the first time.

Prior to departure, two briefing sessions were held at DHEW. At the first session, Dr. Mark G. Field shared his knowledge and insights on the health care, education and research of the U.S.S.R. In addition, Dr. Field's book, "Soviet Socialized Medcine,"[2] was provided to the participants along with reports of previous visits by U.S. missions in the areas of health.

Since the mission was to extend over a period of only three weeks (May 15 to June 5, 1970), it was considered advisable to limit the number of cities visited to reduce as far as possible travel time in the U.S.S.R. The original itinerary included an initial visit to Moscow, followed by trips to see a spectrum of institutions in a variety of settings: Moscow, the capitol city; Georgia, an industrial state in a formerly agrarian economy and, Uzbekistan, a more remote and less developed Republic.

Dr. Steinfeld discussed the visit in Geneva with Dr. Venedictov, Deputy Minister of Health, who recommended that Kiev and Leningrad be included in the itinerary and Tashkent eliminated. These recommendations were accepted in establishing the final plan for the mission's visit.

Soviet representatives

The Ministry of Health clearly regarded the mission as important. The delegates had opportunity for discussions with the Minister of Health, Boris B. Petrovsky, Deputy Minister, Boris P. Danilov, and other high officials in the Ministry. Alexei Georgevich Safonov, Chief of the Board of Preventive and Curative Medicine, accompanied the group on their entire itinerary. Dr. Saslov is obviously a man of considerable stature in the Ministry and has a vast system of health care under his direction.

The Ministry also made great efforts to provide the best possible interpreter for the mission. They obtained Mr. Vladimir (Walter) Nikolaevitch Bobrov from the Ministry of Information. Mr. Bobrov's usual position was an English language commentator for Radio Moscow. He has much experience as a simultaneous translator for conferences related to health and science and apparently is involved only with the most important groups visiting Russia. Mr. Bobrov had an interesting history. He was born to Russian parents in Japan and attended American schools in that country. During the U.S. occupation of Japan, he worked for the U.S. Army as an interpreter. He had at one time planned to emigrate to the United States but some delay in processing his application caused him to return to Russia in 1958. He is not only fluent with the American language, including its idioms and slang, but has many American attitudes and manners.

Dr. Valerie Alexandrovich Limarev, who also accompanied the group, has the important staff position of Chief of the Protocol Section of the External Relations Board of the Ministry of Health. Dr. Boris Fedorovich Kirillov, of the External Relations Board, worked closely with us during our periods in Moscow.

General impressions

The delegation was treated with warmth, friendship and respect. It is obvious that a decision had been made at the highest level in the Ministry of Health and possibly other Government Ministries to cooperate fully in allowing the group to visit the cities, institutions, and individuals of their choice and to provide any reasonable information and data requested, including budgets, number of personnel, etc. We did not meet the "top man" in every institution, but it is obvious that those with whom we met were people of stature and were able to share wide knowledge and substantial information about the matters under discussion. When they did not have exact information, e.g., about budgets, they called the appropriate individual to obtain the correct data.

Social relationships were relaxed and friendly. It is clear that most of those we met from medicine had a real desire to develop good personal relationships. We were never confronted with differences in political philosophy. The Cambodian and Middle East situation were only dealt with indirectly by an expression of a desire for peace and understanding. There was much evidence of a general feeling that our two Nations must come to understand each other better and find ways to live and work together.

I was impressed with the depth of feeling that still exists about the toll which World War II exacted from the U.S.S.R. In contrast to this county, where this War is fast fading into the dimly perceived past, they still remember and talk of the great destruction and loss of life which it brought to their people. I realized, really for the first time, that World War II left a much deeper and more persistent wound in the U.S.S.R. than in the United States. This makes many of them more opposed to war than I had thought. On the other hand, they have pride in what they consider as their accomplishments since the revolution and can be expected to react violently against those who do not recognize and accept their new status as a world power. This is complicated by the fact that they are still in many senses a developing country with all of the unpredictable attitudes and actions that status entails and have a long tradition of isolation and lack of any profound interest in understanding the rest of the world.

I have often criticized those who make a flying one-month trip to South America and become "instant experts" about situations in countries which differ widely from our own in culture, mores, habits and values. In a sense, I am doing what I criticize with regard to the U.S.S.R. in writing a report on their health care and medical education. My only excuse is that I had read a great deal about the Soviet Union before I visited their country and have continued my efforts to understand the nation since I returned. A course in Russian in 1943 and substantial discussions with Soviets in World War II helped me to develop a better insight into our similarities and differences. However, I do not fool myself into believing I really have come to know a people whose history is so complex and different from Western culture to which our whole education is so narrowly limited.

National planning for health

The U.S.S.R. Ministry of Health has the overall responsibility for developing plans for health care and the education of health professionals and the organization and facilities to deliver this care. However, there is a divi-

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sion of responsibilities between the all Soviet ministry and the ministries of the fifteen union republics. There is considerable decentralization of planning and the implementation of these plans to the republics that have been given some autonomy to deal with their local problems.

Each republic draws up a five-year plan of its requirements. The health plan is developed by the republican ministry of health. The overall plan of the republic is submitted to the GOSPLAN of the republic that functions much like our Office of Management and Budget. After review and revision of the plan, the republic GOSPLAN submits it to the Republic Council of Ministers. After approval by this body, it is submitted to the All Soviet GOSPLAN. These specialists prepare an overall health plan in collaboration with the U.S.S.R. Ministry of Health. Attention is given to whether the republican plans meet national goals and norms. In many cases, additions are made to the original plans to help assure that these goals and norms can be met. Some aspects of republic planning combined into a single national plan; i.e., the number of hospital beds to be constructed, the number of physicians to be trained. The health plan also takes into account the planning of other agencies and their effect on the needs and requirements.

After consideration of the plan by the Council of Ministers of the U.S.S.R., it is submitted to the Supreme Soviet. Approval of this body makes the plan the law of the land. The Minister of Finance then allocates funds according to the plan.

Each republic prepares annual plans based on the approved five-year plan. These plans are not ordinarily considered by the U.S.S.R. GOSPLAN. The Republic has latitude in planning facilities and services to accomplish the purposes of the five-year plan. It can, and often does, add to the funds received in the ntaional budget for health from allocations made by trade unions, collective farms or industry to further strengthen health services.

The last five-year plan covered the period 1966 through 1970. The new five-year plan has just been approved for the period through 1975.[3] The plan calls for an increase in the training of specialists in medicine, an increase in the number of health professionals, and an increase in the number of hospital beds. The U.S.S.R. Ministry of Health is trying to obtain approval from GOSPLAN to increase the number of physicians from the present level of 26.6/10,000 to 32 or 34/10,000, and the number of hospital beds from 10.7/1,000 to 13.5/1,000 over the next ten years. They also hope to substantially increase the ratio of other health professionals to physicians during this period. This will require a substantial increase in the present annual budget of 10.3 billion rubles for health.

Planning for research

Planning for research takes a somewhat different form and is more national in scope. The research plans are prepared by the U.S.S.R. Ministry of Health with the aid of the Academy of Medical Sciences which has twenty problematic commissions operating under the direction of the head institutes of the Academy. These problematic commissions determine the broad directions of research in their respective areas and advise the Academy on support needed. The Academy prepares a plan which is submitted to the Ministry of Health. It then goes to the Soviet Council on Science and Technology which makes final recommendations to the Presidium.

Research in the biomedical sciences is carried out in several levels of institutes. The most prestigious are those under the Academy of Sciences which devote themselves to fundamental problems in biology. The next level are the thirty head institutes of the Academy of Medical Sciences that also address themselves to theoretical problems and the most important aspects of biomedical science. These institutes work directly under the Academy and are supported from its budget.

The U.S.S.R. Ministry of Health also directs and supports research institutes whose work is more related to planning or to more practical problems of national scope. For example, the Scientific Research Institute of Social Hygiene and Public Health Organization, named after Semashko, is such an Institute.

At the next level are the research institutes supported by the Ministries of Health of the Republics. These institutes often deal with problems of local health interest and coordinate research programs in institutions supported by the republic.

The Academy of Medical Sciences can also make research grants to scientists working outside of their Institutes. Usually these grants are made to full or corresponding members of the Academy working in medical schools. These grants are made on the basis of proposals reviewed and recommended by the problematic commissions of the Academy.

It is also interesting to note that the Academy of Medical Sciences has annual meetings in Moscow for department chairmen of the medical school. These meetings which last from fifteen to twenty days are devoted to a discussion of research in the various disciplines and the most fruitful approaches for investigators.

It seems clear that the Academy of Medical Sciences has great influence on biomedical research in the U.S.S.R. Its institutes give direction to institutes of other agencies through problematic commissions and the financial support they provide leading investigators. It is obviously of immense value to a scientist to be a full or corresponding member of the Academy. This gives him a special status and membership in a select and powerful organization.

The Academy of Medical Sciences

The Academy of Medical Sciences is made up of one hundred academicians and one hundred fifty corresponding members. Most of the academicians are over sixty years of age. The corresponding members are younger and the full members are selected from this group. However, it is clear that the control of research in the Soviet Union is to a very great extent in the hands of the "senior citizens" of science.

The Academy was established in 1944 under the Ministry of Health to coordinate and plan both basic and more practical research. Although it has gained substantial autonomy from the Ministry, probably because of the high status in society of its members, we were told that since the Ministry pays the piper it calls the tune. The observation was made "that the Ministry would like to have its road paved with scientific achievements."

There seems to be less organization and bureaucracy in biomedical sciences than in health services because of the fundamental attitudes of scientists and their lack of interest in spending a great deal of time and effort in planning and management. Apparently, it is somewhat difficult to get scientists to serve in administrative posts in the Academy, even for four-year terms, and the officers are glad to relinquish their posts after one term in office.

The views expressed at the Academy were substantiated in our visits to the institutes. It was clear that much freedom and autonomy is given to individual investigators and that central planning consisted primarily of elaborating broad guidelines through the problematic commissions under which almost any study could be carried out.

The Academy has as officers a president, two vice presidents, three secretaries, with two other elected members. They form the Executive Committee. The terms are for four years. The staff is organized into three departments: microbiology, hygiene, and clinical sciences. Each of these is headed by a secretary. The various problematic commissions are assigned to one of these.

The Scientific Research Institute of Social Hygiene and Public Health Organization Named for N.A. Semashko, Moscow

This Institute, headed by Professor I. D. Bogatyrev, operates directly under the U.S. S.R. Ministery of Health. It is the scientific and methodological center for broad planning in the area of health and is responsible for recommending norms and goals for health services at a national level. The Institute works very closely with the Board of Planning and Finance of the Ministry headed by Dr. V. V. Galoteev.

The Ministry can request the Institute to work on problems of importance to it in establishing plans. The staff can also work on problems of interest to them. Theoretically, about 70 percent of the effort should be devoted to Ministry problems and 30 percent to institute problems but, in fact, about equal effort is spent on the two.

In contrast to the Academies that direct their attention more to theoretical and fundamental areas in biomedicine, the Institute concerns itself with more practical and health service oriented matters. They help to identify areas in health that should be given serious consideration over the next few years and they provide advice on approaches to be taken. The Institute receives reports from medical and research institutes on their scientific, educational and health service activities. After analyzing this information, it makes recommendations on future courses of action. The Institute has no operating function and can only exert its influence through participation in meetings in the Ministry, speeches, papers, study reports, and by the advice it provides to the Ministry, on allocation of resources. Professor Bogatyrev can have an important impact through his editorship of *Soviet Health* and his chairmanship of a problematic commission. The Institute advises the Ministry of names and needs and the latter makes the decision on how to implement the suggestions. There are similar institutes at the Republic level that provide similar service at that level of organization. The Semashko Institute does provide some of their funds to other institutes to carry out studies of interest to the overall planning function.

One of the principal current interests of the Institute is in the study of the use of computers in health care management. It is exploring the establishment of a network by which information from individual health centers can be channeled through higher echelons of the health service organization to improve management and planning. It is also exploring how the computer can be used to make the operation of large hospitals more efficient and effective.

Organization and structure of health services

The organization of health services in the U.S.S.R. has not changed to any great extent from that presented by Dr. M. G. Field in 1967.

[Chart 5-1—The Administration of Health Services in the USSR] [4]

The Ministry of Health of the U.S.S.R is organized with the following departments: [5]

1. *Department of Curative and Preventive Medicine.* Responsible for all medical treatment and all prophylactic measures for adults, and for all adult hospitals, adult polyclinics, and clinical research institutes of the Ministry of Health.

2. *Department of Medical Care and Prophylaxis for Mothers and Children.* Responsible for maternity homes, children's hospitals, women's consultation services, nurseries (creches), and orphanages. This was former-

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ly a division of the Department of Curative and Preventive Medicine, but in 1962 was established as a separate department.

3. *Central Sanitary-Epidemiologic Department*. Responsible for environmental health practices and services.

4. *Department of Planning and Finance*. Responsible for hospital planning, standards, and finances.

5. *Department of Medical Personnel and Higher Education*. Responsible for medical and paramedical schools and for graduate and postgraduate education of physicians.

6. *Department of Capital Construction*. Responsible for design, construction, and renovation of facilities.

7. *Department of Foreign Affairs*. Responsible for international aspects of health and participation in international health programs.

8. *Department of Chemical and Pharmaceutical Industries*. Responsible for production and approval of all drugs, including antibiotics. (The pharmaceutical industry is under the control of the Ministry, and its chief inspector has authority to close a pharmaceutical plant if its products do not meet quality standards.)

9. *Department of Medical Equipment and Technical Apparatus*. Responsible for design and production of medical equipment, devices, etc.

10. *Department of Supplies*. Responsible for supplying all medical and hospital facilities in the Soviet Union with medical equipment, medications, mobile equipment, etc.

11. *Department of Biological Products*. Responsible for production of vaccines, sera, and other biological and immunological products.

Many of these departments have their own research institutes. For example, the Department of Capital Construction has an Institute for Design of Medical Establishments. However, most research functions are carried on by institutes under the Academy of Medical Sciences, which study broad theoretical problems; by institutes of the Ministry itself, which study specific diseases; and by the research institutes of the Republic Ministries of Health, which emphasize special local health problems.

In addition, the Academy of Medical Sciences has an advisory function on biomedical research to the Ministry.

The central administrative structure of the republican ministeries of health is similar to that of the U.S.S.R. Ministry of Health. However, because of the decentralization of responsibility and function, they are relatively larger in size.

The organization of health services in the Ukrainian Republic can be taken as an example. The Republic has a population of 47 million people and an area about that of France. The largest health care unit in the republic system is the oblast or city health departments. There as 25 oblasts in the Ukraine. The oblast, which ordinarily serves a population of 1.5 to 2.0 million, has a hospital of 900–1,500 beds and a polyclinic headed by the chief physician of the oblast. The hospital and its associated polyclinic has a wide range of specialists available including nerosurgery, endocrinology, hematology, nephrology, etc., which are not available in lower eschelons.

The oblasts are divided into 20 to 30 rayons. Each rayon, or district, serves 40,000 to 75,000 people. The rayon has a hospital of about 350 beds with an associated polyclinic. Some rayon hospitals are smaller, but there is a policy to increase their beds to this size when possible. General specialists are available at the rayon level, but the super-specialists are assigned to the larger oblast hospitals. Each rayon is divided into uchastoks which serve a population of 2,000 adults and 1,000 children. The uchastok polyclinic has one therapist, a pediatrician, and two or three nurses. The uchastok physicians make home visits. In the less populous rural areas, communities of 400–500 have feldsher midwife posts. For somewhat larger population groups, the posts may have a physician and even 35 to 50 hospital beds.

Physicians work a six and one-half hour day, six days a week. Polyclinic physicians spend three hours seeing patients in the clinic and three hours in home visits. The other half hour is accumulated to spend two days a month for a 24-hour turn as officer of the day for the clinic. The clinic physicians rotate on a regular basis into hospital service to provide them with an opportunity to learn about advances in medicine and new developments in hospital care. The rotation pattern varies with the republic, the specialty and the level of the clinic. For example, in the rayon polyclinics in the Ukraine, the internist spends nine months in the clinic and three months in the hospital. A surgeon, on the other hand, divides his time equally between the two assignments. In other settings, the polyclinic physician may spend six months in each three years in hospital service.

The general medical care system is supplemented by health services in industrial establishments supported by funds available to the industries. The Soviets give high priorities to the health of workers, especially those in hazardous occupations. The staffing and facilities depend on the size of the establishment and the degree of hazard for the workers. In some cases, it is a simple feldsher post. There are also combined inpatient-outpatient facilities with physicians and other health professionals for some industries. Prophylactoria are provided through industrial health services for workers who are recovering from disease. They serve as "half way" houses where workers can spend the night and weekends for 30–40 days following a severe disease to receive the rehabilitation and follow-up therapy appropriate to their condition.

There will be an attempt to unify the ordinary and industrial medical service systems in the 1971–76 five-year plan. The industrial medical service systems are supported by funds from the industry, but are under the professional supervision of the appropriate regular medical institution. There are 39,000 regular polyclinics and 1,200 industrial clinics in the U.S.S.R. which gives some idea of the relative extent of their contributions to health services.

The Soviet system also includes dispensarization which furnishes a method to give priority to categorical disease entities such as tuberculosis, venereal disease, diabetes, cervical cancer, etc., selected on their importance to the health of the nation. One might infer that the necessity for this special attention to a particular disease indicates that the general health care system is considered inadequate to provide really comprehensive health care. However, dispensarization came into being during the early years of Soviet power when it became necessary to create from scratch a national health system. It was felt, at that time, to be the most effective and rapid method of improving the health and environment of the population through the diagnosis, treatment and prevention of specific diseases. In the future, dispensarization will probably be merged with the health care system.

An important dispensarization activity relates to children's health and development from birth to age eight. The program includes not only preventive and curative medicine but health education.

There are also special medical services for pregnant women. These women are seen in a special outpatient clinic which carries out prenatal care. The woman is given the choice of proceeding with her pregnancy or having it terminated by abortion. The availability of abortion is apparently not related so much to an interest of the U.S.S.R. to control population growth as an expression of a woman's freedom to make a decision about childbirth. The generous provisions for maternity leave, the maintenance of seniority for those in unions, and the availability of creches, etc., for child care provide the necessary assistance for women desiring to raise a family.

Nearly all childbirth occurs in maternity hospitals or the maternity sections of regular hospitals in the urban areas. The usual maternity stay is nine days and the Soviet obstetricians believe that this is the reason for the low infant and maternal mortality rates.

Emergency services

The emergency services (Skoraya Pomoscha) are organized into a separate system in the health care services of the U.S.S.R. It is not to be confused with "first aid" because much more extensive and definitive services are provided. The Emergency Services can be summoned from any telephone in the Soviet Union by dialing 03. In public telephones, a button may be pushed which permits dialing for police, fire, or medical help without depositing a coin. Calls go into a central dispatch office which attempts to determine the nature of the emergency by dialogue with the caller. This is to determine whether a vehicle to deal with general problems is to be dispatched or a team specialized in cardiac, stroke, obstetrics, trauma, or poisoning is to be sent. If the health professional at the dispatch center is not sure of the cause for the summons, a general purpose team is sent. They can summon by radio telephone a specialized team after they arrive on the scene and make an assessment of the situation. The well-equipped vehicles manned by a physician, and at least one other health professional, are dispersed around the city. There is great pride in the fact that a team is dispatched within one to two minutes after receiving a call and arrives on the scene within seven to eight minutes. The patient may be given definitive treatment after diagnosis and evaluation by the use of the specialized equipment available in the vehicle and told to report to his polyclinic service the next day. Where indicated, he may be taken to a hospital where admission is assured because of the special priority assigned to the service for beds. About 30 percent of the patients seen are sent to the hospital. In cases of public emergency, i.e., a fire in an apartment building where there are many people requiring care, several teams may be dispatched. They are trained to set up emergency medical services in nearby buildings to provide triage to the victims.

There are plans to extend the number of inpatient facilities under the control and direction of the Emergency Service. This is already the case in Moscow and it is hoped that the system can be established in all cities over the next five to ten years. It is felt that these specialized hospital facilities can provide more expert care for emergency illness and can serve as a resource for expanded research in emergency care.

The Emergency Service also provides transport for patients admitted to hospitals after home visits by health personnel from the polyclinics.

Questions may be raised about the relative benefits gained by such a heavy investment in emergency services. However, it is clear that in the U.S.S.R., this is a service that has a fairly high priority in the eyes of the people and the health care system. The lack of personal transport to get patients to centralized facilities probably plays an important role in giving this aspect of health care the importance it holds.

The Emergency Service also has a preventive aspect. It carries out studies and makes recommendations on methods to prevent accidents on the basis of the information gathered during its activities.

In most cities other than Thilisi, where home visits by the polyclinic staff (Neotlozhnaya) have been merged with the Emergency Service System, there is some confusion on the scope of responsibility. The physicians in the polyclinics spend two days a month as an officer of the day for his polyclinic. In this role, he provides 24-hour service to the population covered, including house calls during hours when the clinic is not open.

Sanitary and epidemiological services—SANIPED

The SANIPED system is parallel to the medical service system with a head sanitary physician and found at the republic level in the Ministry of Health. From the republic level, there is a relationship to the chief sanitary physician in the U.S.S.R. Ministry of Health.

In the republic, the SANIPED system is divided into oblast or city departments and rayon departments. Each rayon and city department have SANIPED stations, whose functions are: assure purity of water, control air and soil pollution, control communicable disease, including immunizatons, control of noise and vibration in industrial establishments, health promotion in factories and schools.

There are three categories of SANIPED stations: the first category serves a population of 30,000 to 100,000 in the rural areas; the second category serves 30,000 to 60,000, and the third category less than 30,000.

Each station has three departments: laboratory service, with a chemical and basterialogical laboratory; a sanitary and epidemiological service; and a disinfection service.

The SANIPED has apparently great authority in controlling the environment. For example, in controlling air and water pollution, it reviews all plans for new factories and must give approval before construction can begin. One of the SANIPED physicians would be responsible for reviewing plans and seeing that they were followed in the construction and equipping of facilities. If they found mass compliance, they could stop construction by writing a letter to the bank stopping credit. The bank is obliged to follow the order of the SANIPED. SANIPED can also require established factories to install pollution control devices and procedures. If the factory does not comply, it can be closed down.

Disagreements between the SANIPED and other government agencies are discussed at higher and higher echelons in the republic until they are settled. If they cannot be settled at the republic level, they are referred to the U.S.S.R. Ministry of Health and the Ministry concerned with the plant or activity in question. If agreement cannot be reached through discussions, the Chief Sanitary Officer of the U.S.S.R. makes a final and binding decision which cannot be changed by the Minister of Health or appealed. It is obvious that real emphasis is being placed on controlling pollution and a mechanism has been established with authority to implement these plans.

Water purity in the city is the responsibility of the city water supply plant. The plant is required to take samples every two hours for laboratory examination. The Saniped takes samples daily from sites in the city where contamination is most likely to exist to assure that adequate treatment is being effected. This same procedure is followed for industrial water supplies. For public wells serving a community, samples are taken every ten days. For private wells, there are only occasional spot checks.

Fluoridation is just being introduced. At present, only 10 percent of the water supply has fluoride added, but some supplies already have an adequate natural fluoride content. It is hoped that it will be possible to implement the central government decision to fluoridize all water supplies within three to five years.

The immunization schedules for children carried out in Georgia provide an insight into the national plan. Children are immunized for diphtheria, tetanus, smallpox, pertussis, measles, and poliomeyelitis. Polio immunizations are given two times a year to children. It is in the form of a candy jaw-breaker which we chewed as we discussed the Saniped system in Georgia. Children are also immunized with BCG and in some areas for brucellosis and typhoid.

EDUCATION OF PHYSICIANS IN THE U.S.S.R.

The education of physicians is carried out in 92 medical institutes which are under the jurisdiction of the 15 autonomous republics. There is at least one medical school in each republic and all of its financial support for educational and some research programs comes from the Republic Ministry of Health.

Although there is not a federal system of medical education, the curriculum and number of students to be enrolled in the various programs is established centrally. In 1965, there were 8,800 entering students in the 85 medical schools. In 1970, there were 45,000 students in the 92 medical schools. It is hoped to increase the entering class size over the next five to ten years to enable the physician population ratio to rise from 26.6/10,000 to 32–34/10,000. This would be approximately twice as many physicians/population as are presently in practice in the U.S.

Organization of medical schools

Medical education is given in Medical Institutes which are free-standing institutions unrelated to universities. In the past, the medical faculties were part of universities, but it was considered desirable to have them under the jurisdiction of the Ministries of Health rather than the Ministries of Education.

The chief administrative officer is a Rector, appointed by the Ministry of Health of the Republic for an indefinite period. The Rector has four deputy rectors for teaching, research, clinical services and administration. He is advised by a Council which includes the deputy rectors, deans of the various faculties in the institute, department chairmen, sometimes the associate professors, party organization members, students and trade union representatives. The Council at the First Medical Institute in Moscow totals 80. The Council meets monthly and decides on all major policy matters. There is an Executive Committee of the Council which includes the Rector, his deputies and deans that can act in the period between meetings of the Council.

The Chairmen of the Departments are elected for a period of five years by a Scientific Council made up of Department Chairmen. They are ordinarily reelected three to four times. A Special Commission of the Council studies possible candidates and makes recommendations to the Council. The Council votes by secret ballot and rarely disagrees with the recommendations of the Commission. Although there is no formal retirement age, the Council tries not to elect Chairmen after they have reached the age of 70.

Although medical institutes vary somewhat in size and complexity, the First Medical Institute in Moscow named for T. M. Sechenov can be taken as a model. The Institute has two medical faculties, each with 300–400 entering students, a faculty of sanitary hygiene with 200 entering students, a faculty of pharmacy with 300 entering students and a faculty of evening pharmacy with 150 entering students. This Institute has abolished evening courses for medical students.

The Institute has about 1,200–1,500 entering students each year and a total of 6,000–8,000 students. It has doubled in size since World War II. Three to four hundred entering students is considered an upper limit for one medical faculty and if there is any increase in size, another faculty would probably be formed.

The Institute is one of the largest in the country and has over 1,000 faculty members. There is the equivalent of 300 members in each of the two medical faculties, about one for every eight to ten members. Each faculty has its own main clinical departments, but some of the faculties in the specialty clinical areas are shared between the various schools and have multiple teaching responsibilities. Single basic science departments are common to all faculties. They are administratively a part of one of the faculties. The First Medical Institute is unique because it does not have a faculty of Stomatology.

The faculties of the Institute are divided among 70 departments. There are 27 departments in the first medical faculty. A department will ordinarily have one or two professors, one or two associate professors (docents) and five to fifteen assistant professors.

Three of the departments at the Institute have associate Academy of Medical Sciences research institutes; therapeutics, obstetrics and gynecology, and surgery. In these departments, there is a co-mingling of faculty for teaching and research supported from the two sources and the individual who is director of the research institute may also be chairman of the department. Dr. Boris P. Petrovsky, U.S.S.R. Minister of Health, heads the Surgical Institute.

The total budget for the First Medical Institute is 50 million rubles per year. The cost for educating a medical student, including instruction, equipment, administration, stipends and student health costs, exclusive of patient care costs and research, have been estimated at 1,200 rubles/year/student. This same figure was quoted in other institutes and would appear to be a national norm.

The Institute has its own outpatient clinics with 14 separate clinics and 2,315 beds. Other teaching hospitals in Moscow provide another 12,000 beds. Fifteen percent of these beds are under the direct control of the clinical faculty of the Institute. There are a total of 300,000 hospital beds for a population of about 8 million in Greater Moscow.

The medical school curriculum in the Soviet Union has undergone a recent reform and the amount of specialization has been increased for all students. The changes were introduced in some schools in 1967 and all schools will have instituted the new program by 1973. Students enter medical school after ten years of elementary and secondary education. In the first two years, the students complete courses in chemistry, biochemistry, anatomy, physiology, philosophy, and English and take an examination in these subjects. In the third year, the student has courses in pharmacology, microbiology, pathology, physical examination and surgery, and is examined on these. In the fourth year, the student has clinical training in the major clinical departments. The rotation is for one month on each service. They have one lecture a day on clinical subjects and work in the wards for three to four hours in groups of six or seven. Each student has one bed assigned for the month, but he also studies to a lesser extent the patients of other members of his group. Twice a week they have rounds with the professor and once a week they attend a lecture in the clinical specialty area to which they are assigned.

The student has essentially the same curriculum in the fifth year but is given more clinical responsibility.

In the sixth year, the student works in one of four departments and begins his specialization in surgery, therapeutics, obstetrics and gynecology, or pediatrics. The pediatric training will ultimately be given by a separate faculty but all schools have not yet established it. At the end of the sixth year, which is called the "subordinatura," the student is given a certificate. In the sixth year, the student's record becomes official when countersigned by a member of the faculty.

In the seventh year, the student begins his "internatura" in a large oblast or city hospital. Those who were in surgery can further specialize in general surgery, ENT, ophthalmology, urology, orthopedics or pediatric surgery. Those who are following the therapeutics path can choose general therapeutics, psychiatry, neurology, dermatology or tuberculosis.

Those in obstetrics and gynecology and pediatrics continue broad training in their fields.

At the end of the sixth year, the student is assigned for a period of three to five years in a medical service institution.

Each medical school has "Student Societies" with branches in each department. The Societies are autonomous but operate under the guidance and with the help of the faculty and administration in each department. The students elect their own officers and executive committee. About one-third of the students join these societies. One of the main functions of the societies is to provide an opportunity for the student to work in a research laboratory or in a clinic under the preceptorship of a faculty member. This work is in addition to the regular medical school program and must be done in the later afternoons, on weekends or in the evening. There is an interest in increasing and expanding this type of opportunity. Both at the Ministry level and in the medical schools, there is the feeling that research experience is important in the educational program of medical students because of the increasing scientific content of medicine, even if the student intends to have a career entirely in clinical service.

Advanced and continuing medical education

After the three to five years' service, the physician may take advanced training for clinical practice by four routes:

(a) *Ordinatura:* Here the physician spends two years in specialty training in a large hospital. He works in various departments and has some formal instruction. He spends most of his time in the field of his specialty but does rotate on related services. During the Ordinatura, he has considerable responsibility for patient care.

(b) *Training in one of the 13 Institutes of Advanced Training for a Period of 3 to 5 Months:* The training is largely didactic and he does not have patient care responsibilities.

(c) *Training in one of the 17 Faculties of Advanced Training in the regular Medical Institutes:* This training is similar to that under (b) above.

(d) *Preceptorship Under a Specialist In a Large Hospital:* Very few choose this method.

Physicians in practice have advanced training every three years if they practice in a rural area and every five years if assigned to an urban area. Fifty six thousand physicians took advanced training in 1969. It is not obligatory by law for them to return for this training but the advantages of increased salary and a more attractive position after training attracts them to the courses. During their absence from their medical institution, to which they usually return, their families remain behind. However, they are given extra compensation to cover the costs of living. Because of the difficulties for female physicians leaving their families for three to five months for advanced training, correspondence courses have been provided. This permits the physician to attend the institute only for two months. Shorter refresher courses are also given for physicians in the large oblast hospitals, and by the Institutes and Faculties for Advanced Training.

Research training

Students who wish to engage in a career in research and teaching enter the "aspirantura." Usually the student returns after his three to five year period of service in a medical care faculty, but unusually bright and promising students may begin their aspirantura immediately after the internatura. Those interested in careers in the basic medical sciences may begin their aspirantura after the sixth year Certificate.

The number of aspirants is regulated by the All Soviet Union Council on Science and Technology on recommendations made by the U.S.S.R. Ministry of Health on the basis of plans submitted by the Republics. However, from discussions with faculty members in various institutes, it is apparent that it is a flexible program and requests for a larger number of students than originally programmed are routinely approved by the Republic Ministry. About 200 aspirants are supported by the Academy of Medical Sciences in their institutes. It was not possible to find out the number of aspirants in training this year. However, it is reported that there were 7,058 in training in 1965 and this number has probably risen considerably since then.

A student is admitted to the "Aspirantura" on the basis of an entrance examination which covers his special area of interest, one foreign language and political philosophy. The examinations are oral and are conducted by a Committee of the Scientific Council of the Institute. The Council also selects the preceptor for the student, usually the Chairman of a Department or the Director of a laboratory, and approves the plan of study prepared by the preceptor and student during the first three months of his course. For areas which bridge two disciplines, the student may have two preceptors and one may even be from another institution. The student must take advanced courses, sometimes in a University. He is given a special foreign language tutor for one year who ordinarily meets with him twice a week for two hours a session. He also has a course of lectures, seminars in selected subjects and assigned reading in political philosophy.

At the end of the first year of study, the student must pass a candidate exam, which covers the same topics as the entrance examination except that more advanced knowledge is required. The foreign language and philosophy examinations are written.

The student must do research and prepare and defend a thesis. The entire course usually requires three years. At the end of this period he is given a Certificate as a Candidate in Medical Sciences. The student may then obtain a teaching post or continue research and research training for a period of five to seven years for the degree of Doctor of Medical Science with the same or another preceptor. He must prepare and defend another thesis.

The students receive a stipend during their graduate education and engage in teaching during their training period.

Evening studies

In the past, most Institutes have had faculties for evening studies that admitted students who had finished secondary health professions schools which train feldshers, nurses, technicians, etc. These students study at night for three years and finish the first two years of the medical curriculum. They then transfer to the regular day program to complete their work.

Apparently this program is being phased out and some institutes have already abolished evening classes. It is interesting that there is no credit given for previous work as a health professional and the students were required to take the same courses as secondary school graduates.

Medical students

Students enter medical school at about age 17. They have completed four years of primary school which they enter at age seven, and six or seven years of secondary school.

There are always more applicant to medical schools than places available for them. At the Semashko Institute, we were told there were seven applicants per place available. In Moscow, there may be 15 applicants for places available at the First or Second Medical Institutes. Students only apply to one medical school. Selection is made almost entirely on the basis of an entrance examination. The examinations cover areas of chemistry, biology, physics and philosophy. They are given over the entire country from about August 1–20 each year. The requirement that the student present himself or herself for the examination explains the reason for the single application to medical schools. The examinations in science are oral and conducted by two professors. A list of questions is prepared and available to the student in advance. Twenty to 30 students are scheduled for a given subject each day for the examining team. At the examination, the student draws a number which will indicate four of the questions he is to answer in a subject. He is gievn 15 minutes for the answers to his questions. The time seems very short but faculty members told us it is easy to determine the quality of the student within a minute or two after he begins to answer the questions.

A student who receives gold or silver medals for outstanding achievement in secondary school is required to take only one of the science examinations. If he makes an outstanding grade, he is admitted without further examination. However, if he makes only a satisfactory grade, he must take all of the examinations. Other than this, high school records are used only to select among students tying for admission in the entrance examination.

Although 75 percent of the present practicing physicians are women, the number of women in entering classes has been reduced. This will bring an increase in the representation of women in medicine. Present classes are about 40 percent women and 60 percent men. A number of administrators and faculty members stated that in their opinion, the ideal ratio would be 30 percent women and 70 percent men. They gave the reason for this as the difficulty women have in raising families and doing professional work.

It is claimed there is no financial barrier for a student who wishes to study medicine. Seventy percent of the students receive stipends during their medical education. The first-year student receives 28 rubles per month and this increases to 30 rubles in his sixth year. It is estimated it costs him about twice this to live. The stipends are generally given to students with high grades. The other 30 percent depend on family support. If a student comes from a low income family, he is permitted to work during his medical course. Approximately 25 percent often work as feldshers on night ambulance duty or in the hospitals. Students are rarely married upon entering medical school. About 20 percent are married by their sixth year, often to physicians.

The attrition rate is about 10 percent, mostly in the first and second years of study. The students and faculty work together in excluding students from the course of study. In some cases where the student is doing poorly, and his colleagues know there are mitigating circumstances, he is allowed to continue. On the other hand, students who are performing adequately academically may be excluded because of their attitude. It is not clear whether political considerations enter into these decisions.

EDUCATION OF OTHER HEALTH PROFESSIONALS

Health professionals with authority and responsibilities below that of physicians are termed middle medical workers. They include the different types of dentists, feldshers, midwives, nurses, pharmacists, and medical technologists. In 1969, there were 2 million in this category in the U.S.S.R.; about one to every three physicians. In the United States, the ratio is more than one to every 10 physicians. The low number of other health professionals explains in part why physicians are assigned duties in the U.S.S.R.

that are not considered appropriate to their education and training in the U.S.A.

The middle health workers are trained in middle medical schools (technicians) which are separate from the medical schools. The administration and faculty of these schools is made up of physicians and not specially qualified middle medical workers who have received advanced training. This illustrates the concept that medicine in all of its aspects if the responsibility of the physician. There are not independent groups of health professionals.

Middle medical workers enter their course of study after ten years of primary and secondary education, at about age 17. The length of the courses varies from two years and ten months for a dentist, to one year and ten months for feldsher, laboratory, worker, nurse, dental technician, and pharmacist.

The length of educational and training programs after completion of secondary school for middle medical workers is as follows:

General Geldsher, Sanitarian Feldsher, Midwife, Dentist; 2 years, 10 months.

Laboratory Feldsher, Nurse, Dental Technician: 1 year, 10 months.

A third group of health workers includes orderlies, maids, and other support and maintenance personnel.

There is a general misconception in the United States about the role of the feldsher. He or she does not serve as a surrogate physician or even as a physician's assistant of the type being trained in this country, except in remote outposts. Even here, there are plans to replace them with physicians as rapidly as possible. Feldshers have defined roles to play in the overall health care system and do not have a position between the physician and nurse. Many serve technical roles in operating complex equipment or carrying out laboratory procedures. Some are sanitary workers with responsibilities like those of some public health workers in the United States. Others man medical stations in industrial establishments and provide first aid and give follow-up treatment to patients under the direction of a physician. In contrast to the plans to substantially increase the number of physicians educated, there is no similar plan for an increase in the education and training of feldshers.

GENERAL IMPRESSIONS AND OBSERVATIONS

There have been obvious advances in the level of health care and biomedical research in the Soviet Union over the last half century. These advances are remarkable when one considers the situation that existed at the beginning of the period; 16,000 physicians and relatively fewer other health professionals for the entire country and a biomedical research enterprise limited to a few great investigators.

The high priority assigned to health first by Lenin and by subsequent political leaders of the Soviet Union has been an important factor in achieving the present level of effort in health care and biomedical research. The bureaucracy, so evident in the political system, has also provided some hindrance to developments. The considerable decentralization of control from the Ministry of Health of the U.S.S.R. to the republics may reduce the hindrances to the health care programs.

There are apparently few citizens who do not have access to medical care. In this care, there is much more emphasis on preventive and prophylactic medicine than in the United States. Generally speaking, the level of medical care, for those who receive it in the United States, is much better than the general level in the U.S.S.R. There is good care available in the U.S.S.R., but the range of quality is much greater than in the United States. This is in part due to the necessity in the past to train health personnel without an adequate number of properly educated and trained faculty to assure high quality of medical education and the lack of specialists. But, by plan, health professionals were prepared over a relatively short period of time to administer care where little existed before. There is general recognition that the main effort should now be directed at improving the quality of education and the quality of care. By lengthening the medical school curriculum, expanding the opportunities for research in the medical school and the participation of students in advancing knowledge, and strengthening specialty training and eliminating general physicians, they give indication of a real concern for improving quality. It is interesting that their approach after a half century of experience with less adequately educated physicians is dramatically opposite to the course of action recommended by some in the United States that would deemphasize biomedical research, emphasize general practice, and return to the preceptorship method of clinical training for medical students.

There is an obvious hierarchy for physicians in the U.S.S.R. The academician, who is a member of the Academy of Medical Sciences, is clearly at the very top of the hierarchy. He not only has great influence in medicine, but derives financial and other important benefits from his position. The faculty member in the medical institutes has the next most important position. The least prestigious position is that of the physician in the health service system.

However, all physicians rank far above the other health professionals and are clearly the undisputed head of the health care team. The other health professionals have quite limited authority and responsibility and only that granted by the physician.

The position of the feldsher is widely misunderstood in other countries. He was developed in the 19th Century to minister to the needs of the proletariat so that the physicians could devote themselves to the bourgeoise. This concept has had a great influence on the present attitudes in the Soviet Union vis-a-vis feldshers. With the Socialist Revolution came the feeling that the common man deserved and was entitled to care by a bona fide physician. The plans to increase substantially the number of physicians without a corresponding increase in the number of feldshers is an expression of this view. The feldsher is being given more roles as a sanitarian, health educator and a technical assistant to the physician, or as a public health nurse, rather than more responsibility for primary medical care and a first contact for the sick. The feldsher situation is described in some detail by Dr. Victor Sidel in two special articles in the *New England Journal of Medicine*.[6]

Although there is some opportunity for upward mobility of middle medical workers, relatively little credit is given for their previous education or experience. They essentially have to complete the same program to qualify for a higher rank. With the closing of the evening divisions of the medical institutes, feldshers may find it more difficult to become physicians.

FOOTNOTES

[1] Quinn, J. R. "Anatomy of East-West Cooperation: U.S.-U.S.S.R. Public Health Exchange Program 1958–1967." John E. Fogarty International Center for Advanced Study in the Health Sciences; Bethesda, Maryland, 1969.

[2] Field, Mark G. "Soviet Socialized Medicine—An Introduction." The Free Press, New York, 1967.

[3] "The Soviet Five-Year Plan for Public Health." John E. Fogarty International Center for Advanced Study in the Health Sciences, September 1970.

[4] Not included in RECORD.

[5] "Hospital Services In The U.S.S.R. Report of the U.S. Delegation on Hospital Systems Planning June 26–July 16, 1965." U.S. Department of Health, Education, and Welfare, Public Health Service, Washington, D.C., November 1966, page 9.

[6] Sidel, Victor W. "Feldshers and Feldsherism." (In two parts.) New England Journal of Medicine 278, 934–939, 987–992, 1968.

LIEUTENANT CALLEY—HERO OR NONHERO

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, to me the public support from certain portions of the country for Lieutenant Calley is almost as disturbing as the Mylai massacre itself.

Lieutenant Calley murdered helpless prisoners who were no threat to anybody, and that is all there is to it. He later referred to it as "no big deal." If the American people regard the murder of 22 Oriental human beings as "no big deal," then we are in a bad way indeed. Columnist Louis Cassels discussed the problem in a perceptive "Of God and Man" column in the Sacramento Bee of May 15, 1971, which I include in the RECORD at this point.

CALLEY AS A HERO

(By Louis Cassels)

Americans who disapprove the murder conviction of Lt. William Calley have made their protests heard, loud and clear, all the way up to the White House.

But there is another group of Americans, perhaps quite numerous, whose voices nearly have been drowned out in the uproar. They also are distressed about the Calley case—but for different reasons.

What bothers them is that so many of their fellow citizens—including some who profess to be pious Christians—would make a hero of a man who was found guilty, after a long and fair trial, of the cold-blooded murders of 22 unarmed old men, women and children.

"I have not shed as many despairing tears about anything since John Kennedy was killed as I have over the reaction of the American people to the Calley conviction," writes Mrs. H. O. Dyson of Phoenixville, Pa.

"Was it just a hope and not a reality that we as a people had a certain nobility of character which precluded justification of the murder of innocents? There always have been Americans who could, individually, kill without conscience. But I thought that the majority in this nation would turn in horror from such a person."

Some of Calley's defenders argue that he is being made the scapegoat for a crime that properly rests on the consciences of those who sent him into the hell of Vietnam—which is to say, all of us who have supported or condoned this war.

But Mrs. Dyson feels that "too much has been made of this idea of corporate guilt for individual acts." When the press harps on the theme that "society is to blame" for My Lai, she says, it gravely undermines the efforts of parents who are trying to teach their children that "responsibility for what they do rests with them."

Another argument made by Calley's supporters is that it's unfair to punish him for doing what "everybody was doing" in Vietnam.

But this carries cynicism too far. Granted, there have been a woeful number of instances in which American servicemen have committed atrocities. The fact remains that a great many men have served honorably in Vietnam without stooping to bestial conduct.

Calley was not convicted by civilians or armchair soldiers, but by a panel of officers who were fellow-veterans of Vietnam combat. They had been in exactly the same boat—and they found his conduct abhorrent and inexcusable.

So did some of the troops in Calley's own platoon who—testimony at the trial revealed—threw down their guns in disgust and refused to comply with his order to "waste" helpless women and babies.

The worst effect of the Calley case may be still to come. By assuring Calley sympathizers he will personally review the verdict, President Nixon has created a very difficult situation for himself and the country.

If Nixon confirms the conviction and lets Calley go to jail, he will redouble the rage of people to whom the young lieutenant has become a martyr-hero. His actions to date indicate he is most unwilling to antagonize this group.

If he obliges them by pardoning Calley or letting him off with a light sentence, the inference can and will be drawn that it is perfectly acceptable to the American conscience for the American soldiers to behave as Calley did. That would amount to a presidential license for indiscriminate brutality by our troops.

The prospect is enough to make others besides Mrs. Dyson shed despairing tears over what has happened to America's conscience.

FRIENDSHIP HOUSING DEVELOPMENT FOR THE ELDERLY—MORGANTOWN, W. VA.

(Mr. STAGGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, the resources of the Government can be put to good use when they are put in the hands of energetic and resourceful people. Such is the case with a housing development for the elderly in Morgantown, W. Va.

The people with the vision and the drive to make the project a reality was the Kiwanis Club of Morgantown. Starting some 15 years ago, they seized whatever resources were available, and cultivated them vigorously until they could open a million-dollar project in May 1970.

Personally, I am proud and happy to have attended some of the meetings when this project was being discussed and studied. Needless to say, there was a real need in the community for such a facility.

Realizing a good thing, the U.S. Department of Housing and Urban Development responded to this appeal with two grants, one of $600,000 and a supplemental one of $340,000. I am also very happy to have been helpful in obtaining approval for availability of these funds for the Morgantown project.

Starting with bequests of $5,000 each from Mrs. Robert Colwell and Dr. A. J. Dadisman, and a donation of $5,000 from the Kiwanis Club, a tract was purchased from Dr. and Mrs. William E. Paul for $25,000 several years ago. After some delays until the financing of the plan could be assured, the Department of Housing and Urban Development registered its approval, and construction was started.

A description of the project, written by David B. Williams, was printed in the Kiwanis magazine for June 1971. In the hope that other progressive communities may be inspired to go and do likewise, I include his story in the RECORD.

THE HAPPY INHABITANTS OF FRIENDSHIP MANOR

(By David B. Williams)

On the first day that Mrs. Margaret Brand moved into Friendship Manor, a bird was singing in the willow tree outside her window. "I haven't seen that bird since then," she says, "but with such a cheery welcome I knew right from that moment that I was going to enjoy living here."

Mrs. Brand's satisfaction is shared by all the other residents of Friendship Manor, a 62-unit apartment residence in Morgantown, West Virginia, for people of retirement age and limited income. The result of a 15-year effort which saw the Kiwanis Club of Morgantown parlay an idea and $5,000 into a million-dollar housing facility for the elderly, Friendship Manor offers the privacy, security, companionship, and independence that senior citizens value—and perhaps most important of all, longtime residents of the Morgantown area can enjoy these benefits in the community where they wish to live, near their friends and relatives.

Opened in May 1970, Friendship Manor is an attractive three-story brick structure located on a hill in a quiet residential area overlooking the campus of West Virginia University. Financed with a loan through the U.S. Department of Housing and Urban Development, the Manor is administered by Friendship Homes, Incorporated, a nonprofit corporation to which each of the 110 members of the Kiwanis Club of Morgantown belongs.

Mrs. Virginia LaQuier, the resident managing director, is quick to point out that Friendship Manor is not a "nursing home." "All of our residents are physically and mentally able to take care of themselves," she explains. "Friendship Manor was designed to give older people the opportunity to do just that with the comfort and privacy they desire and need, at a cost within their small retirement incomes."

The Friendship Manor story began in 1955, when Kiwanian Robert I. Burchinal recognized the need for such a facility in the Morgantown area. "As an attorney," Bob recalls, "I was constantly in contact with people in the higher age brackets who were no longer able to keep their own homes because of the high costs and daily chores involved. But when these people gave up their homes they were unable to find other housing in Morgantown commensurate with their needs or the standards to which they were accustomed. I even knew three people who spent unnecessarily prolonged periods in mental institutions because there was just no other place for them to go."

Margaret Fitch is a spry little woman whose story illustrates the problems that elderly Morgantown residents faced before Friendship Manor opened its doors. Margaret was born in Morgantown and has lived there all of her 82 years. She has no relatives nearby, but as she says, "When you've lived in a spot this long, it's kind of home to you." Unable to keep the old family home by herself, she gave it up to make way for a new municipal parking lot. She moved to a nursing home for a time, but found its institutional atmosphere too confining. "I don't want to be penned up," she says quite vigorously. "I like to get out and get around." She then tried a hotel, but this was both expensive and impersonal. Now she has her own apartment home at Friendship Manor, where she has the satisfaction of taking care of herself while enjoying the comfort and congenial atmosphere that the Manor provides.

"We were urged by many groups to do one thing or another," recalls John Batlas, Jr., a Kiwanian whose experience as a builder provided expert guidance in costs and construction values. "The county nursing home was having difficulties at the time, and the general cry was 'do something for the indigent.' Of course, we were concerned about this problem, and Kiwanians spent two years getting the nursing home going again before we could really get to work on Friendship Manor. But we saw the need for the large middle group of the elderly who don't need nursing care and want to be self-sufficient within their limited means. We wanted to do something for these people too."

When the idea of doing something for this group of senior citizens was presented to the Morgantown Kiwanians, they responded to the challenge and dedication that would keep them going through fifteen years of difficulties and setbacks before they achieved their goal.

Location, financing, and design were the three major problems that had to be solved before Friendship Manor could become a reality. The club formed a housing committee and began its work by sending two members to a seminar on housing for the elderly in Dillsburg, Pennsylvania, in 1956. From this meeting was born the Friendship Manor concept of gracious living in a homelike atmosphere for senior citizens of limited means.

The Kiwanians spent a great deal of time and effort in careful investigation before deciding just what kind of facility would best meet the needs of the elderly, and committee members visited facilities in several states to gather ideas and advice.

The first positive step was taken when a suitable piece of land owned by a former Kiwanian became available. Immediate action was imperative, so two of the committee members quickly provided their own funds to cover the down payment until the club could arrange for the land's purchase.

Financing and design were interlocking problems, since cost would depend on the size and type of construction. The club members investigated many financing plans, but the magnitude of the project and the goal of low cost to the elderly made government financing the most practical. In December 1964 the Kiwanians consulted with representatives of the US Department of Housing and Urban Development and learned the terms and conditions under which it could provide federal financing.

HUD required preliminary drawings. "Under normal conditions it isn't difficult to find an architect interested in planning with you," Bob Burchinal notes, "but when you don't have any money to guarantee his fee, it's a little more difficult." But then, while examining a facility in Pennsylvania the Morgantown Kiwanians learned that its architect was then-secretary T. Ray Fulton of the Kiwanis Club of Uniontown. When he learned that the Morgantown project was Kiwanis sponsored, he agreed to help.

The site of the planned facility was in a highly restricted residential area, and numerous meetings with officials and revisions of plans took place before the Board of Zoning Appeals granted approval for the project in September 1965. Then followed many trips to Philadelphia to meet with HUD officials to process a loan application for $600,000, which was approved in September 1966.

But just as the project seemed to be on the final stretch of a long and difficult road, the club's construction bids were returned with every one exceeding the available funds by at least 25 percent. To the faint-hearted this blow would have been the last straw, but for the Morgantown Kiwanians it was merely a setback, not a defeat. They went back to the drawing boards and, to insure that the project would be self-liquidating, revised the plans again—not downward, but upward! They went back to the zoning board and obtained approval for the larger structure. And they went back to HUD, this time with an application for $940,000.

Final HUD approval came through in August 1968 and construction began on November 28. Less than two years later the members of the Kiwanis Club of Morgantown enjoyed a "sneak preview" of Friendship Manor, with all its furnishings in place, and on May 1, 1970, the first tenants moved in.

Was this long and exhausting effort worth it? If you ask the happy inhabitants of Friendship Manor, there is no doubt. "I've already convinced several of my friends to move to Friendship Manor," says Glenna Herod, "and I'm still working on some others!" Mrs. Herod had been living with her son in Philadelphia, but moved to Friendship Manor so that she wouldn't be alone in the house at night.

From 1925 until his retirement, Dr. Ralph Hager was a dentist in Morgantown. When he and Mrs. Hager moved to Friendship Manor they liked it so much that they convinced Mrs. Hager's sister in Pennsylvania to join them there.

One of the most appealing features of Friendship Manor for its residents is the way that the privacy of apartment living blends with the congenial companionship of neighbors of similar age and background. "When we want company," explains Miss Blanche Pixler, "we just leave the door open, and when we don't, we close it. There's always someone to visit with when you want to, but when you want to be alone you have the privacy of your own home."

The congeniality at Friendship Manor embraces not only the residents, but the management as well. Dr. John Campbell, president of the Manor's board of directors, and Hubert Marshall, past president, take residents to basketball games at WVU's Coliseum and to Masonic Lodge meetings. Mrs. LaQuier, the managing director, often takes a hand in bridge games in the Manor's decorous lounge. "We usually have one or more games going every evening," she says, "and they've been known to last until midnight."

Another attractive feature of Friendship Manor is its location in Morgantown. Most of the residents were born or have spent many years in the area, and others have relatives or friends there. Mrs. Muriel Rees, for example, lived at a retirement community in Florida for a time, but although the weather was pleasant she really didn't know anyone there. Her daughter's husband teaches at WVU, and they arranged for her to move to Friendship Manor. Before the Manor became available there was no housing of comparable attractiveness and cost in the community.

Mrs. Gussie Campbell had been living in an apartment near her sister in New York, even though she was a longtime Morgantown resident. "I got homesick up in New York," she says, "and when I heard about the plans for Friendship Manor I kept after Bob Burchinal to get it finished. Then wouldn't you know it," she adds with a laugh, "when it was finished I wasn't ready to move in." But now Mrs. Campbell is settled back in Morgantown, with her own comfortable and attractive apartment among the people she knows in the town where she wants to live.

Not all the residents are hometown folks, however, and many have come from out of state simply because the Friendship Manor concept of retirement living is so appealing. Two of Morgantown's new citizens, thanks to Friendship Manor, are Mr. and Mrs. Thomas Foster. Both had lived in Casper, Wyoming, for many years—at least until a friend of Mrs. Foster sent her literature about Friendship Manor. "Friendship Manor is the most appealing retirement home we investigated," says Mr. Foster, who is 92. "We packed up and got in the car and drove the 2200 miles to Morgantown in six days. We're really happy here."

Sally Clark taught school in New York City and Cleveland before retiring, and now keeps active by helping the local girl scouts with arts and crafts. "Morgantown is a town compared to New York or Cleveland," she says, "and I feel much more a part of things here."

Although a few of the units are furnished, most of the residents bring their own furnishings, often including cherished items that have been passed down in their families for generations. "People bring what they especially treasure," says Mrs. Brand. "It's very interesting to hear the stories behind each piece, and you can learn a lot about people by what they bring."

Costs are low at Friendship Manor, despite the spacious rooms, tasteful decorating, carpeting, air conditioning, and other comforts, The basic efficiency unit with pullman-type kitchenette and bath rents for only $80 per month and the full one-bedroom units are just $123. In addition, residents are required to take the evening meal, at a cost of $52.50 per month, in the Manor's gracious dining room. "Older people tend to eat lightly and don't always get everything they need for good nutrition," Mrs. LaQuier explains. "This requirement insures that each resident has at least one full, balanced meal each day, and it also provides good social contact."

The Friendship Manor concept of retirement living was something new to the Morgantown area and was not fully understood at first. "Morgantown is a small community, and we tend to become satisfied with things as they are," says R. P. Davis, Dean Emeritus of the school of engineering at WVU and another of the Kiwanians who played a large role in launching the Friendship Manor project. "It took a lot of time and work, but now that Friendship Manor is a reality a lot of community agencies have a different attitude about this type of project because they can see what fine things can be done."

Community appreciation and understanding of the Friendship Manor concept has spread rapidly, thanks to the steady stream of visitors who have passed through its doors since their opening. "We have about 200 people come through some weeks," says Mrs. LaQuier, "and almost thirty groups and community clubs have used our facilities for special meetings."

The first thing that impresses these visitors is Friendship Manor's warm, homelike atmosphere. "HUD and the architect originally envisioned a more institutional building," says John Batlas, "but we asked ourselves, 'Why can't we get something really nice for the money, even if it is coming from the government?'" The eye-catching decor and solid, soundproof construction of Friendship Manor attests to the fact that with careful planning the Morgantown Kiwanians got 100 cents value for every dollar spent.

The second feature that impresses every visitor is not so tangible, but just as pleasing; the delight that the residents of Friendship Manor have in their home. Their ready smiles and obvious pride is convincing proof that Friendship Manor is the perfect answer to their retirement needs.

Fifteen years ago the Kiwanis Club of Morgantown began the Friendship Manor project with nothing but a dream and the dedication to see it through. Or, as Bob Burchinal puts it: "The real Friendship Manor story is the story behind Kiwanis. One man has an idea, and his fellow Kiwanians pool their talents and enthusiasm until the idea, however big, becomes a reality."

For the elderly citizens of Morgantown that reality is Friendship Manor, through which they have rediscovered the dignity and independence of self-reliance—even into their golden years.

THE STEEL TRADE ACT OF 1971

(Mr. MORGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORGAN. Mr. Speaker, today I introduce a bill that will provide for orderly trade in iron and steel mill products by establishing quotas for steel imported into this country. It enjoys cosponsorship from 24 of my colleagues in the Pennsylvania delegation from both sides of the aisle.

We are introducing this measure because of the clear and demonstrable threat that steel import trends pose to our highly essential iron and steel industry and its more than half million steelworkers.

I would like to review these trends and their consequences.

Between the end of 1957 and the end of 1968 our steel trade balance shifted from a surplus of over 4 million net tons to a deficit in the latter year of almost 16 million tons amounting in value to $1½ billion.

That change was caused by a combination of four factors:

First, the availability of a large amount of excess steel-producing capacity outside the United States and the policies of certain foreign countries as to the use of this capacity;

Second, production costs in other countries which are far less than those in the United States;

Third, resulting low prices in world markets, some of which are below the home market prices of many foreign producers; and

Fourth, measures taken by foreign governments to protect and strengthen their own steel industries and to encourage exports.

In recognition of the fact that steel imports were contributing to our Nation's severe balance of payment problem and sapping the strength of our vital steel industry, a strong measure of support for steel quota legislation built up in 1968 around the country and here in Congress.

Apparently out of concern about the prospects for quota legislation, Japanese steel producers and those of the European Economic Community—the major exporters of steel to the United States—voluntarily committed themselves to curtail somewhat their soaring shipments to the U.S. market for the 3-year period beginning with 1969.

Their commitment was announced in letters from each of the two groups to the then Secretary of State, Dean Rusk. Each letter specified a level of 5¾ million tons for the signatories in 1969, with an annual growth rate of 5 percent in 1970 and 1971.

This arrangement presumed that the countries not parties to the program would not take advantage of the situation, which would mean that total exports of steel-mill products from all nations to this country would not exceed 14 million tons in 1969, 14.7 million tons in 1970 and 15.4 million tons in 1971. The participants expressed their intentions—and I emphasize this—to maintain approximately the same product mix and geographic distribution pattern as previously existed.

High hopes were held in some quarters for this arrangement, although significant flaws in it were immediately evident; notably, the 5-percent growth factor. That is more than double the rate of growth of steel demand in the United States since World War II.

Also, the arrangement—which expires

at the end of this year—does not cover important steel producers outside Japan and the European Economic Community. Their self-restraint was assumed without any declaration of restraint on their part.

Total steel import tonnage in 1969 and 1970 did not exceed the levels of the voluntary limitations. The limitations no doubt played a part in this performance, but most observers of the steel scene believe that a more important factor was the coincidental and—as it turned out—temporary surge of demand for steel in Europe and elsewhere.

Total tonnage did not exceed the voluntary limitations levels, but there has been a startling and dismaying shift of imports to higher valued products and a shift in the geographic distribution pattern of steel imports.

Imports of specialty steels—stainless steels, tool steels, and steel specialty tubular products—have soared.

For example, stainless steel imports from Japan rose nearly 20 percent last year at the same time as shipments of domestic-made stainless fell 22 percent.

Here is just a sampling of what this has done to the marketplace: Imports have taken over some 34 percent of the domestic stainless cold rolled sheet market, 65 percent of the market for stainless wire rod and cold drawn stainless wire, and 16 percent of the market for tool steel. Imports claim nearly 40 percent of the domestic market for seamless carbon and alloy pressure tubing.

This shift to products of higher value is contrary to the intent of the voluntary limitations program and has imposed severe hardships on domestic specialty steel producers. They are now in a disastrous financial situation as a consequence of this. Some of this country's most modern and up-to-date specialty steel facilities are being operated at a loss—a situation which, of course, cannot continue very long.

Domestic specialty steel tubing producers already have announced that they may be forced to abandon certain import-vulnerable product lines if the situation doesn't change for the better.

Along with the shift in the product mix has come a shift in the geographic distribution pattern of steel imports—a development also contrary to the intent of the voluntary restraint program. It has resulted in imports through our west coast ports actually rising rather than falling as they should have under the voluntary arrangement. In 1970, 16.2 percent more foreign steel came through Pacific coast customs districts than should have under the voluntary restraint program. Domestic steel producers who concentrate on the west coast market have been hard hit by this development.

Even among the large domestic producers with broader product lines and geographically dispersed plants, however, the impact of the growing emphasis by foreign producers on higher value products and in certain market areas has had a significant effect.

Another dangerous but little noticed development has been the import into the United States of steel originating in the Common Market and Japan through countries not parties to the voluntary limitations.

The picture is grim and getting grimmer. Imports this year through April—the last month for which data are available—are running ahead of their pace during the January–April period of 1968—a year which ultimately saw a record 18 million tons of foreign steel land in this country. Both years are marked by consumer stockpiling against the possibility of domestic steel mill shutdowns with the expiration of labor contracts.

More steel was imported during the first quarter of this year than during the first quarter of any other year. And during the past decade, first quarter steel imports have consistently been lower than second and third quarter imports. In 1968, for example, imports did not peak until August.

And, after that record-setting first quarter, steel imports climbed again in April. A total of 1,363,000 tons of foreign steel entered the United States during the month. This was 109,000 tons more than March's 1,254,000-ton mark, and lifted total steel imports for the first four months of 1971 to 5,152,000 tons—an increase of 56.2 percent over the comparable period of last year. For the full year 1971, we expect the net deficit of the United States in steel trade will exceed $1.5 billion.

It is because of these developments that my colleagues and I introduce the Iron and Steel Orderly Trade Act. It contains provisions which would effectively prevent disruption of product and geographical markets, and it would establish an import growth rate consistent with the normal growth of domestic demand.

If this bill were enacted, investment by domestic steel companies to better serve their markets would be encouraged. In the long run this means more viability to the domestic industry and more job opportunities for American workers. It now takes about 6,000 employees in steel plants and offices and 1,200 employees in supporting activities to produce a million tons of steel mill products annually.

A strong domestic steel industry is essential to the United States for both economic and security reasons.

Advanced economies like ours need steel in amounts too large and types too varied to be satisfactorily supplied to a significant extent by others, particularly in case of emergencies. Realization of this has been the basis for the continuing drive by the Soviet Union to build up its steel industry, and the steps taken by other governments to insure the viability and expansion of their steel industries.

But the steel import trends I have described threaten the ability of our steel industry to provide the steels needed to support our economy and sustain our national security. We must remove that threat.

Mr. Speaker, I ask unanimous consent to have the bill printed at this point in the RECORD. I also urge other Members of the House to support and sponsor this bill.

GENUINE EMERGENCY IN TEXAS

(Mr. KAZEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KAZEN. Mr. Speaker, the words "Dust Bowl" are burned into the hearts of thousands of farmers. That was the term used to describe one of the worst droughts in our Nation's history, one that lasted almost 6 years in the 1930's, when farm families saw their croplands and grazing ranges destroyed. Not only was the land too dry to produce crops or grass, but it was blown away as dust.

I know the people and the lands of that 1930 drought. We saw the same conditions in the 1950's. That is why I bring to the attention of the House today an article in the Washington Post on Sunday that carried the frightening title "Dust Bowl Again." It is a report by Leroy F. Aarons, a reporter whose recent travels covered much of Texas and Oklahoma. He documents the disaster that is there today.

I have urged the Federal Government to provide relief. I made an inspection trip with the Secretary of Agriculture, or perhaps I should say I rode along when he visited Texas and Oklahoma in late April. Secretary Hardin said then that drought conditions were worse than he had feared. Yet the Nixon administration has done little to help the farmers and ranchers. The Secretary of Agriculture has said he is doing all he can, but he is hiding behind legal technicalities. He is the chief adviser to the President on agricultural affairs, and the emergency powers of the President far exceed those of the Secretary of Agriculture, but to this day no Presidential declaration has come.

I hope the President and his advisers, Secretary Hardin and General George Lincoln of the Office of Emergency Preparedness, will read this report. Perhaps they will then recognize that there is a genuine emergency in Texas in the threat of the Dust Bowl of the 1970's.

The article follows:

THE POST REPORT

SAN ANTONIO.—The old Union Stockyard was hopping. One after another, ranchers backed gooseneck trailers or pickups into the bins and unloaded their cattle: brown, glum-faced Herefords, ferocious-looking black Angus, gaunt, bony Brahmans.

Leather-skinned cowboys, oblivious to the rich, pungent smell of cow dung, checked the brands, slapped them on the rump with whips or canes and forced them through the first of several gates, into the maze of cattleways that lead to the auction room. There they would be sold to customers from as far away as Washington state, eager to buy skinny cows cheap, fatten and re-sell them later.

Some of the cows looked weak and thin, the glaze of malnutrition making their eyeballs glisten. Others were average. Very few had the fleshy shiny, coated glow one remembered from a thousand movie cattle drives.

"They're lookin' sorry," said an old-timer. "Too skinny. One day I saw them pull in with nine in the wagon that should have held about five. Two of them were dead. One had to be condemned. They just couldn't get her up. They had to drag 'em out of the trailer. One they had to roll out end over end."

FORCED TO SELL

From all over drought-stricken south-central and southwest Texas the cattle come by the record thousands. Ranchers, unable to coax grass or grain out of the parched land, were forced to buy and haul in feed and hay—some from as far away as New Mexico and Colorado—to keep their herds alive.

But, eventually, the cost of feed began to outweigh the potential value of their animals. Many cattle died of malnutrition. Rather than lose their herds entirely, ranchers decided to sell. First they pulled young calves from their mothers—partly to spare the highly valuable breeding stock—and sold them.

Then, as things got worse and still no rain, they sold their mother herds, and finally the bulls. Hundreds of smaller ranchers simply sold out altogether and went to look for jobs in the city. Thus, today's auction would see a run of nearly 5,000 cattle, the second largest of the year and 2,000 more than last year at the same time. Total cattle sales at Union this year are up more than 40 per cent.

"What hurts me," and Asa (Ace) Fuller, a brand checker at the stockyard, "is that I see these men come here, they usually walk in here and kick the cows in the ass. But now you see 'em pat 'em on the hip and you see the old lady back there cryin' and you know this was one they intended to keep."

"THEY SICK OF WASHINGTON"

Ace Fuller is 31 years old, weighs 330 pounds and once played football in Canada. He is full of the frustrated indignation of a man who is a victim of some form of injustice, yet doesn't really know whom to blame. His vocal anger reflects the quieter frustration of his fellow ranchers.

"We got a bunch of government sons-a-bitches won't do anything for us," said Fuller, whose outfit was "uniform of the day" in these parts—the straw summer Stetson, western shirt, jeans and high, pointed-toe boots. "They send some s.o.b. from Washington in an airplane. He just damn sure didn't look at Wilson County where there's really trouble. People like as how they sick of Washington.

"It's real bad. Even if it does rain now, the young tender grass won't grow. It's too hot. It's going to be 100 degrees from now on. The farmer and rancher is fed up. Ever since Arkansas when Eisenhower was in there, people been fed up.

"THIS IS WORSE"

"When I see these people in the big cities, they getting help. But these farmers, who are working their butts off, they not gettin' nothin'. I went through the drought of the '50s, I saw my daddy plant corn and it wouldn't come up. But this is worse. When I see some of these people I know all my life, just pat 'em like this, they're pattin' 'em good-bye. I tell you, I get so damn mad sometimes I want to spit fire."

On April 21, in response to the pleas and pressure of Texas and Oklahoma congressmen and governors, Agriculture Secretary Clifford Hardin made a personal visit to the drought country. In San Antonio his "tour" of the stricken areas is universally remembered as a "farce." Hardin, they say, spent 30 minutes in a helicopter, 15 of them taxiing and the other 15 making a cursory flight over some of the less ravaged countryside.

When the copter set down, Hardin said Texas and Oklahoma were "major disaster areas" but added that he would not seek such a designation from the President, that actions already taken offered all the aid available.

PRESIDENT IS SILENT

Angered by Hardin's snub, Texas Gov. Preston Smith, a Democrat, issued a statement saying that "we in Texas are not satisfied that the government had done enough . . . It has become apparent to us that no one in Washington—1,500 miles away from the drought—can see or feel the problems as we have seen and felt them."

Thus the sides were drawn for a political dispute that could hurt Mr. Nixon in Texas and other hard-hit southwestern states in 1972. The government has offered a wide range of assistance in the drought—including some grain at reduced prices, aid in paying for shipping of hay, and emergency loans from the Farmers Home Administration.

But farmers say they need to sign a "pauper's oath" to get the first two and can only get an FHA loan when they can show all other sources have failed and they were totally desperate. This procedure is undignified, they feel. They want the drought country declared a major disaster area by the President, which would, among other things, make farmers eligible for forgiveness on loans up to $2,500.

But Mr. Nixon has thus far remained silent.

EARTH IS SCORCHED

Nature has declared a scorched-earth policy. Driving southeast from San Antonio on Route 87 toward La Vernia, one can see some of the driest country of the drought. Row after row of farm tract, bare of grass, hay, milo or anything, sit baking in the 100-degree sun, cracking and chapping under the intense heat. The heat rises in vapors in the distance, making power lines seem to waver like TV test patterns. Occasionally an irrigated field comes into view, its verdant cheerfulness startling against its dull brown surroundings.

Above, puny clouds hover like tiny bursts of ack-ack. (Air Force planes have been out trying to coax rain by seeding some of the clouds—with little success.)

"We've had some bad dust storms down here," said Ed Talk. "This is sandy country all right. You can see where the sand has piled up along the fences. But it's not as bad as in the '30s, mostly 'cause of better farming methods. Surface soil is now plowed under so the hardier substance is on top, and land that's not being used is planted with a cover crop, like alfalfa. Still, it can blow up pretty heavy."

Ed Talk is a handsome, softspoken rancher of 47, who owns about 500 acres of land near La Vernia and had 150 head of cattle when the drought started. Now he has none.

"NOTHING CAME UP"

"This is the worst drought I've ever seen. We have had about three inches of rain in the last year; this, in an area that usually gets 28 to 30 inches. I've been in the cattle business all my life. In the '50s it would at least rain periodically and you did grow a little something. I held on through the '50s, but this time I sold out. The feed bill was gettin' too high. Eventually you'll feed up to the price of your animal. It don't take long at $1.50 a bale of hay.

"They eat from a quarter to a half bushel a day. Plus you got to give 'em protein besides that. I finally sold out at $50 a head less than normal. A good fat cow will bring around $200. I sold mine for $150. It cost me in all about $6,000, not to mention the lost investment in planting. We planted grass, but nothing came up."

When and if the rains come, Talk will have to borrow money to replace his herd. Since so many cattle are going out of state, the price is certain to be extremely high. This will be reflected in the price of cattle to be sold next year, and ultimately in the cost to the consumer.

How come more farmers don't use irrigation, he was asked.

"It's so dad-blamed expensive. You need a cash crop, like tomatoes or alfalfa, to afford it. It costs about $10,000 for the pump and the rig, and you need two men to keep moving the pipes around. Then, butane for the pump costs 26 cents to 30 cents a gallon, and it takes about 500 gallons every four days. We finally did irrigate from 150 to 175 acres, just to sell the hay and keep us goin'."

LESSONS OF EXPERIENCE

The dust storms of the '30s taught everyone a lesson. They happened because the land had been brutally torn up and overworked by farmers ignorant of conservation measures. When the drought came the loosened soil turned dry, was easily picked up by the rushing wind and transported hundreds of miles through the air like a black rain.

Out of the Dust Bowl was born the Soil Conservation Service and a new consciousness of the proper uses of land. Techniques were devised to prevent water from running off crop lands, eroding soil and filling waterways with minerals. Rotated planting was emphasized, with the purpose of giving overused land a chance to recuperate, to hold its moisture and to yield better crops.

Much was done, with the help of the Bureau of Reclamation and the Army Corps of Engineers, to provide dams and reservoirs for irrigation and drinking water.

By the time the seven-year drought of the 1950s came, farmers were better prepared. But the great drought of 1970–71 has demonstrated that the arid regions of the Southwest are still unable to cope with major emergencies.

RESERVOIRS EMPTY

All over the stricken areas of Texas and Oklahoma reservoirs, like Lake Altus, are giving out; irrigation supplies are rapidly being depleted and the water tables dropping dangerously. At San Angelo, Tex., as far back as March, the primary reservoir was already dry and reserves were diminishing.

Clearly, local water projects are insufficient in extended periods of intense drought. The answer is a statewide, comprehensive water plan, as in California, which would utilize surpluses in one part of a state to supply needy areas elsewhere. But these proposals are expensive; they have been rejected by the public in the past—as in Texas, where a multibillion-dollar water plan was turned down in a referendum two years ago.

To the beleaguered farmer and rancher, these issues are distant and exotic. They must cope with the here-and-now realities of impending disaster.

SEEKS TO RE-CREATE RFC

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, many of our colleagues may not recall the invaluable service which the Reconstruction Finance Corporation performed in the recovery of our national economy from the great depession. I was, however, a part of that era and I know personally that many jobs and enterprises were saved by the emergency financial support which the RFC was able to give.

The agency went out of existence because it was no longer needed; it appeared that the time in our economic life when general recession would threaten the existence of even great corporations was to be a thing of the past.

Unfortunately, Mr. Speaker, this has not proven to be the case. We are in a serious economic situation and even the largest of our aerospace contractors is in desperate need of financial assistance.

It seems to me, however, that it would be most unfair to provide Federal financial assistance to a large corporation such as Lockheed and not make provision for the smaller companies that play an equally important part in our national economy.

Many smaller enterprises have experienced unusual difficulties as a result of the strange economic situation in which we find ourselves—a combination of rising inflation and high unemployment at the same time. I feel we should have an instrument capable of assisting them and I have, therefore, introduced today legislation to re-create the Reconstruction Finance Corporation with authority to provide loans and loan guarantees up to $1 billion.

I have chosen to reintroduce the original RFC act to emphasize the connection with the provision we made in the 1930's to salvage so many valuable enterprises. It has, I am sure, many technical imperfections which must be worked out in committee. I have merely sought to increase the resources of the agency to $1 billion, from the $250 million in the original act, and to provide for loan guarantees as well as the direct loans authorized in the original legislation. A few obviously outdated provisions have also been stricken.

At this point I would like to include the text of the measure, which is essentially the original RFC Act:

H.R. 9167

A bill to provide emergency financing facilities for financial institutions, to aid in financing agriculture, commerce, and industry, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, created a body corporate with the name "Reconstruction Finance Corporation" (herein called the corporation). That the principal office of the corporation shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the board of directors. This Act may be cited as the "Reconstruction Finance Corporation Act of 1971".

SEC. 2. The corporation shall have capital stock of $1,000,000,000, subscribed by the United States of America, payment for which shall be subject to call in whole or in part by the board of directors of the corporation.

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000,000, for the purpose of making payments upon such subscription when called.

Receipts for payments by the United States of America for or on account of such stock shall be issued by the corporation to the Secretary of the Treasury and shall be evidence of the stock ownership of the United States of America.

SEC. 3. The management of the corporation shall be vested in a board of directors consisting of the Secretary of the Treasury, the Secretary of Labor, the Secretary of Commerce, the Secretary of Agriculture, and the Chairman of the Board of Governors of the Federal Reserve System, who shall be members ex officio, and four other persons appointed by the President of the United States, by and with the advice and consent of the Senate. Of the nine members of the board of directors not more than six shall be members of any one political party and not more than one shall be appointed from any one Federal Reserve district. Each director shall devote his time not otherwise required by the business of the United States principally to the business of the corporation. Before entering upon his duties each of the directors so appointed and each officer of the corporation shall take an oath faithfully to discharge the duties of his office. Nothing contained in this or in any other Act shall be construed to prevent the appointment and compensation as an employee of the corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof. The terms of the directors appointed by the President of the United States shall be two years and run from the date of the enactment hereof and until their successors are appointed and qualified. Whenever a vacancy shall occur among the directors so appointed, the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the director whose place he is selected to fill. No director, officer, attorney, agent, or employee of the corporation shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly interested.

SEC. 4. The corporation shall have succession for a period of ten years from the date of the enactment hereof, unless it is sooner dissolved by an Act of Congress. It shall have power to adopt, alter and use a corporate seal; to make contracts; to lease such real estate as may be necessary for the transaction of its business; to sue and be sued, to complain and to defend, in any court of competent jurisdiction, State or Federal; to select, employ, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the corporation, without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; to define their authority and duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, by-laws, rules, and regulations governing the manner in which its general business may be conducted and the powers granted to it by law may be exercised and enjoyed, including the selection of its chairman and vice chairman, together with provision for such committees and the functions thereof as the board of directors may deem necessary for facilitating its business under this Act. The board of directors of the corporation shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid. The corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The corporation, with the consent of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this Act.

SEC. 5. To aid in financing agriculture, commerce, and industry, including facilitating the exportation of agricultural and other products, the corporation is authorized and empowered to make or guarantee loans, upon such terms and conditions not inconsistent with this Act as it may determine, to any bank, savings bank, trust company, building and loan association, insurance company, mortgage loan company, credit union, Federal land bank, joint-stock land bank, Federal intermediate credit bank, agricultural credit corporation, livestock credit corporation, organized under the laws of any State or of the United States, including loans secured by the assets of any bank that is closed, or in process of liquidation to aid in the reorganization or liquidation of such banks, upon application of the receiver or liquidating agent of such bank and any receiver of any national bank is hereby authorized to contract for such loans and to pledge any assets of the bank for securing the same: *Provided,* That not more than $200,000,000 shall be used for the relief of banks that are closed or in the process of liquidation.

All loans made and guaranteed under the foregoing provisions shall be fully and adequately secured. The corporation, under such conditions as it shall prescribe, may take over or provide for the administration and liquidation of any collateral accepted by it as security for such loans or guarantees. Such loans may be made directly upon promissory notes or by way of discount or rediscount of obligations tendered for the purpose, or otherwise in such form and in such amount and at such interest or discount rates as the corporation may approve: *Provided,* That no loans or advances shall be made upon foreign securities or foreign acceptances as collateral or for the purpose of assisting in the carrying or liquidation of such foreign securities and foreign acceptances. In no case shall the aggregate amount of advances made under this section to any one corporation and its subsidiary or affiliated organizations exceed at any one time 5 per centum of (1) the authorized capital stock of the Reconstruction Finance Corporation plus (2) the aggregate amount of bonds of the corporation authorized to be outstanding when the capital stock is fully subscribed.

Each such loan may be made for a period not exceeding three years, and the corporation may from time to time extend the time of payment of any such loan, through renewal, substitution of new obligations, or otherwise, but the time for such payment shall not be extended beyond five years from the date upon which such loan was made originally. Except as provided in section 5a hereof, no loan, advancement, or guarantee shall be made by the corporation for the purpose of initiating, setting on foot, or financing any enterprise not initiated, set on foot, or undertaken prior to the adoption of this Act: *Provided,* That the foregoing limitation shall not apply to loans and guarantees made to agricultural or livestock credit corporations, or Federal land banks, joint-stock land banks, or Federal intermediate credit banks, nor to loans and guarantees made to banks for the purpose of financing agricultural operations.

The corporation may make loans and guarantees under this section at any time prior to the expiration of one year from the date of the enactment hereof; and the President may from time to time postpone such date of expiration for such additional period or periods as he may deem necessary, not to exceed two years from the date of the enactment hereof. Within the foregoing limitations of this section, the corporation may also, upon the approval of the Interstate Commerce Commission, make loans and guarantees to aid in the temporary financing of railroads and railways engaged in interstate commerce, to railroads and railways in process of construction, and to receivers of such railroads and railways, when in the opinion of the board of directors of the corporation such railroads or railways are unable to obtain funds upon reasonable terms through banking channels or from the general public and the corporation will be adequately secured: *Provided,* That no fee or commission shall be paid by any applicant for a loan or guarantee under the provisions hereof in connection with any such application or any loan or guarantee made or to be made hereunder, and the agreement to pay or payment of any such fee or commission shall be unlawful.

Any such railroad may obligate itself in such form as shall be prescribed and otherwise comply with the requirements of the

Interstate Commerce Commission and the corporation with respect to the deposit or assignment of security hereunder, without the authorization or approval of any authority, State or Federal, and without compliance with any requirement, State or Federal, as to notification, other than such as may be imposed by the Interstate Commerce Commission and the corporation under the provisions of this section.

Sec. 5a. The corporation is authorized and empowered to accept drafts and bills of exchange drawn upon it which grow out of transactions involving the exportation of agricultural or other products actually sold or transported for sale subsequent to the enactment hereof and in process of shipment to buyers in foreign countries: *Provided*, That the corporation shall not make any such acceptances growing out of transactions involving the sale or shipment of armaments, munitions, or other war materials, or the sale or shipment into countries which are at war of any merchandise or commodities except food and supplies for the actual use of noncombatants. No bill of exchange or draft shall be eligible for acceptance if such bill shall have at time of acceptance a maturity of more than twelve months. All drafts and bills of exchange accepted under this section shall be in terms payable in the United States, in currency of the United States, and in addition to the draft or bill of exchange shall at all times be fully secured by American securities deposited as collateral or shall be guaranteed by a bank or trust company of undoubted sovency organized under the laws of the United States or any State, Territory, or insular possession thereof: *Provided*, That such securities shall not include goods stored or in process of shipment in foreign countries or the obligation of any foreign government, corporation, firm, or person.

Sec. 6. Section 5202 of the Revised Statutes of the United States, as amended, is hereby amended by striking out the words "War Finance Corporation Act" and inserting in lieu thereof the words "Reconstruction Finance Corporation Act."

Sec. 7. All moneys of the corporation not otherwise employed may be deposited with the Treasurer of the United States subject to check by authority of the corporation or in any Federal reserve bank, or may, by authorization of the board of directors of the corporation, be used in the purchase for redemption and retirement of any notes, debentures, bonds, or other obligations issued by the corporation, and the corporation may reimburse such Federal reserve bank for their services in the manner as may be agreed upon. The Federal reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the Reconstruction Finance Corporation in the general performance of its powers conferred by this Act.

Sec. 8. In order to enable the corporation to carry out the provisions of this Act, the Treasury Department, the Federal Farm Loan Board, the Comptroller of the Currency, the Federal Reserve Board, the Federal reserve banks, and the Interstate Commerce Commission are hereby authorized, under such conditions as they may prescribe, to make available to the corporation, in confidence, such reports, records, or other information as they may have available relating to the condition of financial institutions and railroads or railways with respect to which the corporation has had or contemplates having transactions under this Act, or relating to individuals, associations, partnerships, or corporations whose obligations are offered to or held by the corporation as security for loans to financial institutions or railroads or railways under this Act, and to make through their examiners or other employees for the confidential use of the corporation, examinations of such financial institutions or railroads and railways. Every applicant for a loan under this Act shall, as a condition precedent thereto, consent to such examinations as the corporations may require for the purposes of this Act and that reports of examinations by constituted authorities may be furnished by such authorities to the corporation upon request therefor.

Sec. 9. The corporation is authorized and empowered, with the approval of the Secretary of the Treasury, to issue, and to have outstanding at any one time in an amount aggregating not more than three times its subscribed capital, its notes, debentures, bonds, or other such obligations; such obligations to mature not more than five years from their respective dates of issue, to be redeemable at the option of the corporation before maturity in such manner as may be stipulated in such obligations, and to bear such rate or rates of interest as may be determined by the corporation: *Provided*, That the corporation, with the approval of the Secretary of the Treasury, may sell on a discount basis short-term obligations payable at maturity without interest. The notes, debentures, bonds, and other obligations of the corporation may be secured by assets of the corporation in such manner as shall be prescribed by its board of directors: *Provided*, That the aggregate of all obligations issued under this section shall not exceed three times the amount of the subscribed capital stock.

Such obligations may be issued in payment of any loan authorized by this Act or may be offered for sale at such price or prices as the corporation may determine with the approval of the Secretary of the Treasury. The said obligations shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guaranty shall be expressed on the face thereof. In the event that the corporation shall be unable to pay upon demand, when due, the principal of or interest on notes, debentures, bonds, or other such obligations issued by it, the Secretary of the Treasury shall pay the amount thereof, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amounts so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such notes, debentures, bonds, or other obligations. The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of the corporation to be issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the corporation's obligations hereunder. The Secretary of the Treasury may, at any time, sell any of the obligations of the corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the corporation shall be treated as public-debt transactions of the United States. Such obligations shall not be eligible for discount or purchase by any Federal reserve bank.

Sec. 10. Any and all notes, debentures, bonds, or other such obligations issued by the corporation shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The corporation, including its franchise, its capital, reserves, and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

Sec. 11. In order that the corporation may be supplied with such forms of notes, debentures, bonds, or other obligations as it may need for issuance under this Act, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the corporation, to be held in the Treasury subject to delivery, upon order of the corporation. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The corporation shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody and delivery of such notes, debentures, bonds, or other obligations.

Sec. 12. When designated for that purpose by the Secretary of the Treasury, the corporation shall be a depositary of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and it may also be employed as a financial agent of the Government; and it shall perform all such reasonable duties, as depositary of public money and financial agent of the Government, as may be required of it. Obligations of the corporation shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof.

Sec. 13. Upon the expiration of the period of one year within which the corporation may make loans, or of any extension thereof by the President under the authority of this Act, the board of directors of the corporation shall, except as otherwise herein specifically authorized, proceed to liquidate its assets and wind up its affairs. It may with the approval of the Secretary of the Treasury deposit with the Treasurer of the United States as a special fund any money belonging to the corporation or from time to time received by it in the course of liquidation or otherwise, for the payment of principal and interest of its outstanding obligations or for the purpose of redemption of such obligations in accordance with the terms thereof, which fund may be drawn upon or paid out for no other purposes.

The corporation may also at any time pay to the Treasury of the United States as miscellaneous receipts any money belonging to the corporation or from time to time received by it in the course of liquidation or otherwise in excess of reasonable amounts reserved to meet its requirements during liquidations. Upon such deposit being made, such amount of the capital stock of the corporation as may be specified by the corporation with the approval of the Secretary of the Treasury but not exceeding in par value the amount so paid in shall be canceled and retired. Any balance remaining after the liquidation of all the corporation's assets and after provision has been made for payment of all legal obligations of any kind and character shall be paid into the Treasury of the United States as miscellaneous receipts. Thereupon the corporation shall be dissolved and the residue, if any, of its capital stock shall be canceled and retired.

Sec. 14. If at the expiration of the ten years for which the corporation has succession hereunder its board of directors shall not have completed the liquidation of its assets and the winding up of its affairs, the duty of completing such liquidation and winding up of its affairs shall be transferred to the Secretary of the Treasury, who for such purpose shall succeed to all the powers and duties of the board of directors of the corporation under this Act. In such event he may assign to any officer or officers of the

United States in the Treasury Department the exercise and performance, under his general supervision and direction, of such powers and duties; and nothing herein shall be construed to affect any right or privilege accrued, any penalty or liability incurred, any criminal or civil proceeding commenced, or any authority conferred hereunder, except as herein provided in connection with the liquidation of the remaining assets and the winding up of the affairs of the corporation, until the Secretary of the Treasury shall find that such liquidation will no longer be advantageous to the United States and that all of its legal obligations have been provided for, whereupon he shall retire any capital stock then outstanding, pay into the Treasury as miscellaneous receipts the unused balance of the moneys belonging to the corporation, and make the final report of the corporation to the Congress. Thereupon the corporation shall be deemed to be dissolved.

SEC. 15. The corporation shall make and publish a report quarterly of its operations to the Congress stating the aggregate loans and guarantees made to each of the classes of borrowers provided for and the number of borrowers by States in each class. The statement shall show the assets and liabilities of the corporation. It shall also show the names and compensation of all persons employed by the corporation whose compensation exceeds $400 a month.

SEC. 16 (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose or obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the corporation, or for the purpose of obtaining money, property, or anything of value, under this Act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

(b) Whoever (1) falsely makes, forges, or counterfeits any note, debenture, bond, or other obligation, or coupon, in imitation of or purporting to be a note, debenture, bond, or other obligation, or coupon, issued by the corporation, or (2) passes, utters or publishes, or attempts to pass, utter or publish, any false, forged or counterfeited note, debenture, bond, or other obligation, or coupon, purporting to have been issued by the corporation, knowing the same to be false, forged or counterfeited, or (3) falsely alters any note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the corporation, or (4) passes, utters or publishes, or attempts to pass, utter or publish, as true any falsely altered or spurious note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the corporation, knowing the same to be falsely altered or spurious, or any person who willfully violates any other provision of this Act, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(c) Whoever, being connected in any capacity with the corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise entrusted to it, or (2) with intent to defraud the corporation or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the corporation, makes any false entry in any book, report, or statement of or to the corporation, or, without being duly authorized, draws any order or issues, puts forth or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, or (3) with intent to defraud participates, shares, receives directly or indirectly any money, profit, property or benefit through any transaction, loan, commission, contract, or any other act of the corporation, or (4) gives any unauthorized information concerning any future action or plan of the corporation which might affect the value of securities, or, having such knowledge, invests or speculates, directly or indirectly, in the securities or property of any company, bank, or corporation receiving loans or other assistance from the corporation, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(d) No individual, association, partnership, or corporation shall use the words "Reconstruction Finance Corporation" or a combination of these three words, as the name or a part thereof under which he or it shall do business. Every individual, partnership, association, or corporation violating this prohibition shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding $1,000 or imprisonment not exceeding one year, or both.

SEC. 17. The right to alter, amend, or repeal this Act is hereby expressly reserved. If any clause, sentence, paragraphs, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

THE NEDZI-WHALEN AMENDMENT

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, during the House Armed Services Committee consideration of H.R. 8687, Congressman WHALEN and I introduced an amendment which we intend to reintroduce in the course of the House debate on the defense procurement bill. Our amendment would prohibit the expenditure of new procurement money, after December 31, 1971, to support U.S. military deployment or U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

The United States is withdrawing from Vietnam. Steady and continuing withdrawal is our announced policy, although the full extent of the withdrawal remains unclear.

The cost of American involvement in Vietnam is well known to all Americans. By several crucial measurements—the length of time we have stayed, the over 50,000 American lives lost, the money we have spent, the serious strains inflicted on our economy, and the diversion of our Nation's time, energy, and intellectual and moral vitality from other needs at home and abroad—we have honored our commitments well beyond what originally was expected of us.

We offer this amendment in order to provide a clear opportunity for the Members of the House of Representatives to express their sentiments on the question of setting a date for the withdrawal of all U.S. troops from Vietnam, Cambodia, and Laos. Our hope is that a congressional initiative will not only provide an outlet for the expression of the Nation's mood but will lead to an end to the killing on all sides and a negotiated settlement.

Setting a date for complete withdrawal will call the hand of the North Vietnamese rather than weaken our negotiating stance. They have repeatedly asserted at the Paris negotiations that if our Government will set such a date, they will refrain from attacking our withdrawing troops and will negotiate release of the Americans held prisoners. Our amendment has safeguards and the essential of reciprocity built into it. If the other side is not forthcoming, then we withdraw our concessions.

We have sought to maintain the integrity and the essential thrust of the amendment while drafting it in a manner germane to the nature of the procurement bill. We believe the amendment is meaningful.

It should be observed that there are several additional aspects of the amendment:

First. If the President determines that the limitations of the amendment will not permit safe U.S. withdrawal of troops and return of prisoners of war by December 31, 1971, he is authorized to recommend to Congress setting another date within the fiscal year—ending June 30, 1972—for the accomplishment of these objectives.

If the North Vietnamese remain intransigent, the President retains flexibility, for his constitutional authority as Commander in Chief is specifically recognized.

Second. Consistent with the objective of full military withdrawal, the United States, under the amendment, may continue to provide military and economic assistance to Vietnam, Laos, and Cambodia.

Third. Recognizing that some citizens of South Vietnam may feel themselves endangered by the withdrawal of U.S. forces, the amendment affirms the President's authority to provide for their safety by asylum or other means.

The prolonged American involvement in the longest war in our history must end. It is time for congressional initiative. Our amendment is introduced in the hope that it will serve to facilitate the early release of our prisoners of war, the safe wihdrawal of all our troops, and the beginning of those steps urgently need to repair and heal our Nation's economic and spiritual wounds.

The language of the proposed Nedzi-Whalen amendment is as follows:

NEDZI-WHALEN AMENDMENT

Title IV, General Provisions, of H.R. 8687 (FY 1972 Defense Authorization Bill) is amended by adding the following new section:

"Sec. 502. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

"(b) If the President determines that the above limitations will not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or ensure the return of prisoners of war, he shall recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives.

(c) This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

"(d) This section shall not be construed to affect the power of the President to provide for (1) asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces, and (2) military and economic assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of this section.

"(e) This section shall not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war.

"(f) This section shall not be construed to prohibit the assignment of customary military personnel to diplomatic missions."

AN ALTERNATIVE DATE FOR WITHDRAWAL OF TROOPS FROM VIETNAM

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I have been overwhelmed by the response to my press announcement of June 14 concerning an alternative plan for a withdrawal date for our troops now in Vietnam. Perhaps the historical "revelations" of the New York Times, combined with the impending vote on the McGovern-Hatfield amendment in the other body, and naturally, our discussion here today on the fiscal year 1972 military procurement bill, have worked to heighten interest in my proposal for a specific withdrawal date alternative.

As a former Reserve Navy captain and a senior Republican Member of the House, I will state unequivocally that no one wants the war to end any faster than I do; however, unlike the President's critics, I try to be realistic. The Commander in Chief cannot respond to the armchair diplomats and would-be Presidents and set a date now because of his ultimate responsibility for the safety of American troops and prisoners of war in Vietnam.

I know the President would set a specific date for withdrawal if he could. I believe my plan offers a way to set a specific date, protecting remaining troops during withdrawal, and at the same time guaranteeing the safe return of the American prisoners of war.

My suggestion is this: The President would announce the establishment of a date for total U.S. combat troop withdrawal, 6 months after certification that all American prisoners of war have been released from North Vietnam.

The certification would be made after an inspection tour of North Vietnam by either the International Red Cross or an ad hoc neutral nation inspection team.

Part of the certification would have to include the return of the bodies of U.S. personnel killed in action—this provision could be handled by an international graves registration unit.

On the exact date all prisoners were certified as released, the President would set a specific date, no more than 6 months in the future, for the completion of the U.S. troop withdrawal program.

I admit that my suggestion does not have the preciseness demanded by some, but it does put the responsibility for ending the war squarely in the hands of the North Vietnamese. It is up to the north—if they are serious about ending the war, here is a means to that end.

I believe my plan is a rational alternative to the uncertainty of the present phased withdrawal plan and that is something deeply desired by the American public. My suggestion is also a rational alternative to the December 31 date as proposed by members of the "presidential aspirants club"—most of whom recognize that date as unrealistic regardless of their public utterances.

We have recently heard that the Secretary of Defense is critical of Congressmen commenting on the conduct of the administration's troop withdrawal program. I hasten to assure him that my suggestion springs for a patriotic motive to help the President end this war. I am sure our distinguished former colleague will agree that had the Democratically controlled Congress really debated the issue of war or peace back in 1963, 1964, 1965, we might never have become involved in a war in Vietnam and the creeping combat policy.

PLAN FOR BICENTENNIAL YEAR

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I would like to submit for the RECORD the address by David J. Mahoney, Chairman of the American Revolution Bicentennial Commission, before the open plenary session, U.S. Conference of Mayors at Philadelphia, Pa., June 14, 1971. Mr. Mahoney addressed the conference citing the challenges and concepts of the era of the 200th anniversary of our Nation.

The bicentennial era is a time for all Americans to honor the past, to get to know the United States better through travel, and to challenge ourselves with the needs of the future. The Bicentennial Commission translates these three themes as "Heritage '76," "Open House USA," and "Horizons '76."

The Bicentennial Commission is planning one of the world's greatest events—a proper commemoration of the 200th year of American freedom. I have been a member of the Commission since its start.

Every one of the 50 States, every county, city, and town has a part in the celebration. May I direct you to the challenge to U.S. mayors:

AN ADDRESS BY DAVID J. MAHONEY

Good Morning, and thank you Mayor Tate for inviting me. It's always a great pleasure to talk with the people who make America's cities run. I believe it is appropriate for me to speak to you this day—Flag Day—about America's Bicentennial and let me say that we are grateful for your resolution of encouragement to the cause of the Bicentennial.

For the next five minutes I would like to address myself to an Era which will affect all of America's cities because it will affect all America and all Americans—that is the forthcoming 200th Anniversary of the nation. We have much to do—but one thing is certain—it will be the leadership and involvement of the Mayors of the United States that will forge the goals for achievement, and ensure the success of the Bicentennial.

It is simultaneously a challenge and opportunity. The 200th Anniversary of our nation will be a great nationwide experience. The American Revolution Bicentennial Commission, a bi-partisan Commission, has recommended to the President, and he has agreed with those recommendations, that the Bicentennial is to be national in scope, involving every State, city, community, and individual across the United States.

President Nixon, in a portion of his transmittal message to the Congress, stated the following: "The Report of the American Revolution Bicentennial Commission, which I am transmitting to the Congress today, presents cogent suggestions for commemoration of the 200th Anniversary of the birth of our nation. I strongly endorse the Commission's primary recommendations that:

"The commemoration be national in scope; seeking to involve every State, city and community;

"The Bicentennial be a focal point for a review and reaffirmation of the principles on which the nation was founded and for a new understanding of our heritage;

"This be the occasion for looking ahead, for defining and dedicating ourselves to our common purposes, and for speeding the accomplishment of specific local projects responsive to our changing national priorities.

"The goal which the Commission has established is most appropriate for our nation at this time: 'to forge a new national commitment, a new spirit for '76, a spirit which will unite the nation in purpose and dedication to the advancement of human welfare as it moves into its third century.'

"I concur with the Commission's concept of a Bicentennial Era with its focal point in 1976."

This mandate provides us with the opportunity to not only put our past into perspective, but also an opportunity to look ahead, an opportunity to ask of ourselves and of our institutions what it is that we as Americans want to be, as we end the second century of American life. That 200th Anniversary provides an occasion for us to develop priorities for entering a new period of national life—century three.

There is something that is beginning to happen across this country. A sense of awakening—a sense of value judgments taking hold—a desire to provide a higher quality of life. We submit that the Bicentennial Era can help to fulfill these goals.

The Bicentennial Commission should significantly assist our citizens in their hopes to carve their future in our local communities across the land. The Commission was created to plan, encourage, develop, and coordinate observances and activities associated with America's quest and fight for independence. Great emphasis on this commemoration aspect is presently under way—by many local groups. But an equally important aspect is the local development of future goals.

You are the ladies and gentlemen who must lead the way. There is no formula for this call; no program can be transportated to a given community. Goals must fit the circumstances and problems of a particular locality; programs to discover goals will differ one to another; and each will present complexities and difficulties that will be discouraging. But a sufficient number and variety of citizens can set the project in motion, as has been demonstrated by cities which already have such programs under way. Former Mayor Erik Jonsson in Dallas has done a magnificent job in implementing the Goals for Dallas program.

There are many others.

Someone said that if we didn't have a Bicentennial we would have to invent one because need it, as a country. I think we are fortunate that the 200th Anniversary of this country is approaching. It has great magic associated with it and will have an impact on all our lives. It is an important time for all of us here today.

This Bicentennial is not to be parochial, it is not geographically confined. It is not purely looking backward as some may think. It is importantly honoring our past, looking at ourselves as we are in the present, but primarily an opportunity to ask ourselves where we want to go and what we want to be as a country and as individuals. It is an opportunity to rally together around some ideas, some very basic ideas on which the country was founded and which are still relevant to all of us today. How each of us finds significance in the Bicentennial will be the significance of the Bicentennial.

I would also like to suggest that as the managers of America's cities that you put in front of your people, the people you work with daily, the proposition that they look at themselves, not as residents of Albuquerque or Seattle or Knoxville or New York City, but also that they look at themselves as part of a greater whole, as a part of a nation that is approaching its 200th Anniversary. Let us ask ourselves what it is that we want to do, and where it is we want to be, as we end two hundred years of American life. What are our aspirations? What is it we want to have accomplished by 1976? What are the goals and objectives of our communities? What is it that the people of our cities want to have achieved by 1976? That is a very important date for us to place in our minds. It is a very magical date. It is a date we should all use for setting goals for ourselves, our communities, and our country, goals that are a little beyond those that we know we can reach, goals that make us stretch, that makes us reach beyond those which we would normally set or think of setting.

There are many important aspects to the Bicentennial. Lack of time this morning does not permit me to elaborate to any great extent. Basically, however, the Bicentennial has three components: *Heritage '76* is a nationwide summons to recall our heritage and to place it in its historical perspective. Through Heritage '76 programs, all groups within our society are urged to reexamine our origins, our values, and the meaning of America—to take pride in our accomplishments and to dramatize our development.

Open House USA is a nationwide opportunity to program activities and events which will stimulate travel and thus encourage our citizens to expand their knowledge of our country and to extend a particular welcome to visitors.

Horizons '76 is a nationwide challenge to every American, acting individually or with others, to undertake at least one principal project which manifests the pride, the priorities, and the hopes of his community. The Commission encourages every group, especially our youth and those young in spirit, to pool their resources and their talents in a constructive effort to demonstrate concern for human welfare, happiness, and freedom.

Philadelphia, we know, will host a meaningful Bicentennial program—an international exposition or a program of major international participation . . . and it is fitting and right that the cradle of liberty . . . Philadelphia . . . be a major focal point of the Bicentennial. But every other city will participate in some meaningful and effective way. Those gold and blue license tags that all of you have seen in the past few days bear witness to the fact that you are indeed in a State with great interest in the Bicentennial, but let me assure you every State in this Union will be sharing the spotlight. Each will be given its own week to focus attention on its heritage and accomplishments.

Cities like Denver, which will host the '76 Winter Olympics, and many others including Detroit, Boston, Miami, Washington, D.C., New York, San Antonio, San Diego, Houston, Des Moines, and Spokane, have already begun to plan major Bicentennial commemorations. So you see, an Expo is not all there is to our Bicentennial celebration.

If we want the 200th Anniversary of our nation to be a success we must start now to make it a success. 1976 has been designated as the focal year of our country's bithday, but we must start now to prepare our cities, and States, and ourselves for 1976. All of America will be affected by the 200th Anniversary.

Our States have been requested to, and many have formed Bicentennial Commissions. Many *cities* across the country have formed Bicentennial Commissions to plan for 1976. If there is one request that I would hope you would honor it is that when you go back to your cities, back to urban America, that you ask your most dynamic community leaders to form a Bicentennial Commission that will plan for your cities' participation in the Bicentennial. It is important that you select your communities' aggressive and dynamic leaders, young and old, so that your city and therefore your people can become a part of the Call for Achievement directed toward 1976. I hope you will invite us back to your next meeting—we will then provide a further progress report of our efforts and results.

I assure you we at the National Bicentennial Commission in Washington earnestly solicit your assistance. We in turn assure you our complete cooperation, but, as I said at the outset, it will be the leadership and involvement of the Mayors of the United States that will establish the goals for achievement and ensure the success of the Bicentennial. It will be an exciting Era—a milestone in our history—and a springboard into our future.

Thank you.

PROPOSED AMENDMENT TO NATIONAL LABOR RELATIONS ACT

(Mr. LLOYD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LLOYD. Mr. Speaker, I present for appropriate reference a bill to amend the National Labor Relations Act.

There are four areas encompassed in this bill, Mr. Speaker. First, it would provide that a person who buys a business in good faith cannot be held to have any obligation to remedy unfair labor practices committed by individuals who may have owned the business before he did. Second, it would provide that only those employers and unions who have agreed to be bound by a collective bargaining agreement would in fact be bound by it. Third, it would clarify the matter of interpretation of contracts with respect to arbitration, and clarify the scope of an arbitrator's authority in collective bargaining agreements. Fourth, it would give employers equal standing with unions in the matter of judicial relief where the National Labor Relations Board may exceed its statutory authority in union representation matters.

The first amendment in this bill, Mr. Speaker, is made necessary by a series of National Labor Relations Board decisions which tend to impose on a good faith purchaser of a business the responsibility of remedying unfair labor practices committed by the previous owner. The principal recent ruling by the NLRB in this area came in the 1968 *Perma-Vinyl* case (164 NLRB 119). There the Board held that a bona fide purchaser of a business would be jointly liable with a previous owner who had committed unfair labor practices. The amendment would relieve only bona fide purchasers from responsibility. At the same time it would not in any way impair the rights of employees who were the victims of the previous owner's unfair labor practices. The previous owner would continue to be responsible for reimbursing these employees for any wages they might have lost as a result of his unlawful conduct. Furthermore, the present law would still apply insofar as it requires the bona fide purchaser to recognize and bargain with his predecessor's union if he takes over the business, operating it with essentially the same work force as did his predecessor.

The second amendment is very closely related to the first. It provides that no collective bargaining agreement will be enforceable against any employer or union not agreeing to be bound by it. In the case of *Wylie* v. *Livingston* (376 U.S. 543), the Supreme Court held that where a business has been under a collective bargaining contract a purchaser of that business can be required to arbitrate the extent to which the previous owner's collective bargaining contract will be binding on him. In the case of *Wackenhut Corporation* v. *Plant Guards* (322 F. 2d 954), the Wylie decision was broadened in a holding that the purchaser must adhere to all the provisions of the prior owner's contract—if he operates the business substantially as his predecessor did and carries it on with substantially the same employees. This amendment will make it clear that rulings such as these will no longer apply, and that one must agree to be bound by the terms and conditions of someone else's contract before they can be held to apply to him.

The third amendment would clarify a substantial area of confusion surrounding the matter of arbitration. In doing so, it would amend section 301 of the Taft-Hartley Act. A number of Supreme Court decisions bear upon this arbitration issue. Chief among these is the so-called Warrior and Gulf trilogy—see 363 U.S. 574, and related cases. The essence of these cases is that any dispute under a collective bargaining contract is subject to arbitration unless the agreement in clear language excludes it. Growing out of these cases also is the situation where an arbitrator may decide what his own jurisdiction is going to be. Further, these holdings open the door to a filing of patently frivolous arbitration claims. The amendment, Mr. Speaker, would provide that arbitration shall apply only in those cases where the parties have agreed it will apply; that frivolous claims are not sufficient to raise issues for arbitration under a contract; that the terms of the arbitration provision, not the arbitrator himself, will determine what the arbitrator's jurisdiction shall be; and that any party may attack an arbitrator's award because he may have exceeded his jurisdiction.

The fourth amendment, Mr. Speaker, would restore a much-needed balance betweeen employers and unions in the matter of their entitlement to judicial relief where the NLRB exceeds its authority in representation cases. In the case of *Leedom* v. *Kyne* (358 U.S. 184), the Supreme Court said either employers or unions could seek equitable relief in U.S. District Courts where the Board clearly exceeded its statutory authority in representation cases. They would not have to wait for the General Counsel to issue a refusal to bargain complaint and then seek judicial review on that basis. It has become necessary to restate the Supreme Court's Leedom against Kyne decision, because some Circuit Courts of Appeals have ruled that employers are not entitled to the same equitable relief as unions in these situations. See *General Cable Corp.* v. *Leedom* (278 F. 2d 44). With some circuits following the Supreme Court's Leedom against Kyne ruling—see *Boire* v. *Miami Herald*, 343 F. 2d 17—and others not doing so—as in the General Cable case—this amendment is necessary to clear up the confusion. It makes clear that in representation cases where the NLRB has exceeded its statutory authority, employers and unions will have equal standing to sue for equitable relief in Federal courts.

Mr. Speaker, this legislation merits the early attention of the House.

HERETOFORE SECRET PENTAGON DOCUMENTS

(Mr. MINSHALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, in view of the fact that heretofore secret Pentagon documents are now appearing in the New York Times, history may well demand: "Where was Congress when the lights went out on the Johnson-McNamara plan to escalate the Vietnam war after the 1964 presidential election?"

The answer in the case of this member of the Defense Appropriations Subcommittee most emphatically is "not in the dark." I did what I could, without breaching the "Top Secret" stamp the Johnson administration had placed on this information, to warn the American public that then President Johnson and Defense Secretary McNamara had put the wraps on the truth lest it damage Johnson's image as the presidential candidate who would not commit "American boys to do the fighting for Asian boys."

As early as April 22, 1964, in a Plain Dealer story datelined Washington, I attacked political motivation in Pentagon censorship of the printed records of our Defense Subcommittee. Let me quote from that April 1964 article:

> Minshall, a subcommittee member, noted that more than 3,000 pages in five volumes had been released after closed-door hearings. "But, examining the original typewritten transcripts, which are locked in the subcommittee safes, I was repeatedly disturbed by the excessive number of deletions made under the guise of national security."

A May 26, 1964, Cleveland Press story by Robert Crater, headed, "Minshall Says LBJ Plays Down Viet Story," says:

> President Johnson is trying to play down the true story of what is going on in South Vietnam, Cong. William E. Minshall of Cleveland charged today.
>
> "'The Administration, especially Secretary of Defense Robert McNamara, is trying to sweep the whole Southeast Asia mess under the rug until after the election,' said the congressman."

The UPI carried this item on May 26, 1964:

> Rep. William E. Minshall, R-Ohio, said . . . "I think that this Administration is trying to sweep Vietnam under the rug until after the election . . . Defense Secretary McNamara has made 16 trips there and he comes back each time and reports all is well. And then it gets worse."

The June 1964, edition of Air Force magazine, carried an article entitled "The Rest of the Record" by Claude Witze which included these comments:

> Another important criticism of the McNamara administration came from Rep. William E. Minshall, an Ohio Republican. Also a member of the Appropriations Committee, he said the bill is a good one, designed to provide adequate protection. But Mr. Minshall is unhappy about the censorship invoked by the Administration over the transcript of the Defense Subcommittee hearings. He said there were too many deletions made "under the guise of national security." Mr. Minshall continued in the debate:
>
> "More times than not the only security involved was the political security of the present Administration. It was political censorship, not national security, that was the guideline in determining what should be left for you to read in the final printed copies of the hearings. If partisanship had not put a false security stamp on much of the hearings, the five volumes would have been doubled in number.
>
> "By striking off the record questions and answers not pertaining to genuine security matters, much of the five volumes is rendered meaningless. The public record has been transformed into a document to nurture the myth of the infallibility of top Pentagon civilians."
>
> Mr. Minshall went on to charge that there is left only a "hint" of what the Defense Secretary said about defense and foreign policies, although within days after being on the stand he issued similar public statements "with the emphasis carefully shifted." He said intelligence estimates were censored out of the subcommittee record but used by Mr. McNamara in public when they served his purpose. . . .
>
> *Mr. Minshall said he protests the withholding of this information, although it is available to him in the original transcripts now locked in subcommittee safes. A vast majority of the 365 men who voted for the fiscal 1965 defense appropriation bill never did see it and never will. There has been no outcry from the vigilantes in the press gallery and no prominent publicity for Mr. Minshall's criticism.*

For the RECORD I have underscored that last paragraph for particular emphasis.

I carried my message of concern into the 23d Congressional District of Ohio, which I represent. My remarks made on September 20, 1964, to a group in Bedford, Ohio, are a matter of public record:

> Just about a year ago the American people were told that everything would be over in Vietnam early in 1965. We were told that we were winning. Mr. McNamara and Admiral Felt, in charge of the Pacific, told our committee and made public announcements that many of the 14,000 American "advisors" then there would be brought home.
>
> We were told that we were winning and things looked good. But suddenly a White House iron curtain separates the people from the war in Vietnam. Why the iron curtain? What are they hiding? Are they afraid that the skeletons in the closet will fall out before election day?

Now the answer is plain enough after thousands of American casualties and billions of American tax dollars.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. One of America's engineering pioneers was Henry Larcom Abbot, an 1854 West Point graduate. Assisted Capt. A. A. Humphrey's investigation of channel improvement along lower Mississippi and with him advocated use of levees in flood control. After serving in Civil War, developed the Army's Engineer School of Application making it a research center for problems of military engineering. Promoted to brigadier general upon retirement in 1895. Acted as consulting engineer to French and American Panama Canal companies; the decision to build a lock canal rather than a sea-level canal was based on his report. Professor of hydraulic engineering, George Washington University, 1905–10.

PERSONAL EXPLANATION

(Mr. KOCH asked and as given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I was absent from the House yesterday due to business in my district on behalf of my constituents. Had I been present, I would have voted "yea" on rollcall 131, which was the vote on bill H.R. 8794, to provide for payment of the cost of medical services for totally disabled firemen and policemen in the District of Columbia.

I am pleased that this bill passed by a vote of 311 to 1.

THE ENVIRONMENTAL POLICY ACT AMENDMENTS OF 1971

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in January of 1970 the President signed into law the National Environment Policy Act of 1969. At the heart of the act is the requirement of section 102(2)(c) that all Federal agencies prepare detailed environmental statements in connection with all "proposals for legislation and other major Federal actions significantly affecting the quality of the human environment." These reports must be submitted to the President, to the newly-established Council on Environmental Quality and to the public.

Eighteen months have passed and we now have some perspective as to how this landmark law works. The CEQ has recently revised its regulations under the law in an effort to meet the rising criticism of those in the environmental field. But there still is much that should be done to improve the law and so, Mr. Speaker, I have introduced the Environmental Policy Act Amendments of 1971, H.R. 8984.

My bill includes the following strengthening amendments:

First, protecting the public against those Federal agency officials who may be inclined to interpret narrowly the occasions on which such a statement is required. My bill empowers CEQ to order submission by an agency of an environmental statement in those instances where CEQ believes the agency has wrongfully refrained from preparing one and to stay further agency action pending completion of the statement;

Second, protecting the public against those Federal agency officials who may be inclined to prepare superficial statements which deal only with the favorable environmental aspects of the project, who withhold relevant data and who even rely on a "regulated industry" in preparing the agency's statement. My bill would give CEQ the authority to reject inadequate agency statements, and return them with appropriate instructions for improvement and supplementation;

Third, requiring that an environmental impact statement be made public before the submission of a related legislative proposal to Congress. If, for example, a draft statement on the SST had been made public before the actual introduction of legislation, the Nixon administration would have had a salutary opportunity to avoid becoming so politically committed to the venture;

Fourth, permitting the public to examine draft and completed environmental statements by requiring the distribution of all Federal impact statements with regional and metropolitan clearinghouses established under the Intergovernmental Cooperation Act. At present, CEQ guidelines do employ the clearinghouse device but there are several exceptions. My bill would make such method of distribution a blanket requirement;

Fifth, requiring the Agency for International Development to prepare and issue environmental impact statements with respect to its assistance programs abroad. Congress made clear in the new law, its concern for the world environment. It was recognized then that "most forms of environmental pollution cross international boundaries as easily as they cross State lines."

I commend H.R. 8984 to our colleagues and I hope that it will receive consideration by the Committee on Merchant Marine and Fisheries in the near future. The text of the Environmental Policy Act Amendments of 1971 follows:

H.R. 8984

A bill to amend the National Environmental Policy Act of 1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 (2) (C) of the National Environmental Policy Act of 1969 is amended to read as follows—

"(C) include in every recommendation or report on proposals for legislation and other Federal actions significantly affecting the quality of the human environment, whether domestic, foreign, or international, a detailed statement by the responsible official on—

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Upon completing the draft of any such detailed statement, the responsible Federal official shall furnish copies thereof to the Council on Environmental Quality and at the same time make available to the public and furnish to and obtain the written comment of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Upon completing the detailed statement, the responsible Federal official shall furnish copies thereof, together with the written comments of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards, to the President and the Council on Environmental Quality and at the same time make such documents available to the public. Circulation of the detailed statement and to the draft thereof shall include circulation of any maps, blueprints, and other data which were of material use in preparing or would be of material assistance in analyzing such statement or draft. The agency shall not make the proposal for legislation or take the administrative action for which such detailed statement is required sooner than ninety days after the draft thereof has been circulated as above provided, nor sooner than thirty days after the completed statement has been circulated as above provided, except as the Council may modify such minimum time periods upon the written application of the agency establishing the existence of emergency circumstances;"

Sec. 2. Section 204 of the National Environmental Policy Act of 1969 is amended by renumbering paragraphs (3) through (8) as (5) through (10) respectively, including any reference thereto, and by inserting immediately after paragraph (2) the following new paragraphs:

"(3) Upon learning of a proposal for legislation or a Federal action, planned or consummated by an agency, which the Council believes may significantly affect the quality of the human environment, to take any of the following steps as the Council shall deem necessary or advisable—

"(A) require a written statement by the agency within a time period designated by the Council setting forth the nature of such proposal or action, expressing the agency's intention regarding the making of a detailed statement in accordance with section 102 (2) (C) of this Act, and, if applicable, setting forth the reasons why the agency considers that such a statement is not required by such section;

"(B) require the making of such a statement by the agency within a time period designated by the Council, in accordance with all the procedures regularly applicable to such statements, including but not limited to those procedures pertaining to agency review and availability to the public; and

"(C) issue instructions to the agency regarding the deferral, discontinuance, or retroaction of such agency proposal or action for a time period deemed sufficient by the Council to permit analysis of such statement.

"(4) Upon receipt from any agency of a detailed statement submitted pursuant to section 102(2)(C) of this Act which statement the Council considers to be inadequate in any respect, to take any of the following steps:

"(A) return such statement to the agency for improvement, designating with specificity any inadequacies to be corrected, inquiries to be answered and supplemental data to be supplied, and designating a time period within which such improved statements is to be completed; and

"(B) issue any instruction to the agency which the Council shall deem necessary or appropriate regarding the deferral, discontinuance, or retroaction of such agency proposal or action for a time period deemed sufficient by the Council to permit analysis of such improved statement;".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Corman for June 15, 1971, on account of official business.

Mr. Dent (at the request of Mr. Randall), for Monday June 14, and the balance of the week on account of illness.

Mr. Flynt (at the request of Mr. Randall), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Vanik, for 20 minutes, on Thursday, June 17.

Mr. Randall, for 20 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Young of Florida) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FREY, for 1 hour, on June 16.

Mr. MCCLOSKEY, for 5 minutes, on June 15.

Mr. POFF, for 5 minutes, today.

Mr. RUPPE, for 5 minutes, today.

Mr. PRICE of Texas, for 30 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) and to revise and *extend* their remarks and include extraneous matter:)

Mr. ROSENTHAL, for 10 minutes, today.

Mr. ASPIN, for 30 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. FRASER, for 10 minutes, today.

Mr. FOUNTAIN, for 15 minutes, today.

Mr. DINGELL, for 20 minutes, today.

Mr. MURPHY of New York, for 20 minutes, today.

Mr. BURKE of Massachusetts, for 15 minutes, today.

Mr. PODELL, for 30 minutes, today.

Mr. KEE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DON H. CLAUSEN.

(The following Members (at the request of Mr. YOUNG of Florida) and to include extraneous matter:)

Mr. HORTON in three instances.

Mr. DERWINSKI in two instances.

Mr. DUNCAN.

Mr. FRENZEL.

Mr. MILLER of Ohio.

Mr. MCCLORY.

Mr. SCHMITZ.

Mr. PETTIS.

Mr. HOSMER in two instances.

Mr. SCHWENGEL in two instances.

Mr. HOGAN in five instances.

Mr. LENT.

Mr. GOLDWATER.

Mr. GOODLING.

Mr. STEIGER of Arizona.

Mr. KEMP in two instances.

Mr. CARTER.

Mr. BUCHANAN.

Mr. NELSEN.

Mr. HARSHA.

Mr. MYERS in two instances.

Mr. WHITEHURST.

Mr. KEITH.

Mr. SMITH of California.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. DENT.

Mr. BEGICH in four instances.

Mr. ROONEY of New York.

Mr. LONG of Maryland.

Mr. BADILLO in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. COTTER.

Mrs. HICKS of Massachusetts in three instances.

Mr. PICKLE in five instances.

Mr. HAMILTON.

Mr. HOWARD.

Mr. RODINO in three instances.

Mr. O'NEILL in two instances.

Mr. ASPIN in two instances.

Mr. JACOBS in three instances.

Mr. BYRON in 10 instances.

Mr. FRASER in two instances.

Mr. ROE.

Mr. WILLIAM D. FORD in three instances.

Mrs. GRIFFITHS in two instances.

Mr. DELLUMS in 10 instances.

Mr. MAZZOLI.

Mr. RARICK in three instances.

Mr. ROYBAL in 10 instances.

Mr. WOLFF in five instances.

Mr. OBEY in six instances.

Mr. ADDABBO in four instances.

Mr. HANNA in six instances.

Mr. SCHEUER in five instances.

Mr. GRIFFIN in two instances.

Mr. MIKVA in six instances.

Mr. PERKINS.

Mr. DINGELL.

Mr. EVINS of Tennessee in two instances.

Mr. MINISH in three instances.

Mrs. ABZUG.

Mr. DANIELS of New Jersey.

Mr. WALDIE in 10 instances.

Mr. BENNETT in two instances.

Mr. TEAGUE of Texas in eight instances.

Mr. EILBERG.

Mr. KYROS in two instances.

Mr. MOORHEAD in two instances.

Mr. ANDERSON of California.

Mr. HARRINGTON in five instances.

Mr. TIERNAN in three instances.

ADJOURNMENT

Mr. GONZALES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 16, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

851. A communication from the President of the United States, transmitting amendments to the request for appropriations transmited in the budget for fiscal year 1972 for the Department of Agriculture (H. Doc. No. 92–128); to the Committee on Appropriations and ordered to be printed.

852. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1972 for the Department of the Interior (H. Doc. No. 92–128); to the Committee on Appropriations and ordered to be printed.

853. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to convey certain federally owned lands to the Twenty-nine Palms Park and Recreation District; to the Committee on Interior and Insular Affairs.

854. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continuation of accommodations, facilities, and services for the public at Lees Ferry Site in Glen Canyon National Recreation Area, Ariz., for the 20-year period to end December 31, 1990, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

855. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting notice of an action of the Council taken at its meeting May 5–6, 1971, with regard to plans affecting the Pennsylvania Avenue National Historic Site, Washington, D.C., and with particular reference to the Old Post Office at 12th Street, pursuant to title II of Public Law 89–665; to the Committee on Interior and Insular Affairs.

856. A letter from the Postmaster General, transmitting a draft of proposed legislation to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; to the Committee on the Judiciary.

857. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend section 466 of the Tariff Act of 1930 and the act of January 5, 1971, and for other purposes; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

858. A letter from the Comptroller General of the United States, transmitting a report of the examination of the financial statements of the Government National Mortgage Association, Department of Housing and Urban Development for fiscal year 1970, pursuant to 31 U.S.C. 841 (H. Doc. No. 92–129); to the Committee on Government Operations and ordered to be printed.

859. A letter from the Comptroller General of the United States, transmitting a report on opportunities to improve the redistribution of the Federal Government's excess automatic data processing equipment; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. H.R. 8712. A bill to amend the act entitled "An act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof, approved June 29, 1966, so as to include within its coverage the government of the District of Columbia (Rept. No. 92–271). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 8699. A bill to provide an Administrative Assistant to the Chief Justice of the United States (Rept. No. 92–272). Referred to the Committee of the Whole House on the State of the Union.

Mr. NIX: Committee on Post Office and Civil Service. H.R. 8805. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; with amendments (Rept. No. 92–273). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 7586. A bill to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years (Rept. No. 92–274). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 434. Resolution to authorize additional investigative authority to the Committee on Education and Labor; with amendments (Rept. No. 92–275). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 9119. A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BERGLAND:

H.R. 9120. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 9121. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 9122. A bill to provide a tax incentive for the razing of old buildings within blighted areas in our cities; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 9123. A bill to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations, by prohibiting State law interference with such organizations providing such services, and for other purposes; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 9124. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide care and treatment for certain former members of the Armed Forces addicted to narcotic drugs; to the Committee on Veterans' Affairs.

H.R. 9125. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself and Mr. Don H. Clausen):

H.R. 9126. A bill to extend the provisions of the act of October 23, 1962, relating to relief for occupants of certain unpatented mining claims; to the Committee on Interior and Insular Affairs.

By Mr. KARTH:

H.R. 9127. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 9128. A bill to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. LUJAN:

H.R. 9129. A bill to amend the act of August 9, 1955 to authorize longer term leases of land in the Pueblo of Isleta; to the Committee on Interior and Insular Affairs.

By Mr. McDADE:

H.R. 9130. A bill to extend for an additional year the existing program for payment of black lung benefits; to the Committee on Education and Labor.

H.R. 9131. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McMILLAN:

H.R. 9132. A bill to amend title V of the Housing Act of 1949 to assure borrowers of the right to employ qualified attorneys of their choice in performing necessary legal services in connection with loans under that title; to the Committee on Banking and Currency.

By Mr. MATHIS of Georgia:

H.R. 9133. A bill concerning legal counsel of recipients of loans under programs administered by the Department of Agriculture; to the Committee on Agriculture.

H.R. 9134. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

By Mrs. MINK (for herself and Mr. Matsunaga):

H.R. 9135. A bill to amend the act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden; to the Committee on the Judiciary.

By Mr. MORGAN (for himself, Mr. Barrett, Mr. Biester, Mr. Byrne of Pennsylvania, Mr. Clark, Mr. Coughlin, Mr. Dent, Mr. Eilberg, Mr. Eshleman, Mr. Flood, Mr. Fulton of Pennsylvania, Mr. Gaydos, Mr. Green of Pennsylvania, Mr. Johnson of Pennsylvania, Mr. McDade, Mr. Moorhead, Mr. Nix, Mr. Rooney of Pennsylvania, Mr. Saylor, Mr. Schneebeli, Mr. Vigorito, Mr. Ware, Mr. Whalley, Mr. Williams, and Mr. Yatron):

H.R. 9136. A bill to provide for orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. MURPHY of Illinois (for himself and Mr. Steele):

H.R. 9137. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. PERKINS:

H.R. 9138. A bill to include the holders of star route and certain other contracts for the carrying of mail under the provisions of the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. POFF (for himself, Mr. Hutchinson, Mr. McClory, Mr. Smith of New York, Mr. Sandman, Mr. Railsback, Mr. Biester, Mr. Fish, Mr. Coughlin, Mr. Mayne, Mr. Hogan, Mr. Keating, and Mr. McKevitt):

H.R. 9139. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 9140. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. ROSENTHAL (for himself, Mr. Aspin, Mr. Badillo, Mr. Burton, Mrs. Chisholm, Mr. Daniels of New Jersey, Mr. Edwards of California, Mr. Eilberg, Mr. Gray, Mrs. Green of Oregon, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Howard, Mr. Koch, and Mr. Madden):

H.R. 9141. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Melcher, Mr. Mitchell, Mr. Moorhead, Mr. Patten, Mr. Pike, Mr. Podell, Mr. Rees, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Roybal, Mr. Ryan, Mr. Sarbanes, Mr. Seiberling, Mr. Stokes, and Mr. Vanik):

H.R. 9142. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.R. 9143. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 9144. A bill to amend title II of the Social Security Act to increase all benefits thereunder by 20 percent, and to provide that full benefits (when based on attainment of retirement age) will be payable to both men and women at age 60; to the Committee on Ways and Means.

By Mr. STEED:

H.R. 9145. A bill: Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

H.R. 9146. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes, service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STEELE:

H.R. 9147. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 9148. A bill to amend the National Labor Relations Act to further secure and protect the constitutional guarantee of free speech belonging to employers and employees; to the Committee on Education and Labor.

H.R. 9149. A bill to amend the National Labor Relations Act to make certain limitations on penalties levied by a labor organization upon its members, and for other purposes; to the Committee on Education and Labor.

By Mrs. ABZUG:

H.R. 9150. A bill to provide for the sale of certain Federal property, at cost, to the city of New York for the purpose of constructing low- and moderate-income housing; to the Committee on Public Works.

Mr. BIAGGI:

H.R. 9151. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Vigorito, Mr. Byrne of Pennsylvania, Mr. Daniel of Virginia, Mr. Grover, Mr. Hays, Mr. J. William Stanton, Mr. King, Mr. Chappell, Mr. Cleveland, Mr. Flood and Mr. Bevill):

H.R. 9152. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.R. 9153. A bill to increase to 5 years the maximum term for which broadcasting licenses may be granted; to the Committee on Interstate and Foreign Commerce.

H.R. 9154. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 9155. A bill to insure the separation of Federal powers by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and by providing a procedure under which the Senate and House of Representatives may disapprove the President's action; to the Committee on Rules.

By Mr. DUNCAN (for himself, Mr. Derwinski, Mr. Archer, Mr. Crane, Mr. Collins of Texas, Mr. Devine, Mr. Dickinson, Mr. Goldwater, Mr. Hunt, Mr. Scherle, Mr. Steiger of Arizona, Mr. Thompson of Georgia, Mr. Baker, Mr. Price of Texas, Mr. Blackburn, and Mr. Del Clawson):

H.R. 9156. A bill to amend the Social Security Act to provide for revenue-sharing grants to the States to assist them in meeting the costs incurred in operating public assistance programs; to the Committee on Ways and Means.

By Mr. EDWARDS of Louisiana:

H.R. 9157. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 9158. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

H.R. 9159. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

By Mr. GALLAGHER:

H.R. 9160. A bill to amend the Foreign Assistance Act of 1961 to suspend all assistance to the Government of Pakistan; to the Committee on Foreign Affairs.

By Mr. GRIFFIN (for himself and Mr. Pickle):

H.R. 9161. A bill to authorize the Secretary of Agriculture to authorize a program to promote the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HENDERSON (for himself, Mr. Abbitt, Mr. Abernethy, Mr. Abourezk, Mr. Brinkley, Mr. Brooks, Mr. Daniel of Virginia, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Davis of South Carolina, Mr. Donohue, Mr. Dowdy, Mr. Drinan, Mr. Evans of Colorado, Mr. Fisher, Mr. Flower, M. Flynt, Mr. William D. Ford, Mr. Fountain, Mr. Fraser, Mr. Griffin, Mr. Haley, Mr. Harrington, and Mr Lennon):

H.R. 9162. A bill concerning legal counsel of recipients of loans under programs administered by the Department of Agriculture; to the Committee on Agriculture.

By Mr. HENDERSON (for himself, Mr. Matsunaga, Mr. Mazzoli, Mr. McMillan, Mr. Melcher, Mr. Mitchell, Mr. Montgomery, Mr. Moss, Mr. Nichols, Mr. Pepper, Mr. Perkins, Mr. Pickle, Mr Pike, Mr. Preyer of North Carolina, Mr. Purcell, Mr. Rarick, Mr. St Germain, Mr. Seiberling, Mr. Sikes, Mr. Stubblefield, and Mr. Vigorito):

H.R. 9163. A bill concerning legal counsel of recipients of loans under programs administered by the Department of Agriculture; to the Committee on Agriculture.

By Mr. HOGAN:

H.R. 9164. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HUNT (for himself, Mr. Saylor, Mr. Sandman, Mr. Young of Florida, Mr. Grover, Mr. Dickinson, Mr. Devine, Mr. Eshleman, Mr. Johnson of Pennsylvania, Mr Widnall, Mr. Daniel of Virginia, Mr. Nichols, Mr. Brinkley, Mr. Montgomery, Mr. Passman, Mr. Waggonner, Mr. Steiger of Arizona, Mr. King and Mr. Clancy):

H.R. 9165. A bill to transfer the Coast Guard to the Department of Defense; to the Committee on Merchant Marine and Fisheries.

By Mr. MORGAN:

H.R. 9166. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H.R. 9167. A bill to provide emergency financing facilities for financial institutions, to aid in financing agriculture, commerce, and industry, and for other purposes; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 9168. A bill to improve intergovernmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where there is a demonstration of intention to modernize State and local government; to the Committee on Government Operations.

By Mr. PREYER of North Carolina:

H.R. 9169. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. PREYER of North Carolina (for himself and Mr. Winn):

H.R. 9170. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. St GERMAIN (for himself, Mr. Harrington, Mr. Steiger of Wisconsin, Mr. Tiernan, and Mr. Bob Wilson):

H.R. 9171. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environment disasters; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of New York:

H.R. 9172. A bill to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969; to the Committee on the District of Columbia.

By Mr. BROOMFIELD:

H. Res. 478. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

H.J. Res. 706. Joint resolution instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales; to the Committee on Foreign Affairs.

By Mr. BURKE of Florida:

H.J. Res. 707. Joint resolution; Stable Purchasing Power resolution of 1971; to the Committee on Government Operations.

By Mrs. CHISHOLM:

H.J. Res. 708. Joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLoed Bethune; to the Committee on House Administration.

By Mr. GUBSER:

H.J. Res. 709. Joint resolution designating April 30 of each year as "Pledge Allegiance to Our Flag Day"; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.J. Res. 710. Joint resolution: Stable Purchasing Power resolution of 1971; to the Committee on Government Operations.

By Mr. TAYLOR:

H.J. Res. 711. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.J. Res. 712. Joint resolution: Stable Purchasing Power resolution of 1971; to the Committee on Government Operations.

By Mr. THOMSON of Wisconsin:

H.J. Res. 713. Joint resolution: Stable Purchasing Power resolution of 1971; to the Committee on Government Operations.

By Mr. McCLORY (for himself, Mr. Baring, Mr. Carter, Mr. Collier, Mr. Derwinski, Mr. Erlenborn, Mr. Findley, Mr. Fisher, Mr. Gibbons, Mr. Gray, Mr. Griffin, Mr. Halpern, Mr. Hanley, Mr. Hansen of Idaho, Mr. Helstoski, Mr. Johnson of Pennsylvania, Mr. Quie, Mr. Ruppe, Mr. Sebelius, Mr. Smith of New York, and Mr. Zwach):

H. Con. Res. 334. Concurrent resolution expressing the sense of Congress with respect to the withdrawal of American troops from South Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. THOMPSON of New Jersey:

H. Con. Res. 335. Concurrent resolution authorizing the placing of a bust or statue of Martin Luther King, Jr., in the Capitol; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII.

215. The SPEAKER presented a memorial of the House of Representatives of the State of Oklahoma, relative to permitting the manufacture of a vaccine for the disease Venezuelan equine encephalomyelitis; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 9173. A bill for the relief of Cmdr. Robert J. Thomas, U.S. Navy; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 9174. A bill to provide for the conveyance of certain real property of the United States situated in the State of Pennsylvania; to the Committee on the Judiciary.

PETITIONS

Under clause 1 of rule XXII.

85. The SPEAKER presented petition of the city council, Philadelphia, Pa., relative to a national shrine to Thaddeus Kosciuszko; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

THE MONEY GAP WIDENS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. RARICK. Mr. Speaker, the money manipulation continues to resemble the huckster's shell game.

Last week the Federal Reserve Banking System announced its intention to slow the economy by raising interest rates. This manipulation is to be accomplished through the calculated dumping of Treasury securities on the market, thus creating an artificial drain to sop up the available reserve from the banking system and curtailing the capacity of the banks to make loans. These sales will raise interest rates as the money availability is lessened.

FEDERAL RESERVE BANKING SYSTEM

But as the Fed acts to slow the economy, the Export-Import Bank seeks to increase loan guarantees from $3.5 billion to $10 billion and the lending ceiling from $13 billion to $20 billion. And to make sure the Federal financing of foreign economy is not hamstrung, the new Export-Import Bank bill exempts foreign economy from Federal Reserve control programs.

As the administration moves to trade with Red China, the proposed Export-Import Bank bill would authorize loans and guarantees for exports to Communist countries with which the United States is not at war.

And if this does not constitute a double standard of use of the American people's money, we learn from New York that the administration is drafting legislation for a Federal financing bank to purchase securities from Government agencies—seemingly, another banking system to be used to create money and credit.

All of these activities were reported in different accounts in the same newspaper on the same day, but their significance remains uninterpreted to the American people.

Quite obviously, these myriad exercises in finance will usher in a more dangerous fiscal policy—to the further detriment of the American people.

We can expect loans to foreign nations and to U.S. enterprises in foreign countries at normal interest rates, but continued exorbitant interest rates in domestic loans.

This new financial diversification must be a subterfuge the part of the Federal Reserve to shift the growing criticism and lack of public confidence in its existing policies to an ad hoc Government agency.

I include several related news stories at this point:

[From the Washington Evening Star, June 11, 1971]

FEDERAL RESERVE REPORTEDLY TIGHTENING MONETARY POLICY

(By Lee M. Cohn)

The Federal Reserve is tightening monetary policy despite its concern that the shift may slow the economy by raising interest rates, according to financial analysts.

They have concluded that the latest decision to tighten was made at a meeting of the Federal Reserve's open market committee Tuesday, following up milder moves in that direction previously.

Decisions by the policy-making open market committee are disclosed officially only after a three-month lag.

If the central bank's actions retard the economic recovery, President Nixon may try to compensate by proposing tax cuts. He is expected to decide next month whether the economy needs that kind of stimulation.

The Federal Reserve tightens availability of money and credit by selling Treasury securities in the market, which drains reserves out of the banking system and thus curtails the capacity of banks to make loans. The sales also tend to raise interest rates.

Policy is tightening because the Federal Reserve fears that excessively fast growth of the nation's money supply—checking accounts plus currency—is sowing the seeds of a new inflationary surge next year.

The apparent target is monetary growth at about 5 to 6 percent a year, but the pace has been erratic.

Although the money supply expanded at annual rates of 14 percent in February and 11.6 percent in March, this was considered acceptable temporarily as an offset to abnormally slow expansion in previous months.

The money managers expected the growth rate to subside during the spring through the workings of natural forces in the economy and in financial markets. Instead, the money supply continued to expand at rates far above the target—9.3 percent in April and 16.3 percent in May.

This presented a dilemma. Persistence of such fast monetary growth would be inflationary. But any attemp by the central bank to slow the expansion through market operations probably would raise interest rates.

Rising interest rates could dampen the economic recovery by discouraging expenditures for housing, state and local construction, business inventories and new plants and equipment.

Since the economy is more sluggish than expected, the Nixon administration and the legally independent Federal Reserve agree that lower interest rates are desirable, especially for mortgage, municipal bonds and other forms of long-term credit.

The central bank's experts do not understand why the money supply has expanded so rapidly, and they considered the possibility of standing aside to see whether the growth rate would subside on its own.

But analysts believe they finally concluded it would not be safe to trust to luck, and decided to tighten policy to make sure the money supply's growth rate will slow.

SHORT-TERM PRESSURE

The decision apparently was a compromise of conflicting objectives. Analysts expect the Federal Reserve to try to cushion the impact on interest rates by tightening market conditions only moderately and by avoiding pressure on long-term rates as much as possible.

There is no intention of cutting the monetary growth rate to 2 percent or less, as some economists advise, to fully offset the recent very rapid expansion. Rather, the Federal Reserve is expected to aim for a gradual reduction to the 6 percent range.

Interest rate increases may be mild if the economy remains relatively weak, because in those circumstances demand for credit would not be overwhelming, even with the Federal Reserve limiting the supply.

Nevertheless, rates almost inevitably will rise at least initially because lenders and borrowers cannot be sure how far the Federal Reserve will go in tightening policy.

Anticipation of Federal Reserve action has boosted rates in the last two weeks.

TREASURY'S SALE NOTED

Beyond market expectations, there is evidence that the money managers were tightening even before Tuesday's meeting of the open market committee. The market was particularly impressed by the Federal Reserve's sales of Treasury bills Monday and by the lack of intervention to prevent key short-term rates from rising.

As reported at the time, the committee apparently started tightening policy slightly at its meeting April 6. One purpose then was to stop the decline of short-term interest rates, which was weakening the dollar internationally by encouraging a flow of money to Europe.

Analysts believe the committee at its May meeting left policy essentially unchanged, but gave its market technicians discretion to tighten if the money supply continued to grow rapidly.

This discretion was used. The committee at this week's meeting apparently moved a step further by deciding to act more forcefully to slow monetary growth.

The committee, which meets at four-week intervals, consists of the seven members of the Federal Reserve Board plus presidents of five of the 12 regional Federal Reserve Banks.

[From the Washington Evening Star, June 11, 1971]

EXPORT-IMPORT BANK BILL OKAYED BY HOUSE PANEL

The House Banking Committee yesterday approved legislation to extend the life of the Export-Import Bank and step up its efforts to finance U.S. exports.

Similar to a bill passed by the Senate, the measure would increase the loan-guarantee authority of the government bank from $3.5 billion to $10 billion and the lending ceiling from $13.5 billion to $20 billion.

It would also provide that the program of voluntary restraints on credits administered by the Federal Reserve would not apply to loans in support of exports

Like the Senate bill, the measure would authorize loans and guarantees for exports to communist countries with which the United States is not at war, subject to restraint by the president.

[From the Washington Evening Star, June 11, 1971]

FEDERAL FINANCING BANK IS PLANNED BY ADMINISTRATION

NEW YORK (DJ)—The administration is drafting legislation for a federal financing bank to purchase securities from government agencies, Paul A. Volcker, undersecretary of the Treasury, said.

The legislation will be submitted to the Congress before the end of the year, Volcker said.

The bank would finance its purchases by issuing its own taxable securities. It will allow closer presidential control and congressional review of federal credit programs and centralize federal financing, Volcker said.

Federally assisted borrowing for 1972 is expected to reach $30 billion, or one-third of the total funds raised in credit markets. This compares with 12 percent for fiscal 1969, the spokesman said.

Volcker's remarks were made at the Municipal Bond Women's Club of New York.

[From the Washington Evening Star, June 11, 1971]

Trade Lists Similar for China, Russia

President Nixon's move to drop the 21-year embargo against Peking brings into line American trade policy toward both the Soviet Union and Communist China.

The White House announcement yesterday put all non-strategic goods for Communist China into the same two categories long used for Moscow—"general licensing" and "specific licensing."

The long list of items in the general category, including everything from wheat to shoes and automobiles, can be sent to China without special permission from Washington.

SECOND MORE SENSITIVE

But the other category is more complicated and sensitive.

These items, including jet commercial aircraft, diesel locomotives, heavy dump trucks, must have a "specific license" on a transaction-by-transaction basis. These licenses are granted, the announcement said, as "consistent with the requirements of U.S. national security."

This more difficult specific licensing category for Communist China is larger than for the Soviet Union. For instance, diesel locomotives, petroleum, navigational and telecommunications equipment, and welding equipment, are all sold under general license to the Soviet Union.

The Nixon administration is soft-peddling the difference.

What counts, officials say, is that the system now is generally the same for both Peking and Moscow. The proportions between the two categories may differ, but no nonstrategic items are flatly prohibited from going to Communist China.

AIRCRAFT SALES POSSIBLE

For instance, Winthrop Brown, deputy assistant secretary of State in charge of the China task force, said yesterday that any Chinese request for commercial civilian aircraft would be considered "objectively, without any bias whatsoever."

Other officials added that, given the depressed state of the American aircraft industry and the huge Chinese market, there is little doubt that the Chinese could buy medium-range aircraft here.

"These specific licensing items are the ones we would like to look at more closely in each case," said one official, "but they are not items which any country buys great quantities of on the world market."

But officials conceded that the Pentagon is extremely reluctant to let items like locomotives and heavy trucks—with military potential—go under general licensing.

Administration strategists say the next move is up to Peking.

The United States, they say, will wait for the Chinese to draw their own conclusions on the list.

There is no intention to present that list personally to Chinese representatives at the stalled talks in Warsaw—since everything will be published in a bulletin of the Commerce Department for worldwide circulation.

In practical terms, neither American officials nor businessmen expect any great upsurge in trade.

Benjamin Weiner, President of Probe International, a China-trade consulting firm in Stamford, Conn., says "It's going to be a very slow process. American sales to China will be constrained primarily by the Chinese ability to pay."

North Carolina Gov. Bob Scott moved quickly to probe the Chinese tobacco market, opened yesterday to American sales. He has sent a state official to the Chinese embassy in Ottawa, Canada, to apply for visas for a tobacco trade mission to Peking.

WHEAT POTENTIAL CITED

But officials here believe the greatest trade potential initially lies with wheat—for the Soviet Union, as well as Communist China.

The surprise in the announcement yesterday was Nixon's decision to drop all special licensing for wheat, the flour, and the requirement that at least half of these shipments go in American ships.

That shipping requirement dates to a condition the late President John F. Kennedy attached in 1963 to the sale of $130 million in wheat to Russia. Since then, the Russians have categorically refused to buy American wheat, claiming that the extra cost of paying for American shipping makes the grain too expensive.

Officials here have been told by American wheat merchants that the U.S. is certain to get a part of the Soviet imported wheat market if American wheat can be made competitive.

The big question mark is whether the maritime unions and longshoremen will allow this change to take place.

Yesterday George Meany, president of the AFL-CIO, attacked the Nixon decision as unfair to American labor. Also, the longshoremen have sporadically refused to load or unload ships heading for Communist ports.

[From the Evening Star, June 14 1971]

Philadelphia Bank Raises Prime Rate

(By Lee M. Cohn)

The minimum interest rate on loans to corporations was raised from 5½ to 5¾ percent by a big Philadelphia bank today, but it was not clear whether the new "prime" rate would spread quickly through the banking industry.

First Pennsylvania Banking & Trust Co., the 20th largest bank in the nation, announced the rate increase. Changes in the prime rate usually are initiated by one of the bigger banks in New York or Chicago.

The prime rate is the interest charged on loans to corporations with the best credit ratings, and rates on loans to less favored borrowers are scaled up from the prime.

Bankers have been talking for weeks about raising the prime rate, but they have held back because demand for business loans has been relatively weak. They also are worried about adverse reaction to an increase by the Nixon administration and Congress.

The White House was "disappointed" by the Philadelphia bank's action because interest rate increases may raise costs and prices, Deputy Press Secretary Gerald L. Warren said today. Warren also said the prime rate increase was "something of a surprise," since the banks have "ample" funds to lend.

When the prime rate was increased from 5¼ to 5½ percent in April, Treasury Secretary John B. Connally criticized the banks publicly and privately. The administration fears that rising interest rates would dampen the economic recovery.

First Pennsylvania said it acted because loan volume is increasing and because interest rates in the money markets have been rising.

COST OF MONEY

Market rates affect the cost to banks of obtaining money for relending. When these costs rise, the banks try to maintain profit margins by increasing the rates they charge.

Rising market rates also minimize the competitive risks to banks of boosting their rates. Rates have been rising on commercial paper, for example. Commercial paper—unsecured promissory notes—is an alternative to bank loans as a source of funds for corporations.

This is an appropriate time, seasonally, for banks to raise the prime rate, because corporations usually borrow heavily to make quarterly payments of federal taxes on June 15.

Market interest rates have been raising because of concern that progress against inflation is falling short of expectations, and because of strong indications that the Federal Reserve is tightening money and credit.

DISCOUNT RATE EYED

Although the Federal Reserve fears that rising interest rates will hurt the economy, the money managers feel they must tighten policy moderately to slow the excessive rate of expansion of the money supply in recent months.

There is conjecture that the Federal Reserve may follow through by raising its 4¾ percent discount rate, although this is not at all certain.

A rise in the discount rate—the interest charged by the Federal Reserve on loans to commercial banks—would bring it into closer alignment with money market rates. However, the Federal Reserve may be reluctant to take this action, for fear of triggering sharp increases in interest rates generally.

April's increase in the prime rate was the first after a series of reductions from the 8½ percent peak, which prevailed from June 1969 until March 1970.

[From the Evening Star, June 14, 1971]

Patman Proposes "Umbrella" Agency To Regulate Banks

Declaring U.S. consumers are the victims of a mishmash of confusion, waste and apathy among bank regulatory agencies, Rep. Wright Patman, D–Tex., today urged creation of a new federal banking authority.

Patman, chairman of the House Banking and Currency Committee, said the current supervisory agencies "sit downtown twiddling their thumbs" while banking industry lobbyists effectively stymie new legislation.

Congress, he charged, sees little more than "the constant parade of the same old witnesses from the executive branch and affected industry groups."

"WATER BOYS"

"It's an old cliche," Patman said, "that the regulators always end up carrying water for the industries they are supposed to be regulating."

In a speech prepared for a financial services seminar in New York but released here in advance, Patman called for consolidation of the regulatory functions of the Federal Home Loan Bank Board, Federal Reserve Board and the comptroller of the currency.

"There has been a tremendous conflict among the banking agencies and some of the worst regulation that the nation has ever seen," Patman said. "The public gets virtually no protection from the system and the banks are faced with conflicting opinions and overlapping jurisdictions: in short-total confusion, little regulation."

Singling out William B. Camp, comptroller of the currency in his attack, Patman said Camp "has attempted in everyway possible to emulate the performance of" his predecessor James Saxon.

Under Saxon's jurisdiction, Patman said, "the comptroller's office became a runaway 'let - the - banks - do-anything-they-please' agency."

The Texas congressman did credit the Federal Reserve and the FDIC for "trying to carry out regulator functions in an impossible structure."

[From the Evening Star, June 14, 1971]

PRIME RATE RISE SINKS STOCK PRICES

NEW YORK.—Expectations that other major banks would follow First Pennsylvania Banking & Trust Co. and raise their prime rate of interest sent stock market prices sharply and broadly lower today.

Trading was slow.

Declines outnumbered advances by about 8-to-3 among issues traded on the New York Stock Exchange.

Brokers attributed the market's decline to the prime-rate increase and predictions that higher rates would prevail by the end of the week. But they said the trading pace indicated relatively light selling pressure.

American Stock Exchange prices were lower in slow trading.

MARYLAND LIEUTENANT KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. LONG of Maryland. Mr. Speaker, a fine young man from Maryland, Lt. James R. Saxon, was recently killed in action in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the CONGRESSIONAL RECORD:

A requiem mass for Army Lt. James R. Saxon, of Glen Burnie, who was killed in combat in Vietnam June 1, will be offered at 10 A.M. today at Holy Trinity Church, in Glen Burnie.

Lieutenant Saxon excelled in sports, gaining Little All-American honors in lacrosse at Towson State College where he graduated in 1968.

ENTERED ARMY IN 1969

He graduated from Glen Burnie High School in 1964 where he was active in soccer. Prior to that he had been active in Little League baseball.

In March, 1969, he was doing graduate work at Bucknell University, Lewisburg, Pa., when facing the draft, he enlisted in Officer's Training at Fort Benning, Ga.

Lieutenant Saxon, 24, died in combat when his company was ambushed by the enemy in Thua Thien province.

He was sent to Vietnam in January, where he was attached to Company B, 8d Battalion, 501st Infantry, 101st Airborne Division.

An Army spokesman said that the lieutenant was born in Braddock, Pa., but moved to Maryland several years ago.

Lieutenant Saxon had planned to go into college administration and personnel work, said his wife, the former Nancy Walker.

In college, he was the president of the Kiwanis Service Club, Circle K.

SURVIVORS LISTED

Several summers during his college years he worked at Westinghouse, and was a life guard and counselor one summer at Fort Meade.

In addition to his wife, the lieutenant is survived by his parents, Mr. and Mrs. George W. Saxon, and a brother, Craig, of the 400 block Baylor road, Glen Burnie; grandparents, Mr. and Mrs. Alfred Sanderson, of Redwood, Miss., and Mr. and Mrs. John Saxon, of Wall, Pa.

ARTHUR M. WIRTZ ELECTED TO HOCKEY HALL OF FAME

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the honor that has been bestowed on Arthur M. Wirtz who is owner of the Chicago Stadium located in the Seventh Congressional District of Illinois which I have the honor to represent.

A few days ago Mr. Wirtz was elected into the Hockey Hall of Fame. Formal induction ceremonies will take place on August 26 at Toronto, Canada, the site of the Hall of Fame.

Mr. Wirtz, who is chairman of the board for the Black Hawks, first entered hockey in 1931, when he formed a company to acquire the Detroit Red Wings. The Red Wings were sold more than 20 years later. In 1954, Wirtz acquired the Black Hawks hockey team, and subsequently, the Black Hawks have become one of the National League's most successful teams.

Arthur Wirtz, whom I have known for over 25 years, has vast real estate holdings in the Seventh Congressional District. He is founder, chairman, and chief executive officer of the Wirtz Corp.; founder, chairman, and chief executive officer of Consolidated Enterprises, Inc.; chairman of American Furniture Mart Corp.; Bismarck Hotel; Chicago, Milwaukee, St. Paul & Pacific Railroad; First National Bank of South Miami; Consolidated Broadcasting Co., and is actively involved in numerous other business enterprises.

Not only is Arthur Wirtz a successful businessman, but he is also a highly respected civic leader and philanthropist. As one who has always been deeply concerned with the betterment of his community, he has made over the years a substantial contribution both to his community and to his fellow man. It is distinguished entrepreneurs of Arthur Wirtz's high caliber, vision, and courage who have made American the great country she is today.

On this occasion, I am pleased to extend my warmest congratulations to one of the outstanding citizens of Chicago, Arthur Wirtz, to his devoted wife, Virginia, and to his children, and also my best wishes for his continued good health and good fortune in the years ahead.

Mr. Speaker, at this point in the CONGRESSIONAL RECORD, I would like to include an article that appeared in the June 10, edition of the Chicago Tribune about Mr. Wirtz's election into the Hockey Hall of Fame. The article follows:

[From the Chicago Tribune, June 10, 1971]

WIRTZ CHOSEN FOR HOCKEY'S HALL OF FAME

(By Bob Verdi)

MONTREAL, June 9.—Chicago's Arthur M. Wirtz, one of the sport's premier builders and still chairman of the board for the Black Hawks, today was elected into the hockey Hall of Fame.

Wirtz, who first entered hockey in 1931 when he purchased and formed a company with the late James Norris Sr. to acquire the Detroit Red Wings, will be formally inducted Aug. 26 at Toronto, site of the hall.

Other inductees announced today were four former players: Cooney Weiland, of Boston; Harvey (Busher) Jackson, Toronto; Gordon Roberts, Ottawa Senators; and Terry Sawchuk, Detroit and New York. The latter three are dead.

Wirtz was here yesterday, but returned to his native Chicago where he received the news today.

His son, William, president of the Black Hawks, said here: "I'm tickled for him. Hockey has been my father's life, and this honor is richly deserved."

In 1933, Arthur Wirtz, James Norris and James D. Norris acquired control of the Chicago Stadium Corporation and took it out of receivership. The building's tenant at the time was the Black Hawks hockey team, owned then by the late Major McLaughin.

During the depression, hockey in the United States was just starting. The season consisted of only 25 games, and structures such as the Stadium could not be supported solely by hockey.

BRINGS SONJA TO THE UNITED STATES

In 1935, the senior Wirtz brought Sonja Henie to America just after she had won world skating championships in three consecutive Olympic competitions.

She joined an ice show, which turned into a splendid success, and helped provide immense revenue to help support arenas thruout the league.

Later, Wirtz and the Norrisses acquired control of Madison Square Garden, the St. Louis Arena, developed farm systems for the Red Wings and added outlets for the popular ice shows.

James Norris Sr. died in 1952, and two years thereafter Wirtz and James D. Norris purchased the Black Hawks from the McLaughlin estate. They sold the Red Wings to Bruce Norris.

THE 1950S LEAN FOR HAWKS

The mid 1950's were lean years for the Black Hawks, artistically and financially. Attendance was poor, and the franchise lost almost three million dollars.

But since the late 50s, the Black Hawks have been one of the National Hockey League's most successful teams, altho Wirtz has bowed out of the limelight and turned the reins over to his sons, William and Michael.

Weiland played 11 years for the Bruins, retiring in 1939. A center, he scored 173 goals. He just resigned as coach of the Harvard University hockey team, a post he held for 20 years.

Jackson starred for the Maple Leafs in the 1930s as left wing and wound up with 241 goals. He died in 1966.

Roberts played from 1910 until 1920 with the old Ottawa Senators. He also obtained a medical degree.

Sawchuck, thought by many to be the greatest goaltender in history, starred with Detroit, Toronto, and completed his career in 1969–70 with the Rangers. He died in New York last year.

TELLS HOW HUMANE PROGRAMS CAN BE DIVERTED TO WARMAKING PURPOSES

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mrs. ABZUG. Mr. Speaker, Mrs. Claire Culhane is a courageous Canadian woman who helped run the Canadian tuberculosis hospital in Luang Ngai, South Vietnam, in 1967 and had been protesting the conditions she found there ever since. Since her return, Mrs. Culhane has written a disturbing account of the operation of the hospital and its relation to political rather than humanitarian pursuits. The implication which one draws from her disclosures is that not even a medical unit functions in Vietnam without having American political interest as their foremost consideration. As a result, Mrs. Culhane contends that:

> There exists no role for Canadians even involved in nonmilitary activities, in Vietnam and demands that the Canadian government . . . immediately withdraw (its) medical personnel on the grounds that (they) can no longer work in context of the known corruption and complicity of the Saigon government.

The reports made by Mrs. Culhane demonstrate clearly how the most humanitarian of programs can become distorted and diverted to warmaking purposes. I respect Mrs. Culhane for her undeterred efforts to make these facts public, and I am inserting in the RECORD a copy of her most recent statement plus some news articles about her activities. These items follow:

MONTREAL, QUEBEC,
May 31, 1971.

MR. PAUL GÉRIN-LAJOIE,
President, Canadian International Developmental Agency, Ottawa, Canada.

DEAR MR. GÉRIN-LAJOIE: Would you please attach this addendum to my original report filed with the Department of External Aid on April 16, 1968, following my return from South Vietnam where I was sent by the Government of Canada in the capacity of an Adviser:

In the intervening years since this report was prepared and filed, additional features have presented themselves which require further concrete suggestions. Offering recommendations to improve the administration of the Canadian Anti-Tuberculosis Hospital in Quang Ngai must now be changed to demand that the administration be turned over to local Vietnamese personnel, and the withdrawal of all Canadian personnel, as well as a halt to similar construction elsewhere in South Vietnam.

The main intent of this recommendation is to improve and guarantee meaningful medical aid to the Vietnamese population, not to eliminate or to decrease same. Since the intrusion of foreign forces has led to the most devastating state of Biocide known to modern man, to simultaneously offer paramedical aid loses all sense of credibility at this time.

On the political side of the ledger, we are informed by Dr. John Hannah, Chief of US–AID in Laos, that his organization was indeed a cover for C.I.A. activities (Washington Post, June 7/70), and since Canadian aid must function, within the infrasture of US–AID, it therefore becomes impossible to claim any purity of purpose in such a participation.

On the medical side of the ledger, for those who consider that our facilities and personnel are indispensable and of tremendous worth, note should be taken of the following indications to the contrary:

a) From South Vietnam come urgent requests for larger supplies of anti-malaria medication to cope with epidemics in this area. From North Vietnam come reports that malaria has been eliminated as a result of the teaching and training programs successfully instituted by the late Dr. Thach, Minister of Health, D.R.V.N., whereby mosquito-breeding areas have been cleared and levels of personal hygiene have been raised.

b) In South Vietnam, our Canadian teams which use BCG vaccine composed of live antibodies requiring refrigeration, travel into refugee camps and outlying hamlets to carry out Mantoux tests, returning three days later to read and record these tests, frequently find movement or absence of the tested population, thus negating our efforts and reducing the entire procedure to still another futile farce.

In North Vietnam, a method of heating antibodies to 43°C permits the vaccine to be kept for three months without refrigeration and used without need for allergy testing, has resulted in vaccinating about five million adults and 350,000 new-born babies every year since 1962.

c) After the writer was prohibited from completing the pharmacy inventory in the Canadian Anti-Tuberculosis Hospital in Quang Ngai in January 1968, it was reported by the former medical director that the three year supply of antibiotic medication on hand at that time was no longer present three months later. This in turn would obviously mitigate against treatment of those buying the pills on the black market, who would have ingested same in indeterminate quantities, thus rendering themselves immune to future treatment.

Note should also be taken that in 85% of the country (liberated zones) there are underground hospitals, and mobile teams travelling into jungles and other inaccessible areas which result in more adequate attention to more people than that which can be provided by foreign teams to the small fraction who eventually reach the provincial hospitals. The knowledge of this degree of difference in the quality and quantity of care accounts for the numbers who travel from the controlled to the liberated areas seeking such attention.

It is far too simple to becloud the issue by the use of semantics. Are we really "meeting the needs of the Vietnamese people" when we allocate $570,000 to the Saigon administration (1967) to construct housing units for the refugees? We have built two modern apartment buildings in a Saigon suburb (Ming Manh) where rents can only be afforded by high ranking military and government officials, while 2,000 real refugees continue to live on the grounds of the Canadian Anti-Tuberculosis Hospital in Quang Ngai, sharing a common mud hole for their water needs.

That the Canadian government—which is a declared neutral in this conflict, which is a member of the ICC, which shares $4 billion in exchange of military materiel with the United States for use against the Vietnamese people—is now establishing new medical centres on the Vietnam-Cambodia border (An Giang, Long Xuyen Province) in the face of the above critical observations, must only raise serious doubts about our stated intention to help the Vietnamese people.

I would therefore, in the most concise and passionate terms, urge that all medical teams and other civilian personnel be immediately withdrawn from Vietnam (and anywhere else they may be installed in Indo-China), and that in their place, massive supplies of medical and surgical equipment be relayed through channels already established for many years (far too many years!), as listed below.

This would guarantee the maximum medical assistance with the minimum foreign political interference, both now and in the future.

Sincerely yours,

CLAIRE CULHANE,
Former Advisor, Canadian Anti-Tuberculosis Hospital, Quang Ngai, South Vietnam.

CANADIAN ROLE IN VIET NAM QUESTIONED

(By John Gray)

As the war in Viet Nam grinds endlessly along its inevitable course of diplomatic and military and social disaster, there is, very occasionally, a bright gleam of hope.

A Canadian medical team is to travel to Viet Nam to establish a physical rehabilitation centre. This, at least, would seem to offer some limited measure of hope for that sad and battered country.

So it would seem. And especially pleasing for Canadians—a welcome other side to the debate about selling Canadian arms to American military forces, a welcome alternative to the relative diplomatic silence we have so studiously maintained.

The idea of the medical team fits perfectly into the diplomatic ideal which we have built up in the past two decades. This is the ideal of Canada as the keeper of peace between men who are mad, the dispassionate humanitarian middle man.

MOTIVES SUSPECT

However, the chorus of happy approval is not unanimous. At least one voice has been raised to warn that the medical team is a fruitless venture, that the motives which led to its formation are suspect.

The dissident voice is that of Claire Culhane, a woman who is not without qualification to speak about the expectations of the rehabilitation hospital which will be established at Qui Nhon. Mrs. Culhane herself spent six months in Viet Nam.

When Mrs. Culhane volunteered to serve in the Canadian tuberculosis hospital in Quang Ngai, South Viet Nam, officials of the External Aid Office in Ottawa assured her that her task would be "100 per cent humanitarian."

While she was in Viet Nam, battling against strange circumstances for which there was no apparent logic, she got a rather different assessment. A senior Canadian official told her that her mission was "50 per cent humanitarian, 50 per cent political."

Today, after returning from Viet Nam in despair, Mrs. Culhane is convinced that the true percentage is closer to 100 per cent political. And fruitless besides.

Mrs. Culhane, now 49, has advised the External Aid Office, the minister of external affairs, and even Prime Minister Trudeau of her fears about the nature of Canadian "humanitarianism" in Viet Nam.

She also warned that the $2,500,000 rehabilitation centre is doomed to a fate as uncertain as that of the tuberculosis hospital. For her trouble, she got a number of letters thanking her for her trouble and beyond that nothing.

This is not the first time that questions have been raised about the nature of the Canadian involvement in Viet Nam. Still unanswered, for example, are questions about the Canadian team on the International Control Commission.

Is the ICC a direct expression of Canadian diplomatic initiative or is it an indirect arm of the American war effort? (It was the legal adviser to the Canadian ICC team, Gordon Longmuir, who defined Mrs. Culhane's medical mission as 50 per cent humanitarian, 50 per cent political.)

DISTURBING STORY

The story told by Mrs. Culhane about the tuberculosis hospital is disturbing, for it raises question about both the nature and the quality of our involvement in Viet Nam.

Like our role in the ICC, the external aid program looks great on paper; like the ICC, there is something less than the glory of the brave new world underneath.

It is a spongey story, in that it contains few spectacular revelations. Rather than hard facts, it is an accumulation of incidents and question marks.

Mrs. Culhane, a medical records librarian, volunteered to go to Viet Nam after reading of the work in the tuberculosis hospital and its director, Dr. Alje Vennema of Burlington, Ont. Dr. Vennema won the Order of Canada service medal last year.

The young doctor left the hospital three months after Mrs. Culhane arrived in Quang Ngai last October, to continue his studies. The $500,000 hospital was going well. Fifty patients were confined permanently, and the clinic treated up to 200 patients a day.

Dr. Vennema was a popular figure with the Vietnamese. He and his medical team served their patients well. But Dr. Vennema was less popular with local American officials, and with Canadian officials in Saigon, because he was an outspoken critic of the war.

Under Dr. Vennema's successor, a new policy grew up quickly. It was a policy not to make waves. Relations became very close with the local American adviser and with the local office of the Central Intelligence Agency.

Running the hospital had never been very easy, because medical supplies were always hard to secure. When they arrived, it was only after running the gauntlet of theft and corruption which are now a way of life in Viet Nam. After Dr. Vennema's departure, Mrs. Culhane was prevented from pursuing "missing" supplies.

That was really only administrative trouble. Real trouble came during the Tet offensive by the Viet Cong last February. Fighting broke out all across Viet Nam, including the region not far from the Canadian hospital in Quang Ngai.

The fighting did not ever threaten the hospital, but several days after the offensive began, South Vietnamese troops moved into the hospital. Although patients filled the hospital, the troops set up a firing base on an upper balcony.

Protests to Vietnamese and American officials did no good. The balcony was militarily convenient. When the Canadians warned of the danger to the patients, the Province Chief sent his reply through the American adviser: "Go and tell it to the VC."

Eventually the patients were evacuated from the hospital and the Canadian medical team left for Saigon to wait until the fighting had ended. The Tet fighting did end, but the hospital remained closed until June when it resumed partial operation.

VENNEMA RETURNS

It was in Saigon that Mrs. Culhane learned of the depth of distrust felt by both American and Canadian officials for the previous hospital director, Dr. Vennema.

When fighting broke out during Tet, Dr. Vennema interrupted a year's studies in Amsterdam to return to Viet Nam. The Canadian government asked him to determine how Canada could provide medical assistance to relieve the distress.

Mr. Longmuir of the ICC was disturbed by Dr. Vennema's return, and suggested that the doctor was really trying to take over his old position as medical director of the hospital. Subsequently, at Canadian instigation, Dr. Vennema was denied access to the only functional airline in Viet Nam.

The airline is called Air America, and it happens that Air America is operated by the Central Intelligence Agency. Passengers such as those working on medical teams have a high priority. They may fly anywhere in the country free of charge.

When Mrs. Culhane learned of the ban against Dr. Vennema, Mr. Longmuir explained to her: "Dr. Vennema's tour might turn up some unsavory features so why should Air America be expected to co-operate in transporting him on such a survey?"

ACTION LIMITED

For Mrs. Culhane, this symbolized all of the problems of the Canadian group at Quang Ngai. All action is circumscribed by the political and military exigencies of the American war effort; humanitarianism as such does not exist.

"We are there for only one reason—as a source of support for the Americans. The more countries that join, the more the Americans can say 'we are not alone.'

"As things are now, we cannot conceive of doing anything independent of the Americans in Viet Nam."

Aside from the political problems, the efficiency of Canada's aid is questioned by Mrs. Culhane. Ottawa is a long way away, and regulations seem designed more to hinder than help.

What does this mean for the new rehabilitation hospital in Qui Nhon? For a start, it means a thousand bureaucratic and political headaches—if the hospital ever opens.

Mrs. Culhane fears that it may not open. The tuberculosis hospital has only partially reopened since Tet, and numerous other humanitarian ventures in Viet Nam have ceased to function because the fighting has made it impossible.

Right now, she feels there is no role for Canadians in Viet Nam, for they have been too closely allied with the Americans. There may be no role for any white man—"it's fit only for journalists and spies."

[From the (Ottawa) Globe and Mail,
Feb. 10, 1971]

WOMAN ASKS TRUDEAU TO SEEK CONFERENCE ON WAR IN INDOCHINA

(By Malcolm Reid)

OTTAWA.—Claire Culhane, who helped run a Canadian hospital in the My Lai area of Vietnam and calls herself a "professional protester" since her return in 1969, confronted Prime Minister Pierre Trudeau at the door of the constitutional conference centre yesterday.

She carried copies of a cable to her Montreal address from Mrs. Nguyen Thi Binh of the South Vietnamese National Liberation Front in Paris, asking her to stir up protest in Canada over "tens of thousands of U.S. Saigon, Thai troops" in Laos. She wanted Canada to call for a new Geneva conference on the country supposedly neutralized by a 1962 agreement.

The Prime Minister paused to talk with her, telling her Canada's position that the International Control Commission should inspect the case. Canada, a member of this commission, was willing—she should address the same request to India and Poland, the other members.

Mrs. Cuhane was accompanied by an old acquaintance of Mr. Trudeau's from Cite Libre days, Belgian-born writer Michel van Schendel. Mr. van Schendel said Mr. Trudeau "made as if he did not see me." They haven't communicated often since the former magazine editor became Prime Minister.

He said he was representing the magazine Socialisme Quebecois, colleagues at the University of Quebec (where he teaches Quebec literature), and the Quebec Committee for Democratic Freedoms.

They believe the Control Commission is powerless. Mrs. Culhane said one of the Canadian officers on it had admitted giving information to the U.S. Central Intelligence Agency.

She was sent to Vietnam by Canadian External Aid and was there at the time of the alleged My Lai massacre which is the subject of current trials of U.S. soldiers. She wrote a report of conditions in the zone which the Canadian Government has refused to table on grounds it is "libellous." But she is also mentioned by U.S. journalist Seymour Hersh as one of his sources for his reports of the My Lai massacre.

The brief chat with the Prime Minister ended with Mr. Trudeau shrugging and going into the conference room and Mrs. Culhane calling to him: "They're going to use the atomic bomb . . ."

Mrs. Culhane and Mr. van Schendel said this was a hard assertion to prove beforehand, but there were indications from reports in publications as varied as The New Yorker and the left-wing National Guardian which spoke of massive evacuations in the northern part of South Vietnam which could be preparations for nuclear attacks on North Vietnam. The justification for the Laos invasion given by the South Vietnamese invaders and their U.S. backers is that the country serves as a North Vietnamese base for attacking South Vietnam.

Mrs. Culhane and Mr. van Schendel said that during the Korean war there were similar hints that atomic weapons might be used and it took a trip to Washington by British Prime Minister Clement Attlee (backed by Canada's then External Affairs Minister, Lester Pearson) to persuade the United States to drop the idea.

In this case, Mrs. Culhane admitted, the political climate may be bad for such an escalation: "It may be a sawoff, and finally they won't use it. But we must protest to make sure they don't."

Mrs. Binh's cable was intended for "peace forces in your country." Mr. van Schendel said they didn't know of Mrs. Binh having sent other cables to North Americans, and she did not often send such appeals.

A NATIONAL HISTORIC SHRINE TO THADDEUS KOSCIUSZKO

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. MINISH. Mr. Speaker, on June 9, 1971 I introduced in the House of Representatives H.R. 9021, which would establish the home of Thaddeus Kosciuszko at 301 Pine Street, Philadelphia, as a national historic shrine.

Mr. Speaker, this legislation would authorize the first U.S. national memorial to a son of Poland, and it is most fitting that the choice devolve on Thaddeus Kosciuszko. This great Polish patriot came to the United States to help in our war of independence. After his arrival here, he was appointed as the colonel of engineers, and distinguished himself for his advanced fortifications constructed as West Point and Yorktown. At West Point Academy today, there is a commemorative statue in Kosciuszko's honor, inscribed to a "hero of two worlds."

In view of Kosciuszko's contribution to our national independence, it would be most appropriate if H.R. 9021 was enacted in time for America's bicentennial anniversary celebration. I am hopeful, therefore, that this legislation will receive swift consideration by the Congress, and would welcome any colleagues who would join me in sponsoring this legislation.

AMENDMENT TO DELETE TITLE IV FROM DEFENSE BUDGET

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. HARRINGTON. Mr. Speaker, the military procurement bill—H.R. 8687—will be on the floor of the House tomorrow, June 15, and for the rest of the week. On Wednesday or Thursday, I will offer an amendment to delete title IV of the bill, which provides an authorization of $2.5 billion for military assistance to South Vietnam, Laos, and Thailand. This section also provides for financial payments to South Korea for their troops fighting in Vietnam.

Title IV received only 2 hours of consideration by the House Armed Services Committee. Jurisdiction over this military aid should be returned to the AID budget and the Foreign Affairs and Foreign Relations Committees, which have responsibility for nearly all other military aid programs. Such a restoration to the normal aid channels is fully consistent with the administration's Vietnamization plans and with U.S. withdrawal. In fact, continued inclusion in the defense budget of these funds would cast doubt on the seriousness of claims that U.S. troops are ceasing to have a combat role and that this is no longer an American war.

Our military aid to Southeast Asia must be carefully evaluated on its own terms in relation to our other foreign commitments and military assistance programs. It must no longer be submerged and ignored in the massive defense budget.

The secret Pentagon study of U.S. participation in the Vietnam war that is now being made public in the New York Times demonstrates once again the need for Congress to assert itself on foreign policy issues. The Pentagon papers contain revelations of clandestine warfare and planning before the Tonkin Gulf incident in 1964. Only by painstaking and tough examination of our military programs in Southeast Asia, and elsewhere, will we be able to prevent being dragged into future Vietnams and stop the accumulation of secret "commitments."

Congress, and the House Armed Services Committee, know very little about how these title IV funds are being expended. We need information to act wisely and my amendment would be a step toward restoring a procedure that at least offers some potential for safeguarding the interests of Congress and the American people.

I have asked the Congressional Research Service to prepare a commentary on the advisability of continued inclusion of military assistance to South Vietnam within the Department of Defense budget. This analysis describes the history and justification for how this aid was shifted from the AID budget to DOD in 1966 and 1967. The following arguments are presented for removing this program from the DOD budget and restoring it to the normal military assistance budget—and thus to the Foreign Affairs and Foreign Relations Committees:

Vietnamization of the war and U.S. withdrawal from it represents a major policy shift, and the mechanism for financing U.S. support would be readjusted accordingly to the pre-Americanization period.

Since the South Vietnamese Army is no longer an arm of DOD, it makes no sense for DOD to retain operational, financial, and logistical control over that army.

Free world non-Vietnamese forces are being reduced, as are their assistance requirements, and support for them should be removed from the mammoth DOD budget to the military assistance program where it can be closely scrutinized.

Even if assistance to the South Vietnamese Army cannot be restored to the military assistance program, there is no reason for not restoring support for Laos and Thailand to the same program through which Cambodia is assisted.

It is time to reevaluate the nature and degree of our assistance to the South Vietnamese Army in relation to our other military assistance programs. To place our assistance in proper perspective, it must not be dwarfed and should be considered on its own merits and in relation to our other military assistance commitments.

I hope my colleagues will join me in voting for this amendment.

I include the Congressional Research Service memorandum at this point in the RECORD:

BACKGROUND OF THE HARRINGTON AMENDMENT TO DELETE VIETNAM MILITARY ASSISTANCE FROM THE DEFENSE BUDGET

Costs of the support of the South Vietnamese and other free world forces in Vietnam, at first provided for in the Military Assistance Program, were transferred from the MAP program to the Department of Defense budget under provisions in the Supplemental Defense Appropriation Act of 1966. The rationale for this transfer as explained by Secretary McNamara and supported by AID Administrator David Bell was twofold:

1. "The MAP was not designed to underwrite any sustained military hostilities, but rather to provide a deterrent to aggression and initial ability to resist it. Continued MAP financing of the rapidly rising requirements of the South Vietnamese and other free world forces would have seriously distorted the basic purposes of the program. The allocation of such a disproportionate percentage of available funds to a single country would have seriously jeopardized U.S. security interests in other countries and areas of the free world." [1]

2. "Now that large U.S. and other free world military assistance forces (e.g., Korean) have joined in the defense of South Vietnam, the maintenance of separate financial and logistic systems for U.S. and military assistance forces is proving to be entirely too cumbersome, time consuming, and inefficient . . ." [2]

An examination of various Committee hearings indicates that these two contentions were consistently made in formal statements and in testimony supporting Administration requests for both foreign assistance and military appropriations during the latter part of FY 1966 and FY 1967. The practice of integrating military assistance costs of the Vietnam war with the general DOD budget, and of legislating non-Vietnam-related military assistance programs separately, has continued ever since.

Since the Administration request for inclusion of Vietnam military assistance costs in the DOD budget was based upon a conclusion that the circumstances under which assistance was originally granted had radically changed, it would appear that a suggestion to restore the *status quo ante* should be similarly based—i.e., the winding down of the war is about to eliminate the special conditions which necessitated the change in the original procedures.

It should be noted parenthetically that the quotation from the President's Annual Report to Congress on the Foreign Assistance Program for FY 1966 was quite candid in suggesting that if the costs of the military assistance program for the South Vietnamese were not lumped together with the (then) politically attractive Defense budget, the Congress might well have not appropriated sufficient funds. Additionally, the shift in funding from the military assistance to the DOD budget symbolized the translation of the Vietnam war from a Vietnamese into an American enterprise.

Logically, therefore, a recommendation that the military assistance aspects of the Vietnamese war be removed from the Defense budget and restored to the military assistance budget could be defended on the following grounds:

1. The Administration program of "Vietnamization" and programmed withdrawal from the war is represented as a major shift in policy from one of treating the war as a U.S. enterprise to one of recognition that the war is a Vietnamese problem and that the period of U.S. involvement is to come to an end. If such a major policy shift is to be made credible, the mechanism for assisting the Vietnamese must be readjusted accordingly. Specifically, military aid for the Vietnamese should no longer be provided for in the budget of the U.S. Defense Department. Such aid as may be deemed advisable should be provided for in the foreign aid program—a program which is scrutinized by those Congressional commitees charged with oversight responsibility for that program, namely, the House Committee on Foreign Affairs and the Senate Foreign Relations Committee.

2. Having established the point that the South Vietnamese Army is, in terms of the changed nature of the war, no longer in effect an arm of the U.S. Department of Defense, it is contended that the practical operational, logistical, and accounting circumstances raised by Secretary McNamara have become outmoded. Removal of U.S. troops from a combat role in the very near future, as promised by the Administration, negates the original DOD objection to the maintenance of separate financial and logistic systems for U.S. and "military assistance" forces.

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[1] 90th Congress, 2d Session. House Document N. 228. The President's Annual Report to the Congress, Fiscal Year 1966, *The Foreign Assistance Program*, p. 29.

[2] Statement of Secretary of Defense McNamara before the Subcommittee of the Committee on Appropriations, House of Representatives, 89th Congress, January 26, 1966.

3. It should be noted that not only are U.S. troop commitments and military activities being reduced: so are those of other non-Vietnamese military forces originally covered under the military assistance program but for which funding was incorporated at Secretary McNamara's request into the DOD budget. This further reduces the magnitude of our assistance requirements, and is additional justification for removing these requirements from the DOD budget, where they are dwarfed by comparison to the total budget, and returning them to the military assistance program where they can be carefully evaluated.

4. H.R. 8687 would provide that U.S. military assistance to the South Vietnamese, to Laos, and to Thailand be incorporated in the DOD budget. Similar assistance to Cambodia, however, has been and is now channeled through the military assistance program. Even if it can be substantiated that U.S. participation in the Vietnam war has not yet been reduced to the point where logistical fiscal considerations permit "normalization" of assistance to the South Vietnamese, surely assistance to Laos and to Thailand should be recognized as conceptually analogous to assistance to Cambodia, and should be provided for within the military assistance program.

5. Finally, and this could be the most important point of all, it is time to evaluate the nature and degree of U.S. assistance to the South Vietnamese Army in proportion to the rest of our overall military assistance program. The Administration's candid assertion in FY 1966 that if the South Vietnamese military assistance program were not removed from the jurisdiction of the respective House and Senate committees overseeing the foreign assistance program the South Vietnamese program might not be enacted is a point well worthy of reconsideration at the present time. This program must be evaluated on its own merits—not as a comparatively small proportion of the huge Defense budget. If evaluation of the South Vietnamese military assistance program within the context of our entire military assistance spectrum reveals that the South Vietnamese are getting more than the circumstances truly merit, this revelation deserves careful study.

THE 30TH ANNIVERSARY OF THE MASS DEPORTATIONS OF BALTIC PEOPLES TO SLAVE LABOR CAMPS BY THE RUSSIANS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. GERALD R. FORD. Mr. Speaker, representatives of more than a million Latvians, Lithuanians, and Estonians living in the United States joined Sunday in commemorating the 30th anniversary of the mass deportations of Baltic peoples to slave labor camps by the Russians in 1941. With the unanimous consent of the House, I would like to place in the RECORD at this point a description of the church service at the National Shrine of the Immaculate Conception which marked this tragic event in world history. The account follows:

A church service commemorating the thirtieth anniversary of the mass deportations of the Baltic peoples to slave-labor camps in Siberia was held on Sunday, June 13, at the National Shrine of the Immaculate Conception in the Nation's Capital.

The celebrant of the special service was Rev. Father Kazimieras Pugevicius of Baltimore.

Spokesmen for the Joint Baltic Committee, representing the central organizations of Americans of Estonian, Latvian and Lithuanian descent, explained that the brutal Soviet action, commencing on the night of June 13, 1941, left deep scars and bitter memories among the Baltic peoples on both sides of the iron curtain. Concentration camp victims were drawn from all social and age groups, the Joint Baltic Committee pointed out, and were packed into cattle cars going to Northern Russia and Siberia, where most perished under the inhuman conditions.

The vast scale of these and later deportations after the Second World War was emphasized by Gunars Meierovics, Dr. John B. Genys and Gerhard Buschmann, representing over a million Latvians, Lithuanians, and Estonians in the United States.

The Committee placed conservative estimates of human losses by Baltic people in Soviet concentration camps to be in excess of fifteen percent of the population.

"The Baltic people expressed their alarm at current Soviet policies, which are totalitarian cultural genocide tactics, implemented in the name of russification. They hope that world opinion will be reminded by Sunday's ceremonies of the brutal attempts to stamp out the Baltic peoples' national identity and desire for self-determination. The resultant protests to the Soviet government might stem these policies."

The consensus was unanimous that the plight of the Baltic peoples today was very critical, in the context of colonialism vs. self-government. The Committee declares that "the annexation of the Baltic nations into the Soviet Union is not recognized by our government and many other nations. This occupation of the Baltic States by the Soviet Union is a flagrant breach of all international treaties and agreements between the Soviet Union and the Independent Baltic States governments!"

CPL. ARTHUR W. MACHEN III

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. LONG of Maryland. Mr. Speaker, Cpl. Arthur W. Machen III, 21, of Ruxton, has been awarded posthumously the Navy Commendation Medal for heroism in Vietnam. "Pete" Machen died in early December after a 5-month struggle to survive abdominal wounds he received in June 1970. He was a courageous and dedicated young man. I have known the Machen family for years and have shared their grief over Corporal Machen's death. I also share their pride in his service to his country, and am honored to pay tribute to Corporal Machen by including the text of the citation in the RECORD:

CITATION

The Secretary of the Navy takes pride in presenting the Navy Commendation Medal posthumously to Corporal Arthur W. Machen III, United States Marine Corps, for service as set forth in the following citation:

"For meritorious service while serving as a Squad Leader with Company I, Third Battalion, First Marines, First Marine Division in connection with combat operations against the enemy in the Republic of Vietnam for 20 August 1969 to 19 June 1970. Throughout this period, Corporal Machen performed his duties in an exemplary and highly professional manner. Exceptionally skilled in small-unit tactics, he molded his men into a spirited fighting force and provided consistently outstanding combat support to his command. Participating in four major combat operations, including Operations Upshur Stream and Charlie Ridge, he repeatedly disregarded his own safety to gain vantage points from which to direct accurate fire at the enemy. In addition, Corporal Machen led his squad on more than one hundred combat patrols and ambushes and displayed exceptional initiative in locating and exploiting hostile targets. Under his inspiring leadership, his men accounted for numerous enemy casualties and were instrumental in thwarting persistent attempts by hostile forces to penetrate friendly areas. Seriously wounded while participating in a combat patrol in Elephant Valley on 19 June 1970, Corporal Machen remained calm and continued to encourage his men until he was medically evacuated. His resolute determination and seemingly unlimited resourcefulness earned the respect and admiration of all who served with him and contributed significantly to the accomplishment of his unit's mission. By his initiative, superb professionalism, and loyal devotion to duty throughout his tour in the Republic of Vietnam, Corporal Machen upheld the finest tradition of the Marine Corps and of the United States Naval Service."

The Combat Distinguished Device is authorized.

For the Secretary of the Navy,

WILLIAM K. JONES,
Lieutenant General, U.S. Marine Corps,
Commanding General, Fleet Marine Force, Pacific.

BUY AMERICA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. RODINO. Mr. Speaker, one of my constituents, a small businessman in New Jersey, has been practicing what he preaches. He is in his own way significantly helping to maintain a sound American economy and to show pride in his country for all the many riches it has bestowed upon its citizens. Mr. Jerome Schapiro, of Montclair, N.J., recently informed me of his buy American program and I think it is particularly noteworthy to share his efforts with my colleagues on this Flag Day:

DIXO CO., INC.,
Rochelle Park, N.J., May 26, 1971.

Congressman PETER RODINO,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN RODINO: I am enclosing with this letter a copy of a new promotional sign that we use when selling perchlorethylene (the drycleaning fluid used by most drycleaners). As you will note in the lower left hand corner we strongly emphasize the fact that the drycleaning fluid that we sell is made in America. At present, despite up to a 33% discount at times if you purchase foreign origin material, we are still the only distributor in the Metropolitan New York-New Jersey area who has continued to handle only material of domestic origin. We are proud of this record which has lasted over 26 years. Our customers, the drycleaners in this area, are proud to put up a sign at this time of year (Memorial Day, Flag Day, Independence Day) to show that they also support the country that affords them the opportunity to enjoy the life they do.

Possibly, if more distributors of drycleaning fluid acted as we do it would serve to bolster the American economy. So much is lost when people are proud to live in a land such as ours but unwilling to buy its products because import material is so much cheaper. You cannot enjoy the benefits of one country and do your shopping to benefit another.

Might it exert a position influence on others to buy and sell American if our efforts were brought to the attention of the people in government whose job is to keep the American economy sound. My efforts in this behalf are not without a selfish motive: For without a sound American economy my business cannot prosper.

Regards,

JEROME SCHAPIRO,
President.

"DEBRIEFING FORM" FOR PEACE LOBBYISTS

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. SATTERFIELD. Mr. Speaker, last week many Congressmen received a request through a local committee to make a specific appointment to meet with certain constituents who were to be in Washington to lobby on behalf of proposals to fix a deadline for withdrawal from South Vietnam.

I am sure my colleagues would want to know that an organization called the Lobby of Americans which claims to be sponsored jointly by the Committee for Peace and New Priorities and the National Council for an Indochina Deadline provided each lobbyist with a lobbying kit which contained among other things written suggestions for conducting an effective lobby with Congressmen, a brief outline of current legislation which would provide an Indochina deadline, a list of members of committees related to this issue, an analysis of certain votes cast by selected Senators and Representatives; a series of questions and answers about Indochina to aid assist lobbyists in their discussions with Congressmen and a final document, titled "Debriefing Form."

A copy of that debriefing form, which I am sure my colleagues will find interesting and revealing, follows:

DEBRIEFING FORM

(Please Print)

Senator/Representative ----State ---------
Lobbyist's name-----------------------------
Address ----------------------------------
Phone --------------------

Did you speak to:

Congressman.

His/her aide.

Position on deadline legislation (Nedzi-Whalen or Hatfield-McGovern):

Will vote for.

Leaning for.

Uncommitted.

Leaning against.

Will vote against.

What reasons does your Congressman give for opposing deadline legislation, if any? (Please check)

There will be a bloodbath when we pull out.

The enemy will bide his time, then take over.

We would be abandoning our POW's.

We would be giving in to the enemy.

It eliminates the possibility of a negotiated settlement.

The President will get us out by 1972.

Other.

Which of the arguments in favor of the deadline did your Congressman seem to respond to? (Please check)

We should get out in time for the elections.

Setting a date is the only way to negotiate release of the POW's.

The war is illegal because it is undeclared.

The Vietnamese should settle their own affairs.

The President's intentions are not clear.

The South Vietnamese Army is as well prepared now as it will ever be.

It is the responsibility of Congress to end the war.

Domestic programs are suffering because of war costs.

Our economy is in bad shape because of the war.

Other.

Will your Congressman be home this July 4?

What kinds of people would be most effective to lobby this man?

Is there any special pressure that could be exerted because of conditions in his particular district?

VETERAN TEACHER TO DO HER HOMEWORK

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. PICKLE. Mr. Speaker, I would like to commend Mrs. Elnora Mays Ake of my district for 45 years of invaluable service which she has rendered to the community. Mrs. Ake has been preparing many young minds for a constructive role in our society, particularly at the first grade level, where students form lasting and crucial habits and opinions which will be influential in the outcomes of their lives. She has been twice honored as teacher of the year and worked in Headstart and regional educational service center programs. Mrs. Ake is now enjoying a well-deserved rest from her duties which gives us a particularly appropriate time to note her far-reaching accomplishments and invaluable services. At this time I submit in the RECORD a May 21 article from the Austin American which tells more of this remarkable woman:

VETERAN TEACHER TO DO HER HOMEWORK

(By Mary M. Moody)

When Mrs. Elnora Mays Ake ends her 45th year of teaching this month, she intends to stay home and do something she's wanted to do since she got married—housekeeping.

Mrs. Ake began teaching when she was only 17 years old. She had planned to stop teaching and start housekeeping five years afterward.

The death of her husband at the end of their fifth year of marriage postponed those plans until this year.

But Mrs. Ake hasn't lamented all those years of teaching. They are filled with warm and rewarding memories of the hundreds of students she has taught.

"Every day now, the little children ask me, 'Why are you leaving? Why are you leaving? Why are you quitting?'," she says. "And I tell them, 'I'm just tired. I want to stop.' "

Mrs. Ake retires this year after 16 years at Sims Elementary School. She was one of the original teachers at this school, opened when Rosewood Elementary became so large the students had to be divided into a new school.

The other years of her 45-year career have been spent in the area, including Swenson Gove Elementary School in Williamson County (where she took her first job) and in the Pflugerville Independent School district and the Sprinkle School in Travics County.

During her first years of teaching, she taught grades one through six—all in one classroom. Eventually, as she moved from the rural schools into Austin, she began specializing in first grade classes.

Smaller classes are among the big changes she has witnessed during her career. Another equally important change has been the acquisition of more teaching aides.

Twice during her career, Mrs. Ake has been named "Teacher of the Year," and she is proud that many of her students remembered her and attended festivities in her honor Tuesday at the school.

When she recalls the highlights of her career, the Round Rock native is reminded of two relatively recent experiences of her 45-year career.

In the summer of 1965, she worked as one of Austin's first Head Start teachers. Since that time, she had been selected to participate in the summer reading programs at Sims and Allison Elementary Schools.

The second experience was during the summer of 1970 when Mrs. Ake participated in an Education Service Center, Region XIII in San Marcos.

The institute worked with the "Shift of Emphasis" project—a program to bring the children now in special education classes back into the classroom.

She says this year she has made practical application of her training by working with handicapped and exceptional children.

As a first-grade teacher, Mrs. Ake has been responsible for getting hundreds of students off to a good start. Now she is ready for a new start herself.

DEFENSE AUTHORIZATION BILL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. ASPIN. Mr. Speaker, during the past week, I have submitted to the REC-

ORD a series of articles and testimony on aspects of the defense authorization bill. Each supports the conclusion that the administration's request is too high and should be cut.

My amendment to hold the fiscal year 1972 authorization to the amount authorized for fiscal year 1971 does not cut any particular service, appropriation title, or specific program. However, a ceiling will provide the needed incentive to force the Department of Defense to face the problem of maintaining a balance between modernization and realistic force levels, and the problems of increasing cost of weapon sophistication and cost overruns.

For convenience of the Members, the entire series is reprinted below:

[From the Congressional Record, June 7, 1971]

DEFENSE AUTHORIZATION BILL—PART I

Mr. ASPIN. Mr. Speaker, soon the House will debate and vote on the defense authorization bill. At that time I intend to offer an amendment which will propose holding the fiscal year 1972 authorization to the level approved last year.

During the hearings on the bill, the Armed Services Committee heard testimony from nongovernment witnesses. The following testimony of Charles P. Shirkey supports the conclusion that the funds requested by the administration for defense in 1972 are more than we need. Mr. Shirkey concludes that:

As many as four Army divisions, seven Air Force tactical air wings and three Navy carrier task forces could be cut from the force levels proposed by the administration in 1972 without jeopardizing the administration's one and one-half war strategy for general purpose forces.

Such a reduction in forces should include proportionate reductions in procurement and R. & D. as well as the associated direct and indirect support.

Implementation of these force reductions could have $7 to $15 billion in 1972.

Mr. Shirkey is well qualified to comment on the 1972 defense budget and the adequacy of general purpose forces, having worked on the defense budget and national security issues in the Bureau of the Budget and Office of Secretary of Defense.

(Mr. Shirkey's testimony follows:)

STATEMENT OF CHARLES P. SHIRKEY

Mr. Chairman and members of the House Armed Services Committee, my name is Charles Shirkey. For several years I have been concerned with defense policy—academically, in professional service and now in private research. At the Bureau of the Budget, I worked as an analyst on national security programs.

Subsequently, I served as a defense analyst in the Office of the Assistant Secretary of Defense (Systems Analysis).

I wish to thank the Women's International League for Peace and Freedom for granting me this time to appear before you. However, the testimony I present today represents my own views.

I shall limit my testimony to the general purpose forces, excluding the incremental costs and forces engaged in Indochina. In other words, I wish to concentrate on what we otherwise might call the "baseline" general purpose forces. As you know, these forces account for the largest portion of the defense budget.

It was observed last year that general purpose forces accounted for about 60% of the total FY 71 defense budget for 70% of the pre-Vietnam baseline budget, excluding the incremental cost of the Vietnam war. The FY 72 budget does not appear to represent a dramatic change in that allocation.

I would like to suggest today a way to conceptualize those general purpose forces and the associated budgetary resources. In particular, I wish to focus on force levels: why we maintain any given level, what are some of the rather consistent interrelationships peculiar to general purpose forces, what are some of the constants or "eternal verities", and what are some of the questions that one might raise in reviewing the 72 budget. For purposes of the record, my prepared text includes numerous tables which I will refer to during my testimony. Finally, I would like to suggest some broader questions that perhaps cannot be answered during this budget review but should be asked nonetheless.

The ultimate question confronting the Administration, you and your Senate colleagues is "how much is enough?" In a recent book by Alain Enthoven and Wayne Smith bearing that title, the authors begin with a quote from former Secretary of Defense Robert S. McNamara. I quote: "You cannot make decisions simply by asking yourself whether something might be nice to have. You have to make a judgment on how much is enough." This statement was made in 1963: it is equally true today. In the final analysis, the judgment that Secretary McNamara referred to is a judgment of how much confidence we feel is necessary to assure U.S. and allied security will not be placed in jeopardy.

That judgment process is exceedingly complex. The difficulty in making that judgment is perhaps equalled by the responsibility that you on this Committee share in reviewing the budget before you and ultimately shaping our general purpose force capacity. You are well aware that the recommendations and decisions that you will make will have an effect for many years to come.

We are speaking today of budgets, but of course, the final product are the very forces themselves. It is perhaps useful to put that relationship into perspective and look at the forces in being in 1969 and 1970. Those forces were largely the product of research and development of the fifties and early sixties, of procurement actions taken in the early and mid sixties, and of budgetary and management decisions on the operation and maintenance of forces in more recent years. Given this long chain of decisions, it is relevant to ask whether those forces were "enough" when they became operational. No one had a crystal ball when those decisions and commitments were made. Yet the evidence suggests there was sufficient if not an abundance of confidence in 1969 and 70 in our ability to implement a flexible and graduated response vis-a-vis the Soviets, primarily in Europe, or the Chinese Peoples' Republic in East Asia. Furthermore, I submit that we could have so responded without drawing-down our forces committed in Southeast Asia and Korea; and 1969 was the peak of our force commitment to that theater.

A publication on world military expenditures put out by the U.S. Arms Control and Disarmament Agency observes that the entire world spent about $200 billion on military expenditures in 1969. During that same period, the U.S. spent about $80 billion or 40% of the world's total. Excluding the incremental cost of the Vietnam war, the U.S. still accounted for as much as 30%. The entire NATO Alliance spent about $90 billion, excluding the incremental Vietnam war costs, compared to about $65 billion spent by the entire Warsaw Pact, the bulk of which was spent by the Soviet Union. Of course, these figures include outlays for strategic nuclear forces by those countries so involved in addition to conventional or general purpose forces.

At first glance, the 72 budget suggests dramatic cuts in general purpose forces and equally dramatic changes in the underlying assumptions. However, I would suggest that these cuts and apparent changes are not as dramatic as they might first appear.

The key to general purpose force planning is land warfare and the number of division forces to be fielded. As shown in Table 1, in 1970 the U.S. had the capability to mobilize and deploy a total of 12 active Army divisions and two active Marine divisions, augmented by eight National Guard divisions and one reserve Marine division—a total of 23 division forces, excluding forces committed in Southeast Asia. As shown in Table 4, as many as 13⅔ active and reserve divisions were available to reinforce the 4⅓ divisions based in Europe, for a total of 18 division forces. Moreover, we had this capability simultaneous to the deployment of 6⅓ division forces to Southeast Asia, in addition to other contingencies as shown in Table 4. I do not wish to suggest that we had the proper degree of readiness; sufficient strategic lift capability; or the optimal mix of reconnaissance, mobility, and firepower. Yet the undeniable fact remains that we had an abundance of forces and were allocating sufficient sums of resources, over and above Vietnam, to buy and maintain a very impressive array of land force capability.

Taking into account the possiblity of a minor contingency and a holding action in Asia, it appears that 11⅓ active divisions (excluding the possibility of one division in Vietnam) and a total of 20⅓ division forces should be enough in 1972 to assure a reasonable, if not high confidence capability for the U.S. to respond flexibly and with discretion to any NATO contingency—which after all is the most demanding case which we can conceive in the near-term. However, the 72 budget provides for 13⅓ active Army divisions or four more active divisions than what might be regarded as "enough". Thus an alternative which provides for 9⅓ active Army divisions (four less than the 72 budget) and 3 active Marine divisions or a total of 21⅓ active and reserve division forces compared to the 25⅓ proposed in the 72 budget does not appear unreasonable.

Given a particular number of active and reserve divisions, the number of tactical air wings is readily derived. Taking account of the size of the Marine air wing—about twice the size of Air Force and Navy tactical air wings—there has historically been about two wings per division. One of these has commonly been associated with the mission of close air support; the remainder are designed and assigned to such missions as deep interdiction, air superiority, and air defense. The 72 budget includes 21 active Air Force tactical air wings and 11 active Navy wings, in a total active and reserve force of 50⅓ Air Force (or Navy) tactical air wing equivalents. For an alternative force of 21⅓ division forces, it appears that 40⅓ active and reserve Air Force (or Navy) tactical air wing equivalents would be sufficient.

Another major determinant of general purpose force levels is the mix of land-based and sea-based tactical air given a particular number of tactical air wings. It can be assumed for the indefinite future that the number of Marine wings is given; this leaves only the number of Air Force and Navy air wings to be determined. Since Navy (or sea-based) tactical air wings are not designed for use in NATO's Center Region, where most if not all of U.S. land forces would be committed, it appears that a force mix of 14 active Air Force wings and 8 active Navy tactical air wings, augmented by the current 8⅓ Air Force and 2 Navy reserve wings, would be consistent with (a) the land force of 21⅓ divisions and (b) the concept of "realistic deterrence" (or flexible response), particularly as applied to the NATO theater..

A major factor in determining the size of naval forces is the number of carriers, including attack carriers (CVAs) and anti-submarine warfare or ASW carriers (CVSs); I will confine my discussion to CVAs only. Given 8 active Navy tactical air wings and maintaining the current 2 reserve wings, it further appears that 10 attack carriers would be reasonable. The 72 budget includes 12 CVAs and one CV, an experimental dual-capable attack and ASW carrier concept. As noted in Table 7, to maintain a 10 CVA/CV force in the out-years would require either (a) cancellation of the Eisenhower, CVAN-69 currently under construction, or (b) deactivation of one Forrestal-class CVA, the oldest of which will be 20 years old in 1975.

Just focusing on these major general purpose forces components, a case can be made that the 72 budget has more than enough for a flexible response for NATO. Given the Administration's "1½ war" strategy, the NATO contingency is simply the most demanding case; but this does not necessarily imply that we would use these forces in response to a NATO contingency only. It is still prudent, perhaps, to plan for the use of some U.S. forces in response to a major contingency in East Asia. However, assuming this is a valid basis for planning general purpose forces, the major alternative force levels proposed here would provide as much or more general purpose forces for deployment to East Asia than we committed in Korea or at the height of the buildup in Vietnam, as shown in Tables 4, 6 and 8.

If this alternative approach is valid, the excess would include the following:

4 active Army division forces;
7 active Air Force tactical air wings;
3 active Navy tactical air wings; and
3 attack carriers (CVAs).

Such a dramatic change in force levels would greatly impact on numerous systems in procurement and even in R. & D. Of course, savings would also include direct and indirect support associated with these forces. The total savings to the 72 budget would exceed $7 billion. Cutting other general purposes forces to achieve a balance given these proposed reductions could perhaps double the savings in FY 72 for a total of about $14-15 billion.

I do not wish to suggest that the capability for flexible response to a NATO contingency, particularly in Central Europe, is the only criterion for determining sufficiency in the 72 budget or is the only method for determining how much is enough. Nor do I wish to imply that I have addressed all the general purpose force level issues to be resolved in this 72 budget. It is merely my hope that this approach and the questions it raises may be of some assistance to the Committee and its members in reviewing the 72 budget and future Administration testimony.

* * * * *

In addition to the question "how much is enough?", I suggest that it is perhaps useful to this Committee to raise certain other questions with the Office of Secretary of Defense, the Joint Chiefs of Staff and the individual military departments and services. Given the time constraint, I will simply enumerate what I consider to be major questions unanswered by the 72 budget:

(1) What is the appropriate ratio of manpower to the number of Army divisions? Examination will show that it is increasing in FY 72.

(2) Is it advisable to maintain 3 active amphibious divisions out of a total of 16⅓ active Army and Marine divisions (or even 4 out of a total of 25⅓ active and reserve divisions)? The Marine Corps continues to be organized into Marine Expeditionary Forces, primarily designed, equipped and trained for the amphibious assault mission.

(3) In implementing the Nixon Doctrine, what is the military significance, feasibility and advisability of Security Assistance for many recipient countries? In short, can we and should we try to accomplish through expanded Security Assistance to most recipients what we have been somewhat less than successful in doing with U.S. forces, particularly ground forces?

(4) Is the ratio of total active and reserve tactical air wings to divisions immutable? The ratio of about 2 to 1 appears to be an "eternal verity." Most interpretations of the Nixon Doctrine suggest that the cutback in U.S. ground forces for Asian contingencies, offset by greater self defense capability largely through increased Security Assistance, would result in an increased ratio of tactical air to division forces. As shown in Table 2, this is not the case in the 1972 budget.

(5) Does the 1972 budget adequately provide for the deployability and, in the final analysis the usability of the active and reserve forces based in the U.S.? Specifically, is there sufficient airlift, sealift and prepositioning; what is the appropriate mix of active and reserve forces; and what is the feasibility of attaining the necessary readiness levels, particularly given the ever-increasing complexity and sophistication of equipment?

(6) Are the dual-capable forces—namely, those designed to employ conventional as well as nuclear munitions—available for conventional employment at the outset of a contingency? It is relevant to recall the non-availability of such forces in and around Korea during the Pueblo crisis.

(7) Finally, given the level of modernization requested by all services in the 1972 budget, can equivalent units be maintained at equal or lower cost in future years? I would include such systems as the F-14, F-15, S-3, DD-963, MBT-70, SAM-D, A-X, Cheyenne, and miscellaneous electronic and communications hardware designed for reconnaissance and surveillance—commonly referred to as the "automated battlefield."

* * * * *

Beyond these specific questions, I submit that the Administration, this Committee and its counterpart in the Senate should give serious consideration to questions which go beyond the horizon of the 1972 budget and get to the very heart of the issue of national and global security in this and the remaining decades of this century.

First, in spite of the Administration's appellation of "realistic deterrence," it is relevant to question whether the concept of flexible response, particularly vis-a-vis the Soviets, continues to be relevant in the seventies. If so, should it be defined the same way it was in the 1960's? This particularly affects the NATO posture and the conventional arms race with the Soviets. If the concept should be changed, how should it be defined, what are the cost implications, and how do we get there from here?

Second, it is essential that we question whether militarily Asia is critical to U.S. security. It might be useful to note that in constant 1970 dollars, the U.S. spent about $275 billion in pursuit of its foreign policy objectives in East Asia in the sixties. Of that total, roughly $180 billion was for so-called "baseline" general purpose forces and military assistance designed to deter and, if need be, counter a conventional threat emanating from Communist China. About $90 billion represents the incremental costs of the war in Indochina through 1970. The remaining $5 billion is probably an overstatement of all unilateral and multilateral economic assistance and preferential trade to the area during the past 10 years. If our interests are derived from our principal interest in Japan, I submit they would be considerably limited. It would probably exclude Southeast Asia, perhaps Taiwan, and even a lower profile in Korea. One might even question one of the basic assumptions underlying the U.S. interest in Japan; namely, is the fear of a rearmed and independent Japan justified or not. Japan after all is exceedingly vulnerable were she to rearm conventionally or with nuclear arms.

Finally, I suggest there are some broader questions that force us even to redefine the meaning of national security and the means to ensure it. What are the *real* challenges to our national and global security in the 1970's and beyond? Admittedly, the problems of aggression and the tyranny of war are not likely to disappear. These problems, for which our military forces are relevant, have a very legitimate claim on our national resources. But there are other problems which military expenditures at best defer and often aggravate such as: population growth, which has only been deferred a decade or two thanks to the "green revolution"; economic and social deterioration, not only in the underdeveloped world but also in the developed world; the adequacy of technology to cope with pollution given the degree to which all nations are flagrantly abusing the world environment; the potentially explosive issue of U.S. (and other developed countries) consumption of the world's resources, now 40% and predicted to be somewhere around 60% by the turn of the century; and last, the need to make our industrial, technical and automated societies fit for satisfying and meaningful human existence. These are not simply matters of national concern and priorities; they are also matters of national *security*, now and in the years ahead. In this sense, this Administration is correct when it states that we will solve the problems at home and abroad or we will solve neither.

In closing, I would reemphasize the following points:

I believe force levels in the 72 budget are excessive for acceptable confidence in the U.S. capability to respond flexibly to the various contingencies which might jeopardize U.S. and global security. I believe that we can save at least $7 billion and perhaps as much as $14-15 billion by cutting major and associated excess forces alone.

I think the mix and efficiency of general purpose forces resources, including Security Assistance, are questionable.

The capability to operate and maintain new systems sought in the 72 budget must be weighed against the availability of resources in future years.

Finally, I submit this 72 budget—which the Administration has made clear is no longer a transition budget—raises more questions than it resolves. This Committee can make a great contribution to the enhancement of our national security by pursuing these and other necessary questions.

Again, Mr. Chairman, I thank you for this opportunity to appear before you today and will be glad to answer any questions which the Committee may have to the best of my ability.

TABLE 1.—DEPLOYMENT OF MAJOR ACTIVE GENERAL PURPOSES FORCES END—FISCAL YEAR 1970

	Army divisions	Marines		Air Force, tactical air wings	Navy carrier task forces[1]
		Divisions	Wings		
NATO:					
Europe	4⅓			7	
Mediterranean (6th Fleet)		⅙	⅙		2
Continental United States (CONUS)[2][3]	[4]5⅔	1 2/6	1⅚	9	[5]10
Northeast Asia:					
Korea/Japan/Okinawa	2	4/6	⅙	2	
Western Pacific (7th Fleet)		3/6			1
Southeast Asia	5⅓	1	⅚	5	3
Total, major units	17⅓	3	3	23	6

[1] Includes the Shangri-La, a CVS functioning as a CVA for the duration of the Vietnam war.

[2] Includes ⅔ Army division assigned to 7th Army in Germany, and 2 Army divisions and 1⅓ Air Force wings specifically "earmarked" for NATO augmentation. The remainder are generally regarded as Strategic Reserve Forces (STRAF).

[3] These active forces in CONUS were complemented by the following reserve forces: 8 Army divisions, 1 Marine division, 1 Marine air wing, 8⅓ Air Force tactical air wings and 2 Navy carrier air wings.

[4] Includes 1 division (5th Mech. Div.) functioning as a training division for troops assigned to Vietnam.

[5] Includes 3 to 4 in some stage of overhaul and 6 to 7 in some stage of training.

Source: Gen. William C. Westmoreland, Department of Defense Appropriations for 1971. Statement before a Subcommittee of the House Appropriations Committee, 91 Cong., 2 sess., 1970, part I, pp. 13, 20; Gen. Leonard F. Chapman, Jr., Ibid., p. 740; Adm. Thomas H. Moorer, CVAN–70 Aircraft Carrier, Testimony before the Joint Subcommittee of the Senate and House Armed Services Committees on CVAN–70 Aircraft Carrier, 91 Cong., 2 sess., Washington, D.C., p. 135; The Military Balance 1970–71, The Institute for Strategic Studies, London, 1970, p. 3–5.

TABLE 2.—MAJOR GENERAL PURPOSE FORCES AND COSTS OF ALTERNATIVE FORCE LEVELS—AS OF FISCAL YEAR END

	Fiscal year—			
	1965[1] pre-Vietnam "baseline" (actual)	1970[2] (actual)	1972[3] (estimate)	Alternative
Land forces (division):				
Army:				
Active	16⅓	17⅓	13⅓	9⅓
Reserve	8	8	8	8
Marines:				
Active	3	3	3	3
Reserve	1	1	1	1
Total	28⅓	29⅓	25⅓	21⅓
Tactical air forces (wings):				
Air Force:				
Active	21	23	21	14
Reserve	7⅔	8⅓	8⅓	8⅓
Navy:				
Active	15	14	11	8
Reserve	2	2	2	2
Marines:				
Active	3} ×2	3} ×2	3} ×2	3
Reserve	[4]1}	[4]1}	[4]1}	[4]1
Total (Air Force wing equivalents)	53⅔	55⅓	50⅓	40⅓
Naval forces (active forces):				
Attack carrier task forces (CVA's/CV's)	15	15	13	10
ASW carrier task forces (CV's)	9	4	3	0
Amphibious task forces (MEF lift)	2	1⅓	1⅓	1⅓
Cost of general purpose forces (1971 dollars in billions)[5]	$44	$46	$40	$32

[1] The Budget of the U.S. Government, fiscal year 1967, p. 76; Charles L. Schultze, Setting National Priorities; the 1971 budget, the Brookings Institution, Washington, D.C., 1970, p. 19; the Military Balance, 1965–66, the Institute for Strategic Studies, London, 1965, p. 26; Robert S. McNamara, Department of Defense Appropriations, 1966, statement before a subcommittee of the House Appropriations Committee, 80 Cong., 1st sess., Washington, D.C., 1965, pt. 1, pp. 97, 113–115; Jane's Fighting Ships 1969–70, Jane's Yearbooks, London, 1970, pp. 395–404; Robert S. McNamara, Department of Defense Appropriations, 1969, statement submitted to the Senate Appropriations Subcommittee, 90 Cong., 2d sess., Washington, D.C., 1968, pt. 5, p. 2739.

[2] Melvin R. Laird, fiscal year 1971 defense program and budget statement before a joint session of the Senate Armed Services and Appropriations Committees, GPO, Washington, D.C., 1970, pp. 127, 134–140, 142–143, 148–149, 153.

[3] The budget of the U.S. Government, fiscal year 1972, p. 88.

[4] Marine air wings equivalent to about 2 Air Force (or Navy) tactical air wings; see footnote (1), table 5.

[5] Author's estimates; reflects the estimated peacetime costs of all general purpose forces varying these major force elements. The cost of general purpose forces is the fiscal year 1971 budget costs ($55,000,000,000) less the incremental costs of the Vietnam war (—$11,000,000,000) plus the peacetime costs of maintaining 1 Army division force (+$800,000,000), 1 more than the pre-Vietnam "baseline" (17⅓ vs. 16⅓). Of course, in 1972 dollars (with allowance for inflation and pay incentives) all costs would increase.

TABLE 3.—COMPOSITION OF ALTERNATIVE DIVISION FORCES—AS OF FISCAL YEAR END

	Fiscal year—			
	1965[1] pre-Vietnam "baseline" (actual)	1970[2] (actual)	1972[3] (estimate)	Alternative
Active Forces:				
Army	16⅓	[4]13⅓	13⅓	9⅓
Marines	3	3	3	3
Subtotal, active	19⅓	20⅓	16⅓	12⅓
Reserve Forces:				
Army	8	8	8	8
Marines	1	1	1	1
Subtotal, reserve	9	9	9	9
Total	28⅓	29⅓	25⅓	21⅓

[1] Fiscal year 1967 budget, p. 76; Schultze, Setting National Priorities: 1971 budget, p. 19. (The difference of ⅓ active Army division is due to the subsequent distinction between division forces and special mission forces.

[2] Laird, fiscal year 1971 Defense program and budget, p. 127.

[3] Fiscal year 1972 budget, p. 88.

[4] Includes 1 division activated during the Vietnam buildup for deployment to Vietnam.

TABLE 4.—ALLOCATION OF ALTERNATIVE ACTIVE AND RESERVE LAND FORCES BY CONTINGENCY[1]

[In divisions; active divisions in parentheses]

	Army		Marine		Total[2]	
NATO Europe	17	(9)	1		[3]18	(9)
Or Asia (Korea or Southeast Asia)	12	(4)	3	(2)	[4]15	(6)
And minor contingency	⅓	(⅓)	1	(1)	[5]1⅓	(1⅓)

[1] Total alternative forces consists of 21⅓ divisions; see table 6 for allocation of alternative tactical air forces.

[2] Each could be complemented by 7 special forces groups, and various Navy special warfare forces.

[3] Excludes 2 active Marine divisions for a temporary holding action in Korea or Southeast Asia.

[4] Excludes 4⅓ Active Army divisions based in Germany and ⅔ division based in Conus and and assigned to 7th Army.

[5] Could be an Atlantic or Pacific-based division component of a Marine expeditionary force (MEF) with amphibious assault capability and a Conus-based airborne brigade.

TABLE 5.—COMPOSITION OF ALTERNATIVE TACTICAL (FIGHTER/ATTACK) AIR FORCES

[In Air Force tactical air wing equivalents)[1]

	Fiscal year—			
	1965[2] pre-Vietnam "baseline" (actual)	1970[3] (actual)	1972[4] (estimate)	Alternative
Active Forces:				
Air Force	[5]21	23	21	14
Navy	15	14	11	8
Marines[1]	6	6	6	6
Subtotal, active	42	43	38	28
Reserve forces:				
Air Force	7⅔	8⅓	8⅓	8⅓
Navy	2	2	2	2
Marines[1]	2	2	2	2
Subtotal, reserve	11⅔	12⅓	12⅓	12⅓
Total	53⅔	55⅓	50⅓	40⅓

[1] An Air Force fighter/attack wing has 72 U.E. aircraft. An attack carrier air wing includes about 75 U.E. fighter/attack aircraft, and thus, is equivalent to about 1 Air Force wing. However, a Marine air wing has about 140–145 U.E. fighter/attack aircraft and, therefore, is equivalent to about 2 Air Force wings.

[2] Schultze, Setting National Priorities; 1971 budget, p. 19; Military balance 1965–66, p. 26; McNamara defense appropriations, 1966, pp. 113–115.

[3] Laird, fiscal year 1971 defense program and budget, p. 134–140.

[4] Fiscal year 1972 budget, p. 88.

[5] Programed at the time to become 24 wings for a total of 56⅔ wings—exactly twice the "baseline" division force of 28⅓ divisions (see McNamara, defense appropriations, 1966, p. 113.)

TABLE 6.—ALLOCATION OF ALTERNATIVE ACTIVE AND RESERVE TACTICAL AIR FORCES BY CONTINGENCY[1]

[In Air Force wing equivalents; active wings in parentheses][2]

	Air Force/Navy		Marine		Total[3]	
NATO Europe or	29⅓	(19)	2	(—)[4]	31⅓	(19)
Asia (Korea or Southeast Asia)	21⅓	(11)	6	(4)[5]	27⅓	(15)
And minor contingency	1	(1)	2	(2)[6]	3	(3)

[1] Total alternative force consists of 40⅓ tactical air wings; see table 4 for allocation of alternative and forces.

[2] See footnote (1) to table 5.

[3] Each could be complemented by Special Air Warfare Forces (SAWF), currently in Vietnam.

[4] Excludes 2 active Marine air wings (or 4 AF equivalents) and 2 active AF/Navy air wings for a holding action in Korea/SEA.

[5] Excludes 10 active AF/Navy air wings for NATO, including 7 Air Force wings based in Central Europe.

[6] Could be an Atlantic- or Pacific-based air wing component of a Marine Expeditionary Force (MEF), with amphibious assault capability, and a CONUS-based AF/Navy air wing.

TABLE 8.—DEPLOYMENT OF ALTERNATIVE ATTACK CARRIER (CVA) FORCE LEVELS

		In training/overhaul				
	Western Pacific	Pacific coast	Atlantic coast	Mediterranean	Other	Total
End fiscal year 1970 (actual) including Vietnam	4(6)	6	4	2		16
Alternative:						
1[1]	3	6	4	2		15
2[1]	2	4	4	2		12
3A	2	4	2	1	[2]1	10
3B	1	2	4	2	[2]1	10

[1] Admiral Moorer, CVAN-70 Aircraft Carriers, p. 306.

[2] Could be deployed in either the Atlantic or Pacific to augment existing forces, or to support the amphibious and airborne forces as a hedge against a minor contingency during a major European or Asian contingency.

TABLE 7.—COMPOSITION OF ALTERNATIVE ATTACK CARRIER (CVA/CV) FORCE LEVELS (CVA/CV'S AS OF END FISCAL YEAR)

	Fiscal year—			
	1965[1] pre-Vietnam "baseline" (actual)	1970[2] (actual)	1972[3] (estimate)	Alternative
CVAN's:				
Nimitz class				
Enterprise class	1	1	1	1
Post-World War II CVA's: Forrestal-class	7	8	7	8
World War II CVA's:				
Midway-class	2	[5]2	[6]3	1
Hancock-class	4	[5]4	1	
Essex-class	1			
Subtotal	15	[5]15	12	10
CV functioning as a CVA: Essex class (Shangri-La)		[7]1		
CV (CVA functioning as dual-purpose CVA/CVS): Forrestal-class (Saratoga)			1	(8)
Total	15	16	13	10

[1] McNamara, Department of Defense appropriations, 1966, p. 97; Jane's 1969–70, pp. 395–404.

[2] Laird, 1971 Defense program and budget, p. 142.

[3] Fiscal year 1972 budget, p. 88.

[4] To maintain this force level through the 1970's would imply either cancellation of the Eisenhower (CVAN-69) or deactivation of 1 Forrestal-class CVA, the oldest of which (the Forrestal) would be 20 years old in fiscal year 1975.

[5] In August 1970, deactivation of the Bon Homme Richard (Hancock class) was announced, which reduces the force level to 14 CVA's. In September 1970, the Midway completed a 4-year, $207,000,000 modernization and replaced the Ticonderoga (Hancock class).

[6] The Midway or the Oriskany (Hancock class) would be replaced in 1977 by CVAN-70 ("Navy duty on Attack Carriers," p. 93).

[7] Laird, 1971 Defense Program and Budget, p. 1421.

[8] Alternative does not preclude the use of some carriers as CV's.

DEFENSE AUTHORIZATION BILL—PART II

Mr. ASPIN. Mr. Speaker, soon the House will debate and vote on the defense authorization bill. At that time, I will submit an amendment to limit the authorization for fiscal year 1972 to the level authorized for fiscal year 1971.

As reported out by the Armed Services Committee, the authorization bill requests a significant increase over the amount authorized for the current fiscal year. This is partly because the bill contains a substantial increase in naval vessel procurement, the same amount requested by the administration.

The increase of about $615 million over the amount authorized for fiscal year 1971 represents a real increase of about $485 million over the amount authorized for the current fiscal year and about $730 million over the amount actually appropriated for fiscal year 1971. However, a critical examination of the administration's request and the committee report will show that this increase is not warranted. In fact, a reduction in ship construction would be compatible with the administration's own recommended force levels for fiscal year 1972 and naval force requirements.

Modernization cannot be considered in the absence of force levels. As naval force levels have been reduced over the past several years, the older, World War II vessels have been retired. With fewer ships to replace, there should be less need for new ships. Yet, what we are observing in the fiscal year 1972 budget is a sharp increase in requests for naval vessel procurement at a time when the recommended naval force levels are still declining.

The prevailing assumption that we must keep abreast of the Soviets and increase naval vessel procurement because they do is simplistic and misleading. The Soviet Union and the United States have different objectives and missions for their naval forces, and each is confronted with a different set of problems. For example, the United States needs naval forces in deploying and supporting land and tactical air forces overseas; the Soviets do not need naval forces for this purpose. On the other hand, the Soviets have a limited number of year-round ocean ports whereas we have ready access to two oceans.

As shown below, about $1.5 billion in fiscal year 1972 or almost half of the naval vessel procurement included in the authorization bill is for two programs—the high-speed nuclear submarine SSN-688 and the new class of antisubmarine warfare—ASW—destroyers DD-963. Both programs could be greatly reduced or even terminated after the fiscal year 1971 buy. The number of SSN's and ASW destroyers funded through fiscal year 1971 is enough to counter even the most pessimistic assumptions concerning the future quantity and quality of Soviet submarines. A tabulation follows:

[In millions of dollars]

SSN-688:	
Construction (5)	877.5
Less advanced procurement	−110.0
Plus long-lead construction	+113.5
Total	881.0
DD-963: Construction (7)	599.2
Total	1,480.2
Total, naval vessel procurement	3,328.9

The request for the authorization of five SSN's in fiscal year 1972 is consistent with the Navy's publicly stated force objective of 105 SSN's. To reach this goal we must replace conventional submarines with nuclear submarines on a 1-for-1 basis at the rate of 5 per year until the late seventies. But this force objective of 105 SSN's is based neither on an evaluation of the Soviet submarine threat nor an analysis of submarine barrier operations and requirements. It is largely derived from force levels inherited from the late 1940's.

The number of attack submarine we need to counter the Soviet submarine threat is or should be dictated by geography. There is an optimum number of submarines which can be stationed as barriers in particular areas in the world. More submarines do not improve the effectiveness of given barriers and, in fact, may impair their capability to intercept submarines. This is true regardless of the number of Soviet submarines which may attempt to penetrate the barrier.

Likewise, increases in Soviet submarine capability, particularly increased speed and lower noise levels, does not alter the attack submarine requirement. A Soviet submarine attempting to penetrate a submarine barrier will go slow to make as little noise as possible. And the best way to counter the new, quieter Soviet submarines is to improve our detection capability rather than buy more ASW platforms. Even if the Soviets predeployed most of their submarines prior to the outbreak of hostilities, we would not need more submarines. Land- and sea-based ASW aircraft and escort ships would first engage the Soviet submarines. But eventually the Soviet submarines must return to port, and to do so, they must transit the submarine barriers.

Based on such a geographic analysis of submarine barrier requirements, former Secretary of Defense Robert S. McNamara concluded that a total of 60—not 105—"first-class" SSN's was needed. More than 60 have already been authorized. The buy through fiscal year 1971 provides for 69 SSN's for ASW operations. Since the first SSN was commissioned in 1954 and submarines have a useful life of about 28 years, no replacement would be needed until the late seventies. Moreover, most of the conventional attack submarines could be retired now. And most important the five new SSN's requested in this year's authorization bill could be cut from the budget.

The authorization bill also includes about $600 million for construction of seven more DD-963 ASW destroyers. This new class destroyer is designed for offensive and defensive task group operations including the hunting and killing of enemy submarines. How many ASW escorts we need, including the DD–963, is determined or should be determined by the number of forces they are assigned to protect—specifically, carrier task forces.

The original DD–963 program approved in fiscal year 1969 was for 30 ships. At that time there were 15 attack carriers—CVA's—and four ASW carriers—CVS's—for a total of 19 carriers.

But before 1980 the carrier force level will drop to at most 12 even assuming another nuclear attack carrier—CVAN—is approved. Currently, there are eight Forrestal-class conventional carriers, the nuclear-powered *Enterprise* and two CVAN's under construction which will be under 30 years old—the useful life of a naval surface ship—by 1980. The CVS's are approaching 30 years old and no replacements are planned. In fact, the Navy is already testing a new CV concept whereby both attack and ASW aircraft would operate from the existing CVA's. Thus, the number of carrier task forces to be protected by escort ships has dropped from 19 to 11 or 12.

Terminating the DD–963 at the end of the fiscal year 1971 buy, brings to nine the number of ships authorized. However, for a 12-carrier force, no more than nine DD–963's are needed because of the capability of other escorts currently in the force and authorized to date. Terminating the DD–963's would create a shortage of escorts having the single ASW capability. However, since there is an excess in the more expensive dual-capable antiair/antisubmarine warfare—AAW/ASW—escorts, the shortfall can be rectified by assigning a greater percentage of AAW/ASW escorts to these roles.

Although we probably would not buy such additional AAW/ASW escorts for this purpose, having an excess capability in this area is not altogether undesirable, given the nature and extent of our requirements. And the seven new DD–963's requested in the authorization bill can be eliminated from the budget.

Mr. Speaker, these two programs together cost $1.5 billion. My amendment would cut $1.9 billion from this year's budget. But my amendment would not cut specific programs. Rather it would impose a ceiling on the overall authorization. Certainly a significant portion of that reduction could come from cutting the SSN–688 and DD–963 programs without jeopardizing our capability to counter the Soviet naval threat.

Defense Authorized Bill—Part III

Mr. Aspin. Mr. Speaker, I submit today the third in a series of articles and testimony concerning the Defense Authorization bill. The testimony was given by Mr. Joseph S. Clark in open hearings before the Armed Services Committee.

As a former Senator, serving as a member as chairman of subcommittees on manpower employment and poverty, education, housing, and foreign relations, and a former colonel in the Army Air Force in World War II, and currently the president of the World Federalists, U.S.A., and chairman of the Task Force of the Coalition on National Priorities and Military Policy, Mr. Clark is well qualified to comment on defense spending. Looking at defense spending in the light of competing domestic needs and military capability in the context of foreign policy objectives and security needs, Mr. Clark poses some penetrating questions which challenge some of the assumptions underlying the Authorization bill and the budget request for fiscal year 1972. But these are the kinds of questions to which constituents throughout the country are increasingly seeking answers.

Such a perspective as Mr. Clark outlines is of utmost importance to the debate on the Authorization bill and the consideration of my amendment to hold the fiscal year 1972 authorization to the amount authorized for the current year.

Written Statement of Joseph S. Clark, Chairman of Task Force on Arms Control and Disarmament of the Coalition on National Priorities and Military Policy

INTRODUCTION

Gentlemen, I appreciate your willingness to hear me for no more than five minutes this morning. I shall be guided by your restriction on time, but am filing with you a somewhat longer statement than I will have time to present orally.

I appear before you in connection with H.R. 3818 wearing several different hats. First I am Chairman of the Task Force of the Coalition on National Priorities and Military Policy. I am filing with my statement several copies of the brochures of the Coalition indicating our purposes and activities. We now have 37 nation-wide civic and religious groups who are members of our Coalition.

Second, I am President of World Federalists, USA, a national civic organization dedicated to the cause of World Peace Through World War. I am filing with the committee several copies of our brochure entitled "Our Work Is Peace . . . It Should Be Yours."

Third, I am a former U.S. Senator from Pennsylvania who served for some years as a member or as Chairman of sub-committees on manpower employment and poverty, education, housing and foreign relations. In the latter capacity it was my privilege to travel on behalf of the committee to Russia, Poland, Czechoslovakia, Yugoslavia, Greece, Israel, Egypt, Indonesia, New Zealand and Vietnam in the interest of studying the foreign policy of our country, and reporting in writing to the Foreign Relations Committee and the public, the result of my studies in those countries.

Fourth, I appear before you as a former member of the Army Air Force who served for two years in the China-Burma theater in World War II as a Colonel, and saw, firsthand, the impact of our foreign policy in Asia.

OBLIGATION OF THE COMMITTEE

We suggest that you gentlemen, in considering this Military Procurement Bill, have a far greater obligation to your constituents and to the country than merely to pass on the specific requests of the Department of Defense for particular military expenditure authorizations.

We suggest that in the interest of our country you must ask yourselves and answer a number of specific questions involving where our country is headed, what should our foreign policy be, how large a military establishment do we need, and can we afford to sustain it?

We must keep America safe and free for all of our citizens in the years immediately ahead. This involves considering Federal expenditure to meet domestic needs, as well as funding requests from the Department of Defense for military expenditures. It is accordingly not enough for you to conclude that we do not need this additional aircraft carrier, or that the Defense Department has not asked for enough money for research and development, or whether the average manpower strength of our armed forces is fixed at an acceptable figure.

You must ask yourselves, and answer, not only to the House of Representatives, but to your own constituents, and to the country, much larger, far more searching questions. Among them are:

1. Is U.S. Military policy obsolete in the light of the international and domestic situation which confronts us? To this we give an unqualified yes.

2. What are the real requirements of our national security? We suggest they do not call for the enormous expenditures set forth in this Bill and in the requested military appropriations for which this Bill is a preliminary requirement. We suggest this is not a Bill for the defense of the U.S. but rather a Bill to enable us to carry on offensive military operations all over the world.

3. Who is the "real enemy" of the U.S.? Is it the Russians? Is it the Chinese? Is it the North Vietnamese? Or is it the Pentagon and its industrial allies who are tearing this country apart for no sensible reason affecting our national security. I suggest we have all been brainwashed by skillful propaganda paid for at taxpayers' expense for year after year, and that the foreign threat to our national security has been grossly exaggerated.

4. Is there justification for sacrificing our needs at home to feed the hungry, to educate the young, to clear our streams and air of pollution, to re-build our cities, to the demands for even greater national military offensive expenditures? We say no.

5. Are we content to have the U.S. case by the military and their contractor allies in the role of policemen of the "free" world? Are we engaged in a holy war against godless communism? We say no. There is room in this world for all people to live together in cooperation and harmony without the need for this constantly escalating arms race.

6. What are these excessive military expenditures doing to our country? We say they are tearing it apart, both our economy and our relationships with each other.

7. Where does the major thrust of inflation come from? We say it comes from our military budget which requires Federal deficit after Federal deficit, and makes the stabilization of wages, profits and the cost of living impossible.

8. And finally, how can we stop this nonsense? We say the first step is to cut our overall military budget from the 76 billion dollars requested by the President for fiscal 1972, to no more than the 60 billion which competent civilian students of the problem believe is adequate for our national security.

So far as H.R. 8687 is concerned, the following reductions in the authorizations requested by the Department of Defense should be made. Our recommendations are based in large part on the 400 page "Counter Budget—a blueprint for changing national priorities," recently published by the National Urban Coalition after a year of study by competent experts.

It is also based on a report of the panel of inquiry issued after "Citizen's Hearing on an Alternate Defense Budget for the U.S.," sponsored by the Coalition on National Priorities and Military Policy conducted on March 25th, 1970. Members of the panel were Dean of the Georgetown Law Center and former deputy Director of the Arms Control and Disarmament Agency, Adrian S. Fisher, W. Willard Wirtz, former Secretary of Labor and myself. These two studies were conducted independently of each other. They reached almost the same conclusions. To be more specific:

1. We should stop further expenditures for MIRV—we don't need it. We have presently enormous overskill which rules out a first strike by the Russians. They have no defense against our present nuclear capability.

2. We should stop further expenditure for the B1 bomber. It is obsolete for effective nuclear airfare. The B.52 gives completely adequate bombing power for conventional war.

3. We should stop further expenditures on the ABM. It won't work anymore than the Soviet ABM will work. It merely stimulates the USSR to further efforts through the SS.9 to assure a swamping of the ABM defense.

4. With regard to nuclear or strategic weapons, it is obviously necessary pending the results of the SALT talks, to maintain an adequate nuclear deterrent. But a first strike on our part should be ruled out. And there is no need to produce or stockpile nuclear

war-heads in excess of our present inventory. While invulnerability of the deterrent is important, there is no need to build competing offensive systems to gratify the vanity of one or more of the Armed Services.

5. We should cut back average military manpower for the coming fiscal year from 2.6 million dollars to no more than 2 million at the most. Actually, 1.5 million would be enough to provide for our national security if we are to have no more Vietnams. This committee should frame its budget in the light of a withdrawal of all American forces from Vietnam by the end of fiscal 1972 at the latest.

6. Conventional military forces and hardware should be cut back to a level adequate to defend territory of the U.S. against attack, and to participate on an appropriate basis with other countries with peacekeeping or peacemaking efforts in the Middle East Europe and elsewhere.

7. There are a number of obsolete or at least obsolescent or ineffective offensive and defensive systems which could be phased out without prejudice to national security. Among these are:

(a) The SAFE early warning system.

(b) The proposed 15th nuclear carrier. Actually, we do not need the 14 attack carrier task forces we now have.

(c) Further purchase of the very expensive C-5A troop carrier airplane of which we have presently enough for foreseeable emergencies.

(d) Further large expenditures for antisubmarine warfare which has proven it is ineffective.

(e) We should stop all expenditures for chemical, biological and radiological methods of warfare

(f) We could cut back on expenditures for anti-aircraft artillery since there is no reasonable prospect of a sophisticated air attack against U.S. forces engaged in defending our country.

(g) Nor do we need more attack tactical aircraft. Our present 22 wings are far more than we need.

CONCLUSION

In conclusion the committee should rid itself of the "worst case" psychology which the Pentagon uses to brainwash members of Congress and the general public. The Russian threat to our country's legitimate foreign policy objectives, is vastly over-estimated by the Pentagon. The Chinese threat is non existent. Our appraisal of the dangers to our national security should be based not on the most malevolent of intentions nor on an excessive appraisal of the capabilities of our alleged enemies. In the light of our critical domestic priorities it should be based on a reasonable appraisal of threats to the national security of the U.S. assuming we are determined to have no more Vietnams, to stay home and mind our own business, and to contribute in any reasonable way to peace-making or peace-keeping forces under the auspices of the U.N.

I do not consider myself an expert in the field of weaponry capable of passing final judgment on the necessity for either building or maintaining these sophisticated weapons, or on maintaining so large an armed force in uniform. I merely raise questions propounded by experts far more competent than I as to the necessity for these enormous expenditures, in the light of our domestic requirements and any rational security needs.

However, substantial cuts totalling many billions of dollars must be made promptly in our military budget in order to assure a proper re-ordering of our national priorities. The Federal government must play a larger role in meeting our domestic crises. The military budget is the only feasible place to find the money, and this committee has a heavy responsibility for meeting the challenge thus propounded.

DEFENSE AUTHORIZATION BILL—PART IV

Mr. ASPIN. Mr. Speaker, this is another in a series of articles and testimony concerning the defense authorization bill. The testimony was given by Mr. Sanford Gottlieb in open hearings before the Armed Services Committee.

Mr. Gottlieb is currently an executive director of SANE and expresses the concern that many Americans have today. He addresses the question of American interests and commitments. Since 1947, we have assumed no less than 47 military commitments—and that number does not include Israel or Ethiopia. He further points out that these military commitments are supported primarily by general purpose forces. As much as $60 billion of the administration budget request for fiscal year 1972 is for general purpose and related forces, including Vietnam.

Mr. Speaker, my amendment to hold the fiscal year 1972 authorization to the current year's level does not identify where particular cuts should be made. But, Mr. Gottlieb has clearly pointed out that the foreign policy assumptions which underly the lion's share of the administration's budget request are subject to serious question.

WRITTEN STATEMENT OF SANFORD GOTTLEIB, EXECUTIVE DIRECTOR OF SANE

We very much appreciate the willingness of the Committee to hear public witnesses for the first time in open session during consideration of a military authorization bill. This is a most welcome step since the military budget in recent years has consumed about half of the controllable funds upon which Congress is asked to vote. This large slice of the federal pie exercises a major influence not only upon the foreign policy of the United States, but also upon the conditions of life for its citizens.

Since 1946 the United States has spent more than $1 trillion for military programs. We have invested in the most powerful military establishment in history. We have done so in the name of national security. As we understand it, the concept of national security can be divided into a primary function of preserving the safety of the American people (usually called deterrence in the nuclear age) and a secondary function of defending American interests elsewhere in the world.

We believe the Congress in general and the Armed Services Committees in particular have a near-impossible task of making judgments about military program requested by the Executive Branch. This is manifest where deterrence is concerned; it is much more obvious where American interests abroad are concerned. It is to these interests that we would like to address most of this testimony.

In his first State of the World Message President Nixon said, and he repeated again this year: "Our interests must shape our commitments, rather than the other way around."

Yet these interests are rarely defined at any level of government, and there has been no effort to separate *vital* interests from secondary interests. The United States has publicly assumed military commitments to 47 countries since 1947, often without defining our vital interests, the nature of the threat to these interests, or the possible consequences of American military involvement in these countries.

The 47 nations which have received public military commitments from the United States are:

Inter-American Treaty of Reciprocal Assistance (Rio Treaty 1947): 1. Argentina. 2. Bolivia, 3. Brazil, 4. Chile, 5. Colombia, 6. Costa Rica, 7. Dominican Republic, 8. Ecuador, 9. El Salvador, 10. Guatemala, 11. Haiti, 12. Honduras, 13. Mexico, 14. Nicaragua, 15. Panama, 16. Paraguay, 17. Peru, 18. Trinidad and Tobago, 19. Uruguay, and 20. Venezuela.

North Atlantic Treaty (NATO, 1949): 21. Belgium, 22. Canada, 23. Denmark, 24. Federal Republic of Germany, 25. France, 26. Greece, 27. Iceland, 28. Italy, 29. Luxembourg, 30. the Netherlands, 31. Norway, 32. Portugal, 33. Turkey, 34. United Kingdom.

Mutual Defense Treaty between the United States and the Republic of the Philippines (1951)—35.

Security Treaty between Australia, New Zealand and the United States (ANZUS, 1951)—36 and 37.

Southeast Asia Collective Defense Treaty (SEATO), 1954)—(38) Pakistan and (39) Thailand were added to the prior commitments made under other treaties with Australia, France, New Zealand, the Philippines and the United Kingdom. In addition, by a protocol signed on the same date as the SEATO Treaty, the states of (40) Cambodia, (41) Laos and (42) South Vietnam were designed for the purposes of Article IV of the Treaty.

Mutual Defense Treaty between the United States and the Republic of China (1954)—43.

Declaration Respecting the Baghdad Pact Between the United States of America and Iran, Pakistan, Turkey and the United Kingdom (1958)—(44) Iran was added to the prior commitments made under other treaties with Pakistan, Turkey and the United Kingdom.

Agreement of Cooperation Between the Government of the United States of America and the Government of Liberia (1959)—45.

Treaty of Mutual Cooperation and Security Between the United States and Japan (1960)—46.

Joint Declaration by Spain and the United States of America Concerning the Renewal of the Defense Agreement of September 26, 1953 (1963) and Joint Communique of March 26, 1969—47.

This information comes from the study, "Collective Defense Treaties," prepared by the House Committee on Foreign Affairs and published April 21, 1969. The fact that the Committee on Foreign Affairs no longer has any copies available is perhaps evidence that there has been intense interest in the question of national commitments. We hope so. May I suggest that the Armed Services Committee secure copies of this study from the Government Printing Office and make them available to the members. It is a most illuminating document.

The agreements listed in this document do not include the more informal commitments such as the one to Israel, or the secret commitments such as the one to train and assist a 40,000-man Ethiopian army, as revealed by the Senate Subcommittee on Security Agreements Abroad.

These military commitments by the United States are supported primarily by general pupose forces. The Administration's request for Fiscal Year 1972 for general purpose and related forces, including Vietnam, is $59.5 billion out of a total of $76 billion. The sum requested represents not only the lion's share of the military budget, but also an increase of $1.3 billion over the Fiscal 1971 level.

Why this increase? What is the nature of the threat to our national security which warrants this enormous sum?

In his 1971 State of the World Message President Nixon said: "In the last 20 years, the nature of the Communist challenges has been transformed. The Stalinist bloc has fragmented into competing centers of doctrine and power. One of the deepest conflicts in the world today is between Communist China and the Soviet Union. The most prevalent Communist threats now are not massive military invasions, but a more subtle mix of military, psychological and political pressures."

If the most prevalent Communist threats now are a more subtle mix of military, psychological and political pressures, how and where do these pressures affect the vital interests and national security of the United States? And how are such pressures resisted by an increase in American conventional forces? Before the taxpayers are asked to spend more money for general purpose forces, it would seem to us that these questions must be addressed.

We are unaware that there is any generally-accepted theory of how the conventional military forces of a superpower can be used successfully to resist a subtle mix of military, psychological and political pressures, especially when that superpower has at least 48 allies on all continents. The war in Indochina has shown, at terrible cost, the limitations of American military power when used in a guerrilla war against a highly motivated foe. What is the effectiveness of this military power when its use is merely threatened to counter a subtle mix of pressures?

Let us be specific. Pakistan received an American military commitment as a party to the SEATO Treaty in 1954. Did that commitment prevent the Pakistanis from engaging in a war against India during this period, with both sides using American-made tanks? If the current tensions between East and West Pakistan lead to the political as well as geographic division of that unhappy country, will the American commitment enhance the security of either new state? Will the United States find itself being asked to make a 48th public commitment—to both Pakistans? If the Chinese apply a subtle mix of military, psychological and political pressure to West Pakistan, how will we carry out our commitment?

A careful reading of the Administration's statements indicates that American military forces may be used to deal with political agitation, insurgency and guerrilla warfare throughout the world. If this is so, we have learned nothing from Indo-China and the Nixon Doctrine is simply a cover for continued American military intervention in the internal affairs of other countries. Quite apart from the rights and wrongs of such intervention, we should have learned by now that it often spells disaster for all parties concerned, including those whose homeland is far away.

Mr. Chairman, we know that the questions we have raised are bothersome. Our purpose in raising them is to encourage a discussion of the premises on which this country supports its military programs. As we have said before to this Committee, we do not have the answers but we intend to continue asking the questions until there is a meaningful dialogue on national security.

To move a step forward toward such a dialogue permit me to suggest a few basic criteria to help define a nation's vital interests:

1. Geographic proximity. Clearly, all nations are concerned about potentially hostile military activities near their borders. Where the United States is concerned this criterion would apply to Canada, Mexico, Central America and the Caribbean, and the waters surrounding Alaska and Hawaii.

2. Major trading partners. Nations are concerned with the security of other nations with which they conduct a substantial share of their trade or upon which they are primarily dependent for basic raw materials. Where the United States is concerned, this criterion applies mainly to Western Europe and Japan and the sea lanes to these regions. By the same criterion, Latin America and the Middle East are secondary interests.

Once we have cited these two basic and clear-cut criteria, we enter an area of fuzziness. Take, for example, the criterion of national affinity. Nations are likely to consider that they have a special interest in other areas populated by the same ethnic group or sharing the same culture or historical experience. However, this criterion raises more questions than it answers. Does the presence of millions of overseas Chinese throughout Southeast Asia give China a vital interest in that area? If Americans think that the United States has a vital interest in Western Europe because a majority of its population is descended from the peoples of that region, what is our interest in Southern and Eastern Europe from whose peoples about 40 million Americans are descended? And what of Western Africa from whose peoples about 11% of our population is descended?

Then, there may be special cases which amount to moral rather than vital interests. Israel could be considered in this category, as a country created under unique circumstances by the United Nations to provide a homeland for the survivors of genocide, in a region surrounded by hostile neighbors. It might help the discussion of the conflict in the Middle East if there were general acceptance within the United States of such a moral commitment, rather than the implication by some that we have a vital interest and by others that we have no interest in that area.

Mr. Chairman, it is clearly difficult to define a nation's vital interests. But surely this task must be undertaken if the United States is to measure whether its security is really endangered in a given region of the world. Unless vital interests are clearly at stake, there should be no military commitments except in very special circumstances.

If such rigorous standards were applied we might be able drastically to reduce our military commitments, our military expenditures, and our tendency to make other people's squabble our own.

[From the Congressional Record, June 10, 1971]

Defense Authorization Bill—Part V

Mr. **Aspin**. Mr. Speaker, the Defense Authorization Bill for fiscal year 1972 includes a significant increase for naval vessel procurement over the amount provided last year. In constant dollars, it is about $590 million more than the amount authorized last year and about $830 million more than was actually appropriated for fiscal year 1971. The major reason given for this increase is the need to replace the aging ships in the fleet. In particular it is noted that on the average, our major ships are 6 years older than those of the Soviets. Ships commissioned during World War II and the immediate postwar years still account for a major portion of the current active force. These ships will have to be retired in the next decade or so. However, the administration has not made clear how many of these ships must be replaced.

The problem has been called "block obsolescence" and has been a source of concern to the Navy and Armed Services Committee for many years. In an excellent analysis by Arnold M. Kuzmack of "Naval Force Levels and Modernization: An Analysis of Shipbuilding Requirements," recently published by the Brookings Institution, this problem is addressed. Mr. Kuzmack argues convincingly that modernization requirements cannot be separated from questions of force levels. However, a critical examination of the administration's budget request for fiscal year 1972 suggests that there is considerable confusion on this point. For example, maintenance of the fiscal year 1972 force levels would require as much as a 25 percent increase in shipbuilding over the amount requested for fiscal year 1972. On the other hand, lower force levels such as those implicit in the administration's budget as likely to prevail in the late seventies would result in the virtual disappearance of the "block obsolescence" problem.

With concise facts and clear reason, Mr. Kuzmack shows that alternative force levels for 1980 have a direct impact on the amount of ship construction needed during the next 5 years. To arrive at alternative force level requirements, he has focused on four major elements of naval forces: attack carrier—CVA—force levels; antisubmarine warfare—ASW—carrier—CVS—force levels; the nuclear attack submarine—SSN—annual building rate; and amphibious assault lift capability. Other naval forces are in direct support of these major force elements and can be derived using commonly accepted factors. To determine the number of ships that are available, it is necessary to determine the ships which must be retired. To do so, Mr. Kuzmack has accepted the Navy's rule of thumb. Although no specific age is associated with the maximum useful life of Navy ships, it has been the Navy's experience that an age of about 30 years for surface ships, perhaps slightly less for submarines, is a reasonable maximum life expectancy for the hull, propulsion machinery, and basic installations. Using Mr. Kuzmack's methodology, it is possible to determine the shipbuilding requirements to support alternative force levels for 1980.

Two alternatives are of particular interest in reviewing the fiscal year 1972 naval vessel procurement authorization: the force levels in the President's 1972 budget; and the force levels most likely to obtain in the late seventies.

The fiscal year 1972 force levels are interesting as a measure of the adequacy of recent and proposed ship construction. However, the administration has given little indication that these force levels can be maintained through the seventies. The CVS's are nearing 30 years old but there has been no mention of their replacement—although the budget provides procurement funds for a new generation sea-based ASW aircraft, the S-3A. Rather, the Navy is trying out a new CV concept whereby both attack and ASW aircraft would operate from the current CVA's. Nor has the administration implied that there will be more than 12 CVA's. Only 11 will be less than 30 years old in 1980 and none is requested in fiscal year 1972. Even a force of 12 requires approval of an additional CVA—such as CVAN—70. In the posture statement on the fiscal year 1972 budget Secretary Laird stated we will "keep the option open to authorize the next carrier (CVAN-70) in fiscal year 1973 or fiscal year 1974." In his analysis Mr. Kuzmack shows that no additional escorts need be built for a 12-carrier force given the escort ships approved to date. However, should a second all-nuclear task force be desired, we would need to build the nuclear guided missile frigate—DLGN—requested in fiscal year 1972. The SSN building rate could be maintained at five—to replace all conventional attack submarines on a 1-for-1 basis for a total SSN force of 105 in the early eighties, or terminated in fiscal year 1972 for a total of 69 SSN's, or phased down and terminated somewhere between 69 and 105. Hence, a range is still of interest. As for amphibious assault ships, the termination of the general purpose amphibious assault ship (LHA) has virtually guaranteed that lift capability will not exceed 1⅓ Marine division wing teams—MEF's—in the seventies.

Table I summarizes the major force components of these two alternatives:

TABLE I

	President's 1972 budget	Probable alternative
CVA force level	13	12
Antisubmarine warfare forces:		
CVS force level	3	0
SSN annual building rate	5	0–5
Amphibious assault capability (MEF)	1⅓	1⅓

These levels in turn determine the detailed force structure, including the various types of escort ships, amphibious assault ships, underway replenishment ships and fleet supports ship. In general, the planning factors used take into account the fact that, in most cases, new ships are more capable than the ships they replace. Thus, ships are generally replaced on less than a 1-for-1 basis. The results are summarized in table 2 which shows the alternatives broken down by broad ship categories:

TABLE 2.—ALTERNATIVE FORCE STRUCTURES, AS OF 1980

Ship category	President's 1972 budget	Probable alternative [1]
Attack aircraft carriers	13	12
ASW aircraft carriers	3	0
Attack submarines	94	69–94
Cruiser-destroyer forces	202	163
Amphibious assault ships	76	76
Mine countermeasures ships	61	61
Underway replenishment ships	47	43
Fleet support ships	61	51–56
Subtotal	557	475–505
Strategic forces	52	52
Other general-purpose forces	19	19
Total, Active Navy	628	546–576

[1] Corresponds to alternative 1 in "Naval Force Levels and Modernization," Arnold M. Kuzmack, the Brookings Institution, Washington, D.C., 1971, as updated to reflect the fiscal year 1972 budget.

There are 71 ships that are not included in the analysis. Of these, 52 are strategic nuclear forces: the 41 Polaris submarines and their support ships. The other 19 are patrol boats and a few miscellaneous auxiliaries. The force levels of these ships are determined by considerations that are quite separate from the sort of arguments associated with the major general purpose forces. Hence, they are held constant in both alternatives.

Given these force levels, the number of ships needed can be derived. Table 3 shows the shipbuilding required to maintain the force levels in the President's 1972 budget. The table assumes that modernization will be completed by 1980 by which time there will be no ships 30 years old or older. For each type of ship for which new construction is required, the table shows the required force level shown above, the number of ships funded through fiscal year 1971 that will be less than 30 years old in 1980, and the number of additional ships needed and their cost. The types of ships for which new construction is not required do not appear in the table. Since it takes about 4 years to build most naval ships—including administrative as well as production leadtimes—ships shown in this table would have to be funded during the 5 fiscal years, 1972–76:

TABLE 3.—SHIPBUILDING TO MAINTAIN FISCAL YEAR 1972 FORCE LEVEL, MODERNIZATION TO BE COMPLETED BY 1980

Type of ship	Force level	Available	Needed	Fiscal 1972–76 cost (millions of dollars)
Carriers:				
CVA, CVAN	13	11	2	1,900
CVS	3	0	3	935
Attack submarines: SSN	94	69	25	4,400
Cruiser-destroyer forces:				
DLGN	8	6	2	480
DDG	33	29	4	460
DD	33	23	10	860
DE	94	71	23	1,195
Amphibious assault ships:				
LSD	15	13	2	145
LST (20 knot)	22	20	2	75
LFS	2	0	2	145
Underway replenishment ships:				
AE	14	13	1	45
AFS	9	7	2	85
AOR	12	6	6	340
Fleet support ships:				
AS	6	2	4	430
ASR	10	2	8	295
AD	12	3	9	965
ATS	33	3	30	840
Total (fiscal year 1972 prices)			136	13,595
Average annual budget			27	2,719

The administration's request for ship construction for fiscal year 1972 supports this alternative in several respects: construction of SSN's beginning at a rate of five per year; construction of one of the last two DLGN's needed to have two all-nuclear carrier task forces; and continuation of the DD-963 program as part of the 30-ship contract. However, it falls short of the average annual budget needed to maintain these force levels. About $500 million would have to be made up in future years in addition to such major ships as two CVA's—or CVAN's, three CVS's and one more DLGN.

If the force levels are dropped to the levels implicit in the administration's budget as very likely for the late seventies, modernization requirements would drop considerably. Table 4 shows that a total of 55 to 85 ships would be needed at a cost of $3,490 to $8,215 million compared to the 137 ships needed to maintain the fiscal year 1972 force levels at a cost of $13,595 million. Likewise the average annual rate drops about $1 to $2 billion.

The table follows:

TABLE 4.—SHIPBUILDING REQUIRED FOR PROBABLE ALTERNATIVE FORCE LEVELS, MODERNIZATION TO BE COMPLETED BY 1980

Type of ships	Force level	Available	Needed	Fiscal 1972–76 cost (millions of dollars)
Carriers:				
CVA, CVAN	12	11	1	950
Attach submarines:				
SSN	69–94	69	0–25	0–4,400
Amphibious assault, ships:				
LSD	15	13	2	145
LST (20-knot)	22	20	2	75
LFS	2	0	2	145
Underway replenishment ships:				
AFS	8	7	1	40
AOR	10	6	4	230
Fleet support ships:				
AS	4–6	2	2–4	215–430
ASR	7–10	2	5–8	185–295
AD	10	3	7	750
ATS	30	3	27	755
Total (fiscal year 1972 prices)			55–85	3,490–8,215
Average annual budget			11–17	698–1,643

This alternative is noteworthy. The mixture of ships is quite different from that for previous years. Most of the spending is for auxiliary ships—underway replenishment and fleet support ships; in fiscal year 1969–71 there were essentially none. Conversely, there are few of the large frequently nuclear-powered warships that form the bulk of the program in recent years. In effect, we have completed most of the replacement for the warships—at this alternative force level—and now have to catch up on auxiliaries. The shipbuilding program for this alternative would thus require cancellation of a number of on-going procurement programs. Most striking, the 30-ship contract for the new DD-963 class destroyer would be cut back to about four ships.

Finally, the average annual budget for this alternative is highly sensitive to the SSN building rate—in this case, force levels of submarine support ships, AS and ASR, must also be varied.

Even looking beyond fiscal year 1976, only 17 major ships would have to be built to retain these alternative forces through 1985 and the average annual budget would be somewhat less than even that projected for fiscal years 1972–76. Looking further into the future and considering those ships that will be 20 to 24 years old in 1980 and thus due for replacement in fiscal years 1982–86, the average annual budget for new ship construction for the 10 fiscal years 1977–86 would be only about $900 million, still well below recent levels. Hence, if force levels like those in this alternative are adopted for the long term the outlook is for large reductions in the shipbuilding budget lasting well toward 1990.

For purposes of comparison, table 5 shows in millions of current dollars the program for fiscal years 1969–71 and the authorization request for 1972.

TABLE 5.—SHIPBUILDING BUDGET IN CURRENT DOLLARS

[In millions of dollars]

	1969	1970	1971	President's 1972 budget
New construction	589.6	1,907.4	1,690.5	2,082.4
Conversion	438.9	406.4	509.1	497.2
Other	41.6	150.3	390.6	756.2
Total	1,070.1	2,464.1	2,590.2	3,335.8

The figures for new construction cover the cost of building 5, 10, 14, and 19 ships, respectively.

These figures can be compared with the average annual budget for new construction of the two alternatives discussed above: to maintain fiscal year 1972 force levels would require construction of 27 ships per year for about $2,719 million and the probable alternative would require construction of 11 to 17 ships per year for about $698 to $1,643 million.

Mr. Speaker, my amendment to hold the authorization for fiscal year 1972 to the level authorized for fiscal year 1971 does not cut specific programs or particular services. However, it appears that a very significant amount could come from new ship construction to achieve a better balanced program than that proposed by the administration and one compatible with the size and mix of forces we are most likely and able to operate in the late seventies.

[From the CONGRESSIONAL RECORD, June 14, 1971]

DEFENSE AUTHORIZATION BILL—PART VI

Mr. ASPIN. Mr. Speaker, this is the last of a series of articles which I have submitted to the RECORD on the defense authorization bill. In presenting the 1972 defense budget, the administration placed heavy emphasis on the need for modernization "to offset prior year deferrals because of Southeast Asia requirements." If this were so, there might be a case for increasing procurement—and probably R. & D. However, the facts do not support the administration's argument.

If there was a backlog in modernization requirements during the Vietnam war, there should be a decrease in procurement for non-Vietnam general-purpose forces during the war from the prewar level after allowing for price and pay increases. Strategic forces should be treated separately since they were subject to factors independent of the war.

The following table shows obligations for procurement for fiscal year 1964–1972. Rather than a decrease as the administration's position would suggest, procurement for non-Vietnam general-purpose forces as a whole actually increased on the average over the 6-year period 1965–71.

	In billions of constant 1972 dollars		
Procurement use	1964	1965–71	1972
Total	19.3	23.7	19.7
Strategic nuclear forces	6.1	3.3	3.3
Vietnam		5.6	2.3
Non-Vietnam general-purpose forces	13.2	14.8	14.1

Source: Data for fiscal years 1964–71 from Charles L. Schultze, et alia., Setting National Priorities: The 1972 Budget, The Brookings Institution, Washington, D.C., 1971, p. 105. The fiscal year 1972 budget request has been broken out on a similar basis for comparison.

It should be noted, however, that not all of these funds have been expended. A similar breakout of outlays during the fiscal year 1965–71 period shows that about $10 billion has yet to be obligated and expended for non-Vietnam—or "baseline—general-purpose forces. These funds should be expended in the near future. This leadtime delay in spending the funds authorized to date could largely explain the delays in modernization observed in many of the forces.

Aside from the funds specifically earmarked for non-Vietnam forces, the war itself will leave the general-purpose forces with new weapon systems and equipment. As older equipment attrited during the war, it was replaced. This has permitted the services to replace billions of dollars worth of older equipment in their inventories.

In other cases, the services have obtained new weapons and equipment to cope with the conditions which prevail in Vietnam. For example, the Army has obtained the M–16 rifle and become heavily dependent on helicopters.

In addition to being newer than what they replaced, these weapons and equipment are more effective. Aircraft replacements, for example, have incorporated qualitative improvements in firepower, navigation and avionics. The intratheater mobility of land forces has been significantly increased with the greater reliance of helicopters in lieu of ground systems. Current communications systems are more reliable. And the overall firepower available to combat units has increased greatly.

Even if modernization of general-purpose forces during the war had not kept pace with the pre-Vietnam level of spending, we would expect some drop in total procurement in fiscal year 1972 in constant dollars. Force levels for all general purpose forces have declined from the pre-Vietnam level. The fiscal year 1972 budget calls for three less Army divisions, five less Air Force and Navy tactical air wings, eight less attack and antisubmarine carriers, and 74 fewer major warships. Hence, modernization at the pre-Vietnam rate would result in a reduction in total annual procurement after allowing for price and pay increases. But, the administration's fiscal year 1972 budget includes about $1 billion more in procurement for non-Vietnam general purpose forces than the fiscal year 1964 budget, adjusted to reflect equivalent purchasing power.

Mr. Speaker, my amendment to hold the fiscal year 1972 authorization to the amount authorized last year does not cut particular programs or even single out procurement or R. & D. Rather, my amendment would permit the Defense Department to make the determination where the cuts should be made. But, the facts clearly show that a significant portion of that reduction could come from procurement for modernization of the post-Vietnam general-purpose forces.

DAIRY MONTH IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. BEGICH. Mr. Speaker, Alaska's agricultural industry is still in the developmental stage, but the prospects for the future are attractive. Approximately 2 million acres of Alaskan soil are considered agricultural. More than 800,000 acres are considered tillable. However, currently only about 16,000 acres are being used for crops and the grazing lands have been used very little.

The two important farming areas are in the Matanuska and Tanana Valleys, near Anchorage and Fairbanks.

The Alaskan farmer in these areas enjoys a desirable agricultural climate with almost continuous sunlight throughout the summer.

During June, which has been designated as dairy month, Alaskan farmers have reason to be proud of their record of milk production. In 1969, total cash receipts from the sale of all agricultural products in the State totaled nearly $3.8 million. The sale of dairy products accounted for about $1.9, or approximately 49 percent of the total. This past year farmers in Alaska produced 2.35 million gallons of milk with a farm value of $2.1 million. These data clearly demonstrate the importance of dairy production in the State.

It has been generally accepted for some time now that of all foods none is more important to the health of the individual than milk. It is the principal food of infants and children, and of the ill and aged, for which there is no satisfactory substitute. The inclusion of adequate amounts of milk in our diets is necessary to the proper development of the bodies and minds of our children, and for the maintenance of good health in all age groups. Milk or some form of milk product is consumed daily by practically every person in Alaska and throughout the entire Nation.

Alaskan farmers are doing an excellent job of providing the people of Alaska with an adequate supply of this almost perfect food.

CORPORATE RESPONSIBILITY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. LENT. Mr. Speaker, recently, a speech dealing with corporate responsibility was presented to the Conference on Corporate Responsibility by Thomas W. McMahon, Jr., executive vice-president of the Chase Manhattan Bank.

The speech came to my attention and I commend it here to my colleagues for their own information:

REMARKS BY THOMAS W. MCMAHON, JR.

I will try to outline briefly some of the questions raised by the very concept of a "corporate responsibility officer," then I will point a few ways we at Chase are striving to answer these questions and meet future challenges.

To begin with, I am not *the* corporate responsibility officer for our bank. Rather, I am one of a number of line and staff officers who have corporate responsibility as a major part of their function. This distinction is, I believe, important for several reasons.

First, I doubt that anyone, despite all the studies made, can in any definitive way describe just what corporate responsibility is. Though some "don't's" seem fairly clear, the solid "do's" are few and far between. Not only is that art of measuring social responsibility in its infancy, but there are also vast differences between companies and even between various parts of a single company.

Second, I do not feel you can separate out corporate responsibility as the role of one man or one division within an organization. You must strive to involve the whole fabric of the company in terms of everyday operations as well as special social programs. The "house do-gooder" who does not know his house and have control over it will not be able to do much good.

Finally, following this line of argument, the only true corporate responsibility officer must be the chief executive who has total responsibility, for social awareness must also be total. Yet here again, it is not enough just to have a responsible chief executive who expounds a progressive philosophy. The chief must in turn involve people throughout his company, all the way up and down the line, if he is to be successful. Corporate responsibility must be treated as an integral corporate goal just like profitability or efficiency.

Without such thorough involvement and returning of the corporation to a "social bottom line," I am afraid that we will only achieve rhetorical satisfaction. H. L. Mencken once described the impotent reformer as a man who, "perceiving that a rose smells better than a cabbage, concludes that it will also make better soup."

At our bank, we have endeavored to get the cabbage and the rose together through our organizational concept that we call "coordinated decentralization"—a term that, among other benefits, totally confounds both critics and management consultants.

What this means is that we have set up a specific corporate responsibility function in each appropriate line area.

Within our real estate department, we have a special full-time urban lending staff responsible for low and moderate income housing and related community facilities such as Day Care. This year's goal for these purposes is $100 million in short and long term loans, as well as necessary technical assistance.

In my own department, we have a Community Economic Development Division responsible for loans that do not meet ordinary credit standards to minority businessmen. Over the past 18 months, we have placed some $8 million in loans of this type in nearly 200 businesses, again putting great stress on managerial help to fill the gaps.

In our Human Resources Department, we have close to 70 training and upgrading programs, many aimed at minority employees from disadvantaged neighborhoods. Thirty per cent of our staff now come from minority groups.

In other areas, we have two urban economists and an Environment Technical Director who give guidance to senior management and lending officers on overall conditions, strategy, and loan policy. We have, for instance, recently instituted an environmental policy for our lending areas, and are now planning a series of programs to assure its effectiveness. In fact, pollution in the long run doesn't make economic sense. A facility that must be closed down is a loss to both its owner, its banker and to the total community.

These, then, are an indication of the decentralized side of coordinated decentralization. The coordination comes through two mechanisms—a senior level urban affairs committee that meets monthly to review progress and make policy recommendations. A staff urban affairs division is responsible for coordination, program development, strategy planning, and liaison with corresponding community and governmental groups.

The main thrust of this effort has been to get as many people as possible involved. We now have some 50 people working full-time in urban and environmental functions, and over 300 more on a part-time or voluntary basis. Our management officer trainees, for instance, as part of their job, give technical help to less advantaged businessmen and community groups. The bank's gross social expense budget is now $3–4 million and we have some $150 million committed in soft loans and relatively low yield loans for subsidized housing and community facilities. Through the various programs involved, we work with nearly 200 community groups and governmental agencies.

In social responsibility, as I have indicated, we feel involvement is the key—of our whole organization, of customers, of the general public, of government, of everybody. We also feel that we've made some progress toward this goal, though it always takes longer to involve people than to issue policy statements or simply give to a worthy cause. Still, however, those of you from New York know it is far from "Fun City," and all of us know that the idea of "Fun City" is getting more and more like the lost city of Atlantis.

So, in closing, let me outline quickly four challenges I see to making corporate responsibility more meaningful and effetcive.

First, we must have much better planning internally and externally.

How does what we are doing really relate to our corporate goals and functions, to our employees, to the environments on which we depend, to the uses of our tax dollars, to our long-range objectives? How does what we are doing or should be doing relate to plans and needs of others such as community groups and government at all levels? How can we better mesh these needs and goals, and spur sounder regional planning by all concerned parties? How can we help community and government organizations and how can they help us? How can we take advantage of our developing expertise in social problem solving to break new ground?

Second, we must do more to cooperate within the private sector and to involve many other businesses.

Much of my own time recently has been spent as chairman of the American Bankers Association Urban Affairs Committee. From this experience, I have been learning just how challenging and rewarding it is to forge joint efforts. For instance, we early set a $1 billion goal for loans that would not ordinarily be made to minority businesses. Realizing that a goal alone was not enough, we once again employed the concept of coordinated decentralization to urge cooperation and spread experience at the local bank level in some 50 key urban centers. The results have been most rewarding. Nationally, we're now underway with an industry-sponsored program to provide badly needed capital to minority banks. In my own city, we recently set a $1 million joint-bank MESBIC to complement our lending efforts.

Third, we must work increasingly closely with the public sector at all levels—both in program implementation and policy development.

If government can't solve our social problems alone, neither can business. We are constantly running into roadblocks such as building and zoning codes, vague environmental standards, uneven performance demands, and unnecessary red tape. It is no longer sufficient to sit back and gripe about big government or, ironically, say it is all government's responsibility. We must take the initiative in working out better schemes, whether they relate to minority enterprise, housing, new towns or a host of other questions. Moreover, we must be prepared to take stands on broader policy questions such as revenue sharing or welfare reform.

In trying to divide up responsibility between the public and private sectors, we too often get into a "chicken or egg" controversy. The fact is we can't have one without the other.

Fourth, we need sharper mechanisms to measure social progress and social needs—to more clearly determine the effects of what we are doing, what we should be doing, and to choose between alterative investments.

Just what is the social impact of the corporation—in terms of taxes, salaries, benefits, location, customers, purchases, holding of government and other securities, products, direct social programs, and so on? What do we really mean when we explain our social expenditures as long-term investments for a healthy and profitable environment? How can these intangibles be reflected in a profit and loss statement?

These are tough questions but they are no longer academic. Any breakthrough in social problem-solving, by either the public or private sector, will demand answers to them.

Summing up, I have tried to outline a few of the limits and challenges of corporate responsibility as I see them. I obviously do not have answers to all of these questions, and they are not necessarily new. Hopefully, however, we can at least define them better at meetings such as this.

NIXON'S NEW TRADE REGULATIONS APPLAUDED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. FRENZEL. Mr. Speaker, this week President Nixon announced the new trade regulations affecting commerce with Communist nations including Mainland China. In my judgment, the most significant item was the President's cancellation of the existing U.S. policy requiring that 50 percent of American exports to these countries move in "American bottoms."

The policy of requiring the use of American carriers was established by President Kennedy and has succeeded in stopping the sale of American agricultural products to Communist nations. I am informed that the last sale of grain was made to Russia in 1964, and since that time the Russians have refused to buy from us, because of the added cost of shipping by American carriers.

This "ship American" policy was founded on good intentions, but like many well-intentioned ideas, it simply did not work. It has not resulted in one new American job nor has it resulted in the continuation of existing American jobs.

The President showed keen insight into the long-term problem of expanding our export markets and ultimately reducing our negative balance of trade by eliminating the "American bottoms" provision.

The President's action was especially significant to the agricultural areas of the Midwest, including the State of Minnesota. At a time when many critics are only too happy to criticize Presidential directives, it should be emphasized strongly that this particular action was a mighty Presidential blow in favor of increased American exports and in favor of American agriculture. I join the people of my area in commending the President for this action.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government decalres it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United Stames camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

KEEP "JOBS FOR VETERANS" IN HIGH GEAR

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. PERKINS. Mr. Speaker, I insert in the RECORD an excerpt from the Amererican Legion Advance entitled "Keep 'Jobs for Veterans' in High Gear."

This summer, the American Legion begins its fourth year of an intensified program to contact and assist the newly discharged veterans in their return to civilian life. Many American Legion Posts (and their Auxiliary Units) are implementing this program with a wide variety of activities, but they all contain the following factors:

1. An expression of the Legion's appreciation of the young veteran's service.

2. An offer of help the young veteran may need in readjustment to civilian status—aid in getting medical attention, assistance in obtaining further educational benefits, and guidance in getting a job.

NATIONAL "JOBS FOR VETERANS" PROGRAM

And that last item has become a problem which has reached such proportions that a national American Legion "Jobs for Veterans" program has been established.

Many American Legionnaires are of an age to have experienced or at least observed at close hand the disastrous effect of joblessness in the 1930's. Some victims of that period never recovered their self-respect or their independence. But consider how much more shattering is the effect of prolonged joblessness today when the vast majority of Americans are enjoying a degree of affluence never before known. At the same time, inflation stretches even thinner the dwindling resources of the young, jobless veteran.

The newly discharged veteran of today has performed a very difficult task that his country asked of him. Yet, when he returns to civilian life he is apt to become rapidly disillusioned about the value of the service he has honorably performed for his country. Strident voices of protest raised by some elements of dissent may cause him to have some doubts concerning where he stands in this topsy-turvey society of the 1970's.

YOUNG VETERAN'S CONCERN

Moreover, he is concerned about his future. He knows that jobs are scarce. He has heard that GI Bill allowances will not meet the cost of further education or training. And he may be included in that 20 per cent of the returning veterans who have either limited or no vocational skills.

Shortly after The American Legion launched its "Jobs for Veterans" program in 17 pilot states, President Richard M. Nixon called for all-out support of appropriate federal agencies to aid the program. This permits the coordination of job assistance with the Veterans Administration, the Department of Labor, and the various state employment service agencies.

When he announced his support of the program, President Nixon said, "'Jobs for Veterans' is a nationwide effort to highlight the quality of the American veteran whose blend of skills and self-discipline make him an ideal candidate for employment. He has proved himself in the military—all he needs is the opportunity to demonstrate that he can contribute as much in civilian employment."

President Nixon appointed a National Advisory Committee for the "Jobs for Veterans" program under the chairmanship of James F. Oates. National Commander Alfred P. Chamie of The American Legion is a member of this distinguished panel of leaders representing government, business, labor, and welfare.

PROMOTIONAL AIDS AVAILABLE

The National Organization of The American Legion has prepared a variety of promotional aids—television spot announcement, radio spot announcements, newspaper cooperative advertising materials, press releases, etc.—to help promote the program. In addition, there have been other promotional aids prepared and distributed by governmental agencies.

But good intentions, hopeful promises, and press releases are not enough. This decade has been labeled by some as the "socially sensitive seventies." Any institution—governmental, commercial, or non-profit—which fails to respond to legitimate social needs is asking for trouble. For the young veteran of today an adequate job is a legitimate social need.

CHECK LOCAL PARTICIPATION

Has the mayor of your city appointed a veterans' employment task force to tie in with the national program? If so, is there a Legionnaire from your post on it? If there isn't such a group already functioning, your post should take the initiative in calling upon the mayor to request that such action be taken. This task force will provide the action on the front line where veterans and jobs are brought together.

Of course, the task force is just the first step in the program. This local committee is not to be created just to talk. It needs to be an action group, working with vigor and imagination in the community to see that veterans receive the preference and priority in employment to which they are entitled—legally, as well as morally.

Another major contribution your post can make in this campaign is to appeal strongly to those employers who are members of your post to lead the way in the employment of veterans.

The United States now is in the midst of the largest and most welcome demobilization since the end of World War II. Military separations are running in excess of 80,000 per month. And those young men are returning to a job market that's tighter than at any point in the last 10 years.

MORE THAN 300,000 VIET-TIME VETS UNEMPLOYED

This is the type of challenge which has been the crucible of The American Legion throughout its history. It is estimated that more than 300,000 of our Viet-Time Veterans are currently out of work. It is imperative that each community expand its jobs and training opportunities for veterans.

Guidelines for successful post programs have resulted from some of the original pilot programs in 17 states. Naturally, these should be modified and adapted to fit the situation in your own community:

1. Appoint an employment chairman. If possible, use influential businessmen on employment committees.

2. Contact nearest Veterans Employment Representative of your state's employment commission. Invite him to a post meeting to outline steps now being taken to secure jobs for returning and other older veterans.

3. Discuss with the Veterans Employment Representative ways that personal contacts with new veterans will reach all returning veterans and will be more effective.

4. Determine the type of information that would be most helpful in outlining skills, training, and job preferences of new veterans.

5. Contact other civic, fraternal and veterans organizations, asking that one or more returning veterans (including their families, if possible) be honored at an appropriate function.

6. Work out a procedure with the Veterans Employment Representative to circularize other participating organizations in the program with individual resume for each veteran.

7. Contact all news media—newspapers, radio, and tv stations—concerning the program at every opportunity.

8. Establish a recognition awards program.

9. Provide a system for making direct, personal contact with jobless veterans to give them reliable information on training facilities, job openings, education, etc. Recognize that in many cases they will not come to you. You have to go to them.

Above all, keep in mind that The American Legion's primary purpose is to get that young man into a job situation where a job can result. Leave it up to the Veterans Employment Service, to the state employment security offices, to the directors of personnel in business, to Civil Service personnel directors, and others the actual placement of the veteran.

The "Jobs for Veterans" project is a part of The American Legion's continuing service contact program for the newest generation of war veterans. The Legion's goal is that each veteran requiring job assistance will be placed in contact with a potential employer, particularly in the private sector, on a first-person basis, with continued contacts until a job opportunity is found; if he is not equipped to fill a job, to steer him into the necessary training.

INTRODUCTION OF BILL TO TREAT GI'S DISHONORABLY DISCHARGED BECAUSE OF DRUG ADDICTION

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise today to introduce a bill which would extend Veterans' Administration medical benefits to those dishonorably discharged from the military, because of drug addiction.

There has been a sudden explosion of the drug epidemic in our armed services, not unlike that in our civilian society. A recent estimate from the provost marshal's office in Saigon indicates that between 10 and 15 percent of the American troops in Vietnam are on hard drugs. This estimate would mean 30,000 to 40,000 addicts in Vietnam, and this is thought to be a conservative estimate.

The initial response of the military leadership was stern. They felt that drug addiction is a crime for which the answer is strict enforcement and harsh punishment. In their view, addicts are a disgrace to their uniforms and should be drummed out of the armed services with dishonorable discharge.

However, in November 1970, the Pentagon issued a new policy of treating drug users, rather than prosecuting them. Instead of punishment usually leading to a dishonorable discharge, drug abusers who seek it now receive treatment under a new program of amnesty. Soldiers who are addicted beyond rehabilitation are now receiving honorable discharges—not dishonorable ones that preclude treatment in Veterans' Administration hospitals.

The VA has made plans to provide 30 special units to care for narcotics victims by July 1972, with five units already in operation capable of treating 200 addicts each. Yet those dishonorably discharged prior to the enlightened Pentagon policy still cannot receive VA treatment.

Therefore, I am introdcing today a bill which would authorize the Administrator of Veterans' Affairs to provide care and treatment for ceraain former members of the Armed Forces addicted to narcotic drugs. The "certain" members are those who were discharged dishonorably, because of drug addiction.

I believe it is important for the Armed Forces to assert national leadership in identifying drug abusers, and once recognized, insure that treatment and rehabilitation are available to all who have served their country. This is no less important for those addicts now serving on active duty who are now receiving treatment as it is for those who were treated punitively in being released dishonorably from the Army. Military leadership in handling the drug problem would be a distinct contribution toward the abatement of this national tragedy.

The bill which I am introducing today provides the possibility of treatment for thousands who have been sent home with an addiction which is all too often supported by regular criminal activity. It is madness to allow the military to return addicts to civilian life and not provide for their treatment.

OPIUM TRAFFIC IN INDOCHINA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WALDIE. Mr. Speaker, I would like to include in the Record a news article on the recent testimony of John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, before the House Select Committee on Crime during hearings on the importation of opium into the United States. The article was written by Tom Foley and appeared in the Los Angeles Times on June 3.

Mr. Foley's coverage of the proceedings of that day are excellent and describe some of the startling findings we learned on the involvement of the governments and some high officials in many Southeast Asia countries in illegal drug traffic.

I commend this article to the attention of all who have an interest in this subject.

[From the Los Angeles Times, June 3, 1971]

Asian Officials Protect Heroin Sale, Panel Told—They May Profit From Supplying Drugs to U.S. Soldiers, Narcotics Chief Says

(By Thomas J. Foley)

Washington.—The government's chief narcotics enforcement officer said Wednesday that officials of friendly Southeast Asia governments are protecting and may even have an interest in heroin traffic to American servicemen in Vietnam.

In testimony before the House Crime Committee, John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs, also said heroin had been unwittingly smuggled into South Vietnam on airplanes of the CIA-operated Air America.

Committee Chairman Claude Pepper (D-Fla.) and other members urged the Administration to take a stronger stand with foreign friendly governments to force a halt to illicit drug traffic.

These included Turkey and France, which respectively grow and process the overwhelming amount of the opium smuggled into the United States as heroin.

RIGHT TO ASK AID

"We're committed to risk our own cities in a nuclear war if any French city is attacked by the Communists," Pepper said, "and we have the right not only to ask but to demand that the French take emergency action to help us."

Ingersoll, who recently returned from discussions with Southeast Asia leaders on the heroin problem, said he doubted that any policy-making officials of the countries—Thailand, Laos and South Vietnam—are involved in the illicit drug traffic.

Burma, Thailand and Laos account for about 80 percent of the world's opium production, he said.

But he told newsmen after the hearing that many lower-lever officials, including members of the South Vietnamese Legislature, deal in opium. He said some legislators have friends in President Nguyen Van Thieu's cabinet.

Ingersoll told the committee that heroin refineries were under control of insurgents in Burma and Thailand but that those in Laos are protected by elements of the royal Laotian armed forces.

RAMPARTS DISCLOSURES

He said that while management and ownership of the Laotian refineries appear to be primarily in the hands of ethanic Chinese citizens of that nation, "some reports suggest" that a senior Laotian air force officer may have an ownership interest in some of the plants.

When Rep. Jerome R. Waldie (D-Calif.) noted that Ramparts magazine had identified the official as Gen. Ouane Rathiqoune, Ingersoll replied that "general speculation" conceded this.

Ingersoll denied one contention of the Ramparts article. It maintained that remnants of Chiang Kai-shek's Kuomintang army left in the area are involved in heroin production and are in the employ of the CIA for operations on the China mainland.

But Ingersoll conceded that Air America planes had been used in the past for smuggling heroin—just as regular commercial airliners have been used to smuggle it into the United States.

He told newsmen later that 80 kilograms were seized on an Air America plane at the huge Tan Son Hut Air Base outside Saigon only three or four weeks ago.

During the hearing, Waldie also asked Ingersoll about a Ramparts report that the secret CIA base of Long Cheng, used to support the U.S.-paid Meo tribesmen, was a distribution point for heroin to be shipped into South Vietnam.

Ingersoll said he had not heard of that. However, he later said he had discussed the general illicit drug problem with CIA Director Richard Helms. He said Helms denied the CIA was involved in any way, and that he believed him.

"The Meo tribesmen are something else," Ingersoll said, "but I don't blame the CIA for what the tribesmen do."

POOR CIA SECURITY

Waldie said CIA security was apparently "abysmally poor, since those in the CIA employ used the base and facilities for the illicit traffic."

The narcotics chief sought to allay criticism by congressmen of U.S. efforts to get the cooperation of the Asian governments to crack down on the drug traffic.

He said the United States had virtually no leverage over the Burma government, since the last existing aid program is being phased out. The opium-growing area in Thailand is in the hands of insurgents, Ingersoll said, but the Bangkok government is taking steps to try to control it.

He said Laotian officials were "most responsive" even though some high-ranking officials were involved.

VIETNAM SMUGGLING

Ingersoll said the Saigon government had taken several steps to crack down on the smuggling, including a shakeup of its customs officials, an increase in the size of its central police force dealing with the problem and the appointment of a special task force by President Thieu.

He also said he was assigning three additional agents to the Far East and that the Defense Department had placed off limits areas of open heroin dealing.

A SYMBOLIC FLAG CEREMONY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. HORTON. Mr. Speaker, during these times, when, on one hand, the patriotism of some of our Nation's finest leaders is questioned; and when, on the other, it is often scorned to be patriotic, we must stop to consider what the flag and patriotism actually mean.

Sunday, in Rochester, N.Y., in my congressional district, I attended a flag ceremony at the Rochester Polish People's Home. It was the first flag raising at the home. I would like to share the ceremony with my colleagues for it vividly made the significance of the flag clear to all who attended.

Mr. Ray Gatz, president of the home, introduced the guests, who represented local, county, State, and Federal legislative bodies, as well as the Polish-American and American Legion Posts.

Officials included Rochester Mayor Stephen May, State Assemblyman Raymond Lill, City Councilman Urban Kress, Monroe County Legislators Nicholas Santaro and Sam Poppick.

County Judge Arthur Curran also attended. Judge Curran was especially aware of the value of the flag. He recently received the flag from the coffin of his son, a marine, who was killed in Japan.

Also present were James O'Grady, commander of the Michalski Post; Joseph Zabuchek, commander of the Pulaski Post; Joseph DeMeis, commander of the Monroe County American Legion Post; and Edmund R. Przysinda, president of Hudson Avenue Area Association.

During the ceremony, I presented a flag which had flown over the Capitol to Mr. Gatz. It was blessed by Father Pietrzykowski and raised by Mr. Gatz. County Commander DeMeis led the Pledge of Allegiance.

Commander Joseph Wituszyski presented the Polish flag, which was blessed by Father Pietrzykowski, and raised. The Polish hymn was sung.

In a touching gesture, a Polish American war veteran sprinkled soil from Poland on the American soil around the flag pole.

It was as if these acts were symbolic of the brotherhood and friendship between countries and among Americans of different backgrounds and persuasions.

Watching the ceremony, I wished that the differences which now divide our country could be erased and the warm bonds of friendship and concern for the United States displayed at this ceremony could join all Americans.

Wanda V. Pietrzak of the Polish People's Home deserves special mention and credit for the ceremony was her idea. She planned and directed the event.

Before the ceremony was concluded, the winning essay in a contest sponsored by the Rochester Polish Arts Group, on the topic "What the Flag Means to Me" was read. It was written by 12-year-old Mary Reidl, of 478 Peart Avenue, Irondequoit, N.Y. I would like to share her thoughts with my colleagues in the House. Her essay follows:

WHAT THE AMERICAN FLAG MEANS TO ME

To me the American Flag means freedom. It means the love and the glory of our own country. It is the American heritage. The way our ancestors fought to gain freedom almost 200 years ago. It is the growth of our country. It symbolizes the blood that is or was shed on the battle fields. It is the honor in which the American people serve their country.

Yes, to me the flag truly means the love and the glory and the honored of this beautiful country of ours. That is what the American Flag means to me.

LITHUANIA UNDER COMMUNIST OPPRESSION FOR 30 YEARS

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. SMITH of California. Mr. Speaker, We, in America, pause in our daily routine to reflect on the fate of the peoples of the ancient country of Lithuania who have lived under Communist Russian domination since 1940.

As we continue efforts to preserve the rights of self-determination for the peoples of South Vietnam, let us be ever more mindful of the brutal occupation of the countries of Lithuania, Latvia, and Estonia.

We recognize their courageous struggles over the past 30 years to restore national identity and gain independence from oppression.

House Concurrent Resolution 416 of the 89th Congress in support of the individual rights of these oppressed people, sought to focus attention throughout the world by means of the United Nations and other international forums. Let us renew our efforts and strengthen our resolve to bring them their freedom and to bring peace in our time to all nations of the earth.

GENERAL WESTMORELAND'S VIEWS AND PHILOSOPHY ON OUR NATION AND OUR MILITARY SERVICE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. GOODLING. Mr. Speaker, just recently I was privileged to attend a ceremony that was part of the 17th annual national strategy seminar of the U.S. Army War College, held at Carlisle Barracks, Pa., my congressional district.

Gen. William C. Westmoreland, Chief of Staff, U.S. Army, was the principal speaker for the closing session. Because of the nature of the event, his remarks were considered to be classified; hence, these comments cannot be made public.

General Westmoreland did, however, on June 11, 1971, present an address to the Cleveland Chapter of Sigma Delta Chi in Cleveland, Ohio. Because this presentation reflects General Westmoreland's views and philosophy on various important matters relating to our Nation and our military service, I insert this address into the RECORD and commend it to the attention of my colleagues:

ADDRESS BY GEN. W. C. WESTMORELAND

I am pleased at this opportunity to meet, and speak to the members of the Cleveland Chapter of Sigma Delta Chi . . . men and women dedicated to the highest professional ideals of journalism. I might add that it is a rare occasion when a public servant can manage to have as a captive audience newspapermen and women, broadcasters, public relations people, and managing editors.

Your profession and mine have more things in common than might meet the eye. Neither the journalist nor the soldier lacks lay advice on how to run his business. . . . And we are both frequently blamed for the ills of our society. On the more positive side, we also have much in common. You are concerned with the open pursuit of truth, freedom of speech, and freedom of information. As a soldier, I am concerned with protecting the Nation so that these and other freedoms may continue to flourish in our country. I think we have both succeeded in the pursuit of these goals. Indeed, our success may be measured in part by the very criticism we receive.

Tonight I want to address the role of the Army and the military within our country in these uncertain times. I shall keep in mind Joseph Pulitzer's advice to the newspaperman when he said:

"Put it before them briefly so they will read it, clearly so they will appreciate it, picturesquely so they will remember it, and above all, accurately so they will be guided by its light."

I will not make any promises about my speech tonight being appreciated, picturesque, or providing any guiding lights, but I will promise that it will be brief and accurate.

To begin with, I want to give you my impressions of what is happening within our society—indeed, in most of Western Society—today. Prior to this century, there were conflicts in Western Society between new and old values, but these were usually of minor proportions in terms of changing concepts of life. The mass of the population generally continued to lead their lives according to unchanged norms. Today, the new generation finds itself in an environment much different from that in which their parents grew up. The relevance of traditional wisdom is no longer evident . . . not only to many young people but to some adults as well. But, problems with younger generations are not a new phenomenon:

Four thousand years ago, for example, an Egyptian priest wrote in despair: "Vandalism is rife and crime of all kinds is rampant among our young people."

Socrates complained that young Athenians "contradict their parents, gobble up the best at the table, and tyrannize over their teachers."

Nine hundred years before Christ, a Greek poet and social critic had this to say: "I see no hope for the future of our people if they are to be dependent upon the frivolous youth of today, for certainly all youths are reckless beyond words and opinionated much beyond their years."

Although some problems remain constant, it appears that the present change in attitudes is one of major proportions resulting from an individual freedom of considerable dimension and from a decreasing influence of traditional authority.

Our society today is not an easy one to grow up in. Considering this, I think the youth of this country do very well. They are more sensitive to human values. Most of them are willing and eager to dedicate themselves to worthwhile works. They want to contribute to activities which afford them an opportunity for both group and individual growth. They have courage, conviction and commitment. In the long run, when they add the perspective which experience brings to this array of youthful virtues, I have faith that they will serve themselves, the people and the Nation well.

Domestic transformation is not the only thing which troubles us now. On the world scene we are still very much troubled with man's imperfect state of human relations . . . aggression, conflict, and power politics are very much in the forefront of world affairs . . . and there is little consolation from Dr. Henry Writson's words that ". . . there never was a golden age when men lived happily, securely, without tension." Nevertheless, there has always been the chance to make each age better than the one which came before. Winston Churchill once said: "I am an optimist. It does not seem to be much use being anything else." I share his attitude, and I commend it to you.

What concerns many people is that Americans, discouraged by some world events of recent years, will turn inward and away from our international obligations. In this connection, I have little doubt about our Nation. America will continue to face her responsibilities squarely . . . perhaps without the idealistic fervor of the '40s, '50s, and 60s . . . but with a pragmatic knowledge that as a leading nation in what has become a very small world, it is in her interest to remain an active power on the international scene.

The economic, political, social, and military strengths of our Nation have been bound together and guided by moral considerations. Our Nation has applied its great power with discretion and restraint in carrying out its role as a world power. As President Nixon said in an address this year to the Corps of Cadets at the United States Military Academy:

"You can be proud of our country's power, because that power is wholly committed to the service of peace."

We live in a troubled world. From the standpoint of our national security, we do not know what lies around the corner next week, next month, or next year. America must always be able to deal from a position of strength. Only from such a position can she face squarely her responsibilities as a free nation. And—most important—only from such a position of strength can America, herself, remain free!

Now we come to the circumstances in which the American military finds itself today. In both the national and international environments that I mentioned, the military . . . and particularly the Army . . .

finds the situation most difficult. Within our country there is an atmosphere in which the military bears the brunt of national frustrations. There appears to be an anti-military movement of apparently considerable proportions, which stems from a combination of factors. A disenchantment with the Vietnam situation seems to be the primary reason although, as this audience knows, the military has done . . . and is basically doing what it has been asked to do. Other reasons include a concern that insufficient attention is being paid to difficult domestic problems, a vague dissatisfaction with the "establishment" as a whole . . . including the military, suspicion or dislike of the military or the so-called military-industrial complex, and the unfortunate motivations of a few who seem intent on actually destroying the military and our country. The American people must be aware of the pitfalls of letting antiwar feelings become antimilitary in nature. Short-run frustrations should not blind us to longer range imperatives of national security. If the military is continually demeaned within our country, this can only have an undesirable effect over the long run.

There is some turmoil within the military today. The Army is experiencing, as you know, one of the most critical and turbulent periods in its history . . . and, like the Nation, is in a period of transition. I would be less than candid if I did not admit that the Army has problems of our making. However, many of our problems are due to circumstances beyond our control. Sir John Hackett, distinguished British soldier and scholar has said:

"What a society gets in its armed services is exactly what it asks for, no more and no less. What it asks for tends to be a reflection of what it is. When a country looks at its fighting forces it is looking in a mirror; if the mirror is a true one the face that it sees there will be its own."

Or put in a different way, "The qualities of its courts of law and its armies," said Goethe, "give the most minute insight into the essence of an empire." These statements are particularly true of our Nation . . . with its tradition of citizen-soldier service.

The current drug problem within the United States illustrates the point well. The entire issue of drug abuse is difficult and complex . . . and presents special problems in the military. The basic military mission requires an individual alertness and responsibility which far exceed that required in the job of the average civilian. In Vietnam the situation is even more difficult. There the individual serviceman is under a great deal of stress in an environment where drugs are inexpensive and easily available.

The drug problem is not unique to the military. In fact, it is a significant national problem . . . and it should be understood in a national context. Drug abuse is a social condition within the United States, and I view with alarm the impression given by certain people that the drug problem in the military overseas . . . particularly in Vietnam . . . is one of the major causes of the national drug problem. Such a line of reasoning is about as accurate as saying that the military is the major cause of dissent, racial and environmental problems within the United States.

Some young men come into the military with a drug habit or the psychological tendency toward one . . . particularly when we consider the pressures of the peer group in an increasingly drug-oriented society. The Army has always been an institution which has prided itself on teaching our young people responsibility and good citizenship. We have been very successful in this area, although we have not enjoyed complete success with all of those who pass through our ranks. The Army has always taken its social responsibilities seriously, and we will continue to do so as we fully support President Nixon's drug abuse program. We recognize our obligation to control drug abuse within the military as well as cooperate fully with the civilian community in solving our common problem.

The Army is also adjusting to other changes within our country. The realities of the Nixon Doctrine are fundamental in this regard.

The Army is winding down a war and moving into a peacetime posture.

The Army is reducing its deployments overseas and placing greater reliance on its strategic reserve and National Guard and Reserve forces.

The Army is substantially reducing its size in order to come within reduced budgets.

And the Army is changing internally to build a smaller, leaner, tougher, more professional force.

Despite the imperatives of decreasing budgets, the Army . . . together with the other Services . . . is faced with maintaining national security and furthering national interests against threats that have not diminished. Related to this is the view of some people that the military is "crying wolf" concerning threats to our national security. This reaction by some may be a result of the frustrations I mentioned earlier. It certainly provides a dilemma for the military. As Admiral Moorer, Chairman of the Joint Chiefs of Staff, said in a magazine article:

"The threat is there and we get paid to tell Americans it is there. If we get caught with insufficient forces, we're accused of dereliction of duty. But today we're also blamed for saying a threat exists."

In assuming the responsibility for the defense of this country, our civilian and military leaders are not blind to other needs in our society. Neither are they unaware of the basic economic tenet that needs usually exceed means—even in a country as rich in material resources and manpower as ours. Those responsible for our defense do not seek growth of the military at the expense of other needs of our Nation. Indeed, as citizens themselves, they too are concerned with the domestic health and tranquility of America. However, the military chiefs of the Armed Services must and do recommend to their civilian leaders what, in their best professional judgment is required for the Nation's defense. Then it is the civilian leadership under our constitutionally-elected Commander in Chief, and the Congress, that makes the ultimate determination of national priorities.

When priorities are set, and both national and foreign policy objectives determined, the military then is charged with carrying out its role. In a time such as this, that role is difficult, often challenged, and often misunderstood. Yet it is a role of transcendent importance for, in a dangerous and imperfect world, it is the security provided by the military which makes it possible for our people and this Nation to grow and prosper in freedom.

Some groups and individuals do not understand the historic role of the Army in our society. Your Army has never been a threat to our country . . . it has never compromised its sacred oath to support and defend the Constitution of the United States. We have never deviated from the time-honored tradition of subordination to constitutionally-elected and legally-appointed civilian leadership. No other major nation in the world can boast of a military establishment with as long a period of continued, undivided loyalty.

Today more than ever, it is essential that the American people understand and support the military in this role. Not to do so is to handicap not just the military but, more importantly, the Nation itself at a critical time. It is apparent today that there are many misconceptions in America about the military as an institution, the dedicated people who fill its ranks, and the missions with which they are charged.

I do not believe that we can long allow these misunderstandings to persist if we would maintain the national security and domestic tranquility we all desire and need. It is in this area—the creation of better understanding and public support of the uniformed citizens of America—that I believe you ladies and gentlemen can be of particular service.

I do not suggest that you abdicate your "fourth-estate" role of keeping main issues before the public, and telling the truth as you see it. I have too much respect for the importance of your profession to do that . . . or to imply that you are not patriotic when you criticize the military. What I do ask of you is to report the Army . . . the military . . . completely—to tell the full story and not just one aspect of it. With that in mind, I should like to turn to the Army for a moment, the Army of today and tomorrow, . . . the Army as we would hope you and the American public would understand it.

If a smaller American Army is to perform its mission for the future, it must be a better Army . . . an Army equipped with the most modern and effective weapons and equipment . . . an Army that capitalizes on the wealth of experience it has gained from Vietnam . . . and an Army manned by motivated, well-trained soldiers.

As you know, the President has made a volunteer force a national objective. The Army is committed to achieving that objective by moving steadily toward a zero draft. In so doing, our goal is a modern volunteer Army, not a "mod" Army. We believe we can best move toward that end by improving the professionalism of the Army, improving the total environment within which soldiers live and work, and, hopefully, by obtaining public understanding and support of our efforts.

A modern and professional Army, above all, must be a disciplined Army. . . . I cannot stress that point too strongly. An undisciplined Army is a threat to the society that it is sworn to defend. George Washington's statement that "Discipline is the soul of an Army" certainly is as true today as any time in the past. We shall not sacrifice discipline in any sense—it is essential to success in combat, and it is essential that the armed forces of a democracy, in particular, possesses the pride and responsibility which are the hallmarks of true discipline. We believe that the best form of discipline is self-discipline, stemming from soldiers who are treated as mature individuals, and based on professional competence, confidence and mutual respect. It is this we are seeking; this will be the foundation of the Army we are building today.

With this as a base, we are engaged in an across-the-board effort to improve the service, the life and the leadership of the Army. As a part of this, we are taking many steps, and seeking much help, in improving the conditions under which our men live and work. Further, we are looking in the mirror at all our practices and procedures. Those which are still militarily relevant and necessary will be kept. Those which no longer serve useful ends will be terminated. Above all, we are looking at the nature and quality of our leadership.

We realize that the responsibility for enhancing the professional climate of the Army rests squarely on our leadership. We are placing increased emphasis on training our leaders . . . particularly the young ones. We are placing greater confidence in our young leaders and potential leaders, and giving them more responsibility. We are also assisting them to understand and deal effectively with the common problems of modern society as reflected by the soldier of today. I believe the young people of our country are looking for responsibility, challenge, fulfillment, job satisfaction and adventure. I believe they are searching for purpose and direction as well. The Army can satisfy these aspirations.

We are acutely aware that a few of our people have not lived up to the high standards of military leadership. The military is a hard, tough, and demanding profession. So are our standards. We cannot afford . . . nor will we tolerate . . . anything less than the highest personal and professional standards. In this respect, the American people must not be hasty to judge. There are too many capable . . . dedicated . . . and honorable men in the military to allow the acts of a few to degrade their standards and diminish their pride.

Despite the occasional departures from our norms, the Army's performance need not be defended. The Army has done what it was ordered to do . . . and it has done it well . . . in Vietnam and elsewhere. The record is a proud one.

Nowhere has this been better demonstrated than in Vietnam, where the Army has fought a difficult, complex war—taking fire at home as well as on the battlefield. We have done essentially what we were asked to do—prevent a communist takeover in the South. I am proud of the job that the Army has done.

The record of the Army goes beyond Vietnam. Although Vietnam has grabbed the lion's share of headlines, the Army has also performed well in other areas of the world.

Along the DMZ in Korea and on the Czechoslovakian border where one incident could ignite another war.

The Dominican Republic where a communist takeover in a smoldering civil war was thwarted.

The buildup in Florida during the Cuban missile crisis where land power and the capability to project it on a hostile shore aided in cooling the first nuclear confrontation.

And the reinforcement of Berlin with a battle group from West Germany demonstrating to the Soviets that we were serious in our commitment to keep land lines of communication open to that city.

This is the record of an excellent organization of dedicated men who have performed admirably in a difficult role—a role that has been widely misunderstood, frequently misinterpreted, and occasionally misrepresented.

Despite this proud record, the Army by itself cannot rally public support. Yet its vitality is dependent on support, understanding, and encouragement from the American people from whom it springs and who it serves. If the military continues to receive indiscriminate abuse . . . if it is not provided adequate resources . . . and if it is not supported as an essential and respectable profession, we can hardly expect to attract young Americans to serve in the numbers and quality required. And, the consequences for our Nation's security will be ominous indeed.

I urge you, then, to look at us critically but with understanding. The Army regards constructive criticism as a positive contribution to its forward progress. At the same time, its success is contingent in large part on public understanding which is balanced, informed and sympathetic.

At the beginning, I mentioned that the members of your profession and mine were joined in many common purposes and aspirations, essentially pointed toward the well-being and progress of the Nation we love. We in the Army will continue to dedicate ourselves to that end. I would hope, in your role, that you would assist us in obtaining the public understanding and fundamental support which are essential if we are to succeed.

HAVE A HAPPY DAY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, recently it was my personal privilege to participate in a graduation ceremony at Ukiah High School in my First Congressional District of California.

One of the principal speakers of the evening was a lovely and talented young lady, Janet Broaddus, daughter of one of our highly respected judges of the superior court of Mendocino County—Judge Broaddus.

As I listened to the message being delivered to her classmates, the graduates' parents and friends, I kept saying to myself, "This girl is really on target." The speech had real substance and meaning, in addition to its timeliness.

Two very significant points left a lasting impression on me and prompted me to respond following her speech, by suggesting "We have too many people that are against everything—what we need are more people who are for something."

Janet said:

> I believe that intelligence and righteousness cannot solve problems without love and happiness and as I look around me I see millions of problems—large and small—with millions of solutions—all intricately worked out. But all the intelligence, power, and money in the world are never going to solve anything, if we are all struggling against each other.

Janet's eloquent works and articulate delivery made a profound impression on all who were in attendance. I want to share these words with my colleagues in the Congress and also record them permanently in our official document, the Congressional Record, so that others throughout the United States might gain the same inspiration from her remarks as we, who were present, did. Janet Broaddus is an outstanding example of this great generation of young people who are about to assume expanding leadership roles as, together, we meet the challenges of change.

The speech follows:

HAVE A HAPPY DAY

(By Janet Broaddus)

Dr. Coryell, Congressman Clausen, Parents, Ladies and Gentleman, Fellow Graduates, and members of the band: This is a happy time of year. Everyone is out of school, the beautiful weather has finally arrived, and the class of '71 is on its way to new adventures. Since everyone should be happy, I wanted to speak on a topic that is different, refreshing, and happy. I just couldn't sit myself down at my desk in a stuffy room and write a speech about the depressing problems of society, social technology in the seventies, the generation gap, or how the class of '71 plans to save the world. These are all typical topics for a graduation speech, but I wanted to go outside, sit in the warm sun under the bright, blue sky and write about something happy—something that is not depressing. I thought about it and asked myself, "What is happier than happiness?", so I decided to speak tonight about happiness. It is not a typical subject to a speech at graduation, but it seems appropriate.

First of all, what is happiness? Webster describes it as "good luck, prosperity, a state of well-being". Charles Schultz says that "happiness is a security blanket", "happiness is having a friend", "happiness is a warm puppy", and on and on. A dictionary can describe the word, but there is more to it than that. Charlie Brown and his friends can describe the feeling, because happiness is in everything, everywhere, and it is whatever you want it to be, or whatever you make it to be. To me happiness is a way of showing a freedom and of expressing a love for the world and its people. It is a feeling that can keep me from worrying needlessly. Happiness is a feeling that everyone should be able to experience all the time, and not just when they have a stroke of good luck.

That's what happiness is—so what about it? Well I said I didn't want to speak on problems of society, and I still don't, but they *do* exist like a brick wall across the path of our future which cannot be ignored. It is depressing to know that there are millions of starving people in our world, to see the poverty and the slums only a couple miles from the White House in Washington, D.C., to see all the prejudice and racial riots, to watch our magnificient wilderness become covered with concrete or polluted with deadly chemicals. It doesn't make anyone happy to know that there is still a war in Viet Nam or to open the morning paper to a headline reading, "The 24th Body Found."

Why am I talking about happiness when all these problems still exist in the world? Because I believe that intelligence and righteousness cannot solve probelms without love and happiness. These problems have all existed since man was created and we are still struggling to solve them. The brick wall is not being knocked down. It is slowly being chipped at, but new bricks are being laid faster than they can be destroyed. How much longer will they exist? How much longer can we exist *with* them? As I look around me I see millions of problems—large and small—with millions of solutions—all intricately worked out. But all the intelligence, power, and money in the world are never going to solve anything, if we are all struggling against each other. There is too much bitterness in our world—politicians and voters, parents and children, educators and students are all slowly pulling at each other as if each were a section of a rubber band in the hands of a very nervous person.

Everyone fights for what he believes is right, and everyone wants more rights than he already has. But who really knows what is right? There could be many solutions to one problem and then the purpose usually changes to that of who is able to have his solution accepted—and the battle goes on while the problem remains. The emphasis today, not just in our country but all over the world, is too much on nationalism instead of individualism. If it were possible for governments to consider the happiness of the individuals involved before the pride of the country, the face of a political party, or what is considered to be "right" for the nation, the world, or the people, I think there would be a lot of quick changes. But the way society and government are structured this is not very easy. For example, in order for everyone at the Paris Peace Talks to have all those pressures lifted from their shoulders there would have to be a revolution in the minds of every single person on this earth at exactly the same moment. I'd say that's just a little bit impossible, but then again nothing worthwhile is easy to accomplish.

If we can't start at the top and work down, we can start at the bottom and work up—start with the individual and work up through the larger organizations of humanity. So far I've been talking about big problems and big governments, but the same is true down the line through state governments, local governments, community organizations, families, all the way to the relationship of two people meeting on the street.

Our world is made up of individuals, and I think that in the individual is where any kind of a change or solution must start. It can't stop there, though, because it must eventually reach the top. For example, if a person is happy he won't mind separating his garbage for recycling, giving away some of his food or money, thinking of the other party before he demands more rights or throws a bomb. If he is happy he will have a concern for other people. If everyone did his individual part in helping to solve such major problems, and took down just one brick that wall would be gone in no time.

That is a lot of if's. How can a person be happy so he will want to do his part? As I've already said, happiness means different things to different people, but a full stomach, a roof over one's head, and a feeling of acceptance and security among one's peers usually helps. For those of us who are lucky enough to have these things already, happiness should be helping others to find them, also. Happiness is contagious, and even if you can't give a person what he needs most, a smile or a hello can sometimes mean just as much. Then maybe he will pass that smile on to another person.

Sometimes I have to stop to think, and assure myself that we, the people of this planet, are not going backwards—or becoming more violent, egotistical, and antagonistic. I always manage to convince myself that we aren't although sometimes it appears that way because it's always the negative and not the positive things that we hear about. The number of people who truly care about other people is growing, and man is beginning to spread his concern over a wider circle of humanity. We usually care about our family and friends and we want them to be happy, but as the years go by there are *more and more* of us who care about the people in our city, state, county, and world *as individuals*. By caring, I mean wanting each person to be happy and secure and, wanting this bad enough to do something about it. If each inhabitant of this earth cared about the rest of mankind as individuals our brick wall would disappear, and I hope that we can destroy it before it crushes us.

I'd just like to see everyone here *really happy* and able to show it. Sometime—try saying HI to someone you don't know—take off the mask for awhile—really feel the smile you are giving everyone—forget your problems—make someone else happy—and if you can't do that at least *you* can be happy.

Well, I know what I can do to make everyone happy *now*—that is to end this speech so that we can all get out of this wind. Have a happy day tomorrow! and make it happy for someone else too. The world is only what we make it—so let's make it happy!

ANNIVERSARY CONGRATULATIONS TO FATHER WALSH

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. RODINO. Mr. Speaker, congratulations are in order for Father Gerald W. Walsh who celebrated the 25th anniversary of his ordination to the Holy Priesthood on June 1, 1971. Father Walsh returned to St. Mary's Church in Nutley, N.J. where he had spent his early priesthood to perform a special mass with St. Mary's pastor, Msgr. John J. Feeley.

Father Walsh is an ardent contributor to both his parish and his community. His humane spirit pervades all who know him. Let me offer my warmest thanks for his devoted service and wish him continued personal fulfillment in the future.

THAIS "VOLUNTEERS" IN LAOS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WALDIE. Mr. Speaker, I would like to include in the Record a second article by Tammy Arbuckle on his recent findings in Southeast Asia which appeared June 7th in the Washington Evening Star.

I believe it sheds further light on the military interests and activities of the Thai Army in Laos and the corresponding role of the United States.

The article follows:

Thais in Laos Identified as Regulars

(By Tammy Arbuckle)

Vientiane, Laos.—Despite official statements that the Thai forces serving in Laos are volunteers wtihout official sanction from the Bangkok government, informed sources here say they are regular Thai army troops.

The sources said the troops sent here keep their Thai army rank and salary as well as the salary paid by the Americans.

Some Thai units come here in a group, said the sources, adding that Thailand's 940th Battalion presently is garrisoned on Hill 1663 west of Ban Na on the southwest rim of the Plain of Jars in northern Laos.

The Thais are sent to Laos on temporary detachment for six months or a year, the sources said. There are cases where units are formed from Thais of different units who have volunteered for certain duties in Laos, the sources said. However, these units remain part of the Thai army on loan to the U.S. Central Intelligence Agency, the sources said.

The only voluntary aspect of their duty is that Thai soldiers are anxious for assignment to Laos because of the financial benefits.

Officials of the United States and Thailand governments insist the Thai troops in Laos, numbering at least 3,200, are volunteers. Thai officials, in particular, claim the troops have no official sanction from Bangkok.

(Even the number of troops is in dispute. As a result of U.S. Senate inquiries into the operation, the figure of 4,800 troops presently is given in Washington as the number of Thai troops on duty in Laos.)

The Lao military attributes the official Thai position to corruption. They say only certain members of the Thai government are pocketing payments from the United States, so the entire Thai cabinet may not be informed of the entire U.S. arrangements for Thais to fight in Laos.

Thai troops have been fighting in Laos since late 1964. The first Thai unit in Laos was a battery of 155mm howitzers based near Ban Khay village in the Plain of Jars.

Thai officers and men then were sent separately to guerilla units run by the CIA.

On Feb. 1, 1967, a reporter met one of these Thais at NAM Bac, Lao fortress 40 miles southwest at Dien Bien Phu. The Thai said he was a captain in the Thai army and came from Bangkok.

An American in civilian clothes was commanding his unit and was responsible for payment, he said.

There were at least 20 Thais with the captain at Nam Bac and Site 217.

On June 25, 1969, the Thai Artillery unit (which remained in the same place for five years while men were rotated) was overrun when North Vietnamese tanks broke through the neutralist Lao troops.

Following this attack, in which at least 30 Thais were killed, Bangkok insisted on having Thai troops protect the Thai gunners. Thai gunners also were sent to Long Cheng, further south, but this time several hundred—some sources say 800—Thai infantrymen were sent to protect the artillery.

Part of these units now are at Fire Base Zebra northeast of Long Cheng.

Recently Thai troops have served on the Bolovens Plateau in southern Laos and on operations against Route Seven, the main Hanoi resupply route to its troops in northern Laos.

All troops under American control who need medical help are sent to Thailand directly, American officials say, so Thais have no worries if they are sick or wounded.

The Communist Lao radio claims over 300 Thais have been killed in action in Laos, but American officials say it's less than 200.

The Thai role, according to U.S. officials is to make up for heavy losses among the Meo tribesmen of Gen. Vang Pao, who have been fighting since 1960 against the North Vietnamese, suffering in the last three years over 8,000 killed in action.

The Lao army claims it's under strength and unable to substantially help Vang Pao because it's spread the length of Laos, facing the enemy. This claim, however, is suspect. Hundreds of unemployed young men roam around Vientiane in motorbikes. When Gen. Koupraisith Abhay, the Vientiane military boss, tried to conscript them, he found they are the sons of influential Laotians who protested conscription and forced Kouprasith to cease his activities.

Also, several thousand Lao troops are not gainfully employed but act as bodyguards, chauffeurs, office personnel or are building new villas for Lao officers.

Despite all this, it may be said that Laos still is woefully short of manpower as well as good field officers and some military discipline. Therefore, Lao needs help from its ethnic neighbors, the Thais.

The Lao however, don't want their neighbors in the western provinces of Champassac and Sayaboury, which the Thais covet nor in Mekong River towns where the Thai propensity for the spoils of war may match that of Saigon troops in Cambodia. Therefore, they are in the mountains of northern Laos where the Thais can do the most fighting and the least mischief.

HORTON PRAISES MRS. DONALD LOETZER FOR HER AFFIRMATION OF AMERICA

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. HORTON. Mr. Speaker, during these times of protest by our Nation's youth, the very philosophies upon which this country was established are being questioned. At times, anti-American sentiments and acts seem to overshadow positive feelings for this country and our leader's goals.

There is little doubt that we must do what we can to foster respect for and understanding of this country among people of all ages, especially among our youth.

Concerned about the destiny of this country and about the young people who will be its future leaders, Mrs. Donald Loetzer of Pittsford, N.Y., in my congressional district, has taken a noteworthy step toward fostering patriotism among our youth.

She has written, and directed the recording of, a song entitled, "Up, Up With America." Recorded by a group of teenage singers, the record is popular with listeners of all ages.

Mrs. Loetzer, who has two school age children, was moved to write the song because of two events: The burning of an American flag in her home community, and hearing Vice President AGNEW ask why today's songs all seemed to deal with drugs, instead of something positive.

I know my colleagues will agree that Mrs. Loetzer deserves special recognition for her concern about our country and its young people, and for the personal action she has taken to promote feelings of patriotism. I share with my colleagues the words of Mrs. Loetzer's song and two newspaper articles which give additional information on Mrs. Loetzer's significant contribution:

UP! UP! WITH AMERICA

Up! Up! With America!
Let's hear it kids for America!
Motherhood, brotherhood, apple pie!
Respect law and order is the cry!
Who says we kids just don't belong
Who says we don't know right from wrong,
Just step aside while we do our thing,
We'll shout it out—you will hear us sing!
Up! Up! With America!
Let's hear it kids for America!
Who cares if our hair is short or long,
Our love for our country is very strong!
Though at times we may seem way out,
We know what our nation's all about,
Just step aside while we do our thing
We'll shout it out—you will hear us sing!
Up! Up! With America!
Let's hear it kids for America!
We will stand beside her night and day—
All the way—America!

A recent newspaper article by Bill Beeney, writer for the Rochester Democrat & Chronicle discussed Mrs. Loetzer's song:

It all came about because Mrs. Donald (Liz) Loetzer became upset when she heard about an American flag-burning incident in Pittsford a few weeks ago.

Now she is a published song writer. Words and music both, matter of fact.

Liz Loetzer decided that the silent majority should have something to say about the American flag. Not directly critical of the specific incident, but something which she hoped could serve as a rallying point for young people.

That's an esoteric ambition.

"I wrote two histories of the flag in verse, for children. But this didn't seem to accomplish what I wanted to do, so I put them aside and decided to try my hand at writing a song about America that youngsters could endorse."

Result: A song, "Up, Up With America," done with a semirock beat, arranged by Mat Mathews and Freddy Costello. It has been pressed into records (45 rpm stereo) under the "Lizdon" label, and has been released within the last few days and aired by local radio stations.

The Loetzers live at 51 Round Trail Drive, Pittsford. Mr. Loetzer is with Massachusetts Mutual Insurance Co. They have two children in school, Diane, 9, and Gregg, 5. Mrs. Loetzer is "a fashion copy writer by trade," having worked here and in New York City, but had never ventured into the song-writing field before.

"I was able to get together about a dozen members of the United Builders Association singers from Our Lady of Lourdes Church. We called them 'The Kids Next Door,' and rehearsed for three weeks after Mat Mathews and Fred Costello had made the arrangement for the song.

"Then we made the record at their studio here, on Culver Road, and it was pressed in California, and now we have it, with an ASCAP number and everything."

The Brighton-Pittsford Post also wrote a feature story on Mrs. Loetzer and her song. It brings out additional background material about her enthusiasm and patriotism. Under the headline "Her Record Sings 'Up with America'" the article said:

"I think it's the timing. People are sick of the mood of the young people's music today. Bennie this and bennie that."

Mrs. Donald D. Loetzer of 51 Round Trail Dr., Pittsford, was explaining why she thought her new recording, "Up, Up With America," was catching on.

Actually, the fashion copy writer for B. Forman, the National and McFarlin's doesn't have to peg it on a mood—the lyrics are catchy and the music ditto. Moreover it has the stamp of approval of parents and young alike, a rare combination in today's world.

She wrote the song because of two happenings!

"I remember Spiro Agnew saying why did today's songs all have to deal with dope instead of something in another vein, and on top of that came that flag-burning incident in Pittsford.

So the mother of two Barker Road School children, Diane 9, and Gregg 5, came up with these lyrics:

"Who cares if our hair is short or long,
Our love for our country is very strong!"

She first got the go-ahead from her own brood and 5-year-old Gregg, "the only musical member of the family," started rendering it around the house.

Encouraged, the Loetzers started looking for somebody to arrange it and settled on local entertainers Matt Mathews and Fred Costello, who just started in the arranging business.

"We made the master tape and reproduced it under our own name (Lizdon—for the Loetzers two first names) and from here on the success depends on what they call the local "break-out."

The group singing in the record are members of the United Builders Association Singers from Brighton's Our Lady of Lourdes Church, whom Mrs. Loetzer called into action and dubbed "The Kids Next Door."

They rehearsed for three weeks, she said, before the arrangement was taped.

The "local break-out" she talks about is the response on the part of area disc jockeys which, she said, has been very good. The next step would be the sponsoring of a national recording company, which would stamp it with its own label—and up, up and away to success.

"I've had people stop me in the market or the drug store," Mrs. Loetzer said, "especially mothers. They're so glad to hear a song that they can associate with, as well as their children. The young seem to like it. It isn't "God Bless America"—it has a beat they seem to like."

Although her husband hails from New York City where Mrs. Loetzer spent several years writing copy for Bloomingdale's and J. C. Penney Co., she is a local girl, the former Elizabeth Langie who lived in the family home at the corner of Culver Rd. and East Ave. Her parents, the Eugene H. Langies, still live there, as does her brother, Eugene.

She has another brother, Michael Langie, who lives with his family at 35 Kurt Rd. Perinton; a sister Mrs. Philip Fitzsimmons of 64 Branford Rd., Brighton and a younger sister, a nun, Sister Mary Jo, who is currently assigned to Holy Name Church, Greece, with the Rev. Thomas Reddington.

Loetzer is with Massachusetts Mutual Life Insurance Co.

After the record was taped, it was sent to California to be pressed and now has it's own ASCAP number.

THE RIGHT OF SELF-DETERMINATION FOR LITHUANIA, LATVIA, AND ESTONIA

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. PUCINSKI. Mr. Speaker, this week, we observe the anniversary of the Soviet "annexation" of the Baltic States.

This illegal action has never been adjudicated by an international body.

Six years ago, in the 89th Congress, the House and Senate adopted House Concurrent Resolution 416 urging the President "to direct the attention of world opinion at the United Nations—to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania."

Mr. Speaker, this issue deserves to be heard before the United Nations. The peoples of the Baltic States have endured 30 years of Soviet oppression and domination. Between 1940 and 1952 alone, 30,000 Lithuanian freedom fighters lost their lives attempting to resist the illegal invaders. Resistance continues to the present time, a tradition that is being handed on from father to son to grandson.

I wholeheartedly endorse the language and intent of the resolution we passed here in this body 6 years ago and am including that language in the RECORD today to remind us of our special obligations to the peoples of the world who are not free to speak out on their own behalf.

Mr. Speaker, the text of House Concurrent Resolution 416 follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

A LONGER LOOK AT MAY DAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an article which appeared in a recent issue of the Austin American, Austin, Tex. I certainly think that Police Chief Jerry Wilson of the District of Columbia deserves the thanks of all who believe in law and order for the manner in which he and his men handled this situation.

The article follows:

A LONGER LOOK AT MAY DAY

Civil libertarians, including a U.S. senator, a former attorney general and a mixed bag of columnists and commentators, continue to talk and write as if the May Day clash between police and protestors in Washington was a replay of the charge of the cossacks against the people in front of the czar's palace.

Amid all the alarm expressed about constitutional rights ridden roughshod over by the police, one truth is ignored:

Any government which cannot or will not defend itself, which permits itself to be impeded or intimidated by a mob take-over of the streets of its capital and the offices of its buildings, will soon be no government at all. And when government goes, there goes everybody's constitutional rights.

To disagree with the handwringers is not necessary to go to the other extreme, however.

One need not subscribe to the charge made by Deputy Attorney General Richard G. Kleindienst that it was a "vicious and wanton mob attack on Washington" whose leaders were in cahoots with the Viet Cong and North Vietnamese.

Indeed, much more disturbing is the thought that these may have been sincere, patriotic Americans who really believed that this was the way national policy should be decided.

Nor is there any need to deny that when some 12,000 people are rounded up off the streets and herded into detention camps, there will undoubtedly be a lot of entirely innocent people among them and undoubtedly any number of instances of police misjudgment or unnecessary roughness—in short, a great deal of bruising of individual constitutional rights.

But then, one does not stop in the middle of the road to argue constitutional rights when a police car or ambulance with flashing lights and screaming siren demands the right of way.

The May Day assault on Washington was just such an emergency. Here were thousands of people—"kids," they called themselves—descending on the nation's capital with the openly avowed intention of "shutting the government down."

Their appearance, opinions or age had nothing to do with it. Had the American Legion, the Jaycees or the Women's Christian Temperance Union flocked to Washington with the same purpose, they could have expected, and deserved, exactly the same treatment.

It is claimed that the government had no intention of prosecuting all 12,000 demonstrators and that their release the next day was proof that constitutional rights had been abrogated.

It would make as much sense to decry a mandatory mass inoculation by health authorities when they know that only a handful of people may be infected with a particular disease.

The roundup of demonstrators—and hapless nondemonstrators—was a form of inocculation, a form of preventive medicine against something that could have become seriously virulent if it had been allowed to run its own course.

It saved the government—not from collapse or revolution but from a blow to its legitimacy it might never have quite recovered from. And by government is meant not just the Nixon administration but all succeeding administrations.

The roundup was lamentable, distasteful, thoroughly un-American. It is to be hoped it never happens again. By acting firmly and decisively, the Washington, D.C. police may have ensured that it does not happen again.

NEW YORK TIMES VIETNAM DOCUMENT—PART 3

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. HARRINGTON. Mr. Speaker, I am today placing in the RECORD the third installment in the series of selections from the Pentagon's massive Vietman study that the New York Times has been making public this week.

I believe the Times, by publishing these documents, has performed a service to the Nation. I hope we have learned from this. I hope we, who are Members of Congress, learn it is wrong to accept at face value all that we hear from the executive branch. Congress, as one of the three arms of Government, is a check on the executive branch. For too long we have abrogated this authority, and the time to reassert that role has long since passed.

Defense Secretary Laird says publishing the documents jeopardizes national security, but I wonder if it does not jeopardize more our respect for those who created this disaster. In the Armed Services Committee hearings national security rests on everything from new long-range bombers to trash disposal on military installations. Just saying something is vital to national security does not make it so.

The major issues, or what should be the major issues, rest on the larger philosophical question of how we got into the war and how Congress can prevent the country from becoming involved in future wars. When a U.S. Senator is denied this material until he reads it in the Times, something is wrong. I have yet to see anyone addressing themselves to those questions.

The New York Times has provided the source material, now we must analyze it so another 50,000 will not have to die.

The material follows:

VIETNAM ARCHIVE: STUDY TELLS HOW JOHNSON SECRETLY OPENED WAY TO GROUND COMBAT

(By Neil Sheehan)

President Johnson decided on April 1, 1965, to use American ground troops for offensive action in South Vietnam because the Administration had discovered that its long-planned bombing of North Vietnam—which had just begun—was not going to stave off collapse in the South, the Pentagon's study of the Vietnam war discloses. He ordered that the decision be kept secret.

"The fact that this departure from a long-held policy had momentous implications was well recognized by the Administration leadership," the Pentagon analyst writes, alluding to the policy axiom since the Korean conflict that another land war in Asia should be avoided.

Although the President's decision was a "pivotal" change, the study declares, "Mr. Johnson was greatly concerned that the step be given as little prominence as possible."

The decision was embodied in National Security Action Memorandum 328, on April 6, which included the following paragraphs:

"5. The President approved an 18-20,000 man increase in U.S. military support forces to fill out existing units and supply needed logistic personnel.

"6. The President approved the deployment of two additional Marine Battalions and one Marine Air Squadron and associated headquarters and support elements.

"7. The President approved a change of mission for all Marine Battalions deployed to Vietnam to permit their more active use under conditions to be established and approved by the Secretary of Defense in consultation with the Secretary of State."

The paragraph stating the President's concern about publicity gave stringent orders in writing to members of the National Security Council:

"11. The President desires that with respect to the actions in paragraphs 5 through 7, premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the direct approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy." [See text, action memorandum on change of mission, April 6, 1965, Page 21.]

The period of increasing ground-combat involvement is shown in the Pentagon papers to be the third major phase of President Johnson's commitment to South Vietnam. This period forms another section of the presentation of those papers by The New York Times.

The papers, prepared by a large team of authors in 1967–68 as an official study of how the United States went to war in Indochina, consist of 3,000 pages of analysis and 4,000 pages of supporting documents. The study covers nearly three decades of American policy toward Southeast Asia. Thus far The Times' reports on the study, with presentation of key documents, have covered the period of clandestine warfare before the Tonkin Gulf incidents in 1964 and the planning for sustained bombing of North Vietnam to begin early the next year.

In the spring of 1965, the study discloses, the Johnson Administration pinned its hopes on air assaults against the North to break the enemy's will and persuade Hanoi to stop the Vietcong insurgency in the South. The air assaults began on a sustained basis on March 2.

"Once set in motion, however, the bombing effort seemed to stiffen rather than soften Hanoi's backbone, as well as the willingness of Hanoi's allies, particularly the Soviet Union, to work toward compromise," the study continues.

"Official hopes were high that the Rolling Thunder program . . . would rapidly convince Hanoi that it should agree to negotiate a settlement to the war in the South. After a month of bombing with no response from the North Vietnamese, optimism began to wane," the study remarks.

"The U.S. was presented essentially with two options: (1) to withdraw unilaterally from Vietnam leaving the South Vietnamese to fend for themselves, or (2) to commit ground forces in pursuit of its objectives. A third option, that of drastically increasing the scope and scale of the bombing, was rejected because of the concomitant high risk of inviting Chinese intervention."

And so within a month, the account continues, with the Administration recognizing that the bombing would not work quickly enough, the crucial decision was made to put the two Marine battalions already in South Vietnam on the offensive. The 3,500 marines landed at Danang on March 8—bringing the total United States force in South Vietnam to 27,000. The restricted mission of the marines had been the static defense of the Danang airfield.

ORDERS PUT IN WRITING

As a result of the President's wish to keep the shift of mission from defense to offense imperceptible to the public, the April 1 decision received no publicity "until it crept out almost by accident in a State Department release on 8 June," in the words of the Pentagon study.

The day before, the hastily improvised static security and enclave strategies of the spring were overtaken by a request from Gen. William C. Westmoreland, the American commander in Saigon, for nearly 200,000 troops. He wanted these forces, the Pentagon study relates, to hold off defeat long enough to make possible a further build-up of American troops.

"Swiftly and in an atmosphere of crisis," the study says, President Johnson gave his approval to General Westmoreland's request a little more than a month later, in mid-July. And once again, the study adds, Mr. Johnson concealed his decision.

But the President, the narrative continues, was now heeding the counsel of General Westmoreland to embark on a full-scale ground war. The study for this period concludes that Mr. Johnson and most of his Administration were in no mood for compromise on Vietnam.

As an indication of the Administration's mood during this period, the study cites "a marathon public-information campaign" conducted by Secretary of State Dean Rusk late in February and early in March as sustained bombing was getting under way.

Mr. Rusk, the study says, sought "to signal a seemingly reasonable but in fact quite tough U.S. position on negotiations, demanding that Hanoi 'stop doing what it is doing against its neighbors' before any negotiations could prove fruitful.

"Rusk's disinterest in negotiations at this time was in concert with the view of virtually all of the President's key advisers, that the path to peace was not then open," the Pentagon account continues. "Hanoi held sway over more than half of South Vietnam and could see the Saigon Government crumbling before her very eyes. The balance of power at this time simply did not furnish the U.S. with a basis for bargaining and Hanoi had no reason to accede to the hard terms that the U.S. had in mind. Until military pressures of North Vietnam could tilt the balance of forces the other way, talk of negotiation could be little more than a hollow exercise."

A POSITION OF COMPROMISE

The study also says that two of the President's major moves involving the bombing campaign in the spring of 1965 were designed, among other aims, to quiet critics and obtain public support for the air war by striking a position of compromise. But in fact, the account goes on, the moves masked publicly unstated conditions for peace that "were not 'compromise' terms, but more akin to a 'cease and desist' order that, from the D.R.V./VC point of view, was tantamount to a demand for their surrender." "D.R.V." denotes the Democratic Republic of Vietnam; "VC" the Vietcong.

In Mr. Johnson's first action, his speech at the Johns Hopkins University in Baltimore on April 7, he offered to negotiate "without posing any preconditions" and also held out what the study calls a "billion-dollar carrot" in the form of a regional economic-development program for the Mekong Delta, financed by the United States, in which North Vietnam might participate.

The second action was the unannounced five-day pause in bombing in May, during which the President called upon Hanoi to accept a "political solution" in the South. This "seemed to be aimed more at clearing the decks for a subsequent intensified resumption than it was at evoking a reciprocal act of deescalation by Hanoi,' the study says. Admiral Raborn, in his May 6 memorandum, had suggested a pause for this purpose and as an opportunity for Hanoi "to make concessions with some grace."

The air attacks had begun Feb. 8 and Feb. 11 with reprisal raids, code-named Operations Flaming Dart I and II, announced as retaliation for Vietcong attacks on American installations at Pleiku and Quinhon.

In public Administration statements on the air assaults, the study goes on, President Johnson broadened "the reprisal concept as gradually and imperceptibly as possible" into sustained air raids against the North, in the same fashion that the analyst describes him blurring the shift from defensive to offensive action on the ground during the spring and summer of 1965.

The study declares that the two February strikes—unlike the Tonkin Gulf reprisals in August, 1964, which were tied directly to a North Vietnamese attack on American ships—were publicly associated with a "larger pattern of aggression" by North Vietnam. Flaming Dart II, for example, was characterized as "a generalized response to 'continued acts of aggression,'" the account notes.

"Although discussed publicly in very muted tones," it goes on, "the second Flaming Dart operation constituted a sharp break with past U.S. policy and set the stage for the continuing bombing program that was now to be launched in earnest."

In another section of the study, a Pentagon analyst remarks that "the change in ground rules . . . posed serious public-information and stage-managing problems for the President."

It was on Feb. 13, two days after this second reprisal, that Mr. Johnson ordered Operation Rolling Thunder. An important influence on his unpublicized decision was a memorandum from his special assistant for national security affairs, McGeorge Bundy, who was heading a fact-finding mission in Vietnam when the Vietcong attack at Plieku occurred on Feb. 7. With Mr. Bundy were Assistant Secretary of Defense John T. McNaughton and Deputy Assistant Secretary of State Leonard Unger.

"A policy of sustained reprisal against North Vietnam" was the strategy advocated by Mr. Bundy in his memorandum, drafted on the President's personal Boeing 707, Air Force One, while returning from Saigon the same day. [See text, Bundy memorandum, Feb. 7, 1965.]"

The memorandum explained that the justification for the air attacks against the North, and their intensity, would be keyed to the level of Vietcong activity in the South.

SUSTAINED PRESSURE SOUGHT

"We are convinced that the political values of reprisal require a continuous operation," Mr. Bundy wrote. "Episodic responses geared on a one-for-one basis to 'spectacular' outrages would lack the persuasive force of sustained pressure. More important still, they would leave it open to the Communists to avoid reprisals entirely by giving up only a small element of their own program. . . . It is the great merit of the proposed scheme that to stop it the Communists would have to stop enough of their activity in the South to permit the probable success of a determined pacification effort."

The analyst notes, however, that Mr. Bundy's memorandum was a "unique articulation of a rationale for the Rolling Thunder policy" because Mr. Bundy held out as the immediate benefit an opportunity to rally the anti-Communist elements in the South and achieve some political stability and progress in pacification. "Once such a policy is put in force," Mr. Bundy wrote, in summary conclusions to his memorandum," we shall be able to speak in Vietnam on many topics and in many ways, with growing force and effectiveness."

It was also plausible, he said, that bombing in the North, "even in a low key, would have a substantial depressing effect upon the morale of Vietcong cadres in South Vietnam."

Mr. Bundy, the study remarks, thus differed from most other proponents of bombing. These included Ambassador Maxwell D. Taylor, who despaired of improving the Saigon Government's effectiveness and who wanted bombing primarily as a will-breaking device "to inflict such pain or threat of pain upon the D.R.V. that it would be compelled to order a stand-down of Viet Cong violence," in the study's words.

As several chapters of the Pentagon study show, a number of Administration strategists—particularly Walt W. Rostow, chairman of the State Department's Policy Planning Council—had assumed for years that "calculated doses" of American air power would accomplish this end.

Mr. Bundy, while not underrating the bombing's "impact on Hanoi" and its use "as a means of affecting the will of Hanoi," saw this as a "longer-range purpose."

"THIS PROGRAM SEEMS CHEAP"

The bombing might not work. Mr. Bundy acknowledged. "Yet measured against the costs of defeat in Vietnam," he wrote, "this program seems cheap. And even if it fails to turn the tide—as it may—the value of the effort seems to us to exceed its cost."

President Johnson informed Ambassador Taylor of his Rolling Thunder decision in a cablegram drafted in the White House and transmitted to Saigon late in the afternoon of Sunday, Feb. 13.

The cable told the Ambassador that "we will execute a program of measured and limited air action jointly with the GVN [the Government of Vietnam] against selected military targets in D.R.V. remaining south of the 19th Parallel until further notice."

"Our current expectation," the message added, "is that these attacks might come about once or twice a week and involve two or three targets on each day of operation." [See text of White House cable, Feb. 13.]

Mr. Johnson said he hoped "to have appropriate GVN concurrence by Monday if possible. . . ."

The study recounts that "Ambassador Taylor received the news of the President's new program with enthusiasm. In his response, however, he explained the difficulties he faced in obtaining authentic GVN concurrence 'in the condition of virtual nongovernment' which existed in Saigon at that moment."

Gen. Nguyen Khanh, the nominal commander of the South Vietnamese armed forces, had ousted the civilian cabinet of Premier Tran Van Huong on Jan. 27. Led by Air Vice Marshal Nguyen Cao Ky, a group of young generals—the so-called Young Turks—were in turn intriguing against General Khanh.

(A footnote in the account of the first reprisal strikes, on Feb. 8, says that Marshal Ky, who led the South Vietnamese planes participating in the raid, caused "consternation" among American target controllers by dropping his bombs on the wrong targets. "In a last minute switch," the footnote says, Marshal Ky "dumped his flight's bomb loads on an unassigned target in the Vinhlinh area, in order, as he later explained, to avoid colliding with U.S.A.F. aircraft which, he claimed, were striking his originally assigned target when his flight arrived over the target area." Adm. U.S. Grant Sharp, Commander of United States forces in the Pacific, reported the incident to the Joint Chiefs.)

CABLES TO THE EMBASSIES

Referring to the political situation in Saigon, the account says: "This Alice-in-Wonderland atmosphere notwithstanding, Taylor was undaunted."

"It will be interesting to observe the effect of our proposal on the internal political situation here," the Ambassador cabled back to Mr. Johnson in Washington about the bombing. "I will use the occasion to emphasize that a dramatic change is occurring in U.S. policy, one highly favorable to GVN interests but demanding a parallel dramatic change of attitude on the part of the GVN. Now is the time to install the best possible Government as we are clearly approaching a climax in the next few months."

Ambassador Taylor apparently obtained what concurrence was possible and on Feb. 8 another cable went out from the State Department to London and eight United States Embassies in the Far East besides the one in Saigon. The message told the ambassadors of the forthcoming bombing campaign and instructed them to "inform head of government or State (as appropriate) of above in strictest confidence and report reactions." (See text, cable to U.S. envoys, Feb. 18.)

Both McGeorge Bundy and Ambassador Taylor had recommended playing down publicity on the details of the raids. "Careful public statements of U.S.G. (United States Government), combined with fact of continuing air actions, are expected to make it clear that military action will continue while aggression continues," the cable said. "But focus of public attention will be kept as far as possible on DRV aggression; not on joint GVN/US military operations.

The President had scheduled the first of the sustained raids Rolling Thunder I, for Feb. 20. Five hours after the State Department transmitted that cable, a perennial Saigon plotter, Col. Pham Ngoc Thao, staged an unsuccessful "semi-coup" against General Khanh and "pandemonium reigned in Saigon," the study recounts. "Ambassador Taylor promptly recommended cancellation of the Feb. 20 air strikes and his recommendation was equally promptly accepted" by Washington, the Pentagon study says.

The State Department sent a cablegram to the various embassies rescinding the instructions to notify heads of government or state of the planned air war until further notice "in view of the disturbed situation in Saigon."

The situation there, the study says, remained "disturbed" for nearly a week while the Young Turks also sought to get rid of General Khanh.

"The latter made frantic but unsuccessful efforts to rally his supporters," the study says, and finally took off in his plane to avoid having to resign as commander in chief. "Literally running out of gas in Nhatrang shortly before dawn on Feb. 21, he submitted his resignation, claiming that a 'foreign hand' was behind the coup. No one, however, could be quite certain that Khanh might not 're-coup' once again, unless he were physically removed from the scene."

This took three more days to accomplish, and on Feb. 25 General Khanh finally went into permanent exile as an ambassador at large, with Ambassador Taylor seeing him off at the airport, "glassily polite," in the study's words. "It was only then that Taylor was able to issue, and Washington could accept, clearance for the long-postponed and frequently rescheduled first Rolling Thunder strike."

Less than three weeks earlier, in his memorandum to the President predicting that "a policy of sustained reprisal" might bring a better government in Saigon. McGeorge Bundy had said he did not agree with Ambassador Taylor that General Khanh "must somehow be removed from the . . . scene."

"We see no one else in sight with anything like his ability to combine military authority with some sense of politics," the accounts quotes Mr. Bundy as having written.

In the meantime two more Rolling Thunder strikes—II and III—had also been scheduled and then canceled because, the study says, the South Vietnamese Air Force was on "coup alert," in Saigon.

During part of this period, air strikes against North Vietnam were also inhibited by a diplomatic initiative from the Soviet Union and Britain. They moved to reactivate their co-chairmanship of the 1954 Geneva conference on Indochina to consider the current Vietnam crisis. Secretary Rusk cabled Ambassador Taylor that the diplomatic initiative would not affect Washington's decision to begin the air war, merely its timing.

According to the Pentagon study the Administration regarded the possibility of reviving the Geneva conference of 1954, which had ended the French Indochina War, "not as a potential negotiating opportunity, but as a convenient vehicle for public expression of a tough U.S. position."

But, the account adds, this "diplomatic gambit" had "languished" by the time General Khanh left Saigon, and the day of his departure Mr. Johnson scheduled a strike, Rolling Thunder IV, for Feb. 26.

The pilots had been standing by, for nearly a week, with the orders to execute a strike being canceled every 24 hours.

But the order to begin the raid was again canceled, a last time, by monsoon weather for four more days.

Rolling Thunder finally rolled on March 2, 1965, when F–100 Super Sabre and F–105 Thunderchief jets of the United States Air Force bombed an ammunition depot at Xombang while 19 propeller-driven A–1H fighter-bombers of South Vietnam struck the Quangkhe naval base.

The various arguments in the Administration over how the raids ought to be conducted, which had developed during the planning stages, were now revived in sharper forms by the opening blow in the actual air war.

Secretary McNamara, whose attention to management of resources and cost-effectiveness is cited repeatedly by the study, was concerned about improving the military efficiency of the bombing even before the sustained air war got under way.

He had received bomb damage assessments on the two reprisal strikes in February, reporting that of 491 buildings attacked, only 47 had been destroyed and 22 damaged. The information "caused McNamara to fire off a rather blunt memorandum" to General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, on Feb. 17, the account says.

I AM QUITE SATISFIED

"Although the four missions [flown during the two raids] left the operations at the targets relatively unimpaired, I am quite satisfied with the results," Mr. McNamara began. "Our primary objective, of course, was to communicate our political resolve. This I believe we did. Future communications or resolve, however, will carry a hollow ring unless we accomplish more military damage than we have to date. . . . Surely we cannot continue for months accomplishing no more with 267 sorties than we did on these four missions." A sortie is a flight by a single plane.

General Wheeler replied that measures were being taken to heighten the destructiveness of the strikes and said that one way to accomplish this was to give the operational commander on the scene "adequate latitude" to attack the target as he saw fit, rather than seeking to control the details from Washington.

One measure approved by the President on March 9 was the use of napalm in North Vietnam.

And the day before, the day that 3,500 marines came ashore at Danang to protect the airfield there. Ambassador Taylor had already expressed, in two cables to Washington, what the historian describes as "sharp annoyance" with the "unnecessary timid and ambivalent" way in which the air war was being conducted.

No air strikes had been authorized by the President beyond the initial Rolling Thunder raids that began on March 2, and, according to the study, the Ambassador was irritated at "the long delays between strikes, the marginal weight of the attacks and the great ado about behind-the-scenes diplomatic feelers."

GENERAL WESTMORELAND CONCURS

With the concurrence of General Westmoreland, Ambassador Taylor proposed "a more dynamic schedule of strikes, a several week program relentlessly marching north" beyond the 19th Parallel, which President Johnson had so far set as a limit, "to break the will of the D.R.V."

Ambassador Taylor cabled: "Current feverish diplomatic activity particularly by French and British" was interfering with the ability of the United States to "progressively turn the screws on D.R.V."

"It appears to me evident that to date D.R.V. leaders believe air strikes at present levels on their territory are meaningless and that we are more susceptible to international pressure for negotiations than they are," the Ambassador said. He cited as evidence a report from J. Blair Seaborn, the Canadian member of the International Control Commission, who, in Hanoi earlier that month, had performed one of a series of secret diplomatic missions for the United States.

Mr. Seaborn had been sent back to convey directly to the Hanoi leaders an American policy statement on Vietnam that had been delivered to China on Feb. 24 through its embassy in Warsaw.

NO DESIGNS ON THE D.R.V.

In essence, the Pentagon study reports, the policy statement said that while the United States was determined to take whatever measures were necessary to maintain South Vietnam, it "had no designs on the territory of North Vietnam, nor any desire to destroy the D.R.V."

The delivery of the message to the Chinese was apparently aimed at helping to stave off any Chinese intervention as a result of the forthcoming bombing campaign.

But the purpose in sending Mr. Seaborn back, the study makes clear, was to convey the obvious threat than Hanoi now faced "extensive future destruction of . . . military and economic investments" if it did not call off the Vietcong guerrillas and accept a separate, non-Communist South.

Premier Pham Van Dong of North Vietnam, who had seen Mr. Seaborn on two earlier visits, declined this time, and the Canadian had to settle for the chief North Vietnamese liaison officer for the commission, to whom he read Washington's statement.

The North Vietnamese officer, the account says, commented that the message "contained nothing new and that the North Vietnamese had already received a briefing on the Warsaw meeting" from the Chinese Communists.

This treatment led the Canadian to sense "a mood of confidence" among the Hanoi leaders, Ambassador Taylor told Washington in a cablegram, and Mr. Seaborn felt "that Hanoi has the impression that our air strikes are a limited attempt to improve our bargaining position and hence are no great cause for immediate concern."

"Our objective should be to induce in D.R.V. leadership an attitude favorable to U.S. objectives in as short a time as possible in order to avoid a build-up of international pressure to negotiate," the Ambassador said.

Therefore, he went on, it was necessary to "begin at once a progression of U.S. strikes north of 19th Parallel in a slow but steadily ascending movement to dispel any illusions in Hanoi.

"If we tarry too long in the south [below the 19th Parallel], we will give Hanoi a weak and misleading signal which will work against our ultimate purpose," he said.

The next Rolling Thunder strikes, on March 14 and 15, were the heaviest of the air war so far, involving 100 American and 24 South Vietnamese planes against barracks and depots on Tiger Island off the North Vietnamese coast and the ammunition dump near Phuqui, 100 miles southwest of Hanoi.

For the first time, the planes used napalm against the North, a measure approved by Mr. Johnson on May 9 to achieve the more efficient destruction of the targets that Mr. McNamara was seeking and to give the pilots protection from antiaircraft batteries.

MOUNTING CRESCENDO URGED

But the Ambassador regarded these, too, as an "isolated, stage-managed joint U.S./GVN operation," the Pentagon study says. He sent Washington another cable, saying that "through repeated delays we are failing to give the mounting crescendo to Rolling Thunder which is necessary to get the desired results."

Meanwhile, Admiral Sharp in Honolulu and the Joint Chiefs in Washington were quickly devising a number of other programs to broaden and intensify the air war now that it had begun.

On March 21, Admiral Sharp proposed a "radar busting day" to knock out the North Vietnamese early-warning system, and a program "to attrite harass and interdict the D.R.V. south" of the 20th Parallel by cutting lines of communication, "LOC" in official terminology.

The "LOC cut program" would choke off traffic along all roads and rail lines through southern North Vietnam by bombing strikes and would thus squeeze the flow of supplies into the South.

"All targets selected are extremely difficult or impossible to bypass," the admiral said in a cable to the Joint Chiefs. "LOC network cutting in this depth will degrade tonnage arrivals at the main 'funnels' and will develop a broad series of new targets such as backed-up convoys, offloaded materiel dumps and personnel staging areas at one or both sides of cuts."

These probable effects might in turn "force major D.R.V. log flow to sea-carry and into surveillance and attack by our SVN [South Vietnamese] coastal sanitization forces," the admiral added.

In Washington at this time, the narrative goes on, the Joint Chiefs were engaged in an "interservice division" over potential ground-troop deployments to Vietnam and over the air war itself.

Gen. John P. McConnell, Chief of Staff of the Air Force adopted a "maverick position" and was arguing for a short and violent 28-day bombing campaign. All of the targets on the original 94-target list drawn up in May, 1964, from bridges to industries, would be progressively destroyed.

"He proposed beginning the air strikes in the southern part of North Vietnam and continuing at two- to six-day intervals until Hanoi was attacked," the study continues.

The raids would be along the lines of the mighty strikes, including the use of B-52 bombers, that the Joint Chiefs had proposed in retaliation for the Vietnam mortar attack in Beinhoa airfield on Nov. 1, 1964, the narrative says. General McConnell contended that his plan was consistent with previous bombing proposals by the Joint Chiefs.

The general abandoned his proposal, however, when the other members of the Joint Chiefs decided to incorporate Admiral Sharp's "LOC cut program" and some of General McConnell's individual target concepts into a bombing program of several weeks. They proposed this to Mr. McNamara on March 27.

This plan proposed an intense bombing campaign that would start on road and rail lines south of the 20th Parallel and then "march north" week by week to isolate North Vietnam from China gradually by cutting road and rail lines above Hanoi. In later phases upon which the Joint Chiefs had not yet fully decided, the port facilities were to be destroyed to isolate North Vietnam from the sea. Then industries outside populated areas would be attacked "leading up to a situation where the enemy will realize that the Hanoi and Haiphong areas will be the next logical targets in our continued air campaign."

But the President and Mr. McNamara declined to approve any multiweek program, the study relates. "They clearly preferred to retain continual personal control over attack concepts and individual target selection."

ALTERNATE TARGETS APPROVED

In mid-March, after a Presidential fact-finding trip to Vietnam by Gen. Harold K. Johnson, the Army Chief of Staff, the President did regularize the bombing campaign and relaxed some of the restrictions. Among the innovations was the selection of the targets in weekly packages with the precise timing of the individual attacks left to the commanders on the scene. Also, "the strikes were no longer to be specifically related to VC atrocities" and "publicity on the strikes was to be progressively reduced," the study says.

The President did not accept two recommendations from General Johnson relating to a possible ground war. They were to dispatch a division of American troops to South Vietnam to hold coastal enclaves or defend the Central Highlands in order to free Saigon Government forces for offensive action against the Vietcong. The second proposal was to create a four-division force of American and Southeast Asia Treaty Organization troops, who, to interdict infiltration, would patrol both the demilitarized zone along the border separating North and South Vietnam and the Laotian border region.

Better organization for the air war meant that concepts such as Admiral Sharp's "LOC cut program" and his "radar busting" were now incorporated into the weekly target packages. But President Johnson and Secretary McNamara continued to select the targets and to communicate them to the Joint Chiefs—and thus, eventually, to the operating strike forces—in weekly Rolling Thunder planning messages issued by the Secretary of Defense.

HOPES WERE WANING

Operation Rolling Thunder was thus being shifted from an exercise in air power "dominated by political and psychological considerations" to a "militarily more significant, sustained bombing program" aimed at destroying the capabilities of North Vietnam to support a war in the south.

But the shift also meant that "early hopes that Rolling Thunder could succeed by itself" in persuading Hanoi to call off the Vietcong were also waning.

"The underlying question that was being posed for the Administration at this time was well formulated," the study says, by John McNaughton in a memorandum drafted on March 24 for Secretary McNamara in preparation for the April 1–2 National Security Council meetings.

"Can the situation inside SVN be bottomed out (a) without extreme measures against the DRV and/or (b) without deployment of large number of U.S. (and other) combat troops inside SVN?"

Mr. McNaughton's answer was "perhaps, but probably no." [See Text, McNaughton action plan, March 24.]

General Wetsmoreland stated his conclusions in a half-inch-thick report labeled "Commander's Estimate of the situation in SVN." The document, "a classic Leavenworth-style analysis," the analyst remarks, referring to the Command and General Staff College, was completed in Saigon on March 26 and delivered to Washington in time for the April 1–2 strategy meeting.

The Saigon military commander and his staff had begun working on this voluminous report on March 13, the day after General Johnson left Vietnam with his ground war proposals of an American division to hold enclaves and a four-division American and SEATO force along the borders, the study notes.

General Westmoreland predicted that the bombing campaign against the North would not show tangible results until June at the earliest, and that in the meantime the South Vietnamese Army needed American reinforcements to hold the line against growing Vietcong strength and to carry out an "orderly" expansion of its own ranks.

And, paraphrasing the report, the study says that the general warned that the Saigon troops, "although at the moment performing fairly well, would not be able in the face of a VC summer offensive to hold in the South long enough for the bombing to become effective."

General Westmoreland asked for reinforcements equivalent to two American divisions, a total of about 70,000 troops, counting those already in Vietnam.

They included 17 maneuver battalions. The general proposed adding two more Marine battalion landing teams to the two battalions already at Danang in order to establish another base at the airfield at Phubai to the north; putting an Army brigade into the Bienhoa-Vungtau area near Saigon, and using two more Army battalions to garrison the central coastal ports of Quinhon and Nhatrang as logistics bases. These bases would sustain an army division that General Westmoreland proposed to send into active combat in the strategic central highlands inland to "defeat" the Vietcong who were seizing control there.

General Westmoreland said that he wanted the 17 battalions and their initial supporting elements in South Vietnam by June and indicated that more troops might be required thereafter if the bombing failed to achieve results.

The Saigon military commander and General Johnson were not alone in pressing for American ground combat troops to forestall a Vietcong victory, the study points out.

On March 20, the Joint Chiefs as a body

had proposed sending two American divisions and one South Korean division to South Vietnam for offensive combat operations against the guerrillas.

Secretary McNamara, the Joint Chiefs and Ambassador Taylor all discussed the three-division proposal on March 29, the study relates, while the Ambassador was in Washington for the forthcoming White House strategy conference.

The Ambassador opposed the plan, the study says, because he felt the South Vietnamese might resent the presence of so many foreign troops—upwards of 100,000 men—and also because he believed there was still no military necessity for them.

The Joint Chiefs "had the qualified support of McNamara," however, the study continues, and was one of the topics discussed at the national security council meeting.

CONCERN WITH DEPLOYMENT

Thus, the study says, at the White House strategy session of April 1–2, "the principal concern of Administration policy makers at this time was with the prospect of major deployment of U.S. and third-country combat forces to SVN."

A memorandum written by McGeorge Bundy before the meeting, which set forth the key issues for discussion and decision by the President, "gave only the most superficial treatment to the complex matter of future air pressure policy," the Pentagon analyst remarks.

The morning that Ambassador Taylor left Saigon to attend the meeting, March 29, the Vietcong guerrillas blew up the American Embassy in Saigon in what the study calls "the boldest and most direct Communist action against the U.S. since the attacks at Pleiku and Quinhon which had precipitated the Flaming Dart reprisal airstrikes."

Admiral Sharp requested permission to launch a "spectacular" air raid on North Vietnam in retaliation, the narrative continues, but the "plea . . . did not fall on responsive ears" at the White House.

"At this point, the President preferred to maneuver, quietly to help the nation get used to living with the Vietnam crisis. He played down any drama intrinsic in Taylor's arrival" and refused to permit a retaliation raid for the embassy bombing.

"After his first meeting with Taylor and other officials on March 31, the President responded to press inquiries concerning dramatic new developments by saying: "I know of no far-reaching strategy that is being suggested or promulgated."

"But the President was being less than candid," the study observes. "The proposals that were at that moment being promulgated, and on which he reached significant decision the following day, did involve a far-reaching strategy change: acceptance of the concept of U.S. troops engaged in offensive ground operations against Asian insurgents. This issue greatly overshadowed all other Vietnam questions then being reconsidered."

The analyst is referring to the President's decision at the White House strategy conference on April 1–2 to change the mission of the marine battalions at Danang from defense to offense.

McGeorge Bundy embodied the decision in National Security Action Memorandum 328, which he drafted and signed on behalf of the President on April 6. The analyst says that this "pivotal document" followed almost "verbatim" the text of another memorandum that Mr. Bundy had written before the N.S.C. meeting to outline the proposals for discussion and decision by the President.

The Pentagon study notes that the actual landing of 3,500 marines at Danang the previous month had "caused surprisingly little outcry."

Secretary of State Dean Rusk had explained on a television program the day before the marines came ashore that their mission was solely to provide security for the air base and "not to kill the Vietcong," in the words of the study. This initial mission for the marines was later to be referred to as the short-lived strategy of security that would apply only to this American troop movement into South Vietnam.

A DEAD LETTER QUICKLY

The President's decision to change their mission to offense now made the strategy of base security "a dead letter," the study says, when it was less than a month old.

At the April 1–2 meeting, Mr. Johnson had also decided to send ashore two more marine battalions, which General Westmoreland had asked for in a separate request on March 17. Mr. Johnson further decided to increase support forces in South Vietnam by 18,000 to 20,000 men.

The President was "doubtless aware" of the general's additional request for the equivalent of two divisions, and of the Joint Chiefs' for three divisions, the Pentagon account says, but Mr. Johnson took no action on these requests.

"The initial steps in ground build-up appear to have been grudgingly taken," the study says, "indicating that the President . . . and his advisers recognized the tremendous inertial complications of ground troop deployment. Halting ground involvement was seen to be a manifestly greater problem than halting air or naval activity.

"It is pretty clear, then, that the President intended, after the early April N.S.C. meetings, to cautiously and carefully experiment with the U.S. forces in offensive roles," the analyst concludes.

National Security Action Memorandum 328 did not precisely define or limit the offensive role it authorized, and Ambassador Taylor, who had attended the National Security Council meeting during his visit to Washington, was not satisfied with the guidance he received from the State Department. Therefore, on his way back to Saigon on April 4, the Ambassador, formerly resident John F. Kennedy's military adviser and Chairman of the Joint Chiefs, sent a cable from the Honolulu headquarters of the commander of Pacific forces to the State Department, saying:

"I propose to describe the new mission to [Premier Pham Huy] Quat as the use of Marines in a mobile counter-insurgency role in the vicinity of Danang for the improved protection of that base and also in a strike role as a reserve in support of ARVN operations anywhere within 50 miles of the base. This latter employment would follow acquisition of experience on local counter-insurgency missions."

Ambassador Taylor's 50-mile limit apparently became an accepted rule-of-thumb boundary for counterinsurgency strikes.

And so, the analyst sums up, with the promulgation of National Security Action Memorandum 328, "the strategy of security effectively becomes a dead letter on the first of April," and the strategy of enclave begins.

LETTER FROM ROSTOW FAVORING COMMITMENT OF TROOPS BY U.S.

(Personal letter from Walt W. Rostow, chairman of the State Department's Policy Planning Council, to Secretary McNamara, Nov. 16, 1964, "Military Dispositions and Political Signals.")

Following on our conversations of last night I am concerned that too much thought is being given to the actual damage we do in the North, not enough thought to the signal we wish to send.

The signal consists of three parts:

a) damage to the North is now to be inflicted because they are violating the 1954 and 1962 accords;

b) we are ready and able to go much further than our initial act of damage;

c) we are ready and able to meet any level of escalation they might mount in response, if they are so minded.

Four points follow.

1. I am convinced that we should not go forward into the next stage without a US ground force commitment of some kind:

a. The withdrawal of those ground forces could be a critically important part of our diplomatic bargaining position. Ground forces can sit during a conference more easily than we can maintain a series of mounting air and naval pressures.

b. We must make clear that counter escalation by the Communists will run directly into US strength on the ground; and, therefore the possibility of radically extending their position on the ground at the cost of air and naval damage alone, is ruled out.

c. There is a marginal possibility that in attacking the airfield they were thinking two moves ahead; namely, they might be planning a pre-emptive ground force response to an expected US retaliation for the Bien Hoa attack.

2. The first critical military action against North Vietnam should be designed merely to install the principle that they will, from the present forward, be vulnerable to retaliatory attacks in the north for continued violations for the 1954 and 1962 Accords. In other words, we would signal a shift from the principle involved in the Tonkin Gulf response. This means that the initial use of force in the north should be as limited and as unsanguinary as possible. It is the installation of the principle that we are initially interested in, not tit for tat.

3. But our force dispositions to accompany an initial retaliatory move against the north should send three further signals lucidly:

a. that we are putting in place a capacity subsequently to step up direct and naval pressure on the north, if that should be required;

b. that we are prepared to face down any form of escalation North Vietnam might mount on the ground; and

c. that we are putting forces into place to exact retaliation directly against Communist China, if Peiping should join in an escalatory response from Hanoi. The latter could take the form of increased aircraft on Formosa plus, perhaps, a carrier force sitting off China distinguished from the force in the South China Sea.

4. The launching of this track, almost certainly, will require the President to explain to our own people and to the world our intentions and objectives. This will also be perhaps the most persuasive form of communication with Ho and Mao. In addition, I am inclined to think the most direct communication we can mount (perhaps via Vientiane and Warsaw) is desirable, as opposed to the use of cut-outs. They should feel they now confront an LBJ who has made up his mind. Contrary to an anxiety expressed at an earlier stage, I believe it quite possible to communicate the limits as well as the seriousness of our intentions without raising seriously the fear in Hanoi that we intend at our initiative to land immediately in the Red River Delta, in China, or seek any other objective than the re-installation of the 1954 and 1962 Accords.

MEMO FROM ROSTOW ADVOCATING GROUND TROOPS AND AIR ATTACKS

(Memorandum from Mr. Rostow to Secretary Rusk, Nov. 23, 1964, "Some Observations as We Come to the Crunch in Southeast Asia."

I leave for Lima this Saturday for the CIAP and CIES meetings. I presume that in early December some major decisions on Southeast Asia will be made. I should, therefore, like to leave with you some observations on the situation. I have already communicated them to Bill Bundy.

1. We must begin by fastening our minds as sharply as we can around our apprecia-

tion of the view in Hanoi and Peiping of the Southeast Asia problem. I agree almost completely with SNIE 10-3-64 of October 9. Here are the critical passages:

"While they will seek to exploit and encourage the deteriorating situation in Saigon, they probably will avoid actions that would in their view unduly increase the chances of a major US response against North Vietnam (DRV) or Communist China. We are almost certain that both Hanoi and Peiping are anxious not to become involved in the kind of war in which the great weight of superior US weaponry could be brought against them. Even if Hanoi and Peiping estimated that the US would not use nuclear weapons against them, they could not be sure of this. . . .

"In the face of new US pressures against the DRV, further actions by Hanoi and Peiping would be based to a considerable extent on their estimate of US intentions, i.e., whether the US was actually determined to increase its pressures as necessary. Their estimates on this point are probably uncertain, but we believe that fear of provoking severe measures by the US would lead them to temper their responses with a good deal of caution. . . .

"If despite Communist efforts, the US attacks continued, Hanoi's leaders would have to ask themselves whether it was not better to suspend their support of Viet Cong military action rather than suffer the destruction of their major military facilities and the industrial sector of their economy. In the belief that the tide has set almost irreversibly in their favor in South Vietnam, they might calculate that the Viet Cong could stop its military attacks for the time being and renew the insurrection successfully at a later date. Their judgment in this matter might be reinforced by the Chinese Communist concern over becoming involved in a conflict with US air and naval power."

Our most basic problem is, therefore, how to persuade them that a continuation of their present policy will risk major destruction in North Viet Nam; that a preemptive move on the ground as a prelude to negotiation will be met by US strength on the ground; and that Communist China will not be a sanctuary if it assists North Viet Nam in counter-escalation.

2. In terms of force dispositions, the critical moves are, I believe, these.

a. The introduction of some ground forces in South Vietnam and, possibly, in the Laos corridor.

b. A minimal installation of the principle that from the present forward North Viet Nam will be vulnerable to retaliatory attacks for continued violation of the 1954-1962 Accords.

c. Perhaps most important of all, the introduction into the Pacific Theater of massive forces to deal with any escalatory response, including forces evidently aimed at China as well as North Viet Nam, should the Chinese Communists enter the game. I am increasingly confident that we can do this in ways which would be understood—and not dangerously misinterpreted—in Hanoi and Peiping.

3. But the movement of forces, and even bombing operations in the north, will not, in themselves, constitute a decisive signal. They will be searching, with enormous sensitivity, for the answer to the following question: Is the President of the United States deeply committed to reinstalling the 1954-1962 Accords; or is he putting on a demonstration of force that would save face for, essentially, a U.S. political defeat at a diplomatic conference? Here their judgment will depend not merely on our use of force and force dispositions but also on the posture of the President, including commitments he makes to our own people and before the world, and on our follow-through. The SNIE accurately catches the extent of their commitments and their hopes in South Viet Nam and Laos. They will not actually accept a setback until they are absolutely sure that we really mean it. They will be as searching in this matter as Khrushchev was before he abandoned the effort to break our hold on Berlin and as Khrushchev was in searching us out on the Turkish missiles before he finally dismantled and removed his missiles from Cuba. Initial rhetoric and military moves will not be enough to convince them.

4. Given the fundamental assessment in this SNIE, I have no doubt we have the capacity to achieve a reinstallation of the 1954-1962 Accords if we enter the exercise with the same determination and staying power that we entered the long test on Berlin and the short test on the Cuba missiles. But it will take that kind of Presidential commitment and staying power.

5. In this connection, the SNIE is quite sound in emphasizing that they will seek, if they are permitted, either to pretend to call off the war in South Viet Nam, without actually doing so; or to revive it again when the pressure is off. (We can see Castro doing this now in Venezuela.) The nature of guerrilla war, infiltration, etc., lends itself to this kind of ambiguous letdown and reacceleration. This places a high premium on our defining precisely what they have to do to remove the pressure from the north. It is because we may wish to maintain pressure for some time to insure their compliance that we should think hard about the installation of troops not merely in South Viet Nam south of the seventeenth parallel, but also in the infiltration corridor of Laos. The same consideration argues for a non-sanguinary but important pressure in the form of naval blockade which will be easier to maintain during a negotiation or quasi-negotiation phase than bombing operations.

6. The touchstones for compliance should include the following: the removal of Viet Minh troops from Laos; the cessation of infiltration of South Viet Nam from the north; the turning off of the tactical radio network; and the overt statement on Hanoi radio that the Viet Cong should cease their operations and pursue their objectives in South Viet Nam by political means. On the latter point, even if contrary covert instructions are given, an overt statement would have important political and psychological impact.

7. As I said in my memorandum to the President of June 6, no one can be or should be dogmatic about how much of a war we still would have—and for how long—if the external element were thus radically reduced or eliminated. The odds are pretty good, in my view, that, if we do these things in this way, the war will either promptly stop or we will see the same kind of fragmentation of the Communist movement in South Viet Nam that we saw in Greece after the Yugoslav frontier was closed by the Tito-Stalin split. But we can't proceed on that assumption. We must try to gear this whole operation with the best counter-insurgency effort we can mount with our Vietnamese friends outside the country; and not withdraw US forces from Viet Nam until the war is truly under control. (In his connection, I hope everyone concerned considers carefully RAND proposal of November 17, 1964, entitled "SIAT: Single Integrated Attack Team, A Concept for Offensive Military Operations in South Viet-Nam.")

8. I do not see how, if we adopt this line, we can avoid heightened pressures from our allies for either Chinese Communist entrance into the UN or for a UN offer to the Chinese Communists on some form of two-China basis. This will be livable for the President and the Administration if—but only if—we get a clean resolution of the Laos and South Viet Nam problems. The publication of a good Jordan Report will help pin our allies to the wall on a prior reinstallation of the 1954 and 1962 Accords.

9. Considering these observations as a whole, I suspect what I am really saying is that our assets, as I see them, are sufficient to see this thing through if we enter the exercise with adequate determination to succeed. I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome which flows from the simple fact that at this stage of history we are the greatest power in the world—if we behave like it.

10. In the President's public exposition of his policy, I would now add something to the draft I did to accompany the June 6 memorandum to the President. I believe he should hold up a vision of an Asian community that goes beyond the Mekong passage in that draft. The vision, essentially, should hold out the hope that if the 1954 and 1962 Accords are reinstalled, these things are possible:

a. peace;

b. accelerated economic development;

c. Asians taking a larger hand in their own destiny;

d. as much peaceful coexistence between Asian Communists and non-Communists as the Communists wish.

11. A scenario to launch this track might begin as follows:

A. A Presidential decision, communicated to but held by the Congressional leaders. Some leakage would not be unhelpful.

B. Immediate movement of relevant forces to the Pacific.

C. Immediate direct communication to Hanoi to give them a chance to back down before faced with our actions, including a clear statement of the limits of our objectives but our absolute commitment to them.

D. Should this first communication fail (as is likely) installation of our ground forces and naval blockade, plus first attack in North, to be accompanied by publication up-dated Jordan Report and Presidential speech.

McGEORGE BUNDY MEMO TO JOHNSON ON "SUSTAINED REPRISAL" POLICY

(Annex A, "A Policy of Sustained Reprisal," to memorandum to President Lyndon B. Johnson from McGeorge Bundy, Presidential assistant for national security, Feb. 7, 1965.)

I. INTRODUCTORY

We believe that the best available way of increasing our chance of success in Vietnam is the development and execution of a policy of *sustained reprisal* against North Vietnam—a policy in which air and naval action against the North is justified by and related to the whole Viet Cong campaign of violence and terror in the South.

While we believe that the risks of such a policy are acceptable, we emphasize that its costs are real. It implies significant U.S. air losses even if no full air war is joined, and it seems likely that it would eventually require an extensive and costly effort against the whole air defense system of North Vietnam. U.S. casualties would be higher—and more visible to American feelings—than those sustained in the struggle in South Vietnam.

Yet measured against the costs of defeat in Vietnam, this program seems cheap. And even if it fails to turn the tide—as it may—the value of the effort seems to us to exceed its cost.

II. OUTLINE OF THE POLICY

1. In partnership with the Government of Vietnam, we should develop and exercise the option to retaliate against any VC act of violence to persons or property.

2. In practice, we may wish at the outset to relate our reprisals to those acts of relatively high visibility such as the Pleiku incident. Later, we might retaliate against the

assassination of a province chief, but not necessarily the murder of a hamlet official; we might retaliate against a grenade thrown into a crowded cafe in Saigon, but not necessarily to a shot fired into a small shop in the countryside.

3. Once a program of reprisals is clearly underway, it should not be necessary to conduct each specific act against North Vietnam to a particular outrage in the South. It should be possible, for example, to publish weekly lists of outrages in the South and to have it clearly understood that these outrages are the cause of such action against the North as may be occurring in the current period. Such a more generalized pattern of reprisal would remove much of the difficulty involved in finding precisely matching targets in response to specific atrocities. Even in such a more general pattern, however, it would be important to insure that the general level of reprisal action remained in close correspondence with the level of outrages in the South. We must keep it clear at every stage both to Hanoi and to the world, that our reprisals will be reduced or stopped when outrages in the South are reduced or stopped—and that we are not attempting to destroy or conquer North Vietnam.

4. In the early stages of such a course, we should take the appropriate occasion to make clear our firm intent to undertake reprisals on any further acts, major or minor, that appear to us and the GVN as indicating Hanoi's support. We would announce that our two governments have been patient and forebearing in the hope that Hanoi would come to its senses without the necessity of our having to take further action; but the outrages continue and now we must react against those who are responsible; we will not provoke; we will not use our force indiscriminately, but we can no longer sit by in the face of repeated acts of terror and violence for which the DRV is responsible.

5. Having once made this announcement, we should execute our reprisal policy with as low a level of public noise as possible. It is to our interest that our acts should be seen—but we do not wish to boast about them in ways that make it hard for Hanoi to shift its ground. We should instead direct maximum attention to the continuing acts of violence which are the cause of our continuing reprisals.

6. This reprisal policy should begin at a low level. Its level of force and pressure should be increased only gradually—and as indicated above should be decreased if VC terror visibly decreases. The object would not be to "win" an air war against Hanoi, but rather to influence the course of the struggle in the South.

7. At the same time it should be recognized that in order to maintain the power of reprisal without risk of excessive loss, an "air war" may in fact be necessary. We should therefore be ready to develop a separate justification for energetic flak suppression and if necessary for the destruction of Communist air power. The essence of such an explanation should be that these actions are intended solely to insure the effectiveness of a policy of reprisal, and in no sense represent any intent to wage offensive war against the North. These distinctions should not be difficult to develop.

8. It remains quite possible, however, that this reprisal policy would get us quickly into the level of military activity contemplated in the so-called Phase II of our December planning. It may even get in, beyond this level with both Hanoi and Peiking, if there is Communist counter-action. We and the GVN should also be prepared for a spurt of VC terrorism, especially in urban areas, that would dwarf anything yet experienced. These are the risks of any action. They should be carefully reviewed—but we believe them to be acceptable.

9. We are convinced that the political values of reprisal require a *continuous* operation. Episodic responses geared on a one-for-one basis to "spectacular" outrages would lack the persuasive force of sustained pressure. More important still, they would leave it open to the Communists to avoid reprisals entirely by giving up only a small element of their own program. The Gulf of Tonkin affair produced a sharp upturn in morale in South Vietnam. When it remained an isolated episode, however, there was a severe relapse. It is the great merit of the proposed scheme that to stop it the Communists would have to stop enough of their activity in the South to permit the probable success of a determined pacification effort.

III. EXPECTED EFFECT OF SUSTAINED REPRISAL POLICY

1. We emphasize that our primary target in advocating a reprisal policy is the improvement of the situation in South Vietnam. Action against the North is usually urged as a means of affecting the will of Hanoi to direct and support the VC. We consider this an important but longer-range purpose. The immediate and critical targets are in the South—in the minds of the South Vietnamese and in the minds of the Viet Cong cadres.

2. Predictions of the effect of any given course of action upon the states of mind of people are difficult. It seems very clear that if the United States and the Government of Vietnam join in a policy of reprisal, there will be a sharp immediate increase in optimism in the South, among nearly all articulate groups. The Mission believes—and our own conversations confirm—that in all sectors of Vietnamese opinion there is a strong belief that the United States could do much more if it would, and that they are suspicious of our failure to use more of our obviously enormous power. At least in the short run, the reaction to reprisal policy would be very favorable.

3. This favorable reaction should offer opportunity for increased American influence in pressing for a more effective government—at least in the short run. Joint reprisals would imply military planning in which the American role would necessarily be controlling, and this new relation should add to our bargaining power in other military efforts—and conceivably on a wider plane as well if a more stable government is formed. We have the whip hand in reprisals as we do not in other fields.

4. The Vietnamese increase in hope could well increase the readiness of Vietnamese factions themselves to join together in forming a more effective government.

5. We think it plausible that effective and sustained reprisals, even in a low key, would have a substantial depressing effect upon the morale of Viet Cong cadres in South Vietnam. This is the strong opinion of CIA Saigon. It is based upon reliable reports of the initial Viet Cong reaction to the Gulf of Tonkin episode, and also upon the solid general assessment that the determination of Hanoi and the apparent timidity of the mighty United States are both major items in Viet Cong confidence.

6. The long-run effect of reprisals in the South is far less clear. It may be that like other stimulants, the value of this one would decline over time. Indeed the risk of this result is large enough so that we ourselves believe that a very major effort all along the line should be made in South Vietnam to take full advantage of the immediate stimulus of reprisal policy in its early stages. Our object should be to use this new policy to effect a visible upward turn in pacification, in governmental effectiveness, in operations against the Viet Cong, and in the whole U.S./GVN relationship. It is changes in these areas that can have enduring long-term effects.

7. While emphasizing the importance of reprisals in the South, we do not exclude the impact on Hanoi. We believe, indeed, that it is of great importance that the level of reprisal be adjusted rapidly and visibly to both upward and downward shifts in the level of Viet Cong offenses. We want to keep before Hanoi the carrot of our desisting as well as the stick of continued pressure. We also need to conduct the application of force so that there is always a prospect of worse to come.

8. We cannot assert that a policy of sustained reprisal will succeed in changing the course of the contest in Vietnam. It may fail, and we cannot estimate the odds of success with any accuracy—they may be somewhere between 25% and 75%. What we can say is that even if it fails, the policy will be worth it. At a minimum it will damp down the charge that we did not do all that we could have done, and this charge will be important in many countries, including our own. Beyond that, a reprisal policy—to the extent that it demonstrates U.S. willingness to employ this new norm in counter-insurgency—will set a higher price for the future upon all adventures of guerrilla warfare, and it should therefore somewhat increase our ability to deter such adventures. We must recognize, however, that that ability will be gravely weakened if there is failure for any reason in Vietnam.

IV. PRESENT ACTION RECOMMENDATIONS

1. This general recommendation was developed in intensive discussions in the days just before the attacks on Pleiku. These attacks and our reaction to them have created an ideal opportunity for the prompt development and execution of sustained reprisals. Conversely, if no such policy is now developed, we face the grave danger that Pleiku, like the Gulf of Tonkin, may be a short-run stimulant and a long-term depressant. We therefore recommend that the necessary preparations be made for continuing reprisals. The major necessary steps to be taken appear to us to be the following:

(1) We should complete the evacuation of dependents.

(2) We should quietly start the necessary westward deployments of [word illegible] contingency forces.

(3) We should develop and refine a running catalogue of Viet Cong offenses which can be published regularly and related clearly to our own reprisals. Such a catalogue should perhaps build on the foundation of an initial White Paper.

(4) We should initiate joint planning with the GVN on both the civil and military levels. Specifically, we should give a clear and strong signal to those now forming a government that we will be ready for this policy when they are.

(5) We should develop the necessary public and diplomatic statements to accompany the initiation and continuation of this program.

(6) We should insure that a reprisal program is matched by renewed public commitment to our family of programs in the South, so that the central importance of the southern struggle may never be neglected.

(7) We should plan quiet diplomatic communication of the precise meaning of what we are and are not doing, to Hanoi, to Peking and to Moscow.

(8) We should be prepared to defend and to justify this new policy by concentrating attention in every forum upon its cause—the aggression in the South.

(9) We should accept discussion on these terms in any forum, but we should not now accept the idea of negotiations of any sort except on the basis of a stand down of Viet Cong violence. A program of sustained reprisal, with its direct link to Hanoi's continuing aggressive actions in the South, will not involve us in nearly the level of international recrimination which would be precipitated by a go-North program which was not so connected. For this reason the international pressures for negotiation should be quite manageable.

DRAFT BY WILLIAM BUNDY ON RESULTS OF POLICY IN 1965

(Draft paper by William Bundy, "Where Are We Heading?," Feb. 18, 1965. An attached note, dated June 25, says, "Later than November paper, and unfinished.")

This memorandum examines possible developments and problems if the U.S. pursues the following policy with respect to South Viet-Nam:

a. Intensified pacification within South Viet-Nam. To meet the security problem, this might include a significant increase in present US force strength.

b. A program of measured, limited, and spaced air attacks, jointly with the GVN, against the infiltration complex in the DRV. Such attacks would take place at the rate of about one a week, unless spectacular Viet Cong action dictated an immediate response out of sequence. The normal pattern of such attacks would comprise one GVN and one U.S. strike on each occasion, confined to targets south of the 19th parallel, with variations in severity depending on the tempo of VC action, but with a slow upward trend in severity as the weeks went by.

c. That the US itself would take no initiative for talks, but would agree to cooperate in consultations—not a conference—undertaken by the UK and USSR as Co-Chairmen of the Geneva Conference. As an opening move, the British would request an expression of our views, and we would use this occasion to spell out our position fully, including our purposes and what we regard as essential to the restoration of peace. We would further present our case against the DRV in the form of a long written document to be sent to the President of the United Nations Security Council and to be circulated to members of the UN.

1. COMMUNIST RESPONSES

a. Hanoi would almost certainly not feel itself under pressure at any early point to enter into fruitful negotiations or to call off its activity in any way. They would denounce the continued air attacks and seek to whip up maximum world opposition to them. Within South Viet-Nam, they might avoid spectacular actions, but would certainly continue a substantial pattern of activity along past lines, probably with emphasis on the kind of incidents we have seen this week, in which Communist agents stirred up a village "protest" against government air attacks, and against the U.S. Basically, they would see the situation in South Viet-Nam as likely to deteriorate further ("crumble", as they have put it), and would be expecting that at some point someone in the GVN will start secret talks with them behind our backs.

b. Communist China might supply additional air defense equipment to the DRV, but we do not believe they would engage in air operations from Communist China, at least up to the point where the MIGs in the DRV were engaged and we had found it necessary to attack Fukien or possibly—if the MIGs had been moved there—Vinh.

c. The Soviets would supply air defense equipment to the DRV and would continue to protest our air attacks in strong terms. However, we do not believe they would make any new commitment at this stage, and they would probably not do so even if the Chicoms became even more deeply involved—provided that we were not ourselves attacking Communist China. At that point, the heat might get awfully great on them, and they would be in a very difficult position to continue actively working as Co-Chairman. However, their approach to the British on the Co-Chairmanship certainly suggests that they would find some relief in starting to act in that role, and might use it as a hedge against further involvement, perhaps pointing out to Hanoi that the Co-Chairman exercise serves to prevent us from taking extreme action and that Hanoi will get the same result in the end if a political track is operating and if, in fact, South Viet-Nam keeps crumbling. They might also argue to Hanoi that the existence of the political track tends to reduce the chances of the Chicoms having to become deeply involved—which we believe Hanoi does not want unless it is compelled to accept it.

2. Within South Viet-Nam the new government is a somewhat better one, but the cohesive effects of the strikes to date have at most helped things a bit. The latest MACV report indicates a deteriorating situation except in the extreme south, and it is unlikely that this can be arrested in any short period of time even if the government does hold together well and the military go about their business. We shall be very lucky to see a leveling off, much less any significant improvement, in the next two months. In short, we may have to hang on quite a long time before we can hope to see an improving situation in South Viet-Nam—and this in turn is really the key to any negotiating position we could have at any time.

3. On the political track we believe the British will undertake their role with vigor, and that the Soviets will be more reserved. The Soviet can hardly hope to influence Hanoi much at this point, and they certainly have no leverage with Communist China. In the opening rounds, the Soviets will probably fire off some fairly sharp statements that the real key to the situation is for us to get out and to stop our attacks, and the opposing positions are so far apart that it is hard to see any useful movement for some time to come. We might well find the Soviets—or even the Canadians—sounding us out on whether we would stop our attacks in return for some moderation in VC activity. This is clearly unacceptable, and the very least we should hold out on is a verified cessation of infiltration (and radio silence) before we stop our attacks. Our stress on the cessation of infiltration may conceivably lead to the Indians coming forward to offer policing forces—a suggestion they have made before—and this would be a constructive move we could pick up. But, as noted above, Hanoi is most unlikely to trade on this basis for a long time to come.

4. In sum—the most likely prospect is for a prolonged period without major risks of escalation but equally without any give by Hanoi. If, contrary to our present judgment, the GVN should start to do better.

WHITE HOUSE CABLE TO TAYLOR ON THE ROLLING THUNDER DECISION

(Excerpts from cablegram from the State Department to Ambassador Taylor, Feb. 13, 1965, as provided in the body of the Pentagon study. The words in brackets are those of the study. The narative says this message was drafted at the White House.)

The President today approved the following program for immediate future actions in follow-up decisions he reported to you in Deptel 1653. [The first FLAMING DART reprisal decision.]

1. We will intensify by all available means the program of pacification within SVN.

2. We will execute a program of measured and limited air action jointly with GVN against selected military targets in DRV, remaining south of 19th parallel until further notice.

FYI. Our current expectation is that these attacks might come about once or twice a week and involve two or three targets on each day of operation. END FYI.

3. We will announce this policy of measured action in general terms and at the same time, we will go to UN Security Council to make clear case that aggressor is Hanoi. We will also make it plain that we are ready and eager for 'talks' to bring aggression to an end.

4. We believe that this 3-part program must be concerted with SVN, and we currently expect to announce it by Presidential statement diretcly after next authorized air action. We believe this action should take place as early as possible next week.

5. You are accordingly instructed to seek immediate GVN agreement on this program. You are authorized to emphasize our conviction that announcement of readiness to talk is stronger diplomatic position than awaiting inevitable summons to Security Council by third parties. We would hope to have appropriate GVN concurrence by Monday [Feb. 14th] if possible here.

In presenting above to GVN, you should draw fully, as you see fit, on following arguments:

a. We are determined to continue with military actions regardless of Security Council deliberations and any 'talks' or negotiations when [words illegible]. [Beginning of sentence illegible] that they cease [words illegible] and also the activity they are directing in the south.

b. We consider the UN Security Council initiative, following another strike, essential if we are to avoid being faced with really damaging initiatives by the USSR or perhaps by such powers as India, France, or even the UN.

c. At an early point in the Security Council initiative, we would expect to see calls fot the DRV to appear in the UN. If they failed to appear, as in August, this will make doubly clear that it is they who are refusing to desist, and our position in pursuing military actions against the DRV would be strengthened. For some reason we would now hope GVN itself would appear at UN and work closely with US.

d. With or without Hanoi, we have every expectation that any 'talks' that may result from our Security Council initiative would in fact go on for many weeks or perhaps months and would above all focus constantly on the cessation of Hanoi's aggression as the precondition to any cessation of military action against the DRV. We further anticipate that any detailed discussions about any possible eventual form of agreement returning to the essentials of the 1954 Accords would be postponed and would be subordinated to the central issue. . . .

CABLE TO U.S. ENVOYS IN ASIA ANNOUNCING SUSTAINED BOMBING

(Cablegram from State Department to heads of nine United States diplomatic missions in the Far East, Feb. 18, 1965, as provided in the body of the Pentagon study.)

Policy on Viet-Nam adopted today calls for the following:

1. Joint program with GVN of continuing air and naval action against North Viet-Nam whenever and wherever necessary. Such action to be against selected military targets and to be limited and fitting and adequate as response to continuous aggression in South Viet-Nam directed in Hanoi. Air strikes will be jointly planned and agreed with GVN and carried out on joint basis.

2. Intensification by all available means of pacification program within South Viet-Nam, including every possible step to find and attack VC concentrations and headquarters within SVN by all conventional means available to GVN and US.

3. Early detailed presentation to nations of world and to public of documented case against DRV as aggressor. Forum and form this presentation not yet decided, but we do not repeat not expect to touch upon readiness for talks or negotiations at this time. We are considering reaffirmation our objectives in some form in the near future.

4. Careful public statements of USG, combined with fact of continuing air action, are expected to make it clear that military action will continue while aggression continues. But focus of public attention will be kept as far as possible on DRV aggression; not on joint GVN-US military operations. There will be no comment of any sort on future actions except that all such actions will be adequate

and measured and fitting to aggression. (You will have noted President's statement of yesterday, which we will probably allow to stand.)

Addressees should inform head of government or State (as appropriate) of above in strictest confidence and report reactions. In the case of Canberra and Wellington [several words illegible] subject to security considerations of each operation as it occurs, as we did with respect to operations of February 7 and 11.

McNaughton Draft for McNamara on 'Proposed Course of Action'

(First draft of "Annex—Plan for Action for South Vietnam," appended to memorandum from John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, for Secretary of Defense Robert S. McNamara, March 24, 1965.)

1. US aims: 70%—To avoid a humiliating US defeat (to our reputation as a guarantor).

20%—To keep SVN (and the adjacent) territory from Chinese hands.

10%—To permit the people of SVN to enjoy a better, freer way of life.

ALSO—To emerge from crisis without unacceptable taint from methods used.

NOT—To "help a friend," although it would be hard to stay in if asked out.

2. The situation: The situation in general is bad and deteriorating. The VC have the initiative. Defeatism is gaining among the rural population, somewhat in the cities, and even among the soldiers—especially those with relatives in rural areas. The Hop Tac area around Saigon is making little progress; the Delta stays bad; the country has been severed in the north. GVN control is shrinking to the enclaves, some burdened with refugees. In Saigon we have a remission: Quat is giving hope on the civilian side, the Buddhists have calmed, and the split generals are in uneasy equilibrium.

3. The preliminary question: Can the situation inside SVN be bottomed out (a) without extreme measures against the DRV and/or (b) without deployment of large numbers of US (and other) combat troops inside SVN? The answer is perhaps, but probably no.

4. Ways GVN might collapse: (a) VC successes reduce GVN control to enclaves, causing:

(1) insurrection in the enclaved population,

(2) massive defections of ARVN soldiers and even units,

(3) aggravated dissension and impotence in Saigon,

(4) defeatism and reorientation by key GVN officials,

(5) entrance of left-wing elements into the government,

(6) emergence of a popular-front regime,

(7) request that US leave,

(8) concessions to the VC, and

(9) accommodations to the DRV.

(b) VC with DRV volunteers concentrate on I and II Corps.

(1) conquering principal GVN-held enclaves there,

(2) declaring Liberation Government.

(3) joining the I & II Corps areas to the DRV, and

(4) pressing the course in (a) above for rest of SVN.

(c) While in a temporary funk, GVN might throw in sponge:

(1) dealing under the table with VC,

(2) asking the US to cease at least military aid,

(3) bringing left-wing elements into the government,

(4) leading to a popular-front regime, and

(5) ending in accommodations to the VC and DRV.

(d) In a surge of anti-Americanism, GVN could ask the US out and pursue course otherwise similar to (c) above.

5. The "trilemma": US policy appears to be drifting. This is because, while there is consensus that efforts inside SVN (para 6) will probably fail to prevent collapse, all three of the possible remedial courses of action have so far been rejected:

a. Will-breaking strikes on the North (para 7) are balked (1) by flash-point limits, (2) by doubts that the DRV will cave and (3) by doubts that the VC will obey a caving DRV. (Leaving strikes only a political and anti-infiltration nuisance.)

b. Large US troop deployments (para 9) are blocked by "French-defeat" and "Korea" syndromes, and Quat is queasy. (Troops could be net negatives, and be besieged.)

c. Exit by negotiations (para 9) is tainted by the humilitation likely to follow.

Effort inside South Vietnam: Progress inside SVN is our main aim. Great, imaginative efforts on the civilian political as well as military side must be made, bearing in mind that progress depends as much on GVN efforts and luck as on added US efforts. While only a few of such efforts can pay off quickly enough to affect the present ominous deterioration, some may, and we are dealing here in small critical margins. Furthermore, such investment is essential to provide a foundation for the longer run.

a. Improve spirit and effectiveness (fill out further, drawing from State memo to the President):

(1) Achieve governmental stability.

(2) Augment the psy-war program.

(3) Build a stronger pro-government infrastructure.

b. Improve physical security (fill out).

c. Reduce infiltration (fill out).

STRIKES ON THE NORTH (PROGRAM OF PROGRESSIVE MILITARY PRESSURE)

a. Purposes:

(1) To reduce DRV/VC activities by affecting DRV will.

(2) To improve the GVN/VC relative "balance of morale."

(3) To provide the US/GVN with a bargaining counter.

(4) To reduce DRV infiltration of men and materiel.

(5) To show the world the lengths to which US will go for a friend.

b. Program: Each week, 1 or 2 "mission days" with 100-plane high-damage US–VNAF strikes each "day" against important targets, plus 3 armed recce missions—all moving upward in weight of effort, value of target or proximity to Hanoi and China.

Alternative One: 12-week DRV-wide program shunning only "population" targets.

Alternative Two: 12-week program short of taking out Phuc Yen (Hanoi) airfield.

c. Other actions:

(1) Blockade of DRV ports by VNAF/US-dropped mines or by ships.

(2) South Vietnamese-implemented 34A MAROPS.

(3) Reconnaissance flights over Laos and the DRV.

(4) Daily Barrel Roll armed recce strikes in Laos (plus T–28s).

(5) Four-a-week Barrel Roll choke-point strikes in Laos.

(6) US/VNAF air and naval strikes against VC ops and bases in SVN.

(7) Westward deployment of US forces.

(8) No de Soto patrols or naval bombardment of DRV at this time.

d. Red "flash points." There are events which we can expect to imply substantial risk of escalation.

(1) Air strikes north of 17°. (This one already passed.)

(2) First US/VNAF confrontation with DRV MIGs.

(3) Strike on Phuc Yen MIG base near Hanoi.

(4) First strikes on Tonkin industrial/population targets.

(5) First strikes on Chinese railroad near China.

(6) First US/VNAF confrontation with Chicom MIGs.

(7) First hot pursuit of Chicom MIGs into China.

(8) First flak-suppression of Chicom or Soviet-manned SAM.

(9) Massive introduction of US ground troops into SVN.

(10 US/ARVN occupation of DRV territory (e.g., Ile de Tigre).

(11) First Chi/Sov-US confrontation or sinking in blockade.

e. Blue "flash points." China/DRV surely are sensitive to events which might cause *us* to escalate.

(1) All of the above "red" flash points.

(2) VC ground attack on Danang.

(3) Sinking of a US naval vessel.

(4) Open deployment of DRV troops into South Vietnam.

(5) Deployment of Chinese troops into North Vietnam.

(6) Deployment of FROGs or SAMs in North Vietnam.

(7) DRV air attack on South Vietnam.

(8) Announcement of Liberation Government in I/II Corps area.

f. Major risks:

(1) Losses to DRV MIGs, and later possibly to SAMs.

(2) Increased VC activities, and possibly Liberation Government.

(3) Panic or other collapse of GVN from under us.

(4) World-wide revulsion against us (against strikes, blockades, etc.).

(5) Sympathetic fires over Berlin, Cyprus, Kashmir, Jordan waters.

(6) Escalation to conventional war with DRV, China (and USSR?)

(7) Escalation to the use of nuclear weapons.

g. Other Red moves:

(1) More jets to NVN with DRV or Chicom pilots.

(2) More AA (SAMs?) and radar gear (Soviet-manned?) to MVN.

(3) Increased air and ground forces in South China.

(4) Other "defensive" DRV retaliation (e.g., shoot-down of a U–2).

(5) PL land grabs in Laos.

(6) PL declaration of new government in Laos.

(7) Political drive for "neutralization" of Indo-China.

h. Escalation control. We can do three things to avoid escalation too-much or too-fast:

(1) Stretch out. Retard the program (e.g., 1 not 2 fixed strikes a week).

(2) Circuit breaker. Abandon at least temporarily the theory that our strikes are intended to break DRV will, and "plateau" them below the "Phuc Yen Airfield" flash point on one or the other of these tenable theories:

(a) That we strike as necessary to interdict infiltration.

(b) That our level of strikes is generally responsive to the level of VC/DRV activities in South Vietnam.

(3) Shunt. Plateau the air strikes per para (2) and divert the energy into:

(a) A mine—and/or ship-blockade of DRV ports.

(b) Massive deployment of US (and other?) troops into SVN (and Laos?):

(1) To man the "enclaves", releasing ARVN forces.

(2) To take over Pleiku, Kontum, Darlac provinces.

(3) To create a [word illegible] sea-Thailand infiltration wall.

i. Important miscellany:

(1) Program should appear to be relentless (i.e., possibility of employing "circuit-breakers" should be secret).

(2) Enemy should be kept aware of our limited objectives.

(3) Allies should be kept on board.

(4) USSR should be kept in passive role.

(5) Information program should preserve US public support.

PROGRAM OF LARGE US GROUND EFFORT IN SVN AND SEA

a. Purposes:

(1) To defeat the VC on the ground.

(2) To improve GVN/VC relative "morale balance."

(3) To improve US/GVN bargaining position.

(4) To show world lengths to which US will go to fulfill commitments.

b. Program:

(1) Continue strike-North "crescendo" or "plateau" (para 7 above.)

(2) Add any "combat support" personnel needed by MACV; and (3) Deploy remainder of the III Marine Expeditionary Force to Danang; and (4) Deploy one US (plus one Korean?) division to defeat VC in Pleiku-Kontum-Darlac area, and/or (5) Deploy one US (plus one Korean?) division to hold enclaves Bien Hoa/Ton Son Nhut, Nha Trang, Qui Non, Pleiku; and/or (6) Deploy 3–5 US divisions (with "international" elements) across Laos-SVN infiltration routes and at key SVN population centers.

c. Advantages:

(1) Improve (at least initially) manpower ratio vs. the VC.

(2) Boost GVN morale and depress DRV/VC morale.

(3) Firm up US commitment in eyes of all Reds, allies and neutrals.

(4) Deter (or even prevent) coups in the South.

d. Risks:

(1) Deployment will suck Chicom troops into DRV.

(2) Deployment will suck counter-balancing DRV/Chinese troops into SVN.

(3) Announcement of deployment will cause massive DRV/Chicom effort preemptively to occupy new SVN territory.

(4) US losses will increase.

(5) Friction with GVN (and Koreans?) over command will arise.

(6) GVN will tend increasingly to "let the US do it."

(7) Anti-US "colonialist" mood may increase in and outside SVN.

(8) US forces may be surrounded and trapped.

e. Important miscellany:

(1) There are no obvious circuit-breakers. Once US troops are in, it will be difficult to withdraw them or to move them, say, to Thailand without admitting defeat.

(2) It will take massive deployments (many divisions) to improve the GVN/US:VC ratio to the optimum 10+:1.

(3) In any event, our Project 22 planning with the Thais for defense of the Mekong towns must proceed apace.

EXIT BY NEGOTIATIONS

a. Bargaining counters.

(1) What DRV could give:

(a) Stop training and sending personnel to SVN/Laos.

(b) Stop sending arms and supplies into SVN/Laos.

(c) Stop directing military actions into SVN/Laos.

(d) Order the VC/PL to stop their insurgencies.

(e) Stop propaganda broadcasts to South Vietnam.

(f) Remove VM forces and cadres from SVN and Laos.

(g) See that VC/PL stop incidents in SVN and Laos.

(h) See that VC/PL cease resistance.

(i) See that VC/PL turn in weapons and bases.

(j) See that VC/PL surrender for amnesty/expatriation.

(2) What GVN/US could give:

(a) Stop (or not increase) air strikes on DRV.

(b) Remove (or not increase) US troops in SVN.

(c) Rice supply to DRV.

(d) Assurance that US/GVN have no designs on NVN.

(e) Assurance that US/GVN will not demand public renunciation by the DRV of Communist goals.

(f) Assurance that "peaceful coexistance" (e.g., continuation of Red propaganda in SVN) is acceptable.

(g) Capitulation: Leftists in GVN, coalition government, and eventual incorporation of SVN into DRV.

b. Possible outcomes.

(1) Pacified non-Communist South Vietnam.

(2) "Laotian" solution, with areas of de facto VC dominion, a "government of national unity," and a Liberation Front ostensibly weened from DRV control.

(3) Explicit partition of SVN, with each area under a separate government.

(4) A "semi-equilibrium"—a slow-motion war—with slowly shifting GVN-VC lines.

(5) Loss of SVN to the DRV.

c. Techniques to minimize impact of bad outcomes. If/when it is estimated that even the best US/GVN efforts means failure ("flash" or defeat), it will be important to act to minimize the after-damage to US effectiveness and image by steps such as these:

(1) Publicize uniqueness of congenital impossibility of SVN case (e.g., Viet Minh held much of SVN in 1954, long sieve-like borders, unfavorable terrain, no national tradition, few administrators, mess left by French, competing factions, Red LOC advantage, late US start, etc.).

(2) Take opportunity offered by next coup or GVN anti-US tantrum to 'ship out' (coupled with advance threat to do so if they fail to "shape up"?)

(3) Create diversionary "offensives" elsewhere in the world (e.g., to shore up Thailand, Philippines, Malaysia, India, Australia; to launch an "anti-poverty" program for underdeveloped areas.)

(4) Enter multi-nation negotiations calculated to shift opinions and values.

d. Risks. With the physical situation and the trends as they are the fear is overwhelming that an exit negotiated now would result in humiliation for the US.

Evaluation: It is essential—however badly SEA may go over the next 1–3 years—that US emerge as a "good doctor." We must have kept promises, been tough, taken risks, gotten bloodied, and hurt the enemy very badly. We must avoid harmful appearances which will affect judgments by, and provide pretexts to, other nations regarding how the US will behave in future cases of particular interest to those nations—regarding US policy, power, resolve and competence to deal with their problems. In this connection, the relevant audiences are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as "underwriters") and the US public (which must support our risk-taking with US lives and prestige).

Urgency: If the strike-North program (para 7) is not altered: we will reach the MIG/Phuc Yen flash point in approximately one month. If the program is altered only to stretch out the crescendo: up to 3 months may be had before that flash point, at the expense of a less persuasive squeeze. If the program is altered to "plateau" or dampen the strikes: much of their negotiating value will be lost. (Furthermore, there is now a hint of flexibility on the Red side: the Soviets are struggling to find a Gordian knot-cutter; the Chicoms may be wavering (Paris 5326).)

POSSIBLE COURSE

(1) Redouble efforts inside SVN (get better organized for it).

(2) Prepare to deploy US combat troops in phases, starting with one Army division at Pleiku and a Marine MEF at Danang.

(3) Stretch out strike-North program, postponing Phuc Yen until June (exceed flash points only in specific retaliations).

(4) Initiate talks along the following lines, bearing in mind that formal partition, or even a "Laos" partition, is out in SVN; we must break the VC back or work out an accommodation.

PHASE ONE TALKS:

(A) When: Now, before an avoidable flash point.

(B) Who: US–USSR, perhaps also US-India. (Not with China or Liberation Front; not through UK or France or U Thant; keep alert to possibility that GVN officials are talking under the table.)

(C) How: With GVN consent, private, quiet (refuse formal talks).

(D) What:

(1) Offer to stop strikes on DRV and withhold deployment of large US forces in trade for DRV stoppage of infiltration, communications to VC, and VC attacks, sabotage and terrorism, and for withdrawal of named units in SVN.

(2) Compliance would be policed unilaterally. If as is likely, complete compliance by the DRV is not forthcoming, we would carry out occasional strikes.

(3) We make clear that we are not demanding cessation of Fed propaganda nor a public renunciation by Hanoi of its doctrines.

(4) Regarding "defensive" VC attacks—i.e., VC defending VC-held areas from encroaching ARVN forces—we take the public position that ARVN forces must be free to operate throughout SVN, especially in areas where amnesty is offered (but in fact, discretion will be exercised).

(5) Terrorism and sabotage, however, must be dampened markedly throughout the country, and civilian administrators must be free to move and operate freely, certainly in so-called contested areas (and perhaps even in VC base areas).

PHASE TWO TALKS:

(A) When: At the end of Phase One.

(B) Who: All interested nations.

(C) How: Publicly in large conference.

(4): What:

(1) Offer to remove US combat forces from South Vietnam in exchange for repatriation (or regroupment?) of DRV infiltrators and for erection of international machinery to verify the end of infiltration and communication.

(2) Offer to seek to determine the will of the people under international supervision, with an appropriate reflection of those who favor the VC.

(3) Any recognition of the Liberation Front would have to be accompanied by disarming the VC and at least avowed VC independence from DRV control.

PHASE THREE TALKS: Avoid any talks regarding the future of all of Southeast Asia. Thailand's future should not be up for discussion; and we have the 1954 and 1962 Geneva Accords covering the rest of the area.

c. Special Points:

(1) Play on DRV's fear of China.

(2) To show good will, suspend strikes on North for a few days if requested by Soviets during efforts to mediate.

(3) Have a contingency plan prepared to evacuate US personnel in case a para-9-type situation arises.

(4) If the DRV will not "play" the above game, we must be prepared (a) to risk passing some flash points, in the Strike-North program, (b) to put more US troops into SVN, and/or (c) reconsider our minimum acceptable outcome.

TERMS IN TEXTS

ARVN—Army of Republic of (South) Vietnam.

A.S.A.P.—As soon as possible.

B.L.T.—Battalion landing team.

CINCPAC—Commander in Chief, Pacific.
DEPTEL—Department telegram.
D.O.D.—Department of Defense.
DRV—Democratic Republic of (North) Vietnam.
EMBTEL—Embassy telegram.
ISA—International Security Agency.
JCS—Joint Chiefs of Staff.
L.O.C.—Lines of communication.
MACV—Military Assistance Command, Vietnam.
NLF—National Liberation Front.
NLFSVN—National Front for Liberation of South Vietnam.
PAVN—People's Army of (North) Vietnam.
P.I.—Philippine Islands.
P.L.—Pathet Lao.
P.O.L.—Petroleum, oil, lubricants.
R.O.K.—Republic of (South) Korea.
RVNAF—Republic of (South) Vietnam Armed Forces.
SAM—Surface-to-air missile.
SEA—Southeast Asia.
SVN—South Vietnam.
U.S.G.—U.S. Government.
VM—Vietminh.

McCone Memo to Top Officials on Forcefulness of Air War

(Memorandum from John A. McCone, Director of Central Intelligence, to Secretary Rusk, Secretary McNamara, McGeorge Bundy and Ambassador Taylor, April 2, 1965, as provided in the body of the Pentagon's study. Paragraphs in italics are the study's paraphrase or explanation.)

McCone did not inherently disagree with the change in the U.S. ground-force role, but felt that it was inconsistent with the decision to continue the air strike program at the feeble level at which it was then being conducted. McCone developed his argument as follows:

I have been giving thought to the paper that we discussed in yesterday's meeting, which unfortunately I had little time to study, and also to the decision made to change the mission of our ground forces in South Vietnam from one of advice and static defense to one of active combat operations against the Viet Cong guerrillas.

I feel that the latter decision is correct only if our air strikes against the North are sufficiently heavy and damaging really to hurt the North Vietnamese. The paper we examined yesterday does not anticipate the type of air operation against the North necessary to force the NVN to reappraise their policy. On the contrary, it states, "We should continue roughly the present slowly ascending tempo of ROLLING THUNDER operations ——," and later, in outlining the types of targets, states, "The target systems should continue to avoid the effective GCI range of MIG's," and these conditions indicate restraints which will not be persuasive to the NVM and would probably be read as evidence of a U.S. desire to temporize.

I have reported that the strikes to date have not caused a change in the North Vietnamese policy of directing Viet Cong insurgency, infiltrating cadres and supplying material. If anything, the strikes to date have hardened their attitude.

I have now had a chance to examine the 12-week program referred to by General Wheeler and it is my personal opinion that this program is not sufficiently severe and [words illegible] the North Vietnamese to [words illegible] policy.

On the other hand, we must look with care to our position under a program of slowly ascending tempo of air strikes. With the passage of each day and each week, we can expect increasing pressure to stop the bombing. This will come from various elements of the American public, from the press, the United Nations and world opinion. Therefore time will run against us in this operation and I think the North Vietnamese are counting on this.

Therefore I think what we are doing is starting on a track which involves ground force operations, which, in all probability, will have limited effectiveness against guerrillas, although admittedly will restrain some VC advances. However, we can expect requirements for an ever-increasing commitment of U.S. personnel without materially improving the chances of victory. I support and agree with this decision but I must point out that in my judgment, forcing submission of the VC can only be brought about by a decision in Hanoi. Since the contemplated actions against the North are modest in scale, they will not impose unacceptable damage on it, nor will they threaten the DRV's vital interests. Hence, they will not present them with a situation with which they cannot live, though such actions will cause the DRV pain and inconvenience.

I believe our proposed track offers great danger of simply encouraging Chinese Communists and Soviet support of the DRV and VC cause, if for no other reason than the risk for both will be minimum. I envision that the reaction of the NVN and Chinese Communists will be to deliberately, carefully, and probably gradually, build up the Viet Cong capabilities by covert infiltration on North Vietnamese and, possibly, Chinese cadres and thus bring an ever-increasing pressure on our forces. In effect, we will find ourselves mired down in combat in the jungle in a military effort that we cannot win, and from which we will have extreme difficulty in extracting ourselves.

Therefore it is my judgment that if we are to change the mission of the ground forces, we must also change the ground rules of the strikes against North Vietnam. We must hit them harder, more frequently, and inflict greater damage. Instead of avoiding the MIG's, we must go in and take them out. A bridge here and there will not do the job. We must strike their airfields, their petroleum resources, power stations and their military compounds. This, in my opinion, must be done promptly and with minimum restraint.

If we are unwilling to take it this kind of a decision now, we must not take the actions concerning the mission of our ground forces for the reasons I have mentioned [words illegible].

April '65, Order Increasing Ground Force and Shifting Mission

(National Security Action Memorandum 328, April 6, 1965, signed by McGeorge Bundy and addressed to the Secretary of State, the Secretary of Defense and the Director of Central Intelligence.)

On Thursday, April 1, The President made the following decisions with respect to Vietnam:

1. Subject to modifications in light of experience, to coordination and direction both in Saigon and in Washington, the President approved the 41-point program of non-military actions submitted by Ambassador Taylor in a memorandum dated March 31, 1965.

2. The President gave general approval to the recommendations submitted by Mr. Rowan in his report dated March 16, with the exception that the President withheld approval of any request for supplemental funds at this time—it is his decision that this program is to be energetically supported by all agencies and departments and by reprogramming of available funds as necessary within USIA.

3. The President approved the urgent exploration of the 12 suggestions for covert and other actions submitted by the Director of Central Intelligence under date of March 31.

4. The President repeated his earlier approval of the 21-point program of military actions submitted by General Harold K. Johnson under date of March 14 and re-emphasized his desire that aircraft and helicopter reinforcements under this program be accelerated.

5. The President approved an 18–20,000 man increase in U.S. military support forces to fill out existing units and supply needed logistic personnel.

6. The President approved the deployment of two additional Marine Battalions and one Marine Air Squadron and associated headquarters and support elements.

7. The President approved a change of mission for all Marine Battalions deployed to Vietnam to permit their more active use under conditions to be established and approved by the Secretary of Defense in consultation with the Secretary of State.

8. The President approved the urgent exploration, with the Korean, Australian, and New Zealand Governments, of the possibility of rapid deployment of significant combat elements from their armed forces in parallel with the additional Marine deployment approved in paragraph 6.

9. Subject to continuing review, the President approved the following general framework of continuing action against North Vietnam and Laos:

We should continue roughly the present slowly ascending tempo of ROLLING THUNDER operations being prepared to add strikes in response to a higher rate of VC operations, or conceivably to slow the pace in the unlikely event VC slacked off sharply for what appeared to be more than a temporary operational lull.

The target systems should continue to avoid the effective GGI range of MIGs. We should continue to vary the types of targets, stepping up attacks on lines of communication in the near future, and possibly moving in a few weeks to attack on the rail lines north and northeast of Hanoi.

Leaflet operations should be expanded to obtain maximum practicable psychological effect on North Vietnamese population.

Blockade or aerial mining of North Vietnamese ports need further study and should be considered for future operations. It would have major political complications, especially in relation to the Soviets and other third countries, but also offers many advantages.

Air operation in Laos, particularly route blocking operations in the Panhandle area, should be stepped up to the maximum remunerative rate.

10. Ambassador Taylor will promptly seek the reactions of the South Vietnamese Government to appropriate sections of this program and their approval as necessary, and in the event of disapproval or difficulty at that end, these decisions will be appropriately reconsidered. In any event, no action into Vietnam under paragraphs 6 and 7 above should take place without GVN approval or further Presidential authorization.

11. The President desires that with respect to the actions in paragraphs 5 through 7, premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the direct approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy.

Taylor Cable to Washington on Step-Up in Ground Forces

(Cablegram April 17, 1965, from Ambassador Maxwell D. Taylor in Saigon to Secretary of State Dean Rusk, with a copy to the White House for the attention of McGeorge Bundy.)

This message undertakes to summarize instructions which I have received over the last ten days with regard to the introduction of third-country combat forces and to discuss the preferred way of presenting the subject to the GVN.

As the result of the meeting of the President and his advisors on April 1 and the NSC meeting on the following day, I left Washington and returned to Saigon with the understanding that the reinforcement of the Marines already ashore by two additional BLT's and a F-4 squadron and the progressive introduction of HAWPNPPP support forces were approved but that decision on the several proposals for bringing in more U.S. combat forces and their possible modes of employment was withheld in an offensive counterinsurgency role. State was to explore with the Korean, Australian and New Zealand govts the possibility of rapid deployment of significant combat elements in parallel with the Marine reinforcement.

Since arriving home, I have received the following instructions and have taken the indicated actions with respect to third-country combat forces.

April 6 and 8. Received GVN concurrence to introduction of the Marine reinforcements and to an expanded mission for all Marines in Danang-Phu Bai area.

April 8. Received Deptel 2229 directing approach to GVN, suggesting request to Australian govt for an infantry battalion for use in SVN. While awaiting a propitious moment to raise the matter, I received Deptel 2237 directing approach be delayed until further orders. Nothing further has been received since.

April 14. I learned by JCS 009012 to Cincpac of apparent decision to deploy 173rd airborne brigade immediately to Bien Hoa-Vung Tau. By Embtel 3373, delay in this deployment was urgently recommended but no reply has been received. However, Para 2 of Doc 152339 apparently makes reference to this project in terms which suggest that is something less than as an approved immediate action. In view of the uncertainty of its status, I have not broached the matter with Quat.

April 15. Received Deptel 2314 directing that embassy Saigon discuss with GVN introduction of Rok regimental combat team and suggest GVN request such a force Asap. Because of Quat's absence from Saigon, I have not been able to raise matter. As matter of fact, it should not be raised until we have a clear concept of employment.

April 16. I have just seen state-defense message Dod 152339 cited above which indicates a favorable attitude toward several possible uses of US combat forces beyond the NSC decisions of April 2. I am told to discuss these and certain other non-military matters urgently with Quat. The substance of this cable will be addressed in a separate message. I can not raise these matters with Quat without further guidance.

Faced with this rapidly changing picture of Washington desires and intentions with regard to the introduction of third-country (as well as US) combat forces, I badly need a clarification of our purposes and objectives. Before I can present our case to GVN, I have to know what that case is and why. It is not going to be easy to get ready concurrence for the large-scale introduction of foreign troops unless the need is clear and explicit.

Let me suggest the kind of instruction to the AMB which it would be most helpful to receive for use in presenting to GVN what I take to be a new policy of third-country participation in ground combat.

"The USG has completed a thorough review of the situation in SVN both in its national and international aspects and has reached certain important conclusions. It feels that in recent weeks there has been a somewhat favorable change in the overall situation as the result of the air attacks on DRV, the relatively small but numerous successes in the field against the VC and the encouraging progress of the Quat govt. However, it is becoming increasingly clear that, in all probability, the primary objective of the GVN and the USG of changing the will of the DRV to support the VC insurgency can not be attained in an acceptable time-frame by the methods presently employed. The air campaign in the North must be supplemented by signal successes against the VC on the South before we can hope to create that frame of mind in Hanoi which will lead to the decisions we seek.

"The JCS have reviewed the military resources which will be available in SVN by the end of 1965 and have concluded that even with an attainment of the highest feasible mobilization goals, ARVN will have insufficient forces to carry out the kind of successful campaign against the VC which is considered essential for the purposes discussed above. If the ground war is not to drag into 1966 and even beyond, they consider it necessary to reinforce GNV ground forces with about 23 battalion equivalents in addition to the force now being recruited in SVN. Since these reinforcements can not be raised by the GVN, they must inevitably come from third-country sources.

"The USG accepts the validity of this reasoning of the JCS and offers its assistance to the GVN to raise these additional forces for the purpose of bringing the VC insurgency to an end in the shortest possible time. We are prepared to bring in additional US ground forces provided we can get a reasonable degree of participation from other third countries. If the GVN will make urgent representations to them, we believe it entirely possible to obtain the following contributions: Korea, one regimental combat team; Australia, one infantry battalion; New Zealand, one battery and one company of tanks; PI, one battalion. If the forces of the foregoing magnitude are forthcoming the USG is prepared to provide the remainder of the combat reinforcements as well as the necessary logistic personnel to support the third-country contingents. Also it will use its good offices as desired in assisting the GVN approach to these govts.

"You (the Ambassador) will seek the concurrence of the GVN to the foregoing program, recognizing that a large number of questions such as command relationships, concepts of employment and disposition of forces must be worked out subsequently." Armed with an instruction such as the foregoing, I would feel adequately equipped to initiate what may be a sharp debate with the GVN. I need something like this before taking up the pending troop matters with Quat.

Johnson's Message to Taylor on the May 10 Halt in Bombing

(Message from President Johnson to Ambassador Taylor, May 10, 1965, as provided in the body of the Pentagon study.)

I have learned from Bob McNamara that nearly all Rolling Thunder operations for this week can be completed by Wednesday noon, Washington time. This fact and the days of Buddha's birthday seem to me to provide an excellent opportunity for a pause in air attacks which might go into next week and which I could use to good effect with world opinion.

My plan is not to announce this brief pause but simply to call it privately to the attention of Moscow and Hanoi as soon as possible and tell them that we shall be watching closely to see whether they respond in any way. My current plan is to report publicly after the pause ends on what we have done.

Could you see Quat right away on Tuesday and see if you can persuade him to concur in this plan. I would like to associate him with me in this decision if possible, but I would accept a simple concurrence or even willingness not to oppose my decision. In general, I think it important that he and I should get together in such matters, but I have no desire to embarrass him if it is politically difficult for him to join activity in a pause over Buddha's birthday.

[Words illegible] noted your [words illegible] but do not yet have your appreciation of the political effect in Saigon of acting around Buddha's birthday. From my point of view it is a great advantage to use Buddha's birthday to mask the first days of the pause here, if it is at all possible in political terms for Quat. I assume we could undertake to enlist the Archbishop and the Nuncio in calming the Catholics.

You should understand that my purpose in this plan is to begin to clear a path either toward restoration of peace or toward increased military action, depending upon the reaction of the Communists. We have amply demonstrated our determination and our commitment in the last two months, and I now wish to gain some flexibility.

I know that this is a hard assignment on short notice, but there is no one who can bring it off better.

I have kept this plan in the tightest possible circle here and wish you to inform no one but Alexis Johnson. After I have your report of Quat's reaction I will make a final decision and it will be communicated promptly to senior officers concerned.

Rostow Memorandum on "Victory and Defeat in Guerrilla Wars"

(Memorandum from Walt W. Rostow, chairman of the State Department's Policy Planning Council, for Secretary of State Rusk, "Victory and Defeat in Guerrilla Wars: The Case of South Vietnam," May 20, 1965, as provided in the body of the Pentagon's study.)

In the press, at least, there is a certain fuzziness about the possibility of clear-cut victory in South Vietnam; and the President's statement that a military victory is impossible is open to misinterpretation.

1. Historically, guerrilla wars have generally been lost or won cleanly: Greece, China mainland, North Viet-Nam, Malaya, Philippines, Laos in 1954 was an exception, with two provinces granted the Communists and a de facto split imposed on the country.

2. In all the cases won by Free World forces, there was a phase when the guerrillas commanded a good part of the countryside and, indeed, placed Athens, Kuala Lumpur, and Manila under something close to siege. They failed to win because all the possible routes to guerrilla victory were closed and, in failing to win, they lost. They finally gave up in discouragement. The routes to victory are:

a) Mao Stage Three: going to all-out conventional war and winning as in China in 1947–49;

b) Political collapse and takeover: North Viet-Nam;

c) Political collapse and a coalition government in which the Communists get control over security machinery; army and/or police. This has been an evident Viet Cong objective in this [rest illegible].

d) Converting the bargaining pressure generated by the guerrilla forces into a partial victory by splitting the country: Laos. Also, in a sense, North Viet-Nam in 1954 and the Irish Rebellion after the First World War.

3. If we succeed in blocking these four routes to victory, discouraging the Communist force in the South, and making the continuance of the war sufficiently costly to the North there is no reason we cannot win as clear a victory in South Viet-Nam as in Greece, Malaya, and the Philippines. Unless political morale in Saigon collapses and the ARVN tends to break up, case c), the most realistic hope of the VC, should be avoidable. This danger argues for more

rather less presure on the North, while continuing the battle in the South in such a way as to make VC hopes of military and political progress wane.

4. The objective of the exercise is to convince Hanoi that its bargaining position is being reduced with the passage of time; for, even in the worst case for Hanoi, it wants some bargaining position (rather than simply dropping the war) to get U.S. forces radically reduced in South Viet-Nam and to get some minimum face-saving formula for the VC.

5. I believe Hanoi understands its dilemma well. As of early February it saw a good chance of a quiet clean victory via route c). It now is staring at a quite clear-cut defeat, with the rising U.S. strength and GVN morale in the South and rising costs in the North. That readjustment in prospects is painful; and they won't in my view, accept its consequences unless they are convinced time has ceased to be their friend, despite the full use of their assets on the ground in South Viet-Nam, in political warfare around the world, and in diplomacy.

6. Their last and best hope will be, of course, that if they end the war and get us out, the political, social, and economic situation in South Viet-Nam will deteriorate in such a way as to permit Communist political takeover, with or without a revival of guerrilla warfare, it is in this phase that we will have to consolidate, with the South Vietnamese, a victory that is nearer our grasp than we (but not Hanoi) may think.

George Ball Memo for Johnson on "A Compromise Solution"

(Memorandum, "A Compromise Solution in South Vietnam," from Under Secretary of State George W. Ball for President Johnson, July 1, 1965.)

(1) A Losing War: The South Vietnamese are losing the war to the Viet Cong. No one can assure you that we can beat the Viet Cong or even force them to the conference table on our terms, no matter how many hundred thousand *white foreign* (U.S.) troops we deploy.

No one has demonstrated that a white ground force of whatever size can win a guerrilla war—which is at the same time a civil war between Asians—in jungle terrain in the midst of a population that refuses cooperation to the white forces (and the South Vietnamese) and thus provides a great intelligence advantage to the other side. Three recent incidents vividly illustrate this point: (a) the sneak attack on the Da Nang Air Base which involved penetration of a defense perimeter guarded by 9,000 Marines. This raid was possible only because of the cooperation of the local inhabitants; (b) the B52 raid that failed to hit the Viet Cong who had obviously been tipped off; (c) the search and destroy mission of the 173rd Air Borne Brigade which spent three days looking for the Viet Cong, suffered 23 casualties, and never made contact with the enemy who had obviously gotten advance word of their assignment.

(2) The Question to Decide: Should we limit our liabilities in South Vietnam and try to find a way out with minimal long-term costs?

The alternative—no matter what we may wish it to be—is almost certainly a protracted war involving an openended commitment of U.S. forces, mounting U.S. casualities, no assurance of a satisfactory solution, and a serious danger of escalation at the end of the road.

(3) Need for a Decision Now: So long as our forces are restricted to advising and assisting the South Vietnamese, the struggle will remain a civil war between Asian peoples. Once we deploy substantial numbers of troops in combat it will become a war between the U.S. and a large part of the population of South Vietnam, organized and directed from North Vietnam and backed by the resources of both Moscow and Peiping.

The decision you face now, therefore, is crucial. Once large numbers of U.S. troops are committed to direct combat, they will begin to take heavy casualties in a war they are ill-equipped to fight in a non-cooperative if not downright hostile countryside.

Once we suffer large casualties, we will have started a well-nigh irreversible process. Our involvement will be so great that we cannot—without national humiliation—stop short of achieving our complete objectives. *Of the two possibilities I think humiliation would be more likely than the achievement of our objectives—even after we have paid terrible costs.*

(4) Compromise Solution: Should we commit U.S. manpower and prestige to a terrain so unfavorable as to give a very large advantage to the enemy—or should we seek a compromise settlement which achieves less than our stated objectives and thus cut our losses while we still have the freedom of maneuver to do so.

(5) Costs of a Compromise Solution: The answer involves a judgment as to the cost of the U.S. such a compromise settlement in terms of our relations with the countries in the area of South Vietnam, the credibility of our commitments, and our prestige around the world. In my judgment, if we act before we commit substantial U.S. troops to combat in South Vietnam we can, by accepting some short-term costs, avoid what may well be a long-term catastrophe. I believe we tended grossly to exaggerate the costs involved in a compromise settlement. An appreciation of probable costs is contained in the attached memorandum.

(6) With these considerations in mind, I strongly urge the following program:

(a) Military Program

(1) Complete all deployments already announced—15 battalions—but decide not to go beyond a total of 72,000 men represented by this figure.

(2) Restrict the combat role of the American forces to the June 19 announcement, making it clear to General Westmoreland that this announcement is to be strictly construed.

(3) Continue bombing in the North but avoid the Hanoi-Haiphong area and any targets nearer the Chinese border than those already struck.

(b) Political Program

(1) In any political approaches so far, we have been the prisoners of whatever South Vietnamese government that was momentarily in power. If we are ever to move toward a settlement, it will probably be because the South Vietnamese government pulls the rug out from under us and makes its own deal *or* because we go forward quietly without advance prearrangement with Saigon.

(2) So far we have not given the other side a reason to believe there is *any* flexibility in our negotiating approach. And the other side has been unwilling to accept what *in their terms* is complete capitulation.

(3) Now is the time to start some serious diplomatic feelers looking toward a solution based on some application of a self-determination principle.

(4) I would recommend approaching Hanoi rather than any of the other probable parties, the NLF—or Peiping. Hanoi is the only one that has given any signs of interest in discussion. Peiping has been rigidly opposed. Moscow has recommended that we negotiate with Hanoi. The NLF has been silent.

(5) There are several channels to the North Vietnamese but I think the best one is through their representative in Paris, Mai Van Bo. Initial feelers of Bo should be directed toward a discussion both of the four points we have put forward and the four points put forward by Hanoi as a basis for negotiation. We can accept all but one of Hanoi's four points, and hopefully we should be able to agree on some ground rules for serious negotiation—including no preconditions.

(6) If the initial feelers lead to further secret, exploratory talks, we can inject the concept of self-determination that would permit the Viet Cong some hope of achieving some of their political objectives through local elections or some other device.

(7) The contact on our side should be handled through a non-governmental cutout (possibly a reliable newspaper man who can be repudiated).

(8) If progress can be made at this level a basis can be laid for a multinational conference. At some point, obviously, the government of South Vietnam will have to be brought on board, but I would postpone this step until after a substantial feeling out of Hanoi.

(7) Before moving to any formal conference we should be prepared to agree once the conference is started:

(a) The U.S. will stand down its bombing of the North

(b) The South Vietnamese will initiate no offensive operations in the South, and

(c) the DRV will stop terrorism and other aggressive action against the South.

(8) The negotiations at the conference should aim at incorporating our understanding with Hanoi in the form of a multinational agreement guaranteed by the U.S., the Soviet Union and possibly other parties, and providing for an international mechanism to supervise its execution.

PROBABLE REACTIONS TO THE CUTTING OF OUR LOSSES IN SOUTH VIETNAM

We have tended to exaggerate the losses involved in a complete settlement in South Vietnam. There are three aspects to the problem that should be considered. First, the local effect of our action on nations in or near Southeast Asia. Second, the effect of our action on the credibility of our commitments around the world. Third, the effect on our position of world leadership.

A. Free Asian Reactions to a Compromise Settlement in South Vietnam Would Be Highly Parochial.

With each country interpreting the event primarily in terms of (a) its own immediate interest, (b) its sense of vulnerability to Communist invasion or insurgency, and (c) its confidence in the integrity of our commitment to its own security based on evidence other than that provided by our actions in South Vietnam.

Within this framework the following groupings emerge:

(1) The Republic of China and Thailand: staunch allies whose preference for extreme U.S. actions including a risk of war with Communist China sets them apart from all other Asian nations

(2) The Republic of Korea and the Philippines; equally staunch allies whose support for strong U.S. action short of a war with Communist China would make post-settlement reassurance of pressing U.S. need;

(3) Japan: it would prefer wisdom to valor in an area remote from its own interests where escalation could involve its Chinese or Eurasian neighbors or both;

(4) Laos; a friendly neutral dependent on a strong Thai-U.S. guarantee of support in the face of increased Vietnamese and Laos pressures.

(5) Burma and Cambodia: suspicious neutrals whose fear of antagonizing Communist China would increase their leaning toward Peiping in a conviction that the U.S. presence is not long for Southeast Asia; and

(6) Indonesia: whose opportunistic marriage of convenience of both Hanoi and Peiping would carry it further in its overt aggression against Malaysia, convinced that foreign imperialism is a fast fading entity in the region.

Government cooperation (words illegible) essential in making the following points to the Japanese people.

(1) U.S. support was given in full measure as shown by our casualties, our expenditures and our risk taking;

(2) The U.S. record in Korea shows the credibility of our commitment so far as Japan is concerned.

The government as such supports our strong posture in Vietnam but stops short of the idea of a war between the U.S. and China.

THAILAND

Thai commitments to the struggle within Laos and South Vietnam are based upon a careful evaluation of the regional threat to Thailand's security. The Thais are confident they can contain any threats from Indochina alone. They know, however, they cannot withstand the massive power of Communist China without foreign assistance. Unfortunately, the Thai view of the war has seriously erred in fundamental respects. They believe American power can do anything, both militarily and in terms of shoring up the Saigon regime. They now assume that we really could take over in Saigon and win the war if we felt we had to. If we should fail to do so, the Thais would initially see it as a failure of U.S. will. Yet time is on our side, providing we employ it effectively. Thailand is an independent nation with a long national history, and unlike South Vietnam, an acute national consciousness. It has few domestic Communists and none of the instability that plagues its neighbors, Burma and Malaysia. Its one danger area in the northeast is well in hand so far as preventive measures against insurgency are concerned. Securing the Mekong Valley will be critical in any long-run solution, whether by the partition of Laos with Thai-U.S. forces occupying the western half or by some [word illegible] arrangement. Providing we are willing to make the effort, Thailand can be a foundation of rock and not a bed of sand in which to base our political/military commitment to Southeast Asia.

With the exception of the nations in Southeast Asia, a compromise settlement in South Vietnam should not have a major impact on the credibility of our commitments around the world . . . Chancellor Erhard has told us privately that the people of Berlin would be concerned by a compromise settlement of South Vietnam. But this was hardly an original thought, and I suspect he was telling us what he believed we would like to hear. After all, the confidence of the West Berliners will depend more on what they see on the spot than on [word illegible] news or events halfway around the world. In my observation, the principal anxiety of our NATO Allies is that we have become too preoccupied with an area which seems to them an irrelevance and may be tempted in neglect to our NATO responsibilities. Moreover, they have a vested interest in an easier relationship between Washington and Moscow. By and large, therefore, they will be inclined to regard a compromise solution in South Vietnam more as new evidence of American maturity and judgment than of American loss of face . . . On balance, I believe we would more seriously undermine the effectiveness of our world leadership by continuing the war and deepening our involvement than by pursuing a carefully plotted course toward a compromise solution. In spite of the number of powers that have—in response to our pleading—given verbal support from feeling of loyalty and dependence, we cannot ignore the fact that the war is vastly unpopular and that our role in it is perceptively eroding the respect and confidence with which other nations regard us. We have not persuaded either our friends or allies that our further involvement is essential to the defense of freedom in the cold war. Moreover, the men we deploy in the jungles of South Vietnam, the more we contribute to a growing world anxiety and mistrust.

[Words illegible] the short run, of course, we could expect some catcalls from the sidelines and some vindictive pleasure on the part of Europeans jealous of American power. But that would, in my view, be a transient phenomenon with which we could live without sustained anguish. Elsewhere around the world I would see few unhappy implications for the credibility of our commitments. No doubt the Communists will to gain propaganda value in Africa, but I cannot seriously believe that the Africans care too much about what happens in Southeast Asia. Australia and New Zealand are, of course, special cases since they feel lonely in the far reaches of the Pacific. Yet even their concern is far greater with Malaysia than with South Vietnam, and the degree of their anxiety would be conditioned largely by expressions of our support for Malaysia.

[Words illegible] Quite possibly President de Gaulle will make propaganda about perfidious Washington, yet even he will be inhibited by his much-heralded disapproval of our activities in South Vietnam.

South Korea—As for the rest of the Far East the only serious point of concern might be South Korea. But if we stop pressing the Koreans for more troops to Vietnam (the Vietnamese show no desire for additional Asian forces since it affronts their sense of pride) we may be able to cushion Korean reactions to a compromise in South Vietnam by the provision of greater military and economic assistance. In this regard, Japan can play a pivotal role now that it has achieved normal relations with South Korea.

New Warnings of Failure

Before the opening of the air war in the spring warnings were sounded high in the Administration that it would not succeed. Now there were warnings that a ground war in the South might prove fruitless. The warnings came not only from Under Secretary of State George W. Ball, long known as a dissenter on Vietnam, but also from John A. McCone, Director of Central Intelligence, who felt the actions planned were not strong enough.

On April 2 Mr. McCone circulated a memorandum within the National Security Council asserting that unless the United States was willing to bomb the North "with minimum restraint" to break Hanoi's will, it was unwise to commit ground troops to battle.

"In effect," he said, "we will find ourselves mired down in combat in the jungle in a military effort that we cannot win and from which we will have extreme difficulty extracting ourselves." [See text, McCone memorandum, April 2, 1965.]

It is not clear from the documentary record whether President Johnson read this particular memorandum, but the Pentagon study says Mr. McCone expressed these same views in a personal memorandum to the President on April 28.

In a separate intelligence estimate for the President on May 6, Vice Adm. William F. Raborn Jr., Mr. McCone's successor, indicated agreement with Mr. McCone.

Mr. Ball's dissent came from the opposite side. He believed that neither bombing the North nor fighting the guerrillas in the South nor any combination of the two offered a solution and said so in a memorandum circulated June 28, the study reports.

"Convinced that the U.S. was pouring its resources down the drain in the wrong place," the account goes on, Mr. Ball proposed that the United States "cut its losses" and withdraw from South Vietnam.

"Ball was cold-blooded in his analysis," the study continues, describing the memorandum. "He recognized that the U.S. would not be able to avoid losing face before its Asian allies if it staged some form of conference leading to withdrawal of U.S. forces. The losses would be of short-term duration, however, and the U.S. could emerge from this period of travail as a 'wiser and more mature nation.' "

BALL OFFERS A COMPROMISE

On July 1, the analyst says, Mr. Ball reiterated his proposal for withdrawal in a memorandum to the President entitled "A Compromise Solution for South Vietnam." [See text, Ball memorandum July 1, 1965.]

Prime Minister Wilson's Warning to Johnson on Petroleum Raids

(Excerpts from cablegram to President Johnson from Prime Minister Harold Wilson of Britain, June 3, 1965, as provided in the body of the Pentagon's study.)

I was most grateful to you for asking Bob McNamara to arrange the very full briefing about the two oil targets near Hanoi and Haiphong that Col. Rogers gave me yesterday. . . .

I know you will not feel that I am either unsympathetic or uncomprehending of the dilemma that this problem presents for you. In particular, I wholly understand the deep concern you must feel at the need to do anything possible to reduce the losses of young Americans in and over Vietnam; and Col. Rogers made it clear to us what care has been taken to plan this operation so as to keep civilian casualties to the minimum.

However, . . . I am bound to say that, as seen from here, the possible military benefits that may result from this bombing do not appear to outweigh the political disadvantages that would seem the inevitable consequence. If you and the South Vietnamese Government were conducting a declared war on the conventional pattern . . . this operation would clearly be necessary and right. But since you have made it abundantly clear—and you know how much we have welcomed and supported this—that your purpose is to achieve a negotiated settlement, and that you are not striving for total military victory in the field, I remain convinced that the bombing of these targets, without producing decisive military advantage, may only increase the difficulty of reaching an eventual settlement. . . .

The last thing I wish is to add to your difficulties, but, as I warned you in my previous message, if this action is taken we shall have to dissociate ourselves from it, and in doing so I should have to say that you had given me advance warning and that I had made my position clear to you. . . .

Nevertheless I want to repeat . . . that our reservations about this operation will not affect our continuing support for your policy over Vietnam, as you and your people have made it clear from your Baltimore speech onwards. But, while this will remain the Government's position, I know that the effect on public opinion in this country—and I believe throughout Western Europe—is likely to be such as to reinforce the existing disquiet and criticism that we have to deal with.

Highlights of the Period

Within a month of the start of Operation Rolling Thunder, the Pentagon study says, the Johnson Administration had made the first of the decisions that were to lead, in the next months, to American assumption of the major burden of the ground war in South Vietnam.

Here, in chronological order, are the highlights of this period of debate and decision:

MARCH, 1965

First "Rolling Tunder" air strike at ammunition depot and naval base. The two Marine battalions deployed in Vietnam.

APRIL, 1965

President approves 18,000-20,000-man increase in "military support forces" and "a change of mission for marines "to permit their more active use. . . ." Memo notes his desire for "all possible precautions" against "premature publicity" and to "minimize any appearance of sudden changes in policy."

John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, urges deployment of 173d Airborne Brigade also.

Ambassador Maxwell D. Taylor, calls this "hasty and ill-conceived."

Honolulu strategy meeting. Conferees agree to urge increase to 82,000 U.S. troops.

George W. Ball, Under Secretary of State, proposes United States "cut its losses" and withdraw instead, history says.

MAY, 1965

Vietcong "summer offensive" begins, history says. About 200 Marine casualties during April, May.

JUNE, 1965

Gen. William C. Westmoreland, commander in Vietnam, says United States must "reinforce our efforts . . . as rapidly as practical." Asks total of 44 battalions.

State Department announces that United States troops are "available for combat support."

First major ground action by United States forces northwest of Saigon.

Gen. Westmoreland, in reply to Joint Chiefs, makes "big pitch . . . for a free hand to maneuver the troops around . . . ," analyst says.

Ambassador Taylor "confirms the seriousness of the military situation" and "very tenuous hold" of new Government, study goes on.

General Westmoreland given authority to use U.S. forces in battle when necessary "to strengthen" South Vietnam forces.

Mr. Ball, analyst writes, opposes ground-troop increase. Says it gives "absolutely no assurance" of success, risks "costly and indeterminate struggle". Urges "base defense and reserve" strategy "while the stage was being set for withdrawal."

William Bundy, history says, urges President avoid "ultimatum aspects" of either Ball or Westmoreland proposal. Says United States troops should be held to supporting "reserve reaction" role.

JULY, 1965

President at first approves deployment of 34 battalions, about 100,000 men; 44 battalions finally agreed on; total 193,887 troops.

History says this decision "perceived as a threshold—entrance into Asian land war. . . ."

By year's end, history notes, United States forces in South Vietnam total 184,314.

McNAUGHTON MEMO TO GOODPASTER ON "FORCES REQUIRED TO WIN"

(Excerpts from memorandum from Assistant Secretary McNaughton to Lieut. Gen. Andrew J. Goodpaster, assistant to the Chairman of the Joint Chiefs of Staff, July 2, 1965, "Forces Required to Win in South Vietnam," as provided in the body of the Pentagon's study.)

Secretary McNamara this morning suggested that General Wheeler form a small group to address the question, "If we do everything we can, can we have assurance of winning in South Vietnam?" General Wheeler suggested that he would have you head up the group and that the group would be fairly small. Secretary McNamara indicated that he wanted your group to work with me and that I should send down a memorandum suggesting some of the questions that occurred to us. Here are our suggestions:

1. I do not think the question is whether the 44-battalion program (including 3d-country forces) is sufficient to do the job although the answer to that question should fall out of the study. Rather, I think we should think in terms of the 44-battalion build-up by the end of 1965, with added forces—as required and as our capabilities permit—in 1966. Furthermore, the study surely should look into the need for forces other than ground forces, such as air to be used one way or another in-country. I would hope that the study could produce a clear articulation of what our strategy is for winning the war in South Vietnam, tough as that articulation will be in view of the nature of the problem.

2. I would assume that the questions of calling up reserves and extending tours of duty are outside the scope of this study.

3. We must make some assumptions with respect to the number of VC. Also, we must make some assumptions with respect to what the infiltration of men and material will be especially if there is a build-up of U.S. forces in South Vietnam. I am quite concerned about the increasing probability that there are regular PAVN forces either in the II Corps area or in Laos directly across the border from II Corps. Furthermore, I am fearful that especially with the kind of build-up here envisioned, infiltration of even greater numbers of regular forces may occur. As a part of this general problem of enemy build-up, we must of course ask how much assistance the USSR and China can be expected to give to the VC. I suspect that the increased strength levels of the VC and the more "conventional" nature of the operations implied by larger force levels may imply that the often-repeated ratio of "10 to 1" may no longer apply. I sense that this may be the case in the future, but I have no reason to be sure. For example, if the VC, even with larger forces engaged in more "conventional" type actions, are able to overrun towns and disappear into the jungles before we can bring the action troops to bear, we may still be faced with the old "ratio" problem.

4. I think we might avoid some spinning of wheels if we simply assumed that the GVN will not be able to increase its forces in the relevant time period. Indeed, from what Westy has reported about the battalions being chewed up and about their showing some signs of reluctance to engage in offensive operations, we might even have to ask the question whether we can expect them to maintain present levels of men—or more accurately, present levels of effectiveness.

5. With respect to 3d-country forces, Westy has equated the 9 ROK battalions with 9 U.S. battalions, saying that, if he did not get the former, he must have the latter. I do not know enough about ROK forces to know whether they are in all respects "equal to" U.S. forces (they may be better in some respects and not as good in others. For purposes of the study, it might save us time if we assumed that we would get no meaningful forces from anyone other than the ROKs during the relative time frame. (If the Australians decide to send another battalion or two, this should not alter the conclusions of the study significantly.). . . .

9. At the moment, I do not see how the study can avoid addressing the question as to how long our forces will have to remain in order to achieve a "win" and the extent to which the presence of those forces over a long period of time might, by itself, nullify the "win." If it turns out that the study cannot go into this matter without first getting heavily into the political side of the question, I think the study at least should note the problem in some meaningful way.

10. I believe that the study should go into specifics—e.g., the numbers and effectiveness and uses of the South Vietnamese forces, exactly where we would deploy ours and exactly what we would expect their mission to be, how we would go about opening up the roads and providing security for the towns as well as protecting our own assets there, the time frames in which things would be done, command relationships, etc. Also, I think we should find a way to indicate how badly the conclusions might be thrown off if we are wrong with respect to key assumptions or judgments. . . .

THE SERIES SO FAR

Events before Tonkin Gulf: Passage of the Tonkin resolution, the Pentagon account says, "set U.S. public support for virtually any action," but its passage was the culmination of months of covert U.S. military involvement and detailed preparation for escalation. This covert war, the narrative relates, included Plan 34A—a program of clandestine military operations against North Vietnam—and the development of precise scenarios for escallation leading up to the full-scale bombing of the North.

Planning the bombing: The months between the Tonkin Gulf incident and the March, 1965, start of Operation Rolling Thunder were months of planning how to carry out the "general consensus" on the necessity of an air war against the North, which the study says was reached in September, 1964. "Tactical considerations"—including the Presidential campaign, the study says—required delay, and low-risk interim measures, including coastal raids and U.S. air strikes at infiltration routes in Laos, were ordered "to assist morale . . ."

McNAMARA'S MEMO ON JULY 20, 1965, ON INCREASING ALLIED GROUND FORCE

(Excerpts from memorandum from Secretary McNamara for President Johnson, drafted on July 1, 1965, and revised on July 20, as provided in the body of the Pentagon's study. Paragraphs in italics are the study's paraphrase or explanation.)

In a memorandum to the President drafted on 1 July and then revised on 20 July, immediately following his return from a week-long visit to Vietnam, he recommended an immediate decision to increase the U.S.-Third Country presence from the current 16 maneuver battalions (15 U.S., one Australian,) and a change in the mission of these forces from one of providing support and reinforcement for the ARVN to one which soon became known as "search and destroy"—as McNamara put it, they were "by aggressive exploitation of superior military forces . . . to gain and hold the initiative . . . pressing the fight against VC–DRV main force units in South Vietnam to run them to ground and destroy them." . . .

His specific recommendations, he noted, were concurred in by General Wheeler and Ambassador-designate Lodge, who accompanied him on his trip to Vietnam, and by Ambassador Taylor, Ambassador Johnson, Admiral Sharp and General Westmoreland, with whom he conferred there. The rationale for his decisions was supplied by the CIA, whose assessment he quoted with approval in concluding that 1 July version of his memorandum. It stated:

Over the longer term we doubt if the Communists are likely to change their basic strategy in Vietnam (i.e., aggressive and steadily mounting insurgency) unless and until two conditions prevail: (1) they are forced to accept a situation in the war in the South which offers them no prospect of an early victory and no grounds for hope that they can simply outlast the US and (2) North Vietnam itself is under continuing and increasingly damaging punitive attack. So long as the Communists think they scent the possibility of an early victory (which is probably now the case), we believe that they will preserve and accept extremely severe damage to the North. Conversely, if North Vietnam itself is not hurting, Hanoi's doctrinaire leaders will probably be ready to carry on the Southern struggle almost indefinitely. If, however, both of the conditions outlined above should be brought to pass, we believe Hanoi probably would, at least for a period of time, alter its basic strategy and course of action in South Vietnam.

McNamara's memorandum of 20 July did not include this quotation, although many of these points were made elsewhere in the paper. Instead, it concluded with an optimistic forecast:

The overall evaluation is that the course of action recommended in this memorandum—if the military and political moves are properly integrated and executed with continuing vigor and visible determination—stands a good chance of achieving an acceptable outcome within a reasonable time in Vietnam.

Never again while he was Secretary of Defense would McNamara make so optimistic a statement about Vietnam—except in public.

This concluding paragraph of McNamara's memorandum spoke of political, as well as military "vigor" and "determination." Earlier in the paper, under the heading "Expanded political moves," he had elaborated on this point, writing:

Together with the above military moves, we should take political initiatives in order to lay a groundwork for a favorable political settlement by clarifying our objectives and establishing channels of communications. At the same time as we are taking steps to turn the tide in South Vietnam, we would make quiet moves through diplomatic channels (a) to open a dialogue with Moscow and Hanoi, and perhaps the VC, looking first toward disabusing them of any misconceptions as to our goals and second toward laying the groundwork for a settlement when the time is ripe; (b) to keep the Soviet Union from deepening its military [sic] in the world until the time when settlement can be achieved; and (c) to cement support for U.S. policy by the U.S. public, allies and friends, and to keep international opposition at a manageable level. Our efforts may be unproductive until the tide begins to turn, but nevertheless they should be made.

Here was scarcely a program for drastic political action. McNamara's essentially procedural (as opposed to substantive) recommendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively facesaving surrender when he decided that the game had grown too costly. This was, in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a "political settlement." (As McNamara noted in a footnote, even this went too far for Ambassador-designate Lodge, whose view was that "any further initiative by us now (before we are strong) would simply harden the Communist resolve not to stop fighting." In this view Ambassadors Taylor and Johnson concurred, except that they would maintain "discreet contacts with the Soviets.")

McNamara's concluding paragraph spoke of "an acceptable outcome." Previously in his paper he had listed "nine fundamental elements" of a favorable outcome. These were:

(a) VC stop attacks and drastically reduce incidents of terror and sabotage.

(b) DRV reduces infiltration to a trickle, with some reasonably reliable method of our obtaining confirmation of this fact.

(c) US/GVN stop bombing of North Vietnam.

(d) GVN stays independent (hopefully pro-US, but possibly genuinely neutral).

(e) GVN exercises governmental functions over substantially all of South Vietnam.

(f) Communists remain quiescent in Laos and Thailand.

(g) DRV withdraws PAVN forces and other North Vietnamese infiltrators (not regroupees) from South Vietnam.

(h) VC/NLF transform from a military to a purely political organization.

(i) US combat forces (not advisors or AID) withdraw.

Confusion and Suspicion

There was some confusion, suspicion and controversy about the President's approval of an 18,000–20,000 increase in support troops, which, he explained, was meant "to fill out existing units and supply needed logistic personnel."

On April 21, Secretary McNamara told the President that 11,000 of these new men would augment various existing forces, while 7,000 were logistic troops to support "previously approved forces."

"It isn't entirely clear from the documents exactly what the President did have in mind for the support troop add-ons," the study comments. "What is clear, however, . . . was that the J.C.S. were continuing to plan for the earliest possible introduction of two to three divisions into RVN." The analyst cites a memorandum from Mr. McNamara to General Wheeler on April 6 as evidence of this planning.

Later, on May 5, the study continues, Assistant Secretary of Defense, McNaughton would send a memorandum to Deputy Secretary of Defense Cyrus Vance, saying that "the J.C.S. misconstrued the [support] add-ons to mean logistic build-up for coastal enclaves and the possible later introduction of two to three divisions." (These were the divisions the Joint Chiefs had requested on March 20.)

"RELATIVELY LOW RISK"

The enclave strategy had as its object the involvement of United States combat units at "relatively low risk." It proposed "that U.S. troops occupy coastal enclaves, accept full responsibility for enclave security, and be prepared to go to the rescue of the RVNF as far as 50 miles outside the enclave. . . . The intent was not to take the war to the enemy but rather to deny him certain critical areas," the study says.

To prove the viability of its "reserve reaction," the analyst goes on, the enclave strategy required testing, but the rules for committing United States troops under it had not been worked out by the time it was overtaken by events—a series of major military victories by the Vietcong in May and June that led to the adoption of the search-and-destroy strategy.

Search and destroy, the analyst says, was "articulated by Westmoreland and the J.C.S. in keeping with sound military principles garnered by men accustomed to winning. The basic idea . . . was the desire to take the war to the enemy, denying him freedom of movement anywhere in the country . . . and deal him the heaviest possible blows." In the meantime, the South Vietnamese Army "would be free to concentrate their efforts in populated areas."

From April 11 through April 14, the additional two marine battalions were deployed at Hue-Phubai and at Danang, bringing the total maneuver battalions to four.

"The marines set about consolidating and developing their two coastal base areas, and, although they pushed their patrol perimeters out beyond their tactical wire and thereby conducted active rather than passive defense, they did not engage in any offensive operations in support of ARVN for the next few months," the study says.

At this point, the Defense Department, the Joint Chiefs and General Westmoreland collaborated—as it turned out, successfully—in what the study calls "a little cart-before-horsemanship." It involved the deployment to South Vietnam of the 173d Airborne Brigade, two battalions that were then situated on Okinawa in a reserve role.

General Westmoreland had had his eye on the 173d for some time. On March 26, in his "Commander's Estimate of the Situation," in which he requested the equivalent of two divisions, he also recommended that the 173d Airborne Brigade be deployed to the Bienhoa-Vungtau areas "to secure vital U.S. installations." This recommendation, like that for two divisions, was not acted upon by the National Security Council in the April 1–2 meeting.

On April 11, General Westmoreland cabled Admiral Sharp, the Pacific commander, that he understood from the National Security Council's meetings and Ambassador Taylor's discussions in Washington at the beginning of the month that his requested divisions were not in prospect. But, he said, he still wanted the 173d Airborne Brigade.

AHEAD IN TWO AREAS

This message, the study says, set in motion "a series of cables, proposals and false start which indicated that Washington was well ahead of Saigon in its planning and in its anxiety."

The upshot of all this communication was that at a meeting in Honolulu of representatives of the Joint Chiefs and the Pacific command from April 10 to April 12, the deployment of the 173d Airborne Brigade was recommended. On April 14, the Joint Chiefs of Staff ordered the deployment to Bienhoa-Vungtau, and the replacement of the brigade by one from the United States.

"This decision to deploy the 173d apparently caught the Ambassador flatfooted," the study says, "for he had quite obviously not been privy to it."

On the day of the Joint Chiefs' decision, Ambassador Taylor cabled the State Department that "this [decision on the deploying the brigade] comes as a complete surprise in view of the understanding reached in Washington [during his visit] that he would experiment with the marines in a counterinsurgency role before bringing in other U.S. contingents." He asked that deployment of the brigade be held up until matters were sorted out.

However, the study notes, Ambassador Taylor "held the trump card" because the proposed action had to be cleared with Premier Quat, and General Taylor told his superiors on April 17 that he did not intend to tell the Premier "without clearer guidance explaining Washington's intentions." [See text, Taylor cable, April 17, 1965.]

"That Washington was determined, with the President's sanction, to go beyond what had been agreed to and formalized in NSAM 328 was manifested unmistakably in a cable under joint Defense/State auspices by Mr. McNaughton to the Ambassador on 15 April," the Pentagon study says.

In the cablegram, Mr. McNaughton said: "Highest authority [the President] believes the situation in South Vietnam has been deteriorating and that, in addition to actions against the North, something new must be added in the South to achieve victory." He then listed seven recommended actions, including the introduction of military-civil affairs personnel into the air effort and the deployment of the 173d Airborne Brigade to Bienhoa-Vungtau "as a security force for our installations and also to participate in counterinsurgency combat operations" according to General Westmoreland's plans.

Reacting to that cable on April 17, Ambassador Taylor protested to McGeorge Bundy in the White House against the introduction of military-civilian affairs personnel into the air effort. The Ambassador's cablegram continued by saying that the McNaughton message "shows a far greater willingness to get into the ground war than I had discerned in Washington during my recent trip."

"Mac, can't we be better protected from our friends?" the Ambassador asked. "I know that everyone wants to help, but there's such a thing as killing with kindness." [See text, Taylor cable April 17.]

EXACT DATE IS UNCERTAIN

Discussing the contretemps between the Pentagon and General Taylor the study says:

"The documents do not reveal just exactly when Presidential sanction was obtained for the expanded scope of the above [McNaughton] proposals. It is possible that [on the approval for deploying the brigade] the Ambassador may have caught the Defense Department and the J.C.S in a little cart-before-horsemanship."

In any event on April 15 the day after it had ordered the deployment of the brigade, the J.C.S. sent a memorandum to Secretary McNamara dealing with the Ambassador's objections and still insisting that the brigade was needed.

"Whether or not the J.C.S. wrote that memorandum with red faces," the study remarks, "the Secretary of Defense dates approval for final deployment of the 173d as of the 30th of April."

PRESSURE FROM MILITARY

The strategy of base security having been ended by National Security Action Memorandum 328, a high-level meeting began in Honolulu on April 20 to "sanctify" and "structure", as the Pentagon analyst puts it, "an expanded enclave strategy."

Present at the meeting were Secretary of Defense McNamara; William Bundy, Assistant Secretary of State for Far Eastern Affairs; Assistant Secretary of Defense McNaughton; Ambassador Taylor; Admiral Sharp; Gen. Earle G. Wheeler, Chairman of the Joint Chiefs, and General Westmoreland.

"Some of these men had helped produce the current optimism in situation reports and cables," the Pentagon study says, "and yet the consensus of their meeting was that the then-present level of Vietcong activity was nothing but the lull before the storm.

"The situation which presented itself to the Honolulu conferees was in many ways the whole Vietnam problem in microcosm. What was needed to galvanize everyone to action was some sort of dramatic event within South Vietnam itself. Unfortunately, the very nature of the war precluded the abrupt collapse of a front or the loss of large chunks of territory in lightning strokes by the enemy. The enemy in this war was spreading his control and influence slowly and inexorably but without drama. The political infrastructure from which he derived his strength took years to create, and in most areas the expansion of control was hardly felt until it was a fait accompli."

IN A REAR-GUARD ACTION

Of the conferees, the study says, "by far the most dogged protagonist of the enclave strategy was Ambassador Taylor." It had already become apparent, however, and was to become manifestly clear at Honolulu, that the Ambassador was fighting a rear-guard action against both civilian and military officials in the Pentagon who were bent on expansion of U.S. forces in South Vietnam and an enlargement of their combat mission.

On March 18, in a message to Washington, Ambassador Taylor had suggested that if a division were sent to South Vietnam as had been proposed by the Army Chief of Staff, Gen. Harold K. Johnson, then consideration should be given to deploying it in either a highland or coastal enclave.

When he got no response, Ambassador Taylor sent another message on March 27, stating that if United States forces were to come, his preference was, as the study says, that they be used in a combination of defensive or offensive enclave plus reserve for an emergency, rather than in "territorial clear and hold" operations.

The Ambassador, the study notes, interpreted the pivotal National Security Action Memorandum as supporting his position, because in it the President seemed to make plain that he "wanted to experiment very carefully with a small amount of force before deciding whether or not to accept any kind of ground war commitment."

FOR GUERRILLAS, TANKS

Therefore, the study says, "the Ambassador was surprised to discover that the marines [the two additional battalions that landed April 11–14] had come ashore with tanks, self-propelled artillery, and various other items of weighty equipment not 'appropriate for counterinsurgency operations.'"

In his April 17 cable to McGeorge Bundy, Ambassador Taylor had also protested the "hasty and ill-conceived" proposals for the deployment of more forces with which he was being flooded.

"Thus was the Ambassador propelled into the conference of 20 April 1965, only one step ahead of the Washington juggernaut, which was itself fueled by encouragement from Westmoreland in Saigon," the study comments. "Taylor was not opposed to the U.S. build-up *per se*, but rather was concerned to move slowly with combat troop deployments . . . He was overtaken in Honolulu."

According to Mr. McNaughton's minutes, the conference in preliminary discussions on April 20 agreed that:

"(1) The D.R.V. was not likely to quit within the next six months; and in any case, they were more likely to give up because of VC failure in the South than because of bomb-induced 'pain' in the North. It could take up to two years to demonstrate VC failure.

"(2) The level of air activity through Rolling Thunder was about right. The U.S. did not, in Ambassador Taylor's words, want 'to kill the hostage.' Therefore, Hanoi and environs remained on the restricted list. It was recognized that air activity would not do the job alone.

"(3) Progress in the South would be slow, and great care should be taken to avoid dramatic defeat. The current lull in Vietcong activity was merely the quiet before a storm.

"(4) The victory strategy was to 'break the will of the D.R.V./VC by denying them victory.' Impotence would lead eventually to a political solution."

6,700 MEN BELOW STRENGTH

At the time of the Honolulu conference, the study notes, "the level of approved U.S. forces for Vietnam was 40,200," but 33,500 were actually in the country at that time.

"To accomplish the 'victory strategy' described above," the study continues, the conferees agreed that U.S. ground forces should be increased from 4 to 13 maneuver battalions and to 82,000 men. The United States, they agreed, should also seek to get additional troops from Australia and South Korea that would bring the so-called third-country strength to four maneuver battalions and 7,250 men.

Thus, the Honolulu conferees proposed raising the recommended United States-third country strength to 17 battalions.

The conferees also mentioned but did not recommend a possible later deployment of 11 U.S. and 6 South Korean battalions, which when added to the approved totals, would bring the United States-third country combat capability to 34 batallions. In this later possible deployment was included an Army airmobile division.

Secretary McNamara forwarded the Honolulu recommendations to the President on April 21, together with a notation on possible later deployment of the airmobile division and the Third Marine Expeditionary Force.

DETAILED DEPLOYMENT PLAN

On April 30 the Joint Chiefs presented a detailed program for deployment of some 48,000 American and 5,250 third-country soldiers. "Included were all the units mentioned in the Honolulu recommendations plus a healthy support package," the study says.

The Joint Chiefs said that these additional forces were "to bolster GVN forces during their continued build-up, secure bases and installations, conduct counterinsurgency combat operations in coordination with the RVNAF, and prepare for the later introduction of an airmobile division to the central plateau, the remainder of the third M.E.F. [the marine force] to the Danang area, and the remainder of a ROK [Republic of Korea] division to Quangngai."

From the thrust of this memorandum by the Joint Chiefs, the analyst comments, "it is apparent that the enclave strategy was no stopping place as far as the Chiefs were concerned. They continued to push hard for the earliest possible input of three full divisions of troops. They were still well ahead of the pack in that regard."

THE ENEMY RESPONDS

The question of final Presidential approval of the 17-battalion recommendations now became academic as the enemy started attacks that provided the Pentagon and General Westmoreland with a battlefield rationale for their campaign to have American troops take over the major share of the ground war.

As the manpower debates continued in March and April, the study portrays the military situation: "The Vietcong were unusually inactive throughout March and April. There had been no major defeat of the enemy's forces and no signs of any major shift in strategy on his part. Hence it was assumed that he was merely pausing to regroup and to assess the effect of the changed American participation in the war embodied in air strikes and in the marines," the first two battalions deployed at Danang on March 8.

"There were, however, plenty of indications in the early spring of 1965 of what was to come," the study continues. . . . "From throughout the country came reports that Vietcong troops and cadres were moving into central Vietnam and into areas adjacent to the ring of provinces . . . around Saigon."

'A SOBERING HARBINGER'

"Finally and most ominous of all," the study says, a memorandum by the Central Intelligences Agency and the Defense Intelligence Agency on April 21, 1965, "reflected the acceptance into the enemy order of battle of one regiment of the 325th PAVN [People's Army of Vietnam] division said to be located in Kontum province The presence of this regular North Vietnamese unit, which had been first reported as early as February, was a sobering harbinger. . . ."

On May 11, when the Vietcong attacked Songbe, the capital of Phuoclong Province, using more than a regiment of troops, "the storm broke in earnest," the study says. The enemy overran the town and the American advisers' compound, causing heavy casualties. After holding the town for a day, the Vietcong withdrew, the study relates.

Later in May, in Quangngai Province in the northern part of South Vietnam, a battalion of Government troops—the Army of the Republic of Vietnam—was ambushed and overrun near Bagia, west of Quangngai. Reinforcements were also ambushed.

"The battle," the study says, "dragged on for several days and ended in total defeat for the ARVN. Two battalions were completely decimated. . . . From Bagia came a sense of urgency, at least among some of the senior US officers who had been witness to the battle."

TWO REGIMENTS ATTACK

Then in June, two Vietcong regiments attacked an outpost at Dongxoai and when Government reinforcements were committed "piecemeal" they were "devoured by the enemy" the Pentagon study says.

"By mid-June, 1965," it asserts, "the Vietcong summer offensive was in full stride." By mid-July, the Vietcong were "systematically forcing the GVN to yield what little control it still exercised in rural areas outside the Mekong Delta."

On June 7, after the attack on Bagia, General Westmoreland sent a long message on the military situation and his needs to the Pacific Commander for relay to the Joint Chiefs.

"In pressing their campaign," the general said, "the Vietcong are capable of mounting regimental-size operations in all four ARVN corps areas, and at least battalion-sized attack in virtually all provinces. . . .

"ARVN forces on the other hand are already experiencing difficulty in coping with this increased VC capability. Desertion rates are inordinately high. Battle losses have been higher than expected; in fact, four ARVN battalions have been rendered ineffective by VC action in the I and II Corps zones. . . .

"Thus, the GVN/VC force ratios upon which we based our estimate of the situation in March have taken an adverse trend. You will recall that I recommended the deployment of a U.S. division in II Corps to cover the period of the RVNAF build-up and to weight the force ratios in that important area. We assumed at that time that the ARVN battalions would be brought to full strength by now and that the force build-up would proceed on schedule. Neither of these assumptions has materialized. . . .

"In order to cope with the situation outlined above, I see no course of action open to us except to reinforce our efforts in SVN with additional U.S. or third country forces as rapidly as is practical during the critical weeks ahead."

THE "44-BATTALION REQUEST"

What General Westmoreland asked for added up to a total force of 44 battalions and the June 7 message became known as the "44-battalion request."

Just as intense internal debate was beginning on the request, there was a "credibility" flare-up deriving from President Johnson's injunction of secrecy on the change of missions for the marines authorized on April 1 in National Security Action Memorandum 328.

"The long official silence between the sanction for U.S. offensive operations contained in NSAM 328 and the final approval [in negotiations with Saigon] of the conditions under which U.S. troops could be committed was not without cost," the study asserts. "The President had admonished each of the N.S.C. members not to allow release of provisions of the NSAM, but the unduly long interregnum inevitably led to leaks." In addition, the marines had 200 casualties, including 18 killed, as they went about "tidying up," as the study puts it, their newly assigned area in April and May.

"The Commandant of the Marine Corps," the study continues, "raised the tempo of speculation by saying to the press during an inspection trip to Vietnam in April that the marines were not in Vietnam to 'sit on their dittyboxes'—and they were there to 'kill Vietcong.' "

"An honest and superficially innocuous statement by Department of State Press Officer Robert McCloskey on 8 June to the effect that 'American forces would be available for combat support together with Vietnamese forces when and if necessary' produced an immediate response [in the press].

'BY ITS OWN PETARD'

"The White House was hoisted by its own petard. In an attempt to quell the outcry, a statement was issued on the 9th of June which, because of its ambiguity, only served to exacerbate the situation and to widen what was being described as 'the credibility gap'."

The White House statement said: "There has been no change in the mission of United States ground combat units in Vietnam in recent days or weeks. The President has issued no order of any kind in this regard to General Westmoreland recently or at any other time. The primary mission of these troops is to secure and safeguard important military installations like the air base at Danang. They have the associated mission of . . . patrolling and securing actions in and near the areas thus safeguarded.

"If help is requested by the appropriate Vietnamese commander, General Westmoreland also has authority within the assigned mission to employ those troops in support of Vietnamese forces faced with aggressive attack when other effective reserves are not available and when, in his judgment, the general military situation urgently requires it."

Discussing this statement, the Pentagon analyst says: "The documents do not reveal whether or not the ground rules for engagement of U.S. forces had actually been worked out to everyone's satisfaction at the time of the White House statement. There is good indication that they had not." The analyst also notes that during the battles of Bagia and Dongxoai, the Government forces "were desperately in need of assistance," but that United States forces were not committed although the marines were available for Bagia and the 173d Airborne Brigade for Dongxoai.

THE FIRST MAJOR ACTION

The study reports that the first major ground action by United States forces took place northwest of Saigon from June 27 to June 30, and involved the 173d Airborne Brigade, an Australian battalion and South Vietnamese forces.

"The operation could by no stretch of definition have been described as a reserve reaction," the study says. "It was a search and destroy operation into Vietcong base areas. . . . The excursion was a direct result of the sanction given to General Westmoreland . . . [as a result of National Security Action Memorandum 328 and the enemy offensive] to 'commit U.S. troops to combat, independent of or in conjunction with GVN forces in any situation in which the use of such troops is requested by an appropriate GVN commander and when in [General Westmoreland's] judgment, their use is necessary to strengthen the relative position of GVN forces'."

However, as the study notes, "At that juncture the 44-battalion debate was in full swing and the enclave strategy, as a means to limit the amount and use of U.S. combat force in Vietnam, was certainly overcome by events," and by "a much more ambitious strategy sanctioned by the President."

Recapitulating the situation just before the debate, the study gives this picture of deployment: At the beginning of June, the enclave strategy was in its first stages with Marine Corps forces at Phubai, Danang and Chulai, and Army forces in Vungtau. Other enclaves were under consideration. Approved for deployment—but not all arrived in South Vietnam yet—were approximately 70,000 troops in 13 maneuver battalions; with third-country forces the total came to 77,250 men and 17 maneuver battalions.

This was the situation when, on June 7, General Westmoreland asked for reinforcements "as rapidly as possible."

General Westmoreland's message, the Pentagon study says, "stirred up a veritable hornet's nest in Washington," because his request for large reinforcements and his proposed strategy to go on the offensive "did not contain any of the comfortable restrictions and safeguards which had been part of every strategy debated to date."

"In such a move," the study continues "the specter of U.S. involvement in a major Asian ground war was there for all to see."

Just as Ambassador Taylor had consistently resisted involvement of United States forces, the study says, so General Westmoreland had been equally determined to get the troops into the war and have "a free hand" in using them.

At the time of his message, the general had available in Vietnam seven Marine and 2 Army maneuver battalions, plus an Australian battalion. Now, he was asking for a total of 33 battalions, and if the 173d Airborne Brigade's two battalions—which were on temporary assignment—were added, the total came to 35. But in a subparagraph, General Westmoreland also identified nine other United States battalions that he might request at a later date. Thus the total of 44 battalions, and hence the name given the request. In the total was included an airmobile division of nine battalions to be formed later.

Admiral Sharp favored the request in a message to the Joint Chiefs on June 7, saying, "We will lose by staying in enclaves defending coastal areas."

THE CHIEFS IN FAVOR

The Joint Chiefs, the Pentagon analyst says, favored bolstering the United States troop commitment. As far back as March 20, the Joint Chiefs had advocated sending three divisions—two American and one Korean—with the objective of "destroying the Vietcong."

Now, the study states, General Westmoreland's request "altered drastically the role of the J.C.S. in the buildup debate.

"Up to that time," the study continues, "the J.C.S. had, if anything, been ahead of General Westmoreland in advocating allied forces for Vietnam. The 27 battalions of their three-division plan were in themselves more than Westmoreland ever requested until 7 June. After that date, the big push came from Westmoreland in Saigon, and the J.C.S. were caught in the middle between the latter and the powerful and strident opposition his latest request for forces had surfaced in Washington."

On June 11, the Joint Chiefs cabled Admiral Sharp that something less than General Westmoreland's request was close to approval, but they wanted to know, the study says, "where Westmoreland intended to put this force in Vietnam."

He replied on June 13 in detail and the study comments: "This message was extremely important, for in it [he] spelled out the concept of keeping U.S. forces away from the people. The search and destroy strategy for U.S. and third country forces which continues to this day and the primary focus of RVNAF on pacification both stem from that concept. In addition, Westmoreland made a big pitch in this cable for a free hand to maneuver the troops around inside the country. . . ."

CONFIRMATION BY TAYLOR

Ambassador Taylor, in a report on June 17, "confirmed the seriousness of the military situation as reported by General Westmoreland and also pointed up the very tenuous hold the new government had on the country." This was the Government of President Nguyen Van Thieu and Premier Nguyen Cao Ky.

"This report apparently helped to remove the last obstacles to consideration of all of the forces mentioned in Westmoreland's request of 7 June," the analyst says.

On June 22, General Wheeler cabled General Westmoreland and asked if the 44 battalions were enough to convince the enemy forces that they could not win. General Westmoreland replied, the study says, "that there was no evidence the VC/DRV would alter their plans regardless of what the U.S. did in the next six months."

"The 44-battalion force should, however, establish a favorable balance of power by the end of the year," the study quotes the general as having said. "If the U.S. was to seize the initiative from the enemy, then further forces would be required into 1966 and beyond. . . ."

On June 26, the general was given authority to commit U.S. forces to battle when he decided they were necessary "to strengthen the relative position of GVN forces."

"This was about as close to a free hand in managing the forces as General Westmoreland was likely to get," the analyst says. "The strategy was finished, and the debate from then on centered on how much force and to what end."

DIVERGENT VIEWS AT HOME

The opposition to General Westmoreland had "its day in court," late in June and early in July, the study says. The embassy in Saigon, "while recognizing the seriousness of the situation in South Vietnam, was less than sanguine about the prospects for success if large numbers of foreign troops were brought in."

Another critic of General Westmoreland's recommendations, the account reports, was Under Secretary of State Ball who was "convinced that the U.S. was pouring its resources down the drain in the wrong place."

"In Ball's view, the account continues," there was absolutely no assurance that the U.S. could with the provision of more ground forces achieve its political objectives in Vietnam. Instead, the U.S. risked involving itself in a costly and indeterminate struggle. To further complicate matters, it would be equally impossible to achieve political objectives by expanding the bombing of the North. . . ."

WILLIAM BUNDY IN THE MIDDLE

Assistant Secretary William P. Bundy, the study says, "like so many others found himself in between Westmoreland and Ball."

In a memorandum to the President on July 1, Mr. Bundy gave his position, as summarized in the Pentagon study:

The U.S. needed to avoid the ultimatum aspects of the 44 battalions and also the Ball withdrawal proposal. . . . The U.S. should adopt a policy which would allow it to hold on without risking disasters of scale if the war were lost despite deployment of the full 44 battalions. For the moment, according to Bundy, the U.S. should complete planned deployments to bring in-country forces to 18 maneuver battalions and 85,000 men. . . . The forces in Vietnam, which Bundy assumed would be enough to prevent collapse, would be restricted to reserve reaction in support of RVNAF. This would allow for some experimentation without taking over the war effort—a familiar theme." [See text, George Ball memo, July 1.]

As for Secretary McNamara's views, the study comments: "It is difficult to be precise about the position of the Secretary of Defense during the buildup debate because there is so little of him in the files."

"There are plenty of other indications in the files that the Secretary was very carefully and personally insuring that the Defense Establishment was ready to provide efficient and sufficient support to the fighting elements in Vietnam," the study continues. "From the records, the Secretary comes out much more clearly for good management than he does for any particular strategy."

The Secretary went to South Vietnam for a four-day inspection starting July 16. The study says that while he was in Saigon on July 17, he received a cable from Deputy Secretary of Defense Vance informing him that the President had decided to go ahead with the plan to deploy 34 battalions.

"The debate was over," the analyst says. "McNamara left Saigon bearing Westmoreland recommendations for an even greater increase in forces. . . ."

The study says 34 battalions. This is not entirely clear, because in his request General Westmoreland had asked for a total of 33, and if the battalions of the 173rd Airborne Brigade were added, the total would be 35. The explanation apparently is that when the Airmobile Division was finally organized, it had eight rather than nine battalions. The 34 battalions were, of course, to be supplied immediately. The nine others were to be requested later if needed.

The Pentagon analyst apparently did not have access to White House memoranda, so he is able to give only a sketchy account of Mr. Johnson's role. But he says: "There is no question that the key figure in the early 1965 buildup was the President."

On May 4, the President asked Congress for a $700-million supplemental appropriation "to meet mounting military requirements in Vietnam."

"Nor can I guarantee this will be the last request," he said in a message. "If our need expands I will turn again to the Congress. For we will do whatever must be done to insure the safety of South Vietnam from aggression. This is the firm and irrevocable commitment of our people and nation."

On July 28, the President held a press conference in which he said, "The lesson of history dictated that the U.S. commit its strength to resist aggression in South Vietnam."

As for the troop increases, the President said:

"I have asked the commanding general, General Westmoreland, what more he needs to meet this mounting aggression. He has told me. We will meet his needs.

"I have today ordered to Vietnam the Airmobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as requested . . .

"I have concluded that it is not essential to order Reserve units into service now."

"IT DOES NOT IMPLY CHANGE"

During the questioning after the announcement, this exchange took place:

"Q. Mr. President, does the fact that you are sending additional forces to Vietnam imply any change in the existing policy of relying mainly on the South Vietnamese to carry out offensive operations and using American forces to guard installations and to act as emergency back-up?

"A. It does not imply any change in policy whatever. It does not imply change of objective."

On July 30, the Joint Chiefs approved 44 maneuver battalions for deployment, involving a total of 193,887 United States troops. By the end of the year, United States forces in South Vietnam numbered 184,314.

"The major participants in the decision knew the choices and understood the consequences," the study says in summation. The decision taken in mid-July to commit 44 battalions of troops to battle in South Vietnam "was perceived as a threshold—entrance into an Asian land war. The conflict was seen to be long, with further U.S. deployments to follow. The choice at that time was not whether or not to negotiate, it was not whether to hold on for a while or let go—the choice was viewed as winning or losing South Vietnam."

Accompanying this decision to give General Westmoreland enough troops to embark on the first phase of his search-and-destroy strategy "was a subtle change of emphasis," the study says.

"Instead of simply denying the enemy victory and convincing him that he could not win, the thrust became defeating the enemy in the South. This was sanctioned implicitly as the only way to achieve the U.S. objective of a non-Communist South Vietnam.

"The acceptance of the search-and-destroy strategy . . . left the U.S. commitment to Vietnam open-ended. The implications in terms of manpower and money are inescapable.

"Final acceptance of the desirability of inflicting defeat on the enemy rather than merely denying him victory opened the door to an indeterminate amount of additional force."

Precisely what President Johnson and Secretary of Defense McNamara expected their decisions of July to bring within the near term "is not clear," the study says, "but there are manifold indications that they were prepared for a long war."

DATA ON OUR SICK ECONOMY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mrs. ABZUG. Mr. Speaker, on the occasion of the adoption of the conference report on the Public Works Acceleration Act, the meeting of the conferees on the Public Service Employment Acts, and the beginning of consideration of the Defense Procurement Act of 1971, I would like to take the occasion to present an economic framework in which we in Congress, who so frequently become isolated from the real problems besetting this country, can view these attempts of ours to deal with the problems confronting our economy and its participants—our constituents.

The framework is an excellent statistical analysis presented by an economist, Robert Philipoff, at the National Hearing for Action on Jobs and Unemployment held in Washington on May 22, 1971. It speaks to the desperate economic situation that many Americans have to deal with—a 50-percent increase in the number of people unemployed in 1970 alone—at the same time pointing to the 211-percent increase in the number of American millionaires who paid no taxes in the period 1966–69, to the vast expenditures on cost overruns alone in our defense budget.

The contrasts are stark and sobering. May we in the 92d Congress heed them, both in the act of congratulating ourselves and in stirring ourselves to further action in the hard work of reordering our expenditures that they begin to reflect the very real needs of the people in this country.

The analysis follows:

UNEMPLOYMENT AND POVERTY

(Testimony before the National Hearing for Action on Jobs and Unemployment, May 22, 1971, Washington, D.C., by Robert Philipoff, economist and associate research director, Labor Research Association)

Thank you very much, Mr. Chairman.

EXTENT OF UNEMPLOYMENT AND POVERTY

Last month the Labor Department reported that the unemployment rate was 6.1% for the nation as a whole and the number of unemployed was 5,085,000.

Actually, the average man on the street knows that the government figures vastly understate the number of people unemployed. This is done by resorting to such devices as simply not counting accurately the number of black Americans, and not counting the number of people white, black, and brown, who have given up looking for a job because they know they cannot find one. In reality the number of people unemployed is about double the official government figures.

You know the old saying that figures don't lie but only liars figure.

Well, what has happened is that the grim reality has become so obvious that even some of the figures used by the liars illustrate the reality.

I mentioned earlier that the officially reported rate for April was 6.1%, which, by the way has been at about that level for the past five months. This is no freak occurrence.

The Labor Department has divided the country into 150 major labor areas. As of early May the number of these major areas with substantial unemployment was 52, over one-third the total, the highest level in nine years. Only 11 were so classified one year ago, and only 6 had such high rates of unemployment when President Nixon took office in January of 1969.

And what are substantial rates of unemployment according to the government? These are rates of unemployment above 6%.[1]

So actually the whole country, all the 150 major labor areas, not only 6, 11, or 52, on the average ranks as an area of substantial unemployment.

In reality, the economy as a whole is in a depression, and when you take into consideration the inflationary impact of the huge amount of government military spending, especially for the barbaric war in Indochina, the enormous tax load that has been shifted to the workers from the big corporations, the erosion, and decay of the cities, and city services such as mass transit, the housing crisis, the enormous air, noise, and water pollution crises, the constant threat of nuclear obliteration, as well as such scandalous situations as the vast number of people unemployed and on public assistance, then the situation worsens.

But let's just stick for a moment to bread and butter (and by the way, the very bread and butter we eat today contains more chemicals and harmful additives than they ever did in the Great 1929 Depression).

A 1965 U.S. Department of Agriculture survey, published in 1968, covering all sections of the country and all income groups, found that 20% of the population suffers from malnutrition, about 40 million people.[2]

Think of that! One out of every five people in this country suffering from malnutrition based on the government survey. And that was in 1965 when there were far fewer major areas of substantial unemployment, when the official unemployment rate was less than 5 percent, when fewer than four million people were officially counted as unemployed, and when the rate of inflation was not nearly so severe as it is today.

In 1970 real spendable earnings (adjusted for price and tax increases in 1957-59 dollars) for a worker with three dependents in the total private economy was $77.72 or *less than* for any year since 1965, year of the illegal and immoral U.S. bombing raids over North Vietnam began.[3]

But the number of millionaires who paid no federal taxes in 1969 increased 211% over 1966 and 81% over 1968 according to Internal Revenue Service reports.[4]

In 1970 the number of the poor in the nation increased sharply, reversing a 10-year trend according to government figures.[5]

There were 25.5 million poor persons in 1970, a rise of 1.2 million over 1969, an increase of 5%.

The proportion of black Americans in poverty to the total in poverty has sharply risen to 32% in 1970.

To increase the income of all poor families to the poverty minimum of $3,968 the Census Bureau estimated would cost $11.4 billion. This is less than the $15 billion in cost overruns, especially extra profiteering embodied in 27 of the Pentagon's major weapons programs. (See Business Week, June 6, 1970, p. 31).[6]

While the decade since 1960 has been accompanied by growth of the military-industrial complex, active U.S. military involvement in Indochina, and of the monopolization of the nation's wealth,[7] the number of people on relief under a system which severely demeans the poor has almost doubled from over seven million in 1960 to over 13 million in October, 1970. And since 1964, with the passage by Congress of the "Gulf of Tonkin" resolution which paved the way for the U.S. invasion of North Vietnam, the number of people on public assistance has jumped by 70%, and the miserably inadequate relief provisions continued unabated. In contrast between 1950 and 1960 the increase in the number of people on relief was only 17%.[8]

In 1970 the middle U.S. Department of Labor budget for a moderate but adequate standard of living for a family of four in the urban United States was $205 a week. In that year the average wage in the total private economy was $120 a week, less than 60% of the Department of Labor standard.

WHAT ABOUT UNEMPLOYMENT IN 1970? [9]

1970 witnessed an almost 50% increase in the number of people unemployed.

The total number of unemployed in 1970—4,088,000—was the third highest since 1941.

This came amidst the drive by the Nixon administration to expand the war in Indochina to Laos and Cambodia and curtail the living standards of the American people, and a severe domestic economic crisis aggravated by the Nixon war policies.

At the point of production, workers in the nation's manufacturing industries comprised almost 30% of the unemployed according to official figures, highest annual rate in 12 years. For women workers in manufacturing their unemployed rate in 1970 according to government estimates stood at 8.1%, almost double that for their male counterparts.

And for black workers and other racial U.S. minorities (let us not forget that white people are only a minority of the world's population)—the chronically last-to-be-hired, first-to-be-fired—the unemployment rate in 1970 as officially reported also was about double that for whites increasing by 28% over 1969. For black single women 16 years and over the unemployment rate in 1970 was over twice that for their white counterparts. But I repeat that government statistics especially conceal the true nature of black unemployment principally by the method of labor force undercounting.[10]

Even so, the number of officially counted unemployed Afro-American women in 1970—373,000—was the highest ever since official statistics were compiled in 1954, and the 34.4% unemployment rate for black women 16-19 was the second highest recorded compared with 13.4% for their white counterparts—a ratio of 2.6 to 1.

Fully 48% of the unemployed were youth 16-24 years old compared with 33.6% in 1960!

The number of unemployed youth officially recorded in 1970—1,970,000—was the highest since the beginning of the Cold War immediately after the end of World War II.

Officially reported unemployment rates of 30-46%, for Black, Mexican American and Puerto-Rican American youth have not been uncommon in the nation's ghettos!

And while there has been a great growth of the number of unemployed professional and technical workers they comprised less than 6% of the unemployed in 1970 compared with 26% for factory operators.

While over 45% of the unemployed were women in 1970 they constituted only about 30% of the full-time employed; and the number of unemployed women workers—1,853,000—also was without Cold War precedent.

The number of workers unemployed five weeks or less topped the two million mark for the first time since the Cold War began and the number of long-term unemployed in 1970, 15 weeks and over was the highest in the previous four years.

And, as we know, the unemployment situation is worsening in 1971. Areas of previously strong employment such as government jobs, and the electronics industry are drying up under the stimulation of the Nixon Administration.

THE NIXON ADMINISTRATION

The Nixon Administration actually promotes poverty and unemployment while hiding behind "full employment" rhetoric.

I am not going to bore you with a rundown of the broken promises that come from the White House.

Suffice it to say that the Nixon Administration on December 16, 1970 vetoed the $9.5 billion manpower development and training program citing the public works portion of it "a reversion to the remedies [such as 'WPA-type jobs'] that were tried 35 years ago."[11]

In January of 1970 the Nixon Administration vetoed the $19.7 billion appropriation for the Departments of Labor, Health, Education and Welfare, and the Office of Economic Opportunity.

On June 22, 1970 he vetoed a $2.79 billion hospital construction program.

On August 11, 1970 he vetoed the $18 billion appropriation for the Department of Housing and Urban Development and other agencies.

The Nixon Administration has openly stated as in his veto of the Departments of Labor, and Health, Education and Welfare bill that such a measure is "excessive in a period of serious inflationary pressures,"[12] (inflationary pressures which the administration has fostered and created in the interests of big business).

The latest Nixon budget calls for a dismantling of a number of programs enacted over the last decade in such areas as education, housing and poverty to make way for his revenue-sharing program which provides open-season for further cutbacks.[13]

The Nixon Administration has frozen over $12 billion of funds appropriated by Congress for such needed public facilities as roads, airports, public housing, water and sewer facilities and the Appalachian Regional Development program.

This administration likes to talk a lot about "law and order," but aside from the flagrant violation of the law as with the unusual Congressionally undeclared war in Indochina, the Nixon Administration has flaunted the National Full Employment Act of 1946. Although a weak measure, it said, and I quote:[14]

"The Congress hereby declares that it is the continuing policy and responsibility of the Federal government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy . . . to coordinate and utilize all its plans, functions, and resources . . . in a manner calculated to foster and promote competitive enterprise *and the* general welfare, conditions under which there will be afforded *useful employment opportunities*, including self-employment, for those able, willing, and seeking to work, and to promote *maximum employment*, production, and purchasing power." (Emphasis added.)

In addition the Nixon Administration fosters poverty and unemployment:

Through the reckless heating up of the cold war in general and in Indochina in particular thus fanning the flames of inflation which erode the living standards of workers, the poor and unemployed who have no tax loopholes to hide in as do the corporate rich. In 1941 corporations paid 55 percent of federal taxes and workers 45 percent. Today the situation has been more than reversed. In 1970 workers paid 70 percent of the federal taxes, the corporations 30 percent.

By permitting the big corporations to raise prices to record levels thus diminishing mass purchasing power while hitting hard at union efforts to keep up with the inflation-

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See footnotes at end of table.

ary spiral and make organizational gains. A recent example was in the construction industry with the suspension of the Davis-Bacon Act requiring that prevailing wage rates be paid on federally financed construction work.

By abandoning civil rights enforcement as noted by the report of the U.S. Civil Rights Commission in November of 1970.[15] This abandonment includes the denial of enforcement powers to the Equal Employment Opportunity Commission thus permitting the big corporations to perpetuate Jim Crow hiring practices, a main engine of economic racial oppression which serves to divide the workers along with anti-communist hysteria.

By fanning the flames of the ultra-right, historically the enemy of labor to divert attention abroad while hiding the true face of the enemy at home—the big military industrial complex and the system it represents.

By providing financial aid as in the foreign aid program and tax incentives, among other methods, to the big multinational corporations that have caused the loss of hundreds of thousands if not millions of jobs to American workers thru runaway production abroad to take advantage of extra low wages.

By failing to come to the financial aid of the cities and states that are laying off hundreds of thousands of state and local government workers. A case in point is New York.

In New York where mass layoffs, budget cuts, and tax hikes abound, there is in fact the financial wherewithal to turn the situation around.

In early March Mayor Lindsay issued his $881 million tax plan which falls most heavily on workers and small businessmen.

But a five percent tax on the revenues of the financial corporations located in New York City, the insurance companies, banks and assorted investments dealers would have yielded $1.6 billion or twice the Lindsay package.

More than an additional $1.5 billion could have been raised by hiking taxes of the big real estate interests in the city through doubling their tax assessments, and plugging tax loopholes of tax exempt properties.

Thus over three times the Lindsay package could have been raised by taxing big finance and real estate. And in addition more than $5 billion in revenues could have come to New York City in one year thru its share of a federal military budget used instead for peaceful needs.

WHAT ABOUT THE AFL–CIO AND THE WAR ON POVERTY?

The AFL–CIO has issued many critical examinations of the Administration's economic policies.

Among other things it wants Congress to:

Raise the minimum wage to at least $2.00 an hour.

Extend the unemployment compensation program.

Provide more funds for housing.

Lower interest rates.

Provide collective bargaining rights for all federal workers.

Pass a national health security bill.

Expand child care centers.

Provide a $2 billion public works program creating 420,000 jobs.[16]

The main point about all these programs is not that they are inadequate, since their enactment and enforcement would result in at least some improvement of the existing situation. In the words of Brother Ernest DeMaio (President, United Electrical Workers District 11) they would be a "down-payment" on what is rightfully deserved.

And in addition, in the area of equal employment opportunity and civil rights some of the top labor unions such as in the construction trades have been most active followers of basic company Jim Crow policies, thus fomenting the worsening of conditions for all of labor.

WHAT THE UNITED STATES CAN AFFORD

In reality the United States is a rich enough country to provide for a decent living for all Americans.

If all the income in the $15,000 and over family bracket were redistributed to the lower brackets, and if the amount the U.S. government provides for military spending in 1 year were spent instead on raising the lower income brackets, then all American families could enjoy almost immediately a moderate but adequate standard of living as defined by government standards.[17]

This is what we as Americans deserve . . . and more!

Anything short of this are "downpayments," vital downpayments but not the complete package:

We deserve:

Guaranteed annual wage at union wages.

Extension of unemployment insurance to include all workers at regular wages with no cuts until a new job is found.

End to the dehumanizing welfare dole program. Income maintenance at the $6,500 level demanded by the National Welfare Rights Organization.

30 hour week with 40 hours pay.

Vastly expanded public works job program along the lines of the Murray full-employment bill, scuttled by Congress in 1945 which provided that the government provide useful employment at good wages for all workers not employed by private industry.

Vastly expanded Civil Rights enforcement.

Cradle-to-the grave government sponsored health security.

Vastly expanded federal low-income housing program double current housing starts with no racial discrimination.

Extended social security benefits with no hike in social security taxes.

Vastly improved job training and hiring programs with emphasis on training of Afro-Americans, Mexican Americans, the American Indians, and other racial U.S. minorities.

Improved federal aid to the cities program for more city services especially mass transit.

Extended child-care centers for working mothers and all mothers.

More and better old age homes for the retired and elderly.

Higher education for all who are financially unable to continue schooling; quality education for all.

All of these measures in reality could be financed by taxing the rich, and using the military budget for peaceful needs, while at the same time lowering the tax load of the working people.

The specific bills which are good enough for our support we will hear more about later on in this most important conference.

CONCLUSION

Hundreds of thousands of Mr. and Mrs. Grossups of every age, trade, creed, national origin, and political belief were coming together to fight the depression in 1932. As they changed, *they changed the country.* They transformed America from a place of despair to a country of struggle.

They astonished themselves, not only by their courage and their militance but by the swiftness with which they learned, throwing aside old beliefs and habits which had brought them nothing but despair. There were times that a man learned more in an hour about what makes the world go than he had learned previously in a lifetime. [Emphasis added] [18]

This great passage from *Labor's Untold Story* by Boyer and Morais is a portent of things to come today.

Ours is the first national demonstration action for full employment since the 1930's which includes both the unemployed as well as the employed.

United in action we will indeed change the face of this country.

FOOTNOTES

[1] See U.S. Department of Labor, "Area Trends," March, 1971, p. 7.

[2] U.S. Department of Agriculture, Agricultural Research Service, *Dietary Levels of Households in the United States,* Spring, 1965; cited in *AFL–CIO News,* February 13, 1971, p. 8

[3] U.S. Department of Labor: *Monthly Labor Review,* May 23, converted to 1957–59 base: *Handbook of Labor Statistics,* 1970, table 103.

[4] Based on data in *The Wall Street Journal,* March 17, 1971.

[5] See U.S. Department of Commerce, "Poverty Increases by 1.2 million in 1970," *Current Population Reports,* Series P–60, No. 77, May 7, 1971.

[6] See *Business Week,* June 6, 1970, p. 31.

[7] For example, the amount of merged corporate assets grew about as much in the period 1960–69 as in the previous 40 years. Based on data in U.S. Department of Commerce, *Statistical Abstracts of the United States,* 1970, Table 735, "Mergers and Acquisitions—Manufacturing and Mining Concerns Acquired: 1920 to 1969," p. 483.

[8] See U.S. Department of Health, Education and Welfare, *Social Security Bulletin,* February, 1971, Table M–24; phone conservation with Department staff member.

[9] See U.S. Department of Labor, *Employment and Earnings,* February, 1971, "Revised Seasonally Adjusted Labor Force Series."

[10] See for example, "Warped Statistics, 'Discouraged' Blacks Leave the Labor Force, Distorting Jobless Rate" *The Wall Street Journal,* January 8, 1971.

[11] *Facts on File,* December 23, 1970, p. 934.

[12] *Congressional Quarterly Weekly Report,* January 30, 1970, p. 257.

[13] See *AFL-CIO* News, February 7, 1971, p. 1.

[14] *Employment Act of 1946, As Amended with Related Laws,* December 1969, p. 1.

[15] *The New York Times,* May 11, 1971.

[16] *AFL-CIO News,* February 27, 1971, p. 3; April 24, 1971, p. 1.

[17] Based on: U.S. Department of Commerce, *Current Population Reports,* Series P–60, No. 75, December 14, 1970, Table 1, "Summary Measures of Family Characteristics, by Total Money Income, 1969;" and U.S. Department of Labor data.

[18] Richard O. Boyer and Herbert M. Morais, *Labor's Untold Story* (Cameron Associates, New York, 1955), pp. 258–9.

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. SCHWENGEL. Mr. Speaker, the Des Moines Register for May 25 contains an excellent editorial concerning the big bus bill. The same editorial is reprinted in the "Mirror of Opinion" section of the Christian Science Monitor for June 15. The editorial follows:

NOW THEY WANT WIDER BUSES

The continuing fight over bigger vehicles on the highways has turned in this session of Congress from trucks to buses. The House Committee on Public Works recently approved a bill permitting the width of buses on Interstate highways to increase from 96 inches to 102 inches.

The measure is opposed by the two federal agencies most concerned about highway safety—the National Highway Traffic Safety Administration in the Department of Transportation and the National Transportation Safety Board.

Representative Fred Schwengel (Rep., Iowa), a leader in the successful battle against bigger trucks in 1969, is gearing up for a new fight against bigger buses.

Although research into the causes of accidents is appallingly incomplete, Schwengel says bigger buses might increase traffic accidents by taking up more of the road, by creating a more powerful air "blast" when meeting or passing a light car, and by creating a larger "blind spot"—the area directly behind a bus which its driver can't see.

Proponents of the bill argue that wide buses would permit more comfortable seats, so buses would attract more passengers and the national goal of increased mass transit would be achieved. However, Schwengel points out that the width of present bus seats is the same as in most United Air Lines planes.

"If bus companies are sincerely interested in attracting more passengers they could do better by cleaning up their dirty bus depots," Schwengel said.

The 12-foot widths of the lanes of Interstate highways were designed to be safe based upon research using 96-inch wide vehicles. If the Interstate system were rebuilt to provide the same margin of safety for vehicles 102 inches wide, the expense would be phenomenal.

The big bus bill would be permissive. States could continue their 96-inch wide limits. However, if the bill became law, there would be great pressure on states to allow the wider buses on state highways, many of which are narrower and less safe than the Interstates.

The wide-bus bill is the latest target in domino strategy of the truck and bus industries. If 102-inch wide buses are allowed, why not 102-inch wide trucks? And if wider trucks are permitted, why not let them carry larger weights? And so on.

Before Congress pushes over the wide-bus domino, it should obtain a reliable and comprehensive analysis of the impact of the wide vehicles on highway safety.

THE 30TH ANNIVERSARY OF LITHUANIA'S REVOLT AGAINST THE SOVIET UNION

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. COTTER. Mr. Speaker, I would like to take this opportunity to commemorate the 30th anniversary of Lithuania's successful, but all too brief revolt against the Soviet Union. The Lithuanians and other Baltic peoples, in their zealous and unending quest for freedom, independence, and identity, have shown great courage in the face of Communist oppression. Their fight has been long and bitter, for they were twice overrun by Soviet and once by German armies. In spite of the great hardships and tragedies that they have repeatedly experienced, the Lithuanian people have continued their heroic struggle for recognition not only in their homeland, but also here in the United States. We must help the Lithuanian Americans, our fellow citizens, to preserve and continue their culture and tradition within the framework of American life. As a country traditionally dedicated to the pursuit of liberty, let us not forget our responsibility to all of those peoples of Baltic origin and descent, who cherish freedom and who are ready and willing to work for it.

I ask that this distinguished body recognize this important anniversary in the hope that it will bring renewed faith and courage to the citizens of this oppressed land.

MAO'S RED SHADOWS IN AMERICA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. SCHMITZ. Mr. Speaker, the following article by Mr. J. Edgar Hoover appeared in the June 1971 edition of VFW magazine. It contains information of great importance in acquiring an understanding of the efforts being made by the Communist Party of China to foster subversion in the United States.

This article confirms beyond the shadow of a doubt the wisdom of the stand taken by the House Committee on Armed Services as to the need for maintaining the Selected Reserves of the Coast Guard whose expertise in security measures is a matter of record. Responding to the contention of Secretary of Transportation Volpe that large-scale sabotage in ports in the United States is unlikely under present conditions, the committee stated:

> The committee also rejects the contention that there is no probability that there would be large-scale efforts to sabotage ports within the United States. It is rather inconceivable that this position could be advocated at a time when contingents carrying the enemy flag are parading in port cities both on the East and West Coasts of our country, and acts of political sabotage have occurred more frequently recently than ever before in our history. Who can predict with any degree of certainty where the loyalty of some of these people would lie in the event of a wartime situation.

We can predict the loyalty of the people mentioned in this article by the head of the Federal Bureau of Investigation. Their loyalty lies to Red China just as the loyalty of members of the Communist Party of the United States lies with the Soviet Union.

Another excellent point made by Mr. Hoover is the essential distinction he draws between the "old" and the "new left." There is a growing tendency to characterize everyone involved in various extreme leftist activities as a member of the "new left." This is an incorrect understanding of the situation. The difference between the "new left" and the "old left" is basically that of discipline, organization and control, and clarity of objectives.

Members of the Communist Party of the United States, the Socialist Workers Party, the Progressive Labor Party, et cetera, are all "old left" whether their age be 18 or 80. To quote Mr. Hoover,

> First of all, we must realize that the PLP is what we call an Old Left group, that is, it draws its ideological roots from the Bolshevik Revolution of 1917 (as do the pro-Moscow Communist Party, USA, and the Socialist Workers Party or Trotskyists). Actually, PLP was formed in 1962 by dissidents expelled by the Communist Party after bitter internal dissension caused by the Sino-Soviet dispute.
>
> Moreover, not only is PLP Old Leftist (which means strict discipline), but it represents the most orthodox, traditional and dictatorial interpretation of Marxism-Leninism, namely, that delineated by Mao.

The crucial distinction between "old left" and "new left" is not that of age but that of discipline. A Bolshevik party is one whose disciplined cadre allow it to conduct organized and directed warfare operations across the entire spectrum of conflict, from the military to the psycho-political. These groups are supposed to be capable of moving toward their objective of seizing absolute and total power using either bullets or ballots as weapons, depending on the orders of the day.

The "new left" lacks this capability and is primarily a manipulatable mass whose hostility to our system of government leaves them quite open to certain forms of tactical exploitation by the professional Communist rear warfare experts. This shared hostility toward our way of life which exists between both "old" and "new" left types opens up great new recruiting possibilities for the Bolshevik groups who have the advantage of organizational continuity and disciplined command structure.

The "new left" is largely a product of organized disenchantment campaigns which have tended to use the war in Vietnam as the focal point for agitational efforts. Someone recently pointed out that the failure of the United States to successfully conclude the war in Southeast Asia at a rate consonant with our capabilities, 3 to 6 weeks, has resulted in Communist Party recruiting conditions which have not existed since the depression era in the 1930's.

Mr. Hoover also takes note of the major handicap faced by the Red Chinese in the field of espionage:

> Red Chinese intelligence in the United States, as compared with Soivet Russia's, has a major handicap in that Peking is not recognized diplomatically by this country nor is it a member of the United Nations. This deprives the Red Chinese of a legal base from which to operate spies. A high percentage of Soviet espionage, for example, is carried out by Soviet diplomats assigned to either the Soviet embassy in Washington or the USSR's Mission to the United Nations in New York.

There would seem to me to be little need to remove this obstacle to improved Chinese Communist espionage work in the United States unless, of course, one wishes to establish some type of continuity in the current administration's approach to the question of Red China by coordinating foreign policy debacles abroad with internal shambles at home.

The article by Mr. Hoover follows:

[From the V.F.W. Magazine, June, 1971]

MAO'S RED SHADOWS IN AMERICA

(By John Edgar Hoover, Director, Federal Bureau of Investigation)

Mao Tse-tung, the Red Chinese dictator, is some 6,000 miles from the United States. But the shadows of pro-Peking subversion are daily becoming a more serious problem in this country.

EXAMPLE 1

It was a warm evening in May. In a city not far from San Francisco several cars drove through a suburban area and then parked. Their occupants hurried into an attractive small home. A friendly gathering of people.

But, not quite. This was a meeting of a "collective" (or cell) of the Revolutionary Union (RU), a group dedicated to Mao Tse-tung and his doctrine of the Marxist-Leninist revolution.

Inside, the meeting came to order. The chief speaker, one of RU's West Coast leaders was talking.

"The RU," he said, smacking his fist into his hand, "is placing far too much emphasis on theoretical work. Reading, studying and theory have their place—but not now. The times demand direct action."

He paused for a moment, almost caught up in a rage. He turned and slowly looked into the eyes of every member present, as if he were talking to each individually. This was a group small in numbers, but hysterically dedicated to the teachings of Chairman Mao.

The leader leaned forward, almost hissing between his teeth. "We must start arming. Only in this way will we awaken the revolutionary masses."

EXAMPLE 2

The man had entered the United States from a foreign country. He was a "tourist"—there was no doubt about that. He wouldn't stay permanently. But he had assignments other than just sightseeing. As a pro-Peking intelligence agent, he was gathering information of many types.

In the eyes of this spy, and his masters in Red China, the U.S. was the "citadel of imperialism," "Enemy Number One"—a nation with a vast array of scientific, technological, military and other types of information which, as much as possible, must be stolen or otherwise obtained for use by Mao's government.

EXAMPLES

The woman was medium in stature. Her brown eyes reflected a cold, steel fanaticism. She stood behind the podium with a sheaf of papers scattered in front of her.

"I have lived in the Peoples' Republic of China under Chairman Mao. His thoughts and teachings have brought success to the 'people's revolution.' He represents the wave of the future. You must learn more about him—who he is, what he stands for and what you can do to help him.

"You are in an excellent position to tell the story of Mao to Americans. Many of you here today are students. You are working with students on college campuses and young people in industry. Carry to them Chairman Mao's message of revolution."

The group?

A New England cadre training session of the Progressive Labor Party (PLP), a pro-Maoist activist organization with headquarters in New York.

The woman speaker?

A person very closely connected with the Peking regime.

What do these three incidents tell us?

First, there is a variety of pro-Maoist groups in the United States, such as the Revolutionary Union and the Progressive Labor Party, which, although often in dispute over the tactics of bringing about the revolution, are working zealously for the Red Chinese cause.

Second, this nation today is the target of a growing Red Chinese espionage campaign designed, among other things, to gather confidential data for Peking.

Third, Red China desperately wants to make contact with and influence our rising generation, both college and high school students as well as youthful workers employed in industry.

Let's examine in more detail these Maoist thrusts.

The two main pro-Maoist groups, highly competitive with each other, are the Progressive Labor Party and the Revolutionary Union. Each has its own program, origins and, on occasion, feuds with the other. But both are fanatically loyal to Mao doctrines.

PLP's chief contribution to the Red Chinese cause has been the "pulling off" of an almost unbelievable revolutionary feat—that of not only influencing, but ideologically capturing a sizable number of America's most militant and radical youth!

Here is what happened—and this technique looms as a threat as to what can happen in the subversive indoctrination of youth.

First of all, we must realize that the PLP is what we call an Old Left group, that is, it draws its ideological roots from the Bolshevik Revolution of 1917 (as do the pro-Moscow Communist Party, USA, and the Socialist Workers Party or Trotskyists). Actually, PLP was formed in 1962 by dissidents expelled by the Communist Party after bitter internal dissension caused by the Sino-Soviet dispute.

Moreover, not only is PLP Old Leftist (which means strict discipline), but it represents the most orthodox, traditional and dictatorial interpretation of Marxism-Leninism, namely, that delineated by Mao.

Yet, despite this Old Left background, PLP was able, through hard work, masterly maneuvering and a keen sense of strategic timing, to so project a "face" of activism, revolutionary zeal and youthful appeal as to strike deep roots on college campuses.

The Worker-Student Alliance (WSA), a PLP-sponsored college group, grew steadily. (The name comes from PLP's emphasis that students and workers form an alliance to bring about the Communist revolution.) In June, 1969, WSA even attempted to gain control of the New Leftist Students for a Democratic Society (SDS).

This attempt tore SDS apart, leading to the rise of factions, such as the extremist-anarchist Weatherman, which were to become separate entities. The WSA faction claims to be the legitimate SDS and today, with headquarters in Chicago, it calls itself by this name and issues a newspaper, *New Left Notes*, the name of SDS's former official paper.

In other words, an Old Left group, believing in Maoist Communism, with its strict discipline, organizational control, and concept of the dictatorship of the proletariat, was able to influence and control students who, caught up in the mood of New Left extremism, were denouncing the "tyrannical Establishment" and demanding more "freedom!"

Surely, PLP's exploit must rank as one of the most remarkable and paradoxical in Marxist history in this country.

In late December last year, WSA–SDS held a national convention in Chicago, with an estimated 900 to 1,000 registered.

PLP's newspaper, *Challenge*, headlined the proceedings: "Best SDS Convention: 'Worker-Student Unity is Key to Victory;' " and wrote:

"Over a thousand students came from dozens and dozens of schools from every corner of the country . . . This convention showed that SDS is a strong and growing organization composed of students who want to ally with workers, and not a group of crazy terrorists."

As part of the convention proceedings, delegates conducted on-the-street agitation, handed out PLP literature, made personal contact with workers:

"Nearly 400,000 flyers were handed out. Many students on the brigades (organized by the convention) passed out PLP leaflets. All 100,000 PLP flyers were given out in the first two days, 6,000 *Challenges* were sold, and over 600 workers from the communities and factories gave us their names and phone numbers so that we would work together in the future."

Here is a pro-Maoist group, active on campuses, which says, among other things:

"We see that millions are awakening to the need to seize power and set up a dictatorship of the working class. . . ." Resist the military; fight ROTC and veterans organizations. Agitate inside the armed forces if drafted: "There are many ways of resistance within the Army, literature, discussions, organized rebellions, sabotage." Disrupting the courts: "Carry the struggle to courts—turn the court into a political forum. . . ." Hate the law of the land and the law enforcement officer. Indoctrinate the workers in industry with Maoist Communism. Make the university an agency for propagandizing the revolution.

Membership of the parent PLP group is not large, running over 300 However, through the WSA–SDS, this pro-Maoist organization is able to reach thousands of young people, especially on campuses. It is known, for example, that PLP maintains close contact with pro-Red Chinese organizations abroad. The Chinese Communists subsidize the PLP through the purchase of its publications. PLP leaders have been in periodic contact with Chinese agencies and these leaders on occasion have visited the Chinese mainland.

No wonder PLP proudly sent greetings to Mao Tse-tung last fall on the occasion of the 21st anniversary of his regime's seizure of power.

What about PLP and WSA–SDS opinion regarding the use of violence?

Being Old Leftists, they are not opposed in principle to violence, but they do not feel the time is yet ripe for its use to bring about a revolution. Hence, they oppose the anarchist style of Weatherman violence:

"SDS is NOT against violence," says an article in *New Left Notes*, "but we oppose the mindless violence of small terrorist groups isolated from the people, lashing out in frustration at friend and enemy alike. This includes aimless property destruction and attacking other students and workers on campus."

A growing minority inside PLP and WSA–SDS, however, is chafing at this policy of nonviolence. This group feels that violence is needed to bring about the destruction of the hated Establishment. Much will depend on the outcome of this internal argument.

The second major Maoist group's emphasis, is on violence. The Revolutionary Union believes guerrilla warfare is essential to revolutionary action:

"We recognize the need for organized armed struggle against the power of the state. . . ." "The people must be armed. . . ." "The organized repressive violence of the state (police) must be met with the organized revolutionary violence of the people."

As one observer commented, RU's policy is "g before p"—guns before politics!

FBI investigation reflects that RU members have accumulated weapons and have engaged in firearms and guerrilla warfare training.

Originally based in the San Francisco area, RU has now spread to other cities, in the South, Midwest and East.

Membership is not large, perhaps several hundred. Adherents have come from former members of the Communist Party, USA. At the same time, RU has been successful in attracting both high school and college activists. One youthful member of RU claims to have lived in China and participated in Mao's infamous Red Guards. Key leadership has been given to RU by self-styled intellectuals.

The RU has been rent recently by a violent dispute on the question, "When the revolution?"

In late 1970, a splinter group, calling itself Venceremos, split from the parent RU. This group feels that RU is hesitating on its commitment to armed struggle now, preferring to build a mass base before an actual insurrection. In Venceremos' eyes, the time for an armed struggle is now:

"We believe that armed struggle is an actuality now, not an eventuality."

These militants gave strong support to the Black Panther Party: "We support the Black Panther Party and recognize it as the vanguard of the American revolution. We want to unite with the Black Panther Party in every way possible."

What is Mao's fascination for these individuals? Here is a man in a distant foreign country, whom these radicals have never seen. They know little, if anything, about Red China. Why are they so infectiously enamored with him and Peking's program?

For some of the old-line Marxists in the PLP and the RU, Mao is the personification of the "original purity" of Marxism-Leninism, a Communist leader who bitterly resisted the Khrushchev brand of "revisionism." To these comrades, the Soviet Union and its mouthpiece in this country, the Community Party, USA, have betrayed the "revolution." They feel that Mao, as one of international Communism's pioneers, alone held firm to the original revolutionary principles of Lenin and his successor, Stalin.

To these adherents, Mao is a man of the "old school," believing in discipline, strict organizational control and Communist orthodoxy. They view Mao's "Great Cultural Revolution" as a purge necessary to oust the decadent and revisionist elements which are gradually creeping into Communism.

For the younger members, Mao (like Fidel Castro and Che Guevara) is a charismatic guerrilla leader who fought the "Establishment of his day" and won. They think in terms of the young, tempestuous, romantic guerrilla leader. They feel Mao's call to arms is what is needed in the United States.

All the time, the red wind of espionage from the Far East continues to blow. The FBI's investigation reflects stepped-up intelligence activity by Peking.

Red Chinese intelligence in the United States, as compared with Soviet Russia's, has a major handicap in that Peking is not recognized diplomatically by this country nor is it a member of the United Nations. This deprives the Red Chinese of a legal base from which to operate spies. A high percentage of Soviet espionage, for example, is carried out by Soviet diplomats assigned to either the Soviet embassy in Washington or the USSR's Mission to the United Nations in New York.

Peking is attempting espionage in a variety of ways, one is to endeavor to introduce deep cover intelligence agents into the United States, trained Peking agents who clandestinely enter this country using false identities and identifications and attempt under the cover of being an American to conduct spy operations.

Third countries are used as bases of attack against the United States. The New China News Agency, an agency of Communist China, has an office in Canada. Though claiming to be a legitimate newsgathering organization, it is obvious that the New China News Agency serves as Red China's chief propaganda outlet abroad and has the potential of supplying Peking with intelligence of all types.

Penetration of Chinese ethnic groups in the United States is also tried. The overwhelming majority of Chinese Americans are loyal to this country, and only a very small percentage are sympathetic to Peking. Yet, Mao leaders constantly seek to identify those Chinese Americans who might help them, especially among the younger elements who might have a sentimental pride in the so-called "accomplishments" of Mao in the ancestral homeland.

Recruiting of agents among indigenous pro-Maoist American groups, such as the Progressive Labor Party, Worker-Student Alliance and the Revolutionary Union, is yet another method. The indoctrination of members of these groups in Mao ideology makes them prime candidates for the carrying out of Red Chinese espionage assignments.

Spy couriers are developed. They are individuals who travel between the United States and other countries and can engage in spy activities. This also includes the development of mail drops in third countries whereby spy data can be transmitted.

We must be alert constantly to the possibility that, following an established espionage pattern, we may find the Red Chinese attempting to introduce "sleeper agents" into the United States among the thousands of Chinese refugees who immigrate annually. The same observation applies to hundreds of Hong Kong-based merchant seamen who desert in American ports, some of whom vanish into the American mainstream.

The shadow of Mao Tse-tung can be seen and felt in the United States today. We can expect the subversive danger to grow as time passes. The only way to meet it is to be prepared. This the FBI is doing through its investigations and the training of its personnel. For example, we are giving instruction to FBI agents in the various Chinese dialects. In this way, our agents are capable of conversing in the native tongue, and the FBI will be able to handle present and likely future contingencies.

Above all, the FBI needs the constant and concerned cooperation of patriotic Americans such as the men and women of the Veterans of Foreign Wars. You, as veterans, know the perils of subversion.

My associates and I are deeply grateful for the splendid cooperation which you have given the FBI. To all the readers of the *V.F.W. Magazine,* we say, "thank you."

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the captured:

Maj. David Henry Duart, U.S. Air Force, FV3057321, Canton, Pa. Married and the father of three children. The son of Mr. and Mrs. Dean Duart, Canton, Pa. Officially listed as captured February 18, 1967. As of today, Major Duart has been held captive in Southeast Asia 1,577 days.

A BILL TO PROVIDE PUBLIC SERVICE EMPLOYMENT FOR VIETNAM ERA VETERANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WALDIE. Mr. Speaker, yesterday I joined in sponsoring legislation to deal with the problem of growing unemployment among Vietnam veterans. The bill would make financial assistance available to public and private nonprofit agencies and institutions during times of high unemployment to provide transitional employment for unemployed veterans.

The incidence of unemployment among these veterans is currently 7.9 percent, the highest among any labor category in the country except minority groups. An estimated 40,000 new claims for unemployment compensation are filed each month by veterans.

Only one-fourth of the Vietnam veterans return to school. The other 75 percent seek work immediately. Unfortunately, jobs are not always available and are becoming increasingly difficult to find. The veteran is bearing the brunt of this job shortage.

The Congress must take steps to correct this situation. We cannot allow the young men we have sent to fight another nation's war, return home to find their own country is unable to offer them even the means of a livelihood.

I am including a copy of the bill in the RECORD:

H.R. —

A bill to amend title 38 of the United States Code to provide public service employment for Vietnam era veterans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of title 38, United States Code, is amended by adding immediately after chapter 31 the following new chapter:

"Chapter 32.—PUBLIC SERVICE EMPLOYMENT FOR VETERANS OF THE VIETNAM ERA

"Sec.
"1550. Financial assistance.
"1551. Authorization.
"1552. Eligible applications.
"1553. Applications.
"1554. Approval of funds.
"1555. Distribution of applications.
"1556. Training and manpower services.
"1557. Special responsibilities of the Secretary.
"1558. Special provisions.
"1559. Special report.
"1560. Definitions.

"§ 1550. Financial assistance

"The Administrator shall enter into arrangements with eligible applicants in accordance with the provisions of this chapter in order to make financial assistance available to public and private nonprofit agencies and institutions during times of high unemployment for the purposes of providing transitional employment for unemployed veterans of the Vietnam era in jobs providing needed public services and training and manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this chapter.

"§ 1551. Authorization

"(a) There are authorized to be appropriated for the purpose of carrying out this chapter $100,000,000 for the period ending June 30, 1972, and $500,000,000 for the fiscal year ending June 30, 1973.

"(b) For the purpose of providing financial assistance under this chapter to enable eligible applicants to carry out public service employment programs, the Administrator is authorized, out of funds appropriated to carry out this chapter, to obligate expenditures equal to the sum of the amounts determined in accordance with the following clauses:

"(1) $75,000,000 when the Secretary determines that the rate of unemployment among Vietnam veterans (seasonally adjusted) equals or exceeds 3 per centum for three consecutive months prior to any such determination, but the Secretary may, under this clause, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter; and

"(2) $10,000,000 for each increment of one-half of 1 per centum by which the Secretary determines that the average rate of unemployment among Vietnam veterans (seasonally adjusted) for three consecutive months prior to any such determination exceeds the rate specified in clause (1), but the Secretary may, with respect to each such increment, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter.

"(c) No further obligation of funds may be made under subsection (b) subsequent to a determination by the Secretary that the rate of unemployment among Vietnam veterans (seasonally adjusted) has receded below 3 per centum for three consecutive months.

"(d) Whenever the Secretary makes any determination required by subsection (b) or (c), he shall promptly notify the Administrator and the Congress and shall publish such determination in the Federal Register.

"§ 1552. Eligible applicants

"For the purpose of entering into arrangements with the Administrator to carry out public service employment programs under this chapter, eligible applicants shall be—

"(1) States;

"(2) cities, counties, and other units of general local government;

"(3) Indian tribes; and

"(4) public and private nonprofit agencies and institutions (including local service companies, and public service agencies and institutions of the Federal Government).

"§ 1553. Applications

"(a) Financial assistance under this chapter may be provided by the Administrator for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Administrator in accordance with the provisions of this chapter. Any such application shall set forth a public service employment program designed, in times of high employment, to provide transitional employment for unemployed veterans of the Vietnam era in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this chapter.

"(b) Programs assisted under this chapter shall be designed with a view toward—

"(1) developing new careers,

"(2) providing opportunities for career advancement,

"(3) providing opportunities for continued training, including on-the-job training, and

"(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this chapter.

"(c) An application for financial assistance for a public service employment program under this chapter shall include provisions setting forth—

"(1) assurances that the activities and services for which assistance is sought under this chapter will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

"(2) a description of the area to be served by such programs, and data indicating the number of potential eligible participants and their income and employment status;

"(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

"(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

"(5) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

"(6) a description of the methods to be used to recruit, select, and orient participants, for their job responsibilities;

"(7) a description of unmet public service needs and a statement of priorities among such needs;

"(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

"(9) the wages or salaries to be paid persons employed in public service jobs under this chapter and a comparison with the wages paid for similar public occupations by the same employer;

"(10) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

"(11) the planning for and training of supervisory personnel in working with participants;

"(12) a description of career opportunities and job advancement potentialities for participants;

"(13) assurances that procedures established pursuant to section (a) will be complied with;

"(14) assurances that agencies and institutions to whom financial assistance will be made available under this chapter will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Administrator;

"(15) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this chapter who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

"(16) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed veterans of the Vietnam era;

"(17) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

"(18) such other assurances, arrangements, and conditions, consistent with the provisions of this chapter, as the Administrator deems necessary, in accordance with such regulations as he shall prescribe.

"§ 1554. Approval of applications

"An application, or modification or amendment thereof, for financial assistance under this chapter may be approved only if the Administrator determines that—

"(1) the application meets the requirements set forth in this chapter.

"(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Administrator determines that special circumstances or other provisions of law warrant the waiver of this requirement;

"(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Administrator;

"(4) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Administrator; and

"(5) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Administrator.

"§ 1555. Distribution of funds

"(a) Funds made available for carrying out this chapter shall be apportioned by the Administrator on an equitable basis among States and within each State among local areas, including Indian reservations, and among rural and urban areas. To the extent practicable, such funds shall be apportioned in proportion to the unemployment in each such area.

"§ 1556. Training and manpower services

"For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this chapter, the Administrator is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 20 per centum of the amounts made available for carrying out this chapter.

"§ 1557. Special responsibilities of the Secretary

"(a) The Administrator shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this chapter to assure that—

"(1) in the event that any veteran of the Vietnam era employed in a public service job under this chapter and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such veteran shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

"(2) as the rate of unemployment approaches the objective of section 1551(c) or financial assistance will otherwise no longer be available under this chapter, maximum efforts shall be made to locate employment or training opportunities not supported under this chapter for each person employed in a public service job under this chapter, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

"(b) The Administrator shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under thereafter.

"(c) From funds appropriated pursuant to section 1551, the Administrator may reserve such amount, not to exceed 1 per centum, as he deems necessary to provide for a continuing evaluation of programs assisted under this chapter and their impact on related programs.

"§ 1558. Special provisions

"(a) The Administrator shall not provide financial assistance for any program or activity under this chapter unless he determines, in accordance with such regulations as he shall prescribe, that

"(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

"(2) persons employed in public service jobs under this chapter shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer to the extent that such rates are determined by the Administrator to be consistent with the purposes of this chapter;

"(3) all persons employed in public service jobs under this chapter will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

"(4) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

"(5) the program will, to the maximum extent feasible contribute to the occupational development or upward mobility of individual participants; and

"(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

"(b) Nothing contained in this chapter shall exempt any project otherwise subject to the provisions of the Davis-Bacon Act, as amended (sections 276a—276a-5 of title 40), from the provisions of that Act. The Secretary shall have, with respect to labor standards on any such project, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

"(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this chapter, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Administrator.

"(d) The Administrator shall prescribe regulations to assure that programs under this chapter have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effect use of funds.

"(e) The Administrator may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this chapter, as he may deem necessary to carry out the provisions of this chapter, including (without regard to the provisions of section 4774(d) of title 10) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Administrator may also withhold funds otherwise payable under this chapter in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this chapter or any term or condition of assistance under this chapter.

"(f) Acceptance of family planning services provided on behalf of veterans of the Vietnam era shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

"(g) The Administrator shall not provide financial assistance for any program under this chapter unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Administrator and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this chapter and other federally supported manpower programs. Such data shall include information on—

"(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

"(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

"(3) total dollar cost per participant, including breakdown between wages, training, and supportive service, all fringe benefits, and administrative costs.

The Administrator shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 1559 of this title.

"(h) The Administrator shall not provide financial assistance for any program under this chapter unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participation or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(i) The Administrator shall not provide financial assistance for any program under this chapter which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5.

"(j) The Administrator shall not provide financial assistance for any program under this chapter unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

"§ 1559. Special report

"The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this chapter, including information derived from evaluations required by section 1557(c) and 1558(g) of this title and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this chapter.

"§ 1560. Definitions

"As used in this title—

"(1) The term 'Secretary' means the Secretary of Labor.

"(2) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(3) The term 'city' means an incorporated municipality having general governmental powers.

"(4) The term 'public service' includes, but is not limited to, work in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

"(5) The term 'health care' means other than hospital and medical available under chapter 17 of this title and includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

"(6) The term 'local service company' means a community development corporation or other corporation, partnership, or other business entity organized to operate a public service employment program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served."

(b) The analyses of title 38, United States Code, and of part III of such title are each amended by inserting immediately after

"31. Vocational Rehabilitation--------1501."

the following:

"32. Public Service Employment for Veterans of the Vietnam Era-----------1550."

SEC. 2. This Act shall be effective upon enactment and the determinations to be made under section 1551(b) of title 38, United States Code (as added by the first section of this Act) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the date of the enactment of this Act.

CONGRESS MUST ACT TO PROVIDE JOBS FOR UNEMPLOYED AMERICANS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today, we in the House of Representatives have the opportunity to pass the conference report of S. 575, which includes as title I, the provisions of the Accelerated Public Works Act which I cosponsored along with a bipartisan coalition of 150 of my colleagues in the House.

Passage of the Accelerated Public Works Act at this time of rising unemployment is extremely crucial. The primary purpose of this legislation is to provide jobs—to provide immediate relief for at least some of the 5.5 million Americans who are now unable to find work.

In addition to creating an estimated 170,000 jobs almost immediately, this bill would simultaneously provide localities throughout the country with badly needed local facilities such as road improvements, water and sewer works, hospitals, and other public buildings. It will bring direct and immediate relief to the areas of highest unemployment by providing $2 billion in Federal funds for public works projects which have been planned by local governments, but delayed for lack of funding.

The jobs which will result from the enactment of this legislation are of extremely critical importance to the families of hundreds of thousands of unemployed Americans. The rate of unemployment now, at 6.2 percent has reached its highest point in over 9 years, and according to a member of the President's Council of Economic Advisers, could continue to climb still higher.

The rate of unemployment for minority groups has recently reached 10.5 percent, its highest level since 1963, and the rate for construction workers, to whom this bill would be especially helpful, has now reached an alarming 11.2 percent.

The number of Americans out of work for 27 weeks or longer has advanced to 580,000—the highest level since May 1963, and the average duration of unemployment has once again increased, from 10.9 weeks to 11.5.

This is indeed a shocking and dismaying comment on Mr. Nixon's total failure to deal with the problem of unemployment and the economy in general and the message is clear. Congress must fill the void created by the Nixon administration's total lack of leadership. Congress must develop programs to create jobs and to reverse the ever-increasing rate of unemployment, and Congress can do this today—by sending the Accelerated Public Works Act to the President for his signature.

Now I am sure we are all well aware of the so-called leaks from the White House that the President may veto this bill as well as the Emergency Unemployment Act of 1971, another measure which Congress has developed as part of its two-pronged attack on unemployment. I find this extremely difficult to believe, in light of the President's own comments on the issue now before us.

In an address to the Nation less than 2 years ago the President stated that—

> We intend to do everything we can to resist increases in unemployment, to help train and place workers in new jobs, to cushion the effect of readjustment.

That was in 1969, a year when the national rate of unemployment averaged 3.5 percent. Now, in 1971, the national rate has climbed to 6.2 percent.

In that same address the President stated that—

> The Nation must dedicate itself to the ideal of helping every man who is looking for a job to find a job.

This is precisely what this legislation is designed to do—"help every man who is looking for a job to find a job." I hope my colleagues will send this bill to the President today with the strong bipartisan support which it deserves, and I hope the President will live up to his pledge to the American people by signing it into law.

LATVIA, AND LITHUANIA

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. STEIGER of Arizona. Mr. Speaker, for more than a quarter of a century Americans of Baltic origin and their friends have deplored Soviet occupation of Lithuania, Latvia, and Estonia. How much longer must these proud people be subjected to tyranny?

The U.S. Congress has spoken out on their behalf by urging the President to bring their plight to the attention of the world opinion at the United Nations. The following resolution was adopted by the 89th Congress:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

THE BALTIC PEOPLES AND THEIR UNENDING QUEST FOR FREEDOM

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. ADDABBO. Mr. Speaker, it was on June 15, 1940, that the Soviet Union invaded the Baltic States and by force instituted the period of oppression over Lithuania, Latvia, and Estonia. That period of slavery for the Baltics has not dampened the desire for freedom or the hope in the hearts of these peoples.

Despite the tragic fact that these three nations have lost more than one-fourth of their population since the invasion of June 15, 1940, and despite the continued practices of spiritual, cultural, and physical genocide by the Soviet Union, there is still widespread resistance to the Communist tyranny which was imposed. History has recorded the unsuccessful but commendable efforts of freedom fighters in the Baltic States. History will one day record the victory of peoples determined to overthrow their dictators and to be free once more to determine their own destiny.

The U.S. Congress adopted House Concurrent Resolution 416 during the 89th Congress urging the President to direct the attention of world opinion at the United Nations and other appropriate international forums to the denial of the rights of self-determination for the Baltic peoples. That resolution remains the hope for future liberty for those now held captive and I ask permission to place the text of that resolution in the RECORD at this point:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determinations and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

TWO BOOKS IN MONTH FOR AUTHOR IN CHINO

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. PETTIS. Mr. Speaker, a constituent of mine, Mr. William L. Roper, has recently authored two books on figures who have contributed much to our society. One of these individuals, the renowned Western actor and singer, Roy Rogers, is also a constituent and personal friend of mine. We all know of the immense talents of Roy Rogers, and I commend the two books mentioned in the following article as most worthy reading for my colleagues:

TWO BOOKS IN MONTH FOR AUTHOR IN CHINO

CHINO.—William L. Roper, reporter on The Telegram in the 1920s, is author of two hardcover books published recently—one a biography of Roy Rogers, the star of Western films who lives in Apple Valley.

The Rogers book, which was approved by the actor, is published by the T. S. Denison Company of Minneapolis.

The other book, "William Spry—Man of Firmness," tells the dramatic life story of the governor of Utah from 1909 to 1917, who courageously defied the Industrial Workers of the World, and became the target for IWW vengeance. It is published jointly by the United States Historical Society and University of Utah Press, and has been selected as Vol. 6 of the University of Utah publications on the American West. Dr. Leonard J. Arrington, professor at Logan and an authority on Western history, collaborated with Roper in checking historical facts and is listed as co-author.

The Spry book contains information regarding the "IWW war" on the Western States, including the bombing of the Los Angeles Times and other acts of sabotage that characterized this period. An exchange of correspondence between Gov. Spry of Utah and Gov. Hiram Johnson of California during those times makes the book of particular interest to students of history, since it throws new light on the IWW.

Some of these letters, marked "confidential," were preserved in the personal files of the Spry family. Spry's eldest daughter, Mrs. Roland Rich Woolley of North Hollywood, gave Roper access to these letters. (Mr. Woolley, Los Angeles attorney, who formerly represented Leo Carrillo and Olivia de Havilland, is the grandson of Gen. Charles Coulson Rich, who led the Mormon migration to San Bernardino in 1850.)

Since this is the first book ever written about Spry and his times, Roper and Arrington had to do a large amount of independent research in the archives of California and Utah.

Spry sought in vain to obtain assistance of the Wilson administration in curbing the IWW conspiracy.

A considerable part of the Spry book has to do with the furor that the IWW and sympathizers succeeded in generating over the Joe Hill case. Joel Hagglund, alias Joseph Hillstrom, alias Joe Hill, native of Sweden and the writer of revolutionary songs, was convicted of murdering a Salt Lake City grocer Jan. 10, 1914. In an effort to save him from execution by a Utah firing squad, the IWW began a worldwide letter-writing campaign to portray Hill as a poor, innocent "labor martyr," framed on a murder charge simply because he was their songbird. During 1915 and 1916, the case became a cause celebre.

Because Spry stood firm against the pressure, even when President Wilson attempted to intervene and refused to grant Hill clemency, he received death threats. An unsuccessful attempt was made to bomb Spry's home Christmas Eve. After several legal delays and accompanying terroristic activities directed against the governor and Utah courts, Hill was executed Nov. 19, 1915.

Both the Spry story and that of Rogers are in a sense Horatio Alger themes. Spry rose from stable-boy to governor; Rogers, from Ohio pig-raiser and shoe factory worker to motion picture stardom.

"In my Rogers Book," Roper explains, "I have tried to set the record straight. A lot of erroneous things have been published about him. For instance, Roy was not born in Wyoming or Illinois, as some have written, but in a red brick tenement in Cincinnati, Nov. 5, 1911. And his real name at birth was Leonard Franklin Slye."

How this shy Ohio farm boy found his aladdin-lamp magic in a guitar, a heart-touching voice and a trained horse makes his story an inspiring one for today, Roper believes. He also sees Rogers as a philosopher with some advice for solving today's political and social problems. The book is expected to be included in "The Men of Achievement" series used in many high schools.

After working as a reporter in San Bernardino, Roper worked for several years on the editorial staffs of Los Angeles Examiner and Los Angeles Times. He and his wife, Zenith Armstrong Roper, reside at 11843 Monte Vista Ave., Chino.

WHITE HOUSE POLICE CONFERENCE: NO VISIBLE RESULTS

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. NEDZI. Mr. Speaker, the recent White House meeting on police killings produced no visible results. In addition, it was unfortunate that the organizers of the conference succumbed to pettiness when they failed to invite New York Police Commissioner Patrick Murphy and Detroit Police Commissioner John Nichols and others who are in the front lines of the crime crisis.

Under leave to extend my remarks, I submit for the RECORD the June 7, 1971, editorials of the Detroit Free Press and the Detroit News on this matter:

[From the Detroit Free Press, June 7, 1971]

POLICE KILLINGS CONFERENCE JUST AN EMPTY GESTURE

Attorney General John Mitchell says the recent White House meeting on police killings was meant to give further indication of the administration's support for American policemen. And that was plain enough. Less plain is whether it was meant to produce any more tangible results.

Of course, the administration did change its mind about placing a federal floor under compensation paid the survivors of slain policemen, an idea at least three years old and opposed by the administration until now. But worthy as this notion may be, it has nothing to do with the problem of preventing police deaths in the first place.

Nor does anything else visibly produced by the conference, beyond a pledge of FBI help in cases involving police killings, a pledge that hopefully is no more than an affirmation of standing policy. The principal fallout of the meeting seems to have been bitter gossip over omissions in the invitation list.

The details of the bickering need not detain us here. Obviously no love is lost among several parties on both sides of the dispute. But it is fair to say that Mr. Nixon invited this backlash when he placed conference arrangements in the hands of FBI Director J. Edgar Hoover, whose relations with other American law enforcement officers are notoriously spotty.

And it is fair to wonder what purpose is served by a conference that omits some of the men most cruelly pressed by the issue under discussion. Several big-city police officials did attend. But several more were not invited, not even New York Police Commissioner Patrick Murphy, whose own tragic difficulties in recent days helped inspire the meeting.

In sum, the White House discussions fell far short of the serious attention the issue deserves. The problem of police killings is central to the lingering problem of crime, violence and urban upheaval. The price policemen are paying is powerful evidence that the country at large has not yet paid price enough to find a solution.

Reports say that additional meetings are planned in Washington this week, and that they are expected to produce more in the way of substantial proposals. One devoutly hopes so. If the administration does not wish to deal forthrightly with this matter, it ought to keep hands off.

[From the Detroit News, June 7, 1971]

WHITE HOUSE STAFF FUMBLES

Someone should blow the policeman's whistle on the White House staffers who failed to check out the guest list for the conference called to discuss recent slayings of policemen and to demonstrate the President's concern and his determination to uphold law and order.

The problem is essentially that of the big cities. There was an acknowledgment of that in the presence at the White House of the police chiefs of Boston, Kansas City, Mo., Chicago, Washington and Los Angeles, with whom Mr. Nixon, flanked by Atty.-Gen. John Mitchell and FBI Director J. Edgar Hoover, conferred.

But the police chief of New York, the nation's biggest city, was not invited and neither was Detroit's chief, John Nichols. Absent also were the law enforcement heads of Philadelphia, Pittsburgh, Omaha, Baltimore, Atlanta, Houston, Milwaukee, Minneapolis, St. Louis and San Francisco, to mention only some of the metropolitan forces which have had to contend with riot, demonstration and slaying.

What helpful words of wisdom, we wonder, came from such invited guests as the police chiefs or sheriffs of Brighton, Colo., Miami

Beach, Oneida, N.Y., and Kettering, O.? We are sure another guest, the police chief of Toms River, N.J., is an estimable character, but would not the chief of riot-torn Newark have had something more pertinent to report?

According to Press Secretary Ziegler, the list had been put together by Hoover at Mr. Nixon's request. It was termed "representative." What baffles us is that no one on Mr. Nixon's staff questioned Hoover's judgment that Oneida is more representative than New York, or Detroit than Brighton (Zip code 80601, 20 miles from Denver).

Quinn Tamm, executive director of the International Association of Chiefs of Police, who was omitted from the list, left the FBI 10 years ago and reports he has clashed with Hoover several times. Tamm, however, praised the President's concern with police safety, saying of Hoover's list only: "I hate to see people play politics with people's lives."

The White House staff should patrol its beat on such guest lists more thoroughly.

CAMPOLINDA HIGH SCHOOL STUDENTS EXAMINE CALIFORNIA WATER PLAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WALDIE. Mr. Speaker, I have recently been privileged to receive and read a paper prepared for an American Government course at Campolinda High School in Moraga, Calif., on the projected impact of the California water plan and the peripheral canal.

This paper, which I am including in the RECORD, is as fair a treatment of the subject as I have seen and I commend it to all who have an interest in the project:

CALIFORNIA WATER PLAN, STATE WATER PROJECT, PERIPHERAL CANAL—VARYING OPINIONS

BACKGROUND INFORMATION

Water is a basic element of man's environment; his life depends on it. Man must have water wherever he lives. If he does not live near water, he must move to the water or bring it home. Man's need for water has greatly broadened since Adam knelt down to a stream and cupped his hands for Eve to drink from. Today our needs are much larger. We not only need water to drink, but we need it for our modern homes, for industry and agriculture and also to generate electricity—all of which are for man's immediate environment. Water is also needed in streams for the fish, the wildlife, and for the beauty it brings, for everyone to enjoy.

California has worked out a way to do both. Both means to (1) meet today's needs for water development, and (2) otherwise brighten our environment. An unprecedented plan approved by the State Legislature 20 years ago has been brought to reality in the State Water project—to create a better environment for each and every Californian. The California State Water Project provides water to sustain life, helps produce food to feed our families, and fibers to clothe them. The State Water Project generates power to light our homes and schools and run the television. It gives us new lakes where the youngsters can swim, the fathers can fish and the moms can sit and relax under a shady tree. It also protects life and property from winter floods, stores excess water for use in the dry summer, keeps beauty and fish in mountain streams, swells the flows of rivers, and serves all of man's needs at home, on the farm and in the factory.

Many people wonder about the California State Water Project. They ask such questions as, "How did the California State Water Project come into being?" and "Who is paying for the Project?" These and other questions are answered in the following:

1. *How did the California State Water Project originate?* In order to answer this question, we must go back and realize that the problem of water being a vital factor in the lives of people has been in existence ever since California's Constitutional Convention in 1849. The prolonged drought which began in 1928, spurred the legislature to pass the State Central Valley Project Act in 1933. A major part of the water development authorized by the act has been accomplished by the federal Central Valley Project, beginning with that Project's water service to Contra Costa County in 1940. In 1951, the State Legislature authorized construction of what is now the State Water Project.

The plan the State Legislature approved and refined in the years that followed was broad and far-reaching. It had to follow the pattern established by new Californians who consistently located their homes and businesses in defiance of the natural distribution of water within California's boundaries.

The people have located themselves and their industries in such a way that 80 percent of the water needs of California occur in the southern two-thirds of the State, while 75 percent of the water supply is in the northern one-third of the State. California's water supply is adequate, but some of it needs to be redistributed. This was clearly a statewide problem, the legislators agreed, so they added other environmental benefits for the people of the basic purpose of water conservation and distribution.

This was the first statewide water project ever planned with recreation and fish and wildlife enhancement as basic purposes.

Planning construction, and operation of the California State Water Project are responsibilities of the State Department of Water Resources. Working in the Department are engineers, administrators, and professionals in many scientific disciplines, along with technicians and inspectors, clerks and typists, plant operators and maintenance men. The Department pioneered in putting special skills to work on the special problems of adding diverse benefits to a water conservation project. It brought in fish biologists and recreation planners years ago, back when ecology and environment were just words in the dictionary to just about every Californian.

2. *What does the California State Water Project consist of?* The initial facilities of the California State Water Project, now just about 91 percent completed or at least under way, include 18 reservoirs, 18 pumping plants, 5 powerplants and 580 miles of aqueducts. Parts of the Project have been serving Californians ever since 1962.

The State Water Projects two big reservoirs, built for conservation of water and the other benefits, are Lake Oroville in Butte County and San Luis Reservoir in Merced County. Two smog-free powerplants at Oroville and one at San Luis provide electrical energy.

In the Sierra, in Plumas County, there are three pretty lakes devoted almost entirely to recreation. The lakes include: Frenchman Lake, Antelope Lakes, and Lake Davis. Lake Del Valle in Alameda County is for storage, flood control, and recreation.

The California Aqueduct provides State Water Project benefits in the San Joaquin Valley and this year will be taken over the Tehachapi Mountains into Los Angeles County. It will reach the southernmost reservoir to be built, Lake Perris in Riverside County, in 1973. Other aqueducts serve the counties north and south of San Francisco Bay. A branch aqueduct will be built from the San Joaquin Valley across the coastal mountains to serve Santa Barbara and San Luis Obispo Counties when they need a new supply, about 1980.

3. *Who is paying for the California State Water Project?* In general, the "water users" are paying for the State Water Project, except for a few minor costs. That was the decision made by Legislature in 1959 when it passed the Burns-Porter Act, which provided the major financing for the project.

The 1959 enactment authorized the issuance of $1.75 billion in general obligation bonds to assist in financing construction of the dams and reservoirs and aqueducts of the State Water Project. The voters of the State gave their approval to the bond issue in 1960, adding their mandate for the project and all its facilities to be built. The Department of Water Resources completed the arrangements to have the bonds and the interest on those bonds paid off by the water users and other beneficiaries.

Thirty-two public agencies in many parts of California contracted with the Department to buy the water supplies they need for the people in their local areas. They began their payments in advance of receiving water, and many of them still have another year or two of advanced payments to make before the project aqueduct will reach their territory. The local water agencies already have paid the State a total of $155 million, of which more than $122 million has come from agencies yet to receive water. The Federal government pays the State for costs of reservoir construction allocated to flood control. The total paid to date by the Federal government is $75 million.

Recreation costs are shared by the people of the State, since recreation is planned for all, and available to all.

The State Water Project can be summarized simply as a project making a better life for Californians. As its services are extended, its benefits will spread to even more of the men, women and children in our State.

The peripheral canal

A water transfer facility across the Sacramento-San Joaquin Delta was authorized by the Burns-Porter Act in 1959 as a primary facility of the California State Water Project. Since there were so many water transfer facilities proposed and because there was so much controversy over these proposals, a Federal-State Interagency Delta Committee was organized in 1961 to study all of the proposals, and then to recommend a facility which would protect the Delta from salinity intrusion, serve the needs of fish and wildlife habitats, provide a firm supply of quality water for Delta use, and, still provide the needed water across the Delta which would take surplus water to the Federal and State export pumps at the southern end. In January of 1965, after extensive study and coordination with concerned local, state, and federal interests, the Committee recommended the adoption of the "Peripheral Canal Plan." It is called Peripheral Canal because it would be placed at the eastern and southern periphery of the Delta.

At public hearings before the California Water Commission and later adopted under administrative action, the recommended plan was approved.

The proposed canal will be more than merely a ditch taking water from one point to another. It will be, instead, a complex engineering works including a canal, pumps, siphons and released gates and recreational facilities extending from Hood to near Tracey. The Peripheral Canal will be located in the Sacramento-San Joaquin Delta, approximately 75 miles east of San Francisco. It will be 3 miles long, 25 to 30 feet deep, and about 400 feet wide. The cost of this canal will exceed two hundred million dollars, to be shared equally by the Central Valley Project and the State Water Project. It will start from the Sacramento River at Hood about 20 miles south of Sacramento and will terminate at the State and Federal pumping plants which serve the Delta-Mendota Canal, the San Luis Project, and California Aqueduct, and South Bay Aqueduct, the authorized San Felipe Project, and the future Kellogg Project.

A pumping plant, 3½ miles below the intake, will lift the water 11 feet to provide the required flow. Water release structures will be located at slough and river crossings along its route to supply water and improve its quality for Delta uses and environmental needs. The Canal will be siphoned under three major stream crossings: the Mokelumne, San Joaquin, and Old Rivers; so there will be no interference with fish migration, navigation, or the passage of floodwaters. Fish screening facilities will be installed at the headworks and provisions will be made to prevent downstream migrant adult fish from being trapped in front of the trashracks. A fish-screen by pass will return salvaged fish to the Sacramento River.

This supply of water from Northern California would flow directly into pumps operated by the Federal government's Central Valley Project and the State Department of Resources. A lot of this water would go to the joint Federal-State San Luis Reservoir which already has begun to make what was almost a desert area bloom. These deliveries of water would open new areas to settlement.

Many years ago the Delta was not much more than an uninhabitable marshland. Early settlers, recognizing the tremendously rich quality of the soil, built dikes to create farms. As time went on, the dikes became a major levee system built by the United States Army Corps of Engineers and state and local interests. Later it was noted that salt water from the ocean often was contaminating delta water and land. So, as a part of the Federal government's Central Valley Project, releases of fresh water from behind Shasta Dam were sent down the Sacramento River to repel this salt water intrusion. Before Shasta, salt water intruded as far north as just below Sacramento. After Shasta, the salt water line generally remained below Rio Vista. Under operation of the canal, this would continue. Without Shasta, the Delta would be damaged in many dry years. It is possible that without the canal the Delta would also suffer because of the need to increase pumping of water out of the Delta to meet the needs of the Federal and State water projects. With this in mind, the canal would therefore serve two main purposes: 1. provide fresh water for the pumps, and 2. retard salt water from the ocean.

OPINIONS

The California Water Plan, the State Water Project, and the Peripheral Canal should be of concern to all citizens of California, and especially those in Contra Costa County and those in the Southern California counties that are to receive the water. These projects will definitely have farther-reaching results than just supplying water to areas in the southern part of the state. The San Francisco Bay, the Delta, and economy, population, and pollution of California will all be affected.

However, a recent telephone survey conducted by the Contra Costa Times showed few people to be concerned or even educated in this subject. Those people, selected at random, who participated were asked if they know about the Peripheral Canal and its relationship to the State Water Project and its prospective effects on Contra Costa County. For the most part, the general public questioned knew little and could have cared less. This seems hard to believe since recently the prime interest of radio, television, newspapers, and legislators from Contra Costa County and other parts of the state had been the threat of the Peripheral Canal on not only our immediate area, but also the southern part of the state.

It is sad that the majority of the general public is not concerned about this subject as it takes large support from the public for legislators to be able to change plans for such things as the proposed Peripheral Canal. Fortunately, there are a few concerned citizens seriously opposing the Peripheral Canal and the other water projects. There are as well, though, those who are strongly backing these water projects. We intend to present the opinions and arguments of specific persons and groups, both pro and con on the subject, as we received them through letters, newspaper articles, and other printed literature. We would have liked to include a greater number of opinions, but the majority of the groups we wrote to either did not have time available or were not concerned enough to answer our letter.

Citizen groups

Save the Delta Association

In working to protect the future of the Delta and bay environment, the Save the Delta Association has found it advisable to question the necessity of the entire State Water Project, including the Peripheral Canal.

The construction of the entire water plan would allow, in theory, disposal of scarce water resources to areas of need in Southern California (in terms of population, growth potential, etc. within the state). However, there is obviously a question as to whether or not continual population expansion in the Los Angeles basin would be wise, if it is at all possible. Peter Pumphrey, Director of the Save the Delta Asociation, stated, "There are doubts in my mind that transport is an appropriate method of providing water for future Southern California water needs. As alternatives he suggests treatment of tertiary standards such as presently being imposed upon the city of Stockton, the potential of vast underground water resources in the Imperial Valley, and the desalination of salt water.

There is a strong possibility that the proposed plan to develop agricultural land in the south valley is not that good an idea. There is a great deal of information which would indicate that the heavy irrigation of thus far unproductive lands causes a rapid build-up of salts within the soil, as has occurred in the Imperial Valley. Also, the impact of new productive areas upon the stability of the existing agricultural community is expected to be significant in its effects.

When asked of the benefits of the peripheral Canal when first completed and in the future, Peter Pumphrey answered:

"There is no question, at present, that the Peripheral Canal would prove to be of benefit to water interests outside of the bay-delta pool. However, there is a great deal of uncertainty as to whether it would ever be of any benefit to the delta at all."

"The most often repeated argument on behalf of the Peripheral Canal is that it will improve the quality of water within the Delta. That this quality level must be enhanced is not disputed. Pumping activities in the south delta have produced severe reverse flow conditions which have already caused damage to the region's fish populations. There is also the ever-present danger due to salt water intrusion from the San Francisco Bay. This intrusion will not only damage delta fish and game populations, but it will make the surrounding lands unfit for agricultural productivity and threaten the continued economic growth of the communities in the west delta.

Supporters of the canal argue that the operation of the unit will allow the release of fresh water into the south delta system at strategic locations along its route and thus, alleviate reverse flow problems. In reality, though, it is not clear that the proported releases will be sufficient to accomplish this goal. It is clear that the proposed volume of water to be withdrawn from the Sacramento River at the canal's intake will be enough to invite a disastrous intrusion of high saline water into the delta system. There is no guarantee that any minimum outflow level through the delta will be maintained. The figures being proposed by the state (with no guarantee that they would be maintained) are not sufficient to prevent the destruction of delta farmlands due to salt build-up and saline intrusion.

The construction of the Peripheral Canal would have other effects on the Delta. A decreased outflow would have serious consequences to the Suisun Marshlands. The operating facility at Hood (point of intake for Peripheral) stands in the way of migratory fish runs upstream in the Sacramento River. Unique wildlife reserves and archaeological sites in the east delta are threatened by the proposed route of the canal itself.

Also threatened by any decrease in the available fresh water outflow through the delta system is the San Francisco Bay, according to the recent United States Geologic Study of the south bay. This outflow is what provides the circulation of bay waters. Without circulation, the water in the south bay would stagnate, resulting in the rapid deterioration of the environment in this area.

The economics of the situation are rather unclear. The economics of the entire water project are not particularly well founded according to evidence developed by the Rand Corporation. The impact of decreased outflow is going to be of great cost if land in the Delta is forced out of production by saline intrusion. The cost of water treatment by west delta communities is also expected to be increased as water quality deteriorates. Although the cost to the Bay area involved in project operations has not been determined, it is expected to be significant. Not subject to estimate is the overall cost of destruction of natural resources within the delta pool.

The position of the Save the Delta Association is that the policy of water export should, in itself, be re-examined in light of decreased population growth projects for Southern California, and that new technological and source alternatives be put to use for future water supply needs. In addition, the association feels that the proposed plans for the Peripheral Canal unit should be halted until a re-evaluation of the need for the canal and the standards for its operation can be completed.

The Sierra Club

It was on September 17, 1969, that the Sierra Club testified that the Peripheral Canal should be built "as soon as practical" provided there would be a guaranteed outflow of 4,600 cubic feet per second (CFS) to the Delta. On Monday, December 7, 1970, however, the Sierra Club's Northern California Regional Conservation Committee announced its total opposition to the canal stating they are "categorically opposed."

In January of 1970, Peter Zars and Dwight Steels, representing the Sierra Club, again testified what they considered a necessary outflow (4,600 CFS) in order to protect the Delta. This testimony took place during the water rights hearings before the State Water Resources Control Board. The latest report from these hearings states that the supporters of the Peripheral Canal seem to have the attitude, "Let's build it, and then we can experiment." It also states that there have been no significant changes in project designs, contract schedules, delivery quantities, or Delta outflow minimum, which state and federal officials have maintained 1,500 to 1,800 CFS to be sufficent for protection of the Delta.

The Sierra Club's opposition to the canal has come about through their studies, on the realization that the Delta will be affected gravely through the proposed minimum standards of outflow. In December of 1969, the Sierra Club's National Board of Directors had adopted a resolution calling on Governor Reagan to withhold approval of the Peripheral Canal Feasibility Report until necessary ecological studies as to the effect of the Project on the Bay and Delta are completed.

Save San Francisco Bay Association

In December of 1969 more than 500 Bay Area residents attended a conference on the subject, "Is the Bay Saved?" Speakers at this conference, which took place in the auditorium of Boalt Hall, placed emphasis on the importance of early public awareness and action on all matters affecting the Bay and its shorelines.

In the morning, members of this conference divided into county workshops to discuss local problems and opportunities with officials from city and county planning departments, water quality control, public health, highway, and officials from other agencies. The Peripheral Canal was a subject of concern in several of the county workshops, as they recommended that strong action be taken to oppose the canal. The people in the workshops called it the part of the State Water Plan which is a serious threat to the Bay. The redirection to Southern California of the fresh water normally flowing into the Bay from the Sacramento and San Joaquin Rivers, as the State Water Plan calls for, will result in some changes for the Bay. The ecology of the Bay will be upset by the change of fresh water to salt water. The Bay currents will be reduced. Also, since the Bay serves as the drainage area for nearly 40% of the state, it will receive old and new pollutants from increasing rural and urban developments elsewhere in the state. With decreased amounts of water, these pollutants will be more concentrated and the water even more polluted than at present.

Although the Save San Francisco Bay Association has not studied the Peripheral Canal at length, they wrote of the detrimental effects and opposition to the canal. The results of the Canal will directly violate some of the set purposes of the Association; all of which are (in relation to the Bay):

1. To protect open water
2. To promote regional planning
3. To plan for conservation of wildlife
4. To create boating and recreational facilities
5. To beautify the shoreline

In December of 1969, the Association adopted a resolution similar to the one adopted by the Sierra Club, urging the Governor to halt consideration of the Peripheral Canal until necessary studies are completed.

Industry

Johns-Manville Products Corporation

Johns-Manville Products Corporation has owned and operated a Building Materials factory located in Pittsburg, California since 1924. The Corporation has rights to the Sacramento/San Joaquin Delta which flows past the property. The river is the corporation's source of water for operating the production facilities at the plant. The historical water requirements of the plant are 2,100 feet per year.

Diverting fresh water from the Delta through the Peripheral Canal will change the salinity content of the Delta waters flowing past the Johns-Manville plant in Pittsburg. This will cause Johns-Manville to be deprived of its water rights. Fresh water will have to be obtained from some other source in order to operate the plant. To obtain a new source of fresh water, by transporting it into the area through canals, will be more costly than pumping from the Delta flowing past the plant. The recognition of this fact by the California State Department of Water Resources has resulted in several proposals being prepared to provide supplemental water to Contra Costa County. Johns-Manville Products Corporation states, as expressed by H. L. Olson, Area Marketing Manager, "It is also recognized in principle and in law that some compensation is due those who hold water rights on the Delta and who will be deprived of those rights."

The policy of Johns-Manville is to conserve the quality of the air and water used in manufacturing operations and shared with the community in which it operates. Johns-Manville feels the people of the State of California have stated they want the California Water Plan, thus Johns-Manville wishes to cooperate with the wishes of the people of California in this way. The Johns-Manville Products Corporation also believes that the California Water Plan will greatly contribute to the economic growth of the State and that the Corporation will profit by this growth, as will everyone in the State of California.

Therefore, it is the position of the Johns-Manville Products Corporation, in respect to the California Water Plan, to support the desires of the people of the State, but to also request that the State recognize the needs and rights of the Corporation to operate its factory and offer just compensation for the loss that will be sustained by Johns-Manville from being deprived of its water rights.

Fibreboard Products Corporation

Walter Simon, an executive of Fibreboard Products Corporation, was one of a long line of speakers who recently voiced fears about the proposed Peripheral Canal resulting in salt water intrusion problems for industry, cities, and counties.

Fibreboard Products Corporation operates two mills in Antioch which uses 20,000 acre feet of river water annually. Walter Simon testified to the effect that if it is the State Water Resources Control Board's decision to allow increased sea water intrusion into the western part of the delta, his firm will expect the State to provide substitute water plus reimbursement of other costs.

The feelings of reimbursement and probable damages as a result of the Peripheral Canal on the Fibreboard Products Corporation are the same as that of Johns-Manville Products Corporation except that Fibreboard has questioned the canal by voicing its fears where Johns-Manville has decided to accept the canal without trying to oppose it.

The Dow Chemical Company

The Dow Chemical Company considers the Peripheral Canal and the California Water Plan political questions which many individuals, politicians, and organizations seem to be exploiting to attract attention to themselves.

Both those people in support of the California Water Plan, including the Peripheral Canal, and those people opposed to it are extremely careless with the facts, according to the Dow Chemical Company. The newspapers frequently print their statements as fact when the statements are nothing more than opinions. This is unfortunate as it makes an intelligent or informed opinion about the matter very difficult to reach. For this reason, the Dow Chemical Company has declined to take sides.

The Dow Chemical Company has been required to report to the State of California the effect of the Peripheral Canal on its plant operations at Pittsburg, as were Johns-Manville Products Corporation, U.S. Steel Corporation, Fiberboard Products Corporation, and Crown Zellerbach Corporation. One of the purposes of such a report was to determine the extent to which those being deprived of water rights were injured. In the report by the Dow Chemical Company, the company described how a reduction in the quality of water, if it occurs, would require them to spend about $8,000,000 to change their water handling system at the Pittsburg plant.

In spite of seeming to know somewhat about the probable effects of the Peripheral Canal on the Delta and its water quality, etc., when asked what they thought the far-reaching results of the Peripheral Canal and California Water plan would be, Jack Jones, Western Manager Public Relations for the Dow Chemical Company, answered, "We do not know what the 'far-reaching results' of these projects will be on the Delta area. But we are not impressed by the claims of those who think they do know."

Governmental officials

Norman B. Livermore, Secretary of The Resources Agency of California

Norman Livermore supports the views of the State of California; that is, those in the best interest of the State as studied and reviewed by the Departments of Water Resources, Fish and Game, Parks and Recreation, Conservation, Agriculture, Navigation and Ocean Development, Public Health, Public Works, and Finance; the State Water Resources Control Board; and the Reclamation Board.

In a letter written by Norman Livermore on April 28, 1970 to ex-Secretary of the Interior, Walter J. Hickel, Normal Livermore urged Federal authorization of the Peripheral Canal Project. He stated it is critically needed for both the conservation of the Delta's fishery resources and environment, and to firm up authorized export water supplies of the Federal Central Valley Project and the California State Water Project.

The Project is economically justified because of the benefits from improved water quality, fish and wildlife enhancement, and recreation. Even without these benefits the Peripheral Canal is essential for reliable operation of the Federal and State projects. This is because the hydraulics of the Delta Channels cause the amount of water for salinity control to increase as the already authorized exports increase. Without the Peripheral Canal, an additional two million acre feet of water would have to be developed to maintain the same protection against salinity intrusion into the interior Delta channels.

As far as environmental guarantees, it is the State's unequivocal position that in water-deficient years the Delta interests must continue to receive a full supply of available water for protection of the Delta's environment and water rights. If there is not sufficient water in the Delta to meet any water quality criteria, which will be established by the Water Resources Control Board, and to meet any requirements under an agreement which would be reached with Delta interests and the Department of Water Resources and the Bureau of Reclamation, then it would be the Federal and State export projects which would be required to assume any such shortage of supply. The Delta area would have a prior right. Special attention is given to environmental guarantees in Section 13050f of the Porter-Cologne Water Quality Control Act of California. Under this law, the State Water Resources Control Board is required to give full and adequate consideration to the beneficial uses (listed as recreation, esthetic enjoyment, preservation, and enhancement of fish, wildlife, and other aquatic resources and preserves) in establishing water quality standard for the Delta.

The Peripheral Canal is needed now for protection and enhancement of the Delta fishery and environment. Because of the present method of transferring water through the Delta channels and the increased future exports, greater proportions of the Delta fishery will be directly influenced by the Federal and State pumps, detrimental flow reversals in fish migration channels will be increased, and fish food production will be decreased. Without a Peripheral Canal, the increased velocity in the channels leading to the export pumps will draw many more eggs and small fish into the pumps. The canal would correct these conditions by removing the point of diversion from the channels of the southern Delta. The canal will also enhance the fishery in many areas of the Delta by releasing high quality water in certain Delta channels to improve conditions for striped bass spawning, fish migration, and the warmwater fishery.

The need of the Peripheral Canal to protect and serve other uses in the Delta, in addition to fishery, is present. In the Southern Delta channels serious problems already exist because of the high velocities causing levee erosion due to the export pumping. In some areas there may be drawndown problems, which will increase without the Peripheral Canal as the export amounts are increased to meet authorized water supply commitments. The canal will enhance the water quality of the interior Delta by making releases of fresh water into the dead-end sloughs. It will make releases into the channels of the southern Delta to improve water quality for irrigation and other purposes. Furthermore, the floodwaters of Morrison Creek in the northern Delta can be taken into the canal, reducing the flood threat in that area.

The Peripheral Canal will provide additional opportunities for a large recreational resource. It is the States intention to introduce legislation to authorize state participation under Public Law 89–72, in the recreation features along the canal, in accordance with Federal law.

Archaeological and historical surveys will be made to properly identify archeological sites along the canal. Measures will be undertaken during the construction of the canal to remove and preserve those artifacts which have any significant historic value.

The agricultural area in the Delta should be assured that its production capacity will not be impaired as a result of operation of the Peripheral Canal.

In his letter of April 28, 1970 to Walter Hickel, Norman Livermore stated:

"The State strongly recommends authorization and funding of the Peripheral Canal by the Congress as soon as possible to protect and enhance the environment and ecology of the Delta and to firm up authorized export water supplies of the federal Central Valley Project and the California State Water Project.

On December 11, 1970, Norman Livermore further displayed his support when he said that "the Peripheral Canal must and will be built. He told a lunch meeting of the Association of Water Contractors and Developers in San Jose that the environmental impact of the canal had been studied to death" and is ecologically sound.

Congressman JEROME R. WALDIE, Fourteenth Congressional District, California

Congressman Waldie questions the motives for transporting water from Northern California to Southern California for its further development. In September, 1969, Waldie testified before the joint Senate-Assembly Water Resources Committee, urging the State to re-examine its water export policy so that only areas whose other resources are sufficient to support increased development should receive new waters.

The justification of the California Water Plan is to meet the critical need of the Los Angeles basin for water. Congressman Waldie believes water is not the most critical need of this area, but that air is needed far more. The present air supply is so polluted it cannot support the present population in the basin. For this reason, Waldie questions increasing the pressures on the limited air supply by a governmental policy that will enable present barren acres to develop more subdivisions, more automobiles, more factories, and more people in that basin.

Since 1955, when air pollution levels were set, there have been seventy "smog alerts" which require inhabitants of the Los Angeles basin to curtail their activity and use of automobiles and the industry of the area to reduce operations that might contribute to the critical pollution levels of the air. Waldie told the joint Senate-Assembly Water Resources committee, "Surely sending water to an area that should be decreasing population, not increasing, is shortsighted" and that the "desperately essential need for the Los Angeles basin is to improve their supply of air, not their supply of water."

The California Water Plan is perhaps more detrimental to the existing population in the Los Angeles basin than it is to the North, although it is also a large threat to the North. The Peripheral Canal would divert the fresh water of the Sacramento River to Southern California causing the salt concentration in the Bay to rise tremendously, as 80% of all the fresh water entering the Bay comes from the Sacramento River. Also, there is a direct correlation between the amount of fresh water entering the Bay from the Sacramento River and the salinity and phosphate (or sewage affluent) level of Bay waters, according to the June, 1970 report of the United States Geological Survey on the impact of Sacramento inflows on San Francisco Bay water quality. The report indicates inflows are more important than tidal action in flushing the Bay, contrary to the statement of Director William Gianelli of the State Department of Water Resources, "Tidal action is the principal mechanism by which pollutants are alternately removed from the Bay. The effects of tidal movements on dispersion of wastes far overwhelm the effects of river outflows from the Delta." Using the U.S. Geological Survey Report as a basis, Waldie states, "No reasonable amount of sewage treatment or industrial pollution controls will save the quality of the Bay if the Sacramento River is plugged up."

The higher salt concentration resulting from the diversion of the fresh water southward would destroy the delicate ecologist balance of the Delta and Sacramento River as well as the Bay. It will destroy much of the agriculture and wildlife of the area. The Suisun Marsh, located in Solano County on the northern shore of Suisun Bay, is covered by vegetation which provides the principal feeding place of some 750,000 wild fowl each season. Yet this marsh "is in grave danger of being irreparably damaged by increased salinity due to proposed diversions of fresh water inflows," as was written to Walter Hickel by Congressmen Jerome Waldie and Robert Leggett. It is also Waldie's belief that human health problems would also be raised.

Waldie also questions whether the supposed improvement of agricultural interests will benefit the people. It is more likely that developing more than 250,000 acres of apparently unneeded agricultural land will have a harmful effect on California's farm economy. Congressman Waldie called for a congressional investigation on this question after the disclosure of a University of California study which shows the State Water Project will develop excess agricultural land in the San Joaquin Valley, and that the developer will cause a drop in farm prices with little chance that the reduction of market prices will be reflected in consumer prices. This study by the University of California shows that the development of some 253,000 acres will cause prices that farmers receive for cotton, almond and other specialty crops to fall from three to four percent, causing many small and moderate-sized farmers to be hurt. Congressman Waldie states:

"I find it difficult to understand why one arm of the Federal Government, the Bureau of Reclamation, is assisting in the development of unneeded and substandard lands to grow crops, while, at the same time, another arm of the Federal Government, the Department of Agriculture, is paying farmers not to grow crops on virtually the same land."

It is the opinion of Congressman Jerome R. Waldie that the construction of the Peripheral Canal would prove to have a most disastrous effect, as it relates to the San Francisco Bay, the Delta area, the pollution of Southern California, and the farm economy of the State.

Governor Ronald Reagan

On April 29, 1970, Governor Ronald Reagan threw the full support of the state administration behind the proposed federal-state Peripheral Canal. The Governor's strong statement supporting federal authorization of this vital part of the State Water Project and the federal Central Valley Project was, "No one has come up with an acceptable alternative."

The original State Water Project authorized by the Legislature and the people ten years ago included a trans-Delta water facility. According to the Governor, the principal support for the Peripheral Canal originally came from fishery, sportsmen, and recreational interests who expressed fear that any other alternative to the canal could result in loss of the fishery resources of that area as well as impairment of the present and future great recreational potentials of the Delta.

In giving the full support of the State of California officially to the canal, Governor Reagan indicated that now the task of securing the federal authorization for participation in this joint facility will be up to the federal agencies and the Congress. Governor Reagan stated that he will personally request that the California Congressional Delegation support this vitally needed facility.

Governor Reagan is in full support of the Peripheral Canal and has also given it the full support of the state administration. He has noted, "In all our actions to date, we have stressed that not only will the facility meet the needs of water users, but it will also insure the enhancement and protection of the environment in the Delta."

Mayor Louise Giersch of Antioch

Antioch Mayor Louise Giersch has voiced her fears about the results of the proposed $200 million Peripheral Canal on the city of Antioch.

The Peripheral Canal would divert fresh water from the Sacramento River around the Delta for shipment to the San Joaquin Valley and on to Southern California. Mayor Giersch told a State Senate Committee on Salinity Intrusion that Antioch already has problems with salt water intrusion and that when Antioch's major source of water, the San Joaquin River, becomes too salty, water is purchased from the Contra Costa Water District at the price of $41 per million gallons.

Mayor Giersch has estimated that if her city has to go elsewhere because the river becomes too saline, the cost to Antioch would be $70,000 annually. The fears that Mayor Giersch has voiced show one way that the Peripheral Canal would present problems to the areas that would be losing the water.

Senator John A. Nejedly, Seventh Senatorial District, California

Senator Nejedly endorses the recognition of environmental conditions. The conditions of the environment must be maintained. He disagrees with the Senate Committee on the Peripheral Canal project. He cannot support it and has instead written the minority Senate report on the subject of the Peripheral Canal.

Nejedly has pointed out the faults of the Senate Committee's report. There has already been serious damage to fish and plant life in the Delta area. The salt water can confuse the fish at spawning time. They go to the spawning grounds by instinct, but they need the water to lead them there. The density of the water, the amount of salt; these are factors. Salt water barriers are needed to hold the salt water and keep it from entering and killing the ecological life.

Senater Nejedly feels that if the Peripheral Canal is built that it would cause even more problems for the Delta area than would occur if it is not built.

Water agencies and departments

Orange County Water District

According to Mr. Langdon Owen, Secretary Manager of the Orange County Water District, the California Water Plan, including the Peripheral Canal is necessary to support the growth of our population by providing water to all our citizens, both the newest arrivals and the long-standing residents.

The State of California is going to continue to be one of the most attractive places in the United States; consequently, our population will continue to increase. Talk about the possibility of limiting water development projects in an effort to restrict future population growth, which would theoretically minimize the inevitable impact on the State's environment, is not logical. Populations expand regardless of water supply, with net effect of an environmental disaster, if an adequate supply of low cost water is not available, as in Tijuana. The Orange County Water District maintains that the water transferred from the north to the central and southern portions of the state will not limit future development of the north, because the water involved in the state project is surplus water—water in excess of present and ultimate future local northern water requirements.

The California Water Plan provides much needed flood control facilities and some splendid recreational areas, in addition to the water it provides. Speaking for itself is the flood control afforded by the Sacramento Valley as recently as two years ago, the Oroville facilities. A flood will seldom enhance the environment. The principal considerations in the design and construction of the State Water Project have been environmental requirements to provide for recreation and fish and wildlife. Some of the reservoirs on the Upper Feather River were built primarily for recreation.

The Peripheral Canal, in addition to being a very vital part of the California Water Plan, is essential to save the Delta from further deterioration, and a project of the same type would be necessary even if the California Water Plan was not a reality, according to Mr. Owen. The Peripheral Canal will protect the integrity of water quality in the state system. The system would be pumping the sewage wastes of local dischargers to the south without the canal. Upon completion the Peripheral Canal will immediately provide high quality water in the eastern sloughs of the Delta which will protect and enhance the striped bass and salmon fisheries by rejuvenating normal currents in the Delta channels and by diluting the pollution of the San Joaquin River. The high quality water will be provided to ranchers on the east side and interior of the Delta for their use.

A long-term effect of the Peripheral Canal on the Bay-Delta system will be that for the first time since man began reclamation in the swamps of this area, we will have a tool to positively control salinity intrusion and the waste-water quality degradation that has been the result of the imperfect plans of local waste dischargers. Mr. Owen further said that the ecology of the Delta and the San Francisco Bay will not be seriously damaged by the canal, but will be damaged severely if the canal is not built. The canal could not significantly affect the quality of water in the Bay. Mr. Owen states:

"The solution to the Bay water quality problems rests totally upon local waste dischargers who would prefer to waste high quality water to assimilate their raw waste discharges rather than apply reasonable (expensive, certainly, but reasonable) wastewater treatment provisions that everyone else in the state currently employs."

When asked about the effects of the Peripheral Canal on population and economics, Mr. Owen answered:

"Economics and over-population are really not our field, but for what it is worth regarding over-population in California—with the more and more emphasis on the so-called new morality, the "pill," the deterioration of family institutions, ZPG groups, etc., it is conceivable that the population will not increase at the rate past experience would indicate, and if this is true, perhaps our population will stabilize in the near future."

California Water Resources Association

The position of the California Water Resources Association, as presented by Mr. Jack Keating, Acting Manager, on the California Water Plan is that it is vitally necessary. Nearly three-fourths of the water in the state is located in the north, yet the larger part of the population is in the south, an area with a very limited water supply which makes it almost totally dependent on imported water. The people are there, and there is no way for these people to be moved elsewhere to locations where the water is readily available.

"The Project is essential to the survival of the ecology and the fish and the wildlife of the Delta," wrote Mr. Keating. The fishery of the Delta is being destroyed and, unless the canal is completed in a very few years, it will disappear. The reverse flows occurring from pumping operations in the Delta are damaging the ecology of the levees, channels, etc.

As far as the effect of the canal on the Bay, Mr. Keating believes:

"There has never been anyone, expert or otherwise, who has said that the Peripheral Canal as such would damage the San Francisco Bay. There have been some charges that reduced flows from the Sacramento-San Joaquin regions into the Bay might tend to increase pollution into the Bay—but all agree that if sewage effluent and other types of pollution pouring into the Bay were to be discontinued there would be no need for large outflows of water to keep the Bay clean, since the major flushing factor for the Bay is the tidal exchange which occurs each day."

As for any relation between the California Water Plan and population, the California Water Resources Association feels it is illogical to say that the utilities of people living in a particular metropolitan area should be cut off in order to keep that area from growing. Anyway, this could not be done because it is telling people where they may or may not live, which is both unconstitutional and contrary to our way of life.

The California Water Resources Association is trying to show that water projects are invaluable because they open up to migration thinly populated areas while they enhance the ecology by producing green belts, recreation, fish, and wildlife enhancement. This has a dispersing effect—drawing people away from the congested metropolitan communities; thus water projects result in a decrease, rather than an increase in population.

Delta Water Agency

The Delta Water Agency was formed in 1968 by the state legislature to protect and study the water resources of the Sacramento-San Joaquin Delta. The Agency has made the following resolution: Be it resolved by the directors of the Delta Water Agency that this agency is unequivocally opposed to the proposed Peripheral Canal.

Congressman Waldie commented on this resolution:

"This is a striking victory for those who have been fighting for the preservation of the Bay-Delta's environment. Of all the numerous agencies and entities that are concerned with Delta water resources, none is more directly representative of the Delta itself than the Delta Water Agency."

The Agency consists of eleven members who are elected to represent the several county areas covered by the Delta which include portions of San Joaquin, Contra Costa, Sacramento, Yolo, Solani, and Alameda Counties. All totaled, the agency encompasses some 700,000 acres of fertile land including about 400 acres of picturesque channels and water ways.

In the words of Congressman Waldie:

"It is no secret that the Delta Water Agency was originally conceived with the blessing of the State Department of Water Resources. The Department expected that the agency would meet whatever demand the department considered necessary in order to facilitate delivery of Delta water to the 'south.'"

However, after the results and findings from water studies on the damaging impact upon the Delta came in, the Board of Directors of the Delta Water Agency showed it was not a puppet to Mr. Gianelli, director of the Department of Water Resources, by recognizing the many threats to the Bay-Delta system posed by the California Water Plan and then by formulating their resolution.

Water Resources Engineers

Sewage water from the Bay Area could be recycled and used to compensate for the water drained from the Sacramento River by the proposed Peripheral Canal of the California Water Plan. This was suggested in December of 1970 by Dr. Gerald T. Orlob, president of Water Resources Engineers. The proposed idea was that Bay Area waste water should be piped to a giant plant in the Antioch area where it would be treated to a "tertiary" degree and then piped back into the Delta.

Dr. Orlob conducted a state-financed survey into possible sources of new water. He is in support of the canal and is now seeking solutions to any problems of the system. He said that after the waste water is treated it would be clean enough for irrigation and swimming. The cost would be $25 per acre-foot compared with $45 if dams were built to divert water from the Eel and Klamath Rivers to the Delta.

This concept of recycling the sewage water was endorsed by both the Department of Water Resources and the Department of Public Health's Bureau of Sanitary Engineering.

Napa County Flood Control and Water Conservation District

Mr. Joseph V. Reynolds, District Engineer of the Napa County Flood Control and Water Conservation District, stated that the idea of the Peripheral Canal is a beneficial one, ". . . both initially and in the future . . ." He believes that the canal will not destroy the Delta, in fact it will provide a more effective water circulation, reduce erosion on the banks, and enhance the fishery resources.

It will benefit the economy not only through supplying water but recreational facilities can be developed. It will reduce flood damage and related activities. Mr. Reynolds feels that the building of the canal will not be an economic burden to the tax payers; it will be payed for by the users of the water.

All effects of the Peripheral Canal may not be beneficial to the Delta, but any such detrimental effects will be adequately compensated for, while the beneficial effects will accrue to the overall enhancement of the Delta.

Los Angeles City Department of Water and Power

Mr. Robert V. Phillips, Chief Engineer of Water Works and Assistant Manager of the Los Angeles Department of Water and Power, believes that the overall objectives of the California Water Plan are sound and that the operation of the plan is necessary, if there is to be a continued orderly growth of California. The proposed Peripheral Canal, as a part of the plan, is also necessary. The Peripheral Canal will be beneficial if it is constructed and operated in accordance with the plans of the State Department of Water Resources.

When asked what he thought the far-reaching results would be, as far as destruction of the Delta and the San Francisco Bay, economics, over-population, etc., Mr. Phillips answered:

"Because the region involved in this question is many miles from the area served by the Los Angeles Department of Water and Power, we have not participated in studies, or reviews of studies, relative to the broad fields included in this question. Therefore, I am not able to present an opinion for you on such matters as 'economics' or 'over-population' or the region as they relate to the California Water Plan, including the Peripheral Canal."

Mr. Phillips further explains that he is unable to give really complete answers about the possible effects of the California Water Plan because the City of Los Angeles will only be involved in the plan to the extent that at times they will purchase from the Metropolitan Water District of Southern California water that will have been delivered to the area by certain facilities included in the Plan.

CONCLUSION

The State Water Project became a reality in the 1960's. Much of the project has been completed but not all, the controversial Peripheral Canal, for example. There is, as has been shown, much disagreement as to the advantages and disadvantages of the entire State Water Project and the Peripheral Canal. Just reading or hearing the arguments at surface value, they all sound reasonable and valid. But when you challenge these arguments thoughtfully, you find many holes and still unanswered questions. The public has to learn to question what it is told, not to just accept something it is fed. This is the only way meaningful decisions and conclusions about any subject can come about.

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RETIREES ENJOYED KOSHER FLORIDA VACATIONS LAST FALL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. SCHEUER. Mr. Speaker, the problems and hardships faced by senior citizens in this country have been widely publicized in recent months. The public does not often hear, however, of a number of innovative solutions being offered by private groups around the country.

I insert in the RECORD an article appearing in both the Jewish Week and the American Examiner which describes one highly successful project initiated by the Associated Y's which brought a great deal of joy and pleasure into the lives of almost 500 senior citizens of New York.

The project is just one imaginative example of what can be done to make the lives of the elderly more pleasant. It enabled these people, all perfect strangers, to spend 2 weeks together vacationing in Miami. Most had never before been to Florida, and many went on scholarship funds. The new experiences gained and the new friendships that were made helped enrich the lives of all who participated.

The article follows:

FOUR HUNDRED AND NINETY-THREE RETIREES ENJOYED KOSHER FLORIDA VACATIONS LAST FALL

(By Bernard Postal)

"Who would believe it?" It's a machiah!" "It's like living again!"

That's how 493 retired older adults felt about their participation in what began as an experiment late last fall and has now become a continuing project called "Florida vacations for the aged", sponsored by the Associated Camps of the Associated YM & YWHAs of Greater New York. By mid-May, over 200 reservations with cash deposits were on hand for the 1971 Florida vacation trips.

Last March, William Wolfston, vice-president of the board of Associated Camps, which supervises the camping programs of the Associated Ys, asked why vacations for senior citizens should be confined to summer camping. Why not explore the possibility of providing the aged with winter vacations in Florida?

The Associated Ys, whose branch Ys throughout the city and the Long Island and Westchester suburbs serve some 6,000 senior citizens, is known for its innovative programming policy, so Wolfston's proposal caught the staff's imagination.

Last April, Barnett Lambert, director of Associated Camps, went to Florida and interviewed the owners of ten kosher hotels in Miami Beach, discussing lodgings, Sabbath requirements, kosher meals, snacks, linens, entertainment, baggage handling, tips, trip dates and price. Contact was also made with airlines, bus companies and sightseeing tour operators and directors of the municipal recreation facilities in Miami Beach. Promises of cooperation were obtained from the Greater Miami Beach YM-YWHA.

By mid-June, Associated Camps had publicized the first trip among the senior membership of its cooperating Ys. The package of 14 days and 13 nights that was offered included round trip transportation from the local Center or Y, baggage handling, hotel, program and sightseeing costs, professional staff supervision, a full-time nurse in residence at the hotel and all gratuities. The cost ranged from $250 to $300, depending on the location of the room in the Hotel Martinique.

EARLY RESPONSES WERE SLOW

At first responses were slow. Some days more people called to cancel than to enroll, often for fear of hijacking or concern over flying. The first scheduled trip had to be called off because there were not enough people registered. The second trip was only half-booked but the third was over-subscribed. All told, 493 older adults—381 women (321 unattached), 112 men (43 unattached)—went to Florida in two separate trips.

Nearly half of them had never flown before and 42 per cent had never been to Florida. More than half of the participants had incomes under $3,000 a year and 70 per cent lived on less than $5,000 annually. Yet 80 per cent of them paid their own way, although this included many whose children put up all or most of the cost. The rest went on "scholarships."

The senior travellers were largely a Yiddish-speaking group. At the hotel they were assigned two to a room. Many requested specific room-mates and these requests were honored wherever possible. Where no request was made, or when the plea was simply for "a nice person, please", room-mates were assigned on the basis of agency, age, borough or accommodations requested. People who became friendly with seat-mates on the plane were delighted to find they were room-mates too. This was no coincidence.

A special temporary staff was engaged to handle administrative and programming assignments and sightseeing. One staff member conducted daily calisthenics for the oldsters.

TO EXPAND CONTACTS

The entire program in Miami was designed to expand the social contacts of senior citizens who often live lonely lives in retirement. The staff carefully planned activities to encourage the older adults to make new friends, to explore new surroundings and to get around Miami Beach with an eye to potential settlement there. Frequent opportunities to get dressed up for evening social functions stimulated a new interest in personal appearance.

Many went to museums, shopped on Lincoln Road, visited the Everglades, surprised old friends living in Miami Beach, invited relatives to dinner at the hotel, worshipped in local synagogues or in the hotel's chapel. Some people who met on these trips became fast friends.

Mrs. Rita Bloom, who was the professional director of the first year's Florida vacations for the aged, summed up the experience like this: "It was someone to talk to, someone to act with, someone to walk with, someone to share with. Two hundred and fifty strangers on Tuesday began to feel like part of an 'in group' three days later, after sharing common facilities, interests, activities and staff."

At the end of each trip the travellers received a questionnaire to check their individual reactions. Eighty per cent or more rated everything as "good" or "excellent." One lady ignored the choices of excellent, good, fair, and poor, and replied to the question, "how is your health?" "better, thank you."

At least 15 of the travellers answered "going home," when they were asked what they liked least about the trip. One who noted, "I paid for this trip myself," added, "it wasn't easy," while another credited: "All Mighty God" for making the trip possible.

When the 493 travellers, ranging in age from 67 to the late 80s, were asked "should we offer this trip again next year?" The response was an overwhelming 96 per cent yes. And when they were asked, "would you like to come with us next year?", the yes vote was a landslide 98.3 per cent.

FEDERAL POWER COMMISSION'S NATURAL GAS RATE REGULATION

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. TIERNAN. Mr. Speaker, on May 25, I spoke on the floor of the House attacking the Federal Power Commission's decision in the Texas Gulf area rate case, which granted natural gas producers in Texas a 33⅓-percent rate increase as an incentive "to promote dedication of gas reserves to the interstate market." It did so because the producers said the existing rates were insufficient to justify exploration and development of potential gas supplies and that consequently the American consumer would be faced with a severe shortage of natural gas. The shortage claim was based on statistics provided by the American Gas Association, which represents the producers interests.

I challenged the FPC in my earlier statement to document the existence of a gas shortage because it is this claim of a shortage which will result in a $4 billion increase annually to consumers of natural gas. Numerous groups had challenged this shortage. Among them was the American Public Gas Association which alleged in a well-documented statement that the shortage resulted from artificial control of supply by the gas producers. At that time I thought that the FPC's naive acceptance of the industry's figures was an innocent result of the dependence which often develops among regulatory agencies with the regulated industries.

Since that time, however, substantial evidence has become available to indicate that this rate increase was approved by Chairman Nassikas and the other Commissioners with full knowledge that there was very serious question as to whether or not a gas shortage in fact existed.

According to FPC documents obtained by Mr. Jack Anderson, which he apparently intends to make available to Congress, Chairman Nassikas was made aware on many occasions by various ranking staff members at the Commission that there was substantial doubt about the accuracy of the producer's figures.

In the Louisiana rate case, a similar case in which the Commission will reportedly grant even larger increases to Louisiana producers, the staff's analysis of the gas reserves was almost half again as high as the industry's claim, according to the FPC documents which Mr. Anderson obtained. In addition, the staff reported that figures supplied by the pipeline owners and the AGA figures were surprisingly wide apart.

Chairman Nassikas suppressed this evidence and refused to allow the staff to conduct an independent analysis of the industry's figures. In addition, according to Mr. Anderson, he has engaged in deliberate deception of public officials. In response to a request from Senator Philip Hart, Chairman Nassikas reported that the producer's figures and the aforementioned pipeline owner's statistics "closely parallel" one another. He also made it appear that the staff supported the industry figures when in fact they had challenged them repeatedly.

Mr. Speaker, the time has come for Chairman Nassikas to explain how his actions as FPC Chairman are not directly opposed to the public interest which he has sworn to uphold. If he is unwilling or unable to do so, then it is only proper that he resign.

I include for the Record two of Mr. Anderson's recent columns from the Washington Post and an additional article from the Wall Street Journal dealing with the FPC's natural gas rate regulation:

[From the Washington Post, June 14, 1971]

FPC Chief and Natural-Gas Rate Rise

(By Jack Anderson)

Federal Power Commission Chairman John Nassikas, who is supposed to protect the housewives from excessive gas charges, is pushing instead to add a whopping $4 billion to their bills based on industry-supplied information that conflicts with a study by the commission staff.

He has gone so far as to fail to reveal certain evidence and to mislead senators about the basis of the $4 billion rate increase.

The evidence—in the form of studies, letters and memos—has been kept under lock by Nassikas. Nevertheless, we have obtained copies of these documents.

Squeezing $4 billion out of the housewives, of course, is a complex operation. But here are the facts as simply as we can present them:

The Federal Power Commission fixes the basic rates that millions of consumers pay for natural gas. The gas producers always want to raise the rates, naturally, to increase their profits. But the FPC was established to keep the public from being gouged.

The producers are now seeking a rate increase on the gas they will draw from a vast Louisiana reservoir. The higher rate, which would be tacked on to the monthly bill of every householder who uses the gas, is supposed to be an incentive to encourage the producers to sink more wells.

FIGURES DISPUTED

The producers, according to the FPC staff, have greatly understated the amount of natural gas available under the Louisiana bed. Their figures make the risk and expense of sinking new wells appear to be far higher than is true.

The American Gas Association, which speaks for the producers, estimated one part of the Louisiana reserves to be 24 trillion cubic feet. But the FPC's own experts, after careful calculation, came up with a 34 trillion figure. The difference of 10 trillion cubic feet would seriously weaken the producers' case for a rate increase.

Nassikas not only accepted the producers' figures but failed to reveal estimates that were damaging to the producers.

We know from copies of documents in our possession that the Federal Power Chairman was fully informed as early as February 1970, by both his Economics and Producers divisions that the industry's figures were suspect. Yet he failed to reveal the discrepancy and sided with the gas producers in public statements, Senate hearings and congressional correspondence.

The FPC's experts based their estimates, in part, upon figures furnished by the pipeline companies. These figures were far higher than those submitted by the gas producers. But Nassikas told Sen. Philip Hart (D-Mich.), the Senate antitrust chairman, that the gas reserve figures from the producers and pipeline operators "closely parallel" each other. Nassikas knew from his own economic study, dated Feb. 12, that the figures were "surprisingly wide apart."

One of the FPC documents shows how the economic division had tried to persuade the FPC to uphold the consumers. Failing this, an appeal was made to Nassikas's general counsel, Gordon Gooch, to amend the legal brief to show that the economics division had objected.

The economics office wrote a strong, detailed dissent. It not only was excluded from the legal brief but was put away in locked files. Thus, the economics experts were denied even the dignity of dissent.

Then, over the protests of consumer advocates, Nassikas took the $4 billion rate case away from a tough hearing examiner, Martin Rendelman. The American Public Gas Association, which fights for the consumers, tells us this move was unprecedented.

A formal ruling from the FPC is still pending. Only an outpouring of mail from the housewives can save them from $4 billion in extra gas payments.

In coming days, we will quote more fully from the FPC documents. We will also turn the documents over to appropriate congressional authorities for action.

Footnote: Nassikas refused to talk with us. Gordon Gooch, his chief counsel, explained Nassikas cannot comment because the case is still pending. Gooch himself spoke emphatically with us for an hour, denying any suppression or wrongdoing by Nassikas or other FPC officials.

[From the Washington Post, June 15, 1971]

FPC Staff Disputed Industry Data

(By Jack Anderson)

We have detailed how Federal Power Commission Chairman John Nassikas failed to reveal evidence and misled Congress on a proposed $4 billion rate increase for the natural gas producers.

This is a stupendous sum, which would be squeezed out of the customers in the form of higher monthly gas payments.

We have pieced together the story from a sheaf of memos and studies kept under lock at the FPC. Through a maze of intermediaries, however, we have obtained the papers.

It would take dozens of columns to publish them all, with their legal profundities and complexities. But here is the outline of our case against Nassikas:

The papers reveal that Nassikas ignored the studies of his own economists and relied upon the gas industry's information. The FPC, of course, is supposed to protect the public against the depredations of the gas barons. Yet Nassikas, speaking for the FPC, quoted industry figures to senators—figures that had been contradicted by the FPC's economists.

These figures had to do with the Louisiana gas reserves, which eventually will supply half the nation. The FPC's chief economist, Haskell Wald, found the industry's figures to be dubious.

On Feb. 12, 1970, Wald wrote a personal memo to Nassikas, warning that two crucial sets of industry data on gas reserves "can hardly be said to match each other."

He could see "no way of corroborating" some of the industry data. The FPC's own auditing, he said, "tells us nothing about the reliability" of the questionable information.

The industry's estimates, which should be consistent, show "surprisingly large differences" with many specific figures "surprisingly wide apart," he wrote.

The following day, Nassikas received another personal memo from Edward McManus, chief of the FPC's producer division, who warned that "the reliability of gas reserve estimates (by the industry) for any specific reservoir or field initially is suspect."

On Feb. 19, Wald sent an even blunter memo to Gordon Gooch, whom Nassikas had picked to be the FPC's chief counsel.

"We are concerned over the apparent lack of adequate checks on the statistical reporting operations," wrote Wald. He called attention to an industry error of 1.3 trillion cubic feet.

At this point, Nassikas and Gooch should have ordered an immediate, massive FPC staff investigation. Instead, they accepted the gas producers' figures.

Senate Antitrust Chairman Philip Hart (D-Mich.) got wind of the matter. In a Sept. 1 letter, Hart asked Nassikas explicitly about the information furnished by the natural gas industry.

In Nassikas' reply, dated Sept. 13, he said the two crucial sets of data "closely parallel" each other. To buttress this statement, he added: "The staff has also made specialized reports and conducted investigations."

This made it appear that the staff backed up the gas industry's figures when, in fact, the staff memos said exactly the opposite.

On Nov. 12, Nassikas again cited the industry figures at a Senate hearing before the Senate Fuels Subcommittee.

Chairman Frank Moss (D-Utah) asked: "You do have to rely . . . on industry figures?"

"Yes, but not entirely," said Nassikas. Later, he added that "there is substantial reliance, but . . . it is not non-analytical reliance." In its context, the statement gave the impression that the FPC's "analytical" studies supported the industry's figures. The opposite, of course, was true.

The next day, Wald jolted Nassikas with another memo disclosing that the FPC's studies and the industry's figures were out of kilter by a startling 42 per cent.

Wald followed this up with a strong memo to Gooch's office on Dec. 1 reiterating that the evidence indicated errors up to 40 percent in some of the industry data.

Eight days later, both Nassikas and Gooch again used the industry's figures at a Senate hearing chaired by Sen. Lee Metcalf (D-Mont.), an expert on the subject. Gooch testified that the industry's figures were "reasonably reliable."

Footnote: As we previously reported, Nassikas refused to discuss the $4 billion increase with us on the grounds that the case is still before him. Gooch has denied any wrongdoing by Nassikas or himself.

Sen. Gaylord Nelson (D-Wis.) is introducing a bill this week to force outboard motor firms to install anti-pollution devices. The motors dump millions of gallons of gas and oil into U.S. lakes and rivers each year. The bill would give the Environmental Protection Agency power to set standards for both old and new motors.

FPC Plans To End Decade-Old Revamping by Year-End of Rates Gas Producers Get

(By Kenneth H. Bacon)

WASHINGTON.—By year-end, the Federal Power Commission plans to complete its decade-long revision of prices producers get for natural gas sold to interstate pipeline companies.

The pipelines, distributors and consumers will be paying higher prices as a result of the rate revamping, and many of them already are. But the FPC hopes the price boosts will encourage producers to find more gas for interstate markets, helping to end shortages that have forced some pipelines to limit supplies.

Once it has restructured gas rates throughout the nation, the FPC's chairman, John N. Nassikas, says the agency will be able to adjust prices quickly to balance supply and demand—something it hasn't been able to do before—and thus regulate more effectively.

In 1960, the FPC launched a policy of basing natural-gas prices on the cost of producing the fuel in various areas of the country. Although it was designed to erase an enormous backlog of rate cases, it quickly became clear that the new policy was itself very time consuming. Long hearings on accounting matters dragged on for years, and when prices were finally set in the first proceedings, producers claimed they were too low to make additional gas exploration worthwhile.

But, currently, the FPC is approving big price boosts. Last month, the five-man commission granted sharply higher rates for gas produced along the Texas Gulf Coast, the nation's second-ranking production area, and soon it's expected to approve even higher prices for gas from southern Louisiana, the richest production area.

The higher Louisiana prices are contained in a settlement agreement between producers and their pipeline customers and distributors, which is currently awaiting FPC approval and is almost certain to get it.

STRESS ON SETTLEMENTS

Such settlement agreements are one of the methods Mr. Nassikas, a 1969 Nixon appointee, has emphasized to skirt the long proceedings and court fights that have snarled area rate cases. In an effort to clear up the first round of area cases, the FPC also has set some rates by rulemaking, a process that takes less time than the standard area proceeding. Mr. Nassikas, who has set out to streamline proceedings and provide greater incentive for producers, predicts that both of these speedier methods will be used more frequently in the future, although some consumer groups charge that they are just excuses for giving the industry more money faster.

When the FPC started its area rate policy "we assumed that we'd have all the areas done in several years and then start the second round" to review prices, according to Commissioner Lawrence J. O'Connor Jr. But the first round hasn't even been finished yet. "The length of the proceedings surprised everyone," Mr. O'Connor observes.

The Permian Basin rate case, the first proceeding, began in 1960, and in 1968 the Supreme Court upheld the new approach and the rates for the Permian area of Texas and New Mexico.

The FPC issued the southern Louisiana decision, its second area case in 1968, and a federal appeals court affirmed it in 1970 but chastised the FPC for basing gas prices almost exclusively on the cost of producing the fuel. It instructed the FPC to study noncost factors such as supply and demand and later gave it authority to change the rates set forth in the 1968 decision.

The industry had denounced as disastrously low the 1968 prices, ranging from 17 cents to 20 cents per 1,000 cubic feet. Those prices, stayed by the FPC haven't taken effect and won't if the higher settlement rates are approved.

REFUNDS COULD BE CANCELED

The settlement calls for prices ranging from 21.375 cents to 26 cents with provisions to increase certain rates in 1973 and 1974. It also provides that by pledging new gas to interstate sale, producers could cancel refunds they owe to pipelines.

If paid, the refunds, which accumulated during the case while producers sold gas at rates higher than interim rates approved by the FPC, would ultimately reach consumers, and a consumer group has filed a court suit charging that these refunds should be paid. The refunds obligation would top $375 million if the 1968 prices took effect, but will be considerably less if the higher settlement prices are accepted.

If as expected, the FPC accepts the settlement, it will mark the second area proceeding to be concluded this way. Last year, the FPC accepted an accord in the Hugoton-Anadarko area covering the Texas Panhandle, Kansas and the western half of Oklahoma. Those prices range from 12.5 cents to 20.5 cents.

Last month, the commission approved prices ranging from 18 cents to 24 cents in the Texas Gulf Coast area, with price escalation provisions and a plan to allow producers to work off refunds, similar to the provision proposed in the southern Louisiana settlement. The prices were sharply higher than the 13.3 cents to 17.4 cents recommended for the area in a 1968 examiner's decision.

It is expected that the FPC will approve similar increases for gas produced in what's known as the "other Southwest area" which includes territory in Mississippi, Arkansas, northwest Alabama, northern Louisiana and parts of Texas and Oklahoma.

Together, the Permian basin, southern Louisiana, Texas Gulf Coast, Hugoton-Anadarko, and other Southwest areas account for about 93 percent of the gas sold in interstate commerce.

Last year, the FPC set prices in the Appalachian and Illinois Basin areas by rulemaking skipping long proceedings. It's expected that the commission will use the same novel approach, which involves proposing rates and then considering written comment on them, in the Rocky Mountain area of Colorado and Wyoming to finish up the area rate cases this year.

In a separate but related action last year, the FPC opened a proceeding to set gas prices nationwide by rulemaking. While the agency hasn't worked on that proposal recently, Mr. Nassikas says the FPC may return to it later in order to adjust prices, presumably upward, throughout the nation all at once if necessary.

Despite the streamlined approaches, the basic principles of area price regulation remain the same, agency staffers note. Gas prices are still set by geographic area, and the prices vary according to the date of the contract under which the gas is sold. To encourage exploration, gas sold under recent contracts brings the highest price.

Many pipelines and distributors will be able to pass the higher producer prices on to their customers, although a gas industry spokesman asserts final consumer prices will rise only slightly at first because the price a producer receives for gas accounts for less than 20 percent of the total cost of gas to residential consumer.

CANADIAN AID AND THE WAR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DELLUMS. Mr. Speaker, in October 1967, Mrs. Claire Culhane went to South Vietnam as a member of a hospital team furnished by the Canadian Government as part of its foreign aid to Southeast Asia. She went with the understanding that her role was humanitarian; once in Vietnam, officials changed tune, and her job was supposed to be half humanitarian, half political.

The story of her 6 months in Vietnam is both oppressive and enlightening. Mrs. Culhane was able to see the ramifications of U.S. policy upon the efforts of other nations such as Canada; she saw the utter corruption and deceit of the South Vietnamese Government; she felt the real needs of the people, not the rulers.

From her encounters, she prepared a comprehensive report for the Canadian Government. In it, she asked a number of key questions about the nature and aims of Canadian involvement in Indochina.

She was ignored.

Recently, Mr. Culhane sent me a copy of that report along with some news clippings and an addendum. I found it fascinating reading, and I now insert a somewhat abridged version into the RECORD.

VIETNAM LEAFLETS TOSSED IN HOUSE

(By John Gray)

OTTAWA—Since she left her job at the Canadian tuberculosis hospital in South Vietnam three years ago, Claire Culhane has been trying to get someone to pay attention to her complaints.

She wrote letters and gave lectures. She talked to members of Parliament and tracked down ministers of the government wherever and whenever she could find them.

She fasted on Parliament Hill, and she camped out in a tent in downtown Ottawa in the dead of winter in the hope that somebody would take notice.

As a campaigner she was tireless, and her energy was intimidating. With her white hair, she was a familiar and easily identified figure at most demonstrations on Parliament Hill.

Finally, in the House of Commons yesterday afternoon, Claire Culhane ended her gentle approach with the government of Canada.

NOTHING WORKED

She had, as she explained when they released her two hours later, tried every other way. And nothing had worked.

So Claire Culhane stood up in the select visitors' gallery of the Commons, hurled a handful of angry leaflets onto the desks of startled MPs below, and began to shout.

To those who knew Claire Culhane, her cries were familiar. She was shouting questions about why and how deeply the Canadian government is involved in the war in Viet Nam.

Why is Canada building hospitals and also supplying bombs in Vietnam?

Why was there no investigation of the Canadian member of the International Control Commission who admitted he had given information to the CIA?

Why is the government refusing to release reports made by herself and a former director of the TB hospital about the conditions there?

When was Ottawa going to make representations to Washington about the mass evacuation of Vietnamese from their homes?

Does the government care as little about the Vietnamese as they do about Quebecers, Indians, Metis, Eskimos and the unemployed?

BARELY AUDIBLE

The questions were barely audible. But Mrs. Culhane, a seasoned campaigner, had left copies in the parliamentary press gallery.

When the guard moved in quickly a pair of heavy duty wire cutters was produced almost immediately to snip the chain which she had tied around her leg and the seat.

A Liberal MP said loudly "Leave her alone", and NDP leader T. C. Douglas was clearly dazed by the commotion in the visitors' gallery over his head.

Mr. Douglas was trying to ask a question amid the strange shouts and he explained casually to the Commons that "I am used to being interrupted. I have been married a long time."

Question period had been under way for only about 10 minutes when Mrs. Culhane had thrown her leaflets and started shouting. It took only a short while before everything settled down again.

But it took more than two hours before the Commons security staff, Speaker Lucien Lamoureux, and the Ottawa police could decide what to do with Mrs. Culhane.

The gallery in which she was sitting is reserved for special guests of Liberal Members of Parliament.

A friend of her's, Mimi Taylor, a curator at the National Gallery, had asked for two passes from Ottawa East MP Jean Richard.

The security staff knows Mrs. Culhane well from her constant appearances around Parliament Hill. But the passes were all in order. They did not see her chain her leg to the seat.

Mrs. Taylor was outraged later that she had been held for two hours just because she had been sitting beside Mrs. Culhane.

She was aware of nothing, Mrs. Taylor said, until Mrs. Culhane stood up and began throwing leaflets—"a harmless enough activity."

Mrs. Culhane said later that Ottawa police had said she would be sent a summons to charge her with disturbing the peace.

But the white-haired grandmother was clearly not phased by her experience at the hands of the security guards.

She had tried every method and exhausted every channel, and nobody paid attention—"and if I can think of another way, I'll do that."

She denied the suggestion that she was trying to force everyone simply to adopt her ideas—"the MPs have not been provided with the opportunity to decide for themselves whether there should be an investigation into the Canadian role in Vietnam."

Part of the evidence of deciding that would be the publication of her own highly-critical report of the tuberculosis hospital where she worked for six months in 1967 and 1968.

After returning from Vietnam in the spring of 1968, Mrs. Culhane worked as a medical records librarian in Montreal. She was recently president of the Quebec Voice of Women.

Mrs. Culhane's own report maintains that the Canadian operation in the TB hospital in Quang Ngai is primarily a political project to give a respectable cover for Canadian involvement in the war.

She documents what she alleges are shoddy medical practices in the hospital, as well as evidence of corruption and clear alignment of "neutral Canadians" with American forces.

In her statement distributed yesterday she cites the report of the former director of the hospital, who claims the present director "is completely incompetent and has ruined an excellent project."

The statement also quoted the admission of the director of the U.S. aid program that aid projects in Laos are a cover for the activities of the CIA.

The same, she said, is true of Canadian activities in Vietnam—"I went as an independent humanitarian worker, but when I got there I found that it was just not so."

WOMAN ASKS TRUDEAU TO SEEK CONFERENCE ON WAR IN INDOCHINA

(By Malcolm Reid)

OTTAWA.—Claire Culhane, who helped run a Canadian hospital in the My Lai area of Vietnam and calls herself a "professional protester" since her return in 1969, confronted Prime Minister Pierre Trudeau at the door of the constitutional conference centre yesterday.

She carried copies of a cable to her Montreal address from Mrs. Nguyen Thi Binh of the South Vietnamese National Liberation Front in Paris, asking her to stir up protest in Canada over "tens of thousands of U.S., Saigon, Thai troops" in Laos. She wanted Canada to call for a new Geneva conference on the country supposedly neutralized by a 1962 agreement.

The Prime Minister paused to talk with her, telling her Canada's position that the International Control Commission should inspect the case. Canada, a member of this commission, was willing—she should address the same request to India and Poland, the other members.

Mrs. Culhane was accompanied by an old acquaintance of Mr. Trudeau's from Cite Libre days, Belgian-born writer Michel van Schendel. Mr. van Schendel said Mr. Trudeau "made as if he did not see me." They haven't communicated often since the former magazine editor became Prime Minister.

He said he was representing the magazine Socialisme Quebecois, colleagues at the University of Quebec (where he teaches Quebec literature), and the Quebec Committee for Democratic Freedoms.

They believe the Control Commission is powerless. Mrs. Culhane said one of the Canadian officers on it has admitted giving information to the U.S. Central Intelligence Agency.

She was sent to Vietnam by Canadian External Aid and was there at the time of the alleged My Lai massacre which is the subject of current trials of U.S. soldiers. She wrote a report of conditions in the zone which the Canadian Government has refused to table on grounds it is "libelous." But she is also mentioned by U.S. journalist Seymour Hersh as one of his sources for his reports of the My Lai massacre.

The brief chat with the Prime Minister ended with Mr. Trudeau shrugging and going into the conference room and Mrs. Culhane calling to him: "They're going to use the atomic bomb . . ."

Mrs. Culhane and Mr. van Schendel said this was a hard assertion to prove beforehand, but there were indications from reports in publications as varied as The New Yorker and the left-wing National Guardian which spoke of massive evacuations in the northern part of South Vietnam which could be preparations for nuclear attacks on North Vietnam. The justification for the Laos invasion given by the South Vietnamese invaders and their U.S. backers is that the country serves as a North Vietnamese base for attacking South Vietnam.

Mrs. Culhane and Mr. van Schendel said that during the Korean war there were similar hints that atomic weapons might be used and it took a trip to Washington by British Prime Minister Clement Attlee (backed by Canada's then External Affairs Minister, Lester Pearson) to persuade the United States to drop the idea.

In this case, Mrs. Culhane admitted, the political climate may be bad for such an escalation: "It may be a sawoff, and finally they won't use it. But we must protest to make sure they don't."

Mrs. Binh's cable was intended for "peace forces in your country." Mr. van Schendel said they didn't know of Mrs. Binh having sent other cables to North Americans, and she did not often send such appeals.

Canadian Role in Viet Nam Questioned

MEDICAL WORKER CITES POLITICAL INVOLVEMENT

(By John Gray)

As the war in Viet Nam grinds endlessly along its inevitable course of diplomatic and military and social disaster, there is, very occasionally, a bright gleam of hope.

A Canadian medical team is to travel to Viet Nam to establish a physical rehabilitation centre. This, at least, would seem to offer some limited measure of hope for that sad and battered country.

So it would seem. And especially pleasing for Canadians—a welcome other side to the debate about selling Canadian arms to American military forces, a welcome alternative to the relative diplomatic silence we have so studiously maintained.

The idea of the medical team fits perfectly into the diplomatic ideal which we have built up in the past two decades. This is the ideal of Canada as the keeper of peace between men who are mad, the dispassionate humanitarian middle man.

MOTIVES SUSPECT

However, the chorus of happy approval is not unanimous. At least one voice has been raised to warn that the medical team is a fruitless venture, that the motives which led to its formation are suspect.

The dissident voice is that of Claire Culhane, a woman who is not without qualification to speak about the expectations of the rehabilitation hospital which will be established at Qui Nhon. Mrs. Culhane herself spent six months in Viet Nam.

When Mrs. Culhane volunteered to serve in the Canadian tuberculosis hospital in Quang Ngai, South Viet Nam, officials of the External Aid Office in Ottawa assured her that her task would be "100 per cent humanitarian."

While she was in Viet Nam, battling against strange circumstances for which there was no apparent logic, she got a rather different assessment. A senior Canadian official told her that her mission was "50 per cent humanitarian, 50 per cent political."

Today, after returning from Viet Nam in despair, Mrs. Culhane is convinced that the true percentage is closer to 100 per cent political. And fruitless besides.

Mrs. Culhane, now 49, has advised the External Aid Office, the minister of external affairs, and even Prime Minister Trudeau of her fears about the nature of Canadian "humanitarianism" in Viet Nam.

She also warned that the $2,500,000 rehabilitation centre is doomed to a fate as uncertain as that of the tuberculosis hospital. For her trouble, she got a number of letters thanking her for her trouble and beyond that nothing.

This is not the first time that questions have been raised about the nature of the Canadian involvement in Viet Nam. Still unanswered, for example, are questions about the Canadian team on the International Control Commission.

Is the ICC a direct expression of Canadian diplomatic initiative, or is it an indirect arm of the American war effort? (It was the legal adviser to the Canadian ICC team, Gordon Longmuir, who defined Mrs. Culhane's medical mission as 50 per cent humanitarian, 50 per cent political.)

DISTURBING STORY

The story told by Mrs. Culhane about the tuberculosis hospital is disturbing, for it raises questions about both the nature and the quality of our involvement in Viet Nam.

Like our role in the ICC, the external aid program looks great on paper; like the ICC, there is something less than the glory of the brave new world underneath.

It is a spongey story, in that it contains few spectacular revelations. Rather than hard facts, it is an accumulation of incidents and question marks.

Mrs. Culhane, a medical records librarian, volunteered to go to Viet Nam after reading of the work in the tuberculosis hospital and its director, Dr. Alje Vennema of Burlington, Ont. Dr. Vennema won the Order of Canada service medal last year.

The young doctor left the hospital three months atfer Mrs. Culhane arrived in Quang Ngai last October, to continue his studies. The $500,000 hospital was going well. Fifty patients were confined permanently, and the clinic treated up to 200 patients a day.

Dr. Vennema was a popular figure with the Vietnamese. He and his medical team served their patients well. But Dr. Vennema was less popular with local American officials, and with Canadian officials in Saigon, because he was an outspoken critic of the war.

Under Dr. Vennema's successor, a new policy grew up quickly. It was a policy not to make waves. Relations became very close with the local American adviser and with the local office of the Central Intelligence Agency.

Running the hospital had never been very easy, because medical supplies were always hard to secure. When they arrived, it was only after running the gauntlet of theft and corruption which are now a way of life in Viet Nam. After Dr. Vennema's departure, Mrs. Culhane was prevented from pursuing "missing" supplies.

That was really only administrative trouble. Real trouble came during the Tet offensive by the Viet Cong last February. Fighting broke out all across Viet Nam, including the region not far from the Canadian hospital in Quang Ngai.

The fighting did not ever threaten the hospital, but several days after the offensive began, South Vietnamese troops moved into the hospital. Although patients filled the hospital, the troops set up a firing base on an upper balcony.

Protests to Vietnamese and American officials did no good. The balcony was militarily convenient. When the Canadians warned of the danger to the patients, the Province Chief sent his reply through the American adviser: "Go and tell it to the VC."

Eventually the patients were evacuated from the hospital and the Canadian medical team left for Saigon to wait until the fighting had ended. The Tet fighting did end, but the hospital remained closed until June when it resumed partial operation.

VENNEMA RETURNS

It was in Saigon that Mrs. Culhane learned of the depth of distrust felt by both American and Canadian officials for the previous hospital director, Dr. Vennema.

When fighting broke out during Tet, Dr. Vennema interrupted a year's studies in Amsterdam to return to Viet Nam. The Canadian government asked him to determine how Canada could provide medical assistance to relieve the distress.

Mr. Longmuir of the ICC was disturbed by Dr. Vennema's return, and suggested that the doctor was really trying to take over his old position as medical director of the hospital. Subsequently, at Canadian instigation, Dr. Vennema was denied access to the only functional airline in Viet Nam.

The airline is called Air America, and it happens that Air America is operated by the Central Intelligence Agency Passengers such as those working on medical teams have a high priority. They may fly anywhere in the country free of charge.

When Mrs. Culhane learned of the ban against Dr. Vennema, Mr. Longmuir explained to her: "Dr. Vennema's tour might turn up some unsavory features so why should Air America be expected to co-operate in transporting him on such a survey?"

ACTION LIMITED

For Mrs. Culhane, this symbolized all of the problems of the Canadian group at Quang Ngai. All action is circumscribed by the political and military exigencies of the American war effort; humanitarianism as such does not exist.

"We are there for only one reason—as a source of support for the Americans. The more countries that join, the more the Americans say 'we are not alone'.

"As things are now, we cannot conceive of doing anything independent of the Americans in Viet Nam."

Aside from the political problem, the efficiency of Canada's aid is questioned by Mrs. Culhane. Ottawa is a long way away, and regulations seem designed more to hinder than help.

What does this mean for the new rehabilitation hospital in Qui Nhon? For a start, it means a thousand bureaucratic and political headaches—if the hospital ever opens.

Mrs. Culhane fears that it may not open. The tuberculosis hospital has only partially reopened since Tet, and numerous other humanitarian ventures in Viet Nam have ceased to function because the fighting has made it impossible.

Right now, she feels there is no role for Canadians in Viet Nam, for they have been too closely allied with the Americans. There may be no role for any white man—"it's fit only for journalists and spies."

Report on Project of Anti-Tuberculosis Hospital Quang Ngai, Vietnam

Canadian Colombo Plan

PREPARED FOR THE DEPARTMENT OF EXTERNAL AID GOVERNMENT OF CANADA

Further to a recent interview at Ottawa with Mr. Maurice Strong, and Mr. J. A. Arsenault, I have been asked by the Department of External Aid to present a written report covering my observations and recommendations regarding the Canadian Government's project in Quang Ngai, Vietnam, namely the Anti-Tuberculosis Hospital, where I was employed as Administrative Assistant from early October 1967 to March 1968. Consistent with my offer to be of any possible help to the Department at any time by sharing my experiences there, I shall attempt to describe the project as I found it on arrival; its progress up to March 1968; general recommendations for improving our work in Vietnam, and my reasons for decision to withdraw.

On arrival in Saigon, I found the members of the Canadian Delegation appeared to be comfortably located and their conditions of work very pleasant. It was explained that while the members in Saigon very occasionally went to Quang Ngai, Dr. Vennema or other members of the team came to Saigon more frequently in order to collect supplies and finances, since nothing could really be safely placed on planes for delivery unless escorted.

In preparing for the operation of the hospital, I listed all the necessary supplies for clinic and hospital wards, e.g. forms and reports as required by W.H.O. standards as used in the Hong Bang Hospital in Saigon, according to Dr. LeHir, as well as similar charts pages and lab forms already in use at the Provincial Hospital.

It was understood that our Hospital was to operate under the direction of the Ministry of Health in Saigon, and was to receive its supplies through the Provincial Hospital channels. The difficulties encountered in this area were many, since either the Provincial Hospital would insist that they did not have any supplies, or the Hong Bang Hospital in Saigon would insist they could not provide us from their supplies since they only receive their own allotment.

Similar problems existed in areas of payment of electricity and fuel accounts by the Provincial Hospital and we were constantly harassed. In other words it appeared that whatever decisions and allotments made by the Finance Division in Saigon were rarely followed through, and the ultimate result was that adequate and conscientious care for patients was constantly hampered. It must be added at this point that the food allowance of *30 piastres per patient per day* was a grim indication of the lack of human concern shown for their fellow Vietnamese by the government officials.

A concentrated teaching program was being carried out for most of our Vietnamese personnel, with Dr. Vennema teaching medical subjects two hours per day and myself teaching English one hour per day.

The clinic was opened the first week of December 1967, and despite problems encountered (but not insurmountable . . .) to obtain necessary equipment and maintain smooth operation, we were actually able to register, examine and treat approximately 150–200 patients each morning, including Mantoux Tests, Acid-fast tests, Minifilms and large X-rays, medical examinations by the doctors for advanced cases, and referrals to hospital care.

The first week of January 1968 saw the transfer of patients from the Tuberculosis Ward of the Provincial Hospital to our Hospital, involving operation of kitchen facilities, sterilization room, and further organization of our 32 member staff of Vietnamese personnel.

I come now to the final period of operation of the hospital, namely the week of the Tet Offensive commencing the night of January 30th, 1968. At the expense of lengthening this report, I do believe a detailed description should be included of this vitally important and decisive week.

At 4 a.m. when the attack began, our interpreter (le Chau) Louise Piche and I came out of our rooms to view the action which appeared to be all about us and very close—to put it mildly!! As Pauline Trudel had taken night duty at the hospital when the Vietnamese nurse had failed to report, and as Dr. Jutras did not leave his room, I decided to go to the hospital to make sure everyone was all right there, which I did at 4:30 a.m., despite the barrage. I knew the patrol that night at the crossroads and he agreed to raise the barbed wire barrier so I could proceed. Everything was under control at the hospital.

The following few days witnessed a most tragic parade of wounded being brought into the town from all sides. The Provincial Hospital already with two and three patients to each bed, and floor space fully occupied by stretchers, was obliged to leave wounded on the grounds between the buildings.

Two bullet wound cases which came to our house and to our hospital pleading for help, were turned away by Dr. Jutras and instructed to go to the Provincial Hospital as "we were just a Tuberculosis Hospital."

When our electrician's apprentice brought in his uncle, severely burned, and having been extricated from a cave where his wife and ten children had all been killed, Pauline Trudel bandaged him and put him into one of the empty beds in a section of the ward separate from the others (only 44 beds of the total 80 beds were occupied at that time). Dr. Jutras would only agree that he be permitted to remain on condition that he be removed after TET . . . which he did in fact do three days later, while I was at lunch . . . I was certainly protesting most vigorously against this policy, since during such a desperate time of emergency, I felt we should be offering more help and certainly treating the wounded, even on a temporary basis, if only to relieve the terrible pressures at the Provincial Hospital, in spite of the fact that we "were just a Tuberculosis hospital." However, my protests were over-ruled by Dr. Jutras.

The second night (Jan. 31st) Dr. Jutras offered to take night duty, but by the time he arrived and it was time for P. Trudel, our interpreter and myself to return to the house, it was already dark and much action taking place, in the area, especially from behind and the sides of the hospital. Against my better judgment, but by this time weary of constant arguments with Dr. Jutras, we left, only to be turned back by a most hysterical patrol who could not identify us in the dark and moon-less night. He seemed to be ready to start firing but our interpreter managed to make himself heard, and to tell us to turn our bikes around quickly and return to the hospital, which we did. Dr. Jutras' comment on our explanation for our return is worthy of quoting: "I sure felt a little guilty when I saw you going down the road in the dark. I guess you should not have gone when it was so late."

Later that night, when everyone was asleep, I endeavoured to have a serious talk with Dr. Jutras pointing out that although our relations were not the most cordial, we owed it to the project and the patients which were more important than either one of us, to make a better attempt to work in harmony, since by this time I had reached the stage where I constantly hesitated to make any proposals knowing they would be immediately rejected by him, mainly because they originated from me—up to the moment where it could have cost us our lives that evening, for obviously Pauline and I were fortunate that our interpreter was with us, otherwise the hysteria of the patrol could easily have led to shooting first and identifying later . . . and all because I had hesitated to raise any objections to our leaving at such a late hour. His reply was prompt and to the effect that he knew he was questioning every one of my proposals, since he was "playing Devil's advocate" with me, and though he would continue to do so I need not feel I did not have the right to make suggestions . . . but I must expect his reactions to continue along those lines.

The clinic was no longer operating as strict curfew prevented any traveling by the local Vietnamese. I shared duties with Pauline Trudel in the hospital ward during the days as she had no nurses to work with, and in the evenings, Pauline Trudel, Arthur Ludwick, Dr. Jutras and myself divided night duties, some times all four of us, sometimes three of us and sometimes two of us. I elected to go each night, as a matter of personal choice. Part of each day I worked at the Provincial Hospital in the Emergency ward, the Burns ward and with the Quakers.

The following observation should be noted that never once in the entire week that we spent with our patients in particularly close contact, especially through the many wakeful nights—never once did I ever see Dr. Jutras examine, speak to, contact, touch or in any way try to communicate by personal gesture with a single one of our patients. Such a cool and unconcerned attitude on the part of our physician in the atmosphere of a war, could hardly pass unnoticed, especially by the Vietnamese themselves.

The afternoon of February 3rd we were visited by two local South Vietnamese army members, advising that they would come that night to "protect" us. Dr. Jutras and I immediately called on the Province Chief to request that the troops remain in the fields surrounding the hospital, but not to enter the hospital thus making a target of it and endangering the patients. He agreed, though at the same time adding if the VC attacked and occupied the hospital he would immediately order rockets fired against it.

That night, around midnight, a platoon of 24 soldiers came up the stairs to the balcony of the hospital intending to set up their firing equipment, but with the help of our interpreter and an hour's persuasion, they finally agreed to withdraw to the lower grounds and remain there.

The next day Dr. Jutras insisted he would go by himself this time to call upon the Province Chief to request again that the troops remain in the fields. However, as he failed to return home for supper or to come to the hospital by nightfall, and as we discovered a portion of our fencing ripped up with a white streamer to identify the spot in the dark, I decided to spend the night at the foot of the stairs leading up to the balcony to try and intercept them should they come again. Our interpreter and his family were also in the hospital that night, as well as Pauline Trudel and Arthur Ludwick. The troops did not come that night.

On returning home at breakfast time I found Dr. Jutras there and was only then advised that the Province Chief had promised the troops would not come up into the hospital. I had to inform him that it would have been nice to know about it the night before . . . and would have revealed more sense of responsibility on his part to have returned to tell us so.

That night (February 5th) I was the only team member taking duty along with one Vietnamese nurse, the same platoon came running up the stairs around 2 a.m., and this time commenced shooting immediately, so there was no time to argue with them about it. The only thing to do was to have all the patients wrap themselves in their blanket under their beds, in case any return fire came through the windows or walls. Although the shooting continued until 6 a.m. there was no return fire from any direction, and no one was hurt.

On my return home around 7:30 a.m (leaving our interpreter in charge) I suggested to the team that since we obviously were going to have no guarantee that the last night's performance would not now become the pattern, the hospital was being used as a firing base, endangering our patients, and therefore we should try and return them to the old ward at the Provincial Hospital, caring for them there, at the same time continuing our fight with the Province Chief not to occupy our hospital.

As the Province Chief could not be located that morning, Dr. Jutras and I left our message with the American Advisor, namely were the troops going to continue to repeat their nightly performance, in which case would the Province Chief advise us to evacuate the patients. The reply brought back to us from the Province Chief, via the American Advisor was "Go and tell it to the VC", and so we had to make our own decision. Dr. Connolly, the head of the American Military Medical Resist Team, refused to allow us to bring back the patients, saying he might want to use the still empty ward to cope with overflow from other buildings, and since Dr. Jutras would not support my request to transfer the patients, we had to return to our hospital and prepare the patients for evacuation to their own homes. This meant giving them about 10 days supplies of medication and sending them on their way . . . transporting the weakest three to the Provincial Hospital.

The extent of the danger to our patients of this totally unnecessary step, should not be forgotten when we later consider the validity of our continued presence in Vietnam to help ameliorate their suffering.

Although the patients had all displayed the greatest courage and spirit throughout the past week of heavy action, when the time came for their departure, they showed great emotion and grief, in many cases, absolute despair, pointing to their chests and shaking their heads . . . it was very sad and agonizingly frustrating to have to be responsible for such a futile exodus . . . how many would be able to reach their homes in safety . . . what were they likely to find there if and when they did arrive . . .

Since the local American military had that day offered us a plane to evacuate to Da Nang, and as a portion of the civilian population of Quang Ngai was also evacuating, Dr. Jerema recommended that we accept it as perhaps it was a veiled way of indicating that further action was expected. We all left, except for Dr. Jutras who remained behind, to keep an eye on things, and who was able to stay at the house of Mr. May, which was heavily guarded.

Before leaving that afternoon, (February 6th) a cable was delivered to us by the American military from the British Embassy in Saigon requesting information as to the whereabouts and safety of Tara Dier (daughter of Mr. O. W. Dier) who had been with us for the past month. No similar communication was received from the Canadian Delegation in Saigon with regards to the whereabouts or safety of our team.

After two days in Da Nang, we learned that the city was expecting to be over-run by 30,000 troops already on the outskirts of the city, and we were given emergency postings and directions for helicopter evacuation in such an event. During this week both Louise Piche and Tara Dier personally decided to return to Quang Nagi and had made contact with their CIA friends in Quang Ngai to arrange plane connections for them. Since Dr. Jutras has officially delegated Dr. Jerema as the head of the team in Da Nang, and since Dr. Jerema refused to intercede with the girls' decisions, and since I felt we would be held responsible if any danger should befall Tara Dier, especially. I phoned Saigon and spoke with Mr. Longmuir, suggesting that since our safety was equally if not more endangered in Da Nang than in Quang Ngai, and since it appeared that Saigon was the quietest spot at the moment, should we not proceed there . . . after several days of calling him and finally locating Dr. Jutras in Quang Ngai, it was agreed that we all proceed to Saigon, which we did.

On reaching Saigon, we met various other medical teams, Swiss and German, and in each case were told of similar incidents, of the need to evacuate hospitals because of being caught in the crossfire, though not because of being attacked by VC, and that they were awaiting arrangements to evacuate them home.

By this time it was February 14th, and Dr. Vennema arrived from Amsterdam. Dr. Jerema, Dr. Vennema, Pauline Trudel and myself went to the restaurant where Mr. Longmuir and Miss Peschl were having lunch. We were soon joined by Dr. Jutras accompanied by his lady friend, the secretary for the CIA in Quang Ngai, which turned out to be an unfortunate coincidence since it made her witness to a most disgraceful inner group discussion. (However, since Louise Piche entertained several members of the DMA at Quang Ngai, they were regular guests there).

When Mr. Longmuir questioned Dr. Vennema's right to return, assuring him that he would not be allowed to usurp Dr. Jutras' directorship, the sparks began to fly . . . and I must admit my own contribution was not the calmest . . . for I was shocked by such a naked "jockeying for position" where the main concern of Dr. Jutras was whether he was going to be able to hold on to his job in the face of Dr. Vennema's return, despite the latter's assurance that he had returned in the capacity of a Doctor and not as a competitor. I tried to steer the discussion into the real problems of our decisions regarding the evacuation of the hospital . . . had it been necessary . . . could we have taken another course . . . where were the patients . . . what should we do now . . . what should we plan to do next time . . . but the tone of the discussion had sunk to an abysmal level.

As is known by now, Dr. Vennema was to be permitted to proceed to make a tour of S. Vietnam to see where the Canadian Government could offer further assistance—keeping in mind that this was during the climax of the Battle of Hue, in which direction he was to go first.

But, is it known by the members of the Department of External Aid that AIR AMERICA had cabled all their stations instructing them to refuse aircraft privileges to Dr. Vennema, and these instructions were over the signature of Mr. James May of QUANG NGAI (Chief American Advisor), with whom Dr. Jutras was still staying? I was only to learn about this part on my return to Quang Ngai several weeks later.

However when Dr. Jerema and I were arranging bookings to return to Quang Ngai and were advised about the above mentioned cable, I questioned Mr. Longmuir about it but he felt it was entirely reasonable since "Dr. Vennema's tour might turn up some unsavory features so why should the AIR AMERICA be expected to cooperate in transporting him on such a survey" and further that he had in fact 'told Al not to try and fly Air America but to stay with Air Vietnam and hope he would have sense enough to do as he was told."

It would appear imperative that a full investigation into this matter should be made at the earliest moment feasible, for its implications—as they appear on the surface—are most disturbing!!

During the period when the team was evacuated to Saigon, along with other medical teams in the city, we vainly offered our help to the Ministry of Health, since the refugees were pouring into the city by the thousands. But we were told that there was no need for our help as there was enough medical aid, and that further services had not been organized. . . which seemed very strange to me considering the enormous influx of wounded and sick . . . why could we not be of some help? I could only conclude that there existed a serious lack of concern for the suffering population, which could not organize some form of help, especially with all the funds pouring in from various Red Cross and volunteer organizations . . .

After a week's excursion out of the country, on return to Saigon, we requested permission to return to Quang Ngai to collect our belongings during the lull. Mr. Longmuir refused, but Mr. Dier agreed on condition that we promise to return the following day. On arrival in Quang Ngai, Dr. Jutras suggested that we all remain as things were relatively quiet, even though the hospital was still being occupied each night and curfew was still in force. I failed to see how we could operate the hospital under the same conditions that forced us to close it. I insisted as well that we were bound by our promise to Mr. Dier to return immediately.

Dr. Jutras phoned Mr. Longmuir to Saigon and returned with the assurance that Mr. Longmuir agreed we should all remain in Quang Ngai but would confirm it with Mr. Dier the following morning. At that time Dr. Jutras said he was unable to get through to Saigon, which I found difficult to believe since it was not the first time that when the occasion suited him "connections could not be made" while others were making successful connections with Saigon at the same time . . .

On making a tour of the Provincial Hospital I found that the old Tuberculosis ward was still not occupied, nor damaged as had been feared when I suggested we transfer our own patients back there for continued care. Also that the Quakers group had left their prosthesis ward and gone to Hong Kong. I later read in the March 8th issue of TIME that the reason they gave for their evacuation was "the intensified military operations throughout the country have made it impossible for us to continue."

Also the Christian Missionary Services had all evacuated from the country to Bangkok the week before.

I later read in THE TIMES (London) March 22nd, that "the International Volunteer Service Group, supported by the USA, was withdrawing almost half of its volunteers from their posts in Vietnam because of the increased dangers of the war."

I therefore recommended to the team that we should also return to Saigon for further consultation and advice from Ottawa, which Mr. Longmuir continued to be very vague about. Though he assured us he had cabled Ottawa about our circumstances and requested advice for our further movements, there was still no reply. At the same time he assured us we were free to leave for home at any time we wished, on an individual basis.

When Dr. Jutras repeatedly "granted me permission to leave if I felt my personal safety was at stake" I was obliged to make it abundantly clear to the team as a whole that since my record showed that at no time during my stay in Vietnam, and most especially during the recent Tet offensive, had I placed my personal safety before my duties (including the first night when I went down the road alone to the hospital at 4:30 a.m.) and therefore I did not feel obliged to apologize for my decision to leave at this time. My reasons were clearly aligned to what I felt was the correct policy for all. I spent the afternoon with our Vietnamese personnel explaining my position to them in more detail, and though we shared in the sorrow of the moment, they assured me they understood and supported my decision and hoped I would come back . . . which I promised I would, and sincerely hope to do some day.

On return to Saigon I had further discussions with Mr. Longmuir going into all the details as described above. In addition to the clear demonstration that I could no longer discharge my duties as Administrative Assistant—when the situation had reached the absurd lengths as Dr. Jutras assigning four major duties (kitchen, pharmacy, inventories and central supply room) to volunteer worker (Tara Dier) rejecting my offer to absorb some of the responsibilities since I had the clinic sufficiently well organized to allow me the extra time—I refused to be a party to fraudulently accepting a wage intended for Administrative Assistant when I was now being relegated to the position of an office clerk.

At that time I asked about the possibilities of transfer to our Rehabilitation Centre in Qui Nhon, but was told (in the presence of Col. Veitch) that an all Vietnamese team was ready, and that no Canadian team would be required for there—a statement which I later found on arrival in Ottawa, did not appear to bear any substance, since a team of twelve Canadians is presently being recruited for the Rehabilitation Centre there . . .

Before proceeding any further, I would like to make several concrete recommendations that might improve the calibre of work of our medical team for the future.

(a) It should be obligatory to learn the language of the people.

This could be arranged either by a concentrated 4–6 week course of the rudimentary fundamentals before arrival, or by imitating the Quakers who assign a tutor to the newcomer for three hours daily study, for a period of 2–3 months. Daily contact and use of the language from either of these two methods, should be an adequate working start to allow for adequate communication, without which more than half the effectiveness of our work is lost. The Quakers showed great success with their method.

(b) Brief weekly reports should be prepared and submitted by each member of the team, to Ottawa, relating to their own responsibility in the project. This would encourage closer contact and more thorough understanding of the problems involved. These reports should also include copies of minutes of meetings held, delegating specific tasks to specific members.

If this appears to be an extreme measure, I would submit that the alternative of no contact at all (as when the Department today has no idea if the hospital in Quang Ngai is even functioning) is a far more extreme disaster. Sporadic contact should also be eliminated as it inevitably leads to confusion and repetition and delays. If ordinary salesmen can file daily reports in ordinary little businesses, how much more necessary for regular reports by persons using public funds and carrying responsibilities as representatives of the government.

(c) Removal of inducements of increased income and shorter working days combined with unchecked holiday periods to interest a better motivated type of applicant.

(d) Frequent and regular strict examination of expenditure of funds, including examination of costs of delays in transportation, customs, warehouses, and rectification of such errors, e.g. recent cost of shipping a generator which exceeded the actual value of the item, including additional unnecessary costs of storage on arrival. The number of hours that Dr. Vennema, Florent Lavoie or myself have spent searching warehouses and custom houses to locate items as well as the money wasted for substantial storage charges is truly wasteful and could be avoided.

(e) There should not be any discrepancy of facilities and privileges between members working in the same areas. Canadian Delegation members in Saigon possess ID cards which provide them with PX shopping privileges almost immediately upon their arrival. Whereas members of the medical team of Quanfi Ngai, even after a year and a half of services, are still without such advantages (not counting the four years of service in the country by the former team leader).

(f) Numerous requests have been made for Canadian identification cards, which should so clearly be a routine matter for any Canadian services abroad, and especially in such countries in Asia, in order to always have identification on one's person, since it is neither safe nor feasible to carry around one's passport.

(g) By raising the initial requirements to a more demanding level, I feel a more responsible and motivated applicant would respond, since the emphasis would be placed on personal contact in the assisted country, and help eliminate those who seek only adventure and change.

(h) In the event that any advance knowledge is held of the danger of a second attack, then an RCAF plane should be immediately despatched at least to Hong Kong to arrange for evacuation of Canadians, so that all members of the team have an equal opportunity to be evacuated.

Returning to my final discussions with Mr. Longmuir in Saigon prior to my return to Canada, I had then to refer to the other reasons for my decision to withdraw from Vietnam. At the time of signing my contract I was advised that our project was strictly an independent Canadian humanitarian effort, intended solely to ameliorate the desperate conditions of the Vietnamese people and that we would be required to utilize American services only in the areas of transportation and communication, in the course of our work.

As the months went by and the political situation became more acute and as the role of the American military in this area became more fully exposed in all its senseless, merciless, inhuman destruction—it also became abundantly clear that we, even as a small medical group, could not possibly operate without the goodwill and cooperation of this same American establishment. Mr. Longmuir at this point admitted that our project in Vietnam was 50% humanitarian and 50% political.

Without wishing to enter into an analysis of the role of the USA in Vietnam today—a subject that is being tortuously debated in journals and public forums in every country, since the very conscience of the world is at stake—I must only state that the mere fact of my being in South Vietnam on these terms deprived me of my right to stand aside from some measure of responsibility for all the brutality and horror being inflicted upon innocent human beings.

I had always felt that the Vietnamese people must be accorded their inalienable right to the same self-determination that other countries maintain for themselves. I accepted the assignment to work with these people in a volunteer medical capacity, under the direction of Dr. Vennema whose views on this subject coincided with my own, even while this battle was being fought.

However, when I found myself being required to associate with those elements which were not only impeding the solution but employing the most cruel and savage methods to do so, I was left with no other choice but to detach myself from them.

Even recognizing the more complicated aspects of Canada's official role as part of the "Free World's Assistance to South Vietnam" I had to weigh for myself the extent to which the expediency of maintaining a medical team in Quang Ngai was consistent with our nonmilitary support and non-participation in the American war effort—at the same time that Canadian aircraft were flying overhead bearing USA military insignia. It very soon became impossible for me to reconcile these two positions.

The premise has been stated that even to be able to care for one victim would justify the entire effort. As a person so deeply affected by the sights I have seen and the victims I have bathed and bandaged and the babies I have lifted out of pools of their own blood, I humbly repeat that whatever meagre help—which is so infinitesmal in the total area of destruction which is Vietnam today—whatever meager help we can give to these ravaged people can no longer be justified or compensated for when placed in juxtaposition to our participation at other levels—providing the means to destroy them with such apalling savagery. To bind their wounds and send them home and to know they just might be strafed and bombed by a Canadian plane on their way home, is too much to accept!!

The Vietnamese have an expression for this which translates with startling clarity—"Behead and cure."

At this moment in history I do not feel it is sufficient to fervently hope and pray for an end to this terrible war. I submit that the time has come for a strong stand on the part of every nation in the world to say "We demand that the slaughter of innocent human beings be stopped immediately, and we will withhold and withdraw any and every item originating in our country, which can in any possible way be used for continuing this murder."

To return to our own projects in Vietnam, I submit that whatever has been built and invested be maintained at its present level, with a caretaker left in charge, but no further investment be continued.

That we immediately withdraw our medical personnel on the grounds that we can no longer work in the context of the known corruption and complicity of the Saigon government.

That instead we will devote our entire energies towards helping to bring an immediate cessation to hostilities by disassociating from those forces which are presently involved in creating the debacle of torn and twisted bodies.

To anyone who may feel that this is a strange way to help the sick and wounded, may I assure them that every day used to bring total peace will be a day that will see the absence of new hundreds of victims.

I further submit that the Vietnamese people themselves would be the keenest supporters of such an action on our part. This would be proof indeed that we really care enough for them, to take such a strong measure in order to speed the day when they will no longer be victims of war, and on that day we can rush back and truly help to care for them in a meangful way—instead of in the utter futility and hopelessness of the present situation.

Very simply—let us withdraw our support of the forces which are creating this abundance of pain and suffering, in order to herald the day when we can return to multiply our facilities to heal and cure in the secure atmosphere of peace.

In conclusion may I set out a few quotations from a Signet Special Broadside pamphlet written by John Kenneth Galbraith, former United States Ambassador to India, entitled: "How to get out of Vietnam."

> "the war we cannot win,
> should not wish to win,
> are not winning."

"It now seems reasonably clear that our involvement in Vietnam was the result of a massive miscalculation—perhaps the worse miscalculation in our history." (page 8)

"It (the Saigon government) is supported by the traders, landlords, and profiteers who flourished also under the French. Numerous of its officials are not patriotic, simply corrupt." (page 21)

"It is interesting also that the modern American standpatter, like his Tory antecedent, complains that those who face reality are unpatriotic. They encourage the enemy. The complaint should not deter anyone. It is the price, a small one, of rescuing those who made this miscalculation from their error." (page 24)

"The first step toward a solution of the Vietnam problem is to change our objectives in that country so that they are in accord with the character of the conflict as we are now able to see it." (page 33)

"People are far more likely to accept a solution that moves in the right direction than one that continues in the wrong path." (page 40)

"Of all the reasons for not changing course, the fact that the individuals involved are overcommitted by their past error—that they are defending their personal reputation—is the worst. It is probably now the most important." (page 41)

"Finally let everyone realize how we get on to a wiser path in Vietnam. It is by everyone possible being persuaded that there is a wiser path. Here every individual has a personal opportunity, even a personal obligation. That is to aid in this task of persuasion . . . when a majority of our people realize that there is a better course in Vietnam, we can be dead certain that the politicians will not be far behind." (page 47)

MONTREAL 130, QUEBEC,
May 31, 1971.

Mr. PAUL GÉRIN-LAJOIE,
President, Canadian International Developmental Agency, Ottawa, Canada.

DEAR MR. GÉRIN-LAJOIE, would you please attach this addendum to my original report filed with the Department of External Aid on April 16, 1968, following my return from South Vietnam where I was sent by the Government of Canada in the capacity of an Adviser:

In the intervening years since this report was prepared and filed, additional features have presented themselves which require further concrete suggestions. Offering recommendations to improve the administration of the Canadian Anti-Tuberculosis Hospital in Quang Ngai must now be changed to demand that the administration be turned over to local Vietnamese personnel, and the withdrawal of all Canadian personnel, as well as a halt to similar construction elsewhere in South Vietnam.

The main intent of this recommendation is to improve and guarantee meaningful medical aid to the Vietnamese population, not to eliminate or to decrease same. Since the intrusion of foreign forces has led to the most devastating state of Biocide known to modern man, to simultaneously offer paramedical aid loses all sense of credibility at this time.

On the political side of the ledger, we are informed by Dr. John Hannah, Chief of US-AID in Laos, that his organization was indeed a cover for C.I.A. activities (Washington Post, June 7/70), and since Canadian aid must function, within the infrastructure of US-AID, it therefore becomes impossible to claim any purity of purpose in such a participation.

On the medical side of the ledger, for those who consider that our facilities and personnel are indispensable and of tremendous worth, note should be taken of the following indications to the contrary:

(a) From South Vietnam come urgent requests for larger supplies of anti-malaria medication to cope with epidemics in this area. From North Vietnam come reports that malaria has been eliminated as a result of the teaching and training programs successfully instituted by the late Dr. Thach, Minister of Health, D.R.V.N., whereby mosquito-breeding areas have been cleared and levels of personal hygiene have been raised.

(b) In South Vietnam, our Canadian teams which use BCG vacine composed of live antibodies requiring refrigeration, travel into refugee camps and outlying hamlets to carry out Mantoux tests, returning three days later to read and record these tests, frequently find movement or absence of the tested population, thus negating our efforts and reducing the entire procedure to still another futile farce.

In North Vietnam, a method of heating antibodies to 43° C permits the vacine to be kept for three months without refrigeration and used without need for allergy testing, has resulted in vacinating about five million adults and 350,000 new-born babies every year since 1962.

(c) After the writer was prohibited from completing the pharmacy inventory in the Canadian Anti-Tuberculosis Hospital in Quang Ngai in January 1968, it was reported by the former medical director that the three year supply of antibiotic medications on hand at that time was no longer present three months later. This in turn would obviously mitigate against treatment of those buying the pills on the black market, who would have ingested same in indeterminate quantities, thus rendering themselves immune to future treatment.

Note should also be taken that in 85% of the country (liberated zones) there are underground hospitals, and mobile teams travelling into jungles and other inaccessible areas which result in more adequate attention to more people than that which can be provided by foreign teams to the small fraction who eventually reach the provincial hospitals. The knowledge of this degree of difference in the quality and quantity of medical care accounts for the numbers who travel from the controlled to the liberated areas seeking such attention.

It is far too simple to becloud the issue by the use of semantics. Are we really "meeting the needs of the Vietnamese people" when we allocate $570,000 to the Saigon administration (1967) to construct housing units for the refugees? We have built two modern apartment buildings in a Saigon suburb (Ming Manh) where rents can only be afforded by high ranking military and government officials, while 2,000 real refugees continue to live on the grounds of the Canadian Anti-Tuberculosis Hospital in Quang Ngai, sharing a common mud hole for their water needs.

That the Canadian government—which is a declared neutral in this conflict, which is a member of the ICC; which shares $4 billion in exchange of military materiel with the United States for use against the Vietnamese people—is now establishing new medical centres on the Vietnam-Cambodia border (An Giang, Long Xuyen Province) in the face of the above critical observations, must only raise serious doubts about our stated intention to help the Vietnamese people.

I would therefore, in the most concise and passionate terms, urge that all medical teams and other civilian personnel be immediately withdrawn from Vietnam (and anywhere else they may be installed in Indo-China), and that in their place, massive supplies of medical and surgical equipment be relayed through channels already established for many years (far too many years!), as listed below.

This would guarantee the maximum medical assistance with the minimum foreign political interference, both now and in the future.

Sincerely yours,
CLAIRE CULHANE,
Former Advisor, Canadian Anti-Tuberculosis Hospital, Quang Ngai, South Vietnam.

MONTREAL 29, QUEBEC,
April 18, 1968.

Mr. EARL DRAKE,
Director of Planning Division, Department of External Aid, Ottawa, Ont.

DEAR MR. DRAKE: I was indeed sorry not to have had the opportunity to see you last week when I was in Ottawa. However, I enclose herewith a copy of my report prepared for the Department of External Aid in accordance with recent request made by Mr. J. A. Arsenault.

I should like to re-emphasize the following recommendations which I feel are required to implement our repeated pledges of help to the long suffering peoples of Vietnam.

(1) The immediate recall of the Canadian Medical Team from Vietnam

(2) A subsequent conference to be arranged to include Dr. Vennema, Dr. Jutras and myself, amongst others, as speedily as possible, for clarification of issues which should not be left unresolved.

(3) Cessation of all assistance and supplies to the USA which are presently being used, or intended to be used in the prosecution of the war against the peoples of Vietnam, including production which provides substantial financial returns to Canadians.

No apologies are deemed necessary for either the length of the accompanying document, nor for the forthright presentation of the facts as I understand them to be accurate and true.

It is my sincere belief that the alacrity with which we contribute to the finalizing of the war in Vietnam, will assist us in the fulfillment of our role as dedicated Canadians, in its truest meaning.

Respectfully yours,
(Mrs.) CLAIRE CULHANE.

UNIVERSITY OF CALIFORNIA LAW STUDENTS PROPOSE ACTIVE ROLE IN PROTECTING CONSUMERS AND ENVIRONMENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WALDIE. Mr. Speaker, I would like to request the attention of my colleagues to a recent newsclipping which describes a proposal passed in a referendum by the student body of the University of California at Berkeley to finance a nonprofit public interest law firm.

I am extremely impressed with this proposal which is the idea of Boalt Hall law student Ray Bourhis. It represents a growing sense of purpose and concern among students which was sadly lacking in previous years. It also shows what can and is being done to work constructively—and, I hope, effectively—within our system.

I enthusiastically commend this article to my colleagues.

UC BERKELEY STUDENTS OK LAW FIRM PROPOSAL

BERKELEY.—Students on the UC Berkeley campus have voted overwhelmingly to spend an extra $1.50 a quarter to finance a nonprofit public interest law firm.

Results of student elections May 26–28 were announced Sunday and the public interest law firm referendum was supported by 70.82% of those voting and opposed by 29.18%.

The final hurdle to launching the firm, which would be called Citizens-Action Law Advocates or CAL Advocates, is approval by the university regents.

CAL Advocates plans to hire five to seven full-time lawyers, who would be paid $10,500 to $12,500, to take cases to protect consumers and the environment.

HOPES FOR REGENT APPROVAL

"We have every reason to think the regents will be very happy with what we've done. We've shown that students are willing to work within the system," said Ray Bourhis, 28, a law student who conceived of the idea.

"It's a nontax-supported, nonprofit organization set up by the students for the public," he said, adding that he hopes a voluntary fee plan will bring in $100,000.

Only 6,145 of the university's 27,500-member student body voted in the election—4,352 approving the referendum and 1,793 opposing it. "It was one of the largest turnouts that they've ever had in a Berkeley student election," Bourhis said.

He said the firm plans to bring suit against small and large industrial polluters and to investigate problems of respiratory ailments that may result from enzyme detergents.

He said many county departments of weights and measures "have uncovered gross and excessive and continuing violations" in packaging.

"They almost never cite the offenders and they don't disclose to the public who's doing this and what's going on," Bourhis said. This is another area the firm hopes to get into.

The firm also plans to look into automobile insurance practices and the California Public Utilities Commission.

In the field of advertising, he said, investigators would study the question of whether bulk rate advertising is being subsidized by the American public "whenever they buy a first-class or air mail stamp."

He said they would also investigate advertising involving political or social issues on radio and television and sex discrimination in TV advertising.

Bourhis said UCLA and San Jose State College and the University of Santa Clara will be holding referendums in the fall on establishment of similar public interest law firms. He said he was also in touch with student groups at New York University, the University of Michigan and Yale.

"What we're talking about is a huge network of public interest law firms to provide representation for a group of people never given representation in court before in seeking injunctive relief, the general public. What we'd like is enough representation to match the hundreds of thousands of huge corporate law firms," he said.

SENATE—*Wednesday, June 16, 1971*

The Senate met at 10:30 a.m. and was called to order by Hon. Mike Gravel, a Senator from the State of Alaska.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

> "Drop Thy still dews of quietness,
> Till all our strivings cease;
> Take from our souls the strain and stress,
> And let our ordered lives confess
> The beauty of Thy peace."
> —Whittier.

O Lord, may the light of Thy truth be upon Thy servants in this place that in the crucial decisions of this day they may be aware that judgment is not on a single day, or even in the processes of history, but in eternity. Make us to know that in Thee is to be found the way, the truth, and the life. May the bond of love which holds us together in loyalty to Thee sustain us that this Nation may be well served and Thy kingdom advanced. Bring us, in Thy providence, to a righteous peace and a safe world.

We pray in the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 16, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Mike Gravel, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 15, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF LT. GOV. J. SARGEANT REYNOLDS, OF VIRGINIA

Mr. MANSFIELD. Mr. President, this past weekend the Commonwealth of Virginia and the Nation lost one of its most promising public servants in the untimely, tragic death of Lt. Gov. J. Sargeant Reynolds. In an age when the youth is so rightfully demanding greater participation in the policy decisions of government, it is so encouraging to see a man so young, not only participate, but lead his State in crushing the old barriers that prevented the realization of this country's potential. But Lieutenant Governor Reynolds was stricken with an incurable illness and the Commonwealth of Virginia and the United States have suffered a great loss.

A most poignant and moving eulogy was delivered at the memorial service for Lieutenant Governor Reynolds at the State capitol yesterday by the distinguished Senator from Virginia (Mr. Spong). I ask unanimous consent that these remarks of Senator Spong be inserted in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator William B. Spong, Jr.

We are here this morning in this, our Capitol, to pay final tribute to a young man who in half a decade rose from a Delegate, to State Senator, to Lt. Governor of the Commonwealth of Virginia. We share a great sense of loss with his widow, his children, his parents and his brother.

In reviewing the traits of character of Sargeant Reynolds that have made an indelible imprint upon Virginians, I would pay tribute first to his courage, so often demonstrated during this past year but actually a hallmark of his life. Ernest Hemingway once wrote that the essence of courage is "grace under pressure." Part of that grace was Sargeant Reynolds' unfailing humor. There is something refreshing about a public figure whose seriousness of purpose nevertheless allows him to share wit and humor, often at his own expense. Another characteristic was his concern for the underdog. It is admirable to be blessed with wealth, charm, looks and intelligence and yet absorbed with efforts to improve the lot of the old, the black, the poor and the disabled—to wish for a better opportunity for many—and a more enlightened and healthier life for all.

Courage, humor, and concern were accompanied by vision. Sargeant Reynolds as well as any individual in the Commonwealth understood with perceptive clarity that a Virginia bitterly divided could never fulfill her great expectation and promise for the future—that there must be better understanding between young and old, black and white, rich and poor. He saw our Commonwealth, blessed with beauty and natural resource, old in history and tradition, young in spirit and hope, awakening to a recognition of a magnificent potential: He hoped for a climate in which the democratic system might work as intended—to give opportunity for expansion and political participation to all who sought it and were willing in turn to bear its responsibilities and burdens.

Last July 4 at Monticello speaking to new citizens he said:

"With all that we have done, we know that we have not attained a society of perfect justice, one in which success is geared more to what you do after you are born than the circumstances of your birth or the color of your skin but we are making progress and we are crushing barriers that keep us from our destiny.

"Today we stand half way up the mountain. Half way up the mountain that Jefferson captured with the beauty and symmetry of Monticello. We are not there yet, but to those who have set the path—we are coming, we are striving for achievement, we are determined to make it." That is what he said.

And so, one so young with so much nobility of purpose is gone. Those of us who remain, particularly those in public service, might reflect upon the Virginia he saw: a State that would, by example give leadership to the nation; a State that could retain the pride of its past without being blinded to the needs of the present and future; a society where people had attained an understanding of one another; a society of tolerance and good will; a people not half way up Sarge's mountain, but on top of it.

LEAVE OF ABSENCE

Mr. SCOTT. Mr. President, I ask unanimous consent that I be granted a leave of absence from the Senate on official business for the next several days at the end of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under previous order, the Chair recognizes the Senator from Virginia (Mr. Byrd) for not to exceed 15 minutes.

REVERSION OF THE ISLAND OF OKINAWA TO JAPANESE CONTROL

Mr. BYRD of Virginia. Mr. President, representatives of the United States and Japan will sign an agreement tomorrow providing for the reversion of the island of Okinawa to Japanese control.

Under terms of the peace treaty of 1951 between the United States and Japan, the United States has unrestricted use of military bases on Okinawa.

Two years ago, when official discussion began concerning the proposed reversion of Okinawa, I sponsored legislation that called upon the President to submit any agreement changing the status of Okinawa to the Senate for advice and consent. This legislation was approved by the Senate, and the administration will submit to the Senate the agreement that will be signed tomorrow.

Therefore the Senate soon will be called upon to debate the merits of reversion of Okinawa.

I believe it is important that forethought be given to this international agreement.

In the debates of the last several weeks, much has been said about the military responsibilities of the United States.

I am among those who believe that the United States has become overcommitted around the world. We have mutual defense agreements with 44 different nations.

I do not believe the United States can continue indefinitely to carry so heavy a military responsibility. It is essential that other nations make a greater contribution to their own security.

But, at the present time, our military commitments are a fact.

Among the areas in which we are most heavily committed is Asia. Not only is the United States engaged in a shooting war in Vietnam, but the Nation is also committed to the defense of South Korea, Taiwan, Japan, the Philippines, Australia, New Zealand, Pakistan, and Thailand.

We must view the proposed reversion of Okinawa within the framework of existing treaty obligations.

First, it must be understood that it is the 1951 Treaty of Peace between the United States and Japan which confers upon the United States the unrestricted use of military bases on the island of Okinawa.

The Treaty of Peace is entirely separate from the Mutual Security Treaty of 1960 between the two nations. The two agreements should not be confused.

Agreement by the United States to turn over administrative control of Okinawa to the Japanese is a change in the Treaty of Peace. It does not affect the Mutual Security Treaty.

The reversion of Okinawa to the control of Japan would involve surrender by the United States of its unrestricted use of the Okinawa bases. No one disputes that statement.

I think that in considering whether or not the reversion agreement should be approved, Members of the Senate should give careful consideration to the extensive defense commitments which we have in Asia.

If we are to give up the unrestricted right to operate and control the Okinawa bases, then I believe we must consider carefully whether we should continue to carry the burden of our present military commitments in Asia.

We must bear in mind that all of our Asian commitments were undertaken on the assumption that unrestricted use of Okinawa would be available to the United States.

Can we afford to go on guaranteeing the defense of so many Asian nations, if we are to surrender an important part of our military capability in the Far East?

Our Mutual Security Treaty with Japan, for example, is subject to withdrawal on 1 year's notice. Should it be continued indefinitely.

The State Department feels it should. I question that.

We have commitments to 10 Asian nations under the Southeast Asia Treaty Organization agreement of 1954. This treaty also is subject to withdrawal by any party on 1 year's notice. Can we continue these commitments indefinitely?

The Sato government in Japan has assured the United States that it will cooperate in permitting this Nation to use Okinawa in order to fulfill our obligations.

But once reversion is accomplished, the final decision on the use of Okinawa in each contingency will rest not with the United States, but with Japan—which may or may not be under the rule of the Sato government at the time.

These, I feel, are serious considerations. I believe that the Senate owes it to the American people to give close study to the agreement that is to be signed tomorrow between the United States and Japan.

I want to see our commitments in Asia reduced.

But no proposal has been made to reduce our commitments.

The only proposal is that we voluntarily give up the unrestricted right to use our greatest military base complex in the far Pacific.

Japan is seeking, and would be getting, control over our military base. At the same time, Japan would have a pledge from the United States to guarantee the freedom and security of Japan.

Before the United States is committed to reversion on these terms, the Senate should give careful consideration to all the consequences of this proposed agreement.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, notwithstanding the fact that I have yielded the floor, I ask unanimous consent that I be permitted to yield the remainder of my time to the distinguished Senator from South Carolina (Mr. THURMOND).

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator from Virginia upon his remarks on the Okinawan situation. I think he has taken a very sound approach.

It appears to me that the United States should not consider giving up Okinawa until the war in Vietnam has been ended. This is the only real estate we have in that part of the world that we can control, and control as long as we wish to. We do not know just what will come up, and I think it is the better part of wisdom that we take no hasty action in this matter, certainly not until the war in Vietnam has ended.

Then, too, Mr. President, Japan is coming forth, now, to the United States, and asking a big favor. They are asking that Okinawa be returned to them. We have been pleading with Japan for a long time to come up with a reasonable limitation on textile exports. They are now sending their textiles into this country on a massive scale, a scale that is closing down hundreds of textile mills and throwing thousands of American workers out of their jobs.

Japan wants something from us. We are asking some concessions from Japan. In the matter of relations between the two countries, I realize that some people may say that one of these subjects has nothing to do with the other; but they are all interrelated between Japan and the United States, and this should be considered.

Furthermore, Mr. President, if this treaty should be ratified as now planned, the United States could not store any weapons it wishes on the base or bases we would retain there. Japan would have a veto. They could prevent the United States from storing or retaining or maintaining certain weapons there that we might feel we need in our defense.

Furthermore, under the proposed treaty, planes could not take off on combat missions. This is important. We certainly should reserve the right, with the bases we retain there, to send our planes or our ships on combat missions if the need arises.

My colleague, Senator BYRD, has properly pointed out the far-reaching defense commitments the United States has in Southeast Asia. He further noted that if this country is to fulfill those commitments the use of Okinawa as a military defense site is absolutely necessary.

Later this summer the President will submit to the Senate the United States-Japanese agreeement on Okinawa for ratification. The President's proposal will first go to the Senate Foreign Relations Committee which I presume will conduct hearings.

Once these hearings have been conducted and the committee report published, then the reversion question will come to the Senate floor.

The question of Okinawa reversion involves significant and important military questions. The members of the Senate Armed Services Committee as well as the Senate Foreign Relations Committee would have a special interest in the reversion proposal.

It is my hope the Senate Armed Services Committee members will have an opportunity to investigate and review the military impact on the reversion agreement.

As one Member of the Senate, I seriously question the wisdom of reversion of Okinawa until our involvement in South Vietnam is minimal. Further, I do not see how this country can fulfill its defense agreements in Southeast Asia if U.S. military operations from Okinawa will be at the pleasure of the Japanese Government.

There are many questions to be answered, and I see no need to rush into this matter. We do not have to act on it now. Let us take our time. I think the first duty is to protect our own national interest, and I do not think that at this time it is in the national interest of this country that Okinawa be returned to Japan on the conditions that are proposed in the treaty.

Again, I commend the able Senator from Virginia for the position he has taken today on this question.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Chair recognizes the Senator from New York for a period not to exceed 15 minutes.

UNITED STATES-JAPAN RELATIONS: OPPORTUNITIES AND DANGERS

Mr. JAVITS. Mr. President, the Vietnam war has obscured many basic realities in Asia. Over the longer term, achievements of U.S. objectives in Asia could depend most heavily on the continued closeness and viability of the United States-Japan relationship which has been built up on the ruins of war. A recent visit to Japan convinced me that it would be a critical mistake for either the United States or Japan to take the other for granted—or to dismiss the idea that present, easily manageable, differences could get out of hand. The potential is there for a creative United States-Japan partnership which could be decisive in terms of peace and economic development for east Asia in the final three decades of this century. Yet, seeds of potential discord are also there, which could have disruptive and prejudicial implications for the achievement of stability and progress.

I visited Japan on May 21, 22, and 23 as part of a six-nation trip under the auspices of the Senate Foreign Relations Committee. In Japan, I had meetings with Prime Minister Sato; Foreign Minister Aiichi; Minister of International Trade and Investment Miyazawa; Mr. Uemura, president of the Kedanren; Mr. Morita, the chairman of Sony Corp.; numerous high-ranking civil servants and members of the Japanese and American press corps. On the United States side, I had discussions with Ambassador Meyer, Minister Sneider, and Assistant Secretary of State for Economic Affairs Trezize, who was visiting Tokyo.

I also met with the Board of Directors of PICA—Private Investment Co. for Asia—leaders of the major corporations of the developed world who have formed PICA to provide a private enterprise catalyst for economic development in Asia.

The major subjects covered in my conversations are summarized as follows:

TEXTILE AND TRADE PROBLEMS

The most urgent and immediate problems in United States-Japan relations center on textiles and related trade problems. Failure of the two governments to find solutions to the present impasse could, in my judgment, seriously erode relations between the United States and Japan. Such an atmosphere over textiles could soon spread to other issues.

A major concern in Tokyo is that Senate ratification of the Okinawa Reversion Treaty could be jeopardized by entanglement in the dispute of textile import quotas.

It has always been my conviction that United States-Japan trade problems—including the difficult textile problem—are well within the limits of manageability provided both governments adopt a resolute determination to achieve an agreement.

During my discussions in Tokyo, I was informed of the position of the Japanese Government that a legally binding bilateral agreement on textiles was not possible. Simply put, it was the position of the Japanese Government, as explained to me, that it was not possible politically to get a bill through the Diet imposing legal quotas on Japanese textile exports. It was explained to me that an "executive agreement" in the U.S. sense, not backed by a law passed in the Diet, is not legally binding in Japan. The view was expressed that it would not be possible for Japan's government to seek legislative action until the "voluntary restraint" program of the Japanese textile industry, had been given a chance to work.

I presented my personal view that the maximum then being offered from the Japanese side, would fail to meet the minimum requirements of the United States, if quota legislation was to be avoided in Congress and that it was the duty and responsibiltiy of our respective governments to free themselves from the shackles which seemingly could have our Nations on a collision course of incalculable consequence.

As indicated, I expressed the view that if the textile issue between the governments of the United States and Japan is not resolved, this fact could heat up the debate on the Senate's ratification of the Okinawa Reversion Treaty, although I felt it would be ratified.

Events that have taken place since my return from Japan have made it clear that the administration has made considerable progress toward resolving the textile issue through government-to-government negotiations with principal supplying nations other than Japan. This holds promise for a mutually satisfactory United States-Japan agreement.

The first step in breaking the log jam over textiles came on March 2 when the chairman of the House Ways and Means Committee, the Honorable WILBUR MILLS, welcomed "the announcement of the Textile Federation of Japan declaring its intention to control exports of all textile products to the United States." Chairman MILLS added that "should the initiative of the Japanese textile industry be complemented promptly by similar action on the part of the other major textile-exporting nations of the Far East, it is my strong belief that quota-type legislation which was considered in the Congress last year will not be necessary." In subsequent statements, Chairman MILLS made it clear that he did not necessarily regard this voluntary limitation as necessarily the final word on the subject.

President Nixon, in his statement of March 11, made it clear that he did not regard the unilateral Japanese restraint formula as satisfactory. He noted that this unilateral-restraint formula fell short of what the United States considered essential, because "only one overall ceiling for all cotton, wool, and man-made fiber fabric and apparel is provided, with only a general understanding by the Japanese industry 'to prevent undue distortions of the present pattern of trade.' This allows concentration on specific categories, which could result in these categories growing many times faster than the overall limits." The President also made critical comments concerning the base period of the unilateral Japanese limitation, the calculation of the export base used in the limitation formula and noted that the U.S. Government preferred a government-to-government negotiated agreement.

In view of the continuing impasse with Japan, the administration turned its attention to other principal supplying nations and our negotiators led by Ambassador David Kennedy now appear to have scored an impressive breakthrough in the textile negotiations with the Republic of China—Taiwan. The press has reported that the United States and the Republic of China have agreed in principle to a government-to-government agreement that would limit the latter's export of noncotton textiles to the United States.

Reportedly, this agreement contains specific category limitations. On the other hand, the unilateral Japanese formula provides only for a total aggregate limitation without any specific limitations on exports of sensitive categories. Since the agreement in principle with the Republic of China does contain a category-by-category limitation and since it is a government-to-government agreement, it clearly meets key elements of the criteria set forth by the President on March 11 and also is a more satisfactory formula to our domestic textile industry than the unilateral Japanese restraint formula.

The press further reports that U.S. negotiators are now attempting to reach a similar agreement with Hong Kong and South Korea. I think it is in the long-term interest of these countries to agree to a restraint formula similar to that negotiated with the Republic of China and believe that these nations will agree to such a formula as being preferable to legislative quotas. It is also my supposition that if Hong Kong and South Korea negotiate terms superior to those won by the Republic of China, that the Republic of China would have a strong claim to modify its agreement in principle under the most favored nation treatment formula.

It is also worth noting that a government-to-government agreement limiting the exports of Malaysia to the United States also is in effect. This bilateral agreement limits noncotton exports for 4 years effective September 1, 1970.

The bilateral agreement with Malaysia also contains a provision allowing for the possible modification of the agreement which states:

> Paragraph 10 of the bilateral agreement concerning trade in wool and man-made fiber textile products between Malaysia and the United States—if the Government of Malaysia considers that, as a result of limits specified in this agreement, Malaysia is being placed in an inequitable position vis-a-vis a third country, the Government of Malaysia may request consultations with the Government of the United States of America with a view to taking appropriate remedial action such as a reasonable modification of this agreement.

I go into this detail, because the President has authority under section 204 of the Agricultural Assistance Act which reads:

> In addition, if a multinational agreement has been or shall be concluded under the authority of this section among countries accounting for a significant part of world trade in the articles with respect to which the agreement was concluded, the *President may also issue*, in order to carry out such an agreement, *regulations governing the entry or withdrawal from warehouse of the same article which are the products of countries not parties to the agreement.*

This makes it clear that the administration is on the point of negotiating a multinational agreement among countries accounting for a significant part of world trade in noncotton textiles and apparel items; that is, with the Republic of China, Hong Kong, South Korea, and Malaysia. The agreements that are on the point of being won by administration negotiators are clearly superior to the unilateral Japanese industry restraint formula in that specific product categories are being limited under a government-to-government formula.

If my supposition is correct, after a multinational agreement is negotiated, the administration would be in the position to apply the authority of section 204 of the Agricultural Assistance Act against Japan and other principal suppliers, as necessary.

Alternatively, the Japanese Government and Japanese industry certainly could modify its original restraint agreement to make it more acceptable to the Nixon administration, thereby, obviating the need for the U.S. Government to apply article 204.

To complete the situation, I would then see no political or economic reason why the Nixon administration should not communicate to the Congress the view that the textile issue had been resolved. The political dynamics involved would include the fact that the agreements negotiated by the Nixon administration are clearly superior to the unilateral Japanese restraint formula which was acceptable to Chairman WILBUR MILLS. In turn, it is my view that such an administration communication as to the acceptability of the new restraint formula could go a long way toward eliminating the potentially explosive use of the textile issue in the debate on Okinawa. It would also have the subsidiary effect of opening the door to forward-looking congressional consideration of trade legislation such as U.S. authority to participate in the generalized preference scheme which is so important to the developing countries of the world and to which the Common Market, Japan, and other industrialized countries have committed themselves.

RETURN OF OKINAWA

The most important political issue in Japan today is the return of Okinawa to Japanese administration. The successful negotiation of the agreement on the reversion of Okinawa—to be signed on June 17—is one of the major post-war accomplishments of U.S. diplomacy in Asia. It is also an accomplishment of overriding political significance to the Liberal Democratic Party of the Government of Japan. In many respects, the basic policy of the LDP government in alining itself in close cooperation with the United States—in both security and economic affairs—in the eyes of Japanese voters is judged on the scale of success in achieving the return of Okinawa.

It is no exaggeration to say that failure to implement the United States-Japan agreement on the return of Okinawa—because of Senate failure to ratify the implementing treaty, or any other reason—would have the most profound consequences in Japan. A rupture—which could prove too deep for reconciliation—would probably occur in United States-Japan relations. The basic premise of the Nixon doctrine, and the underlying U.S. strategy for peace, security, and progress in Asia—which rest on the assumption of a close and cooperative United States-Japan relationship—could be nullified. A new government of quite different orientation—perhaps left-neutralist, perhaps right-wing nationalist—could come to power on the heels of any collapse of the agreement on Okinawa reversion.

Accordingly, in my judgment, the Senate's handling of the Okinawa Reversion Treaty will be a major test of our statesmanship and sense of responsibility respecting U.S. foreign policy and security interests. It is my hope and expectation that the Senate will acquit itself in this test as well as it did respecting the NATO issue posed in the Mansfield amendment.

SOUTHEAST ASIA AND VIETNAM

It was clear to me from my conversations in Tokyo that prevailing Japanese opinion does not regard the political orientation of the Saigon Government any more of a decisive factor affecting the free world interests and security in Asia. While preferring a Southeast Asia which is clearly oriented to the free world, Japan seems prepared to accept and to deal with a "neutralized," or neutralist Southeast Asia—though non-Communist. In the Japanese view, the orientation of Indonesia and the Philippines seems more important to Japan's interests than the orientation of countries of the Southeast Asia mainland.

I found sympathy and understanding of the Nixon administration policy of Vietnamization and U.S. troop withdrawal from Vietnam. It was clear that the Japanese do not regard U.S. troop withdrawals from Vietnam as posing any threat to Japanese security interests. The Japanese Government appears to have a close familiarity with the post-Vietnam posture of the United States in Asia as called for in the Nixon doctrine. That is, the United States assuming the role of backup supporter of non-Communist countries and allies, rather than as the military "doer" of resistance efforts to Communist-led insurgencies.

I gained the impression that Japan expects to play a significant role in postwar construction and reconstruction efforts in Southeast Asia, following the restoration of peace. However, the Japanese seem to feel that aid and economic development efforts in Asia should be focused primarily on criteria of economic feasibility and acceptability, rather than on primarily "political" considerations—such as the possible propping-up of a really weak Saigon regime.

MAINLAND CHINA

After Okinawa, the politically most important foreign policy issue in Japan is relations with Mainland China. I found Japanese attitudes toward the Peoples Republic to be curiously ambivalent. The strong underlying desire to achieve an amicable—and commercially profitable—relationship with mainland China, is tempered by elements of fear, suspicion and old animosities and rivalry. In addition, the close relationship established with the Republic of China on Taiwan is an important, inhibiting factor in relations with the Peoples Republic—at least in the eyes of the dominant, conservative faction of the government.

Japan is acutely sensitive to and interested in the barometer of U.S.-Mainland China relations. On the one hand, many Japanese are suspicious or fearful of efforts by Peking to drive a wedge between Washington and Tokyo. These fears and suspicions are closely related to the clear conviction in Japan that Taiwan and South Korea embody the indispensible security perimeter of Japan. In both nations today, the United States provides the security "shield" against possible efforts by Peking to establish hegemony there which could threaten Japan's own security and survival. Moreover, given present domestic and international conditions, it is recognized in Japan that Japan could not take over the security role of the United States in those two vital regions.

The Japanese Government, on the other hand, is also said to fear that it might wake up some morning to learn that the United States had already established relations with Peking and/or had achieved an understanding with Peking on Chinese representation in the U.N.—without being informed and without having itself taken the parallel steps that would be expected of it by Japanese public opinion. The Japanese ping-pong team was not invited to China with the U.S. team. However, from conversations in Washington as well as Tokyo, it is clear that the United States and Japanese Governments are consulting very closely on all aspects of relations with Peking—and particularly with respect to the Chinese representation issue which must be faced in the United Nations this fall.

Mr. President, I believe that Washington is being very careful about keeping the Japanese Government fully informed. So I have no fear analogous to the Japanese fear that they be left sitting in an uninformed position in respect to our policy. On that premise, I believe that we can look for the course of improved relations between the two countries.

CREATIVE UNITED STATES-JAPAN PARTNERSHIP

In my judgment, relations between the United States and Japan have reached a psychological watershed of great importance. The style of relationship forged during the post war occupation and reconstruction days is no longer appropriate or adequate. Japan has emerged as the second strongest economic power of the free world. This is a new reality which must be accommodated, especially in the tone of our relationship. On the other hand, the United States may be in a mood of retrenchment and diversion to domestic troubles, in the wake of our tragic experience in Vietnam. Sensitivities in both Washington and Tokyo are thus perhaps more vulnerable than at any time in the past 20 years. Tact and hardheadedness are required in equal measure, if there is to be the kind of creative U.S.-Japan partnership which, in concert with other multinational efforts could inaugurate an era of unprecedented growth, prosperity and peace in Asia.

On the United States side, I feel it is important that we do not give Japan the feeling that it is being too crowded, thwarted and resisted in its drive for a place in the sun through economic growth. The world must make a place for Japan which is commensurate with the extraordinary vitality, ingenuity and creativity of its people. If Japan is not made to feel that the developed world is prepared to accept an honorable and leading role for it achieved through peaceful, nonmilitary means—Japan could again turn to the path of militant nationalism and seek its place in the sun through nuclear armament.

On the Japanese side, I feel as an American it will be necessary for it to develop greater tact and statesmanship in its drive for commercial ascendancy. Resistance has grown strongly, in both the developed and undeveloped worlds, to the aggressive, single-minded Japanese pursuit of profits and commercial advantage. Japan can and should do a lot itself to avoid creating the external conditions of reactive "stiflement" which could in turn rechannel Japanese energies into militaristic patterns.

Mr. President, I see the possibility of a period of great creativity within and between the two countries. It will take our utmost knowledge, sensitivity, and statesmanship in order to achieve it.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HATFIELD. Mr. President, I have in my hand the statement just now made by the distinguished senior Senator from New York (Mr. Javits). It covers a big and very important area in the world and many facets of that part of the world's problems.

I might say, as one who was in the U.S. Navy and landed at H-hour on D-day in Okinawa, I join with the Senator from New York in identifying this as really an occasion for the highest degree of statesmanship. I carry, I am sure, like many others, certain emotional recollections relating to that war in which we fought and lost so many men. Yet, this is not the basis upon which we should make this decision.

I am grateful to the Senator for his comments and for relating what he has learned from conversations and discussions during his travels.

I never cease to be amazed at the incisive way in which the Senator from New York is able to put his finger on the heart of the question or to separate the issues from extraneous material and get to the very important part of the matter.

I think that here again we have the benefit received from one man's travels and one man's observations which should help a great deal in forming policy and establishing our own opinions and viewpoints.

I want to thank the Senator from New York. I also want to make one political comment, and that is that I am very proud to have the Senator from New York as a Republican member of the Senate Foreign Relations Committee because he is not only able to share on the floor these very important views, but he is also in a position where, through his outstanding work and untiring efforts, he puts these views to the test. He puts them in a manner in which his colleagues on the committee can consider them.

I am sure that in the years to come, as well as at the present time, that the Senator's imprint upon major policy of this country will be very recognizable. His work has always been done in a very constructive and fundamental manner.

I congratulate the Senator from New York and say again that I take pride in standing on the same side of the aisle, but on an issue that transcends the aisle.

Mr. JAVITS. Mr. President, I thank the Senator very much. He is very, very gracious.

Mr. HATFIELD. No compliments; just facts.

Mr. SCOTT. Mr. President, would the Senator from New York yield briefly?

Mr. JAVITS. Mr. President, I have no time remaining.

Mr. HATFIELD. I would be happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I have not heard all of the colloquy, but I have recently been in Japan. I know that the feelings among the Japanese businessmen, parliamentarians, and others are very strong that the reversion of Okinawa should be kept separate from any economic matters. I think it desirable that we do bear this in mind.

They have an extreme sensitivity on this subject. They are entitled to the reversion of Okinawa to the Japanese sovereignty as a prefecture of Japan. The agreement being worked out appears to be a very wise agreement, taking into consideration the problems of both nations and all of the citizens of both nations.

I am very pleased to see it announced. I sincerely hope that the United States will promptly move to approve the agreement between the two powers. While I have strong feelings on textiles and have said clearly to our Japanese friends that we need bilateral agreements between the industries or between the countries involved and alternatively multilateral agreements of which the United States is a part, all of this should be kept clearly apart.

Mr. JAVITS. Mr. President, I want to point out that that is precisely what I was reporting to the Senate. I hope that the Senator will read my report. The sensitivity is so great that even though there is heated debate on textiles, in the final analysis on Okinawa reversion and the textile matter are distinct and separate issues and should be treated as such.

Mr. SCOTT. Mr. President, I thank the distinguished Senator. I was sure that would be the way the Senator felt about it.

We all know that the Japanese Government is in a sense democratically structured state and they have their problems. I do not want to exacerbate them. But I do want them to understand them separately and apart. These are political issues. There is the issue on trade. This has become somewhat exacerbated in the past 3 years and the balance has shifted against the United States.

I found quite a lot of understanding of this matter in Japan and quite a bit of realism.

They have their constituents, too, as we have ours. They have to respond to their constituents; we have to respond to ours in the glass, ceramics, and textiles fields.

We want to make them see that this relates to an exporting of jobs. I hope that the discussions going on between the two countries will result in a favorable understanding.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 15 minutes, with 3 minutes limitation therein.

THE UNITED STATES AND NATO; TROOP REDUCTION—VI

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record set No. VI of the commentaries, columns, letters to the editor, and editorials relative to the U.S. troop position in Europe in relation to NATO.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From The Washington Post, June 6, 1971]

The Talk of NATO

(By Chalmers M. Roberts)

Lisbon.—Memo to Sen. Mike Mansfield: They haven't forgotten you here, Mike, but you have to remember that the North Atlantic Treaty Organization is not all that different from the United States Senate.

For example, at the inaugural NATO session here the Portuguese prime minister was bestowing "illustrious" on his colleagues the same way you all in the Senate call everybody "distinguished." Of course it's true that Prime Minister Marcello Caetano used a two-level system of compliments: "illustrious" for secretaries-general of NATO and "distinguished" for run-of-the-mine delegates. But, Mike, the Senate surely can match that.

When you and your colleagues gather in the Senate corridors, you have been known to take up a special interest or two. It's the same here. Since we are in Lisbon, the Portuguese prime minister and foreign minister naturally brought up with Secretary of State William Rogers the untidy matter of that American base in the Azores, which Portugal owns, from which our navy flies those submarine patrols to keep track of Soviet undersea craft.

So the Portuguese would like a little help—not arms but Public Law 480 food aid and some money for education over the next two years worth maybe $20 million or more. Nobody wants to talk figures out loud, of course, but you get the drift. Nobody, either is talking about formalizing the American lease on the Azores base, but just extending the current satisfactory status quo.

Then the Norwegian foreign minister dropped in on Rogers to tell him how unhappy Oslo is about even meeting in Lisbon, given the Portuguese attitude about their holdings in Africa called Angola and Mozambique. For-the-record stuff, you know, Mike.

At lunch the British foreign secretary, Sir Alec Douglas-Home, and Rogers kicked around that upcoming headache: how to handle the China issue at the United Nations this fall. Rogers went through the drill about keeping Taiwan in, which the British don't think matters all that much, but Sir Alec has breeding so he listened politely. No one wants to concede that the United States is about to drop that hardy American perennial at the U.N., the "important question" device to block Peking's membership, but the suspicion is that it's on its way out and maybe that will please you, Mike.

Oh, yes, Rogers will be going to Paris on Sunday, where as far as anybody can see the biggest business will be, of all things, Okinawa. It seems the Japanese foreign minister will be on hand for an economic meeting which happens to be a fine reason for him and Rogers to button up the Okinawa issue. It has to do with American rights at the Naha airfield after Okinawa reverts to Japan under the Nixon-Sato agreement. The one sure thing is that there will be a swarm of Japanese newsmen on hand to jot it all down.

Maybe this report is straying a bit, Mike, so let's get back to the Mansfield Amendment and its impact on this NATO meeting. You remember how Rogers said your amendment would destroy NATO and invite the Red Army to roll across the plains of Europe if it passed. Well now, the Americans are saying to their European colleagues that you were very serious and they had better pay attention and up the ante they put into the NATO pot. Balance of payments and all that, you remember. Too bad Rogers didn't have a video tape of that impassioned speech you made just before the vote on your amendment; it would have been useful to show to his fellow foreign ministers. You really ought to reconsider letting television into the Senate.

But to get to the substance of the matter, I take it you really wanted to put a little fire under their feet here. Well, in a way you have. But it's sort of a mixed-up situation, like the draft bill in the Senate. So many seemingly extraneous issues seem to intrude. You'll have to bear with this explanation for a minute.

You see that everybody here at NATO, or at least everybody who is anybody, is for mutual balanced force reductions by agreement with Moscow. They've been for this in principle for several years, but it all was rather leisurely until you teamed up with the Kremlin's Leonid Brezhnev to give NATO the shock treatment. By the way, how did you manage that, anyway? People keep asking, but I never got an explanation from you to pass on.

However, it was fitting enough in this country, where Prince Henry the Navigator is a folk hero, to find that Manlio Brosio, the kindly Italian who is ending his career as NATO secretary-general, turned out to be Brosio the Explorer. "Explore" is one of those diplomatic terms for striking a leisurely pace, and that is what NATO, under the Brosio-Rogers formula, is doing. "Explore" means to try to make the other fellow, in this case Brezhnev, give some details of what he has in mind before you agree to anything.

The exact formula agreed on by NATO provides methods to find out if Brezhnev will tell, but the one thing that counts is that NATO is not rushing to a conference table. For one thing, the West Germans want to see whether Brezhnev will come clean on a Berlin agreement, and so does Rogers. So exploration will extend long enough to get a better reading on the Berlin talks. And you do want a Berlin agreement, don't you, Mike?

But don't be discouraged about the pace. You can always bring up the amendment again if you think it will help prod some more. Besides, you know the Europeans here figure the Nixon Doctrine really means that in time the Americans are going to cut their commitments here, so they are trying in one way or another to adjust, and after all, isn't that what you have in mind?

It's true the peace here is rather leisurely, Mike, but after all, most of these fellows were raised in the parliamentary attitude and you know what that means—a lot of palaver before you get down to anything. But don't be impatient, Mike. It's just like the Senate—you have to reach a consensus. And, after all, that's better, if more time-consuming, than the way they do it in Moscow.

Drowning in Champagne

(By Martin F. Nolan)

WASHINGTON.—The attempt to depict Sen. Mike Mansfield as the Abbie Hoffman of NATO appears to be succeeding, but the vote in the Senate may be a Pyrrhic victory for the Administration.

Mansfield's "defeat" can only lead to what he originally wanted: opening up serious questions about American foreign policy and the more fervent participation of citizens and senators in the formulation of that policy.

The questions that will arise are so obvious that the "experts" will consider them childish and certainly annoying. But they have to be answered.

Are Americans strengthening the German mark and weakening the American dollar by supporting a half million Americans in Europe? Do we need 128 generals, one for every 3200 GIs? Is Europe strong enough, after a quarter of a century, to defend itself? What the hell have American Secretaries of State been talking about at all those NATO Ministers' conferences?

The origin of these questions is also embarrassing. Flickering on to American television screens lately has been a commercial for the U.S. Army, featuring Pete Retzlaff, general manager of the Philadelphia Eagles. Yes sir, says Pete, you potential doughboys ought to try the Army's European Option Plan with none of the Vietnam nasties, a 16 month hitch in Europe "with 30 days paid vacation to travel!" That sort of ad can make taxpayers think.

In the current issue of Le Monde, a survey by France's Syndicat de Grandes Marques de Champagne shows that NATO troops in Germany consumed 338,218 cases of champagne last year, more than was drunk in Denmark or Sweden. As those 128 generals might say, vive l'European option!

Two other embarrassing aspects of the Administration's drive against the Mansfield amendments are in its cold-warrior list of advocates. The most effective name has turned out to be one who wasn't even asked: Leonid Brezhnev, who said that the Soviet Union is willing to talk about mutual, troop withdrawals in Europe.

The most striking characteristic shared by the former presidents, ambassadors, generals and diplomats is the dominant theme of their recollections and memoirs. None of them was ever wrong about a major policy decision. They also seem to share an immutable messianic mindset, not only about America's power and responsibility, but about the nature of the strategic threat, i.e. the Red Army marching to the gates of Paris.

The two conspicuous absentees from that bipartisan list of NATO-backers are men who admitted they were wrong about Vietnam: Former Defense Secretary Clark M. Clifford and former U.N. Ambassador Arthur J. Goldberg. Their contribution to American foreign policy has not been as bold and as vivid as the swashbuckling Dean Acheson's. But the virtue of doubt is seldom flamboyant.

Doubt is just what may be needed today. Should we be impressed by a slogan of "leadership for the 1940s" summoned by the Administration? Have we paid our debt to Europe? Is the Russian threat the same as it was 20 years ago? Are we subsidizing our own impoverishment, drowning the dollar in a sea of champagne?

By raising these questions, Sen. Mansfield deserves the debt of gratitude owed an honest man.

[From the Saturday Review, June 12, 1971]

The Great Trip-Wire Delusion

(EDITOR'S NOTE: The following guest editorial is by Alan Cranston, U.S. Senator from California, and longtime contributor to SR.)

The U.S. Senate recently voted down Majority Leader Mike Mansfield's attempt to compel a 50 per cent reduction in the number of American ground troops stationed in Europe.

In the Senate debate much attention was given to the need to scale down East-West tensions, to correct our adverse balance of payments, and to get our now quite prosperous allies to assume a larger share of the financial and military burdens of NATO. All good points. But I sensed a disturbing undercurrent.

There appears to be a tacit understanding on both sides of the Atlantic that a sizable number of American troops must be stationed on the Continent as a kind of human trip wire to assure our intervention in the event of a Soviet invasion of Western Europe.

The theory seems to be that thousands of Americans must be engaged in mortal combat in the first days of such an invasion, else we will not intercede. The belief is that the larger this human trip wire, and the more human flesh it contains, the more confident our friends and allies will feel, and the more hesitant the Russians will be.

I find this concept utterly repellent, and morally grotesque. I am appalled by the image of 300,000 Americans being offered up as sacrificial hostages in a new, perverted version of "earnest money" to reassure our friends that we will keep our pledge. I am shocked each time our foreign friends interpret any effort to reduce the number of hostages as hard evidence that we indeed intend to go back on our word.

What kind of friends are these anyway? What kind of opinion do they have of us to think that we do not value human lives unless they are American lives? To think that we would not consider the lives of other free men worthy of our concern in the event of Soviet aggression? And to think that only the on-the-spot slaughter of young Americans could provoke us to act in our own best interests?

Those who subscribe to the trip-wire strategy claim it offers us flexibility—a way to resist aggression without resorting to all-out nuclear retaliation. The fact is, however, that the great armies of NATO and the Warsaw Pact facing each other across an imaginary line in Central Europe are as dated as the cavalry that tried to stand up to the Nazi panzer divisions in Poland. Our troops in Europe are armed with tactical nuclear weapons as are, presumably, the Warsaw Pact forces.

The Davy Crockett, a cannon manned by a crew of five, has been called the "keystone of the Allied defense line." With an explosive force somewhat less than that of the Hiroshima bomb, it is our smallest tactical weapon, and we have others even more powerful.

In an East-West war in Europe, the side that is losing, or thinks it is losing, will without doubt resort to nuclear weapons to "save the day." Even the "winning" side would do so, if it thought the enemy was about to launch a strike. It is for just these eventualities that we have our tactical nuclear weapons positioned there. So our troops in Europe and targets for almost certain death or radiation poisoning in the event of war. They cannot win; they can only destroy and be destroyed.

We have been lucky so far, but the day must come soon—before this murderous insanity goes too much further—when we will have to reduce our NATO forces. We must recognize that there is no true security for us or for anyone else in a world in which nuclear weapons are on the loose. We must set about the task of providing leadership dedicated to achieving world peace through world law.

Do some of our leaders feel that they must use a trip-wire force to insure that we will keep our commitment to our NATO allies? Are we busily preparing for a day when we may be in the same position in Europe as we are now in Southeast Asia? Will we someday be told that millions of Americans must die for those 300,000 American troops in Europe—just as we are being told now that still more Americans must die in Indochina so that the deaths of the 45,000 already killed there will, somehow, have been "worthwhile"?

If that is what some of our leaders think, if that is why they insist on maintaining 300,000 American troops on European soil, their perspective, in my judgment, is dangerously distorted. One such horror is more than enough in the lifetime of any nation.

The fact is that the whole structure of the trip-wire concept is built on false assumptions. The fact is that we do not need such an immoral mechanism forcibly to link Europe's destiny with ours. The fact is that we are inextricably linked with Europe—by past history and heritage, and by present politics and economics.

A free, independent Europe is vital to America's survival and to world peace; a free Europe and a free America stand or fall together.

That is the real meaning of NATO, that is why we are in the alliance, that is why we will unhesitatingly honor our commitment should we ever be called upon to do so—not to avenge the blood of American hostages, but to defend American freedom and the very concept of freedom.

Our European allies and those of our leaders who presume otherwise do the American people a grave injustice.

Alan Cranston.

[U.S. News & World Report, June 21, 1971]

2,000 U.S. Bases Overseas—Another Target in Congress

Following are excerpts from a speech to the Senate by Senator J. William Fulbright on May 18, 1971:

We have more bases in foreign countries that any other nation. . . .

I doubt that most members of Congress realize that we have over 200 major bases in Germany alone (where we have an investment of about 130 million dollars in facilities). Do we really need 24 major bases in North Wurttemberg? Or 22 in North Bavaria? Furthermore, it should be noted that our involvement extends to more than U.S. troops and their dependents. The United States employs 14,000 U.S. civilians in Western Europe (over 9,000 in Germany) and employs directly or indirectly over 70,000 foreign nationals (60,000 of them in Germany)—all paid salaries in dollars extracted from our constituents, many of whom are unemployed.

In addition to the German bases and the 215,000 troops stationed there, together with 134,000 dependents, wives and children, the United States continues to maintain naval facilities in Iceland which originally cost over 200 million dollars. And last year we spent 31 million dollars for our military forces stationed in that country.

We have facilities in Greenland which we continue to maintain. They were acquired at a cost of nearly 500 million dollars.

How many Americans know that we continue to maintain facilities on the Balearic Islands, the Seychelles Islands and on St. Helena, as well as in Malta, Crete and Sardinia?

Do Americans realize that we spent approximately 110 million to maintain troops in Spain and Portugal last year? A quarter of a billion dollars—250 million!!—in the United Kingdom? Thirty-one million in Greece and Cyprus? We also spent 3 million in the Bahamas, 20 million in Bermuda and a full million dollars in the Leeward Islands, all for our military personnel stationed at those places.

The United States has over 2,000 major and minor bases spread across more than 30 foreign countries and areas, and virtually surrounding the Soviet Union and mainland China. The extent of these installations is instructive.

We maintain some 50 major bases in Japan and Okinawa (where we have invested 843 million dollars in facilities). We have 4 in Taiwan, 41 in Korea, 7 in the Philippines and 8 in the Marianas.

We have 12 major bases in the Canal Zone.

I am referring only to major bases—the places where we have smaller installations and stations reads like a geography book. Apart from the places I've already mentioned, we have facilities in Australia, Cuba, Ethiopia, Morocco, Pakistan, South Africa, Trinidad and Tobago, Antigua, Barbados and the Turks and Caicos Islands.

In addition to military bases spread from Iceland to South Africa, we maintain dozens of military advisory missions abroad. We spent some 17 million dollars in Europe for such missions last year. We spent over a quarter of a million dollars for a military advisory group in Pakistan; a half a million dollars each for similiar groups in the Dominican Republic and in Liberia. And these missions are relatively small compared with similar missions n Spain, Greece, Morocco, Turkey, Ethiopia, the Congo, Iran, Saudi Arabia and Brazil.

Unless we manage to bring under some kind of public control the enormous military bureaucracy abroad, we will end up as did the Roman Empire, which became so much a slave to its foreign commitments that it died at home.

[From the Washington Star, June 15, 1971]

Toward Troop Cuts

The North Atlantic Treaty Organization is understandably cautious in responding to the Russian expression of interest in a mutual reduction of forces in Central Europe. Even though the idea of negotiations on the subject has been backed by NATO for three years, the recent reopening of the subject by Soviet party leader Leonid Brezhnev leaves the West with considerable preparatory work, and much to think about.

There is the need to coordinate the thinking of 14 countries (with France standing aside) that would be represented on our side of the table. The Brezhnev remarks were in vague terms, and a series of bilateral discussions, contemplated by the NATO foreign ministers, could well be used to explore Eastern Bloc intentions before an actual start of negotiations. One of the intriguing preliminary questions is how extensive a troop cut the Soviet Union and its Warsaw Pact clients would be willing to consider, in the light of the Communist governments' sometimes difficult task of holding their own restive elements close to the Moscow line.

Also facing the West is how to fit the troop-reduction effort in with other concurrent attempts to achieve a relaxation of East-West tensions. There is no formal link between the troop-cut question and the Big Four negotiations on the status of Berlin, but there is no doubt a Berlin agreement (of which there are now hopeful signs) would enhance the general prospects for detente. The NATO ministers, perhaps wistfully but certainly in line with West German wishes, hope for progress on Berlin to guide them on broader issues involving relations with the East. They continue to regard a Berlin success as a prerequisite for the European Security Conference sought by the Soviet bloc, and put due stress on everyone's hopes for the Strategic Arms Limitations Talks between the United States and Russia now underway in Vienna and Helsinki.

In all this, NATO's time for careful preparation is not unlimited. There have been past strains in the alliance, and the results (including unilateral force reductions and French withdrawal from the integrated defense system) have weakened NATO's overall posture. The Mansfield amendment to halve the United States' force in Europe was defeated—but possibly only until next year.

In the matter of mutual and balanced force reductions, too long a delay might leave our side with considerably less to bargain with.

[From the Washington Post, June 12, 1971]

Challenging the Armament Technology: High Cost for Balance of Terror

(By D. J. R. Bruckner)

According to the Arms Control and Disarmament Agency, last year $204 billion was spent in the world on armaments, including $103 billion (a slight drop) among NATO member nations and $71 billion (a slight rise) by Warsaw Pact members. The agency notes, without a hunt of irony, that the "developed" nations account for 90 per cent of these expenditures.

For many generations military preparations have been battles within nations of technology against politics, and the triumph of technology in this area has always been disastrous. One can cite examples in history of nations which failed to arm and have still been drawn into wars, but you cannot think of an example of a society which supplied itself with a great arsenal and did not use it. Countries have been disarmed usually by losing wars. But the power of present weaponry makes loss an absolete method of regulation.

For a decade Americans have lived with the notion of a balance of terror between Russia and the United States. The idea of a "balance" was current long before there was any balance. At the time of the Cuban missile crisis, Russia had fewer than 100 intercontinental missiles in place. The experience of that crisis is probably the reason Russia has worked so quickly to increase its nuclear weapons systems.

From the notion of balance we have got the notion of insurance against an outbreak of war: nobody will go to war because nobody would survive. Only the last part of that formula is true, however; what the competition to maintain nuclear balance has achieved is a guarantee of the total destruction of the earth if one of the super powers starts a war against another.

Mr. Nixon is apparently determined to reach some kind of agreement with the Russians by the end of the year about some kind of limit on some kind of weapons. What he mentioned, in his announcement on May 20 that the two nations have agreed on a partial agenda for talks, is a limitation on defensive weapons (ABMs), with the proviso that talks would continue about offensive weapons.

The proviso is important, not merely a face-saver. Mr. Nixon has said for two years that if only offensive or defensive weapons were restricted, development would surge ahead among the unrestricted type. His statement is supported by the history of weapons technology. For instance, we have had a test ban treaty with Russia for eight years; so, we are not detonating bombs in the atmosphere, but the total number of weapons tests has actually increased since 1963.

The President has also insisted for a long time that what is needed is a general pulling back from confrontation between the two nations. The sequence of events since last Christmas is fascinating in the light of his insistence. First, it became apparent that the strategic arms limitations talks had stalemated, and in the Sentae there were bitter complaints that the White House had not given clear enough or flexible enough instructions to Gerard Smith, the chief American arms negotiator.

But, during the winter, the President opened personal contacts with Russian leaders, which continued even while the unproductive SALT talks continued this spring in Vienna. On March 30, Soviet Communist Party chief Leonid Brezhnev told the party's congress in Moscow that a five-power conference on disarmament should be called. He also called for a conference on mutual reduction of forces by East and West in Europe. And he dropped the Russian insistence that any agreement on chemical and biological warfare reached during talks in Geneva include both types of weapons; the Russians, he indicated, were willing to discuss an agreement on lines the Americans preferred—to ban biological weapons only.

On May 14, he reiterated and expanded his remarks about troop reduction talks. That is a lot of movement on a broad front. You can argue the politics of the Soviet signals endlessly, but you could hardly refuse to respond to them.

Mr. Nixon overdramatized his May 20 announcement that the two powers had agreed on what to talk about. But now even his congressional critics seem a little more satisfied with the instructions Smith has been given for the meeting of the SALT talks next month in Helsinki.

For the moment, Mr. Nixon seems to have assumed there is something to be gained by asserting the priority of politics over technology. In fact, even the technologists could see the so-called balance of terror breaking down under the weight of new ABM systems, multiple warheads, new radar and detection systems. All this technology may work, but it does not make any difference, and every year the world keeps paying those enormous armament bills. It is just possible that the leaders of the great powers are beginning to realize that the people are growing reluctant to pay such a huge price for a spectacular funeral for the whole world.

[From the New York Times, June 16, 1971]

BRANDT AND NIXON CONFER ON BERLIN

AGREE IN WHITE HOUSE TALK PROGRESS BY BIG FOUR MAY LEAD TO TROOP PARLEY

WASHINGTON.—President Nixon and Chancellor Willy Brandt of West Germany agreed today that continued progress in negotiations on the status of West Berlin might soon open the way for talks between the North Atlantic Treaty Organization and the Warsaw Pact on reducing military forces in Europe.

Following a one hour and 45-minute meeting between Mr. Nixon and Br. Brandt in the White House the Presidential press secretary, Ronald L. Ziegler, said that Berlin had been the principal topic along with the question of limiting conventional forces in Europe.

An accord on easy access to West Berlin, now the subject of negotiations with the Soviet Union, is a prerequisite from the West's viewpoint for talks on a mutual, balanced reduction of forces.

The growing indications that a Berlin agreement might be within reach after 15 months of discussions were reinforced when Secretary of State William P. Rogers said at a news conference today that he would meet this week with Ambassador Anatoly F. Dobrynin to determine when and under what circumstances Moscow would be ready to begin talks on a reduction of forces.

"I am going to talk to Ambassador Dobryin in the next day or so to find out if they are prepared to have discussions on mutual and balanced force reductions, and find out what they are prepared to talk about, what they are thinking about in terms of time and place, et cetera," Mr. Rogers said.

Secretary Rogers, who conferred with Mr. Brandt at a luncheon at the State Department, is expected to meet with Mr. Dobrynin tomorrow afternoon.

The Secretary declined to enter into the details of the Berlin talks, but he said that "some progress had occurred recently in these discussion." Mr. Rogers added that "we are hopeful that an agreement can be reached, but there are still many differences."

BRANDT SEES A CHANCE

In a speech this afternoon at the Woodrow Wilson International Center for Scholars, Mr. Brandt said:

"I do not know whether it will really be possible to achieve a satisfactory Berlin arrangement in the months ahead . . . but I do know that there is a chance."

The chancellor is in the United States on a five-day private visit. He is spending two days in Washington for policy discussions.

Mr. Ziegler, the press secretary, said the subject of troop reductions had been discussed by Mr. Nixon and Mr. Brandt in the light of "the most recent developments."

One of these developments, he said, was a speech in Tiflis on May 14 by Leonid I. Brezhnev, the Soviet party leader, urging the West to begin exploratory talks on the reductions of military forces in Europe.

Mr. Brandt said in his speech: "Now we see that the Soviet Union and the United States—and not only they—favor for this idea in principle."

While until recently the Warsaw Pact powers had insisted that the troop reduction be discussed in the context of a broad European conference, Mr. Brandt emphasized that "there is basically no reason why we should not discuss this matter before such a conference in taking shape."

SPEECH SEEN AS SIGNAL

Mr. Brezhnev's speech last month was considered by Western governments as a signal that the Soviet Union had changed its political strategy and was now willing to take up the question of reduction of forces.

The question that puzzles officials in Western capitals is whether Moscow has also resolved to accept a demand that an accord on Berlin be reached before any negotiations on reduction of forces.

Officials said that the Soviet position on Berlin had softened after the Ministerial Council of the Atlantic alliance said in a communique following its Lisbon meeting earlier this month that "the ministers would regard the successful outcome of the Berlin talks as an encouraging indication of the willingness of the Soviet Union to join in the efforts of the alliance to achieve a meaningful and lasting improvement of East-West relations in Europe."

At his news conference, Secretary Rogers said that the communique "provides maximum flexibility" on the troop-reduction talks. He took issue with Mr. Brezhnev's suggestion in his Tiflis speech that the West might not be sincere about undertaking them.

FREE AMERICA

Mr. CHURCH. Mr. President, as a citizen, a lawyer, and a U.S. Senator who believes deeply in the first amendment of the Constitution of the United States, I think that this administration's attempt to halt further publication in the New York Times of the "Vietnam Papers" is contrary to a cherished fundamental of this great Nation—free speech and a free press.

The injunction sought and obtained by the Attorney General to stop publication of these historic documents amounts to nothing less than censorship of the press. There is no reason to skirt the issue, for this is what it is.

Yale University Law Professor Alexander M. Bickel put his finger on it yesterday when he said that this prior restraint of newspaper publication "has never happened in the history of the Republic" until now, a fact which must lead all who value freedom of the press to wonder about the motivations of this administration.

As the New York Times points out in today's lead editorial:

> The documents in question belong to history. They refer to the development of American interest and participation in Indochina from the post-World War II period up to mid-1968, which is now almost three years ago. Their publication could not conceivably damage American security interests, much less the lives of Americans or Indochinese.

Mr. President, I ask unanimous consent that an article from this morning's Washington Post on the subject of prior restraint, as well as the editorial from the Times, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE VIETNAM DOCUMENTS

In an unprecedented example of censorship, the Attorney General of the United States has temporarily succeeded in preventing The New York Times from continuing to publish documentary and other material taken from a secret Pentagon study of the decisions affecting American participation in the Vietnam War.

Through a temporary restraining order issued by a Federal District judge yesterday, we are prevented from publishing at least through the end of the week, any new chapters in this massive documentary history of American involvement in the war. But The Times will continue to fight to the fullest possible extent of the law what we believe to be an unconstitutional prior restraint imposed by the Attorney General.

What was the reason that impelled The Times to publish this material in the first place? The basic reason is, as was stated in our original reply to Mr. Mitchell, that we believe "that it is in the interest of the people of this country to be informed. . . ." A fundamental responsibility of the press in this democracy is to publish information that helps the people of the United States to understand the processes of their own government, especially when those processes have been clouded over in a veil of public dissimulation and even deception.

As a newspaper that takes seriously its obligation and its responsibilities to the public, we believe that, once this material fell into our hands, it was not only in the interests of the American people to publish it but, even more emphatically, it would have been an abnegation of responsibility and a renunciation of our obligations under the First Amendment not to have published it. Obviously, The Times would not have made this decision if there had been any reason to believe that publication would have endangered the life of a single American soldier or in any way threatened the security of our country or the peace of the world.

The documents in question belong to history. They refer to the development of American interest and participation in Indochina from the post-World War II period up to mid-1968, which is now almost three years ago. Their publication could not conceivably damage American security interests, much less the lives of Americans or Indochinese. We therefore felt it incumbent to take on ourselves the responsibility for their publication, and in doing so raise once again the question of the Government's propensity for over-classification and mis-classification of documents that by any reasonable scale of values have long since belonged in the public domain.

We publish the documents and related running account not to prove any debater's point about the origins and development of American participation in the war, not to place the finger of blame on any individuals, civilian or military, but to present to the American public a history—admittedly incomplete—of decision-making at the highest levels of government on one of the most vital issues that has ever affected "our lives, our fortunes and our sacred honor"—an issue on which the American people and their duly elected representatives in Congress have been largely curtained off from the truth.

It is the effort to expose and elucidate that truth that is the very essence of freedom of the press.

"PRIOR RESTRAINT" ACTION MAY BE PRECEDENT

(By John P. MacKenzie)

"Prior restraint" of newspaper publication cuts so deeply against American tradition that Alexander M. Bickel, Yale law professor and lawyer for the New York Times, could declare without contradiction yesterday that "it has never happened in the history of the Republic."

The basic reason for the tradition, said Chief Justice Charles Evans Hughes in a noted 1931 decision, is that prior restraint—a court order against publishing with a contempt citation as the penalty—"is of the essence of censorship."

Scholars still argue whether everything Hughes said in the case, Near v. Minnesota, is applicable today. Some wonder in particular whether the threat of criminal prosecution after publication of forbidden material isn't as strong a deterrent as a civil injunction proceeding.

Yet the odd thing about yesterday's abbreviated debate in Manhattan federal court was that no one could come up with a leading example of when the government had ever tried, much less succeeded, in obtaining such a court order against a newspaper.

Judge Murray I. Gurfein could only ask whether such an attempt had ever been made, raising the possibility that the government has neither won nor lost such a dispute in the past.

Postponing deeper discussion for a hearing on Friday, Gurfein then issued an order that held up publication of the Pentagon papers for the rest of the week—a long period of censorship if the arguments against prior restraint are still valid.

Whether or not the lawyers and historians can find precedents for yesterday's injunction, most agree that the bulk of the controversy over First Amendment press and speech freedoms has involved attempts to punish, rather than prevent, some form of expression.

Major exceptions occur frequently in the obscenity field. But only last January the Supreme Court unanimously struck down a system of postal censorship because the government held up the mails too long while making up its mind whether an item was obscene, putting too much of a burden on those who wanted to communicate. Criminal obscenity laws, while also controversial, remain available.

A few years ago a district court here enjoined publication of a book, the memoirs of the late imprisoned gangster Joseph Valachi. But that was done on the grounds that an agreement with his government custodians had been violated.

The movie "The Titticut Follies" has been enjoined in Massachusetts on the ground that it invades the privacy of mental patients in the course of exposing wretched hospital conditions.

In neither of those cases was there a claim of national security or anything like the overtones of potential diplomatic ruptures that the Justice Department is making and the New York Times is contesting.

The government, of course, contends that the question of whether it is legal to publish the Pentagon papers must be thrashed out in advance because, in its view, the damage would be irreparable.

No such world-shaking matters were laid before the Supreme Court in 1931, when the city of Minneapolis sought to suppress an anti-Semitic sort of underground paper of its time called The Saturday Press.

Although the city claimed only that future publications would be as libelous as past ones, Chief Justice Hughes used the occasion to observe that "liberty of the press, historically considered and taken up by the federal Constitution, has meant, principally, although not exclusively, immunity from previous restraints or censorship."

He added, "The fact that for approximately 150 years there has been almost an entire absence of attempts to impose previous restraints upon publications relating to the malfeasance of public officers is significant of the deep-seated conviction that such restraints would violate constitutional right." He spoke for a 5-to-4 majority setting aside a state court injunction.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following letters, which were referred as indicated:

REPORT OF ANTIDEFICIENCY ACT VIOLATION

A letter from the Secretary of Transportation submitting, pursuant to law, a report of Antideficiency Act violation by the Federal Aviation Administration (with accompanying report); to the Committee on Appropriations.

PROPOSED LEGISLATION PROVIDING A CONSUMER INFORMATION PROGRAM

A letter from the Secretary of Transportation submitting proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for the development of a consumer information program concerning the damage susceptibility and crash-worthiness of passenger cars, and for other purposes (with accompanying papers); to the Committee on Commerce.

PROPOSED AUTHORIZATION OF AN APPROPRIATION TO NEW YORK CITY

A letter from the Assistant Secretary of State transmitting proposed legislation to authorize the appropriation of $1.3 million for an ex gratia payment to New York City to assist in defraying the extraordinary expenses incurred by the city in regard to the 25th anniversary celebration of the United Nations (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the opportunities to improve the redistribution of the Federal Government's excess automatic data processing equipment (with accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION RELATING TO THE PARTICIPATION OF THE UNITED STATES IN THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION

A letter from the Secretary of the Treasury submitting proposed legislation to amend the act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE CIVIL SERVICE RETIREMENT SYSTEM

A letter from the Chairman of the Civil Service Commission transmitting, pursuant to law, the annual report of the Board of Actuaries of the Commission for the years ended June 30, 1968, and June 30, 1969 (with accompanying report); to the Committee on Post Office and Civil Service.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GRAVEL):

A petition from the West Side Church of God, Wichita, Kans., relative to the higher education guaranteed student loan program; to the Committee on Labor and Public Welfare.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 121. A resolution authorizing the printing of the 1970 Annual Report of the National Forest Reservation Commission as a Senate document (Rept. No. 92–148); and

S. Res. 130. A resolution authorizing the printing of the report entitled "Cost of Clean Water" as a Senate document (Rept. No. 92–149).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 117. A resolution to authorize the printing, as a Senate document, of the proceedings of the public meetings on the development of a uniform conventional mortgage form (Rept. No. 92–150).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. J. Res. 111. A joint resolution extending for two years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune (Rept. No. 92–151).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration:

S. Con. Res. 30. An original concurrent resolution authorizing the printing of the study entitled "Soviet Space Programs, 1966–70" as a Senate document (Rept. No. 92–152).

By Mr. JORDAN of North Carolina, from

the Committee on Rules and Administration, without amendment:

H. Con. Res. 120 A concurrent resolution to authorize the printing of a Veteran's Benefits Calculator (Rept. No. 92–153).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

H. Con. Res 206. A concurrent resolution to reprint brochure entitled "How Our Laws Are Made" (Rept. No. 92–154).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs:

Ezra Solomon, of California, to be a member of the Council of Economic Advisers; and

A Sydney Herlong, Jr., of Florida, to be a member of the Securities and Exchange Commission.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. INOUYE:

S. 2072. A bill to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such Act for a certain period of time. Referred to the Committee on Agriculture and Forestry.

By Mr. MONTOYA:

S. 2073. A bill for the relief of Atanacio Blanco. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. Jackson, Mr. Pastore, Mr. Hollings, Mr. Hart, Mr. Pearson, and Mr. Moss):

S. 2074. A bill to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States. Referred to the Committee on Commerce.

By Mr. TOWER:

S. 2075. A bill for the relief of Eva J. Fisher. Referred to the Committee on Post Office and Civil Service.

By Mr. JORDAN of North Carolina:

S. 2076. A bill for the relief of Anton Emil Kamar. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself and Mr. Thurmond):

S. 2077. A bill to amend title 38, United States Code, to establish a Court of Veteran's Appeals and to prescribe its jurisdiction and functions. Referred to the Committee on Veterans' Affairs.

By Mr. TUNNEY:

S. 2078. A bill for the relief of Miss Rita Baccega. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. Moss, Mr. Thurmond, Mr. Williams, Mr. Hart, Mr. Tunney, Mr. Metcalf, and Mr. Percy):

S. 2079. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. Williams, Mr. Case, Mr. Cranston, Mr. Dominick, Mr. Humphrey, Mr. Inouye, Mr. Mondale, Mr. Pastore, Mr. Percy, Mr. Stevens, Mr. Taft, and Mr. Tunney):

S.J. Res. 116. A joint resolution to authorize and request the President to proclaim the period September 12, 1971, through September 20, 1971, as "Myasthenia Gravis Week". Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (for himself, Mr. Jackson, Mr. Pastore, Mr. Hollings, Mr. Hart, Mr. Pearson, and Mr. Moss):

S. 2074. A bill to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States. Referred to the Committee on Commerce.

NAVIGABLE WATERS SAFETY AND ENVIRONMENTAL QUALITY ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States.

I believe that this is urgently needed legislation to cope with the increasing hazards of maritime transportation and with pollution from tanker oil spills.

The bill I have introduced is comprehensive legislation to protect our coastal waters and the resources they contain such as fish, shellfish, and wildlife. It puts emphasis where the emphasis ought to be: prevention.

Last year, we adopted far-reaching legislation dealing with liability for oil spills and cleanup. This is excellent legislation and I commend all those involved with it. I supported it and would like to see it strengthened even further. However, no amount of after-the-fact reporting and liability will prevent the growing incidence of oil spill tragedies or restore environmental and ecological resources once destroyed.

The bill I have introduced is intended to do that, and approaches the problem of prevention in two ways. The first part applies to tankers and other vessels carrying liquid cargoes in bulk such as oil, flammable or combustible cargoes, and cargoes which have been declared hazardous under the Federal Water Pollution Control Act. The bill would strengthen existing law with respect to these vessels and authorize the Secretary of the Department in which the Coast Guard is operating to promulgate comprehensive regulations concerning their construction, maintenance, and operation in order to protect against environmental damage.

The time has come when oil spills can no longer be tolerated. The oil required to fuel our Nation's industry and economy increasingly menaces our environment. Recent tragedies in San Francisco, Long Island, and Chesapeake Bay, to name only a few, are all too eloquent testimony to the need to act now. Only a few weeks ago, a spill of 250,000 gallons of diesel fuel at Anacortes, in my own State of Washington, menaced Rosario Strait, the San Juan Islands, and the Straits of Juan de Fuca. This region is unique in the United States, an area of unsurpassed scenic beauty that supports abundant and varied types of fish and wildlife. While the visible damage from this spill was relatively slight, the long-range ecological impact cannot yet be ascertained.

The fact that oil spills seem to be occurring with increasing frequency is no coincidence. In the past three decades, tanker transport of oil has multiplied tenfold. In the last 5 years alone, our Nation's annual oil consumption has increased by over 35 percent, much of it transported by tankers.

The advent of mammoth tankers, 10 to 20 times the size of those in use a generation ago, has proportionately magnified the environmental problem.

Clearly, tough new standards on tanker construction and cargo handling equipment and procedures are long overdue. Actually, I believe that these could and should have been adopted under existing legislative authority. However, existing law, which speaks mostly in terms of the threat to life and property from fire and explosion, has not been administered to provide the necessary protection for our environment. In any event, this legislation will make the intent of Congress clear and provide the broad authority needed beyond any question.

The first part of the legislation I have introduced is intended to bring about a new era in which tankers no longer pose the threat to the environment that they now do. Under its terms, these vessels would be required to incorporate a wide range of antipollution features. For example, double hulls could be required. This would substantially reduce the possibility of spills resulting from groundings, collisions, and other incidents which have resulted in so many environmental tragedies.

The legislation would also authorize the imposition of maximum tank sizes on vessels or even maximum size limitations on the vessels themselves, thus limiting the damage that would occur in the event the hull was breached.

As another example, there is evidence that most large tankers are now underpowered and that this creates serious navigational risks. Minimum propulsion requirements established under the bill would reduce those risks and help prevent damage to the environment.

The distance in which it takes a supertanker to stop, as much as several miles, seems to me to border on the scandalous. Means of stopping these vessels quickly, such as sea anchors or water resistance flaps, can be developed and required under the bill.

There is also limitless room for improvement in navigating and cargo handling equipment and procedures. Electronic safety devices are being developed which should reduce accidental spills. Their installation and use should be made mandatory under the bill.

Many spills, like that at Anacortes, occur during loading or unloading. In that case, the spilling continued for several hours before being detected. A system of adequate detection gages and alarms could have prevented the spill and should be made mandatory, thus preventing a recurrence of this type of incident. Similarly, in some areas, special procedures could be adopted which require that all loading and unloading be done in special containment reservoirs or coffer dams, thus eliminating any possibility of damage from accidental spills.

These are just a few examples of the ways in which the threat to our environment from tankers can and must be eliminated or reduced. The first approach of the bill I have introduced today is to authorize tough new standards for the construction, maintenance and operation of these vessels, standards which will assure that every conceivable safeguard is used to protect our environment.

The second approach of the bill applies not only to tankers, but to all vessels and structures on the navigable waters. It would, among other things, authorize the establishment of traffic services and systems, the control of vessel traffic, establishment of routing systems and the creation of waterfront safety zones or areas for limited, controlled or conditioned access and activity.

This aspect of the bill, too, is aimed at prevention. Reduction of vessel casualty risks through carefully and comprehensively controlled traffic movements is essential. The bill would permit scrutiny and control of traffic patterns and equipment in our congested waters, thus making a significant contribution to the prevention of damage to our environment.

Our control of vessel traffic in the United States is long outdated. Other nations, primarily in Europe, have adopted far more meaningful systems. The technology, in the form of harbor radar systems, navigation and communications devices and the like, is available to make vessel movements much safer than they now are. Much of this technology has been developed in the field of aviation and air traffic control. I submit that legislation in this area aimed at preventing the risk to life and property as well as damage to the environment, is of the highest priority.

NOTICE OF HEARING

As I have indicated I feel that immediate consideration and rapid action on this legislation is imperative. The distinguished Senator from Louisiana (Mr. LONG), the chairman of the Senate's Merchant Marine Subcommittee, shares my concern and has scheduled hearings on this bill to begin next week, on June 24, 1971. I am confident that under his able leadership we will have meaningful legislation in this area very shortly.

By Mr. HARTKE (for himself, Mr. MOSS, Mr. THURMOND, Mr. WILLIAMS, Mr. HART, Mr. TUNNEY, Mr. METCALF, and Mr. PERCY):

S. 2079. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchase of packaged perishable or semiperishable foods; referred to the Committee on Labor and Public Welfare.

OPEN DATING FOR PERISHABLE FOODS

Mr. HARTKE. Mr. President, today I introduce legislation designed to protect consumers who purchase perishable foods at grocery stores and supermarkets.

Known as the open dating act, this legislation grew out of an awareness that most shoppers have no clear idea of the freshness of products on store shelves.

There is growing evidence throughout the country that a significant number of food products offered for sale are overage and may be unwholesome. Accounts of consumer purchases of spoiled meat products, overage dairy products, and stale bakery items are appearing with increasing frequency.

Manufacturers of perishable and semiperishable foods code date their products. Unfortunately, the hundreds of different codes are almost always undecipherable to consumers and to store employees as well.

At the present time, open dating of products is unusual. Some cities require open dating of fresh milk, and a few States require that various foods be dated with legible codes. As commendable as these efforts have been, they lack an all-inclusive nature demanded by the extent of this problem.

The concern of the housewife is a very simple one. She wishes to be assured that the food which she is buying is wholesome and fresh. But in the face of an ever-growing number of products and an ever-more-complex system of food distribution, she cannot possibly know which products retain their healthfulness over a long period of time and which deteriorate with age, nor can she possibly know how long a product has taken to go from food processor to food distributor.

A few progressive chains of food stores throughout the country have already begun to experiment with open dating. One of these, Giant Foods, Inc., reports great success and enthusiastic acceptance not only by its customers but also by its own personnel and store managers.

Last month, N. V. Lawson, vice president of Safeway Stores, Inc. indicated his chain's long-standing support for open dating. He said:

> Basically, there are no significantly greater costs inherent in open dating as compared to any other kind of dating system. . . . In our 30 years of experience with open dates, we have found no significant basis to the contention that customers will select the freshest items first, leaving the older merchandise to die on the shelf.

In summarizing his firm's attitude on open dating, Mr. Lawson said:

> Open dating has turned out to be a major promotional item. Yet, for the long-haul, we still consider it primarily as serving the public but also as an aid to store personnel that clearly more than pays for itself.

Among the most important of the interim conclusions which have been reached from the open dating experimentation which has taken place to date is that customers have increased confidence in the freshness of the products they buy. This is a confidence which does not presently exist because of the use of illegible codes.

Mr. President, I believe that there has been an adequate amount of time for experimentation and experience testing. The bill I am introducing today sets national standards for freshness. It would go beyond requiring the clearly stated "pull date"—the last day the product should be offered for sale to the public—by requiring that the package label also show the optimum temperature and humidity conditions under which the product should be stored in the consumer's home.

This latter requirement overcomes the objections of these who have said that a pull date by itself is not enough, and that consumers must also know the storage requirements which apply after a product leaves the supermarket and is brought into a consumer's home.

The bill defines a perishable food as any packaged food with a high risk of any of the following: Spoilage, significant loss of nutritional value, significant loss of palatability.

In addition to the individual consumer packages, the pull date would be placed on the shipping containers to improve the turnover and rotation of goods through the distribution process.

Perishable foods whose pull date had expired could be sold if wholesome and if separated from other food and clearly identified as having passed the pull date.

Mr. President, experience has shown that the open dating of perishable foods will not inconvenience either the food processor or the food distributor. What the open dating provisions of my proposal seek to accomplish is to provide an assurance to the consumer that perishable and semiperishable foods purchased in the store are wholesome and free from health hazards.

I ask unanimous consent that the text of my bill be printed at the point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

SECTION 1. The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended by adding at the end thereof the following new title:

"TITLE II

"DEFINITIONS

"SEC. 201. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(2) The term 'food' has the meaning prescribed for that term by section 201 of the Federal Food, Drug, and Cosmetic Act, except that such term does not include any fresh fruit or vegetable.

"(3) The term 'perishable or semiperishable food' means any food which the Secretary determines has a high risk of any of the following as it ages:

"(A) spoilage;

"(B) significant loss of nutritional value; or

"(C) significant loss of palatability.

"(4) The term 'pull date' means the last date on which a perishable or semiperishable food can be sold for consumption without a high risk of spoilage or significant loss of nutritional value or palatability, if stored by the consumer after that date for the period which a consumer can reasonably be expected to store that food.

"(5) The term 'label' means any written, printed, or graphic matter affixed to or appearing upon any container or wrapping in which a perishable or semiperishable food is enclosed.

"(6) The terms 'package' and 'principal display panel' have the meanings prescribed for those terms by sections 110(b) and 110(f), respectively, of title I of this Act.

"LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

"SEC. 202. (a) No person who manufactures or packages a perishable or semiperishable food in the form in which it is sold by retail distributors to consumers may distribute (or cause to be distributed) for purposes of sale a perishable or semiperishable food packaged by him in such form unless he has, in accordance with the requirements of subsection (f), labeled such packages to show (the pull date for such food, and (2) the optimum temperature and humidity conditions for its storage by the ultimate consumer.

"(b) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food may sell, offer to sell, or display for sale such food unless the food's package is labeled in accordance with subsection (a).

"(c) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food may sell, offer to sell, or display for sale any such food whose pull date, as specified on its package's label, has expired unless—

"(1) the food is fit for human consumption, as determined under applicable Federal, State, or local law,

"(2) such person separates the food from other packaged perishable or semiperishable foods whose pull dates, as specified on their packages' labels, have not expired, and

"(3) such person clearly identifies the food as a food whose pull date has expired.

"(d) No person engaged in the business of manufacturing, processing, packing, or distributing perishable or semiperishable foods, may place packages of such foods, labeled in accordance with subsection (a), in shipping containers or wrappings unless such containers or wrappings are labeled by him, in accordance with regulations of the Secretary, to show the pull date (or dates) on the labels of such packages.

"(e) No person may change, alter, or remove before the sale of a packaged perishable or semiperishable food to the ultimate consumer any pull date required by this section to be placed on the label of such food's package or shipping container or wrapping.

"(f)(1) The pull date and the storage instructions required to be on the label of a packaged perishable or semiperishable food under subsection (a) shall be determined in the manner prescribed by regulations of the Secretary.

"(2) A pull date shall, in accordance with regulations of the Secretary—

"(A) be (i) in the case of the month contained in the pull date, expressed in the commonly used letter abbreviations for such month, and (ii) otherwise expressed in such combinations of letters and numbers as will enable the consumer to readily identify (without reference to special decoding information) the day, month, or year, as the case may be, comprising the pull date; and

"(B) be separately and conspicuously stated in a uniform location upon the principal display panel of the label required under subsection (a).

"(3)(A) Any regulation under paragraph (1) prescribing the manner in which pull dates for a packaged perishable or semiperishable food shall be determined may include provisions—

"(i) prescribing the time periods to be used in determining the pull dates for such food,

"(ii) prescribing the data concerning such food (and the conditions affecting it before and after its sale to the consumer) to be used in determining its pull dates, or

"(iii) permitting a person engaged in the business of manufacturing, processing, packaging, or distributing such food to determine its pull dates using such time periods and data as such person considers appropriate.

"(B) If such regulation includes provisions described in subparagraph (A)(iii) of this paragraph, such regulation shall also contain—

"(i) such provisions as may be necessary to provide uniformity, where appropriate, in the time periods used in pull date determinations; and

"(ii) provisions for regular review by the Secretary of the pull date determinations and the time periods and data upon which they are based.

"PENALTIES AND INJUNCTIONS

"SEC. 203. (a) Any person who knowingly or willfully violates any provision of section 202, or any regulation made thereunder, shall be imprisoned for not more than one year or fined not more than $5,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $25,000, or both.

"(b) Any packaged perishable or semiperishable food that is distributed in violation of section 202 or any regulation made thereunder shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which such packaged food is found. Section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) (relating to seizures) shall apply with respect to proceedings brought under this subsection and to the disposition of packaged foods subject to such proceedings.

"(c)(1) The United States district courts shall have jurisdiction, for cause shown, to restrain violations of section 202 and regulations made thereunder.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of section 202 or a regulation made thereunder, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d) In the case of any imports into the United States of any packaged perishable or semiperishable food covered by this title, the provisions of section 202 and regulations made thereunder shall be enforced by the Secretary of the Treasury pursuant to section 801 (a) and (b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381).

"(e) Before any violation of section 202 or a regulation made thereunder is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

"(f) Nothing in this title shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of section 202 or a regulation made thereunder whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(g)(1) Actions under subsection (a) or (c) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(2) In any actions brought under subsection (a) or (c) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

"REGULATIONS

"SEC. 204. The Secretary shall make regulations pursuant to this title in accordance with the procedures prescribed by section 553 of title 5 of the United States Code (other than clause (B) of the last sentence of subsection (b) of such section).

"REPORTS TO CONGRESS

SEC. 205. The Secretary shall transmit to the Congress in January of each year a report containing a full and complete description of his activities for the administration and enforcement of this title in the preceding fiscal year.

"COOPERATION WITH STATE AUTHORITIES

SEC. 206. (a) The Secretary shall (1) transmit copies of each regulation made under this title to all appropriate State officers and agencies, and (2) furnish to such State officers and agencies information and assistance to promote to the greatest practicable extent uniformity in State and Federal regulation of the labeling of packaged perishable or semiperishable foods.

"(b) Nothing contained in this section shall be construed to impair or otherwise interfere with any program carried into effect by the Secretary under other provisions of law in cooperation with State governments or agencies, instrumentalities, or political subdivisions thereof.

"EFFECT UPON STATE OR LOCAL LAW

"SEC. 207. If any labeling requirement for pull dates or storage conditions is in effect under this title with respect to any packaged perishable or semiperishable food, no State or political subdivision of a State may establish or continue in effect, with respect to such packaged food, any law prescribing any such labeling requirement which is not identical to the labeling requirement in effect under this title; except that this section shall not be construed to (1) abate any prosecution or other action for the enforcement of such a law of a State or political subdivision of a State begun before the date this title takes effect, or (2) release or extinguish any penalty, forfeiture, or liability incurred under such law."

TECHNICAL AMENDMENTS

SEC. 2. (a) Whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Packaging and Labeling Act.

(b) The second sentence of section 2 is amended by inserting "and quality" after "quantity".

(c) Sections 3, 4, 5, 6, 7, 8, 9, 10, and 12 are each amended by striking out "this Act" each place it occurs and inserting in lieu thereof "this title"; and section 13 is amended by striking out "This Act" and inserting in lieu thereof "This title".

(d) The following is inserted between section 2 and section 3:

"TITLE I".

(e)(1) Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 are redesignated as sections 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111, respectively.

(2)(A) Sections 102(a), 102(b), and 105 (a) (as so redesignated) are each amended by striking out "section 3" and inserting in lieu thereof "section 101".

(B) Sections 103(b), 103(c), 104(a), 104 (b), and 110 (as so redesignated) are amended by striking out "section 4" and inserting in lieu thereof "section 102"; and section 105(c) (as so redesignated) is amended by striking out "sections 4" and inserting in lieu thereof "sections 102".

(C) Sections 104(a), 104(b), and 106 (as so redesignated) are each amended by striking out "section 5" and inserting in lieu thereof "section 103"; and section 105(c) (as so redesignated) is amended by striking out "and 5" and inserting in lieu thereof "and 103".

(D) Section 102(a) (as so redesignated) is amended by striking out "section 6" and inserting in lieu thereof "section 104".

EFFECTIVE DATE

SEC. 3. The amendments made by sections 1 and 2 of this Act shall take effect on the first day of the seventh calendar month beginning after the date of its enactment.

By Mr. JAVITS (for himself, Mr. WILLIAMS, Mr. CASE, Mr. CRANSTON, Mr. DOMINICK, Mr. HUMPHREY, Mr. INOUYE, Mr. MONDALE, Mr. PASTORE, Mr. PERCY, Mr. STEPHENS, Mr. TAFT, and Mr. TUNNEY):

S.J. Res. 116. A joint resolution to authorize and request the President to proclaim the period September 12, 1971, through September 20, 1971, as "Myasthenia Gravis Week." Referred to the Committee on the Judiciary.

MYASTHENIA GRAVIS WEEK

Mr. JAVITS. Mr. President, on behalf of myself and Mr. WILLIAMS, and Mr. CASE, Mr. CRANSTON, Mr. DOMINICK, Mr. HUMPHREY, Mr. INOUYE, Mr. MONDALE, Mr. PASTORE, Mr. PERCY, Mr. STEPHENS, Mr. TAFT, and Mr. TUNNEY, I introduce, for appropriate reference, a joint resolution to authorize the President of the United States to issue a proclamation designating September 12, 1971, through September 20, 1971, as "Myasthenia Gravis Week."

This proposal has the support of the Myasthenia Gravis Foundation, Inc., a nonprofit voluntary health agency, established in 1952.

Myasthenia gravis—a neuromuscular disease—comes from the Greek and Latin words meaning serious muscle weakness and was first noted as early as 1672—almost 300 years ago—but the first important research and patient care were not instituted until 1938 and it was not until the organization of the foundation in 1952 that specific diagnostic procedures and drug therapy were established. The advances made possible through research and education programs have saved many lives and permitted thousands to lead more normal lives. Heading the list of achievements is the lowering of the mortality rate from 85 to 15 percent. This is a spectacular achievement in itself and justifies faith in the importance of the work being done.

The exact incidence of myasthenia gravis is not known since it is not among diseases which must be reported to public health authorities. However, surveys estimated it occurs in 1 in 10,000 of the general population. Since some cases are not recognized, the actual incidence may be still higher.

The drugs used to control myasthenia gravis are very expensive. To help ease the financial burden faced by the patient who must take 20 to 30 pills a day, pill banks have been set up where the pills can be purchased at a greatly reduced cost.

Prior to the foundation's grants-to-clinics program which was established in 1954, only one specialized diagnostic and treatment center for myasthenics existed in the United States. There are now 23 clinics in key cities. Here, where personal relationship with the patient is stressed, individualized treatment under strict supervision is given.

The clinics located in universities and medical centers provide an important environment for research and offer a central source for the latest information and most promising new techniques.

To correct many misconceptions about myasthenia, and to help the patient adjust to his disability and fulfill his capabilities, education of the patient, relatives, employers, and others directly or indirectly concerned with the problems of the patient is vital. Efforts to bring proper evaluation, care and public awareness of the myasthenic patient are uninterrupted. A public information program, therefore, is another major undertaking of the foundation's nationwide programs.

A national observance—through a Presidential proclamation of September 12–20, 1971, as Myasthenia Gravis Week will support and encourage basic research into the cause and cure of myasthenia gravis, and in the establishment of additional treatment centers and assist in the dissemination of information among the members of the medical profession as well as the general public.

I commend this joint resolution to my colleagues and urge their support. I ask unanimous consent that the text of this resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 116

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, since Myasthenia Gravis is a neuromuscular disease afflicting thousands of the general population of the Nation each year, and there is need to support research, education, drug banks, clinics and the dissemination of medical and public information concerning this disorder, the President is authorized and requested to issue a proclamation designating the period between September 12, 1971, through September 20, 1971, as "Myasthenia Gravis Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 221

At the request of Mr. KENNEDY, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 221, the Fisheries Development Act of 1971.

S. 537

At the request of Mr. ANDERSON, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 537, to include chiropractors' services among the benefits provided under part B of the Social Security Act.

S. 1081

At the request of Mr. BAYH, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Utah (Mr. MOSS) were added as cosponsors of S. 1081, a bill to extend benefits to killed or disabled firemen and policemen.

S. 1377

At the request of Mr. MATHIAS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1377, a bill to reduce pollution which is caused by litter composed of soft drink and beer containers.

S. 1662

At the request of Mr. INOUYE, the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of S. 1662, a bill to provide for the conveyance of the island of Kahoolawe to the State of Hawaii, and for other purposes.

S. 2023

At the request of Mr. BAYH, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2023, to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service.

S. 2040

At the request of Mr. BOGGS, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 2040, a bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen.

S. 2046

At the request of Mr. MONTOYA, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2046, a bill to establish methods of payment for national forest timber.

S.J. RES. 75

At the request of Mr. MONDALE, the Senator from Alaska (Mr. STEVENS) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Joint Resolution 75, a joint resolution to establish a National Advisory Commission on Health Science and Society.

SENATE RESOLUTION 137—SUBMISSION OF A RESOLUTION RELATING TO A VOLUNTARY PENSION SYSTEM

(Referred to the Committee on Finance.)

Mr. TOWER. Mr. President, I am submitting today a sense of the Senate resolution urging the President to take appropriate action to give consideration to establishing a companion voluntary pension system to the social security system.

The language for this resolution is adapted from recommendation 5 of the report of the President's Task Force on the Aging. The task force's recommendation differs from my resolution only to the point that they endorse the establishment of an Independent Pension Commission to study this question and others relating to current practices and potential reforms within the Nation's pension systems. I am not ready at this time to give support to the establishment of such a Government commission.

However, I am in full agreement with the policy statement of the task force that employee pension programs deserve support and encouragement from the Government.

Mr. President, so that my colleagues in the Senate can fully understand the intent of this resolution, I ask unanimous consent that the full text of the President's task force's recommendation relating to this resolution be printed in the RECORD at this point.

There being no objection, the recommendation was ordered to be printed in the RECORD, as follows:

RECOMMENDATION 5

The Task Force recognizes that a high proportion of pension coverage has already been achieved in major industries and in stable employment situations. Further extension of coverage is more difficult because it involves reaching a larger proportion of small firms and organizations whose future at best is precarious. The Task Force is nevertheless convinced that the employee pension concept carries with it so many advantages for the Nation and its future elderly that its continued growth is vital. Imaginative new programs must be sought.

The Task Force believes some type of "portability" system should be devised so that an employee working in occupations in which conventional group coverage is rare can have a standard form of retirement account into which the employee and any of his employers who agree to do so can make contributions throughout his working career. The economics of modern computer technology suggests that high recordkeeping costs which in the past militated against such a system are no longer compelling.

We, therefore, recommend that the President direct the Pension Commission, as a high priority, to enlist the ingenuity of the financial community in designing as a companion to the Social Security system a portable voluntary pension system.

Mr. TOWER. Mr. President, it is easily recognizable that the recommendation does not seek to limit or constrict the availability of the Social Security System to elderly Americans. The recommendation and my resolution are only intended to express the desire that study should be given to the possibility of promoting alternative pension systems as a companion program to the existing Social Security System.

I am a long-time supporter of the social security program. It is my strong hope that the Congress will enact legislation this year that will further strengthen this program. By introducing this resolution I do not intend to weaken the social security program. I would support the establishment of the voluntary pension mechanism only after it was found to be feasible and only after the voluntary program was agreed upon by both employer and employee. Like the President's Task Force on the Aging, I recognize the positive attributes of the private pension system. First, they offer flexibility and diversity for both the contributors and beneficiaries. Secondly, they contribute greatly to savings and economic growth. Thirdly, these programs give due recognition to the individual's role in the productive process.

Furthermore, I would like to emphasize the task force's "portability" concept. A companion to social security would certainly be counterproductive if it did not embody a formula allowing an individual to continue in the pension plan after he has moved from one job to another. America's technological strides in the past century has enabled our society to be the most mobile society in world history. Our people are now able to pick up their belongings and move from one locality to another with very little hesitation. The freedom to move and travel without fear of economic and personal repercussions is certainly one of the greatest offshoots of our technological revolution.

It has been long felt that portability could not be built into a companion system to social security. In a highly mobile society such as we have in America today, our citizens must be given assurance that their pension rights will be maintained when they exercise their right to move from job to job in various geographic localities. The President's Task Force on the Aging has taken the position that sophisticated tools are now available to insure the individual's pension rights in a private companion system regardless of any change in employment status throughout his working career. This conclusion drawn by a Presidential Task Force should spark renewed interest into this question by employer and employee groups as well as by Government officials.

In conclusion, I hope that this body would work closely with the executive branch in developing this concept. It would be worthwhile, in my opinion, for the Senate Labor and Public Welfare Committee to consider the voluntary portable pension system idea should it conduct further hearings on the Nation's existing pension systems. In addition, I will of course be looking forward to any comments emanating from the executive branch concerning the possibility of an extensive feasibility study on this matter.

The resolution (S. Res. 137) reads as follows:

S. RES. 137

Resolved, That it is the sense of the Senate that the President should direct the proper officers of the Executive departments and agencies to seek the cooperation of leaders of the business and financial community in designing, as companion to old-age, survivors, and disability insurance under the Social Security Act, a comprehensive standard voluntary pension system assuring portability of accrued pension rights and benefits.

SENATE RESOLUTION 138—REPORT OF AN ORIGINAL RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution which was referred to the Committee on Rules and Administration:

S. RES. 138

Authorizing the Committee on Interior and Insular Affairs to expend additional funds from contingent fund of the Senate

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the 92d Congress, $20,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946, as amended.

SENATE RESOLUTION 139—SUBMISSION OF A RESOLUTON RELATING TO THE REPRESENTATION IN THE UNITED NATIONS OF THE PEOPLE'S REPUBLIC OF CHINA

(Referred to the Committee on Foreign Relations.)

Mr. KENNEDY. Mr. President, I send to the desk for appropriate reference a resolution urging the United States to withdraw its opposition to the seating of the People's Republic of China as the sole and legitimate representative of China on the United Nations, including the General Assembly, the Security Council, and all the other member agencies and organs of the U.N.

The resolution is based on the brief but extremely significant policy statement issued earlier this week by a distinguished group of 110 American China scholars, led by Prof. Allen S. Whiting of the University of Michigan. The signers of the statement include scholars at 50 colleges and universities in 19 States, and represented a broad cross-section of academic opinion in many different regions of the country.

The essence of the resolution I have introduced is the proposal that the United States should adopt a "one China" policy toward Chinese representation in the United Nations, and that only the People's Republic of China—the Peking Government—is entitled to designation as the Government of China for purposes of such representation.

The resolution specifically rejects the adoption of a "two China" policy, in the absence of any prior agreement to accept such a policy by the parties most immediately involved—the government in Peking and the government in Taipei. For many years, as Members of the Senate are aware, both Peking and Taipei have emphatically rejected any resolution of the issue that would be grounded in a "two China" policy. The pursuit of such two China policy by the United States at this time would be as futile as it would be illogical, since neither claimant to the seat of China would accept the solution.

In recent weeks and months, as every Senator is aware, we have seen substantial changes involving our policy toward China. The relaxation of the restrictions on travel and trade, and especially the visit of the American ping pong teams to China, have been significant steps toward ending our decades old policy of diplomatic and economic isolation of the People's Republic of China. In a sense, however, these changes have been important not so much for their significance in themselves, but for their symbolic value as harbingers of changes to come with respect to the three overriding aspects of our China policy—the question of representation in the United Nations for Peking, the question of the future of Taiwan, the question of American diplomatic relations with Peking.

As the resolution I have introduced makes clear, the latter two issues—the future of Taiwan and of relations between Washington and Peking—are complex issues that will require time, negotiation, and accommodation to resolve. The detailed considerations involved in these issues will be discussed at length in hearings scheduled to begin next week in the Committee on Foreign Relations, and I commend Senator Fulbright for the welcome initiative he has taken in this area.

Pending a peaceful solution of these other issues, however, nothing in the resolution, and no other action we take toward China, should in any way be permitted to jeopardize the unequivocal commitment of the United States to the defense of Taiwan.

The issue of United Nations representation for Peking is coming to a head this fall, and can be easily resolved. For a generation, the United States has rigidly opposed such representation. Now, at last, the pendulum has begun to swing, and there is a very real possibility that we have reached the end of the official international fiction, maintained so long by the United Nations largely at the insistence of the United States, that somehow the government of the 14 million people on Taiwan is also the government of the 800 million people of mainland China.

It is long past time for the United States to accept the representatives of the People's Republic of China in the United Nations, and I urge the Senate to go on record in favor of this goal.

Mr. President, I ask unanimous consent for the text of the resolution to be printed in the RECORD, together with the text of a press release issued on behalf of the scholars to whom I have referred, and the text of an address I delivered in 1969 that sets out my views on this issue in greater detail.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. 139

Resolved, That the Senate declares:

(1) That the People's Republic of China should be granted its legitimate seat in all principal and subsidiary organs of the United Nations as the sole government of China;

(2) That the United States should make no effort to impose a formula for dual representation by the People's Republic of China and the Republic of China (Taiwan) in the United Nations without the prior agreement of those two governments to such a formula;

(3) That the future status of Taiwan and the future status of relations between the United States and the People's Republic of China are complex issues requiring time, negotiation, and accommodation to resolve; and

(4) That pending the resolution of these issues, the People's Republic of China should be granted its legitimate place in the United Nations.

[From the New York Times, June 14, 1971]

A POLICY STATEMENT BY U.S. CHINA SCHOLARS

As scholars in Chinese studies, we believe it imperative that the People's Republic of China be granted its legitimate seat in all United Nations bodies as the sole government of China. We oppose any effort by the United States to impose a formula for dual representation without the prior agreement of both claimants to China's seat. In the absence of such agreement, the question for the United Nations is simply who represents China. On this question, the answer is clearly the government in Peking. As for the future of Taiwan and of Washington-Peking relations, these are complex issues whose resolution will require time, negotiation, and accommodation. In the meantime, Peking should be granted its legitimate place in the United Nations.

Lawrence Battistini, Michigan State University.
Richard Baum, U.C.L.A.
Peter M. Bear, University of Michigan.
George M. Beckman, University of Washington.
Louise Bennett, Los Angeles.
Thomas P. Bernstein, Yale.
Dwight Biggerstaff, Cornell.
Eugene Boardman, University of Wisconsin.
Davis B. Bobrow, University of Minnesota.
Derk Bodde, University of Pennsylvania.
Howard L. Boorman, Vanderbilt.
Robert A. Burton, Univeristy of Kansas.
Claude A. Buss, San Jose State College.
Helmut G. Callis, University of Utah.
Maud E. Callis, University of Utah.
Madeleine Chi, Manhattan College.
S. M. Chu, Temple University.
O. Edmund Clubb, New York.
Jerome A. Cohen, Harvard.
Paul A. Cohen, Wellesley.
Warren I. Cohen, Michigan State University.
Robert Compton, University of Rochester.
Hilary Conroy, University of Pennsylvania.
Ralph C. Croizer, University of Rochester.
Robert F. Dernberger, University of Michigan.
John Despres, Santa Monica.
Ronald G. Dimberg, University of Virginia.
Fred W. Drake, University of Massachusetts.
R. Randle Edwards, Boston University
Alexander Eckstein, University of Michigan.
John K. Fairbank, Harvard.
John Fincher, Johns Hopkins.
Wesley R. Fishel, Michigan State University.
Hans H. Frankel, Yale.
Edward Friedman, University of Wisconsin.
Charlotte Furk, California State College, Long Beach.
Bernard Gallin, Michigan State University.
Michael Gassler, Rutgers.
Merle Goldman, Harvard.
Leonard H. Gordon, Purdue.
Walter Gourlay, Michigan State University.
Melvin Gurtov, Santa Monica.
James P. Harrison, Hunter College, CUNY.
George C. Hatch, Washington University.
Paul Hiniker, Michigan State University.
J. Stephen Hoadley, Washington University.
Charles Hoffmann, State University of N.Y., Stony Brook.
Franklin W. Houn, University of Massachusetts.
Harold R. Isaacs, Massachusetts Institute of Technology.
John Israel, University of Virginia.
Harold L. Kahn, Stanford.
Barry C. Keenan, Mount Holyoke.
Donald Klein, Columbia.
Philip A. Kuhn, University of Chicago.
Joseph Lee, Michigan State University.
Robert H. G. Lee, State University of N.Y., Stony Brook.
Alexander Levin, Dartmouth.
Charlton M. Lewis, Brooklyn College, CUNY.
Robert Jay Lifton, Yale.
Daniel Lovelace, Temple Buell College.
Stanley Lubman, University of California, Berkeley.
Marc Mancall, Stanford University.
Robert W. McColl, University of Kansas.
Maurice Meisner, University of Wisconsin.
Walter J. Meserve, Indiana University.
Lucien M. Miller, University of Massachusetts.
Harriet C. Mills, University of Michigan.
Jonathan Mirsky, Dartmouth.
J. Kent Morrison, University of Utah.
Donald Munro, University of Michigan.
Rhoads Murphey, University of Michigan.
Andrew J. Nathan, Columbia.
Dwight H. Perkins, Harvard.
Willard O. Peterson, Dartmouth.
David Poston, University of Redlands.
Jack M. Potter, University of California, Berkeley.
Alvin Rabushka, University of Rochester.
Dennis M. Ray, Calif. State College at Los Angeles.
Adele Rickett, University of Pennsylvania.
W. Allyn Rickett, University of Pennsylvania.
David T. Roy, University of Chicago.
Gilbert W. Roy, University of Virginia.
Wayne Schlepp, University of Wisconsin.
Lawrence A, Schneider, State University of N.Y., Buffalo.
John Schrecker, Princeton.
Benjamin I. Schwartz, Harvard.
A. C. Scott, University of Wisconsin.
Mark Selden, Washington University.
Charles Seymour, Yale.
James D. Seymour, New York University.
James Sheridan, Northwestern.
Sheldon W. Simon, University of Kentucky
Thomas R. Smith, University of Kansas.
So Kwan-wal, Michigan State Universit7.
Stanley Spector, Washington University.
S. Bernard Thomas, Oakland University.
James C. Thomson, Jr., Harvard.
George Totten, University of Southern California.
James R. Townsend, University of Washington.
Daniel Tretiak, Committee for a New China Policy.
Tang Tsou, University of Chicago.
Peter Van Ness, University of Denver.
Paul Varg, Michigan State University.
Ezra Vogel, Harvard.
Frederic E. Wakeman, Jr., University of Calif., Berkeley.
John R. Watt, University of Redlands.
Allen S. Whiting, University of Michigan.
Martin King Whyte, University of Michigan.
Roxane Witke, State University of N.Y., Binghamton.
Arthur F. Wright, Yale.

Paid for by donations, which may be sent to Allen S. Whiting, Department of Political Science, University of Michigan, Ann Arbor, Michigan. Names of colleges and universities given for identification purposes only.

SCHOLARS URGE PEOPLE'S REPUBLIC OF CHINA IN U.N.

(Press release by: Citizens to Change U.S. China Policy, 110 Maryland Avenue NE., Washington, D.C. 20002, (202) 544–1763)

June 14, 1971: More than 100 scholars in Chinese affairs from 50 colleges and universities in 19 States called today for seating the People's Republic of China in the UN.

In a New York Times advertisement, the scholars stated their opposition, moreover, to "any effort by the United States to impose a formula for dual representation without the prior agreement of both claimants to China's seat." The statement also declared that "the future of Taiwan and of Washington-Peking relations are complex issues whose resolution will require time, negotiation, and accommodation."

Professor Allen S. Whiting from the University of Michigan and chairman of Citizens to Change U.S. China Policy noted, "This is the first time since the scourge of Senator Joseph McCarthy swept the China field in the early 1950's that American scholars have spoken out on a political matter central to their concern." He called attention to the presence of such prominent professors as

John K. Fairbank of Harvard, George Beckmann of the University of Washington, Tang Tso of the University of Chicago, John Israel of the University of Virginia, Stanley Lubman of the University of California at Berkeley, Donald Klein of Columbia, Alexander Eckstein of the University of Michigan, Derk Bodde of the University of Pennsylvania, Arthur F. Wright of Yale, and Gordon Bennett of the University of Texas. He noted, too, the spread of scholarly opinion across the country in all regions.

Whiting added that the advertisement was paid for by contributions from individuals and did not represent any organization or commit the signatories to any position beyond that contained in the statement.

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE NATIONAL COMMITTEE ON UNITED STATES-CHINA RELATIONS, NEW YORK CITY, MARCH 20, 1969

This conference is one of the most important public sessions on China policy in recent years. That fact alone is extremely significant. The time at which this conference is being held is also significant. For if we ever hoped that the communist regime in China would disappear, our hope is in ruins today, as thousands of Chinese soldiers engage Russian border troops in the continuing struggle by two powerful nations for domination of the world communist movement.

Thousands of American soldiers are dying in Vietnam in a land war in Asia whose purpose, we are told, is the containment of Peking. Demonstrations against American bases in Japan and Okinawa—bases built in part to contain China—shake the foundation of Japan. The shadow of Peking hangs dark over the discussions in Paris and over virtually every conference we attend on arms control. The success of the Nuclear Nonproliferation Treaty, on which the ink is hardly dry, depends in large part on the participation of China.

If we ever hoped that somehow our relations with China could be stabilized at a point of rigid hostility without domestic sacrifice our hope was dashed when we were told last week by our government that we must now spend $7 billion as a downpayment to protect our missiles and our nation from nuclear attack by China.

It is for these reasons that I consider this conference, and what can come from it, so important to the foreign policy of our nation. It is imperative that the issues you have discussed for so long become part of the national agenda of the United States. For almost twenty years, the United States has pursued the same unyielding policy of military containment and diplomatic isolation toward Communist China. However valid that policy may have seemed for the Cold War of the Fifties, it is demonstrably false in the Sixties, and must not be carried into the Seventies.

Every new Administration has a new opportunity to rectify the errors of the past. Each such opportunity consists in large part of the precious gift of time—time in which the good intentions of the government are presumed; time in which the normal conflicts of politics are suspended; time in which the new government has a chance to show it is not tied to the policies of its predecessor.

If the new Administration allows this time to pass without new initiatives; if it allows inherited policies to rush unimpeded along their course, it will have wasted this opportunity. It will have compromised the promises it made to the American people, and worst of all, it will have disappointed the hopes and expectations of the world.

This is especially true in Vietnam. There is growing impatience with the continuing loss of American lives and the seeming frustration of our hopes for the reduction of violence and for the reduction of the American commitment. The advent of a new Administration affords a moment of hope for millions of Americans and Vietnamese. It is a moment that will not long be with us.

The same opportunity exists for our policies throughout Asia. That is why it is all the more important that you who have been involved in the formulation and evaluation of those policies, both in private life and public service, meet here at this time to chart your recommendations.

For twenty years, our China policy has been a war policy. For far too long, we have carried out hostile measures of political, diplomatic, and economic antagonism toward one of the wold's most important nations.

Now we must turn away from our policy of war and pursue a policy of peace. We must seek a new policy, not because of any supposed weakness in our present position or because we are soft on China, but because it is in our own national interest and the interest of all nations. By its sheer size and population, China deserves a major place in the world. As a nuclear power and a nation of 750 million citizens—likely to exceed one billion by the 1980's—China demands a voice in world efforts to deal with arms control and population control, with Asian security and international economic development, with all the great issues of our time.

Yet sixteen years after the end of the Korean War, we do not trade with China. We have no scientific or cultural exchanges. We oppose the representation of China in the United Nations. We refuse to give any sort of diplomatic recognition to the Communist regime on the mainland, and continue to recognize the Nationalist regime of Chiang Kai-Shek on Taiwan as the government of all China. Instead of developing ways to co-exist with China in peace, we assume China will attack us as soon as she can, and we prepare to spend billions to meet that threat.

By some cruel paradox, an entire generation of young Americans and young Chinese have grown to maturity with their countries in a state of suspended war toward one another. Tragically, the world's oldest civilization, the world's most populous nation and the world's richest and most powerful nation, glare at each other across the abyss of nuclear war.

The division between us goes back to American support of the Chinese Nationalist regime during World War II, and to the immediate post-war struggle between the Communists and the Nationalists. In the beginning, our policy was uncertain. The Communists gained power over the mainland in 1949. Between then and the outbreak of the Korean War in 1950, the United States seemed to be preparing to accept the fact of the Chinese Revolution. After the retreat of the Nationalists to Taiwan, our government refused to go to their aid and refused to place the American Seventh Fleet in the Taiwan Straits to prevent a Communist takeover of the island. To do so, we said, would be to intervene in the domestic civil war between the Communists and the Nationalists.

This policy was fully debated by the Congress and the public. Although we deplored the Communist rise to power, we recognized we could do nothing to change it. We anticipated that we would soon adjust to the new Asian reality by establishing relations with the Communist regime.

This situation changed overnight on June 25, 1950, when North Korea attacked South Korea. Fearing that the attack foreshadowed a Communist offensive throughout Asia, the United States ordered the Seventh Fleet into the Taiwan Strait and sent large amounts of military aid to the weak Nationalist Government on the island. To the Communists, the meaning was clear. We would use force to deny Taiwan to the new mainland government, even though both the Communists and the Nationalists agreed the island was Chinese.

Shortly thereafter, in response to the attempt of our forces to bring down the North Korean Government by driving toward the Chinese border, China entered the Korean War. With hindsight, most experts agree that China's action in Korea was an essentially defensive response, launched to prevent the establishment of a hostile government on her border. At the time, however, the issue was far less clear. At the request of the United States, the United Nations formally branded China as an aggressor, a stigma that rankles Peking's leaders even today.

While we fought the Chinese in Korea, we carried out a series of political and economic actions against their country. We imposed a total embargo on all American trade with the mainland. We froze Peking's assets in the United States. We demanded that our allies limit their trade with China. We conducted espionage and sabotage operations against the mainland, and supported similar efforts by the Nationalists. We began to construct a chain of bases, encircling China with American military power, including nuclear weapons.

It is not my purpose here to question the merits of the actions we took while fighting China in Korea. We all remember the climate of those times and the great concern of our country with Chinese military actions. Today, however, sixteen years after the Korean armistice was signed, we have taken almost no significant steps to abandon our posture of war toward China and to develop relations of peace.

Let us look at our policy from the viewpoint of Peking: China's leaders to see the United States supporting the Nationalists' pretense to be the government of the mainland. They see thousands of American military personnel on Taiwan. American warships guard the waters between the mainland and Taiwan. American nuclear bases and submarines ring the periphery of China. The United States supports Nationalist U–2 flights over the mainland, as well as Nationalist guerrilla raids and espionage. Hundreds of thousands of American soldiers are fighting in Vietnam to contain China. America applies constant diplomatic and political pressure to deny Peking a seat in the United Nations, to deny it diplomatic recognition by the nations of the world, and to deny it freedom of trade. We turn our nuclear warheads toward China. And now we prepare to build a vast ABM system to protect ourselves against China. In light of all these facts, what Chinese leader would dare to propose anything but the deepest hostility toward the United States?

With respect to the ABM question, I am strongly opposed for many reasons to the deployment of the Pentagon's system. For the purpose of the present discussion, however, one of its most significant drawbacks is that it is likely to be seen in Peking as a new military provocation by the United States. Our overwhelming nuclear arsenal already provides adequate deterrence against any temptation by Peking to engage in a first strike against the United States. From the Chinese perspective, the only utility of an American ABM system is to defend the United States against whatever feeble response Peking could muster after an American first strike against China. Far from deterring aggression by China, therefore, deployment of the ABM system will simply add fuel to our warlike posture toward China. It will increase Chinese fears of American attack and will encourage China's leaders to embark on new steps in the development of their nuclear capability. Apart from the technical and other policy objections that exist against the ABM system, I believe it makes no sense from the standpoint of a rational Asia policy for America.

In large part, our continuing hostility toward China after the Korean War has rested on a hope that is now obviously forlorn, a hope that under a policy of military containment and political insolation the Communist regime on the mainland would be a passing phenomenon and would eventually be repudiated by the Chinese people. Few of us today have any serious doubt that Communism is permanent for the foreseeable future on the mainland. There is no believable prospect that Chiang Kai-Shek and the Nationalists will return to power there, however regrettable we may regard that fact.

Surely, in the entire history of American foreign policy, there has been no fiction more palpably absurd than our official position that Communist China does not exist. For twenty years, the Nationalists have controlled only the two million Chinese and eleven million Taiwanese on the island of Taiwan, one hundred miles from the mainland of China. How long will we continue to insist that the rulers of Taiwan are also the rulers of the hundreds of millions of Chinese on the millions of square miles of the mainland? It is as though the island of Cuba were to claim sovereignty over the entire continent of North America.

The folly of our present policy of isolating China is matched by its futility. Almost all other nations have adjusted to the reality of China. For years, Peking has had extensive diplomatic, commercial and cultural relations with a number of the nations in the world, including many of our closest allies. Outside the United Nations, our policy of quarantine toward China has failed. To the extent that the Communist regime is isolated at all, it is isolated largely at China's own choosing, and not as a consequence of any effective American policy.

Our actions toward China have rested on the premise that the People's Republic is an illegitimate, evil and expansionist regime that must be contained until it collapses or at least begins to behave in conformity with American interests. Secretary of State Dulles was the foremost exponent of this moralistic view, carrying it to the extent that he even refused to shake hands with Chou En-Lai at the Geneva Conference in 1954. That slight has not been forgotten.

The Communist regime was said to be illegitimate because, we claimed, it had been imposed on the supposedly unreceptive Chinese people by agents of the Soviet Union. Communist China, according to this view, was a mere Soviet satellite. One Assistant Secretary in the State Department called it a Soviet Manchukuo, suggesting that China's new leaders were no more independent than were the Chinese puppets whom Japan installed in Manchuria in the 1930's. This evaluation grossly exaggerated the extent to which Soviet aid was responsible for the Communist takeover of China, and the events of the past decade—amply confirmed by the intense hostility of the current border clashes—have shattered the myth of Soviet domination of China.

The Communist regime was said to be evil because of the great violence and deprivation of freedom that it inflicted on millions of people who opposed its rise to power. Obviously, we cannot condone the appalling cost, in human life and suffering, of the Chinese Revolution. Yet, in many other cases, we have recognized revolutionary regimes, especially when the period of revolutionary excess has passed. Even in the case of the Soviet Union, the United States waited only 16 years to normalize relations with the revolutionary government.

Unfortunately, we have tended to focus exclusively on the costs of the Chinese revolution. We have ignored the historical conditions that evoked it and the social and economic gains it produced. We have ignored the fact that the Nationalists also engaged in repressive measures and deprivations of freedom, not only during their tenure on the mainland, but also on Taiwan. We have created a false image of a struggle between "Free China" and "Red China," between good and evil. Given our current perspective and the greater understanding of revolutionary change that has come with time, we can now afford a more dispassionate and accurate review of the Chinese Revolution.

Finally, there is the charge that the Communist regime is an expansionist power. At the bottom, it is this view that has given rise to our containment policy in Asia, with the enormous sacrifices it has entailed. The charge that the Communist regime is expansionist has meant different things at different times. On occasion, American spokesmen have conjured up the image of a "Golden Horde" or "Yellow Peril" that would swoop down over Asia. Today, most leaders in Washington employ more responsible rhetoric, and it is the Russians who perpetuate this image of China.

Virtually no experts on China expect Peking to commit aggression, in the conventional sense of forcibly occupying the territory of another country—as the Soviet Union recently occupied Czechoslovakia. Such action is in accord with neither past Chinese actions nor present Chinese capabilities. Despite their ideological bombast, the Chinese Communists have in fact been extremely cautious about risking military involvement since the Korean War. The Quemoy crises of the 1950's and the 1962 clash with India were carefully limited engagements. The struggle over Tibet is widely regarded as a reassertion of traditional Chinese jurisdiction over that remote area. China has not used force to protect the overseas Chinese in the disturbances in Burma, Malaysia, or Indonesia. Her navy and air force are small. She can neither transport her troops nor supply them across the long distances and difficult terrain of a prolonged war of aggression.

Obviously, our concern today is not so much the danger of direct Chinese aggression as the danger of indirect aggression, based on Chinese efforts to subvert existing governments and replace them with governments friendly to Peking. Yet, until Vietnam led to our massive involvement in Southeast Asia, Peking enjoyed only very limited success in its attempts to foster "wars of national liberation." Although China of course will claim to play a role wherever political instability occurs in Asia, Africa and even Latin America, its record of subversion is unimpressive. On the basis of the past, it is very likely that nations whose governments work for equality and social justice for their people will be able to overcome any threat of Chinese subversion.

Furthermore, we can expect that time will moderate China's revolutionary zeal. Experience with the Soviet Union and the Eastern European Communist nations suggests that the more fully China is brought into the world community, the greater will be the pressure to behave like a nation-state, rather than a revolutionary power.

Ironically, it is Communist China's former teacher, the Soviet Union, that is now determined to prevent any moderation of Chinese-American hostility. We cannot accept at face value the current Soviet image of China, for the Soviets have far different interests in Asia than we do. Although we must persist in our efforts to achieve wider agreement with Moscow, we must not allow the Russians to make continuing hostility toward Peking the price of future Soviet-American cooperation. Rather than retard our relations with Moscow, a Washington-Peking thaw might well provide the Soviet Union with a badly needed incentive to improve relations with us.

We must not, however, regard relations with Peking and Moscow as an "either/or" proposition. We must strive to improve relations with both. We must be alert, therefore, to any opportunity offered by the escalating hostility between China and the Soviet Union to ease our own tensions with those nations.

Both of us—Chinese and Americans alike—are prisoners of the passions of the past. What we need now, and in the decades ahead is liberation from those passions. Given the history of our past relations with China, it is unrealistic to expect Peking to take the initiative. It is our obligation. We are the great and powerful nation, and we should not condition our approach on any favorable action or change of attitude by Peking. For us to begin a policy of peace would be a credit to our history and our place in the world today. To continue on our present path will lead only to further hostility, and the real possibility of mutual destruction.

Of course, we must not delude ourselves. Even if the United States moves toward an enlighted China policy, the foreseeable prospects for moderating Chinese-American tensions are not bright. It is said that there is no basis for hope so long as the current generation of Communist Chinese leader's remains in power. This may well be true. Yet, Peking's invitation last November to resume the Warsaw talks, although now withdrawn, suggests the possibility that China's policy may change more rapidly than outside observers can now anticipate.

We must remember, too, that the regime in Peking is not a monolith. As the upheavals of the Great Leap Forward and the Cultural Revolution have shown, China's leaders are divided by conflicting views and pressures for change. We must seek to influence such change in a favorable direction. We can do so by insuring that reasonable options for improved relations with the United States are always available to Peking's moderate or less extreme leaders.

The steps that we take should be taken soon. Even now, the deterioration of Chinese-Soviet relations in the wake of the recent border clashes may be stimulating at least some of the leaders in Peking to re-evaluate their posture toward the United States and provide us with an extraordinary opportunity to break the bonds of distrust.

What can we do to hasten the next opportunity? Many of us here tonight are already on record as favoring a more positive stand. We must actively encourage China to adopt the change in attitude for which we now simply wait. We must act now to make clear to the Chinese and to the world that the responsibility for the present impasse no longer lies with us.

First, and most important, we should proclaim our willingness to adopt a new policy toward China—a policy of peace, not war, a policy that abandons the old slogans, embraces today's reality, and encourages tomorrow's possibility. We should make clear that we regard China as a legitimate power in control of the mainland, entitled to full participation as an equal member of the world community and to a decent regard for its own security. The policy I advocate will in no way impede our ability to respond firmly and effectively to any possibility of attack by the Chinese. What it will do, however, is emphasize to China that our military posture is purely defensive, and that we stand ready at all times to work toward improvement in our relation.

Second, we should attempt to reconvene the Warsaw talks. At the time the talks were cancelled, I wrote the Secretary of State, asking the Administration to make an urgent new attempt to establish the contact that we so nearly achieved at Warsaw, and to do so before the air of expectancy that hung over the talks is completely dissipated. If the talks are resumed, we should attempt to transform them into a more confidential and perhaps more significant dialogue. The parties might meet on an alternating basis in their respective embassies, or even in their respective countries, rather than in a palace of the Polish Government. Whether or not the talks are resumed, more informal official and semi-official conversations with China's leaders should be offered.

Third, we should unilaterally do away with restrictions on travel and non-strategic trade. We should do all we can to promote exchanges of people and ideas, through scientific and cultural programs and access by news media representatives. In trade, we should place China on the same footing as the Soviet Union and the Communist nations of Eastern Europe. We should offer to send trade delegations and even a resident trade mission to China, and to receive Chinese trade delegations and a Chinese trade mission in this country. Finally we should welcome closer contacts between China and the rest of the world, rather than continue to exert pressure on our friends to isolate the Peking regime.

Fourth, we should announce our willingness to re-establish the consular offices we maintained in the People's Republic during the earliest period of Communist rule, and we should welcome Chinese consular officials in the United States. Consular relations facilitate trade and other contacts. They frequently exist in the absence of diplomatic relations, and often pave the way for the establishment of such relations.

Fifth, we should strive to involve the Chinese in serious arms controls talks. We should actively encourage them to begin to participate in international conferences, and we should seek out new opportunities to discuss Asian security and other problems.

Sixth, we should seek, at the earliest opportunity, to discuss with China's leaders the complex question of the establishment of full diplomatic relations. For the present, we should continue our diplomatic relations with the Nationalist regime on Taiwan and guarantee the people of that island against any forcible takeover by the mainland. To Peking at this time, the question of diplomatic recognition seems to be unavoidably linked to the question of whether we will withdraw recognition from the Nationalists and the question of whether Taiwan is part of the territory of China. Both the Communists and the Nationalists claim Taiwan as part of China, but our own government regards the status of the island as undefined, even though we maintain diplomatic relations with the Nationalists.

We have failed to agree on solutions involving other divided countries and peoples—as in Germany—and we cannot be confident of greater success in the matter of Taiwan. There are critical questions that simply cannot be answered:

Will the minority regime of the Chinese Nationalists continue to control the island's Taiwanese population?

Will the Taiwanese majority eventually transform the island government through the exercise of self-determination?

Will an accommodation be worked out between a future Taiwan Government and the Peking regime on the mainland?

To help elicit Peking's interest in negotiations, we should withdraw our token American military presence from Taiwan. This demilitarization of Taiwan could take place at no cost to our treaty commitments, or to the security of the island. Yet, it would help to make clear to Peking our desire for the Communists, the Nationalists, and the Taiwanese to reach a negotiated solution on the status of the island.

A dramatic step like unilateral recognition of Peking would probably be an empty gesture at this time. As the experience of France implies, unilateral recognition of Peking is not likely to be effective unless it is accompanied by the withdrawal of our existing recognition of the Nationalists. And, as the case of Great Britain suggests, Peking may insist on our recognition of the mainland's claim to Taiwan before allowing us to establish full ambassadorial relations. These problems will have to be negotiated, and we should move now to start the process.

Seventh, without waiting for resolution of the complex question of Taiwan, we should withdraw our opposition to Peking's entry into the United Nations as the representative of China, not only in the General Assembly, but also in the Security Council and other organs. The Security Council seat was granted to China in 1945 in recognition of a great people who had borne a major share of the burden in World War II, thereby making the United Nations possible. It was not a reward for the particular political group that happened to be running the country at the time.

In addition, we should work, within the United Nations to attempt to assure representation for the people on Taiwan that will reflect the island's governmental status. It may be that the Chinese Nationalists can continue to enjoy a seat in the General Assembly. Or, if an independent republic of Taiwan emerges, it might be admitted into the United Nations as a new state. Possibly, if a political accommodation is reached between the Communist regime on the mainland and the government on Taiwan, the people of Taiwan might be represented in the United Nations as an autonomous unit of China, by analogy to the present status of Byelorussia and the Ukraine in the United Nations as autonomous provinces of the Soviet Union.

From its inception, the United Nations has displayed remarkable flexibility in adjusting to political realities. There are many possible solutions to the China problem in the United Nations. Without insisting on any one, we should move now to free the United Nations to undertake the long-delayed process of adjusting to the reality of the People's Republic of China, and we should clearly indicate to Peking our willingness to discuss these questions.

In dealing with the problems of diplomatic recognition and United Nations representation, I have placed primary emphasis on the need to initiate discussions with Peking in these areas. Since it is impossible to predict when or how the Chinese will respond to a change in American policy, we cannot maintain a hard and fast position on these questions. We cannot afford to close any options by endorsing detailed schemes at this time. What we can do, however, is act now on the broad range of initiatives I have mentioned, and make clear to Peking that our views are not rigid on even the most difficult issues that have divided us so bitterly in recent years.

We will have to be patient. Peking's initial reaction to serious initiatives on our part will probably be a blunt refusal. But, by laying the groundwork now for an improved relationship in the Seventies and beyond, we will be offering the present and future leaders in Peking a clear and attractive alternative to the existing impasse in our relations.

Many outstanding authorities on China are here tonight. Perhaps I can sum up my central theme in terms that you may find appropriate. According to Chinese tradition, the model Confucian gentleman was taught that, whenever involved in a dispute, he should first examine his own behavior, ask himself whether he bears some responsibility for the dispute, and take the initiative to try to arrive a a harmonious settlement.

It may prove futile for us to follow this advice when dealing with Chinese who claim to reject many of China's great traditions. But we will never know unless we try. If nothing changes, we Americans will have to live with the consequences of arms and fear and war. We owe ourselves, we owe the future, a heavy obligation to try.

SENATE CONCURRENT RESOLUTION 30—REPORT OF AN ORIGINAL CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF A STUDY ENTITLED "SOVIET SPACE PROGRAMS, 1966–70"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following concurrent resolution, which was ordered to be placed on the calendar:

S. CON. RES. 30

Resolved by the Senate (the House of Representatives concurring), That the study entitled "Soviet Space Program, 1966–70", prepared for the use of the Senate Committee on Aeronautical and Space Sciences by the Congressional Research Service with the cooperation of the Law Library, Library of Congress, be printed with illustrations as a Senate document, and that there be printed three thousand additional copies of such document for the use of that committee.

ADDITIONAL COSPONSORS OF RESOLUTIONS

S. RES. 98

At the request of Mr. BAYH, the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Resolution 98, relating to a proposed Asset Depreciation Range System.

S. RES. 133

At the request of Mr. TOWER, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Senate Resolution 133, relating to certain rulings of the Supreme Court and the busing of children to attain balancing of children in public educational institutions.

SUGAR ACT AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 162

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H.R. 8866) an act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

AMENDMENT NO. 163

(Ordered to be printed and referred to the Committee on Finance.)

SOUTH AFRICA SUGAR QUOTA SHOULD BE ABOLISHED

Mr. HARRIS. Mr. President, I send to the desk an amendment to H.R. 8866, the Sugar Act of 1971, now pending before the Senate Finance Committee. I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 163

On page 7, line 7, strike out line 7 and insert the following:

proportionately.

"(D) Notwithstanding the provisions of paragraphs (A), (B), and (C), for the calendar year 1972 and subsequent years thereafter, the proration for South Africa shall be zero per centum and the prorations for the other countries named in paragraphs

(A), (B), and (C), shall be increased proportionately."; and

Mr. HARRIS. Mr. President, this amendment would delete from the bill the figure of 60,003 short tons of sugar representing the full quota and prorations for South Africa and reallocate the same to other foreign countries designated in the bill to receive quotas.

The question involved is not whether we should discontinue diplomatic relations with South Africa or cease to trade with them. The question is whether or not we should express our special favor for this country by bestowing upon them a special valuable subsidization, in effect, of their sugar industry and economy.

South Africa practices racism as conscious national policy.

Morality need not stop at the waters edge. America should operate, both in the domestic realm and in foreign matters, on the basis of the idealism which we profess.

American prestige in the world has never been the result of its military might, the strength of its arms. Rather, it is our moral example, the degree to which we will live up to our professed belief in the innate worth and value of every human being, that will cause us to have influence with others.

Either we do or we do not believe, as John Donne did, that each of us is a part of mankind and mankind is a part of each of us.

If we are truly to ground our policy in some basic sense of right and wrong, we should not congenially clasp to the bosom of our approval and special favor such governments as that presently in power in South Africa. Adherence to our ideals requires that we show positive disapproval of the law and official policy of the Republic of South Africa which denies fundamental equality to black people.

It may not always be possible to draw exact lines of morality in every single international situation. But morality's tone and practice should clearly permeate our policy. And, at the very least, a clear-cut line can be drawn in respect to a government which officially forces the subjugation of one race by another.

That line can and must be drawn, therefore, against providing a special sugar quota for the Republic of South Africa.

Mr. President, I intend to press my amendment to delete this quota, now contained in H.R. 8866, during the consideration of this bill in the Senate Finance Committee, of which I am a member. Failing there, I intend to pursue this matter on the floor of the Senate, and I seek the cosponsorship and support of Senators in this important undertaking.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 164

(Ordered to be printed and to lie on the table.)

Mr. SAXBE submitted an amendment intended to be proposed by him to H.R. 6531, an act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 165

(Ordered to be printed and to lie on the table.)

Mr. COOK (for himself, Mr. Stevens, Mr. Eagleton, and Mr. Hartke), submitted an amendment intended to be proposed to H.R. 6531, supra.

AMENDMENT NO. 166

(Ordered to be printed and to lie on the table.)

Mr. CHILES submitted an amendment intended to be proposed by him to H.R. 6531, supra.

NOTICE OF HEARING ON IMPACT OF NUMERICAL CONTROL

Mr. GAMBRELL. Mr. President, notice is hereby given that the Subcommittee on Science and Technology of the Senate Small Business Committee will conduct hearings to explore the subject of the new technology of numerical control and its importance to the small business community at 9:30 a.m. on June 24, 1971, in the Senate caucus room.

As Members of this body may be aware, numerical control is a process of guiding machines by computer tape rather than by hand. By this technique each item produced is exactly identical to every other item. Whole industries such as automobiles and aircraft are now in the process of switching to a numerical control basis. Therefore, if small subcontractors to businesses in these industries do not change very rapidly, they will find themselves excluded in these fields.

Over a year ago, the Select Committee on Small Business requested that the Small Business Administration prepare a presentation allowing small firms throughout the country to learn of these developments, so they could use them as profit opportunities rather than have their major accounts and perhaps even their existence terminated. As far as I know, no committee of Congress has heretofore looked into this subject, and I am pleased that my subcommittee will be able to open up these matters for the information of the Senate and the public, as well as make a record which I hope will be helpful to smaller firms throughout the country.

Anyone having an interest in the subject matter of the hearing may contact the subcommittee staff, Mr. Herbert L. Spira, counsel, Senate Small Business Committee, room 424 Old Senate Office Building, Washington, D.C. 20510; telephone 225-8490.

ADDITIONAL STATEMENTS

THE WASHINGTON NATIONAL AIRPORT—THREE DECADES OF SERVICE TO THE NATION'S CAPITAL

Mr. RANDOLPH. Mr. President, 30 years ago today a new era in transportation was launched with the opening of Washington National Airport. This important facility is now one of the busiest and most important airports in the world, providing the National Capital with convenient air connections to all parts of the United States.

The concept of Washington National Airport was regarded as visionary when development began with the intense interest and support of President Franklin D. Roosevelt. The foresight of those responsible for creating this airport has been proved valid time after time over the past 30 years.

Today a ceremony was held at the airport marking the 30th birthday of Washington National Airport. I was honored by being invited to deliver the 30th anniversary address and shared the program with a number of people who have made important contributions to National Airport and aviation in general.

The observance was attended by several hundred people, including former administrators of the Federal Aviation Administration and managers of Washington National Airport.

The importance of the airport to the entire metropolitan area was shown by the participation of Hon. George P. Shafran, Arlington, county delegate to the Virginia General Assembly, who introduced the distinguished guests, and Gov. Linwood Holton, of Virginia, who made the opening remarks.

Dr. Joseph L. Fisher, chairman of the Arlington County Board, presented a commemorative plaque to Hon. John H. Shaffer, administrator of the Federal Aviation Administration, which operates Washington National Airport.

Administrator Shaffer then conferred the FAA's Award for Extraordinary Service on Capt. Edward V. Rickenbacker, one of our Nation's most renowned war heroes and a leader in aviation development for many, many years. The citation that accompanied the medal said:

> Award for extraordinary service to Capt. Edward V. (Eddie) Rickenbacker, whose distinguished contributions to every segment of American aviation have had a direct bearing on this Nation's preeminence in aeronautical leadership. His service to his Government, the aviation community, and the American public warrants this Nation's deepest gratitude and admiration.

Mr. President, Washington National Airport is an exceedingly important link in our national transportation network and I so stressed in my speech. I ask unanimous consent that the text of my address be printed in the Record.

There being no objection, the address was ordered printed in the Record, as follows:

Anniversary Address of Senator Jennings Randolph, Washington National Airport 30th Anniversary Ceremonies, Washington National Airport, Wednesday, June 16, 1971, 11 a.m.

WASHINGTON NATIONAL AIRPORT IS 30 YEARS YOUNG

It is a pleasure to have a part in this 30th anniversary observance. I recall that when I first came to Congress, in the very early nineteen-thirties, the location of an airport to serve the Nation's Capital was being vigorously debated. The old Washington-Hoover airport, on the site where the Pentagon stands, accommodated what few air operations there were, but it was clear that new or at least better airport facilities were needed. There was a great deal of disagreement, however, on where a new field should be situated.

In that sense, times haven't changed. I don't know of any airport decisions that has come quickly, or easily. And yet, once a decision is made and an airport is built, there is scarcely an instance when the people of that locality have not wondered how they get along without the services the airport affords.

It has been no different with Washington National. Debate continued off and on for nearly 12 years, and 36 separate bills dealing with an airport for the National Capital area were introduced in Congress, beginning with the first land acquisition proposal in February 1927. In June of that year, a study by the National Capital Parks and Planning Commission concluded that the mud flats along the Potomac at the Gravelly Point area represented an "attractive" site for consideration. It is interesting that the location was opposed by some on the grounds that over-water approaches and departures were "too dangerous", while the noise-absorbing advantage of the peninsular site apparently did not figure in the decision. The some 680 acres of airport land include 20 million cubic yards of "fill." The airport boundaries still embrace 170 acres of the Potomac River.

Since the airport opened in 1941, some 122 million people have arrived or departed Washington by way of National Airport. And for 25 of its 30 years, airport revenues have exceeded the costs of its operation. It also has been a moneymaker and a provider of jobs for the community at large. Washington National represents a major "industry" for Northern Virginia, employing 8,400 people and supporting an annual payroll of $86 million (1970).

The value of Washington National, however, runs much deeper. For many people of our Nation, the airport is a gateway to their capital city. The reasons the Gravelly Point site prevailed over other alternatives in the first place—its convenience and accessibility—*still apply*, and the close-in location of this airport is a big travel and time advantage for millions of people. I am aware that some persons argue that this airport has had its day . . . that its location makes it poorly suited to the jet age.

Jack Shaffer said it well when he pointed out that ". . . what is reputed to be in the 'public interest' is often rather narrowly defined"—and he was referring in this instance to "those few offended by an airport, when its value should be measured at least equally in terms of those it benefits."

National Airport has benefited hosts of people, directly and indirectly, during its 30 years. The 460,000 passengers handled there in 1942, National's first year of operation, or the 9.7 million passengers who used the airport last year, are only part of the story. In a strictly economic sense, National Airport employees paid more than $3.3 million in state and local taxes; the airlines, Government, and concession operators spent more than $26 million in the local metropolitan area; and the $250 million Crystal City corridor owes its development, in part, to the stimulus of National Airport as a transportation hub.

We are here to wish National Airport a happy 30th birthday. But let me remind you that it's not how *old* an airport is, but rather how *young* it is that really counts. Maybe it would be fashionable not to trust any airport over 30, but in the case of National we have an air facility better equipped to serve the public, safely and efficiently, than at any other time in its history.

No manager has ever thought National is big enough. When the main terminal was built, those in charge of construction were so sure it would be a "white elephant" that they cut 300 feet off the north end, claiming there would never be enough traffic to fill it. Since then, WNA has been more or less under constant construction. In the last four years, terminal space has been increased 60 percent, with the addition of the improvements made by Allegheny, Braniff, Delta, National and Northeast airlines plus the beautiful new American, Northwest and TWA facilities—which together represent an added investment of nearly $14 million.

Washington National has fulfilled the tests of a good airport. During Congressional deliberations in the thirties, Eddie Rickenbacker testified that a well-conceived airport will "take care of the transport operations of a community for many years to come."

Charles Lindbergh said a major consideration of any airport should be its "accessibility to the people it serves."

Convenience, accessibility, capacity for growth, adaptability, safety: Washington National has satisfied all the consumer requirements for a good airport. It is nonetheless a source of irritation to its immediate neighbors and some of those who live beneath the flight corridors. We in Government as well as the captains of the aviation industry are not unmindful of our joint responsibility to soften the sounds of air transportation and to clear the air of jet smoke as rapidly and as fully as possible. Real progress is being made in these areas, and the results will be evident long before this airport has outlived its usefulness.

Washington National might have been built near Camp Springs, one of the eight locations under consideration. That site was overruled, mainly because the nine-mile distance from the capital made it "too far out." In deciding in favor of Gravelly Point, however, President Roosevelt commented that "because of the importance of air traffic to and from the District of Columbia, it is not inconceivable that the Government of the United States could well afford two air fields."

Today we have not just two, but three commercial airports serving the greater Washington area. Each has its merits, and each has rich potential for the air transport needs of the future. National, however, is an old friend to me, as it must be to many of you. I suggest that it is not a crime for an airport to be "too close" or "too far," but it seems that few airports today are the right distance to satisfy anyone. As we progress with our airport and overall transportation development programs over the years ahead, rapid surface access systems coupled with compatible land use concepts will make remote airparks a virtue, while special purposes—such as reliever or STOLport uses—may be the destiny for many of today's "downtown" airports.

Like most airports, Washington National has lived in a state of dynamic change since its inception. While its face has been lifted numerous times and its configuration repeatedly altered to keep apace of the growth in civil aviation, WNA remains steadfast as a vital cog in the transportation system linking the people of our Nation with their Capital.

For my friends in the press, "30" signifies the end of a story. For many people, 30 years of service marks retirement age. But for this airport, it is neither the end of a story nor time for retirement. A blueprint for the National Airport of the eighties is already in the making. In fact, in terms of making this airport a better neighbor, a greater community asset, and an ever more responsive servant of the flying public, the big story of Washington National may be just beginning.

LAWRENCE WELK

Mr. YOUNG. Mr. President, North Dakotans have always been proud of the successes of their sons and daughters in all walks of life.

One of the best known and certainly most successful of these is the internationally known musician, Lawrence Welk. He is the best known and most beloved citizen of North Dakota.

The amazing career of this man has been an inspiration to untold millions. I personally feel that the foundation for his successes lies in his strong sense of moral responsibility and his dedication to helping his fellowman.

In a recent issue of Christian Economics, an article by Lawrence Welk was featured in which he outlines some of his personal views on the need for sharing our individual talents and skills and the potential this holds, not only for the individual, but society as a whole.

Lawrence Welk has "discovered" many great musicians and singers. I feel, after reading this article, that the word discover could better be replaced with "inspired." Welk's formula, in action, gives people confidence in themselves and their work. This in turn extends to their associations in business and social life.

I feel the thoughts expressed by Mr. Welk in this article are of such great importance that they would be of interest to every Member of the Senate. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Spotlight on Youth: A Family Plan for Business

When the newest member of our musical organization, young Mary Lou Metzger, stepped into the spotlight to sing "No, No, Nanette" on one of our recent weekly broadcasts, it was more than just a regular production number . . . and if you had been in the studio that evening you would have seen why. Every other singer and dancer in our company was crowded into the wings, watching proudly as she sang, and they burst into delighted applause when she finished. Our producer, Jim Hobson, our musical director George Cates, and every member of the band was beaming broadly too. So was I. Each one of us in the organization was as pleased as if we had sung the song ourselves, and in a sense we had—because Mary Lou's performance that night was the culmination of the year-long training and encouragement she had received from every member of our group . . . and her triumph was our triumph too. It was a dramatic demonstration of the power and effectiveness of our training and development program . . . a system which has worked so remarkably well for us that we have not only been able to achieve one goal after another over the years, but we have also developed such closeness and affection for each other that when our show was dropped by the ABC network after a sixteen year run, it served only to bring us even closer together, and more confidently ahead into the much wider field of syndicated television, determined to make a success of this newest venture. I have no doubts about the outcome of this at all, because I know from experience that the men and women in our musical family have learned . . . through this unique work-program of ours . . . just how to utilize their talents to the fullest. I know also that they give every ounce of themselves to every performance, and that they back up their talent with solid character. Under those conditions . . . failure is impossible!

SHARING

President Kennedy once said, "Ask not what your country can do for you. Ask what you can do for your country." And the Bible says, "Give, and it shall be given unto you." Both statements express a basic law of life . . . "What is given out—returns in kind" . . . and it is upon this precept that our entire training and development program has been built. It is based primarily on the concept of sharing . . . sharing not only in the accepted economic sense, but also in the broader sense of sharing one's self, his talents, knowledge, his care and concern. I can best describe and explain exactly how our system works by using Mary Lou as an example, since her experience so closely parallels that of all our other performers.

A year ago this pretty youngster came in to audition for us. She was very young, just seventeen, and her voice had not been developed properly, but I recognized a basic quality immediately and I was impressed with her freshness and enthusiasm. Also, I realized after talking with her, that she came from a family which had given her sound moral training. We discussed her dreams of a musical career, and I finally told her she could work with us as an apprentice, appearing in group numbers and learning as much as she could from practical experience. "But I can't promise you any solos," I told her. "We'll have to wait and see how things work out for you."

Mary Lou eagerly agreed, and she enrolled immediately in our training program. Our choreographer and assistant producer, Jack Imel, began to work with her on stage techniques, and he reported that she was naturally talented as a dancer. Our arrangers Curt Ramsey, S. K. Grundy, and Joe Rizzo, along with musical director, George Cates, worked to help her find her range, and the type of songs she could do best. The wardrobe and makeup people also began experimenting with different types of makeup and costuming, helping Mary Lou develop her own eye as to what looked best on her. I had her sing for our audience at the Palladium where I could watch her performance closely, and then I advised her as to her technique and phrasing, and the best way to present her songs. All of us evaluated her progress from time to time, and I remember with amusement when producer Jim Hobson said thoughtfully, "Lawrence, I agree with you, she has potential. She's enthusiastic, she has good ideas . . . and she can walk!" (He was referring of course, to the fact that she moved gracefully on stage, which may not seem like much of a talent! . . . but is a prime requirement for any performer to possess.) After a few more weeks of concentrated study, Mary Lou herself realized that she needed to refine certain aspects of her talents, and she began to take vocal lessons on the side. She studied and rehearsed constantly.

But the heart of our training program made itself felt most importantly in her relationship with the other girls on the show. Far from resenting her or feeling any professional jealousy, they undertook to show her all the tricks of the trade. Her immediate predecessor on the show, Gail Farrell, helped her in every way possible, showing her around the studio, introducing her to all the wonderful techincal people backstage, chatting with her during lunch breaks, drawing her ever closer into the "family", just as Ralna English had done for Gail herself a few months earlier, and as Tanya Falan, Cissy King, Sandi and Salli and Norma Zimmer had done, in turn, as each one of them had come on the show.

THE FAMILY PLAN

We have deliberately cultivated this "family" concept in our organization. All of us understand that the better we work together, the better the show . . . and the better it is for each one of us. The goal is always of paramount importance, and although sharing for that reason is simply a practical necessity, it tends to develop our spiritual sense of sharing also, so that the two facilities eventually intermingle and become one. The result is that the character traits of unselfishness and consideration for the other person are nurtured and refined to a high degree. Within this framework of mutual consideration and friendliness, each of our members feels free to offer suggestions and criticisms, and each is recognized for what he is . . . a human being whose own essential dignity is beyond value.

As Mary Lou continued her training, we began to put her in group numbers. As she gained poise and assurance we assigned her one or two solo lines. She and Gail sang a duet on the Christmas show. By then, we had detected an unusual "flirty" flair in her voice, somewhat reminiscent in feeling and style of the kind of thing Helen Kane and Wee Bonnie Baker used to do during the twenties and the forties.

Everything came into focus a few months later when I was playing in a golf tournament in Phoenix, and I received a phone call from Irving Berlin in New York. "Lawrence," he said "there's a revival of 'No No Nanette' on Broadway right now and it's a tremendous hit. The music would be perfect for you. Make an album right away."

When I got back to Los Angeles I called my record producer Randy Wood only to find he also had the score already and was most anxious for me to make the album too! We went right to work.

I decided then to see if Mary Lou could handle the lead song of Nanette. It seemed to me the range was right and the mood was right.

She took the song and worked very hard at home and then . . . with the confidence and professional skill born of her months of training and encouragement . . . she came into the recording studio and sang the song exactly right! In fact, her rendition in the album was such a hit that we were forced to release a single record. That year of concentrated training, development and self-discipline has paid off . . . and Mary Lou was finally able to appear in a full-fledged production number on national television, singing with the sparkle and assurance necessary to perform for a nationwide audience. She had made the grade . . . and it was a source of deep satisfaction to us all.

HOW IT WORKS

As you can see by this sketchy outline, the basis of our development program for the young is an apprentice-training system, which is not a new idea in itself . . . but one which we have embellished and expanded in two very significant ways. First, we have deliberately fostered a spirit of affection and mutual concern, as we work together to achieve a goal beneficial to us all. And second, we all share proportionately in the success of our efforts.

Years ago we established a profit-sharing plan for everyone who works in Teleklew. (Teleklew is the corporate name for all our enterprises—TELE being an abbreviation for television and KLEW being Welk spelled backwards.) We considered several different plans but finally adopted the one we felt offered the most to our employees. At the end of every fiscal year, Ted Lennon, uncle of the Lennon Sisters and one of my chief business advisors, oversees the investment of up to fifteen percent of our total yearly payroll. This money, all of which is provided by management, is turned over to financial experts who see that it is invested to the best possible advantage. The employees contribute no money at all, but they share in the distribution of the returns, according to their length of employment and job status. In effect, they become part-owners of the company without any investment. Naturally, this is a powerful incentive . . . because the more successful the company . . . the more successful they are.

THE KEY

It is the combination of these various factors which is the key to the success of this plan. First . . . the training, which develops the talents and character of both trainee and teacher. Second . . . the team spirit, which grows as employer and employees strive to reach a mutually rewarding goal. And third . . . the sharing of profits as we successfully achieve each of our goals. This is a system which stresses the positive rather than the negative, and encourages and rewards excellence of achievement, and it has filled all of us with such dedication and spirit that it has literally changed our lives!

WHAT THIS PLAN CAN DO FOR YOU

If you are an employer I cannot urge you strongly enough to give our system a fair chance. You'll find your employees will work with and for you at their top potential, with tremendous enthusiasm. If you hesitate, because you wonder about sharing profits, I can only tell you that your profits will increase, because you will make far more from the efforts of a group of dedicated employees who really care, than you will from those who are working only for a pay check. You will find that not only will your profits rise . . . but your own spirits and those of everyone else in your organization too.

If you are a prospective employee I would urge the same thing. You'll get a share in the profits, and a voice in the direction your company is taking. You'll be recognized as an important individual, and I have noticed that the self-confidence and quiet inner assurance which this plan develops in our people radiates out and touches the lives of every other person with whom they come in contact. It's like dropping a pebble in a stream, with waves of trust and good will spreading out in ever-widening circles. For both employer and employee there is a wonderful feeling of cooperation and friendship replacing the traditional gaps of antagonism and suspicion.

The consumer benefits too, since the quality of any product or service produced by this method is always higher . . . and so the consumer gets more for his money.

The government will benefit tremendously because the widespread establishment of this kind of organization will help get people off welfare rolls and into productive lives of their own—giving instead of taking—becoming producers instead of parasites. This will reduce taxes for all of us, combat inflation and improve the general economy. Unions will benefit too, because an apprentice-training program, used in fields where it does not now exist . . . such as in the arts and professions . . . will train thousands of highly skilled new professionals. In my own field of music, I believe there will be an added bonus. America is a nation that truly loves music, and a revival of the dance bands, staffed by musicians who really care about pleasing their audiences . . . (something they would certainly learn under our training program!) . . . could bring back the kind of great bands we had during the thirties and forties. This in turn would bring back ballrooms and allied businesses . . . and all of this would be of great help to the unions too.

Most important of all, the entire nation would benefit because our program tends to develop the highest potential and character and sense of responsibility of every participant. The stronger each one of us . . . the stronger and better our nation. It cannot help but help us all.

OUR GREATEST NATURAL RESOURCE

I am thinking in particular of our young people. Our young Americans . . . our greatest natural resource . . . have in many cases been left floundering, looking hopelessly for some kind of meaning and purpose to their lives. They have been rioting on college campuses, engaging in senseless violence, resorting to drugs or sexual permissiveness. In the past two years alone, the venereal disease rate in this country has reached epidemic proportions. Half of all victims are under the age of twenty-four. These statistics are shocking and depressing, and we hear them over and over. What we need is a program aimed at preventing this kind of thing from happening in the first place, instead of spending millions of dollars trying to repair damages after they have occurred. Our training and development plan can answer this need.

I personally have great faith in our young people. Most of them want to live happy and worthwhile lives . . . they just don't know where to begin. Part of the blame falls on us elders. Many family units have broken down. Divorces tear families wide open. In many disadvantaged segments of our society there has too often been no marriage to start with, and youngsters are left to roam the streets with no supervision at all. It is sad and somehow ironic that the children and young people who suffer most are those at opposite ends of the economic spectrum . . . those who have too little, and those who have too much. In one case there's not enough money to insure that a child will have someone at home to love and guide him, give him ideals to nurture his spirit, see that he has clothes to wear and enough to eat. At the other end is the child who is given so much of everything . . . without being asked for anything in return . . . that he loses all sense of personal responsibility. Eventually, nothing means anything to him. Affluence can be as much of a problem as poverty. Bishop Fulton Sheen has remarked that one of the principal difficulties in this country is the manner in which we raise our young. Communist countries raise their children with discipline but not love. We raise our children with love, but no discipline. The answer lies in a combination of the two. Real love produces freedom through self-discipline . . . and self-discipline is the highest freedom of all.

THE NEED TO CHANGE SOME LAWS

Our plan recognizes this principle, and it is the basis on which we operate. I know from first-hand experience how magnificently it works, but I know it could work even better with some changes in the existing union and government regulations. For example, as anyone in the performing arts will tell you, trying to hire a talented youngster is so complicated, so tied up with red-tape that it becomes almost an impossibility. At just the time in a young person's life when he is most eager and most teachable, we are unable to help him, because of the rigidity of the child labor laws. This is a shame, because childhood is by far the best time to begin building the skills and character traits that last a lifetime. It is almost impossible for anyone to undertake a successful sports career after the age of twenty-one, because muscle and habit patterns are too firmly entrenched to change very much by then and, in fact, it is extremely difficult to undertake a successful career in any field after that. So it seems evident that if we make it complicated or troublesome for our young people to learn more about their chosen profession, then we run the risk of killing off their natural ambitions and zest for life. In a sense we are actually educating them into a passive acceptance of things the way they are, a growing willingness to let somebody else do the job. This is a frightening prospect, and for this reason I urge that we amend our child labor laws so that any young person who wants to work will be given a chance to do so.

Unions could help by establishing a graduated pay scale in those areas where it is not now available, so that more businessmen and the small businessman in particular . . . could afford to train and hire more young people. They could also help by insisting that their members perform a satisfactory job in return for their wages. Nobody ever enjoyed doing a half-hearted job anyway, and I think it's time we began awarding A's for effort.

Samuel Gompers, the father of the labor unions has said: "Doing for people what they can and ought to do for themselves is a dangerous experiment. In the last analysis, the welfare of the workers depends upon their own initiative. Whatever is done under the guise of philanthropy or social morality which in any way lessens initiative is the greatest crime that can be committed against the toilers. Let social busybodies and professional "public morals experts" in their fads reflect upon the perils they rashly invite under this pretense of social welfare." I agree. Doing anything to diminish a man's confidence in his own abilities hurts him gravely. It hurts us all.

Obviously, in order to permit our training and development program to work to its greatest capacity, we need some effective new legislation. Lifting some of the excessive restrictions and regulations which now hamstring employers would not only permit them to train and hire more young people, it would free us all to act more independently, and with greater dedication.

That is one of the beauties of our training system. It helps people explore their full potential and experience the thrill of accomplishments, as Mary Lou discovered the night she stepped into the spotlight. Nobody will ever have to hold any benefits for her! She has learned her craft and developed the character traits necessary for lasting success in any field. She has learned that the more willingly you give . . . the more you grow.

Americans always do things best on a voluntary basis and that is really the heart of our program. It must be undertaken freely and with the utmost good will for it to succeed. And it is not for everyone. It is not for the person who puts money first and human needs second. It requires an employer who cares . . . cares enough about his nation and our young people to want the very best for them. It means he must be willing to share not only his profits but also his time . . . invest not only his money, but also his concern. If he is willing to do this, however, he will find a joy and satisfaction in life he never dreamed possible.

THE QUALITY OF LIFE

I believe in this plan with all my heart, not only because I know from experience what it can do, but because it is rooted in God's laws, and after forty-seven years in the world of entertainment, I know that these moral truths, as revealed to us in the Mosaic laws and the teaching of Christ, are as true and valid today as they were centuries ago. They work just as well in business as they do in our personal life.

That is the real value of our teaching and sharing system. It springs from a spiritual source, and thus adds to the total quality of our lives. It brings a full measure of compassion and hope, feelings of usefulness and faith in the future . . . and the joy and serenity that come from building a solid character. It helps to build life. And I know by now that earning a living is never enough. But earning a life is.

DR. DALE PARKER'S ESSAY, "WHAT OUR FLAG MEANS TO ME"

Mr. CHILES. Mr. President, our lives seem filled with the events of the day, every day—the Vietnam war, pollution, education and urban problems and many other areas of concern for which we are constantly seeking improvements. Sometimes it gets easy to become fearful that the fabric of our land, that which symbolizes the greatness of our country, is being forgotten—or at least overlooked.

But I am convinced that an understanding of the real meaning and value of our country rests in the vast majority of us, because I am often exposed to some evidence of that fact. For instance, I have just had an opportunity to read an essay by Dr. W. Dale Parker of Titusville, Fla., which won the "What Our Flag Means to Me" competition sponsored by the Gannett Publishing Company of Florida. The essay is brief, but the message is clear and sound and heartwarming. Mr. President, I ask unanimous consent that Dr. Parker's essay be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT OUR FLAG MEANS TO ME

(NOTE.—This article, by Dr. Dale Parker of Titusville, Florida, was announced as the winner of the "What Our Flag Means to Me" contest sponsored by the Gannett Publishing Company of Florida. The announcement was made May 28, 1971.)

Our flag is a symbol of my country. It represents the actions and reactions of all Americans everywhere. I was born in historical Virginia and educated in Williamsburg, where tradition began. When gazing upon the stars and stripes I am reminded of Lexington, Concord, Thomas Jefferson, the Declaration of Independence, Lincoln's Gettysburg Address, the Constitution and the Bill of Rights.

Our flag is a symbol of my debt to my country. It is an inspiration to me and to my family. It represents the honor of citizenship in a great country of great people whose adventure and sacrifice brought us from a rough stone to a polished gem.

Our flag is a symbol of the American people. It represents sacrifice, struggle, courage, freedom, loyalty, faith, equality, achievement, peace and opportunity as well as such problems as pollution, drugs, poverty, loneliness, discrimination, riots and war. It represents adventure and the exploration of earth resources and space; of men landing on the moon.

Our flag is a symbol of my home and family; the way we live and the help we give to others to make life a little easier and happier. It is a symbol of me as a human individual living in a great land. I dream that someday I may contribute something, in a small way, for the privilege of calling America my home. The American flag is our flag and my flag; the only flag in the world which has brought, and is still inspiring, faith and hope to so many millions of people all over the world.

THE IDEOLOGICAL CRIMINAL

Mr. SCOTT. Mr. President, the April, 1971, edition of Court, which is published bimonthly by the North American Judges Association, included an article by Prof. William Stanmeyer of the Georgetown University Law Center entitled "The Ideological Criminal." I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The Ideological Criminal

(By Prof. William Stanmeyer, Georgetown University Law Center)

For the last eight years I have been directly involved in the academic world, and during that time I have seen that famous statement of Voltaire's about the rights of his opponents to speak paraphrased to read.

'I disagree with what you say, so I will defend to *your* death my right to silence you!"

I come here as an emissary, unfortunately, from occupied territory in America's Second Civil War.

And although I say this to enliven the discussion, I feel it is accurate. The war is *not* between Black and White, not between North and South, not between Business and the University, nor even between those above 30 and those below 30. It is, as I hope you will see from the four points that follow, between those who are willing to work within the system of law and those who want to destroy the system of law; who I call "ideological criminals."

A NEW KIND OF CRIMINAL

My first point is the "ideological criminal" or, more accurately, the ideologically-motivated criminal. A year and a half ago, in the April, 1969, issue of the American Bar Association Journal, I wrote an article entitled "The New Left and the Old Law." There I tried to describe the mentality of the person who commits a crime for a political purpose and to show how different he is from the "traditional criminal." For instance, the ideologue commits his bombings, disruptions, arson, even kidnapping, as part of the self-styled "Movement;" the traditional criminal operates as a loner or part of small gangs.

The ideologue is politicalized to the nth degree; he eats, breathes, sleeps "racial politics." The traditional criminal, it appears, is largely a-political. The ideological criminal is not primarily interested in money, although it is useful for The Cause. He is interested in discommoding the Establishment. When a few partisan ideologies were able to work their temporarily mindless followers up to the point of burning a branch of the Bank of America in California, their purpose was neither psychotic arson nor financial self-aggrandizement: it was to destroy a despised symbol, one which in their own minds they had endowed with a political significance that they had been taught to hate.

Usually the ideologically-motivated criminal seeks maximum publicity for his actions. The older, traditional criminal type preferred to live unknown to the public at large or the law enforcement apparatus. The ideologic, on the other hand, often wants maximum exposure. He wants the press and TV to pick up what he does—which they do quite readily—and multiply his image and influence to others. He views his actions as educational, whatever direct results they achieve; thus we now have a few highly-politicalized, I might say, self-politicalized, lawyers who in defending "radical" clients will call a press conference every day of the trial so they can spread their venom attacking the system of criminal justice in everyone's living room on the ten o'clock news.

In fact, there have been cases where individuals deliberately violated a criminal law—say, burglary, or defacement of property such as draft records or corporate files—just to trigger off a trial where they would have a forum—*in the courtroom,* later in the papers and on television—to argue their views of the Vietnam war. They are usually highly incensed when the judge will not permit their political harangues to change the trial from a question of breaking and entering to one of international war crimes. What sort of grasp of the judicial process does the citizen have who thinks he has a "right" to argue politics in any forum, even a courtroom?

The ideologue wants to have confrontations because this is an education process by which he can draw in and recruit the uncommitted. The idea is to goad police or school administrators or both into some sort of overt physical action which will possibly hurt somebody—someone hit over the head or caught in a cloud of tear gas—and then the student on the sidelines sees the blood or feels the pain, talks about it in the dorms and coffee shops, and comes to realize how "repressive" the Establishment is.

The ideologically-motivated are not really as interested as you might expect, in the overall goals of these escapades. At Columbia, for example, Mark Rudd said he didn't care about Morningside Heights, that he didn't even know where the gym was. As for the Institute for Defense Analysis, a government-contract research operation with perhaps half a dozen professors involved, Rudd said he didn't give a hoot about it—but that he used it as a pretext to get the students aroused, a building seized, the cops called, and violence to follow.

Now when someone like me tries to point out the excesses of the violent radicals and explain their motivation—which is nothing less than an arrogant attempt to destroy this society—some apologist usually stands up an says, "You are stifling dissent"—or being repressive, or fascist, or whatever. The objection, if sincere, is silly, because the 1960's were the Decade of Dissent, when freedom in many places turned to anarchy, when Free Speech on the steps of the Berkeley library turned into Filthy Speech, when the violent radicals started living their cherished "thoughts of Mao" by using, as Mao urges, the barrel of a gun to inflict their revolution on the rest of us.

But because the objection is made, though it is naive, it deserves a response. Simply, I am criticizing what the radicals call "resistance," not dissent; the violence of a few in the Movement, not the many who want legitimate social reform. The existence of particular social evils, even serious ones, does not make a society universally bad, any more than a man who has a head cold or even an ulcer should be executed. Nor is any evil in this society so great that it justifies murder—for the bombing death of that grad student at Wisconsin in the math building last summer was murder—to express one's "protest." I am not criticizing dissent as such, but the perversion of it; I support Voltaire's original point, not the paraphrase of it which I gave at the beginning.

A QUESTION OF FAITH

My second point is to call your attention to the peculiar religious dimension of the radical movement. The radicals have a political faith and are on a great religious crusade. Faith is something we pragmatic Americans play down. Yet it moves mountains—and blows up buildings.

The Mohammedans killed the infidels not because Allah or God wanted the infidels killed but because the Mohammedans, for a thousand years or more, *believed* Allah wanted them killed. The Nazis in the Second World War killed six million Jews, not because those Jews really were evil but because the Nazi faith made them *believe* the Jews were evil. Again, the Communists have killed countless millions, from the Berlin Wall to the Siberian camps—some have estimated 83 million in 54 years—all the price of attaining the "classless society" which—despite the total absence of any proof such a thing can be achieved—they *believe* they can accomplish. The radical movement is a kind of faith. It has its saints—Che Guevara, Mao, Lenin; its martyrs—Tom Hayden, Bernadine Dohrn, other student radical leaders pursued by the law. It has its sacred rituals, such as baptism-by-immersion-in-a-mob-storming-a-building. It has its redemptive acts: bombing a building. It has its theologians, such as Herbert Marcuse, whose books I will discuss in a moment. It has its schisms in the ranks—during the last year two or three factions claimed to be the "real" S.D.S. and anathematized all rivals, even while trying to outdo them in converting—or destroying—the infidels.

I might remark to judges that in my opinion an ideologue who is nearly fanatical about his political religion will hardly be converted by 30 days in jail, if convicted of disorderly conduct or fomenting mob action; nor will five years behind bars teach him the error of his ways, if convicted, say, of trying to bomb the Dean's office or attempted arson at the university computer. For misdemeants, at least, I would recommend—and this is not entirely facetious—the judge sentence them to reading Shirer's Rise And Fall Of The Third Reich and Robert Conquest's The Great Terror (which describes the breakdown of law in Stalinist Russia) and writing books reports thereon, meeting weekly with members of the Bar and non-radical students to discuss these books, and other similar intellectual experiences that might teach them where their storm-trooper conduct leads. However unorthodox such a "punishment," the suggestion is meant to point out that we are dealing with a different kind of criminal and thus, if we would rehabilitate him at all, we must deal with his mental set or outlook. We also might look to the cause of his alienation and offer some spiritual antidotes. I turn to that next.

"THE GREAT REFUSAL"

My third point is: how did they get this way? True, today's radicals are part of the first generation which grew up nourished on TV and now think you can rearrange a world with the ease of changing a station on the set. True, also, they have been glutted by creature-comforts from the cradle to college, that would make ancient kings jealous. But these are not central to one's values and goals, and in themselves hardly warrant the near paranoiac conduct of the arsonists and murderers. Let me suggest, rather, a deeper cause: they have been taught to hate this society.

I call your attention to the Gospel According to Herbert Marcuse, who still teaches, though in his seventies, at San Diego State. I have a long article on his jurisprudence, such as it is, in the October 1970 issue of the St. John's Law Review and commend it to you. Briefly, Marcuse's 1964 book, One Dimensional Man, asserts that American technological society, by its very success in satisfying material needs, is "repressive," even "totalitarian." Though a Marxist, he admits that unionized workers are hardly revolutionaries and grants that the two-class dichotomy that Marx believed would erupt in revolution does not exist in the U. S. Rather, the entire society is absorbed, he says, by affluence, so much so that we all—not just the bourgeoise—refuse to consider the "radical alternative," we all have a vested interest in the status quo, we all attempt to co-opt dissent by yielding to the dissenters in trivia but keeping the essence of the system the same. The clever system is so repressive, he says, that we are controlled by it without even realizing our bondage!

What to do about it? For those who have "learned how to think radically," he preaches what he calls "The Great Refusal" or—also his phrase—"cultural subversion." In his more recent book, An Essay On Liberation, he urges his student followers to "cop out" of this society in every way possible: by promiscuous sex, to undercut and eradicate Puritanical moral standards; by linguistic perversions, using words in a different context from their usual referent—such as repeating in bull sessions, on the streets, in the underground press, that the police are "pigs;" in life-style, in dress, in habits, in social contacts, in reading, in resisting the

"Rules of the Game"—the laws—which he says are rigged in every way possible the students must, he says, build a biological substratum that will make it easy to extract their souls from society spiritually. He wants them to be here physically, but spiritually be—no place. They become psychologically rootless. I call this a reverse-rehabilitation process, a process of self-alienation. A person can "talk himself out of love" with his spouse by dwelling on her bad points, overlooking her good features, and concocting in his mind some glamorous alternative—until finally getting a divorce is a foregone conclusion. Likewise, a student can "fall out of love" with his country and the values it stands for, by constantly thinking only about its bad points, forgetting or never noticing its good points, and, with the help of a Marcuse, who mixes up a head potion of one-half Marx, one-half Freud, stirred with revolutionary rhetoric, swallowing untested the idea "the Alternative," which to achieve he must divorce himself from society's values.

Marcuse's final book is more like an epistle than a gospel. It is called "Repressive Tolerance," one of three essays in a book called, A Critique of Pure Tolerance. Impatient with the slow pace of cultural subversion, Marcuse constructs a rationale justifying violence: democracy is wrong, he says, now that the people cannot make reasonable—i.e., radical—choices, being co-opted as they are by the hyper-productive technological society. Thus one must "withdraw tolerance" from those individuals and groups in this society whose ideas impede "liberation"—as defined by Marcuse—and bestow it on *only* those who are progressive. Thus one must prevent people from speaking, if they would speak for armaments rather than disarmament; if they would support warfare rather than welfare; if they would oppose such "progressive" proposals as centralized governmental control of the economy or large subsidies for the poor—or amnesty for rioters. We saw this "withdrawal" of tolerance" in practice last year at Georgetown, when a score of radicals, some not even G.U. students, drove Mayor Alioto from the stage as he began a talk, preventing some five hundred guests from hearing him. The pretext, apparently, was that he runs the city where the civil Mandarin of the West, Hayakawa, stifles dissent—3,000 miles from Washington, but what matter? when you're endowed with infallibility as is a Marcusean radical, you have a right, to silence anyone who is not progressive, like you.

Marcuse is only one of a number of radical writers who preach anarchy as a prelude to total destruction of this society. But his books are in paractically every college book store. Though his prose reads like a bad translation from medieval German, he does get a few gut images across to his readers, and these filter down to the rank and file activists who are just looking for conceptual justification for their tantrums.

Before I turn in the last point to some brief suggestions on what to do about the floating sub-cultures that the Marcuseans have created, it should be noted that in a free society under the Rule of Law, violence is just as wrong when perpetrated by the Right as by the Left, and that I would guess the F.B.I. is just as vigilant to try to penetrate the Minutemen as the Weathermen. So my failure to comment herein on the Ku Klux Klan or the Minutemen or any other Rightist group that is prone to take the law into its own hands is by no means an endorsement of anything they have done or stand for. One simply cannot say everything at once.

But there is a larger reason: the violent radicals on the Left are *now* in action—kidnapping Deans, bombing buildings. Moreover, their type of mindlessness is fostered in the citadels of the mind, of all places, by elaborate scholarly tomes, by breezy essays in the intellectual journals, by an "underground press" that boasts 300 separate papers and a readership over a million—and most of all, by activist young professors in the social science departments of most of our larger universities. I know of no time in history when anarchy was taught with gusto by people whose job it is to purvey wisdom. If you want a parallel, imagine what you'd think if judges urged lawbreaking, or doctors' medical journals extolled the virtues of cancer.

WHAT TO DO

In the New Left Article in the A.B.A. Journal I urged some steps that Bar associations and businessmen could take to blunt the violent radicals' attack on society. The goal is to vaccinate the susceptible students, who are uncomfortable with the idea of violence but whose resistance is low, against the ideas of the Marcuses, who preach revolution. The weapons in America's Second Civil War so far are largely ideas. The bombs, bullets, burnings of banks and such come after ideas have sunk into minds which are ready for them, because they are empty minds in terms of having alternate ideas or values they can hold onto.

I believe we have to deal with an alien subculture in this country, developing like a cancer in the body, which is a seed of cells uncontrolled by the overall structure, moving along through the system and eating and disrupting and growing despite the overall structure of the body, and finally reaching such proportions that the body cannot function as a whole.

This is what happens with the kind of spiritual cancer that is developing in our culture. And what do you do with cancer? If you cannot root it out, at least isolate it or neutralize it so that it does not spread to the healthy cells. And the first step in prescribing a cure is to diagnose what it is that the renegade cells feed on.

Marcuse's ideas feed on ignorance, ignorance of the legal system he attacks as repressive, ignorance of the business enterprise system he attacks for (of all things!) its abundance. His student followers are romantics, not realists; they live on the mountaintop of theory, not in the marketplace of practice. They simply have not had any lived experience with this society's creative and productive institutions. Their idea of "law" is Perry Mason or the cop throwing tear gas; they are utterly ignorant of the thousands of controversies and conflicts that civil law resolves, of the wealth-mechanism that corporation law develops, of the channels for creative endeavor that contract law opens, of the protection of human dignity of tort law. They don't understand that far from being "repressive," the legal system liberates us from the jungle of resolving conflict through violence. And they match their ignorance of law with a similar ignorance of business, its problems, its workings.

Yet the fault is at least partially ours. For we have not provided them the lived experience of the real workings of society so that they have a basis for realism. We have not insisted on courses in the legal system for our high schools and colleges; we as citizens and beneficiaries of the most productive system in all history have not insisted that our schools provide even one course, taught or at least advised by a businessman, in the methods of producing wealth, a wealth which, never having lacked, they do not appreciate, and never having worked for, they would redistribute according to romantic a priori formulas. And we lawyers and judges have not demanded that the schools provide courses in "political due process," the method of running a free society nonviolently. Nor, except for faltering attempts on the yearly Law Day, have we ourselves offered the schools much counsel about the legal system.

If we would restore respect for that system, we must persuade our Bar associations to arrange lectures, short-term courses, dialogues in public and in private with students of all viewpoints, TV programs, essays in student papers—in a word, a professional exposition in every medium—on the Rule of Law, given in a way that will stimulate questions, given by men who can answer them. I recommend each Bar association set up a "Committee on Law and Social Change" to undertake these tasks, chair it with a realist who understands that this is the most important "continuing legal education" program of all, because if properly managed, it will win America's Second Civil War.

OUR NATIONAL EDUCATIONAL SYSTEM

Mr. INOUYE. Mr. President, the need for a revitalization and reform of our national educational system is rapidly becoming more apparent and more urgent. The 20th century has brought, among other things, a great proliferation of knowledge and revolutionary advances in science and technology. It is evident that the life style of the latter part of this century and the next is adapting and will continue to adapt itself to these changes. Unfortunately, our educational system has neither responded to nor taken advantage of this revolution.

It is for this reason that I rise today to reinforce my commitment to the principles of the Educational Technology Act of 1971 which was introduced in behalf of Senator EAGLETON and myself on June 4, 1971. The purpose of this legislation is to provide the necessary funds to implement an educational technology program which will become an integral part of our school system.

To achieve this goal, the authorized funds are to be used for the following purposes: first, the application of existing technology in preschool, elementary, and secondary schools; second, the development of new educational equipment; third, the expansion of existing use of technological equipment for educational purposes; fourth, training for teachers in the effective use of educational technology and; fifth, research in this field.

As you are aware, the technological advances of the 20th century are phenomenal. We have recognized, but not as yet begun to utilize the full potential of the advances. This statement is particularly applicable in the field of education. As a result of a lack of funds and a basic resistance to change which is characteristic of our school system, the use of instructional technology in our schools has been extremely limited. Although these factors have severely impeded progress in this area, we can recognize the great potential of the field by looking at the few instances where the use of educational technology has been effectively implemented. The most well-known and acknowledged success in this field is the preschool television series "Sesame Street." In addition, the application of technology in the field of language instruction through the audio-visual technique has significantly altered the approach and the effectiveness of the acquisition of a second language. Merely recognition of the results of applied technology in these two examples is evidence of the fact that instructional technology holds great promise for advancement in teaching methods and learning opportunities.

At the present time, the only source of funding for educational technology is title III of the National Defense Education Act. The Senate Appropriations Committee has recently allocated a total of $90 million, a $40 million increase over funding in fiscal year 1971, for this purpose. These figures are a clear indication of a new awareness and acknowledgment of the potential and importance of the field of educational technology.

The field of educational technology is new. We cannot estimate the possible impact that an extensive use of these materials could have on our educational system; however, we do know that the use of instructional technology has tremendous potential and could significantly improve the quality of the education our children receive.

I believe that the quality and relevancy of our educational system will have a tremendous influence on the future of America as a people and a Nation. We must make every effort to allow our educational system to catch up with the times. The Educational Technology Act gives us an opportunity to do this; we cannot afford to pass up such an opportunity.

DEWEY AND ISRAEL

Mr. SCOTT. Mr. President, I would like to direct the attention of my colleagues to a letter to the editor of the Evening Star from Mr. Bernard Katzen, former special consultant to the State Department. The letter describes the role the late Governor Dewey played during 1948 in the disapproval of the "Bernadotte Plan" for the Middle East.

As my party's national chairman at that time, I had arranged for a delegation to meet with Governor Dewey, whose presentation undoubtedly contributed to his decision to advocate rejection of the "Bernadotte Plan." Governor Dewey's decision clearly had strong impact on President Truman, who reversed his position and pledged support for Israel.

I ask unanimous consent that this letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEWEY AND ISRAEL

SIR: The obituaries of the late Thomas E. Dewey touched upon many facets of his distinguished career. Omitted was a dramatic episode which shaped the destiny of the State of Israel. It is of particular relevance in light of the current Middle East crisis.

Following the creation of the State of Israel in May, 1948, the US appointed a commission headed by Count Folke Bernadotte of Sweden to recommend a peace settlement. Nearing the completion of the commission's labors, Count Bernadotte was assassinated. The commission's report, however, was published posthumously and became known as the "Bernadotte Plan."

Some of the highlights of this plan included the following: Truncation of Israel by severance of portions of the Galilee, including the city of Safed—severance from the Negev (constituting about 55 percent of its territory) with the concomitant deprivation of its only outlet to the Red Sea, constituting Haifa a free port and establishing an open corridor from that port to the borders of its hostile Arab neighbors and taking away the Israeli part of Jerusalem and internationalizing the city.

Objective Middle East experts were practically unanimous in agreeing that the implementation of the Bernadotte Plan would have rendered the State of Israel economically, politically and geographically unviable. When the plan was publicized, a wave of shock and dismay swept the international community friendly to the new state. This reaction was intensified when the then Secretary of State, George Marshall, announced his support of the plan. President Truman backed Marshall's decision. This evoked a storm of protest which made headline news throughout the country. Delegations of citizens from the public and private sectors went to Washington to plead with President Truman to reverse Marshall's decision and to reject the Bernadotte Plan—to no avail.

However, one intervening factor had to be reckoned with—the impending presidential election which pitted Truman against Dewey by overwhelming odds. There was common agreement that if Dewey were elected, John Foster Dulles would be named Secretary of State. Against this background, Marshall had gone to Paris in advance of the September, 1948 meeting of the UN assembly. As related personally to me, Dulles, who was preparing to go to Paris as a member of the U.S. delegation, had received a cable from Marshall that he was most anxious to confer with him on the Middle East and the Bernadotte Plan upon his arrival. So eager was Marshall to contact Dulles that he met him at the airport. The impact of Dewey-Dulles support for the Bernadotte Plan would insure the passage of a UN resolution favoring the plan. Dulles, who had been in communication with Dewey, rejected Marshall's plea. The contemplated approval by the UN Assembly of the Bernadotte Plan had been aborted.

On October 21, 1948, a teletype message was sent by Dewey, from Albuquerque, N.M., to the American Christian Palestine Committee and released to the press, in which Dewey pledged to Israel wholehearted political, economic and territorial support, rejecting the provisions of the Bernadotte Plan. Two days later, President Truman, in an equivocal response to the Dewey statement, reversed himself, repudiated Marshall's position on the Bernadotte Plan and pledged support for Israel.

It is not inappropriate to quote Carlyle: "The history of the world is to be found in the biographies of great men."

BERNARD KATZEN,
Former Special Consultant to the State Department, Assistant Campaign Manager, Presidential Campaign, 1948.

CONSTITUTIONALITY IS UNCHALLENGEABLE

Mr. McGOVERN. Mr. President, we have heard in recent days some amazing statements about the U.S. Constitution.

It has been suggested in the Senate that the amendment we propose—to end the deployment of American forces in Indochina by the end of this year—would be in violation of the Constitution.

That assertion has been made by Senators who have supported prohibitions on U.S. involvement in military operations in Laos and Thailand. It has been made by Senators who have voted in favor of restrictions on U.S. assistance to certain countries. Such proposals do not, of course, differ at all in principle from our proposal.

For some the Constitution seems to be an extremely flexible instrument. Limitations on Executive authority in military and foreign affairs that they support are directly in line with the Constitution. Limitations they oppose violate it.

Mr. President, if the Constitution is involved with this amendment, it is because this amendment is the one means through which we can directly confront the responsibilities the Constitution gives us to exercise our independent judgments on questions of war and peace.

In fact there is good reason for believing that the President, by continuing to prosecute the war in Vietnam even though the Gulf of Tonkin resolution has been repealed, by continuing to seek more than the return of our prisoners of war and the protection of our troops during their systematic withdrawal, has overstepped his authority as Commander in Chief.

But, we do not raise that issue. No Senator need make that determination in voting on this amendment. We do not seek to declare the war unconstitutional.

We simply seek to end it, through the exercise of the same powers the Congress exercises virtually every time it adopts an authorization or an appropriations bill.

Mr. President, in this connection the lawyers committee on American policy toward Vietnam has done a very helpful paper on the constitutional issues raised by our amendment.

It discusses in some detail the historical relationship between the President and the Congress on war powers issues.

It concludes—

> This analysis demonstrates that Congress has untrammelled authority to determine that its appropriations are not to be used for military operations in a particular theater beyond a designated date. And that is precisely what the McGovern-Hatfield Amendment does—and its constitutionality is unchallengeable.

Mr. President, I ask unanimous consent that the study to which I have referred be printed at this point in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

CONSTITUTIONALITY OF McGOVERN-HATFIELD AMENDMENT TO H.R. 6531 (VIETNAM DISENGAGEMENT AMENDMENT)

The McGovern-Hatfield Amendment provides basically that no funds authorized or appropriated under the Selective Service Act or any other law may be expended after December 31, 1971 to support the deployment of United States armed forces in or the conduct of United States military operations in or over Indochina. The Amendment expressly reaffirms the President's authority (as Commander in Chief) to fully protect American forces, to arrange asylum and other means of protection for the civilian populations of Indochina, and to continue supplying assistance to those countries in amounts authorized by the Congress. These provisions guarantee that the Amendment in no way interferes with the President's authority during the period prior to December 31.

The Amendment also contains explicit

provisions assuring that the withdrawal of American troops will not be implemented without the certain knowledge that all American prisoners would be released by the time that withdrawal was completed.

The Vietnam Disengagement Amendment is clearly a proper exercise of Congress' power under the Constitution to control the expenditure of funds, and in no way impinges on the President's powers as Commander in Chief. In principle, it operates no differently than would a bill cutting off or restricting the expenditure of foreign aid monies in a given country.

Any challenge to the constitutionality of the McGovern-Hatfield Amendment must of necessity be predicated on the premise that it impinges on the President's authority as Commander in Chief. Here it must be noted that any authority which the President may have had under the Tonkin Gulf Resolution was withdrawn when the Congress repealed that Resolution on December 31, 1970, which repealer was signed by President Nixon himself on January 12, 1971.

The President's authority as Commander in Chief to conduct military activities is narrowly circumscribed under the Constitution.

Article II, Section 2 of the Constitution provides that "(t) he President shall be Commander in Chief of the Army and Navy of the United States," but the legislative history of the Commander-in-Chief clause indicates that the power so delegated to the President was quite limited in scope. The Constitution was written with the desire to avoid many of the evils of the monarchies of Europe. The Framers were aware that while kings and princes made wars, it was the people who paid with their money and lives. Thus, by voice vote the Constitutional Convention refused a proposal to give the President the power to declare war and limited his powers instead to those of Commander-in-Chief.[1] These Presidential powers were intended to be substantially less than those traditionally exercised by the English monarch. Though the king could declare war and raise and regulate armed forces, the Constitution reserved these powers in the new republic to Congress alone.

The Constitutional concept of a "Commander in Chief" was derived from the experience of the Revolutionary War. It was the relationship of the Continental Congress with General Washington which was the model for the military powers assigned to the President. That relationship was expressed in the Commission as Commander in Chief granted to Washington on June 19, 1775:

"And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed." "The Writings of George Washington," p. 482 (Worthington Chauncey Ford, ed. 1889)

The essentially "command" nature of the office of Commander in Chief was emphasized by Alexander Hamilton who said that it "would amount to nothing more than the supreme command and direction of the military and naval forces as first General and Admiral of the Confederacy." Henry Cabot Lodge, ed., The Federalist (C. P. Putnam's Sons, 1908). pp. 430–431. Hence it is clear that the framers intended that the conduct of military hostilities by the President be subject at all times to the directives of Congress.

The Framers of the Constitution would be horrified at the suggestion that the document they fashioned would give the President the authority to conduct a sustained military operation in a distant land, using what is essentially a conscript army, and that Congress lacked the authority to limit the scope or duration of the military operations.

Debate in the Constitutional Convention on this subject confirms the intent of the Framers to give to Congress ultimate control over the power to wage war as well as the formal power to declare war.[2] The instrumentalities for the effective exercise of this power were as varied as the needs that might arise. At the minimum the Framers would have viewed an appropriation limited to the provision of funds necessary for the withdrawal of troops as a proper exercise of that power. Parliament had exercised such a power in 1678,[3] and it was the conscious design of the drafters of the Constitution to give Congress more power over foreign affairs and over warmaking than the Parliament had possessed.

Justice Jackson, concurring in the Youngstown Steel case,[4] made the point in these words: "(The President) has no monopoly of 'war powers,' whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army and navy to command."[5]

The constitutional language is quite emphatic in stating that there is a distribution of power between the executive and the legislature with regard to military matters. The "executive power" (Article II, Section 1) and "commander in chief" (Article II, Section 2) provisions are more than balanced by impressive catalogue of congressional powers set out in Article I, Section 8, which give Congress basic and substantial authority over military matters.[5a] Of prime importance, of course, is the express power to declare war. The power "to raise and support armies" is qualified by the injunction that "no appropriation of money to that use shall be for a longer term than two years." No other power of Congress is restricted in this manner. The restriction, interestingly, does not apply to the provision giving Congress power "to provide and maintain a navy." The two-year restriction necessarily means that Congress was expected to exercise surveillance over the Army in operation and, inevitably, over the President's stewardship in his capacity of commander in chief. Congress would not be able, at the commencement of a President's term, to appropriate funds for Army purposes for the duration of that term. Nor could one Congress bind a future Congress to a program of appropriation for maintenance and support of armies.

The essential purpose of specifying that the President is to be commander in chief of the Army and Navy is to maintain civilian control over the military. The clause also prevents Congress from investing a rival to the President by designating some person other than the President as commander of the military forces. Nothing in this particular clause, however, may be construed as a limitation on Congress in the exercise of its express powers, nor does the language of the clause give the President the authority to determine the scope and extent of military operations free from Congressional limitation or control. The Constitution says, in effect, that Congress may determine the ends of military operation, and that the President has control of the means. Available contemporary authority seems to support this conclusion.[6]

The Supreme Court has upheld the limitations on the President's war power intended by the Framers of the Constitution in those few cases that have dealt with the President's power as Commander-in-Chief. In Little v. Barreme,[7] the Court held that the President had exceeded his powers in ordering the Navy to seize ships coming from French ports, since Congress' consent to hostilities was limited to ships going to French ports. In Fleming v. Page,[8] the Court, while not expressly deciding the point, nevertheless addressed itself to the scope of the President's war-making power. "His duty," wrote the Court, "and his power are purely military. As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command . . . ."[9] In Ex Parte Milligan,[10] the Court held that the President's military power to establish military courts of general jurisdiction could not be exercised in areas where constitutionally established courts were in operation. In a concuring opinion Mr. Chief Justice Chase made the following observation pertaining to the division of military powers between the executive and legislative branches:

"Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of compaigns. That power and duty belong to the President as commander-in-chief.[11]

From the statement of the Chief Justice one can clearly infer that neither branch may interfere with powers expressly granted to the other. Thus, the President, as Commander-in-Chief, may not interfere with either the powers of Congress to raise, support and govern the armed forces or to declare war.

It is clear that the President does not acquire power simply because he believes that a particular course of action is necessary or desirable in the efficient conduct of current hostile military operations. The Steel Seizure Cases arose in the setting of the Korean War. Steel production was interrupted by a labor dispute, and the President directed the Secretary of Commerce to take possession of the steel mills involved so that production would not be interrupted while Congress was considering possible legislative solutions to the problem. The majority of the Supreme Court (six to three) held that the President had acted in excess of his authority, since there was no legislative authorization for the seizure.[12]

There is neither legal nor historical support for the proposition that Congress would be trespassing on the Presidential prerogative if it should assume to forbid sustained military operations in particular areas or to direct that a specific military venture be brought to an end.

The Nixon Administration opposed the Cooper-Church amendments barring the use of funds to finance the introduction of American ground combat troops into Cambodia or Laos on the claim that it interfered with the Presidential prerogative. It has sought, however, to comply with the literal terms of the inhibition against use of ground forces and advisers in Cambodia or Laos.[13] If this resolution were in violation of the Constitution, there would be no need to observe it. The attempts at compliance indicate the legitimacy of the exercise of Congressional authority.

Congress has the authority to direct the President to bring hostilities in a particular theater to an end, either immediately or within the confines of a specified schedule. The power to declare or to recognize war manifestly connotes the power to call for the end of a conflict. The President has no inherent power to direct that a conflict be continued until it fulfills the President's objectives.

No war, whether declared or undeclared, may be maintained without Congressional support. Congress alone has constitutional authority to make provision for men and materiel. Congress is free to exercise its appropriation power in the control of military involvements and commitments as it sees fit.

Footnotes at end of article.

It may determine that certain funds are to be used for housing or education rather than for military hardware, and the President must comply with its directives. It may prohibit the use of an appropriation for a particular item of materiel, and the President is not authorized to violate the directive even though he thought it unwise. This analysis demonstrates that Congress has untrammelled authority to determine that its appropriations are not to be used for military operations in a particular theater beyond a designated date. And that is precisely what the McGovern-Hatfield Amendment does—and its constitutionality is unchallengable.

Submitted by: Lawyers Committee on American Policy Towards Vietnam

By: Joseph H. Crown,
Cochairman, Hoch Reid, Director of Research.

FOOTNOTES

[1] J. Madison, Debates in the Federal Convention of 1787, at 418–19 (G. Hunt & J. Scott eds. 1920).

[2] See 2 M. Farrand, Records of the Federal Convention 313–19 (1911).

[3] E. Wade & G. Phillips, Constitutional Law 152 (2d. ed. 1935).

[4] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 634 (1952).

[5] Ibid at 644.

[5a] The catalogue of congressional powers in section 8 of article I is impressive. Congress is given the power to "lay and collect Taxes . . . to provide for the common Defense and general Welfare of the United States"; "to declare war"; "to raise and support armies," with the important qualification that "no Appropriation of Money to that use shall be for a longer Term than two Years"; "To provide and maintain a Navy"; "to make Rules for the Government and Regulation of the land and naval Forces"; "to control and regulate the militia"; and "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof."

[6] The *Federalist No. 69* (Hamilton) observes that the Presidential power is less substantial than the power possessed by the British Crown, noting it does not embrace the power to "declare war" or to "raise armies." The Federalist No. 74 (Hamilton) stresses the need for unitary command of operations as the justification for the power.

[7] 6 U.S. (2 Cranch) 170 (1804).

[8] 50 U.S. (9 How.) 602 (1850).

[9] Id. at 614.

[10] 71 U.S. (4 Wall.) 2 (1866).

[11] Id. at 139.

[12] See fn. 4.

[13] The Administration has resorted to legalism and subterfuge in assisting the Cambodian regime while contending it was not violating Congressional restrictions. See Dudman, *U.S. Deception in Cambodia,* St. Louis Dispatch, Jan. 28, 1971 at 1–C. Use of American forces in Laos, see TIME, Feb. 22, 171, p. 24.

MAO TSE-TUNG'S CHINA

Mr. DOMINICK. Mr. President, on Friday, June 11, the distinguished Senator from Alaska (Mr. Gravel) expressed some confusion about my remarks of the previous day before this body concerning the admission of mainland China to the United Nations and the record of that Government in recent years. I say confusion, because I do not believe he gave my remarks the attention they required. The Senator from Alaska alluded to a statement about bodies floating in the Tonkin Gulf. What I had referred to was the hundreds of dead bodies found floating in the bay of Hong Kong—bodies of those who failed in attempts to escape Mao's tyranny, or who otherwise fell victim to the cruel repression of the Communist government. There is little reason for confusion on this important subject. One need only travel through Asia and speak to the leaders of nations in that area to learn about the real Communist China. The distinguished Marine Corps lieutenant general, V. H. Krulak—now retired—recently completed such a trip and reported his findings in a speech before the World Affairs Council in San Diego on March 4. I would invite the attention of my colleague, the Senator from Alaska, and all my colleagues in this body to those remarks. I ask unanimous consent that the speech be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address By Lt. General V. H. Krulak

China—the oldest state in the world. One quarter of all mankind, embodying a culture of depth and continuity unmatched elsewhere on the globe.

One quarter of all mankind; a people who have evolved, in six fateful decades from an Oriental Empire to a communist society.

One quarter of all mankind, most of whom now have memory of no other sort of life than one characterized by deprivation, mass coercion and terror.

In 1809 Napoleon said, "Let China sleep. When it awakes, the world will be sorry."

China is indeed awake and, unless the world faces realistically the nature of that awakening, it is indeed likely to be sorry.

In one brief discussion, it is not possible to treat adequately all the aspects of Red China's interface with her neighbors and with the world at large.

A real understanding of this interface involves consideration of the burden on the little nations of Southeast Asia who must live with a hungry and acquisitive China; of their problems of survival.

It involves an understanding of the race between China and India for modernization and power.

Of the hunger of Japan for Chinese raw materials;

Of the impact of fertilizer, antibiotics and the pill on China's future.

Of the dispute between China and the U.S.S.R. over millions of square miles of border area.

Of the tragic turmoil that has beset China for 25 years;

Of the true state of affairs in Peking today.

But in the interest of time and simplicity, I will speak today on one matter only—what is happening to Mao Tset-Tung's government; where it is headed today, and what it means to us.

We are faced with a crisis—nothing less—where the matter of recognition and U.N. membership of Red China are concerned. What should we do, in our own self-interest?

This, of course, has to be a product of what China is; what she means and, more important, who is speaking for the 750 million people. In short, just what is going on in Peking? Can we deal with Mao Tse-tung? Should we deal with him?

And that was the purpose of a trip which I recently made to the Far East—to learn the answers to those questions.

I visited Japan, Taiwan, Thailand and Hong Kong.

I spoke to government leaders, U.S. and foreign diplomats, businessmen, journalists, military people, and personal friends in these areas and hammered continually on the basic question—How strong is Mao's government? What is it doing? Where are its aims? Where is it going? What does it all mean to us?

I believe I found some of the answers.

Just as skilled doctors are likely to disagree on either the diagnosis or treatment of a disease, so the many people to whom I spoke were not unanimous on either the situation in Red China or what needs to be done about it. Mostly, they spoke confidentially and with great candor.

I was impressed, in the end, that their viewpoints did not diverge greatly, and from it all, I believe I was able to distill a clear picture of how a group of real experts sees the situation.

First, let us talk briefly of background. Recall that the Chinese society has lasted for over 2 millenia, based always on the family as the embodiment of the Confucian ideology and as the fabric which held the people together.

The Manchus understood this, and tried to exploit the Confucian system. So did the Mongols before them.

But not the communists. After 2,000 years of family existence, when the communists came into power in 1949, the first thing they sought to destroy was the family.

In a society which had been largely independent of oppressive central government domination in 20 centuries, the Maoists undertook almost overnight to break up the family as a bourgeois instrument of inequality.

They took the farmer from his wife;—they dismembered the family fishing crew. They took the children from their parents, set up boarding schools and nurseries, said that all children belonged to the state and tried to teach them to despise their parents.

As a basically independent people, the Chinese had shown an astonishing amount of initiative over the centuries.

The communists undertook to destroy this initiative, and to substitute slogans and theories.

Since they were looking for mechanical efficiency more than anything else, the communists turned their back on the greatest reverence of all where the Chinese people are concerned,—the land.

They did such outrageous things as desecrate sacred burial areas, bulldozing over graves and otherwise affronting an ethic that went back for 2,000 years.

They did all of this in order to break with the past and to change the attitude of the people into one of complete subjection to the communist system.

The years between 1950 and 1965 were a constant procession of experiments—experiments involving millions and millions of people, and each aimed at destroying the old order and replacing it with something that would be kindred to Marxist theory.

Each of the experiments gradually faded off in the face of stubborn resistance on the part of the Chinese people. They just would not change. Sometimes they went through the motions. They nodded their heads obediently. But, in the end, they ignored the orders.

Mao Tse-tung and his closest advisers could not stand for this and, in 1966, they launched the Great Proletarian Cultural Revolution which was probably the bravest and, at the same time, the most foolhardy idea that anyone has ever attempted to perpetrate on a great mass of people.

Mao realized that he was growing old; that all of his previous experiments had been failures and that he had the opportunity for no more than one more big endeavor. He determined that the only way to correct his previous mistakes was to destroy completely his whole system and to recreate a brand new one which followed the most idealistic communist design.

It is not easy for the world to realize that, despite his personal brutality, Mao is a romantic, a pure Marxist; probably the greatest Marxist theoretician alive.

He sees his destiny clearly—as the man who never compromised; the man who was charged by fate to bring the real essence of Marxism to reality; first, in the lives of 750 million Chinese, and ultimately throughout the world.

Nothing dare stand in the way of his great experiment; least of all the lives and welfare of the people involved. Mao has been given to violence in the face of disagreement since his childhood, which was turbulent because of his impatience and his violent temper.

His consummate brutality where his colleagues and his people are concerned should be no surprise to anyone who reads his history. The blood of millions is on his hands.

The Great Proletarian Cultural Revolution was born of a series of experimental failures, each one going to defeat in the face of quiet stubborn resistance by the millions of peasants that are China.

First, there were rural communes, separating 300 million husbands, wives and children, aimed at converting the whole land into impersonal "production units." Children were to be wards of the state. Men and women were to be allowed to cohabit, not as a part of normal existence, but simply for procreation.

It was a failure.—It resulted in less food, lower lower industrial production, more work and unfulfilled promises.

Then there was total change. Mao determined—almost overnight—that there would be a general subordination of everything to industrialization—"The Great Flying Leap Forward."—

This was intended to project China dramatically into the world's manufacturing producers. It included a program of ten million crude backyard blast furnaces, presumably to make industrial steel.

It was a failure, too. The people were lost in a welter of complicated instructions. The backyard steel was almost worthless, and there was a by-product of famine because of reduced emphasis on feed production.

Then a dramatic re-shift was decreed—a return from industrialization to a new emphasis on agriculture.

The country was hungry—Five million dead of famine in a single year.

This, too, was a failure, simply because the bulk of the increased food production went to the cities, and not to the farmer who raised it.

He quickly lost interest.

The next experiment was a period of self-criticism; a program where Mao encouraged critics of Maoism to speak out freely. He called it his "Thousand Flowers" program, aimed at getting to the heart of their lack of progress by encouraging critics of the regime to speak their minds.

That failed too. Mao and his cohorts were shocked by the volume and violence of the criticism. They simply could not take the truth. Almost a million so-called activists were ultimately executed for speaking their mind. Ten million more were uprooted and sent to prison or work camps. The brief period of candor came quickly to an end.

Then the Maoists decreed an attack on science and technology, condemning them as opponents of the classless society. This failed too. It took only a brief year or two to make clear that technicians, scientists and trained men were needed to make the machinery of government and commerce go.

They were far from finished. An effort was made to convert cities into pure Marxist urban communes, with every act of city living and working completely communized. No initiative; no personal freedom.

Failure. Inefficiency in administration, bureaucracy and stupidity resulted in chaos, hunger and just plain refusal of millions of stubborn Chinese to work.

Then the Maoists tried a mass birth control program to help fight famine.

Failure. The Chinese family would not cooperate.

In the face of this incredible pattern of experimentation with the lives of his people and the unvarying pattern of failure, there was a brief and significant period in 1965 and 1966 when things grew better. This was not because of any improvement in government or enlightenment in leaderhip but simply because of exhaustion.—The Communist Party relaxed its pressure to experiment, probably because they were worn out and devoid of ideas.

For a brief moment, the people were left alone to live their own simple lives. The result was almost miraculous—more food, more tranquility, more consumer goods;—not only because the low level party functionaries were tired of putting their efforts behind Maoist experiments with the lives of the people.

Mao himself, in 1966, was sick with Parkinson's disease; 74 years old, a consummate failure in his effort to prove that Communism is a practise as well as a theory. Weakened physically and mindful that his years were numbered, he determined to make one last major push; one designed to transcend in both scope and results all of those experiments that preceded it.

He decreed what amounted to an attack on his own party mechanism, or the machinery and principles of Marxism.

His scheme was to wipe the slate clean, get rid of every official who had exhibited any doubt whatever of the efficacy of Maoism, purge the intellectuals who had raised questions regarding the regime, wipe out the remaining large businessmen, and try again to create an absolutely classless, totally communized society. The only people to be left undisturbed were farmers and laborers in industry.

The Red Guards were Mao's instrument; schoolboys in the main; boys who had never been off the farm or out of the classroom.—He turned them loose in the Autumn of 1966 with a free hand to eliminate every vestige of anti-Mao thought. Mao and his cohorts expected that the youths would have done their purging in a month or so, and they certainly expected that the youngsters would respond to the direction of the party leaders.

But it did not work that way. They went wild—killing, stealing, battling among themselves, losing sight completely of the Marxist idealism that was supposed to govern their actions.

The rampaging of the several million irresponsible youth simply crystallized and intensified the opposition to Mao—both in and out of the party. Anti-Mao groups took courage and came out into the open. The country was in turmoil. Strikes and even street fighting between the Red Guards and the contesting factions were common. Wherever he could get someone to obey, Mao's repression was brutal. Deaths and imprisonment were the order of the day.

The government in Peking existed in form, but not in any substance. The fact was, in 1967 and part of 1968, nobody was in charge at the top. It was a hollow shell. Low level civil functionaries did pretty much as they pleased. Many simply stopped functioning. People everywhere felt relief at the lack of government supervision, and were free to criticize Mao and his minions. Under the influence of anti-Maoists, things grew substantially better, particularly in the countryside.

Mao saw that his regime was tottering—about to be engulfed in civil war, involving not just the party, but the cities and farms as well. In desperation he finally turned on the farmers and laborers, whom he had spared previously. He declared that all dissident farmers and industrial workers had to be purged, too. He ordered the people's liberation army to enter the battle to restore and keep the peace.

The only problem was, large segments of the liberation army were not loyal to Mao. The great bulk of the forces insisted on remaining aloof; refusing to enter the conflict, refusing to intervene in Mao's behalf; willing at most, to keep some semblance of law and order in the countryside.

In the end, the army was loyal only to itself. Its leaders realized that it stood as the only stabilizing power in all China. They were not committed to ideology as much as to maintaining the focus of power, and building up their nuclear strength against a possible confrontation with the Russians. They are tough men, they are patient men. They have the strength, and it grew clear, as early as 1968, that they would ultimately run the country.

With political opposition visible on all sides, with the army insisting on staying in the wings, Mao saw his era coming to an end and, like the real fighter that he is, elected to give it one final try.

Almost with a wave of a wand, in late 1968, he went all the way. He declared that henceforward all of China—urban and rural—would become a truly proletarian state, with absolutely every act of authority discharged by committees of the people.

Whether it was a store, a farm, a factory, a newspaper or a school, it would be administered by committees of the persons doing the work. Everyone would have the same pay and the same privileges. Committee members would be subject to instant recall by their fellow workers.

Of course, the idea collapsed. The Chinese people were fed up with arbitrary experiments that disrupted their lives. They were patient and quiet, but simply ignored Mao and his directives. He was defeated by his own philosophy. He had always said, "Let the masses manage the affairs of the state." They did.

That brought us up to about 1970—a year or more ago. Mao since has had to offer a procession of face-saving compromises—just to stay in a position of nominal authority—more freedom for the farmer, amnesty for his enemies, concessions to the army. That is what is going on now. The Mao regime is trying desperately to put on the face of success; to preserve the fiction that their Marxist innoculation has taken on the Chinese people; that he and his cohorts are in fact the nation's leaders.

The fact is, they are not. They are hated and ignored today, and another in the long train of Chinese dynasties is passing. Although among the shortest, and certainly the most oppressive, like all of its successors over a 3,000 year span, like the Mongols and the Manchus, it will simply have to leave some mark on the amorphous Chinese people.

The Chinese administrative procedures of the future will certainly see the effect of Maoist totalitarianism. The viciousness of Mao's 20 years of attack on his enemies will be felt everywhere, and the Maoists mania of totally isolated superiority will make relations with the outside world most difficult for his successors to engineer.

Mao believed he and his China were destined to make over the world. His successors are going to have to make up their minds that wars of national liberation are really not their bag; that they will be lucky if they can manage their own internal affairs while maintaining some facade of sovereignty in facing the outside world.

They have grave economic problems, brought on by a quarter of a century of experimentation. They have serious agricultural problems. Even though this year's grain harvest was good, it is still less than needed for a bare subsistence diet.

In the face of these facts, all of which are available to the Department of State and thus to our legislators in Washington, it will be well to go directly to the subject of Red China recognition, and the United Nations.

It is obviously a major issue facing the United States this year. In addition to the Communist countries, several of the larger non-Communist nations have established some form of relationship with Peking; Britain, Canada, France, Italy, Sweden and Norway are the principal ones.

Last year about 40% of the required 66% of the United Nations were in favor of seating the Maoists. Now the pressure is on us.

There the key phrase is, "Establish a meaningful dialog."

Some of the U.S. diplomatic people to whom I spoke, some of our business people, some of our foreign friends, speak to the wisdom of our "talking meaningfully to a people who constitute a quarter of all mankind." And the implication is that we should do it at once.

But by no means does everyone feel this way.

Others contend that, applied to the conditions of today, this is the worst sort of sophistry, and I have to agree.

Even if we could somehow talk to the Chinese people at large, they wouldn't know what to talk about. They are simple, provincial folk, whose horizon does not extend far beyond their own village. Eighty-five percent of them are existing at the subsistence level or below. Their only aim is to survive; their only satisfaction, caring properly for their elders; their only pleasure, sleeping with their wives.

A dozen times I was reminded that the government which purports to represent them does not. Nobody really does. As I have said, the Maoist leadership is a failure. The great leap forward failed. The great flying leap failed, and the great proletarian cultural revolution failed in a wave of unprecedented blood letting.

Mao has largely lost the helm to a group of generals to whom power and not dialectic is the key and the objective.

What Senators Fulbright and McGovern and our "meaningful dialog" proponents are really contending is that there is some benefit to be found in intercourse, not with the men in the fields and factories, but with a tiny hard core of men,—Mao and his threadbare satellites.

And just who are they?

They are a band of nihilistic Marxist brigands who have survived literally by killing off the opposition wherever they found it. Their murders have numbered 15 million since 1949.

They are a group of arrogant and frightened men who have failed in every one of their social experiments, who inspire no loyalty among their people, who really have less popular mandate than Atilla the Hun.

They are a group of perennial losers who, in 1967 and 1969 came within an eyelash of being destroyed as they attacked the very fabric of their own regime.

They are a group of vicious minds who labor under the grotesque idea that they must remake the world; who hate us and all we stand for with a bitterness that defies description; who have supported, sustained and nourished our enemies wherever and whenever they could.

Dialog with them? We might as well get in bed with a nest of rattlesnakes, that is, assuming they would be willing to get in bed with us, which is doubtful.

There is a Chinese proverb that is applicable here,—"If you wish to know the road ahead, inquire of those who have travelled it."

Inquire of our British cousins.

They were anxious to create a "meaningful relationship" with Mao and his bandits because of the economic benefits. "Seven Hundred and Fifty Million Customers," they said. After two years of humiliating haggling, they finally got the Maoists to sign a paper that was supposed to begin a diplomatic and economic give and take.

What become of it?

Ask the British businessman, a tiny trickle of trade, perhaps sixty million dollars annually, and a negative trade balance at that.

Seven hundred and fifty million customers—all broke.

Ask Sir Donald Hopson, Her Majesty's Ambassador to Peking, who, at the beginning of the Red Guards fiasco in 1966, had to stand while Mao's bullies beat him physically, sacked his Embassy and violated the Embassy's women before his eyes.

Ask the Russians—Mao's idealogical cousins, and bandits in their own right. Ask them about dialog with the Chinese Marxists.

Ask the Black African countries that have been disillusioned by their presumed Chinese benefactors.

Ask them to tell us why they threw the Reds out.

Ask them all. Ask them all just how much "meaningful dialog" they had with a "quarter of all mankind". And ask them how they would behave if they had it all to do over again.

The fact is, the United States of America has an opportunity today that comes to a few generations. It has both the chance and the challenge to contribute directly to the peace of the world by standing up and telling it like it is, to say, with the confidence of the world's own experience, that there is no such thing as "meaningful dialog" with cut-throats, that where the Mao group is concerned, no written agreement has any value.

"You cannot wrap fire with paper," said a Chinese philosopher.

We can be the rallying point to the whole world on this issue if only we cease equivocating and raise our national voice with the truth.

Dialog with China? There is no argument there. Certainly, we must have it and, if it were definitely in our selfish national interest to do so, we would be justified in dealing with the cut-throats this very day.

But it is not in our selfish national interest. There is no pressure whatever on us to dignify them or help perpetuate them. There is no pressure whatever on us to demoralize the opposition to Mao inside China.

There is no significant promise of fruitful trade with them; not now, or in the early future.

There is certainly no promise of greater security for us in talking with Mao and his irresponsible chauvinist comrades.

It will be far better to talk when there is someone respectable and responsible to talk to. If we will just wait, the Chinese people will throw them out for us. All we need to do is be patient.

"There is a day to cast your nets, and a day to dry your nets," say the Chinese.

We will do well to dry ours for awhile. And that, I submit, should be our national policy.

CONCLUSION

At the beginning, I offered the generalization that China is in both torment and in ferment, and that her torment is critical to the world.

I hope the picture I have projected through the eyes and lips of others, gives meaning to those words.

I hope I have been able to underscore truths that we cannot—that we dare not—elude.

First, the peace of the world—the tranquility of the United States of America—are at stake in Asia.

Second, the economic well-being—the standard of living—of the United States of America—are at stake in Asia.

If we walk away from our commitments there, we can expect results so bitter that a generation of Americans will have to pay dearly—in terms of encouragement beyond measure to Red China, with the specter of a Communist dominated Southeast Asia—to include Singapore, Burma, Malaysia and maybe Indonesia.

Whether we like it or not, whether we want it or not—the United States of America has a role to play in Asia.

Ming Yun I Ting.

It is decreed.

If Americans believe in their country and their future, they will heed this ancient counsel.

AMERICA MUST WAKE UP TO THE DANGER OF PAKISTAN CRISIS

Mr. CHURCH. Mr. President, Crosby S. Noyes, the noted editor and columnist for the Washington Evening Star, has written a succinct critique of the Pakistan civil war and the threat it poses to world peace. He urges the United States to face up to the danger of the Pakistan crisis. He writes:

> It is a question of whether the United States, as one of the major suppliers of aid to Pakistan, is going to join in the effort of repression and contribute to the threat.

Mr. Noyes continues:

> It is the height of self-deception to pretend that any part of this aid is going to help the wretched millions in the eastern province. What it is doing is sustaining the government in Islamabad in a campaign of repression that is unparalleled in modern history, and creating the conditions for a major catastrophe.

I agree with this analysis. That is why Senator SAXBE and I have offered a remedial amendment to the Foreign Assistance bill.

I ask unanimous consent that the text of amendment No. 159 to S. 1657 be inserted at this point in the RECORD.

There being no objection, the text of the proposed amendment was ordered to be printed in the RECORD, as follows:

> SEC. . All military and economic assistance, and all sales of military equipment and weapons, whether for cash, credit, or any other means, to Pakistan, authorized or appropriated pursuant to this or any other Act, and all licenses for military sales, shall be immediately suspended and no commitments or expenditures, including the provision of debt relief, shall be undertaken or made, until distribution of food and other relief measures, supervised by international agencies, take place on a regular basis throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan: *Provided, however,* That these provisions shall not prohibit expenditures of previously appropriated funds pursuant to binding written agreements between the Government of Pakistan and the Agency for International Development in force on or prior to June 8, 1971.

Mr. CHURCH. I think the Congress and the Executive should heed Mr. Noyes' conclusion:

In the long run, it will not be possible for West Pakistan to keep the more numerous population of the eastern province subjected by force. It will not be possible either, for India to absorb the millions who have fled the repression. It is time for the United States to face up to the desperate urgency of the situation that is developing and to draw the proper conclusions.

I ask unanimous consent that the article by Crosby S. Noyes be printed here in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Evening Star, June 15, 1971]

We Must Wake Up to Danger of Pakistan Crisis

(By Crosby S. Noyes)

The situation that has developed in East Pakistan and western India is not only a human tragedy of staggering proportions, it also is a threat to world peace which this country can ignore only at its own considerable peril.

The apparent indifference of American public opinion to what is going on is ominous and ugly. It implies either a parochialism that borders on lunacy or else a belief that the problems of Asia are so vast and intractable that there is nothing that can be done about the agony and destruction of millions of human beings.

The facts, at least, are brutally clear.

Since March 25, when West Pakistan launched its campaign of murderous repression against its secessionist-minded eastern province, upwards of 6 million East Pakistanis have fled across the Indian border into West Bengal. They have brought with them an epidemic of cholera which has spread like wildfire through some 500 makeshift refugee camps set up near the border.

Despite the frantic efforts of the Indian government and sporadic help from the rest of the world, the situation is completely out of control. No one knows how many thousands of exhausted men, women and children already have died. At least 100,000 new refugees still are arriving daily. Cholera has now spread to Calcutta, whose population has swollen to 12 million and whose sanitation is the worst of any city in the world.

The influx poses an intolerable threat to the Indian government, whose own population is chronically near the starvation point. Millions of dollars are being spent to feed the refugees by a country desperately short of everything except people. West Bengal already is the most unstable of the Indian states and the arrival of millions of destitute Pakistanis is a prescription for disaster on a vast scale.

India's Prime Minister Indira Gandhi has told the Parliament in New Delhi that "conditions must be created to stop any further influx of refugees and to ensure their early return."

"If the world does not take heed," she said, "we shall be constrained to take all measures as may be necessary to ensure our own security and the preservation and development of the structure of our social and economic life."

But the conditions for the return of the refugees have not been created, and the world is taking incredibly little heed of the dangers involved. Although the government of West Pakistan continues to talk reassuringly about how quiet and secure conditions in the eastern province are today, the people keep coming and none shows a disposition to return.

And so the Indians are talking publicly and seriously about the possibility of war. Even a man like Jaya Prakash Narayan, who has devoted his life to the teachings of Gandhi and worked for years in the interests of India-Pakistan reconciliation, does not rule out the possibility as a last resort.

Narayan has been in this country trying, without much apparent success, to alert American officials to the gravity of the danger. In his view—and that of a good many neutral observers as well—the disintegration of Pakistan is irreparable. The question is simply whether West Pakistan, in its effort to rule its eastern province as a colonial possession, will create a threat to India which cannot be tolerated.

It also is a question of whether the United States, as one of the major suppliers of aid to Pakistan, is going to join in the effort of repression and contribute to the threat. Arms aid to the government of West Pakistan has been "under review" since March. But economic aid, in the form of loans and grants, is still continuing.

It is the height of self-deception to pretend that any part of this aid is going to help the wretched millions in the eastern province. What it is doing is sustaining the government in Islamabad in a campaign of repression that is unparalleld in modern history, and creating the conditions for a major catastrophe.

In the long run, it will not be possible for West Pakistan to keep the more numerous population of the eastern province subjected by force. It will not be possible, either, for India to absorb the millions who have fled the repression. It is time for the United States to face up to the desperate urgency of the situation that is developing and to draw the proper conclusions.

DATE IS BEST WAY OUT

Mr. McGOVERN. Mr. President, in the Washington Post on April 11 of this year, one of this country's most prominent diplomats, Mr. Charles W. Yost, wrote one of the most compelling pieces I have seen on the sources of our involvement in Indochina, the errors of our policy, and the best means of extrication.

As Members of the Senate know, the President thought so highly of Mr. Yost's distinguished record as a career diplomat that he appointed him as U.S. Ambassador to the United Nations, a capacity in which Mr. Yost served for 2 years, through February of this year.

Among the conclusions of his article is the recommendation that—

> We should promptly and publicly fix a date for the total withdrawal of *all* U.S. military forces from South Vietnam—subject only to North Vietnamese agreement to commence releasing U.S. prisoners as soon as the date is fixed and to complete the release of *all* prisoners *before* withdrawal is completed.

Mr. President, I ask unanimous consent that the article I have described be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Way To Disengage From Vietnam

(By Charles W. Yost)

In 1968 I prepared for the Carnegie Endowment on International Peace and Council on Foreign Relations a paper in which I urged that the recently commenced negotiations in Paris be used to seek a political settlement which, I pointed out, would require "substantial and painful concessions" by both sides.

It was perfectly clear that Hanoi would not accept a settlement which left the Thieu-Ky government in power indefinitely or which provided for elections to be carried out by that government, even with some international supervision. There is a strong tendency among Asian voters, even in relatively free elections, to accept "the mandate of heaven"—that is, to vote for the party in power. To Hanoi, elections managed by the present Saigon government would mean loss of all it had fought for so long and so hard.

My paper suggested, therefore, that we explore seriously and urgently in Paris whether the North Vietnamese would accept a neutral interim government to carry out elections, a government from which both the Thieu partisans and the National Liberation Front would be excluded or, alternatively, one in which both would be included but in a minor role. If this were possible, I thought an immediate cease-fire could be brought about and the war rapidly wound down. If Hanoi insisted on an interim government which the NLF would clearly control, that would be unacceptable to our side and the negotiations would fail.

This paper was just about to be circulated to the members of the two organizations which sponsored it when I was offered by the incoming Nixon administration the post of U.S. ambassador to the United Nations. The first request which was made to me after I accepted the post was that this paper not be circulated. It was clearly inconsistent with the policy which the administration intended to follow.

During my two years' service with the administration, I was not involved in any way in the formulation or execution of its policy toward Southeast Asia. My advice was never asked on any substantive aspect of the problem nor was I involved in any National Security Council deliberations on it. I therefore watched from the sidelines with growing apprehension and heartache the prolongation of our military effort in Vietnam far beyond what seemed to me a rational or justifiable point.

In October, 1969, I was moved to submit a memorandum to the administration in which I made this argument as strongly as I could. I urged that we either "bring about a drastic change in the character of the Saigon government as a basis for political settlement" or, if that was considered to be unacceptable, that we "substantially accelerate troop withdrawals without a political settlement."

I never received any response to this memorandum. On the contrary, the Paris negotiations were allowed to degenerate into a charade and troop withdrawals continued at the same deliberate pace which in April, 1971, still leaves 300,000 American troops in Vietnam. Even last Wednesday's announcement by the President of slightly accelerated withdrawals would leave about 180,000 Americans there at the beginning of 1972, nearly seven years after our major involvement in the war began.

It was and still is quite clear that, despite the Nixon Doctrine and the commitment to "Vietnamization," the President and his national security adviser, Dr. Henry Kissinger, continue to believe that "victory," in the sense of the maintenance of power of the Thieu-Ky government, can still be achieved, and that continued substantial U.S. participation in the war for this purpose is not only acceptable but necessary.

They contend that all their military actions, both defensive and offensive into Cambodia and Laos, are designed to reduce American casualties, to protect American forces as they withdraw and to secure the release of American prisoners of war. Actually, there seems little doubt that, if the administration were prepared either to accept a political settlement involving a change in the Saigon government or to fix a proximate date for the total withdrawal of U.S. forces the North Vietnamese would be only too willing substantially to reduce hostilities as well as to release all U.S. prisoners by the time U.S. withdrawal was completed.

AN EMOTIONAL BASIS

It appears more likely that the real reasons why the President and Kissinger are preoccupied with at least the appearance of victory in Southeast Asia are: (1) the simplistic conception stamped on their minds in their politically formative years and never relinquished of an apocalyptic bipolar global struggle between communism and the "Free World" in which any setback to either side anywhere threatens critically the delicate balance of power everywhere; (2) their fear that the loss of South Vietnam after the expenditure of so much American blood and treasure in its defense would produce a domestic political upheaval in the U.S. which would discredit their administration and throw the Republican Party into the arms of its right wing, and (3) the panic which seems to overcome any American President at the thought of being the first "to lose a war."

These deeply felt emotions are, I suspect, much more decisive with the President and Kissinger than are the more prudent considerations which led them to proclaim the Nixon Doctrine. They cannot yet bring themselves to renounce military "options" involving U.S. forces which they still hope will preserve the status quo in South Vietnam and which the American public could still be persuaded to tolerate. The President has, partly by the exercise of his own rhetoric, persuaded himself, as President Johnson did earlier, that the "loss" of South Vietnam, however it came about, would be an intolerable "humiliation," would cause the U.S. to be considered by both foes and friends, "a pitiful, helpless giant" and would fatally blot the reputation in history of the President who presided over it.

Actually, of course, the more leaders use this sort of language in public, the more they create the atmosphere which could make it self-fulfilling. It is at least as reasonable to contend that the U.S. has, after six years of massive engagement itself and a vast buildup of the ARVN, far more than fully met any obligation it might have had to self-determination in Vietnam. If the government of South Vietnam cannot in 1972 maintain itself without U.S. military involvement, it is unlikely to be able to do so in 1973 or at any time thereafter.

Moreover, it would now seem to be demonstrated that no practicable expansion of the war is likely to be profitable or even tolerable. The Cambodian "incursion" last year and the Laotian "incursion' 'this year, while they produced marginal tactical advantages, have had two much more prejudicial strategic consequences: (1) they have seriously overextended the South Vietnamese forces which we have been trying to prepare to defend their own country and, in the Laotian case, have badly damaged their morale; (2) they have so aggravated U.S. public dissatisfaction with the whole Southeast Asian enterprise that, as the polls indicate, a majority of Americans now wish to withdraw almost immediately. Under these circumstances no further expansion of the war, concerning which the President still seems determined to keep his "options" open, lies within the realm of political reality.

In this connection, neither the administration nor the public has faced up to the role, present and future, of U.S. airpower in Southeast Asia. The impression is, however, emerging that the massive way in which it has been used in South Vietnam since 1965, and in Laos and Cambodia more recently, is not only indecisive and often counterproductive in a war of this character, but is so undiscriminating between combatant and noncombatant, so devastating to the lives and livelihood of friends more than of foes, so cruel and inhuman in its scale and consequences, that it is unjustifiable under either the laws of war or the laws of humanity.

AN ABSOLUTE DEADLINE

In summary, in light of all this tragic history and these inexorably accumulating facts of life, what should the United States do *now* about getting out of Southeast Asia? I would propose the following five steps.

1. We should promptly and publicly fix a date for the total withdrawal of *all* U.S. military forces from South Vietnam—subject only to North Vietnamese agreement to commerce releasing U.S. prisoners as soon as the date is fixed and to complete the release of *all* prisoners *before* withdrawal is completed. This date should preferably be Dec. 31, 1971, but, if this should turn out not to be logistically feasible or if agreement on the release of prisoners could not be obtained soon enough, it might be March 31 or even June 30, 1972, but certainly no later.

2. At the same time that we fix a date for withdrawal, we should propose a general cease-fire, to take effect at once or at any time prior to completion of withdrawal. We should *not*, however, make withdrawal conditional on a cease-fire. Acceptance of a general cease-fire would mean that the status quo throughout South Vietnam, and perhaps Laos and Cambodia as well, would be frozen while the Americans were withdrawing. It seems unlikely that such a freezing for a period of many months would be acceptable to either the North or South Vietnamese. On the other hand, after a date had been fixed for U.S. withdrawal, local cease-fires to facilitate withdrawal might be quite feasible.

3. Before announcing a fixed date for U.S. withdrawal, we should offer the South Vietnamese government a last opportunity to negotiate a political settlement on the only basis on which it might conceivably be negotiated—that is, an interim government acceptable to both sides to carry out elections. Obviously, if Saigon were willing to try to negotiate such a settlement, it would have a better chance of doing so successfully while the Americans were still militarily present in Vietnam and participating in the Paris negotiations. Since, however, I very much doubt that the Thieu-Ky government would agree to negotiate a settlement of this kind, even faced with the prospect of early U.S. withdrawal, I should not suggest delaying for this purpose for more than one month the announcement of a terminal date for U.S. withdrawal.

4. We should, simultaneously with this announcement, propose to all participants in the Geneva Accords of 1954 and 1962 return to the full application of those accords, with such modifications as changed circumstances require or as seem desirable to all concerned, but specifically including withdrawal of *all* foreign forces (including North and South Vietnamese) from Laos and Cambodia and reaffirmation of the neutralization of these two countries. One modification of the accords which would be most desirable, if it could be obtained, would be the creation of more effective supervisory machinery than the old International Control Commission. If a new Geneva Conference were necessary to accomplish these ends, as it very likely would be, such a conference, with the same or larger participation, should be convened as soon as possible. The conference could also concern itself with Vietnam, if the governments of both North and South so desired, but it would not necessarily do so.

5. We should at the same time reiterate the offer we have made in the past to contribute substantially to a program of economic rehabilitation, reconstruction and development in North and South Vietnam, Laos and Cambodia, to be carried out preferably under United Nations auspices.

Achievement of the objectives proposed under these five points seems to me realistic and practicable. Achievement of the objectives apparently still being pursued by the administration seems to me an empty fantasy, the continued pursuit of which under present circumstances would be disastrous to the security, welfare and moral character of the American people.

EIGHT ERRORS CAUSED OVERINVOLVEMENT

(By Charles W. Yost)

The direct and massive U.S. military involvement in Southeast Asia beginning in 1965 was grossly disproportionate to any national interest the United States had in the area, and soon proved to be prodigiously damaging to the welfare of the Vietnamese and Laotian people. There are many reasons why this highly motivated but disastrous miscalculation by U.S. leadership occurred. In my view, eight major errors of judgment caused us to get in so deeply:

1. The first was the belief that Communist China had in the 1950s and 1960s both the intention and the capability to extend its dominion beyond its borders, especially southward either through invasion or, more probably, through "wars of national liberation" which it would inspire and support. In the cooler light of hindsight we can now note that, with the exception of the war in Korea, which was certainly felt to be defensive, and the war in Vietnam, which derives almost wholly from Vietnamese rather than Chinese inspiration, Communist China has shown little intention or capability of involving itself directly or indirectly in military adventures ouside its borders.

2. The second mistake in judgment, the "domino theory," was the belief that Southeast Asia outside Vietnam was acutely vulnerable to wars of national liberation or to subversion and takeover; that if South Vietnam fell, others were almost certain to follow. This error arose from an undiscriminating extrapolation of the situation in South Vietnam, which for 10 years prior to 1954 had been deeply infested at the grassroots with Communist cadres, to the rest of Southeast Asia, which had not been penetrated to anywhere nearly such a degree. Of course the extension and conduct of the war in recent years have made Laos and Cambodia much more vulnerable to takeover than they were in the 1950s.

3. A third error in judgment was the belief that North Vietnam, if partially or wholly victorious in the South, would serve thereafter as a compliant instrument of Communist China. Actually, as the history of the past 25 years has amply demonstrated, only the Yugoslav Communists have rivaled the North Vietnamese in stiff-necked recalcitrance and independence.

4. The fourth error was in imagining that NATO could be duplicated in Southeast Asia and in setting up there a purported military coalition which was in fact only a facade for unilateral U.S. support of several weak countries. Nevertheless, SEATO had the effect of committing the United States to a deeper and more formal involvement in Southeast Asia than was wise, without in fact significantly increasing its capabilities there.

5. Perhaps the most decisive mistake made in Vietnam and, for a time, in Laos was, on the one hand, U.S. insistence that regimes it supported be 100 per cent anti-communist and antineutralist and, on the other, its failure effectively to insist that the support

it so unstintingly provided these regimes be used to carry out reforms which might have given them an expanding popular base.

6. The sixth mistake arose from the extravagant faith in "counterinsurgency" which swept Washington in the early 1960s. Based on the correct assessment that Communist aggression was henceforth more likely to take the form of insurgency than of massive attacks across frontiers, it nevertheless enormously overestimated the capability of *U.S. forces,* no matter how thoroughly trained for this purpose, to conduct this highly sophisticated and acutely political type of warfare in environments where language, customs and physical conditions were so wholly alien to them.

7. The seventh error was also a military one: U.S. insistence on organizing and training most of the Vietnamese forces, from 1954 on, to fight a European or Korean-type war rather than to counter insurgency. Serious efforts have been made in recent years to correct this error but even now the ARVN is still trained to fight with massive air and artillery support, which obviously will be far less effectively available when the Americans depart.

8. The final error of judgment occurred repeatedly *after* our massive involvement, when we so often neglected or fatally compromised potential opportunities for negotiation, either for ephemeral military advantage or for fear of causing trouble with and for the Saigon government.

A FEDERAL JUDICIARY COUNCIL

Mr. ALLOTT. Mr. President, an editorial in the May issue of Judicature speaks with clarity and force on behalf of S. 1440, a bill to establish a Federal Judiciary Council.

So that all Senators can consider this editorial I ask unanimous consent for it to be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN SUPPORT OF THE PROPOSED FEDERAL JUDICIARY COUNCIL

In a widely-publicized interview last December, Chief Justice Warren E. Burger called attention to a function of the Lord Chancellor of England which presently has no counterpart in this country. He said:

"The Lord Chancellor in England is the highest judicial officer, but he devotes only a limited time to purely judicial duties. He is also Speaker of the House of Lords and a member of the Prime Minister's cabinet. Thus, he has access and constant communication with all three branches of government and can keep the executive and legislative branches fully informed on almost a day-to-day basis."

Although our governmental system is based upon the principle of separation of powers, the three branches, executive, legislative and judicial, are closely interrelated and interdependent in many ways. In the federal system, the executive appoints the members of the judiciary, and the Congress appropriates the funds for their salaries and operating expenses. Each of the other two branches has its own responsibility for the judicial branch, yet there never has been and still is not, any permanent official channel of communication between them.

The nearest thing to it has been the addresses of the chief justices before the American Law Institute and the American Bar Association, which have served in an informal way as an annual report on the state of the judiciary. To this should be added, of course, the comprehensive annual reports of the Administrative Office of the United States Courts and the frequent appearances of representatives of the judiciary before budget and other committees in connection with appropriations and other legislation affecting the judiciary.

Now a bill, S. 1440, introduced by Senator Gordon Allott of Colorado, proposes establishment of a new agency, the Federal Judiciary Council, composed of two representatives each of the executive, the legislative and the judicial departments,

". . . whose purpose shall be to advise the Congress, the Executive and the Judicial Conference of the United States on matters affecting the administration of the courts of the United States."

The bill proposes that the Council report to the Congress at least once a year—

". . . with respect to the impact of proposed legislation on the administration of justice in the federal courts, the desirability of legislation to modernize court procedures and thereby ease court congestion, the necessity for additional personnel and facilities, and the appropriate allocation of judicial functions to the federal courts."

In his statement on the Senate floor, Senator Allott noted that the proposed council would be quite a different entity from the Judicial Conference of the United States, which is composed entirely of judges representing all parts of the federal system, or the Federal Judicial Center, which is a research and educational arm of the judicial branch. The Federal Judiciary Council would undoubtedly draw heavily on these and other agencies and resources in formulating and substantiating its recommendations, and as an organ of all three branches of government its pronouncements could be expected to carry more weight than those from any one branch alone.

Some people have thought that there are already too many organizations and agencies in the field of court improvement, and they automatically recoil at the thought of another one. We suggest that the great progress of the past decade has been precisely because so many were on the job. Whenever it appears that another one could serve a particular purpose, it should be welcomed by all. The National Center for State Courts endorsed by the President and the Chief Justice in Williamsburg will render a useful service as a means of communication, coordination and cooperation among them.

In another equally important dimension, the proposed Federal Judiciary Council can be a medium of communication, coordination and cooperation between the judicial and the other two branches of the government with respect to their common interest in judicial matters. Its concept comes very close to the ministry of justice which we have long urged as a needed addition to our governmental structure. Enactment of this legislation will provide a valuable boost for the score or more of state judicial councils, and a useful new ally to those agencies already at work on improving the administration of justice in the federal courts.

CAMBODIA REVISITED

Mr. CHURCH. Mr. President, more than a year has passed since American ground combat troops, air forces, and naval squadrons invaded Cambodia. Mr. Henry Bradsher, chief diplomatic correspondent of the Washington Evening Star, revisited this once peaceful country to take another look at the results of this U.S. intervention. His findings bode badly for the future. He reports:

The proudly independent and theoretically nonaligned nation of Cambodia has become an American dependency. U.S. economic aid, U.S. armaments, and U.S. tactical air support are essential to its continued existence in its present unified non-Communist form.

While Mr. Bradsher was sending his dispatches out of Phnom Penh on the state of Cambodian affairs, South Vietnamese troops were being routed from Snoul, a key Cambodian border town. The reports and the retreat cast more doubt on American claims of success in last year's invasion and on the administration's assurance that the South Vietnamese can hack it.

I ask unanimous consent that Mr. Bradsher's series on Cambodia be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Sunday Star, May 23, 1971]

INTERPRETIVE REPORT—CAMBODIA: U.S. DEPENDENCY

(By Henry S. Bradsher)

PHNOM PENH, CAMBODIA.—The proudly independent and theoretically nonaligned nation of Cambodia has become an American dependency. U.S. economic aid, U.S. armaments, and U.S. tactical air support are essential to its continued existence in its present unified, non-Communist form.

From the lowest level of political awareness among the Cambodian people to the top of the government, there is an assumption that they will continue to need American aid—and will get it. There is no sign that the dependence on American help will end in the foreseeable future. The need might, instead, grow.

The assumption is that the United States has a moral obligation to Cambodia which is as strong as any written treaty, and that the United States has helped create and has accepted this obligation.

Neither Washington nor Phnom Penh has sought to establish a formal treaty tie.

A treaty would destroy Cambodia's claim to neutrality, so officials here do not want one. They feel they have the best of both worlds this way: most kinds of U.S. help that a treaty would provide, but the continued claim of neutrality.

The claim has been rejected by many nonaligned nations since the dependence began developing in April 1970. But it remains a potentially useful diplomatic tool.

As for the United States, it has not sought to formalize by treaty or even to specify clearly the nature of its commitment, beyond references to the Nixon Doctrine. The mood of the U.S. Congress is felt here to be the main reason for this vagueness, even though in no other country has that doctrine been used to develop such a degree of dependency.

The American help provided to Cambodia within an understood rather than written framework has been limited both in nature and in manner of application.

This help does not include "ground combat troops," the component which distinguished U.S. help to South Vietnam from aid to other Southeast Asian nations. Cambodia once wanted them, but that time has passed.

The help has so far been provided for the Cambodians to use themselves. There is no evidence of a system of covert control by Americans, of the kind that distinguishes U.S. help to Laos, being built up here.

U.S. ROLE STUDIED

Some observers here see the possibility, however, that a U.S. role in managing Cambodia could grow out of the present dependence. They think this is implicit in the relationship, despite American assertions that it will not be allowed to happen.

Cambodians show a spirited pride in the right to run their country.

It is a pride of having escaped the autocratic tutelage of Prince Norodom Sihanouk, whom they ousted from power on March 18, 1970. While his country has moved into dependence upon the United States, he has become a Chinese client in Peking.

Parallel with this pride, there is a developing psychology of reliance upon the United States. Few Cambodians see any inconsistency in this.

Conversations with a number of private and official Cambodians reveal an assumption that it is only just and right for the United States to have the responsibility of providing this help into the indefinite future, since Cambodia is the victim of Vietnamese Communist aggression.

Cambodians emphasize to Americans the Communist aspect, although what many of them fear the most for historic reasons is Vietnamese imperialism.

The help which Hanoi receives from other Communist countries is often cited as meaning the United States automatically should help Cambodia. The point is made by officials who would reject the bolder idea of their being proxies in a broader East-West conflict instead of simply defending the Cambodian homeland.

The American attitude has seemed from here to have been more obscured than clarified by public statements.

Aid "involves no commitments," the State Department has said. "The U.S. government is committed to a neutral government in Cambodia," Secretary of Defense Melvin Laird has said.

AN UNWRITTEN TREATY

The Cambodian foreign minister, Koun Wick, said in an interview that he feels there is an unwritten treaty between the two countries.

"I am convinced that there really is a moral obligation of the United States to help," he said. "We are confident that the United States will continue to help us."

But he expressed apprehension about what might happen when U.S. military power is withdrawn from neighboring South Vietnam.

The foreign minister suggested that perhaps U.S. tactical air support for the Cambodian army could be continued from bases in Thailand or the Philippines after American warplanes are withdrawn from South Vietnam.

The president of the National Assembly, Yem Sambaur, said in a separate interview that "people are afraid of being dangerously exposed when the United States leaves Vietnam. The United States must continue to help us as long as the war goes on."

The thought has occurred to a few Cambodians that the United States might be propping their country up only long enough to extricate itself from Vietnam. But this is looking farther ahead than most people here are doing.

CARE DURING CRISIS

Despite the potential power of the United States over a dependent country, it is generally agreed by Cambodians and diplomatic observers here that there has not been significant U.S. interference in Cambodian internal affairs up to now.

The U.S. Embassy here was especially careful not to appear too interested in the recent cabinet crisis. An Asian ambassador commented that U.S. Ambassador Emory C. Swank "might go down in Cambodian history as 'the invisible ambassador.'"

But a European ambassador noted that all the possible new cabinet combinations being discussed during the crisis involved people dedicated to continuing the policies which Washington approves. This ambassador wondered whether the United States would be so forebearing if a "peace party" willing to compromise with Hanoi arose as a possible government here.

A frequent refrain in conversations with Cambodians is the need for American advisers in civilian government jobs.

There is an eagerness to learn new and presumably better ways of doing things, to be brought up to date on world practices. Some political leaders say advisers would benefit Cambodia without acquiring undue influence.

"For 10 or 12 years we got bad advice and did things the wrong way," said one senior leader, referring to Sihanouk's heyday, "and now we need to be told the right way to do things."

The U.S. Embassy does not want to hear any requests for advisers. The "low profile" which it understands that Washington wants to try to keep in Cambodia is inconsistent with putting Americans into advisory roles.

Nonetheless, in the process of giving military and economic aid, embassy officials find themselves also giving advice.

AMERICAN HELPFULNESS

This ranges all the way from getting army recruiting temporarily halted so that records can be sorted out, to providing officials into ordering fuel far enough ahead to prevent temporary shortages, to insisting that truck convoys be planned enough in advance to insure that air cover can be arranged.

When asked about such examples of an indirect U.S. role in making the government run properly, senior Cambodian officials at first look blank.

Then, when asked about specific cases, they dismiss them as simply being examples of American helpfulness. There is no resentment, no concern about interference.

The number of Americans in positions to offer advice is small.

The economic aid section of the U.S. Embassy has only four officers, which is hardly enough to keep up with Washington's paperwork requirements on foreign aid. This number is kept artificially low, however, by the use of temporary duty personnel.

The military aid office has 16 "military equipment delivery team" members. Swank has to approve each case of additional American military men coming in from South Vietnam.

The bulk of the military aid work is done in Saigon, with the embassy here housing only the forward detachment. This is the same pattern that was established for American military aid going into Laos through Thailand when Swank was the No. 2 man in the U.S. Embassy in Laos.

The Cambodian inclination to take advice is more noticeable on the military side.

From the American in daily contact with the Cambodian general staff to the U.S. officers in South Vietnam who plan river convoys up the Mekong to Phnom Penh, there is a lot of advice given and accepted.

VISIBLE AID TOTAL

The total amount of visible U.S. aid to Cambodia in the fiscal year ending June 30 is $262.4 million. It is likely that such invisible items as the cost of tactical air support and American contributions toward the operations of South Vietnamese troops in Cambodia more than double this figure.

For the fiscal year beginning July 1, the U.S. government presently plans visible aid of about $310 million. Almost half of this will be for ammunition.

In terms of U.S. support for South Vietnam or even for Laos, this is fairly cheap. But its impact on Cambodia is tremendous.

Almost all the things which this agricultural, unindustrialized country cannot produce itself for its army and for its civilian economy are now being provided by the United States. U.S. aid covers virtually all import needs.

[From the Washington Evening Star, May 24, 1971]

WAR IN CAMBODIA KILLING ITS ECONOMY

(By Henry S. Bradsher)

PHNOM PENH, Cambodia.—Cambodia will earn just about enough money from its exports this year to pay the interest charges on foreign loans. There might be a little change left over.

That assumes, however, that the already grim economic predictions of officials here do not turn out to be too optimistic—as has been happening regularly in the first 14 months of war in Cambodia.

As for paying for all the things that an agricultural country needs to import in order to be part of the modern world, Cambodia cannot.

It will remain part of the world economy, and its 7 million people will enjoy some of the benefits of modernization—but only because of American aid.

U.S. PICKS UP BILL

Virtually the entire import bill is being picked up by the United States. Small amounts of economic aid have come from Australia and Britain, but Japan has stalled off a Cambodian request for $20 million.

The United States has promised $70 million in import aid and $8.5 million in PL–480 commodities in the year ending June 30. The Nixon administration has asked Congress to allocate Cambodia another $110 million for the fiscal year beginning July 1, and some PL—480 items might be added.

The Indochina War has destroyed Cambodia's ability to support itself at much better than subsistence level for the time being.

In some ways, it is only temporary destruction. Rice would be available for export if internal transportation could be restored. In other ways, the destruction is more permanent. Rubber estates, for example, would take some time to restore, when and if peace returns.

ESTIMATES FAR OFF

Six months ago 1970 exports of rice, rubber, corn, beef and other items were expected to earn $45.6 million despite the war (1969 was $62 million). The National Bank now gives the 1970 figure as $40.2 million.

Imports last year were held down by the government's conservatism, in view of the declining exports, to about $37.5 million. But the economy demands far more on a recurring annual basis than that.

The estimates six months ago were 1971 needs of $78 million in civilian imports. Now the estimate is around $90 million with higher transportation and related costs plus inflation pushing the total to the $110 million aid figure.

Last autumn an American economic survey estimated the loss that would be caused to the Cambodian economy by the war in 1971 at about $100 million, including extra import needs. Now, a not directly comparable figure for estimated 1971 losses just from lower domestic production is $136 million.

And exports, which had been guessed at maybe $20 million in 1971, and were more recently estimated by the Cambodian government at $14 million, now look like they'll be around $10 million.

$8.4 Million Interest Compared with these export earnings, Cambodia owes $8.4 million interest on its foreign debt this year.

It already has paid out $3 million, including $780,000 to the Soviet Union, East Germany and Czechoslovakia. But it decided not to pay $606,000 due to Yugoslavia, which has recognized the exile Cambodian government of Prince Norodom Sihanouk in Peking.

Foreign Minister Koun Wick said in a recent interview that Cambodia is considering asking for a debt moratorium because of the war.

The main export in the first three months of 1971 was rice, always Cambodia's mainstay.

The rich rice growing area around Battambang in southwestern Cambodia, the one major area little touched by the war, is continuing to produce good crops. Nationally, rice planting was down 28 percent at the end of 1970.

Getting rice to foreign markets is a problem.

The railroad from Battambang to Phnom Penh and the sea has been cut. Highway transportation is uncertain because of guerrillas. Thailand, which is trying to sell its own rice surplus, has been difficult about letting Cambodia export in the past.

RUBBER EXPORTS HALTED

The second most important export in the past, rubber, has stopped entirely. Estimates of the cost of getting rubber plantations back into production start at $14 million and rise according to the delay before they can be reopened.

Some things which Cambodia used to make for itself—in factories built with Chinese, Czech and other aid money—now must be imported. These include cement and rubber tires. Some factories have been destroyed or heavily damaged in fighting.

The transport problem has also contributed to inflation by making it more difficult to get local products to market.

But the major factor in inflation has been the doubling of the money supply from March 1970 to March 1971 as money was printed to pay the tremendous new bill for the armed forces, whose size has increased 600 percent.

Measuring inflation is difficult. A large part of the population lives close to the soil. Most basic necessities like food are sold on an unorganized basis.

The National Institute of Statistics calculates, however, that the working class price index in Phnom Penh, which now has about a million persons, rose 84 percent from March 1970 to February 1971, fell slightly in March and rose again last month.

SALARY INCREASE

The government has recognized this by increasing the pay of its employees. But it is unable to take the basic steps of restricting expenditures or increasing domestic revenue.

U.S. aid will help marginally. Some of the imports financed by it as normal needs of the Cambodian economy, such as gasoline, tires and paper products, will be sold to consumers. This will drain a little money out of the economy.

American aid officials are determined not to get involved in providing new and abnormal types of consumer goods for the sole purpose of sopping up money to check inflation, as the United States has done with sad results in South Vietnam.

American aid instead is intended only to meet Cambodia's foreign exchange requirements at their normal peacetime level, plus providing for additional civilian import requirements caused by the war.

With inflation hardly checked, the value of the Cambodian riel has dropped sharply from the official 55 to one U.S. dollar.

U.S. aid agreements recognized this by figuring a rate of 83. The extra is called a "war tax" that consumers have to pay for goods brought into the country with American aid.

On the black market, the riel has plummeted to more than 160 for a dollar.

It is a small black market. Chinese businessmen and some Cambodians are willing to pay an unusually large amount of riels for the few dollars available. The situation does not permit a proper evaluation of the current international value of Cambodia's money.

[From the Washington Evening Star, May 25, 1971]

Power Struggle Looms in Cambodia

(By Henry S. Bradsher)

Phnom, Penh, Cambodia.—The recent cabinet changes in Cambodia are having the unplanned result of reviving the National Assembly as a political factor.

The intentions of some assembly leaders to reassert its constitutional powers, in order to combat alleged corruption and abuse of government power, could lead to conflict between the assembly and the cabinet.

The possibility of conflict is heightened by the antipathy of some politicians toward the effective head of the government, Maj. Gen. Sisowath Sirik Matak, who is premier-delegate.

Some observers do not expect a major conflict to develop. They feel that all political elements want the prosecution of the war to take priority over politics.

EFFICIENCY ISSUE

But other observers foresee the possibility of a political division that could affect the war effort and the U.S. role here, particularly in the area of executive efficiency versus parliamentary responsibility.

The United States, which has been trying to encourage governmental efficiency, would have to be careful not to appear to carry this to the extent of encouraging authoritarian tendencies.

Sirik Matak, whom the Americans consider efficient, arouses apprehensions among critics who charge that he still acts in the authoritarian manner of his royal ancestry although the country has become a republic.

The recent cabinet changes ratified and widened Sirik Matak's powers as head of the government on behalf of the sick premier, Marshall Lon Nol. Lon Nol's personal popularity provides the political backing for Sirik Matak.

In the changes, one of the nation's most experienced politicians, Yem Sambaur, was dropped from the cabinet.

Yem was then elected assembly president, defeating a supporter of Sirik Matak.

OUSTER OF SIHANOUK

Yem is now determined to revive the powers of the assembly in Cambodia's parliamentary system. Never very strong under Prince Norodom Sihanouk, the assembly had atrophied in the 14 months since it voted him out of power.

The assembly president then, Brig. Gen. In Tam, went off to fight the war. So did a number of deputies. Others were silenced by membership in the government.

Phnom Penh's students took over by default the role of an opposition.

"Now the assembly must be respected," Yem said in an interview after his election to succeed In Tam, who joined the new cabinet.

Yem said he planned to reactivate assembly committees so they would better oversee cabinet ministries. Instead of officials answering to student groups, the assembly must be the main forum of public review, he said.

Yem repeated widely heard—and widely believed—charges of corruption.

The assembly must investigate these charges and eliminate corruption, he said. Only by eliminating it can Cambodia insure that it will continue to get foreign aid, he declared.

"If people in Washington, if the U.S. Congress, begin to think that their aid money for Cambodia is being used in bad ways, to make a few people rich, then they won't continue to help us," Yem said.

Will Yem's revived assembly get into conflict with the cabinet?

He denied it would, but quickly added that anyway the constitution provided for the assembly to do its duty, and that duty could not be shirked because of possible trouble.

Yem was premier of Cambodia for 15 months in 1949–50. When Sihanouk was ousted in March 1970, he became foreign minister.

There was talk then of a triumvirate, with Lon Nol, Sirik Matak and Yem jointly controlling the new government. But Yem was never so important as the other two.

He soon slipped further below them, becoming minister of justice and parliamentary affairs in the cabinet reshuffle last July 1. Then recently he was dropped.

Sirik Matak supported another former cabinet minister, Op Kim Ang, to succeed In Tam as assembly president.

But Yem, the old parliamentarian, upset him by a vote of 35–34.

YEM'S SUPPORT

Yem's margin of support—and the proportion of assembly members favoring a more active role now—might be wider than that close vote. Several Yem supporters reportedly were absent. Several blank ballots could have signaled an initial reluctance to cross Sirik Matak which is now removed.

Besides Yem, several others left the government and became advocates of assembly assertion. One is Duc Rasy, who had dared to criticize Sihanouk before his ouster. Others include Hoeur Lay Inn, Keo Sranas and Trinh Hoanh.

Cambodia is still trying to write a new post-Sihanouk constitution.

A new constitution would require new elections. But Sirik Matak has separately raised the possibility of elections for a new assembly.

If the present members become too difficult, the government might try to prevent further extensions of their already-expired terms. The government itself would have to be reconstituted from any new assembly, however, so this involves risks.

And trying to conduct elections while the war continues, creating insecurity in large but not too populous areas of the country, would be difficult.

[From the Washington Evening Star, May 26, 1971]

Ten Percent of Cambodians Termed War Victims

(By Henry S. Bradsher)

Phnom Penh.—About one-tenth of Cambodia's population of 7 million has been classified by the government as war victims.

Most are refugees who have fled the fighting to Phnom Penh and other cities, some are Vietnamese residents who have fled from aroused Cambodian nationalism to South Vietnam, 15,000 have been wounded and 6,500 killed.

Some 18,000 homes have been destroyed, mostly by mortar fire and other ground combat.

MOST NON-AERIAL

The government's commissioner general for war victims, Tian Kim Chieng, estimated in an interview that only about 20 percent of the war's destruction had been caused by aerial bombardment.

Although the Cambodian air force flies some tactical air strikes, and the South Vietnamese air force helps, most of the aerial firepower poured into Cambodia has been American.

But Tian did not think the United States has been responsible for much of the destruction that has created the war victims.

The Cambodian government has not appealed directly to the U.S. government or any other relief for war victims. It has issued general, rather low-keyed appeals to the world at large.

One of the biggest responses has come from Japan. Its Red Cross has given $3.7 million in equipment.

The International Committee of the Red Cross and Catholic Relief Services are among others that have responded.

Experienced relief officials in a position to be thoroughly familiar with the situation in Cambodia, but not in a position to be quoted by name, say the situation here is pretty good compared with the plight of refugees in many other countries.

There is no starvation. Most of the people classified as refugees have moved in with relatives in the cities or otherwise disappeared from view.

The refugee camps around Phnom Penh now do not look nearly so bad as a lot that this correspondent has seen around Asia.

A FOREIGN ELEMENT

There is a sad illusion in this, however. Last summer there were worse refugee camps in Phnom Penh. They housed ethnic Vietnamese who were trying to escape to South Vietnam after many Vietnamese had been murdered in a venting of Cambodian hatred.

A report on war victims just issued by Tian says 102,130 Vietnamese have now been repatriated to South Vietnam. The Saigon government estimate is nearer 200,000.

Many of them are living now in far worse conditions in South Vietnamese camps than what one sees in Cambodia. So some of the worst of the Cambodian war problem is outside Cambodia.

There also are three groups of Cambodians who fled abroad when the war started because they could not get into safer parts of their own country. Tian estimated 10,000 in South Vietnam, 2,000 in Laos and 1,600 in Thailand.

The flight of people from guerrillas in rural areas and from fighting between the North Vietnamese and Cambodian armies in the countryside and small towns has swollen Phnom Penh's population. Rough estimates, which are the best available, say the capital has gone from 600,000 to a million people since the war began.

Tian lists only 200,000 refugees in Phnom Penh, however, with just 1,523 of them in camps and some 30,000 getting government food and clothing rations. He says Battambang, the nation's second city, has 4,285 in camps, and its population has swollen from 60,000 to 100,000.

SOME IN OTHER CENTERS

Other refugees have been grouped in provincial centers and army towns.

Of the war deaths, fewer than 500 were civilians and the rest military. About 1,000 civilians have been wounded.

The government pays hospitalized civilians as much per week—about 92c, or the cost of three chickens in rural areas—that the bottom rank of government employees earn per day.

Since it was established in July, Tian's department has been provided the equivalent, at the legal exchange rate, of $121,000 in government money for its work.

War victim work by other departments and private agencies raises the amount spent or available to $2.63 million, according to Tian's report. This does not reflect the Japanese contribution.

OPPOSITION TO CERTAIN FARM LABOR LEGISLATION

Mr. TOWER. Mr. President, recent editorials in both of the major Dallas newspapers voice opposition to any farm labor legislation which would permit the firing of farm workers for their refusal to pay dues or fees to labor organizations. The views expressed in these editorials are worthy of your consideration.

The first of these editorials appeared in the June 1 edition of the Dallas Morning News, the second was published in the June 3 edition of the Dallas Times Herald.

Mr. President, I ask unanimous consent that these editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

No Forced Unionism

Congressional leaders who have been toying with a proposal to allow farm workers to be fired for not paying union dues have received a solid vote of nonconfidence from the American people opposing the idea.

A survey contracted by the National Right to Work Committee reveals that Americans oppose such legislation by a 5-to-1 margin.

Reed Larson, executive vice-president of the Right to Work Committee, said that the attitude against forced unionism of farm workers cut across all categories of the 2,061 persons interviewed.

Some congressional elements have discussed the closed shop provision in regard to farm labor legislation. It is basically the same attitude that prevailed in 1969 when forced unionism was considered a "sweetener" necessary to get union leaders' approval of reorganization of the Post Office Department. Opposition from the public saved the right to work for postal employes.

Farm workers, like all other workers, should have the right to join or to abstain from joining a union.

Forcing union membership through legislation weakens both the value of unions and the basic right of all workers to decide whether or not they desire to join a union.

Freedom for Farm Workers

Interesting, indeed, is a poll taken by Opinion Research Corp. of Princeton, N.J., in which it's disclosed that 68 per cent of Americans oppose compulsory unionization of farm workers.

What makes the poll so interesting is not merely the degree of support for the right-to-work principle, but the breadth of that support, as well.

Opinion Research Corp. found that every sub-group queried—including young people, Democrats, Republicans, union members, and farm workers themselves—think agricultural workers should make up their own minds about joining unions (notwithstanding that a compulsory unionization clause is likely to crop up in farm labor bills to be considered this year).

By a nine to one margin, farmers and farm laborers are against forced union membership for the laborers. By a six to one margin, young people (ages 18–29) oppose it. And so, by a 2-to-1 edge, do union members themselves.

The finding is impressive. For it shows that although the right to work is protected by statute in only 19 states, a thumping majority of Americans understand the need to be free from unnecessary coercion on the job.

Whatever farm labor law Congress ultimately passes should include right-to-work guarantees—just as last year's postal reform legislation did. For without those guarantees, well-meaning reform would result in serious loss of freedom.

JUSTICE DEPARTMENT WITHDRAWAL OF OBJECTION TO VIRGINIA REAPPORTIONMENT PLAN

Mr. HART. Mr. President, last Thursday, following the announcement by the Department of Justice that it was withdrawing its objection to the Virginia reapportionment plan, I was contacted by several members of the press, who asked me whether I had any reservations about the nature of the Department's action. In response to these inquiries, I issued a statement late that afternoon, which was reported, in part in the press.

I did express some concern about the ambiguity of the Department's statement explaining its action. So that my concern may be clearly understood, I ask unanimous consent that the statement I issued yesterday be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Senator Hart Questions Attorney General's Application of Voting Rights Act Guidelines to Virginia Reapportionment

Only recently, the Justice Department assured members of Congress, including myself, that the Attorney General would apply the correct standard for reviewing submissions under Section 5 of the Voting Rights Act, namely, that the burden of proving there is no discriminatory effect would be upon the State—just as it is when the State sues under Section 5 in the District Court here in Washington. These assurances were obtained only after repeated and widespread expressions of concern from members of Congress and the civil rights community that the Attorney General was applying an erroneous view of who bore the burden of proof when such changes were under review.

This week the Department specifically assured my office that this burden of proof would be applied by the Department in any reconsideration of its earlier objections to the Virginia reapportionment law.

Today the Department has announced it is withdrawing its objections to the portion of the Virginia law dealing with the state assembly. The Department indicated it felt compelled to withdraw its objection because of the decision by the United States Supreme Court in *Whitcomb* v. *Chavis*, which reversed a lower court's disapproval of multi-member districts in Marion County, Indiana (Indianapolis). The Department's Statement read simply:

"Inasmuch as our objection was based on the decision of the United States District Court in *Whitcomb* v. *Chavis*, and that decision was reversed on June 7, 1971, by the Supreme Court, our objection to the House multi-member districting is hereby withdrawn."

This announcement is extremely disturbing. It raises serious questions about the Attorney General's willingness to apply the burden of proof he has recently agreed to follow.

In the *Whitcomb* case, the Supreme Court made clear that multi-member districts were not automatically unconstitutional, and that several important questions had to be answered by whichever party bore the burden of proof—questions concerning the actual impact of the multi-member districts on the access to and exercise of political power by minority group members. In *Whitcomb*, the burden of answering these questions fell on the plaintiffs challenging the plan and the Supreme Court found that it had not been met.

On its face, the Justice Department's statement today suggests a mechanical application of the legal principles controlling in the *Whitcomb* case. But the decision in *Whitcomb* was not under the Voting Rights Act of 1965; the Attorney General's review of the Virginia plan is. The applicable law is different because the burden of proof under the

Act is on the state to demonstrate that there will not be discriminatory impact.

In *Whitcomb*, the opponents were required to demonstrate the discriminatory results; they failed. In Virginia, once the opponents of the districting raised the possibility of discriminatory impact, Virginia was obligated to demonstrate that in fact it would not occur. If the Attorney General makes clear that he finds Virginia has met its burden of proof by supplying evidence which satisfactorily answers the questions posed in *Whitcomb*, that is one thing. But if, as today's ambiguous statement suggests, he merely assumes that, since multi-member were upheld in *Whitcomb*, they should be approved in Virginia's case, then it is open to serious question whether the Attorney General recognizes the difference which the Voting Rights Act is supposed to make in placing the burden of proof on the submitting State. I hope the Attorney General will clarify this decision in the near future.

POLITICAL PROCESSES IN VIETNAM

Mr. ALLOTT. Mr. President, some American critics have become very fastidious in rendering judgments from afar about the domestic political processes of South Vietnam. These critics are invited to consider the informative column by John P. Roche in today's Washington Post. So that all Senators can consider the moral of this story, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THICH THOC THO WRITES A MEMO

(By John P. Roche)

Recently the distinguished Vietnamese historian, Thich Thoc Tho, a graduate of the Ecole Polytechnique and the Sorbonne, came to the United States under an educational grant. Before leaving Saigon he was asked by his government to prepare a confidential report on how the Americans, at a comparable state in their development, had handled the political opposition, the press, and other related topics.

With its second Presidential election looming up in the fall, the Thieu government, always anxious to please public opinion in the United States, hoped that Dr. Tho might be able to give them some tips. Dr. Tho spent six months exploring American history from 1775 to 1785 and prepared a remarkable memorandum. Since the existence of this memo will doubtless be denied the moment we reveal it, it should be noted that the facts have been checked and are accurate.

"Well before the British attempted to destroy their autonomy," wrote Dr. Tho, "the American provinces were accustomed to electing their local officials, legislatures, and in some cases governors. When in 1775 the British moved to destroy their power and war broke out, there was little change except that the Royal governors (formerly appointed by the King) were replaced by men chosen by the new states in varying fashion. The franchise was broadened and the electoral process continued to function as before.

"Considering the fact that the war continued for seven years (and was only won by the intervention of French mercenaries on the side of the Americans) this struck me as remarkable. As we well know, it is hard to keep the democratic process going in wartime, and from all accounts there were sizable numbers of pro-British insurgents—indeed, they constituted a whole army in the back country of the Carolinas commanded by a Lord Rawdon. Did these insurgents, on election day, put away their guns and go in town to vote?

"Curiously the answer came to me in Boston's Old North Church, famous in local myth for the activities of one Paul Revere. Accompanying a friend whose daughter was singing in the choir, my attention wandered (the mass was in something called Episcopal, which seemed like rather poorly translated Latin) and I began reading the innumerable plaques on the wall. And one right next to me suddenly brought a revelation. It read:

" 'In Memory of the Rev. Mather Byles, Jr. Rector of this Parish 1768–1775 and of the Parish of St. John, N.B. (New Brunswick, Canada), 1788–1814. Loyal to the King he was Banished by the Act of 1778 "to suffer death without benefit of clergy" if he should return.'

"Some quick research in old statutes indicated that what was done in Massachusetts was the pattern in other states: the Tory insurgents were outlawed under penalty of death! Beyond that, it was a felony to express verbal or written support of the King—the Virginia law of 1776 to this effect was probably drafted by the famous Jefferson. The First Continental Congress in 1774 did indeed call for freedom of the press, but this was defined narrowly as 'the diffusion of liberal sentiments on the administration of Government.' Outside of the area controlled by the Tory insurgents, no newspaper was ever known to support the British invaders.

"What this comes down to is that the American Establishment (to use a current term) simply drove out the insurgents, excommunicated them in the literal sense of the word, and then held free elections among themselves. I am not suggesting that we emulate them; given the present moralistic mood of the anti-war forces in the United States, this would be folly. But if the clamor gets too great, it might be enjoyable to ask Senator Kennedy if he would object to our enacting the Massachusetts Act of 1778."

Yours faithfully,

THICH THOC THO.

TWENTY-TWO YEARS AGO TODAY

Mr. PROXMIRE. Mr. President, 22 years ago today President Truman transmitted the International Convention on the Prevention and Punishment of the Crime of Genocide to the Senate. It has languished here ever since.

Only 14 Senators from the 81st Congress are here today. A new generation of Americans have reached adulthood since President Truman first urged this august body to ratify the convention. The United States succeeded in sending men to the moon but failed to declare genocide an international crime.

In his letter of transmittal, President Truman stated:

> By the leading part the United States has taken in the United Nations in producing an effective international instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

What has happened to this leadership of which President Truman wrote? Seventy-five nations have ratified the Convention; but not the United States. We have fallen into disrepute throughout the world because our deeds do not live up to our words. The hallowed documents of this Nation—the Declaration of Independence and the Bill of Rights—declare our dedication to human rights for all men. Yet the Senate has been unwilling to support this guarantee of the most basic human right—the right to life.

Violations of this right have studded all of human history. The pogroms were a genocidal attempt by the Russian Government to wipe out the country's Jewry. For 27 years Turkey tried to solve its "Armenian problem" by slaughtering its Armenian minority. The 2 million Armenian dead is overshadowed only by the 6 million Jews eradicated by the Nazis regime in Germany during World War II.

The barbarity of the German war machine led the United Nations in December 1946 to declare genocide an international crime. The Genocide Convention translates the United Nation's declaration into a formal treaty. The General Assembly unanimously approved the convention in 1948.

Why has the Senate failed to give its consent to the convention? Attorney General Mitchell informed the Secretary of State that ratification of the convention would present no constitutional problems. In February of last year President Nixon urged the Senate "to consider anew this important convention and to grant its advice and consent to ratification." He went on to say ratification "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice."

Mr. President, the Nation and the world have waited 22 years for the Senate to act. The arguments and counterarguments for and against the convention have been made and remade. The time has come for a decision.

I ask the Senate not to allow the 23d anniversary of the convention's transmittal to be the 23d anniversary of the Senate's international disgrace.

MAYOR JAMES E. WILLIAMS

Mr. PERCY. Mr. President, the job of a city mayor traditionally has been tough, but it had its glamorous side as well. There was prestige, power, and recognition. Today in our large cities, the problems have grown to tremendous proportions, and the glamour has all but disappeared. Though names like Daley, Lindsay, and Yorty still draw forth images of latter day glory, for most mayors of decaying cities, theirs is a thankless, grinding job. Such a city is East St. Louis, Ill., and such a mayor is James E. Williams.

Mayor Williams' name calls forth no images of power, and it is a name with, as yet, little or no national recognition. But he is a man who has voluntarily taken on one of the toughest jobs imaginable, and he is determined to do that job well and honorably.

The city of East St. Louis, with an unemployment rate of 17 percent, with one out of every 12 citizens a victim of a major crime last year, with industry moving away, and with bankruptcy looming ahead, with schools on the brink of closing, is in trouble. However, James Williams has chosen to stand and fight for his people and his city. But he cannot succeed in this struggle alone. The city needs new vitality and new people to breathe life back into it. One of the top priorities is the national recruitment of a chief of police.

The least that we in Congress and we as citizens can do is recognize the task that is faced by Mayor Williams, and by all big city mayors, and give them all of the support we can in their vital endeavor to save our cities.

Mr. President, I ask unanimous consent that an article from the June 6 Chicago Tribune that outlines the difficulties Mayor Williams faces be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Black Mayor Faces East St. Louis Woes

East St. Louis, June 5.—James E. Williams, the first Negro mayor of East St. Louis, needs only to glance out his window at City Hall to see the magnitude of the problem facing him.

Across the street in the city's business district is a row of seven shops. A clothing store, a shoe repair shop and a fruit stand are still in business. But the other four are vacant, and two of them have boards over the windows.

STORES ARE SYMBOLS

The vacant stores symbolize what may be Williams' greatest challenge—the economic headaches of a predominantly Negro city.

"Businesses have been leaving the city for the last 10 years," Williams said in an interview. "Getting economic development moving again is a tough nut to crack, but we're going to crack it."

It is, indeed, a very tough nut. The unemployment rate in East St. Louis is currently running at about 17 per cent. Many of the large industries that once provided the jobs for East St. Louis families have left the area.

The big aluminum and steel plants have vanished, and many of the electrical supply companies have gone. Swift & Co. is building an addition to its packing plant, but two other large packing houses near the stockyards have left town.

BLEAK ENVIRONMENT

East St. Louis' industrial decline has occurred chiefly over the past 15 years. Some blame high taxes and corruption in government. Although some of the plants that have closed have simply been discontinued by their companies, others have moved to places that offer more economic opportunity in an environment that is not as bleak as that of East St. Louis.

"What we need is a climate of confidence in city government," Williams said. "This is a factor businessmen consider and, if we can project the image of a more responsive government, we'll make some progress. We're looking for more employment—any kind."

In his campaign, Williams puzzled politicians by snubbing the offered endorsements of both Republican and Democratic committeemen. He was inflexible in maintaining his independence.

The theme of Williams' campaign was that, if he won, the people would take control of the government and throw out the politicians. Williams' campaign won the bulk of the white vote to give him his margin of victory.

"Not bad for someone born in a town where a black man couldn't be a policeman," Williams says with a smile.

POLICE CHIEF NEEDED

Even though the city's economic problems will probably be the enduring concern of Williams' administration, the new mayor would like to handle two other matters as top priorities.

"The first is the national recruitment of a chief of police," he said.

East St. Louis needs a police chief and a police force it can be proud of.

The police department is in less difficulty now than it was in the days of Buster Wortman, the Southern Illinois rackets boss who died about three years ago. Wortman sought to control everything on the east side of the St. Louis metropolitan area—including the East St. Louis police department. He never quite succeeded, but he did become a powerful force within organized crime.

The Wortman gang no longer exists. But organized crime still thrives in East St. Louis in the form of narcotics and gambling, especially the numbers racket.

CRIME RATE HIGH

The more immediate concern of residents is street crime. About one of every 12 persons living in the city was a victim of a major crime last year. Persons living in other parts of the St. Louis metropolitan area avoid East St. Louis at night and may even drive out of the way to skirt the city.

East St. Louis has about 500 city employes and a semi-monthly payroll of roughly $170,000. City Treasurer Horace W. Mickens has said the city will not have enough money for the July 10 payday. The city has a deficit of about $1 million and practiced deficit financing for the last 20 years. Last year, for the first time, the city's bankers refused to take part in the deficit financing.

A NEW FOREIGN POLICY, NOT NEO-ISOLATIONISM

Mr. CHURCH. Mr. President, those who oppose our military participation in the Indochina civil war and who critique Pax Americana are far from being "neo-isolationists," as the charge is sometimes made. What we seek is a better balanced foreign policy.

John L. Steele, in an excellent article in Time magazine, points this out:

> To label the critics and reappraisers of U.S. foreign policy neo-isolationists is . . . escapist.

He says:

> Few things threaten U.S. power more seriously than excessive or misguided intervention; the Viet Nam War has done more than any other factor in recent years to reduce U.S. global influence. Seeking to rationalize U.S. commitments abroad is the very opposite of isolationism, because only such rationalization can restore and maintain the U.S. position in the world.

I ask unanimous consent that this featured article in the May 31 Time magazine be inserted here in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How Real Is Neo-Isolationism?

Isolationism, it would seem, is once again on the rise. President Nixon has used the term neo-isolationist to describe certain of his senatorial critics who would alter U.S. foreign policy or who seek a greater role for the Congress in shaping it. Once the name of a popular and viable political doctrine, isolationism today—with or without "neo" attached to it—is a pejorative word. It has no real validity in a world of instant communications, internationally linked economies, and nuclear weapons that can bridge continents at Mach 23 speed. Properly speaking, the term suggests someone who would like to disengage the U.S. from the rest of the world and return to a 19th century insularity. No doubt some Americans are experiencing an emotional recoil from foreign commitments as a result of Viet Nam and domestic troubles. But apart from a small group of myopic radicals totally obsessed with the need for revolution at home, there are hardly any real isolationists left.

The conflict between the President and an influential minority of the present Senate is real; but the heart of the dispute is not isolationism *v.* internationalism. At issue is a desire to put space and time limitations on the fighting in Indochina, to strike a new balance between the President and Congress in committing military forces to combat abroad, and to avoid further proliferation of U.S. commitments round the globe without congressional sanction. There is also a feeling that the nation's values should be reexamined so that more money will be spent on domestic priorities and less on extravagant weapons systems that may prove to be redundant, provocative or both.

However arguable their proposed alternatives may be, none of the leading Senate critics of the President's foreign policy can be fairly accused of being isolationist. Republican Jacob Javits of New York—the only Senator who has been cited by name in Nixon's attacks—wants to curb the President's war-making powers. But Javits sided with his party's leader last week in voting against Senator Mike Mansfield's amendment to reduce U.S. forces in Europe by half. John Stennis of Mississippi, who shares Javits' views on war powers, is generally the Senate's stoutest defender of Nixon's defense-budget and national-security policies. Mansfield, whose defeated amendment may have seemed isolationist, supports the President's effort to negotiate peace in the Middle East, an enterprise that certainly depends on U.S. power and willingness to use it. Even the most publicized of the Senate doves who want a speedy and definite end to the Viet Nam War—such men as John Sherman Cooper, William Fulbright and George McGovern—are not isolationists in any real sense of the word.

In fact, many of the proposals that White House officials have so casually referred to as neo-isolationist no more deserve that description than does the Nixon Doctrine. First enunciated by the President at Guam in July 1969, it was a major effort to rethink U.S. world policy and lower the American profile abroad. Quite rightly, Historian Manfred Jonas argues that applying the term isolationist to contemporary Senators tends to confuse rather than illuminate their stance. "They earnestly believe that there are limits to America's power," he writes in *Isolationism in America*, "and that to overstep these limits means courting failure and nuclear war. To call the course they propose isolationism is to misread both the history of the '30s and the record of American foreign policy prior to that time."

From the perspective of the '70s, it is all too easy to dismiss America's past isolationism as inevitably misguided and foolish. As Selig Adler points out in *The Isolationist Impulse*, the doctrine in many ways is "woven into the warp and woof of the American epic." From the very beginnings of the U.S., immigrants envisioned it as a way to a new existence. "They reasoned," Adler wrote of the colonists, "that God Himself had intended to divide the globe into separate spheres. America was the 'New Zion,' and Providence had served this 'American Israel' from a timeworn, corrupt and warring continent."

Until the outbreak of World War I, the U.S. consistently followed a policy of isolationism—at least in the all-important sense of acting alone—even as its actual isolation from the rest of the world gradually disappeared. To be sure, the U.S. invaded Canada in 1812, and gradually eliminated the British, French, Spanish and Mexican presence from within its continental borders. It also fought Spain in Cuba and the Philippines. But in all these enterprises, the U.S. took a unilateral stance and confined most of its treaty obligations to such limited matters as fishing and sealing rights, immigration and trade.

These sporadic ventures into international affairs point to a basic ambiguity in American history. On the one hand, there was a desire to keep clear of other continents' internecine squabbles; on the other, an almost mystical sense that America had a mission to spread freedom and democracy everywhere. This evangelistic belief was strongly reinforced by the waves of immigrants, who periodically tried to involve the U.S. in the revolutionary movements of their homelands. By and large, political leaders of all parties did their best to cool this interventionist ardor. As early as 1821, Secretary of State John Quincy Adams was forced to counter a popular enthusiasm for Greece's struggle against Turkish overlordship. While the U.S. would always view sympathetically the struggles of foreign peoples against tyranny, he said, "she goes not abroad in search of monsters to destroy."

By the closing decades of the 19th century, time began to run out on the traditional faith. U.S. foreign trade doubled between 1870 and 1890. Navy Captain Alfred Thayer Mahan, a visionary military strategist, saw the seas as an "open plain" and urged the country "to cast aside the policy of isolation which befitted her infancy." The isolationist past was decisively rejected by Woodrow Wilson's intervention on the Allied side in World War I, but it was revived by the disillusionment that followed his crusade to make the world safe for democracy. The anti-internationalist movement reached a peak of influence in the years just before World War II. Its primary goal was to prevent the U.S. from becoming entangled in the looming war in Europe. Hapless remnants of isolationism persisted for a decade after the war ended, as a score of Senators (most of them Midwestern Republicans) sought unavailingly to defeat such undertakings as the Truman Doctrine, the Marshall Plan and NATO. But for all practical purposes, the doctrine died with the Japanese attack on Pearl Harbor. Senator Arthur Vandenberg wrote in his diary: "That day ended isolationism for any realist." The postwar efforts to keep the flame alive were merely, as Arthur Schlesinger Jr. put it, "the last convulsive outbreak of an old nostalgia."

No serious political figure now suggests that the U.S. could or should put aside the burden of global responsibilities it has assumed through necessity and moral conviction. But just how large that burden should be and how it should be borne obviously needs reappraisal. This quest for reappraisal was inspired by Viet Nam. But other factors would have brought it about even without the Indochina conflict.

During World War II, the U.S. acquired a mental habit of considering itself nearly omnipotent and the defender of freedom all over the globe. This self-image carried over into the cold war, when U.S. power was needed to halt Communist expansionism. That stance is no longer possible because reality has changed; the U.S. no longer has a nuclear monopoly, its economic resources have limits, and other nations do not necessarily agree with the U.S. definition of freedom or the good life. Moreover, Communism has become fissiparous and more amenable to negotiated détente.

In this new situation, which has actually existed for at least a decade but which the U.S. is not yet really accustomed to, foreign policy will have to depend less on military force and direct Marshall Plan-style economic heft and more on diplomacy, trade and political maneuvering. French Journalist-Politician Jean-Jacques Servan-Schreiber, among others, has argued that the U.S. will have to choose between continued international power and the building of "an ambitious civilization" at home. For the foreseeable future, the U.S. will obviously insist on both, but Servan-Schreiber is right in asserting that the U.S. will have to rely more on sheer intelligence than sheer force. Secretary of State William Rogers puts it another way; he says that "there are lots of ways to influence people. The force of reasoning and the force of public opinion have a lot to do with influencing nations."

Though Japan and China are bound to play a growing role, for a long time to come the position of the U.S. and the Soviet Union as the world's two nuclear supernations will remain intact. Widely held ideas that emergent or neutralist nations can "soften" or replace the two-power role have proved illusory, as even India learned when Peking's 1962 strikes across the northern mountains brought Indian pleas for military aid from any quarter. East-West ideological battles are bound to continue, though perhaps in abated form, and so will jockeying for political and military advantage. But the two superpowers will carry on laborious negotiations: the Berlin meetings, the SALT talks and the anticipated discussions of mutual force reductions in Europe are examples. This delicate diplomatic work is not helped by Senate efforts to mandate U.S. troop reductions in Europe—or by a hard-nosed presidential response that finds "unacceptable" even a congressional request that negotiations be speeded up.

Most Americans, including most Congressmen, want to prevent American entanglement in future Indochinas. To accomplish that, it is not necessary—or wise—to impose overly stringent and sweeping limitations on U.S. influence abroad. But the nature of that influence must evolve in new ways. Viet Nam should teach us—as it did the French—that modern armies and industrial strength are not effective in all regions of the world or the automatic answer to wars of "national liberation" (even those backed by other nations). Both Congress and the President should jointly re-examine the security treaties and agreements that now bind the U.S. to more than 40 countries. Many of these "commitments" are more apparent than real, since they cannot be carried out without the approval of Congress. The purpose of these agreements, as the late Senator Walter George once noted, was to deter potential aggressors "from reckless conduct by a clear-cut declaration of our intentions." Often it has been shown that intentions cannot be made all that clear—resulting in misunderstanding by friend and foe alike. Rather than bog the nation down in the cement of firm treaties, President and Congress might explore less formal but more flexible commitments in the form of diplomatic notes or presidential statements.

As for the nation's military presence, there is no question that the U.S. today has too many troops scattered about in too many places. Even apart from the dollar drain, it is hard to justify the 375 major foreign military bases and 3,000 minor military facilities that the U.S. has positioned all over the globe in recent years. The White House has talked about "reducing our presence," while maintaining our commitments abroad—and Congress should be clued in more to discussions of how this can be done. One specific proposal: Congress could establish a small, select "National Security Committee," composed of members with expertise in military and foreign affairs, that would periodically discuss diplomatic problems with the President on a secret but utterly frank basis. Both Congress and the President can move away from an inflationary, supercostly military procurement policy that seems, at times, aimed more at breaking the Soviets by outspending them than by providing the U.S. with what it really needs for deterrence and defense. Unless this is done, says former Under Secretary of State George Ball, the U.S. economy is in danger of becoming "a Strasbourg goose with an overdeveloped liver."

These problems, as well as such lesser matters as reorganizing foreign aid and restoring the stature and influence of the State Department, require creativity on the part of Congress and the President. The prickly members of the Senate Foreign Relations Committee are not alone in thinking that the balance in U.S. diplomatic decision making has tilted too far in the direction of the Chief Executive. Fortunately, there is a fairly recent example of the kind of cooperation needed: the historic postwar collaboration between President and Congress that established the policy of containment against Soviet aggression, the Truman Doctrine and the Marshall Plan. Then, as now, the White House and the Congress were controlled by opposing parties. Nonetheless, an exceptionally fruitful relationship developed between Democratic President Harry Truman and a Republican-controlled Congress in which Arthur Vandenberg was the foreign relations leader. Why should any less be expected from a Republican White House and Democratic Congress?

Isolationism carried into the 20th century is essentially a flight from reality. To label the critics and reappraisers of U.S. foreign policy neo-isolationists is equally escapist. Few things threaten U.S. power more seriously than excessive or misguided intervention; the Viet Nam War has done more than any other factor in recent years to reduce U.S. global influence. Seeking to rationalize U.S. commitments abroad is the very opposite of isolationism, because only such rationalization can restore and maintain the U.S. position in the world.

FLAG DAY

Mr. WEICKER. Mr. President, on June 14, 1777, 194 years ago, the Continental Congress resolved:

> That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.

Thus was created the emblem of this Nation known most widely around the world.

Some people have attributed special significance to the colors of the flag. Blue supposedly represents justice or a covenant against oppression, red defiance or daring, white purity or liberty. However, this is not what we honor today. In the words of Henry Ward Beecher:

> A thoughtful mind when it sees a nation's flag, sees not the flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belong to the nation that sets it forth.

Consequently, we honor not merely the flag, but what it represents, and commit ourselves again to the achievement of its ideals and continuation of its traditions.

What are these ideals and traditions? They are well known to all Americans. According to the Declaration of Independence, they include the proposition that—

> All men are created equal, that they are endowed, by their Creator, with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

These ideals and traditions also include the reasons stated in the Constitution for this Nation's creation:

> In order to form a more perfect Union, establish Justice . . . and secure the Blessings of Liberty . . .

The flag represents such basic watchwords of our free society as "freedom of religion," "freedom of speech," "freedom of assembly," "due process of law" and "equal protection under the law."

With our Government "of the people, by the people, and for the people," we should all be proud to be flag wavers, if by waving the flag we celebrate this Nation's finest goals and traditions, if we wave the substance as well as the symbol.

President Wilson, honoring Flag Day in 1917, said:

> This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours. It floats in majestic silence above the hosts that execute those choices, whether in peace or in war. And yet, though silent, it speaks to us—speaks to us of the past, of the men and women who went before us, and of the records they wrote upon it.
>
> We celebrate the day of its birth; and from its birth until now it has witnessed a great history, has floated on high the symbol of great events, of a great plan of life worked out by a great people . . .

In honoring the flag, all Americans should reaffirm their allegiance to the highest values and traditions it embodies, and pledge their determination to respect and defend against all who would remove or defile them.

THE PENTAGON PAPERS

Mr. McGEE. Mr. President, the Washington Evening Star, in its Tuesday publication, carried an editorial comment on the recent divulgence of a 47-volume study conducted by the Pentagon—supposedly represented as a definitive work on how this country became involved in Vietnam.

However, as the Evening Star editorial pointed out, the work is anything but definitive in its scope. A number of defects are, indeed, apparent. For example, the material used in the report came only from the files of the Pentagon. No other arm of the executive branch, including the files of the President, was included in the report. In addition, according to published reports, the study was carried out by researchers, historians, and analysts who shared Defense Secretary McNamara's dim view of the process of our involvement in Vietnam. This hardly provides the groundwork for an all-inclusive, objective analysis of a very complex situation.

One must concede that the personal bias of those involved in the compilation of the work certainly taints the objectivity of the study. What objectivity there is contained in this massive 2.5-million-word study is further called into question when one views the fact that the public will have access to only a minute portion of these volumes. The American people will receive only a glimpse of what is contained in these volumes, and one must question the validity of such a condensation. The limitations of the published reports are indeed very great.

The Evening Star editorial also comments that the report "tends to confirm the general suspicion that Lyndon Johnson, during his campaign for the presidency, was something less than totally candid about the prospects for a widened war."

I would go further and state it was of necessity the President was not candid in this respect. The decision to escalate our involvement came only after North Vietnam had committed frontline troops, equipped with highly sophisticated and modern weaponry, to the conflict. The South Vietnamese defenses were ill-prepared to meet such an assault, and the President could hardly have been candid without telegraphing our moves in response to this threat. This was the point in the war at which the North Vietnamese were launching a massive offensive through Pleiku in an effort to split South Vietnam in half. They came very close to succeeding in their goal.

The complexity of our involvement in South Vietnam is of great significance. It cannot be accurately assessed by a small segment of our executive branch of Government, or any other branch of government for that matter. It is, therefore, within this context that the American people and their elected representatives must not rush in their judgment of a work which hardly gives a glimpse of the total picture. It is imperative that the emotionalism which apparently has been spurred by the printing of a portion of this study not deter this country from completing the goal of withdrawal from this conflict.

The real tragedy of decisionmaking relative to Vietnam has been overlooked. It is a fact that at every crucial point requiring decisionmaking the factors present in each decision would add up to almost 50–50 for or against a decision. When the decision was made, there was always an excellent case against it.

This seems to be a characteristic of our times in a nuclear age. It is this factor which seems to be flagrantly disregarded in the fragmentary content of this report. It is well that we become accustomed to this fact of life, because I daresay it will be a vital element in decisions made by any President in the future, no matter what party.

I also suggest that Congress and the American people refrain from making rash judgments as to our involvement in this conflict. High emotionalism has been associated with our involvement in this conflict, almost from its inception. Due to the irrationality which always accompanies such emotionalism, judgment would best be left for future historians to assess. At this time a completely honest and objective assessment of our involvement in Vietnam is impossible. The American people and Congress should allow the rightness or wrongness of our actions to be evaluated by the historians whose objectivity will not be clouded by the emotion of the times.

I, therefore, ask unanimous consent that the Washington Evening Star editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Star, June 15, 1971]

The Pentagon Papers

There is no questioning the fact that the Pentagon study of America's involvement in Indochina is the most fascinating news story of the day. Other people's secrets are invariably intriguing. And when the diaries, the private letters, the gossip and the personal conversations involve presidents, ambassadors, generals, cabinet officers, and foreign heads of state, the fascination is irresistible.

So the massive secret Pentagon study, now being published in part by the New York Times, will be avidly read, here and around the world. It presents a unique insight into the operation of the executive, previously reserved for those at or near the top levels of government. It represents, so far as is known, a unique attempt by one part of a government to document and assess a complex sequence of events and decisions. It is certainly the first time that thousands of classified documents, accompanied by secret explanatory notes and interpretive text have been handed to a newspaper for publication.

There will unquestionably be a prolonged public debate—and quite possibly a judicial debate as well—about the propriety and the legality of the unauthorized delivery of the documents to the Times by the anonymous donor, and of the newspaper's decision to publish the classified material. It is an interesting topic for theoretical discussion. But of more immediate interest are the facts that have been revealed, and the use that will be made of those facts.

It is still too early to draw any final conclusions about the Pentagon papers. The public has only been shown a small sampling of the 40-volume work. The beans will be spilled in daily installments throughout this week, unless the government's legal move to halt publication is successful. Any final assessment of the material must wait until the job of letting us in on the government's secrets is completed.

It is possible, however, to draw some preliminary conclusions from the papers published to date. The Pentagon study restates the historical truism that the roots of our Vietnam involvement extend back to the Truman administration's decision to support France in her colonial war in Indochina. It tends to confirm the general suspicion that Lyndon Johnson, during his campaign for the presidency, was something less than totally candid about the prospects for a widened war. It offers evidence that counters the widely held theory that the United States blundered blindly up the path of escalation, suggesting instead that President Johnson and his advisers had their eyes open when they took the fateful steps.

It is also possible, and even more important to recognize the limitations of the Pentagon study. It is not what many observers seem anxious to make it: A definitive history of the executive decision-making process on Indochina.

The study was ordered by Defense Secretary McNamara in 1967, at a time of personal despair over the progress of the war. It was carried out by some 40 researchers, historians and analysts who, according to published reports, shared the secretary's dim view. The material was drawn not from the entire executive branch; it was selected from the files of the Pentagon—one highly specialized arm of the executive. It is available to the public after a further process of refinement by the Times, which has made its own determination of what part of the 2.5-million-word study is fit to print. And most Americans will read a condensation of the Times condensation of the Pentagon condensation of one part of the total, infinitely complex picture.

The Pentagon study is a fascinating and important addition to the public understanding of the governmental process. Its release and publication also constitute a major security breach. It may dim a few illusions, tarnish a few reputations, embarrass a few allies, amuse and astound a few enemies. It unquestionably will provide much grist for Communist propaganda mills and intelligence services. But it should not, in view of its built-in limitations and distortions, be seized upon by Congress, the administration, or the public as a cause for panic. It must not be allowed to disturb, retard or accelerate the delicate process of disengagement now so well under way.

AMERICA AND PAKISTAN: A GREAT HUMAN DISASTER

Mr. CHURCH. Mr. President, has the United States become a nation so numbed and so wounded by its experiences in Indochina that it is unable to respond at times of great human disaster such as that taking place in East Pakistan?

Anthony Lewis, in a perceptive column from London, raises this important question, comparing U.S. attitudes toward Pakistan and Vietnam. In the United Kingdom, for example, he points out:

> Children are coming home from school asking their parents for a few pence to give for relief of the East Pakistan refugees.

Yet, in America, he says:

> By contrast, the flight of five million refugees into impoverished India, with disease and starvation threatening, has evidently had no great public impact.

Mr. Lewis says:

> The present episode shows the distortion in American values that has occurred because of Vietnam, the disproportion in our weighing of political and human interests.

The revelations in the McNamara papers shows this clearly, and I concur with Lewis' observation that—

> If our sense of proportion were more balanced, how would we compare our relative interest in South Vietnam and India?

There is, however, a growing momentum in the Congress and the press for the United States to be more forthcoming in its approach toward the serious crisis in East Bengal and the real potential of war between India and Pakistan. Pertinent legislation is now before both Houses. More and more details of the monstrous acts that have occurred in East Bengal are being surfaced. Mr. Lewis writes:

> The only solution imaginable to stabilize life in Pakistan and get the refugees back is some form of independence, with Yahya's army out.

His conclusion is well taken.

> It would be reassuring—

Says Lewis—

> if one felt the United States had a sense of proportion about the interests involved. The State Department took pride this week in the amount of American aid authorized for relief of the growing disaster. In fact, that sum, $17.5 million, is a little more than half what we now spend on the Vietnam war every day.

I ask unanimous consent that Anthony Lewis' article on America and the world be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA AND THE WORLD: I

(By Anthony Lewis)

LONDON, June 11.—All over England this week children are coming home from school asking their parents for a few pence to give for relief of the East Pakistan refugees. In the newspapers the refugee tragedy has been the dominant story for many days; the largest-circulation tabloid has spread a relief appeal over page one. The House of Commons has been debating how Britain can do more to help.

In the United States, by contrast, the flight of five million refugees into impoverished India, with disease and starvation threatening, has evidently had no great public impact. A news agency manager remarked the other day that the stories from India were getting little play in most U.S. papers.

President Nixon has made no public statement on the disaster since it began three months ago with the intervention of Pakistani troops in East Pakistan. But then no reporter has asked him a question on the subject at a press conference.

Why? The United States does not have Britain's historical relationship with India, but that is not a sufficient answer. Americans have traditionally been generous in helping at times of great human disaster, whatever the historical or political context.

A major reason must be Vietnam—the wounding effect of the war on American attitudes toward the world. "It is part of the turning inward after Vietnam," a wise U.S. official said of the limited public reaction to the Pakistan disaster.

Looking at it another way, the present episode shows the distortion in American values that has occurred because of Vietnam, the disproportion in our weighing of political and human interests. If our sense of proportion were more balanced, how would we compare our relative interest in South Vietnam and India?

South Vietnam has a population of 18 million. Historically, its society has had little connection with Western law or political ideas. The country is governed by a general who jailed the runner-up in the election, the peace candidate, and who is now busy rigging the terms of the next election.

Until John Foster Dulles staked out an American responsibility there in 1954, hardly anyone would have conceived of South Vietnam as of particular strategic interest to the U.S.

India is the world's second most populous country, with 554 million people at last count. No one who has read E. M. Forster would make the mistake of equating Indians with Englishmen, but the legal and political systems of independent India remain recognizable like those we know in Britain and the United States. The Prime Minister is in office as the result of a free election and is trying to deal with terrible problems by democratic means. The stability of a continent depends on her success.

On behalf of Nguyen Van Thieu and his colleagues in Saigon we have spent 45,000 American lives and many billions of dollars, and still we are not ready to put a terminal date on our involvement. We cannot do that, President Nixon says, until we are sure Saigon has a reasonable chance of keeping the Communists out after we leave; otherwise there might be a "bloodbath" in South Vietnam.

Well, there has just been a bloodbath in East Pakistan, one of the largest and most blatant in a very long time, and the sounds of protest from Washington have not been audible. President Yahya Khan sent his army in to wipe out the results of a free election. Tens, probably hundreds, of thousands were massacred directly; millions have fled; now epidemic and famine threaten both the refugees in India and those who remain in East Pakistan.

A reporter for the British Broadcasting Corporation, Alan Hart, said a few days ago that unless the situation is stabilized in East Pakistan sufficiently to get the rice planted in the next few weeks, "It is possible, probable, that 20 million or more East Bengalis will be starving by September and October." Mr. Hart added: "All my instincts tell me that it may already be too late . . . unless the outside world imposes its will and its aid on Yahya Khan."

Officials in Washington must know all that as well as Mr. Hart. The reality is that Yahya Khan will have to be pressed hard to allow effective, internationally supervised aid in East Pakistan—and that the only solution imaginable to stabilize life in Pakistan and get the refugees back is some form of independence, with Yahya's army out.

But there is no sign of willingness in Washington to press Yahya Khan. The attitude there is, as one close observer put it: this is an awful situation, but we'd better not get our hands in too deep or we'll get burned again.

There is no pretending that any outside government can easily bring about a decent solution in East Pakistan. But it would be reassuring if one felt the United States had a sense of proportion about the interests involved. The State Department took pride this week in the amount of American aid authorized for relief of the growing disaster. In fact that sum, $17.5 million, is a little more than half what we now spend on the Vietnam war every day.

THE RETURN OF OKINAWA

Mr. HATFIELD. Mr. President, tomorrow, the treaty will be signed providing for the return by the United States of Okinawa to Japan.

In my opinion, Senate consideration and discussion regarding ratification of this treaty should be limited to the merits of the treaty, and should not stray to other issues.

I will have more to say at a later date regarding the substance of the treaty. Today, however, I want to call attention to the widespread support in the press for limiting our discussions to the merits of the return. We must not let extraneous issues cloud our consideration of the treaty.

I also would note the wide geographical distribution of the newspapers represented in these editorials and articles. I ask unanimous consent that they appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 4, 1971]

THE CRUCIAL TEST OF OKINAWA

The imminent signing on June 17 of an agreement returning Okinawa to Japan brings close what is probably the most crucial test of the United States' relations with its most valuable Asian ally since World War II. It was a notable achievement for the leaders of the two countries to agree in 1969 that Okinawa—seized as war booty in 1945 and later transformed into a major American strategic base—should be returned. It is quite another matter, more difficult and more important, to proceed to the signing and ratification, for signing means that the extremely difficult details will have been worked out and ratification means that the resultant product will have been approved by the two legislatures.

Although some details must still be wrapped up, the trans-Pacific consensus is that the main hurdles lie in the United States Senate. Quite properly—since a change in a treaty (the Japanese peace treaty) is involved—Mr. Nixon decided to submit the Okinawa transfer to the Senate, rather than conclude an Executive agreement. He erred, however, by allowing our textile dispute with Japan to get badly out of hand. Rightly or not, the suspicion now is widespread that he would not really mind if the Senate held up Okinawa reversion in order to put pressure on Tokyo on textiles.

Defeat in the Senate on Okinawa is less likely than delay, but even delay would be extremely costly: it would provoke anti-American outbursts in Japan and call into question the basis of mutual confidence on which future Japanese-American relations must be built. The President does not have the luxury of being able to start over again on textiles. He could, however, announce at the time of signing of the Okinawa agreement that he considers its prompt ratification by the Senate to be of the utmost national importance and that he regards textiles as an issue quite apart. Responsible senators would welcome such a statement. Wise statesmanship commends it.

[From the New York Times, Apr. 19, 1971]

Brinkmanship With Japan

A major crisis with Japan that could damage American security interests severely is looming as a result of President Nixon's decision to hand back Okinawa by treaty, rather than executive agreement. A treaty would require a two-thirds Senate vote; the alternative course would require at most a majority vote of both houses of Congress.

The White House decision, if not reversed shortly, could make the Okinawa accords now being negotiated with Tokyo hostage to the Southern textile lobby and other protectionists interests. The protectionists would need at most the votes of 34 Senators to block Okinawa's reversion and gain leverage on Japan to reduce its exports to the United States.

The Japanese suspect that Mr. Nixon chose the treaty route for this very purpose—to fulfill his campaign promise to the textile industry and thus keep open a "Southern strategy" for the 1972 elections. Mr. Nixon's Okinawa decision was made known during the angry week in March when he denounced as an inadequate "maneuver" the Japanese textile industry's plan to curb its own exports starting July 1—a plan initiated by chairman Mills of the House Ways and Means Committee.

Okinawa is an emotion-laden issue for the Japanese. Any delay in its return would be extremely embarrassing to Premier Sato, who is committed to regaining administration of the island and the rest of the Ryukyu chain by 1972.

It was only Mr. Nixon's November 1969 pledge to hand Okinawa back, in return for non-nuclear base rights, that enabled Mr. Sato to push through renewal last year of the Japanese-American security treaty. If the Nixon pledge now becomes a poker chip for textile protectionists on Capitol Hill, the result could be anti-American riots that might ultimately force abandonment of United States bases not only in Okinawa but in Japan proper. However, more is at stake than bases.

Japan, now the world's third industrial nation, is the linchpin of American strategy in the Far East. The future stability of the area and the progressive reduction of the American presence, as projected by the Nixon Doctrine, depend heavily on Asian arrangements in which Japan is expected to play a key role politically and economically, as well as in its own conventional defense under the American nuclear umbrella. These prospects will be endangered, as former Under Secretary of State George Ball and others have warned, if President Nixon's Okinawa pledge is not kept, Japan ultimately might go "Gaullist and seek its own nuclear weapons."

Some American diplomats are so concerned at the risks in submitting an Okinawa treaty to the Senate that they are suggesting a delay of several months to see what effect the Japanese textile industry's export-restriction plan has on the level of shipments and whether the plan can be improved by further negotiation. A delay that kept all options open would be wiser than losing control by submitting the Okinawa accords in treaty form.

Much better still would be an executive agreement. That could break the linkage between Okinawa and textiles. The northern Ryukyus and Bonin Islands, with the same legal status as Okinawa, were returned to Japan by executive agreement—without a Congressional vote. This option should not be foreclosed for Okinawa, given the possibility that Congressional act, even by majority vote, might be paralyzed by the protectionist lobbies. But the likelihood is that a majority vote approving Okinawa's reversion by executive agreement could be obtained in both houses, if a serious effort was made to do so.

[From the Boston (Mass.) Christian Science Monitor, May 6, 1971]

Untangling Okinawa

Return of Okinawa to Japan, a highly flammable political issue for Premier Sato's government, is becoming snaggled in the threads of the textile import issue, of deep political interest to Southern United States senators. The result is likely to be a very tangled skein on the loom of international diplomacy.

The two pieces of goods are cut from different bolts of cloth. They should be kept separate.

The Ryukyu Islands should have been returned long ago, with appropriate guarantees from Japan regarding continued use of military bases on Okinawa. Until U.S. relationships with Southeast Asia, the two Chinas, Japan and the U.S.S.R. are on a far more stable basis, military strategists can reasonably argue that Okinawa remains a vital and legitimate strategic Pacific base for the U.S.

But with that proviso, unpalatable as it may be to Japan, everything else points toward a return of the Ryukyu Islands to Japanese control. Prior to the U.S. takeover, formalized in the peace treaty of 1951, Japan has held the islands since 1874. Japan remains their major trading partner today, despite overdependence of the local economy on the U.S. military as an employer. And most of the one million Okinawans wish to go back under Japan's political wing.

The issue has nothing to do with textile exports from Japan to the U.S. Whatever merit Southern senators may have in their arguments that Japan should increase its voluntary cutback on textile shipments eastward—and free trade advocates can make a telling case against any quotas at all—Okinawa's political status is not a proper quid pro quo for senatorial bargaining.

Right now the issue seems to hang on tactics. The administration has virtually assured the Senate it will not give over U.S. control of the islands without the "advice and consent to the Senate;" that is, it will not make an end run around the Senate by resorting to executive agreement. But a treaty requires a two-thirds Senate vote. The Southern bloc thus hopes to use the issue as leverage, either through amassing unfavorable votes, or by use of a filibuster.

Even the threat of these may be enough to make the Foreign Relations Committee hesitate sending a treaty to the Senate floor. So the matter is in suspension as of the moment.

Between the White House and Senate leadership, it is to be hoped that a solution can be worked out that will threaten neither the international issue of Okinawa's future, nor the proper concern and active participation of the Senate in making that decision.

Return of Okinawa to Japan, already stipulated in writing with a deadline of 1972, is too crucial an issue to be allowed to flounder in the mire of domestic politics. Nothing less than a major international crisis would result from a foul-up, jeopardizing the entire United States position with Japan in particular and the Far East as a whole.

[From the Washington Evening Star, May 8, 1971]

Okinawa and the Senate

A serious threat has arisen to our relations with Japan—America's most powerful and important ally in Asia. The possibility that ratification of a treaty returning the island of Okinawa to Japanese jurisdiction may be blocked in the United States Senate is a matter of grave concern both here and in Japan.

The treaty on Okinawa's reversion has been under negotiation for years. It is an issue of very great political importance in Japan, where the public has been led to believe that a transfer of jurisdiction will take place in 1972. Agreement between the governments is expected later this month. But ratification of the treaty by the Senate has become problematical.

The problem, briefly, is a group of Southern senators, representing the interests of the American textile industry. The lawmakers are demanding sharp restrictions on imports of textiles from Japan. They are threatening to hold the treaty hostage in order to get them. And since ratification requires a two-thirds vote, it is quite possible that in a showdown they will get their way or defeat ratification.

If so, it would be a shocking demonstration of the Senate's growing assertion of its prerogatives in the conduct of foreign affairs. From the outset, the Foreign Relations Committee has insisted that any agreement on Okinawa should be in the form of a treaty, which requires Senate ratification, rather than an executive agreement, which does not. The administration, so far, has gone along with this demand.

But it is unthinkable that narrow, sectional, protectionist interests might be allowed to sabotage an agreement on which our future relations with Japan may well depend. Any major delay in the reversion schedule would be likely to produce repercussions in Japan drastic enough to bring down the pro-American government of Premier Eisaku Sato.

It is unlikely that any voluntary restrictions on exports agreed to by the Japanese textile industry will satisfy the protectionist senators. If they cannot be dissuaded in their opposition by the responsible leadership, the administration may be forced to reconsider its commitment to submit the agreement in treaty form. This indeed is the recommendation of Senate Majority Leader Mike Mansfield, who takes a broader view of the nation's interests than some of his colleagues.

[From the Corpus Christi (Tex.) Caller, May 3, 1971]

DISTURBING SWITCH

Okinawa, an island in the Pacific not far from Japan, is to Americans the scene of the decisive battle with Japan in World War II. It has been under our control ever since, very much to Japan's discontent.

In 1969, accordingly, Premier Sato visited President Nixon and won his promise to return Okinawa to Japan in 1972. In return we gained rights to maintain a nonnuclear weapons base on the island.

Now—apparently in response to pressure from our textile industry, which is fighting to curb Japanese textile imports—Mr. Nixon has made a disturbing decision with regard to Okinawa. Its return to Japanese jurisdiction will not be handled as an executive decision, but through a treaty. The difference is that whereas an executive decision would require only the bare majority approval of both houses of Congress, a treaty would require approval of two-thirds of the Senate to become valid. That will be much harder to get.

The method chosen by the President does have a political advantage. If the Senate does not approve the treaty by the required two-thirds, Mr. Nixon can, should he wish to do so, tell the Japanese in effect: "So sorry, I tried, but Congress would not let me do this."

The executive agreement method has a precedent. The Northern Ryukyu Islands and the Bonin Islands, in the same general area, have the same legal status as Okinawa. They were returned by executive agreement, not by treaty.

Japan's friendship is important. She stabilizes our Far Eastern position. The friendship of the textile industry also is doubtlessly important to the Nixon administration—to any administration in office—but that should not be allowed to play such a vital role in foreign policy. President Nixon ought to consider the matter anew, and would be acting in the broader national interest were he to change his mind and handle the Okinawa transfer by executive agreement.

[From the Birmingham (Ala.) Post-Herald, May 7, 1971]

TEXTILES AND OKINAWA

President Nixon plans to submit to the Senate a treaty returning Okinawa and the other Ryukyu islands to Japan.

A treaty is the proper constitutional way of handing back the island chain, which the United States has administered since World War II. But it is also a dangerous one.

It is feared some textile-state senators, led by Strom Thurmond, (R-S.C.) will block the treaty until Japan agrees to restrict sharply its textile exports to this country or will attach a quota bill to the treaty.

We sincerely hope the textile protectionists and their shoe-state allies do not take any such short-sighted action. It's wrong to mix hometown politics with foreign policy, and this time it can cause immense difficulties to the nation.

Nixon had many good reasons to reach agreement last year with Japanese Premier Eisaku Sato on the return of Okinawa, hopefully in 1972.

The strategically located island had become the most emotional issue in U.S.-Japanese relations. Okinawans consider themselves Japanese in race, language and culture, and had become more and more restive under American rule.

In Japan itself, the mutual security treaty with the United States and the pro-American Sato government could not have survived without an Okinawa agreement. That may still be the case today.

If the Okinawa treaty is ambushed in the Senate, there could be such riots on the island that our key military bases would be untenable. And Sato's cabinet could be replaced by one hostile to America.

It is, we think, unworthy of a great nation to use diplomatic blackmail, to hold Okinawa for ransom, in the interest of textile mills.

The Senate should be mature enough to separate the two issues, our Asian-Pacific foreign policy and textiles, and dispose of them on their merits.

This time it won't be enough for Nixon, as he often does, merely to send the Okinawa treaty to the Senate and see what happens. He'll have to fight for it. We hope he does—and wins.

[From the Roanoke (Va.) Times, May 7, 1971]

OKINAWA, TEXTILES AND THE SENATE

The dispute between the U.S. and Japan over textile quotas has cast some doubt on the expected reversion next year of the island of Okinawa back to Japan.

Some believe that the Nixon Administration wants to use the Okinawa issue—an emotional one in Japan—as a bargaining card to get trade concessions from that government. This is a ticklish business, bordering on interference in Japan's domestic affairs; for if Washington does not deliver on expectations that it will turn the island back to Japan, Prime Minister Eisaku Sato's government could fall as a result.

Also to be considered, of course, is the future of the considerable American garrison on Okinawa. Apparently there is no serious difference there; Japan seems willing to grant the U.S. rights to continue using military bases on the island if administrative control of the territory returns to Tokyo.

We have misgivings about the advisability of using the Okinawa question as leverage for a textile agreement—misgivings that arise from our doubts that the industry's troubles in this country should have so much bearing on our over-all trade policy. But we disagree with those who feel that, in handling the Okinawa matter, President Nixon should make reversion of the island an executive action, bypassing the Senate where the question could become entangled with the textile issue.

Sen. Harry F. Byrd Jr. of Virginia has pointed out that the Constitution requires the Senate's advice and consent to any treaty entered into by the U.S., and that the U.S. obtained control of Okinawa by our peace treaty with Japan—a treaty ratified by the Senate. Sen. Byrd properly contends that any change in that treaty should not come in unilateral executive action, but only with the approval of the Senate.

The senator notes, with satisfaction, that the Nixon Administration now has formally agreed to submit any such change to the Senate. It is a positive move. We may not necessarily agree with whatever the administration or the Senate does with the treaty. But the Constitutional principle, we think, is clear. And we welcome any development like this that tends to restore the partnership that should exist between White House and Senate in formulating foreign policy.

[From Newsweek Magazine, Apr. 12, 1971]

PLAYING WITH THE FIRE OF THE RISING SUN

(By George W. Ball)

The chronicle of our relations with Japan prior to the second world war begins with ineptitude and ends with disaster. Not only did we affront Japanese pride by slamming our doors on their sons and daughters, but, by prohibitive tariffs, we excluded their goods from our markets. For this protectionist outrage we, of course, paid dearly. By threatening Japan's ability to earn the foreign exchange needed to buy the raw materials required to sustain her then exploding population, we helped encourage her soldiers to gain control of raw material sources through conquest—a course of action pretentiously known as the "Greater East Asia Co-Prosperity Sphere," which ultimately led to Pearl Harbor.

Happily, in the postwar period, we have shown the Japanese a more mature comprehension and a greater awareness of mutual interests; yet the critical test is only now beginning, as—a quarter century after the war—Japan abandons its "low posture" for a more assertive role.

Where that role may lead her no one can say, since Japan is pervasively rootless. More than in any other country, the war tore asunder the fabric of Japanese society and politics. No longer was the Emperor the god-king, with his imperial will expressed through the military. No longer was the state cult of Shinto intact, or the obsession with ancestor worship and the Confucian authority of the family. Today, as a great industrial nation, Japan turns her eyes toward the West; yet even now the atavistic pull of the mainland remains strong, since Japan's Western ties lack the vital adhesive of a common culture, language, literature or history.

Largely because Japan leaped from feudalism to industrial pre-eminence in less than a century, the resemblance between her institutions and those of Western nations is more apparent than real. We watch with dismay as her great industrial companies pursue pricing policies and practices in external markets that subordinate profit to the national purpose. We find the collective spirit of national effort permeating every aspect of society.

SENSIBLE COMPROMISE

Thus to fit Japan into a world system of politics and economics shaped by the traditions of Western individualism will not be easy, nor can it be achieved by America alone. Although European statesmen and business leaders seem deaf to the problem, it remains a common task for the whole community of industrialized nations. Meanwhile, Japanese relations with the rest of the world are becoming more and more polarized between Tokyo and Washington.

Undoubtedly, those two capitals have much to say to one another, but not always with full understanding. Recently they have faced two issues of special urgency: the reversion of Okinawa and the opening of the burgeoning Japanese market to the produce and investment of the West.

On the first issue, President Nixon took a long stride forward when he promised Prime Minister Sato in November 1969 that Okinawa would revert to Japanese administration during 1972. It was a decision long overdue, since how could anyone possibly justify the continued rule by the United States, a whole generation after the war, of more than 1 million Japanese living in Japanese territory? The solution—a sensible compromise that assured the United States the same rights in the Okinawa base as in the bases in the Japanese home islands—came just in the nick of time. It saved the Sato government and forestalled the termination of the security treaty which might otherwise have occurred last spring.

Yet, having taken this statesmanlike step, the Administration is now in danger of throwing away the benefits by deciding not to effectuate the Okinawa reversion by executive agreement, which at the most would require only a majority vote of both houses of Congress, but rather by a treaty, requiring the approval of two-thirds of the Senate.

DANGEROUS SUSPICION

All other things being equal, one could properly regard the issue as deserving full Senate treatment. But all things are not equal, for a totally irrelevent reason—that the Administration has shown a persistent willingness to sacrifice larger interests to fulfill a campaign promise to the American textile industry. In a so-far futile effort to reduce the inflow of Japanese textiles, not only has it squandered much political capital with Japan but it has proved more Catholic than the Pope by rejecting a proposal of self-restraint from Japanese industry that had been accepted by the chairman of the House Ways and Means Commitee, Wilbur Mills.

In the atmosphere of bitterness and confusion thus created, calm analysis cannot flourish, and suspicion has inevitably developed in Tokyo and elsewhere that the treaty route was deliberately chosen to strengthen the Administration's hand in extracting a more restrictive import limitation from Japan. Yet what could be more grotesque than an attempt to trade off the reversion of Okinawa—a vital step to preserve our security in the Far East—for the appeasement of a single industry and a few Southern senators, at large cost to American consumers and with grave risk of undercutting all hopes of widening access to the vast Japanese market?

Whatever the Administration's motives—and I prefer to draw no invidious conclusions—the situation demands the most careful attention, for we dare not let protectionism again wreck out relations with Japan, as occurred 40 years ago. But, unless the White House vigorously intervenes, the protectionist lobbies may well mobilize the maximum 34 Senate votes needed to block the Okinawa treaty, in the event Japan refuses to grant their protectionist demands. That is an eventuality to make one shudder, for if the President should prove unable to deliver on his promise to hand back Okinawa, there is no doubt that the whole fragile structure of our relations with Japan would come tumbling down. And if that should happen with the only large modern industrial nation in the Far East, it would make defeat in Indochina seem like a pinprick.

[From the Washington Evening Star, Mar. 27, 1971]

BIG RISK FOR SOME SOUTHERN VOTES

(By Milton Viorst)

President Nixon, having lost one battle after another over restrictions on textile imports, has now leveled the biggest gun of all at his chief target, the Japanese—a threat to break the American commitment to return Okinawa to Japan's control.

The President has shocked some of his closest advisers—George Shultz, Henry Kissinger, even John Ehrlichman—with a relentless determination to keep the Southern strategy intact by providing import protection for the South's textile industry.

He has mortified the Pentagon, which has warned him that his obsession with textiles risks undermining American security in the Pacific, increasingly dependent on Japan.

In fact, the President himself said not long ago: "Whether Asia and the Pacific become an area of peace or an area of devastation will depend on what happens between the United States and Japan, more than between any other nations in the world."

Yet Nixon insists, at Japanese expense, on special privileges for the textile industry, although it has been—both before and since the recession—in stronger condition than American industry generally.

The President is still burning over the slap he took a few weeks ago when the Japanese, after the collapse of formal negotiations, announced that they would impose restrictions upon themselves on textiles.

Behind the Japanese announcement was the shadowy figure of Wilbur Mills, chairman of the House Ways and Means Committee, who backed he President on legislated textile quotas last year, but who now feels that they cannot be enacted without undermining the country's entire liberal trade posture.

In a petulant public statement, the President not only complained that the Japanese limitations were inadequate. He also was angry that Mills had usurped diplomatic prerogatives which he believed, quite justifiably, belonged to him.

Unless the President could come up with a strong countermove, however, Mills was in a position to end the matter by blocking further action on textiles in Congress.

The President had two tactical possibilities. One was to limit textile imports—as he had oil imports—by executive order, on the grounds that they impaired national security. But he knew such grounds were ridiculously flimsy. The other was to blackmail the Japanese over Okinawa.

Although the United States had pledged as early as 1951 to return Okinawa, no agreement was reached until Premier Eisaku came to Washington in November 1969.

At the time, Sato was running for re-election on a platform favoring renewal of the U.S.-Japanese mutual security pact. He was under severe pressure from anti-American elements.

President Nixon's promise to return Okinawa by 1972 is regarded as the key factor in Sato's landslide victory. It is further regarded as an indispensable condition of continued Japanese-American amity.

Overtly, the President has done nothing to repudiate the Okinawa promise. But after the Japanese textile announcement, he decided to send the Okinawa agreement to the Senate as a formal treaty, which requires a two-thirds majority.

The President is fully aware, of course, that the protectionist bloc in the Senate has at least a third of the votes and that, even if it did not, it could filibuster the agreement to death.

Though he has made no public statement, the President has let it be known that, without a satisfactory textile agreement, he will do nothing to interfere with such an eventuality.

In the Senate, the protectionists already are busy. Last week, Talmadge of Georgia, representing Southern textiles, and Pastore of Rhode Island, whose shoe manufacturers want to get in on the action, summoned the chief protectionist lobbyists from labor and industry. Together, they made plans to use Okinawa to break Japan's resistance and outflanked Chairman Mills.

Meanwhile, the Japanese press has gotten wind of what is happening and is drumming up public opinion. If America reneges on its Okinawa promise, it is not at all clear that the Sato government can survive 1972. His successor, then, will surely come to power with a strong anti-American bias.

Right, now, Nixon seems indifferent both to the country's pledge and to Sato's fate. Even his own advisers find it appalling that he is taking such risks—especially since it's just for some votes down South.

[From the Washington Evening Star, May 7, 1971]

ECONOMICS SPARKING U.S.-JAPAN CRISIS

(By Carl T. Rowan)

Deep undercurrents of anti-Japanese feeling have burst forth in the press and the public utterances of leading Americans. And there is growing worry in official circles here that a totally unnecessary crisis in relations between the United States and Japan may soon become unavoidable.

It all flows out of the fact that that island nation of 104 million energetic people continues to ride a miracle of economic expansion while we suffer an assortment of difficulties.

A tiny article in the back pages tells us that in 1969 and 1970 Japan had balance-of-payments surpluses totaling almost $4 billion. In the same period the United States suffered deficits totaling $15.5 billion.

So now we hear U.S. Cabinet officers whispering that Japan is waging an "economic war" in hopes of dominating the world.

Leaders of the American textiles industry wage a ceaseless campaign to convince Americans that the Japanese are "Oriental Jews" who resort to all kinds of trickery to take over lucrative markets.

Other American businessmen call Japan "a corporate state," lamenting their inability to compete with Japanese firms which get governmental assistance that Uncle Sam just doesn't give U.S. enterprises.

"Stop Japan," has become the new cry of a segment of American business and industry that is pushing for an end to free trade policies that some feel have led the United States into economic trouble.

Some officials here are convinced that Peking wants to use any warmup with the United States to put the screws on Japan, and that Americans will regret it for years if they let anti-Japanese sentiment get out of hand.

Some close observers of U.S.-Japan relations say that many Americans are simply trying to make Japan the scapegoat for their own business failures.

Others insist that a strong racial factor is at work. Japan is the first Asian nation to occupy the position of third-ranking economic power in the world (after the United States and Soviet Union). Her economy has grown by at least 10 percent for the last 15 years, producing new nationalism and new confidence that have caused the Japanese to say "No!" to Uncle Sam on a variety of issues. The Japanese are reaching out everywhere for markets and raw materials.

A lot of Americans can't quite get used to Orientals playing that role.

But a look at the facts, and at what is at stake, suggests Americans had better get used to it rather soon.

Trade between the United States and Japan reached $10.6 billion last year. The increase alone ($2.4 billion) was three times as much as Japan's total trade with Communist China.

No country except Canada has a bigger trade with the United States than does Japan which has become the first billion dollar purchaser of U.S. agricultural products. This is of vital consequence to middle-class Americans whose pocketbook interests scarcely permit any anti-Japanese excesses.

Much is made of the fact that Japan has an advantage of a billion to a billion and a half dollars a year in trade with the United States, an advantage that Japan maintains by putting quota restrictions on U.S. products such as automobiles, grapefruit, light aircraft and computers.

The figures don't tell the whole truth about Japan's trade advantage. The Japanese import 5 million barrels of oil a day from the Middle East, most of it from American companies. This money doesn't show in the U.S. balance of payments although perhaps two-thirds of it winds up in the United States.

There is also talk about how the United States spends $600 million a year in Japan on military items, a false implication that we do this to defend Japan. About $200 million of this is for oil for Vietnam and many millions are for items to stock PXs in Vietnam—items the United States buys at such a rakeoff that the Japanese to some degree help subsidize the war effort.

The Japanese are aware that their trade and investment policies have been a sore point with Americans, and they are in the process of speedy liberalizations.

But one critical question is whether the anti-Japanese frenzy has been fanned so high that it will be permitted to affect Senate consideration of a treaty to return Okinawa to Japan.

The reversion of the Ryukyu islands (including Okinawa) is a highly emotional issue in Japan. U.S. officials decided on the merits that, 26 years after war's end, the Ryukyus ought to be handed back. An agreement on reversion will soon be completed after years of tense and tedious negotiation. Anything that upsets that agreement would seriously disrupt U.S.-Japanese relations, throw the Sato government out of power and produce new troubles in an already volatile Far East.

The trade issues ought to be kept separate. But it may be too much to expect the textiles industry or some others to resist the temptation to create a treaty crisis by interjecting their private "stop Japan" emotionalism.

A CHILD'S GUIDE TO VIETNAM

Mr. McGOVERN. Mr. President, the U.S. Department of State, through its Bureau of Public Affairs, has undertaken to explain the war in Vietnam to the young children who have written to either the Department of State or to the President asking questions about the war. Children are always asking troublesome questions, as we all know.

It occurs to me that the Senate might be interested in knowing what the State Department is telling these young people, including such information as the fact that—

> The South Vietnamese had showed that they were brave people and we knew that if the North Vietnamese were not stopped from trying to take over another country by shooting and killing, the other countries in Asia would be in danger too from the communists. So we decided to help the South Vietnamese people.

It may also be of interest that—

> The Vietnamese communists are especially dangerous because they believe in the use of armed force and terror.

Vietnamization is also described:

> President Nixon and all of us believe that a good and just peace is possible. Until the North Vietnamese agree, we must have lots of patience and grit to go on with the talks in Paris and with the fighting in Vietnam.

Mr. President, I ask unanimous consent that this educational document be printed at this point in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

An Explanation of the War in Vietnam for Primary School Children

Many young school children have written to the President or to the Department of State about Viet-Nam. We have prepared the following explanation for them:

Viet-Nam is a very old country in Asia, about 8,000 miles away from the United States. About 17 years ago, part of the Vietnamese people called Viet Minh were fighting against France which had ruled Viet-Nam for many years. Many of the Viet Minh wanted Viet-Nam to be a communist dictatorship rather than a free country. The Vietnamese communists are especially dangerous because they believe in the use of armed force and terror.

The Viet Minh finally won a big victorry over the French forces. The French and officials from some other countries who were interested in Viet-Nam sat down to talk with the Viet Minh in the city of Geneva in Switzerland. They agreed to make peace and to divide Viet-Nam in two parts. The northern part is held by the communists and is called North Viet-Nam. South Viet-Nam is held by those Vietnamese who do not want to live under Communist rule. It is also called the Republic of Viet-Nam. Many people in the North went to live in the South to get away from the communists. Many more wanted to go too but the communists broke the rules of the agreement made at Geneva and would not let them go.

NORTH VIETNAM ATTACKS THE SOUTH

A few years went by. The North Vietnamese were planning to take over all of South Viet-Nam by elections because there were more Northerners to vote than Southerners and because the communists would make sure, by force if necessary, that more people would vote for the North than for the South. The leaders of South Viet-Nam refused to take part in elections that they knew would not be fair. This made the communist leaders of the North very angry, and they decided to take over South Viet-Nam by force.

When the country was divided into two parts, the communists had left some men in the South who pretended to be like the Southerners. These men received orders to dig up the guns which they had hidden and to kill people in the South so the men in the South would be afraid to fight against the communists. These communists in the South, called guerrillas, would often go into villages at night and kill important people such as the mayor and the school teacher. This would make the villagers afraid to tell the South Vietnamese soldiers where the guerrillas were hiding. The guerrillas did not wear uniforms and it was easy for them to hide in the jungle or to pretend they were villagers. During this time we were sending guns and supplies to the South Vietnamese so they could fight back. We also sent some soldiers to advise them how to fight.

SOUTH VIETNAMESE WANT TO DECIDE OWN FUTURE

As time went on, the North Vietnamese sent more and more men from the North into South Viet-Nam. They began to send soldiers who attacked the soldiers of the army of South Viet-Nam and soon there was a real war going on. The soldiers from the North and the guerrillas were well trained to fight. Things were going badly for the people of the South. They wanted to be able to decide how to run their country for themselves. So they asked us to help them fight the North Vietnamese. The South Vietnamese had showed that they were brave people and we knew that if the North Vietnamese were not stopped from trying to take over another country by shooting and killing, the other countries in Asia would be in danger too from the communists. So we decided to help the South Vietnamese people, and some other countries also decided to help. That way we hoped to keep the war in Viet-Nam from becoming a big war that might put the whole world in danger.

AMERICA AND OTHER COUNTRIES HELP SOUTH VIET-NAM

America promised to help the South Vietnamese and we sent soldiers, ships and airplanes to Viet-Nam. Five other countries also sent soldiers. Over 30 countries gave food, medical supplies and many other things to help the South Vietnamese. We have been fighting very hard for six years to help the South Vietnamese soldiers. Together we have done well and the soldiers from the North are not winning any more. They are still trying to take over the South but they know that the South with our help is stronger than they are. The South Vietnamese are becoming such good soldiers that we are bringing some of our men back to America. In May and June last year American and South Vietnamese soldiers destroyed the communist bases in the next-door country of Cambodia. We did this because the bases gave the communists a chance to attack our men in South Viet-Nam and then to run and hide in Cambodia. Our action in Cambodia made it safe to go on bringing our men home. This year some South Vietnamese forces, with the help of US air power, have moved into the nearby country of Laos to cut the supply lines the communists need to carry on the war in South Viet-Nam.

We and South Viet-Nam do not want to take over the North and we do not want to make the war bigger. All we want to do is to stop the communists from taking South Viet-Nam. President Nixon has said that if the communists go back home to the North and leave the South alone, the war will end. We are having talks with leaders from the North in the city of Paris in France. At these talks, we are telling them that if they will take all of their soldiers out of South Viet-Nam, we will too. But if we take all of our soldiers out of South Viet-Nam before peace is made or before we are sure that the South Vietnamese can take care of themselves, we would be breaking our promise to them. Other countries which are our allies would then believe that our word was no good and they would not respect us. Also, President Nixon is very concerned about our men held prisoner by the enemy. He has said that as long as North Viet-Nam holds a single American prisoner, we will have forces in South Viet-Nam.

WE BELIEVE A JUST PEACE IS POSSIBLE

We are sorry the North Vietnamese are not ready to pull back their soldiers, but we think they will come to see that peace is better than to go on killing. President Nixon and all of us believe that a good and just peace is possible. Until the North Vietnamese agree, we must have lots of patience and grit to go on with the talks in Paris and with the fighting in Viet-Nam.

PAKISTANI STUDENTS IN UNITED STATES OBJECT TO MILITARY EXCESSES IN EAST BENGAL

Mr. CHURCH. Mr. President, over the past 3 months, the world press has carefully and graphically reported the human and political tragedy taking place in East Pakistan. Because of rigid government censorship in Pakistan, however, the local press there has written about the civil war in the East in a much different light, viewing the conflict as a situation whereby a few miscreants and foreigners have stirred up antistate actions. We know from a variety of newspaper and other sources that this is not a true, complete picture of the crisis with such serious international overtones.

An editorial in the Pakistan Student, the official publication of the Pakistan Student Association of America, which represents all Pakistanis studying in the United States, sees the crisis more objectively, too. Interestingly, this nationwide organization is led by West Pakistanis who have had, I understand, close personal as well as working relationships with high Government of Pakistan officials in Islamabad and here. Yet in its April 1971, edition of the the Pakistan Student, the lead editorial opposes its own government's conduct in East Pakistan, basing its charges on what "is present in the Pakistani press itself."

The editorial comments on the two major forces working in East Pakistan prior to the bloodshed of March 25. First, "the predominant, that of the Awami League, wanted full autonomy within Pakistan." Then, "the second called for independence and also threatened guerrilla war as the only remedy for" their "suffering. By destroying the Awami League," it concludes, "Yahya Khan has unwittingly left the field to the advocates of violence. No wonder China is so pleased with the Pakistani Government."

I ask unanimous consent that the editorial, "Does Power Flow From the Gun Barrel?" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOES POWER FLOW FROM THE GUN BARREL?

The blessed Apostle of Allah said: "I swear by Him in Whose Power is my life, it is essential for you that you enjoin the truth and forbid evil and stop the wicked and turn him towards the truth. Otherwise Allah will carry the corruption of the evil-doers to those who claim to be upholders of Truth and taint them also. Or He will curse them as the Jews were cursed."—Hadis quoted in Ibn Kathir's *Tafsir*. II. 83.

The indecent haste with which India tried to take advantage of the army operations in East Pakistan has proved a boon for the ruling group in Pakistan. As the dust of Indian attacks settles down some hard facts will have to be faced. Events in Pakistan pose questions of a very fundamental nature for every Pakistani. In the last editorial, in our special edition of March 1971, I had given an outline of important events. It is my duty, as one who stands under Allah's Gaze, to continue to present the nightmarish facts, however horrible, to our readers. The proof of what I intend to say here is present in the Pakistani press itself and can be shown to all doubters. If the Pakistani government can prove anything to the contrary we will recant with pleasure.

At machine-gun point the President of Pakistan, Agha Muhammad Yahya Khan, has banned the Awami League and accused its leader of treason. In his speech of March 26, 1971 he declared "Shiekh Mujibur Rahman's action of starting his non-cooperation movement is an act of treason. He and his party have defied the lawful authority for over three weeks." *Dawn* March 27, 1971. We do not agree with Shiekh Mujibur's politics and we criticized him (as opponents in a democratic system) in our January and February issues. But the question arises that, apart from the right of the "gun", what right has President Yahya to accuse Shiekh Mujib of treason? Shiekh Sahib's party had won 167 seats in the elections and thus had a clear majority in the National Assembly. According to the canons of democracy he had every right to rule. Can non-cooperation (general strike etc.) ever be termed treason? If it can be, were all those people who struggled against Ayub Khan, in the Pakistan Democratic Movement (PDM) through 1967–1969, traitors? (Let us make it clear here that the Pakistani government has itself declared that Mujib did not make any declaration of independence. See *Dawn*, of March 28, 1971). The Pak. newspapers like *Jang, Dawn, Morning News, Jasarat* throughout February and March made it abundantly clear that the whole of East Pakistan, every political party, association, organization and group, was solidly behind Mujib and demanding transfer of power. Thus the charge of treason is an insult hurled against the entire population of East Pakistan. Yahya Khan's "Blitz-Krieg" means that if any party in Pakistan ever becomes strong enough to bring about a real shift of power, away from the clique, it will be brutally crushed. If Shiekh Mujib's whole party consisted of a pack of traitors the questions arise that:—

(1) Why was he allowed to fight the elections? If he had any contacts with India, what was our intelligence department doing during 1969–1970? If any proof of contacts was available why was the party not immediately banned and the proof put before the people? Is it not a serious charge against the government that it knowingly allowed "traitors" to fight the election?

(2) If the government wishes to argue that Mujib and a small group had fooled their own party and all the people of East Pakistan, why did it not allow the "traitors" to unveil themselves so that the East Pakistani people may have dealt with them? India certainly could not have helped the "traitors" in the presence of the army. Or would the entire people of East Pakistan have been helpless before the handful of "power hungry and unpatriotic people"?

(3) Why did the President announce in his 'Pakistan Day' message that: "The stage is now set for our elected representatives to work together for the common goal which would accommodate both East and West wings in smoothly working harmonious system"? (Dawn March 23, 1971). Two days later the curtain went up on a fascist clique's take-over. It would not be wrong to presume that while talks were going on the clique was preparing for the shooting spree. The events outlined in our March issue should be read along with this.

It seems that Mujib understood what the government planned to do. Hence his frantic calls to his people to remain disciplined and peaceful and to maintain harmony among locals and non-locals. Before each important meeting he said that someone else should speak for him if he does not manage to come. It is best to record here the words in which Mujib rejected the commission set up by the Martial Law Administrator zone 'B' to inquire into the reasons for the call-out of troops in East Pakistan.

"The only term of reference is: "To go into the circumstances which led to the calling of the army in aid of the civil power in various parts of East Pakistan between March 2 and March 9.' The fundamental issue is thus pre-judged, since what has to be inquired into is whether the development and use of force was in aid of ulterior political purposes and not at all in aid of civil power. The 'commission' is further shut out from inquiring into the actual atrocities, which have been reported from various parts of Bangla Desh, involving thousands of casualties. Thus even the number of casualties and the circumstances in which unarmed civilians were shot down cannot be inquired into."—Morning News, March 19, 1971.

Those politicians who had some connections in the armed forces seem to have sensed what was coming. One day after Yahya Khan postponed the Assembly session (on March 1), in response to Bhutto's threats, Air Marshal (Retd) Nur Khan strongly insisted that "the President must call the session again in March, otherwise irreparable damage will be done. The President is being wrongly advised by a highly placed person. If change of power does not take place West Pakistan will always have army rule." (See *Jang*, of March 4, 1971). Nur Khan kept on warning. Finally his meeting in Lahore was disrupted on March 12 by "People's Guards", heavy stoning took place and while he was leaving his car was badly damaged, its windscreen shattered (*Jasarat* March 14).

Asghar Khan announced after hearing of the postponement on March 1 "I am not surprised. I had already seen this possibility" (*Jang*, March 3). As the military started its killing campaign in East Pakistan Asghar declared in a press conference "Power should immediately be transferred to Mujib. Our hearts are crying tears of blood for the people in East Pakistan. If firing on our innocent East Pakistani brothers goes on I will go there and stand in their front ranks." (*Jasarat*, March 6).

On March 11 he again stressed the need for immediate transfer of power to Mujib. When asked under what constitution would power be transferred he countered that "under which constitution did Ayub take over power in 1958?" He also referred to the necessity of a movement like that of 1968 (Meaning evidently that the struggle was the old one between dictatorship and democracy) (*Jasarat*, March 13). [The same day Maj. General Sher Ali Khan sent a telegram to Yahya Khan urging him not to do anything which would leave him "with the blame for putting an end to this Islamic Republic." (Ibid.)]

Asghar Khan went on with his warnings. On March 19 the PPP guards brick-batted him at Multan. He escaped unhurt but the lawyers protecting him were injured. The Multan district Bar Hall where he spoke was ransacked, the window panes and furniture smashed. This went on for one and a half hours. (*Morning News* March 20). These attacks on PAF heroes did not lead to any arrests. The government obviously had given the go ahead to Bhutto's party.

THE STRUGGLE FOR DEMOCRACY

Any insight into the story of Pakistan in the last 13 years shows that anyone who comes anywhere near dislocating the centre of power in Pakistan is in danger of being branded "traitor". The memory of the Agartala case is still fresh. Mujib, then in jail was suddenly charged with having conspired with India.

No explanation was given as to how he could have carried on the conspiracy from prison and the Agartala conspiracy case which followed made the government the laughing stock of the people. Even Miss Fatima Jinnah, the venerable sister of the Quaid-e-Azam came near to being labelled "traitor" when she became a threat to Ayub Khan's supremacy. Full page advertisements were published in the government-controlled press giving quotations from Indian newspapers with the suggestion that Miss Jinnah had Indian backing! Fortunately for her Ayub Khan's political machinery, firmly in Bhutto's hands, proved too good for her.

By the end of 1967 and early 1968 the Pakistan Democratic Movement had let down its roots into almost every area of Pakistan. It could not be declared "treacherous" as it had support in both wings of the country. Later almost every party, except Bhutto's PPP and Bhashanis' NAP, joined it and under the name of Democratic Action Committee (DAC) it staged country-wide general strikes, almost as powerful as the recent ones in East Pakistan. These brought Ayub to his knees. Meanwhile Bhutto had appeared on the scene as the hero of Tashkent. It was rumored that the government had sent him to disrupt the opposition but he was arrested for a brief period and the leftist students were convinced of his "socialism." It seems they were quite incapable of objective thinking.

As time passes I think it will become more and more evident that he is a government agent. Perhaps our readers remember how Bhutto and Bhashani refused to attend the round table conference and made the peaceful transfer of power impossible, so that Ayub handed over the reins to Yahya on March 25, 1969. At that time both wings of the country were united and the democratic forces were awake. To de-fuse the situation Yahya again and again announced his democratic intentions.

Later announcements were made to the effect that constitution-making would follow elections. Curbs on political activity were lifted from Jan. 1, 1970. In the year which followed two things became apparent. Firstly the government's fervent declarations that the ideology of Pakistan would be protected were violated again and again with no government response. The inquire into the burning of copies of the Holy Quran in March 1969 at Lahore was quietly dropped. Protests evoked no reply. Thus the government appeared as defender of the faith, but tolerated all attacks on the faith. Even Faiz's poem openly attacking the basic beliefs of Islam was defiantly published. Again protests had no results. Secondly the attempt to throw a bridge between the two wings of Pakistan was meticulously foiled and an organized attempt narrowly failed to wipe out the Jamaat-e-Islami leadership at Paltan Maidan, Dacca. 3 members of the Jamaat were martyred and 500 injured. Incidentally the Governor's house is a stone's throw from Paltan Maidan. But that day, the Martial law authority was tactfully idle.

BHUTTO'S TACTICS

Sheikh Mujib's success though expected was overwhelming beyond expectations. In our last issue we pointed out how Bhutto's speeches of February 28 and March 14, 1971 brought matters to a head. In a democracy on a national level, if the country is not to be divided, there can be only one majority party. But Bhutto declared "that in the situation faced by Pakistan, having a geographical distance between the two parts, 'the rule of majority did not apply.' The Majority party "must take into account in the governance of the country, the wishes of the majority party of this wing," he added." (Dawn, March 16, 1971). Bhutto conveniently forgot that there is, strictly speaking, no West Pakistan now. On the national level there is Pakistan only (in which PPP is nowhere near the majority); otherwise there are five provinces out of which in one (Punjab) PPP has the majority and in another (Sind) it has a very narrow majority. It has no provincial-level power in Baluchistan, NWFP and East Pakistan. Bhutto's party declared that the opposition parties in West Pakistan had no right to speak or to join hands with Mujib in a coalition. Heads I win, tails you lose.

March 19. (Karachi) Mr. J. A. Rahim, PPP Secretary-general and Mr. Abdul Hafeez Pirzada, president of the Karachi zone PPP told a hurriedly called press conference that the PPP had finalized a contingency plan to foil "the conspiracy to sell out the interests of West Pakistan." Asked what the plan was they refused to disclose the details but said: "You will know when the implementation begins."

Question: Do you mean to say that the inclusion of Khan Wali Khan, Mian Daultana and Mufti Mahmood in any future central government set up, to the exclusion of the PPP, would be regarded by your party as part of this conspiracy? Pirzada: Obviously; it would mean that the majority of the people of West Pakistan have been deprived of their due and legitimate share of power at the centre.—Morning News, March 20, 1971.

That very day Asghar Khan was attacked. On March 19 a PPP woman leader openly warned *Jasarat* and other non-PPP papers not to criticize Bhutto otherwise their offices would be burnt. The very next night it was attacked, its advertisement section ransacked, scooters wrecked and the guard injured. The attackers came in trucks. They also burnt the newsprint stocks of Jang paper. (*Dawn* March 21, *Jasarat* March 22). Again there were no arrests.

To counter Bhutto the minority parties in West Pakistan held a convention on March 20 at Karachi: "The convention representing 40 MNA's elect of West Pakistan endorsed the demand for withdrawal of Martial Law and transfer of power to the public representatives. It also resolved that the future constitution should be in accordance with Holy Quran and Sunnah, guarantee the unity of Pakistan and genuine interests of all five provinces. Another resolution stressed that the PPP was not a monopolist of West Pakistan interests due to the fact that West Pakistan as a political unit had ceased to exist. The signatories were Allama Mustafa Azhari, Maulana Syed Ali Rizvi and Maulana Ibrahim Burq (all of Jamiat-ul-Ulema-i-Pakistan), Prof. Ghafoor Ahmed and Mahmood Azam Faruqui (of the Jamat-e-Islami) Maulana Abdul Hakim (Jamiat-ul-ulema-i-Islam) Mian Nizamuddin Hyder (CML) Makhdoom Noor Mohammad Hashim (Bahawalpur Motehda Mahaz) and Maulana Zafar Ahmed Ansari (Independent)" *Dawn* March 21. The convention frequently came under attacks with stones.

THE CURTAIN RISES

On March 22, 1971 Mujib expressed "progress" in his talks with Yahya. On March 23 Yahya announced that the stage was now set for the people's representatives to take over. On March 24 the leaders of minority parties came back from Dacca declaring that plans were now ready for transfer of power at provincial level with an interim government at the centre. (*Jasarat,* March 26) However the seven PPP men who came back the same day refused to say anything. It seems that alarmed by the growing violence of the Bhashani-type elements, in a desperate bid to break the deadlock, Mujib probably decided to accept Bhutto as representative of the whole of West Pakistan. This is evident from the fears expressed by Baluch and frontier province leaders, on their return from Dacca, that one unit was going to be revived.

For example Wali Khan said: "They (Awami League) wanted six-points, but you have offered confederation to them" he said adding "those who opposed the convening of the Assembly session are now talking of two Prime Ministers". *Morning News,* March 26. It is important to remember that during Ayub's regime the army and air force were used to keep Baluchistan in control. With the prospects of democratic participation in power things had improved. But now we are back from where we started. On March 25 three Baluch and Frontier leaders issued a joint statement strongly condemning the delay in transfer of power and Bhutto's pretensions as leader of West Pakistan. Akbar Khan Bugti and Ataullah Mengal had expressed similar sentiments earlier.

But none of them seem to have understood how ruthless the government could be. On March 25 Yahya suddenly arrived back in Karachi (*Jasarat,* March 27). His departure was the signal for army shooting in Rangpur, Chittagong and Saidpur which left 64 civilians dead and many wounded. (Ibid.) The violent elements now got a chance to spread their ideas that "power flows from the barrel of a gun." Mujib's response was the only one possible for a brave but civilized leader. He called for a protest strike, condemned the firing and warned that violence-mongers were trying to set locals and non-locals upon each other. (Ibid.) At the same time he appealed in tones of torment to Yahya Khan. He said if a "political solution is desired" by President Yahya Khan and his advisers they should "realize that it was for them to take matters immediately to a conclusion, and that to delay this would expose the country and its people to grave hazards." (*Morning News,* March 26) The next day Yahya announced from West Pakistan that Mujib was a traitor!

POINT OF LAW

In his speech of March 26 Yahya Khan has said: "All he really wanted was for me to make a proclamation whereby I should withdraw Martial Law and transfer power." In other words how could power be transferred without a constitution? Mujib can answer no more but A. K. Brohi a renowned Pakistani jurist has already answered this question:—

"Q. How do you envisage the transfer of power to the people in the context of negotiations going on at Dacca?

"Ans. If your question postulates that there are any constitutional impediments in the way of transferring power by the present regime merely because at present we have no constitution, then my answer is simple: there are no such impediments.

"If you recall what happened in 1947 you would get my point. Then too the departing British transferred power to the constituent assemblies for India and Pakistan and left provisions in the Indian Independence Act under which the provisional governments were to function and constitutions were to be framed in the two dominions of India and Pakistan."—(*Morning News,* March 25)

MARTIAL LAW AT WORK

In 1965 when our forces fought with clean hands press reporters were always welcome at the front. But now in East Pakistan extremely strict measures have been taken to ensure that the outside world does not find out what is happening there. Even the plight of the cyclone stricken people on the coast has been ignored and no relief planes are allowed for the same reason. A few dead bodies here and there can be disposed of in one or two days but today (April 20) even after 25 days there is no let up in the secrecy. There is strong reason to suppose that the military has committed outrages, like using tanks and artillery in heavily populated cities, which cannot be concealed easily. Foreign nationals leaving Chittagong and other places have spoken of large scale slaughter of unarmed civilians. If all these are false reports why is the government so concerned with stopping any facts from leaking out? Even if all that is being said by foreigners is false there is at least one martial law regulation which indicates that the army is behaving like that of Israel in Palestine.

"Dacca, 27 March (Radio Report). Zone "B" Martial Law Administrator Lt. General Tikka Khan has issued Martial law regulation 133 under which all attempts to obstruct traffic by digging holes or putting up any obstacles on any street or road is a punishable offense. In case of disobedience of this regulation houses within 100 yards of the holes or obstruction will be demolished and their occupants given ten years rigorous imprisonment." (*Jasaret,* March 29.)

The government was anxious lest West Pakistan's masses understand the situation and react against Bhutto and the Qadianis who have engineered this plot. Hence Martial Law regulation No. 77 issued by Yahya Khan himself reads (in part):—

"2. No person shall print or publish, or cause to be printed or published in a newspaper or other document whatever, any matter which—

"(a) Tends directly or indirectly to create hatred or ill-will towards any political party in Pakistan or any leader or member thereof." (*Dawn,* March 27.)

(Max. punishment is seven years. The first part of this regulation contains a familiar order not to say anything against "sects, clans, etc." which is usually issued to protect Qadianis. By a superb act of cynicism the regulation makes Islam also a part of the establishment and forbids anything said against it. Obviously the government wishes to identify itself with Islam while doing everything against the fundamentals of Islam.)

Baluchistan is the second most sensitive area and there even monthly, fortnightly and weekly papers are being censored, (*Jasarat* March 31). The Government knows the necessity of making people forget all that was said in the recent part. "The Director of Information, Baluchistan has instructed all printing presses not to print or publish any news serial, bulletin, booklet or pamphlet on which an earlier date is given. A press note warned that severe action under martial law regulation 77 will be taken against those who try to escape the regulation by printing or publishing any matter taken from dates previous to March 26." (Jasarat, April 1).

WHAT OF THE FUTURE?

Translations from Bengali newspapers published prior to March 26 show that there were two major forces working in East Pakistan. The predominant, that of the Awami League, wanted full autonomy within Pakistan. The second called for independence and also threatened guerrilla war as the only remedy for East Pakistan's suffering. By destroying the Awami League Yahya Khan has unwittingly left the field to the advocates of violence. That is, even from the strictly military point of view the army has blundered. No wonder China is so pleased with the Pakistani government. As the news of atrocities are pouring in Bengalis abroad are giving up the idea of Pakistan and thinking in terms of an independent Bengal. Their anger and hate is not surprising. However let them ponder; is it not terrible that after all these sacrifices East Pakinstan should now have to become a theatre of guerrilla war, another Viet Nam? The military will probably try to use East Pakistan as a colony for the simple reason that if it loses the East it will have to be cut down to half size. Also it will maintain dictatorial control over Karachi, Baluchistan and frontier province. Instead of continuing in this state for another ten years the only way out is for the West Pakistan masses to realize what has happened. Let them awake from their slumber and see how tyranny has fooled them. The people of East and West Pakistan are brothers. History is a witness to this fact. The West Pakistan masses must now shed their blood for East Pakistan. Otherwise they themselves will never become free and able to live like civilized beings. If they unite and rise against the oppressors they will easily prove, as they did in 1968, that power flows not from the barrel of a gun but from a nation's faith in its own destiny.—Kaukab Siddique (End).

DEMAND FOR DEMOCRACY AND ISLAM

While expressing disappointment in the leaders of the two major political parties of Pakistan as well as repelling the tragic events that have taken place in Pakistan, and praying to Allah for those who lost their lives therein, this gathering of Pakistani students attending the 5th Midwest Regional Conference of M.S.A. of U.S. and Canada resolves that instead of shooting Pakistanis in East Pakistan, the Central government must assure the people of Pakistan that it is the majority which rules in a democracy and so the captured political leaders be released and power must be transferred to the majority party after the Constitution has met the minimum condition of the solidarity and the Islamic basis of Pakistan without any regard to any East, West or any provincial claims as to their right of representation. (Camp Trout, Missouri, April 10, 1971).

RESOLUTIONS OF PSAA. EMERGENCY MEETING AT IIT, CHICAGO, APRIL 4, 1971—REMOVE TIKKA, RELEASE MUJIB, RESTORE DEMOCRACY

Resolution No. 1.—This assembly strongly urges the Government to bring back the country to normal peaceful conditions and speedily create conditions conducive to the establishment of Democracy throughout Pakistan. It strongly feels that military rule is no solution to the present crisis and the unity and solidarity of Pakistan can only be achieved if people, rather than the military, govern the Country.

Gen. Tikka Khan should be immediately removed and the army should withdraw from the cities and go to seal the borders.

Resolution No. 2.—This assembly demonstrates its strong feelings for the unity and solidarity of Pakistan on the basis of Islamic ideology and justice to all the units of Pakistan.

Resolution No. 3.—It is the considered opinion of this assembly that East Pakistan has genuine grievances and frustrations for several years and this could only be resolved on the basis of Islamic Spirit of brotherhood which would ensure the end of exploitation.

Resolution No. 4.—This assembly strongly expresses its disgust and disappointment at the failure of the two major political parties and their leaders to be equal to the task of meeting the challenge of existing conditions leading to the disruption of the country. It strongly urges them to rise to the occasion and give a solution within the framework of one Pakistan.

Resolution No. 5.—This meeting of the Pakistani Students Assoc. of the U.S.A. expresses its profound grief and shock at the tragic happenings and expresses its heartfelt sympathies with bereaved families in East Pakistan and appeals to the Pakistani Government to compensate material losses of the affected families by granting them generous financial aid.

Resolution No. 6.—This meeting strongly condemns the provocative and irresponsible utterances of the prime minister of India and the Indian government who are fanning the already critical situation in East Pakistan which, if not checked will soon engulf the whole sub-continent. The Pakistan Students Association sees their support and propaganda as a useless effort of the Indian Government to divert the world's attention from its own oppressions and brutalities on the freedom fighters in Kashmir.

Resolution No. 7.—Mr. Sheikh Mujibor Rahman leader of Awami League the majority party along with the Awami League leaders who have been arrested so far should be released immediately and the Awami League, the majority party, should be asked to form the civil government.

All the political leaders who have been arrested should be released.

Resolution No. 8.—This Assembly believes that Shaikh Mujibor Rahman the leader of the majority party in Pakistan has not declared independence of East Pakistan and rejects the charge of treason.

SENATOR MUSKIE ADDRESSES CHICAGO NAACP DINNER

Mr. HART. Mr. President, we have witnessed in the past few years the birth of many coalitions of interest groups in America—coalitions to stop the war and coalitions for revenue sharing are examples.

But recently in a speech at the annual "Fighting for Freedom" dinner of the Chicago South Side Chapter of the NAACP, the distinguished Senator from Maine, Edmund S. Muskie, spoke with great insight and feeling about the need for a far broader and fundamental coalition for change in America—"a coalition of conscience, committed to creating a nation worthy of our hopes and our boasts—with enough power and enough votes to make the American dream a reality for every American."

As Senator Muskie points out, blue-ribbon Presidential commission after commission after commission have warned us that the greatest threat to America is the increasing polarity in our society between the prosperous and the impoverished. They have also warned of the dangerous divisions among less fortunate Americans—blacks and whites—whose real interests are the same and who must work together to consign such slogans as "backlash" and "hard hat" to the trashbin of political rhetoric.

Mr. President, at a time when divisive slogans constantly assail us, the Senator from Maine has here with calm patience expressed thoughts which I have tried, far less eloquently on many occasions, to convey. I ask unanimous consent that this timely speech be printed in the Record. It repays careful study.

There being no objection, the address was ordered to be printed in the Record, as follows:

A Coalition of Interest: Black and White Together

After years of practice, white politicians know the right things to say to an audience of black people. But we cannot really comprehend the depth of the wrong done to black America.

A white politician can speak about the shame of segregated slums. But he cannot feel the pain of a black father living in a neighborhood of boarded windows and sagging buildings, far from a decent job or a safe place for his kids to play.

A white politician can talk school integration. But he cannot feel the anguish of a black mother sending her sons and daughters off to classrooms with too few books, too many pupils, and too much risk of failure.

A white senator can vote against a mediocre appointment to the Supreme Court—and his vote can deny the insulting claim that this was the best the South could give to American justice. But he cannot feel the insult it was to blacks to even consider the nomination of a man whose most famous public remark was a racial slur.

So I did not come here tonight to lecture you on the wrongs you have endured for so long. You understand them in a personal, everyday way, far better than I ever could. And I did not come here to tell you again where I stand. I hope you already realize that I am with you now as I have been in the past. I believe now more strongly than ever that the future and the fate of America depend on our fight for racial justice. And I believe it is time to win that fight.

Presidential commissions and Senate Committees and executive task forces have already parsed and analyzed the crisis. They have studied the prejudice which surrounds you. They have denounced the discrimination which deprives you. And they have pointed the way to something better. They have left us with eloquent pleas and detailed plans for equity in America.

But defining the solution is no longer the problem. If we do not know by now what must be done, then we will never know it or do it. The challenge of racial justice in 1971 is not to construct a stronger case for a cause already so clearly and completely right. Our real challenge is to construct a strategy which will permit that cause to prevail.

We must build a coalition for change in America—a coalition that reaches beyond one race and any single group—a coalition with enough power and enough votes to make the American dream a reality for every American.

I am talking about a coalition of conscience, committed to creating a nation worthy of our hopes and our boasts. White Americans must ask themselves and each other—again and again—the same question President Kennedy asked them eight years ago: "which of us would willingly trade places (with a black man)?" In the last decade, the answer was a stream of civil rights legislation which left our people equal in law, but not in life.

Now we must answer, not only with a coalition of conscience, but with a coalition of interest. For we are learning that millions of whites share something of the black man's fate. We are learning, in the words of Congressman William Clay, that blacks "have no permanent friends and no permanent enemies—just permanent interests."

Since 1964, the social commentators have trafficked in words like "backlash" and "hardhat." They have identified the whites with lower and middle incomes as a center of popular resistance to racial equality. But those same white Americans are also deprived and pressured and ignored. In a very real sense, they have the same permanent interests as black Americans. And I am convinced that in a coalition of interest, the things that unite us can overcome the things that divide us.

A coalition of interest, blacks and whites together, can fight for prosperity and against poverty. Americans of every race have a vital stake in the outcome.

When a worker loses his job, the lay-off slip is not white. It is not black. It is a common gray color of tragedy for the breadwinner and his family. Today, ten percent of all black workers are living that tragedy. Their unemployment rate is nearly twice as high as the National average. But millions of white workers are also out of work. And millions more see their job security threatened on every side.

Their concern is not the color of the next worker's skin, but the chance to work at all. They want jobs—and they want them now. They want federally-funded public service jobs—to provide an absolute and constant guarantee of employment for every unemployed breadwinner. They want far more summer jobs for the young than the administrations' proposal of a mere 600,000—because they want far less teenage unemployment than the current rate of 40% for blacks and 15% for whites. Most of all, they want to restore the dignity of the productive adults who are losing their hope and wasting their talents on endless welfare and relief lines.

A coalition of American workers can muster the influence to create a prosperous economy—where people of every race can be partners in progress instead of rivals for scarcity. Returning veterans should never have to be told that being out of the service means being out of a job. But that is what happened to 60% of the veterans in New York city who turned to the State Employment Service in 1970. They were black and they were white. They deserved a better response than the discouraging reply that no help was wanted. And they must never hear that reply again.

A coalition of American workers can also muster the influence to insure a stable economy—where this year's higher wages no longer buy less than last year's lower wages. In 1970, the average family of every race actually suffered a decline in real income of over 1%. Breadwinners carried a sandwich lunch and gave up a vacation trip and put off the new car—but in the end, inflation drained their savings away. That, too, must never happen again.

And a coalition of American workers can muster the influence to build an economy of opportunity—where the majority of the poor who are white and the minority of the poor who are black can earn their own way to a decent future. In the first twelve months of this decade—for the first time since the statistics were kept—there was a significant increase in the number of Americans who had to subsist on less than subsistence requires. In 1970, over one million more blacks and whites fell below the poverty line. They must not be forced to stay there—and we must help them help themselves up.

So there is a solid and promising basis for a coalition of interest on the issue of the economy. Workers of every race care about jobs, inflation, and poverty. That concern can bring them together. And, together, they can do something about economic decline. They can reverse the appalling recession which has hit whites as well as blacks and blacks even harder than whites.

But economic conditions are not the only tie that can bind a coalition of interest. The plight of America's great cities is another reason for common concern—and another invitation to common action.

According to some of the experts, the urban crisis is a crisis of minorities—of blacks and Chicanos and Puerto Ricans. But the urban crisis is in fact a crisis of the majority. It touches and threatens citizens of every race.

When industry flees our urban centers, it leaves thirteen million blacks behind. But such departures also endanger the forty-five million whites who have made their homes in our cities. Some of them follow industry's exodus. But many of them are like most blacks—they cannot afford to flee. Blacks and whites together, urban Americans become victims of urban decline.

As jobs shrink and welfare rolls soar, so do the rents that reflect property taxes—and the tax bills of the small homeowner. And in return for paying more, the citizens of most cities are now receiving less. Basic services like police and fire and sanitation face cutbacks, while basic problems are getting worse instead of better.

Next year taxes in New York City will go way up—while the quality of life will probably go way down. Across the country, overcrowded schools, deteriorated housing, and obsolete transportation are shortchanging urban blacks and urban whites. By circumstance if not by choice, the races are united in a coalition of frustration about the cities they inhabit.

And that frustration can inspire a new coalition of interest on the urban issue. At the municipal level, the coalition can work for modern and efficient goverent—so cities can get the most out of the resources they already have. At the state and federal levels, the coalition can use its voice and its votes to insure a sensitive, responsive policy toward urban America.

There is nothing in public life more powerful than fifty-eight million urban citizens of every race demanding their due. Almost alone, their power could secure reforms to keep industry in our cities—and fast public transportation to carry people from the cities to jobs in the suburbs. Business must stop running away from urban centers. And workers must have real access to available employment.

Our Nation's cities are far from finished. They can endure—and they can flourish again. The remarkable renaissance of downtown Chicago is proof of their essential vitality. But so much more must be done—for urban America—and for the Black Americans and the White Americans who live there. It can be done by them—and only by them—in a coalition of interest among all the races.

I think the black people and the white people of our cities care enough about urban survival to do enough about it together. And I think they also care enough about their own survival to form a coalition of interest on a third vital issue, the future of health care in America.

Even in the distant days when inequality was an accepted principle and practice in our land, there was one inescapable equality. It is with us now and will be with us always. It is our most basic common link—the simple fact that we are all mortal.

And in 1971, the sad truth is that America's failing medical care system is helping our mortality along.

In the last decade, hospital charges increased six times more than other prices—and doctors' fees climbed twice as fast. The tragic results are visible everywhere in America.

Poor blacks are abandoned to uneven and often inhuman public health services. Their babies die twice as frequently as white infants. Their wives die four times as frequantly in childbirth. And their life expectancy is seven years shorter. Black Americans are the worst victims of the system's failure—as they are so often and in so many different ways. But they are not the only victims.

Poor whites suffer, too. And the middle class is caught squarely in the middle—too well-off to qualify for Government help—too pressured to help themselves with comprehensive insurance. They often end up with an excruciating choice between losing their health and losing their savings. And that is why the United States has ended up with an infant death rate higher than fourteen other countries—and a male life expectancy lower than nineteen others. That is why young people in America are dying before their time and old people are dying when there is some precious time left. That is why the Nation which is first in the world in wealth is not first in the world in health.

If there is any place for a coalition of interest, this is surely it. What hangs in the balance is nothing less than life itself—and skin color will protect no one from sickness or death. A coalition of blacks and lower and middle income whites can insist on a medical bill of rights for themselves—and for every American of every race.

They can insist on the right to care within their means—Federal health insurance that takes the dollar sign out of medical services. They can insist on the right to care within their reach—Federal subsidies to train enough doctors and nurses and then to locate them where the people and the problems are. And they can insist on the right to care within their needs—medical attention which is comprehensive in scope, preventive in emphasis, and restricted only by the range of scientific knowledge.

America's concern over health services has reached a high water mark in 1971. A coalition of interest can make certain that something comes of that concern—a new health care system for blacks and for whites- and for every medically deprived American.

In the economy, in our cities, and in medical care, a coalition of interest could transform our lives and our politics. Obviously, its sweep would be potentially far broader than this speech. Education and business opportunities and a host of other critical endeavors could command its attention and its efforts.

And in the final analysis, a coalition of interest would be our single best hope for racial justice—because it would also serve the vast majority of our people. The legal guarantees of equality will become an everyday reality only when blacks and whites have equal rights to American prosperity as well as equal rights in American law.

But some Americans are pulling against a coalition of interest. They are worried about the breadth of the changes it would bring. They suspect that it would disturb established power and privileges—and they are right. Where they are wrong is in their confidence that racial and economic rivalry will inevitably destroy the coalition from the start.

In recent years, we have seen repeated attempts to divert our people from the pursuit of common interests by appealing to groundless fears. Perhaps the most vicious implication we have heard is that black Americans are against law and order. No one quite says it that way—but there are voices which convey that meaning—voices which use law and order as a code word for prejudice instead of a keynote for crime control.

But blacks suffer more from crime than most of our society. In our cities, they are the victims of a majority of all rapes and homicides and a near majority of all robberies. And long before drugs touched white American they were preying upon the despair in black America.

No wonder every indication we have tells us that blacks overwhelmingly support our police—to make them as effective as they can be—and as fair as they should be. No wonder black leaders have spoken up for courts which swiftly convict the guilty and swiftly release the innocent. No wonder they have also demanded reforms that will make our prisons places for rehabilitation instead of schools for crime.

Those who are banking on black opposition to law and order to break up a coalition of interest should remember what crime has done to black people. And they should recall the reaction of Harlem when two policemen—one black and one white—were brutally gunned to death only weeks ago on a public street. Ministers preached from their pulpits against terror and violence. Citizens co-operated with the police in the search for the killers. And Harlem showed us all what law and order really means. Harlem showed us that a coalition of interest can be strengthened rather than subverted by the rising threat of crime.

But there is another obstacle to any new coalition—the economic rivalries which have been used again and again to dissolve an alliance of blacks and whites. The whites who are least able to pay are often told that they must bear the social costs of racial justice. A black worker's advance comes to be seen as a white worker's setback. And shared concerns are lost in a tide of mutual suspicion.

To survive, a coalition of interest must stand against that tide. Progress for the poor financed on the backs of the near poor would mock its own purpose. It would destroy the chance for coalition and the chance for change. So our first priority—the priority upon which all the rest depends—is to put the burden of reform where it belongs—on the individuals and the institutions which can afford to pay the bill. When millionaires are paying lower taxes than their secretaries or none at all—when great fortunes are passed through tax loopholes virtually intact—when giant corporations spend millions lobbying for tax preferences and save billions from them, it is time for thorough and total tax reform. Then we can finance guaranteed jobs, decent schools and cities and national health insurance without telling lower middle and middle income Americans to sacrifice beyond their means. That is the way to build and sustain a coalition of interest.

I have talked with you tonight about the common needs of your race and mine because I am certain that the success of the civil rights movement—now and in the years ahead—requires our common commitment to common goals.

And I do not think that white racism is the greatest stumbling block to justice in America.

I think the barrier is suspicion and fear, some of it accidental, some of it purposeful, and none of it founded in fact.

But the barrier can be overcome by helping people on both sides to perceive their shared interests.

You can see encouraging signs throughout the country. In Detroit, a black-Polish conference has enlisted the leadership of the Polish and black communities. In the new south, blacks and whites together have elected governors and senators who are pledged to serve all the people.

Our task—your task and my task—is to turn those beginnings into a lasting coalition of interest.

Nothing could better fulfill the tradition of the NAACP—or the ideals of America.

Nothing could bring us closer to Whitney Young's hope for an "open society"—where anyone can live anywhere and everyone will have every chance.

Like you, I am frustrated because we will not get there tomorrow. But I am hopeful that with leadership like yours we will get there in the 1970s. And I am convinced that whatever we can do, and whatever we dream we can do, we must begin now.

FREEDOM IN JOURNALISM

Mr. CHURCH. Mr. President, there is no greater "freedom in journalism" defender than Walter Cronkite. In a speech in New York City on May 18, CBS' anchorman, upon accepting the Broadcaster of the Year Award, said that—

> The evidence today buttresses (the) suspicion that this Administration . . . has conceived, planned, orchestrated and is now conducting a program to reduce the effectiveness of a free press, and its prime target is television.

I ask unanimous consent that an AP story entitled "Cronkite Fears Federal Anti-Press Plot," printed in the Boston Globe of May 19, be inserted here in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRONKITE FEARS FEDERAL ANTI-PRESS PLOT

NEW YORK.—Walter Cronkite said yesterday "evidence buttresses the suspicion" that the Nixon Administration has "conceived, planned, orchestrated and is now conducting a program to reduce the effectiveness of a free press, and its prime target is television.

"With consummate skill it attacks on many fronts: often reiterated but unsubstantiated charges of bias and prejudice from the stump; the claim of distortion or even fakery planted with friendly columnists, the attempts to divide the networks and their affiliates, harassment by subpoena," he said.

Cronkite, anchorman of the "CBS Evening News," defended the news media in a speech accepting the Broadcaster of the Year Award from the International Radio & Television Society at the Waldorf-Astoria Hotel.

Cronkite said recent attacks on the news media demand an answer in plain language. "As threatening as is this posture to our reputation of impartiality, the danger of silence is greater, and candor must be the order of the day," he said.

"For many of us see a clear indication on the part of this Administration of a grand conspiracy to destroy the credibility of the press."

The CBS newsman said, "No one doubts the right of anyone to seek to correct distortion, to right untruths . . . But the present campaign, spearheaded by Vice President Spiro T. Agnew and Republican National Chairman Sen. Robert Dole, goes beyond that.

"Aside from the attempts at intimidation through their reminders that broadcasting is a licensed industry, they are attacking the qualifications of the press as the single most powerful monitor of the performance of the people's government.

"Short of uncovering documents which probably do not exist," Cronkite said, "It is impossible to know precisely the motives of men's minds or of this conspiracy. But is it too much to suggest that the grand design is to lower the press' credibility in an attempt to raise their own and thus even—or perhaps tilt in their favor—the odds in future electoral battles?"

Cronkite said, "Nor is there any way that President Nixon can escape responsibility for this campaign. He is the ultimate leader. He sets the tone and the attitudes of his Administration. By internal edict and public posture, he could reverse the antipress policy of his administration if that were his desire."

Cronkite pointed out that nearly every President since George Washington has lashed back at press criticism. "These were personal and, in the light of the circumstances, perhaps understandable opinions—even as today it would take a most insensitive man not to understand and sympathize with President Nixon's sensitivity to press criticism.

"But the evidence today buttresses this suspicion that this Administration has gone much further—that it has conceived, planned, orchestrated and is now conducting a program to reduce the effectiveness of a free press, and its prime target is television."

Broadcast journalism, and CBS News in particular, has been under criticism from Agnew, other administration figures and influential congressmen since the airings of the CBS documentary "The Selling of the Pentagon."

Cronkite first tilted with Agnew in November, 1969 when the Vice President in a speech criticized the fairness of television commentary on a Vietnam speech by President Nixon.

LEO BURNETT

Mr. PERCY. Mr. President, a very fine friend of mine, and a great citizen, has passed away. Leo Burnett was a Chicago businessman who earned the respect and admiration of all who had the privilege of knowing him.

His passing is mourned not only by his many friends, but especially by the city of Chicago of which he was such a proud and prominent citizen.

As an indication of the respect in which his city held him, I ask unanimous consent that an editorial from the June 9 Chicago Tribune be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A GOOD CITIZEN

Leo Burnett, who built a Chicago advertising agency from a bowl of apples and three accounts to the fifth largest in the world in 35 years, is mourned by all who knew him. Our report on his death appropriately referred to his long love affair with Chicago. He was consistent in his praise of the city's growth and progress.

Mr. Burnett agreed with Daniel Burnham, father of the Chicago Plan, who counseled Chicago, "Let your watchword be order and your beacon, beauty." In an address of 35 pages in 1965 Mr. Burnett offered his appraisal of how well we had lived up to that summons and that promise.

He spoke of the ever-changing Chicago skyline and physical facade, mentioning the enormous development of recent years after a drouth in new building lasting 23 years between 1932 and 1955. He was impressed by the many plazas, malls, trees, fountains and landscaped areas which had come to the city.

He was proud that Chicago had more colleges and universities than any other city; that its transportation was the best in the world, its airport the busiest; and that, as a seaway port, it handled more traffic than the Panama Canal. He found that in its cultural endowment, its commercial vitality, the spirit of its neighborhoods, Chicago was alive and pulsating.

We all should keep in mind his belief that the city's progress is "powered by the initiative, the pride and the friendly attitude of each of us who is proud to be a Chicagoan," and we should seek to be as good citizens as he proved himself to be.

THE HELLS CANYON PRESERVATION COUNCIL SPEAKS OUT ON NUCLEAR POWER AND THE ENVIRONMENT

Mr. CHURCH. Mr. President, one of the most pressing issues facing our Nation today is that of providing our Nation's energy needs in a manner which will do the least harm to our environment. Recently, Mr. Peter B. Henault, president of the Hells Canyon Preservation Council, addressed himself to the issue of nuclear power and the environment in a well thought out letter addressed to President Nixon.

In this letter to the President, Mr. Henault points out the belief of the council that research should be conducted in fields such as solar and geothermal power and that our Nation should devote more attention to the problems of nuclear reactor safety. The letter states "the officers of HCPC feel the funding for research and testing in the area of public safety and environmental protection should be increased drastically."

While I have not yet had the opportunity to study all the recommendations contained, I agree with the general concept set forth in this letter. As I have stated in the past, nuclear power is with us. It is a fact of life. It is our duty to see that it is used and developed in a manner which will make its use environmentally and economically sound.

I commend this letter to my colleagues for their consideration, and ask unanimous consent that it appear at this point in the Record.

Mr. President, I also ask unanimous consent that an editorial from the Lewiston Morning Tribune dealing with the actions of the Hells Canyon Preservation Council in sending this message to the President be printed at this point in the Record.

There being no objection, the letter and editorial were ordered to be printed in the Record, as follows:

Hells Canyon
Preservation Council, Inc.,
Idaho Falls, Idaho, May 22, 1971.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: During the past year, the officers of the Hells Canyon Preservation Council (HCPC) have become increasingly concerned over the adverse publicity and general confusion associated with the various methods of providing this Nation's present and future energy needs. We are especially distressed by the charges that conservationists in general are uncompromisingly opposed to nuclear power as a desirable means of providing these needs and further distressed by the apparent inability of many government officials, industry executives, and other members of the public to hear what the conservationists are trying to say.

The Hells Canyon Preservation Council has, and continues to, support nuclear power in general as the most desirable, principal method of producing electrical energy in the next few decades. The officers of the HCPC feel they have a positive position with respect to this Nation's future energy needs and would like to propose a program for action which we feel the conservationists of the country can support.

The HCPC was founded in August of 1967 for the single purpose of preserving a very magnificent and unique National treasure, Hells Canyon of the Middle Snake River. As you must be aware, Mr. President, Hells Canyon is the deepest river canyon on our entire planet and that part of the Snake that flows through its heart is the last unaltered example of how this mighty American river appeared to our forefathers.

Hells Canyon deserves to be preserved on its merits, for all Americans for all generations, and it should not be a part of the energy debate.

The HCPC is headquartered at Idaho Falls, Idaho, home of the National Reactor Testing Station (NRTS) and location of the world's largest assembly of experimental nuclear reactors. During its four-year growth to a National organization of over 1000 members in 45 states and four foreign countries, the directors, and officers have come predominantly from the engineering and scientific staff of the NRTS.

While we feel this unique aspect of our leadership leaves us with a certain responsibility to speak out on the merits of nuclear power, it also leaves us open to the charge of having a selfish interest in the question, of desiring to further our own ends. We have tried to overcome any personal interest that we might have, however, and I am writing to you in the hopes of presenting an objective, informal, conservationist's view of our present and future energy needs.

Our position on nuclear power as a desirable alternative was first made public on May 5, 1968, when one of our directors, Dr. Cyril M. Slansky, now working with the International Atomic Energy Agency in Vienna, spoke before the Pacific Northwest Conservation Council in Missoula, Montana. I quote the following from Dr. Slansky's speech:

"The Hells Canyon Preservation Council proposes an alternate to the High Mountain Sheep Dam which will solve the previously mentioned problems and still furnish electric power for the people of the Pacific Northwest Power Pool at costs which are as low, and probably lower, than from any corresponding hydroelectric installation. The alternate source of power is nuclear power.

"We realize that utility companies must plan far in advance for new installations to meet expanding needs. Nuclear power has come into its own only in the last few years. Our hope is that the Pacific Northwest Power Company and the Washington Public Power Supply System will join the dozens of progressive utilities who are going nuclear and will substitute nuclear power for the High Mountain Sheep Dam. A nuclear reactor, equivalent to the first power installation at High Mountain Sheep Dam, could be built and in operation in the same time as the dam. Eventually nuclear . . . why not now? Save the Middle Snake River in Hells Canyon! Let us refrain from building the last storage project on the Columbia River System and keep Hells Canyon unchanged as a monument to progress and common sense."

Dr. Slansky further spelled out our position on nuclear power in testimony before the Federal Power Commission (FPC) on September 6, 1968. I quote from the opening paragraph of his 12-page expert testimony:

"The objection to any power dam in the remaining reaches of the Middle Snake River does not prevent furnishing the electric power to the people of the Pacific Northwest that such a hydroelectric site would have generated. The principal alternative to hydroelectric power is nuclear-generated power. The inclusion of nuclear power is already in the long-range plans of most of the large power groups of the Northwest, and eventually nuclear power will be a major source of power. However, nuclear power is now a technically and economically suitable alternative to hydroelectric power for furnishing the power expected from the new dams proposed for the Middle Snake River."

As the criticism of nuclear power has increased since we first took the position presented by Dr. Slansky, we have examined and re-examined our stand. We have in addition been asked by our own Senator Jordan and others to speak out more frequently in defense of nuclear power because of our particular expertise in that area.

Recently we were falsely accused by Mr. William Levy, presiding examiner of the Federal Power Commission, of being against nuclear power. In his recommendation to the Commission on February 23 regarding the proposed licensing of dams on the last free-flowing stretch of the Middle Snake, Mr. Levy said:

"If the hydro-thermal program were on schedule, Middle Snake development could be deferred indefinitely in the interest of preserving the existing values, options, and uses of the river that would be destroyed by development. But the program is faltering, area needs are not being met, and *the same groups that urge nuclear power as an alternative to Middle Snake development in this proceeding are opposing the specific nuclear projects that would provide the required alternatives.* It is the responsibility of the Federal Power Commission not to permit essential area needs for electric energy to fall between these two stools—hydro and nuclear power projects. We cannot defer both hydroelectric and nuclear power development.

"We conclude, therefore, in summary, that applicants should be licensed conditionally to build the Pleasant Valley-Mountain Sheep project."

Because of our particular stake in Hells Canyon and the increasing pressure on us to defend nuclear power, and because of the confusion, misunderstanding, and adverse publicity that persists over nuclear power with the likelihood that conservationist-opposition will continue to grow unless there are serious changes in our National energy policy on power and energy, the officers of the HCPC felt it was time to make our position clear.

Mr. President, our position today is still in support of nuclear power as a desirable alternative, not only to dams on the Middle Snake, but to all proposed hydroelectric facilities in the mountain west and, in general, to most proposed fossil-fuel facilities throughout the Nation. It should be understood, however, that this simple statement of nuclear power being preferable to the traditional methods of power generation, should in no way be considered a blanket endorsement of this Nation's present and past nuclear power program.

Nuclear power per se is a technology with inherent characteristics, some of which, if not controlled, can be very harmful to our environment. But the controls are established by man, and like a campfire in the forest, if damage is done to the environment, man should receive blame and not the source of energy.

The record of the Atomic Energy Commission (AEC) and the nuclear industry is not all white. No technology has been developed without mistakes and improper attitudes. With respect to many of the specific concerns and criticisms expressed by other conservation groups, the HCPC is in agreement. Certainly the industry in general has demonstrated insufficient regard for our environment and too much regard for its own profit and growth. And certainly the Commission has been often lenient and slow in forcing the industry to face up to its responsibilities. But the mistakes and faults are specific and are the products of men and we would caution our fellow conservationists not to look away from nuclear power as a means of providing our energy needs without harmful effects to the environment.

Our own criticisms of the AEC and the industry and our comments on other conservationists' criticisms are too numerous and complex to discuss here. In addition, that is not the purpose of our writing. We do feel qualified to discuss the issue further, however, and would be glad to comment on any specific question you may have.

My main purpose in writing today, Mr. President, is to suggest, on behalf of the officers of the Hells Canyon Preservation Council, a course which we feel would receive the broad-based support of conservationists as well as industry and the public at large.

A most important aspect of the program we envision is that it would have two primary objectives of equal priority. The first would be to provide this Nation with dependable methods of generating clean, pollution-free electrical energy through a highly-accelerated research and development effort. The second objective, which must be given equal priority though obviously it would not require an equal dollar effort, would be to evaluate the present energy uses and policies, to stop the fantastic waste of energy that exists today, and to establish a new National energy policy of efficient use, sound practices, and reasoned priorities.

There is no question, Mr. President, that a nuclear source of energy will play an essential role in our future. Fossil-fuel reserves are being depleted at a rapid rate and there is little additional hydroelectric potential. We should begin now to hold our oil and gas reserves for those uses which cannot efficiently employ electrical energy.

Solar and geothermal sources of energy are inexhaustible and their potential should be explored. The amount of free solar energy available is great—full sunshine amounts to about 1,000 kilowatts per square kilometer. We mainly need new thinking in this area. We have restricted our thinking to the use of inefficient solar cells in desert areas but there are unstudied methods of using this resource. We could be at least partially heating our homes with solar energy, for example.

Geothermal power is showing increased promise and deserves support. Senate Bill 564 by the Honorable BOB PACKWOOD of Oregon deals well with this source of energy and we urge support of his efforts in this regard.

There are other sources of energy, of course. Municipal solid waste contains about one-third the energy capacity of a good grade of coal. Gas turbines are more and more being used for peaking power requirements. Magnethohydrodynamics is being developed as a process which might lead to substantial improvements in thermal efficiency of electric power generation. These other sources of power seem to be receiving a proper priority in our overall energy development efforts and we feel there is no need for a change in policy here.

We feel these non-nuclear sources of energy can only be considered supplemental but they should be considered. Geothermal and solar energy are important because they are inexhaustible and because they show promise of being pollution free. Geothermal is additionally important because it must be developed soon and buy time for refinement of other methods which are today more harmful to the environment.

We are of the opinion, however, that the primary long-term source of energy must be nuclear—it may be from either fission or fusion. Most likely it will be from both. The feasibility of fusion-generated power, however, has yet to be proven and on economic fusion reactor is probably 30 to 50 years away. But fission is here, today, and is economical.

There are two principal types of fission-generated power reactors: the thermal, mostly-water cooled reactors in use throughout the United States today and the liquid-metal fast-breeder reactors (LMFBR). The water reactors throw away two-thirds of the energy produced in the fission process and most of the uranium mined for the fuel. Taking into consideration the energy used in the mining and fabrication of fuel, the real energy waste is something greater than just the two-thirds lost in the fission process. This is like cutting down trees to heat one's home and allowing the logs to rot in piles, using only the smaller branches in an inefficient fireplace where most of the heat goes up the chimney.

In addition to the problem of inefficiency, there are serious questions about radioactive waste and public safety. There is much we still do not know about the dependability of engineering safeguards. Will they really work in the emergency for which they are designed? There are too many questions going unanswered while we continue to build nuclear plants at an increasing rate. The industry commitments for U.S. nuclear power plants now on order add up to about $17 billion in capital costs and a total of about $80 billion if the fuel and other operating expenses for a 30-year life are included, and yet the AEC's entire request for nuclear safety in FY 1972 is less than $36 million. The officers of the HCPC feel the funding for research and testing in the area of public safety and environmental protection should be increased drastically.

The LMFBR will answer many of the problems of nuclear energy. Its chief benefit is in using essentially all of the uranium mined rather than a small percentage and thereby increasing the time of usability from a few tens of years to a few hundreds of years. Very important is the ability to use more of the energy produced in the fission process. In terms of energy lost to the local environment, seen only as "thermal pollution" by conservationists, a water reactor typically throws away 50% more heat than a fast reactor. The release of gaseous radioactivity to the atmosphere is also more easily controlled in the case of fast reactors.

The leaders of the world's key energy communities and the cognizant agencies of most of the world's industrial nations are in general agreement that the breeder reactor is the major solution to our energy supply and related environmental problems for the next 30 to 50 years, at least until a practical fusion reactor is developed.

Unfortunately, the United States is doing little to develop the fast breeder as our primary source of energy. The world's first electricity was produced here in Idaho by a breeder reactor in 1951. And yet, 20 years later, while the Russians are building a 600,000 kilowatt electric capacity plant, the United States plans are still 5 to 10 years away from a similar facility.

The problem with our slow development is largely funding rather than technical. Only $85 million yearly were spent in this area during the last two fiscal years. Not only has this level of funding slowed technical development of fuels and components, but it has diverted attention from safety and environmental concerns. Too often, we see these concerns "legislated away" or the responsibilities passed on from one agency to another with no progress accomplished.

We believe that funding in the area of LMFBR technology must receive the greatest priority of the entire research and development effort related to nuclear power and that it must be increased drastically, perhaps to a level several times its present level.

We feel there is no crisis facing the quality of life in America as great as that caused by the need for clean, dependable, environmentally-unharmful sources of energy. Time has become a critical factor in the future of nuclear power and we are not going to meet that need for clean energy unless we pay the dollar cost. We are willing to pay the cost in other areas such as defense, space, and welfare; we must be willing to pay the cost in energy development.

In summary, the first part of the program we propose calls for a highly-accelerated, highly-funded research and development effort in two areas, fast breeder reactor technology and overall reactor technology with respect to public safety and environmental concern.

In addition, because of the harmful and potentially-harmful effects associated with all nuclear-generated power, any National energy policy likely to receive conservationists' support must also include a high-priority search for other, less-harmful methods of generating power. These need only be supplemental methods. Today we see solar energy and geothermal power as the most promising areas for study.

Another concern of the conservationists about nuclear power that needs your attention, Mr. President, is the present policy of having the nuclear industry, the AEC, and the JCAE establish the policies and practices of nuclear technology. This leaves the main responsibility for the technology in the hands of those who are most enthusiastic about its development and who are not always directly associated with the other concerns of our society.

Senators Packwood and Cook have introduced a resolution in the present Congress which would deal with this problem and would alleviate the concern of many conservationists. The resolution, S.J. Res. 65, would establish the Federal Committee on Nuclear Development. The Committee would consist of a chairman, who would have no ties or connections with either the atomic energy industry or any competitive industry, and 21 other members, including 3 members of the House and Senate; the Secretaries of Interior, Commerce, Labor, and HEW; the Administrator of the EPA; and 8 members of the public qualified to evaluate the environmental, technological, economic, and sociological impact of atomic energy programs.

The officers of the *Hells Canyon Preservation Council* feel this is a wise proposal and we strongly urge your support of this measure.

With respect to this same area of concern, we heartily endorse your proposed changes in the Cabinet and the creation of a Department of Natural Resources.

The second part of the proposal, Mr. President, involves the re-evaluation of our energy policy and practices, and the development of a new National energy policy. There is little reason to believe that the funding in this area has to be great. It is a matter of policy rather than technical development.

But, from a conservationist's point of view, the priority and general recognition of the importance of this second aspect of our energy problem, by the government, must be at least as great as the importance placed on the technical development.

The problem with our present energy practices and policies is simply one of waste and apparent disregard for the limits of our planet to provide for our needs.

We are today 6% of the world's people using 40% of the world's resources. We use vast amounts of energy to produce goods which we use and throw away. Not only do we throw away the raw materials, creating the need to use more energy to go after more materials, but we use great amounts of energy to throw the materials away.

As television and other media improve, it will not be long before the other 94% of the world's people decide they want what we have. Our planet cannot sustain the level of waste and resource exploitation that is taken for granted in the United States today.

These are the reasons why conservationists are concerned and why they will no longer tolerate our present energy policies.

There is little recognition on the part of government and the power industry of this need to slow down, to stop the waste. Pleas and criticisms by conservationists, and cries of alarm by reputable scientists are met with charges ranging from "wanting Americans to give up their TV's and air conditioners and go back to a 19th-century standard of living" to "communist inspired".

There is little apparent recognition of the problem at high levels of government. Growth rates predicted by the Federal Power Commission are taken as gospel and all that is asked is, "How shall we provide for these needs?"

The consumption of electricity in this country in the past 20 years increased by over 450%, the consumption per person by 350%, and yet the population rose by only 35%. The FPC predicts that national consumption will increase by 670% in the next 30 years, consumption per person by 470%, while the population increases by only 46%.

These growth curves seem to go undisputed. They are used at all levels of government to justify the technological race to provide for them. There seems to be no or little regard for the end, for the need to eventually stop this cancerous growth, to eventually level off our consumption of energy. There seems to be no regard for the rest of the world's growth, no recognition that they might some day demand to utilize the world's energy resources at the same rate we do.

We do not have to accept these predicted rates of growth in energy consumption. I believe, in fact, that we must not accept them. And I urge you, Mr. President, to attack them and question their validity. No single act would win the respect of this Nation's conservationists more than an all-out attack on the validity of these illicit energy growth curves. All the things which are dear to our hearts, the things for which we fight, are in danger of being lost today because of the questionable factors that go into this predicted growth.

The growth of electrical energy consumption is based on a number of factors: growth of the population, growth of the standard of living, an unchecked level of waste, an increased rate of using electrical energy relative to other forms of energy. All these factors can be controlled. They are not something inherent to our existence.

We do not have to have 301,000,000 people in this country by the year 2000. We do not have to have disposable containers for everything we consume. We do not have to pay less for our energy the more we use. We do not have to drive automobiles that throw away 90% of the energy used, polluting the atmosphere in the process which in turn requires more energy to clean it up.

Mr. President, the Hells Canyon Preservation Council does not believe we can stop where we are in our growth. We believe the world's standard of living will and should improve and continue to grow. We cannot question the fact that our electrical energy needs in the next few decades will increase greatly. But we cannot accept the degree of growth that is predicted. We cannot accept the policies based on the unquestioning belief that these growths will come to pass.

In summary, the second part of our suggested course or program for providing this Nation with its energy needs, calls for a new set of priorities and policies. They must be priorities and policies aimed at allowing us to have a high-quality life and environment while using our energy and other resources in a manner that will continue them as a source in perpetuity and in a manner that will allow the rest of the world to achieve the same standards as the United States without overtaxing our planet's ability to provide the resources.

We hope you will give these comments and recommendations your most serious consideration, Mr. President. We have come to our position only after several months of evaluation and discussion with conservation leaders throughout the country. The officers of the Hells Canyon Preservation Council feel that we must depend on nuclear power for our future energy needs. The two-part program that we have proposed would, we believe, receive the support of other conservation groups as well as the public at large.

Very sincerely yours,

Peter B. Henault,
President.

[From the Lewiston Tribune, May 30, 1971]

The Constructive Conservationists

The Hells Canyon Preservation Council was trying this past week to be constructive, not merely obstructionist. The organization reiterated its support of nuclear power as an alternative to further construction of semi-obsolete hydroelectric dams.

The council's position is undoubtedly taken with some reservations and without illusions. Nuclear generation has its side effects, which may or may not be fully overcome some day. But when looking for the lesser of two evils, nuclear power is probably preferable to squandering the last remaining open streams on dams.

If major undammed rivers were not in such short supply, a few less wouldn't matter so much. And the side effects of dam construction are mimimal compared with most other power production methods. But these large rushing rivers have become rare—and therefore valuable. The Middle Snake River, because of its location in that wild and unique gouge in the earth's face known as Hells Canyon, would be worth saving under any circumstance.

However, the effort to save the Middle Snake and other rare rivers has been compromised on occasion by the blind opposition of some conservationists to virtually every new power project of any type.

Opposing dams, nuclear plants and virtually everything else is neither very thoughtful nor very realistic. The public *should* sober up immediately on overpopulation and increases in superfluous and frivolous uses of electricity, but it won't do so overnight. The fact is, whether it should be or not, the public will, for at least a few more years, mindlessly demand more and more electric energy regardless of the immediate or long-term consequences.

And a public, with use of air conditioners banned in August, will assert itself and get its way. As too few conservationists recognize, coping with the public is a matter of dealing with what will happen, not what should happen. Consequently, if the public, for a few more years, is going to demand and get more electric energy, the only question is from what source.

The responsible conservationist, hoping to minimize the damage to the environment, will examine the alternatives, decide which of the evils is the least and support it. The public, when it begins running out of energy, is likely to be less selective and take anything it can get. If conservationists want some say in the decision, they must do more than blindly obstruct every alternative.

It would help if the conservationists could get together among themselves. Every time an Oregon conservationist stalls a nuclear generation plant he automatically creates more pressure for a dam in Hells Canyon. Conversely, every time a Hells Canyon dam is stalled, it automatically creates more pressure for a nuclear plant in Oregon or elsewhere.

The Hells Canyon Preservation Council is inclined to believe that the lesser evil is nuclear generation. And so are we. However, the question is still open. The contesting conservationists should confer and try to reach a consensus on where to pull in their horn and where to get tough. The Preservation Council strengthens its hand in preventing dams by pointing to a feasible alternative. The same could be true of the entire conservation movement.

The council is also being constructive with its positive advocacy of a crash research and development effort to seek "dependable methods of generating clean, pollution-free electrical energy . . ."

The organization's stand is a political model for other conservationists. And it is a stand that could buy the time needed to get the population turned off.

And, of course, as the council realizes, with present population trends, all we can do is buy time with any of these methods.

All causes—whether saving some of the environment or producing enough electricity—are eventual lost causes if the population isn't stabilized.—B.H.

CIVIL RIGHTS

Mr. ALLOTT. Mr. President, recently there has been some controversy concerning the record of the Nixon administration in the field of civil rights.

I think the administration's record is very creditable. I do not think it has been given appropriate credit for its achievements in that field. Nor do I think its record has been properly described in some statements emanating from the Commission on Civil Rights.

Thus I am pleased to be able to call to the attention of the Senate an impressive essay by Dr. Nathan Glazer, professor of education and social structure at Harvard University. This essay is from the spring 1971 issue of the Public Interest.

Professor Glazer argues that the Commission on Civil Rights does not invariably analyze civil rights problems with perfect clarity. And he argues that press treatment of Commission pronouncements can compound confusion.

Finally, Professor Glazer gives the administration good marks for its efforts in civil rights enforcement.

So that all Senators can consider Professor Glazer's article, I ask unanimous consent for it to be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Breakdown in Civil Rights Enforcement?

(By Nathan Glazer)

When the enormous report[1] of the United States Commission on Civil Rights appeared last October, it made page one of the New York Times, under the predictable headlines, "U.S. Rights Panel Finds Breakdown in Enforcement." The first sentence of the story read: "The United States Commission on Civil Rights said today there had been a 'major breakdown' in enforcement of the vast complex of federal laws and executive orders against discrimination."

It would have been really news had the headline—and the story—been any different. The CRC is the most independent of federal agencies. It was set up by Congress in 1957 to investigate complaints of deprivation of voting rights, to study and collect information on denial of equal protection of the laws under the Constitution, to "appraise federal laws and policies with respect to equal protection under the laws," and to "submit reports, findings, and recommendations to the President and the Congress." It is not part of any administration (though the President appoints its members) and it has been unsparing in exposing and criticizing the deficiencies of both local authorities and federal departments and officials. It has been particularly persistent in pointing to the failure of federal departments to use the extensive powers available to them to make sure that their programs be carried out in a nondiscriminatory manner, that their employees—and the employees of the agencies they support or contribute to, public and private—be properly representative of the racial character of the areas in which they operate, and that their benefits are distributed equally to black and white. Thus, for example, it has been able to demonstrate that the programs conducted by the Department of Agriculture—which dispenses huge sums to farmers—are conducted primarily by white employees, and do not proportionately benefit black farmers.

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[1] *Federal Civil Rights Enforcement Effort. A report of the United States Commission on Civil Rights.* (1970) United States Government Printing Office, Superintendent of Documents. $8.50.

The CRC thus stands in a remarkable position. It is independent of the executive and legislative branches of government, responsible for no tasks of enforcement or regulation and, of, course, at the same time, limited in its impact on government because it has no punitive powers. Nevertheless, its reports are important: it has greater access to the workings of government than a nongovernmental watchdog of civil rights would, and it focuses the light of publicity on the failings of government.

Federal Civil Rights Enforcement Effort is an enormous and fascinating account of the federal bureaucracy in all its manifestations attempting to grapple with the increasingly complex problems of assuring "equity" or "justice" or "equality" for black Americans. The reader of the report is likely to be mystified at the selection of the theme of "breakdown" by the Commission—or its public relations officers—as carrying its main burden, because in fact it describes a growing and rapidly increasing army of federal officials carrying out the laws and orders to enforce equality. The report points out that there is now a great array of powers available to the federal government and its agencies to advance the position of minority groups. There is first of all the simple power of federal employment. The federal government is by far the largest employer in the country, and it has the power to recruit, train, and promote members of minority groups into many jobs, at many levels, utilizing every possible skill. Secondly, there is the power that exists by virtue of the fact that the federal government has contracts with a good part of the businesses of the country—"fully a third of the nation's labor force is employed by companies which are government contractors" (p. 133)—and that "for nearly three decades, nondiscrimination in employment generated under federal contracts has been national policy." (p. 133) Both of these great powers—the power to employ directly and the power to compel federal contractors to be nondiscriminatory in employment (and more, to engage in positive efforts to employ members of minority groups)—exist quite independently of any legislation and indeed independently of judicial requirements. They exist because of Executive orders, which go back to the time of Presidents Roosevelt and Truman, and which have been renewed and strengthened in each successive administration, whether Democratic or Republican.

Then, there are the enormous powers that have been vested in the federal government through legislation, and particularly through Title VI of the federal Civil Rights Act of 1964. If the power of contract compliance reaches to one-third of the work force of the country, the Title VI powers reach to most of the rest. Title VI asserted that "No person . . . shall, on the ground of race, color or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance." And just about every school district in the country, every state, every agency of local government, every university and college, every hospital, every bank in some interpretations—indeed the list could be endless—receives some form of "federal financial assistance."

There are other provisions of law which place upon the federal government the direct responsibility to respond to complaints and to prevent discrimination. There is Title VIII of the Civil Rights Act of 1968, which, following up on Executive orders and a base of legislation in many states, bans discrimination in the greater part of the housing stock of the United States. There is Title VII of the Civil Rights Act of 1964, which "renders most employment discrimination illegal on a nationwide basis," and under which the Equal Employment Opportunity Commission was created.

Finally, quite independently of Executive orders, judicial decisions, and specific legislation, there is the enormous power vested in insured and guaranteed loan programs (e. g., for housing and business), in direct assistance programs (Social Security, Veterans Administration, and others), in the regulatory agencies—ICC, FPC, FCC, CAB, FMC, SEC, FTC—all having great powers over their respective industries—railroads and trucking, communications, air transportation, shipbuilding and operating, securities marketing, advertising. As the report points out: "Many of these business enterprises require federal licenses in order to conduct business at all, and because of the limited number of licenses granted, enjoy, in a sense, a federally protected monopoly position." (p. 813) All these businesses fall under the obligation, of course, to be "equal opportunity employers"—an obligation that is imposed on all businesses (with more than 25 employees) under Title VII of the Civil Rights Act of 1964. If they are federal contractors, they are subject to the requirements imposed on federal contractors. But beyond these general requirements, "members of regulated industries, because of the unique federally protected status that many of them enjoy, should feel a special obligation to further the cause of the key national policy of equal employment opportunity. . . . In addition . . ., in some industries there are special opportunities for facilitating the goal of increased minority enterpreneurship." (p. 815) Other issues may develop in regulated industries—for example, the provision of nonsegregated recreational opportunities at hydroelectric projects licensed and regulated by the FPC, or the provision of bus routes and rail service so that minority groups are well served.

Thus the federal role in raising the position of minority groups may be exercised in many ways, indeed in ways so numerous and distinct that, as the report recognizes, one of the chief problems is that of coordination. Thus, one federal agency may move against a corporation on the grounds of contract compliance, another on the grounds of violation of the Equal Employment Opportunity Law. Worse, in view of the complexity of the issues that now arise, different agencies may require quite different things. The most famous case, according to the report, is that of Crown Zellerbach. "EEOC had investigated the company's practices in late 1965 and agreed to accept a certain type of seniority plan. In February 1967, OFCC [the Office of Federal Contract Compliance] attacked the plan EEOC had approved, and finally, in January 1968, the Justice Department, in a suit, urged the court to reject the seniority plan that OFCC had requested and an altogether new test. . . . The United States Court of Appeals noted, 'We cannot help sharing Crown Zellerbach's bewilderment at the twists and turns indulged in by government agencies in this case.'" Fortunately for all concerned, the National Labor Relations Board does not seem to have been involved—it might well have had its own views quite at variance with those of EEOC, OFCC, and the Department of Justice.

It is not my intention, however, tempting as it is, to pick out the anomalies and contradictions that inevitably arise in a complex governmental effort, involving every agency, at central and local levels, operating under different laws and Executive orders and guidelines and "clarifying" letters. The report is an important and serious effort to review almost the entire scope of federal effort in this field—an attempt matched by no other study, even though, as the writers of the report are the first to admit, they themselves have engaged in only a sampling of the federal effort in this vast field. It comes up with a severe judgment as to the inadequacy of this effort, and it comes up with recommendations designed to improve the effort. How sound is this judgment? How useful are its proposals?

Let me give a summary conclusion, and try to support it—almost entirely, it goes without saying, from the evidence presented in the report itself. I believe the report seriously *underestimates* the scale and intensity of the federal government's effort, *and* the degree of its success, when measured in the light of the scope of the effort and the real difficulties that any program to raise the position of minority groups must deal with. I believe many of its specific proposals for improvement of this effort—particularly those that propose the centralization and coordination of civil rights enforcement in the White House and in the new Office of Budget and Management—are good ones, and should be acted upon. Finally, I believe that its surprisingly negative judgment of the federal effort to date, and its refusal to accept the real difficulties, the inevitable contradictions, that arise in such an effort, might reasonably have been expected to lead to reactions in the White House that would hinder the adoption of the good proposals it makes.

There is no easy way of getting to the heart of such a complex matter, but I think one way is to recognize something the CRC report never does. That is, in moving from *equal opportunity*—which seems scarcely at issue in most of the report—to an attempt to ensure a *full equality* of achievement for minority groups, we are not simply continuing an old civil rights effort; we have become involved in something entirely new. The CRC report abandons as the measure of success in federal civil rights enforcement the elimination of discrimination. *Indeed, there is scarcely a reference to any single case of discrimination by anybody in this enormous report*—which indicates the CRC's sense of the present importance of that issue. It uses a new measure—the achievement of full equality of groups. Concretely, this means the test is not: Are members of minority groups discriminated against? It is: *Are they to be found in employment, at every level, in numbers equal to their proportion in the population?*

Thus, at one point we read in the report: "Despite [all the measures taken], equal opportunity in government contract employers, when measured in terms of actual employment of minorities, has not been achieved." (p. 134) The Civil Rights Commission is aware of no problem in making this statement—quite blandly, the definition of "equal opportunity" has become the "actual employment of minorities." Nor is there any effort to argue whether, or why, "equal opportunity" would lead to any such result. Indeed, there is excellent evidence—most of the report is itself evidence for this—that truly equal opportunity, at the point of employment or promotion, would lead to a rather smaller representation of many minorities, in many types of employment, at many levels.

The Commission's test of "non-discrimination," however, is one that the government has itself in large measure accepted, as have most of us, even if with varying degrees of discomfort. But the CRC report demonstrates to me that it is a test which simply can no longer be used mechanically, in the absence of such considerations as the size of the pool of potential employees, the priorities to be adopted between different employers competing for this pool, the impact on the morale of other employees and on efficiency of using special tests to qualify minority members for jobs in order to increase the pool of potential applicants and job holders.

The CRC sees as the test of success in the employment area the achievement of proportions of employees at each level equal to the proportion of a given minority in the population. Thus the report points out that 2.6 per cent of the federal work force are Spanish surnamed, as against "approximately 5 per cent of our total population." (p. 68) Nearly 15 per cent of federal employees were Negroes (here the Commission does *not* bother to point out that only 11 per cent of the population of the United States is Negro). It points to some agencies with low proportions of Negroes—Interior with fewer than 5 per cent, and NASA with 3.9 per cent. But more important, it points out that Negro employment, as is well known, is concentrated overwhelmingly in the lower grades. The highest grades in the Federal Civil Service are G.S. 12–18. In 1962, .8 per cent of all employees in these high grades were Negro, in 1967, 1.8 per cent. (Of so-called Wage Board employees, those earning over $8,000 per year rose more rapidly, from .6 per cent of all employees, to 3.9 per cent; in the Postal Field Service, those in the highest grades rose from .4 to 2.4 per cent in these five years.)

Now, how are we to respond to these figures—an increase of two-and-a-half times in five years in the Civil Service, of six-and-a-half times in the better-paid positions in the Wage Board group, of six times in the higher grades of the PFS? The response of the CRC report is "the 1967 picture still reflected gross under-representation of Negroes in better paying jobs." (p. 71)

Let us look at the matter more closely. One way of increasing the number of Negroes in the Federal Civil Service would be to recruit more actively in predominantly all-Negro colleges in the south. The report informs us that "a visit by one or more federal officials is made for every 20 black students; the ratio for whites is estimated at 1:225." (p. 79) Certainly the federal government has not been deficient in the scale of its recruitment efforts! But is there room for improvement? Another interesting figure in the report tells us that of 1,400 June 1967 graduates from 51 black colleges, 656 had accepted jobs with government, primarily federal.

Let us consider other data which bear on the size of the available pool of Negro candidates for the higher reaches of the Federal Civil Service. The report points out:

"An analysis of occupational categories comprising most G.S. 15 to 18 executive positions . . . [reveals] . . . medicine and engineering—occupations long virtually closed to minority group members—make up nearly one-third of all positions. More than 50 per cent of federal executive level employees hold masters degrees or better. Again, the premium placed on higher educational attainment works to the disadvantage of minority group members, who have been systematically deprived of equal educational opportunities for generations. Other characteristics of G.S. 15 to 18 executives—long years of federal service (two-thirds of the group have more than 20 years of federal service) and age level (more than 80 per cent or 45 or older)—also shed light on the grossly inadequate minority group representation within the upper grades." (p. 100)

Now if one-third of the very highest posts in the Federal Civil Service consists of engineers and doctors, and if Negroes make up less than 2 per cent of all engineers and doctors, clearly it is no simple matter to raise the proportion of Negroes in the higher federal service. Indeed, to make up for the fact that there are very few Negro doctors and engineers (and the doctors at least could very often find private practice, or research, or other opportunities, more attractive), the proportion of Negroes in the other two-thirds of the higher federal service would have to go considerably above 11 per cent to make up the deficiency.

Nor will the pool of engineers and doctors be increased rapidly. A recent study reveals that less than 2 per cent of the 40,000 engineering students in the country are Negro (*New York Times*, February 7, 1971). I believe the situation is not much better among medical students.

The issue, however, is not only the pool of available employees. There is also the fact that advancement to high position is a matter of reward for long service and, one hopes, efficient service. At least, the merit system and the Civil Service Commission, one of the more admirable agencies in the federal government (the CRC agrees with this judgment, which is not mine alone) do their best to ensure this result. Obviously on many occasions young men are advanced, and some who have not been in the service long, and some without higher degrees. What would happen to the morale and efficiency of the Federal Civil Service—indeed that very service we count on to carry out the enforcement of the civil rights laws, as well as many others, an enforcement that cannot be based on brief enthusiasms but must be grounded on well-established procedures, maintained over long periods of time—what would happen if these long established procedures for advancement, which men in the service count on, and which helps to motivate them and keep them in service, were to be radically weakened? These are considerations which, unfortunately, never come up in the CRC report.

Now let us consider the matter from another perspective. Conceivably the federal government, by increasing the scale of its efforts, could increase the proportion of Negro college graduates going into government. *But should it?* Would it not be desirable for larger proportions of this limited pool to go into business and corporations, into higher education perhaps, than for increased proportions to go into government service? Recently the newspapers have reported a drop in the number of Negro officers in the armed forces, and one reason, despite intensive efforts to recruit, is undoubtedly that other opportunities are now more easily available. Should this be seen as a mark of failure—or rather as an indication that other things have succeeded? Looking at the CRC figures, it seemed clear to me that the pace of improvement we had seen in 1962–67 in Negro representation in the higher grades of the federal government could *not* be maintained—the pool simply was not growing rapidly enough, and there were too many more attractive claims upon it. Recently, I was informed by an official of CRC that indeed the rate of improvement had *not* been maintained. From the point of view of CRC—at least as indicated in this report—this should be cause for further criticism of the federal government. From its own evidence, however, the problem is not in the intensity of recruiting efforts but the simple fact that there are no more people to be recruited.

Even this improvement in the ratio of minorities to all federal employees has not occurred without effort—and perhaps serious costs. The report tells us that "Arithmetic and algebraic components of the Federal Service Entrance Examination . . . have been largely eliminated. . . ." (p. 83) In addition, one can enter the federal service, under certain circumstances, without written examinations at all, on the basis of high grade-point averages in one's college, or by graduating in the top 10 per cent of one's class. Six hundred persons enter the federal service through this avenue each year, 200 to 300 of whom are non-white.

The Civil Service Commission and the various agencies seem, on the basis of the directives and letters quoted by the Civil Rights Commission, to be torn between the maintenance of the merit system, and its further abandonment in the light of the need to increase the proportion of members of minority groups at higher levels of the civil service. In quoting these directives and letters, the CRC is quite severe about what it sees as backsliding. But the questions must be considered: What is gained by the merit system? And what is lost by its partial or complete abandonment? This is no simple matter. Interestingly enough, the report is perhaps most severe—in criticizing the quality of work of federal employees engaged in enforcing equal opportunities laws and directives—on the Equal Employment Opportunity Commission itself. It would be interesting to know to what extent the procedures to ensure merit have been followed in staffing this agency, and whether the CRC believes the procedures it urges for all other agencies of the federal government (not to mention all of private industry and other employment) would actually lead to harder working, more committed, and steadier employees than the EEOC—on the CRC's evidence—now seems to have.

One of the EEOC's problems has been the short tenure and rapid turnover of its chief officials. I imagine these have been political appointments who have found the work of the EEOC less rewarding, in various ways, than they initially expected. And I would imagine that the only way to get permanent high officials for this agency—as has been true for other agencies when an early bloom (which EEOC scarcely ever had) has worn off—is to resort to . . . the Civil Service, and those who have persevered in it, and advanced in it, through the procedures that the CRC is quite ready to dismiss. Conceivably the CRC might be reduced to the position that all other agencies *except* those that enforce the civil rights laws and directives need not be terribly efficient, and could well dispense with merit considerations—but understandably these other agencies, and those that are the clients for their services, might disagree.

I believe I am as well acquainted with the weaknesses of a civil service as most people. My problem has always been to find an answer to the question: What is a better system for staffing bureaucracies with important and permanent functions?

Undoubtedly many modifications in the present merit system can be made, without impairing the general level of competence of the people who work for government, and with the additional benefit—one of enormous importance to government in this country—of increasing those from minority groups in all levels of governmental and private employment. Thus, firemen do not need to be tested on their knowledge of literature, and perhaps many employees in government need not be tested on their knowledge of mathematics (I feel more doubtful about this). There are a large number of tests—for example, for administrators in schools and education departments—that seem quite devoid of connection with the talents that one wants in these posts. Having said this, it is quite another matter to go on to say that knowledge of how to read and write and how to handle numbers and concepts—which is after all what most tests consist of—are always irrelevant. The CRC never once in the enormous report considers, as far as I can recall, whether *any* test is relevant to a competence, but considers all tests simply as barriers to the employment and advancement of members of minority groups.

This is part of another pattern in the report. No function of government is considered really important, aside from that of minority employment. Thus, again and again the various officers of the federal government will be criticized for taking their primary jobs seriously—for example, placing contracts. Undoubtedly some of us are against such functions of government as the acquisition of bombs or uniforms for the army; we would much prefer to see the function delayed or abandoned and the contract officers devote their energy to some other good, such as enforcing the hiring of more minority employees. But many of the functions of government are in areas in which all of us would consider efficiency desirable—to take some of the larger functions, they consist of mailing millions of social security and other direct payment checks, paying hospital and doctors' bills, delivering the mail, approving buildings that qualify for government aid and support in various forms, giving out research contracts, etc. We do not deal with absolute claims, of course—buildings can be delayed if that will lead to more minority hiring, or better integration. The question is, how much shall these services weigh in the balance?

It is just this kind of question which seems foreign to the thinking of the CRC. It may seem immoral to raise in connection with any moral issue the question: How much? But, inevitably, it must be raised. For instance, how many people should be hired to enforce the civil rights laws, with what budgets, with power to affect what other operations of government? One is impressed by how many are already so engaged. Thus, the Office of Federal Contract Compliance in the Department of Labor had a full-time staff of 118, expected to grow to 173 by 1973 (only 28 in 1967). In addition, each agency has its own contract compliance staff. The Department of Defense had 22 in a headquarters staff, 140 in the regional offices—171 new positions to be established in 1971. The President's budget for contract compliance called for a 100 per cent increase in staff for this work in 1971. HEW had 41, asked for an additional 118, which the Bureau of the Budget cut to 59, which the President sent to Congress. The Equal Employment Opportunity Commission had 570 employees—I understand this is to rise to 1,500. The Department of Justice had 32 attorneys and 10 research analysts in the employment section of the Civil Rights Division. In HUD, where all civil rights functions are consolidated in one division, there were 313 staff employees. In addition the housing section of the Civil Rights Division had 13 attorneys and 2 research assistants. Six thousand employees of the federal government are being trained as equal employment counsellors (for their agencies) by the Civil Rights Commission. I assume these have primary responsibility in other jobs. It would be no simple task to add up all those engaged in civil rights work for the federal government. Yet it would not be unimportant in determining, how much is enough, or too little, or too much?

The Civil Rights Commission has often done an important job in pointing to failings of the federal government and its many agencies in the areas of civil rights enforcement. More, it has done an ingenious job of demonstrating how civil rights objectives can be advanced in many programs that do not have these as their primary objectives. It continues this tradition in this report. But it also continues another tradition in the civil rights field, one which is increasingly to my mind not useful—and that is the tradition of insisting that there are no major problems, that whatever is done is not enough and that good will and leadership will solve all problems. (The *New York Times* story subsidiary head read, "Commission, in Report, calls for Leadership by Nixon in behalf of Racial Justice.") In doing so it demeans the real complexity of the situation, and denigrates the work that has been done, and continues to be done, by thousands and thousands of government employees. Nor, one may assume, are those who deal with these problems and dilemmas day after day put in the mood to increase their efforts when whatever has been done is labeled a "breakdown."

Conceivably, the picture of civil rights enforcement effort that emerges from the limited field the CRC has examined presents the federal effort in too favorable a light. One recalls that important officials have resigned from the Equal Employment Opportunity Commission, and the Department of Health, Education and Welfare and that the civil rights staff in HEW rebelled, criticizing the present Administration's civil rights policies. The CRC report does not go into these resignations, nor into the crucial question of the effectiveness of the present Administration's shifts of tactics in southern school integration. But the areas it does deal with are important in their own right and as an index to the Administration's overall effort in the civil rights field, and in these areas, to my mind, the facts in the CRC's report are often at odds with its severe judgments.

In its next report, the Civil Rights Commission should deal, with a greater sense of reality, with a number of questions. What is the minority pool of skills and talents? How can it be increased? What is the real extent and character of racial and group discrimination—subtle, unconscious, concealed, what you will, but *discrimination?* If this isn't the problem, what is? What is the trade-off between efficiency and increase in minority employment, if any—not in public relations terms, where we know there is never a trade-off, but in reality? What is some reasonable level of investment by government? Where do the benefits of an investment in civil rights enforcement begin to fall off? They should also consider, from the point of view of gaining the support of the highest levels of government, whether the news in this report might not have been: "Government Doubles Civil Rights Enforcement Effort."

THE ELDERLY IN EXILE

Mr. CHURCH. Mr. President, in recent months there has been widespread bipartisan support to establish a House counterpart to the Senate Committee on Aging, of which I am chairman.

Leading this effort has been Congressman David Pryor of Arkansas. Approximately 235 Representatives have joined him in sponsoring a resolution to create a House Committee on Aging. This represents more than a majority of the House, compared with only a handful of sponsors a couple of years ago.

Quite clearly, Congressman Pryor is to be complimented for his outstanding efforts and dedication in focusing increased national attention on the problems and challenges of aged and aging Americans. He has been in the forefront in helping to solve the special problems of the elderly. He has been a strong ally and effective advocate for 20 million older Americans. And he has helped to demonstrate that all persons—regardless of age—have a vital interest in aging.

These efforts are to be welcomed in the year of the White House Conference on Aging, as we attempt to develop a long awaited national policy on aging.

Some recent articles appearing in the Washington Post and the New York Times describe very eloquently Congresman Pryor's perseverance and strong dedication to the cause of the elderly.

Mr. President, I ask unanimous consent that a copy of these articles be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

House "Committee" Is Set Up in Trailers

(By Richard D. Lyons)

Washington.—Representative David H. Pryor made an end run today around the House leadership, which has denied Congressional office space to his unofficial Committee on the Aging.

Mr. Pryor set up two "Government in exile "trailers staffed by volunteers a block from the Rayburn House Office Building.

For two years the 36-year-old Arkansas Democrat has crusaded to consolidate all legislation dealing with the elderly in one House select committee on the aging rather than having it dispersed as it is now among 11 committees.

But the committee chairmen, particularly Representative William M. Colmer, 81, the Mississippi Democrat who heads the Rules Committee, have refused even to hold hearings on the suggestion although Mr. Pryor has the backing of 236 House members, more than a majority.

PHONE SERVICE LACKING

Lacking Federal funds and Federal office space, Mr. Pryor this afternoon installed the 15 volunteer members of his unofficial committee in the borrowed trailers. One of the trailers sat underneath a "no parking" sign on South Capitol Street. The other was parked by a railroad trestle in a dilapidated parking lot next to Joe's Gulf Station.

"The phone company tells us we have to put up our own telephone pole before they'll give us service," Mr. Pryor said in exasperation.

Inside the trailers, the volunteer company of 12 college students and 3 senior citizens sweltered in humid, 84-degree heat. Records were piled in old orange crates, which augmented secondhand furniture borrowed from local Unitarian and Roman Catholic churches.

"We hope to have air conditioners running, sometime," Miss Patricia Roberts, the staff director, said.

"HERE TO GET ACTION"

Miss Roberts, a 21-year old senior at Douglass College in New Brunswick, N.J., said the group felt that "the problems of the aged have been defined long enough—we're here to get action."

"There's not even a coherent list of Federal agencies dealing with the aged, although we suspect it's about 20 that administer about 100 programs," the slim brunette said. "The point is we want to find out what the Federal Government is doing, what it is not doing, then tell Congress what should be done."

Specific areas for study, she said, are the fragmentation of the administration of programs for the aged and what she called the failure to implement governmental legislation regulating nursing homes. She said the group would also come up with recommendations for legislative action.

"Why, do you know," she said to a visitor, "that in some states the owners of nursing homes have the right to obtain power of attorney from their patients?"

3-MONTH TARGET

Miss Roberts said her group hopes to complete its report in the next three months, with the assistance of Dr. Anna Mary Wells, a 65-year-old professor of English at Rutgers.

Glancing around at the mini-skirted girls and George Teich of Rutgers, a history doctoral candidate who is second in command, Dr. Wells said "I don't dare use the word 'chaperone' but I sort of feel that's my function around here."

Miss Nancy Blades, a 20-year-old Douglass senior from Avon, N. J., said she joined the group "as my way of protesting peace fully within the system."

[From the Washington Post, July 15, 1971]

The Elderly in Exile

(Poem from nursing home patient for Representative David Pryor)

When the old, old, old lady finally, finally died;
I was the only one, the only one who cried.
"Why do you weep," said someone?
"It is a good thing that she died."
But oh, the lonesome, lonesome way—
That is the reason I cried.

(By Nick Kotz)

"I guess this is our mobile government in exile down by the railroad tracks," Rep. David Pryor (D-Miss.), 36, told his supporters yesterday as he stood outside a house trailer parked on South Capitol Street within sight of the Capitol dome.

"It's a fitting location," replied Paul Schuler, 67, a volunteer from the National Council of Senior Citizens. "The aging in America today are placed in exile."

The conversation took place as the "House Trailer Committee on Aging" opened for business in two trailers parked at the Capitol View Service Station, near a railroad viaduct.

Disturbed and frustrated that the collective voice of 235 congressmen can't move the House of Representatives to form a new committee to help the elderly, Pryor, a group of students, and some lively elderly Americans have launched a unique committee to serve as a listening post and voice for neglected old people.

The trailer committee represents the latest development in Pryor's one-man congressional crusade to get the House to create a "Select Committee to Investigate the Care of the Aged in the United States."

In Pryor's view, no single committee of the House focuses sufficient attention on the myriad problems of 20 million elderly Americans, whom he calls "the abandoned generation." He believes an "ombudsman-like" committee is needed, similar to one in the Senate, to help solve the special problems of old people related to work, housing, food, welfare, health care and transportation.

After working last year as a volunteer in Washington area nursing homes, Pryor documented instances of lack of care and horrendous living conditions in a number of facilities.

When the House Rules Committee buried his proposal for a select committee, Pryor roamed the halls of Congress lobbying among his colleagues. As of today, 235 congressmen—a majority of the House—have co-sponsored his resolution.

But House Rules Committee Chairman William Colmer (D-Ark.), 81—elected to Congress two years before Pryor was born—still refuses to give the proposal a hearing.

"If the resolution ever got to the floor, it would be approved," said Pryor. "But after 13 months of waiting, of being patient, of trying to work within the House system, we haven't gotten very far. There still is no House forum to take a comprehensive approach to the problems of the elderly, and the problems are getting worse. The House stands naked and impotent to meet these needs."

Chairman Colmer said he and Speaker Carl Albert agreed earlier this year "that there just isn't any physical space" to house any new committees, so "there wouldn't be any point in holding a hearing" on Pryor's proposal.

Colmer said he has suggested to Pryor that a House Government Operations subcommittee conduct the requested study. Pryor doubts such a subcommittee would have the time or authority to play the advocate's role he envisions.

"We are going to listen to old people and try to give them a voice in the Capitol," Pryor said of the 90-day trailer project.

Chairman of the trailer committee is Pat Robert, 21, a Rutgers University senior who recruited seven classmates, and an English professor who will retire next year. Others working in the project include three June graduates of Miss Porter's school and a college intern in Ralph Nader's summer program, a host of elderly volunteers and Pryor's wife, Barbara.

Mrs. Grace Jacobs, 67, a black woman and a retired dean of Coppin State College in Baltimore, said: "This is a real thrill, to be working with young people who feel the same way we do. There are so many things to be done—there are hungry senior citizens and sick senior citizens not getting help."

The project is financed by a $1,350 personal loan that Pryor obtained himself and says will be exhausted in two weeks. He hopes to raise more money to pay expenses for his volunteers by holding an "Arkansas fish fry" benefit at the trailer site.

DISCUSSIONS ON SPACE COOPERATION

Mr. ANDERSON. Mr. President, the National Aeronautics and Space Administration is continually working to expand international space cooperation with other countries. Recently, NASA sent the Committee on Aeronautical and Space Sciences a summary of the results of the recent efforts in this area with the Soviet Union. The Soviet Academy of Sciences and the National Aeronautics and Space Administration have agreed to undertake certain cooperative efforts in the areas of meteorological satellites, meteorological rocket soundings, the natural environment, the exploration of near-earth space, the moon and the planets, and in space biology and medicine.

Knowing of the great interest of Members of the Senate in international space cooperation and particularly in space cooperation between the United States and the Soviet Union, I ask unanimous consent that the Summary of Results of Discussions on Space Cooperation Between the Academy of Sciences of the U.S.S.R. and the U.S. National Aeronautics and Space Administration, Moscow, January 18–21, 1971, be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Results of Discussions on Space Cooperation Between the Academy of Sciences of the U.S.S.R. and the U.S. National Aeronautics and Space Administration

1. The Academy of Sciences of the U.S.S.R. (hereinafter called the Academy) and the U.S. National Aeronautics and Space Administration (hereinafter called NASA) consider that the expansion of cooperation between the Soviet Union and the United States in space research and exploration can speed acquisition of knowledge of the earth's environment and surface features, increase opportunities to apply that knowledge for the benefit of man on earth, contribute to the efficient planning of the scientific exploration of the universe, enhance the safety of man in space and permit application of biomedical knowledge gained from manned space flight to the well-being of man on earth.

2. Accordingly, the President of the Academy and the Acting Administrator of NASA, with leading representatives of other concerned agencies (a list of participants is attached), have held a series of meetings during the period indicated above to exchange views on possible directions for increased cooperation between the Soviet Union and the United States in the exploration and use of outer space for peaceful purposes. During these meetings, they took note of the significance of past agreements between them and in particular the understanding of October 28, 1970 with regard to the question of providing for the compatability of rendezvous and docking systems of manned spacecraft and space stations of both countries.

3. In the current series of meetings, the Academy and NASA have agreed to undertake certain cooperative actions and to consider jointly further possibilities for cooperation, including:

In the field of meteorological satellites, to work jointly to make improvements in the current exchange of data and to consider alternative possibilities for coordinating satellite systems of both countries so as to achieve the economies and other advantages of complementary systems.

In the field of meteorological rocket soundings, to formulate provisions for a program of soundings along selected meridional lines in cooperation with other countries.

In the field of the natural environment, to study the possibility of conducting coordinated surface, air and space research over specified international waters and to exchange results of measurements made by each country over similar land sites in their respective territories so as to advance the potential applications of space and conventional survey techniques for investigating the natural environment in the common interest.

In the fields of exploration of near-earth space, the Moon and the planets, to work jointly to define the most important scientific objectives in each area, to exchange information of the scientific objectives and results of their national programs in these fields, to consider the possibilities for coordination of certain lunar explorations, and, in particular, to initiate an exchange of lunar surface samples by performing an agreed exchange of samples already obtained in the Apollo and Luna programs.

In the field of space biology and medicine, to develop appropriate procedures and recommendations to assure a more detailed and regular exchange of information including biomedical data obtained in manned space flights.

4. The details of the considerations described generally in paragraph 3 are provided in Attachments I–IV to this Summary of Results. These Attachments shall be understood to constitute an integral part of this Summary of Results.

5. To provide for the specific actions with respect to agreements and further cooperative possibilities which are set forth in the Attachments noted immediately above, the Academy and NASA agree to designate representatives to Working Groups in connection with each Attachment. Such designations shall be made by the President of the Academy and the Administrator of NASA

at the same time that each acts to confirm this Summary of Results under the provisions of paragraphs 6–8 below. Each Joint Working Group shall commence to consider, as a Group, the tasks assigned it under the applicable Attachment within 90 days of the date that confirmation of this Summary is established. After commencing its assignment, each Joint Working Group will report its required actions and recommendations to the President of the Academy and the Administrator of NASA within a further period of six months. The Joint Working Groups shall conduct their work by correspondence and direct meetings in an expeditious manner within the schedules prescribed.

6. The President of the Academy and the Acting Administrator of NASA have indicated their preliminary agreement to this Summary of Results by initialing it below. It is agreed that they shall have a further period of 60 days from this date in which to provide for further consideration. By the end of that period, they shall communicate to each other their written and final confirmation of this Summary, or, in the alternative, their possible specific proposals for altered language to modify any of its provisions.

7. In the case that full and mutual confirmation shall be established, the procedures provided in paragraph 5 above for implementation shall automatically go into effect.

8. In the case that the President of the Academy or the Administrator of NASA is not prepared to give full confirmation of the Summary, he may confirm certain Attachments and reserve confirmation with respect to others. In that case, the Attachments which are mutually confirmed shall go into full effect. The remaining Attachments shall be considered expeditiously by the President and the Administrator, by correspondence if possible and by meetings if necessary, in order to reach agreement on changes which will permit their early confirmation and implementation.

[Attachment I]

SPACE METEOROLOGY

I. METEOROLOGICAL SATELLITES

A. Agreements and objectives

The Academy and NASA noted the usefulness of cooperation in the field of meteorology within the Bilateral Agreement between AS USSR and NASA USA of 1962 and Memoranda of Understanding of March and May 1963 and June 1964 and the value of application of artificial earth satellites for global observational information for the benefit of the meteorological services of both countries, and also for the World Weather Watch.

For the purpose of further development of the cooperation in space meteorology the Academy and NASA consider it useful to discuss and coordinate their activities in the following fields:

1. Immediate steps to expand and improve the current exchange of information from US and USSR artificial earth satellites, specifically:

To increase the volume and quality of original TV and IR pictures of clouds and surface transmitted;

To improve the forms of presentation of satellite information in combination with other types of meteorological data;

To improve further the technical performance of the communication link between Moscow and Washington;

To convert to high speed exchange of conventional data with resulting expansion of its volume;

Coordination of the activity in data exchange shall be arranged directly between the Hydrometeorological Service of the USSR and the National Oceanic and Atmospheric Administration of the USA to include the questions of schedules, data content, data format, international communications procedures to be followed, etc.

B. Proposals for further discussion

1. Cooperation in scientific investigations for further development of methods of meteorological measurements from satellites, data interpretation, data processing, and application of the data. Such problems as the following should be considered:

Development and improvement of methods for sounding of vertical temperature and humidity distribution, observation of precipitation areas and intensity etc.;

Development of optimum methods for mathematical solution of inversion problem in satellite meteorology;

Application of information from meteorological satellites to numerical forecasting techniques;

Methods of automatic data processing of meteorological satellite data.

2. Cooperation in establishment of space meteorological systems with the purpose of sharing of effort.

NASA and the Academy consider important the coordination of their efforts in the establishment of complementary space meteorological systems which take into account the requirements of the World Weather Watch. Exchange of opinions resulted in agreement to continue consideration of the problems in order to work out in the future decisions acceptable to both sides.

II. METEOROLOGICAL ROCKETS

A. Agreements and objectives

1. Cooperation in research on upper layers of the atmosphere by means of meteorological rockets. In this field NASA and the Academy agreed as desirable coordination of programs to conduct meteorological rocket firings along selected meridians in the Eastern and Western Hemispheres (about 60°E and 90°W), together with other countries concerned.

B. Proposals for further discussion

NASA and the Academy agree to consider and coordinate the following problems, always giving consideration to interests of other countries involved:

Definition of the scientific objectives of the two networks;

Preparation of the necessary plans and procedures required to coordinate the launchings in the two networks and provide for the analysis of the data from both networks on a synoptic basis;

Determination of the appropriate measurement instrumentation systems and techniques to be used.

The two Working Groups (one for the problems of satellite meteorology and the other for meteorological rocket soundings of the atmosphere) shall consider and coordinate the problems mentioned in this attachment above in accordance with the procedure established in the document, taking into account also the appropriate recommendations of the World Meteorological Organization and the International Council of Scientific Unions.

[Attachment II]

STUDY OF THE NATURAL ENVIRONMENT

A. Agreements and objectives

1. The survey of a wide variety of earth features and conditions from space, primarily on a spectral basis, may be scientifically useful and economically advantageous. The capability to conduct such surveys is in an early stage and requires intensive surface, air and space investigations, studies, testing, and intercomparisons on an experimental basis.

2. In this field the Academy and NASA agree to make every effort to develop cooperation in the following principal directions:

a. Discussions, and the exchange of scientific information, on the use of space technology for investigating the natural environment;

b. Studies of different techniques of measuring parameters of the natural environment, using space and conventional means, and studies of the interpretation of results of these measurements. In this regard, use will be made of the results of research conducted within the framework of existing international space and conventional programs;

c. Study of questions involved in the use of instrumentation required for the registration of electromagnetic radiation of Earth from outer space in various spectral ranges;

d. The possibility of coordinating selected integrated experiments involving space and conventional technology in selected areas of the international ocean; and also the exchange of results of coordinated research above selected areas of the earth surface, with initial emphasis on vegetation, carried out in accordance with national programs.

B. Proposals for further discussions

In performing its assigned tasks, it is suggested that the Working Group on the Natural Environment shall:

Review and consider results already obtained,

Discuss additional data which appear to be required,

Discuss the kind of instrumentation considered necessary to achieve desired results,

In the case of study of vegetation, recommend the selection of similar sites in the USSR and the US, which each side on its own territory will use for ground analysis and its own air and space surveys,

In the case of study of the oceans, recommend specific international ocean areas of prime interest for the conduct of research,

Recommend the parameters to be measured and the kind of data to be gathered by both sides, as well as the formats and schedules which shall be used for data exchanges,

Recommend a mechanism for the exchange by each side with the other of the surface, air, and space data obtained by each for the agreed sea and its own land areas.

Recommend a procedure and schedule for the joint review and consideration of such data in symposia open to other countries,

Recommend mutually acceptable schedules for the coordinated programs.

[Attachment III]

EXPLORATION OF NEAR-EARTH SPACE, THE MOON AND THE PLANETS

A. Agreements and objectives

I. The Academy and NASA agree that their respective programs of scientific investigation of the Moon can be substantially enhanced by exchanges of samples and other scientific information obtained from each side from the Moon.

II. The Academy and NASA agree to exchange small quantities of such materials to permit their comparative analysis in the laboratories of both countries, to make available to both sides materials from all sites visited on the Moon, and to facilitate analysis in unique or special facilities which may exist in either country. The Academy will provide NASA about 3 grams of regolith brought back by Luna-16 from different parts of the core. In return NASA will provide the Academy about 3 grams from the regolith in the core sample of Apollo 12 and about 3 grams from Apollo 11 samples. The samples to be selected in each case will be agreed by appropriate NASA and Academy representatives.

III. The Academy and NASA agree to support in their respective national programs the "International Magnetosphere Survey" being organized by the IUCSTP-COSPAR Special Study Group.

IV. The Academy and NASA agree to use, along with the existing international scientific channels, such as COSPAR, direct channels for the exchange of scientific information in those cases where the existing channels are inadequate or too slow for the purpose, and where it is in the mutual interest to do so.

B. Proposals for further discussion

The Academy and NASA agree that the following points should be discussed by the

Working Group on the Exploration of Near-Earth Space, the Moon and the Planets:

I. In the Study of the Magnetosphere:

1. Define the problems of the Magnetosphere which should be investigated in the next several years.

2. Determine the ground-based observations which each side could conduct during the period of a particular satellite investigation.

3. Investigate the possibility of standardizing the presentation of data and methods of measurement in studies of the Magnetosphere.

4. Examine the possibility of joint analysis of data from two or more simultaneously operating satellites.

5. Examine the feasibility of and steps required to jointly produce a "standard magnetosphere" for periods of minimum solar activity.

6. Arrange for periodic and timely joint reviews of the status of knowledge of X-ray radiation from the sun and the processes on the sun associated with solar activity.

II. Exploration and Use of the Moon:

1. Define the scientific problems of the Moon which should be investigated over the next several years.

2. Recommended procedures for the reciprocal exchange of future lunar samples and describe the documentation which will be required.

3. Recommend procedures for the reciprocal exchange of lunar photographs, from both orbital and landed spacecraft.

4. Conduct a joint study of the methods of analyzing lunar photographs and preparing lunar maps, and prepare an agreement on a standard lunar coordinate system.

5. Recommend procedures for a reciprocal exchange of data on lunar dynamic processes under observation.

6. Discuss the possibility of a reciprocal exchange of information on the scientific problems under investigation in the Luna and Apollo programs, so that NASA and the Academy can take advantage of their knowledge of the other's scientific objectives as they plan their specific lunar flights.

7. Initiate a joint discussion of the problems of the use of the Moon for astrophysical studies.

III. Exploration of the Planets.

1. Discuss the principal scientific problems in the exploration of the solar system.

2. Arrange for periodic and rapid exchange of scientific information from planetary experiments, so that NASA and the Academy can take these results into account in the planning of their future experiments.

3. Examine the possibilities of one side conducting experiments in its program, which may be proposed for that purpose by the other.

4. Examine the possibility of joint complementary activity by one side during the conduct of planetary investigations by the other; such as radio occultation experiments, monitoring of solar activity, simultaneous sounding rocket or balloon observations, or ground-based astronomical observations.

[Attachment IV]

SPACE BIOLOGY AND MEDICINE

A. Agreement and objectives

1. There are increased possibilities for the extension of the exchange of space biomedical data. This exchange should be expanded and made more regular in order to make maximum contributions to the safety and efficiency of manned space flight and to general medical knowledge which may be used for the benefit of all mankind.

2. The Academy and NASA agree that a Working Group shall develop recommendations and procedures to implement the expanded exchange of information. This Working Group will consider the arrangements for regular meetings of competent representatives for the detailed and timely exchange and evaluation of data associated with manned space flight. This exchange should include sufficiently detailed pre- and post-flight data, operational information, and other considerations necessary for full understanding of the results obtained.

3. The exchange of scientific information of mutual interest shall include:

a. biomedical data characterizing the adaptation of man to the conditions of space flight;

b. the development of recommendations concerning the internal environment of manned spacecraft;

c. radiation effects and considerations applicable to manned space flight; and

d. directions and methods of biological investigations.

4. The Academy and NASA further agreed that such meetings shall take place as data accumulate but should occur at least once per year in the major problem areas recommended by the Working Group. The first of such meetings should be held as soon as possible and should be dedicated to the examination of data and results obtained from the Soyuz and Apollo programs.

5. The Academy and NASA encourage the earliest possible completion of the joint publication, *Foundations of Space Biology and Medicine*.

B. Proposals for further discussion

As new knowledge is shared through this program, and new problems associated with manned space flight develop, the Working Group should expand the scope of its recommendations for further information exchange accordingly.

[Translation]

ACADEMY OF SCIENCES, U.S.S.R.,
MOSCOW V-71, LENINSKIY PROSPECT 14,
March 26, 1971.

DR. GEORGE M. LOW,
Acting Director, NASA,
Washington, D.C.

DEAR DR. LOW: With this letter I want to inform you of the fact that the Academy of Sciences USSR has confirmed the summary document on the results of discussion of questions of cooperation in the investigation of outer space between the Academy of Sciences USSR and NASA of the USA, initialed by us in Moscow on January 21, 1971.

With satisfaction I note that NASA has also confirmed this document.

I agree to your proposal about the period of effect of the "summary document" and the possibility of its prolongation in the future according to the mutual understanding of the parties.

As far as the personnel composition of the working group which are established in according with each supplement to the "summary document," I will report to you in the near future the names of the Soviet members of these groups.

Sincerely,

M. V. KELDYSH,
President,
Academy of Sciences, U.S.S.R.

FUR CITY

Mr. JAVITS. Mr. President, during the week of June 7 to 11, Mayor Lindsay designated New York as "Fur City" in honor of the industry which has made New York City the fur capital of the Nation. This special week, created and financed by the Joint Furriers Council, was celebrated by events including a fur fashion show and the blocking off and decorating of part of Seventh Avenue for the enjoyment of pedestrians. I ask unanimous consent that the text of the speech given at that time by Mr. George Stofsky, manager of the Furriers Joint Council of New York, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF MR. GEORGE STOFSKY

Mr. Speaker, New York City will be the scene of a colorful and attractive festival to be sponsored by the entire fur industry from June 7th through June 11th, 1971.

Mayor John V. Lindsay has declared the event as "Fur Excitement Week," which will be a salute to the outstanding contribution the fur industry makes to the City of New York.

To make the festival pleasant and more attractive to thousands of visitors who have been invited to attend the event, the Mayor has directed that Seventh Avenue between 28th and 30th Streets, be closed from noon to 2 P.M. daily during the week.

At the same time, the entire industry will provide a festival atmosphere from 9 A.M. to 4:30 P.M. daily, by setting up kiosks and sidewalk cafes, for the public's pleasure entertainment. Refreshments will be served while musicians play both classical and modern music.

There also will be a show of fashions in furs, to be presented by leading merchants in cooperation with the Furriers Joint Council, consisting of the Associated Fur Manufacturers, United Fur Manufacturers, Master Furriers Guild and Locals 2 and 3 of the Fur Dressers Union.

The idea for the festival eminated through the Furriers Joint Council, whose manager is George Stofsky. A meeting was held in City Hall with Deputy Mayor Richard R. Aurelio and Administrative Assistant to the Mayor, Sid Davidoff. Plans were drawn up for the festival, which has immediately received the blessings and full support of Mayor Lindsay.

The plans call for both sides of the Avenue to be tastily draped with flags and bunting. Sidewalk cafes will be opened for local and out-of-town fur buyers, fashion editors and the general public. Park benches will be set up for the convenience of the public and 50 trees will be planted in the two-block area. There will be runway for the fashion show on 7th Avenue.

Kiosks, already taken by various sections of the fur industry's outstanding retailers, will be decorated.

Mayor Lindsay will open the festival with the placement of new street signs. The name of 7th Avenue will be changed to Fur Avenue.

All traffic, including bus, will be stopped and diverted into side streets.

The Furriers Joint Council, which represents 7,000 workers, is financing the project in cooperation with fur manufacturers.

The national volume of the fur industry is $350 million and New York City is the nation's fur center.

The Furriers Joint Council, which is affiliated with the Amalgamated Meat Cutters and Butcher Workmen of North America, has recently been presented with a scroll by the World Wildlife Fund, expressing appreciation for agreeing to no longer cut, fashion or fabricate skins of such endangered species as leopards, cheetahs, ocelots and jaguars, to help protect these animals from extinction.

The fur industry has great faith in New York and is proud to have the fur center of the nation there. Holding the festival in New York will no doubt attract buyers not only from out-of-town but from abroad. No better fur fashions can be obtained elsewhere. The latest styles in fashions are developed in New York City.

Both labor and management are fully cooperating in this event and will join with all New Yorkers to salute the fur industry during June 7 through June 11th.

The Council is to be commended for its efforts and for being a vibrant force for progress in New York City, the economic center of the nation.

TRADE WITH CHINA

Mr. BELLMON. Mr. President, the decision of our Government to take steps to terminate U.S. controls on a large list of non-strategic U.S. products which may now be exported to the People's Republic of China may prove to be one of this Nation's most important diplomatic decisions of this decade. This decision could very well open the huge potential of the Chinese consumer market to American workers, and in addition pave the way for the reestablishment of the abundant good will which once made the United States and China the closest of friends and allies.

While virtually everyone in the United States regretted the direction which the government of China took following World War II, we must admit that the belligerency which has been allowed to develop between our two nations has not been helpful to either. The Government of China still governs and will until and unless the people of that nation make changes in their own way.

The nonstrategic products which China has needed have been freely available from other suppliers. For the United States to continue to prohibit its citizens from doing business with the Chinese would be extremely shortsighted. While there is little prospect of an overnight mushrooming of Chinese-American trade, the prospects for the future are virtually unlimited. President Nixon's action of terminating export prohibition on nonstrategic products should hasten the day when the lives of both Americans and Chinese are enriched by commerce and communications between citizens of both countries.

DOCTOR SHORTAGE

Mr. KENNEDY. Mr. President, one of the most alarming problems in our health care system is the shortage of physicians in America. A recent article by Mr. Jack Star in the June 29 issue of Look magazine titled, "Where Have Our Doctors Gone?", explores the crisis in American health care. The shortage of physicians in America has been estimated at over 50,000 nationally. Many small communities are without a doctor at all and there is little possibility of getting one.

According to Mr. Star's article there are 334,028 doctors in the country today. But nearly 17 percent of our doctors do not practice. They are inactive, or in teaching, administration, research, or other non-patient pursuits. That leaves 255,027 doctors to give patient care. Only 188,024 doctors are office based, and only 50,816 of those are general practitioners. The ratio of pediatricians is one for every 5,625 youngsters under 15. There are 10,310 pediatricians, but 58 million youngsters.

As bad as these statistics sound, the real problem is found in the distribution of doctors. New York State has one doctor, office or hospital based in patient care, for every 518 persons, but Mississippi has only one doctor for every 1,448 persons. Thousands of communities have no doctor at all. The Sears-Roebuck Foundation has abandoned its attempts to lure doctors to small towns by financing small clinics. Of the 162 clinics which the Foundation has built since 1956, 52 are now vacant or being used as barbershops, etc.

Many people find that the hospital emergency room is the only point of entrance into the medical care system in America. In Rochester, N.Y., 65 percent of the cases treated in the hospital emergency rooms were not emergencies and could probably have been better handled elsewhere. In Chicago, the figure is 90 percent. Emergency rooms used to be filled with black people and poor whites. Now, many middle-class whites find their only contact with a doctor comes from the community hospital's emergency room. The emergency room in many hospitals is probably the least efficient and worst staffed and worst equipped department of the hospital, but it is becoming the major provider of primary medical care for millions of citizens.

I believe Mr. Star's article, "Where Have Our Doctors Gone?", supplies important information on the current health care situation in America. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Look Magazine, June 29, 1971]

WHERE HAVE OUR DOCTORS GONE?

(By Jack Star)

10:30 at night. I went to bed with a sore throat and unusual weariness. My sleep was restless. When I arose next morning, I knew I was very sick. I needed a doctor. But like several thousand of the 30,638 men, women and children in the suburb of Park Forest, Ill., 32 miles south of Chicago, I don't have a family physician, and I don't have much chance of finding one.

I am a sort of general contractor for medical services, seeking out an orthopedic surgeon for a sprained ankle, a pediatrician for a child's mumps or an obstetrician for a blessed event—when the need arises. My family has no doctor to coordinate these services, so we get treated as persons, not diseases. At 9 a.m., my temperature was 103.9, pulse racing, both sides of my chest hurt, and I coughed frequently, bringing up nasty-looking sputum streaked with bright-red blood. I dialed the number of a leading specialist in internal medicine, and a woman answered, perhaps an answering-service operator. "Was I a patient of Dr. X?" Well, I had been seen several times by his partner, I replied between coughs, offering up my symptoms. "It's Wednesday," she said. "The doctor's day off. . . . No, you can't speak to him." But she would call him and relay my symptoms. She did too. An hour later, she phoned to say the doctor would have a drugstore send out some medicine. Shortly before noon, some pills arrived, unlabeled, but I had my 12-year-old son look up the code number on the tablets in a drug reference book. They were an antibiotic. I popped a couple in my mouth and went back to bed.

Friday, hardly able to hold my head up, I called the doctor's office and demanded to see the doctor or at least talk to him on the phone. I told the voice that answered that I thought I had pneumonia. "No, you can't talk to him." Too busy. And the earliest appointment I could have was next Tuesday. Back to bed for a lost and feverish weekend. Monday morning (near death, or so I thought), I journeyed to the University of Chicago clinic 28 miles away to see a doctor. I had pneumonia in both lungs.

My troubles in finding a doctor are exceeded only by those of some neighbors. My wife and children are lucky at least to have had the same obstetrician and pediatrician for over 20 years. But the people who are new in town have a terrible time.

Niki Scott, a writer for the Park Forest *Reporter* who was researching the local doctor shortage telephoned the six pediatricians in the immediate area and said her child had an earache. Four of the doctors said they could not accept a new patient under any circumstances. The other two said they could examine the child—but not that day.

Mrs. Scott then called the ten internal-medicine specialists of the region, complained of a stomachache, and said she was new in the area. Nine of them said they couldn't see a new patient immediately, or at all, but two said they might be able to examine her in two or three weeks!

This same reporter cites the case of a mother of two who moved here last August: "She was told that her children would not be allowed to attend school until they had had a physical examination. She called all the pediatricians in the area, and was told by each of them that they could not accept new patients. Desperate, she called the Park Forest Village Health Department. They gave her a list of physicians, all of whom she had already called. After weeks of searching, she found a general practitioner in Chicago Heights [an adjoining town] who would examine her children.

That there is a shortage of physicians, estimated at over 50,000 nationally, should not surprise anybody except the American Medical Association, which discovered only a few years ago that there were not enough doctors to go around. Selig Greenberg, in his compelling new book, *The Quality of Mercy,* notes that during the Depression of the 1930's, "The AMA *Journal* called editorially for 'professional birth control,' and the medical schools obliged by materially reducing their admissions." Later, he says, the AMA achieved the same results by "lobbying strenuously in Congress against Federal aid for medical education without which the schools could not possibly expand their enrollment to any meaningful extent. The palpably specious argument used to block such aid was that it would endanger the 'freedom' of the medical schools."

In recent years, a number of new medical schools have been opened, but many schools are in deep financial trouble, and some have curtailed teaching programs. Though by the end of this decade there will be noticeably more graduates, so far the growth has been slow (6,934 graduates in 1961; 8,946 this year). Even if we double our graduates in 20 years, says an authority, deaths and retirements will cause the total number of physicians to change little.

The medical schools still turn down over half of their applicants, and if it were not for foreign-trained doctors—who now make up nearly 17 percent of our medics—we would be shy another 3,000 new licensed doctors every year. As it is, our teaching hospitals are currently short more than 12,000 residents and interns. Without the foreign interns, many hospitals would have to close their doors.

At last count, America had 334,028 doctors, but neary 17 percent of them don't practice—they are inactive, or in teaching, administration, research, etc. (About nine percent of the total are federally employed, and we do not consider them here.) Of the 255,027 doctors giving patient care, only 188.924 are office based, and only 50,816 of those are GP's. The others, following the big trend of the time, are specialists. A surgeon or an anesthesiologist isn't much use for a heart attack or a skin rash. Pediatricians are GP's in a way, but there are only 10,310 of them for 58 million children under 15, a ratio of one doctor for 5,625 youngsters! Specialists in internal medicine attempt to fill the void left by the GP's, but there is only one internist in office practice for every 8,845 persons!

Bad as these numbers are, the real problem is how doctors are distributed around the country and the cities. New York state has one doctor—office or hospital based, in patient care—for every 518 persons and Washington, D.C., one for every 339, but Arkansas has only one for more than 1,300 persons, and Mississippi, one for every 1,448.

Yet even these statistics don't reflect the stark reality. Several thousand communities don't have a single physician and little possibility of getting one. The Sears-Roebuck Foundation has had to give up on its project to lure doctors to small towns by helping the communities build small clinics. Of 162 clinics built since 1956, 52 are now vacant or being used as barbershops, etc.

You can get a glimmer of the problem in Chicago. According to geographer Donald Dewey of DePaul University, the metropolitan area has one doctor in office practice for 862 persons, and the city itself has one per 909. But where are they?

Since 1950, thousands of doctors have fled, with the expanding black communities experiencing a 66 percent drop. Most of the MD's moved to the elegant suburban shopping centers. There are more doctors in a single North Shore medical building than in one entire West Side ghetto. The posh suburbs now have only 518 people per doctor—more than three times as many doctors as the South suburbs, with 1,724 people per doctor. Alas, I and nearly half a million others live south.

Pierre de Vise, a distinguished urbanologist and researcher for the Illinois Regional Medical Program, explains why doctors have settled so heavily between Evanston and Lake Forest: "Doctors tend to select homes in the very highest income areas, those with the most prestige." I gulp as De Vise gives me some hard facts: "You live in a blue-collar, working-class area. There is little hope for increasing the number of doctors there." I suppose he is right. My town is middle-class, and a few nearby towns are super-affluent, but for the most part, South Cook County is a place for the workingman.

Of 250 Chicago-area communities, the top 25 in income have one doctor for every 500 persons—the bottom 25 have three times as many persons per doctor. The 25 with the most blacks have almost four times as many.

What do sick people do when they can't get a doctor? Out my way, and everywhere else in the country, hospital emergency rooms are filling the void. In 1960, St. James Hospital in Chicago Heights had 8,696 emergency-room cases; last year, it had three times that number. More significantly, "Non-emergency" medical cases treated in the emergency room shot up nearly fivefold.

In other words, the doctorless sick are taking their bellyaches, flu and measles to where the auto-accident victims are sewed up. A recent study reported in *The Journal* of the AMA, says that emergency-room visits in the Rochester, N.Y., area "have increased five times faster than the general population and there is no reason to believe that the emergency department demand will not continue to increase." Sixty-five percent of these cases were not emergencies according to the study and could probably have been better handled elsewhere. In Chicago, this figure is 90 percent.

The emergency room is not a particularly good place to be treated. In the Chicago area, only a fifth of the departments have a paid full-time doctor in charge; nearly half depend on unpaid MD volunteers. Only half are routinely equipped to set simple fractures, remove stitches or take off casts. Only seven percent handle compound fractures.

One of every three Chicagoans visited an emergency room last year, twice the national rate and twice Chicago's rate of 15 years ago. As De Vise points out: "The emergency room, the least-efficient and worst-staffed and equipped department of the hospital, is the major provider of primary care. . . ." For years, the emergency room has been a place where black persons and poor whites were supposed to get care (see *Cook County Hospital: The Terrible Place,* LOOK, May 18, 1971). But now, at institutions like St. James in Chicago Heights, middle-class whites sit right next to poor folks in the emergency-room waiting section. They are in the same predicament.

As emergency rooms go, St. James' isn't bad. A couple of nurses are there all the time, and something more than 100 of the 155 doctors on the staff take turns supervising in twenty-four-hour shifts. Unfortunately, the doctors are usually not present. They run the room by telephone. The hospital hires moonlighting doctors, residents in another Chicago hospital, to treat patients. They are paid $210 for a 12-hour shift. The emergency-room charge is, at a minimum, $20, but the hospital says it loses money.

Dr. Peter T. Fagan, president of the medical staff, is not entirely happy with the operation of the emergency room. "We should have specialized emergency-room physicians," he says. "Medicine is too sophisticated to practice down there the way we do now." Sister Georgette, the hospital administrator, is also not happy: "We have patients coming into the emergency room who have no other point of entry into the medical system," she says. "One thing the South Cook County Medical Society should do is have a roster of doctors who would see new patients." I put her idea to Dr. John E. Driscoll, a surgeon who is president of the South Cook County Branch of the Chicago Medical Society. It has 250 members. He scoffs at the idea of a physicians' roster. "It hasn't worked in Chicago," he says. "Why would it work here?"

I complain to Dr. Driscoll that the quality of medicine is bound to suffer with so few doctors and so many persons. Isn't a doctor inclined to take shortcuts, with a roomful of patients waiting? Don't the latest statistics show that doctors now treat 11 percent of all complaints by telephone? Dr. Driscoll agrees: "A good doctor can take care of only so many patients. Many have attempted to take care of more patients than they should, and they can't give quality care because they're overextending themselves. It's not that they're incapable of practicing good medicine. It's just a reflection of their being so swamped." The sad thing is that preventive medicine, including routine checkups, can prolong life by early detection of killer diseases.

Are the doctors as busy as they claim? What about all those jokes about them playing golf on Wednesday afternoons? The AMA, which surveys 5,000 physicians regularly, found the average workweek is 44.7 hours—somewhat less than that of many businessmen. But this is just for patient care. Tedious chores can add hours to a doctor's workweek. "Just look at this pile of papers!" I was told by Dr. Emanuel M. Racher, a Park Forest internist, who indicated a stack of insurance forms 18 inches high. "I have to fill these out personally."

What about making life easier for the doctor, and extending his services, by using physicians' assistants? There has been extravagant publicity for the last five years about the training of doctors' helpers, but the AMA notes that only 350 to 400 persons are currently enrolled in these programs. In the five years, only 75 aides have been graduated, and another 150 are finishing this year.

In Illinois, there is not a single physician's assistant. The closest thing to one is the nurse who weighs you and takes your temperature before the doctor comes into the examining room. The licensing law is murky on the subject of assistants. What medical procedures should they be allowed to perform? What about malpractice actions?

Dr. Paul Ashley, president of the South Cook County Health Care Planning Association, would like to train his own helpers, right in his own office, and give them a lot of leeway. "I'm willing to take responsibility for my aides," he says. "Ideally, if the law and malpractice insurance permitted, they could do all sorts of things that only I am allowed to do now: skin biopsies, electronic removal of moles, suturing of minor wounds that are not cosmetic, aspiration of breast cysts, etc."

Dr. Ashley would even let his aides do routine physical exams. The trick would be for them to know when to stop and call in the doctor—where there is a fast pulse, shortness of breath, abdominal pain, a lump in the breast, etc. The doctor says that perhaps a computer could be used for history-taking; this would automatically call the doctor's attention to dangerous symptoms. In fact, computers are already doing this, but in limited numbers.

A kindly man, who looks like a movie version of a country doctor, Dr. Ashley is a firm believer in group practice. Fifteen percent of America's doctors now are members of groups—of these, 60 percent are in multispecialty clinics. Dr. Ashley thinks that groups, because they are generally more efficient, are an answer to the doctor shortage. He heads a small one, with three obstetricians, two internists and two GP's. Recently, he negotiated the merger of this group and two others. The 20 doctors in the combined group, he hopes, will operate a nursing home, a shelter for released mental patients and an extended-care facility. Good facilities will help attract new doctors, but he wants to do more.

"It used to be you could attract a doctor by saying, 'We'll give you a chance to treat a lot of sick people.' Nonsense! Doctors want a six-week vacation, $50,000 a year, profit-sharing, free medical care and hospitalization, free malpractice insurance. . . ." Dr. Ashley says his new group will provide all that.

Next door to Park Forest, a new town called Park Forest South is rising from the cornfields. Eventually, 100,000 people will live there. Its planners hope to build a 220-bed hospital that would be staffed by a group of prepaid physicians. Most of them will come from the Illinois Central Hospital in Chicago, a facility that was started by the railroad and still treats many railroad workers and their families, as well as many Chicago people. If the project materializes, the Chicago facility will close down, and many neighborhood people will have no place to get treatment. And in Park Forest South, the medical group, even if expanded, will do no more than offset the population—if that.

What is needed, says Hirman Sibley, executive director of the Hospital Planning Council for Metropolitan Chicago, "is to enroll everybody in America in a national health-insurance program of some sort. This will attract doctors to poorer areas." He urges the public "to work with sympathetic doctors to develop group practice. The community by itself can't attract doctors—only doctors can." For rural areas, he envisions small groups in major shopping towns, tied to large group clinics in medium-sized cities.

Dr. Walter C. Bornemeier, outgoing president of the AMA, thinks the shortage of doctors and their maldistribution will soon be a thing of the past. He says the AMA was right in curtailing the number of doctors years ago "because I knew doctors then who were actually on relief." Nowadays, he says, the AMA is in the forefront when it comes to seeking increased numbers of physicians.

"The solution is coming," predicts Dr. Bornemeier, perhaps a bit optimistically. "The law of supply and demand will assert itself. As excessive numbers of doctors pile up in some areas, competition will force them to the places that need them. It will all be over by 1980."

Dr. Bornemeier says other changes will help: more group practice, national health insurance enabling persons to afford medical care and, perhaps, office apprenticeships for finishing interns that will attract doctors to places they are needed.

Dr. Driscoll, of my local medical society, also believes that the physician shortage is temporary. He notes that new medical schools are opening in Illinois and that the University of Illinois, the largest of our five present medical schools, is in the process of doubling its graduating class to 450 a year.

I am not so confident. Traditionally, 50 to 60 percent of our state's graduates have left Illinois. Wouldn't we just be training more doctors for places like California? Its eight medical schools don't even produce enough doctors to replace those who die in the state. It imports doctors from Chicago. "No matter how many more doctors we produce," says Pierre de Vise, "the shortages will continue to exist where they exist now because the doctors will continue to settle where they settle now."

How do you find a doctor if you live in a medical desert? I asked this question of a number of physicians. One way that sometimes works is to make an appointment for a physical examination while you're still well—the doctor may then accept you as a patient. Another way, and I know it sounds cynical, is to move away from where the doctors aren't: small towns, black ghettos and blue-collar neighborhoods. Follow the doctors!

U.S. MARINES COME HOME FROM VIETNAM

Mr. BELLMON. Mr. President, I rise today to pay special tribute to the U.S. Marine Corps. After 6 years of fighting in South Vietnam, during which the Marines achieved great success in combat as well as in exemplary service to the civilian populace of that country, the Marines this month began final redeployment of their forces from Vietnam to other bases in the western Pacific and the United States.

I ask unanimous consent that following the conclusion of my remarks a record of achievement by the Marine Corps in Vietnam be printed in the Record.

Mr. President, I make this report to the Senate so that the illustrious record of the Marines in Southeast Asia can be better known and understood, for this is a record unlike that of any other military unit in any other war. This is a record not only of a long and difficult combat mission but of a nation-building mission as well.

As a member of the Marine Corps in World War II, I make this report with great pride. The Marine Corps has long been considered the elite arm of this Nation's security forces. The record of the Marines in Southeast Asia proves that that reputation is well deserved.

There being no objection, the material was ordered to be printed in the Record, as follows:

For the United States Marine Corps, the conflict in South Vietnam is ending. This month, the last elements of a Marine force which at one time held the five northernmost provinces of South Vietnam against a determined enemy began the final journey out of Vietnam. By the end of June of this year, only a few hundred Marines from an air/ground force which at one time numbered more than 81,000 will remain in Vietnam. After six years of bitter conflict, the longest and the most difficult war in the 196-year history of this fighting organization is ending, and the Marines are coming home to take up the challenges of the post-war era in their traditional role as our Nation's "Force in Readiness." The Marines' return is truly a milestone, for it was the Marine Corps which deployed the first U.S. combat forces to Vietnam in 1965 and whose return now underscores this administration's commitment to reduce forces in Southeast Asia.

For more than six years, the Marines—together with other U.S. and Free World Forces—have supported the Government of Vietnam's efforts to develop a viable and independent nation. I think, that as the Marines return home, it is appropriate that we review briefly their record in Southeast Asia and identify the varied roles of Marine forces in that commitment.

Marine Corps participation began on 27 February 1965 when the Joint Chiefs of Staff relayed Presidential approval to deploy a Marine air/ground team, the 9th Marine Expeditionary Brigade, to South Vietnam. Nine days later, on the morning of 8 March 1965, the 3d Battalion, 9th Marines conducted an unopposed amphibious landing near Danang to spearhead the introduction of U.S. combat units into South Vietnam. On the same day, the 1st Battalion, 3d Marines began to arrive at Danang by air from Okinawa. Within two months, additional Marine units had been landed at Hue/Phu Bai and Chu Lai. Just prior to the amphibious landing at Chu Lai, Marine forces consisting of most of the 3d Marine Division and the 1st Marine Aircraft wing were redesignated as the 3d Marine Amphibious Force (III MAF).

The III MAF strength steadily increased to meet increased operational requirements, so that at the beginning of 1968, Marine forces consisted of two and two-thirds divisions, one reinforced aircraft wing and 14 fixed wing and 10 helicopter squadrons, and a composite of combat support and combat service support elements designated as the Force Logistics Command. At one point, total Marine Corps forces in South Vietnam totaled nearly two-thirds of the entire operational forces of the Marine Corps and one out of every three Marines was serving either in South Vietnam or the western Pacific.

The original mission of the III MAF was to protect the airfield and the port and communications facilities at Danang, and to develop and defend subsidiary airfields at Chu Lai and Hue/Phu Bai. Subsequently, a limited offensive responsibility was added to assist in the conduct of operations to ensure the security of the Vietnamese people. These responsibilities eventually developed to encompass the conduct of all combat operations necessary to counter enemy actions.

By the end of five months in South Vietnam, the Marines had expanded their areas of responsibility from an initial eight square miles with a civilian population of 1,930 to 417 square miles enclosing a civilian population of 198,840. These totals eventually grew to 10,700 square miles and over 2,800,000 people during the period when III MAF had operational control over all U.S. forces in I Corps Tactical Zone, the five northernmost provinces in South Vietnam.

From the outset, Marine operations in South Vietnam were oriented to the realization that defeat of VC/NVA units would contribute to the total effort, but that victory in the end must derive from freeing the people of enemy domination and bringing them security and tranquility. The Marine strategy to achieve these goals embraced three concurrent efforts.

First, participation with the Government of South Vietnam and other U.S. agencies in pacification, including local protection of the people, revolutionary development through civic action, and training of Vietnamese military and paramilitary forces.

Second, conducting vigorous small unit operations, on a round-the-clock basis, aimed at driving the VC from the heavily populated areas and destroying his local infrastructure, thus separating the enemy from the people.

And third, continually seeking opportunities to deal heavy and destructive blows upon large VC main force and NVA units and their bases in order to dissipate their military efficiency and diminish their logistical capability.

Thus, with support of pacification and revolutionary development as its core, Marine programs of counterguerrilla and large unit operations were directed toward the objective of assisting the Government of South Vietnam to extend control throughout I Corps and ultimately, to defeat the VC/NVA forces. This strategy was effective, and I think it is well to examine the magnitude of the Marine programs and the results achieved in accomplishing the basic goals of this strategy.

The patrols, ambushes, and company-size search and clear operations by the Marines complemented both the large unit operations and the revolutionary development process by concentrating on the destruction of the Viet Cong infrastructure. During the period 8 March 1965 to 31 December 1970, Marine units each month conducted more than 14,000 small unit operations. The damage inflicted on the enemy's guerrilla effort was more than just combat losses, however. The Viet Cong recruit potential was engulfed by the expanding and increasingly effective Government of South Vietnam influence, requiring the induction of additional North Vietnamese Army members into local guerrilla units. This dilution resulted in a force composition lacking the cohesion and motivation necessary for effective insurgency.

In addition to the thousands of ambushes and patrols conducted each month by Marine units, several innovative operations and techniques were introduced by the Marines and proved highly successful in combating the guerrilla. One of these was the Kit Carson Scout program, which was initiated by the III MAF and which employs former Viet Cong in combat operations against their old units. These Viet Cong, who have rallied to the side of the GVN and then rigidly screened and trained, were highly effective. By the end of 1968, the Kit Carson Scout program had expanded to include 476 Scouts. During that year, they accompanied 18,615 patrols in combat operations and were credited with the apprehension of 851 enemy suspects and the detection of over 2,000 explosive devices, caves, tunnels and caches. Moreover, they established an exemplary record of loyalty and dedication to Marine forces.

Another innovation were the Golden Fleece operations initiated by the Marines in 1965 and designed to provide security for local Vietnamese farmers during rice harvesting periods. Conducted in close coordination with local Vietnamese officials, Golden Fleece operations effectively denied the Viet Cong a source of food which in many cases had been uncontested in previous years. Although often carried out by Marine battalions or larger size units, these operations involved small unit saturation patrolling and ambushes in areas adjacent to harvest sites, providing security for the farmers to and from the fields, and assisting in the transport of the harvested rice to protected areas. Golden Fleece 7–1, conducted in September of 1966, indicates the effectiveness of this rice denial concept. During the 10-

day operation, Viet Cong units were driven off, 727 tons of stolen rice were uncovered in an enemy cache, and 113 tons of rice were harvested by the protected Vietnamese farmers. The total of 840 tons of captured and harvested rice was sufficient to feed 31,000 Vietnamese civilians for over a year.

Another effective element of the Marine strategy in South Vietnam included the conduct of sizeable (Battalion or larger) offensive operations launched to isolate and destroy large VC main force and North Vietnamese Army units and to neutralize their base areas. Marine Corps forces, fully supported by Marine fighter/attack aircraft, helicopters, and tactical transport aircraft, not only defeated repeated enemy attempts to gain the initiative in I Corps but also inflicted repeated crippling blows to the enemy's lines of communication and support complexes, and caused major enemy units to withdraw into North Vietnam after suffering prohibitive personnel losses.

The enemy's 1967 dry-season offensive in the Demilitarized Zone is a case in point. The enemy launched four major combined arms offensives to establish a foothold in northern Quang Tri Province. Each was turned back with heavy losses. In 1968, III MAF large unit operations administered a series of sharp defeats to elements of five regular NVA divisions. These losses forced the enemy to withdraw NVA units to sanctuaries in North Vietnam and Laos and resulted, by the end of 1968, in almost total absence of major enemy units in northern Quang Tri Province.

During 1968, the enemy also launched an all-out offensive, timed to coincide with the Tet holiday, at the principal I Corps population centers of Hue, Danang, Quang Tri City, and Hoi An. The most intense sustained fighting of the Tet offensive took place in the old imperial city of Hue. Marine, U.S. Army and Vietnamese forces ejected enemy lodgments in the city and inflicted substantial casualties on the enemy forces. These irreparable losses forced the enemy to reassess his strategy and redirect his war effort toward countering the significant progress being made by the Government of South Vietnam's pacification and revolutionary development programs.

Marine forces continued their mobile, aggressive tactics through 1969, inflicting considerable losses on the enemy and seizing large quantities of enemy weapons, ammunition, and food which degraded the enemy's offensive capabilities and undermined his morale. One of the most effective Marine Corps operations was Dewey Canyon, in January and February of 1969, which must be ranked among the most significant campaigns of the war in terms of concept and results. Despite marginal weather, an independent regimental operation was projected in the Da Krong/Ashau Valley, 30 air miles from the nearest base, and was sustained entirely by helicopter through a month of heavy combat. In addition to extensive personnel losses, the enemy lost individual weapons, small arms ammunition, explosives, food, artillery pieces, trucks, and heavy equipment.

Integrated with and complementing the success of the Marines' large unit operations were the Special Landing Forces of the U.S. Navy's Seventh Fleet. Taking advantage of the inherent flexibility in existing amphibious doctrine, the Special Landing Forces were capable of projecting their combat power ashore in either an independent operation or in conjunction with an operation by shore-based III MAF units.

In one such operation, Bold Mariner/Russel Beach early in 1969, two Special Landing Forces each consisting of a Battalion Landing Team and a Marine helicopter squadron conducted simultaneous amphibious and helicopterborne assaults against enemy forces occupying the Batanagan Peninsula south of Chu Lai and Quang Nam Province. Also simultaneously, a U.S. Army task force maneuvered to seal off the southern boundary of the operating area. Thus, without warning, a hitherto enemy sanctuary was surrounded and then systematically searched and cleared. The operation served notice to the enemy that no area was secure from the mobile striking power of the Marine Corps' Special Landing Forces and the Navy's Amphibious Ready Groups. Adding to its significance, this special Landing Force operation returned nearly 12,000 Vietnamese civilians to GVN influence.

As a complement to large scale operations, the Marines commenced in 1966 to employ small reconnaissance teams, both in the hinterland and in regions of the coastal plain, to observe the enemy and direct artillery, air strikes, and naval gunfire on enemy forces detected. Called Sting Ray patrols, these lightly armed and lightly equipped teams were generally inserted by helicopter near the objective area and moved overland by stealth to a preselected position. The impact of these innovative operations on the enemy was acknowledged by the extensive efforts the Viet Cong and North Vietnamese units expended in attempts to locate the Sting Ray patrols when they suspected one in a particular area.

Other innovative contributions to the conduct of operations against the enemy included the arresting gear developed as part of the Short Airfield for Tactical Support (SATS), developed to save aircraft and lives. Air support radars and transponder beacons—developed by the Marine Corps—were used to guide planes through bad weather and darkness to conduct accurate and devastating strikes on the NVA/VC. These techniques were also successfully employed in guiding transport helicopters to friendly ground units. On the ground, new equipment and techniques such as sensors, Integrated Observation Devices, and the Surveillance/Reconnaissance Center were tested and employed during the conflict to aid in defeating the enemy.

However effective were the III MAF forces in combat operations, the real measure of the total Marine Corps effort in South Vietnam were the enduring and significant results attained in establishing security in the villages and hamlets and in the success achieved in support of the Government of South Vietnam's pacification and revolutionary development programs.

One of the most successful means of providing continuous security to Vietnamese hamlets and villages was the Combined Action Program. This program, initiated, developed, and expanded by the Marine Corps, combined a squad of specially trained Marines with a platoon of local Vietnamese militiamen, or Popular Forces. Begun with just one such combined platoon in 1965, the program steadily expanded so that by June of 1970, some 2,000 Marines and 3,000 Popular Force and Regional Force (PF and RF) soldiers were participating. These combined action units conducted thousands of combat patrols and night ambushes and joined with territorial forces on numerous occasions for combined missions. In addition to providing security, this combined action program also helped upgrade the military proficiency of indigenous forces. As pacification of an area reached the level where local forces were able to maintain security, the Marine forces then moved to a new and unpacified village to renew the process. At the time when Marine forces began redeployment from Vietnam, more than 100 such platoons were in full operation.

An outgrowth of this highly successful program was the Combined Unit Pacification Program (CUPP), which was initiated in 1969 and was designed to extend the hamlet and village pacification effort along the populated littoral against NVA/VC counterpacification ploys. Conceptually, a Marine rifle company was employed with its headquarters colocated with the Vietnamese District Headquarters and each rifle platoon then assigned to operate with the Popular Force platoon. The first Marine unit deployed units to three hamlets; at the end of 1970, Marines were continuing CUPP participation in 22 hamlets throughout Quang Nam Province and providing security for more than 31,000 Vietnamese civilians.

Drawing on skills developed through the Combined Action Program and the Combined Unit Pacification Program, the territorial force units continued to increase in number and capability. As evidence that these Regional and Popular Force units have been effective in numerous independent combat operations and have been able to assume responsibility for their own population security is that fact that of the 3.1 million people living in the five northernmost provinces, more than 95 per cent now live in secure villages. In areas where an element of danger to the individual soldier and his family is still evident, this is significant—and reflects a commitment by the people to their country and its development.

Reestablishment and reconstruction of the Vietnamese social, economic, and political systems were considered by the Marine forces to be a prerequisite to final victory, so a broad-scale civic action program was directed toward this goal. This program encompassed a number of activities ranging from direct material assistance to villagers in the form of food and clothing to short and long-term projects in education, public works, agriculture, transportation, communications, and health and sanitation.

It was recognized early that one of the most critical deficiencies in Quang Tri Province was the lack of adequate medical facilities to serve the ever-increasing population. To help the people overcome this immediate need and provide a lasting tribute to Marines and Navy men who have been killed in combat while serving with the 3d Marine Division of the III MAF, plans for construction of the 3d Marine Division Memorial Children's Hospital were initiated at Dong Ha Combat Base. A portion of the U.S. Naval Company "D" Medical Facility at Dong Ha was converted to temporary use as a Children's Hospital and was officially dedicated on 1 September 1968. Another purpose the Children's Hospital served was the training of a Vietnamese staff for ultimate employment in the hospital, thus ensuring the training and experience required for continued operation of the new hospital by the Vietnamese.

Another significant example of the Marine Corps Civic Action Program in Vietnam is the Hoa Khanh Children's Hospital located near Danang. This modern 120-bed hospital started as a wood and tin first-aid station in 1965 in the hamlet of Hoa Khanh, as part of a Medical Civic Action Program (MED CAP) by U.S. Navy doctors and Corpsmen of the 1st Battalion, 3d Marines. When these Marines were deployed further north, the Force Logistics Command of III MAF took over responsibility for the expanding first-aid station. Eventually, to meet the growing demand, a much larger facility was constructed inside the Force Logistics Command compound northwest of Danang.

Vietnamese craftsmen were hired to construct a stone building under the supervision of Navy Seabees and Marine Corps Engineers. Assisted by voluntary contributions of $300,000 by Marines and Navymen and their friends in the U.S. and Vietnam, the hospital is now one of the largest medical facilities of its kind in Southeast Asia. The hospital is not only an institution for major surgery but also for the treatment of skin infections, tuberculosis, pneumonia, plague and other illness. It also provides training for some 70 Vietnamese nurses, aides, and technicians. In anticipation of the eventual phase-out of Marines from Vietnam, the hospital was transferred to the World Relief Commission (WRC) in June of 1969. This transfer ensured the continued smooth operation of the hospital and the continued training of indigenous aides until the Vietnamese can assume complete responsibility for its operations and functions.

The Marines also realized that providing support for the education of Vietnamese children would not only benefit them as individuals but would also enable them to contribute to the building of a viable nation. Through the III MAF Scholarship Fund, the General Lewis W. Walt Scholarship Fund, and numerous personal contributions of Marines and their families, over 136,000 children in I Corps were assisted in continuing their education. The U.S. Marine Corps Reserve/CARE Civic Action Fund provided school kits consisting of pens, pencils, copy books and Vietnamese arithmetic tables. This fund grew to $748,000 by 1971. The III MAF also aided in the construction of 251 schools and 171 churches, pogodas, and temples (also used by the Vietnamese in the education of their children).

A clear-cut indication of the progress made in education within I Corps can be gained by the fact that in 1955 there were only about 400,000 children in school in the entire country; by 1971, there were over 310,000 children in schools of all types in I Corps alone. Additionally, by 1971, there were 1,059 elementary schools and 126 secondary schools within I Corps.

In summary, as the Marine forces redeploy from Vietnam to contingency stations in the Western Pacific and to bases in the United States, they leave behind them a legacy for continued improvement by an independent people.

The continuing combat success of the Government of South Vietnam forces, the significant gains in pacification and rural development, and the great social improvements which have been made in South Vietnam are positive indications that the efforts of Marine forces have materially assisted the Vietnamese people to achieve security and tranquility. Marine Corps execution of the three-fold strategy has provided for such innovative Marine Corps concepts as the Combined Action and Civil Action Programs and Golden Fleece Operations. Marine combat operations against NVA and VC main force units were characterized by highly imaginative techniques which emphasized the increased mobility provided by the helicopter.

The vertical envelopment concept, developed by the Marine Corps, was refined and expanded in operations throughout I Corps. Marine units conducted bold, aggressive helicopterborne assaults, continuously supported by Marine attack aircraft and by establishment and sequential displacement of artillery fire support bases, to defeat enemy forces in the mountainous northern and western regions of I Corps.

Marine Corps heroism and gallantry has added new history to its illustrious past. Such names as Dewey Canyon, Khe Sanh, Union, Con Thien, and Hue stand proudly alongside those of other years—Belleau Woods, Guadalcanal, Iwo Jima, and Inchon. Marine Corps actions in South Vietnam, through more than six years of dedication and services to the people of this country and the people of South Vietnam, epitomize the motto of the Marine Corps—Semper Fidelis—Always Faithful.

The role of the Marine Corps of the future, like the Corps of the past, rests securely in the hands of Congress and in the hearts of the American public. If one asks what its objective will be in the years ahead, the answer could be reflected in the words of the Corps' 19th Commandant, General Clifton B. Cates:

"The Marine Corps has no ambition beyond the performance of duty to its country. Its sole honor stems from the recognition which cannot be denied to a Corps of men who have sought for themselves little more than a life of hardship and the most hazardous assignments in battle."

The Marine Corps departs South Vietnam with honor, leaving behind an enviable record of faithful service rendered with a high degree of professionalism and competency.

A true "Force in Readiness," the Marine Corps has established new standards for dedication and devotion to the ideals and objectives of this country.

AGE DISCRIMINATION LAW IS THWARTED

Mr. CHURCH. Mr. President, with unemployment reaching its highest level in approximately 9 years, older workers and their families have been particularly hard pressed.

Today nearly 1.1 million persons 45 and older have lost their jobs, 83 percent more than in January 1969. Nearly 404,000 unemployed persons in this age category have been searching for work for 15 weeks or longer. And 191,000 have been jobless for more than 6 months.

Mass layoffs, plant shutdowns, outmoded skills, and lack of training opportunities have added to the special employment problems of the so-called older worker. To compound his dilemma, there is still a widespread attitude in our society that the mature job applicant may not be as desirable as a young person.

This occurs in spite of the fact that a measure to outlaw age discrimination in employment was overwhelmingly approved by Congress nearly 4 years ago. Yet, most labor experts will candidly acknowledge today that job discrimination on the basis of age—whether covert or overt—still exists today.

During the last 3 years, the Senate Committee on Aging of which I am chairman, has sounded the alarm in its annual report about the deficiencies in the enforcement process and possible loopholes in the law. According to the most recent data, only 40 court suits have been prosecuted under the statute. The first age bias suit was filed late in 1969, and it is still pending. It is ironic that, during this period of employment problems, the very law intended to deal with age discrimination is being thwarted.

In the very near future, the Senate Committee on Aging will continue its study of "Unemployment Among Older Workers." During these hearings, we will explore a number of legislative proposals—including my Older Americans Community Service Employment Act and the Middle-Aged and Older Workers Employment Act—to help move unemployed persons off the jobless rolls to the pay rolls. Additionally, we shall seek out further solutions to protect older persons from age bias in employment.

An article in the Wall Street Journal of June 16, 1971, provides an excellent discussion about the inadequate enforcement of the age discrimination law.

Mr. President, I commend this article to my colleagues, and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Favoring the Young: Prohibition on Age Bias in Employment Proves Difficult To Enforce

(By Jim Hyatt)

Otto Ray says his problem began when he and his son Roger, then 24, applied for jobs at a Greenville, S.C., warehouse of Great Atlantic & Pacific Tea Co.

"The man at the warehouse said he could put Roger to work the next morning," Mr. Ray recalls. "But he said if he hired me, I wouldn't last two weeks" after personnel officials at A&P learned of his age- -56. So he wasn't hired.

Mr. Ray persisted, however, after a friend told him the U.S. Labor Department would go to bat for him over the issue of age discrimination. Indeed, after negotiations between A&P and department officials, Mr. Ray was hired at the warehouse in late 1969 and paid $1,599 in back wages.

About two weeks later, he found that getting a job is one thing; keeping it is another, A&P let him go, saying he wasn't qualified for medical and other reasons; the concern denied any age discrimination in the matter. Mr. Ray views it somewhat differently. "They fired me because they had to hire me," he insists. In mid-1970 the Labor Department sued A&P on Mr. Ray's behalf. Last March the matter was settled when the company, without admitting any legal wrongdoing, paid Mr. Ray another $500. Currently he is unemployed.

THE PROBLEMS OF ENFORCEMENT

Such mixed results are clearly less than what Congress had in mind when it banned age discrimination in employment in 1967. But four years later, Labor Department officials say enforcing the law is proving far more difficult than expected. They say many employers still aren't aware that it is illegal to refuse to hire, to promote or to lay off a worker because of his age. Moreover, some employers find ways to disguise deliberate discriminations. "Employers for the large part still consider age in their decision on hiring new people," asserts an official of the Michigan Civil Rights Commission.

Layoffs and the soft economy have aggravated the problems of older workers, and the law banning age bias doesn't appear to promise any widespread relief soon, critics say. Some observers even question whether the law has any value. "Enforcing the age-discrimination clause is almost hopeless," says George G. Klein, a director of the Forty Plus Club of New York, which helps find jobs for older executives. "An employer can legally use the color of your necktie" as an excuse against hiring, he says.

Although 27 states have some form of age-discrimination law, few of these are actively enforced. The Labor Department says that in Ohio, Texas, Montana and Indiana, age-statutes don't even provide for penalties. Some officials question the effectiveness of the national law, too. "It has prevented some people from being laid off," one federal attorney says, "but it isn't having the effect that Congress hoped for."

PHYSICAL FITNESS

Unemployment for older workers is unquestionably a serious problem these days. The number of persons over 45 out of work has almost doubled in the past year. "Anyone over 50 is really in trouble today," says Walter Mason, owner of a Cleveland employment agency. "Some people still feel you have to be 22 and fit to fight in Madison Square Garden to carry a sample case," adds Tom White, vice president of industrial relations and personnel for Bristol Myers Co., New York.

Because of continued high unemployment, federal officials say the number of age-bias complaints increased 30% in the year ended last June 30 and is rising steadily. New York State's Human Rights Division had a record number of age-bias complaints in fiscal 1970.

Filing a complaint, of course, doesn't automatically solve the worker's problem. Proving age discrimination is difficult; the case often turns into a "swearing match" between the worker and his boss, one attorney says. So officials must try to find a general pattern of discrimination at specific firms or in given industries to bolster their case. For example, investigators have found firms imposing physical examinations on all workers over 40, without a similar requirement for younger workers.

Faced with situations in which the facts are often hard to prove, the Labor Department has moved slowly in bringing age-bias cases to court. Only a few cases have been decided, and those haven't produced a high batting average for plaintiffs. The government didn't file its first age-bias case until late 1969, and that matter is still pending.

AGE AS A SAFETY FACTOR?

This lawsuit alleges that Greyhound Lines Inc., the bus-transportation subsidiary of Greyhound Corp., has refused to hire "many individuals" between 40 and 65 because of their age. Greyhound defends its policy of requiring that new drivers be at least 24 but no more than 35, "for reasons of safety."

Older workers are also finding that their age-discrimination cases take a long time to resolve and often involve a less than satisfactory settlement. Consider the problem of Robert L. Brown, a 48-year-old Orlando, Fla., television newscaster until he was fired in January 1969. Mr. Brown says that when he asked for an explanation, he was told the station wanted to create a more youthful image.

Last October, on his behalf, the Labor Department sued the station owner, Cowles Florida Broadcasting Inc., a subsidiary of Cowles Communications Inc., seeking Mr. Brown's reinstatement and back pay. Now, however, Mr. Brown says he settled the case for $2,000 because he needed the money. "It's just a spit in the bucket," he says, "but time is working against me. When you need it, you need it." He says he has gone into personal bankruptcy and lost his home. Currently, he does charter flying and broadcasts traffic reports on a radio station.

In replying to the lawsuit, the station denied it had violated the age-discrimination law. In talks with the Labor Department, station officials asserted they let Mr. Brown go because his on-the-air performance was deteriorating and he wasn't qualified for other jobs.

Although the federal age-bias law also permits workers to file their own private lawsuits, results there, too, have been less than earth-shattering from the individuals' point of view.

Even the federal government gets involved in age-discrimination matters for its own employes. Earlier this year the U.S. Civil Service Commission and the Justice Department asked Congress for authority to permit the agencies to administratively establish maximum age limits for hiring workers in certain jobs when a limit is a "bona fide occupational qualification." At present federal exceptions to the age-bias ban require special acts of Congress. Attorney General John Mitchell has suggested that maximum age limits might apply to such jobs as border patrol agents and criminal investigators for the Bureau of Narcotics and Dangerous Drugs.

Some people say they even have a hard time finding an attorney to take an age-discrimination suit. ("If a potential client walked in the door tomorrow, I'd probably turn him down," concedes an attorney who is handling one such case. "The law isn't too much use to us at this point." He says an employer can use "too many other reasons" to get rid of older workers.)

Although the federal and private lawsuits have produced no landmark decisions in favor of older workers, Labor Department officials insist some progress has been made. The age-bias law requires that the department conduct behind-the-scenes talks with the worker and the employer before going to court. Often that method solves the problem. The department cites these examples:

—A California water company turned down a 62-year-old man for a meter-reader's job but finally agreed to drop its age limit of 50 on the job, and paid the man $988 in back wages. He wasn't hired, however, because he had obtained other employment in the meantime.

—A chain store, despite an age limit of 55, agreed to hire a 59-year-old couple to manage one of its outlets and paid more than $2,800 in back wages. The older couple's resume, the company agreed, was as "fully impressive as those submitted by other applicants."

—At one supermarket three snack-bar employes aged 62, 55, and 50 were discharged because the boss wanted to hire "young chicks" to improve business. Eventually, the three workers were reinstated and paid a total of $4,317 in back wages.

Moreover, some age barriers have been dropped through informal contacts between the Labor Department and employers, advertisers and employment agencies. In reporting to Congress in January, Labor Secretary James D. Hodgson said "some potentially discriminatory bars to employment because of age were eliminated from over 500,000 jobs" during the year ended last June 30.

Companies, too, say they have changed some policies, partly as a result of the federal law. Mr. White of Bristol Myers says his company doesn't ask applicants for their age in job interviews. "Nobody asks for age any more," insists Frank Plasha, president of the American Society for Personnel Administration. "You inhibit the individual from really putting the best foot forward."

One personnel man, however, confides that when his company removed the date of birth space on its job forms, he started looking at the high school graduation date to figure out approximate age. One corporate attorney says "every employer wonders what's going to happen if he lays off a man between the ages of 40 and 65. You've got to be damn careful or somebody's going to haul you on the mat."

DR. GEORGE S. LANGFORD RETIRES

Mr. MATHIAS. Mr. President, for the past 14 years, Dr. George Langford has been an outstanding leader in this Nation's battle to preserve and improve our environment. As State entomologist for the Maryland Board of Agriculture, Dr. Langford has had a career of quiet yet truly distinguished accomplishment, and his work during over 40 years of public service has brought him international acclaim.

Dr. Langford is now returning to private life, to be succeeded in his post by another very able man, Dr. Robert Altman. On behalf of the citizens of Maryland, and indeed of people everywhere concerned about the preservation of our environmental heritage, I would like to offer the very deepest of thanks to Dr. Langford as he retires, and my best wishes to Dr. Altman as he assumes the important duties which his predecessor has discharged so well. I ask unanimous consent to insert into the RECORD at this point the following article from the Maryland State Board of Agriculture's Agricultural Review, detailing some of the highlights of Dr. Langford's long and productive career.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. LANGFORD RETIRES AS STATE ENTOMOLOGIST

Every Marylander who has dug a garden, planted a tree, cultivated a rose, decorated a Christmas tree, or produced a crop is indebted in some measure to a quiet, modest State Board of Agriculture (SBA) scientist who is retiring this month after 42 years of public service in Maryland.

Long before it became so popular and pressing, Dr. George S. Langford was on the firing line of the battle to protect and preserve our environment.

State Entomologist since 1957, Dr. Langford early in his career directed the biological control program that eliminated the Japanese beetle as a major pest in Maryland.

An outstanding example of the use of an insect disease (milky spore)—rather than chemicals—to control insects, the Japanese beetle control program brought national and international recognition to Maryland and Dr. Langford.

Also, living has been made a little more pleasant in many places—and possible in some—through the State's Mosquito Control Program which, under Dr. Langford's direction, has grown to include more than 1,100 Maryland communities in a cooperative war on the disease-carrying insects.

Named by Governor Agnew in 1967 to a commission to study the need for control of pesticide use, Dr. Langford played an important role in shaping Maryland's new Pesticide Applicators Control Law.

"Dr. George Langford's leadership, his work and many contributions will have a continuing impact on the well being and welfare of his fellow men, the State and the Nation for a long time to come," Director of SBA Programs Dr. Charles P. Ellington said.

POPULAR SUPPORT IN MASSACHUSETTS FOR COMPREHENSIVE NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, the debate over national health insurance continues to increase in its proportions. One of the important areas of discussion is concerned with whether the Federal Government should administer the program, or whether private insurance companies should continue to retain the responsibility for the program. Too often, the needs and opinions of the people involved in the issue are not duly considered.

A recent poll, conducted by the Becker Research Corp. in Boston for the Boston Globe, indicates that 64 percent of the population in Massachusetts favors the position that the Federal Government should "take over the responsibility of providing medical care for all those who want it." Only 30 percent oppose the Federal Government's administering the program. Indeed, a majority of the people in each of the income groups sampled in the poll were in favor of the Federal Government's administering a national health program.

I believe that the Massachusetts poll is an important indication of popular support for a Federal health care program. In fact, as the poll indicates, there is broad support for a complete Federal takeover of the health system in the Nation. Thus, the people are willing to go far beyond any steps proposed in any pending legislation, and far beyond what many other Senators and I have proposed in the Health Security Act.

I believe this poll will be of interest to all of us concerned with public attitudes on the health care issue, and I ask unanimous consent that the Massachusetts poll be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

MASSACHUSETTS POLL: BAY STATERS PREFER UNITED STATES MEDICAL PAYMENT

People in Massachusetts, by better than 2 to 1, favor the Federal government's furnishing medical care, according to the Massachusetts Poll, conducted for The Globe by the Becker Research Corp. of Boston.

The poll shows 64 percent for and 30 percent against changing the present system of medical care so that the Federal government would take over.

Opinion tends to divide along partisan lines. Seven Democrats and independents in 10 support the idea, while Republicans are divided, with 46 percent in favor and 49 percent opposed. There also seems to be less receptivity to the proposal among the more affluent than among the lower-income groups.

A Boston carpenter said: "In most European countries it's a success."

A Boston truck driver remarked: "The British use it and have seemed to be successful."

A barber said: "The Federal government should move in on the hospitals, otherwise leave medical care alone; $110 for a hospital bed is too much."

A Chelsea businessman called it "too much socialism, too high cost."

A factory worker from Allston said: "The government shouldn't delve into those things."

A production manager from Dorchester, unemployed, said: "You start to get into socialized medicine."

The poll was taken by telephone between Feb. 5 and Feb. 12 among 1000 Massachusetts residents 18 years or older.

The poll results:

QUESTION PEOPLE WERE ASKED

"Some people have proposed changing the present system of medical care in this country so that the Federal government would take over the responsibility of providing medical care for all those who want it. Would you favor or oppose this change?"

	Percent			
	Favor	Oppose	No opinion	Base
Total Massachusetts public	64	30	6	(1,000)
Area of State:				
City of Boston	65	26	9	(506)
Boston suburbs[1]	63	32	5	(296)
Rest of State	64	29	7	(198)
Political party:				
Democrats	70	23	7	(551)
Republicans	46	49	5	(223)
Independents	67	27	6	(181)
Sex:				
Men	64	31	5	(499)
Women	63	30	7	(501)
Income:				
Under $5,000	68	24	8	(184)
$5,000 to $7,499	71	17	12	(142)
$7,500 to $9,999	72	22	6	(192)
$10,000 to $14,999	64	32	4	(227)
$15,000 and over	52	45	3	(146)

[1] Counties of Essex, Middlesex, Norfolk, Plymouth, and Suffolk, excluding Boston.

AIR LINKS FOR THE NATION'S CAPITAL

Mr. GRIFFIN. Mr. President, today marks the 30th anniversary of Washington National Airport, the country's outstanding example of a major airport conveniently located for the community it serves.

This convenience of location is extremely important. Washington National is the principal air gateway for the Nation's Capital. The gateway is now used by about 9½ million people annually. Whether they come here to visit historic shrines, to conduct business with the executive branch or to express their views to their elected representatives, they all benefit from the airport's close-in location.

The fact that Washington National is but a few minutes away from the Capitol Building saves time for the thousands who come here each year to testify on important matters. It also saves time for many Members of Congress.

Government, of course, is the principal occupation of this area. But ranking next is tourism. In the Nation's Capital tourism is—next to Government—the single biggest source of income.

In 1970, 17½ million visitors came to the District of Columbia. There were 680 conventions here last year. Of the delegates to these conventions, about 300,000 came here by air. They spent an estimated $55 million, including more than $22 million on hotel rooms, more than $15 million on restaurant meals, about $2.8 million on local transportation and more than a million dollars on sightseeing tours.

A heavily used airport such as Washington National requires continuing efforts to insure that facilities are adequate. The airlines serving Washington National have made such an effort. Since 1967, they have invested more than $15 million there to increase terminal capacity by some 60 percent. Public parking space has been increased by 37 percent.

The Washington Metropolitan area is fortunate in having a well balanced airport system. The primary role of Washington National is to provide short-range and medium-range air transportation. More than half of the operations there involve cities within 300 miles of Washington and more than three-fourths of the flights serve cities within a radius of 500 miles.

Dulles International is ideal as a gateway for long-range air travel, including transcontinental flights. In addition, Dulles is handling an increasing number of international flights.

Friendship airport serves the entire State of Maryland, including Washington's Maryland suburbs.

Over the years, air travel to and from the Washington area is likely to increase substantially. Most of this increase will be handled by Dulles and Friendship. Yet, Washington National should remain an important gateway for the quick, short air trip.

The airport's 30th anniversary should remind us of the importance of air links for the Nation's Capital and the importance of adequate airport facilities here.

USE OF WASHINGTON NATIONAL AND DULLES INTERNATIONAL AIRPORTS

Mr. SPONG. Mr. President, the Federal Aviation Administration's April traffic report reflects a continuing upward trend in the use of National Airport with a corresponding decline in business at Dulles.

Domestic air carrier operations at National in April were up 11.1 percent over the same month a year ago and up 2.5 percent for the year to date. Similar air carrier operations at Dulles were up by 3.6 percent in April but down by 4.9 percent for the year.

The passenger figures for the month and year to date are in even sharper contrast. In April, National Airport registered an 18-percent increase over the same month a year ago and a 5.3-percent increase for the year to date. The number of domestic airline passengers using Dulles was down by 3.4 percent in April and 12.5 percent for the year.

Mr. President, the FAA cites the end of the National Airlines strike of last year as one factor in the increase at National this year. That strike, which lasted from February 1, to April 27, 1970, may have had some impact on the airport's business last year and thus would make this year's traffic appear to be growing much faster than it is, but I doubt that it was as significant as the FAA makes it out to be.

In normal circumstances, National Airlines accounts for approximately 9 to 10 percent of the airport's business. During the strike, National Airlines continued to account for 5.3 percent of Washington National's traffic, and it is almost certain that the other carriers absorbed most of the remaining business through higher load factors in overlapping routes.

Mr. President, whether these traffic figures are directly related to the introduction of stretch jets at National Airport as I am convinced they are, or whether they are the result of other factors as well, one thing is clear: National Airport is rapidly expanding its traffic at the expense of Dulles Airport. The FAA continues to disregard its responsibilities to the people of this area and to the American taxpayers, and I believe it is time that its promotion of the airlines' interest to the exclusion of all else was brought to an end.

Mr. President, I ask unanimous consent that at this point in my remarks there be printed in the RECORD the FAA's April traffic report together with a cover letter from the Department of Transportation and my letter of reply.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, D.C.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: Attached is the activity sheet you requested from the Federal Aviation Administration on Washington National and Dulles Airports.

For your information, the rather marked increase shown by Washington National Airport is due to the fact that in April of 1970, National Airlines was on strike. This strike ended in May, therefore, when comparing this year's activity with that of last year, the percent of increase does not reflect a true comparison of the actual usage which would normally occur.

Sincerely,

LAURENCE J. BURTON,
Director, Office of Congressional Relations.

FEDERAL AVIATION ADMINISTRATION—NATIONAL CAPITAL AIRPORTS

WASHINGTON NATIONAL AIRPORT ACTIVITY[1]

	April		Year-to-date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	18,665	+11.1	71,092	+2.5
General aviation	9,677	+4.7	32,631	−10.3
Military	118	−41.9	558	−35.7
Total operations	28,460	+8.4	104,281	−2.2
Passengers:				
Domestic airlines	930,919	+18.0	3,130,145	+3.5
International airlines				
Total airlines	930,919	+18.0	3,130,145	+3.5
All others[2]	44,128	+43.1	146,406	+23.1
Total passengers	975,047	+19.0	3,276,551	+4.2

	April		Year-to-date	
	1971	Percent change from 1970	1971	Percent change from 1970
Cargo (thousand pounds):[3]				
Air mail:				
Domestic	3,168	+20.1	12,552	+23.3
International				
Total air mail	3,168	+20.1	12,552	+23.3
1st-class mail	2,886	−19.9	11,108	−21.7
Freight:				
Domestic	6,207	−15.8	23,914	−3.8
International				
Total freight	6,207	−15.8	23,914	−3.8
Express	1,303	−40.4	7,317	+2.2
Total cargo	13,564	−14.2	54,891	−2.6

DULLES INTERNATIONAL AIRPORT ACTIVITY

	April		Year-to-date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	5,124	+3.6	19,890	−4.9
General aviation	7,940	−1.1	25,617	−13.2
Military	4,818	+74.7	17,912	+59.8
Total operations	17,882	+13.6	63,419	+2.9
Passengers:				
Domestic airlines	146,441	−3.4	498,678	−12.5
International airlines	26,670	+23.3	83,607	+9.3
Total airlines	173,111	−.9	582,285	−9.9
All others[2]	17,084	+11.8	60,232	+8.9
Total passengers	190,195	+.9	642,517	−8.4

	April		Year-to-date	
	1971	Percent change from 1970	1971	Percent change from 1970
Cargo (thousand pounds):[3]				
Air mail:				
Domestic	1,098	−2.8	4,143	−9.8
International	290	+42.2	1,579	+133.6
Total air mail	1,388	+4.0	5,722	+8.6
1st-class mail	957	−30.1	4,205	−17.8
Freight:				
Domestic	1,783	−14.5	7,036	−1.5
International	1,492	+3.3	5,325	+13.0
Total freight	3,275	−7.3	12,361	+4.3
Express	120	−55.6	485	−25.9
Total cargo	5,740	−11.8	22,773	−.5

TOTAL WASHINGTON AIRPORTS ACTIVITY[1]

	April		Year-to-date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	23,789	+9.4	90,982	+0.8
General aviation	17,617	+2.0	58,248	−11.6
Military	4,936	+66.7	18,470	+52.9
Total operations	46,342	+10.4	167,700	−.3
Passengers:				
Domestic airlines	1,077,360	+14.6	3,628,823	+1.0
International airlines	26,670	+23.3	83,607	+9.3
Total airlines	1,104,030	+14.8	3,712,430	+1.1
All others[2]	61,212	+32.7	206,638	+18.6
Total passengers	1,165,242	+15.6	3,919,068	+1.9

	April		Year-to-date	
	1971	Percent change from 1970	1971	Percent change from 1970
Cargo (thousand pounds):[3]				
Air Mail:				
Domestic	4,266	+13.2	16,695	+13.0
International	290	+42.2	1,579	+133.6
Total air mail	4,556	+14.7	18,274	+18.3
First-class mail	3,843	−22.7	15,313	−20.7
Freight:				
Domestic	7,990	−15.5	30,950	−3.3
International	1,492	+3.3	5,325	+13.0
Total freight	9,482	−13.1	36,275	−1.2
Express	1,423	−42.1	7,802	−.1
Total cargo	19,304	−13.5	77,664	−2.0

[1] Total of inbound and outbound traffic.

[2] General aviation and military.

[3] Partially estimated.

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., June 14, 1971.

Mr. LAURENCE J. BURTON,
Office of Congressional Relations, Department of Transportation, Washington, D.C.

DEAR MR. BURTON: Thank you for sending my office the monthly report on traffic at Washington National and Dulles Airports.

I have noted your reference to the National Airlines strike and it may be a factor in the tremendous increase in National Airports business. However, it is far from explaining the whole 18 percent growth in domestic airline passengers or the 11.1 percent increase in air carrier operations. And it does nothing to shed light on the 12.5 percent decline in domestic passengers at Dulles.

In fact, the National Airlines strike ended on April 27th and not in May. The work stoppage did not totally shutdown the airline's operations, but merely reduced them from the normal 10 percent of the airport's traffic to about 5.3 percent. In any event, it is almost certain that the other air carriers picked up the slack through much higher load factors over the same general routes than they otherwise would have had.

I am curious as to how it is that the FAA places so much emphasis on the National Airline strike now when it was not even mentioned as a factor in the FAA stretch jet evaluation last winter. In that report much was made of the fact that National Airport traffic had declined during the study period by 5.3 percent. Had the loss of traffic on National Airlines (which was struck at that time) been taken into account, National Airport would have been shown about even with 1969 figures, notwithstanding the economic recession. This all seems to me a very selective use of the facts.

Sincerely,

WILLIAM B. SPONG, Jr.

SUBSIDY FOR LOCKHEED

Mr. MANSFIELD. Mr. President, in the weeks ahead, the question of the appropriations of a Government subsidy for Lockheed Aircraft Corp. will confront every Member of the Senate. I have concluded that such a subsidy cannot be justified. I believe, however, that every bit of information on this corporation and its history can benefit the Senate. A most excellent story, written by H. L. Schwartz III, of the Associated Press and presenting the historical background of Lockheed Aircraft Corp., should benefit the Senate in its deliberations.

I ask unanimous consent that this article by H. L. Schwartz III, of the Associated Press, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The News & Observer, June 13, 1971]

LOCKHEED STRUGGLES TO STAY IN THE "BLUE SKY"

(By H. L. Schwartz III)

BURBANK, CALIF.—When A. Karl Kotchian first walked into a Lockheed Aircraft Corp. plant three decades ago "it was the busiest place I ever saw."

"All the lights were blazing," recalls the tall, white-haired ex-accountant, now the company's president. "Papers were scattered everywhere, even on the floor."

The year was 1941 and although the United States was not yet at war, Lockheed already was churning out the first of 19,000 military aircraft, including the famed P38 Lightning, only U.S. fighter to serve throughout World War II.

The lights still burn all night at Lockheed's biege-colored Burbank headquarters, but for a different reason.

Now Kotchian, Board Chairman Daniel J. Haughton and others in a much-criticized management are trying with help from the Nixon administration to save Lockheed, the nation's 33rd largest corporation, from collapsing into bankruptcy.

Haughton, most visible symbol of the company as he zips about the country in his 10-seat Jetstar, is optimistic. "There's blue sky up there," said the 59-year-old executive in an interview.

FEDERAL LOAN

Haughton insists that Lockheed can reach that blue sky only if Congress approves President Nixon's proposal for $250 million in federal loan guarantees. That, he said, would tide over the company until it can make first deliveries next spring on the Tristar, its whaleshaped, 400-passenger L1011 airbus.

But as hearings began last week in the Senate Banking Committee, the outlook appeared no better than 50–50 that Congress would come to the aid of the company.

Less than five years ago Lockheed Aircraft Corp., was earning money hand over fist, nearly all of it in government work.

LEADING CONTRACTOR

For nine of the past 10 years Lockheed has been the nation's leading defense contractor. It still is. But from record earnings of $58.9 million 1966 it has plunged to losses of $32.6 million in 1969 and $86.3 million last year.

Anxious to cut back its share of an increasingly depressed defense market, Lockheed is desperate to get back into commercial work, a field it abandoned in 1960 after disastrous losses on the Electra Turboprop.

The immediate cause of the company's new troubles was the bankruptcy Feb. 4 of Rolls Royce Ltd., which is making the jet engines for the TriStar.

The Rolls collapse has delayed scheduled delivery of the first 27 Tristars for which Lockheed this fall would have received final payments of $10 million apiece.

Already reeling from $484 million in losses on four government contracts, Lockheed is in debt to a consortium of 24 banks which refuse to lend another cent unless the government guarantees they'll get it back.

If the company goes under, says an industry source, it may simply be a case of "live by the sword, die by the sword."

SPORTY COURSE

Steeped in a tradition of fierce competition and supersalesmanship—there is one reported incident where customers physically barred their doors—Lockheed has made enemies among rivals in a hotly competitive business once described by Northrop Chairman Tom Jones as a "sporty course to run."

Among other things, Lockheed has been accused, in Congress and elsewhere, of deliberately underbidding competitors for government business, particularly on the C–5A, one of the four contracts which went sour. Haughton and other Lockheed executives flatly deny it.

So far, Aerojet General of California is the only competitor to openly oppose the loan guarantee, but two executives of Lockheed's biggest rival in the commercial field, McDonnell-Douglas, have written "private citizen" letters from their homes to congressional committees opposing the Nixon proposal. They, like Aerojet General, contend the government shouldn't bail out any private business.

Lockheed's tradition of derring-do goes back to 1913 when two barnstorming brothers, Allan and Malcolm Loughead (pronounced Lockheed) built a seaplane and flew it over San Francisco Bay at 60 miles per hour.

EARLY PLANES

In 1916 they founded a company that was to build some of the most famous airplanes of all time.

Before going bankrupt in the Depression the Lougheads produced the Winnie Mae, a single engine Vega in which one-eyed Wiley Post circled the globe. Amelia Earhart set a nonstop cross-country record for women in another Vega. Anne Morrow Lindbergh flew another model Lockheed across the Bering Strait to Tokyo.

In 1932, Robert E. Gross, a Harvard-educated Boston socialite, and six associates paid $40,000 for bankrupt Lockheed. "I hope you know what you're doing," said the judge who approved the sale.

For awhile it looked like Gross didn't. In the first six months Lockheed sold only $23,000 in spare parts. Then Gross conceived the plane he would fly to riches.

It was the Electra 10, a twin-engine, all-metal, 10-passenger craft with the highest proficiency and lowest price, $36,000, of any comparable airplane of its time.

WAR'S IMPETUS

With order backlogs soaring from $535,000 in 1935 to $6.1 million in 1938, the stage was set for World War II to turn a going concern into a giant.

In 1938 Lockheed won a $21 million order to build needed bombers for embattled Britain.

The plane was the rugged Hudson. Since the United States was not at war, the U.S. Neutrality Act forbade either U.S. or British citizens from ferrying the bombers from American soil.

At the suggestion of Courtlandt Gross, who had come west to join his elder brother in the Lockheed executive suite, the company bought a North Dakota wheat farm on the Canadian border. Hudsons were flown to the farm, hitched to horses and drawn across the border. Canadians unhitched them. British pilots flew them home.

During the war Lockheed's 93,000 employes—there were 64 when Gross went into business—turned out P38s at the rate of 15 a day along with Hudsons, Venturas, Harpoons, Lodestars, Boeing-designed B17 flying fortresses and the Constellation, a four-engine airliner which would dominate commercial air travel into the 60s. Near the end of the war, it began building the F80 Shooting Star, first operational U.S. jet fighter.

WEAPONS CONTRACTS

With its background in military hardware and a reputation for excellence, Lockheed won an ever increasing share of weapons contracts.

In 1954, it developed the F104 Starfighter, and peddled it so aggressively around the world that two West German politicians claimed they had to physically bar their doors to Lockheed salesmen.

Although 11 NATO nations appear well pleased with the plane, and 2,496 have been built abroad, there were severe troubles adapting it to German demands. The planes crashed so often that many German pilots refused to fly them.

Still "the missile with a man in it" set world records for speed, altitude and time-to-climb, and exports of the plane accounted for $1.4 billion of the nation's 1965 trade surplus.

Lockheed, however, sold only 297 of the F104s directly to the U.S. Air Force. In a dramatic example of the hazards of defense work, the Air Force insisted it needed the plane, then changed its tactical concepts.

PROFITABLE PRODUCTS

Lockheed, nevertheless, continued to churn out profitable products; the Polaris missile, the C130 Hercules transport, the U2 spy plane and its successor, the SR71, and the Agena rocket.

In 1959, even as Lockheed was getting ever more involved in defense work that soon would represent 90 per cent of its business, then President Courtlandt Gross already was talking about commercial supersonic transports and a wide-bodied air-bus.

"The supersonic airliner is definitely coming," said an internal 1960 Lockheed memo. "It is going to be a remarkable boon to air travel and the passengers will love it."

Lockheed bid for the SST contract, believing the billion-dollar federal plum would open the way to $20 billion in commercial sales. It lost to Boeing in what turned out to be an astounding piece of luck, even if it did prove Lockheed forecasts wrong. Congress killed the program this year after spending $800 million.

In bidding on the SST, Lockheed was already trying to overcome the results of a decision that had written it out of the commercial market.

SMALLER PLANE

In 1954, Lockheed marketing analysts decided the era of full jet airliners was a long way off. So while Boeing was planning to build the 707, Lockheed opted for a smaller plane powered by a turbo-prop to hang onto the airline business it had won with the Constellation.

The success of Boeing's 707 and the similar Douglas DC8 is part of aviation history now. So is the story of the Electra Turboprop which began to come apart in the skies in 1959.

The plane's defects were corrected at a cost of $25 million, and while the craft is in service around the world today, in 1959 Lockheed sold only 176 civilian copies instead of a projected 400 and eventually wound up writing off $250 million.

With the 1959 Electra disaster, plus $31 million in losses on its executive Jetstar, Lockheed went $43 million into the red in 1960, and retreated almost entirely into defense work.

It proved to be a bad time for the plunge.

While there had always been large risks in developing and producing weapons that could become obsolete overnight, the government had traditionally assumed much of the cost overruns.

PENTAGON CHANGES

The risks, however, began to increase dramatically as the Pentagon, under fire from critics of defense spending, began to seek fewer but more complex weapons systems under revamped contracting procedures that shifted more of the risk to the contractors.

Lockheed pulled out all stops for new business, enhancing its reputation for purposely underbidding—called "buying in"—and for reaching too far in promising technological results.

Most notable examples of this are the C5 Galaxy, the Cheyenne helicopter and the motor for the Short Range Attack Missile, a nuclear-tipped air-to-ground weapon. Inflation, unforeseen technical difficulties and the tightest military contracts ever awarded proved too much. On Feb. 1 this year Haughton reluctantly signed an agreement with the Pentagon accepting $484 million in losses on these programs, plus some Navy shipbuilding contracts.

About $200 million of this loss was incurred on the C5, designed to airlift huge amounts of military cargo to trouble spots anywhere in the world.

WINS CONTRACT

In the fierce bidding, Lockheed won the contract to build 115 planes for $1.9 billion—$400 million below Boeing and $100 million under Douglas, later forced to merge with McDonnell.

"You have heard statements raising the question of whether Lockheed 'bought in' on the C5 program with a knowingly low bid," Haughton told the House Armed Services Committee on June 17, 1969. "The simple answer is that we did not buy in."

Nevertheless, within two months of the final contract signing in 1966 the C5 began experiencing cost overruns which, according to an Air Force cost analyst, would total $2 billion. Instead of 115 planes, the Air Force decided to buy only 81.

In testimony, news conferences and interviews Haughton repeatedly has said Lockheed did not anticipate this inflation caused by escalation of the Vietnam war.

He and other Lockheed executives admit to other miscalculations but say the most important was their belief the government would honor its contracts instead of cutting back on the C5 and cancelling the Cheyenne helicopter.

OVERREACHING SEEN

"If you're asking where our troubles began," said Haughton, who became chairman in 1967, "they began with us doing a new type of contracting and to be sure we were a party and we are responsible. But there's another side of it and they were responsible, too."

While the C5 is cited as the prime example of underbidding, the Cheyenne helicopter, which the Pentagon cancelled for default, and the SRAM motor, on which Lockheed has been forced to take a $30 million loss, are pointed to as examples of overreaching.

"Look," Haughton told an interviewer, "We've had development difficulties in this business since we started and the only thing that's going to keep you from having development difficulties is to (1) not reach far enough and (2) take the development so slow you may not get what you want in time."

Despite its massive difficulties, Lockheed executives predict the company can regain its health by selling at least 409 TriStars even though it has only 178 orders so far, needs 220 to break even and air travel is way off industry predictions.

TRISTAR ORDERS

In 1968, Lockheed announced the first orders for TriStar, designed to carry 400 passengers on flights too short to be economical for the giant Boeing 747.

The announcement, a month before McDonnell-Douglas announced first orders for its competing DC10, created a sensation. Lockheed stock jumped 20 points.

With long experience in the commercial field, however, McDonnell-Douglas caught up fast in orders for the $15-million planes and now has 50 more than Lockheed with first deliveries scheduled next month.

McDonnell-Douglas is using General Electric engines while Lockheed, in opting for Rolls Royce, may itself have become a victim of supersalesmanship.

The British maker of luxury cars, pursuing what one Rolls executive has called a "constant and unwavering ambition" to put a major engine in a major U.S. commercial plane, won the $2.6-billion Lockheed contract after a frantic price-cutting war with GE, offering to sell three engines at $840,000 apiece. They are now expected to cost $1.1 million.

MADE MISTAKES

"I wouldn't tell you we hadn't made any mistakes, you know," Haughton said, "Somebody could accuse me of making a mistake in selecting the Rolls engines. We don't think we made a mistake. We think the engine clearly won the competition."

Lockheed also may suffer from its long absence from commercial aviation.

The company sank $55 million into a gleaming new assembly line at Palmdale, Calif., where it has turned out three machines that fly, two that are being ground tested, and bits and pieces of 12 other aircraft.

McDonnell-Douglas, using parts shipped in from plants as far away as Montreal and St. Louis, has completed six planes at Long Beach, Calif., where it has been building DC8s and DC9s for more than a decade. Thirty-five other planes are in various stages of construction.

With all its troubles and admitted errors in past predictions, Haughton was asked what made him think Lockheed projections for the future would prove any more accurate.

"I think we're smarter than we were," he said. "I sure hope so."

HEARING ON PRESIDENT'S ENERGY MESSAGE

Mr. JACKSON. Mr. President, earlier today the Senate Interior and Insular Affairs Committee held its initial hearing on the establishment of a National Fuels and Energy Policy. The senior Senator from West Virginia (Mr. RANDOLPH) serves as an ex officio member of the Interior Committee for purposes of this study. At this morning's hearing he presented a statement on the President's energy message which is of general interest. Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR RANDOLPH

Mr. Chairman, in response to your invitation, I express appreciation for this opportunity to participate in this highly significant hearing on a subject which merits the high priority which you and your colleagues of the Interior and Insular Affairs Committee have established. In fact, the Senate, by adopting Senate Resolution 45 which you, Mr. Chairman, and the Senator now speaking co-sponsored, gave your Committee the authority to prescribe the priority on which you are moving into consideration of a national fuels and energy policy.

I believe you have acted wisely and with appropriateness by not moving formally into the study authorized by S. Res. 45 until after the President of the United States had delivered his "Clean Energy" Message to the Congress. And I think you are equally wise and appropriate in now convening your Committee to begin the national fuels and energy policy study by holding this hearing on that message by the President.

It is my request that I be permitted to comment briefly on the message and then be allowed to expand my views in a lengthier statement for insertion in the record of the hearing following these verbal comments.

Mr. Chairman, it is my opinion that, with a few exceptions, the President's energy message stresses the pursuit of a series of programs on the hypothesis that a valid national fuels and energy policy already exists.

But there is not such a national fuels and energy policy—at least not a coherent, synchronized policy—and the Presidential message did not include several important topics which, it seems to me, should be considered in the development of such a policy. I expand on these assertions in the additional comments which I will not take time to express verbally, but which I offer for the record.

Primary among the deficiencies to which I alluded is the matter of the relationship between energy demand and national productivity. For the past several years, the annual energy consumption in the United States has grown at a faster pace than the annual level of productivity. Hence, increases in productivity require increasing amounts of energy. If demand is related to productivity, this situation makes it almost impossible to forecast energy requirements—even for the very near future.

While economic growth is obviously necessary, the ability to meet energy demands—especially demand for electric power—is becoming increasingly difficult. The use of energy throughout the American economy must be evaluated more precisely so that the trend toward economically inefficient use of energy can be reversed.

The lack of correlation between energy consumption and productivity in the past couple of years indicates that it might be not only possible but desirable to decrease energy consumption without adversely affecting productivity. If, on the other hand, an increasingly larger share of energy is being used for personal convenience, rather than for increasing the standard of living, then this use must be recognized so that necessary goals are not compromised by a lack of energy.

I believe, too, that we must consider how much of our national fuels demand should be supplied from foreign sources, both on a regional basis and on a national basis. While it is desirable to supply energy at the lowest environmental quality requirements, it can be potentially harmful, in my opinion, to develop an unbalanced dependence on foreign fuels.

An example is the trend toward more and more reliance on foreign residual oil for electric power plants on the East Coast. Severe problems might be created for the future by this increasing dependence on foreign sources, considering the vagaries of producer-country policies and the decreasing yield of residual oil from domestic refineries.

More and more of the national generating capacity is moving in this direction. It is possible that imports from Canada would relieve our fuel supply problems only on a very short term basis.

In this connection, I feel it would be appropriate to examine the desirability of, or need for, a power grid covering the entire North America continent.

A third consideration is whether or not we should establish a specific fuel mix for various energy purposes—an end-use policy. Prior to the consideration of such a policy, there would be a defining of the mix of energy sources and uses, to the extent possible. For instance, an electrified mass transit system to effectuate reduced reliance on individual motor vehicle, electrical power as opposed to fossil fuels for space heating, and so on. Such a definition perhaps would enhance resource development plans, as well as the research and development programs needed to stimulate a better utilization of all resources.

The current practices of using fossil fuels on a full-steam-ahead basis could lead to a depletion of the total supply, thus denying certain fuels to processes in which they can best be utilized.

A fourth element to be addressed is the desirability and/or feasibility of maintaining and continually improving the efficiency of energy conversion processes. Until recently, the fuel use. In the cases of oil and coal-fired steam electric plants, however, the efficiency is remaining essentially constant. This results from a combination of fuel pricing, plant efficiencies, and the richness of the fuel itself.

A specific instance of decreasing efficiency in fuel use is seen in the decreasing ratio of transpotration miles per unit of fuel. Improvements in the energy-conversion efficiency trends could be achieved through technological controls or administrative controls and incentives—probably a combination of the two.

A fifth concern would detail the required procedures and practices for the orderly development of indigenous potential, or undiscovered, resources. Geological surveys indicate that vast quantities of fossil fuels remain to be discovered and can eventually be made commercially available at varying costs.

An indication of the ability to meet long-term requirements is the reserve-to-production ratio. For petroleum and natural gas, this ratio has been generally declining due to both increased demand and decreased additions to the proved reserve. It would be imprudent to allow this ratio to become too low. To maintain long-term industry and consumer stability, it is apparent that the annual reserve additions must grow. Potential administrative technological procedures must be developed properly to improve the discovery and recovery of natural resources.

We also must address ourselves to the distribution of future population increases, especially with respect to local requirements for all types of energy. The whole question of people and energy—with all its ramifications (per capita consumption, personal safety, mobility, security, dependence on energy, etc.)—should be discussed in the light of land use, mass transit, and power plant location policies. Future population locations, if allowed to develop unguided, could result in ever-expanding megalopolitary patterns. The increased demands for energy in all segments of the economy in such a situation would place unwarranted burdens on all fuel and energy sources, primarily on their transmission and locations.

The six elements I have discussed should not be the only features of a national policy—nor should they be considered as perfect expressions. But, they are indicative of the level of discussions that must be opened before specific development programs proceed, such as those mentioned in the President's message.

If the nation continues as at present, inept policy eventually will be forced on us as the result of a series of uncoordinated programs.

FUNDING

The President's message delineates certain increases in funds to be included in the FY '72 budget for a series of research and development programs. It is not clear how these funds are related to recent authorizations and expenditures; thus, their potential contributions are unclear. The following table listing increases in requested funds should be appropriately completed in order to fully understand their thrust.

[In millions of dollars]

Program	President's mentioned increases in fiscal year 1972	Actual expenditures in in fiscal year 1971	Actual expenditures in in fiscal year 1970
Sulfur oxide control technology	15		
Nuclear breeder reactor	27		
Controlled fusion research	2		
Nuclear reactor safety	3		

Additionally, the message lists FY '72 budget levels for other programs. Again, it must be determined how these levels compare to recent expenditures. These programs are listed below:

[In millions of dollars]

Program	Request for fiscal year 1972	Actual expenditures, fiscal year 1971	Actual expenditures, fiscal year 1970
Coal gasification	20		
Coal mine health and safety	30		

The message further lists development programs that are either on-going or will soon be implemented. It would be very valuable to know their recent levels of expenditures, as well as to have some idea of planned future expenditures. These programs are listed below:

Program	Actually spent fiscal year—		Planned for fiscal year—		
	1970	1971	1972	1973	1972–76[1]
Coal liquefaction					
MHD power cycles					
Underground electric transmission					
Advanced reactor concepts					
Solar energy					

[1] Cumulative.

In order to fully assess the efficacy of the proposed energy programs, the omissions in the above three tables should be completed with the most accurate information that can be determined. Who will supply it?

EFFECTIVENESS OF PROGRAM

The President's proposed energy program combines technological efforts and administrative procedures. I have attempted to determine how long it will take for each element to start to exert a signficant effect on the overall fuels and energy problem. These time estimates are admittedly approximate but they are primarily based on available information related to the expected performance of each element.

This analysis indicates that the total realistically significant effects will be felt in 5 to 15 years from now but closer to the end of this period. The program elements that will have significant impact within the next five years include:

a. Incentives for industry to search for new sources of natural gas; and stepped-up coal gasification; and,

b. Facilitating imports of natural and liquified gas from Canada and other nations; and,

c. Improving trade in crude oil with Canada.

The success of these elements is very much dependent upon the amounts of fuels that are available, both immediately and later, assuming that these elements are to be continuous. What is lacking is a good estimate of the additional amounts of these fuels to be made available from these elements as opposed to continuing current practices.

A further gross omission in the message is the interrelationship, in time, of the individual elements. For example, what will be the impact on the coal gasification program priority if incentives and increased imports of natural gas do make large quantities of less-expensive gas available? Conversely, what will happen if the gasification program results in large quantities of gas at prices competitive with domestic natural sources and imports?

Perhaps the most important element missing in the message is that of oil imports from nations other than Canada. Without a complete discussion of this and lacking a fuller understanding of import relationship with all the elements now and in the future, the message lacks cohesion.

TIME ANALYSIS OF THE PRESIDENT'S ENERGY MESSAGE

Item	Period of years from now when specific item will have significant effect			
	0–5	5–15	15–30	more than 30
Sulfur oxide control technology		×		
Nuclear breeder reactor			×	
Coal gasification		×		
Coal mine health and safety	(1)			
Controlled fusion research				×
Coal liquefaction		×		
MHD power cycle		×		
Underground electric transmission	(1)			
Nuclear reactor safety	(1)			
Advanced reactor concepts		×		
Solar energy				×
Outer-shelf leasing		×		
Oilshale		×		
Geothermal energy		×		
Natural gas supply:				
Accelerated leasing		×		
Gasification demo		×		
Incentives	×			
Imports	×			
Nuclear stimulation			×	
Imports from Canada	×			
Timely supplies of nuclear fuels		×		
Energy conservation:				
Increased efficiency	×			
Environmental pricing	(2)			
Building insulation		×		
Consumer advice	(2)			
Developing measures	(2)			
Powerplant siting		×		
Sulfur oxide emission charge		×		
Reorganization	(2)			

[1] Not available.
[2] Indeterminate.

PROTECTING OUR HERITAGE OF WILD ANIMALS

Mr. TUNNEY. Mr. President, the United States occupies lands and is surrounded by waters which nature richly endowed with hundreds of noble species. Many such species should have been long ago protected by law. It is tragic that our Nation has rapaciously exploited this natural inheritance by killing animals far beyond the need for food, clothing, and shelter. In our zeal for profit, we sacrificed wealth.

But in recent years, the environmental crisis has aroused in us what Albert Schweitzer called "reverence for life." And it is in the spirit of reverence for life that I speak on behalf of three measures concerning animal protection: Senate Joint Resolution 84, S. 1315, and S. 1116.

Senate Joint Resolution 84 establishes a Tule Elk National Wildlife Refuge. I am delighted to have joined Senator CRANSTON of California and Senator NELSON of Wisconsin in introducing this resolution. Moreover, we have acted in close cooperation with Representative DINGELL, of Michigan, who introduced the same measure in the House.

The tule elk, which once flourished in the grasslands of the Sacramento and San Joachim Valleys of California, are near extinction. Only about 290 survive—far fewer than the 2,000 conservationists believe necessary to insure survival of the species.

In their struggle to survive, the tule elk have been hunted by fur trappers, slaughtered by meat producers, pushed from their grazing lands by settlers and developers, and forced by ranchers to compete with livestock for food. In 1885, their numbers fell as low as 28. The elk survive today, not in their native territory, but in areas where they were transplanted in previous efforts to save them. Their future still remains in question.

Senate Joint Resolution 84 authorizes the Secretary of the Interior to increase the size of the tule elk herd to at least 2,000 members by acquiring lands for refuge, relocating elk when necessary, and cooperating with the State of California in managing the herd.

The second measure, S. 1315, protects ocean mammals. I joined Senator HARRIS of Oklahoma in introducing this bill to limit the unnecessary killing of whales, seals, otters, sea lions, porpoises, and polar bears.

S. 1315 prevents U.S. citizens and ships from taking ocean mammals and prohibits the importation of ocean mammals or their parts into the United States. It provides that international negotiations be undertaken toward banning the decimation of ocean mammals. And it establishes a Commission to assist the Aleuts of the Pribilof Islands in developing an economy to take the place of the slaughter of seals.

As the most affluent Nation, consuming the largest portion of products made from ocean mammals, we should be the first Nation to curb the abuses of affluence. There was a time when products of ocean mammals were necessary for day to day living in some parts of our country. But today, no product of these animals is essential to human welfare or survival. Indeed, we are becoming increasingly aware that human survival itself is partially dependent on the survival of these mammals in sufficient numbers to maintain ecological balance. Therefore, it is time to halt the brutal slaughter of ocean mammals, whose products may be afforded only by the affluent, but whose preservation can benefit all mankind.

The third measure is S. 1116. I joined Senator JACKSON of Washington in introducing this bill which would end the killing of wild horses and burros on public lands.

Once there were more than 2 million wild horses and burros roaming the West. Today there are less than 17,000. Once these animals played a major role in the exploration and settlement of the West. Today they are being used for target practice, hunted for dog food, and harassed by sadistic profiteers.

This bill requires the establishment and maintenance of at least 12 refuges by the Secretary of the Interior. It requires the Secretary to cooperate with local governments and landowners to protect the animals, and it stipulates penalties for violation.

Surely the thundering hooves of wild horses are the drumbeat of the Western American spirit. But without immediate Federal action, their power and grace, their majestic beauty will be lost forever—in only 10 years.

That would be an irreconcilable tragedy. Our children would inherit a West without wild horses. And that would be no West at all.

Mr. President, wild horses and burros, ocean mammals, and tule elk are three groups of animals with much in common. They are warmblooded animals that have been coldbloodedly killed by man, often imprudently for profit or perverse pleasure. They are intelligent animals that have been slain relentlessly by man, so long ignorant that their existence contributes to his own. And they are noble animals whose continued slaughter can only annihilate our aspirations to nobility.

Surely our growing reverence for these free and wild creatures reflects our finest human impulses. And it is time to turn these impulses into legislation that will enrich our own experience and provide a natural inheritance of which our children can be proud. That is why I support these three measures.

UTILIZATION OF FORT DETRICK

Mr. JAVITS. Mr. President, we are all deeply concerned about the urgent need to establish legislative initiatives to expand the national effort to conquer cancer.

I introduced with Senator KENNEDY, chairman of the Health Subcommittee of the Committee on Labor and Public Welfare Committee, of which I am ranking minority member, S. 34, the Conquest of Cancer Act which has the bipartisan support of more than 50 Senators.

President Nixon's deep commitment to expand the national effort to conquer cancer is well known to all Americans. The President launched a successful campaign for an extra $100 million for cancer research, and the President's legislative program to conquer cancer, S. 1828, has been introduced by Senator DOMINICK.

If we are to achieve the goals recognized by S. 34 and S. 1828, we will need facilities capable of producing large amounts of biological raw materials for various ongoing cancer research programs. Another major requirement for launching the drive against cancer is specially equipped laboratories, capable of protecting personnel against extreme biological hazards, and experts who are trained in the handling of dangerous material.

The utilization of the facilities at Fort Detrick now facing a decision to supply such needs and help to achieve the desired results, has been proposed by Senators MATHIAS and BEALL. I ask unanimous consent that an editorial in the recent issue of the Frederick Post entitled "Detrick Deadline Nears" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Frederick (Md.) Post,
May 18, 1971]

DETRICK DEADLINE NEARS

We heartily subscribe to the sentiments of Senator Charles McC. Mathias in his recent illuminating statement on the floor of the upper chamber of Congress that it is time that Congress and the Nixon Administration decided to fish or cut bait on the future of Fort Detrick.

As the deadline for the start of the next fiscal year on July 1 approaches despite all of the efforts of Senator Mathias, Senator J. Glenn Beall Jr. and Congressman Goodloe E. Byron, the future of a large part of the multimillion dollar research facilities in Frederick are still obscured in mystery.

Mathias urges passage of Senate Bill 34 which would create a National Cancer Authority to search for a cure for the dread disease and aid President Nixon in attaining one of his "six great goals."

The bill is of special interest to Senators Mathias and Beall, both of whom want President Nixon to include Fort Detrick in his overall plans.

Both Senator Mathias and Senator Beall requested in a letter sent to the President in February that he consider the use of Fort Detrick as research headquarters and Senator Mathias made the same request in his speech on the Senate floor last week.

Mathias said, there has as yet been no response from either President Nixon or Secretary of Health, Education, and Welfare Elliot Richardson.

Nothing is so important to the economy of Frederick County as a firm determination of the fate of Fort Detrick.

And certainly the 18 months anxious waiting following the announcement of President Nixon that the U.S. would halt the production of offensive biological weapons to which the efforts of Fort Detrick's highly skilled scientific team was dedicated has been a sad illustration of bureaucratic fumbling and futility.

In taking the Senate floor to laud President Nixon's pledge that his administration is dedicated to an all-out effort to find a cure for cancer, Senator Mathias well pointed out that the highly sophisticated laboratories at Fort Detrick are ideally available as the locus of such a national crusade.

Quoting President Nixon's statement that he "feels it is important that this campaign to find a cure for cancer be identified as one of our highest priorities and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape," Frederick County's senior senator expressed to his colleagues in sober but pointed language the growing fear that in actuality this is just what may occur.

"I should like to call to the attention of the Senate," he said, "that there is an institution operated by the United States Army called Fort Detrick.

"The people of America have invested one quarter of a billion dollars in real estate and scientific equipment at its laboratories for the purpose of developing the awesome science of biological warfare.

"In November of 1969, President Nixon on the advice of the National Security Council renounced offensive biological warfare.

"And in the succeeding 18 months except for some defensive studies, the sophisticated laboratories with $185 million dollars worth of equipment and the highly talented scientific team which operates them has been without a mission."

Senator Mathias said that he has been reliably informed that of this $185 million dollars worth of equipment already owned by the government that at least $100 million dollars worth of it could be easily converted immediately to start this cancer research program.

"For some reason," he told the Senate," which I think the President has well identified as bureaucracy and red tape no definitive decision has been made in the past 18 months as to the eventual fate of Fort Detrick, its costly equipment, and its superbly talented scientific team.

Frederick's senator added that he is gravely concerned because when the halt in the production of biological weapons was first announced that he interceded with the Department of the Army to keep the scientific team intact pending a decision by the government on the eventual use of the facilities at Fort Detrick.

"Unfortunately," he added, "although a simple telephone call" would have immediately mobilized this 100 million dollars worth of equipment and its talented operatives nothing has occurred.

The result, as he well pointed out, is that for 18 months the Department of the Army has allowed this gigantic facility and its personnel to "drift along without a definitive mission."

As Senator Mathias points out this constitutes a reflection upon the efficiency of the United States Government.

Putting the case more bluntly, it represents a terrible waste of millions of dollars in salaries to highly paid biologists and other scientific supporting personnel who have been allowed to drift along on a stand-by basis without any definitive program upon which they could be usefully employed.

The result has also been, in part, a shattering of morale, a let-down of efficiency, a gnawing fear of unemployment on the part of several hundred employes, and a dark cloud over the economy of Frederick County.

While we realize that in these days of multi-billion dollar budgets and deficit financing that there is a tendency in Washington to belittle such small items as have been wasted at Fort Detrick we agree with Senator Mathias that the situation does not reflect credit upon the Nixon administration, the Department of the Army, or any other of the involved agencies.

Senator Mathias points out that the payroll at Fort Detrick prior to this year had run up to a total of $10 million dollars annually.

On this basis, he told the Senate, "I should conservatively estimate that the Department of the Army has spent no less than $15 million dollars of the taxpayers' money in agreeing to my request that they keep intact Fort Detrick's scientific team pending a final decision on the future of the facility.

"And to date this $15 million dollars in payroll has been wasted because the workers have had no assigned program."

The senator, it seems to us, is on sound ground when he adds that this $15 million dollars worth of highly skilled scientific effort by skilled scientists could have been employed in the last 18 months in launching the program to conquer cancer which President Nixon has pledged to inaugurate.

There is still no definite word that the Nixon Administration, despite the recommendation of nationally recognized scientists in the field of cancer research has any intention of locating the new facility at Fort Detrick.

But if they do not, as Senator Mathias warned his colleagues, it will mean that the United States Government will have to build from scratch a similar installation to Fort Detrick at the cost of countless millions of dollars in some other area.

Now is the time of decision.

The new fiscal year starts on July 1—less than six weeks away.

It is unthinkable that the Department of the Army will continue to pump millions of dollars into a facility with no stated objectives simply to perpetuate further the highly talented staff at the local facility.

If Fort Detrick is to be retained as Frederick County's greatest economic asset, what Nixon labels "bureaucracy and red tape" must be sublimated into dynamic action.

And the decision in the final analysis lies in the hands of President Nixon.

THE CONSTITUTIONAL ROLE OF THE U.S. SUPREME COURT IN OUR GOVERNMENT

Mr. TALMADGE. Mr. President, the distinguished Senator from North Carolina (Mr. ERVIN) delivered a scholarly address to the Walter F. George School of Law at Mercer University, in Macon, Ga., on April 30. His speech was an eloquent and provocative discussion of the constitutional role of the U.S. Supreme Court in our Government. I congratulate my friend and colleague, and I know that his remarks were well received at the Mercer School of Law, that was named for the late Senator from Georgia, Walter F. George.

This speech was originally made by Senator ERVIN in a debate with former Attorney General Ramsey Clark on the query, "Role of the Supreme Court: Policymaker or Adjudicator?" The debate was held under the auspices of the American Enterprise Institute for Public Policy Research, 1200 17th Street NW., Washington, D.C., and the entire debate of which this speech constitutes Senator ERVIN's opening statement only, has been printed by such institute in book form, bearing the title "Role of the Supreme Court: Policymaker or Adjudicator?" The speech was made by Senator ERVIN at the Law Day ceremonies at Mercer University, Macon, Ga., and is inserted in the CONGRESSIONAL RECORD with the consent of the American Enterprise Institute for Public Policy Research, the owner of the copyright on such book.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ROLE OF THE SUPREME COURT: POLICYMAKER OR ADJUDICATOR?

In discussing the question whether the role of the Supreme Court is that of policymaker or that of adjudicator, I will use the term "founding fathers" to designate the men who drafted and ratified the Constitution.

The Constitution answers this question with unmistakable clarity. There is not a syllable in it which gives the Supreme Court any discretionary power to fashion policies based on such considerations as expediency or prudence to guide the course of action of the government of our country. On the contrary, the Constitution provides in plain and positive terms that the role of the Supreme Court is that of an adjudicator, which determines judicially legal controversies between adverse litigants.

In assigning this role to the Supreme Court, the founding fathers were faithful to the dream which inspired them to draft and ratify the Constitution, and to their action in rejecting in the Constitutional Convention repeated proposals that the Supreme Court should act as a council of revision as well as a court and in its capacity as a council of revision possess discretionary power to veto all acts of Congress the Justices deemed unwise, no matter how much those acts harmonized with the Constitution.[1]

These things do not gainsay that some Supreme Court Justices have been unhappy with the role assigned them by the Constitution and have undertaken to usurp and exercise policymaking power. But their usurpations have not altered the rightful role of the Supreme Court. Murder and larceny have been committed in every generation, but that fact has not made murder meritorious or larceny legal.

THE DREAM OF THE FOUNDING FATHERS

The founding fathers had absorbed the lessons taught by the history of the struggle of the people against arbitrary power for the right to be free from tyranny. Hence they comprehended some eternal truths respecting men and government.

They knew that those who are entrusted with powers of government are susceptible to the disease of tyrants, which George Washington rightly diagnosed in his Farewell Address as "the love of power and proneness to abuse it." For this reason, they realized that the powers of public officers should be defined by laws which they as well as the people are obligated to obey.

They also knew the truth subsequently embodied by Daniel Webster in this aphorism:

"Whatever government is not a government of laws is a despotism, let it be called what it may."

For this reason they realized that liberty cannot exist except under a government of laws, i.e., a government in which the conduct of the people is controlled by certain, constant, and uniform laws rather than by the arbitrary, uncertain and inconstant wills of the men who occupy public offices, and in which the laws accord to the people as much freedom as the commonweal permits.

They likewise knew that Thomas Hobbes had proclaimed an unalterable principle when he said:

"Freedom is political power divided into small fragments."

They knew, moreover, the political truth afterwards phrased by Woodrow Wilson in these words:

"Liberty has never come from the government. Liberty has always come from the subjects of it. The history of Liberty is a history of the limitation of governmental power, not the increase of it. When we resist therefore the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties."

For these reasons, they realized that the powers of government should be diffused among different repositories, that "local processes of law are an essential part of any government conducted by the people", and that "no national government . . . can be as closely in touch with those who are governed as can the local authorities in the several states and their subdivisions".[2]

The founding fathers also understood that a nation which disregards the lessons of his-

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tory is doomed to repeat the mistakes of the past. They desired to spare the nation they were creating this tragic experience.

These things inspired the founding fathers to dream earth's most magnificent dream.

They dreamed they could enshrine a government of laws conforming to the eternal truths taught by history in a written constitution, and make that government operate in accordance with their intent by entrusting the interpretation of that constitution to a Supreme Court composed of fallible men.

To this end, they framed the Constitution, which they intended to last for the ages and to constitute "a law for rulers and people" alike at all times and under all circumstances.[3]

THE CONSTITUTION

Let me indicate what the founding fathers did in the Constitution to give our nation a government of laws and to preserve for themselves and their posterity the blessings of liberty.

To make our nation "an indestructible union composed of indestructible states",[4] they delegated enumerated governmental powers to the federal government, and reserved all other governmental powers to the states. To further fragmentize political power, they allocated federal legislative power to the Congress, federal executive power to the President, and federal judicial power to the Supreme Court and "such courts as the Congress may from time to time ordain and establish."[5]

To further forestall tyranny, they forbade federal and state governments to do specified things inimical to freedom, and conferred upon individuals enumerated liberties enforceable against government itself. And, finally, to make government by law secure, they made the Constitution and laws enacted by Congress pursuant to it the supreme law of the land, and imposed upon all public officials, both federal and state, as well as upon the people the duty to obey them.[6]

While they intended the Constitution to endure throughout the ages as the nation's basic instrument of government, the founding fathers realized that useful alterations of the Constitution would be suggested by experience. Consequently, they made provision for its amendment in one way, and one way only, i.e., by concurrent action of Congress and the States as set forth in Article V.[7] By so doing, they ordained that "nothing new can be put into the Constitution except through the amendatory process" and "nothing old can be taken out without the same process."[8]

THE ROLE OF THE SUPREME COURT

A policy is a definite or settled course of action adopted and followed by government. The power to make policy is discretionary in nature. It involves the making of choices on the basis of expediency or prudence among alternative ways of acting.

The power to make policy in a government of laws resides with those who are authorized to participate in the law-making process.

The founding fathers made policy when they ordained and established the Constitution, which determines the fundamental policies of our country.

Since Article I of the Constitution grants Congress the power to make laws and requires every bill passed by it to be presented to the President for his approval or disapproval before it takes effect, the Congress and the President have policy-making power. Moreover, Article V confers upon the Congress and the States, acting in conjunction, limited policy-making power, i.e., the power to amend the Constitution.

Article III denies the Supreme Court policy-making power in plain and positive terms. It does this by making the Supreme Court a court of law and equity and by granting to it "judicial power" only. Under this Article, the Supreme Court has no power whatever except the power to hear and determine cases between adverse litigants, which are within the scope of its original or appellate jurisdiction.

Article III denies the Supreme Court policy-making power in another way. When it is read in conjunction with the supremacy clause of Article VI, Article III obligates Supreme Court Justices to base their decisions in the cases they hear upon the Constitution, the laws, and the treaties of the United States, and thus forbids them to take their personal notions as to what is desirable into account in making their rulings.

For this reason, Supreme Court Justices are endowed with power to interpret any provision of the Constitution or any law or treaty which is determinative of the issue arising in a case coming before them.

THE POWER TO INTERPRET THE CONSTITUTION

The power to interpret the Constitution is an awesome power. This is so because, in truth, constitutional government cannot exist in our land unless this power is exercised aright.

Chief Justice Stone had this thought in mind when he stated this truth concerning Supreme Court Justices:

"While unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our exercise of power is our own sense of self-restraint."[9]

The power to interpret the Constitution, which is allotted to the Supreme Court, and the power to amend the Constitution, which is assigned to Congress and the States acting in conjunction, are quite different. The power to interpret the Constitution is the power to ascertain its meaning, and the power to amend the Constitution is the power to change its meaning.

Justice Cardozo put the distinction between the two powers tersely when he said:

"We are not at liberty to revise while professing to construe."[10]

Justice Sutherland elaborated upon the distinction in this way:

"The judicial function is that of interpretation: it does not include the power of amendment under the guise of interpretation. To miss the point of difference between the two is to miss all that the phrase 'supreme law of the land' stands for and to convert what was intended as inescapable and enduring mandates into mere moral reflections."[11]

America's greatest jurist of all times, Chief Justice John Marshall, established these landmarks of constitutional interpretation:

1. That the principles of the Constitution "are designed to be permanent."[12]

2. That "the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood . . . to have intended what they have said."[13]

3. That the Constitution constitutes a rule for the government of Supreme Court Justices in their official action.[14]

Since it is a court of law and equity, the Supreme Court acts as the interpreter of the Constitution only in a litigated case whose decision of necessity turns on some provisions of that instrument. As a consequence, the function of the Court is simply to ascertain and give effect to the intent of those who framed and ratified the provision in issue. If the provision is plain, the Court must gather the intent solely from its language, but if the provision is ambiguous, the Court must place itself as nearly as possible in the condition of those who framed and ratified it, and in that way determine the intent the language was used to express. For those reasons, the Supreme Court is duty bound to interpret the Constitution according to its language and history.[15]

When they dreamed their magnificent dream, the founding fathers realized that some dreams come true and others vanish. They knew that whether their dream would share the one fate or the other would depend on whether Supreme Court Justices would be able and willing to lay aside their own notions as to what is desirable and interpret the Constitution according to its real intent.

They did three things to make their dream come true.

They decreed that Supreme Court Justices should be carefully chosen. To this end, they provided that no man should be elevated to the Supreme Court until his qualifications for the office had been twice scrutinized and approved, once by the President and again by the Senate.

They undertook to free Supreme Court Justices from the personal, political, and economic ambitions, fears, and pressures which harass the occupants of other public offices by stipulating that they should hold office for life and receive for their services a compensation which could not be reduced during their continuance in office.

They undertook to impose upon each Supreme Court Justice a personal obligation to interpret the Constitution according to its real intent by requiring him to take an oath or make an affirmation to support the Constitution.

Their overall aim was to make Supreme Court Justices independent of everything except the Constitution and require them to accept that instrument as the sole rule for the government of their official action.

THE WARREN COURT

During most of our history, Supreme Court Justices were faithful to the dream of the founding fathers. They accepted the Constitution as the rule for their official action, and decided constitutional issues in accordance with its precepts.

Unfortunately, however, this has not been true during recent years. Shortly before 1953, Supreme Court Justices began to substitute their personal notions for constitutional provisions under the guise of interpreting them, and provoked one of their colleagues, Justice Robert H. Jackson, into making this righteous outcry.

"Rightly or wrongly, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law but is guided in these matters by personal impressions which from time to time may be shared by a majority of the Justices. Whatever has been intended, this Court also has generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles."[16]

With the advent of the Warren Court, this practice increased in frequency and intensity; and the Supreme Court decisions irreconcilable with the Constitution became in Milton's colorful phrase as "thick as autumnal leaves that strow the brooks in Vallombrosa".

I use the terms "Warren Court" and "Justices of the Warren Court" to designate Chief Justice Warren and Justices Douglas, Brennan, Goldberg, Fortas, and Marshall who repeatedly undertook to revise the Constitution while professing to interpret it. Candor compels the confession that despite his eloquent protests against their misuse of the due process clauses of the Fifth and Fourteenth Amendments. Justice Black often aligned himself with the Justices of the Warren Court; and that although the other Justices who served at various times during the incumbency of Chief Justice Warren, namely, Justices Reed, Frankfurter, Jackson, Burton, Clark, Minton, Harlan, Stewart, and

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Footnotes at end of article.

White, were rather steadfast in their adherence to the Constitution, some of them joined the Warren Court on some occasions in handing down revolutionary decisions inconsistent with the words and history of that instrument.[17]

The tragic truth is that under the guise of interpreting them, the Warren Court has repeatedly assigned to constitutional provisions meanings incompatible with their language and history.

By so doing, it has impeded the President and his subordinates in the performance of their constitutional duty to execute the laws.

At times it has undertaken to abridge the constitutional powers of Congress as the nation's law maker, and at other times it has undertaken to stretch the legislative powers of Congress far beyond their constitutional limits. And sometimes it has thwarted the will of Congress by imputing to congressional acts constructions which cannot be harmonized with their words.

What the Warren Court has done to the powers allotted or reserved to the States by the Constitution beggars description. It has invoked the due process and equal protection clauses of the Fourteenth Amendment as *carte blanche* to invalidate all State action which Supreme Court Justices think undesirable.

This is tragic, indeed, because nothing is truer than this observation attributed to Justice Brandeis by Judge Learned Hand:

"The States are the only breakwater against the ever pounding surf which threatens to submerge the individual and destroy the only kind of society in which personality can survive."

Besides, the Warren Court has twisted some constitutional provisions awry to deny individuals basic personal and property rights.

All of the decisions of which I complain have tended to concentrate power in the federal government in general and the Supreme Court in particular.

The time presently allotted to me does not permit me to analyze or even enumerate these decisions.

These things mean little or nothing to those who would as soon have our country ruled by the arbitrary, uncertain, and inconstant wills of judges as by the certain and constant precepts of the Constitution. But they mean everything to those of us who love the Constitution and believe it evil to twist its precepts out of shape even to accomplish ends which may be desirable.

If desirable ends are not attainable under the Constitution as written, they should be attained in a forthright manner by an amendment under Article V, and not by judicial alchemy which transmutes words into things they do not say. Otherwise, the Constitution is a meaningless scrap of paper.

Nobody questions the good intentions of the Justices of the Warren Court. They undoubtedly were motivated by a determination to improve and update the Constitution by substituting their personal notions for its principles. But candor compels the confession that their usurpations call to mind these trenchant observations of Daniel Webster:

"Good intentions will always be pleaded for every assumption of power. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters."

Those who champion or seek to justify the activism of the Warren Court assert with glibness that the Constitution is a living document which the Court must interpret with flexibility.

When they say the Constitution is a living document, they really mean that the Constitution is dead, and that activist Justices as its executors may dispose of its remains as they please. I submit that if the Constitution is, indeed, a living document, its words are binding on those who pledge themselves by oath or affirmation to support it.

What of the cliche that the Supreme Court should interpret the Constitution with flexibility? If those who employ this cliche mean by it that a provision of the Constitution should be interpreted with liberality to accomplish its intended purpose, they would find me in hearty agreement with them. But they do not employ the cliche to mean this. On the contrary, they use the cliche to mean that the Supreme Court should bend the words of a constitutional provision to one side or the other to accomplish an objective the provision does not sanction. Hence, they use the cliche to thwart what the founding fathers had in mind when they fashioned the Constitution.

The genius of the Constitution is this: the grants of power it makes and the limitations it imposes are inflexible, but the powers it grants extend into the future and are exercisable with liberality on all occasions by the departments in which they are vested.

SAVING THE CONSTITUTION

As the result of the assumptions of power of the Warren Court, the people of our nation are now ruled in substantial areas of their lives by the partial wills of Supreme Court Justices rather than by the impartial precepts of the Constitution.

George Washington, who presided over the Convention which framed the Constitution, harbored the dream of the founding fathers in his heart. He was wise enough to know that usurpation is the customary weapon by which free governments are destroyed, and for that reason admonished America that the meaning of the Constitution should not be distorted by usurpation.

It is obvious to those who love the Constitution and are willing to face naked reality that the Warren Court has taken giant strides down the road of usurpation, and that if the course set by it is not reversed, the dream of the founding fathers will vanish and the most precious liberty of the people—the right to constitutional government—will perish.

Despite their perilous state, the dream of the founding fathers can be rekindled and the precious right of the people to constitutional government can be preserved if those who possess the power will stretch forth saving hands while there is yet time.

Who are they that possess this saving power?

They are Supreme Court Justices, who are able and willing to exercise self restraint and make the Constitution the rule for the government of their official action; Presidents, who will nominate for membership on the Supreme Court persons who are able and willing to exercise self restraint and make the Constitution the role for the government of their official action; and Senators, who will reject for Supreme Court membership nominees who are either unable or unwilling to exercise self restraint and make the Constitution the rule for the government of their official action.

And, finally, if Supreme Court Justices, Presidents, and Senators fail them, the people may employ their own saving power. Through Congress and the States, they may adopt a constitutional amendment similar to my proposal which would compel Presidents and Senators to make appointments to the Supreme Court from among persons recommended to them by the Chief Justices of the States. The people can rely upon the Chief Justices of the States to restrict their recommendations to persons who revere the federal system ordained by the Constitution and who will not sanction the concentration of power which always precedes the destruction of human liberties.

Let me add that lawyers who love the Constitution can aid the cause by practicing this preachment of Chief Justice Stone:

"Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpations, is careful scrutiny of their action, and fearless comment upon it."

In closing I make a conditional prophesy. If those who possess the power to rekindle the dream of the founding fathers and to preserve the right of the people to constitutional government do not act, Americans will learn with agonizing sorrow the tragic truth taught by Justice Sutherland:

"The saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time."

FOOTNOTES

[1] United States: Formation of the Union, pages 147, 152, 165, 167, 422, 429, 548, 752, 753, 756, 848, 849, 852.

[2] Bute v. Illinois, 333 U.S. 640, 652.

[3] Ex Parte Milligan, 4 Wall. 2, 8 L.ed. 281.

[4] Texas v. White, 7 Wall. 700.

[5] Article III, Section 1,

[6] Article VI.

[7] James Madison: The Federalist, No. 43.

[8] Ullman v. U.S., 350 U.S. 422.

[9] U.S. v. Butler, 297 U.S. 1, 78–79.

[10] Sun Printing and Publishing Association v. Remington Paper and Power Co., 235 N.Y. 338, 139 N.E. 470.

[11] West Coast Hotel Co. v. Parrish, 300 U.S. 379, 404, 81 L.ed. 703, 715.

[12] Marbury v. Madison, 1 Cranch. 137, 175.

[13] Gibbons v. Ogden, 9 Wheat. 1, 188.

[14] Marbury v. Madison, 1 Cranch 137.

[15] Gibbons v. Ogden, 9 Wheat. 213; Ex Parte Bain, 121 U.S. 1; Lake County v. Rollins, 130 U.S. 662.

[16] Brown v. Allen, 344 U.S. 443, 535.

[17] See e.g. Justice White in Reitman v. Mulkey, 387 U.S. 369 (1967); and Justice Stewart in Jones v. Mayer Co., 392 U.S. 409 (1968).

INTERNATIONAL PARLIAMENTARY CONFERENCE ON THE ENVIRONMENT

Mr. HOLLINGS. Mr. President, the problem of man's relationship to the natural environment will be examined in detail in Stockholm next June at the United Nations Conference on the Human Environment. This extremely important conference is for the executive branch of the governments that will convene there. Recognizing that legislators have a special responsibility in environmental matters an International Parliamentary Conference on the Environment was held in Bonn on June 2–4, 1971. Unfortunately, previous commitments prevented my attending. However, Representative Robert McClory of Illinois, one of the U.S. members of the Inter-Parliamentary Union, was able to attend, and has reported the excellent results of that Conference.

The Conference objectives included identification of some of the environmental principles which should guide our nations, and obtaining among parliamentarians a consensus on the priorities for environmental problems. The 55 parliamentarians from 21 countries who met in Bonn were there in their individual capacities. They represented a broad spectrum of developed and developing nations. And they met to support and affirm the positive actions taken to protect the environment by organizations such as the Inter-Parliamentary Union.

Out of the 80 problem statements that

were submitted by the conferees before the Conference, a draft motion was written, which became the focal point for discussion during the 2½-day Conference. Priorities were ranked according to those deemed to require first, immediate and effective international action; second, urgent international consultation and action; and third, urgent research and discussion with a view to arriving at international action if and when necessary.

Mr. President, the motion adopted by the Conference is an important document that deserves our careful study and action. I hope that this is but the first of many such international gatherings of parliamentarians to discuss and agree on courses of action to take on environmental problems. And I ask unanimous consent that the motion adopted by the International Parliamentary Conference on the Environment in Bonn on June 4, 1971 be printed in the RECORD.

There being no objection, the motion was ordered to be printed in the RECORD, as follows:

MOTION

The International Parliamentary Conference on the Environment adopts the following motion on June 4, 1971, in Bonn:

Whereas, effective actions are urgently needed to conserve the natural resources of our one world in order to insure an ecologically healthy environment and the social, economic, scientific and cultural progress of all mankind which depends on such an environment; and

Whereas, we recognize the significant studies, measures and results achieved by various nations, which have shown the need for and provided much of the information and public awareness necessary for effectively coordinated international action; and

Whereas, current international official decision-making bodies primarily represent the executive branch of government, and we believe that legislators should also make a major contribution to the formulation of environmental policy at the international level; and

Whereas, we support and affirm the positive actions taken to protect the environment by many international non-governmental organizations, including the Inter-Parliamentary Union, and wishing to contribute to these actions; and

Whereas, we recognize that the worldwide effort to achieve the wise use of the environment would benefit from establishing a list of priorities of present and emerging problems as well as from some proposals for their solution;

Therefore, we have reached a consensus that the following items require immediate and effective international action.

Governments should begin international negotiations to establish appropriate systems for strict pollution controls suitable to individual locations. Such systems should be designed so as not to distort international economic competition, but to develop common environmental standards applicable to the contracting nations. Appropriate use should be made of internationally agreed limits (including yearly mean, 100-day mean, and an absolute daily limit) of intake of specified substances by human beings, animals, or vegetation. Governments should begin international negotiations to establish international health, product, emission and environmental standards applicable to products entering into international commerce.

International environmental research programs, as well as coordinated national research programs, in all aspects of environmental problems should be sponsored by the United Nations system, in close co-operation, whenever appropriate, with the concerned non-governmental international organizations. Relevant organizational changes of the United Nations system should be carried out in order that these research programs may be undertaken as soon as possible.

The environmental effects of development assistance and of foreign investment programmes should be carefully studied and considered by all parties concerned before such projects are initiated. Developing countries should be granted technical assistance in training environmental managers and scientists.

The international transport of hazardous or polluting substances should be subject to specific regulations permitting among other things the establishment of liability in case of degradation of the environment. A system of compulsory insurance should be established to cover the risks incurred by the transporter. No international transport of hazardous substances should be authorized unless such substances are accompanied by a notice describing in particular the measures to be taken in cases of danger or accident.

All nations should ratify the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and the International Convention on Civil Liability for Oil Pollution Damage (IMCO, Brussels, 1969) as well as the amendments to the International Convention on the Prevention of Pollution of the Sea by Oil 1954. A convention setting forth a supplemental compensation fund, which fund is to be established by transporters and owners of oil cargoes, and which increases the limits of liability for oil spills, should be negotiated, signed, and ratified as soon as possibe by all nations.

In addition to the subjects spelled out in the Universal Declaration of Human Rights, there should be added the right to a high quality environment indispensable to Man's physical, mental and social well-being, as well as to his cultural development.

We have reached a consensus that the following items require urgent international consultation and action:

International rules and procedures should be established so that international treaties will be examined for the impact they may have on the environment. This should concern both proposed new treaties as well as treaties already in force.

Treaties when submitted to national parliaments for ratification should be accompanied by a report on their potential environmental effects. As soon as the procedure mentioned above is operating this report should show that it has been followed.

A convention which would prohibit the dumping of oil and toxic wastes, and would regulate the dumping of other wastes at sea, should be drafted, signed, and ratified as soon as possible.

In each international river basin the riparian states should strive to conclude agreements enabling them jointly to examine and to deal with environmental and nature protection problems relating to the river concerned. These agreements should in particular provide for a system of control and sanctions.

There should be an international agreement requiring each nation to test specified products and processes, particularly those containing non-degradable, non-recyclable, or toxic components for their potential effects on the environment, and to publish the results of these tests before the products are introduced on the market. Such an agreement should also provide for a standardisation of testing procedures.

A world network of protected areas under international sponsorship should be established under an international convention in order to preserve endangered species of fauna and flora as well as outstanding natural animal and plant communities.

International agreements for the conservation of endangered migratory species should be concluded. The states should commit themselves to provide, over and above what is already provided by non-governmental organizations, the financial means necessary to implement a global policy for flora and fauna.

The I.U.C.N. draft "convention on the import, export, and transit of certain species of wild animals and plants," which is designed to control the international traffic in endangered and declining species and their products should be signed and ratified by all nations as soon as possible.

Information on public environmental programmes and their implementation both at national and international levels should be centralized in order to give easy access to procedures and techniques which can be of potential benefit to the environment.

As far as overpopulated countries are concerned population control research and programmes should be effectively coordinated at the international level and all possible actions should be undertaken to enable practical implementation of family planning; for that purpose special attention and support should be given—financially and otherwise—to family planning education.

Governments should enter into such arrangements as are necessary to prevent industrial and other enterprises from obtaining concessions under national environment laws by threatening to transfer new investment to other countries.

An international system for the monitoring of water and air pollution should be set up. Such a system should include a list of the substances to be determined, detection methods, and the standards that are to be established.

An international pollution Data Bank whose function it would be to collect information on pollution, to interpret it and make it available to all countries, should be established.

We have agreed that the following items require urgent research and discussion with a view to arriving at international action if and when necessary:

National land and water use planning programmes should be coordinated with neighbouring nations when part of such programmes are likely to affect the environment of such neighbouring nations.

A study should be made of the legal means open to persons having suffered damage caused by harmful environmental activities originating in another country to bring legal action against those responsible for these activities.

Major projects which may have harmful effects on the environment of the earth, and in particular on its climate, should be fully assessed for their international environmental implications before the projects can proceed.

PARLIAMENTARIANS PARTICIPATING IN THE INTERNATIONAL PARLIAMENTARY CONFERENCE ON THE ENVIRONMENT, BONN, JUNE 2–4, 1971

Aner, K. Riksdag (Schweden).

Bardens, H., Bundestag (Deutschland), Ausschuss fuer Jugend, Familie und Gesundheit, Obmann, IPA-Kommission fuer Umweltfragen.

Bay, H., Bundestag (Deutschland), Ausschuss fuer Jugend, Familie und Gesundheit, IPA-Kommission fuer Umweltfragen.

Burhenne, W. E., Secretary-General (elected), IPA Chairman, IUCN Committee on Environmental Law, Governor, International Council of Environmental Law.

Chtourou, A., Assemblée Nationale (Tunisie), Commission des Affaires Politiques.

Corbin, E. G., House of Commons (Canada), Parliamentary Secretary, Department of Fisheries and Forests, Special Committee on Pollution and the Environment.

Decker, R., Landtag (Baden-Wuerttemberg), Ausschuss fuer Verwaltung und Wohnungswesen, IPA-Kommission fuer Umweltfragen.

Demuth, A., Bundesrat (Oesterreich), Verfassungs- und Rechtsausschuss, Konsumentenforum des Bundesmin. fuer Handel, Gewerbe und Industrie.

De Zeeuw, D., Eerste Kamer der Staten-Generaal (Netherlands), Permanent Committee on Education and Science; Social Affairs and Public Health.

Dichgans, H., Bundestag (Deutschland), Rechtsausshuss, Stellv. Vorsitzender IPA.

Digvijay Sinh, Y., Gujaret State Legislative Assembly (India), Chairman, Gujaret Ecological Council.

Doumba, J. C. Secrétaire-General, Assemblée Nationale Fédérale (Cameroun).

Dupont-Fauville, H., Assemblée Nationale (France), Commission de la Production et des Echanges.

Fortuit, J. C., Assemblée Nationale (France), Secrétaire de la Commission de la Production et des Echanges.

Fox, E. M. C., House of Representatives (Australia).

Garcia Orcoyen, Cortes Espanolas (Spain).

Glatz, G., Buergerschaft Hamburg, Bauausschuss, Verkehrsausschuss, Ausschuss fuer Ernaehrung und Landwirtschaft.

Gruhl, H. Bundestag (Deutschland), Innenausschuss, IPA-Kommission fuer Umweltfragen.

Hanzlik, H., Bundesrat (Oesterreich).

Hirsch, M., Bundestag (Deutschland), Rechtsausschuss, Vorsitzender IPA.

Hofbauer, G., Beobachter (Oesterreich).

Kabas, H., Beobachter (Oesterreich).

Kebassa Maleba, Assemblée Nationale (République Democratique du Congo).

Kennet, Lord, House of Lords (England), Chairman, Pollution Working Party of Environment Group of the Parliamentary Labour Party, Chairman, Committee on Oil Pollution of the Sea.

Kerstnig, H. Nationalrat (Oesterreich).

Klanjscek, V., Federal Assembly (Yugoslavia).

Kubanek, H., Bundesrat (Oesterreich), Finanzausschuss, Geschaefts ordnungsausschuss, Ausschuss fuer Verfassungs-und Rechtsangelegenheiten.

Lemass, N. T., Dàil Eireann (Ireland), Parliamentary Secretary to the Minister of Finance.

Liedl, O., Bundesrat (Oesterreich), Sozialausschuss, Wirtschaftsausschuss, Gemeinsamer Ausschuss.

Luembe, G. P., Assemblée Nationale, Sous-Commission des Travaux-Publics et Amenagement du Territoire (Republique Democratique du Congo).

Marigoh Mboua, Président, Assemblée Nationale Fédérale (Cameroun).

McClory, R., House of Representatives (U.S.A.).

McMullin, Sr. A. M., President of the Senate (Australia).

Moussa, Yaya, Vice-Président, Assemblée Nationale Fédérale (Cameroun).

N'Gom, I. M., Assemblée Nationale (Senegal).

O'Fori, B. B., National Assembly (Ghana), Committee on Agriculture, Land and Mineral Resources.

Orth, E., Bundestag (Deutschland), Ausschuss fuer Ernaehrung, Landwirtschaft und Forsten, IPA-Kommission fuer Umweltfragen.

Pena, Urmeneta, J. M., Cortes Espanolas (Spain), Commission de Agricultura.

Pohl, J., Sénat, (Belgique), La Commission de la Sante Publique.

Poma, K., Sénat (Belgique).

Pringle, M. E., House of Commons (Canada), Committees on Agriculture, Transport, and Communications.

Romalho, T., Camera des Deputados (Brasil).

Rimawi, K., Vice-President, House of Representatives (Jordan).

Reus Cid, A., Cortes Espanolas (Spain), President, Sindicato Nacional de Cereales.

Sawyerr, H. R., National Assembly (Ghana), Committee on Agriculture, Land and Mineral Resources.

Sayn-Witgenstein-Hohenstein, Prinz zu, Bundestag (Deutschland), Haushaltsausschuss, IPA-Kommission fuer Umweltfragen.

Sinnecker, W., Landtag Nordrhein-Westfalen, Landwirtschaftsausschuss, Staedtebauausschuss, IPA-Kommission fuer Umweltfragen.

Stewart, R., House of Commons (Canada).

Tobe, E., Reichstag (Schweden), Zivilaussachuss, Generaldirektion fuer die Zivilverwaltung, Reichsamt fuer Staedteplanung und Bauwesen.

Tona-Maseka, P., Assemblée Nationale, Sous Commission de l'Energie (République Democratique du Congo).

Uren, T., House of Representatives (Australia).

Veder-Smit, E., Tweede Kamer der Staten Generaal (Netherlands).

Versloot, H., Eerste Kamer der Staten-Generaal.

Whelan, E., House of Commons Ottawa 4, Ontaria, Canada.

Yewchuk, P., House of Commons (Canada).

EIGHTIETH ANNIVERSARY OF COLE PORTER'S BIRTH

Mr. BAYH. Mr. President, June 9 marked the 80th anniversary of the birth of the late Cole Porter, a fellow Hoosier who was one of the most talented and creative individuals of the American musical theater.

I would like to take this time to pay tribute to Cole Porter's outstanding contribution to our musical heritage by focusing the attention of the Senate on an article by Robert E. Kimball, curator of the Cole Porter Archives at Yale University.

I ask unanimous consent that excerpts from his article be printed in the Record as follows:

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Cole Albert Porter, one of America's foremost composer-lyricists, was born in Peru, Ind., on June 9, 1891, the only child of Kate Cole and Samuel Fenwick Porter. As a Yale undergraduate, he won acclaim as the writer of two of his alma mater's most famed football anthems, "Bull Dog" and "Bingo Eli Yale," but his Broadway debut as the co-author of "See America First" in 1916 was a fiasco. From World War I until the end of the 1920's, he lived primarily in Europe and was thought by many to be little more than a playboy expatriate.

In reality, Porter, a thoroughly trained musician who had studied with d'Indy at the Schola Cantorum in Paris, had embarked on an unceasing quest for new places and fresh experiences which heightened the quality of his art and provided him with the inspiration for many of his most enduring works. The candor and humor he displayed concerning love and sex in such songs as "Let's Do It"—dating back to 1928—and "But in the Morning, No," helped free the American songwriter from self-censorship and the undue restraints imposed by society at large. He also broke many conventional rules by extending the length of a song well beyond the traditional 32 bars.

During the 1930's, even after he had suffered the crippling riding accident which necessitated over 31 operations and kept him in constant pain for the rest of his life, he brought boundless joy to a depression-ridden world with a bountiful harvest of delightful scores for the stage and screen including "Anything Goes," "Red, Hot and Blue," "DuBarry Was a Lady," "Born To Dance," and "Rosalie." His jaunty spirit and resolute determination helped him to bounce back from a period of public disfavor in the mid-1940's to write "Kiss Me, Kate"—1948—"Out of This World"—1950—"Can-Can"—1953—and "Silk Stockings"—1955—for the stage, and "High Society"—1956—and "Les Girls"—1957—for film.

His creative genius, which seemed so effortlessly attained, was the result of a lifelong dedication to his profession and nights and days of the most intense labor were required to achieve the elegance and refinement which characterize his most distinguished work. His melodies, full of harmonic richness and rhythmic subtlety were mated to lyrics of wit, ingenuity, and sophistication. He wrote the words and music simultaneously, generally working from the beginning and ending of a song back toward the middle to reach an artistic unity which is as subtle as it is unique. These very special qualities often delayed public acceptance of his work.

Today, the songs which so splendidly evoked the times in which they were written, possess a timelessness which is a precious part of our cultural heritage. Seven years after his death in 1964, his reputation has risen to even greater heights than it achieved during his lifetime. A courageous man and a great artist, Cole Porter left an imperishable legacy of glorious song and human valor for which we honor him on the occasion of the 80th year of his birth.

"THE BALLOT IS STRONGER THAN THE BULLET": GRADUATION SPEECH BY WILLIAM D. WOODS

Mr. GOLDWATER. Mr. President, it was my pleasure recently to have read the graduation speech by William D. Woods, the valedictorian of Washington High School in Phoenix, Ariz.

Looking at this speech was like sensing a breath of clear air from the West. It was refreshing to see a young person advising adherence by his peers to the social code of rule by the majority and according to peaceful processes.

Mr. President, I cannot believe the majority of American youth is represented by the ugly, shouting radicals of the left who are so often portrayed across our television screens and news pages Rather, I believe, the great majority of today's young generation is marked by intelligent and thoughtful behavior. In fact, I have often expressed my opinion that this is the finest generation I have seen in my lifetime.

My belief in this was strengthened recently when I received a copy of the excellent speech delivered by William Woods. As I viewed his eloquent, persuasive appeal for living by the commonsense rule of stability and order, according to the chosen decisions of the majority—while at all times preserving the freedom of peaceful dissension—I was proud, proud of this young man and of our educational system which has taught him to think so soundly and brilliantly on his own.

Mr. President, I also am proud to ask unanimous consent that the remarks of William D. Woods, a young Arizonan, shall be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Graduation Speech

(By William D. Woods, valedictorian of Washington High School, Phoenix, June 3, 1971)

Tonight, I have come to protest. I would like to call your attention to what I feel is an unfortunate situation in the United States today, that is, the increasing use of violent means to promote change in American society.

The foremost reasons for my feeling lie in our own Constitution, which outlines the principles of American democracy. These principles essentially include the guarantees that the will of the majority shall rule—that a minority, even as small as one person, may attempt to sway the majority opinion—and that all laws, once made, are binding on all persons in the society.

Finally, our country is founded on the basic principle that any major change in government may be instituted only through a vote of the people or their elected representatives.

Fortunately for all of us, there is no provision for violence in our governmental process; if there were, social stability would be impossible. Today, however, some persons have ignored the foundation upon which American self-government is built. In an attempt to change our society, too many have resorted to violent civil disobedience. Granted, our country, as any country, has many problems—poverty, crime, racial discord, the Viet Nam war. It is essential that these issues be brought into focus through peaceful dissension; however, dissension ends where others' rights begin—that is to say, legitimate protest ends where violence begins.

The irresponsible destruction of property and lives is just as illegal as peaceful disagreement is legal. Furthermore, civil hostility is pointless—it does not gain support by its obviousness, rather, it loses public support by its offensiveness, and to forfeit public sympathy is to abandon the only possibility of correcting the problem—a vote of the people. In this way, civil strife defeats its own purpose. It was once said that "civility costs nothing and buys everything"; this statement is nowhere more true than in a democratic society such as our own.

Because our Constitution provides no place for violent destructive disagreement in American society, it must, by necessity, present a peaceful, constructive alternative. Such an alternative is what we call "the right to vote." This procedure guarantees every mature person the opportunity to express his opinion, whatever it may be, and also ensures that the majority opinion will in the end prevail.

By voting, a democratic society not only may choose how it is governed and by whom it is governed, but also may reject those measures by which it does not want to be governed; therefore, a minority which must resort to violence to influence the majority is only making the feeble admission that its aims are what society does not want. To effectively exert its influence, a minority must first prove the validity of its aims to the majority and thereby sway the balance of society to its cause. Through this process, the American people may secure much-needed change and still avoid needless violence.

Fellow graduates, our society is in need of many changes and it is up to each of us to effect those changes, but may I urge you to resort, not to violence, but to the peaceful processes outlined in our United States Constitution. I challenge you to verify the truth in Abraham Lincoln's statement: "The ballot is stronger than the bullet."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Spong) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business which the clerk will report.

The legislative clerk read as follows:

Calendar No. 95, H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER (Mr. Saxbe). The question is on agreeing to amendment No. 143.

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from South Carolina.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. THURMOND. Mr. President, I yield to the Senator from West Virginia with the understanding that the time not be counted against my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 149, offered by the Senator from New York (Mr. Buckley) be limited to 1 hour rather than the 3 hours previously ordered, the time to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUALIZATION OF TIME TODAY ON AMENDMENT NO. 143

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that as of the time when the unfinished business was laid before the Senate today, the time on the amendment No. 143 be equalized so that both sides may have equal time today thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, yesterday I addressed the Senate in a lengthy speech to express my reasons for opposing the amendment. Today, I would like to reiterate some of the major points and add some new ones to reaffirm my position that this amendment is a fatal mistake. It would remove the last incentive for the Communists to negotiate a settlement and to resolve the tragic prisoner-of-war problem. A vote for this amendment is a vote for the enemy.

It is inconceivable that some of my distinguished colleagues fail to weigh the facts. These facts are that all evidence demonstrates to the world that the U.S. participation in the war is rapidly coming to an end. Proponents of the amendment refuse to admit this, or to allow the President—our Commander in Chief—a few additional months to complete a successful and orderly withdrawal. They refuse to recognize that success is being achieved.

EVIDENCE SUPPORTS SUCCESS

Mr. President, I would like to repeat some of these facts I stated yesterday to convince any skeptics who doubt that U.S. involvement is coming to a successful end. These facts are:

A total of 365,000 troops will have been withdrawn by December. Over 66,000 will be withdrawn in the next 5 months.

Less than 184,000 will be left on December 1 compared to 549,000 in Vietnam when President Nixon took office in January 1969.

In October, the Commander in Chief will announce the schedule for additional thousands to be withdrawn. Our national interest will determine the timing of these withdrawals and not the national interest of North Vietnam.

The United States will announce the final withdrawal date when our Government is sure that the prisoners are going to be released.

The U.S. ground combat role will end this summer. U.S. advisers will no longer be assigned to all Vietnamese battalions as of next month.

American air sorties have been reduced by more than 50 percent of the peak levels.

South Vietnam will assume full responsibility for the DMZ within the next few weeks.

War costs have been cut in half.

ECONOMIC AND GOVERNMENT STABILITY

Irrefutable facts show also that Vietnamization and related economic and political programs are successful and stability in South Vietnam is being achieved. I would like to cite examples of this significant economic and political progress with the following highlights:

By far the greatest majority of the rural population of South Vietnam feels the increased security in the countryside.

Over 1,450 miles of roads have been built.

Ownership of about 2,250,000 acres have been vested in more than 500,000 rural families.

Despite economic problems and inflation, the Vietnamese farmers are getting higher prices for their rice and real incomes have risen significantly.

"Miracle" rice—a fast-growing, disease-resistant variety—was cultivated on more than 700,000 acres in 1970. Expansion of this production is expected to reach 1,858,000 acres in 1971–72.

Election of Senators, provincial councils and local officials took place in 1970.

This year, the Vietnamese are scheduled to elect the entire 137-seat Lower House and the President and Vice President.

More than 60 percent of the rural population now feel the way to remove ineffective or unpopular officials is to vote them out in the next election.

Mr. President, I submit that the progress made in the last 2 years is phenomenal. The Communists are being defeated on all fronts. Yet, some of my colleagues turn their backs on these amazing achievements. Instead, they demand that we quit when we are winning; they demand that we risk jeopardizing success; they insist that we undermine the President's withdrawal operation; and they want the Senate to vote in favor of the enemy. They refuse to allow the President the opportunity for success by blindly insisting on the passage of this unrealistic and ill-conceived amendment.

Mr. President, our Nation has taken every conceivable unilateral action to settle the conflict. The Communists—especially the Soviet Union and Red China who are supporting North Vietnam to the hilt—have not taken one measure to show good faith to end the war. Now, this amendment would allow the Communists a final chance for victory after our Nation has lost over 45,000 of our courageous men for the free world and our Nation's security. In my judgment, the supporters of this amendment fail to see that it will jeopardize our Nation's security and national interests.

U.S. CONCESSIONS FOR A JUST PEACE REJECTED

Mr. President, permit me to list some of the many measures offered by our country for a settlement of the conflict which the Communists have ignored or rejected.

President Nixon's offer for a just peace has been proposed time and time again through all channels of communications with the Communists. He has proposed:

First, an internationally supervised cease-fire in place throughout Indochina.

This was rejected.

Second, he has proposed the establishment of an Indochina Peace Conference.

This was rejected.

Third, he has proposed negotiation of an agreed timetable for the complete withdrawal of all U.S. forces from Vietnam on the basis of North Vietnamese reciprocity and international verification.

This was rejected.

Fourth, he has proposed a fair political settlement reflecting the will of the South Vietnamese people and of all the political forces in South Vietnam.

This was rejected.

Fifth, he has proposed the immediate and unconditional release of all prisoners of war by all sides.

This was rejected.

Mr. President, it should be obvious to the world that the Communists will not negotiate or settle the conflict on any terms except their own. This amendment would help them achieve a settlement on their terms. Consequently, the President has adopted the only course of action which will end our involvement and still achieve the objective for which over 45,000 Americans died. Let it not be said they were allowed to die in vain because of an argument over a disengagement timetable when an honorable end of the conflict is clearly in sight.

ALLIES IN VIETNAM

Mr. President, apparently some of my distinguished colleagues have not given any consideration to our allies who have stood by the United States. They, too, have lost their youth in the war against aggression and communism. Have my colleagues who support this amendment consulted with the Korean Government whose soldiers have fought valiantly in Vietnam? I doubt it. At the current withdrawal rate, our Korean friends, who are facing a constant threat of their own, will soon have more troops in Vietnam than the United States.

Have my colleagues consulted with Australia, Thailand, the Philippines, and New Zealand? I doubt it. These are our friends whose security was also jeopardized when North Vietnam committed aggression against South Vietnam. If the sudden withdrawal called for by the amendment is passed, then the approximately 66,400 allied troops in South Vietnam have no alternative but to withdraw. This will add to the mass confusion and chaos, if the amendment is approved.

AMENDMENT IS LEGISLATIVE MADNESS

Mr. President, in summary, I would like to list some major points of my remarks yesterday to show that this amendment is legislative madness.

If this amendment is approved, it could jeopardize the lives of our fighting men and cause thousands of military and civilian casualties.

It is militarily impractical and logistically unrealistic.

It is ambiguous in that it states the President must provide for the safety of our men, but, nevertheless, he must withdraw 80,000 men in the next 2 months which is contrary to the advice of the President's military experts.

It would sacrifice a tremendous investment.

It would break the faith with all those brave Americans who have given their lives for our country.

It favors the enemy and threatens the success of Vietnamization.

It breaks faith with South Vietnam and our allies. And last, but most important of all, it provides no assurance on the release of prisoners, which is the objective of the amendment.

SUMMARY

Mr. President, in closing, let me say again that this amendment in terms of life is cruel. In terms of military operations, it is ridiculous. In terms of international affairs, it is a mockery. It makes the Senate a command post and American prisoners political pawns. It defies the President of the United States. It purports to accomplish through legislative means what the world's best diplomats have been unable to accomplish through endless negotiations. It ignores the reality of the world in which we live. It ignores the fact that in South Vietnam—like Berlin, Korea, Cuba, and the Middle East—Communist aggression to dominate the world must be stopped, if we and the free world are to survive.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I yield myself 15 minutes.

Mr. President, on Monday of this week I addressed myself to the issue of the safety of American forces during the withdrawal period envisioned both by this amendment, the so-called McGovern-Hatfield amendment, and also the formula spelled out by the President in a policy that has come to be known as Vietnamization.

On yesterday I addressed myself to the issue of the relative chances for the release of our prisoners under these two alternative formulas.

Today I would like to direct my remarks to the deepening constitutional crisis in the United States, centering on the issues of war and peace and the proper role of the Congress in relation to the Chief Executive.

Mr. President, as I have studied the growing tendency of Congress to surrender its war powers to the President, I have been increasingly convinced that we are in danger of falling into one-man rule in this Nation with reference to the all-important decisions of war and peace that affect the lives of our people, and especially the lives of the young men of the United States.

The pending amendment not only seeks to terminate U.S. military involvement in the affairs of the people of Indochina, but, in the long run, it seeks to reassert, perhaps even more importantly, the congressional powers which I believe the constitutional fathers intended us to shoulder as elected representatives of the people.

The reverse view I felt was expressed very bluntly recently by former Secretary of State Dean Acheson when he asserted the premise of exclusive Executive war powers to the Senate Armed Services and Foreign Relations Committees some two decades ago. This is what Mr. Acheson said:

> Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.

That position—a mistaken position, in my view—has been taken by the present administration in language that is strikingly similar. Its comments of March 10, 1969, on the national commitments resolution give the Department of State's view as follows:

> As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

Mr. President, I submit that those two statements, one of them by a Democratic Secretary of State, Mr. Acheson, the other by a spokesman for this administration, a Republican, literally stand the Constitution on its head. They facilitate what that document seeks to impede. They brand as congressional "interference" the very powers which the Founding Fathers saw as among the most important prerogatives of the Congress.

INTERPRETATION OF THE FOUNDERS

Alexander Hamilton, a strong advocate of Executive power, interpreted the Office of Commander in Chief as amounting to "nothing more than the supreme command and direction of the military forces, as first general and admiral of the Confederacy."

The clause, therefore, places a civilian at the top of the military command structure. Each man in uniform is answerable to him. It says nothing about the purposes he can pursue with the Armed Forces under his command.

But Madison's notes of the debates at the Constitutional Convention shed important light on this matter. An early draft provided that the Congress should have the power to "make" war, and that proposal did attract some support. The record says, for example:

> Mr. Sharman thought it stood very well. The Executive should be able to repeal and not to commence war. "Make" better than "declare" the latter narrowing the power too much.

But Mr. Madison and Mr. Gerry moved "to insert 'declare,' striking out 'make' war; leaving to the Executive the power to repel sudden attacks."

The substitute language was approved, giving the President authority to meet an emergency attack in the absence of congressional action. But here also arises the first very substantial reason to suppose that unilateral Executive power under the Constitution is quite limited. The framers expressed themselves clearly on one instance in which an Executive decision could stand alone, and they mentioned no others, that one instance being in the case of a sudden attack or an emergency situation.

Surely, Mr. President, no one can argue that we face that kind of an emergency in Indochina. We are far from it. These decisions have come about after agonizing months and years of evaluation as to what our course should be, and it would be a very strange interpretation of the Constitution, indeed, to say that the kind of situations that faced us at each stage of the escalation of this war in Indochina were emergency situations or sudden attacks that did not provide time for debate and discussion in the Congress of the United States.

The actual situation is that we permitted those decisions to be made, although there was ample time for proper review and discussion and public debate in this body that could have involved the American people in a broad way in decisions that affected their lives. What we now see, in the revelations of the documents coming to light in the past few days through publication in the New York Times, is that even the senior Members of this body and members of the Committee on Foreign Relations and the Armed Services Committee were kept totally in the dark as to a series of decisions made in secret in the executive branch, accompanied by public rhetoric that was designed to mislead and deceive the Congress of the United States and the American people, rather than involving them in these decisions as intended by the Constitution.

Mr. President, the scope of this one single warmaking power that was given to the President, that he can assume unilaterally in emergency situations, is not precisely defined, and it is a matter of some dispute. Certainly, the President can use all of the forces at his command to defend the Nation's shores.

If this country were attacked, as we were at Pearl Harbor in 1941, there would be no doubt of the President's authority in responding to meet that attack, and yet even in that instance President Roosevelt came to Congress and asked for a declaration of war from this body.

Doubtless the President needs no permission to direct the protection of American military forces wherever deployed, if they are in immediate, perceivable danger. An act of Congress purporting to prohibit such action would be a nullity.

It is much less clear whether he can order offensive operations based on the fear that an enemy is about to attack. The terms used in the motion during the constitutional debate—"repel" and "sudden"—seem to imply that congressional approval should be sought in any case where the threat is not immediate, and they also suggest that the amount of force used should be as much as is sufficient to remove the threat or cancel out the immediate emergency situation.

More substantial questions are raised by the logical consequences of a broader power. While in Congress, Abraham Lincoln provided a compelling analysis on this point in a letter to his partner, Herndon:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose.

But Executive prerogatives on issues of war and peace do not stand alone. Against them are arrayed an extensive listing of legislative powers and duties. Under article I, section 8, it falls to the Congress to "declare war," to "make rules for the Government and regulation of the land and naval forces," to "provide and maintain a Navy," and to "provide for the common defense and general welfare of the United States." The Constitution further provides that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law." And, in the case of appropriations to support armies, and only in that case, it limits those appropriations to a duration of 2 years.

In other words, Mr. President, the drafters of the Constitution were so determined that Congress would have the power to review military appropriations at least once in every session of Congress—once every 2 years—that they singled out the matter of military appropriations as the only one in the Constitution that must be reviewed by Congress at least once every 2 years.

Abraham Lincoln also supplied an accurate description of the reasons why Congress was so explicitly designated as having the money power over military operations. He stated:

> The provision of the Constitution giving the warmaking power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us.

The framers of the Constitution wrote with the benefit of sharp hindsight upon two centuries of contest between English Kings and Parliament. What is most relevant here is that Parliament had successfully employed its power of the purse to prevent and halt royal adventures abroad. When everything else failed, Parliament finally turned in desperation to the money power, and cut off funds for wars that they felt were not in the interest of the English people.

In fact, a legislative forerunner to the pending amendment was passed in 1678, when Parliament specified that the Charles army in Flanders be disbanded by a date certain. And this is what we propose to do by this amendment. The framers clearly intended that Congress should have at least that much power, and they added more by requiring congressional action to initiate war as well as allowing congressional action to stop it.

Hence, the conclusion drawn by Mr. Ellsworth in the Constitutional Convention, again from Madison's notes:

> Mr. Ellsworth: There is a material difference between the cases of making war

> and making peace. It should be more easy to get out of a war than into it.

Mr. Mason also expressed support for: "Clogging rather than facilitating war, but for facilitating peace."

In other words, these men made clear, in the notes kept in the constitutional debates, that what they were trying to do was to make it more difficult for one President or one leader to commit this Nation to war and to make it easier for Congress to bring a mistaken military conflict to a conclusion.

If any ambiguity can still be asserted, we have only to look to early authoritative opinions. In 1801, Chief Justice John Marshall wrote:

> The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry.

As a member of the executive branch, Secretary of State Daniel Webster wrote in 1851, a half century after Chief Justice Marshall's decision:

> I have to say that the war-making power in this Government rests entirely with the Congress; and that the President can authorize belligerent operations only in the cases expressly provided by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. I yield myself 10 additional minutes.

Mr. President, how much time remains for the proponents of the amendment?

The PRESIDING OFFICER. The amount of time that remains is uncertain at this time.

Mr. McGOVERN. Assuming that the vote occurs at 5 p.m., how much time would the proponents have?

The PRESIDING OFFICER. One hundred fifty-eight minutes remain for the proponents.

Mr. McGOVERN. I yield myself 10 additional minutes.

I repeat the words of then Secretary of State Daniel Webster, who also served as a Member of the U.S. Senate. He said in 1851:

> I have to say that the war-making power in this Government rests entirely with the Congress; and that the President can authorize belligerent operations only in the cases expressly provided by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another.

Mr. President, if that doctrine is right, as I believe it is, it does not exclude action by the President to defend the shores of this country or to meet emergency situations, but it does require that any action in which we use American forces in defense of another country's opponents requires a declaration of war or approval by Congress. No such approval ever has been given by Congress for our operations in Indochina, except by implication, through the funding of the war—the authorization bills and the appropriations bills that have provided the money.

So what we are asking here today is that Congress take the same route to bring the military operations to an end—namely, to use this power of the purse to express a judgment as to whether it is in the national interest to continue this foolish war.

Or consider James Buchanan's precise description in a December 1858 message to Congress:

> The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks . . .

The legislative history, the historical setting, and the language itself are unmistakable. They all point to the conclusion that the power to determine the purposes for which American military forces will be used abroad resides primarily in the legislative branch, if not exclusively in the legislative branch, whose laws must be faithfully executed by the President. The Commander-in-Chief clause merely entitles the President to the supreme command and tactical control of those forces when they are engaged in activities authorized previously either by enacted laws or by the Constitution itself. I do not see how the Constitution can be read in any other way.

Those who contend for inflated executive powers can cite no textual support for their thesis. They make but one assertion—that the President holds full control over the use of the Armed Forces in pursuit of American security interests by reason of "practice" or "tradition," most of it in the last 25 years.

I fail to see how such foggy percepts can allow us to alter, without amendment, the terms of the Constitution itself. The truth is that Congress has acquiesced in Executive actions because it either supported them or lacked the will to assert its opposition. In most instances in which the President has acted alone, he probably could have obtained congressional authority had he asked for it. The trend which has concerned us has developed because Congress has not really disagreed with the Executive and has thus felt no need to assert its own views. It is a serious perversion of the Constitution to suggest that congressional inaction signals the loss of congressional power that was given to us under the Constitution of the United States.

The logical import of the powers claimed would be to destroy the constitutional scheme so painstakingly constructed at Philadelphia 200 years ago. It would establish virtual one-man rule over what I think we can all agree are the most important decisions any government is ever called upon to make—the decisions to commit young life to battle and possibly to death.

Considering the breadth of security interests claimed or claimable by the Executive, it would leave the President free to engage in any conflict, large or small, short or indefinite, anywhere in the world. Under the new assumption of Executvie power, it is impossible to envision a conflict for which congressional authority would be required.

In other words, if American forces can be committed across the frontier of Cambodia without so much as a glance at Capitol Hill, what power then is denied to the President that prevents a one-man rule situation in the areas of war and peace?

Yesterday, we saw this power extended to a new and unprecedented level. The Department of Justice has asked a Federal court—and has succeded in getting an order from that court—to prevent a great newspaper in this country from publishing certain material that the Government feels would be embarrassing to the national interest. That is the only time, so far as I know, in the history of the United States when any court has prevented, in advance, the publication of documents merely because of the convenience and wish of the Government. It is a crass form of censorship that violates the freedom of the press and violates the Constitution of the United States, and I cannot believe that the court will allow that decision to stand.

I suggest that those who oppose this amendment would do well to avoid the grave error of confusing their support for the President's Vietnam policy with an imaginary constitutional mandate for the Congress to abandon duties imposed upon it by that document.

In other words, I recognize there are legitimate difference within this body as to whether the President's policy is right or whether it is wrong, but what I object to is the notion that we have no right as Members of Congress to advocate a different view and to insist on that view by legislative action in this body. We were elected by the people of our States. We are empowered by the Constitution of the United States with certain obligations and powers in the field of war and peace. We have an obligation that is just as sacred and just as important as the President's to stand on our convictions on these matters which affect the very lives of the people of this Nation.

Every Senator is and should remain free to make his own choice on matters of policy, relying upon knowledge, wisdom, and conscience. But we are bound, by our oath of office, to uphold the Constitution.

THE DUTY OF CONGRESSIONAL REVIEW

The points I have discussed may appear to have only an indirect relevance to the pending amendment, since they relate primarily to the question whether the war in Vietnam was properly initiated. Our amendment does not contest that issue; it does not seek to declare illegal the past actions of any President. It is not an amendment to find scapegoats or to crucify anyone for decisions made in the past. It applies only to the future. It applies not to the 50,000 young Americans who are dead, whom we cannot recall, but it applies to the thousands of young men who will die if we do not end this war. It applies to our prisoners of war who have been sitting in their cells in Hanoi for these past 5 or 6 years.

I suggest, Mr. President, that if those prisoners could vote, if the GI's in Vietnam could vote, if the American people could vote on the rollcall vote on the amendment that the Senate will take at 5 o'clock p.m. today, it would pass overwhelmingly, because it is the only way by which Congress can stand on its constitutional authority and exercise what I believe to be the overwhelming sentiment of the GI's in Vietnam and of the American people here at home, and that is the conviction that this war must be brought to an end.

Mr. HATFIELD. Mr. President, will the Senator from South Dakota yield?

The PRESIDING OFFICER (Mr. SPONG). The time of the Senator from South Dakota has expired.

Mr. McGOVERN. Mr. President, I yield myself 15 additional minutes in order that I may yield to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 15 additional minutes.

Mr. HATFIELD. Mr. President, first of all, I am very, very grateful to the Senator from South Dakota (Mr. McGOVERN) for his very temperate and scholarly presentation of this question of the constitutionality of our amendment.

Throughout the time the distinguished Senator and I have been associated in behalf of this amendment, over a matter of some years now, I have come to know him well and to respect his patience and the careful manner in which he explains his position on this issue, and especially today for his very careful and scholarly presentation.

Mr. McGOVERN. If the Senator from Oregon would yield right there momentarily, he has spoken so kindly about me that I want to take advantage of this opportunity to express my great appreciation to him not only for his years of consistent leadership in his effort to end the war, but before that, for his leadership as Governor of the State of Oregon, when he was the only governor in the early days who stood up against American involvement in Indochina, when he spoke out sharply against it. His record on this issue is long and consistent, going back to the mid-1960's when the escalation first began.

I stress that, Mr. President, because there has been some implication made on the part of some Members of this body that the pending amendment has been introduced for partisan reasons, to embarrass the President or, somehow, to grab credit for bringing this tragic war to an end. It is important to understand for the record that the distinguished Senator from Oregon (Mr. HATFIELD), and others associated with this amendment, have not changed their position over the years, that it has been consistent regardless of who was the occupant of the White House, or the party. What we attempt to do here this afternoon is part of that consistent record.

Beyond that, I want to thank the Senator for carrying the major burden of this debate over the past week. As he knows, I have recently undergone surgery and have not been able to be on the floor as much as I would have liked to. For that reason, I especially appreciate the fact that he has carried the major part of the burden.

Mr. HATFIELD. I thank the distinguished Senator from South Dakota. He has been accurate on the one question raised frequently in relation to the amendment which has to do with the constitutional authority of Congress to act.

I should first like to preface my question to the Senator with a quotation from last year's debate, August 31, 1970, made by the manager of the bill, the very distinguished Senator from Mississippi (Mr. STENNIS), and the chairman of the Armed Services Committee, who is known as an outstanding attorney and a man skilled in constitutional law.

During that debate, the Senator from Mississippi said:

> I thank the Senator very much. I am going to say something against a legislative termination only, but I am going to say again, too, that I think the Senator's amendment is directly on the button of the Constitution, that it is a limitation on appropriated funds, and only Congress has the power to appropriate money . . .
>
> I would observe, Mr. President, that the pending amendment is completely constitutional. There is not the slightest doubt that Congress has complete authority to limit the use of funds for this or any other war, or for that matter, on any other activity regardless of whether it is related to the Department of Defense.

The Senator from South Dakota this morning has again stated the proposition clearly, that Congress does have the constitutional responsibility and the constitutional authority to act.

Let me now refer to an interview on July 1, 1970, which Mr. Howard K. Smith had with President Nixon, when the same point was brought up. The question posed to the President by Mr. Smith was this:

> Mr. President, one of the things that happened in the Senate last week was the rescinding of the Gulf of Tonkin resolution by the Senate. Mr. Katzenbach, in the previous administration, told the Foreign Relations Committee that resolution was tantamount to a congressional declaration of war. If it is rescinded, what legal justification do you have for continuing to fight a war that is undeclared in Viet-Nam?

The President responded:

> First, Mr. Smith, as you know, this war, while it was undeclared, was here when I became President of the United States. I do not say that critically. I am simply stating the fact that there were 549,000 Americans in Viet-Nam under attack when I became President.
>
> The President of the United States has the constitutional right—not only the right but the responsibility—to use his powers to protect American forces when they are engaged in military actions; and under these circumstances, starting at the time I became President, I have that power and I am exercising that power.

I think the Senator from South Dakota would agree that up to this point there is no disagreement between the proposition that we put forth in the amendment and what the President of the United States has declared as a constitutional right and responsibility, to bring American troops home.

I would like to call this again to the attention of the Senate. It is a further expansion of this comment, a further expansion of this thought which goes beyond what the Senator would agree is the President's basic responsibility and authority under his constitutional power.

Mr. Smith said:

> Sir, I am not recommending this, but if you don't have a legal authority to wage a war, then presumably you could move troops out. It would be possible to agree with the North Vietnamese. They would be delighted to have us surrender. So you could—What justification do you have for keeping troops there other than protecting the troops that are there fighting?

Mr. President, I want to make such emphasis on this that I restate that last part of the question:

> What justification do you have for keeping troops there other than protecting the troops that are there fighting?

The President responds:

> A very significant justification. It isn't just a case of seeing that the Americans are moved out in an orderly way.

Mr. President, that is the crux of our amendment. I continue to quote:

> If that were the case, we could move them out more quickly; but it is a case of moving American forces out in a way that we can at the same time win a just peace.

The President continues:

> Now, by winning a just peace, what I mean is not victory over North Viet-Nam—we are not asking for that—but it is simply the right of the people of South Viet-Nam to determine their own future without having us impose our will upon them, or the North Vietnamese or anybody else outside impose their will upon them.

The President goes on at a later point in the interview and says:

> But let's go further. If the United States, after all of this effort, if we were to withdraw immediately, as many Americans would want us to do—and it would be very easy for me to do it and simply blame it on the previous administration—but if we were to do that, I would probably survive through my term, but it would have, in my view, a catastrophic effect on this country and the course of peace in the years ahead.

My question to the Senator from South Dakota (Mr. McGOVERN) is that we are talking about a constitutional question here. It is clearly established that the Congress of the United States has a constitutional authority to cutoff appropriations for any purpose including war. What is the constitutional authority for the President of the United States to retain those troops in South Vietnam and have them engage in military operations in Cambodia, Laos, and other involvements in Indochina? What is the constitutional responsibility and authority of the President of the United States?

Mr. McGOVERN. Mr. President, my view is that the President of the United States is without proper constitutional authority to continue this conflict.

The Senator from Oregon quoted the Senator from Mississippi (Mr. STENNIS) a few moments ago in saying that there was no question at all about the constitutional advisability of the amendment we propose. The Senator from Mississippi disagrees with the content of the amendment, but he has made it very clear that we are acting within our constitutional rights in proposing the curtailment of funds for the continuance of this war.

It is interesting that another Senator, who is sometimes looked upon as the leading constitutional authority in the Senate, the senior Senator from North Carolina (Mr. ERVIN), said at the time of the debate on the Gulf of Tonkin resolution that if we were to repeal that resolution, which we did, there could no longer be any authority at all for the President to continue military operations in Southeast Asia.

Mr. President, I am not quoting the Senator from North Carolina directly, but I am quoting him substantially. It is his view that if we were to repeal the Gulf of Tonkin resolution we would have placed the President in a position where he had no other recourse except to terminate American military operations, and he would be without any constitutional authority at all to conduct the war.

I have never thought that the Gulf of Tonkin resolution was a proper declaration of war or a substitute for a declaration of war. As the Senator from Oregon knows, many Senators voted for that resolution at a time when we were really deceived by the executive branch as to what the situation was at that time. However, be that as it may, my answer to the Senator is that I think the President is now operating without proper constitutional authority in the conduct of the war. Certainly there is no doubt about our power to terminate the war by cutting off funds.

Mr. HATFIELD. Mr. President, would the Senator from South Dakota agree that the burden of proof as to the constitutional questions involved is upon the opponents to prove the constitutional authority that the President has and that those who vote for our amendment support that position by their very vote. As far as I am concerned, he has no constitutional power whatsoever other than to withdraw troops.

Mr. McGOVERN. Mr. President, there is no question in my mind about that at all. What puzzles me is that some of the strictest interpreters of the Constitution in the Senate are still willing to go along with a war that I should think they would see was in violation of what the Constitution intended with reference to the decision of matters regarding war and peace.

Mr. HATFIELD. Mr. President, would the Senator agree that in order to bring this down to as definitive a point as possible we have to look at Vietnamization in at least a twofold aspect. The first, in which we also support and applaud the President and admire him greatly, is that he has been withdrawing troops and bringing them home. When he came into office, we had 449,000 troops there. He has withdrawn thousands and thousands of troops. On that we agree that it is within his constitutional power.

There is another side of this question which the general public and perhaps some in the government establishment have not been as quick to identify. That is, to listen to the words of the President himself when he said that if it were merely the withdrawal of troops, he could do it faster than he is doing it. Then he identified the second part of Vietnamization as being some kind of commitment or agreement—I do not know what it is—to the Thieu-Ky regime requiring that our troops are only going to come out at a rate sufficient to give them the opportunity to defend themselves and stand on their own feet.

Does the Senator agree that this is a part of the Vietnamization policy that deserves most careful scrutiny and that it represents the most serious obstacle to getting a consensus and agreement on this matter?

Mr. McGOVERN. There is no question about that. I think the crucial matter on which the administrative policy is hung up in Congress is the unwillingness of the administration to carry out a withdrawal schedule that is in line with our own national interest. Always that withdrawal schedule is gaged in terms of the political interest of Saigon and the various regimes in Saigon going clear back to President Diem from 1954 on. We have not asked what is in the interest of the American people or what is in the interest of our prisoners or what is the best manner to bring about their release and the safety of our forces.

Always the point the President has made is to reiterate in one way or another—not just the present President, but also his predecessor—that we are not going to withdraw troops below the point that whatever regime is in power in Saigon feels will permit them to stand on their own feet.

I would think that after arming and equipping an army of 1 million men in South Vietnam, which is about five times the size of the enemy force, that we have given them a reasonable chance.

But what is lacking is the kind of conduct on the part of that Saigon Government that commands the respect and support of their own people, and we cannot export that. We cannot send the respect of the Vienamese people to General Thieu and General Ky. They have to earn that, and that is the ingredient that has been missing. No matter how long we stay, until there is a government in Saigon that commands the support and respect of their own people, they will never have a reasonable chance to survive, and American forces will stay indefinitely.

Mr. HATFIELD. I appreciate the Senator's succinct response to the question.

I ask the Senator from South Dakota if he agrees that Members of this body who vote against this amendment are voting to support an unknown commitment and a prior commitment to the Saigon government, and this kind of vote clearly indicates our emphasis is more on the political commitment to Saigon than it is on the withdrawal of American troops.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 15 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 additional minutes.

Mr. McGOVERN. I do not see how it can be read any other way. The policy of Vietnamization, as I said yesterday, is a two-track policy. The President said two things have to happen before we withdraw our forces. First, the other side has to release our prisoners. That seems to me to be a false hope, to think the enemy will release American prisoners as long as military hostilities continue, particularly as long as the bombing operations go on. Second, he said that we have to make sure that the Saigon political regime has a reasonable chance to survive on its own. In other words, even if the first condition were met, if they agreed to release the prisoners, the President has said that is not enough; we have to stay there with the forces necessary to assure survival of this regime in Saigon, a regime that, as far as I am concerned, is so corrupt and antidemocratic that it does not deserve that kind of commitment of the American people.

Mr. HATFIELD. Let us analyze this commitment. We are involved in this kind of commitment. I do not know of anyone who has talked about it or identified what it is other than the time sufficient or time reasonable for the South Vietnamese Government to stand on its own feet.

I think it is necessary to go back and realize, with all respect to the President's judgment, and with every belief I can conjure up that the President is dedicated and sincere when he said he wants peace—and I do not challenge that—but we have to recognize that the President, when he said he wants to give reasonable time for the Saigon government to stand on its own feet, must be a pretty disillusioned man as far as the capacity of that government to do so is concerned, because I would like to remind Senators that on September 26, 1969, and that is more than two and a half years ago, the President, in an interview, was asked, "How do you feel about the various proposals proposing an arbitrary cutoff time on our military presence in Vietnam?"

As the Senator from South Dakota realizes, this is not a new proposal we are making today. We voted on it in September 1970, and it was discussed even in 1969.

This is what the President responded. These words should be carefully weighed:

> However, it is my conclusion that if the administration were to impose an arbitrary cutoff time, say the end of 1970, or the middle of 1971, for the complete withdrawal of American forces in Vietnam, that inevitable leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective that I am trying to achieve, of ending the war before the end of 1970 or before the middle of 1971.

Later in the interview he said:

> We believe that it can be achieved and we believe that if we stay on this course and if we can have some more support in the Nation—we have a lot of support, but even more support in the Nation—for this steady course, that the enemy then will have the incentive to negotiate, recognizing that it isn't going to gain time; that it isn't going to wait us out.
>
> Once the enemy recognizes that it is not

going to win its objective by waiting us out, then the enemy will negotiate and we will end this war before the end of 1970. That is the objective we have.

I think it is obvious the President sincerely, and with all the facts he had at his command, probably believed the Saigon government would have been strong enough to stand on its own feet by the end of 1970 or the middle of 1971.

Now, here we are debating this again in June 1971, and they tell us that December 1971, is not a reasonable time for Saigon to stand on its own feet.

Does the Senator have any information that I do not have or that I have not read as to when the administration expects the Saigon government to have had a reasonable amount of time to stand on its own feet; and how many more American boys have to be slaughtered to fulfill this political commitment?

Since we debated this question last year, in 1970, when it was said that 1970 was not a reasonable time for them to stand on their own feet, 2,811 more American boys have been killed, there have been wounded 11,250 more American men, 16,578 more South Vietnamese soldiers have been killed, and 100,000 North Vietnamese soldiers have been killed. How many more? What is the time factor we can expect that Saigon can stand on its own feet? Does the Senator know this?

Mr. McGOVERN. All I can say in response to the Senator's inquiries is that he again reminds us how many times forecasts about the viability of the Saigon regime have proven to be disappointing. The Senator must surely recall that 6 or 7 years ago when a former Secretary of Defense made a study in South Vietnam and came back to report, along with General Taylor, that it was his best judgment that all American forces could be withdrawn or almost all American forces could be withdrawn by Christmas 1965. That is a long time ago. That is an estimate that missed the target by many years. We could fill this RECORD this afternoon with forecasts about the light at the end of the tunnel and the fact that the regime that happened to be in power at that time in Saigon was making progress and winning support and confidence of its own people. But every one of those predictions, as the Senator knows, proved to be in error.

I think there would be another factor that would be disillusioning to the President in connection with this matter, and that would be when he looks at the election law that is being considered and may be adopted in South Vietnam that requires anyone who wants to be a candidate next October must first get the signatures and support of 40 members of the Assembly.

Does the Senator think he could get 40 Members of the Senate to endorse his candidacy if he wanted to become a candidate for President? I think this is the kind of thing that indicates what a wobbly regime we are backing in Saigon and what little support it has. That law was designed to prevent a man as powerful as Vice President Ky from being a candidate against President Thieu. If even the Vice President of South Vietnam under this proposed election law cannot get enough signatures to be a candidate for office, I think it is clear that what is shaping up in October is another rigged election that betrays the lack of confidence General Thieu has in his own popular base.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. McGOVERN. I think the Senator from Utah (Mr. Moss) is waiting to speak.

Mr. HATFIELD. I would like to ask one last question.

Would the Senator not agree also that when we consider the fact that we have waited now a year, almost, since we last voted on this amendment, that there has not been one breakthrough in the negotiations at Paris, or one indication that there is any way this stalemate is going to be broken, or that we have had the return of not one prisoner of war, does the Senator know of any way other than our amendment that would trigger that kind of action?

Mr. McGOVERN. I do not. What we have seen is that both the government in Hanoi and Madam Binh, speaking for the National Liberation Front, have said they will do two things if we will set a definite date for withdrawal of American forces. First of all, they will begin negotiations immediately for the release of American prisoners of war, but they have said the indispensable condition for starting those negotiations is for us to get out of Vietnam lock, stock, and barrel, not to retain a residual force, not to keep bombing, as I understand is a part of the Vietnamization policy. We have to agree to a definite date for the withdrawal of all forces. Second, they have said that if we would agree to a withdrawal date, they will enter into an agreement immediately for a cease-fire and for the safe withdrawal of our forces.

I do not have the slightest doubt that they would carry out both of those commitments if we would set a withdrawal date, not because I think they are saints or boy scouts or anything of the kind, but because it is in their own national interest for us to get out.

Mr. HATFIELD. We have nothing to lose by such a triggering mechanism, because it says that if it is not settled within 60 days, the deadline is extended for another 60 days. So we can put them to the test without losing anything.

Mr. McGOVERN. There is a safety valve which gives us 60 days to work out the release of prisoners. If it is not worked out, the amendment says the President can come back to Congress and ask for additional authority to continue the war.

Mr. HATFIELD. Does not the Senator agree that those who do not support the amendment, those who vote "No" on the amendment, have a great responsibility to the widows and wives, the mothers and sisters of those prisoners of war, as to just what they have to propose that will trigger a mechanism to get those men out? Do they not have a further responsibility to give some kind of indication as to what is going to bring about negotiations to release the prisoners of war? Is not the responsibility on them, rather than us, because we in our amendment have provided a triggering mechanism to break the stalemate? Does the Senator agree with that?

Mr. McGOVERN. Yes, I agree with that. I think, in a very real sense, we hold the key to the jail cells in Hanoi. We can unlock those doors and release those prisoners by writing into law a termination date for the hostilities. We can give a new lease on life to those young men in South Vietnam, American soldiers who are there, by adopting the amendment and saying to Hanoi, "We are calling you on your offer of a cease-fire and on the safe withdrawal of our forces." I do not see that as a ransom for our prisoners or paying a bribe. I say it is placing our national interest first, for a change, and not letting General Thieu exercise a veto on our withdrawal.

Mr. HATFIELD. I thank the Senator for yielding.

Mr. McGOVERN. I thank the Senator.

Mr. President, I yield 15 minutes to the Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I have been listening with the greatest interest to the colloquy between my two colleagues who are the coauthors of the amendment now before this body. I agree with the statements by these two fine Senators, and I intend to support the amendment when the vote comes this afternoon. I supported it last year.

I was particularly struck by the hope that the Senator from Oregon recited in which, more than a year ago, the President was giving assurance that he could probably end the war by 1970, and certainly by the middle of 1971. Here we are, in the middle of 1971, having resistance against setting a termination date to come at the end of 1971. And so it seems to go on year after year. I am convinced that we must, as a body of the Congress, take action to set the terminal time when we will be through with war in Indochina and bring our men home.

And so this afternoon, the Senate once again faces the painful question of our future course in Indochina. I think the Senate should answer that question in a firm and unequivocal voice—a withdrawal of all American forces by December 31, 1971.

For years we have been told that we were beginning to see the light at the end of the tunnel. If we would only be just a little more patient.

Well, we have come a long way from where that light was perceived by some of us. It is no bigger, no brighter, than it was 2 years ago—no more apparent, in fact, than it was 10 years ago. The "light at the end of the tunnel" has proven to be a cruel hoax played on the American people.

We are now witnessing another version of the tunnel game—it is the prisoner game. The rationale is the same: If we hold on just a little longer, we will be able to salvage something from the wreck of this disastrous war. And both promises have the same effect: to prolong the killing, the suffering, and the destruction, without gaining us what we sought in the first place. In short, both are excuses for continuing a war in which the American people have lost faith, a war that the American people want stopped.

How serious is the President about the issue he professes to feel so strongly? A few days ago, Clark Clifford, former Secretary of Defense, indicated that he was convinced by information that he had received that our prisoners of war would be released within 30 days of the setting of a deadline for American withdrawal from Vietnam. The Nixon administration's response the very next morning was given by Press Secretary Ziegler, who discounted Mr. Clifford's statement and added that, furthermore, return of prisoners was only one of several contingencies on which our withdrawal would be based. This contrasts sharply with Mr. Nixon's earlier statements, which have singled out prisoners of war as the governing reason for our continued presence in Vietnam.

I believe that the President must be more candid with the American people on the real issues surrounding our disengagement from Vietnam. The prisoner issue has been used as a red herring. History tells us that prisoners are returned after a war is over, not before. The real issues, it seems to me, are the future of the Thieu-Ky regime, the avoidance of a bloodbath following our withdrawal, the national security stake we have in Southeast Asia. And today, we consider the additional issue of whether it is proper for the Congress to accomplish by legislation what two Presidents have been unwilling to do by executive action: Set a firm date for withdrawal of American forces from Vietnam.

Our unwavering support for the Thieu-Ky regime is one of the most troubling aspects of our present policy.

I have said before that I do not believe the Thieu-Ky regime is worthy of our support. South Vietnam is not now a democracy in any sense of the word. Scores of newspapers are closed, temporarily or permanently, simply for questioning the government line. Political prisoners number well into the thousands. Trong Dinh Dzu, runner-up in the 1968 presidential elections, is now in jail for having advocated a coalition government. Our Government says that we are in Vietnam to protect the right of free self-determination for the Vietnamese people. Our association with such a blatantly undemocratic regime exposes our inconsistancy to all the world. The cause of Vietnamese self-determination would be better served by our leaving Vietnam completely and letting the Vietnamese settle their own affairs—after all, that is what self-determination is all about.

I am fully aware that there are Vietnamese—government officials and their families, and perhaps others—who might be subject to recriminations should another government come into power in South Vietnam. We must do what we can to protect them—not with more American lives—but by providing asylum for those individuals. The McGovern-Hatfield amendment would provide for this.

There is the question of commitment: What is the nature of our commitment to the Thieu-Ky government, and what dangers would our withdrawal pose in terms of our standing with our allies? I believe that after ten years, the expenditure of far over 100 billion dollars, the sustaining of over 50,000 deaths, and a quarter of a million casualties, we have more than fulfilled any commitment we ever had to the South Vietnamese Government. As for the argument that our allies would lose faith in us for terminating our involvement, I emphatically disagree. One would have to be blind not to see how this war has strained our alliances, lost us friends, and damaged our prestige around the world. Just recently the Thai Government announced it was initiating contacts with Red China. The reason? According to a government spokesman, the Vietnam war has shown them how dangerous it is to be "loved too much by a major power." The war, if anything is driving our allies away from us. The only way to restore the health of our alliances is a prompt termination of our involvement in Vietnam.

Finally, we come to the issue of our strategic interests. We have no vital security interests in Vietnam. And if we have vital interests in Southeast Asia, Vietnam is not the place to defend them. Of the two most powerful countries in Asia, one—Japan—is a firm ally. With the other—China—we are just beginning the long overdue process of inching toward normal relationships. Our interests in Asia are peace, security, and stability for that part of the world. The most effective way to achieve those objectives is to maintain our friendship with Japan and take further steps toward arriving at a stable relationship with mainland China. The Vietnam war only hampers the achievement of those objectives.

There are those who say that this amendment infringes on the President's constitutional duties. However, I believe this legislation reaffirms Congress' constitutional powers and responsibilities.

The Founding Fathers gave Congress the power to declare war and to "raise and support armies" because they feared war by Executive decree. Congress has not declared war; rather, the executive branch in waging war with moneys appropriated by Congress. From documents recently published by the New York Times, it is now charged by some that Congress and the American people have been deceived on American foreign policy and misled as to how American money was being spent. Whether or not these charges are true, it is certain that such matters are subject to congressional jurisdiction.

These things happen when one branch of Government begins to usurp the functions of the other, or begins to exercise unlimited power where that power should be shared. If we are to restore the balance of powers intended by the framers of our Constitution, then Congress must take its share of the responsibility in the conduct of this war. The McGovern-Hatfield amendment is fully consistent with that aim.

The war in Southeast Asia has taken a devastating toll—in terms of lives, both American and Asian; in terms of resources that are desperately needed elsewhere; in terms of the havoc it has wrought on Asian societies, and the anguish and division it has caused here at home.

There is no valid purpose served by prolonging our involvement. Let us end the war by setting a firm date for termination.

I believe the date proposed in the McGovern-Hatfield amendment, the end of December of 1971, is practicable and reasonable, and could be met, and that if we would give it a chance by adopting this amendment, we could set in motion forces that might enable us to have our prisoners returned at an earlier date, and certainly we could stop the killing that is going on even now.

I notice in the press every little while there is some kind of notice that "this particular week happens to be low in casualties." But even though it is low in casualties, there are always a number of our young men who have lost their lives, and many more have been wounded. I think the time certainly has come to terminate our involvement in Vietnam.

Mr. President, I yield the floor.

The **PRESIDING OFFICER.** Who yields time?

THE TIME TO LEAVE VIETNAM IS NOW

Mr. PROXMIRE. Mr. President, I rise to speak in support of the McGovern-Hatfield amendment. The time has come, indeed it is long overdue, when Congress and the President should set a date to get out of Vietnam, and then get out.

NO PARTISANSHIP OR RECRIMINATIONS

I speak for what I believe should be a national purpose and a national intent. In no sense do I speak from a partisan viewpoint or from a narrow perspective. My position is not based on any attempt at recrimination or to place the blame for our effort on the heads of others.

While I take considerable pride in the fact that as early as 1966 I joined in calling for a halt to the bombing, it is also true that, like most other Senators I supported the war either in voting funds for it or speaking in favor of many of our actions or by failing to speak out against courses of action which were pursued. There is enough blame for all—Democrats and Republicans, liberals and conservatives, and hawks and doves. As almost all of us shared in some degree in the responsibility for the war, what this amendment does is to propose that we all share in ending it. It is in that spirit that I speak.

AMERICA HAS FULFILLED ITS OBLIGATION

It is my view, and the facts support that view overwhelmingly, that we have fulfilled every obligation as a protocol signatory under the SEATO agreement to aid in the defense of South Vietnam. We have fulfilled our obligations beyond question. In deed, no nation in the history of the world has provided so much manpower, firepower, money, and support to a small nation as has the United States in the case of the Vietnam war.

Some 45,000 Americans have been killed in combat. Another 10,000 have died while in Vietnam from accidents, disease, or other causes. Some 250,000 to 300,000 Americans have been wounded. Some 2.6 million individual Americans have served there during the course of the war. We have spent at least $100 billion in support of that effort.

In addition, we have trained or helped to train over a million South Vietnam troops. We have provided them with huge firepower, overwhelming air support, and the dominance of the seas.

There is no question that the South Vietnamese have those advantages over the North Vietnamese, thanks overwhelmingly to our assistance: firepower that dwarfs that of the North Vietnamese, airpower which dwarfs that of the North Vietnamese, and, as I say, seapower.

If after this effort, unprecedented in the annals of mankind, South Vietnam is now unable to defend itself, there is no foreseeable time in the future when it will be able to do so.

Our mission has, therefore, been fulfilled and we can leave in the knowledge that that is the case.

AMERICAN LIVES RUINED BY HARD DRUGS

There are other reasons why we should get out. Some 50,000 Americans are now addicted to drugs as a result of that war. The massive drug traffic there increases the urgency of our withdrawal. No contribution the United States could make in the next year or 18 months is one-tenth as important as the American lives which will be ruined by hard drugs, especially heroin, as a result of our remaining there.

FABRIC OF NATION TORN ASUNDER

We should get out, also, because the war has torn asunder the fabric of our Nation as has no other modern event. There is a malaise over this country as a result of this terrible war which cannot be worth remaining there 1 day longer than it takes us to remove our troops safely. Many of the young are bitter against the old. Our institutions are under attack. There is deep strife over the equity of who should bear the burden of the war, with the poor and the black and the young bearing it almost entirely, while few, if any, sacrifices have been made by others.

SURVIVAL OF NATION AT STAKE

We cannot sustain a war which is now opposed by the overwhelming majority of the American people. That cannot be done in a political democracy and expect that democracy to survive as the working, functioning, buoyant, confident society we have known in the past.

The United States has done its duty. We have sacrificed the youth and treasure of our society to protect another. That mission has been fulfilled. It is time now to leave Vietnam and concentrate on the task we have ahead of saving this society and of fulfilling our own great national purpose. Now, the survival of the United States is at stake.

Mr. President, I thank the distinguished Senator from Ohio for yielding to me.

Mr. GURNEY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, I requested my time from the manager of the bill, the Senator from Mississippi (Mr. STENNIS), who has agreed that I be the next speaker.

Mr. BYRD of West Virginia. How much time does the Senator desire?

Mr. GURNEY. Twenty minutes.

Mr. BYRD of West Virginia. Mr. President, on behalf of the manager of the bill, I shall take the liberty of yielding 20 minutes to the Senator from Florida.

Mr. GURNEY. I thank the assistant majority leader.

Mr. President, I am opposed to the Hatfield-McGovern amendment, and I intend to vote against it.

We have been debating here a question which poses a grave infringement not only upon the powers of the President but also upon the future ability of this Nation to retain its leadership in world affairs.

Much has been said in the last few days about the powers of the President and the constitutional limits of those powers. But I think we have to realize that we are considering not only the power to make war, but also the power to conduct foreign relations generally. We are not only in the middle of a protracted war in Vietnam; we are also in the middle of protracted negotiations in Paris. We have a President who is attempting to take the necessary steps to bring us through a rapid withdrawal of our forces, and who is also trying to conclude the fighting on terms of a peace which will contribute to the stability of that area and the security of the vital interests of the United States.

The Hatfield-McGovern amendment seriously interferes with those negotiations. It does so by preempting some of the vital conditions which are the subject of on-going bargaining. Once a withdrawal date has been set, there is no possibility whatsoever to extract reasonable conditions from the enemy. Even the vital issue of the prisoners of war is compromised in an area which requires the utmost sophistication and subtlety of negotiations. Congress with this amendment would preempt all discussion and impose rigid conditions.

Mr. President, when one reads the text of this amendment, one immediately sees the conflict between the clear powers of the President and the attempt by Congress to impose illegal restrictions upon them. I do not care whether the date is set at December 31, 1971, or whether it is set 6 months later, or a year later. The real imposition upon the President's powers is the attempt to set any date whatsoever.

Similarly, I do not think anyone really believes the pious declaration that the authority of the President to provide for the safety of American Armed Forces during their withdrawal from Indochina shall not be affected. It is a clear condition of military operations that the Commander shall have the ultimate authority to decide the operations of war. Who among us can say what conditions will affect the safety of the withdrawal action 6 months from now, or even 6 weeks from now? In the same way, how can the amendment lay down a commitment to arrange asylum for the protection of those who would be in physical danger from the Communists upon the withdrawal of American Armed Forces? If the President cannot have the freedom to use physical force, how can he possibly fulfill such a declaration?

Finally, how can anyone possibly propose to extend the date for 60 days if North Vietnam has not released American prisoners of war? What happens at the end of that 60 days? Do we delay again and again?

It is folly to believe that any unilateral action on our part will lead to an action on the part of the North Vietnamese and other insurgent forces in South Vietnam. If the Communists can gain everything by waiting for the United States to tire of this war, why should they not wait another 60 days? What reason have they to give up the prisoners that they hold?

This amendment amounts to nothing less than a self-imposed unconditional surrender on the part of the United States. We not only surrender our military power but we also surrender all of the tools of negotiation. In the end, we have a cruel twist, in which we have given up everything that we need, not only to secure a just and lasting peace, but even to secure the release of the American prisoners.

We must not overlook the fact of the importance of these negotiations. It is beyond dispute that the President is solely charged with the ability to conduct foreign relations under the Constitution except for the power of the Senate's advice and consent. We are concerned here with the basic division between executive and legislative powers.

It was Alexander Hamilton who said:

> The general doctrine of our Constitution then is, that the executive power of the nation is vested in the President, subject only to the exceptions and qualifications which are expressed in the instrument.

In other words, it was not in Hamilton's interpretation that Congress could impinge upon the Executive's powers.

Thomas Jefferson supported this doctrine in even more explicit terms when he said:

> The Executive . . . possessing the rights of self-government from nature cannot be controlled in the exercise of them but by a law passed in the form of the Constitution.

Plainly, among the powers of the Executive are included relations with foreign nations. It was John Marshall, when he was a Member of the House of Representatives, who said:

> The President is the sole organ of the nation in its external relations. . . . He possesses the whole executive power. He holds and directs the force of the nation.

When Monroe was Secretary of War he advised Congress that:

> The power of command was vested in the President primarily for the purpose of giving him that control over military and naval operations which is a necessary attribute of the executive branch.

Mr. President, there are some who would say that the constitutional power of making a war belongs to Congress. In fact, such a position seems to be implicit in the thinking behind this amendment. Yet, as Monroe pointed out, the President has control over our military and naval operations and that is a different thing indeed. Several weeks ago the distinguished senior Senator from Arizona appeared before the Foreign Relations Committee and pointed out that the United States has only declared war five times and yet has engaged in 153 military actions during the history of the Republic. Nor can it be said that these 153 actions were merely skirmishes. This list included 59 military actions which occurred before 1950 outside the Western Hemisphere. The Senator pointed out that 56 incidents involved actual gunfire or the threat of warfare. Sixty-four continued beyond 30 days.

Between 1899 and 1901, the United States used over 126,000 troops against the Philippine Insurrection. This was at least 60 percent of our total military force then in existence. In 1927 we had 56,070 troops ashore in China and 44 naval vessels in its waters. After World War I had ended, we landed 5,000 soldiers at Archangel in Russia, plus 9,000 more in Siberia. These examples presented to the Foreign Relations Committee by the Senator from Arizona are only part of the long history of military operations in which the President of the United States has engaged without a declaration of war. I want to thank the Senator for making this information available at such an important time in our national debate.

The point to be made, however, is that such military operations are entered upon in support of the foreign policy of the United States. This foreign policy is made by the President and not by the Congress. Military force is but one instrument of such policy and it goes hand-in-hand with negotiations.

In 1897 the Senate Foreign Relations Committee made an intensive investigation of the connection between presidential powers and foreign policy. The committee arrived at the following conclusion:

> The Executive branch is the sole mouthpiece of the nation in communication with foreign sovereignties. . . . In the department of international law, therefore, properly speaking, a Congressional recognition of belligerency or independence would be a nullity.

Some 10 years later Senator Spooner of the Foreign Relations Committee addressed the Senate in these terms:

> The Senate has nothing whatever to do with . . . the conduct of our foreign intercourse and relations save the exercise of the one constitutional function of advice and consent which the Constitution requires. . . . From the foundation of the Government it has been conceded in practice and in theory *that the* Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively in the President. And . . . he does not exercise that constitutional power nor can he be made to do it, under the tutelage or guardianship of the Senate or of the House or of the Senate and House combined.

This opinion was confirmed in 1930 by the Supreme Court in the landmark decision of the United States against Curtiss-Wright Corp.:

> Not only is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm . . . the President alone has the power to speak or listen as a representative of the nation. . . . He alone negotiates. Into the field of negotiations the Senate cannot intrude and Congress itself is powerless to invade it.

This is the Supreme Court speaking directly on the very matter we are talking about here in debate today, and have been for some days now.

The Supreme Court went on to lay down principles in this case which are particularly relevant to the present attempt to narrowly restrict the President's powers:

> ". . . he (the President), not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries and especially is this true in time of war.
>
> This consideration discloses the unwisdom of requiring Congress in this field of governmental power (i.e., federal powers in the field of external affairs) to lay down narrowly definite standards by which the President is to be governed.

A few years later, the Court in the case of the United States against Hirabayashi drew upon this doctrine to lay down some very commonsense principles:

> The Constitution of the United States was intended by the fathers who framed it to be able to cope with war emergencies. This nation came into being as a result of a successful war. The Constitution was written shortly thereafter and at a time when its framer had every reason, by virtue of their experience and in the light of then world conditions, to expect that this nation be confronted by war in the future.

In the same case, the Supreme Court held that:

> The war power of the national government which includes the President's command powers over armed forces in the field "extends to every matter and activity so related to war as substantially to affect its conduct and progress. The power is not restricted to the winning of victories in the field and the repulse of the enemy forces. It embraces every phase of the national defense, including the protection of war materials and the members of the armed forces from injury and from dangers which attend the rise, the execution and progress of war.

Mr. President, I would like to emphasize what this case said. The President's command powers extend to every matter and activity so related to war as substantially to affect its conduct and progress.

Here we see how this present proposal is taking key matters, not only of the war but of the negotiations and circumscribing them with what will obviously affect the result.

Finally, I would like to cite one more case from the Supreme Court, the case of Perez against Brownell:

> The restrictions confining Congress in the exercise of any of the powers expressly delegated to it in the Constitution apply with equal vigor when that body seeks to regulate our relations with foreign nations. Since Congress may not act arbitrarily, a rational means must exist between the content of a specific power in Congress and the acts of Congress in carrying that power into execution. More simply stated, the means . . . must be reasonably related to the act—here regulation of foreign affairs.

Mr. President, I think it is clear that this amendment is a deliberate attempt to restrict the powers of the President in a way which is not provided for in the Constitution. This purpose is much evident in subsection (C)(2) which says that:

> The Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

Congress clearly has no power, no such authority, to exercise. The President, both as Commander in Chief and as the maker of foreign policy, is solely in the position to negotiate the release of such prisoners. The Constitution does not provide for the Senate's advice and consent on this matter. As a practical matter, no President could operate so constricted.

This amendment unreasonably ties the President's hands on a matter which could mean life or death to these unfortunate American soldiers. There is nothing in Hanoi's history to suggest that they will respect any unilateral act of this kind. Through this resolution we abandon our prisoners of war. We leave them as pawns in the hands of the enemy.

In the same way, the proposal attempts to circumscribe the Presidential powers and undermine not only the prisoner of war issue but when possible, future arrangements with North Vietnam. By giving in on the timing and the freedom of our decisionmaking, we are placing a rigid straitjacket which cannot be molded to future developments. It leaves no hope whatsoever for the stable and lasting peace which the President is seeking.

Mr. President, in my opinion, the proposed amendment is a dangerous proposal which will seriously jeopardize not only the President's role but the role of the United States in preserving freedom.

QUORUM CALL

Mr. GURNEY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I yield myself such time as I may require on the time allotted to the Senator.

I ask unanimous consent that on the amendment No. 164 by the Senator from

Ohio (Mr. SAXBE), with reference to the continuation of selective service functions under a volunteer army, the time on that amendment be limited to 20 minutes, to be equally divided between the mover of the amendment and the manager of the bill, and that the same conditions which will obtain under the agreements entered heretofore, on amendments to H.R. 6531, prevail in this instance.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, it is my understanding that this arrangement has been cleared with the sponsor of the amendment and with the manager of the bill.

Mr. BYRD of West Virginia. The distinguished assistant minority leader is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement, as later prepared, reads as follows:

> *Ordered further,* That debate on an amendment relative to Selective Service functions under a volunteer Army, to be offered by the Senator from Ohio (Mr. Saxbe) be limited to 20 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum with the understanding that the time be taken equally from both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending question before the Senate is on amendemnt No. 143, offered by the Senator from Oregon and other Senators.

Mr. STENNIS. Mr. President, how much time remains for each side?

The PRESIDING OFFICER. If the vote comes at 5 p.m. and if there are no other amendments to be offered prior to the vote, there are 88 minutes remaining to the proponents and 133 minutes remaining to the opponents.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, this has been a good debate. We have had an exchange of views for several days. I do not know of anything especially new that has been said about this amendment. I do not know that I will say anything especially new myself. But I have been keeping up with the points that have been made and at the expense of some repetition I wish to discuss some of the basic matters that pertain to this amendment.

Mr. President, we all start with the agreement that we want to get out of the war and we want that to be done as soon as we can, consistent with reason and the obligations we have, and more particularly, looking to our future responsibilities and the influence it might have in that regard. The President has that same desire, I am sure.

Many Members of the Senate now were not Members of the Senate when the war started. The President was not in the White House when the war started, but I am among those who have been here all this time, from the first time a uniformed American soldier went into South Vietnam under orders. I share a part of the responsibility and I am willing to assume that responsibility for having been in that position, although I was in opposition to our going in.

However, the question on this amendment, and that is the starting point for all of us, and I attribute only good faith to the authors and supporters of the amendment, is: Do we really want to relieve the President of the United States of his responsibility in the handling of this war? That is the basic question. I did not say to interfere with his prerogatives or interfere with any title he has. I say: Do we really want to relieve the President of the United States of his responsibility to handle this war?

I am directly and totally opposed to such a step. I want to keep the responsibility where it belongs under our system, and in the situation we are now in that primary responsibility and power rests with the President of the United States. He is the man who has contact indirectly with the enemy, not the Senate. It is the Chief Executive who has some chance for contact, in some way, in some manner. He is the one who has the responsibility for contact with other nations, those friendly to the enemy and those friendly to us. It is his accountability, his responsibility, and his power under our system of government, granted we are at war and, of course, we are at war.

With respect to the purpose of the amendment, how we got into the war does not have one thing to do with it. The question now is: How do we get out in a proper way?

So I do not want to yield one bit on the question of the responsibility of the President, his power and his opportunity. I do not know of any way that we could run the war, so to speak. I do not know of any way we have of making North Vietnam agree to something. I do not think the President can make them agree to something, but he is the one under our system who is in charge. He ran on the ticket that he is going to end the war; he had a plan; and he was elected.

For us to try to take the responsibility away from him is not new in American history. It has been tried but it has never been done. Congress has never wrested control of a war from a Chief Executive under our system of government. Congresses before have interfered a great deal with the President in the conduct of war.

I am familiar with what General Lee said about the war that took place a hundred years ago. He said the congressional committee that tried to run the war for Mr. Lincoln was worth to General Lee 15 to 20 divisions in the field. I believe that is the way he put it. Outside of his statement, I have read much evidence that their intentions were to the contrary, but they were the main allies against President Lincoln, not meaning to be, but the main allies of the cause President Lincoln was trying to overcome.

So, intended or not, I do not think anyone would intend interference and deterrence to the President of the United States, regardless of who he might be, and say what may be said, it is a help to our enemy. Of course, that is not intended. I attribute nothing but good faith to those who bring the amendment and support the amendment; but I have never found a way I could say and do some things that would not help or encourage the enemy.

So I think we are in a difficult spot, and we are up against a hard proposition, but we have to do what a majority of Congresses have always done after much fussing and complaining. We have to toe the line as long as we think the present President is acting in good faith, and I believe he is, and I believe most people think he is, we have to back up that policy and break with it only when we lose all patience or lose faith. Let us keep the responsibility on the President.

Another reason for this is that he said he had a plan; and I am not throwing that up to him. He went before the people as a candidate for the highest office and said he was going to get us out of this war, and the people elected him. He understood then what a hard and tough job it would be. I have been watching very closely ever since he moved right in on this job. He may not have done what you would have done or what I would have done, but he moved right in on the job and made announcements to us very soon after he took his oath of office.

It was very clear then that he understood it was a tough job, and it was very clear to me, too, that he was not taking a soft approach or easy approach; that he was not going to run out or be chased out. I think, on the whole, the American people approved that. We do not want to pay the price of what would come in the course of the years ahead for having been chased out of there or run out entirely on someone else's terms.

It has been a rugged 2½ years on that subject, and I know there have been temptations of a kind that it would have been easy to yield to, at least on the more rugged policies.

Frankly, I think the President deserves credit for not having softened up and yielded and created precedents that would plague us far worse, in years to come, than we are plagued by the situation we are in now.

This amendment was first filed just about a year ago, and we debated it then. I felt then, and I have ever since then, that if we are going to tell our enemy when we are going to get out, if we are going to announce that to our enemy, we should leave tonight. I do not mean next month or 60 days or 90 days from now, but that we should leave tonight, because, to me, if we announce that we are going to get out by a certain date, that is throwing in the towel. There would be great jubilation in the camp of the enemy. There might be some temporary jubilation here, but we would pay a long, bitter, hard price.

If we are going to announce it in advance, the President has not a single thing to stand on. If Congress, which controls the money, provides that we are going to get out by a certain date, we do not leave room for anyone else, under our system of government, to operate. We might just as well say that the Chief Justice shall do so and so as to say the President shall do so and so, after announcing a date.

Nevertheless, the writers of this amendment totally recognize that, after all, we are dependent upon the President, whoever he may be, to lead us out of the war.

Amendment No. 143, which is the one I am talking about, provides, in the second part, that if Hanoi or North Vietnam does not agree and have a plan and an agreement for our POW's—and I am reading from line 23, page 2 of the amendment—"the Congress may by joint resolution authorize such further action." We know Congress may authorize further action. We do not have to say that in the amendment, but it is in here and I will read it——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 3 minutes more.

The reading is:

> The Congress may by joint resolution authorize such further action—

What further action?

> as is recommended by the President—

They make a 180 degree turn. They start out and then at the top they throw it right back in his lap at the end. That is an admission right here that in order to get action we are going to have to depend on the President. It is a confession, an admission, that that is where the power is.

I end these remarks on the same point I started. I am not willing, and I do not believe a majority of this body is willing, and no majority of any Congress has ever been willing, to relieve the President of the United States of the responsibility of handling a war once we got in it. I am not given to boasting, but I just do not believe this amendment is going to pass this body, because it is just as plain as the nose on a person's face that this is what it means and, at best, we have to turn it back over to the President.

Mr. President, If I have any of those 3 minutes left, I yield it back and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, with the understanding that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

Another important issue in this debate—and I covered this yesterday—is the question of what could happen to American society if our participation in the war should prove to be unsuccessful in its objective of giving the South Vietnamese enough help that they are able to withstand the attacks of the North Vietnamese.

I have pointed out already that the President of the United States has his responsibility, and it is one he willfully assumed. Going into this plan of withdrawal, he took the hard line, the hard course, and he made certain agreements and understandings with the people in Vietnam about the part they had to assume, what they had to train for, and the losses they would have to take.

They have lived up exceptionally well to those promises, I think—beyond what I thought at one time was their capacity. They have not hesitated to do the hard thing. They even went beyond their own borderlines into the toughest kind of situation in Cambodia, and we went with them there. They went on beyond their own borderlines into Laos, and have done exceptionally well there. Those two missions have made a tremendous difference. And they are continuing to build up, and try, I believe to give it everything they have so far as these men in the services are concerned.

Though for us it has taken a little more time than some thought at the beginning—perhaps more than the President thought—if the war is lost—and it certainly has not been totally lost, or a total failure so far, from our viewpoint, or theirs, either—and if Congress has forced upon the Commander in Chief a withdrawal more rapid than he believes is compatible with a safe and successful conclusion of our involvement, there would be many in this country who would blame the Congress for losing the Vietnam war. It would not help for us to say later that the extra months of effort which we prevented would have done no good—that the war had been lost in any case. It would not help for us later to say that, as I believe most of us now agree, the Vietnam involvement was a mistake from the beginning and had to be ended as quickly as possible. As I pointed out yesterday, I believe that the deep divisions that now exist in this country would be made extremely serious by a bitter series of charges and recriminations over the question of who lost Vietnam. As I stated yesterday, the debate in the United States in the early 1950's over who lost China—an involvement with which we were not nearly so closely connected—was a bitter and unhappy one and its effects on American society are not pleasant to remember.

I am not repeating here something I read in the history books. I arrived here, as a Member of this body, just in time to be remotely—very remotely—blamed for losing China, so to speak, according to the thinking of some people; at least these are things that I have sensed and felt to a degree. We had some bitter and unhappy years here in the Senate and in America in the early 1950's.

By way of analogy, I mentioned yesterday that one of the major reasons why the social and political fabric of Germany was shattered in the 1920's and 1930's was because many citizens were led to believe that parliamentary leaders had unnecessarily "stabbed in the back" the military leadership by ending World War I prematurely and thereby causing Germany to lose the war.

The postwar debates in any country's history over the responsibility for a loss are not easy periods for democratic traditions and personal liberty. Anger, frustration, and the desire to find a scapegoat in such times are almost universal human failings. I do not believe that our country will be free of them if South Vietnam falls to Communists after we leave. But if Congress and the President have cooperated in ending our participation in the war together, then I believe we will be able to weather any outcome of the Vietnam war, however unfortunate that might be. But I want to warn my colleagues again that if the Congress cuts off funds for American troops in the field at a time when their Commander in Chief has clearly stated that their safe withdrawal and the chance of a successful conclusion to the war depends upon those funds, many would be likely to say that the Congress, not the President, would bear the major share of the responsibility for the outcome of the war. The responsibility for the termination of this war absolutely must be kept where it belongs—in the hands of the Commander in Chief. If it is not kept there, and South Vietnam should subsequently fall to the Communists after our departure, I believe that party would be set against party, the Executive against the Congress, and the supporters of the military against those who oppose and distrust it. And I say again that I fear that the fissures created by a disaster of this type could be deeper than any which have existed in American society since that dark, unfortunate year of 1865.

Furthermore, Mr. President, if this war should terminate on a note of division between the President—any President—and the legislative branch—any Congress—then nations all over the world, friend and foe alike, would be disillusioned as to America. Those who are against us would say "Well, after all, there was an internal breakdown. They do not know; they start, they put their hand to the plow, and then they turn back," or "They do not have the ability to coordinate their power and carry through." And those that are inclined to be friendly would have doubts created about alining themselves with us in the future.

No nation can live entirely alone, any more than any individual can. Not in this present world. There would be doubt that would lead to distrust and hesitancy. They would not know where we were, nor where they were in dealing with us.

We know now how just some little fraction of an incident might occur in our financial affairs—and I feel strengthened in my argument here by the fact that the chairman of our Senate Finance Committee has just walked in—and cause a worldwide reverberation almost instantly, when news spreads so rapidly of an adverse action here in our country toward our balance of payments or the soundness of our financial system.

I use that as an illustration. We have the same kind of reaction, worldwide, among friend and foe, seeking for tangible evidence that "after all, this powerful Nation over there, with more than 200 million people, rich as she is, is getting to the point where she cannot control her own affairs. The Executive goes off in one direction, and the legislative branch in another, even concerning a war that they all agree they want wound down and terminated as soon as they can."

I believe we are sowing the wind here, and we will reap the whirlwind. Certainly there is cause for further thought.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I ask unanimous consent that we may have a quorum call charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I yield 10 minutes to the Senator from Connecticut.

Mr. WEICKER. I thank the Senator from Mississippi.

Mr. President, I rise today in support of the President of the United States and what he has done to get us out of Vietnam.

I have the greatest respect for the men who propose or support propositions such as the McGovern-Hatfield amendment. But whether it is that amendment or others akin to it, the ostensible line-by-line plans to work with and help the President are obliterated by the intended implication that this be a no-confidence vote in Richard Nixon's handling of Vietnam.

When Richard Nixon took office 2 years ago, he promised to bring the 6-year conflict in Vietnam to a close. Almost immediately, he ordered the national policy changed from escalation to withdrawal, thus giving substance to that commitment. The McGovern-Hatfield amendment implies that this promise has not been kept or the withdrawal he ordered continued. It is that implication which in the face of facts is false, and I so label it.

The amendment addresses itself to an escalation mentality. It attacks the assumptions of the midsixties which made us content to languish in the unsatisfactory conditions of that time. In this respect, the McGovern-Hatfield amendment is 4 years too late. For 2½ years the United States has been withdrawing its troops—hardly the right direction for winning a military victory, of which the President is accused by some.

The idea that a set withdrawal date can accomplish more than the President has already done or is irrevocably committed to is speculative fantasy. It is reality, not fantasy, with which government must deal. By the end of 1971, the United States can play no ground combat role in Southeast Asia. That is reality. By the end of this year, there will be fewer than 25 percent of the troops in Vietnam than were there when President Nixon took office. That, too, is reality.

It was speculative fantasy that brought us into Vietnam. It was speculative fantasy that promised withdrawal while escalation was the order of the day. And it is also fantasy that those of us, President and Senators alike, who are against the McGovern-Hatfield amendment, are hawks on the war issue. If withdrawal from South Vietnam, declining draft calls, declining defense expenditures, comprise the new definition of hawk, I would say the President has brought this country a long way back to its senses from the insanity that set this Nation on excessive military commitments in the first place.

There have been many issues during my past 3 years in the House and Senate on which the President and I have not agreed. I have striven to look at the merits of each issue as objectively as possible, and to state my beliefs and cast my vote with the strength of conviction born of the facts. I am not swayed by images of Richard Nixon before he became President, or the Vietnam images of Presidents who preceded Richard Nixon. I am interested only in comparing the U.S. role in Vietnam today with what it was in 1968. I am interested only in getting young Americans off the Asian mainland.

The President has brought Vietnam troop withdrawal into the ninth inning. Through all of this he has been the pitcher of record. It is only fair that he be granted support in success commensurate with the scorn he would have received in failure.

Mr. President, I yield back the remainder of my time.

Mr. BYRD of Virginia. Mr. President, I yield 10 minutes to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, the proponents of the Hatfield-McGovern amendment have said that its purpose is to get our forces out of the war in Indochina.

That is, of course, President Nixon's purpose in his withdrawal plan. Since his inauguration, more than 250,000 Americans have been taken out of Vietnam. That is more than half the number there when he took office. He has pledged to have out all but 184,000 men by December 1, of this year. And there will be an announcement of a further withdrawal before that date.

The President keeps his promises. His record is unblemished in that regard. The President has at least as much incentive to get our men home as any of the sponsors or advocates of this resolution. The issue certainly is not whether to take our men out. It is how to bring them out.

The President intends to bring our men home in a way that will leave the South Vietnamese a reasonable chance to defend themselves. He will not betray the cause for which so many South Vietnamese civilians and soldiers of all allied forces have died.

A negotiated settlement has been President Nixon's first priority. The day after his inauguration, he assigned Ambassador Lodge to represent him at the Paris talks.

As early as May 1969 he proposed a comprehensive program for peace. He asked a withdrawal of all outside forces, internationally supervised cease-fires, free elections, and release of prisoners.

The President and his negotiators have searched for peace from the day of his inauguration to present. Every channel, official and private, has been tried in an effort to engage Hanoi in serious negotiations. The United States has offered to talk without preconditions. The United States has promised flexibility in any negotiations that might take place. Yet all of us know how fruitless these sincere patient efforts have been.

In October 1970 the President made another major offer to end the war. He proposed a standstill cease-fire throughout all of Indochina. This would have left the North Vietnamese in control of large areas outside their borders. Yet the President, with the concurrence of the Governments of Laos, Cambodia, and South Vietnam took this step, in a new effort to end the war. He called for an Indochina-wide peace conference to resolve the issues in dispute. He offered to withdraw all our forces as part of an overall settlement. He called for a fair internal political solution for South Vietnam. He pledged to abide by the political arrangements agreed upon among all of the South Vietnamese. He proposed the immediate release of all prisoners of war. He, of course, offered to release the vastly greater number of enemy-held prisoners in return for the release of our men.

What has been the Communist response? The demand that we pull out all forces, without any reciprocal action on their part; and, the demand that we take measures that would cripple the Government of South Vietnam as we go out. Whether this latter takes the form of our actually throwing out the South Vietnamese Government, as Hanoi has sometimes demanded, or only of halting all assistance to the Government, as Hanoi has recently suggested, is immaterial. The substance of Hanoi's demands is that we destroy the power and the spirit of the non-Communist South Vietnamese as we depart.

Faced with such cynical rebuffs, the President turned to an alternative route to bring our men out of Vietnam without prejudicing our basic goals. This is the policy of Vietnamization.

Under this policy the President has withdrawn our forces on a unilateral basis as fast as the course of the peace talks in Paris, the level of enemy military activity, and the growing capability of the South Vietnamese forces allow. The President is convinced that in the not distant future the South Vietnamese will be able to take over the entire burden of their own defense, even if the North Vietnamese still refuse to negotiate a settlement.

The President has warned that we will not withdraw all forces until American prisoners are returned. Until that time, he wants enough force in Vietnam to provide an incentive for Hanoi to release them.

The President has a clear, coherent, and practical policy to withdraw our men from Vietnam. His performance since taking office is clear proof that he wants to end the war and bring all our men home. He has kept every commitment to reduce our force levels. There is no reason to doubt that he will continue to do so.

But the Hatfield-McGovern amendment would abandon this policy of orderly withdrawal while at the same time searching for peace. It would notify the other side that we are prepared to give up the fight; that we would abandon our allies, the men and women of South Vietnam, to the aggressors. Who among us believes that such a giveaway would induce the North Vietnamese to be more reasonable at the negotiating table?

This would not ransom our men in prison.

This would not end the war in a way that could preserve the world's faith in U.S. commitments.

I believe all of us are agreed that we will bring our troops out of Vietnam. But the President's program, not the amendment before us, is the most practical way to achieve this end.

Mr. President, I urge the defeat of any proposal which would force the President to abandon a sound and responsible policy for the short-term political gains of the easy way out.

Mr. BYRD of Virginia. Mr. President, I yield 8 minutes to the Senator from North Carolina (Mr. Ervin).

The PRESIDING OFFICER (Mr. Weicker). The Senator from North Carolina is recognized for 8 minutes.

Mr. ERVIN. Mr. President, I rise to oppose the McGovern-Hatfield amendment.

I ask unanimous consent to have a copy of the amendment printed in the Record.

There being no objection, the text of the amendment was ordered to be printed in the Record, as follows:

H.R. 6531

Sec. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

(b) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American armed forces during their withdrawal from Indochina,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American armed forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(c) If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

(1) the date in subsection (a) shall be extended for sixty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

Mr. ERVIN. Mr. President, I oppose the amendment because it does not say what it means and it does not mean what it says.

Subsection (a) states:

> Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

Mr. President, that is a rather queer provision. It provides that so far as Congress is concerned, if Congress approves it, at midnight on the 31st day of December this year, no money shall be spent to provide food for American soldiers who may happen to be in Indochina, including Thailand where no war now exists. It would provide, so far as Congress is concerned, that at midnight on that day, no money shall be spent to give hospital or medical treatment to American soldiers in Indochina—or even in Thailand—who happen to be suffering from disease or wounds incurred in battle. It means that after midnight on that day, no money shall be spent to furnish weapons or bullets to enable American soldiers who may be in Indochina, including Thailand, to protect their lives from enemy attack.

The theory is that the President of the United States will have more compassion for American servicemen than Congress and that the President will be coerced, by his compassion, to withdraw all those troops from Indochina before midnight on the 31st day of December 1971.

Subsection (b) of the amendment takes back everything that is in subsection (a). It contradicts everything in subsection (a). It says that subsection (a) does not mean what it says.

Why do I say that?

I say that for two reasons. Eliminating unnecessary portions of subsection (b), it contains two provisions which absolutely nullify subsection (a).

The first is:

> Nothing in this section shall be construed to affect the authority of the President to . . . provide for the safety of American armed forces during their withdrawal from Indochina.

Notwithstanding the fact that midnight will occur on the 31st day of December 1971, this section says that subsection (a) is not then applicable and that the President can use money to protect the safety of American soldiers.

But it does not stop there, Mr. President, it contains a second provision which nullifies subsection (a). I read it, eliminating the unnecessary portions:

> Nothing in this section shall be construed to affect the authority of the President to . . . arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American armed forces.

Mr. President, subsection (b) authorizes the President, notwithstanding the fact that midnight of December 31, 1971, will have come and gone, to make other arrangements to protect the people of Southeast Asia, the South Vietnamese, the Cambodians, and the people of Laos against physical danger. No amount of sophistry can erase the plain fact that there is only one way on this earth to protect people against physical danger, and that is to use physical force to do it.

I charge that is a minature Gulf of Tonkin resolution. It says in effect that the President can use the military forces of the United States after midnight on the 31st of December to protect the people of South Vietnam, the Cambodians, and the people of Laos against physical danger. What I have pointed out are not the only consequences of the amendment. It has got another provision, subsection (c), that states:

> (c) If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:
>
> (1) The date in subsection (a) shall be extended for 60 days: . . .

Subsection (c)(1) applies if we do not get an agreement with North Vietnam for the release of our prisoners of war by December 31, 1971. But after the 60 additional days, what? As far as this resolution is concerned, nothing.

We abandon our prisoners and all efforts to release them 60 days after midnight on the 31st day of December 1971. I cannot vote for an amendment which says one thing in subsection (a) that is contradicted by subsection (b) and which, in subsection (c), shows that, as far as American prisoners of war are concerned, 60 days after December 31 we abandon efforts to secure the release of our prisoners of war.

That is what subsection (c) provides. I cannot support a provision of this nature. The fundamental defect in the contradictory amendment is that the enemy is given assurances by the Congress of the United States that it need make no settlement whatever, that we will get out and turn everything over to them when the deadline arrives, regardless of the conditions existing at that time.

I favor withdrawing our forces from South Vietnam as soon as this can be done in a rational manner without destroying the world's confidence in America, and I believe that the President's plan is calculated and intended to do this.

Mr. CRANSTON. Mr. President, I yield myself such time as I may require.

Mr. President, I rise to speak to clarify the provision of the McGovern–Hatfield amendment relating to prisoners of war.

The McGovern-Hatfield amendment stipulates that the funding termination date of December 31, 1971, would be extended at least 60 days, and that Congress could authorize further action to secure the release and repatriation of American prisoners of war, if North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation of "all such prisoners" within 60 days of enactment of this legislation.

As one of the four original sponsors of this amendment, I want the record to make absolutely clear what we mean by the phrase "all such prisoners."

There is, as we all know, a critical difference between our Government and the Government of North Vietnam over the number of Americans actually being held prisoner at the present time.

The U.S. State Department asserts that no fewer than 463 American servicemen were being held prisoner in Indochina as of June 5, 1971. They say the Hanoi Government is holding 378 POW's in North Vietnam, and the State Department assumes that the Vietcong are holding another 85 Americans—82 in South Vietnam and three in Laos.

In addition, the State Department lists 1,160 men as missing in action—some or all of whom may also be held prisoner at the present time.

In contrast, the North Vietnamese claim that they have captured only 368 Americans since the outbreak of hostilities, that 20 have died in captivity, and another nine have been released, and that as of December 1970, only 339 American servicemen were imprisoned in North Vietnam.

The Vietcong have not accounted for the 85 men we say are being held in South Vietnam and Laos.

Now, when the McGovern-Hatfield amendment speaks of the release and repatriation of "all" prisoners, I assume it means precisely that: "all" prisoners, every single American actually now being held by "North Vietnam and other adversary forces in Indochina," regardless of the number claimed by one side or the other.

I feel certain that is also the understanding of the two principal sponsors of this amendment, who have together exercised primary responsibility for drafting its language.

Since the two governments do disagree over the number, however, some disinterested third party—such as newsmen, or some sort of international team—clearly may be needed to make an accurate count. That seems to me to be so obvious as to be implicit in the wording of the amendment.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Mississippi.

I rise to oppose the McGovern-Hatfield amendment. In Air Force language, in which I served for some 4 years during World War II and in which I am still active, adoption of the McGovern amendment would be a "crash landing" or a "wipe-out." It reminds me of De Tocqueville's story of the man who, when halfway down the stairs, decided to jump out the window to reach the ground more quickly.

For 8 years we had a constant buildup of American troops culminating when President Nixon took office; 534,000 men in South Vietnam not counting support forces in the Philippines, Okinawa, and elsewhere. After a careful review of this policy, including an analysis showing that the North Vietnamese had not lived up to any real negotiation policy whether we had a temporary or permanent bombing halt—and most of us will remember the statements of many of our colleagues that negotiations would promptly begin and the war shortened or ended if we stopped bombing the North—deliberate and callous mistreatment of our prisoners of war by the North Vietnamese, and no effort to arm and train the South Vietnamese so they could take over the burden of defending their country against the invaders from the North instead of just rooting out the Vietcong, President Nixon established a new policy—a policy of gradual U.S. withdrawal as the South Vietnamese gained the ability to take on the fighting, thereby giving themselves a chance to determine their own form of government.

Every commitment made by the President has been fulfilled. We have withdrawn almost 300,000 of our troops and continue to withdraw at the stated rate. We knocked out the North Vietnamese sanctuaries in Cambodia and pulled back in the stated 60 days. We have continued to insist on decent treatment of our POW's and their safe return even though, to the shame of North Vietnam, they have failed to fulfill the Geneva agreements to which they are a party. Their most recent statement on the POW's is one more gambit to see how far they can push their stated designs of conquering South Vietnam. Now their chief negotiator in Paris states that they will discuss the POW subject if all American troops are withdrawn from Indochina and all military and economic aid is forgone.

History being a signpost, this does not leave much room for hope for an early release as discussions have now been going on in Paris for 2½ years and the only point decided to date is the shape of the discussion table. Adoption of this amendment would, in my opinion, simply remove one of the levers left to us to get negotiations off dead center.

Mr. President, the question might well be asked at this point, "If the North Vietnamese have not agreed to negotiate at this point, with less than half the U.S. troops in South Vietnam than we had in 1969, why would we now expect them to do so when we will have even less troops there in the future?"

The answer is simple enough. The North Vietnamese are slowly losing their bargaining position as the South Vietnamese forces become stronger. They want us out now because they feel they could still defeat South Vietnam if we were not there. But Vietnamization is changing that and they know it. They are losing this war and they know that. That is why they are insisting on our total withdrawal before they will negotiate seriously. So the passage of this amendment would be an opportunity to gain a victory that they have not gained on the battlefield and which seems to be moving even further from their capability.

Mr. President, last Thursday my distinguished colleague from Kansas (Mr. DOLE) gave a very powerful and moving speech against this amendment. His presentation was extremely clear and well documented and, in particular, the articles he included in the RECORD were especially enlightening.

I appreciate that not all of my colleagues had the opportunity to hear this excellent speech and I am sure most have not read the attached articles. I highly recommend it because they are most revealing.

Two articles on the recent pullout polls are worthy of the attention of the Senate since the opponents of the war have recently been claiming 73 percent of the American public wanted a congressional vote to bring home all U.S. troops from Vietnam before the end of the year.

But the 73-percent figure is a myth because it implies regardless of the circumstances the people want this and obviously the poll did not ask the logical follow-up question. However, the Opinion Research Corp. at Princeton, N.J., did delve into this subject and their results change the implication of the 73-percent figure completely.

The results of the poll reveal:

The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but not if it endangers our POW's or threatens a Communist take over.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year if it meant a Communist take over of South Vietnam, 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 if it threatened the lives or safety of the United States POW's held by North Vietnam.

11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nation wide telephone interviews conducted among 1,062 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes	72
No	18
No opinion	10

2. "A proposal has been made in Congress to require the U.S. Government to bring

home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes	68
No	20
No opinion	12

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes	29
No	55
No opinion	16

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes	11
No	75
No opinion	14

There is one final point I would like to make, Mr. President. The idea that those of us who support the President's withdrawal plan and who are opposed to this amendment are in favor of the war is absurd. We are not in favor of the war any more than those who favor the amendment are, or the President is. But I personally do not think it makes good sense to handicap ourselves with the restriction that this amendment would impose when we have an opportunity to accomplish what we set out to do. I am convinced this amendment would place that opportunity in jeopardy.

The U.S. ground combat role will be over by the end of the summer and the withdrawal of the remainder of our forces will continue as forecast. The war may continue at a reduced level, but, if Vietnamization is successful, the South Vietnamese forces will be able to handle the threat. And most importantly, if we are successful to that degree, we will have shown to the Communist world that so-called wars of liberation, which are in fact naked aggression, and cannot be successful, provided the people of the country attacked have the desire and are guaranteed the capability to defend themselves.

Mr. President, we all seek a negotiated peace and surely we have a better chance of accomplishing this goal if we do not give the enemy advance knowledge of our plans and programs.

Mr. President, I urge my colleagues to reject this amendment which, if agreed to, would give advance notice of our plans and programs and increase the ability of the North Vietnamese to overthrow not only South Vietnam but also Cambodia and Laos as well.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from POW–MIA International, Inc., dated June 11, 1971. It is especially interesting to note that this organization also agrees the pending amendment should be defeated.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

POW–MIA INTERNATIONAL, INC.,
Tustin, Calif., June 11, 1971.

DEAR MR. CONGRESSMAN: As prisoner of war and missing-in-action families, we have a deep personal concern in your vote on the McGovern-Hatfield Amendment. We therefore pray you will take a few minutes of your time to try to understand how we feel about such an important issue.

There has been a vast, concerted, expensive and professional campaign waged via media, advertising and lobbying to influence your vote on this amendment. Obviously the great majority of American people want to see the end of this tragic war. The major emphasis however, of those who want the date of December 31 set for unconditional withdrawal, is that when this date is set, Hanoi will then respond by releasing *all* the prisoners. Recently Mr. Clark Clifford made such a statement as if it were absolute fact. We feel this is a complete deception. Xuan Thuy stated on the same day as Mr. Clifford that "the question of the prisoners relates to the aftermath." Not only have they refused to commit themselves to actually releasing 339 prisoners, but if they do honor their commitment to *discuss* the prisoners if the United States sets the date, they will be *discussing* only 339.

The question we as families want to know is which prisoners does Mr. Clifford and the others who are pushing toward a December 31 deadline refer to? The ones the communists admit to holding or the far greater number that our government has evidence that are alive?

Mr. Charles Ray's son is held in South Vietnam. The only reason we know this is because an escaped prisoner, Spec. 5 Tom Van Putten, was held with him. The communists will not allow him to write to his family nor will they acknowledge his presence. Over 100 other young men that the communists refuse to acknowledge are known to be alive in North Vietnam, South Vietnam, Laos and Cambodia.

There are undoubtedly many others, however, the 100 that we are aware of are the men that your conscience will knowingly write-off if you bow to the communists' demands to set a date before Hanoi is willing to let the International Red Cross inspect the camps and identify the prisoners. Is it truly too much to demand that they show that small measure of "good faith" before we make the final concession of unconditional surrender?

The question has often been asked, "What has happened to the conscience of the American people?" We feel the people can be forgiven, for even in this era of mass communications, they are frequently ill-informed of all the facts. This excuse cannot apply, however, to those of you elected to decide our fate. How can the Congress of the United States keep on playing politics with a war which has cost 50,000 American lives. It is referred to as Mr. Nixon's war. Are memories so short to forget that our first prisoners were sent there by President Kennedy? Although the public is often told that LT Alvarez was the first prisoner, the truth is that Eugene DeBruin was lost in 1963.

Most of us find it hard to understand that after all those years and lives were committed by Presidents who saw a need to send our men overseas to contain communism, that there could not be more patience and unified support for the logical termination which would insure the return of all our men.

Admittedly, it is difficult for us to be concerned about the people in South Vietnam or for that matter, whether the communists enslave all of Asia, for we have been living a nightmare for many years. Some of us not knowing whether their husbands or sons can withstand all the years of mental and physical torment. All we want is our men back—*all of them!* Any reasonable person knows that unless you members of Congress *demand* that the communists account for the men via a neutral, international inspection team before any more concessions are made by our country, we have no chance of obtaining more than the 339 they admit to. You are responsible if not as a member of Congress, then simply as an American for the fact that three duly elected Commanders-in-Chief sent them over there.

We pray that your conscience will not let you abandon the men who have served you at such great sacrifice.

Mrs. Darrel Pyle, the wife of one of the 339 men who at least the communists promise to talk about, has as much at stake in your actions as any living American. She feels as many other POW wives and mothers do, that no matter what their men have gone through, they would not be ready to abandon their fellow Americans. She states, "My son and I have been without Darrel for five years. God knows that I would trade my life for his safe return. Only those of us who have lived in this manner would probably be able to realize that we would do anything to see our husbands again—that is with one exception, I cannot sell my soul and that of Darrel's by bowing to the communist demands of writing off the other men who have made the same sacrifices for their country as he has. I know that to do so would mean that even though he has been able to withstand all the mental and physical abuse for these five years, he would never be able to withstand the last and most abominable cruelty of finding his release had been arranged at the cost of abandoning his fellow Americans and all he has ever believed in."

We beg you to not allow the POW/MIA issue and the lives of our husbands, sons, and ourselves to be tossed around like a political football.

May God guide your conscience.

Sincerely,

MRS. STEPHEN HANSON.

Mr. HARRIS. Mr. President, once again I rise to speak in support of the McGovern-Hatfield amendment to end the war in Southeast Asia. Some opponents of the measure argue that, with President Nixon's declared intentions of withdrawing our troops from Indochina, the McGovern-Hatfield amendment represents a superfluous and unnecessary burden on the President in his efforts to end the war. I disagree. In light of the recent course the war in Southeast Asia is taking, adoption of the McGovern-Hatfield amendment is more important today than ever before.

We are all familiar with the horrible toll this war has exacted. Death and suffering have become a way of life for the people of Indochina. Since our involvement in the war, over 45,000 of our own young men have died and almost 300,000 have been wounded, many of whom will be maimed for life. Another 1,023 are missing and 465 are POW's.

At a time when our cities and rural areas are in serious financial trouble, when our own people's food, health, and housing needs are unmet, when the taxpayer's burden is becoming unbearable, we are expending huge amounts of our resources in Indochina. To date the Nation has spent over $140 billion on the war.

Unmeasurable in terms of dollars are the spiritual wounds and divisiveness inflicted on our country by this seemingly endless war. Our sense of unity and purpose, once so powerful, have been eroded, and replaced by mistrust, bitterness, and suspicion. Many of our citizens cannot remember, or were too young to know, why we even entered the war in the first place.

Surely, we have fulfilled any commitment we owed to the South Vietnamese Government, above and beyond what could be expected of us. The administration charges that setting the date of December 31 for total withdrawal is too precipitous, and would endanger the South Vietnamese Government's chances for survival. If after 11 years of massive aid and military support, the Government of South Vietnam cannot provide a stable and representative government for its people once again, I ask when it ever will be able to do so.

The stated purpose of the administration is to end the war and bring all of our boys back home. The American people overwhelmingly have demonstrated their approval of this purpose. In fact, 80 percent of the people in this country feel that the war was a terrible mistake. Only by totally ending our involvement in the war can we begin to right the mistake and get on with the process of rebuilding America. Unfortunately, the President's troop withdrawal plan does not mean the end of our military involvement in Indochina. It only signifies the end of one phase of the war—the war on the ground—and the transformation of our entire war effort throughout Indochina to a second phase—the air war.

I do not believe, Mr. President, that the American public will be fooled by this new phase of the war in Indochina. It is true that our casualty lists will be lower than in the past and our overall involvement in Southeast Asia less visible. But the fact remains that we will still be involved in the war and its maiming and killing. As long as we continue on this course, there is no hope that our prisoners will be released.

If we are sincere in our intentions to get out of this war, the road home does not include the increased bombing of Indochina. Just last Monday, the Senate met in closed session to hear details of the air war in Laos. This war, kept hidden from the American people, is a shocking example of what seems to be our new pattern of fighting: massive bombardment of guerrilla zones, even if these zones lie in populated areas, and the use of American support for Asian troops fighting on the ground. The toll on the Indochinese people is devastating. In Laos, whole villages have been leveled, tens of thousands of peasants have been killed and wounded, and hundreds of thousands have been driven underground to seek refuge in caves and tunnels from American bombers. Presently 300,000 peasants in Laos are in refugee camps. And many of these Laotians do not even know where America is.

The war has expanded on other fronts. The neutrality of Cambodia exists today in name only. The bombing of North Vietnam has been resumed. By the first of the month bombing missions had occurred on 43 occasions since the beginning of the year. In short, while the number of our ground troops in Indochina is being reduced, the air war appears to be escalating. We cannot allow the innocent civilians of Indochina to be the victims of such a policy.

Our own self-interest also demands an end to the bombing, which jeopardizes American lives and can only add more pilots to the list of our POW's.

Some estimate the cost of the bombing to be over $10 billion per year.

By passing the McGovern-Hatfield amendment, we can end once and for all our participation in this tragic war. We can stop the unwarranted suffering of innocent Indochinese civilians.

We can test the sincerity of the North Vietnamese intentions to release our POW's. I believe that passage of the McGovern-Hatfield amendment will increase the chances of their safe release. But I am also satisfied that the amendment makes ample provision for future actions should our prisoners not be released.

Similarly, I am confident that the amendment allows sufficient room for the protection of our withdrawing forces and any Indochinese civilians whose physical safety might be endangered by our withdrawal.

Last, we can join with the President, by asserting our constitutional authority, to end the war to show the world an America united in purpose and direction. We all share the responsibility for ending this war.

I urge the adoption of the McGovern-Hatfield amendment.

Mrs. SMITH. Mr. President, I shall oppose the pending amendment and I ask my colleagues to examine the record carefully before they vote in its favor. There are many sides to the withdrawal of our troops in South Vietnam that are not too apparent to the American public. I personally know that President Nixon is as desirous as anyone of bringing an end to our involvement in Indochina and I, for one, am proud of what he has accomplished in the past 2 years.

Mr. President, there are certain facts about our involvement in Vietnam that should not be overlooked by anyone who cares to be informed.

Let us first examine carefully President Nixon's inheritance when he took the oath of office in January 1969.

First and foremost among the bequests of the previous administration was an escalating, growing, and unpopular war—this inheritance included a military offensive of sorts with a built-in, no-win policy.

President Nixon inherited a war with built-in rules of engagement never before heard of in the history of warfare.

President Nixon inherited an Army with one hand tied behind its back, and stripped of its spirit and proud heritage.

President Nixon inherited enemy sanctuaries which provided the enemy safe havens from which to launch deadly offensive operations at times and places of their choice without any fear of reprisal.

Mr. President, the present administration also inherited an air war that precluded offensive operations against meaningful and lucrative enemy targets.

The present administration inherited an economy of spiraling inflation resulting from deficit spending on the Vietnam war and other military commitments.

An important bequest of the previous administration, which was willed to President Nixon, was a policy of employing draftees under the Selective Service System to escalate the war in lieu of calling up the Reserves to perform the mission for which they were established.

In addition to the commitments in Indochina, President Nixon inherited other worldwide military commitments that were not of his making.

In recent months President Nixon has inherited the aftermath of Mylai and its most painful consequences.

Mr. President, the list of President Nixon's bequests would fill many pages, such as the family of total-package contracts entered into by the previous administration for such items as the F–111, the C–5A, and now the F–14.

I would be remiss if I did not include the disenchanted press which had already become more sympathetic to the enemy than to our own national interest.

Yes, Mr. President, these are but a few of the controversial items which were bequeathed to President Nixon by his predecessor in January 1969.

I think it both fitting and proper, Mr. President, that we now examine what has been accomplished since this legacy was dumped in the lap of the present administration.

Let us compare the situation as President Nixon found it with where we are today.

The U.S. troop authorized strength in Vietnam in early 1969 was just 500 men short of half a million men. Troop levels had risen for 5 years and were still rising. On December 31, 1970, just 1 year later, the actual strength was 335,800 and on June 3, 1971, the actual strength had been reduced to less than 251,000 American servicemen.

Mr. President, this withdrawal of American troops from Vietnam continues downward, and by December 1, 1971, the authorized strength will be 184,000 men. It is important to note that 60 percent of that strength will be composed of combat elements and the remaining 40 percent will be support troops.

For 2 years preceding President Nixon's assumption of office, combat deaths for the previous 12 months were 14,561 and averaged 278 weekly. Between the 2d and 29th of May 1971, there were 144 combat deaths which represent an average of less than 36 weekly.

Mr. President, I sincerely doubt that there are many people in the Nation who wish more than I that these figures were zero in all respects, but to me the accomplishments of the present administration are impressive. I, for one, salute the Chief Executive for this outstanding accomplishment. Aside from withdrawals and reduction of casualty rates, I might mention that in January 1969 the enemy was launching massive offensives from Cambodia, Laos, and across the DMZ. I ask my colleagues to note well the fact that few significant operations are being mounted from these areas today.

In January 1969 there was no realistic peace plan for ending the war. President Nixon, without bowing to the unreasonable demands of Hanoi, has laid out a flexible framework for a negotiated settlement.

I will not belabor the Vietnamization program, but at the time of President Nixon's inauguration, the ratio of South Vietnamese forces to American forces in Vietnam was less than 2 to 1. In January of this year this ratio has risen to 3½ to 1. In January of 1969, the ratio of South Vietnamese to American engagements with the enemy was about 7 to 1. Two years later it was 16 to 1.

And at that time, Mr. President, there was no assurance that the South Vietnamese forces could undertake large military operations on their own. Today they have proven their ability to fight and to win.

At that same time, large areas of South Vietnam were considered a no-man's land, and many principal routes were impassable. Today, recognizing that dangerous pockets still exist, the vast bulk of the country is secure.

Mr. President, I believe that the South Vietnamese have come a long way and their dramatic advancement represents a concrete example of the partnership principles embodied in the Nixon doctrine.

I do not wish my remarks to be misconstrued and I am not viewing the future through rose-colored glasses. I would be the first to recognize that the conflict in Southeast Asia has been both costly and frustrating to the American people. I would also emphasize that an immediate withdrawal on an announced schedule of the pullout, in my judgment, would be to hand the enemy a blueprint of where, when, and how to destroy our remaining forces.

Those who would support this amendment would cop out and abandon our international responsibilities, and they would increase the risk of a greater escalation of the war. Those advocating immediate withdrawal might do well to ponder and review the unhappy consequences of Dienbienphu.

The adoption of this amendment, in my view, is tantamount to withdrawing our support from our forces which remain there today and those which will have to remain until we can extricate ourselves with peace and honor.

Under President Nixon's plan, American involvement in South Vietnam will end in a way that would provide the South Vietnamese survival as a free people. The amendment under consideration would end that opportunity and would, in effect, provide a victory to the Communists.

Mr. President, I ask unanimous consent that U.S. troop strengths in Vietnam from 1961 to the present be included in the RECORD. I ask also that the record of casualty rates be included following my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

U.S. MILITARY PERSONNEL IN SOUTH VIETNAM—BY SERVICE

Date	Army	Navy	USAF	USMC	USCG	Total
Dec. 31, 1960	800	15	68	2	....	[1] 900
Dec. 31, 1961	2,100	100	1,000	5	....	3,200
Dec. 31, 1962	7,900	500	2,400	500	....	11,300
Dec. 31, 1963	10,100	800	4,600	800	....	16,300
Dec. 31, 1964	14,700	1,100	6,600	900	....	23,300
Dec. 31, 1965	116,800	8,400	20,600	38,200	300	184,300
Dec. 31, 1966	239,400	23,300	52,900	69,200	500	385,300
Dec. 31, 1967	319,500	31,700	55,900	78,000	500	485,600
Dec. 31, 1968	359,800	36,100	58,400	81,400	400	536,100
Jan. 31, 1969	365,600	35,700	59,300	81,400	400	542,400
Feb. 28, 1969	364,100	35,600	59,900	80,700	500	540,800
Mar. 31, 1969	361,500	35,500	60,800	79,900	500	538,200
Apr. 30, 1979	363,300	36,500	61,400	81,800	400	543,400
May 31, 1969	361,300	35,800	61,200	81,700	400	540,400
June 30, 1969	360,500	35,800	60,500	81,500	400	538,700
July 31, 1969	362,200	35,500	60,400	79,400	400	537,900
Aug. 31, 1969	342,600	34,200	59,900	72,400	500	509,600
Sept. 30, 1969	345,400	33,700	59,700	71,200	500	510,500
Oct. 31, 1969	338,700	33,500	58,800	64,400	500	495,900
Nov. 30, 1969	331,400	31,400	58,700	56,800	500	478,800
Dec. 31, 1969	331,100	30,200	58,400	55,100	400	475,200
Jan. 31, 1970	331,200	29,700	57,400	53,800	400	472,500
Feb. 28, 1970	332,000	29,000	55,500	50,200	300	467,000
Mar. 31, 1970	315,800	28,600	53,800	43,600	300	442,100
Apr. 30, 1907	305,100	28,300	52,200	41,700	300	427,600
May 31, 1970	306,900	27,700	51,400	41,600	200	427,800
June 30, 1970	298,600	25,700	50,500	39,900	200	414,900
July 31, 1970	293,600	22,600	48,200	39,300	200	403,900
Aug. 31, 1970	294,300	22,200	47,900	35,200	100	399,700
Sept. 30, 1970	294,100	19,500	46,700	30,000	100	390,400
Oct. 31, 1970	286,400	17,400	44,100	25,000	100	373,000
Nov. 30, 1970	268,900	16,900	43,900	25,300	100	355,100
Dec. 31, 1970	249,600	16,700	43,100	25,100	100	334,600
Jan. 31, 1971	251,500	17,000	42,200	24,900	100	335,700
Feb. 28, 1971	245,000	16,700	40,200	22,500	100	324,500
Mar. 31, 1971	228,300	14,800	39,800	18,900	100	301,900
Apr. 30, 1971	207,800	11,100	38,900	12,200	100	270,100
May 31, 1971	200,100	11,300	38,400	5,800	100	255,700

[1] About.

Note: Between 1954 and 1960—U.S. Military Strength averaged about 650 advisors.

DEPARTMENT OF DEFENSE

NUMBER OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN CONNECTION WITH THE CONFLICT IN VIETNAM, JAN. 1, 1961, THROUGH JUNE 5, 1971

	1961–62	1963	1964	1965	1966	1967	1968	1969	1970	1971 to date	Total
A. Casualties resulting from actions by hostile forces:											
1. Killed	20	53	112	1,130	4,179	7,482	12,588	8,119	3,467	803	37,953
2. Wounded or injured:											
(a) Died of wounds	1	5	6	87	517	981	1,636	1,170	578	108	5,089
(b) Nonfatal wounds:											
Hospital care required	43	218	522	3,308	16,526	32,371	46,799	32,940	15,211	3,533	151,471
Hospital care not required	38	193	517	2,806	13,567	29,654	46,021	37,276	15,432	2,949	148,453
3. Missing:											
(a) Died while missing	21	20	28	151	309	911	367	120	174	90	2,191
(b) Returned to control	7	3	2	12	22	12	26	10	1	6	101
(c) Current missing											1,027
4. Captured or interned:											
(a) Died while captured or interned			1	1	3	4	1	5	2	....	17
(b) Returned to control				3	....	5	26	16	1	....	51
(c) Current captured or interned											465
5. Deaths:											
(a) From aircraft accidents/incidents:											
Fixed wing	24	23	39	111	168	173	250	165	88	31	1,072
Helicopter	7	35	38	88	185	287	631	638	610	196	2,715
(b) From ground action	11	20	70	1,170	4,655	8,918	13,711	8,611	3,523	774	41,463
Total deaths [1]	42	78	147	1,369	5,008	9,378	14,592	9,414	4,221	1,001	45,250
B. Casualties not the result of actions by hostile forces:											
6. Current missing											138
7. Deaths:											
(a) From aircraft accidents/incidents:											
Fixed wing	5	3	11	41	140	178	120	106	118	13	735
Helicopter	5	5	11	50	177	384	360	461	426	129	2,008
(b) From other causes	13	28	26	268	728	1,118	1,439	1,546	1,300	374	6,840
Total deaths	23	36	48	359	1,045	1,680	1,919	2,113	1,844	516	9,583

[1] Sum of lines 1, 2a, 3a, and 4a.

Source: Department of Defense, OASD (Comptroller), Directorate for Information Operations, June 9, 1971.

Mr. ALLOTT. Mr. President, today I want to explain why I think the Senate should not adopt the McGovern-Hatfield amendment.

When a similar amendment was put to a vote 9½ months ago the Senate decided that the case for the amendment was weak. The case for such an amendment has become even weaker in the intervening period.

There is only one set of circumstances in which it would be wise or necessary to pass such an amendment. If the President were not doing everything in his power to bring about a steady, prudent American disengagement from the war, then I would lend my voice to a call for some form of non-Presidential leadership toward disengagement.

But there is no such need for alternative leadership today. The President of the United States is doing the job that properly belongs to the President. He is in full charge of a sensible, prudent military and diplomatic disengagement from the war.

The last vote on this kind of amendment came during the period of great anxiety following the allied incursion into the Cambodian sanctuary areas. At that time a number of sincere and honorable Senators became alarmed at what they thought was a slowing, or even a reversal, of the President's announced policy of orderly disengagement from the fighting in Vietnam.

In the hectic summer months of 1970 three fears were voiced in connection with the post-Cambodia policy.

First, some Senators feared that troop withdrawals would slow or even halt.

Second, some Senators feared that American casualties would rise in the aftermath of the Cambodian incursions.

Third, some Senators feared that the Cambodian Government would collapse in a matter of weeks as a result of the increased fighting against the Communist forces occupying parts of Cambodia.

Fortunately, Mr. President, none of these things has come to pass.

The pace of American withdrawals has increased, not decreased, since the Cambodian incursions.

The rate of American casualties has continued the steady decline which began when, early in the Nixon administration, the policy of Vietnamization troop withdrawals was formulated and implemented.

And the Government of Cambodia is intact and is applying pressure on those Communist forces which, in years past, enjoyed the comfort of benign neglect while trespassing in Cambodia.

All indices confirm the obvious fact of steady, irreversible disengagement. The cost of the war today is less than half of what it was when President Nixon was inaugurated.

Since then the ratio of South Vietnamese to American engagements has risen from 7 to 1 to 16 to 1 and it continues to rise rapidly.

Since then the ratio of South Vietnamese forces to American forces has risen from 2 to 1 to more than 3½ to 1, and it continues to rise rapidly as American troops withdraw.

In January of 1969 when the President took office the authorized troop strength was 549,000. By the end of the year over two-thirds of that number will have been withdrawn. That is some 365,500 men.

Two years ago the average number of American combat deaths was 278 weekly—in the last several months the number had dropped to less than 50 and last week to 19, the lowest in 5½ years. The decline has been constant.

Two years ago there was no comprehensive allied peace plan for ending the war. Now as the result of several initiatives by the Republic of Vietnam and the President, we have laid out a comprehensive and flexible framework for a negotiated settlement.

On October 7, 1970, President Nixon, supported by President Thieu, proposed a generous five-point peace program calling for: an internationally supervised cease-fire in place throughout Indochina; the establishment of an Indochina Peace Conference; negotiation of an agreed timetable for the complete withdrawal of all U.S. forces from Vietnam on the basis of North Vietnamese reciprocity and international verification; a fair political settlement reflecting the will of the South Vietnamese people and of all the political forces in South Vietnam; an immediate and unconditional release of all prisoners of war by all sides.

In addition, Mr. President, we have supported the South Vietnamese Government's proposals of July 11, 1969, calling for free elections in which all people and parties of South Vietnam—including explicitly the National Liberation Front—can participate. Those elections would, under the South Vietnamese plan, be supervised by both an international body and an electoral commission on which the National Liberation Front would enjoy full membership. No one can expect us or the South Vietnamese to do more. We have made our commitment to peace perfectly clear.

The response of Hanoi and the NLF to our proposals has been entirely negative. They have refused to consider the allied proposals as even agenda items at the Paris talks. They have continued to reject all notions of reciprocity, of verifiably open elections, of international observation. They have refused—despite their promises—to negotiate with the Government of South Vietnam. And they have demanded that we—unilaterally and with no promise of anything in return—withdraw all our troops, overthrow the present Government of South Vietnam, and agree to the imposition of a "coalition" government consisting only of NLF members and various personages defined by the NLF as "really standing for peace, independence and neutrality."

There are those who genuinely believe that the best policy now would be one that placed faith in the reasonableness and benevolence of the Hanoi Government. According to these persons, we should cash in our last bargaining chip by announcing a date on which the last American will be out of Vietnam. But what is to be gained from abandoning the bargaining process at this point?

Those persons who advocated getting into the bargaining process did so on the basis of confident expectations for fruitful bargaining. They have been wrong, totally wrong. Now that we are nearing a point at which Hanoi might actually find it necessary to bargain, these same people want to formally opt out of the bargaining. This makes no sense.

We cannot entrust the safety of the American withdrawal, or the fate of American prisoners of war to the whims of the Hanoi government. Never in American history have we met with such unrelenting obstinacy in an attempt to negotiate differences with another nation. The Hanoi government could not have been more unrelenting or inhumane in its use of the prisoners of war as pawns in international politics. This is the worst possible time for trusting this worst possible government to act benevolently toward our prisoners of war.

Those who predict what Hanoi's reaction will be to any U.S. move should study the sobering record of past prophets.

We were told that meaningful negotiations would result if only we imposed some limits on bombing in the north. We did impose limits, and nothing was gained.

We were told that meaningful negotiations would result if only we would halt bombing of the north altogether. We did, and nothing was gained.

We were told that meaningful negotiations would result if only we began troop withdrawals. We did, and nothing was gained.

Most recently, Mr. Clark Clifford, former Secretary of Defense, joined the ranks of the prophets and, in record time, his prophecy was discredited. On June 8 he said that he had "reason to believe" that if we would agree to total withdrawal by December 31, then all American prisoners would be released. But on June 10 the North Vietnamese in Paris greeted Mr. Clifford's prediction with undisguised disdain. Both North Vietnam's Xuan Thuy and the Vietcong's Nguyen Thi Binh, when invited to support Mr. Clifford's prediction, refused to give us any reason to credit the veracity of his remarkable prophecy.

Frankly, Mr. President, I would expect those who have made unfulfilled prophecies in the past to be very reluctant to encourage us to rely on any other predictions about Hanoi's reasonableness.

Mr. President, I know the strong temptation to use this amendment to voice the strong revulsion we all feel for the anguish that has resulted from the war in Vietnam.

Furthermore, the President knows, as we all know, that it would be politically popular to try to legislate an end to this ghastly Vietnam involvement. All Senators, regardless of their views on ending the war, should ponder the fact that the President is refusing to take the easy and politically profitable course. This President, like his two predecessors, is making his policy subservient only to what he considers the national interest. This President, unlike his two predecessors, has the opportunity to end American involvement in this war, and he is doing so.

There are those who suggest that this amendment is politically motivated. They suggest that some supporters of the amendment want it passed precisely because they know the President is succeeding in disengaging us from the war. According to this interpretation, this amendment is a last-ditch attempt to grab a share of the credit for this achievement.

Mr. President, I categorically reject this suggestion. However much I disagree with the assumptions and analyses of the advocates of this amendment, I do not doubt the conscientiousness of their advocacy.

I very much respect the passionate dedication shown by the supporters of this amendment, both in the Senate and in the Nation as a whole. They have argued their case with civility and proper thoroughness. But events have passed this amendment by. Events have deprived the amendment of its capacity to do anything other than confuse and complicate the final stages of American disengagement.

That is why I urge the Senate to reject this amendment, respecfully, but firmly and decisively.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Mississippi.

Mr. President, I rise to reiterate, to restate, and to reaffirm my opposition to the McGovern-Hatfield measure which faces us today.

Mr. President, I would set my desire for peace in Vietnam and throughout the world alongside the desire for peace of any citizen, and I daresay it would compare favorably in intensity and sincerity. I hate war—the toll that it takes of life and limb and blood; the destruction it causes; and the griefs and sorrows and divisions that result from it.

But I cannot support a measure that calls for withdrawing support from our troops in the heat of battle and that advises the enemy of our plans without any corresponding concession from them.

During debate on the new version of the old McGovern-Hatfield amendment, several Senators have risen to say that since the defeat of a similar proposal last year, Americans have continued to die and be wounded in Vietnam and that the war continues.

Yes, the war has continued since the McGovern-Hatfield amendment was defeated last September—but what is being ignored is the fact that U.S. troop involvement has continued to be wound down. President Nixon's policy of withdrawing our Armed Forces from Vietnam has continued, on a schedule he has deemed appropriate, mainly from the standpoint of the security of the American forces remaining in Vietnam as others are withdrawn.

The President is acting under his authority as Commander in Chief. The amendment before us now would restrict that constitutional authority.

Mr. President, far from being an end-of-the-war amendment, this amendment makes provision for a strange approach to the problem. It does not provide for the withdrawal of a single American soldier. What it says is that after December 31, 1971, no funds can be expended in support of any troops that we might have in military operations in or over Indochina.

The amendment recognizes the fact that Congress has no authority whatsoever to order withdrawal of a single American soldier from Indochina. That power rests in the President of the United States alone as Commander in Chief of the Armed Forces of the United States. What the amendment does is perform the incredible function of withdrawing support from our soldiers in the very heat of battle, so that if any of our soldiers remain in Indochina beyond December 31, 1971, the amendment would provide that no support whatsoever could be given them under this or any other law. If our troops remain there, and they are attacked, they run out of ammunition, and there is none in the pipeline, no further funds could be used to provide ammunition, armament, or guns for the defense of those soldiers.

This is the first time in history, Mr. President, that it has been proposed that support be withdrawn from fighting men while they are in the heat of battle. What kind of support does such an amendment give? What help does it give the President?

The proponents of the amendment, and proposed amendments to the amendment, say they are trying to strengthen the hand of the President to assist him in his negotiations. I say this proposal would hamper the President, Mr. President, would advise the enemy of our plans, and would remove the options that the President might have in the conduct of the war.

I opposed this amendment last year because I believe its passage would have been a restriction on the powers of the President. This year the amendment, though the wording differs slightly, still represents a restriction of the President's powers. I oppose it this year as I did last year.

Some critics of the President's Vietnam withdrawal policy are claiming this morning that the American public has been betrayed and deceived based on revelations published in the New York Times. They are citing publication of the documents as an added reason to vote for the McGovern-Hatfield amendment.

I do not excuse those judgments made and action taken in 1964. Even then, 4 years prior to my being elected to this body, I was opposed to this Nation's becoming involved in a war on the Asiatic mainland, and I still deplore the fact that we ever became engaged in such a war, and say that we ignored the lessons of history in doing so.

But critics refuse to recognize the incontrovertible fact that no matter how they got there, we do have 250,000 American boys now in Southeast Asia. They are there, not because of the present administration, but through policies made years ago by other administrations. In my judgment, President Nixon deserves credit and appreciation and support for the manner in which he is winding down U.S. involvement in Vietnam. The sacrifices of those who shed their blood there, and the safety and security of our men who remain, must not be recklessly thrown away by wanton retreat.

For the sake of our troops and for the sake of our country, we cannot allow ourselves the luxury of arguing today's issue on the basis of a 1964 action. History will take care of yesterday, but we are responsible for today and tomorrow.

Americans want peace—peace with honor—but not peace at any price—not peace through abject surrender.

McGovern-Hatfield would toll the death knell to any hopes for negotiated peace, including the return of American prisoners of war now being held by the North Vietnamese and the Vietcong. With McGovern-Hatfield, why should the enemy want to talk peace? He could continue his present tactics and would still be handed everything he wants on a silver platter.

History has no record of a military conflict other than this one in which one side, with overwhelming power, with power to wipe its adversary off the face of the earth, has sought peace so assiduously and so magnanimously as has our country. Peace terms are not "unconditional surrender," for we have forsworn a military victory and ask only that the South Vietnamese be allowed the right of self-determination as to their destiny and as to the type government they have.

We have sought peace—publicly and privately, through usual and unusual methods, in direct and indirect negotiations, in open and in secret sessions.

We have brought the South Vietnamese and the Vietcong into the negotiations.

We have limited bombing; we have stopped bombing altogether.

We have withdrawn 285,000 troops from Vietnam, and by December 1 of this year our forces will be down to an authorized strength of 184,000.

We have done all these things, but only one bilateral agreement has been made of which I have knowledge. This is the agreement on the shape of the negotiating table and the seating arrangement of the so-called peace negotiators.

It must be remembered that the Vietnam war is not of the making of President Nixon. When he became President, the war and our participation in it—except for the bombing halt—had been escalated to an all-time high. A record number of American troops were in Vietnam at that time.

President Nixon's policy at all times has been to deescalate our participation in Vietnam and turn the fighting over to the South Vietnamese, but, at the same time, seeing that the American troops are protected and supported during the process of Vietnamization.

During this Vietnamization of the war, the President has been active in his efforts to get the North Vietnamese to enter into meaningful negotiations that would bring a lasting and honorable peace.

I am convinced that no person in the entire country wants peace more than President Nixon. The future of our country depends on it, and no one realizes this better than the President himself. He wants peace and his efforts are expended toward protecting American lives, shortening the war, and achieving peace.

As I have stated, the war is not of the President's making. He is not responsible for starting it; but now it is his responsibility. He says that he will end the war, that we will have a just and honorable peace. He accepts it as his responsibility to achieve these goals. He does not seek to shift the responsibility. He knows the risks involved. I respect him for his courage and his determination.

As I see it, the Constitution is clear and specific on three points:

First. The President is Commander in Chief of the Armed Forces of the United States. As such he can direct the conduct of a war.

The Constitution establishes the President's authority as Commander in Chief of the Armed Forces, the one man who must make final decisions affecting the use of our military forces. This is not a power that the President has seized without regard to the role and the prerogatives of Congress. It is a power that the Constitution has placed on the President. He would not be discharging his duty unless he acted to protect the members of the Armed Forces in Southeast Asia.

Second. Only Congress can declare war.

Third. Congress, with its power over the purse strings of the Nation, can finance a war or withhold funds with which to prosecute the war.

What, then, of undeclared wars or limited actions to protect American lives and property—who initiates these and who directs them?

The history of our country is replete with instances in which limited wars or military actions have been initiated by a President. These actions have been taken by the President under his powers as Commander in Chief of the Armed Forces. Once the conflict has been initiated—here, again, I say that President Nixon did not initiate the conflict—these seems little doubt of the President's power to direct the prosecution of the conflict—subject only to the right of Congress to cut off funds and to cut off support from that army in the field. I submit that it would be a great tragedy if support for our Armed forces in the field should be cut off by this Congress, and I say that Congress would rue the day that it passed any such legislation.

Congress has no power to limit or restrict the powers conferred on the President by the Constitution, except to the extent that the exercise of the powers which Congress has under the Constitution might restrict the exercise of the President's powers. The amendment we are presently discussing would be a method and a manner by which Congress could constitutionally act and restrict the President's powers as Commander in Chief.

Adoption of the McGovern-Hatfield amendment can, in my judgment, serve no useful purpose. Adoption of the amendment, on the contrary, would be detrimental for many reasons. I list several:

First. It would raise questions and create doubt as to the credibility of the President of the United States as to his promise to withdraw American troops from Vietnam.

Second. It would question the powers of the President of the United States as Commander in Chief of the Armed Forces.

Third. It would seriously weaken the power of the President as spokesman for this country in the quest for peace. This repudiation of the President and his action would be known in national capitals throughout the world within minutes of our action on this amendment.

Fourth. It would emphasize our national divisions and lack of unity in the matter of a national foreign policy.

Fifth. It could encourage our real adversaries, Russia and China, in believing that we lack the national resolve and determination to see the Vietnam war to an honorable conclusion.

Sixth. It would advise our enemies as to what our plans are in Southeast Asia, telling them just what limitations our Armed Forces are under, just how far we will go and no farther. It would remove all flexibility from future military plans and operations.

The President of the United States, acting as Commander in Chief of our Armed Forces, has had and will continue to have my support in his conduct of the war in Southeast Asia.

Certainly, I will oppose any moves in the Senate to tie his hands, to snipe at him, or to criticize his actions before the world.

I will certainly oppose the McGovern-Hatfield amendment, because, far from helping the President, as is suggested by some advocates, it would completely tie his hands and make his quest for peace in Southeast Asia an absolutely impossible task, because it would give away our entire position.

For these reasons, I oppose the McGovern-Hatfield amendment.

Mr. STENNIS. Mr. President, I compliment the Senator from Alabama. He has made some splendid points. I shall refer to one point.

The last major point he made was that if this amendment should be adopted, it would be flashed around the world in seconds, to friends and foe alike, that Congress has gone off in one direction and the President in another. As bad as this situation is now, what would become of our situation, our boys, our chances for a really decent settlement or any kind of meaningful settlement for the future?

Furthermore, the precedent would go far beyond this in future dealings with adversary and with friend. That question mark could not be erased for decades to come.

Mr. ALLEN. It would make of Congress, with 535 Members, a council of war; and we cannot constitute ourselves a council of war, planning each step of the conflict. That is a matter for military men and for the President of the United States, as Commander in Chief.

Mr. STENNIS. Not under the Senate rules. It would take too long. [Laughter.]

Mr. ALLEN. I thank the distinguished Senator from Mississippi for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Perhaps as a humorous aside, it might be said that, since the situation has not gone well the way it is presently constituted, a larger council of war might be effective.

Mr. President, I yield 10 minutes to the distinguished Senator from California.

Mr. TUNNEY. I thank the able Senator from Alaska for yielding to me.

Mr. President, the question before the Senate today is nothing less than one of life, death, and commonsense.

More than 53,000 Americans have died in battle in South Vietnam. We have spent billions of dollars in a war that cannot be won. The war in Vietnam has resulted in explosive violence here at home as housing, education, and job programs have been shunted aside while America has pursued the mirage of victory through the jungles of Indochina. Millions of Vietnamese are today wandering refugees because of the protective-reaction airstrikes and free fire zones that we have employed with little thought given to the terrible cost in human casualties that have arisen from our military policies.

Our Army has been demoralized. Our men run the dual risk of death and drug addiction in the jungles of Southeast Asia. Our country is divided. The Paris peace talks are stalemated. The South Vietnamese Government seems ready to employ any method to prevent truly free elections. Our President talks of Vietnamization when in fact this term applies to only one half a country. He tells us that he will not accept a withdrawal date until our prisoners of war are released and the South Vietnamese Government has the capability to defend itself.

It is long past time that this administration faced reality. The reality is that since January of 1969 more than 15,000 Americans have been killed in Southeast Asia. The war has expanded geographically into Laos and Cambodia. While the President has been withdrawing our combat troops according to his schedule, I feel that every day any of our men are there is one day too much. The President's time table apparently runs from election to election. In 1968 he maintained before his election that he had a secret plan—a plan for peace—a plan to end the war—a plan that has either not yet been announced or has been employed secretly and has failed. The current pace of withdrawal is too slow. The stalemate in Paris continues. The killing in Southeast Asia continues. And the divisions here at home widen.

Despite all of the rhetoric—all of the promises—all of the lessons of history—all of the false hopes in dreams of victory, the war goes on.

The continuation of this war means that hundreds of Americans continue to lead empty and shattered lives in the prison camps of North Vietnam. It is time that we took the same risks for their safety and release as we have taken to prop up General Thieu's government. The North Vietnamese have previously stated that there would be no release of prisoners until we set a date for withdrawal.

Recent indications, including reports by Representatives LEGGETT, of California, and HALPERN, of New York, of conversations with the North Vietnamese in Paris, are that they are prepared to negotiate the release of our men as soon as a date is set. I think we should set that date. Otherwise these men will be destined to many more months of containment as we tie the pace of our withdrawal to the stability of the South Vietnamese Government.

If after setting a date, the North Vietnamese do not act promptly to release our prisoners of war, then obviously we cannot abandon those men. I will state categorically that our adherence to a date for withdrawal of all our troops must be linked emphatically to the release of those men. But I also believe that we must now set that date. I have spoken to the wives of six of our POW's in the past few weeks, and they are convinced that the only way they will see their husbands again is if we set a date for getting out of Indochina.

The reality is that our commitment to General Thieu has long since been fulfilled. How much longer does the President suppose will be needed to fully realize this commitment? How many more lives? How many more billions?

The reality is that we are fighting for a government that is both corrupt and unrepresentative.

The reality is that Vietnamization is nothing more than a blind and open ended commitment to men who jail their political opponents, shut down the free press, and thwart the democratic process of government in South Vietnam.

The reality is that we have allowed this war to continue for too long. It has "wasted" our youth and our treasure. It has brought our country to the brink of psychic collapse.

We have fulfilled whatever obligation we had to the South Vietnamese Government. It is long past time that General Thieu be made to stand on his own and stop relying on the blood and billions of America for his survival.

Mr. President, I believe that those of us in the Senate are captured today in a critical moment of history. We have the opportunity to express the will and determination of this country to bring an end to a tragic and costly chapter in American history. We have the chance to begin to open the doors of imprisonment for the five hundred or more Americans presently being held in North Vietnam. We have the chance to end the fighting in Vietnam and begin ending the division that it has caused here at home.

All of our soldiers are, in a sense, prisoners of war. This amendment would win their release. All of the unemployed and underprivileged in America are prisoners of poverty as a result of our country's preoccupation with this conflict. This amendment would allow us to begin focusing our energy on their problems. America cannot live for long while poverty, hunger, and joblessness make a mockery of the American dream and a shambles of so many peoples' lives. We cannot continue to burn villages in Asia while our cities become cauldrons of fear and suspicion. We cannot continue to defoliate forests while we destroy our environment here at home. We cannot continue to concentrate our efforts on South Vietnam while ignoring the problems of equality and economic malaise at home. We cannot wait for other countries to become strengthened while ours is progressively weakened. In short, we cannot let this amendment fail. We cannot let this chance for peace pass us by.

If we do—the war will go on—men will die—debate in the Senate will rage—divisiveness in the streets will continue—America will suffer.

Before any Senator casts his vote today, let him ask himself how much longer does he want our country to live with this war? He should ask himself, how many more men does he want to see go off to this war? He should ask himself if he wants to find us here in the Senate, a year from today, still caught in a debate over a war that is destroying America?

If we do not speak for peace today, we will have failed in our duty to answer and represent the will of our people and we will have failed as men to answer to our conscience.

Mr. President, I intend to vote for the enactment of the McGovern-Hatfield amendment.

Mr. President, it is my firm hope that we will be able to get a majority of Senators to realize that the only way we can possibly end the war is to set a timetable to end it.

We have heard for too long how the war was going to be ended if we took just one more step. I think it is absolutely tragic that our policy in Vietnam today is based upon the supposition that the South Vietnamese Government will be able to take care of itself, without broadening its political base, without reaching out to its own people, without giving its own people the opportunity to participate in a realistic sense in the structure of power in that society. We must put an end to this war and we must do it today by adopting the McGovern-Hatfield amendment.

QUORUM CALL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum, with the time to be charged equally against both sides.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, would the distinguished Senator from Mississippi (Mr. STENNIS) yield 2 minutes to me

Mr. STENNIS. I am glad to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the distinguished manager of the bill.

Mr. President, having been authorized by the distinguished majority leader to do so, I have discussed with the manager of the bill and with the authors of the various amendments to which I shall refer, a time sequence under which the amendments are to be called up, following disposition of the amendment No. 149 which is to be made the pending business on tomorrow at the time the unfinished business is laid before the Senate.

I therefore propose the following unanimous-consent request:

I ask unanimous consent that upon disposition of amendment No. 149 by the Senator from New York (Mr. BUCKLEY) on tomorrow, the Chair lay before the Senate amendment No. 120 by the Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, upon disposition tomorrow of the Kennedy amendment No. 120, that the Chair lay before the Senate amendment No. 156 of the Senator from Iowa (Mr. MILLER).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon disposition of the Miller amendment No. 156, the Senate proceed to the consideration of amendment No. 135 by the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon disposition of the Hatfield amendment No. 135, the Senate proceed to the consideration of amendment No. 136 by the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the Hatfield amendment No. 136, the Senate proceed to the consideration of the amendment by the Senator from Ohio (Mr. SAXBE), amendment No. 164.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the Saxbe amendment No. 164, the Senate proceed to the consideration of amendment No. 139 by the Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the Kennedy amendment No. 139, the Senate proceed to the consideration of amendment No. 137 by the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on amendment No. 139 by the Senator from Massachusetts (Mr. KENNEDY) be limited to 2 hours, notwithstanding the fact that a previous agreement has been entered into limiting the time on the amendment to 3 hours.

I have discussed this matter with the aides of the Senator from Massachusetts (Mr. KENNEDY) and also with the manager of the bill. All are in agreement with my request that the time be limited to 2 hours, to be equally divided and controlled by the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent with respect to amendment No. 139 that the same conditions which will obtain under the agreements entered heretofore on amendments to H.R. 5631 prevail in this instance.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous consent agreement, later prepared in written form, is as follows:

Ordered, That, during the further consideration of H.R. 6531, an act to amend the Military Selective Service Act of 1967, debate on the following amendments be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis): No. 120 by the Senator from Massachusetts (Mr. Kennedy); No. 125 by the Senator from Alaska (Mr. Gravel); No. 149 by the Senator from New York (Mr. Buckley); No. 117, and Nos. 127 through 138 inclusive by the Senator from Oregon (Mr. Hatfield).

Ordered further, That debate be limited to 3 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 123 by the Senator from Alaska (Mr. Gravel).

Ordered further that debate be limited to 2 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 139 by the Senator from Massachusetts (Mr. Kennedy).

Ordered further, That debate on amendment No. 156 by the Senator from Iowa (Mr. Miller) be limited to 30 minutes to be equally divided and controlled between the mover of the amendment and the manager of the bill.

Ordered further, That debate on amendment No. 164 by the Senator from Ohio (Mr. Saxbe) be limited to 20 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis).

Ordered further, That on June 17, 1971, during the further consideration of H.R. 6531, amendment No. 149 be laid before the Senate and made the pending business.

After the disposition of amendment No. 149, the Chair will lay before the Senate in the order listed the following amendments as soon as the one preceding it in the list is disposed of: amendment No. 120 by the Senator from Massachusetts (Mr. Kennedy): amendment No. 156 by the Senator from Iowa (Mr. Miller); amendment No. 135 by the Senator from Oregon (Mr. Hatfield); amendment No. 136 by the Senator from Oregon (Mr. Hatfield); amendment No. 164 by the Senator from Ohio (Mr. Saxbe); amendment No. 139 by the Senator from Massachusetts (Mr. Kennedy) and amendment No. 137 by the Senator from Oregon (Mr. Hatfield).

Provided, That debate on all amendments to amendments enumerated above be limited to 20 minutes to be equally divided and controlled respectively by the mover and the author of the original amendment (first degree).

Ordered further, That amendments not germane to the amendments enumerated above shall not be received.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. STENNIS. Mr. President, the time I yielded the Senator has expired. The Senator from Alaska would be glad to yield time to the Senator from West Virginia.

Mr. GRAVEL. Mr. President, I would be happy to yield whatever time the majority whip desires.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished junior Senator from Alaska.

Mr. President, Senators are on notice that we will have a busy day on tomorrow. It is anticipated that there will be roll call votes on most of these amendments which have been enumerated.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. SCOTT. Mr. President, can the distinguished assistant majority leader advise us whether he expects any votes following the vote on the McGovern-Hatfield amendment which is scheduled to take place not later than 5 p.m. today?

Mr. BYRD of West Virginia. In answer to the query by the distinguished minority leader, may I say that after the vote on amendment No. 143 by the Senator from South Dakota (Mr. McGOVERN), the Senator from Oregon (Mr. HATFIELD), and other Senators, at circa 5 p.m.—and I do not think it will occur earlier—I would anticipate no further votes today. I say this after having discussed the matter on yesterday with the distinguished manager of the bill.

Mr. STENNIS. Mr. President, in enumerating these votes, the Senator does not mean to imply that the Senate will vote on all of these amendments on Thursday. As I understand it, the idea is that if we do not get through with all of them on Thursday, they will automatically go over to Friday.

Mr. BYRD of West Virginia. The distinguished manager of the bill has stated the case precisely.

Mr. STENNIS. Mr. President, and apart from those the Senator has mentioned, there will be rollcall votes on other amendments to this bill on Friday.

Mr. BYRD of West Virginia. Without question. It will be the intention of the leadership on this side of the aisle—and I am sure it will be with the cooperation of the leadership on the other side, and the distinguished minority leader is here to speak for himself—to try to schedule amendments on Friday which will result in votes on Friday, at least until about 3 o'clock in the afternoon.

Mr. STENNIS. Is the Senator ready to announce the plans he has about the filing of a cloture motion on Monday?

Mr. BYRD of West Virginia. Mr. President, the majority whip cannot announce plans with respect to cloture because it is not the intention of the majority whip—although he will vote for cloture—to sign a cloture motion. It is my understanding that a cloture motion will be introduced on Monday, in which case the vote would occur under rule XXII, on Wednesday next.

Mr. SCOTT. Mr. President, that would probably be in the neighborhood of 1 o'clock, although that would be subject to change.

Mr. BYRD of West Virginia. Depending on the hour of meeting.

Mr. STENNIS. It is the intention of the leadership on next Monday to get votes on pending amendments.

Mr. BYRD of West Virginia. Mr. President, it will be the intention of the leadership to seek votes on Monday, and this will be true on Tuesday pending the disposition of the cloture motion on Wednesday.

Mr. President, the amendments which have been enumerated, and which have been locked in by agreement for action on tomorrow, all have time limitations thereon. So, in the normal course of things, allowing for rollcall votes on some or most of these amendments, the Senate will have a busy day tomorrow.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, I have heard some discussion about the possibility of an amendment in the nature of a substitute being offered to the pending amendment. There would be an hour of debate allowed on any such amendment.

As I understand it, that time would come out of the time that is already under control, and the final vote on the pending amendment would come at 5 o'clock.

The PRESIDING OFFICER. The Senator from Mississippi is correct, on the assumption that there will be that amount of time left on this particular amendment.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, no such amendment has been called up. The time is getting short. The unanimous-consent agreement allows 1 hour, the time to be equally divided, on such amendment. Suppose that such an amendment were not offered until after 4 o'clock. It would be impossible to have an hour allotted.

The PRESIDING OFFICER. The Senator is absolutely correct. In that event, the amendment would only be allowed such time as would be left before 5 o'clock.

Mr. STENNIS. Mr. President, would an amendment be in order after 4 o'clock?

The PRESIDING OFFICER. It would be.

Mr. STENNIS. Mr. President, I thank the Chair.

QUORUM CALL

Mr. STENNIS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided on the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, the opposition to the amendment has 41 minutes remaining. I do not know whether further amendments will be offered or not. The proponents have 57 minutes remaining. I have no other speakers at this time. I do not care to speak further in the present situation. However, I cannot afford to yield any more time before a quorum call.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Florida (Mr. CHILES).

Mr. STENNIS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HATFIELD. I yield.

Mr. STENNIS. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. If no amendment is offered, the Senator from Mississippi has 40 minutes and the Senator from South Dakota has 43 minutes.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Florida.

The Senator from Florida obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous consent request?

Mr. CHILES. I yield.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during further consideration of the McGovern-Hatfield amendment, Mr. Gordon Weil, Mr. John Holum, and Mr. Wes Michaelson may have the privilege of the floor except during the roll call vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHILES. Mr. President, I am preparing to send to the desk a substitute amendment to the amendment by the Senator from Oregon, the Senator from South Dakota, and other Senators, that would change the date for withdrawal from December 31 to June 1, of 1972, and would further provide that the provisions in the amendment for withdrawal and cutting off of funds would have no force and effect if North Vietnam and the other adversary forces holding American prisoners of war, or Americans designated as missing in action but held as prisoners of war, had not been completely repatriated 60 days prior to the date of June 1.

This substitute would substantially differ the amendment by delaying the date and providing that it would have no force and effect and would not be binding on this Government, or the President, or anyone else, if our prisoners were not released 60 days prior to the deadline that the amendment would envision.

I send my amendment to the desk at this time, and ask that it be read in full, because it is new language.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. DOLE. Is the amendment of the Senator from Florida the same as the copy we find on our desks?

Mr. CHILES. No; this is not identical to the amendment on Senators' desks. That is why I asked that it be read.

Mr. STENNIS. Mr. President, may we have order? In view of the Senator's statement, it is absolutely necessary that we have it quiet.

The PRESIDING OFFICER. The Senate will be in order.

The amendment will be stated.

The legislative clerk read as follows:

Proposed Amendment to H.R. 6531

"SEC. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after June 1, 1972, to support the deployment or maintenance of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

"(b) Nothing in this section shall be construed to affect the authority of the President to:

"(1) provide for the safety of American Armed Forces during their withdrawal from Indochina,

"(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces, or

"(3) to provide assistance to the nations of Indochina, in the amounts approved by the Congress, consistent with the objectives of this section.

"(c) This section shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action but held as prisoners of war have not completed the release and repatriation of all such prisoners and missing in action by a date 60 days prior to the date in subsection (a).

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. Is this from the time on the original amendment?

Mr. HATFIELD. The time on the substitute amendment.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. McGOVERN. I yield.

Mr. BYRD of West Virginia. Mr. President, is time running on the substitute amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. McGOVERN. Mr. President, I have discussed this substitute amendment with the Senator from Florida (Mr. CHILES) for some time this afternoon, in concert with the Senator from Oregon (Mr. HATFIELD). The amendment is substantially the same as the so-called McGovern-Hatfield amendment, except for two points:

It extends the withdrawal deadline from December 31 to June 1 of next year—in other words, providing a 5-month addition on the withdrawal deadline set in the McGovern-Hatfield amendment—and in addition to that, whereas the pending amendment, that is, the original amendment, provided that unless arrangements were worked out for the repatriation of prisoners within a period of 60 days, we could add an additional 60-day period on the withdrawal date, the Chiles amendment just offered as a substitute would carry this time up to 60 days from the withdrawal deadline. In other words, unless the prisoner arrangement is worked out within 60 days prior to June 1, then the entire amendment is null and void.

The Senator from Florida, in his conversations with us, has indicated that there are several Senators who are not willing to support the McGovern-Hatfield amendment for various reasons, who have indicated that they would support this substitute measure. A part of the reason for that may have something to do with presidential politics; I do not know what the other causes are, but I do know that I am far more interested in getting an amendment agreed to that will bring about an end to this war than I am in seeing an amendment passed simply because of the name which happens to appear on it.

I have been interested in this matter

for as long as I have been a Member of the United States Senate. I cannot recall a day since I joined this body when this war has been very far away from my heart and mind. It has been an aching pain as far as I am concerned for at least 8 years, and I cannot think right now of anything within my power as a Senator that I would not do to bring about an end to this conflict.

So if the Senator from Florida is correct in his judgment that we do have a chance to pass this substitute amendment, while I would much prefer to see the Senate vote on the McGovern-Hatfield amendment and pass it into law, under the circumstances, I shall support Senator CHILES in his effort, and if that amendment passes, it will not be necessary, then, for the Senate to deliberate any further on the McGovern-Hatfield proposal, and at least we will have said to the President of the United States that Congress, at long last, is going to assume its constitutional responsibility to set a limit on this war.

Beyond that, I think the crucial point is not really the date that we set, within certain limits, but the fact that we are saying to all parties concerned that within less than a year's time, before June 1 of next year, all American military operations will be terminated and all forces withdrawn from Indochina, provided only that we can have assurances on the release of our prisoners.

So I think it is a fair proposal, and one that I hope will have the overwhelming support of the Senate. There is no question but that the American people will support this amendment. They support the McGovern-Hatfield amendment, as they indicated in a recent public opinion poll, by a percentage of 73 percent. If the American GI's now fighting in Southeast Asia had a chance to vote on the amendment, in my opinion it would pass overwhelmingly, I think by a margin of 10 to 1. If the prisoners of war who have been sitting in North Vietnam——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. Mr. President, I yield myself 1 additional minute.

If the prisoners of war languishing in jails in Hanoi had a chance——

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. McGOVERN. I yield.

Mr. STENNIS. Let me remind the Senator from South Dakota that under the time arrangement, the Senator from Florida has 30 minutes, and the Senator from South Dakota and the Senator from Oregon control the other 30 minutes.

It is customary, in situations like this, where you are supporting the proposed substitute, that you yield the time to the manager of the bill. I hope the Senator from South Dakota will do that.

Mr. McGOVERN. I think we can work that out.

Mr. STENNIS. Time is running. The Senator is running on my time now.

Mr. McGOVERN. I just want to complete this one sentence.

Mr. STENNIS. Again, I do not want to interrupt the Senator, except that time was yielded to him by the Senator from Oregon. The Senator is speaking, really, for the Senator from Florida. So if the Senator will shift the time, I shall appreciate it.

Mr. McGOVERN. I thank the Senator. I just want to conclude by saying that I think the one formula that will bring about release of our prisoners is the commitment in either of these amendments, and I am satisfied with the proposal of the Senator from Florida. I believe it is the kind of commitment for total withdrawal that will bring about the means to trigger the release of our prisoners, and I am happy to support it.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator from Mississippi.

Mr. STENNIS. I ask the Senator from South Dakota whether we can straighten this out, because 5 o'clock is approaching. If the Senator will yield me such time as he has left on the Chiles amendment—not on the McGovern amendment, just on the Chiles amendment—then the Senator from Florida will control that part.

Mr. McGOVERN. I so yield.

Mr. STENNIS. I thank the Senator.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. STENNIS. I yield myself 5 minutes.

I hope we will have quiet in the Senate. I cannot imagine any business that attachés would have here now except to be quiet.

Mr. President, this is an attempt to change the whole tenor and workability of the amendment and is a change, of course, in the time.

Let me point out that nothing could be more serious, as a matter of international policy and protocol and problems of negotiating for peace and dealing with enemies and friends, than something of the nature of this amendment, which is offered with less than 40 minutes to the manager of the bill for discussion on it and the first amendment, when it goes to the very vitals of the whole meaning. It still means that, even though the date is changed, it is a parting of the ways of the legislative branch from the executive branch of the Government, and leaves the President of the United States hand-tied and hog-tied so far as using any money is concerned. He cannot make any plans. He cannot make any arrangements. He has to stop almost in his tracks.

Here is a provisio that within 60 days before this year is out, if all these things have not been done, he will have to get out totally within 60 days. With all deference, that is an absurdity; it is an impossibility. It is just hoping to pick up a vote here, there, or yonder, and trying to get a majority. In logic and in fact, this just will not stand up.

With respect to the delivery, repatriation, and so forth, of the prisoners of war, the North Vietnamese have not given us any list. We do not know how many they have. When they claim they have delivered it, we would have no recourse beyond that.

My point is that if we are going to take this course, we had better work something out beyond what can be figured out in the cloakroom within the last few minutes.

Mr. President, this is grasping at a straw. The amendment was going down. Something had to be done to try to rally support and save it. So, within the last few minutes, after all this debate, apparently, at least the two sponsors of the amendment have gone over—lock, stock, and barrel—to new language, a new version, filled with uncertainty.

I submit that, on the whole, the Senate cannot possibly afford to wander off in a desert, so to speak, and use this as a substitute.

I put it as I have said before: The amendment as offered by the Senator from Oregon and the Senator from South Dakota presents a clear-cut issue here. It says yes or no. It says do this or do that. A vote on it would be a real determination of this body. Otherwise, we are just wandering off in an uncertain field, and we cannot afford to do that, as a matter of policy. Fundamentally, it is wrong, unsound, and uncertain. I hope the Senate will not—I do not think it will—follow a will-o'-the-wisp that is thrown out at the last minute, as a lifeguard throws a rope to a drowning man.

Mr. McGOVERN. Mr. President, will the Senator yield to me?

Mr. STENNIS. I yield.

Mr. McGOVERN. I am curious as to why the Senator thinks this is such a vague and uncharted field, when all we are doing is extending the withdrawal time by 5 months. The Senator surely understands that simply substituting the date of June 1, 1972, for December 31, 1971, does not raise some new monster here that the Senate is incapable of appraising. It is a 5-month extension.

I should think that the Senator from Mississippi would be one of those who would now support this amendment. It is much more in line with his own view that we need additional time to bring about the withdrawal.

Mr. STENNIS. Under the amendment of the Senator from South Dakota, the President of the United States knows where he stands. It means that he has to get out right away, if it becomes law. Under the other amendment, he does not know what he can do; and when it comes down to within 60 days, he has to get out all of a sudden.

Mr. McGOVERN. I, of course, would prefer the McGovern-Hatfield amendment. But I would think that the Senator from Mississippi would welcome an additional 5 months, in view of his view on the war. It gives the President almost a year's time.

Mr. STENNIS. I respectfully reject the Senator's offer. Time does not mean everything. This amendment is worse than the amendment of the Senator from South Dakota.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, this amendment does not cure any ills or any objections to the original McGovern-Hatfield amendment.

In the first place the problem remains which is the establishment of a deadline. Whether we establish the deadline at one date or another, we are removing from the Executive his power to continue a successful process of extrication from a tragic and an unpopular war. We are voting a lack of confidence in the President when we say to him, "We will settle the war and we will solve your problems for you," even though he has—or will have, by this early winter—withdrawn more than two-thirds of the forces from Vietnam; 296,000 Americans less are there than were there when he took office.

If we are going to fix a deadline, we will be saying that we might as well end the negotiations in Paris. Whatever chance there may be—and a chance exists—whatever opportunity there may be for negotiations, whatever may have been said by the parties, whatever proposals may be under consideration, will be canceled out. We might as well tell Ambassador Bruce to come home and close the door, shut up shop, because Congress has taken over the determination of a successfully proceeding foreign policy initiative. I think this would be regrettable.

I do not think this amendment adds anything. I hope Senators will not be led because the amendment differs from the McGovern-Hatfield amendment, to be altered in conclusions which I believe are quite obvious to all of us now—that they do not want, by the McGovern-Hatfield amendment, to direct the President to do what Congress thinks is the best way toward the conclusion of this war.

We all want to conclude the war. There are no prowar or antiwar Senators here. We are of one mind on that. But one thing is of the greatest concern, and that is the fixing of the deadline. This amendment is another attempt to fix a deadline. It is another attempt which appears to give the President some options, but the options are not real. The options are far less than those he has now; and the amendment says to Hanoi, "All right; we have given up the hole card. We will play it your way hereafter. You call the shots and we will call our delegation home from Paris."

Frankly, in my judgment, if we do that, we might as well end the negotiations in Paris if this amendment becomes law.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it may be in order to order the yeas and nays on the substitute at this time, and on amendment No. 149 of the Senator from New York (Mr. BUCKLEY)——

Mr. HATFIELD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the pending substitute.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

Mr. CHILES. Mr. President, I yield 2 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it may be in order now to order the yeas and nays on amendment No. 149 of the Senator from New York (Mr. BUCKLEY), which will be the first order of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask for the yeas and nays on amendment No. 149.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, I think the Senate should be clearly on record about the simple fact that we have at various times and in various ways indicated by a majority of 51 Senators a desire to set a date certain.

Distinguished colleagues have raised the question as to whether it is appropriate, or whether the Senate should or wants to set a date certain.

Let me remind the Senate that 38 Members of the Democratic caucus endorsed a date certain at the beginning of this Congress. Six Republican Senators are supporting this amendment with the December 31 date. An additional five Republican Senators have indicated, through various resolutions, they would support a deadline if they could be assured it would bring the release of all prisoners of war. At least two other Senators have told us privately they would support a date certain if it were later than December 31, 1971. Thus, supporters of the principal of this amendment—to set a date certain—total 51 Senators.

Accordingly, we are not coming up with something new. In fact, the only thing that we hear today are the old arguments that were used last year when we debated this issue.

How many times have we heard the statements made by various Senators—during last year's debate—when Senator after Senator rose on the floor of the Senate to object to our proposal at that time on the point, as they said, that it might undermine negotiations, that it might hamper the negotiations, that it might harm the possibility of the return of our prisoners.

Well, Mr. President, there has not been a single meaningful negotiation session in Paris since we debated this issue last year. Not one prisoner of war has been returned since we debated this issue last year.

I quote again, as I have earlier, the arguments used back in 1969. When the President of the United States argued against setting a time certain. He said on September 26, 1969:

> What I am trying to achieve is ending the war before the end of 1970 or before the middle of 1971.

I quote further—

> Our objective is to end the war by the end of 1970.

He argued the same point that it would undermine the negotiations to set a date certain.

Let me remind the Senate that since we debated this issue last year, over 2,000 Americans have died and thousands more have been injured——

Mr. DOLE. Mr. President, will the Senator from Oregon yield?

Mr. HATFIELD. Not at this point—let me finish first, please.

So that I think the decision before us is not the choice of policy based on the old arguments that we have heard and heard and heard.

So, Mr. President, the decision before us today is no ordinary choice of policy: it is a decision of life and death.

The burden of this debate should be upon those who vote against the amendment. The burden should be upon those who tell the American people how many more lives will have to be given in order to carry out the policy of commitment to the Thieu-Ky regime.

We cannot avoid the harsh reality that we, the elected Members of this body share in the responsibility for those who are wounded and who die in this war.

That is what our Constitution intends.

We cannot pretend that we can abdicate this responsibility—that we can allow only the President to bear that heaviest of all burdens. By virtue of our membership in this body, under the Constitution, we must make the decisions that will mean life or death for others.

If we have any uncertainty, any slightest doubt, about the reasons for our continuing sacrifice of blood in Indochina, then we must approach this decision with fear and trembling—and approach it as one of those choices made in the solitude of our souls—guided only by our conscience, and by God.

Our political careers are not worth the price of one needless death.

Our standing at the White House is not worth the price of another American addicted to drugs in Vietnam.

Our relationships with our political friends and allies are not worth the price of the unnecessary loss of an arm or a leg of an American fighting in Indochina.

If any of us have the least doubt or misgiving about the purpose of further sacrifice in Indochina, then we must ask ourselves what reasons there are for continuing the bloodshed.

We must ask that question because we have the power and share the responsibility for prolonging or terminating that sacrifice.

Since the time each of us last faced this decision, as I said previously on September 1, 1970, 2,811 Americans have died in Indochina, 11,250 Americans have been wounded. More will follow in the days and months ahead.

Each of us has the constitutional power to bring this suffering to an end Before any one of us chooses not to exercise that power—before any one of us answers "nay" when the vote is called, I would only suggest he ask and be able to answer this question: What constitutional basis does the President have for committing American troops in the support of the Thieu-Ky government?

Do we believe that our Nation's Constitution, and the powers and responsibilities delegated to each of us, should be accepted or ignored?

Is America a country ruled by a patriarch, whose wisdom and judgment in the weightest of matters—life and death—must be blindly followed, or is the Congress truly a coequal branch that governs our land?

Are we more willing to trust the power of the executive branch than to trust our own judgments?

Do we believe that Congress' chief responsibility is to submit to the will of the President or to resond to the will of the people?

When it is announced that "only 19 Americans died in Vietnam from hostile action last week," can we explain the use of the word "only" to the mothers and fathers of those who have died?

Can we tell hundreds of young people in the weeks and months ahead why they must go, against their will, to fight in Indochina?

How do we explain to the wives and families of our prisoners of war that continuing an unending commitment to the Thieu-Ky government is more important than testing to see whether our prisoners can be returned home?

Can we explain to one more American boy that it is worth it for him to die in Indochina?

And when those notices of the dead from our States come to our office in the weeks and months ahead, do we say to their loved ones, " I am sorry, I did everything I could to save this life," or will we say, to them or to ourselves, "I might have actually saved this life, but I decided not to try. I decided it was necessary to risk his ultimate sacrifice. And this is why?"

What will be your reasons why?

That is why we have this responsibility, under the Constitution, to delineate between that which the President is doing as far as withdrawing troops, on which we congratulate him and commend him as Commander in Chief, but we must also test this whole matter of the power of the Constitution as it relates to a commitment to the Thieu-Ky regime, to remain in Indochina for the time necessary for it to stand on its own feet. There is no constitutional basis for that. But, let us remember the things the President said on September 26, 1969.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Mississippi has 15 minutes remaining.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. The Senator from Kansas is recognized for 4 minutes.

Mr. DOLE. Mr. President, let me say that, so far as the Senator from Kansas now views the situation, we are considering the 10th version of the so-called end-the-war amendment. There were eight amendments introduced prior to this week. The Senator from Florida then had an earlier version of his amendment, making No. 9. That version has now been changed to make No. 10, the 10th in an ever-changing series.

This is the 10th version we have before us now. Of course, all of the emphasis is on the American prisoners of war and the Americans missing in action, but it might be well to remind my colleagues that apparently this was not a great concern in amendment No. 1, amendment No. 2, amendment No. 3, amendment No. 4, amendment No. 5, and amendment No. 6, or amendment No. 7. In fact, it was not until June of this year, 1971, that American prisoners of war and Americans missing in action in Southeast Asia were, in effect, used as pawns in this struggle over who should be the Commander in Chief.

The introduction, now in the 10th version itself indicates the folly of the Congress of the United States trying to impose a date certain on the President.

We have had 10 versions of the so-called end-the-war amendment, and they all have sought to tie the President's hands to one date after another.

Why do they pick the date of June 1? Apparently the date was left blank and then penciled in on the mimeographed copy which has been distributed in the Senate. Why was that date chosen? What is the magic about June 1? Why not December 31? Why was the date picked?

I could also ask the Senator from Oregon the same question asked before. How many Americans will be killed by the simple stroke of a pen by virtue of changing the date from December 31, 1971, to June 1, 1972?

What does the President do if this amendment is agreed to and passed by Congress? What does he do in the interim between now and June 1; Does he escalate the war?

What would the Senator from Florida (Mr. CHILES) have the President do? How many prisoners will be left on June 1? What would happen if our prisoners are not released 60 days prior to June 1?

These are serious questions, raised by a Senator who is concerned about American prisoners of war and Americans missing in action and who has been concerned for a long time.

Let us not use American prisoners of war and Americans missing in action as they are being used in this debate.

I agree with the distinguished Senator from Pennsylvania. If we agree to this substitute, we might as well call off negotiations, call back Ambassador Bruce, and give up any hope for an earlier settlement. And there is still some hope.

I would hope that my colleagues would look at the amendment carefully and examine the questions it raises.

The date is not important. They could pick the date of June 1, 1974, or any other date. The simple fact is that it would be a vote of no confidence in the President if we were to adopt the so-called substitute.

I thank my distinguished friend, the Senator from Mississippi for yielding.

Mr. STENNIS. Mr. President, I yield 3 minutes to the distinguised Senator from Alabama.

Mr. President, will the Chair request that there be order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Mississippi for yielding to me.

Mr. President, this amendment is much worse than the McGovern-Hatfield amendment. It is more callous as regards the prisoners of war. It is more of an amendment requiring unilateral action on the part of the United States because for the first nine and one-half months after the enactment of the law, if this amendment is agreed to, all action would have to be by the United States. No action would be required of the enemy as regards the prisoners of war until March 1 of next year, whereas under the McGovern-Hatfield amendment, the enemy would be required to propose an acceptable plan for the release of prisoners of war within 60 days after the enactment of the law.

Mr. President, this would delay getting action on the release of prisoners of war. Also, section (c) in the amendment is most nebulous. It says:

> This section shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action but held as prisoners of war have not completed the release and repatriation of all such prisoners.

All such prisoners as of when? As of 9 months from now or when? Who will determine when it will be?

Suppose they offer only 10 prisoners and say that they have complied that all of the others are dead.

This provies a vehicle for propaganda by the enemy. It is a vehicle that would make our country and the President of the United States subject to a barrage of propaganda and invective by the enemy.

It would serve no useful purpose. It is no improvement on the McGovern-Hatfield amendment. I do not believe it will muster nearly as many votes as the McGovern-Hatfield amendment, even though the chief sponsors of that amendment have come out in support of this amendment.

I hope the amendment will be laid on the table at the proper time.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, I yield 2 minutes to the Senator from Indiana.

Mr. HARTKE. Mr. President, on August 7, 1964, the Congress passed the Gulf of Tonkin resolution formally committing this country to military involvement in Indochina. Now, nearly 7 years later the time has come for the Congress to once again assert its voice in the determination of American military policy in Southeast Asia.

For a decade now the Indochina war has been a defilement of our ideals and a perversion of our historic role as a beacon of hope to the peoples of the world. It has caused us to turn away our attention from vital domestic needs and to become increasingly immune to the sight of death and destruction. We have been torn apart by this tragic war and our wounds will not heal for decades.

Today, we have the opportunity to right a grievous wrong by withdrawing funds for American military operations in Indochina as of December 31, 1971. Millions throughout the world are awaiting our decision.

Will we perpetuate a deadly folly which has only brought us grief and shame? Or will we rely on our greatness and resilience by announcing to the world that we have honored our commitments to the South Vietnamese—we have given them the very best of our youth—and now it is time to bring them home?

Public opinion demands an early end to the war, but I do not suggest that we rely on the polls in casting our votes today. The call of reason and conscience tells us that the time for total withdrawal has come.

There are those who say that the war can be ended by negotiations rather than by congressional action such as we contemplate today. I do not agree. For the fact is there is absolutely no hope for any serious negotiations to begin unless and until the United States fixes a date for total withdrawal of its forces.

In early April I had long discussions in Paris with all four parties to the peace talks and with other highly knowledgeable Europeans and Americans. If there is one conclusion that I drew with absolute certainty from those conversations, it is that there will be no serious negotiations in the absence of a formal American declaration of intent to withdraw all our forces from Indochina by a certain date. Such a declaration would lead to serious negotiations on major points of contention and may yield other very desirable results as well.

These include, first, an immediate cease-fire between Communist forces and ours, thereby bringing an end at least to the killing of Americans and of most Asians, as well.

Second, discussions would begin at once—that very day if we wished—on arrangements for the safe withdrawal of our forces and speedy return of our prisoners of war.

The attitude of the administration on this question has been most dismaying. I have complete certainty that the President shares with all Americans deep concern for the fate of American prisoners and those who are missing in action. But I am afraid that his present policies condemn those men to continued obscurity.

Recently, the White House lent its support to a $25 million worldwide advertising campaign sponsored by the National Advertising Council to urge international inspection of prisoner-of-war camps. This is a tragic diversion of public attention and an effort to inject politics into the prisoner-of-war issue. It is time that public officials stopped making use of the prisoners for their own narrow ends. The American people deserve to know that the fastest way we can get our prisoners released is by declaring a date certain for our withdrawal from Indochina.

The amendment before us today provides the best possible opportunity to end the long suffering of loved ones. From my own conversations in Paris as well as numerous reports in the news media, I am convinced that we will not get action from the other side on our prisoners until we make an unequivocal commitment to withdraw our forces from Indochina.

In this connection let me emphasize that both North Vietnam and the Vietcong made it as clear as they possibly could—short of offering me a signed contract—that they have no interest whatever in keeping our prisoners a day longer than is necessary. Any implication by the President to the contrary is grossly and cruelly deceptive.

A variety of arguments have been advanced against the idea of total withdrawal by a date certain. Some contend that a withdrawal of U.S. forces by the end of this year would bring about the fall of the present regime in South Vietnam. After years of shedding American blood and billions of dollars from American taxpayers, it is time that the South Vietnamese made their own political decisions.

Years of involvement by the United States in their affairs have made the South Vietnamese dependent on us politically as well as militarily. With the Presidential elections taking place on October 8, our adoption of the McGovern-Hatfield amendment will serve notice on the people of South Vietnam that the time has come for them to assume full responsibility for their country's future.

You have also heard it said that to withdraw now instead of waiting for Vietnamization to proceed to the President's still undefined idea of completion would gravely jeopardize the chances for the future survival of noncommunist governments in the area. The response to that is that if 1.1 million South Vietnamese troops armed with the very best and latest American equipment and enjoying total domination of the skies cannot provide for their own defense against an enemy which they outnumber 11 to 1, then Vietnamization is a concept so empty of hope that we had best abandon it before another drop of American blood or another dollar of American treasure is wasted on it.

But what about Cambodia and Laos, we will be asked? Their armies face hostile outside forces but without the advantages of overwhelming numbers and equipment—would we not then be delivering them into North Vietnamese hands?

The first answer to that is that North Vietnamese troops are in Cambodia and Laos today only in response to the massive American escalation that began in 1965. The extension of Hanoi's armed forces beyond its own borders came in direct response to our own occupation of the South, and it may be expected to end when our occupation ends, provided of course that South Vietnam's forces return to the defense of their own land and stop invading their neighbors.

In any case, we should bear in mind President Nixon's own estimate of only 140,000 North Vietnamese troops in Laos and Cambodia combined, as against a Cambodian army which now numbers over 200,000 and a Laotian army of indeterminate size. Let those nations defend themselves for better or for worse. All that our help and that of Saigon has brought them is unimaginable suffering for their own people. Nearly one-fourth of Cambodia's total population are now refugees as are 1 out of every 9 Laotians. Civilian casualties in each country number in the tens of thousands. If there is a worse fate for those tormented people, than American military help, I do not know what it is.

There are those who say our credibility will suffer throughout the world should we withdraw at this point in the conflict. But our presence in Southeast Asia has caused our credibility to suffer far more. The President has said that the only legal justification for the American military presence in Indochina is to protect American forces while they are engaged in military actions. His present policy of Vietnamization, however, makes it clear that we are there to support the Thieu-Ky government, a government which itself enjoys dubious popular support.

Far from hurting us in the eyes of the nations whose friendship we most value, withdrawal now from Indochina would serve us better than any other course we could pursue. We would be seen to have recovered at last from a long and terrible illness: And we would be seen to have regained at last the courage of our historic convictions. And, in this connection, it would be worth recalling that France never stood higher in the sight of the entire world than when it finally found the moral strength in Algeria and brought into being "a peace of the brave."

The present policy of the administration comes close to being the worst of all likely alternatives. It offers nothing but a continuation of the killing into the indefinite future. How long can we Americans continue to countenance a policy of mass slaughter of predominantly uninvolved noncombatant people in the nations of Indochina? For we must never forget that so long as the war goes on, it will do so at our instigation. With or without American troops, our air power will continue to devastate that land creating additional civilian casualties by the tens of thousands and refugees by the hundreds of thousands.

Is it not now obvious to everyone that the President's so-called plan to end the war is purely a plan to continue the war by subterfuge and deception? Does anyone not know that he intends, in fact, to prolong the war indefinitely, substituting Asian conscripts for American in the deeply cynical expectation that lower casualty figures are all that the American people care about in our Indochina policy?

But a war financed entirely by America and made tactically feasible only by American air power is an American war. And if some in this chamber do not understand that reality, I can assure them, Mr. President, that the people who elected them do.

And the people know, too, the price we have paid—and must continue to pay for a war without hope—without purpose—without end.

The President's policy may have succeeded in stopping this war from being a hemorrhage for America. But it is still a running wound. And there is no hope—no hope whatsoever—that the wound will ever, under this policy, be healed. Instead, the infection which it carries will continue to grow—to spread—to become more virulent every day, until we are consumed by it.

I do not know how to say it more strongly: Vietnam is a disease from which we may not recover. We are dying of Vietnam—and the physician tells us that we must not take the only available antidote to its poison because the cure for us may be noxious to military adventurers and war profiteers in Saigon.

The poison of Vietnam is deep inside us. We are dying of it. The cruelest evidence of its power to kill is not the 50,000 military caskets but the living dead among our veterans and our children—the dope addicts roaming the streets of our cities. Vietnam has done this to them—and to us—and the tentacles of its poison have now spread into every community and into every school.

I tell you we are dying of Vietnam. Just as surely as we have given the death stroke to Laos, Cambodia and Vietnam, we have written our own death sentence as a free and democratic society. And the whole thrust of the amendment before us today is to commute that sentence while there is still time.

Let there be no mistake about it, this plan which the President calls Vietnamization is in fact a plan to continue the war indefinitely using South Vietnamese conscripts to carry out the Nixon program for American domination of Southeast Asia. It is an attempt, in other words, to win a military victory.

The time has come to say that victory is not only unattainable, it is unworthy of winning, for it would be a victory—not for freedom—but for colonialism. Do we really imagine that the judgment of God and of history will go lighter with us because we have merely taken our own troops out of the line of fire?

I deeply believe that the struggle to end this war is a struggle for America's soul. And I cannot help remembering the words of the Old Testament:

> The sins of the fathers shall be visited upon the children even unto the fourth and fifth generations.

If we today remain passive as evils of such magnitude continue to be carried out in the name of America, we shall condemn ourselves and our posterity to frightful judgment.

We cannot pretend that we were unaware of the suffering we have permitted our arms to inflict on the innocent, nor can we rationalize the death and destruction we have wrought in the name of freedom and democracy. We know better. For if there is one thing which this war has done it is to reveal the truth as we have never known it before; no longer are we willing to accept myth as reality; no longer are we willing to accept pretense as a guide for policy.

The time has come for this Congress to speak out. At least two Presidents have withheld from us—and from the public at large—vital information about the extent of American involvement in Southeast Asia. They have made the fatal assumption that they—and they alone—knew what policy was best for this country. They have failed to include the Congress or the people in the decisionmaking process, and, in doing so, have progressively involved the United States in this tragic and disgraceful war.

Mr. President, today we can restore the integrity of America's will. Today we can commute the sentence of death and mutilation and exile that has been passed on thousands of our own sons and tens of thousands of Asian men and women and children. Let there be no misunderstanding—today we can end this unwanted war and bring all of our boys home.

For the sake of all who have died and all who are yet condemned to die, I urge my colleagues to join me in support of the McGovern-Hatfield amendment—the amendment to end the war.

[Applause in the galleries.]

The PRESIDING OFFICER. Demonstrations of approval or disapproval in the galleries are forbidden, and the Chair so advises the occupants of the galleries.

Mr. DOLE. Mr. President, will the Senator from Florida yield for a question?

Mr. CHILES. I yield.

Mr. DOLE. Mr. President, can the Senator from Florida give the Senator from Kansas information on why the date of June 1, 1972, was selected?

Mr. CHILES. Mr. President, this would be a date that would give sufficient time for the preparation for the withdrawal and a sufficient time to see if we could get a response on the question of the prisoners of war.

Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, as a matter of conscience I cannot vote to continue the war indefinitely and without further authorization by Congress. Since I was elected in 1966 on a commitment to do everything in my power to seek peace, I am voting for the amendment to bring American military involvement in Indochina to an end by June 1, 1972. In addition, I shall continue to support the President in all of his own initiatives to end the war.

I fully appreciate what the President has already done in reducing troop levels by over 50 percent and American fatalities by over 80 percent. It is my profound hope that he will continue in this policy, but accelerate it so that total withdrawal may be achieved soon.

We have already lost more than 54,000 American lives, suffered more than 300,000 other casualties, and spent more than $120 billion to support the regime in South Vietnam. We have already trained and equipped more than a million South Vietnamese regular troops and another million regional and local troops. We have done enough. It is time for the South Vietnamese to take over the responsibility for their own destiny.

Mr. YOUNG. Mr. President, no one in the U.S. Senate has been more opposed to the war in Vietnam than I. I thoroughly disagree with those who have claimed this is the right war in the right place. It is the wrong war in the wrong place. This has been my position from the beginning.

All but two Members of the U.S. Senate voted for the Tonkin Gulf resolution. I was one of those who voted for it. That resolution was considered by almost every Member of the Senate to only authorize President Johnson to take retaliatory action against the North Vietnamese who had previously attacked our destroyers in the Tonkin Gulf. It was no more an authorization to take us into a major war than was the Quemoy-Matsu resolution affecting those islands off the coast of Communist China.

Mr. President, I have a long record of opposing this war. As far back as April 27, 1954, in a press release to more than 50,000 North Dakotans, and carried by most of the press in North Dakota as well as Washington, I stated:

> We must count our foreign policy as a failure if nine years after World War II we cannot find enough people among the teeming millions of the Far East willing to fight the battle against Communist aggression. . . . I am unalterably opposed to sending our troops to another "Hell hole" on the Continent of Asia. (This was when the French were losing their war in Indochina.)

Eleven years later, on March 24, 1965, in a news release with the same coverage, I stated:

> It would be courting disaster to become involved in a jungle war with the hordes of Asiatic Communists in this, the most militarily untenable area in the entire world for us to fight.

I cite these quotes, and more to follow, to indicate that, unlike many of the doves of today who once thought this war was a great idea, I always thought, and still do, that our involvement in this war was one of the great tragedies of our time.

I doubt if there was any period in history when our foreign policymakers and some of our military leaders used worse judgment. Former Secretary of Defense McNamara under President Johnson, as well as a few military men associated with him, actually thought we could win this war in a matter of a few months just using American troops and without making any attempt to train and equip the South Vietnamese so they could fight their own war.

In another news release I said on June 30, 1965:

> After all, it is the Vietnamese people who will have to win this war . . . We will have to fight Communism for many years to come. The problem is so serious and the struggle so desperate that we simply cannot afford to dissipate our strength in areas such as Vietnam or the emerging nations in the jungle area of Africa.

I think most people have at long last come to the conclusion that if this war ever was to be won in Vietnam and Southeast Asia it would have to be won on the ground in the jungles. No war we have fought in the past 50 years involved more vicious ground fighting.

After we became involved in this war against my many protestations, I supported the President of the United States in his efforts to fight this war to a successful conclusion. For far too many years the policy of the Government of the United States was to try and win this war alone without the Vietnamese. Only in recent years—in fact, since the Nixon administration—has there been a real effort to train and equip the South Vietnamese to fight their own war. They have come a long way in building a strong military force and many of their divisions can be rated as good fighting units. They still face a very difficult military situation. The North Vietnamese main army is still virtually intact and they have more than 110,000 crack troops in Laos. Most authorities, I believe, will agree that the North Vietnamese are the best and toughest jungle fighters in Asia.

With all of the training and equipment we have provided the South Vietnamese and with the more than 1 million men they have under arms, they are now in a position to hold most if not all of their country if we were to withdraw. This is a very different situation than if we had withdrawn 2 or 3 years ago. Thus a bloodbath such as occurred when the Communists took over North Vietnam has been prevented. The Nixon administration's policy has, to a considerable extent, been successful.

How to vote with respect to several of the amendments now pending in the Senate designed to terminate this war in one way or another involves some of the toughest decisions I have ever had to make. After all the blood and money we have spent in South Vietnam, I had hoped that we could salvage something out of this war and end it in a way we could live with in the years to come. In a large measure President Nixon's policy has accomplished this. His Vietnamization of the war has in a very large measure been successful and they are now in a strong position to defend themselves.

Mr. President, because of President Nixon's policy to deescalate this war our combat losses now have reached the lowest level in more than 4 years. They are still too high. What concerns me most, however, is the escalation of drug addiction among our troops in South Vietnam. It is reliably estimated that 35,000 to 40,000 of our troops are using drugs, and mostly heroin, and many of them have already become addicts. There is practically no return for a heroin addict—probably not more than 5 percent are able to shake this curse. I would rather have a son or grandson serving in South Vietnam be a combat fatality than to return a heroin addict to live the rest of his life with all the torture and misery that an addict must endure.

This situation is not going to get better in South Vietnam. Heroin is as easily obtained by our servicemen in Vietnam as is candy here in the United States. It is much purer and more powerful than anything obtainable here. The same is true of marihuana. Dope pushers in Vietnam even resort to such devilish practices as inserting a few heroin-loaded cigarettes in a package of regular brand cigarettes available on the market. Because of this, many of our Government officials, especially in the Embassy, are prohibited from buying cigarettes any place except in the Embassy compound. The South Vietnamese Government has done nothing to decrease the availability of heroin.

The people of South Vietnam have many, many fine qualities. They are a good-natured people and very intelligent. One of the most difficult problems we face in Vietnam, however, is that graft and corruption among their leaders is an accepted way of life. This has been a fact of life for centuries in Southeast Asia.

It is with great reluctance and after long, thoughtful, and prayerful consideration that I have decided to vote for one or more of the amendments now pending which could with all of their undesirable features hasten the end of this war.

President Nixon is to be commended for all he has done to bring our troops back from this unfortunate war and for the great strides he has made in training and equipping the South Vietnamese to fight their own war. While the main Army of North Vietnam is virtually intact and, even though they have at least 110,000 troops in Laos—soldiers who are the best jungle fighters in Asia—I still believe that the South Vietnamese in the past 2 years through President Nixon's efforts of Vietnamization are now in a position to hold most if not all of their country, even though we withdraw. There will be no bloodbath in South Vietnam such as occurred in North Vietnam when the Communists took over.

With the ever-increasing opposition to this war by our people, President Nixon or any other President would find it difficult if not impossible to accomplish more in bringing this war to an honorable conclusion. This has been a very difficult decision for me. One of the major reasons for my action at this time is the alarming increased drug use and addiction among our troops in Southeast Asia.

Mr. President, I ask unanimous consent to have inserted in the RECORD a recent news release of mine and other documents indicating my opposition to our becoming involved in a war in Southeast Asia dating as far back as 1954.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL QUOTES FROM NEWS RELEASES OF SENATOR MILTON R. YOUNG

January 26, 1966. "It is entirely possible that our forces will have to be expanded to 500,000 or possibly even more, depending on how deeply involved Communist China may become in this war. (This was at a time when we had 200,000 troops in Vietnam.) . . . There is probably no place in the world where the Communists have more advantages and we more disadvantages. This is one of the reasons why I was opposed to becoming involved in this jungle war. We must oppose the spread of Communist aggression, but I have always strongly felt that, with our limited manpower and financial resources, we should be more selective as to whom we help and where we fight the Communists. I have expressed my views through these newsletters and even in a personal visit with President Johnson early last year.

"I am very much opposed to the President's request for $3.25 billion more than Congress provided last year for the Great Society Programs. Sacrifices will have to be made if we are to successfully prosecute this war and not have run-away inflation or excessive new taxes."

April 13, 1966. "Those who advocate that we must seek out and fight Communists in every rathole in the world should consider what importance it may have to our own national security, the cost involved, and our limited manpower and economic resources."

February 7, 1968. "Our role in trying to police the entire world is getting us more deeply and seriously involved, and particularly in Southeast Asia and Korea . . . Our military force there is one of the best the United States has ever put on a battlefield. They are doing a superb job under impossible circumstances. As important as the bombing is, this war will have to be won on the ground in the jungles of South Vietnam. Our peace offensive has not been as aggressive or as effective as our military efforts. While I was strongly opposed to our involvement in this war, I am not one who believes we can just walk away from it."

[From the Minot Daily News, Sept. 27, 1967]

JOHNSON "BRAINWASHED"

WASHINGTON, (AP)—Republican Sen. Thruston B. Morton said today President Johnson was "brainwashed" by U.S. military and defense industry leaders into believing the United States could achieve a military solution to the Vietnam war.

The former Republican national chairman said Johnson in turn "brainwashed" the American people during the 1964 presidential campaign by saying the Southeast Asian war should be fought by Asians.

The Kentucky senator, regarded as a foreign policy spokesman for GOP Senate moderates, leveled his strongest attack to date on administration Vietnam policies at the organizational meeting of Business Executives Move for Vietnam Peace.

He continued a slashing Republican attack on Johnson's policies that touched off an uproar in the Senate Tuesday.

The Business Executives Move for Vietnam Peace claims a membership that includes business leaders from 44 states.

Noting that former President Dwight D. Eisenhower warned before leaving office in 1961 of the growing power of a "military-industrial complex," Morton added: "I believe that President Johnson was brainwashed by this power center as early as 1961 when, as vice president, he ventured to Saigon on a fact-finding mission."

Morton said he originally backed Johnson's escalation of U.S. troop involvement in the war. But today he said, "I have grave doubts that any military action, then or now, would have decisively influenced the conflict."

Contending a political solution in South Vietnam may already be out of reach, Morton called for a unilateral reduction of the U.S. military involvement, if necessary, to halt the fighting.

Morton's assertion that a political victory may be out of reach in Vietnam was echoed independently by Sen. Milton R. Young, R-N.D., a member of the select committee which oversees the operation of the Central Intelligency Agency.

"There is no possibility of establishing a sound, strong and responsible central government in South Vietnam in the foreseeable future," Young said in a report to his constituents.

Young said "corruption is an accepted way of life there," and added that American officials "can be expected as they have in the past to tolerate this dishonesty and corruption."

He said "these top American officials do a pretty good job of defending everything in Vietnam, including rigged elections."

NEWS RELEASE OF SENATOR MILTON R. YOUNG, MAY 18, 1971

Limiting the power of the President to take us into major wars without a declaration of war by Congress is long overdue. I strongly support a proposal now pending in the Senate which would sharply limit our involvement in such wars in the future. The President has had almost unlimited authority in this respect since our nation was founded, but it was only in recent years that it was used to take us into two major wars—Korea and Vietnam.

As the greatest nation in the free world, we do have a responsibility to try and prevent major conflicts in other areas of the world. We do not have the capability, however, to be the policeman for the whole world. President Nixon has wisely initiated a new policy—that of helping nations with financial and military assistance but without involving our troops. This more limited role of the United States is long overdue. Secretary of State William Rogers—the best Secretary of State in my time—is desperately trying to prevent another war in the Middle East and without committing U.S. military forces. Our involvement in a Middle East war would be even more far-reaching and potentially disastrous than Southeast Asia. Among other things, we would be directly involved in a confrontation with Russia.

For most of my life I have been a strong isolationist and, in a large measure, I still am. We just have to reduce our military expenditures. I strongly support legislation to sharply decrease our military forces in Europe and elsewhere. We have over 525,000 servicemen and their dependents in Europe now. This, and a sizable over-all reduction in our military personnel, would sharply decrease our defense expenditures and make more money available to modernize our military forces and to meet some of our more urgent needs at home. We can have an adequate defense with a smaller but more modern Army.

Even with a major war on our hands we are decreasing the percentage of our tax dollars for defense purposes, while Russia continues to increase their military expenditures. In many categories Russia is now militarily superior to the United States. They have always had a much larger Army. This is an area in which we cannot compete. They have built a large, strictly modern Navy since World War II, while much of ours is becoming obsolete. For the first time in their history they have a powerful fleet in the Mediterranean with bases in Egypt. They have more submarines and are building nuclear submarines at a much faster rate than we are. They continue to increase their number of intercontinental nuclear missiles. The nuclear warheads on their ICBM's (SS–9) are 25 megatons (the equivalent of more than 25 million tons of TNT). Our newest missiles (multiple warheads), which we believe are more accurate and effective, only carry about one-eighth of the Soviet megatonnage.

Russia has also made great advances in air power. They flew the first supersonic commercial aircraft (SST) in the world and will soon put it into commercial operation. Their new Foxbat fighter plane, some of which are now deployed in Egypt, is the hottest fighter in the world today. It flies faster and higher than anything we will have until our new F–14's are available, hopefully in three years.

When we faced a showdown with Russia in Berlin in 1948, Russia backed down only because of our military superiority. When President Kennedy forced a showdown with Russia on their deployment of intermediate range nuclear missiles in Cuba, Russia backed down again only because of our superiority. Russia may well force a similar showdown in the Middle East. It is questionable whether Russia would back down again. They are at least close to being as strong militarily as we are. Certainly if the present trend of Russia's accelerated buildup and our decrease in the development of new modern weapons continues, they will be a mightier nation than we are in the near future. That would be disastrous for us and the rest of the free world. We would be subjected to every conceivable blackmail and humiliation which is a major part of Communist strategy.

I am not a militarist, but I always believed in having the most modern military equipment. That is not inconsistent with my strong opposition to the war in Southeast Asia and our involvement in other very possible wars in other areas of the world.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 8 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, here are the facts in this matter, and this is such a serious matter. As manager of the bill I have not had a chance to see the wording of this amendment—the meaningful part of it, the last item (c).

At the time I made my first remarks in opposition to the amendment I had to speak in opposition to what I heard the clerk read just a few minutes before. Still, this matter has the effect of absolutely tying the hands of the President.

With all deference, providing for the pullout of all military forces from Indochina within 60 days after the President makes a determination, and giving Hanoi 9 months to make up their minds and to deliver, just shows that this is a piece of paper somebody picked up and started writing on so far as this proposal being balanced and worked out.

This is a complete knockout blow. There is no possibility of their support under this provision and no kind of prop that the President could leave there to help these South Vietnamese. There is no provision for any kind of logistical support. There is no provision for advisers. I do not mean United States soldiers that are put into battle but just instructors. There is not a chance in the world to make any kind of contribution along that line. It absolutely takes out the bottom.

This would be a total blocking of the President, whoever he may be, as our representative in this important matter.

Regardless of how Senators feel about the McGovern-Hatfield amendment I do not believe this will stand the scrutiny of 10 minutes' examination by the great majority of the Members of this truly fine body, but it is offered when they are not here with no expectation of language like this. They are at committee meetings and in various places as I have been able to locate them, and they have not had a chance to give this matter deliberation of even 10 minutes, and certainly not the time it deserves.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining of the time he allotted himself.

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. CHILES. I yield.

Mr. HANSEN. I would like to ask the distinguished Senator from Florida what he thinks the President of the United States might do between now and June 1, 1972, if this amendment should be agreed to by Congress?

Mr. CHILES. I think the President would probably continue to do just what he is doing—withdraw troops. At the present time the President is withdrawing troops at the rate of about 19,000 a month. The way I have calculated, if he continued that rate to June 1, 1972, he would withdraw another 209,000. We have about 240,000 or 250,000 troops there now and if he continues to do that the number would be as I have indicated.

I see no indication from the President, the Secretary of State, or anyone else in the administration that they intend to cut down on that rate. They keep saying they are going to increase that rate. If they continue that rate we would have that number of troops withdrawn.

Mr. HANSEN. Mr. President, will the Senator yield for another question?

Mr. CHILES. I will not yield further at this time.

Mr. DOLE. Mr. President, will the Senator yield to the Senator from Kansas?

Mr. CHILES. No, I will not yield to the Senator from Kansas.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I have been listening to some of the arguments against this amendment. I hear arguments about haste and arguments that no one has had a chance to consider the amendment. Yet as I noted, the amendment goes 5 months beyond December 31. That seems simple for me to understand and I believe it is simple for anyone to understand. We have been talking about the McGovern-Hatfield amendment for a number of days. It has been before us for a long time. My amendment provides that the date will not be December 31, 1971, but we will go all the way to June 1, 1972. That is stated clearly.

The amendment provides that if the enemy has not released all of our prisoners, all of those men held as prisoners of war, 60 days prior to that date, this amendment would have no force and effect.

Mr. President, when I started campaigning for the Senate, I was appalled. I started walking through the State and talking to the people, and I found out I did not know where a hawk lived in America because we were not trying to win the war anymore. We tied the hands of our troops behind their backs and limited the day on which they could bomb and carry out missions. We said we were going to get out of Vietnam.

I found the position of the people of my State to be that if we are going to get out, then let us get out. But, in addition, they are interested in the prisoners and giving the South Vietnamese a chance to defend themselves.

Mr. President, let us look at the record and see what we have done for South Vietnam. They have 1 million men they could put under arms, and they have all our equipment. We are talking about a country the size of the State of Georgia. We had nearly 600,000 men there and we have dropped more than twice the bombs that were dropped in World War II and the Korean war, and we still have as many of the enemy there today as when we started. We decided we could not whip them in that country because we did not want to do what it would be necessary to do. We did not make the decision to go north and when we did not make the decision to go north, the people of my State decided, "Let us get out as soon as we can."

Then, we come to the question of the South Vietnamese people and whether we are giving them an opportunity. I think we have given them every opportunity to train and to fight. If we wait until they say they are ready I think the date will never come. One question is: Have we done our part?

The other question is with regard to our prisoners. The amendment states that if our prisoners are not released unconditionally and in our hands 60 days prior to this date the amendment has no force and effect.

So this amendment says what I have heard so many Senators in this session say and what I have heard so many Americans say—"I would like to get out of there if we just had our men back." How many times have we heard that said—"I would like to get out of there if we had our men out of there"? This amendment says we do not have to budge about getting out until 60 days after our men are out; that we would agree to do it, but we would not do anything until we got our men out.

I do not see anything more proper than that. Hastily considered? I do not think it is hastily considered by any man who has an honest conscience about it, by any man who has talked with a young man who has walked into his office and talked about the war, or with mothers or married women whose husbands are over there. I think every one of us has been concerned about it every day. I know I have, and anything I could do that would express that feeling I would be willing to do.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Senator from Florida. He certainly is living up to the promise his people put in him when he was elected last November. I think he has arrived at a medium, at an area which he and I think a majority of us want in this body. If we mean what we say about getting out of Vietnam, if we mean what we say about the release of the POW's, instead of using it as a political objective, then I think there is much merit in what the Senator from Florida has said.

He has indicated that for 17 years we have been supporting the government in Saigon—not this government, but those governments, because there have been many—that there are over 1 million men under arms, financed, paid for, supplied, advised, and supported by members of the military personnel in this country.

I think it is about time to face up to the realities based on 50,000 dead, 300,000 wounded, $130 billion spent, drug addiction which is becoming more and more prevalent each day, corruption, graft—you name it, you can find it there. We have done our share. It is time to get out. It is time to return home, and it is time to turn over the responsibility to the Government of South Vietnam and the people who live there, and who will live there long after we have gone.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Maine (Mrs. SMITH).

Mrs. SMITH. Mr. President, it is most unfortunate that an amendment of this importance should come to us at this late time, not giving us a chance to analyze it and see what the full effects would be. I have to oppose it, but I also expressed myself yesterday in opposition to the Hatfield-McGovern amendment.

It seems to me that this is not a matter that the Congress should take care of. This is a matter which should come from the Office of the Chief Executive, and it is not for the Congress to submit it. I am very much against our getting into allocation of troops, or setting a date for ending the conflict, much as I would like to see peace come, and I am sure everyone in this Chamber feels the same.

I do hope very much that this amendment will be voted down, as will the next one.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Ohio.

Mr. SAXBE. Mr. President, I rise in opposition to the amendment. I find that my situation as a latecomer to this body, without the responsibility of having voted the funds for the conflict over the year, puts me in a very unusual position, because I, too, came here to get this war over.

I was very pleased when the President started the troop withdrawals, and I have been very pleased that he has continued a steady draught of withdrawals that can be shown all along the line.

I think we are tampering with a very historical matter today when we are attempting to vote "no confidence" in the President in his plans for withdrawal.

I cannot help but feel that if the Senator from Florida had left his amendment as he originally intended it, where he said "good faith was not shown," he would have genuinely given the President an opportunity to deal with it and say, "You must come up with good faith," but he has changed that and put in language about the release and repatriation of prisoners. Who is to decide that every prisoner has been released? They may say, "Here are 100 prisoners; they are all we have."

I find that, if anything, this is an amendment to lengthen the war. I believe that without this amendment and without the Hatfield-McGovern amendment, withdrawals would continue and that by December 31st of this year we would have a virtual withdrawal from Vietnam.

I believe that by setting the date for next June and by placing the phrase in the amendment "all prisoners" we are going to continue a controversy that is not going to be settled. I believe that shopping around for an alternative to the Hatfield-McGovern amendment has resulted in something less acceptable.

The Hatfield-McGovern amendment has been fully considered. We knew what was in it and what it meant. There have been something like 24 hours to consider the original Chiles amendment. It was rather well known what it meant. But I submit no one knows what the matter that is now before us means. There just is not time or a chance to analyze it and tell what is in it. It is a fact that this language came into being just a few minutes ago, but in all this there is enough in it to absolutely impair the effectiveness of the President of the United States all around the world. It is a total departure by the legislative branch into the field of the executive branch in trying to terminate the war within some kind of framework and policy in which we can keep our heads up and come out of there with the flag flying high rather than dragging it in the mud behind us.

I know something about what the people of this country want. I believe I know something about human nature. They do not want us to submit to anything that is in the nature of being ignoble. Call it what you will, this is running out, and it will plague us for decades to come.

I hope the Senate will kill this amendment and the next one, too.

AMERICA'S SOUTHEAST ASIAN POLICY IN PERSPECTIVE—THE LEADERSHIP OF SIX PRESIDENTS

Mr. DOLE. Mr. President, President Nixon is committed to ending the war in Indochina. But he is also committed to ending it on a responsible basis—one which will honor the sacrifices made and which will bring about a just and lasting peace for all the people of Southeast Asia.

I want to reply to those who think our commitments in Vietnam and Southeast Asia do not matter or are totally dishonorable or that the enemy there deserves to win. Let me attempt today to set the record straight.

Let us understand at the outset that President Nixon, having inherited American commitments and recognizing America's responsibilities in Asia, will not abandon those commitments nor shirk from those responsibilities as he shapes American policy to the texture of today's world. But let it also be clear that President Nixon understands that while small, distant countries may need our help when challenged from abroad, we cannot and should not do the job for them by ourselves alone. Rather, we must help them to help themselves.

It will pay us to review, for a moment, the history of the challenges our Nation has faced in that part of the world and the responses undertaken by American Presidents who have been determined to meet our responsibilities to the cause of freedom in Asia. Let us try to close the homework gap, for a clear view of our involvement will help us to understand the wisdom of President Nixon's path to peace.

CHALLENGE AND RESPONSE IN SOUTHEAST ASIA

Asia matters. It matters to the future of peace in the world, and it also matters to the security of our Nation. We, too, border on the Pacific, and it is vitally important for the people of the United States to have an understanding of and compassion for the independent peoples of Asia; 250 million of them live in Southeast Asia alone.

In seeking to transform their ancient cultures into modern nations, the peoples of Asia want to share the fruits of a peaceful and progressive world. They have their eye on the star of self-determination, and they will not compromise their quest by the imposition of new tyrannies. The United States has welcomed their efforts and has sought to foster their cause. And we will continue to be with them.

The record of six Presidents—Democrat and Republican—stands as a testament to American responsibility in the Pacific area, and it is a record in which all Americans can take pride.

PRESIDENT ROOSEVELT'S VISION

Let us recall that it was President Franklin D. Roosevelt, who while faced with major problems at home, did not neglect emerging threats and responsibilities abroad. He practiced responsible statesmanship and resisted the shortsighted counsel of those who insisted that America should insulate itself from distant "foreign" problems. "America First" was their slogan, but they forgot that America was not an island and that her hope and her security, and that of free peoples in both Asia and Europe, depended on American willingness to shoulder her responsibilities abroad.

PRESIDENT TRUMAN'S DETERMINATION

President Truman did not shrink America's Asian perspectives. He completed the costly task of defeating the Japanese empire. He fulfilled the pledge of independence to the Philippines. And he supported the push for independence by the peoples of Indonesia, now a nation of 100 million.

And President Truman did not hesitate or equivocate when in 1950 North Korean armies swept south across the 38th parallel. He knew—though there were those who questioned the significance of such a small and distant country—that to the people of South Korea and to the neighboring millions in free Asia, there was no more important test for the fabric of their own societies and that of the family of nations than meeting this aggression. And after early setbacks, the United States' Forces and those of the other allies achieved their purpose and repelled the invaders from the North.

And at a time when few Americans even knew such a place existed, President Truman also acted on Vietnam. There, in 1946, Ho Chi Minh's Communists had liquidated the non-Communist Nationalists in a short-lived "coalition" of seven parties. To this day, Ho's liquidation policy is remembered with bitterness throughout Vietnam whenever "coalition" is discussed. By 1950, Ho's Lao Dong Party had totally smothered the Vietnamese movements for national independence, and it had become clear to all that Ho intended to replace waning colonial control and gradual steps toward independence in a democratic Indochina, with his own dictatorship.

It was with an assessment of these developments in mind that President Truman provided economic and military assistance to the French, and to the Vietnamese Nationalists. At the same time, he urged them to proceed as rapidly as possibly to full independence and a democratic Indochina.

PRESIDENT EISENHOWER AND THE GENEVA ACCORDS

And President Eisenhower endorsed President Truman's policies. It should be noted that with the Geneva conference marking the end of the Indochina war in July 1954, the Eisenhower administration and the Nationalist Vietnamese—who were recognized diplomatically by 36 countries—insisted on the principle of reciprocal troop withdrawals, competitive elections and United Nations verification as the best means of preserving the chance for diversity and democracy in Vietnam.

The leaders in Hanoi, however, strongly rejected these principles. They moved instead to consolidate their regime and to lay the foundation for future aggression in the South. In flagrant violation of the Geneva Accords they cached arms and left over 5,000 armed guerrillas in South Vietnam; they tripled their regular army in the north to 21 divisions; they blocked the southward flow of refugees—although nearly 900,000 escaped—they established a Marxist-Leninist dictatorship in Hanoi which purged all opposition and collectivized the peasants' land at the cost of tens of thousands of lives and political prisoners in slave labor camps; they suppressed a mass peasant uprising; they prevented the international control commission from enforcing the agreements between the two zones of Vietnam and France as provided by the Geneva accords; and they have to this day refused to hold politically competitive elections in areas under their control.

RECORD OF VIOLATIONS

The continuing record of Communist violations is documented in the statements of North Vietnam's Lao Dong Party, in the records of the International Control Commission, and in the minds of the people of Vietnam. It is marked after 1956 by political terrorization and assassination of people who were trying to build their own society in South Vietnam. It is marked by the illegal infiltration, between 1956 and 1964, of 80,000 to 100,000 cadres taken north for training. By 1960, Hanoi had announced the creation of the "National Liberation Front," the NLF, to be followed in 1962 with the formation of the dominant element in the front—the "People's Revolutionary Party." In the winter of 1964–1965 regiments of North Vietnam's regular army, equipped with new Chinese and Soviet weapons, invaded South Vietnam. Hanoi's invasion reached its high point in the 1968 Tet offensive against South Vietnam's population centers. Two hundred and thirty thousand Communists troops lost their lives that year, but the South Vietnamese Armed Forces and the people held against the onslaught. More than 5,000 political murders carried out by the North Vietnamese and Vietcong in the city of Hue during that offensive permanently ruined the front's political image in South Vietnam. Finally, Hanoi's record of attack has also been marked by the constant and massive violation, over more than 6 years, of Laotian and Cambodian territory.

AMERICAN RESPONSE

The American understanding and response concerning events in Vietnam increased only gradually. And, we must be frank to admit, it was not always tailored to the needs of the local situation. But the position of the Eisenhower administration at the time of the Geneva accords appears in retrospect to have been appropriate. It was perhaps made most clear in the SEATO Treaty protocol of 1955 and in the limited advisory and aid programs initiated thereafter. President Eisenhower acted in the belief that the South Vietnamese ought to be given a chance. He felt it was far more honorable and important to work for reform and progress there than to turn away and to witness the imposition of Ho Chi Minh's totalitarianism.

PRESIDENT KENNEDY REMAINED FIRM

President Kennedy held a similar view. In 1956, while a Senator, he had risen to challenge the double standard which would accuse South Vietnam, a country under direct military attack from the north, of not meeting political standards, while never even mentioning the conditions and practices in North Vietnam. As North Vietnam's aggression mounted, President Kennedy increased the assistance being given to the beleaguered South Vietnamese and raised the number of U.S. advisers to 16,000 from the 685 permitted under the rotation provision of the Geneva accords.

And contrary to recent attempts to rewrite history, John Kennedy remained true to his responsibility in Southeast Asia. In a television broadcast of September 1963 he said:

> What I am concerned about is that Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the government in Saigon, that we should withdraw. That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw.

CONTINUED COMMITMENT TO U.S. GOALS UNDER PRESIDENT JOHNSON

In the summer of 1964, regimental-size units of North Vietnam's regular army were directed by the leaders in Hanoi to move out of their training camps in North Vietnam, southward along the Ho Chi Minh Trail, through neutral Laos and into South Vietnam. These invading forces, following the 100,000 cadre infiltrated since 1957, began to arrive in South Vietnam in December 1964 and January 1965. In February and March of 1965 they launched a series of offensives against provincial and country capitals and installations throughout South Vietnam.

Mr. President, publications and revelations of recent days have made it somewhat difficult to assess the course of American policy in Indochina during the Johnson administration. Several points, however, are clear:

The Johnson administration was committed to the same basic goals of the four previous administrations.

Congress, wisely or not, passed the Gulf of Tonkin resolution on August 7, 1964, stating, "The United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of Armed Forces, to assist" SEATO members and protocol states such as South Vietnam.

And in reliance upon that congressional resolution the U.S. involvement was significantly expanded.

In February 1965 President Johnson ordered air strikes against North Vietnam, and in June he dispatched the first U.S. combat units to South Vietnam. By the time President Johnson left office in January 1969, the number of U.S. troops in South Vietnam stood at 543,400; 31,000 had been killed there; all negotiation attempts had been rebuffed by Hanoi; and the war had been brought home to America.

PRESIDENT NIXON'S COURSE

President Nixon inherited the war in Indochina when he took office. He inherited it, but he has reversed its course. And he is committed to ending it on a responsible basis.

Today, we hear much about peace from those who have not looked at the record. We hear much about peace from those who press their counsel of abandonment, despair, and surrender. But let us be fair and consider the record. What has the United States proposed and done for peace? What have President Nixon and South Vietnam's President Thieu done? Anyone who looks at the record with an open mind and an unbiased eye will have to place the blame for continued war, for continued death, and continued suffering not on Washington, but on Hanoi and the NLF.

FIVE POINTS FOR PEACE

President Nixon's five-point peace proposal of October 7, 1970, is on the negotiating table in Paris. It is endorsed by President Thieu. It is a far-reaching and just proposal for peace in Southeast Asia.

It calls for an internationally supervised cease-fire throughout Indochina.

It proposes the establishment of an Indochina peace conference.

It proposes negotiation of an agreed timetable for the complete withdrawal of all U.S. forces from South Vietnam on the basis of North Vietnamese reciprocity and international verification.

It calls for a fair political settlement reflecting the will of the South Vietnamese people and of all the political forces in South Vietnam.

It calls for the immediate and unconditional release of all prisoners of war by all sides.

PRESIDENT THIEU'S PEACE PROPOSAL

In addition to this American proposal, endorsed by South Vietnam, the United States has also supported the proposal for a political settlement in Vietnam made by President Thieu in July 1969. President Thieu has asked the other side to accept the principle of peaceful political competition. His proposal calls for free elections in which all people and parties of South Vietnam, including the National Liberation Front, can participate peacefully, and for a mixed electoral commission on which all parties, including the NLF, can be represented to work out the verification procedures for such elections. This is a generous offer. It is, perhaps, unprecedented in time of war.

STEPS TOWARD PEACE

The record of allied proposals to negotiate a just peace deserves the Senate's and Nation's support. And strong as is this record for peace, it is made still stronger by the fact that we have not merely talked about peace. In the absence of the Communists' willingness to reach an agreement, we have also unilaterally acted to take substantial steps toward peace. These steps include:

The 1968 halt to the bombing of North Vietnam;

Agreement on the participation of the NLF in the Paris talks;

Agreement on the principle of troop withdrawals;

U.S. troop withdrawals totaling 265,000 by May 1, 1971, to reach 365,500 U.S. troops withdrawn by December 1, 1971. By December this will be a reduction of two-thirds from the number of 549,500 authorized in January 1969, when President Nixon took office;

A series of deescalatory steps substantially cutting back U.S. tactical air activity and B-52 activity in Southeast Asia; and

The appointment of a new senior negotiator in Paris.

THE COMMUNIST RESPONSE

What has the other side done in return to bring closer the day of peace? The answer is, Nothing. Nothing at all. The answer is, Absolutely nothing—in spite of the fact that many of these steps taken by the United States and South Vietnam were urged by the enemy and by many sincere Americans as constructive contributions to reduce U.S. involvement and to open the door to negotiations.

The door to peace has been blocked by Hanoi and the National Liberation Front. They have refused even to consider the allied proposals. They continue to reject the principles of reciprocity, open elections, and international verification. They demand unilateral and total withdrawal of all U.S. troops, war materiel and assistance, and they demand the overthrow of the leaders of the Government of Vietnam and the imposition of one of their "coalition" governments established prior to any elections and in the absence of any international verification.

PRISONERS OF WAR

In exchange for such a unilateral and total abandonment by the United States, Hanoi and the NLF have pledged nothing. They have at best indicated that if everything they demand were done, they might "discuss"—not release—the prisoners of war. This is meaningless propaganda, which they have used before, for example, when they indicated a host of results would be discussed and achieved if only the bombing was stopped, if only substantial troop withdrawals were undertaken, if only a senior negotiator was appointed and so on. We should call on them now not just to talk, but to respond with substantial actions in the cause of peace.

Let me say a special word about our nearly 1,500 men held prisoner and missing in action in Southeast Asia. This administration has demonstrated by word and deed, perhaps most dramatically in last fall's rescue mission at Son Tay, near Hanoi, that it will leave no stone unturned in seeking humane treatment and freedom for them.

In seeking to break the deadlock of POW releases, the United States and the Government of Vietnam have often proposed the early reciprocal release of POW's held by all of the parties to the conflict. Pending the end of hostilities, we have also proposed to repair all POW's to a neutral country. At the same time, the South Vietnamese have unilaterally released over 200 North Vietnamese POW's to the north and over a thousand Vietcong POW's in South Vietnam. And South Vietnam continues to permit inspection of its POW camps by international groups including the Red Cross. Regrettably, Hanoi has shown callous contempt for the accepted standards of international law and humanitarian behavior. Hanoi has made fewer than a dozen releases, tolerates no inspections and even treats as nonpersons its own POW's—the more than 8,000 North Vietnamese POW's held in South Vietnam.

A WITHDRAWAL DATE UNWISE

The argument has been made that if we would only set a "reasonable" date for our total withdrawal, the North Vietnamese would be willing to cease firing against U.S. troops and to release our POW's. This argument ignores several important points.

First, as long as the cease-fire did not extend to all hostile forces, our men would still be exposed to enemy fire and the risk of capture in connection with their activities in support of South Vietnamese forces. To date, the President's call for a total cease-fire has been categorically rejected by the other side.

Second, the other side has, in all their official statements, including those at the June 10 session of the Paris talks, limited themselves to a commitment to "discuss" the question of release of our prisoners after the United States has set a "reasonable" date for total U.S. withdrawal.

In Paris, both the North Vietnamese and the Vietcong have sought for some time to give congressional and other visitors the impression that the prisoner issue can be easily resolved once unilateral U.S. withdrawal is agreed upon. In conversations they often go quite far in attempting to create this impression, but without at any time changing their position that the subject of prisoners of war is only a matter for discussion after a withdrawal date has been fixed.

Third, the other side has made it clear that they include in the term "U.S. withdrawal" measures which would make it very difficult—if not impossible—for the South Vietnamese to continue their resistance against North Vietnamese military aggression. The first point of the enemy's eight-point peace program of September 17, 1970, the basis for their negotiating position, states that—

> The U.S. Government must put an end to its war of agression in Vietnam, stop the policy of "Vietnamization" of the war, totally withdraw from South Vietnam troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U.S. camp, without posing any condition whatsoever, and dismantle all U.S. military bases in South Vietnam.

Chief North Vietnamese Negotiator Xuan Thuy was asked by Washington Post Reporter Chalmers Roberts on June 8 whether cessation of U.S. economic and military aid to South Vietnam would be a necessary condition for release of U.S. prisoners. In reply he specifically referred his questioner to the eight points. In response to Roberts' followup questions, Thuy reportedly said that "if the United States withdraws all its forces but maintained an advisory mission and continued to give military equipment aid to the Saigon administration," a chain of events would occur which would lead to reintroduction of U.S. troops and thus negate the original withdrawal.

Xuan Thuy called in this interview for a "total U.S. withdrawal and a change from the Thieu-Ky regime." Thus, he repeated earlier North Vietnamese implications that actual release of the POW's, as contrasted with "discussions" on the question, must await conclusion of agreements which would result in the removal of the present constitutionally elected government of that country.

It is the judgment of the administration that demands of this nature would be advanced by the other side in the "discussions" which they say would follow announcement of a reasonable U.S. withdrawal date. Only when these demands were satisfied would prisoner release be possible. Our experience with North Vietnam in the Paris talks since the November 1, 1968, bombing halt—which was supposed to lead to "prompt, productive, serious, and intensive negotiations"—shows how adamant they can be in insisting on unreasonable demands in the face of prior promises that matters could be "easily" settled in such discussions.

Thus, it is not felt that setting a deadline of December 31, 1971, for withdrawal of U.S. forces would lead to agreement within 60 days on arrangements for prisoner release by December 31, 1971, without further far-reaching concessions on our part. Furthermore, so precipitate a deadline for withdrawal of U.S. forces could increase the vulnerability of our own forces as they are withdrawn and seriously undermine our efforts to give the South Vietnamese a reasonable chance to defend themselves.

HOW MANY PRISONERS?

An additional point is the matter of numbers. As of June 10, 1971, the Department of Defense lists 1,492 American servicemen as captured or missing in North and South Vietnam, Laos, and Cambodia. Of this number 465 are known to be captured, and 1,027 are missing.

What does Hanoi say? They acknowledge only 339 American prisoners of war and disclaim knowledge of any others.

Are we to take their word on the number of men they hold—just as we relied on their representations in regard to a bombing halt; in regard to the participation of the NLF in the Paris talks; in regard to the appointment of a new senior negotiator; and in regard to withdrawals of more than a quarter-million troops?

Are we to take them at their word in regard to the fate of nearly 1,500 Americans, some of whom have been held in squalor and filth for upward of 4, 5, 6, or even 7 years

I say no, Mr. President. We should not take the North Vietnamese at their word on so vital an issue until they have proven that their word deserves to be relied upon.

As President Nixon has said, there is no higher priority than the brave American POW's and MIA's to whom our country owes so much. We will keep our troops in South Vietnam as long as our men are held prisoner by the Communists. We shall press for their release. We shall not let them down.

MILITARY AND SOCIAL PROGRESS IN VIETNAM

The path to a just peace through negotiations remains our first goal. In the face of Communist intransigence at the negotiating table, our second choice is Vietnamization—the program of reducing U.S. forces and helping to develop South Vietnam's capability for its own self-defense. Vietnamization is a responsible program and one that is working out very well.

Since President Nixon took office in January 1969 the South Vietnamese have greatly strengthened their capabilities in meeting the threat from North Vietnam and in developing their own society. This is a side of the story often neglected by our media and by the critics of our policy—by those who do not see that the South Vietnamese have great talents and increasing motivation and that the North Vietnamese and the southern Communists are not 10 feet tall.

TWO IMPORTANT SUCCESSES

Let me give you two important examples of South Vietnamese progress in the military field about which there has been much erroneous discussion. As a result of the 1970 Cambodian operations, as President Nixon accurately forecast, casualties have been greatly reduced, the level of fighting has been substantially reduced, security has been brought to Vietnam's populous delta region, and the U.S. withdrawal timetable has been safeguarded.

In the recent operations in Laos against the enemy's only remaining supply route, the Ho Chi Minh Trail, the South Vietnamese carried the fight to the enemy's own territory and won a significant victory. For 40 days they disrupted the enemy's flow of supplies in the height of the dry season and forced him to consume war materiel and manpower which is normally used for resupply and for offensive operations against South Vietnamese and American forces. In massing their own forces to defend their vital trail, the North Vietnamese paid a very high price in the face of overwhelming Allied firepower and air superiority, including over 600 B-52 strikes. Four of the enemy's best divisions were decimated at a cost of over 13,000 lives, and thousands of wounded rendered 13 of the enemy's best combat battalions ineffective.

Large stocks of enemy war materiel were also lost. The South Vietnamese lost 1,400 killed and 4,600 wounded with four of their combat battalions hurt badly, but they came out with their weapons and their pride. Their battalions have been refitted, and they feel they won a victory against the best of the enemy's forces on the enemy's terrain. They can also readily see that one immediate result of the operation has been the fact that since February the North Vietnamese have managed virtually no ground attacks in South Vietnam's populated areas, being limited to a few engagements near the Laotian border. Future quick, commando-style raids by the South Vietnamese against the trail are expected to keep the enemy off balance in his vital supply and staging areas.

One might point out that these two important operations have been conducted in the context of a 50-percent reduction in U.S. troop strength, a 50-percent reduction in U.S. war costs, substantial reductions in U.S. air activity and substantial increases in the South Vietnamese regional, local, and paramilitary defense forces, which give promise of a steadily increasing capability to shoulder the burden of their country's self-defense.

POLITICAL PROGRESS

Even though headlines and public attention continue to focus on the military aspects of the struggle in Indochina, we can take a great deal of pride in the fact that as the military aspects diminish, the South Vietnamese have also made remarkable progress in building their society even in the midst of war.

The South Vietnamese have written a constitution and are daily strengthening their constitutional system. In spite of Communist terror they have held a series of national elections, developed a lively multiparty system, a national assembly, province councils and an independent judiciary. They elected a president and their local leaders in over 2,000 of the 2,300 villages in the country. Last August's highly competitive senate elections were marked by the participation and the victory of the Buddhist opposition slate, a group which had boycotted the 1967 elections. But they called the 1970 senate elections fair and are planning to run candidates in the elections this fall. This fall Vietnam votes again with elections scheduled for the lower house and the presidency. In contrast to North Vietnam, South Vietnam's elections will be highly competitive and will fall under the careful scrutiny of South Vietnam's many parties and a large foreign press corps.

SOCIAL AND ECONOMIC DEVELOPMENT

In addition to these impressive political developments, there has also been considerable progress in the area of social and economic development. Three million young people are enrolled in South Vietnam's schools today. Additional hundreds of thousands are receiving professional or technical training under the Vietnamization program. Improved medical care and better housing for the people of Vietnam are a reality and continue to receive priority attention. As the war has subsided there has been construction of a record number of schools, hospitals, and homes.

Particularly noteworthy is the way in which the tremendous task of resettlement and rehabilitation of veterans and war refugees has continued with very positive results. This does not mean that all former refugees have been completely resettled or rehabilitated, but it does mean that hundreds of thousands of refugees have been resettled and assisted during wartime.

In the area of agriculture in Vietnam—a land of farmers—the Government's land reform and development programs are transforming the countryside from a battleground to a prosperous community of small landowners. More water pumps, farmer cooperatives, and a new agriculture credit program, a doubling of the fish catch—all are playing their share. "Miracle" rice and improved security mean that Vietnam will be close to rice self-sufficiency within the year. The "land-to-the-tiller" land reform program will transfer over 1 million hectares of farmland to more than half a million new owners. Farmer's unions, their membership doubled in the past 2 years, are helping to spread new techniques and to foster the farmers' lot.

These impressive accomplishments are not earth-shattering in and of themselves until one realizes that each of them is helping the small man in Vietnam—the fisherman, the farmer—who makes up more than 70 percent of the population. More secure, prosperous and confident, they are working and fighting to build their future and fighting to preserve their country. And they do not stand alone. Together with their peace-loving neighbors in Southeast Asia, they also hope to benefit from such regional cooperation as has already begun, in planning a dramatic project for the development of the Mekong River Basin. As the war diminishes throughout South Vietnam, these are truly times of new hope and new horizons.

A TIME OF TESTING AND HOPE

I have spoken of America's role in Vietnam and of the notable achievements made and hopes evident in Vietnam today which must give pause to Hanoi's leaders and which can give the allies confidence in winning a just peace.

In conclusion, let me make a few simple points:

We and the South Vietnamese did not start the war.

We will end our role—we are ending our role—but in a serious, responsible way.

We have made progress.

Those who seek a unilateral withdrawal date, the sponsors and advocates of this amendment, must ask themselves very soberly whether they are now—at the last moment—jeopardizing a policy which six Presidents have forged, for which 2,500,000 Americans have fought and 45,000 have died in the last decade, and in which very substantial progress is now being made.

AN EVASION OF RESPONSIBILITY

What they are proposing is not to end our involvement in the conflict. We all share that desire. They are proposing to end our involvement in a way which will mock the efforts and sacrifices of the past and will enhance the likelihood that aggression, having been victorious, will spread and grow to a point at some time in the future when we will have to take up arms to oppose it again. This is a proposal laden with enormous consequences: A policy proposal which places a heavy burden of proof on its proponents and upon whom a heavy burden of responsibility would fall if South Vietnam and Southeast Asia were to be lost. In fact theirs is not a policy but an evasion of policy and responsibility. It seeks to resolve a problem by pretending that South Vietnam and its people, and the whole of Asia do not matter and that we can walk away from there and not care about the consequences.

If Hanoi's leaders can obtain a unilateral U.S. withdrawal date without undertaking their own withdrawals and accepting the principles of international verification, open elections and prisoner releases in Indochina, they will have no incentive whatsoever to negotiate seriously and will be encouraged to continue their aggressive policies. To undercut the chance for a just settlement now and to accept the enemy's unilateral demands, would be to betray the sacrifices made and the progress achieved.

CONCLUSION

I can assure you that President Nixon will never choose such a course. He has chosen the path of responsibility. He will adhere to that path. And he will succeed in honorably ending our involvement in the Indochina conflict.

I endorse the President's course and his policy as stated in his message to the Congress:

> A negotiated settlement for all Indochina remains our highest priority. But if the Communist side leaves us no choice, we will follow the alternate route to peace—phasing out our involvement while giving the region's friendly countries the time and the means to defend themselves.

Mr. President, I urge the Senate to support the President and reject the amendment offered by the Senator from South Dakota and the Senator from Oregon.

Mr. THURMOND. Mr. President, the pending amendment, offered by the distinguished Senator from Florida (Mr. CHILES) should be refused by the Senate for many of the same reasons which have been presented against the McGovern-Hatfield amendment.

The Chiles amendment is essentially the McGovern-Hatfield amendment except that it extends the total withdrawal date to June 1, 1972. It questions the words of the President of the United States who said:

> Our goal is a total withdrawal from Vietnam.

As all evidence indicates President Nixon is moving toward that goal. However, to achieve it in a safe and orderly way he needs the flexibility due him as Commander in Chief.

Mr. President, I would like to offer a few reasons why I think this amendment is unsound.

First, it places limitations on the use of U.S. air power in support of Vietnam. It prohibits the use of any air power after June 1.

Possibly at that time the South Vietnamese Air Force will be trained sufficiently to handle this job. On the other hand, U.S. air power at that time might be critical. It is impossible to say today what the situation will be at this time next year. That is why we must trust the President.

Last week I met with Adm. Elmo Zumwalt, Chief of Naval Operations. He has just returned from a visit to South Vietnam and other key areas of the world.

In giving me his impressions on the results of that visit, he emphasized that it was extremely important that the United States continue to provide air support to our allies in Indochina pending their full assumption of this role.

Admiral Zumwalt pointed out that training men to operate and maintain aircraft required time. He noted that great progress has been made in this area, but if U.S. air support was cut off too early then all of our efforts in South Vietnam would be set back.

Second, the approach in the Chiles amendment still involves using our prisoners of war as pawns in a settlement with the Senate acting as a command post and a peace conference at the same time.

This Nation has long maintained that the POW issue is a humanitarian one and should not be linked to other aspects of the conflict. The President stressed this in his peace proposals of last October. He urged the return of all prisoners from both sides.

Any agreement to link the POW's and the political issues might well establish a precedent which would ultimately work to the disadvantage of these men.

Third, the amendment by Senator CHILES calls for unilateral action on the part of the United States. It places no requirement on North Vietnam other than the return of U.S. prisoners. Hanoi has rejected all reciprocal actions.

Hanoi has sent tens of thousands of its forces into South Vietnam and other Asian countries. Why is no one calling for Hanoi's total withdrawal from South Vietnam? From Laos? From Cambodia?

Mr. President, I urge my colleagues to defeat this amendment and in so doing help our Commander in Chief to continue the safe and orderly disengagement in Vietnam that he has carried out so successfully to date.

Mr. MUSKIE. Mr. President, we are no longer debating whether or not we should stay in Vietnam. We are debating how we should leave. I believe that the Hatfield-McGovern amendment, which I cosponsor, is the best way for us to end our combat involvement in Indochina. By requiring the withdrawal of all our combat troops by December 31, 1971, it will insure that the United States will not have combat troops in Vietnam for the indefinite future.

It is unclear what kind of a continuing commitment to the South Vietnamese the President's Vietnamization program requires. Whatever it is, I feel it is essential that we make clear that our commitment to fight with our own troops in Indochina is over. It must be clear to our young people, clear to all Americans, and clear to the South Vietnamese.

By swiftly and cleanly ending our combat role, we can make a definite beginning in the processes of removing from our own political life the harmful battles over the Vietnam war. Not only have we done enough fighting for the South Vietnamese, but we have done enough damage to our own Nation. A lingering and uncertain combat commitment in South Vietnam will only continue the divisions, the bitterness, and the distrust that this war has brought to our Nation.

Just as important to us is the future of American prisoners being held by the Communists. I believe that the Hatfield-McGovern amendment provides the most promising framework for the release of our prisoners of war. There are indications that if we set a date certain for the withdrawal of our troops, we will be able to negotiate the release of our prisoners of war. We should set a date certain contingent upon the release of our prisoners, and then try to negotiate the release of our prisoners as we withdraw our troops. All our prisoners should be returned before the final American contingents leave South Vietnam.

Of course, the Hatfield-McGovern amendment requires that our prisoners be returned as a condition of our withdrawal. It is not a betrayal of the prisoners' freedom or a blow to the hopes of their wives and children. Rather, it is the most sensible way to obtain their release.

By setting a date certain, we also make it clear to the South Vietnamese that they will carry the combat responsibility at the end of this year. As has been said so often, the Vietnamese must be able to do the fighting by themselves. It is most appropriate that we make it clear to the South Vietnamese people that they will have to do the fighting themselves before the upcoming presidential elections. A date certain for our withdrawal will make the choice by the South Vietnamese about their future leadership more realistic.

Hopefully, the setting of a date certain for the withdrawal of our troops will improve the climate for negotiations. Nothing can guarantee the beginning of talks that will lead to a negotiated settlement and an end to the bloodshed in Indochina. But a withdrawal of American combat personnel from that area is probably the best way the United States could move toward creating the conditions for such a negotiated settlement.

Nor will the passage of date certain legislation threaten the safety of our withdrawing troops. Extensive withdrawal is already publicly scheduled, and if the Communists want to attack our withdrawing forces, they could do so with or without this legislation. The approximate timetable of our present withdrawal is available to the North Vietnamese as it is to every newspaper reader in this country. The only difference between the President's position and this legislation is the question of residual forces.

Neither alternative guarantees the safety of our troops. In fact, the indefinite stationing of the small combat forces in South Vietnam will create long-range threats to our troop safety that would not occur if all our troops withdrew by the end of the year. And certainly there is less incentive for the North Vietnamese or the Vietcong to attack our troops while withdrawing, thereby taking the chance that we would change our minds, than if they were to stay on indefinitely.

Moreover, the setting of a date for withdrawal will, in my judgment, enhance the prospects of negotiating the safe withdrawal of our troops. This legislation does not challenge the President's constitutional authority over the conduct of foreign policy. It does not direct the tactics of the war—it merely is an exercise of Congress' legitimate authority over ending the appropriations for the support of American troops abroad.

Just as important, this amendment is not a political challenge to the President. It does not make Vietnam into an issue in the next presidential election. It does the opposite: it removes Vietnam from politics. There can be no doubt that Democrats and Republicans support this legislation. This amendment should have the effect of sharing with the President the responsibility for ending a war that both parties are responsible for starting.

Mr. President, I think the passage of the amendment is of crucial importance for our Nation. It is important because it will begin to end an issue that has divided us at home more deeply than any other since the Civil War. It is important because it will restore faith in many of our citizens that we can control our foreign policy processes by quickly helping to end a war that the American public does not support. And it is important to demonstrate to Americans that our Government can move in a timely and adequate fashion to rectify past mistakes and move toward directing our energy to the problems at home.

Mr. SPONG. Mr. President, I must oppose the amendments before us that seek to hasten an end to our participation in hostilities in Indochina by cutting off appropriations at a fixed date. While I believe the Senate should express itself with regard to future policy, and I favor an early disengagement of our forces, I do not believe legislation of this type offers the best hope of achieving orderly withdrawal. The exceptions under which money may be appropriated, despite the cutoff, are subject to broad interpretation that would enable the Executive to maintain hostilities at the level of past years. There is probability of much conflict within Congress and between Congress and the Executive over future appropriations.

I do not believe Congress can legislate an end to the war as proposed by these amendments. I do believe that the Senate should express its preference for an early disengagement and call upon the President to name a date for final withdrawal, if negotiations lead him to believe this will hasten the release of our prisoners of war.

The orderly disengagement of our forces must be a cooperative effort between the President, as Commander in Chief, and the Congress. I hope Congress will soon consider and adopt a policy statement on early and orderly disengagement.

The PRESIDING OFFICER. The Senator from Florida has 3 minutes remaining.

Mr. CHILES. Mr. President, how much time does the Senator from Mississippi have?

The PRESIDING OFFICER. None

Mr. CHILES. Mr. President, I want to compliment the Senator from Mississippi, the distinguished chairman of the Committee on Armed Services, for the yeoman job he has done on the floor on the amendments.

I heard the arguments made against the McGovern-Hatfield amendment, and they were very persuasive. They were persuasive on me. They gave me all kinds of concern as to whether or not I could vote for that amendment.

I am sure he has made a persuasive argument with reference to the substitute I am now offering. However, I noted this time, in listening to his argument, that it kind of reminded me of an animal that is indigenous to his State and my State, called a possum. A possum has strong teeth, and when he can get his teeth into something, he bites on it, but if he is a little worried as to whether he can bite it, he plays possum.

The time element and not being able to understand this amendment on the part of the Senator from Mississippi make me think of comparing it to that animal, because he cannot find anything to bite into and he says we do not have enough time to look at it and we do not have time to determine what the chances are or whether the release of the prisoners of war is an obstacle.

What are we talking about? The withdrawal of troops is going on at a rate of 19,000 a month.

What are we going to do on June 1 when the United States wants to get its prisoners? The numbers will be down to 34,000, and they are not going to have anything to bargain with. The other side will say, "Wait a minute. In return for giving you your prisoners, we do not want you to give any aid to South Vietnam, or bullets, or anything." Are we going to give the prisoners a better chance when we deal with them now to free every prisoner, or when we are down to no men in there to make a deal?

Mr. DOLE. Mr. President, will the Senator yield to me?

Mr. CHILES. No, I do not yield.

Mr. DOLE. Will the Senator tell me

why he changed his substitute from his amendment of yesterday?

Mr. CHILES. I do not yield.

Mr. MANSFIELD. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Florida does not yield.

Mr. CHILES. I think Senators know whether they can look people in the face and say, "We really want to get our prisoners out. We really want to end this thing. We really want to see if we can end it." I think this substitute gives us the ability to do that and allows us to show that we do care about these men and we do care about ending the conflict.

The PRESIDING OFFICER (Mr. Weicker). The time of the Senator from Florida has expired. All time having expired, the Chair will advise those in the gallery to refrain from demonstrations, that neither expressions of approval nor disapproval are permitted.

The question is on agreeing to the amendment of the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SPONG (when his name was called). Mr. President, on this vote I have a pair with the Senator from Arkansas (Mr. Fulbright). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. Fulbright) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness and, if present and voting, would vote "nay."

The Senator from Ohio (Mr. Taft) is detained on official business, and, if present and voting, would vote "nay."

The result was announced—yeas 44, nays 52, as follows:

[No. 96 Leg.]

YEAS—44

Anderson
Bayh
Brooke
Burdick
Case
Chiles
Church
Cranston
Eagleton
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams
Young

NAYS—52

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, Idaho
Long
McClellan
McGee
Miller
Pearson
Prouty
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Spong, against.

NOT VOTING—3

Fulbright
Mundt
Taft

So Mr. Chiles' amendment was rejected.

STATEMENT BY SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, we are about to vote on amendment No. 143, offered by Mr. McGovern, Mr. Hatfield, and other distinguished Senators. The amendment is often referred to as the "end the war amendment," which is indeed a misnomer. No amendment is going to end the war in Vietnam. The sincere purpose of the authors of the amendment, however, is to end America's participation in that war. While I have a great respect for the authors of the amendment, it is my judgment that the amendment, if adopted, would not end America's participation in the war. Pragmatically speaking, the amendment, if adopted, would probably be voted down in the other body, and it would undoubtedly meet with a Presidential veto even if the House of Representatives were to accept the amendment, in which case it would not be possible to get a two-thirds majority of both Houses to override the veto. So, I think it is unrealistic to believe that America's participation in the war would come to an end if this amendment were agreed to here in the Senate.

I am opposed to the amendment, and I now state my opposition thereto, not from the standpoint of my position in the leadership, but rather from the standpoint of my responsibility as a Senator from the State of West Virginia, and because I owe my constituents an explanation of my vote.

I have not had a great deal of mail on this subject, but it is only fair to state that the majority of the letters which have reached my office from West Virginia reflect support for the amendment. I respect the viewpoints of my constituents who have so written but, even though the majority of the letters reaching me have urged that I vote for the amendment, my convictions lead me to oppose it. And I want to say here and now that there is no political gain whatsoever to be derived from a vote against this amendment. I feel that it is my responsibility always to weigh the opinions and viewpoints of my constituents, but I also feel that it is my responsibility as a United States Senator, after weighing the viewpoints of my people and after weighing the facts on a given question, to vote for what I think is best for my country in the long run.

With respect to the McGovern-Hatfield amendment, I wish we had never become involved in the war in Vietnam. But we became deeply involved. I do want to see our men brought home from the war as soon as possible, and I hope that the President has in mind a tentative date for the total withdrawal of American forces from Vietnam. I have in the past urged him to accelerate the withdrawal, if possible. I have also expressed to him privately my hope that he did have a date in mind for total withdrawal but that he not publicly announce such a date. So, I do hope that the President has a withdrawal date in mind, and, if this should be the case, I think he should not publicly announce such a date until at such time as, in his judgment, based upon all of the facts, it would be beneficial to do so.

Having said this, I am strongly opposed, at this particular time at least, to the setting of a withdrawal date by legislative action. To do so would inform the enemy as to the date for final withdrawal, thus allowing the North Vietnamese and the Vietcong to sit back and prepare for that date, and then launch an all-out attack on South Vietnam. Moreover, the enemy, once it knew our timetable for withdrawal, could prepare to attack our own remaining forces at a time most advantageous to the enemy. Additionally, the President's negotiating power at the Paris talks and elsewhere would be greatly dissipated by such a publicly announced withdrawal date. So, I see no benefit whatsoever to be gained by telegraphing such a withdrawal date to the enemy, and I do see many possible pitfalls for ourselves if this should be done.

Whether or not our country should have gotten involved so deeply in the war is a matter which can only be debated now, and the future historian will write the verdict most objectively. The fact remains, however, that we are involved in the war, and the President is doing everything possible to bring about a gradual and orderly withdrawal of American forces—a withdrawal which has been accelerated beyond his previously announced schedule of withdrawal.

The President promised to get us out of the war, and he is keeping his promise thus far. As Commander in Chief, he has the primary responsibility for the conduct of the war, and he has the primary responsibility with respect to negotiations to bring about the release of American prisoners and to end our participation in the combat.

I do not think that the Congress should now attempt to take over a responsibility which belongs to the Commander in Chief. I think the responsibility should remain where it ought to be, and now is—squarely on the shoulders of the Commander in Chief. I believe that any action on the part of Congress at this time to set a withdrawal date, would undercut the President in his efforts to negotiate, and it would also interfere with his schedule of withdrawal—a schedule which is calculated to best protect our forces during the process of that withdrawal and which is also calculated to give the South Vietnamese at least a fighting chance for survival against Communist subversion and aggression. If our objective of thwarting Communist aggression in South Vietnam was valid in the beginning, then I feel that the President's efforts to schedule a gradual and orderly withdrawal in such a way as to give the South Vietnamese a chance of survival in these few remaining months are also valid.

A military withdrawal, I am advised, is one of the most difficult of all military maneuvers. The logistics of withdrawal constitute a difficult problem. I understand that the withdrawal schedule which the President is implementing is one which takes into account the logistical problems involved, and I do not believe that a December 31, 1971, date, as set forth in the amendment, is a feasible one.

Mr. President, our fighting men did not ask to go to Vietnam. I want to see them brought home. But as long as they are in Vietnam, I will not vote to cut off the funds with which to support them. I think the best plan is to support the Commander in Chief, whether he be a Democrat or a Republican, in his efforts to successfully complete the withdrawal of American forces from participation in the Vietnam conflict. For these reasons, I shall vote against the McGovern-Hatfield amendment.

Mr. KENNEDY. Mr President, this afternoon the Senate has a new chance to vote to end the war in Indochina. I hope that every Senator will embrace the opportunity to examine the nature and scope of American involvement in the war—a war that to many of us has become an interminable procession of American and Asian deaths in a cause unworthy of the most powerful and compassionate nation in the world.

The inequity, inconsistency, and inhumanity of our policy in Indochina has become intolerable.

At the founding of our Nation, when we declared our independence from the tyranny of Great Britain, we wrote a Declaration of Independence asserting the truth that all men are endowed with certain inalienable rights, including the most basic right of all, the right to life. Yet, for years on end, we have indiscriminately bombed the life out of hundreds of thousands of innocent people in Vietnam.

We wring our hands over the plight of the prisoners. We deplore the brutal treatment they receive at the hands of the North Vietnamese. We share the anguish and suffering of their families here at home. Yet, we refuse to take the single obvious step that could bring them freedom. We refuse to set a date to end the war. If one thing at least is clear about the horror and confusion of the war, it is that the way to free the prisoners is to end the war—not, by some inverted logic, to insist that we can get them out by refusing to end the war.

And, finally, we argue that if only we stay a little longer in Vietnam, if only we keep the withdrawals to a modest rate, we will give South Vietnam one more chance to survive. Yet, that is the argument we have heard time and again for the entire decade of our involvement in Vietnam.

That argument was long ago unmasked for what it is—an argument based not on the survival of South Vietnam or on the best interests of the people of that embattled nation, but on the survival of President Thieu and his government in Saigon. The recent passage of a law in South Vietnam that virtually eliminates all opposition to President Thieu in this fall's election campaign is fresh evidence, if we needed any, that the interests of President Thieu do not coincide with the best interests of the people of his country. Yet, the Government of the United States stands silent, while once again the people of South Vietnam are denied the right to free elections and self-determination, the right for which 45,000 American soldiers have died.

Surely, if there were any political and philosophical fallacy that should have been laid to rest by now, it is the domino fallacy, the idea that somehow South Vietnam is vital to the national interest of the United States. I believe instead, and I have believed for many years, that the true path of national interest for the United States in Asia lies in rapid and complete withdrawal from Vietnam, not in our present policy of creeping withdrawal and continued war.

We want peace, and we see only war. We want an end to the killing, and we see only senseless slaughter. We want a date to end the war, and the only date we see is election day 1972.

And while we wait, we know that until we end the war, we cannot end the killing. Tens of American lives a week, hundreds of American lives a month, thousands of American lives a year.

And that is only a small portion of the heavy price of death the war is wreaking in Vietnam. We measure American dead by the thousands each year, but we measure Vietnamese dead by the tens and hundreds of thousands.

How much longer must we endure this senseless killing and destruction? How much longer must we wait before we end the war and find the peace?

Perhaps the most appalling aspect of the disclosures in the New York Times this week—more appalling even than the deceptions now laid out in black and white—is the terrible shock of renewed realization that we are still fighting the war those documents describe. Today, in 1971, years after those Vietnam memorandums were written, years after those policy papers were discussed, and years after those position options were prepared, we are still at war in Asia. Many of the passages we read are as current today as the day they were written. All we have to do is change the dates.

And we know that today the same sort of memorandums are being written, the same sort of policy papers are being discussed, and the same sort of position options are being prepared. Surely, if we learn any lesson from this tragic disclosure, it must be the lesson that we can no longer repeat the mistakes of the past. We must prove that America is big enough to learn from the missed opportunities and missed perceptions of the past, and reject the hypnotic fantasies of our policy in the sixties.

Let me conclude by reminding every citizen that our struggle is historic. We are not the first people to be divided by the continuation of a war unjust and immoral. The indignation in our chests, and at times the rage in our voices, while people die in our name and under our flag, has occurred before. We can gain strength to do what we have to do when we remember that in other centuries other Americans have tried to stop other governments from acts unnatural to our traditions and beliefs.

As long ago as 1777, at the founding of the American Republic, Edmund Burke wrote to his constituents in Bristol, protesting the war with the Colonies and the shame it was bringing to England's noble tradition. As Burke said—

> But America is not subdued. Not one unattached village which was originally adverse throughout that continent has submitted from love or terror. You have the grounds, and you have no more. The cantonments of your troops and your dominions are exactly of the same extent. You devastate, but you do not enlarge the sphere of authority.

Burke went on to predict—as we could predict today, unless we act together—that even though the lesson may be obvious to all, the violence would continue. He said——

> But in case the sword should do all that the sword can do, the success of arms and the defeat of policy will be one and the same thing.

That is why we are here today, 200 years later, to convince our Government that the success of arms means the defeat of policy for the United States of America in Vietnam. That is the crisis we face, and that is why we must vote to end the war.

Mr. TAFT. Mr. President, today I shall vote in opposition to the Hatfield-McGovern amendment. President Nixon deserves support in his efforts to bring the war to an early settlement. This amendment would not contribute to that goal.

I am not unmindful of the agony and frustration which millions of Americans have experienced with respect to the war. Many have been opposed to our involvement in Vietnam since the early sixties. Many critics of the war may say that by voting against the Hatfield-McGovern amendment that we are insensitive to the efforts to end the war. This is entirely untrue. We all hope to see a total end to the fighting in Southeast Asia before the end of this year.

My reasons for voting in opposition to the Hatfield-McGovern amendment are that the adoption of that amendment will be likely to, first, make negotiation more difficult because the other side would know when we will leave; second, could simply end American involvement in the war without ending the war itself; third, would not assure the identification and release of all of our prisoners of war; and fourth, is not directed toward making the South Vietnamese Government more representative and politically viable.

This war has been a difficult and controversial chapter in American history. We all seek its rapid conclusion. In my judgment, however, we must work earnestly for a negotiated settlement which is the only avenue toward a lasting peace in Southeast Asia. No easy formula is available. Restriction on the President's negotiating latitude seems more likely to prolong the war than to end it.

Mr. MONDALE. Mr. President, today we have, once again, a chance to put a stop to the war in Indochina.

The debate has been going on now for 7 years. It has all been said. There should be no more need to say what this war has done to the peoples and lands of Indochina—or what it has done to America.

The New York Times has now documented in awful detail how the last administration led us into this war. There in black and white is proof of our worst fears about the origins of this folly—the loaded options, the unquestioned assumptions and, perhaps most shocking, the enormous political deception of the Congress and the public

These documents are damning not only for what is in them—but also for what is not.

Amid all the careful calculations about the fate of the regime in Saigon, where are the calculations of the fearful human costs of the war?

Where did this Government ask how many American lives, how many Vietnamese lives, how many billions in wasted resources would be consumed to satisfy its policy?

Where were the thoughts of what the war would do to American society—how it would ravage our cities and farms, and our spirits, as brutally as any bombardment.

This record can only leave, as David Broder wrote so powerfully in the Washington Post, "a sickening feeling of deception and betrayal."

And most of us who had public responsibility during that period bear a part of the shame.

Yet we must also wonder how far the present administration has escaped the blind mistake of the last. If we could see the records of the decisions to invade Cambodia and Laos, or of the dealings with the present regime in South Vietnam, how different would they really be?

Nearly 15,000 Americans have died in Indochina, and over 50,000 have been wounded, since this administration took office promising to end the war.

Is this administration unstained by pride and delusion, by false assumptions and political manipulation, by dishonesty with the American people?

The record of 7 years begs so many questions.

How many more men must be killed; how many more billions will be wasted?

With the overwhelming majority of our constituents wanting us to end this war once and for all, how much longer will the Congress go on appropriating the money to perpetuate the tragedy?

And if we do not stop the war now, how much does representative government mean in this country?

That is why this vote is so much more than a trial of policy.

It is a test of this institution and of its pretense to legislate in response to the will of the people.

Most of all, it is a test of our ability as a nation to cleanse ourselves of incredible error and dishonor.

I pray we will not fail that test any longer.

Mr. TOWER. Mr. President, we are debating today a measure of great importance and are going to shortly be putting the Senate on record as to whether or not we support the President's conduct of ending the long war in Vietnam. There have been very many words said on both sides of this matter and, having participated extensively in the debate on this matter last year, I feel that there is very little new that I can add.

I feel that we must, as a body, support the President in this most difficult task of peace in Indochina. President Nixon came into office on a pledge to end the war in Vietnam and bring a lasting peace with honor to Indochina. The President has kept every pledge to the American people that he has made in this regard. He has reversed the continuing escalation of the war in that area and has brought home nearly half the American soldiers who were serving in Vietnam at the time that he took office. By December of this year, he will have brought the American strength down to just a little more than 180,000 with further reductions to be announced in November of this year. Our casualty figures are the lowest that they have been in 5 years and they are continuing to decrease. Every indication is that we are winding down the war in Indochina and that the South Vietnamese are becoming stronger and more able to exist without U.S. fighting men continuing to be with them. I believe that the best way to see a true end to the war in Vietnam is to support the President in this difficult hour and make certain that his policies of disengagement are a success.

Mr. President, I am also concerned with the assertion of some who support the pending amendment that by setting a date for U.S. withdrawal in Vietnam, our prisoners of war will soon be released. They give no support to this theory but as former Secretary of Defense Clifford said, he had "reason to believe" that such would be the case. If we review the history of the treatment of prisoners of war in Indochina, we can immediately ascertain that nothing could be further from the bounds of reasonable expectations. In 1954, the French Government signed a peace treaty with the Government of North Vietnam. Part of this treaty was an article calling for the release of all French prisoners within 30 days of the signing of the 1954 Geneva Accord. In spite of this agreement, the North Vietnamese did not respond to French efforts to achieve the release of their prisoners until November of 1962, some 8 years after the original accord. This reinforces my belief that you cannot trust the word of the North Vietnamese, even when the agreement is in the form of a treaty. I cannot imagine how we can abandon the fate of the thousands of Americans who are in North Vietnamese hands simply because some have a reason to believe that they will be released if we set a date for withdrawal in Vietnam. I for one will not abandon these Americans. I support the position that we must not set a date for withdrawal until all our prisoners of war are released. To do less could well mean many more years, if not a lifetime, of imprisonment and possible torture by the North Vietnamese enemy.

I believe it is, therefore, essential that we defeat this McGovern-Hatfield amendment if we are to maintain a hope for a true, negotiated settlement in Vietnam and if we are to achieve a quick release of our prisoners of war in Vietnam. I shall therefore vote against this amendment and urge my colleague to do likewise.

Mr. HOLLINGS. Mr. President, similar to the saying, "It takes two to tango," for the United States it takes two to make war and it takes two to end war. The power of declaring war is vested with the Congress and its execution is vested with the President. Any treaty to end the war made by the President must be ratified by the Senate and any legislation by the Congress ending the war must be executed by the President. It is a conjunctive duty and responsibility. The two must work together and I believe in the case of the McGovern-Hatfield amendment that there is constitutional authority for the Congress to act. But I do not believe as a practical matter that the Congress can legislate the end of the war. The McGovern-Hatfield amendment is completely unworkable and only adds to the chaos and confusion. Let us assume that this proposal were the law of the land. In subsection (a), moneys to prosecute the war in Indochina are cut off as of December 31, 1971, but in paragraph b, the Congress reconfirms the President's authority to protect South Vietnamese, Cambodians, and Laotians. The least we have learned after 10 years at war is that South Vietnamese, Cambodians, and Laotians can only be protected with force. So what we cut off in paragraph a is put back on in paragraph b.

We all know what the Congress wants. But what it wants is impractical to obtain through legislation. We all refuse to admit it and inwardly take some satisfaction in cleansing our consciences, that in our hearts we have demonstrated that we are against the war. Demonstrate, yes, but legislate, no. If I were President I would set a target date—publicly—for prisoner release and troop withdrawal. I would publicly come clean with the American people. I would tell once and for all the truth about the war in Vietnam. I would tell of the danger involved by prompt withdrawal and I would accept responsibility for that danger. I would tell what I knew of the Thieu-Ky government. The fact that after 10 years of the most costly sacrifice, President Thieu with his political cronies could come and pose the dilemma of him being the only candidate on the ballot is unthinkable. This is what is presently posed. I would tell the truth about Cambodia and what my commitment really was there. I would stop trying to run a secret war with executive privilege in Laos and would tell the truth there. I would not try to separate the war in northern Laos from the war in southern Laos. I would not describe as successful raids made to free prisoners in places where prisoners did not exist. I would stop bringing injunctions against the news media for printing the history of this war. No single thing could put us more assuredly back together as a people than coming clean on the war in Vietnam.

And the Congress must come clean, too. No one wants to abandon the prisoners. But when you fix a firm date to end the war by cutting off all funds thereafter, then there is no reason for the enemy to negotiate prisoner release for an ending to the war. You cannot instruct the President to negotiate and at the same time destroy his ability to negotiate. The best brains have tried and failed and only have to look at the amendment. All the best brains of the Senate, all the Harvard lawyers, all the whiz kids on the Senate staffs, all the legal writers of the news media, all the legal scholars of law schools, aides to Supreme Court Justices, and all together, what have they come up with? Paragraph 1 of the amendment says "no more money" and paragraph 2 says:

> Well yes, money can be spent for troop withdrawals and for arranging protection for South Vietnamese, Laotians and Cambodians who might be endangered by our leaving.

Now, that is a result of all of the dedication and determination of those who genuinely feel that the war should end and that the Senate is a proper forum to bring about that end. I feel just this way. I voted for the Cooper-Church amendment to get us out of Cambodia. I voted for the Mansfield amendment to get us out of Europe. I voted for the Senate Policy Committee resolution earlier this year that in the 92d Congress we should work to end the involvement in Indochina and bring about the withdrawal of all U.S. forces and the release of all U.S. prisoners in a time certain. But under the present circumstances I believe the President should be given one more chance to expedite the return of the prisoners and troop withdrawal.

If we ever reach a point where we believe he should not be given another chance, then the Congress should come clean and say so and not take and give at the same time.

Mr. JORDAN of Idaho. Mr. President, the Vietnam war is taking a terrible toll of our young men, not only by death and disabling injuries but by drug addiction as well.

The American people are weary to the bone and fed up with this ill-conceived conflict. In addition to its cost in human resources this war has placed a strain on other resources—both financial and of the spirit. It has fractured the unity of spirit and national purpose which has made this Nation great.

I wish I could support the McGovern-Hatfield amendment, because I do believe that a date should be set for total withdrawal but I believe that the time for total withdrawal should be negotiated by the President in his role as Commander in Chief.

The President has said that he would set a time for withdrawal when it serves the best interests of the United States. He is deescalating the war steadily and with finality.

I urge the President to use every means at his disposal to negotiate a release of our prisoners and to announce a policy of complete and total disengagement to begin concurrent with the release of our prisoners.

As a Senator of the United States I pledge my support to such a policy for total disengagement and I hope it will begin soon.

Mr. BUCKLEY. Mr. President, the proposal now under consideration in the Senate to provide for the termination of U.S. support for military operations in or over Indochina by December 31, 1971, is not in the best interests of the United States or the interests of world peace. The proposal is not improved by additional provisions which allow for the President to provide for the safe withdrawal of American forces, and to arrange for asylum or other means of protection for South Vietnamese citizens who may be placed in danger by our withdrawal.

The amendment is defective because it threatens to throw away everything the United States has worked so hard for all these years, and is now on the verge of attaining. Moreover, at no cost to the North Vietnamese Communists, the United States would be making a unilateral gesture with no quid pro quo whatever.

For the United States to withdraw at the end of 1971 could well destroy the chance for the South Vietnamese to achieve the full capacity to provide for their own defense—a capacity which by the end of the year will be within grasp. U.S. forces are now down to 251,000—less than half of the number in the country in 1969. The South Vietnamese are now entirely self-sufficient in providing for their own naval requirements. Most of the ground combat is now handled by the South Vietnamese, as is the close air support. The United States is providing primarily logistics which the South Vietnamese are not fully capable of managing on their own. In addition, the United States is providing air interdiction of invading North Vietnamese forces which serves to enhance the prospects for early U.S. withdrawal by permitting more time for the training of South Vietnamese to take over the remaining noncombat requirements which form the overwhelming portion of the U.S. participation in South Vietnam.

The relationship of this proposal to the issue of the release of U.S. prisoners of war deserves special attention. The barbaric and inhumane treatment of prisoners of war by the North Vietnamese is well known. Not as well known, but equally important, is the fact that the North Vietnamese have never seriously bargained in good faith over any element of the Vietnamese conflict. There is simply no further unilateral gesture which would appease the North Vietnamese and induce them to cooperate with the United States and the South Vietnamese, because their fundamental objective evidently continues to be to achieve dominion over all of Indochina.

It must be remembered that the North Vietnamese promised to "negotiate" if only the United States would cease its regular bombing of the North. The United States ceased its bombing of the North, but no serious intention to negotiate was ever manifested. The North Vietnamese simply raised their demands to the level which required the United States to abandon its efforts in South Vietnam in exchange for yet another North Vietnamese promise to "negotiate" about the return of prisoners. Now it appears, according to a report in the Washington Post of June 9, 1971, that even if the United States were to set a date for total withdrawal, the North Vietnamese have advised us that the United States would have to cease all aid to South Vietnam before the U.S. prisoners could be returned.

It appears clear, on the basis of experience, that while enactment of the amendment would deal away a critically important card and restrict the President's flexibility in achieving the earliest feasible withdrawal of our men from combat in Southeast Asia and in securing the release of the prisoners of war, it will do nothing to increase Hanoi's inclination to negotiate in good faith or to relinquish her hold on the prisoners until she has secured the last possible advantage by her exploitation of their plight. To suggest otherwise would be a cruel hoax on the families of these unfortunate men and would do nothing to hasten the achievement of a stable peace.

I am convinced, on the record, that there is no man in the United States more anxious to see us safely out of the Vietnamese conflict than Richard Nixon, and no man who has worked more effectively to achieve this objective. I will not, under these circumstances, vote to impose gratuitous obstacles in his way; obstacles which can only impede his ability to complete the job in a responsible manner.

SENATOR RANDOLPH STATES HIS SUPPORT OF MORE RAPID CLOSEOUT OF AMERICAN INVOLVEMENT IN VIETNAM CONFLICT

Mr. RANDOLPH. Mr. President, on May 31, 1971, Prof. Edwin C. Barbe, of the engineering faculty of West Virginia University, wrote to me from Morgantown, W. Va., on behalf of an affirmative vote for the McGovern-Hatfield amendment. In my response of June 8, I wrote, in part, including this answer to an allegation he had made that my vote would be unresponsive to the wishes of West Virginians:

> I consider very carefully the viewpoints of the constituency I represent. Not only do I receive substantial numbers of communications from fellow West Virginians, I visit throughout the State frequently and engage in personal conversations with hundreds of people. I also must assess my responsibility as a legislator charged with a national obligation.
>
> We are presently involved in an unpopular war far from our borders. It is regrettable that our Nation is in the position where it continues to invest so much in human and monetary sacrifice for other nations which claim to be defending their freedom against communist aggression. It is tragic that we became so deeply involved in Southeast Asia. And I desire, as much as any person, to end our involvement.
>
> I have generally supported the President in his efforts to withdraw our troops from South Vietnam and to accelerate the training of the South Vietnamese to defend them-

> selves. It is my belief that the President is on a course of disengagement. I am hopeful, however, that he will announce and implement a plan for more rapid return of American forces. Earlier this year, I supported the resolution approved by the Democratic Caucus that "The Senate Majority work to achieve the following purpose: To end the involvement in Indochina and to bring about the withdrawal of all U.S. Forces and the release of all prisoners in a time certain".
>
> In my opinion, also, the President should renew efforts to negotiate a standstill ceasefire—an objective which has had my full support and which I believe could provide an opportunity for a permanent settlement of the conflict in Vietnam. Last year, I joined with a number of Senators in urging the President to pursue such a solution. Regrettably, our Nation has not vigorously pursued this course of action. . . .

Mr. President, I add this comment to the foregoing letter:

> We should not be absolutely rigid in fixing all withdrawal conditions by law, thereby removing from the President vital flexibility and exercise of options in closing out our involvement in Vietnam, and in obtaining the liberation and return of American prisoners of war.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 1 minute before the call of the roll is proceeded with on the next amendment.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. What is the time under the unanimous-consent agreement for the vote?

The PRESIDING OFFICER (Mr. WEICKER). In response to the inquiry of the Senator from Mississippi, the hour of 5 o'clock having arrived, the Senate will proceed immediately to vote on the amendment of the Senator from South Dakota (No. 143).

Mr. STENNIS. Mr. President, I have no objection to the 1-minute request of the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Pennsylvania wish to proceed to use his 1 minute?

Mr. SCOTT. Mr. President, will the distinguished majority leader advise us of the program following this vote?

Mr. MANSFIELD. Mr. President, there will be no further votes after the vote on the pending Hatfield-McGovern amendment.

ORDER FOR ADJOURNMENT TO 9:45 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to exceed the hour of 10 a.m., and that at 10 a.m. the Buckley amendment be laid before the Senate, to be followed by the amendments of Senators KENNEDY, MILLER, HATFIELD, and SAXBE.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 143, the so-called Hatfield-McGovern amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SPONG (when his name was called). On this vote I have a pair with the distinguished Senator from Arkansas (Mr. FULBRIGHT). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The result was announced—yeas 42, nays 55, as follows:

[No. 97 Leg.]

YEAS—42

Anderson
Bayh
Brooke
Burdick
Case
Chiles
Church
Cranston
Eagleton
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Schweiker
Stevenson
Symington
Tunney
Williams
Young

NAYS—55

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, Idaho
Long
McClellan
McGee
Miller
Packwood
Pearson
Prouty
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Spong, against.

NOT VOTING—2

Fulbright
Mundt

So the McGovern-Hatfield amendment (No. 143) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will please be in order. The Senate will not proceed until the galleries and the Senate are in order.

The Chair recognizes the Senator from New York.

AMENDMENT NO. 149

Mr. BUCKLEY. Mr. President, I call up amendment No. 149 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

> On page 33, line 13, after the word "thereof" strike out "July 1, 1973" and insert in lieu thereof "March 1, 1973".

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, the time on the amendment will not begin to run until 10 o'clock tomorrow when the bill is made the pending business.

The time from now on will be extraneous and will not be allocated.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I assume the Senator from New York is going to proceed with his argument on the amendment.

Mr. BUCKLEY. I will proceed tomorrow, if I may, beginning at 10 o'clock, at the close of the morning hour.

Mr. STENNIS. I thank the Senator.

AMENDMENT OF THE UNIFORM TIME ACT—MOTION TO RECONSIDER WITHDRAWN

Mr. HARTKE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 904.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title as follows:

> A bill (S. 904) to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

The Senate proceeded to consider the bill.

Mr. COTTON. Mr. President, I ask unanimous consent that my motion to reconsider this measure which I had heretofore made be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the motion to reconsider is withdrawn.

DISCLOSURE BY SENATOR JAVITS OF DIRECT OR INDIRECT FINANCIAL INTERESTS

Mr. JAVITS. Mr. President, under the Senate code of ethics, I filed last month with the Secretary of the Senate a formal "Statement of Contributions and Honorariums," in which I disclosed all substantial contributions or honorariums received by me during the last calendar year. The form is a public document to which the press has access.

In addition, I filed under the Senate rules a "Confidential Statement of Financial Interests," which includes lists of companies in which I have a direct or indirect financial interest. As that statement is filed with the Comptroller General under the rules of the Senate and is not open to public examination, I hereby publish a list of companies subject to some form of regulation by the Federal Government—or which I feel may be doing some appreciable business with the Federal Government—in each of which I have an interest, direct or indirect—generally in a family trust of which I am trustee—as of this date, in an amount exceeding $5,000.

These are normal investments in publicly owned corporations and constitute no element of control alone or in combination with others, directly or indirectly.

Mr. President, I ask unanimous consent that the list of securities in which I have a direct or indirect interest exceeding $5,000 may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

American & Foreign Securities Corp.
American Water Works
Bethlehem Steel
Cenco Scientific Inst.
Cities Service Corp.
Coastal States Gas
Criterion Insurance Co.
Dun & Bradstreet
Felmont Oil
First National City Bank of New York
Flying Tiger
General Instrument
Government Employees Corp.
Government Employees Financial Corp.
Government Employees Insurance Co.
Government Employees Life Insurance Co.
IBM Lin Broadcasting
Royal Dutch/Shell Petroleum
South Carolina Electric & Gas Co.
Southern Co.
Transamerica Corp. of Delaware
White Shield Oil & Gas

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call of the day.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF GERMANENESS RULE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, in view of the time agreements, the Pastore rule of germaneness be waived throughout the day tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements made during the period for the transaction of routine morning business tomorrow be limited to 3 minutes.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Pages will please be seated.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer, the junior Senator from Iowa (Mr. HUGHES) and I want to compliment him for his diligence and efficiency in securing and preserving order in the Senate during difficult times this afternoon.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:45 a.m.

Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, the period not to extend beyond 10 o'clock a.m.

At 10 o'clock the Chair will lay before the Senate amendment No. 149 by Mr. BUCKLEY, to extend the draft for 20 months. A time limitation of 1 hour has been agreed to on that amendment. The yeas and nays have been ordered, and there will be a rollcall vote thereon at approximately 11 o'clock a.m.

Following the disposition of amendment No. 149, the Senate will proceed to the consideration of amendment No. 120 by Mr. KENNEDY. This amendment provides that no regulation shall be effective before being published in the Federal Register 30 days prior to enactment. An agreement has been entered into limiting the time on amendment No. 120 to 1 hour.

Upon the disposition of the Kennedy amendment No. 120, the Senate will proceed to the consideration of amendment No. 156 by Mr. MILLER, in connection with which an agreement has been entered limiting time thereon to 30 minutes. The Miller amendment would extend State voter registration coverage provided by the Eagleton amendment to those not required to register for the draft because of sex.

Immediately upon the disposition of the Miller amendment, the Senate will proceed to the consideration of amendment No. 135 by Mr. HATFIELD, which provides for certain congressional directives relating to the improvement of the Armed Forces, relating to housing, education, and so forth. Time on amendment No. 135 is limited to 1 hour.

Upon the disposition of that amendment, the Senate will proceed to the consideration of amendment No. 136 by Mr. HATFIELD, establishing the number of cadets and midshipmen to be in financial assistance programs. A time limitation of 1 hour has been agreed to thereon.

Upon the disposition of amendment No. 136 by Mr. HATFIELD, the Senate will proceed to the consideration of amendment No. 164 by Mr. SAXBE. This amendment has reference to the continuation of selective service functions under a volunteer army. An agreement has been entered into limiting the time thereon to 20 minutes.

Upon the disposition of the Saxbe amendment No. 164, the Senate will proceed to the consideration of amendment No. 139 by Mr. KENNEDY, on which there is a time limitation of 2 hours. This amendment provides that each registrant is to have the right of counsel, and so forth, and it sets forth certain procedural rights.

Upon the disposition of amendment No. 139 by Mr. KENNEDY, the Senate will proceed to the consideration of amendment No. 137 by Mr. HATFIELD, on which an agreement has been entered limiting the time thereon to 1 hour. This amendment has reference to enlistments and reenlistments and limitations on discharges.

Mr. President, Senators will note from the program that the Senate has a full and a busy day tomorrow. Rollcall votes are expected on many, if not all, of the amendments enumerated, and there may be amendments called up tomorrow following action on those which have been stated. Under the agreement, time on amendments to amendments will be limited to 20 minutes each.

The Pastore rule of germaneness will be waived throughout the day on tomorrow.

When the Senate completes its business tomorrow, it will stand in adjournment, under the previous order—which, of course, is subject to change—until 10 a.m. on Friday. The distinguished majority leader has already indicated that rollcall votes are expected on Friday.

ADJOURNMENT UNTIL 9:45 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 36 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 17, 1971, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 1971:

CORPORATION FOR PUBLIC BROADCASTING

Zelma George, of Ohio, to be a member of the board of directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1972, vice Carl E. Sanders, resigned.

IN THE NAVY

Vice Adm. Bernard M. Strean, U.S. Navy, and Vice Adm. Arnold F. Schade, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

HOUSE OF REPRESENTATIVES—*Wednesday, June 16, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Man shall not live by bread alone, but by every word that proceedeth out of the mouth of God.—Matthew 4: 4.

O God of grace and glory, we come to Thee in the mood of prayer, drawn by compelling needs and deepening desires which Thou alone canst help us meet. Have mercy upon us, pardon and deliver us from all our sins, confirm and strengthen us in all goodness, and bring us to new life in Thee for our own good and for the good of our beloved land.

Richly bless our President, our Speaker, and these chosen Representatives of our people that with wisdom and understanding they may bring peace to our world, unity throughout our country, and good will in the hearts of men: to the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 979. An act to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes.

The message also announced, that Mr. Long, Mr. Hollings, Mr. Inouye, Mr. Griffin, and Mr. Stevens have been appointed as conferees on the bill (H.R. 4724) entitled "An act to authorize appropriations for certain maritime programs of the Department of Commerce," to replace Mr. Long, Mr. Pastore, Mr. Hollings, Mr. Griffin, and Mr. Prouty, thereon.

THE "TRUTH HURTS" FILE

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, among the top secret classified files of this administration's department of "truth hurts" I find the following:

Once upon a Times a little paper boy discovered great gaps in the credibility in which the Emperor claimed to be clothed.

So the emperor sued the little boy and tried to put him in jail for finding out. And nobody lived quite the same ever after.

Mr. Speaker, the administration's policy is to save the Communist censorship-emulating Saigon dictatorship at all costs—including American lives, dollars, and even American democracy, itself.

Vietnamization is finally working—on us.

President Nixon has always wanted to do something for the first time in history. History will record on that 15th day of June 1971, he made it.

We were born free.

COMMEMORATING 50TH ANNIVERSARY OF LYNWOOD, CALIF.

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 448, commemorating the 50th anniversary of the incorporation of the city of Lynwood, Calif.

The Clerk read the resolution as follows:

H. Res. 448

Whereas the fiftieth anniversary of the incorporation of the city of Lynwood, California, will occur on July 16;

Whereas the strategic location of the city of Lynwood midway between the cities of Los Angeles and Long Beach provides its residents with full advantages of a great metropolitan center plus the added features of many beach cities all within a distance of twelve to fifteen miles;

Whereas the growth of the city has been planned carefully taking into consideration all the zoning requirements of good civic programing, with fine business districts, residential areas and specific areas zoned for industry and with no slum or retarded areas;

Whereas the well-equipped community cultural center gives recent evidence of continued civic improvement with a large park covering over fifty acres, a swimming pool built to Olympic specifications, city hall and civic center, a new public library, and most recently a new community services building;

Whereas nineteen schools are geographically spaced to provide the best in education and twenty-five churches representing many faiths and denominations meet the spiritual needs of Lynwood residents;

Whereas the people of Lynwood give generously of their time and talents to service clubs, fraternal organizations, parent-teachers' associations, senior citizens groups, veterans and patriotic organizations;

Whereas the city of Lynwood has received the All America City Award of the National Municipal League based on the accomplishments of the citizens of Lynwood working together and efficient municipal administration; and

Whereas the ideal conditions of the community for employment, homelife, the raising of a family, participation in development of the community, and enjoyment of Lynwood's ideal family illustrate the aptness of the city's slogan "The Best Place—To Live Best": Therefore, be it

Resolved, That the House of Representatives send congratulations to Lynwood and her citizens on the occasion of the fiftieth anniversary of the city's incorporation and best wishes for continued progress and prosperity in the years ahead.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendmend offered by Mr. Edwards of California: On pages 1 and 2, strike out all "whereas" clauses.

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CITY OF LYNWOOD CELEBRATING 50TH ANNIVERSARY

Mr. DEL CLAWSON. Mr. Speaker, the 50th anniversary of the incorporation of the city of Lynwood is being celebrated at a point in history when so many local governments are foundering and in need of assistance that the record of this particular city is especially noteworthy. The pride of Lynwood's government and citizens is well founded. On a pay-as-you-go basis Lynwood has constructed a cultural center—Bateman Hall—its city hall, a large police department complex, a community center, and two fire stations—all paid for at the time of construction. The city currently has a bonded indebtedness of only $80,000—for a natatorium, with olympic-sized indoor pool—and this obligation has been met steadily on schedule.

Storm drains, sewers, lighting systems, and city streets have been completely funded by the city. No Federal aid programs have been requested, and none are contemplated. Lynwood, in addition to the aforementioned facilities, has some of the largest parks in the Los Angeles County area. I know of no slums in Lynwood. In fact, urban blight is stamped out relentlessly before it can rear its ugly head.

I am proud to number this self-sufficient, progressive city among the 13 cities of California's 23d District I represent in the U.S. Congress. The people of Lynwood merit our commendation and friendly greetings as they observe their 50th anniversary.

THE WAR, THE NEW YORK TIMES, AND THE ATTORNEY GENERAL

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the publication by the New York Times of the Pentagon study of U.S. involvement in Vietnam shows how essential it is that Congress assert its responsibility in the conduct of foreign policy. The Pentagon documents reveal how the executive branch prepared for war and engaged in clandestine military actions in North

Vietnam without authority of the Congress for months before the Gulf of Tonkin incident. As a matter of fact, the State Department had drafted a proposed congressional resolution in May of 1964—the precursor of the Tonkin Gulf resolution—which was intended to be used as the excuse for committing U.S. Armed Forces to combat. There is revealed a deplorable and indefensible lack of candor, dissembling, and outright deception practiced by the executive branch.

Two events must now occur. First, the Congress must vote to end the war. We will have that opportunity today, when we consider the military procurement authorization bill, by voting for the Nedzi-Whalen amendment, and the Senate will have that opportunity by voting for the McGovern-Hatfield amendment today.

Second, Congress must carry out a full and complete investigation of all of the facts surrounding our involvement in Vietnam and the escalation of the war. It is crucial that Congress examine the decisionmaking process which has cost our Nation so dearly. All of the information must be made available to the American people.

The Secretary of Defense should immediately make the Pentagon study available to the Congress, so that Congress can fulfill its responsibilities.

This war has gone on for too long at a cost in lives sacrificed and money squandered which is unconscionable.

The American people have the right to know the truth, which will out regardless of the efforts of the Attorney General to suppress it.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FURTHER LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time simply to announce to the Members of the House that on tomorrow we will call up a travel resolution which has previously been called up, the ILO resolution. I understand that the resolution has been carefully amended and we will call it up tomorrow.

DEATH ON OUR HIGHWAYS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, yesterday I attended the funeral of an 18-year-old girl, the daughter of one of my closest friends, who was killed in an automobile accident on Sunday night on a very bad stretch of highway in Pennsylvania. This particular stretch of highway is two-lane. It is four-lane on one end and four-lane on the other. However, this area in the middle had not been built into a four-lane highway.

The car she was driving was hit head on by another car and hit by other cars afterward and 11 people were hospitalized.

Mr. Speaker, the point is that there are people who say we are spending too much money on building highways. I know that many automobile accidents happen on four-lane highways, but statistics show that there are far fewer accidents on four-lane highways.

Mr. Speaker, I for one believe that we should get on with the construction of our highway program.

MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH AUTHORIZATIONS, 1972

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8687, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from Louisiana (Mr. Hébert) had 31 minutes remaining, and the gentleman from Illinois (Mr. Arends) had 1 hour and 15 minutes remaining.

The Chair recognizes the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Chairman, I yield 7 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, I am in favor of a strong national defense, and therefore—subject to exceptions, and as a general proposition—I believe in following the recommendations of the committee in respect to specific items and particular amounts.

Consequently I shall confine my remarks to the subject of the Nedzi-Whalen amendment.

This amendment provides as follows:

> Sec. 502. (a) No funds authorized to be appropriated pursuant to this Act may be expended after January 1, 1972, to support the deployment of U.S. military personnel or the conduct of any military operations in or over North Vietnam, South Vietnam, Cambodia, or Laos.

If the amendment stopped there it would actually say something, and it would present important constitutional issues for the decision of this House. In my judgment the amendment even in this form would clearly be mistaken, but it would present us with an intelligible issue.

The amendment, however, does not stop there. It follows the rather clear language just quoted with other provisions—designed, I must presume, with the objective of attracting additional support—which, in my humble judgment and with all due respect, largely emasculate the amendment.

These provisions allow for exceptions to the operation of the amendment, for the purposes of insuring the return of prisoners of war, for effectuating safe American withdrawal from Vietnam, for providing asylum for citizens of South Vietnam, and for giving military assistance to South Vietnam, Laos, and Cambodia.

Further, the amendment provides that "this section shall not be construed to affect the constitutional power of the President as Commander in Chief."

Mr. Chairman, the whole issue here is one as to the nature and extent of the power of the President as Commander in Chief of the Armed Forces, as against the warmaking powers of the Congress; and I respectfully suggest that an amendment which first seeks to limit and restrict the power of the President to deploy troops, and then states that it in no way affects his power as Commander in Chief of these same troops, is so self-contradictory that it amounts to nothing.

When we turn to the underlying constitutional issue which this amendment, as drawn, actually fails to present, we find that article I, section 8 of the Constitution of the United States gives to the Congress the power to: First, provide for the common defense; second, declare war; third, raise and support Armies and Navies; fourth, make rules for the government of the Armed Forces; fifth, and, of course, the power to appropriate funds.

On the other hand, article II gives the President the Executive power and makes him Commander in Chief of the Armed Forces.

Throughout our history the President, relying on his power over foreign affairs and his prerogatives as Commander in Chief, has taken many actions—without prior consultation with the Congress—to deploy Armed Forces of the United States.

More than once the Congress, or Members thereof, has questioned these Executive actions.

Generally the difference has been resolved by some sort of congressional approval, prior or subsequent, direct or implied, for the Executive action.

This has been largely a matter of practice and of practical cooperation. Nowhere in the Constitution, nor in any legislation or judicial decision, has any definite demarcation line been drawn between the powers of the Executive and those of the Congress in the making and in the conduct of war.

It is altogether probable that the founders preferred not to attempt to draw such a definite line.

Recent events have led to numerous congressional attempts—which are now pending—to do exactly this.

Even brief examination of these several proposals discloses that they raise many intricate and difficult questions of national policy and constitutional law. Drawing satisfactory provisions of this kind is not at all easy, and the questions they raise have no ready answers.

Possibly one of the more hopeful suggestions that have been made is for the creation of a joint congressional committee to act as a consultative body with the President in time of emergency.

At any rate, as Secretary Rogers has said in recent testimony before the Senate Committee on Foreign Relations, "the framers of the Constitution intended decisions regarding the initiation of hostilities to be made jointly by the Congress and the President, except in emergency situations" and, further, as the Secretary said, any efforts to legislate a more specific delineation and demarcation of the war powers should clearly "be considered deliberately and calmly in an atmosphere free from the emotion and the passions that have been generated by the Vietnam conflict."

These matters are worthy of independent consideration, and certainly, I submit, this major effort ought not to be made through the vehicle of a self-contradictory and largely meaningless amendment to a bill authorizing military procurement.

I urge the House to reject the Nedzi-Whalen amendment.

Mr. MINSHALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 136]

Abbitt
Abourezk
Anderson, Tenn.
Ashley
Baker
Baring
Bingham
Blanton
Blatnik
Broyhill, Va.
Buchanan
Chappell
Clancy
Clark
Clay
Dent
Diggs
Donohue
Dorn
Dowdy
Dwyer
Eckhardt
Edwards, La.
Foley
Gallagher
Gettys
Grasso
Gray
Halpern
Helstoski
Holifield
Long, La.
McCulloch
McKinney
Mathias, Calif.
O'Hara
Pelly
Pepper
Quillen
Rangel
Rees
Runnels
Scherle
Scheuer
Steiger, Ariz.
Teague, Tex.
Terry
Thompson, N.J.
Veysey

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8687, and finding itself without a quorum, he had directed the roll to be called, when 384 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Indiana (Mr. DENNIS) had been allocated 7 minutes, and the gentleman had consumed 1 minute of those 7 minutes.

The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, as I stated before the quorum call, I shall confine my remarks to the subject of the Nedzi-Whalen amendment.

This amendment provides as follows:

> SEC. 502. (a) No funds authorized to be appropriated pursuant to this Act may be expended after January 1, 1972, to support the deployment of U.S. military personnel or the conduct of any military operations in or over North Vietnam, South Vietnam, Cambodia, or Laos.

If the amendment stopped there it would actually say something, and it would present important constitutional issues for the decision of this House. In my judgment the amendment even in this form would clearly be mistaken, but it would present us with an intelligible issue.

The amendment, however, does not stop there. It follows the rather clear language just quoted from other provisions—designed, I must presume, with the objective of attracting additional support—which, in my humble judgment and with all due respect, largely emasculate the amendment.

These provisions allow for exceptions to the operation of the amendment, for the purposes of insuring the return of prisoners of war, for effectuating safe American withdrawal from Vietnam, for providing asylum for citizens of South Vietnam, and for giving military assistance to South Vietnam, Laos, and Cambodia.

Further, the amendment provides that—

> This section shall not be construed to affect the Constitutional power of the President as Commander-in-Chief.

Mr. Chairman, the whole issue here is one as to the nature and extent of the power of the President as Commander in Chief of the Armed Forces, as against the warmaking powers of the Congress; and I respectfully suggest that an amendment which first seeks to limit and restrict the powers of the President to deploy troops, and then states that it in no way affects his power as Commander in Chief of these same troops, is so self-contradictory that it amounts to nothing.

When we turn to the underlying constitutional issue which this amendment, as drawn, actually fails to present, we find that article I, section 8, of the Constitution of the United States gives to the Congress the power to: Provide for the common defense; declare war; raise and support armies and navies; make rules for the government of the Armed Forces; and, of course, the power to appropriate funds.

On the other hand, article II gives the President the executive power and makes him Commander in Chief of the Armed Forces.

Throughout our history the President, relying on his powers over foreign affairs and his prerogatives as Commander in Chief, has taken many actions—without prior consultation with the Congress—to deploy Armed Forces of the United States.

More than once the Congress, or Members thereof, have questioned these Executive actions.

Generally the difference has been resolved by some sort of congressional approval, prior or subsequent, direct or implied, for the Executive action.

This has been largely a matter of practice and of practical cooperation. Nowhere in the Constitution, nor in any legislation or judicial decision, has any definite demarcation line been drawn between the powers of the Executive and those of the Congress in the making and in the conduct of war.

It is altogether probable that the founders preferred not to attempt to draw such a definite line.

Recent events have led to numerous congressional attempts—which are now pending—to do exactly this.

Even brief examination of these several proposals disclose that they raise many intricate and difficult questions of national policy and constitutional law. Drawing satisfactory provisions of this kind is not at all easy, and the questions they raise have no ready answers.

Possibly one of the more hopeful suggestions that have been made is for the creation of a joint congressional committee to act as a consultative body with the President in time of emergency.

At any rate, as Secretary Rogers has said in recent testimony before the Senate Committee on Foreign Relations:

> The framers of the Constitution intended decisions regarding the initiation of hostilities to be made jointly by the Congress and the President, except in emergency situations" and, further, as the Secretary said, any efforts to legislate a more specific delineation and demarcation of the war powers should clearly "be considered deliberately and calmly in an atmosphere free from the emotion and the passions that have been generated by the Viet Nam conflict.

These are matters worthy of independent consideration, and certainly, I submit, this major effort ought not to be made through the vehicle of a self-contradictory and largely meaningless amendment to a bill authorizing military procurement.

I urge the House to reject the Nedzi-Whalen amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to compliment the gentleman from Indiana (Mr. DENNIS) for addressing himself to what, in my judgment, is a very key point in this debate.

We have seen a number of amendments offered here today by well-meaning people—amendments which I submit are ambiguous and totally misleading; especially to the American people.

With specific reference to the Nedzi-Whalen amendment, let me illustrate a point. Early this morning, I had a visit from two Vietnam veterans from California who wanted to discuss this particular amendment with me. Their opening statement was:

> Mr. Clausen, we would like to discuss the Nedzi-Whalen Amendment to pull all of our troops out of Vietnam by December 31, 1971.

I could only respond by saying: "Gentlemen, somebody is obviously confused."

On May 28, Mr. WHALEN and Mr. NEDZI isused a joint news release which said, and I quote:

> Two members of the House Armed Services Committee will introduce an amendment shortly on the floor of the House of Representatives designed to end U.S. military involvement in Indochina by December 31, 1971.

The release went on to identify the sponsors of the amendment as Mr. NEDZI and Mr. WHALEN, and said that—and again I quote:

> It would provide a clear opportunity for the members of the House of Representatives to express their sentiments on the question of setting a date for withdrawal of all U.S. troops from Vietnam, Cambodia, and Laos.

Yet, on this floor yesterday, Mr. WHALEN clearly refuted that and the CONGRESSIONAL RECORD is very clear on this point. In his explanation to us of what the amendment would do and not do, the gentleman from Ohio said:

> Let me just state some specific examples of things the Nedzi-Whalen amendment will not accomplish. First, it will not require that troops be withdrawn from South Vietnam after December 31 of this year.

Another case in pint. The news release previously cited also stated that:

> The Nedzi-Whalen amendment "prohibits the expenditure after December 31, 1971, of new funds contained in this bill, to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia or Laos.

Yet, yesterday, Mr. WHALEN denied that the amendment dealt with military deployment or military operations. Instead, he said:

> It prohibits the use after December 31, 1971, of equipment authorized by this bill in or above the four countries of what was formerly known as Indochina.

To make the point perfectly clear, the gentleman from Ohio (Mr. WHALEN) added that, under the Nedzi-Whalen amendment, the military could go right on using equipment already in Vietnam or that authorized by previous congressional procurement programs.

The entire purpose of the gentleman's remarks, as he said, was to clear up any misunderstanding about the amendment. Since there was no followup news release with regard to the gentleman's remarks here yesterday, I can only conclude, Mr. Chairman, that a great many people outside this body have misunderstood the basic intent and the primary thrust of the amendment as well.

A sizable segment of the American public who are sick of this war and sincerely want it ended as quickly as possible, have responded in a very positive way to what they were told the Nedzi-Whalen amendment would accomplish, if passed. I will never forget the look on those two veterans' faces this morning; two ex-marines, when they learned that Mr. WHALEN had said that the amendment would not require any troop withdrawals after December 31, nor that this was even the intent of the legislation.

The Nedzi-Whalen amendment has been hailed around the country as "The Amendment To End the War." The Vietnam Disengagement Act," and "The Amendment To Withdraw Our Troops by the End of the Year." How do we tell the thousands who wrote, called, wired, and visited us here on the Hill that they were deceived or misled or misinformed.

I believe that a vast majority of the Members of both Houses of Congress would leap at the chance to vote for responsible legislation that offered the President some kind of policy guidance to end this war. Thus far, however, the Congress has not even taken a position for or against the President's withdrawal policy.

This, gentlemen, is the constitutional role of the Congress in matters of foreign policy as I understand it and until such time as the Congress assumes that role or changes the Constitution, I shall continue to suggest to the President and his key foreign policy advisers, initiatives I believe will hasten our troop withdrawal program and end the war in Vietnam.

In my mind, there is just no question that the major stumbling block to concluding our withdrawal from Vietnam quickly, is the POW question and, quite frankly, I fail to see how this misunderstood amendment, or any legislative measure, can guarantee the safe return of those Americans held captive in Southeast Asia. As we all know, this country had some experience with the POW question in Korea and I think it would be well if we all remembered that bit of history.

At this time, my greatest hope is, that once the controversy and the heated debate surrounding this issue has subsided, the American people will conclude that, in this instance, the Congress acted responsibly.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I ask the gentleman from Illinois if he would yield me 2 additional minutes, which would give me a total of 7 minutes.

Mr. ARENDS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Mississippi.

The CHAIRMAN. The gentleman is recognized for 7 minutes.

Mr. MONTGOMERY. I thank the two gentlemen for allotting me this time.

Mr. Chairman, in my first year of service on the Armed Services Committee, I have been impressed with the diplomacy and ability of Chairman HÉBERT, as well as the hard work and faithful attendance of the committee members at our long and highly technical hearings. The committee members, plus the staff, have spent many hours debating and marking up the bill before you today. It is a good bill which provides the barebone essentials for our future national security and does not contain any so-called fat.

I appreciate the manner in which my chairman has allowed all sides to speak out on the bill and present their views either pro or con. Since there has already been considerable debate on titles I and II, and I feel sure there well be even more, I will limit my remarks to title III plus comments on the Nedzi-Whalen amendment, and to discuss section 303 of the bill. This title deals with the authorized strength level for the selected reserve of each Reserve component of the Armed Forces for fiscal year 1972.

My main concern in whether or not we will be able to maintain this authorized strength level during the coming fiscal year. The strength levels contained in this bill are not some arbitrary figure pulled out of the air. Rather they are based on what our Nation's needs would be should we face a national security emergency. And in the case of the National Guard, they are also based on the needs of each individual State during times of natural disaster or civil disorders. Since July 1, 1970, the National Guard has been called out 132 times just on civil disorders.

Mr. Chairman, the President is aiming for zero draft calls by mid-1973. If the Senate does not act on the bill to extend the Selective Service Act, we will have reached the all-volunteer army not in 1973, but July 1 of this year.

I am concerned that without certain incentives for the Reservists or citizen-soldier our Reserve strengths authorized in this bill cannot and will not be met. I strongly urge the Defense Department to present Congress with recommendations to make the Reserve and Guard more attractive under the all-volunteer concept. I serve on the subcommittee handling reserves. This subcommittee is chaired by Mr. FISHER of Texas. Our subcommittee has been quite active dealing with Reserve problems.

During the coming fiscal year, a great number of the members of the Reserve and Guard who joined during the Vietnam buildup of 1965 will have completed their 6-year obligation. According to recent surveys, very few of these plan to reenlist.

In the past we thought of the National Guard as a trained group of men to be called to active duty during times of national emergency that required a rapid buildup of active duty forces. Their second mission was to assist their friends and neighbors in their State should they be unfortunate enough to suffer through a hurricane, tornado, flood, or earthquake.

But this is no longer necessarily the case. Hardly a day goes by that a National Guard unit somewhere in the Nation is not placed on alert or actually called out to deal with public disorders. The Guard does not relish this type of duty, but at the same time they realize that public disorders must be dealt with promptly and firmly in order to protect the life and property of the majority of our citizens who are law abiding.

The Guard has instituted new training programs and procedures to better prepare themselves during times of public insurrection. These new programs have better prepared the National Guard to deal with disorderly mobs with the minimum of risks of injury to themselves and those breaking the law.

This new assignment of the guard has also brought about a change in image. The guard has received much criticism, the vast majority of which is without basis in fact. The criticism of the guard and attempts to picture the guard as "storm troopers" is all part of the plan of a vocal minority to discredit the military and weaken our Nation's security.

The chronic complainers of what's supposedly wrong with America and those that appear to be more interested in rule by anarchy have been successful to some extent. Enlistments and reenlistments in the National Guard and Reserve have dropped off considerably and pose a serious threat to our being able to maintain our necessary strength levels.

Mr. Chairman, if the Congress is truly serious in approving the strength levels for the Reserve and guard for fiscal year 1972 as authorized in H.R. 8687, then they must also begin consideration and soon of legislation to improve the benefits for members of the Reserve and guard. We took a step in that direction when we passed the extension of the Selective Service Act containing a significant pay increase.

I have introduced four bills this year which I believe will go a long way toward helping us secure enlistments and reenlistments for the Reserve and guard.

The first bill would reduce the retirement under title III retirement from age 60 to 55 after 20 years of creditable service. This is a very realistic and reasonable age to begin receiving retirement benefits.

A second bill would establish survivor benefits. If a guardsman or Reservist were to die before reaching age 60 after 20 years of creditable service, his widow or survivors would receive a reduced annuity beginning at the time the guardsman or Reservist would have been 60 years of age.

The third bill would authorize payment of proficiency pay to enlisted members of the guard and Reserve who have special skills.

The fourth bill I have introduced to benefit the Guard and Reserve would provide an incentive bonus for members of the Guard and Reserve who reenlist for at least 3 years following their first 6 years or members of the Regular Forces who enlist in the Guard or Reserve following 2 years of active duty. Those qualifying for the bonus would receive $1,000 upon reenlistment or enlistment, plus $200 at the end of each of the 3 years. This would mean a total bonus of $1,200.

As we push toward zero draft calls, we most certainly will have to improve the benefits for the Reserve and Guard just as we are going to have to do for the active duty Armed Forces.

Mr. Chairman, I believe very strongly in the citizen-soldier concept. In order to maintain this concept through the Reserve and Guard, we must give favorable consideration to the bills I have mentioned and recommendations I hope will be forthcoming from the Department of Defense.

I am concerned about section 303 which is lines 4 through 17 on page 5 of the bill. This section says that if a reservist has less than 120 days to serve on his obligation, he does not have to go to summer camp. I think this is wrong. If a guardsman or reservist has a 6-year obligation, he should serve for 6 years. In this section, in some cases, you will be reducing a man's obligation by 1 year just because he joined the Reserve or Guard instead of being drafted. The section does provide, however, that only reservists who had been on active duty for over 1 year will be eligible to be excused from the 15-day annual training. Under this section some key men in the Reserve program will be able to miss field training where they are mostly needed.

As I understand the Nedzi-Whalen amendment it would not allow any of the equipment authorized in this bill to be used in Southeast Asia. I agree with Mr. WHALEN's statement of yesterday that the amendment really does not do much, but there is the psychological effect of setting a cutoff date of January 1, 1972.

The amendment does not seem to be at all workable. The President could still send helicopters and equipment to Southeast Asia as long as it was not equipment authorized by this bill.

So if you adopt this amendment today, all you will be doing is confusing the situation in Southeast Asia even more.

I am no expert on Southeast Asia, but I have tried to familiarize myself with the situation in that part of the world by making five trips there for a personal firsthand inspection. I have plans to return in August during the recess.

I feel that President Nixon's handling of the Vietnam war is based on very sound policy and is working to end the conflict. I urge you—do not tie our Commander in Chief's hands by adopting the Nedzi-Whalen amendment.

If the countries of Southeast Asia are to remain as free and democratic nations, in my opinion, the only future assistance we should provide would be in the form of financial help. With our monetary support of a realistic amount, I believe Cambodia, Laos, Thailand, and South Vietnam will be able to survive. We are not losing American lives in Laos, Cambodia, and Thailand and we are winding down our involvement in South Vietnam so we will no longer have a loss of life there. But these countries do need our continued financial support to prevent a Communist takeover.

It would be a shame and black mark on our Nation's proud history of honoring her commitments if we do not continue to provide the financial support for these nations that are trying to help themselves. We will never be able to forget or forgive ourselves for copping out at a time and place when so many Americans have given so much in good faith.

I urge defeat of the Nedzi-Whalen amendment and support for the bill.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I have asked for time today to speak very briefly on the Nedzi-Whalen amendment. My reason for speaking is the deep concern I have for making a lasting peace in the world.

I believe there is something we had better realize, that has not been brought out, concerning what we are really voting on today, when we vote on the Nedzi-Whalen amendment, we are voting on the chances of having peace in the years ahead. We are not just voting on an amendment to take us out of Vietnam, even though the proposer of the amendment said that is not what it is going to do, anyway.

We are voting on a question that will let the rest of the world know whether the President of the United States is still in charge of foreign policy and whether the power and authority he has had given to him by the Constitution to act in these areas is really being taken away and overthrown.

I think there are a number of countries who are very interested in how the vote is going to go today. I would like to direct your attention, for a moment, to the Mideast, where I believe the Russian force—and the Russians are certainly the power in control there—and the Arab nations are waiting to see what is going to happen in the House of Representatives today. I think if we vote in favor of this amendment and, in effect, refute the President and his ability to handle foreign policy, the Russians and the Arabs could very well read this step as a go-ahead sign to launch an attack on Israel. They may be very seriously misreading the temper of our country and what this Congress is thinking. It would be a tragedy to see a move come about in the Mideast based on our action today, because if such a move were to take place, I think we would find ourselves embroiled in a situation that would be far more serious than anything we are facing in Vietnam.

The President has given us a program from the day he came into office as to what he was going to do in this war. I believe that he has fulfilled, and is fulfilling, his commitment. We are getting out of Vietnam. We are ending our involvement there. I think for us to take this action at this time would be a blow at our country, a blow at the future peace of the world, and at our many young men and women who will be the ones who will have to pay the price of this vote by serving in future wars. I would like to suggest that we do not make the mistake of voting for this amendment.

Mr. PUCINSKI. Will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I appreciate the gentleman's remarks, but I am troubled in another direction, because based on the statement made yesterday by the coauthor of this amendment, Mr. WHALEN, this amendment really does not do anything. I am trying to figure out who are we kidding. In discussing his amendment, the gentleman said on page 19962 in this morning's CONGRESSIONAL RECORD:

> First, it will not require that troops be withdrawn from South Vietnam after December 31 of this year.
>
> Second, the Nedzi-Whalen amendment will not cut off the pay from any American troops remaining in South Vietnam after the effective date of December 31.
>
> Also, it will not deny American troops the use of equipment and weapons systems that are already in South Vietnam. Nor, will it deny the use of weapons systems authorized in previous procurement programs. Nor does it deny to the administration the right to provide military assistance to our three allies in Indochina.
>
> Nor, as I examine my and Mr. Nedzi's amendment would it prohibit the use of the equipment authorized by this bill by South Vietnamese, or Laotian, or Cambodian troops.

So, really, if you read this amendment very carefully, it does not do anything at all.

Mr. PEYSER. May I speak to that point for a minute?

I did read the statement by Mr. WHALEN, and it is obvious that the American public has been grossly misled by the Nedzi-Whalen amendment. I think the real point and the only point of this amendment is that it provides a way to refute the President of the United States in the handling of his foreign policy. It is a way for the Congress to say that we do not believe that the President of the United States is capable of doing his job.

I believe he is. I believe if we let the countries of the world think that our President no longer has this right, we will be placing our country in grave danger and we will lose the fight for peace.

Mr. CONABLE. Mr. Chairman, will the gentleman yield to me?

Mr. PEYSER. I yield to the gentleman from New York.

Mr. CONABLE. I think the gentleman is pointing out the central issue in today's vote, that is, the issue of the credibility of our leadership. The Nedzi-Whalen amendment is ambiguous, but if passed it is bound to be interpreted throughout the world as a repudiation of the only man who can speak for this country in the field of foreign policy. It is terribly important that this country have a credible voice in foreign policy not just in Southeast Asia but around the world. I think the gentleman in the well has put his finger on the central issue, and I compliment him on his remarks.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, yesterday the chairman reminded us that it takes a long leadtime to develop a major weapons system. These words were well spoken, for any new airplane, missile, ship, or electronic system takes time to create.

Why then does the chairman of the committee delete the $13.2 million for the Cheyenne helicopter? Why does the chairman take this action when he knows that it will create a delay toward production, not to mention the loss of the technical team and money to do so?

So far to date, $283 million has been spent to develop this superior weapon. It has proven itself and the Army wants it in its inventory. In Vietnam the Army developed and succeeded with a new air mobile concept that has proven itself. An advanced helicopter gunship is the keystone of this concept. Without it, the Army will have to turn the clock back on the toughest job in warfare—maneuver of men and firepower.

The Army seeks a vehicle that has staying power and can carry a variety of and great amounts of weapons—the Cheyenne has demonstrated that it can fulfill that mission.

I fully recognize that the chairman of the Armed Services Committee wants to see the study being prepared by the Department of Defense. I commend the committee for its diligence in seeing that we have the best. But I must remind the committee that the $13.2 million is only to be used if and when the Department of Defense decides it wants to go into production. If it makes that positive decision on October 1, and the funds are not available, then it must delay 6 months or until the funds can be put into the fiscal year 1973 budget. Again, these funds will not be used unless the committee and the Department of Defense decide to go into production. The important point is if the decision is made it is imperative that funds be available to get ready for production.

There have been many problems with the Cheyenne helicopter. I do not fully understand all its intertwining involvement. These problems have basically been resolved, and now it is up to Congress to fulfill the commitment it made back in 1966.

Therefore, I was pleased to read that the committee will be prepared to consider a reprograming request from the Army to permit the commencement of Cheyenne production, when such a decision is approved.

It would further be important that after the reprograming action, funds would be available to get ready for production.

For, Mr. Chairman, it was you who cautioned us yesterday about undermining the efforts of the Department of Defense. It was you who said, it takes a long leadtime to develop a major weapons system.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield for a reply?

Mr. GOLDWATER. Yes; I yield to the chairman of the committee.

Mr. HÉBERT. First, the gentleman has answered his own question in connection with his statement referring to the Cheyenne helicopter. The gentleman obviously read the report, on page 32 thereof, in connection with the Cheyenne program.

There is no way in the world that the leadtime is cut off from the production of the Cheyenne by the action of the committee or the action which the Congress will take. The whole issue at hand is the fact that we have three types of aircraft now engaged in the close air support area in which the Marines are asking for the Harrier, the Air Force is asking for the A–X and the Army is asking for the Cheyenne helicopter. These represent three aircraft for close air support. A board has been set up which will make a decision as to which one or combination of these planes are needed or wanted.

All the committee has done is to ask them to make a study in order to determine what they want and then we will consider what they come up with.

As to where to get the money if the decision is made, the $13.2 million, that is exactly what the committee is attempting to do in its every effort, to make the Department come up with answers and not dillydally around and take an interminable amount of time.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ARENDS. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. HÉBERT. And not sit around here and let the Congress bail them out with a sort of ghostlike approach where there is no real feeling or physical body to it. That is all we have done with the Cheyenne. So far as the $13.2 million, if and when it is required, and the Department finally comes up with the decision, then the money can be obtained through reprograming very easily; $13.2 million does not represent any serious problem.

Mr. GOLDWATER. That is my concern so that when these questions are resolved that that money be available so that we do not lose the leadtime or our technical ability.

Mr. HÉBERT. I can assure the gentleman from California that $13.2 million is merely the flick of a finger when there is genuine need for such an item in the service, because they can find it very fast. That is why we look so closely at these programs. But again I can assure the gentleman from California that this will not hurt the Cheyenne one bit.

Mr. GOLDWATER. I thank the gentleman.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, yesterday

our chairman made a fine speech in support of the bill which we are considering, and this was not only because he is a fine speaker and because it was a beautifully worded speech, it was because in keeping with the atmosphere which has pervaded our committee since he acceded to the chairmanship it was a speech in which he questioned the judgments of those who disagreed with him, but did not question their motives. For this we can all be grateful, and I personally cannot express too often the conviction shared, I believe, by all of the members of the committee, that the chairman of our committee has been a good one, a fair one, an honest one, and an honorable one.

Our chairman concluded his speech yesterday with a quotation which I expect is the favorite of many of us, that of Edmund Burke on the necessity of a legislator to use his own judgment and not merely to sacrifice that judgment to the feeling, mood, whim, or opinion of his constituents if he believes them to be wrong. The key word in Edmund Burke's speech, the key word in our chairman's speech, the key word in the debate before us, is judgment. As one whose judgment on this bill differs from his, I can only express pleasure in the fact that after a decade of hearing military procurement bills presented as matters of black and white, of loyalty or disloyalty, of patriotism or cowardice, we are finally performing our role as legislators when we recognize that they are merely matters of judgment.

It is my judgment that we are dealing here with the rhetoric of national strength but the reality of national weakness. We are not strong, because we dig mighty holes in the ground in which we place missiles and antimissile missiles. We are weak because we are a nation in which the people have lost faith in the individuality of its leaders.

We are not strong because we give to the Air Force three prototypes of a new bomber for a nuclear war; we are weak because people resist serving in our military.

We are not strong if we continue to support huge concentrations of troops and bases all over the world; we are weak because our dollar, along with our Government, has lost its credibility.

And finally, we are not strong, because with a war winding down we increase our defense budget; we are weak, because once again we are breaking a promise to the American people—the promise that with the ending of that war there would be new hope for Americans. There would be more money for decent housing, more money for decent schools, more money for decent food, more money for decent clothing, more money for clean air, for clean water, for mass transit, more money to save rotting cities, and more money to save rotting lives. That is the promise which we made to the American people, and that is the promise which we are breaking with our military budgets. That promise, in my judgment, is one which the American people want kept, and because we are not keeping it I voted against this bill in the committee, and will vote against it on the floor.

I simply do not believe that the weaknesses which most endanger America can be cured by spending increasing amounts for our military. The chairman has asked you to use your judgment, and I join in that plea. Yet there is another reason that I must oppose this bill. The great evil which besets America is not something called the military industrial complex. The generals and admirals who appear before our committee are generally and admirably honorable men. The civilian secretaries who appear before our committee are motivated well and advocate what in their judgment is best for America. But what the chairman has asked, and what I ask, is that you use not their judgment, but your judgment, in voting on this bill.

In the exercise of judgment, always, you must start with the facts, and where do you go for the facts? You go to the hearings, and they are indeed, as the chairman said, thousands of pages long, and there is indeed much within them. If you want to learn about the F–14, for example, you go to page 4239 and you can read this:

> Mr. Pike. I am talking about at Mig–23's maximum altitude (deleted).
>
> Dr. Frosch. (Deleted).
>
> Mr. Price. Mr. Hall?
>
> Mr. Hall. My question follows right after that: Do the requirements set out also encompass combat capability (deleted).
>
> Dr. Frosch. (Deleted). This is a name I am not familiar with.
>
> Mr. Leggett. That is the (deleted).
>
> Admiral Ruckner. (Deleted).
>
> Dr. Frosch. I had not heard it called that.

Do you want to make a judgment about the capability of our surface vessels against the Soviet Styx missile? You turn to page 4286, and you read this:

> Dr. Frosch. On the ships that are equipped with Tartar or Terrier, the Tartar or Terrier systems, and the Standard missile, they have a capability of firing those missiles against an incoming missile. And they have something like a (deleted) probability of kill per missile fired against (deleted). They can do this (deleted). This will mean either they know a potential firing ship is within (deleted). They have that capability. We have some (deleted).

And now you can make a judgment on the capability of our ships.

You want to make a judgment on whether a Mark 48 torpedo is worth what we are paying for it? You go to the hearings and on page 4318 Admiral Halvorsen will tell you whether it's worth it or not:

> Admiral Halvorsen. Total program unit cost, as in the December SAR (deleted) unit cost, total program. That is all the R.D.T. & E. all procurement, all the supporting operations, everything, the whole works, through the achievement of inventory in (deleted).

And now you are supposed to make a judgment on whether the Mark 48 torpedo is worth it or not.

The great evil is not the military-industrial complex. The great evil is secrecy. You are asked to make judgments on things that the good men in the Pentagon will not tell you anything about. You are asked to make judgments on issues that the good men in the Pentagon believe the American people are not entitled to know about. This is the evil. Of course, we cannot tell our enemies about the performance of our torpedo and our planes, but we are more likely to tell our enemies about the performance of our torpedoes and planes than we are to tell our taxpayers about their cost.

The judgments which we make here are no different from the judgments we make in our homes, just infinitely bigger. Each of us has resources, but none of us has unlimited resources. Each of us has a wife and children to feed and automobiles to buy and repair and roofs that leak and children that need educating and houses that need paint and vacations we want to take. And all of these things are good things and have value and we cannot ever do all of them at once because our resources are not great enough. So we have priorities, and we feed ourselves and clothe ourselves and fix the leaky roof and pay the college and put off the new car and put off the vacation.

America has great resources, but it does not have unlimited resources, and we are called upon to exercise our judgment as to how its limited resources should be used. It is my judgment that we will strengthen America more by putting $357 million more into education or cancer research or housing or protecting our environment than we will by buying more C–5A's; that America will be stronger if we spend $370 million for our mass transportation and for our highways and for our hungry than if we start building a new strategic bomber which will be obsolete before it is built.

It is my judgment that America will be greater if instead of increasing by $975 million the amount we are going to spend for research and development for our military, above what we spent last year, that we keep faith with the American people and do that which was promised to them, cut our defense spending so that some of the pressing needs of our Nation and our people right here at home may be met.

Mr. REID of New York. Mr. Chairman, will the gentleman yield for one question?

Mr. PIKE. I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, would it be possible in the gentleman's judgment to have the House in executive session, similar to the other body, so that he could read that document without all the deletions?

Mr. PIKE. I think it would be possible to do it, but in order to encompass this bill, you would have to do it for a month and I think that as a practical matter it could not be done.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. What the gentleman is really telling the House is that while doctors "bury" their mistakes, generals mark their mistakes: "top secret."

Mr. PIKE. Absolutely. The military does not intend to classify them, but often they are classified not because of national defense but because of political embarrassment.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, much of what I am going to say has been said already in the course of the hearings that have taken place on this bill. Let me at the outset join with the gentleman from New York (Mr. PIKE) in certainly agreeing that there has been absolute fairness in the approach to the hearings, as far as that goes.

I would like to comment, if I may, on the irony of this particular bill being, I believe, an example of the malfunctioning of the Congress. Yes, we had hearings. Yes, they filled 2,460 pages. Yes, there were witnesses who testified. Yes, we were allowed time to cross-examine witnesses and to ask them questions. Everything on the surface would indicate that we were dealing with the substance of the issues. However, I do not think anyone other than a graduate student would like to ask the question of himself whether or not he has actually read the hearings carefully, or whether, as Mr. PIKE has indicated, he has derived anything of substance from them when he was finished.

The irony of all this is not that any one of us wants to see a diminished defense posture. None of us wants to see us weakened or wants us not to respond to a genuine threat.

The irony of it is that the very people who are most concerned about our military position, who are most concerned about the threat, who are most concerned about having this country strong are, by their penchant for secrecy, or by making this a closed-circuit posture, or by dismissing the few symbolic dissenters as kooks or people to be cavalierly brushed aside, contributing to the frustrations, to the difficulties, and to the so-called antimilitary attitudes about who they complain.

When I asked a general in the Air Force what a classified section of the bill dealing with approximately two-thirds of a billion dollars was for, I discovered that, as a member of this committee in executive session, I could not get an answer. I have found time after time that within the framework of this legislative process there is information that even members of the committee do not have.

I do not think the majority purposes of the committee are well served in this approach. My point is not that we are going to change votes here or transform attitudes that have characterized the Congress in considering defense problems. But I point out that the seeds of what we have gone through in Southeast Asia are in this bill once more. If we want to play at symbols or continue charades in the form of hearings, reports, documents, and testimony, then we can go ahead and, in effect, endorse this kind of approach.

My feeling is, frankly, if Members are interested in seeing an adequate defense posture, as the gentleman from New York (Mr. PIKE) said, or if they want to get at the question of adequacy or sufficiency, we have to do something about opening the process up to debate that has meaning, that pays something more than lip service to the complex issues involved. I do not believe we have done that, or approached it.

My concern is that all we are going to do is to breed further contempt, further hostility, further suspicion, and contribute to the kind of acrimony that leads generals to shake their heads, wondering why there is an antimilitary feeling in the country.

I believe we have enough strength, enough resources, enough pride, enough reason to defend ourselves without locking doors or pulling the shades down every time somebody mentions "security."

There is little evidence that this sort of attitude has at last begun to seep into the House Armed Services Committee.

My complaint is not with respect to being dealt with fairly. I am sure the senior members of the committee can sum that up better than I can. My feeling is that the irony of the experience is that we have no broader acceptance on the part of the public of the need for security than before we started.

Why? Because we lock the doors and put a guard outside, and we classify material one could read in the daily press with regularity. We are remiss as a body if the example we have seen in the New York Times this week is not sufficient to make us pause and to begin to make us wonder whether we are on a track that only leads to further divisiveness, and whether or not these proceedings have not contributed to this, and whether or not they will in the future also, if we continue in the same fashion.

My point is not that there is going to be a dramatic reversal in the House, at least in the immediate future, but only to really ask the people here whether they feel going through this charade is serving the country, serving our defense needs, and serving our security needs as well.

I should like adequate defense. I am sure the chairman would like adequate defense. I am sure also that we would like the American people to support our efforts in this direction. I do not believe that the hearings to date and the conduct on this bill contribute to these goals.

Mr. ARENDS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I have been a member of the Armed Services Committee for 14 years. The gentleman who just left the well of the House will shortly have been a member of that committee for 6 months. I thoroughly understand his frustrations, and I am willing to accept those frustrations at face value.

I also know that the gentleman's words are going to be circulated all over this country in support of the current popular theme that anything military is all bad and Congress is a collection of dupes of the military-industrial complex. The gentleman's words will be used in that context. So I feel compelled to rise in opposition not to the gentleman's views and thoughts but to the interpretation I know will be given to those views and thoughts across this country.

Yes, it is true that people do distrust the military. It is true that overclassifying and perhaps too much secrecy is partially responsible for such distrust. But let us not forget the fact that all across this Nation there is a dedicated conspiracy to downgrade the military and to downgrade the established institutions of this country. There are those who thrive on sincerely expressed words which draw sweeping conclusions from isolated instances of overclassification.

In the 14 years I have been a member of this committee we have been given a great deal of sensitive, highly classified material. I personally have received some of it. Up until a very few years ago there had never once been a leak of classified information from the House Armed Services Committee. Then along came a couple of occasions where that was not the case.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GUBSER. The fact remains that the security of this country does require a classification system. I know that it can be abused and it is probably being abused, but you cannot eliminate the principle or the system of classification entirely and still run a military establishment. This cannot be done.

I fear that because of leaks that have occurred in past years perhaps we are not currently receiving information that we would like to have. Under such circumstances we must face reality and accept the fact that the security of this Nation requires that certain things be kept secret and not be published on the front page of the New York Times.

I hope when the American public reads the gentleman's remarks they will recognize that his frustrations, legitimate and well intended though they may be, do not necessarily tell the entire story.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

It is always amusing to read a transcript where there has been heavy censorship, and this has been done before of course. However, is it not the case that any Member of this House or of the Committee of the Whole House on the State of the Union who is interested in any of these matters would have an opportunity to read the classified record, without deletions which is in the files of our committee?

Mr. GUBSER. I am not in a position to give the gentleman an answer. I think the answer would be "Yes."

Mr. STRATTON. That is my understanding. I am sure it would apply to the cases that have been mentioned. So if any Member is concerned enough about this matter to get the details, that information would be available to him. But, as the gentleman from California points out, when it is printed in full in the public hearings, then it can also go to the enemy as well.

Mr. GUBSER. That is right.

I simply conclude with this statement: If we want to upgrade the level of classification available to the Committee on Armed Services and to the Congress of the United States, then let us prove we are responsible individuals and keep it classified the way it was intended to be.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I make these remarks for the purpose of getting them in the Record for the benefit of the many Members who have asked this very question that I will attempt to answer now by this insertion.

It is true that this year's bill is larger than the similar authorization approved by the committee last year. It is also true that a loaf of bread costs more this year than it did last year. This effect of inflation shows up in the Defense budget as it does in anybody's household budget and is one of the reasons why the bill has to be higher than the 1971 authorization.

The total amount in the committee's bill, H.R. 8687, after accounting for the committee-supported amendment to delete funds for the F–14, will be $21,069,112,000. This compares with an authorization last year of $19,595,089,000.

Thus this year's authorization is $1,474,023,000 above last year's bill.

The reasons for the increase are very simple. One reason, as I indicated, is inflation. Since inflation affects different parts of the Defense budget to different degrees, it is difficult to give a precise estimate of the inflationary impact. The gentleman from New Hampshire (Mr. Stafford) in preparing his amendment on research and development, estimated a level of 5 percent for inflation. If we apply a 5-percent factor across the board to last year's authorization, it would chew up almost a billion dollars—$977,754,450. If a 5-percent inflation is assumed across the board, the actual dollar increase remaining over last year's authorization is only $496,268,550.

In addition to inflation, there are four reasons why this bill is higher than last year's.

First. We have increased the shipbuilding account by $617 million. While a lot of that is chewed up by inflation, a study of the Soviet naval threat, as outlined in the committee's report, leaves no doubt in anybody's mind that we have to increase the rate of modernization in our Navy.

Second. We have increased research and development expenditures by $860 million over last year. These two areas, ship construction and R.D.T. & E., are the two areas where major, general increases were requested by the administration and approved by the committee. The trend in research and development spending has been downward, while the momentum of Soviet research and development has been dramatically upward. And it was made very clear to our committee that we have to reverse the trend or the Soviets could gain technological superiority over us by the end of the 1970's. No other aspect of this bill is more important than this need to improve the funding of our research and development to keep up our technological capability in the world. Again, assuming a 5-percent inflation, $355 million of that research and development increase would be absorbed by inflation.

Third. Improvement in our strategic capability, including $250 million for additional modernization of our land-based strategic missiles and $100 million to improve the penetration capability of our strategic bombers.

Fourth. For the first time this year the committee has to authorize the appropriations for the procurement of torpedoes for the Navy. The authorization is $193,500,000.

In summary, the relatively small actual increase in this year's bill over last year's authorization is easily understood and was dictated solely by clear military requirements and by the effect of inflation.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Chairman, I want to thank the distinguished chairman of the Committee on Armed Services for yielding to me at this time.

Mr. Chairman, I have listened to most of the debate on this bill. I take this opportunity to rise in support of the bill.

Yesterday afternoon I am glad that I sat in and listened to a part of the discussion, because one of the cosponsors or authors of the so-called Nedzi-Whalen amendment got up and said exactly what the amendment would not do and is contrary to the extent of 180 degrees to what mail I have been receiving. I have people write and say, "Vote for the end to the war amendment."

The author, or one of the authors of the amendment, Mr. Whalen got up yesterday and said it would not do any such thing, that it would not remove the troops from Vietnam and that it would not stop anything except to inform the administration about the desires and wishes and the hopes of the American people.

Mr. Chairman, so much for that. I rise in support of this bill, because I am fully convinced that it is necessary for the minimal adequacy of our defense at this time.

Somehow the myth has been extended that we are so superior militarily that the United States is not vulnerable at all. The real truth of the matter is that the United States never has been as vulnerable as it is now. For the first time in the 20th century, and since the last century, a squadron of Soviet modern naval ships with gas turbine engines, none of which our fleet has, cruise at will and have on occasion since 1969 in the Gulf of Mexico and in the Caribbean.

Even as we are meeting here today it is entirely possible at this time for a submarine to even rise to the surface off the coast, because it is there with a so-called multiple reentry vehicle with at least a 1- to 2-megaton delivery system that could send three of these rockets into various sections of this country, including this very Chamber right now, and do it with mathematical accuracy.

Mr. Chairman, I do not think this is something we should completely ignore or summarily say that this is one of those propaganda gimmicks that once a year is brought forward in order to justify expenditures for our defense.

Mr. Chairman, I was one of those who took the lead in striving for accountability in the expenditure of defense funds.

I have not seen any of the critics really in favor of examining such things as the Renegotiaton Board.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HÉBERT. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, that is not the issue here. The issue here, I think, is one of providing a minimal defense, not the so-called surfeiting of defense, nor the so-called gluttony of defense, because that is nonexistent. I am convinced this time that we are wholly vulnerable—in what manner, shape, and form specifically only time and circumstances can tell us. But the handwriting is on the wall.

Our civil defense is in a shambles. There is no such animal—and I have spoken out on that before.

I think and I hope that the provisions of this bill will at least give us some minimal defense capability so that at least we will be able to get some gas turbine equipped ships in the fleet of our Nation, because during the time that the Russians were cruising during these last three occasions in the Gulf of Mexico and the Caribbean, there was not one American ship we could have deployed. All our ships were elsewhere throughout the world. So this notion that we have a surfeit of defense must be corrected.

Again I thank the Chairman, the gentleman from Louisiana (Mr. Hébert), for yielding me this time.

Mr. ARENDS. Mr. Chairman, I have no further requests for time.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Waldie).

Mr. WALDIE. Mr. Chairman, while recently in Indochina, I visited Laos and several questions occurred to me, and I would like to address those questions to the chairman of the committee. And may I say to the chairman that I appreciate his courtesy in giving me, a nonmember of the committee, an opportunity to speak on this matter.

Mr. Chairman, I would ask the gentleman from Louisiana if the gentleman can tell me if there are funds in this bill for the Central Intelligence Agency?

Mr. HÉBERT. There are funds in the bill for intelligence work of all our agencies, I will tell the gentleman.

Mr. WALDIE. Would that include the Central Intelligence Agency?

Mr. HÉBERT. It does.

Mr. WALDIE. Can the gentleman tell

me in what portion of the bill those funds are contained?

Mr. HÉBERT. No, I cannot tell the gentleman that.

Mr. WALDIE. Is it available so that a Member of this House of Representatives can go to the committee and examine the classified documents involving the amount of money available for the Central Intelligence Agency in this bill?

Mr. HÉBERT. No, sir, it is not. The chairman takes the full responsibility of not discussing the matter further.

Mr. WALDIE. So whatever those sums are and to whatever purpose they will be put, that is only known to the chairman of the committee?

Mr. HÉBERT. It is known to the chairman and the ranking minority member of the committee. This is a policy which has prevailed throughout the years in all administrations.

Mr. WALDIE. Yes. Mr. Chairman, I think I understand the policy that no other member of the committee knows that information.

Mr. HÉBERT. That is correct.

Mr. WALDIE. May I ask this question? In title IV there is a prohibition against using any of the moneys appropriated in this bill for the payment of free world forces serving in Laos. Are there any funds being appropriated by this bill for the payment of any forces in Laos?

Mr. HÉBERT. No, there is not any provision for the payment of those forces. The only moneys that are involved in this bill are those providing for the intelligence agencies of this country.

May I make a further correction. I do not want to mislead anybody by saying that the chairman and the ranking minority member know about these funds and only them, because the entire committee is briefed by the CIA on its functions. So I do not want to have that misconception carried away that the members of the committee do not know of the activities of the CIA and of the other intelligence agencies, this we do know. This year, for the first time in the history of the committee, at the chairman's request, the CIA was invited to appear before the entire committee. Its director, Mr. Helms, appeared and subjected himself to all kinds of questions and all the questions were answered by the director, Mr. Helms.

Mr. WALDIE. May I ask the chairman one final question?

What is the purpose of the CIA activity in Laos?

Mr. HÉBERT. The activity of the CIA in all sections of the world, in Laos, the Middle East and everywhere is the gathering of intelligence for the protection and security of the United States.

Mr. WALDIE. I thank the gentleman.

Mr. ARENDS. Mr. Chairman, I yield to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, we will soon be called upon to vote on the Nedzi-Whalen amendment, or some House version of the McGovern-Hatfield amendment. Since I fear there may have been a considerable amount of high-pressure, slick, oversimplification of this problem, I believe the following editorial in the Washington Post is illuminating:

CONGRESS VOTES ON THE WAR

> The McGovern-Hatfield and Nedzi-Whalen amendments, which are to be voted on today in the Senate and House respectively, would not "end the war" or automatically retrieve the American POW's or guarantee the safe exit of American forces or, least of all, assure a Vietnamese reconciliation. Any such claim promises more than either amendment can deliver and invites further frustration and disillusionment. Not only does fulfilment of claims like these lie to a great extent in other than American hands. But the American system of Government gives the President broad authority to conduct a war. It is idle to pretend while the fighting goes on that Congress can remove that authority; in fact, McGovern-Hatfield explicitly concedes the point.
>
> So it is misleading the public to talk of these proposed congressional restraints in terms of a "date certain" for our withdrawal, however comforting and convenient that piece of shorthand may be to supporters of both measures; Vietnam has given us enough deceptive shorthand, and also enough easy—and offensive—sales pitches—. . .

My colleagues, as you are well aware, I voted in favor of fixing December 31, 1971, as the date for withdrawal of all U.S. troops from Southeast Asia. I have voted three times this year to end the draft on June 30, 1971, in the belief that if wars in Southeast Asia can be fought with volunteers, they will prove they have the popular support of the American people. If they cannot, and I would assume this one cannot be fought with volunteers since 80 percent of combat troops are draftees, then the President could come to Congress and ask us for troops and prove his justification for the request. Then we could restore to Congress a meaningful voice in foreign policy.

However, since a majority of this Congress sees fit to draft our young men and ship them halfway around the world to fight 10,000 miles from home, I find it difficult to vote against funds to provide them with supplies, equipment, arms and ammunition they need to defend themselves and our country's position, even though we might not have selected their mission in Southeast Asia. As one who served in the combat infantry in World War II, I would consider it irresponsible to send a draftee into a combat zone without providing him with all the support those fortunate enough to stay at home can provide.

Therefore Mr. Chairman, I must oppose the Nedzi-Whalen amendment.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. NEDZI. Did the Washington Post editorial recommend voting for or against?

Mr. HUNGATE. The Washington Post wrote these very skillful lines, I thought, with which I agree and found that in essence my construction would be meaningless and then it came out for it.

I think it is very much like the story you have all heard of a man coming in the House and speaking about 10 minutes, and another Member said I heard you speak and I cannot tell where you stand. Can you tell me whether you are for or against it? The guy speaking said—

> I watched the gentleman when he came in this House and raised his hand and took the oath to become a Member and I said, "There is a man, and no matter how long he is here, he will never know what's going on."

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. GUBSER. Would you not summarize the Washington Post editorial this way—that they gave all the reasons for voting against Nedzi-Whalen in order to justify their point that you ought to vote for it?

Mr. HUNGATE. The gentleman's point seems accurate to me.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. WHALEN. I would just like to read for the RECORD the editorial's conclusion.

> The amendments as written are by and large thoughtful and responsible, though limited. A wise Congress would enact them, and a wise President would welcome them as reinforcement of his own policy and his own concern for the Nation.

Mr. HUNGATE. I appreciate the gentleman's contribution, but I would say as to the expression "a wise Congress," I presume its wisdom will be revealed in the future hours today.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. ARENDS. When you must make a decision on what the Washington Post article sets forth as to whether this is a wise Congress or not—that is a far stretch of imagination.

Mr. HÉBERT. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. ABZUG).

The CHAIRMAN. The gentlewoman from New York is recognized.

Mrs. ABZUG. Mr. Chairman, we have all been very concerned about the shocking revelation in the last few days, that there have been secret military and political decisions by our Government without the consent or knowledge of this great body. These decisions were all the more shocking because they indicate that Government policy on Vietnam was constructed and conducted by lies and deceptions. There was a discussion that took place earlier in the debate between two members of your committee, Mr. Chairman, in which they suggested that classified material concerning the needs of our defense was available for inspection to the Members of this House.

Subsequent to this an inquiry was made of you, Mr. Chairman, by the gentleman from California (Mr. WALDIE) with respect to information available concerning the CIA, and you indicated that it was not available for inspection by Members of either the Armed Services Committee or the House.

My question to you, sir, is this: Is classified material concerning the needs of our defense and the matters about which we are to act today and the next few days in the bill before us available for inspection to the members of the Congress? We need to know this because all the Members of this House are going to be subject to a great deal of questioning by our constituents, and we should be; as to whether or not we are informed on and involved in the decisions which we make. The public has a right to be skeptical and to demand that those who represent them are privy to knowledge before we commit their hard-earned tax dollars to military hardware instead of to programs for health, education, transportation, child care, housing, and employment so desperately needed in our country.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. HÉBERT. Mr. Chairman, I yield 2 additional minutes to the gentlewoman from New York.

The CHAIRMAN. The gentlewoman from New York is recognized for 2 additional minutes.

Mrs. ABZUG. I would like an answer to that question.

Mr. HÉBERT. That is the reason I am yielding additional time to the gentlewoman.

Mrs. ABZUG. Thank you, sir.

Mr. HÉBERT. I will tell the gentlewoman this, and try to make it very explicit: All the hearings before the House Armed Services Committee in executive session are available to any Member of this House who has the inclination, the desire, or the intent of reading them. But they must read this information within the confines of the committee room, and they can read everything that has been said in that committee room. They cannot copy it. They cannot take it out. They are bound by their consciences and the executive position of the committee in having executive hearings under the rules of the committee and of the House.

But there is nothing, absolutely nothing, that is taken away from the individual Members of this House, and any Member who desires to read the unexpurgated transcripts of the hearings is welcome to come to the House Armed Services room at any time. They can remain in the room. During that time they can look at the copy. They can read the copy. We will give you coffee, and if you are from New Orleans, we will put a little bourbon in it to make you more comfortable. You can stay around as long as you want. There are no secrets in the House Armed Services Committee.

Mrs. ABZUG. Does that include classified material presented to the committee?

Mr. HÉBERT. That includes every statement that is made by witnesses, classified or not, in the record.

Mrs. ABZUG. I am a little confused by a previous statement made by you, Mr. Chairman, in which you indicated that the material concerning the CIA was not available for inspection.

Mr. HÉBERT. It is not in the record.

Mrs. ABZUG. I see. You have answered my question, Mr. Chairman.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. HÉBERT. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. STRATTON).

Mr. GUBSER. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

The CHAIRMAN. The gentleman from New York is recognized for 2 minutes.

Mr. STRATTON. Mr. Chairman, the bill reported by the Committee on Armed Services recommends authorizations for appropriations for fiscal year 1972 for torpedoes and related support equipment in the amount of $193,500,000. Most of this authorization is required for the procurement of the MK–48 torpedo.

At this point I should emphasize that this bill for fiscal year 1972 represents the first time that authorization for torpedoes was acted upon by the Committee on Armed Services and required under the statute. The inclusion of naval torpedoes as a weapons system requiring annual authorization was the result of last year's action by the conferees of the House and Senate who agreed that this weapons system required a continuing review by the respective Committees on Armed Services.

I am now happy to report that after receiving departmental testimony on behalf of the MK–48 torpedo program and supporting documents, the Committee on Armed Services approved the departmental procurement request for fiscal year 1972.

The MK–48 torpedo is the most advanced and most effective antisubmarine torpedo scheduled for use by the U.S. Navy and is vastly superior to any conventional ASW weapon now available to our submarine force.

The MK–48 torpedo is, in fact, a sophisticated missile which operates in an undersea environment rather than in an airborne mode.

In order to accomplish this capability this torpedo contained the most complex electronic components which are to be found in an advanced missile, airborne or otherwise.

Stated very succinctly, the impressive characteristics and capabilities of the MK–48 torpedo will provide the U.S. Navy with an absolutely indispensable weapon to be used to combat the increasing Soviet submarine threat.

Much has been said in the news media concerning this program. Unfortunately, much of this information has left the impression that the program was technically infeasible and constituted a horrendous waste of public moneys.

Such an inference is simply not true.

At the outset, let me point out that although there have been, in fact, many monumental technical problems encountered in this program because of the unique requirements of this weapons system, they have nonetheless been overcome and resolved during the past year. The intensive testing provided the two models of this torpedo has established conclusively that the Navy will be provided with a new and unique weapons system that will accomplish its mission of destroying both enemy submarines as well as surface vessels.

The committee report contains a great deal of information on this weapons system. The report, together with the printed hearings, should certainly satisfy the most severe critic of this program. Nonetheless, let me review very briefly the cost picture:

As of May 1, 1971, the Navy had obligated $524 million and had contractual commitments for an additional $110 million, of the total $672 million appropriated by the Congress for the development of this weapons system. The remaining $38 million is held in a deferred status pending selection of the model torpedo for final production and procurement.

Unfortunately, too many times both the public media and others have drawn the inference that the cost to date has exceeded $4 billion, when, in fact, the invested cost to date more nearly approximated the obligated and committed amount of $634 million.

Reference has been made to the high unit cost of individual MK–48 torpedoes. It is true that the individual unit cost of the MK–48 torpedo would exceed $500,000 if the total program costs including research and development moneys were included as the cost basis; however, the actual unit costs for future procurement of this torpedo are estimated to be more nearly $300,000 and will probably reduce considerably below that in the future.

I cannot discuss much of the detailed characteristics of this new weapons system, but let me assure my colleagues that it is indispensable to our arsenal and we must go forward with this program if we are to have a meaningful antisubmarine warfare capability. I, therefore, urge your approval of this program.

Mr. DENHOLM. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from South Dakota.

Mr. DENHOLM. Mr. Chairman, I thank the gentleman from Louisiana for yielding.

> "The Congress shall have Power to declare War to raise and support Armies"—Article I, section 8, U.S. Constitution.

The original Articles of Confederation, made prior to the adoption of the Constitution of the United States, conferred upon Congress the "sole and exclusive right and power of determining on peace and war." But the United States could not engage in war "unless nine States assent to same."

More definite and full language was written by our founding fathers and is used in the existing Constitution of the United States of America. All those powers are attributes of nationality and would exist without mention in the Constitution. But it was desirable to make definite the department of the Government in which they should reside.

In the Constitutional Convention some of our forefathers thought the President should have the power; others favored restoring such powers upon the Senate as representing the States in equal number from each represented State; but the prevailing opinion was that the grave acts of declaring and conducting war should be performed by the whole Congress.

In 1812 Congress passed an act in declaring war on Great Britain because of hostile acts done by that country.

In 1846 the Congress declared a state of war with Mexico by a resolution owing to hostile acts of that nation.

In 1898 Congress declared war on Spain.

In 1917 a resolution of war was passed by Congress as a result of the sinking by Germany of the *Lusitania* and other merchant ships with the loss of American lives, and of other violations of international law with respect to the United States.

In 1941, Japan attacked at Pearl Harbor. Congress immediately declared that a state of war existed between the United States and Japan, Germany, and Italy.

The United States emerged as the only great nation in the modern world that had never lost a war. This proud record again demonstrates the strength of free institutions. When the representatives of the people vote for a war, the people respond.

The important lesson to be learned here is that in the United States one man—or one coterie—cannot conduct or declare war.

The conduct and declaration of war can be done only by the two Houses of Congress whose Members are substantially all elected by the direct vote of the people. The argument and theory pursued by our forefathers was that action is not likely to be hurried or unjust when submitted for the due care and deliberation of such a body of representatives of the people duly assembled in a joint session of Congress.

The Supreme Court of the United States said in 1849 the following:

> The genius and character of our institutions are peaceful, and the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable government to vindicate by arms, if it should be necessary, its own rights and the rights of its citizens.

The question before the Supreme Court was then whether the city of Tampico, Mexico, while in the military possession of the United States in 1847, ceased to be a foreign country so that custom duties could not be laid on imports from it. The answer was "No."

While the United States may acquire territory, it can do so only through the treatymaking or the legislative powers—the victories of the President as Commander in Chief "do not enlarge the boundaries of this Union, nor extend the operation of our institutions and laws beyond the limits before assigned to them by the legislative power."

Congress shall have the power to raise and support armies which is an implied power from the expressed constitutional power "to declare war." But to leave no question as to what Department of the Government would do it, the power was expressly conferred upon Congress; for otherwise the President as Commander in Chief might assume to raise armies after Congress had made the declaration of war. The President cannot raise an army, nor can Congress maintain one by an appropriation for a longer term than 2 years.

Conclusions: There is no constitutional authority or precedent authorizing and justifying the President to declare war. The President as Commander in Chief may under the emergency powers of the President mobilize the Armed Forces in the interest of national security. The power to declare war is expressly reserved to the joint session of Congress. It is further restricted by the provision for appropriations not in excess of 2 years without another request to the Congress for further appropriations to finance war.

The more subtle and difficult issue is what may from time to time constitute an act in the national interest. There can be no doubt that when this Nation, its people or its possessions are attacked directly by a foreign aggressor our national interest is placed in jeopardy. Absent of a direct attack the citizens of this country have not historically condoned war. It is unmistakably clear that when the citizens have acted through their representatives in Congress this Nation has always prevailed whatever the adversities.

The second and equally frustrating issue of our time is premised upon the notion that national security is somewhat or somehow exposed and absent of any act by Congress, the President has continued to commit the country to military involvement. The underlying question of such an issue is to what magnitude must such military involvement be committed and for what duration absent of an act of war. Necessary appropriations to finance modern war are far in excess of any recorded in the history of all wars of this Nation.

In summary the United States entered Vietnam pursuant to a resolution passed by the Congress in 1964 with but two dissenting votes and granted unto President Lyndon B. Johnson the power to repel the Vietcong in the interest of national security. The Congress has continued to appropriate adequate funds to protect our military commitments and men in Vietnam. More recently President Nixon entered Cambodia without any act, counsel, or resolution of the Congress. However expedient in the sense of military science the act of aggression in the country of Cambodia is without precedent and of questionable merit as to national security. The continued military commitments in Indochina without congressional approval will continue to divide reasonable people on the priority of the issues of our times. It is my judgment that this Nation can ill afford to further pursue such policies without a full disclosure by the executive branch of Government to the Congress of how the security of this Nation is placed in jeopardy and an evaluation of our national interest in Vietnam. It is the duty of the Congress to respond and if war is to be declared it is for Congress to decide whom the act of war should be declared against and to lead and unite the citizens of this Nation in the common cause against the enemy. It is my belief that the Congress cannot and will not identify the enemy, the Nation, or the people for whom any declaration of war will issue in Southeast Asia under present existing circumstances. If there is not to be an act of declared war by the Congress the policy of military involvement in Indochina should and must be reviewed to determine a true evaluation of how our national interest is in jeopardy.

It appears that our military commitments and our military involvement has exceeded any reasonable degree of temporary defense of our national security in Indochina. If we seek but the balance of power in a by-polarism struggle of world politics between communism and the people of free governments then it is for Congress to decide to what extent we must be committed economically, monetarily, and politically to achieve the equilibrium of power among nations.

It is my conclusion that Congress cannot fail to act upon these grave questions confronting the citizens of our country. It is wrong for the President to pursue a course of no apparent purpose and particularly so without consultation of the Congress. It is wrong for the members of Congress to pursue individually the political experiences of public opinion at the expense of a divided citizenry. The present policies cannot and should not be continued and it is the duty of every elected representative of the people to do all that he can to bring these grave issues to a united decision through the consultive processes of our democratic Government by official action of the Congress in joint session.

I understand this constituted Republic is a land of laws—and not merely mortal men. In the interests of mortal men—I shall stand by precedent of the law of the Constitution of the United States of America and I shall vote against appropriations for military intervention and the deployment of arms in any foreign land until the issues of those commitments are honestly placed before the Congress for appropriate and timely determination as provided by the provision of law contained in the Constitution of the United States of America.

Mr. ARENDS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Mr. HÉBERT. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. ARENDS. Mr. Chairman, reserving the right to object, I do not like to object to a request by my good friend and my chairman, the gentleman from Louisiana. However, I will be constrained to object, because I believe the bill should be read by titles and open to amendment as each title is completed. Therefore, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $111,200,000; for the Navy and the Marine Corps, $3,319,300,000; for the Air Force, $3,102,000,000.

MISSILES

For missiles: for the Army, $1,101,100,000; for the Navy, $701,500,000; for the Marine Corps, $1,300,000; for the Air Force, $1,841,400,000.

NAVAL VESSELS

For naval vessels: for the Navy $3,328,900,000, of which $14,600,000 is authorized only for advance procurement for the nuclear powered guided-missile frigate DLGN 41. The contract(s) for advance procurement for the DLGN 41 shall be entered into as soon as practicable unless the President fully advises the Congress that its construction is not in the national interest.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $112,500,000; for the Marine Corps, $63,900,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy $193,500,000.

OTHER WEAPONS

For other weapons: for the Army, $33,000,000; for the Navy, $1,300,000; for the Marine Corps, $1,000,000.

AMENDMENT OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Chairman, I offer a committee amendment, that the Committee strike from the bill H.R. 8687, on page 2, line 5, the figures "$3,319,300,000" and substitute in lieu thereof the figures "$2,513,200,000."

The Clerk read as follows:

Amendment offered by Mr. HÉBERT: strike from the bill (H.R. 8687), on page 2, line 5, the figures "$3,319,300,000" and substitute in lieu thereof the figures "$2,513,200,000."

Mr. HÉBERT. Mr. Chairman, in view of the ultra importance of this amendment and my desire to have it thoroughly ventilated, I ask unanimous consent that I be allowed to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Chairman, reserving the right to object, I wonder if my distinguished chairman would make that request at the end of his first 5 minutes.

Mr. HÉBERT. I will be very happy to accommodate my good friend.

Mr. HALL. Mr. Chairman, I withdraw my reservation of objection.

Mr. HÉBERT. Mr. Chairman, as I had indicated in my opening statement during general debate on this bill, I am now offering an amendment to strike from H.R. 8687 all the fiscal year 1972 procurement funds for the F-14 aircraft.

I had previously advised the Deputy Secretary of Defense that unless the Committee on Armed Services received a report from the Department of Defense outlining the results of its latest review of the F-14 program together with its recommendations on the future of the program prior to House floor action, I would offer an amendment to strike, the procurement money from this bill for that aircraft.

That report has not been received.

I have, however, received a communication from the Secretary of Defense, dated June 10, 1971, which explains the situation. Therefore, I believe it important that I read the text of this letter in its entirety. The letter reads as follows:

DEAR MR. CHAIRMAN: This is to follow up and confirm my complete agreement with the views expressed by Deputy Secretary Packard in his recent meeting with you on the F-14 program.

As you know, the F-14 contract was prepared and the contractor was selected prior to the time I became Secretary of Defense. Because the F-14 contract was let early in 1969, it does not have some of the features we believe necessary for good management control, as does the F-15 contract which was awarded late in 1969.

In my initial appearance this year before the Committee to present the Defense Report, I pointed out that the crash of the first development aircraft had delayed the development program somewhat. I indicated at that time that we were reassessing the situation and might want to modify the program, but as of that time no modification program had been approved.

On May 27 the Defense Systems Acquisition Review Council (DSARC) met to address the entire F-14 program and contract. It became apparent, as indicated in the conversation you had with Deputy Secretary Packard and in your Committee's report, that immediate and positive action was required.

As a result of our DSARC review, Deputy Secretary Packard asked the Secretary of the Navy to conduct, on a priority basis, an extensive review of the F-14 program.

I want to emphasize, as you have in the Committee report, that there is an urgent requirement for a new Navy fighter. The actions we are taking are in no way related to the validity of this requirement.

I want to assure you that as soon as our review has been completed, we will provide a detailed explanation of our decisions on the program. I know that we share a mutual concern for the future of this essential program.

Sincerely,

MEL LAIRD.

The letter makes the following points that are particularly pertinent.

First. The entire F-14 program is now the subject of an intense high level review, on a priority basis, within the Department of the Navy and the Department of Defense.

Second. It is uncertain as to when this study will be completed and what impact this study and review will have on the F-14 procurement program for fiscal year 1972.

Third. The Navy has a very valid and urgent requirement for a new Navy aircraft of this type.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. HÉBERT was allowed to proceed for 5 additional minutes.)

Mr. HÉBERT. Mr. Chairman, what has not been said is that the F-14 appears to be an excellent aircraft that gives every indication of being a worthy successor to the F-4.

Thus, the F-14 program problem appears to be primarily one of cost. Mr. Laird does not say that—he says the contract lacks provisions which the Department considers "necessary for good management control."

I interpret that to mean a "cost problem."

In any event—because of these circumstances, the Committee on Armed Services believes it would not be proper to now recommend to the House approval of a procurement request for this aircraft until the cloud of departmental indecision on this program has been resolved.

I wish to make one further point—the motion I am making to strike the procurement authorization is not designed to prejudice the ultimate decision on this aircraft.

I, therefore, move that the House strike from the bill H.R. 8687, on page 2, line 5, the figure "$3,319,300,000" and substitute in lieu thereof the figure "$2,513,200,000."

This action deletes $806.1 million from the Navy aircraft procurement authorization for fiscal year 1972.

I wish to make one further point.

The amendment I am offering to strike the procurement authorization is not designed to jeopardize the ultimate decision on this aircraft. If circumstances in the future dictate the wisdom of going ahead with the procurement program, we will bring it back to the House for final resolution.

In this connection further, the question has been asked, since the matter came up and was discussed, with reference to the attitude undoubtedly of those Members of this body interested in the area where the airplane is being produced and manufactured by what I consider to be one of the finest aircraft producers in the country, the Grumman Co. It is of interest—and I accept the authenticity of this news story, since it is written by Jim Adams, an Associated Press reporter, and I think this is most important to those Members and its being very timely:

The Grumman Aircraft Corporation—trying to cut its losses on the Navy's F-14 swing-wing jet fighter—says it would be "very appropriate" for Congress to stop funding the plane until cost-overrun problems are settled.

The surprise company statement was issued Tuesday after House Armed Services Chairman F. Edward Hébert announced he will move to cut the $806 million F-14 money from a $21.9 billion weapons authorization bill today or Thursday.

Hébert told the House the money could be restored later this year if the Pentagon delivers a satisfactory resolution to the F-14's $2 billion cost-overrun problem.

"We are not surprised by Hébert's action," Grumman said in a brief statement. "We consider it very appropriate."

The company said it is pleased by congressional and Pentagon studies of F-14 cost problems and, "we have confidence in the wisdom of their reviews."

But Representative Otis G. Pike, D-N.Y., said cutoff of the production money will help clear the way for renegotiation of Grumman's contract to help cut its predicted future losses.

These are the words of the Grumman Co. itself commending the committee for making this move and saying it is a very appropriate action.

I do not think I and the members of the committee could summon a more highly qualified witness than the company itself.

Mr. PIKE. Mr. Chairman, will the gentleman yield to me at this point?

Mr. HÉBERT. Yes, I yield to the gentleman.

Mr. PIKE. Mr. Chairman, in keeping close watch on current military developments we are sometimes inundated—rather confused—with information concerning one of the Navy's major programs, the F-14 air superiority fighter. For example, lately some Members of this great body have even appeared unclear about the differences and improvements of the F-14A when compared to our 1950 Vintage F-4 Phantom. I do not stand here today to criticize or cast doubts about the Phantom for it has truly served our Nation, as well as others, in the defense of freedom—rather I would praise the F-14 and the Navy. Since 1969, when we first approved funds for the F-14 the Navy has repeatedly stated in very accurate and consistent testimony that they cannot accomplish the tasks and meet the threat they face with a stable of fighters whose growth potential is virtually exhausted. We, ourselves, recognized this by approving the cancellation of the F-111B and proceeding with the F-14.

The single most important fact to be understood in any comparisons between the F-14A and the F-4 is that the F-14A, with its versatile weapons suit of Phoenix, Sparrow, Sidewinder, and internal cannon, provides a margin of superiority over the threat—while the F-4, regardless of the derivative, does not.

Present and future threat fighters have increased range, improved avionics and all aspect air-to-air missiles. Various delivery modes of air-to-surface and surface-to-surface cruise missiles pose significant defense problems. Soviet and satellite countries possess superior numerical fighter inventories, especially during the initial phase of any hostilities.

One we have heard much about since it recently appeared in Cairo is the Foxbat. The Foxbat represents a revolutionary breakthrough in fighter design technology and trends, which can only be countered by the F-14 aircraft as designed. Although the Foxbat is somewhat limited in terms of low altitude maneuverability and optimized for very high altitude and high speed flight, it also does not possess a stand-off or close-in weapons system matching that of the F-14 in terms of search and detection range, weapons versatility, multishot capability, and missile launch envelope. Assuming that the Foxbat will elect to remain in its optimum environment and use its radar look-down and missile stand-off capabilities, only the F-14 Phoenix can combat this threat. The F-14A with its high rate of acceleration, 45 percent improvement over F-4, and maneuvering capability can react readily to achieve a launch condition outside that of the retaliatory capability of the Foxbat. The Phoenix launch envelope is far less critical to achieve than the exacting aircraft tracking conditions required for deployment of Sparrow and Sidewinder missiles, which are the only weapons for the F-4. If the Foxbat elects to press for a close-in engagement, the F-14 has the maneuverability and weapon mix to counter it in the classical air superiority fighter role. Aside from propulsion, airframe and weapon system individual features, one of the most salient attributes of the F-14 is the total integration of aircrew functions into the composite weapon system to achieve maximum task efficiency. The crew's ability to readily convert to another weapons delivery mode, use of alternate sensors and weapons—Sparrow, Sidewinder, and Internal gun—and data link vectoring assistance, far exceeds the option capability of any other fighter aircraft.

Simply stated, the F-14A possesses air superiority maneuverability which exceeds threat fighters—the F-4 does not. The F-14A possesses in Phoenix the standoff range and multiple shot capability to reduce numerical odds prior to close-in engagement—the F-4 does not. The F-14A possesses large search volume with high probability of detection at long range and attack—with Phoenix—capability required to counter the cruise missile threat—the F-4 does not. The F-14A has the capability to escort attack aircraft to 500-mile radius, retaining combat fuel and without aerial refueling—the F-4 does not.

When compared to the F-4J, the Navy's latest version, the F-14A has:

Eighty percent better combat radius;

Fifty percent better combat rate of climb;

Forty-five percent better acceleration;

Sixty-four percent better role rate;

Forty percent better energy maneuverability—Ps;

Twice the air defense search time;

More than twice the radar range;

Three times the missile launch range with Phoenix; and

Thirty-three percent greater launch range with Sparrow.

In addition, the F-14A can launch from the carrier using basic engine power with no wind while the F-4J requires 16 to 32 knots of wind for afterburner and basic engine, respectively. The F-14A recovers nicely with no wind while the F-4J requires at least 16 knots of wind. Landing approach speeds are nominally 120 knots—F-14A—and 138 knots—F-4J. These additional highly desirable characteristics are competitive with the A-6 aircraft which has achieved an outstanding carrier safety record of over 55,000 accident-free landings.

In summary, the F-14A is a very impressive aircraft with outstanding capabilities designed to meet the Soviet challenge—clearly superior to the F-4. The F-14 program was planned to minimize the risk of a new engine and fire control system developments. Both engine and system are exceeding specifications by significant amounts. An interesting point is that the F-14B will be even better.

In conclusion, gentlemen, it would appear that the Navy is certainly on the right track. They developed the highly successful F-4. Now they are again providing us with a measure of superiority by bringing in its successor, the F-14. Let us provide our support and approval by allowing them to get on with it.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the distinguished chairman for yielding and I would like to commend him and the committee for offering this amendment.

The chairman may recall that I have in previous years proposed similar amendments to cut the authorization of procurement funds, not research and development funds, for this aircraft, because I had grave doubts about its costs and its effectiveness. I am very happy that the committee is proposing this amendment today.

The distinguished chairman of the Armed Services Committee, in his statement on this measure yesterday on the floor of the House, raised the possibility that the $806 million for procurement of 48 more F-14's in fiscal year 1972 might be restored if the findings of a high priority study of the F-14 by the Secretary of the Navy justify such action. Yet I find it difficult to imagine any justification for restoring the funds for 1972 that the committee has deleted. Even if the F-14 program is continued, the 48 F-14A's for which the 1972 procurement funds are intended should not be purchased.

As Senator HARTKE and I pointed out in our study of tactical aircraft, the purpose of building and purchasing F-14A's was to provide the Navy with an improved fighter 2 to 3 years prior to the time when the F-14B, equipped with the new, high-powered Pratt-Whitney engine, would become available. With the delays that have occurred in the development of the F-14A, any F-14A's we purchase—including 48 proposed to be purchased in fiscal year 1972—are likely to be in service hardly a year before they will have to be refitted with the new engine. It seems to me, therefore, that there should be no further procurement of F-14's under any circumstances, at least until the F-14B becomes available.

I hope, Mr. Chairman, that the Navy will not rush its review of the F-14 program in hopes of recouping the funds that the House committee has cut, but that it will take advantage of this procurement pause to carefully and realistically reassess all aspects of the F-14 programs. If it does that, I am convinced that it must conclude, as I have, that the F-14 is the wrong type of plane, for the wrong mission, at the wrong time, and that the entire F-14 program should be discontinued.

Mr. Chairman, I have opposed the F-14 program despite the fact that the major contractor for the F-14 is the Grumman Co., whose main plant is located in Long Island, N.Y., near my own congressional district, and despite the fact that a number of my own constituents are employed in the F-14 program. I have never felt that I should support any Government program which I feel is wasteful and ill-advised, whether it is a military or nonmilitary program, simply because some of my constituents have an economic stake in it. Instead, I have supported, and shall continue to support, strong programs to convert defense industries to peacetime production and to retrain defense workers for jobs in nonmilitary industries.

My opposition to the F–14, Mr. Chairman, should not be taken as opposition to any new fighter aircraft. On the contrary, I support the development and procurement of a faster, lighter, more easily maintained fighter that could, in my judgment, do a better job than the F–14 in meeting the threat posed by the Soviet Foxbat—MIG–23. Such an aircraft could be built at considerably less cost than the F–14.

The F–15, currently under development by the Air Force, promises to be lighter and faster than the F–14, and a version of that aircraft might be developed for Navy use. It is expected, however, to be even more expensive than the F–14. The more promising strategy for achieving a light fighter at low cost, therefore, would be to explore possible further modifications in the highly successful F–4, or to begin developing an entirely new aircraft on which Grumman and other New York firms would hopefully bid successfully.

If such a course is followed, Mr. Chairman, we can look forward to a larger force of tactical aircraft, better designed to meet the Soviet challenge in this area, at a savings over the next 10 years or more of many billions of dollars. I hope that the $806 million deleted from this bill by the committee will not be restored, and that it will prove to be the first in a series of savings for the American taxpayers through a total revamping of our currently unnecessarily expensive tactical aircraft program.

The stakes in this debate are high. If we continue with the F–14 program we will be committing ourselves to a total system investment of over $20 billion over the next 10 years. If the Congress will exert its initiative and its full authority, I am convinced that we can achieve a tactical air force that can fully meet our air defense needs at a cost that will enable us to restore substantial funds to our pressing needs in the area of health and housing and transportation and public safety. Again I wish to congratulate the Committee on Armed Forces for this first step and to express my firm support of this most significant action.

Mr. HÉBERT. The Chairman is well aware and cognizant of the interest of the gentleman from New York and there is a meeting of the minds on this matter with reference to procurement.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from California.

Mr. LEGGETT. First, I would like to commend the gentleman upon effecting a major cut in the defense budget.

However, I am in a little bit of a dilemma, though, as to the reasons why Grumman Aircraft, the alleged beneficiary of this $800 million, would apparently put out a press report indicating that they laud and applaud the taking away from them of this $800 million item.

And, of course, when I spoke yesterday, I was concerned that we maintain the bargaining position of the Department of the Navy with respect to this contract, because I think the fact of the matter is that the development of the first 75 airplanes shows that the Department of the Navy is to be commended. They drove a hard bargain. My information is that on the first 20 or so planes Grumman made $25 million, but on the next 50 planes——

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 2 additional minutes.)

Mr. LEGGETT. As I was saying, on the next some 50 planes it is my understanding that Grumman lost $125 million. So the net effect on the first 75 planes is a loss to Grumman of about $100 million.

Is it your intention by wiping the slate clean now for the $800 million, we are, in fact, exculpating Grumman from the $100 million loss, and that we now are starting from scratch and maybe will develop an entire new set of numbers on the building of this new Navy fighter—which I agree with the gentleman from Louisiana that we need—but I think we ought to make clear exactly what we are doing.

Mr. HÉBERT. We are doing exactly what I said we are doing, and we are not giving an escape clause to Grumman at all. The contract is open for cancellation, in fact, in October, if they do not get some agreement, and then the renegotiation must take place.

I think the gentleman from California will agree with me that we do not want another Lockheed fiasco on our hands. This is the responsibility of the committee of getting these facts clarified, and bringing them right out into the open and to find out where we go from here.

Mr. LEGGETT. Do we not develop a great deal of the legal impediments right here on the floor of the Congress, and did we not do that on Lockheed? Because after we discovered that overrun, we proceeded then to make concessions which gave Lockheed a very strong bargaining position, which led to the total resolution of the C5–A conflict.

So I would certainly hope that the lawyers in the Pentagon and the lawyers from our committee will work hand in hand so that we maintain whatever bargaining position we can maintain.

Mr. HÉBERT. We are attempting to keep our hands on top of the table, and we are dealing from the top of the deck. And the only way we can do this is by drawing the attention of the people involved whenever it comes to our attention. And certainly the Committee on Armed Services is demonstrating that right now when it has the courage to send me to the floor to make this deletion.

Mr. Chairman, I move the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. HÉBERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT: Section 101, line 8, after the word "Army" strike "$1,101,100,000" and insert in its place "999,100,000"; on line 10, after "$1,841,400,000" add the following: "No funds authorized by this Act shall be used for research, velopment, testing, evaluation, or procurement of the Safeguard anti-ballistic missile system except insofar as such research, development, testing, evaluation, or procurement leads to deployment of the Safeguard antiballistic missile system at Grand Forks, North Dakota, and/or Malmstrom, Montana."

Mr. LEGGETT. Mr. Chairman, this is an amendment which we have offered traditionally respecting the limitation on the deployment of the antiballistic system.

It is in a little bit different form in the pending amendment. One of the reasons is because we recognize the facts of life—we have spent on the order of $2 billion on this system, nearly to date, and we had a billion dollars or so that we voted only last year.

The total amount in this bill is—and on the military construction bill which will follow this—this year for the deployment of the antiballistic missiles program is a total of $1,392,200,000.

I think we have to recognize that we have spent a lot of dough on the Malmstrom site and the Grand Forks site.

So the question is, Where do we go from here? So what we have here is a very modest amendment. It amounts to about $100 million which would limit the expenditure of funds at sites other than Grand Forks and Malmstrom.

We have a very formidable problem here in the House because, as you know, in the Selective Service Act that passed this House a few weeks ago we added $2.7 billion for military pay. The Senate Committee brought that back down to the President's budget figure and then the Senate floor raised that back to $2.7 billion. Whether those funds are included in pay and allowances or pay for lower grade airmen or whatever they are for, you can bet your tintype that military pay is going to go up this year by $2.7 billion.

So if we are going to be living under some kind of umbrella of something less than $80 billion, the cuts have got to come from someplace.

Secretary Laird indicated—well, the place they are going to come from is from the 250,000 military and civilian employees around the country and he has rather radical plans for reductions in that area.

Of course, with the heavy military bases in my own district, I do not support this kind of emasculation at all.

Considering the fact that these are political years, I hardly think that is going to take place.

Out of an $80 billion budget that Chairman Mahon is going to bring to the floor of the House one of these days, over 50 percent of that budget is going to be for military pay and retirement—military retirement I understand is going to escalate to nearly $20 billion by the end of this century. In the bill we are talking about here today, $21 billion or one-third of that is for research and some $13 billion of that is for hardware.

So if we are going to cut much any place, unless we want to emasculate our troop forces, we must relate to the matter of expenditure for hardware programs.

I have concerned myself with the antiballistic program for a long period of time because of the fact that it requires 40,000 men to man it and it requires 45,000 people, contract personnel, to maintain it. I have said for many years that this is the most expensive fire department that the United States has ever acquired. The tremendous acquisition cost is going to cost over $1 billion a year to maintain it.

It looks like we are going to be making some headway with the Soviets in the SALT talks. That was the announcement made by the President just a few weeks ago and my past exprience is that when the President indicates that we are making some progress in negotiations, I tend to think that he knows what he is talking about. The information is that they are probably going to be trading the obsolete system of missile defense that they have around Moscow for something we have here in the United States. The major thing we have here in the United States are these hundreds of Sprints and Spartans that are being deployed now currently to guard against a first strike around Malmstrom and Grand Forks.

So the net effect of my amendment is to limit the deployment and construction of Spartans and Sprints to exclude the Whiteman site and the Warren site and the National Command Center site and see if we cannot make an agreement this year.

Secretary John Foster from the Office of the Secretary of Defense indicated that we had to go slow and we ought to try to install a freeze wherever we can. I think this is an area where the Congress can assert itself. I think we can save a considerable amount of money because I think we are going to be making agreements in these very important areas.

As far as getting all excited about what the Soviets are doing, I am very pleased to see that we have very little hysteria here on the floor today about what the Soviets are doing. As a practical matter, on the SS–9's, they have gone down from 45 to 25 starts over the past year. On the SS–11 missiles, the Soviets have dwindled from 120 starts to zero starts last year. On the SS–13's they have leveled off at 20 starts on a yearly basis.

Of course, we have to measure this against the actual deployment and the creation of several hundred additional targetable warheads we have created in Poseidon and in the Minuteman III system over the past year.

This is a modest amendment, indeed, but it is an amendment that could save us on the order of $3 billion in the 10-year time frame, maybe $12 billion in the 20-year time frame.

In testifying before our committee, Dr. John Foster of the Pentagon said:

> Until it becomes clear that an agreement adequately constraining the Soviet threat to our retaliatory forces is attainable, the (Safeguard) program should proceed in an orderly and timely manner. At the same time, we should exercise those restraints which we believe may enhance the chances for reaching an acceptable agreement.

Mr. Chairman, the amendment I am proposing is this restraint personified. I am proposing to limit Safeguard deployment to the two sites already begun. This more than anything else will convince the Soviets that our negotiating posture is sincere, and that it is in their interest to negotiate a meaningful arms limitation agreement. On the other hand, if we go ahead full blast with Safeguard, while at the same time we put MIRV's on our ICBM's and submarine-based missiles, develop a new long-range submarine missile and a new heavy bomber—just imagine how this would look to us if we saw them embarking on a similar program. We would say they have gone wild on armaments, there is no use negotiating with them. Our only hope is to superguarantee our own deterrent.

We have already demonstrated our virility. By proceeding with procurement and construction of two Safeguard sites, we have shown that we are willing to pour billions into Safeguard regardless of its technical inadequacies. Now let us demonstrate our intelligence by restraining ourselves and giving the negotiations a chance.

This amendment will save us $102 million on this bill, plus another $141 million on the military construction bill for the coming fiscal year. The total saving on the entire program will be about $3 billion over the cost of the four-site system currently requested, and about $9 billion over the cost of the full 12-site system.

I say we should limit Safeguard because of the SALT talks, but to be perfectly honest with you we should limit it even if there were no negotiations. The thing is just cost ineffective: 40,000 men to man this fire department—45,000 more personnel to support it. It is an attempt to take components originally designed for city defense and to use them for hard point missile defense, and they just cannot do the job.

The committee report says:

> The committee wishes to particularly point out, in view of the frequent attacks on the Safeguard system on technical grounds in the past, that from the technical standpoint the program is proceeding exceedingly well.

By this, the report means the system has worked well under test conditions. But let me assure you, any resemblance between test conditions and the real world is purely coincidental.

Each Safeguard complex is absolutely dependent on a single missile-site radar. This radar has about the same blast resistance as a human being, and let me tell you, that is a pretty soft target—a grenade over the fence knocks it out. As soon as we activate a Safeguard site, we can be sure the Soviet will reprogram their ICBM's so that the first wave is directed against the missile-site radar, and that is the end of the value of Safeguard. By the time the Soviet missiles arrive over our silos, Safeguard will not be able to give any protection at all, because its missile-site radars will have been destroyed.

I have done some calculations that show how the Soviets can set up, at very low cost, a precursor attack that will give them better than 99.9-percent probability of destroying the missile-site radar. The calculations are a little involved, so I am inserting them at the end of my remarks, but I will be happy to discuss them with anybody who is interested.

Even if the radar somehow survives, the number of Minuteman missiles that would be protected by Safeguard is a lot smaller than most people think. Why do you think the Pentagon would not give out the number of Sprint and Spartan rockets Safeguard is going to include? We have no hope of keeping it secret from the Russians; they will see the rockets as soon as we deploy them. The reason this is kept under wraps is that the Pentagon does not want the American public to know how limited Safeguard really is. I challenge the Defense Department to declassify these figures so that we can deal with them in open debate.

Safeguard is not only a misuse of money and dangerous because it stimulates the arms race; it is doubly dangerous because it in effect weakens our defense. It may be possible to build an effective hard-point missile defense system, if we design components for this specific purpose. Such a program, called hard site, is now being begun, and I favor it at least in the research and development stages. But it is running on a miniscule budget and at a very slow pace because all the glamor and all the money is going into the ineffective Safeguard approach and, unfortunately, a reasonably well thought out Air Force hard-point program has now been delivered up to the Army.

So the national interest really calls on us to drop Safeguard altogether. But I am not proposing anything that radical this year; I am just proposing that we freeze it at two sites while we give our SALT negotiators a chance to work. I urge you to give them this chance.

CRITIQUE OF SAFEGUARD ABM SYSTEM

The antiballistic missile system is now in its fourth year as a topic of major national debate. Accordingly, we assume the reader to be familiar with the general purposes, components, strengths, and weaknesses of the Safeguard ABM. For those who are not, this information was included in last year's military spending report. This discussion will examine in detail one overwhelming weakness of the Safeguard system: the vulnerability of the missile site radar—MSR—to a low-cost precursor attack.

The primary rationale for Safeguard is the need to defend Minuteman ICBM's against a heavy Soviet attack. There are three conceivable levels of Soviet threat, as Secretary Laird discussed in his fiscal year 1971 posture statement: First, a low level, insufficient to threaten the credibility of Minuteman as an independent deterrent, and insufficient to warrant the construction of an ABM system. The present Soviet force of slightly less than 300 SS–9's falls within this range. Second, an intermediate level, great enough to threaten the viability of the Minuteman deterrent as it now stands, but small enough to be negated by Safeguard; Pentagon officials have generally spoken of this level as beginning when the Soviets have deployed a force of 420 SS–9's, each carrying three 5-megaton independently guided warheads. Third, a high level, sufficient to overwhelm the Safeguard system unless the latter is augmented beyond its present conception.

We shall demonstrate, using unclassified information and the Pentagon's own assumptions, that the second level does not exist. That is, a threat great enough to destroy Minuteman will also be more than great enough to destroy Safeguard at the same time because of the vulnerability of the MSR. Further, we shall demonstrate that it is impossible to upgrade Safeguard to meet a heavy threat.

Secretary Laird and Dr. Foster have said they believe the SS–9 to have sufficient accuracy that each of the three 5-megaton MIRV warheads it could carry would have a 95-percent probability of destroying a Minuteman silo. In public discussions, an MSR is generally assumed to have approximately one-tenth as much blast resistance as a silo; therefore, a one-half-megaton warhead would have a 95-percent probability of destroying an MSR.

Let us make the following assumptions:

Soviet missiles are 80-percent reliable; that is, 20 percent of their warheads will fail to detonate in the target area because of malfunction at some point. This is the rule of thumb generally used by both sides in this type of calculation.

The Safeguard ABM system will be 70-percent effective against any given incoming warhead during a heavy attack; that is, any given warhead will have a 30-percent probability of penetrating a Safeguard area and point defense combined. This assumption is arbitrary, but it must be considered to be an extremely generous estimate of Safeguard effectiveness. Even if Safeguard should develop a 100-percent success record during test interceptions, during a real heavy attack it would have to operate under the following conditions which cannot be simulated in a test situation:

Blackout: While blackout is not as effective against a point defense as against an area defense, it still has the ability to degrade the former considerably.

Second. Electromagnetic Pulse.

Third. Traffic handling: The radar and computer would have to deal with dozens, perhaps hundreds, of warheads simultaneously.

Fourth. Novel penetration aids: We can never rule out the possibility that the Soviets will develop penetration aids about which we would know nothing until they were used against us.

Fifth. History: Air defense systems have always performed at very low levels of effectiveness, and far below the levels predicted on the basis of noncombat experience. For example, the North Vietnamese air defense is the most sophisticated in history, but its effectiveness has been about 2 percent.

Sixth. Surprise: Theoretically, surprise should not be important against an ever-alert defense system, but it has rarely worked out this way in practice. No matter how hard we try, human factors cannot be eliminated.

Seventh. Inexperience: The system will have no opportunity to be improved and refined in the light of combat experience. Everything it is going to do, it will have to do the first time. The history of the initial combat performance of advanced weapons systems, such as the M–16 rifle and the F–111 attack plane, has not been good; Safeguard is the most advanced and complex weapons system in history.

So while a realistic estimate of Safeguard effectiveness might be 10 percent or 20 percent, let us credit it with 70 percent, because we can demonstrate that even this level is hopelessly inadequate. Each one-half-megaton Soviet warhead will have a 30-percent probability of surviving Safeguard, an 80-percent probability of surviving its own malfunctions, and a 95-percent probability of being sufficiently accurate to destroy the MSR against which it is targeted. Combining these three probabilities—by multiplication—we find the overall probability of a single warhead destroying the MSR to be 21.8 percent; that is, the probability of the missile site radar surviving an attack by one Soviet one-half-megaton warhead is 78.2 percent.

To find the probability of the MSR surviving an attack by more than one warhead, we raise 78.2 percent to the power of the number of warheads being used in the attack. For example, the probability of surviving a two-warhead attack is 78.2 percent squared, or 60.8 percent. The probability of surviving a 10-warhead attack is 78.2 percent raised to the 10th power, or 8.6 percent.

Similarly, the probability of surviving a 20-warhead attack is 0.7 percent.

The probability of surviving a 30-warhead attack is 0.06 percent.

Safeguard cannot function at all without the MSR. Moreover, there is no overlapping between MSR's in different locations; destruction of a single missilesite radar totally incapacitates an entire ABM site.

Therefore, by directing a precursor attack of thirty ½-megaton warheads against an MSR, the Soviets could give themselves a 99.94-percent probability that the entire ABM complex would be incapacitated and would offer no protection at all to the Minuteman ICBM's it is designed to serve. To look at it another way, such a 30-warhead attack would leave us only one chance in more than 1,600 that Safeguard would be operable when it would be needed a few minutes later as the large antisilo warheads began to arrive. The MSR could be rebuilt, of course, but by that time it would be of no use.

Now we shall consider some further ramifications of MSR vulnerability.

Is it feasible for the Soviet Union to mount a precursor attack using thirty one-half megaton warheads? How could this be done? What are the economic factors involved?

There are several ways in which such an attack could be configured. An SS–9 has enough payload to carry 10 one-half megaton MIRV warheads plus penetration aids. Three of these rockets could be directed against each MSR. Dr. Foster has estimated the cost of a SS–9 with single warhead at $30 million; a MIRV version might cost $40 million, and a three-missile attack would thus cost $120 million. This would be the cost of destroying a single MSR.

A more flexible approach would be to use 30 SS–11 rockets. Each would carry penetration aids plus a warhead of about one megaton, thus giving an even higher probability of success. If we estimate the cost of an SS–11 at $10 million, the cost of destroying an MSR is $300 million. More realistically, the cost of the attack can be considered to be zero, since the Soviets would be using a missile which is already in a state of surplus. Diversion of 60 or 120 SS–11's would not noticeably weaken the destructive effect of the Soviet Union's approximately 800 SS–11's, 300 SS–9's, plus missile submarines and SS–13's.

To reiterate: Whatever the vehicle used, such attacks against each MSR would effectively destroy not only the radars but the entire Safeguard system.

Since current estimates of Safeguard total costs are $5.3 billion for a two-site system, $8.2 billion for a four-site system, and $14.8 billion for a 12-site system, it is apparent that the Soviets can incapacitate Safeguard for a fraction of our cost to build it.

The following table compares the cost of Safeguard to the cost to the Soviet Union of offsetting it by destroying the MSR.

COST TO THE SOVIET UNION OF OFFSETTING EACH DOLLAR SPENT BY THE UNITED STATES ON SAFEGUARD

Configuration of attack against MSR	Size of Safeguard system		
	2 sites	4 sites	12 sites
3 MIRV SS–9's per site	$0.05	$0.06	$0.10
30 SS–11's per site (nominal cost)	.11	.15	.24
30 SS–11's per site (real cost)	0	0	0

What if Safeguard turns out to be more than 70 percent effective? How effective must it be against each warhead if it is to survive a precursor attack?

If we continue to assume 80 percent reliability and 95 percent accuracy for the Soviet warheads, calculations using accepted statistical procedures indicate that, if Safeguard is 97 percent effective against each incoming warhead, the MSR will have a 50 percent probability of surviving. Even at this euphoric level of effectiveness, it is still as probable as not that Safeguard will be able to provide no protection whatever for Minuteman.

Suppose the MSR somehow survives the precursor attack. How much protection would Safeguard give to how many Minutemen?

It is impossible to answer this question without discussing the number of Spartan and Sprint interceptors Safeguard will have available. These numbers are classified, for reasons we feel are not related to national security.

As soon as Safeguard construction is under way, the Soviets will be able to tell for themselves by satellite reconnaissance how many interceptors we will have. This will give them more than enough time to make whatever adjustments in their attack plans they deem necessary. We feel the only reason for keeping these numbers from the American people at this time is to prevent informed public discussion of the limitations of Safeguard, and we call upon the Department of Defense to declassify them. The practice of selectively declassifying information which favors DOD's appropriations requests, while at the same time holding unfavorable information under tight security restrictions, is counter to the national interest and must be stopped.

Do the small supplemental radars DOD plans to incorporate into Safeguard improve its survivability?

This is difficult to answer, since the parameters of the new radar apparently have yet to be defined. The use of supplemental radars would raise the cost to the Soviet Union of destroying Safeguard. But even if the new radar cost half the price of an MSR and were equally effective, Safeguard would still cost us several times what it would cost the other side to neutralize it. Note that the Soviets always have the option of reducing the cost of their precursor attack by two-thirds—by using 10 warheads per radar instead of 30—and still maintaining better than 90 percent confidence of destroying the radar.

Is it possible to build a cost-effective hard-point ABM?

If it is possible, such a system would consist of large numbers of small, cheap radars and missiles. It would lack the Achilles-heel nature of Safeguard, which stems from the latter's origin in the Nike-X and Sentinel city defense systems.

A true hard-point ABM, called "Hardsite," is now under consideration by the Pentagon. At this time, we are unable to say whether this system represents a sound defense investment in terms of possible Soviet countermoves, or in competition with other approaches to improving our deterrent, such as the ULMS system.

CONCLUSIONS

The attempt to transform the Nike-X and Sentinel city-defense ABM systems into a hard-point ABM has not been successful and cannot be salvaged. It is possible for the Soviets, with better than 99.9 percent confidence, to offset our multibillion dollar Safeguard simply by retargeting a small portion of their existing ICBM force. Unless we assume them to be drooling idiots, we must except that they will do so.

While we have not developed this point in this discussion, we feel that Safeguard is worse than ineffective. It is harmful to our national security because it is destabilizing and stimulates the arms race. But those who feel we need an ABM to protect Minuteman should feel Safeguard is a liability for still another reason: It delays Hardsite. Proponents of Safeguard argue that, while Hardsite may be more effective than Safeguard, it will not be available until the late 1970's, while Safeguard can be available about 3 years earlier, and "we will need to have something then." So the Safeguard proponents would have us complete Safeguard during the mid-1970's, and when we have done so we will find the Soviets are targeted on our our MSR's and our "something" will be worth nothing. We would be better advised to cancel Safeguard and spend some of the money researching Hardsite.

It is argued that Safeguard is needed as a bargaining chip at the SALT talks. Certainly the Soviets know how easily they can neutralize Safeguard. It is difficult to see how such a bargaining chip could have any significant value.

Clearly, Safeguard is no safeguard.

Mr. ARENDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment of the gentleman from California would limit all ABM work to two sites—Grand Forks, N. Dak., and Malstrom, Mont. These two sites, under the present schedule, will be ready to go into operation in late 1974 and mid-1975.

The amendment would stop procurement for Whiteman AFB and prohibit procumement and R.D.T. & E. for Warren AFB, the fourth Minuteman wing, and for the National Command Authority.

The logic of the amendment is simply impossible to follow.

The dollar savings would not be significant in terms of the total cost of the program. Eliminating Whiteman would have no effect on the R.D.T. & E. request for the fiscal year 1972. Whiteman accounts for only $76 million of the procurement funds for fiscal year 1972, most of the money going for advanced procurement for radars and associated equipment and for missile parts.

Eliminating Warren at this time would reduce the procurement authorization by $13 million and have no effect on the R.D.T. & E. authorization. Eliminating the National Command Authority would delete $13 million from the R.D.T. & E. account. There is no procurement money in the bill for the National Command authority.

Therefore, the gentleman's amendment would potentially save only $102 million from the $1,084 million in the bill.

If the work at Whiteman is halted for a year and it is later determined that the system is required, the 1-year break in the work would add considerably to the ultimate cost.

The gentleman's amendment, therefore, can hardly be defended on economic grounds.

A full, four-site program would not be available at the earliest until mid-1977. If the threat continues to develop at its present pace, the system will barely be ready in time to meet the threat. Delaying the authorization for 1 year, which delays the work for longer than that, would mean that the system, if needed, may not be ready until after the threat has fully developed.

The amendment, therefore, can hardly be defended on strategic grounds.

There has been no slowdown in the pace of Russian offensive-missile development. On the contrary, we hear of new developments which may portend even more powerful missiles than the awesome SS–9's which the Soviets have deployed so rapidly in the last several years.

The United States and the Soviets recently agreed to discuss limitations on both offensive and defensive nuclear weapons at the SALT talks. These are but the beginning of negotiations which, if history is any guide, will be long and tedious. Just why a unilateral step to scale down our own systems should be taken at this time when the Russians have finally agreed to negotiate is simply impossible to understand. Certainly nothing in the history of the Soviet Union indicates that a partial delay on our part will draw corresponding action by the Soviets. On the contrary, we have actually delayed and stretched out our ABM development a number of times over the past years; but none of those stretchouts brought a decrease in the rate of strategic offensive deployments by the Soviets.

Those who are now telling us we must stop our ABM development so as to help the SALT talks are the same people who were telling us 2 years ago that if we went ahead with the ABM, we would block any chance of getting SALT started.

The gentleman from California said in his minority views in the committee's report that advanced information indicates that ABM's will be discussed first at SALT with a target that work would be limited to complete only Malmstrom and the Grand Forks bases. I can only say that no such information was made available to the committee in any of its closed hearings, and I have found no evidence of such information being made available to the leadership of the committee. The gentleman should tell the House the source of his information and the basis on which he makes such a statement.

It is quite obvious that the Soviets would like to have limitations on ABM's since they are striving for a strategic offensive superiority and have already achieved a larger number of missiles, a greater megatonnage, and have warheads of far greater size than any U.S. missiles carry. It is equally obvious that the ABM, therefore, greatly strengthens the President's hand at the SALT talks in an attempt to get the Soviets to agree to a limitation on their offensive missiles.

To stop the very measured progress of the ABM would hurt our chances for an effective agreement at SALT and would weaken our strategic capability if SALT fails.

I urge the Members of the House most strenuously to vote down this amendment.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

I have listened to the remarks of the gentleman from Illinois (Mr. ARENDS) and I can best summarize my remarks by saying that I agree with his position in opposition to the amendment offered by the gentleman from California.

This amendment, perhaps in a little different form, was considered by the House Committee on Armed Services. In another form it was considered by a subcommittee of the House Committee on Armed Services. In each instance it did not receive the support either of the subcommittee or of the full committee.

A great deal was said at the time the House gave its approval to the ABM program that it would accelerate the arms race and would adversely affect the negotiations which were going on in Geneva in the SALT talks. As a matter of record we found out it favorably affected those talks. We are getting along faster in those negotiations now than before Congress gave its approval to the ABM program.

The gentleman from Illinois (Mr. ARENDS) has explained the effect of this amendment. I agree with what he said with reference to it. We would negate the position the House has previously taken in support of the modified ABM program. I do not believe we want to do that. I believe we should continue our support of the program, and this amendment should be voted down.

Mr. RANDALL. Mr. Chairman, I rise in opposition to the amendment by the gentleman from California which would strike funds for the deployment of the Safeguard anti-ballistic-missile system.

This bill, H.R. 8687, authorizes $1,084,000,000 for the Safeguard anti-ballistic-missile system. This authorization for fiscal year 1972 compares with the fiscal year 1971 authorization of $1,016,000,000. The funds as authorized in this present bill do not however represent the total costs for Safeguard for this next fiscal year.

There are two ways to conduct debate on any subject. One is to be fair and present all the facts. The other way is to be misleading and give only part of the facts. In these remarks I intend to follow the former course.

The funds called for in title I of this procurement bill under the heading "Missiles, Army," do not represent the total authorization. Other amounts will appear in the military construction bill. There will be other costs for personnel which have been authorized already by other legislation which require only appropriation hereafter. Thus, to be fair, the figure stated in title I of H.R. 8687 is not the entire total for Safeguard for fiscal 1972.

But the question, Mr. Chairman is not the amounts involved but whether Safeguard is worth the cost? I thought we had decided that issue in the affirmative last year. If my memory serves me correctly, we worked up the hill and down the hill over a half of dozen times carefully considering the necessity for the Safeguard as a defense for our land-based strategic deterrent. As I recall it, there were two or three separate votes within our committee in 1970 to strike out funds for the deployment of a third unit of Safeguard at the Whiteman Air Force Base. Then, there were one or two more separate votes during debate on the procurement bill of 1970. Finally the issue was raised again during debate on the appropriation bill for fiscal year 1971.

Now, Mr. Chairman, in my judgment one has only to refer to page 34 of the report accompanying H.R. 8687 to understand that the committee in providing for the continuation of Safeguard took a wise and prudent course. After all, we are only following the language of the House conferees on the authorization bill when in 1970 they said their interpretation of the conference was to adhere to the three-site limitation of Malmstrom, Grand Forks, and Whiteman.

Moreover, all that this authorization calls for is to conform to the request submitted by the President this year to carry on construction at Grand Forks and Malmstrom and to start construction at Whiteman Air Force Base as authorized in 1971. We do authorize the deployment of the fourth site either at Warren Air Force Base in Wyoming or in the Washington, D.C., area to protect the National Command Authorities.

The rationale of the President was of course, to provide an orderly beginning of the deployment of the Safeguard system while retaining the option of slowing down deployment if necessary to await the outcome of the SALT talks.

When the Secretary of Defense was before our committee earlier this year he said that because of the threats by both the Soviets and the Chinese we should be moving full speed ahead with the Safeguard deployment. However, he pointed out the reasons for exercising restraint pending the outcome of SALT. The wisdom of keeping the options open has already been proven by the negotiations at Vienna and particularly the interest shown by the Soviets in agreeing to a National Command Authority defense in the Washington, D.C., area and perhaps agreeing to the defense of our strategic command and control centers at Omaha and Colorado Springs.

The Members of this House should not let themselves be misled into believing that the authorization of this year for a minimum Safeguard capability will solve the problem of the defense of our Minuteman ICBM's. It will complete the tactical missile inventory for Grand Forks and Malmstrom but not for Whiteman. But this authorization, however, will complete the radars and associated equiment for all three, Grand Forks, Malmstrom, and Whiteman. Let us not overlook the fact that at the present pace the readiness date for the first ABM site will be October 1974 and readiness date for the last or the fourth site will be mid-1977.

I think it is important for Members of the House to distinguish between existing threat and the developing threat. Many critics of the Safeguard say that it is not required by the existing threat. If it were required by the existing threat, we would be in sad shape because the Safeguard is years away from being ready.

If the threat that is developing continues even at its present rate, it will be of such magnitude that by the mid-1970's all four units of the ABM system would be required. In plain English, if the Soviets continue deploying huge missiles at their present rate and if they continue to MIRV these missiles with very great accuracy, they will have the ability to knock out our land based missiles in the first strike by the mid-1970's.

The Soviets may have MIRV capability right now. We know that they can launch three reentry vehicles from one missile. We are not certain yet that they can independently target the three, but we know they are doing research to achieve that capability. To assume they will not have that capability in the 1970's is to assume that they will not have the ability several years from now that we have had for several years. In view of their technical track record, such an assumption would be pure folly. Safeguard, therefore, is nothing more than a further step in our policy of assuring deterrence and should be thought of as just one aspect of this policy. We have been deploying Safeguard at a slow rate, preparing to scale down the development if the threat dissipates.

Many self-annointed experts warned us if we went ahead with Safeguard it would kill the SALT talks. Of course, that has proven not to be true. The talks are underway, agreement has recently been reached to discuss offensive as well as defensive systems, and there is considerable indication that the Safeguard actually encouraged the Russians to come to the talks.

The instant experts also told us that Safeguard would not work. As a matter of fact, it has had excellent technical results. Both missiles, the Spartan and the Sprint are operating successfully. The missile site radar is doing exceptionally well in tests and development of software for the system is proceeding on schedule. In the past year Sprint and Spartan, operating with the MSR at Meck Island in the Pacific have successfully intercepted Minuteman ICBM's and submarine launched ballistic missiles.

The Director of Defense Research and Engineering, Dr. John S. Foster, referred to the Safeguard system in our hearings as the best development program in the Department of Defense.

Finally, let us consider the argument of the critics that by not having any defense against missiles we would not aggravate or anger our enemies. I suppose if we followed this course and did nothing, we would fill our adversaries with elation. They would know that our technology was still confined to the drawing board and that we had no intention to apply our technological developments or to keep our skills updated.

That is what the gentleman from California seems to be saying today. He is for research and development but he is against deployment. If we take no steps toward deployment against the enemy's ICBM's, then we forefeit the opportunity to nullify the superior and active weapons the enemy may have. On a football field, would a player throw a pass if he thought the enemy would receive it?

We have the technology to develop a defense and prevent our enemies from being in a position to order us to do what they please by what we might call nuclear blackmail. If we do not deploy Safeguard, I am convinced we will be foolish. Yes, it is really an act of stupidity not to protect ourselves. With Safeguard, we have only the minimum protection consistent with our needs. Without it we have no protection.

This amendment must be voted down because it is so much better to have a defensive weapon ready to use if we need it rather than to need it and not have it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

TELLER VOTE WITH CLERKS

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. LEGGETT. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. HÉBERT, Mr. LEGGETT, Mr. PRICE of Illinois, and Mr. PIKE.

The Committee divided.

The CHAIRMAN. The Chair votes "no" and sends his ballot to the tellers to be counted.

The Committee divided, and the tellers reported that there were—ayes 129, noes 267, not voting 38, as follows:

[Roll No. 137]

AYES—129

Abourezk
Abzug
Addabbo
Anderson, Calif.
Anderson, Tenn.
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Cleveland
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Culver
Dellenback
Dellums
Denholm
Diggs
Dow
Drinan
Dwyer
Eckhardt
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Eilberg
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Evans, Colo.
Fascell
Ford, William D.
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Fraser
Fulton, Pa.
Fulton, Tenn.
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Giaimo
Gibbons
Green, Pa.
Gude
Halpern
Hamilton
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Horton
Howard
Jacobs
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Koch
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Meeds
Melcher
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Mink
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Moorhead
Morse
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Nedzi
Nix
Obey
O'Neill
Pike
Podell
Pryor, Ark.
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
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Rosenthal
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Roy
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Baring
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Betts
Bevill
Biaggi
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
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Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
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Buchanan
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Byrnes, Wis.
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Cabell
Caffery
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Carter
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Chamberlain
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Clark
Clausen, Don H.
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Hillis
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Kazen
Keating
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Keith
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Kluczynski
Kuykendall
Kyl
Landgrebe
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Lennon
Lent
Lloyd
McClory
McClure
McCollister
McCormack
McDade
McEwen
McFall
McKay
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McKinney
Mahon
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Martin
Mathis, Ga.
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Michel
Miller, Calif.
Miller, Ohio
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Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rostenkowski
Rousselot
Ruppe
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St Germain
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Satterfield
Schmitz
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Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
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Spence
Springer
Staggers
Stanton, J. William
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
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McCulloch
McMillan
Mathias, Calif.
Metcalfe
O'Hara
Pelly
Purcell
Quillen
Rangel
Runnels
Saylor
Scherle
Scheuer
Steele
Steiger, Ariz.
Stuckey
Taylor
Thompson, N.J.
Tiernan
Veysey
Wilson, Charles H.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PIKE: Page 2, line 6, strike out "$3,102,000,000" and insert "$2,744,800,000", none of which shall be authorized for the procurement of additional C–5A aircraft.

Mr. PIKE. Mr. Chairman, this is an issue which has been familiar to us for some time, but it is a vote that the Congress has never had really an opportunity to vote on before.

The question is whether or not we are going to approve the package negotiated between the Secretary of Defense and the Lockheed Corp., the largest part of which involved cost overruns for the C–5A aircraft.

There is in this bill before us today $357,200,000 which does not buy any additional C–5A aircraft than we have already authorized—it merely pays for cost overruns on those which we have already authorized.

I do not want you to think this is the total cost overrun. We paid $544 million last year on the cost overruns—this $357 million—and there will be more next year. We do not know how much more there will be next year. There will not be any more cost overruns because they have changed the contract to a cost basis.

One of the beauties of going on a cost or cost-plus basis is that you obviously cannot have a cost overrun.

Now we were told last year that before some of the money that was in last year's bill, which they then called a contingency fund would be spent, the Congress would be notified on how it was going to be spent and what the arrangements were.

If you recall the notification which was dated last December 30, and it came in the form of a letter addressed to the Congress from the Secretary of Defense, and in any real sense of the word—Congress was notified when the Congress was not in session—one Congress had recessed and the other one had not yet taken office.

Now the ultimate question, of course, is—how much is the C–5A aircraft worth to us? I will tell you what it is costing us. It is costing us $56 million a copy.

Let us ask what it is worth to the Air Force. One of them caught fire out in Palmdale, Calif., and it would have cost the Air Force $19 million to repair it and the Air Force elected not to repair it because it was not worth $19 million to them.

So they are doing without that aircraft. I submit to you that in my order of priorities what I would like to see done is to stop the procurement on this plane now. We were told last year that its performance was perfect. We now know that it was not. It is restricted at the present time to flying at 80 percent of its supposed capacity. It is restricted to landing on hard runways, although it has 16 wheels so that it can nominally land on soft runways, and we are paying for a kneeling capacity which the testimony says does not work properly.

In my judgment what we ought to do is to take that production line that is there right now, those planes which are half done, we ought to use as spare parts. But I do not think that this aircraft, which has been a classic example of failure of both cost and performance, is worth what we are paying for it, and that is the only judgment that we have to face here. If it is not worth $19 million to the Air Force, I do not think it ought to be considered worth $56 million to the American taxpayer, and I do not think that we should authorize further procurement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PIKE. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BLACKBURN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. HALL. Mr. Chairman, I rise in opposition to the amendment, which seeks to delete $357 million from this authorization bill for the C–5A aircraft. I do it as a member of the Airlift Subcommittee and the Research and Development Subcommittee over the past 12 years since I have been a member of the Committee on Armed Services. It leaves no completion money for those already well down the assembly line.

If this amendment were adopted it would be a classic example of "cutting off our nose to spite our face."

By the end of this month, 42 C–5A aircraft, out of a total procurement order of 81, will have been delivered to the Air Force. This means that 39 aircraft are to be finished and delivered and I am advised that 21 of these will be in the contractor's plant in the latter stages of assembly by the end of this month.

The need for the C–5A is perfectly obvious. Some argue that we could buy many tanks, howitzers and helicopters for what we will spend on the C–5A, and that we could preposition this equipment and thus eliminate the necessity to fly this type of equipment to various parts of the world. But I defy anyone to tell me where military equipment may next be required in defense of this Nation in the years ahead. We have tried this one.

It is logical to assume that there may be requirements for the C–5A in Western Europe. If so, there are about 175 airfields upon which the C–5A can land. But we may also need tanks, howitzers, and helicopters in other parts of the world.

The C–5A can land practically any place in the world where there is a hard landing field and I am confident that it will soon be capable of landing on soft dirt runways.

Today the C–5A is restricted to 80 percent of its load capacity. This is not a deficiency; it is a very practical approach to the testing of an aircraft before it is flown at 100-percent capacity. This is done with all aircraft. Certainly the C–5A has deficiencies. Every weapons system has deficiencies at the outset. The famous F–4 had a pottage problem which seriously affected the performance of almost 100 of these planes for several months and required extensive rewiring.

This was discovered long after the plane had been in operation, but I have not heard anyone suggest that the F–4 should never have been acquired until that problem had been anticipated and fully corrected before the plane was built.

Some problems can be anticipated and this is what the tests are supposed to discover, and when problems are found they must be corrected to increase flight safety.

We will achieve nothing on the debate on this bill by pointing out the deficiencies of the C–5A. It is the best transport aircraft available in the world today. It is needed. It is badly needed. It has cost more than any of us expected it to cost. Whether this was due to engineering mistakes, low estimates, poor management, or an impossible contract, I cannot say.

We know now that the Lockheed Corp. has agreed to accept a $200 million fixed loss. We also know that $383 million is required this year to continue the production of the remaining 39 aircraft to be delivered to the Air Force.

If this $357 million is removed from this bill, these aircraft would not be delivered and then the Government would be involved in extensive litigation to ascertain termination costs.

We hear a great deal of discussion today about reducing our force levels in Europe. May I suggest to this committee that if we are to keep our NATO commitments, we are going to have to have an airlift capable of delivering equipment, men and supplies to Europe where needed.

For all practical purposes, our merchant marine is gone. We do not have a single U.S. passenger ship operating in the Atlantic Ocean and our cargo-carrying merchant marine is dwindling very rapidly.

But let us not compound the seriousness of that situation by denying to our military forces these 39 additional aircraft that are now being built for delivery to the Air Force, most of which will be funded on the basis of the authorization contained in this bill.

This aircraft can cruise at 440 knots. This was the contract requirement and this is its capability. The engines develop 41,100 pounds of thrust and this is the contract requirement. It has a range, with 100,000 pounds of payload, of 5,800 miles. This meets the contract requirement. The contract requires that it be able to take off in 8,000 feet. It now takes off for its basic mission in only 7,860 feet. The landing distance required was 3,125 feet. It has bettered that requirement and only needs 2,710 feet. And it is often overlooked that the C–5A also has the capability of air dropping large quantities of equipment and supplies.

Let me summarize the total acquisition cost of this plane. When the 81 aircraft have been delivered to the Air Force, the development cost will have amounted to $1,029,200,000. The aircraft procurement cost will be $3,195,500,000; initial spares $428 million; and military construction $17,600,000; for a total program cost of $4,670,300,000.

With the acceptance of a fixed loss of $200 million by Lockheed, the ultimate cost to the Government for this aircraft will be $4,470,300,000. Expensive—yes, but necessary.

I hope no one ever has to stand in the well of this House and say, "I wish we had had all of the C–5A's we ordered; things might have been different." Instead, I hope and think it is more likely that people will be able to stand in the well of this House and say, "Thank God, we had the C–5A and we were not panicked into denying funds for the completion of the contract."

Let me say once again, as I have said before, the money contained in this authorization bill is to continue the production of 39 C–5A aircraft to complete the total acquisition of 81 aircraft, except for a final $160.8 million that will be requested in fiscal year 1973, $100 million of which is to be returned to the Federal Government by Lockheed.

This does not have anything to do with the Lockheed guarantee loan. We are dealing with a strategic weapons system that must be acquired. Lockheed is the contractor. Lockheed has agreed to accept a $200 million fixed loss for this program. I can think of nothing more shortsighted on our part at this time than to deny the funds requested this year to complete the production of these 39 aircraft. The U.S. Government and far less the Department of Defense is not in the business of deliberately decimating our Nation's industrial capability.

Bear this in mind, if we deny these funds, most of these 39 aircraft will not be produced, and litigation and termination costs between Lockheed and the U.S. Government will be initiated. Again, I say let us not cut off our nose to spite our face.

I hope the amendment will be overwhelmingly defeated.

(By unanimous consent, Mr. HALL was allowed to proceed for 4 additional minutes.)

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

I agree with the statement made by the gentleman from Missouri, who spoke in opposition to this amendment. The money the gentleman from New York seeks to strike from the bill is to complete the buying of aircraft already under contract, representing, as it does, a reduction of C–5A's, which expressed the will of the Congress in previous sessions.

Congress already has reduced the number of aircraft that were originally intended in this category. The Air Force wants the C–5A; the Air Force needs the C–5A. The Congress looked at the situation very carefully in the last several years. We did reduce the request of the Air Force in previous sessions of Congress. These aircraft are under contract. This money would fulfill that contract. If you do not fulfill the contract, as the gentleman from Missouri has stated, we will probably spend this amount of money in renegotiation settlements and in cancellation fees.

I think this amendment should be defeated.

Mr. BRAY. Mr. Chairman, will the gentleman yield to me?

Mr. PRICE of Illinois. I yield to the gentleman from Indiana.

Mr. BRAY. Is there another plane in the world that will carry every item of an Army division except the C–5A?

Mr. PRICE of Illinois. The C–5A is the

only aircraft, not only in the U.S. Air Force, but in the world that is capable of carrying out-sized cargoes. It is a very necessary aircraft in the Air Force inventory.

Mr. MILLER of California. Will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman.

Mr. MILLER of California. Mr. Chairman, I would like to call the attention of the House to the fact that those of us who can remember two World Wars—and there are certainly enough present here—remembers that in each of them we were inhibited for a year or a year and a half until we could get logistic facilities to transport our troops and supplies to the scene of the war. There are still some ships in mothballs, and it would be almost impossible to rehabilitate them. In this day and age, if we were to get into a war, we would be delayed and be at a great disadvantage for want of logistic facilities to fight that war. The C-5A is the answer to our problem.

Mr. PRICE of Illinois. Mr. Chairman, I would like to reiterate that in my opinion this amendment does not save any money, but will possibly cost money and deprive the Air Force of a very necessary part of their requirements for equipment available to carry out-sized cargo. It is a plane that the Congress and the committee approved. We are in the contract stage. I think the Committee should reject this amendment.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not consume my 5 minutes of time, but I just want to correct a misimpression which might have been left in the House by my dear friend from New York, who is a very able gentleman.

He mentioned about concluding the planes on the line and then just using the rest for spare parts. Is that correct?

Mr. PIKE. If the gentleman will yield, I suggested that we stop now and take those which are half completed and complete them and use those which have not reached that point for spare parts.

Mr. HÉBERT. That is what I thought the gentleman said. He said take those which are half completed should be completed and reject the rest. Every ship on the line now is half or more completed, so, accepting the gentleman's formula, we should complete those on the line, because every one is 50 percent or more completed. The best answer we can give to the lack of validity that the proposition has is that the committee voted 30 to 5 against this amendment. But I would rather rely on the gentleman's own estimate that we should complete that portion that is 50 percent completed, and those are the ships that are on the line.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to propound a question or two to the author of the amendment. I would like to ask the gentleman from New York if it is not true that the so-called Whittaker report said that only 41 C-5A's were required to do that job which no other plane could do; namely, carry outsized equipment.

Mr. PIKE. If the gentleman will yield, not only is the gentleman correct, but one of the sad things about it is that these planes today are being flown but they are being flown half empty most of the time.

They are flying. There is no question about that. But they are being wasted, their capability is being wasted in a terribly expensive way to move cargo if you do not use all space available.

Mr. MOORHEAD. I thank the gentleman.

Further, is it not true that there will be before the end of this fiscal year at least 41 planes completed and that the gentleman's amendment would permit the production of even more than 41 planes?

Mr. PIKE. That is correct. I will say further that the Air Force by not repairing the two—they did not repair the one at Palmdale and by not repairing the one which caught fire down in Georgia—has already committed themselves to the fact that they do not need either one.

Mr. MOORHEAD. Is it not true that the Whittaker report in suggesting additional planes above the essential 41 did so on a cost effectiveness basis before we knew the real cost of the C5–A?

Mr. PIKE. That is correct.

Mr. MOORHEAD. And that the C5–A cost at least $59 million a copy; whereas, the Boeing 747 costs about $23 million per copy?

Mr. PIKE. The cost of the C5–A is roughly twice that of the 747.

Mr. MOORHEAD. So, the cost effectiveness studies for the additional planes were based on justifications which no longer exist?

Mr. PIKE. The gentleman is correct.

Mr. MOORHEAD. Is it not true that there is a General Accounting Office report to the Congress saying that there were serious defects in the C5–A with respect to the wing structure, the avionics and the landing gear?

Mr. PIKE. In fairness to the manufacturer I believe that the wing structure problem has been, if not completely cured, partially cured. It is still restricted to 80 percent of its supposed carrying capacity.

The landing gear; yes, these problems do actually exist but they decided it was not worth trying to correct them at the present time. The avionics have been reduced. So it is not only costing more but you are getting less plane for your money.

Mr. MOORHEAD. I thank the gentleman and I must say that this is a good plane. I think probably it is a good thing even though it is terribly expensive that we should have at least 41, but we should not go on and build as many as contemplated.

This is the thrust of the gentleman's amendment; is it not?

Mr. PIKE. That is exactly the thrust of my amendment. In other words, it is the old concept that one ice cream soda may be good for you but 20 of them might be bad for you.

Mr. MOORHEAD. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, while on the subject of planes and aircraft with serious defects, I note on page 25 of the report that $112 million is provided in this bill for the procurement of 12 additional F–111's.

Does this mean that this is the end of the ill-fated F–111 program

Mr. HÉBERT. Mr. Chairman, if the gentleman will yield, and as I know the gentleman listened yesterday and I am sure he paid very close attention when I was presenting this case at that particular time, I mentioned the F–111 and asked the House in its consideration of this matter not to confuse the ill-fated contract which was a mess, and a terrible mess, with the aircraft itself.

I agree with the gentleman that the contract selection, and the methods used by the Secretary of Defense are indefensible.

However, we are talking about the aircraft itself, the F–111. What we are doing now is to correct the situation because of the lack of action of the former Secretary of Defense Mr. McNamara. In other words, we have to keep the F–111 line open with 12 more aircraft which can be used as interceptors and as bombers as well.

So to further answer the question of the gentleman from Iowa, if we are talking about the contract, it is horrible, it is terrible; if we are talking about the finished airplane that we need, then it is necessary, and I tried to explain that yesterday, but it has nothing to do with the amendment pending before the House.

Mr. GROSS. The gentleman still has not answered the question. Does this mean a winding down of the F–111 program that we are going to obtain only one of these planes a month for 12 months? If so, is it not a terrifically expensive aircraft on that basis?

Mr. HÉBERT. It means a continuation of something that is needed until we get the AMSA or the B–1 in the air. This was caused by the failure on the part of the former Secretary of Defense, Mr. McNamara, to go ahead with the so-called AMSA or the manned bomber so that we are now caught in the switch because of his action or his lack of action.

Insofar as having to keep this line open, as I pointed out yesterday, it has been a decade since a B–52 has come off the line, one decade, 10 years, and we cannot get the B–1 or the AMSA for 6 to 8 years. So we do have to keep something in our hip pocket in case of an emergency.

Mr. GROSS. This does not mean then construction of one of these aircraft per month, the winding down and end of the F–111 program; is that correct?

Mr. HÉBERT. That is correct; it continues it for 12 months.

Mr. GROSS. Is it not tremendously expensive to keep the line open to produce one aircraft a month?

Mr. HÉBERT. We have to keep it open. It is less expensive to keep the line open than it is to close it down and then try to reopen it again at some other time. It is a clear example of the great savings former Secretary of Defense McNamara gave to the country, and how expensive it is to save.

Mr. GROSS. I want to thank the gentleman for the information he has provided, and let me say in conclusion that I will never forgive former Secretary of Defense McNamara and those associated with him for the shocking manipulations and staggering, unnecessary costs of the F-111 program. Not only has hundreds of millions of dollars been wasted, but the failure to timely produce a satisfactory plane has jeopardized the security of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Pike).

The question was taken; and on a division (demanded by Mr. Pike) there were—ayes 41, noes 132.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law in amounts as follows:

For the Army, $1,933,256,000;

For the Navy (including the Marine Corps) $2,460,469,000;

For the Air Force, $3,030,144,000; and

For the Defense Agencies, $489,443,000.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pike: On page 3, line 13, strike out—"$3,030,144,000" and insert—$2,659,844,000" none of which shall be authorized for the development of the B-1 aircraft.

Mr. PIKE. Mr. Chairman, I would like to say at the outset that while I did not attempt to get a record vote on the last amendment, I am going to attempt to get a record vote on this amendment.

This amendment has to do with the development of a new strategic bomber. Have you ever heard that song before? We have had an AMSA talked about in our committee and in our report and on the floor and we have had a B-70 talked about in our committee and in our report and on the floor. Here we go again, starting out a new strategic system—a new manned bomber in an age which I believe manned bombers are obsolete—manned strategic bombers are obsolete.

Let us consider what we did the last time we walked down this road. This was the B-70—we built 2½ B-70's. One B-70 crashed when a plane which was flying with it taking pictures of it had a tragic midair collision with it. The second one is at the Air Force Museum at Wright Patterson Field. The half is in little bits and pieces all over the United States of America. But we spent $1½ billion before we made the determination that it was not useful to go down that route. We are about to waste something in the neighborhood of some billions of dollars going through the same procedure again.

Last year we authorized $75 million for this weapons system. This year we are authorizing $370.3 million for this weapons system. Last year we were told that we were going to build seven prototypes—five flying models and two static models. Already they have changed that, down to three prototypes.

The plane's capability was originally sold to us as having a low altitude supersonic penetration ability. It is now a low altitude subsonic penetration ability.

I simply suggest to this committee that if they will look at the committee report, they will see that the committee, the Air Force, and the Department of Defense protest strongly that they are making no commitment whatsoever that this aircraft is ever going to be procured. I am firmly convinced that this aircraft is not ever going to be procured. We are going down the research and development route of building three models of a supersonic high altitude bomber—a subsonic low altitude bomber, which I do not think will be procured in 100 years. It is going to go the same route the B-70 went and going the route that AMSA went.

It is in this bill and it is in the Department of Defense budget as a sort of memoir to those of the Strategic Air Command who have not really accepted the coming of the missile age. I would hope that we do not spend this money to develop a plane which the military tells us they do not know will ever be procured. Surely we can use the money for better purposes.

Mr. PRICE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment proposed by my colleague from New York (Mr. Pike).

In his minority views the gentleman contends that money is being wastefully spent on the B-1 bomber and that the $370 million authorization forgets, and I quote, "completely the lesson of the $1.5 billion wasted on the B-70."

Mr. Chairman, as a former member of the U.S. Air Force, I have maintained a strong and continuing interest in the developments and state of air technology. On the basis of my background and experience, I can unequivocally state that comparing the B-1 and the B-70 is like comparing apples and oranges.

The B-70 was a supersonic bomber designed to fly at high altitudes and at speeds exceeding mach 3. The B-70 was phased out by the Air Force because its altitude ranges made it extremely vulnerable to lethal attacks by Russian surface-to-air missiles.

The B-1 is an altogether different plane. It is a bomber designed to fly at low levels at near supersonic speeds and at supersonic speeds at higher altitudes. The B-1 has a low-level attack capability which permits the plane to fly beneath Soviet radar. Unlike the high altitude flying B-70, the low-flying B-1 will be over its targets a much shorter period of time and will thus be considerably less vulnerable to attacks by enemy surface-to-air missiles.

The B-1 has other significant desirable attributes which make it vital to the framework of the U.S. deterrent triad, a framework composed of Minuteman missile forces, Poseidon missile-launching submarines, and strategic manned bombers. The plane's high prelaunch survivability with its ability to take off rapidly from dispersed fields before being destroyed by enemy incoming sea-launched missiles is a critical necessity in modern day warfare. In terms of its offensive capabilities, the B-1 can carry three times the internal payload of the B-52 in either nuclear bombs or Scram missiles. It has penetration aids and other devices designed to enable the plane to fight its way through the heaviest air defense concentrations and deliver its payloads deep in the enemy's heartland. In this connection, the plane has a low radar cross section with highly efficient electronic measures. Given the aerodynamic structure of the plane, the B-1 can obtain the same protection against enemy radar using about 1,000 pounds of avionics gear that the aging B-52 could get with 100,000 pounds.

Mr. Chairman, it is my fervent hope that the B-1 strategic bomber will never be pitted against Soviet military defenses. And if the plane is never committed to combat then the plane will have, in the best sense, fulfilled its mission, just as did its predecessors, the B-36 and the B-52. For avoiding armed conflict by being constantly and fully ready to fight, if need be, is the essence of deterrence. In this regard I would emphasize the fact that although it its day, the B-52 carried out this deterrent function to perfection, the age of the B-52 has passed. The B-52 is a product of the avionics technology of the fifties. This technology and this plane are inadequate to meet U.S. national defense needs in light of the Soviet and Red Chinese strategic threats of the seventies and the eighties.

In closing, I would urge my colleagues to reject the proposed amendment and to proceed full pace in developing and deploying the B-1. I cannot overemphasize the importance of continuing the development and testing of this aircraft. From its very inception, it has been the most important corner this Nation has turned since the decision was made to develop the ICBM on a priority basis. And inasmuch as we are still facing the threat of nuclear holocaust, and since we still face an implacable enemy in communism, the B-1 program must continue at full speed.

AMENDMENT OFFERED BY MR. LEGGETT TO THE AMENDMENT OFFERED BY MR. PIKE

Mr. LEGGETT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York (Mr. Pike).

Amendment offered by Mr. Leggett to the Amendment offered by Mr. Pike. On page 3 of the bill, line 13, strike the figure "$2,659,-844" and insert the figure $2,159,844."

Mr. LEGGETT. Mr. Chairman, I support the manned bomber concept. I like it. I believe the form of my amendment to Mr. Pike's amendment really explains how much I like the manned bomber concept.

What I would do, instead of accepting the $370 million which is programed by the Department of Defense in the bill is to reduce the level to $200 million.

This aircraft is known as the AMSA, the advanced manned supersonic bomber. We programed that and stimulated the development of that in the House Armed Services Committee. We insisted that this aircraft be developed as the successor to the B–52's built in the 1950's.

I supported the development of the B–1 bomber at the $25 million level and at the $50 million level. The House last year put in $100 million for this program. The Senate reduced the program to $75 million.

I beileve the benefits of the program as it has been developed over the past year have been pretty well explained by the chairman of our committee. This is not a total package procurement. This is a development contract only we are working under at the present time. I believe it is under excellent management of my good friend Maj. Gen. Doug Nelson.

Our Subcommittee on Research under Chairman MEL PRICE of Illinois, has totally reviewed this program both at Wright-Patterson Air Force Base and also in California at the North American Rockwell Plant.

Originally the Pentagon had programed for this year $550 million for the development of the B–1 bomber. As I said, North American is doing a good job in the development of this program. But I believe the Pentagon recognized that these figures which have been published in the national magazines on GNP, indicating that over the past year in static dollars we have depleted from the $729 billion level to the $721 billion level, indicate perhaps we should engage in some frugality in some of these defense expenditures. As a result, they put the lid on the Air Force and they said, "All you can spend is $370 million for this plane in 1972."

The gentleman from New York (Mr. PIKE) would totally terminate the manned bomber B–1 program. My amendment would continue the program at $200 million.

I want to say that the largest single cleavage on our Committee on Armed Services occurred on my amendment to Mr. PIKE's amendment. We got 13 members. That is one-third of the committee. I want to tell you, on the House Armed Services Committee, that is one whale of a division.

I say it is better to develop this program gradually, as we can afford it. I would say it would be better to wait until we are growing at the great society years of $40 billion or $50 billion a year in static American dollars, rather than to try to spend this very large amount of money at a time we really cannot afford it.

The SALT talks are in progress. They might bring a total termination to this program. I say if we spend $370 million this year we are obligated to spend $550 million next year and we are obligated to spend $500 million for this program the next year.

If we are concerned about employment, which I am in my home State of California, for these are my engineers involved, we would go from 7,000 engineers right now at North American to 11,000 engineers next year and the year after that, and then we would go back on down to 7,000 engineers.

I really do not think that does an awful lot for employment in my home State. It causes problems.

This airplane costs money. It was originally programed for some $22 million or $23 million. Now the cost is $46.6 million. It is a better airplane than the FB–111, because it contains 24 SRAM air-to-surface nuclear missiles. Last year these missiles cost $500,000, and now they cost $1 million apiece. That means for each one of these vehicles it costs $70 million apiece.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 2 additional minutes.)

Mr. LEGGETT. We are going to build 247 of them. I ran it out on my sliderule, and it is $17.5 billion we are spending on this program to go in and take care of the Soviets on a second strike. I say, if we are going to err, let us err on the side of strength but not on the side of lunacy. How strong are we if we go ahead and spend $1.5 billion on this program only to find the SALT talks bringing about a detente? I say we would be much better off to go ahead and move on the $200 million level and keep our options. Let us not stampede ahead but move ahead with the program on the FB–111, which you can build for $10 million apiece. The FB–111 will strike at 40 percent of the Soviet Union as compared to the B–1, which costs $70 million and which will strike at 60 percent of the Soviet Union. I tend to think that if we want to be cost effective and get a good bargain, what we ought to do is save our SALT talk options and buy my amendment to Mr. PIKE's amendment.

Mr. RANDALL. Mr. Chairman, will the gentleman yield to me?

Mr. LEGGETT. I am glad to yield to my colleague from Missouri.

Mr. RANDALL. I thank the gentleman for yielding.

I heard the gentleman describe this program as lunacy. I would like to ask a question involving logic. If you say this is such a good thing and is needed and if you say it is such a fine thing, what is the logic if you want to cut it? You say you want to cut it from 370 to 200. What is the logic of that?

Mr. LEGGETT. In order to move ahead at a little slower progression rather than to get up in the big bucks right away. It is a question of judgment.

Mr. RANDALL. We are 6 months behind now.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment offered to the pending amendment.

Mr. Chairman, the gentleman who preceded me stated that the subcommittee of the Committee on Armed Services thoroughly examined this particular program both in committee hearings here in Washington and in field trips at Wright-Patterson Air Force Base and at the manufacturer's plant in California, and after thorough consideration the subcommittee rejected the amendment offered by the gentleman from California and also the amendment offered by the gentleman from New York. After it reported back to the full committee, the same two amendments were considered by the full committee, and they were rejected at that time.

Mr. Chairman, the amendment offered by the gentleman from California (Mr. LEGGETT) represents a stretchout of a program that is proceeding on an orderly basis without any known technical difficulties being encountered as of this time.

A stretchout would disrupt the orderly development procedure, would increase the development costs, would increase the total program cost, and would delay the introduction of this strategic system into our operational inventory if the decision is made to go into production.

This is not a program of concurrency but is one of fly before you buy. As previously stated, prototypes of this aircraft will be test flown and evaluated for 1 year before any decision is made to release for production.

The Air Force and the Department of Defense have studied the various alternatives for meeting our requirements for future bomber forces, including several types of penetrating and nonpenetrating —standoff—aircraft systems. The proposed B–1 is a result of those studies.

Now it is time to get on with the development of the prototype hardware for test and evaluation.

I urge the Committee to reject the proposed amendment.

Mr. Chairman, the rationale for this amendment is that either manned bombers are no longer needed to provide a strategic deterrent or that the aging B–52's can be further modified to extend their operational usefulness through the decade of the 1980's.

The overwhelming majority of the Committee on Armed Services has long supported the need for the "Triad" to provide a creditable deterrent. Over the years the committee has cautioned the Congress and the Department of Defense not to put all of the eggs in one basket; namely, ballistic missiles.

Manned strategic bombers offer insurance against unanticipated vulnerabilities which may appear in either of our missile systems, including the security of the launching platforms.

Often it has been said that missiles cannot be recalled once they are launched and that the only strategic system that we have which possesses the human brain as a part of its computer, once the system has been launched, is the manned bomber.

If we eliminate the manned bomber, this eliminates one of the threats to our potential enemies and reduces the number of targets which the enemy must strike if he is to destroy our retaliatory capabilities.

Because of our national policy not to develop a first-strike capability, the manned bomber is the only strategic system we possess that can be launched upon receipt of a warning of an attack.

Any attempt to simultaneously destroy our strategic bombers and our strategic missiles provides a warning to one or the other systems sufficient to allow that system to be launched successfully. For instance, a simultaneous attack on our Minuteman fields by enemy ICBM's and the bomber bases by submarine launched ballistic missiles would necessitate launching of the ICBM's approximately 15 to 20 minutes earlier than the launch of the SLBM's. Such a warning time would enable the bombers to become airborne before the SLBM's were launched.

On the other hand, an SLBM attack on our bomber bases would provide sufficient warning to enable the launch of our Minuteman force before it came under attack. So it is impossible for any potential enemy to destroy these two strategic retaliatory capabilities simultaneously, without warning. One or the other would survive and would be available for retaliation.

Some advocate increasing our Polaris/Poseidon-type missile systems because of their relative invulnerability to attack at the present time. While it is true that the missile launching submarine enjoys this relative security today, there is no assurance that within the next decade or so breakthroughs will not be accomplished in the antisubmarine warfare area which would eliminate or drastically reduce that security.

The manned bomber is the only one of our strategic weapons systems that offers a capability in a conventional war. Evidence of this has been provided in the war in Southeast Asia by the B-52's.

The Soviet Union continues to maintain a substantial number of strategic bombers capable of attacking this continent. In addition, we have seen prototypes of a new sweptwing bomber developed by the Soviets. The intelligence community is in agreement that this bomber will possess a range capability sufficient to enable it to attack almost any section of the North American continent. Thus it is obvious that the Soviets have not abandoned their "triad" of strategic weapons systems. We should not reduce our strategic retaliatory capabilities on a unilateral basis.

In response to the suggestion that the B-52's can be further modified to extend their useful life, I offer the following:

The latest model B-52's, the G and H, vary in age from 8 to 12 years. Even with the B-1 planned to enter the operational inventory in the late 1970's, the B-52 is expected to be maintained in the inventory through 1980. By that time the oldest aircraft would be about 22 years old and the youngest about 18 years.

It has been suggested that the B-52 could be further modified with new and improved engines. This modification might increase the speed and range capability slightly, but would not necessarily increase the low-level penetration capability or its probability of survival during penetration. The normal speed of the B-1 at low altitude will be substantially greater than the B-52. The B-1 is designed to have a far better navigational precision and, therefore, much better accuracy with short-range attack missiles—SRAM—than the B-52.

The B-1, designed with better inherent stability, better terrain avoidance equipment, better control systems for low-altitude flight, and a high tolerance for low-altitude turbulence, is designed to operate safely at lower altitudes than the B-52, improving its probability of survival during penetration.

The funds recommended for authorization in this bill for the B-1 bomber do not commit the Department of Defense or the Congress to production of the B-1. That decision is some 4 years away and will be preceded by 1 year of flying, tests, and evaluation. This program should be supported by the Congress and allowed to proceed on an orderly basis.

Mr. Chairman, I urge the Committee to reject the amendment.

If we continue the program, we would probably double the cost of the program by the stretchout.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield further?

Mr. PRICE of Illinois. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. On the question of the increased cost. If the program is stretched out, is the gentleman taking account of the fact that we will be keeping the money longer and, therefore, saving interest?

Mr. PRICE of Illinois. The gentleman from Illinois is taking into account the experience which the gentleman has had in watching such programs over the years. I realize, and I think the gentleman who serves on the Committee on Appropriations realizes, that when you do stretch out a program, all you do is add to the cost of the program.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. GUBSER. I think the gentleman from Maryland is overlooking a point when he says we would save by keeping the money longer. We do not have the money. We have not borrowed it from the taxpayers as yet.

Mr. LONG of Maryland. Of course, you are paying interest on that money if we assume we are borrowing it. I do not quite see the logic of the gentleman's arithmetic.

Mr. PRICE of Illinois. I do not follow the mathematics of the gentleman from Maryland.

Mr. LONG of Maryland. Well, the interest rate is 6 percent.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. What is wrong with the F-111B? It is already in production.

Mr. PRICE of Illinois. The F-111B, when you ask what is wrong with the FB-111 I know you are talking about the contractual troubles about which we all were concerned. However, insofar as the aircraft itself is concerned it is the best fighting aircraft in the world today. The committee happens to believe that the F-111 will do a good job right now and that is the reason we put money into this bill, to keep the production line in being so that we would have an interim bomber between the B-52 and this plane the B-1 when it comes into being in the 1980's.

Mr. Chairman, I urge the committee to reject both of these amendments.

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to both amendments.

Mr. Chairman and members of the committee, I take the well to support my chairman of the Research and Development Subcommittee.

Both of these amendments were submitted in the subcommittee. They were submitted in the full committee. Both of them were rejected overwhelmingly.

Mr. Chairman, it might seem strange, as one of the members of the original "Fearless Five" who voted against the former chairman of the House Armed Services Committee, the gentleman from Georgia, Mr. Vinson, on the B-70 program to now be in the well in support of the manned bomber, the B-1.

But, the issues involved are completely different. We need a supersonic manned bomber for the defense of this Nation.

The capability of supersonic cruise performance is mandatory for a truly modern manned strategic bomber that will have to be operated in the 1980's and 1990s as a key element of this country's strategic force.

Flexibility, which is the manned bomber's greatest advantage over missile systems, is greatly enhanced by the supersonic capability. The ability to accelerate to supersonic speeds in order to skirt or make an "end run" around interceptor concentrations, airborne warning aircraft control systems—AWACS—or other sophisticated defenses is an example of the tactical versatility provided by the B-1's Mach 2 plus capability.

The SRAM—short-range attack missile—which the B-1 is designed to carry, is an offset missile—one capable of being launched in any direction from the aircraft. This SRAM capability eliminates the need to fly directly over the intended target and through heavy defense concentrations. A B-1 flying at supersonic speed increases the capability of the SRAM, by more than doubling the offset range of the missile when launched at high altitude.

The higher aircraft thrust-to-weight ratio required for supersonic flight results in higher acceleration capability which aids in escaping potential nuclear SLBM attack against airbases.

Supersonic response times can also provide the operational flexibility to suppress escalation of brush-fire wars or contain international incidents.

The productivity of an aircraft; that is, to do useful work, is measured by multiplying the aircraft velocity—speed—by the aircraft payload. The supersonic capability coupled with its larger payload capacity gives the B-1 a productivity approximately 13 times that of the subsonic B-52.

The above important advantages of having a supersonic cruise capability in the B-1 only adds 16 percent to the flyaway cost. In addition to the previous advantages outlined, having above supersonic high-altitude performance as well as near supersonic low-level capability in the B-1 forces the enemy to expend large sums and scientific talent for multiple defense systems which have to guard against the possibility of two kinds of attacks.

Threats which can't be predicted at this time and the guarantee of technological developments over the next 30 years demand a versatile manned bomber.

Possible technological developments in such defense systems as radar, ECM—electronic countermeasures—and lasers, could tilt the survival and effectiveness advantage toward high-speed, high-altitude operations. It is agreed that no one could have predicted the developments of the past 30 years, or their impacts.

Mr. Chairman, I think there is one byproduct of a manned strategic bomber which cannot be overlooked. I happen to be one of those who last year voted against the SST. I did so on the ground at that time that I did not believe the SST was a sound economic proposition. This year I voted for the SST on the theory advanced by the gentleman from Oklahoma (Mr. STEED). The situation was like a poker game. We had a billion dollars in the pot and we should have spent another $300 million to see the opponent's hole card. As it turned out we threw away a billion dollars without getting anything, even the privilege of knowing whether or not my original assessment was correct; whether after being to the air demonstrations in Paris, Mr. Chairman, and having the opportunity to go through the Russian TU–144 and the British-French Concorde, I agree with the gentleman from Massachusetts (Mr. BOLAND) that this Congress made a tremendous mistake. There is no more difference—and I still fly aircraft actively—there is no more difference, Members of the House, between the SST and the modern jet of today than there was the jet of yesterday, and the old piston-engine jobs.

I would point out that every major commercial aircraft flying today has been developed as a spin-off from military aircraft. Name me one that is not. I also believe that when the B–1 is developed you will see minor modifications made to obtain the commercial SST of the future.

This will prove to be a great byproduct, I think, of the B–1 program. I hope the House in its best judgment will see fit to defeat both of the amendments.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, this is the end product of our R. & D. that we will use in order to avoid overpayments and other formula which have led to excessive spending and that will produce in the late 1970's or early 1980's the manned strategic bomber or AMSA. This has developed through all of our R. & D. and will enable us to penetrate and use the SCAD and properly accomplish our mission of the defense of the United States.

I have heard much here today about erring on the side of adequate defense—if we must err. I have heard about charades. I have heard much said about judgment—and yet people get up and say "I believe" in contradistinction to the decision of the committee.

There has been very little mention of the fallout of the SR–70 which enabled us to build the SST prototypes and engines, the F–111, or the B–1 to fulfill its timely niche in the history of the defense of this country. There was competition under the specifications until a single company was decided upon. Long-range planning demands it, before the B–52's came apart and the interim FB–111's are phased out.

Mr. Chairman, I believe in the collective judgment of this committee, without which we would not have had atomic nuclear power—sea power, submarines, or even the military Strategic Airlift Command which serves us so well around the world. Like the Manhattan project of World War II some things must be secret—and probably for the adequate defense of the United States, more should—but in any event we must use all our technical know-how to defend our shores, space, and peoples.

I am tired of those who harangue us to reduce spending on the one hand and then when the services comply, they use that against the services as an argument against "fly before buy."

In the case of the B–1, the USAF has long recognized the cost sensitive environment. Soon after contract award, the Secretary of the Air Force ordered that performance trade-off studies be conducted to reduce unit production costs. The project, known as "Focus" analyzed trade-offs between costs and various performance aspects of the B–1 system, such as supersonic speed, range, payload, refueling altitude, avionics concept ,and titanium content. Project Focus was successful in reducing the production unit costs primarily in the areas of avionics and reduced titanium content. In conjunction with Project Focus, it was further directed that the Government fiscal year 1972 funds requirement of the B–1 program be reduced from $569 million to a maximum of $400 million. The Air Force subsequently reduced the requirement to $370.3 million. To offset an obvious program slip, the special projects affair director took action to replan the R.D.T. & E. program to absorb the reduced early funding levels while still maintaining the scheduled Critical Milestones. The results of this study, known as "Innovations" were implemented to provide new and innovative management approaches to the B–1 program. Therefore, the compromise for the B–1 in fiscal year 1972 funds has already been made.

The objectives of the innovated B–1 R.D.T. & E. program are to achieve overall lower development costs, while still maintaining the requirement to develop an efficient, supportable weapons system; and to minimize the Government's investment up to the point of production decision. The latter was accomplished by deferring the production decision until 1 year after the first flight, thus greatly reducing concurrency between the development and production program under the "fly before buy" concept.

[Amounts in millions]

Program plan	Gross fiscal year 1972 funding	Total R.D.T. & E. program	First flight (months)
Original contract	$569	$2,682	45
175 plan (reduce early year funding)	[1] 400	2,768	52
Innovations plan	370.3	2,283	47

[1] Maximum.

In summary, the B–1 program has been optimized to the Government fiscal year 1972 $370.3-million funding level through SECAF direction and has continued to be viable through the cost-reduction action of "innovations." Further reductions in funding levels would increase R.D.T. & E. costs, cause a serious contraction of a growing subcontractor and supplier network, delay first flight and IOC, and consequently, a substantially weaker deterrent posture.

The B–1 program has made its 1972 compromise. Further reduction in funding would be pennywise and dollar foolish.

Mr. Chairman, I urge that both these amendments be defeated and we get on with our job.

(Mr. HALL asked and was given permission to revise and extend his remarks.)

Mr. DANIEL of Virginia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to both amendments because I believe that to proceed with the B–1 will provide an effective psychological tool in the SALT talks; because I believe opposition to proceed with the B–1 will provide an effective tool in the SALT talks.

On May 20, 1971, President Nixon announced that the United States and the Soviet Union had joined in a "declaration of intent" on an agreement to limit defensive missiles and some offensive weapons.

This declaration demonstrated a new initiative on the part of both countries to seriously undertake to find a means of curtailing a new arms race.

After 19 months of negotiations, the only agreement was to concentrate on those systems and limitations which appear most promising for further discussions and ultimate agreement.

The primary questions which still must be settled are which offensive and defensive weapons to limit and by how much.

In any evaluation of possible SALT agreements it is important to bear in mind that the objective of both United States and Soviet strategic forces is as a deterrent to nuclear attack.

At present, both the United States and U.S.S.R. possess second-strike capabilities in sufficient quantities that a successful first-strike capability by either side is unattainable.

This state of mutual deterrence must be maintained without renewing the arms race.

The Soviets want the United States to stop deployment of Safeguard ABM systems which will protect its Minuteman

ICBM's; the United States wants to limit deployment of the giant 18- to 25-megaton SS-9 which, when equipped with MIRV warheads, has kill capabilities against U.S. Minuteman ICBM's.

Hence, the most likely initial agreement is a limitation on ABM's and ICBM's.

Elements of the agreement may be: First, ABM deployment restricted to national command centers or the banning of all ABM's and their acquisition radars; and second, some limitation on large Soviet land-based ICBM's.

Strategic bombers will not be a part of the initial agreements because of the problem of defining a strategic aircraft. The nuclear capability of NATO/Warsaw Pact tactical aircraft, carrier-based aircraft, and the potential delivery capability of transport aircraft are difficult to separate from the B-52/B-1 class aircraft.

If and when the initial SALT agreements are completed, further negotiations on a more comprehensive nuclear weapons limitations package will commence.

The possible resultant agreements can be broadly grouped into four categories: First, a ceiling on numbers of offensive weapons; second, a freeze on payload; third, a limitation on MIRV's; and fourth, a freeze on delivery vehicles.

An agreement which includes a numerical limit on nuclear delivery vehicles with or without separate limits on bombers will favor a B-1 production decision.

The much smaller force of B-1's can deliver many more weapons to targets than would be possible with the B-52's and the FB-11B.

The agreement which would limit bombers separately, may even be more positive for the B-1, because there would be a guaranteed number of bombers in the strategic forces inventory and the B-52 needs to be replaced.

A freeze on deliverable nuclear payload could also favor the B-1 program: First, if the limitation is on the number of warheads, then fewer B-1's need to be produced; second, if the limitation is on deliverable megatons, then the B-1 would be needed to carry larger numbers of smaller yield, accurate weapons to targets.

Any limitation on MIRV's could have a positive effect on the B-1 program because it could mean that the bombers with SRAM would continue to carry the majority of the U.S. nuclear weapons.

The fourth possible agreement, a freeze on nuclear delivery vehicles or warheads so that no new system would be deployed, would not necessarily preclude B-1 production since the B-1 is the only strategic weapon that does not depend on nuclear weapons to be effective.

Completion of R.D.T. & E. phase of development should continue as a hedge against Soviet noncompliance with the provisions of the agreement.

Full support of the B-1 R.D.T. & E. program at this time would motivate consideration of such an agreement and would also require a more substantive concession by the U.S.S.R.

In conclusion, the increase in the number of warheads atop missiles—MIRV's—and the resultant requirement for ABM protection have led to a new phase of the arms race.

The bomber does not motivate the arms race since it is neither a first-strike weapon, a nuclear-only weapon, nor on a hair trigger. It will be detected long before it arrives over targets; it can be launched, maintained on 24-hour airborne alert, and then recalled; and it provides the precision to pinpoint and control damage as opposed to the massive destruction by missiles.

The bomber is the most stabilizing element in the U.S. strategic force.

Old, outmoded bombers must, however, be replaced with the new B-1 bombers designed to deter aggression, able to contain various levels of aggression should deterrence fail.

Mr. SEIBERLING. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. PIKE).

Mr. Chairman, I believe it is possible to maintain a credible deterrent against the greatest likelihoods of military attack without a Safeguard ABM system or a B-1 manned bomber. And we can safely contain continually escalating research and development programs that sometimes seem designed to produce the same old bang at the cost of a lot more bucks.

The geometrically expanding cost of our defense weaponry forces upon us some hard choices. It is simply not feasible, either strategically or economically, to build enough expensive detection systems or multiple deterrents to protect our Nation from every imaginable form of attack.

Under the Defense Department's "triad," or triple deterrent strategy, the United States already maintains three independent nuclear weapons systems, each supposedly independently capable of deterring the U.S.S.R. from launching a preemptive attack. The enemy can theoretically be deterred by land-based Minuteman missiles with multiple warheads, operating independently, and the submarine-based Polaris-Poseidon missiles, operating independently. Or the manned B-52 bombers, acting independently.

The ABM Safeguard system would add a fourth deterrent to attack because it would supposedly keep an aggressor from mounting a successful preemptive missile strike against our ICBM bases.

The question arises: How many independently operated victories over the same carcasses are necessary? I think we can do without the ABM and maintain the "triad" plan without building the B-1 bomber.

The rationale for building the horrendously expensive ABM has been shaky from the beginning. Rather than spend $1.4 billion to continue development, this is an excellent point at which to reorder some priorities. As a diplomatic weapon in the Strategic Arms Limitations Talks, the ABM's position is, at best, nebulous. As a public works program to help our unemployed, the money would be better spent on the accelerated civil public works program and emergency employment.

As far as spending $370 million to build three prototypes for a new manned bomber that may well cost $44 million per aircraft, it is simply not needed at that price. At $44 million per plane for procurement of an estimated 247 bombers, we have an opportunity right here to save the taxpayers nearly $11 billion by utilizing existing aircraft.

In spite of all its problems, the F-111 can be used as a long-range nuclear deterrent. And our B-52's, I believe, can be modified with new wings and engines to keep flying for another 10 to 15 years. Both these steps can be taken at much lower cost than launching another new weapons system.

By rejecting the B-1 and ABM authorizations right now, the taxpayers would be saved nearly $1.8 billion this year and uncounted billions in the future without harming our deterrent military force against aggression.

There is an additional half-billion-dollar saving in the amendment by the distinguished Congressman from Vermont (Mr. STAFFORD). It would reject a proposed increase in the research and development from $7.9 billion to $7.1 billion over 1 year and freeze the spending level at last year's budget level, allowing for inflation.

Research should not be curtailed, however, on such strategic projects as the Navy's undersea long-range missile system—ULMS. The committee indicates our underwater capability of attack is largely unchallenged by existing enemy equipment. But research must be continued in this area to maintain our weapons superiority under sea.

The above $2.2-billion cuts in military costs will help our strained economy, but nothing can help our fractured society more than a withdrawal from Southeast Asia—by the end of the year.

To South Vietnam we have given 50,000 American lives, 10 years of strong assistance and over $120 billion. In my view this investment of lives and money has fulfilled our "commitment." South Vietnam should not expect us to give more.

Like many of my colleagues, I have studied recent revelations in the New York Times about the decisions leading to massive American involvement in Southeast Asia. But I remain convinced that our original intentions were laudable, and the concept of filling a power vacuum by a buffer zone remains valid.

But after 10 years of bloodshed, bombing and battle, it has become apparent that if the South Vietnamese Government cannot stand on its own now, it is unlikely that it will ever be able to. In the meantime, the war is tearing our country apart.

I support efforts to terminate the U.S. combat role by the end of the year and to restrict the remaining forces to an advisory role. It has become clear that our men held prisoners in North Vietnam will remain captive until and unless the United States either withdraws its fighting forces or sets a definite date for ending our role on the battlefield. Hanoi has treated our men shamefully, but to make sure that they come home, we are going to have to step up the pace of our exit.

To be sure, there are risks involved with ending the American combat role within 6 months. But these dangers, like the merits of staying on in Vietnam, are outweighed by what the war has done and is doing to Indochina and to our own country. Everyone has paid enough—enough lives, enough taxes, enough anguish.

Mr. SEIBERLING. Mr. Chairman, I oppose the amendment of the gentleman from California and I support the amendment of the gentleman from New York. On May 4, 1971, Senator George McGovern of South Dakota and I issued a report on the supersonic bomber, the B-1. That report was printed in the Congressional Record for May 5, 1971, at page 13655. Our report concluded that the B-1 is a virtually useless weapons system that will cost an enormous amount of money to research and development—we estimate as much as $47 billion, including the follow-on tanker fleet.

Since the issuance of our report, there have been various attempts at rebuttal.

My purpose is simply to point out that in all these attempts to refute the many criticisms and shortcomings of the B-1 program contained in our original report, two extremely critical areas have been left unanswered to my satisfaction, namely, that the B-1 allegedly will have a capability to penetrate a SAM-defended environment, and that the B-1 fleet, as envisioned, can be operated with the existing fleet of KC-135 tankers, designed to support the B-52's.

Any strategic bomber, be it the B-1, the FB-111, or a modified version of our existing B-52 G's and H's must have a credible ability to penetrate enemy defenses and deliver enough warheads on target to inflict unacceptable damage. In our study on the B-1 we reached the conclusion that the highly sophisticated SAM-environment that the Soviet Union will be able to achieve by the 1980's would totally deny any aircraft penetration, even to within short-ranged attack missile—SHRAM—range.

I might point out that as an alternative to the B-1, we suggested that basic research be pursued for a subsonic strategic aircraft designed exclusively for operation as a standoff platform and on a new air-to-ground missile with the range and flight characteristics required to penetrate from beyond enemy defenses in a fashion which achieves the greatest possible variation from the nature of the SLBM—submarine-launched ballistic missile—and ICBM penetration.

At no point in the subsequent attempts at refutation have I seen any convincing rationale to the contrary. In addressing himself to the B-1 case in yesterday's Congressional Record, my distinguished colleague (Mr. Price) stated that a B-1, using the same number of subsonic cruise armed decoys as a B-52, would have a probability of success in penetrating enemy defenses about 1½ times as great as the B-52. But in the 1980 time frame, the chance of success would be zero, and I submit that 1½ times zero is still zero.

I am not going to go into the details with respect to the follow-on tanker question except to say that SAC Commander, Gen. Bruce K. Holloway's statement to the Armed Forces Journal last June was as follows:

> We need a new tanker no matter what kind of bombers we have. The problem is not so much the life of the tanker, but we need an aircraft that can offload more fuel.

In light of the recent total failure of the B-70 supersonic bomber program at a cost of $1.4 billion, coupled with the untimely phaseout and scrapping of the B-58 supersonic bomber fleet after less than 10 years of combat readiness and the repeated groundings of the current FB-111 fleet I suggest that past DOD requests for supersonic bomber funding have been in error to a point where Congress must accept the responsiblity for drawing the line on these exotic schemes.

After the issuance of our B-1 report I advised the Air Force that I would be glad to attend a full briefing by them, and that if they could show me that the B-1 could achieve its strategic objective I would publicly so state. To date the Air Force has made no response.

I see no reason for supporting the B-1. As stated in our report, it is a weapon system in search of a mission, because its mission is truly a "mission impossible."

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with no hesitance I rise to speak against both amendments in this instance.

With the modesty that is mine, I believe I know as much about this proposition as any member of this body, because I was chairman of the committee over 6 years ago which first went into the matter of the AMSA, and for 6 years the House Armed Services Committee tried to persuade Mr. McNamara to allow this bomber to be built, knowing that we needed a follow-on bomber.

I know it was inadvertent that my friend from New York said we had forgotten the AMSA. We have not forgotten the AMSA. This is the AMSA. The B-1 is the AMSA, after 6 long years.

As I tried to point out before, this is in consonance with our defense program of the "mix": the power from the air, the power on land, and the power on and under the water. We need all three.

Let us look back and see what we would get if we do not get this B-1. We would get nothing. The F-111 was never intended to be a successor or follow-on to the B-52.

I recall again what I earlier said, that in 10 years no B-52 has been built. The line is closed. Those who suggest slowing down, as my friend from California does, only suggest to do again that which was improperly done.

I must call special attention also to my friend from New York (Mr. Pike) as to the indications about the attitude of the military, and bringing this into some happenings that are going on today. The Joint Chiefs of Staff, and in particular with the backing of the Air Force Chief of Staff General McConnell, insisted on the advancement of the AMSA program.

A presentation was made by the then Secretary of Defense, Mr. McNamara, and to a television audience, and it probably was over CBS, for it was that inaccurate, in which he misrepresented the facts as presented to our committee. It became necessary that I hold a conference and put on my own show in the Armed Services Committee room, to bring out the facts and to produce a document which had been refused to us.

I tell the members of this committee that there is not a more important vote than the one we are going to cast, to cast a vote in favor of the B-1, in favor of its advancement as quickly as possible.

I have told the gentleman from New York I agree with him that we should have a record vote on it, and I will stand with him to have that record vote, because I believe standing and voting against both of these amendments on the record will tell the world that this Congress is not willing to abdicate its power and is determined to follow through and give into the hands of our men in uniform the most powerful and sophisticated and effective weapons possible.

The only way to do this, the only effective way to do it and the only positive way to do it is to cast a vote against these amendments and in favor of the B-1. Let us get on with the business we have been behind in too long.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am trying to make up my mind on this. It has just been said in this debate that this is a bomber without a mission. Can the gentleman tell us exactly what is the mission of this aircraft?

Mr. HÉBERT. An individual who makes the statement that this is a bomber without a mission I am sure is joking and being a little facetious and trying to coin a nice phrase. The mission of the B-1 is to carry out the strategic bombing of the B-52. This is the intrinsic value of this bomber, flying supersonically, getting in and hitting the enemy fast. It is an advanced bomber. Anyone who says it is a bomber without a mission just does not know what he is talking about. I say it is the bomber with the mission of protecting this country.

Mr. LONG of Maryland. Can I ask a second question? Is it the purpose here to offer a secondary strike after a first strike against the United States; and would any B-1's survive in order to make that second strike? That is the question that bothers me.

Mr. HÉBERT. Of course, anybody who knows the problems and the weaknesses of the FB-111, which needs time for refueling in the air—and I am sure the enemy would not stop its action while we refueled—anyone who knows this knows that we need this new bomber. I repeat and again emphasize that, and perhaps due to a lack of adequacy in my presentation due to an inadequacy in the English language I have not made clear that this is the bomber we need in this Nation for the foreseeable future. Dispersal of the B-1 bomber to the many airfields of this country will reduce its vulnerability to attack from submarine launched missiles and thus increase its chances of survivability.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask some questions if I can get the attention of whoever has that responsibility on the committee to answer, whether it is the chairman of the subcommittee or the chairman of the full committee.

I did not quite understand whether this proposed weapons system is a primary or an alternative weapons system.

Mr. HÉBERT. It is one of the three primary systems. It is a follow-on to the B-52, which is one of the primary systems. It is the primary system in the SAC Command. It is the advanced bomber, and it follows the same mission. It is a primary mission.

Mr. FASCELL. I also understood that this aircraft, if it were eventually R. & D.'ed and produced, will be a mid-1980 aircraft. Is that correct?

Mr. HÉBERT. No. It would be late 1970's, and it should have been the early 1970's if we had had an individual sitting as Secretary of Defense who could have made proper decisions and not misrepresented the facts to us.

Mr. FASCELL. In the previous language I heard it was said it was a mid-1980's bomber. Do I now understand that is an error and the chairman is setting the record straight and is now saying that the proposal is to produce this aircraft to be on the line and in the air by the late 1970's. Is that correct?

Mr. HÉBERT. Being of sound mind and sound body, I cannot tell you the date for certain, but we hope it will be in the late 1970's. This is not the 1980 version. By that time we should probably have something on the drawing boards which should be starting now to replace the B-1 in 1980. That is what we are trying to project in this bill. This is not a bill for yesterday or today, but a bill of tomorrow, and we must prepare for it now.

Mr. FASCELL. I understand the gentleman. I recall that leadtime for bombers was 8 years. Is that still the leadtime on a bomber of this configuration?

Mr. HÉBERT. Not to my knowledge. From my knowledge, it would be 6 years from the drawing boards to the shelf. It could be stretched out, of course.

Mr. FASCELL. The question is whether it can be shortened.

Mr. HÉBERT. It cannot be shortened. I do not think it can be shortened.

Mr. FASCELL. In other words, the money in this bill is based on a leadtime of 6 years. Is that correct?

Mr. HÉBERT. It is based on a leadtime of 6 years and the cost and the value of that dollar in 6 years. If the dollar does not shrink that much more, that is. If it goes for 8 years, we will need that many more dollars.

Mr. FASCELL. I understood the previous speaker to say that this was the SST military configuration. Is that correct?

Mr. HÉBERT. No. This is a supersonic bomber.

Mr. FASCELL. Yes. But it is not configured so as to be convertible?

Mr. HÉBERT. Not at this stage. It is on the drawing boards.

Mr. FASCELL. But is it planned in the R. & D.?

Mr. HÉBERT. It is in R. & D. development now.

Mr. FASCELL. But is conversion part of the R. and D.?

Mr. HÉBERT. It is a piece of military equipment.

Mr. FASCELL. I know that, but is conversion part of the R. & D.?

Mr. HÉBERT. No.

Mr. FASCELL. Could the aircraft be converted to civilian purposes?

Mr. HÉBERT. Yes.

Mr. FASCELL. I have nothing against Federal support for producing military aircraft which are really the predecessors for civilian aircraft. We have been doing that in this county for a long period of time. I am not arguing that point. I am trying to find out whether this is a military version of the SST, and if by the time this aircraft is produced it has little or no military value, it will wind up being the SST.

What is the environmental impact study that will be made? Is that study a part of the research and development of the B-1? I assume a supersonic bomber like the B-1 with both high- and low-flight capability will have greater or at least equal adverse environmental impact as the SST.

Mr. HÉBERT. Do not assume. Ask me a question and let me give you an answer and then the gentleman will not have to assume.

Mr. FASCELL. All right; that is the reason I asked the question.

Mr. HÉBERT. The answer to the gentleman's question is that it is a military aircraft. Any assumption that it is anything other than that is in error.

Mr. FASCELL. How about the environmental aspect with respect to the research and development? Is environmental impact study a part of the research and development?

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New York.

Mr. STRATTON. The B-1 is being designed in preference to the B-70. The B-70 was a high-altitude bomber.

Mr. FASCELL. Wait a minute.

Mr. STRATTON. Let me answer the gentleman's question. The gentleman asked the question. The basic environmental problem with respect to the SST was what it was going to do with the ozone in the troposphere. This plane is not going to be flying up there.

Mr. FASCELL. The gentleman is telling me that this aircraft is not a high-altitude bomber?

Mr. STRATTON. That is correct.

Mr. FASCELL. What are the specifications on research and development with respect to the height of the flight of this aircraft?

Mr. STRATTON. I am sure it can operate at a high altitude, but the basic purpose of the plane is to come in low.

Mr. FASCELL. All airplanes have to be able to fly low because they have to land and take off. But since the gentleman admits the B-1 has a high-altitude capability the question of adverse environmental impact is relevant to this weapons system, and the questions I have asked should be answered in this RECORD.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT) to the amendment offered by the gentleman from New York (Mr. PIKE).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

TELLER VOTE WITH CLERKS

Mr. PIKE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PIKE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. HÉBERT, Mr. PINE, Mr. HALL, and Mr. LEGGETT.

The Committee divided, and the tellers reported that there were—ayes 97, noes 307, not voting 30, as follows:

[Roll No. 138]

AYES—97

Abourezk
Abzug
Adams
Addabbo
Aspin
Badillo
Begich
Bergland
Bingham
Blatnik
Bolling
Brademas
Brinkley
Broomfield
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cotter
Culver
Dellums
Denholm
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Findley
Ford, William D.
Forsythe
Fraser
Green, Pa.
Gude
Halpern
Harrington
Hathaway
Hechler, W. Va.
Howard
Jacobs
Karth
Kastenmeier
Koch
Kyros
Latta
Link
McCormack
McDonald, Mich.
Madden
Mazzoli
Meeds
Metcalfe
Mikva
Mink
Mitchell
Monagan
Moorhead
Morse
Mosher
Moss
Nedzi
Obey
O'Hara
O'Konski
Patten
Pike
Podell
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Rosenthal
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schneebeli
Seiberling
Stanton, James V.
Stokes
Stratton
Thompson, N.J.
Udall
Vanik
Vigorito
Waldie
Whalen
Wolff
Yates

NOES—307

Abbitt
Abernethy
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Barrett
Belcher
Bell

Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Boggs
Boland
Bow
Brasco
Bray
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Leggett
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Neill
Passman
Patman
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Schmitz
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Steed
Steele
Steiger, Wis.
Stephens
Stubblefield
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Van Deerlin
Vander Jagt
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—30

Anderson, Tenn.
Clancy
Dent
Diggs
Donohue
Dow
Edwards, La.
Evins, Tenn.
Flynt
Gettys
Grasso
Hawkins
Helstoski
Landrum
Long, La.
McCulloch
Macdonald, Mass.
Mathias, Calif.
Pelly
Quillen
Rangel
Rarick
Runnels
Saylor
Scherle
Steiger, Ariz.
Stuckey
Sullivan
Ullman
Veysey

So the amendment was rejected.

Mr. VAN DEERLIN. Mr. Chairman, I ask unanimous consent to change my vote from "aye" to "no."

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1972 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PIKE: Page 3, line 19, insert a new Section 203 "Notwithstanding the maximum sums heretofore authorized in this title for Research, Development, Test and Evaluation for the Army, Navy, Air Force, Defense agencies and Department of Defense during fiscal year 1972; the total amount authorized to be appropriated for such purposes shall not exceed the sum of $7,109,200,000".

Mr. PIKE. Mr. Chairman, I would expect what I am about to say will be the only time I will be greeted with any great applause all day. This particular amendment is the last amendment which I am going to offer, and I am not going to ask for a record vote on it.

I thought that would endear me to my colleagues if nothing else did.

Mr. Chairman, what this amendment does is very big and very simple. It cuts the amount of money to be spent for military research and development, test, and evaluation back to the amount which was appropriated for the present fiscal year. That is all it does. It does not do any more than that and it does not do any less than that. It says that the R.D.T. & E. shall be the same amount as was appropriated in the current fiscal year.

Yes, of course, I am going to yield to the chairman to ask me whether this is one of those meat-ax, across-the-board, blunderbuss cuts.

Mr. HÉBERT. The gentleman anticipated me. I am not going to ask him anything. I am just waiting for time of my own.

Mr. PIKE. I see.

Well, in response, then, to what my beloved chairman is going to say on his time, that this is an across-the-board, meat-ax, blunderbuss approach to the problem, the answer is that this is an across-the-board, meat-ax, blunderbuss approach to the problem.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I am happy to yield to the gentleman from Illinois.

Mr. ARENDS. To what extent? Is it $800 million?

Mr. PIKE. Actually it is more than that; it is $975 million.

We have increased this particular aspect of the bill, according to the chairman's statement, I believe $975 million over the figure appropriated last year; $974,967,000, to be precise.

I honestly believe that the people of the United States of America do not want to spend another billion dollars this year for research on defense items.

I honestly believe that the people of the United States of America do not want to increase our military spending for such purposes.

I honestly believe that the people of the United States of America are looking for some relief from the tremendous amounts of money that we continue to spend for the military.

Some will say, "Oh, yes, this is an awful cut." Well, it is a substantial cut, but we would leave $7.1 billion for research and development in military weapons systems.

If I really thought that spending more money would buy us greater security I would be willing to spend more money, but we have gotten to the point in our national history now that for years and years and years and years and years we have said, "I would rather err on the side of safety," and we have erred to the point that today there are approximately 15 tons of destructive power available for every man, woman, and child on this planet. Tons. I do not believe there is any safety in those statistics.

I hope this amendment will be adopted. I understand that my friend, the gentleman from Vermont, has some reservations about my approach. I do hope that somewhere in this debate on this bill we shall do something to answer the cries of the young in our country, of the poor in our country, of the oppressed in our country who need other things than more military spending.

AMENDMENT OFFERED BY MR. STAFFORD TO THE AMENDMENT OFFERED BY MR. PIKE

Mr. STAFFORD. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the amendment offered by Mr. PIKE: Amend the amendment offered by Mr. PIKE by striking out the figure of "$7,109,200" on line 5 of said amendment and substituting therefor the figure $7,456,680,000."

Mr. STAFFORD. Mr. Chairman, I want to make it plain at the outset that generally I support the bill we are considering here, H.R. 8687. I think it is a good bill which has had excellent scrutiny in the Committee on Armed Services under the distinguished leadership of the gentleman from Louisiana (Mr. HÉBERT), and the distinguished gentleman from Illinois (Mr. ARENDS).

But even in the field of defense and research and development I do not believe at this time, in view of the fiscal plight that this country is in, that we can afford to spend one more cent than is absolutely essential to the security of the United States of America.

I shall be very brief and say that what my amendment does is to permit the research and development program of the Department of Defense to continue in the coming fiscal year at exactly the same level in real dollars that we have been proceeding at during the 12 months which will end on June 30 of this year.

The amendment offered by the gentleman from New York (Mr. PIKE) which I am in sympathy with, is something of a giant step where I think a human step is more appropriate this year. What I have done is to take the level of funding authorized for fiscal year 1971 at $7.101 billion in round figures and added to that what I have assumed to be a 5-percent inflationary rate during the last 12 months, which would add another $355 million to the total available last year for a total authorization for fiscal year 1972 of $7,456,680,000.

I repeat that it will make it possible for the Nation to move forward in real dollars at exactly the same level of research and development on the part of the Department of Defense as they have been proceeding at for the past 12 months. There would be no cutback, but there would be no funding in real dollars above what we had last year. The R.D.T. & E effort would be level, consistent, and adequate.

I think, among other things, it is important to preserve the financial and fiscal viability of the Government of the United States. With the large deficits that we had for the last several years and with a $20 billion or more deficit coming up this year; with another one projected for next year, I think it is important to spend what we have to for research and development as well as other military purposes but not to spend more than we absolutely need to.

By adopting the amendment that I offer we could save the taxpayers of this country $506 million, which is still a tidy sum, and still fund a research and development program adequate to our national security.

For those who might question this as being a meat-ax approach, let me say that, if my amendment is adopted, it would result in the Army getting $81 million plus more for fiscal year 1972; the Navy, $107 million more; and Air Force, $140 million more; the defense agencies, $22 million more; and the emergency fund of the Department of Defense, $2.5 million more.

Mr. Chairman, I will not take more time in behalf of the adoption of my amendment, but I hope the House will adopt it, and if there appears to be support for it, I shall ask for a record vote.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to both amendments and will only say one sentence in the sense of appreciation particularly to the gentleman from New York (Mr. PIKE) for making such cogent arguments against his own amendment. I agree with the gentleman's choice of words and I shall use the same. We know now what it will do. For that reason, of course, I am opposed to both amendments.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think there is one important point that ought to be made here and that is that in the future, unquestionably, we are going to be reducing the size of our Armed Forces. We are going to be reducing the number of men in the Armed Forces and we are also going to be reducing the number of our ships. So if we are to maintain any meaningful kind of a lead over the Soviet Union, that lead has got to be in the technological field.

This is obvious in the Mediterranean where the Soviets have about twice as many ships as we have at the present time. If one talks to any admiral in the 6th Fleet, he will tell you that the only way in which we can protect ourselves against this larger force is to maintain our electronic superiority over the Soviets, to be able to spot them before they can spot us.

Mr. Chairman, Dr. Foster came before the committee, and his testimony appears in the printed hearings. And he included a chart which appears on page 3690.5, which shows very dramatically that today the Soviets have a serious technological gap over us. Each year we are spending in our total national research and development efforts $11 billion while the Soviets are spending annually about $16 billion. This information with regard to the Soviets was developed with some difficulty by the CIA because obviously the Russians do not publish the figures. But this technological gap is a $5 billion gap, against us. And instead what we desperately need is a technological lead over the Soviets in order to make up for our reductions in manpower, ships, and weapons. And we certainly cannot maintain that lead unless we improve our research and development rather than cutting it back, as this amendment would do. Dr. Foster made this point very clear in his testimony.

Mr. Chairman, if we support these reductions in manpower, then we must increase our efforts in research and development.

Therefore, Mr. Chairman, I believe this amendment should be defeated.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have supported the committee and voted against every one of the proposed cuts all afternoon. But I am very concerned about the financial situation in this country, as I know many Members are. I have been looking for a cutting amendment which I thought it might be responsible to support. I hope that cutting amendment can be found. However, it is very difficult for a nonmember of the committee to determine, and I have generally accepted the committee recommendations. But it appears to me that this amendment of my colleague, the gentleman from Vermont (Mr. STAFFORD) may well be it. It is proposed by a responsible member of the committee who has had an opportunity to hear the testimony. It provides for the inflationary situation, and allows research and development to continue at the same level of about $7½ billion.

Mr. Chairman, I feel that I can safely support this amendment and I shall do so.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Missouri.

Mr. HALL. Let me urge my colleague from Indiana who poses a perfectly logical question, not to choose this place in which to "cut in a responsible manner."

Now, I am not known as a "spender" on the floor of this House.

Mr. DENNIS. I will concede that to the gentleman from Missouri.

Mr. HALL. I am glad the gentleman will concede it. However, I want to say that the point in time has arrived where we have cut research and development over the last few successive years to the point where we are on a relative and percentagewise basis of being very dangerously close to being too far below the level of the adversary and the aggressor. Today they have among other things electronics countermeasures, closed and secure voice and command communications, and I could go on and list a great number of research and development projects. In fact, I have them here and shall insert them in the RECORD when we are back in the House and am granted permission to do so.

Mr. Chairman, we have just voted up the question of the B-1, the continuing bomber following the AMSA. Research and development that is performed today is a product that is perfected 8 years hence. Perhaps, before 1964 we did not give enough to research and development, and, thus, the technological advantage is now on the side of the adversary. However, if we are to look to the future, and that we must do, to future technological breakthroughs such as the necessary electronic countermeasures and a number of other technological developments, this is not the time to cut further.

It has been firmly demonstrated to the Members that simply maintaining parity is not enough. We must vote for superiority. So I urge my colleague, the gentleman from Indiana (Mr. DENNIS), to change his position on this matter.

Mr. DENNIS. Mr. Chairman, I appreciate the sincerity of the gentleman from Missouri. I realize, of course, the gentleman may well be right; but, on the other hand, I also respect the gentleman from Vermont (Mr. STAFFORD) who has heard the same testimony that the gentleman from Missouri (Mr. HALL) has heard on this committee. I think that if we can responsibly save money anywhere that we clearly ought to do so, and I think this seems to be a reasonable place to do so.

Mr. HALL. If the gentleman would yield further, I would say to the gentleman that this same amendment was up before the committee, and that this represents one man's opinion against the decision of both the subcommittee and the full committee. It was overwhelmingly defeated in both the subcommittee and in the full committee.

Mr. HUNGATE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from New York (Mr. Pike) on his amendment, and in his urging that we must reduce unnecessary spending; that we have to reorder our priorities; heed the cries of our youth; and make funds available for peace as well as war, and make funds available for the poor and needy. And I hope no one will demagog on this issue.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also want to join in briefly with the gentleman from Indiana (Mr. Dennis). There was a minority on the committee for this research act. I want to reemphasize that we are raising the R. & D. budget in this bill by some 15 percent. I support the amendment being offered by the gentleman from Vermont (Mr. Stafford). The amendment cuts the increase about in half. One of the amendments that we did support on the committee, to show some of the ridiculous items that were presented to us, was a program to spend $10 million at the University of Belgrade totally in Yugoslavian hands, to conduct tests on fatigue, and if those tests were successful, why, the professors at Belgrade were supposed to get on the telephone and call our Pentagon. Our committee thought that that was rather absurd. I want to tell you we did not spend enough time to go into all of the things in the bill that lacked merit, but we did a good job. Our chairman, the gentleman from Illinois (Mr. Price) I am sure can make a long and contradictory speech on the things that I say, but I say that there is fat in this bill, and, therefore, I do not believe that the amendment offered by the gentleman from Vermont (Mr. Stafford) is going to defeat our military posture in any way.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments. I will say that the gentleman from California (Mr. Leggett) did point out a place where the committee was alert and shows the manner in which the committee went rather thoroughly into every little item, and we cut out this certain little project that the gentleman mentioned a moment ago. Therefore, the Members can vote knowing that that item that the gentleman called ridiculous has been removed from the bill.

Mr. Chairman, the amendment offered to reduce the R.D.T. & E. authorization to the same level as authorized by the Congress last year is a reduction of approximately $860 million in money totals—but it is a much greater reduction than that in terms of purchasing power or level of effort.

The need for this increased dollar level over last year was explained in great detail by Department of Defense witnesses before the Committee on Armed Services and the subcommittee which I was privileged to chair. It was explained that because of inflation, the increase is only about $500 million. Of that $500 million, about $400 million is needed because of increases on major development programs previously approved by the Congress. Additional funds are also needed to support some 30 different kinds of new efforts identified by the Defense witnesses.

Over the past 7 years the Congress has failed to appropriate the amounts requested for Defense R. & D. by more than $2.2 billion. The purchasing power of the dollar has continued to decrease over this period of time and the level of effort that can be supported by the amount included in this bill is some $1.3 to $1.4 billion less than the level of effort supported with the fiscal year 1964 budget.

Testimony was given to the committee indicating that the cost index for a research and development technical man-year increased over 7 percent in the last calendar year and has increased over 30 percent during the past 5 years.

The Armed Services Committee and one of its subcommittees held some 24 meetings on the Department of Defense R. & D. authorization request for fiscal year 1972. During the subcommittee's markup of this bill, only three amendments were offered to reduce the R. & D. requested for specific programs. The proposed reductions totaled approximately $422 million of which $370 million was for the B–1 bomber program. I cite this to point out that after a thorough review by the Armed Services Committee consisting of some 24 meetings during which time the Members had every opportunity to question the witnesses on specific programs, only three amendments were offered to reduce individual programs and each amendment was rejected by the committee.

Mr. Chairman, this is not the time to reduce Defense research and development. The funds authorized for the coming fiscal year to support R. & D. will provide the weapons systems of the future to enable us to maintain a defense posture that continues to offer a creditable deterrent to aggression. R. & D. is not like a water faucet that can be turned on and off without having an adverse impact on our future defense posture. We must maintain an adequate level of effort to cope with the threat, not only of today but for the tomorrows.

The new policy of this administration to "fly before you buy" tends to increase R. & D. costs but offers the benefit of reduced production costs and improved reliability of the operational weapons systems. In my opinion, this new approach is highly cost effective and will reduce cost overruns on future programs.

Mr. Chairman, I urge the committee to reject the amendment.

Mr. Chairman, as I indicated in my remarks during general debate, the amount recommended by the Armed Services Committee for R.D. & E. during fiscal year 1972 in terms of purchasing power or level of effort is almost $1.4 billion less than was appropriated 7 years ago, for fiscal year 1964, in terms of fiscal year 1972 dollars.

I also indicated that approximately 40 percent of the increased dollar amount in fiscal year 1972 over fiscal year 1971 will be eaten away by inflation.

Another 40 percent of the dollar increase is needed for new initiatives—or new programs—to be started in the coming fiscal year.

The remaining increase is needed to continue major programs approved by the Congress last year.

According to Dr. Foster, Director of Defense Research and Engineering:

> If you look at all the major programs that have increased or decreased by more than $25 million each, you find that the increases exceed the decreases by about $400 million.

In my earlier remarks I also pointed out to the House the need for the United States to maintain technological superiority—and not merely parity—over any and all of our competitors. In my opinion, we will lose that technological superiority which we presently enjoy if we do not fund our research and development efforts to at least the level recommended by the Committee on Armed Services.

The basic reason for defense research and development in the United States continues to be the threat. If the threat from the Communist nations did not exist, we could drastically reduce our efforts in the area of research and development for military purposes.

The Department of Defense does not do research and development for the mere sake of doing research and development. They do it only because of the threat. Evidence was presented to the Armed Services Committee during our lengthy hearings which convinced me that the threat is increasing and not decreasing and that the research and development level of effort by the Communist nations has steadily increased over the past several years to a point where they are now spending at a higher level than the United States.

I urge the House to reject the amendment and support the position of the Committee on Armed Services.

PARLIAMENTARY INQUIRY

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. STAFFORD. Mr. Chairman, my parliamentary inquiry is this: Will the vote now occur on the amendment offered by the gentleman from Vermont?

The CHAIRMAN. The Chair will state that the gentleman is correct, that the next vote will be on the amendment offered by the gentleman from Vermont (Mr. Stafford), to the amendment offered by the gentleman from New York (Mr. Pike).

Mr. STAFFORD. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. Stafford) to the amendment offered by the gentleman from New York (Mr. Pike).

The question was taken; and on a division (demanded by Mr. STAFFORD), there were—ayes 67, noes 111.

TELLER VOTE WITH CLERKS

Mr. STAFFORD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. STAFFORD. Mr. Chairman, I demand tellers with Clerks.

Tellers with Clerks were ordered; and the Chairman appointed as tellers Mr. HÉBERT, Mr. STAFFORD, Mr. DENNIS, and Mr. PRICE of Illinois.

The Committee divided, and the tellers reported that there were—ayes 135, noes 258, not voting 41, as follows:

[Roll No. 139]

AYES—135

Abourezk
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Badillo
Begich
Bell
Bergland
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Brown, Mich.
Burke, Mass.
Burton
Carey, N.Y.
Celler
Chisholm
Clay
Cleveland
Collier
Collins, Ill.
Conte
Conyers
Coughlin
Culver
Dellenback
Dellums
Denholm
Dennis
Dingell
Drinan
Dulski
du Pont
Dwyer
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Findley
Fish
Foley
Forsythe
Fraser
Frenzel
Fulton, Tenn.
Gallagher
Gaydos
Green, Oreg.
Green, Pa.
Gross
Halpern
Hamilton
Hammerschmidt
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Horton
Howard
Hungate
Hutchinson
Jacobs
Kastenmeier
Keith
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCormack
McDade
McDonald, Mich.
McKinney
Macdonald, Mass.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mikva
Minish
Mink
Mitchell
Monagan
Moorhead
Mosher
Nedzi
Obey
Pike
Podell
Pucinski
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Robison, N.Y.
Rodino
Roe
Roncalio
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schneebeli
Seiberling
Snyder
Stafford
Stanton, James V.
Steiger, Wis.
Stokes
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Vanik
Waldie
Whalen
Yates
Yatron
Zwach

NOES—258

Abbitt
Abernethy
Adams
Albert
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Barrett
Belcher
Bennett
Betts
Bevill
Biaggi
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Conable
Corman
Cotter
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hall
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Hull
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lloyd
Lujan
McCloskey
McClure
McCollister
McEwen
McFall
McKay
McKevitt
McMillan
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Ruth
Sandman
Satterfield
Schmitz
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Stephens
Stratton
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—41

Alexander
Anderson, Tenn.
Blatnik
Clark
de la Garza
Dent
Derwinski
Diggs
Donohue
Dow
Edwards, La.
Flynt
Ford, William D.
Garmatz
Grasso
Hawkins
Helstoski
Landrum
Lent
Long, La.
McCulloch
Mathias, Calif.
Morse
Moss
O'Hara
Pelly
Purcell
Quillen
Randall
Rangel
Riegle
Runnels
Saylor
Scherle
Smith, Calif.
Steiger, Ariz.
Stuckey
Sullivan
Ullman
Veysey
Widnall

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now occurs on the amendment offered by the gentleman from New York (Mr. PIKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ASPIN

The Clerk read as follows:

Amendment offered by Mr. ASPIN: Page 3, between lines 19 and 20, insert the following:

"TITLE III—AUTHORIZATION LIMITATION

"SEC. 301. Notwithstanding any other provision of this Act, the aggregate amount of funds authorized to be appropriated for the use of the Armed Forces of the United States for procurement, research, development, test, and evaluation under titles I and II of this Act may not exceed the aggregate amount of funds which were authorized to be appropriated under titles I and II of Public Law 91-441 (84 Stat. 905-908)."

Redesignate the succeeding titles accordingly.

Mr. ASPIN. Mr. Chairman, I am offering an amendment here which may be the last teller vote that we have today. This is an amendment which I think takes care of some of the questions that were raised in the percentage cut offered by the gentleman from New York (Mr. PIKE) and the gentleman from Vermont (Mr. STAFFORD).

Mr. Chairman, I believe in the circumstances under which we live today we should not vote this defense authorization bill, without making every effort to keep defense spending from increasing.

Mr. Chairman, I have an amendment which I believe will do that. Simply stated, it says that this amendment shall keep the defense spending from rising above last year's level. This year's authorization is $21.8 billion. Last year we authorized $19.9 billion. What I am recommending here is that we institute a ceiling at $19.9 billion and do not go above it. That would be equivalent to a $1.9 billion cut.

Mr. Chairman, several points should be made about this defense ceiling. The distinguished chairman of the Committee on Armed Services, the gentleman from Louisiana (Mr. HÉBERT), has already helped by taking out approximately $800 million. So, that leaves only $1.1 billion to be cut in order to get back to the level of last year.

The second point which should be made is that this amendment would not put a squeeze on defense spending. There are two factors. The first is inflation. To buy last year's defense budget at this year's prices would cost more, $1.2 billion more. But we will be saving some money because of the wind down of the war in Vietnam. Vietnam is costing us less in this bill this year than it cost last year. In fact, it cost $1.6 billion less this year than last year. So taking these matters into consideration we will actually have more money to spend.

The third point I wish to point out is that we are talking about authorizations and not appropriations. Last year, although $19.9 billion was authorized, only $18.6 billion was appropriated. So, if we authorize the same amount that we authorized last year and then appropriate the full amount we would actually, even with the ceiling, have a considerable increase in spending for the military.

Mr. Chairman, this amendment is not intended to tell the Defense Department or the military where to cut. They can cut on procurement or they can cut R. & D. They can cut programs or just put into effect more efficiencies.

Mr. Chairman, I think we should emphasize the importance of an efficiency cut in this budget. There is not any budget, any military budget, without places where efficiencies can be made. The efficiency deficiencies are well known in the Defense Department budget. For instance, there is duplication as for example with the Cheyenne helicopter, the A-X, and the Harrier.

There is slack in this budget. This budget was based upon estimates of end year troop strength in Vietnam of 150,000 men. That is now out of date. There will be no more than 100,000 men and, maybe, only 50,000 men in Vietnam by the end of fiscal year 1972. That would mean a substantial amount of slack of up to $800 million in this procurement and research and development budget.

The third deficiency in the Defense Department is cost overruns. The only way that Congress can cut through the cost overrun problem of spare parts, of redesigning, of buyins, is to put a ceiling on the budget and hold the Department of Defense to institute the proper procedures so that cost overruns do not occur.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent Mr. ASPIN was allowed to proceed for 1 additional minute.)

Mr. ASPIN. Mr. Chairman, we live in a time when we hear the cry of the taxpayers' revolt and the cry for changing national priorities. I repeat I believe that under these circumstances we should not vote for this authorization bill until we have made every effort to keep defense spending from increasing.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee report contains an extensive discussion, beginning on page 8, on the trend in defense authorizations and I hope that the Members have had an opportunity to look that over.

It is pointed out that in terms of actual buying power, the trend of defense expenditures is downward, our outlays for national defense both as a portion of the total budget and as a percentage of the gross national product have declined. Defense outlays for fiscal 1972 if approved in the full amount requested will cost 32.1 percent of the total Government outlays proposed for fiscal year 1972 and would constitute 6.8 percent of the estimated gross national product for fiscal year 1972.

This compares with 32.9 percent and 7.4 percent of last year; 38.4 percent and 8.1 percent for fiscal 1970; 42.5 percent and 9.5 percent for fiscal 1968; and 41.8 percent and 8.3 percent for the last peacetime year, fiscal year 1964.

So we have gone down in defense expenditures in relation to our gross national product year by year.

The hearings and the committee report clearly spell out the increased effort which is being made by the Soviets particularly in the areas of strategic weapons and in naval power and research and development. The increases in the fiscal 1972 authorization are intended to cope with this increased threat.

The major increases in our bill are: $250 million to support additional modernization of our land-based strategic missiles, and $617 million for the modernization of our naval forces—and who in this House does not realize the necessity of this particular item, $617 million in this bill for the modernization of our naval forces. And it is a sad commentary that we talk about the modernization of our naval forces, because I imagine all of us have assumed that we always maintained the most modern naval force in the world.

There is $100 million to improve the penetration capability of our strategic bombers.

And approximately another $860 million in research and development needed to maintain technological superiority.

Mr. Chairman, I do not think any Member of this House wants to go below the figure that we have brought to the floor here this afternoon. In the interests of national security, I plead with you to reject this amendment.

Our outlays for national defense, both as a portion of the total budget and as a percentage of the gross national product—GNP—have declined.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment which is before the House has as its purpose a reduction in fiscal 1972 procurement and research to the amount which was approved for fiscal 1971. Now let us see what the amendment actually does.

It fails to take into account inflation in costs, something that plagues all aspects of the defense program. Inflation alone has already cut the fiscal 1972 procurement to the level of fiscal 1971. If the amendment were approved, you would have a reduction of an additional 10 percent below the 1971 procurement—not just a reduction to that level.

All procurement bills are different. They place differing emphasis on different weapons systems. There is an item of nearly $200 million in the 1972 bill for torpedoes. There is no similar item in the 1971 bill. Under the terms of the 1971 bill, prior year authorizations in the amount of nearly a billion dollars were available for that year's progress. By any terminology, the fiscal 1971 bill was much more favorable to defense procurement than the 1972 bill which has been submitted by the committee.

Further cuts could be ruinous. For instance, in the field of research it will come as something of a shock to the House to learn that the research funding level which is proposed for fiscal 1972 is 15 percent lower than that in fiscal 1964 in constant dollars. Now please bear in mind at that time the Russian research programs were much lower than ours. Now their research spending is half again as high as ours. Research is where the future lies in defense programs. If we further cripple defense research, we are asking for early and severe headaches in our efforts to maintain a defense comparable to that of the Soviets.

We are spending less money for defense in constant dollars than we have spent in years. Danger signals are flying all over the world. The Soviets have more weapons than we in nearly every category except Navy carriers. They have cruise missiles—we do not. They are passing us in numbers of strategic weapons. Warsaw Pact countries in Europe have three times as many tanks as NATO forces. The Soviets have greater numbers of fully modern aircraft. They have some that now are flying when we have only comparable designs on the drawing boards. We cannot afford to cut back any more unless we are prepared to accept a second-rate status for our Armed Forces and unless we are prepared to be blackmailed by Communist Russia whenever world problems arise.

Do not pin your hopes on diplomacy or on SALT talks with Red Russia. Neither prospect is worth a hill of beans when it comes to insuring world peace and the protection of America's interests at home and abroad.

The House is being asked to set the stage for the slaughter of America's defense forces in future wars. Do not do it.

Mr. ARENDS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not enjoy taking up the time of the House. But what we are discussing at this particular moment is so important.

Early this afternoon I carefully went into the details of why we had increased this budget somewhat for the anticipated fiscal year. It is very easy to understand if you stop for just a moment and look at it. I want to make these points quickly:

First. There is inflation. Figured on the basis of 5 percent—that would reduce the cost of the budget by $977 million.

Second. There is the fact that we are starting to build ships that have been long delayed, ships that we absolutely need; $617 million is added for ships over last year's authorization. Who is going to vote against building more ships at a time like this?

Third. We have to increase research and development. That is $860 million over last year.

Just a moment ago the House indicated that that was the proper thing to do, add $860 million for R. & D. over last year.

Fourth. We have increased by $250 million our strategic missile budget for modernization—and added $100 million to improve the penetration capability of our strategic bombers.

Fifth. For the first time this year we are putting in $193 million for torpedoes—which we never had authorized before.

So add it all up and you will see that we have done relatively little in the way of increasing the cost of our defense.

Not long ago we passed in this House, and many people voted for it—for an immediate rather substantial pay increase for all servicemen of our country. I am not going to argue the point, but it is very substantial. The end result will be that by next year in the defense appropriation bill approximately 55 percent of all expenses for the Department of Defense will go for pay.

I ask you very seriously—where are you going to get the money to pay for the defense forces of this country unless you do exactly the things we are doing in this bill. I plead with you here today for the defense of our country. Certain eventualities may follow. I hope and trust nothing does happen. But we just have to be ready for any emergency that might occur in this country within the next few years and not find ourselves in the position that we were in after World War I and World War II and again at the time of the Korean conflict when we were almost naked, militarily speaking. We cannot let ourselves get back in that position in this troubled and upset and disturbed world such as we find ourselves in today.

Mr. Chairman, I plead with the Members of the House at this particular time not to adopt these reduction amendments.

I would like to mention one more thing, if I may. This afternoon the other body voted on the so-called Chiles amendment which is somewhat similar to the amendment that will be offered here later today—the Nedzi-Whalen proposal. The other body defeated the Chiles amendment which set withdrawal date for Vietnam of June, 1972, by a vote of 52 to 44.

Just now I am informed that the other body in voting on the so-called McGovern-Hatfield amendment which set a date of December 31, 1971, defeated that amendment at 5:24 p.m. this afternoon by a vote of 55 to 42.

Mr. WOLFF. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. WOLFF. I take this time to ask the chairman of the full committee for some information regarding the authorization. On the question of transfer funds, transfer without reimbursement to DOD from funds that are appropriated pursuant to the Foreign Assistance Act, according to information that has been furnished me, military assistance service funding for fiscal year 1972 is $2,230,000,000; is that correct?

Mr. HÉBERT. That is correct.

Mr. WOLFF. Is that included in this funding that we are voting on now?

Mr. HÉBERT. That is included in this funding that we are voting on now; that is, the authorization.

Mr. WOLFF. In other words, that is about 16 percent of the total for procurement that is going to the Governments of Thailand and Vietnam and the Laotian Government; is that correct?

Mr. HÉBERT. No, no. That total amount is for military personnel, transportation, subsistence, operation, maintenance, equipment, procurement, and military construction. That does not go to those Governments.

Mr. WOLFF. How is it then called "transfer funds"?

Mr. HÉBERT. There is a transfer of money.

Mr. WOLFF. In other words, we are transferring funds over to these Governments.

Mr. HÉBERT. No; the funds are for military purposes in the protection of our troops. We are not giving money to governments in the places the gentleman mentioned. We provide equipment, yes; something of that nature, but not hard dollars.

Mr. WOLFF. Is any of this in excess?

Mr. HÉBERT. We do not vote anything in excess. We vote what is needed and justified before the committee.

Mr. WOLFF. In other words, is excess equipment included in this transfer?

Mr. HÉBERT. Excess equipment is not included in here because equipment does not become excess until it is bought. Then it may become excess. It has not been bought, and therefore it cannot be in excess until it is in being.

Mr. WOLFF. Do we have any figures on excess equipment that is being turned over?

Mr. HÉBERT. No, sir; we do not.

Mr. WOLFF. I thank the gentleman.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MOORHEAD. I merely wish to ask a brief question of the distinguished author of the amendment. I would like to ask him whether the amendment, if adopted, will limit the amount above or below the amount actually appropriated under the authorization of Public Law 91–441?

Mr. ASPIN. There is a considerable increase that can be obtained under this bill. Last year we authorized $19.9 billion; we appropriated $18.6 billion. If we pass this authorization bill and appropriate the full amount, we can increase defense spending considerably over last year's amount, even though there is a ceiling. I think that is a very important point that you raise. Second, the effect of inflation has been netted out in this bill. This is unlike the previous R. & D. amendment that we were discussing. The effect of inflation is not reflected here at all. There will be an inflation factor, but it is more than offset by the amount we would save, because we are not spending as much in Vietnam in this bill as we did last year. So what we have is a combination of factors which cancel out. We would save money in Vietnam and we would lose money on inflation. It cancels out.

But the fact that we can authorize the same amount of money as last year and then appropriate up to the full amount that we authorize means that we can actually increase defense spending a very great amount, even with this amendment and the ceiling.

Mr. MOORHEAD. I thank the gentleman and commend him for his amendment. I yield back the remainder of my time.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment, and would like to make a couple of comments that may be useful. This amendment represents of course, the meat-ax approach. There is no attempt here to try to zero in on specific weapons systems. It is merely an attempt to try to establish an overall figure and then leave it up to the Defense Department to make specific cuts. I am a little surprised that the gentleman from Wisconsin (Mr. ASPIN), who used to be a distinguished member of the systems analysis group in the Pentagon, which makes detailed studies of weapons systems, could not have come up with some specific recommendations with respect to specific systems, but instead has come in with the old meat-ax approach.

What he wants to do, basically, is go back to last year's figure. And that means, if it means anything, that he would eliminate all of the new programs that are being included in this bill for the first time.

Well, let us take a look at what we would have to cut out, if we were going to cut out the programs that are new this year.

As the gentleman from Illinois (Mr. ARENDS) mentioned a moment ago, we have in here the new MK-48 torpedo for the first time. This is the torpedo that is going to make our submarine force effective against enemy shipping. Are we going to build submarines and then not have any torpedoes to do the job? Well that is what the gentleman's amendment would seem to do.

Also new in this bill are the submarines of the SSN-688 class. That is Admiral Rickover's new fast submarine. That is the one we are beginning to build because the Soviet submarines today go a lot faster than ours. Are we to eliminate those new submarines so that we will not be able to keep up with the Soviet submarine force? That is what would happen if we take out all the new things in this bill.

Also new in this bill are funds for the procurement of the DD-963, a new class of antisubmarine destroyers.

We are putting a lot of old Navy ships in mothballs these days, especially our antisubmarine warfare fleet. We are mothballing our antisubmarine carriers. And we have practically nothing left, it seems, to deal with the really massive Soviet submarine threat. Well this is exactly what the DD-963 is designed to do.

Let us face it. The U.S. Navy has an over-age fleet today. The Soviets have a modern fleet. Here we are beginning in this bill, the job of trying to modernize our present fleet. Admittedly we are cutting down the numbers of our ships and we are cutting down our personnel. But we are trying hard to get new modern ships. And yet the gentleman from Wisconsin would have us cut out that novelty and just go back to the same tired old stuff. But if you agree with me that we must build a modern fleet to meet the threat in the Middle East, and the threat posed by the Soviets in Egypt, then we must vote down this amendment.

Mr. HARRINGTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I should like to say in response to the gentleman from New York that when he talks about my amendment cutting programs he obviously has not read the amendment. This is a ceiling amendment to hold spending to last year's level.

I pointed out in my remarks and in the appendix to the committee report a number of places where savings could be made which would not involve cutting programs.

First of all, there is duplication. We have tremendous duplication in the Armed Forces with the Cheyenne, the A–X and the Harrier all doing essentially the same thing, and all in the development stages. The military should be forced to make a choice among those three close aircraft support systems.

Second, there is a good deal of slack in this budget. There is slack because the budget was originally designed and originally drawn up at a time when it was estimated 150,000 Americans would be in Vietnam at the end of fiscal year 1972. That is now out of date. According to the President's present timetable there will be only 100,000, and that timetable may be adjusted again and it may be a lower figure, more like 50,000. If that is true, there is slack to the tune of $800 million.

There is the cost overrun problem. The only way this body, the Congress of the United States, can get some control over the cost overrun problem is to institute a defense ceiling saying we will not spend more than this thereby forcing the Defense Department to institute the necessary procedural reforms.

Let me point out once again, as I have twice so far, that last year we did not appropriate the full amount. If we authorize this year's amount at last year's level, if we authorize $19.9 billion, we can increase appropriations and actually with this ceiling spend more on defense, $1.3 billion more, than we spent last year.

Mr. SEIBERLING. Mr. Chairman, I rise in support of the amendment.

We heard this called a meat-ax approach. Perhaps I have tendencies in that direction. The chairman of my campaign committee last year was the business representative of the Meat Cutters Union. However, I think the remarks of the gentleman from New York were obviously inappropriate, as the gentleman from Wisconsin (Mr. ASPIN) has already pointed out.

Not being a member of the Committee on Armed Services—and, of course, most of us here are not—I cannot go into it in the depth that the committee members could. But this does not relieve us of our individual responsibility.

Yesterday, those of us who attended the Democratic Study Group briefing had the privilege of hearing for a couple of hours three former members of the previous administration, high in the Defense Department. They were Mr. Paul Warnke, the former Under Secretary of Defense; Mr. Robert Anthony, the former Comptroller of the Department of Defense; and Mr. Robert Benson, the former Assistant Comptroller of the Department of Defense. We heard some very interesting testimony by those gentlemen. They pointed out the obvious, that the armed services always ask for more than they expect to get and can always come up with arguments as to why they should get what they ask for. These gentlemen, all former top officials of the Defense Department, pointed out that, despite the winding down of the Vietnam war, the obligating authority in this budget is $4 billion higher than last year, that practically all of the increase is in nonstrategic forces, that inflation would account for a very small percentage, of the increase, and that there is a productivity increase not figured in, that largely cancels out the inflation.

It used to be considered the "safe" thing to vote without question for all the billions that the military claimed was needed for national defense. But the question of national priorities is no longer an academic question. The question as to whether we are spending too much money on defense is not academic. In the questionnaire that I sent out to 138,000 people in my district in April, from which I got 28,000 replies, I asked: "What is your position on the present level of military spending?" As a result, 71.6 percent of the people answered, "Too much"; 11.8 percent said "About right"; and 3.5 percent said "Too little."

I spent many years in private industry, and I will say this: If the board of directors of a corporation continually overspent to the extent of billions of dollars the way this Government is doing, and did it in ways that do not best serve the stockholders or the consumers served by that company, then the stockholders would get rid of them. That is what the people of this country are going to do to the Members of this House unless we start doing our homework and reduce these extravagant and unnecessary expenses.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. WAGGONNER. Is that the reason why Penn Central might be in trouble, then, and wants help from the Government?

Mr. SEIBERLING. I think it might well be a reason why Penn Central is in trouble.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ASPIN).

TELLER VOTE WITH CLERKS

Mr. ASPIN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ASPIN. Mr. Chairman, I demand tellers with Clerks.

Tellers with Clerks were ordered, and the Chairman appointed as tellers Mr. HÉBERT, Mr. ASPIN, Mr. PRICE of Illinois, and Mr. SEIBERLING.

The Committee divided, and the tellers reported that there were—ayes 118, noes 278, not voting 38, as follows:

[Recorded Teller Vote No. 140]

AYES—118

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Ashley
Aspin
Badillo
Begich
Bergland
Biester
Bingham
Blatnik
Boland
Brademas
Brasco
Burke, Mass.
Burton
Carey, N.Y.
Celler
Chisholm
Collins, Ill.
Conte
Conyers
Corman
Culver
Dellenback
Dellums
Denholm
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fish
Forsythe
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gaydos
Gibbons
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Harrington
Hathaway
Hechler, W. Va.
Heckler, Mass.
Hicks, Wash.
Howard
Jacobs
Karth
Kastenmeier
Koch
Kyros
Leggett
Link
Long, Md.
Lujan
McCormack
McDonald, Mich.
McKay
Mazzoli
Melcher
Mikva
Mink
Mitchell
Moorhead
Mosher
Nedzi
Obey
O'Hara
O'Neill
Pike
Podell
Pryor, Ark.
Pucinski
Quie
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Roush
Roy
Roybal
Ryan
Sarbanes
Scheuer
Schneebeli
Schwengel
Seiberling
Smith, Iowa
Snyder
Stanton, James V.
Symington
Terry
Thompson, N.J.
Tiernan
Udall
Vander Jagt
Vanik
Waldie
Whalen
Wolff
Yates
Yatron
Zwach

NOES—278

Abbitt
Abernethy
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Barrett
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Blackburn
Boggs
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lloyd
McClory
McCloskey
McClure
McCollister
McDade
McEwen
McFall
McKevitt
McKinney
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Meeds
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Ruppe
Ruth
St Germain
Sandman
Satterfield
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton, J. William
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Van Deerlin
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall

Wiggins
Williams
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—38

Alexander
Anderson, Tenn.
Blanton
Carney
Clark
Clay
Dent
Diggs
Donohue
Dowdy
Edwards, La.
Ford, William D.
Garmatz
Grasso
Griffiths
Hawkins
Helstoski
Lent
Long, La.
McCulloch
McMillan
Macdonald, Mass.
Mathias, Calif.
Minish
Pelly
Quillen
Rangel
Runnels
Saylor
Scherle
Smith, Calif.
Steiger, Ariz.
Stokes
Sullivan
Ullman
Veysey
Wilson, Bob
Wilson, Charles H.

So the amendment was rejected.

Mr. BIAGGI. Mr. Chairman, I voted "aye." I meant to vote "no." I wish the Record to indicate that, and ask unanimous consent for that purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HÉBERT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise at this time in order to inform the House of the situation as related to the consideration of this legislation.

In the very beginning, I told Members that I would not cut off debate or initiate any effort to cut off debate. I think that has been demonstrated as there has been absolutely no cutting off of debate.

It has been my intention and the intention of the minority side to get to the so-called Nedzi-Whalen amendment tonight as quickly as we can. We have made every effort in that direction. But we cannot control the requests for teller votes, the outcome of which is obvious before they are even taken. I have no control over that. Any Member who wants a teller vote can have a teller vote, but I think the outcome of these teller votes is obvious. But we will stay here as long as teller votes are called for. It is up to the Members of the House to decide what they want to do.

Of course, we will consider every amendment and when we get to the so-called Nedzi-Whalen amendment, we will have the amendment read and then recess until tomorrow.

So I repeat, Mr. Chairman, I have no control over how long a time you stay here. You are restless, I am restless too. We are all restless, but we will stay here as long as teller votes are demanded on the amendments.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Illinois.

Mr. ARENDS. There is a possibility that we might come in early tomorrow. I heard the subject discussed, and I hope it will materialize.

Mr. HÉBERT. I, too, hope that is so. I also heard it discussed. I trust the request will be made at the appropriate time and that we will arrange to come in at 11 a.m. tomorrow. However, we will finish today's business. Nobody will be cut off. There will be free and open debate.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—RESERVE FORCES

Sec. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 45,849.

(5) The Air National Guard of the United States, 88,191.

(6) The Air Force Reserve, 49,634.

(7) The Coast Guard Reserve, 15,000.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 301 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there any objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. If there are no amendments to section 301, the Clerk will read.

The Clerk read as follows:

Sec. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 302 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. If there are no amendments to section 302, the Clerk will read.

The Clerk read as follows:

Sec. 303. (a) Title 10, United States Code, section 270(a), is amended by adding:

"However, no member who has served on active duty for one year or longer shall be required to perform a period of active duty for training if the first day of such period falls during the last one hundred and twenty days of his required membership in the Ready Reserve."

(b) Title 32, United States Code, section 502(a) (2) is amended by adding:

"However, no member of such unit who has served on active duty for one year or longer shall be required to participate in such training if the first day of such training periods falls during the last one hundred and twenty days of his required membership in the National Guard."

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nedzi: Page 5, line 6, after the word "member" strike out "who has served on active duty for one year or longer."

And on Page 5, line 13 after the word "member" strike out "who has served on active duty for one year or longer."

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will try to be brief. I hope I may have the attention of Members. This is a very important and serious amendment. It is not an insignificant amendment at all.

In fact, what we are getting ready to do is to reduce a reservist's or guardsman's obligation almost by 1 year, from 6 years to 5 years. What the amendment does is say that a person who goes in the Reserve for a 6-year obligation, if he has less than 120 days to serve, does not have to go to summer camp.

Here is the problem. After these men have served for 5 years they have become E–4's, or sergeants, or key men in the units. So under the amendment we would be saying to the man who has only 120 days or less to serve that he could volunteer, or he could say, "I do not want to go to summer camp," where we really need him, and he would not have to go.

The most important part of the training of these reservists is at the camp for the 15 days. In effect we would be letting this man sit around the armory while his unit went to camp. I believe it is very important.

The Defense Department has said that the paperwork which will go on will actually cost more than if we kept the man in.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Texas.

Mr. FISHER. I believe the gentleman is eminently correct in his analysis of the situation. Our committee considered this quite thoroughly. The language contained in the bill is in accordance with the judgment and the assessment of the committee after consideration was given to the problem.

There is the situation of the 6-month trainee, for example, who then continues for about 5½ years of Reserve training, including summer camp.

One of the reasons for the provision which the gentleman from Michigan would strike out is to prevent the 6-month trainee from having that 120 days free at the end of his obligation.

One of the principal complaints made here about this proposal is that during the last 120 days it would apply to any noncommissioned officers who do the training, who provide the leadership and provide the direction for the trainees. They themselves could walk out, and a lot of times their billets would not be readily fillable.

I believe it would be a serious mistake to adopt the amendment. We should leave the situation as it is.

Mr. MONTGOMERY. Mr. Chairman, to get back on the track, I will say to the Members if they want these men to fulfill their obligation, these persons who joined the Guard or the Reserve not to be drafted, they should vote against the amendment. If they want to cut them back, vote for the Nedzi amendment, but if they want to be fair, vote against the Nedzi amendment.

Mr. FISHER. Precisely.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. NEDZI. I just want to make clear I was not motivated by any sympathy for those who serve 6 months of active duty. The only motivation I had was to make some sense out of the summer training. It does not make sense to have individuals trained and for them to be discharged within 120 days.

I recognize what the gentleman said about these men being required to perform their services. I believe every Member can judge for himself how motivated are the individuals who are going to be let out of the service, if they have this staring them in the face.

When we talk about 120 days we are really talking about a mean average of 60 days.

How motivated are these men going to be, who were forced to get into the Reserves in the first place, essentially? I admit they were all volunteers largely because of the draft.

Mr. MONTGOMERY. I want to make one further comment. Actually, when the 6-year obligation is over, he goes in the Standby Reserves, so he does not get out of going in the Reserves.

I think it is a bad amendment and should be defeated.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. PIRNIE. The point that the gentleman is making is the impact on the unit. We are not talking about the training of that particular individual.

Mr. MONTGOMERY. That is correct.

Mr. PIRNIE. He is required to be present in order that the unit will function in complete rapport. Is that correct?

Mr. MONTGOMERY. That is correct. You take key personnel out of the unit and let them sit back in the armory when they should be in training operating as a unit.

Mr. HUNT. Mr. Chairman, I am opposed to this amendment. It simply permits a person who has gone into the National Guard or into the Reserve components under an obligors system to escape his last duty as a soldier or as a member of the armed services.

The language in this bill that we are considering today was carefully gone over. This amendment was discussed in the committee and defeated. The language in the bill is quite clear. The language in the bill itself says that no member who has served on active duty for 1 year or longer shall be required to perform a period of active duty for training if the first day of such period falls during the last 120 days of his required membership in the Ready Reserve. Likewise it applies in the next section to the National Guard.

This simply means that anyone who has served on active duty and, as an example, someone who has served in Vietnam and comes back into the Reserve or the National Guard unit and only has 120 days to serve after having performed his active duty of 1 year or more, not for training but in actual service, will be permitted to choose whether he would or would not go to summer camp during his last 120 days of Reserve service. So you come down to a basic premise; namely, that those men who have gone into the Reserve and the National Guard who only served the maximum of 6 months of active duty training and then reverted to 5½ years obligors status are required to serve 2 weeks of each year for the ensuing 5 years in what is known as active duty for training.

I served in the Reserve 23½ years, and any man with a legitimate excuse who is called to active duty, who has any emergency arising, will be excused. However, I do not believe a man who is an obligor and a man who has served on active duty but only for training purposes should be excused from that last 2 weeks of his duty. That is the obligation he took and he knew it when he took it. There is no excuse for anyone trying to evade it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Nedzi).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—GENERAL PROVISIONS

Sec. 401. Subsection (a) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1972 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. FISHER

Mr. FISHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fisher: On page 7, following line 4 in the bill, add the following new section:

"Sec. 402. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institution of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution."

Mr. FISHER. Mr. Speaker, I ask unanimous consent to withdraw temporarily the amendment which I have just offered.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nedzi: On page 7, line 4, after the period insert:

"Sec. 402. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

"(b) If the President determines that the above limitations will not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or ensure the return of prisoners of war, he shall recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives.

"(c) This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

"(d) This section shall not be construed to affect the power of the President to provide for (1) asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces, and (2) military and economic assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of this section.

"(e) This section shall not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war.

"(f) This section shall not be construed to prohibit the assignment of customary military personnel to diplomatic missions."

Mr. NEDZI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HÉBERT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ORDER OF BUSINESS ON TOMORROW

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader a question.

Mr. Speaker, as I understand it, the first order of business tomorrow will be the move to send the education appropriation bill to conference?

Mr. BOGGS. Mr. Speaker, if the distinguished minority leader will yield, that is my understanding I will say in reply to the gentleman.

Mr. GERALD R. FORD. Then after that has been decided we will get back into the consideration of the bill, H.R. 8687, that has been pending before us?

Mr. BOGGS. That is correct.

ADDITIONAL LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I take this time to again call to the attention of the House that the travel resolutions for ILO will also be considered tomorrow. I made that announcement earlier.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I will be glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I would ask the distinguished gentleman from Louisiana whether those will come after the consideration of the Defense procurement authorization bill that we are now considering and have been considering?

Mr. BOGGS. I have not discussed the timing of this with the Speaker, but I would assume that it would come at that time.

Mr. FULTON of Pennsylvania. Mr. Speaker, if the gentleman will yield, I would ask the gentleman whether there has been any plan made for a Friday session?

Mr. BOGGS. Yes, there are plans for a Friday session. It is the Friday that is scheduled for a session. As the gentleman knows, we made that announcement earlier.

Mr. FULTON of Pennsylvania. But a Friday session is definitely scheduled?

Mr. BOGGS. We have four additional bills after we complete the defense procurement bill.

Mr. FULTON of Pennsylvania. So a Friday session is definitely set as of now?

Mr. BOGGS. Of course, it is conceivable that we could get through tomorrow, but I use the word "conceivable" advisedly.

TRANSFER OF SPECIAL ORDER

Mr. DAVIS of South Carolina. Mr. Speaker, I ask unanimous consent that the special order granted the gentleman from Maryland (Mr. MITCHELL) for Thursday, June 17, be vacated, and that he be permitted to address the House for 60 minutes on Friday, June 18.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

THANKS, PRESIDENT PUSEY, FOR WAKING UP TOO LATE

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, I read with interest an article in today's New York Times which was heralded by the following three-column heading: "Pusey Calls Revolutionaries 'Deluded'."

In it, the remarks of President Nathan M. Pusey of Harvard are outlined and he is quoted as denouncing the power-hungry revolutionaries who have made the last few years so difficult for him. He termed them grievously, even malignantly, deluded. This is fine but where has President Pusey been these past few years when Harvard was besieged by rioters and radicals, many of them students, who did everything from taking over the dean's office to dynamiting college buildings?

It is all well and good to speak now in strong, forthright terms but where was he when his responsibilities of office demanded that he take prompt action? He vociferously articulates, after the fact, the problem but even now he apparently sees little need for decisive action. At least, I do not read where he indicates he would now do something he did not do when the situation required decision and action.

Like all too many liberal, permissive educators he is a victim of his own folly. He joins the ranks of President Kirk of Columbia, President Kerr of Berkeley, President Perkins of Cornell and others who, confronted with a responsibility, chose to let their institution down as well as society as a whole. President Perkins of Cornell even sat back when black militants were brandishing guns in a building takeover.

President Pusey is retiring this year after 18 years at the helm at Harvard. As a graduate of Harvard and a noncontributor to its many fund appeals and causes, I say to President Pusey, "Thanks for waking up too late."

The New York Times article follows:

PUSEY CALLS REVOLUTIONARIES "DELUDED"

(By Robert Reinhold)

CAMBRIDGE, MASS.—In his last speech to students before retiring as president of Harvard University, Nathan M. Pusey denounced today the "power-hungry revolutionaries" who have made the last few years so difficult for him. He termed them "grievously, even malignantly, deluded."

"In recent years," Mr. Pusey said, "campus revolutionaries, here and elsewhere, have held that a debilitating and dehumanizing contagion, allegedly springing from the interests and arrangements of the world outside, has so deeply penetrated and widely infected the activities and structures of academic societies, and has so controlled them—has made them so thoroughly deceitful and corrupt—that the only acceptable attitude toward them must also be one of hatred, denigration and attack.

"This has disturbed me more than any other development during recent years."

"If they are to be believed, the world, unready as yet to be set right by them, is totally corrupt—governed, controlled and manipulated by schemers, of whom I suppose, at least in the minor way, I must be considered one," he went on.

He said he could not "see any significant correspondence between the world which I have experienced and have come to respect and the world they describe."

Mr. Pusey, a 64-year-old classicist who will retire on June 30 after 18 years as head of the country's oldest college, spoke at the school's annual baccalaureate service. About 200 of the 1,337 Harvard and Radcliffe seniors who will be graduated Thursday attended the service in Memorial Church.

LEGACY SEEN INFLUENCED

After retirement, Mr. Pusey will head the Andrew W. Mellon Foundation in New York. He stepped down, two years earlier than had been expected in the wake of sometimes tumultuous student demonstrations in 1969 and 1970.

The bitter legacy of those days appeared to influence his words today.

"We profess to eschew materialism, aggressive self-interest, competition and derogation," he said. "We talk endlessly of love and of escape from crassness of feeling. Yet we manifest less and less regard for others, or the opinions of others outside the immediate circle of our intimates."

"In the midst of much bitter name-calling, love or even charitable regard for others—unmarred by self-seeking or the desire to impress or to impose a personal viewpoint on others—would seem rapidly to be vanishing from the earth," he said.

Specifically, Mr. Pusey complained about those who express rhapsodic concern for the environment," yet who burn automobiles and buildings, tack posters on trees, spray-paint walls and public monuments, break down bushes, trample grass, discard trash by the roadside."

And he decried those who "amplify their rhetoric in public parks, shriek their calls to action over bullhorns and sound trucks within the groves of academe, repetitively spreading private—and usually very inane—doctrines."

"It is hard to discern in all this just who is kidding whom, but surely something is sadly mixed up, and there is room in our society for serious doubts about motives and behavior," he added.

MODERN NEWSPAPER PLANT DEDICATED

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on Sunday, June 20, 1971, the most modern newspaper plant in America will be dedicated in Syracuse, N.Y. Both Syracuse daily newspapers, the Herald-Journal and the Post-Standard are housed in this magnificent new facility overlooking the original pathway of the canal that created Syracuse, the Erie. But more than a great building will be dedicated in Central New York Sunday. An idea will also be honored. The idea that providing people with information about what is going on around them is both critically important and tremendously satisfying. It is also risky as evidenced by the more than 50 newspapers that have been born and died in Onondaga County.

The first daily newspaper that lasted was the Daily Journal, begun by Silas Smith in 1844. But the newspaper business in the mid-1800's was a fragile and sometimes erratic thing. Until the then 27-year-old Arthur Jenkins started the Evening Herald in Syracuse in 1877, with a couple of hundred dollars and infinite determination, eight dailies had started with the announcement they had come to stay and ended with the remark that they "had stayed long enough."

The Herald and the Journal were joined in 1939. Syracuse's present morning daily, the Post-Standard, traces its origins to Vivus Smith's Onondaga Standard, first published in September 1829, as a weekly.

So it is obvious that journalism in central New York has a long history. The building formally dedicated in Syracuse this Sunday will house both the "Herald-Journal" and "Post-Standard." It will be dedicated also to the memory of those thousands of newspapermen beginning in the early 1800's and continuing to the present who have chronicled the life and times of this thriving, vibrant area of America.

Men who left and are leaving a stamp and a character on the world around them—Lewis Redfield, Vivus and Silas Smith, Arthur Jenkins, Harvey Burrill, E. A. O'Hara, Alexander "Casey" Jones, former managing editor of the Washington Post who brought to Syracuse a writing style with an edge of flint—down to Leonard Gorman, today's Post-Standard editor, William Cotter, editor of the Herald-Journal and publisher Stephen Rogers, head of the Herald Co., parent corporation of the Syracuse newspapers, city editors Edward Sabine and Mario Rossi, Ollie Sheremeta, editorial writers Harold Addington and William Cole, Maurice Lee, Ken Sparrow, and Brohmann Roth, men who regard writing and reporting of the world around them not simply a job, but a commitment to understanding the what and why of everyday life.

The Herald Co. is a major economic enterprise, employing 700 people in its ultra-modern plant on Syracuse's Clinton Square. Millions of lines of advertising carried in its pages daily and Sunday are evidence of a vigorous, dynamic local economy that it has helped create.

Within its circulation area are 1,700,000 consumers with over $4,100,000,000—4.1 billion—spendable income. A daily circulation of over 217,000 makes it a medium of communication of tremendous influence.

We hear much today about "life style;" it is really an old-fashioned word dressed up with a bit of 1970 polish, meaning a combination of a standard of living and a personal scale of values.

The Syracuse newspapers help to shape the attitudes, the political philosophies and the social awareness of their readers, probably more profoundly than we realize, thus contributing extensively to the current "life style" in central New York.

The role of the press has gone so far beyond the recording of events, that it is today a major power in and of itself. With this power goes responsibility to match. The Syracuse Herald-Journal and Post-Standard are meeting this.

I would be the first to point out that I do not always agree with them, but I read them and in this frenetic world, that is the first step to mutual understanding. We salute the Syracuse newspapers on the dedication of their new plant and offices and pray that the devotion and energy they bring to the task of publishing in the years ahead may, in the inaugural words of John F. Kennedy—

> Light our country—and all who serve it—and the glow from that fire can truly light the world.

TOP SECRET CHARADE

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, as chairman of the Government Operations Subcommittee which is responsible for the Freedom of Information Act, I feel impelled to comment on the current dispute between the New York Times and Defense Department, the Justice Department, the executive branch, and all else who have been dragged into this charade.

I am very disturbed when a newspaper is enjoined from publishing information which, to me, should be clearly in the public domain and which, in fact, the public must know if our system of government is to endure. Our people must know about the mistakes as well as the successes of those who govern.

I think that it is incredible that the Secretary of Defense yesterday would refuse to give these papers to Congress, and in effect invoke Executive privilege, before the President has even made a decision regarding employing Executive privilege. Yet Secretary Laird flatly refused to give to Congress these documents which most of us are reading daily over our orange juice and eggs. That is presupposition of the worst order —and only adds disrespect to deception.

I have always been intrigued with the procedure our Government uses to classify documents which some bureaucrat feels must be permanently labeled "top secret." It certainly makes one wonder how much other vital information, no longer of any security value, is hidden under that rubber stamp marking.

In the current case—where the papers being published by the Times all are at least 3 years old—I think the classification ruse is being erected not in the name of national security but to save some red faces among current and former war planners and other officials.

It is conceded these papers reflect little on the current administration, but it is fast becoming part and parcel of the believability-gap-syndrome by its loud exhortations and legal action against publication of these documents.

I think the papers should be published—in the name of the public's right to know—and I only hope that there will be true administration of justice in this case.

THE HISTORY OF U.S. DECISION-MAKING PROCESS ON VIETNAM POLICY

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLOSKEY. Mr. Speaker, on the previous 2 legislative days, it has been my privilege to place in the RECORD certain documents and articles published by the New York Times and relating to a 1968 Defense Department study of our involvement in Vietnam.

Yesterday, however, the Attorney General of the United States was successful in obtaining a temporary restraining order which prohibited publication of the 4th and 5th installments of such documents which the Times had stated it intended to publish today and tomorrow.

The Attorney General contends that publication of these documents in the press will constitute a violation of the Espionage Act.

The first amendment question is, of course, one for the courts to determine.

In this House, however, it seems to me that the grave responsibility or our pending decisions on Vietnam make it imperative that we be fully informed of previous decisions of the executive branch as to the war in Vietnam and the basis for those decisions. The Congress, through a committee of appropriate jurisdiction, has previously requested the Defense Department study from which the documents in question were prepared, but I am advised that such request has been refused and that the administration continues to refuse this request.

This of course raises a grave constitutional question. This House can never purport to meet our constitutional obligations if we are not fully informed.

Therefore, at an early point in this afternoon's debate I intend to move to adjourn the proceedings of the House until such times as the administration provides us with the 1968 Defense Department study, entitled, "The History of U.S. Decisionmaking Process on Vietnam Policy." Should the House upon receipt of these documents determine that the 1968 study justifies continued secrecy in 1971, then of course we need only exercise our power under article I, section 5 of the Constitution to delete these documents from the public sections of the Congressional Record. Article I, section 5 of the Constitution provides in part:

> Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy.

This should properly be our judgment, not that of the executive branch, at least as to matters now 3 years old.

LAW AND ORDER AT SHARPSTOWN

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, early this year Texans and the Nation were shocked to learn of the fantastic stock manipulations and frauds perpetuated by Frank W. Sharp, according to charges filed by the Securities and Exchange Commission. Revelation of the charges, which included information that three companies had been systematically looted, that hundreds of thousands of dollars had been paid out by Sharp to persons in high office, apparently through a stock manipulation scheme, and wild financial manipulations that led to millions of dollars in losses by a Jesuit school and many others—and finally to the collapse of the Sharpstown State Bank, a failure that cost the Federal Deposit Insurance Corporation millions of dollars.

The penalty for all this? You might expect a trial, and conviction.

But the penalty is a $5,000 fine, arranged through plea bargaining handled by the U.S. Department of Justice.

Mr. Speaker, it cannot be said in this case that justice is blind. The truth is that the Department of Justice arranged its plea bargaining without any consultation with the attorneys who investigated the Sharp case, and who revealed the massive frauds and manipulations carried out. Evidently the principal will not be held accountable in a court of law through trial. It is possible that the lesser fish will be tried.

But one thing is clear—the big one got away.

Mr. Speaker, the handling of this case will probably preclude any public disclosure of what really happened. The people of the country may never know how these frauds were arranged. The victims may never know how they were skinned.

The big one got away. The people will never know what happened at Sharpstown, or why. Justice is the loser. And the Department of Justice lost deliberately.

FEDERAL JOB TRAINING, YES—BUT WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Van Deerlin) is recognized for 1 hour.

Mr. VAN DEERLIN. Mr. Speaker, I have been moved to reserve this time this afternoon by the evidence that has come to me of the misdirected thrust of some of our Federal job training programs.

I refer specifically to the efforts of the Labor Department, under the Manpower Development and Training Act, to retrain the thousands of laid-off aerospace workers in California as well as other parts of the country.

In California alone, I am advised, some 55,000 former aerospace employees are today unemployed—the innocent victims of defense cutbacks and an unstable economy.

These men are eager to work. They have abundant skills, and for the past two decades they have been the cream of our labor force.

Now the Government holds out a helping hand. It offers them new jobs, at comparable pay and with a permanent future in a suitably altruistic field.

The basic goal, helping these able men to help themselves, is certainly most laudable—one we obviously all support.

But while splendid in theory, in practice these retraining projects for the highly skilled are proving in many instances a cruel hoax for the presumed beneficiaries.

The reason: Many of these men are being prepared for jobs that simply do not exist.

A case in point is southern California's Pollution Management Institute—PMI, which was set up specifically to retrain jobless engineers from San Diego and Orange Counties as "environmental managers." The 16-week PMI course, funded under a $180,000 Labor Department grant and administered by the California Department of Human Resources Development, ended last week. A total of 97 trainees attended the classes, held in a rented store in a Anaheim shopping center.

By the most optimistic reports, no more than 17 of the trainees had actually found jobs as the course neared completion; and of these, only five or six were hired for work directly related to curbing pollution. The rest evidently were left to wait and wonder, and try to skim along on unemployment or welfare payments.

When the course started, last February 22, prospective trainees, who had been culled from an original list of about 200 applicants, were advised that not less than 256 positions in pollution control would be available to them upon graduation.

Unfortunately, most of the jobs existed only on paper, in State and local governments throughout the country, and had not been funded at the time the assurances were so blithely given.

Several weeks ago, I visited the PMI "campus," and talked with many of the students and staff. The students were pleased with the quality of the instruction they had received to become managers of air, water, noise and solid waste pollution—but bitterly disappointed by the inability of PMI to place them in positions for which they had trained.

PMI, meanwhile, is under the gun to get jobs for these men, since its contract contains a 20-percent penalty provision that is triggered if at least 80 percent are not placed within 90 days of graduation.

If all the men are not placed, it certainly would not be for lack of effort by the institute, which stands to lose more than $30,000 if the 80-percent goal is not achieved.

The fault here, of course, is with shortsighted Federal policies that raise and dash false hopes among the growing legions of unemployed.

For the still-jobless trainees, the fact the PMI is continuing to sound out prospective employers, in and outside the Government, may be scant comfort, when matched against the harsh reality of the loss of stipends that ended with the conclusion of the course.

Unfortunately, the sad history of PMI may be somewhat typical of current job-training efforts, at insofar as they apply to the skilled victims of the current recession.

Our colleague, Dick Hanna, whose Orange County district includes a sizable chunk of the southern California aerospace complex, will detail other examples of programs where performance has fallen far short of promise.

The failings of these programs are pervasive enough to suggest that we should be looking hard for new approaches.

Within the past several weeks, the House has passed two bills, H.R. 3613, the emergency public service jobs legislation, and, yesterday, S. 575, which would revive the successful accelerated public works program of the 1960's.

These bills have two things in common: They would create new jobs, and they are both threatened with a Presidential veto.

As the experience of PMI and like enterprises has demonstrated, training, no matter how elaborate, for positions that do not exist is so much pie in the sky—

misleading, improvident, and ultimately heartbreaking.

If he cannot find a job, how does the graduate of one of these courses utilize his training? As an avocation, perhaps—but that is hardly going to help him feed his family and meet all the other obligations of a self-sustaining citizen.

What is the administration's problem? Do they not want these people to be gainfully and permanently employed, but instead to exist for a few weeks on Federal subsidies while—and only while—they undergo futile training?

I am at a loss to understand why the President would want to veto H.R. 3613 and S. 575—if that is really his intention.

But the Congress, at least, is off to a promising start in emphasizing jobs, and I would hope that the House and Senate would follow through on this good beginning and override whatever veto messages may be in the offing.

Mr. HANNA. Mr. Speaker, I want to commend Mr. VAN DEERLIN for calling this special order. What is being said here gets to the core of the problem of jobs for unemployed engineers, scientists, and technicians.

The current emphasis on retraining suggests that there are new jobs available for all the thousands who take advantage of reeducation. This is not the case. Jobs are available for only a very few. Retraining, under these circumstances, is nothing more than a holding action, and such a policy should not be acceptable.

During the past 2 months, I have on two occasions reported to the House that the job placement experience of retrained aerospace workers in my area has not been encouraging. In one instance, 98 men were retrained so they could go into business for themselves. The cost of the program was $60,000. Today, only six of those 98 people are in business.

During the past few days I have attempted to put together statistical information which would show the number of job placements that have resulted from retraining programs aimed at aerospace unemployed. I found this to be a particularly frustrating assignment. Although there is a great deal of rhetoric about the plight of the aerospace jobless, there is very little in the way of consistent and detailed information on the scope of the problem or the progress of Government programs designed to aid these people.

The most recent announcement by the administration of an emergency allocation of $42 million for retraining and relocation grants to unemployed EST's—engineers, scientists, technicians—tells us nothing of what progress the Government has already made, or how many will be helped by the allocation. Most importantly, it does not tell us whether there will be jobs for those who are able to take advantage of the grants.

My discussions with California Human Resources Department officials have led me to conclude that all the retraining money in the world will not make any significant impact on reducing the number of jobless EST's. One official told me that even jobs in the health care delivery area, an area supposedly short of trained manpower, are beginning to dry up. He informed me of a program in San Diego designed to retrain jobless EST's for positions as medical assistants that is having great difficulty placing their graduates in jobs. Apparently, a large number of hospitals, especially public hospitals, in southern California, in order to cut costs, are cutting back on medical assistant staffs.

While I was singularly unsuccessful in getting meaningful data from the Department of Labor, I was able to get some information for the California Department of Human Resources, and its Orange County office. This information enabled me to put together the following picture for California:

Unemployed Aerospace retraining effort in California

Unemployed Aerospace Workers as of Nov., 1970 (latest available figure from H.R.D.)	55,800
Dollars being spent for retraining	$11,627,000
Number who have either graduated or are currently being retrained	4,700
Job placements of retrained	no precise information

After considerable discussion with Department of Human Resources officials, I found myself unable to draw any accurate conclusions on the number of job placements obtained in California. Clear and concise statistical information on this particular component, the most important component as far as I am concerned, is obscured in a jumble of statistics that does not adequately separate a placement made because of retraining from a placement made for any number of other reasons.

I was able to obtain my most precise information from the Human Relations Department office in Orange County. Orange County has the second largest number of unemployed aerospace workers in California. The State Department of Human Resources office estimates that there are 8,300 jobless aerospace workers now living in Orange County. This compares with 36,700 in Los Angeles County.

The State Department of Human Resources office and the county office have somewhat different figures on the money being spent for retraining. However, their figures are close enough to estimate that approximately $2.6 million is available for retraining. Of this, about $1.9 million was just made available from the President's E.S.T. program. The remainder has been largely spent.

The State and county department of human resources offices have a serious discrepancy in the number of people being serviced by the retraining program. The State reports some 800 have been in retraining, while the county figures I have, show approximately 300 have taken retraining.

The county provided me with the only relevant statistics I have been able to find on job placements from retraining programs. The figure appears to be 28 jobs obtained so far. Of course, it is important to point out that many of those taking retraining have not yet completed their course. But of those that have, the job placement record is miserable.

At this point I would like to include the detailed material provided to me by the Orange County Department of Human Resources office.

ORANGE COUNTY

RETRAINING PROGRAMS FOR UNEMPLOYED SCIENTISTS AND ENGINEERS

Name of program	Source of funds	Duration	Amount	Students in programs	Now working or in business
1. Dental assistants	MDTA	IP	$623	1	
2. Medical assistants	MDTA	IP	623	1	
3. Environmental aides	MDTA	IP	14,364	19	
4. Closed-circuit TV technicians	MDTA	IP	6,965	7	
5. Auto mechanic	MDTA	IP	3,223	2	
6. TV service (B/W)	MDTA	IP	1,422	1	
7. Ticket agent	MDTA	IP	1,201	1	
8. Electric contractor	MDTA	Comp	200	1	1
9. Bookkeeper	MDTA	Comp	607	1	1
10. Truckdriver	MDTA	Comp	186	1	1
11. Apartment manager	MDTA	Comp	1,380	4	3
12. System analyst	MDTA	Comp	2,678	1	
13. Civic oriented workshop (public administration).	MDTA	Ends July 9	$47,600	40	4
14. Environmental engineers	MDTA	Ends Nov. 28	23,730	28	
15. Color TV repair	MDTA	½ still in school	23,000	[1] 40	10
16. Self-employed (new age school)	MDTA	Comp	59,150	98	[2] 6
17. Household appliance repair	MDTA	Comp	17,689	20	1
18. Pollution management institute [3]	MDTA	Comp	161,658	[4] 45	1
Subtotal			366,299	312	28
Allowances			[5] 301,520		
Total			667,819		

Note: No EST money yet spent.

[1] ½ graduated.

[2] In business.

[3] Orange County portion only. San Diego County also had a number of students in this program

[4] Graduated.

[5] This figure is based on an average living allowance.

The information in the above chart is very discouraging. It is especially so when one looks at the most highly touted opportunities for jobs. The pollution and environment retraining efforts have the poorest records of job placements. The self-employed program is apparently a failure in terms of the number of people who have actually been able to go into business. And I would venture to guess that job placements in public administration positions will not be very encouraging. Preliminary indications suggest another disaster. Of the class of 40, only four have jobs waiting, and there is less than a month before the course is completed.

Based upon this admittedly limited information, I think it still safe to conclude that emphasis on retraining as a cure to the aerospace unemployment problem is misplaced. Retraining people for jobs that do not exist is among the most destructive emotional experiences to which a person can be subjected. To offer hope and then dash it against the realities of the job market is cruel and wasteful.

I am unaware of any real constructive program within the administration to create needed jobs. I am unaware of any meaningful effort within the administration to make either Government expenditures or the private sector of the economy responsive to channeling money into the new areas of national need. Only when we do this will we create the job demand that will provide employment opportunities on the scale necessary to solve the aerospace unemployment dilemma.

Yesterday, the chairman of the Science, Research, and Development Subcommittee announced that it will hold hearings on precisely the program I just suggested. This will be the first attempt by the Congress to examine the scope of the problem, and consider various methods for channeling resources into programs that will create jobs for scientists, engineers, and technicians. This will be the first comprehensive examination of the kinds of technical jobs necessary to meet the environmental and social problem in our society. The subcommittee will hold hearings in June and July. As a member of that subcommittee, I am encouraged for these hearings clearly suggest that we are considering at last the real substance of the problem and are looking for lasting and meaningful solutions.

Mr. ANDERSON of California. Mr. Speaker, I commend my colleague, Mr. VAN DEERLIN, from San Diego for his forthright statement, and I want to associate myself with his remarks.

Unemployment among aerospace workers in southern California approaches catastrophic conditions. It is a catastrophe that people with so much proven ability are not putting their skills to use in order to better society. It is a catastrophe that a government that encouraged people to enter the aerospace field has now turned its back.

The men and women who comprised the aerospace team in the 1960's are talented people who can make outstanding contributions to our society in the fields of pollution control, housing, transportation, crime control, and health delivery systems. Many of them are available to apply their skills immediately to these fields without being retrained.

What is needed is the creation of new jobs in both the private and the public sectors of our economy.

What is needed is a greater Federal incentive for the aerospace industry to convert part of its resources to the needs of our citizens here at home.

What is needed is legislation such as the two bills which have passed the House, such as the Emergency Employment Act, designed to create public service jobs, and the Accelerated Public Works Act, designed to put people to work on necessary public works projects such as hospitals, roads, and the like.

Mr. Speaker, we must redirect our efforts toward getting people to work on time with a minimum time lost; we must make greater efforts toward cleaning up our environment; we must provide more housing—at a price the average wage earner can afford.

The former aerospace worker has the ability to help in these projects. The Federal Government has an obligation to point these people in that direction by, first, increasing incentives to the aerospace industry to convert, and, second, by providing jobs in necessary domestic fields.

Mr. McFALL. Mr. Speaker, I am pleased to join our colleague, Congressman VAN DEERLIN, in this critique of the administration's manpower programs.

Yesterday the House adopted the conference report on S. 575, which among other features would reinstitute the accelerated public works program that was so successful in creating jobs and spurring the economy in the 1960's.

The House also has approved H.R. 3613, which would provide about 150,000 public service jobs in State and local governments during periods of high national unemployment.

Both of these measures are urgently needed as an antidote to the inaction of the administration in the manpower development area. I would hope enough of our colleagues on the other side of the aisle would share this sense of urgency to provide the votes to override the threatened Presidential vetoes of these bills.

As Messrs. VAN DEERLIN and HANNA have brought out, it is certainly the cruelest kind of deception to offer the promise of jobs that do not exist to men and women desperate for work.

Let us give the administration the tools to deal effectively with the unemployment problem, through creation of new job opportunities for all who are willing and able to work.

GENERAL LEAVE TO EXTEND

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the subject of my special order today on Federal job training.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DRUG ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FREY) is recognized for 60 minutes.

Mr. FREY. Mr. Speaker, as chairman of the Republican Task Force on Drug Abuse, I am today introducing together with the other members of the task force a package of bills for the treatment and rehabilitation of drug users in the military.

This package corresponds very closely to that which the administration will probably introduce next week. Our task force met last evening with administration officials in the White House to discuss the new Nixon drug program and make recommendations. The approach they are taking to the military drug addict or dependent, it was discovered, corresponds to the package which we have been preparing for some time. The administration encouraged us to make reference to this fact. I might point out that the administration's program will be the first massive effort to get to the root of the drug problem and provide the means to both stop the spread of drug users and help those who are already "hooked."

We are all aware, I am sure, of the seriousness of the situation in the Armed Forces. The figures, however, bear repetition. During calendar year 1970 alone, there were 160 drug-related deaths in the military alone. The Armed Services Committee in the report which they released on April 23, 1971, on "Drug Abuse in the Armed Services" approximated that 10 percent of our personnel in Vietnam could be using hard narcotics and 20 percent of our total military personnel may be marihuana users. The Navy hospital admission tables illustrate the rapid rise in the military drug abuse situation. The figures tripled from the 173 admissions in 1967 to 566 in 1969.

Instead of placing the burden of solving this problem entirely on the military or entirely on the civilian community, as other bills do, our legislative package recognizes that both have separate but related roles to play. We build upon present drug treatment and rehabilitation programs run by the Department of Defense, the Veterans' Administration, the Public Health Service, and local and State agencies, and expand them in areas where each has the responsibility and capability of providing additional needed assistance.

The Military Drug Rehabilitation Act of 1971 has several major provisions: First, a servicewide system of identifying narcotic drug use by urinalysis; second, short-term treatment for military personnel under the amnesty program, military personnel to be returned to active duty, treatment for civilian dependents, centralized treatment facilities; third, the counseling and referral of those to be released to civilian agencies for treatment; and, fourth, the classification of all persons to be released with a drug problem as an "addict" or "drug dependent."

A periodic urinalysis of each member will be made, beginning initially at the point of discharge and moving back in time, to identify those with a drug problem. Those so identified and who are to be returned to active duty or those who volunteer for the amnesty program will be treated by the military, if the treatment will not be protracted. The military has both the capability and responsibility of treating these persons. In addition, civilian dependents whose treatment will not be protracted will also be treated in military facilities. At the present time, many civilian dependents have drug problems and are not being treated by the military.

Decisionmaking on drug cases in the military will be centralized. The office of the chief of personnel of each branch, after receiving the recommendations of the local commander, will decide whether to institute disciplinary action, grant amnesty, and treat in the military or refer to a civilian agency. At the present time, except for the Navy, decisions on how to process a drug case are made by the local commanders who lack the expertise. The result: lack of consistency and uniformity of approach.

Separate companion legislation will make the penalty for use or possession a maximum of 1 year, comparable to the Comprehensive Drug Abuse Act of 1970. Penalties for "pushers" in the military, however, will be raised to 10 years for marihuana and 20 years for narcotics.

Centralized treatment facilities will be established for each branch to provide more professional treatment, and remove the user from the environment in which the problem originated. The Air Force presently has such facilities at Lowry Air Force Base and the treatment and rehabilitation program there is the most successful in all of the Armed Forces.

An amnesty program will be established in all branches to provide immunity from prosecution under the UCMJ for possession or use. At present not all branches have an amnesty program and there is still a threat of prosecution. The immunity would be only from prosecution for use and possession and not other drug-related offenses. Also, a volunteer will be granted a limited privileged communication right: information volunteered to one's commander or medical personnel when seeking medical assistance for drug usage will not be used against that person in actions under the UCMJ for use or possession or to support an administrative discharge on other than honorable conditions. Recent polls in Vietnam suggest that few servicemen volunteer for treatment because of the fear of prosecution or giving incriminating evidence that will be used against them.

The President, furthermore, is requested to enter into agreements with the host country where our troops are stationed to modify existing status of forces agreements to prevent the prosecution of a service member for a drug offense after he has been granted immunity from military prosecution under the amnesty program.

Those whose treatment will be protracted or who will be administratively discharged and do not desire to be "retread" will be counselled and referred by a referral program established in the Department of Defense to either the Veterans' Administration, the Public Health Service, or local or State agencies near the person's home.

A final provision provides that all addicts or drug dependents will be so identified when they are released. They will not be discharged as mentally unfit under section 208 of the UCMJ. About 5,000 were discharged as mentally unfit in 1970 because their commanders did not want to be known as having drug addicts in their units. The result: Many addicts were discharged without being identified as such.

Two other companion bills we introduce will increase the capability of civilian agencies to handle those drug dependent servicemen who are referred to them.

One bill will establish special services in the VA for drug dependent former servicemen for treatment and rehabilitation. At the present time, there is no separate drug program run by the VA and additional funds cannot be provided for drug treatment without separate legislation. Moreover, individuals who were discharged with bad conduct discharges or administratively with undesirable discharges will be eligible for VA treatment if the discharge was due to use or possession of drugs. Discharge for other drug-related offenses will not qualify for VA treatment. Last year over 2,000 men discharged undesirable were unable to qualify for VA treatment.

Amendments will also be added in a separate bill to the Narcotic Addict Rehabilitation Act to enlarge the scope of their program and the facilities eligible under it. The definition of "hospital of the Public Health Service" will be broadened to include other treatment facilities approved by either the Surgeon General or Attorney General including State and local agencies. Also the act is expanded to include not only persons addicted to the opiates, but also persons dependent on amphetamines, marihuana, barbiturates, and the hallucinogens.

These two measures should expand the availability of civilian treatment and rehabilitation programs sufficiently to insure that all service addicts or dependents that are to be referred can easily be referred.

Mr. Speaker, this legislative package, we feel, offers a realistic and comprehensive solution to the problem. It is the result of intensive study by members of the task force and conversations with all those individuals and agencies who are vitally involved and concerned with this problem. I invite other Members on both sides of the aisle to call my office to join us as sponsors of this legislation.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. FREY. I am delighted to yield to the gentleman from New York.

Mr. HASTINGS. I would like to join with the gentleman from Florida (Mr. FREY), in the sponsorship of his package of drug-related legislation. I would like to commend the gentleman for his leadership on the Republican Task Force on Drug Abuse. At the same time I would like to commend the President for the drug legislation that will be submitted to this House tomorrow. We had an opportunity to review part of that legislation, and I think it will go a long way toward meeting some of the problems that we are experiencing in the field of drug abuse, particularly as it relates to the military.

The legislation that has been introduced by this task force is, I think, most meaningful legislation and speaks to the military problem of drug abuse far more effectively than any legislation that I have seen thus far. I once again commend the gentleman for his leadership in this field. I thank the gentleman.

Mr. Speaker, the Nation today is confronted with a peril which threatens its very existence. What a few years ago was a distant rumble has now become a deafening roar, warning of the terrible dimensions which the drug plague has reached in our society.

Five years ago heroin addiction was a problem of the ghettos in our big cities. Today users of heroin are found in the affluent suburbs and the country communities of rural America as well. Sons and daughters of all classes are being exposed to drugs.

And now the scourge has spread to our Armed Forces. Between 10 and 15 percent of the servicemen in Vietnam are said to be addicted to heroin in one way or another. They either sniff it, smoke it, or inject it.

Authorities have estimated that at least 45 percent of all members of the Armed Forces have used drugs in some form.

Many programs have been instituted to combat the drug problem here in America. But little attention has been paid to the plight of the serviceman.

Reports during the past few weeks attest to the magnitude of the drug problem in the military. It is tragic that these men who are sent to distant lands to serve their country must endure the added danger of drug addiction.

And what is even more tragic is that little effort has been made to help the serviceman once he has fallen victim to drugs. In most cases, he has been discharged as "mentally unfit" and sent home to shift for himself.

Subject to the pressure of combat and the boredom of rear area duty, the GI finds the easily obtained and cheaply purchased drugs a tempting antidote.

But when he comes home, hooked on drugs, there is no place to turn for help.

Nor has he been given any help while in service.

Today the House Republican Task Force on Drug Abuse, of which I am a member, is introducing a package of five bills aimed at correcting this failing.

Basically these bills are intended to provide drug-addicted servicemen treatment and rehabilitation while in service and extends this help through civilian facilities after they leave military life.

The most important of these legislative proposals is the Military Drug Rehabilitation Act of 1971. It would establish a standard policy for judging drug abuse cases in the military under the direction of the chief of personnel in each branch. Heretofore such determinations have been made by local commanders, who in many instances lack the knowledge needed for these decisions or do not care what happens to the drug-dependent serviceman.

The measure also would establish treatment and rehabilitation facilities for the drug-addicted within the military system. In situations where a serviceman has been convicted of a drug offense or where he is scheduled for discharge, the legislation provides that he will receive treatment at civilian facilities such as the Veterans' Administration, the National Institute of Mental Health, or other public health facilities.

In addition, counseling and referral programs would be set up to insure that the ex-GI is fully informed of the treatment programs available to him.

An important aspect of the proposed legislation involves the establishment of a policy of amnesty for servicemen to encourge them to seek treatment. Investigation has shown that in the past GI's have been reluctant to volunteer for treatment because of the fear of prosecution.

These proposals also broaden the Narcotic Addict Rehabilitation Act to include not just those addicted to hard drugs such as heroin but also those with a dependency on such drugs as amphetamines, barbiturates, and marihuana.

The legislation represents the first attempt to develop a comprehensive program for the treatment and rehabilitation of servicemen. It is very compatible with a plan scheduled to be announced by President Nixon and provides a highly effective method to meet the tragic plight which so many of our servicemen find themselves in today.

There can be no overstating the gravity of the drug problem, either in or out of the military. Not only is the health and future well-being of the individual serviceman at stake but also in danger is the morale and effectiveness of our entire defense structure.

Time is running out. This legislation demands the speedy attention of the Congress and I would earnestly request that all Members of this House give it close consideration and full support.

Mr. FREY. I thank the gentleman for his remarks. Certainly I commend the gentleman from New York, who has been involved not only in the House and its committees but in the Senate of New York, and for years has been working on this problem. He is one of the most knowledgeable Members of the House on this subject.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Ohio.

Mr. KEATING. Mr. Speaker, I would also like to add that I, too, am a cosponsor of the legislation being introduced by the gentleman from Florida, and I want to extend my congratulations to him for the leadership that he has demonstrated in presenting this legislation at this time on one of the most important subjects facing our country. The plight of the servicemen in South Vietnam in relation to their difficulty with drugs and the like situation in this country require a massive effort in research, rehabilitation, and education directed to the ultimate goal of taking every narcotic user, the heroin user, into a complete rehabilitation situation.

The problem we have today is that we attempt to maintain programs that do not produce the desired results. In meeting the addiction problem the methadone method of treatment does not provide the full answer. An effort must be made in many areas, particularly in research, which will bring us to the total objective of complete cure.

The gentleman from Florida (Mr. FREY) has demonstrated the proper leadership, and I commend him for the extreme vigor with which he has attacked the problem.

Today, while Federal officials, the medical profession and drug experts argue the harmful effects of marihuana, the country is slipping into a dangerous psychological environment which has been labeled the "drug culture."

In this environment, many of our young people are being lured into using dangerous drugs such as heroin—uppers and downers—and hallucinogens—LSD. There is no doubt that the time for stepped-up action in this area has come.

John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, while testifying before the House Select Committee on Crime, recently pointed to the situation which has developed. He stated:

> We are now at the point where we are in an environment of people who are highly susceptible to drug abuse. This is a reputation which Americans are getting around the world.

This critical situation is even more dramatized by the serious drug abuse problem which has plagued our servicemen in Vietnam. While the legislation being introduced today is aimed at the military problem, this is only a start in the massive effort which must be directed at the problem of drug abuse.

In examining the errors made in the past, widespread use of heroin by the American military in Southeast Asia would not have reached the present epidemic proportions if more preventive action had been taken against the use of marihuana when it was a relatively minor problem in Vietnam.

The tolerance of drug abuse and the usage of drugs such as marihuana provides an environment into which the drug pusher can find a receptive group.

The same holds true on the homefront in the United States. Those who espouse the legalization of marihuana fail to recognize that the tolerance of any form of drug abuse provides an environment for a greater use of drugs, such as heroin.

The tragedy which the drug problem has brought to the domestic scene was dramatically demonstrated by two recent deaths in New York City.

A 16-year-old girl, whose older brother died of a heroin overdose several weeks earlier, was discovered dead from a narcotics overdose. Her head was in the lap of a male companion, who was also dead. Their bodies were found on the steps of a city hospital. These two youngsters were the 423d and 424th drug-related deaths in the New York City area this year.

What makes these deaths even more tragic is that the drug they died of was methadone.

Last Monday, Dr. Milton Halpern, chief medical examiner for New York City, informed my office that these were the fourth and fifth deaths attributed to methadone this year.

The 16-year-old girl took the drug from her brother, who was on a methadone program and her male companion had stolen the methadone from a clinic where he had been a patient. I bring this case up to show the complexity of the problem.

Methadone has been offered as a substitute for heroin, and as use as a blockage drug.

We should not feel that methadone maintenance, or any maintenance of an addict on another drug which is just as addictive, is the answer.

Yet, it does have some positive results in that it dramatically reduces the crime rate by placing the addict back on his job and back in the home and family environment.

The real answer is the development of an antagonist drug where the individual is completely and totally rehabilitated.

Massive efforts into the area of research, education, identification, treatment, and law enforcement at all levels, can be the only solution.

The future of our youth of this country is at stake, and no effort can be spared to achieve this result.

Mr. FREY. I thank the gentleman from Ohio. I certainly thank him for his contributions. His work in this field has been most helpful. Frankly, all members of the committee have done a good job.

It is not a parochial issue. It is one that cuts across the Nation, urban, and suburban. Every person in the Nation is affected. I certainly hope every Member will look over the proposed legislation and join us in supporting it.

Mr. RUTH. Mr. Speaker, while we were expending considerable effort and money here at home in fighting drug abuse, we are suddenly awakened by facts showing that drug abuse is also a serious problem in parts of our military.

The House Republican Task Force on

Drug Abuse has been working on this problem, and today, we submit legislation for the control and treatment of drug addicts in the military.

Since we cannot turn our backs on the problems of our returning veterans, I am confident that this effort by the task force will be given very careful consideration by all Members of the House of Representatives.

We all know that drug addiction has rapidly become a serious health and social concern for our country. The very serious affects of drug addiction have come home to many families in America. So common is drug addiction in some areas that it has become another of the trials and tribulations the young must face in growing up.

And now, this new danger of drug addiction in the military adds to all the complications of trying to defeat this problem. While it would be easy for us to lay the blame for the problem of drug addiction in the military, especially in South Vietnam, it is more important right now that we establish some safeguards against its further occurrence.

While the legislation we introduce today concerns the addicts in the military, there is still the need for a "total approach" to the problem we have with drug addiction and narcotic peddling.

There are four essential steps this Government must take to bring this problem to a point where it can be controlled. It has often been said that education and law enforcement together could stem the use of narcotics, but there will be no success in this approach unless we view the problem as a worldwide responsibility.

First, the supply of narcotics to our country must be stopped. This means that we must let the foreign governments where the drugs come from know that we mean business.

Second, continued assistance to law enforcement agencies in the areas of both locating the source of and the users of narcotics.

Third, methods and facilities for treating the addicts who cannot by themselves withdraw from their sickness.

And finally, we need a massive program for information for parents, ministers, schoolteachers, police officers and civic officials, to help them understand how the drug habit begins, and what to do when addiction is spotted.

While we have made some strides to solve the drug problem, we continue to find that it is still among us, at all social levels, professions, and ages. While we have recognized the problem for some time, we still have not found the means for its total defeat.

I am hopeful that this legislation proposed by the task force is another firm step toward a "total approach" for the control of drug addiction in America.

Mr. McKINNEY. Mr. Speaker, today, I join with Congressman Lou Frey and the other members of Republican Task Force on Drug Abuse in introducing a total approach to the terrible problem of drug addiction in the armed services.

With 60 percent of our men in Vietnam reportedly habitually using marihuana and up to 10 percent of our soldiers addicted to heroin, the time has come that we in Congress enact comprehensive legislation to control the spread of this health crisis and to rehabilitate those already afflicted.

The most important bill of the five we are introducing is the Military Drug Rehabilitation Act of 1971 which responds to the lack of uniform, centralized administration of present military drug programs, and the issuance of dishonorable discharges which precludes their receiving treatment at Veterans' Administration hospitals.

This bill would accomplish the following:

First. The establishment of an amnesty program coupled with a privileged communication right insures the serviceman that he can receive treatment without the threat of prosecution or dismissal from the service. Without such a proposal, any program we could have developed would operate under a severe handicap.

Second. Those whose treatment will be protracted or who will be administratively discharged and who do not desire to remain in the armed services will be counseled and referred by a referral program established in the Department of Defense to either the Veterans' Administration, the Public Health Service, or local or State agencies near the person's home for treatment.

Third. Centralized decisionmaking and treatment facilities in each branch will insure a consistent and uniform approach to the problem.

Fourth. A servicewide system of identifying drug addiction by urinalysis will substantially aid in the control of drug use.

An important companion bill will establish a separate drug treatment and rehabilitation program in the Veterans' Administration. This measure will allow veterans discharged with bad conduct and undesirable discharges to be eligible for treatment.

Our approach strikes a balance between those measures which would place the burden either on the military or civilian sector. In this regard we recognize the need for viewing drug addiction in the military as a national problem which warrants the marshaling of all our resources to combat the disabling effects of drug addiction.

Mr. McCLORY. Mr. Speaker, one aspect of the problem of drug abuse is the rapidity with which this problem has grown in our society. A very few short years ago, the nightmarish tales of narcotic addiction were mostly brought before the American people through the medium of television and motion pictures. The subject of drug abuse generally was discussed in connection with the overall problem of organized crime in our large cities. Few Americans actually experienced the horror of witnessing an individual who was subjected to a "cold turkey" withdrawal from narcotic addiction, and the unfortunate few who were involved in this ignominious adventure were those who normally escaped the public eye and were lost in a sea of ghetto anonymity.

Mr. Speaker, such is not the case today. Statistics show that an increasingly large number of Americans are not only confronted with the problem of drug abuse indirectly, but are themselves becoming involved in this dangerous escape from reality. Parents who state that their children could not possibly become involved in drug abuse also report that their children have frequently witnessed sales of pot and addictive drugs on college campuses, high school grounds, and even in our elementary schools. Furthermore, there is enough evidence today to vertify some of the suspicions which many of us have had for a long time that is, that drug abuse is rapidly becoming the most menacing problem in our Armed Forces.

Mr. Speaker, drug abuse is a most frightening problem. Also, the answers to the problem are extremely elusive. And one of the most foreboding aspects of this problem is that the most frequent asked question in connection with drug abuse is, "What can we do to help?" This question is especially poignant since it is often asked in response to another pleading question: "Where can we go for help?"

Mr. Speaker, it is plain to me that the very first step which we as lawmakers must take is to assume the responsibility for educating our Nation's youth about the dangers of drug abuse. Many communities are taking this responsibility upon themselves and are learning from past mistakes that they cannot ignore the problem of drug abuse. Accordingly, parents are being instructed to listen carefully to what their children are really saying. They are told to learn the facts about drugs and to share them with their youngsters. This educational activity often requires discipline, and parents are being instructed by local drug abuse control centers to be firm but fair with their children and to seek outside counsel at the earliest signs of drug use. Furthermore, John Finlator, Deputy Director of the Bureau of Narcotics and Dangerous Drugs, recently said:

> We may hope that the young people will take a more serious look at some of the really dangerous drugs, and make better judgments about them.

Mr. Speaker, it is my hope that this Congress will reflect the attitude of the Nation that drug abuse is rapidly becoming our most pressing social problem, and will respond with all the wisdom and compassion which this menacing problem demands.

Mr. Speaker, I am proud to be a cosponsor of a series of bills aimed at meeting the critical needs which we are experiencing. This legislative package is intended to aid the young veterans who have been subjected to the pervasive, corrupt drug trafficking in South Vietnam. We must meet that problem immediately—and head-on.

Mr. Speaker, I commend the President on his leadership, and wish to express my cooperation with the other members of the Republican Task Force on Drug Abuse. I join with them in a sincere desire to meet our legislative responsibilities on this complex and highly critical problem.

Mr. HOGAN. Mr. Speaker, I am pleased to join my colleagues on the Drug Task Force in introducing today a legislative package to combat comprehensively the problem of drug abuse in the military.

I believe that the bills which we are introducing today represent a realistic and viable solution to this staggering problem which is confronting our armed services. This legislative package builds upon present drug treatment and rehabilitation programs run by the military, the Veterans' Administration, the National Institute of Mental Health, and other Federal and State agencies and expands them in areas where each has the responsibility and the capability for providing additional needed assistance. Last year, I supported the Comprehensive Drug Abuse Prevention and Control Act of 1970. I think it is absolutely essential that this program for the military be carried out within the prescribed procedures for education, prevention and rehabilitation as outlined in the comprehensive legislation enacted last year.

The most important bill of the package being introduced today is the Military Rehabilitation Drug Act of 1971. Briefly, this bill includes provisions to cover the following areas of concern: identification of drug users by urinalysis; short-term treatment in the military; centralized decisionmaking and coordination of facilities: and the referral of addicts or their dependents to civilian agencies. The bill also includes a servicewide amnesty program with a limited privileged communication right. Any information volunteered to one's commander or medical personnel when seeking medical assistance for drug usage will not be used against that person in actions under the Uniform Code of Military Justice for use or possession or to support an administrative discharge on other than honorable conditions.

Mr. Speaker, I am pleased that the task force accepted my recommendation to include in this bill the provision to extend the urinalysis test for detection of drug users to a servicewide program on a periodic basis. It simply is not adequate to limit the urinalysis tests only to servicemen who are about to return to the United States or to another post of duty after service in Vietnam. By instituting periodic urinalysis tests, perhaps whenever a routine physical is given, drug usage and/or addiction can be detected prior to the servicemen's release from duty. Perhaps, with early detection of drug usage, potential GI drug addicts can be diverted from this path before the point of no return.

This legislative package also includes establishment of a drug rehabilitation program in the Veterans' Administration; amendment of the Uniform Code of Military Justice to make the penalties for use or possession comparable to those under the Comprehensive Drug Abuse Act of 1970; and amendment of the Narcotic Addict Rehabilitation Act to expand civilian treatment and rehabilitation programs.

As a result of the White House meeting attended by members of the task force yesterday afternoon, it is my understanding that this legislation is very similar to that which the President will propose. We desperately need a comprehensive approach to the drug problem and I feel that the solutions envisioned by the task force are a sound approach.

Another aspect of the problem which needs attention is cutting off the supply of drugs to our country. This is one of the most important facets of the drug problem in our country. If the importation could be halted, it stands to reason that drug traffic would decrease significantly within the United States itself. To achieve this end, on April 27 of this year I cosponsored a bill to cut off foreign aid funds to those countries failing to exercise adequate control over the illegal flow of drugs into this country.

The growing volume of heroin smuggled into the United States is an overwhelming danger which affects us all. Strong measures must be taken, and I am hopeful that the threat of withdrawing economic assistance will provide an impetus for control and cause those countries where opium is grown to curtail the exportation of drugs.

Mr. Speaker, it has been estimated that approximately 250,000 young people are already addicted to heroin in the United States, with an additional 30,000 to 40,000 servicemen addicted in Southeast Asia. This represents approximately 10 to 15 percent of our military personnel in that area.

I think these shocking statistics make it obvious that the problem has reached magnitudinous proportions and that something must be done. I believe the legislation we are sponsoring today is the only realistic and viable approach to a solution of the drug problem confronting our military establishment. I urge my colleagues to take a close look at this package and assign to it the highest priority for action.

Mr. HALPERN. Mr. Speaker, I am tremendously pleased with the President's responsiveness to the drug crisis that has developed in our Nation.

The tragic scourge of narcotics has reached epidemic proportions and calls for innovative and enlightened action on all levels. That is exactly the thrust of the President's program as the preliminary review of it reveals. It recognizes the enormity and severity of the problem and offers new attitudes and realistic approaches to combat it.

In general, as I see it, the President's message contains the machinery and provides the tools to do the job. I will thoroughly review his specific recommendations and give full evaluation to them. I realize, of course, that the proposals are not the ultimate answers to the problem, but they certainly are long steps forward and they are in the right direction.

The President's program is a forceful, bold, and all-out attack on the drug problem, particularly, as it affects the members of the Armed Forces.

It hits at the crisis on all levels: The source, education, detection, treatment, and rehabilitation. The program must be fully implemented and further supplemented as we move forward in the quest for solutions.

I wish to compliment the President on his leadership and the able members of the administration who have helped so effectively in developing this program.

GENERAL LEAVE TO EXTEND

Mr. FREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMENDATION OF THE NEW YORK TIMES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. PODELL), is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, I wish to congratulate Messrs. Arthur Ochs Salzburger, A. M. Rosenthal, and other members of the New York Times editorial board for their enterprise and judgment in publishing documents on the Vietnam war that have once and for all provided the American people with a true perspective of the roots and conduct of that tragic conflict.

I do not see how the publication of documents having nothing to do with the present military situation in Indochina can in any way jeopardize the lives of our boys fighting in that fruitless war. These revelations might cause political embarrassment to those national leaders who have misinformed the public in the past, and may be doing so now, but since when has political embarrassment been grounds for censoring the press?

Is it not unfortunate enough that these leaders have for so long misled the people who put them in power without having to compound this show of contempt for our democratic traditions by violating one of our most basic freedoms—freedom of the press?

The American people have a right to know why their sons are dying in a distant, wasteful war. And they have a right to know how they were deceived. The New York Times has acted in the finest traditions of the American press in trying to let the people know.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Our way of life is dependent upon vast amounts of energy which must be gathered, ever mindful of our efforts to protect the environment.

One measure of this is the increase in the total power for all engines, turbines, and work animals over the past 3 decades. Records show the increase from 2.7 billion horsepower available in the United States in 1940 to 17.9 billion for 1968. Of this, engines in trucks, buses, and automobiles accounted for by far the largest part, increasing from 2.5 billion horsepower in 1940 to 16.9 billion horsepower in 1968. Over the same period, the power of electric generating stations increased from 53 million horsepower to 371 million horsepower.

DRUGS IN THE MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 5 minutes.

Mr. STEELE. Mr. Speaker, in return for the sacrifice of 50,000 American lives and billions of dollars in military hardware, the United States is getting a homeward-bound military force riddled with drug addicts.

Like snowflakes, a white plague of deadly heroin has blanketed the U.S. military command in Vietnam. As this Asian version of an ancient Greek tragedy winds down, the bleak prognosis is that thousands upon thousands of American boys will be discharged into American society hooked on heroin.

Only now, has this mainline to mainstream horror dawned on shattered military commanders who have, through their own back-turning, witnessed the decay of a once-proud and competent Army.

As many as two American GI's die everyday from overdoses of the supergrade heroin supplied by our "allies" and marketed with the blessing and corruption of Southeast Asian government officials.

During my recent nine-nation narcotics probe for the House Foreign Affairs Committee, I bared the chilling statistics that 10 to 15 percent of all American troops in Vietnam—between 30,000 to 40,000 men—are addicted to the heinous white poison called heroin. Now, top Government officials have not only verified the epidemic troop addiction rate, but reported that my statistics, fearfully, may be on the "conservative" side.

In recent days, both Army Secretary Stanley R. Resor and John E. Ingersoll, Director of the U.S. Bureau of Narcotics and Dangerous Drugs, have been in Saigon giving President Nguyen Thieu belatedly blunt list of demands to curb the burgeoning heroin traffic directed almost exclusively at American servicemen.

It could be a case of too little, too late. At least 1,000 tons of raw opium are illicitly produced yearly in the Shan States of Burma, the border area of Yunnan Province, China, northern Thailand, and northwestern Laos—the so-called "Fertile Triangle." In laboratories in the Burmese-Laotian border area, in Vientiane, Laos, and in Bangkok, Thailand, the bulk of the opium is eventually refined into a No. 4 heroin—produced exclusively for the U.S. market and for U.S. troops in South Vietnam.

The problem is that the stuff can be bought anywhere, from combat zone to Saigon cabaret and that by American standards of income—even military income—it is dirt cheap. A 97-percent pure gram sells for as little as $1.80. In New York City, a fourth as much sells for an estimated $8, and nowhere near as pure. In this country, the strength of heroin is usually only 46 percent.

Although marihuana has always been a problem, there was very little heroin use among U.S. troops in Vietnam until December 1969. Then the GI's discovered that this almost pure heroin could be smoked or snuffed, receiving the same "high" they would from injecting American heroin directly into the blood stream. Also, there is no odor from smoking heroin, as there is with marihuana. It is less bulky to carry and easier to conceal.

And suddenly, the Army found itself in a new crisis. Between 55 to 90 overdose deaths were reported last year. At first, commanders refused to believe they had a troop addiction problem; then they refused to confirm it, and now, they are scurrying to find a solution.

But the sorry fact remains that the discipline, morale, and effectiveness of a once-magnificent fighting machine has been ground to a halt not by the enemy, but by an insidious white powder. The No. 1 domestic crisis facing this Nation in the days to come will be in dealing with these users and addicts when they come home. After using the pure "stuff" in Vietnam, many will be forced to "mainline" when they return to the States to achieve the "high" they are now used to.

And this means higher crime rates to pay for the higher priced, less pure heroin available stateside.

Until last summer, the services simply kicked out drug users with dishonorable or bad conduct discharges. But when the scope of the problem hit home, a Department of Defense directive was issued in late October which, in part, offered a rehabilitation program with an olive leaf of amnesty held out to those turning themselves in. Few servicemen, however, for varying reasons, have availed themselves of the program.

The big reasons are that there are no "cookbook" solutions to drug rehabilitation and the ready availability of narcotics. The Veterans' Administration started a program only a year ago. At present there are five facilities with eight more planned by 1972. Adequate funds, oddly enough, are not a problem. But finding trained personnel and workable techniques is a thorn.

There are, of course, a few bright spots. Administration officials are quietly making control of the international traffic in narcotics a top priority of U.S. foreign policy. The Bureau of Narcotics and Dangerous Drugs, the Customs Bureau, and other law enforcement agencies have intensified crackdowns on the flood of high-grade heroin and other hard narcotics coming into the country—a lot of it in military mail parcels.

In Vietnam, the II Field Force has opened a "Pioneer House" which realistically provides drug information, counselors, and medication with complete amnesty. At home, similar projects have been started at various bases. And, the Department of Defense has finally formed an all-service drug abuse committee.

All in all, there is now a great awareness of the scourge of our services—drug abuse. But it took, frankly, a congressional trip to bring home the horrendous statistics and focus unswerving attention on the fact that this Nation has one helluva problem on its hands.

In a recent editorial, the Ashville, N.C., Citizen-Times said:

> The Indochinese war is not . . . worth the hell of narcotics addiction that can make its victims envy the quiet death.

Many may agree with that view. But I found one solid thing that is certain: Vietnam unquestionably proves that the availability of narcotics breeds users. Until we dry up the sources, we have not got a prayer of combatting the problem.

LEGAL SERVICES CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 15 minutes.

Mr. BELL. Mr. Speaker, today I am introducing legislation to create an independent, expanded, and publicly accountable legal services corporation. The corporation would be insulated from political tampering but held accountable to the client community and to the public.

Two legal services corporation bills have already been introduced during this session of Congress. Both bills are before the Education and Labor Committee and have been the subject of much discussion in the legal community.

I have studied both the administration bill—H.R. 6360—very carefully. I have bill—H.R. 8163—and the Steiger-Meeds attended hearings and held discussions with numerous attorneys both inside and outside the present legal services program. I have concluded that the private, nonprofit corporation concept is a good one, but that both bills introduced thus far contain serious flaws and lack some provisions which I feel are essential to an effective and expanded legal services program for the future.

The bill, which I am introducing today, would incorporate the best concepts of the bills introduced thus far and would add a number of additional provisions to meet six essential objectives:

First. To guarantee independence of the program from political interference while carefully insuring accountability to the client community, the courts, and the public.

Second. To insure the most effective utilization of resources which are unfortunately always too meager; to insure that the most urgent grievances of those unable to afford legal services gain redress in courts of law.

Third. To insure that the program will experiment with methods of delivering legal services to individuals who are legally indigent but who have been denied the benefits of the antipoverty program thus far, because they are not financially indigent, and to experiment with improving the delivery of legal services to rural areas and improving the presently overburdened court system in areas heavily used by the poor such as housing, domestic relations, and so forth.

Fourth. To guarantee the continued support of the client community and the organized bar—support which has been so important to the success of the program thus far.

Fifth. To safeguard the attorney-client relationship to give that relationship the same dignity for the poor that it enjoys with those hiring private attorneys.

Sixth. To assure continuity and minimize disruption as the present program is transformed into the corporate form and to insure that the program remains identified as part of the overall Federal effort to combat poverty in America.

INDEPENDENCE AND ACCOUNTABILITY

Members of both political parties and leaders in the organized bar, the White House, and the Congress have recognized the need to insulate the legal services program from political attacks which can pose a constant threat to the professional integrity of the program.

At the same time, it would be most undesirable for the public, the client community, and the corporation itself were we to create a self-generating bureaucracy accountable to no one. Accountability must be built in to the corporate mechanism from top to bottom so that the meager resources available will be used to the best advantage.

INDEPENDENCE

My bill creates a politically insulated private, nonprofit National Legal Services Corp. It is entitled "National" to protect the program from threats to regionalize or decentralize the program and possibly subject it to politically sensitive local officials. In addition, unlike either the administration or the Steiger-Meeds bill, my bill insures central integration by establishing the central offices of the corporation in Washington, D.C.

The bill contains specific safeguards throughout to guarantee that the corporation and its attorneys will not be subject to political interference, and no department or employee of the Federal Government is to have control over the corporation or its guarantees.

Furthermore, to allow the President to appoint all of the board of directors, as in the administration bill, would subject the entire direction of the program to political motivations. Instead, my bill would establish a 15-member board—not as unwieldy as the 19-member board in the Steiger-Meeds bill—of which five members would be selected by the President, five would be heads of legal organizations, two would be selected by the National Clients Council, and two by the project attorneys. The 15th member would be the executive director, who must be an attorney.

My bill further insures both independence and accountability in the program regarding the controversial question of the Governor's veto. The administration bill would establish a modified Governor's "veto" by requiring a 30-day submission of a proposed program to the Governor of a State for his recommendations. Such a requirement runs the risk of continuing to embroil the program in allegations of political pressure, and it puts the Governor in the difficult position of being pressured to respond to the urgings of special interests.

The Steiger-Meeds bill, on the other hand, fails to provide for any input of local expertise or helpful comment from the local area before the national office makes a grant or decides whether or not to continue a program.

My bill offers an adaptation of the provision in the present statute requiring a submission of an account of proposed and existing programs to State and local bar associations for their recommendations and comments. The bar associations clearly possess more appropriate expertise than the Governor to provide constructive suggestions regarding a legal services program in the local community.

Finally, the bill provides that a "matching funds" requirement shall not be a prerequisite to a grant or contract, although such local contributions are to be encouraged. This provision, absent in the other bills, will insure that adequate funding of a program in an economically depressed community or a hostile community will not be precluded through making such a contribution a prerequisite to a grant or contract.

ACCOUNTABILITY

My bill offers careful requirements to insure that the program will be accountable to those with "stock" in the corporation—the public and the client community. It is my feeling that neither the administration bill nor the Steiger-Meeds bill offers strict accountability while protecting the attorney-client relationship and professional integrity of the program.

Accountability to the public would first be enhanced through the requirement of submission to the State and local bar associations for their suggestions and comments. All decisions of the corporation will be subject to the Freedom of Information Act, as the Steiger-Meeds bill provides but the administration bill does not. My bill further provides in detail for the submission of records, annual reports, and an annual independent audit—all to be made available to the public, to Congress, and to the President.

To aid accountability to the client community, both the administration bill and the Steiger-Meeds bill create new bodies to advocate the interests of the clients. The Steiger-Meeds provision would make client representatives a part of the Board of Directors, while the administration bill would use the group merely in a consultant capacity.

My bill legitimates a presently-existing and highly valuable organization—the National Clients Council—and makes it a part of the corporate structure. The NCC would continue to use its presently existing democratic procedures to elect its council representing clients throughout the country. Furthermore, the NCC would have two members of the Board of Directors itself so that the client viewpoint would help shape corporation policy. The president of the NCC would also be a member of the incorporating trusteeship during the 6-month transition period.

The National Clients Council is an ongoing organization which has served the public well as the recognized monitoring agent for the client community. The NCC has kept project attorneys "on their toes" and accountable for the quality of their services. The Council should be allowed to continue its proven record of effectiveness in monitoring the program to insure that the poor and the public are served well as resources are used to best advantage by taking care of the most essential needs of the client community.

These provisions should insure that while we insulate this private corporation from political pressures, we will not create a large, unregulated organization without obligation to explain its policies and actions.

EFFECTIVE UTILIZATION OF RESOURCES: PRIORITIES

A major consideration to which the Steiger-Meeds bill does not address itself, and on which the administration bill is vague, is the need to insure that traditionally insufficient funds available to the corporation will be utilized with a clear priority for fulfilling the most essential legal needs of those unable to afford legal services. Under the present program we are affording services to only 20 to 28 percent of those in need of them. We must insure that 72 to 80 percent of those in need do not remain excluded while less essential but perhaps more glamorous cases are attended to.

CRIMINAL REPRESENTATION

The Steiger-Meeds bill would open up the area of criminal representation to the resources of the program. The administration bill, on the other hand, goes further than the present law and would, in blanket fashion, ban all criminal representation including cases involving the use of extraordinary writs.

My bill would adopt the provision of the present statute so that the meager resources of the corporation will not be devoured by criminal representation; yet provision is made for representation before a defendant has been proceeded against by indictment or information. The provision also permits the executive director to waive the prohibition in an extraordinary circumstance where he determines that no representation would otherwise be available.

Thus, we recognize that while it may

be desirable to offer original representation to those in need, the program should avoid this area and allow local public defender programs to carry on their efforts as long as the resources of the Corporation will be limited. The emphasis in this program should be to offer legal services where they are least available now.

LOBBYING

While the Steiger-Meeds bill would allow totally unrestricted use of resources for lobbying activities, the administration bill would place such harsh restriction on legislative advocacy that the poor would be harmed.

My bill would prohibit the program and its attorneys from supporting a candidate in a partisan or a nonpartisan election. Such activities should not be supported with funds supplied by the public and could bring the program into disrepute.

My bill would not prohibit legislative drafting or legislative—as the administration bill does—advocacy when such services have been requested by an eligible client or by a legislative body. On the other hand, the corporation would be required to issue guidelines to restrict lobbying to cases where the client or the legislative body has requested the services.

Thus, we recognize that legislative measures may be the means most useful to the poor in given cases, and such services would be no different than those available to a well-to-do client or a member of a labor union. At the same time, such activities should not be permitted to consume an inordinate amount of time and resources or to permit poor persons a substantial advantage over members of the middle-income group who cannot afford such services in a given instance.

PRO BONO WORK

While the Steiger-Meeds bill places no restrictions on an attorney's use of corporation time for pro bono work on behalf of ineligible clients, the administration bill would forbid such work even on an attorney's own free time after work or during his holiday.

My bill would only bar "extracurricular" legal representation during working hours. It is important again to insure that the inadequate financial resources and attorneys' time will not be frittered away on an attorney's own "pet" cases on behalf of ineligible clients. On the other hand, there is no reason—and it may well be unconstitutional—to restrict an attorney's efforts to do pro bono work on his own time, during vacations or after work.

PRIORITIES

Recognizing that only 20 or 28 percent of the poor for legal services is presently being fulfilled, my bill would require that the most essential needs of the poor be represented first. The bill recognizes that a lack of resources has meant that those with legal problems in the areas of housing, domestic relations, consumer and credit matters, rights to benefits under Government programs, and similar matters involving fundamental rights regarding economic and physical well-being of these individuals.

Again, the corporation must endeavor to make its resources available first to those who need them most. We must recognize that there are now in existence a substantial number of "public interest," civil liberties, and public defender programs which can fulfill some of the need for services in the environmental, civil liberties, and criminal areas. We need more of them. But our emphasis in this program should be to offer legal services first where they are least available now.

OTHER RESTRICTIONS

I have refrained from including a number of additional limitations proposed in the administration bill because I feel that they would only hamper the program. Thus, the vague provision requiring the establishment of a "user charge" has not been included. Nor does the bill place restrictions to inhibit appeals or to bar suits seeking broad law reform. Such vague and potentially unethical provisions would do little to make the program more effective or accountable.

EXPERIMENTATION AND INNOVATION

It would be a mistake, in my view, to create a National Legal Services Corporation without providing legislative guidance for the corporation to provide new ways to deliver and improve legal services to those who need them. Neither the administration bill nor the Steiger-Meeds bill provides such guidance.

RURAL AREAS

My bill specifically encourages the development of unconventional mechanisms in rural areas to improve access to the courts by increasing mobility of the program in these sparsely populated areas. It has been recognized that the format of the legal services office may not be appropriate for all areas of the Nation, and it may be useful to fund private attorneys on a part-time or full-time basis in some areas, using a "judicare"-type scheme as a supplementary source and on an experimental basis.

"BLUE-COLLAR WORKERS"

We must not forget that many persons in the middle-income bracket may be legally indigent and denied access to the courts. So many of these people feel shortchanged by the poverty program thus far, and it would be useful to experiment on a moderate scale with provision of legal services on a sliding-scale user fee basis of payments determined by income.

INMATES OF PUBLIC INSTITUTIONS

My bill provides that the corporation should experiment with new programs to expand delivery of legal services to inmates of prisons and other public institutions. Those who populate correctional institutions, mental institutions, homes for the aged, and similar public institutions have traditionally been shortchanged on legal representation and advice in civil matters due to their lack of funds.

Under my bill, the corporation would be encouraged to train and use ombudsmen and paraprofessionals to improve the delivery of legal services to redress the grievances of inhabitants of these institutions.

Another provision in the bill authorizes the corporation to experiment with alternative administrative mechanisms and to work with the courts to unburden and speed up the judicial system in areas where the poor utilize it so heavily. The corporation could fund experiments to create new avenues of extra-judicial dispute settlement to improve the functioning of the legal system in areas of law which the poor utilize so much.

SUPPORT OF POOR AND BAR

It will be essential that the corporation continue to have the support of both the client community the program serves and the organized bar. The bill I am introducing is designed to maintain that support and utilize the expertise of both the client community and the bar.

Thus, State and local bar associations, rather than Governors, will be afforded the opportunity to make comments and recommendations on new and existing programs. Another provision insures that attorneys must make up at least half of local program boards and members of the client community at least one-third, although this is not made inflexible, as there may be programs at universities, for instance, where such a requirement would not be desirable. The executive director of the corporation must be an attorney.

The Board of Directors is carefully structured to insure accountability to the public, the organized bar, the attorneys in the program, and the client community. Comprised of 15 members, like the corporation for public broadcasting, the board will not be of unwieldy size, yet it will be representative of all those with essential interests in the program.

PRESERVATION OF ATTORNEY-CLIENT RELATIONSHIP

Provisions throughout the bill stress that the sanctity of the attorney-client relationship is to be preserved as carefully as it is preserved for those who are able to afford to pay private attorneys.

Unlike either bill introduced thus far, we have carefully instructed that, while the Freedom of Information Act is to apply and records and reports are to be made available to the public to insure accountability, no such provision will permit disclosures which will interfere with the attorney-client relationship. Such provisions are essential to insure the dignity and professional integrity of the program.

PRESERVATION AND EXPANSION OF THE PROGRAM

In such a great transformation as the one we envision in creating a legal services corporation, it is essential to insure that the change is made as smoothly and with as little disruption of the current program as possible. Such a transition is not adequately protected by either bill introduced thus far.

We have provided for a transition period of 6 months before the corporation will become fully operative. In incorporating trusteeship will include the legal organization members as well as the president of the National Clients Council. The trusteeship is instructed to work closely with the already existing National Advisory Committee on Legal Services which has acquired great expertise in the operation of the program.

Additionally, the Director of OEO is instructed to provide all the necessary support to aid the transition, and ongoing programs are given priority to insure continuity.

We have been careful to provide that this private corporation is to be regarded as an integral part of the Federal Government's effort to combat poverty in America. The program will remain a part of that antipoverty program and will submit its annual report to the Director of OEO as well as the President and the Congress. In this way, we will insure that the program will contribute its expertise to the antipoverty effort, and we utilize the success of the program as part of the overall Federal Government effort to fight poverty, while maintaining the independence of the program from any interference by OEO or any other Government agency.

CONCLUSION

I am confident that my colleagues will agree that we must afford all our citizens access to our judicial system to encourage the peaceful process of redress of grievances. Our court system is based on the concept that all men are equal before the law.

The present legal services program has provided an economical and effective means for enabling the poor to use our judicial system to redress the grievances which make poverty so unbearable.

Now is the time to perfect that program by insuring that it will continue to offer high quality services free from destructive attacks by those who may resent its successes or by those who have legitimate complaints against its activities.

To insure such protection it is vitally important that the legislation we enact be as carefully thought out as possible. If we create a corporation capable of offering a high quality of legal services to those who have been denied access to the courts, Government by law will be enhanced.

My legislation is designed to incorporate the very best of the recommendations made thus far to provide the freedom and the checks and balances necessary to guarantee a legal services program of the highest quality.

Mr. Speaker, I include the text of my bill in full at this point in the RECORD:

H.R. 9202

A bill to amend the Economic Opportunity Act of 1964 to establish a National Legal Services Corporation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Legal Services Corporation Act".

SEC. 2. The Economic Opportunity Act of 1964 (42 U.S.C. 2701 et seq.) is amended by adding after title VIII thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly redress of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many Americans are unable to afford the cost of legal services but should rightfully have access to such services regardless of income;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) existing legal services programs have provided economical, effective, and comprehensive legal services to many individuals in the client community so as to bring about a peaceful redress of grievances through resort to orderly means of change;

"(5) it is essential that the nonprofit Corporation created by this title ensure that the available resources be utilized with top priority to the redress of grievances related to the economic and physical freedom and well-being of persons living in poverty;

"(6) the integrity of the attorney-client relationship and of the adversary system of justice in the United States requires that there be no political interference with the provision and performance of legal services;

"(7) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, accountable to the client community and to the courts and the public, but free from political interference and control.

"ESTABLISHMENT AND ORGANIZATION OF THE CORPORATION

"SEC. 902. (a) There is established in the District of Columbia a nonprofit corporation to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall qualify as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501 (a) of such Code.

"(c) There shall be a transition period of six months following the date of enactment of the National Legal Services Corporation Act for the process of incorporation and initial organization of the Corporation.

"(d) There is established an incorporating trusteeship comprised of the following persons: the president of the American Bar Association, the president of the National Legal Aid and Defenders Association, the president of the American Association of Law Schools, the president of the American Trial Lawyers Association, the president of the National Bar Association, and the Chairman of the National Clients Council (referred to in section 904). The incorporating trusteeship shall meet within 30 days after the enactment of the National Legal Services Corporation Act to carry out the provisions of this section. The incorporating trusteeship shall consult with the National Advisory Committee on Legal Services during the initial period of organization and incorporation for assistance in carrying out the provisions of this section.

"(e) Not later than sixty days after the enactment of the National Legal Services Corporation Act, the incorporating trusteeship shall establish a Project Attorneys Council which shall be composed of eleven attorneys who are actively engaged in providing legal services under any existing legal services program. The initial members of the Project Attorneys Council shall be selected, in accordance with procedures established by the incorporating trusteeship, by attorneys actively engaged in providing legal services under existing legal services programs. Members subsequently selected shall be selected in accordance with procedures established by the Board.

"(f) Not later than ninety days after the enactment of the National Legal Services Corporation Act the National Clients' Council (referred to in section 904) and the Project Attorneys' Council shall each meet and each appoint two representatives to serve on the initial Board of Directors of the National Legal Services Corporation.

"(g) During the ninety day period after the enactment of the National Legal Services Corporation Act, the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the Board of Directors, except for the selection of the Executive Director of the Corporation.

"(h) During the ninety day period immediately following the period specified in subsection (g) of this section, the Board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the National Legal Services Corporation Act.

"(i) To assist in carrying out the provisions of this section, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year, and furnish such list to the incorporating trusteeship. The Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services as it may require in order to carry out the provisions of this section.

"Governing body: Directors, officers, and employees

"Sec. 903. The Corporation shall have a board of directors (hereinafter referred to as the 'Board') consisting of fifteen individuals one of whom shall be elected annually by the Board to serve as chairman. Members of the Board shall be appointed as follows:

"(1) Public members.—Five members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. In making his appointments, the President shall give due consideration to individuals recommended by bar associations or associations of attorneys whose membership is actively engaged in the conduct of legal services programs, and to individuals recommended by the Judicial Conference of the United States.

"(2) Legal organization members.—Five individuals shall be members of the Board by virtue of holding the following offices:

"(A) The president of the American Bar Association.

"(B) The president of the National Legal Aid and Defender Association.

"(C) The president of the American Association of Law Schools.

"(D) The president of the American Trial Lawyers Association.

"(E) The president of the National Bar Association.

"(3) Attorney-client members.—Two members of the Board shall be selected by the National Clients Council and two shall be selected by the Project Attorneys Council. Members of the Board selected by the respective councils (other than those selected under section 202(f)) shall be selected in accordance with regulations prescribed by the Board, in consultation with such councils.

"(4) The executive director of the Corporation.

"(b)(1) Members appointed under paragraph (1) of the preceding subsection shall be appointed for terms of three years, except that—

"(A) the terms of the members first taking office shall be effective on the ninety-first day after the enactment of the National Legal Services Corporation Act and shall expire, as designated by the President at the time of appointment, one at the end of three years, two at the end of two years, and two at the end of one year; and

"(B) any member so appointed to fill a vacancy occurring before the expiration of the third term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(2) The members selected under paragraph (2) of the preceding subsection shall serve for the term of office by virtue of which they become members of the Board except that in no case shall a term exceed three years. If any one of such member's term will exceed three years by virtue of holding a position more than three years, the Board shall provide the appointment of a successor by the appropriate organization.

"(3) The members selected pursuant to paragraph (3) of the preceding subsection shall serve for a term of three years, except that—

"(A) the terms of the members first taking office shall be effective on the ninety-first day after the enactment of the National Legal Services Corporation Act and shall expire as designated by the selecting council, one at the end of three years, two at the end of two years, and one at the end of one year after such date; and

"(B) any member so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers as may be named and appointed by the Board, at rates of compensation fixed by the Board, and who shall serve at the pleasure of the Board. No individual shall serve as executive director of the Corporation for a period in excess of four years.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"NATIONAL CLIENTS COUNCIL

"SEC. 904. (a) There is hereby established a National Clients Council which, at the time of the enactment of the National Legal Services Corporation Act, shall be the organization of that name which is recognized and funded by the Director. As soon as practicable after the incorporation of the Corporation, the Board shall designate an organization of the National Clients Council which (1) is organized on a nationwide basis with local organizations in areas served by legal services programs—such local organizations being composed of representatives of members of the client community, and with democratically selected representatives of such local organizations serving on regional and national boards, and (2) the principal functions of which is to advise the persons carrying out legal services programs on the needs of members of the client community and of means of improving the services provided under such programs. The organizations designated by the Board may be the organization referred to in the first sentence of this section or any successor or other organization.

"(b) The National Clients Council shall be available to advise the President and Congress on general policy matters relating to the needs of the members of the client community and to select members of the Board in accordance with section ——.

"(c) The National Clients Council shall be the accredited representatives and monitoring agents of the client community.

"PROJECT ATTORNEYS COUNCIL

"SEC. 905. The Project Attorneys Council (established under section 902(e)) shall be available to advise the President and Congress on general policy relating to the furnishing of legal services to members of the client community and to select members of the Board in accordance with section 903.

"POWERS, DUTIES, ACTIVITIES, AND LIMITATIONS

"SEC. 906. (a) To the extent consistent with this title, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

"(b) In addition to the powers conferred by subsection (a), the Corporation shall have authority, effective six months after the enactment of the National Legal Services Corporation Act—

"(1) to make grants to, or contracts with, qualified programs for furnishing legal services to members of the client community;

"(2) to carry out research, technical, assistance, training, experimental, and clinical assistance programs designed to improve the provision of legal services to the client community;

"(3) to collect and disseminate information for the coordination and evaluation of the effectiveness of programs furnishing legal services in various parts of the country;

"(4) to assist, coordinate, and evaluate all programs for the provision of legal services to the client community conducted or assisted by the Federal Government, including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government together with making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(5) to make grants, contracts, leases, cooperative agreements, or other transactions in accordance with bylaws established by the Board appropriate to conduct the activities of the Corporation;

"(6) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(7) to appoint attorneys and other professional and clerical personnel as may be required and fix their compensation;

"(8) to promulgate regulations containing criteria specifying the manner of approval of applications for grants and contracts based upon the following considerations—

"(A) the most economical, effective, accessible, and comprehensive delivery of legal services to the client community;

"(B) programs which indicate a clear priority to fulfilling the needs of members of the client community for a redress of grievances related to the economic well-being of such members; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community; and

"(8) to establish and maintain a law library.

"(c) The Corporation is authorized to encourage and carry on the following activities—

"(1) provide experimental mechanisms and programs to improve mechanisms of delivery of legal services to members of the client community residing in rural areas, including funding of private practitioners on a part-time or full-time basis, methods of mobilizing services, and other appropriate experimental means;

"(2) work with Federal, State, and local courts and State and local legislatures and executives to experiment with and develop alternative mechanisms to reform and improve the machinery of justice by—

"(A) increasing the effectiveness of the overburdened court system, and

"(B) expanding the court system by developing new administrative tribunals and other means of extrajudicial dispute settlement which can relieve the burden on the courts;

"(3) provide for the extension of legal services to those who are legally indigent, though not financially indigent, and cannot afford to pay the full cost of an attorney's services, through the use of—

"(A) funding of private practitioners of law on a part-time basis or full-time basis, or

"(B) the institution of a reasonable user fee based upon income level, but applied only to those who are deemed otherwise not eligible for legal services under the programs of the Corporation, or

"(C) any other appropriate means which would preserve the right of the financially indigent to be served first, but would fulfill the need of all individuals for legal services to redress grievances;

"(4) provide for delivery of legal services to poor persons who are inhabitants of correctional institutions, mental health facilities, homes for the aged, and similar institutions, in noncriminal matters, and to—

"(A) train, utilize, promote, and accredit paraprofessionals to assist in the delivery of legal services, and

"(B) supervise and train ombudsmen, and other paraprofessionals, who will assist in the delivery of legal services to members of the client community who inhabit correctional institutions, mental health facilities, homes for the aged, and similar institutions.

"(d) In making grants or contracts for the provision of legal services, the Corporation shall—

"(1) establish guidelines to insure that the eligibility of members of the client community for such services will be determined on the basis of factors which include—

"(A) his assets and income level,

"(B) his fixed debts, medical expenses, and other financial liabilities which affect his ability to pay,

"(C) the size of his family and number of dependents,

"(D) the cost of living in the locality, and

"(E) such other factors as relate to financial inability to afford legal assistance; and

"(2) establish priorities to insure that those least able to afford legal services are given definite preference in the furnishing of such services;

"(3) establish such procedures and guidelines, and take such other measures as may be necessary, to insure that each attorney employed by the Corporation or paid in whole or in part from funds provided by the Corporation will be protected in fulfilling his duties to the attorney-client relationship as if such at attorney were hired directly by the client;

"(4) establish policies and procedures to insure the maintenance of the highest quality of integrity, effectiveness, and professional quality of the attorneys providing legal services to eligible clients;

"(5) establish procedures by which the State bar association and the principal local bar associations in the community to be served by any proposed program shall be consulted and afforded an adequate opportunity to submit, to the Board, comments and recommendations on the proposed project before such project is approved or funded, and to submit to the Board comments and recommendations on the operations of such project, if approved and funded;

"(6) furnish to the Director of the Office of Economic Opportunity an annual report concerning the successes and special difficulties experienced in the program in matters involving the problems and needs of the client community from the Corporation in its role as an essential part of the Federal Government effort to deal with the problems of poverty through this Act;

"(7) establish guidelines to insure that no activities will be undertaken by attorneys employed by the Corporation to influence the passage or defeat of any leigslative bodies or by citizen referendum, by representations to such bodies, their members or their committees, while engaged in activities carried on by legal services programs funded by the Corporation, except where—

"(A) such activities are undertaken at the request of an eligible client, or

"(B) such bodies, their members, or their committees request that the attorney make such representations to them.

"(e) The Corporation shall—

"(1) insure that no funds made available by the Corporation pursuant to this title, either by grant or contract, may be used for the defense of any person indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Executive Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available;

"(2) insure that attorneys funded by the Corporation do not carry on activities involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting, or resulting in the identification of the program with, any partisan political activity or any activity designed to further the election or defeat of any candidate for public office;

"(3) insure that attorneys employed full-time in legal services programs funded by the Corporation represent only members of the client community during working hours and refrain from any outside practice of law: *Provided*, That this paragraph shall not prohibit such attorneys from engaging in outside practice during their authorized vacations or during nonworking hours;

"(4) insure that any requirement for a matching local share contribution from a State or locality not be made a prerequisite for any grant or contract to a program to be established or continued in that State or locality: *Provided*, That nothing in this paragraph shall preclude encouragement of or acceptance of a local share or contribution from that State or locality;

"(5) insure that applicants for grants will be required to give assurances that the program will be supervised by a policymaking board on which members of the legal profession constitute a majority and members of a client community constitute at least one-third of the membership, unless such a requirement would, due to the particular nature of the program or the grantee, be unwise or unwarranted.

"RECORDS

"SEC. 907. (a) The Corporation shall have authority to require the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract and insuring accountability of the grantee to the grantor.

"(b) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(c) All books and records of the Corporation shall be maintained in the principal offices of the Corporation which shall be in the District of Columbia.

"(d) The Corporation shall be subject to the Freedom of Information Act.

"(e) Notwithstanding this section, the Corporation shall not have access to individual case records subject to the attorney-client privilege.

"REPORTS

"SEC. 908. (a) The Corporation shall have authority to require such reports as will provide adequate accountability of programs to the Corporation by recipients with which the Corporation has made contracts or grants.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least five years, subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit.

"(c) Copies of all such reports shall be maintained in the principal offices of the Corporation which shall be in the District of Columbia.

"(d) The Corporation shall prepare an annual report for transmittal to the President, the Congress, and the Director of the Office of Economic Opportunity, on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate for dealing with the problems of poverty from the standpoint of the Corporation as an essential part of the program to combat poverty under this Act. The report shall include a comprehensive and detailed account of the operations, activities, financial condition, and accomplishments, and problems of the Corporation together with dissenting views and recommendations, if any, of members of the Board.

"(e) Notwithstanding this section, the Corporation shall not have access to individual case records subject to the attorney-client privilege.

"AUDITS

"SEC. 909. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, shall be made available to the person conducting the audit and full facilities for verifying transactions with the balance or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b)(1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c)(1) Each grantee or contractee, other than a recipient of a fixed-price contract awarded pursuant to competitive bidding procedures, under this section shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation, or any of its duly authorized representatives, shall have access for the purpose of audit and examination of any books, documents, papers, and records of the recipient that are pertinent to assistance received under this section. The Comptroller General of the United States, or any of his duly authorized representatives, shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the corporation.

"(d) Notwithstanding this section, neither the Corporation nor the Comptroller General shall have access to individual case records which are subject to the attorney-client privilege.

"FINANCING

"SEC. 910. (a) There is authorized to be appropriated such sums as may be necessary to carry out the activities of the Corporation, including funds necessary to assist the Corporation in meeting its organization expenses. Appropriations to carry out this title shall be for three-year periods or such other periods as appropriation Act may designate, and, if for more than one year, shall be paid to the Corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in the appropriation Acts. Funds made available to the Corporation from appropriations for any fiscal year shall remain available for expenditure during the subsequent fiscal year.

"DEFINITIONS

"SEC. 911. For purposes of this title, the term—

"(a) 'members of the client community' means (1) individuals who are unable to obtain private legal counsel because of inadequate financial means, (2) individuals who are members of groups defined in regulations of the Board who are able to pay part, but not all, of the cost of obtaining private legal counsel, and (3) individuals whose participation in this program is determined by the Board will carry out the purposes of this title because of their special circumstances, or because of the need of their participation in research, experimental, or demonstration projects.

"(b) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities;

"(c) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State.

"(d) 'nonprofit', as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

"FEDERAL CONTROL

"SEC. 912. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States Government to exercise any supervision or control over the Corporation or any of its grantees or contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"RIGHT TO APPEAL, ALTER, OR AMEND

"SEC. 913. In the absence of specific reference to this title, the provisions of other titles of this Act and references to this Act and other statutes shall not be construed to affect the activities and powers of the Corporation or to have any applicability with respect to activities and programs assisted by the Corporation."

SEC. 3. (a) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuance by such Corporation of financial assistance to legal services programs assisted pursuant to sections 222(a) (3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

(b) Effective six months after the date of enactment of this Act, section 222(a) (3) of the Economic Opportunity Act of 1964 is repealed.

SEC. 4. Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the corporation and in carrying out its activities.

TWO BASIC DIRECTIONS OF AMERICAN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE) is recognized for 10 minutes.

Mr. RUPPE. Mr. Speaker, I have recently returned from Southeast Asia where I was able to visit both Thailand and South Vietnam. My experiences there, as well as the specific responses I received to the questions I asked, have led me to conclude that there are two basic directions American policy must now follow.

First, I am firmly convinced that, with the exception of air support units, and for a short period of time, some artillery support units, we should remove all combat units from South Vietnam, accelerating our present withdrawal rate. I do not believe that American ground combat troops are vital or essential to the security of South Vietnam.

Second, we must make the South Vietnamese leadership understand that there are definite, definable limits to our economic and military assistance programs. We must determine what is essential to maintain a national government in South Vietnam, and what they could not reasonably be expected to supply for themselves. Only when the South Vietnamese have exhausted their best efforts, should we determine what assistance should be forthcoming from the American people.

Mr. Speaker, I believe that American combat forces now assigned to I Corps and II Corps in the northern half of South Vietnam could well be replaced by South Vietnamese units. It was evident that such units were available in other corps areas, and that South Vietnam must initiate the necessary redeployment—regardless of the resistance offered by the generals involved. In my mind, this redeployment will only come about if American forces are withdrawn.

South Vietnam has over 1 million men under arms. We have now spent in excess of $130 billion in that country and I must presume that the South Vietnamese are well trained and equipped. If there is any lack of motivation on the part of the South Vietnamese military, then I feel the Saigon government must undertake the necessary reforms of its armed forces. These reforms must include the elimination of the corruption which is so much a part of the South Vietnamese military system. We simply cannot support a military organization that tolerates the sale of provisions, rations, promotions, and personnel transfers. The glaring corruption of some South Vietnamese province and district chiefs is a national scandal that no longer can be supported or protected by American military might.

America has already suffered 54,833 deaths, 299,924 wounded, and some 1,492 prisoners of war and missing in action. Now the spector of widespread drug addiction has been added to the list. Conservative estimates indicate that 10 percent of the American men in Vietnam are addicted to heroin. That means that some 25,000 to 30,000 confirmed heroin addicts will be returning home in the next year. The cost in terms of human suffering, and in terms of care and, hopefully, rehabilitation, will be staggering. Too long have we responded to requests for military assistance with a blanket commitment of men and material. From this date on, let us supply only what is absolutely essential—only what cannot be supplied by an honest, dedicated, and motivated South Vietnamese Government.

I will support the retention of American air and artillery support units, but only if and when their need can be documented and proven to my satisfaction.

Mr. Speaker, I am vitally interested in the maintenance of an independent non-Communist South Vietnam. It is deadly important for the millions of South Vietnamese who have fought for freedom and have sacrificed so much in the struggle for independence. These people have merited our assistance and I am proud, as an American, that we have fought and sacrificed in their behalf. However, I strongly believe that the time has come when the likelihood of South Vietnam's survival as an independent nation can only be achieved if the South Vietnam Government is forced to live up to its military, political, and economic responsibilities.

Only when the Saigon government uses its resources effectively, only when it initiates land and tax reform and curbs its obvious abuses and corruption can it secure the kind of broad-based support, popular support, necessary for an independent democratic state. If they carry out these reforms and if they mobilize their resources, then I believe the goal of a stable, secure South Vietnamese Government can be achieved. Millions of Vietnamese now support the Thieu government, but millions more antigovernment nationalists could only be impressed with a government that was free of corruption and bent on a policy of nationalism and reconciliation.

It has been suggested that some $2.5

billion annually would provide the essential military and economic assistance to South Vietnam. I am prepared to support such a commitment, but only when I have been assured that South Vietnam has taken the necessary steps to eliminate internal corruption and utilize its own resources to the maximum extent. I will support only those efforts which are truly beyond the best efforts of the South Vietnamese themselves—and only when those efforts produce the kind of progress that can be clearly measured by this Congress. We must constantly monitor our assistance effort and be prepared to terminate those parts of the program which are touched with corruption or inefficiency.

The ability of this Congress to effectively monitor our policies and assistance efforts is crucial. At this point, we are sadly lacking in this ability. Perhaps the most shocking aspect of my trip was the complete lack of candor on the part of our Government's representatives in Southeast Asia. My questions about the extent of American involvement in Laos, about our military strengths there and elsewhere, inquiries about the goals and costs of our assistance programs, all went unanswered. I had the distinct impression that I was considered an intruder in someone's private domain of interest, an interloper who could not be trusted with knowledge of American policy in Southeast Asia. If that is the considered treatment of the U.S. Congress, then Mr. Speaker, it is no wonder that the American people feel misled, frustrated, and angry. The people who elected me have not sent their representative to be a tourist in Vietnam, blithely following a crucial war policy with only a tourists knowledge of what is going on.

One of my last official meetings was with Ambassador Ellsworth Bunker. In response to my questions about measures taken to eliminate the scandalous sale of heroin in Vietnam, he replied that effective measures had been taken, particularly by placing drugstores off limits to American GI's. If Ambassador Bunker really believes that heroin is primarily sold in drugstores, he must be the only man—military or civilian—who holds this unique line of reasoning. When I asked about the extent of corruption in the South Vietnamese Government, he advised me that, at the lower levels, there was indeed some "carelessness and, perhaps, some slippage." With smuggling rampant throughout South Vietnam and the recently publicized brass shell casing scandal likely to reach the $50 million proportions I found this explanation to be totally inadequate.

Mr. Speaker, I can no longer accept any kind of open-ended commitment in Southeast Asia. Militarily, we should bring home all but the most essential air and artillery support units and economically we should confine our assistance effort to a level that will require maximum development and utilization of South Vietnam's own resources and bring about the elimination of corruption. This is not a policy of abandonment; it is the only policy that can lead to a responsible and, ultimately, stable South Vietnamese Government.

BALTIC NATIONS HAVE A RIGHT TO SELF-DETERMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, while this country trades with and aids the Soviet Union, which continues to supply 80 percent of the war materials to the enemy to kill American servicemen in Vietnam, the more than a million Latvians, Lithuanians, and Estonians in the United States commemorated with a special church service on Sunday, June 13, the 30th anniversary of the mass deportations of the Baltic peoples to slave-labor camps in Siberia, where most perished under inhuman conditions.

While we hear a clamor for one-man, one-vote in Rhodesia and South Africa and in the United Nations General Assembly where the smallest of African nations has a vote equal to that of the United States, silence prevails regarding the right of the peoples of the Baltic nations to vote at all. The opinionmakers in this country refuse to advocate self-determination for the captive nations, yet are vociferous in demanding this for emerging underprivileged nations.

While any violation of rights of Jews in the Soviet Union receives front page coverage in newspapers, scant mention is made of the human rights violations against untold numbers of Christians and others which occur daily in all countries dominated by the Soviet Union. This spring, Congress unanimously condemned the Soviet Union for its treatment of the Jewish minority. Similar actions have not been accorded other oppressed peoples.

The 86th Congress adopted a resolution which became Public Law 86–90. This resolution assails the imperialistic policies of Communist Russia which have led, through aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czecholslovakia, Latvia, Estonia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Urel, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others. It also resolves that the President is authorized and requested to issue a proclamation each year designating the third week of July as "Captive Nations Week" until such time as freedom and independence shall have been achieved for all the captive nations of the world.

This was 11 years ago. The captive nations are still captive. The Soviets are still aggressors. Only we have changed—why?

In the 89th Congress just 5 years ago, both Houses of Congress adopted without a single negative vote House Concurrent Resolution 416—proclaiming the rights of the Baltic peoples of Estonia, Latvia, and Lithuania as well as all other peoples to self-determination and national independence. Again the Soviet Union was condemned for its subjugation and deprivation of the right to self-determination of the Baltic peoples. The resolution urged the President to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Despite these resolutions expressing the sense of the U.S. Congress, the President, in his so-called state of the world message, made no mention of the Baltic nations nor the captive nations. But he did refer to Russia and Red China though not in this vein of thought.

In view of the many documented violations of human rights against the people of the captive nations by the Soviet Union extending from the time of the Bolshevik Revolution to the present day and in view of two resolutions expressing the sense of Congress regarding the right of self determination by the captive nations, it would seem to be incumbent upon our President and all freedom-loving peoples to identify the Soviet dictators for what they are—the enemy of free peoples—international gangsters—and demand the dissolution of their imperialistic colonial empire. The time to do this is now, not next week, nor next year.

I call upon our colleagues to speak out for the right to self-determination by Latvians, Lithuanians, and Estonians, and other enslaved peoples and to support my House Concurrent Resolution 61 and House Concurrent Resolution 63 that it be the sense of Congress that the question of human rights violations, including genocide, in Soviet-occupied Lithuania and Estonia be placed on the agenda of the United Nations Organization.

I insert at this point a news release of the Joint Baltic American Committee, a letter from the Lithuanian Roman Catholic Priest's League of America, a statement entitled, "Self-Determination of the Baltic Peoples," of the Lithuanian American Community of the U.S.A., Inc., the text of House Concurrent Resolution 416 and my bills, House Concurrent Resolution 61 and House Concurrent Resolution 63, to follow my remarks:

THIRTIETH ANNIVERSARY CHURCH SERVICE FOR THE BALTIC PEOPLES DEPORTED TO SIBERIA

A church service commemorating the thirtieth anniversary of the mass deportations of the Baltic peoples to slave-labor camps in Siberia will be held on Sunday, June 13, 4:30 PM, at the National Shrine of the Immaculate Conception in the Nation's Capital.

The celebrant of the special service will be Rev. Father Kazimieras Pugevicius of Baltimore.

Spokesmen for the Joint Baltic Committee, representing the central organizations of Americans of Estonian, Latvian and Lithuanian descent, explained that the burtal Soviet action, commencing on the night of June 13, 1951, left deep scars and bitter memories among the Baltic people on both sides of the iron curtain. Concentration camp victims were drawn from all social and age groups, the Joint Baltic Committee pointed out, and were packed into cattle cars going to Northern Russia and Siberia, where most perished under the inhuman conditions.

The vast scale of these and later deportations after the Second World War was emphasized by Gunars Meierovics, Dr. John B. Genys and Gerhard Buschmann, representing over a million Latvians, Lithuanians, and Estonians in the United States.

The Committee placed conservative estimates of human losses by Baltic people in Soviet concentration camps to be in excess of fifteen percent of the population.

"The Baltic people expressed their alarm at current Soviet policies, which are totalitarian cultural genocide tactics, implemented in the name of russification. They hope that world opinion will be reminded by Sunday's ceremonies of the brutal attempts to stamp out the Baltic peoples' national identity and desire for self-determination. The resultant protests to the Soviet government might stem these policies."

The consensus was unanimous that the plight of the Baltic peoples today was very critical, in the context of colonialism vs. self-government. The Committee declares that "the annexation of the Baltic nations into the Soviet Union is not recognized by our government and many other nations. This occupation of the Baltic States by the Soviet Union is a flagrant breach of all international treaties and agreements between the Soviet Union and the Independent Baltic States governments!"

LITHUANIAN ROMAN CATHOLIC
PRIESTS' LEAGUE OF AMERICA,
March 4, 1971.

DEAR HONORABLE SIR: Much has recently been written by the press about Lithuanians risking their lives for freedom and about Soviet citizens defecting from Soviet Russia for a free way of life elsewhere.

Soviet propaganda would have us believe that life under the Soviet system is a happy man's paradise. If so, then why these attempts at freedom? Why these defections?

The answer is simple. It is impossible to enjoy life in a country where man's basic rights are denied him and where he is not free to develop his God-given talents for his spiritual and material betterment. Life, as we know it, is just plain intolerable under the Soviet system. It is a life in jail, in prison, of persecution.

In the case of Lithuania, as a recent statement signed by forty priests of the Archdiocese of Vilnius and sent to Moscow authorities testifies, religious persecution is a fact. Her people enjoy no religious freedom. They are unable to live as Lithuanians with their own aspirations.

Since this is so, it is extremely difficult to understand why the United Nations, the United States and the nations of the free world continue to recognize Soviet Russia as a world power seeking peace for mankind.

Has not the time come for the free world to take concrete steps against Russia and force her to free enslaved nations like Lithuania? By what divine or human right is she permitted to dominate the United Nations and to frustrate the hopes of peace for the world and the hopes of freedom for her enslaved people?

The free world need not fear Russia if united action is taken against her. Let her treat her people with justice and charity. Let her free Lithuania and other subjugated nations. Then incidents of seeking asylum and of defection will not occur again. Then real peace will become a reality.

May we hear from you on this? We shall be deeply grateful.

Respectfully yours,
REV. JOHN C. JUTT,
President.

SELF-DETERMINATION OF THE BALTIC PEOPLES

RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regime in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

H. Con. Res. 61

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations, including genocide, in the Soviet-occupied Lithuania on the agenda of the United Nations Organization.

H. Con. Res. 63

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right of self-determination, and other human rights violations, including genocide, in Soviet-occupied Estonia on the agenda of the United Nations Organization.

STATE FISH AND GAME COMMISSION AND CONSERVATION ORGANIZATIONS OPPOSE CHANNELIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the tremendous damage inflicted on our Nation's streams by "channelization" under the Department of Agriculture's small watershed program is causing great concern to many Americans. Conservation and environmental groups, State fish and game commissions, and Federal agencies dealing with the protection of fish and wildlife and environmental pollution have been increasingly protesting that the channelization of streams is grievously harming our Nation.

The House Conservation and Natural Resources Subcommittee, of which I am chairman, has been holding hearings on this subject. Last Saturday, as part of our investigation of stream "channelization," several members of our subcommittee toured a "channelization" project, Gilbert Run, in Maryland, to help us understand exactly what "channelization" does to a natural stream. We first viewed photographs taken last year of the stream and its environs before the project work began. We also talked with officials of the Agriculture Department and biologists of the State of Maryland about how the stream used to be. We learned that the stream had been a fast-moving and meandering stream abutted by thickly wooded swamp area—a valuable wetland area which had been perfect habitat for many species of fish and wildlife.

What we saw on Saturday morning at Gidbert Run was a large barren ditch with no more than a foot of water in it. This ditch ran for miles, devoid of almost all vegetation including the trees which formerly lined its banks. The wetland areas we had seen in photographs were dry as a bone. We learned that the stream had been channelized; it was now deeper, wider, straighter, and the water was much shallower.

At our hearings on stream channelization held these last 2 months, many witnesses testified that stream channelization at times may serve or increase available water storage, provide flood protection to bottomland abutting the channel which is then developed for residences and crops, and increase land values.

However, these witnesses criticized these works as causing a severe decrease in fish and wildlife habitat, impairment of water quality, increase in streambank erosion and stream sedimentation, greater downstream flooding, and destruction of esthetic values. They charged that getting rid of excess water by channeling it out of a watershed is contrary to the original congressional objective of "holding the raindrops where they fall" within the watershed boundaries.

Even persons primarily interested in agriculture often question whether the stream channelization and drainage programs, which have the effect of increasing agriculture acreage, are consistent with the national policy of discouraging the use of additional lands for production of crops, especially those which are surplus or price supported.

The President's Council on Recreation and Natural Beauty, in its 1968 report entitled "From Sea to Shining Sea" recommended:

> Federal flood control and other water resource development programs and projects seek to retain or restore natural channels, vegetation, and fish and wildlife habitats on rivers, streams, and creeks and apply the same policy to federally assisted public and private projects affecting rivers, streams, and creeks.

The evidence and testimony at our subcommittee hearings showed that this recommendation is largely being disregarded by the Department of Agriculture in the conduct of its stream channelization.

We have received letters from many State and international agencies all across the country expressing their views on the "stream channelization" done, or planned to be done, in their State under the Agriculture Department's small watershed program. Members of Congress, and the public, will be interested in their views, and I, therefore, insert at this point in the Record representative excerpts from the letters we have received from those agencies, as follows:

Excerpts From Letters

A. INTERNATIONAL ASSOCIATION OF GAME, FISH, AND CONSERVATION COMMISSIONERS

The International Association of Game, Fish, and Conservation Commissioners feels that no individual or group has a right to unnecessarily alter the water courses or to reduce the quality and quantity of water to the extent that it affects its reasonable use by other people. * * *

Channelization, as we have seen it, appears to be contrary to the philosophy and concept established by the Congress with passage of the Water Bank Act. * * *

Numerous small watershed projects to reduce flooding have been constructed under PL 566 on which the Federal funds expended for structural measures are in excess of the amount required to purchase the entire flood plain in fee simple. In some other PL 566 projects, the interest on Federal funds expended for structural measures, if invested at the current annual interest rate, would be in excess of the total annual flood damage claimed. * * *

The International Association of Game, Fish, and Conservation Commissioners is aware of the U.S. Department of Agriculture's Policy Memorandum No. 108. If followed, this document can be helpful but still falls far short of positive action necessary to protect our streams and stream bank habitat. If past experiences are any indicators, Policy Memorandum No. 108 will be subject to broad interpretation by the different State Soil Conservation Service authorities and can be changed without congressional action. For example, Section 8 of the Watershed Memorandum 108 states in part "Even though they may increase cost the last destructive construction techniques are to be used." If the extra cost for providing least destructive construction techniques to protect fish and wildlife result in an unfavorable cost-ratio, will not the more destructive construction techniques be utilized in order for the Soil Conservation Service to justify the project?

B. STATES

1. Arkansas Game Fish Commission

The effects of stream channelization on fisheries resources has been widely documented through scientific research and is readily demonstrable in channeled streams throughout Eastern Arkansas. Generally, we can expect losses of up to 90% of the game fish population in a stream following channelization. Losses to wildlife brought about by drainage projects stem largely from accelerated land clearing for conversion to intensive agricultural uses and timberland site transition which results from decreased ground moisture and reductions in water table levels. The justification of such an environmentally unsound program is highly questionable where agricultural lands are concerned in view of the mounting surplus of croplands in the United States.

2. Idaho Fish and Game Department

The impact of federally constructed or financially aided stream alteration on fish and wildlife habitat has long been of concern to the Idaho Fish and Game Department. Studies conducted by our Department have shown that, on the average, six times greater game fish production is obtained from undisturbed stream sections than from stream areas that have been altered through man's activities.

3. (*a*) *Iowa Conservation Commission*

We have opposed channelization of any stream or river because of destruction of fish and wildlife habitat, loss of timber, destruction of aesthetic values, and increased downstream flows.

(*b*) *Iowa Department of Soil Conservation*

In the State of Iowa the only problems that might arise with channelization would be the destruction of some gamebird habitat due to flooding of brushy areas in gullies and watercourses. There have been no problems in obtaining wildlife mitigation measures to replace these areas lost to flooding. In most cases the local people have given free easements for wildlife mitigation measures and the State Conservation Commission is paying the local cost-sharing of construction of the wildlife and enhancement measures. We have experienced no problem in Iowa with destruction of fisheries or waterfowl or deer habitat.

The Department of Soil Conservation would like to state that the Soil Conservation Service is doing an excellent job in Iowa in all areas and the only problem involved is lack of sufficient funds to furnish the type of assistance which the local people expect and require for their soil and water conservation programs.

4. *Kansas Forestry, Fish and Game Commission*

In the past two decades the Kansas Forestry, Fish and Game Commission has, through licenses or memoranda of understanding, obtained operational control to certain lands for public hunting benefits on 16 of the 19 major reservoir projects constructed in this state. Development and operations of these recreational lands have been accomplished with state and Pittman-Robertson funds. At the same time, the construction agencies (Corps of Engineers and Bureau of Reclamation) have done little to mitigate significant losses to wildlife habitat resulting from project construction. Yet these same agencies tend to discount these losses by pointing with pride to the creation of other recreational benefits. Despite the existence of these benefits it must be remembered that most are the indirect result of construction and would have occurred in any event. These benefits do not in any way mitigate the irretrievable losses of stream fishery and wildlife habitat resulting from the flooding of a stream valley.* * *

This organization subscribes to the contention that channelization does result in adverse effects on the environment. These include the destruction of stream fishery and wildlife habitat, impaired aesthetic values and a period of increased erosion and siltation following the construction of channel "improvements".

Although the SCS maintains that watershed lakes, with or without stream channelization, regulate and improve downstream flows, such flows may actually be decreased during normal or drought periods as a result of project construction.* * *

Occasionally watershed and other federal water projects provide for the cropping of lands not farmed previously. As a project objective I see this as an unjustified purpose while this nation is still faced with farm commodity surpluses and has other federally financed programs that provide for reduction in croppable acreages.

5. *Michigan Department of Natural Resources*

It is our position that some fault and some past criticisms are due to inadequate efforts of state agencies in being a full-fledged partner. We believe opportunities are available under existing statutes and policy memorandums of Federal agencies to protect our water resources, providing we are given a chance to review them. The directive for filing "Environmental Statements" for each project receiving Federal assistance is a giant step in the right direction to bring the facts before the public and Congress as to adverse effects previously known only to a few conservationists.

6. *Mississippi Game and Fish Commission*

We feel that the works of the Corps of Engineers and the Soil Conservation Service have had a detrimental effect on the fish and wildlife of Mississippi. Our Commission has adopted a resolution opposing channelization of our streams because of the problems we have encountered.* * *

The clearing of this land for agricultural use has increased the amount of pesticides used to where in some areas we have lost all of our large mouth bass and crappie because of these chemicals. In some lakes the levels of DDT exceed the allowable limits set by F.D.A. regulations.

In one SCS project (Tippah River) fish population studies were done before the stream was channelized. It was found that this stream was carrying 242 pounds of fish per acre of all sizes and species of fish. Approximately two years after it was channelized we found it had only 4.8 pounds of fish per acre of which four pounds were minnows.

At the mouth of this same stream approximately 1500 acres of timber have been killed by silt from this project.

One excellent natural waterfowl area was also drained by the channel.

In other areas silt from the project has killed as much as 1000 acres of timber.

More detail should be given to water retardation rather than moving it off as fast as possible.

The maintenance and operation of mitigation measures should be as rigid as the maintenance and operation of the structures. Now it is left up to the local landowner to do as he pleases. A greentree reservoir built for mitigation in one project is cleared and growing excellent soybeans. * * *

Little consideration, if any, is given to the loss of wildlife, fish, and aesthetic values when benefit ratios are computed.

7. *Montana Department of Fish and Game*

We believe dredging, modifying and channeling of rivers and streams conducted by or financially aided by federal agencies is out of keeping with the times. As a matter of fact, the State of Montana enacted legislation as early as 1963 to prevent dredging and channelization of rivers.

It is our contention that channelization and dredging projects can solve local problems on a short-lived basis; however, we believe the long-term detrimental impact far exceeds the short-term benefits. Many of our water courses are valuable trout fishing streams and rivers. We believe they are worthy of protection from the bulldozer and dragline because of the recreation they provide.

8. *New Jersey Department of Agriculture*

We feel that project results have been highly favorable. In only one case has a fishery resource been affected and local fishermen report better fishing than before. Channel modification apparently permit sportsmen to better utilize this put and take trout stream.

9. *North Dakota Game and Fish Department*

In North Dakota, the biggest offender with drainage and channelization is the Soil Conservation Service, through its Small Watershed Program (P.L. 566) and technical assistance in legal drains. North Dakota is famous for its millions of small wetlands that are so important to waterfowl production as well as resident wildlife species. Through the P.L. 566 projects, many of these natural wetlands have been drained and many thousands more are in danger of being drained. Although the P.L. 566 Act provides that these projects are to be constructed primarily for flood control, many projects are designed for removing water from naturally-occurring swamps or wetlands to enhance the lands for agricultural production, with little or no consideration being given to the wildlife losses that are incurred.

Channelization in itself is destructive of wildlife habitat, but it creates a potential for destruction that is far more critical. Channels provide ready-made outlets for individual landowner drainage using private capital. Without the channel the landowner would have no place on which to drain his water except onto his neighbor below him. In most cases this acted as a deterrent, but a ready-made channel to take away his water leaves the private landowner with no compunction about draining his sloughs and marshes.

10. *Oregon Game Commission*

The Soil Conservation Service does afford the states an opportunity to comment on its own construction, but when involved in an agricultural assistance project to be built by others, it rarely offers the State a chance for review or comment. This phase of the federal program should be strengthened, since most of the stream channel changes or modifications are done under it. In any federally financed or assisted project that will have an effect on fish or wildlife ppoulations or their habitat, the fish and game management agency should have the opportunity to evaluate the program and recommend changes where needed.

11. (*a*) *South Dakota Department of Agriculture*

The over-all program has been satisfactory but we feel that an emphasis should be given to completion of the programs. The criteria for evaluated benefits on the cost ratio should be changed to get more projects started, and completed. * * *

The only changes in the stream improvement projects would be more funding and following through on the programs beyond the preliminary study stages.

(*b*) *South Dakota Department of Game and Parks*

Our Department shares the same concern as that expressed by other Conservation agencies and organizations; stream channelization is detrimental to fish and wildlife and to the ecology of bottom lands.

We disagree with the stated benefits derived from stream channelization projects, as follows:

(a) *Flood control*—benefits may be derived from flood control within project areas, however, the accelerated flow of waters increases flooding downstream from these projects. This, then perpetuates the need for more dams and/or more channelization. In addition, the drainage of wetlands into these channels only adds more water to create greater downstream problems. If work had been done to retard run-off on the headwaters, the large dams and channelization would be unnecessary.

(b) *Improved navigation*—increased sedimentation loads will certainly add to navigation problems. Dredging will become another costly operation.

(c) *Reduction in erosion*—this is doubtful. Silt is settling in stilling areas to create long-term problems. Silt comes from the uplands and erosion of stream and lakeshores. Increased water velocity will increase erosion of stream banks, unless these channels are to be concrete-lined.

(d) *Increase in water supply for nearby communities*—it is difficult to grasp the meaning of this statement of benefit. The same flow should occur in the streams, only for a shorter period of time. The faster run-off time can only result in lowered groundwater tables, therefore, less available water.

(e) *Increased recreational opportunities*—how was this determined? With less stream bottom wildlife habitat, fewer trees and fewer numbers and species of fish, the reverse will be true. Recreational opportunities for photographers and observers of nature, fishermen, hunters, mushroom-pickers, etc. can only be diminished.

(f) *More cropland acreage*—probably true, but again the destruction of stream-bottom habitat and its ecology can only mean less fish and wildlife, including both game and non-game species.

(g) *Enhanced aesthetic values*—ridiculous.

(h) *Increased income to local residents*—perhaps from the croplands, but not from other sources.

(i) Improved fish and wildlife habitat—this is impossible. With the statement of (f) above, coupled with the destruction of stream bottom woodlands and river meanders and pools, the reverse is true.

12. (*a*) *Texas Parks and Wildlife Department*

Stream improvement projects which have been federally financed or those being planned for construction under such programs remain a great concern of ours. The rate of alteration of our natural streams, for reservoir construction, stream channelization and navigation canalization projects result in the piecemeal destruction of fish and wildlife habitat and scenic waterways. Consequently, we feel it is mandatory that alternatives to channelization and reservoir construction be considered by all agencies concerned.

We suggest, for example, that channelizing a stream to facilitate flood runoff, might be less economical than purchasing the floodplain or at least the easements to permit flooding thereon. Such an approach would eliminate the need for channelization, would prevent encroachment upon the floodplain, would help preserve the natural state of streams, and would undoubtedly reduce losses of prime wildlife and fish habitat. The wood duck and grey squirrel, for example, are almost totally dependent on a bottomland environment and the hardwoods usually found adjacent to a stream.

(b) *Texas Department of Agriculture*

We in agriculture recognize the necessity for high-quality water to achieve the ever-increasing yields that we expect year after year. We also have a deep feeling for the land and for the wildlife habitats that exist. Watershed projects have associated with them a cost and agricultural production has its associated price that we must pay. It is my opinion that technical advances must not be stopped because of the unwanted side effects associated with these advances. Technology has given us the degree of affluence that we enjoy today and I feel that the task that lies before us is to eliminate the unwanted side effects rather than eliminating technology.

Inasmuch as you request information on specific stream improvement projects, I should say that this Department does not have any objection to any projects that are under construction at this time. There are some projects proposed for the future whose merit we would question in light of possible detrimental environmental and other side effects.

13. *Washington Department of Natural Resources*

I am not completely satisfied with the procedures followed by the Corps during the initial project planning. For example, forest land reporting appears to be assigned to the Forest Service as a primary responsibility. Since many of the dams affect lands administered by the Forest Service, they naturally devote a good part of their available manpower to study the impacts flood control projects will have on lands under their jurisdiction. The Department of Natural Resources has the responsibility for fire protection and the administration of the Forest Practices Act initiated to maintain forest land productivity. Both functions apply to all State and private forest lands in the State. The State owns some two million acres of forest lands as well as a million acres of other upland property that is primarily devoted to agricultural uses. In addition, the Department manages some 2,000,000 acres of State-owned tidelands, shorelands and beds of navigable waters. I feel that the Department should have a major responsibility for interpreting the impacts of project proposals on State and private forest lands and, of course, for any impacts they have on any other State-owned lands. At the present time the primary responsibility for providing this information on State and private properties seems to lack specific designation. Currently, direct input by the Department and private owners is through comments they submit in correspondence and at public hearings rather than contributing effectively to original data compilation. This procedure does not allow equal participation by State Agencies with resource management responsibilities since the State Game and Fisheries Department submit basic information in their respective operating areas. It is essential that agencies representing all major resources have an equal opportunity to contribute to the data used for initial project evaluation. * * *

Since elk are the most important animals involved in this project, the Corps has selected prime bottom lands along the river for mitigation purposes. It is difficult to understand the justification for such action when one considers that all of the timber growing capacity on the area being flooded has been lost and, in addition to this, five hundred acres more of prime timber producing land is completely eliminated as a commercial timber producing resource. No action is proposed to replace this loss in timber production.

14. *Wisconsin Department of Natural Resources*

Our Department is becoming increasingly concerned with the P.L. 566 program as it moves from the severely dissected landscape of western Wisconsin to the flat-to-gently rolling lands of eastern and southeastern Wisconsin. Here stream channelization is the primary project measure applied for "agricultural water management" and flood control. In eastern and southeastern Wisconsin our concern is not only with damage to the fishery resource but more importantly with destruction of valuable wetland habitat. Some of the proposed projects and channelization efforts are: West Fork Fond du Lac Watershed—25 miles of channelization; Maunesha Watershed—14 miles of channelization; Neenah Slough Watershed—11 miles of channelization; Bear Creek Watershed—22 miles of channelization; and Brillion-Spring Creek Watershed—1¼ miles of channelization. Some of the projects in this part of Wisconsin even propose channelization in areas acquired by our Department for preservation of wetlands.

While wetlands are important segments of wildlife habitat throughout Wisconsin they are especially important in the eastern and southeastern sections of the state. As studies are completed we find that wetlands are a more important component of the landscape than we had originally realized. They truly are an integral part of the ecology of the total watershed. Wetlands support a variety of desirable and often times unique plant life. They trap and store nutrients from runoff, thus helping to reduce lake eutrophication. They assist in stabilization of lake levels and stream flows, and they reduce stream sedimentation. They also contribute to atmospheric oxygen and water supplies. Once considered as "waste lands" these wetlands are now looked upon by regional planning commissions as vital open space areas which importantly contribute to diversity of the landscape and provide people with new recreational and educational opportunities.

Over 50 percent of the original wetland areas in 14 southeastern Wisconsin counties have already been lost as a result of indiscriminate ditching and draining (in many cases with federal financial assistance). While various proposals to protect existing wetlands and still permit channelization for the benefit of agricultural water management (drainage) and flood control have been discussed with the Soil Conservation Service, there is no assurance that our efforts will be successful. We are not only concerned with the loss of wetlands immediately adjacent to the stream, but also with the loss of wetlands some distance from the proposed channel improvement projects. Inadequate outlets previously prevented the drainage of some of these outlying wetlands and not all landowners were willing to invest in collection structures and pumping systems. With proposed P.L. 566 channelization in the vicinity, drainage of these wetlands would now be economically feasible. * * *

The original concept of the Small Watershed Program—planning for the management of soils, waters and vegetation on a comprehensive basis—was and still is generally supported in principle by most resource managers. But we question the administrative freedom that permits the continued planning of wetlands destruction. We believe a better review and concern for all the resources in the watershed must be included in program planning.

ASSISTANCE TO AILING URBAN TRANSIT SYSTEMS AND HIGH-SPEED RAIL TRAVEL BETWEEN CITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 10 minutes.

Mr. COTTER. Mr. Speaker, today I am introducing a pair of bills designed to assist ailing urban transit systems and to speed rail travel between cities.

These bills attack critical shortcomings in Federal transportation legislation. First, they give the Urban Mass Transportation Administration—UMTA —the financial flexibility to help keep essential mass transit services operating. Second, they recognize that Federal support for mass transit should be equal to Federal support for highways. Third, they recognize that without new, fast and attractive trains Amtrak will fare no better in the rail passenger business than did the private railroads it succeeded.

One bill would amend the Urban Mass Transportation Act of 1964 to increase the amount of the Federal grants authorized thereunder for mass transportation facilities and equipment and to authorize special grants to assist in the provision of transportation services during nonpeak hours.

The other bill, introduced in the Senate by my colleague from Connecticut, LOWELL WEICKER, would provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing new, high-speed railroad passenger equipment.

The operating subsidies envisioned under the UMTA amendment would permit continuation of off-hour runs which are too costly to maintain because of low patronage, but which are essential for those people who must rely upon public transportation to get to and from work, hospitals, and other vital destinations.

In my own district, we are faced with a potential cutback in evening and weekend bus service because of the high costs of these runs. I have received mail from constituents who work at night and would be adversely affected by such curtailment of service.

My bill would give the Secretary of Transportation the needed flexibility to help people such as these.

Another feature of the UMTA amendment bill would increase the size of Federal grants for transportation equipment from 66 percent of the cost to 90 percent of the cost. I see no justification for differing levels of Federal support for highways and mass transit. If it was all right for the Federal Government to pick up 90 percent of the costs of highways there is no reason why we should not do the same for mass transportation in our cities.

The Amtrack bill gives the National Railroad Passenger Corporation $90 million to purchase new trains which are capable of performing at high speeds on existing railbeds. Let me be completely candid. I think we have such a train made in Connecticut, the Turbotrain which is currently operating between Boston and New York on a demonstration basis. But whether Amtrack buys Turbotrains or some other new train is not as important as whether Amtrack does indeed buy new, high-speed equipment. If it does not, then I am afraid Amtrack will share the same fate as earlier rail passenger carriers.

Having made the commitment to continue rail passenger service by creating Amtrack, I feel it is incumbent upon Congress to make it work.

At this point in my remarks, I would like to insert the texts of my bills for the benefit of my colleagues:

H.R. 9023

A bill to amend the Urban Mass Transportation Act of 1964 to increase the amount of the Federal grants authorized thereunder for mass transportation facilities and equipment, and to authorize special grants to assist in the provision of transportation services during nonpeak hours

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended by striking out "two-thirds of the net project cost" and inserting in lieu thereof "90 per centum of the net project cost".

(b) The proviso in the second sentence of section 5 of such Act is amended by striking out "one-sixth of the net project cost" and inserting in lieu thereof "40 per centum of the net project cost".

SEC. 2. The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

"SPECIAL GRANTS TO ASSIST OPERATION DURING NONPEAK TRAFFIC HOURS

"SEC. 17. (a) In addition to financial assistance provided under section 3, the Secretary is authorized, in accordance with the applicable provisions of this Act and on such terms and conditions as he may prescribe, to make grants to assist States and local public bodies and agencies thereof in financing the provision of mass transportation service in urban areas during nonpeak traffic hours and at other times when (as determined by the Secretary) it would otherwise be economically unfeasible to provide such service. Such grants shall be in amounts not exceeding 90 per centum of the net cost of providing the service involved during such hours and at such times.

"(b) To finance grants under subsection (a), the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements providing for payments aggregating not to exceed $100,000,000 in any fiscal year. For the liquidation of obligations incurred under the preceding sentence there is authorized to be appropriated not to exceed $100,000,000 for each fiscal year beginning with the fiscal year ending June 30, 1972. Sums appropriated pursuant to this subsection shall remain available under expended."

H.R. 9024

A bill to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing new, high-speed railroad passenger equipment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High-Speed Rail Passenger Equipment Act of 1971".

SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—The Congress finds that in order to provide the modern, efficient intercity railroad passenger service envisioned in the Rail Passenger Service Act of 1970 and to attract an increasing number of passengers to rail transportation and thereby to alleviate overcrowding of the Nation's highways and airways, the most modern, high-speed passenger equipment must be utilized as soon and as widely as possible; that the current financial resources of the National Railroad Passenger Corporation are necessarily being devoted to the maintenance and operation of existing equipment; and that, therefore, financial assistance is necessary to allow the purchase of requisite new equipment.

SEC. 2. DEFINITIONS.—For the purposes of the Act—

(1) "Corporation" means the National Railroad Passenger Corporation established pursuant to the Rail Passenger Service Act of 1970.

(2) "Equipment" means any railroad rolling stock, to include but not limited to passenger cars, locomotives or other propulsion systems, whose primary purpose is the carriage of revenue passengers.

(3) "Secretary" means the Secretary of Transportation.

SEC. 3. FEDERAL GRANTS.—There is authorized to be appropriated to the Secretary in fiscal 1972, $90,000,000 to remain available until expended, for direct payment to the Corporation for the purpose of purchasing new equipment utilizing advanced technology to maximize speed, efficiency, and passenger comfort over existing roadbeds.

TREATING DRUG ADDICTION IS NOT AS SIMPLE AS THE PRESIDENT THINKS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, tomorrow the President will be announcing his new antinarcotics program. It will include a proposal that soldiers returning from Vietnam who are addicts be required to undergo 3 weeks of Army treatment on the west coast. If the President believes that 3-week treatment for a narcotics addict will have any effect whatsoever upon whether he is free of his addiction when he enters civilian life, then the President and his advisers know nothing about drug addiction. It takes up to 10 days simply to detoxify someone and when he is detoxified he is still a drug addict because of his psychological and physiological drug dependency. Drug addiction among Vietnam servicemen may be galvanizing the President into action on the Nation's narcotics problems but let that action at least be thoughtfully done and not simply palliative.

According to the National Institute of Mental Health there are 250,000 drug addicts in our country. We have an obligation to provide drug therapy for everyone of these addicts to save them and to save their fellow countrymen, who want to walk the streets of our cities in this country, without fear of being assaulted by drug addicts in need of money to support their drug habits.

It is an outrage that last year this Congress authorized $43 million in new funds to treat drug addiction and only appropriated $6.5 million. It is essential that we fully fund the authorization for fiscal year 1972.

With respect to the veterans of Vietnam who are drug addicts and who will if not controlled "turn on" four more people, we must think of them as carriers of a contagious disease, and before they are discharged from the Army they must undergo thorough treatment to deal with their drug addiction. While I commend the Army for having instituted a program at Fort Bragg to deal with drug addiction in the 82d Airborne, and I saw that program in action, candor requires that we face the fact that that program is woefully inadequate. It is a program that lasts only 12 weeks at the maximum and the average stay for an addict—who can leave when he wants—is 4 weeks. It is simply impossible to deal with drug addiction that way.

I have introduced H.R. 8388 and other Members have similar bills with the same basic approach. These bills are designed to stop the flow of drug addicts currently being discharged from the Armed Forces.

H.R. 8388 would require that each member of the Armed Forces be examined in a military medical facility at a time near his scheduled release from active duty for the purpose of determining whether or not he is a narcotic addict. If found to be an addict, he would not be released from active duty and instead immediately be placed in either an Armed Forces hospital for treatment or in the custody of the Surgeon General of the Public Health Service for treatment in a Public Health Service hospital. The servicemen would be required to undergo treatment so long as required and would be discharged only when certified to no longer be a drug addict. Provision is made for persons able to undergo private treatment, so long as the treatment program has been approved and he reports for periodic examination at an Armed Forces medical facility.

I urge that the President, now that he has taken a personal role in dealing with the problem of drug addiction, make certain that his new program is more than rhetoric. We are dealing with the life blood of our country made up of our young men and women, who, if permitted to destroy their own lives with drugs, will ultimately destroy this country's future.

I am appending for our colleagues' consideration two articles on this subject which appeared in today's New York Times:

[From the New York Times, June 16, 1971]

ADDICTION IN VIETNAM SPURS NIXON AND CONGRESS TO TAKE DRASTIC NEW STEPS

(By Dana Adams Schmidt)

WASHINGTON, June 15.—Growing evidence of widespread drug addiction among Vietnam servicemen and veterans appears to have been the chief factor that galvanized the President and Congress into action on all the nation's narcotics problems. Congress is showing eagerness to provide laws and money as the President proposes to set up new machinery to deal with the problem. President Nixon is expected to announce this week the appointment of Dr. Jerome H. Jaffe, the 37-year-old head of the Illinois Drug Rehabilitation System as his adviser. Mr. Nixon is also expected to create a new, overall Federal agency to combat drug abuse, of which Dr. Jaffe may be the director.

Congress, for its part, has introduced legislation to add $10-million to Veterans Administration funds and $160-million to National Institute of Mental Health funds for community-based drug addiction clinics.

The Senate has called on the Secretary of Defense to test all members of the military for drug addiction and to offer them the means to rehabilitation before they rejoin civilian life.

WORLD ACTION PRESSED

It has asked the President to offer countries such as Turkey, Laos and Thailand help in converting poppy fields to other crops, and it has hinted that sterner methods should be used against countries that do not cooperate in controlling the drug traffic.

It is the consensus of a number of officials of existing drug programs that these actions were spurred by mounting concern over the problem of military drug addition. They cite the following primary areas of concern:

The prospect that thousands of veterans, trained in violence and subject to the pressures of a protracted and unpopular war, may turn to crime when they return to civilian life to support the addiction they developed in Vietnam, where narcotics are relatively cheap and readily available.

Fear of a rapid and large-scale shift among the civilian population, particularly young people, from marijuana to hard drugs, similar to what is believed to have happened in drug usage among the troops in Vietnam.

Even the Government actions now being taken will provide little more than the framework within which many problems must be solved.

The first problem is that nobody knows how many addicts there are in the military, let alone in American society.

The most widely accepted estimate is that there are 30,000 American heroin addicts in Vietnam.

MANDATORY TESTING

Steps to carry out regular urinalyses in Vietnam are now under way. These mandatory tests will supply critical information on the trends in abuse of opiates, amphetamines and barbiturates. They will identify drug users just before they are due to be released from the military.

Further delving will then become necessary, because every drug user is not necessarily an addict. Refinements in saliva and blood tests now being researched may help in this regard.

The number of civilian addicts will probably remain obscure. The Bureau of Narcotics and Dangerous Drugs has the names of 60,000 registered addicts, but that is just the beginning.

The National Institute of Mental Health puts the overall national total at 250,000 addicts. But one of its leading administrators conceded the other day that this was just a guess reached in the following manner.

Last year about 900 persons died of drug overdoses in New York City, where about half the country's total of addicts are thought to be found. Some specialists believe that an estimate of total number of addicts can be obtained by multiplying annual overdose deaths by 100. That would put a total of 90,000 addicts in New York. By doubling that figure, an estimate of 180,000 would be reached for the country.

Other specialists say the number of overdose deaths must be multiplied by 200 to determine the total number of addicts. This would lead to a figure of 360,000 for the country.

A compromise between the two calculations produces the round figure of 250,000, the estimate used by the National Institute.

PROBLEM OF FACILITIES

A second unresolved question is where to set up facilities to cope with the addicts, whether military, former military or civilian.

President Nixon has said that the military addict must be treated before he is discharged. But officers who know the problem say that the armed forces can do little more in Vietnam than to "detoxify" the men who are on drugs and try to prepare them for the longer-term treatment they need.

Even such a relatively ambitious program as has been set up at Fort Bragg, N.C., has an in-patient course that lasts only 12 weeks at the maximum. Out-patient treatment for a few hundred addicts may last considerably longer, but it is unlikely that the Army could provide years-long out-patient care for tens of thousands of men.

Some Federal drug specialists, therefore, see no alternative to working out a system of assigning military drug control addicts to civilian-operated clinics.

The Veterans' Administration, which has the nation's largest medical system, with 166 hospitals and 100,000 beds, and the National Institute of Mental Health, which has a growing network of about 300 mental health clinics, are contending for a major role in such a system.

Many of the clinics want to use methadone but are encountering local opposition from civic leaders who object because methadone, too, is addictive. The advantage is that it is cheap, can be taken once a day by mouth, is only mildly euphoric, and enables the patient to function normally as a worker or student.

NONADDICTIVE DRUGS

All psychiatrists concerned with the drug problem are intensely interested in nonaddictive drugs such as cyclazocine and malazone, which, like methadone, block the euphoric effect of heroin.

The difficulty appears to be that, because these drugs lack any euphoric effect of their own, the addict must be strongly motivated to keep up the treatment.

Dr. Max Fink, professor of psychiatry at New York Medical College, who has treated about 600 persons with these drugs since 1965, reports about 50 per cent success.

He believes that servicemen in Vietnam who are on drugs could be given cyclazocine or nalaxone, and routinely returned to duty. He believes the non-addictive drugs could be used as a prophylactic, much as men in some areas were obliged during World War II to take a daily pill of atabrine to protect them against malaria.

RECALCITRANT ADDICTS

Another problem is what to do with recalcitrant addicts. To keep them under military discipline after the end of their term of service opens questions of constitutional rights and military law.

Against the possible plea that a man has a constitutional right to freedom at the end of his term of service the Army has a regulation, thus far unused and untested, according to which time lost as result of abuse or drugs or alcohol need not be counted toward discharge.

Theoretically, therefore, a man's service time might be considered suspended from the time he began treatment until, months or years later, he was considered cured. If he refused to cooperate with his clinic, he would be subject to military police action.

With veterans returning from Vietnam in increasing numbers, it is feared, heroin may soon invade towns in "middle America" that hitherto have been almost free of it.

In the opinion of one Federal specialist, "Each addict makes at least four more. He cannot bear his habit alone and is sure to seek recruits even if he is not himself the pusher. This is the emergency we now face."

"When I contemplate the danger," this specialist added, "I almost feel like begging the kids to stay on 'pot.'"

[From the New York Times, June 16, 1971]

Nixon to Ask Aid for GI Addicts—His Proposal Would Require 3 Weeks of Treatment

(By Robert B. Semple, Jr.)

Washington, June 15.—President Nixon's new antinarcotics program, scheduled to be unveiled at the White House Thursday, will include a proposal that servicemen who have become addicted to drugs in Vietnam be requested to undergo three weeks of mandatory treatment at West Coast rehabilitation centers, informed Government sources disclosed today.

The proposal, these sources said, would require Congressional approval because it would compel at least some servicemen to remain under military jurisdiction beyond the expiration of their term of service.

The three-week rehabilitation program, the sources said, would be preceded by a series of tests to determine the extent to which a man is addicted and by a seven-day "detoxification" period in Vietnam.

After the three-week program, the serviceman would be allowed to leave the Army, assuming his tour of duty had expired, but further treatment in hospitals of the Veterans' Administration would be made available.

The compulsory features of the Nixon rehabilitation proposal would take it one step beyond an amendment to the draft bill recently approved by the Senate. That amendment would simply require the armed forces to "offer treatment and rehabilitation to servicemen identified as addicts."

OTHER ELEMENTS OF PLAN

Other major elements of the President's proposal disclosed by Government sources today were the following:

The plan would reestablish an agency called special Action Office for Drug Abuse Prevention. The agency would combine the present drug abuse functions of seven domestic agencies, mainly engaged in research and education, the Law Enforcement Assistance Administration, the Office of Economic Opportunity, and the Veterans Administration.

The director of the new agency will be Dr. Jerome H. Jaffe, a noted Chicago pharmacologist whose use of methadone as a cure for heroin addiction has gained widespread recognition. He will report directly to the President, but will not have direct control over the antinarcotics activities of the State Department, the Departments of Defense, and the enforcement activities of the Bureau of Narcotics and Dangerous Drugs.

The White House is said to be giving serious thought to appointing another person with powers only slightly less than those of Dr. Jaffe's to supervise the Government's overseas antinarcotics activities, including plans to encourage crop diversification and stronger enforcement in drug-producing nations such as Turkey, South Vietnam, and Thailand.

The sources reported that the White House is considering naming a former Representative to the post, possibly William Cramer, Republican of Florida.

The proposal to establish a central office in the White House resembles in many respects a proposal introduced in the House by Representative James H. Scheuer, Democrat of the Bronx, and in the Senate by Senator Edmund S. Muskie, Democrat of Maine. The Scheuer bill would have named one person to oversee and coordinate the entire range of Government drug control and rehabilitation activities.

MORE ON JERUSALEM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on June 10, 24

prominent Catholic, Protestant, and Evangelical leaders made public their support of the reunification of Jerusalem under Israeli jurisdiction and declared their confidence in Israel's capacity to supervise the holy places in cooperation with Christian and Moslem bodies. It is a superb statement and particularly important because it was issued by Christian leaders "concerned about peace and justice for all in the city of Jerusalem." The statement follows:

STATEMENT OF CONCERNED CHRISTIANS ADOPTED AT EMERGENCY CONFERENCE ON JERUSALEM AND ISRAEL

As Christians concerned about peace and justice for all in the city of Jerusalem, we wish to take issue with recent statements in the general and church press which speak of the "Judaization" of the Holy City and the "suffocation" of its Christian and Muslim population. These statements also call for the "internationalization" of the entire city as a remedy for these alleged evils. Our purpose is to contribute to the debate provoked by these statements considerations we believe to be essential to a full and accurate perspective on these issues.

Our inquiry into the question of public housing in the Old City and environs has convinced us that the construction of these buildings is a legitimate effort on the part of the Israeli government to effectuate a renewal of certain slum areas of the City, to rehouse in new apartments Arabs from these quarters, to provide living space for a Jewish population increased by immigration, and to re-introduce a Jewish presence into the Old City from which it had been forcibly barred after the war of 1948. The development plans are in no sense designed to oust the Arabs, nor to "suffocate" the Christian and Muslim population. While we are concerned about the sacred character of the City, we believe that this housing is sufficiently removed from the holy places to avoid the charge of diminishing the sanctity of the City.

We believe, further, that the claim that the Christian-Arab population is diminishing in Israel is incorrect. Since the end of the 1948 Arab-Israeli war, the Christian and Muslim population of Israel has more than doubled. The trickle of Christian emigration has not affected this upward trend. In Jerusalem, the non-Jewish total (Christian and Muslim) has increased steadily in the last three years. The question of emigration should be judged in contrast with the actual exodus of many Arab Christians from Arab countries, particularly from Lebanon and Egypt.

It is apparent to us that internationalization of the entire City of Jerusalem is no longer a viable solution to the problem of conserving the peace, security and sacred character of the City and its Holy places. Since both Israel and Jordan are adamantly opposed to the plan, it is unworkable. Further, the behavior of the government of Israel with respect to the Holy places has been exemplary. It has achieved the main purpose of internationalization, which is to provide protection and free access to the Holy places for all. Moreover, internationalization proposals go far beyond this protection and free access—the chief goal of religious groups—and therefore must be considered a political rather than a religious concern. We recall with regret that no Christian bodies or national governments expressed concern about the denial of access for all Jews, or for Christians and Muslims in Israel, to their holy places during the Jordanian administration of the Old City. The same can be said about the desecration of cemetaries and synagogues during this period.

Should Jerusalem be internationalized at this point in history? The internationalizing body (the United Nations) now includes a large proportion of officially atheistic countries, or countries with no interest in or ties to the holy places of Christianity, Judaism, or Islam. Internationalization has never worked and the world has had its fill of divided cities. Both alternatives, internationalization and division, are undesirable.

There are many other possible formulas, short of internationalization of the city, which would better serve the aim of protecting the holy places. We believe that the choice of the best method should be left to negotiations carried on at the peace table between Israel and Arab countries. At that point the Christian churches, synagogues and mosques can voice their opinions as to the particular needs of their communities and properties in the area.

We are encouraged by such creative efforts as those already initiated by Israeli officials with Christian ecumenical and Arab civic leaders for special jurisdictional arrangements over the holy places and Arab areas of Jerusalem. On the other hand, we regret all interventions that fail to take into account the political rights and sovereignity of the State of Israel.

The signers of this statement speak in their own name and do not necessarily represent organizations or institutions to which they are attached.

SIGNATORIES

Rev. Karl Baehr, Garden City Community Church, Garden City, N.Y.

Mrs. Claire H. Bishop, Editor of *Jesus and Israel*.

Father John G. Donohue, Catholic-Jewish Relations Committee of the Archdiocese of New York.

Dr. A. Roy Eckhardt, Professor of Religion, Lehigh University, Bethlehem, Pa.

Rev. Nancy Forsberg, The Clergy Association of Union, New Jersey.

Father Edward H. Flannery, Institute of Judeo-Christian Studies, Seton Hall University, South Orange, New Jersey.

Dr. Charles Fritsch, Professor of Hebrew and Old Testament Literature, Princeton Theological Seminary, Princeton, New Jersey.

Rev. William Harter, First Presbyterian Church, Margaretville, New York.

Father John T. Pawlikowski, Catholic Theological Union of Chicago, Chicago, Ill.

Sister Donna Purdy, Institute of Judeo-Christian Studies, Seton Hall University, South Orange, New Jersey.

Abbot Leo Rudloff, Benedictine Monk, Vermont.

Father John B. Sheerin, C.S.P., The Catholic World, New York City.

Sister Katherine Hargrove, Manhattanville College, New York City.

Rev. Chester Hodgson, United Methodist Church, Freeport, New York.

Rev. Lester Kinsolving, Episcopalean Columnist, San Francisco, Calif.

Dr. Andre Lacocque, Chicago Theological Seminary, Chicago, Ill.

Dr. Franklin Littell, President, Christians Concerned for Israel, Philadelphia, Pa.

Msgr. John Oesterreicher, Judeo-Christian Studies, Seton Hall University, South Orange, New Jersey.

Dr. Bernhard E. Olson, National Conference of Christians and Jews, New York City.

Dr. Elwyn Smith, Temple University, Philadelphia, Pa.

Sister Rose Thering, Institute of Judeo-Christian Studies, Seton Hall University, South Orange, New Jersey.

Sister Ann Patrick Ware, Assistant Director, Committee on Faith and Order, National Council of Churches, New York City.

Dr. George Williams, Harvard University, Cambridge, Mass.

Dr. Michael Zeik, Marymount College, New York City.

CONGRESSIONAL ACTION NEEDED TO LIMIT THE DISTRIBUTION OF FBI RECORDS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in today's Washington Post there is a report that U.S. District Court Judge Gerhard Gesell has directed that the FBI must stop the distribution of arrest records from its identification files outside the Federal Government except for law enforcement purposes. Judge Gesell also called on Congress to set a national policy governing FBI records which would include adequate administrative safeguards.

There is now pending before the Government Operations Committee my bill, H.R. 854, which has as one of its protections a provision that no Government agency could disclose information from its records except with the consent of the individual or when legally required.

I would like to bring to the attention of our colleagues the other protections of that bill. They are:

First, notify the individual that such a record exists;

Second, notify the individual of all transfers of such information;

Third, maintain a record of all persons inspecting such records;

Fourth, permit the individual to inspect his records, make copies of them, and supplement them.

Exceptions would be made in cases specifically required by Executive order to be kept secret in the interest of national security or for cases awaiting prosecution. The President would be required to report to the Congress each year on an agency-by-agency basis the number of records withheld for the above reasons.

H.R. 854 now has 128 House sponsors. On the Senate side this bill has been introduced by the distinguished junior Senator from Indiana (Mr. BAYH) as S. 975 with six Senate sponsors. H.R. 854 has been sent to the Foreign Operations and Government Information Subcommittee of the Government Operations Committee and I hope that hearings will be held shortly. The need for these safeguards is demonstrated every day.

The Washington Post article follows:

COURT BARS FBI DATA TO EMPLOYERS, BANKS

(By Sanford J. Ungar)

The FBI must stop distributing arrest records from its vast identification files outside the federal government except for law enforcement purposes, a federal judge ruled here yesterday.

The practice of disseminating individuals' records to employers, banks and others who currently receive them, said U.S. District Court Judge Gerhard A. Gesell, "may easily inhibit freedom to speak, to work and to move about in this land."

Ruling on a lawsuit that has been pending in the federal courts for three years, Gesell also called on Congress to set a national policy governing FBI records with "adequate sanctions and administrative safeguards."

"With the increasing availability of fingerprints, technological developments and the enormous increase in population," the judge said in a 17-page opinion, "the (FBI identification) system is out of effective control."

Gesell warned that "the overwhelming

power of the federal government to expose must be held in check."

The judge's decision was prompted by the arrest of Dale B. Menard in Los Angeles on August 10, 1965.

Then a 19-year-old student, Menard was held for two days on suspicion of burglary but never charged. He sought unsuccessfully to have his arrest record expunged from the files of the Los Angeles police and the FBI.

He was supported by the American Civil Liberties union in the suit.

He brought the lawsuit charging, among other things that his chances for employment were jeopardized by the FBI's standard policy of distributing arrest records to any agency or office that contributes fingerprints to the Bureau.

Menard initially lost the case in federal District Court here, but that decision was overturned by the U.S. Court of Appeals a year ago.

Gesell in yesterday's opinion, denied Menard's request that all records of his arrest be expunged from the FBI files, finding that the Los Angeles police had "probable cause" for the arrest.

But the record "may not be revealed," the judge said, "to prospective employers except in the case of any agency of the federal government if he seeks employment with such agency. (It) may be disseminated to law enforcement agencies for law enforcement purposes."

Although Gesell found that the Identification Division of the FBI 'has carried out its work in a responsible, meticulous manner," he complained that "the end result is most unsatisfactory."

Most troublesome, he said, "is the fact that the Division has little opportunity to supervise what is actually done with the arrest records it disseminates."

During the trial on the Menard case last month, government witnesses testified that individual states regulate the use made of the arrest records once they leave FBI headquarters here.

Only in rare cases, it was pointed out, did the disposition of a case—whether it resulted in a conviction or acquittal or was dropped before trial—get added to the arrest record in the FBI files.

But rather than in the federal courts, Gesell said, efforts to have records expunged should be brought in the state courts governing the area where an arrest occurred.

Citing the fact that the FBI identification files will soon be computerized for distribution through the states, Gesell wrote of "a pressing need to preserve and redefine aspects of the right of privacy to insure the basic freedoms guaranteed by this democracy."

If government information "is misused to publicize past incidents in the lives of its citizens," he said, "the pressures for conformity will be irresistible."

"Initiative and individuality can be suffocated and a resulting dullness of mind and conduct will become the norm," Gesell warned.

Assistant U.S. Attorney, Joseph M. Hannon, who argued the Menard case for the government, said last night that Gesell's opinion would be "carefully considered" by the Justice Department before a decision is made whether to appeal.

"LEAD POISONING: WHY DO WE LET IT GO ON?"

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the background information on the legislation in eradicating lead poisoning should be better known to the public. The man who is most responsible for bringing this problem to the attention of the Congress and securing the enactment of the Lead-Based Paint Elimination Act during the 91st Congress, is our distinguished colleague from New York (Mr. RYAN).

Unfortunately, while our colleague has done a splendid job, the Appropriations Committee has failed to follow through and consequently this fiscal year not a single dollar has been appropriated to fund the $10 million authorization for the program's first year.

The newspaper reporter who has done an exemplary job in alerting the public to the crisis of lead poisoning is Jack Newfield. The 400,000 children of this country who will be poisoned this year and those who will suffer in the future have as their major spokesmen and protectors, WILLIAM F. RYAN in the Congress and Jack Newfield in the press. I want to commend them both and bring to the attention of our colleagues a column which appeared on the Op Ed page of today's New York Times authored by Jack Newfield:

LET THEM EAT LEAD

(By Jack Newfield)

Lead poisoning is a small thing, a little horror compared to the Vietnam war, or the fact that parts of Brownsville look like Laos, or the moon.

There are no marches on Washington to protest lead poisoning, no theatrical threats of violence by its victims, no guest shots by its chic critics on Dick Cavett.

Last month, on May 20, a Senate-House conference killed the last chance to appropriate a meager $5 million this fiscal year for lead poisoning treatment and prevention. The next day the deed was not noticed by any New York newspaper or television station. It seems that nothing is real to the media until it reaches the white middle class, like heroin addiction, or unemployment. Then it is a crisis.

But the little horror of lead poisoning is the special prism through which we can see, with piercing clarity, the rainbow of larger horrors—racism, decaying cities, inadequate health care, bureaucracy and demented priorities.

Lead poisoning is an environmental disease of the urban ghettos. Children, usually between the ages of one and six, get it by eating the sweet-tasting chips of peeling tenement walls, painted a generation ago with leaded paint.

According to the Department of Health, Education and Welfare, 400,000 children are poisoned each year, about 30,000 in New York City alone. About 3,200 suffer permanent brain damage, 800 go blind or become so mentally retarded that they require hospitalization for the rest of their lives, and approximately 200 die.

The tragedy is that lead poisoning is totally man-made and totally preventable. It is caused by slum housing. And there are now blood tests that can detect the disease, and medicine to cure it. Only a lack of purpose sentences 200 black children to die each year.

When 200 white children died of polio it was called a national epidemic, and all our scientific resources were galvanized to find a cure. But 200 black children are invisible, and nobody wants to know their names.

On Dec. 31, 1970, Congress passed the Ryan-Kennedy Bill, which authorized $30 million in Federal grants to combat lead poisoning. On Jan. 14 of this year, President Nixon signed the Lead Paint Poisoning Prevention Act.

But then nothing happened. Although the bill authorized $10 million for fiscal 1970–71, and $20 million next year, H.E.W. Secretary Richardson refused to ask Congress to appropriate the money. The President did not mention lead poisoning in his annual health message to Congress; Secretary Richardson did not mention it in his budget testimony before various committees.

Last month the Administration submitted its second supplemental appropriation bill, a $6.8-billion package of extra money requests for this fiscal year, which ends on June 30th.

The bill included funds for every special interest: $3.5 million for dairy and beekeeper indemnity; $166 million for defense; $80 million for maritime subsidies; $16 million for highway beautification; and $275 million for the highway trust fund.

But not one cent for lead poisoning, even though Congress had already authorized $10 million. Representative Bill Ryan and Senator Ted Kennedy tried to break tradition and add $5 million for lead poisoning, even though the Administration and the committee barons didn't want it. It was on May 20, in the clubby secrecy of the Senate-House conference, that this $5 million was eliminated from the budget.

René Jules Dubos won a Pulitzer Prize for his book, "So Human An Animal." Last year, at Rockefeller University, he concluded a speech on lead poisoning with these words: "This problem is so well defined that it may provide an occasion to introduce a kind of social accounting ... if we do not act on this limited problem, then I believe that our society is intellectually and morally dishonest in talking about improving social conditions. If we with all our technological means, are not willing to make the effort to eliminate lead poisoning, then our society deserves all the disasters that have been forecast for it."

Government policy is not an abstraction. It has specific human consequences. Bureaucrats and politicians may conduct cordial meetings in comfortable offices in Washington, and decide not to spend any money on lead poisoning.

But those crisp, impersonal decisions kill other people. Clerks can be held accountable for genocide just as well as generals.

Lead poisoning is a preventable disease. Congress has made a law, but Secretary Richardson won't implement it.

And so small, black children, in Watts, in Buttermilk Bottom, in Bed Stuy, will eat paint chips, vomit, tremble with convulsions, slip into a coma, and die.

HIGHWAY DEATHS FAR GREATER THAN VIETNAM

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, according to the National Safety Council, over 55,000 people died, 2 million people were injured, and over $8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

Throughout the decade of the sixties, 475,000 men, women and children were killed, over 17 million were injured and $90 billion in economic damages were sustained.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted. This frightening correlation was highlighted not long ago in a speech by Secretary of Transportation John Volpe to the Forum on Traffic Safety Alcohol Countermeasures for Women's National Organizations here in Washington.

The talk portrays the complexity of the alcohol and highway safety problem and includes a plea for women's organizations to become a lobbying force for life to assure action to improve highway safety.

I commend these remarks to my colleagues:

EXCERPTS OF REMARKS BY JOHN A. VOLPE

There can be no permanent, total solution to the problem of highway safety until we do something about the habitually drunken driver. Getting control of this mindless menace is just as important as making safer cars and better roads.

It is a fact that alcohol is involved in 50 to 60 percent of highway fatalities, causing at least 30,000 deaths and 800,000 crashes every year.

It is a fact that problem drinkers, not social drinkers, cause at least two-thirds of these deaths.

It is a fact that the seven percent of drivers who cause 50 percent of the deaths can be identified, can be apprehended, can be controlled.

So there is no excuse for not sweeping them off the roads right now. President Nixon boldly seized the leadership in this issue last year and recommended that Congress give the highest possible priority to control of drunk drivers. He requested and we received from Congress an additional $40 million for fiscal year 1972 and $70 million for fiscal 1973 (as part of the 1970 Highway Act) to bolster our alcohol programs—which I will describe in greater detail in a few moments. But first, let's take a look at our approach. Let's identify our target.

Some people have the notion that we are after the hide of ordinary social drinkers—the 80 percent who have just one social drink and then drive home. It is not so. The ones we are after—right now—are those who cruise around the streets with point ten percent blood alcohol levels—and higher. They, in our opinion, are drunk. Too drunk to drive. Too drunk to be depended upon. But not too drunk to kill innocent people. And the tragic fact is, they constitute only 5 to 7 percent of the driving public. How tragic! That these few can kill and maim so many!

These are the ones we must identify, treat, and control. That isn't as hard as it sounds. These habitual drunks are well-known in their communities. They often have multiple arrest records. They have been under treatment. They are bad employment risks. They are well known to their neighbors, to welfare agencies, and to local traffic courts.

Once we have identified these alcoholic menaces in our midst we must then weed them out through selective licensing and stiffer enforcement. You and I have to mobilize and enlist public support among the pace-setters, opinion-makers, and trend-setters in our local communities. This is basically a job for local government to do. It absolutely cannot be accomplished simply by exhortations or money from Washington. It *can* be accomplished, however, with the dedication and concern I know we can expect from organizations such as yours.

I hope that in your states and communities you ladies will keep hammering home the sad fact that twice as many Americans died last year in crashes where intoxicants were involved as were murdered. And that twice as many innocent passengers, drivers, and pedestrians were killed by inebriated drivers as by rapists, thieves, and all other criminals combined.

I hope you will remind the public that alcoholic drivers destroyed six times as much property last year as was lost in all the robberies, arsons, and burglaries put together.

You should reiterate the astonishing truth that more adults were convicted of drunken driving than of murder, rape, assault and burglary.

You should tell influential state lawmakers that according to the Stanford Research Institute, if only 20 percent of drivers lost their licenses, the accident rate would go down as much as 80 percent! These are the facts that can wake people up and make them demand an end to this carnival of carnage on our public ways.

I wouldn't blame you for a little skepticism about the prospects. We all face a tough job. But certain European countries have already proven that alcohol countermeasures work. In Sweden, for example, only 10 percent, rather than 50 percent, of all fatally injured drivers are impaired by alcohol at the time of their accidents. In Britain fatalities and injuries are down by 35 percent in the hours between 10 p.m. and 4 a.m. when most alcohol-related crashes occur.

How did they do it? The answer is simplicity itself. If you are caught drunk while behind the wheel—and breathalyzer tests are taken to prove it—there is mandatory loss, suspension or restriction of your license. In Sweden and England there is no license to kill. And the law is backed up by severe social penalties—the drunken driver is "bad news" in his community. Period. People ignore him. He is ostracized. He isn't glorified by night club comedians. He's known for what he is—a potential killer.

We in this country can do the same.

I can assure you that the Department of Transportation will cooperate with State Governments and local law enforcement agencies in every way we can to help. We are already doing so in our community demonstrations known as Alcohol Safety Action Programs (ASAP). The first nine of 86 programs are already in operation, with a budget of 18 million dollars and three basic goals:

(1) To identify the problem drinkers.

(2) To determine the extent of his drinking and dispose of his case.

(3) To keep him from ever getting behind the wheel—drunk—again.

I think the public will gladly support these progressive measures. They do not penalize the social drinker. They are not an attempt to impose moral standards across the board, as in prohibition days. Can we succeed? The answer is that we don't have any choice.

The number of vehicle miles driven may double in the next ten years. Therefore, alcohol countermeasures must be twice as effective over the next decade if we are even to hold our own, let alone solve the problem. And to reduce our death rate in half we will have to quadruple our present efforts.

We have to educate the public. We have to build a wave of public resentment against these losses which in financial terms alone amount to 16 billion dollars every year. We have to put that pressure on state legislatures and highway departments. We absolutely must dry out or control the 7 million heavy drinkers and alcoholics who persist in driving. Their present freedom to murder innocent people is absolutely intolerable in a civilized society.

President Nixon has issued a great challenge to the people of this country—to be a nation of builders who can unite to solve problems with common sense and tolerance, with technology and tenacity, with vigor and good will.

I know we can do so with your dedication and persistence. In fact, I will go out on a limb and make a prediction—that with safety automobiles, better highways and strict control of irresponsible drivers, we will see a decrease of 10,000 in the highway death toll by the end of 1973.

And let me say again what you—as citizens—can do specifically to bring this about. Be aware. Be experts on individual state highway safety programs. Write to your Attorneys General and local law enforcement people. Call them. Ask what they're doing to get the drunk off the highway. Ask how you can help. Put them on the spot. If they slack off let them know you think more ought to be done—and let us know too.

If that doesn't work insist upon talking with the Governor. It can be done! As a former governor, I know full well the power and influence of strong-willed, civic-minded women! Meet with the legislative chairmen of highway safety committees. Go to State Supreme Judicial Councils. Be gadflies. Be activists. Be tenacious. Be sincere. Never let go.

I've learned in Washington that programs without commitment from the citizens, don't go very far. What I'm really asking you is this: To become a people's lobby for highway safety. Your insistence on action will ensure the success of this program. You'll be lobbying for the most precious thing the good Lord gave us. You'll be lobbying for life.

THE 1968 FEDERAL GUN CONTROL ACT CAUSES A SHOOTING

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, when a law intended to reduce the shooting of human beings with firearms begins to cause such shootings, it is shockingly obvious that such a law frustrates its own purpose. When this happens, such a law becomes a public menace rather than a public safeguard.

A tragic episode involving the critical wounding of a young man of good record by enforcers of the 1968 Federal Gun Control Act who invaded his home only a few miles from our National Capital now serves to underscore and emphasize what many of us have known or feared all along—that this so-called Gun Control Act can have a deadly, disruptive effect upon our society rather than protecting it as it was supposed to do.

The young man who was shot on June 7, 1971, Kenyon F. Ballew, of Silver Spring, Md., was 27 years of age; an honorably discharged Air Forceman, a Boy Scout leader for some years, a Life Member of the National Rifle Association, a collector of guns and historic memorabilia and tropical fish, a black-powder shooter and archer, a member in good standing of Local 6, International Printing Pressmen, AFL–CIO. He had never in his life been convicted of any crime. As one of his coworkers in the pressroom of the Washington Star said:

> He was a good one, even wore his hair crewcut.

At the time that this young man was shot down with a bullet in his head in the living room of his home, he had just picked up a replica of an 1847 cap-and-ball revolver in response to the cries of his young wife that someone was breaking in. Someone did indeed break in. What was later described as an 85-pound battering ram was used to crash through the metal door of the Ballew apartment, springing the lock. The first two men to rush in were bearded hippy types in civilian clothing, one in a yellow sweatshirt, the other in a striped sport shirt, with guns in their hands. These men, we are told, wore law enforcement badges somewhere on their persons. Somewhere outside, we are told, were uniformed policemen. If so, Mrs. Ballew, fresh from a bath and scantily clad, says she saw nothing of this. She is quoted:

> If they hadn't looked like hippies, nothing would have happened.

But they did look like lawless intruders and the young wife screamed to her husband that someone was breaking in. What else would any frightened housewife have assumed in the Washington environs?

Ballew got out of his bathtub in response to what any normal, self-respecting American male would instantly and instinctively respond to—the alarmed cries of his wife. He did what any normal, self-respecting male would do under the circumstances as he saw them—picked up the first arm that came to hand. Please note that it was to be used for defense in the protection of his home.

According to the raiding party, Ballew fired first, one shot that hit nobody. According to his wife, he was hit in his own living room at a range probably not exceeding 20 feet by one of a salvo of bullets variously reckoned at five to seven. At the time, he had not been served with a warrant nor confronted by anyone properly identifying himself as a law officer; this, in the United States of America, where the rights of the citizens supposedly are protected.

The bullet pierced his brain and destroyed most or all of the left brain lobe. If he lives, physicians say his right side will be paralyzed and his mentality will be gravely impaired.

Subsequently, it developed that the search warrant carried by the raiding party was taken out by investigators of the Alcohol, Tobacco and Firearms Division of the IRS on third-hand information; a truly shocking and incredible procedure.

This entire tragic incident is inexcusable. If this is the procedure of ATFD investigators, no man's home or his person is safe. There can be other tragic instances. In fact, there have been other instances less dramatic than the Ballew tragedy, but equally unacceptable, in which ATFD investigators have acted more like the Gestapo than like Federal agents. It is time for a full investigation into the type and amount of training given ATFD investigators in legal procedure, including search and arrest, and in the safe and proper handling of firearms. The Treasury Department is guilty of dereliction, in that incidents like this have occurred. There should be prompt and realistic remedial action.

I opposed the 1968 Gun Control Act because I considered it a questionable piece of legislation, hurried through in a highly emotional atmosphere, in language which could do more harm than good. The Ballew incident and others of like nature confirm my apprehensions. The best interests of the American public require a careful second look at this measure and at all aspects of its enforcement.

AMERICAN VETERANS COMMITTEE—25TH ANNIVERSARY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, this year marks the 25th anniversary of the founding of the American Veterans Committee, an organization which has placed as its highest goal the bettering of the lives of all Americans. Rejecting parochial concerns and interests, the AVC premise lies in the motto "citizens first, veterans second."

In the immediate post-world War II years, the American Veterans Committee served as the first training ground in organizational and political activities for many men and women who have since gone on to positions of leadership in community and national life. AVC has been, from the beginning, a tremendously effective organization. Today, it includes many veterans of Korea and Vietnam, as well as those of World War II.

One area of special endeavor by the American Veterans Committee has been unyielding support for civil rights legislation. Racially integrated from its inception, the AVC has gone far beyond the mere enactment of laws, to demanding as well that these laws be aggressively enforced, that government officials at all levels put into practice the principles of equal and equally enforced civil rights for all. Many amicus curiae briefs were filed by AVC lawyers in the major civil rights court cases of the 1950's and 1960's. The AVC also was vitally involved in the exposure of racial discrimination which, in the years immediately following World War II, worked against the interests of nonwhite veterans seeking benefits under the GI bill of rights. In the same regard, forcefully, on all subjects touching on discrimination, such as offbase housing for servicemen.

Similarly, the AVC has been in the forefront of the fight for civil liberties for all. It has become the trend in recent times to speak out against "McCarthyism"—the tactics employed by the late Senator Joseph McCarthy of Wisconsin in his blatant disregard for civil liberties. But that is not the way it was when Senator McCarthy was at the zenith of his power. In that period, few had the courage to cross him, or to call him to account for his actions. Exceptional for its day was the policy of the AVC, which called for his censure as far back as 1950. Since that day, and before, the AVC has continued to fight against McCarthyism wherever and whenever it has appeared.

These concerns for civil rights and civil liberties culminated last year in a major national conference on "The Human Rights of the Man in Uniform," sponsored by the AVC, which examined an area where guidelines are vague and often nonexistent. Much of the current debate on these particular questions derives from the concern occasioned by that particular conference.

In the broader field of military and veterans' policy, AVC has also been a leader. The National Conference on the Draft, sponsored by the AVC in 1966, brought to national attention many of the controversial aspects of the draft currently under debate throughout the land.

In the matter of veterans' affairs, the AVC as far back as 1952 was calling for a total reexamination of the veterans' benefits programs. Out of this evolved appointment of the so-called Bradley Commission, under the Eisenhower administration, in 1955. Gen. Omar Bradley, Chairman of the Commission, studied the policies of every veterans' organization in the country, and was forced to the conclusion—as he later declared in a letter to the leadership of the AVC:

> I wish all veterans would take your motto of "Citizens First, Veterans Second."

The Commission report of 1956 gave full endorsement to the "citizens first" philosophy.

The major concern of the AVC is, as it has always been, the search for lasting peace. It was a moving spirit in the creation of the World Veterans Federation, one of the largest of international nongovernmental organizations in existence, embracing some 20 million veterans in scores of countries. The purpose of the organization has nothing to do with furthering the national policies of any country. Rather, it stands for a common commitment to a better world. For 20 years, AVC has played a leading role in this unique international endeavor.

For 25 years the American Veterans Committee has adhered to the spirit of humanism and human concern which war so flagrantly flaunts. Its members deserve our admiration and our thanks. They have served well in peacetime the principles of freedom and democracy which they so well served in battle. Hopefully, their efforts, and the efforts of like-minded people throughout this Nation, will prevail and we will have peace and attention, finally, to the urgent needs of our Nation at home.

POTOMAC RIVER POLLUTION

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the Record.)

Mr. MITCHELL. Mr. Speaker, pollution of the Potomac River which runs through this Capital City is a cause for embarrassment and dismay to all residents of the affected areas as well as all citizens of this country. If we are to fulfill the commitment we have made to restore our Nation's environment, there is no better place to undertake that effort than the Potomac River itself. The Potomac may be lacking in the folklore and the majesty of the Mississippi or the Colorado Rivers, but symbolically it remains national in its importance. Ridding the Potomac of the pollutants that mar its beauty and usefulness to us could well serve as a national example in the fight to preserve our environment.

I am introducing today, on behalf of the entire delegation from the State of Maryland, a resolution requesting the Board of Engineers for Rivers and Harbors to conduct detailed studies of the mine drainage problem in the North Branch of the Potomac River Basin. The Secretary of the Army, acting through the Chief of Engineers, shall make a full and complete investigation and study of the problem of acid mine drainage in the North Branch of the Potomac River Basin, and, as soon as practicable, report to Congress possible solutions for the abatement of such problem, together with recommendations.

For over the past century, we have been indifferent to such mine drainage, drainage which has been the primary cause of the deterioration of the upper reaches of the Potomac. In recent years there has been a significant increase in the degradation of the river resulting from mine drainage; however, projected needs for the Potomac over the next 50 years show a dramatic increase in demand, necessitating further use of the polluted north branch.

More than 40 miles of the main stem of the river and approximately 100 miles of tributary streams are virtually devoid of aquatic life at the present time. Pollution from the active and abandoned mines in Maryland and West Virginia that are contributing acids, alkalies, and mineral salts to the river must be satisfactorily controlled if we hope to preserve this section of the Potomac for aquatic life, wildlife, recreation, and industrial and municipal purposes.

The Maryland Department of Natural Resources has been authorized and directed to develop a program to abate drainage from the abandoned mines in the State which are polluting the river. The authorization sought in the resolution I am offering today is similar to that which has already been granted to study comparable acid mine drainage problems in the Susquehanna River Basin. Such a study by the Corps of Engineers would augment the determinations previously made of the costs and benefits of specific technologies and their appropriateness to the present and anticipated conditions within the basin plus identifications already made of watersheds receiving the bulk of the mine drainage.

It would also take us another step along the way to a cleaner Potomac and a cleaner America.

BILL TO PROTECT THE CONSTITUTIONAL RIGHTS OF THE ALLEGED MENTALLY INCOMPETENT

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, today, June 16, 1971, I am introducing a bill for the fifth time, designed to protect the constitutional rights of individuals committed to Federal institutions on a charge of mental incompetency or insanity. The bill is similar to the one which I submitted in the 88th Congress and is identical to the one I submitted in the 89th, 90th, and 91st Congresses.

This bill has drawn a favorable recommendation from the Judicial Conference of the United States and its major provisions have been supported by the New York City Bar Association.

In essence, the bill would amend chapter 313 of title 18, United States Code, with respect to the constitutional rights of mentally incompetent or suspect persons committed thereunder. The proposed amendments to 18 U.S.C. 4244, contained in the bill would:

First, require that a preliminary motion for a judicial determination of the mental competency of the accused to stand trial be supported by a sworn, written statement based on personal observation by a responsible adult, as to the mental condition of the accused;

Second, require a hearing on the preliminary motion, at which the accused and his attorney should be present;

Third, authorize a psychiatric examination or temporary commitment for such examination, only upon an initial determination by the court "that there is reasonable cause to doubt the mental competency of the accused;"

Fourth, limit the commitment, if commitment is ordered, for a "reasonable period, not to exceed 30 days, as the court may determine;"

Fifth, require a further hearing on the issue of mental competency to stand trial, if the initial report of the physician "indicates a state of present mental incompetency";

Sixth, guarantee to an accused found mentally incompetent and committed pursuant to the provisions of the statute, the right to a periodic reexamination, not more frequently than every 6 months, on the application of his attorney, legal guardian, spouse, parent, or nearest adult relative.

Mr. Speaker, I have submitted this bill to the four prior Congresses. Long hours of study, research, and deliberation have gone into its preparation. This study and deliberation have been augmented by consultation with many national legal and medical experts in this particular field. Not only has consultation and concurrence been obtained from national legal experts, but invaluable counsel and advice have been received from the members of the Greene County Bar Association of Missouri, located in the district I represent, and where the Federal Medical Center for Defective Delinquents is located; and also from alienists, hospital authorities, and mental hospital superintendents. It would affect the Department of Justice, Federal Medical Center, St. Elizabeths Hospital, here in the District of Columbia, and so forth.

In conclusion, Congress enacted far-sweeping civil rights legislation during the last decade. However, these prior Congresses completely forgot the greater sphere of civil rights due to the emotionalism present at that time. Such lack of action has provided no relief to the mental incompetent or to the alleged insane. Therefore, as we begin a new decade, let this Congress be known as the one that restored civil rights and due process to a class of citizens long neglected by the law. Let this bill be known as the Personal Rights Protective Act of 1971.

PREVENTION OF IMPORTATION OF HEROIN

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MURPHY of New York. Mr. Speaker, the official position of the administration on opium was outlined by John Ingersoll, the director of the Bureau of Narcotics and Dangerous Drugs in January of 1970. He told the United Nations Commission on Narcotic Drugs that only a total ban or world opium production would eliminate opium addiction. He made the same recommendation in the second special session of the Commission in September 1970. And it was announced that he intends to take that position again in October of this year when the Commission meets in its 24th session.

After returning from Southeast Asia recently, Ingersoll pointed out that the problem of the elimination of opium production in many countries of the world was complicated by "deep-rooted socioeconomic factors which influence both the ability and the incentive to suppress production" of opium.

Mr. Speaker, this has been going on for years. I am convinced that the "ability" resides in the governments in the countries involved, to eliminate either the production or the distribution and processing of opium and opium derivatives which are destined for the United States.

I cannot believe that it is impossible to interdict the production and sources of supply on the part of such countries as France, Turkey, Mexico, Greece, and Lebanon. I feel that Mr. Ingersoll was closer to the truth when he referred to the fact that these nations need an "incentive" to suppress production and distribution of these drugs. I am now drafting legislation, which I ask members of this delegation to join me in cosponsoring, which would provide the "incentive" to those countries that have been dragging their feet in knocking out the clandestine production of opium and the criminal network of refinement and distribution that has been allowed to go on for many decades. I feel it is time we quit playing games with these nations and let them know in no uncertain terms that the United States of America will no longer tolerate this unhindered criminal traffic or be assauged by window dressing displays of eliminating a few poppy fields and arresting a few traffickers.

My legislation would expand the punitive concept some members supported in January 1971, which was embodied in my bill, H.R. 250. H.R. 250 would punish those countries which allow narcotic drugs to be produced and processed and which are destined for the United States, by suspending economic and military aid to such countries until they take the appropriate steps to stop the dope traffic.

I am now going to expand this concept with new legislation that I am refining which would do two things:

First, the legislation would prohibit the issuance of visas to Americans who wish to visit those countries that have been identified as opium producers or processors.

Second, my legislation would prohibit the immigration of residents from these countries into the United States.

I am certain that this approach would provide the incentive to the governments involved.

I am certain they would—in very short order—devise ways to eradicate the poppy crops.

I am certain they would apprehend those criminals who have been identified for many years but have been allowed to go on and on and on participating in the drug traffic which ultimately leads to the addiction of our young people on the streets and in the schools of America.

I feel that such a drastic step is warranted in view of the recent figures on narcotic addiction in this country and in view of the impact that narcotic drugs are having on our military forces and on our school age population. I feel that the U.S. Congress should let these countries know in no uncertain terms that we have had enough and that we are willing to temporarily suspend our amicable relationships in order to put a stop to this outrageous international disgrace.

If nothing else, the introduction of this legislation will put these countries on notice that because of their apparent lack of respect for the lives of young Americans this country will not allow its citizens to visit their countries nor will it allow their citizens to immigrate to the United States.

THE NEDZI-WHALEN AMENDMENT SHOULD BE ADOPTED

(Mr. ABOUREZK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ABOUREZK. Mr. Speaker, in 1964 the American people were told that a vote for Lyndon Johnson was a vote for peace. We voted for him and we got war. In 1965, 1966, and 1967 we were told that just 1 more year of patience would bring victory and an end to the war. We waited patiently and the war went on. In 1968 we were told that a vote for President Nixon was a vote for his plan to end the war. The Nation voted for Nixon and so far we have gotten 2½ more years of war.

Over and over again the taxpayers have asked that their dollars be returned from Vietnam to be put to work meeting the desperate needs here in America. Over and over again the families of America have begged for the return of their sons.

In response to these pleas we are asked to wait. We are told that the war may have been a mistake, but now we must stay in to save our pride. We are told that we can never leave Vietnam until that elusive day when the South Vietnamese generals are finally ready to defend themselves, and more recently, until all our prisoners are released, when we are well aware that the other side is determined to keep them until we do set a date for withdrawal.

After all of the half-truths, overoptimistic hopes, and outright lies we have been fed about Vietnam, it really should not come as a great surprise that this war was planned and plotted by a Johnson administration which at the very same time was saying it was against a Vietnam war. What the revelations by the New York Times really show is that from the very beginning top Government officials knew that the people of the United States would not support a massive land war in Asia. They knew that the only way the war could be carried on was through a policy of official deception. This is the policy that was adopted in 1964, and which has continued to this day.

It is this policy of deception which has produced such double think terms as protective reaction, and free fire zone. It is this policy which has fostered the grizzly body count that deceives the people of America and demeans our Nation around the world. And it is this policy that has led directly to the most crippling distrust of government in the history of our Nation.

The documents which have been printed by the New York Times paint a picture of top level deception that is bound to tempt us into violent reaction against those involved in that deception. But, as much as we may abhor the trickery that got us into the Vietnam mess, I think it is a terrible mistake to focus our attention solely on that trickery and those who engaged in it.

As I speak here today, Americans are dying in Vietnam. The war is not over. Until it is we must have just one objective. We must work to end the war.

Congress has before it proposals which will bring our involvement in the war to a close this year. I support those proposals. But I do not support them because of some dramatic new newspaper story. I support them because I believe that the Vietnam war is absolutely indefensible and must be ended now.

It is not some spur of the moment emotion that tells me that Vietnam has cost my State millions and millions of dollars which she desperately needs to build dams, irrigate her land, provide schools for her children and jobs for her people. I know that the entire cost of the Oahe irrigation project is less than we spend in Vietnam in 1 day. And I know that South Dakota farmers could receive 100-percent parity for far less than we waste in Vietnam in a month.

Nor is the fact that hundreds of South Dakotans have lost their lives fighting to save the skins of a handful of corrupt military dictators halfway around the world in Vietnam a momentary press sensation. I know personally of the terrible loss suffered by families in my State. I have been asked "Why?" by parents who have lost boys in Asia. I know what it feels like to have to try to explain what there is in Vietnam that could justify the grief those parents must live with for the rest of their lives.

Mr. Speaker, the war in Vietnam is, in my opinion, the most disastrous foreign policy mistake America has ever made. The price we have paid for this mistake is already high enough. Instead of recriminations and scapegoats, we need an end to the war, and we need it now. We need not talk any longer about bloodbaths in the event of a Communist takeover, or all of the other emotional arguments used to justify keeping this Nation in an endless involvement. The cost each day is so great we can no longer say that, "the President is winding down the war and we should leave it in his hands." The time has ended for Members of Congress to turn their backs on the responsibility for ending this war, and it is incumbent upon us to take legislative action to do so.

The Nedzi-Whalen amendment is a concrete step toward that end. I urge the House of Representatives to adopt the Nedzi-Whalen amendment without further delay.

STATEMENT OF CONGRESSMAN CLAUDE PEPPER OF FLORIDA TO THE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I was pleased today to be able to submit a statement to the Subcommittee on Public Health and Environment of the House Interstate and Foreign Commerce Committee on the important question of noise control. I feel this is a question in which we can make definite progress in this Congress and I would like to call my statement to the attention of our colleagues:

STATEMENT OF CONGRESSMAN CLAUDE PEPPER

Mr. Chairman, I appreciate the opportunity to appear before this committee in connection with this important noise control legislation. I represent the Eleventh Congressional District of Florida—a district which includes Miami International Airport. In

1968 there were 85,478 aircraft departures at Miami International, and of course a similar number of landings. Over 170,000 times a year my constituents are subjected to the noise of airplanes either taking off or landing. That breaks down to 467 operations a day, or almost 20 an hour. And this is an average for the entire year—there are many times during the year when aircraft are operating much more frequently than this. It is hardly necessary to say that the people of my district have a very strong interest in aircraft noise abatement—in fact, that is an extreme understatement.

In addition to the aircraft noise problem, we in the Miami area are subjected to the same problems of environmental noise that affect every large metropolitan area in the country. We are bombarded every day with an increasing volume of unwanted sound—from aircraft, from motor vehicles and other forms of transportation, from machinery in our factories, from appliances in our homes, from office equipment, from over-amplified rock music—the list is endless. And this excessive noise is more than just an irritant. It is a threat to health, both directly and indirectly.

The direct health problem is the effect which excessive noise has on hearing—and exposure to noise is a serious cause of hearing loss. The indirect health effects are harder to prove, but perhaps more serious in their effects on society. Such conditions as fatigue, hypertension, sleep disturbance, and decreased mental efficiency have been attributed at least in part to the effects of noise.

And, gentlemen, it does not have to be this way. This is a problem which, to a large extent, we know how to solve. The technology for noise abatement does not have to be developed—it already exists. What must be done is to apply this existing technology, to put these known methods into practical use on our airways, on our streets, in our factories, in our offices, in our homes, and anywhere else where excessive noise exists.

This is the kind of situation where legislation can be most effective—and that is where we in the Congress come in. By enacting laws which compel the use of quieter equipment and other noise abatement techniques, we can make a major contribution to solving this problem. The legislation that we pass should be firm, but it should not be unreasonable. We should avoid the twin pitfalls of inaction and of ecological extremism. To do nothing in the face of this growing menace to our health and well-being would be to disregard our duty as legislators. But it would be equally disastrous if we were to pass laws of such severity that they would outrun the available technology and cause the wheels of commerce and industry to stop turning.

I believe that the four bills I have cosponsored meet both these tests, of promoting noise abatement while avoiding serious economic dislocation. H.R. 8642 provides that, as of 1976, all commercial airliners would have to be ten decibels quieter than they are today and none could exceed the 108 decibel limit prescribed by the FAA. Keep in mind that a reduction of ten decibels is equivalent to cutting the perceived loudness in half. This would be a major contribution to solving the aircraft noise problem. The bill also provides for financial assistance to the airlines in their carrying out of this noise reduction program, by guaranteed loans and by permitting increased fares where the costs of retrofitting make such measures necessary. I believe this to be a reasonable approach to the problem of financing a program which would undoubtedly be a financial burden on the hard-pressed airlines.

The other three bills which I am sponsoring, H.R. 6987, H.R. 6989, and H.R. 6991, represent a comprehensive package of noise control legislation. The first of these, H.R. 6987, greatly expands the functions of the new Office of Noise Abatement and Control, provides for the establishment of noise standards for machinery, and includes a variety of other provisions which would be helpful in a broad-scale attack on the noise problem. H.R. 6989 would require the disclosure of the operational noise level of machinery distributed in interstate commerce, and H.R. 6991 would establish standards for the protection of industrial workers which would be much stronger than the standards that exist today.

Gentlemen, the time to act on a comprehensive noise abatement program is now. I believe that the passage of the four bills which I am endorsing would help in the control of a major ecological problem without causing such severe economic dislocation as to make the cure worse than the disease. Whether the legislation ultimately passed is in this form or in some other form, it must meet these twin tests of helping the ecology without harming the economy. That is the challenge which we must meet.

THE 30TH ANNIVERSARY OF THE COMMISSIONING OF WASHINGTON NATIONAL AIRPORT

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, today is the 30th birthday of Washington National Airport—three decades of service to the Nation's Capital, to her citizens, and to her lawmakers. I would like to take a moment today to recount for the Members some of the good things about Washington National. For I believe they far outweigh some of the bad things that have been said about this great airport in recent years.

Of course, we in northern Virginia are particularly aware of the great impact of National Airport on our community. National is truly a vital economic force for our area. You may be interested to know that, in terms of employees located at a single location within the State of Virginia, only two companies employ more people than the 8,500 employed at National Airport.

National provides good-paying jobs for more than 5,600 Virginia residents whose wages totaled just under $6 million in 1970. And these figures reflect only the wages and salaries earned by Virginia residents and do not include the earnings of a very large number of residents who have jobs which are related to the airport's activities but are not located at the airport itself.

National Airport paid $53 million in salaries to employee residents of Arlington County, Fairfax County, and Alexandria alone during 1970. The average annual wage earned by a northern Virginia resident working at National was $10,589 last year. That's $2,800 more than the average wage earned by other private industry employees in the Washington metropolitan area.

Another important indicator of just how dependent Virginia is upon National Airport is the taxes which the airport's employees pay their State and local governments. In 1970, Washington National employees paid more than $3.3 million to their respective State and local jurisdictions.

Considering five principal sources of State revenue—that is, income tax, sales tax, alcohol and tobacco taxes, and automobile license fees—National employees living in Virginia paid $2.2 million to the State in 1970.

Local jurisdiction also benefit from taxes paid by National employees. About $1.5 million was paid to northern Virginia jurisdictions by employees in income or sales taxes, real estate taxes, personal property taxes, and auto license fees. Real estate taxes alone are important, because about 60 percent of the airport employees living in northern Virginia own homes. The other 40 percent pay a total of close to $5 million a year in rent to their landlords.

All of this is without even mentioning the impact upon the northern Virginia economy of the goods and services purchased by the airlines and the Federal Government, which operates National. Of the $26 million expended here by these groups during the past 3 years, more than $10 million was beneficial to northern Virginia.

Suffice it to say that National Airport, in addition to being a model of safety and convenience for the air traveler, is also a most formidable economic force in Virginia. We in northern Virginia, so cognizant of this airport which provides thousands of our citizens with their economic livelihood, salute Washington National for 30 years of successful operation and service to the citizens, not only of the northern Virginia area, but of the entire Nation.

THE IMPACT BRASS AND SINGERS

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, through your consideration this morning, the "Impact Brass and Singers", a group of 15 young students from Ozark Bible College in Joplin, Mo., which is located in the Missouri Seventh Congressional District, presented a thrilling concert of religious and patriotic songs on the House steps of the U.S. Capitol.

These fine young Americans, along with their conductor, T. Meredith Williams, and faculty advisers, are in the midst of a lengthy summer tour, that will take them around the country.

It was a pleasure to see so many tourists, casual passers-by, as well as Members of Congress, pause, listen, and applaud their program. It can truly be said that the Impact Brass and Singers, have left their impact on our Nation's Capital.

I commend these students on the good work that they do, and the Ozark Bible College for the encouragement that they give. They are a credit to their city, their State, and Nation.

At this point I would like to include the names and hometowns of the group:

Impact Brass and Singers—1971 Summer Tour

STUDENTS

Ken Manning, Lake Charles, La., trumpet-singer.

David Hartman, Bluffton, Ohio, trumpet-singer.

Perry Anderson, Broken Arrow, Okla., trumpet.

Tom Lawson, Lexington, Ky., french horn.

Donna McEathron, Mill Creek, Ind., french horn-singer.

Liz Batchelder, Sapulpa, Okla., french horn-singer.

Charles Mayes, Muskogee, Okla., trombone.

Dan Otero, Joplin, Mo., trombone.

David Strange, Paoli, Ind., trombone.

Earl Meyers, Garnett, Kans., baritone-singer.

Dan Benke, San Antonio, Tex., tuba.

Paul Standley, Amarillo, Tex., snare drum.

Cindy Phillips, Tulsa, Okla., chimes-singer.

Larry Roseen, Cherokee, Iowa, guitar-singer.

Barb Bigger, Terre Haute, Ind., tympani-singer.

FACULTY

T. Meredith Williams, Joplin, Mo., director.

B. Willis Harrison, Joplin, Mo.

Ralph Mehrens, Joplin, Mo.

BUS DRIVER

Gale Webb, Webb Transportation Co., Joplin, Mo.

A BLOW TO THE BILL OF RIGHTS

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the Record.)

Mr. MIKVA. Mr. Speaker, the Bill of Rights freedoms have had a series of body blows in this administration. History may record that yesterday's blow against freedom of the press was the most damaging of all.

Through innumerable wars and countless other crises, the Federal Government has never sought to enjoin the publication of a legitimate newspaper. Yesterday, this administration broke that record into smithereens. It is clear that the reason for prohibiting further publication of the story of the Vietnam war is not the protection of our troops or the efficacy of our national efforts. Rather, the injunction against the New York Times is to protect Government officials, past and present, from being confronted with the truth. One commentator said there were no surprises in the disclosures about how we got into the war since everyone suspected the deceit and intrigue that are being reported.

If that is true, it means that the people lost confidence in their Government a long time ago. Yesterday's action by this administration makes sure that the people will not regain confidence in their Government for a long time to come.

"Ye shall know the truth, and the truth shall make you free," was said some 1939 years ago. The converse is also true, and the administration's attempts to stifle the truth endangers the fundamental legacy of our country as a free society.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Podell, for today, for 15 minutes.

(The following Members (at the request of Mr. Young of Florida) to revise and extend their remarks and include extraneous matter:)

Mr. McCloskey, for 30 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Steele, for 5 minutes, today.

Mr. Bell, for 15 minutes, today.

Mr. Ruppe, for 10 minutes, today.

(The following Members (at the request of Mr. Davis of South Carolina) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Rarick, for 15 minutes, today.

Mr. Reuss, for 20 minutes, today.

Mr. Cotter, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Vanik, for 20 minutes, on June 17.

Mr. Mitchell, for 60 minutes, on June 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Del Clawson immediately following the remarks of Mr. Edwards of California.

Mr. Sikes in five instances and to include extraneous matter.

Mr. Don H. Clausen, to follow the remarks of Mr. Dennis.

Mr. Randall in the Committee of the Whole today prior to the vote on the Leggett amendment.

(The following Members (at the request of Mr. Young of Florida) and to include extraneous matter:)

Mr. Horton in two instances.

Mr. Derwinski in three instances.

Mr. Schwengel in two instances.

Mr. Wyman in two instances.

Mr. Miller of Ohio.

Mr. Kemp in three instances.

Mr. Archer.

Mr. Fulton of Pennsylvania in five instances.

Mr. Duncan in three instances.

Mr. Hosmer in four instances.

Mr. Price of Texas.

Mr. Conte.

Mr. Mizell.

Mr. McClory.

Mr. Hunt.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter:)

Mr. Davis of Georgia in five instances.

Mr. Dingell in six instances.

Mr. O'Neill in two instances.

Mr. Hamilton.

Mr. Fraser.

Mr. Begich in three instances.

Mr. Aspin in five instances.

Mr. Fascell in five instances.

Mr. Rarick in two instances.

Mr. Waldie in eight instances.

Mr. Stuckey.

Mr. Rooney of New York in two instances.

Mr. Holifield in two instances.

Mr. Brademas in six instances.

Mr. Patten.

Mr. Murphy of New York.

Mr. William D. Ford.

Mrs. Chisholm in two instances.

Mr. Dow.

Mr. Jacobs in two instances.

Mr. Daniels of New Jersey.

Mr. Cotter in two instances.

Mr. Kluczynski in two instances.

Mr. Brinkley.

Mr. Barrett.

Mr. Minish in two instances.

Mr. Gonzalez.

Mr. Hagan in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 979. An act to extend the Act of September 30, 1965, as amended by the Acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes; to the committee on Interstate of Foreign Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 575. An act to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, June 17, 1971 at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

860. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1972 for various departments and agencies (H. Doc. No. 92–130); to the Committee on Appropriations and ordered to be printed.

861. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize the appropriations of $1,300,000 as an ex gratia payment to the city of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 25th General Assembly of the United Nations; to the Committee on Foreign Affairs.

862. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for the development of a consumer information program concerning the damage susceptibility and crashworthiness of passenger cars, and for other purposes; to the Committee on Interstate and Foreign Commerce.

863. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to increase the limit on dues for U.S. membership in the International Criminal Police Organization; to the Committee on the Judiciary.

864. A letter from the Secretary of the Army, transmitting a draft of proposed legis-

lation to provide for non-Federal operation and maintenance of recreational small boat harbors constructed by the United States; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk, for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. S. 1700. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. (Rept. No. 92–276). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 479. A resolution providing for the consideration of H.R. 1. A bill to amend the Social Security Act to provide increases in benefits, improve computation methods, and raise the earnings base under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes (Rept. No. 92–277). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 480. A resolution providing for the consideration of H.R. 7736. A bill to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act (Rept. No. 92–278). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 481. A resolution providing for the consideration of H.R. 8629. A bill to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes (Rept. No. 92–279). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 482. A resolution providing for the consideration of H.R. 8630. A bill to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses (Rept. No. 92–280). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 483. A resolution providing for the consideration of H.R. 234. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the United States Government except in conformity with the provisions of title 18 (Rept. No. 92–281). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 9175. A bill to provide reimbursement for losses incurred by commercial fishermen, as well as allied sport fishing camps, as a result of restrictions imposed by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL of Virginia:

H.R. 9176. A bill to designate the bridge authorized by the act of October 4, 1966, as the "Light Horse Harry Lee Bridge"; to the Committee on the District of Columbia.

By Mr. CELLER:

H.R. 9177. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 9178. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9179. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, dentures, eyeglasses, and hearing aids among the benefits provided by the insurance program established by part B of such title; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 9180. A bill to provide for the temporary assignment of a U.S. magistrate from one judicial district to another; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. Fascell, Mr. Bingham, Mr. Frelinghuysen, and Mr. Findley):

H.R. 9181. A bill to amend the Northwest Atlantic Fisheries Act of 1950; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H.R. 9182. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FULTON of Tennessee:

H.R. 9183. A bill to amend the Internal Revenue Code for 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 9184. A bill to establish drug abuse control organizations in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HALL:

H.R. 9185. A bill to amend title 18 of the United States Code to protect the constitutional rights of mentally incompetent persons committed thereunder, and for other purposes; to the Committee on the Judiciary.

By Mr. HALPERN (for himself, Mr. Addabbo, Mr. Brasco, Mr. Buchanan, Mrs. Chisholm, Mr. Clark, Mr. Danielson, Mr. Gray, Mr. Gubser, Mr. Hanley, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hutchinson, Mr. Leggett, Mr. Lennon, Mr. Meeds, Mr. Podell, and Mr. Roe):

H.R. 9186. A bill to amend title 10 of the United States Code, in order to implement a comprehensive program for treating and rehabilitating members of the Armed Forces who are drug addicts, and for other purposes; to the Committee on Armed Services.

By Mr. HALPERN (for himself, Mr. Rarick, Mr. Abernethy, Mr. Badillo, Mr. Danielson, Mr. Powell, Mr. Morse, Mr. Brasco, Mr. Helstoski, Mr. Waldie, Mr. Harrington, Mr. Tiernan, Mr. Dellums, Mr. Shoup, Mr. Rosenthal, Mr. Roy, Mr. Poage, Mr. Price of Texas, Mr. Denholm, Mr. Hechler of West Virginia, Mr. Runnels, and Mr. Davis of South Carolina):

H.R. 9187. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 9188. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. McCLURE:

H.R. 9189. A bill to permit American citizens to hold gold coins; to the Committee on Banking and Currency.

By Mr. MITCHELL (for himself, Mr. Byron, Mr. Garmatz, Mr. Gude, Mr. Hogan, Mr. Long of Maryland, Mr. Mills of Maryland, and Mr. Sarbanes):

H.R. 9190. A bill to require a study of the north branch of the Potomac River Basin by the Secretary of the Army; to the Committee on Public Works.

By Mr. MORGAN (for himself, Mr. Goodling, and Mr. Stratton):

H.R. 9191. A bill to provide for orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 9192. A bill to prohibit any person from receiving contributions or making expenditures to promote the candidacy of any individual for Federal office without the written consent of such individual, to limit the amount spent by or on behalf of a candidate for Federal office, and to require the reporting of campaign receipts and expenditures; to the Committee on House Administration.

By Mr. RARICK:

H.R. 9193. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. RANGEL (for himself and Mr. Gude):

H.R. 9194. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

By Mr. ROY (for himself, Mr. Burton, Mr. Danielson, Mr. Eilberg, Mr. Gibbons, Mrs. Mink, Mr. Murphy of Illinois, Mr. Podell, Mr. Ryan, Mr. Scheuer, Mr. Stokes, Mr. Waldie, and Mr. Yates):

H.R. 9195. A bill to provide for uniform and full disclosure of information with respect to the computation and payment of interest on certain savings deposits; to the Committee on Banking and Currency.

By Mr. ROYBAL:

H.R. 9196. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.R. 9197. A bill to authorize and direct the Commissioner of the District of Columbia to conduct a referendum on the question of statehood for the District, and for other purposes; to the Committee on the District of Columbia.

By Mr. SISK (for himself and Mr. Johnson of California):

H.R. 9198. A bill to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 9199. A bill to amend section 205 of the Flood Control Act; to the Committee on Public Works.

By Mr. WHITEHURST:

H.R. 9200. A bill to amend the act of June 29, 1906 to apply to the transportation of animals in interstate commerce by motor vehicle; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON (for himself, Mr. Barrett, Mrs. Chisholm, Mr. Danielson, Mr. Dent, Mr. Howard, Mr. Metcalfe, Mrs. Mink, Mr. Patman, Mr. Pepper, Mr. Saylor, Mr. Stokes, and Mr. Wright):

H.R. 9201. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BELL:

H.R. 9202. A bill to amend the Economic Opportunity Act of 1964 to establish a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. COTTER:

H.R. 9203. A bill to amend the Urban Mass Transportation Act of 1964 to increase the amount of the Federal grants authorized thereunder for mass transportation facilities and equipment, and to authorize special grants to assist in the provision of transportation services during nonpeak hours; to the Committee on Banking and Currency.

H.R. 9204. A bill to provide financial assistance to the National Railroad Passenger Corp. for the purpose of purchasing new, high-speed railroad passenger equipment; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of South Carolina (for himself and Mr. McMillan):

H.R. 9205. A bill to provide emergency indemnity payments to farmers suffering total economic loss as a result of a natural disaster; to the Committee on Agriculture.

By Mr. DONOHUE:

H.R. 9206. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. FREY (for himself, Mr. Biester, Mr. du Pont, Mr. Halpern, Mr. Hastings, Mr. Hogan, Mr. Keating, Mr. Lent, Mr. McClory, Mr. McKinney, Mr. McKevitt, Mr. Ruth, and Mr. Schneebeli):

H.R. 9207. A bill to establish a comprehensive treatment and rehabilitation program for narcotic drug users in the Armed Forces; to the Committee on Armed Services.

H.R. 9208. A bill to provide new penalties for the use, possession, sale, or transfer of a narcotic drug, marihuana, or a depressant or stimulant substance for members of the armed services; to the Committee on Armed Services.

H.R. 9209. A bill to provide new procedures for the civil commitment of drug dependent persons and to expand the scope of the provisions of titles 18 and 28 of the United States Code relating to the treatment of drug dependent persons in criminal proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 9210. A bill to amend title 38 of the United States Code to provide for the care and treatment of drug dependent former servicemen in Veterans' Administration facilities; to the Committee on Veterans' Affairs.

By Mr. HOWARD:

H.R. 9211. A bill establishing under the Secretary of Agriculture a 5-year research program seeking to control the gypsy moth, and for other purposes; to the Committee on Agriculture.

By Mr. PERKINS (for himself, Mr. Dent, Mr. Daniels of New Jersey, Mr. Hawkins, Mrs. Mink, Mr. Clay, Mr. Gaydos, Mr. William D. Ford, Mr. Biaggi, Mr. Mazzoli, Mr. Pucinski, and Mr. Brademas):

H. R. 9212. A bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes; to the Committee on Education and Labor.

By Mr. STEELE (for himself, Mr. Murphy of Illinois, Mr. Annunzio, Mr. Baker, Mr. Baring, Mr. Brasco, Mr. Broyhill of North Carolina, Mr. Carney, Mr. Don H. Clausen, Mr. Collins of Illinois, Mr. Conte, Mr. Coughlin, Mr. Dent, Mr. Eilberg, Mr. Findley, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, Mr. Frenzel, and Mr. Fulton of Pennsylvania):

H.R. 9213. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. MURPHY of Illinois (for himself, Mr. Steele, Mr. Fulton of Tennessee, Mr. Gaydos, Mrs. Grasso, Mr. Hawkins, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Kluczynski, Mr. Lent, Mr. McCloskey, Mr. McDade, Mr. McDonald of Michigan, Mr. McKinney, Mr. Mazzoli, Mr. Metcalfe, Mr. Mikva, Mr. Minshall, Mr. Morgan, and Mr. Morse):

H.R. 9214. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. MURPHY of Illinois (for himself, Mr. Steele, Mr. Pelly, Mr. Pepper, Mr. Poage, Mr. Podell, Mr. Powell, Mr. Pucinski, Mr. Rhodes, Mr. Riegle, Mr. Rostenkowski, Mr. Roy, Mr. Udall, Mr. Whalen, Mr. Whitehurst, Mr. Charles H. Wilson, Mr. Winn, Mr. Yatron, and Mr. Zion):

H.R. 9215. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. STEELE (for himself, Mr. Murphy of Illinois, Mr. Vander Jagt, Mr. Lujan, Mr. Veysey, Mr. Broyhill of Virginia, Mr. Spence, Mr. Drinan, Mr. Harrington, Mr. Robison of New York, Mrs. Heckler of Massachusetts, Mr. Burke of Massachusetts, Mr. Cederberg, and Mr. Boland):

H.R. 9216. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. BOGGS (for himself and Mr. Gerald R. Ford):

H.J. Res. 714. Joint resolution designating the week of August 1, 1971, as "American Trial Lawyers Week"; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.J. Res. 715. Join resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. CARTER:

H.J. Res. 716. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. FRENZEL:

H.J. Res. 717. Joint resolution proposing an amendment to the Constitution of the United States to limit the tenure of office of Senators and Representatives, and to provide an age limit for Senators and Representatives; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.J. Res. 718. Joint resolution authorizing the President of the United States to issue a proclamation designating the week beginning October 10, 1971, as "National Records Management Week"; to the Committee on the Judiciary.

By Mr. HOSMER:

H.J. Res. 719. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. JOHNSON of Pennsylvania:

H.J. Res. 720. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. WYATT:

H.J. Res. 721. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By BINGHAM (for himself, Mr. Burton, Mr. Aspin, and Mr. Corman):

H. Con. Res. 336. Concurrent resolution authorizing the placing of a bust or statue of Martin Luther King, Jr., in the Capitol; to the Committee on House Administration.

By Mr. BRADEMAS:

H. Con. Res. 337. Concurrent resolution to provide for the printing of 250 additional copies each of parts 1 and 2 of the hearings before the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce entitled "Drug Abuse Control Amendments—1970"; to the Committee on House Administration.

By Mr. HARRINGTON:

H. Con. Res. 338. Concurrent resolution to establish a select joint committee to be known as the Committee on Freedom of Information; to the Committee on Rules.

By Mr. McDADE:

H. Con. Res. 339. Concurrent resolution expressing a proposal by the Congress of the United States for securing the safe return of American prisoners of war and the withdrawal of all military personnel in South Vietnam by December 31, 1971; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 9217. A bill for the relief of James A. Boyajian; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 9218. A bill for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 9219. A bill for the relief of Ailenda M. Aguilar; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri:

H.R. 9220. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Missouri to George Sisler, the record owner of the surface thereof; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

86. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to the publication of various documents by the New York Times, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

COMMENCEMENT ADDRESS OF MARITIME COMMISSIONER JAMES V. DAY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. KYROS. Mr. Speaker, on June 6, Commissioner James V. Day of the Federal Maritime Commission, a greatly admired and respected citizen of Maine, was awarded an honorary doctor of science degree by the University of Maine at Machias. This honorary doctorate, presented at the university's 60th annual commencement exercises, was the first of its kind ever to be given on the Machias campus.

Commissioner Day, an alumnus from the class of 1934 whose son James, Jr., is presently attending the university also gave the commencement address that day. Because of its relevance to the class of 1971 and to all of us, I commend it to the attention of my colleagues:

YOUR COMMENCEMENT—YOUR BADGE OF RESPONSIBILITIY

Dr. Sennett, Governor Haskel, Members of the Faculty, proud parents and distinguished graduates.

Certainly when I first set foot on this campus forty years ago—I never dreamed that I would one day return as a commencement speaker. To me properly this is our joint commencement—mine as well as yours, as we pick up and move on in a world that will never again be the same. Let us together accept our degrees, yours earned, mine honorary—in the spirit that all academic awards should be received, not simply as recognition of prior accomplishments (scholarly or otherwise) but, more importantly, as a license to go out and practice a commission for future performance—a badge of responsibility.

I am particularly pleased to return when Doctor Sennett officially presides over his last commencement as President of this fine University. Although the office of the President will no longer by occupied by Mac Sennett—as it has for the last twenty years—his accomplishments will live on.

For Dr. Sennett has thousands of admirers—none more so than I. Admirers gained by his talents as a teacher, obviously, but far more than he will ever know—by his example—through which he instilled in me—in my classmates—indeed in all of my contempories whose lives he touched—ideals and values—a code of personal conduct—a fervent desire to win—a way of life if you will.

That has been our real strength—and the true source of whatever success we may have achieved since our graduation. These same sincere accolades can, I am sure, apply to the other members of the faculty whose lives were devoted to the science of teaching.

I would be remiss if I did not use this opportunity to pay particular tribute to Professor Rita Torrey without whose understanding and compassion, many of us could have been drop-outs.

Times really have not changed much in forty years—or for that matter—100 years. It was Abraham Lincoln in his second annual message to Congress on December 1, 1862, who said—

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think anew and act anew."

In essence, I submit, this is what you graduates—and your generation—have been telling me and my generation.

And rightly so.

But I think a case can still be made for the unchanging values, and the continuing validity, of the principles that have guided us.

Do not misunderstand—I am not so naive to suggest that the world which you have inherited even knows—let alone is willing to live by—the golden rule.

Between what is and what ought to be there is an important ground of what can be. This is where you, as builders, have to work and this is where you need the inspiration and guidance that history affords. To know where we are going we must know where we have been.

You are graduating at a time when our national economy is undergoing the difficult transition from wartime to a peacetime foundation.

You have been enjoying dividends earned by the wealth of a nation—the over-forty generation. In doing so, you have encumbered yourself with a sizeable debt.

You and your classmates are heavily in debt to a society that now holds your promissory note—it is an unsecured obligation.

I am certain that your formal education will have given you sufficient understanding of other peoples, other places, and other times, so that you will put into real perspective the measure of good fortune at being able to get so much for what you pay. Nowhere else on earth can you even approach the bargain that Americans obtain when they settle up for their taxes.

But the total bill you owe is marked "paid in full" only if you develop your God-given talents to their maximum capabilities and utilize them for the duration of whatever lifetime fate allots to you.

It is a fact that many of those who will hire you in the immediate future—and to a decreasing extent—will promote you in the years ahead, are products of the great depression of the 1930's—when jobs were much scarcer than they are today.

Don't you think that they put great stock in such employee attributes as responsibility, dependability, hard work, loyalty and cooperation—not as a substitute for ability, but as an advantageous compliment to ability?

The call for all who are of character, of conviction, and of courage comes loud and clear. You are the best equipped to hear and understand—you of the graduating class. Youth looks at his elders, rightly or wrongly, and sees not much success but mostly only jobs half done—directions lost and so many goals not gained. Much has been said of the generation gap. I am not here today to add any more bricks to the wall. What I'd like to do today is to remove a few—a little constructive destruction.

So my remarks are directed to the youth who wisely chooses to stay with what we have—imperfect as it is, and seeks to mend things rather than to abandon—scuttle the ship without providing any lifeboat in which to carry on.

If the advice of the Chinese Philosopher of centuries ago has merit—and I think that it does—then many of you graduates will be the architects as well as the builders of this brighter tomorrow in a better America.

He wrote—"If you plan for one year, plant rice, if it is for ten years, plant trees, and if it is for 100 years, educate men".

The great joys and tragedies of our times—not news to you for yours is a generation raised in an era of instant communications—you have watched contemporary history unfold rather than reading about it later. You have been eyewitnesses to some of man's proudest moments—his first footsteps on the moon, a well as ugly tragedy of a presidential assassination—bloody rioting and the gory battlefield—delivered in your homes in living color.

So your generation has some problems—your generation has some solutions. However, solutions to our problems will not be reached by government fiat either in Augusta or Washington.

What was promised nearly two hundred years ago was the opportunity for men to live useful productive lives, according to their conscience and talents, free from oppression by the state or their neighbors. What was guaranteed was not happiness but the right to pursue it—not peace but the right to earn it—not solutions to problems but the right to reach them in reasoned orderly manner.

Each of us must care for none of us is shielded—present problems need the supportive spirit of each individual for all.

None but the woefully weak will shrink from the challenge and the chance to move our society ahead on a great course.

Yet for the first time in recent history thoughtful Americans are questioning our capacity for self government. It comes as no surprise that the radical left wants to destroy our society—so does the radical right—and we've lived with and fought against those extremes all our lives. Both will continue to be a serious threat to our country and anyone who can reason knows that the frustrations in resolving our country's problems are leading an increasing number of our young toward a radical left. What is deeply troubling is that we seem simultaneously to be intensifying conflict and to be weakening our powers of reconciliation.

We believe in the rule of law. But increasing numbers of our citizens reject and flaunt the law when it serves their mood of the moment.

We believe in free speech. But some among us claim the privilege for themselves alone while denying it to others.

We know the country's deepest roots are spiritual—but we don't want our children acknowledging the fact during school hours.

We demand clean air and water and responsible use of the land—but we endure a flood tide of hard core pornography.

However, let's keep the record straight. Some of the problems that vex and divide us today are the result of the progress we have made in living up to our ideals as a nation.

I don't minimize our problems but neither do I think they are insoluble. This is a "Can Do" country. We have proved it in a thousand crisis since a handful of patriots won a fight for independence. A fight they had no right to win. But the doing takes time and patience and a dedication and a sense of purpose.

Time and Patience—this graduating class, by the very fact that you have graduated, proves that you have demonstrated those admirable qualities.

Dedication—you have chosen teaching as a profession—the very meaning of the word dedication is synonymous with the teaching profession.

Sense of purpose—you have hitched your wagon to a star—your sense of purpose will be assured.

As to your plan—I do not hesitate today, however, to predict your fullest possible success.

You bring to our generation energy—enthusiasm—dedication and faith.

The same bright hope that I and my classmates carried forth from this campus almost forty years ago.

Not all our hopes have been realized.

Not all need be, however, because our

highest hope is our proudest reality.

You—and your generation are most surely the ones on whom most of the burden of "getting it all together" will fall.

Above all through the turmoil of recent years, you have forged a new set of values based on a bedrock of love and concern for others.

You will succeed.

SCAMMON BAY, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. BEGICH. Mr. Speaker, the people of the village of Scammon Bay, Alaska, are concerned about the eventual disposal of land which is necessary to the life style of their society.

The people of this village depend on hunting and fishing to provide them with the necessary requirements for life.

For many centuries of history, the natives of Scammon Bay have hunted and lived on this land without interruption. The Village Council of Scammon Bay has petitioned the State of Alaska and the United States to recognize their ownership of this land. They also request that the deed and title to that land be granted to them immediately. I am including a copy of the council resolution for inclusion in the RECORD:

To whom it may concern:

The people of the village of Scammon Bay, Alaska are concerned about the eventual disposal of the land which is necessary to the life and life style of our society.

Ours is a hunting and gathering society. For centuries our forefathers have occupied and used the land around our village to provide a livelihood.

We feel that in fact and in truth this land belongs to us. We do hereby, therefore, humbly petition the State of Alaska, and the government of these United States that our claim be recognized. We further petition that deed and title to our land be granted. This land, which we feel is already ours by tradition and by right is described as follows:

Bounded on the South by 61 degrees 45 minutes North Latitude, from the Bering Sea Coast East to 164 degrees 30 minutes West Longitude, thence due North to the North bank of Black River, thence West and North following the North Bank of Black River to the Bering Sea Coast, thence South along the Coast to the beginning; excepting such land within this boundary as is already in use by the United States Government.

We further state that we can prove the traditional use and ownership of this land through the location of subsistence fishing and hunting sites, both current and ancient, and that no settlement of our claim to this land will be satisfactory unless approved by the citizens of Scammon Bay, or by our duly elected Council, acting as their agents.

In witness of this description and petition the signatures of the Heads of every household in Scammon Bay are hereto affixed.

LARS E. HUNTER, Sr.
Council President.
ROY HENRY,
BENJAMIN UTTUYUK,
MIKE JOE,
DAN AKERELREA,
Council Members.

SIGNATURES OF HEADS OF HOUSEHOLDS

Herman Ulak, Homer Hunter, Sr., Nathan Kakanak, Thomas Cheleliea, Francis Charlie Teddy Sundoun, David Kaganak, Pete Ulak.

Felix C. Walker, Tom Tunutmuak, Edward Aguchak, Ambrose R. Aguchak, Francis Aguchak, Luke Aguchak, Sr., Tim Koganuk, David Tom, Paul Kaganak, Willie Kasayuli, John K. Johnson.

CITIES NEED SOME FORM OF AID

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. ANDERSON of California. Mr. Speaker, revenue sharing is one proposal to aid our financially plagued cities. The President's plan allocating funds to a community on the basis of revenue raised by that community is one method. Under this proposal, a town like Beverly Hills, which has a rich tax base, would receive a large proportionate amount of Federal funds. Specifically, under the President's proposal, Beverly Hills would receive $24.40 per person, whereas Lawndale, a city with a comparatively poor tax base, would receive $1.90 per person.

Others have advocated allocating Federal revenue sharing funds on the basis of need. Thus, a city with a poor tax base, in great need of services such as schools, police and fire protection, would have their treasury supplemented to a greater extent than the community with the rich tax base.

Still others have proposed relieving the local governments of their welfare responsibility by federalizing welfare. In effect, this would relieve a community of one of its greatest drains on the local treasury.

Mr. Speaker, being a former mayor, I know the plight of our cities. I know that relief in some form must be forthcoming.

While I am not wedded to any specific proposal, I have supported the concept of revenue sharing, and I feel that it is a viable alternative that warrants consideration.

With this in mind, Mr. Speaker, I ask unanimous consent to include in the RECORD a very timely article that appeared in the June 7 Los Angeles Times:

The article follows:

CITIES NEED SOME FORM OF AID

When public pressure began to build on behalf of Mr. Nixon's revenue-sharing proposal, Rep. Wilbur Mills (D-Ark.) reluctantly promised to hold hearings—but only for the purpose of killing the bill.

Hearings finally got under way last week before Mills' House Ways and Means Committee. And it is already apparent that he meant exactly what he said.

Secretary of the Treasury John Connally, the leadoff witness for the Administration, ran into a buzz saw of opposition from Mills and other committee members. He has regretfully concluded that the revenue-sharing plan, which is the top-priority item in Mr. Nixon's domestic program, may indeed be dead.

Mills and Rep. John W. Byrnes, the committee's ranking Republican, insist their hostility to the President's proposal does not reflect any lack of sympathy for the financial plight of the cities. They have promised to come up with an alternative program.

We hope they mean it. The need for some form of federal revenue sharing with local and state governments is simply too pressing to fall victim to politics as usual.

There is merit in the objection that inadequate tax resources are not the only reason so many cities are teetering on the edge of bankruptcy. Waste, inefficiency and corruption are major factors, too. And there is no question that federal revenue sharing, by relieving pressures for reform, may, in some cases, postpone corrective action.

Another truth, however, is that reform takes a long time, and the problems which beset our cities are so serious that we cannot afford to wait.

Waste and inefficiency aside, the expenses of local government are outrunning the ability, or at least the willingness, of the people to pay the ever higher property and sales taxes.

Revenue sharing is a way to tapping the federal income tax, a far more productive and less painful source of public revenues than either property or sales taxes, to help bridge the gap.

This does not mean that revenue sharing alone is the answer. Federalizing welfare, for example, would do more to lighten the load on hard-pressed city and state treasuries and indeed deserves a higher priority.

No one should assume, either that Mr. Nixon's particular approach to revenue sharing is the best that intelligent men can devise. On the contrary, there is something wrong with an allocation formula that would give less money to San Fernando than to Beverly Hills, which is a far wealthier community, or the City of Commerce, which has 40% fewer people.

Some of the most talented men in Congress sit on the Ways and Means Committee. They should be able to devise a formula which will meet the need without producing the inequities. It is important to the country that they do so.

A TRIBUTE TO THE DODD FAMILY OF BLOOMFIELD, N.J.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. RODINO. Mr. Speaker, Bloomfield, N.J., celebrated its annual Historic Events Day by honoring the Dodd family. The Dodd family history is filled with numerous individuals who contributed much to the founding and establishment of Bloomfield, which was one of the first towns to break away from Newark.

One of the institutions which the Dodd ancestors were influential in establishing is the Bloomfield Presbyterian Church on the Green. A tracing of the genealogy of the family shows that Rev. Stephen Dodd wrote much of the early history of the church. Zophar Dodd, 1794–1882, was for years an elder in the church and was known also for his attention to the poor and to the sick and as an active participant in the town life. Also founded by him was the Bloomfield Savings Bank.

Amzi Dodd, a great orator and lawyer who went on to become judge of the highest court in New Jersey, built and for 20 years lived in the old community house where the public library now stands.

These are but a few examples from the Dodd family history which shows them to have been a family who participated vigorously and enthusiastically in the affairs of Bloomfield. I would like to join the residents of the town of Bloomfield in honoring this historically civic-minded family.

"COMMEMORATION OF THE BALTIC STATES' LOSS OF FREEDOM"

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. BUCHANAN. Mr. Speaker, today we note the tragic anniversary of the Soviet Union's annexation of the Baltic States of Lithuania, Latvia, and Estonia. Thirty-one years ago these three nations lost their freedom to an invading Russian Army in an illegal act which has never been recognized by the United States.

Lithuania, Estonia, and Latvia have labored under the heel of Russian domination since the mid-18th century. It was only during the period between the two World Wars that the Baltic States enjoyed independence. At the close of World War I, Baltic nationalists took advantage of military chaos and the disintegration of czarist hegemony to establish three independent nations in 1918. When the Bolshevik army failed to overthrow the new states in 1919, Lithuania, Estonia, and Latvia embarked upon a 20-year period of free government and self-determination.

Unable to defeat the three nations on the battlefield, the Russian Soviet Federated Socialist Republic "voluntarily and forever" renounced all sovereign rights over the people and territory of the Baltic States. The nascent states joined the League of Nations in 1921, and the United States extended full recognition to them in the following year. The following two decades witnessed a cultural, social, and economic renaissance in the freed nations.

The fulfillment of nationalistic goals was rudely shattered in 1940 when the Soviet Union, operating under the guise of diplomatic negotiations for mutual defense, presented an ultimate demanding new Communist controlled governments and the establishment of military bases in Lithuania, Latvia, and Estonia. The unreasonable demands were followed within a few days by military invasion, and by June 15, all three nations were occupied by Soviet troops.

After the invasion, the familiar pattern of Soviet seizure of total power began. Top political commissars were assigned by the Kremlin to each of the Baltic States, and elections were held in each of the three nations with a single list of candidates approved by Moscow. Within a year some 95,000 Latvians, Estonians, and Lithuanians were deported to the eastern regions of the Soviet Union. Approximately 80,000 more citizens were deported in 1949 in an effort to eradicate the last vestiges of nationalism in these enslaved lands. Thirty-one years after the initial invasion, Lithuania, Latvia, and Estonia remain totally absorbed within the monolithic Soviet structure.

I am confident that all Americans join with me in deploring the unwarranted and unjust subjugation of the Baltic peoples. While it is often difficult for those who enjoy the advantages of American citizenship to empathize with and fully understand the hardships suffered by those living under oppression, we are concerned and must speak out against the dehumanizing circumstances which control the lives of those living under the heel of a repressive totalitarianism, like the peoples of the Baltic States.

The following resolution, adopted unanimously by the Congress in 1966, gives formal expression to our concern and I would like to bring it to the attention of my colleagues once again:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION SHIRKING ITS DUTY

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. TIERNAN. Mr. Speaker, in 1934, the Congress passed the Communications Act in order to provide for the orderly allocation of the airways to be used for the broadcasting of radio and TV signals. In the act, the Congress laid down guidelines for making certain that the airwaves were used in the public interest, convenience, and necessity. The licenses to broadcast were not property rights to be bartered and sold. Instead, broadcasters would hold the license as a public trust and would have to seek renewal of those licenses every 3 years.

This was what the Congress wrote as law, but in actuality this is not what has happened. The Federal Communications Commission has shirked its statutory duty by automatically renewing licenses since 1934. In the very controversial WHDH case in 1969, the FCC for the first time in its history applied comparative criteria in a renewal proceeding and deposed the incumbent, awarding the frequency to a challenger. The WHDH decision became the immediate subject of fierce attack, provoking criticism from those who feared that it represented a radical departure from previous law and that it threatened the stability of the broadcast industry by undermining large financial investments made by prominent broadcasters in reliance upon the assumption that licenses once granted would be routinely renewed. Legislation was introduced in Congress to reverse this newly enforced policy. Then the FCC stepped in and, without any formal rulemaking proceedings, issued its January 15, 1970, policy statement.

The policy statement provides that the qualifications of challengers, no matter how superior they may be, may not be considered unless the incumbent's past performance is found not to have been substantially attuned to the needs and interests of the community.

CHALLENGED

On Friday, June 11, 1971, the U.S. Court of Appeals for the District of Columbia handed down its decision on the case, saying that the policy statement is contrary to law and shall not be applied by the Commission in any pending or future comparative license renewal hearing. The case is truly a landmark of citizen's rights. In this one decision, the court has announced that it should no longer be the role of the FCC to protect the vested interests in the broadcast field. The court reiterated the holding in the Red Lion Broadcasting case and said that it is the right of the viewers and listeners, not the right of the broadcasters, which is paramount.

It should be noted that the petitioners in this case were two nonprofit organizations whose goal it has been to improve radio and TV service and to promote the responsiveness of the broadcast media to their local communities. We have before us a fine example of the work which citizen groups are doing to protect the public interest at a time when the FCC has abdicated its statutory authority to the people.

The court decision of 5 days ago restores hope that the newly emerging interest groups and minorities will have a chance to broadcast their views by obtaining licenses in their communities. By calling licensees to account every 3 years, America can have better assurances that the precious airwaves are being used in the public interest, rather than just for profit. In the past, the Congress and the Federal Communications Commission have done little to promote competition and diversity in the media. Instead, they have protected vested interests and promoted the status quo in the communications field. This is so in spite of the fact that the Communications Act of 1934 says nothing about a presumption in favor of incumbent licensees at renewal hearings. To the contrary, the act places the incumbent in the same position as an initial applicant. Still, the broadcast industry has consistently acted as if it has a property right in the airwaves.

It is most unfortunate that the FCC cavalierly decided to issue its license renewal policy statement without any formal rulemaking proceedings, thus continuing its public-be-damned attitude. The FCC did not even bother to comply with the Administrative Procedure Act. One of the purposes of the Administrative Procedure Act is to make an administrative agency more aware of the wishes of the public on whose behalf it must regulate. As the court of appeals pointed out:

> The summary judgement concept of the 1970 Policy Statement runs smack against both statute and case law.

The Congress in the 1934 Communications Act, did not give the FCC carte blanche. It limited the mandate of the FCC by requiring a full hearing on the issues at renewal time. Without this hearing requirement, the FCC has made the cost of processing a competing application prohibitive when measured by the challenger's very minimal chances of success. Unless the challenger has some hope of obtaining the license for himself, then there is little reason to expend the sums of money necessary to make an effective challenge.

The FCC should be working for more, not less, citizen participation and more, not less, diversity. We in Congress must hold them to that task. We have the duty to encourage health competition by repudiating any FCC policy which is unreasonably weighted in favor of the licensees it is meant to regulate, to the great detriment of the public.

RESOLUTION OF THE CHAMBER OF COMMERCE, KETCHIKAN, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. BEGICH. Mr. Speaker, I recently received a copy of a resolution passed by the Greater Ketchikan Chamber of Commerce in Ketchikan, Alaska, which requests that the Department of State cease its present enforcement policy of the 3-mile limit at the boundary line between southeast Alaska and Canada, pending formal determination by the respective governments.

This issue is particularly important to the people of southeast Alaska because so much of their economy depends on their ability to fish in the disputed waters. The policy adopted by the Department of State is that the 3 miles extending beyond U.S. shores has and is causing great concern between people of southeast Alaska and the country of Canada. I believe the policy is jeopardizing the excellent relationship which our country has had with our neighbors, and I believe prompt and careful consideration of this matter is necessary.

Boundary issues must be resolved and a decision must be made as to whether the Alaska Boundary Tribunal, signed at London, England, on October 20, 1903, settled this dispute. As you can well see, Mr. Speaker, clarification is urgently needed and I am including into the RECORD a copy of the Greater Ketchikan Chamber of Commerce resolution for your consideration.

RESOLUTION

Whereas, The State Department of the United States of America has adopted a policy of sovereign authority of control extending three miles beyond its shores, and

Whereas, This policy has and is causing great concern and conflict in the waters between Southeast Alaska and the country of Canada, and

Whereas, Southeast Alaska has and is desirous of continuing the excellent relationships with its good neighbor, Canada, and

Whereas, The issue of boundary may have been settled by a treaty—Alaskan Boundary Tribunal—signed at London, England on the twentieth day of October in 1903, and

Therefore, be it resolved, That the Greater Ketchikan Chamber of Commerce in regular session this 21st day of May, 1971, does hereby petition the duly elected congressional delegation of the State of Alaska to cause the State Department of the United States to cease and desist its present enforcement policy of the three mile limit at the boundary line between Southeast Alaska and the country of Canada pending formal determination by the respective governments.

WALTER B. BOLLING,
President, Greater Ketchikan Chamber of Commerce.

GOVERNMENT COST CONTROL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. JACOBS. Mr. Speaker, I insert a letter from a constituent of mine outlining a most disturbing aspect of Government cost control. I submit that this letter is applicable to other Government agencies as well as the Department of Defense:

WASHINGTON, D.C.
June 10, 1971.

Hon. ANDREW JACOBS, Jr.
U.S. House of Representatives,
Washington, D.C.

DEAR MR. JACOBS: As the House of Representatives will be considering procurement authorizations for the Department of Defense in the next few weeks, I think that you and your colleagues would be interested in a small example of the manner in which Defense funding requests are originated.

I was in the Navy from November 1963 to September 1970 and attained the rank of Data Systems Technician First Class. From June 1965 to May 1968 I was assigned to the Naval Reconnaissance and Technical Support Center in Suitland, Maryland. In the late summer of 1965, I was detailed to write a budget request for the maintenance of the new data processing system which we had just installed at NRTSC.

I obtained maintenance records on the equipments that made up the system which had been installed in other Navy installations. From these records, I derived the average annual parts usage for each piece of equipment. I then determined the cost for these parts from the federal supply catalog and came up with a figure to cover our expected true costs for maintenance of the equipment. Up to this point the process is similar to any good business practice, except that the work would probably have been done before the equipment was installed, or even procured.

The next step in the process, however, was not analogous to normal business practice. I tried to estimate the cuts which would be made at the various levels of the authorization and appropriation process. I included allowances for cuts within the Department of Defense (this was while McNamara was Secretary of Defense), the Bureau of the Budget, and the Congress. My estimates for the Congress were that each House would make cuts of at least ten per cent of the amounts which reached them. The final allowance, or fudge factor, which I came up with was a multiplier of 2.08. I multiplied the estimated true cost by 2.08 and submitted that figure.

A year passes, and our appropriations came back. Much to my surprise, there has been no cuts whatsoever. The next fiscal year I found that I had more money to spend than I knew what to do with. Under pressure to spend the appropriated sum, we spent the money on many items which were nice to have, but not really necessary to the efficient maintenance of the computer system. To the best of my knowledge, the appropriations have continued at the same inflated levels or have gone up.

In the debate on the military authorization bill (H.R. 8687), there will be opportunities to cut and limit defense spending. I urge you to do so. Some of your colleagues will undoubtedly say that cutting a single penny from the defense budget will mortally endanger the national security. That, as you know, is not the case. The experience which I have had indicates that cuts of up to 50 percent can be made in the O & M and procurement figures simply by cutting out the fat. The result, I believe, would be a greater national security as we divert the funding thus saved to meeting the pressing needs which will continue to weaken our country from within as long as they are not met.

Sincerely yours,

FREDERICK L. HOFRICHTER.

SELF-DETERMINATION OF THE BALTIC PEOPLES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. RODINO. Mr. Speaker, the second portion of June marks a time to both rejoice and sorrow for the Baltic States of Lithuania, Latvia, and Estonia. Since the Soviet invasion of the Baltic States on June 15, 1940, and their subsequent seizure, these states have been almost exclusively under Soviet domination. The Baltic people have been able to enjoy a brief period of freedom since the initial Russian takeover in 1940. Lithuania succeeded in overthrowing the Soviet menace in the latter half of June 1941. Their triumph was short-lived, however; soon Nazi oppressors replaced their Soviet predecessors.

Today, as other imperialized peoples are shedding the bonds of their colonizers, the Baltic nations are still under the power of their Red dominators.

All free nations should make a concerted effort to dissipate the Red terror in the Baltic States. The House Concurrent Resolution 416 of June 23, 1966, which is included at the conclusion of these remarks, states that Lithuania, Latvia, and Estonia should be freed from "alien subjugation," yet there have been no tangible overtures to achieve this end. Does this not also apply to the Baltic States? Let us show the Baltics of our earnest intent by being active allies. For freedom is an unalienable right upon which the United States was founded. The time has come for each human being to enjoy this right.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist any historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

THE 25TH ANNIVERSARY OF THE REPUBLIC OF ITALY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. ROONEY of New York. Mr. Speaker, it would be unfortunate indeed if, because of our Memorial Day recess, we would overlook the significance of Italy's celebration of its 25th anniversary as a Republic.

For those of us who participated in the legislative action which helped to create the Republic of Italy, this date is one of great importance. For those of us who struggled to secure recognition of Italy and for those of us who helped to nurture the infant state through its toddler years to full maturity, we take keen satisfaction in the success of our efforts and the efforts of the Italian people and their leaders to regain a strong and sovereign state.

No one, not even a hopeful Italian, could have foreseen by the widest stretch of the imagination the accomplishments which the people of Italy have achieved. From a war-torn and ravished countryside and from cities and towns laid waste by month after month of war, these determined people have brought complete restoration in a generation's time.

All Americans can be gratified that our generous economic, military and political aid to the new-born Republic of Italy was an outstanding success and paid maximum dividends.

We share in the pride of the people of Italy and the pride of our great Italo-American organizations in the stature of Italy today as a highly respected and influential member of the world's leading governments. We look back over the past quarter century and rejoice that the Italian people in an honest and thoroughly democratic plebiscite decided to end their constitutional monarchy and establish a republic.

Today we note with deepest gratitude Italy's magnificent cooperation in furthering the aims and objectives of the North Atlantic Treaty Organization of which Italy is a dedicated member.

This anniversary serves to remind us not only of the magnificent progress which the Italian people have made under their new government, but it reemphasizes the contribution which the people of Italy have made to Western Civilization and most especially to the development and expansion of our own country. No country in the world and no people anywhere have influenced our culture and our way of life more than the people of Italy. We and the rest of the world would be poorer indeed if it had not been for such famous Italians as da Vinci, Raphael, Titian, Michelangelo, Verdi, Puccini and a host of other peerless artists.

One can only conjure what America would be today if it had not been for Columbus, Vespucci, Verazanno and a vast number of other dauntless explorers who made possible our own civilization and future visitations to our shores by other nations of the world.

Let us consider now on this important anniversary some of the other Italians who have made this a richer and more prosperous country in which to live. Because I am a lawyer, my first thoughts bring to mind many outstanding jurists. A host of them, Federal, State, and municipal, are daily influencing our whole legal structure and represent the most valiant crusaders against organized crime. Still another great American, proud of his Italian lineage, was Attorney General Charles Bonaparte who founded the Federal Bureau of Investigation. Let us not forget the Italian-born artists who have so significantly enriched our music—men like Enrico Caruso, Arturo Toscanini, Luigi Mancinelli, Anna Moffo, Cleofanti Campanini, Guy Lombarbo, Perry Como, Mario Lanza, and many others.

Let us remember, too, Italian leaders such as Giannini, a foremost leader in American banking circles, and Enrico Fermi, who pioneered our development of the atomic bomb.

Mr. Speaker, the honor roll of this Nation is studded with the names of scores of Italo-Americans who have enriched our economy, our culture, and our most prized traditions. But these contributions are not limited to the past. Today all over America in government, in science, in education, in the arts and in all aspects of our American way of life, the men and women who so justly pride themselves in their Italian heritage are playing an effective and active role.

But even greater than the combined contributions of all these gifted Italian leaders has been that of the thousands upon thousands of Italian immigrants who came to this country and have devoted their lives to meet the needs of our expanding economy and geographic boundaries.

As we congratulate the people of Italy on the marvelous progress they have made in the first 25 years as a republic may we also express our appreciation for all that the Italian people have done in our behalf from the earliest days of our own Republic.

To my own friends of Italian birth or descent, particularly those who are giving such fine leadership to the loyal Italo-American organizations, I want to express my personal thanks for all their cooperation. I congratulate them on the success of all their efforts in their many public service programs.

CHARLES C. FORD OF LONGVIEW, TEX., HONORED BY TEXAS LEGISLATURE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. TEAGUE of Texas. Mr. Speaker, one of the most active veterans leaders in Texas is Charles C. Ford. He has held numerous offices in various veterans groups at the local, State, and national levels. He has always made himself available to help veterans and their dependents with their problems. Charlie has served with distinction on the Texas Veterans Affairs Commission and it has been my privilege to work with him and have him as my friend for many years. Recently Charlie had major surgery at the Dallas Veterans Administration Hospital. The 62d session of the Texas State Legislature took note of his humanitarian service over the years and the House of Representatives passed a special resolution expressing to Charlie their good wishes for a rapid recovery. I want to add my special wishes also for Charlie's speedy recovery. It is a great privilege for me to insert the full text of the aforementioned resolution in the RECORD:

RESOLUTION

Whereas, That genial and capable Texas Citizen, Charles C. Ford, is confined to the hospital in Dallas, Texas, because of major surgery; and

Whereas, This widely known and highly respected gentleman is a native of Longview, Texas, and a successful businessman in that city; and

Whereas, He entered the United States Army at an early age and distinguished himself as a combat Infantryman in the South Pacific during World War II, receiving numerous medals and citations for his bravery and leadership in combat, and after discharge from military service even though he still carried scars and fragments of enemy fire, his service to his Community, State and Nation did not end; and

Whereas, He has served his community in many capacities, leaving an indelible mark of accomplishment in his community and state, and is now a member of the local draft board. He has served the State of Texas whenever called upon, and he believes firmly in the obligation of patriotic service, having served as Assistant Sergeant at Arms and Sergeant at Arms at the State Democratic conventions for many years; and

Whereas, His entire life since discharge from military service has been devoted to helping his fellow man and he has been his "brother's keeper" by helping disabled veterans and their dependents. He is active in veterans organizations and has given unlimited support to the veterans cause, and has held many important positions, including membership on State and National Legislative Committees of the Veterans of Foreign Wars, and Post, District, and Department Vice Commander of the American Legion; and

Whereas, Charlie and his wife, Jennie, have two sons: Cris, a graduate of Sam Houston State University, now employed by the Department of Public Safety, and Carl, a student at The University of Texas; and

Whereas, The Texas Legislature wishes to let Charlie know by this Resolution of the great regard and affection we have for him; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature send greetings to our good friend, Charles C. Ford, and by this Resolution extend to him our good wishes for a rapid recovery and a speedy return to his daily activities where he does so much good and is so sorely needed.

TO DISBAR THE BOMB

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. BEGICH. Mr. Speaker, at last report, the Atomic Energy Commission is planning an underground nuclear test on Amchitka Island in the fall of 1971. Two weeks ago I was in Anchorage to testify before the AEC. At that time, I raised several questions I thought merited the Commission's consideration and attention.

There are many groups in Alaska, including the Alaska Bar Association, which have expressed reservations about such testing. The Alaska Bar Association has passed a resolution urging the Governor of Alaska to instruct the State attorney general to file suit in Federal court to enjoin further nuclear testing in Alaska. I believe the resolution deserves consideration and I include it in the RECORD for your examination:

TO DISBAR THE BOMB

Whereas, a planned 5 megaton nuclear blast, the largest underground test ever detonated, is planned as an experiment by the Atomic Energy Commission on Alaska's Amchitka Island in the Fall of 1971; and

Whereas, said experiment involves the risk of radiation into the adjacent waters of this State, atmospheric radiation and the possibility of triggering an earthquake; and

Whereas, the Atomic Energy Commission, although it minimizes such possibilities, admits that it cannot guarantee that such results will not occur; and

Whereas, any risk of accidental venting into the waters of the North Pacific or Bering Sea is totally unacceptable in that Alaska Marine Resources as well as those of nations along the entire Pacific rim could be contaminated by a major accident and rendered inedible for years to come; and

Whereas, the health, safety and welfare of the people of Alaska is directly related to those marine resources, that health, safety and welfare and those resources being the responsibility of the Governor of Alaska and within the jurisdiction of the Sovereign State of Alaska; and

Whereas substantial disagreement exists in the scientific community to the conclusions of the Atomic Energy Commission, insofar as the safety of the proposed detonation is concerned; and

Whereas, a judicial determination by a Federal court would offer a greater degree of objectivity than an administrative determination by the Atomic Energy Commission on the question of whether the planned experiment should be cancelled;

Now, therefore, be it resolved by the Alaska Bar Association in annual convention assembled that the Governor of Alaska be requested to instruct the State Attorney to file suit in Federal Court to enjoin further nuclear testing in Alaska.

NO MORE KENT STATES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DELLUMS. Mr. Speaker, I find the following document remarkable.

The following petition was signed by 446 members of the Reserves and National Guard. The signers, 23 of whom are officers, include members of all seven branches of the U.S. Military Reserve Forces—the Air and National Guard, and the Army, Navy, Air Force, Marine Corps, and Coast Guard Reserves.

I point out how remarkable the petition is because it marks the first time that so large a number of soldiers have gone on record publicly to vigorously protest the wanton use of the National Guard to suppress legitimate dissent. I agree with the 446 men that the Government must use other means than armed force to answer legitimate demands of the people.

The petition follows:

NO MORE KENT STATES

We, the undersigned, are National Guardsmen and Reservists.

Last year many of us were called to active duty: the New York mail strike. Black protests. Demonstrations against the war. Kent State.

We are not proud of having taken arms against our fellow Americans.

We do not want to do so again.

We take this day, the anniversary of the Kent State killings, to express our wholehearted agreement with those who have demonstrated against the ever-expanding war, both then and again in recent weeks.

We do not think armed force is the answer to the demands of war protesters, poor people and strikers. We believe there are better answers: Full employment. Reconstructed cities. An immediate withdrawal of American troops and planes from the Asian war.

We have all enlisted for six years service in the U.S. military. But what we are doing now—training to shoot down our fellow-citizens—is no service to anyone. However, there is a real service in America we would be glad to do. The National Guard traditionally rescues people from natural disasters such as hurricanes and avalanches; today our nation is in the midst of a social disaster of unparalleled magnitude. We suggest: train our units not to shoot rifles, but to give the medical services millions of Americans without health care urgently need. Train us not to waste time at useless drills but to rebuild our cities. Train us not to fight other Americans, but to prevent the increasing pollution of our common environment.

That would be service we could perform with honor. Another Kent State would not.

PARTIAL LIST OF SIGNERS

Capt. Peter Sherman, Army Reserve.
Capt. Kenneth Frankel, Army Reserve.
Capt. Jack Maidman, Army Reserve.
Lt. W. A. Brenner, Naval Reserve.
Lt. James Sartoris III, Army Reserve.
Lt. Ed Benson, Naval Reserve.
Sp-4 Edward L. Smick, Army National Guard.
E-2 Steven D. Frank, Army National Guard.
Pvt. Harry Miller, Army National Guard.
Sgt. Terry Moore, Air National Guard.
Sgt. William Stamnes, Army National Guard.
Pfc. Gary Edwards, Army National Guard.
Pvt. Bill Rounds, Army National Guard.
E-5 Pete Cowie, Army National Guard.
Spt/4 Scott Sargent, Army National Guard.
Pfc. Joe E. Ward, Army National Guard.
Pfc. Lonnie Snowden, Army Reserve.
Amn. Donald Harris, Army National Guard.
Pfc. Edward Kunkel, Army National Guard.
Pfc. David Cass, Army Reserve.
Pfc. Charles Johnson, Army National Guard.
Sp-5 Brendan Lavis, Army Reserve.
Sp-4 Ed Goodman, Army National Guard.
Sp-4 Howard M. Loeb, Army Reserve.
E-5 Jim Clark, Army National Guard.
E-5 John Jenkins, Army National Guard.
E-4 Cliff Redmon, Army National Guard.
James Kurachka, Army Reserve.
Sp-4 James Hummer, Army National Guard.
Sn Brian Hayes, Naval Reserve.
Sp-4 Jerry Lembcke, Army Reserve.
Ps2 H. W. Darmsdadt, Coast Guard Reserve.
E-4 Thomas Rieke, Army Reserve.
Sgt. Martin Fleisher, Air Force Reserve.
Pfc. Jeffrey London, Army Reserve.
Pfc. John Malone, Marine Reserve.
Sgt. Stephen West, Air Force Reserve.
Pfc. William Gabler, Army Reserve.
Qm-3 Lawrence Fisher, Naval Reserve.
Sp-4 Danford Grant Schow, Army Reserve.
Sgt. Michael Ryan, Air Force Reserve.
Sp-4 William LeBlanc, Army Reserve.
Sp-5 Kevin O'Keefe, Army Reserve.

En–3 Steven April, Coast Guard Reserve.
Sgt. Michael MacLaurin, Army Reserve.
E–1 James R. Williams, Army Reserve.
Sp–4 Stuart Levine, Army Reserve.
Pfc. Jesse M. Patrick, Army Reserve.
E–2 David Wainer, Army Reserve.
Sp–4 Stuart Israel, Army Reserve.
Po–3 Kenneth B. Wanderer, Naval Reserve.
E–4 Pat Erwin, Army Reserve.
E–5 Lars Schoultz, Army Reserve.
L/Cpl Bruce Hanna, Marine Reserve.
Pfc. Dennis Nino, Army Reserve.
E–3 Lee Rubenstein, Army Reserve.
E–3 James Ryan, Army Reserve.
E–2 James Turner, Army Reserve.
E–3 William D. Ott, Marine Reserve.
L/Cpl. M. L. Moorehead, Marine Reserve.
Sp–4 Curtis G. Booth, Army Reserve.
Sp–4 Jerold Kellman, Army Reserve.
Sn Ronald Courtney, Naval Reserve.
Sp–4 Paul Guitierrez, Army Reserve.
Sgt. Dennis Thalman, Air Force Reserve.
E–4 John Shiels, Army Reserve.
L/Cpl. David Breed, Marine Reserve.
Pfc. Hiko Shimamoto, Army Reserve.
E–4 James Hengehold, Army Reserve.
Capt. Sam. F. Davenport, Air Force Reserve.
Capt. Charles Naness, Air Force Reserve.
Lt. Ernest Notar, Naval Reserve.
Lt. David Lamenzo, Army Reserve.
Lt. James Santana, Army Reserve.
A1c Mario Guarneri, Air National Guard.
Pv2 Robert Sterin, Army National Guard.
Bruce Wolff, Army Reserve.
E–4 Terry Taylor, Army Reserve.
Sp–5 Allen Petrich, Army Reserve.
Douglass Hilfield, Army National Guard.
Sp–4 Donald Jensen, Army National Guard.
Sp–4 Paul Nester, Army National Guard.
Pfc Dante Venturi, Army Reserve.
Sp–4 Robert Bernius, Army National Guard.
Sp–4 James Szyper, Army National Guard.
E–6 Michael Goff, Army Reserve.
Pfc Henry Coudlen, Army Reserve.
Ssgt Dennis Harford, Army National Guard.
E–1 William Shannon, Army Reserve.
Pfc Richard Stefaniak, Army Reserve.
Sp–4 Robert Holloway, Army Reserve.
E–4 Heinz Stucki, Army Reserve.
E–5 Harold Fawthrop, Jr., Army Reserve.
E–2 Robert Rothermel, Army Reserve.
L/Cpl Glenn Seymour, Marine Reserve.
E–4 Peter Marvin, Army Reserve.
E–4 Ronald A. Hall, Army Reserve.
E–4 Timothy Carney, Army Reserve.
E–4 Allen D. Israel, Army Reserve.
Pfc Maurice Wolohan, Army Reserve.
E–3 Michael P. King, Army Reserve.
L/Cpl Scott Novak, Marine Reserve.
Pfc. R. D. Piety, Army Reserve.
Hm–2 Steve Plath, Naval Reserve.
E–3 David I. Siegal, Army Reserve.
E–4 Tom Cohen, Army Reserve.
E–3 Steve Winn, Army Reserve.
Pfc Tim Beatty, Marine Reserve.
Cpl. Richard Lloyd, Marine Reserve.
Cpl. John Wright, Marine Reserve.
E–2 Thomas Strauss, Army Reserve.
Pfc Jerry Grunagle, Marine Reserve.
E–3 Harry D. Gois, Army Reserve.
Sp–4 Mark A. Levy, Army Reserve.
Sp–4 Stephen O. Rothschild, Army Reserve.
E–4 H. Michael Erisman, Army Reserve.
E–4 Harold Heap Jr., Army Reserve.
E–2 J. Belisle, Army Reserve.
Cpl Jerry Hunter, Marine Reserve.
E–4 Hal Miner, Army Reserve.
L/Cpl Donald Cooney, Marine Reserve.
Sp–4 Ted Friedel, Army Reserve.
E–5 James Harris, Army Reserve.
Sp–4 Ward Condelli, Army Reserve.
L/Cpl Stephen Patras, Marine Reserve.
Sp–4 Robert Loew, Army Reserve.
E–4 Stephen P. Stolarek, Air Force Reserve.
Sp–5 Jerry Przepasiniak, Army Reserve.
Sp–4 Michael Meringolo, Army Reserve.
Sn Peter K. Stremlau, Naval Reserve.
E–3 Benjamin Haberman, Army Reserve.
L/Cpl John Blair, Marine Reserve.
Sp–4 Alan Young, Army Reserve.
Sp–4 Lowell Seyburn, Army Reserve.
Sp–4 Dennis R. Manrique, Army Reserve.
Pfc Michael Morasin, Army Reserve.
Sgt Paul Ambrose, Air Force Reserve.
Sp–4 John Van Orden, Army Reserve.
Maj Kenneth Mayers, Marine Reserve.
Maj William Shyne, Army Reserve.
Capt Robert Thomas, Army Reserve
Lt Reginald Young, Naval Reserve.
Lt Daniel Vellucci, Army Reserve.
Lt Charles, Naval Reserve.
Lt Matthew Mark Gallo, Army Reserve.
2 Lt Lynn Williams, Army Reserve.
2 Lt Richard Lehmann, Army Reserve.
2 Lt Peter Lokhammer, Air Force Reserve.
A1c Ralph Smith, Air National Guard.
E–3 Loren W. Brown, Army National Guard.
E–Chris Reither, Army National Guard.
Pfc Michael E. White, Army National Guard
L/Cpl Roger Wintle, Marine Reserve.
E–3 Robert T. Carlson, Army Reserve.
E–3 George Strutt, Army Reserve.
E–3 Thomas O'Connor, Jr., Army Reserve.
L/Cpl James Draper, Marine Reserve.
E–3 Robert M. Stacy, Army Reserve.
PV3 Bruce Andrews, Army Reserve
E–3 Jeffrey L. Amestoy, Army Reserve.
SP–4 Michael Jackson, Army Reserve.
E–2 David Roiger, Army Reserve.
E–3 Frederic Chiles, Army Reserve.
E–4 Dale M. Fleck, Army Reserve.
E–4 Jere J. Willey, Army Reserve.
SP–5 Charles Whatley, Army Reserve.
E–4 Larry J. Lacerte, Army Reserve.
SP–4 William Maderer, Army Reserve.
E–4 Dennis Stevens, Army Reserve.
E–4 Donald Kowalewshy, Army Reserve.
A1C Douglas Frazier, Air Force Reserve.
E–4 George Pfundheller, Army Reserve.
E–4 Douglas Hartley, Army Reserve.
Cpl Gene Edward Burch, Marine Reserve.
Sgt Richard Ciraillo, Army Reserve.
E–4 Ronald B. Davis, Army Reserve.
E–2 Joseph Fischgrund, Army Reserve.
E–4 Mark J. Fiorentino, Army Reserve.
E–3 Robert Kjoller, Army Reserve.
E–4 Paul Merrill, Army Reserve.
Pfc Marc Rosen, Army Reserve.
SP–4 Harry Wiland, Army Reserve.
E–5 Steve McColbugh, Marine Reserve.
E–4 David Surles, Army Reserve.
E–3 George Kennedy, Army Reserve.
E–4 Martin I. Forman, Army Reserve.
Pvt Thomas Winer, Army Reserve.
E–3 Martin Schwartzman, Army Reserve.
E–3 Joe Wolff, Army Reserve.
L/Cpl Joseph Evancich, Marine Reserve.
YN–2 Thomas Walden, Naval Reserve.
SP–4 John McQuaide, Army Reserve.
L/Cpl Tom Linner Marine Reserve.
SP–4 Brian Lehigh, Army Reserve.
SN Ronald L. Dion, Coast Guard Reserve.
E–2 Perry Braunstein, Army Reserve.
SP–4 Dennis Jackson, Army Reserve.
SP–4 Douglas Frenkel, Army Reserve.
E–4 Douglass Housel, Army Reserve.
E–3 Louis Housel, Army Reserve.
Sgt Larry Edwards, Marine Reserve.
SP–4 David McKeague, Army Reserve.
SP–4 Jeffrey Tapper, Army Reserve.
SP–4 Robert Kaplow, Army Reserve.
SP–4 Peter P. Wright, Army Reserve.
Larry A. Hedling, Army Reserve.
Stuart E. Karu, Army Reserve.

STOP IT, ANTIAMERICANS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. CRANE. Mr. Speaker, the Indianapolis Star of May 23, 1971 carried an excellent editorial written by its publisher, Eugene C. Pulliam. I commend these timely remarks to the attention of my colleagues:

STOP IT, ANTI-AMERICANS!

Stop it, you anti-Americans! Stop criticizing everything and everybody and every motive and every action except your own. Stop constantly sniping at your government. What in the world is the matter with you? You have the most wonderful nation on earth, a nation that has gone to extraordinary lengths to uplift the poor, feed the hungry, comfort the afflicted, and extend justice to everyone. Yet here you are, applauding the very people who degrade and mock America, who tell you how selfish and corrupt Americans are.

Your own eyes and your own common sense should tell you that in no other land, under no other system, is the individual more respected or better treated. Nowhere is a person as free to do what he wants with his life. Nowhere in the world, despite our occasional overemphasis on getting and spending, are charity and service to mankind more practiced or revered than right here in America.

For the past couple of years you have allowed a small handful of hypocritical critics to flagellate us and our government.

Be realistic, America. Where is your sense of proportion? We aren't a debased or rotten nation. We have our share of criminal misfits, but most of us are pretty decent people—hard-working, law-abiding, God-fearing. All of us want a better life for ourselves and our children, and most of us want a better life for our neighbors too.

But this anti-Americanism is corrupting our national soul. It's having a harmful effect on our children, who are beginning to believe it. This false picture is making it easier for the haters, the doomsayers and the malcontents, those with the biggest mouths and the smallest consciences, to mislead and confuse us. It is twisting our values, making it difficult for our children to know right from wrong.

Thousands of American boys have been killed in Vietnam by being trapped in Viet Cong villages where men, women and children were paraded as villagers, when actually they were armed with Viet Cong cocktails, bombs and what have you. Our boys were trying to be decent to the villagers and suddenly they found themselves completely surrounded by the whole village, armed to the teeth. But the poor bleeding hearts in America, these anti-American so-called patriots, instead of having any sympathy for our boys, who of course had to fight back, felt sorry for the old men and children who got hurt in the mix-up. Of course they would get hurt in that kind of a mess. We had a lot of boys killed in that action. The anti-Americans had no sympathy for our boys, but they had all kinds of sympathy for the poor villagers who were simply used, innocently or otherwise, by the Viet Cong. This is war, make no mistake about it, but these anti-American loudmouths seem to believe we have no right to wage it in our own defense.

One United States senator actually made a statement that the American prisoners of war in Hanoi might as well just stay there, because they certainly wouldn't have been prisoners of war if they had had enough sense not to enlist for a useless and barbaric war. Well, the facts are they didn't enlist—they were drafted. And many of the very same men who voted to support President Kennedy when he went into Vietnam and who supported the Tonkin Resolution, later, when the war became unpopular, turned about face and blamed the whole thing on President Johnson. And now they are blaming the war on President Nixon, who didn't have a single thing to do with starting this war. But the very men who are loudest in their criticism of President Nixon and the present situation in Vietnam, which is gradually being solved, are the very ones who really helped start the whole mess. This is the worst display of national hypocrisy we have ever witnessed in this country.

It is unbelievable that so small a minority of Americans could create such a terrible atmosphere in this country. If it were not for the loudmouths the world would not know anything about what is going on here, because it is so much more peaceful here, and safer, than anyplace else in the world. But to hear these bleeding hearts yell, you would think Russia is a Utopia compared to America.

Stop this anti-American rot. Because if you don't, America's youth will be consumed by the stench of this hypocritical rhetoric.

Stop it, America, before it is too late!—

PRESERVE STATE BUY AMERICAN ACTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WALDIE. Mr. Speaker, I would like to include in the RECORD the text of a letter I recently received from Mr. James S. Lee, president of the State Building and Construction Trades Council of California, on the need to enact H.R. 976, amending the Buy American Act, to allow States to pass legislation requiring the purchase of American products when making purchases with public money.

As described in the letter, California's Buy American Act was declared unconstitutional by the California Supreme Court as being an "encroachment" of Federal powers. I am sure other States are having similar difficulties.

This bill offers us a means of supporting American labor and industry without the necessity and undesirable effects of foreign trade regulations. I request the attention of my colleagues to the contents of this letter.

STATE BUILDING AND CONSTRUCTION
TRADES COUNCIL OF CALIFORNIA,
Sacramento, Calif., May 25, 1971.

Hon. JEROME R. WALDIE,
House of Representatives,
Washington, D.C.

DEAR MR. WALDIE: In the near future you will be asked to consider H.R. 976 which would clarify the rights of states and local subdivisions to provide for domestic preference in acquiring materials for public use.

As one of your constituents, I am vigorously supporting this Bill, and would request your favorable consideration. This Bill would amend the Federal "Buy American" Act, to allow those states which wished, to pass legislation or issue regulations requiring the purchasing of domestic materials when making purchases with public monies. Since 1934, over twenty-five states, at various times through legislation or administrative rulings, have given preference to domestic goods in their purchasing practices.

In a recent decision of the California Supreme Court, the California "Buy American" Act was declared unconstitutional, because it was an "encroachment upon the Federal Government's exclusive power over foreign affairs, and constituted an undue interference with the United States' conduct of foreign relations". This decision will ultimately have the effect of making all state "Buy American" Acts and regulations, which have been in existence for over thirty years, unenforceable. This Bill as drafted will not require the states to use "Buy American" practices, but will only allow such practices, if the states determine that it is to their best interests to do so. This Bill will not conflict with any existing international agreements or treaties, as the "General Agreement On Tariff And Trade", specifically recognizes that most Governments in the world desire to "Buy National" when their public monies are involved.

Because of the number of jobs that will be affected if these long standing "Buy American" practices by the states are not allowed to be continued, I urgently request that you give favorable consideration to this most important legislation.

Thank you for your consideration and understanding in this matter.

Cordially,

JAMES S. LEE,
President.

NAVAL AVIATION CELEBRATES ITS 60TH ANNIVERSARY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WHITEHURST. Mr. Speaker, one of this Nation's most important military services celebrates its 60th anniversary this year. Naval aviation has served this country valiantly and with great honor. From a humble beginning it has grown to be one of the key factors in the defense of the free world. During its period of development it overcame inadequate fiscal, manpower and congressional support, and with dedication and spirit met the requirements and demands made upon it. Ready to expand when needed and tighten its belt during cutbacks, it stands today as one of the principal flexible military responses this country has in protecting our men and freedom loving nations abroad.

U.S. naval aviation has an interesting and unique history which I would like to share with you briefly.

Several aviation firsts involving naval personnel were set before the Navy officially established an air arm. The first U.S. naval officer to fly was Lt. George C. Sweet during a demonstration flight in 1909. Earlier he had narrowly missed death when he was persuaded to step aside during a Wright brothers' demonstration flight at Fort Meyer, Va., in September, 1908. Army Lt. Thomas E. Selfridge asked Sweet if he would give up his turn that day for the flight. Sweet consented, a step that saved his life. Selfridge became the Nation's first military air fatality.

Despite the tragedy, and narrow escape, Lieutenant Sweet was impressed with the potential of the flying machine as a naval weapon and stated in his official account that the airplane would be important to the Navy.

On December 2, 1908, the chief of the Bureau of Equipment, Rear Adm. William S. Gowles, recommended to the Secretary of the Navy that a number of "aeroplanes" be purchased to operate from the deck of a ship, carry wireless telegraph, operate in weather other than a dead calm, maintain a high rate of speed, and be designed for convenient storage aboard ship.

On August 16, 1909, a Navy Bureau of Equipment request for authority to advertise for the construction of two heavier than air machines was turned down. The Navy Department did not feel the "aeroplane" had progressed sufficiently for use by the Navy.

However, 1 year later in September 1910, increased public interest in aviation forced the Navy to assign personnel to answer correspondence of civilian flying enthusiasts. Capt. W. I. Chambers was assigned the task, and supported by his associates made plans to have an airplane flown from a ship. In the finest Naval aviation tradition Captain Chambers forged ahead ordering an 83-foot platform built over the forecastle of the of the cruiser U.S.S. *Birmingham* despite the fact that the Navy did not have any airplanes.

Captain Chambers knew that to the early aviation pioneers such a facility would be irresistible. It proved to be so because he convinced Glenn Curtiss, a civilian builder, to supply a plane and a pilot.

On November 14, 1910, Eugene Ely flew a 50 horsepower Curtis pusher from the sloping platform of the *Birmingham*, the first successful launching of an aircraft from a ship.

Curtiss saw the potential advantages the airplane held for a Navy that could successfully adopt the craft. At his own expense he offered to instruct a Navy officer in operation and construction of his aircraft. On December 23, 1911, Lt. T. G. Ellyson was ordered to report to North Island, San Diego, Calif. He was graduated 4 months later, April 12, 1911. Curtiss wrote the Secretary of the Navy that Lieutenant Ellyson had acquired considerable knowledge of the art of aviation and was capable of qualifying for a pilot's license.

During this time Curtiss had been developing a seaplane and on January 26, 1911, made the first successful flight with a seaplane by taking off and landing on the water in San Diego harbor.

On February 17, 1911, Curtiss set another first by taxing out to the U.S.S. *Pennsylvania* anchored in San Diego Harbor, maneuvered under the ship's crane, and was hoisted aboard. Lowered to the water, he took off and flew back to his North Island field. It was the first seaplane operation aboard a ship. The Navy still had no planes of its own. However, this was soon to be remedied.

One month before Ellyson was graduated, the Naval Appropriations Act of March 4, 1911, provided $25,000 for developing Naval Aviation. On May 4, 1911, Captain Chambers wrote the Navy's first aircraft requisition: for a bamboo, wood, and canvas craft. For $5,500 he ordered from Curtiss an eight-cylinder "hydro-terra-aeroplane." Designated A–1, it was required among other things that it operate on land or water and fly at 45 miles an hour. It did. The Navy at last sprouted wings.

Mr. Speaker, in the district I am privileged to represent, the Second Congressional District of Virginia, the 60th anniversary of Naval Aviation will be celebrated in impressive ceremonies June 25 through the 27. COMNAVAIRLANT has set aside this weekend for a gala celebration of the Diamond Jubilee in Norfolk, COMNAVAIRLANT will host several thousand retired naval aviators, naval aviation officers, enlisted airmen and guests at a 60th anniversary ball and open house.

Colors ceremonies are planned aboard the aircraft carriers *America* and the *Independence* docked at the Norfolk Naval Air Station Saturday, June 26, at 6:30 p.m. On Sunday both the *America* and the *Independence* will hold open house from noon to 6 p.m. Several multimedia presentations and displays highlighting the growth of Naval Aviation through the years will be shown.

From biplane to jetplane to the moon: That is Naval Aviation's boast on its diamond jubilee, 60 years of service to this great Nation. My thanks and congratulations to all who have served, from civilian engineers and builders to the military men who use and support the hardware. You have earned a "Well Done."

MISS ROSANNE DILLON RECEIVES "TEACHER OF THE YEAR AWARD" FROM LOUISVILLE CATHOLIC PARENT-TEACHER ASSOCIATIONS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. MAZZOLI. Mr. Speaker, it is with an unusual amount of pride and pleasure that I call to the attention of the House an outstanding educator from my district—Miss Rosanne Dillon, of Louisville, Ky. Under any circumstances, I would have been proud to represent one who has given her total energy and complete devotion to the education of young people. But, I am especially proud of Miss Dillon, because she happens to be my sister-in-law.

Perhaps a little background concerning Rosanne would be in order at this point. She is one of the first lay persons ever to be appointed principal of a school in the archdiocese of Louisville. She has always sought to improve her educational and professional qualifications, and consequently each summer has gone to school to earn credits leading to her degree. This has meant that her vacations are something less than vacations; but is has meant also that her students have been enriched and benefited by her extra effort.

Rosanne's road to excellence has not been an easy one. Not only has she labored long and hard in her profession, but has shouldered the additional burden of caring for an invalid mother. Miss Dillon's mother, my mother-in-law, has suffered from a disabling disease for many years, and her condition requires very close and nearly constant attention.

Few people know about this part of Rosanne's life; she is modest to a fault. But, I can personally attest to her cheerful acceptance of this extra responsibility and the fact that her mother's welfare is a main objective of her life.

I must also say that Rosanne is a very talented and reliable babysitter. She has taken care of our children, Michael and Andrea, over the years of their childhood and my wife and I owe her a debt we can never repay. Because Rosanne started teaching the children early, they learned to read before entering grade school, and have done excellent work ever since.

Last month, Miss Dillon received the first annual Teacher of the Year Award from the League of Catholic Parent-Teacher Associations. An account of this award and the celebration held in her honor at Holy Family School in Louisville appeared in the Louisville, Ky. Record on June 3:

"D-DAY" AT HOLY FAMILY FOR SCHOOL PRINCIPAL

All last week Holy Family School, 3926 Poplar Level Road, was literally plastered with brightly colored posters which sported slogans like "D-Day is coming!" "Watch out for D-Day!" and "What are you doing for D-Day?"

What was D-Day? "I don't know. They tell me it's for Dillon. I'm afraid to ask any more than that," replied the principal of Holy Family, Miss Rosanne Dillon.

Miss Dillon was right. "D" for Dillon Day was officially celebrated at Holy Family last Friday, May 28.

It began with a Mass during which the children asked special Offertory and Communion petitions for their principal. D-Day then shifted to the school cafeteria where the entire school participated in the special program.

Each class presented some form of original entertainment, including song parodies, poems, skits, a mock TV newscast and a take-off of the television comedy "Hee Haw". There was also a barbershop quartet singing a song specially adapted for Miss Dillon; an audience applause contest between teachers named Mr. Mean, Mrs. Homework, Miss Softie and Miss Dillon; and a playlet entitled "A School Day in the Life of Miss Dillon." The program closed with a group of third graders, whom Miss Dillon had taught last year, offering special prayers which they composed for her.

What did Miss Dillon do to deserve all this? There are several answers.

The most immediate cause is that Miss Dillon recently received the League of Catholic Parent-Teacher Association's first annual Teacher of the Year award.

In announcing the award at the League's annual convention last month, president Mrs. Schuhmann Montgomery said Miss Dillon was selected because she "symbolizes the qualities of an educator, one who is honored by parents and by fellow members of her profession . . . one who exhibits outstanding concern for children, effective cooperation in working with parents and children, and fulfillment of duties as a parochial school teacher."

When she accepted the award, Miss Dillon remarked, "Anything that comes to me is because of the people I work with." Later she said, "I would like it made clear that I know that there are other teachers who deserve it (the award) as much and more than I do. The thing that really thrills me is that someone, some small group here at Holy Family, cared enough to nominate me."

The other reasons can be attributed to the basic attitude which Miss Dillon adopted toward the role of principal when she accepted the position in April 1970—an attitude which can be summed up as an "open-door policy."

"From the very first day," she remembered, "I determined that the door had to be open. That was the way it had to be. A principal needs to be available, and she needs to be with the children and with the teachers. I didn't want the principal to be someone apart from them, but someone who was with them.

"I think I would like for the principal's office to be considered as not a foreboding place where children shudder at the thought of visiting the principal in her office," she continued. "I have tried to foster openness and communication. My door is always open and I would like for the children always to feel free to come and visit or discuss their problems or whatever."

"I would like to think one of my biggest duties or obligations would be to be available at all times for my children and also for the teacher and the parents. This would be my philosophy; this is how I view my role."

Miss Dillon said she also likes to work with the children as much as possible. She does this by visiting classrooms, although "I would like to visit the classroom more than I have."

From 1956 until last year she taught second grade at Holy Family, except for one year when she taught a combined group of second and third graders. She has also taught groups of children who had various learning difficulties, principally in the area of reading. Now she teaches a daily fourth-grade reading class.

Speaking of the age group (second graders) which she was connected with for 14 years, Miss Dillon explained that "maybe I prefer them because this has been my experience. But I have found this year that they (all ages) are equally lovable. Different characteristics come with different ages, but they all have something to offer."

In her free time, of which she said "there just isn't that much," Miss Dillon likes to sew, to read and to work with her hands. painting," she remarked. "And I'd like to "I think I'd enjoy just about anything where I would make use of my hands—drawing, have more time to read—to do all those things, actually."

As far as summer activities, Miss Dillon said she expects to spend a lot of time making plans for the next school year. She explained that Holy Family will drop its third grade next fall and that many changes will have to be planned for, such as use and space of classrooms.

Also, "I like to swim, and I own a bicycle," she said. "An extended vacation, no. But I'd like to have a few days I could call my own."

She also plans to take some summer courses at the University of Louisville and work toward her master's degree (she received a bachelor of arts degree in elementary education from Ursuline College).

"You can never become static in education," she explained. "You have to be constantly searching for new ways to help yourself become a better teacher, a better person. You have to constantly be open (and) be learning."

VIEWS OF FLORIDA ASSOCIATION OF STUDENT COUNCILS, RESOLUTIONS COMMITTEE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. BENNETT. Mr. Speaker, I am happy to have the opportunity to make views of the Florida Association of Student Councils Resolutions Committee available to the Congress. This material was sent to me by my constituent, Mr. Andrew E. Johnson, who is chairman of the resolutions committee of the association:

THE FLORIDA ASSOCIATION OF STUDENT COUNCILS RESOLUTIONS COMMITTEE,
Gainesville, Fla.

DEAR CONGRESSMAN: As Chairman of the Resolutions Committee of the Florida Association of Student Councils, it is my pleasure to inform you of the various resolutions of the 1971 annual convention of the F.A.S.C. The F.A.S.C. is composed of the student body/student council officers of Florida's high schools; the resolutions are a reasonable attempt to speak out on the issues of direct concern to Florida students.

We are anxious for a reply from each member of Congress. However, resolutions numbers 7, 12, and 18 are the only resolutions which we urge you to consider. We want Congress to seek an end to the Indo-Chinese war now, through emphasizing economic rather than military aid. We want Congress to seek Red Chinese membership in the United Nations. We want to press for an immediate exchange of all Prisoners of War. More important to us perhaps than letting you know our position, we want to know your reaction and what, if anything, you are intending to do in regards to these issues.

Your response to any and all of the enclosed resolutions will be warmly appreciated. Further, you can rest assured that your reply will be communicated to the member schools of the F.A.S.C.

Thank you for your prompt and deliberate consideration. I hope that you may appreciate our sincerity in attempting to represent the opinions of Florida's students through all available channels.

I will be anxious to communicate with you further, if in any way I may assist you in your consideration of these resolutions.

Sincerely, yours for a responsive government,

ANDREW E. JOHNSON,

President, Duval County Association of Student Councils; Chairman, Resolutions Committee, Florida Association of Student Councils.

RESOLUTIONS OF THE FLORIDA ASSOCIATION OF STUDENT COUNCILS 1971 ANNUAL CONVENTION

(Gary Baker Presiding, F.A.S.C. President, Ribault High School)

1. The F.A.S.C. is resolved that the local high school newspaper should have no other censorship than that of the editors and the normal regulation of common legal restrictions.
2. The F.A.S.C. is resolved to press for open campus for lunch breaks.
3. The F.A.S.C. is resolved to press for counties to *require* no more than one year of physical education.
4. The F.A.S.C. is resolved that home economics should be an elective course.
5. The F.A.S.C. is resolved to oppose any attempts to merge or close FAMU.
6. The F.A.S.C. is resolved to continue with annual spring conventions.
7. The F.A.S.C. is resolved to seek an end to the war in Indo-China now, by urging emphasis to be put on economic rather than military aid.
8. The F.A.S.C. is resolved to seek a collegiate 4-quarter system for high schools, allowing the student to choose any 3 or 4 quarters per year.
9. The F.A.S.C. is resolved to seek a seat for the F.A.S.C. President on the State Board of Communication. (same resolution passed in 1970)
10. The F.A.S.C. has rejected a resolution calling for the legalization of smoking on school grounds, although we do believe that a problem exists.
11. The F.A.S.C. is resolved to urge the legislature that the primary legal deterrent be penalties on the "pusher," and that more emphasis on rehabilitation of the addict be made.
12. The F.A.S.C. is resolved to urge Congress to recognize Red China as a member of the world community, by establishing diplomatic relations and by working for Red China to be seated in the General Assembly of the U.N.
13. The F.A.S.C. failed to take a stand on the draft.
14. The F.A.S.C., after heated debate and lengthy deliberation, defeated a resolution calling for a liberalized abortion law. However, there was a general consensus in favor of family planning.
15. The F.A.S.C. is resolved to use its funds to establish a scholarship system.
16. The F.A.S.C. is resolved that teachers should be required to take psychological tests before teaching in the classroom.
17. The F.A.S.C. is resolved to urge immediate ratification of the 18-year-old voting age amendment.
18. The F.A.S.C. is resolved to press for an immediate exchange of all Prisoners of War.

The F.A.S.C. then resolved to leave the convention site in such a way as to reflect the pride within our association and in such a way as to responsibly represent the attitude of the majority of students in the State of Florida.

Respectfully submitted,

ANDREW E. JOHNSON,
Paxon High.
JACKSONVILLE.

NEW COAL MINE SPRAY SYSTEM

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. MOLLOHAN. Mr. Speaker, I would like to bring to the attention of the Congress an article published in the June 10 edition of the Fairmont, W. Va., Times which describes a potentially useful device in the control of coal dust.

I offer this article to point out the need for improved technology to make our coal mines safer and healthier. It is my belief that part of the difficulties responsible for the lack of truly effective enforcement of the Coal Mine Health and Safety Act of 1969 can be traced to a lag in technology.

I commend Thomas J. DeWitt of Fairmont, his father Harry E. DeWitt, and Earl M. Damron of Morgantown for their fine efforts in trying to develop a device to lessen the health risks of working in a coal mine.

I know I speak for the coal miners across the Nation, as I urge these men to continue their research. I also urge the Bureau of Mines to examine this device in the interest of furthering its development.

LOCAL YOUTH HELPS DESIGN NEW MINE SPRAY SYSTEM

MORGANTOWN, W. Va.—A new spray system that promises to drastically reduce the coal dust that causes miners' black lung has been designed and built by a West Virginia University engineering student, his father and a friend.

Their system has shown promising results in tests performed in Midwest and Pennsylvania coal mines. But it will have to be used over a period of time to make valid comparisons and evaluations.

The student is Thomas J. DeWitt of Fairmont, who recently was graduated in mechanical engineering and has received a National Defense Education Act Fellowship to study for this doctorate at WVU. Working with him on the project are his father, Harry E. DeWitt of Fairmont, and a family friend, Earl M. Damron of Morgantown.

SUPPRESS COAL DUST

"You wouldn't try to shoot a flock of crows with a 16-inch naval gun—but in effect that is what you're doing when you try to suppress coal dust with conventional water spraying equipment," Thomas DeWitt explained.

Most of the harmful coal particles produced in mining operations are from 0.1 to 10 microns (one millionth of a meter) in diameter. However, most droplets of water produced by conventional spray noozles used to suppress coal dust are from 1,000 to 10,000 microns in diameter. If one of these droplets meets a particle of coal dust you get a sure kill—but it's an overkill by at least 1,000 times.

Droplets of water are able to settle coal dust because of two reasons. (1) If a liquid droplet and a dust particle meet, they stick together and their combined weight tends to make them fall faster (bodies fall at the same rate only in a vacuum.) (2) A moist particle of dust tends to cling to anything it might touch. If a dry dust particle hits another particle, they simply bounce off one another. And if a dry particle settles on a dry surface, there is a good chance that it will soon be blown back into the air since coal mines are extremely windy places because of the ventilation system.

"The ideal spray would produce a droplet of water for each particle of dust that was being produced and each droplet would be about the same size as the particles," according to DeWitt.

HOPE TO APPROACH

"Naturally, we can only hope to approach this ideal. If you don't have enough droplets, you have to miss some of the dust. If you have too many droplets, you waste water. In the same way—if the droplets are too small, they can't do the job. If they are too large, you waste water again. And clean water in a coal mine is hard to come by; once it has been used, it becomes polluted and presents a disposal problem."

The primary problem caused by coal dust is coal worker's pneumoconiosis (black lung)—a crippling and often fatal disease for which there is no cure.

"Yet disease is not the proper word—pollution is perhaps a better word for black lung," DeWitt observed. "Black lung is a pollution of the lungs, the breathing in and capturing of millions of minute coal particles."

The heart of the new water spray system is a special nozzle that produces droplets from 1 to 15 microns in diameter. (The dust particles that are most harmful to man are thought to be from 0.1 to 10 microns in diameter.)

Despite these favorable results, the new spray system isn't a cure-all. Its installation should be undertaken with the idea that it will be properly controlled, maintained and serviced. And it has to be used over a period of time in order to make valid comparisons and evaluations, DeWitt said.

ELDERLY CONTRIBUTE MUCH

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WALDIE. Mr. Speaker, I have recently had brought to my attention an editorial by Thelma M. Schorr, executive editor of the American Journal of Nursing, which offers, I believe, a point of view too often forgotten in our considerations of the elderly.

Miss Schorr has made an excellent statement for the need to remember the human aspects of care as well as the medical and technical aspects and I commend her editorial to my colleagues.

I include the editorial as follows:

AGES OF USEFULNESS

Serendipitous is a lovely word. It means having a nice by-product, gaining more from something than what was expected.

This seems to us to describe very well what happened when the Little Sisters of the Assumption united two worlds in New York's East Harlem community). To ease the cultural shock jarring young families newly arrived from Puerto Rico, the Sisters arranged to have elderly Puerto Rican women, long-time residents of East Harlem, come in and help the young mothers adjust to the strange ways of their new home.

The results were, indeed, serendipitous. Certainly the newly arrived mothers were helped—the original purpose of the venture. But equally, if not more so—and here is where the serendipity comes in—the helpers were also helped. These elderly women found a new purpose in their lives. Old and young alike benefited from the blending of the generations, a blending that has been pretty much sacrificed in this country to either the physical pressures of urbanization or the emotional pressures of our preoccupation with independence. For whatever reason, we have for several decades shelved our elderly and deprived ourselves.

OUR LOSSES

As a result, we have been left with that nuclear family we read so much about today, with its two generations often sullenly separate and without a catalytic third or fourth generation to help them heal the wounds and bridge the gaps. We suffer from a lack of continuity—that quality of life which can anchor a confused and searching generation. We do indeed need grandparents, and we need them to be useful and functioning.

One of the tragic consequences—or is it a cause?—of the dysfunction the aging have endured has been their assumption of the sick role. Sociologist John W. Riley, Jr., at a seminar on aging at Duke University, said that many old people define themselves as sick because society defines them as useless. The biological tolls of old age, he pointed out, "in reaction time, strength, sensory acuity, and so on, do in fact reduce the individual's capacity to deal with his environment and to achieve gratifications in accustomed ways. Yet these aging processes may also entice many older people into the sick role simply because these processes are perceived as threats—as forerunners of a future inability to perform as healthy human beings. If aging could be defined as a normal, dynamic aspect of life—requiring to be sure, many basic and traumatic role adjustments but carrying no necessary connotations of illness—it seems not unlikely that the older person might eventually be able to meet the changed social expectations with a higher chance of good rather than of ill health."

It would seem then, that a great deal depends on expectations. For example, those periods between illness and wellness are critical ones, when attitudes—those of family, friends, staff—are often mirrored in patient response. When the patient is a young person, we concentrate on his return to function; we call in rehabilitation experts and vocational counselors. But when the patient is old, the focus in too many cases is on disposition, on finding institutions that can compensate for weaknesses instead of situations that will capitalize on strengths. Resumption of normal social roles following an illness is difficult at best; in this era of galloping automation, the skills of young and old alike are devalued and many traditional jobs are being threatened. For the aging person, continuing the role of patient is an alluring choice that is reinforced by societal approval. When it is further reinforced by the attitudes of those in the patient's immediate environment, the specter of a sick old age becomes a self-fulfilling prophecy.

Obviously, there will be persons for whom a geriatric facility is the wisest answer—whether that be a nursing home or an old-age home, a day or night hospital, or some other kind of extended care arrangement. There will also be persons who will enjoy the retirement communities proliferating in such abundance now or the specially built housing facilities for the aged in general neighborhoods.

THEIR GIFTS

But as we plan all these varieties of services for the elderly, let's not forget the importance of services from the elderly. We need them and we need their values, at the very least to test our own against. We need their wisdom from years of living; we need their love to make us more loving.

THELMA M. SCHORR,
Executive Editor.

75TH ANNIVERSARY OF THE JEWISH WAR VETERANS OF THE UNITED STATES

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. EILBERG. Mr. Speaker, on the occasion of the 75th anniversary of its founding by Civil War combatants, I wish to congratulate that splendid and patriotic veterans' organization, the Jewish War Veterans of the United States.

For three-quarters of a century, it has opposed anti-Semitism and espoused an informed and courageous love of this country. Its activities have included, during its long history, community service, veterans' benefits, and legislative action for purposes it has deemed worthy. It has striven to preserve the memory of those brave Americans of the Jewish faith who died serving the United States; the efforts of Jewish American communities throughout the country have financed the establishment of a national shrine to the Jewish war dead, a shrine appropriately located in the Nation's Capital.

The praiseworthy aims of the Jewish War Veterans of the United States were set forth in the moving language of the preamble to its original constitution of 1896:

To maintain true allegiance to the United States of America; to foster and perpetuate true Americanism; to combat whatever tends to impair the efficiency and permanency of our free institutions; to uphold the fair name of the Jew, and fight his battles wherever unjustly assailed; to encourage the doctrine of universal liberty; equal rights and full justice to all men; to combat the powers of bigotry and darkness wherever originating, and whatever their target; to preserve the spirit of comradeship by mutual helpfulness to comrades and their families; to instil love of Country and Flag, and to promote sound minds and bodies in our members and our youth; to preserve the memories and records of patriotic service performed by men of our faith; to honor their memory, and shield from neglect the graves of our heroic dead.

The members of the Jewish War Veterans met together in convention in Philadelphia in 1936 to amend their constitution. In the newly drafted constitution were set forth in detail the duties and obligations of the national executive council, the national executive committee, the departments, district councils, and ladies' auxiliaries. The duties of officers were prescribed, uniforms and insignia designated, and a seal adopted. Almost two decades later, a congressional charter was obtained.

Now the oldest active veterans' organization in the country, the JWV has been a strong bulwark of the Jewish community's fight against anti-Semitism.

Its dynamic program emphasizes mutual understanding. It tries to reach out to every reputable group in the country, to State legislatures, to Congress, to churches, to schools, and to all other veterans' organizations, in order to find allies in its battle against bigotry.

The JWV has worked hard to maintain its close working relations with both veterans' and nonveterans' organizations in its unending campaign to advance group cooperation in all areas of American life. Among the supporters of the JWV are those organizations which advocate legislation aimed at closing existing gaps in the exercise of civil rights.

JWV programs include brotherhood rallies, school scholarship and contest awards, and civic betterment projects in localities.

Through its child welfare program, the JWV supports the Boy Scouts, provides summer camp scholarships for underprivileged children, sponsors athletic league tournaments, and equips participating teams.

As an accredited agency representing claimants before the Veterans' Administration and the Defense Department, the JWV maintains a veterans' service program staffed by professional counselors and guidance experts who assist veterans and their dependents in dealing with various public agencies. This free service is made available without regard to the race, color, or creed of veteran applicants. It helps thousands of veterans and their dependents each year.

The JWV maintains a legislative office in the Nation's Capital. For the Jewish community, the JWV's legislative office has special significance, because the leaders of our Government recognize that the JWV represents the views of a large and important part of the organized Jewish community. Through its legislative action program, the JWV has campaigned for a veritable multitude of bills in the areas of civil rights, national defense, mutual security, foreign affairs, veterans' benefits, and other programs of interest to the American Jewish community.

In all the American military cemeteries in this country and throughout the world, there are to be seen, among the rows upon rows of crosses, many Stars of David, mute but overwhelming testimony to the sacrifice made by the men of Jewish faith who fought to the death in order to preserve American freedom.

On this 75th anniversary, we pay tribute to them and to the Jewish War Veterans of the United States.

ISRAEL'S AIR FORCE—IN A CLASS BY ITSELF

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. ROSENTHAL. Mr. Speaker, while top Soviet and Egyptian officials were in Cairo signing a 15-year Treaty of Friendship and Cooperation, news reports were circulating elsewhere that the United States was deferring action on Israel's applications to purchase additional aircraft.

While the United States is faithfully discharging its commitments to send Israel all the planes already purchased, there has apparently been no decision with regard to Israel's pending request for additional aid, now some 10 months old.

There are those who interpret this as a form of pressure on Israel to accede to U.S. views on a settlement in the Mideast.

An anti-Israel propaganda campaign is underway which holds that any hope for Arab goodwill will depend on U.S. arms policy toward Israel. We have seen over and over again, Mr. Speaker, that while the United States withholds approval of Israel's arms requests, the Soviets continue and even step up arms shipments to their Arab clients.

The Soviet Union is providing the Egyptians highly advanced missiles and aircraft that it has not committed elsewhere outside its own borders, plus the personnel to operate this sophisticated equipment while they are teaching the Egyptians to handle it themselves.

There are those who would tell you Israel does not need additional aircraft. A look at the statistics shows that is not so. Egypt now has twice as many aircraft as Israel, including three times as many supersonic planes. It has one-and-a-half times as many tanks as Israel, and the Egyptian advantage in missiles is 20 to 1.

Under the new treaty the Russians are committed to equip and train their clients to the extent of Egypt's needs. Moreover, there is conclusive evidence that the Russians themselves are operating this equipment for the Egyptians. Russian pilots, flying MIG fighters with Egyptian markings, have clashed with Israeli pilots in aerial duels over the Suez and a number of the Soviet-manned planes were shot down.

Israel's quantitative disadvantage will grow, not only because the Russians will maintain the supply, but because Israeli planes and other equipment will suffer from obsolescence and attrition.

There is one thing, however, that the Russians, with all their rubles and determination, have so far been unable to give the Egyptians, and that is quality.

That quality, made up of skill, training, and motivation, has spelled superiority for the Israel Air Force. But the Egyptian and other Arab air forces are not sitting still; they are training vigorously and rapidly acquiring the most advanced equipment available, and that adds up to a serious threat to the balance of power in the most volatile area in the world, the Middle East.

A profile of the Israel Air Force appears in the June 1971 issue of Air Force magazine, written by senior editor William Leavitt. The article follows:

ISRAEL'S AIR FORCE—IN A CLASS BY ITSELF

(By William Leavitt)

If professional skill, technical ingenuity, motivation geared to nothing less than national survival, and a continuing thrust toward self-sufficiency still count for something in human conflict, then Israel's Air Force may be in a class by itself.

A relatively small force in terms of what it has to be able to do, the Israel Air Force (IAF)—or Heyl Ha-Avir, as it is called in Hebrew—has an enormously difficult job. It must maintain air superiority over an area where flight times are measured in minutes, and it must defend, with aircraft and missilery, a tiny country where most of the population is vulnerably gathered in a few major cities and the rest is scattered in relatively small numbers in rural settlements.

At the same time, the IAF must be prepared to support Israel's mobile ground forces in the event of another shooting war in the Middle East. All this against the background of a continuing near-war situation in which Israel is surrounded by adversaries that outnumber her many times over in population and forces.

This tough, multifaceted mission is further complicated by the fact that, as a consequence of international power politics in which Israel finds herself an unwilling player, the Israel Air Force—with its fleet of French-supplied Dassault Mirage IIICs and US-supplied F-4E fighter-bombers and A-4H attack aircraft, plus its array of other, older aircraft of various origins and vintages—now faces, on the crucial Suez front that separates her from her most significant adversary, Egypt, a Soviet-created air defense system that Israeli airmen view as the thickest such barrier in the world.

That system, which has cost the Russians an enormous outlay, includes large deployment of Soviet-manned surface-to-air missiles (SAMs), reported to include the very latest types, advanced radar and communication equipment, plus a formidable collection of advanced Soviet aircraft including the MIG-23 Foxbat, claiming Mach-3 dash performance. The great inflow of Soviet equipment into Egypt since the 1967 Six-Day War is considered by most observers a bold Russian attempt to neutralize the Israel Air Force, which four years ago this month so easily outflanked Egyptian air defenses and destroyed most of Egypt's air force on the ground.

SOVIET TECHNICIANS

This time, however, the Soviets appear to be determined not to lose their investment by entrusting complex ground equipment and advanced aircaft to Egyptian manning. They have brought in a sizable cadre of Soviet technicians and pilots to man the hardware. And, as many Middle East watchers have pointed out, the Egyptians have, in exchange, largely handed over their military decision-making to the Russians.

That Soviet pilots have arrived in some strength in Egypt has not gone unnoticed by the Israel Air Force or government. Aircraft of the IAF have already shot down a number of Soviet-manned MIG-21s in the Middle East. And Israel's Prime Minister Mrs. Golda Meir, has been quoted as saying that, while Israel is in no way anxious for a renewal of hostilities, if Soviet-manned aircraft show up in the gunsights of Israeli pilots, they will have to be dealt with just as any other adversary in a shooting war.

Such a statement is not to be viewed as bravado. Rather, it is symbolic of Israel's determination not to be intimidated. The same spirit was voiced recently—after the news stories about the flow of MIG-23s into Egypt—by the former commander of the Israel Air Force, retired Maj. Gen. Ezer Weizman. He has been quoted as saying that "if war breaks out again, we shall down the MIG-23s as we downed the others."

He added that he preferred the McDonnell Douglas F-4 any time to the MIG-23, which he described as having a top speed of Mach 2.4—rather than the claimed Mach 3—compared to the F-4's Mach 2.2. He saw the difference as insignificant in combat. The high ceiling of the MIG-23, more than 70,000 feet, General Weizman added, is more useful for reconnaissance than for air-to-air combat.

General Weizman's comments are in line with the operating philosophy of the Israel Air Force, a philosophy made quite evident to the relatively few foreign visitors to IAF installations. Not long ago, as a member of a Western press delegation inspecting Israeli aviation and technical facilities, this writer visited a spanking-new Israel Air Force desert base, and heard Israel Air Force people saying essentially the same thing. Simply stated, the Heyl Ha-Avir's operating philosophy is: "We'll find a way." In terms of the massive Soviet air defense shield in the Suez, the most that Israeli airmen will say is that an absolutely airtight Egyptian defense isn't possible. And there is little question that Israeli tacticians are presently studying everything from standoff missiles to drones and radar spoofing, in order to develop new approaches to that problem, should they be needed.

PILOTS: THE KEY

Translated into practical terms, "we'll find a way" means a way of doing things in the Israel Air Force that includes an extremely careful selection of pilots—many of whom will later be air planners—and intense training, geared to mating the man with his airplane, as well as instruction of the sort that stresses individual initiative and flexibility in combat. This is based on the conviction that Israel cannot afford to lose aircraft, and even more important, cannot afford to lose pilots. The latter point is an article of faith in the Israel Air Force. Israeli airmen will tell you that they will go to enormous lengths to rescue a pilot in trouble, not only because they want him back, but because it is vital for everyone in the IAF to know that the Heyl Ha-Avir cares for its own.

As Israel Air Force people put it, if the country has a secret weapon, it is the IAF's pilot-training program. As a consequence, the IAF is acknowledged as the nation's elite—its shield and spear—and it has the cream of the nation's youth to choose from. Every prospective pilot is a volunteer, a volunteer in a country where everyone, male and female, must perform military service—and where virtually everyone except the very young, the old, and the sick, are in the national military reserve in some capacity.

Pilot selection and training, of which more later, is but one of the factors that distinguish the Israel Air Force as excellent. Flexibility in operations and doctrine, and an organization geared to highly centralized and rapid command and control, are also quite basic to the IAF's past success and present confidence, even in the face of increased challenge.

Israel, living as it does in the midst of a sea of hostility, has been likened to one great aircraft carrier, the nation's entire territory being the flight deck. Certainly, as you drive around the country, airpower is highly visible. High-performance aircraft streak through the air regularly, and you frequently have the impression that an airstrip is not far off.

ONE BIG COMMAND

The Israel Air Force is one big command, with individual squadrons assigned to primary missions, but flexible enough to take on other missions on short notice. The structure is compact. The Heyl Ha-Avir has but one basic chain of command, from the operational squadrons on the bases to the chief of the Israel Air Force, Brig. Gen. Mordechai Hod. General Hod, who commanded the IAF during the Six-Day War, is, in turn, responsible to Lt. Gen. Haim Bar-Lev, Chief of Staff of the Israel Defense Force, in Hebrew called the Zahal. General Bar-Lev, in turn, reports to the celebrated Israeli Minister of Defense, Lt. Gen. Moshe Dayan.

At the same time, and this applies all the way up and down the line, each IAF commander has functional deputies for principal requirements such as intelligence, operations, manpower, and maintenance. Whatever job a member of the Israel Air Force may be doing, whether he's a mechanic or a medic or a pilot, he is responsible for his performance to the base commander—always an experienced pilot—who, in turn, is directly responsible to Israel Air Force headquarters. And the base commander is also the operational commander of the squadrons deployed at his facility.

Thus, at the major training base we visited, the boss was the young colonel who commanded the base. His various deputies all report to him, and he, in turn, reports to IAF headquarters. But at the same time, the people running various services or specialties on the base can get direct guidance in their specialties from headquarters. Also, they are perfectly free to relay suggestions directly to headquarters from the field.

This kind of direct contact between the field and headquarters is not viewed as end-running or going over people's heads. The idea is to have a tight, fast chain of command so that situations can be handled rapidly, while at the same time assuring flexibility and a minimum of bureaucracy and protocol. For example, if someone in a responsible position in the pilot-training business wants to suggest a curriculum change, he can pick up the phone and call IAF headquarters. Chances are he will get an answer within minutes, or, at most, hours. The Air Force chief, General Hod himself, might make the decision. Lengthy staff studies and paper analyses are things the Israelis say they don't have time for. That kind of organization puts IAF research and development into the operations branch rather than in a separate structure.

In the overall Israel Defense Force organization chart, ground forces are grouped into Northern, Central, and Southern Commands—with IAF airstrips and bases located in all of them. In practice, the geographical commands do not affect the Air Force beyond a few housekeeping matters or such items as seasonal changes of uniform.

FLEXIBILITY

Centralized control with built-in flexibility is the Israel Air Force's style. And, with the short distances involved in Middle East air operations, that kind of control can—and did during the Six-Day War—see combat units easily redeployed from one front to another, in moments.

No frills, but constant emphasis on doing whatever the mission requires with the highest competence possible. This is evident particularly in the pilot-selection and training program previously mentioned. IAF selection and training are designed to create a cadre of pilots—and this applies to everything from high-performance fighters to helicopters—who know virtually everything there is to know about the operation and maximum performance of their aircraft, and themselves.

The emphasis is on individual capability, pilot in aircraft, rather than procedures per se. Many of the volunteers, fresh out of high school, are "kibbutzniks"—youngsters brought up in cooperative rural settlements where the group spirit is very strong. This spirit is considered a valuable asset to the Air Force. The cadets are usually around eighteen years old. From beginning to end, the selection and training program runs about twenty months and includes tough courses in subjects ranging from survival in the field to navigation, gunnery, and air-to-air combat.

It is divided into a number of stages. The first stage is crucial. Its purpose is to weed out those candidates who, for one reason or another, aren't likely to hack it. The cadets are exposed from the outset to flight in Piper Super Cubs. A hard judgment is made quite early as to whether or not to continue the investment in each cadet's training. The decision is crucial, not only in military terms but also in terms of cost—about $150,000 to produce an IAF fighter pilot.

Yet the investment, even in first-stage candidates who cannot hack it, is not forfeited. Those who are released during the Super Cub stage are assigned either to other Air Force training or to other branches of the Israel Defense Force. In fact, the switch to other assignments can occur at any point in the pilot-training program. And in those other jobs, they do very well, having come from the cream of the country's youth, even though they were not quite up to combat-pilot standards.

The Israel Air Force will not say exactly what the selection rate is, but the figure of one trained combat pilot out of 300 aspirants, which has been reported by some observers, is neither denied nor confirmed. Every graduate of pilot training is commissioned and must serve five years. Often, he has the chance, on active duty, to be sent to a civilian university at government expense.

TRAINING

There is more to the first stage than watching the candidates in the air. Intensive psychological screening on the ground goes on at the same time, as well as a busy round of academic training in aero-related disciplines.

Once through the rigorous first phase, the would-be fighter pilot embarks on several months of intensive ground training. This is a punishing regime in which the candidate must prove himself able to survive in a country where arid deserts and rugged mountains challenge any man's will. With the field-survival training goes another set of academic courses and psychological observations of the pilot candidates.

Once through this second stage—at this point he has been in the program about eight months—the candidate finally gets a chance to fly the versatile French-designed Fouga Magister twinjet trainer, which the Israelis build under license. During the Six-Day War, Fougas were used quite effectively for close-support operations.

In the Fouga, the cadet really learns to fly and begins to learn how to fight. When he finishes the Fouga course and the concurrent academic program, he's ready for assignment to an operational squadron. Usually he goes to a squadron flying some of the IAF's transonic aircraft: Vautours, Ouragans, Mystères, Super Mystères, or A–4s. Only later might he be assigned to squadron flying supersonic Mirages or Phantoms.

Clearly—and this is evident to the visitor to an IAF base—the Israel Air Force is run by young but seasoned commanders. To keep them fresh, the IAF rotates tours at about two years. That way, they get varied command experience. The IAF has pilots with ten and more MIGs to their credit, plus hundreds of sorties. The training base we visited was commanded by a thirty-six-year-old colonel who has been in the IAF since 1951 and who has flown everything in the inventory, including helicopters.

He briefed visitors politely and briskly in fluent English, from which he was able to slip easily into French when required. That was a heritage, he said, from the days of what he called "our romance with the French." His humor, as he greeted visitors to the striking stone building where he had his headquarters, was evident.

In the middle of the briefing, the phone rang, and he excused himself, saying with a smile, "I hope no war." He then took the call in Hebrew.

SHORT GENERATIONS

"We have learned from others," he said, "but we don't copy. We adapt to our own needs. A 'generation' in our air force can be twelve months." He said this by way of illustrating the speed with which new weaponry, tactics, and concepts can be introduced into the IAF. These range from ingenious spareparts and maintenance operations to on-the-deck flight techniques to electronic countermeasures and evasion of surface-to-air missiles. Israeli airmen point out that, perforce, the IAF has, in a couple of decades, gone through changes in aircraft and flying style that other air forces took fifty years to pass through. Change is the IAF's way of life.

The colonel went on to describe how the Israel Air Force has had to write its own handbooks after extracting what was useful from existing military literature and adapting the data to Israeli conditions and needs. Since Israel's language, Hebrew, is a revived ancient tongue, it is understandably short of technical terms. And when new Hebrew words could not be invented, foreign words were incorporation into the IAF's operational language.

At the same time, interestingly enough, the one facility that we visited in Israel that did *not* have signs printed in both Hebrew and English was the IAF base. There, all signs on buildings and doors, so far as we could see, were in Hebrew only, although most of the senior personnel spoke enough English to make their points. The cadets themselves, while they learn some English in school and during their Air Force training, are most comfortable in Hebrew. They are preponderantly "sabras"—or native-born Israelis. And more than fifty percent of them come "off the land," that is, from rural settlements.

QUICK REACTION

The style of the Israel Air Force—featured by doctrinal and operational flexibility, intense training, unquestioned motivation—is geared to what they call Quick Reaction Capability, QRC for short. QRC is applied to the wide range of military endeavors that simply have to work if Israel is to survive. In the Air Force context, QRC can mean an aircraft modification put into effect air-force-wide in one day.

Other examples range from military intelligence, about which, for obvious reasons, the Israelis will say very little, to their adroitness in the art of electronic warfare. One of the reasons the Russians are reported to be installing in Egypt one of their most advanced ground-to-air communication systems, one using digital displays rather than voice, is that the Israelis have been able to monitor enemy communications with relative ease.

QRC also has motivated the imaginative Israel Air Force research and development, performed in close cooperation with the Israeli aircraft industry, that has simplified and stretched the utility of their expensive combat aircraft. For example, the usually clear skies of the Middle East have made it possible to dispense with much of the expensive nav-aid gear that comes with a piece of machinery like the F–4. And, as the Israelis like to point out, guns are vital to combat aircraft, even in an age of air-to-air missiles, and they have added guns to their aircraft as needed.

But dedication, imagination, skill, and an effective command structure are not all the factors that have made the Israel Air Force the compact and competent organization that it is. There is another factor that has always been important, and which could become even more important as the Middle East cold war proceeds: Israel is frankly searching for maximum possible military self-sufficiency.

SELF-SUFFICIENCY

As a result of their experience in the international arena, particularly their often frustrating efforts to buy combat aircraft and other equipment from friendly nations, they have created a strong aviation and technical industry on their own soil. This complex could, in the clinches, put together combat aircraft of the highest sophistication.

There have been reports, neither confirmed nor denied, that the Israelis have already developed and test-flown a prototype Israeli air-superiority fighter. On this point the most their aviation-industry people will say is that they most certainly know how to build such aircraft and that all they need are the orders. Of course, as is well known from open press reports, the Israelis now produce most of their own ordnance needs in Israel, from small-arms ammunition to airplane bombs. And they are marketing beyond their borders such diverse items as their Uzi submachine gun and their Gabriel sea-to-sea missile.

The idea of Israeli military self-sufficiency goes back a long way, to the days when Jews and Arabs were girding for the 1948 war that both sides expected after the departure of the British from the Holy Land. England had ruled there as League of Nations mandate power from the end of World I until after World War II. (*For an excellent account of the history of the IAF, see "Israel's Little Air Force and How It Grew,"* AIR FORCE, *January '68.*)

The Israel Air Force was at the outset a ragtag collection of obsolescent foreign airplanes, including, ironically enough, leftover German Messerschmitts airlifted into Israel from Czechoslovakia by Israelis and American sympathizers who flocked to the young state's defense in 1948.

Only recently has the story of that remarkable post-World War II period, when arms and aircraft were being smuggled from North America and Europe into Israel, been revealed in detail. It is a hair-raising tale. The cast of characters includes such diverse personalities as Israel's first Prime Minister, David Ben Gurion, American and Canadian businessmen, and members of the post-World War II Czech government, among many others.

Aviation, military and commercial, is clearly Israel's lifeline. Not only have they built a seasoned air force and sophisticated aerospace industry, but also a profitable flag international carrier, El Al, which brings in vitally needed foreign exchange and which is one of the few international airlines where it's hard to book a reservation these days. The Israelis see aerospace technology as an ideal enterprise for a small country which, while it is pressed by huge defense costs, is also blessed with a highly skilled labor force made up of native-born Israelis and new and old immigrants who have brought solid technical experience to the country.

Knowing that they live in a threatened environment, they have decided to make their indispensable defense investment serve as the forced draft for their internal development. As is the case with the Israel Air Force, their aerospace industry style is eclectic. They acknowledge technical and management debts to the Americans, the French, the British, and others, but they emphasize that out of it all has emerged something quite uniquely Israeli.

Virtually a quarter of the population is involved in defense in one way or another. In the words of Yeshayahu Lavi, the Director General of the Defense Ministry, "for us to maintain this level for a long time is not good for our national identity." Yet, he adds, there are few arguments about the necessity for defense and few polemics about the existence of an Israeli "military-industrial complex."

WORLD MARKETS

With the existence of a vigorous home-grown aerospace industry that, under the leadership of the eighteen-year-old Israel Aircraft Industries, Ltd., is entering world markets with its Arava turboprop STOL transport and its Commodore Jet executive aircraft—a descendant of the old Jet Commander, bought outright from Rockwell-Standard in 1967 and redesigned for manufacture in Israel—there seems little doubt that they mean what they say about technological self-sufficiency.

Along with commercial airplane building and a thriving aircraft maintenance and modification business that serves a number of prestige international carriers as well as the IAF, the Israelis are also building a sophisticated electronics industry that is already developing and manufacturing complex military systems as well as civilian goods.

The Defense Ministry's Mr. Lavi, along with many other Israeli officials, views the thrust toward self-sufficiency as vital to cutting the outward drain on the country's finances. "The size of [Israel's] defense needs are about the same as any major power," he notes, "[but] the difference is in the density of our forces."

Although analogies always have limited utility, there is a kind of rough parallel between the Israeli approach and that of Sweden, which has managed to put together a high-quality, indigenous aerospace industry geared to her own military needs. There are, of course, obvious differences between Sweden's and Israel's military situation. Sweden is not surrounded by adversaries.

But if Israel can manage the cost—building high-performance military aircraft is a costly business—she will probably do so, in order to make sure she is not totally dependent on outside supply. If she does, the Israel Air Force will fly them, Israeli style—to win.

IAF INVENTORY

According to the most recent edition of "The Military Balance," published by the London-based Institute for Strategic Studies, the Israel Air Force inventory includes (beyond their F–4E and Mirage IIIC fighter-bomber/interceptors, and their A–4 Skyhawk attack aircraft) an array of French-built Vautour light bombers, Mystère IV-A fighter-bombers, Ouragan fighter-bombers, Super Mystère fighter-bombers, and Pouga Magister jet trainers also used in ground-attack and close-support roles.

The IAF is also reported to have French-built Noratlaes transport craft, C–97 Stratocruisers that can be used for midair refueling, and C–47s.

Israel's helicopter force is said to include Sikorsky CH–53s and UH–34s, plus Bell AB–205s and French-built Alouettes and Super Frelons. They also operate Hawk surface-to-air missiles.

Israel some time ago ordered and paid for fifty Mirage Vs, but the French government has blocked delivery.

HORTON COMMENDS MRS. DONALD H. FOREMAN AND "SEAFISH GROUP"

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. HORTON. Mr. Speaker, the great contributions to communities throughout the country of the FISH organizations are well-known.

Friends In Service Here is nationwide in its scope and, where there is a FISH operation, the entire area benefits from the volunteers who help their neighbors in time of need.

One of the outstanding FISH groups in upstate New York is one whose foundations were built by Mrs. Donald H. Foreman of Rochester. She continues in a leadership role, giving countless hours of service to the group.

Known as SEAFISH—Southeast Area Friends In Service Here—this group has more than 200 volunteers who take on many good deeds and services to others.

Mrs. Foreman read about FISH in a magazine several years ago and now she maintains she does not have time to read magazines—she is so devoted to her volunteer work.

Recently the Rochester Times-Union saluted Mrs. Donald H. Foreman and the SEAFISH group in a feature story written by Jose Echaniz, Jr. It tells of the background of Mrs. Foreman and some of the details of this organized volunteer organization, which in my opinion, could certainly serve as a model for others who want to volunteer their services to help others.

I commend Mrs. Foreman for her outstanding efforts and would like to share with my colleagues in the Congress this article which tells the inspiring story of SEAFISH.

The article follows:

MRS. DONALD H. FOREMAN

(By Jose Echaniz, Jr.)

One of the more successful FISH groups in Monroe County is flourishing, thanks to foundations laid by Mrs. Donald H. Foreman and her continuing guidance and concern for the organization.

FISH (Friends In Service Here) is a nationwide movement in which groups of persons volunteer to help their neighbors within a community or neighborhood in times of need.

Mrs. Foreman read a magazine article about FISH in February, 1969. "I haven't had time to read a magazine since," she says.

As an interviewer for child health research projects for the pediatric department at Strong Memorial Hospital, she called at many homes where help was needed.

Thus she recognized immediately the need for an organization like FISH. "FISH is needed everywhere," she says. "There are people in need in Brighton as well as the inner city." She consulted her pastor at Mt. Hor Presbyterian Church and together they approached the Southeast Ecumenical Ministry. Through the churches in the southeast area, volunteers were recruited to man the FISH emergency telephone and to be on call to provide specific services.

That's how SEAFISH—Southeast Area Friends In Service Here—started. Today they have 227 volunteers who man the phone in 12-hour shifts once a month, or who provide services in a number of areas. These range from providing meals, transportation or child care to visiting or shopping for the sick, reading to the blind or locating needed articles.

Mrs. Foreman takes a regular turn on the phone "because that's where it's at," but she also has signed up under all the other service categories as well.

SEAFISH now serves some 21,000 households with an estimated population of 41,000. In the past 10 months, the group has handled 1,709 calls.

Mrs. Foreman was born in Rochester, was graduated from West High School and attended Northwestern University.

She and her husband lived in Florida for seven years before returning to Rochester, where he is a machine adjuster at the Eastman Kodak Co. Elmgrove Plant. They have three children, Craig, 10, Mark, 8, and Grant, 7. The family recently moved to 46 Seminole Way, Brighton.

MESSAGE OF ISRAEL

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. MINISH. Mr. Speaker, many Americans are confused about the so-called dual citizenship conferred upon Jews; one citizenship they receive by virtue of their nationality and one other is in Israel as a result of their being born Jewish.

A good explanation of this division enjoyed by world Jewry is contained in a radio address by Rabbi Maurice Davis which was heard on radio station WABC in New Jersey on the program, "Message of Israel." As Rabbi Davis says in this address, Jews are more than a religion, they are a people.

I believe that Rabbi Davis' explanation of Jewish peoplehood is most informative, and I am grateful to Mr. Sigmund Steckler who performed a service by providing me with this speech.

The speech follows:

MESSAGE OF ISRAEL

(By Rabbi Maurice Davis)

My dear friends, one of the most common questions put to Rabbis constantly is, "When do the holidays fall this year?" It sounds like a strange question until you realize that Jewish holidays seem to arrive each year on a different date. The reason is that our holidays are not based on the civil calendar. They are based on the Jewish calendar which is a highly involved and intricate piece of machinery based upon the moon and corrected by the sun.

The result is a possible variance from the civil calendar of as much as thirty days. Thus the Jewish New Year, Rosh Hashana, might appear as early as the beginning of September, or as late as the early part of October. I could go more deeply into the intricacies involved but the result—for you—would be a massive headache.

This year Israel's Independence Day was observed on the 30th of April. When Israel was established twenty-three years ago, it took place on the 14th of May 1948. As far as we Jews are concerned, however, it always takes place on the 5th of Iyar. It is only that the 5th of Iyar falls on different dates.

My concern, however, is not with the date, but with the day itself. That day took on a special significance this year. Not only did it mark Israel's 23rd birthday, but for the first time it was celebrated as a Jewish religious holiday. The Reform Jewish movement voted last year to include this day in its festival calendar, under its Hebrew name of Yom Atzmaut.

We are an old people, and some of our festivals have origins in the dimmest of antiquity. The Passover, for example, is surely older than the 3500 years of which it speaks. Into such a calendar has now been placed our youngest and newest festival, Yom Atzmaut.

There are many who ask, and with apparent justification, "Why take such a day, a day of national significance to a nation 7,000 miles away, and celebrate it as a religious holiday for Jews not only in America, but for Jews around the world?"

The answer tells a great deal about the Jews, and about Judaism. Of course my nation is America, the land of my citizenship, and if we Jews were simply a religion the question of Yom Atzmaut might possibly not even occur. But we Jews are more than a religion. We are a people. And for our people, the State of Israel represents the hope and dreams of almost 2,000 years.

More accurately 1900 years. For it was in the year 70 of this era that an earlier Israel was defeated. Its Temple was destroyed, and the conquering Armies of Rome carried back trophies of that destruction.

A few Zealots, 969 of them, held out on the Mountain Fortress of Masada. But when the Romans finally broke through the defenses they were met by 969 bodies. Every man had killed his wife and his children. Then ten men had killed all the rest. Then one man had killed the nine, and then himself. Rather than submit to the tortures and the slavery of Rome, these people chose death. They knew the Temple had been destroyed, and Jerusalem was in ruins. As far as they were concerned, they were the last Jews on earth. With them the story would end for all time.

Well the story did not end, and now 1900 years later we celebrate the birthday of an Israel reborn. For all the years from then till now, it was the dream of Israel that kept our people as a people. Not a land—for we had no land—but the dream of a land.

And the love of the Jew toward Israel is a love that can never be diminished or destroyed. It is true that most Jews have no desire to make Israel their home, but they do want it as their spiritual homeland, and an ever available land for those who desire or need it.

I have recently returned from Israel for perhaps the eighth time, and I never fail to thrill to it all. I am overwhelmed by it, engulfed by it, and yet as an American Jew I am forced to ask myself, "What truly is my personal relationship to that land?"

Perhaps the best way to explain it is for me figuratively to divide Israel into three parts—as Ceasar once did to Gaul. Only my three divisions are not geographical. They are the land, the people, and the government.

For me, at least, the land is admat kodesh—sacred soil. Not simply because the ruins are there, ruins to see and touch; the Western Wall, the Tell of Megiddo, the Synagogue at Capernaum, the ruins of Jericho. It is rather all the land. To walk where Amos walked, where Jeremiah wept, where David sang! It is as if I hear the voices, and see the faces of my people and my past.

The land is sacred soil. Here it was that Judaism was born. Here it was they dreamed the dream of a universal God. Here it was they first conceived of a society that would have a single justice. Here it was they heard the word, "It hath been told thee, O man, what is good, and what the Lord doth require of thee." And here it was they sought to take that word, and make it live. The land is sacred soil, the very womb of Judaism.

The second division is the people. My fellow Jews are there. They came from the concentration camps of Germany, from the anti-semitism of Russia, from the persecutions of Egypt, from the medieval Yemen, from the freedom of the western world. They are there, many were born there, and I am here, and yet I know that they and I have but a single future, and a single fate.

'Twas ever thus. The fate of the Jew has never been an isolated matter. What happens to Jews in one part of the world, and what happens to Jews in another part of the world has always been related. These are my people, and I share with them 4,000 years of history and fellowship, 4,000 years of culture and religion, 4,000 years of dreams and deeds. We are the co-inheritors of a common, most uncommon heritage.

Thus for the land, and thus for the people. The third division is the government of Israel, and that is none of my business. I do not vote in Israel's elections, and I have no voice in her internal politics. America is my country. And here it is I vote, and speak, and do. I am a Jew, not an Israeli. I only hope that Israel will choose a government that will care for the people, and care for the land. For the people are my brothers, and the land is sacred soil.

And so it is that wherever my people live, they turn in hope to the land where Israel was born, and on the anniversary of her independence, we gather in our syngogues in gratitude for her existence, and to pray for the welfare of the people.

When do the Jewish holidays fall this year? They fall upon their appointed days, and the youngest of them all we cherish from of old. Yom Atzmaut, the day of Israel's Rebirth.

May she find a favor in this world of ours. May she find meaning and worth. And may she find peace—for herself and all mankind.

BEN REIFEL TO SERVE ON NCPC

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. NELSEN. Mr. Speaker, the Aberdeen American-News, Aberdeen, S. Dak., recently commented editorially on the appointment of former Congressman Ben Reifel to serve on the National Capital Planning Commission. As the editorial suggests, Ben's public administration expertise, his long residency in the Nation's Capital and his background and experience uniquely qualify him for this important position. I include the editorial at this point for the information of congressional colleagues:

RECOGNITION FOR BEN REIFEL

Ben Reifel, the Aberdonian who represented people of South Dakota's First District in Congress for 10 years before voluntary retirement, has been selected by President Nixon for an important assignment that will have an influence on the nation's capital for many years. He will serve on the National Capital Planning Commission. (It will be another parttime job in addition to serving as adviser to the National Park Service on ways to involve Indian culture and Indians in its program.)

In Aberdeen a few weeks ago the former congressman told friends he had been asked to accept the appointment and he joked about his qualifications.

"What expert advice on improving one of the world's most beautiful cities (Washington, D.C.) can they expect from a country boy who was born in a log cabin on a barren Indian reservation in South Dakota?" he asked in fun.

Seriously, he will have important contributions to make to the commission. The privations of his early boyhood and the obstacles he endured in obtaining an education gave him a greater than average appreciation of the opportunities offered by this country and its capital has a profound significance to him.

His studies at Harvard leading to a doctor's degree in public administration, his 10 years as a resident of the District of Columbia while serving in government and his inherent respect for preservation of natural beauty qualify him for decisions that will keep the capital functional and pleasing to the eye.

It is gratifying to his many friends in South Dakota that the federal government leaders are mindful of his talents and continue to call upon him for service to his country.

Incidentally, it is also pleasing to those same friends that South Dakota State University, from which he received a bachelor of science degree in 1932, has selected him for an honorary doctor of humanities degree to be conferred June 6.

STUDENT CALLS HISTORY AND SOCIOLOGY CLASSES PLATFORM FOR EXTREMISTS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. COLLIER. Mr. Speaker, a letter which I recently received from Theodore R. Winkler, a constituent, should interest all who are disturbed because of the situation existing in our institutions of higher learning. It is difficult, if not impossible, for young people to acquire a good education when but one side of a controversial subject is presented. Let us hope that more high schools and colleges will prevail upon the more philosophically partisan professors to permit full discussion of both sides of public issues.

I am convinced that the overwhelming majority of our young people are responsible and law-abiding and anxious to get an education that will enable them to become productive and useful citizens. Full discussion of all aspects of every issue free of strong opinions of the professors removes the possibility of any student feeling that disagreement with the instructor might jeopardize his academic status. Whether it did or did not, this is the obvious impression many students with whom I have spoken get these days.

Mr. Winkler's letter follows.

RIVER GROVE, ILL.,
May 12, 1971.

Congressman HAROLD COLLIER,
House of Representatives,
Washington D.C.

DEAR CONGRESSMAN COLLIER: I am a recent graduate of Northeastern Illinois State College. While at the college, I noticed that a number of my history and sociology classes were often turned into political platforms for leftist and extreme liberal views. Instructors, students, and guest speakers gave highly biased views regarding the Viet Nam War, Cuba, poverty, and race. The conservative view was either ignored or belittled.

I believe that the highly leftist slanted social studies classes are to an extent responsible for the civil disobedience committed by many of today's students. I know for a fact that fears of failure and at times physical abuse often deter opposition to classroom bias.

A social studies class that is biased on the left or right is a perversion of the teaching profession. As a history teacher by profession, I must say that this is indoctrination; not education.

Attempts have been made at Northeastern to eliminate some of the radical professors. Some have been successful. In 1968 a policeman successfully infiltrated Northeastern's SDS. Later he testified at the "Conspiracy Seven" trial in Chicago. Therefore things are not hopeless.

However attempts to crush campus radicalism are often attacked as attempts to curb academic freedom. Academic freedom, as with all types of freedom, demands responsibility—to the law and to present both sides fairly on any issue. Radicals want academic license; not freedom.

As one of your constituents, I urge you to cooperate with the FBI and especially J. Edgar Hoover; HUAC; and the Senate Internal Security Subcommittee in the investigation of campus disorders. I also urge you to support state and national efforts to deal with these problems as well.

Things may seem quiet now, but many of the radicals have gone into teaching and social work where they can influence future generations of young people. The next time they disagree with the government there could be more violence.

Sincerely Yours,
THEODORE R. WINKLER.

SCOUTS CARE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DERWINSKI. Mr. Speaker, as a former Boy Scout, I am always pleased to note the continued effectiveness and wonderful service rendered by the Scout movement throughout our country and wherever Boy Scout organizations are permitted to function.

As many Members know, Boy Scouts of America recently conducted a "Keep America Beautiful Day" on which the young men concentrated specifically on cleaning up litter in their communities. The Blue Island Sun-Standard, commenting on the participation of Boy Scouts in that community, gave this program a well merited editorial endorsement in its June 10 issue.

The editorial follows:

SCOUTS CARE

Saturday, in record high temperatures and intolerable humidity, about 800 area Boy Scouts made a massive clean-up of areas in their communities.

The attack upon local litter and filth was part of a nationwide scouting program called Scouting Keep America Beautiful day.

Involved in the effort were several businesses, government at every level, the Illinois National Guard and even a major league baseball club. All these phases of society lent support in some way to the scouts.

The result was the cleaning of some areas in our towns which have needed a good picking up for quite sometime.

All those involved in the effort should be given a hearty thank you from the public for cleaning its mess.

Scouting spokesmen said the effort made Saturday was not just for one day. Scouts will continue throughout the year to work at preserving our environment.

In one day, 93 tons of litter and trash was picked up in the communities involved. Blue Island had the highest share of that total with 32 tons collected here.

But more important than the promise of a continuing effort or the total amount of litter collected is the well organized and cooperative vacuum cleaner developed for that day.

Litter as a national problem and one which is absurd should not surprise the public.

Over the years the media have drowned the public with messages against using nature for a dumping ground. It has been pointed out that the litter problem can be solved if everyone would show the cooperation exhibited Saturday.

And while the scouts should be thanked, it would be insane to rely upon them as the tool to clean up the litter problem.

The responsibility for the litter problem and a clean environment belongs to each individual of our society.

The worst part of the litter problem is that it would disappear if everyone would simply put his own garbage in the proper place.

We wish to thank the scouts for not only a good job but also for showing how the job should be done.

FINANCIAL PLIGHT OF OUR CITIES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. O'NEILL. Mr. Speaker, my colleagues in the House are well aware of the financial plight of our cities and towns. With the issue of revenue sharing soon to come before the House, I think it advisable that all members of Congress be exposed to all viewpoints and opinions regarding revenue sharing. For this reason I am submitting for the Record the remarks of the very able and concerned David M. Bartley, speaker of the House of Representatives for the Commonwealth of Massachusetts before the Ways and Means Committee on June 10, 1971, in Washington, D.C. I believe they will be of interest to every Member who is concerned about the condition of America's urban areas.

The remarks of Mr. Bartley follow:

Statement By David M. Bartley

Mr. Chairman, members of the House Ways and Means Committee, for the Record: My name is David M. Bartley. My residence is 25 Hillcrest Road, Holyoke, Mass. I am a State Representative from the city of Holyoke, and am in my second term as Speaker of the Massachusetts House of Representatives.

I very much appreciate your kind invitation to testify before this committee on the important issue of revenue sharing.

I hope, in the next few minutes, to explain to you why I consider Federal revenue sharing so important to the future of both the Commonwealth of Massachusetts and her 351 cities and towns.

But, at the outset, I would like to point out that when I refer to revenue sharing, I refer not to any one specific plan, but rather to the need of increasing the flow of Federal dollars from Washington back to the States and cities.

And I might point out at this time that I'm rather more fond of a welfare takeover proposal than I am of the plan being sold across the country by the President.

I believe you understand why.

I think that when you begin to talk about revenue sharing, two questions ought to be legitimately asked.

First—Do the Cities and the States need the money?

And the answer you receive, I would imagine, is a unanimous and emphatic 'yes.' Let me record Massachusetts in the affirmative as well.

And second—have you, the Cities and States, done anything to help yourselves, financially?

I can't speak for other States, but I can say that over the past five years Massachusetts has made a concerted—and costly—effort to help herself and her cities and towns.

Speaking first of need:

In Massachusetts, our proposed budget for fiscal 1972 is approximately $2 billion, of this, two-thirds will be allocated to people programs: Public Health, Mental Health, Public Education and Public Welfare.

Our welfare bill this year starts off at an estimated $800 million of that $2 billion * * * or * * * 40 percent of our entire State budget. By the end of fiscal 1972, I fully expect that the welfare bill will be $1 billion.

Of course, there will be Federal reimbursements amounting to close to fifty percent of that cost. But, initially, we have to raise the money on the State level.

In terms of per capita expenditures on Public Welfare, Massachusetts ranks fifth in the Nation.

(Society certainly has an undeniable obligation to help those who—because of age or infirmity, or just plain economic bad luck—can't help themselves.)

A revenue sharing plan based on a Federal assumption of welfare costs would free-up almost one half of our present State operating budget for other use.

And I think immediately of having such "found money" channelled into such 'investment areas' as elementary education (which is presently a local government function in Massachusetts), and public higher education.

You can see then why proposals for revenue sharing via a welfare pick-up are so attractive to Massachusetts.

Because welfare is—by far—the single greatest expense to my State. It is an expense growing at an astronomical rate. It is an expense which is forcing Massachusetts this year to seek a fourth major tax increase in the short span of just six years.

And that proposed tax increase leads to the second important revenue sharing question:

What has Massachusetts done to help itself, financially?

The question might also be phrased this way: What has the Commonwealth of Massachusetts done for her cities and towns.

The answer is: We've done a great deal.

So I can come before you and ask you to share Federal Revenue with the States, knowing full well that in Massachusetts our State Government has made important contributions of its tax revenue to its client communities; its cities and towns.

Here's what we've done in the past half-decade:

1966—We enacted a sales tax.

1967—We increased our income tax.

1969—Another income tax increase, plus new taxes on the so-called "special interests."

1971—Now pending, increases in sales and income taxes.

The 66–69 taxes produced an additional $400 million in State revenue.

Of this, $300 million has gone either directly to our local governments or to pay costs formerly borne by local government. Specifically, $144 million in direct financial aid: The balance going toward meeting the cost of Public Welfare—a local function and local cost picked-up by the State in 1967.

That means that since 1967, seventy-five percent of the $400 million raised by the Commonwealth of Massachusetts in new state taxes has gone to help our local communities.

That's revenue sharing—Massachusetts style.

Presently pending before our legislature is still another tax plan from the Governor, this one worth $411 million—more than the previous three combined.

Again, a substantial portion of this proposed new State revenue would go for local aid—$178 million or roughly 44 percent of the proposed new tax yield.

When you take the three tax plans already passed since 1966, and when you add the new State taxes proposed for 1971—we're talking about more than $800 million in new taxes in six years. That's almost as much new revenue as our entire state budget was in 1968, three short years ago!

Yet, in spite of all of the new and proposed State aid to cities and towns, local governments in Massachusetts are still having to raise their property taxes, their chief source of self-raised revenue.

They claim they're reaching the point where their locally imposed real estate taxes are becoming absolutely confiscatory; where local real estate taxes are suffocating growth; where local real estate taxes are actually beginning to price many low and middle income people right out of home ownership.

And so the cities turn to the State for help.

And we in State Government—in turn—look to Washintgon for help.

Just as State taxes in Massachusetts are a more effective and efficient revenue raiser than are local taxes, so too are Federal income taxes a better revenue raiser than our own State taxes.

In terms of all taxes collected in Massachusetts in 1968—the last year for which full figures are available—here's an idea of how taxes shape up in my State.

In 1968, a total of $6.7 billion in taxes of all kind were collected.

Of this, $1.1 billion were State taxes.

$1.2 billion were local taxes.

And $4.4 billion were Federal taxes.

In terms of Federal revenue returned to Massachusetts that year, we received $506 million in Federal aid and reimbursements. That's a ratio of $8 dollars going down to Washington for every $1 sent back up.

We believe Washington can do better.

And to me, that's what this whole debate over revenue sharing is all about.

Finally, just a few general observations about revenue sharing and the politics of revenue sharing, from one—who like you—serves in the legislative side of government.

I have absolutely no doubt whatsoever that the phrase "revenue sharing" contains a certain magic which will lend itself well to upcoming political campaigns.

It is a neat, clean and easily understood phrase, perhaps too neat and too clean.

Because it begs the question: "If revenue sharing is so simple a concept, then why doesn't Congress pass it instead of just talking about it?"

The answer is, of course that salesmanship and a slick phrase can cover up a multitude of real and practical problems.

And while slick phrases can be easily coined by an executive it is the legislative branch of government which ultimately must come to grips with the real and practical problems which lurk behind even the simplist sounding proposal.

I'm afraid, for example, that people are being sold revenue sharing as a panacea for local and state fiscal problems.

That's a lot of malarkey.

Some form of increased federal aid would be a big help—but it won't be a cure-all.

You know that.

I know that.

Your committee, however, has the unenviable job of assessing the various revenue sharing proposals—not as political public relations gimmicks, but rather as potential public law.

Congress does have a right to ask hard questions even about popular proposals with great public appeal. Congress does have a right to be skeptical about cure all promises.

Congress does have a right—indeed, Congress as a responsibility—to make sure the dollars it raises through federal taxes are prudently spent—even when those dollars are sent back to state and local governments.

There are some who will attack Congress' legitimate inquiry into the constitutional, legal and fiscal propriety of revenue sharing as 'another example of legislative delay and legislative log-rolling.'

They will demand your total and immediate capitulation to revenue sharing. If they don't get that, they will attack you as obstructionists and seek to make political capital out of the seemingly slow and deliberate way you work, as you attempt to develop a realistic new approach to share new revenue.

I certainly want to see more federal money flowing back to Massachusetts, and I certainly want to see the money freed as fast as possible.

Yet—as a fellow legislator—I know you have a job to do, a very difficult job to do.

But I have confidence and hope that Congress, in its wisdom, will respond in an affirmative way and with a good and viable and realistic plan to help our states and cities.

Gentlemen, thank you.

POLISH-AMERICANS BECOMING MORE INTERESTED IN POLAND

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. PUCINSKI. Mr. Speaker, as we Americans come more and more to appreciate the special qualities of our diverse ethnic heritage, many of us seek to learn of the specific traditions of our cultural past.

The New York Times in a recent article described the renewed interest in Poland by Polish-Americans. With the more relaxed political atmosphere in Poland, American families of Polish descent have begun to visit their cultural homeland and to re-establish ties with friends and relatives of earlier times.

This interest in a cultural heritage is a healthy and vigorous indication of the great pride that Americans of varying ethnic backgrounds have for their special heritage.

I believe this increased travel, particularly to countries that have been sealed off too long from the normal, happy exchange of visitors, will be of significance for the future. Americans who travel abroad to acquaint themselves with the history, language, and traditions of their ancestors cannot help but awaken a special interest in these nations in the unique differences represented by "American" tradition.

Mr. Speaker, this most encouraging article in the New York Times follows:

[From the New York Times, June 6, 1971]

POLES IN UNITED STATES APPARENTLY MORE INTERESTED IN POLAND

WARSAW.—The long dormant ties between Poland and Americans of Polish origin appear to be stirring under the influence of new factors here and in the United States.

In the United States, the trend has been encouraged by a growing sense of ethnic awareness by "Polonia," as the Polish diaspora is known, as well as by other groups. In Poland, policy changes have helped.

Direct commercial air links have been opened between New York and Warsaw by Pan American World Airways. LOT, the Polish airline, has purchased three Ilyushin 62 airlines to join the route next year.

The Polish Government is negotiating with several international hotel companies for two 400-room structures in Warsaw and others in three or four provincial cities.

One example of the new trend will become evident this fall in the Detroit area when two major newspapers will offer half-page advertising paid for by a Philadelphia businessman, seeking to generate interest in Poland. The businessman, Edward Pishek, is of Polish origin, and his appeal will be aimed at the general public rather than at Polonia, as has been the case was Polish-American organizations in the past.

ANCIENT EDICT CITED

One advertisement will say, "Seven centuries ago, a Polish king knew that men could differ and yet live productively and did something about it."

It will cite the Edict of Kalisz, signed in 1264, and says "For the first time in Christian civilization, a Government granted equal protection under the law to Jews."

The campaign, which will be extended to other cities with large Polish communities, has not gained much favor with the established Polonia groups, who feel that such an aggressive campaign could generate a strong backlash against what could be interpreted as a "Polish-power" movement. These groups, which emphasize social and cultural activities, concentrate on reaching their own members rather than the general public.

There are 10 million people of Polish origin who live outside Poland, about six million of them in the United States. The Polish Government is expressing increasing interest in this Polonia.

"Recently the climate for closer ties between Poland and Poles living abroad, particularly in the United States, has improved considerably," said Mieczyslaw Fudali, spokesman for the Polonia Association in Warsaw.

He noted that Polish-American organizations had often lobbied for such issues as giving Poland most-favored-nation treatment, expanding cultural exchanges and recognizing her western frontiers.

The Polish press has reported widely on contributions made by Poles abroad for rebuilding the royal castle in Warsaw. The castle will contain a museum featuring the cultural achievements of Polish émigrés.

The press also has given extensive coverage to groups of Polonia tourists, and special efforts are made to encourage them to visit Poland. For example, the requirement that American tourists must exchange at least $7.50 for each day of their stay here, is reduced to $3 for tourists who come either on organized Polonia tours or to visit relatives.

TOURIST CENTER PLANNED

Plans are under way to build a hotel and recreation center for the exclusive use of Polonia tourists, 160,000 of whom visited Poland last year, double the number of five years ago.

The Kosciuszko Foundation in New York City, is one of the main organizations in the United States promoting cultural exchange with Poland.

Last year it initiated a "junior year abroad" program for students wanting to study at the Jagiellonian University in Cracow, and a six-week summer course in English on Polish culture at the same university. This summer it will also send 50 students and teachers of Polish folk dances to study folk art here.

The foundation also grants about a dozen fellowships for one year of study in Poland to American graduate students in fields related to Polish culture. An equal number of Polish Academicians are sent to the United States each year under its auspices.

Eugene Kusielewicz, president of the foundation, is in Warsaw this week to negotiate still another exchange program and a Polish-American publishing venture, and to consult with the Polish Academy of Sciences on organizing a separate institute on Polish ethnic studies here.

AVCO ACTION FAVORS TELEVISION VIEWERS

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. MYERS. Mr. Speaker, AVCO Broadcasting Corp. has initiated a bold plan to reduce commercialization in television programing which I feel deserves national recognition.

Expressing the hope that someday there will be an industry-wide movement to reverse the over-scheduling of commercial announcements in television programing, AVCO President John T. Murphy announced that AVCO Broadcasting decided not to wait, but to take leadership toward correcting this situation.

I share Mr. Murphy's hope that other broadcasters will elect to join AVCO in this effort to improve the quality of television programing for both the viewer and the advertiser. A full explanation of the decision appeared in the following announcement by AVCO:

NEWS RELEASE

"Effective June 1," said M. Murphy, "a ten per cent reduction from the commercial time allowable under the National Association of Broadcasters Television Code will be made on all live, film, or tape programs we originate on our television stations."

Murphy, long an advocate of reduced commercialization, said "There is no question in my mind but that viewers are increasingly offended by over-commercialization and clutter. Many factors have contributed to this, not the least of which has been the widespread adoption of the 30-second spot. Although we strongly favor an industrywide movement to improve the broadcasting service offered the public, Avco has decided to assume leadership and move now to reduce commercial time on its television stations. Obviously, we hope others will join us."

Among program areas affected will be the early and late evening newscasts, and the live daytime variety shows for which Avco has become famous. "We believe reducing the commercial time will make each commercial spot more palatable to our viewers and more valuable to our clients," said Murphy.

At the same time, Mr. Murphy announced a new "Avco Firm Card" in which all rates quoted will be firm, and all spot announcements (excluding run-of-schedule) non-preemptible. "This new commercial policy and sales plan which eliminates spot preemptibility was devised after a number of discussions with marketing executives, advertising agencies, and broadcasting leaders. The Avco Firm Card will be effective June 1. All clients who buy under the new plan will have rate protection for 13 weeks, or the end of their contract, whichever is the shortest length of time."

Murphy added that "Avco Broadcasting hopes these positive steps to reduce commercialization and to eliminate the morass of preemptibility will provide policy building blocks for the broadcasting industry. Both viewer and client will benefit. We believe they are logical, practical, much-needed moves and sincerely hope other broadcasters will incorporate such policies in their own planning."

BALTIC STATES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mrs. GRIFFITHS. Mr. Speaker, in June of 1940 the Soviet Union invaded the Baltic States and took over Lithuania, Latvia, and Estonia by force of arms. The Soviets have since been bent on the systematic destruction of the national identify of the Baltic peoples. Tens of thousands of innocent and helpless citizens have been deported to live in exile in the remote areas of Siberia. And yet, throughout all this physical terrorization the Baltic peoples have persistently retained their will to resist communism. The United States has never recognized the seizure and occupation of the Baltic States and has continuously restated this position.

On this anniversary of the destruction of the Baltic States, I wish to express my admiration for the courageous peoples of Lithuania, Latvia and Estonia. The unfortunate events whose anniversary we observe this month should remind us once again that the hopes and dreams of these peoples are also our own. They should remind us that we must continue to strive for a free and peaceful world in which all people will have the opportunity to live their lives as they choose. The denial of freedom to the Baltic people is intolerable and a blow to the rights of all mankind.

THE VIETNAM ELECTIONS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. WOLFF. Mr. Speaker, as many of my colleagues are aware, the forthcoming elections in Vietnam will constitute an important test of our purpose in fighting in Southeast Asia and of Vietnamese support for the Thieu-Ky government.

An editorial in the New York Times of June 13 included a cogent analysis of the current political situation in Vietnam, and the need for increased American pressure for a fair election, if the presidential campaign in October is to be a genuine contest. I myself have introduced legislation providing for the appointment of an American study team to observe the elections this fall, and I believe the Times' support for repeated visits by congressional observers indicates the need for such a team.

In view of the recent passage by the Vietnamese assembly of a restrictive new electoral bill, and in view of the fact that any efforts to rig the elections are taking place now—rather than on election day—I believe that passage of such legislation is more important than ever.

I commend the Times editorial to the attention of my colleagues and urge prompt action on my legislation, cosponsored by 48 Members of the House:

THE VIETNAM ELECTIONS

South Vietnam's approaching elections, for the National Assembly in August and the presidency in October, pose critical problems for the United States.

The White House is following a "hands-off" policy to avoid any impression that it is trying to influence the results. But the fact that this policy inescapably benefits President Thieu—a wartime incumbent who controls the police, the provincial governors, vast patronage and other means of shaping the outcome—is not lost on Washington. The continuity and stability of Saigon's military regime are seen as the keys to substantial American withdrawal through Vietnamization of the war.

This policy is shortsighted. More important to the United States than the outcome of the elections is the manner in which they are conducted. A major American objective in the war from the start—and the central moral purpose proclaimed by every President from Eisenhower to Nixon—has been to enable the South Vietnamese people to choose their own government. The United States will be vitiating that purpose in its own eyes and those of the world if it does not do everything it can to assure that the coming elections are fair and open.

Even in so-called "realistic" terms, a genuinely free election is in the interests of the United States as well as the Vietnamese people. If it were won by President Thieu, this evidence of popular support would greatly strengthen his position, advance Vietnamization and permit a speedier withdrawal of American forces. If Mr. Thieu were defeated by a peace candidate, such as Gen. Duong Van (Big) Minh, there would be an opportunity to broaden the Saigon Government and seek a political settlement with the Communists, who refuse to negotiate with Mr. Thieu. Unlike Vietnamization, which presumes continuation of the war and some degree of American participation, a political settlement would permit total American military withdrawal.

* * * * *

A rigged election would not serve the interests of the United States, or the Vietnamese people, or even of Mr. Thieu, except possibly for a brief period. If South Vietnam's President with all his built-in advantages is unable to win a fair election his tenure is unlikely to last very long. The stability the Nixon Administration hopes Mr. Thieu's re-election will provide could prove to be a mirage.

All this suggests that a vigorous American effort—rather than futile *pro forma* protests by Ambassador Bunker—should be made to convince Mr. Thieu to revise or veto the controversial new electoral bill he and his supporters have pushed through the National Assembly over the strong objections of the Senate and the opposition parties. The new bill is designed to permit Mr. Thieu to be elected by an absolute majority rather than the 35 per cent vote he gained in 1967 in a field of eleven candidates. It would require each presidential candidate to be nominated by at least forty of Saigons 197 National Assemblymen or 100 of the countrys 554 provincial and city counselors. Since most of these genelemen are expected to endorse President Thieu, neither Vice President Ky nor any other prospective candidate evidently can assemble enough endorsements to run, except possibly "Big" Minh. But General Minh has denounced the electoral bill as unconstitutional and he may prefer to leave Mr. Thieu embarrassingly alone on the ballot, if he concludes that the electoral law is a precursor of other measures designed to make Mr. Thieus election certain.

To avert this danger, more American pressure for a fair election may be needed than that provided by Ambassador Bunker's slaps on the wrist, although Mr. Thieu is already reported to be having second thoughts about the election bill. Repeated visits by Congressional observers would be one useful move. Private groups also have a role to play. Clark Kerr's National Committee for a Political Settlement in Vietnam has already dispatched a seven-member study group to Saigon, including the executive director of the U.S. Fair Campaign Practices Committee.

The time for such missions is now. What happens prior to the elections is more important than what happens on election day. Every means of pressure and exposure must be employed to convince President Thieu that the greatest service he can render his country is to run a fair election—even if it should result in his own defeat.

L.B.J. LIBRARY DEDICATION

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. ROBERTS. Mr. Speaker, it was my privilege and honor to be among those present for the dedication of the Lyndon B. Johnson Library and School of Public Affairs at the University of Texas in Austin on May 22. I would like to join my colleagues in praising these outstanding facilities.

As one writer put it:

Every Texan and every American has reason to be proud of these unique and magnificent facilities.

The exhibits, films, tapes, Presidential papers, gifts from heads of state, bridal gowns worn by daughters of a President, and personal gifts to the President which are on display in the library are of vast educational and historical worth to this and future generations of Americans. Every citizen, not just the historian and the scholar, will derive immeasurable benefit from visiting the library and the school.

The thing that most impressed me about the library was the great insight it gives into Lyndon Johnson's life as President. From the moment one enters the library, he is able to see, hear and sense the overwhelming problems and achievements which marked the sixties and the Presidency. One of the most interesting exhibits in the library is the replica of the Oval Room of the White House exactly as it was during Mr. Johnson's 5 years there.

The vast and bipartisan array of guests who attended the dedication is a clear indication of the high regard this Nation holds for our former President, Lyndon Johnson. The school and the library, the largest of its kind in the world, are fitting tributes to a great American leader.

SEVENTH DISTRICT CONSTITUENTS OPPOSE EDUCATION REVENUE SHARING

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DELLUMS. Mr. Speaker, various aspects of the administration's proposed revenue-sharing program in education were aired at a public hearing held March 12 in San Francisco. After sitting through the hearing, members of the Berkely Unified School District Advisory Committee for Berkeley ESSA title I projects undertook a petition campaign to express their views on this type of education funding.

Over 300 constituents of the Seventh District signed the following petition. I agree with their position, but, just as importantly, I appreciate their efforts at involving local citizens in the important issues before us.

The petition follows:

We, the undersigned, do hereby declare our opposition to the Education Special Revenue Sharing Act. We are opposed because it affords too much power over Educational Funds in the hands of governors—the governor of California included. Such legislation is bound to have severe effects upon Black, Brown, and poor children throughout the entire United States. Great strides are being made with Federal funds for Education, especially Title I funds in California. Berkeley too, has begun to use these funds more effectively than ever before. If insensitive agencies, designated by the governors, handled these educational funds, we are not certain that those who need them most would receive the benefits. As a consequence, we are urging our Congressmen and Senators to vote against President Nixon's Education Special Revenue Sharing Act and that Title I remain untampered with.

(Signed by over 300 constituents.)

REVIEWERS CONSPIRE AGAINST THE "BOSS"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DERWINSKI. Mr. Speaker, a column by the Reverend Andrew M. Greeley in The New World, the official publication of the Catholic archdiocese of Chicago, was certainly an interesting commentary on the journalistic ethics of what he described as "the liberal intellectual establishment."

The criticism that Father Greeley directs against most of the book reviews of the "Boss," a book written by Mike Royko, hits the nail on the head.

Although every 2 years I must face a political challenge from a candidate selected by Mayor Daley, I respect him as an individual. As the acknowledged political strongman in the State of Illinois as well as the head of the only effective big city political machine remaining in the country, Mayor Daley is naturally a controversial individual. However, he deserves to be recognized as a hard-working, effective administrator of the city of Chicago, a brilliant political strategist who unquestionably understands public reaction to current events, especially on issues which affect election results.

Mr. Speaker, I believe it is accurate to state that the city of Chicago is far more effectively served by Mayor Richard J. Daley, the political boss than is New York City by Mayor John Lindsay, who does not lead a political machine, but appears to be incapable of governing.

The column by Father Greeley follows:

REVIEWERS CONSPIRE AGAINST THE "BOSS"

(By Father Andrew M. Greeley)

A good measure of the intellectual honesty of the liberal intellectual establishment which acts as arbiters of how all of us should think is the treatment by reviewers of Mike Royko's book, "Boss," which purports to be a biography of Richard J. Daley.

It is not my intention either to defend the mayor (on the basis of the last election in Chicago, I don't think he needs my defense) or to attempt a formal criticism of Royko's book. But it does seem appropriate to ask some questions about the way the book was reviewed in the official journals of the liberal establishment.

The book is unquestionably a brilliant, fascinating piece of work. It is also, as I think hardly need be observed at the present time, anything but favorable or even fair to Mayor Daley. Mr. Royko, of course, is perfectly within his rights to write a book of attacking the mayor and the reviewers are perfectly within their rights in agreeing with what Mr. Royko has to say. But the important question, it seems to me, is who are the reviewers.

I am unaware of a single review of "Boss" in a major national journal that was not written by a sworn public enemy of the mayor. In other words, the review editors of these journals deliberately and consciously turned the book over to men who could be counted on to endorse Royko's view of things, and indeed, to use the review for yet another attack on the mayor of Chicago.

The New York Times chose Studs Terkel, whose dislike of the mayor is patent to anyone who reads his books. Interestingly enough, Mr. Royko thanks Mr. Terkel in his introduction for urging him to write the book. I wonder how often the Times assigns a book to someone openly acknowledged as having inspired it.

Another journal gave the book to Roy Fisher who is Mr. Royko's boss and whose support is also acknowledged in the introduction. The Critic chose Nelson Algren, who is also thanked in the introduction. The New Yorker turned it over to Richard Harris whose worship of Ramsey Clark would scarcely incline him to take an objective view of anything that happened in Chicago.

However, the Saturday Review certainly deserves the top prize for bias, since it gave the review to Dan Walker, a candidate for governor, who is runningly avowedly and explicitly against the influence of the mayor—an action which, I take it, is rather like giving Eugene McCarthy an opportunity to review a book that attacks Lyndon Johnson. To top things off, the Saturday Review, in an attempt to present the other side, commissioned a review by a critic who was at least as unfavorable as Walker, though in a more subtle way.

This author explains the mayor's corrupt behavior in terms of his "Irish ethics"—obviously, an inferior brand of morality. I am not, mind you, suggesting that a reviewer is under any obligation to disagree with Mr. Royko; what I am saying is that if the journals in question were really impartial and unbiased, they would have assigned the reviews to writers where there was at least a chance of disagreement.

One must conclude that the editors were not really willing to take this sort of chance and wanted to guarantee a review that was favorable to Royko and hostile to Daley. It is interesting to compare this technique with the reviews for Catherine Gray's book on the Catholic radicals. With one or two exceptions, all the reviews were written by people who could be relied upon to praise both Mrs. Gray and the brothers Berrigan and their allies.

It ought not to be hard to find writers who are both well informed about Chicago and capable of being objective about its politics and its mayor. One looks in vain in any of the liberal journals, for example, in search of a review by Prof. James Q. Wilson of Harvard who is perhaps the outstanding scholarly expert on city politics. But the mayor of Chicago has no right to scholarly, objective, and expert evaluation. He has been tried, convicted, found guilty. It only remains for the liberal establishment to execute him.

Before the recent Chicago election I signed a statement of a group of "scholars for Daley," not because I particularly thought the mayor needed my support (he certainly didn't), but because I was furious at the obvious and blatant anti-Irish tone of the university community's opposition to Daley—and the irresponsible refusal to recognize the fact that, as Adlai Stevenson puts it, the mayor is the most competent municipal administrator in the United States.

I was deluged with complaints, phone calls and nasty comments. The editor of the University of Chicago student paper called up outraged to demand whether I really was in favor of political corruption. In the world of the University of Chicago undergraduate, apparently if you were for the mayor you had to be for corruption.

Mr. Royko and his literary admirers have it all figured out. Daley wins because of fraud, corruption, and the patronage army. It's just that simple. There is no other reason why people would vote for him. In the election, of course, he carried 80% of the black vote, 80% of the Polish vote, and 65% of the Jewish vote (against a candidate who was Jewish). But the only reason for that was that the people of Chicago are so stupid.

COMMUNISTS SPREAD ANTISEMITISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. CRANE. Mr. Speaker, ever since the Russian Revolution of 1917 Judaism in the U.S.S.R. has been subject to unique discrimination.

Jewish congregations are not permitted to organize a nationwide federation or any other central organization. Judaism is permitted no publication facilities, and no Hebrew Bible has been published for Jews since 1917, nor is a Russian translation of the Jewish version of the Old Testament allowed.

The study of Hebrew, even for religious purposes, has been outlawed and the production of religious objects, such as prayer shawls, is prohibited.

The number of Jews in the Soviet Union is over 3 million, of whom 1 million have been estimated to be believers. For these there are approximately 60 synagogues and rabbis, or one synagogue and rabbi for each 16,000 believers. No new rabbis are now being trained and the average age of rabbis is over 70. Little hope remains for a continuation of Jewish religious life in the Soviet Union.

Despite those advocates of "detente" in our own country who tell us that the Soviet Union is changing, the unhappy fact remains that for its citizens that country is a vast prison, forbidding emigration. But, beyond this, the Soviet Union is now pursuing an active propaganda policy of antisemitism.

My distinguished colleague, Representative JOHN ASHBROOK of Ohio, recently sited a Moscow-published booklet entitled "Caution: Zionism!" He described it as "the most vicious anti-Semitic piece of literature I have ever seen since the Nazis were wiped out in Germany in World War II." According to Ashbrook, the anti-Semitic document has been published in several languages, including English, and is being circulated around the world.

This book accuses Jews throughout the world of being involved in a "conspiracy" and even states that the Roman Catholic Church is itself controlled by "secret" Jews.

An important article concerning this book and the Soviet policy of spreading anti-Semitism on a worldwide basis has been written by Victor Lasky and appears in the June 12, 1971 issue of Human Events.

I include this article for insertion into the RECORD.

ANTI-SEMITISM OF THE LEFT ACTIVELY PROMOTED BY U.S.S.R.

REPRESENTATIVE ASHBROOK'S WARNING

(By Victor Lasky)

A warning to American conservatives to beware of those peddling anti-Semitic nostrums has been delivered by a prominent political figure long associated with anti-Communist causes.

In effect, says Rep. John Ashbrook of Ohio, the ranking Republican member on the House Committee on Internal Security, formerly known as the Committee on Un-American Activities, the anti-Semites are playing the Communist game. For the No. 1 dispenser of hate-the-Jew propaganda is the Soviet Union.

As an example, Ashbrook cites a Moscow-published booklet entitled "Caution: Zionism!" He describes it as "the most vicious anti-Semitic piece of literature that I have ever seen since the Nazis were wiped out in Germany in World War II." Written by Yuri Ivanov, the booklet was printed by Progress Publishers, the official Soviet publishing house.

According to Ashbrook, "Caution: Zionism!" has been published in several languages, including English, and is being circulated around the world. The congressman inserted passages from the document in the CONGRESSIONAL RECORD and they are vile indeed.

So vile, in fact, that it continues to astonish many like Ashbrook that so many Americans of the liberal persuasion, while wholeheartedly opposed to the Nazis, seem to adopt a more forgiving attitude towards official Communist bigotry.

Ashbrook, who obtained a copy of "Caution: Zionism!" from the official Soviet distributing agency in New York, charges that "The booklet accuses Jews throughout the world of being involved in some sort of synthesist conspiracy—a conspiracy, of course, in collaboration with 'American imperialism,' the usual target of Soviet vilification.

Typical of the charges contained in the anti-Semitic document was the grotesque claim that "the money earned by the labor" of French Catholic workers was transefrred to Israel by "Rothschild, Pierre Dryfus and other financiers and businessmen."

Moreover, according to the booklet, the Roman Catholic Church is controlled by secret Jews, the most prominent of whom was Cardinal Augustin Bea.

The cardinal is described in the Communist booklet as having "long ago abandoned his Jewish faith to embrace Catholicism in order to help cement the alliance between the Catholic and Jewish churches by means of the Second Vatican Council declaration of Nov. 20, 1964. . . ."

As Ashbrook noted: "A man such as Cardinal Bea is considered Jewish because he was born Jewish, even though he now embraces the Roman Catholic Church. This was the Nazi definition of a Jew—anyone who is born of Jewish parents regardless of his religion was eligible for extermination in the gas chambers of Nazi Germany.

"The old Nazi fantasies about the international Jewish bankers and about the Jewish control of everything in sight are now repeated by the Communists because it serves the needs of the Soviet Union. The spread of these Nazi-style fantasies against the Jews provides the excuse for the continued persecution of the Jews in the Soviet Union."

Ashbrook, who until recently was chairman of the prestigious American Conservative Union (ACU), then had this observation:

"It is always sad for me to note that some Americans who call themselves anti-Communist or conservative fall into the anti-Semitic trap. I am one who has never said that all of the un-Americans are on the left. Unfortunately, many on the American right are pure and simple anti-Semitic. They are helping Communism, not Americanism, when they preach hatred or contempt of any race. They should read 'Caution: Zionism!' and beware of those Americans who spread this same hatred on our shores."

Well said, Congressman Ashbrook!

RABBINICAL COUNCIL CALLS FOR STUDY ON ABORTION LAWS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. HOGAN. Mr. Speaker, I reiterate my firm convictions against abortion on demand. I feel that those who endorse liberalized abortion policies are not fully aware that the fetus is human. It is my hope that, through education, the public will come to be fully cognizant of the fetus' basic humanity and will realize that abortion is, therefore, the destruction of a human life.

The Rabbinical Council of America, a major Jewish organization composed of more than 1,000 rabbis, has also strongly denounced liberalized abortion laws and the resulting sharp increase in abortions.

At a convention in Miami Beach, the council issued a strong statement calling for a reexamination of permissive abortion laws. This resolution brings forth many salient facts and I ask, therefore, that a news statement from this organization describing the action be inserted in the RECORD at this point:

RABBINICAL COUNCIL CALLS ALL STATE LEGISLATURES TO APPOINT STUDY COMMISSION TO REVIEW AND REVISE ABORTION LAWS

MIAMI BEACH, FLA., May 6.—Rabbi Pesach Levovitz called upon all State Legislatures throughout the United States "to review and to revise the permissive abortion laws which have been enacted throughout the country."

Rabbi Pesach Levovitz issued this appeal at the Sea Gull Hotel. "Abortions," he declared, "have already assumed epidemic proportions. In New York City alone, over 100,000 unborn children have been aborted since the liberalized law went into effect last July 1. Most of these abortions are dictated by considerations of convenience, not of health, and the murder of these fetuses is a reflection of the hardening of human sensitivities characteristic of our age."

Rabbi Levovitz stressed, "we are not seeking the imposition of Jewish Religious Law upon the general society. As regards members of our faith, our own spiritual leaders are conducting an avid campaign of enlightenment. What does perturb us, however, is the general deterioration of moral values in our society, of which permissive abortion is a significant symptom. To make the termination of life or potential life a mechanical affair is to cheapen human life. A person who is casual about abortion is a diminished person. It is our religious duty, as descendants of a noble faith which inspired the moral codes of the Western world, to issue a clarion call of crisis about threats to our sense of decency and civilization."

"We call upon all legislators to submit their abortion statutes to a serious evaluation in view of the experiences of several states during the past year. Foetuses, already with breath and with a capacity for survival, are being killed. Advertisements in the daily press offering "easy abortions" reflect the casual insensitivity one associates with other disposable objects of no value. Legislators must consider the deeper implications of what is transpiring with a view of reviewing existing legislation. Particularly, the State of New York, whose legislation is frequently a model for their states, which is presently considering the matter, should subject its abortion laws to serious reconsideration with an awareness of the disastrous experiences of the past year."

Rabbi Levovitz continued "we must not confuse civil permissability with religious allowance. In the final judgment, we will have to render an accounting to God and to our religious tradition. No woman is the final arbiter about the disposition of her body and the embryonic human life flourishing therein. Doctors, too, must face up to the moral dilemma whether they can play havoc with the basic worth and dignity of human life when they freely perform abortions at all stages of pregnancy."

"In Judaism," the Rabbi stressed, "the life of an unborn child is sacred and only when it is a threat to the mother can the moral issue of abortion be resolved. For each person to decide arbitrarily, on the basis of economics or convenience, whether a foetus is to survive is literally for man to play God and is religiously blasphemous and socially destructive."

Rabbi Levovitz was reacting to the recent passage of the New York State Abortion Law which, he said, has opened a Pandora's Box of frightful implications. Already, we hear talk of legislation allowing euthanasia for the chronically ill and aged. What we are witnessing is a basic dehumanization and depersonalization. "The very worthiness of human life," Rabbi Levovitz emphasized, "is depreciated if man both proposes and disposes. We reap here the moral corruption implanted into our generation by the virulent Nazi ideology which regarded men as 'disposable objects,' expendable and exploitable for human ends."

"We particularly deplore, Rabbi Levovitz stressed, "the claim of higher morality by proponents of permissive abortions. They wrongfully ascribe to traditional religion an insensitivity to human problems. This is totally erroneous. Judaism has been the moral mentor of Western civilization and no code of morality surpasses our Bible's concern for human life. Our holiest days and every religious precept must be set aside in order to save a human life. A sensitivity to social injustice is imbedded with our tradition. "And it is Judasim," Rabbi Levovitz said, "which resists a blanket allowance to abortion, except under controlled circumstances as prescribed by competent rabbinic authority.

"We call upon state legislators throughout the country to set up special study commissions composed of members of medical, legal and religious groups to restudy the entire matters in view of the considerations mentioned above."

FREEDOM FOR THE BALTIC STATES

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. STEELE. Mr. Speaker, the fate of the three Baltic States, Estonia, Latvia, and Lithuania represents a tragic reminder of one of the most unfortunate phenomena of modern international relations; the loss of freedom suffered by the people of courageous states such as these.

Throughout the history of the Baltic States the goal of self-government has almost continuously eluded the peoples of this region. For only a brief time in the modern era; between the two world wars, did these people enjoy the self-respect and the opportunity for self-development which accompany the attainment of national sovereignty. The determination of the Baltic peoples to exhibit their willingness to survive as independent nations is well documented as each state surpassed its pre-1914 standards of living within only 5 years; largely as a result of hard work, thriftiness, and self-reliance.

It is all the more tragic, therefore, that this proven determination was extinguished especially by the ruthless force of aggressive Communism.

Mr. Speaker, it is appropriate at this time that I express my support for the House Concurrent Resolution 416 in the name of my constituents—many of whom are of Estonian, Lithuanian or Latvian descent—and that I urge the President to implement the aforesaid legislation. In spite of the loss of their nation, the democratic spirit of the Baltic peoples is still present and is still strong. As members of the most prosperous democratic nation of the world, we cannot afford to neglect the aspirations and goals of such a strong and exemplary freedom-loving movement.

THE FLAG OF FREEDOM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. BIAGGI. Mr. Speaker, at a time when patriotism seems dim in the hearts of our countrymen, my spirits are uplifted by a poem that was sent to me from one of my constituents. The words of Mr. Louis Valente of the Bronx should inspire us all to remember that patriotism is not a partisan privilege. Nor, I would add, is the flag an object of controversy. Rather, these national symbols are the property and pride of every American—the unifying symbol of our Nation in a world of conflict.

I commend the poem to my colleagues which will be included at this point in the RECORD:

THE FLAG OF FREEDOM

(By Louis T. Valente)

The wind is passing through the trees,
    as the parade is passing by.
All the banners are unfurled,
    and smartly snapping in the breeze.
Here comes the proudest banner of all,
    and to it we doff our hats.
It surely brings a warmth to our hearts
    as old glory goes passing by.
The fifty stars on a field of blue
    represent all the fitfy States.
The red represents the blood that was shed,
    when the patriots fought for freedom,
    and the right to govern themselves.
The white tells of their undying courage,
While the blue says always be true
To America, land of the free.

Let us make a solemn vow,
    to protect her with our very lives,
    and to see that she is not trod upon.
We must stop those who desecrate her,
    and try to burn her for selfish reasons.
Our forefathers protected her
    and we must protect her now.
Let us hope and pray
    that that day won't come
When old Glory shall wave no more.

GENERAL ACCOUNTING OFFICE MARKS 50TH ANNIVERSARY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DULSKI. Mr. Speaker, the General Accounting Office this month marks its 50th anniversary.

Actually, the Treasury Act of 1789 provided for an Auditor and a Comptroller in the Treasury, but it was not until 1921, under the Budget and Accounting Act, that the General Accounting Office was created under the direction of the Comptroller General of the United States and responsible only to the Congress.

Over the past half century the role of the General Accounting Office has become extremely important in the oversight function of the Congress, as well as in the operation of the Congress itself.

Several distinguished Americans have served as Comptroller General, and the agency has built an inspiring record of service to the Government and the Nation.

CREATED JUNE 10, 1921

The law which created the GAO was signed on June 10, 1921, and the General Accounting Office officially opened for business on July 1. There was a direct link with the past in the provision of the law which vested in GAO all of the powers and duties formerly prescribed for the Comptroller of the Treasury.

Every Member of the Congress and every committee in the Congress has had continuing occasion to work with the GAO and to seek its help and advice on a variety of matters.

This is true in my own case as an individual Member and also in my role as chairman of the Committee on Post Office and Civil Service.

Indeed, our committee has had the benefit of the services of several GAO employees on a continuing basis as consultants—in particular to the Manpower and Civil Service Subcommittee. The counsel and assistance of these experienced employees have been most helpful to both the Members and the staff.

LOOKED TO GAO FOR STAFF

In selecting professional employees for our staff, we have at least four times turned to the GAO.

Our present chief counsel, John H. Martiny, is an alumnus of GAO, as was his predecessor, Charles E. Johnson, who retired last December 31. Recently, Robert E. Lockhart has come to our professional staff from GAO. Some years ago Clarence R. Jauchem joined our staff and later went to the executive branch.

Over the years, before and after the GAO was organized, there has been a sequence of developments in law dealing with the oversight role now performed by the GAO.

Following is an interesting chronology of the changes which have occurred, the most recent being those responsibilities given to the Comptroller General under the Legislative Reorganization Act of 1970:

CHRONOLOGY 1789–1971

1789—The Treasury Act of 1789 approved, providing for an auditor and a comptroller in the Treasury.

1894—The Dockery Act approved, creating the office of Comptroller of the Treasury. The act was named for Congressman *A. M. Dockery* of Missouri, chairman of a joint Congressional commission created to determine whether legislation was needed to secure greater efficiency in Federal fiscal operations.

1920—A bill to establish a General Accounting Office vetoed by President *Wilson*. He said he would have approved the bill but for a provision making the Comptroller General and the Assistant Comptroller General removable only by impeachment or concurrent resolution of Congress. He said the concurrent resolution provision was unconstitutional.

1921—The Budget and Accounting Act of 1921 approved by President *Harding*, June 10. It established a national budget system by creating (1) the Bureau of the Budget in the Treasury, administered by a Director responsible only to the President, and (2) the General Accounting Office (GAO) under the direction of the Comptroller General of the United States, responsible only to the Congress.

It prescribed that the Comptroller General and the Assistant Comptroller General be appointed by the President, with the advice and consent of the Senate, and that each hold office for 15 years. The Comptroller General and the Assistant Comptroller General could be removed from office only by joint resolution of the Congress (instead of concurrent resolution) or by impeachment. The effect of the change was to make removal action by the Congress subject to Presidential approval or veto.

INVESTIGATIVE ROLE

Among other things the act directed the Comptroller General to investigate all matters relating to receipt, disbursement and application of public funds, to make regular and special reports to Congress, and to recommend steps toward greater economy and efficiency in public spending.

All the powers and duties formerly exercised by the Comptroller of the Treasury and auditors of the Treasury now were vested in the GAO.

J. Raymond McCarl sworn in June 29 as the first Comptroller General of the United States. A lawyer from McCook, Nebraska, Mr. McCarl had been private secretary to Congressman George W. Norris and later Executive Secretary of the National Republican Campaign Committee.

1926—GAO moved from quarters in the Treasury and other buildings to the Pension Building on G Street, N.W., near Judiciary Square.

1936—Mr. McCarl retired June 30, the expiration of his term.

1939—Fred H. Brown sworn in as Comptroller General, April 7. He was a former Governor of New Hampshire and U.S. Senator before his appointment as Comptroller General. Mr. Brown was a native of New Hampshire. He was a professional baseball player, subsequently studying law and being admitted to the bar.

1940—Retirement of Mr. Brown. Lindsay C. Warren sworn in as Comptroller General, August 1. Mr. Warren had been a Congressman from North Carolina since 1925.

AUDITING U.S. CORPORATIONS

1945—The Government Corporation Control Act approved. It directed the Comptroller General to audit the financial transactions of Government corporations, in accordance with principles and procedures applicable to commercial corporate transactions, and under rules and regulations prescribed by the Comptroller General.

1948—The Joint Financial Management Improvement Program established. Discussions begun in December 1947 between staff members of the Senate Committee on Government Operations and representatives of the Comptroller General, the Secretary of the Treasury and the Bureau of the Budget, led to the creation of this program.

1949—The Federal Property and Administrative Services Act of 1949 approved. It directed the Comptroller General to prescribe principles and standards of accounting for property, cooperate with the General Services Administration (created by the act) and with the executive agencies in developing property accounting systems.

1950—The Post Office Department Financial Control Act approved. It authorized GAO to conduct more comprehensive examinations of the Department's financial transactions than previously. Accounts of accountable officers, contracts, vouchers and other documents, required under previous laws to be sent to GAO, were now retained in the Department, GAO's audits being conducted in the places where accounts were normally kept.

The Budget and Accounting Procedures Act of 1950 approved September 12. President *Truman* called it "the most important legislation enacted by the Congress in the budget and accounting field since the Budget and Accounting Act of 1921 was passed."

AUDIT ROLE EXPANDED

It embodied the principles and objectives of the Joint Financial Management Improvement Program that had been carried on since 1947. Provision was made for a more comprehensive and selective type of audit by the Comptroller General, to be developed in line with improved agency accounting systems, internal controls, and related administrative practices. Whenever possible, an audit was to be conducted at the site where the agency normally kept its financial records.

1951—GAO's move began January 15 from the Pension Building across G Street to a new GAO building. President *Truman* dedicated this building, September 11.

Public Law 82-245 approved. It authorized the Comptroller General to examine books, documents, papers or records of the contractor, or any of his subcontractors, directly pertaining to, and involving transactions relating to, negotiated contracts.

1954—Retirement of *Mr. Warren* as Comptroller General, April 30. *Joseph Campbell* given a recess appointment as Comptroller General, December 14. A CPA of New York and Connecticut and former Treasurer of Columbia University, *Mr. Campbell* had been a member of the Atomic Energy Commission prior to his appointment by President *Eisenhower*.

1955—*Mr. Campbell* received his commission as Comptroller General on March 18, following Senate confirmation.

TRUTH IN NEGOTIATIONS

1962—The Truth in Negotiations Act approved. An amendment to the Armed Services Procurement Act of 1947, it was designed essentially to require suppliers in contracts negotiated with the Government of $100,000 or more to certify as to the accuracy of their costs and pricing proposals.

1965—Retirement of *Mr. Campbell*, July 31.

1966—*Elmer B. Staats* sworn in as Comptroller General, March 8. A native of Kansas, *Mr. Staats* came to the Bureau of the Budget in 1939 after service with the Public Administration Service in Chicago. He served with the Bureau for most of the next 26 years, and was Deputy Director of the Bureau under Presidents *Truman, Eisenhower, Kennedy,* and *Johnson*.

1970—The Legislative Reorganization Act cf 1970 approved. Among other things it directs the Comptroller General to review and analyze the results of Government programs and activities carried on under existing law, including the making of cost benefit studies, when ordered by either House or upon his own initiative. It directs the GAO to develop systems analysis capability for analyzing and making cost benefit studies. And it requires Federal agencies to report to the Congress on actions taken as a result of recommendations in GAO reports.

Mr. Speaker, it is a pleasure for me to join with my colleagues—in particular the gentleman from California (Mr. Holifield), chairman of the Committee on Government Operations—in paying tribute to the General Accounting Office on the occasion of its golden anniversary.

My compliments are directed especially to the incumbent Comptroller General, Elmer B. Staats, a career public servant, with whom I have had the pleasure of working closely since I became chairman of the committee.

AN AMERICAN SUCCESS STORY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. CARTER. Mr. Speaker, just recently a once-illiterate garbage collector, Michael Balzano, received his doctorate from Georgetown University here in Washington.

At age 16, this young man flunked out of high school, unable to read or write. He held a series of odd jobs, finally settling on a job as a garbage collector for 2½ years. Ironically, it was a disabling back injury which was the turning point in his life.

The following story, printed in the Evening Star last Wednesday, tells of his extraordinary accomplishments. Through hard work, patience, and perseverance, he learned to read and write, completed high school and reached his ultimate goal—that of receiving a Ph. D. in political philosophy.

The topic of his doctoral dissertation is closely related to his own experiences. He chose to study the VISTA volunteer program. During the time he was working on his dissertation, Michael spoke with me on several occasions concerning VISTA and the ramifications of its training programs. His analysis of these programs is cogent and incisive.

I commend the story of this young man's rise from poverty to preeminence to my colleagues. He is an example of a dying tradition in our Nation. I would hope that many people would take heed of the limitless opportunities available in our great country.

The article follows:

Garbage Man to Ph. D.

(By William Delaney, Star staff writer)

On a dark December morning in 1954, as a freezing drizzle glazed the streets of New Haven, Conn., an illiterate young garbageman slipped on a patch of ice as he hurled a heavy can, and wound up flat on his back.

His back torturously sprained, husky Mike Balzano—at age 19—appeared doomed to a bleak world of obscurity in New Haven's Italian ghetto.

Two weeks ago Mike Balzano—at age 36—got his Ph. D. degree in political philosophy from Georgetown University. Today he faces a future that promises to be far from bleak and obscure.

Balzano is writing a book about VISTA (Volunteers in Service to America) that could cause a few ripples in Washington's political seas.

The 530-page dissertation, which he says contains "the only thorough analysis ever undertaken" of VISTA's training program is the basis for Balzano's projected book, which will conclude that:

The VISTA program (now being merged with the Peace Corps and other volunteer units under the Nixon administration's Action corps) has strayed often and far from the goals of Congress when it approved "a low-key, service-oriented program, helping the underprivileged within the context of the Horatio Alger-American dream tradition."

From its establishment in 1964 through 1969, VISTA was essentially a "rudderless" agency, sending tens of thousands of volunteers into America's poverty pockets with vague, varying and often unrealistic goals.

Unable to attract many older, skilled workers, VISTA increasingly had to rely on youthful volunteers who were "idealistic rather than altruistic," and whose well-intentioned "power to the people" schemes not only scorned the work-ethic notion of rising from poverty, but also tended to cause new frustrations for the poor, local politicians and the volunteers themselves.

"I have had no ulterior motives in examining VISTA," says scholar Balzano, who plans to complete his book by the end of the summer. "That's one thing that I hope would make my research valuable in policymaking."

But the other Mike Balzano, the slum-kid dropout who remembers New Haven's garbage routes, admits that he did have a very personal motive for delving into political philosophy in the first place—his own experience in his native America.

Raised in a home in which Italian was the dominant language, flunking out of high school at 16, deprived of a laborer's career by his back injury, Balzano somehow found—without the aid of a VISTA volunteer—the determination to make a better life for himself.

BACK TO SCHOOL

First he took a job as an apprentice lens grinder with the American Optical Co. in New Haven; then, at 21, still feeling shame at not being able to read, he "took the plunge" and began going back to high school at nights.

Four years later, with diploma in hand, he became a licensed optician—"the youngest in the state at the time"—and gradually built up a business in affluent Darien, Conn., that earned him $10,000 a year.

Meanwhile, he had begun taking evening courses "just for enjoyment" at the nearby University of Bridgeport.

"After I reached one full year of credits," Balzano recalls, "several of my professors convinced me that I would never be content as an optician and that I would not be true to myself if I did not attend college full-time.

"DEEMED UNQUALIFIED"

"By every traditional standard I was deemed unqualified to go to college. But in this country I figure you can do anything if you really want to. That's the philosophy I've lived by."

And it was a philosophy that increasingly fascinated Balzano as he sweated through Bridgeport, working part-time, giving pep talks to dropouts in local adult education classes, winning scholarship aid and, finally, graduating at the top of his class.

"I was thinking of going to law school, but the thing that kept striking me during that time was that people seemed to lose faith in the blue-collar tradition. The achievement ethic was somehow failing in this country, and I just couldn't understand how this could be."

LAW SCHOOL ABANDONED

"So I decided that before going to law school I'd go for a master's in political philosophy, at Georgetown, and before I knew it the idea of law school was totally abandoned."

From that point on, the future which had seemed so shattered that icy morning on the garbage route began to fit together quite nicely.

For the achievement ethic, the old "pull-yourself-up-by-the-bootstraps" philosophy that had so transformed Balzano's own life, became a central part of his work as a scholar in political theory.

And the VISTA program—envisioned as a federal effort to spark the sagging "Achievement ethic" in low-income areas—was thus a natural topic for Balzano's dissertation, which he entitled "The Political and Social Ramifications of the VISTA Program: A Question of Ends and Means."

Balzano found that during the 1960's, the attitudes of the various training program directors—and the attitudes of the overwhelmingly youthful and unskilled volunteers themselves—increasingly turned toward the anti-Establishment concept of bringing political muscle to the poor.

"What were considered very liberal goals in the 1960–62 formative period of VISTA—encouraging self-help, getting the government involved in volunteerism—became viewed as very conservative by those within the program."

From his analysis of a nationwide array of VISTA training program materials, interviews, with instructors and volunteers and visits to sharply differing training centers in Oregon, Maryland, and Colorado, Balzano concluded that, except for training at the University of Colorado, the training generally did not jibe with the original "low-key, service-organization" philosophy.

Specifically, it presented volunteers with an unrealistic assessment of what is humanly possible in battling poverty, consumed large amounts of time exploring the volunteers' own personalities in "sensitivity training," and failed to point out to the volunteers that they themselves are part of the Establishment.

Though Balzano's training-center research stopped after the first year of the Nixon administration, he says he is confident that VISTA's inner confusion over goals still exists.

And he adds: "If the original goals were too clearly known, it is my belief that many of the people in VISTA now would not want to pursue those goals, because they would perceive them as being too conservative."

He plans, if necessary, to get a part-time job as an optician as he sees to the birth of the book, buoyed by the hope that his research will have an impact on VISTA policy as the organization merges with Peace Corps.

"I would hope President Nixon could see parts of my study, and know the spirit in which it was written. Gee, all this is right up his alley—all his friends are self-made men."

"You know, public office was given in the American colonies to those who had proved themselves "chosen" people. How did they do it? By work, sacrifice, succeeding . . .

CREW HAIRCUT

"The Japanese have done more in the last 20 years by adopting a philosophy we threw away. The Israelis have it. All great nations are built on this—and we just don't seem to have it anymore."

Shaking his head (Balzano calls his crew haircut "my badge of individuality"), he sits silently for a moment at his modest apartment near Ft. Myer, staring out the window.

"This is utopia," he finally says. "Right here."

Then he turns back to his books and notes and dissertation summary and his memories of growing up in a home with no books, where both parents spent their lives at factory jobs, where the achievement ethic and the American dream were still very real to an illiterate young garbageman named Mike Balzano.

"You know," he says, "sometimes I wonder what would happen if I met him today . . . if we could even talk."

ACCELERATED PUBLIC WORKS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DENT. Mr. Speaker, as one of the original cosponsors of the accelerated public works bill, I am pleased at the progress attained so far toward enactment of S. 575, which includes accelerated public works under title I. Titles II and III extending the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, are also noteworthy aspects of this bill.

With approval of both Chambers of the Congress now registered, the bill needs only signing by the President. I hope that signature is forthcoming, for the unemployed who would be aided by the measure cannot afford to wait for new programs or new economic concepts to be devised.

The accelerated public works program is a test-proven method of providing immediate help. It worked effectively in the 1960's when unemployment persisted. It will work again in this period of recession induced by misguided economic policies at the national level, by bringing direct and immediate relief to the areas of highest unemployment by providing $2 billion in Federal funds for public works projects already planned by local governments but delayed through lack of funds.

The jobs that would be created are meaningful ones, and the projects planned would benefit permanently many communities across the country. Many public service construction projects have lagged far behind need because of the financially depressed condition of local governments.

The Economic Development Act and the Appalachian Regional Act are long-range programs which together with the Accelerated Public Works bill comprise a three-pronged approach to stimulating our entire economy which still has not taken a significant upturn despite optimistic reports from administration spokesmen.

It is to be hoped that we in Congress may be able to move on now to some further action to enliven the economy and save jobs for American workmen by stemming the flow of low labor-cost imports that have been flooding this country. A special report compiled for the House General Subcommittee on Labor has shown that among more than 300 industries engaging in foreign trade in 1969 the number of American jobs created by this trade was nearly 223,000 less than the number of jobs lost. This condition aggravates the generally depressing employment picture in this country.

With more than 5 million jobless at present and with the unemployment rate now at a 9-year high of 6.2 percent, we would hope that both major political parties would join forces to put the jobless back to work. Yet the conference report on S. 575 was adopted in the Senate last week along strictly partisan lines, with 32 Republicans and only one Democrat lined up against the measure. This is regarded as an indication that the administration opposes the bill and that the President will veto it.

If a Presidential veto is forthcoming, I urge that Congress keep in mind the needs of the people, which can be met by this legislation, and act promptly to override that veto.

OUR INVOLVEMENT IN VIETNAM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD an outstanding letter written by a very concerned and interested constituent, Mrs. F. J. Sherrod of Knoxville, Tenn.

Her discussion of the involvement of the United States in Southeast Asia is very worthy of the reading of each Member of this body.

KNOXVILLE, TENN.,
June 2, 1971.

Congressman JOHN J. DUNCAN,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN DUNCAN: There are many questions that must be answered honestly and openly.

The government can not be a government of the people, by the people, for the people unless it does, in fact, represent all of the people and does not allow itself to be completely dominated by those who are only interested in the welfare and desires of those who will help them to achieve political ambitions.

President Johnson and President Nixon have been accused of "credibility gaps." Isn't it true, that the accusers have been inconsistent in their words and actions just as those who have accused others of dividing the country are themselves, guilty?

The Resolution, to the Standard of Conduct for members of the Senate states: "A public office is a public trust signifies in trust that the officer holds this power in trust to be used only for their benefit and never for the benefit of himself or of a few and that the officer must never conduct his own affairs as to infringe on the public interest.

Is it not true that all do not abide by the resolution? I think the "credibility gap" involves much more and goes much deeper.

I have read articles, saying the war was not going to be used as a political issue. Yet, it can not be denied that the ones that kept silent or openly backed it, when the first combat troops were sent in, have used it the most. I have also heard and read, some say "Yes, they had backed it but now they thought they had made a mistake."

We hear the war called immoral and illegal. Is it not true, that the Constitution gives Congress the power to declare war but it does not say anything about a war not being a war simply because Congress has not taken the action?

Is it not true, that former President Truman, did not seek authority of the Congress for his intervention in the Korean war?

The article in Life, Aug. 7, 1970, written by Kenneth O'Donnell, is one that I have read many times. It is obvious that political careers are more important than American lives.

Having lost a son, in Vietnam, I cannot tell you, how this article has made me feel.

We hear over and over that the American people have the right to be informed. So, why were we not informed of President Kennedy's decision to withdraw the troops in 1963?

The article states that President Kennedy told Senator Mansfield "but I can't do it until 1965 after I'm reelected."

What about the lives lost and the wounded, before the election?

The O'Donnell article is confirmed by Senator Mansfield. Why did he not speak up? He is very outspoken now.

Did Senator Mansfield inform President Johnson of President Kennedy's decision?

Dr. Mr. O'Donnell inform President Johnson, of the decision?

If President Johnson was not informed, why wasn't he?

Was it now Mr. O'Donnell's "patriotic duty" to inform the American people in 1963 or even after he left the White House of President Kennedy's decision?

Is it not true, that after President Kennedy's remarks to Mr. O'Donnell, that on Sept. 9, 1963 he said on TV "but we shall not withdraw."

Yes, the American people should have been informed, self interest should have taken second place.

I would also like to know, if those, who urged, President Johnson to continue the policy of President Kennedy, advised of this decision.

Why were there no open hearings or committees appointed, when the first combat troops were sent in?

Was it not immoral and illegal then?

How many others in the government knew of this decision?

Did President Kennedy seek authority of the Congress before sending the combat troops to South Vietnam?

If they informed President Johnson of the decision, why did they not tell the American people, that he had been told of the decision?

On a TV news program April 1, 1971, I heard that several Senators had demanded that hearings be held by the Senate Armed Services Committee, on alleged violations in South Vietnam and if this committee, did not, they would form their own committee, I think this has been done

From all that has happened, I feel, that is not a demand made in the interest of the people of South Vietnam, but rather to exploit our sons.

Why have they not protested against the barbaric murders, tortures and kidnappings of the men, women and children by the Reds?

Why did they not protest when the Reds violated both agreements?

Why has there been no outcry about the barbaric way our sons died or were wounded?

Why no protest against the inhuman way our prisoners of war are being treated?

Isn't it true that Senator Allott asked Senator Fulbright to call hearings of the Foreign Relations Committee, concerning our prisoners of war? Why hasn't this been done?

Could it be that hearings are only called and committees appointed when personal desires can be accomplished?

And, as I have said before, how many have we heard and read about them talking about the lost of the war, money wise, and never mention our sons—but—if they did, it was in second place. They should have thought of the money when the first combat troops were sent in and they had an opportunity to save money in 1963.

Is it not true that Ramsey Clark said "There is no line of demarcation between freedom of dissent and downright treason."

But then, is not treason against the United States defined by the Constituion Art. III Sec. 3 to consist only in levying war against them or in adhering to their enemies giving aid and comfort to the enemy?

Our son left for Vietnam the first week of Jan. 1966. On Feb. 27, 1966 Hanoi said "In America the debates on the Vietnamese problem will become increasingly fierce. The U.S. Imperialist war will become the scene of great confusion, which in turn will exert great influence upon the morale of the U.S. servicemen in the front line. That is why the Johnson clique is very perplexed and afraid faced with the ever stronger anti-war movement which like a sharp knife is stabbing them in the back."

On Nov. 6, 1966 from Radio Hanoi "The Vietnamese people hail and support the strugggle waged by the American people against the aggression in Vietnam. The struggle is a valuable encouragement and backing for the Vietnamese people, who sincerely thank the American peace fighters for their efforts to strengthen their solidarity with the Vietnamese and coordinate their struggle with them. This is only two of the "thank you" messages from Hanoi.

When your read about North Vietnam sending messages to the anti-war groups to keep up the good work and to intensify their protest, can the government deny that they have and are being given aid and comfort? The government can not deny that this has cost many lives, many wounded and is directly responsible for the treatment of our prisoners of war.

Again our sons took second place. Will the government deny that this has been premeditated aid and comfort to the enemy?

How much of the tax-payers money goes into this? Are the American people being told the complete story or will we hear it, ten years from now?

I can not understand how the government can have Americans sacrificing so much to help another country remain free from Communism yet allow travel to Hanoi and other Communist countries. It can not be denied that some of our problems are the result of this.

Doesn't the Logan Act forbid a citizen to negotiate with foreign officials?

Does the government really believe that the Paris peace talks can or will accomplish anything considering the aid and comfort they are receiving other than to be used as a propaganda outlet?

We have appointed representatives to the Paris peace talks. I would like to ask if the Senators, who have met with the Hanoi delegates, requested to do so.

We were told, not only by representatives of Hanoi but also by some in our government, that if we stopped the bombing of North Vietnam, they would talk peace. What happened to the promise? Why were the VC and the North Vietnamese not required to stop sending the rockets into South Vietnam? If Russia helped negotiate the agreement, to stop the bombing, why have they not demanded that Hanoi really start the peace talks?

Isn't it true that the Vietnam war is being fought like the Korean war? The Communist given all the advantage. We would not go beyond the Yalu River, the result, a great buildup of men and supplies by the Reds, and as in Vietnam, the Americans paid the price.

We were told over and over that Cambodia was neutral and we could not cross the border—but in this neutral country there were thousands of North Vietnamese and the VC who crossed into South Vietnam to kill and wound our sons.

How long had it been known that Prince Sihanouk was meeting (in secret) with the VC and North Vietnamese?

We also heard the outcry against the use of napalm. Will the government deny that the Reds used it in flame throwers?

How much material marked (made in USA) has killed and wounded our sons?

Is it not true that Senator Karl Mundt introduced legislation to declare an embargo exports to Russia and its east European satellites saying "they are the ones feeding the war machine in North Vietnam."

Is it true that Averell Harriman, at that time a roving Ambassador, on a TV show said "Opponents of the expanded trade are bigoted, pig headed people, who don't know whats going on in the world".

Isn't it true that American ships, that are leased or loaned, are carrying materials to North Vietnam?

Isn't it true that Poland was released from paying $12,000,000 on their debt to this country?

Is it true that on Mar. 10th and Aug. 16th, 1966 approval was given by the government for shipments of diethylene glycol, used to make explosives and liquid rocket propellants?

We were asked to boycott Rhodesia, did they not offer to stand by us in South Vietnam? The United Nations did vote sanctions against Rhodesia, but isn't it true, that Russia violates the sanction, buys chrome from Rhodesia and sells it to us, at a large profit?

Much that is happening in our country today is excused as being done by the concerned and frustrated.

The Constitution says "the right of people to assemble peaceably and to petition the government for a redress of grievances." Then, is it not true that violence or to advocate violence does not have Constitutional sanction?

We also see those, who use their freedom of speech, deny others theirs. It seems to be a case of "who you are" and if you say what we want to hear. What about the rights of those, who wish to hear the speaker?

I have read about request being made, not to investigate the dissenters as it might infringe on the freedom of speech or cause political repression. You read about request being made, concerning internal security, ignored. Yes, we hear about the cost of the war, money wise, but silence on the millions lost here.

Adlai Stevenson said "Preaching and breaking the law in a so-called good cause encourages anarchy and said the country's leadership could pass to those contrivers who have spent some time in jail.

Daniel Webster said "Good intentions will always be pleated for every assumption of power."

Much has been said on TV and many articles written about My Lai and the men.

I think, by the publicity given, before the trial a verdict had already been reached.

The statements made after President Nixon ordered Lt. Calley released from the stockade and his decision to personally review the final military judgment, can not be over looked. 1. That he was playing politics. 2. That President Johnson, President Nixon and General Westmoreland, also should be prosecuted for what happened at My Lai. 3. Spoke of American justice and our image abroad.

Considering the fact, that the war has and is being used as a political issue, there can be little doubt that a lack of fair play is being utilized by the (clique, Hanoi's word) in our government.

If the first combat troops, had not, been sent to Vietnam or if they had been withdrawn in 1963, before the election, how many would have known that place called My Lai, existed? And our sons would be at home.

Is it true, that at Portland, Senator Robert Kennedy admitted his part in President Kennedy's decision to send the first fighting troops to South Vietnam?

Is it true, that also at Portland, when questioned about the Bay of Pigs, Senator Kennedy said "No, we did not handle the Bay of Pigs, very well."

Is it not true that Cuba has a missile base?

Is it true that South Vietnam did not ask for the combat troops to be sent there?

It was not President Johnson, President Nixon or General Westmoreland, that was advised not to send the troops into South Vietnam by General MacArthur and Charles de Gaulle and President Eisenhower.

History tells of other disagreements on wars and it also tells us of "political military strategy" that backfired and costs many lives. They blamed it on the military then.

We hear remarks made about other members of the government but if you are a member of the (clique) your age, credibility, capability, words and actions are overlooked, applauded and you never outlive your usefulness.

We hear remarks made about the CIA, the National Guard, General Hershey, the FBI and Mr. Hoover. The attack on Mr. Hoover reminds me of Otto F. Otepka. Is it not true that the harassment of Mr. Otepka began Dec. 1960? Didn't the testimony taken by the Senate state: "A dedicated and loyal patriot suffered extraordinary calculated harassment because he attempted conscientiously to carry out the National Security program."?

And is it not true, his trouble began when he was asked by two members of the Kennedy Cabinet to relax security regulations in regard to newly appointed State Department officials?

Wasn't it also admitted that most of the charges, used for dismissal, were false? Is it not true, that Mr. Otepka was, locked out of his office, his telephone tapped, his safe drilled open, placed under surveillance?

Is American justice for all Americans? I have heard our sons called murderers, militants and racist. We have not been given one chance to defend our sons.

Did our sons become men, at war, without a government to represent them? They were and are Americans and so are we.

I would like to ask this question, what happened to our rights and to the words "invasion of privacy" and harassment, when our sons, killed in Vietnam, names were being used? Who's son was dying, being wounded or taken prisoner of war, while this was taking place?

How many in the government have lost sons in Vietnam, or were wounded or taken prisoner of war?

Our son was not born—to die—for "face" saving purpose, political power or ambitions or images, here or abroad.

It is obvious that the death of our 45,000 in combat, over 9,000 from other causes, the wounded, loss of eyes, arms, legs and the agony of our prisoners of war is considered irrelevant, by some, in our government.

It is a poor example of American justice when our sons are condemned by those, who have never been to Vietnam and the politician, who openly backed it or kept silent, polishes his halo, at our sons expense.

The ones that talked President Kennedy out of sending the aid, to those at the Bay of Pigs, should have spoken out against the first troops being sent to Vietnam.

Isn't it strange that the great defenders of rights and no discrimination, have never, offered to help us defend our sons?

Could our own government, not be guilty, of atrocities and a massacre?

It is long overdue that we be heard. The price has been to high and the heartache to great, for me to remain silent.

If the government does represent all of the people, there should be open hearings on the war, from the time the first combat troops were sent to Vietnam. If it is true, as some say, "a long drawn out Bay of Pigs," perhaps the beginning, is there.

I can not accept the "not a declared war," "immoral and illegal," or the "I backed it—but now I think it was a mistake" or "I'm against the war" as excuses for what has happened—it does not bring our son back.

Who will deny that our sons found themselves caught between two enemies, foreign and domestic?

I think the accusers have many questions to answer. The "who you are" complex should not be allowed within the government or without if democracy is to have a true meaning. There has been entirely to much of one side being heard whether for political or personal reasons.

Those, who would degrade, accuse, intimidate and are for others being prosecuted should be questioned about the part they played in our involvement in Vietnam.

Who can deny, that this war, has not, been shared? When military strategy is dictated by politicians, who have made it, very clear, by words and actions, as well as those outside the government, that our sons lives and safety were and are not important, the question is, did the government meet its moral and legal obligations to our sons?

What is the difference between those convicted as being an accessory and those who have given aid and comfort to the enemy, in the killing and wounding of our sons and the torture of our prisoners of war?

Our son, did not, want the war and neither did we. This faith and trust in the government cost him—his life. Our backs were not turned to our son in life and they will not be in death. Do we not have the right to demand that questions be answered, openly?

As for our image abroad, will we be trusted? Is it not true, that the Vietnamese people were told, in Saigon, Feb. 1962 "we're going to win this war in Vietnam. We will remain until we do win. I think the American people understand and fully support the struggle."

But after thousands of American deaths the wounded and the treatment of our prisoners of war plus the promise to the Vietnamese people, it is decided that South Vietnam and its people, are not, so important, after all.

Perhaps, less emphasis should be placed on images and more on honesty and integrity, both would be remembered long after the images have faded.

Is American justice for all Americans?

Sincerely,

Mrs. L. J. Sherrod.

FLAG DAY 1971

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. HOSMER. Mr. Speaker, on the occasion on Flag Day 1971, columnist L. A. Collins, Sr., of the Long Beach Independent Press-Telegram, reflected on the good in America, the good in the flag, and what we all have to be thankful for.

Because I found his column a refreshing example of good old-fashioned patriotism, I wish to share it with my colleagues. The article follows:

WE HAVE SO MUCH OF WHICH TO BE PROUD

(By L. A. Collins, Sr.)

As we become depressed over the headlines and TV reports of daily happenings it is wonderful to realize how decent and wonderful are all but a small minority of our people. We miss so many of the good things written about our country and the progress we have made. If we have come to be complacent about our Flag—each of us might carry with us its description given by an unknown author. I give it as follows because tomorrow is Flag Day 1971.

It's just a piece of cloth, that is all it is—just a piece of cloth. But when a little breeze comes along, it stirs and comes to life and flutters and snaps in the wind, all red, and white, and blue! And then you realize that no other piece of cloth could be like it.

It has your whole life wrapped up in it—the meals you eat; the time you spend with your family; the kind of things your boy and girl learn at school; the strange and wonderful thoughts you get in church on Sunday.

Those stars in it—they make you feel just as free as the stars in the wide deep night. And those stripes—they are bars of blood to any dictator who would try to change this way of life.

Just a piece of cloth, that is all—until you put your soul into it, and give it meaning. Then it is a symbol of liberty, and decency, and fair-dealing for everyone. It is just a piece of cloth until we breathe life into it! Until we make it stand for everything we believe in, and refuse to live without it.

From another source I clipped an address made by an 18-year-old young man at a Junior Achievement banquet. His name was Eric Fredrickson. It is an example of what I believe to be the real sentiment of the great majority of our young people. Some of the excerpts are as follows:

"Now I am only 18 years old and there are still a great many things about the world that I don't understand but there are a few simple truths I am sure of; and these truths I will keep with me the rest of my life. It is these ideals which I think make it important to be an American . . .

"This I believe: It was the idea of free enterprise conducted freely and without undue hindrance which made it possible for this country to get ahead through individual imagination, intelligence, and industry.

"This I believe: That America grew into the great country it is today through positive constructive action by all people in the society . . .

"This I believe: America is a nation for all people who want to be involved and work hard to make democracy work . . . who want to make their own lives better and this nation greater by the sweat of their brows . . .

"This I believe: American business has played a vital role in helping this country forge ahead and that American business will continue to carry on its great tradition and take an ever greater role in keeping the American society strong . . .

"This I believe: America will remain a great nation as long as her people do not forget that the ideals of dignity, honor, pride of accomplishment and respect for one's fellow man are for all times and all ages . . .

"This I believe: It is not shameful to love one's country, to be proud of one's heritage, to stand up for those very values which have made and still make this country strong."

If each of us would carefully read and evaluate the sentiments expressed in these two quotations we would have a greater appreciation of what has been and is being accomplished in this nation of which we are privileged to be citizens.

RAILROAD PASSENGERS SUPPORT NONSMOKERS RELIEF ACT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. YOUNG of Florida. Mr. Speaker, the National Association of Railroad Passengers has joined the chorus of support for H.R. 4776, the Nonsmokers Relief Act I introduced on February 22. Spokesmen for the bus industry and some of the Nation's largest airlines already have voiced approval for this badly needed legislation.

In line with an American Medical Association policy adopted last year, the Nonsmokers Relief Act would require airliners, buses, and trains to set aside separate areas for nonsmoking passengers. This measure would place no burdens on the smoking passenger, but instead would protect the rights of the nonsmoker from being forced to inhale fumes from others' cigarettes, cigars, and pipes.

Since this bill was introduced, letters of support have poured in by the thousands from across America, and even abroad.

The need for relief is self-evident. Nonsmokers, I would point out, outnumber those who continue smoking despite the ever-growing evidence that it damages health.

Here, for the consideration of my fellow Congressmen, is what the National Association of Railroad Passengers had to say about the Nonsmokers Relief Act:

NATIONAL ASSOCIATION OF
RAILROAD PASSENGERS,
Washington, D.C., June 14, 1971.

Hon. C. W. BILL YOUNG,
House of Representatives,
U.S. Congress, Washington, D.C.

DEAR CONGRESSMAN YOUNG: I have noted with much interest the introduction of legislation by you regarding the absence of facilities on many passenger vehicles for nonsmoking travelers. It is encouraging that your activities have received considerable support from aviation leaders.

It should be known that the railroad passengers are also on your side. The National Association of Railroad Passengers—a nonprofit consumers' group with 7,000 members—supports the concept of providing a non-smoking traveler with an area where he is protected from cigars, cigarettes and pipes.

For many years railroad trains had a non-smoking section for the benefit of tobacco abstainers. Alas, the deterioration of rail service has been accompanied by a lack of consideration for non-smokers. Your legislation would assist the effort by some people who wish to convince Amtrak to provide non-smoking facilities.

We wish you success in this endeavor and offer you our support.

Sincerely,

JOSEPH VRANICH,
Executive Director.

PROSPECTS FOR A PACIFIC COMMUNITY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1971

Mr. HANNA. Mr. Speaker, on May 5, it was my privilege to include in the RECORD an excellent article by George S. Kanahele, administrator of the Hawaii International Services Agency. Today I would like to call to the attention of my colleagues another important statement by Mr. Kanahele.

"Prospects for a Pacific Community" is a concise statement drawing together many of the threads of thinking from leaders throughout the Pacific Basin.

The article follows:

PROSPECTS FOR A PACIFIC COMMUNITY

(By George S. Kanahele)

Ten years ago any mention of the Pacific community was a rare occurrence that is probably just as rarely remembered today. But in recent years it has become fashionable for statesmen, business leaders, journalists and scholars to use the term as if there were or should be a Pacific community. Is there a Pacific community? If the model is the Atlantic Community, then the answer is no, for there is no transpacific alliance of a large bloc of nations which have been able to define their common needs and viewpoints. What we have at best is an aggregate of nation-states or territories or, as one observer remarked, "just a hemisphere." The Pacific is not even a region. The countries are not only separated by as much as 7,000 miles of water and 17 hours of flying time, but also by seemingly unbridgeable distances in life-styles, political systems, economic development, historical outlooks, and so on. In effect, the Pacific is merely a big ocean where certain countries, having little in common, happen to border its shores.

Is there a sense of community, however? Or to phrase it differently, are there the beginnings of a community? And what are its prospects? These questions are not as easily answered, but they are the ones I propose to deal with in this paper. They are important questions, for they touch on the scope of potential cooperation for peace and prosperity among the nations of the Pacific Basin, who embrace more than one-half the world's population, all the super-powers (both actual and potential), the largest consumer market, the largest trading community, and some of the fastest growing economies in the world. This is the arena in which the world's main events will take place in the future with or without a sense of community.

DEFINITION OF COMMUNITY

Like the Holy Ghost, "community" is a term we should perhaps use with respectful vagueness to mean as much or as little as may be desired. But for the purposes of this discussion, let us define *community*, which is short for "common unity," as a body of nations or groups distinguished by shared needs, common viewpoints and mutual problems whose resolution requires cooperative effort. There are several levels of abstraction at which one can view community—the purely psychological, the procedural, the functional, and the institutional—each of which corresponds to a level of progressive integration. Using the Atlantic model again, it is the nearest thing to being an integrated community operating at all of these levels. Its member nations maintain strong psychological bonds emanating from cultural, ethnic and historical similarities; over the course of its existence it has established a wide-ranging, cohesive system of consultation on political, economic and military matters; it has developed and effected a division of labor; and all of this has been more or less institutionalized in easily recognizable structures and forms. Furthermore, the Atlantic Community is a historical fact. It has survived and grown by accretion for a generation and, by and large, with exceptions that have turned out to be both temporary and exceptional, the Atlantic allies have stuck together. In the final analysis, the real test of community is a kind of dynamic cohesion which enables member-states to behave in divergent ways without seriously jeopardizing their common interests. The Atlantic Community has passed that test, although no one can tell what a drastic change in, say, the Soviet-U.S. power balance might do to the alliance. Nevertheless, we have in the Atlantic experienced some criteria to go by in assessing the Pacific community.

A BASIS FOR A PACIFIC COMMUNITY

There can be no community unless there is a basis for developing common ties and mutual cooperation. Is there such a basis for a Pacific community? When compared to the Atlantic nations, which are tied together by a common cultural heritage and by more or less similar political and economic ideologies, it is difficult at first glance to see any common denominators among the Pacific nations. They represent, after all, diverse and conflicting patterns of development ranging from the least developed to the most affluent societies of the world. They include the world's oldest civilizations and some of its youngest. Their political institutions range from Communist, to military dictatorship, to constitutional monarchy, to parliamentary democracy. Culturally, linguistically, philosophically, religiously and in almost every other respect they differ, and sometimes irreconcilably. Finally, while the Engishmen, Germans, Italians, Belgians, and others will often refer to themselves as Europeans few, if any, Chinese, Indonesians, Koreans, Japanese or Filipinos will regard themselves as Asians (which only underscores what Prof. Steadman has convincingly argued—namely, Asia is a myth).

Notwithstanding this diversity, I think there are some common denominators. The most obvious, of course, is the Pacific Ocean itself, which is a common geographical boundary for six continents, more than 30 countries and territories and countless islands. But a neigborhood is not a community. We know that living in the same block, even being next door neighbors, does not necessarily produce community. Besides, geography can create some thorny problems when it comes to deciding who does or does not belong. For example, Burma is separated from the Pacific by a thin strip of land belonging to Thailand. Should this accident of geography—and politics—exclude Burma, which in all other respects may be just as entitled to membership in a Pacific community as her neighbor, Thailand? Another question which is always asked is whether India, Pakistan and Ceylon or countries in Latin America should be included in the Pacific community. Perhaps a more vivid illustration of this last point may be found in an anecode involving a conversation I once had with the editor of the *Pacific Community,* a Tokyo publication with which some of you are probably familiar. The cover of the journal, if you recall, has a map of the Pacific that excludes the Western slope of Latin America, but includes India, Pakistan and Ceylon which, of course, do not border the Pacific. When I asked him why, he replied that geography was not the sole criterion of membership in *his* Pacific community. Still another question raised by purely geographical considerations is, since there are many island territories in the Pacific controlled by metropolitan powers in Europe whose shores are never touched by the Pacific Ocean, are they also entitled to membership in the community?

But far more important than the matter of common boundaries is the fact that these nations can find common interest in the Pacific Ocean—in things such as joint exploration and exploitation of mineral resources; cooperative scientific work in the study of ocean currents, winds, storms, and similar phenomena; multinational cooperation in seeking legal determination of territorial and exploitation rights in the sea; and joint research in harnessing energy resources from tidal power and ocean waves, in farming the sea, in maintaining ecological balances in the undersea environment or in preventing marine pollution. Since every country bordering the Pacific has a proprietary interest in the ocean, here is a basis for cooperative action on a Pacific-wide scale. No single country is capable of going it alone, but it would clearly be to the benefit of the poorer nations to work with their more affluent neighbors in developing the vast resources of the world's largest ocean.

Another basis for building a Pacific community is cooperation for economic growth and development between the developed and less-developed countries in such areas as investment and trade expansion; tourism promotion; exchange of capital and industrial technologies in agriculture, mining, oceanography, and other fields; exchange of economic information; consultation on economic problems; management training; and so on (all of which are matters the PBECC is vitally concerned with). However, cooperation for development ought not to proceed on the basis of the old formula of "massive capital, omniscient planner, and the 'trade not aid' slogan," nor depend on traditional institutions which have not been able to solve the problems for which they were originally set up to solve. In other words, the Pacific ought to be the region in which new ways and better institutions for economic development are formulated and tried, for if there is any one common denominator in the Pacific rim countries it is dynamism. This is a situation which requires more sophisticated approaches to development. I believe that this is the element of challenge needed to strengthen any movement toward economic cooperation in the Pacific.

There are additional bases for Pan-Pacific cooperation that might lead toward a Pacific community in education, communications and transportation, science and technology, research and development, culture and the arts, labor and management, banking and finance, medicine, mental health, and a host of other areas. The needs are so great and the resources available to any one country so limited that the only hope for resolving some of the problems that exist is for Pacific countries to pool their knowledge and resources and act together.

In sum, although marked by diversity, Pacific rim countries have common interests that can form the basis for establishing a community. The task before us is to identify what these are and determine how they can be collectively acted upon, for this is the key to international cooperation. A family of nations cannot truly exist unless there is something for its members to do together. In Ortega y Gasset's terms, "people do not live together merely to be together. They live together to do something together."

THE BEGINNINGS OF A PACIFIC COMMUNITY

In discussing the question of the existence of a Pacific community, an American authority on Pacific-Asian affairs once told me that there was really no need to discuss it because such a community already exists. The point he was trying to make, I think, was that as soon as people around the Pacific begin to think that there is a community, then its existence becomes real. Cogito ergo sum. Perhaps, this Cartesian approach to the problem may help us to see better the beginnings of a Pacific community.

One fact that is already clear is that there is a growing awareness of community, and a desire for it, around the Pacific. It is an articulated awareness—that is, people are not only thinking but talking about it. Thus, if enough people, particularly important and influential people, talk about it often enough within and beyond their national boundaries, the circle of consciousness widens, understanding and knowledge spread, and the sense of community grows stronger. This process is going on now, and I'd like to take a few minutes to describe it.

It is difficult to ascertain exactly when in the post-World War II period the idea of a Pacific community emerged as a topic for serious discussion. I suspect it was about the time (circa ten years ago) when statesmen, business leaders and others from both sides of the Pacific began to make pronouncements heralding the coming of a new epoch promising unprecedented growth and prosperity for the Pacific Basin—what President Johnson often referred to as the "Pacific Era." Since this growth and prosperity could not be achieved without the closest kind of Pan-Pacific cooperation, which to some degree was already taking place, the idea of a Pacific community was a natural outgrowth and symbol of this need. Besides, it was sufficiently vague so that few would be offended by it; nor would it commit anyone to any particular line of policy. The Pacific Era and the Pacific community were perfect companion pieces.

One of the earliest major statements on the Pacific community, if not the first, made by an American political leader was a speech given on the floor of the House by Representative Richard T. Hanna, Democratic Congressman from California, in 1965. Appropriately entitled "Let's Hear More About the Pacific Community," his remarks are worth noting here: "Certainly we who are concerned with developing a Pacific community are fully cognizant of the concept. However, it is going to take more than just the recognition that the Pacific community is desirable, and can be. It is going to take tremendous effort. We are going to have to determine what our mutuality of interests are, and then we will have to carefully build the machinery that will make the community. The concept is here, now let us move on to the building process." While his remarks at the time aroused little active interest, they must have stirred the minds of a few. It is significant to note that during the past six years Representative Hanna has continued to speak out on the need to build the Pacific Community.

An even more important statement was made two years later by the then-Republican presidential candidate, Richard Nixon. Writing in the *Foreign Affairs Quarterly* (Autumn 1967), he wrote:

"The United States is a Pacific power. Europe has been withdrawing the remnants of empire, but the United States with its coast reaching in an arc from Mexico to the Bering Strait, is one anchor of a vast Pacific community. Both our interests and our ideals propel us westward across the Pacific, not as conquerors but as partners, linked by the sea not only with those oriental nations on Asia's Pacific littoral but at the same time with occidental Australia and New Zealand, and with the island nations between . . ."

This statement has probably had far-reaching impact because the article, appearing in a prestigious journal, has been widely circulated and extensively quoted. And one would like to believe that it has also had an impact on its author, who is in a position now to do more for the concept than any other American leader.

A handful of American intellectuals and scholars have also been engaged in spreading the idea of a Pacific community, although, I must hasten to add, not with any monumental fervor. In 1968 the American authority on Asia, Professor Robert Scalapino, said: "Even now we should be advancing the idea of a Pacific Community, with its core membership the United States, Japan, Canada, Australia, New Zealand and Mexico." In his view "such a Community of the more advanced Pacific nations could plan and coordinate developmental policies, interact with groups like ASEAN, and ultimately serve broader purposes. It could serve as a dynamic new symbol of peaceful progress and cooperation throughout Asia." (Prof. Scalapino still believes the idea is worth pursuing, although he himself has not been able to expand his initial ideas in either research or writing.)

Still another example of how the idea is being spread is Herman Kahn's new book of prophecy, *Japan: The Emerging Superstate,* a small section of which presents a futuristic view of the "Pacific Basin Community." He foresees Japan playing the leading role in building this community around what he calls the "new Mediterranean," which in the twenty-first century would become the "creative center of the post-industrial culture and civilization."

While the above statements may have helped to stimulate American interest in the Pacific community, they are solitary examples, for the fact of the matter is that few Americans understand or care. There is simply no perceptible public groundswell in the U.S. for a Pacific community, at least not yet. In time there may be, just as there was for the Atlantic Community some 25 years ago.

In Japan, the idea of a Pacific community is much more widely disseminated and accepted than in the U.S., partly because almost all Japanese take it for granted that the Pacific will be the major arena of action for Japan. Prime Minister Sato made this clear in a remarkable speech to the National Press Club in Washington in 1969 describing Japan's new policy leading toward a "New Pacific Age."

"There is emerging among the Japanese people a desire to play a meaningful role in making a positive contribution to the world. There is no doubt that the settlement of the Okinawa problem will give confidence to the Japanese people and that it will become the turning point in directing the constructive will of the nation to the aim of bringing stability to Asia. . . . But Japan alone cannot hope to secure the peace and prosperity of Asia. Along with the efforts of the Asian countries themselves, both the material and moral cooperation of the industrial countries that have a great interest in this area are required. . . . Here again we find the shape of the New Pacific Age, where a new order will be created by Japan and the United States, two countries tied together by common ideals . . ."

The "new order" envisions a community of Pacific rim countries working together for economic development and stability in the whole region.

Significantly, Prime Minister Sato was not saying anything strikingly new, for many others in Japan had expressed similar views. For instance, his one-time foreign minister, Takeo Miki, had two years before tried to crystallize government thinking on the notion of a cooperative association of Pacific countries, or what he called the "Asian-Pacific Zone." Miki's "brain-trusters," principally Professor Kiyoshi Kojima, have continued to elaborate the idea with a number of proposals aimed at creating an economic counterpart to the European Community in the Pacific. This thread of thought has long been woven into the fabric of Japanese official thinking even prior to the Second World War.

Even outside government circles the idea of a Pacific community has its articulate advocates. One of them is Professor Ato Masuda, an authority on Southeast Asia, who has been leading a research effort focusing on the Pacific community concept. He has said: "It is important now to nurture among the people of the Pacific nations an awareness and an image that they are all part of the Pacific chain of nations, held together by a common bond. To create such an awareness there must be a common bond between each nation; a common bond with the Pacific Ocean as its setting that would bring forth a cooperative unity of all the Pacific nations."

The sense of and desire for a Pacific community is probably most pervasive in Japan and, therefore, it is no surprise that efforts to attract world-wide attention to the idea are in part centered in Tokyo. The outstanding effort in this regard is the one-and-half year old journal, *The Pacific Community*, edited by Saiji Hasegawa and published by the Jiji Press. It purports to be the means by which countries in the "Asian-Pacific Zone" can carry on a dialogue on mutual problems, and from the looks of its articles and contributors, it is doing just that. Circulation has steadily increased so that now it can boast of nearly 5,000 subscribers throughout the world. I also understand that special pains are taken to see that copies are sent to important government and business leaders in the major capitals of the world. I think we can safely conclude that while it is difficult to measure the journal's impact upon the thinking of its subscribers, the title, if nothing else, must draw attention to the idea of a Pacific community.

While Japan and the United States are the two crucial countries upon which a great deal of the success of a Pan-Pacific movement hinges, there are other countries and areas around the Pacific where the idea of a Pacific community has captured the imagination. Australia has evinced strong interest particularly in an economic or trading community. Only last week former Australian Defense Minister Malcolm Fraser urged formation of a Pacific trade alliance to safeguard trading interests against Common Market policies. Also in Australia, curiously enough, another journal with the name, *The Pacific Community*, has been published with the aim of creating "an economic, cultural, political association of nations stretching from Japan to India which may ultimately create a stable military power balance in the region." Despite its vigorous anti-Communist "free world" editorial bias, the publication does serve to bring public attention to the Pacific community movement.

There is also evidence that an awareness of the Pacific community exists in other Asian nations on the Pacific rim. This may be best illustrated by citing a recent editorial in the most authoritative Asian economic journal, *The Far Eastern Economic Review*. It reads: "Over the last year or so, East Asia has been increasingly developing a Pacific Basin consciousness—looking towards the west coast of the American continent, towards Japan and Australasia and regarding itself as part of a developing market region circling the Pacific Ocean."

Similarly, Latin American countries are becoming more and more aware of their ties to a Pacific community. Partial proof of this was the conference held in Santiago, Chile, last autumn, which brought together government officials and scholars from the U.S., Canada, Japan, Australia, Southeast Asia and other countries to look at Latin America's relations with the Pacific Basin. It was the first time that a conference had been convened for that purpose in Latin America. Furthermore, as trade contacts and investment activities increase between Asian nations (especially Japan) and Latin America, as they are bound to, interest in the Pacific community will spread even wider and deeper.

Although this constitutes a very impressionistic assessment, I think it illustrates that there is a growing awareness of a Pacific community. To be sure, it is in large part a vague awareness because the concept is still amorphous and undefined. It is also clear that the level of awareness varies from one country to another, with perhaps the highest degree of interest to be found in Japan. Finally, as part of the *Zeitgeist*, the idea will become more and more a topic for national and international discourse around the Pacific. And the more one talks about it, the more real it becomes. Cogito ergo sum.

THE MANY PACIFIC COMMUNITIES

In one of my many discussions on the subject, a scientist with life-long experience in the Pacific argued that there was no single Pacific community and doubted that there ever would be, but he maintained instead that there were *many* Pacific communities. He gave as an example the Pacific Science Association, which is an organization that traces its origins back 50 years and counts thousands of participants from countries all around the Pacific and beyond. Here was an international fraternity of scientists who had common interests in the study of scientific phenomena in the Pacific and who had banded together to work jointly on a wide range of scientific projects. He pressed his argument by concluding that the fraternity had survived a half century of social, political and economic upheavals in the Pacific, proving that people from different backgrounds who have a universal discipline and shared values can cooperate come hell or high-water. And, if there was a model for the Pacific community, here was one in microcosm.

Of course, he made his point, for in addition to the Pacific Science Association, there are many other cooperative organizations running the gamut from oceanography and fisheries to agriculture, travel, medicine, radio and journalism, women's affairs, education, ecology, commerce, philosophy, religion and so on. Some of these, attesting to the fact that Pacific cooperation is not new, go back several decades, while others are as recent as yesterday. New organizations are being formed continuously and the proliferation of these organizations demonstrates that there is an extensive framework of multinational cooperation in the Pacific upon which the Pacific community could be built.

It might be instructive to examine in detail a small part of the nature of these "communties in microcosm," if only to suggest their extent and complexity. (See accompanying list of organizations). I have no accurate idea of the total number of such organizations, but this would depend entirely on the kinds of categories one sets up. For example, there are truly Pan-Pacific organizations such as the Pacific Science Association and the Pacific Area Travel Association, but the number is very small. Many are trans-Pacific only to the extent that Asian countries and the United States are included (Canada sometimes, but Latin America almost never). Most so-called Asian-Pacific organizations such as the Asian and Pacific Council (ASPAC) are geographically limited to countries bordering the Asian rim of the Pacific, including Australasia, plus South Asia. Then there are narrower subregional organizations such as the Association of Southeast Asian Nations or the Law Association for Asia and the Western Pacific (LAWASIA). Many more are actually regional sections of international organizations such as the Eastern Regional Organization for Public Administration (EROPA) and the Asian Regional Organization of the International Confederation of Free Trade Unions. So, you can see, the geographical breakdown can become rather confusing.

There are other categories by which these organizations could be analyzed. These include wholly inter-governmental organizations such as ASEAN and ASPAC which may be limited to as few as two members to as many as 27 (the Asian Development Bank). There are also semi-governmental groups, i.e. those whose memberships are open to both public and private agencies, such as the Pacific Area Travel Association. Of course, there are the regional organizations and commissions that belong to the United Nations such as ECAFE, WHO, FAO, and UNESCO. Apart from these, I think it's a safe bet to say that most of the organizations are private, such as the Pan Pacific Surgical Association, Pan Pacific and Southeast Asia Women's Association or the Pacific Basin Economic Cooperation Committee.

As I have indicated throughout, these organizations cover a broad range of subject-matter. No single field predominates, just as no organization seems to loom large over everyone else. Generally speaking, however, the fields most represented are oriented toward science and technology, communications, trade and productivity, and social-welfare. This might give us some clue as to the kinds of activities and interests that the Pacific community would focus upon.

In the context in which I have chosen to analyze these organizations, many more questions are raised than can be answered. How do these organizations relate to each other in theory or in practice? Who are their leaders? What is the nature of their influence? How many people are involved? To what extent? And at what level? How much cooperation in fact is generated by these organizations? What impact do they have on their constituencies? Have they done any good? If so, at what cost? Are they conscious of a larger community of interest in the Pacific? Can they be made conscious? Or do their special interests preclude their participation?

These questions demand further research, but in the meantime let me venture out on a Pacific limb and tell you what I think is happening, as well as what can happen. There is gradually developing today a random linking of Pacific countries and peoples within an intricate system of interrelated organizations and groupings. For the moment these organizations seem to interact with each other only informally and horizonally; that is, I do not see much vertical interaction as would characterize a cartel of interlocking directorates, except, of course, in the case of regional branches affiliated with larger international parent bodies. At the people-to-people level, this system of organizations brings large numbers of people together at regular intervals and at various levels in conferences, negotiations, workshops, executive meetings and so on. As you know, this traffic of conference-goers has skyrocketed so that among some organizations there has emerged an international conference jet-set. In any event, the proliferation of these organizations has allowed many people to interact and, in the process, acquire deeper understanding and knowledge of the needs and problems of the Pacific. In this manner, the way is made easier for the spirit of the Pacific community, as it is based on understanding and cooperation, to develop and increase.

To summarize, the existence of these Pacific-oriented organizations shows that the barriers of diversity have not prevented Pacific countries and peoples from interacting in cooperative associations; if anything, diversity has exerted centripedal pressures leading toward amalgamation and cooperation. It is as if the peoples of the Pacific are finding unity in diversity. Thus, what we see happening may all be very much a part of the building process toward a Pacific community.

SECOND STEPS TOWARD BUILDING THE PACIFIC COMMUNITY

I think we have already taken the first steps toward the formation of a Pacific community: we have developed the idea, however nebulous, the desire, although uneven, and we have some of the building blocks embodied in existing Pacific regional organizations. At this juncture we might consider some of the next steps we can take, modest though they may be.

Eugene Black, in his book *Alternative in Southeast Asia* (published in 1968), relates the story of how shortly after World War II Prince Bernhard of the Netherlands formed an organization called the Bilderberg Group which brought together prominent people from government and private life from both sides of the Atlantic to discuss, privately and without press coverage, fundamental problems affecting the Atlantic community. He writes: "I attended several meetings of this Group over the years, got to know many important people, and heard many points of view that I might not otherwise have understood. The organization had no official standing; its meetings were always informal. I think it would be a very good idea if some such high-level, unofficial organization were formed to bring together important people from the Pacific community of nations at this time. This should not be an American initiative; it would be very good if it could be a Japanese initiative. But the important thing is to provide a means whereby political problems [and I would add economic, social, the whole range of major problems] affecting the Pacific community could be talked out in private among those whose attitudes and actions will be influential."

I think this is a pregnant idea that should be pursued, for it does not seem to demand much expenditure of effort or capital. It can be done quietly so as to minimize political embarrassment to any of the principals involved. Its informality would insure off-the-record discussions and encourage frank and straightforward dialogue. While I tend to agreed with Mr. Black that the initiative should come from the Japanese rather than the Americans, it would not make that much difference if it were conducted informally and in as low a key as suggested. But, in any event, given the Japanese interest and commitment, it might be only natural for the Japanese to want to take the initiative. I believe the composition of the group should be open not only to government leaders, preferably of ministerial or sub-ministerial rank, but also to top business leaders, military men, scientists and scholars. The group should be kept small, adding members only on an ad hoc basis when the subject matter requires special expertise. It should not be an exclusive club of the advanced nations, but open to representatives from the less-developed countries as well. The group might begin its first agenda with a discussion of the prospects for a Pacific Community.

Concurrently, at a lower level I would propose the establishment of a Pacific Community Institute to conduct research and studies of problems and issues of Pacific-wide importance. It would also seek to encourage public discussion of these issues through conferences, workshops, seminars, lectures, and other means. As part of its charge to disseminate its findings as widely as possible, it would carry on an extensive publication and distribution program. The Institute would be managed under the auspices of an international board of directors and funded from multilateral sources. And its staff would be recruited from Pacific rim countries.

One of its more important functions would be to monitor the activities of Pacific organizations. It would work closely with these organizations in enlisting their cooperation in building a Pacific community. This might be done by encouraging them to enlarge their membership to include, say, Latin America, or to pool their resources in order to minimize duplicated efforts, or, in the case of competing organizations, to consider merging, or, in the face of proliferating organizations, to dissuade a new group from coming into being. Thus, the Institute could materially help in providing a semblance of direction and coordination to the many Pacific "communities" that now function quite independently of and at times in opposition to each other.

At still another level—the "grassroots"—I would suggest setting up a Pacific Council, similar to the Atlantic Council, which would act essentially as an informational clearinghouse for the general public in matters pertaining to the Pacific community. It would also work closely with citizen groups and organizations interested in promoting the Pacific community. One of its tasks would be to organize local councils in countries around the Pacific for the purpose of encouraging grassroots participation in and support for the Pacific community movement. Presumably, in time there would emerge a network of local chapters functioning under the central direction of the parent Pacific Council, all working toward the same goal.

Now, these institutional arrangements are designed to function largely at the educational and informational levels. They are necessary in order to marshal public understanding and support for the Pacific community movement. All this is fine, but however useful and productive these steps may be, they are at most only intermediate measures. They still fall far short of actually bringing into being the Pacific community. For this, political decisions must be made at the highest level of government.

PROSPECTS FOR A PACIFIC COMMUNITY

What are the chances of such decisions being made? Suppose the United States, Japan, Australia, and other governments were faced with the question of whether they should support the establishment of an Organization of Pacific States? Or a Pacific Free Trade Area? Or a Pacific Education Community? These are questions that require decisions which must be made in the cold light of national interests and policies which may change from time to time.

Let us take then a look at a particular proposal, say, the establishing of an "organization of Pacific States" on the basis envisioned by Prof. Scalapino, i.e. an organization with its nucleus of members consisting of Japan, the U. S., Canada, Australia, New Zealand and Mexico, which would "guide and coordinate developmental policies, interact with groups like ASEA, and ultimately serve broader purposes."

What are the prospects for such a proposal in the United States? At the moment, nil. The U.S. is too preoccupied with more urgent political and economic problems at home—and of course Vietnam, which overshadows every foreign policy question in the Pacific today. Not until the Vietnam issue is resolved will the U.S. consider any major new policy initiative, especially one of this magnitude. While the idea would not be dismissed outright in Washington, it would probably have a political feasibility quotient of "zero."

In the absence of any direct intelligence from the White House, we might glean a bit of President Nixon's present attitude from the long silence following his statement in 1967 on the Pacific community. As you recall, we urged at the time the building of a Pacific community, similar to the Atlantic Community and I quote: "This has to be a community in the fullest sense: a community of purpose, of understanding and of mutual assistance, in which military defenses are coordinated while economies are strengthened; a community embracing a concert of Asian strengths as a counterforce to the designs of China; one in which Japan can play an increasing role, as befits its commanding position as a world economic power; and one in which U.S. leadership is exercised with restraint, with respect for our partners and with sophisticated discretion that entails a genuinely Asian idiom and Asian origin for whatever new institutions are developed."

I may be wrong, but this appears to be the only reference he has made on the Pacific community, for I can find no explicit reference to the term in the public statements he has uttered since he became president three years.

Nonetheless, the President has continued to articulate the need for regional cooperation, the need for "effective regional groupings and for new institutions to meet the developmental demands of the Pacific and Asia," ideas quite congenial to the building of a Pacific community. But as to what form and purpose these groupings and institutions might take, he has not given much guidance. I think the President is still groping for a new approach in Asia and the Pacific, a fact which is apparent in his recent report to the U.S. Congress on *US Foreign Policy For The 1970's*. To cite his own words, Nixon is looking for "a readjustment of the whole international order in the Pacific region." The best thing that can be said for this attitude is that it at least keeps open all the options. For this reason, therefore, the long run or post-Vietnam prospects for the proposal may be better.

In contrast, the prospects in Japan for such a proposal are better in both the short and long term. It seems clear from the statements of Prime Minister Sato and other responsible leaders that Japan is committed to building "a new order" in the "Asian-Pacific Zone." This is based on sound economic, political and historic reasons which have already been alluded to. The important question seems to be how to share the burden of leadership with the United States, in particular, and the rest of the Pacific Basin countries, including the People's Republic of China. There is no doubt that Japan will want to see China welcomed into a Pacific community, although it appears that she may not be in the mood to participate at present. (But the way things are happening, who can tell what will happen tomorrow.) A cooperative association of Pacific states, in short, would offer Japan one of the best guarantees for her own security and economic prosperity in the foreseeable future.

Are the prospects any better for a more limited community based on economic development, more specifically, a Pacific free trade association? Apparently not. Japanese scholars put forward such a proposal three years ago and it aroused considerable interest in some government offices, particularly the Foreign Ministry. The proposal called for the more advanced countries to reciprocally eliminate trade barriers and unilaterally grant similar concessions to the developing countries in the region. Despite some strong arguments in its favor put forward by Professor Kojima, it has not received any support from Washington. As long as the United

States remains committed to the multilateral approach, in particular via GATT, the idea has no chance of being accepted. The American position is not to foster or participate in any trade scheme that is not at the outset universal, i.e. inclusive of both the Pacific and Atlantic countries. This has serious implications for U.S. policy in the Pacific.

Since trade and investment—economic development—are the most promising sectors of Pacific-wide cooperation, "this reluctance could mean a virtual vacuum in U.S. policy in the Pacific." The way out of this impasse is a free trade initiative embracing both the Pacific and the Atlantic, but this may not be possible if the European Common Market turns inward. It is fear of this latter possibility that prompted former Australian Defense Minister Malcolm Fraser to state recently that a Pacific trade alliance of Australia, the U.S., Japan, Canada and New Zealand might have to be formed to safeguard trading interests against Common Market policies.

If the prospects for these larger schemes for building a Pacific community appear less promising, it might be wiser to consider smaller steps, projects which may be less ambitious in scope but more feasible in terms of agreement and implementation. I can only suggest a few examples: a Pacific Trade Bank to make trade currency more readily convertible; a Pacific Ocean Agency to manage and coordinate the exploration and exploitation of marine resources; a Pacific Educational Community to pool resources for carrying out cooperative educational ventures; and a Pacific Educational Satellite System to facilitate the exchange of educational information in the Pacific Basin. These may be better avenues to follow in the building process.

There are many if's and but's in forecasting anything and when it comes to predicting the Pacific community's future, it is almost foolhardy. But these are some of the variables and issues that must be intelligently assessed if we are to make any sense out of the talk we have heard about the Pacific community. It is too important a matter to ignore, for it may affect the whole course of development in the Pacific. If there is to be a Pacific Era or New Pacific Age, it is not likely to be fully realized without a Pacific Community.

EXAMPLE OF GENIUS OF OGDEN NASH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. SCHEUER. Mr. Speaker, I think we were all greatly saddened by the death of the great wit and poet, Ogden Nash, who brought laughter into so many American homes. Mr. Nash always preferred laughter to sadness, and so I would like to share with my colleagues a little-known example of his genius for making people laugh.

He once wrote of a certain borough of New York, "The Bronx? No Thonx!" Lest anyone get the wrong impression of his true feelings, however, he later experienced a change of heart, and wrote the following:

I wrote lines, "The Bronx? No thonx!"
I shudder to confess them.
Now I'm an older, wiser man
I cry, "The Bronx? God bless them!"

POW-MIA WIFE ASKS NO TROOPS BE WITHDRAWN UNTIL STATUS OF PRISONERS IS CLARIFIED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the following letter mailed to each Member of this body represents the feelings of the wives and families of our prisoners of war with whom I have spoken:

POW-MIA INTERNATIONAL, INC.,
Tustin, Calif., June 11, 1971.

DEAR MR. CONGRESSMAN: As prisoner of war and missing-in-action families, we have a deep personal concern in your vote on the Nedzi-Whalen Amendment. We therefore pray you will take a few minutes of your time to try to understand how we feel about such an important issue.

There has been a vast, concerted, expensive and professional campaign waged via media, advertising and lobbying to influence your vote on this amendment. Obviously the great majority of American people want to see the end of this tragic war. The major emphasis however, of those who want the date of December 31 set for unconditional withdrawal, is that when this date is set, Hanoi will then respond by releasing *all* the prisoners. Recently Mr. Clark Clifford made such a statement as if it were absolute fact. We feel this is a complete deception. Xuan Thuy stated on the same day as Mr. Clifford that "the question of the prisoners relates to the aftermath." Not only have they refused to commit themselves to actually releasing 339 prisoners, but if they do honor their commitment to *discuss* the prisoners if the United States sets the date, they will be *discussing* only 339.

The question we as families want to know is which prisoners does Mr. Clifford and the others who are pushing toward a December 31 deadline refer to? The ones the communists admit to holding or the far greater number that our government has evidence that are alive?

Mr. Charles Ray's son is held in South Vietnam. The only reason we know this is because an escaped prisoner, Spec. 5 Tom Van Putten, was held with him. The communists will not allow him to write to his family nor will they acknowledge his presence. Over 100 other young men that the communists refuse to acknowledge are known to be alive in North Vietnam, South Vietnam, Laos and Cambodia.

There are undoubtedly many others, however, the 100 that we are aware of are the men that your conscience will knowingly write-off if you bow to the communists' demands to set a date before Hanoi is willing to let the International Red Cross inspect the camps and identify the prisoners. Is it truly too much to demand that they show that small measure of "Good faith" before we make the final concession of unconditional surrender?

The question has often been asked, "What has happened to the conscience of the American people?" We feel the people can be forgiven, for even in this era of mass communications, they are frequently ill-formed of all the facts. This excuse cannot apply, however, to those of you elected to decide our fate. How can the Congress of the United States keep on playing politics with a war which has cost 50,000 American lives. It is referred to as Mr. Nixon's war. Are memories so short to forget that our first prisoners were sent there by President Kennedy? Although the public is often told that Lt. Alvarez was the first prisoner, the truth is that Eugene DeBruin was lost in 1963.

Most of us find it hard to understand that after all those years and lives were committed by Presidents who saw a need to send our men overseas to contain communism, that there could not be more patience and unified support for the logical termination which would insure the return of all our men.

Admittedly, it is difficult for us to be concerned about the people in South Vietnam or for that matter, whether the communists enslave all of Asia, for we have been living a nightmare for many years. Some of us not knowing whether their husbands or sons can withstand all the years of mental and physical torment. All we want is our men back—*all of them!* Any reasonable person knows that unless you members of Congress *demand* that the communists account for the men via a neutral, international inspection team before any more concessions are made by our country, we have no chance of obtaining more than the 339 they admit to. You are responsible if not as a member of Congress, then simply as an American for the fact that three duly elected Commanders-in-Chief sent them over there.

We pray that your conscience will not let you abandon the men who have served you at such great sacrifice.

Mrs. Darrel Pyle, the wife of one of the 339 men who at least the communists promise to talk about, has as much at stake in your actions as any living American. She feels as many other POW wives and mothers do, that no matter what their men have gone through, they would not be ready to abandon their fellow Americans. She states, "My son and I have been without Darrel for five years. God knows that I would trade my life for his safe return. Only those of us who have lived in this manner would probably be able to realize that we would do anything to see our husbands again—that is with one exception, I cannot sell my soul and that of Darrel's by bowing to the communist demands of writing off the other men who have made the same sacrifices for their country as he has. I know that to do so would mean that even though he has been able to withstand all the mental and physical abuse for these five years, he would never be able to withstand the last and most abominable cruelty of finding his release had been arranged at the cost of abandoning his fellow Americans and all he has ever believed in."

We beg you to not allow the POW/MIA issue and the lives of our husbands, sons, and ourselves to be tossed around like a political football.

May God guide your conscience.

Sincerely,

MRS. STEPHEN HANSON.

RIGA TRIAL REMINDS US OF RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. KEMP. Mr. Speaker, the steps taken by the Soviet Government to obstruct the entry of outside observers to the recent trial of Jewish defendants in Riga have served to intensify our concern, and that of Americans of all faiths, that the Baltic people in the U.S.S.R. are being denied fair and equitable justice.

I recall that the Baltic States were overrun by the Soviets 31 years ago and 30 years ago Lithuania was successful in their revolt against the Soviet Union. However, during the past 31 years the Baltic people have lost more than one-fourth of their population as a result of Soviet terror and occupation.

The Lithuanian American Community of the U.S.A., Inc., sent to me materials on the self-determination of the Baltic people which I call to the attention of my colleagues. The Congress should do all in its power to bring the force of world opinion to bear on behalf of the restoration of the right of self-determination to the Baltic people.

I include the essay and resolution at this point:

SELF-DETERMINATION OF THE BALTIC PEOPLES: RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established.

This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment of the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its efforts to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

SOCIAL WORKERS: THE JOB GROWS LARGER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. DELLUMS. Mr. Speaker, as a social psychiatric worker by training and profession, I took special interest in a statement prepared by the Social Workers Union of Santa Barbara, Calif., regarding the growing role of social workers in the area of public welfare. I share it with my colleagues in the hopes that they may become even more aware of the many aspects of social psychiatry and public welfare.

The article follows:

THE IMPACT OF THE LANTERMAN-PETRIS-SHORT ACT ON THE SANTA BARBARA COUNTY WELFARE DEPARTMENT

The Social Workers Union feels obligated to alert the County Board of Supervisors to a problem within County government and especially within our Welfare Department. This slowly growing problem has now become one of the most time consuming elements of the job performed by our social workers.

The problem is: the content of Social Work has evolved far beyond the simple granting of financial assistance to the poor and has become more and more the providing of care and support to increasing numbers of Welfare recipients with psychiatric problems.

The growing impact of psychiatric cases

upon the workload of our Welfare Department has been well known to the social workers for a long time. That impact has been apparent in both the actual number of cases involved as well as the severity of the psychiatric disabilities. Both of these will increase under the Lanterman-Petris-Short Act of 1967.

However, before we could talk about an increase, we had to first define the scope of the problem as it exists today in the Santa Barbara County Welfare Department. We discovered that even though psychiatric problems have become a major element of Social Work, there were no studies or statistics available to describe the magnitude of the problem. Therefore, the Social Workers Union decided to do a survey of the caseloads in the Welfare Department in order to secure some accurate data.

A survey form was devised and sent to all social workers within the Department (regardless of union membership) and 61 questionnaires were returned. The form asked the social workers to identify:

(1) Type of caseload (Old Age Security, Aid to the Totally Disabled, Aid to Families with Dependent Children, General Relief, or mixed)

(2) Total number of cases on the caseload

(3) Total number of cases involving diagnosed psychiatric problems

(4) Number of cases where the recipient had ever been in a psychiatric ward or State Mental Hospital.

The results of this survey may be surprising to some, but they were not surprising to the social workers who have been coping with these very difficult and time consuming cases.

The returned questionnaires reported on 2,717 cases which represented 45.8% of the total Welfare cases in our County during the month of March, 1968. The results were as follows:

Type of caseload	Total cases surveyed	Cases with diagnosed psychiatric problems		Cases with time spent in hospital or psychiatric ward	
		Number	Percent	Number	Percent
OAS	209	34	16.2	20	9.5
Mixed	294	53	18.0	20	6.8
AFDC	1,243	248	19.9	84	6.7
GR	147	50	34.0	23	15.6
ATD	824	416	50.4	243	28.3
Total	2,717	801	29.4	384	14.1

If we apply the 29.4% and 14.1% figures to the *total* caseload of the Welfare Department as of March, 1968, the results would be as follows:

Total number of cases on AID March 1968	Cases with diagnosed psychiatric problems		Cases with time spent in hospitals	
	Number	Percent	Number	Percent
5,928	1,743	29.4	836	14.1

It now becomes apparent that more than one out of every four Welfare recipients has been diagnosed as having a psychiatric disability—in fact the figure is closer to one out of every three recipients.

Our analysis of these statistics leads us to several significant conclusions which pertain not only to the Welfare Department, but also to the community at large:

(1) The mental health problem in our county is one of major proportions. It must be noted that not all mentally ill people apply for Welfare—some of them have financial resources of their own.

(2) The often heard charge that "Welfare recipients are just lazy people who refuse to work" is a cruel attack upon a group of people, many of whom are mentally ill and therefore incapable of defending themselves.

(3) The pressures of coping with so many disturbed people have made the job of a social worker one of the most demanding jobs in County government, for it is the social workers in our County Welfare Department, Mental Health Clinic, and General Hospital who are providing the day to day care for the mentally ill in our community. It is now apparent that the pressures on these employees will increase sharply with the implementation of the new mental health law.

It is the Lanterman-Petris-Short Act of 1967 which requires that most of the patients in our State Mental Hospitals be returned to their home communities for care and treatment. The act also substantially restricts any future commitments to our State Mental Hospitals. In short, our three County agencies are now going to perform the same functions once handled by the State Mental Hospitals, but under far more difficult conditions.

Our Welfare Department Social Workers are already caring for seriously disturbed patients who formerly were cared for by a team of trained psychiatric personnel in the supervised setting of a State Mental Hospital. While in the hospital, these patients experienced the security of having their room and board provided, their medicine administered by doctors and nurses, as well as the removal of harmful drugs and alcohol. However, once returned to their community, many of them are faced with the problems of finding housing (often inadequate on a Welfare budget), providing their own meals, taking their medication as prescribed (which some fail to do), and avoiding the abuse of alcohol and drugs which are now readily available. For many of them, the problems of daily living become overwhelming. They become agitated and begin acting out. Conflicts arise with landlords, relatives, neighbors, and merchants who may be unaware of their psychiatric problem and therefore, demand normal behavior from them. A hostile and threatening world seems to be closing in on them and in most cases, the only person they have to ask for help with these problems is their social worker. (In extreme cases, they even view the social worker as a part of that threatening world. One social worker, not long ago, was invited into the home by a disturbed recipient and was immediately hit in the head with a brick. Fortunately the injury was not serious and the dedicated young lady is still on the job. Another disturbed recipient, after receiving Welfare assistance, telephoned the receptionist and informed her he was coming back to the office to shoot her. The social worker kept him on the phone long enough for the police to trace the call, pick him up and take him to the psychiatric ward for treatment).

ATD

In order to gain a clearer perspective of this problem we must examine each aid program separately and the most seriously affected program is ATD.

For the past five years newspaper and magazine publishers have been responding to the public's wish to be informed about two major problems of our time. The issues surrounding Welfare organization and the rising numbers of mentally ill persons have most often been presented without showing their relatedness, yet a proper perspective for each must include a discussion of the impact of psychiatric problems upon the Aid to the Disabled Program in California. In fact, the County Welfare Departments in California are currently carrying a major workload for the psychiatrically disabled persons in this state, in terms of providing monthly grants and intensive casework services.

In its original conception, the ATD Program was designed to provide some minimum standard of subsistence for those persons too physically disabled to support themselves through employment. Certain services were also provided for such clients in terms of counseling, with the aim of rehabilitating where feasible, or of helping the totally disabled to adjust to their circumstances. The image of the physically disabled persons in need has been, and is, relatively clear; but in more recent years, another image of disabled persons has emerged. This is the image of the mentally or psychiatrically disabled.

Although our professional social workers have always recognized the need for services and counseling for these people, the nature of "services" has undergone some profound changes in recent years as even case workers have become more aware of the impact of the mentally ill on ATD caseloads. Whereas we once found it relatively easy to think in terms of job retraining for the physically disabled (but well motivated) person; we must now also consider the kind of person who might not function adequately on a job or in the community, no matter how well trained or re-trained he was for employment. *The mentally ill person often requires intensive social casework services simply to enable him or her to remain in the community at large, as opposed to his being committed to a mental hospital.*

Of course this picture should not be overdrawn and it is well to remember that not all mentally ill persons need hospitalization. Yet the vast majority of mentally ill persons on current ATD caseloads require some form of periodic services in order to ensure satisfactory levels of adjustment in the community. Welfare agency services include evaluative and supportive counseling in direct contact with the client, thus allowing the social worker to discern emotional problems which may call for a referral of the client to a psychiatrist, or allowing the workers to assist the confused or fearful client in thinking of altenatives to a current predicament, whatever it may be.

Although the psychiatrist and psychologist serve as our prime consultants in this field, it is paramount that the ATD caseworker continually seeks to upgrade his training and understanding of the special problems of mentally disabled persons. Wise counsel is of little value if it is not grasped. This is why the State Department of Social Welfare desires that individual social workers receive at least two hours of training time per week.

Having established this much background, it might be well to present some examples of casework problems, with illustrations of how an ATD social worker's time is consumed:

In one instance, a young man (ATD recipient) became quite fearful that other people were rejecting him socially and possibly conniving against him. His reactions were indeed bizarre, unrealistic, and probably paranoid. A proper analysis of his condition required the services of a psychiatrist, but it was evident to the social worker that a more concrete and immediate approach was also needed, as the client proceeded to put his fist through his apartment windows, and to shout in a threatening manner when spoken to. The matter was complicated by his ability to alternatively present himself in a humble and docile mood, thus temporarily winning the sympathy of his landlord. The landlord finally asked for his eviction, but this would take a minimum of 30 days. Meanwhile the client continued to destroy property. The social worker called on the client twice weekly and encouraged him to move. An attempt was made to discuss his fears with him, but the client felt too threatened even to confide in the social worker. Other details of this problem would consume considerable space. Suffice it to say that this client remains elsewhere in the community and that he fortunately now becomes aware of the need for psychiatric and social work services when emotional pressures mount. Should it be necessary, he is willing to voluntarily enter a hospital psychiatric ward until pressures pass, but he is not necessarily reliable in this way. The social worker is currently visiting him at least once every two weeks.

Such clients are not always able to accept or absorb counseling the first few times around, but the messages do get through in a certain percentage of cases.

In another instance, a young woman was released from a State Mental Hospital, supposedly stabilized and hopefully able to benefit from some kind of a rehabilitation plan. Her history included periods of psychosis and complete departure from reality, in terms of both thought and action. It was necessary for the social worker to make weekly home calls to remain abreast of her behavior and community adjustment. At times she appeared quite stable, yet she frequently was found under the influence of heavy doses of barbituates. At times she was polite and cooperative, while at other times she was boisterous and threatening.

Early in the relationship, the social worker encouraged her to think individually of alternatives to her problems. Yet, she ultimately went back to barbituates, beer, and extremely acute intoxication that jeopardized her life. She was completely unable to function in the community without the services and supervision of a social worker. She was placed again in a mental hospital for a brief period, but was then returned to the community. *For a while she functioned adequately in the community under our very firm supervision, and thereby prolonged her ultimate return to a State Hospital.*

In addition to the worker's numerous personal contacts with the client, considerable time was spent in consultation with a psychiatrist.

Thus, it should be apparent that we work with percentages of success. The first man mentioned has achieved some stability in the community, and this represents some degree of successful adjustment to his problems. As illustrated, others do not do so well; yet still, the casework services are valuable in helping each individual client to achieve some maximal level of adjustment.

A good number of psychiatric problems are as severe as these illustrations indicate and the foregoing examples are not uncommon to social workers on the ATD program. Just a few of these kind can occasionally consume the major part of a social worker's working hours.

GR

The County General worker has a job that is twofold. About one-half of his work week is spent as an intake worker for the program and for the remainder he maintains a caseload of anywhere from forty to fifty cases.

The very nature of the program, i.e. temporary aid, plus the intake responsibilities, make it a fast placed job.

The decision to return mental patients to the community has affected General Relief, in many ways. First of all, there is the simple increase in caseload count. The clients with a history of, or a current problem with, mental illness comprise approximately one-third of the General Relief caseloads. This increase has occurred because the released State Mental Hospital patients often seek Aid to the Disabled (which now has no residency requirements) because he cannot find a job in the community, or is little equipped to compete in the current job market. With the present Aid to the Disabled (ATD) certification procedures the patient can wait from three weeks to three months for approval and his first cash check. If he is unable to support himself during this waiting period he becomes the responsibility of the General Relief worker. Fnding a way to fill his needs for food, clothing, shelter and social adjustment falls to the case worker during this waiting period. The social worker must be the mediator between landlord or hotel manager, restaurant owner, or storekeeper, the general public and the client, who often elicits criticism and even fear in a community where he stands out as "different."

The released patient who does not want to apply for Aid to the Disabled, but needs assistance while seeking employment requires much time, patience, and help in coordinating community agencies that might be useful in his efforts toward independence. Along with this is the guidance and counseling needed to make an adjustment to the world outside the sheltered hospital setting. Sometimes these clients are not successful in holding permanent employment but must return to General Relief occasionally for temporary periods.

Additionally, there are the patients who don't "succeed" and require another hospitalization, usually during a crisis period. It is often the General Relief worker who must contact the hospital, the psychiatrist, and sometimes the police in an effort to guide the client into a position of receiving much needed help. A situation such as this requires hours or even days of a social worker's time.

In the last few months we have been faced with the problem of an increasing number of recently released mental patients walking into our office with little or no advanced planning by the releasing hospital. There was the incident of a twenty-one-year-old man who walked into our office after spending the last twelve years in a State Hospital. Finding out "who, what, where and when" on these people is a difficult and, of course, lengthy task, not to mention the prospect of developing a living plan for them.

The "emergency" nature of the General Relief caseload; the low budget, and the relatively few community resources, complicate the already difficult job of working with the mentally ill patient.

OAS

Probably the most difficult period of life in terms of both physical and emotional adjustment is old age. The point in life at which a person ceases to be able to provide for himself brings a host of emotional crises with which to deal.

Persons applying for Old Age Assistance are doubly wrought with feelings of inadequacy and failure. They not only have ceased to earn a living, they haven't been able to provide financially for this inevitable period of unproductivity. The need for the social worker at this stage is critical. Reassurance and support are urgently needed in order to accept the help which most aged people look upon as charity. Social withdrawal often occurs which can, in turn, lead to many more serious emotional problems.

Experience seems to indicate that the higher the social and economic standard to which a person has been accustomed, the more difficult the emotional problems tend to be.

Organic deterioration causes the major part of the problems in dealing with the aged. Physical incapacitation which leads to dependence on others to meet one's needs for daily living brings conflicts requiring much time and emotional output on the part of the worker; sometimes the conflict involves guilt feelings on the part of the family at not wanting to put the aged person in a nursing or boarding home. These must be worked through and resolved so as to best meet the needs of the client. Several months can be spent with a family in trying to carry out a placement plan.

An illness which strikes a large portion of our aged and brings with it a unique set of problems is senility or senile psychosis. This is actual brain damage usually caused by arteriosclerosis or the cutting off of blood to the brain. Loss of memory, disorientation, and delusions are characteristic of this illness. The patient often loses contact with reality, begins to think everyone is plotting against him, becomes a wanderer, and eventually requires placement in some type of protective environment.

In severe cases of senility the aged person can present a community problem. To cite an example, in one such case, the social worker received calls from businesses and retail stores requesting that the client be kept away. It seemed that she would open packages of food, break eggs, etc. during the course of her shopping. In other stores she would make a scene while other customers were trying to shop. Landlords and neighbors also barrage the social worker with calls about these suffering people. The worker finds himself continually trying to find new living arrangements or other care plans. For those senile people needing care in their own home, it becomes difficult to keep attendants. Some find it impossible to cope with the demands of the senile patient.

Diagnosed mental illness is found in a significant percentage of the Old Age Security cases. Some of the aged can be maintained in nursing homes while others definitely need hospitalization.

One such client is a woman who was released from a mental hospital two years ago. During the past eight months she has again deteriorated to the point of allowing only one couple into her home, refusing to pay the rent, and not knowing the time or day. She has turned against everyone close to her and is suspicious and hostile. The worker has tried every way possible to get the woman hospitalized, but with the new restrictions on mental health it seems that she has to practically attempt suicide or homocide before she can be considered dangerous. There seems to be a serious need for the care of people who are not "dangerous" but are in desperate need of hospital treatment. They are often too ill to be treated on an outpatient basis. The social workers, therefore, find themselves trying to protect society from the client, the client from society, and the client from himself.

The image of the nice little old lady who needs only economic assistance is in many cases a myth. The Old Age case worker faces agonizing problems in dealing with his clients. Old age itself holds little hope for a person and illness, both physical and mental, compounds the problems.

JEFF

The JEFF Program is also affected by the new Mental Health provisions under the Lanterman-Petris-Short Act. The implications of this act on the community are so far reaching, that it was the concensus of the JEFF Advisory Board, the County Mental Health Services and the County Retardation Services that special effort should be placed on recruiting foster homes for those adults who will feel the impact of the Act on their daily lives. To implement the recruiting program, County Mental Health Services, through the County Health Department's Mental Retardation Services budget, requested the inclusion of a third of a social worker specifically to recruit homes for mentally ill and mentally retarded adults. If Short-Doyle approves this new program, they will then reimburse the County one-third of the salary of the JEFF Director. This one-third salary request is based on the conviction that finding foster homes for these people fits into the "aftercare" section of the Lanterman-Petris-Short Act. This special recruitment focus is also the highlight of the JEFF expansion for fiscal year 1968-1969.

In addition, JEFF is also beginning active work with the Santa Barbara Mental Health Association to find foster homes for Santa Barbara children currently in Camarillo who are ready to be discharged. We will use our most imaginative thinking to find foster homes for disturbed children—to keep them out of Camarillo—and homes for those who will be on convalescent leave.

A third area of special expansion for JEFF in the coming fiscal year is the recruitment of homes for mentally retarded children and adults, as the planning at the state level, as we understand it, is not to commit children to Porterville if foster homes can be developed for them.

The JEFF Advisory Board feels that the three groups mentioned above are the concern of the community, and particularly of our public agencies, who have the staff to provide adequate homes, care and supervision.

FAMILY PROGRAMS

The new mental health law already has affected the AFDC and Child Welfare Programs and in some respects the impact is more severe here than on the other aid programs, for when a psychiatrically disturbed mother is released from a State Hospital, her first concern naturally is to re-establish contact with her children, who are usually in a foster home setting. These premature contacts with a disturbed mother can produce a whole chain reaction of problems for the children, the Welfare Department, and even the courts.

A related problem is the disturbed mother who is taking care of her own children here in the community. The courts have generally followed the philosophy of not separating the children from their mother except in extreme cases of child neglect or abuse. Her psychiatric disability may not be severe enough to warrant separation and yet be serious enough to create a host of family and community problems. Again it is the social worker who must provide the support and aid required by the family in order to work out these problems.

In summary then, the implementation of the Lanterman-Petris-Short Act is increasing both the number and the severity of psychiatric problems handled by the social workers of this county. The Social Workers Union is concerned about the increased pressures being imposed upon the members of our union by this major change in the field of mental health.

SOVIET JEWRY AND USIA

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. BADILLO. Mr. Speaker, I have joined with a number of my colleagues in sponsorship of a resolution urging the Voice of America to beam broadcasts in the Yiddish language to the 3 million Jewish citizens of the Soviet Union.

In addition, my colleagues and I wrote Mr. Frank Shakespeare, Director of the U.S. Information Agency, urging him to undertake such programing on his own initiative.

Mr. Shakespeare's reply, rejecting our request because of "technical problems" and "increasing costs," once again demonstrates the Nixon administration's callous disregard of what surely is one of the world's most oppressed minority groups.

I cannot understand why this administration refuses to take even this largely symbolic action in the face of the Soviet Union's calculated policy of cultural genocide. A gesture of moral support at this time would have an enormous psychological impact on Soviet Jewry as it struggles to retain its identity.

Mr. Speaker, this situation can no longer be ignored. Since the administration refuses to act, then the Congress must act on House Resolution 454. So that no Member will be in doubt about the administration's position on this issue, I submit for the RECORD the letter addressed to Mr. Shakespeare and his response to me:

Hon. FRANK SHAKESPEARE,
Director, U.S. Information Agency,
Washington, D.C.

DEAR MR. SHAKESPEARE: We are all aware of the oppression under which the Jews of the Soviet Union suffer. Their government has pursued a course of religious and cultural repression, aimed at destroying the Jewish identity of the 3,000,000 Jews now living in the Soviet Union. Virtually all of those who wish to emigrate are barred from doing so.

Much has been said of the impact of world opinion in attempting to ameliorate this tragic situation. World opinion did, in fact, play a significant role in producing the reductions in sentences of the 9 Jews accused and convicted of an alleged highjacking. In this effort to muster world opinion, the House of Representatives played a significant role by its passage of House Resolution 1336 last December 31.

However, much of the effects of world opinion, and of the world support for the Soviet Jews, is unknown to them, because the Soviet press bars them from the knowledge of the world sympathy they have aroused. They need hope.

That hope and that knowledge can be provided by the Voice of America, which broadcasts into the Soviet Union. Currently, however, the Voice of America does not broadcast in Yiddish, the native tongue of many of the 3 million Soviet Jews. True, many of them can speak Russian, as well as Yiddish, and so can understand our current broadcasts. But, some of them cannot, And equally important, the very fact of broadcasting in Yiddish can be an enormously important psychological uplift for these oppressed people.

Currently, the Voice of America has several target populations smaller than the total of Soviet Jewry. For example, the Voice broadcasts to the following target populations in their native tongues:

Estonian, 1.3 million.
Slovenian, 1.8 million.
Latvian, 1.9 million.
Lithuanian, 2.73 million.
Albanian, 2.74 million.
Georgian, 2.83 million.
Armenian, 2.94 million.

We urge you to direct the Voice of America to begin broadcasts, as soon as possible, in the Yiddish language. As we have said, this action would fill a need which exists, and it would provide psychological support of enormous importance to the 3,000,000 Jews of the Soviet Union.

With best regards.

Sincerely,

HERMAN BADILLO,
Member of Congress.

U.S. INFORMATION AGENCY,
Washington, D.C., June 14, 1971.

Hon. HERMAN BADILLO,
House of Representatives,
Washington, D.C.

DEAR MR. BADILLO: On my return from an overseas inspection trip, I found the letter of May 24th which you and your colleagues have addressed to me regarding the situation of Jews in the Soviet Union. I read your letter with the keenest interest.

The problem of providing the most effective moral support to Soviet Jews—within the limits imposed by the official character of the Voice of America—has occupied our attention ever since the Leningrad trials brought the situation into the open.

We have made a thorough study of possibilities and as a result, I had from the outset instructed the Voice of America substantially to increase its coverage of news developments regarding the Jews in the USSR.

Thus, the Voice has been featuring regularly the news of Jewish dissent in the Soviet Union as well as interviews with Soviet Jews who were allowed to emigrate and succeeded in reaching the free world.

For instance:

The Voice has fully reported press interviews with Lyuba Bershadskaya, the Washington press conference of Esther Aisenstadt and the efforts of Leonid Rigerman to leave the Soviet Union, his subsequent arrival in the United States and his reception by top level United States officials including the Secretary of State. More recently, VOA has been reporting developments in Soviet Jewish affairs at the time of the 24th Soviet Party Congress and the latest trials of Soviet Jews in Leningrad, Kishinev and Riga. The mother of one Riga defendant, Rivka Alexandrovitch, who came to the United States recently, was also given extensive coverage. The Voice has also given prominence to all United States demonstrations and expressions of concern in support of Soviet Jewry including, of course, House Resolution 1336 of last December. At the same time, mindful of the Agency's primary mission, we have been contrasting the treatment of Soviet Jews with news of religious, cultural and community developments of our own citizens of the Jewish persuasion.

The programs to which I refer have been broadcast in seven ethnic languages and especially in Russian and Ukrainian which are understood and spoken by the overwhelming majority of Soviet Jews. Unlike other ethnic groups which are concentrated in limited geographic areas and form individual Soviet republics, Soviet Jews are scattered throughout the country, and providing a service specifically directed to them would present us with technical problems of spanning eleven time zones, if we should want to reach them all.

Even assuming it were technically feasible to inaugurate a Yiddish service, we would be, in effect, increasing our costs without materially increasing our audience. Incidentally, it may be of interest that Israel's own transmitter, Kol Yisrael, beams the bulk of its programs to its co-religionists in the USSR in the Russian language.

In conclusion, I want to assure you that, although at this time we are not prepared to inaugurate the service which you propose, we shall continue, as we have in the past, to stress in our broadcasts the deep concern of the United States, its government and its elected representatives with the fate of Soviet Jewry and provide all the moral support and encouragement which is consistent with our own national interests and with the Agency's mission.

Sincerely,

FRANK SHAKESPEARE.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ANWAR SADAT SHEDS CARETAKER ROLE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. HAMILTON. Mr. Speaker, a great deal has been written in the last 2 weeks concerning the Egyptian-Soviet Friendship and Cooperation Treaty and the motives behind the various diplomatic moves by Egypt's President Anwar Sadat. I would like to call my colleagues attention to an interesting editorial on these subjects by Robert E. Hunter which appeared in the Washington Post of June 15, 1971:

GETTING DIPLOMATIC DUCKS IN A ROW: ANWAR SADAT SHEDS CARETAKER ROLE

(By Robert E. Hunter)

Anwar Sadat may yet surprise us all. Little known before the death of Nasser, he was widely regarded simply as a caretaker president, a small boy standing in his father's shoes while older and wiser heads debated the legitimate succession.

This view prevailed until the tenor of Sadat's diplomacy became clear. Here was a man of flexibility, who was able to match some of Israel's experts in preparing arguments designed to win support in the West. Indeed, the new Egyptian president demonstrated that his particular form of weakness was a source of strength. For some time, it had been clear that Nasser longed for the halcyon days of 1956-67, when he was restrained from the need to act against Israel by a United Nations Emergency Force and all the forces of international morality that could be exploited in support of a do-nothing policy; but he could not bring it off. It was bad enough that Israel continued to occupy the Sinai Desert—which no Egyptian leader could tolerate for long. Even worse, Nasser could not reach a separate accommodation with Israel. To do so would have laid him open to the vilification of his Arab neighbors and competitors, all the more so because of the active role then played by the Palestine guerrillas.

Paradoxically, Sadat has been able to approach the state of reduced tensions that Nasser coveted, simply because he is not Nasser. Under the old regime, opposition to Israel was not just a matter of righting an Arab grievance; it was also a way in which Nasser's competitors could put him on the spot, and thereby counter his pretensions to be leader of the Arab world. Today, the sense of grievance remains; but there is far less need for other Arabs, from Algiers to Riyadh to Baghdad, to Egyptian flexibility as a way of cutting the Egyptian president down to size. Hence, Sadat has found that much more is possible than was true before—to the point that one Israeli wag has complained that Tel Aviv has lost its most loyal ally: namely, the certainty the Egypt would rescue Israel from any need to compromise by making threatening noises at the right moment.

Sadat has, of course, made these noises from time to time. But they have been largely eclipsed, at least in the West, by other statements that have seemed to box the Egyptian government into support for an eventual stabilization of Egyptian-Israeli relations. The Egyptian president even went several steps farther in currying much needed favor in the United States. There was his effort to improve relations with this country during the visit of Secretary Rogers to Cairo. For those Americans preoccupied with the role of the Soviet Union in Egypt, this gesture seemed to indicate at least that all is not lost, and that it might be possible for the United States to offer some limited counterweight to the Soviet presence. Of course, this might simply have been a maneuver designed to gain U.S. support against Israel over the latter's withdrawal from the Sinai, but it still could not be ignored.

Even more important was Sadat's move against a number of Egyptian leaders who were known to support a significant Soviet role in Cairo. This was principally a move against people challenging his position. But it was also effectively a step toward fulfilling his desire—shared by Nasser—to limit Soviet influence.

As a result, the conclusion of a formal Soviet-Egyptian treaty adds an intriguing note. It may be that the Russians induced Sadat to put relations on a formal basis, as just one more step in the progressive Soviet involvement in Egyptian affairs. And it seems that some such step was needed following the recent purge, if only to add a bit more stability to Sadat's internal position by reassuring the outside patron.

Yet Sadat may take this trick, as well. By putting Egyptian relations with the Soviet Union on a formal basis, he is helping to insure that practical steps he takes away from Soviet involvement will be more possible. Indeed, as a formal "ally" of the Soviet Union, Egypt will now be less suspect if it broadens its relations with Western states, including the United States. Sadat has made his bow in the direction of Moscow; by doing so, he could increase the scope of moves he would like to make in the direction of Paris, London, and even Washington.

Furthermore, the treaty as published does little more than spell out relations in the military and diplomatic field that had already appeared to be standard practice. Yet by implication there are also areas in which Soviet-Egyptian relations can be limited by the conclusion of a formal treaty. Not only are there statements in the Treaty about "respect for the sovereignty, territorial integrity, noninterference in the internal affairs of each other"—words that appear in East European Treaties with the Soviet Union, as well. But also the very enumeration of areas in which the two countries will cooperate implies that some are left out. And it is in these areas that Sadat may have chosen to make his stand in the interests of increasing Egyptian independence.

This treaty could, therefore, be a means for the Egyptians to reassure Moscow that they will not be so rash as to attempt to "expel" their patron, as some American officials suggested a year ago. Needless to say, a similar effort to provide reassurance to Moscow failed in Czechoslovakia during the Prague Spring of 1968. But Egypt is not Czechoslovakia, either strategically (for the Russians) or politically. Indeed, the Russians appear to be sufficiently uncertain of their future position in Egypt that they have still not given support to a lasting settlement of the Arab-Israeli conflict. Rightly or wrongly, Moscow may fear that such a settlement would render its continued presence of little value to the Arabs.

Of course, Sadat is more immediately concerned with securing the withdrawal of Israel from Egyptian territory. This is a tall order, that centers chiefly on the role of the United States, the one outside power that can bring any pressure to bear on Tel Aviv. Sadat can and will seek that help, and could make concessions leading toward an eventual settlement. But how far he is able to go will depend partly on Moscow's understanding that it will get some of the credit, and will continue to play a major role in the Arab world.

A formal Soviet-Egyptian treaty could help to get the necessary diplomatic ducks in a row, especially at a time when Sadat has in effect reduced the role of pro-Soviet people in his government. Of course, this is all just speculation at the moment. But whether it becomes anything more will depend in part on what other nations do—including the United States. If we see this treaty just as further evidence of Soviet domination in Cairo, there will be no chance to find out whether Sadat is playing a very subtle, if risky, game. But provided that we continue to proceed with caution, as we have been doing for some time now, we may find that the new Egyptian president is worthy of the leadership he has assumed. With luck, he could even help to damp down conflict with Israel, and help to limit the Soviet influence in Egypt that disturbs us so much in the West. And as with all such developments in the volatile and complex Middle East, we can only wait and see.

MAYOR DALEY PROPOSES BLUEPRINT FOR AMERICA'S URBAN SURVIVAL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. PUCINSKI. Mr. Speaker, Mayor Daley, acknowledged as the dean of America's municipal administrators, addressed the 38th annual meeting of the U.S. Conference of Mayors in Philadelphia yesterday.

The mayor presented to the conference a blueprint for urban survival in the next decades and I recommend it to my colleagues for its candor and realistic statement of goals.

Mr. Speaker, Mayor Daley is at the head of a city government that works. For 16 years he has served the people of the city of Chicago and his record has been written during some of the most socially tumultuous years of American history. His experience in office and his overwhelming desire to find solutions to some of our urgent city problems make him the foremost urban administrator in our Nation today.

Following is Mayor Daley's speech to his colleagues on June 14:

ADDRESS OF MAYOR RICHARD J. DALEY

Since its first annual meeting 38 years ago, this conference has been an important event because it focuses national attention on the city's viewpoint as expressed by the mayors and other local officials. But more than ever before, the importance of this meeting is not limited to the cities, the issues we are discussing involve directly every citizen no matter where he lives.

Those who think city limits are walls or real barriers are deluding themselves, for they only live in the outer city. In this urbanized society we all are part of total economic and social system regardless of political, geographic and census classifications.

Problems of welfare, health, crime, education, housing, employment, environmental control, and transportation are not confined just to the cities, but are increasingly affecting suburban and rural areas as well.

Historically the city was the place where the newcomer was welcomed and where he found opportunity for himself, his family and his children. The cities were the place where the immigrants had the opportunity to move up economically and socially.

It was only natural that this process—this upward movement—took place in the city because the essential truth is that cities were—and in my opinion they remain—the primary economic bulwark of the nation—

the focal point of its social and cultural activities.

The role of the central city today is the same, the central city must be the innovator and it must still serve as a catalyst for the poor of today—who for the most part do not come from other countries but from within our own national boarders.

However, the central city has been steadily losing its capability to effectively carry out its historic role because of rapid changes in our society. Two great wars and a major depression, and an unwanted tragic war, urbanization, accelerated advancements in technology and science and the movement of population have created vastly different conditions.

Much of the deterioration that has taken place in the city occurred during the twenty year period when the depression and wars took a heavy toll of the housing supply and curtailed basic city services and capital improvement programs.

The war years had brought millions of workers into the cities where jobs were available. But when the war ended and building materials were again available, the Federal Housing Administration adopted a mortgage insurance program which in conjunction with a huge badly planned highway program, aided and abetted uncontrolled suburbanization.

At the same time the F.H.A. ignored the cities where the housing needs were the most critical.

I don't believe the policy was intentional, but its effect was to hasten the flight to the suburbs and to handicap the central cities in providing housing and undertaking long delayed rebuilding and renewal programs.

Meanwhile, the technological revolution increased production while it decreased the need for manpower, particularly of the unskilled worker.

There were neither adequate local resources, nor recognition of the complexity of the problem, needed to meet the special requirements of the unskilled workers and their families who had come to the city. There were not sufficient funds for intensified education, for expanded health services, and for the other programs to help newcomers to move up the economic and social ladder.

State legislatures—dominated by rural interests—refused to help the cities.

Mayors turned to the Federal Government. Congress tried to respond to the plight of the cities and perhaps there was no better statement of the national commitment than the 1949 Federal Housing Act. It established as national policy "the goal of a decent home and a suitable living environment for every American family."

There was every reason to anticipate that this goal could be realized because of the tremendous material advances taking place in our society.

The progress and break-throughs which had occurred in the fields of science, technology and communications in the past twenty-five years had been more rapid and far-reaching than the advances which had taken place in the last hundred years. It had always been assumed that as science and technology improved our material and physical world, they would make an equal contribution to the betterment of our environment and our social world.

But instead a critical imbalance between physical and social progress has developed.

And there are many—and particularly the younger generation—who cannot understand how a nation which can send space ships to Mars cannot clear a slum—cannot give every child quality education—cannot erase discrimination and provide full employment.

This is the new dimension to improve the quality of life for every citizen—and to do it right now.

And this new dimension is directly influenced by the change in the economic and social relationships between the central city and its surrounding area. Before the tremendous growth of urbanization, the responsibilities of cities and suburbs could be easily defined. Now the central city is the vital core of a metropolitan social and economic unit. The central city remains the innovator—the catalyst. But, the enormous burden of the responsibility for providing a better life for every citizen must be shared with all the communities which take up the metropolitan area.

Unfortunately the Federal and State governments do not agree with this view. We are witnessing a dual policy by the national administration in regards to low and moderate income housing. The department secretary embraces the comprehensive urban concept while the White House disowns it.

What is at issue is whether there is one national policy or two: One for the cities and one for the rest of the country. We cannot respond with integrity to two contradictory Federal policies except to ask one national policy which is equitable to all citizens of our Nation.

I believe that a dual national policy will be rejected. Experience has shown us that attempts to impose one set of standards in the cities and another in the surrounding areas will become as self-defeating as the multistandard welfare system.

A double standard will be rejected because it seeks to ignore the reality of urbanization. It will be rejected because it is a negative policy. It jeopardizes those urban programs which cities now have underway to meet the causes of poverty and urban decay.

It will be rejected because the mayors of cities who represent most of the people want to carry on positive programs. It will be rejected because the surge of rising aspirations for a better society is shared by most Americans.

We must also be aware of possible dangers in structuring an equitable revenue sharing program. We all support the principle, but there are honest differences of opinions as to how the program should actually be implemented.

Many of us believe that revenue should be shared primarily on the basis of need. We are deeply concerned that we do not harm those programs which Congress passed specifically to help the cities—such as the Model Cities Program.

There is no reason why revenue sharing should interfere with categorical aid programs and the use of special incentive grants to achieve national objectives in particular program areas. In its report on revenue sharing, the President's Advisory Commission on Intergovernmental Relations pointed out—

"For years, State governments have made unconditional and categorical grants to local governments without one or the other being impeded. Only the national government—specifically the Congress—has failed to utilize both approaches." It is time that Congress becomes more flexible and adopts those grant in aid approaches which serve best.

In this regard I agree with the intent of the administration's efforts to consolidate certain groups of related programs and to simplify their administration.

I—for one—believe that federal programs should be audited by Congress but the administrative decisions should remain with the cities. Most of us have the know-how to properly administer programs. Certainly nothing is to be gained by channelling funds through State capitals.

Though the problems of the cities are many—we should not be pessimistic. Cities are making progress. We are helping to improve the lot of people.

We are carrying out projects to remove the slums, to provide better education, to expand health care. We in the cities are working to meet our responsibilities. We are mindful that there is much to be done—but we need not be ashamed of what has been accomplished in so short a period of time and with little change in the revenue system available to cities.

Despite the lack of unified direction from Washington and the State Houses, the mayors of cities have not evaded their responsibilities because they are closest to people and have long understood their needs.

In the past, local government was primarily responsible for basic housekeeping services and public works. Now all of us are also concerned with poverty and jobs, with the kind and quality of education, with the welfare of youth and senior citizens, with manpower training and merit employment, with comprehensive health care, with mass transportation, with civil rights and human relations, with housing, conservation, rehabilitation and the renewal of neighborhoods, with the protection of our air and water, and with economic and cultural development.

If you look at the agendas of the annual meetings of this organization during the past two decades, you will find they are increasingly addressed precisely to these programs.

Cities are willing to meet their responsibilities in dealing with these national issues. We are willing to commit a fair share of our scarce local resources to do the job, but the cities cannot be expected to assume the entire burden alone—the mayors have pleaded with the White House, the Congress and State governments to provide the resources necessary for the cities to carry on the vital functions of serving all the people.

Needed is a new and straight-forward bipartisan national urban policy that will provide the cities, not with piece-meal programs, confused by administrative edits—but massive infusion of resources in large blocks, with assurance that these resources will continue for at least the rest of this century.

In the past twenty years there has been enough discussion, enough talk and enough debate about the ills of the city.

It is time now to declare a new bill of urban rights for our citizens—a large majority of whom live in cities.

Every family—everywhere in the country has the right to live a good life. To avail themselves of this right, every man and woman has the right to expect employment opportunities commensurate with their talents and skills. And those who cannot work because of infirmities, age or other special conditions have the right to an income sufficient to live in dignity. Every family must have the right to health care for all its members, regardless of ability to pay. Every family must expect as a right a decent home. Every child must have the right to receive a quality education.

These urban rights have been echoed again and again. Franklin Delano Roosevelt spoke of "four essential human freedoms." He listed these as the freedom of speech and expression, of the freedom of every person to worship God in his own way. And he said, "The third is freedom from want—and the fourth is freedom from fear."

He was speaking in world terms and I am speaking in national domestic terms. We must guarantee these rights of the freedom from want—for every American family—and freedom from fear—from every source which threatens a citizen's tranquility.

We cannot improve life in the cities—or anywhere—unless we have an orderly society which protects the individual. We must have communities that have sufficient order and safety to allow freedom of movement. We must have communities in which people can work, shop, attend school and church, and enjoy leisure, and in which we can associate with our fellow men to achieve common objectives.

In order to have freedom from want there must be opportunity for employment. There is no better way to redress the ills that beset an individual or family than through the independence gained through regular employment. The debasement and loss of dignity that attends unemployment leads to frustration and lack of confidence and destroys the individual. We cannot afford to waste our most precious asset, our human resources, in this way.

As a nation we just cannot tolerate a situation where people cannot get work. We cannot condone any policy—no matter how worthy the objective—that produces a six percent rate of unemployment. If private industry cannot provide jobs then government must fill the gap.

I cannot emphasize enough how strongly I feel that the Public Service Employment Bill which has passed both Houses of Congress be signed by the President.

It is a national shame that veterans are returning home from Vietnam to join the jobless. We must provide these men who have served their country with jobs.

In Chicago, in 1968 we initiated a job service for Vietnam veterans and we located this service in city hall so it could get highest priority. In 1969 we were successful in placing 1400 men in jobs. But the recession has seriously hampered our ability to place veterans and last year jobs where only secured for 482 out of 3500 applicants, and during the first five months of this year we have found jobs for only 166 men, although applications are on the rise.

It's a sad commentary on the state of our society when our government can draft men and send them to war but can't mobilize it's resources to give these same men jobs when they return home.

There are avenues for cities to take in order to create new jobs and I am sure many cities, like Chicago, have tapped every resource to attract commerce and industry and to encourage business to remain in the city. Through the Federal Economic Development Act, we in Chicago have created 3,000 jobs in the former stockyards area and a second industrial site will provide 6,000 more jobs.

The government should vastly expand its appropriations for the shared projects where working together with private developers we can make it possible for new industries and commerce to rise in our cities and provide jobs for our residents.

In my opinion there is nothing as important to the solution of the great social issues of our times than jobs! Congress in passing the Emergency Employment Act of 1971 has shown its appreciation of this fact by recognizing that where the private sector cannot assure full employment—Government must become the employer of last resort.

We will discuss many ideas in the few days ahead and we will not always agree on our approaches. But we are as one in the belief that the vitality of cities is essential to the vitality of the Nation.

We are here as spokesman for the people of the cities—the rich—the poor—the middle class—the old—the young—the black—and white. In a sense we are also here to speak for the suburbs for their well-being depends on the strength of city.

As elected officials, we are the voice of the people and in the next few days let us speak bluntly. We need the understanding and the help of our national leadership. We need bipartisan support. Let us be sure that when we leave this conference, we have not only expressed deep concern for the people of our country, but that we have presented concrete plans and programs clearly with the intention that they be implemented.

Americans have a strong belief in the effectiveness of local government. They look to us for leadership. I am sure that goals we seek are shared by most of the people of our country. We know that the problems of the cities are not going to be solved tomorrow. We know there will be delays and trying times ahead.

I think it is appropriate to reflect on the words of Sir Thomas More when he was discussing the inadequacies and injustices of the day and how they might be remedied.

"Suppose wrong opinions cannot be plucked up by the roots, and you cannot cure as you wish, vices of long standing yet you must not on that account abandon ship of state and desert it in a storm, because you cannot control the winds, but neither must you impress upon them new and strange language, which you know will carry no weight with those of opposite conviction, but rather you must endeavor and strive to the best of your power to handle all well, and what you cannot turn to good you must make as little bad as you can. For it is impossible that all should be well, unless all men are good, which I do not expect for a great many years to come.

In the words of Sir Thomas More I know that we mayors strive to the best of our power to handle all well.

THE VANISHING SMALL FARMER

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. OBEY. Mr. Speaker, in the recent issue of the New Republic there is what I regard an excellent article entitled "The Vanishing Small Farmer." It points out well just what forces are now at work threatening to push the family farmer off his land. To quote directly from the article, these include: "economic forces, abetted by Government policies, which say to the small farmer: either get bigger or get out."

The article focuses on various corporations throughout our country which have gone into the farming business, largely by squeezing individual farmers economically and forcing them to sell their land.

Sometimes these corporations are successful, and unfortunately various Government policies aid them in their efforts.

But I would also like to point out that corporations have not always succeeded. Several who simply saw profits at the end of the agribusiness rainbow have discovered that farming is a tough business and some in fact have stopped their farming operations.

The fact remains that corporations are no more efficient than most of our family farmers and certainly a corporation cannot match the farmer's devotion to the land.

Corporation farming is not only a threat to the family farmer who finds himself landless. It presents the specter of higher food prices for the consumer. It could also lead, as it has in the past, to a wholesale disregard for the protection of our environment. And, it has ominous implications for the existence of rural communities as we know them today, because corporations do not buy their tractors from the local machinery dealer nor sell their products with the help of nearby coops.

Mr. Speaker, if corporations enter agriculture on a large scale I fear the adverse effects this will have for agriculture and our entire economy. Corporations farms are a threat which should be known to all of us and I am hopeful all the Members of the Congress will take the opportunity to read about them in the article which I am asking to be reprinted below:

LAND REFORM—II: THE VANISHING SMALL FARMER

(By Peter Barnes)

Yghish Bulbulian's face is weathered, his pace somewhat slowed. But when he looks back at what he has left for his son Berge and his grandchildren, Yghish Bulbulian is a proud man.

Born in Armenia at the end of the last century, Bulbulian fled his homeland during World War I when more than a million Armenians were slaughtered by the Turks. He arrived, penniless, in California and settled near Fresno, where a large colony of Armenians had gathered. For several years he worked as a field hand in the San Joaquin and Imperial valleys, managing to save a few pennies each payday. By 1929 he was able to scrape together $500 for a down payment on 20 acres, part of a homestead that was up for sale. He, his wife and son worked ten hours a day, seven days a week in the fields, and when they weren't working their own land they were hiring themselves out to others.

In 1943 Bulbulian added 30 acres to his farm, and every decade or so thereafter he added more. Today, he and his son grow grapes and currants on 150 acres; though he's 78, he still helps plant, irrigate and box his crop. His income has not been high, but there were enough good years to permit some amenities. Father and son now live in comfortable, well-furnished houses, and drive late model cars.

It's no rags-to-riches story, and Bulbulian is no Horatio Alger figure, but he is an example of the many immigrant farm hands who, through frugality and hard work, rose to become farm owners. Unfortunately, he represents a dying breed.

In the 1920's, when Bulbulian got to California, it was natural for field laborers to aspire to become small farmers. Today it is almost unthinkable. For the same 20 acres that Bulbulian bought 40 years ago for $500 down, an aspiring farmer now would need $12,000 down. Moreover, it would be pointless for him to buy only 20 acres; he'd need at least four times that to have a fighting chance. And while Bulbulian could make do, when starting, with two mules and a plow, his contemporary counterpart would require thousands of dollars worth of tractors, chemicals and other equipment. Little wonder that few persons without an inheritance or outside income are entering farming, or that the number of farmers of Bulbulian's size is rapidly shrinking.

U.S. Department of Agriculture statistics tell the story: in 1950 there were 5.4 million farms in America: today the figure is around 2.9 million. As the number of farms declines, the average size of remaining farms increases: it's now over 380 acres, compared to 215 acres 20 years ago. And as agriculture steadily becomes more mechanized, it comes to be dominated by those who have capital—the most successful family farmers, and the giant corporations. Thus, in 1969, the largest 40,000 farms, representing less than two percent of the total number, accounted for more than one-third of America's farm sales.

These are the broad statistics. Behind them are the economic forces, abetted by government policies, which say to the small farmer: either get bigger or get out. The pattern is typically like this: a farm of 80 or 160 acres has belonged to a family for generations. It is squeezed by rising local taxes, the high cost of farm equipment, and corporate competition. The old man dies or retires. What will the children do? To survive as farmers they must expand and mechanize. The other option is to sell, perhaps to a suburban developer, perhaps to another farmer who is expanding. The latter course is easier, and increasingly it is the one that is chosen.

The trend towards corporate farming greatly intensifies the pressures on the independent small farmer. This trend is strongest in the South and West, particularly in Florida, California, Texas, Arizona and Hawaii, where large land units have long been the rule. Big canners like Minute Maid, a subsidiary of Coca-Cola, and Libby-McNeill & Libby, own an estimated 20 percent of Florida's citrus groves, compared with less than one percent in 1960. Corporate farms in California account for 90 percent of the melon crop, 46 percent of the cattle sold, 38 percent of the cotton produced and 30 percent of the citrus fruits. Two conglomerates, Purex and United Brands, now control one-third of the green leafy vegetable production in the United States, and the list of other blue chips lately plunging into agriculture, according to the Agribusiness Accountability Project, includes Tenneco, Gulf & Western, Penn Central, W. R. Grace, Del Monte, Getty Oil, Goodyear, Monsanto, Union Carbide, Kaiser Aluminum, Aetna Life, Boeing, Dow Chemical and American Cyanamid.

Why are major corporations suddenly fascinated with farming, a business where profit margins are generally small? The motives are chiefly 3: land speculation, tax dodging, and the development of integrated "total food systems."

Suppose for example that a company invests $1 million a year of nonagricultural earnings in improving a large tract of farmland—by planting pear trees, say, or laying irrigation pipes. It pays no taxes on the $1 million, and can even deduct from its remaining taxes the cost of caring for the trees until they bear fruit, and the depreciable value of the irrigation pipes. Then suppose, as is usually the case, that each dollar thus invested creates a corresponding increase in the market value of the land. Suppose further that the company sells the land to another corporation at the end of ten years. Its profit on the land sale is then approximately equal to the earnings it has invested over the decade—in this case, $10 million. However, these earnings are now in the form of capital gains, and are taxed at 25 percent rather than 48 percent. Thus, the company has made a multimillion dollar profit at the taxpayers' expense. Any income the farm may have produced during this period is frosting on the cake.

Many corporations have their eyes on farming for another reason: they see vast profits accruing to vertically integrated conglomerates that control every stage of the food production and distribution process from raw nitrogen to precooked soufflé on the dining table. They are aware of the fact—indeed, they are largely responsible for it—that profits in the food industry go increasingly to companies in the food business rather than to farmers: in 1969 only 33 cents out of every dollar spent on food went to farmers, down from 40 cents two decades ago.

No single company better exemplifies the corporate plunge into farming than Tenneco, formerly Tennessee Gas and Transmission. In addition to its oil, natural gas and shipbuilding interests, Tenneco controls over a million acres in California and Arizona, mostly as a result of its purchase in 1967 of Kern County Land Company. It also produces agricultural chemicals and owns J. I. Case, a manufacturer of farm machinery, Heggblade-Marguleas, a leading California farm management firm, and the Packaging Corporation of America.

Tenneco makes money out of its landholdings from all directions. First, of course, are the tax-privileged revenues from oil and gas that lie beneath the surface. Then there is land development, the ultimate stage in the speculative game. Tenneco has half a dozen major developments planned or underway in California. One is the Pine Mountain Club, a 3200-acre recreational community in Los Padres National Forest, about an hour's drive from Los Angeles. Another 6000-acre development on the outskirts of Bakersfield will include an industrial park, a shopping center, a golf course and a retirement community. One of the company's cleverest gambits was to donate 370 acres near Bakersfield for a new state college. (Lands for UCLA and the University of California at Irvine were similarly donated by large landholders.) According to Simon Askin, executive vice-president of Tenneco, the college "enhances the value of an additional 6500 acres of company land."

It is Tenneco's multi-faceted agribusiness operations, however, that cast the longest shadow over the small farmer's future. Tenneco's aim, says Askin, "is to accomplish integration from the seedling to the supermarket." The company is already far advanced along that road. It grows, on magnificently irrigated former Kern County Land Company farmlands, an enormous diversity of crops, including corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears and plums. For capital inputs it has its own agricultural chemicals and farm machinery. For processing and packaging it has a huge new plant near Bakersfield, more than six times as large as a football field. It is currently testing a brand name identification program which, it hopes, will make the Tenneco Sun Giant label a household word in foods.

Against this kind of competition, what chance does the small farmer have? He survives or fails on his crop income alone. He does not have the benefit of outside earnings, or the luxury of converting current income into future capital gains. He might wish to expand or to buy more equipment, but to do so he must use his own money, not the Treasury's. When local property taxes rise because of encroaching suburbia, the large corporation can absorb the increase as a hedge against future speculative profits. For the small farmer higher taxes simply mean a decrease in the income on which he must live. Nor can he recoup farming losses with profits from machinery, chemicals, processing, packaging or marketing. If he is not paid enough cash for his crop, he is wiped out, regardless of how profitable the other stages of food production might be.

Corporations have other advantages over small farmers, including access to credit. According to a Department of Agriculture study in 1966, corporate farmers are able to borrow nearly twice the proportion of their assets that family farmers are. Corporations also enjoy the government-sanctioned privilege of exploiting their employees to a degree unparalleled in any other industry. The federal minimum wage for farmworkers is $1.30 an hour—30 cents below the minimum paid to all other workers. And while it is a felony for ordinary individuals to harbor illegal aliens, it is not a crime for growers to employ them. Such laws as these not only abuse farmworkers; they also hurt the self-employed farmer, who, in order to compete with the giant growers, winds up having to exploit himself.

Farming corporations receive further government aid in the form of subsidies. Among these are payments for reduced crop production. Since farmers with large landholdings are able to "not-grow" more crops than are farmers with small holdings, their subsidies are more generous. Charles Schultze, former director of the Budget Bureau, estimates the total cost of farm subsidies at $9 to $10 billion annually, the lion's share of which goes not to poor farmers, who need it, but to corporate giants. Last year, the J. G. Boswell Co. of Calif. received federal subsidies totalling $4.4 million; Tenneco got $1.5 million; the Florida-based US Sugar Company collected $1.1 million; the Delta and Pine Land Company of Mississippi bagged $814,000. A newly enacted $55,000 ceiling will reduce some of the largest handouts this year, but the limitation has too many loopholes (for example, the ceiling is computed on a per crop and per nominal owner or lessor basis) to be effective.

Subsidies also come in the form of water, delivered to many farmers' doorsteps by federally-funded reclamation projects. The price paid by water users is well below the actual cost of delivering the water. Most of the cost of building dams and aqueducts is charged to the general Treasury and to hydroelectric power consumers.

In theory, federally subsidized water is legally barred from delivery to farms of more than 160 acres, and to all absentee-owned farms. In practice the law is widely violated, to the detriment of the family farmers it was intended to help. Thus, small farmers in California are now being hurt by the delivery of new water to lands owned by Tenneco, Getty Oil, the Tejón Ranch, Standard Oil of California and the Southern Pacific Railroad, among others. Production of fruits and vegetables from these heretofore arid lands will soon flood the market, thereby driving down prices. Much the same fate awaits small farmers in the Pacific Northwest, where vast lands controlled by Boeing, the Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii are about to receive federally-dammed water from the Columbia river.

Welfare is another indirect subsidy to large growers, though they're not inclined to admit it. It allows them to use laborers for a few months, then cast them aside, secure in the knowledge that they'll survive until the following year's work season, without having to be paid a living wage. On top of this are the millions spent by federal and state governments on agricultural research—a subsidy that not other industry enjoys. While some of this research helps the small farmer, the bulk of it is aimed at breeding crops and designing machines for large-scale farming.

What will be the future of American agriculture? If present policies continue, the answer seems fairly obvious: the poor will be squeezed, the rich will be subsidized, and in the end only the biggest and best integrated operations will survive. The prospect pleases corporate moguls like Bank of America ex-president Rudolph A. Peterson, who has called for a program "to enable the small uneconomic farmer—the one who is unable or unwilling to bring his farm to the commercial level by expansion or merger—to take his land out of production with dignity." It terrifies small farmers, many of whom are no less efficient than their giant competitors, but simply less favored by government policies.

One vision of what American agriculture may look like can be found in the February 1970 issue of *National Geographic*. Here are stunning photographs of an egg factory near Los Angeles where two million caged Leghorns gobble 250 tons of feed and lay one million eggs each day; a cattle metropolis in Colorado where 100,000 steers are fattened on formulas prescribed by computer; a $23,000 tomato harvesting machine, developed by the University of California, that snaps up specially bred tomatoes for farmworkers to sort while taped music purrs in the background.

These photographs of contemporary marvels are accompanied by an artist's depiction of an early 21st century farm (if that is the proper word) as foreseen by USDA specialists.

All operations are monitored by one man from a bubble-top control tower. An enormous remote-control tiller rolls across a ten-mile-long wheat field on tracks that keep it from compacting the soil. Another gigantic machine automatically water a ten-mile field of soybeans, while a jet-powered helicopter sprays insecticides. Alongside a monorail track stand a pair of skyscrapers for cattle. Behind them are several illuminated plastic domes containing controlled environments for growing strawberries, tomatoes and celery. A USDA expert outlines some other possibilities: hills will be leveled with nuclear energy in order to flatten extra-long fields; sensors buried in the soil will find out when crops need water, and automated irrigation systems will bring it to them; airplanes, computers and closed-circuit TV will be as commonplace as tractors today.

A somewhat different vision of the future—not endorsed by the USDA—can be found in a gently sloping field near Watsonville, California. It focuses on human beings rather than technology, on giving present-day Yghish Bulbulians a chance to advance themselves rather than be cast into ghettos and *barrios*. Here on the edge of the Pájaro valley is a bustling new enterprise called the *Cooperative Campesina*, a farming cooperative formed slightly over a year ago by four Mexican-American families, now expanded to twenty-five and still growing.

The economics of the cooperative are relatively simple. There are 140 acres under lease, with 80 planted in strawberries and 60 in zucchini squash. (Eventually all will be planted in strawberries.) To avoid hassles the land is divided among the members by lottery, with each family responsible for its own parcel. Strawberries were chosen as the principal crop because they provide a high return and are labor-intensive; there is no machine yet in sight that can pick them. Each acre of strawberries produces about 3000 trays per year, and each tray sells for about $3. Thus, one acre earns about $9000 a year. Expenses, not counting labor, come to about half that, so each family will earn about $12,000 the first year if all goes well, plus whatever additional income comes from the squash. The second year, when expenses are lower, they'll earn more. With four or five family members working steadily in the field, the earnings don't amount to much on an hourly basis—perhaps $1.20 per hour. But total family income will be two or three times what it was when they were hired laborers or sharecroppers. In addition they'll have equity in the co-op, and the satisfaction of being their own boss.

It wasn't easy to get the co-op started—the initial members had to scrape up $500 apiece, then look around for credit. The Farmers Home Administration, a federal lending agency, turned them down. Local banks, under pressure from a large local grower, were hesitant, but finally Wells Fargo came through with a $150,000 crop loan, to be repaid after the first strawberry harvest in 1972. An OEO-funded consulting firm, the Central Coast Counties Development Corporation, lent another $100,000, which will be repaid in three years. With $250,000 in hand, the co-op was able to purchase tractors, root stock and chemicals. Now it is in as good a position as the established growers, if not a better one, it's the only commercial strawberry producer in California that doesn't have to worry about labor troubles. By next year it will be marketing strawberries under its own *Cooperativa Campesina* label, and its members see no reason why within five or six years they can't become a dominant factor within the $60 million strawberry industry.

If the co-op prospers, its members don't plan to hoard the wealth. They intend to open up membership to as many poor families as the enterprise will support. "We have a saying in Spanish," says Refugio Pinedo, one of the founders and now secretary of the co-op. "*Agua que no te tomas, déjala correr.* Water that you cannot drink yourself, let it run for others."

BALTIC FREEDOM DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. HOWARD. Mr. Speaker, on June 15 of each year, we are sadly reminded of the plight of those who have been subjugated by the Soviet Union into positions of literal slavery. This is the occasion of Baltic Freedom Day, and I think it appropriate that we join those of Lithuanian, Estonian, and Latvian heritage in commemorating the fate of their countrymen who were deported by the Soviets 31 years ago in an effort to destroy their sense of nationality.

These efforts to destroy this sense of heritage, of cultural and ethnic unity, continue even today. These nations which had so briefly tasted the joys of true freedom and national determination, have lived on in the hearts of those who enjoy this heritage, however, and no amount of forced exile and subjugation will put out this bright candle.

I hope that each Member will today take a moment to reflect upon the fate of these small nations, and join in their hope of reestablishment to their rightful place among the nations of the world. To this end, I am inserting the language of House Concurrent Resolution 416, which was passed without a single dissenting vote by both the House and the Senate during the 89th Congress. In contemplating this resolution, I believe we may reaffirm our belief in the goals stated therein. The text follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest: RALPH R. ROBERTS,
Clerk.

THE WHITE HOUSE CAN DO BETTER

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, some weeks ago there appeared in the local press reports to the effect that the President was contemplating the nomination of Mr. Stephen Hess as Chairman of the National Endowment for the Humanities. This report, or trial balloon if you will, has caused considerable consternation in the academic community for reasons which are succinctly set forth in a recent editorial which appeared in the Southbridge, Mass., Evening News. Mr. Loren Ghiglione, publisher of that newspaper, is uniquely qualified to assess this proposed appointment, and I think his views are entitled to our most serious consideration. I might add that I find myself substantially in agreement with Mr. Ghiglione's position. It gives me great pleasure to commend his commentary to the attention of my colleagues:

THE WHITE HOUSE CAN DO BETTER

A trial balloon quietly floated up from the White House two weeks ago. Stephen Hess, chairman of the White House Conference on Children and Youth, was touted as the President's man for nomination as chairman of the National Endowment for the Humanities.

The Humanities Endowment is a federal agency that funds fellowships, public projects, and research, education and publication grants. The humanities, as defined by the 1965 act establishing the Endowment, include literature, history, philosophy and a wide range of human endeavors—from archeology to jurisprudence.

However, the achievements of Stephen Hess, 38, seem more political than humanistic, and less suited to prepare him for the chairmanship of the Humanities Endowment than an executive post with the Republican party. Hess was staff assistant to President Eisenhower from 1959 to 1961 and served in a similar capacity under President Nixon. He has authored or co-authored five books about politics, including two studies of Richard Nixon and the Republican Party. His contact with the academic world has been largely limited to the area of politics—as, for example, a teacher of American government at Johns Hopkins University and as a Fellow at the John F. Kennedy School of Government at Harvard University.

Nevertheless, the trial balloon about Hess received scant attention in the press. The May 21 issue of the Washington Post—on page 19 of its second section—said that Hess "probably would be named" chairman of the Humanities Endowment. Virtually nothing appeared in papers outside Washington.

Yet the story is important, both for what it says about the method of selecting some high Washington officials and the possible danger to the Humanities Endowment.

The Endowment, more than other federal agencies, must stay clear of politics and politicians. As the sole spokesman in the federal government for teachers and scholars in the humanities, the Endowment must retain its credibility with the academic community. This community tends to view politicians as, in Mark Twain's words, the "distinctly native American criminal class."

Politicians have returned the compliment. Many members of Congress, for instance, have regarded humanists as ivory-tower pedants of questionable loyalty to the nation. The same Congressmen have portrayed the humanities as unnecessary frills in an age of missiles, moon shots, and Vietnam.

It would be an even greater burden for the Humanities Endowment, in its dealings with Congress, to be viewed as a politically partisan agency. But this is likely to happen if Hess wins the appointment.

Leaders in Congress and the academic community seem to view Hess as a liability, as a kind of Harold Carswell of the humanities.

A major sponsor of the Humanities Endowment in the House of Representatives described Hess as "a second-rate political speech writer for the President . . . a shocking choice."

Frederick Burkhardt, president of the American Council of Learned Societies, the country's largest and most prestigious organization of scholars, said that the Council's Board of Directors had instructed him to indicate their displeasure at Hess's possible appointment in a letter to the White House.

Burkhardt, in attempting to characterize the scholarly community's reaction to Hess, mentioned the use of such phrases as "a disaster," "totally unqualified," and "unknown to the academic community."

Since the trial balloon about Hess floated up two weeks ago, the White House has maintained official silence. Miss Carol Harford of the White House staff told The Evening News Tuesday that Hess "is among others being considered" for the chairmanship of the Endowment. She refused to disclose the names of the other persons allegedly under consideration. She also refused to discuss Hess's qualifications except to acknowledge that Hess might not be too well known in the academic world.

In the meantime, Hess has been campaigning for the chairmanship. He has visited at least one key member of the staff of Sen. Claiborne Pell (D–RI), chairman of the subcommittee on the arts and humanities of the Senate's committee on labor and welfare. And he has spoken with Sen. Jacob Javits (R–NY), senior Republican member of the subcommittee.

Despite Hess's interest, The Evening News feels that the chairmanship of the Humanities Endowment must be kept above politics. The agency finally has begun to attract support from both the President and Congress. In 1970, the Endowment's appropriation from Congress was $6.05 million. In 1971, $11.06 million. In 1972, it could be as high as $26.5 million.

It would be a tragedy for the growing support of the humanities to be threatened by one appointment. The reaction of key Congressional leaders and humanists to the Hess trial balloon indicates that his appointment could be demoralizing, if not disastrous. One humanist said dejectedly, "It just indicates how unimportant they think the position of chairman is."

The chairman of the Humanities Endowment should be a leader within the humanistic community. The Evening News is confident that such a leader can be found. But Stephen Hess is not the man.

THE MONEY GAP WIDENS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1971

Mr. RARICK. Mr. Speaker, the money manipulation continues to resemble the huckster's shell game.

Last week the Federal Reserve Banking System announced its intention to slow the economy by raising interest rates. This manipulation is to be accomplished through the calculated dumping of Treasury securities on the market, thus creating an artificial drain to sop up the available reserve from the banking system and curtailing the capacity of the banks to make loans. These sales will raise interest rates as the money availability is lessened.

But as the Federal Reserve Banking System acts to slow the economy, the Export-Import Bank seeks to increase loan guarantees from $3.5 to $10 billion and the lending ceiling from $13 to $20 billion. And to make sure the Federal financing of foreign economy is not hamstrung, the new Export-Import Bank bill exempts foreign economy from Federal Reserve control programs. In fact, Eximbank operations are to be removed from budget computations.

As the administration moves to trade with Red China, the proposed Export-Import Bank bill would authorize financing of exports only to those Communist countries not engaged in armed conflict, declared or otherwise, with the Armed Forces of the United States.

And if this does not constitute a double standard of use of the American people's money, we learn from New York that the administration is drafting legislation for a Federal financing bank to purchase securities from Government agencies—seemingly, another banking system to be used to create money and credit. And here in the Nation's Capital, the administration proposes a District of Columbia Development Bank to finance private economic development within the city.

All of these activities were reported in different accounts in the same newspaper on the same day, but their significance remains uninterpreted to the American people.

Quite obviously, these myriad exercises in finance will usher in a more dangerous fiscal policy—to the further detriment of the American people. We can expect loans to foreign nations and to U.S. enterprises in foreign countries at normal interest rates, but continued exorbitant interest rates on domestic loans.

This new financial diversification can only be considered a subterfuge on the part of the Federal Reserve and the administration to shift the growing criticism and lack of public confidence in its existing policies to ad hoc Government agencies.

I include several related news stories at this point.

[From the Washington Star, June 11, 1971]

FEDERAL RESERVE REPORTEDLY TIGHTENING MONETARY POLICY

(By Lee M. Cohn)

The Federal Reserve is tightening monetary policy despite its concern that the shift may slow the economy by raising interest rates, according to financial analysts.

They have concluded that the latest decision to tighten was made at a meeting of the Federal Reserve's open market committee Tuesday, following up milder moves in that direction previously.

Decisions by the policymaking open market committee are disclosed officially only after a three-month lag.

If the central bank's actions retard the economic recovery, President Nixon may try to compensate by proposing tax cuts. He is expected to decide next month whether the economy needs that kind of stimulation.

The Federal Reserve tightens availability of money and credit by selling Treasury securities in the market, which drains reserves out of the banking system and thus curtails the capacity of banks to make loans. The sales also tend to raise interest rates.

Policy is tightening because the Federal Reserve fears that excessively fast growth of the nation's money supply—checking accounts plus currency—is sowing the seeds of a new inflationary surge next year.

The apparent target is monetary growth at about 5 to 6 percent a year, but the pace has been erratic.

Although the money supply expanded at annual rates of 14 percent in February and 11.6 percent in March, this was considered acceptable temporarily as an offset to abnormally slow expansion in previous months.

The money managers expected the growth rate to subside during the spring through the workings of natural forces in the economy and in financial markets. Instead, the money supply continued to expand at rates far above the target—9.3 percent in April and 16.3 percent in May.

This presented a dilemma. Persistence of such fast monetary growth would be inflationary. But any attempt by the central bank to slow the expansion through market operations probably would raise interest rates.

Rising interest rates could dampen the economic recovery by discouraging expenditures for housing, state and local construction, business inventories and new plants and equipment.

Since the economy is more sluggish than expected, the Nixon administration and the legally independent Federal Reserve agree that lower interest rates are desirable, especially for mortgage, municipal bonds and other forms of long-term credit.

The central bank's experts do not understand why the money supply has expanded so rapidly, and they considered the possibility of standing aside to see whether the growth rate would subside on its own.

But analysts believe they finally concluded it would not be safe to trust to luck, and decided to tighten policy to make sure the money supply's growth rate will slow.

SHORT-TERM PRESSURE

The decision apparently was a compromise of conflicting objectives. Analysts expect the Federal Reserve to try to cushion the impact on interest rates by tightening market conditions only moderately and by avoiding pressure on long-term rates as much as possible.

There is no intention of cutting the monetary growth rate to 2 percent or less, as some economists advise, to fully offset the recent very rapid expansion. Rather, the Federal Reserve is expected to aim for a gradual reduction to the 6 percent range.

Interest rate increases may be mild if the economy remains relatively weak, because in those circumstances demand for credit would not be overwhelming, even with the Federal Reserve limiting the supply.

Nevertheless, rates almost inevitably will rise at least initially because lenders and borrowers cannot be sure how far the Federal Reserve will go in tightening policy.

Anticipation of Federal Reserve action has boosted rates in the last two weeks.

TREASURY'S SALE NOTED

Beyond market expectations, there is evidence that the money managers were tightening even before Tuesday's meeting of the open market committee. The market was particularly impressed by the Federal Reserve's sales of Treasury bills Monday and by the lack of intervention to prevent key short-term rates from rising.

As reported at the time, the committee apparently started tightening policy slightly at its meeting April 6. One purpose then was to stop the decline of short-term interest rates, which was weakening the dollar internationally by encouraging a flow of money to Europe.

Analysts believe the committee at its May meeting left policy essentially unchanged, but gave its market technicians discretion to tighten if the money supply continued to grow rapidly.

This discretion was used. The committee at this week's meeting apparently moved a step further by deciding to act more forcefully to slow monetary growth.

The committee, which meets at four-week intervals, consists of the seven members of the Federal Reserve Board plus presidents of five of the 12 regional Federal Reserve Banks.

[From the Washington Evening Star, June 11, 1971]

Export-Import Bank Bill Okayed by House Panel

The House Banking Committee yesterday approved legislation to extend the life of the Export-Import Bank and step up its efforts to finance U.S. exports.

Similar to a bill passed by the Senate, the measure would increase the loan-guarantee authority of the government bank from $3.5 billion to $10 billion and the lending ceiling from $13.5 billion to $20 billion.

It would also provide that the program of voluntary restraints on credits administered by the Federal Reserve would not apply to loans in support of exports.

Like the Senate bill, the measure would authorize loans and guarantees for exports to communist countries with which the United States is not at war, subject to restraint by the president.

[From the Washington Evening Star, June 11, 1971]

Federal Financing Bank Is Planned By Administration

New York.—The administration is drafting legislation for a federal financing bank to purchase securities from government agencies, Paul A. Volcker, undersecretary of the Treasury, said.

The legislation will be submitted to the Congress before the end of the year, Volcker said.

The bank would finance its purchases by issuing its own taxable securities. It will allow closer presidential control and congressional review of federal credit programs and centralize federal financing, Volcker said.

Federally assisted borrowing for 1972 is expected to reach $30 billion, or one-third of the total funds, raised in credit markets.

This compares with 12 percent for fiscal 1969, the spokesman said.

Volcker's remarks were made at the Municipal Bond Women's Club of New York.

[From the Washington Evening Star, June 11, 1971]

Development Bank For D.C. Proposed

Acting on the April recommendation of President Nixon, the Treasury Department sent a bill to Congress yesterday that proposes to establish a District of Columbia Development Bank that would make loans for private economic development within the city.

Aimed at improving economic and social conditions, the bank would draw primarily on private capital with "limited Treasury Department participation." It would assist projects—presumably in areas such as small business or housing—that private banks or government agencies are unable or unwilling to fund.

The bank, which would not be an agency of the federal government, would have an 11-person board of directors drawn from the federal and city governments and elected by shareholders of the bank's privately subscribed common stock.

"Many worthwhile community development projects have not be undertaken in the District because of the lack of financial and technical skills or initial capital by those citizens interested in such projects," the bill states. "No institution or organization currently exists to mobilize effectively the available expertise and capital of the District for such development efforts."

The bank, which one Treasury official described as experimental, would "recognize the problems incurred by the District of Columbia due to the unique role of the federal government in the city."

"As a government town," the official said, "few financial institutions have experience in lending activities that involve business risk," such as small enterprises organized by black businessmen.

He said the development bank would hopefully be an encouragement to other banks to make similar loans.

[From the Washington Evening Star, June 11, 1971]

Trade Lists Similar for China, Russia

President Nixon's move to drop the 21-year embargo against Peking brings into line American trade policy toward both the Soviet Union and Communist China.

The White House announcement yesterday put all nonstrategic goods for Communist China into the same two categories long used for Moscow—"general licensing" and "specific licensing."

The long list of items in the general category, including everything from wheat to shoes and automobiles, can be sent to China, without special permission from Washington.

SECOND MORE SENSITIVE

But the other category is more complicated and sensitive.

These items, including jet commercial aircraft, diesel locomotives, heavy dump trucks, must have a "specific license" on a transaction-by-transaction basis. These licenses are granted, the announcement said, as "consistent with the requirements of U.S. national security."

This more difficult specific licensing category for Communist China is larger than for the Soviet Union. For instance, diesel locomotives, petroleum, navigational and telecommunications equipment, and welding equipment, are all sold under general license to the Soviet Union.

The Nixon administration is soft-peddling the difference.

What counts, officials say, is that the system now is generally the same for both Peking and Moscow. The proportions between the two categories may differ, but no nonstrategic items are flatly prohibited from going to Communist China.

AIRCRAFT SALES POSSIBLE

For instance, Winthrop Brown, deputy assistant secretary of State in charge of the China task force, said yesterday that any Chinese request for commercial civilian aircraft would be considered "objectively, without any bias whatsoever."

Other officials added that, given the depressed state of the American aircraft industry and the huge Chinese market, there is little doubt that the Chinese could buy medium-range aircraft here.

"These specific licensing items are the ones we would like to look at more closely in each case," said one official, "but they are not items which any country buys great quantities of on the world market."

But officials conceded that the Pentagon is extremely reluctant to let items like locomotives and heavy trucks—with military potential—go under general licensing.

Administration strategists say the next move is up to Peking.

The United States, they say, will wait for the Chinese to draw their own conclusions on the list.

There is no intention to present that list personally to Chinese representatives at the stalled talks in Warsaw—since everything will be published in a bulletin of the Commerce Department for worldwide circulation.

In practical terms, neither American officials nor businessmen expect any great upsurge in trade.

Benjamin Weiner, President of Probe International, a China-trade consulting firm in Stamford, Conn., says "It's going to be a very slow process. American sales to China will be constrained primarily by the Chinese ability to pay."

North Carolina Gov. Bob Scott moved quickly to probe the Chinese tobacco market, opened yesterday to American sales. He has sent a state official to the Chinese embassy in Ottawa, Canada, to apply for visas for a tobacco trade mission to Peking.

WHEAT POTENTIAL CITED

But officials here believe the greatest trade potential initially lies with wheat—for the Soviet Union, as well as Communist China.

The surprise in the announcement yesterday was Nixon's decision to drop all special licensing for wheat, the flour, and the requirement that at least half of these shipments go in American ships.

That shipping requirement dates to a condition the late President John F. Kennedy attached in 1963 to the sale of $130 million in wheat to Russia. Since then, the Russians have categorically refused to buy American wheat, claiming that the extra cost of paying for American shipping makes the grain too expensive.

Officials here have been told by American wheat merchants that the U.S. is certain to get a part of the Soviet imported wheat market if American wheat can be made competitive.

The big question mark is whether the maritime unions and longshoremen will allow this change to take place.

Yesterday George Meany, president of the AFL–CIO, attacked the Nixon decision as unfair to American labor. Also, the longshoremen have sporadically refused to load or unload ships heading for Communist ports.

[From the Evening Star, June 14, 1971]

PHILADELPHIA BANK RAISES PRIME RATE

(By Lee M. Cohn)

The minimum interest rate on loans to corporations was raised from 5½ to 5¾ percent by a big Philadelphia bank today, but it was not clear whether the new "prime" rate would spread quickly through the banking industry.

First Pennsylvania Banking & Trust Co., the 20th largest bank in the nation, announced the rate increase. Changes in the prime rate usually are initiated by one of the bigger banks in New York or Chicago.

The prime rate is the interest charged on loans to corporations with the best credit ratings, and rates on loans to less favored borrowers are scaled up from the prime.

Bankers have been talking for weeks about raising the prime rate, but they have held back because demand for business loans has been relatively weak. They also are worried about adverse reaction to an increase by the Nixon administration and Congress.

The White House was "disappointed" by the Philadelphia bank's action because interest rate increases may raise costs and prices, Deputy Press Secetary Gerald L. Warren said today. Warren also said the prime rate increase was "something of a surprise," since the banks have "ample" funds to lend.

When the prime rate was increased from 5¼ to 5½ percent in April, Treasury Secretary John B. Connally criticized the banks publicly and privately. The administration fears that rising interest rates would dampen the economic recovery.

First Pennsylvania said it acted because loan volume is increasing and because interest rates in the money markets have been rising.

COST OF MONEY

Market rates affect the cost to banks of obtaining money for relending. When these costs rise, the banks try to maintain profit margins by increasing the rates they charge.

Rising market rates also minimize the competitive risks to banks of boosting their rates. Rates have been rising on commercial paper, for example. Commercial paper—unsecured promissory notes—is an alternative to bank loans as a source of funds for corporations.

This is an appropriate time, seasonally, for banks to raise the prime rate, because corporations usually borrow heavily to make quarterly payments of federal taxes on June 15.

Market interest rates have been rising because of concern that progress against inflation is falling short of expectations, and because of strong indications that the Federal Reserve is tightening money and credit.

DISCOUNT RATE EYED

Although the Federal Reserve fears that rising interest rates will hurt the economy, the money managers feel they must tighten policy moderately to slow the excessive rate of expansion of the money supply in recent months.

There is conjecture that the Federal Reserve may follow through by raising its 4¾ percent discount rate, although this is not at all certain.

A rise in the discount rate—the interest charged by the Federal Reserve on loans to commercial banks—would bring it into closer alignment with money market rates. However, the Federal Reserve may be reluctant to take this action, for fear of triggering sharp increases in interest rates generally.

April's increase in the prime rate was the first after a series of reductions from the 8½ percent peak, which prevailed from June 1969 until March 1970.

[From the Evening Star, June 14, 1971]

PATMAN PROPOSES "UMBRELLA" AGENCY TO REGULATE BANKS

Declaring U.S. consumers are the victims of a mishmash of confusion, waste and apathy among bank regulatory agencies, Rep. Wright Patman, D-Tex., today urged creation of a new federal banking authority.

Patman, chairman of the House Banking and Currency Committee, said the current supervisory agencies "sit downtown twiddling their thumbs" while banking industry lobbyists effectively stymie new legislation.

Congress, he charged, sees little more than "the constant parade of the same old witnesses from the executive branch and affected industry groups."

WATER BOYS

"It's an old cliche," Patman said, "that the regulators always end up carrying water for the industries they are supposed to be regulating."

In a speech prepared for a financial services seminar in New York but released here in advance, Patman called for consolidation of the regulatory functions of the Federal Home Loan Bank Board, Federal Reserve Board and the comptroller of the currency.

"There has been a tremendous conflict among the banking agencies and some of the worst regulation that the nation has ever seen," Patman said. "The public gets virtually no protection from the system and the banks are faced with conflicting opinions and overlapping jurisdictions: in short—total confusion, little regulation."

Singling out William B. Camp, comptroller of the currency in his attack, Patman said Camp "has attempted in everyway possible to emulate the performance of" his predecessor James Saxon.

Under Saxon's jurisdiction, Patman said, "the comptroller's office became a runaway 'let - the - banks - do - anything - they - please' agency."

The Texas congressman did credit the Federal Reserve and the FDIC for "trying to carry out regulator functions in an impossible structure."

[From the Washington Evening Star, June 14, 1971]

PRIME RATE RISE SINKS STOCK PRICES

NEW YORK.—Expectations that other major banks would follow First Pennsylvania Banking & Trust Co. and raise their prime rate of interest sent stock market prices sharply and broadly lower today.

Trading was slow.

Declines outnumbered advances by about 8-to-3 among issues traded on the New York Stock Exchange.

Brokers attributed the market's decline to the prime-rate increase and predictions that higher rates would prevail by the end of the week. But they said the trading pace indicated relatively light selling pressure.

American Stock Exchange prices were lower in slow trading.

WILLIAM M. SAVITT PRESENTED THE CONNECTICUT SMALL BUSINESSMAN OF THE YEAR AWARD

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. COTTER. Mr Speaker, congratulations are in order for William M. Savitt who was recently presented the Connecticut small businessman of the year award. He was selected by the U.S. Small Business Administration from 75,000 small business in the State.

Mr. Savitt is a distinguished Hartford jeweler, whose career has been closely identified with the growth of the capital city. He is very well known and admired in the area because of his sincere desire to please even if it means standing on his head to do so, and I mean this literally.

Bill Savitt was one of the first small businessmen in the Nation to offer pension plans for employees. Also, he is respected for his many contributions to charities and community drives.

Gov. Thomas J. Meskill who presented the award, stated that he was very impressed with Mr. Savitt's ability "not only to survive, but to thrive in a difficult period for small businessmen."

I would like to commend Bill Savitt for his integrity, initiative, and independence which serve as an example for all businessmen in Connecticut.

I have known and dealt with Bill Savitt for years. I know of no businessman more deserving of this high honor.

ROMAS MASIULIONIS WANTS FREEDOM FOR BALTIC STATES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. KEMP. Mr. Speaker, today very little is known of the fate of thousands in the Baltic States whose desire for freedom was reflected in determined opposition to communism. Many have undoubtedly died, while others still suffer under cruel Communist control and cling to the hope for eventual freedom, much the same as our own POW's in Vietnam.

The June 14, 1971, issue of the Buffalo Evening News carried a letter to the editor from Romas Masiulionis concerning the 30th anniversary of the aggression against the Baltic States. I call this letter to the attention of my colleagues while we discuss our position in Vietnam and the point made by Mr. Masiulionis, "Have we Americans taken over one single country in the world?":

WANTS FREEDOM FOR BALTIC STATES

Recently the Soviet military leaders and Communist bosses of the Kremlin accused again the United States of imperialistic policies in Asia, in the Middle East, and elsewhere. Have, we, Americans, taken over one single country in the world? On the contrary, the Soviet Union has become the greatest colonial empire of the 20th Century.

After the Nazis and the Soviets smashed Poland in September of 1939, the Kremlin moved into the Baltic Republics and annexed them in June 1940. "Elections" were held under the Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire. The Baltic States have been suffering for more than 30 years in Russian-Communist slavery.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia.

The U.S. Congress has made a right step in the right direction by adopting a resolution that calls for freedom for the Baltic States. All freedom-loving Americans should urge the U.S. President to implement this very important legislation by bringing the Baltic States' question in the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia and Estonia.

ROMAS MASIULIONIS.

LEAD PAINT POISONING: ENVIRONMENTAL DISEASE OF THE POOR

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 16, 1971

Mr. SCHWEIKER. Mr. President, in recent months, the attention of a concerned public and many of us in the Senate has been focused upon the multiple environmental problems and constraints which constitute serious health threats to substantial segments of our population. The environmental problems of the poor relate to survival. More specifically, they relate to survival of children suffering from diseases related to poor housing, rats, and a tragic disease resulting from lead paint poisoning.

Until recent years, lead paint poisoning, a preventable disease, has remained a low priority in most of our urban areas. The result has been that countless numbers of children residing in "lead belts" primarily in Puerto Rican and black communities have been afflicted with a disease which should have never occurred.

An article by Jack Newfield in today's edition of the New York Times entitled "Let Them Eat Lead" deals with the lead paint poisoning horror and illumines the role of Congress.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET THEM EAT LEAD

(By Jack Newfield)

Lead poisoning is a small thing, a little horror compared to the Vietnam war, or the fact that parts of Brownsville look like Laos, or the moon.

There are no marches on Washington to protest lead poisoning, no theatrical threats of violence by its victims, no guest shots by its chic critics on Dick Cavett.

Last month, on May 20, a Senate-House conference killed the last chance to appropriate a meager $5 million this fiscal year for lead poisoning treatment and prevention. The next day the deed was not noticed by any New York newspaper or television station. It seems that nothing is real to the media until it reaches the white middle class, like heroin addiction, or unemployment. Then it is a crisis.

But the little horror of lead poisoning is the special prism through which we can see, with piercing clarity, the rainbow of larger horrors—racism, decaying cities, inadequate health care, bureaucracy and demented priorities.

Lead poisoning is an environmental disease of the urban ghettos. Children, usually between the ages of one and six, get it by eating the sweet-tasting chips of peeling tenement walls, painted a generation ago with leaded paint.

According to the Department of Health, Education and Welfare, 400,000 children are poisoned each year, about 30,000 in New York City alone. About 3,200 suffer permanent brain damage, 800 go blind or become so mentally retarded that they require hospitalization for the rest of their lives, and approximately 200 die.

The tragedy is that lead poisoning is totally man-made and totally preventable. It is caused by slum housing. And there are now blood tests that can detect the disease, and medicines to cure it. Only a lack of purpose sentences 200 black children to die each year.

When 200 white children died of polio it was called a national epidemic, and all our scientific resources were galvanized to find a cure. But 200 black children are invisible, and nobody wants to know their names.

On Dec. 31, 1970, Congress passed the Ryan-Kennedy Bill, which authorized $30 million in Federal grants to combat lead poisoning. On Jan. 14 of this year, President Nixon signed the Lead Paint Poisoning Prevention Act.

But then nothing happened. Although the bill authorized $10 million for fiscal 1970–71, and $20 million next year, H.E.W. Secretary Richardson refused to ask Congress to appropriate the money. The President did not mention lead poisoning in his annual health message to Congress; Secretary Richardson did not mention it in his budget testimony before various committees.

Last month the Administration submitted its second supplemental appropriation bill, a $6.8-billion package of extra money requests for this fiscal year, which ends on June 30th.

The bill included funds for every special interest: $3.5 million for dairy and beekeeper indemnity; $166 million for defense; $80 million for maritime subsidies; $15 million for highway beautification; and $275 million for the highway trust fund.

But not one cent for lead poisoning, even though Congress had already authorized $10 million. Representative Bill Ryan and Senator Ted Kennedy tried to break tradition and add $5 million for lead poisoning, even though the Administration and the committee barons didn't want it. It was on May 20, in the clubby secrecy of the Senate-House conference, that this $5 million was eliminated from the budget.

René Jules Dubos won a Pulitzer Prize for his book, "So Human An Animal." Last year, at Rockefeller University, he concluded a speech on lead poisoning with these words: "This problem is so well defined that it may provide an occasion to introduce a kind of social accounting . . . if we do not act on this limited problem, then I believe that our society is intellectually and morally dishonest in talking about improving social conditions. If we, with all our technological means, are not willing to make the effort to eliminate lead poisoning, then our society deserves all the disasters that have been forecast for it."

Government policy is not an abstraction. It has specific human consequences. Bureaucrats and politicians may conduct cordial meetings in comfortable offices in Washington, and decide not to spend any money on lead poisoning.

But those crisp, impersonal decisions kill other people. Clerks can be held accountable for genocide just as well as generals.

Lead poisoning is a preventable disease. Congress has made a law, but Secretary Richardson won't implement it.

And so small, black children, in Watts, in Buttermilk Bottom, in Bed Stuy, will eat paint chips, vomit, tremble with convulsions, slip into a coma, and die.

BALTIC STATES FREEDOM DAY, JUNE 15

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. ROONEY of New York. Mr. Speaker, 30 years ago this week on June 14–16, 1941, the Soviets engaged in a series of brutal and inhuman acts by deporting thousands and thousands of the freedom-loving citizens of Estonia, Latvia, and Lithuania. The fate of most of these Baltic people was death or enslavement in the prison compounds of Siberia.

The Soviet Union will never live down this bestial act of murdering over 30,000 innocent and unarmed men, women, and children and forcefully evicting thousands of others from their homes and their homelands.

Little is known of the fate of those deported to the slave camps of the Kremlin. Such news as has seeped through the tight censorship of the Red slave masters is a tale of horror and brutality so base as to be most difficult of belief in a supposed civilized age.

For our friends living in these enslaved Baltic States and for those who were fortunate to escape to free countries, these atrocities can never be forgotten. For them it is a painful experience from which they can never escape. It is not something out of the dim distant past but a black page of yesterday's history.

They were filled with terror yesterday. Today there is deep sorrow in their hearts and a veil of fear surrounds them. They sorrow for their loved ones and their friends who perished or disappeared but they fear that their friends here and elsewhere may soon forget the awful tragedies which they experienced and which they can so vividly recall.

Mr. Speaker, it would be a tragedy indeed—a tragedy almost as dire as the Soviet rape of the Baltic States—if we in the free world were to forget those tragic days in June 1941. Those of us who enjoy liberty and live in freedom cannot let our memories be dimmed or our consciences be calloused concerning the fate of the innocent Baltic people who suffered and died to satisfy the greed and lust of the Soviet "liberators." To forget to remember would constitute a new blow against these people who covet our friendship. To delay in trying to seek redress for these victims would be to deprive our friends of the little hope which they have managed to retain.

Let us all rededicate ourselves to the task of returning these countries to their rightful owners. Let us employ every weapon at our command to obtain redress and retribution from the Soviet Union for the victims of her avarice.

Only and until Russia compensates the people of Estonia, Latvia, and Lithuania for life and loss of property and only until the Soviets return full independence to these people can the Soviet Union expect to merit any respect of the civilized countries of the world. In addition, any hints of peace or any suggestions for developing areas of relaxation of tensions and political differences will have a hollow sound and be devoid of real meaning until the Soviets have taken positive steps to return independence to the Baltic people with compensation sufficient to mark their debts read "paid in full."

My heart goes out to these fine people who observe the anniversary of the last days of Baltic States freedom. I urge them to be of good courage and to retain faith in our friendship. I, for one, will be among those Americans who will not slacken our efforts to right the wrongs visited 30 years ago upon these our good friends.

UNIQUE SOLID WASTE PROCESSING SYSTEM

HON. WILLIAM B. SAXBE

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, June 16, 1971

Mr. SAXBE. Mr. President, the Black Clawson Co. of Middletown, Ohio, has developed a unique solid waste processing system, just now going into operation, which the experts say will pay for itself by producing—from garbage and refuse—the raw materials that modern industry needs.

Many publications both inside and outside Ohio have taken notice of the system in articles and feature stories. Moreover, the system will be one of the featured items on the agenda on June 21–23, when Miami University of Ohio holds a conference on fiber recovery from solid waste.

I ask unanimous consent to have printed in the RECORD three of the above-mentioned articles—from Compost Science magazine of July–August 1970; from the Cincinnati Enquirer of February 28, 1971, and from the Middletown Journal of May 16, 1971.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Compost Science magazine, July–August 1970]

"MORE THAN JUST A DISPOSAL SYSTEM"

(By Maurice Franz)

"There is Gold in your city dump."

That's what R. F. Vokes, vice-president of Black Clawson Company, recently told an attentive group of more than 25 municipal officials, engineers and landfill specialists at the close of a four-hour-long garbage and refuse recycling demonstration held at the hosting company's pilot plant in Middletown, Ohio.

Throughout the morning session they had observed Black Clawson equipment, long used in the pulping and papermaking industry, accept and handle normal city refuse, converting it into usable, recyclable materials, three of which are in considerable industrial demand—paper fiber, ferrous metals and glass cullet.

ECONOMIC PERPETUAL MOTION?

According to the figures submitted by the Black Clawson statisticians, municipal handling of wastes and refuse can be made into a paying proposition. A 1,000-ton-a-day plant that costs $8,500,000 can produce 370 tons of industrial materials a day that are worth $8,600 at prevailing prices. Daily cost of operating the plant is $2,900—$2.90 per ton. A breakdown of projected income includes 200 tons of paper fiber at $25 per ton—$5,000; 80 tons of ferrous metals at $8—$640; 80 tons of glass cullet at $12—$960; 10 tons of aluminum at $200—$2,000.

If the above figures are realistically accurate, they should mean that the day of the incinerator and hit-and-miss landfill operations are numbered. Garbage disposal can now be made to pay. Recycling of former "waste" materials is not only good citizenship—it's a money-maker. Here are some of the things we noted during our stay at the Black Clawson pilot plant in Middletown.

Unsorted city garbage—paper, cartons, wooden boxes, decaying food residues, metal cans and glass containers—were dumped helter-skelter onto a conveyor belt which dropped them into a giant mixing vat accurately described as the Hydrapulper. Regarding its function, the Black Clawson people have this to say: "The Hydrapulper is the heart of the system. In it, all pulpable, grindable and friable materials such as food waste, paper, plastic, rubber, rags glass, wood and leaves are disintegrated and removed through an internal screen as a water slurry."

All sorting and screening of the various materials is done automatically by machine; none is done by hand. Standing next to the Hydrapulper, the junk remover takes care of heavy metal objects larger than ¾-inch. The slurry is then pumped through a Liquid Cyclone which removed broken glass, and bits of metal larger than ⅛-inch.

PAPER FIBER FROM REFUSE

The next step—extracting paper fiber from what was minutes ago a mass of mingled refuse and garbage—is a rather sophisticated one called Fibreclaim. But its makers stress that "the technique of wet processing of garbage grew out of 30 years' experience gained in producing equipment for converting paper and corrugated board into pulp for re-use by paper mills—handling municipal wastes, which is usually about 50 percent waste paper and boxes, is remarkably similar to pulping waste newspapers for paper mills."

After the glass and sand have been screened out, the slurry is further cleaned in high-efficiency centrifugal cleaners and then introduced into a primary fiber selector which "selectively removes most of the long, chemical fiber (kraft, sulfite)". This valuable fiber is then dewatered and baled. In addition, the rejects from the primary selector—intermediate-length fibers, fines and other organic materials—are introduced into a secondary fiber selector where the intermediate-length fibers are removed, dewatered and baled. The clarified water is then recycled for use in the system.

This was the system we saw in operation at the Middletown pilot plant. The complete cycle of transforming garbage and refuse into paper fiber takes about 90 minutes. The glass cullet which is discharged is quite smooth and non-abrasive. A compostable residue is also obtained in addition to the other recyclable materials. Remarkably little "waste" material remains at the end of the combined Hydraposal and Fibreclaim operations—economic and ecological perpetual motion actually seem to have been achieved.

BUILDING 150-TON PLANT AT FRANKLIN FOR $1,750,000

Meanwhile the Black Clawson engineers are starting to install a garbage and refuse disposal plant at nearby Franklin which will have a daily capacity of 150 tons. A highlight of our visit to the Middletown headquarters was the announcement that the contract for the plant had been awarded with government approval. Two-thirds of the tab for the $1,750,000-installation will be picked up by the Bureau of Solid Waste Management under H.E.W. auspices. The plant should be in operation early in 1971, and is considered adequate for a community of 10,000.

It is estimated that net processing costs—$6 per ton of solid waste—for the Franklin plant compare favorably with $5.40 a ton which is what it would cost to build and operate a new sanitary landfill "in accordance with modern sanitary standards." Local shortage of acceptable areas for landfill was yet another reason why Franklin officials chose to install the new Black Clawson system.

But direct comparison becomes meaningless when the industrial material output of the Black Clawson installation is taken into consideration. On the basis of a 150-ton-day capacity, the Franklin plant will turn out 30 tons of paper fiber worth $750, 12 tons of ferrous metals worth $96, and 12 tons of glass cullet worth $144. In addition, there will be a compostable residue—a soil conditioner of proven excellence—available for nearby farms.

On the basis of what a community gets for the money it spends, the people of Franklin, Ohio seem to have chosen wisely. Instead of a profitless investment in a dead-end installation, they are getting a productive unit that turns out a series of materials that have a ready market. With time, the new plant should be able to pay for itself and even show a sustained profit while converting a nagging municipal liability into a real economic asset.

But it is William Herbert, engineer in charge of the Hydrasposal System, who gets to the heart of the matter most directly. "We consider the Hydrasposal System," he says, "as the basis for a factory to produce raw materials for industry rather than just a method for solving a disposal problem."

[From the Cincinnati Enquirer, Feb. 28, 1971]

TRASH—JUST AN INTERIM STAGE?

(By Bob Lynn)

FRANKLIN, OHIO.—A 63-year-old paper industry engineer from this town of 10,000 came up with an idea four years ago which could possibly provide Cincinnati and other populated areas with an answer to their growing problem of refuse disposal.

The idea came from Joe Baxter, Jr., who has worked 43 years in Middletown for the Black-Clawson Co., where he has had 51 patents placed on paper-making machinery he designed.

What he did was to look at all that paper-making equipment Black-Clawson has been developing over the years and ask himself why it couldn't be used—with just a few modifications—to handle refuse.

His idea was to sort out what was still usable, not just to grind it up and put it in a landfill.

FASCINATING SUBJECT

Reclaiming was the fascination for Baxter and others, because refuse normally is made up mostly of paper, metal, aluminum and glass—all valuable if recovered in pure enough form.

Today a $1.75 million plant using Black-Clawson equipment—with Baxter's patents No. 52 and No. 53—is being constructed in Franklin to see just how effective his idea is going to be. The plant is attracting nation-wide attention and the federal government has shown its interest to the tune of a $1,158,467 grant.

Baxter says modestly, "All I did was see a lot of pieces lying around and thought of putting them together."

These pieces were tested individually in the handling of refuse by Black-Clawson from 1967 to 1969. In October of 1969 the company put together a pilot solid waste disposal system in its own plant.

"It has worked beautifully," claims William Herbert, the company's director of engineering. "And the nice part about our system, is it makes it easy for the housewife putting out her garbage."

The system, unlike some reclaiming methods, requires no beforehand separation of food wastes from other materials in the refuse.

Herbert boasts, "Our hydrapulper will handle anything dumped into it."

The Hydrasposal plant, as it is called by Black-Clawson, handles anything from food waste to tricycles. It reclaims magnetic metals (worth $15 a ton) and paper fibers ($15 to $30 a ton).

Eventually the company hopes its system will be able to reclaim glass ($15-$20 a ton) and aluminum ($175 a ton), and generate power from steam.

A fluid bed reactor burns all unreclaimed soft material at the end of the process. Unreclaimed hard objects, removed at the beginning, will be trucked to a small plantsite landfill.

Possibly the system's most lucrative potential market will be reached when, and if, the company is successful in its present efforts to refine captured long paper fibers to a more pure form. As a bleached pulp, it could be used to make books, newsprint, toilet paper, facial tissue, towling, etc.

Company officials say that within four to six months they will know whether they will be able to produce bleached pulp.

While unrefined pulp brings $15 to $30 a ton, bleached pulp brings $100 or more a ton. (Unrefined pulp makes up about 17% of the paper industry market. Bleached pulp makes up about another 17% of that market).

Additionally, each ton of bleached pulp will save approximately 17 trees.

CHANGE POSSIBLE

However, on this score, Herbert says that at present the lumber industry has a replacement for every tree it cuts. "But with the growing population and its growing demands, this could change within 10 years," he adds.

The hydrapulper plant is expected to be ready for operation at Franklin by May 1.

How did Franklin get the nation's first hydrapulper solid waste disposal system? Joe Baxter again. He is a city councilman for Franklin. When the federal government turned down Black-Clawson's request for a grant to test its new concept, Baxter suggested that his town build it. Private business "no," a municipality "yes," was the government's reply.

Behind the urging of Franklin City Manager Bernard Eichholz, ex-mayor of Covington, Ky., the city council agreed to build the plant, and add $456,000 to the $1-million-plus federal grants and $123,000 from Black-Clawson.

UNWANTED BENEFIT?

Eichholz also hustled up for Franklin a new $2.3 million regional sewage treatment plant that will comply with the latest government pollution standards. "None of the other towns in the Miami Valley wanted it," says Eichholz.

To be constructed by the Miami Conservancy District, it will be built beside the hydrapulper solid waste plant, to form the Franklin Environmental Control Complex. Construction is to start this spring, with completion expected by the summer of 1972.

Along with the solid waste plant, the new sewage treatment plant also will receive the close attention of municipalities across the nation. Several never-before-tried schemes are planned.

The Conservancy District hopes to operate the sewage plant by remote control (no personnel will stay at the site) from its Dayton office, 20 miles away, if a $600,000 federal grant is forthcoming.

Sludge from municipal waste water entering the sewage treatment plant will be concentrated and pumped to the solid waste plant for incineration.

About 15% of the municipal waste water, after treatment at the sewage treatment plant, will be used as process water at the solid waste plant, then recycled to the sewage treatment plant.

If the $600,000 federal grant is issued, industrial waste water, which enters the plant separately from municipal waste water, will be recycled back to Franklin's four operating paper mills.

Fly ash from the solid waste plant will be used as a settling agent in the sewage treatment plant.

These two new facilities are expected to cost Franklin citizens more than they previously paid to dispose of their waste in a city landfill and a 32-year-old sewage plant now operating at double the capacity it was designed for.

BILLS GOING UP

Eichholz estimates a $6 a ton rate to be charged private garbage haulers at the new hydrapulper plant will raise the private homeowner's monthly garbage collection bill of $2.50 by 50 cents.

Estimates are that the sewage portion of the water-sewage bill will increase threefold.

Some Franklin residents have questioned the building of the new plant in their town, fearing its estimated operational cost of $6 a ton will escalate, and that even the $6 rate is $1.60 more than what estimates indicate it would cost to operate a modern landfill in Franklin.

Eichholz claims that not having to find several hundred acres of private land for landfill and dealing with the sanitation problems connected with that process will justify the extra cost.

The city manager predicts cost of the hydrapulper plant is not likely to increase soon because he says the plant will earn about $50,000 annually in a "sideline job" of processing—in a single unit—hard-to-break-down oil from industries in the Miami Valley.

Franklin more than likely will be the only town of its size in America that will ever have a multi-million dollar hydrapulper solid waste treatment plant—even should the plant prove successful. Without federal money covering two-thirds of the construction bill, the cost to operate the plant in Franklin would be more than double.

Herbert, of Black-Clawson, says, "The Franklin plant is an experimental plant. It will serve about 20,000 people in the Franklin area." To be competitive with modern landfills and incinerators, he says, similar plants would have to serve at least 100,000 people (as well as needing to be located in an area where the reclaimed products are marketable).

BIGGER CAPACITY

This means, according to Herbert, that to be competitive a plant will have to be double the size of the 150-ton-a-day Franklin plant and operate 24 hours a day. Franklin's plant will operate only eight hours a day.

Black-Clawson officials estimate that hydrapulper plants for large cities would probably be large enough to handle from 1000 to 1500 tons of garbage a day.

Cincinnati director of public works, Arthur Bird, says he has observed the Black-Clawson pilot plant in Middletown and feels the hydrapulper system has "a lot of potential."

Burdened with two very old incinerators, Bird says that Cincinnati will "have to do something within the next four or five years." The city has two modern incinerators.

Hamilton County, now served by the controversial "Rumpke dump," also must seek more modern means of handling its garbage waste.

Black-Clawson officials suggest that in a city the size of Cincinnati, two hydrapulper plants could be built, one on each side of the city. They estimate that a 1000-ton-a-day plant would cost $10 million and if all the reclaimed products (paper, glass, metal and aluminum) have a market, the cost to operate the plant could be as low as $1 a ton, cheaper by far than any other method of disposal, old or new.

Is there a market in Cincinnati for the plant's biggest money maker—paper pulp?

As for low-grade pulp (for boxes, roofing, etc.), some Cincinnati businessmen feel it is doubtful since the local demand is already being met. It would not be profitable to ship such low-grade pulp long distances.

However, if Black-Clawson's efforts to further refine the pulp prove successful—where the pulp will be worth $100 or more a ton—then private industry might well be enticed to build paper mills next to hydrapulper plants. It then could profitably ship the pulp to markets throughout the nation.

Herbert predicts that Black-Clawson will sell several plants this year. He says officials are considering a 750-ton-a-day plant to handle half of the solid waste of Milwaukee, Wisc. The other half would go into a landfill.

MARKET AVAILABLE

"They definitely have the market for the low-grade paper pulp," Herbert points out.

He says a regional authority in Pennsylvania is also thinking about building a hydrapulper plant.

Other reclaiming methods have been tried around the counrty, but none thus far have proved very successful.

The performance of Franklin's hydrapulper solid waste disposal plant will be watched with interest by government officials throughout the country—both those interested in the problem of waste disposal and those interested in the parallel problem of air and ground pollution.

Just how far Joe Baxter's idea will go toward solving those problems, only time alone will tell.

[From the Middletown Journal, May 16, 1971]

HISTORY-MAKING GARBAGE GULPER SET TO GO

(By Thom Hall)

FARNKLIN—Starting tomorrow they're going to "shake down" the plant.

The plant, of course, is Franklin's revolutionary, $2 million solid waste disposal system. And tomorrow they, the Black Clawson Company, will start "shaking it down," which, in layman terms, means testing it.

The tests will be simply running water and light loads of garbage through the newly-laid pipes and equipment to determine whether everything will run smoothly. The initial tests will take about two weeks.

The full-scale operation of the plant, however, will not begin until mid-June. That's the real test.

The major advantage of this system is that it reduces the volume of garbage by approximately 97 per cent. Or, from the opposite angle, this means that only 3 per cent of the total volume of garbage will remain once it is processed. It will be decreased to 12-15 per cent of its original weight.

This system, the first of its type, has important implications to municipalities and corporations across the country. Such cities as San Francisco and Philadelphia have already announced that they have completely run out of space to accommodate the daily wastes and must ship it, in some cases, hundreds of miles.

"There is really nothing else like it anywhere," said Earl Blake, a Black-Clawson research engineer who has been working on the project for two years and who will be superintendent of the plant operations over the next year.

"We have something that is completely new, and are confident that it will work. Evidently the federal government thinks it will, too—they're paying for two-thirds of its cost."

D. H. Kohlhepp, project manager for Black Clawson, agreed: "This is a demonstration plant. The plant is new, and we've never had anything of this scale, but the process is pretty well proven.

"What we are really trying to do now is prove the economics of the system. We must be able to show that the maintenance, operations, and especially the fiber recovery system will be economically feasible."

The "fiber recovery" refers to the last phase of the process during which paper, floating in a slurry, is re-covered, dewatered and baled. It can then be sold for about $20 a ton and used for such things as roofing felt. About half of residential and commercial solid waste is paper, and about half of this will be recovered.

"We are hoping to develop a bleachable, long-fibered pulp that will be of higher value," Kohlhepp said.

The plant will be capable of processing 150 tons of "curbside" garbage every day, but will, at first, only operate eight hours a day to handle the 50 tons of garbage from Franklin.

In addition to the reclamation of paper, this system will also be able to recover magnetic metals and glass from the waste. From the 50 tons, about 10 tons of paper fiber, 2 tons of glass and 2 tons of metals will be recovered.

The metals will be sold at various prices. Iron, for example, will sell for $15 a ton and aluminum, which will be reclaimed in much smaller quantities, for $200 a ton.

"The entire system is designed so that the cost of garbage pick-up by the trash collectors and the income from sale of reclaimed materials will completely pay for it," Blake said.

The glass reclamation equipment will not be in operation for about a year. A $235,000 waste glass recycling plant, to be paid entirely by the federal government and by the Glass Container Manufacturer Institute (GCMI), will be constructed.

The entire operation will also be a part of a $2 million regional sewage treatment plant which will be located right next to it. Bids for that plant are scheduled to be awarded shortly and construction is expected to take about 18 months.

Presently about 50 workers are busy completing the solid waste processing plant.

"We're going to have to shut off visitors to get any work done," laughed Kohlhepp. "We've got people from government, paper mills, educational institutions, consulting firms—everybody's coming to have a look at it."

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 3,700 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 247,200 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

A TRIBUTE TO THE LITHUANIANS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. MIKVA. Mr. Speaker, June 15 marked the 31st anniversary of the subjugation of a determined, yet outnumbered, Lithuanian people by the forces of the Red Army.

Along with its neighboring Baltic states, Latvia, and Estonia, the Republic of Lithuania has been subjected to one of the most terror-filled occupations in recent history.

February 18, 1918 symbolized what appeared to be the dawn of democracy for Lithuania, as she celebrated her independence from former Imperial Russia. Within a few short years totalitarian German and Soviet Governments plotted the downfall of this free and peace-loving nation. The infamous nonaggression pact between these two major powers settled on a Soviet-administered occupation of Lithuania.

The youthful spirit and age-old heritage of these freedom-seeking Baltics was crushed by the Soviet-Nazi war machine. Unlike their Czarist predecessors, the Communists went beyond stripping the Lithuanians of "just" their laws and religions. Following a popular election, the Russians announced that Lithuania had "chosen" to be included in the Soviet empire.

Thirty years ago this month, 30,000 members of Lithuania's intelligensia were thrown into railroad cars and transported under severe conditions to the Arctic wastelands of the Soviet Union. Many other political prisoners were executed on the spot.

Later in 1941, after the German invasion of Russia, the Jewish population of Lithuania was almost completely exterminated by the occupying Nazis.

The Soviets returned with a vengeance in 1945, and within a year deported 145,000 brave Lithuanians from their homeland. Further Communist torment followed in 1949 when 60,000 Baltics were exiled to Siberia. The toll of this 9-year policy of genocide and coercion was of tragic proportion, as the Communist heel of tyranny and repression attemtped to crush out all forms of active resistance. These atrocities continue today wherever the spirit of freedom and hope surfaces among Lithuanians.

All Americans can learn from this struggle for freedom by a determined people. In a period in which many in this country have lost regard for personal freedoms, we can see the importance of such freedoms to the Lithuanians, who have remained courageous in the face of adversity and oppression. The will of these people, and their compatriots in the United States, to persevere through long periods of domination stands as a great lesson to all of us.

I stand with my colleagues to urge the President to implement proposals which seek to end, once and for all, the suffering of those valiant people of Lithuania, who have always sought only to live in peace and harmony with their fellow men.

It is to these dedicated and strongly willed people that I proudly pay tribute to today.

STATEHOOD FOR THE DISTRICT OF COLUMBIA

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. SCHWENGEL. Mr. Speaker, during my years in Congress, I have introduced numerous bills providing for some measure of home rule in the District of Columbia and for some form of limited representation in Congress for the District. Basically, those bills would have given the District an elected government similar in form to that of a State, with Congress retaining most of its constitutionally designated legislative responsibilities over the District. However, such bills would only expand, and not fully grant, the rights of citizenship to those so entitled in the District. The tempering influence of time, however, has moved me, and others in Congress, to consider a complete solution to the issue of how the constitutional relationship of Congress and the District should be altered.

Therefore, today I am introducing a bill to initiate the legislative mechanisms necessary to grant the District of Columbia statehood. The establishment of this new "State of Columbia" would mean that the citizens of the District would finally enjoy the full constitutional rights and responsibilities enjoyed by the citizens in the present 50 States of the Union. In addition, statehood for the District would relieve Congress of the burdens of directly administering a city of nearly 800,000 inhabitants, thus enabling Congress to more fully concentrate its energies on the Nation's business.

This bill contains three major features which I will now briefly describe. First, it provides for a referendum in the District of Columbia on the following question: "Shall the District of Columbia immediately be admitted to the Union as a State, to be known as the State of Columbia?" Second, another proposition to be judged in this referendum would mandate the calling of a special election for the purpose of electing delegates to a constitutional convention. This convention would devise a form of State government for the District and submit its proposed constitution to the Congress and the voters of the District for approval. Third, the referendum would contain a proposition mandating the establishment of a special commission whose duties are established as follows:

> To conduct a full and complete study of the necessary and appropriate legislation or administrative actions that must be taken in order to facilitate the transfer of authority over the District of Columbia from the Federal Government to the government of the State of Columbia.

It could be assumed that this commission would recommend to the Congress that an amendment to the Constitution permitting statehood for the District be passed and submitted to the States for approval. Additional questions to be considered by this commission could involve such issues as the desirability of a flexible, but permanent, Federal revenue contribution to the District, in view of the vast amount of property owned therein by the Federal Government and the significant numbers of international civil servants and diplomatic personnel who enjoy the services of the District, but do not pay many of the taxes needed to support said services. These provisions would be in consonance with the standing policies of "aid to impacted areas."

The following preliminary estimates from the 1970 census of population reveal that 11 States are less populous than the District of Columbia, but yet have full representation in Congress:

	Population
No voting Senators or Representatives:	
District of Columbia	764,000
Two Senators and two Representatives:	
Hawaii	748,000
New Hampshire	722,000
Idaho	698,000
Montana	682,000
South Dakota	661,000
North Dakota	610,000
Two Senators and one Representative:	
Delaware	542,000
Nevada	481,000
Vermont	437,000
Wyoming	328,000
Alaska	294,000

Abraham Lincoln once said:

"Those who deny freedom to others deserve it not for themselves.

If we believe in this credo, I do not see how we can any longer justify the continued denial of self-government within the Union to the citizens of the District of Columbia. As the seat of the National Government, the District of Columbia should be the showcase of the Nation—a symbol of democracy and representative self-government.

It is in this spirit that I offer to you for consideration my bill proposing statehood for the District of Columbia.

The text of my bill follows:

H.R. 9197

A bill to authorize and direct the Commissioner of the District of Columbia to conduct a referendum on the question of statehood for the District, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commisioner of the District of Columbia is authorized and directed to conduct in the District of Columbia, within ninety days after the date of enactment of this Act, a referendum which shall present to the electors of the District of Columbia the following propositions for rejection or adoption:

"(1) Shall the District of Columbia immediately be admitted to the Union as a State, to be known as the State of Columbia?"

"(2) The boundaries of the State of Columbia shall be the same as the boundaries of the District of Columbia as such boundaries are established on the date of enactment of this Act, and all claims of the District of Columbia to any land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States."

(b) The Commissioner shall certify the results of such referendum to the Secretary of the Senate and to the Clerk of the United States House of Representatives. In the event each of the foregoing propositions are adopted by a majority of the votes cast in such referendum, and upon approval by the Congress of the constitution for the State of Columbia, such State shall be admitted to the Union on an equal footing with the other States.

SEC. 2. (a) In the event each of the propositions specified in the first section of this Act are adopted by a majority of the legal votes cast in the referendum authorized under such first section, the Commissioner shall (within ten days after the date on which such referendum is held) issue a proclamation for an election of delegates to a constitutional convention for the District of Columbia. Such election shall be held within 180 days after the date of the referendum held under the first section of this Act.

(b) Such convention shall write a constitution for the State of Columbia which shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

(c) Upon completion of the writing of such constitution the Commissioner is authorized to take whatever steps are appropriate and necessary to submit such constitution to the electors of the District of Columbia for adoption or rejection. In the event such constitution is adopted by a majority of the legal votes cast in a referendum held for that purpose the constitution for the State of Columbia shall be submitted to the Congress of the United States for its approval or rejection.

SEC. 3. (a) The constitutional convention authorized by this Act shall consist of 81 delegates elected at large from among the residents of the District of Columbia.

(b) Delegates to the constitutional convention shall have the same qualifications as the candidates for Delegate from the District of Columbia to the House of Representatives.

(c) Electors for the election to select delegates to the constitutional convention, and for all other elections or referendums authorized under this Act shall have the same qualifications as electors of the Delegate from the District of Columbia to the House of Representatives.

SEC. 4. (a) In the event each of the propositions specified in the first section of this Act is adopted by a majority of the legal votes cast in the referendum authorized under such first section, the President shall appoint an advisory commission to be known as the State of Columbia Advisory Commission (hereafter referred to as the "Commission") to conduct a full and complete study of the necessary and appropriate legislative or administrative actions that must be taken in order to facilitate the transfer of authority over the District of Columbia from the Federal government to the government of the State of Columbia.

(b) The Commission shall consist of nine members chosen by the President according to the following criteria:

(1) two members shall be appointed who are Senators, not more than one of whom shall be from the same political party;

(2) two members shall be appointed from the Members of the House of Representatives, not more than one of whom shall be from the same party.

(3) the Secretary of the Treasury, or his designee.

(4) the Secretary of the Interior, or his designee.

(5) three members shall be appointed who shall be citizens of the District of Columbia and who shall not be employees in any way of the Federal government or of the government of the District of Columbia.

(c)(1) Each member of the Commission who is otherwise employed by the Federal government, or who is an officer of the Federal government, shall serve on the Commission without compensation.

(2) Each member of the Commission who is not otherwise in the Government service shall be paid $75 for each day (including travel time) during which they are engaged in the performance of duties vested in the Commission. Such member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for person in the Government service employed intermittently.

(d) The chairman of the Commission shall be selected by the members of the Commission.

(e) Five members of the Commission shall constitute a quorum.

(f) Members of the Commission shall be appointed for the life of the Commission. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

SEC. 5. (a) The Commission shall conduct a full and complete study into the necessary and appropriate legislative, administrative, or other actions which must be taken in order to efficiently and equitably transfer the authority of governing the District of Columbia from the Federal government to the newly constituted State of Columbia. The commission shall give special consideration to the relationship that should be developed between the State of Columbia and the Federal government with respect to securing and maintaining the special Federal interest in the State.

(b) In carrying out its study under this Act the Commission is authorized and directed to consult with, and to obtain information, statistics, or other data from any Federal, District of Columbia, or State governmental agency, department, or instrumentality is authorized, upon request by the Commission, to furnish to the Commission any information, statistics, or other data (consistent with law) that is requested.

(c) As soon as practicable, and in no case later than the one hundred and eightieth day after the establishment of the Commission, the Commission shall submit its recommendations, based on findings arrived at as a result of its study, for the appropriate actions it deems necessary. Such final report shall be filed with the President, the Clerk of the House of Representatives, and the Secretary of the Senate. The Commission shall cease to exist on the tenth day after the date of its submission of its final report.

SEC. 6. (a) The Commission may, for the purpose of carrying out its responsibilities under this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission deems advisable.

(b) The Commission may appoint and fix the compensation of such personnel as it deems advisable. The staff of the Commission shall be appointed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

CENTENNIAL BEST WISHES

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DOW. Mr. Speaker, not many people across this land live to celebrate their 100th birthday in good health and good spirits.

It is my privilege to bring to the attention of my colleagues, three ladies living at the Rockland County Infirmary in Pomona, N.Y., which I represent, who are reaching or have just passed this mark.

Mrs. Bertha Lemmens was 102 years old on May 29. Mrs. Leah Greissman was 101 on June 12 and Mrs. Emma Bauer will be 100 on June 26.

I am sure that all of my colleagues will join with me in wishing these ladies continued health and happiness. I would like to share with them an article from the Rockland Journal-News about these birthdays.

HAPPY CENTENNIAL!

Three residents at the Rockland County Infirmary, Pomona, are celebrating centennial birthdays, with the eldest, Mrs. Bertha Lemmens, marking her 102nd year today.

An elaborate birthday cake by the dietary staff will highlight a party of friends and staff.

Mrs. Lemmens and her late husband were long-time owners of Lemmens' Hotel in Central Nyack. In recent years, Mrs. Lemmens has kept busy in daily projects with some of her friends at the infirmary and enjoys keeping active.

Although her sight has been failing recently, Mrs. Lemmens still enjoys participating in musical entertainments and plays the harmonica at various social and church functions.

Two other residents of the infirmary, Mrs. Leah Greissman who will be 101 years old on June 12, and Mrs. Emma Bauer who will be 100 on June 26, will also receive the good wishes of family, friends and staff.

Mrs. Greissman, the widow of Dr. Louis Greissman, a Nanuet veterinarian, enjoys the affections of her niece Mrs. Robert Coyman of Nanuet. Although Mrs. Greissman was childless, she brought up Mrs. Coyman, whose mother had died, and is considered the grandmother of the Coyman children. The Coyman family still lives on the same property which was Dr. and Mrs. Greissman's during the 45 years they lived in Nanuet.

The third centenarian is Mrs. Emma Bauer who at 100 is the youngest of the three. Mrs. Bauer was born Emma Donnelly in Nyack. She has three grandchildren and 13 great grandchildren.

She participates in infirmary activities and is invariably seen in very feminine clothes and with a ribbon in her hair.

RICHARD KOENIGSBERG: DETERMINATION CONQUERS HANDICAP

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. PATTEN. Mr. Speaker, all over the United States young people are going through college graduation exercises that mark the beginning of their careers in the outside world. For all of them I am sure there have been times of discouragement and struggle, along with all the new experiences and memories.

I would like to take this opportunity to call to the attention of my colleagues the case of one particular young man from my congressional district. To me the story of Richard Koenigsberg of East Brunswick, is the story of what sheer determination can do. To me Richard Koenigsberg represents the fine qualities we can still find in today's young people.

Richard was born with slightly impaired hearing. At 11 he lost 50 percent of his hearing. Then, as a sophomore at Lynchburg College in Virginia, he became totally deaf. People told him it would take 8 to 10 years to finish his college work, and they were ready to relegate him to the scrap heap. Many thought that his desire to be a teacher, where communication between student and teacher is so important, was futile. Yet Richard finished his course work in the regular 4 years and came through student teaching with flying colors. I am happy to insert in the RECORD at this point an article from the News of Lynchburg, Va., which contains the statements of those who have seen Richard in action and can testify to his ability:

LYNCHBURG COLLEGE SENIOR FINDS DEAFNESS NO HANDICAP IN TEACHING

(By Dorothy M. Ferguson)

"I don't think there's anything you can't overcome if you really want to!" declares the darkhaired, bright-eyed young man, a senior at Lynchburg College. You listen to him, watch him, and you're caught up in his enthusiasm.

This LC student is no ordinary youth, although he keeps proclaiming that he is just like everyone else. He has proved, that, for him at least, almost anything is possible.

The cold fact is, he is deaf, and he wants to be a teacher, a profession in which communication is especially important.

However, he does "hear" through lipreading and he has just completed, with great success, his student teaching at Brookville High School.

Call it perseverance, call it courage, but probably the most accurate definition is simply joie de vivre; Richard (Rick) M. Koenigsberg of East Brunwick, N.J., enjoys living and will not be defeated by conditions that could defeat others.

"As far as I'm concerned," says Rick, "I don't even have a handicap. I can do anything I want to do except listen to a tape recorder or a radio. Why I even use a phonograph! Of course, the records play the sound of silence, but that's not bad." (Rick's secret is that he "listens" to a phonograph through vibrations.)

A pause, and he adds: "I think sometimes people who have defects of one kind or another make themselves handicapped."

Dr. Elizabeth G. Boggs, associate professor of education at LC, comments: "Working with Richard has been one of the most rewarding experiences of my career. Not only did I have faith that Richard possessed the finest qualities of a true teacher, but also I had faith that young people would realize and respect these qualities despite his hearing handicap. Richard does "hear" the students—we need more teachers who communicate as well as he."

"We had reservations at first," observes Charles F. Flaugher, assistant professor of education at LC, "but he proved beyond the shadow of a doubt that he could do the job. We would have absolutely no reservations now about recommending him for a teaching job."

Adds Flaugher: "Rick did not want to be treated in an exceptional manner and we didn't. We elevated him just the way we would any student teacher. The experience of working with him was good for everyone involved."

His enthusiasm for everything he does impressed his cooperating teacher at Brookville, Douglas Stinespring, who remarks, " 'Mr. K.' as the students call him, captured his ninth and tenth-graders; they liked him very much. He's a hard worker, too, probably the best student teacher I have worked with at Brookville."

Paul Brewer, principal at Brookville had this to say: "Rock did a tremendous job here. I was well satisfied and I would not hesitate to hire him. And I agree with him—he doesn't have a handicap!"

With slightly impaired hearing since birth, Rich inexplicably lost 50 per cent of his hearing when he was eleven. He explains, "I was outside playing and suddenly, pop, I couldn't hear." After much testing, it was found that with a hearing aid, he could hear almost as well as a normal person.

With the aid he continued living an average life, participating in sports and keeping up with his studies without difficulty. "I have never made concessions to my deafness," he asserts, "and I don't feel that I have worked any harder than anyone else, either."

He adds: "My parents have been very good with me, too. They have encouraged me to do whatever I wanted to do; they have not overprotected or shielded me. I'm sure there were times when my mother was worried about me, but she wouldn't keep me from participating in school and other activities." (A sports enthusiast, Rick has been an active participant at LC, particularly in soccer.)

He was a sophomore at LC when new trouble came. He developed a condition known as nerve deafness and lost all but 20 per cent of his hearing. Again more tests, another stay in the hospital, but afterward back to work at LC where he now communicates by lipreading.

"I had no formal training for this," he mentions. "But I had probably picked up lipreading through the years more than most people do because of my hearing defect since I was eleven. (Most people lipread about 20 per cent of the time, he notes.)

He does not practice dactylology—the technique of communicating by signs made with the fingers. This system, he says, is generally used only by those born deaf.

From his freshman year Rick had planned to teach (his father is a teacher and Rick understands and admires the profession); now totally deaf, he still anticipated becoming a teacher, but there were those who discouraged him because they felt he would not be able to communicate well enough.

"But," remarks the LC senior, "I had made up my mind. And the education department was very good to me. They told me that they would give me the opportunity. They realized that I had to find out if I could do it."

He continues: "When I began to teach, I was a little worried, apprehensive, and I'm sure the students were, too. But I tried to relax them and make them feel at ease with me. And I had no problems. Everything turned out fine. Everyone was great—cooperating teacher, principal, teachers in the education department at LC, and the students."

He reflects for a moment: "The students really were wonderful. They never at any time attempted to take advantage of me. We got along well, and this made me feel good. I'm going to miss them!"

Rick considers his handicap an asset in teaching. "Because of my defect, I seem to have a better understanding of students' problems, whatever they may be. And it does them good to see that I operate as well as I do."

It's obvious that Rick enjoyed student teaching and it is clear, also that this 21-year-old has developed a positive and inspiring philosophy of life. Comments Rick, "When people say to me, 'It's too bad you can't hear,' I tell him, 'I don't care because I feel that not being able to hear has made me a better person than I might have been the other way around. I have increased understanding in many areas; I appreciate things more."

He explains: "You know, most people take for granted their ability to see, hear, touch, feel. And if they do have a problem, they have a tendency to run into a corner and say, 'I have problem so I can't function,' and have others feel sorry for them.

"There's almost nothing I don't do—I go to parties, dances, movies. I can't complain. I couldn't be happier."

And, a twinkle in his blue eyes, "There's one thing about my condition too; noise pollution doesn't affect me."

Regarding his relationship with the students, Richard states:

Because of my defect, I seem to have a better understanding of students' problems, whatever they may be. And it does them good to see that I operate as well as I do.

He summed up his philosophy of life when he said:

I don't think there's anything you can't overcome if you really want to.

I would like to publicly congratulate Richard Koenigsberg on the outstanding effort he has made toward becoming an active participant in today's world. I know our children will receive a good start with teachers of Richard's caliber in our school system.

THE SUEZ CANAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. HAMILTON. Mr. Speaker, the arguments for opening the Suez Canal are, on balance, stronger than those against opening it. William P. Bundy's essay in the June 21, 1971, issue of Newsweek reinforces this position. I commend his remarks to you:

If Suez Were Open

(By William P. Bundy)

Ever since President Sadat of Egypt formally proposed in February that an agreement be reached to open the Suez Canal, even before a full settlement of the Arab-Israeli dispute, a muted but fervent debate has been raging in many circles and governments. Almost all of these are prepared to grant that progress toward peace in what Mr. Nixon has called the most dangerous situation in the world today is worth some price. The negative argument made, however, is that the opening of the canal would in fact be a tremendous gain for the Soviet Union, a vastly increased threat to the area beyond the canal, and altogether in the long run a bad thing.

It is an interesting debate, with so many handles that a column is too short to do it justice. But it is my clear conclusion, after sifting a mass of material from both sides, that the ayes have it—that is, that opening the canal would be distinctly more advantageous for the West (above all Europe, but also the U.S.) than it could be potentially harmful.

The advantages are, of course, primarily economic. Ever since 1967, India and others have been paying all sorts of added costs they can ill afford on everything they must have or export. This is in itself a major argument, not only for them but for others concerned with their present troubles and stability.

ARGUMENTS PRO AND CON

As the debate goes, however, this part of it is submerged by discussion of oil. Here there has been a dramatic change in the past year. Self-congratulation at the way tanker capacity was mobilized and built after 1967 to "make the canal obsolete" has given way to the sudden discovery that tanker tightness and charges have become a significant element in the bargaining advantage of the Persian Gulf oil suppliers toward the Europe that depends on them. Having now committed itself (along with Japan) to major price increases in the Persian Gulf countries and those linked with them, Europe has a great interest in seeing that the balance becomes more even—to see that the new contracts last their appointed five years, and to allow the flow to expand beyond that time. On both counts, even though the canal cannot take the new super giant tankers, Suez could make a critical difference.

Such is the new weight of the affirmative argument. On the other side, of course the Soviet Union would gain in economic terms through shorter sea routes around the south. But surely this is in itself healthy. The real question is whether the canal would add anything to a Soviet threat to the nations beyond the canal.

Here one must come to grips, first, with the idea that the Indian Ocean can somehow be "controlled" by naval power. Arguably, the British did this, but only when they also controlled the key land areas. In the present era, nations with any real strength are simply not this vulnerable.

THE ECONOMIC CASE

This leaves the weak nations of the Red Sea littoral, and above all the Trucial sheikdoms of the Persian Gulf, about to lose the protection of their treaties and the British military presence. In these areas there may indeed be a Soviet game at work, centering on the position it has established in Southern Yemen. But it is a game of quiet subversion and political manipulation, best played with assets that do not need the canal. Even in the gulf, the idea of nineteenth-century gunboat diplomacy, however tempting it may be to Russia's present leaders, seems crude and likely to create a sharp reaction, particularly by Iran.

Thus, while one cannot wholly dismiss the argument of increased Soviet threat, it seems to me of basically lesser importance than the economic case for opening the canal. The present Russian leaders may be back in the nineteenth century in their power thinking, but twentieth-century gains should outweigh nineteenth-century fears.

As for the idea that the Soviets put Sadat up to his proposal, his behavior then and since hardly suggests that he was acting as a Soviet stooge. Perhaps in the end his idea will not bear fruit, for the opening of the canal cannot readily be separated from the bigger issues of an Arab-Israeli settlement. But at least the possibility can be approached not as what the strategists call a zero-sum game, in which Russian gain equals the loss of others, but as a sensible proposition from which all could gain.

EDITORIAL OF THE KNOXVILLE NEWS-SENTINEL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DUNCAN. Mr. Speaker, I read a very interesting editorial statement in the June 11 issue of the Knoxville, Tenn., News-Sentinel. Because of its timeliness in regard to the Hatfield-McGovern amendment, I would like to place it in the RECORD today:

North Vietnamese diplomats are telling almost everybody unofficially that some 30 days after President Nixon sets a "reasonable" date for withdrawal from Vietnam, the Communists will release U.S. prisoners of war.

Hanoi's delegates to the Paris peace talks recently passed such word to former Defense Secretary Clark Clifford, Rep. Robert Leggett (D-Calif.), newspaper interviewers and others.

It seems they are willing to give encouraging pledges to anybody except one man: David K. E. Bruce, head of the American delegation to the conference.

Naturally, whatever the Communists hint or suggest to unofficial go-betweens can later be denied or ignored. What they say at the conference table to Bruce, however, is official, has weight and is more difficult to wriggle out of.

We find it significant and ominous that Hanoi is flexible and even generous in discussing POWs with private callers, but is hardline and rigid with Ambassador Bruce.

In Paris yesterday Bruce tried to get the Communists to put on the conference record the unofficial promises they had been throwing around. Hanoi's chief delegate Xuan Thuy fell back on his standard line: After Nixon fixes a reasonable withdrawal date (the Communists will decide what is reasonable), the fate of our prisoners can be "discussed."

Needless to say, Hanoi's pledge to "discuss" something after it first gets what it wants is worth less than a handful of rancid rice.

The North Vietnamese clearly are putting on their false show of flexibility to influence voting next week on the Hatfield-McGovern amendment. That proposal would cut off all funds for U.S. ground and air operations in Indo-China after Dec. 31, and Hanoi would dearly love to see it pass.

One benefit from North Vietnam's recent spate of interviews is that its real position for a "settlement" has emerged. This can be summarized as follows:

The United States must, by an early date, remove its air, ground, naval and advisory forces from all of Indo-China. North Vietnam does not undertake to withdraw its regular army units from South Vietnam, Cambodia or Laos, where of course they have no right to be.

The United States must cut off all military and economic aid to South Vietnam, a step which would topple the Saigon regime. Hanoi reserves the right to get on the Red telephone and order up any arms and supplies it needs from Russia and China.

These are not the terms of a settlement, but of a surrender. To his credit, Nixon has so far resisted intense pressure to accept them.

ONE WOMAN VERSUS ONE COMPANY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DINGELL. Mr. Speaker, the fight to save Lake Superior from degradation at the hands of Reserve Mining Co. goes on and not the least of the battlers is Mrs. Verna Mize of Potomac, Md.

The Washington Evening Star of June 1, 1971, carried an excellent feature story on Mrs. Mize's struggle under the headlines "One Woman Versus One Company" and "A Citizen Crusades To Save Lake Superior." So that my colleagues may have an opportunity to read of this fine lady's efforts, I include the text of the Star feature story at this point in the CONGRESSIONAL RECORD:

ONE WOMAN VERSUS ONE COMPANY: A CITIZEN CRUSADES TO SAVE LAKE SUPERIOR

(By Roberta Hornig)

In mid-1969, Mrs. Verna Mize of Potomac, Md., carried two bags of rocks picked from the shores of Lake Superior up to Capitol Hill and handed them out as paperweights to Midwest congressmen.

Last summer, she spent her two-week vacation collecting signatures in Houghton County, Mich., and turned a petition with 5,182 names over to the White House, hoping it would reach President Nixon.

In April, she testified as a citizen witness at a congressional hearing.

Over the last year she also talked to four governors at the governors' conference here; visited William D. Ruckelshaus, administrator of the Environmental Protection Agency; and went to the offices of the President's Council on Environmental Quality, several other government agencies, and a number of senators and representatives.

She estimates she has written between 2,000 and 3,000 letters to citizens groups, reporters, newspapers, scientists, federal, state and local officials, and spent 3,500 hours as part of the crusade she started four years ago, long before fighting pollution was a popular cause, to save Lake Superior, her favorite waterway, from pollution by a lone but extremely powerful industry.

"You know, President Nixon has repeatedly called for saving the Great Lakes. Sometimes I feel like I'm carrying out the President's expressed desires more than the people being paid to do so," she said the other day in an interview.

Mrs. Mize, a government secretary and wife of a retired Marine officer, seems an unlikely crusader. She is rather prim, polite, kindly and middle-aged.

She is, however, outraged that anyone would dare dirty the world's largest fresh water lake, "the lake that has been my love since I was a toddler."

"Goodness, we drank it. We swam in it. I was probably christened in it," she says.

Mrs. Mize's headquarters for her campaign is an enclosed back porch, overlooking a garden in her modest home. There, surrounded by files in cardboard boxes, rocks from the lake shore and bottles full of its putty-colored water, she writes her letters and plans her next moves.

Her crusade on behalf of Lake Superior began in 1967, shortly after she and her husband returned from a vacation on Michigan's Upper Peninsula.

She was bragging about the lake being drinking-water clean when a friend told her it might be in trouble—from wastes emptied into it by Reserve Mining Co., a huge iron ore producer at Silver Bay, Minn., owned by Armco and Republic Steel Cos.

Reserve daily discards into the lake about 67,000 tons of taconite tailings, or finely ground ore wastes. The company says the tailings do the water no harm. The federal government, after six enforcement conferences—the first of May 1969—has decided Reserve is a polluter.

Mrs. Mize reports that, when she first learned about the company, she assumed no one else knew about the dumping or it would be stopped. That's when she began her letter writing and visits to government officials.

PETITIONED PRESIDENT NIXON

"I found I wasn't getting any action from officials," she mused. "Very polite thanks, but nothing happened."

Last summer she decided her individual appeals had done no good and that she might have more luck if she "appealed in the name of many people."

She drafted a petition to Nixon that read: "We the undersigned, respectfully and urgently request your speedy intervention to rescue Lake Superior from the ravages of taconite tailing degradation at Silver Bay, Minn., by the Reserve Mining Co. Pure Lake Superior is eminently worthy of your personal attention. We appreciate the concern for the Great Lakes you have already voiced, and we earnestly ask that you stop Reserve's use of clean Lake Superior for its own free private dump! Please, Mr. President, save 'the clear transparent water . . . the shining Big Sea water' for us and for posterity."

MANY VOLUNTEERED

With a dozen petitions, each with room for 20 names, she left on a two-week vacation for her native Houghton County believing, she says, that she could get 100 signatures.

She quickly got many more than that.

While between planes in Chicago, she began chatting with a fellow passenger and told him about the petitions.

"What are you going to save it from, the man asked, and I told him," Mrs. Mize says. He signed, as did others in the waiting room. When she got on the plane, other passengers signed, and when she arrived in Houghton County, the passengers told friends waiting.

By the next day, news of the petition had spread through the county by word of mouth. Mrs. Mize says that within 24 hours she had a volunteer crew to help collect names. The volunteers included university students, storekeepers, laborers, tradesmen, school children and a 76-year-old former mayor.

She ran out of petitions and had to get copies made, a job the Chamber of Commerce gladly did for her.

"PEOPLE CARED"

"People in every walk of life not only signed but volunteered to circulate the petitions. Businessmen asked for copies to put in their shops. They were everywhere . . . from bars to a Bible camp," she reports.

"This couldn't possibly have happened unless people cared."

When she came home, she had 5,182 names, and she sent the petitions to the White House. In reply, she received a note of thanks.

The taconite tailings still go into Lake Superior, but Mrs. Mize said the crusade may yet end successfully.

She has high hopes that action will result through the Environmental Protection Agency, which on May 2 sent Reserve a 180-day notice to come up with an alternate plan for getting rid of its wastes. An interim meeting between the company and the government is set for Thursday.

TWO THREATS TO A FREE PRESS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. JACOBS. Mr. Speaker, if you want to read what is really happening as far as the administration's censorship of the New York Times, read what Senator FRANK CHURCH, Democrat of Idaho, had to say about it 14 years ago:

TWO THREATS TO A FREE PRESS

(Address of Senator FRANK CHURCH, Democrat of Idaho, at French Lick, Ind., before the Indiana Democratic Editorial Association and the Indiana Democratic State Central Committee, Saturday, Aug. 31, 1957)

I am highly honored to speak to you tonight. It is a rare adventure for a Democrat to find a *Democratic* Editor's Association; and it is reassuring, to be sure, to discover that it has so many members.

I must say also that it is gratifying to me to share the platform with a distinguished citizen of your state who has become one of the outstanding men of our country, my good friend and yours, the able spirited National Chairman of the Democratic Party, Paul Butler!

Less than a year ago, Paul Butler came to Idaho to help in the campaign for the Democratic Ticket. He gave a rousing speech in Coeur d'Alene. We had hopes that night of electing a Democratic Senator, for the first time in many years. There was a feeling of excitement in the air.

I am happy to report to you tonight that there is much the same feeling of excitement, of anticipation, of suspense, in Washington. It has suddenly appeared in the wake of the smashing upset victory of Bill Proxmire, the first Democrat to be elected to the Senate from the state of Wisconsin in a quarter of a century!

This victory, unprophesied by the press, confounds the pundits, who now point alternatively to the "modern" Republicans and the "unmodern" Republicans, to blame for the defeat of the man they confidently predicted would win. I prefer the assessment of that irrepressible Harry Truman: "The counterfeits were thrown out and the real people took over, and that's what's going to happen all over the country as the Democrats come back again."

Yes, there is a feeling in Washington that the Democratic Party is on the march again. There is that special feeling of jubilation that comes with a sudden, dramatic Democratic victory.

Have you ever noticed how people always laugh when they celebrate a Democratic win at the polls? Have you ever wondered why? I think it's because of the general feeling, which exists in all parts of our country outside the South, that when a Democrat wins, he has won against odds. Both money and significant social pressures favor the Republicans. In last year's national election, for example, there was twice as much money available for all Republican candidates, than for their Democratic opponents, a rather critical matter in these days of rising advertising costs, when every minute of precious television time must be dearly bought.

Campaigns are more costly than ever before; Madison Avenue techniques are coming more and more to the fore. The Republican candidate, better able in nearly every case to finance what the hucksters call "saturation coverage," starts with a running advantage over his Democratic rival.

But it isn't money alone that normally gives the odds to the Republican. That curious intangible, "respectability" plays its part too. There is an aura of social daring for a young business or professional man to be a Democrat, somewhat akin to wearing Bermuda shorts on the Boston Common.

Yet, greater than any of these factors in conferring the evident advantage to the Republicans, is the press. I can say, in this gathering of Democratic newspapermen, that our press, as measured by the large dailies in most cities, and the major papers in nearly every two-party state, is Republican in orientation. These papers may, as many do, frankly state their Republican affiliation. Some claim independence in politics. A few actually go so far toward nonconformity as to suggest that they are Democratic newspapers. But when the question becomes real, when they must get down to the cases of deciding between candidates, they usually manage, somehow, to discover that the safety of the nation, the safety of our homes, and the stability of our economy, depend upon the election of the Republican candidates, from the Presidency on down to the Justice of the Peace.

So, I am told, that eight out of nine newspapers in this country supported Eisenhower over Stevenson in 1956, an advantage that becomes even more preponderant when you consider the size of the papers involved. In terms of circulation, the Republicans enjoyed the backing of the press by a ratio of about 35 to 1. When faced with these hard facts of life, is it any wonder that people laugh when they celebrate a Democratic victory at the polls?

This brings me, my friends, to the subject I would like to discuss this evening, a subject of much importance to you as newspapermen, and to me as one involved in public life, but, most of all, a subject that is vital to the preservation of enlightened self-government—the free press.

It is a little presumptuous, I realize, for me to talk to you about a free press. You know the press much more intimately than I. It is your profession, and a proud one. But a free press is also a part of the American birthright. It is expressly guaranteed in the First Amendment to our Federal Constitution. It has been an articulate companion of our people, from early colonial times to the present day. Still, the "free press" is a term so loosely used, and a concept so widely misunderstood, that one cannot clearly discuss it without first attempting to define it.

What is a free press within the meaning of our own national experience? Perhaps we can understand most clearly what it is, if we first briefly consider what it is not. For one thing, it need not be, nor has it actually ever been, a *balanced* press. I have already adverted to the fact that we have what approaches a one-party press in a two-party country. This works a hardship on Democrats; it is a windfall for Republicans. But a free press must be free to be as partisan as it pleases. It has never been nicely balanced in our entire history.

Secondly, a free press, within our American legacy, is not a *government* press. It is neither owned by government, sponsored by government, licensed by government, controlled by government, or responsive to government. This is a concept that our whole tradition rejects. We regard as a plan absurdity the argument of Andrei Vishinsky, in his capacity as a student of the Soviet Constitution, that the Soviet Press is free because the might of the Soviet State is used to keep it in the hands of the proletariat!

It is true that modern radio and television, because wave lengths cannot be shared, may need some kind of direct government regulation or control; as in Britain, they may be owned by the state, and still remain free of the censor's blue pencil. Our own airwaves are publicly licensed to private enterprise; their license includes freedom even to editorialize. It is, however, so difficult to editorialize under the objectively "fair" regulations of the F.C.C., and even more difficult to support political causes and candidates, that most radio and television stations simply refuse to become involved. Unlike the press, in this special sense, they are not free. In the same special sense, a government press, though operated by the most tolerant and benevolent government conceivable, would not be free.

Our free press, then, is a private press, variously owned by private citizens, who may use their respective newspapers to support such causes as they may choose to favor, and to criticize such causes as they may choose to disfavor. The heart of the free press is its independence of the government, and it finds its essential meaning in its right to criticize the government.

Now that I have attempted to define a free press, within the meaning of our national heritage, I would like to submit to you that it is today contending against two enemies—one from without, and one from within. The first of these, the one from without, is the traditional enemy and natural adversary of a free press. It is government. The Roman Emperor, Caligula is said to have once expressed the wish that the entire Roman people had but one neck so that he might decapitate them all with one stroke. I suspect that many a public figure today, subjected to the full might of press criticism, has had, fleetingly, the same black impulse as to the press.

No government, no administration, no public man, has ever been, or will ever be, always right. To remain free, the press must remain suspicious of the inherent desire of men in public life to escape criticism, to receive praise, and to conceal evidence of blunders and poor management that might bring discredit upon them. I repeat, a free press and government are natural adversaries, kept apart only by such wise protections as are unequivocally provided in our Bill of Rights, and the eternal vigilance of the press itself.

In many countries within our own time, the inevitable antagonism between press and government has resulted in the outright murder of the free press by the government. In Germany, in 1932, the coming to power of Adolph Hitler marked a sudden death to the free press. In Italy, freedom of the press was the early victim of the tyranny of Mussolini. In Russia, an infant free press was murdered in its cradle by the Red tyranny. In Argentina, not many years ago, the final eclipse of the free press came with Peron's seizure of *La Prensa*. Now when a man is murdered in the streets, it is plain enough for all to see that a crime has taken place, but seldom do headlines track the ebb of strength of a person suffering from malnutrition. The threat of government to the press is not symbolized solely by the sound of hob nails in a city room. A subtler threat is posed by the muted splat of rubber stamps on heaps of government documents. The words, "confidential," "secret," "top secret," "administratively classified," and a score of other similar terms are becoming all too familiar right here in the United States.

The present danger to the contemporary American newspaper is what I would call, with scant thanks to the Republican National Committee, creeping concealment. I mean by this the use of the techniques and jargon of security to conceal the misdeeds, the bad judgment, and the failures of an Administration unused to criticism.

A subcommittee of the House Government Operations Committee, under the able chairmanship of Representative John Moss of California, has been looking into this issue for several years. Its findings, which have been made quite public, are shocking in the picture they display of government agencies using techniques which were devised originally to guard deep defense secrets, to conceal their own ineptitude. A few examples should suffice.

One office in the Pentagon refused to divulge our military consumption of peanut butter, on the grounds that this figure could be used, presumably by some peanut-butter expert in the Red Army, to deduce the size of our armed forces. The size of our armed forces, incidentally, is announced every day of the year by another official in the Pentagon, who does not, let us charitably suppose, eat peanut butter.

Another ironic example of this snowballing practice is found in the work of the now-defunct Office of Strategic Information. The function of OSI, which the Committee finally was able to force its officers to discuss, was to devise methods for restricting the dissemination of unclassified information. In other words, the OSI was not safeguarding classified information; it was preventing the dissemination of unclassified information.

Mountains of materials are now locked in the stacks of many of our university libraries, because these materials were once used in a secret project, and no one is willing to assume the responsibility of declassification; this is an appalling symptom of the spreading paralysis to the circulation of knowledge. Responsible scientists have stated that if present security arrangements had been in effect before World War II, the United States would not have been the first to develop the atomic bomb.

Perhaps the most astonishing revelation made by the Moss Committee was its finding that over one million public servants, counting those in the military, now have the right to classify information. Few indeed are those empowered to declassify information, and fewer still are those who will. Some agencies actually are reported to have no established technique whatever for declassification, and the entire system is permeated with the spirit of the rule actually stated by one agency, "If in doubt, don't give it out."

Apologists for this Administration may cry that the creeping concealment to which I have referred is not purposeful, but is rather the inevitable by-product of an entrenched bureaucracy. But surely this easy out cannot explain away the very purposeful, yes, arrogant, attitude of this Administration toward the gathering and reporting of news from abroad.

I think we would all do well to recall the years preceding the Second World War. Before our entry into that conflict, American newsmen were at work in Germnay and Italy. Despite the rigorous censorship and the coloring provided by the propaganda controls of such master propagandists as Joseph Goebbels, these newspapermen kept America informed and alert to the gathering dangers. Can anyone who remember 1937, 1938, and 1939, serious contend that the presence of William L. Shirer, Hans Von Kaltenborn, and other great reporters in Berlin and Prague and Vienna detracted from American security and preparedness? Of course not. Yet when equally enterprising newsmen, this time working for a television network, recently brought Nikita Krushchev into our living rooms, President Eisenhower himself told us with a frown, that this was merely the effort of a private concern to improve its financial position. This, as far as I know, marks the first time that the profit motive has been greeted with anything less than enthusiasm in the White House.

But the most provoking example of this Administration's policy toward hamstringing a free press is to be found in the strange performance of the State Department with respect to allowing American newsmen to go to China. The Dulles pronouncements on this score are an affront to the intelligence of a free people, and a dangerous inroad upon the free press.

For example: to Arthur Hays Sulzberger, Dulles uttered the curious dictum that "the Constitutional 'freedom of the press' relates to publication, and not to the gathering of news."

Even the friendly Arthur Krock, of the New York Times, concludes that Mr. Dulles apparently believes that whenever, in his opinion, the foreign policy of this Administration is served by censorship of news-gathering abroad by American newsmen, such censorship may and should be imposed. It is a corollary position of Dules that when such reporting is permitted at all, it may be on such terms, and for such periods, as the Secretary determines. In a news conference as recently as this week, the Secretary of State said flatly that American newsmen, like all American citizens, have "an obligation to be responsive" abroad to the foreign policy of this Administration.

About a week ago, I was in Buenos Aires, where I had an opportunity to confer with Dr. Alberto Gainza Paz. This dignified, aristocratic gentleman little resembles the stereotype of a crusader-journalist. But his paper, the world famed *La Prensa*, was noted in its 81-year history, before being seized by the Argentine Dictator, for its restrained, scrupulously objective, and thorough reporting of domestic and foreign news.

We discussed this matter of getting American newsmen into China, and our talk developed the metaphor of the free press as windows through which our countries receive the illumination of knowledge of things transpiring in the world outside. If our government is permitted to hold the curtain drawn over one such window, we are shut off from that much illumination. The darkening may be imperceptible at the beginning, but as twilight comes along it is *our* eyes which suffer from the lack of light.

Dr. Gainza Paz and *La Prensa* typify the role of a free press as the natural adversary of government. In the five years prior to its suppression in 1951, Peron writhed under the merciless and continued exposure by this newspaper of his pillage of the nation. It was a proud saga of a fearless newspaper that preferred death to forsaking its role of criticizing and exposing bad government. The world rightly cheered when *La Prensa* was returned to its owners and resumed publication as a free paper in 1956, pledging, as it did so, "to cooperate without wavering, with concern for the public good in the service of truth, justice, culture, and progress, and, as always, in the defense of freedom."

We all ought to rejoice in the return of *La Prensa* to a land in which freedom has been restored. We should also rejoice in the fact that no newspaper in this country is threatened today with the fate that befell *La Prensa*. Yet, let us not forget that any government, including our own, remains the natural adversary of a free press. The vitality of a free press in our own country, I submit, is being threatened today by the creeping concealment practiced by this Administration, and by the outright espousal in the State Department of doctrines utterly alien to the traditional rights of the free press as we have known them. In view of this, it is ironic, indeed, to see the great majority of our newspapers persist in dutifully licking the hand that would muzzle them.

This brings me to what I regard as the second enemy of a free press in this country—an enemy the more insidious because it comes not from without, but from within the press itself.

At the outset of this address, I postulated that the free press was a private press, variously owned by private citizens, that possessed, above all else, the rights to criticize the government. This right rusts with disuse. Therefore, it is my belief that freedom of the press can be endangered by self-imposed restraints, as fully as by government-imposed restraints. In this country, we have suffered for five years a self-imposed press policy about the person and the office of the President which departs significantly from the standards we had theretofore come to accept as normal.

The alliance between the press and the Eisenhower ticket was the legitimate prerogative of the press, in the campaign of 1952. But when candidate Eisenhower became President Eisenhower, and when the pitchmen of the candidate became the servants of the people, then the press should have resumed its traditional practice of holding the new President to account, as his predecessors had been held to account before him. In failing to do this, the press of the United States has displayed a gentleness toward the occupant of the White House, unprecedented in the annals of journalism in this or any free country. This alliance of press and administration has been disturbing enough, but by no means has it been as disquieting as the developing spectacle of the present, where the press attempts to continue alliance with the President, but, conscience stricken, to sever its alliance with the President's administration.

The reluctance to criticize the President, of which the press seems so apparently guilty, has manifested itself in the formulation of a curious constitutional mythology about the Presidency itself. This mythology has left its mark on the thinking of members of both political parties and may make serious inroads upon the constitutional common sense of the American people. I am referring here to a separation which the Founding Fathers never conceived, but which modern press coverage now seems to be creating, between the President and some many-headed organism known as the Administration.

Since 1952, criticism of Administration policies has been directed at Presidential subordinates rather than at the President himself. The tight-money policy has been criticized—but usually as George Humphrey's tight money policy; the foreign policy blunders have been Dulles'; the defense policy turn-abouts have been Wilson's; the farm program is the Benson program; the betrayal of the public trust in the conservation and protection of our natural resources used to be charged to Doug McKay, but now it is a mystery who is the culprit, with Sherman Adams, Fred Seaton, and Jerome Kuykendall the principal current suspects. Some even suggest, in the best traditions of the American detective novel, that the real culprit is not the butler, but the caddy.

Now it is entirely possible, as some have intimated, that the President has had little to do with the formulation of these policies. But I remember, not very long ago, when every action of every official of the Administration, no matter how far down the line, was laid directly at the feet of the President. It was Truman's labor policy; it was Roosevelt's NRA; it was Roosevelt's court-packing bill; it was even Truman's war. The Presidents who preceded Eisenhower received the blame for every peccadillo that took place in their official families, however remote.

I even remember substantial numbers of Republican leaders blaming Truman because some West Point football-playing cadets were expelled for cheating. It was never very clear whether Truman was being blamed for their expulsion, for their cheating, or for the difficulty of the examinations. But blamed he was. He may not have been personally responsible for the actions of all those in the executive branch of the government, but under our Constitution, his political responsibility is just that broad. The Constitution does not establish an executive cabinet. It vests the executive powers of the nation in the President. The President alone is elected to a position of executive responsibility. Neither the size of the government, nor the complexities of the problems with which it must cope, absolves the President of the responsibility of the policies of his administration. No strong President would expect, much less receive, dispensation from the press which tends to give him absolution from this responsibility. In spite of their treatment at the hands of an unfriendly press, I am sure that our previous Presidents would all agree with that pungent Trumanism, "If you don't like the heat, stay out of the kitchen!"

But today, as I say, we have a President who is being partially shielded from responsibility for anything his cabinet members or his party leaders, in or out of Congress, do. For the first time that anyone can remember, large segments of the press continue to treat Eisenhower as though he were some kind of constitutional monarch, as free from criticism as the Queen of England.

I do not mean to suggest that the habit of deference toward the present occupant of the White House is confined to the press alone. I confess that we Democrats have conformed to this new pattern, and have shown a novel reluctance to charge the President personally with the responsibility of his administration. Perhaps we were intimidated by the unquestioned popularity of this man. Perhaps we felt that both Roosevelt and Truman had been attacked excessively and unjustly and that it was, in truth, "time for a change." In this I feel we have been wrong—as wrong as the press.

This willingness to separate the President from the serious business of the government seemed to reach a comical climax the other day, on the floor of the Senate, when a prominent proponent of the civil rights bill who is staunchly identified as a "modern Republican," fended off an assertion that the President had expressed a view different from the provision of the bill he was defending, with the beguiling reply that the President's own remarks at his press conference did not represent the official position of the Administration, as defined by Attorney General Brownell.

I can find a difference between the lapse of politicians and political parties in forgetting temporarily the essentials of our constitutional system and the concept of executive responsibility, and the same kind of lapse on the part of the press. The difference is in the fact that the press is the steward of the most fundamental of our liberties. Its failure to keep this liberty alive, its permitting its force to dwindle or flicker, is destructive of the liberty itself. The liberty of the press belongs not to the press, but to all of us.

Political parties do not have this public stewardship in the same degree. The retribution visited on political parties is delightfully, or painfully, but most important of all, frequently, experienced. They burn each other out in the forge of constant combat, and they face the electorate with regularity.

So I believe that the press must vigorously practice its right to criticize. It must not be a respecter of persons. No one is so exalted, no one so ensconced in the dignity of his office, that he should not be called to task for his own errors, or for the errors of those for whom he is responsible.

Presidents, like Senators and County Clerks, are people. They are fallible, and they have, in essence, asked for criticism by offering themselves to a sovereign people as temporary leaders.

I would not want you to think that I am asking the press to criticize President Eisenhower a little more, and the Democrats a little less, as has sometimes been asked of it. Let the press keep its shafts aimed at all those in public office, holding all to account for the full measure of their responsibility.

The right of the press to criticize is a treasured right that can never be taken for granted, because it is never entirely secure. In one sense, it is like a muscle, which will grow weak and useless if not constantly exercised.

If the habit of criticism wanes, so, inevitably, will the vitality of the free press itself. The natural energy of government, invited by a compliant press, will encroach further and further upon the diminishing scope of press freedom.

You—our hosts tonight—are men and women of the press. As long as you keep the free press strong, government will never fatally trespass upon the liberties of the people. But if you permit it to be weakened, government will inevitably encroach upon its domain—and the first chapter will be written in the book that could one day bear the title: "The Decline and Fall of American Freedom."

QUESTIONS WISDOM AND FORESIGHT OF HIGHWAY ENGINEERS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DINGELL. Mr. Speaker, throughout the land, citizens are questioning the wisdom and foresight of highway engineers and planners and are rising up in protest against ill-conceived highway projects. Parks are being destroyed, neighborhoods displaced and people uprooted from their homes by highway projects, some of which have been on the drawing boards for years. While most planned highways have been justified on the basis of economic feasibility, little or no attention has been or is being paid to the environmental and social costs involved. All too often alternative modes of transportation are not being considered until after the decision to proceed with a highway has been made. Thus, total transportation system plans, geared to the needs of people rather than to accommodate a single means of transportation—the automobile—are ignored.

A case in point, and one which serves as an excellent example of what is happening in many places across the country, is the controversy evolving around I–66, a highway planned to be constructed through Arlington, Va., a suburban community located across the Potomac River from our Nation's Capital. Mr. Bright N. Springman, an Arlington resident, recently made a presentation before a group of local citizens concerning this highway. I ask unanimous consent that his remarks, which summarize feelings of a large number of Arlingtonians appear at this point in the CONGRESSIONAL RECORD:

PRESENTATION BY BRIGHT N. SPRINGMAN

Arlington, Virginia, known throughout the country as the site of one of our most hallowed shrines, the Arlington National Cemetery, is also an urban community, a pleasant home for many people. But like too many other American urban communities it is faced with the unpleasant prospect of a huge highway coming through. In Arlington it is an interstate superhighway which will literally cut the county in half, degrade the numerous pleasant neighborhoods along its path, destroy completely a national parkland, mar the renowned scenic beauty of the Potomac River above Arlington and Georgetown with yet another bridge, overrun the beautiful McCoy azalea gardens, and like some catalogue of horrors the destructive by-products of this unwanted and unneeded highway go on and on. Less than one-half mile from the resting place of our most honored dead and directly through the quiet residential communities of the living, through Dominion Heights, Maywood, Lyon Village, the Fort Strong Highlands, and through the community of Rosslyn will come another monstrous highway bringing to the river's edge *20 automobile lanes*. Interstate 66 and 266 as these roads are known will, as officials of the Virginia State Highway Department blandly state, facilitate another 150,000 to 175,000 cars a day. Does the Washington metropolitan area need or can it stand another 175,000 cars a day? From the Virginia Highway Department the implied answer is that city congestion is somebody else's problem, our business is road building. Billed and funded as an interstate highway I–66, I–266 is a complete hoax. It is a commuter expressway for outlying suburban areas as everyone including the highway department is fully aware. The roads we have can handle the traffic coming from Strasburg, Virginia (the other end of I–66), what they cannot handle is the crush of rush hour commuter automobiles. Here is a situation crying out for fast, efficient, economical, pollution-free rapid transit, subway and express bus service—for modern mass transit facilities. Instead we are inflicted with a grossly overdesigned already obsolete superhighway.

In Dominion Heights the eight lanes of Interstate-66 will come within 150 feet of the Thomas Page Elementary School. In place of the tree-covered parkland next to the school the area will be covered with concrete, bringing noise, vibration, filth, and fumes to the children. It would be criminal, knowing what we do of the ill effects of such roads to build a school in this location. Is it no less criminal to build a highway next to the school?

A short distance away the highway passes the Washington and Lee High School covering adjoining parkland and a stream that has been used as a unique bio-ecological outdoor laboratory. What a bitter lesson for the students engaged in developing skills to aid our ailing environment.

Then, as the massive road approaches the river it swings through Spout Run Parkway, part of our National Park System, supposedly with the highest protection our nation affords its treasured parklands. There the destruction is unbelievable. Of the 31.6 acre of parkland, *17 acres or 54 percent will be covered with concrete*! It is here I–66 divides, or rather multiplies, eight lanes cutting through the historic Fort Strong area at the west end of the park with another six lanes forming the I–266 approach to the now notorious Three Sisters bridge. Together with feeder lanes and access lanes the park supports 18 lanes of highways at one point.

One final depradation in this park will be the loss of Spout Run, a free-flowing stream—the namesake of the park. The road builders consigned Spout Run to an underground concrete culvert the length of the park. Here, unmentioned in the highway report to the people of Arlington, unmentioned in a special Highway Department report to Governor Holton, hidden within the maze of lines in the construction drawings is the final atrocity of I–66, I–266, in Arlington. Almost one mile of stream buried in a sewer pipe, a fact that the people of Arlington would have discovered only when the bulldozers and earthmovers were at work had it not been accidentally uncovered by citizens studying the highway plans. When questioned about the loss of Spout Run the highway engineer's response was—"an engineering necessity."

As the I–66 highway leaves the Spout Run Parkway and the deep cut through the Fort Strong Highlands it joins with an enlarged Lee Highway to form 14 lanes for the last mile to the river. Entirely covering a 350- to 400-foot wide corridor this road forms a veritable river of concrete that has probably never been duplicated in any urban area in our country. Mammoth, massive, a gigantic—words are powerless to effectively describe what will become a permanent disfigurement of this landscape. From the air it will be the biggest most visible feature in the Washington area. This monument to the road builders will make the federal mall look underscaled by comparison.

Altogether the damage described above takes place, not in a 20-mile stretch or a 10-mile stretch of highway but in the three miles of I–66, I–266 between Glebe Road, Arlington and the Potomac River. In this brief space of three miles over 7,000 mature trees will have to be taken for the highway. And as this tree cover indicates the I–66 corridor is largely parkland, parkland of prime recreational potential in a county short on parkland. Consider the large bird population, the numerous small animals, the *unpaved* land that makes the area so attractive to children. Consider also that trees produce oxygen, that they are *right now* our last best defense against the poisons of auto exhaust and other urban air pollution.

As it stands now I–66 ends at the beltway outside of Arlington. Perhaps if justice prevails it will never come inside the beltway—and our transportation needs will be met in a more intelligent, more humane manner. I–66 was planned long ago. In 1958 brief hearings were held and the location approved. Since then the road grew to its present swollen size on the drawing boards of the Highway Department. Blind to all the changes in the last 13 years in our country—socially, technologically, environmentally, the Highway Department is adamant in refusing to reconsider any other alternative or even to discuss the merits of the road. It is a matter of record that in 13 years *not one environmental study* was made of this road. Only after strong citizen opposition formed after the designs were made public did the Highway Department hire an environmentalist, who is actually a landscape architect, to "refine" the highway. But even before this token accommodation was realized the State of Virginia Commission approved the project for construction and sent it to the U.S. Department of Transportation for 90–10 funding. That is where this appalling roadway proposal now rests—awaiting Mr. Volpe's decision. Recently Mr. Volpe referred to urban road building as a "brutally vicious cycle" of more roads, more cars, more roads, etc. He called it a "self-perpetuating disaster" for our cities. Nowhere could this description be more fittingly applied than to the I–66, I–266 roads in Arlington.

In conclusion and with some hope I quote a statement of February 8, 1971 by President Nixon referring to similarly ill-conceived construction projects such as the vetoed Everglades jet port, and the vetoed Cross-Florida Barge Canal when he said, "I have proposed to the Congress a sweeping comprehensive program . . . to end the plunder of America's natural heritage."

People in Arlington know exactly what the President means. Let us stop this senseless superhighway. Let us break with this nightmare out of the past and start building a better world for ourselves *and our children*. Let us stop this plunder of our land, of America's natural heritage.

I–66, Glebe Road to Rosslyn, 3 miles long. I–266, Lorcum Lane and Spout Run Parkway to Three Sisters Bridge.

Dates of Hearings: I–66—1958 and September and December 1970; I–266—1964 and December 1970.

I–66 Acreage: 103 acres right of way, approximately.

Park acreage: Spout Run section of George Washington Memorial Parkway 31.6 acres. 54% covered concrete. 100% affected.

Stream loss: Spout Run .8 miles, Upper Spout Run .2, no name .3.

Trees loss: I–66—estimated 7,000 mature; I–266—undetermined number.

Lanes: 20 lanes at the river (600–700% increase over present three-lane corridor).

Local traffic: I–66 will not serve area traffic. Arlington residents will have limited access only at Rosslyn, Lee Highway and Glebe Road—not full interchanges. It will bisect established neighborhoods and cut off all local streets between Glebe Road and Lee Highway except Quincy and Lincoln. Streets cut will total 21 with six replacements.

Earth moving estimates: I–66, 1½ million cubic yards; I–266—300,000 cubic yards.

Schools: Noise, air pollution, and vibration will radically affect 2,405 students at two schools along the route. The Arlington Education Center is near the route.

I–66 between Glebe Road and the Beltway: (Design for this section of the remaining six miles have not been made public but a few of the design features and some of the affected persons and properties are known.)

Lanes: Eight lanes with Metro median.

Parks: Bon Air Park 21.7 acres, 5–10% affected cover. Other parks along the route which will be adversely affected and will be less accessible are Westover Playground, Madison Manor Park, and East Falls Church Park.

Schools: Radically affected by noise, air pollution and vibration will be Stonewall Jackson Elementary and St. Ann's (grades 1–8). The latter may be forced to close. There will be adverse and negative effects on Swanson Junior High and McKinley Elementary. The School enrollment for these four schools is *1,997*.

George Mason Junior and Senior High and the Mt. Daniel Elementary schools both operated by the City of Falls Church will be adversely affected, the latter more severely. The enrollment for these two schools totals 1,279.

HORTON PRAISES BEAUMONT NEWHALL, DIRECTOR OF GEORGE EASTMAN HOUSE—WORLD'S FINEST MUSEUM OF PHOTOGRAPHY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. HORTON. Mr. Speaker, it is with mixed emotions that we consider the retirement of an outstanding man from a position of great responsibility and influence. So it is that we view the retirement July 1 of Beaumont Newhall as director of George Eastman House in Rochester, N.Y.

All who know this man for his eminence as an author, historian of photography, and museum director, cannot help but regret his leaving the post where he has, for the past 23 years, left an indelible mark on all facets of photography. We cannot do otherwise, however, than to wish him the greatest enjoyment and success in his newly chosen position as visiting professor of art at the University of New Mexico.

The George Eastman House, once the residence of George Eastman, is unquestionably the finest museum of photography in the world. While many outstanding individuals have contributed to its development and operation, a large measure of its success and prominence throughout the world can be attributed to the efforts of one man, Beaumont Newhall.

The position of director of the museum will continue to be in very capable hands, for at the time that Mr. Newhall's resignation was announced by Alexander D. Hargrave, president of the George Eastman House Board, it was also announced that the new director would be Van Doren Coke, deputy director since last July. Mr. Coke is eminently qualified for the top post and all who are interested in this great museum are gratified.

The announced departure from George Eastman House of Beaumont Newhall brought an outpouring of many tributes and much sentiment from throughout the Rochester community.

Andrew D. Wolfe, editor and publisher of the Brighton-Pittsford Post, wrote of Newhall:

> The worldwide fame and recognition which the Eastman House has attained is owed in large measure to Beaumont Newhall's quiet perfectionism, his unsurpassed knowledge of photography, his gentle, but persuasive personality and his incredibly clear vision of the role which could be played by a truly great museum of photography.
>
> When the cultural history of this area is appraised a century from now, the dimensions of his accomplishment will be fully recognized. He will be seen as the inventor of a new kind of museum—and as one of the central figures in developing a recognition of photography as one of the important fine arts and possibly the most compelling communicative art yet developed by man.

In conclusion, as I join the countless others of his well-wishers in saluting this outstanding gentleman of photography, I share with my collegues in the Congress some words that Beaumont Newhall himself wrote when asked to comment on photography and George Eastman House. I think they best of all summarize the impact of his years at the Eastman House and significance which photography holds for this country:

NEWHALL ON PHOTOGRAPHY

> Photography brings to us images at once immediate and everlasting. Through the camera we can see vanished cities, famous men of long ago, the horror of the battlefield, the exploitation of little children, the textures and patterns and beauty of our earth from the earth and now from the orbit of the moon. Photography discovers while it records, fixes not alone the moment but, if asked, the microsecond. It can prolong our vision as well as sharpen it. Photography, as well as its inseparable brothers, motion pictures and television, is a medium that can be at once powerful and beautiful, a medium as persuasive and informative as the vision of those who use it. Our age may well be known as the visual age.
>
> It is the mission of the George Eastman House to further photography, to explain its workings, to present its potentials, to preserve its history, and to indicate the position of this powerful medium of communications and expression in our culture.

OUTWITTING SENATE TO PAY THE THAI TROOPS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. WALDIE. Mr. Speaker, I want to include in the RECORD a third in a series of articles by Tammy Arbuckle which are appearing in the Washington Evening Star on his findings during his trip to Southeast Asia.

I have been struck by the alleged deception by our Government that Mr. Arbuckle has uncovered. I think we have all been disturbed, although not surprised, by the recent disclosure of the New York Times that in the previous administration such deceptions were thoroughly planned and that the Congress was intentionally misled in those very areas in which its authority lies.

Are we here faced with the realization that these sorts of practices are also being carried out by the present administration?

I request the attention of my colleagues to this article and also request that consideration be given to the investigation of the allegations contained therein, that is, that the Congress is being deliberately manipulated and misled.

The article follows:

OUTWITTING SENATE TO PAY THAI TROOPS

(By Tammy Arbuckle)

> VIENTIANE.—The Nixon administration reportedly has a new gimmick ready to pay for Thai troops in Laos if the Senate prohibits funds for the Thais, informed sources here said.
>
> The gimmick is to hide payment to the Thai troops serving in Laos in funds earmarked for Thailand itself.
>
> Formation of a force for anti-guerrilla activities in northeast or northern Thailand will be announced," the source said. But these Thais will be sent to Laos and the money for that force will be used to pay for the Thais already serving in Laos."
>
> The sources had no doubt this scheme would succeed. They said that although many Thai regular units were used in Laos, the Thai government as a whole was not fully informed of the situation.
>
> The U.S. government, according to the sources, makes lump sum payments or bribes highranking members of the Thai army and government for the use of these units.
>
> Some units are totally recruited from northeast Thailand, where Lao is the ethnic tongue, using the same system.
>
> Recruiting is done there with the help of Thai military commanders. Sources gave this response to questions on feelings among Lao military officials following statements in the U.S. Senate about cutting the financing of Thai troops.
>
> Now you can see why the (Lao) generals are not worried," sources said on the Senate outcry.
>
> Another Lao source said you must understand we need the Thais."
>
> None of the Lao generals was willing to send reinforcements to Gen. Vang Pao, the 2nd Military Region commander whose Meos have been taking the brunt of North Vietnamese attacks in north Laos.
>
> Lao military sources said Premier Souvanna Phouma himself requested additional help for Vang Pao, who lost most of his able-bodied Meos in action.
>
> Meanwhile, Thai troops in North Laos are taking serious casualties, now estimated at 700 killed in action, over half of them this year.
>
> The high casualties were caused because the Thais, with some bravery, made infantry charges up the hill slopes at Ban Na on the edge of the Plain of Jars against dug-in Vietnamese machine gunners. Lao troops who did not expose themselves to fire in the same action, suffered few casualties. "We did not just charge up the hills like the Thais. We were acting independently," said a source.
>
> Thailand's two battalions which took part in the Ban Na attack were further decimated by three accidental U.S. air strikes on them. These U.S. errors took place on April 1, April 4 and April 6 this year on Thai battalions 904 and 600.
>
> Thirty seriously wounded Thais were taken to Udorn hospital in northeast Thailand and 40 more were treated at Long Cheng.
>
> All told an estimated 100 Thais were killed on the slopes near Ban Na, where the incidents happened.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A NEW GOAL FOR THE SEVENTIES

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. HARSHA. Mr. Speaker, in 1966, the Congress passed legislation dealing with highway safety which was designed to provide the legislative wherewithall for mounting a nationwide campaing for safer highways. I am sorry to report that from the outset this program has been hampered by a shortage of funds—particularly in the area of research, development, and implementation of effective countermeasures for the problem of the drunk driver.

According to the National Safety Council, over 55,000 people died, 2 million people were injured, and over $8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted. It is my conviction that the national outcry for strict legislation placing the burden of guilt on the problem-drinking driver should no longer go unheeded.

For this reason, I direct the attention of my colleagues to an article published in the recent addition of Analogy magazine entitled "A New Goal for the 70's" by Douglas V. Toms, Administrator of the National Highway and Traffic Safety Administration of the Department of Transportation.

This article discusses two questions: "Does the public really want drunk drivers off the road?" and "How strict does the public want drunk driver law enforcement to be?"

I commend this article to my colleagues and include it in the RECORD at this point for their consideration:

A NEW GOAL FOR THE 70'S

(By Douglas V. Toms)

One trillion, 71 billion miles of highway travel is an incomprehensible number, an incomprehensible distance to those of us for whom the automobile is merely a means to get from here to there. Yet that is the mileage total rolled up by Americans in the United States alone in 1969. The estimated total for 1970 adds 43.4 billion miles, a five percent increase.

If many of our highway safety problems seem to defy solution today, they take on truly frightening proportions in the light of the prediction that these mileage totals will increase by half again in the 15 years ahead. The increase will bring parallel increases in the number of drivers, especially youthful drivers, and in the consumption of alcohol as well.

Confronted by this multiple challenge, the National Highway Safety Bureau has given top priority rating to two companion programs for highway safety—alcohol countermeasures and crash survivability. Concerning the former, a recent Allstate pamphlet posed two questions which go to the heart of any program that aims at public support for control of the drunk driver; first, "Does the public really want drunk drivers off the road?"—and second, "How strict does the public want drunk driver law enforcement to be?"

To the first, the answer undoubtedly is "Yes"—but with reservations in some respects peculiar to the American public. These "reservations" have made an attack on drunk driving historically difficult. They are therefore a first target for the Bureau's countermeasures.

Fundamental to American apathy is the fact that about 75 percent of our licensed drivers drink, and it is probable that most drive after drinking, at least occasionally.

Thus, the majority of American drivers feel guilt in dealing with the enactment and enforcement of drinking-driving laws. Recent research however, suggests that it is not the moderate user, but rather the abusive user of alcohol who is most frequently involved in fatal and serious highway crashes. As a result, our current drinking-driving laws are aimed at excessive consumption, two or three times that typical of most moderate social drinkers.

Most Americans fail to understand this distinction between moderate consumption and the excessive levels prohibited by law. Thus, they assume that individuals arrested for this offense have "just had two beers," and were just unlucky to be caught—"There but for the grace of God go I," is the reaction of all too many jurors, judges, and legislators. "Yes," the public wants drunk drivers off the road—but not if it means less of their own driving privilege for "the 75 percent."

The alcohol countermeasures effort aims, first, at bringing public understanding that the average social drinker who used alcohol responsibly, need have no such fear; second, the effort attempts to produce a better understanding of the problem drinkers who are most frequently involved in fatal or serious crashes related to alcohol.

Case histories of these "problems" show, almost invariably, repeated arrests for drunken driving, or other arrests in which alcohol was a factor. Many show additional social maladjustments, including treatment for mental disorder and job absenteeism arising from alcohol abuse. Common to most is a variety of abnormal traits underscored by marital, legal, and economic difficulties—all alcohol related.

In contrast, what of—the social drinkers—and their relationship to highway safety?

They do occasionally drink excessively before driving and become involved in a crash. But most research studies suggest that the large mass of social drinkers are far less likely to be involved in serious highway crashes than the problem group—even though the problem drinker is outnumbered almost 9-to-1 by his social drinker colleagues. While a measurable impairment to driving skill probably occurs with any drinking, the drivers and pedestrians whose contribution to the highway death toll is a sickening 50 percent, are not 1- and 2-drink drivers, but are predominately problem drinkers—and, to a lesser extent, heavy "social" drinkers who have consumed far more than the ordinary, responsible person.

The alcohol countermeasures effort, therefore, recognizes this first requisite for wide public support: that the *average* American driver does occasionally drink in moderation, does drive, does reach his destination safely. As a result, programs stressing abstinence before driving are not likely to be effective. The public will not support a stringent program aimed at itself!

On the other hand, the public, once aware that the problem drinker is identifiable as a small percentage of the whole—given to heavy and habitual alcohol abuse, and accounting for a third of *all* highway fatalities—*can* be expected to give the total support necessary to achieve control of the problem drinker, and prevent his use of the highways when he is drinking.

"How strict will the public become?" Just as strict, the Bureau believes, as it *must* be to achieve permanent control of the problem drinker-driver.

Alcohol countermeasures will utilize each of three basic means for identification of the problem drinker. These include highway apprehension, identification through individual court records, and profiles made available through health and social agencies.

A primary requisite for apprehension is the chemical blood test, together with laws establishing the "line" between legal and illegal blood alcohol concentrations. Here, again, the public must be brought to an understanding of the wide gap between the social drinker's normal "achievement" as to blood alcohol concentrations, and the problem drinker's frequent—though far higher—BAC attainment.

BAC is a term meaning percentage-by-weight of alcohol in the bloodstream. The heavy drinker often and habitually attains a BAC of .15 percent; and some frequently attain levels of .20 or even .30 percent! For the 120-pound drinker, indulging his habit within two hours after eating, a BAC of .15 percent requires no fewer than seven one-ounce drinks of 86-proof whiskey; all to be consumed in one hour. Taken on an empty stomach, the same drinker would reach the same state of intoxication with one-third less quantity.

By comparison, the social drinker rarely exceeds blood alcohol concentrations exceeding .05 percent; tending to drink less and tending to spend more time in the process. Since the body normally eliminates alcohol from the system at the approximate rate of one drink per hour, it becomes a theoretical possibility for one to consume alcohol at this same rate—over a long period of time—without ever attaining a critical BAC reading.

Along with the devices to measure BAC—supplied to highway patrols in sufficient quantity—improvement in highway apprehension and arrest will continue to call for enactment of "implied consent" legislation in all of the states. Requiring that each citizen who takes out a driver's license agree, in advance, to submit to chemical blood tests if confronted with a drunk driving charge, the implied consent statute poses no threat to the innocent. There is even little statutory threat to those whose BAC readings remain below .08 percent—the lowest level at which drunkenness is legally presumed (in Utah, only). Twenty-five states have set this presumptive level at .10 percent, while 21 states and the District of Columbia specify a presumptive level of .15 percent. In three states, their "presumptive" BAC levels are interpreted as "proof" of drunkenness; Delaware and Nebraska, .10 percent; New York, .15 percent.

An obvious need, of course, is uniformity throughout the states, in regard to the presumptive level and in the methods of BAC measurement. Three states have no legislation whatever that is applicable to BAC measurement.

The National Highway Safety Bureau recognizes that even with strong public support and a greatly improved record of identification and apprehension, the goal of ultimate control must rest with U.S. traffic courts and the juries. Safety professionals have long recognized that heavy fines and the penalty of license revocation have failed as total answers to the drunk driving problem. Misplaced sympathy, as between judge and the accused, of judge and the family whose breadwinner is threatened wtih loss of license—and job—is easily as widespread a fault of the system as the indulgent jury which fails to convict despite overwhelming evidence.

The thrust of the counter-measures program which aims at fuller public understanding will be aimed at the judiciary as well. Pre-sentence investigations will be urged in order to establish the extent of the accused's drinking history and problem. An end to leniency will be urged, where the violations have been repeated and flagrant. A drive to provide better treatment techniques and facilities will point the way toward revocations which are reinforced by means to rehabilitate and then return the problem drinker to job and family.

Finally, the heart of the NHSB countermeasures program lies in the development of community action demonstration programs which will involve the American driver at home, in his own community, "where the action is." The total program calls for at least one such demonstration project in every state, others in larger cities and special areas with unique potential for effecting "cures" of the problem.

Nine of these demonstrations, an aggregate allocation of $18 million in Federal funds, are already in the opening phases of operation, as announced by U.S. Secretary of Transportation John A. Volpe last June. Each of these will operate over a three-year period and encompass a variety of specifics directed toward curbing alcohol-related, highway safety problems. The first nine, termed alcohol safety action projects (ASAP), together with a brief description of objectives, are as follows:

In the Denver metropolitan area, the Colorado State Department of Health will implement and evaluate a broad program aimed at identifying the problem drinker-driver; controlling his driving while he is being rehabilitated; and improving surveillance and follow-up of offenders.

In Oregon (Portland), identification of drivers who drink abusively and then drive; development of community programs to control and rehabilitate problem drinkers.

At the University of Wisconsin (Marathon and Sheboygan counties) there will be developed four countermeasures descriptive categories: driver education, driver licensing, driver control, and community education.

In Washtenaw county, Michigan, major operational programs will be examined: (1) the use of protective drug Antabuse for the control of problem drinkers who drive; (2) early detection and control of other problem drinkers who drive; (3) a comprehensive information and education program designed to alter favorably the driving-after-drinking behavior of the public at large.

In Washington state there will be established and evaluated a broad program involving treatment, education, surveillance, and information.

In Albuquerque, New Mexico (Bernalillo county), countermeasures will reduce the incidence of persons with high blood alcohol concentrations who drive, will improve identification of problem drinkers who drive, and will initiate programs to modify the behavior of problem drinkers in general.

In Nassau county, New York, alcohol countermeasures will begin major programs of rehabilitation and prevention.

In Mecklenburg county, North Carolina (City of Charlotte), there will be implemented broad countermeasures programs involving public information-education and improved court procedures for better enforcement.

In Vermont, State Department of Mental Health, an effort will be made to document the nature and extent of the current alcohol safety problem within the state and to develop a detailed plan of action. Countermeasures programs will include surveys of the needs of drivers having license suspensions or revocations; there will be developed predictive psychological-biological profiles of drivers fron licensing examinations; and enforcement on the highways will be intensified.

Looking ahead, states and communities may expect an accelerated effort by the Bureau aimed at reduction of all alcohol-related highway deaths and the nearly one million crashes each year that maim and disfigure. The goal is a 50 percent reduction during the decade of the 70's. The Bureau predicts positive results through "fifty-fifty" state-funded programs, activated under Section 402 of Public Law 8954, and by community programs utilizing 100 percent funding under Section 403.

Maximum effectiveness of both state and community effort will hinge upon voluntary personal involvement of people—concerned action at grass roots level. At the least, the concerned citizen will be urged to join in the creation of community alcohol safety organizations, seeking better and innovative local programs for reduction of alcohol-related highway fatalities. There is nothing obscure about the national problem—an aggregate of highway deaths topping 500 a week.

These community alcohol safety organizations would develop a stream of pertinent facts. They will begin examination of their own enforcement systems; improved detection of problem drinkers, the availability of blood alcohol concentration chemical tests (three states have no chemical test laws); they will examine the record of prosecution and convictions, or failures of the judicial process. They will investigate treatment programs for problem drinkers; the potential laxities in enforcement of driving suspensions; the record of repeaters and apprehensions, arrests and convictions, for "DWI".

The problem of identifying the problem drinkers may be approached in many ways. One way would be the wider use of the National Driver Register service by the states.

In passing the National Traffic and Motor Vehicle Safety Act of 1966, Congress took special note of the National Driver Register, a Federal-State cooperative, driver license exchange. If properly used, this becomes a single-national source for locating records that the problem drivers have established throughout the states. It can be an early warning system, alerting traffic safety authorities that a bad driving risk is trying to slip through the safety net after being denied an operator's license in another state. Forty of the states report all types of driver license revocations or suspensions. Ten submit transactions applicable to intoxication, driving, and fatal accident involvement.

More thorough use of the National Driver Register by all the states could be a big step toward eventual control of the drinking driver problem.

The NHSB seeks public support for its alcohol safety counter-measures program from national voluntary organizations, educators, medical, and psychiatric professionals. Plans aimed at greater public support and initiating a massive public education campaign, include a January 1971 alcohol and highway safety conference for women's national organizations convened by the Bureau. The conference brought together women's leaders and safety practitioners from Federal, state, and local governments, industry, universities and professional and volunteer organizations. Research information from this source and similar activities will be shared toward the end that more effective action programs may be initiated.

Finally, research and development activity will serve an important role in alcohol safety countermeasures. The range for study is virtually unlimited. Leading universities have been commissioned to identify characteristics of problem drinkers, to offer recommendations in techniques for retraining them, and to assess the role of drugs, and drugs in combination with alcohol in highway crashes.

Similarly, systems are being produced for detecting the presence of alcohol and drugs to which some drivers are addicted, improved protective drugs to discourage drinking and driving, and new interlock devices capable of making the motor vehicle inoperable for the intoxicated operator.

For the Bureau's Countermeasures program, however, the principal research tool must be those procedures by which we evaluate the overall effectiveness of our community programs and its individual segments. Much is to be learned for future application. It is the Bureau's intent that success will breed success, that successful demonstration will not die as Federal funding terminates but will, in its own right, earn the support and funding of local sources.

The national target of the Alcohol Countermeasures program is the 28,000-plus highway deaths caused by abusive drinking each year. A very significant reduction is attainable, through an informed American public determined to stop the needless killing.

"NEW ARTS LOCUS?" AN EDITORIAL FROM THE CHRISTIAN SCIENCE MONITOR

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD an editorial entitled, "New Arts Locus?" published in the Christian Science Monitor of May 29, 1971.

The editorial follows:

NEW ARTS LOCUS?

This week's cultural events in Washington can be viewed two ways:

One can compare Mr. Nixon's $60 million arts-humanities proposal for fiscal 1972 with, say, the administration's $250 million parachute for saving Lockheed, or with the per capita government outlay for the arts in European countries such as West Germany. Looked at this way, to be sure, support for the arts in America still is a rather low government priority.

However, when one recognizes that the $60 million is double what was sought last year, and that Mr. Nixon appears to be sincerely trying to get Congress to fund his budget request, Washington appears to be trying to arouse itself from its long-time cultural somnolence and to actually fund the arts nearer the level they deserve.

A second plus for the arts was registered in Washington this week as the legacy of previous administrations—the preview benefit held for the John F. Kennedy Center for the Performing Arts, which will officially open this fall. The building will house a 2,200-seat opera house, a somewhat larger concert hall, an 1,100-seat drama theater, and a smaller film theater.

Hopefully, the Kennedy arts complex will help generate another locus for the American arts, in the nation's capital. As it is, most major visiting groups from abroad customarily go first to New York. To the degree that Washington may rise as a reception point, the image of the government as open to the arts will improve. And more significantly, if vibrant resident Washington companies can be created in opera and theater, perhaps a stronger pattern for support of the arts will be encouraged across the country.

This said, there is no denying that Americans ought to do still more for the arts. True, the United States is still on balance the most energetically creative country in the arts. But this is more the happenstance of an indigenous artistic ferment, occurring against the grain as it were, than the result of public nurturing. Indeed, the strongest support for the arts has come from the private foundations and the universities, not from public coffers.

The times are financially perilous for culture. Many city museums are having to close certain wings. Even many city libraries are having to cut operations. Whatever distance, therefore, Washington can progress in support of the arts should be welcomed.

JOBS—THE REAL CRISIS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, the Senate-House conferees continue on Thursday, June 17, on the emergency employment legislation recently passed by both bodies—despite repeated rumblings that a Presidential veto is imminent. It is for that reason I wish to call attention to the widespread predicament that those in "secure middle-class suburbia" as well as the decaying inner cities find themselves. The dilemma is simple—no jobs, but the resulting problems and possible solutions are not simple. The administration's answer to this has been first, to attempt to substitute manpower revenue sharing for public service employment, and when that attempt failed, to create certain specialized counseling and work-hunting programs.

Mr. Speaker, the engineers and technical people who make up a large part of the unemployed do not need retraining, relocation expenses and employment services as much as they need a job at the end of the line. The economy of the private sector has already demonstrated its inability to absorb these people; both the skilled and the unskilled are filling the welfare rolls.

The Bureau of Labor Statistics shows May unemployment rate nationally of 6.2 percent, which is a return to the 9-year high of December 1970. But a closer look at the recent figures reveals a much bleaker picture:

> The average duration of joblessness lengthened in May, primarily reflecting a sizable increase in very long-term unemployment. The number of persons unemployed 27 or more weeks rose by 150,000 over the month to 580,000 seasonally-adjusted, the highest level since May 1963. The average (mean) duration of joblessness increased from 10.9 weeks in April to 11.5 weeks in May, nearly 2 full weeks above the 1970 high reached in December.

A sad and perceptive article written by an unemployed technical writer goes to the heart of the fallacy that training and education can solve everything:

> There is a satisfying notion that employment is related to education. We have been told that any number of jobs are available if only people with education and experience could be found to fill them. For many of the unemployed and underemployed, these assumptions have become a cruel hoax.

The article follows:

[From the Washington Post, June 6, 1971]

JOBS, THE REAL CRISIS

(By Keith W. Bose)

Bose, author of the book "Aviation Electronics," was dismissed from his job as a technical writer a year ago. At 49, he has been unemployed for eight of the past 12 months. This article was written for the Long Island daily Newsday and was distributed by the Los Angeles Times-Washington Post News Service.

I am unemployed. I am not part of an ethnic minority. My great-grandfather voted for Abraham Lincoln and wore Union blue. I am part of an increasing number of so-called "middle-class" unemployed who are now viewing the splendor of the nation's economy from its soft underbelly. Our numbers will increase in this new decade. We are only the vanguard of future legions as 20 million more workers come of age in the next 10 years.

Many of Richard Nixon's Silent Majority are discovering that only the thickness of a regular paycheck separates Middle America from the slum. In our preoccupation with the superfluous glitter of the affluent society, we have failed to discover that true affluence must be backed by ownership. Middle America does not hold title to its affluence.

We are not true bourgeois, for we are unpropertied. We buy precarious status on time payments. Our chattels become worn-out and obsolete when title passes to us. Our "affluent" consumer economy is a vast parasite feeding on our earnings, and neither frugality nor industry will help us escape.

There is a creeping sensation of futility which follows the white-collar worker to his job these days . . . a feeling of being an expendable pawn in an economic system which does not, in fact, include human service in the tenuous fiction of the Gross National Product. The white-collar worker suffers from a pitiful lack of bargaining power. If Black America is crying for recognition, White Middle America is praying that the myth of indispensability will endure.

HUMAN SURPLUS

Behind the facade of white stability lurks the haunting realization that the economy as presently constituted has a targic surplus of white-collar workers. It is finally becoming possible to garner bland statistics to support facts which the Middle American has felt in his homes for a long while—that more and more workers are becoming surplus and therefore fall under the control of Parkinson's Law: Trivial, superflous work expands as more and more people become available to do it.

Those who want to understand Middle America must understand that the maintenance of uninterrupted regular wages is mandatory to our very existence. If we appear uninterested in the politics of government, it is because we are consumed by the politics of keeping our job. Without our regular paycheck, we become indigent wards. We know that the constitutional guarantee of life, liberty and the pursuit of happiness has a hollow sound when our income may be unaccountably destroyed without the intercession of judge or jury. Lawyers are not willing to defend WASPs who have been fired.

An unemployed middle-aged former department head of an electronics firm tells it this way:

"At 4:30 on Friday I was called into the conference room. Charlie and Phil were sitting there with a small pile of papers. I sat down. My hands were sweaty.

"Charlie began the conversation. 'As you know, business is off. We are going to have to terminate you effective today . . .'

"I didn't have any witnesses with me, and they had each other covered. They gave me papers to sign. I asked to be allowed to take them home first to look them over.

"Phil said, "You will have to sign them now so we can clear you by 5 o'clock.'

"And that's how it was. After 25 years—the bastards terminated me in 15 minutes."

"MIDDLE-CLASS WELFARE"

The psychological pressure on us is soul-destroying. Soon in our careers we trade ethical and professional judgment for a regular salary. We were compromised. Buried in the trivia of our "career," we drifted without protection along a debt-ridden path to nowhere. For many of us, outstanding skill and moral judgment were a hindrance.

There is a satisfying notion that employment is related to education. We have been told that any number of jobs are available if only people with education and experience could be found to fill them. For many of the unemployed and underemployed, these assumptions have become a cruel hoax. The honest need for mechanical, electronic and other specialists was met long ago.

Some sections of the United States have been shocked by unemployment in the aerospace industry. We had forgotten that government-sponsored industry sparked earlier growth.

World War II and Korea thrust manufacturing into the peaceful potato fields. During the '40s and '50s military aircraft poured from runways. But as the 1960s dawned, large-scale production of military hardware faded. To get contracts, firms doing business with the government pushed for glamor products framed in the mystique of "systems design," which featured large proportions of engineering personnel with fewer blue-collar production types.

On the surface it would appear that the "defense worker" is well-paid for trivial work, hence more fortunate than those burdened by the competition of a free marketplace. Unfortunately, the defense worker was not as well off as it seemed even befoe the present massive cutbacks. Many jobs in Pentagon-sponsored work do not exist in ordinary commercial enterprises. Once a worker accepts this line of endeavor, he is forever doomed to depend upon the vagaries of Pentagon contracting for his lifework.

A few days ago, one unemployed systems engineer, sitting in his tastefully furnished living room, exploded: "The aerospace industry is middle-class welfare in disguise." These are bitter words, and many would like to dismiss them as sour grapes.

But it would be interesting for someone to examine the curious process whereby millions of middle-class Americans are able to find a job in the first place. Examination of the "help wanted" section finds many exotic specialties. A recent newspaper lists:

Manpower development specialist
Production traffic analyst
Quality assurance supervisor
Logistic control engineer
Financial aide
Planning analyst

All of these positions stipulate graduate degrees coupled with ponderously described past experience. Sometimes these jobs disappear when business sags—a process which appears in the financial pages as "trimming the fat." And few businesses are immune from fat-trimming. Edward Booher, a vice president at McGraw-Hill Inc., told The New York Times:

"We've reduced our staff five per cent across the board, or about 250 people, since last fall . . . I wouldn't say it was just because of the recession. We've grown so fast we found that we had to stop for a while and start eliminating some duplicate functions."

In such a way we describe 250 human tragedies. Now there are 250 souls adrift among the statistics, none of whom can become "manpower development specialists," "planning analysts" or God knows what because a vast, coercive mechanism has been erected that is weighted heavily toward the employer with jobs to offer.

BUYING SLAVES

A familiar psychological ploy is to capture the loyalty of the mediocre professional by paying him far more than he can earn anywhere else. This ancient technique is always good for a faithful slave. It is a characteristic of Pentagon-sponsored firms, since the government picks up salary tabs. Yet it is dangerous to assume that unemployed professional workers are dolts who may be neglected by politicians.

Figures presented by the shamans of the Bureau of Labor Statistics are being called a fraud by a loosely organized group of unemployed professionals who spend time between job-hunting in research. One unemployed engineer has discovered that 67,000 engineers have disappeared from the government count over the past year. "When an engineer becomes a taxi driver and gets laid off, he is no longer an engineer but an unemployed taxi driver, according to the government. I never had much confidence in bureaucracy, but now I am losing confidence in government itself," he says.

"Unemployment percentages are a political device. Such figures as '7.9 per cent' imply great accuracy, but the statistical sampling processes are never questioned," says another. Employment in Pentagon-sponsored industry is down by 30 per cent. It does not seem possible for this many specialists to have found re-employment in the depressed civilian economy. It would be more logical to assume that these men are unemployed or partially employed, and have disappeared from the population count of the Bureau of Labor Statistics.

The key to Middle America is silence. When Richard Nixon pandered to his Silent Majority, we responded with the smug assumption that we were silent out of inherent dignity. Now we are unemployed, and we are agonizing with introspection. Richard Nixon insulted us by calling attention to our silence. Did he know that we were silent out of laziness, stupidity and fear?

Laziness is unpleasant to admit. We have basked in the fiction that Americans are ambitious. But for the hundreds of thousands of middle-aged men now unemployed, we cannot look back upon evidence of ambition. Our adult lives began when we were drafted for military service. The furor of the media over Vietnam hides the fact that the life of an American serviceman is easy by international standards, and disgracefully few soldiers ever really fight. Even in the fury of World War II fighting, only a handful of soldiers were in actual contact with the enemy and therefore in any amount of real danger. For those serving in Germany or Japan after World War II, life could be absolutely idyllic.

After brief military service, as new adults we became eligible for subsidized college attendance under the GI Bill. College during the '50s was more an exercise in conformity than an intellectual experience. That was the beginning of our stupidity, in the days of the organization men who passed psychological tests and believed that the world cried for their services in vague contributions which still remain undefined. That was the decade when 2,400,000 of us accepted "professional" and technical jobs.

Professional life for us became an exercise in trivia, relieved only by the pleasures of split-level materialism. Buried in a job characterized more by jargon than the discipline of honest technology, we took little interest in politics, and we are baffled by the political gimmickry of today's campus.

But millions more workers have come of age, and gradually, over the past decade, competition for jobs has grown vicious. At some point in the life of every idealist comes the discovery that the virtuous worker is not necessarily rewarded. There was probably a time in a pristine economic order when lower-level workers could find a small measure of security simply by doing their job. Today craftsmanship and excellence are nostalgic relics.

As the economy exploded during the 1950s garrulous young personnel officers circulated pleasant rules for management-employee relations. The cult of "professionalism" guaranteed civil and amenable relationships. It was by and large a happy time for Middle America.

Now much has changed. We were seduced by the glittering market-place, and now we have been left alone and helpless to contemplate the birth of the bastard conceived in a drunken liaison when we fancied ourselves a legitimate part of the relentless economic power structure which now mocks us.

A MASSIVE IGNORANCE

Few of us read well and our ability to communicate in written English is a travesty, highlighting the fraudulent educational process which produced us. Aside from the elusive requirements of our daily tasks, we have added nothing to our knowledge which cannot be presented on a 19-inch screen.

Vaguely we realized that we had no trade skills in the accepted sense. At some point in our careers we became conscious that we had no profession at all, and we hungered for a secret jargon to protect us, as hippies devise secret words.

Our political naivete is appalling. We have no idea who the men are who finance our local congressmen, and many of us do not even know the name of our congressman. We have been taught that power itself is in bad taste, and we shy away from coalitions, workers' unions and meaningful community relationships. We are dimly able to perceive that politics is a power game based upon the art of careful lies, but remain so ignorant as to fall for the most superficial falsehoods.

Our burgeoning suburban neighborhoods are unlike the immigrant neighborhoods of an earlier day, whence we allegedly came. We lack the organization of family ties, parishes and clubs of those early days, and cannot even call upon the paternalism of a local political boss when circumstances crush us. We men haven't even the good sense to congregate in a corner bar to exchange homely wisdom.

Being unemployed forces us to become amateur politicians and economists. In the pursuit of this new interest, we unemployed people know that credit manipulation and Federal Reserve currency maneuvers are a long way from producing jobs in an economy which will be joined by 20,000,000 new workers in the next 10 years. Black Muslims are closer to reality when they propound the religious tenet that America will never be able to furnish enough jobs for the millions of white unemployed, let alone 20,000,000 blacks.

So much for our laziness and supidity, but what about fear? Imagine us in our black hornrims, clad in wrinkled Bond suit, clutching our briefcase of miserable trivia, hurrying through our bureaucratic halls. What do we fear? Maybe it is our own ignorance.

THE ISSUE IS JOBS

By now my plaintive theme should emerge: that the tragic issue of the United States is not even being debated. The population of America has increased by 26,000,000 in the past 10 years. Each day industry learns to produce more by using less people in honest work. The pressure is being felt throughout the working force. Nothing in economic theory will give these surplus citizens power to bargain in the marketplace for their existence as human beings, let alone defend constitutional rights. We are coolies, hiding in the tinsel of suburbia. Civil laws are a means of pious bargaining for power, from which we are excluded. Outworn class codes of conduct have only allowed us to be manipulated.

The largest, most powerful institutions of America are those which administer to our surplus population. That explains the enormous growth of colleges and our military establishment. The inherent characteristic of any military establishment is that it provides the means of occupying the services of legions of men. In World War II, we mobilized 13,000,000, although at the peak of the fighting in Europe only 250,000 were in contact with the enemy.

Incidentally, with all these removed from the labor force, we still outproduced the world. The fatuous argument that modern warfare requires vast numbers of rear-area troops explains nothing. Vast legions of support troops are a peculiarly American characteristic.

Looking back on my life so far, I am impressed with the tragic waste of human potential in our system, and this is a terrifying paradox. Our unemployment rate is the greatest in the Western nations, yet so much is dying with neglect. We have become a nation of mythmakers. We do not have a racial problem—we have a problem of unemployment. We are feeding the black man with the cruel lie that through education he will become a productive worker. Then we spend billions on glamorous electronic computers when we have millions of wasted human brains with inherent properties of reprogramming and memory recall far beyond those of any computer.

In the history of civilization, America has now added a new face—the throw-away, pop-top culture. Among the billions of tons of nonreturn bottles and sad hulks of automobiles, we have now added the middle-class worker. Experienced technical workers and middle management are added as layoffs continue.

I entered adult life just as World War II erupted. That was the beginning of the economic orgy which is now sputtering to an end, even though the President of the United States has finally discovered Keynes.

During the early 1940s, I watched men who would make good peacetime lieutenants or majors become bungling division commanders. After the war came the freeloaders. The freeloaders sprang from nowhere as polywogs in a casual puddle become hopping, croaking frogs. The rapid expansion of an artificial money supply puts freeloaders everywhere. They come from business, the scholarly professions, military life. You find them advising the President, milling about a bloated campus, working for the Chamber of Commerce, choosing targets for supersonic bombers. Many have now climbed onto the kiddie bandwagon, cheering campus idiots and finding profound meaning in the half-baked mouthings of bored kids. These are the men who claw to the top by trafficking in cruel myths . . . ambitious dullards who manage to extract tenure from tenuous fiction.

A HOPELESS CASE?

As the 1970's progress, I am sadly looking into the bleak premature end to my productive life. I am the vanguard of surplus humanity, cast aside when an artificial money supply would no longer reward us for remaining silent in the face of moral, ethical and institutional decay brought on by the overproduction of trivia. Now that I have lost my meager salary, I have little more to lose. Now I speak freely about the feelings that I was paid to suppress throughout 25 years of service to a grotesque machinery that brought me nothing.

And as Montaigne, "I speak truth, not so much as I would, but as much as I dare; and I dare more as I grow older." I cheered when

Spiro Agnew castigated his "corps of effete snobs," not from glee, but from bitter sadness. I am an American without voice. My thoughts find no value in the marketplace.

I am compelled to conclude my plaintive remarks by noting that they are not aimed at the so-called Establishment, or any contrived group. I am only pointing out a problem of great magnitude, an insidious, creeping, treacherous problem that those who are victims cannot voice.

America has a dangerous problem of unemployment, and it is growing. The highly visible presence of theoretically disenfranchised minorities is only the manifestation of an economic fact: the United States has always had the highest unemployment rate in the Western world.

For those who would fondly retreat into the verbiage of worn-out ideologies, I would point out that the tired cliches of the Left—the dogma Karl Marx propounded on the kitchen table of his London apartment more than a century ago—have run their course. Apple-pie Americanism is a grotesque cotillion of the selfishly conservative right wing. From Marx to Keynes, the assumption has been that the intelligent and educated will always find their services of value in the human marketplace. This notion is reaching an ignominious end.

When we focus on the bare skeleton of any economic scheme of things, we must admit that compensation for useful labor is a classic form of legally recognized distribution of money to the populace. The system is breaking down because we have contrived a socioeconomic system which denies the vast bulk of society the right to perform economically useful services.

Maybe it is time for us to redefine work . . . then get back to work.

LACK OF JOBS FOR ENGINEERS MAY WORSEN

A space agency consultant has predicted that, despite all current efforts to reverse it, the unemployment of scientists, enigneers and technicians will double by the end of 1971.

The consultant, Ellis Mottur, of George Washington University, estimates in a report recently submitted to the National Aeronautics and Space Administration that the number of jobless in the technical field is now 100,000 and will increase to 200,000. Included in the higher figure are 27,000 June science and engineering graduates who may fail to find jobs.

The Labor Department, meanwhile, was set today to announce further details of President Nixon's recently announced $42 million program to alleviate the situation. Among these details:

An unemployed scientist be assisted by up to $500 to cover out-of-pocket expenses to travel to job interviews.

He could get an average of $2,500 in training for a new kind of job. Much of this training will be on-the-job, with the federal payment covering up to $100 a week of his wages.

He could be reimbursed for up to $1,000 in moving expenses if he were to get a new job in another city.

The Labor Department, under strong pressure from the White House to get the program rolling, has identified 14 areas of high aerospace and defense unemployment where the program will get under way.

They are Huntsville, Ala.; Los Angeles, San Diego, Orange County and San Jose, Calif.; Cape Kennedy, Fla.; Wichita, Kans.; Long Island, N.Y.; Atlanta, Boston, St. Louis, Philadelphia, Dallas and Seattle.

In his 200-page report to NASA, Mottur argues that this kind of program, while constructive, will not go far to easing the problem.

The $25 million allotted in the program to retraining could reach 10,000 technical personnel over the next year.

While that is happening, said Mottur, "the second and third order effects" of cutbacks in defense and space spending have yet to be felt. They are likely to put out of work more than 70,000 additional scientists and technicians over the course of 1971, he said.

The administration's position, he said, is based largely on the hope that "current economic and fiscal programs will revive the economy, and that once the economy picks up, the scientists and technical personnel will find jobs along with everyone else."

"Unfortunately," Mottur said, "a general economic recovery would not automatically produce jobs for the unemployed scientists, engineers and technicians . . . Only through federal funding of R&D and engineering in the civilian sector can such jobs be produced."

Mottur's report presents strong recommendations for a massive investment for conversion of much of the nation's scientific and technical resources from defense to civilian objectives.

The administration's proposed budget calls for $1.1 billion research increase, one-sixth of the amount needed for the projected unemployment at the end of this year. Of the research increase, $900 million would be in the military field. Mottur concluded that the budget's provision for conversion to civilian research activity "is miniscule indeed."

William Raspberry's column in the Washington Post of June 9 brings up the other side of the coin. He notes the different attitude that we as citizens and lawmakers take when the jobless are "unschooled, unmiddle class and unwhite," but he also returns to the same theme—

The truth is that nearly all of us would rather earn our way than to subsist on handouts of any kind. If unemployment among the privileged classes teaches us anything, it is that there simply are not enough jobs to go around.

His contentions are borne out by May unemployment statistics. The unemployment rate for white persons was 5.7 percent, for Negro and other races 10.5, almost double.

I hope that the administration and especially Mr. Nixon are listening to the expressions of Americans throughout the country who are crying for a way to earn their livelihood. I urge him to sign this legislation into law when it reaches the White House. The articles concerning joblessness follow:

[From the Washington Post, June 9, 1971]

CLASSIFYING THE JOBLESS

(By William Raspberry)

Sunday's Outlook section of The Washington Post carried a penetrating analysis of what happens to white-collar workers who spend years developing all kinds of "expertise," only to discover after they lose their jobs that they in fact have no useful skills.

Monday's Evening Star told of a State Department lawyer-linguist who lost his Foreign Service job and spent two years trying to find another. He reportedly accumulated some 2,000 job rejection letters before he put a gun to his head and took himself out of the job market.

When we read such accounts, the temptation is to lapse into critical analysis of what has gone wrong in our free enterprise system. The economy is under severe strain, as the plight of these unfortunates so clearly indicates.

And yet the same people who demand major economic revision, who want huge federal subsidies to save jobs of aerospace engineers, for instance, are capable of taking a completely different attitude when the jobless are unschooled, unmiddle class and unwhite.

Write the most touching account of poverty-stricken families and their need for bigger welfare payments and the responses are sure to include something like:

The only reason they're so poor is that they're lazy. We've got to stop letting people believe they can get by on other people's sweat. Anybody who wants a job can get one.

The people who say such things usually aren't aware that they are making invidious distinctions. They really mean what they say.

Look at the want ads, they'll tell you. See all those listings? Don't tell me those bums can't find work. They just don't want a job.

The "bums" in this characterization are never out-of-work space technicians or laid-off government managers. If it could be said of any group that anybody who wants a job, etc., you'd think it would be said of the people who have had the advantages of class and status and education.

But, no. The "bums" are the sixth-grade dropouts without skills or useful work history. These are the people we tell to get off their duffs and find a job.

We don't always say it that bluntly, of course. Sometimes it is stated positively, as in manpower training programs, where we expect to get a dropout ready for "meaningful" employment with six weeks of training at the same time we're admitting that we can't place the ex-engineer with six years of college.

Or we couch it in terms of alternatives that really aren't alternatives at all, as when a work requirement is built into the President's Family Assistance Plan. Such requirements are designed to force poor people to accept work—any work—at pain of losing their assistance checks.

As always, there is the underlying assumption that the jobs are there but poor people, being naturally lazy, won't take them unless forced to.

If we are going to force anyone into productivity, why shouldn't it be those who've had the benefits of the best the system has to offer—schooling, draft, exemption, student loans and cushy jobs, often at the direct expense of the taxpayers.

Why won't we say to the jobless engineers and ex-Foreign Service officers: Look, buddy, we've invested too much in you for you to sit there being nonproductive. If you can't find a job designing supersonic planes, then how about collecting garbage or sodding lawns.

The reason we don't say that to our white-collar jobless is that they resemble too closely the people who make the rules. There is far too much for the there-but-for-the-grace identity for rulemakers to force that sort of indignity upon their social peers.

Indignity? But isn't any kind of honest work intrinsically dignifying? No, that American myth applies only to the lower classes. For the rest, it's better to be an unemployed biochemist than to work full time emptying Jiffy Johns.

The truth is that nearly all of us would rather earn our way than to subsist on handouts of any kind. If unemployment among the privileged classes teaches us anything, it is that there simply aren't enough jobs to go around.

[From the New York Times, June 6, 1971]

JOBS: "HELP WANTED"—FOR THE JOBLESS, THAT IS

The nation's 5 million unemployed found themselves last week to be pawns in a battle over public service jobs that may provide more work for politicians than it does for the jobless.

The House of Representatives passed a Democratic bill to make $5-billion available over four years, the money to be used for new jobs in schools, hospitals, parks, police and fire departments and social service agencies: The bill, an expanded version of one already pushed through the Senate by a top-heavy vote, was enacted in the face of strong Republican warnings of a probable veto. President Nixon vetoed a similar measure last year on the ground that it would lead to dead-end jobs instead of equipping the unemployed for permanent careers.

RE-ESTABLISHED COALITION

Behind this familiar polarization on Capitol Hill was a near-miss on White House-inspired efforts to re-establish the once-dominant coalition of Southern Democrats and Republicans in support of a bypass maneuver. The aim was to kill the Democratic job plan by substituting for it one of the building blocks in the President's floundering program for Federal revenue sharing with the states and cities—a $2.5-billion outlay for local use in man-power training. Part of the money could go for "transitional" public service employment, if that was what the localities wanted.

The G.O.P. hopes for reviving their old alliance with the Dixiecrats stemmed largely from the unhappiness of Southern diehards over a recommendation by the House Education and Labor Committee that the now toothless Equal Employment Opportunity Commission get independent authority to crack down on violators of the Federal law banning race discrimination in jobs. The proposal not only would empower the commission to issue "cease and desist" orders in private industry, but also would broaden its jurisdiction to take in Jim Crow practices in public employment.

SCARING DEMOCRATS

The two measures have no direct connection. However, the Republicans were able to capitalize on the Southern disaffection to the point that they threw a scare into the Democratic leadership when the public service job bill was first called up for House action last month under a rule intended to guarantee easy passage. The defection of 45 Democrats from Southern and border states opened the way for overriding the rule and forcing a floor vote on the Nixon revenue-sharing substitute.

A three-week delay in the showdown gave the Democrats the needed opportunity to regroup their forces and beat back the revolt. Some Capitol Hill observers say the critical push to save the Democratic measure came from the powerful Representative Wilbur D. Mills of Arkansas, partly because of his general resistance to revenue sharing and partly because a new G.O.P.-Dixiecrat coalition would undermine possible liberal support for his burgeoning Presidential candidacy.

WORSENING PICTURE

But the prospect of a second Presidential veto after the House and Senate bills are put together chills the hopes for quick creation of 150,000 jobs to cut down the unemployment rolls. The jobless rate has stayed at 6 per cent or higher for the last half-year, despite Administration forecasts that it would start inching down toward the full-employment level of 4 per cent. The picture actually worsened slightly last month, with an especially troublesome spurt in the already high idleness rate among blacks.

When the National Advisory Commission on Civil Disorders concluded, in its landmark report three years ago, that racial imbalances were creating two Americas, separate and unequal, it put much of the blame on unemployment in urban ghettos. The scantiness of the headway made since then to ease black idleness caused the chairman of that commission—former Gov. Otto Kerner of Illinois, now a Federal judge—to warn a Senate subcommittee two weeks ago that the most explosive factor still prevailing in big-city slums was that nearly one-third of all teen-age Negro job-seekers are currently unable to find work. This is double the high rate among white youth.

An even more discouraging insight into the dimensions of the problem was provided by a special Labor Department study of unemployment in the poverty areas of the 100 biggest cities. It showed a 44.9 per cent unemployment level among black teenagers, as against an 18.1 per cent rate for white teenagers in the same districts. In the more affluent sections of the 100 cities, idleness for black teen-agers came to 27.8 per cent compared with 16.6 per cent for whites. Vietnam war veterans also fared badly in the job market, with one out of five of the black returnees unable to find work and one out of seven of the whites.

As one contribution toward keeping the ghettos from boiling over in the hot months ahead, the President announced last week that the Federal Government would provide $303-million this summer to supply work for 674,000 poor teen-agers. Private industry has promised to provide another 150,000 summer jobs without Federal funds. Mr. Nixon said the combined total would be 30 per cent above last year's figure.

But even on the national and adult level, a reversal is occurring in what a few years ago had seemed a clear trend toward narrowing the job gap between whites and blacks. The latest report of the Bureau of Labor Statistics puts over-all unemployment for blacks at 10.5 per cent, for whites at 5.7 per cent. This is too close for anyone's taste to the historic disparity of twice as much joblessness among Negroes as among whites.

—A. H. Raskin.

VIETNAM GI'S CAN NOW GO ON LEAVE IN PAN AM 747'S

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. TEAGUE of Texas. Mr. Speaker, all those who are interested in the welfare and conditions of service of our military personnel in Vietnam should be pleased with the recent announcement by Pan Am that on the 2d of July its 747's will be operating on schedule between Saigon and the west coast of the United States.

This is of tremendous importance to our fighting men and their loved ones. Pan Am recently announced that it is canceling its military leave charter flights from Saigon and our servicemen on leave will now be able, instead, to travel in the new spacious luxurious 747's. And they will be able to do it for the same fare—$350 round trip, Saigon to the west coast of the United States—as they have been paying for the heavily crowded charter flights.

Also, this is most helpful to our military personnel because it means they can travel on scheduled Pan Am 747's and will be able to make connections at major U.S. international airports served by Pan Am, with the result that there will be a minimum loss of time in obtaining connecting flights to their homes in the United States.

Thus, our fighting men in Vietnam will be able to travel in the most modern and comfortable aircraft on their leave trips to and from the United States. What this really means is that Pan Am has made it possible for our servicemen to enjoy the same kind of service and facilities in the air as is available to private citizens.

So, not only does Pan Am's operation of the 747 into the central Pacific mean that Saigon is becoming part of the Pan Am network of advancing aviation technology in that vast area, but also that our servicemen are going to have more comfortable travel on scheduled airlines.

JOHN M. FLYNN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. CONTE. Mr. Speaker, I would like to make note today of the recent passing of a distinguished journalist and very dear friend of mine, John M. Flynn.

John Flynn was an outstanding man in every way. He excelled as an athlete at Searles High School in Great Barrington, Mass. from which he graduated in 1904.

A newspaperman all his life, John joined the staff of the Berkshire Eagle in Pittsfield, Mass. in 1912. From 1919 until his retirement in 1952 he served as sports editor of that newspaper, a position which gained him recognition as the leading sports authority of the western Massachusetts area.

Most important of all, John Flynn was a very human person. He dedicated his life's work to making life more meaningful for his friends and neighbors. In this sense, he was a true public servant.

There was no kinder person than John and he lived according to a philosophy that more of us could follow: He did not seek peoples' faults, but sought out their strengths.

Mr. Speaker, I would like at this time to submit for the Record two articles which appeared in the Berkshire Eagle on May 25 and May 26 so that my colleagues and friends can read about this great and wonderful man:

John M. Flynn, 85, Retired Sports Editor of The Eagle, Dies

John M. "Cap" Flynn, 85, of 1029 West St., retired sports editor of The Eagle, died this morning at St. Luke's unit, BMC. He had been a patient there since March 23, when he fractured his hip in a fall at his home.

Mr. Flynn, who joined The Eagle's news staff in 1912, was named sports editor in 1919. From that time until his retirement in 1952, he wrote a daily column, "Referee's Sporting Chat," which he continued to write on a weekly basis ever since. His last column, written in advance, appeared in the Saturday morning edition of March 27.

FORMER ATHLETE

Born in Great Barrington, Mr. Flynn was a graduate of Searles High School in 1904, beginning his newspaper career shortly afterward as a town correspondent for the Pittsfield Evening Journal. Four years later, he joined the Berkshire Courier staff, resigning in 1912 to become The Eagle's police, City Hall, court and fire reporter.

Mr. Flynn gained his knowledge of sports as an active competitor. He was on baseball and hockey teams in high school and captained the Searles baseball team that won the county championship in 1904. He learned golf as a caddy at the Wyantenuck Country Club, Great Barrington. For two years, he was golfing champion of the Eastern League Writers Association, of which he was a former president.

While Pittsfield was in the Eastern League, Mr. Flynn was the official scorer for games played here, and he served in a similar capacity for Canadian-American League contests. He covered the Florida training camps of major league clubs for many seasons, and his dispatches to The Eagle were liberally sprinkled with news notes on residents and former residents of Berkshire County.

He was generally recognized as the leading sports authority in this area. He had a photographic memory and seldom had to consult rules or record books to answer a question. Mr. Flynn's knowledge was gleaned from his many years of coverage of the major sports, including many World Series and All-Star games, the old Eastern and Canadian-American leagues and the Boston Red Sox training camp in Florida.

Although most of Mr. Flynn's activities were in relation to his newspaper work, he served Pittsfield for 21 years as clerk of the Park Commission.

In 1946, he was honored by Rabida council, Knights of Columbus, for his outstanding contribution to sports and was presented a silver plaque at ceremonies at the Boys' Club. In 1962, he was again honored by the K. of C., this time by the Bishop Conaty assembly, fourth degree, when he was named Catholic Man of the Year.

The citation read in part: "This award is presented to the man who has best employed the virtues of this order—charity, unity, fraternity and patriotism—and because of his fine devotion to home, his widespread service to his community, his unquestioned loyalty to his church."

The late Rev. Thomas F. Finn, pastor of St. Mark's Church, of which Mr. Flynn was a communicant, said at that time that in the 30 years he knew him, he had never known John Flynn "to tear down anything, but he is always building up."

Mr. Flynn attended the annual Great Barrington Fair for more than 70 years, missing his first one in 1968. For a number of years, a feature race at the fair has been named in his honor.

EDITORIAL TRIBUTE

An Eagle editorial, on the occasion of Mr. Flynn's retirement in 1952, said in part:

"John Flynn has honored a field of writing and interpretation where judgment and fairness too often have been sacrificed to the interest of the stinging phrase and the wisecrack. He has chosen all his life to be kind, and where kindness was silence, he has been silent. His life, outside his thriving family, has been this newspaper. What it is, and what it will be, is importantly a result of his contribution. His personal integrity has been the highest. He has abided by the ancient virtues of hard work, moderation, charity and respect for others."

His wife, the former Charlotte M. Collins of Pittsfield, died in June 1962. The couple had then been married 48 years.

He leaves five daughters, Mrs. Ira S. Colby, the Misses Charlotte M. and Dorothy G. Flynn and Mrs. Ernest J. Gniadek, all of Pittsfield, and Mrs. John H. Callahan of Silver Spring, Md.; five sons, John J., Charles W. and George H., all of this city, Robert E. of North Reading and Lt. Col. Martin F. of the U.S. Air Force, stationed in Panama; 31 grandchildren and six great-grandchildren.

The funeral will be held from the Devanny Funeral Home. Arrangements will be made after the arrival of his son from Panama.

JOHN FLYNN

(By Roger O'Gara)

My predecessor, John Martin Flynn, died early yesterday morning at the age of 85. And with the loyalty that was characteristic of him, he did it for the afternoon newspaper, by which he had been employed for 40 years.

I'm moved to write a tribute to him. But I feel that my first "Fair or Foul," published July 8, 1952, says it as well as anything I could compose today.

So, if you'll bear with me, here it is: "Ever since he was that rarity, a left-handed second baseman for Searles High in 1902, 1903 and 1904, John Martin Flynn, who has retired at the age of 66 after 40 years with The Eagle, has been set apart from his fellows. Not from the standpoint of aloofness, but more in the sense of quality and industry.

"The Eagle's longtime sports editor still is Cap to the many who knew him in the early days. For he was captain of practically every team he ever played with, understandably. Without making an effort to, he inspired confidence in those about him. It has been the same in our newsroom, where he has been known as "The Master."

"This may come as a surprise to him, but the chances are, he has known it all the time. Yet no one ever dared to call him that to his face. A few, long ago, got in the habit of addressing him as "John" but most of us say, "Mr. Flynn."

"Possessed of a good sense of humor, an encyclopedic memory and a friendly conversational style, he has been a grand person to work for. In 13 years under him, I never received an order. So what better subject for an initial column by his successor than a sketch of a truly great person? Most of my daily presentations won't be so long. But this will be king size because it will deal exclusively with a royal guy.

"John Flynn has been a sports specialist for 25 years, but he has been a newspaperman for much longer than that. As much as he loved sports, he never forgot that there were other items in the paper. That's why he so eloquently resented a growing disdain for sports among some of the younger reporters. Pseudo-sophisticates I've called them for years, although he never bothered to dignify them with anything but the terse query, 'Who the hell do they think they are kidding?'

"That has been his only deviation from proper speech. He detests profanity, and he abhors risque stories.

"He was an all-item man when he started as a cub for the old Great Barrington Courier as a high school boy. He never bought an automobile, and that probably has made him doubly valuable to the paper. For as he says with logical pedestrian pride, 'I meet people.'

"When he joined The Eagle in 1912, he covered most of the big news, and assisted in sports. He became sports editor in 1919, but continued in general reporting until the late 1920s.

"So, as he observes with a smile, 'None of them can kid me on what he has to do. For, I did all of them and in the days when we used to have to cover our beats twice because we had competition.'

"In addition to carrying a heavy work schedule, John found time to raise 10 children, five boys and five girls. He met Mrs. Flynn, the former Charlotte Collins, while he was convalescing from an appendectomy at Hillcrest Hospital. She was a nurse. Five of the children are married, and he has been a grandfather several times.

"John didn't drive his boys into sports. In fact, he gave them only bare encouragement. He didn't want to become one of 'those doting fathers.' He has met so many in his years at the sports desk, he developed a quiet contempt for them.

" 'When I say doting,' he tells you, 'I mean the man who yells that high school football doesn't get enough space while his son is on the team, but you never see him at a game after the boy graduates.'

"Still, sons Bob and Marty won football letters at Pittsfield High, and Henry received his insignia in hockey.

"As may be gathered, John is a master at the art of ferreting foibles. He talks with so many people he can spot a conversational fan two blocks away. The conversational fan is the fellow who follows a team by word of mouth, but never seems to get to a game.

"Some years ago, a frequent office visitor professed great admiration for the Boston Red Sox. Each morning, he would inquire how his favorites had done the preceding afternoon. One day he came in at noon, and asked Mr. Flynn how the Sox had fared.

"Mr. Flynn said sharply, 'Brother, do you really want to know or are you just trying to make conversation?'

"Practically everyone is 'brother' to him. He admits that he finds such a practice convenient. After all, you can't be expected to remember thousands of names.

"But whereas chance acquaintanceships baffle him, the teams and individuals he has covered don't. He'll pause for a second and say, 'Let's see, now. The Hillies that year had Walter Hammond, Johnny Bates, Colonel Snover, Johnny Tillman' and so on until he has named the ticket-taker.

"He has watched dozens of great high school teams, but the one he will quickly call the greatest is the Pittsfield High 1915 New England championship basketball squad. Sol Goldstein, a star on that outfit, wouldn't consider a trip to Pittsfield complete without a chat with John Flynn.

"Of late it has become fashionable among a certain set in the Fourth Estate to inquire in a bored tone: 'Did we have an item about such and such?' John Flynn has too much pride to be guilty of such shiftlessness. If he hadn't seen the item, he would go back into the files until he found it.

"He prides himself on keeping posted by reading The Eagle and many other papers. He often chides young reporters with the curt advice that they should glance occasionally at their own paper instead of concentrating on the New York Herald-Tribune or the New York Times.

"He's also a great believer in radio newscasts. He admits he makes a nuisance of himself at home by turning the dial from station to station at midnight in an attempt to catch all of the latest flashes. Those who have night work at the office can attest to his belief in electronics.

"He likes Pittsfield very much. Yet he will become almost despondent in talking about the city's glaring lack of support for worthwhile athletic enterprises. He is the creator of the cynical phrase describing a large crowd at a free event, 'The price was right.'

"He has a fund of stories. His favorite is the one about the introduction of the ball with the pneumatic rubber center. He was playing with Great Barrington against Canaan, Conn., and they arranged with the umpire to use the lively ball only when Barrington was at bat. Barrington batters drove the ball to all parts of the field.

"He has told me that story at least 50 times. He seems to enjoy it more now than he did when I first heard it in 1939. So do I, and I laugh loudly with each telling.

"He is devoted to his church. He attends Mass regularly, receives communion frequently and seldom fails to make a mission. He is a model family man.

"Although he avoids profanity, Mr. Flynn's language is far from stilted. He will acknowledge a statement of fact with a cheery, 'That's it, hey?' He'll express amazement with a terse, 'Get out!' And rather than the conventional 'goodby,' he'll advise you, 'Don't let them crowd you.'

"That means of course just handle so much.

"It seems to be a good idea. For we could go on and on, and we still would only be scratching the surface on the many fine things John Flynn has done, said and written."

SOVIET CIVIL DEFENSE HANDBOOK

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. HOLIFIELD. Mr. Speaker, the Oak Ridge National Laboratory of the Atomic Energy Commission has been conducting, for many years, a civil defense research project in support of the national civil defense program. This research project is directed by Dr. Eugene P. Wigner of Princeton University, a famed nuclear physicist and winner of the Nobel prize.

Several years ago Dr. Wigner, under the auspices of the National Academy of Sciences, directed a civil defense study, project harbor. He continues to work in the civil defense field because of his great knowledge of atomic science and his great concern that the United States is lacking in adequate civil defense protection.

A recent article by Dr. Wigner, entitled "The Myth of 'Assured Destruction'," will be found in the CONGRESSIONAL RECORD of February 19, 1971, on pp. 3337–3338. It questions the deterrent value of the assured destruction doctrine, which has figured in our defense planning for at least a decade. The article points out that the U.S.S.R. has elaborate preparations to evacuate its cities, and that this capability undercuts our reliance on assured destruction, the fear of which is supposed to persuade the enemy from launching a nuclear attack.

The Oak Ridge National Laboratory, with Dr. Wigner's encouragement, has translated a Russian handbook on civil defense, published in Moscow in 1969. This very interesting document, now available through the National Technical Information Service of the U.S. Department of Commerce, affirms that the Soviet Union takes seriously the need for preparations against nuclear attack. I might say, in this connection, that a subcommittee of the Committee on Government Operations, under my direction, published the first systematic account of civil defense in the Soviet Union some 12 years ago—see House Report No. 86–300, April 27, 1959.

The Soviet civil defense handbook translated by the Oak Ridge National Laboratory deals primarily with rural civil defense. It was prepared in the Ministry of Agriculture of the U.S.S.R. for use as a handbook by the faculties of all Russian agricultural institutions. The very scope and detail of this handbook for civil defense in the rural areas, including the protection of livestock and farm animals as well as people, suggests the thorough-going nature of Soviet civil defense preparations.

The Soviet civil defense system includes shelters for key city workers and planned evacuation of city populations to rural areas. The emphasis on evacuation, a concept pretty well discarded in the United States some years ago, has a special strategic significance to the Russians. In time of crisis and possible nuclear confrontation, city populations would be relocated, a technique particularly suitable for a preemptive or first strike strategy. Evacuation after an attack is launched is a rather hopeless situation, as analytical studies have demonstrated in the United States.

Soviet emphasis on evacuation is extremely disquieting, as Dr. Wigner has pointedly observed. We cannot glibly assume that our nuclear striking power will deter the Russians, when planned dispersal of their city populations in advance of attack diminishes the threat of assured destruction. We must keep in mind the civil defense factor as we talk about arms limitation and watch the Soviet Union build up a nuclear submarine force at a rapid rate. The United States quietly ignores civil defense and the U.S.S.R. quietly strengthens civil defense.

I include with these remarks an excerpt from the U.S. editor's preface to the Soviet civil defense handbook:

PREFACE

WHY WE HAVE TRANSLATED THE SOVIET CIVIL DEFENSE HANDBOOK

The USSR has a way of working inconspicuously on important projects. The news of Sputnik, for instance, practically exploded in our journals, destroying myths and preconceptions we had unconsciously harbored since 1944. Similarly, Soviet civil defense preparations have received little publicity in our media. Unfortunately, perhaps, the publication of their 1969 civil defense handbook is far from the colorful launching of a Sputnik, but the careful planning evidenced by it may have as much intrinsic importance as that which culminated in the Sputnik launching.

This handbook and other Russian publications on civil defense have been carefully studied by the Oak Ridge Civil Defense Research Project. Their practicality and completeness are impressive—especially their plans for the evacuation and dispersal of the urban population into the rural areas. For these reasons, and since no comparable handbook has been published by our own government, we believe that its English translation will be valuable and interesting to the American public and that knowledge of the extent and character of the Russian civil defense preparations will be important to our leadership.

WHY THIS PARTICULAR HANDBOOK?

We have chosen this handbook first and foremost because of its thorough-going nature. While it is not difficult to find numerous Russian articles on the Soviet civil defense program—Soviet newspapers, periodicals, and broadcasts contain an abundance of information on this subject—this handbook is unusual in that it presents the Soviet civil defense program in its entirety under one cover: its reason for existence, its organization, its aims and goals, and its means and method of implementation, even down to such minute details as to what to wear beneath protective clothing under various temperature conditions, how to convert a tractor-mounted farm sprayer into a decontaminating machine, and how to administer artificial respiration "when injuries to the ribs or upper limbs make all [the ordinary] methods of artificial respiration impossible" (p. 242).

Above all, it is a comprehensive and detailed account of the Soviet civil defense program from the Soviet point of view,[1] thereby affording the reader firsthand knowledge of where Soviet emphasis lies and allowing him to draw his own conclusions.

A further reason for selecting this particular handbook is its high endorsement by Soviet authorities. It is described by F. Popenko, a Soviet reviewer for the military journal, *Voyennyye Znaniya,* for example, as "the most thorough work among the books on civil defense published this year [1969]." According to Popenko, "The need for this publication had long been ripe."[2]

Intended as a textbook for agricultural VUZ (higher educational institutes), this handbook is the product of editor-in-chief N.I. Akimov and four other editors, with certain technical sections of chapters written by additional specialists. The Russian text consists of 351 pages, and 130,000 copies have been printed, priced at one ruble, one Kopeck each (about $1.12 at the current official dollar-ruble exchange rate given in *The 1970 World Almanac,* p. 559).

Before studying this translation, the U.S. reader may well wonder, why read a handbook which addresses itself primarily to rural civil defense when U.S. civil defense emphasis has been almost exclusively urban? Moreover, since a little over half the Soviet population lives in cities, would not an urban civil defense handbook have greater relevance than a rural one even in Russia? The answer to this last question is *no*—not in the context of the Soviet civil defense program. It is essential to realize at the outset that the keystone of Soviet civil defense is the evacuation and dispersal of the overwhelming majority of the urban population to rural areas during periods of escalating crisis, with urban blast shelters provided primarily for on-shift workers in vital industries in target cities. Soviet rationale for moving people to the country is simple: "The simultaneous dispersal of workers and evacuation of the plants and institutions will greatly decrease the number of people in the cities; this in turn will sharply reduce population losses in case of a nuclear attack by the enemy . . . a nuclear attack of an unprotected large city may result in the loss of life of as much as 90% of the population. An early dispersal and evacuation could reduce the losses considerably, to a level between 5% and 8%" (p. 68).

Thus, because of the unexpected tremendous influx of people in the country, rural civil defense assumes a highly important role. Chapter 11 underscores this fact and goes on to indicate other reasons for the significance of rural civil defense as well (pp. 250–251):

(1) Agricultural regions provide human and material resources for civil defense and furnish manpower and materiel for rescue and emergency repair operations in stricken cities;

(2) In wartime, "not only . . . a large part of the dispersed workers, service personnel, and evacuated non-working population [would be transported to the country], but also the main material reserves";

(3) Rural communal buildings, hospitals, and other medical institutions would serve as the main base for treating the injured if the "big cities with their large populations [should] . . . serve as targets of a nuclear enemy attack";

(4) The rural regions would have a primary role in protecting people, animals, plants, food, water supplies, and fodder from contamination by radioactive and chemical substances and bacterial agents;

(5) Responsibility for assuring the output of agriculture during wartime and in the post war years would fall to the countryside.

CONTEXT OF THE PRESENT SOVIET CIVIL DEFENSE PROGRAM

Before we examine the Soviet civil defense program, a few basic considerations are instructive. First, the Soviets have consistently put their civil defense effort within the framework of the threat of imperial aggression. This remains true today, the threat from Communist China and occasional allu-

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Footnotes at end of article.

sions to it notwithstanding. (See Introduction, p. 2, and Chapter 1, pp. 4–5.)

Second, the civil defense program occupies an important position in the overall defense of the country. V. I. Chuykov, Chief of Soviet Civil Defense and a marshal of the Soviet Union, has admitted, "Civil defense alone is not capable of assuring the protection of the population and material resources." Such protection, he goes on to say, can be achieved only through the joint efforts of the civil defense and the armed forces. But, he adds, neither is success in these areas possible without civil defense; in the event of nuclear attack, civil defense is vital to the "achievement of victory." [3]

Third, it is important to remember that when Marshal Chuykov and other Soviets speak of the importance of civil defense, they do so from experience. There are many Russians living today who vividly remember enemy attack on their homeland during World War II. They have seen Red Square on fire and the Kremlin ablaze; they have participated in the evacuation of over 10,000,000 people and over 1300 basic industries from vulnerable areas to the interior.[4]

Fourth, Soviet Civil Defense was given an authoriatative boost at the Twenty-Third Congress, when the Central Committee of the Communist Party called for strengthening civil defense in 1966 [5-7] and when the Soviet government strengthened this mandate by passing the Law on Universal Military Duty in 1967. Article 17 of this law calls for compulsory civil defense training in the grade schools, high schools, and technical schools throughout the Soviet Union.[8-10] Implementation of the new law has taken place to the extent that today, by the time a Soviet school child completes the tenth grade, he has received a total of 115 hours of civil defense instruction.[11-12] The publication of this 1969 handbook is a result of the continuing Party- and government-backed emphasis on civil defense.

Fifth, the entire Soviet civil defense program derives from the Soviet concept of modern warfare. Chapter 1 of this handbook explicitly describes World War III: "If the imperialists were successful in unleashing war, it would be an armed struggle among countries of two opposite world systems—capitalist and socialist. . . . Thus, it follows that [such a war] would be waged with the widespread use of weapons of mass destruction and, above all, nuclear weapons. Such a war would encompass an enormous area and involve whole continents. Not only troups, but also centers of vital industry, transport, energy production, and communications would be subject to devastating attack. . . . Distinctions between front and rear would disappear" (p. 5).

Cities would be targeted: ". . . one nuclear explosion is sufficient to destroy a large city with a population of millions and to contaminate an enormous area with radioactive materials." [13] And "in agricultural regions people, animals, and plants would be affected by fallout, and food products, fodder, water sources, and other assets would be contaminated" (p. 6).

". . . many administrative, industrial, political, and military centers, ports, airfields, mining enterprises, and other important installations could be subjected to nuclear and chemical attack, and the surrounding territories contaminated with radioactive fallout, poisonous chemicals, and bacteriological agents" (p. 9).

It is from this view of war that the rationale of the Soviet civil defense effort proceeds: If cities would be targeted, remove the bulk of the urban population into the country, providing those who would remain behind with blast shelters; if contamination from fallout, poisonous chemicals, and bacterial agents would constitute the main danger to people, animals, plants, food, water supplies, and fodder in the country, concentrate on providing protection (such as fallout shelters) from such contamination in rural areas Moreover, confidence is expressed that civil defense will succeed. As Marshal Chuykov has pointed out, "Although the weapons we have examined are called mass weapons, with the knowledge and skillful use of modern defense measures, they will not injure masses, but only those who neglect the study, mastery, and use of these measures." [14]

The business of this handbook is to tell how Soviet civil defense is to be accomplished. Brief descriptions of the subjects of the fifteen chapters follow in chronological order:

1. A general discussion of the Soviet civil defense program,
2. The administrative organization of the program to accomplish its mission,
3. Personal protective equipment (gas masks, protective clothing, etc.) for safeguarding the respiratory organs and the skin,
4. Shelters for protecting essential workers in cities and radiation-resistant dugouts (fallout shelters) for protecting rural inhabitants and urban evacuees in the country,
5. Plans for evacuating and dispersing urban dwellers from the cities and for receiving and relocating them in the country,
6. Instruments for detecting and measuring radiation, chemical substances, and bacterial agents,
7. Methods of assessing the effects of nuclear, chemical, and bacterial weapons on people, animals, food, plants, fodder, and sources of water,
8. Measures for protecting animals, food, plants. fodder, sources of water from these weapons effects,
9. Instructions on administering first aid in times of disaster,
10. Responses of the rural population on threat of attack and on the seven civil defense warning signals,
11. The required format and content of a civil defense plan (a written document) for a county or a collective or state farm.
12. The execution of the civil defense plan (setting the written plan in motion),
13. The rescue and emergency repair work of the civil defense brigades,
14. The use of ordinary farm, road, and construction equipment for decontamination and degassing, and
15. Instruction of the rural population in civil defense.

FOOTNOTES

[1] Leon Goure, director of Soviet studies at the University of Miami's Center for Advanced International Studies, has recently presented a comprehensive review of the Soviet civil defense program in "Soviet Civil Defense Revisited, 1966–1969," Memorandum RM–6113–PR (Santa Monica, 1969).

[2] Popenko, "New Book on Civil Defense Reviewed" (originally entitled "Not Only for Students . . ."), *Voyennyye Znaniya (Military Knowledge)*, No. 12 (Moscow, 1969), p. 4; in *Translations on USSR Military Affairs,* No. 577, JPRS 49,649 (January 20, 1970), p. 87.

[3] V. Chuykov, *Civil Defense in Nuclear Missile War,* Atomic Publishing House (Moscow, 1968); Soviet Military Translations No. 485 (22 October 1968), p. 30.

[4] I. Kovalev, "The Role of Transport in Modern War," *Kommunist Vooruzhennykh Sil (Communist of the Armed Forces)*, No. 23 (Moscow, December 1967); in JPRS 44,268, Soviet Military Translations No. 418 (February 7, 1968), p. 5.

[5] O. V. Tolstikov, *CPSU on Imperative Upgrading of Civil Defense*, Atomizdat Publishing House (Moscow, no date); Soviet Military Translations No. 485, JPRS 46,720 (October 22, 1968), p. 8.

[6] "Extension of Pupil Civil Defense Instruction" (originally entitled "What is New in Student Training?"), *Voyennyye Znaniya (Military Knowledge)*, No. 10 (Moscow 1967); in JPRS 43,558, Soviet Military Translations No. 411 (December 5, 1967), p. 15.

[7] "Spreading Civil Defense Information" (originally entitled "Only Specifically!"), *Voyennyye Znaniya (Military Knowledge)*, No. 2 (Moscow, February 1968); in JPRS 45,130, Soviet Military Translations No. 429 (April 22, 1968), p. 14.

[8] "Extension of Pupil Civil Defense Instruction," p. 18.

[9] A. Getman, "The Role of DOSAAF in Training Youth" (originally entitled "Teach the Youth Military Affairs"), *Voyennyye Znaniya (Military Knowledge)*, No. 2 (Moscow, February 1968); in JPRS 45,130, Soviet Military Translations No. 429 (April 22, 1968), p. 9.

[10] Tolstikov, p. 30.

[11] "Secondary School Civil Defense Curriculum" (originally entitled "Civil Defense Training Program for Students in the Fifth, Sixth, and Seventh Grades of the Eighth-Year and Secondary General Educational Schools"), *Voyennyye Znaniya (Military Knowledge)*, No. 9 (Moscow, 1968), pp. 26–27; in JPRS 46,811, Soviet Military Translations No. 487 (November 6, 1968), pp. 40–46.

[12] A. A. Sychev, "Civil Defense Training in Secondary Schools" (originally entitled "Study and Expand Experience"), *Voyennyye Znaniya (Military Knowledge)*, No. 9 (Moscow, 1968), pp. 12–13; in JPRS 46,811, Soviet Military Translations No. 487 (November 6, 1968), pp. 14–19.

[13] According to Colonel General O. V. Tolstikov, First Deputy Chief of Civil Defense of the USSR, in a 1968 publication, U.S. strategy includes "various plans of 'assured destruction' of many millions of people and up to 80% of the industrial potential, and of at least 200 of the largest cities" of the Soviet Union ("SPSU on Imperative Upgrading of Civil Defense," Atomizdat Publishing House, Moscow, pp. 1–26; in JPRS 46,720, Soviet Military Translations No. 485, p. 7). However, the 1970 revised edition of this pamphlet omits this specific statement and instead says that U.S. strategy threatens to kill "many millions of people and up to 80% of the industrial potential," and to "destroy several hundred large cities and other targets of the attacked side" (p. 10).

[14] V. I. Chuykov, "Civil Defense as a Common Concern" in *Nauka i Zhizn (Science and Life)*, No. 1 (Moscow, 1969), pp. 43–47; in JPRS 47,772, Translations in USSR Military Affairs No. 511 (2 April, 1969), p. 43.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the captured:

Lt. Porter Alexander Halyburton, U.S. Navy, 677514, Davidson, North Carolina. Married and the father of one child. 1963 graduate of Davidson College. Officially listed as captured October 17, 1965. As of today, Lt. Halyburton has been held captive in Southeast Asia for 2,067 days.

HONORABLE TOM STEED PRAISED FOR REMARKS ON BEHALF OF SMALL BUSINESS

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. KLUCZYNSKI. Mr. Speaker, the Subcommittee on Small Business Problems in Smaller Towns and Urban Areas, of which I am chairman is presently holding hearings on the impact of Federal installations on small business. It is my opinion, as well as that of my colleagues on the subcommittee, Representative JAMES C. CORMAN, Representative CHARLES J. CARNEY, Representative FRANK HORTON, and Representative J. WILLIAM STANTON, that the hearings produced some very valuable testimony on this important subject.

I feel that perhaps some of the most important remarks were that of my dear friend and colleague, Representative TOM STEED. He made some very impressive remarks reflecting a sincere desire to further the cause of the small businessman affected by Federal installations. As the ranking member of the Select Committee on Small Business, he has long been a strong advocate of small businessmen and has worked diligently on their behalf.

In the interest of sharing the very enlightening statement of Mr. STEED, I would like to insert it at this point in the RECORD:

STATEMENT OF CONGRESSMAN TOM STEED

Mr. Chairman, I appreciate the opportunity of appearing here briefly to express my special appreciation to you and the members of your subcommittee for your interest in the impact of federal installations on small business.

Few districts in the country equal the one I represent, the Fourth Congressional District of Oklahoma, in the extent to which they are affected by federal installations.

The Fourth District contains Tinker Air Force Base at Midwest City, Oklahoma, by far the biggest payroll in the state and the largest single source of employment. It also contains Fort Sill, just outside Lawton, largest city in my district, which for more than a century has been one of the mainstays of the United States Army.

A third significant federal center is Altus Air Force Base in southwestern Oklahoma, now the training facility for the C5A. As many as 80,000 citizens of the district receive direct federal pay checks.

Tinker Field has a current payroll of $266 million per year. Its procurement is responsible for $700 million in goods and services, $65 million of which go through Oklahoma contractors. The base has a worldwide function and maintenance.

Midwest City, immediately adjoining Tinker Field, was founded along with the base in 1942. It has now mushroomed until the new 1970 census ranks it as the fifth largest city in our state with population of 47,000. The city and the base are in immediate contact. They have reacted on each other from their simultaneous origin.

Only last week I attended a briefing at which Major General George Johnson, Commanding Officer of Tinker, told members of the Oklahoma delegation the role of his base and its current assignments. He exemplified what must be the goal in operations of this kind, close cooperation between the city and the military. I am glad to report that Tinker military personnel have a very wide acceptance as members of the community, working together on civic matters with local business leaders. Although I am a member of the Small Business Committee and have been for many years only seldom is a complaint directed to me about Tinker Air Force Base practices in this field.

With regard to Fort Sill, Mr. Joseph T. Crain, Director of Planning of the City of Lawton, responded in detail to the questionnaire this committee sent out. Fort Sill has a total annual payroll of $167 million, $137 million military and $30 million civilians. It has a total complement approaching 25,000. One-fourth of the property of the entire county belongs to the Federal Government, the land of the Fort plus the land of the adjoining Wichita Mountains Wildlife Refuge. Some 70,000 of the total population of 108,000 in Comanche County receive some form of Army paycheck or are members of families that receive such.

To Mr. Crain's comprehensive summary I would add only this distributes the business of moving freight such as household goods for military personnel to as many of the interested freight transportation companies in the area as possible. This is an excellent example of a policy beneficial to good community relations.

Altus Air Force Base is located in a smaller community, with the total population of slightly more than 25,000. Its relations with small business people of the area also have been generally good. Policies in all three of these installations have been geared to assisting small business in a constructive way.

I am glad to note that one of the witnesses you will hear is Mr. Donald F. Bradford, Director of Economic Adjustment of the Office of the Secretary of Defense. He and his team of co-workers for years have worked in my district in connection with the deactivation of Clinton-Sherman Air Force Base and the search for appropriate installations to replace it. This process began even before the base became a part of my district. Operations of this type will be extremely important in the future as the shifts in technology bring occasional changes in our requirements for military facilities.

In addition to these giant military bases several other sizable federal facilities exist to the Fourth District, including the Oklahoma Postal Training Operations Center at Norman and the wildlife refuge mentioned previously.

As one who lives every day with the impact of federal installations in his home territory I welcome your focusing of attention on this subject.

THE B-1 BOMBER

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. BRINKLEY. Mr. Speaker, in view of the present-day attitude on the rules of war, I believe a valid issue on the B-1 bomber relates to whether or not we would use this airplane for its intended purpose if we had it. Would the bombing of population centers be tolerated even where the enemy calculatingly disperses military targets among civilian areas?

The case of obsolescence is secondary to the "use" issue which should be resolved prior to such a massive undertaking involving such enormous expenditures.

STRONG OPPOSITION TO COMMERCIAL OR GENERAL AVIATION USE OF FORMER LOS ALAMITOS NAVAL AIR STATION FACILITIES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. HOSMER. Mr. Speaker, under date of June 8 the Orange County, Calif., grand jury took it upon itself to tell the board of supervisors to turn the former Los Alamitos Naval Air Station facilities into a public airport. This proposition I violently oppose as do very many of the residents of western Orange County. There follows below my letter, less enclosure, to the grand jury foreman on this subject:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 16, 1971.

MRS. DOREEN MARSHALL,
Foreman, Orange County Grand Jury,
Santa Ana, Calif.

DEAR MRS. MARSHALL: This is to protest the Grand Jury's recent proposal to the Orange County Board of Supervisors that flight facilities at the Los Alamitos Naval Air Station be turned over to commercial and general aviation.

Since the mission of this naval facility was redirected, many ideas have been suggested for the use of the land. Because of their tentative nature, I have not taken positions for or against them—with one exception.

I am dead-set against using Los Alamitos as a public airport.

While the Navy was still flying there, nearby residents complained long and loud about the noise and the possible safety hazards. However, the Navy was there before the houses were built and high priority military requirements existed for Naval Reserve flight training at Los Alamitos. Naval authorities did their very best to minimize to the fullest extent possible annoyances to their neighbors by reason of the flight operations. As a result, circumstances were tolerable.

Obviously no such careful delimitation of potential commercial or general aviation activities at Los Alamitos could or would be carried out. The area would be turned into a high decible sinkhole just like every other commercial airport, despite all the pious promises airport promoters customarily make to lull nearby homeowners into false feelings of security. I can find absolutely no justification for the premeditated dooming of residents of Los Alamitos and neighboring Rossmoor and Seal Beach to this fate. To the contrary, there is every reason to avoid subjecting them to the noise, inconvenience, dangers and drastic decline in their property values which would follow as inevitably as the night follows day.

As you may be aware by now, the Army, Air Force and California National Guard, in accordance with Federal regulations, have requested use of Los Alamitos for their own flight training activities. At least they could be expected to be as circumspect in their operations as formerly the Navy was, and it appears at this time that these requests may be honored, although the final decision is yet to be made. In that connection, I have written

Secretary of Defense Melvin Laird, urging that if the field is to be kept active, that DOD make it very clear that commercial and general aviation will never be permitted there. A copy of that letter is attached for your information.

Frankly, I would rather see these concrete runways bulldozed out, for, until they are, I suppose, there will continue to be ill-advised pressures for civilian access to the Los Alamitos runways.

I have chosen the phraseology "ill-advised" carefully. The Los Alamitos facility is at the western most boundary of Orange County, less than five air miles distant from the existing Long Beach Municipal Airport, which has full facilities for commercial and general aviation aircraft. It is not western Orange County that needs another airport. Western Orange County already is well and conveniently served. It is eastern Orange County that needs one. In my opinion demands for civilian use of Los Alamitos right next door to an existing commercial airport, just because it is barely within the Orange County boundary are both ill-advised and xenophobic.

As I have made clear on several occasions to various governmental and civic organizations, including the Cities of Los Alamitos and Seal Beach and the Board of Supervisors, I have no real preference as to the future use of the base. If the Defense Secretary determines that it is needed for Army and Air Force Reserve training, I will respect his judgment. If it can be devoted to badly needed Navy housing, that is fine, assuming some fair and equitable Federal formula is adopted to pay school and city and county expenses involved in excess of those normal for the area. If, by some remote chance the land should be declared surplus and ceded to the County for a park, that would be excellent.

However, I will do everything possible personally and as a Member of Congress to see that this high-density residential area is not subjected to commercial or general aviation, which it does not need and which belongs elsewhere.

I regret that we do not agree on this issue, but my views are sincere and quite strongly held.

With best wishes, I am,

Very truly yours,

Craig Hosmer,
Member of Congress.

"PAX ET AMARE"—A POEM BY RICHARD S. POPE

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mrs. GREEN of Oregon. Mr. Speaker, Richard S. Pope is a research physiologist at the Good Samaritan Hospital in Portland, Oreg. In recent correspondence with me on another subject, he added almost casually and as an afterthought:

> I take the liberty to enclose a copy of a poem concerning other matters which I hope you will appreciate.

This was a fortuitous afterthought, as I am sure many will agree, after reading the following lines which evoke, powerfully, Alexander Pope's observation about "What oft was thought, but ne'er so well expressed":

Pax Et Amare

(By Richard S. Pope)

Man professes love for Man;
Man talks of humanity;
Yet history belies the talk;
History shows Man the lie.

Man has killed Mankind;
Man has killed, always for reason;
Man has killed for vanity;
Man has killed for greed.

Man professes love for Mankind;
Man kills Man; for this love?
Man has killed in God's name;
Man has killed for country.

God is love, some say,
But Man kills in the name of God;
Each side killing for his own God;
Sometimes both sides killing for the same God.

Man professes love for Man,
Yet Man will kill Man
And peace will not be known
And love will not be shown.

Man will destroy Mankind
Unless Man is willing to try
Something different from talk,
Something different from guns.

Man will destroy Mankind
Unless Man decides to try
The one thing he only emits,
The one thing which has been just sound.

Man must express his love for man;
Man must try for peace;
Only then can we believe;
When Man professes love for Man.

Man builds weapons, for peace
What an obvious lie!
Man has always used those weapons;
Man will use them now and die!

Man must build peace;
Man must build love;
There is no longer choice,
Except the choice to die.

SAN GABRIEL BICENTENNIAL

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1971

Mr. DANIELSON. Mr. Speaker, I would like to thank the gentlemen from California (Mr. Wiggins and Mr. Edwards) for their assistance in the passage of House Resolution 450, congratulating the city of San Gabriel on the occasion of her 200th anniversary. I wish to commend the gentleman from California (Mr. Rousselot) for his leadership in the recognition of San Gabriel's Bicentennial.

San Gabriel can be justly proud of her two-century heritage. As I had occasion to remark in the Record on May 10, 1971, the city is one of California's most historic communities, beginning with the founding of the Mission San Gabriel Archangel by Father Junipero Serra. The events, the struggles and the achievements of San Gabriel are a microcopy of the history of California in many respects. Her tradition and heritage have been preserved in adobe buildings as well as the cultural life of the community.

A flag of the United States was flown over the capitol on May 20th, 1971, in honor of San Gabriel's Bicentennial and in conjunction with the festivities beginning on that day.

WOMEN IN GOVERNMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. FRASER. Mr. Speaker, the problem of sex discrimination in employment pervades our society. We find it in business, at our universities and colleges and, I am sorry to say, in governments—Federal, State, and local.

An article recently published in the New Republic, May 29, 1971, entitled "Double Standard" points out that though we hire many women for Federal service in the lower grades, we do not let very many of them move up the career ladder. For example, at the Smithsonian Institution, 33 percent of the employees are women but no women were to be found in the highest GS grouping. This information was obtained by the Civil Service itself in a study done in 1969, the article reports. The article follows:

Double Standard

It is illegal for federal contractors to discriminate in employment on the basis of sex. Accordingly, the Department of Health, Education and Welfare has in recent months undertaken to block new government contracts to several universities, including the University of Michigan, which had not hired enough women for responsible, well-paying positions. Government-sponsored public service television ads make the point that in private employment a man and a woman doing the same work (in the TV spot they're car mechanics) must be paid the same salaries. The U.S. Civil Service Commission ruled on May 12 that federal agencies may not have "men only" or "women only" jobs. Except in positions that require employes to sleep together in the same quarters and employment such as matron in a women's prison, men *and* women must be considered for all federal jobs. So there may now be female park policemen and security guards. Already there are a token number of female sky marshals.

But though government is moving toward the elimination of sex discrimination in public and private employment, it has a long way to go.

In 1969, the Civil Service Commission examined the number and percentages of women employed at each level of federal service. Government Service (GS) ratings provide an indication of status and income. GS 1–6 include primarily clerical, aid and support positions, as well as some beginning "semi-professional" jobs which require a bachelors degree or three years of "progressively responsible" work experience. The average income of GS level 1–6 employes is (at 1971 rates) $5,936. Grades 7–12 are mid-level positions, requiring a year or more of graduate school or many years of work experience. The average salary for these jobs is $11,350. Senior level grades (13–15) pay on the average $21,742. Government Service levels 16, 17 and 18, the so-called "supergrades," include political appointees as well as some career Civil Service employes.

It was found that in GS levels 1–6, nearly half of the employes were women; in GS 7–12, only 20 percent were women. In the senior grades 13–15, about four percent were women; at GS 16 and above, women represented 1.7 percent of employes. Of all women holding federal jobs 78.1 percent worked in GS 1–6 jobs; 20.8 percent in GS 7–12; one percent worked in GS 13–15 jobs; in GS 16 and above, .03 percent.

The Commission broke down these statistics by agency. The National Mediation Board, for example, had no women at grade levels higher than 12, but 77 percent of its GS 1–6 employes were women. The Federal Home Loan Bank Board employed no women in the top grades; 91 percent of the agency's GS 1–6 level employes, however, were women. At the Smithsonian Institution, which includes the National Gallery of Art, 33 percent of the employes in grades 1–6 were women; no women were to be found in the highest GS grouping. At HEW, the agency that enforces antidiscrimination laws, some 86.9 percent of employes in GS 1–6 were women. In GS levels 7–12 the percentage slipped to 43.8 and in GS 13–15 to 15.2 percent. In the supergrades at HEW only 4.2 percent of employes were females.

Such statistics describe federal employment patterns but they do not explain them. They do not differentiate for instance between the refusal to employ qualified female applicants *because* they are women, and the tendency of women for one reason or another to seek certain kinds of work. Nor do the statistics reveal how many Wellesley graduates with degrees in anthropology settle for typist jobs because that is all male employers offer them. They do suggest, however, that HEW's standards for itself and for the University of Michigan are not the same. In the highest civil service grades at HEW only a little over four percent of employes are female. Would HEW grant federal funds to a university that had so little room at the top for women?

TRIBUTE TO RETIRING IUE HEAD

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. MINISH. Mr. Speaker, it is with mixed emotions that I rise today to pay tribute to a man who has dedicated his career to enriching the lives of the working men and women of this country. Irving Abramson, general counsel of the International Union of Electrical, Radio, and Machine Workers has announced that on July 1, he will "lessen" his official activities with the IUE.

The word retirement is not found in Irving's vocabulary.

As a former member of the IUE, I know how much his dedication, his knowledge and his zeal has contributed to the labor movement.

Born into poverty, he rose to become one of our Nation's finest labor lawyers and trade union leaders. For over 40 years he has worked to secure economic justice and social dignity for American workers. His legal career followed his active participation in National and State labor organizations, including regional director of the New Jersey-Maryland-Delaware Political Action Committee, president of the New Jersey State CIO Council and the eastern area director of CIO.

We in New Jersey take particular pride in Irving's achievements. As a member of the New Jersey State Housing Authority and our State Rehabilitation Commission, he has served our State with distinction.

Following graduation from the St. John's University Law School in New York City, Irving served as an NRA attorney in the Roosevelt administration and as an organizer in the early days of the CIO. He was founding chairman of the CIO War Relief Committee and its successor CIO and AFL–CIO Community Services Committees.

He is a recepient of the celebrated Award for Freedom given him by King George for his wartime activities. He served on the executive committee of the National War Fund and the Enemy Alien Board.

With the Textile Workers in the 1960's, Irving successfully argued the famous Darlington Mills case before the Supreme Court. The decision brought an award of over $8 million to some 500 workers who lost their jobs when Deering-Miliken Co. closed its Darlington, S.C., plant to escape unionism.

He headed IUE's legal team in winning unfair labor practice cases in which the right to conduct coordinated collective bargaining through multiunion negotiating committees was upheld, and management's take-it-or-leave-it bargaining tactic known as Boulwarism was declared unlawful.

I would be remiss if I did not also pay tribute to Irving's wife, Miriam. She has been at his side in the many battles he has fought and shares his deep feelings for the labor movement.

Put simply, he will be missed by all of us.

PRESIDENTIAL LIBRARY WILL BECOME ONE OF TEXAS' GREATEST ASSETS

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1971

Mr. CASEY of Texas. Mr. Speaker, with many of our colleagues here, we recently shared the great experience of being present at the dedication of the Lyndon B. Johnson Presidential Library in Austin, Tex.

This great and imposing structure, housing more than 31 million items accumulated during his great career of public service, will be a gold mine of information for historians and scholars in the years ahead.

Here, in this beautiful structure on the University of Texas campus, adjacent to the Lyndon B. Johnson School of Public Affairs, is assembled the most complete historical record of our Nation's most turbulent period. Unlike other presidential libraries now in existence, this one will become a working affiliate of the school of public affairs and a major educational institution.

As Dr. Harry Ransom, Chancellor Emeritus of the University of Texas system, stated:

> No other account of statesmanship has been recorded in greater depth or breadth. From natural resources to educational planning, from programs in health and civil rights to complex foreign affairs, the Library's original materials reflect not only topical subjects but also permanent concerns of humanity. The most important single quality of the Library is that its spirit is informed by President Johnson's spirit. His time is reflected here not as the era of a Texan or of one citizen who held the highest office in the United States. It is revealed as a period in which men and women came to realize more poignantly their roles as human beings.

Mr. Speaker, I deemed it a high honor to be privileged to be present at the dedication of this great library, which will stand through the ages as a living memorial to one of the State's greatest native sons, and one of our Nation's greatest Presidents.

Future generations will truly benefit from the generosity of President and Lady Bird Johnson and the University of Texas.

CONGRESSMAN JOSHUA EILBERG ON THE NARCOTICS PLAGUE

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. BARRETT. Mr. Speaker, it was my privilege and pleasure to attend the first annual dinner of the ROAD—Responsible People Opposed to Abusing Drugs—on Friday, June 4.

This is a new group in my home city of Philadelphia which operates a drug education and workshop center where therapy and counseling are provided for those wanting to stop narcotics.

The dinner honored as "Man of the Year," our distinguished colleague, JOSHUA EILBERG. As a fellow Representative from Philadelphia, I have known JOSH EILBERG for many years. He is a concerned and dedicated Congressman, one who has earned the respect of his constituency and of his colleagues here in the Congress.

I found JOSH EILBERG's remarks at that dinner in Philadelphia fascinating and I congratulate my colleague for his thoughtfulness, energy, and imagination. With the unanimous consent of my colleagues, I enter JOSH EILBERG's remarks in the RECORD:

THE NARCOTICS PLAGUE

(Address by Congressman JOSHUA EILBERG)

We are here tonight because of a common concern about what has come to be known in this country as the plague. Our nation, our city, and even our neighborhoods are caught in the vise of an epidemic which slowly is reaching the proportion of the plague.

Ten years ago, or even five years ago, it was always someone else's problem. But like a viral epidemic which continues to grow unchecked, it soon became a plague, growing, reaching out and finally infecting a neighbor, a friend, a loved one, or one of their children.

And we, this nation and this society, have been slow to respond. In part, many of us have been reluctant to face the hard and brutal truth. This country is locked in the grip of a narcotics plague.

The fact that people are coming to grips with this hard and bitter reality was driven home to me this past January and February. During those two months I visited the editor of every newspaper which serves our Northeast community.

I asked each of them what was of concern to them and to their readers. To the man—or woman—they replied drug abuse. Some said their communities were concerned about schools, others mentioned recreational facilities, but everyone mentioned the drug problem. I must admit I was somewhat taken aback by the response. I knew of the growing community awareness of our problem, but the unanimity of their replies truly surprised me.

The Congress had been moving for some years indirectly against the problem, particularly in the area of law enforcement. The traditional approach has been to beef up law enforcement and customs inspection capabilities. Most particularly, the Omnibus Crime Control and Safe Streets Act passed by the Congress three years ago this month set up Federal apparatus for direct assistance to local police departments. Since the passage of that act, millions of dollars in Federal funds have been channeled to local departments.

In the last Congress, two major pieces of legislation became public law, within a month of each other. Last October, the Congress passed and the President signed the Comprehensive Drug Abuse Prevention and Control Act. The following month, the Drug Abuse Education Act became law.

These laws commit the Federal government to the education and rehabilitation aspects of the problem in a major way. Both laws give the Department of Health, Education and Welfare wide authority to promote education and rehabilitation programs. This language in itself signals a major change in the Federal attitude. It recognizes that drug abuse is not merely a criminal problem, but a challenge to the social fabric of the nation.

I cannot emphasize too strongly the significance of this shift in attitude. Most forms of drug abuse remain criminal offenses, both in the Federal code and in the statutes of the 50 states. That is not changed. But now there is an understanding that if we are truly to cope with the problem, we must educate people to the dangers of addiction, and if we are too late, if we lose some people to addiction, we must not abandon them; we must cure them.

Of particular interest to the friends and supporters of the ROAD will be the fact that this cornerstone legislation does not make the arrogant assumption that the Federal government can solve the problem alone. In large part, these two public laws mandate the Secretary of Health, Education and Welfare to provide assistance of all sorts, including money, to public or nonprofit agencies to assist in education and rehabilitation.

The legislation is new and it takes some time for the bureaucracy to gear up so that it can properly administer this new authority. However, I am confident that the ROAD will be eligible to apply for Federal assistance for its programs under these acts.

At the beginning of this, the 92nd Congress, there was a new understanding that what had been done was only a beginning and there also was a new pessimism that no matter how much was done at every level of government and by concerned private citizens like yourselves, we might fail.

The cause of this pessimism is heroin addiction. Other forms of drug abuse remain dangerous to the individual and to the community, but clearly the razor's edge of the problem is heroin addiction. It destroys the individual and it destroys his family. I will not pretend to be an expert on the problem but it was once explained to me that there are no old heroin addicts. A person either beats the habit or finally it kills him in midlife before he or she gets old.

Heroin addiction destroys the community. Some big city police departments estimate that half their felony arrests are drug-related. I recently saw one estimate that Philadelphia is home to 15 to 20 thousand addicts, many of whom must steal $300 a day in goods or property in order to get enough cash from a fence to support a $50-a-day habit. As an exercise, multiply 20 thousand addicts by $300 and you will find that the potential total loss in property in this city daily, using these figures, is six million dollars!

That, of course, is a shocking figure. Part of the problem is that no one knows for certain its dimensions. There may be 10 thousand addicts in this city or there may be 20 thousand. Some may have a $50-a-day habit, some may have a less expensive or more expensive habit. Some may be stealing property to support this habit, some may be stealing cash and some may be participating in other illegal activities, like prostitution, to support their habit. Some few are probably supporting their habit from legitimate sources of income.

But we do know that a heroin addict is trapped in the daily ritual of the "fix" and the relief it provides from physical torment. And we do know that it is expensive to the point where it drives people to criminal acts.

Now, we are confronted with a new and devastating complication; widespread heroin addiction among our troops in Vietnam. The figures are frightening. One estimate is that 300,000 American men have returned from Southeast Asia addicted. The Department of Defense officially dates our involvement in the Vietnamese war from 1961. That would mean that in the past decade, an average of 30,000 addicts have returned home annually from the war. Presidential Counselor Robert Finch estimated late last month that the Armed Services are discharging 20,000 heroin addicts a year. A Congressional investigating team went out to Vietnam earlier this year and returned to report that 10 to 15 percent of our men out there are heroin addicts. Considering that our force level there now is about 250,000, this would mean that between 25 to 37 thousand American soldiers are addicts.

One of the members of this Congressional panel was Representative Morgan Murphy of Chicago and over dinner several weeks ago he assured me that his panel's estimates were not exaggerated. He had other, equally disturbing information. For example, a preponderantly larger percentage of the soldier-addicts are draftees not regular Army personnel or volunteers. He also reported that vials of heroin were available on the streets of Saigon for a few dollars and that the heroin was virtually uncut, or nearly 100 percent pure. All this means is that the soldier-addict returned to civilian life will have to spend many, many more dollars to get the same relief from his torment here in a heroin market where the product is usually less than five percent pure.

The Armed Services have been overwhelmed by the problem, and clearly do not know how to cope with it. There are some who are quick to accuse the Services of a failure of will, but I am not among them. It is unreasonable to expect the military to be any more expert in dealing with a problem that has confounded the combined resources of the social, legal, and medical establishment in this country for twenty years.

Rather than placing blame, we must try to help. The first person we must help is the addicted G.I. I have joined a movement of my colleagues in the Congress to create the framework for such relief.

I have sponsored legislation which, if enacted, would establish and fund a coordinated education, enforcement, and rehabilitation program in each branch of the service. But more importantly, this legislation provides freedom from prosecution for any serviceman who steps forward and volunteers for a drug abuse treatment and rehabilitation program. The legislation also requires that each branch of the service or a Public Health Service hospital treat and rehabilitate any known drug addict before returning him to civilian life with a medical discharge.

The problem now is that the addicted G.I. is afraid to step forward, fearful of prosecution, a possible long prison term and the stigma of a dishonorable discharge. What begins as a lark or escape, for many ends up a nightmare and a prison for most. I am convinced that the soldier-addict will choose treatment, if it does not include prison and a D.D., over a life of despair on the streets at home.

I do not expect that every soldier-addict will be found and cured once this program is enacted into law. No system is fool-proof. For this reason, I will shortly introduce legislation which, if enacted, will ensure that the drug cure and rehabilitation capabilities at each of our country's 166 Veterans Administration hospitals, are properly funded and expanded.

The final tragedy of the war in Vietnam is that it has created a generation of heroin addicts.

The Congress also is confronting another reality of the heroin problem: the source. While much of the heroin in Southeast Asia is originating in Laos, 80 to 85 percent of the heroin illegally sold on the street here in America comes from the poppy fields of Turkey. Opium comes from the poppy! The opium in raw form is illegally transported to refineries in Marseilles, France, where it is converted to heroin. It is then smuggled into the United States, where it is cut and sold.

The terrible irony, of course, is that every United States and international law enforcement agency knows this route. These agencies know exactly where the opium is grown and could put you on a plane tomorrow and take you to the poppy fields of Turkey in the plains of Anatola, a section of that country.

Destroying the opium at its source, or stopping its cultivation, is a relatively easy matter as compared to stopping it at our borders. It is now estimated that no matter how vigorously customs agents search out and confiscate heroin at our borders, at most, only 20 percent of the heroin can and is being confiscated. This is easily compensated for by suppliers who simply load another 20 percent into the pipeline at the other end as a modest cost of doing business. After all, the heroin trade is enormously profitable.

Finally it has been concluded that we cannot stop the heroin traffic at our borders, even if we were to submit every American or foreign traveler to an exhaustive and unreasonable search, not only of his luggage and his property, but of his person. In an open and free society, this is clearly not acceptable.

But we are optimistic that we can cut off the opium supply at its source. Heroin cannot be manufactured synthetically so if we can dry up its natural source, we might have a chance at success.

I have introduced legislation which calls for the suspension of economic and military assistance to any country which fails to take appropriate steps to prevent narcotic drugs from being produced or processed for eventual export to the United States. This bill is clearly aimed at Turkey and France.

We are dealing, of course, with other independent nations, in this case, long-time allies and friends. We cannot simply order them around. But, the United States has tremendous leverage. For example, our assistance to Turkey alone since the Second World War is by one estimate thought to total $5 billion.

And we now have signs that the Turkish government is responding to Congressional pressure. In a recent report to Members of Congress, Turkey's Ambassador to the United States reported that opium cultivation has been outlawed in nine/tenths of the opium growing regions of that country and restricted to four provinces in the interior of the country, away from seashores, ports, and borders.

But all these steps might not be enough. The Senate of the State of New York has asked the Congress to pass legislation enabling the United States to destroy the 1971 Turkish opium poppy crop and has stated that it is willing to pay whatever is the expense of such an endeavor, including the costs of compensation to the Turkish farmer. Incidentally, the 1971 opium poppy crop will be harvested in one 24-hour period in the last week of this month or the first week in July.

Because of the sovereign independence of Turkey and the Turkish people, the destruction of their opium crop on such short notice is not a likely possibility.

Further, I propose that the United States government study the feasibility of a foreign assistance program for Turkey similar to the farm support programs here at home.

Domestic farm programs pay the American farmer not to grow crops or to limit crop yield in order to artificially support the price of certain farm products in the market. The program was designed to protect American farmers from the economic consequences of a glutted market.

In my view, the United States should do one of three things or any combination of the three:

1. Pay the Turkish opium farmer by the acre not to grow his crop.
2. Pay the Turkish farmer a subsidy which would make it more profitable for him to change his crop.
3. Buy the Turkish farmer's opium crop directly and then destroy it.

Any of these three alternatives might be suitable to cut off the source of supply for the heroin trade, but they will require the close cooperation of the Turkish and American governments. Some delicate negotiations undoubtedly will have to precede any such agreement.

But until we end the heroin traffic, the epidemic, the plague, will continue here at home. If we are to make even the smallest advance in ending or checking this plague, we need the cooperation of people like you and we need organizations like The ROAD.

That is why I am particularly proud of this award tonight, and particularly proud of being associated with such a fine group of my friends and neighbors. You care and I care.

I pledge to you my continuing support for The ROAD and its programs and my continuing friendship to the people who are building The ROAD.

Thank you again.

DEFENSE AUTHORIZATION BILL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. ASPIN. Mr. Speaker, during the past few weeks, there has been a great deal said about why we need a larger Navy budget. However, the debate has suffered from unfounded assertions and poor reason. Hence, any contribution to clear, rational debate is most welcome.

The following letter appeared in this morning's Washington Post. The writers—Arnold M. Kuzmack and Charles P. Shirkey—both served in the Office of the Assistant Secretary of Defense for Systems Analysis and dealt specifically with naval forces. They conclude that not only is the situation not as bad as the Navy and many of its advocates make out, but it does not lead logically to spending more on the Navy.

At a time of domestic need and taxpayer revolt, we cannot afford to make critical decisions on programs which compete for limited resources based on emotion alone. While my amendment would hold the fiscal year 1972 authorization to the amount authorized last year, it does not cut any particular service or program. Rather, it makes it possible for the Department of Defense to eliminate programs which, at best, make a marginal contribution to defense, and to cut waste and inefficiency wherever it occurs.

The letter follows:

THE NAVY'S BUDGET AND THE VULNERABILITY IN WAR

Michael Getler's June 12 article, "Navy Fears U.S. Couldn't Counter Joint Soviet-UAR Thrust Into Israel", was an interesting and apparently accurate portrayal of the views of the U.S. Navy's top leadership. For this reason, and also because essentially all of the administration's requested increase in the defense budget (over and above inflation) is to go to the Navy, it is important that contrary views be presented as well. George C. Wilson's May 31 article comparing the U.S. and Soviet navies discussed some of them. The following comments are offered to continue the debate.

It is true that, after mid-1972, the U.S. aircraft carriers in the Sixth Fleet would be too vulnerable to play much of a military role in a war with the Soviet Union heavily involved. However, the same is true today and would have been true five or 10 years ago. The most serious threats to the carriers are Soviet land-base bombers carrying air-to-surface missiles, each the equivalent of a World War II Kamikaze attack, and concentrations of Soviet torpedo attack submarines. During World War II, 60 percent of the U.S. carriers hit by one Kamikaze and all hit by two or more were forced to return to port for repairs.) It seems likely, even with a massive increase in the Navy budget, that our defense could achieve the better-than-90 percent effectiveness needed to prevent the carriers from being put out of action by concentrated Soviet air and submarine attack. The much advertised Soviet surface fleet would be only a marginal addition to this threat. The appropriate response is not to spend additional billions trying to defend the indefensible but to rethink the Navy's missions in the light of current conditions.

However, this does not mean that we could not counter a joint Soviet-UAR thrust into Israel, in the unlikely event that such help is needed; it just means that the Navy's role would be limited. The U.S. Navy could counter deployment of Soviet ground troops, just as the Soviet Navy could block deployment of large numbers of U.S. ground troops. Both the United States and the Soviet Union could deploy land-based tactical aircraft, and the U.S. Air Force aircraft would supply the air support that the carriers would have provided were they not so vulnerable. How such a war would turn out would take too long to discuss in this letter, but we simply note that Israel, with U.S. air support if needed, would have the advantage in geography, in quality of equipment, and in quality of training.

The article also relates the Navy's view that "a Soviet-backed move by North Korea against South Korea would also be extremely hard for the United States to counter with conventional weapons as the fleet and U.S. overseas bases continue to decline." No further details of the argument are given. The Soviets could introduce additional tactical aircraft, but so could we, with plenty of land bases in South Korea itself. The Soviets could, in theory, try to cut off shipping to South Korea with their submarines, but the small volume of required shipping makes it almost certain that we could get it through, though perhaps with large losses. It is therefore hard to see what Mr. Getler's sources were referring to.

In conclusion, not only is the situation not as bad as the Navy makes out, but it does not lead logically to spending more on the Navy.

ARNOLD M. KUZMACK,
CHARLES P. SHIRKEY.

RESTON.

SPECIALITY OF THE HOUSE: LEMON-FLAVORED LEAD PAINT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. FRASER. Mr. Speaker, it may not sound appetizing to you, but to many small children living in older homes, paint chips peeled off walls and trim taste good.

The following article taken from the June 1971 issue of Environment emphasizes the problem. St. Louis laid plans and started their attack on lead paint poisoning. These efforts may now be discontinued due to lack of funds.

Last year Congress passed Public Law 91–695 to counteract this disease. Brain damage and death do not respond to empty authorizations. The children cannot wait.

HALF STEP FORWARD

(By Daniel T. Magidson)

Kelly Jones is one of the children in St. Louis who has lead poisoning; she is nineteen months old and was recently taken to St. Louis Children's Hospital. She had previously been treated by a pediatrician for influenza, but, because her condition had grown steadily worse, her mother took her to the hospital rather than back to the pediatrician. On admission to the hospital the baby was unresponsive and almost unconscious. A spinal tap revealed a high spinal fluid pressure and elevated protein content. X-rays showed characteristic signs of lead in the long bones, and specks in the gastro-intestinal tract that appeared to be undigested lead paint. The level of lead in her blood was greater than 100 micrograms per 100 milliliters (the high "normal" level is below 40 micrograms per 100 milliliters). She was immediately given intravenous calcium disodium versinate which was alternated with BAL (British Anti-Lewisite) over a five-day period, the customary treatment for acute lead poisoning. By the second day she was more alert and responsive. Her life had been saved, but it is still too early to determine whether damage was done to her brain.

How did Kelly get poisoned? Her apartment house, seen from the outside, was obviously once a stately edifice and is still presentable. Looking at the inside of the Jones apartment, however, one has little doubt where Kelly got the paint she ate. Plaster is chipped off walls and ceilings, and wallpaper is peeling. Every windowsill in the Jones apartment is a tracery of cracked and flaking white, lead-based paint.

Kelly seems to be a typical toddler, and toddlers often put things into their mouths, no matter how much they are watched or told not to.

Unfortunately, many young children eat old paint, plaster, and putty that contain lead. About 3,600 children in St. Louis have lead poisoning, according to a St. Louis Division of Health official.

James Schoonover, director of the St. Louis Development Program of the St. Louis City Planning Commission, says that about 75 percent of the houses in the city were built before 1930. Presently there are 238,500 housing units in St. Louis. Of these, according to Schoonover, 23,800 are considered by the city to be in "poor or dilapidated condition." It is safe to assume that at least this 10 percent of the houses, freely acknowledged to be substandard, contain deteriorated, easily accessible, lead-based compounds in their interiors.

Ivory Perry, consultant to the St. Louis Metropolitan Tenants Organization (MTO), is among those concerned about the situation. As a civil-rights activist and housing developer for the Human Development Corporation in St. Louis, Perry became intimately involved in attempts to ameliorate poor housing conditions in the city; in time this brought him to consider lead poisoning in children and its major cause.

"I got interested in chipping plaster and paint in 1968. I was worried that children from one to six years would eat it. Most houses built before 1959 had lead paint in them. Most poor people don't have air conditioning, and they raise the windows in the summertime, and most of the little kids put their mouths on the windowsills." They soon discover that the paint chips they lick have a sweet-sour taste like lemon drops (Perry has tasted paint chips himself to confirm this), and soon they are busily chipping and eating the paint.

According to Perry, the use of lead paint in housing interiors was outlawed in the state of Missouri in 1950. In 1970 he started testing houses for lead, using a sodium sulfide solution which causes paint containing lead to turn black on contact. He said, "I tested about 50 houses and found out it was a waste of time because they all had lead paint."

As a member of a Danforth Foundation-sponsored task force on housing code enforcement in St. Louis, Perry attended an aldermanic meeting on the subject in 1969. He spoke in favor of new legislation to enforce the housing code and pointed out that "chipping plaster and peeling paint are a hazard and a danger to the kids, because most little children will pick up anything and put it into their mouths—anything."

The Metropolitan Tenants Organization, with several other community groups, has been conducting free blood-screening tests which account for 50 percent of the St. Louis screening program, the rest of the screening being done by four well-baby clinics operated by the Health Division and its central municipal laboratory (to which all samples are sent for free evaluation); the Community Medicine Department of the St. Louis University School of Medicine is involved, and individual medical students from St. Louis and Washington University Medical schools and a number of hospital technicians have volunteered their services.

Mounting public concern over lead poisoning is now making itself felt in city government. In April 1970, the St. Louis Board of Aldermen passed an ordinance "to detect, treat and prevent lead poisoning resulting from the ingestion of lead-bearing substances, which ingestion is hereby declared to constitute a serious public hazard." Instrumental in framing the ordinance were the MTO, the St. Louis Division of Health, and the Legal Aid Society. The ordinance made lead poisoning a reportable disease and gave the city health and building commissioners new inspection and enforcement authority; unfortunately, there have been only limited inspection and enforcement because the city has not been able to appropriate enough money. Inspectors have confirmed the presence of lead in at least 100 housing units, including the Jones apartment, and fines have been assessed in a few cases.

In 1970 the city's Health Division gained permission to use unexpended funds from other programs to begin a full-scale attack on lead poisoning. Community pressure was a significant factor influencing the Board of Aldermen to release the funds for the Health Division's program. St. Louis, like other major cities, is in poor financial condition. Dr. Valgard Jonsson, deputy health commissioner, had been asking for years for increased funds to detect and treat lead poisoning. It took the city three years to buy the modern testing equipment requested by Jonsson, and then it could not be put into use for a time because the city could not spare $200 to send a technician to Chicago to learn to operate it. To the city's rescue came the MTO, which raised the necessary money. Now the Division of Health has eight people working in the Lead Poisoning Control Service under Acting Administrative Chief Sharon Love.

According to Mrs. Love, between June 28, 1970 and April 4, 1971, 2,784 St. Louis children were given blood tests for lead. Of this number, 1,168 had levels greater than 40 micrograms per 100 milliliters; 248 of these were given a diagnosis of lead poisoning by physicians, and 118 have been hospitalized to date. Even for those children who are successfully treated, however, the long-term effects of the poisoning are not known, nor does the city have funds for follow-up studies of the children. In many cases, they are returned to the same environment in which they were poisoned.

The future of even this modest lead poisoning control program now appears doubtful. The special funds will be running out soon, and if the St. Louis Board of Aldermen does not appropriate specific funds for its continuation, it will stop. When asked what he would do if the aldermen do not appropriate the funds, Commissioner of Health William C. Banton, who has said "We have robbed Peter to pay Paul to get the program going," refused to speculate; he said that he could not imagine that the city would not find some way to continue the Health Division's program to halt lead poisoning in children.

Ivory Perry and many other interested citizens will not be surprised if the appropriation is not made, however. He has said, "One reason the city is not trying to prevent the disease is because it is not catching." He also has charged that the city government is not very interested in the victims "because 60 percent are black, 40 percent are white and all are poor." Ten deaths were officially attributed to lead poisoning in St. Louis from 1960 to 1969; all were in children from one to four years of age; six were nonwhite, and four were white. Dr. Banton states that lead poisoning is not solely a "black" problem; he estimates that almost as many poor white children become poisoned as black.

It is likely that far more than the reported ten children have died of lead poisoning in St. Louis from 1960 to 1969. There is probably no way to make a meaningful estimate, however. Larry Evert, deputy assistant health commissioner, told *Environment*, "The exact incidence and prevalence of lead poisoning in the city of St. Louis is unknown." Physicians, as in the case of Kelly Jones, often fail to recognize the symptoms of lead poisoning. Dr. Banton, who graduated from medical school in 1946, commented that, at least in his school, not a great deal of time was spent in making medical students aware that it could be a serious public health problem.

Other physicians have had similiar experiences. Dr. Banton said also that lead poisoning could be compared to other diseases that have been, or are in the process of becoming, more widely detected; one must be aware of something before he can suspect it. And although the constellation of signs and symptoms that indicate classical lead poisoning are almost unmistakable when all are seen in one particular child, it is extremely rare for them all to be present at once. Also, they resemble the manifestations of other conditions and diseases, such as malnutrition and influenza, to name only two of many.

In short, people in general, and doctors and parents in particular, must become more aware of the lead poisoning problem, especially if they work or live in the areas where lead poisoning must have been endemic, though largely unrecognized, for many years. When the index of suspicion becomes higher, and when all susceptible children have their blood tested for lead, the real incidence of the disease may become known.

Obviously, better detection and treatment are vital measures, but prevention is the only avenue to eradicate the disease. It is here where there is the greatest controversy and consequently the least action. St. Louis Public Health sources give the cost of removing or covering lead paint in interior surfaces of houses at $50 per room, while real estate people feel it could be $250 per room. It has been estimated that it would cost $100,000,000 to eliminate lead poisoning as a public health menace in St. Louis. The new city ordinance orders the owner or owners of record to remove or cover all lead-bearing surfaces in a house within 14 days of notification by the health or building commissioner. If this is not done the owner is held in violation of the ordinance and the dwelling may be condemned for human habitation until the lead is removed or adequately covered.

Even if no kind of affirmative action is taken, eventually the incidence of lead poisoning in children will go down, if only because of gradual abandonment and razing of older houses. As of May 4, 1971, of the 23,800 houses in very poor or dilapidated condition in St. Louis, 15,000 are vacant and vandalized, just waiting for the headache ball. But this is a painfully slow process.

At a public meeting on May 2, 1971 at the Watch Church of God in Christ in St. Louis, Arthur Jackson, vice-chairman of the Metropolitan Tenants Organization, said "Improvement in housing is the answer, but children who may be subjected to lead poisoning don't have time for long-term projects." Long-term projects must still be initiated; but in the meantime massive, nationwide screening and treatment programs must be initiated and continued to prevent the grave and irreversible damage that lead poisoning can cause innocent children.

THE CRLA FACT SHEET

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. WALDIE. Mr. Speaker, in the very near future the Director of the Office of Economic Opportunity, Mr. Frank Carlucci, will be making an important and meaningful decision.

This decision will determine the fate of the California rural legal assistance program.

Sometime this month a Presidential appointed commission of jurists will submit its report on the CRLA program. This report follows some 2 months of hearings and review of CRLA and the charges leveled against it by Gov. Ronald Reagan and the State director of OEO, Lewis K. Uhler.

If Mr. Carlucci and President Nixon buckle under to the political pressures applied by Governor Reagan, the Nation's finest legal assistance program will have been sacrificed and the poor in California and the Nation will again know where they stand.

CRLA has provided me and other Members of Congress with a most informative fact sheet on the present status of CRLA. The fact sheet is based on a number of newspaper stories.

I would like at this time to submit the fact sheet and the newspaper clippings for inclusion in the Congressional Record so that all Members can be informed as to the progress of this most important case:

Fact Sheet on CRLA Since January

On January 30th, Frank Carlucci, Director of the Office of Economic Opportunity, announced that he had decided 1) to refund CRLA for six months, and 2) to appoint a "high-level commission" to examine the charges Governor Reagan had made against the program. Columnists Evans and Novak reported several days later that Carlucci and his staff supported a full year's refunding for CRLA, but the President—wary of what Reagan might or might not do during the 1972 convention and election campaign—ordered a compromise (*The Washington Post*, 2/3/71). The "high-level commission" was obviously conceived as a mechanism whereby the Administration could extricate itself from a direct confrontation with Reagan.

The Commission was appointed in March. It consisted of three state supreme court jurists: Robert B. Williamson, Former Chief Justice of the Maine Supreme Court; Thomas T. Tongue, Associate Justice of the Oregon Supreme Court, and Robert B. Lee, Associate Justice of the Colorado Supreme Court. All appointees were Republicans prior to their Supreme Court appointments.

On April 22, after two prelimiary hearings in which Reagan's representatives made it clear they would not participate in public hearings, Justice Tongue resigned. In doing so he criticized the State for not "accepting its responsibility to call witnesses and present other evidence in support of its many and serious charges" against CRLA (*L. A. Times*, 4/22/71). Tongue, perhaps, suspected, as the CRLA staff knew, that Reagan's charges were falacious, could not possibly be supported with evidence, and the Governor's refusal to participate was simply a prelude to his atempt to discredit the Commission itself. Carlucci appointed George R. Currie, Former Chief Justice of the Wisconsin Supreme Court, to replace Tongue.

The Commission commenced its hearings on April 26th in San Francisco. The following day Governor Reagan publicly attacked the Commission, calling on its members to resign if they were not willing to conduct a non-public investigation of CRLA (*S. F. Chronicle*, 4/28/71; cf, cartoon, *Modesto Bee*, 5/4/71). On May 5, Reagan publicly appealed to President Nixon, Vice President Agnew, Attorney General Mitchell, White House Staff John Ehrlichman, and OEO Director Carlucci to redirect the Commission course. He said the Commissioners were "confused and misinformed" (*Santa Barbara News Press*, 5/5/71).

The President has not interfered with the Commission, however, and by June 5th the Commission will have conducted 16 days of public hearings in ten of the eleven communities where CRLA has offices. At these hearings the Governor's staff and all others with charges against CRLA are free to be heard. Each hearing day more of the Governor's charges are shown to be "totally unfounded and without merit", and the Commission so announces (*S. F. Chronicle*, 5/21/71). The Governor still refuses to come forward with evidence in support of his charges, and with the support of a few reactionary groups, refers to the Commission's activities as a "white wash" of CRLA.

The Commission is to report its findings and recommendations to Director Carlucci by June 15, and Carlucci must announce his decision regarding CRLA's continued existence by June 30. Obviously the President will again be the real decision-maker, and as in January, he will be confronted with the same dilemma: On the one hand, Carlucci—based on the Commission's findings—will want to refund CRLA (in January his favorable recommendation was based on the findings of a twelve-man team from OEO's Office of Inspection who found Reagan's charges against CRLA to be unfounded). On the other hand, Reagan will talk to the President about 1972 and the consequences should the President fail to support the Governor's desire to destory CRLA (*The Washington Post*, 5/12/71).

[From the Washington Post, Feb. 3, 1971]

The Nixon-Reagan Staredown

(By Rowland Evans and Robert Novak)

Sacramento, Calif.—The reason President Nixon blinked in his high-noon staredown over proverty funds with Gov. Ronald Reagan last weekend can be understood only in the light of a backstage political development two weeks earlier.

The money men who are Mr. Nixon's private eyes and ears in California had quietly put out this message to leading Republican moderates: Don't attack Reagan in any ideological dispute with the President; what we need from the governor is control of the big California delegation at the 1972 convention; don't jeopardize that by fencing with Reagan over issues.

The money men knew whereof they spoke. The White House-dictated decision by the Office of Economic Opportunity (OEO) not to override Gov. Ronald Reagan's veto of funding for the controversial California Rural Legal Assistance (CRLA) program is tied directly into presidential politics. It showed Mr. Nixon willing to compromise to forestall Reagan's threat from the right.

The implications of this accord reverberate through national and state politics. Nationally, it suggests how successful Reagan can be in using the threat of a 1972 challenge to keep Mr. Nixon from moving too far left. In California, it immeasurably strengthens Reagan's hand in controlling Republican moderates, who no longer can explain opposition to the governor on grounds of loyalty to the President.

These cross-currents between Washington and Sacramento became apparent shortly after the 1970 election when leading Republican moderates—State Controller Houston Flournoy and Assemblymen Robert Monagan and William Bagley—visited Washington. Disturbed by Democratic gains Nov. 3, they pressed this advice on their California friend, Presidential Counselor Robert Finch: Mr. Nixon must take a more liberal stance—implicitly, away from Reagan—to carry the state in 1972.

Since then, moderates have been delighted by the newest Nixon, partly because the progressive trend legitimized their criticism of Reagan. Thus, when Bagley publicly opposed Reagan's veto of CRLA funding, he pegged it on loyalty to his President.

What these moderates failed to realize was the depth of fear over a Reagan presidential bid inside the White House. That fear inspired advice to stop criticizing Reagan given by Mr. Nixon's money men here. Moreover, that fear was deepened by Reagan's shrewdly calculated visit to Washington two weeks ago.

Conferring Jan. 23 with Mr. Nixon, Vice President Agnew and Attorney General John Mitchell, Reagan declared the 1972 California delegation would be a Nixon delegation. But then he added, pointedly, how deeply he felt about his disputes with Washington over welfare regulations and CRLA funding.

Mr. Nixon's reply was so cordial that Reagan returned to Sacramento confident Washington would never suspend California's welfare money (a matter not yet determined) and would not, as OEO officials supposed, override his CRLA veto. Soon thereafter, the White House got word to Frank Carlucci, the foreign service officer who is OEO's acting director, to conduct himself like the diplomat he is in dealing with Reagan. The order: Don't make Reagan angry.

In tedious telephonic negotiations last weekend between Sacramento and Washington, Reagan's men made clear to Carlucci they would not accept anything even smelling like an override. Whatever face OEO puts on it, its decision not to override but to issue a temporary new grant (refunding CRLA for six more months pending thorough investigation) was a Reagan victory. The governor described it as such at last weekend's State Republican Convention here, adding fulsome praise for the Nixon administration and reiterating his 1972 support for Mr. Nixon.

Nixon loyalists in California are unsure what to make of all this. Optimists feel the President may have neutralized Reagan for 1972 without really curtailing his own leftward move. Pessimists feel Mr. Nixon demeaned himself, reverting to his image as "the old shell game operator."

Indisputably, Republican moderates, fearful that Reagan's bare-bones fiscal policy points toward future Republican disaster, cannot count on White House backing to oppose the governor. Flournoy, a rising star after his amazing 1.4 million-vote plurality for re-election as controller, can take independent positions. But without presidential support, few other Republicans feel strong enough to confront the governor—and that is a political victory for Ronald Reagan of some magnitude.

[From the Los Angeles (Calif.) Times, Apr. 22, 1971]

Oregon Justice Quits U.S. Panel Probing CRLA—Letter to OEO Director Says California Officials Are Failing To Cooperate

(By Jack Jones)

Oregon State Supreme Court Justice Thomas T. Tongue has quit the three-Justice panel investigating Reagan Administration charges against California Rural Legal Assistance because he believes California officials are not cooperative, it was disclosed Wednesday.

Federal Office of Economic Opportunity Director Frank Carlucci announced that Justice Tongue, 59, is being replaced by George R. Currie, 71, retired chief justice of the Wisconsin Supreme Court.

The official reason for Justice Tongue's resignation was that he faces a "heavy caseload" in Oregon.

But the jurist's office in Salem released copies of his letter to Carlucci in which he said the California OEO "is not willing to accept . . . responsibility" for supporting its accusations against CRLA by presenting witnesses and other evidence in a public hearing.

UHLER'S OBJECTIONS

State OEO Director Lewis K. Uhler had objected to public hearings on the grounds that the scope of the investigation would not be broad enough and said the state would not participate in such proceedings.

Last Friday, however, Gov. Reagan said OEO director will attend the hearings scheduled to begin Monday in San Francisco and that the state "will provide all possible assistance to the commission in its investigation of CRLA."

Wednesday, following Tongue's resignation, Ed Gray of the governor's press staff said the Administration position remains the same. He would not comment on whether that means Uhler's participation will include presentation of witnesses and evidence.

"We will make our specific plans and intentions known to the commission on Monday," he said.

Tongue's letter to Carlucci read in part:

"My acceptance of appointment to the commission was . . . based upon the assumption by your staff that if the commission decided to proceed with its task by holding public hearings, the State of California could be expected to cooperate . . ."

FURTHER REMARKS

That cooperation, he said, meant "accepting its responsibility to call witnesses and present other evidence in support of the many and serious charges made in its recent 'Study and Evaluation of California Rural Legal Assistance, Inc.'

"It now develops," he added, "after two preliminary conferences in San Francisco that California State OEO is not willing to accept that responsibility, but insists that the commission prepare a report based upon an 'investigation' of CRLA to be conducted, at least in part, by private interviews and 'executive session' . . ."

The antipoverty legal services agency itself had sought the public hearings so that its attorneys could present evidence and cross-examine witnesses.

Reagan is fighting a $1.8 million federal grant to the CRLA, an agency which has battled the governor on many issues such as welfare and Medi-Cal.

The state submitted a 283-page report, along with 9,000 pages of additional documents, critical of CRLA. The legal aid group responded that the state report was replete with false statements, rumors and "half-truths."

Others on the three-member panel appointed by Carlucci are Robert B. Williamson, 71, chairman and retired chief justice of Maine, and Justice Robert B. Lee, 58, of the Colorado Supreme Court.

[From the San Francisco (Calif.) Chronicle, April 28, 1971]

REAGAN'S ATTACK ON THE CRLA PROBE—"GO OUT IN THE FIELD," HE SAYS

(By George Murphy)

Governor Ronald Reagan said yesterday that a federal commission investigating charges against the California Rural Legal Assistance program should "go into the field and investigate" the program.

"And if they're unwilling to do that, they ought to resign," Reagan told a press conference in Sacramento.

While the governor and his State Office of Economic Opportunity director, Lewis K. Uhler, have objected for some time to the commission's methods, this was the first time a charge has been made that the commission is not following the methods laid out by the Nixon administration, which appointed it.

(CRLA for California Rural Legal Assistance, provides legal aid to the rural poor. It has been accused by the Reagan administration of not fulfilling its role, and of concentrating more on suits against government than serving its clients.

(Reagan vetoes a $1.8 million federal appropriation for the program, and the commission is to determine whether an interim, six-month funding should be extended or ended when it expires on August 1.)

TELEGRAM

But in San Francisco, CRLA officials released a transcript of a telegram sent to commission Chairman Robert B. Williamson by federal OEO Director Frank Carlucci on April 1 that appeared to contradict Reagan's position.

Carlucci wired: "The commission has determined that the only feasible method by which it is prepared to proceed with its task is by the receiving testimony on the record at hearings. In my March 29 letter to you I said it is understood that the Commission shall adopt such procedures it deems appropriate to accomplish this task.

"Accordingly, this is to advise you that the procedure the commission has chosen is acceptable and I request the commission to proceed with its task."

Reagan had said "They were a commission that was set up to do the job of investigating and I'm afraid they came here with the idea that they could sit at a bench while everybody else did the work for them and they could sit back and make a judgment.

"And this was not what they were supposed to do. They were to go into the field and investigate (CRLA), and if they're unwilling to do that they ought to resign."

NEWSMEN

CRLA Executive Director Cryz Reynoso, in San Francisco, told newsmen: "It's difficult to grapple with so untrue a statement. He (Reagan) is absolutely wrong and I believe he knows he is wrong and knows that this is not the charge the commission has."

The governer, Reynoso said, "understood full well what the hearings were going to be. So did Mr. Uhler, because he was present at the closed hearing (April 12), when Mr. Carlucci's telegram was read into the record."

Commission Chairman Williamson, a courtly jurist who is a former Chief Justice of the Maine Supreme Court, had a firm "no comment," when newsmen asked him about the governor's suggestion the commission resign.

RESIGNATION

Reynoso, however, said Reagan's method of suggesting the resignation, made at a press conference rather than to the commission itself, was "outrageous and inappropriate. These are three distinguished jurists, appointed by the federal government to hear this case."

(The other commission members are George R. Currie, retired Chief Justice of Wisconsin's Supreme Court, and Robert R. Lee, an Associate Justice on the Colorado Supreme Court.)

Reagan described CRLA lawyers yesterday as "ideological ambulance chasers," to which Reynoso responded: "If we're chasing anything, it's our phantom accusers."

The state has refused to participate in the commission hearings under the commission rules.

In the hearing itself yesterday, Earl Johnson, a USC law professor who was for two years director of the Federal OEO Legal Assistance Program, testified Reagan had threatened a CRLA fund veto as far back as 1967.

Johnson said he discussed the threatened veto with Sargent Shriver, then head of OEO, and Shriver told him:

"If I didn't override (the threatened veto), we might as well turn the country over to the John Birch Society."

(The veto was never ordered at that time.)

Johnson said also that Carlucci had told the National Advisory Committee on Legal Services, after reading a 283-page report listing the State's charges against CRLA:

"I'd hate to base a veto on that report."

There was another apparent contradiction arising out of the CRLA controversy in the governor's press conference.

On Monday, Uhler had produced a letter from Corrections Department Director Raymond Procunier in which Procunier said CRLA attorneys had played a "major" role in some prison disturbances.

Asked whether any pressure had been put on Procunier by the administration, the governor said. "I . . . certainly know of no pressure . . ."

His executive secretary, Edwin Meese III, interposed: "It (the letter) came directly from the Department. There was no pressure or even request from our office."

But Procunier's letter, dated April 21, to Uhler, begins:

You have asked if in our opinion individual attorneys . . . have played a part in recent prison disturbances . . ."

It appeared that Procunier's letter was in response to a question.

The Commission hearing resumes at 9 a.m. today in the Ceremonial Courtroom of the Federal Building, 450 Golden Gate avenue.

[From the Inglewood (Calif.) Daily News, May 5, 1971]

REAGAN TAKES HIS DISPUTE WITH OEO DIRECTLY TO NIXON

SACRAMENTO.—Gov. Reagan took his increasingly bitter dispute with federal antipoverty "bureaucrats" directly to President Nixon today.

He called on the President to order top federal officials to meet with California representatives and establish "necessary safeguards" against what he charged was "misconduct" by officials of the U.S. Office of Economic Opportunity (OEO).

Reagan charged that the Federal OEO, whose director reports to Nixon, had acted against the best interests of California apparently "to curry favor with the 'poverty law establishment' and to appease certain ultra-liberal members of congress."

CITES REPORT

Reagan cited both a federal report highly critical of the state OEO leaked to the news media last week and what he said was federal OEO "hindrance" in the current investigation of California Rural Legal Assistance by a special federal commission.

In a letter, Reagan asked Nixon to order Frank Carlucci, OEO director, and his White House superiors to meet with members of the governor's staff to establish safeguards "so that these types of incidents will not occur again."

A separate letter was sent to Carlucci yesterday with copies to Nixon. Vice President Agnew, Atty. Gen. John Mitchell and John Ehrlichman, a White House counsellor.

DEFENDS UHLER

At the same time Reagan defended at the news conference Lewis K. Uhler, state OEO director, whose agency has drawn fire from legislators and a federal evaluation team which charged he spent antipoverty funds to "harass" and "spy" on local antipoverty programs.

Reagan, who appointed Uhler last July, brushed aside the criticism as "unwarranted." He said that what federal bureaucrats had called "harassment" is actually nothing more than supervision that is more than neeeded."

Reagan told Carlucci that the Federal OEO had "repeatedly breached" understandings between the state and federal government and that Carlucci staff members made "false and misleading" statements about the purpose of the three-judge commission studying CRLA.

MISINFORMED

He said the commission was "confused and misinformed" about its task and charged the federal OEO had threatened to withhold other federal antipoverty grants unrelated to CRLA "unless California altered its position."

"We think that we're a victim and what the commission is a victim of is a bureaucratic trick brought about by some of the people back there in the (federal) OEO headquarters," Reagan told newsmen.

He identified no such Nixon administration bureaucrats by name but said they were "numerous" and constituted a "permanent structure of government."

VETOED GRANT

Reagan last January vetoed a 1.8-million-dollar grant for CRLA. The veto was upheld by Carlucci who issued a reduced six-month grant and appointed the commission to investigate CRLA and the governor's complaints against it.

The governor charged that the leak of the federal report on Uhler's office was an example of "the most recent misconduct" by the national administration's OEO.

He said the leak seemed "calculated to create a smokescreen to mask the revelation of federal OEO's improprieties in regard to the commission investigating CRLA and to aid those who are seeking to abolish any effective controls or safeguarding of OEO funds and programs within our state."

FOUR REVIEWS

Four separate reviews of the state OEO by the federal government in the past four months, Reagan said, "raises at least a suspicion of bureaucratic harassment."

He also denounced as a "kind of harassing tactic" deletion from his proposed budget of $70,000 for the state OEO by a subcommittee of the Assembly Ways and Means Committee.

The committee agreed to seek passage of a separate bill to restore the sum attached to a requirement that at least half of the policymakers in the state OEO be "poor people."

But approval of the bill in advance of passage of the state budget requires a letter of permission from Reagan. He said he considered the bill "hogwash."

[From the San Francisco (Calif.) Chronicle, May 21, 1971]

NO EVIDENCE: U.S. COMMISSION CLEARS CRLA OF THREE CHARGES

(By George Murphy)

EL CENTRO, IMPERIAL COUNTY.—A federal commission investigating charges against the California Rural Legal Assistance program opened its hearings yesterday in this hot Imperial Valley town by throwing out three major charges against CRLA.

Commission chairman Robert B. Williamson read a unanimous decision by the three justice panel.

It held that allegations CRLA had acted improperly with regard to cases involving Angela Davis, the Soledad Seven, and three Soledad inmates accused of murdering a guard were "totally unfounded and without merit."

The commission's ruling included some of the harshest language used since the panel opened hearings in San Francisco last month.

Referring to a report by State Office of Economic Opportunity Director Lewis K. Uhler, which charged the CRLA with some 129 improper or unethical acts, the commission said the Soledad section of the report contained "certain charges and insinuations," adding:

". . . No evidence whatsoever has been produced to support any claim of misconduct by CRLA personnel or attorneys regarding these matters, and no supporting evidence was attached to the Uhler report."

FLOOR

Yesterday's hearing opened in a second floor courtroom of the 47-year-old courthouse, and the crowd jamming into the room was so large that Williamson informed spectators the fire marshal had ordered no one else could enter.

The atmosphere here indicated some of the antipathy toward CRLA felt by many Imperial county residents.

Pickets representing the Citizens Committee for Agriculture—which is primarily opposed to Cesar Chavez's United Farm Workers Organizing Committee—paraded in front of the courthouse.

They carried signs reading "CRLA Eats Cesars Salid," "CRLA Doesn't Help The Poor," and "Keep CRLA Out of Our Schools."

Motorists parked in the courthouse area found under their windshields flyers reading "El Centro Stinks" and "CRLA and UFWOC Have Caused Problems in Our Valley" . . . "They have harassed and intimidated us."

DISMISSAL

The commission's dismissal of three more Uhler Report charges was the sort of thing which had angered Governor Ronald Reagan the day before.

In a Wednesday letter to Federal OEO director Frank Carlucci, the governor said he was upset because the commission had dumped three other charges after holding hearings in Salinas.

CRLA attorneys here are confident the commission will recommend Federal funds be given them to continue their work.

Last January, Reagan vetoed a $1.8 million Federal grant, but Carducci gave CRLA six months of temporary funding pending the commission's findings.

The commission, coming close to its June 15 deadline for completing its report, ordered an extraordinary session until 9 o'clock last night. Normally, the commission had been ending its daily work at about 4:30 p.m.

WITNESSES

Among yesterday's witnesses here was Donna English, a county welfare department employee who earlier this week, it was charged, was being kept under virtual "house arrest" by her superiors to prevent her from testifying in CRLA's favor.

Mrs. English took a day's unpaid leave from the welfare department to appear.

She said the high opinion the rural poor in the area have of CRLA attorneys was exemplified last January. "When the poor people heard of Reagan's veto of CRLA, a large group . . . went to the church and lighted candles for them."

El Centro attorney F. Douglas McDaniel appeared at the counsel table for witnesses opposing CRLA here.

MEMO

Earlier this month McDaniel had somehow obtained a confidential memo between two CRLA attorneys concerning various witnesses to appear here. The memo so enraged Reagan that he fired off a telegram to Carlucci urging a joint Federal-State investigation of "possible misconduct" on CRLA's part.

McDaniel was reported to have been placed under protective surveillance because of phone threats he had received.

Yesterday the attorney said, "it was only two phone calls, and I don't know what 'protective surveillance.' All I've been doing is phoning the police department and telling them when I'm going to go some place."

The commission will conclude hearings here at a session beginning at 9 a.m. today (Friday).

[From the Washington Post, May 12, 1971]

NIXON, REAGAN: COLLISION SEEN

(By Rowland Evans and Robert Novak)

The dangerous collision course being traveled by President Nixon and Governor Ronald Reagan of California was dramatized in an emotion-charged telephone conversation last week between Reagan and one of the President's most loyal California supporters.

The governor, absolutely frantic about developments in his quarrel with Washington over legal services for the poor, placed the call to a liberal Republican who long has been a steadfast Nixon man: State Asssemblyman William T. Bagley. Federal "bureaucrats," charged Reagan, were driving a wedge between him and Mr. Nixon. Bagley retorted bluntly that the governor's criticism was hurting the President in California.

Reagan's intensity of feeling underscored a risky dilemma for the President. Unless Reagan agrees to a face-saving compromise on legal services, Mr. Nixon will be faced with either humiliating surrender by repudiating his own subordinates or dangerously alienating the governor.

At stake is far more than legal services. Mr. Nixon cannot carry California in 1972 if Reagan is recalcitrant, and failure to carry California would mean failure to be reelected. Consequently, the White House has tried everything to avoid a confrontation with Reagan.

That is why the White House Jan. 30 ordered Mr. Nixon's antipoverty chief—Frank Carlucci, director of the Office of Economic Opportunity (OEO)—not to override Reagan's veto of funding for the highly aggressive California Rural Legal Assistance (CRLA). That decision went against Carlucci's own inclinations, the "compromise" worked out was six-month temporary funding of CRLA with an investigating commission appointed.

A few shrewd presidential staffers speculated this only postponed trouble, and they were right. Reagan has charged that the commission (consisting of three respected state judges from outside California) is not functioning as agreed upon, and he has called on its members to resign. High OEO officials claim Reagan's aides were advised well in advance of how the commission would function.

A possible reason for the disagreement can be traced to Mr. Nixon himself. In private conversations with Reagan (most recently at San Clemente), the President tried so hard to please that the governor could be excused for thinking Mr. Nixon supports him completely. In fact, however, apart from an admonition from White House policy chief John Ehrlichman Jan. 30 to keep "cool" in handling Reagan, OEO has received no presidential instructions to appease the governor.

The upshot was Reagan's May 5 letter to the President attacking "bureaucrats" and his telephone call the same day to Assemblyman Bagley, then attending a session of the Assembly Ways and Means Committee. The governor's immediate cause for displeasure was Ways and Means approval. Bagley concurring, of a bill to abolish the state OEO (which is headed by a former John Birch Society member).

But early in the half-hour conversation, Reagan got to really what bothered him. "Nixon and I are like peas in a pot," he told Bagley, adding his problem was with bureaucrats—"all the bureaucrats, right up to and including Jack Veneman." He referred to fellow Californian John G. Veneman, Under Secretary of Health, Education and Welfare, who has been jousting with Reagan over welfare regulations. Reagan's implications: Mr. Nixon ought to either reign in or fire these offending bureaucrats.

Bagley replied in kind. Commenting on criticism of Nixon welfare and poverty policies by Reagan and his aides, Bagley snapped: "I don't like it." It hurts Reagan as well as the President, he added. "I don't think you can win playing hard core"—that is, right wing—politics."

That view is privately held by some White House aides who hope Reagan will break clear of his hard-line assistant, Edwin Meese, and buy some compromise—say, a continuation of CRLA under certain restrictions. But what if Reagan won't compromise and, indeed, insists now on presidential support for his opposition to the commission investigating CRLA?

At this writing, OEO has not heard from the White House following Reagan's May 5 letter. If silence continues, it will be a tip-off that Mr. Nixon may refund CRLA in the face of Reagan's opposition. Before that point is reached, however, the oval office will be steeped in the agony of decision-making that contemplates the immense risks for 1972.

A GENERAL SPEAKS FOR AMERICANS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. WYMAN. Mr. Speaker, Brig. Gen. Chappie James has a vital message for Americans—particularly the tearerdowners. His message is eloquent, dynamic, truthful, and challenging.

The difference between the challenge General James hurls and that of punks like the Chicago Seven is that General James seeks to build individual character and help strengthen our free society while the Chicago Seven seek to substitute a state of anarchy by violence.

A capable columnist, Mr. Jay Hanlon, writing in the Manchester, N.H., Union Leader of June 1, tells something of General James' address to a group of service clubs in Manchester last month. I commend Mr. Hanlon's remarks to the thoughtful review of readers of the Record:

Jay Hanlon's Notebook

There was a sort of poetic beauty to the whole affair. For there he stood, tall and straight, the silver stars of a brigadier general in the U.S. Air Force gleaming on his broad shoulders, his chest be-ribboned with every possible military honor and campaign.

As he stepped back from the microphone the entire audience of some 300 of Manchester's most influential citizens rose as one and gave him a standing ovation. This too was poetic. For it was the first time in history that all seven of Manchester's service clubs had joined together to hear a single speaker. It was, in short, an occasion not every one-star general might expect.

But then, General "Chappie" James is no ordinary one-star general. The first thing that sets him apart from others is his color. Chappie James is black, the highest ranking negro in the Air Force and the second ever to be named to that rank. (Brig. Gen. Benjamin O. Davis, now retired, was the first.)

Secondly, Chappie James is an unabashed patriot and he is proud of it.

But even more to the point, what makes General James the subject of today's column is not his color or his patriotism but how he puts it all together in a spell-binding address that makes you feel lucky to have had the opportunity to hear him. And at the same time, he makes you wish desperately that more people could have heard this prominent black general from a very humble origin stand up straight and tall and tell you why he thinks this nation is the greatest in the world.

For this reason we are reprinting here excerpts of General James' address to the Manchester service clubs last week as taped by WGIR:

Speaking of his own upbringing:

". . . I am not without hope and faith because I had a set of the strongest parents in the world and they refused to let me despair. In fact, my mother points out very early in life a blueprint that will lead me to the top and will, she says, solve most of the problems that will beset me along the way.

"She tells me in no uncertain terms what it's all about. She says, my son, for you, you must remember there is an extra commandment you will add to the other 10. The 11th commandment says Thou Shalt Not Quit, no matter how tough the odds.

"You take advantage of every opportunity that is offered to you no matter how meager and improve on your position and make sure that you keep pressing forward all the way while you do this. Don't you dare linger in the dubious luxury of despair. You press forward and you eliminate one by one every reason why some bigot will say you are not his equal.

"If he says you're dirty, make sure you're clean; if he says you lie, make sure you speak truth, if he says you're dumb, make sure you learn, if he says you're scared, make sure you are brave, my son.

"Don't you ever, no matter what the provocation or the invitation, don't you ever turn your back on your God or your country or that flag. She's yours. It is the greatest nation in the world and it's the greatest emblem of that nation that's available.

"And you stand up and don't you get too busy practicing your right to dissent that you forget your responsibilities to contribute. And you will prosper in proportion as you contribute to this great nation of ours. Remember that with the heritage that comes from being born an American goes the equal responsibility to develop that heritage and hand it to your kids in better shape than you got it.

"You will find that if you will do these things and you will press forward all the time in self-betterment, you will find yourself rising to the top with authority and that's the place to be because you will find you can create more influence from on top with authority to solve the ills that beset our people . . . than you can from under the bottom with a sign or a brick or a torch.

"My father lent the exclamation points along the way and refused to let me dawdle with things that were not important . . . The only power worth your investing in, he said is the power of excellence. It is a staple that does not change and it is in demand throughout the world and nobody asks what is its color. Therefore, my son, perform, perform, excell, excell, win, win, contribute, contribute . . . that is all I know because that is all I was taught.

Speaking of the Vietnam war:

". . . I never ceased to be amazed at the people who can find so much wrong with our side and absolutely nothing wrong with the other side. And they point out and say why don't you listen to Hanoi then she says if you'll name a date when you will get everything out of Southeast Asia they will release the prisoners.

"Well, they really didn't say that officially at the peace table and that is the only place where government-to-government conversation is carried on. They said if you will tell us a date for total withdrawal we will then talk to you about releasing the prisoners. And that's a different story, my friends.

"The road out of this war has been set. We have drawn down and the President and Secretary of Defense have made good on every agreement and promise they have made on pulling people out of Southeast Asia.

"But I have not seen the other side withdrawing anything. It has been unilateral so far. And so how far can we go? We're not going to tell the enemy where and when and to what level because nobody really benefits by that but the enemy and its very vocal lobby in this nation.

"We've got to be concerned about the lives of the men now deployed over there. Those are the people we've got to be concerned about. And there is a larger issue here than even the prisoners. There are 45,000 men and more who have given their lives already and we've got to make sure they didn't die for nothing. You just don't turn around and tuck tail and run. Americans aren't that way. At least they weren't the last time I looked at them.

Speaking of this nation:

". . . She is the greatest nation in the world and she will survive. The other side is figuring really without a lot of patriotic Americans who are still in the majority and are concerned about their nation and are willing to see to it that she does survive.

"To those who say if they don't do it my way I'm going to burn it down, I say like hell you will. I have got too much invested in it. And to those people who think it is possible to do that, they reckon without the hundreds of thousands of us who held up our hands many years ago and swore to protect this nation and defend her against all enemies—both foreign and domestic, so help you God!

". . . You've got to stick with this country. She's ours, and if there is something wrong with it we'll fix it ourselves. . .

And we need right now to modify the greatest weapon we ever had . . . It is not a physical weapon but a psychological one. The weapon is called unity, unity in the principles of democracy and the law and the letter of our constitution and our just made agreements bound together by the thread of togetherness . . . It is up to you . . . you are the people who are going to have to provide, the needed modifications, you, the citizens of the United States . . .

Speaking of black militancy:

". . . There are a lot of helping hands out, reaching out in friendship or reaching down to help them (blacks) along the way and I ask them to be receptive to this.

"And I remind them that it is pretty hard for a hand to grasp in friendship or to pull and pull if yours is balled tightly into a fist of hate . . .

"Togetherness, yes! Hate and separatism no! This country or no other country can long endure its greatness if it sacrifices any percentage of its population to such ideology.

Speaking of indifference and silent majorities:

". . . You cannot only be responsible for yourself. It does not suffice to say I didn't throw the brick I didn't light the torch, I'm no bigot. Did you have the guts and the courage to tell the guy who is that he is and that he is wrong? Or did you stand by in self-righteous satisfaction and see him practice his hate or his bigotry or his unpatriotic attitudes sometimes bordering on anarchy because if you are quiet, sometimes the enemy counts you in his camp.

"Silent majority, hell! Stand up and be counted today. That's what we need today, on the side of this great nation. And make sure you build, by the way you lead your daily life, by those you touch and influence, make sure you build your link in the chain of unity that has made America strong . . . And let us show that unity to the rest of the world so they will know America is as strong and solid as she always was . . ."

JUAN M. CARREON

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. ARCHER. Mr. Speaker, Juan Carreon, a 21-year-old constituent of the Seventh Congressional District of Texas, has recently compelted a 2-year mission with his church in Mexico City, the Church of Jesus Christ of Latter Day Saints.

Juan, the son of Mr. and Mrs. Claro Carreon of Houston, graduated from S. P. Waltrip High School in 1968. He chose to serve his Lord and spent 2 years preaching the Gospel to the people of Mexico.

In the words of his director in the mission:

> In the process of bringing souls to the Lord, he has brought joy and happiness to himself, his family, and those with whom he has labored. Elder Carreon is a credit to his family. He has been engaged in a good cause and has done many things of his own free will and brought to pass much righteousness. He has grown in his missionary experience, and learned many truths which will aid him during his life.

Now Juan Carreon has come home ready to serve his country in whatever may be his lot. He brings with him the strongest kind of evidence that we have no "lost" generation on our hands. We have some great young people who are doing much to make this world the place we would all like it to be. Juan is an inspiration to me—and to all who will consider his work. I think we in Congress should all join in extending our congratulations and gratitude to Juan Carreon and his parents. They are making a reality of the dreams to which we are dedicated.

NIXON'S ASSAULT ON DRUG ABUSE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DUNCAN. Mr. Speaker, "The drug scene will not vanish if ignored," says a recent statement in the Knoxville, Tenn., Journal. I would like to place in the RECORD the full text of this editorial statement:

NIXON'S ASSAULT ON DRUG ABUSE

The national tragedy of drug abuse has been explored at length in the columns of this newspaper and in other media. There can be no question that drug abuse constitutes a national problem of alarming scope and diversity. But, as in many cases, defining the problem still leaves society with the challenge of developing a solution.

Nationally drug abuse costs $3.5 billion a year in property losses attributable to drug addicts and in law enforcement expenses. Deaths caused by drug overdoses (mainly heroin) number in the thousands each year. (New York City alone counted 1,100 deaths due to overdoses last year.)

Thus it was encouraging to see President Nixon in his latest news conference unfold plans for a massive, three-pronged federal assault on the problem.

The basic proposals are these:

(1) A large-scale program to rehabilitate Vietnam veterans addicted to drugs. Estimates of the addiction rate among U.S. servicemen in Vietnam run from 10 to 20 per cent of those assigned there.

(2) Increased sanctions against governments of countries where servicemen are illegally supplied with drugs.

(3) Establishment of a massive drug information program aimed at all Americans.

We question only the last part of the overall proposal. This newspaper tends to agree with the Knox County school superintendent, Dr. Mildred Doyle, who recently questioned the real value of additional drug information programs in public schools. She said, in effect, that exposure to detailed information about drugs may have contributed to some children experimenting with drugs when otherwise they might have left them alone.

We would suggest instead that federal money proposed for a drug information program might be better spent on domestic law enforcement and on policing the illegal international drug traffic. Additional crackdowns like the world record seizure of 248 pounds of heroin in Spain last week would soon put a dent in the American hard drug problem.

Effective control of illegal international traffic in drugs, combined with local policing efforts aimed at drug pushers, could remove "hard" or dangerous drugs from the market. If heroin cannot be obtained it cannot be used.

The combined thrust of Nixon's proposals also recognizes another vital phase of the problem—rehabilitation of addicts. In this regard a number of promising scientific breakthroughs in the program to find effective, nonaddictive substitutes for hard drugs have been made in recent weeks. Continued research hopefully will produce additional insight and perhaps even more significant discoveries.

In this context the President's proposals were both timely and realistic.

The drug scene will not vanish if ignored; it must be excised from society as a surgeon would remove a cancerous growth from an otherwise healthy body.

A FIRM COMMITMENT EASES UNEMPLOYMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. WOLFF. Mr. Speaker, on March 26 of this year, Jack Altshul, a distinguished columnist from Long Island, published in Newsday the story of the Transvac Electronics Corp., which has successfully weathered recent defense cutbacks, and done so with a labor force made up largely of the handicapped, retarded, ex-drug addicts, and housewives.

I would like to take this opportunity to commend that company, and to insert Jack Altshul's excellent article in this RECORD, both to advise my colleagues of the existence of this unique enterprise and to encourage them to seek out and foster similar enterprises in their own districts.

The article follows:

A FIRM COMMITMENT EASES UNEMPLOYMENT

(By Jack Altshul)

Newtown Road, Plainview, is a wide thoroughfare that bisects the heart of Long Island's electronics industry. The street is landlord to more than 200 plants that manufacture and sell electronics equipment, and it is hurting. Since many of the manufacturers depend on the even larger aerospace industry, and since the Grummans, Republics and Sperrys have been steadily losing contracts, Newtown Road is struggling to keep alive.

One of the firms on the street that is keeping its head above water—has continued to grow in the five years of its existence—is the Transvac Electronics Corp. The paradox is that when Arthur Hoffer and Jim Hall started the business in 1966, they found it almost impossible to hire help from a Long Island labor pool that could pick and choose jobs in the glamor aerospace and electronics businesses.

So Hall, a one-time band singer who later went to college to earn a degree in industrial management, went after Long Island's unemployables. He hired housewives who could only work part-time because of their duties at home, high school boys who were either dropping out or about to drop out, drug addicts seeking rehabilitation, even the mentally retarded. Hoffer and Hall started with a work force of 15; today they employ 250, most of whom once would have been regarded unemployable.

Art Hoffer, 38, a tall, lean, Brooklyn native, who worked in his father's grocery store while he was earning master's degrees in engineering and business administration, remembers the early days. He and Hall had worked for a large French concern in New York and they decided to go into business together when the corporation abandoned its Manhattan office. In return for phasing out the business, their employer offered them office equipment and machines.

So they came out to Newtown Road, rented 1,500 square feet of space and began to look for employes, Help-wanted ads produced no takers. Hall, a backer of Kinsman Hall, an upstate drug rehabilitation center, decided to recruit several young men who had kicked the habit but were finding it difficult to reenter society.

"In all," Hoffer recalls, "we hired about 15 of them. We still have 10, several of them in supervisory positions, and we never had trouble with one of them. I remember one boy from a nearby high school who had been in trouble for drug possession and was about to leave school. We hired him and he turned out to be a fine worker, concerned and quick to learn. He attended our on-the-job training courses at night and gave every indication of becoming a permanent member of our staff. One day about a month later, he came to me almost in tears and said he had to quit.

"I asked him why and he said that his parents were unwilling to co-sign a loan of $100 he needed to buy an old car. That was the only way he could get to work. We co-signed the note and he's been working here ever since. Now he's in charge of a department, is married and has kids."

The housewives proved valuable, too. "We fitted our time into theirs and they learned to become assemblers and harness makers, putting cables together for the variegated electronic parts."

Hoffer and Hall are perhaps proudest of the success they have had with mentally retarded employees. "This is the first chance any of them ever had to earn their own way," Hoffer says, "They're conscientious, anxious to please and hard workers. Sometimes one of them would take on a job that was just too difficult and when he couldn't do it, he'd cry. But he'd keep trying till he got it."

Both Hoffer and Hall will admit that their growth (they now use 175,000 square feet in four locations) is in large measure because they did not have to pay as much for labor as competing companies. "We had to create our own labor market," Hoffer says. "And it was very satisfying to put people to work who ordinarily wouldn't have had the opportunity. And you want to know how the labor market has changed? Three years ago when we put a help-wanted ad in the papers, we'd get maybe one applicant. Today we get about 300."

Hoffer is president of the firm and handles the administrative and financial end of the business. Hall is vice president in charge of manufacturing. Both will agree that they have been successful not only because of their employment policy but because they have not had to depend solely on subcontracting jobs for the aerospace industry.

"We're so diversified, we're able to stand a setback in any one industry," Hoffer says. "And we're always trying to come up with something new. Right now we've put on the market automated vending machines in which you can buy high-theft items like tape cassettes and films. We're also working on a credit-card system that makes it impossible to steal a card and try to use it."

Art Hoffer and Jim Hall. They put unemployables to work and their employees are not joining the ranks of the unemployed.

WOMAN OF THE YEAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. LONG of Maryland. Mr. Speaker, I have just learned that one of my constituents, Mrs. Bessye Owings, is to be honored as Woman of the Year, by her congregation in Baltimore. Mrs. Owings is the first lady to receive this award which commends outstanding service to her community and her synagogue. She certainly sets a high standard for future recipients to live up to.

I would like to further recognize Mrs. Owings achievements by including the following article in the CONGRESSIONAL RECORD:

BETH JACOB TO HONOR WOMAN

Mrs. Bessye Owings is to be honored as the Woman of the Year by the Beth Jacob congregation, Brotherhood, Sisterhood and PTA at the congregation's eighth annual Patrons of Education dinner, to be held at 6:15 P.M. Wednesday, June 23, in the Shapiro Auditorium of the synagogue, 5713 Park Heights avenue.

Dinner and dancing will be available and the cantor, David Levine, is to sing. Rabbi Albert A. Pattashnick, executive vice president of the Talmudical Academy of Baltimore, is to deliver the invocation.

FIRST WOMAN

Mrs. Owings is the first woman to be so honored at Beth Jacob. She also is the first woman in the history of the synagogue, a modern orthodox synagogue, to become a member of the board of trustees of the Beth Jacob congregation.

She is president and a board member of the women's division of the Jewish Convalescent Home, a member of the board of the Talmudical Academy and a life member of the Beth Jacob Sisterhood, National Council of Jewish Women, Mizrachi, Bais Yaakov School for Girls, Hadassah and Ner Israel Rabbinical College, among others.

HEBREW SCHOOL

Proceeds from contributions of the guests will go to the Hebrew School, which is part of the board of Jewish education school system. Scholarships are awarded to children whose families cannot afford tuition.

Dr. David Josephs is chairman of the event. Albert B. Polovoy and Armand Levin are in charge of the program. Rabbi Uri Miller is spiritual leader of the congregation.

QUICK PULLOUT MAY PRODUCE BLOODBATH

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. KEMP. Mr. Speaker, when President Nixon told the American people how he would end the war in Vietnam, he also said how it would not end—that is, the Americans would not throw down their arms, turn, and walk through the jungles down to the sea. This action, of course, would leave the South Vietnamese to make whatever accommodations they can.

So while we discuss this week whether we should get out of Vietnam fast I hope the proponents of such action will engage in a discussion of the consequences.

Mr. Speaker, those that are in favor of setting a date for complete withdrawal say that such action will "call the hand of the North Vietnamese." I am of the opinion we should be more concerned with the "hand of death" in Vietnam rather than the "poker game" being played by the North Vietnamese in Paris.

There was an excellent article emphasizing this point in the May 19, 1971, issue of the Christian Science Monitor. I call this to the attention of my colleagues and include the article at this point:

ANY RISK HERE?

(By William H. Stringer)

A Harris opinion poll finds people deciding, 58 to 29 percent that it is "morally wrong" to be fighting in Vietnam. Does this impressive sentiment mean that the United States should get out of Vietnam fast—set a total withdrawal date now for, say, October 1, or the end of 1971? Perhaps it does. But to assist the decision shouldn't there be a careful consideration of all that we can discover about the Vietnam problem: Hanoi's mood, Saigon's regime, Vietnamization, reaction of other Asian states to an American pullout, prospects of a bloodbath, and such like? So that we know what the United States is or is not risking.

I find it incredible that almost no one advocating a quick pullout is discussing anything about possible consequences. The "six-pack" of Democratic presidential hopefuls say nothing about such weighty matters. The prestigious professors who lend their names to full-page "we demand" advertisements say nothing about future policy. The Washington marchers discuss nothing of the global impact. Even the hawks say very little. A great and responsible nation, it would seem, sees the war as so terrible that it can think of nothing but how to get out of there fast.

Of course there are some unstated assumptions. One is that the Thieu-Ky government is, or must be, utterly corrupt, worse than the Communists. Another is that the Americans are, or must be, bombing villages almost daily and creating refugees by the hundreds of thousands. But that is about as far as the conventional folklore goes. To put the best possible face on it, it's as though we decided that if we make the quick pullout, everything else will fall into place. Or that, if it doesn't, we shouldn't have been there in the first place, so it's no longer our responsibility.

Now it happens that there are some who do ponder the whole policy and picture of America and Vietnam—people in the White House, and in Henry Kissinger's office, and so forth. And they have views. Which may be wrong, or wishful thinking, or slick concluΒsioning. But let's just consider their views, so as to see all sides of the picture.

For one thing, they believe that setting an early definite date for total American troop withdrawal is the same as announcing that Vietnamization is to be abandoned. The immediate result, they say, would be to advise all committed South Vietnamese to make whatever accommodations they can—to quit, develop a low profile, scuttle, attack Americans, or flee to Switzerland. This of course would end the prospect of leaving behind a viable Saigon regime or an effective army. It would negate the successful rural elections of recent years, and the parliamentary elections that were honest enough so that Buddhists got elected.

Again, if we ask whether there may be an eventual bloodbath, perpetrated by the North Vietnamese, these spokesmen point, not to the massacre at Hue as a warning, but to the killings of years ago in North Vietnam, which drove a million refugees southward. Can we be sure that Hanoi will abandon a Communist-tested formula for consolidation of power?

Impact on neighboring states? Consider Japan, the most important. Suppose Tokyo sees China and Russia as dominant in Asia, with the Americans gone resolutely home. Will Tokyo wish to maintain its alliance with the United States? Will it continue to forgo nuclear weapons? For how long?

Recriminations back in the United States? No, not right away. But think of the possibilities for exploitation, if Saigon is ruled from Hanoi and executions do occur, or if Japan rejects the American tie-up. And if some politicians charge that scuttle-and-run let this happen, after a sacrifice of 45,000 of our young men.

These are a few "possibilities on the other side." None of the dire predictions may materialize. Southeast Asia may enter a period of development under the "benign" dictatorship of Hanoi. Hanoi might even accept a coalition regime in Saigon, though the Polish history after World War II advises otherwise. But do let us consider, let us ponder, let us be alert, to the various possible outcomes.

SUPPORT FOR SOCIAL SECURITY AND WELFARE REFORM BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DINGELL. Mr. Speaker, former Secretary of Health, Education, and Welfare, Wilbur J. Cohen, has made available to me a statement with regard to H.R. 1, the social security and welfare reform bill reported by the Committee on Ways and Means, signed by himself and three other outstanding Americans—Fedele F. Faurie, chairman of the Federal Advisory Council on Public Welfare, 1964–66; William Haber, chairman of the Federal Advisory Council on Employment Security, 1948–64; and Wayne Vasey, president of the National Conference on Social Welfare, 1967–68.

So that my colleagues may be aware of the views of Secretary Cohen and his conferees, I ask unanimous consent that the text of their statement appear at this point in the CONGRESSIONAL RECORD:

SOCIAL SECURITY AND WELFARE REFORM BILL

H.R. 1, the social security and welfare reform bill reported by the House Committee on Ways and Means has many important, commendable, and progressive features. As in all major legislative proposals, it includes some undesirable and unnecessary provisions which can and should be changed and it is reasonably certain from past experience that the Senate will make changes in a number of the provisions.

Action by the House of Representatievs on a social security bill is usually by a closed-rule which prohibits any amendments from the floor. This means that if the bill is not passed as is, it is probably doomed to die. Further review will undoubtedly indicate various amendments which would be desirable in the Senate. Public hearings by the Senate Committee on Finance should result in additional changes. We support several amendments to the bill in the Senate.

The 5 percent increase in social security benefits (payable for June, 1972) is necessary and desirable. We believe a more substantial increase in social security benefits is warranted. Recent recommendations of the Advisory Council on Social Security under the chairmanship of Arthur Fleming, former Secretary of Health, Education, and Welfare in the Eisenhower Administration, indicated that revisions in the method of making actuarial estimates would make it possible to increase benefits in 1972, probably without any further increases in contributions than are already provided. We favor an additional 5 percent increase in social security benefits, effective for June, 1972. One way in which this kind of additional across-the-board improvement could be provided would be through a $5 a month increase to all primary beneficiaries. This would significantly help lower-benefit and lower-income recipients.

The States and localities should be relieved of substantially more of their welfare costs than is provided in the Committee bill. Some substantial savings should be provided for fiscal year July 1, 1971 to June 30, 1972. There is no doubt in our minds that all welfare costs must be assumed by the Federal government within the next three to five years. We favor an increase in the level of family assistance payments of $2400 for a family of four persons to $3600. There are alternative ways to accomplish this result. One way would be for the Federal government to pay one-half of the cost of any supplementation.

The employment requirements for welfare recipients which are specified in the bill, in our opinion, are unrealistic and will prove to be unworkable and sooner or later will be amended or repealed. A study of women with children on welfare several years ago indicated that 70 per cent wanted to work. Obviously the wish is undoubtedly greater than the reality when practical considerations are taken into account. In any case there are more women on welfare who want to work than there are facilities for the care of their children and training programs to meet their special needs. We recommend that the Senate modify these provisions.

The House Committee is to be commended for the provisions in the bill relating to child care for the day care of children of mothers on welfare. Priority should be given to the implementation and financing of these provisions. However, we do not believe that prompt and effective implementation of these provisions can be achieved unless Federal requirements for these facilities supersede the 50 different State requirements which are unrealistic, unflexible, outmoded, and restrictive.

The automatic cost of living adjustment for social security benefits included in the bill has been appropriately amended in our opinion to provide that if and when Congress acts to improve the program the automatic provision will not apply in the following year. This retains the basic initiative and responsibility for improvements in the Congress. An automatic cost of living increase is not a *real* improvement in the program. It only keeps benefits in the same relative position as they were before. Despite the important constructive improvements in the OASDI program contained in the bill, there is still a need for further basic changes to make the program adequately meet the needs of the aged, disabled, widows and orphans in a dynamic and expending economy and to take these groups out of poverty.

We support the provision in the bill to provide a minimum monthly social security payment of $100 to persons with 20 years of insurance coverage, and $150 with 30 years of coverage. This provision recognizes the equity for individuals who contribute to the system over a long period of time. At the same time it recognizes the social adequacy concept embodied in the minimum benefit for the lower-income participants.

Similarly, the provision to increase the social security benefit one per cent a year for individuals who continue to work (and pay contributions) above the retirement age (65 to 72) is a desirable addition.

The reaffirmation by the Committee of the soundness of the social security approach as a basic method of preventing poverty among the aged, disabled and widows and orphans is encouraging. The Social Security Act is the biggest and most effective anti-poverty program in the United States. Some eleven million persons are kept out of the poverty group by virtue of the social security program. It will make a somewhat broader and more effective contribution as a result of the Committee bill. We hope the Senate will further improve it and that future Congresses will continue to build on the strong foundation established over the past 36 years. The Committee on Ways and Means has shown vision and statesmanship in making social insurance such a central part in public social and fiscal policy.

The Social Security program, however, is not solely directed to relieving poverty. Nor do we believe it should be. Social security is designed to enable an incentive, risk-taking economy to function. It attempts to provide compensation to individuals who produce and take risks.

We are particularly pleased that the Committee has include disabled persons under the Medicare program. The tremendous favorable acceptance of the Medicare program by older persons and their children and the successful administrative operation of the program over the past five years has made it possible to extend the program. We believe that prescription drugs on a limited scale should be added to the program, and hope the Senate will do so.

Because of the many constrictive improvements in the bill, we hope the House will pass it and send it to the Senate for further improvement.

FREEDOM—OUR HERITAGE

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. STUCKEY. Mr. Speaker, Miss Nella Arnold is a high school student who lives in my Eighth Congressional District. She has written a paper titled, "Freedom—Our Heritage."

Mr. Speaker, if we had more young people who felt, deep in their heart, about their country as this young lady does, I would rest easier about the future of these United States.

I include Miss Arnold's paper at this point in the CONGRESSIONAL RECORD:

"FREEDOM—OUR HERITAGE"

(By Nella Arnold)

"The God who gave us life gave us liberty at the same time," Thomas Jefferson spoke.

Long before the first American colonies were in existence, the people of England were gradually laying the foundations of our liberties, building up those institutions which have made us a free nation. Those who came here were the heirs of great political traditions.

"What sought they thus afar?
  Bright jewels of the mine?
The wealth of seas, the spoils of war?
  They sought a faith's pure shrine."

They sought to develop, in the new world, a government that would give them freedom such as their ancestors had been struggling for, a government to secure the blessings of liberty for themselves and for those who would dare to follow them.

The interests of the newcomers was not in treasure, but in beginning a new life—a life in which they would be free, among other things, to worship God as they chose. One writer observes, "At best, men cannot be simply free or simply happy in being free. They must be doing something with their freedom."

The Englishmen who came wanted to build a heritage which would secure a better way of life for their children. They planned to build a land freedom could own. They chose to build a land whose ray of peacefulness could guide others to freedom. They chose to build . . . America.

America meant freedom of religion. Each man brought with him his own beliefs.

And America meant freedom to earn a better living. She served as a refuge for those unfortunate people who were not only jobless but homeless.

Emma Lazarus spoke for America in her poem "The New Colossus."

"Give me your tired, your poor,
  Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
  Send these, the homeless, tempest-tost to me.
I lift my lamp beside the golden door."

America—as a fortress, she stood tall in the night, offering everything her name represented to all who would call her home. America stood for many things.

America meant freedom to share in government, freedom to talk over political matters, freedom to criticize the government, its officers, and laws. America meant freedom to make plans for common action. It can only happen here: free speech, free opinions, even for the youth of the land.

When my forefathers fought for freedom of choice, they fought for individualism—for the ability to speak out and make their opinions known. They fought for "freedom to learn enjoyably, freedom to express learnedly, freedom to share the knowledge which they had wisely, and freedom to lead others to freedom."

Now, "this is my country, land of my choice . . . What difference if I hail from North or South—from East or West? My heart is filled with love for all of these." Freedom has been made mine.

Freedom to laugh, to cry, to love—Freedom to dream and make dreams come true—

To ride my bike down a country trail, and freedom to walk down that same path—Freedom to choose from a dozen different religions, and yet, I can feel truly safe being part of this "one nation under God"—Freedom to choose my friends, to plan my life—freedom to explore and discover—Freedom to understand—And freedom to ask questions when I don't understand.

I have told of my heritage. I can accept no other. I am a product of Freedom's Heritage.

DR. JOHN E. MOCK

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DAVIS of Georgia. Mr. Speaker, the State of Georgia has long been in the forefront of a move to strengthen the capabilities of the individual States vis-a-vis applications of science and technology to the multitude of problems facing us.

Leading this effort is the distinguished John E. Mock, director of the Georgia Science and Technology Commission, and top-level advisor to Gov. Jimmy Carter. Dr. Mock is well-known in scientific circles for his dedication to the premise that the States are valuable repositories of scientific manpower, imagination, and spirit that can be effectively harnessed to community, State, and even national problems.

Under the enlightened guidance of Dr. Mock, Georgia has developed one of the strongest and most effective science advisory councils in the Nation, a council which has set an example of leadership for the rest of the country.

I am pleased that Dr. Mock has taken some of the truisms and theories of science and State governmental relations and applied them to the Federal Government's role as a partner with the States in the direction of scientific policies.

While I am not in complete accord with Dr. Mock's views on revenue sharing, I think these recommendations will be of interest to all who are concerned with the proper utilization of our scientific manpower, and I commend them to my colleagues as follows:

SUMMARY

In recent years the Federal Government has sought to further the Nation's goals by sponsoring the development of new scientific and technical knowledge relating to a wide variety of problems. Increasingly, these Federal efforts have been directed to problems that, in our Federal system, are the responsibilities of the States. A division of labor has consequently emerged which promises substantial accomplishments if the lines of communication between the levels of government operate effectively.

The Federal Government, with its system of agency science policy officials, plus interagency coordination through the President's Office of Science and Technology, is well organized to develop and evaluate the overall implications of Federal actions. A comparable set of mechanisms does not exist to encourage effective science and technology policy development between Federal and State levels of government, or to apprise State Governments of the implications of national policy developments. States have increasingly begun to strengthen their own capabilities to produce and assimilate scientific and technological findings of relevance to their operations. In this regard, however, State governments vary widely in the extent and effectiveness of their endeavors.

Though progress has been made, many national problems continue to demand our best efforts at solution. Science and technology cannot supply answers to all of our problems. However, to the degree that new knowledge can be made relevant to those problems, it behooves us to take whatever steps are necessary to assure that our organizational arrangements are effective in accomplishing our objectives. There is a need to develop national policy and mechanisms to mesh Federal and State activities more effectively and to strengthen State capabilities.

Public science policies are necessarily subordinate to overall public policies. Since public resources are limited, and since public goals undergo constant change, governmental commitment to support of science and technology, and of established public policies on science and technology will vary directly with the utility of science and technology to the fulfillment of overall societal goals. In the solution of public problems, science and technology may not be regarded as ends in themselves. They must be constantly kept relevant to overall societal goals.

We find that the best interests of our society—Federal, State and local governments, private industry, and the general public—will be more effectively served if the Federal Government strongly encourages the increasing interest of the State Governments in enhancing their capabilities in the application of scientific and technical knowledge to the solution of their many problems. This effectiveness of Federal efforts will be measured, in large part, against the utilization by State Governments of the products of Federal efforts to contribute new knowledge, new methods and new management arrangements.

Efforts to improve the development and delivery of scientific and technical knowledge in resolving national domestic problems in the economic, social and environmental spheres must be done with proper recognition of the constitutional and legally defined roles of each of our levels of government. In advancing the following recommendations, the Committee recognizes that the nature of the public R&D system requires strong central direction by the Federal Government. However, unless undertaken with State partners possessing a policy and management capability comparable to the Federal Government, Federal efforts are unlikely to result in an optimum impact on efforts designed to solve national problems.

Each of the following recommendations included in the Report is intended to provide for the improved use of science and technology. The greater gains will follow when Federal, State and local governments each more clearly identify their roles in a national system and take steps necessary to implement their roles.

PRINCIPAL RECOMMENDATION NO. 1—ESTABLISHMENT OF AN INTERGOVERNMENTAL SCIENCE AND TECHNOLOGY PROGRAM WITH ASSIGNMENT OF LEAD AGENCY RESPONSIBILITY

It is recommended that the Director of the Office of Science and Technology formally establish an overall Federal government program on intergovernmental relations dealing with science and technology. This activity should receive sufficient staff and program resources to deal with the important considerations reflected in this Report.

It is also recommended that as a part of this program, all Federal agencies that support scientific and technological programs relevant to the problems of State and local governments should:

(1) formally incorporate the advice and judgments of the representatives of the States in the development of Federal agency science and technology policies and programs; and

(2) develop both interagency and intergovernmental funding arrangements to support scientific and technological efforts in a manner reflecting the priorities of both Federal and State governments.

To accomplish these objectives, it is recommended that the Director designate a Federal agency to assume the responsibility for developing the necessary guidelines and procedures. Such a lead agency would receive policy guidance both from the Federal Council for Science and Technology and from the Governors of the States, as represented by such groups as the National Governors' Council on Science and Technology.

PRINCIPAL RECOMMENDATION NO. 2: STRENGTHENING STATE SCIENCE AND TECHNOLOGY MECHANICS

It is recommended that the Federal and State governments provide support through revenue sharing or other appropriate means for the development and coordination of State science and technology mechanisms that would serve to augment State capabilities for policy making, programming and implementation—including the review, development, assessment and application of scientific knowledge and technology in the public area. In a given state, it would appear that minimum administrative costs for such operations would approximate $100,000 per year.

Such State mechanisms would function to:

(1) increase the capabilities within State governments, both executive and legislative branches, for identifying needs and priorities in research and development and for ensuring the use of science and technology in the provision of public services;

(2) encourage the formation of more effective arrangements for applying technology to public objectives and managing research and development within State government.

It is recommended that State Governments establish appropriate institutional arrangements reflecting each State's structure and its view of priorities. In the executive branch of State Governments, an Office of Science and Technology or a science advisory council to the Governor, are possible arrangements. Since State legislators also frequently feel the need for advice on science and technological problems, an agency of the legislature charged with similar functions is an additional possibility.

PRINCIPAL RECOMMENDATION NO. 3: JOINT FEDERAL-STATE RESEARCH ACTIVITIES

Implementation of Federal revenue sharing with State Governments is likely both to enhance State responsibilities and decision-making, and to change the ways in which research and development is applied to the solution of domestic problems. The Committee believes that States would be in a better position under such an arrangement to shape new R&D application systems, and accordingly recommends that consideration might be given to ensuring that a small percentage of revenue sharing funds to States should be set aside for R&D purposes.

It might, for example, be possible to establish a cooperative Federal-State research adaptation and application fund. Approved State projects could provide for application of science and technology to public objectives by transfer and adaptation, and could include further research as necessary. The funds could be used to support in-house efforts or for contractual research. Collaborative efforts by States on problems of mutual interest would be encouraged. The creation of state and regional research institutes is an attractive possibility since such institutes would offer the prospect of larger scale efforts with minimal possibilities of duplication.

OKLAHOMA PUBLISHER CITES BUREAUCRATIC SNARL IN NEW POSTAL CORPORATION

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. EDMONDSON. Mr. Speaker, one of the principal arguments advanced by the administration last year when it asked Congress to pass legislation creating a new Postal Corporation was the improved, streamlined postal service which would result to the American public. The Congress went along with the administration's request, and Public Law 91-357 was approved August 12, 1970, authorizing creation of the new U.S. Postal Service Corporation.

With the July 1, 1971, effective operational date for the new Corporation fast approaching, I think it is timely to take a look at some of the "improvements" which the Corporation has tentatively adopted thus far. To expedite handling the mail, the Corporation says, it has become necessary to do away with the practice of canceling mail with the name of the city from which it was mailed. The hours of open service at numerous post offices have been substantially curtailed in order to speed up delivery service.

One of the most recent "improvements" initiated by the Corporation has been to eliminate Saturday window service at our post offices. My good friend and editor of the Claremore, Okla., Daily Progress, Mr. Donn Dodd, has taken a look at the changes by the new Postal Corporation, and I think his views on this subject will be of interest to other Members of this body. I insert Mr. Dodd's column "A Bit of Progress" at this point in the RECORD:

A BIT OF PROGRESS

(By Donn Dodd)

The decision to eliminate window service on Saturdays at Claremore's post office is just another example of the bureaucratic ineptness which seems to be playing a bigger and bigger part in our American way of life.

Claremore Postmaster Grant Stout blames the decision on a cutback in hours by the regional postal service. He also says he made a survey to see what the reaction was and there was no protest on closing. "The business places felt like it was all right," he is quoted as saying.

It looks like the American public has had about all of this so-called postal efficiency and reform they can take. We've lost our identity by having our stamps cancelled without our town name on it, the number of hours windows are open during the week has been cut back, mail service in general is lousy and now this Saturday closing bit.

To argue that this Saturday closing is justified because the banks close that day is a bunch of bull. The postal service, or at least it started out to be, comes in the same category as police and fire.

Do you think the police and fire stations are going to close on Saturday because the banks do? To say that a survey of business people failed to turn up any complaints is like asking a few to make decisions for the majority.

Most of the counter mail service, we'd venture to guess, is not business people, but is for the housewife, the guy who works everyday and those who have just gotten in the habit of doing their postal business on Saturday morning.

If this is just another bureaucratic decision which we've got to mold our lives to fit then let it be. However, we can't help but think the civic leaders of this community should let this decision stand only after exhausting every effort possible to get it changed.

BRINGING THE U.N. TO THE PEOPLE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. REUSS. Mr. Speaker, the first international symposium on the United Nations' Second Development Decade, held last month in Boston, proved a great success. Sponsors of the meeting made a fine start toward their goal of marshaling support for the international body's vital development assistance program, by bringing the U.N. to the people. U Thant, the Secretary General of the United Nations, has said that similar programs to further his organization's development work are planned for other cities in this country and abroad.

The following editorial, from the Christian Science Monitor of June 4, contains some thoughtful comments on the symposium and, more broadly, on the U.N.'s development efforts:

A GAP THAT MUST BE BRIDGED

The industrialized powers have a tremendous moral obligation to the developing states of the world—the obligation to help the less advanced lands lift themselves up from the grind of subsistence at the poverty level.

Development aid so far—however worthwhile and valiant it has been in many directions—has hardly begun to scratch the surface of the problem. The stark fact is that, because of the population explosion, inflation and other factors, the gap between rich and poor, between industrialized and developing states, is actually growing wider instead of shrinking.

These issues were put in blunt terms at a symposium on the United Nations Second Development Decade held in Boston last week. Speakers such as UN Secretary-General U Thant and former Canadian Prime Minister Lester Pearson stressed the risk to world peace if the present imbalance in development is allowed to drift on indefinitely. But it must be remembered that the means of correcting this inequality already exist, and that, while the need is greater, the scientific and technical ability to meet it has increased too, as Mr. Pearson pointed out.

There is, therefore, no ground for discouragement, but a call for ever greater dedication and effort. There also must be more compassionate understanding of the human and social needs of the developing lands, so that they do not feel their resources are being exploited for selfish ends in some form of neocolonialism.

Under the "strategy" adopted for the Second Development Decade, the industrialized nations have been asked to contribute 1 percent of their gross national product to development aid. Several West European countries already have reached this goal and Britain and Japan have set target dates for attaining it. We hope the United States will soon do likewise.

Mr. Pearson stressed the role of the individual citizen in this great help-your-neighbor enterprise. It is up to the individual to see that the world develops in the right direction, he said.

Happily the UN is now making a deliberate effort to reach out to the people and to explain what needs to be done in the development field.

The Boston symposium, which was attended by many concerned citizens, including clergymen, academicians and businessmen, was the first of a series to be held in major American cities.

We all need these closer contacts. We need to know what the problems are and what contribution the individual can make to help the world meet them.

The UN is to be congratulated on this new outgoingness.

BUNKER HILL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. O'NEILL. It was many years ago that the battle for Bunker Hill was fought, and those men who so valiantly risked their lives have long since died. Bunker Hill was more, though, than just another battle in the Revolutionary War; its impact both on the founding of the Nation and on those of us who live today has been immense. This battle, involving less than 5,000 troops, served as the first major step in the long, hard-fought struggle for independence. Yet, measured in the same terms as other great battles the world has seen, the fighting which took place on that hill was indeed a small affair, described by some as "more gallant than safe." But the importance of this confrontation and the contribution made there cannot be measured whether by the number of troops involved, or the casualties inflicted.

Today, on this anniversary of that historic battle, we should remember not only those men who fought there, but the ideals for which they chose to endanger their lives. The story of Bunker Hill and the lesson we must derive from it is that the ideals for which men strive require a heavy price, that of ceaseless and determined endeavor. We pause today, not only to commemorate the fighting which took place on this day, but also to be invigorated anew with the spirit and purpose which guided the men who fought this battle.

In these days of internal strife and questioning we must as a nation reaffirm the purpose for which those early patriots fought so courageously. The Revolutionary War was won, not by intricate maneuvers or advanced weaponry, but by men whose determination to strive for the ideal of freedom was unsurpassed and whose efforts were unrelenting.

The problems facing this country today are manifold. The solutions to these problems seem as remote to us as freedom and independence must have seemed to those early patriots who defended Bunker Hill. But if we can take inspiration from gallant efforts of those brave men and direct our energies toward the problems at hand, a victory as important as that which we celebrate today will be ours.

INDEPENDENCE FOR THE BALTIC STATES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. ROE. Mr. Speaker, this week we mark two sad and tragic anniversaries in history. They are the 30th anniversary of the first mass deportation from the States on June 14, 1941, and the 31st anniversary of the Soviet occupation of Lithuania on June 15, 1942.

The history of the Baltic nations has been one long tragic struggle against czarist and Soviet designs to secure outlets on the Baltic Sea.

It was not until the close of World War I, that these courageous people through determination and sacrifice were rewarded with independence. In 1920. Estonia, Lithuania, and Latvia signed peace treaties with the Soviet Union, in which the Soviet Union voluntarily and forever renounced all sovereign rights over the people and territory of the Baltic States.

The independence of the Baltic States was shortlived, lasting only two decades. But during those 20 years of national independence and self-government these nations made great progress. Largely, as a result of hard work, thriftiness, and determination, the economy prospered, industry, grew, art and literature flourished.

These achievements were abruptly destroyed when the Red Army, in callous violation of the treaties, invaded Lithuania, Latvia, and Estonia on June 15, 16, and 17, 1940. The process of Soviet seizure of total power then began.

A year later the systematic destruction of all traces of nationalism among the Baltic peoples commenced with the deportation of 60,000 citizens of these countries to various parts of the Soviet Union, mainly Siberia. It is estimated, by Baltic States experts, that when the Soviets finished their campaign to colonize the three countries more than 25 percent of the population of the three states had been deported or murdered. Today, in the capital of Lithuania, Vihius, native Lithuanians are a minority.

The crime of those rounded up for exile, or slaughter, was simply being a leader, a patriot.

It might be assumed that after 30 years of enslavement, and oppression the Baltic peoples would be ready to stop fighting. But they do not quit. Despite the captivity in which they live, despite the tragedies they have endured, the Baltic peoples throughout the world remain dedicated to the restoration of the independence of their respective fatherlands.

Today, let us extend our expressions of sorrow and concern to people of Latvia, Lithuanian, and Estonian ancestry in our country and around the world. Let us also assure them they are not forgotten, that we are aware of their continuing plight, and that they have the support of all who cherish freedom in their struggle for freedom from tyrrany. Expressing, also, our desire that they soon will attain their goal and live in peace in their homelands enjoying the fundamental rights which are now so brutally denied them.

SELF-DETERMINATION OF THE BALTIC PEOPLES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. HUNT. Mr. Speaker, June 15 marked a tragic anniversary for the Baltic States, for it was only 31 years ago that the Soviet Union overthrew by force the republics of Lithuania, Latvia and Estonia.

It is indeed a paradox of history that the miseries of war must be suffered to insure freedom, but the lessons of the past must be kept before us lest we extinguish the hopes of less fortunate nations whose people have been strangled by the yoke of communism.

Of this occasion, I would like to supplement my remarks with an essay that was prepared by the National Executive Committee for the Lithuanian American Community of the United States of America, Inc., which reflects the endurance of the Baltic people under more than 30 years of Russian slavery, yet manifests their unyielding struggle to again realize the freedom of self-determination:

SELF-DETERMINATION OF THE BALTIC PEOPLES

RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was reestablished.

This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevlt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

Mr. Speaker, on February 18, 1971, I introduced House Concurrent Resolution 169 that is identical to House Concurrent Resolution 416 as unanimously approved by both the House and the Senate in the 89th Congress. It is respectfully urged that the Congress should reaffirm its belief in the right of self-determination for all people and that the President should implement this legislation accordingly. The full text of House Concurrent Resolution 416 follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PFAFFTOWN JAYCEES ARE NO. 1 AGAIN

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. MIZELL. Mr. Speaker, it gives me great pleasure to announce to my colleagues that the Pfafftown, N.C., Junior Chamber of Commerce has again won the Giessenbiar Sweepstakes Award, given annually to the most outstanding Jaycee chapter in the State of North Carolina.

The award, given for the greatest community service and leadership activity, makes the Pfafftown organization eligible to compete again for the No. 1 national award which it won last year.

The list of accomplishments compiled by the Pfafftown Jaycees is an impressive one indeed, and I am sure my colleagues in the North Carolina delegation and others in this Chamber join me in congratulating these young men for their outstanding achievement.

The Nation could use more people like the Pfafftown Jaycees, who are prepared to work through the system to improve the quality of life for the citizens of their community.

An article published in the Forsyth County, N.C., Suburbanite-Weekly News of May 27, 1971, tells more about this award, what was done to earn it, and the men who did all the work.

At this point, I include the text of that article in the RECORD of today, and recommend it for the consideration of my colleagues.

The article follows:

PFAFFTOWN JAYCEES NO. 1 AGAIN

The Pfafftown Jaycees were again named Number One Jaycee Chapter in North Carolina last Saturday night at the State Jaycee Convention which was held this past weekend at the M.C. Benton Convention Center in Winston-Salem.

The award known as The Giessenbiar Sweepstakes, is awarded each year to the Jaycee Chapter in North Carolina judged to be the outstanding Chapter in terms of community service and leadership activity. All 225 North Carolina Jaycee Chapters have the opportunity of entering the contest for the award and in preliminary judging, five clubs are chosen. This year these five were East Bend, Pfafftown, Rockingham, Lumberton, Greenville and Greensboro. The most outstanding club is chosen from the group and the club is entered in national competition. Our local Pfafftown club will be entered in the judging for overall U.S. outstanding club. They won that award last year.

The Jaycee Chapters are judged on the design and follow through of projects. This year the Pfafftown Club submitted 170 projects to the judges. About one-third of their projects are of an internal nature dealing with leadership training for their members. The rest of their projects, or about 112 of them, were involved with community service in some way. Examples of community service projects include their Law and Order Program, whereby they sponsored an auxiliary Deputy for the County Sheriff's Department; helping with the Together House Drug Program by training Jaycee members to assist with the clinic; helping the Cystic Fibrosis educational effort in Forsyth County which helped them double their money raising goal; carried out Pitch, Hit and Throw, a program to aid 9 to 12 year olds in improving their baseball skills. Among their other projects were Junior Camp Day; a field day for boys and girls called a Field and Track Day for boys and girls ages 6 to 14; a Christmas party for over 300 5 to 11 year old less-privileged children; sponsored Bantom Bowling League for boys and girls 12 to 15 years old; sponsored Foreign Officers' Visit which brought six foreign military officers to live with Jaycees to see what our country is like. They have also conducted community attitude surveys and been engaged in numerous other projects which are reported throughout the year in these pages.

"Our winning of this award is a result of a tremendous team effort by the entire membership," said Roger Jones, Jaycee President, "and of course, we could never have accomplished anything like what we have without the full support and cooperation of our wonderful Jaycettes which are the backbone of our organization."

Members of the award winning Jaycee Organization are:

Thomas G. Beaman, Thornton J. Beroth, Winfield W. Beroth, Larry D. Billings, Bill Boswell, Jr., Roger A. Boyd, John H. Burton, Ralph W. Burton, Douglas Butler, Kenneth W. Cabarle.

Stephen G. Calaway, Jerry T. Carter, William G. Case, Norman H. Cash, James R. Cass, Max Covington, Tommy Dalton, Donald G. Farrior, Phillip E. Fleming, Charles H. Fletcher.

Kenneth W. Griffith, Ralph W. Hawkins, Charles A. Hayes, Edwin Henson, James D. Hewett, Phillip G. House, L. Jerry Johnson, C. Roger Jones, William Jones, Roger Jordan.

Richard H. Lane, W. Thomas Logan, Robert K. Lukach, Arnold Marshall, Mike Marshall, Kenneth McKaughn, Billy J. Mendenhall, Stephen M. Miller, Joseph Ottaviani, Ellis Pardue.

W. Douglas Parrish, Jack W. Patterson, David C. Poindexter, Dr. Barry W. Ramsey, James R. Scales, Gary H. Schroeder, Gene Speas, Jack G. Stewart, John W. Stewart, Mike Tuttle.

Aaron Eugene Veach, Michael R. Vehorn, James L. Wagoner, Charles Watkins, Paul R. Watson, Jimmy R. Westmoreland, Gerald R. Wheeler, Larry D. Wilkinson, Charles Williams, Johnny L. Williams, Ronald E. Williams, J. Alan Willis, Donald M. Wooten, Michael Yates.

ASSOCIATE MEMBERS

Ray F. Bottoms, Bobby H. Jordan, John C. Kiger, Stuart W. Rollins.

COURTS NO LONGER IMMUNE FROM CHAOS AND DISINTEGRATION

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mrs. GREEN of Oregon. Mr. Speaker, in the speech marking his inauguration as president of Boston University this past May, Dr. John R. Silber remarked that no longer do we believe "that there is a time and a place for everything—a time to be born, a time to be a child, a time to be an adult, a time to be old, and a time to die. We cannot," he concluded, "take time to observe the rites of passage."

He might have added that in the midst of social chaos and disintegration which daily flaunts itself to our attention, we no longer have time to practice civility which the morals and manners of another day would have demanded that we do. Even courtrooms—the last bastian of the dignity and majesty of the law—are no longer immune from the temper tantrums of some who, or so it would appear, are more interested in notoriety than the attainment of justice.

It has been reassuring to me to note that this fact has not escaped the attention of this Nation's foremost jurist. I commend to your attention the following excerpts from a speech by Chief Justice Warren E. Burger last May 18 before the American Law Institute:

> With passing time I am developing a deep conviction as to the necessity for civility if we are to keep the jungle from closing in on us and taking over all that the hand and brain of man has created in thousands of years, by way of rational discourse and in deliberative processes, including the trial of cases in the courts.
>
> Whether in private negotiation or public discourse, in the legislative process or the exchanges among leaders, in the debate of parties, or the relatively simple matter of a trial in the courts, the necessity for civility is imperative. Without civility no private discusson, no public debate, no legislative process, no political campaign, no trial of any case, can serve its purpose or achieve its objective.
>
> When men shout and shriek or call names, we witness the end of rational thought process if not the beginning of blows and combat. I hardly dare take the risk of adding that this may also be relevant to the news media.
>
> Today more and more new and vexing problems reach the courts, and they call for the highest order of thoughtful exploration and careful study. Yet all too often, overzealous advocates seem to think the zeal and effectiveness of a lawyer depends on how thoroughly he can disrupt the proceedings or how loud he can shout or how close he can come to insulting all those he encounters—including the judges.
>
> A large part of the new litigation involves the rights of the whole of society, or claims of so-called "new property," or new constitutional theories or what some advocates describe as "political cases."
>
> At the drop of a hat—or less—we find adrenalin-fueled lawyers cry out that theirs is a "political trial." This seems to mean in today's context—at least to some—that rules of evidence, canons of ethics and codes of professional conduct—the necessity for civility—all become irrelevant.
>
> The role of the press is a crucial one. Sometimes their highest service is to reflect precisely the conduct of the brash and swaggering lawyer or intemperate, blustering judge.
>
> History records numerous episodes of physical attacks by members of Congress on their fellow members. Pistolwhipping and caning escalated from verbal attacks. News media were intensely partisan and vicious, and it was not uncommon for political leaders to horsewhip newspaper reporters.
>
> Today, and increasingly in the past few years, we witness some of this kind of incivility as well as violence. Speakers are shouted down or prevented from speaking. Editorials tend to become shrill with invective and political cartoons are savagely reminiscent of a century past.
>
> I suggest this is relevant to law teachers because you have the first and best chance to inculcate in young students of the law the realization that in a very hard sense the hackneyed phrase "order in the court" articulates something very basic to the mechanisms of justice. Someone must teach that good manners, disciplined behavior and civility—by whatever name—are the lubricants that prevent lawsuits from turning into combat.
>
> With all deference, I submit that lawyers who know how to think but have not learned how to behave are a menace and a liability, not an asset, to the administration of justice.
>
> And without undue deference, I say in all frankness that when insolence and arrogance are confused with zealous advocacy, we are in the same trouble the courts of England suffered through a century ago. Today English barristers are the most tightly regulated and disciplined in the world and nowhere is there more zealous advocacy.
>
> It may seem strange to some that such obvious truths as these should be uttered. But perhaps our failure to state them more often and practice them more faithfully has brought us to the need—the need as I see it at least—to discuss so simple and elementary a subject as the necessity for civility in all the affairs of men—and especially men of the law.
>
> Our failure is collective and our responsibility total. The solution must be one shaped and executed by lawyers, law professors and judges.
>
> I submit that we must make some basic decisions in terms of allocating the responsibility for regulating an inherently contentious profession and then place rigorous powers of discipline wherever we place the responsibility—whether it be in the courts or in the profession.

LIST OF WITNESSES HEARD IN THE HOUSE PUBLIC WORKS COMMITTEE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. McFALL. Mr. Speaker, I refer to my floor statement yesterday in support of the conference report on S. 575. At the close of my statement I referred to a list of witnesses that participated in House Public Works Committee hearings when the bill was considered as H.R. 5376.

Unfortunately, this list was not printed in yesterday's RECORD and I believe it would be appropriate to list those witnesses at this time.

The list follows:

TESTIMONY

Alexander, Hon. Bill, a Representative in Congress from the State of Arkansas.

Anderson, Hon. Wendell, Governor of the State of Minnesota; accompanied by Thomas Feeney, commissioner of economic development, State of Minnesota.

Annunzio, Hon. Frank, a Representative in Congress from the State of Illinois.

Bennett, Hon. Charles E., a Representative in Congress from the State of Florida.

Bergland, Hon. Bob, a Representative in Congress from the State of Minnesota.

Bevill, Hon. Tom, a Representative in Congress from the State of Alabama.

Boggs, Hon. Hale, a Representative in Congress from the State of Louisiana.

Brademas, Hon. John, a Representative in Congress from the State of Indiana.

Burmeister, W. J., president, American Association of State Highway Officials; accompanied by Alfred E. Johnson, executive director, American Association of State Highway Officials.

Burton, Hon. Phillip, a Representative in Congress from the State of California.

Conte, Hon. Silvio O., a Representative in Congress from the State of Massachusetts.

Corman, Hon. James C., a Representative in Congress from the State of California.

Curtis, Hon. Kenneth M., Governor of the State of Maine.

Danielson, Hon. George, a Representative in Congress from the State of California.

Deavers, Kenneth, director, Office of Planning and Program Support.

Dechant, Tony, president, National Farmers Union, Denver, Colo., accompanied by Dr. Blue Carstenson.

de la Garza, Hon. E. (Kika), a Representative in Congress from the State of Texas.

Diggs, Hon. Charles C., Jr., a Representative in Congress from the State of Michigan.

Dingell, Hon. John D., a Representative in Congress from the State of Michigan.

Dulski, Hon. Thaddeus J., a Representative in Congress from the State of New York.

Esala, Rudy R., president, National Association of Development Organizations; accompanied by Tim F. Maund, past president, NADO, Augusta, Ga.; R. B. Patterson, board of directors, NADO, New Bern, N.C.; Earl Price, past president, NADO, Shawnee, Okla.

Foley, Hon. Thomas S., a Representative in Congress from the State of Washington.

Ford, Hon. William D., a Representative in Congress from the State of Michigan.

Fraser, Hon. Donald M., a Representative in Congress from the State of Minnesota.

Garmatz, Hon. Edward A., a Representative in Congress from the State of Maryland.

George, Elmer, executive director of the Georgia Municipal Association; accompanied by Mayor Gerald Thompson, of Fitzgerald, Ga.; and Mayor Charles Bradshaw, of Franklin Springs, Ga.

Gribbs, Hon. Roman, mayor, Detroit, Mich.; accompanied by Norman Miller, assistant to the mayor; J. Thomas Cochran, legislative counsel, National League of Cities and Conference of Mayors; and Larry Snowhite, legislative assistant, National League of Cities and U.S. Conference of Mayors.

Gubser, Hon. Charles O., a Representative in Congress from the State of California.

Hall, Hon. David, Governor, State of Oklahoma.

Hansen, Hon. Julia Butler, a Representative in Congress from the State of Washington.

Harvey, Hon. James, a Representative in Congress from the State of Michigan.

Hastings, J. Albert, chairman, board of directors, Central Texas Economic Development District.

Hechler, Hon. Ken, a Representative in Congress from the State of West Virginia.

Hicks, Hon. Floyd V., a Representative in Congress from the State of Washington.

Hull, Hon. W. R., a Representative in Congress from the State of Missouri.

Johnson, Hon. Harold T., a Representative in Congress from the State of California.

Keyserling, Leon H., president, Conference of Economic Progress, consulting economist and attorney, former chairman, Council of Economic Advisers.

Leggett, Hon. Robert, a Representative in Congress from the State of California.

Matsunaga, Hon. Spark M., a Representative in Congress from the State of Hawaii.

McCormack, Hon. Mike, a Representative in Congress from the State of Washington.

McDade, Hon. Joseph H., a Representative in Congress from the State of Pennsylvania.

McFall, Hon. John J., a Representative in Congress from the State of California.

McKay, Hon. K. Gunn, a Representative in Congress from the State of Utah.

Meany, George, president, American Federation of Labor and Congress of Industrial Organizations, accompanied by Andrew J. Biemiller, assistant; and Nathaniel Goldfinger, assistant.

Meeds, Hon. Lloyd, a Representative in Congress from the State of Washington.

Mikva, Hon. Abner, a Representative in Congress from the State of Illinois.

Minish, Hon. Joseph G., a Representative in Congress from the State of New Jersey.

Mollohan, Hon. Robert H., a Representative in Congress from the State of West Virginia.

Monagan, Hon. John S., a Representative in Congress from the State of Connecticut.

Moore, Hon. Arch A., Jr., Governor of the State of West Virginia.

Moss, Hon. John E., a Representative in Congress from the State of California.

Nathan, Robert R., economist, Washington, D.C.

O'Neill, Hon. Thomas P., a Representative in Congress from the State of Massachusetts.

Pantos, Hon. George J., special assistant to the Secretary for Regional Economic Coordination, Department of Commerce.

Partridge, Robert D., general manager, National Rural Electric Cooperative Association; accompanied by William E. Murray, legislative representative.

Pelly, Hon. Thomas M., a Representative in Congress from the State of Washington.

Podesta, Hon. Robert, Assistant Secretary for Economic Development, Department of Commerce.

Price, Hon. Melvin, a Representative in Congress from the State of Illinois.

Pryor, Hon. David, a Representative in Congress from the State of Arkansas.

Quillen, Hon. James H., a Representative in Congress from the State of Tennessee.

Rarick, Hon. John R., a Representative in Congress from the State of Louisiana.

Rodino, Hon. Peter W., Jr., a Representative in Congress from the State of New Jersey.

Roybal, Hon. Edward R., a Representative in Congress from the State of California.

Semer, Milton P., former Deputy Administrator and General Counsel, Housing and Home Finance Agency.

Shriver, Hon. Garner E., a Representative in Congress from the State of Kansas.

Sisk, Hon. B. F., a Representative in Congress from the State of California.

Skubitz, Hon. Joe, a Representative in Congress from the State of Kansas.

Slack, Hon. John, a Representative in Congress from the State of West Virginia.

Smith, Spencer M., Jr., secretary, Citizens Committee on Natural Resources.

Staggers, Hon. Harley O., a Representative in Congress from the State of West Virginia.

Stubblefield, Hon. Frank A., a Representative in Congress from the State of Kentucky.

Tabor, Ralph I., director of Federal affairs, National Association of Counties, accompanied by Frank Sterlha, county chairman, Board of County Commissioners, Muskegon County, Mich.; Gordon Skipper, county commissioner, Muskegon County, Mich.; Ray Wells, county administrator, Muskegon County, Mich.; Dr. John Schaeffer, consultant, Muskegon County, Mich.; Elmer Peters, chairman, Board of County Commissioners, Sedgwick County, Kans.; and Robert Lakin, director of planning, Sedgwick County, Kans.

Thomson, Hon. Vernon, a Representative in Congress from the State of Wisconsin.

Vander Jagt, Hon. Guy, a Representative in Congress from the State of Michigan.

Vanik, Hon. Charles A., a Representative in Congress from the State of Ohio.

Waldie, Hon. Jerome R., a Representative in Congress from the State of California.

West, Hon. John C., Governor of the State of South Carolina; accompanied by Philip G. Grose, Jr., executive assistant; and Jack West.

Whalley, Hon. J. Irving, a Representative in Congress from the State of Pennsylvania.

Williams, Harold W, deputy director, Boise Cascade Center for Community Development, Washington, D.C.

MATERIAL RECEIVED FOR THE RECORD

Abbott, Laurie K., on behalf of the city of Savannah, letter.

Abourezk, Hon. Jim, a Representative in Congress from the State of South Dakota, statement.

American County, August 1970, article entitled "Muskegon County, Mich. Mends Waste Lands With Waste Water".

Anderson, Hon. Wendell, Governor of the State of Minnesota, statement.

Bannister, John, executive secretary, Office of Oil and Gas Conservation Commission, letter.

Barnes, Maurice, vice president, B–N Ranch, letter.

Bumpers, Hon. Dale, Governor of the State of Arkansas, statement and letter.

Burkehalter, David A., city manager, Springfield, Mo., letter.

Clements, James H., mayor, city of Temple, letter.

Curtis Hon. Kenneth M., Governor of the State of Maine, statement.

Denholm, Hon Frank E., a Representative in Congress from the State of South Dakota, statement.

Docking, Hon. Robert, Governor of the State of Kansas, letter.

Eichwold, Lawrence G., president, CAMBIO, letter.

Eltzroth, Clyde A., Hampton, S.C., statement.

Elwell, Eben L., director, Maine Housing Authority, letter.

Esala, Rudy, executive director, Arrowhead Regional Development District and president, National Association of Development Districts, statement.

Fanning, J. W., vice president of services, the University of Georgia, statement and letter.

Fosco, Peter, general president, Laborers' International Union of North America, ALF–CIO, statement.

George, Elmer W., executive director of the Georgia Municipal Association, statement.

Gershkoff, Robert S., executive vice president, Citizens United Renewal Enterprises, Inc., letters.

Goolsby, Rex, county judge, Freestone County, letter.

Gray, Frank E., acting director, State of New Mexico, Department of Development, letter.

Hall, Hon. David, Governor of the State of Oklahoma, statement.

Hastings, Albert, chairman, Meridian; P. F. Thomas, telegram.

Hearnes, Hon. Warren E., Governor of the State of Missouri, statement.

Helland, Henry C., Utah State Department of Highways, letter.

Hull, Harry, executive director, the International Center of New England, Inc., letter.

Jorgensen, Lee, director, State of Utah, Department of Development Services, letter.

Kee, Hon. James, a Representative in Congress from the State of West Virginia, letters and supplementary statement.

Laufenberg, Wayne E., coordinator, Governor's rural policy for rural development, statement.

Linson, M. G., Colorado State director, vocational education, statement.

Lucy, Hon. Patrick J., Governor of the State of Wisconsin, letter.

Maund, Tim F., executive director, Central Savannah River Area Planning and Development Commission, Augusta, Ga., statement.

McNair, Konduros & Corley, Columbia, S.C., letter.

Manda, Robert N., executive vice president, Mid-America, Inc., letter.

Meany, George, president, American Federation of Labor and Congress of Industrial Organizations, letter with attachments.

Melcher, Hon. John., a Representative in Congress from the State of Montana, statement.

ATTACHMENTS

Joint letter to Secretary Maurice Stans from Members of Congress.

Formal statements from Governor;

Testimony from Senator Mansfield;

February 24 letter to the President;

John Ehrlichman, letter.

Milliken, Hon. William G., Governor of the State of Michigan, letter.

Moore, Arch A., Jr., Governor of West Virginia, telegram.

Nathan, Robert R., statement.

National League of Cities, U.S. Conference of Mayors, Samuel V. Merrick, director, congressional relations, letter and enclosures.

Office of the City Manager, Muskegon Heights, Mich., Donald P. Ziemke, city manager, letter.

Oklahoma legislative appropriations that relate to development of regional commission programs.

Olson, George T., director, Comprehensive Health Planning, State of New Mexico, letter.

Ozarks Region—Oklahoma Economic Indicators.

Pantos, Hon. George J., special assistant to the Secretary for Regional Economic Coordination, Department of Commerce.

Federal "Veto" in the title V regional program, and Summary of Regional Commission Funding.

Perfection Products Co., Waynesboro, Ga., J. M. Lovett, personnel manager, letter.

Pet, Inc., Dairy Division, Washington, Ga., Harold S. Skinner, letter.

Peters, Elmer S., chairman, Board of County Commissioners of Sedgwick County, Kans., statement.

Peterson, Hon. Walter, Governor, State of New Hampshire, letter.

Piucci, Virginia L., Rhode Island College, letter.

Price, Earl V., executive director, Central Oklahoma Economic Development District (COEDD), statement.

Redding-Record Searchlight, Reading, Calif., February 5, 1971, article entitled "We Forgot Good of WPA."

Robins, W. B., general manager, Utah Cooperative Association, letter.

Sargent, Hon. Francis W., Governor, State of Massachusetts, letter.

Schweigert, Hon. Thomas F., Federal Cochairman, Upper Great Lakes Regional Commission, statement.

Semer, Milton P., former Deputy Administrator and General Counsel, Housing and Home Finance Agency, statement.

Smith, Spencer M., Jr., secretary, Citizens Committee on Natural Resources, statement.

Staggers, Harley O., a Representative in Congress from the State of West Virginia, statement.

Steele, G. Fred, Jr., Federal Cochairman, Coastal Plains Regional Commission, statement.

Steriha, Frank, chairman, board of county commissioners, Muskegon County, Mich.

Stewart, Edward J., mayor, city of Muskegon, Mich., letter with attachments.

Stewart, E. L., Jr., Federal Cochairman, Ozarks Regional Commission, statement.

Strickland, Marty, city manager, Pittsburg, Kans., letter.

Township of Muskegon, Muskegon, Mich., Juane A. Baker, Muskegon township supervisor; Jack Joslyn, chairman, Water and Sewer Committee, letter.

UAW Solidarity, February 1971, article entitled, "Unemployment—The Crisis Is Now."

Waters, John B., former Federal Cochairman, Appalachian Regional Commission, statement.

White, Bob, director, Department of Aviation, State of New Mexico, letter.

Wiggin, Chester M., Jr., Federal Cochairman, New England Regional Commission, statement.

Williams, Harold W., deputy director, Boise Cascade Center for Community Development, statement.

Williamson, Kenneth, deputy director, American Hospital Association, letter.

Womer, Stanley, Federal Cochairman, Four Corners Regional Commission, statement.

UNITY TEMPLE—A NATIONAL LANDMARK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DERWINSKI. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address which my dear friend and distinguished colleague, Mr. COLLIER, delivered at Unity Temple, in Oak Park, on June 6:

UNITY TEMPLE—A NATIONAL LANDMARK

Doctor Krick, distinguished guests, friends and neighbors:

This afternoon's observance will be twofold. Unity Temple will receive a plaque from the Department of the Interior, signifying that it has been designated as a national landmark, and we will pay a well-deserved tribute to the building's designer, whose birthday is Tuesday.

Man, through the centuries, has worhiped his Creator in many different kinds of places, in tents and tabernacles, on the tops of mountains, and by the banks of rivers. In our own day we may hear the word of God proclaimed in modest buildings or in magnificent cathedrals.

It matters not where we assemble to kneel in prayer and lift our voices in hymns of praise to the Almighty, so long as we meet in the proper spirit. The Saviour himself assures us that "where two or three are gathered together in my name, there am I in the midst of them."

Frank Lloyd Wright, to whose great genius we owe this remarkable structure, was born in 1869 at Richland Center, Wisconsin. Long before his arrival, his mother, confident that her first-born would be a boy, had determined that he should grow up to become an architect.

His formative years were spent in Oak Park, where he practiced his profession from 1892 to 1909. It was during this period that a congregation with $45,000 on hand decided to build a new church.

Its building committee first considered holding a competition for the designing of what was to be Unity Temple. Fortunately the idea of a competition was abandoned.

According to Wright, competition among architects had produced no worthwhile building. The jury, a hand-picked average, rejects not only the worst designs submitted but also the best, in order that the average may average upon something average. Any architectural competition will therefore be an average upon an average by averages in behalf of the average.

As an architect enters a competition in order to win the prize, he aims his efforts at what he conceives to be the prejudices and predilections of the jury. The building that results from the contest will be well behind the times before it is even begun.

Wright had to deal, not with a jury, but with a committee. Abraham Lincoln is supposed to have described a camel as a horse that had been put together by a committee.

Wright believed that decisions reached by a committee were seldom above mediocre unless the group was dominated by a strong personality. Unity Temple as we see it here this afternoon would never have been built had it not been for such a strong individual—Charles E. Roberts. Roberts was not only a mechanical engineer but also an inventor.

The pastor of the congregation, Doctor R. F. Johonnot, thought in terms of that with which he had been familiar during his boyhood, the modest house of worship back in New England, with its thin spire pointing heavenward. Wright asked, "Why the steeple of the little white church? Why point to Heaven?" and proceeded to tell the committee a story.

A man with an overwhelming desire to see God ascended to the summit of the highest mountain and climbed to the top of a tall tree that stood on its peak. Ragged and weary from his strenuous exertions, he lifted his eager face to Heaven and called upon God.

A voice ordered him to get down and return to the place from whence he had come. If he wished to see God, he must descend into the valley below where his own people were. Only there would he find God.

Why not, the architect asked, build a temple to man, appropriate to his uses as a meeting place, in which to study man himself for the sake of his God? A church did not need a spire to point to Heaven, either to call God down or to take man up.

The curiosity of the members of the committee had been aroused. What, they inquired, would such a building look like? They could not visualize such a structure.

"That's what you came to me for," Wright replied. "I can imagine it and I will help you create it."

At the first meeting the inventor and the architect used all the resources at their disposal and succeeded in convincing a third member. There remained four who were still dubious, including the pastor. One of the doubters, Mr. Skillin, was openly hostile.

Doctor Johonnot was soon won over, however, and the balance of power shifted to the side of the architect. The doubts and fears of the others were eventually put to rest, except for Skillin, who was firmly convinced that the room would be dark and its acoustics bad. The formal decision to proceed was made despite his warnings and over his dissent.

The congregation's $45,000 was expected to provide a church auditorium that would seat 400, along with an adjoining room for banquets and recreation. Even in 1906, when a dollar had a great deal more dignity than it possesses today, the sum appeared to be insufficient for what was desired.

When an architect sits down to plan a building, he must consider many things, such as the site, the climate, the size of the building, its cost, the use to which it will be put, how it can be made attractive and in harmony with its surroundings, the materials to be used, and such matters as light, heat, ventilation, acoustics, and sanitation.

Frank Lloyd Wright was perhaps best known for his insistence upon blending the buildings which he planned with their natural backgrounds. Design, he theorized, must take second place to function or purpose.

Although they were written when Wright died, the words of Edgar Kaufman, Jr., for whom the architect planned a home, are apropos at this point:

"The needs of everyday life were prime problems to Wright; he considered prosaic answers to them inadequate. For developed individuals in a democratic society he sought an architecture that kept life whole without keeping it back."

Even as far back as 1906, when Unity Temple was but a dream, Lake Street was a noisy thoroughfare because of the streetcars. It seemed best, therefore, to keep the proposed building closed on the three street sides and arrange it so that the people would enter from a courtyard between the auditorium and the adjoining recreation building. The two parts would be joined by the pastor's study.

Foremost in the architect's mind was a noble room for worship. His idea of the great room would shape the whole edifice. Let the room inside be the architecture outside.

The room itself would be constructed with four interior free-standing posts to carry the overhead structure. These concrete posts, which would be hollow, would become ducts to insure economic and uniform distribution of heat.

The large supporting posts would be so set as to form alcoves on all four sides of the room. These side alcoves would be flooded with light from above to bring a sense of a happy, unclouded day into room.

With this feeling for light, the center ceiling between the four great posts would be pierced by skylights, with daylight sifting through between the intersecting concrete beams, filtering through amber glass ceiling lights. Thus managed, the light, would, rain or shine, have the warmth and softness of sunlight. Daylight and night light would have the same effect.

According to Wright's plan, the worshippers should not stream in toward the minister and turn their backs on him as they departed. Why not place the pulpit at the entrance side, at the back of the square room, and bring the congregation into the auditorium at the sides, on a lower level?

From that thought came the depressed foyer or cloister corridor on either side, leading from the main lobby at the center to the stairs in the near and far corners of the room. Those who thus entered the room would be able to look into it, but they would be imperceptible to those who were already in their places.

At the conclusion of the services, wide doors beside the pulpit permitted the people to come forward toward the clergyman and find themselves directly in the entrance loggia from which they had come in.

The wooden forms or molds in which concrete buildings had to be cast at that time were always the chief items of expense. In order to economize as much as possible by using the forms over and over, the outside walls of the building would have to be nearly identical. The first building to come complete as architecture cast from forms was Unity Temple.

It was the custom in those days to place a thin veneer of brick or stone over the concrete, but because there wasn't enough money for this, Wright put some of the stones of the concrete mixture on the walls, thus giving texture and variety to the flat surfaces. There was but one material from which to choose—concrete was cheap.

After getting the main idea, Wright worked all night. During the next few days he made no fewer than thirty-four studies of the relationship of the auditorium to the recreation building before he was satisfied with their harmony.

It took two years to build Unity Temple. No building in America had even been constructed of reinforced concrete poured into wooden frames.

No contractor was very anxious to assume the responsibility of translating the architect's visionary designs into living reality. The only bids available were double the utmost limit or even higher.

Finally Paul Mueller agreed to build the house of worship for but a little in excess of the amount that the congregation had earmarked. Mueller took his time but he accomplished what he set out to do. He lost money on the deal, but not much. Surely the privilege of working with Frank Lloyd Wright was some reward and may have brought the builder other contracts, just as the architect proceeded to even greater achievements.

As the congregation assembled for the first service in its new structure, September 26, 1909, with Doctor Samuel A. Eliot of Boston preaching the dedication sermon, Frank Lloyd Wright stayed home. Why? Perhaps the answer to that brief and blunt question can be found in the story that is told of a king of England who was paying his first visit to a newly constructed cathedral.

The king declared that he was *amused* and said that the new building was *awful*. Inasmuch as these words were uttered three centuries ago, the monarch meant that he was *amazed* at what he saw and that the cathedral *filled* him with *awe*.

It may well be that Wright remained away on that autumn day because he feared that the members of the congregation would give the words their present-day meaning. Perhaps he did not want to be laughed at by those who might be shocked at what he had prepared for them.

If the architect entertained any such thoughts, his mind was soon relieved of them. Shortly after the church had opened, his telephone began ringing and he was kept busy accepting messages of enthusiastic congratulations from those who were delighted with their new church home.

Finally Mr. Skillin, who had played the role of doubting Thomas, was on the line, retracting his words of opposition. He was pleased with the appearance of the new building and told Wright that he could see and hear fine.

After more than six decades, Unity Temple still functions as a house of worship. The man in whose fertile brain it first appeared went on to achieve national and international fame.

Wright had built the first mechanically ventilated, steel-furnished office building in Buffalo, New York, back in 1904. Eight years later he projected the first "slab" skyscraper. It was he who designed the lightweight wall of glass and metal that was to become so common on tall buildings. Wright also designed floors that were cantilevered from a tall central mast. He devised and named the now familiar carport.

It was Frank Lloyd Wright who built the great Imperial Hotel in Tokyo during the years from 1916 to 1922. It was put to its severest test the very next year after its completion when an earthquake killed 143,000 people. Due to the hotel's floating cantilever construction, then considered revolutionary, it was the only large building that offered safety and survived the catastrophe.

Wright died in Phoenix, Arizona, on April 9, 1959, in his ninetieth year. One of his last great dreams had been a mile-high skyscraper. Perhaps if his days on earth had been extended for but a few more years, he might have made even this dream come true. In these days, when men journey to the moon, one hesitates to say that anything is impossible.

In both the broad sense and the narrow, an appropriate epitaph for Frank Lloyd Wright would be the English translation of part of the Latin one devised for another great architect, Sir Christopher Wren. Wren's epitaph can be seen in his architectural masterpiece, St. Paul's Cathedral in London. The words most often quoted from it are: "If you would see his monument, look around."

During Frank Lloyd Wright's extraordinary career, which continued for sixty-six years, he designed more than 600 buildings. They are located in many different states, as well as abroad. He was also a teacher of architecture who inspired his pupils to emulate him by designing useful buildings themselves. His influence will be with us as long as we live.

"If you would see his monument, look around."

Many of the most outstanding buildings that contributed to Frank Lloyd Wright's position of preeminence among architects are to be found in Chicago and its suburbs.

"If you would see his monument, look around."

One of the very earliest structures designed by Frank Lloyd Wright was the magnificent house of worship in which we have assembled this afternoon, an edifice that has stood the test of time and which the government of the United States has designated as a national landmark.

"If you would see his monument, look around."

DOWNEY SIDE, INC.

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. BOLAND. Mr. Speaker, I take pride in calling my colleagues' attention to a unique juvenile rehabilitation program in my district, Downey Side, Inc.

Downey Side was founded in 1968 by Margaret M. Downey, a Chicopee teacher who recognized the sad fact that many of our juvenile programs often serve more to punish than to rehabilitate. The program is based on the motto, "Growth Through Love."

Since its founding, Downey Side has grown. It now operates four homes for boys, and has just recently dedicated its first home for girls.

The Rose M. Engle Home for Girls is dedicated to the memory of its founder's mother. Its purpose is to provide a homelike atmosphere—complete with love and understanding—to teenaged girls who have been deprived of the benefits of true family life. This is the unique feature of Downey Side, the creation of a family milieu. Each home consists of a mother, a father, and six to 10 children. In this way, the residents learn to love by being loved.

The merits of Downey Side have been recognized by many. Jerome Miller, commissioner of the Massachusetts Department of Youth Services, has praised Downey Side as being a major step toward true rehabilitation. Terrance Cardinal Cooke, archbishop of New York, at the dedication ceremonies of the Rose Engle Home, cited Downey Side as "having a message for other sectors of society." That message is one of sharing and compassion.

Downey Side is a pilot program, unique to Massachusetts. Its short history has shown remarkable success—so much that it is now being studied by numerous agencies throughout the country.

Mr. Speaker, I include in the RECORD the program from the dedication exercises, and a brochure published by Downey Side. This brochure describes the positive approach being taken by Rev. Paul Engle, director of the program, and his staff, to give these troubled youngsters a loving home and family life.

[Downey Side Dedication—Thursday, May 27, 1971]

ROSE M. ENGEL GIRLS HOME

(By Terrence Cardinal Cooke)

PROGRAM

CARDINAL. This is the day the Lord has made.

ALL. Let us rejoice and be glad in it.

MASTER OF CEREMONY. A house is made of brick and wood, and nails and glass and a hundred other things. It becomes a home only when people bless it with their presence. A new family has moved into this house and has once again transformed it into a home. We come together today to share in that blessing and to dedicate their home to the memory of a woman whose life and love built a home—a home in which her family was able to grow in love because they were loved.

READINGS. Impossible Dream; Proverbs 31.

SONG. St. Mary's High School, Westfield, Mass.

Common prayer

CARDINAL. Let us pray now for the strength to love and accept one another just as we have been accepted and loved by God.

(Petitions should be read by representatives of Jewish and Protestant clergy, Father Paul, and Downey Side members)

That each of us might realize that we are capable of both loving and being loved let us pray to the Lord.

ALL. Lord hear our prayer.

That each of us might open ourselves to the possibilities of love, let us pray to the Lord.

ALL. Lord hear our prayer.

That the love which transformed this house into a home might spread throughout the world, let us pray to the Lord.

ALL. Lord hear our prayer.

That those who have not found love in their lives might find someone who cares, let us pray to the Lord.

ALL. Lord hear our prayer.

That we might learn to accept people as they are just as God has accepted us.

ALL. Lord hear our prayer.

That we might share the joy and hope of this day with the communities in which we live and work, let us pray to the Lord.

ALL. Lord hear our prayer.

CARDINAL. Oh, God, you have taught us to love by loving us first. Help us to love one another so that together we might form a community of love, a community that shows your love for all mankind. Amen.

Remarks by Cardinal Cooke.

Dedication ceremony

(Cardinal should be flanked by both Engel and Downey Side families.)

O, God, you have shown us your love in the beauties of nature—the sea, the sky, the earth all reflect your love. Nothing, however, in all of creation is quite as beautiful and reflective of your love as a person who loves.

Rose M. Engel was such a person. Her life was spent in sharing her love. Out of love for her family she shared with them her strength that they might become strong. Out of love she shared with them her joy that they might learn to celebrate life. Out of love she shared with them her God that they might know the source of her strength, joys and love.

This home is built on love so we dedicate it to the memory of Rose M. Engel. In dedicating it to her memory it is our hope that the love which filled her life will now fill this home; that the love which enabled her to enrich the lives of others will now enable this family to enrich the lives of each other. We ask this in the name of God who was the source of her love. Amen.

SONG. Final Song.

DEDICATION COMMITTEE

Chairman, James Tremble.

Ticket Chairman, Mrs. Tye Flanders.

Publicity, Richard Kelley.

Traffic, Daniel McLoughlin.

Banquet Arrangements, Margaret Downey, Mary Ann Maloney, Marie Hickey, Cathy Callahan.

Limosine for Cardinal, Peter Houser.

Printing, Magnani & McCormick.

Floral Arrangements, Mascaro's.

Arrangement for Special Gifts, Knights of Malta and Knights and Ladies of the Holy Sepulchre.

Dedication Program, Rev. William Meehan, O.F.M. Cap.

DEDICATION DINNER

Master of Ceremony, Rev. Paul Engel, O.F.M. Cap. President and Executive Director.

Honored Guest, Terrence Cardinal Cooke.

Guest Speakers, Commissioner Jerome Miller, Dept. of Youth Services.

Dereck Miller, M.D. Chief Psychiatrist, Michigan State Hospital.

Blessing before meals, Rabbi Bernard Cohen.

Blessing after meals, Rev. Emerson Smith.

Entertainment, Springfield Sing out.

A SEARCH FOR UNDERSTANDING

Downey Side is a unique and exciting program designed to meet a rising problem in today's society—that of neglected and homeless youth. In learning of Downey Side, interested groups and individuals have many questions concerning the program, its history, and the youth we serve. Through the following list of questions, we hope to provide the bulk of the answers being sought.

Q. What is Downey Side?

A. Downey Side is a non-profit, nonsectarian charitable corporation which provides homes for neglected and homeless boys or girls.

Q. How did Downey Side come about?

A. Nearly three years ago, Father Paul Engel discovered a seventeen year old boy living alone in a one room, cold water apartment and barely making ends meet. Father Paul enlisted the help of a local school teacher, Margaret Downey, and proceeded to provide the boy with the healthy environment he so much needed. It was from this experience and from the realization of the plight of thousands of neglected youngsters that resulted in the cooperation of two lawyers, two doctors, and two businessmen in forming Downey Side.

Q. Is Downey Side just for boys?

A. No, although the original units were for boys, it became quite apparent that there is also a serious need for girls' units. Therefore, Downey Side has made provisions to include separate units for these homeless and neglected girls.

Q. How does Downey Side actually work?

A. Downey Side takes six to eight neglected and homeless youth and provides them with the one thing they so desperately need—a home with love and respect. It is in the Downey Side home and through the dedication and sincerity of the Downey Side parents that a healthy family environment is created for the positive development of these youths.

Q. What is the basic philosophy behind the Downey Side program?

A. Simply that a youth is an individual who needs love and respect in order to grow and that it is through the home and through the healthy family environment that these youths can develop to their full potential.

Q. Well, has this theory been successful?

A. Although it takes many years to statistically verify success, our immediate success has become quite apparent through observing the remarkable progress of our first group of boys in just two years' time.

Q. Is Downey Side any different from a halfway house or a group home?

A. Yes, in the halfway house or the group home there is no attempt to create a new family, and youths are usually in these units for only a short period of time. In every conceivable way, Downey Side attempts to make real homes—a mother, father, eight youths and maybe one or two younger children making a family of ten or twelve.

Q. What kind of youths, then, are in the Downey Side program?

A. The youths in the Downey Side program are what has been termed "throwaway children." This means that these kids are actually dropped into the hands of the state by parents who no longer want them, or who are divorced and cannot care for them. In short, these are kids who have no home.

Q. How are the boys or girls selected?

A. Our professional staff searches through case after case of youths in our state institutions until they find individuals preferably from the area of the new unit who can best benefit from our program. Of course, a prerequisite is that these boys or girls have no home to go to. The youths are then invited to our Adolescent Developmental Center for several days where they receive extensive testing and evaluations by our professional staff and prospective parents. It should be emphasized that we are interested in the parents and the child mutually agreeing on becoming a family. No child is assigned to any of our homes and no parents are assigned to any of our youth without mutual consent. An analogy is a foster home and foster parents where instead of the parents adopting one child, eight youths benefit from adoption.

Q. Do the houseparents receive any help?

A. Yes, counselors in each unit assist the houseparents in providing support on the development of these units. Also, a professional psychiatrist and psychologist meet weekly with the houseparents to best interpret the directions for the positive development of these units. And, of course, medical, dental, tutorial, psychiatric and psychological services are readily available. Again, the emphasis is on meeting the individual needs of these so long deprived youths.

Q. With all that is provided Downey Side must be expensive. How is it financed?

A. First of all, initial finance to open a home comes from the community. Once a home is in operation, the state pays a partial subsidy for our services. The balance of our expenses has been met through the generous efforts of the community.

Q. Does the community have a role in the Downey Side program?

A. Yes, very definitely. The community has continued to play an instrumental role in the Downey Side program. We believe that apart from the professional staff and the parents, the most important aspect is the response of the community. The community's concern for an acceptance of these boys is a critical factor in the "buying in" to the home and to our society. And it has been the tremendous acceptance and support by the community that has enabled Downey Side to be such a positive factor in the development of these youths?

Q. What is the future of Downey Side?

A. Very bright! There is an increasing realization that the care of neglected children has to go back into the local communities. Downey Side is an attempt to bring the boys and girls back into the communities from which they came, there to learn and discover that the community does care and that they do have a future. It is our conviction that state institutions may cease to exist almost entirely. So we don't talk about one home or two homes, we talk about enough homes so that every boy and every girl has a chance to know a family, to experience love and to be accepted into their neighborhood.

UNITED STATES, CANADA JOIN IN PLAN TO CLEAN GREAT LAKES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DULSKI. Mr. Speaker, I am delighted to see the action at the international level of the United States in joining with Canada in a program to clean up pollution of the Great Lakes and to bring a halt to damaging oil spills.

As a result of an agreement in substance, it is expected that the formal document will be signed later this year, according to a joint communique issued following a meeting at the State Department.

In substance, representatives of the two nations agreed to accept the major recommendations made last January by a working group of the International Joint Commission.

This program includes standards intended to insure that all type of fish can live in the Great Lakes.

The representatives of both nations hailed the significance of this joint effort, and I certainly agree, it is an important step forward in dealing with the

Lakes problem which has been allowed to get out of hand—in part because of neglect and in part because of the international complications.

Mr. Speaker, as part of my remarks I include a newsstory and related editorial from the Buffalo Evening News with regard to the agreement:

[From Buffalo Evening News, June 11. 1971)

UNITED STATES AND CANADA JOIN IN PROGRAM TO CLEAN LAKES

(By Rowland Powell)

WASHINGTON.—The United States and Canada agreed Thursday to a joint program to clean up pollution of the Great Lakes and bring a halt to damaging oil spills.

The two countries will adopt common water quality standards and also operate some water pollution control programs jointly. But the actual enforcement and prosecution of violators would be left to each nation depending on where the violation occurred.

The agreement spelling out in detail how the countries will conduct their concerted effort is expected to be signed by early fall, it was announced in a joint U.S.-Canada communique following a day long "ministerial level" meeting at the State Department.

The ministers and their representatives agreed to accept the major recommendations made in January by a working group of the International Joint Commission, including standards to insure that all types of fish could live in the lakes.

"HISTORIC FIRST STEP"

Russell E. Train, chairman of the Council on Environmental Quality, called the conference a "historic first." Mitchell Sharp, Canadian secretary of state for external affairs, said it was "the first time two countries have decided to attack such a major common problem jointly."

Mr. Train said the final pact would be in the form of "executive agreement" rather than a treaty which would require Senate ratification. He said that approach was decided on because the effort also required a "close partnership" with the states. Mr. Sharp said it made no difference to Canada since Parliament did not have to ratify its treaties.

Following are some of the major points agreed upon Thursday and to be included in the formal agreement for signature in the fall "at the highest possible level," as Mr. Sharp put it.

Common water-quality objectives based on the IJC working force recommendations would be adopted for the boundary waters of the Great Lakes systems. Both governments would be committed to developing "compatible" standards and to implement programs to carry them out.

COST ABOUT $2 BILLION

William D. Ruckelshaus, administrator of the Environmental Protection Agency and one of the conferees, estimated the cost to governments—federal, state and local—in the United States, would be about $2 billion, with the federal government paying half. The Canadian officials estimated Canada's share at $200 million.

Both countries would implement programs to upgrade municipal and industrial treatment plants to remove phosphorus from effluents. Regulations also would be established for ship design and construction to prevent fuel and cargo loss, for control of vessel waste discharges, for disposing of polluted dredge spoils and for preventing discharges of oil and hazardous polluting substances from on and offshore facilities.

A joint investigation of new navigation equipment "establishing traffic lanes on the lakes" and manning and operating vessels would be made. Water-quality research would be co-ordinated by the IJC.

The IJC also will be asked to expand its water quality investigation which, in the January report dealt with Lakes Erie and Ontario, to include Lakes Superior and Huron. Lake Michigan lies entirely within the U.S.

The Canadian delegation urged that the agreement be written to insure that municipal and industrial pollution control programs in the lower lakes are completed by 1975. The Canadians urged that inputs of phosphorus be reduced to agreed standards in Lake Erie by the end of 1973 and in Lake Ontario by the end of 1975.

[From the Buffalo Evening News, June 12, 1971]

BOOST FOR LAKES CLEANUP

The historic agreement by Washington and Ottawa to undertake a joint program to clean up the Great Lakes by 1975 is the most hopeful step yet taken to save these vital waters from ecological disaster.

The Great Lakes are an international resource and only international action can preserve them from the kind of wanton misuse that already threatens to turn Lake Erie—the most seriously contaminated of the lakes—into a lifless sea.

What needs to be done to eliminate pollution in the lakes is no mystery; it was spelled out clearly in recent months by the International Joint Commission, the U.S.-Canadian body that has been studying Great Lakes boundary-water pollution for the past six years. The pressing need today is simply for vigorous action by the two governments to implement known remedial and preventive measures. This the two capitals have now for the first time officially agreed to do.

The heart of this agreement is a commitment by the U.S. (which bears most of the onus for Great Lakes pollution) and Canada to adopt and carry out common water-quality standards both for the lakes and for the St. Lawrence River. While each nation will be responsible for enforcement within its own borders, the program will be embodied in an international executive agreement that would have most of the solemn force and binding power of a treaty. This pact is expected to be concluded and signed by early fall.

Skeptics will correctly observe that, so far, the two governments have merely agreed to agree on a joint program—nothing more. Nevertheless, the present announcement advances the growing momentum of the past year for firm international cleanup measures; and a welcome token of American intentions is the coincidental announcement by the Environmental Protection Agency that Detroit and Cleveland have just agreed—under strong federal pressure—to a $1 billion program for controlling their waste discharges into Lake Erie. Since these cities are prime culprits in the deterioration of Lake Erie, this settlement represents in itself a major victory toward safeguarding the Great Lakes.

Of course, it is one thing to promulgate pollution abatement programs and another thing to get them carried out. That is painfully evident right now on the Niagara Frontier, where only a handful of 36 anti-pollution projects are likely to meet a June 30 deadline for federal and state aid eligibility. This deplorable record of local tardiness in coming to grips with the need for regional sewerage programs contrasts with events in other upstate metropolitan regions, and could end up costing local taxpayers millions of dollars in lost grants for pollution control.

Such official lethargy in one region only underscores the necessity for tough-minded and unremitting federal follow-up action to redeem the promise of the coming U.S.-Canadian plan to save the Great Lakes.

WAKE UP, AMERICA

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mrs. GREEN of Oregon. Mr. Speaker, one is likely to lose his way permanently if he is lost in a wilderness without compass or map, and the United States may lose its way permanently if it does not commit itself to some hardheaded, long-range policy and method.

With our State and municipal governments facing bankruptcy, with the federal system incredibly overcommitted, with many of our private institutions such as the Nation's colleges facing financial crisis—we have raced beyond the opportunity for therapeutic social tinkering and have arrived at that awesome and awful watershed: what will be our fundamental direction?

If the American experiment is to survive its own bicentennial, the Nation desperately requires more than a few mapmakers. Mr. Miller Upton, president of Beloit College, in Wisconsin, may well be one of the intellectual draftsmen of our destiny—if we will listen. I commend to my colleagues a remarkable statement by President Upton, titled "Wake Up, America":

WAKE UP, AMERICA!

(By Miller Upton, president of Beloit College, Beloit, Wis.)

A combination of recent events indicates conclusively that the United States of America is close to approaching the point of no return with regard to loss of its economic, social and political integrity and vitality. There have been distinct signs on the horizon over the last several decades warning of such an impending calamity. Now they are no longer on the horizon; they are in our midst. Nor are they merely signs about which there can be conjecture. They are stark facts which can no longer be refuted. Hopefully, the nation is still too strong to justify an attitude of resigned fatalism. But its qualitative strength is gradually seeping away through its somnolent state, and hope for the future lies only in it awakening itself and adopting a spirit of renewal and invigoration. Let us consider some of the facts.

The Carnegie Commission on Higher Education has recently issued a study which indicates quite clearly that most of the colleges and universities in America are suffering grave financial strain. It suggests further that all will be under varying degrees of financial difficulty in the future unless some form of public corrective action is taken. The private sector is under more severe strain than the government sector. And, in fact, we are fast approaching the time when the government sector will be so dominant that we will have a virtual government monopoly in higher education. There will be fifty state government monopolies to begin with, but extension of the present trend suggests an eventual monolithic system of higher education. Many, if not most, of the major state universities are themselves now suffering severe financial pressure because of the recent cut-back in federal financing.

TAXPAYER REVOLTS

But our colleges and universities are not alone in this kind of plight. As we all know, our municipal governments are in much the same state, with the situation most severe for the large metropolitan areas. Throughout the land property taxes have reached the breaking point. Evidence of real taxpayer revolt is readily at hand. In Beloit and Madison, Wisconsin, property owner leagues have been formed, and the members threaten to strike against the payment of state income taxes unless relief is provided in the payment of property taxes. These cannot be isolated instances; they must simply be illustrative of what is happening at the local level throughout this broad country, for the problem is the same wherever one turns. Mayor Lindsay suggests that the City of New York can no longer meet its mounting obligations.

Because of the increasing strain on local government finances frantic effort is made to increase revenues by relying upon the taxing authority of the state and federal governments, particularly the former. Shared taxes, shared taxing authority, rebates the development of metropolitan areas, are all pressed for possible solutions.

But increasingly it is becoming apparent that all such approaches are doomed to failure. It does little good to count to help from a dry well. The state governments are also broke! As a consequence, the current fad in public finance is for the state governments to turn for assistance to the federal government. Apparently, President Nixon is currently working on a plan of shared taxes with the states, the details of which will probably have been divulged by the time this article is published. And with the increasing tendency of colleges, universities, local governments, and others to short-circuit the whole flow-of-funds process by directing their appeals to the federal government in addition to the state governments, the centralizing of governmental finance is gradually taking shape.

NOTHING TO SHARE

But to what higher authority does the federal government now turn for help to preserve its own financial integrity? What taxes is it going to share with the states when its current deficit for the year is estimated conservatively to be at least $15 billion? What additional revenues can it generate without destroying the value of its currency and the lives of those living on fixed income contracts? Or without promoting taxpayer revolts of its own? Where is it going to get the revenues to meet the needs of those hounding it for aid when over the last 39 years, during periods of peace and war, it has spent more than it has received in 32 of the years? Since the end of fiscal 1931 to the end of fiscal 1970, the 32 deficit years have accounted for an aggregate deficit of 340.5 billion dollars. The seven surplus years have accounted for an aggregate surplus of 17.4 billion dollars. Thus, over the last 39 years we have accumulated a total deficit of 323.1 billion dollars!

Surely the federal government cannot turn to some super International agency for help—certainly not the International Monetary Fund. The dollar is supposedly the bedrock of the Fund, so what when the bedrock is seen to be sand? When the Fund was established the United States had gold reserves in abundance, but now these have been greatly reduced, and with our foreign obligations already in excess of our reserves we can hardly turn to foreign capital for additional help of a significant and continuing sort. Through the financing of our past balance-of-payments deficits we have already used up the possibility that once existed here.

FINANCIALLY BANKRUPT

The sheer, unvarnished fact of the matter is that our society as represented by its governmental structure is financially bankrupt! This claim is no longer a prediction of what could happen. Nor does it represent a play on words or a form of scare tactic. It is an honest appraisal of what has happened! We are bankrupt in the very same sense that an individual or institution becomes financially bankrupt: our government at all levels has assumed financial obligations in excess of its financial means to the point that it is now left without normal recourse of its own. In education, social welfare, social security, highway construction, domestic programs in general, interest on debt, foreign aid and military preparedness we have spent more on the basis of what we wanted to do or somehow felt compelled to do than on the basis of what we could afford to do—afford, that is, and maintain our accepted standard of living.

We are now faced with two alternatives. We can adopt an austerity program involving a reduced standard of living for an extended period of time until we get our financial house in order, or we can go through a process of bankruptcy by devaluing our currency and in effect legalizing our own defaulting on our debts. The former is the more honorable and in the long run the healthier. The latter is the easier in the short run and therefore the more tempting. But it is highly questionable from an ethical standpoint, for all it does is transfer our burden to our creditors—both our own citizens and our foreign supporters—by repudiating a portion of our indebtedness to them. Such an act would bring us to the low point of financial integrity and make a mockery of our presumed and potential world leadership.

Wake up, America! Wake up from your dream world of escape. How dare you allow yourself to drift into financial bankruptcy when you are acknowledged to be the wealthiest nation in the world? Your rapid ascension in the recent past to acknowledged productive preeminence together with the consequent position of world leadership into which you have been thrust apparently happened too easily. You do not seem to be fully cognizant of how it happened or prepared to accept the responsibilities which it entails. Was it an accident rather than the consequence of a noble design?

GOVERNMENTS DON'T CREATE WEALTH

We of all people should know that there is not now, never has been and never will be a "big daddy" to look after us in the aggregate. Such certainly is not the role of government. Government, after all, is a creation of man; man is not a creation of government.

In matters of public finance, we Americans tend to err in the direction in which we look for increased revenues. We impulsively turn to the next higher level of government. But this is 180 degrees wrong, for no government can create wealth for distribution; it can only collect wealth from the individual citizen for subsequent distribution. Therefore, the financial welfare of any society must inevitably be based upon the financial health and vitality of its individual citizens, not its governments. As was pointed out long ago, the wealth of nations is founded upon one thing and one thing alone and that is the individual productivity of each and every citizen. Anything that inhibits individual productivity necessarily inhibits the growth of the economic welfare of the society as a whole. And any governmental financial program which fails to conform to this basic fact of life is doomed to eventual failure.

Our current state of financial bankruptcy has been produced over the years not by our financial profligacy alone but by our inept governmental policies as well, which have had the effect of inhibiting individual productivity. Following the economic crisis of 1929–32 a kind of Maginot-Line psychosis developed. We became defensive in mood and seemed to lose confidence in the principle of individual freedom and initiative. And yet we continued to expect our economy to be as productive and resilient. We demonstrated thereby a complete lack of understanding of the theoretical foundations of our economy. In fact we acted as though we couldn't care less. We hastily resorted to palliatives to treat acute economic ills that manifested themselves, seeming to care little about their chronic effect upon the economic physiology in general. A nation founded upon the highest of philosophical principles started grovelling in self-pitying pragmatism. We started to reason in aggregates and easy generalization rather than remain faithful to the rigorous demands of a society committed to an individual freedom, individual differences and individual initiative. Marcoeconomics became the godhead of central planning, and the microcosm of the individual citizen became the sacrificial offering, despite all the politically motivated rhetoric to the contrary.

As a natural consequence to that sort of generalized reasoning, public policy became and has continued to the present to be restrictive and defensive in character. It is fashioned on the presupposition of a static economy whose fruits are to be shared equitably rather than a dynamic economy whose fruits are ever multiplying in amount. The attitude has been that of dividing an existing pie rather than preparing a sumptuous fare. Concern has been more with distribution than with production.

SELF-DEFEATING POLICIES

Examples to support this point are numerous. One of the most obvious is the minimum wage law. Even the most elementary student of economics knows that in a dynamic economy based on individual freedom and individual initiative compulsory minimum wages become self-defeating. They either result in unemployment or they contribute over time to higher prices to the point that the real wage as compared to the money wage is no higher than it was at the outset. The only other alternative is to have the economy increasingly managed by central authority to the point that it becomes static in nature, and all wages become isolated from free market forces.

Another example is the intrusion of government into management-labor relations. For a free economy to work, entrenched monopoly must be avoided. Collective bargaining as a countervailing force to concentrated power of owners is therefore desirable, although shared authority in management would be even better. But the government must oppose all entrenched monopoly on an even-handed basis and not buy political favor through legislative discrimination. It profits the individual laborer nothing to be protected from monopolistic exploitation on the part of owners only to have him become subject to the exploitation of monopolistic unions. Similarly, if industrial restraint of trade is bad when practiced by owners, it is just as bad when practiced by labor unions. Our concern must be with the justice accorded each individual citizen, be he owner, employee, consumer. We must not divert our attention from the realities of each situation by resorting to the abstract generalities of labor, management, capital. These are functions, not real, live people.

That all of the stultifying policies of government over the last forty years born of attitudes of negativism and defensiveness have had their inevitable atrophying effect upon the economy is evidenced by the recent experience of unemployment and inflation continuing to increase simultaneously. Full employment and price stability are conditions which require easy and ready movement of people and capital from job to job. The frictions that have been imposed by legislative restraints have decreased this economic mobility of individuals and capital and thereby made adjustment to changed conditions exceedingly sluggish. It is difficult at best to maintain such mobility in a highly industrialized, specialized economy. But the difficulty is compounded by legislation designed to circumscribe individual initiative and self-reliance. This is why the frantic governmental polices of the thirties were ineffective in overcoming the unemployment produced by the great depression. It took the artificial stimulation of World War II to do so. If we are to deal effectively with factors of immobility, we need to relate to the specialized needs, circumstances and talents of individual citizens, not to abstract categories or classes of citizens.

GROUP CONFLICTS

Another manifestation of our being victimized by a Maginot Line psychosis is the tendency for citizens to identify themselves with adversary roles in relation to one another. The presumed management-labor conflict is one such case, but it is represented in many other ways. When the prevailing concept is that there is a fixed pie to be divided up rather than a feast to be jointly prepared, conflict becomes inevitable. Instead of everyone putting his shoulder to the wheel we all become inclined to put our backs to the wall and our hands to our foe. At the legislative level decisions are made defensively on the basis of what is thought to be politically expedient rather than what is best for the country at large and its citizens in general.

In this sense Spiro Agnew can hardly be censured for the divisiveness of his rhetoric. If he should be, then what contemporary politician should not be? He has simply been carrying out a political tradition which has been greatly exacerbated since the early thirties. As a matter of fact his whole effort is seen as child's play when compared to that of Franklin Roosevelt and Harry Truman and their contemporaries. Here were true professionals in promoting political advantage through social divisiveness. And following their unequaled example we have come over the years to play southerner against northerner, poor against rich, black against white, labor against management, consumer against producer, management against capital, and, more recently, young against old and student against the establishment.

Wake up America! Wake up from your hypnotic stupor into which you were shocked by the traumatic experience of the great depression of the early thirties. Be positive in your thinking, not negative. Be expansive in your outlook, not defensive.

It is not a matter of your returning to the past; it is a matter of your moving forward to the promise of the future which your early experiences gave reason to trust. Let the last forty years be only a temporary respite in your journey—a detour, not a change in direction. Do not forsake your commitment to the ultimate worth of the individual person in a blind reaction to the failings of some.

SOURCE OF WORLD CONFLICT

The great conflict in the world is not between communism and capitalism. All of the more developed countries economically are capitalistic, including the communist countries. That is why they are more developed; they rely upon capital formation in place of immediate consumption as a means of multiplying the productive effort of labor. Russia and the other more developed communist countries practice social capitalism; America and the other western democracies practice varying degrees of individual (private) capitalism. The conflict, therefore, is the age-old one of centralized authority versus decentralized authority.

It did not take any great clairvoyance on the part of Paul Goebbels toward the end of World War II to predict that should Germany lose, America would soon be at war with Russia. We have called it a cold war, but there have been occasional hot overtones. Our allying ourselves with the dictatorial, imperialistic nation state of Stalin's Russia to fight the dictatorial, imperialistic nation state of Hitler's Germany was obviously an alliance of convenience. At best it was an ultimate pragmatic act; at worst it was evidence of ideological bankruptcy. The current information leaking out from Russia indicating discrimination and possible persecution of Jews therein provides additional grim support to these views.

The ultimate form of centralized authority is complete and absolute dictatorship in the form of a single person. The ultimate form of decentralized authority is the absence of any law—anarchy. The appropriate form of social organization is somewhere between these two extremes. But it is America's role and destiny in seeking this point to be the advocate of and place its confidence in decentralization of authority. This is why it has violated its heritage and abdicated its responsibility over the last several decades in adopting policies that moved it towards social capitalism and away from its trust in the individual.

IMPORTANCE OF INDIVIDUAL FREEDOM

In our human society of biological and psychological interdependence the concept of individual freedom inevitably represents an opportunity rather than a right. It is the opportunity provided an individual to be responsible for his own self-fulfillment while at the same time accepting voluntarily his social responsibilities. In short, such an individual bears a responsibility to himself, his God and his society. From society's standpoint he bears a public trust and he is accountable to his society when he violates that trust.

This concept of individual freedom points up in stark relief the perverse nature of so much of our governmental regulation over the recent past. Instead of dealing decisively with those individuals who violate their public trust by abusing their freedom, we have passed laws which circumscribe the freedom of all. We are therefore moving more and more to a centralized form of social organization, and an increasing number of our citizens are becoming less self-reliant. In other words, we are destroying the system in our clumsy attempt to deal with those who abuse the system. When we restrict the freedom of all individuals to deal with the abuses of some we violate the principle that a person is innocent until proven guilty. We move from a basic posture of belief in the fundamental worth of the individual person to one of suspicion and doubt.

Such a fundamental attitude of doubt and suspicion, furthermore, poses a grave threat to the continued existence of a democratic form of government. Democratic socialism represents a contradiction of terms. One might just as well refer to decentralized centralization. Democracy in any form presupposes that ultimate wisdom resides with the people: not with the intellectuals, not with the aristocrats, not with the poor, not with the proletariat, not with the management class, not with the middle class, not with any particular class or group but with the sum total of all individuals for all their individual differences. It places fundamental confidence in the essential common sense and integrity of the individual person. If such confidence is not justified, then democracy simply will not work.

Surely such confidence will be violated by some, but they will represent a distinct minority. And it is far better to be right with the majority and deal with the defections of the minority by individual action than to be wrong against the majority and thereby inhibit human progress.

If equalized sharing of the fruits of the earth is the principal value to which we aspire, then centralization of authority is demanded. But if equalization of opportunity for self-fulfillment on the part of every citizen is our goal, then decentralized authority tending towards optimizing individual freedom and human progress becomes not only desirable but required. Happily, the end and the means correspond.

Wake up, America! Wake up from your giant's sleep and assume the role of dedicated leadership which it is in your power to assume. If you do not promote by example, word and deed among the world nations the principle of decentralized authority, who will? And if no one does, what hope is there for ever realizing a world free of internecine conflict for power?

Cast off forever your defensive mood which leads to negativism within and isolationism abroad. Remember: "We hold these truths to be self evident, that all men—not merely Americans, but all men—are created free and equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness." Ours is in fact a common humanity and a common human destiny. Men of all types are bound together on this single planet with the common need to make the most of its resources and to be faithful to its distinctive mission.

Accept the mantle of leadership in this kind of world not by trying to buy influence or impose your will but by demonstrating your own commitment to democracy and decentralized authority in general. For example, import quotas and tariffs are not in keeping with your underlying principles. But neither are domestic laws which delimit economic freedom and result in restraint of trade internally.

You must realize that you cannot impose your will upon others either by economic or military might without violating the very principle upon which democracy resides: belief in the dignity and ultimate worth of the individual person—each individual person, every individual person, even the other individual person.

Yours may well be a divine destiny, America, so be faithful to it. Do not slumber while the world cries out for direction. Do not leave the future of mankind to those who have least respect for individual man.

Wake up, America! Wake up!

PRISON CONDITIONS—CRUEL AND UNUSUAL PUNISHMENT?

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. MIKVA. Mr. Speaker, the intolerable conditions which prevail in jails and prisons around the country cannot be permitted to continue. For too many years we have fooled ourselves into believing that if we locked people up we could forget about them and the problem they pose. What we have never quite faced up to is the fact that most of them will someday be released from the hell-holes we call correctional institutions. They come out more bitter, more disturbed, more antisocial, and more skilled in crime, than when they went in.

It is not for humanitarian reasons alone that we must reform our corrections system. It is for our own safety. Clearly our present and past correctional practices have proven miserable failures.

One disturbing indication of how desperate the need for prison reform has become is the recent success of several convicted criminals in challenging the constitutionality of their incarceration on the grounds of cruel and unusual punishment. It is one thing to punish a man for a crime by depriving him of his freedom. It is another to send him to a place where he is subject to filth, disease, homosexual assault, and even murder.

In at least two recent cases, courts have refused to send convicted men to prisons where conditions were shown to be so detestable as to amount to cruel and unusual punishment. I am inserting copies of the decisions in those two cases, along with a Harvard Law Review article on the subject and a recent article from the Washington Post:

[From the Harvard Law Review, December 1970]

RECENT CASES

Constitutional Law—Cruel and Unusual Punishment—Arkansas State Penitentiary System Violates the Eighth Amendment.—*Holt v. Sarver*, 309 F. Supp. 362 (E.D. Ark. 1970).

In 1967 while prohibiting the extradition of an escaped Arkansas prisoner, an Oregon court declared: [1]

"Arkansas conducts at her two penal institutions, Cummins and Tucker, a system of barbarity, cruelty, torture, bestiality, corruption, terror, and animal viciousness that reeks of Dachau and Auschwitz. . . . Arkansas debases the base. . . . [and]apparently is convinced that fleshly sin of men forfeits all rights of prisoners to any consideration and respect of humanity.

* * * * *

"Arkansas prisons are institutions of terror, horror, and despicable evil."

Two years thereafter inmates at these prisons brought a class action in federal district court [2] alleging that imprisonment in the Arkansas Penitentiary System for men, consisting of two prison farms, was cruel and unusual punishment. Prisoners at the farms are required to do grueling manual labor. Because the state provides minimal support for the system, there are only a handful of paid, "free world" employees; inmate trusties assume a large role in the day-to-day administration of the prison, including ninety percent of the inmate contact work. Most of the armed guards are themselves inmates, including some of the system's most hardened and brutal convicts. They frequently abuse their positions, and the power of prison authorities to control such abuse is minimal. Convicts not in isolation sleep in large barracks.

Since no adequate night-time guards are provided, stabbings and sexual assaults are common occurrencies there. Liquor and drugs flow freely to favored inmates. The isolation cells are overcrowded and unsanitary; the food is distasteful at best; and the medical facilities are inadequate. Often an inmate who has not curried favor with the trusties is unable to get any medical care regardless of his condition. Efforts at rehabilitation are nowhere to be found. *Held*, confinement in the presently existing prison system violates the eighth amendment ban against cruel and unusual punishment: [3] if the state is going to run a prison farm system, "it is going to have to be a system that is countenanced by the Constitution." [4] While granting no individual relief, the court ordered the prison authorities to submit a plan for bringing the system within constitutional standards. The court specified certain minimum steps to be taken, such as stripping the trusties of their inordinate power, and retained jurisdiction to guarantee that needed reforms were implemented by 1971.[5]

Until the early part of this century, the ban on "cruel and unusual punishment" had been interpreted to apply only to outrageous and barbarous practices [6] While the twentieth century has witnessed some expanded applications of the amendment,[7] no clear doctrine has been formulated, and the Court has relied upon such imprecise measures [8] as the protection of "the dignity of man," [9] and "the evolving standards of decency that mark the progress of a maturing society." [10] Despite the enormous subjective content of such notions, it is clearly accepted that the amendment prohibits a hard core of inhuman treatment.[11]

Nevertheless, in cases concerning the implementation of a prison sentence, courts in the past have shown extreme reluctance to interfere on eighth amendment grounds. The courts adopted generally a "hands off" policy in dealing with internal prison matters,[12] a policy which found its justification in the unchallenged belief that judicial scrutiny of the decisions of prison officials would undermine the authority of those officials and would destroy the discipline they had established.[13]

Such an approach is antagonistic to affording prisoners protection of their basic constitutional rights. Courts have traditionally been the institutions which protect individuals from unconstitutional action by government and its officials. Such protection is totally lost if the courts fail to effectively review administrative decisions made within prisons, since the low political visibility of persons places virtually absolute power in the hands of prison personnel.[14] Because the actions complained of are frequently committed by guards and are not within the cognizance of higher prison officials, judicial deference to administrative officials on grounds of "expertise" seems badly misplaced.[15] Consistent with these reasons a number of recent cases have held that a prisoner may seek federal court relief for allegedly cruel and unusual punishment meted out in prisons.[16]

Rejection of the "hands off" doctrine should enable courts to take a long, hard look at the prison conditions for which the state must be accountable. Although the cases have not provided any clear perspectives on how a court should view a prisoner's suit alleging a violation of the eighth amendment, it may be illuminating for a court to approach the case as if it were reviewing a legislatively or judicially imposed sentence which *expressly* provided for the complained-of conditions.[17] If plaintiffs can persuade the court that the legislature could not constitutionally impose such a sentence—for example, a sentence of five years confinement in a barracks where each month a prisoner faces a fifty percent risk of being sexually assaulted—a constitutional claim should be recognized. Where general prison conditions are attacked, defenses which are based upon the need for discipline and security should not be allowed if legislatures cannot constitutionally impose a sentence that includes such conditions, prison officials should be prohibited from acting in a way that allows such a sentence to be imposed in fact.

Holt is seminal in its approach to remedying violations of the constitutional rights of prison inmates. Although prior cases have considered the constitutionality of the treatment of a particular inmate [18] or the operation of a specific practice,[19] *Holt* is the first case in which an entire prison system faces possible abolition on constitutional grounds.[20] Such application of the eighth amendment to a class of prisoners, subject to a range of conditions, signals the need for reevaluation of eighth amendment doctrine in a class context.

Central to a finding that conditions and practices in an entire prison system are unconstitutional is the concept that subjecting inmates to the risk of inhuman treatment, as well as to the treatment, itself, may be cruel and unusual.[21] Not every prisoner in Arkansas has been stabbed, sexually assaulted, or abused by trusty guards. Yet all prisoners must live in daily fear of such treatment, for an inmate may be abused regardless of how cooperative and inoffensive he is.[22] Living under such conditions and experiencing that kind of relentless fear are essentially dehumanizing.[23] Such a prison experience destroys the dignity of the individual and often results in his rejection "of every basic tenet of a civilized society." [24] In *Holt* the fear was intensified by the frequency of the abuses and by the inherent danger to life and psychological integrity they generated. The result is more than a merely uncomfortable or unhappy prison life. On the contrary, the result can instructively be compared with maiming—a punishment clearly banned by the eighth amendment [25]—since inmates are likely to have many or all of their human qualities destroyed while incarcerated. If the essence of the eighth amendment ban is protection of the individual against the inhumanity of man,[26] the Arkansas system could not stand.

Constitutional determination in cases making systemic attacks on prison systems should in no way turn on the issue of whether the alleged abuses occurred at the hands of fellow inmates rather than those who wear some cloak of state authority because of their status as guards. The state should not escape constitutional responsibility on the basis of an argument—one which might well be made in other states where all personnel are "free world" and are discharging their duties properly—that the correctional system has no obligation to remedy intra-inmate abuse.[27] The important factor is whether the conditions which the state establishes or acquiesces in permit such treatment to occur. In *Holt* the barracks system, which housed dangerous convicts together without the separation of bars, and the trusty guard system, which gave some highly unreliable inmates absolute power over their fellows, are examples of specific state decisions which clearly exacerbated the risk of strong inmates preying on the weak.

Even if the fear concept of the eighth amendment and a broad notion of the state's protective duty are accepted, many difficulties remain in applying a *Holt*-type analysis to other prisons, less egregious than those in Arkansas.[28] Some prisons may have decent housing, food, and sanitation. Although it is safe to assume that few large correctional institutions are totally free of outrageous in-

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Footnotes at end of article.

cidents, the risks of abuse may simply not be high enough to generate a fear of constitutional dimension among the inmate population. Nevertheless, certain conditions in otherwise constitutionally acceptable prisons might conceivably be challenged as to their independent validity under the eighth amendment. Such conditions would include those which affected only a relatively minor part of all inmates' lives, and those which substantially affected a class smaller than the entire prison population—for example, if only half the Arkansas prisoners had been forced to live in barracks with dangerously inadequate protection. In such cases a declaration that the entire prison system is unconstitutional would be improper. Rather the court should order changes in those portions or practices of the prison which create an impermissibly high risk of cruelly abusive treatment.

Holt declared the Arkansas system unconstitutional because of the cumulative effect of its deplorable conditions, and refused to declare that any single condition would have invalidated the entire system.[29] One particular condition which the court did not see as having independent constitutional significance may be in evidence at many other prisons through out the country—the absence of any meaningful rehabilitation program.[30]

To hold that an absence of rehabilitation efforts constitutes cruel and unusual punishment would be to read a particular theory of criminal punishment into the Constitution. Yet present recidivism rates make it seem highly doubtful that a state should be free to experiment with a penal program that offers no rehabilitation whatsoever. Imprisonment in an environment practically guaranteed to make the prisoner less useful to himself and society hardly seems humane or functional, though it occurs all too frequently. On the other hand, prison officials are given a finite and often meager amount of resources with which to operate, and public pressures may lean strongly toward tight security at the expense of social improvement.[31] Given the legitimate state interest in restraint of those validly convicted and sentenced for crime, and the wide gaps in knowledge of what constitutes a worthwhile rehabilitation scheme, a seemingly weak rehabilitation effort should not invalidate a prison system per se.[32] It should, however, be weighted heavily in any cumulative analysis of prison conditions in a class suit under the eighth amendment.

The bold stride forward made by *Holt v. Sarver* should be applauded, for it places the burden upon the state to correct fundamental deficiencies in the system, rather than merely providing *post facto* relief for a single aggrieved prisoner. Perhaps the most distressing quality of American prisons is the isolation of inmates from higher prison authorities.[33] This results in guards assuming extraordinary power over inmates. Moreover, where inadequate protection is provided for prisoners, other inmates are likely to assume such power.[34] Court orders which are directed toward the treatment of a particular prisoner generally provide little pressure to correct the conditions which facilitate such abuse.[35] Quite the opposite results from an order directed toward the fundamental conditions themselves.[36] Hopefully, the Arkansas example will push state legislatures and correction officials toward reform of other cruelly inadequate prison systems. If such reform is not forthcoming, courts in other states may be compelled to order systemic reconstruction as a matter of constitutional law.

FOOTNOTES

[1] Stephens v. Dixon, Habeas Corpus No. L–3112 (Baker County Ore. Cir., Ct., May 31, 1967) (unreported).

[2] The action was brought under 18 U.S.C. § 1983 (1964) which provides a civil action to redress deprivation of constitutional rights where the actions complained of occurred under color of state law.

[3] U.S. Const. amend. VIII: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

[4] 309 F. Supp. at 385. The court also held that racial segregation within the prison was unconstitutional, following Lee v. Washington, 390 U.S. 333 (1968), and that the mandatory uncompensated work of the inmates was not prohibited by the thirteenth amendment.

[5] *See* note 36 *infra* for an indication of the progress made in Arkansas since *Holt*.

[6] *See* Granucci, *"Nor Cruel and Unusual Punishment Inflicted:" The Original Meaning*, 57 Calif. L. Rev. 839, 839–44 (1969); Note, *Revival of the Eighth Amendment: Development of Cruel-Punishment Doctrine by the Supreme Court*, 16 Stan. L. Rev. 996, 997–1003 (1964). *See generally* Goldberg & Dershowitz, *Declaring the Death Penalty Unconstitutional*, 83 Harv. L. Rev. 1773 (1970).

[7] *See, e.g.*, Robinson v. California, 370 U.S. 660 (1962), in which the Court offered the most expansive view of the eighth amendment to date in holding that imprisonment for narcotics addiction was unconstitutional.

An additional strand of eighth amendment principle was begun in Weems v. United States, 217 U.S. 349 (1910), where the Court held that the eighth amendment prohibits punishments which are excessively severe in relation to the crime for which they are imposed. Since that time, however, few cases have voided punishments under this rationale. *See* Packer, *Making the Punishment Fit the Crime*, 77 Harv. L. Rev. 1971, 1074 (1964).

[8] *See* Note, *supra* note 6, at 998.

[9] Trop v. Dulles, 356 U.S. 86, 100 (1958) (penalty of denationalization for wartime Army deserter violates eighth amendment).

[10] *Id* at 101.

[11] *Id.*

[12] *E.g.*, Banning v. Looney, 213 F.2d 771 (10th Cir.), *cert. denied*, 348 U.S. 859 (1954); *see* Wright v. McMann, 387 F.2d 519–522–23 (2d Cir. 1967). *See generally* Jacob, *Prison Discipline and Inmate Rights*, 5 Harv. Civ. Rights-Civ. Lib. L. Rev. 227–228 (1970); Note, *Constitutional Rights of Prisoners: The Developing Law*, 110 U. Pa. L. Rev. 985, 985–87 (1962); Note, *Beyond the Ken of the Courts: A Critique of Judicial Refusal to Review the Complaints of Convicts*, 72 Yale L.J. 506, 506–09 (1963).

[13] Note, *Beyond the Ken*, *supra* note 12, at 508–09. An additional reason for judicial noninterference was the belief, laid to rest in Robinson v. California, 370 U.S. 660 (1962), that the eighth amendment did not apply to the states.

[14] Hirschkop & Millemann, *The Unconstitutionality of Prison Life*, 55 Va. L. Rev. 795, 812–13, 836–37 (1969).

[15] *See id.* at 828–29, 835–39.

[16] E.g., Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968) (use of strap for whipping unconstitutional); Wright v. McMann, 387 F.2d 519 (2d Cir. 1967) (debasing conditions in "strip cell" unconstitutional).

This development was facilitated by the expansive reading of 42 U.S.C. § 1983 (1964) given in Monroe v. Pape, 365 U.S. 167 (1961), which held that the actions of police officers mistreating suspects while being searched were "under color of law" and thus actionable even though the officers were acting in excess of their authority. Section 1983 was expressly applied to suits by inmates in Cooper v. Pate, 378 U.S. 546 (1964) (per curiam). Prisoners have also been aided by a loosening of the doctrinal limitations on habeas corpus to permit its use in cases other than those in which complete release was sought. Coffin v. Reichard, 143 F.2d 443 (6th Cir. 1944), *cert. denied*, 325 U.S. 887 (1945); *see* Jacob, *supra* note 12, at 250–55; *Developments in the Law—Federal Habeas Corpus*, 83 Harv. L. Rev. 1038, 1079–87 (1970). Additionally, the availability of the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 1402(b), 1504, 2110, 2401(b), 2402, 2411–12, 2671–80 (1964), *as amended* (Supp. IV, 1969), to prisoners for redress of physical injuries has increased judicial awareness of conditions, at least in federal prisons. *See*, e.g., United States v. Muniz, 374 U.S. 150 (1963).

[17] Hirschkop & Millemann, *supra* note 14, at 834–35; *cf.* Johnson v. Avery, 393 U.S. 483, 487 (1969).

[18] *E.g.*, Sostre v. Rockefeller, 309 F. Supp. 611 (S.D.N.Y. 1969) (preliminary injunction ordering release from solitary confinement); Hancock v. Avery, 301 F. Supp. 786 (M.D. Tenn. 1969) (relief from shocking conditions in solitary confinement units).

[19] *E.g.*, Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968) (use of straps for beating); Board of Managers of Ark. Tr. Sch. for Boys v. George, 377 F. 2d 228 (8th Cir.), *cert. denied*, 389 U.S. 845 (1967) (racial segregation).

[20] 309 F. Supp. at 365, 382. *Cf. Ex Parte* Pickens, 101 F. Supp. 285 (D. Alas. 1951) (federal prison in Alaska would have been declared cruel and unusual but for court's reluctance to challenge Congress to appropriate additional funds). The cases most nearly analogous to *Holt* are those in which extradition was prohibited on the ground that returning an inmate to the state prison farm from which he had escaped would constitute cruel and unusual punishment. *E.g.*, Johnson v. Dye, 175 F.2d 250 (3d Cir.), *rev'd per curiam*, 338 U.S. 864 (1949) (Georgia), *noted in* 59 Yale L. J. 800 (1950); Harper v. Wall, 85 F. Supp. 783 (D. N.J. 1949) (Alabama), Stephens v. Dixon, Habeas Corpus No. L–3112 (Baker County Ore. Cir. Ct., May 31, 1967) (unreported) Arkansas).

Of course, the risk of total abolition—resulting in freeing of prisoners—appears minimal. Rather, the court will issue orders, under pain of contempt, aimed at specific prison practices. Shut-down of the Arkansas prison farms remains only a distant, though thinly-veiled, threat.

[21] 309 F. Supp. at 373.

[22] *Id.* at 381.

[23] *Cf.*, *e.g.*, E. Cohen, Human Behavior in the Concentration Camp 115–31, 168–84 (Braaksma tr. 1953).

[24] Letter from Philip Hirschkop to Commission on Violence, Aug. 22, 1968, in Report of the Task Force on Law and Law Enforcement to the Nat'l Comm'n on the Causes and Prevention of Violence, Law and Order Reconsidered 579 (1969) [hereinafter cited as Report]. *See also* R. Clark, *When Punishment is a Crime*, Playboy, Nov. 1970, at 100.

[25] Wilkerson v. Utah, 99 U.S. 130, 135 (1878) (dictum).

[26] *See* Trop v. Dulles, 356 U.S. 86, 100 (1958); Note, *supra* note 6, at 999–1000.

[27] *But cf.* Williams v. Field, 416 F. 2d 483 (9th Cir. 1969) (guard not liable under § 1983 for ignoring report of threat by inmate against another which later ripened into an assault). Even the *Williams* court, however, suggested in dicta that the case might indeed be different if there had been a showing of a pattern of non-protection. *Id.* at 485.

[28] While the Arkansas system is particularly bad, generally speaking American prisons are "abysmal graveyards." Teeters, *State of Prisons in the United States: 1870–1970*, 33 Fed. Probation, Dec. 1969, at 18, 19; *see* Report, *supra* note 24, at 576–85. Indeed, examination may reveal that most prison prac-

tices are unconstitutional. *See generally* Hirschkop & Millemann, *supra* note 14.

[29] 300 F. Supp. at 373.

[30] *See* R. Clark, *When Punishment is a Crime,* PLAYBOY, Nov. 1970, at 100.

[31] *Id.* at 100,, 102.

[32] *But cf.* 48 TEXAS L. REV. 1198,, 1204–05 (1970) (under eighth amendment, restraint and retribution may no longer be the only goals of prison confinement; good faith effort at rehabilitation also required).

[33] *See, e.g.,* Landman v. Peyton, 370 F.2d 135, 139–41 (4th Cir. 1966), *cert. denied,* 385 U.S. 881 (1966), 388 U.S. 920 (1967), 392 U.S. 939 (1968).

[34] Hirschkop & Millemann, *supra* note 14, at 828–29, 835–39.

[35] A rare exception is the decree of Judge Motley in Sostre v. Rockefeller, 312 F. Supp. 863 (S.D.N.Y. 1970), which, in addition to orders relating to the solitary confinement of petitioners, directs the state officials to afford inmates procedural due process in a variety of contexts where power was formerly exercised arbitrarily.

[36] Empirical evidence of this can be seen by comparing the minimal results of the previous cases complaining of unconstitutional treatment in the Arkansas prisons, *see* Courtney v. Bishop, 409 F.2d 1185 (8th Cir. 1969), *cert. denied,* 396 U.S. 915 (1970); Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968), *rev'g in part,* 268 F. Supp. 804 (E.D. Ark. 1967); Holt v. Sarver, 300 F. Supp. 825 (E.D. Ark. 1969); Talley v. Stephens, 247 F. Supp. 683 (E. D. Ark. 1965), with the results of *Holt* itself, which have been noteworthy. Several additional free world persons have been employed to supervise the isolation units, the kitchen, the laundry, and the dispensary. The power of the trusty guards has been greatly reduced. Substantial moneys have been obtained from the state and federal governments, along with additional funds from private organizations, to hire and train personnel, mechanize the farm operations, and provide additional supplies to the inmates. Searches and shakedowns for dangerous weapons are frequently conducted, resulting in a significantly decreased incidence of physical assaults, especially in the barracks. All living quarters and work details have been fully desegregated. *See* Respondent's Report of Progress, July 10, 1970, Holt v. Sarver, 309 F. Supp. 362 (E.D. Ark. 1970).

Recent events at the prisons, however, have made it clear that not all inmates are satisfied with the progress made thus far. Early in November, 1970, several inmates at Cummins seized four guards as hostages. For the return of the guards, the inmates demanded, *inter alia,* substantial improvements in the "hole," the Cummins isolation unit. Though the guards were eventually released unharmed, all bargains made with the kidnapers were kept secret. N.Y. Times, Nov. 3, 1970, at 20, col. 3 (city ed.).

PETITION

Lawrence J. HOLT et al., Petitioners, v. Robert SARVER, Commissioner of Corrections, State of Arkansas; John Haley, Payton Kolb, Marshall Rush, W. L. Currie, and William Lytle, Individually and in their capabilities as Members of the Board of Corrections of the State of Arkansas, Respondents.

Travis Eugene FIELDS, Petitioner, v. Robert SARVER, Commissioner of Corrections, et al., Respondents.

George W. OVERTON, Petitioner, v. Robert SARVER, Commissioner of Corrections, et al., Respondents.

Stanley W. BROOKS et al., Petitioners v. Robert SARVER, Commissioner of Corrections, et al., Respondents.

Jack Allen BARBER, Petitioner, v. Robert SARVER, Commissioner of Corrections, et al., Jerry DENHAM, Petitioner, v. Robert SARVER, Commissioner of Corrections, et al., Respondents.

Carlton J. CARNEY et al., Petitioners v. Robert SARVER, Commissioner of Corrections, et al., Respondents.

Thomas Mitchell HILDERBRANDT, Petitioner, v. Robert SARVER, Commissioner of Corrections, et al., Respondents.

Nos. PB–69–C–24, 25, 29, 71, 75, 76, 80 and 91. United States District Court, E. D. Arkansas, Pine Bluff Division. Feb. 18, 1970.

Action by state prisoners to have declared unconstitutional conditions and practices in state prison system. The District Court, Henley, Chief Judge, held, inter alia, that conditions and practices in Arkansas penitentiary system, including trusty system whereby trusties ran prison, open barracks system, conditions in isolation cells, and absence of meaningful rehabilitation program, were such that confinement of persons in system amounted to cruel and unusual punishment prohibited by Eighth and Fourteenth Amendments.

Order in accordance with opinion.

1. Courts—284

Federal district court had jurisdiction of civil rights action brought by state prisoners for declaratory judgment with respect to violations of prisoners' constitutional rights by prison officials. U.S.C.A.Const. Amends. 8, 13, 14; 28 U.S.C.A. § 1343(3); 42 U.S.C.A. § 1983.

2. Constitutional Law—83(2)

Forced uncompensated labor of state convicts did not violate Thirteenth Amendment. U.S.C.A.Const. Amend. 13.

3. Constitutional Law—270

Conditions and practices in Arkansas penitentiary system, including trusty system whereby trusties ran prison, open barracks system, conditions in isolation cells, and absence of meaningful rehabilitation program, were such that confinement of persons in system amounted to "cruel and unusual punishment" prohibited by Eighth and fourteenth Amendments. U.S.C.A.Const. Amends. 8, 14.

See publication Words and Phrases for other judicial constructions and definitions.

4. Prisons—4

To extent that unconstitutional racial discrimination was being practiced in state prison system, such discrimination was to be eliminated. U.S.C.A.Const. Amend. 14.

5. Constitutional Law—47

In state prisoners' civil rights action, federal court was limited to question of whether or not constitutional rights of inmates were being invaded and with whether penitentiary itself was unconstitutional, and court was not judicially concerned with questions which in last analysis were addressed to legislative and administrative judgment.

6. Prisons—12

Practice that may be bad from standpoint of penology may not necessarily be forbidden by Federal Constitution, and prison system that would be excellent from point of view of modern administrator may not be required by Constitution.

7 Constitutional Law—83(2)

Purpose of Thirteenth Amendment was to abolish African slavery and practices related or analogous thereto. U.S.C.A.Const. Amend. 13.

8. Constitutional Law—83(2)

Arkansas system of working convicts was not "slavery" in constitutional sense of term. U.S.C.A. Const. Amend. 13. See publication Words and Phrases for other judicial constructions and definitions.

9. Criminal Law—1213

Concept of cruel and unusual punishment is not limited to instances in which particular prison inmate is subjected to punishment directed at him as an individual; confinement itself within given institution may amount to "cruel and unusual punishment" where confinement is characterized by conditions and practices so bad as to be shocking to the conscience of reasonably civilized people, even though particular inmate may never personally be subject to any disciplinary action. U.S.C.A.Const. Amends. 8, 14.

10. Prisons—12

Confinement in otherwise unexceptional penal institution is not unconstitutional simply because institution does not operate school, or provide vocational training or other rehabilitative facilities and services, but absence of affirmative program of training and rehabilitation may have constitutional significance where in absence of such program conditions and practices exist which actually militate against reform and rehabilitation.

11. Criminal Law—1213

Term "cruel and unusual punishment" cannot be defined with specificity; it is flexible and tends to broaden as society tends to pay more regard to human decency and dignity and becomes, or likes to think that it becomes, more humane.

12. Criminal Law—1213

Generally speaking, punishment that amounts to torture, when it is grossly excessive in proportion to offense for which it is imposed, or that is inherently unfair, or that is unnecessarily degrading, or that is shocking or disgusting to people of reasonable sensitivity is a "cruel and unusual punishment"; and punishment that is not inherently cruel and unusual may become so by reason of manner in which it is inflicted.

13. Constitutional Law—223

Fourteenth Amendment prohibits racial discrimination within discrimination within prisons, and prohibition extends to racial segregation of inmates. U.S.C.A.Const. Amend. 14.

14. Prisons—4

Elimination of trusty system under which trusties had unsupervised power over other inmates was essential to establishment of prison system meeting constitutional standards. U.S.C.A.Const. Amends 8. 14.

15. Prisons—4

Obligation of prison officials to eliminate existing unconstitutionalities did not depend upon what legislature might do or upon what officials might actually be able to accomplish; if state was to operate penitentiary system, it was required to have system countenanced by Federal Constitution.

Jack Holt, Jr., Philip Kaplan, Little Rock, Ark., for petitioners.

Don Langston and Mike Wilson, Asst. Attys. Gen., State of Arkansas, for respondents.

MEMORANDUM OPINION

Henley, Chief Judge.

These eight class actions have been brought by inmates of the Cummins Farm Unit of the Arkansas State Penitentiary System and the Tucker Intermediate Reformatory which is a part of that System against the members of the Arkansas State Board of Corrections and the State Commissioner of Corrections who administer the system. Plaintiffs contend on behalf of themselves and on behalf of other inmates and on behalf of other persons who may in the future be confined at Cummins or at Tucker that the forced, uncompensated farm labor exacted from Arkansas convicts for the benefit of the State is violative of the Thirteenth Amendment to the Constitution of the United States. They contend further that conditions and practices within the System are such that confinement there amounts to a cruel and unusual punishment proscribed by the Eighth Amendment to the Constitution of the United States, as carried forward into the Fourteenth Amendment. And they contend still further that unconstitutional racial segregation is being practiced within the System in violation of the Fourteenth Amendment. Federal jurisdiction is invoked under the provisions of 28 U.S.C.A. § 1343(3) and 42 U.S.C.A. § 1983.

It appearing to the Court that constitutional questions raised by the petitions submitted by the complaining inmates per sese were substantial, the Court appointed Messrs. Jack Holt, Jr., and Philip Kaplan of the Little Rock Bar to represent Petitioners without charge. Messrs. Holt and Kaplan accepted the appointments and have done yeoman service on behalf of their clients. The Court wishes to thank them for their efforts.

Petitioners' complaints are well summarized in Paragraph 20 of the Consolidated Amendment and Substituted Complaint which is as follows:

"20. The actions of defendants have deprived members of the plaintiff class of rights, privileges and immunities secured to them by the due process and equal protection clauses of the Fourteenth Amendment to the Constitution of the United States, including (a) the right not to be imprisoned without meaningful rehabilitative opportunities, (b) the right to be free from cruel and unusual punishment, (c) the right to be free from arbitrary and capricious denial of rehabilitation opportunities, (d) the right to minimal due process safeguards in decisions determining fundamental liberties, (e) the right to be fed, housed, and clothed so as not to be subjected to loss of health or life, (f) the right to unhampered access to counsel and the courts, (g) the right to be free from the abuses of fellow prisoners in all aspects of daily life, (h) the right to be free from racial segregation, (i) the right to be free from forced labor, and (j) the right to be free from the brutality of being guarded by fellow inmates."

The prayer is for a declaratory judgment to the effect that Respondents' acts, policies, and practices violate Thirteenth and Fourteenth Amendment rights and for appropriate permanent injunctive relief.

(1) Shortly before the cases, hereinafter called collectively at times simply "the case" or "this case," were tried, Respondents, represented by Messrs. Don Langston and Mike Wilson of the Office of the Arkansas Attorney General, moved to dismiss the petitions on the ground that the case was nothing more than an effort to coerce the Arkansas Legislature into appropriating more money for the System, and that the Court was without jurisdiction to entertain such an action. The Court did not and does not so characterize the case, and the motion was denied. The Court is satisfied that it has jurisdiction under the federal statutes heretofore cited, and so finds.

On the merits, Respondents do not contend that they are operating a "good" prison or a "modern" prison. With commendable candor they concede that many of the conditions existing at the Penitentiary are bad. However, they deny that they are operating an unconstitutional prison or are engaging in unconstitutional practices. They say that they are doing the best they can with extremely limited funds and personnel. They point, justly, to the fact that over the past several years a number of significant improvements have been made within the System and they say that more are in the offing.

This case, unlike earlier cases to be mentioned which have involved specific practices and abuses alleged to have been practiced upon Arkansas convicts, amounts to an attack on the System itself. As far as the Court is aware, this is the first time that convicts have attacked an entire penitentiary system in any court, either State or federal.

The cases were consolidated for purposes of trial and were tried to the Court without a jury for almost an entire week. Much testimony was taken and a substantial body of documentary evidence was introduced. The Court had the benefit of the expert testimony of a recognized authority on prisons and their administration, Mr. James V. Bennett who for many years was Director of the Federal Bureau of Prisons. The Court had indirectly the benefit of the views of Mr. Austin McCormick of New York City, another recognized penologist, who is Executive Director of the Osborne Association, Inc., and who served as Chief Consultant to the Penitentiary Study Commission created by the Arkansas Legislature in 1967. (Act 22 of 1967, approved January 31, 1967.) The views of Mr. McCormick are set forth in the formal report of the Commission submitted on January 1, 1968, a copy of which report was introduced in evidence. There has also been made available to the Court a copy of a report in letter form from Dr. Charles M. Friel, Director of Research, Institute of Contemporary Corrections and the Behavioral Sciences, Sam Houston State University, Huntsville, Texas, to the Arkansas Commission on Crime and Law Enforcement. That report is dated January 29, 1970, which date was the third day of the trial of this case. While the report was not formally introduced in evidence, it will be made part of the record, and the Court feels at liberty to consider it.

Apart from the foregoing, the Court heard the testimony of inmates and free world employees of the Penitentiary System; the Court also saw a motion picture film depicting certain prison conditions and has examined a number of photographs and other documentary material.

This Memorandum incorporates the Court's findings of fact and conclusions of law. In view of the serious nature of the case, in view of the fact that in a sense the real Respondents are not limited to those formally before the Court but include the Governor of Arkansas, the Arkansas Legislature, and ultimately the people of the State as a whole, the issues presented have been given the most careful consideration of which the Court has felt itself capable. The questions presented are grave and will be discussed fully. The Court deems it well, however, to state in advance of discussion its ultimate findings and conclusions on the constitutional issues presented.

[2] 1. The Court rejects the contention of the Petitioners that the forced, uncompensated labor of Arkansas convicts violates the Thirteenth Amendment.

[3] 2. The Court sustains the claim that conditions and practices in the Penitentiary System are such that confinement of persons therein amounts to a cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments.

[4] 3. The Court sustains the claim that to the extent that unconstitutional racial discrimination is being practiced in the System it must be eliminated.

Having so stated its findings and conclusions, the Court will proceed to discuss them and thereafter will pass to a consideration of the relief to be awarded.

I. INTRODUCTION

The Arkansas State Penitentiary System consists of the 16,000 acre Cummins Farm located in Lincoln County; the Tucker Intermediate Reformatory located on a 4,500 acre farm in Jefferson County; and the small Women's Reformatory located on the Cummins Farm.[1]

The inmate population at Cummins now consists of somewhat less than 1,000 persons; about 325 persons most of whom are under 21 years of age are confined at Tucker. Prior to the passage of Act 377 of 1969 the Tucker Intermediate Reformatory was known simply as the Tucker Farm Unit of the Arkansas State Penitentiary. It is a much smaller institution than Cummins and its problems and those of its inmates are not nearly as severe as those existing at Cummins. For that reason discussion will be directed chiefly at Cummins, and references to the "Penitentiary" will in general be references to Cummins. Specific mention of Tucker will be made where such mention appears necessary or desirable.

The report of the Penitentiary Study Commission to which reference has been made contains as its second section a historical account of the Arkansas penal system prepared originally at some unspecified time by John L. Ferguson, State Historian, and covering the period from 1838 to 1933.

Arkansas was admitted to the Union in 1836. In 1838 the Legislature authorized the construction of a "Jail and Penitentiary," and in 1840 such an institution was constructed in the City of Little Rock. It was a jail type structure located on the present site of the Arkansas State Capitol. When it was decided to build the Capitol on its present site, the Penitentiary was moved to another location in the southwestern part of the City and became known as the Penitentiary Walls.

In 1902 the State purchased the Lincoln County lands that became Cummins Farm; some years later the smaller Tucker Farm was acquired. In 1933, due at least in part to financial stringencies imposed by the Depression, the Walls were abandoned as far as prison use was concerned, and the entire penitentiary operation was transferred to the farms. While Cummins has customarily been the headquarters of the Penitentiary System, the electric chair for executions was installed at Tucker and the cells for condemned men were located at Tucker.

Tucker was designed primarily for the confinement of young white convicts and for the confinement of both whites and Negroes awaiting execution. Negro convicts, other than those condemned to die, were confined at Cummins, and Cummins was also used as a place of confinement for more hardened white convicts.

Prior to the Civil War Arkansas convicts were released to private employers and were frequently mistreated seriously by the lessees. There was strong public opposition to the system for both humanitarian and economic reasons and it was abolished in 1913. Since that time Arkansas convicts have been required to work for the State, and their work has consisted largely of agricultural and other manual labor for which they are paid nothing either actually or constructively.

At both Cummins and Tucker the inmate population is divided into three categories. At the bottom of the list are ordinary laboring convicts known as "rankers." At the top of the list are privileged inmates known as "trusties." Between those two categories is a third class of convicts known as "dop pops;" how they came to be so called is not clear.

As indicated, most of the inmates at Tucker are young men who are not, in general, a particularly vicious lot, although there are exceptions. The Cummins population is extremely varied. Some are run-of-the-mill non-violent criminals; others are extremely violent and dangerous; many are incorrigibles; some are properly classified as either sociopathic or psychopathic, if not psychotic. A few of them have to be kept in isolation cells for 24 hours a day to protect them from other inmates or to protect other inmates from them.

Certain characteristics of the Arkansas prison system serve to distinguish it from most other penal institutions in this country. First, it has very few paid employees; armed trusties guard rank and file inmates and trusties perform other tasks usually and more properly performed by civilian or "free world" personnel. Second, convicts not in isolation are confined when not working, and are required to sleep at night in open dormitory type barracks in which rows of beds are arranged side by side; there are large numbers of men in each barracks. Third, there is no meaningful program of rehabilitation whatever at Cummins; while there is a promising and helpful program at Tucker, it is still minimal.

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[1] All of the Petitioners in this case are men. However, the Court heard some evidence about the Women's Reformatory. That institution houses about 35 inmates; not all of them are felons; some are simply chronic alcoholics.

Prior to about 1965 the people of Arkansas as a whole knew little or nothing about their penal system although there were sporadic and sensational "exposes" from time to time about alleged conditions at the farms.

Those "exposes" created little, if any, lasting impressions on the Arkansas public. As of that time it is probably fair to say that many otherwise well informed Arkansas people viewed the Penitentiary as a self-sustaining even profit-making institution, operated by a few strong willed men who were able to make the convicts behave themselves and work; while it was recognized that the life of the convicts was probably hard, that was as it should be; they had been sent to the Penitentiary to be punished and were not entitled to lead a "country club" existence. Reports of whippings might cause passing concern which was easily allayed by the thought that the convicts who were whipped deserved to be whipped, and that a man who went down to the Penitentiary and behaved himself and did his work would be treated fairly and would get along fairly well.

That popular impression of the Penitentiary was not accurate in former years, and to the extent that it is still present it is not accurate today, as will be seen presently. However, the myth tends to be preserved by glowing reports of members of conducted tours of the farms who are shown in daylight hours what their conductors want them to see, who talk to selected convicts, and who are fed a good meal accompanied by the assurance that they are eating "just what the inmates eat."

In 1961 the Supreme Court of the United States handed down its landmark decision in the case of Monroe v. Pape, 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed.2d 492, holding that old section 1979 of the Revised Statutes, derived from section 1 of the "Ku Klux Act" of 1871, and which became 42 U.S.C.A. § 1983, gave to individual citizens a viable remedy in the federal courts for deprivations of federally protected rights by persons acting under color of law.[2]

By 1965 Arkansas convicts were becoming more articulate about the conditions under which they lived than in years past and were having more success in bringing their complaints to the attention of free world authorities, including the federal courts sitting in this State.

In that year litigation about Penitentiary conditions began in this Court and has continued here and in the Court of Appeals ever since. The litigation has up to this time produced three published opinions of the District Court and two opinions of the Court of Appeals. Arranged chronologically, those opinions are: Talley v. Stephens, E.D.Ark., 247 F.Supp. 683, opinion by this writer; Jackson v. Bishop, E.D.Ark., 268 F.Supp. 804, joint opinion of Judges Gordon E. Young and Oren Harris, reversed in part, 8 Cir., 404 F.2d 571; Courtney v. Bishop, 8 Cir., 409 F.2d 1185; Holt v. Sarver, E.D.Ark., 300 F.Supp. 825, opinion by this writer and hereinafter called *Holt. I.*[3]

In all of those cases, except *Courtney,* it was found that unconstitutional practices were being carried on at the Penitentiary, and injunctive relief was granted. The final result of the Talley and Jackson cases was that corporal punishment of inmates, practiced for years at the farms, was outlawed along with the use of such devices of torture as the "Tucker Telephone" and the "teeter board." In *Holt I* this Court held that the State owed a constitutional duty to inmates at Cummins to use ordinary care for their safety, and that the State had failed and was failing to discharge that duty; the Court also found that due to overcrowding confinement in the Cummins isolation cells was unconstitutional.

The decree entered in *Holt I* in the summer of 1969 brought about some improvements in conditions at Cummins, notably what appears to be an elimination of gross overcrowding in the isolation cells. However, continuing complaints from inmates of both Cummins and Tucker and disturbing information that financial difficulties might have caused a retrogression to former conditions to set in prompted the Court not to approve the report of the Commissioner filed in Holt I and to give further consideration to overall conditions at both institutions.

Aside from the litigation just outlined, there have been significant recent developments at the farms. In the late summer of 1966 serious trouble with inmates broke out that led to a full investigation of conditions at both farms by the Arkansas State Police and by the Federal Bureau of Investigation. That investigation plus an additional investigation brought about by another violent episode at Cummins in October 1968 produced certain prosecutions in the Circuit Court of Jefferson County, Arkansas, and in this Court.[4]

In 1968 a number of prisoners at Cummins went on a sit down strike and refused to disperse. They were fired upon with shotguns loaded with birdshot by a number of free world people and trusty guards. Some inmates were wounded, one seriously. Fortunately, no one was killed.

The abortion of the State court prosecutions and the 1968 episode just described caused the United States Department of Justice to ask the Court to call the federal Grand Jury for the Eastern District of Arkansas into special session in the summer of 1969. That was done, and a number of indictments were returned against Penitentiary employees and former employees and against a number of former inmates charging violations of 18 U.S.C.A. § 242. The Court conducted a number of jury trials which with one exception resulted in verdicts of not guilty, although the evidence in all of the cases was ample to convict. In one case the jury was not able to agree. As to that case the defendant ultimately pleaded nolo contendere, and another plea of nolo contendere was entered by another defendant.

When the Legislature convened in January 1967 it promptly created the Penitentiary Study Commission. The Emergency Clause included in Act 22 of 1967 creating the Commission and directing it to make a detailed study of the farms recited that widespread publicity about the Penitentiary had "raised serious questions in the minds of public officials and the general public regarding the facilities, practices, and disciplinary procedures at the State Penitentiary and that it is necessary that a thorough study and evaluation of the penal system in Arkansas be made as soon as possible."

The Commission's study was detailed, and its report was sharply critical of many aspects of the prison system; numerous reforms were recommended. Responding to the report, the Legislature in special session in early 1968 adopted Act 50 of that year, a sweeping statute dealing with the prison system and which recognized that training and rehabilitation should be essential objectives of the farms. That Act, among other things, created the Department of Corrections which took the place of the old Penitentiary Board.

The legislation adopted in 1967 and 1968 and Act 377 of 1969 establishing the Tucker Intermediate Reformatory are forward looking; but at least as yet they have not had any significant impact on the distinctive characteristics of the Arkansas penal system mentioned heretofore.

Returning now to this case, the testimony of Director Bennett, the report of the Study Commission, and the 1969 report of Dr. Friel to the Commission on Crime and Law Enforcement, are all to the effect that the Arkansas Penitentiary System is substandard and outmoded when measured by accepted penological standards, and that improvements are needed in many areas. Commissioner Sarver himself has come forward with sweeping recommendations for radical improvements to be made over a period of about ten years.

[5, 6] The Court, however, is limited in its inquiry to the question of whether or not the constitutional rights of inmates are being invaded and with whether the Penitentiary itself is unconstitutional. The Court is not judicially concerned with questions which in the last analysis are addressed to legislative and administrative judgment. A practice that may be bad from the standpoint of penology may not necessarily be forbidden by the Constitution. And a prison system that would be excellent from the point of view of a modern prison administrator may not be required by the provisions of the Constitution with which the Court is concerned.

II. THE THIRTEENTH AMENDMENT CLAIM

The Court takes up first the Thirteenth Amendment contention of Petitioners. Some facts relevant to that claim have been stated already; other facts to be stated are relevant not only to the Thirteenth Amendment claim but also to Petitioners' claims based on the Fourteenth Amendment.

The Thirteenth Amendment, adopted immediately after the Civil War, provides explicitly that:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

[7] The purpose of the Amendment was, of course, to abolish African slavery and practices related or analogous thereto. It will be observed that the Thirteenth Amendment, unlike the Fourteenth and certain other Amendments, is more than a prohibition upon the States. The Thirteenth Amendment abolishes slavery and involuntary servitude, except as punishment for crime, everywhere in the United States, its Territories, and possessions.

The Thirteenth Amendment claim with which the Court is concerned relates primarily to the requirement that Arkansas convicts work for long hours without pay in the fields on the farms for the financial benefit of the State. Not all rank and file Arkansas convicts are required to perform labor of that type, but substantial numbers of them are. As in other contexts, the principal problem is at Cummins. That is true because the farming operation now being conducted at Tucker is limited to the production of food for inmate consumption. Tucker farmlands not used for that purpose have been leased to private operators.

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[2] While Monroe v. Pape involved police officers who had unlawfully searched a private dwelling, its applicability to convicts and their keepers was obvious.

[3] *Holt I* was actually three cases which were consolidated for purposes of trial and were tried in 1969. Those cases were never actually terminated, and they are presently before the Court along with five additional cases which the Court permitted to be commenced and prosecuted.

[4] Following the 1966 investigation certain former employees at the Tucker Farm were charged in the Circuit Court of Jefferson County, Arkansas, with having violated Ark. Stats. § 46–158 which made it a felony for any Penitentiary employee to inflict a punishment on a convict in excess of the punishment prescribed by the then Penitentiary Board. The Circuit Court held that the Arkansas statute was violative of the Arkansas Constitution in that it involved an invalid delegation of legislative power to the Board. The informations were dismissed by the Circuit Court, and the Supreme Court of Arkansas affirmed. State v. Bruton, 246 Ark. 288, 437 S.W.2d 795.

Cummins Farm is located on fertile land well adapted to producing just about any kind of crop that can be grown in Arkansas. The principal crops produced on the farm are cotton, soybeans, rice, vegetables, fruits, and berries. Other substantial farm operations include livestock, dairying, and poultry production.

According to the report of the Study Commission, there were 9,070 acres of land in cultivation at Cummins as of December 15, 1967. As of the same date the Farm had 2,070 cattle, 800 hogs, 40 horses, 160 mules, and 1,600 poultry.

Again according to the Commission, during 1967 60 percent of the cultivated acreage at Cummins was devoted to crops raised for sale on the market; 30 percent to crops that supported the livestock and poultry; and 10 percent to garden vegetables and other crops for the feeding of civilian personnel and inmates.

The Commission's report reflects that with respect to the fiscal year ending June 30, 1966, the Penitentiary, both farms apparently, derived an income of $1,415,419.43 from the sale of crops, including field crops, vegetables, fruit, and pecans; the corresponding figure for the year ending June 30, 1967, was $1,242,131.38. Sales of farm products other than crops amounted to $213,561.22 for fiscal 66 and to $131,806.13 for fiscal '67.

Total receipts of the Penitentiary from all sources for fiscal '66 was $1,763,487.09 and total expenditures came to $1,473,497.70. Corresponding figures for fiscal '67 were $1,566,712.76 and $1,785,570.33.

The December 15, 1967 inventory of equipment at Cummins, appearing at page 6.09 of the Commission's report, indicates that there has been substantial mechanization of the Farm's operation. However, the evidence reflects that much of the work is still done by hand, and the fact that in 1967 the Farm owned 160 mules indicates that a good deal of power utilized at the Farm is "mule power."

In 1967 the Farm had a cotton allotment of 962 acres worked largely by hand, and the production of fruits and vegetables involves a great deal of what is commonly called "stooped labor."

Men assigned to the field are required to work long hours six days a week, except for a few holidays, if weather permits. They are worked regardless of heat and summers can be very hot at Cummins; in the winter they are not required to work when the temperature is below freezing, but they are required to work in merely bad or wet weather regardless of the season of the year. The men are not supplied by the State with particularly warm clothing for winter work, nor are they furnished any bad weather gear. There is evidence that at times men have been sent to the fields without shoes or with inadequate shoes. The field work is arduous and is particularly onerous in the case of men who have had no previous experience in chopping and picking cotton or in harvesting vegetables, fruits, and berries. What skills they may acquire in connection with their field work are of very little if any value to them when they return to the free world.

Naturally, the inmates do not like to work in the fields. Prior to the decision of the Court of Appeals in *Jackson*, supra, most of them could be forced to do so by applications of the strap. Now there is no sanction, except confinement in isolation, to compel the men to work, and many of them are willing to undergo solitary confinement in order to avoid field work.

Rankers assigned to work in the fields do so in groups known as "long lines." The numbers of men in long lines may vary considerably. Theoretically, each long line is under the supervision of a free world employee known as a field warden. Actually, the rankers are under the immediate and direct supervision of trusties known as "long line riders" and inmate "pushers." As his name implies, the long line rider is a mounted man who rides back and forth among the working men. Since he is in very close proximity to the rankers and is somewhat vulnerable to attack from them, he ordinarily does not carry a firearm, although he may do so on occasions. The real guarding of the rankers in the field is done by other trusties armed either with high powered rifles and known as "high powers," or with shotguns and known, logically, as "shotguns."

According to the Study Commission's report, a long line at Cummins on a typical date might be made up of, say, 56 rankers, nine trusty guards, and a lone line rider. The perimeter of the plot in which the rankers are working is occupied by guards armed with rifles; guards armed with shotguns work in closer proximity to the rankers.

If a ranker tries to escape, the trusties are instructed to fire one warning shot into the air; if the ranker persists in his effort to get away, the trusties fire at him to "stop" him; it makes no difference whether he is killed or not. Whether a ranker is trying to escape is at times subject to question, and the question is answered summarily by the guards. Thus, a ranker who unwittingly strays across an imaginary deadline may be fired upon. In addition to running the risk of being shot by an over-zealous guard or by one with merely poor judgment there is always the possibility that a guard will deliberately murder an inmate on the pretense that he was trying to escape.

As stated, the men are paid nothing for their work. If an inmate wants to earn money legitimately in his spare time while in the Penitentiary, there are only two ways in which he can do it. The inmates as a class are permitted to have an Inmate Welfare Fund which operates a commissary type store and which also operates a blood bank. Profits from the store and the blood bank inure to the Fund which, parenthetically, appears as of this moment to have more money available to it than Respondents have available to them to run the Penitentiary. A very limited number of inmates are employed in the store and are paid small monthly salaries. Other inmates can sell their blood once a week at the blood bank and receive $5 per visit. The inmates refer to selling their blood as "bleeding at the blood bank." However, not all inmates are permitted to "bleed" and, hence, cannot earn the $5; for example, the bank will not accept blood from an inmate with a morbid condition of the liver.

What small comforts and luxuries the inmates have legitimately are not furnished by the State but by the Welfare Fund, and it is the Fund, not the State, that gives a departing inmate the nominal sum of $25 to see him on his way.

Director Bennett testified that inmates of federal prisons and of many State prisons can earn legitimate although usually very low wages while confined. He thinks that such wage payments are desirable for several reasons; they give a man an incentive to work; they improve his morale; they enable him to be of some assistance to his dependents; and they perhaps enable him to build up a small stake for himself against the day on which he is to be released from prison. Mr. Bennett conceded, however, that there are still some States, like Arkansas, that pay their convicts nothing.

The picture of working conditions at Cummins that has been painted is not attractive, and the system would not be called humane by modern standards. But, the question for decision at this moment is whether the system is prohibited by the Thirteenth Amendment.

[8] The Arkansas system of working convicts is not "slavery" in the constitutional sense of the term. The State does not claim to own the bodies of its prisoners. The situation does involve "servitude," and there is no doubt whatever that the "servitude" is "involuntary."

But, it is equally clear that this servitude has been imposed as punishment for crimes whereof the inmates have been duly convicted. Conceding that the work required is hard and tedious, that it is performed under harsh conditions, that the State requires it to produce income for the State and that the system serves little other purpose, if any, the Court is not persuaded that the system violates the Thirteenth Amendment.

According to Director Bennett, the idea that prisons and prisoners ought to support themselves is as old as American penology. He referred to the fact that the convict-leasing system came into existence at a very early stage as the States found that it was more profitable to lease their convicts than to work them themselves. And he pointed out that one of the best descriptions of the leasing system is to be found in Margaret Mitchell's Civil War novel, "Gone With The Wind."

When Congress submitted the Thirteenth Amendment to the States, it must have been aware of generally accepted convict labor policies and practices, and the court is persuaded that the Amendment's exception manifested a Congressional intent not to reach such policies and practices.

Heflin v. Sanford, 5 Cir., 142 F.2d 798, is instructive on this phase of the case although it did not involve convict labor. Heflin, a conscientious objector, was ordered to report for work of national importance during World War II; his compensation would have been but nominal. He refused to report and was sent to the penitentiary for violating the Selective Service Act. On habeas corpus he contended that to require him to do work of national importance with little or no pay amounted to prohibited slavery and involuntary servitude. His contention was rejected. The Court pointed out that there is a difference between "involuntary servitude" and "uncompensated service," and that the Thirteenth Amendment prohibits the one, except as punishment for crime, but does not prohibit the other.

III. FOURTEENTH AMENDMENT CLAIM—CRUEL AND UNUSUAL PUNISHMENT

The Eighth Amendment to the Constitution of the United States prohibits the infliction of "cruel and unusual punishments." Originally a restriction on the federal government, it has been held that the Eighth Amendment has been carried forward into the Fourteenth Amendment, Robinson v. California, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758, and it was on the basis of the Eighth Amendment that relief was granted in *Talley*, *Jackson*, and *Holt I*, all supra.

An individual convict may, or course, be subjected to a cruel and unusual punishment actually inflicted on him personally, as by his being beaten with the Penitentiary strap, or by being shocked electrically by the Tucker Telephone, or by being compelled to stand upon the "teeter board" for long periods of time, or by other means of punishment or torture.

[9] It appears to the Court, however, that the concept of "cruel and unusual punishment" is not limited to instances in which a particular inmate is subjected to a punishment directed at him as an individual. In the Court's estimation confinement itself

within a given institution may amount to cruel and unusual punishment prohibited by the Constitution where the confinement is characterized by conditions and practices so bad as to be shocking to the conscience of reasonably civilized people even though a particular inmate may never personally be subject to any disciplinary action. To put it another way, while confinement, even at hard labor and without compensation, is not considered to be necessarily a cruel and unusual punishment it may be so in certain circumstances and by reason of the conditions of the confinement. That is certainly the law in the case of prisoners confined in isolation, Courtney v. Bishop, supra, *Holt I*, supra, and cases there cited; and the Court sees no reason why it is not the law in cases of prisoners confined "in population," as it is called.

In the instant case Petitioners contend that overall conditions in the Arkansas penal system, including but not limited to those relating to inmate safety, may be so bad that it amounts to an unconstitutional cruel and unusual punishment to expose men to those conditions, regardless of how those conditions may operate fortuitously on particular individuals. Is that contention sustained by the evidence?

The distinguishing aspects of Arkansas penitentiary life must be considered together. One cannot consider separately a trusty system, a system in which men are confined together in large numbers in open barracks, bad conditions in the isolation cells, or an absence of a meaningful program of rehabilitation. All of those things exist in combination; each affects the other; and taken together they have a cumulative impact on the inmates regardless of their status. That should be borne in mind as one reads the following descriptions of the trusty system, the barracks systems, the isolation cells, and other aspects of prison life.

Again, these descriptions are based primarily on conditions at Cummins. They are based on a large volume of testimony much of which was really a repetition of what the Court heard when it tried *Holt I*.

The trusty system

No one questions the propriety or desirability of according trusty status to deserving convicts, and perhaps all prisons do. But the trusty system as it exists in Arkansas is *sui generis*. The trusties run the prison. They not only guard other inmates; they also perform many administrative tasks normally performed by free world people, and their authority over other convicts of lesser rank is great. Commissioner Sarver testified without contradiction that more than 90 percent of prison functions relating to inmates are performed by trusties. The few free world people are only nominally in command of the situation at Cummins, and the trusties could take it over in a moment. Perhaps the reason they do not do so is that they do not want to spoil a good thing.

The extent of Arkansas' reliance on trusties is apparent when it is realized that there are only 35 free world employees at Cummins in ostensible charge of slightly less than 1,000 men. Of those 35 only eight are available for guard duty, and only two of them are on duty at night.

The use of trusty guards is universally condemned by penologists, and the system is now in use only in Arkansas, Louisiana, and Mississippi. According to Director Bennett, the reliance that Louisiana places upon trusty guards is much less than that which exists in Arkansas. He did not testify with respect to Mississippi. The reasons for penological disapproval of the use of trusty guards are that it creates an unhealthy prison climate and atmosphere; it breeds fear and hatred between the guards, on the one hand, and those guarded, on the other hand; it tends to be brutal and to endanger the lives of inmates who live and work "under the guns" of other convicts; and it leads to other abuses.

In this connection it may be observed that some inmates of the Penitentiary have refused to accept trusty guard status due to their feeling that it is "wrong" for one convict to guard another and to their fear of what might happen to them should they ever be demoted to the ranks. And Mr. Bennett testified that when he was head of the Bureau of Prisons, it was frequently necessary to take strong protective measures with respect to inmates of federal prisons who had formerly been trusty guards in Arkansas.

Apart from the use of trusties as guards, they can be given too much authority in other areas of prison life. When that is done, various abuses come into existence. When all is said and done, the fact remains that a trusty is a convict, and many trusties will on occasions act like felons and thieves. They will take bribes, they will engage in extortion, they will smuggle contraband, and they will connive at violations of prison rules. Opportunity for abuse is particularly present where, as in Arkansas, trusties have access to prison records pertaining to themselves and to other inmates. A trusty with such access can remove damaging material, such as a detainer, from an inmate's file; he can insert improper material; or he can impart to other inmates confidential information that ought not to be imparted. The undesirability of having prison telephone communications with the outside world in the control of trusties, as it is in Arkansas, is too obvious to require description.

This does not mean that trusties should never be given responsible jobs. One of the chief functions of rehabilitation is to teach convicts to assume and discharge responsibilities. But, it does mean that the areas of trusty responsibility should be limited, and that the trusties, both individually and as a body, should be under the full control and adequate supervision of free world people.

The danger of excessive reliance on trusties was discussed fully in the report of the Study Commission, and one of the recommendations of the Commission was that the system be retained "insofar as it conforms to the type found in the better American state and federal prisons," but that "trusties no longer be given duties, responsibilities or authority that should be given only to civilian employees who can be held legally responsible."

As the Court's description of the trusty system in Arkansas proceeds, it will be seen, to the extent that it has not become apparent already, that just about every abuse which the system is capable of producing has been produced and is being practiced in this State.

An inmate gets to be a trusty in Arkansas by promotion from the ranks or from "do pop" status. While promotions and demotions are formally made by committees of free world personnel, as a practical matter such actions are usually based uncritically on initial recommendations of trusties. In the case of a field worker, the recommendation is usually made by a long line rider.

Actually, few, if any, objective criteria are used in selecting trusties; that a man is a bad man, or a dangerous man, or that he has a bad criminal record is by no means a disqualification; on the contrary, it may be a recommendation. In the case of a trusty guard probably the principal criterion of promotion is his willingness to prevent escapes and support the free world people vis a vis the general inmate population, shooting to kill if necessary to achieve those objectives. A trusty is not expected to take any steps to protect an inmate from violence at the hands of another inmate, and the trusties do not do so.

In a very real sense trusty guards have the power of life and death over other inmates. Some guards are doubtless men of some judgment and humanity; others are not. It is within the power of a trusty guard to murder another inmate with practical impunity, and the danger that such will be done is always clear and present. Very recently a gate guard killed another inmate "carelessly." One wonders. And there is evidence that recently a guard on night duty fired a shotgun into a crowded barracks because the inmates would not turn off their television set. In any event, the rankers live in deadly fear of the guards, and entertain deadly hatred for them, and their feelings are reciprocated fully.

The Study Commission recommended that the guard system be phased out as soon as possible, starting with the trusties guarding field workers. The Court thinks that that is a good recommendation, but the trusty guard system itself, bad as it is, does not give the Court as much trouble as do other facets of the overall trusty system.

By virtue of their positions of authority and the functions they perform trusties can make or break rankers and "do pops." They can make prison life tolerable or they can make it unbearably hard. They can and do sell favors, easy jobs, and coveted positions; they can and do extort money from inmates on any and all pretexts. They operate rackets within the prison, involving among other things the forcing of inmates to buy from them things like coffee at exorbitant prices. They lend money to rankers and then use force or threats of force to collect the debts.

Controlling the slaughter house, the kitchen, and the prison stores, trusties steal food and other commodities from the institution and then sell them to other inmates. An inmate can eat well at the Penitentiary if he can pay for what he gets; if he cannot pay, he eats as regular issue what the trusties have seen fit to leave.

Trusties have rather broad privileges about leaving the farms. Coming back they bring with them weapons, liquor, and drugs which they sell to less privileged inmates. As might be expected liquor is much in demand, and its price is high. A pint of taxpaid whiskey sells for $10, much more than twice its free world price.

When a new inmate arrives at the Penitentiary, about the first person to interview him is a trusty who frequently starts out to relieve him by threats or promises of what money and property he may possess.

An enterprising trusty who makes the most of his opportunities can do quite well for himself. Some do so well that they do not want to leave the institution. While it can hardly be said that the trusty system in Arkansas is a "free" enterprise system, it is certainly a capitalistic system with some of the worst features commonly attributed to "Mafia" techniques in organized crime.

One of the worst features of the system is that the trusties form a living barrier between ordinary inmates and institutional facilities and services that are available and to which an inmate ought to be able to have access as a matter of course. If a ranker can pay or is on good terms with the trusties, he can get what he needs when he needs it; he can get to the infirmary when the doctor is there; he can get prescribed medications. If he cannot pay or does not get along with the trusties, the case is far otherwise.

Additionally, inmate access to free world personnel too often depends on trusty good will, whim, or caprice. This Court has long been convinced that many of the complaints that it receives from inmates stem from a simple lack of communication between the complainants and civilian personnel, the lack being due to trusty interference or indifference.

Not only can the trusties prevent a ranker from getting into contact with a civilian employee; they can and frequently do bring unmerited discipline down on the head of a ranker by "writing him up" for unsatisfactory work or for refusal to work; their reports are frequently, if not usually, taken at face value by the employees to whom they are made.

In fairness to the trusties it should perhaps be said that their roses are not without thorns. Just as a trusty can make or break a ranker, so can he be broken or demoted by a superior trusty or by free world personnel. And if he is demoted to the ranks, he is at the tender mercy of those whom he may have persecuted or exploited, and it may become necessary to put him in isolation for his own protection.

Before leaving its description of the trusty system, the Court will say that it has not overlooked the fact that many of the abuses practiced by trusties could also be practiced by free world personnel, but the Court thinks that free world people, carefully selected and properly paid, would be far less likely to commit such abuses than are the felons now holding positions of authority.

Life in the barracks

The report of the Study Commission reflects that there are eight barracks at Cummins and three at Tucker. Only five of the barracks at Cummins appear to be in use at the present time perhaps due to the fact that the population of Cummins is lower than it has been in years past. White trusties occupy one barracks; Negro trusties occupy another barracks; white rankers have a barracks of their own; and Negro rankers have a barracks of their own. At the present time "do pops" at Cummins have their own barracks; the record does not disclose whether there are any Negro "do pops." The Commission's report indicates that when "do pops" are not sleeping in their own barracks, they are housed with rankers.

A barracks is nothing more than a large dormitory surrounded by bars; the barracks are separated from each other by wide hallways, and the complex of hallways is referred to as the "yard." At the present time the barracks house more than 100 men each assigned without regard to anything but rank and race. The inhabitants of a given barracks have free access to each other at all times. Only two free world people are on duty in the yard at night. Inmate "floor walkers" are stationed inside the barracks proper for the purpose of keeping order and reporting disturbances. In their barracks the trusties are not armed except with their own knives which they continually keep at hand; however, there are probably one or more armed trusties in picket posts within the barracks building.

In *Holt I* the Court discussed life in the Cummins barracks in some detail; it was said (pp. 830-831 of 300 F.Supp.):

"Prisoners who are not confined in the isolation unit sleep in open barracks. There are two barracks for trusties and two for 'dopops' and rankers. Those barracks amount to enclosed dormitories in which the inmates sleep on cots arranged in rows. At night there are one or more free world guards on duty outside the barracks proper, but they are not actually inside the sleeping area. Those areas are supposedly patrolled by inmate 'floorwalkers' whose duty it is to report disturbances to the guards.

"Since the inmates sleep together in the barracks, an inmate has ready access to any other inmate sleeping in the same barracks. Many of the inmates have weapons of one sort or another, and the evidence indicates that in spite of efforts to do so it is impossible from a practical standpoint to prevent inmates from having small weapons such as knives or scissors in their possession.

"At times deadly feuds arise between particular inmates, and if one of them can catch his enemy asleep it is easy to crawl over and stab him. Inmates who commit such assaults are known as 'crawlers' and 'creepers,' and other inmates live in fear of them. The Court finds that the 'floorwalkers' are ineffective in preventing such assaults; they are either afraid to call the guards or, in instances, may be in league with the assailants.

"The undisputed evidence is to the effect that within the last 18 months there have been 17 stabbings at Cummins, all but one of them taking place in the barracks, and four of them producing fatal results. At least two of the petitioners now in isolation have been assailants in stabbing incidents and others have been the victims of such incidents.

"Respondent and his subordinates deplore the situation just described but insist that until the maximum security unit can be put into use there is nothing that they can do about it. Respondent testified that when he was the head of a penitentiary in another State convicts there slept in individual cells and there were 170 paid guards; he also testified that the incidence of stabbings at Cummins was no higher than that at the other institution he had headed. He conceded, however, that more free world guards at Cummins might ameliorate the situation somewhat.

"The Court recognizes, of course, that assaults, fights, stabbings, and killings may and do occur in penal institutions that are unquestionably well equipped, well staffed, and well managed. It occurs to the Court, however, that such incidents in such institutions take place in spite of all reasonable precautions taken by prison authorities. At Cummins there are no precautions worthy of the name, and the 'creepers' and 'crawlers' take deadly advantage of that fact.

"The Court is of the view that if the State of Arkansas chooses to confine penitentiary inmates in barracks with other inmates, they ought at least to be able to fall asleep at night without fear of having their throats cut before morning, and that the State has failed to discharge a constitutional duty in failing to take steps to enable them to do so."

Conditions in those barracks have not changed significantly since *Holt I* was decided, except that there has been a decline in the rate of stabbings. There is, however, something more to be said about the barracks in the light of the evidence produced in this case.

The Court heard much testimony about homosexuality in the barracks and elsewhere at Cummins. Homosexuality probably is practiced in all prisons in the United States, and there is a great deal of it practiced at Cummins, some consensual, a great deal nonconsensual. An inmate who is physically attractive to other men may be, and frequently is, raped in the barracks by other inmates. No one comes to his assistance; the floor walkers do not interfere; the trusties look on with indifference or satisfaction; the two free world people on duty appear to be helpless.

Inmates who are passively homosexual are called "punks." There are varieties of "punks," including the "pressure punks" who will engage in homosexual acts if more or less pressure is put upon them to induce or compell them to do so.

In an effort to protect young men from sexual assaults, they are generally assigned to the two rows of cots nearest the front bars of the barracks, which portion of the barracks is called "punk row." It appears, however, that if would-be assailants really want a young man, his being assigned to the "row" is no real protection to him.

To the extent that consensual homosexual acts take place in the barracks, they are not carried out in any kind of privacy but in the full sight and hearing of all of the other inmates.

Sexual assaults, fights, and stabbings in the barracks put some inmates in such fear that it is not unusual for them to come to the front of the barracks and cling to the bars all night. That practice, which is of doubtful value is called "coming to the bars" or "grabbing the bars." Clearly, a man who has clung to the bars all night is in poor condition to work the next day.

Conditions in the barracks are worsened by the prevalent consumption of liquor and beer and by the use of drugs. It is not uncommon for many, if not all, of the inmates of a particular barracks to become intoxicated by drugs and alcohol all at the same time. The resulting commotion, violence, and confusion are quite imaginable. The free world people cannot control the situation; the trusties will not and are not supposed to; and the floor walkers frequently participate in the orgies.

All of this is not to say that a barracks system of confinement properly regulated and limited may not have a place in a well run penal institution. If barracks assignments are confined to small groups of men, properly classified and selected and subject to adequate control, the barracks system is not objectionable and in certain respects may be preferable to confinement in individual cells. It is obvious, however, that the Cummins barracks do not satisfy those conditions.

The isolation cells

The isolation cells at Cummins, located in a building set apart to itself and surrounded by a fence, were considered by the Court in *Holt I*. They were found to be overcrowded, filthy, and unsanitary. Pursuant to the Court's order in that case, the overcrowding seems to have been ameliorated; the other conditions still exist.

The Study Commission's report refers to the existence of 12 isolation cells and the construction of 28 more. After the Commission's report was filed, the Legislature authorized the construction of a maximum security unit at Cummins which will be in operation, hopefully, in 1971. After that authorization was given, construction of the additional isolation cells was halted. While there are 12 cells in the isolation unit, one of them has been fitted up as a shower room so that actually there are only 11 cells for the confinement of prisoners.

The isolation unit is guarded by trusties, and free world people seldom come around it. That situation is a source of constant trouble. The trusties threaten and harass the prisoners, and the prisoners probably reciprocate in kind. The isolation diet is carelessly served to the inmates of the cells and at times is permitted to become cold and wet.

The cells are occupied by prisoners who have been confined there for disciplinary reasons or for "protective custody." The isolation inmates who are in "protective custody" are some of the most incorrigible and dangerous prisoners in the Penitentiary. They are sociopathics with no constructive motivation whatever. They damage and destroy fixtures in the cells to the extent of their ability to do so; they set fire to their bedding and to their clothing. They take no interest in the conditions of the cells except to complain about them. They refuse to obey at times the lawful orders of free world people, and obedience has to be compelled by force exerted by free world people and trusty guards; the inmates resist violently and then complain about their "ill treatment."

As the Court understands it, the isolation cells at Tucker are located in the main building of the institution. Some of them are, or at least have been from time to time, occupied by Cummins inmates sent to Tucker for protective custody. The condition of the Tucker isolation cells is about the same as that of the Cummins cells, except that the Tucker cells are inexcusably infested by rats, a problem that does not seem to be particularly troublesome at Cummins.

In view of the fact that the isolation cells are no longer grossly overcrowded, and in view of the fact that most of the conditions existing therein are due to the conduct of the inmates themselves, the cells do not give the Court as serious a constitutional problem as do other aspects of Penitentiary life.

Lack of a rehabilitation program

In Act 50 of 1968 the Legislature recognized the important place of training and rehabilitation in the Arkansas penal program and directed the Department of Corrections to initiate and prosecute such a program. A program has been initiated at Tucker and is doing much good. Nothing has been done at Cummins.

While inmates newly arrived at the Penitentiary are given intelligence and aptitude tests disseminated by the Vocational Rehabilitation Service, the results of the tests are of little official interest. No regard is paid to the tests and their results in assigning prisoners to barracks or to work. As far as the inmates are concerned, the tests are of no benefit whatever.

A large proportion, perhaps a majority, of the inmates of the Penitentiary are ignorant and unskilled. Many are illiterate. The contribution of ignorance and lack of skills and specialization to crime today is well known. If a man who is ignorant and unskilled when he goes into prison can come out with some education and some usable skill, he has an improved chance of staying out of prison in the future. If he comes out as ignorant and unskilled as he goes in, recidivism on his part is almost inevitable.

Since it costs money to confine convicts, more than many taxpayers realize, it would seem to be in the enlightened self-interest of all States to try to rehabilitate their convicts, as the Arkansas Legislature and Respondents have recognized. But, does the Constitution require a program of rehabilitation, or forbid the operation of a prison without such a program?

Many penologists hold today that the primary purpose of prisons is rehabilitation of convicts and their restoration to society as useful citizens; those penologists hold that other aims of penal confinement, while perhaps legitimate, are of secondary importance. That has not always been the prevailing view of what penitentiaries are for, if, indeed, it is today. In years past many people have felt, and many still feel, that a criminal is sent to the penitentiary to be punished for his crimes and to protect the public from his further depredations. Under that view, while there is no objection to rehabilitation, it is not given any priority.

[10] This Court knows that a sociological theory or idea may ripen into constitutional law; many such theories and ideas have done so. But, this Court is not prepared to say that such a ripening has occurred as yet as far as rehabilitation of convicts is concerned. Given an otherwise unexceptional penal institution, the Court is not willing to hold that confinement in it is unconstitutional simply the institution does not operate a school, or provide vocational training, or other rehabilitative facilities and services which many institutions now offer.

That, however, is not quite the end of the matter. The absence of an affirmative program of training and rehabilitation may have constitutional significance where in the absence of such a program conditions and practices exist which actually militate against reform and rehabilitation. That is the situation that exists in Arkansas today, completely at Cummins and to a lesser degree at Tucker.

It can be said safely that except in a very, very few and unusual cases confinement in the Arkansas State Penitentiary today is the opposite of beneficial. As a generality it may be stated that few individuals come out of it better men for their experience; most come out as bad as they went in, or worse.

Living as he must under the conditions that have been described, with no legitimate rewards or incentives, in fear and apprehension, in degrading surroundings, and with no help from the State, an Arkansas convict will hardly be able to reform himself, and his experience in the Penitentiary is apt to do nothing but instill in him a deep or deeper hatred for and alienation from the society that put him there. And the failure of the State to help him become a good citizen will be compounded by the ever present willingness of his fellow inmates to train him to be a worse criminal.

Thus, the absence of rehabilitation services and facilities of which Petitioners complain remains a factor in the overall constitutional equation before the Court.

Other prison conditions

Like the absence of a meaningful rehabilitation program, there are other aspects of prison life which in and of themselves do not rise to constitutional dignity but which aggravate the more serious prison defects and deficiencies. The Court will mention some of those aspects briefly.

Medical and dental facilities leave much to be desired. It is not so much that the facilities and services themselves are particularly inadequate for institutions like Cummins and Tucker; rather, it is their unavailability to an inmate when needed that creates the problem. That is largely the fault of the trusty system. If an inmate needs to see the doctor or the dentist, that need is not filled if he is not permitted to go to the infirmary; and it does him no good to go to the infirmary if the doctor is not there when he arrives. Nor does prescribed medication do him any good if it is withheld by a trusty. Making due allowance for malingering, and the Court is sure that there is much of it, there is a great deal of room for improvement in this area of prison life.

Sanitary conditions in the kitchen at Cummins are deplorable according to the testimony of Respondents' own medical witness. Again, that is due largely to the fact that trusties are in charge of the kitchen and do not care whether it is kept clean or not.

The evidence is to the effect that the State supplies its convicts with nothing but the bare necessities of life; no niceties are supplied. Granted, that the State may not be required constitutionally to make it possible for a convict to live comfortably, its failure to do so certainly operates to lower inmate morale. A man who gets only one toothbrush and one tube of toothpaste, who is supplied with no towels, and with insufficient socks and underclothing, and who is required to sleep night after night on filthy bedding is certainly not stimulated to take any pride in himself or to try to be a good inmate of the Penitentiary to say nothing of being a good citizen in the free world when he is released.

It now becomes necessary for the Court to consider in combination the aspects of the Penitentiary System which it has endeavored to describe separately, and to determine whether the situation as a whole is such that confinement in the Arkansas Penitentiary constitutes a cruel and unusual punishment within the prohibition of the Constitution.

In Jackson v. Bishop, supra, 404 F.2d 571, the Court discussed the concept of "cruel and unusual punishment" in some detail; and in the recent criminal cases that have been mentioned this Court undertook to define the term to trial juries.

[11, 12] The term cannot be defined with specificity. It is flexible and tends to broaden as society tends to pay more regard to human decency and dignity and becomes, or likes to think that it becomes, more humane. Generally speaking, a punishment that amounts to torture, or that is grossly excessive in proportion to the offense for which it is imposed, or that is inherently unfair, or that is unnecessarily degrading, or that is shocking or disgusting to people of reasonable sensitivity is a "cruel and unusual" punishment. And a punishment that is not inherently cruel and unusual may become so by reason of the manner in which it is inflicted.

Assume that a person accused of an ordinary felony in Arkansas, say grand larceny, pleads not guilty and stands trial before a jury. The jury finds him guilty, and under Arkansas law may fix his punishment at imprisonment in the Penitentiary for any number of years not less than one nor more than 21. The Circuit Judge accepts the verdict and acting more or less ministerially imposes sentence in accordance with the verdict of the jury.

The convicted person receives his sentence of course; but, he receives much more than that. By his sentence he is subjected to the conditions that have been described; conditions about which the trial jury probably knew little, if anything, and about which the sentencing judge may have been equally ignorant.

For the ordinary convict a sentence to the Arkansas Penitentiary today amounts to a banishment from civilized society to a dark and evil world completely alien to the free world, a world that is administered by criminals under unwritten rules and customs completely foreign to free world culture.

After long and careful consideration the Court has come to the conclusion that the Fourteenth Amendment prohibits confinement under the conditions that have been described and that the Arkansas Penitentiary System as it exists today, particularly at Cummins, is unconstitutional.

Such confinement is inherently dangerous. A convict, however cooperative and inoffensive he may be, has no assurance whatever that he will not be killed, seriously injured, or sexually abused. Under the present system the State cannot protect him.

Apart from physical danger, confinement in the Penitentiary involves living under degrading and disgusting conditions. This Court has no patience with those who still say, even when they ought to know better, that to change those conditions will convert the prison into a country club; the Court has not heard any of those people volunteer to spend a few days and nights at either Tucker or Cummins incognito.

The peril and the degradation to which Arkansas convicts are subjected daily are aggravated by the fact that the treatment which a convict may expect to receive depends not at all upon the gravity of his offense or the length of his term. In point of fact, a man sentenced to life imprisonment for first degree murder and who has a long criminal record may expect to fare better than a country boy with no serious record who is sentenced to a term of two years for stealing a pig.

It is one thing for the State to send a man to the Penitentiary as a punishment for crime. It is another thing for the State to delegate the governance of him to other convicts, and to do nothing meaningful for his safety, well being, and possible rehabilitation. It is one thing for the State not to pay a convict for his labor; it is something else to subject him to a situation in which he has to sell his blood to obtain money to pay for his own safety, or for adequate food, or for access to needed medical attention.

However constitutionally tolerable the Arkansas system may have been in former years, it simply will not do today as the Twentieth Century goes into its eighth decade.

IV. THE FOURTEENTH AMENDMENT—RACIAL SEGREGATION

[13] The Fourteenth Amendment prohibits racial discrimination within prisons, and the prohibition extends to the racial segregation of inmates. Board of Managers of the Arkansas Training School for Boys at Wrightsville v. George, 8 Cir., 377 F.2d 228, 232; cf. Cooper v. Pate, 378 U.S. 546, 84 S.Ct. 1733, 12 L.Ed.2d 1030, and Lee v. Tahash, 8 cir., 352 F.2d 970.

As to Tucker the Court finds that that facility is essentially integrated, and that no substantial desegregation problem exists there. With respect to Cummins, certain aspects of prison life have been integrated, and Respondents recognize their duty to eliminate all vestiges of racial segregation, including separate barracks for white and Negro inmates, both rankers and trusties.

Respondents contend, however, and the Court agrees, that to order immediate desegregation of the barracks would create disciplinary problems that Respondents are not able to solve at the moment and would tend to make the already bad situation at the Penitentiary substantially worse than it is.

It must be remembered that we are not dealing here with school children. We are not dealing with free world housing; we are not dealing with theatres, restaurants, or hotels. We are dealing with criminals, many of whom are violent, and we are dealing with a situation in which the civilian personnel at the Penitentiary are not in control of the institution.

In such circumstances, while the inmates at Cummins are going to have to be integrated, the Court thinks that the process should be part of the overall transition of the Penitentiary from an unconstitutional to a constitutional institution, which transition will be discussed in the following and final section of this opinion.

V. THE RELIEF TO BE GRANTED

As has been seen, Petitioners seek both declaratory and injunctive relief. They also seek relief for themselves as individuals and for other convicts similarly situated. Two aspects of those prayers give the Court little or no trouble.

As far as the individual claims of the individual Petitioners are concerned, including the individual complaints of inmates now in isolation, the Court does not consider that any of the Petitioners has made a case for specific individual relief.[5] However, all of the Petitioners are subject to the overall situation which renders the Penitentiary unconstitutional and all are entitled to class relief with respect to that situation.

As to the claim for declaratory relief, the Court will declare that to the extent indicated heretofore confinement in the Arkansas Penitentiary System under existing conditions amounts to a cruel and unusual punishment constitutionally prohibited. While the situation at Tucker is much better than that which exists at Cummins, the fact remains that Tucker inmates, like those at Cummins, are subject to the trusty system, including the trusty guard system, and are also confined in large numbers in open barracks. That the situation at Tucker is less severe than that at Cummins seems to the Court to be more significant from the standpoint of the injunctive relief to be ordered than from the standpoint of declaratory relief.

The Court will also declare that racial discrimination in the Penitentiary System, including racial segregation of inmates, is a violation of the Equal Protection Clause of the Fourteenth Amendment and must be eliminated.

That brings the Court to the question of injunctive relief, and it will take occasion to repeat here what was said in *Holt I* when the Court reached the point in that opinion which it has now reached in this opinion (p. 833 of 300 F. Supp.):

"The task of the Court in devising a remedy in this case is both difficult and delicate.

"Subject to constitutional limitations, Arkansas is a sovereign State. It has a right to make and enforce criminal laws, to imprison persons convicted of serious crimes, and to maintain order and discipline in its prisons. This Court has no intention of entering a decree herein that will disrupt the Penitentiary or leave Respondent and his subordinates helpless to deal with dangerous and unruly convicts.

"The Court has recognized heretofore the financial handicaps under which the Penitentiary system is laboring, and the Court knows that Respondent cannot make bricks without straw."

Respondents will be ordered to make a prompt and reasonable start toward eliminating the conditions that have caused the Court to condemn the System and to prosecute their efforts with all reasonable diligence to completion as soon as possible. The lives, safety, and health of human beings, to say nothing of their dignity, are at stake. The start must be prompt, and the prosecution must be vigorous. The handwriting is on the wall, and it ought not to require a Daniel to read it. Unless conditions at the Penitentiary farms are brought up to a level of constitutional tolerability, the farms can no longer be used for the confinement of convicts.

The questions that trouble the Court at this juncture are: What must be done within the immediate future, and how long should Respondents be allowed to achieve their ultimate objective? In approaching those questions certain things should be kept in mind.

First, over the past several years conditions at the Penitentiary have ameliorated somewhat, due in part, but by no means entirely, to the decrees of this Court in the earlier stages of the overall litigation. The alleviation begin in the mid-sixties when Dan D. Stephens became Superintendent of the Penitentiary, and it has continued under his successors. While the Penitentiary is still a bad place, an unconstitutional place in the Court's eyes, it is in some respects a better place than it was several years ago.

Second, the legislation adopted in 1967, 1968, and 1969, the report of the Study Commission, and the report to the Commission on Crime and Law Enforcement, indicate that the Arkansas State government is more interested than ever before in the prison system and is aware of the fact that the system is deficient. That increasing awareness of the problem is evidenced not only by the items just mentioned but also by increased appropriations for the Penitentiary over the past several years.

Third, notice may be taken of the fact that the Governor of Arkansas has issued his call for the Legislature to meet in special session on March 2 of the current year. Legislation for the benefit of the Penitentiary is included among the numerous items on the agenda, although the specific nature of the legislation to be sought has not yet been spelled out, and the scope of it may depend to some extent on the provisions of the Court's decree in this case.

It is obvious that money will be required to meet the constitutional deficiencies of the institution, and there is no reason to believe that, subject to the overall financial needs and requirements of the State, the Legislature will be unwilling to appropriate necessary funds.

Finally, if Respondents had unlimited funds at their disposal tomorrow, they could not solve their constitutional problem overnight. Obviously, free world people are going to have to be recruited and employed, and that is going to take some time. In this connection it should be emphasized that to replace trusties with venal, corrupt, sadistic, and underpaid civilian employees would be but to substitute another form of tyranny for that which now exists. Thus, Respondents are going to have to be allowed some reasonable period of transition within which to achieve their objective, but that period is going to have to be measured in months, not years.

The Court thinks in this context, as it has thought in other contexts, that Respondents should be given an opportunity to come forward with a plan to eliminate existing unconstitutionalities, to state what they plan to do, and how long they plan to take to do it. The Court also thinks, however, that it should now proceed to lay down some guidelines for Respondents and should mention what it now considers will probably be minimum requirements if persons are going to continue to be confined in the Penitentiary.

[14] This Court rejects out of hand any approach that would phase out the trusty guard system as such while leaving intact other aspects of the overall trusty system even more objectionable than the guard system itself. All of the trusties are going to have to be brought under control; and trusties, whether guards or not, are going to have to be stripped of their authority over the lives and living conditions of other convicts. Responsibilities that ought to be discharged by free world people may no longer be delegated to trusties whether in the office, in the infirmary, the kitchen, or the fields. Trusties must not have it in their power to bring about promotions or demotions of other inmates and must not be allowed to stand as obstacles to reasonable access of ordinary inmates to civilian employees. The right of a man to talk to the Superintendent or the Assistant Superintendent, or to go to the infirmary when necessary, or receive necessary treatment or medication, must not be permitted to depend on the whim of one or more trusties. It should be taken out of the power of trusties to steal prison food for resale, and it should go without saying that trusties ought not to have access to addictive or stimulating drugs in the prison pharmacy.

The Court thinks that when the trusties as a class are deprived of their authority over inmates, they will largely lose the power of extortion and other undesirable powers which they now possess. This does not mean that trusties may not be assigned responsible jobs, but they must be "jobs," not "offices of profit," and they must be performed under adequate supervision.

While the Court is not prepared at this juncture affirmatively to order the elimination of the trusty guard system or a commencement of a general phase out of the system, the system is going to have to be overhauled. The tower guards and picket guards give the Court no particular problem; the gate guards and the field guards do.

As to the gate guards, it seems evident to the Court that without the connivance of such guards the widespread smuggling of contraband into the prison which is now practiced would be impossible or at least would be made much more difficult. Additionally, gate guards have opportunities for extortion and corruption that other guards do not possess. The gate guards should be replaced by free world personnel as soon as possible.

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[5] One of the Petitioners, James E. Jackson, a Negro inmate of the isolation unit at Cummins wrote the Court in advance of trial expressing the view that the Court was biased, prejudiced and corrupt, and that the Court is a racist. Jackson repeated his statements when called to the witness stand. While the Court is not sensible of any feelings of bias or prejudice in the case and is not aware of anything that would justify a charge of racism or corruption, the Court nevertheless disqualified itself in open court as far as Jackson's individual claim is concerned. He is free to litigate that claim further before some other Judge if he cares to do so.

The system of field guards and the system of using trusty long line riders and inmate pushers go hand in hand, and the combination of the two is one of the things that makes the field guard system so dangerous to rankers. Field guards are much less likely to fire on a ranker or on a group of rankers in the immediate presence of a civilian long line supervisor than they are in a situation where the rankers are actually being worked by other inmates. It appears to the Court that the answer, however unpalatable it may be, is to eliminate the positions of long line rider and inmate pusher and to put each long line under the immediate charge of one or more free world people.

The barracks system of confinement has got to be changed, and the change cannot wait on the completion of the maximum security unit that has been mentioned. The barracks are going to have to be made smaller by subdividing existing barracks or otherwise, and more discrimination, other than racial, is going to have to be practiced in assigning men to barracks. It may be necessary to proceed with the construction of more isolation cells at Cummins to take care of men who simply should not be assigned to barracks.

Apart from the foregoing Respondents are going to have to do more than they have done in the past about keeping order in the barracks at night and about protecting inmates from violent assaults of whatever kind.

As to the isolation cells, while the plight of the inmates is largely of their own doing, they are suffering seriously from neglect. Free world people may no longer leave those inmates to the mercies of trusty guards; additionally, the Court thinks that the method of serving them their food must be changed so as to make sure that it gets to them in more sanitary and palatable condition. In that connection the report to the Commission on Crime and Law Enforcement points out, among other things, that the people in isolation have "no decent or Christian" way in which to eat their food. The report suggests that prisoners in isolation be taken from the cells to the main dining hall to eat either before or after other inmates have been served. That recommendation should be within the power of Respondents to follow without substantial expense and without danger to any inmates.

If Respondents will move in good faith and with diligence in the areas of prison life just discussed, namely, the trusty system, the barracks system, inmate safety, and the isolation cells, the Court thinks that subsidiary problems will tend to take care of themselves. It will be a mistake to order too much at this time; but, in the areas just mentioned Respondents will be required to move. And, of course, the remaining vestiges of racial segregation must be eliminated.

The Court will not be dogmatic about time just now. If there are things that Respondents can do now with available funds and personnel, they will be expected to do them now. If necessary steps cost money, and they will, Respondents must move as rapidly as funds become available. The opening of the new maximum security unit in 1971 should be set as at least a tentative target date for the completion of the removal of unconstitutional conditions and practices. The schedule on which Respondents will be required to move may be shortened or lengthened as circumstances and developments may dictate.

At the moment Respondents will be ordered to submit to the Court and to counsel for Petitioners not later than April 1 of this year a report and plan showing what, if anything, they have done up to that time to meet the requirements of the Court, what they plan to do, and when they plan to do it.

If the initial report is approved, the Court may require additional reports from time to time and may require specific information in certain areas. If the initial report is not approved, it will then become necessary for the Court to consider what specific steps it will take to implement its declarations of the unconstitutionality of the existing system.

[15] Let there be no mistake in the matter; the obligation of the Respondents to eliminate existing unconstitutionalities does not depend upon what the Legislature may do, or upon what the Governor may do, or, indeed, upon what Respondents may actually be able to accomplish. If Arkansas is going to operate a Penitentiary System, it is going to have to be a system that is countenanced by the Constitution of the United States.

A decree in accordance with the foregoing will be entered.

[In the U.S. District Court, Northern District of California, No. 70–1911]

DANNY BRENNEMAN, ET AL, PLAINTIFFS, VERSUS FRANK I. MADIGAN, ET AL., DEFENDANTS.

(Before: Hon. Alfonso J. Zirpoli, Judge.)

The CLERK. Civil Case No. 70–1911, Brenneman vs. Madigan, motion to clarify preliminary injunction.

Counsel will please state their appearances for the record.

Mr. BERG. Richard Berg for the plaintiffs.

Mr. FENNONE. Thomas J. Fennone, Deputy County Counsel.

Mr. BOOTY. Kelvin Booty, Deputy County Counsel.

Mr. FENNONE. For defendants, Your Honor.

The CLERK. Thank you, Counsel.

The COURT. All right, gentlemen. This matter is on for hearing on motions for summary judgment and preliminary injunction?

Mr. BERG. Yes, Your Honor.

The COURT. The motion for summary judgment relates to the mailing privileges?

Mr. BERG. Yes, Your Honor.

The COURT. And to telephone privileges. Is that all?

Mr. BERG. Yes, Your Honor. But we have agreed before this hearing, Your Honor, that both counsel for the plaintiffs and defendants are willing to submit this case for final judgment on the basis of the record that the Court has right now.

The COURT. For everything?

Mr. BERG. Yes.

Mr. FENNONE. Yes, that's true, Your Honor.

The COURT. You gentlemen know that I spent three and a half hours at Santa Rita yesterday morning?

Mr. FENNONE. Yes.

Mr. BOOTY. Yes, Your Honor.

Mr. BERG. I didn't know that.

The COURT. Well, you have a pretty deplorable condition and situation there. I don't know what the answer is, necessarily. I will say that the Sheriff in this case, with commendable candor, has conceded that many of the conditions existing at Santa Rita are bad. In fact, in May of this year he stated that Santa Rita was obsolete when it was acquired by the County in 1947. He apparently has limited funds, limited personnel, and he may be doing the best that he can to rush a facility that is outstandingly bad.

He has made some improvements and plans have been submitted for further improvements, but the fact remains that no amount of money expended for the improvements, no administrative changes, will reach the root of the evil, Greystone itself.

As I indicated, I spent three and a half hours there yesterday going over the facilities at Santa Rita, and most of the time was centered on Greystone; and I have come to the inescapable conclusion that Greystone should be razed to the ground. Confinement in cells at Greystone, under the almost unbelievable conditions which prevail there, offends elemental concepts of decency and is of such shocking and debasing character as to constitute cruel and unusual punishment for man or beast.

Even more shocking is the fact that in East Greystone, and subject to cruel and unusual punishment, are persons who are awaiting trial, who have yet to be found guilty, and who are presumed under the law to be innocent of wrongdoing. The Constitution prohibits the treatment of pretrial detainees in such fashion. In fact, the Constitution prohibits such treatment even as to those guilty of heinous felonies.

It may well be that those confined at Greystone present serious security risks, as they undoubtedly do, because they are unable to make bail, and it's generally those cases wherein the bail is high that the greatest security risk exists. Yet men confined in San Quentin, and those who were confined in Alcatraz, with which this Court had many years of experience, present and presented security risks equally as great. Yet San Quentin is, and Alcatraz was, by comparison to Greystone a paradise. Regardless of the security risks as to detainees at Greystone, the Constitution decrees that they shall not be subject to cruel and unusual punishment.

Now, this condition cannot be corrected by the respondent, Sheriff Madigan. It must be corrected by the people of Alameda County. And I should like to know what the County proposes to do. And I am talking about what the County proposes to do immediately, so as not to subject those persons who are awaiting trial to confinement in Santa Rita.

I think I ought to quote from *Holt* v. *Sarver*—you can just do a little transposing yourself here later—and here's the answer to the question.

"Let there be no mistake in the matter,—" And I am talking about the Arkansas situation.

"—the obligation of the respondents to eliminate existing unconstitutionalities does not depend upon what the legislature may do—"

And here this might very well be the Board of Supervisors.

"—or upon what the Governor may do, or indeed upon what respondent may actually be able to accomplish. If Arkansas is going to operate a penitentiary system—"

If Alameda County is going to operate a County jail system . . .

"—it is going to have to be a system that is countenanced by the Constitution of the United States."

That's the heart of it. My disposition would be to continue further hearings in this matter for a period of 30 days, to ascertain what appropriate corrective measures the County will take and to report back to the Court. And the appropriate measures will have to be some measures which will permit the transfer and confinement of detainees awaiting trial to some place other than Greystone; and the place to which they will be confined, and the conditions of confinement, shall be consistent with their status as unconvicted persons. They shall not be subject to confinement conditions which preclude them from the maximum freedom of motion that persons under confinement should have within a facility consistent with the security risks involved.

Now, the Court in making these observations is mindful of the fact that it is admitted that these pretrial detainees are confined to these cells for periods of 24 hours, that is to say, from the time they go in until they are tried and under detention; and that means 24 hours a day in a cell with the exception of two days a week, during which two days they are released for two hours into a day room that is completely inadequate to house the number of people placed in it, that lacks facilities for them to even sit down.

The cells are of such character as would presumably drive any person insane. The inmates are required to eat in these cells. With the exception of the two days in which they are released for two hours into this day room.

The conditions for visitors are completely intolerable. They are admitted by the men who are running the institution to be intolerable. The Captain of the Guards admitted that the visiting conditions are intolerable, and there were similar concessions as to other conditions there.

As I indicated before, you can't expect the Sheriff to provide adequate facilities unless you give him the facilities—and the money—and the personnel—to do it.

So I am continuing this entire hearing for 30 days to see what happens. If necessary, I may have to enjoin further confinement of anyone in Greystone.

I don't think the problem is quite as difficult in some respects as everyone envisions. Certainly a good high fence which would enclose everyone might do the job without the necessity of putting people in individual cells in the fashion in which they are placed there, and under the circumstances under which they are forced to live hour after hour, 24 hours a day.

Now, I am not going to enter any order now. As far as the mailing privileges are concerned, I would suggest that you take immediate measures to adjust and correct the mailing privileges. There's no limitation on the mailing privileges of a citizen who is unconvicted of crime. He has the right, except to the degree that detention may limit him—he has all the rights that any other citizen has. And that means to correspond at will with whomever he pleases, and to receive mail from whomever he pleases. This is subject to the right not of censor but of opening the mail to ascertain the contents thereof.

Now, I think if you will look at the last order which was issued by Judge Wollenberg pertaining to San Mateo County, you will get a pretty good idea of what the obligations of any county jail are with respect to mail. As I have indicated before, as far as private citizens are concerned, the jailer can see what goes into the envelope and require that it be sealed before him and inspect it to see that it's going to the person presumably that it's addressed to. He doesn't have the right to censor it. And when the mail comes in, he doesn't have the right to excise anything from it, unless it happens to be contraband or discloses some plan of escape or other form of unlawful conduct.

Now, I don't know what to say, Counsel. I know that you gentlemen are up against it; you are doing the best you can with what you have got to work with. But I am just going to continue the whole matter for 30 days.

The Clerk. Let's make it 1:30 p.m., April the 14th, Your Honor.

The Court. All right.

Mr. Berg. Your Honor, do you need anything in addition from plaintiffs?

The Court. No, I would think for the benefit of the County and the Board you had better get a transcript.

Mr. Booty. Yes, Your Honor.

The Court. All right.

Mr. Fennone. We intend to. Thank you.

Mr. Berg. Thank you.

[From the Washington Post, June 14, 1971]

Moundsville Prison: Cruel and Unusual—Murders and Homosexuality Beset "Medieval" West Virginia Fortress

(By Bernard D. Nossiter)

Moundsville, W. Va.—Inside the grim fortress-like state penitentiary here last week, a slight young man stood with chains around his waist and wrists. He was John Boggess, 22, charged with fatally stabbing another inmate over the homosexual favors of a third.

The striking feature of this scene, however, was its banality. There have been six murders inside the 25-foot, crenellated walls of this ancient prison in the last five years; it is estimated, moreover, that more than half of the 629 inmates have paired off as "studs" and "punks," playing male and female homosexual roles.

"We've got husbands and wives here," an old guard chuckles, "but no sons and daughters."

Ira M. Coiner, a grizzled, 66-year-old man who worked his way up from a $90-a-month job as guard to warden, acknowledges "there's no way on earth you can guarantee" the safety of any inmate in this institution.

The only solution he has found for those who come to him in fear is to place them in darkened cells, screened off from this strange world by a close-mesh, steel wall.

Warden Coiner and his staff of about 180 control only the perimeter, the outer edge of the penitentiary. Inside, governance is exercised by a few inmate leaders and their satellites, struggling among themselves for power, for dominance of the nightly gaming tables, homemade whiskey, drugs and the procuring and protection of fresh, young prisoners for homosexual use. That, in substance, is the testimony of W. Thomas Gall, the earnest and troubled prosecuting attorney of Marshall County in which the Moundsville prison lies.

A visitor walking through the two major cell blocks, South Hall and New Wall, at midmorning last week could count about 50 idle prisoners. They stood in dirty hallways or lay on cots in steel-barred five-by-seven-foot cells that reach up in four tiers to a dimly lit ceiling.

The lack of activity was also unsurprising. Moundsville, the state's "maximum security" prison, has only the barest suggestion of a program to refit men for productive lives.

It boasts a psychiatrist but he is Cuban and does not speak English. At this point, the vocational rehabilitation program consists of one active course. It trains auto mechanics and numbers fewer than 30 students.

The stigma of human degradation clings to the walls here like the all-pervasive odor of sweat and urine. Even the more modern New Wall section, completed 12 years ago, is spattered with paint, cigarette butts and peeling plaster. Windows are cracked and streaked with dirt.

South Hall has been accumulating grime since it was built in 1866.

It is these conditions that led Prosecutor Gall to testify:

"I won't now as a policy of my office ask the court to sentence a man to the penitentiary unless I consider him a complete loss, an irrevocable loss to society . . . a throwaway. . . . And if he goes to the penitentiary . . . what we are doing to that man is, in my opinion, infinitely worse than anything he could ever have done to society. . . . Frankly, I would personally rather be dead than to be incarcerated in that place. . . . This is a medieval thing we are running here. . . . It is a terrible thing to do to a human being."

Testimony of this stripe last month persuaded George R. Triplett, circuit court judge in Elkins, to take on extraordinary measure to call West Virginia's attention to Moundsville.

Judge Triplett, 35 and a husky former college fullback, set aside the 10-year sentence he had been forced by law to impose on a youth convicted of holding up a gas station for $108. The judge decreed that confinement at Moundsville wound constitute the "cruel and unusual punishment" prohibited by the Eighth Amendment to the U.S. constitution.

"Where rehabilitation is a clearly understood objective of confinement," Triplett held, "it would seem entirely proper for the judiciary to accept at least part of the responsibility for carrying out that purpose. For, if prison officials engage in action which makes rehabilitation impossible, judicial sentencing is pointless . . . a court which imposes terms of imprisonment without being concerned with what kind of treatment the defendant is likely to receive is comparable to a physician who prescribes not knowing the consequences of the drug. Courts should have an interest in the welfare as well as the rehabilitation of defendants whom they commit to penal institutions. This concern should not end at the date of sentencing."

Two days after the judge ended his hearing, Moundsville's latest murder took place.

The penitentiary here appears to be an archetype of the institution that makes modern penologists shudder.

Pay for the staff is low; guards begin at $435 a month. Only men unable to find work at anything else and a handful of moonlighting college students can be found to fill most posts.

About half of the staff never finished the eighth grade and several are illiterate.

Although every job except Warden Coiner's is now covered by civil service regulations, one aide readily acknowledged that the only requirement is the ability to "walk in off the street and still be breathing." The last annual report showed 38 vacancies and currently about ten positions are unfilled.

Indifference, rather than brutality, is the most common characteristic of the custodial staff. Roger Ray Pingley, the 22-year-old whose sentence Judge Triplett set aside, has told what happened to him in his second week at Moundsville. He was taking a shower when "I was attacked for sexual reasons" by two men. "There was a guard that walked by but he didn't act like he seen anything . . . a man looking at the shower and seeing three men struggling and two men on top of one, he definitely knew something was going on."

Until recently, at least, brutal treatment of inmates by authorities was not entirely unknown. One former guard told Judge Triplett's court of an inmate who had broken a prison rule in 1968 and was placed nude in the "hole" or punishment cell for 53 days. For some of this time, the inmate's hands were stretched above his head and handcuffed to the bars. He stood this way for 23 hours out of 24; the handcuffs were removed only for brief periods to restore circulation to his limbs.

Warden Coiner says that this form of punishment, "the stretchout," has not been used at Moundsville in 25 years. But he was off on a Florida vacation during Judge Triplett's hearing in April and, as of last Thursday, still had read neither the transcript nor the opinion.

The warden did acknowledge that the "cage," another set of cells enclosed with wire mesh, still contains no cots or blankets and men lie on bare, concrete floors.

The cage cells are used for prisoners awaiting an informal prison "trial" for violating the institution's rules.

CAGED NUDE

"It's not going to hurt a man for a few hours," Coiner said. But he admitted that men have been confined in the cage for as long as two days and witnesses before Judge Triplett said that the stay there has been even longer.

The warden is defensive about Moundsville. He said that the practice of stripping men in the cage was abandoned three or four years ago and that it had been in vogue only "because they'd take clothes and hang themselves."

Young first offenders here are thrown in indiscriminately with hardened, veteran repeaters. Statistics are loosely gathered at Moundsville. Neither the warden nor anyone else knows precisely the rate of recidivism, although Coiner estimates it at more than 60 per cent. On May 1, last year, some 110 inmates, about one in six, were between 18 and 21.

Like everyone concerned with Moundsville, Coiner deplores this practice and wishes the state could afford a separate institution for first offenders.

Inmate control of Moundsville was brutally illustrated a year ago. A prisoner, David Painter, applied to Judge Triplett in fear for his life. His plea was publicized and, two days before a hearing was set, Painter too, was murdered.

According to Prosecutor Gall, the motive was harshly simple. Rival gangs were struggling for pre-eminence inside the walls and Painter "was killed, so far as we could determine, merely as an object lesson to the other inmates that, in effect, 'when we say jump, you jump' . . . It wasn't because they actually thought he ratted."

Gall continued: "The poor fellow that killed him was as much a victim, in the sense that he was so hopped up on whatever drugs he had in him, that he hardly knew what he was doing."

Inmates kill each other as a favor for inmate leaders, Gall said. "Probably an awful lot of people are killed over there for less than twenty dollars."

But perhaps the most frequent motive for assault or murder lies in the homosexuality created by the enforced separation of men from women. This, of course, is hardly unique at Moundsville It is simply that the opportunity for violence there is so great.

One young inmate has told of coming to Moundsville at 18. Outside, he had led a heterosexual life and inside, for two years, avoided any sexual contact with his fellows. But loneliness broke him down; he became friendly with another youth, courted him with cigarettes paid from gambling winnings and the two now solace each other.

A former guard testified:

"They get insanely jealous . . . just like men and women on the street. A man can lose his life pretty easy in there if he makes a pass at the wrong one. If another inmate is in love with that inmate and sees it happen, he can lose his life over it."

MONEY SOUGHT

Inside Moundsville's main entrance is an exhibit of the instruments of death. Framed on a wall is a display of several dozen knives fashioned by inmates from scraps of metal stolen from prison factories, the barber and elsewhere.

Warden Coiner is no penologist. He has a high school education. But he is sensitive to the pressures of the abnormal prison life and is interested in the conjugal visiting experiments at other institutions. His own view is that a better approach might lie in permitting well-behaved inmates monthly visits home for several days.

At bottom, Moundsville reflects the yawning indifference of citizens in the "free world" community. If Moundsville is to change, millions of dollars are needed for new institutions and new staff.

Gall, the Marshall County prosecutor, said in his office, "The trouble here reflects the general apathy and neglect on the part of society—a view that good people stay out of prison, so how can bad people complain when they are locked up with other bad people?

"Our people in West Virginia are good people. But we have too many demands for too few resources. Schools, highways, these will come first. There is no pressure group to get more money for prisons."

J. Donald Clark, West Virginia's Commissioner of Public Institutions, asked the Legislature this spring for an extra $1.5 million to renovate Moundsville; he got nothing. Gov. Arch Moore, a Republican, asked the Democratic-controlled lawmakers for a more modest $200,000 and was also turned down. Some of the legislators want to tear down the place entirely; others would do nothing. Meanwhile, very little happens.

But there are a few faint signs that the prison reformers, the Galls and the Tripletts, are beginning to make some impression.

Governor Moore is so sensitive about Moundsville that he has forbidden newsmen to tour the cell blocks. (This reporter evaded the ban.)

In six months, Warden Coiner will close off the old South Hall and transfer its 280 inmates to the brighter, more modern New Wall sector. He is pressing for funds to tear down a kitchen and hospital that he readily admits cannot be kept clean.

A new and well-regarded director of rehabilitation, Richard Northcraft, has just been assigned to Moundsville. Classrooms are being built and equipment has been arriving for courses in several skills—carpet laying, sheet metal working, television and air conditioning repair among others. Since West Virginia, like other states, now has a supply of jobless teachers, it is likely that instructors can be found—if money is appropriated to pay them.

CASE PRESSED

Ironically, Pingley, the man whose appeal turned the spotlight on the penitentiary, has benefitted hardly at all from his successful plea.

At the request of the state attorney general, Judge Triplett has stayed the execution of his judgment until the West Virginia Supreme Court rules on an appeal from it. The losing side there is expected to carry the case further, to the United States Supreme Court. Meanwhile, Pingley languishes in the Randolph County jail at Elkins.

At least his life appears to be in no danger. But once again he is penned up in a small cell and has for exercise only a walk in grimy corridors.

With a record of assaults and disorderly conduct behind him, almost all while drunk, Pingley is seen by those most familiar with his case as needing care as an alcoholic. But he gets no more treatment in the county jail than he could get in Moundsville.

"When this started, I was excited that people would take notice," he told me the other day. "But it seems like people don't care. I'm disgusted."

Judge Triplett has chosen shock treatment to awaken West Virginians to the plight of convicts and the dangers that public indifference pose to public safety. If his judgement is upheld, Pingley and others will be freed, probably to be placed under the limited supervision provided by probation officers.

The question then becomes whether this result and the testimony that led to it will bring about the very change in public opinion that wipes out the Moundsvilles.

NATIONAL COURT SYSTEM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. RARICK. Mr. Speaker, on June 4 and again on June 14, I called to the attention of our colleagues that machinery was in operation to nationalize the State courts in our Nation.

Today's paper carries the announcement that "the Nation's lower courts have established a National Center for State Courts." The new State court organization is quite naturally patterned after the Federal conference on the Judiciary and is to establish temporary headquarters in Washington.

U.S. Chief Justice Burger has reportedly said that the aim of the new National State Court Center would be to promote and support research, studies, education, training, and activities for State courts. This control by uniformity and centralization is said to be "for the purpose of improving the administration of justice in the State courts."

News releases are already referring to the State courts of our land as "lower courts." Apparently this describes the intended inevitable goal of the program; that is, to rank State courts as inferior to Federal courts even though there is little or no similarity in their varied jurisdictions, procedures, and substantive laws.

We are reminded of Vyshinski, who before becoming a Soviet diplomat, wrote the official commentaries on the Soviet constitutional system. He states openly that the judicial process is one of the instruments of political struggle, first for the success, then for the defense, of the Socialist revolution.

The action by judges of our State courts in accepting Federal funds and organizing themselves into a national lobbying group will inevitably destroy the State court systems and reduce it to another controlled agency of the Federal Government.

I include a newsclipping in the RECORD at this point:

[From the Washington Daily News, June 16, 1971]

NIXON, BURGER URGINGS HEEDED: STATE COURTS FORM FORUM

(By Richard Starnes)

Responding to urgent pleas from President Nixon and Chief Justice Warren Burger, the nation's lower courts have established a National Center for State Courts to bring about reform of dangerously bogged down state and local courts.

NCSC, which came into being yesterday, is patterned after the federal Conference on the Judiciary. Ultimately it will be governed by a 12-member board of directors drawn from state appellate and trial courts. It was organized by six state jurists headed by Chief Justice James Holden of the Vermont Supreme Court.

Organization of NCSC was urged at a conference on the state judiciary at Williamsburg, Va., last March when Chief Justice Burger warned that the nation's criminal justice system was suffering from "deferred maintenance" and that most of those who commit crimes "are not detected, arrested and brought to trial."

Justice Burger endorsed President Nixon's proposal for a center for state courts, saying it "is desperately needed and long overdue."

At the Supreme Court yesterday the chief justice congratulated members of the NCSC incorporating committee for the dispatch with which the center had been founded. He hailed it as "a significant step forward in our efforts to improve the administration of justice."

Justice Burger said it would be the aim of NCSC "to improve the administration of justice in the state courts, to promote and support research, studies, education, training and activities for such courts, and to assist, but not to supplant, the activities of organizations functioning in the field of judicial administration."

BASED IN DISTRICT

Temporary headquarters of the center will be in Washington. But Justice Holden indicated its permanent base would be elsewhere. Associate Justice Paul Reardon of the Supreme Judicial Court of Massachusetts will serve as acting director until a permanent director is appointed.

In a communication to the newly formed organization, President Nixon pledged his "full cooperation" and said NCSC would make an "important contribution . . . in facilitating research by the state courts into problems of procedure, administration and training, as well as the service it will surely render as a clearing house for the exchange of information about state court problems and reforms . . ."

Among the members of the NCSC organizing committee was Chief Justice Robert Calvert of the Texas Supreme Court.

NATIONAL ENVIRONMENTAL POLICY ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DINGELL. Mr. Speaker, in view of the great public interest in the National Environmental Policy Act and the activities of the Council on Environmental Quality, I include the text of the June 1971 issue of the Council's publication, "102 Monitor," at this point in the CONGRESSIONAL RECORD:

REPORTED JUDICIAL DECISIONS INVOLVING THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (P.L. 91-190, 83 STAT. 852, 42 U.S.C. §§ 4321-47) THROUGH APRIL 30, 1971[1]

U.S. SUPREME COURT

Citizens to Preserve Overton Park vs. Volpe, 39 U.S.L.W. 4287 (1971). In a suit to review the Secretary of Transportation's approval under Section 4(f) of the Department of Transportation Act of a highway through a public park, the Court cited NEPA as an example of recent "legislation designed to curb the accelerating destruction of our country's natural beauty."

Ohio vs. Wyandotte Chemicals Corp., 39 U.S.L.W. 4323 (1971) (Douglas, J., dissenting). The Court denied Ohio's motion for leave to file an original suit against chemical companies that were allegedly polluting Lake Erie with mercury. The Court said that the suit, which was based on a public nuisance theory, should have been brought in a State court. The dissenter, arguing that the Supreme Court should hear the case, cited NEPA as one of several Federal laws impinging on questions of water pollution.

San Antonio Conservation Society vs. Texas Highway Dept., 39 U.S.L.W. 3269 (1970) (Black, Douglas, JJ., joined by Brennan, J., dissenting from denial of cert.) The dissenting Justices stated that NEPA does apply to Federally funded State highway projects, and that the Supreme Court should have taken for review, prior to decision in Court of Appeals, this dispute concerning a highway project for which an environmental statement under Section 102(2)(C) was not prepared. The case also involved Section 4(f) of the Department of Transportation Act.

2606.84 Acres vs. United States, 39 U.S. L.W. 3453 (1971) (Douglas, J., dissenting from denial of cert.) A landowner challenged the taking of his land for a Corps of Engineers project on the ground that the project had been expanded so radically since its authorization by Congress that a new authorization was required. The Fifth Circuit rejected this claim, and the Supreme Court denied certiorari. The dissenting Justice argued that the case warranted review partially to determine whether the Corps had complied with NEPA with respect to future development of the land.

U.S. COURTS OF APPEALS

Thermal Ecology Must Be Preserved vs. AEC, 2 ERC 1405 (7th Cir. 1970). The court upheld a district court's denial of an order restraining AEC hearings on a permit application for a nuclear power plant near South Haven, Michigan. Citizen groups claimed the hearings were illegal under NEPA because the AEC was refusing to consider the dangers of thermal pollution or of cumulative radiation. However, the court said that this question could be raised only on review of a final AEC order.

West Virginia Highlands Conservancy vs. Island Creek Coal Co., 2 ERC 1422 (4th Cir. 1971). The court upheld the standing of a citizen group under NEPA and the Wilderness Act to challenge the Forest Service's permission of private timber cutting and road construction in Monongahela National Forest. The citizen group charged that an environmental impact statement should have been prepared under Section 102(2)(C) of NEPA, and that the area was protected by the Wilderness Act until studied for wilderness character. Without deciding these claims, the court found them sufficiently strong to justify a preliminary injunction pending further proceedings in the district court.

Zabel v. Tabb, 430 F. 2d 199 (5th Circ. 1970), *cert. denied,* 39 U.S.L.W. 3360 (No. 955, Feb. 22, 1971). The court held that the Army Corps of Engineers has authority to deny a dredge-and-fill permit under 33 U.S.C. 403 on ecological grounds, basing its holding in part on NEPA.

U.S. DISTRICT COURTS

Brooks v. Volpe, 2 ERC 1004 (W.D. Wash. 1970). The court refused an injunction against construction of an interstate highway segment for which an environmental statement under section 102(2)(C) had not been prepared. Because the highway location had been approved in 1967, the court said that to require a statement would be an impermissible "retroactive" application of NEPA. The court's brief opinion does not indicate the exact state of progress on the project as of January 1, 1970.

Bucklein v. Volpe, 2 ERC 1082 (N.D. Calif. 1970). The court refused an injunction against disbursement of Federal emergency funds for a road relocation project for which the NEPA procedures had not been followed. The court found that the local government had given "ample consideration" to environmental factors before applying for the funds, and also stated that NEPA is simply a declaration of congressional policy creating no "court-enforceable duties."

Coastal Petroleum Co. v. Secretary of the Army, 1 ERC 1475 (S.D. Fla. 1970). The court held on the basis of the District Court ruling (later reversed) in Zabel v. Tabb, that the Corps of Engineers has no authority to deny a permit under 33 U.S.C. 403 on other than navigational grounds. However, the court refused to order the Corps to grant a permit for limestone mining in Lake Okeechobee because of environmental danger and because other remedies were available to protect the applicant's financial interests. NEPA was discussed in supplemental briefs after trial, but the court found it "not to be applicable."

Daly v. Volpe, 2 ERC 1506 (W.D. Wash. 1971). Local residents sought an injunction against construction of an interstate highway segment near North Bend, Washington, asserting that the Department of Transportation had not complied with the requirements of NEPA. The segment, on which planning and hearings had begun before enactment of NEPA, was approved on November 30, 1970. At that time a draft environmental statement had been prepared, but agency comments were not received or a final statement prepared until after the approval. The court held that the Department of Transportation had substantially complied with NEPA in approving the segment, since the plans had been coordinated with many groups before approval, and agency procedures for formal circulation of draft environmental statements were still being developed.

Delaware v. Pennsylvania New York Central Transp. Co., 1 ELR 20106 (D. Del. 1971). The court granted standing to a State and private persons to challenge the Corps of Engineers' issuance of permits to Penn Central for a dike and fill operation along the foreshore of the Delaware River. Plaintiffs allege, *inter alia,* that the Corps violated NEPA by giving inadequate consideration to the environmental effects of the operation. However, consideration of plaintiffs' claims will be delayed pending Penn Central's bankruptcy proceedings in another Federal court.

Dorothy Thomas Foundation v. Hardin, 1 ERC 1679 (W.D. N. Car. 1970). The court denied a preliminary injunction against timber-cutting in a National Forest, finding that plaintiffs had not proven that the Federal defendants had failed to consider the factors required by NEPA and the Multiple Use and Sustained Yield Act.

Elliot v. Volpe, 2 ERC 1498 (D. Mass. 1971). Plaintiffs sued to halt construction of interstate highway segments through Somerville, Massachusetts, asserting that the Department of Transporation had not complied with the requirements of NEPA. The court denied an injunction, on the ground that the planning and location of the segments had been completed and approved in 1966, and substantial construction had taken place before the enactment of NEPA. The court concluded that it would be an unwarranted "retroactive" application of NEPA to require a total halt in construction while the NEPA procedures were followed for the remaining action on the segments.

Ely v. Velde, 2 ERC 1185 (E.D. Va. 1971). In a suit by neighboring property owners to contest a Federal grant to a State for construction of a prison facility, the court held that NEPA did not require the Federal granting agency to consider the environmental impact of the facility. The court stated that the Safe Streets Act of 1968 imposed a mandatory duty to award the funds, which was not modified by enactment of the "discretionary" provisions of NEPA in 1970.

Environmental Defense Fund, Inc. v. Corps of Engineers, 2 ERC 1173 (D. D.C. 1971). The court granted a preliminary injunction at the behest of conservationists against further construction of the Cross-Florida Barge Canal. Although the Canal was authorized and partially constructed prior to January 1, 1970, the court held that NEPA applied to the remaining portion of the project and required that further construction be delayed until compliance with NEPA.

Environmental Defense Fund, Inc. v. Hardin, 2 ERC 1424 (D. D.C. 1971). The court ruled that the Department of Agriculture's fire ant control program, involving dissemination of the pesticide Mirex, was a major action requiring an environmental statement under section 102(2)(C) of NEPA. However, it refused a preliminary injuncton against the program, on the ground that the Department had performed adequate studies of the program's environmental effects and had prepared an environmental statement discussing those effects in sufficient detail to satisfy all procedural requirements of section 102(2)(C).

Environmental Defense Fund, Inc., v. Corps

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[1] The citations given are to the Federal Reporter (Second Series) and the Federal Supplement, where available. In other instances, citations are given to the United States Law Week (U.S.L.W.) or the Environmental Reporter (ERC) both published by the Bureau of National Affairs, or to the Environmental Law Reporter (ELR) published by the Environmental Law Institute.

of Engineers, 2 ERC 1260 (E.D. Ark. 1971). Plaintiff environmental groups sued to enjoin further construction of the Gillham Dam, on which the Corps had prepared an environmental statement under section 102 (2) (C). The court upheld plaintiffs' standing and held that NEPA was applicable even though the project was partially constructed prior to January 1, 1970. On the merits, the court rejected plaintiffs' argument that section 101 creates an enforceable duty not to undertake environmentally damaging projects. However, it found the environmental statement legally inadequate and enjoined further construction until the Corps has complied with sections 102(2) (A), (B), (C), (D) of NEPA.

Investment Syndicates, Inc. v. Richmond, 1 ERC 1713 (D. Oreg. 1970). A landowner sued to enjoin construction of a power line across his land on the basis of the failure of Bonneville Power Administration to prepare an environmental statement under section 102(2) (C). The court held that a statement was not required, noting that the project had been approved and funded and nearly half of the necessary easements purchased before January 1, 1970, and that evidence of the proposed right-of-way was visible on plaintiff's land when he purchased it.

Lever Bros. Co. v. FTC,—F. Supp.— (D. Me. 1971). Detergent manufacturers sought an injunction forbidding the FTC to hold hearings on a proposed rule to require special labeling of detergents, including a pollution warning on detergents containing phosphorus. The manufacturers claimed that the hearings were illegal because the FTC had not prepared an environmental impact statement under NEPA on the proposed rule. The district court denied an injunction on the ground that the legality of the FPC's procedures could be reviewed only on review of the final adoption of a rule. The manufacturers then moved in the First Circuit Court of Appeals for an injunction pending appeal, which was denied by a single judge on the ground that as long as an environmental statement will be released prior to adoption of a rule, the manufacturers will not suffer sufficient hardship to justify court review prior to such adoption. The full court of appeals has not yet ruled on the appeal.

Lloyd Harbor Study Group, Inc. v. Seaborg, 2 ERC 1380 (E.D. N.Y. 1971). A citizen group sought a court order under NEPA requiring the AEC to consider nonradiological environmental effects in its hearings on a permit application for a nuclear power plant in Shoreham, Long Island. The AEC had refused to receive evidence of such effects. The court dismissed the suit on the ground that this refusal could be reviewed only by a Court of Appeals after entry of a final AEC order.

National Helium Corp. v. Morton, 2 ERC 1372 (D. Kan. 1971). The court held that the Secretary of the Interior's cancellation of contracts for Federal purchase of helium constituted "major actions" requiring environmental impact statements under section 102(2) (C) of NEPA, and that the contractor had standing to seek compliance with the requirement. The court issued a preliminary injunction against termination of the contracts until the Secretary complied with NEPA.

Pennsylvania Environmental Council v. Bartlett, 315 F. Supp. 238 (M.D. Pa. 1970). The court held that a conservation group had standing to challenge the Secretary of Transportation's approval of a State secondary highway relocation project, but that NEPA did not apply to a project for which planning and the award of a contract preceded January 1, 1970. In dictum, the court also expressed doubt that NEPA requires the Secretary to study the environmental impact of State secondary highway projects before approving them.

Sierra Club v. Hardin, 2 ERC 1385 (D. Alaska 1971). The court upheld the standing of conservation groups to challenge the Forest Service's sale of timber in Tongass National Forest as violative of NEPA and other statutes. However, the court found that the Forest Service's reliance on the report of a panel of conservationists complied with NEPA "to the fullest extent possible" in view of the advanced stage of the transaction at the time of NEPA's passage. It found the claims under other statutes to be barred by laches.

Sierra Club v. Laird, 1 ELR 20085 (D. Ariz. 1970). Plaintiff conservation groups sued to enjoin the Corps of Engineers from proceeding with a channel-clearing project on the Gila River, which had been authorized prior to January 1, 1970. The Court granted a preliminary injunction on the basis of the Corps' failure to comply with section 102(2) (C), Executive Order 11514, and paragraph 11 of CEQ's Interim Guidelines.

State Committee to Stop Sanguine v. Laird, 317 F. Supp. 665 (W.D. Wis. 1970). In a suit by conservationists to enjoin the operation of a signal-system test facility for noncompliance with section 102(2) (E) (requiring, *inter alia,* that Federal agencies support international environmental initiatives), the court refused an injunction because of plaintiffs' failure to make specific allegations of noncompliance.

Texas Committee v. United States, 1 ERC 1303 (W.D. Tex.), *dismissed as moot,*—F. 2d— (5th Cir. 1970). The court granted a preliminary injunction to prevent Farmers Home Administration from financing a golf-course project that allegedly threatened important wildlife habitat. The project had been approved, but not commenced, before January 1, 1970. The basis for the injunction was that FHA had not considered the environmental impact as required by NEPA. The case was dismissed as moot when the golf course was located elsewhere.

Wilderness Society v. Hickel, 1 ERC 1335 (D. D.C. 1970). In a suit by conservation groups, the court enjoined the issuance by the Secretary of Interior of a permit for a road across Federal lands on the basis, among others, of the Secretary's failure to prepare a statement under section 102(2) (C) discussing the environmental impact of both the road and the related Trans-Alaska Pipeline.

NEW SOURCE FOR ENVIRONMENTAL IMPACT STATEMENT

Beginning July 1, it will be possible to order the draft and final impact statements prepared by any federal agency from a single source: the National Technical Information Service of the Department of Commerce. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00. These rare instances will be noted in the 102 Monitor.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. Some agencies may still wish to provide copies of the statements directly to the public.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Ave. N.W., Washington, D.C. 20036. Envelopes bearing orders should be marked "Document Service." The Institute charges $0.10 per page. To order a document it is necessary to know the number of pages, and to enclose the correct amount of money. The number of pages in each statement is listed in the *Environmental Law Reporter,* available from the Institute for $50.00 per year. It is not necessary to be a subscriber to take advantage of this service. Give the date and title when ordering statements.

On the following pages are environmental impact statements received by the Council from May 1 through May 31, 1971.

(NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters—Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C., 20545 (202) 973-6391; For Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C., 20545 (202) 973-7531.

Draft

Title, description, and date

Underground Nuclear Test Programs for FY 1972, *Nevada* Test Site. Page 39 of statement which was inadvertently omitted from copies sent to CEQ on April 15, April 28.

Comments from DOT, May 7.

Comments from USDA, May 7.

Comments from Commerce, May 19.

Comments from HEW, May 20.

Radioactive Waste Repository: Lyons, *Kansas,* May 3.

Comments on draft (11/30/70) from the EPA. PB–198 869–D.

Rocky Flats Plutonium Recovery Facility: *Colorado,* May 18.

Comments on draft (4/28, PB–198 762–D) by DOT.

Comments from USDA, May 25.

Comments from Coast Guard and HEW, May 26.

Nuclear Rocket Development Station: *Nevada.* May 19.

Comments on draft (1/15) by Governor of Utah and HEW.

Los Alamos Scientific Laboratory Plutonium, May 20.

Facility: *New Mexico. Comments* on draft (4/22, PB–198 710–D) by HEW.

Comments from USDA. May 25.

Maine Yankee Atomic Power Station. *Comments* on draft (4/13) by Commerce. May 20.

Final

Title, description, and date

Proposed issuance of an operating license to the Consumers Power Co. for the Palisades Plant: Van Buren County, *Michigan.* Principal impact would be release of low-level radioactivity and discharge of large quantities of heated condenser cooling water to Lake Michigan. (Applicant hopes to install cooling tower within 42 months, and a better radioactive waste system after a year and a half.) May 6.

Application by the Wisconsin Electric Power Co. and the Wisconsin-Michigan Power Co. for authorization to operate the Point Beach Nuclear Plant, Unit No. 2: on shore of Lake Michigan, 30 miles southeast of Green Bay, *Wisconsin.* Statement applies to Unit 1 as well. Some plankton and small fish may be injured by entrainment with the cooling water. The radioactive dose to people is expected to be under 0.1 mrem per year. Water will be returned to Lake Michigan about 19° to 31.5° warmer. Docket No. 50–301. May 14.

DELAWARE RIVER BASIN COMMISSION

Contact: W. Brinton Whitehall, Secretary, P.O. Box 360, Trenton, New Jersey, 08603, (609) 883-9500.

Draft

Title, description, and date

Kittatinny Mountain pumped storage electric generating facility: Warren County, *New Jersey*. Applicants are Jersey Central Power & Light Co., New Jersey Power & Light Co., Public Service Electric and Gas Co. Project would be located at the Tocks Island Dam on the Delaware River. Most of the facilities will be underground. The Tocks Island Upper Reservoir would be above ground, and would occupy about 185 acres, atop the mountain (now swampy, partly forested). May 11.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C., 20250, (202) 388-7803.

Agricultural Research Service

Draft

Title, description, and date

Rangeland Grasshopper control program utilizing Malathion: *Great Plains and Mountain States*. Some beneficial insects including bees are adversely affected. May 6.

Forest Service

Draft

Title, description, and date

Pennsylvania—Forest Service cooperative gypsy moth suppression project, 1971. Treatment of 20,000 acres in northeastern part of state with carbaryl (Sevin). Carbaryl is toxic to bees, a suspected teratogen, toxic to crabs, shrimp, molluscs, aquatic insects, May 13.

New York—Forest Service cooperative gypsy moth suppression project, 1971. Treatment of 350,000 acres of woodlands with carbaryl (Sevin). Treatment to begin in late May, May 3.

New Jersey—Forest Service cooperative gypsy moth suppression project, 1971. Spraying of 100,000 acres of woodlands with carbaryl (Sevin). Bergen, Monmouth, Morris, Passaic, Sussex and Warren Counties, May 3.

Council Bluff Reservoir project: Clark National Forest, Iron County, *Missouri*. A free-flowing stream would be turned into a reservoir. 175 acres of timber will be cleared. Timber, and other debris, not sold will be burned. 440 acres of upland game habitat will be inundated. Purpose: recreation, May 19.

Final

Management Direction for the Bitterroot National Forest: *Montana* and *Idaho*. Statement discusses the proposed changes to be implemented in the management direction of the Bitterroot National Forest. The changes are based on the recommendations submitted by the Regional Forest Service Task Force. The impact of implementing these recommendations is discussed. The views of others are summarized including the University of Montana Committee Report. A draft was transmitted on June 18, 1970. In the Monitor Vol. 1, No. 1 on page 23, it mistakenly was listed as a final. PB 198 905-F, May 7.

Using insecticide Zectran for suppressing outbreaks of spruce budworm and Jack-pine budworm. Involves negotiating a contract with Dow Chemical Company for a supply of Zectran to treat small blocks totalling from 100,000 to 250,000 acres of infested area annually. Zectran is highly toxic to spruce budworm and Jack-pine budworm. Birds, bees and freshwater shrimp also show a high degree of susceptibility. Zectran is suspected of being tumorigenic. Other chemical and biological agents considered as alternatives. PB-198 907-F, May 7.

New York Department of Environmental Conservation-Forest Service cooperative gypsy moth suppression project, 1971. Plans to treat 290,000 acres of woodlands by spraying with carbaryl (Sevin). Insecticide is toxic to other insects—bees, shrimps, crabs, molluscs, etc., May 12.

Pennsylvania Department of Agriculture-Forest Service cooperative gypsy moth suppression project, 1971. Project may begin in mid-May. 20,000 wooded acres will be treated with carbaryl (Sevin) in northeastern *Pennsylvania*, May 13.

New Jersey Department of Agriculture-Forest Service cooperative gypsy moth suppression project, 1971. Plans to spray 55,000 wooded acres with carbaryl (Sevin), May 13.

New Jersey Bureau of Forestry-Forest Service cooperative gypsy moth suppression project, 1971. Spraying of 25,000 wooded acres with carbaryl (Sevin), May 13.

Castaic-Haskell power transmission line. Issuance of a prelicense special use permit (to allow construction prior to issuance of FPC license) for right-of-way through Angeles National Forest. Length of line: 11.3 miles (3.3 miles through national forest). Purpose: to complete 2 of 4 circuits by July 1971 to enable water delivery through the Castaic Power Plant to Southern California water agencies. *California*, May 21.

Soil Conservation Service

Draft

Work plan for the Bacon Creek Watershed: Woodbury and Plymouth Counties, *Iowa*. Involves conservation cropping systems; level terraces, waterways and contour farming; pasture renovation, tree planting, etc. Also involves 31 grade stabilization structures, 5 dams, one multi-purpose reservoir, etc., April 30.

Work Plan for Eighteen Mile Creek Watershed: *South Carolina*. Involves accelerating application of conservation measures on 1,100 acres, construction of 2 dams, one multi-purpose reservoir, etc. About 3 miles of stream fishing would be eliminated, and 22 acres of cropland, pasture and woodland would be inundated. Purpose: flood control and to reduce sediment delivery into Hartwell Reservoir; to stabilize 650 acres of eroding land; water supply for Liberty, etc., May 7.

Proposed work plan for the Guadalupe Watershed: Maricopa County, *Arizona*. Includes plans for a dam, the Guadalupe Diversion and an outlet pipeline. About 42.9 acres of native vegetation will be destroyed, May 17.

Tekamah-Mud Watershed project, *Nebraska*. Consists of a multi-purpose reservoir with storage capacity for recreation, floodwater and sediment; 4 combination floodwater retarding-grade stabilization structures; and 10 grade stabilization structures. Will inundate 8 miles of intermittently flowing streams. Purpose: to reduce erosion and land destruction, etc., May 24.

Final

Soperton Channel improvement (flood prevention project): *Georgia*, 3,120 feet of channel enlargement, 7 drop structures, etc. Purpose: protect residential and commercial property. A resource conservation and development project. No draft statement received, May 4.

MacAdoo Road-Fill Dam, Sunflower RC&D Project (flood control): Barber and Pratt Counties, *Kansas*. On Elm Creek (a tributary of Medicine Lodge River). Involves construction of a dam, etc. A resource conservation and development project. No draft statement received, May 4.

Pence Springs flood prevention project, Mountain Dominion RC&D project: *West Virginia*. Consists of a 1,600 foot flood protection dike to be constructed around the plant. Purpose: flood protection for the Pence Springs Industrial Plant (a nonprofit organization). No draft statement received, May 10.

Verde Lane flood protection project, Panhandle RC&D project: *Nebraska*. One dam and a 990 foot diversion. Purpose: protect Sidney from floods. No draft statement received, May 10.

Newell Road flood prevention project, Threshold to Maine RC&D project: *Maine*. Consists of 1,500 feet of outlet channel improvement and storm drainage system in town of Yarmouth. No draft statement received, May 10.

DEPARTMENT OF COMMERCE

Contact: Dr. Sydney T. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230 (202) 967-4335.

Final

Title, description, and date

Legislation: proposed use of surplus Liberty ships to create artificial reefs. *Comments* by DOI on draft that arrived after the final (4/16) had been received. The draft was not available to the public as this statement concerns legislation, May 14.

DEPARTMENT OF DEFENSE, DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693-6329.

Draft

Title, description, and date

Stuart Gulch Dam (flood control project): *Idaho*. Located on this tributary of the Boise River just north of Boise. 194 acres of land will be required. PB-198 722-D. April 23.

Local flood protection project: Wellsville, *New York*. Rectification of deficiencies in existing completed project. Involves widening and deepening parts of the Genesee River and Dyke Creek, constructing several low levees and dikes, etc. PB-198 734-D. April 23.

Cottonwood Creek Dam: Cottonwood Creek, *Idaho*. Construction of earth and rockfill structure 117 feet high. Purpose: flood protection to eastern section of Boise. PB-198 724-D. April 23.

Clear Creek, *Texas*, flood control project. Enlargement and rectification of natural stream channel. Would result in an improved channel length of about 31 miles. Purpose: protection of rapidly urbanizing areas. PB-198 725-D. April 23.

Spring Creek Channel improvement flood protection project: Springdale, *Arkansas*. Straightening and enlargement of 9,000 feet. PB-198 744-D. April 26.

Cayuga Island flood protection project: Niagara Falls, *New York*. Involves waterproofing sanitary sewer manholes, building ½ mile of embankment levee on the north (Little River) side of Cayuga Island, filling in low areas on easterly and southerly sides, etc. PB-198 745-D. April 26.

Choctaw Bayou and Tributaries flood control project: *Louisiana*. Enlargement and/or clearing and snagging of over 35 miles of channel. Will have negative impact on fish and wildlife resources. Purpose: increase productivity and amount of agricultural lands. PB-198 843-D. April 29.

Gulf Intracoastal Waterway navigation project: *Texas*. Jettied entrance channel 12 feet deep 100 feet wide, from Gulf shore to the GIWW and a turning basin. Disposition of excavated materials and construction of recreation facilities in the public use area will eliminate some natural habitat for small animals and birds. PB-198 849-D. April 30.

Navigation project Cedar Bayou: *Texas*. Channel 100 feet deep, 100 feet wide from Houston Ship Channel to a point on Cedar Bayou 11 miles above its mouth. About 5.5 acres of marsh would be lost. PB-198 855-D. April 30.

Scappoose Drainage District: Columbia County, *Oregon*. Work consists of 170,000 cubic yards of canal excavation, 65,000 cubic yards of interior levee embankment from canal excavation, etc. Purpose: protect agricultural land. PB-198 847-D. April 30.

Gulf Intracoastal Water, Chocolate Bayou, navigation project: *Texas*. Deepening and widening to 12 feet by 125 feet and constructing an additional 5 miles of channel, a turning basin, and a barrier to prevent salt water intrusion. Purpose: help economy of area. PB–198 872–D. May 3.

Gulf Intracoastal Waterway navigation project, *Texas* section. Includes enlargement of main channel to 16′ x 150′ from Sabine River to Houston Ship Channel including realignment of part of the channel, etc. Will be loss of low lying land that is presently a fish and wildlife habitat. PB–198 927–D. May 3.

Navigation project at Atlantic Harbor of Refuge: Carteret County, *North Carolina*. Involves dredging channels 7 feet deep, 50–70 feet wide and a small marsh will be turned into a basin. Dredged material will be used to construct a breakwater. PB–198 870–D. May 3.

Waimano Stream, Oaho, *Hawaii*. Construction of 3,200 feet of concrete channel. Purpose: flood control. PB–198 882–D. May 4.

Cranesnest River snagging and clearing project: Dickenson County, *Virginia*. Involves about 4,000 feet. River is valued for its bass fishing. Purpose: flood control. PB–198 884–D. May 4.

Portsmouth State Park, *Ohio*, small craft harbor project. Proposed harbor adjacent to Ohio River will provide facilities for 232 recreation craft. PB–198 883–D. May 4.

West Tennessee Tributaries (Obion and Forked Deer Rivers). *Comments* on draft (2/3/71) after final (3/31/71) received. May 4.

Great Falls flood control project: Sun River, *Montana*. Involves about 8 miles of levees, 3¾ miles of interceptor ditches, channel rectification and appurtenant work, etc. Channel rectification will cause formation of 2 oxbows. Levee construction will reduce tree cover along Sun River. PB–198 918–D. May 6.

Gas House Cover small craft harbor project: San Francisco Marina, *California*. Construction of 117 foot concrete pile breakwater is recommended. Purpose: prevent wave action damage to boats and facilities. PB–198 974–D. May 7.

New Hope Lake project: *North Carolina*. Involves construction of an earth dam. Lake behind dam will have a surface area of 14,300 acres. About 22 miles of free-flowing stream will also be inundated. Purpose: flood protection, water supply, water quality control; etc. PB–198 999–D. May 11.

Port Jefferson Harbor navigation project: *New York*. Involves hydraulic dredging of a channel from deep water in the Long Island Sound to the head of the harbor, and a turning basin. Purpose: to allow larger vessels to carry in petroleum, etc. May 12.

Trexter Lake: *Pennsylvania*. Construction of earth and rockfill embankment on Jordan Creek and lake with surface area of 1,220 acres (it would extend 8.6 miles upstream). A 5-foot reservoir fluctuation will occur frequently, exposing areas of barren shoreline. Purpose: water supply, flood control, recreation. May 17.

Lincoln Lake project: *Illinois*. Involves construction of a dam on the Embarras River. Requires 29,600 acres of land for construction of which 6,600 will be inundated. May contribute to the extinction of the Harlequin Darter, a member of the perch family. Purpose: flood control, water supply, water quality, general recreation and fishery enhancement. PB–198 998–D. May 18.

Drum Inlet navigation project: *North Carolina*. Includes dredging an ocean-bar channel 150 feet wide and 9 feet deep below mean low water restoring an existing connecting channel in Core Sound, etc. Purpose: to provide a safe passage through Inlet for commercial-fishing, sport-fishing and recreational vessels. May 21.

Final

Flood protection project: Tyrone, *Pennsylvania*. Involves construction of levees and walls along north bank of Little Juniata River, drop structure, channelizing 4,790 feet of Bald Eagle Creek, new levee and wall on west bank of Bald Eagle Creek. Sink Run will be diverted through a tunnel into Schell Run, etc. Purpose: protect commercial, municipal, private buildings. No draft statement received. PB–198 895–F. April 29.

Small flood control project, North Fork, Nolin River: Hodgenville, *Kentucky*. Clearing and snagging of channel and banks for 3,400 feet. No draft statement received. PB–198 903–F. April 30.

Ridgecrest Wash Channel: Kern County, *California*. Includes 2,150 lineal feet of unlined channel, and 26,707 lineal feet of diversion dikes. (Channel from 3.5 to 10 feet in height.) Purpose: to protect residential, commercial and public property in Ridgecrest from floods. Will encourage development of this desert area. No draft statement received. PB–198 901–E. April 30.

East Branch, *New York*, local flood protection project. Construction of an earth levee 5,100 feet long, which may interfere with the view of the river from some of the lower sections of town. No draft statement received. PB–198 899–F. May 3.

East Fork Lake flood control, water supply, water quality control and recreation project: Little Miami River, *Ohio*. Dam and flood control pool with surface area of 4,600 acres. Would result in inundation of 17 miles of East Fork, including a scenic stretch. (East Fork is considered one of the finest examples of a natural limestone stream in Ohio. Fishing on it is good.) No draft statement received. PB–198 897–F. May 3.

Whitney Lake, Brazos River, *Texas*. Raising the top of the power pool 13 feet (7,800 additional surface acres). This land presently provides habitat for deer, squirrels, mourning doves, etc. Purpose: to generate more hydroelectric power, provide a larger pool for fishing, waterfowl habitat, recreation. PB–198 910–F. May 3.

Beaver Brook Lake flood control project: *New Hampshire*. Damsite located 1.5 miles upstream from Keene, New Hampshire. Involves acquisition of 950 acres of land. About 175 acres of forested area, 25 acres of wetland habitat and 2 miles of stream will be inundated. PB–198 902–F. May 6.

Duck Creek Channel flood control project: Garland, *Texas*. Involves channel realignment and enlargement, construction of concrete walls, modification and extension of 2 railroad bridges and 9 city and county bridges, etc. No draft statement received. PB–198 911–F. May 6.

Catskill Creek navigation project: *New York*. Plan provides for dredging a 1,800 foot long flared entrance channel to the Hudson River that tapers from a width of 250 feet to 100 feet. Purpose: to allow safe passage of recreational crafts and tugs accompanying tank barges. (Smith Oil Company Terminal located on Creek.) No draft statement received. PB–198 896–F. May 6.

Corpus Christi Ship Channel, Nueces County, *Texas*, navigation project. Involves deepening the outer bar channel to 47 feet and the remainder of the deep-draft portion of the waterway, including the La Qunita channel and turning basin, to 45 feet; widening a reach of the main channel, etc. Covering submerged vegetation on the fringes of remote spoil areas in Corpus Christi and Redfish Bay and possibly some archeological sites with spoil material cannot be avoided. Purpose: enhancement of low cost marine transportation. PB–198 891–F. May 7.

Brazos Island Harbor, navigation project: *Texas*. Provides for deep-draft navigation from the Gulf of Mexico through Brazos-Santiago Pass to turning basins at Port Isabel and Brownsville. Project 60% complete. Remaining work consists of widening Brownsville turning basin, etc. PB–199 025–F. May 13.

Buchanan Lake flood control project, Chowchilla River Basin: *California*. Involves construction of a rockfill dam, a reservoir, and channel enlargement, clearing and levee construction. Purpose includes irrigation and recreation as well as flood control. No draft statement received. PB–199 023–F. May 17.

Waikiki Beach erosion control project, Oahu, Hawaii (Fort DeRussy Sector). Involves construction of a rubblemound groin along the west side of the existing 350-foot box culvert at the east end of Fort DeRussy Beach. No draft statement received. May 28.

Office of the Assistant Secretary

Draft

New Walter Reed General Hospital: *Washington, D.C.* Involves replacement of several pre- WWII buildings with a single large structure and the addition of new hospital parking facilities. Discusses heating plant and its releases to the atmosphere; disposal of solid waste, radiological waste, water waste; impact on traffic; architectural design, etc. May 19.

Relocation of the Harry Diamond Laboratories. New site is adjacent to the U.S. Naval Ordnance Laboratory at White Oak, *Maryland*. Involves use of 137 acres of undeveloped land. Laboratories will do research on antennas, microwave components, radio frequency generators, lasers, radar, nuclear radiation effects, etc. May 19.

New Western Medical Institute of Research (WMIR). Location near Letterman General Hospital at the Presidio San Francisco, *California*. Discusses problems of heating, incineration of pathological and infectious wastes, holding facilities for animals, etc. May 19.

Final

Disposal of anti-personnel biological and toxin materials and munitions at Pine Bluff Arsenal, *Arkansas*. Statement describes plans for on-site destruction of liquid agents (stored as frozen pellets), bulk dry materials, bulk stocks of toxins, biological munitions. April 30.

DEPARTMENT OF NAVY

Contact: Charles Ill, Room 4C713, The Pentagon, Washington, D.C. 20350.

Draft

Title, description, and date

Land acquisition for proposed sewage disposal facility at the Naval Air Station, Le Moore, *California*. Purpose: to remove high mineral, chemical concentrations from wastes put into Kings River. About 440 acres of what is presently marginal agricultural land would be purchased for evaporation ponds. PB–199 018–D. May 6.

DEPARTMENT OF INTERIOR

Contact: Office of Information, Public Queries, 18th and C Streets, N.W., Washington, D.C. 20240. (202) 343–3172.

Bureau of Reclamation

Draft

Title, description, and date

Cosumnes River Division, Central Valley Project: *California*. *Comments* on draft (2/19) by Commerce. April 29.

Comments by Secretary for Resources State of California. May 24.

Pyramid Lake pilot project in cloud seedings: *California and Nevada*. Comments on draft (2/12) by State of Nevada, National Science Foundation, Truckee-Donner Chamber of Commerce, USDA. PB–198 887–D. May 4.

Lower Teton Division, Teton Basin projects: *Idaho*. Includes construction of Teton Dam on the Teton River. A 17 mile long reservoir will form. At the dam, a combined power and pumping plant will be constructed. Fishery in the canyon portion of the river is now one of the finest in Idaho and contains a self-sustaining population of cutthroat trout. Dam and reservoir will eliminate summer and winter range utilized by big game animals. Onsite work scheduled to begin in spring of 1971. Purpose: irrigation, power, flood control. PB-198 688-D. May 6.

Manson Unit, Chief Joseph Dam irrigation project: *Washington*. Works include a main pumping plant on Lake Chelan, 8 relift pumping stations, 12 regulating reservoirs, 71 miles of buried pipe. Conversion of grazing and dryland crop acreage to irrigated farmland will reduce winter range for deer, and reduce food for game-birds. May 12.

Crystal Dam and Powerplant, Curecanti Unit, *Colorado* River storage project. *Comments* on draft (3/11) from Colorado Division of Game, Fish and Parks; Division of Water Resources; Office of State Planning; Corps of Engineers; the EPA; Robert Hassell; USDA; DOI; etc. May 13.

Tualatin project: *Oregon*. Includes construction of Scoggins Dam and Reservoir (1,113 acres of surface area) 26 miles of canals, pumping plants, 53 miles of laterals, etc. About 15 miles of spawning area for Coho salmon will be lost. Purpose: irrigation, municipal and industrial water supply, water quality control, etc. May 24.

Monmouth-Dallas Division, Willamette River Project *Oregon*. *Comments* on draft (4/8) by Assistant Regional Administrator for Metropolitan Planning and Development, HUD. May 24.

Geological survey

Draft

Installation of 2 more drilling and producing platforms on federal oil and gas leases in the Santa Barbara Channel off *California's coast*. Statement covers Union Oil's Platform "C" and Sun Oil's Platform "Henry." The government has received bonus payments on these leases amounting to $99,798,032.00. There will be slots for 56 wells on "C" and for 30 wells on "Henry." The major possible adverse effects are pollution from an accidental oil spill, and visual unattractiveness. Platforms would remain for 10 to 50 years. May 7.

Office of Coal Research

Draft

Coal conversion pilot project: Fort Lewis, *Washington*. Plant will remove some sulfur and almost all ash from coal. Product is either liquid or solid. Plant would operate for 2 or 3 years, then, if successful, scaleup to commercial plant size. PB-198 861-D. April 30.

Office of the Secretary

Final

Proposed legislation to provide for cooperation between the federal government and the states with respect to environmental regulation for mining operations and for other purposes. Bill would require all states to undertake a program to regulate surface and underground mining. May 14.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser*, Director, Office of Special Projects, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

For the readers convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, description, and date

Airport project at Grand Canyon, *Arizona*. *Comments* on draft (3/5) by National Park Service. May 4.

Mariposa-Yosemite Airport project, Maripost, *California*. Involves construction of a runway, taxiway, apron, access road, etc. Purpose: to serve light single engine and twin engine aircraft of the general aviation fleet. Alternative sites are discussed. May 24.

Airport project, Arapahoe County, *Colorado*: includes land acquisition, taxiway construction, etc. Purpose: provide space for future runway, noise abatement, and to prevent airport encroachment. PB-198 984-D. May 10.

Airport project 1.8 miles south of Buena Vista, *Georgia*. Includes land purchase, runway and taxiway construction, installation of medium intensity lighting, etc. PB-198 982-D. May 10.

Capital Airport project, Springfield, *Illinois*: runway extension and pavement reinforcement. Purpose: accommodation of larger aircraft. May 10.

Airport project at Algone, *Iowa*. Involves runway extensions, lighting, etc. Purpose: to accommodate twin engine aircraft and to make it an all weather airport. May 24.

Airport project at Eureka, *Kansas*. Extending runway and low intensity lighting, etc. Purpose: to serve larger aircraft. PB-198 997-D. May 18.

Airport project at Baton Rouge, *Louisiana*. *Comments* on draft (3/29) by HEW. April 30.

Salisbury-Wicomico County Airport and Mifflin County Airport, *Maryland*. *Comments* on draft (3/25) by Commerce. May 20.

Oakland-Pontiac Airport project, *Michigan*. Includes land acquisition, E/W runway and taxiway construction, ramp and runway extension, etc. Will mean increase in noise level for some houses near the north boundary of the airport. May 21.

Sedalia, *Missouri* airport project. Involves land acquisition, construction of new runway, installation of medium intensity lighting, etc. Purpose: to accommodate larger aircraft. Airport will be especially useful during construction of a Safeguard installation nearby. PB-198 876-D. May 4.

Airport project at Tecumseh, *Nebraska*. *Comments* on draft (4/12) from USDA. May 4.

Airport project at Carson City, *Nevada*. Land acquisition, runway, taxiway and lighting extensions. PB-198 671-D. May 4.

Airport project at Little Falls, *New York*. Proposed Herkimer County Airport. Involves land acquisition, 4000 foot asphalt runway, taxiway, obstruction clearing in approach zones, etc. PB-198 960-D. May 12.

Airport project at Charlotte, *North Carolina*. Construction of new N/S runway (includes land acquisition, taxiways, navigational aids, etc.) and extension of another runway. PB-198 669-D. April 30.

Airport project at Cedar City, *Pennsylvania*. Involves construction, lighting, etc. of runway, constructing an access road, parking aprons, taxiway, turnarounds, etc. May 12.

Everett-Stewart Airport project, Union City, *Tennessee*. Includes acquisition of 17 acres, construction of a 100' x 100' extension to runway, runway resurfacing, taxiway construction. Present airport is unable to accommodate the larger corporate and business jet aircraft. May 20.

Airport project at Salt Lake City International Airport, *Utah*. Involves land acquisition, runway and taxiway extension, lighting installation, etc. PB-198 695-D. May 4.

Hayward Municipal Airport, *Wisconsin*, airport project. Involves runway extension and overlay, taxiway construction, relocation of town road, etc. Purpose: allow larger aircraft and business jets to use the facility. PB-198 889-D. May 4.

Final

Truckee-Tahoe Airport project, Truckee, *California*. Includes runway extension, land acquisition, apron floodlighting, taxiway extension, etc. May 26.

William B. Hartsfield Atlanta Airport project, *Georgia*. Involves construction of access roads, cargo apron and first stage improvements of the Flint River Drainage System. May 20.

Jesup-Wayne County Airport project, *Georgia*. Involves land acquisition, runway extension and strengthening, taxiway and apron, installation of medium intensity lights, etc. May 20.

Iowa Falls Municipal Airport project, Iowa Falls, *Iowa*. Involves land acquisition, construction of NW/SE runway, a taxiway, an apron. Purpose: to accommodate light multiengine aircraft. May 26.

Colby Municipal Airport project, *Kansas*. Involves runway extension, construction of turnarounds, land acquisition, MIRL extension and installation of VASI-2. Purpose: to permit increased night operations. May 20.

Salisbury-Wicomico County Airport project, Salisbury, *Maryland*. (Phase IV). Extension, marking and lighting of runway 13-31, acquisition of land, construction of taxiway, etc. Purpose: to provide all weather runway and increase the margin of safety. May 20.

Airport project at Hancock, *Michigan*. Reconstruction of Houghton County Airport. Rebuilding and extension of runways, new taxiways, new terminal, hangars, etc. Will enable DC-9's to land safely. May 4.

Cambridge Municipal Airport project, Cambridge, *Minnesota*. Acquisition of land and replacement of a "half sod, half sand" landing strip with hard surface, lights, taxiway, etc. May 7.

Ortonville Municipal Airport, Ortonville, *Minnesota*. Acquisition of 67 acres, construction of NW/SE runway, apron and taxiway, and access road construction, etc. May 26.

Fulton-Itawamba County Airport project, Fulton, *Mississippi*. Includes land acquisition, construction and marking of runway, stub taxiway and apron, etc. Purpose: to accommodate 95% of propeller aircraft under 12,500 pounds. May 20.

Mission Field airport project, Livingston, *Montana*. Construction of NE extension to NE/SW runway, a turnaround, installation of MIRL, acquisition of clear zone. May 26.

Anaconda Airport project, Anaconda, *Montana*. Involves construction of N/S turf runway, land acquisition, etc. May 26.

Broken Bow Municipal Airport project, Broken Bow, *Nebraska*. Involves land acquisition, runway extension, construction of turnaround, etc. Purpose: to accommodate multi-engine aircraft. May 7.

Hastings Municipal Airport project, *Nebraska*. Involves land acquisition and construction and lighting of NE/SW runway, taxiways, etc. May 20.

Martin County Airport project, Williamston, *North Carolina*. Includes runway extension and widening, extension of lighting system, etc. Purpose: to provide a 24-hour all weather landing area for propeller aircraft under 12,500 pounds. May 26.

Minot International Airport project, Minot, *North Dakota*. Extension of runway to 8800 feet, adding high intensity lights, land acquisition. Purpose; to achieve sufficient length and strength for anticipated jet operations. May 26.

Ashtabala County Airport project, Ashtabula, *Ohio*. Includes land acquisition, runway and lighting extension, apron expansion, etc. Purpose: to safely accommodate turbine and jet aircraft using present runway. May 20.

Clarion County Airport project, Clarion, *Pennsylvania*. Construction of a new airport. Involves acquisition of 288 acres for development and clear zones, construction of a runway, stub taxiway, access road, etc. Purpose: to replace Rhea Airport which was closed a year ago. May 4.

Reading Municipal Airport project, Reading, *Pennsylvania*. Involves runway extension and overlay, taxiway construction, etc. Purpose: to accommodate existing business and corporate jets. May 7.

Lawrence Township Municipal Airport project, Clearfield, *Pennsylvania*. Involves land acquisition for airport development, runway and taxiway construction, etc. May 26.

Pickens County Airport project, Pickens, *South Carolina*. Includes land acquisition, runway extension and widening, MIRL installation, etc. Purpose: to provide a 24-hour landing area capable of accommodating most propeller and business jet aircraft. May 20.

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*He will refer you to the correct regional office from which the statement originated.

Lancaster County Airport project, *South Carolina*. Involves land acquisition, extension of runway from 2700 to 6000 feet, taxiway construction, MIRL installation, etc. Purpose: 24-hour land area capable of accommodating all propeller and business jet aircraft. May 20.

Gettysburg Municipal Airport project, Gettysburg, *South Dakota*. Involves acquisition of land, surfacing and extending NW-SE runway, apron and taxiway construction, etc. May 26.

Terry County Airport, Brownfield, *Texas*. Land acquisition, runway and apron extension, etc. May 4.

Norfolk Regional Airport project, Norfolk, *Virginia*. Includes land acquisition, runway extension and lighting, taxiway construction, etc. Purpose: to accommodate DC–10s and B–727–200's. May 18.

New Holstein Municipal Airport project, New Holstein, *Wisconsin*. Runway extension and overlay with bituminous paving concrete, etc. Slightly larger planes will be able to use the airport. (Note mistake in Monitor Vol. 1, No. 4, pg. 39—draft transmitted March 29 not April 29.) May 7.

Federal highway administration

Draft

Title, and description, and date

Western bypass of Enterprise, *Alabama*. Construction of 6.64 miles of highway on new location. Project S–319–D. PB–198 765–D. April 28.

Alabama 69: south of Tuscaloosa. Replacement of 4.3 miles on better alignment. Project S–140–E (F–190( )). PB–198 859–D. April 28.

I–759 (Gadsden Spur): Etowah County, *Alabama*. Highway construction from I–59 to US–411. Project I–759–7(1). PB–198 851–D. April 30.

US–31: Birmingham, *Alabama*. About 0.7 mile of highway construction between 37th Ave. and 41st Ave. Project FAUP U–UG–56(6). PB–198 875–D. May 4.

Grade separations in downtown Birmingham, *Alabama*. One on 13th St., one on 17th Project T 9802(2). PB–198 888–D. May 4.

I–359 (Tuscaloosa Spur) and widening of 25th and 25th Avenues: Tuscaloosa, *Alabama*. I–359, project will demand .65 acre of Rosedale Park. Project I–359–3(1) and F–190( ). PB–198 685–D. May 5.

8th Avenue: Birmingham, *Alabama*. Upgrading of about a mile. Project S–1756–A. PB–198 925–D. May 6.

Federal Air Secondary Route No. 2317: Dale County, *Alabama*. Construction of steel beam span bridge across the Choctawhatchee River. Project S–2317(101). PB–198 686–D. May 6.

Pinson Valley Parkway (Alabama State Highway 79) Extension: Pinson, *Alabama*. Adding 2 lanes to 2.3 miles of highway. FAP Project F–374( ). PB–198 682–D. May 7.

US–431 & Elliot Avenue connection: Attalla, *Alabama*. Construction of 1.21 miles of highway, partly on new location. Project F–208(33). PB–198 683–D. May 7.

Construction of 2.8 miles of highway: Gadsden, *Alabama*. On new location. Fourteen residences must be relocated. Project APL–2850(001). PB–199 011–D. May 14.

Federal Aid Secondary Route No. 62–08: Tallapoosa County, *Alabama*. Replacement of bridge. Project TCP 62–23–71. PB–199 012–D. May 14.

Federal Aid Secondary Route No. 04: Fayette County, *Alabama*. About 7 miles of narrow gravel road will be replaced with a wider, paved facility. Alabama project S–2904(101). PB–199 009–O. May 14.

County Road 27 and 17: replacement/improvement of 7.695 miles of road in Escambia County, *Alabama*. Alabama projects S–2702 ( ) and S–2711( ). Project S–1660–A. PB–199 010–D. May 14.

US–98: proposes three alternate routes from Mobile to Wilmer, *Alabama*, which are open to comment and suggestion. Project F–1727–A. May 21.

Slaughter Road (FAS Route 45–07): construction of a composite steel and reinforced concrete grade separation structure over Southern Railroad, approaches, etc. Madison County, *Alabama*. FAS Project SG–4507. May 24.

Between Tolovana and Livengood, *Alaska:* improving existing highway which has substandard grades and alignment on new location. Alaska project S–0680(17). PB–199 004–D. May 13.

Steese Highway: *Alaska*. Reconstruction of two portions: from Montana Creek to Eagle Summit, and from Eagle Summit to Central. Alaska Projects S–0670(8), S–0670(9). May 18.

Nancy Lake Access Road: construction of a 2-lane road from the Anchorage Fairbanks highway to where it connects with a road in the Nancy Lake Recreation Area (1½ miles). 4(f) determination attached. Willow, *Alaska*. Project S–0581(1). May 19.

Tucson-Oracle Junction-Globe Highway, Oracle West Section: *Arizona*. Construction of 7.81 miles of highway on new location. Will bypass business area of Oracle. Project F–031–1(9). PB–198 845–D.

Oak Street-Hill Street section of Phoenix-Globe Highway (US–60): Globe, *Arizona*. Realignment to eliminate downtown congestion. Project F–022–3–202. PB–198 860–D. April 30.

I–40 (Flagstaff-Holbrook Highway): Navajo County, *Arizona*. Joseph City Interstate section. About 4.07 miles of construction of grade and drain. Project I–40–4(49). PB–198 885–D. May 4.

Airbase Drive between Madison Ave. and Watt Ave. at McClellan AFB, *California*. Construction of overhead highway-railroad separation structure. PB–198 990–D. May 4.

Route 126 Freeway: construction of an ultimate 8-lane freeway on a new alignment between point just west of Piru Creek and Route 14 Freeway. Ventura and Los Angeles Counties, *California*. PB–198 697–D. May 5.

Freeway Route 101: between Elk River and 1.3 miles northeasterly of Eureka Slough in Humboldt County, *California*. Conversion of city streets in Eureka to freeway. PB–198 687–D. May 6.

I–15: along State Routes 71 and 31 in Riverside and San Bernardino Counties between the San Diego County Line and Route 15 at Devore in *California*. Project proposes to determine location for 70 miles of 6–8 lane freeway construction. About 144 living units would be displaced. PB–198 962–D. May 11.

US–395: conversion from 2- to 4-lane highway from 0.5 mile south of the Inyo/Mono County Line to 10 miles north of it. Project will require about 4.1 acres of the Tufa Campground. *California*. PB–198 958–D. May 12.

Route 4 Freeway in Stockton, *California*. Upgrading 0.6 mile to an elevated freeway between Stanislaus St. and Wilson Way. PB–199 008–D. May 14.

State Highway 4: freeway development between Pacheco Boulevard and East Port Chicago Highway. Contra Costa County, *California*. PB–199 003–D. May 14.

Highway Route 227 in San Luis Obispo County: widening, etc. between the community of Edna and High St. in San Luis Obispo, *California*. May 21.

Route 49: construction of a 4-lane controlled access highway from 88 at Martell, *California* to Route 16 at Central House, *California* (a distance of 7.7 miles). May 24.

Colorado State Highway 65: realignment and improvement from .75 mile south of Mesa, northwesterly for 2.64 miles. Project S 0065(4). May 5.

Colorado State Highway 340 (Grand Junction-West): construction of 2 additional lanes (to make a 4-lane divided facility) beginning 1.2 miles west of the junction of US–50 and S.H. 340, proceeding easterly for approximately 1.2 miles, to 1 block west of US–50 and S.H. 340 junction. Grand Junction, *Colorado*. Project SU 0340(2). May 17.

I–484: Hartford, *Connecticut*. Construction between I–84 and I–91, west of the Capitol building. Project will be tunnelled beneath Bushnell Park. Connecticut project I–484–1(2)0. May 19.

I–291: Construction begins between I–91 in Windsor, *Connecticut* and I–86 in Manchester: *Connecticut*. Purpose: to collect and distribute a portion of that traffic that would otherwise be required to use I–86 and I–84 to reach destinations in and around the Greater Hartford area. Project I–291–5(1). May 21.

Route 10: Relocation between I–84 and the Southington-Cheshire Town Line in Southington, *Connecticut*. Length: about 1 mile. Project will require relocating a short section of the Quinnipiac River and a small amount of filling in flood plains. May 21.

S.R. 87 (Stewart Street): Construction of 1.7 miles of 4-lane highway along existing route from junction with S.R. 10 to junction with S.R. 191. Milton, *Florida*. State Job No. 58050–1505.010. PB 198 879–D. May 6.

State Road 50: Lake County, *Florida*. Road to be multi-laned from S.R. 33 in Mascotte to S.R. 33 in Groveland (length of 2.3 miles). One alternate route would go through a natural swamp. Project F–022–2(18). PB–199 019–D. May 11.

I–75E (Tampa Bypass): Hillsborough and Manatee Counties, *Florida*. Project diverges from alignment of proposed I–75 north of the Bradenton-Palmetto area. Merges with it about 3½ miles south of Pasco-Hillsborough County Line. Federal Job No. I–75E–6(31)435. May 18.

U.S.–441, S.R.–31: Douglas, *Georgia*. Constructing an urban type roadway through the city. *Georgia* projects F–075–1(4) and F–075–2(4). PB–198 730–D. April 22.

Georgia State Route 31 and U.S. 441 and 319: Construction of divided 4-lane roadway from a point northeast of the intersection of I–16 to Dublin (2.31 miles). Project F–042–1(3). PB–198 757—D. April 23.

Chatham County, *Georgia*. Construction of paved all-weather road from Effingham-Chatham County Line on S.R. 30, east and northeast to S.R. 21. Partly on new location. *Georgia* project S–0956(3). PB–198 832–D. April 28.

I–85: Completion of construction between S.R.–219 in Troup County and FAS Route 2016 in Meriwether County. On new location, it will involve 19.7 miles of 4-lane limited access highway. *Georgia* projects I–85–1(40) 20 and I–85–1(33)12. April 28.

S.R.–76: Relocation from S.R.–33 to FAS 1213 (Quitman-Mowen Road) in Brooks County, *Georgia*. Georgia project S–0559(3). PB–198 877–D. May 4.

S.R.–111 (Moultrie to Meigs Road): Colquitt County, *Georgia*. The purpose of this 1800 foot project is to remove a narrow bridge and reconstruct an appropriate drainage structure and approaches. Project–0519(4). PB–198 677–D. May 4.

Moultrie-Meigs Road: *Georgia*. Replacement of narrow bridges. Project S–1205(2). PB–198 677–D. May 4.

Lula Lake Road: Walker County, *Georgia*. Road construction through hilly, mountainous country. Project S–1350(1). PB–198 676–D. May 4.

20th Street: Tifton, *Georgia*. About 1.6 miles of road construction, partly on new location. Project SU–1536. PB–198 675–D. May 5.

Secondary Route S–1010(2): Gilmer and

Fannin Counties, *Georgia*. Project is within boundaries of Chattaho-Che National Forest. PB–198 678–D. May 6.

Secondary Route S–2481(2): Gilmer and Fannin Counties, *Georgia*. Highway construction through scenic mountain and national forest area. PB–198 977–D. May 6.

La Conte to Nashville Road: Cook and Berrien Counties, *Georgia*. Surfacing, improving present road. Project S–2698. May 7.

U.S. Route 45: Upgrading route to 4-lanes from point near the west entrance of Fort Massac State Park to the Route 24 interchanges 2.2 miles east, Metropolis, *Illinois*. 4(f) documentation attached because right-of-way goes through Fort Massac State Park and also Fort Massac Girl Scout Park. Project F–53. PB–198 704–D. April 15.

Illinois Route 29 (Pekin Bypass): Realignment around east and south of Pekin, for approximately 10 miles. 4(f) report attached since route goes through part of the proposed John T. McNaughton Park. *Illinois* Project F–251. PB–198 873–D. May 3.

U.S.–156 and U.S.–283: Hodgeman County, *Kansas*. Involves several miles of highway construction near Jetmore. Projects 156–42 F–062–1(10) and 283–42 F–021–2(4). PB 198 673–D. May 3.

K–119: Washington County, *Kansas*. From Greenleaf, 817 miles south to K–9. Project 119–101 S115(14). PB–198 680–D. May 7.

U.S.–36: Brown County, *Kansas*. Includes 13 miles of grading and surfacing. One proposed route would require 30 acres of Brown County State Lake land. Project (SF) 36–7 F–092–5(8). PB–198 965–D. May 12.

U.S.–283: Graham County, *Kansas*. Upgrading 0.8 mile in and near Hill City. Project 283–33 F–021–3(7). PB–199 007–D. May 13.

21st Street: Tyler Street to AT&SF Railroad tracks, Topeka, *Kansas*. Widening to provide for 4 lanes, etc. Project 89–T–4005(1). May 17.

U.S.–50: Harvey County, *Kansas*. Involves 2.47 miles of construction parallel to 14th St. in Newton. Project is a bypass of U.S.–50. Project 50–40 U–050–4(12). May 20.

Kansas–96: Two construction projects which are a part of the state freeway system, and serve as the final link on K–96 from Hutchinson to Wichita, *Kansas*. Two alternate routes are under consideration. One would require all new right-of-way. Projects (SF) 96–87 F–044–1(11) and (SF) 96–87 U–044–1(13). May 25.

US–83 Bypass: construction begins 1.5 miles south of Garden City, *Kansas* at US–83 and extends northeasterly and north for 3.82 miles on new location to a junction with US–156. Project 83–28. F–017–1(23). May 26.

Kentucky 864 (Poplar Level Road): Jefferson County. Widening 3.95 miles. *Kentucky* Project U 553(2). PB–198 852–D. April 30.

I–24: Paducah, *Kentucky*. From 1000 ft east of *Kentucky* Highway 994, southeasterly to 2600 feet east of *Kentucky* 450. Project is 4.374 miles long and will be a 4-lane road. Project I 24–1(3)8. PB–198 856–D. April 30.

Kentucky Highway 54: Henderson, *Kentucky*. Involves 2.12 miles of widening, a railroad overpass, etc. Noise and visual appearance may lower property values. Project S214(2). PB–198 963–D. May 12.

Harlan-Cumberland-Whitesburg Road: *Kentucky*. Involves 8 miles of highway construction on new location. AP 48–8–5L. *Kentucky* Project APD 140(10). PB–199 013–D. May 14.

I–410: St. Charles Parish, *Louisiana*. Construction of 10.4 miles of highway across swamp and freshwater marshland, forest, cultivated land. (Highway will be elevated across marshland.) May 7.

Maryland Route 182: from M.R. 97 at Glenmount to Argyle Club Road at Layhill (2.45 miles). Highway construction partly on new alignment. April 30.

Maryland Route 632: proposed location of the Norfolk and Western Railway grade elimination structure: Washington County. Project USG–9613(1). May 3.

I–70N: Baltimore, *Maryland*. Proposed alignment goes through Leakin Park and Gwynns Falls Park. Concern has been expressed that it would lead to the spread of Dutch Elm disease in the park. May 4.

State Route 129: Wilmington, *Massachusetts*. Widening 2,500 ft. April 29.

Massachusetts State Route 2A: relocation in Ayer-Shirley. About ½ mile of construction is involved, mostly on new location. May 10.

I–94 EB: Jackson County, *Michigan*. Modernization of existing rest area near Blackman Road west of Jackson. Involves construction of sewerage lagoons. April 28.

Trunk Highway 60: construction of a 4-lane divided highway in Watonwan County, *Minnesota*. From County Road 102 in Butterfield, east to junction of T.A. 60 and 15 south of Madelia. Project bypasses St. James and Butterfield. A 4(f) is attached as the highway goes through Madelia Game Center. Projects 8308–10 and 8309–12. May 17.

State Route 15: Neshoba and Newton Counties, *Mississippi*. About 5 miles of highway relocation. New facility will ultimately be 4 lanes. PB–198 867–D. May 3.

State Route 39: Lauderdale County, *Mississippi*. Relocation of 5.5 miles. Project No SP–025–2(3). May 18.

Route 727 (the Innerbelt): St. Louis County, *Missouri*. From Page Ave. northerly to Natural Bridge Rd. Missouri project U UG–725–1(3). April 29.

Route 100: St. Louis County, *Missouri*. Replacement of existing highway from Melrose and Allentown Roads easterly 2.2 miles to Glencoe Rd. Missouri F–100–1(4). PB–198 839–D. April 29.

Route 61: Lewis County, *Missouri*. Route 24 and 61: Marion County. And Wakonda State Park south to 0.5 mile south of Route 24. Length: 5.4 miles. Construction of additional lanes to provide a dual lane full control access facility for Route 61. Missouri projects F–FG–61–4(10), F–61–4(11), F–24–3(7). PB 199 013–D. May 13.

Route 71 and 71 Alternate: construction of a dual lane limited access facility for 17 miles from the Barton County Line to South of Carthage, *Missouri*. Projects F–FG–71–2(17) (19). May 24.

I–90: Construction of 8.2 miles of 4-lane, divided highway from 4.9 miles east of St. Regis to Superior, *Montana*. Part of project is in close proximity to the Sloway Campground. Minor parts of Clark Fork fishery will be isolated from practical utilization. Project I–90–1 (13)39 Sloway East and West, I–90–1(40)43 Superior West. PB–198 746–D. April 26.

I–90: from 1.5 miles east of St. Regis, *Montana*, south and east along existing US–10 for 3.6 miles. Involves widening to 4 lanes. Project L–90–1(13)35. PB–198 758–D. April 27.

FA Route 22: Roosevelt and Sheridan Counties *Montana*. Involves 9.669 miles of highway construction. Will incorporate present highway. Alignment crosses the Medicine Lake National Wildlife Refuge. Project F–1193(18). May 17.

Nebraska 131: relocation of 2 miles from US–73–75 and old Nebraska 370, to intersection of old 131 and Harvel Rd. Project S–112(7). May 20.

Highway N–41: Filmore and Saline Counties, *Nebraska*. On same general alignment as an existing country road. Involves 11 miles of surfacing, a bridge over North Fork Swan Creek, etc. Project S–185(5). May 21.

Scottsbluff-Gering Bridge: Scotts Bluff County, *Nebraska*. New 2-lane structure for southbound traffic on Nebraska 71 across the North Platt River. Nebraska project F–520 (5). May 14.

I–80: Cheyenne County, *Nebraska*. Construction of 8.5 miles of interstate highway from Potter to Brownson. Projects I–80–1(10) and S–921(3). May 3.

Recreation road: construction through Kane Springs Wash and Rainbow Canyon: Lincoln County, *Nevada*. Total length: 62 miles. First project is 10.8 miles. Purpose: to provide access to areas of scenic beauty and also to encourage usage of the Kershaw Canyon-Ryan State Park, etc. May 11.

Proposed East-West Freeway development between Las Vegas Blvd. (inside Las Vegas) and Russell Rd. (southeast of Las Vegas). Construction will be through a densely populated area. *Nevada*. May 13.

I–89: Sutton rest area, on southbound lanes in Sutton, *New Hampshire*. Project I–89–1(106)25, P–1410. April 30.

New Hampshire Route 102: Seabrook. Improving alignment, etc. of 1.3 miles. S68(3). S–1544. May 4.

US–550: Shiprock to Farmington, *New Mexico*. About 27 miles of 4-lane highway will be constructed. Alignment will generally parallel existing construction. Projects F–032–1(13), U–032–1(14), F–032–1(15). May 5.

I–40: from junction with US–66 east of Tucumcari to Texas state line, *New Mexico*. Distance: 13 miles. Three alternate routes are discussed. Project I–040–6(8)335. May 7.

State Road 32: improvement from 13.5 miles south of Gallup to Gallup. *New Mexico* projects S–1300(14) and (15). May 12.

Raton North to I–25: *New Mexico*. About 0.8 mile of construction on new location. Project U–001–1(6). May 12.

State road 39: north of Roy-North, *New Mexico*. About 10 miles of construction intended to replace an obsolete section of highway. Will be a 2-lane facility along present alignment. Projects F–044–1(2), F–044–1(3). May 13.

Route 9W, Ravena-Becker's Corners, Dibbs Bridge over railroad: Bethlehem, *New York*. Consist of reconstruction of bridge and its approaches. N.Y. Project P.I.N. 1163.00. May 18.

S.H. 495: East Schuyler to Deerfield (Dyke Rd. Intersection), *New York* Involves 2,600 ft. of reconstruction. N.Y. Project P.I.N. 2114.00. May 19.

City of Rome Arterial: *New York*. Statement discusses 2 alternate plans. Scheme A would utilize a 3-legged interchange in the Stanwix area. Scheme B features a clover-leaf interchange south of the Barge Canal. Both schemes would involve about 23 miles of expressway and ramp construction. Project P.I.N. 2017.00. May 21.

Route 17J: City of Jamestown East-West Arterial and the reconstruction of Jamestown to Ashtown, S.H. 1380A. Project will displace 145 families and 25 businesses. Generally follows alignment of existing 17J. *New York* project P.I.N. 5289.00, .01, .02. May 20.

Railroad separation and street connection: Grand Forks, *North Dakota*. Project begins at the intersection of 6th Ave. South and Washington St. and ends near South 5th and 4th Streets on Demers Ave. Project FG–6–902 (01)002. May 24.

State Route 257: Delaware County, *Ohio*. Involves 5.2 miles of highway construction (widening, etc.). Project will require 15 acres of the Columbus Zoo Wildlife Refuge. DEL–SR 257–1.49 (unprogrammed). PB–198 679–D. April 28.

S.R. 674: from S.R. 752 northerly 2 miles to C.R. 89 at Marcy, *Ohio*. Widening pavement and shoulders, etc. Project PIC–SR–674–5.92(S–1625[23]). PB–198 926–D. April 30.

Licking County Road 311: Heath, *Ohio*. Involves 1.8 miles of highway construction on new location. Project S–SU–229(2). PB–198 684–D. May 7.

S.R. 7: Bellaire, *Ohio*. Replacement of existing route with a limited-access, 4-lane facility through the city. Project's length: 3.4 miles and would take 0.2 acre from Bellaire City Park. About 480 families will be displaced. Project BEL–7–14.32 (unprogrammed). PB–198 970–D. May 10.

State Route US–24: construction of a 4-lane divided limited access highway beginning at a point northeast of Waterville and ending .9 mile from I–475. Lucas County, *Ohio*. Project F–1043(6). PB–199 002–D. May 10.

US–50: improved alignment and grade on new location for 4.16 miles in Vinton County, *Ohio*. VIN–US–50–4.65 (unprogrammed). PB–198 959–D. May 11.

S.H. 123: Osage County, *Oklahoma*. Consists of developing a primary state highway on an alignment generally offset and contiguous to existing S.H. 123. From 10 miles north of Barnsdall, northerly for 6.6 miles. Oklahoma Project S–5732. May 20.

Pleasant Valley-Green Timber Road section of the Oregon Coast Highway in Tillamook County, *Oregon*. Length: 3 miles, some parts on new alignment (most follows US–101). April 29.

Powers Highway, Broadbent Section: relocation of highway approximately 1 mile north and south of Broadbent, *Oregon*. PB–198 694–D. May 5.

Calcon Hook Road: Delaware County, *Pennsylvania*. Widening of 1 mile. Project No. 3–23073–04–A02–063. PB–198 922–D. May 4.

Legislative Route 14014, Section A01 (Whitehall Road): College Township and State College Borough, *Pennsylvania*. Relocation of 1.2 miles of 2-lane roadway. This study considers 2 alternate alignments. PB–198 919–D. May 6.

Legislative Route 03013, Section 2, L.R. 10036, Section 1, L.R. 10037, Section 1: Armstrong and Butler Counties, *Pennsylvania*. Road construction on new location. Purpose: to join the two plants of the Butler County Mushroom Farm. PB–198 674–D. May 7.

Legislative Route 10063, Section 2; L.R. 10068, Section 2; L.R. 60005, Section 2: Butler and Venango Counties, *Pennsylvania*. Project crosses large swamp. This relocation of Traffic Route 308 is 8.14 miles long. PB–198 681–D. May 7.

I–78 (Legislative Route 1045), Sections A07 and A08: Northampton County, *Pennsylvania*. On new location. Project will cross Roosevelt State Park. State Projects: 1–1045–0–4–A07–055, 1–1045–0–4–A08–055. PB–198 976–D.

L.R. 1015, Sections 5, 6, 7, 8. Provides for the relocation and upgrading of TR–119, Fayette County, *Pennsylvania*, from the Uniontown bypass to the Pennsylvania-West Virginia State Boundary. May 18.

L.R. 1035, Spur F, Section C10, Berks County, *Pennsylvania*. Involves 2.7 miles of 4-lane divided highway construction on new location. State project no. 2–1035–F–4–C10–051. May 21.

L.R. 1052, Section 2, River Street Exchange, Cross Valley Expressway, Luzerne County, *Pennsylvania*. About ½ mile of 4-lane divided highway will be constructed. Project No. 3–1052–4–2043. May 21.

Haywood-Howell Road: Greenville, *South Carolina*. About 1.5 miles of highway construction, partly on new location. April 29.

US–76, US–178: widening between Belton and S.C. Route 252 (5 miles). *South Carolina*. April 29.

US–52: Berkeley County, *South Carolina*. Construction of multi-lane highway in and adjacent to Moncks Corner (length of project: 3.1 miles). April 30.

Lockwood Boulevard Extension: construction of a multi-lane arterial and collector route on the western side of the Charleston peninsula, *South Carolina*. Will require about 40 acres of marshland. May 13.

Railroad track removal and relocation: Greenwood, *South Carolina*. Involves tracks belonging to Seaboard Coast Line Railroad and Southern Railway Company. May 14.

US–76, US–276 Connector: Anderson, Green and Laurens Counties, *South Carolina*. Project would connect US–76 near Anderson, with US–276 near Laurens. May 17.

Washington-McBee Streets: Greenville, *South Carolina*. Constructioin of multi-lane facility on new location. May 17.

State Route 30: McMinn County, *Tennessee*. Bypass of Athens. Length: 7.2 miles. Project F–039–1( ). PB–198 854–D. April 30.

S.R. 12: construction on new location connecting existing S.R. 12 southeast of the Bordeaux Bridge with the I–265 Interchange at Eighth Ave. North Nashville, *Tennessee*. Before the original relocation can be funded, a new study will be required under provisions of both Section 4(f) and the NEPA. Purpose of this statement is to reevaluate the original alignment in light of conditions which have changed since 1958. Project U–012–1(4). PB–198 693–D. May 5.

State Route 24 (US–70): Davidson and Wilson Counties, *Tennessee*. Widening to 4-lanes from Bonnasprings Drive to 1.3 miles east of the Wilson County Line (about 4 miles). Project passes through the Hermitage (Andrew Jackson's home, the Tulip Grove Mansion, the Hermitage Presbyterian Church, etc.) An additional 115 feet of right-of-way will be needed through the Hermitage property. FAP F–024–1 ( ). PB–198 689–D. May 6.

Applachian Corridor "B" route: SR–93 to the Virginia State Line, *Tennessee*. Construction of 7 miles of 4-lane freeway. One alternate route would adversely affect an historic site. FAP No. APD–099–1 ( ). May 14.

S.H. 49: from 0.2 mile west of L&A Railroad, east to S.H. 11 east of Hughes Springs, *Texas*. Total length: 5 miles. Project is a bypass of Hughes Springs. Project F 364. May 10.

S.H. 352: from Parry Avenue to Hatcher Street in Dallas, *Texas*. Partly on new location. Project S. 2699. May 20.

Spur 354: at loop 12 in Dallas, *Texas*. Reconstruction of an existing traffic circle. About 17 additional acres of right-of-way will be required. Project T 9001. May 21.

Vermont Route 100B: construction of a bypass around Moretown, *Vermont*. (2.7 miles). Project S 0167 ( ). May 5.

I–95: proposed rest area on northbound lane 1.443 miles north of Henrico County Line. Hanover County, *Virginia*. PB–198 833–D. April 28.

Route 646: Charlotte County, *Virginia*. From the intersection of Routes 360 and 47 to the Charlotte-Mecklenburg County Line. Replacement of existing road with one with better alignment and grades. State project 0646–019–127, C–501. PB–198 866–D. May 3.

Route 40: Sussex County, *Virginia*. Relocation of 2.14 miles from east Waverly to .46 mile south of the Sussex-Surry County Line. Virginia project S–477( ). PB–198 878–D. May 4.

Route 123: from 0.270 mile south of the Price William-Fairfax County Line to .648 mile north of the line, *Virginia*. Relocation of Route 123 to east side of Occoquan. May 5.

State Route 57: Henry County, *Virginia*. Involves 4.28 miles of construction, partly on new location. Project S–324( ). PB–198 964–D. May 12.

US–58: 3–4 mile long bypass of Stuart, *Virginia* on new location. Project F 024–1 ( ). PB–198 969–D. May 13.

I–266: construction of highway from point near I–66 where it passes over Spout Run Parkway to the Three Sisters Bridge. Arlington County, *Virginia*. A 4(f) determination is attached since the route requires 31.6 acres of public parkland. Project I–266–2(2)80. May 19.

Route 460 (Appomattox Bypass): construction on new location of route around Appomattox, *Virginia* (2.9 miles). Project F–04–1( ). May. 20.

US–340: construction of a bypass of Luray, *Virginia* along the existing Secondary Route 615. Projects begins at intersection of US–340 and ends at Route 211. Length of project appears to be about 3 miles. Project F–010–1( ). May 21.

US–164 (Western Freeway): construction of a new bridge and approaches over the Western Branch of the Elizabeth River. Portsmouth, *Virginia*. Project US–124–2( ). May 26.

S.R. 515: King County (Renton City), *Washington*. From 196th St. to Grady Way—partly on new alignment. PB–198 920–D. May 6.

S.R. 131: realignment and widening from S.R. 10 to intersection with Hungry Junction Road, Kittatas County, *Washington*. FAS–0274. PB–199 055–D.

S.R. 125: relocation from 1.5 miles southwest of Walla Walla, *Washington* to connecting point with S.R. 12 near the west city limits of Walla Walla. 4(f) documentation attached since road passes through Fort Walla Walla Park. May 24.

Washburn County Truck Highway "A": upgrading about 3 miles of existing road. *Wisconsin* project FAS 0761( ) ID–8803–1–00. PB–198–868–D. May 3.

S.T.H. 13: reconstructing 6.1 mile segment of this arterial highway from point ¾ mile south of Chelsea, Wisconsin to Taylor-Price County Line. Involves relocation around Westboro, *Wisconsin*. PB–198 881–D. May 4.

US–14, SH–33, C.T.H. "YY": LaCrosse County, Wisconsin. Rebuilding 1.5 miles of existing road. Project S 1473(1) ID–5439–1–71. PB–198 670–D. May 6.

S.T.R. 83: construction of new highway between I–94, south of Delafield on the north county line, and existing Highway 83 in Waukesha County, *Wisconsin*. Project will require a small piece of park land. Project T 0480(9). May 18.

S.T.R. 27 (Westby-Melvina Road): construction of an arterial facility from the intersection of S.T.H. 27 and 33 west of Cashton, *Wisconsin*, to a point about 1.5 miles north of Cashton. Project ID–5143–2–00. May 24.

Final

Arizona Forest Highway project 9–3(4). Verde Valley-Roosevelt Dam. Provides for grading and temporary surfacing of a 5-mile segment in Coconino National Forest, from Fossil Creek Road to about 4.6 miles east. May 26.

US–31E: replacement of 4.75 miles from a point south of Jefferson School Road in Allen County and west of existing US 31–E, northwardly to a new section of roadway south of the Barren River Reservoir. *Kentucky*. Project F–28(17).

FHWA 4(f) Statements:

The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653(f).

I–475: Flint, *Michigan*. Highway construction requires 0.80 acre of land and 0.46 acre of lake from McKinley Park and Thread Lake. May 18.

I–278: Morristown, *New Jersey*. Highway construction requires 0.03 acre from Morristown National Historical Park and 9.8 acres from the proposed Morris County Park. May 18.

SH–47: Rochester, *New York*. Highway construction requires land from Genesee Valley Park. May 12.

I-65: Nashville, *Tennessee*. Adjustment of Franklin Pike and the construction of an interchange ramp require 1.8 acres of the 3 acre Battle of Nashville Monument. May 12.

Center Hill Road: Manchester, *Vermont*. Street reconstruction requires 1100 square feet from Memorial Park (but another 3100 square feet of existiing roadway will be reverted to park use). May 5.

SH-83: Waukesha County, *Wisconsin*. Highway construction requires 6.1 acres of Nagawaukee park. April 30.

U.S. Coast Guard

Contact: William R. Riedel, DOT Coordinator, Water Resources, 400 7th Street, S.W., Washington, D.C. 20591 (202) 426-2274.

Draft

Title, description, and date

Testing of an oil containment barrier developed by the Johns-Manville Products Corp. Testing site is 50 miles west of St. Petersburg, *Florida* at sea. Phase I is to be conducted without oil. Phase II will be conducted in late June with soybean oil. Purpose: to verify prototype design with regard to the combined effects of waves and currents on barrier and oil retention efficiency. PB-198 697-D. May 5.

DEPARTMENT OF TREASURY

Contact: Richard E. Slitor, Assistant Director, Office of Tax Analysis, 202-964-2797.

Final

Title, description, and date

Treasury decision under Section 169 of the Internal Revenue Code of 1954, as amended. Guidelines permit taxpayer to deduct the amortizable basis of a certified pollution control facility over period of 60 months. No draft statement received. May 13.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Charles Fabrikant, Director of Impact Statements Office, 1629 K St., N.W., Washington, D.C. 20460, (202) 254-7471.

Water quality office

Draft

Title, description, and date

Cobb County, *Georgia*, sewerage project: Chattahoochee River Sewage Treatment Plant, Rottenwood Creek Interceptor Sewer, Sope Creek Interceptor Sewer. Program consists of interceptor sewers, treatment facilities and outfall sewers, pumping stations and force mains serving 6 natural drainage areas. PB-198 858-D. April 30.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G St. N.W., Washington, D.C. 20426, (202) 386-6084.

Applicants' drafts. (These are not official FPC drafts. They will be followed by staff-prepared draft statements.) The FPC requests that any person desiring to be heard, to present evidence, to be advised of all hearings and proceedings, with reference to these statements, and to receive notice of proposed subsequent draft statements, file with the FPC on or before 60 days from the publication of this document in the *Federal Register.*)

City of Seattle, *Washington*'s application for license to continue operating the Newhalem Creek Plant (Project No. 2705). The plant was constructed in 1920, and consists of a 2,500 kva unit and a 10 ft. high diversion dam, etc. Located about 1½ miles above the creek's mouth. May 21.

Gilboa-Leeds 345 kv transmission line. Between Blenheim-Gilboa Project #2685 and the Leeds Substation near Athens, *New York*. Statement describes 2 alternates routes. It was filed by the Power Authority of the State of New York. May 12.

Application by the Southern California Edison Co. for a relicense for their lower Tule River Project, *California*, which has been in operation for 61 years. Project is on the Middle and North Forks of the Tule River. It is partially within the Sequoia National Forest. Statement describes the applicant's plans for developing additional recreational facilities. Project consists of 2 dams, 32,000 ft. of conduits, a small regulating reservoir, a 2,800 ft. long steel penstock, a powerhouse with two 100 kv generators, a 50,000 ft. transmission line, etc. May 21.

Ohio Power Co.'s application for a license to construct two 20,000 kv hydroelectric generating units on the *Ohio* side of the U.S. Racine Locks and Dam. On the Ohio River near Racine and Pomeroy, Ohio, and Ravenswood, West Virginia. Construction by Corps of Engineers is virtually complete. The Racine Pool is a navigation pool. May 21.

Portland General Electric Co.'s application for a relicensing (for up to 50 more years) for the constructed Oak Grove Project, *Oregon*. Project includes the Timothy Lake seasonal storage reservoir, a forebay called Lake Harriet, a regulatory forebay called Frog Lake, a powerplant with a peak capacity of 49,000 kilowatts, 18 miles of transmission line, etc. May 21.

Montana Power Co.'s application for a relicensing of Mystic Lake Project, *Montana*. Project was constructed during 1920-27 and consists of a headwater storage reservoir (Mystic Lake), 2½ miles of closed conduit, a powerhouse with a capacity of 10,000 kilowatts, transmission lines, etc. There are plans to construct a dam and regulating reservoir at the lower end of West Rosebud Lake that would increase its depth from 3 to 14 ft. May 21.

Pennsylvania Power and Light Co.'s application for a relicensing of a project constructed in 1910: the Holtwood Project # 1881, on the Susquehanna River in *Pennsylvania*. The concrete gravity overflow dam forms Lake Alfred. Statement describes recreation facilities and plans for their extension. May 21.

Consolidated Water Power Co.'s application for relicense for Biron Project # 2192, located on the Wisconsin River in Wood and Portage Counties, *Wisconsin*. The Baron project, a 13 mile long reservoir, supplies water to turbines located at the mill of Consolidated Papers, Inc. (Both electric and mechanical energies are produced.) The project has been in existence since 1933. May 21.

Draft

Natural gas pipeline in Vermilion offshore area of Southern *Louisiana*. Application to construct and operate 74.5 miles of 36 inch pipeline. Application filed by Columbia Gulf Transmission Co. and Columbia Offshore Pipeline Co., joined by Tennessee Gas Pipeline Co. and Bonita Transmission Co. Docket # CP 68-231. A permanent offshore platform is proposed. May 12.

Application for major license by Puget Sound Power and Light Co. for the Snoqualmie Falls Project #9493. In the region of Snoqualmie and Falls City on the Snoqualmie River, *Washington*. Consists of a small concrete dam with flashboards; two generating plants; two transmission lines (0.06 and 0.5 miles long.) Project has been in operation since 1898—the applicant is asking for renewal of their license for up to 50 more years. May 17.

Natural Gas Pipeline Co of America's application to construct and operate a natural gas transmission line from Cameron Parish onshore into the West Cameron Area of offshore *Louisiana*. Construction involves crossing about 4 miles of marsh, a small amount of high ground, and some 40 miles of gulf floor. Also involves construction of an offshore platform. May 24.

GENERAL SERVICES ADMINISTRATION

Contract: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405, 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-ADF (202) 343-4161.

Draft

Title, description, and date

Disposal of 288.75 acres of the Missouri Valley National Guard facility: Harrison County, *Iowa*. Would go to HEW for transfer to Iowa Western Community College. PB-198 865-D. May 3.

Disposal of Penitentiary Honor Farm No. 2: Panthersville, *Georgia*. Substantial part of this 579 acre farm will be conveyed to State and local public agencies for park, school and hospital uses. PB-198 871-D. May 3.

Disposal of 35.3 acres comprising the Administrative and Launcher Areas, NIKE batteries LA-70 and LA-73, Los Angeles, *California*. Proposed sale of this land to the Department of Airports. PB-198 886-D. May 4.

Final

Consolidated Federal Law Enforcement Training Center: Beltsville, *Maryland*. This training facility for police officers and criminal investigators who carry firearms and have explicit arrest authority as Federal agents is proposed to be located on a 491 acre site. Training includes use of firearms and police vehicles. PB-199 026-F. ($6.00). May 12.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

(United States and Mexico)

Contact: Joseph F. Friedkin, Commissioner, (915) 532-5476.

Alternate Contact: T. M. Martin, ARA/Mex., Department of State, Room 3906 A, Washington, D.C. 20520, (202) 632-1317.

Draft

Title, description, and date

Hidalgo-Reynosa International Channel Relocation Project. *Comments* on draft (3/16) from Texas Water Quality Board; EPA; Texas Water Development Board; Bureau of Sport Fisheries and Wildlife; Lower Rio Grande Valley Development Council; Executive Dept., Austin, Texas; Texas Parks and Wildlife Dept.; Soil Conservation Service; Bureau of Outdoor Recreation; National Park Service; HEW. April 28.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, (615) 755-2002.

Draft

Title, description, and date

Watts Bar Nuclear Plant, Units 1-2: Rhea County, *Tennessee*. Describes plans for recycling tritiated water, increasing holdup time of gaseous wastes from 45 to 60 days, using closed-cycle cooling towers to avoid discharge of large quantities of heated water into Chickamauga Reservoir. Adverse effects: plant will release small quantities of radioactivity in low-level concentrations. Cooling tower plumes may result in local fogging and icing in adverse weather. May 19.

Allen Gas Turbine Plant—Units 17-20: Memphis, *Tennessee*. Purpose: to assure a reliable power supply under peak or emergency conditions. Designed to use natural gas or distillate fuel oil. The addition will have a total generator nameplate rating of 238,300 kv. May 21.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH MAY 31, 1971 (BY AGENCY)

	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for Federal actions have been received
Atomic Energy Commission	29	17	46
Appalachian Regional Commission	1	0	1
Delaware River Basin Commission	4	0	4
Department of Agriculture	28	63	91
Department of Commerce	0	2	2
Department of Defense	3	2	5
Air Force	1	0	1
Army	3	1	4
Army Corps of Engineers	84	177	261
Navy	5	0	5
Department of Housing and Urban Development	3	1	4
Department of Interior	39	20	59
Department of Transportation [1]	494	62	556
Department of Treasury	2	1	3
Environmental Protection Agency	2	5	7
Federal Power Commission	7	4	11
General Services Administration	15	1	16
International Boundary and Water Commission—United States and Mexico	2	1	3
National Aeronautics and Space Administration	20	0	20
National Science Foundation	2	0	2
Office of Science and Technology	0	1	1
Tennessee Valley Authority	6	0	6
Total	750	358	1, 108

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[1] 4(f) statements received from DOT are not included.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH MAY 31, 1971 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and actions	Total actions on which final or draft statements for Federal actions have been received
AEC nuclear development	8	4	12
Aircraft, ships and vehicles	1	1	2
Airports	31	54	85
Buildings	0	3	3
Bridge permits	18	2	20
Defense systems	2	0	2
Forestry	1	3	4
Housing, urban problems, new communities	6	0	6
International boundary	2	1	3
Land acquisition, disposal	14	4	18
Mass transit	3	0	3
Mining	5	1	6
Military installations	6	1	7
Natural gas and oil:			
Drilling and exploration	3	1	4
Transportation, pipeline	2	2	4
Parks, wildlife refuges, recreation facilities	5	5	10
Pesticides, herbicides	2	9	11
Power:			
Hydroelectric	11	1	12
Nuclear	23	13	36
Other	9	1	10
Transmission	3	4	7
Railroads	2	0	2
Roads	399	1	400
Plus roads through parks	42	2	44
Space programs	6	0	6
Waste disposal:			
Detoxification of toxic substances	3	0	3
Munition disposal	1	2	3
Ocean dumping	0	0	0
Radioactive waste disposal	2	0	2
Recycling	0	0	0
Sewage facilities	2	1	3
Solid wastes	1	0	1
Water:			
Beach erosion, hurricane protection	2	16	18
Irrigation	12	7	19
Navigation	18	66	84
Municipal and industrial supply	4	0	4
Permit (Refuse Act, dredge and fill)	0	0	0
Watershed protection and flood control	76	149	225
Weather modification	7	1	8
Research and development	15	0	15
Miscellaneous	3	3	6
Total	750	358	2, 108

CONSUMER LEGISLATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. WALDIE. Mr. Speaker, I have today joined in sponsoring the Truth in Savings Act which would establish a fair method of disclosing pertinent information on consumer deposits in savings institutions.

I welcome this proposal as another step—and an important step—toward public awareness in those areas which heretofore did not offer protection to their customers or potential customers.

While this bill would not impose uniformity in earning computation methods, it would require full disclosure of information regarding these computations and payments of interest.

The savings institution would be required to disclose its annual and periodic rates, the length of time a deposit must remain on deposit for earnings to be payable at that percentage rate, the annual percentage yield, the number of times earnings are compounded, and the dates the earnings are payable.

I believe this required disclosure would be a fair and simple method of informing the consumer of the basic facts he needs to intelligently decide what is in his best interests.

The bill follows:

H.R. —

A bill to provide for uniform and full disclosure of information with respect to the computation and payment of interest on certain savings deposits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the Truth in Savings Act".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that economic stability would be enhanced and competition among savings institutions would be improved by the full disclosure of the terms and conditions under which earnings on savings deposits is payable. It is the purpose of this Act to require a meaningful disclosure of the terms and conditions of the payment of earnings on individual savings deposits so that the individual will be able to compare the various savings programs available to him.

DEFINITIONS: APPLICABILITY

SEC. 3. (a) For the purpose of this Act—

(1) "Board" means the Board of Governors of the Federal Reserve System;

(2) "individual" means a natural person;

(3) "individual savings deposit" means any deposit or account which consists of funds (A) deposited to the credit of one or more individuals, or (B) in which the entire beneficial interest is held by one or more individuals, and upon which earnings if payable, and such term includes regular, notice, or time deposits or share accounts and any other such deposit or account whether or not evidenced by a negotiable or nonnegotiable instrument;

(4) "earnings" means any amount payable to or for the account of any individual as compensation for the use of funds constituting an individual savings deposit and such term includes dividends and interest on any individual savings deposit;

(5) "payable", when used with respect to a certain date or period of time, means the date on which or the period of time after which an absolute right to earnings exists;

(6) "savings institution" means any person who in the regular course of his business receives, holds, and pays earnings on individual savings deposits; and

(7) any reference to this Act, to any requirement imposed under this Act, or to any provision thereof includes reference to the regulations of the Board under this Act or the provision thereof in question.

(b) Nothing in this Act applies to any transaction involving—

(1) a deposit of funds if the principal purpose of that deposit is to secure or guarantee the performance of a contract or the

conditions of a contract for the sale or use of goods, services, or property;

(2) interest payable on premiums, accumulated dividends, or amounts left on deposit under an insurance contract;

(3) a deposit of funds of a principal amount in excess of $25,000; or

(4) any obligation issued by any Federal, State, or local government, or any agency, instrumentality, or authority thereof, except that the Board may prescribe rules and regulations to require disclosures by any agency, instrumentality, or authority of the Federal Government.

DETERMINATION OF ANNUAL PERCENTAGE RATE, PERIODIC PERCENTAGE RATE, AND ANNUAL PERCENTAGE YIELD

SEC. 4. (a) The annual percentage rate applicable to any individual savings deposit is that nominal annual percentage rate which will yield a sum equal to the amount of earnings payable in one year when that rate is applied to the principal amount (excluding any earnings theretofore paid or credited in that year) of an individual savings deposit.

(b) The periodic percentage rate is the annual percentage rate divided by the number of compounding periods in one year.

(c) The annual percentage yield applicable to any individual savings deposit is that nominal annual percentage rate which will yield a sum equal to the amount of earnings payable in one year when that rate is applied to a sum equal to the principal amount of an individual savings deposit plus any earnings theretofore paid or credited to that deposit in that year and not withdrawn during that year.

REGULATIONS

SEC. 5. (a) The Board shall prescribe regulations to carry out the purposes of this Act. These regulations shall provide for clear, concise, and uniform disclosures of information required by this Act, and may contain such classifications, adjustments, and exceptions as the Board determines are necessary or proper to effectuate the purposes of this Act. All disclosures required by this Act shall be made only in terms as defined or used in this Act, as defined or used in the Truth in Lending Act or in regulations prescribed under that Act, or as such terms are further defined by the regulations of the Board. The Board may authorize the use of tables or charts for the disclosure of information required by this Act.

(b) The Board may prescribe such other rules and regulations as it determines to be necessary or appropriate to carry out the purposes of this Act.

GENERAL REQUIREMENTS OF DISCLOSURE

SEC. 6. (a) Each savings institution shall disclose in writing to any individual at a time before he initially places funds in an individual savings deposit in such savings institution the following information with respect to individual savings deposits:

(1) The annual percentage rate;

(2) the minimum length of time a deposit must remain on deposit so that earnings are payable at that percentage rate;

(3) the annual percentage yield;

(4) the periodic percentage rate and the method used to compute the balance to which this rate will be applied;

(5) the number of times each year earnings are compounded;

(6) the dates on which earnings are payable;

(7) any terms or conditions which increase or reduce the rate of earnings payable above or below items (1) or (3);

(8) any charges initially or periodically made against any deposits; and

(9) any restrictions and the amount or method of determining the amount of penalties or charges imposed on the use of funds in any deposit.

(b) Each savings institution shall disclose annually and at the time any earnings payment or report is made to an individual with respect to his individual savings deposit—

(1) the amount of earnings payable;

(2) the annual percentage rate;

(3) the periodic percentage rate;

(4) the principal balance to which the annual percentage rate was applied, and the method by which that balance was computed;

(5) a detailed explanation of the difference, if any, between the amount of earnings payable and the maximum amount of earnings that would have been payable if the terms and conditions for such maximum payment had been met; and

(6) any charges made against the principal of the deposit during the period covered for purposes of computing the payment of earnings or making the report.

(c) The Board may, by regulation, authorize or require the disclosure of periodic percentage rates, tables of periodic factors which reflect compounding, and such other information as it determines to be necessary or appropriate in order to facilitate the individual's ability to verify the computation of earnings payable on any individual savings deposit.

(d) Not less than ten days before a savings institution adopts any change in policy or procedure with respect to any item of information required to be disclosed under this section, that institution shall notify each individual depositor of each such change.

DISCLOSURES IN ADVERTISING

SEC. 7. (a) Every advertisement relating to the earnings payable on an individual savings deposit shall state with equal prominence (1) the annual percentage rate, and (2) the annual percentage yield, with respect to such deposit. If that rate or yield is payable only on a deposit which meets certain minimum time or amount requirements, those requirements shall be clearly and conspicuously stated.

(b) No such advertisement, announcement, or solicitation shall—

(1) include any indication of any percentage rate or percentage yield based on a period in excess of one year or on the effect of any grace period; or

(2) make use of the term "profit" in referring to earnings payable on such deposits.

ADMINISTRATIVE ENFORCEMENT

SEC. 8. (a) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the House Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions; and

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal Credit Union.

(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of the law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(c) Except to the extent that enforcement of the requirements imposed under this Act is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this Act shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(d) The authority of the Board to issue regulations under this Act does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

RIGHT OF RECISSION ON TIME DEPOSITS

SEC. 9. In the case of any individual savings deposit subject to a time requirement, the individual shall have the right to a full return of his deposit with earnings therein at the advertised annual percentage rate until midnight of the thirtieth day following the making of that deposit or the delivery of the disclosure required under this section and section 6(a) of this Act, whichever is later. The savings institution shall clearly and conspicuously disclose to any individual subject to this section his rights under this section.

CIVIL LIABILITY

SEC. 10. (a) Except as otherwise provided in this section, any savings institution which fails in connection with any transaction subject to this Act to disclose to any individual any information required under this Act to be disclosed to that individual is liable to that individual in an amount equal to the sum of—

(1) twice the amount of the interest in connection with the transaction, except that the liability under this paragraph shall not be less than $100 nor greater than $1,000; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) An institution has no liability under this section if within fifteen days after discovering an error, and prior to the bringing of an action under this section or the receipt of written notice of the error, the institution notifies the individual concerned of the error and makes whatever adjustments in the appropriate deposit are necessary.

(c) An institution may not be held liable in any action brought under this section for a violation of this Act if the institution shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(d) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

CRIMINAL LIABILITY FOR WILLFUL AND KNOWING VIOLATION

SEC. 11. Whoever willfully and knowingly (1) gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this Act, or (2) otherwise fails to comply with any requirement imposed under this Act shall be fined not more than $5,000.

VIEWS OF OTHER AGENCIES

SEC. 12. In the exercise of its functions under this Act, the Board may obtain upon request the views of any other Federal or State agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of savings institutions subject to this Act.

EFFECT ON OTHER LAWS

SEC. 13. (a) This Act does not annul, alter, or affect, or exempt any savings institution from complying with the laws of any State relating to the disclosure of information in connection with individual savings deposits, except to the extent that those laws are inconsistent with the provisions of this Act or regulations promulgated under this Act, and then only to the extent of the inconsistency.

(b) This Act does not otherwise annul, alter, or affect in any manner the meaning, scope, or applicability of the laws of any State, including, but not limited to, laws relating to the types, amounts or rates of earnings, or any element or elements of earnings, permissible under such laws in connection with individual savings deposits, nor does this Act extend the applicability of those laws to any class of persons of transactions to which they would not otherwise apply.

(c) Except as specified in section 9, this Act and the regulations promulgated under this Act do not affect the validity or enforceability of any contract or obligation under State or Federal law.

REPORT TO CONGRESS

SEC. 14. The Board shall report to the Congress each year concerning the administration of its functions under this Act, and shall include in its report an assessment of the extent to which compliance with the requirements under this Act is being achieved and such recommendations as it deems necessary or appropriate.

SEPARABILITY

SEC. 15. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

VOLUNTARY PRAYER PETITION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. MOLLOHAN. Mr. Speaker, as of Wednesday afternoon, I have been informed, there were 130 Members of the House who had signed a petition to force the Judiciary Committee to release its hold on legislation to amend the Constitution to permit voluntary, nondenominational prayer in public buildings.

The petition requires 218 signatures, and I urge my fellow colleagues to sign this petition to insure that this legislation, so popularly demanded by large sections of our society, is given a true test on its merits.

MEDAL OF HONOR HEROES—UNKNOWN IN THEIR OWN LAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. RARICK. Mr. Speaker, yesterday seven American fightingmen were rewarded for their courageous acts of heroism above and beyond the call of duty. Each was personally presented the Congressional Medal of Honor by the President of the United States in a dignified ceremony at the White House. The presentation committee from the executive department included Secretary of Defense Laird, Secretary of the Army Resor, Secretary of the Navy Chafee, accompanied by General Westmoreland, Chief of Staff of the U.S. Army, and General Davis of the U.S. Marine Corps. Also present and witnessing the ceremony were immediate members of the recipients' families and their respective Congressmen.

Notably absent, and apparently showing little or no interest, were representatives of the communications media.

This morning's Washington paper carried a column of three small paragraphs at the bottom of page A–18, one of which was devoted to the names of the recipients. By the time of the final edition of the morning paper, even this short account had been deleted.

An afternoon paper made no mention of the ceremony or the recipients. The evening paper, on page A–2, carried small pictures of six recipients over the caption "Win Medal of Honor." The cutline read:

> These six members of the U.S. Army were awarded the Medal of Honor yesterday in a ceremony at the White House. All were cited for gallantry in Vietnam.

The names of the six recipients were then given. Missing from the evening story was the name of the seventh recipient, my constituent, Pfc. Raymond M. Clausen, Jr., of the U.S. Marine Corps.

Explanations as to why his picture did not appear in the AP report are open to speculation. It could be because he was a marine, or that a seventh picture would not balance out the article; or that he, being a Louisianan, is a southerner; or that his name identifies his national origin as German.

This is but one classic example of the lack of acclaim by the American people for the real heroes of the hour as well as who is responsible for this. If the communications media does not carry reports and stories of the gallant deeds performed by our decorated fightingmen, how can we expect the people to know who their heroes really are?

Policymakers of the communications media must have passed judgment and concluded that such an event as honoring decorated combat veterans is routine and nonnewsworthy. If so, they slight their own security because these are the caliber of men who fought to preserve freedom of the press.

On the other hand, on page 1 of the Washington Post this morning was a very large picture of a man throwing a Molotov cocktail at advancing National Guard troops in Albuquerque, N. Mex.; and on the front page of the evening paper was the picture of a courageous judge who was rebuked for having threatened a dope addict. Also, on the front page of the evening paper was a lengthy report of a dog crisis resulting from police brutality in the enforcement of a dog leash law; and finally, another front-page story, most significant in comparison with the treatment given the Medal of Honor winners, was an account of the undesirable discharge of an Air Force sergeant for taking part in an anti-Vietnam war demonstration. Accompanying the account was a large photo of supposed military dissidents, one dressed in a clenched fist T-shirt and others with clenched fist armbands around their legs.

It is little wonder that our people's thinking and direction is so upside down today—when heroes go all but ignored, while sensationalists, do-gooders, undesirables, and law violators are made matinee idols and receive front-page coverage.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

DISCRIMINATION IN PRIVATE CLUBS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. WOLFF. Mr. Speaker, on April 30, Paul Townsend, the distinguished editor and publisher of the Long Island Commercial Review and a man known throughout our region for his high principles, devoted his entire column to the subject of discrimination in private clubs.

I think that this particular column has a message of import to us all, and I would accordingly like to share it with my colleagues.

[From the Long Island (N.Y.) Commercial Review, Apr. 30, 1971]

TOWNSEND LETTER

May is the month when LI executives get together at annual dinners of the National Conference of Christians and Jews to congratulate ourselves on how much progress we are making in eliminating discrimination. Unfortunately our works don't equal our words . . . in fact fact, *LONG ILLUSION might be a better term for LONG ISLAND in this significant area* just as it can *fairly be applied to our lack of real progress in lower-income housing discrimination.*

But two years ago the National Conference gave special recognition to the Mill River Club in Upper Brookville for its unique achievement in the area of social non-discrimination. In my column of 12/10/68 I commented on the upcoming award in this fashion:

"There is a lot of talk these days about ecumenism and closer friendlier relationships between people of different faiths. We have prestigious organizations devoted to furthering these goals. But here on Long Island, a real milestone in non-secretarianism has been achieved quietly, effectively, and with absolutely no public attention at all.

"Here right in our front yard, a true social revolution has quietly taken place. For the first time, a social country club with a non-sectarian ideal has been established and four years later is moving even closer to a completely equal balance of Jews and Gentiles. And all the while, the Membership Committee has maintained its own rigid standards, evaluating applicants solely in terms of their desirability as members, but maintaining a 'Wait List' where there was risk of 'tipping' too far toward one group.

"From the very beginning in 1964, the concept of the organizers of a 'truly balanced non-sectarian club' was spelled out as a basic condition of membership, other high standards for members were maintained, and sound management and planning brought in a fine golf course and luxurious facilities at very low cost.

"Many other clubs have been founded with a like goal, some on Long Island, but in all of them, the balanced non-sectarian ideal has foundered under economic pressures of fast recruiting of bond holders and dues payers, under mistaken idealism which denies any 'benign quota', under failure to fully inform all prospective members of this basic condition of membership, and under a lack of understanding of the necessity of holding within the 'tipping point' of a close balance.

"Some day, 'The Mill River Story' will be an international story . . . and one in which Long Islanders can take particular pride."

The Mill River Story hasn't yet become an international story . . . but it should be soon.

Long Island can now proudly claim that it is the cradle of true brotherhood boasting quietly and unobtrusively of the only . . . repeat, only . . . country club in the nation that operates on an ethnically-balanced philosophy.

For all the talk by do-gooders from coast to coast, the sprawling estate grounds of Mill River house is the only happy club membership where the main qualification is staunch support of the social brotherhood of man.

Members values continually expand as they meet and grow to know people of other faiths, races and nationalities. Families exchange cultures fostering a simple and basic channel of understanding. And talking to Mill River members, one realizes that there is a solid feeling of accomplishment at their very special choice for leisure hours.

Mill River is more than a Club. It's a successful social revolution of which Long Islanders can be particularly proud.

THE HOLY BIBLE—A GUIDE TO TODAY'S YOUTH PROBLEM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. RARICK. Mr. Speaker, one of the finest analyses of youth problems that has come to my attention is contained in the text of a message delivered by Rev. Dwight Porter at the State convention of the Church League of America at Cape Canaveral, Fla., in April 1971.

Reverend Porter advises that we must get back to the Biblical method of rearing our children. And to that advice, I say, "Amen."

I recommend the message be read by every Member of Congress, their staff assistants, the whole White House contingent, the Supreme Court, and the general public.

I insert Reverend Porter's message at this point in my remarks.

TODAY'S YOUTH PROBLEM

One look around us reveals the consequence of a dreadful moral deterioration. It is the consequence of taking the Word of God out of our homes, schools and most churches. Man is no longer a noble soul with individual worth. Everything now revolves around society or the establishment. Our universities are reaping what they have sown the past sixty years. They have sown materialistic humanism and are now reaping the automatic chaos. They have made man the center of reality with the consequence being anarchy. They have replaced moral standards with moral relevancy, which has brought on the disintegration of moral standards. Thus the reason for the lack of absolutes of right and wrong.

Volumes can be written, describing the pathetic condition of many young people. We are grateful that it does not include all of them. Each year 750,000 young people run away from their parents, relatives, neighborhood, school, and church. Youth under 18 are responsible for one half of all the serious crimes. Fifteen year olds commit more serious crimes than any other age. A recent Gallup Poll of 55 college campuses revealed that three out of four students said that it was not important that the person they marry be a virgin.

What generates such conduct and attitude? "From whence come wars and fightings among you? Come they not hence, even of your lusts that war in your members? Ye lust, and have not: ye kill, and desire to have, and cannot obtain: ye fight and war, yet ye have not, because ye ask not. Ye ask, and receive not, because ye ask amiss, that ye may consume it upon your lusts. Ye adulterers and adulteresses, know ye not that the friendship of the world is enmity with God? Whosoever therefore will be a friend of the world is the enemy of God." James 4:1–4.

The Word of God not only gives us the solution to our current problem, but it also communicates a description of our present situation.

"This know also, that in the last days perilous times shall come. For men shall be lovers of their ownselves, covetous, boasters. proud, blasphemers, disobedient to parents. unthankful, unholy, without natural affection, trucebreakers, false accusers, incontinent, fierce, despisers of those that are good. Traitors, heady, highminded, lovers of pleasures more than lovers of God; Having a form of godliness, but denying the power thereof: from such turn away. For of this sort are they which creep into houses, and lead captive silly women laden with sins, led away with divers lusts, ever learning, and never able to come to the knowledge of the truth." II Timothy 3:1–7.

In this last verse, we see a perfect picture of the pseudo intellectuals of our day.

PERMISSIVENESS

If backed into a corner and pressed for one word of explanation for the moral deterioration of youth in America, I would use the word, permissiveness.

Governor Ronald Reagan of California has made a sober analysis of our present day dilemma. "In our humanitarian society we have safeguarded the rights of the accused. Nothing horrifies us so much as the possibility of punishing the non-guilty. But now we have carried this to a concern for the guilty. We do not call the criminal a criminal; he is a patient made ill by the failure of society. And since the society cannot be tried for its crime, why should he take the blame? Permissiveness from cradle to crime is our philosophy, and what were considered privileges are now recognized as rights, and first and foremost is the right to adjust any grievance by the nearest means at hand, be it rock, club or firebomb."

Permissiveness always starts with parents. Few youth, who swung clubs in campus riots, had parental switches applied at the proper time and place during their childhood. It is absolutely shocking to see parents and educators, who are actually afraid of teen agers. This is a tragedy. Let me stop and remind you that no sloppy dressed, unclean, long haired, effeminate, pimply punk is going to tell me what's wrong with America. Unless he is doing all he can, on a personal level, to be the best cooperative citizen, he will have no message for me.

Instead of wringing our hands and crying, where did we go wrong, let us assume our democratic prerogative of the 80,000,000 strong adult majority and train our youth instead of debating with them. I refuse to accept that what is old is necessarily bad and what is new is always good. I cannot accept the decay of our national attitude toward law and order as a necessary step in the progress of our nation.

As much as ever, our youth need a cause and purpose. They need to be challenged by standards that demand discipline and hard work. Never forget that God has sufficient challenge and motivation for every young person.

Rita Kramer did all of us a service in her articles in the New York Times. She took a backward look at permissiveness in the mid forties and fifties' as she reread magazines on child rearing. In the forties, articles on children dealt mostly with emotional development. The psychiatrists and psychologists replaced pediatricians as authors. The 1954 Woman's Home Companion advised:

"When your child has a tantrum, lies down on the floor, bangs his head and screams, or may kick and bite, scratch and cry, it is a perfectly natural thing for him to do. In most cases the reason for the tantrum lies not with child but with the adult. He makes an issue over some insignificant situation and the child objects."

Solution: "Divert the child by saying, let us go out and play or by starting a favorite game." If it does not work, "My advice is to do nothing at all. No tantrum will go on indefinitely, and when its all over, don't scold or punish your child. Try to make him happy, do what he is interested in. Punishment will only harm his development."

The emphasis during these days of World War II was to be careful that we don't break the child's will. How different from the mother who produced John and Charles Wesley. Historians inform us that the entire history of Europe was turned competely around because of the spiritual impact John Wesley had upon that morally depraved continent.

Mrs. Wesley said, "The first thing to be done is to conquer the children's will and bring them to an obedient temper. The subjection of their will is a thing which must be done at once. For by neglecting timely correction, they will contract a stubbornness and obstinacy which is hardly ever conquered; and never without using such severity as would be as painful to me as to the child. Whenever a child is corrected, it must be conquered; and this will be no hard matter to do, if he be not grown headstrong by too much indulgence. Self will is the root of sin and misery. No indulgence of it can be trivial, no denial of it unprofitable."

Back to the child psychiatrists of World War II. Here is advice for a child breaking dishes: "What the child really needs is a lessening of demands. If a parent succeeds in getting strict unquestioned obedience, he has a child better adapted to living in a Nazi Society than in a democratic one."

Back in this period of time the emphasis was on freedom. Children should never be criticized or corrected. We should either praise them or be quiet. In the Ladies Home Journal in 1951 in an article under the title of "My Children Won't Obey," the reader was admonished to be fearful of strict discipline, for such children will develop inferiority complexes.

What strange parents we have today! They use good sense with hygiene and sanitation. They demand cleanliness and good table manners. They even force their children to go to school for twelve years, whether they want to or not. But when it comes to a most important area of their lives, the moral and spiritual, they play the fools. We listen to the teaching of some naive, too often irreligious psychologist, or follow the advice of some impractical, skeptical instructor. We permit our children to grow up without moral and spiritual guidance during the most formative period of their lives. The mother is out of home working. The father is too busy earning money for his family. Neither of them have time to spend with the children. Then we wonder about juvenile delinquency.

CONSEQUENCES OF PERMISSIVENESS

There are a number of examples of the failure of parents that are recorded in the Bible. David was guilty of adultery and murder; but did you know that he was also a permissive parent? This is evident in his relationship with one of his sons, Adonijah. "And his father (David) had not displeased him at any time in saying why hast thou done so?" I King 1:6.

Look at the consequences in the life of David. His son Adonijah had a scheming ambition. His son, Amnon, was guilty of incest. Absalom's proud rebellion against the kingdom of his father was a disgrace and ended in murder.

Eli paid a dear price for his failure as a parent. "In that day I will perform against Eli all things which I have spoken concerning his house; when I begin, I will also make an end. For I have told him that I will judge his house forever for the iniquity which he knoweth; because his sons made themselves vile, and he restrained them not." I Samuel 3:12, 13.

The greatest responsibility for today's condition of our youth rests with parents. They have a responsibility entrusted to them by God. "Train up a child in the way he should go; and when he is old, he will not depart from it." Proverbs 22:6.

Our moral, spiritual and social values are established in the home. This is the assigned responsibility of parents. Our educational system is not to establish our moral standards. Nor are the peers of the youth able to establish such. No, TV is not the established standards in the life of anybody. Did you know that the average child in America views 22,000 hours of TV before he reaches his teens? The average adult will spend nine years of his life looking at TV by the time he reaches 65. What a phony value of life TV presents.

OBEDIENCE AND DISCIPLINE

Training involves these two things: Somewhere in today's activities, we have forgotten the blessing of obedience and the curse of disobedience. Listen to God's statements on this important subject:

"Behold, I set before you this day a blessing and a curse; A blessing, if you obey the commandments of the Lord your God, which I command you this day: And a curse, if ye will not obey the commandments of the Lord your God, but turn aside out of the way which I command you this day, to go after other gods, which ye have not known." Deuteronomy 11:26–28. This plain standard was given to Israel and we all know the consequence of her failure. God will make no exceptions for America. If you question that, look back to Babylon and the Roman and Grecian Empires.

Somebody implies that this is in the Old Testament and has no bearing for us today. All of the ten commandments are repeated in the New Testament except one. The one exception is remembering the Sabbath Day.

If children are to obey, they must see a demonstration of obedience by mother and father; for our training includes not only the way the children should go but also the accompanying negatives as to the way they should not go.

"Correct thy son, and he shall give thee rest: yea he shall give delight unto thy soul." Proverbs 29:17. If we speak more than once to our children, it is evident that our authority is not absolute. If we ignore Bible principles, we do it only to our detriment.

PUNISHMENT DEMANDED

Proverbs 19:18 "Chasten thy son while there is hope, and let not thy soul spare for his crying."

Proverbs 22:15 "Foolishness is bound in the heart of a child; but the rod of correction shall drive it far from him."

Proverbs 23:13, 14 "Withold not correction from the child; for if thou beatest him with the rod, he shall not die. Thou shalt beat him with the rod, and shalt deliver his soul from Hell."

Proverbs 29:15 "The rod and reproof give wisdom; but a child left to himself bringeth his mother to shame." Always remember the pre-requiste for our children bringing us shame is simply to ignore them.

Proverbs 13:24 "He that spareth his rod hateth his son; but he that loveth him chasteneth him betimes."

A BIBLE PATTERN

Chastening and discipline for wrong doing is a Biblical pattern. Hebrews 12:6, "For whom the Lord loveth he chasteneth, and scourgeth every son whom he receiveth."

Proverbs 3:11, 12, "My son, despise not the chastening of the Lord; neither be weary of his correction; for whom the Lord loveth he correcteth; even as a father the son in whom he delighteth."

As parents, we must be examples of our own standards that we establish for our young people. I Corinthians 11:1, "Be ye followers of me, even as I also am of Christ." Philippians 4:9, "Those things, which ye have both learned, and received, and heard, and seen in me, do; and the God of peace shall be with you." There dare not be any separation between that which is taught and practiced.

BACK TO THE BIBLE

We must get back to the Biblical method of rearing our children. May God help us as fathers and mothers to be living demonstrations of the standards of God, as established in His Word. Where is the family altar? Were are the absolutes of God's Word, demonstrated in our lives and family relationships? Of course we ought not to beat our children to satisfy our own ego. But when all else fails, the rod is to be used.

There was a Bible character who spoke for his entire household. He declared to all the world that his wife, sons and daughters would grow up to serve the Lord. This man's name was Joshua. Ever hear of him?

Joshua 24:15 "And if it seem evil unto you to serve the Lord, choose you this day whom ye will serve; whether the gods which your father served that were on the other side of the flood, or the gods of the Amorites, in whose land you dwell: but as for me *and my house*, we will serve the Lord."

Always remember, if God has set standards for us, he also has provided Divine enablement for us to meet them. It is only when we repent of our sin and acknowledge our wrongdoing, that we have His forgiveness. We may classify ourselves in a hopeless situation. It will only remain that way as long as we deliberately refuse to turn everything over to the Lord.

Which are you? A David, who lived the rest of his life as a failure, or Joshua, who has the blessing of the Lord because his family is committed to one task, that of serving the Lord? Here is a father who was not obsessed with a financial empire or keeping up with community standards of possession. His one goal in life was firmly established. It included every member of the family. He and his were to serve the Lord. How different from Eli and David.

In case you have failed, God will forgive you if your honesty meets His declaration of your condition.

I John 1:9, "If we confess our sins, he is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness."

Now is the time to be the mother or father God has intended you to be. Your most precious possession this side of Heaven are your children. They are all of this earth you will take with you to heaven.

A THREAT TO LIFE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DINGELL. Mr. Speaker, the New York Times of June 13, 1971, carried an editorial, under the heading "A Threat to Life," pointing out the possible dangers to mankind involved in the regular operation of substantial numbers of supersonic aircraft.

So that my colleagues may have an opportunity to be aware of the views of the New York Times on this important matter, I insert the text of the editorial to appear at this point in the Record:

A Threat to Life

There is the distinct possibility that if supersonic airplanes fly regularly, they will rapidly deplete the ozone in the atmosphere and thereby jeopardize continued life on this planet. Ozone, which exists 10 to 30 miles above the ground, serves to isolate the thin, dry air of the stratosphere from the lower atmosphere and to absorb the sun's lethal ultraviolet rays. If ozone did not exist, the ultraviolet rays would blind humans and animals, burn land plants and probably make higher forms of life on this planet impossible.

According to Dr. Harold Johnston of the University of California, a leading expert in atmospheric chemistry, the SST is a threat to life because the nitric oxide in its exhaust would convert the ozone into oxygen gas which is not a complete shield against ultraviolet rays.

There is no absolute certainty that Dr. Johnston's calculations are correct, but if they are, the introduction of a large quantity of nitric oxide into the stratosphere could set in motion an irreversible chemical reaction which would go on destroying the ozone even if mankind then halted SST flights. This prospect is much more alarming than the earlier scientific speculation—which was dismal enough—that airplane vapor in the stratosphere would lead to a substantial increase in the incidence of skin cancer.

These scientific hypotheses underscore the simple truth that man is not the easy master of the universe. There is much concerning the stratosphere and the life processes on this planet about which man is still ignorant. The ozone destruction theory may prove incorrect, but it would be wildly reckless to gamble on the unknown.

The risks of supersonic flight require assessment by an international scientific body. As Senator Edmund S. Muskie recently observed, "We cannot afford to let one nation decide for all mankind." The British, French and Soviet Governments, which are far advanced in the development of SST's, have the primary responsibility to seek the counsel and judgment of an international body. If they fail to act, the United Nations as the spokesman of the world community has the obligation to respond to what may be a life-threatening technology.

AMERICAN CONSUMERS PAY TWICE THE PRICE OF WORLD SUGAR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DUNCAN. Mr. Speaker, I would like to include in today's Record an editorial on the price of sugar that the American consumer pays. We pay about twice the world price, according to this item in the June 7 Knoxville, Tenn., News-Sentinel.

Every so often the boys on Capitol Hill in Washington divide up the sugar pot anew.

It has been five years since the last sugar dole, but now the House Agriculture Committee has decided who will be permitted to sell sugar in the rich American market for the next three years, and who won't.

The Senate may change this privileged list, but the net result will be the same. The American consumer will go on paying about twice as much for sugar as the world price. And the busy lobbyists who didn't get all they wanted from the House committee will go to work on the Senate to fatten their allotments.

The sugar law, as rigged by the House committee, would increase the share of the market for U.S. beet and cane sugar producers. The quotas for such places as the Bahamas, Maritius (an island in the Indian Ocean) and Panama would be raised. Such places as the Philippines, Mexico and Peru would be reduced. A couple of places would lose out altogether and some new ones would be added.

Producers from all these countries pay sizable fees to the American lobbyists to coax good quotas from Congress. Some do and some don't.

The avowed purposes of all this manipulation are to protect the domestic producers from lower-cost foreign competition and to "assure" the "American public of adequate supplies"—at a much higher price, of course.

The producers seem to be favored according to the hard-sell talents of their lobbyists. The U.S. public, having no lobbyists, merely picks up the bill, as usual.

DOES HEALTH MANPOWER ACT DISCRIMINATE AGAINST WOMEN?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. FRASER. Mr. Speaker, prejudice by medical schools against admitting women has been well documented by the Department of Labor and by an excellent series of hearings a year ago by the Special Subcommittee on Education chaired by the Congresswoman from Oregon (Mrs. Green).

The House is about to consider the multibillion dollar Comprehensive Health Manpower Training Act of 1971, H.R. 8629. This excellent bill aimed at increasing manpower in the health professions deserves the support of Congress.

But it is weak in one significant respect. It seems to ignore the need for special action to right the imbalance in admissions to medical schools. It runs the danger of reinforcing with millions of dollars of federal funds to medical schools the unfortunate discriminatory practices of these schools.

The bill makes several references to special attention to the problem of minority and low-income students and seeks to remedy longstanding injustices for them. But it does not address the question of equal treatment for both men and women students.

Before the House votes on H.R. 8629 in its present form, it might be well for the members to read again some of the testimony developed a year ago on the way the medical profession locks out most women.

Statement of Frances S. Norris, M.D., Washington, D.C.

Dr. Norris. Hon. Representative Mrs. Green, you and the members of this Subcommittee on Education have the gratitude of all American women for your investigation of discrimination against women in our educational system, and for your effort to make available to women educational opportunities without which social equality is unattainable. I am glad for this chance to present evidence outlining one facet of discrimination against women; that is, discrimination against women applicants to medical schools. Women and men physicians alike are aware that medicine is a profession agreeably suited to the skills and temperament of women. Yet, only 9 percent of American physicians are women. The rarity of women doctors in our medical community has limited the freedom of women to choose doctors of their own sex, and has deprived women of the benefits of research into diseases peculiar to women by physician-researchers of their own sex.

Women applicants to medical schools have increased over 300 percent in 36 years, men applicants have increased only 29 percent. But the proportion of women accepted over this time has fallen, and that of men accepted has risen. These figures indicate that persistence of limited admission of women to medical schools stems from discriminatory medical school admission policies.

The failure to publicize evidence of prejudice against women applicants to medical schools has resulted in a declining status of women in medicine, as physicians and probably as patients.

EVIDENCE OF BIAS AGAINST WOMEN APPLICANTS TO MEDICAL SCHOOLS

An investigation of prejudice toward women by medical school admissions committees was made by Dr. Harold I. Kaplan, professor of psychiatry at New York Medical College. Kaplan's study, sponsored by the National Institute of Mental Health, reviewed the attitude toward women applicants in 95 percent of American and Canadian medical schools over a 7-year period beginning in 1962. Although his presentation provides clear evidence of prejudice against women by medical schools, it has remained unpublished. It demonstrates that medical schools discriminate against women medical school applicants. It is apparent that the women rejected from the small female applicant pool were equal to or better than men accepted and that they were rejected because their sex quota was filled. Many schools admit women in only token numbers. Unabashed admission of prejudice and discrimination toward women was recorded from the medical school respondents to Kaplan's inquiries. Some responses by members of admissions committees are directly quoted, while others are not, for obvious reasons. For example, Harold R. Paine, Ph. D., chairman of the admissions committee of the University of Vermont School of Medicine, is quoted as saying "There is some prejudice toward women on the part of admissions committees." It would be interesting to have Kaplan's unquotable responses.

Dr. Marvin Dunn, assistant dean at Women's Medical College in 1969 opposed the school's new admissions policy permitting virtually unlimited male enrollment partly because of information he obtained from interviews with admissions officers at 25 Northeastern medical schools revealing discrimination against women. Of these 25 schools, 19 admitted they accepted men in preference to women unless the women were demonstrably superior. Dunn found that women are not judged on an equal competitive basis, but are placed in a disadvantageous sex category requiring special justification for acceptance. This evidence of obvious bias against women applicants was publicly ignored by Glen Laymaster, the male president championing the new, virtually unlimited coeducation policy. Dr. Laymaster has since resigned under alumnae pressure.

I should just like to make an aside here about this. As you know, the caduceus is the symbol of the physician, and consists of a staff with snakes twining up along its length. Since Laymaster pushed through this premature coed policy several women doctors have been overheard referring to him as a "Snake in the Caduceus."

Over the past years, the low proportion of women medical students accepted has fallen in many schools, in some cases to none. A study of the sex distribution of students in American medical schools is available in the annual education numbers of the Journal of the American Medical Association. The American Medical Association's published figures for the year beginning in 1968 showed that 51 of our 99 medical schools had fewer than 10 percent women accepted. Eleven of these schools had from 3 percent to none accepted. This year, the figures are even worse.

Certain medical schools have for years displayed pronounced bias against women applying to them for admission, and their female enrollment figures are consistently, patently, discriminatory. Among the worst of these medical schools are the following: The Medical College of Alabama, Emory University, Chicago Medical School, University of Kansas, Creighton University, University of Nebraska, New Jersey College of Medicine, Bowman-Gray School of Medicine, University of North Dakota, University of Cincinnati, Medical College of South Carolina, University of South Dakota, Vanderbilt University, Baylor University, University of Utah, University of Virginia, and the Medical College of Georgia. Last year, Creighton University accepted no women applicants. This year, Vanderbilt University has accepted no women applicants. Can it be that not one qualified woman applicant could be found in all of Tennessee and Nebraska? Our medical schools, all of which are heavily dependent on Federal funds, reflect a nationwide pattern of discrimination against women. This should not be allowed, and it must stop.

The low sex quota for women applying to medical schools is recorded in the Journal of Medical Education published by the Association of American Medical Colleges. Here, a comparison of men and women applicants to medical schools between the years 1960 and 1968 shows that the total percent of women entering has been limited in the last decade to a range of 7 to 10 percent. Equal proportions of men and women applicants are rejected despite the huge disparity in respective numbers, on the basis of an arbitrary grouping of applicants by gender. This practice is wrong.

PRACTICING ENVIRONMENTALISTS IN WEST ORANGE, N.J.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. MINISH. Mr. Speaker, we hear much discussion nowadays of the need to preserve our ecological balance. However, most of the time the fault for our diminishing environmental bounty is laid on someone else's doorstep.

I was most impressed, therefore, to read an article appearing in the Newark Star-Ledger on June 6, 1971. It concerned my hometown of West Orange, N.J., where a successful albeit difficult recycling campaign has been launched. Students from Mountain High School, together with area members of the Garden Club of the Oranges, have banded together to practice what most people are only preaching.

The stanch efforts of these concerned citizens must be noted and lauded, for they are performing a herculean task that will result in benefits to the entire community. I am proud to insert in the RECORD a description of their civic-minded efforts:

TEENS, WOMEN START WEST ORANGE RECYCLING DRIVE

(By Gordon Bishop)

A handful of alarmed high school students have teamed up with a growing number of concerned housewives to launch West Orange's first communitywide recycling campaign this summer.

By establishing a municipal reclamation center, students from Mountain High School together with women from the Garden Club of the Oranges, hope to save a little bit of the environment by recycling cans, bottles and paper.

"It's utterly disgraceful what we're doing to our environment and our resources—and we intend to stop it, at least in West Orange," declared Mrs. Carole Graf, the housewife-coordinator of the recycling campaign that gets under way July 10.

This summer's environmental project came about after many disappointments and much frustration. Last summer Mountain High's Anti-Pollution Society distributed flyers throughout the community to start recycling at all shopping centers. The flyers were ignored.

In October, they placed green bins at four shopping centers in West Orange for glass and paper. Eventually they were forced to remove them, Mrs. Graf said, because the town had failed to help them, as promised, and they couldn't rely on private industry to supply the trucks necessary to transport the collected glass to Metro Glass Co. in Jersey City.

"We were up against typical, public apathy: Nobody seemed to care about what was happening to our world, our only planet, our only home," Mrs. Graf explained. "We tend to live from day to day and forget that tomorrow we will be in real, big trouble because of what we're doing today."

By December, the teenagers and the housewives managed to convince the town fathers of the "desperate need" to begin recycling, not only to save resources, but to save the land from filling up with "throw-away" refuse.

In January, the students returned their newly-painted bins (an eye-shocking "hot-pink") to the shopping centers. The West Orange Departments of Public Works and Buildings & Maintenance assisted by picking up glass twice a week and storing it at the town dump. When a mountain of glass piles up, it's loaded on a truck and sent to the recycling plant in Jersey City.

Each Saturday since January, teenagers and housewives have converged on the dump, sorting glass, removing metal collars around the necks and crushing all the collected bottles, so each truck leaves with a maximum full load. A ton of glass nets them $20. The money is going into a school fund set up by the Anti-Pollution Society and will be used to promote the campaign this summer via flyers and letters.

In February, they launched a paper drive in cooperation with the Salvation Army. Within 10 days, the students and mothers processed 12,500 pieces of mail for local distribution.

They also put up posters all over town, asking residents to join in their paper and glass drives.

The Salvation Army has, so far, collected 35 tons of paper (at $20 per ton); they use the money for charitable purposes. Paper is collected the second week of each month.

In the interim, the Elks and Rotary Clubs have climbed aboard the recycling bandwagon. Others are expected to follow, the sponsors predict.

This summer, the organizers plan to appeal to the public's "monetary instincts."

"We'll pay cash on the line for any bottles, cans or paper delivered to our reclamation center," Gail Luxenberg, of the Anti-Pollution Society, reports.

The center will be located at the municipal dump on Mount Pleasant Avenue, next to the Columbus-Redwood Nursing Home. The center is scheduled to open July 10.

Until then, the students and housewives are looking for volunteers to man the center. They also need a platform scale to weigh the recyclables delivered.

Organo Pharmaceuticals in West Orange has donated one scale, but two will be required to handle the anticipated volume.

The Anti-Pollution Society officers are: Jennae Wallach, president; Ellen Steiber, paper drive chairman; Peter Glick, glass chairman; Robert Sapoff, education chairman; Jo Ann White, treasurer, and Cindy Kurland, secretary.

Mrs. Graf is serving as administrative coordinator. Harold Fields is faculty advisor, and Dr. John C. Curry, principal of Mountain High, is honorary chairman.

Among the women who initiated the movement were Mrs. Theodore Edison and Mrs. Carl White, both of Llewellyn Park, West Orange, and members of the Garden Club.

COL. WILLIAM J. KING—A RECORD OF DEDICATION AND SERVICE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. KEMP. Mr. Speaker, it is a great honor and pleasure to join in a richly merited tribute to Col. William King, retiring Director of the upstate New York—Buffalo—District of the Immigration and Naturalization Service.

Throughout his many years of dedicated service, Bill King has aided literally thousands of persons in their efforts to enter our country and become citizens. As one columnist stated, "There are many brides, bridegrooms, and reunited families in Buffalo who add his name to their prayers of thanksgiving."

A man of many talents, Colonel King began his career 34 years ago by joining the staff of the U.S. Immigration Service. At that time illegal entry into the United States was so often attempted that extreme skill was needed in order to detect the slightest trace of a foreign accent.

Bill King was born in Springfield, Mass., and is a graduate of the Foreign Service School of Georgetown University here in Washington. He fluently speaks German and during World War II enlisted in the U.S. Army where he served 14 years, gaining the rank of colonel.

While in Europe, he organized and commanded the Criminal Investigation Division of the U.S. Army. Later, in England, he was attached to Scotland Yard where he investigated a wide variety of GI crimes.

Over the years Colonel King has lived in 26 American cities ranging from New York to Honolulu, as well as London and cities of West Germany. During his worldwide travels he has been accompanied by his wife who had been his high school sweetheart.

Among his many interests, Bill King includes swimming and reading—with special emphasis on history and biography. While in England, he joined in the annual walk made by fans of Dickens' "Christmas Carol" from the site of Scrooge's office to the area of Bob Cratchit's home.

In 1954, he returned to the Immigration and Naturalization Service where he has contributed so much.

I am delighted that Bill King, who has given so much of himself to others, will at last have the opportunity to fulfill his own dreams. But I also join my constituents in regretting the retirement of a dedicated public servant.

When a man is so filled with life as Col. Bill King, we know that retirement means not an end but a beginning—his undampened energies and enthusiasms will no doubt be channeled from old triumphs to new pursuits.

I know we can expect new chapters in the remarkable life of Col. William King.

HORTON PRAISES MRS. FRANK A. MYERS, GIRL SCOUT LEADER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. HORTON. Mr. Speaker, Mrs. Frank A. Myers of 382 Mt. Vernon Avenue, Rochester, N.Y., is an example of the many fine Girl Scout leaders throughout the country who are doing so much to lead our young toward positive contributions to our society.

For more than two decades, Mrs. Myers has devoted much time, effort and leadership to the Girl Scout movement. She gives such outstanding direction and purpose to her group that it is not surprising her troop is known throughout the area as one of the most active in the Rochester and Genesee Valley Council. Her principal objective is to guide young people in service to others.

Mrs. Myers is an inspiring example of this herself, for her scouting activities are just part of her own devotion to helping others.

A report of her contributions to her community is well presented in a story in the Rochester Times-Union, by Jose Echaniz, Jr. I would like to share the story with my colleagues.

The article follows:

TIMES-UNION SALUTES MRS. FRANK A. MYERS

(By Jose Echaniz, Jr.)

For more than 20 years in Girl Scouting, Mrs. Frank A. Myers has been trying "to help every girl to climb her own mountain, not necessarily a pile of rocks and dirt but something challenging and meaningful."

Consequently, she has one of the most active Girl Scout troops in the Rochester and Genesee Valley Council. Her interracial, intereconomic and intercultural troop draws its membership from eight high schools and from all areas ranging from the inner city to upper bracket suburban neighborhoods.

Newcomers are surprised to find little concern for merit badges and craft projects. The main thrust is for service to others.

For example, Mrs. Myers helped set up a migrant camp in Garbutt, Wyoming County, and helped operate educational, day care and scouting programs there for three years. Scouts also serve at the Rochester Museum one Sunday a month.

Never a Girl Scout herself, Mrs. Myers started as a co-leader of her daughter's Brownie troop in 1951. She became an intermediate leader in 1954, only to resign in 1956 upon the birth of her son. But after three months, the girls made her return.

In 1968, she transferred her senior Girl Scout Troop 123 to St. Paul's Episcopal Church. Most of her scouts have received some honor, attending national and international events throughout this country and abroad.

Each April for the past 10 years, she and her husband have been in charge of "Circus Day" at Camp Beechwood in Sodus, organizing the work of hundreds of volunteers in preparing the camp for the summer camping season.

Mrs. Myers also has taught Sunday school at Central Presbyterian Church and served its Women's Association.

She has been president and trustee of the Burroughs-Audubon Nature Club of Rochester and director of its summer camp, president of the School 49 PTA and historian of the Rochester PTA Council, and has been active in the Junior Shell and Shore Club, the Mayor's Beautification Committee, the Migrant Committee of Church Women United, the Garden Center of Rochester and the Rochester Society of Button Collectors.

She was educated as a medical secretary and works in the admitting office at Highland Hospital. Her husband is employed in the patent search department at Eastman Kodak. He is president of the Academy of Science of the Rochester Museum.

Mr. and Mrs. Myers have a daughter, Mrs. Robert Belluscio of LeRoy and a son, Lon, 14, at home, 382 Mt. Vernon Ave.

CADMIUM-POLLUTED FISH FOUND IN HUDSON RIVER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mr. DINGELL. Mr. Speaker, the New York Times of June 13, 1971, carried a news item out of Washington reporting on fish caught near a battery factory on the Hudson River which were found to contain up to 1,000 times more than the normal amount of cadmium. In the 1950's 100 Japanese died of cadmium poisoning after eating rice which had been irrigated with water from the cadmium-polluted Jintsu River. Those who contend that pollution of our waterways must be permitted in the name of economic activity would do well to bear these facts in mind.

Mr. Speaker, under unanimous consent I place the text of the news item at this point in the RECORD:

THREE FISH CAUGHT NEAR BATTERY FACTORY ON THE HUDSON CONTAIN UP TO 1,000 TIMES NORMAL CADMIUM

(By Richard D. Lyons)

WASHINGTON, June 12.—Three fish caught near the outwash of a federally built battery factory on the Hudson River have been found to contain up to 1,000 times as much cadmium as might normally be expected, a Senate subcommittee reported today.

The case is believed to be the first instance in which the heavy metal has rendered fish unfit for consumption in the United States.

The fish were caught last month in Foundry Cove, near Cold Spring in Putnam County, and tested at the Trace Element Laboratory at Dartmouth College, which relayed the data to the Senate environmental subcommittee, chaired by Philip A. Hart, Democrat of Michigan.

The factory, originally built for the Federal Government, and currently owned by the Marathon Battery Company, was enjoined during the last year by a Federal court from dumping cadmium and other metals into the Hudson.

Still pending is a second Federal suit that seeks to have the present, and perhaps previous, owners clean up cadmium and nickel deposits up to 4 feet thick in the cove. If previous owners are held at least partially accountable, it could present a situation in which a Federal suit would force the Federal Government to help clean up the pollution.

Commenting on the discovery, Senator Hart said it would be dangerous to draw too many conclusions from a catch of only three fish.

The fish were caught by David Seymour, an official of the National Audubon Society, and Robert Boyle, a writer for Sports Illustrated magazine. The fish were a bass, a silver dace and a carp.

Mr. Seymour said he and Mr. Boyle had set out to determine what effect the cadmium had on the marine life in Foundry Cove because it was known to have been heavily contaminated by cadmium and nickel for several decades, since the factory made nickel-cadmium batteries.

The fish were sent to Dr. Henry A. Schroeder, professor of physiology at Dartmouth. Dr. Schroeder said an analysts had found 11.22 parts per million of cadmium in the bass, 7.6 parts per million in the dace and from .67 to 20.44 parts per million in the carp.

Dr. Schroeder said the normal, or "background," level of cadmium in fish is about 0.22 parts per million. Some shellfish, especially oysters, have the ability to concentrate cadmium, but the phenomenon is relatively rare, he added.

"The silver dace and the bass should be considered unfit to eat on the basis of their cadmium content," Dr. Schroeder said. He added that the carp was "questionably edible," although he noted that few persons would eat the innards of the fish, which had the highest concentrations of cadmium.

The fish appeared to be in good condition, despite the cadmium levels, although the liver of the carp appeared to be "degenerate," Dr. Schroeder said.

High cadmium levels in humans may cause liver damage, as well as high blood pressure, hardening of the arteries and pains similar to rheumatism. The most famous case of cadmium poisoning occured in Japan in the nineteen fifties when over 100 persons died after eating rice irrigated by water from the cadmium-polluted Jintsu River.

Cadmium intoxication is relatively rare in the United States, occurring mainly among workers in smelters, mines and plating factories.

The Food and Drug Administration, which has set tolerance levels for mercury in fish of up to 0.5 parts per million, has not acted on similar levels for cadmium. An F.D.A. spokesman said that the agency has been working on the problem for eight months and that "we expect to establish a guideline as soon as we can get the necessary data to support it."